

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC) Meeting
2600 Washington Avenue, Newport News, VA
VMRC Commission Room, Fourth Floor
Monday, November 28, 2011, 6:00 p.m.

Members Present

Jeff Deem (Chairman)
Ernest Bowden
Wynston Holbrook
Hon. William E. Laine Jr.
Scott MacDonald
Dr. Ken Neill
Joe Palmer
Tom Powers
Walter Rogers
Robert Weagley

VMRC Staff

Jack Travelstead
Robert O'Reilly
Joe Grist
Joe Cimino
Sonya Davis
Lewis Gillingham
Reneé Hoover
Stephanie Iverson
Adam Kenyon
Allison Watts

Members Absent

Percy Blackburn
Russell Gaskins
Andy Hall
Chris Vaughan

Others Present

David Agee
Dr. Bob Allen
Barbara Bowden
GG Crump
James Dawson
Frank Kearney
Ashlee MacDonald
Craig Paige
Richard Puchalski
David W. Reynolds
Michael Schmidtke
Steven Sternberg
Beth Synowiec

A quorum was present with 10 members in attendance.
Minutes recorded by Reneé R. Hoover.

I. Introductions; Announcements

Mr. Deem called the meeting to order at 6:00 p.m.

II. Approval of minutes from August 22, 2011 meeting

Mr. Deem asked for any comments, suggestions or changes to the minutes from the August 22, 2011 meeting. Mr. Deem mentioned that the full discussion of the catfish issue was not fully covered in the minutes. He would like to include the discussions of prices per pound and the difficulty of getting the fish processed when they are caught. A motion was made to approve the amended the minutes by Mr. Deem, and it was seconded by Mr. Holbrook. The motion passed unanimously.

III. New Business

a. Discussion of ASMFC Tautog Harvest Reduction Options

Mr. Cimino provided copies of Addendum VI to the Fishery Management Plan for Tautog and a copy of the letter he sent to the ad hoc committees for both commercial and recreational anglers. The letter summarized the options and actions for tautog reduction strategies so far.

The first page of the summary letter reviews the situation as it stands. The second page lists the options which have been worked out by the ad hoc committees. While these options are not the only ones available, they are a starting point for discussion.

An update was made to the coastwide stock assessment, which considers all of the tautog from Rhode Island to Virginia as one stock. The assessment completed early this year showed that fishing mortality was above the target, and spawning stock biomass (SSB) was well below target and threshold levels set in 2007. Therefore, the stock is considered overfished and overfishing is occurring.

This addendum was an attempt to address this problem by setting a lower fishing mortality target. The target was previously 0.20 and is now going to 0.15, with the hope of rebuilding the spawning stock. The coastwide stock assessment suggests the current fishing mortality rate is 0.38. The stock assessment model suggests projections for SSB at this mortality rate will remain flat.

The management board decided to lower the fishing mortality rate to 0.15; even at that rate, tautog will just get above the threshold levels for SSB by 2025, not hit the target levels. These projections are driving the management board's decision to go this route.

This fishing mortality rate is a coastwide average. States were allowed to show individual mortality rates, but there are not a lot of data because there are few fisheries-independent surveys. Virginia used a catch curve analysis to estimate its individual F and obtained the fishing mortality rate of 0.33.

As a result, rather than cutting by 53% to achieve the target annual harvest rate as the addendum suggests, Virginia is able to reduce 2012 landings by only 50.5% to reach the target. Options for reaching this reduction in landings are shown on page 2 of the letter handout.

An option for the 50.5% reduction needs to be in place for January 1, 2012. The Commission must make a decision at its December 6, 2011 meeting, and asks that Finfish Management Advisory Committee (FMAC) provide a recommendation for both the commercial and recreational fisheries.

When the process began, Atlantic States Marine Fisheries Commission (ASMFC) management board had not yet accepted Virginia's catch curve analysis, illustrating the need for a 50.5% reduction, so options were originally laid out for Virginia to reach the 53% reduction, which was using the coastwide average F.

RECREATIONAL FISHERY

Similar to the analysis completed for summer flounder, Mr. Cimino's analysis results were presented in a table showing the bag and size limits needed reach the 50.5% reduction. Each wave represents a 2-month period, which was divided by the number of open days in each option to obtain an average number of fish caught per day. Any of the existing options could be adjusted by using different numbers of closed days, or different combinations of bag and size limits.

