

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC) Minutes
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Monday March 25, 2019 – 6:00 P.M.

ATTENDANCE

Members Present

Jeff Deem
Honorable Dr. Ken Neill
Meade Amory
John Bello
Ernest Bowden
Skip Feller
Scott MacDonald
Tom Powers
Bob Sinclair

VMRC Staff Present

Rob O'Reilly
Pat Geer
Jill Ramsey
Ethan Simpson
Alex Aspinwall
Lewis Gillingham
Adam Kenyon

Members Absent

Honorable James Minor
Andy Hall
Walter Rogers
Robert Weagley

Others Present

Danny Dangerfield
Jason Batcha
Chris Ludford
Barbara Bowden
Doug Jenkins
Mike Lightfoot
JC Hudgins
Charles Dryden
Chris Moore
M. Scott Bloxum
Robin Holliwell
John Dale

Minutes were prepared by Ethan Simpson.

I. Introductions; Announcements

Mr. Jeff Deem called the meeting of the Finfish Management Advisory Committee to order at 6:02pm. Chief of Fisheries Rob O'Reilly briefed the committee on the agenda items for the evening, which consisted primarily of discussion on proposed options for striped bass management. Chief O'Reilly informed the committee of staff's intent to meet each month from April to June with the committee in order to solidify how VMRC should approach upcoming regulation changes to the striped bass fishery. Chief O'Reilly also stressed to the committee that the changes from the Atlantic States Marine Fisheries Commission (ASMFC) would most likely take the form of an addendum initially, as opposed to an amendment, meaning they could be approved as early as October of 2019, with an effective date of 2020. Chief O'Reilly informed the committee that staff would not know the full extent of ASMFC's harvest reduction plan until April 30th. Finally, Chief O'Reilly introduced the concept of conservation equivalency options, which would allow us to meet ASMFC's goals proactively and may alleviate the impacts of ASMFC mandates on the Virginia striped bass fishery.

II. Approval of minutes from the February 26, 2019 meeting.

The minutes from the February 2019 meeting were reviewed and approved unanimously.

III. Discussion Items:

A. Brief discussion on draft regulation concerning the towing of fish

Mr. Lewis Gillingham gave an update on the upcoming public hearing regarding a proposed prohibition on the towing of fish. Mr. Gillingham presented three options to the committee of varying species coverage. The first included a prohibition on towing of all finfish that are managed with a possession limit. The second included a prohibition of towing only finfish managed with a possession limit of ten fish or less. The final option limited the prohibition to just cobia and striped bass per the initial concerns of the committee. Mr. Tom Powers and Bob Sinclair both expressed concern over the first option due to several common bait species having possession limits and the proposed regulatory language not making exceptions for fish being towed as bait. Mr. Jeff Deem asked the committee if any member had heard concerns of towing of any species other than cobia or striped bass, to which no member had any knowledge. **Mr. Powers put forward a motion to eliminate options one and two; Mr. Sinclair seconded this. Before the vote, Mr. Scott MacDonald, who proposed the committee simply accept option three as their preferred regulation, put a motion forward to overwrite Mr. Powers' motion. Mr. Ernest Bowden seconded this. The motion passed with eight in favor and one abstention.**

B. Brief and preliminary summary of results from the February 2019 recreational black sea bass fishery.

Mr. Alex Aspinwall presented a summary of the February black sea bass season from 2019 to the committee. Mr. Aspinwall detailed angler involvement in the season, including numbers of permittees and trips as well as quantified the landings in terms of both numbers of fish and in poundage. Mr. Aspinwall offered to the committee the number of days that the fishery would need to be closed later in the year in order to compensate for landings from February. He reminded the committee that waves three and five were initially chosen as options for the timing of the closure, as anglers have other species available for harvest during those months. Mr. Skip Feller inquired if staff has determined what dates this closure would span; to which Mr. Aspinwall replied May 15 to June 5. These dates represent the beginning of the season, and thus eliminate the need for a closure in the middle of the 2019 season. Mr. Fellers expressed concerns that these dates may be unfavorable to head boats, who are very active fishing for black sea bass in May. He further proposed that staff explore the option of pushing the closure back from June to July. Mr. Powers supported this option as well. Chief O'Reilly then addressed the committee to inform them that this summary was a discussion item at the March commission meeting the following day, where staff was expecting more input. Furthermore, Chief O'Reilly mentioned that this item would come up at public hearing in April and staff would be able to provide an update to the committee before that date. Mr. Deem moved that this discussion item be postponed until further information was available, including estimates from staff of the length of closures necessary if they were taken in different waves.

