

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC) Meeting
2600 Washington Avenue, Newport News, VA
VMRC Commission Room, Fourth Floor
Monday, January 23, 2012, 6:00 p.m.

Members Present

Jeff Deem (Chairman)
David Agee (proxy for Dr. Ken Neill)
Percy Blackburn
Ernest Bowden
Wayne France
Russell Gaskins
Wynston Holbrook
Hon. William E. Laine Jr.
John Ludford (proxy for Scott MacDonald)
Walter Rogers
Robert Weagley

Members Absent

Andy Hall
Joe Palmer
Chris Vaughan

VMRC Staff

Jack Travelstead
Robert O'Reilly
Joe Grist
Joe Cimino
Lewis Gillingham
Adam Kenyon
Allison Watts
Laurie Williams

Others Present

David Agee
Dr. Bob Allen
GG Crump
Frank Kearney
John Ludford
Nelson Ortiz
Mike Sherner
Beth Synowiec
Bill Tice

A quorum was present with 11 members in attendance (two substitute members sat in for members who could not be present). Mr. John Ludford sat on the committee for Mr. Scott MacDonald and Mr. David Agee sat on the committee for Dr. Ken Neil.

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 if anyone had any changes to the minutes from the November 28, 2011 meeting. No comments were made, nor were any changes suggested.

III. New Business

Mr. Rob O'Reilly had a handout to give to the members of the Committee from Ms. Jessica Coakley of the Mid-Atlantic Fishery Management Council (MAFMC). The handout contained internet addresses for

a survey about visioning (looking at the future of the fisheries) that the MAFMC is performing. Mr. O'Reilly stated that looking over the survey should only take a few minutes and requested that the Committee members provide some comments for Ms. Coakley once they have looked it over. Mr. O'Reilly asked if anyone had any questions about the MAFMC handout.

Mr. Deem stated that he believed MAFMC would be having a public comment section during their next meeting in Virginia Beach. Mr. Deem asked Mr. O'Reilly if that meeting would be in February. Mr. O'Reilly confirmed that it would be the 7th of February at the Hilton.

a. Discussion of 2012 recreational summer flounder fishery measures

Ms. Allison Watts presented possible management measures to be implemented in the 2012 recreational summer flounder fishery. She said that the Ad hoc Committee recommended four different options. Option D (16.5" minimum size, 4 fish possession limit, and no closed season) was the Ad hoc's preferred option, which would be a one inch drop in minimum size from 2011 (17.5" minimum size). Virginia has been under target (quota) for the past several years and the Ad hoc Committee expects effort to remain low in 2012.

Ms. Watts compared coast-wide management measures for 2011 and 2012. The recreational harvest limit has been established as 8.76 million pounds for 2012, which is a 24% decrease from 2011. This decrease was due to a prediction that overfishing would occur in 2012 if harvest continued at the same rate. The reduction in 2012 was 18.2%, in terms of numbers of fish. Ms. Watts told the FMAC that if there is a coast-wide overage in the recreational annual catch limit (ACL), which includes dead discards as well as landings, then there will be paybacks and every state would be affected.

Ms. Watts compared coast-wide directed summer flounder fishing trips compared with recreational harvest limits (RHL) and landings. Landings over the last three years have been under quota. In 2011, coast-wide landings were 53% under quota. Ms. Watts also noted that Virginia had one of the smallest size limits, comparatively. Virginia also did not have a closed season compared with a lot of other states that did. Only North Carolina had a smaller size limit than Virginia in 2011.

The data sources used to create Virginia's 2012 landings projections were fishery-dependent sources, such as the Virginia Volunteer Angler Survey (taggers), and fishery-independent surveys (the VIMS NEAMAP and ChesMMAAP trawl surveys). Ms. Watts noted that there are flaws with all the data sets used in the tables, as no data source is entirely representative of Virginia's fishery.

Ms. Watts concluded with the four recommended options from the Ad Hoc Committee: A) 17 ½ inches minimum size limit, 5 fish bag limit, B) 17 inches, 5 fish, C) 17 inches, 4 fish and D) 16 ½ inches, 4 fish. All options have no closed season. Ms. Watts asked FMAC for their recommendation regarding the proposed options, and reminded them that the Ad hoc Committee's first choice was Option D.

Mr. Deem asked Mr. O'Reilly if there would be payback if only one state went over, but the rest stayed under the target.

