

**Virginia Marine Resources Commission
Finfish Management Advisory Committee Meeting
VMRC Conference Room**

August 30, 2010

Members Present

Hon. Ernest Bowden
Dave Agee for Ken Neill
Jeff Deem
Chris Vaughan
Robert Weagley
Walter Rogers
Samuel Swift
Wynston Holbrook
Scott MacDonald for Pete Nixon

Members Absent

Russell Gaskins
Tom Powers
Hon. William Laine, Jr.
Andy Hall
Douglas F. Jenkins, Sr.

Public

Bob Allen
Frank Kearney
John C. Ludford
Jim Dawson

VMRC Staff

Jack Travelstead
Rob O'Reilly
Mike Johnson
Lewis Gillingham
Joe Grist
Justine Woodward
Stephanie Iverson

I. Announcements

Meeting called to order at 6:03 PM

II. Approval of the minutes

Minutes from the January and March 2010 FMAC meetings were approved with no revisions.

III. Old Business

a. Upriver gill net issues

Mr. Grist explained to the committee that this subject had been discussed with the gill net subcommittee. Currently, the regulation provides that only one gill net permittee is allowed to set and fish gill nets on a vessel at any one time. An issue raised by commercial fishermen is that this would prevent commercial harvesters from working together, on the same boat, to fish their rigs, especially in upriver areas. The intent of the regulation was to prevent license stacking where a person could exceed the number of nets they were technically allowed to fish. The staff offered an option which would no longer limit the number of individual gill net permittees on a vessel. Staff

also presented separate options concerning the use of agents, including limiting agents to working for only one gill net permittee at any time.

Mr. Weagley preferred to not allow agency and not limit the number of gill net permittees on a vessel.

Mr. Grist stated that VMRC wants to prevent license stacking by individuals.

Mr. MacDonald stated this issue started because of harvesters coming down from Maryland fishing large numbers of rigs.

Mr. Bowden stated that was a large part of the reason for the rule changes. He did not think there should be a gill net permittee and a person acting as an agent on the same vessel. He agreed with Mr. Weagley that there should not be agent use in the gill net fishery.

Mr. Grist asked if the committee would support a no agency option for the gill net fishery.

Mr. Bowden said with the Class B Gill Net Permit there was no real need for anyone to act as an agent since anyone could get that class of permit with a commercial license if they did not already have a Class A Gill Net Permit. Mr. Bowden said a no agency option was a viable one.

Mr. Deems asked a hardship option for a licensed gill net fisherman who became temporarily incapacitated.

Mr. Bowden stated that a hardship situation should be a temporary solution for the fishing of the gear, for one day, or the removal of the gear from the water.

Mr. Grist thought the details of that kind of situation could be worked out.

Mr. Swift indicated he would support the staff recommendation of no limits on gill net permittees on a vessel, with no agency, except for a temporary hardship exception.

Mr. Bowden asked the committee for a consensus on the advertising of the options for the number of gill net permittees on a vessel and the three options for agency. The committee gave its unanimous consent.

IV. New Business

- a. Weakfish bycatch fishery

Mr. O'Reilly stated that the goal of this item was to give the committee some information on weakfish. Last year the ASMFC passed an addendum for the weakfish FMP that resulted in a one fish recreational possession limit coast-wide and a 100 pound trip limit for commercial directed weakfish fisheries and 100 pounds of weakfish during the closed season. This by-catch can not exceed the total weight of other species harvested or one hundred pounds. Mr. O'Reilly presented commercial harvest data for weakfish showing a 50% drop-off in pounds harvested on a coast-wide basis commercially and recreationally, from 2008 to 2009, and an increase in natural mortality possibly due to predation by striped bass and spiny dogfish. Additional data shows spawning biomass is about 20% of where it should be for a healthy stock but coast-wide recruitment data shows that recruitment is near the historical average. The commission adopted the regulations in February 2010, effective May 1, 2010, as required by the ASMFC addendum. Virginia commercial harvest data indicate that a minority of the trips harvest a majority of the weakfish. This becomes important when we look at by-catch in Virginia. Gill nets harvest the largest fraction of weakfish in Virginia but only a few gill net trips harvested a large amount of weakfish.

Mr. O'Reilly told the committee that North Carolina went out of compliance on the 100 pound commercial limit for weakfish. After North Carolina was found out of compliance, by ASMFC, it proposed a 10% by-catch plan. The North Carolina fly net fishery, while it has had decreased landings of weakfish, in the last few years, has some trips with a large amount of weakfish. This meant there could be a lot of waste of weakfish in the fly net fishery. North Carolina's proposal was to allow an amount of weakfish equal to 10% of other species possessed, up to 1,000 pounds. This was considered as conservation equivalent by the ASMFC to the 100 pound by-catch limit, but only under current 2005 through 2008 landings.

