

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

July 16, 2009

Members Present

Hon. Ernest Bowden
David Agee (for Dr. Ken Neill)
Jeff Deem
Darren Foster (for Tom Powers)
Hon. William Laine, Jr.
Andy Hall
Douglas F. Jenkins, Sr.
Robert Weagley
Russell Gaskins
Walter Rogers
Samuel Swift
Wynston Holbrook
Scott MacDonald (for Peter Nixon)
Chris Vaughan

Members Absent

None

VMRC Staff

Jack Travelstead
Joe Grist
Mike Johnson
Bethany Eden

Public

George Bowden
Peter Nixon

I. Announcements

Mr. Weagley announced that the herring meeting scheduled for July 14th, in New Kent, was changed to August 11th.

II. Approval of the minutes

Mr. Bowden asked if there were any corrections to the minutes. Minutes were approved.

III. Old Business

Mr. Travelstead again presented the options for a January opening of the commercial coastal striped bass season that the committee proposed at the last meeting. He reminded the committee that we would need ASMFC approval for any changes made to the coastal striped bass commercial season. The next meeting of ASMFC, where they could approve the changes, will be the first week in November. He suggested briefing the VMRC at their August or September meeting about whether or not to approach ASMFC with this change. If they approve of taking this to ASMFC, then the issue will need to be presented at the October meeting, for a public hearing in November. We have not received any further public comment on this issue since the last FMAC.

Mr. Grist presented historical catch data of striped bass for the bay and coastal areas, for the months of February and December.

Mr. Jenkins stated that by the time the people in the upper bay start catching striped bass the price will have dropped compared to opening day when the price is much higher.

Mr. MacDonald stated that opening the coastal season in January will help even out prices paid for striped bass, by helping to avoid glutting the market in early February. Based upon the data presented, he stated that it looked like the bay was glutting the market more than the coastal area.

Mr. Jenkins suggested that the bay fishery be allowed to harvest fish over 28 inches until April 15, as a way of making things equitable, with the coastal fishery opening up two weeks earlier.

Mr. Bowden responded that the harvest of fish over 28 inches in the bay was meant to be a bycatch scenario of the coastal migrants. The bay quota is meant to be focused on the resident population of the bay which is less than 28 inches.

Mr. Nixon asked about where recreational striped bass fishermen tend to congregate on the weekends. Why would the ban on commercial fishing be for all of the coastal waters?

Mr. Bowden stated that in January, the larger striped bass are typically outside of the three mile line and that recreational fishermen are looking for these larger striped bass.

Mr. MacDonald asked why we couldn't split the coastal area, where areas to the north, like Accomack County, could be open to commercial fishing on the weekends.

Mr. Bowden responded that he would like to see everyone treated equally.

Mr. MacDonald stated that he didn't see the need to restrict that area, if there was no need.

Mr. Bowden stated that when they take this issue to ASMFC that it would be best to argue one simple plan.

Mr. Nixon asked if ASMFC needed to approve this.

Mr. Travelstead responded that while he didn't see ASMFC having an issue with this any changes would require approval.

Mr. Gaskins stated that this year no striped bass were caught, until the third week of February, due to environmental conditions. Why would they be there the last two weeks of January?

Mr. Bowden responded that the fish were still migrating south and east and might have been available to coastal permittees.

Mr. MacDonald stated that for years like 2009 it would be better to have the first two weeks of January instead of the last two weeks, but other federal gill net restrictions do not allow the fishing of large mesh gill net the first two weeks of January.

Mr. Gaskins stated that last year nets set on February 1st were overloaded with striped bass, and many were discarded dead.

Mr. MacDonald agreed with Mr. Gaskins' statement.

Mr. Bowden asked when the large striped bass tournament in Virginia Beach was held.

Mr. Foster stated the Rockfish Shootout was an entire weekend, Friday until Sunday, in early January.

Mr. Bowden stated the first two weeks of January should be opened up to coastal striped bass harvest.

Mr. Travelstead replied that opening the coastal season in the first two weeks of January coincides with the Bottlenose Take Reduction Plan barring large mesh gillnets.

Mr. Bowden stated that we should ignore that because federal rules are using the Bay Bridge Tunnel as a demarcation line instead of the COLREGS Line.

Mr. Travelstead stated that any changes allowing large mesh gill nets in coastal water, for the first two weeks of January, would be troublesome with regards to ASMFC.

Mr. Nixon suggested allowing coastal permittees the opportunity to fish week-round north of Smith Island Light.

Mr. MacDonald made the motion that we add to option 1 allowing commercial striped bass fishing on weekends north of Smith Island Light. Mr. Swift seconded the motion. This option was added and labeled as option 5.