Mr. O'Reilly said that there are two sources of payback. There is the typical type of payback where the quota changes yearly and the state is trying to keep up with it (mainly with minimum size limit changes because closed seasons are not historically favored in Virginia). Mr. O'Reilly stated that the changing of

the size limit has been a payback upfront by itself. In the past, when there were summer closures, those closures were also an upfront payback. Mr. O'Reilly explained that even if Virginia is the only state to go over it has to pay back upfront just like normal. He also explained that if the annual catch limit total of all nine states together [the combined landings and combined discards, which are considered removed or dead (10% of the landings)] is over what it should be, then every state would take a portion from their 2013 quota.

Mr. Agee asked if all four recommendations (A-D) would be going to the Commission for public comment; Mr. O'Reilly responded that they would.

Mr. Deem asked the committee members if they would like to choose what the Ad hoc Committee recommended, or if someone had a preference for something else about which he would like to elaborate.

Mr. Agee suggested that FMAC should provide two recommendations, in case one of the recommendations does not gain the Commission's approval.

Mr. Agee made a motion that Option D) 16 ½ inches, 4 fish be the first choice and B) 17 inches, 5 fish be the Committee's second choice.

Mr. Holbrook asked for the differences between Option D and Option B.

Mr. O'Reilly replied that most of the 17-inch options ranged from 67% to 83% of the quota. The 16 ½-inch option ranges in percentage of the quota, from the high 70's to mid 90's, except for the two problematic data sources.

Mr. O'Reilly pointed out to the Committee that the data which will be helpful to staff in the future are those which are reported by the fisherman. For example, this past year, data from an online system Mr. Joe Grist set up was used and staff has been receiving around 350-360 lengths reported through that survey each year, though it was down to 219 this year. However, Mr. O'Reilly said that staff was finding a spike in the data trends around 16 inches that did not seem to fit in with the rest of the data.

Mr. O'Reilly highly encouraged the Committee members to tell friends and family to use the online survey. Doing so would allow staff to bring more complete data to the FMAC like 1,000 or 2,000 lengths from around the Chesapeake Bay and Ocean coast. Another odd trend that staff found in the data was that Maryland's Volunteer Angler survey, which had been reporting consistently high numbers of landings since 2005, was down this past year to 3,000 lengths (half of what has been reported previously). Mr. O'Reilly said it should be noted that Maryland at 16 ½ inches also caught 94% of the quota this past year, which according to Mr. O'Reilly is another reason why the Virginia Volunteer Angler Survey is not giving staff the most accurate picture of the flounder stock, relatively speaking.

Mr. Deem asked the audience if there was anyone who would like to contribute their opinion on this topic. There was no comment from the audience. Mr. Deem then restated that the Committee had a motion and asked if there was anyone who seconded that motion.

Hon. William Laine, Jr. seconded the motion. The motion passed.

b. Discussion of cost of fishery-independent monitoring of tautog

Mr. Kenyon began by revisiting the previous FMAC meeting's discussion about tautog reductions and what kind of survey it would take and what kind of funding would be needed for Virginia to come up with its own independent sampling programs to go into one of the models so that it would not be lumped in with the tautog reductions.

Mr. Kenyon stated that Mr. Joe Cimino had put together some information regarding this topic, emailed some other agencies up and down the east coast, and talked with some colleagues on the phone so that Mr. Kenyon would have that information to present to the FMAC. Mr. Cimino could not be present at this FMAC meeting because he was attending an ACCSP meeting in Arlington, VA.

Mr. Kenyon stated that most of the surveys done are in the Northeast and are some type of trawl survey. Mr. Kenyon said that based on how tautog behave, and that they tend to inhabit some kind of structure, a trawl may not be best suited for a survey in an area like Virginia. Mr. Kenyon stated that if the state went with some kind of fixed gear survey, whether it is vented pots or hook-and-line, then it might be a better design for Virginia to use in a survey.

Mr. Kenyon informed the FMAC that the project would need to last the entire life span of a tautog, which can be 20-25 years. The rough estimate for such a project would be somewhere between 200,000 to 250,000 dollars a year which includes personnel, gear, and supplies. Mr. Kenyon continued by reviewing possible ways to fund the project.

Mr. Deem asked if it is possible to use data from people who are already using pots offshore.

Mr. Kenyon responded that it could be if the procedures were standardized. He stated that even if it could be accepted and done in conjunction with the scup and black sea bass studies that the cost would still be about the same.

Mr. Ernest Bowden commented that staff would not be able to get much data from the commercial sector now because of the long closed seasons currently in effect.

Mr. John Ludford agreed with Mr. Bowden and stated that he did not know any people pot fishing at this time and lamented that it was unfortunate that there is no fishery to work with on such a project.

Mr. Deem asked what the odds are for funding such a study through VIMS. Staff did not know at this time.

