

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

January 15, 2013

Members Present

Jeff Deem (Co-Chair)
Hon. Joseph Palmer, Jr. (Co-Chair)
David Agee (for Ken Neill)
Jack Austin
Ernest Bowden, Jr.
Skip Feller
Doug F. Jenkins (for Russell Gaskins)
Tom Powers
Walter Rogers
Beth Synowiec
Robert Weagley

Members Absent

Percy Blackburn
Wayne France
Wynston Holdbrook
Scott MacDonald

Others Present

Bob Allen
Dirk Sanford
Mark Sanford

VMRC Staff

Rob O'Reilly
Joe Grist
Joseph Cimino
Stephanie Iverson
Reneé Hoover
Lewis Gillingham
Adam Kenyon
Allison Watts
Samantha Hoover
Laurie Williams
MPO Dunton

The minutes were recorded by Laurie Williams. A complete recording of the meeting is available on the VMRC agency website. Others members of the public were present in the audience but did not sign in.

I. Introductions/Announcements

The meeting commenced at 6:00 p.m.

II. Approval of Minutes from December 4, 2012, meeting

Mr. Jeff Deem motioned to approve the December 4, 2012 minutes. The motion was approved unanimously.

III. Discussion: American shad by-catch fishery for 2013

Mr. Adam Kenyon presented the staff recommendations for the American shad sustainable by-catch fishery. Virginia has requested from the Atlantic States Marine Fisheries Commission (ASMFC) a limited allowance of American shad every year since 2006. This request was initially made in hopes of converting dead discards into a usable product while simultaneously creating a method for monitoring by-catch. Historically this by-catch has been limited by several factors: it is only allowed in select areas of the James, York and Rappahannock rivers, it is only taken by anchored and staked gill nets, and only 10 American shad may be kept per vessel per day. Another stipulation on the by-catch is that there must be an equal number of food grade species aboard the vessel as well, such as croaker, spot, trout, bluefish, catfish, striped bass, and white perch. The by-catch permit also carries with it the responsibility to comply with a weekly reporting requirement to the Interactive Voice Response System (IVRS) of the Virginia Marine Resources Commission (VMRC). Permit holders are required to call and report not only their harvest in numbers but also their fishing effort which includes reporting "no effort". Another stipulation on the permit allows Virginia Institute of Marine Science (VIMS) to sample the permit holder's catch. The VIMS sampling gathers important information for stock assessment such as age and sex ratios, and also allows staff to evaluate hatchery work.

More recently in February 2010, the ASMFC approved Amendment 3: the Shad and River herring Fishery Management Plan (FMP). This amendment required every state, including Virginia, to close its American shad fisheries by January 1, 2013, unless a sustainable fisheries management plan was submitted to and approved by the ASMFC. Virginia submitted a sustainable shad fishery management plan for by-catch allowance and was approved by the ASMFC in October 2012. The ASMFC Amendment 3 also requires the state to provide a maximum number of 30 permits.

Mr. Kenyon explained that currently VMRC does not limit the availability of a shad by-catch permit but applicants must complete a phone survey and report their harvest activity. Since 2008, 25 or fewer permits have actually been issued. The number of permit holders has not yet reached 30 in any given year. Staff has proposed some possible options for how to limit the number of permits to 30. The first option is to continue status quo in which permits would be issued on a first come first serve basis until the maximum of 30 permits is reached. Another option that could be chosen would be to determine permit eligibility based on activity of previous years. This option would protect the individuals long involved in the fishery from not obtaining permits due

to new entrants to the fishery, which is a possibility with the status quo option. This second option would create eligibility criteria based on harvest activity and compliance with reporting requirements that must be met by permit applicants in order to be eligible for the by-catch permit. This second option would also require the permit to be issued on an annual basis and so eligible applicants would need to apply each year even if they were a permit holder the previous year. The by-catch permits should only be held by individuals who actively harvest a small by-catch of American shad in their nets. Mr. Kenyon explained VMRC staff would like input from the FMAC and a recommendation to propose before the Commission as to how to establish permit eligibility since there is now a maximum number of 30 permits required by the ASMFC.

Mr. Deem asked the FMAC if there were any comments on this subject.