Mr. Deem asked if there are different catch rates allowed by month, or if the catch rate was an annual average.

Mr. Cimino answered that for the recreational fishery the averages are computed by wave. For wave three, only six days currently remain. The ad hoc committee did review whether the current closure should be changed. Many of the options therefore begin in March, and open up parts of May that are currently closed.

Mr. Powers stated that he was on the ad hoc committee and mentioned that they came up with as many options as they could. They did not necessarily say they wanted to cut out any particular months.

Mr. Deem asked what would be the public preference.

Dr. Allen stated that he had sent in an email in support of option number 4 or 6.

Mr. Cimino stated that he had received two emails, including Dr. Allen's, supporting a continuous closure, as opposed to an open-close-open-close option, i.e., options 4 and 6.

Beth Synowiec, a recreational angler, came forward and stated that she had read a study from Long Island Sound which states larger females produce substantially greater numbers and more viable offspring. She suggested that if a release-only fishery for the female tautog was put in place at this time, perhaps any further management action could be delayed till more research could be conducted.

Mr. Deem answered that at the last meeting it was suggested that recreational monies be used as a funding source for researching tautog.

Mr. Cimino stated that Geoff White at the Virginia Institute of Marine Science (VIMS) and another researcher at Old Dominion University (ODU) found groupings by ages. Six-to-seven year olds have greater fecundity by an order of magnitude than younger fish. In response to Ms. Synowiec's comments, Mr. Cimino stated that ASMFC would not accept a reduction credit at this time.

Mr. Powers suggested taking the idea of managing by fecundity to the ASMFC Technical Committee, so that Tautog might be managed by an open season with a slot limit rather than a complete closure.

Mr. Cimino responded that tautog are supposed to be managed for the SSB, so managing the fishery in that way is an option, but it would be severely data-limited. The technical committee at ASMFC and the Stock Assessment Subcommittee are both interested in and discuss this topic regularly.

Mr. MacDonald asked about the survival rate of catch and release fish, particularly those caught in deep water. Mr. Cimino stated that the catch and release mortality is negligible here. He reminded that most catch for tautog is hook and line for both commercial and recreational fisheries, and that the catch and release mortality is something like 2%, whereas for some species, it is as high as 20%.

Mr. James Dawson, commercial tautog fisherman from Chincoteague, VA, said that in 1998 the commercial fishery elected to eliminate the catch of spawners. They closed May through August to give the fish a chance to spawn, and he feels this made a huge difference. Last year the recreational side caught over half a million pounds; that scares Mr. Dawson. He asked if we are going to give the fish a chance to

spawn. The fish are most vulnerable at this time. He does not recommend option 5 where all of May fish can be caught.

Mr. Deem asked committee members if spawning periods were examined. Mr. Powers answered that yes, the 2007 assessment took into consideration the spawning period, hence the May closure.

Craig Paige from Paige II Charters, targets tautog with his charter business, and also is a recreational angler. Mr. Paige believed we were proactive about a bag limit for tautog many years ago. Mr. Paige has not seen a decline in the tautog fishery. He felt the fishery is strong, and that we should in fact protect the spawning stock. From his personal experience, the fishery is as strong as he has seen it in years. He asked that the committee bears in mind the tautog fishery goes on in bad weather, and that tautog fishermen are having trouble obtaining crab as bait during certain times of year. Mr. Paige supports option 3 or option 8. He would like the month of April open as much as possible. March is too cold; the fish are not yet biting. He would like a closed season, e.g., option 3 is closed May 16th to June 30th. Most of the ocean fish spawn from May 15th forward.

Mr. Deem said Marine Recreational Fisheries Statistical Survey (MRFSS) data show landings doubled between 2009-2010. He asked if Mr. Paige's landings doubled. Mr. Paige stated that since the number of charters he had did not double, and since there is a bag limit, his landings did not double.

Mr. David Reynolds asked from where the figures for recreational catch are coming and whether there was a way to report his recreational harvest. Mr. Powers responded that the MRFSS data are the source, and have been deemed fatally flawed by the National Academy of Sciences.