Mr. Kenyon replied that Mr. Cimino looked at a couple different budgets for personnel through VIMS. Mr. Cimino thought the project would need at least three technicians. They make about \$15,000-\$20,000 for six months, so the cost adds up quickly.

Mr. Deem asked if there were any suggestions for funding or if that needed to be left alone for the moment. There were no suggestions at that time.

Mr. O'Reilly stated that it would be a good idea to complete a proposal and have it ready in case the funding should come along or be procured, then staff would be ready to continue with the project.

Mr. Deem asked if Mr. Kenyon could start such a proposal.

Mr. O'Reilly responded that Mr. Cimino and Mr. Kenyon have started one and what they have so far is what Mr. Kenyon presented to FMAC. Mr. O'Reilly said that it could be refined.

Mr. Holbrook asked if the proposal could include personnel outsourcing like what was previously discussed.

Mr. O'Reilly replied that it is something that could be considered with the refining of the proposal. Staff will work on refining one and then could bring it back and present it again to the FMAC. Mr. O'Reilly concluded saying there is no rush on the project but that it all got started because the lack of data available or lack of data pertinent to Virginia.

c. 2012 American shad by-catch allowance

Mr. O'Reilly stated that the 2012 American shad by-catch allowance would go before the Commission's meeting the next day so that the Commission could bring the date forward to 2012, because the Agency has been looking at this issue on a year-to-year approval basis by the ASMFC. The first approval was in November of 2005, and at the time, Mr. Jack Travelstead took the issue to the management board directly without review from the technical board in order to get it passed. Once it was passed the issue was open to technical review. The state has been allowed the by-catch for about 7 years now and it is a very small by-catch of about 200 fish.

Mr. O'Reilly stated that although the by-catch is small, that is not to deny that there are some problems. One problem is that the ASMFC does have an amendment which calls for a complete moratorium. Mr. O'Reilly said that the state has had a moratorium since 1994, but the ASMFC is looking at everything (coast-wide) when they issued a complete moratorium, which is coming in 2013. The reason the agency is concerned is that staff has contacted VIMS about a survey they have been conducting for 13 years. The survey includes one staked gill net fisherman in each of the three western tributaries. VIMS personnel have discovered that the York River system is not doing as well as the Rappahannock River and James River systems. The York River population seems to be in decline, which is important to the by-catch fishery because 82% of the by-catch has come from the York River system since 2006.

Mr. O'Reilly informed the FMAC that staff has been in contact with Dr. Eric Hilton who is the state's representative on the technical committee for ASMFC. Dr. Hilton has indicated that the Rappahannock has been doing better than the other systems, but only when compared with a starting point in the 1980's.

Mr. O'Reilly told the FMAC that there are still some "gray areas" about the by-catch that the FMAC and staff need to explore with Dr. Hilton and ASMFC before next year. A good reason for this exploration is the recent moratorium on river herring, so that now everything on river herring and American shad at ASMFC is about a sustainable fishery plan. Mr. O'Reilly concluded that before it gets too far into 2012 and into 2013, Virginia needs to let ASMFC know where it stands as far as the by-catch fishery is concerned.

Mr. Walter Rogers had a question about how VIMS conducts their survey in the rivers.

Mr. O'Reilly explained that the survey is conducted by a single fisherman in each of the rivers (James, Rappahannock and York) with the nets set up near the bridges. He was not sure how many nets per fisherman are used.

Mr. Travelstead added that there are several nets per fisherman and the nets are placed in historical areas based on records.

Mr. Rogers responded that he has seen 200 shad thrown back from one pound net in one day. He does not think anyone has ever been out with current fishermen to witness that they are indeed catching that many shad. He feels like he has brought this up before and no one has made an effort to see what the fishermen are experiencing. Mr. Rogers stated that in the 1950's the fishermen would not have put nets where they are putting them today because the shad were not there, but that is where the fish are now. He thinks there is a disconnect between what the surveys are experiencing and what the commercial fishermen are experiencing on a daily basis.

Mr. O'Reilly replied that what he thinks the survey is telling us is that in the same rivers in the same place at the same time of year, over the last 13 years, there is either up-movement or down-movement and that is a snapshot, as Mr. Rogers was saying.

Mr. Rogers wondered why there is no funding for shad research when there is talk of searching for funding for tautog research. He stated that the current pound netters can say how many shad are out there. He realizes fishermen are known for exaggerating their catch but they also know what they see in their nets. He knows of one gentleman in the Rappahannock that threw 350 shad back out of one net in one day. Mr. Rogers confessed that it is aggravating for fishermen who cannot keep shad or herring and can only keep 100 pounds of weakfish. Mr. Rogers asked if this would affect hickory shad or just American shad.