Mr. Tom Powers commented that whoever reports improperly or fails to report should not be reissued the permit for the following year. Mr. Ernie Bowden agreed with Mr. Powers.

Mr. Jack Austin asked if staff received enough reports with the current system to be able to tell if people are complying with the requirement. Mr. Kenyon answered that staff is receiving enough information as far as individuals who caught shad but that staff has not received enough reports of no catch information. Mr. Austin suggested that staff create some sort of an incentive for permit holders to report.

Mr. Deem asked the Committee if they had any preference for either of the two options. Mr. Deem also asked if it was important for them to obtain this permit every year. Mr. Robert Weagley answered that it is important to him and most of his fisherman. Mr. Deem then asked Mr. Weagley for confirmation that he would prefer the second option which looked at harvest and effort history. Mr. Weagley replied it was the option he would prefer.

Mr. Bowden asked staff for clarification about how the reporting was done for the permit. Mr. Kenyon explained that reporting is on a weekly basis using a call in system to a toll free number.

Mr. Rob O'Reilly addressed the FMAC by stating the reasons why something other than the status quo needs to be done regarding the limit of 30 permits. Mr. O'Reilly shared concerns that in the past six years there have been a collective total of 68 individuals who have held a by-catch permit. He told the FMAC that it is important to know how many of those 68 individuals are still around and would want a permit again which would risk the exclusion of historically dedicated participants. The other point that Mr. O'Reilly asked the FMAC to keep in mind is that the ASMFC has allowed this by-catch fishery to exist and therefore something needs to be done to ensure a few slots are open for new people to obtain a permit or risk losing the by-catch fishery from ASMFC because there will not appear to be a recurring need for it.

Mr. Deem asked Mr. Kenyon if the total number of individuals who met options two's harvest

and reporting criteria was under 30, would leave a few permits available for newcomers. Mr. Kenyon suggested that if an option was chosen that required eligibility to be considered on an annual basis then one could look at who reported consistently in the past two years which was 17 individuals. This would leave potentially 13 permits available for a lottery system. Mr. Kenyon explained that an application due date would be put into effect and all applications received after that date would not be considered.

Mr. Weagley commented that in the first three years that the permit was available that it was open also to the spawning regions. Mr. Weagley suggested not using the year 2006 in the determining of an average number of permits obtained in the last six years for that reason.

Mr. Powers asked the number of individuals over the last three years who had their permit and also complied with the reporting requirement. Mr. Kenyon answered that 19 people between 2010 and 2012 complied with the reporting requirement of their by-catch permit.

Mr. Powers suggested that the past three years be used which would allow 19 people who have historically fished this by-catch to continue to do so and also leave 11 permits available for new individuals. The available 11 permits could be issued by lottery after applications are received by a due date which is picked by staff.

Mr. Bowden stated that he had the same idea and made a motion to use the years 2010 through 2012 which would guarantee 19 people eligible to be issued by-catch permits.

Mr. Powers pointed out that staff did not want these permits to be transferable or able to be sold and that eligibility would be determined each year with the annual application for the permit and that this needed to be made clear in a regulation. Mr. Weagley agreed that once a permit is obtained by an individual that it should not be sold or transferred to someone else.

Mr. Bowden again stated his motion to use the previous three years of reporting to determine eligibility for the by-catch permit. Mr. Weagley seconded Mr. Bowden's motion.

Mr. Deem asked the FMAC for a vote to pass the motion. The FMAC passed the motion unanimously.

Mr. O'Reilly reminded the FMAC that the by-catch permit changes will be a discussion item at the January Commission meeting, and, at the February meeting, there will be a public hearing. He also stated that a regulation will probably be active by February 27th or 28th. Mr. O'Reilly said that staff would start the new process this year where the 19 are already approved but those individuals still need to send in an application for the permit. In 2014, the new criteria for eligibility will be fully effective and until 2017 will remain as such.

IV. Discussion: Spiny dogfish harvester activity

An update was given by Mr. Joe Cimino regarding a request to consider transferability of spiny dogfish permits. Staff came before the FMAC in September about a request to expand transferability of the permit and the Committee asked staff for more information. Mr. Cimino noted there was a discussion amongst the FMAC members in September that if staff was to allow transfers then the number of permits would need to be further limited and eligibility for current permits would need to be reconsidered. One of the FMACs requests to staff was to determine the number of active permit holders in the fishery.

