

**VIRGINIA MARINE RESOURCES COMMISSION
FINFISH MANAGEMENT ADVISORY COMMITTEE
2600 WASHINGTON AVENUE, NEWPORT NEWS, VA
VMRC CONFERENCE ROOM, 4TH FLOOR**

TUESDAY, FEBRUARY 16, 6:00 PM

MEMBERS PRESENT

Hon. Ernest Bowden
Dr. Ken Neill
Mr. Samuel Swift
Mr. Russell Gaskins
Mr. Robert Weagley
Mr. William Laine, Jr.
Mr. Douglas F. Jenkins, Sr.
Mr. Chris Vaughan
Mr. Wynston Holbrook
Mr. Walter Rogers
Mr. Tom Powers
Mr. Pete Nixon
Mr. Lyle Jett

MEMBERS ABSENT

Mr. Jeff Deem

VMRC STAFF

Mr. Jack Travelstead
Mr. Joe Grist
Mr. Joe Cimino
Ms. Alicia Middleton
Ms. Laura Lee
Mr. Lewis Gillingham
Ms. Stephanie Iverson
Mr. Todd Watkins
Mr. Mike Johnson

OTHERS PRESENT

Mr. Joe Delcampo
Mr. Russell Garrison
Roger Park
Mike Hardforth
G. G. Crump, Jr.

I. Introductions; Announcements

Chairman Bowden called the meeting to order at 6:00 pm.

II. Approval of minutes from the October 15, 2007 meeting

The minutes were approved.

III. Old Business

a. Continuing discussion on a proposal to define an unattended net and attendance and placement requirements for small mesh (<5 inches, stretched measure), for an area to include Smith Point Light north to the Virginia-Maryland border, along the seaside of Accomack and Northampton Counties, from June 1 through October 15.

Mr. Joe Grist said this item has already been acted upon by this committee in October and would be discussed at next week's Commission meeting. There have been no public comments to date. Mr. Grist asked for any additional questions or comments, the committee had none.

IV. New Business

b. Review of 2008 management options for the recreational summer flounder fishery.

Mr. Grist gave handouts to the committee detailing five options for the recreational flounder fishery. These options were created by the ad hoc flounder committee, and all were conservationally equivalent. There has been much public comment to date including mail, email, and an online poll at the Virginia Saltwater Journal website. The Ad hoc committee preferred options 5 and 3; both had 19 inch minimums with differences in closures and possession limits. Comments received via e-mail showed strong support for option 5, with 31 votes in favor of option 5, 4 votes in favor of option 2, 3 in favor of option 7, and 5 in favor of none of the options listed. The Peninsula Sport Fishermen's Association and the Eastern Shore Anglers Association preferred option 5. Mr. Agee, from the ad hoc committee ran his own poll, which also showed a preference for option 5.

Mr. Grist described the on-line poll on www.vasaltwaterjournal.com. He stated that it was an agency run website for voluntary recreational online reporting for striped bass and other fish. All options were described on the website and the opinion poll allowed only one vote per email address. With 284 responses, option 5 was preferred (112 votes). By area, all but the Northern Neck and northern Virginia areas preferred option 5. Mr. Grist asked for questions and a preferred option from the committee.

Mr. Holbrook asked the names of the ad hoc members. Several members were named. Mr. Bowden asked how many members were on the committee, and Mr. Grist answered that there were nine. Mr. Grist also explained that each member was allowed to vote twice, which explained the number of votes listed.

Mr. Bowden asked for public comment

Mr. Mike Handforth, representing Chincoteague Island Charter boat Association, spoke in support of option 3. He explained that summer closures were very difficult for charter boats on a tourist island because people expecting to go fishing can't keep fish. He also

was concerned that a 5 fish limit may put the state in danger of going over the quota. He explained concern that the fishery could be shut down in case there were large overages, and that a 3 fish limit would keep overages lower.