Mr. O'Reilly answered that it would just be American shad.

d. Fate of Virginia commercial striped bass harvest

Mr. Joe Grist presented data about the striped bass fishery from 2007-2010. This presentation was in response to concerns voiced at a previous FMAC meeting that out-of-state harvesters were taking the majority of striped bass shares and quota from Virginia.

Mr. Grist discussed who harvests coastal striped bass in Virginia. It is a smaller quota at 184,853 pounds for the last multiple years. The harvest has not been close to meeting the quota. In 2007, only 157,000 pounds were caught. The harvest was up to 163,000 pounds in 2008 but still below the quota. The last couple years harvest has been down, from 140,000 pounds harvested in 2009 to 127,000 pounds in 2010.

Next, Mr. Grist presented who had caught coastal striped bass. A small number of people are involved in this fishery. In 2007 there were 38 individuals fishing ocean striped bass. Thirty-four were Virginians, whereas only four were from out-of-state (a combination of Maryland and other states). In 2008, there was a slight drop from 31 Virginians, and three from out of state. In 2009 there were 34 harvesters from Virginia and three from out of state. There were 33 state resident harvesters in 2010 and three out-of-state harvesters.

Mr. Grist then pointed out the coastal harvest by percentages. The majority of harvest has been by Virginians, at almost 90% in 2007 and increased up to 98.1% in 2010, whereas harvest by non-residents was 10.2% in 2007 and decreased to 1.9% in 2010.

Then Mr. Grist looked at who buys the coastal harvest. In 2007, Virginian buyers bought 85% of the quota, out-of-state buyers bought 2%, and the remaining 12.9% was retailed by the harvester. The percentage bought by in-state buyers increased in 2008 to 92.9%, but then did decrease in 2009 (87.4%) and 2010 (80.9%). The percentage purchased by out-of-state buyers was up to 8.5% in 2008, then down slightly to 7.7% in 2009, and back up again in 2010 to 19.1%.

Next, Mr. Grist discussed who holds the shares of the coastal striped bass quota. In 2007 Virginia residents held 87.7 % of the quota. This number rose due to permanent quota transfers to 90.5% in 2008, but decreased to 86.9% in 2009. The number of coastal shares held by Virginians decreased slightly again in 2010 to 82.9%. In 2007, by contrast, Maryland residents only held 9.5% of the quota and 2.8% of the quota was held by harvesters from other states. In 2008, the percentage of shares held by Maryland residents stayed the same and there were no longer any shareholders from other states. The number of shares held by Maryland residents did increase in 2009 to 13.1% and again in 2010 to 17.1%.

Mr. Grist concluded looking at the coastal striped bass fishery by observing the trends: the percentage of quota harvested by Virginians has increased. However, harvest purchased by Virginian buyers has decreased. As of 2010, the number of Virginian shareholders has also decreased. There has been a shift in the coastal fishery in who is buying it and who owns shares. However, it is still mostly caught and held by Virginians.

Mr. Grist then began displaying data from the Chesapeake Bay striped bass fishery. It has traditionally been the larger of the two fisheries. In 2007, 361 harvesters were state residents; whereas only 17 harvesters were from other states. The numbers have not changed much in the past few years. In 2010, 351 harvesters were state residents and 17 were from other states.

Next, Mr. Grist reviewed who purchased striped bass from the Bay fishery. Again, there was not much change. The percentage purchased by in state buyers was 82.9% in 2007. This number decreased a little in 2009 to 79.3% but was back to 81.2% in 2010. The percentage bought by buyers out-of-state has increased slightly over the past four years from 8.8% in 2007 up to 13.3% in 2010. Similar to the coastal fishery, self-sale by harvester or retail has decreased, although not as drastically. Retail was 8.3% of the harvest sold in 2007; it dropped to 5.7% in 2008, increased to 6.5% in 2009, and decreased again to 5.5% in 2010.

Mr. Grist then looked at the shareholders of the coastal fishery. He stated that again the numbers remained fairly constant over the last four years. Between 2007 and 2010 there was only a slight decrease of 0.4% in the number of shares held by Virginians. The number of shareholders from Maryland increased slightly from 7.2% in 2007 to 7.7% in 2010. Shareholders from other states, including Texas, North Carolina, West Virginia, Florida, etc. decreased from 0.4% in 2007 to 0.3% in 2010, which was also not a large degree of change.

Mr. Grist concluded his presentation of the Bay striped bass fishery by noting the trends in the data. He stated that the Chesapeake Bay fishery is not showing the same trends as strongly as the coastal fishery.