Mr. Cimino responded that the voluntary recreational landings data might help improve the quality of the data, but that it will not change the fact that MRFSS or its successor will be used to estimate landings.

Dr. Bob Allen with the Peninsula Saltwater Fishing Association asked where the statistics for the fishery come from. He asked for a definition of what "coastwide" really means, and why Virginia is being penalized for all of the overfishing that is occurring in the New England states.

Mr. Cimino responded that the Fisheries Management Plan (FMP) allows states to complete individual state assessments, but no states are doing it because any individual state data are poor. Massachusetts and Rhode Island were able to complete their own assessments because of the independent surveys they conducted. All states from Connecticut to Virginia have to deal with cuts. The 50.5% cut we are making is our own best estimate for the reduction necessary in Virginia. The other recommendation coming through from the Technical Committee (TC) to the Management Board is to change the assessment itself. The ASMFC staff will address changing the assessment as soon as possible, though it is unlikely to occur before 2014. A new assessment and new methodology may help, but as far as MRFSS estimates, they will not change drastically.

Mr. Deem asked if there is a manual to provide background information in terms of fisheries management. He stated that part of the problem is that not every species has been studied very well.

Mr. Cimino said there are only three states that estimate the number of recruits: Massachusetts, Rhode Island, and New Jersey. New Jersey attempted to use their data to run the model, and it did not work. Massachusetts and Rhode Island believe they have enough coverage and information to run these models.

Mr. Powers asked if staff could come back to the next FMAC meeting and summarize what kinds of surveys and funding would be necessary to appropriately assess the Virginia tautog stock. Mr. Travelstead responded about \$500,000 each year, and Mr. O'Reilly added that a long time series of fishery-independent data, over the lifespan of the fish, would be necessary.

Dr. Allen said the amount of fish needed each year is estimated for recreational as opposed to commercial anglers might be more equipped to talk about trends in abundance through time.

Dr. Neill agreed that the local tautog seemed to be doing well. The reason tautog are so important is that they are a species you can target when other species cannot be targeted. He feels the issue is "what else is there to fish for?" At this point, he felt we need to look at when other species are available. He is concerned about the March through April time period. Money will not be spent on charter trips, headboats, tackle shops, and there won't be anyone fishing if everything is closed. Dr. Neill also would like a regulation that is simple. Regulations with slot limits that change in the fall and the spring are confusing. Option 6 seems most reasonable. By mid-April, there are other species to target. He wants it on the record that Peninsula Saltwater Fishing Association (PSWFA) voted for option 4, because it was simple.

Mr. Powers felt it would be good to have spring time open because tautog is the only thing he can fish for in April. He felt the frustration of the season being split is minor when compared to having an option where he can get out and fish. He supports option 3 and 8, although they put people on the beach in March.

Mr. Powers made the motion that FMAC support options 3 and 8 as they are fundamentally the same, except for their bag limits. He feels both of these options would protect the spawn.

Mr. Neill said those options include a closure during March, which would take that month away from the tackle shops, etc., because they have nothing else to fish for at that time.

Mr. Palmer supported option 6 because it is simple for enforcement; they know when the season is open and when it is closed. It is also easier for the recreational fishermen to know when they can fish and when they cannot, independent of the day of the week.

Beth Synowiec suggested using a release-only fishery during March. Mr. Powers noted that anyone can practice catch and release and pointed out there is even a release citation award.

Mr. Neill reminded that there is speckled trout in March: the Elizabeth River "hot ditch" fishery, correcting himself in saying there is nothing else to fish for during March.

Mr. Powers motioned to support option 3. The motion was not seconded.

Mr. MacDonald stated that he supported options 4 and 6, to keep things simple from both the law enforcement and general public standpoints. These options would also keep the tackle shops busy, and the infrastructure strong. Also these options protect the spawning stock.

Mr. Powers motioned to support option 6, and the motion passed with Mr. Deem abstaining.

Mr. Powers stated that he wishes this situation could be improved with better science. Mr. Cimino stated that a lot of things about tautog are different from many other species we manage. Tautog are either targeted or not caught at all. Since these are a structure fish, traditional trawl surveys will not work to provide fishery-independent data. There is no real index of abundance for this species. Mr. Powers stated his frustration about the MRFSS data because of its expansive nature.