Mr. Bowden followed with a comment about a recent Atlantic States Marine Fisheries Commission summer flounder meeting. He mentioned that there was a push for a 2 fish, 20-inch limit coast-wide. There was also discussion that if the recreational fisheries go over the quota, the secretary of commerce will likely take action. Mr. Bowden was not sure what affect that would have on state waters and asked for comments from Jack Travelstead. Mr. Travelstead added that all states had to submit proposals for reductions, and that all states proposals were approved; the process used to calculate reductions are a little bit more strenuous this year because there are additional reductions the states have to take. Mr. Bowden noted that only two states stayed within their quota last year, and while Virginia was one of them, we were very close to the quota.

Mr. Bowden asked for additional comments.

Mr. Ken Neill said local shops, such as Western Fishing Supply and Wilcox tackle shop, supported option 5.

Mr. William Lane mentioned that the recreational fishermen he talked with were also in support of option 5.

Mr. Lane moved to support option 5, seconded by Ken Neill.

Mr. Bowden said that any of the options removed a lot of the tributaries on the western and eastern shores from fishing.

The motion passed with 4 in favor, 1 against, and 3 abstentions.

New Business Other Business Update on Herring

c. Request for update on herring situation.

Mr. Travelstead said that the ASMFC is working on a River Herring fisheries management plan. They have been through the preliminary process seeking public input on what should be included in management plan. At this point, that includes a suit of options up to and including a moratorium on commercial and recreational harvest. The only exception would be land-locked river herring, which are present in South Carolina. Most states seem ready to take action with the possible exception of Maine, which has a fairly robust fishery for river herring used for bait in the lobster fishery. The timing on management plan will include hearings in late spring to early fall, and implementation in time for the spawning run in early 2009. Staff has not drafted the initial document that will go out for public hearing; however, that will probably be seen at the May board meeting.

Mr. Jenkins asked if anyone had revealed the reason for the decline despite lack of inshore fishing.

Mr. Travelstead responded that before implementation of EEZ, foreign fisheries were taking river herring as by-catch. However, this is only a theory, and foreign fisheries were closed many years ago.

Mr. Bowden mentioned that there was a mother ship operation into late 1980s to early 1990s.

Mr. Travelstead asked for Mr. Jenkins opinion and experiences with this issue while working with catfish. Mr. Jenkins said that he used to catch pickup trucks full of herring, and he discussed catfish predation.

Robert Weagley said that management doesn't know how many catfish are out there.

Mr. Bowden asked for additional questions or any other business.

States Rights

Mr. Russell Garrison spoke about states rights. He discussed the changes in VMRC in the last eight years, as well as the relationship between VMRC and commercial and recreational fisheries. He said that decreases in the economy have decreased both of these fisheries. He hopes that in the future, the committee will enhance and increase the use of these fisheries, without being too involved in environmental issues.

Striped Bass Regulations

Mr. Joe Delcampo spoke about striped bass regulations. Mr. Delcampo had concerns about the place of capture rule. He was also concerned that if he had any violations or pending violations, regulation prohibits any transfers. Mr. Delcampo explained his concern about the prohibition of possessing bay tags in the ocean. He lives in Rudee Inlet, and must relocate his boat when he fishes his bay tags.

Mr. Bowden said that neither he nor the staff could comment on a pending case. He directed Mr. Delcampo to Commission if he wished to suggest a regulation change. He said that FMAC could not make a decision to help Mr. Delcampo at this time.

Mr. Jenkins asked what Mr. Delcampo's coastal quota was and offered history on the creation of the specific rules Mr. Delcampo was describing. He said that the committee came up with the regulations because individuals were illegally tagging fish with the wrong tags. He told Mr. Delcampo that he would have to move his boat if he wished to fish in that way.

Mr. Delcampo suggested officers needed better discretion.

Mr. Holbrook asked if officers had discretion in the case of bad weather. Mr. Travelstead answered that they did.

Mr. Travelstead asked if Mr. Delcampo tried to contact marine patrol and suggested that if weather is bad, he should call patrol and let them know the nature of the weather and that he needs to move.

Mr. Delcampo was directed to come to the public comment period during the Commission meeting.