Instead, it has remained more or less constant over the last few years with Virginians being the strong majority of who makes up the fishery. Mr. Bowden asked if the trend was continuing.

Mr. Grist replied that he did not yet have the 2011 data to review, but staff should have it in the next few months.

Mr. Bowden commented that a few transfers in the coastal quota could make a big difference in the trends, whereas in the Bay quota the difference would be nominal. Mr. Bowden commented that there was less going to Maryland than he had thought.

Mr. Grist commented that it was striking that there was little to almost no change in the Bay fishery. He noted that there are a few fishermen from Maryland that come across the border and then take their fish back to Maryland but the majority of the quota is in the Bay fishery. The coastal fishery is the fishery that has seen some shifts.

Mr. Travelstead noted that in earlier data it appeared as though there have been just as many Virginians selling to Maryland buyers.

Mr. Grist confirmed that situation does occur, particularly in the coastal fishery.

Mr. Bowden expanded on Mr. Travelstead's comment, that the people of Tangier take their striped bass harvest to Maryland because it is really the only place they can take their fish. He noted that anything landed in Tangier most often goes to Crisfield, Maryland.

Mr. Robert Weagley asked if the committee and staff could look at some of the striped bass rules and regulations since they were on the subject. He said that as they understand it, they are required to go with their fish in order to sell their fish. Mr. Weagley wanted to know that if there are, for example, three people fishing out of one landing, whether one person could take all the fish to sell if they are going to be sold to the same place. He wanted to know why everyone would have to go.

Mr. Grist replied that it is a possession issue, because the harvester must be in possession of his fish until the fish is sold to the buyer.

Mr. Travelstead said he thought there was a provision that allows you to have someone carry your fish to market for you, as long as they have your waterman's card or some other document stating that they are carrying it for you. He stated that this situation is not really using an agent because an agent has to do with harvest, and this would simply be carrying the fish to the market.

Mr. Grist added that you cannot be in possession of another person's tags by regulation.

Mr. O'Reilly suggested that a little research was needed for this problem.

Mr. Ludford commented that he thought the goal of this regulation was really to prevent someone from taking someone else's tags out with him/her. He stated that this possession situation is a negative that has come about as a result of the regulation. Mr. Ludford suggested that maybe there should be wording in the regulation so that when the fishermen reach the dock and the fish are legally landed, then one person can transport the fish to the buyer or market. He asked Mr. Grist if that sounded like where the problem was arising.

Mr. Grist responded that it was possibly the case and that staff will do some research.

Mr. Ludford was concerned that although the numbers are not currently alarming, there is nothing in the regulations to keep them that way. He mentioned that, through transfers, the numbers could drastically change and then there would be no way to reverse those changes. Mr. Ludford suggested that they set the cap at something like 90% and 10% out-of-state for the coast-wide quota, and 98% in-state and 2% out-of-state for the Bay wide quota.

Mr. Bowden brought up the example of the crab dredge fishery which ended up being a similar situation. He stated that the state was able to work it down from 500 individuals to 300 and that something of that nature could be done but you could not take the fishermen's quota away. He suggested that the state could make it so the quota was no longer transferable and it could also set a goal of 90%, so that once the transfers occur and 90% is again reached then you could set it so that it could not change. However, he stated that once the tags are out of Virginia there is not anything that can be done about it.

Mr. Ludford said that is something that he and Mr. MacDonald would both like to look into further. Mr. Ludford asked to hear Mr. Bowden's opinion on such measures.

Mr. Grist said that it is something staff will have to look into and get back to the FMAC about.

e. 2012 tilefish regulations

Mr. Grist reminded FMAC that the Commission had received information regarding tilefish from the Mid-Atlantic Fisheries Management Council (MAFMC), that there would be a change in their commercial fishery for golden tilefish. Currently, there is a limit of 300 pounds of tilefish per trip for the commercial fishery. Mr. Grist said that tilefish is defined in the regulation as blueline tilefish, golden tilefish, and sand tilefish all in combination. The recreational limit which is not under this provision is seven fish per individual for tilefish (for all three varieties in combination).

Mr. Grist said that there had been a change in how the MAFMC was doing the management of the tilefish. He reminded the FMAC that the incidental trip had been 300 pounds for their incidental catch or by-catch fishery.

The MAFMC has set a quota for this fishery at 99,750 lbs, and they have increased the incidental trip limit from 300 lbs to 500 lbs or 450 lbs if the fish are gutted. Mr. Grist said that there has been a request from the industry that Virginia mirror these changes. Mr. Grist noted, however, that if the incidental fishery meets the federal quota, then it will close and likewise so would the state.