COMMERCIAL FISHERY

Mr. Cimino then addressed the commercial options. He stated that the commercial fishery is currently closed from May 1 through November 12. Though this is not a quota-managed species, it could be. We have the ability to look at different potential options, changing the closed season if there is no quota.

The original 7 options had been sent out, but recently, option 8 was added.

Richard Puchalski, commercial waterman from Wachapreague, VA suggested option 8. Closing during April would take away approximately 40% of his income; usually he does not fish until the first week of April anyway. He also suggested that there were more fish in the last year than ever before. He averages approximately 4,800 lbs/year when they are open, all by hook and line. The fishery is very dependent on the weather. Mr. Puchalski is not in favor of the quota. In 2010 he did not fish because it was too cold through April. There are some years when the water is ice cold to the bottom through the middle of August.

Mr. Dawson stated that he has caught (along with Mr. Puchalski) about 80% of the commercial landings for the state of Virginia. Since the fishery is so small, there are significantly more problems in the management, and he is concerned with a quota approach. He feels if we move forward with option 8, there would also have to be limited entry for the commercial fishery based on prior catch history. Mr. Dawson feels our stock is the healthiest stock on the coast. He would like to see a survey from Cape May south. We have to work with what we have in terms of data. He would be willing to support option 8 as long as there is some limit to entry. Mr. Dawson said that the Code of Virginia even states you have to work with normal business operations, and he feels the live sales are more valuable than the ice sales. He also feels paying attention to the spawning times is important.

Mr. Puchalski suggested a special landing permit to those who have landed tautog in the past. He would like a quota system for the future.

Dr. Allen asked how a reduction target is met if there is no quota in place. Mr. Cimino clarified that without a quota, we take the commercial fishery's catch and find an average over a month. There is no mechanism in place to shut down the fishery if there is no quota. He also said there was exceptionally poor performance by many states in reaching their 2008-2009 targets. Virginia was one of the few states that reached its targets.

Mr. Bowden said really we are trying to cut effort by a certain amount. He claimed that NMFS usually has a 2 year back log in certifying requested information. Even though commercial fishermen have to report each and every fish to the federal government and to the state, they may not have access to those data for 2 years. Also, if interest in the fishery grows, there will be more people fishing for the same number of fish. The live market for tautog is much more valuable than the iced market, and he would like to help those individuals in the live market out.

Mr. Powers asked how many pounds the recreational fishery landed last year. Mr. Deem responded 505,014 pounds in Virginia, nearly double the previous years' landings. Since such a comparably small amount of that is the commercial catch, Mr. Powers said whatever the commercial men want, FMAC should provide.

Mr. Palmer supports option 2, because the fishery would be closed during the spawning season, and it allows for the maximum amount of working days with no quota, and does not cut out the commercial hook and line guys in the "ice industry." Several of these individuals spoke to Mr. Palmer about this, and thought they could not be at the meeting, the ice industry is a significant part of their income, as well.

Mr. Bowden made a motion to support option 8, and the motion was seconded by Dr. Neill. The motion passed with seven for, one opposed, and two abstentions.

b. 2012 Mid-Atlantic Tilefish Regulatory Changes

Mr. Grist handed out a summary to remind the FMAC that in the commercial fishery it is unlawful to land more than 300 lbs of tilefish (combining golden, blueline, and sand tilefish). Currently, recreational limit is 7 fish per individual.

The second page showed a summary of changes to commercial incidental permit holders. Mr. Grist read the pertinent sections of the regulatory changes by National Marine Fisheries Service (NMFS). Because of this change, those individuals without an IFQ can land 500 lbs instead of 300 lbs. This issue has been sent for a request for public hearing. We would keep blueline and sand tilefish at their current regulations, and pull out golden tilefish, setting their landing limit at 500 lbs so that Virginia Marine Resources Commission (VMRC) matches up with NMFS/ Mid-Atlantic Fisheries Management Council (MAFMC).

Dr. Neill commented that though tilefish were grouped together, the "unregulated" fishery is the blueline tilefish, and they need to be regulated at the state level. Mr Grist said any such changes would be brought before FMAC and the Commission.

Mr. Powers asked if nothing is "on the books" and a commercial fisherman brought in more than 500 lbs of golden tilefish, would they be accountable.