Mr. Cimino explained that there are currently 107 eligible permittees and that overcapacity in the fishery is a big concern. In the 2011 to 2012 season, the quota was exceeded in just over a month. Mr. Cimino noted one difference of this season, is that the fishery has been open longer than the previous season of 2011 to 2012 and there is 60% of the quota still remaining. Mr. Cimino stated that there was a lot more occurring in this fishery than just latent effort.

Mr. Cimino informed the Committee that he spoke with Mr. Scott MacDonald, who was unable to attend this evening, and explained that Mr. MacDonald had wished to be present for any decisions on this fishery made by the committee. Mr. MacDonald is one of the few spiny dogfish buyers in the area and he has been limiting the amount of spiny dogfish he was purchasing this season because it was difficult to move the fish on the market. This has led to very few fishing days for the active harvesters.

This season there is a similar number of active permit holders in comparison to last season but a much lower harvest so far. This is a result of there being no market for the fishery, and the buyers asking fishermen not to harvest. Mr. Cimino reminded Committee members that even though harvest was down the potential to overharvest is still high for this fishery. With 107 permittees and a 3,000 pound trip limit, the quotas can be reached rather quickly.

Mr. Cimino noted that there are gill net restrictions in federal waters and they will remain in place throughout the rest of the season which runs from May 1st through April 30th. Large mesh gill net closures are from February 15th through March 15th as part of the harbor porpoise take reduction plan. This may help to keep the state under quota this year.

Mr. Bowden commented that if there had been a market the quota would have been used before now. He stated that no matter what the quota is, a fisherman has to be able to sell his harvest. Recently the dogfish were 25 miles off shore but in the current economy it is too expensive to target them and not cost effective due to fuel cost, according to Mr. Bowden. He also said that he thinks that if the market does get better in March, then the quota could be met in 3 weeks.

Mr. Cimino reminded the FMAC that this is only the second season in which Virginia is fishing its own quota. In the past the quota could be used up without any effort from resident fishermen because it was a regional quota and therefore could be caught by other Mid-Atlantic States such as New Jersey.

Mr. Deem commented that in all the meetings he attends he hears that there are too many dogfish out there. He then asked if there was any way to find a market and if the only market was the European market. Mr. Cimino responded that he was not familiar with any other market and that this was

probably one of the reasons why Mr. MacDonald wanted to be present. Currently buyers are saying that they have both fresh and frozen fish and are already into their frozen fish but they are not interested in buying any more.

Mr. Deem noted that low European stocks had created a good market for Virginia's fishery in the past. He then asked if European stocks had recently increased. No one present had heard for certain. Mr. O'Reilly added that the market problem was not solely due to Europe but could also be the lack of product processors.

Mr. Bowden commented that the market did open again briefly after January 2nd, but it was very limited. He stated that people in Massachusetts have the best product and get the best price partly due to the processing plant being in close proximity. He also said that New Jersey fishermen get 7 or 8 cents more than fishermen in Virginia and that Virginia fishermen get about 7 or 8 cents much more than those in states farther south. Mr. Bowden noted that at one time Wanchese Fishery wanted to open a processing plant but must have changed their minds because that has not been done.

Mr. O'Reilly added that he has received several phone calls regarding the spiny dogfish market situation and that the Committee may want to revisit this discussion in the future. He noted that if the committee wanted to do something else as far managing this fishery, then staff would present any information needed to them but that it is the wish of the staff to rely on FMAC as to how to proceed in management. He also noted that the fishery is already limited entry but wished to leave those thoughts with the committee should they want to look at this situation further.

Mr. Skip Feller was under assumption that the VMRC was going to try and reduce the 107 permits to around 50 which he felt to be ideal. He suggested something be done such as a basic "use it or lose it" rule regarding the permits. He also suggested there be a requirement to have substantial poundage, and if that poundage is not obtained then the permit must be given up. Mr. Feller added that once those stipulations are in place it would hopefully provide for 50 permits and once that number is achieved then those permits could be transferable because they would have some value.

Mr. Bowden suggested gathering input from the AD HOC committee.