C. Continued discussion of striped bass management options intended to establish conservation equivalency to expected ASMFC mandates on harvest reductions in our striped bass recreational and commercial fisheries.

Chief O'Reilly began the discussion with a review of staff's current knowledge of upcoming striped bass management concerns. The 2018 striped bass stock assessment is now available and the stock is overfished and overfishing is occurring. The ASMFC striped bass technical committee (TC) has been tasked with developing suggestion to reduce fishing mortality to existing stock and increasing the overall spawning stock biomass (SSB) for the April 30th Board meeting. The ASMFC Board will decide at that meeting the next steps which will likely include an addendum to the fishery management plan to enact regulatory changes coast-wide. Chief O'Reilly highlighted aspects of the assessment that have triggered a regulatory response, such as fishing mortality (F) being above the threshold for the past three years, and the SSB being below its threshold for the past five years. Chief O'Reilly mentioned that staff is hesitant to consider options that include reduced size limits, as this most likely will result in increased dead discards.

Chief O'Reilly also summarized some of the historic trends in the recreational fishery for striped bass. He mentioned that VA once had one of the largest recreational striped bass fisheries on the Atlantic Coast, but over the past decade, rates of trips, harvest, and catch per unit effort (CPUE) have all decreased. Chief O'Reilly stressed that although VA experiences a low dead discard rate relative to other states, dead discards are still a major factor in the current stock decline. Mr. Bowden stated that an important factor on discard mortality is the surrounding water temperatures, as higher temperatures lead to greater mortality. Mr. Bowden felt, however, that the burden of reductions should be placed on the states that experience much greater discard mortality. Chief O'Reilly countered that the ASMFC mandates will most likely be proportional to impact of each state's fishery.

Mr. Alex Aspinwall then began outlining the multiple options that staff has been working on to reduce the fishing mortality in VA waters. Option one; limiting anglers to one trophy fish per angler, per year, was met with criticism from the committee. Mr. Sinclair felt that this option was overly drastic, especially with the inability to calculate the percent savings from such a measure. Mr. Powers asked for clarification if multiple options would need to be considered to reach management goals; to which Chief O'Reilly responded that it is a possibility if the measures taken do not meet the goals individually. Ultimately, option one was removed as an option moving forward, with no members in favor of pursuing it.

Option two, a non-offset circle hook provision when using live or dead bait, was accepted as a possibility by the committee. Mr. John Bello asked if Maryland's circle hook provision extended to all recreational fisheries or just private anglers, and if our provision would follow suite. Chief O'Reilly responded that MD's provision only applies to private anglers, but staff's proposed provision would apply to charter and headboat anglers as well.

Options three and four, vessel limits of three and four fish respectively, were not favored by multiple committee members, who felt that vessel limits such as these would be detrimental to charter captains, who can take out 6 or more passengers. Chief O'Reilly mentioned that this was the favored regulatory measure for cobia, but Mr. Powers felt that it would create an imbalance between those with large vessels and those with smaller vessels. Mr. Bello was also concerned that we would be the first to implement such a regulation while other states still allow greater limits. Mr. Deem inquired if the limit could only include fish of a certain size limit, allowing for some number of smaller fish to be kept. At the behest of the committee, Chief O'Reilly said that staff will quantify the effect these options may have on the charter fishery, specifically.

Option five, a possession limit of 1 fish from 12/10-12/31 for the Chesapeake Bay Area was not rejected by the committee, who indicated it should be kept as an option moving forward. Chief O'Reilly

pointed that out that this same provision was in place in 2006 so it would not be a completely new idea. An audience member, Mr. Mike Lightfoot, then pointed out that the charter fishery has a larger than perceived impact on the fishery and that this fact should be taken into account moving forward. Mr. Powers also pointed out that limiting the possession limit during the peak season would have the greatest impact in terms of percentage savings.

Option six, the elimination of the bay and coastal trophy season and the establishment of a 28" maximum size limit for the Chesapeake Bay Area through December 15 with a possession limit of one fish greater than 28" starting December 16, generated concerns about the future of fishing tournaments, but was accepted as an option to continue researching. Mr. Deem, Mr. Sinclair, and Mr. Skip Feller all voiced concerns that this could negatively affect 2019 fishing tournaments for the species. However, with tournament dates being flexible moving forward, those effects should be mitigated beyond 2019.