Mr. Grist told the FMAC that staff is planning on going before the Commission on the day following the FMAC meeting. They would be proposing to raise the limit just for golden tilefish to 500 lbs. Staff also has a recommendation to reduce the catch of sand tilefish and blueline tilefish from 300 lbs to 200 lbs. He reminded the FMAC that when the limits were initially adopted the Commission was acting in a very conservational state of mind and that has not changed.

Mr. Grist shared with the FMAC that there has been one public comment to come in by letter. It came from a commercial fishermen and it requested that VMRC not change the regulations but keep them the same based on the decisions that the Commission has made in the past to protect this fishery. The letter

requested that the State stay protective of the fishery and not match the regulations of the Federal Government, because there are still undiscovered pockets of these fish off the coast of Virginia which could easily be overfished.

Mr. Grist confirmed that historically it has been proven by more southern states that this fishery is easily overfished and Virginia has tried to learn from their mistakes.

Mr. Ludford said he does not agree with going to 200 lbs. He thought it should stay 500 lbs and 300 lbs. He said that he did not see it becoming overfished. He said that if you look at the pockets of fish over historical time that Virginia was harvesting high amounts of tilefish. He admits that there was some overfishing in the 1970's but that now there is more tilefish being harvested off Virginia waters and being taken into Ocean City, Maryland and Delaware than is being landed in Virginia. Mr. Ludford stated that it is something he would like to see changed. Mr. Ludford told the FMAC that he felt that the 300 lbs was picked arbitrarily in the past in absence of a management plan. He feels that to drop it to 200 lbs simply because it feels right to do, because the golden tilefish limit is increased to 500lbs, would be a bad idea. He stated that he was absolutely not in favor of going from 300 lbs of blueline and sand tilefish to 200 lbs. Mr. Ludford said that he could see the potential for this as a side fishery to help fishermen who are in some of the offshore fisheries with the cost of fuel. Mr. Ludford said he does not feel that being proactive necessarily always means having to reduce harvest. He said that he can see the potential for those in the fishery to benefit and that the opportunity should be taken.

Mr. Bowden agreed with Mr. Ludford. The problem is that reducing the catch would harm the fishermen who catch them incidentally. Mr. Bowden stated that the golden tilefish are mainly in a narrow band offshore, and as he understands they are hard to catch. The people he knows who catch tilefish by-catch are mostly catching blueline and sand tilefish. So increasing the golden tilefish limit and decreasing the blueline and sands does not really benefit anyone. Mr. Bowden said that people might catch the 300 lbs of blueline but they are not going to catch 500 lbs of golden tilefish. He thinks that in order to catch 500 lbs of golden tilefish they would have to be in the right place and concentrate only on the golden tilefish. Mr. Bowden stated that it looked like the Agency would be giving 200 lbs of quota, but really the State is giving nothing, instead it is taking away 100 lbs. Mr. Bowden said he did not know if the State even had data to tell what kind are mostly being caught.

Mr. Bowden asked Mr. Grist if such data existed.

Mr. Grist said there are some but they are not very good data.

Mr. Bowden said he does know that the blueline tilefish are more in Virginia and the golden tilefish are more offshore. Mr. Bowden thought that most commercial people would be against the staff recommendation.

Mr. Ludford added that it was difficult to know that the past few summers in Ocean City, Maryland groupers have been on the menu. He was concerned that Maryland fishermen are pushing deeper and deeper into Virginia waters. He thought that it was a shame that Virginia is not taking advantage of this opportunity. He considered it to be a setback if the blueline and sand tilefish quota was lowered.

Mr. Deem asked Mr. Grist how Virginia could keep Maryland fishermen from taking Virginian fish back to Ocean City.

Mr. Grist answered that they are taking the fish from federal waters and transporting them north. Maryland did look into the issue, but there was no support to go forward with it a couple years ago. He stated that Maryland and the Commission took the necessary steps, with conservation in mind.

Mr. Deem added that he remembers that North Carolina fishermen requested that restrictions be set in place back before the Commission set the first ones because they had wiped out their stocks and did not want the same thing to happen here.

Mr. Grist reminded the FMAC that there have only been two comments, and asked if there would be any recommendations from FMAC or just the comments.

Mr. Deem confirmed that, so far, it was just the two comments. Mr. Deem confirmed again what the questions were.

Mr. Grist restated that currently the regulation is 300 lbs combined of golden, blueline and sand tilefish. The staff recommendation would increase golden tilefish limit to 500 lbs and decrease the combined limit of blueline and sand tilefish to 200 lbs. The reduction will mostly be to blueline tilefish. Mr. Grist said that this would introduce the possibility of a directed fishery for both in combination.