Blue Catfish

Mr. Jenkins brought up the blue catfish problem. He described the 32 inch limit on blue catfish, and he believes that this fish is dangerous to the system and should not be protected. They were observed spitting up pieces of crabs, and after investigation, they were found to have as many as five whole blue crabs in their stomachs.

Mr. Bowden asked if it was a 32 inch minimum or maximum. Mr. Jenkins responded that it was a maximum.

Mr. Jenkins said got a call from a fisherman who threw over 500 blue catfish back in a single day.

Chris Vaughan said this will be an environmental nightmare, and the bottom of the Tappahannock was covered with them.

Mr. Jenkins said that there was very little market for them.

Mr. Weagley said that last year he talked extensively with Mr. Travelstead's counterpart at Game and Inland Fisheries and was asked how many fish are being thrown overboard. Since then, he has found that more blue catfish are being thrown overboard than the entire catch kept on the boat. Mr. Bowden asked Mr. Travelstead to comment.

Mr. Travelstead said the issue would get some discussion at the Commission meeting because it was part of one of the crab issues up for vote. One of the questions is who has the authority to manage blue catfish. He said that the way the existing laws are interpreted, the game department has all authority over blue catfish because it is a freshwater fish. However, VMRC has authority over commercial fishing, even if it is a harvest of freshwater fish. The laws are ambiguous and probably have multiple interpretations. He suggested going to the general assembly to introduce legislation that clarifies or redirects the authorities, or going to the secretary of natural resources to arbitrate between the two agencies to direct the authority.

Mr. Bowden said that because blue catfish are a non-native species, the Game Department should not have all of the authority because they have caused the problem by introducing the species.

Mr. Travelstead mentioned that he and Mr. Jenkins had met that morning with a legislator, and a suggestion was to draw a line in the river regarding authority regardless of whether the fish is a freshwater species or marine species.

Mr. Weagley quoted regulation 28.2-101 which provides that VMRC regulates all commercial fishing and marine finfish up to fall line.

Mr. Bowden asked if Attorney General has been asked to comment, and Mr. Travelstead replied that he had not been directly asked to comment.

Mr. Vaughn asked if anyone has studied the effect of blue catfish on other species. Mr. Travelstead that the game department had probably done some type of diet study or gut analysis.

Mr. Bowden asked if the commission could still ask the attorney general to pursue it regardless of the opinion. Mr. Travelstead replied that the commission can ask the commissioner to seek an official opinion from the attorney general.

Mr. Bowden felt that the first place to start is to get the Commission's opinion of the issue. He felt that it needed to be pursued through the secretary or attorney general's office—and that the legislature would not be a fast enough response.

Ken Neill said the committee should revisit tilefish/grouper regulations to see if they are accomplishing what they intended. They are being regulated by federal government, and there could be inconsistency between federal and state regulations. He also said that tilefish regulations should apply to recreational blueline tilefish only, and would like staff to review the situation.

Mr. Holbrook asked if anyone on staff could give an update on sheephead.

Striped Bass

Mr. Weagley asked about the update on striped bass regulations concerning poundage quota. He asked if FMAC would meet to discuss possible regulations on that issue. He wished to reevaluate the poundage quota because he feels they are killing a lot of fish.

Mr. Bowden said that limits were set that way was because they were fishing the migratory stock. He also mentioned that it could be brought up at the Commission.

Mr. Jenkins made a comment about the 800,000 lbs Maryland has for their trophy fishery. Mr. Jenkins felt that Virginia protected the fish so that Maryland could catch them.

Mr. Bowden said that the problem was the ASMFC vote. Mr. Weagley said that any fish in Virginia waters should belong to Virginia fishermen.

Mr. Jenkins suggested opening commercial gillnet fishery 15 days earlier. Mr. Travelstead said that the assessment assumes the Chesapeake quota is targeting the non-migratory stock. If we wanted to start targeting large fish, we wouldn't be able to take same quantity of migratory stock as non-migratory stock. Virginia has a large quota because we are targeting non-migratory stock, where all of the other states target the migratory stock.

VI. Adjournment

The meeting was adjourned at 7:06 pm.