Mr. O'Reilly asked the committee if VMRC should consider proposing a 10% possession limit as by-catch similar to North Carolina.

Mr. Rogers asked if the pounds nets will still be forfeited in the grey trout areas during certain times of the year.

Mr. O'Reilly responded that all of the closed season regulations are still in place and the only thing that has changed is the trip limits.

Mr. Rogers asked if there was something in place that would increase the trip limits if the stock improves.

Mr. O'Reilly responded that we would go back to ASMFC to ask for increases. Every year VMRC submits compliance reports to the ASMFC that has biological data, landings and other pertinent data that they review and would allow them to see these improvements and respond accordingly.

Mr. Bowden stated that they would have to respond quickly because grey trout mature quickly.

Mr. Ludford stated that we need to give support to the pound net fishery when the weakfish start to come back, because the first place they will show up will be in pound nets.

Mr. Deem asked what the recreational size limit would be with the change in the possession limit.

Mr. O'Reilly replied that it remained the same, twelve inches total length.

Mr. Bowden stated that this was a discussion item for tonight's meeting and no decision was required.

b. Spiny dogfish 2011 state-by-state quota proposals

Mr. Travelstead stated that the idea of state by state quotas had been discussed in this forum before, and there was concern about what effect it would have on the Virginia fishery. Last spring, at the ASMFC spiny dogfish management board meeting, a Massachusetts member stated now might be the time to proceed with state-by-state quotas since quotas were starting to increase. Most of the states seemed to be supportive of heading in that direction. Currently the states north of New York share a separate fraction of the coast-wide quota, New York to Virginia share another fraction of the coast-wide quota, and North Carolina has its own quota. If a state by state quota is started, the quota shared by the New York to Virginia group would be divided up among those states.

A number of options were presented at the August meeting of the ASMFC management board, based on varying degrees of historical landings and current fisheries that exist in the states. Virginia's argument is that we have been able to build a good fishery in the last three to four years; therefore, you have got to take current conditions into account. Virginia has worked to get this fishery to where it has, while other states, like New Jersey, which only last year started to redevelop their fishery, impacted Virginia fishery. Maryland is also starting to look at developing a spiny dogfish fishery that will further impact the Virginia fishery. He is worried Virginia will continue to get a smaller piece of the fishery, as the other states, in the New York to Virginia quota group, continue to develop their fisheries, unless we go to a state by state quota. Some of the options proposed, which looked at varying the weight of current versus historical landings, looked at New York to Virginia, others options include North Carolina, and the fraction of the coast-wide quota reserved to them. Virginia would need 1.5 million pounds to keep

the fishery where it was at last year but would like to see it higher than that. The next meeting will be in November and hopefully have something in place by next May. Indications are the coast-quota will continue to increase, so if we go to a state-by-state system we could expect to see the amount quota allocated to Virginia increase.

Mr. MacDonald feels Virginia would need at least 2 million pounds to have a sustainable fishery. He asked Mr. Travelstead if he felt we could get to that level, with the quota increases.

Mr. Travelstead replied he was optimistic.

Mr. Agee asked what the major market for these fish is.

Mr. MacDonald stated they are processed in the northern states and shipped to Europe. We are at a disadvantage due to shipping costs to the processing areas.

Mr. Deem asked what the other states from the New York to Virginia group thought of bringing North Carolina's quota into the group and then dividing up the group's quota.

Mr. Travelstead replied the other states were in favor of it except for North Carolina.

c. Commercial Hook-and-Line crew lists

Mr. Grist stated that in a FMAC meeting last year an issue was brought up concerning the number of people on crew member lists for people with Commercial Hook and Line Licenses. Some lists had numerous individuals, up to 232, in 2009, listed as possible crew members. There are 200 Commercial Hook and Line Licenses issued every year. There were 41 crew member lists submitted in 2009 and 45 submitted in 2010. The largest crew list submitted in 2010 has 128 individuals listed. Mr. Ludford, at a FMAC meeting earlier this year, stated he did not believe crew member lists need to be that large. For people with crew member lists that large there is a concern that they may be running an off-the-books charter operation. Industry has indicated that maybe no more than 10 to 15 people may be on a crew member list in any one year. Mr. Grist asked to place limits on the number of individuals on crew members lists.

Mr. Bowden stated that he thought those very large crew member lists represented a clientele list for a charter business.

Mr. Rogers asked what the average size of a crew member list was.

Mr. Grist responded the average in 2009 was 23 and in 2010 the average was 19 individuals, but because those few large lists were skewing the average, 10 to 15 crew members may be appropriate.

Mr. Deem asked if there any Commercial Hook and Line Licensees were in the audience and what they thought an appropriate number would be.