Beth Synowiec, a recreational angler, came forward and stated that she agreed with Mr. Ludford that the 100 lb difference does not seem like much on paper but she felt that it would have a large impact. She stated that the golden tilefish are hard to find but that once found, they are very easy to overfish. She thought that the golden tilefish limit should remain at 300 lbs because the regulation existed so that if someone was out there and caught some they could keep them and make a little extra money to cover fuel cost.

Mr. Bowden stated that he felt that the FMAC should just convey their feelings to the Commission. He also agreed with Mr. Ludford and although he stated that he did not participate in the tilefish fisheries he did know people who do and he felt that the 100 lb reduction in blueline and sand tilefish limit would hurt them, because the majority of the tilefish that they do catch are blue lines.

Mr. Ludford made a motion that the recommendation from FMAC to the Commission be to allow the 500 lb federal limit on golden tile but to also allow the 300 lb limit on the other tile to remain in place.

Mr. Bowden said that he would second the motion.

The motion for the recommendation passed, with the majority being in favor of it being the recommendation of the FMAC to the Commission regarding the tilefish regulations. The recommendation passed, with 10 in favor and 1 abstention.

f. Other Business

Mr. Bowden wanted to share information he learned about a bill in the Virginia General Assembly that proposes to open up the Baylor Ground on the Eastern Shore, which would potentially affect flounder fishing on the Eastern Shore. This bill would allow land in the Baylor Ground to go out for lease for aquaculture under a limited basis. Mr. Bowden shared that the Baylor Ground has been in effect for over a hundred years. It is a natural oyster ground set aside in the 1890's for everyone in Virginia for their

personal use. Anything else that does not lay within the Baylor Ground limits and is not already leased is available for lease, which is the majority of the water bottom when compared with the Baylor Ground.

Mr. Bowden told the FMAC that there has been an effort in Northampton County to get into the Baylor Ground and the concern with that is that there has been a lot of destruction of bottom by those in the aquaculture industry due to their harvest method. Mr. Bowden said aquaculture itself does not hurt the bottom; it is the harvest method used to harvest clams that is a problem. Harvesters take a 150 hp outboard engine and put a net behind where the clams are and then they use the engine to wash out the bottom and push the clams into the net. After that is done for several years, stated Mr. Bowden, it becomes difficult to grow anything on that bottom again. He said that he thinks that is one reason why people want to be allowed to conduct aquaculture on the Baylor Ground.

Mr. Deem asked what could be done as a Committee to voice their opinion against the bill.

The answer from the Committee was that nothing could be done as a committee, but letters and emails could be sent as individuals.

Mr. Travelstead said he would share the full story of the situation. Mr. Travelstead said that the bill was Senate Bill 550. He said that a year ago Senator Northam asked VMRC and VIMS to do a study on the Eastern Shore regarding the Baylor Ground. A study was performed and a report was submitted to the General Assembly this year. Mr. Travelstead said that Senator Northam took the recommendations in that report and prepared Senate Bill 550, so the bill mirrors VMRC and VIMS recommendations. Based on studies on Baylor Ground that they performed, VIMS and VMRC concluded that the boundary lines of Baylor Ground are outdated, because several of the barrier islands now sit on what was Baylor Ground due to island roll-over.

Also, through different studies, VIMS has found natural oyster rocks that have developed over the decades since Baylor Ground's boundaries were first drawn. These natural oyster grounds that have developed are outside of Baylor Ground boundaries so that they are not protected from the public, any citizen could come and lease them for his/her own use. The studies also found that a lot of the ground that still lies within Baylor Ground limits is now very poor bottom which would be good for the State to lease for aquaculture, since it could still be used for using floating oyster cages or something of that nature which does not need to sit on the bottom.

Mr. Travelstead said that with those items in mind, staff from the two agencies recommended in the report that VMRC be given the authority to change the boundaries of Baylor Ground. However, before that would be possible, VMRC would need to have public hearings and advisory panels to further investigate and address the subject.

Mr. Bowden said that he found it strange that there was a public hearing held, but that the committee had already made up its mind. He wondered why the public hearing would be held and also why all of the opposition was not figured into the decision to create the bill.