The options for the January opening of the commercial coastal striped bass season are:

- 1) January 11 through 31, gill netting allowed from 4:30 p.m. Sunday until midnight Thursday, and no gill netting on ML King holiday. (11 weekdays and late Sundays; 4:30 pm on)

2) January 19 through 31, gill netting allowed from 4:30 p.m. Sunday until midnight Thursday, and no gill netting on ML King holiday. (7) weekdays and late Sundays (after 4:30 pm)

3) January 24 through 31; all (8) days

4) No change--status quo Season starts February 1.

5) Option 1 with the area north of Smith Island Light open to commercial fishing week-round.

Mr. Agee stated that recreational fishermen he knows would recommend option 4, not allowing the commercial harvest of striped bass in January.

Mr. Laine stated that he felt this was a liberalization of policy and that he was in favor of trying option 1 for a year to see how it worked.

Mr. Nixon explained that this was not liberalization in policy because of the loss of fishing time due to the federal regulations. He was in favor of allowing commercial striped bass fishing in January to keep Spot's fish house in business, owned by Scott MacDonald, which is the only buyer left at the lower end of the bay. If he doesn't get enough of a volume of fish then he will go out of business. This would result in the loss of most of the spiny dogfish market. He is the major buyer of winter striped bass in the lower bay and he also supplies bait for crabbers in the area. To lose this business would have consequences for many people in this area of the bay.

Mr. Rogers made a motion to recommend option 5. Motion seconded by Mr. MacDonald. Motion passed by a vote of 7 to 5 with two abstentions.

IV. New Business

a. Fall Striped Bass Recreational Regulations

Mr. Travelstead introduced the next item on the agenda, recreational measures for the fall striped bass season. For the past few years Virginia has had the possession limit drop from two fish to one fish during the last few weeks of the season. Due to Virginia being 0.5 million pounds under quota for 2008, staff feels that the possession limit can remain at two fish for the entire 2009 fall season. This has not gone through an ad hoc panel. Staff does not want to change anything with the no-take size slot limit.

Mr. Jenkins made the motion to recommend that the possession limit stay at two fish for the entire fall 2009 fall season. The motion was seconded by Mr. Vaughn. Motion passes by a vote of 14 to 0.

b. Non-resident recreational license fees

Mr. Travelstead introduced the next item on the agenda dealing with non-resident recreational license fees. Last winter, the General Assembly authorized the Commission to charge non-residents a higher recreational fishing license fee. This does not affect commercial license fees. It does limit the increase to two times the resident recreational fee. Non-resident fees already exist for many other states on the east coast which are double or higher than resident fees. This is on the July agenda for the Commission. Any change in recreational license fees will not affect Maryland residents due to our reciprocal agreement. Staff proposes doubling the recreational non-resident license fees.

Mr. Nixon expressed concern that raising license fees may hurt local businesses.

Mr. Laine stated that he did not think this higher fee would hurt local businesses since the price would only increase by \$5 for a 10 day license.

Mr. Agee stated that North Carolina charges Virginia residents a higher fee for being non-resident but North Carolina residents pay the same price to fish in Virginia as a Virginia resident.

Mr. Agee made the motion to accept staff recommendation to increase non-resident recreational fees to two times that of resident fees. Mr. Foster recommended that the recreational boat fishing license be available only to residents of Virginia. Motion passed 14 to 0.

c. Minimum distances between fishing gear

Mr. Travelstead introduced the next agenda item dealing with minimum distances between fishing gear. Billie Haynie is a pound netter in the Northern Neck area and for the last several years he has had a staked gill net fisherman setting his net at the minimum distance from his pound net. Mr. Haynie petitioned his local state representative, Del. Pollard, to change law which sets the minimum distance that another net may set in relation to a pound net. Mr. Pollard sponsored legislation which gave the Commission the power to set the minimum distance from which another net may be set to a pound set, by regulation. Mr. Haynie informed Mr. Travelstead that he would prefer a 500 yard minimum distance. The legislation Mr. Pollard sponsored was passed and now the law does not state what the minimum distance between a pound net and another net should be. An emergency regulation hearing is on the Commissions agenda to set the distance between a pound net and another net back to 300 yards. During the following month there will be discussions on what the minimum distance should be and a public hearing will be held at the August Commission Meeting to determine what the distance should be in the regulation.

No one on the committee expressed any concern with the setting of an emergency regulation keeping the minimum distance of 300 yards between a fixed fishing net and another fishing net.

d. Blue catfish

Mr. Travelstead stated that the Commissioner has sent a request to VIMS to prepare a report on all of the available science on the blue catfish. That report will be finished by the first of November. This issue will need to be brought to the attention of a state legislator by a group commercial fishermen. This will allow legislation to be drafted which will grant regulatory authority of the blue catfish to VMRC.

V. Next Meeting Date

Next meeting is scheduled for August 24 at 6 pm.

VI. Adjournment

Meeting adjourned at 8:00PM.