Mr. Dawson identified himself as a Commercial Hook and Line Licensee and stated he doesn't understand how anyone can legitimately pay anyone to work as a crew member and make an operating profit. He stated that he has never had a crew member list. One person on the boat does not have to be on the crew member list and feels crew member lists should be limited to a really low number.

Mr. Ludford stated he was trying to proactive when he brought up this issue in the spring in response to the complaints against the Commercial Hook and Line fishery. He stated he communicated with approximately 60 Commercial Hook and Line licensees and the consensus was 15 people on a crew member list were enough for that kind of operation. He would also like to see a crew list be carried over from one year to the next as many people are not aware that the crew member list needs to be submitted every year.

Mr. Agee stated a crew member list could be changed each year.

Mr. Bowden stated he felt 15 people on a crew list was plenty and the large crew member lists were just a way to get around recreational bag and size limits.

Mr. Vaughn asked if there were any rules against someone paying the captain to be on a crew list.

Mr. Grist stated there were US Coast Guard provisions about requiring a captain license in order to captain a boat for hire.

Mr. Dawson stated that since you could update your crew member list twice, with a maximum of 15 people, then you could have 45 individuals in a calendar year eligible to work on you boat at one time or another. He felt this was too many people.

Mr. Bowden asked how quickly a list could be changed.

Mr. Grist responded the list could be changed as soon as the paperwork is filed.

Mr. Bowden stated that he felt this issue needs to move forward and would like to see a motion or a consensus by the committee. The committee agreed, by consensus, to recommend a limit of 15 individuals to be on a crew member list and allow the crew member list to be changed once per year.

d. Commercial offshore flounder allocation

Mr. Dawson stated that under current VMRC regulations he is not allowed to utilize his flounder moratorium permit to harvest flounder offshore. Currently, the offshore flounder quota is reserved for the trawl fishery. He would like to discuss the use of gear types to harvest some portion of the quota. Currently any fish he harvest using his Commercial Hook and Line license is reported under the inshore 300,000 pound quota. He would like to see a small portion of the offshore quota set aside for other gears utilized, outside of the three mile territorial sea demarcation, by flounder moratorium permit holders. He is unsure how many people hold that permit but we could create trip limits or some other measure to prevent anyone from abusing an offshore quota for other gears.

Mr. Bowden stated that he had a federal moratorium permit of which there are thousands issued. Virginia required landings documented in Virginia to be able to utilize that permit and land in Virginia. He asked Mr. Dawson if he had landings in Virginia.

Mr. Dawson responded that 1993 through 1995, which were the qualifying years, Commercial Hook and Line harvester were limited to recreational possession limits. Consequently, no one reached the 500 pound qualifying limit during the limit since it was not economical to commercially fish for them. He asked if it would be a problem to let people who hold the moratorium permit to fish offshore and report their harvest against the offshore quota.

Mr. Bowden responded that he was concerned because there so many of those moratorium permits issued.

Mr. Dawson replied that the number of Commercial Hook and Line Licenses are capped at 200 in Virginia.

Mr. Travelstead stated that it appears that Mr. Dawson may be the only person who holds both the Commercial Hook and Line Permit and a moratorium permit.

Mr. Bowden stated that we would have to open up to all commercial hook and holders, with moratorium permits, regardless of state residency.

Mr. Dawson stated that we could have trip limits to prevent abuse by out of state harvesters.

Mr. Grist stated VMRC does not encourage offshore harvest to be reported as inshore harvest, as that would be a violation. In addition, the 300,000 pounds is strictly an inshore quota and Virginia has come close to reaching that quota over the past few years. If quota is set aside for the commercial harvest of flounder, using hook and line gear, in federal waters and sold in Virginia then they would have to be counted against the offshore quota.

Mr. Bowden asked how close Virginia is to reaching the inshore quota.

Mr. Grist responded that, in the last two or three years, the harvest has increased from approximately 150,000 pounds to 230,000 pounds. We may need to reallocate quota from the offshore to the inshore quota in the future.

Mr. Ludford stated we should look out for Virginians first when it comes to allocation of quota.

Mr. Travelstead stated we are not going to allow a situation where the inshore quota is reached and the fishery is shut down mid-year. He asked Mr. Dawson what his reasons were for wanting to harvest flounder from federal waters.

Mr. Dawson replied that he can catch them when he is tautog and sea bass fishing.

Mr. Travelstead recommended that if we were to allow Mr. Dawson this opportunity then we will need to set aside quota for people with moratorium permits and have a trip limit. If it is not caught by a certain date then it reassigned to the offshore quota. Mr. Travelstead said we would look in to this further.

e. **Recreational Fisherman Identification Program**

Mr. Travelstead told the committee the Commission has initiated proposed regulations to implement the Recreational Fisherman Identification Program and to raise recreational license fees starting January 1.

V. Next Meeting Date

No meeting date was set.

VI. Adjournment

Meeting adjourned at 8:04 PM.