Mr. Travelstead replied that the Commission was called upon only to make a report and recommendation on how to deal with the problem. It was not the intention of the Agency to introduce new legislation. At the same time VIMS and VMRC were researching the problems with Baylor Ground, the Coastal Zone Management Program at Department of Environmental Equality (DEQ) received a federal grant to study

various issues along the seaside of the Eastern Shore including Baylor Ground. That group, in recognition of the studies and recommendations regarding Baylor Ground by VIMS and VMRC, asked permission to take VMRC's and VIMS's report to the public for a public hearing. Mr. Travelstead said that DEQ was responsible for taking the issue to the public and that they prepared a thorough report containing all the opposition that was gathered. Mr. Travestead said that when staff saw all of the opposition, they decided that it needed to be included with the final report that would be given to the General Assembly. The report was only ten pages, but the public comment in opposition was about 60 pages. The opposition was included with the report to the General Assembly because staff wanted it to be clear to the Assembly that there was a lot of concern and opposition regarding decisions regarding Baylor Ground.

g. Discussion of a possible market for blue catfish

Mr. Deem reminded the Committee that it had been brought to their attention previously that fishermen harvesting blue catfish were having difficulty finding a market for them. He told the FMAC that he had been able to visit the Maryland Waterman's Show. There he met a man who is in charge of marketing seafood in Maryland and is doing a good job of it. Mr. Deem said that he mentioned the blue catfish dilemma and that this man told him to contact Mr. John Rorapaugh of Pro Fish about buying the blue catfish.

Mr. Deem said that Pro Fish does buy blue catfish and sells them to restaurants and the public as a wild caught invasive species and that the public loves this approach and the reaction has been that the blue catfish taste better than farm raised catfish.

Mr. Rorapaugh said that they are paying 65 cents to a 1 dollar per pound for the blue catfish. He also told Mr. Deem that they prefer fish between 4 and 8 lbs and that they would take a little larger though not over 15 lbs, but they would not take anything smaller.

Mr. Deem asked staff if Pro Fish, who is based in Maryland, was a buyer that has been seen buying from Virginian fishermen.

Mr. Grist answered that they are a known buyer.

Mr. Deem asked the FMAC if the commercial fishermen are catching blue catfish in the 4-8 lb range or if the catch was fish smaller than that.

Mr. Wayne France answered that most of the fish caught in the lower Rappahannock are smaller than that.

Mr. Deem asked if that could be a fishery they could get into, if maybe they could size their nets to catch the right size catfish.

Mr. France replied that he did not really think that they could. The ones they had been catching were caught in crab pots.

Dr. Allen asked if the problem was that people were having trouble selling the blue catfish.

Mr. Deem replied that it was. He stated that there are so many in the upper rivers that they are eating everything from crabs to small flounder. Previously, there were no buyers for blue catfish; there still may

not be a buyer for the small sizes of blue catfish. However, buying them from fishermen would have to be cheaper for a seafood buyer than from a farm that raises them and has all the associated costs. He had been asking around if anyone buys them and he did find one buyer that is actively buying blue catfish.

Mr. Ludford suggested that if the crab pots are catching too small of a catfish then they could use pots with bigger funnels like the sea bass pots, which are not being used. Those could be taken upriver and used to maybe catch bigger ones. He asked what the Committee thought about that.

Mr. Russell Wayne Gaskins added that fishermen cannot keep them if they do catch larger ones. He stated that you cannot keep any fish over 6 lbs.

Other Committee members added to what Mr. Gaskins said that each fisherman can only keep one catfish over 32 inches.

Mr. France said that is why he stopped fishing for them, because the restaurants want a certain size so that it is easily cooked and fits nicely on a plate and it is hard to get just the right size between what the restaurants want and the current size limits.

Mr. Deem said maybe they could look into raising size limits but he had found at least one buyer who will buy them. He said the contact information for the buyer is Mr. John Rorapaugh of Pro Fish and his phone number 202- 529-3003. Mr. Deem said that they will even send a truck down to pick them up.

Mr. Deem said that Mr. Rorapaugh also sells snakehead fish to restaurants and that they are also a big hit and apparently taste very good. Mr. Rorapaugh told Mr. Deem that he thought it was illegal to sell snakeheads in Virginia. Mr. Deem asked Mr. Travelstead if staff had found out if it was illegal or not.

Mr. Travelstead replied that it is only illegal to possess them alive.

Mr. Deem stated that if anyone does catch any, they should be reported to DGIF (Virginia Department of Game and Inland Fisheries), which recommends that the head be severed and the gill arches be removed in order to kill the snakehead fish. Mr. Deem also stated that DGIF's hotline needs to be called to report where the fish were caught; the size of the fish and who caught them. Mr. Deem said that Mr. Rorapaugh is paying \$3.25-\$4.00 per pound.

IV. Next Meeting Date

The next meeting date was not set.

V. Adjournment

The meeting was adjourned at 7:50 p.m.