Mr. Jim Dawson commented that in deep water, in the winter time, you will run into tilefish if you are lucky. Several friends of his are targeting these fish, and the price per pound is not great for tilefish (\$2 or \$2.50 per pound), but when you are going that far offshore, it would be nice to be able to have a bit extra allowed to be landed.

Mr. Powers asked staff if enacted, would there be a limit of 300 lbs for sand and blueline tilefish and a 500 lbs limit for golden tilefish, making a combined 800lbs limit. Mr. Grist responded that it is a possibility. However golden tilefish are managed by a total allowable catch (TAC), and it should be noted when that TAC has been reached the fishery will be closed.

Dr. Neill said we enacted these regulations to protect a fishery that was previously unprotected.

c. Review of ASMFC Annual Meeting Results

Mr. O'Reilly summarized the updates from 17th Annual ASMFC Meeting which was held in Boston.

An addendum to the Striped Bass FMP calling for up to a 40% reduction in fishing mortality rate was delayed to wait until the updated stock assessment was completed. The fishing mortality (F) is still relatively low (0.23), well under target (0.3), and the SSB was still relatively high, and well above the threshold.

The ASMFC still had to face vocal opinions. There has not been a strong striped bass recruitment year until 2011. It takes 4 years for all recruits to enter to the fishery. Because the 2011 recruits are so strong, the 2015 fishery should be strong. There will be a new benchmark assessment in 2013, during which scientists are free to try new methods for the assessment. Another good year-class within the Bay would go a long way. The management board predicted that if recruitment stayed low, the thresholds might have been reached.

There was general discontent with the fact that this did not go out to the public. Four or five years ago, there was public concern that certain size classes are not available to the fishery. One good aspect about the recruitment was that despite hurricane Irene, there was still a fairly strong VIMS recruitment survey.

A new target fishing mortality rate was set for menhaden and this will result in a large harvest reduction Maximum Spawning Potential (MSP), which is used as a reference point can be explained as- if there were no fishing mortality, you would have 100% of the spawners. If you had 15% of the MSP you would be doing well. We've been averaging about 8% MSP. If the target is to be achieved any time soon, a 37% reduction in the catch would be necessary. How these cuts would be made will be part of an amendment. Several questions addressed in this amendment include: should there be a quota? Should it be on the bait and the reduction fisheries? Pound nets? Gill nets? The commercial fishery will have a challenge to reach these goals. The bait fishery now makes up approximately 20% of the total catch coastwide, so there is a lot of work to do.

The shad bycatch fishery, which began in 2006, was approved for 2012. Amendment 3 to the ASMFC FMP for Shad and River Herring states there must be a sustainable fishery. The shad bycatch fishery was intended to help with unintended catch going to waste. There is no good basis to support a sustainable bycatch fishery. The latest information shows that the York River population has been in decline from the limited study that VIMS has conducted. It does not seem we will be able to convince ASMFC that Virginia will have a sustainable bycatch fishery.

The summer flounder stock looks as if it may be experiencing overfishing in 2011; the spawning stock biomass target has been achieved. Now, the problem is the threshold has been reached in the fishing mortality rate and about a 28.4% reduction in fishing mortality will be needed. How this reduction will play out in reductions in harvest for the recreational and commercial fisheries is still being decided.

A monitoring committee meeting will be occurring in December 7th, 2011. On December 14th, 2011 the council and the ASMFC will have a meeting to make a decision in Williamsburg. There will be a plan to ratchet down the fishing mortality. A reduction in the commercial quota is almost certain, we just cannot say how much as yet. The recreational fishery is catching about half of the target. If there is a reduction on the quota for the recreational fishery, we may still be under the target. By 2013, there will be accountability measures in place, so that if an overage occurs, a cut will ensue the following year.

December 14th is the date of the proceedings; Mr. O'Reilly invited everyone to attend to see the discussion in Williamsburg at King's Mill. Mr. Powers asked that staff mail the agenda and location details be mailed to the committee.

Mr. Weagley asked if there were any plans for addressing the river herring situation. Mr. O'Reilly responded that VIMS is interested in this research. Dr. Hilton has expressed an interest in this work.

IV. Next Meeting Date

The next meeting date was not set.

V. Adjournment

The meeting was adjourned at 7:47 p.m.