Mr. O'Reilly said that in this situation staff would prefer input from the FMAC and when Mr. MacDonald can be present because AD HOC has a lot of stakes in this fishery and may have a bias. Mr. O'Reilly stated that with 107 permit holders any committee could see the need to bring the number of participants down to where it accurately represents the future of the industry. Mr. O'Reilly continued by telling the FMAC that staff has heard that due to poor year classes the higher quotas may not actually be feasible to obtain. He stated that he would prefer to have input on this subject only from the FMAC at this time. Perhaps in the future once the FMAC has formed some ways to address this issue that those could be taken to the AD HOC Committee and then back to the FMAC.

Mr. Powers expressed concern that as soon as a minimal catch is established then half the people who were not active before will become so in order to achieve their minimal catch to maintain their permit. This would thereby increase catch effort and counteract the reduction that was intended.

Mr. Feller added that the minimal catch needs to be high enough to prevent that scenario from occurring.

Mr. Powers noted that the classic management tool used in these situations is a control date which is set at the current day or some date in the past. Mr. Bowden responded by saying that there has already been a control date established for Spiny dogfish permits. Mr. O'Reilly confirmed that a control date had already been set and it is April 30, 2011.

Mr. Powers clarified that anything done to limit the fishery would require staff to go back to the control date or establish a new control date. Mr. Powers warned that caution needs to be taken when saying things like "in the future when you do not catch" because anytime that is done for any fishery then it causes everyone to report something out of fear of losing permits or licenses.

Mr. O'Reilly suggested that gill net activity with dogfish be a starting point for the committee to look at. The original qualifiers for eligibility were that the individual have 60 days of gill net activity and 1 pound of spiny dogfish during 2006 through 2008, or have 10,000 pounds of spiny dogfish in any one year from 2006 through 2008. Mr. O'Reilly noted that some individuals who currently hold permits meet both of these qualifiers.

Mr. Joe Grist, noted that there were only 9 individuals who qualified by the first criteria, there were 39 who qualified by the second criteria, and there were 54 who qualified by both criteria. Mr. Grist also noted that the total on the presentation slide was 102, but that Mr. Cimino had mentioned there were 107 permittees. Five individuals were added through a Commission action, when harvest reports with misreported smooth dogfish were reviewed.

Mr. O'Reilly informed FMAC that the next time to meet would be February 25th which is ^{the} day before the Commission meeting. If they wanted to hear from Scott Macdonald then the committee would need to wait till later because Mr. MacDonald will be away on that date, as would Mr. Joe Palmer. He told the FMAC that if they wished to wait until March, then that would be fine but in the meantime staff could send Committee members information so at the next meeting they would have had a chance to review the information and know what had been decided previously. This should give the Committee a good basis for forming plans and making suggestions as to how the fishery could be improved.

Mr. Bowden suggested using the already established April 30, 2011 control date and 10,000 pounds of harvest since that date, as permit eligibility qualifications to further reduce the number of permittees. This would reduce the number of permits and also still allow the 9 people who qualified under the gill net activity to have had a couple years to reach 10,000 pounds and still be eligible. Mr. Bowden stated that there also would not be the problem of false reporting. Mr. Grist confirmed this statement by explaining that reporting spiny dogfish is unique since it must be sold to federally permitted federal dealers and is not easily fabricated.

Mr. Deem asked if the permits were reduced to 50 people and the catch was to increase would there be enough people to catch the limit. Mr. O'Reilly responded that they should not have any problems catching the limit. Mr. O'Reilly stated that he would like the Committee to proceed on this situation since phone calls have been received regarding it.

Mr. Bowden requested that staff include with the other information they will send to the FMAC the number people after April 30, 2011 who had landed 10,000 pounds or more.

Ms. Beth Synowciec asked if there was a way of tracking previous buyers to increase the market for spiny dogfish. Mr. Grist informed her that at issue was facilities that could process the fish, not buyers. He noted that the only processor was in Massachusetts.

Mr. O'Reilly stated that he had heard that if the quotas increased in Virginia and North Carolina then demand for processing may increase and it might be economically feasible for a processing plant to be built in the area.

Ms. Synowciec again stated the need to solve the problem of selling the dogfish.

