

**Virginia Marine Resources Commission**  
**Finfish Management Advisory Committee Meeting**  
2600 Washington Avenue, Newport News, VA  
VMRC Commission Room, Fourth Floor  
Monday, March 25, 2013, 6:00 p.m.

**ATTENDANCE**

Members Present

Jeff Deem (Chairman)  
Bob Allen proxy for Jake Austin  
David Agee proxy for Dr. Ken Neill  
Ernest Bowden  
Skip Feller  
Glenn Wayne France  
Wynston Holbrook  
Scott MacDonald  
Hon. Joe Palmer (Vice-chair)  
Tom Powers  
Walter Rogers  
Beth Synowiec

Members Absent

Percy Blackburn  
Andy Hall  
Russell Gaskins  
Robert Weagley

Others Present

Charles Dryden  
Douglas Jenkins  
Frank Kearney  
Michael Langowski  
Timothy Wivell

VMRC Staff

Robert O'Reilly  
Joseph Grist  
Lewis Gillingham  
Renée Hoover  
Samantha Hoover  
Stephanie Iverson  
Adam Kenyon  
Sally Roman  
Laurie Williams

A quorum was present with 12 members in attendance. Minutes recorded by Samantha Hoover. A full audio recording can be found on the VMRC website.

- I. Introductions; Announcements**  
Chairman Jeff Deem commenced the meeting at 6:00pm.
  
- II. Approval of minutes from February 15, 2013 meeting**  
The minutes from the February 15, 2013 were approved by unanimous consent.
  
- III. Discussion: Commercial spiny dogfish fishery**  
**Limited Entry**  
Mr. Joe Grist gave a brief presentation about the spiny dogfish fishery and the history of the limited entry permit over time. This fishery is currently at 107 permits with a season that is open from May 1<sup>st</sup>, through April 30<sup>th</sup>. The quota for the current season is 3.7 million pounds and the next season quota, starting May 1<sup>st</sup>, will be 4.4 million pounds. It is unlawful to take, possess, have aboard any vessel or land more than 3,000 pounds of dogfish per day and all harvest must be

sold to a Virginia federally permitted dealer. In this fishery, no agent usage is allowed, buyers must report weekly, and currently no transfers are allowed outside the hardship provision. There has been a request by industry to allow open transfers, and there has been a concern, from the committee, that 107 permits may be too many to sustain fishing throughout the year. Three limited entry options were presented to FMAC that would decrease the number of permits by approximately 22 to 44.

Mr. Skip Feller asked if the six permits that were approved, after the control date, were included in the options. Joe Grist replied they are not included in the options because they are a unique set. Mr. Ernest Bowden said the inactive members of those six permits should be included in the reduction. Mr. Deem asked why the number of permits needed to be decreased. Mr. Grist explained that there have been requests to allow open permit transfers, and there has been discussion by the Commission, throughout the past two years, that the number of permits is currently too high. If the number of permits can be reduced, transfers could be allowed. Mr. Scott MacDonald and Mr. Bob Allen stated that a decision should be made tonight on one of the options. Mr. Rob O'Reilly added that there are two possible steps to take. First, the potential for excess effort in this fishery needs to be taken care of, and we can come back and look at transferability based on activity. Mr. Bowden stated that option number 2 is a good option to start with. Mr. Allen motioned to select option number 2 that would decrease the number of permits by 33, by removing 22 permits with no activity in the 2009/2010 through the 2011/2012 seasons and 11 permits that only had activity in the 2009/2010 season. Ms. Beth Synowiec seconded the motion. The motion carried with 11 in favor and 1 abstention.

#### **Trip limits**

Because of the 17% percent increase of quota, NMFS has approved an increased trip limit to 4,000 pounds for federal waters, and ASMFC has approved the increase for the state waters. The maximum number of trips that could be taken during the 2013/2014 season, with the current 3,000-pound trip limit is 1,469 trips. If the decision made was to increase the trip limit to 4,000 pounds it would allow for 1,102 trips. Mr. Mark Sanford called in his public comments stating that he would like for the limit to remain at 3,000 pounds. Mr. MacDonald agreed and felt it should stay around 3,000 pounds and for it to have a 15 barrel limit with a 32 gallon barrel that would be weighed at time of the landing. Mr. Bowden felt there should be a 3,000-pound limit with a 10% tolerance. Mr. Grist suggested that instead of the 10% tolerance to go ahead and add that directly to the current daily trip limit and have it not exceed 3,300 pounds. Mr. Tom Powers said that if the regulation includes barrel we will need to define barrels. Mr. Bowden motioned to establish a daily trip limit for spiny dogfish not to exceed 3,300 pounds. Mr. Allen seconded the motion. The motion carried with a unanimous vote.