Option seven, the establishment of a November 1 to December 31st no-take slot limit of 28"-36", met positive responses from the committee with the suggestion that the timing be extended to cover the full season. Mr. Powers made this suggestion, but also requested information on how adjusting the upper limit of the slot may affect percentage savings. Mr. Sinclair also felt that the upper limit could be increased if it represented a moderate increase in savings.

Option eight, the elimination of the Bay and Coastal trophy season and establishment of a 28" maximum size limit for the Chesapeake Bay Area through November 30th, with one fish of two allowed to be greater than 28" from December 1 to December 31st, met no negative response from the committee. Mr. Powers suggested that this option represented a slightly lesser version of option 7, but should not be discounted moving forward.

Option nine, allowing only one fish per vessel to be greater than 28" during the Chesapeake Bay Area season, experienced little discussion from the committee. Mr. Powers was concerned that it may invite further high grading, continuing the discard mortality problem, and felt that the low percentage savings it represented would ultimately make very little difference. Mr. Bello concurred on these points with Mr. Powers.

No committee member opposed the final recreational option, the elimination of the Bay and Coastal trophy season, considering it only represents a saving of .32%. However, this option did not elicit any favorable responses from the committee either.

At the conclusion of the discussion about potential recreational options, Mr. Aspinwall introduced several potential commercial options for the committee to consider. The first option, shortening the commercial season that starts on January 16, met some positive responses from the committee. However, Mr. MacDonald and Mr. Bowden were both of the opinion that it may have consequences beyond the intended. Mr. MacDonald voiced concerns that this option could effectively bunch-up the season, flooding markets early, and dropping the value of the harvest. Mr. Bowden argued that this option would put more gear in the water at once, as opposed to having the effort spread across a longer period.

Commercial option two, the establishment of maximum gill net mesh sizes for all areas, was not favored by the committee. The discussion of this option centered around the use of seven-inch mesh in the Bay, with nine-inch mesh on the Coast. Mr. Bowden informed the committee that seven-inch mesh is not readily available to most watermen. Mr. Bowden also felt that limitations in catch data make it difficult to consider gear restriction options and would likely to see more gear selectivity data before they discuss this option further. From the audience, Mr. J.C Hudgins spoke on behalf of the industry and voiced their disfavor with option two. Mr. Hudgins continued by stating that members of the industry may be in favor of option one and that they would be happy to work with staff to attempt to reduce the take of large individual fish. Mr. Powers made a final comment that it may take a combination of gear restrictions and changes to the timing of seasons in order to effectively protect big fish as climate continues to shift.

Commercial option three, the establishment of a maximum gill net mesh size from March 26 to June 15, to accompany the max 28" size limit during that period, met little discussion from the committee. Mr. MacDonald was in favor of the idea, although Mr. Bowden felt that it may be unreasonable to impose a maximum mesh size when large fish cannot be kept during that time anyways. However, he admitted that this would depend on the maximum mesh size imposed.

The final commercial option, the establishment of a 36-inch maximum size limit in Virginia Tributaries of the Potomac River, experienced no discussion from the committee. The committee requested more data concerning both the size distribution of fish caught and gear selectivity before they discussed further commercial options.

As a final component to the striped bass mortality discussion, Mr. Patrick Geer presented a brief summary of a report by VIMS that detailed gear selectivity of different gill net mesh sizes on striped bass. Mr. Geer summarized the findings, noting that seven-inch mesh is most adept at catching 28-36 inch fish with 100% retention of 32" fish. Mr. Bowden stated that he felt this data did not accurately portray the behavior of this gear. He spoke from experience saying that a 7" mesh has minimum catch length of about 29" and beyond 32" the effectiveness of the gear drops off substantially. Mr. Deem inquired from the committee if smaller fish could support the market if guidelines did change; to which Mr. Macdonald replied it would be questionable, as other states have minimum size limits that must be met for them to purchase fish from Virginia. Mr. Meade Amory stated that the industry has no confidence in VIMS' estimations of gear selectivity. The rest of the committee agreed with Mr. Amory and floored further discussion of options until later meetings. Chief O'Reilly approached the committee with the proposal for the next meeting to be held on April 22, which was accepted by all members.

IV. Adjournment

The meeting was adjourned at 8:45 pm by Mr. Jeff Deem.