Mr. Bowden commented that the spiny dogfish fishery has two unique problems: one is the poor market due to the bad economy and the other is that there is a process begun to list spiny dogfish as an endangered species in Europe which creates extra paperwork and hassle when trying to export them from the US into Europe.

Mr. Mark Sanford came forward from the public to ask staff what will be done about those who get excluded from the fishery, yet have a federal permit.

Mr. Grist answered the question by stating that in order to land spiny dogfish in Virginia you must have fishery Virginia permit. He noted that this scenario had been addressed by the Ad Hoc Committee in 2009 and that there are a few federal vessels that have been pulled out of the fishery. Mr. Grist explained that just because someone has a federal permit does not mean he/she can land in Virginia. An individual must have valid Virginia permits too.

Mr. Sanford also attested to the poor market for spiny dogfish. He stated that even though he is a permit holder, since there has not been a market this year he has not gone to harvest spiny dogfish. Mr. Sanford also stated that he has been involved with the fishery since the 1990s when there were plenty of markets. He noted that it was no trouble to catch 10,000 pounds a day but in 1999 they got shut out of it. He said that they waited and it came back again but in the meantime the market was gone. Mr. Sanford suggested that some of the license monies be spent on improving the market.

V. Black sea bass recreational possession limit for 2013

Mr. O'Reilly gave a presentation on the possession limit for black sea bass. He began by stating that the presentation would be mainly informational. He then gave a brief summary of recent black sea bass regulation history.

Mr. O'Reilly stated the problem Virginia has is that the regulation kept the previous 25 fish limit, but the Federal limit was reduced to 15. The ASMFC decided on a 20 fish limit but they came to the states and asked that everyone be consistent with the Federal limit of 15 fish. So now staff will be asking the Commission by emergency regulation to change the limit to 15 fish on January 22nd.

VI. Update: Recreational Summer flounder

A presentation on 2013 proposed recreational summer flounder management measures was given by Ms. Allison Watts. Last year, summer flounder were managed by a 16 ½ inches minimum size limit, four fish possession limit and a year round season. Because of the reduced strength in recruitment in recent years, the coast-wide recreational harvest limit (RHL) has decreased by about 10% from 2012

(7.63 million pounds in 2013). Virginia receives an allocation of the coast wide RHL, and the 2013 recreational target or quota is 417,000 fish. Because Virginia's 2012 estimated landings were 262,828 fish, Virginia can liberalize by 59% to reach the 2013 target.

Ms. Watts noted that landings in the state have not changed very much since 2008 despite changes in size limit. Additionally, there will be paybacks in 2014 for all states. If the recreational Annual Catch Limit (ACL) is exceeded in 2013, then the exact poundage of that overage will be deducted from the subsequent year. Any state could be the cause of the overage but all the states would be affected by the payback.

FMAC was presented with the four management options for size and bag limits, which were proposed by the Ad Hoc Committee on its January 9th, 2013 meeting. The first option is 16 ½ inches with a four fish limit (status quo to 2012). The second option is 16 ½ inches and five fish. The third option is 16 inches and four fish and the fourth option is 15 ½ inches and four fish. None of the options have a closed season. Ms. Watts presented information, using several different data sources to project landings for 2013, under each of the options. Ms. Watts pointed out that none of the four options exceeded the 59% liberalization permitted, according to the data sources used. Ms. Watts stated that according to MRFSS, Virginia has been under its quota for the past five years, and according to MRIP, Virginia has been under quota for the past six years.

Ms. Watts then stated that staff would like to get a recommendation from the FMAC this evening. The following day the final state proposals would be sent to the ASMFC Technical Committee. The ASMFC Technical Committee then will meet and review every state's management proposal. Once that has occurred the proposals go to the Management Board for approval which will occur on February 21st. On February 26th the Commission will again meet and have a public hearing to establish final 2013 measures for Virginia.

Ms. Watts also made note of some public comments that staff received after the meeting of the Ad Hoc Committee. Chincoteague Charter Boat Association prefers the option of 16 inches and four fish. And Ms. Leslie Parr wanted 16 ½ and five fish.