#### **IV. Review of commercial striped bass weight**

At the February 26<sup>th</sup>, 2013 Commission meeting associate Commission member Hon. Rick Robins asked staff to present FMAC information on striped bass involving fish size, county of landing, enforceability, and what FMAC thinks about the current ITQ program and any concerns with the current program. Mr. O'Reilly began the presentation with a brief history of the changes in the management of the striped bass quota in Virginia. The transition to the current weight

based ITQ system while to address high-grading and create equity among harvesters from different geographical areas. There was a concern that the striped bass harvest has been comprised mainly of large female fish. However, there has been a lower average weight per fish in the Chesapeake Bay area over the past ten years. In regards to the 14% reduction in quota this year, the stock's biomass increased steadily until 1997, but then the stock has been steadily declining since 2006. The Chesapeake Bay had a good year class in 2007 and 2011, but there also has been 4 years of below average recruitment classes since 2008.

Mr. Allen commented that there is a great concern amongst recreational anglers that this large 2011 year class may never be seen in this fishery and then made a motion to accept the report that was given at the meeting as information. Mr. Powers asked about whether or not we are going to do a study on discards within the striped bass and other fisheries. Rob O'Reilly replied that studies have been done before, but with other projects going on, we do not have the ability to perform a study at this time. Tom Powers agreed with Mr. Allen concerns about the 2011 year class not recruiting into the fishery due to predation, disease, etc. Mr. Bowden then commented that the system we have now works very well. The average weight has decreased by 25%, by-catch mortality has been reduced, and there has been an increase for marketability for the smaller fish. Walter Rogers asked if we could allocate the tags and quota to someone who is going to use it to avoid being under quota every year. Mr. O'Reilly replied that you are given a quota and you are allowed to not use it. Doug Jenkins provided public comment that if we can't control the recreational quota then our striped bass resources will continue to decline. He said that their needs to be more accountability for the recreational fisheries. Mr. Deem asked if we could take some time next month and figure out some pros and cons of Mr. Jenkins proposal for a recreational harvest tagging program. Rob O'Reilly responded that it would be fundamentally difficult for the state to manage because recreational harvesters get their licenses online, out of state, etc. It is something that would take a lot more effort than the fisheries staff together would be able to handle. Tom Powers commented that the new system is better than the old system and his concerns are not with the current system, but with other aspects in the striped bass fisheries. Jeff Deem explained his support for the current poundage system: it takes pressure off of big fish, provides a fair allocation of fish to all fishermen, and keeps the season alive so everyone can catch their share.

**V. Update: Fisheries violations in terms of sanctions**

Dr. Reneé Hoover briefly reviewed the progress on obtaining responses about fisheries violations in terms of sanctions surveys from the advisory committees. She stated that only 50% of FMAC members have participated so far. A few of the committee members voiced their concerns and provide reasons why they hadn't filled out the survey. Many of them thought that there would be more discussion and that some of the topics were tough to decide upon. Dr. Hoover informed them that she can take their responses by phone and answer questions if anyone needs help. She needed all responses by the end of the week.

**VI. New Business:**

**Horseshoe Crabs**

Mr. Bowden stated there was a possible problem that has arisen with the horseshoe crab by-catch fishery. Staff, Mr. Bowden, and others have been working with the NMFS to reduce the amount of marine mammal and/or sea turtle interactions. Regulations have already been established in the ocean that require the use of a heavier twine or net that greatly reduces the amount of marine mammal and turtle takes. The federal regulation states that for any small mesh gill nets between the sizes of 5 to 7 inch stretch mesh you must use a twine size equal to or greater than 0.81mm. Mr. Bowden said that the by-catch problem could potentially move inshore. He felt that if you are using mesh sizes 6 inches or greater then you should use a twine size of 0.81mm or greater and possess a Black Drum Harvesting and Selling Permit or a Coastal Striped Bass Permit in order to reduce the potential for marine mammal and sea turtle takes.

Mr. Adam Kenyon stated this issue is time sensitive since this is a fishery that occurs primarily in April, May, and June. Mr. Powers asked if the larger mesh nets are as effective to harvest horseshoe crabs. Mr. Bowden replied that he uses the larger mesh size and catches quite a few horseshoe crabs. Mr. Bowden motioned that the harvest of horseshoe crabs by use of a gill net must have a stretch mesh measure of 6 inches or greater and a twine size of at least 0.81mm in diameter and the harvester must possess a Coastal Striped Bass Permit or a Black Drum Harvesting and Selling Permit. Mr. Powers seconded the motion. Motion carried with 9 in favor and 1 abstention.

**Staff priorities from FMAC**

Mr. O'Reilly commented that staff would like for FMAC to consider from now until the next meeting, what would benefit FMAC the most to have staff work on, for the committee.

**VII. Next Meeting Date**

Meeting date was not set.

**VIII. Adjournment**

Meeting adjourned at 8:20pm