Ms. Synowiec suggested that to prevent future problems in the fishery that if the option of five fish at 16 ½ inches is chosen then the possession limit could be decreased to four fish during the spawning season. Mr. O'Reilly responded that the majority of the fish are harvested outside of the spawning time. He also stated that most of fishery taking place on seaside from April to November. Ms. Synowiec asked when the spawning time for flounder occurs. Mr. O'Reilly replied that spawning happens offshore in the late fall.

Mr. Austin commented on the mortality of small flounder which are caught and released. He stated that last summer the rivers around Hampton Roads were full of 14 to 16 inch fish. He expressed concern that these fish tend to deep hook when using natural bait. In lieu of a suspected high mortality rate among these discards, he recommended the option of 16 inch minimum size limit and four fish possession limit.

Mr. Deem noted that the release mortality rate was estimated at 10% which in past years meant that almost as many fish were discarded and died as were landed. Mr. Deem also noted that the option of 15 ½ inches and four fish was recommended to give people fishing up river a chance to keep some

fish.

Mr. Powers commented that 50% of fish that are deep hooked die depending on the direction of the hook. He cited a study performed by Mr. John Lucy. Mr. Powers also shared concern about choosing the option of 15 ½ inches and four fish. He felt that the angler survey is a better source of data than from a trawl survey. Mr. Powers urged the FMAC to move slowly when choosing size limits.

Mr. Skip Feller noted that the Virginia Charter Boat Association wants the option of 15 ½ inches in favor of those fishing in the upper Chesapeake Bay.

Mr. O'Reilly reminded the FMAC that they did not need to come to a consensus on one of the options that evening. He told the Committee that they just needed to agree on whatever options they want to send to the ASMFC Technical Committee. He said that if the Committee liked all four options then those could be sent on as is to the ASMFC Technical Committee.

Mr. Deem asked the FMAC if anyone would like to make a motion. Mr. David Agee made a motion to send all four options forward to the Technical Committee as is. Mr. Powers seconded the motion. All members of the FMAC voted in favor of the motion except for Mr. Jenkins who was opposed. The motion passed.

VII. Reconsideration of fisheries violations in terms of sanctions

Ms. Renee Hoover reminded the FMAC that the Commissioner had requested a review of sanctions for fisheries violations in August 2012. Ms. Hoover informed the FMAC that this new review is seeking input from all the advisory committees, the Fisheries Management Division, and the Law Enforcement Division. One of the goals of the review is to rank the violations in terms of severity and determine which violations would require an immediate appearance before the Commission. She then asked the FMAC to consider the violations in terms of the penalty the violator would face upon conviction.

Mr. Bowden suggested that the Marine Police Officers mark on each summons a number 1 through 4 in terms of how severe they think a violation is.

Mr. O'Reilly asked the FMAC for their opinions specifically on the "three peat" rule and what they thought about making the convictions retroactive to the date of the offense. He noted that currently the Commission is limited by the "three peat" rule. He also agreed with Mr. Bowden that something should be done to scale violations by severity. Mr. O'Reilly suggested that staff add this information about the review of violations and sanctions to the packet for each Committee member for the next meeting. Then each Committee member would be able to review the information about the "three peat" rule and determine appropriate sanctions for some of the common violations at his or her leisure and be able to discuss the different possibilities in more detail at the next meeting.

Mr. Powers suggested that VMRC staff send Committee members two sheets of violations and sanctions, one for those pertaining to recreational violations and the other pertaining to commercial violations. Staff agreed to mail the FMAC members information about the review of violations and sanctions and some sort of survey for them to fill out with their opinions and return to staff.

VIII. New Business

A. 2013 Striped bass Quota Reduction

Mr. Jenkins shared that he wanted his fellow Committee members and Mr. O'Reilly to know that the Potomac River Fisheries Commission (PRFC) has taken 10% from the striped bass commercial hook and line instead of 14%. He was previously told that the three jurisdictions (Virginia, Maryland and Potomac River) all decided on a 14% reduction but Potomac only took a 10% reduction. Mr. Jenkins stated that he has witnessed an abundance of fish from the year classes 2009 and 2010. He also said that he tried to get Maryland to do a winter trawl so that they could see for themselves that there are a lot of fish that stay in the rivers. He said that he did not understand why Maryland reported less than normal abundance of fish for those year classes. Mr. Jenkins asked staff if he and other fishermen would get 4% more quota or if they must continue as is.

Mr. Bowden added that PRFC probably has ability to give no reduction to one fishery but they would have to account for that by allocating a higher reduction to another fishery in order to account for the 14% reduction. He suggested that for example the hand line fishery may be a small fishery so instead they may have given the reduction to the gill net fishery.

Mr. O'Reilly stated that this situation was not a simple matter. He noted that Virginia has been setting quotas with Maryland and PFRC since 1997. From 1997 to the present not much was heard about how quotas were being set. Mr. O'Reilly explained that it is not that staff is setting quotas it is that staff is using the information from the harvest control model that Maryland runs. This got VMRC into a situation where harvest levels both recreational and commercial could be increased to a good level in comparison with what the State previously had. Mr. O'Reilly the FMAC will be brought into the process for 2014. Mr. O'Reilly stated that he or other staff would present the information to FMAC directly such as the exploitable stock biomass and fishing mortality rate estimated by the harvest control model. This would allow the FMAC to see all of the information that is used and if there are any decisions to be made then, the FMAC will be able to discuss and vote on them. Mr. O'Reilly reminded the FMAC that historically for striped bass it takes several good year classes every few years (because they can live up to 30 years) to maintain a sustainable fishery.

B. Should the VMRC be given authority to revoke licenses longer than 2 years

Mr. Powers presented the FMAC with the question of whether the Commission should have the authority to revoke licenses longer than 2 years.

Mr. Deem asked the Committee if anyone had any thoughts or opinions on the matter.

Mr. Feller stated that he felt that if the offense is severe enough that the Commission should have the option of revoking the license longer.

Mr. Powers noted that the Commission has historically been very reticent to revoke a license at all and that most often the revocation has only been for 3 months or the offender only served probation.

Mr. Bowden shared that during his service on the Commission he was disappointed when he learned that not only could the Commission only revoke the license of the Striped bass poachers for 2 years but that they also could only revoke the violators' Striped bass permits for a maximum of 2 years because the permit is considered a type of license.

Mr. Powers urged the FMAC to take immediate action in contacting their representatives in support of a bill to amend Virginia Code in the current legislative session that could grant such authority to the Commission. Mr. O'Reilly confirmed that it was not the place of staff or the Committee as a whole to contact the senators directly but he urged the Committee members as individuals to contact the author of the bill, Senator Hangor.

Mr. Palmer commented, as a member of both the FMAC and the Commission, that if the offense is particularly egregious then he would not have any problem revoking the violator's license indefinitely.

Mr. Powers made a suggestion that whoever staff deems to send a letter should do so to the Senate Ag Committee and the bill sponsor proposing the change in code that would allow the Commission to revoke licenses up to five years.

Mr. Deem asked if staff could provide the contact information for the senators. Mr. O'Reilly replied that staff could print out copies of the bill for the FMAC members.

Mr. Allen commented that anyone could write a letter to the senators. Mr. O'Reilly confirmed that was true and that the Committee members could state that they are a member of the Committee but not that they are representing the Committee.

C. Request for future agenda item: Speckled trout fishery

Mr. Feller said that he had a request from the Charter boat industry that the FMAC discuss keeping the speckled trout possession limit to 5 all year round at the next meeting.

Mr. O'Reilly agreed that the whole situation needed to be discussed again because it was not resolved and there are still a lot of people who are confused. Mr. O'Reilly told the FMAC that especially if the abundance remains high for speckled trout that there will probably be conflict between the recreational and commercial industries. Mr. O'Reilly suggested that the issue be addressed and discussed in advance of the 2013 season and thereby prevent the regeneration of problems.

Mr. Bowden also agreed that there needs to be discussion about speckled trout and reminded the FMAC that the Commercial fishery is closed for speckled trout until September 1st, 2013.

Mr. Deem asked that it be on the agenda of a future meeting.

IX. Next meeting date

The next FMAC meeting is scheduled for Monday, February 25, 2013.

X. Adjournment

Mr. Deem motioned to adjourn. Mr. Powers seconded the motion. The motion passed unanimously and the meeting adjourned at 8:15pm.