

**Virginia Marine Resources Commission**  
**Finfish Management Advisory Committee (FMAC) Meeting**  
2600 Washington Avenue, Newport News, VA  
VMRC Commission Room, Fourth Floor  
Tuesday, January 14, 2014, 6:00 p.m.

**ATTENDANCE**

Members Present

Jeff Deem (Chairman)  
David Agee (for Hon. Ken Neill)  
Jack Austin  
Skip Feller  
Doug Jenkins (for G. Wayne France)  
Frank Kearney (for Tom Powers)  
Richard Lockhart  
Chris Ludford (for Ernest Bowden)  
Scott MacDonald  
Beth Synowiec  
Robert Weagley  
Walter Rogers

Members Absent

Russell Gaskins  
Andy Hall  
C. Meade Amory

VMRC Staff Present

Robert O'Reilly  
Joe Cimino  
MPO Matt Dize  
Lewis Gillingham  
Joe Grist  
Samantha Hoover  
Adam Kenyon  
Laurie Williams

Others Present

Dr. Robert Allen  
Wes Blow  
Rex Cox  
Dusty Crump Jr.  
Mike Gurley  
Robert Hollowell  
Curtis Jenkins  
Mike Langowski  
Peter Nixon  
Roger Parks  
Walter Vandergrift  
Aubrey Williams

A quorum was present with 12 members in attendance. Minutes were recorded by Laurie Williams

**I. Introductions; Announcements**

**II. Approval of minutes from November 25, 2013 meeting**

A correction on page 3 was requested by Mr. Jack Austin. He noted that he was misquoted regarding a possible increase in possession limit for recreational red drum. Mr. Austin noted the minutes recorded him as stating the red drum possession limit should be only one fish. He said that he had stated that the current limit of three red drum fish per person was adequate. Mr. Jeff Deem then made a motion to approve the minutes. The motion passed unanimously.

### **III. Update: Coastal shark management measures**

Mr. Lewis Gillingham gave a presentation regarding Addendum III to the Atlantic States Marine Fisheries Commission (ASMFC) FMP. The intent of the addendum is to address the recent findings that scalloped hammerhead and blacknose sharks are overfished or may be experiencing overfishing. This addendum establishes new species groups for coastal sharks. It also sets a new recreational size limit of 78 inches for hammerhead sharks and maintains consistency with federal restrictions already set for the Exclusive Economic Zone (EEZ).

Mr. Gillingham informed the FMAC that the VMRC submitted a proposal to ASMFC on Jan 3<sup>rd</sup>, 2014 and will hold a public hearing at the February Commission meeting. The Coastal Shark Management Board will meet in February to review and take action on the state proposals. States either have to implement the management measures by March 1<sup>st</sup>, 2014 or be well into that process at that time. The National Marine Fisheries Service (NMFS) adopted an increase on possession limits for large coastal sharks from 33 to 36 per vessel per day in the EEZ for directed permit holders. The Commission is not required to adopt this increase, however the difference in the limits could cause problems for fishermen fishing with federal permits but landing in the state if the state is more restrictive.

Mr. Scott MacDonald made a motion to support the increase in the possession limit for large coastal sharks. The motion was seconded by Mr. Skip Feller and passed unanimously.

### **IV. Update: Commercial spiny dogfish daily trip limit**

Mr. Joe Cimino presented an update concerning the daily trip limit for commercial spiny dogfish. He informed the FMAC that at the December 2013 Commission meeting there was a request of the Commission to make an emergency regulation to increase the commercial spiny dogfish daily trip limit from 3,300 pounds to 4,000 pounds. He informed the committee members that the emergency regulation for increasing the commercial dogfish daily trip limit was in effect as of January 1, 2014 to allow the Commission time to have a public hearing regarding an increase on daily trip limit. Previously, the FMAC had endorsed a 3,300 pounds trip limit. The limit is set at 4,000 pounds in federal waters. He noted that this fishery is strongly market driven and at the time of the last FMAC discussion on spiny dogfish, there was uncertainty as to whether there would be a market for the spiny dogfish at all. He stated that the public hearing would be to extend the trip limit increase to 4,000 pounds for the remainder of the 2014 season.

Mr. MacDonald commented that adopting the 4,000 pounds has succeeded in recruiting more boats to participate in the fishery's currently limited market. He stated that the industry would like to keep the limit at 4,000 pounds permanently.

Mr. Richard Lockhart made a motion to increase the commercial spiny dogfish daily trip limit to 4,000 pounds. This motion was seconded by Ms. Beth

Synowiec. The motion passed unanimously.

**V. Update: Commercial red drum size and possession limit**

Mr. Joe Grist stated that the VMRC had submitted an alternate management option to the ASMFC South Atlantic Management Board. The ASMFC Technical Committee for red drum will review the proposal for an 18 to 25 inch slot limit and a possession limit of five fish, in the next couple of weeks and also that this item will be on the ASMFC agenda for the South Atlantic Board on February 6<sup>th</sup>. Mr. Grist stated that if the VMRC gets approval for the request, it will then be presented before the Commission to request a public hearing. The public hearing could be as early as March.

**VI. Discussion: Commercial cobia possession limits**

**- Request to allow commercial hook-and-line licensees a possession limit of 8 cobia, per vessel.**

Mr. Cimino began his presentation by reminding the committee that this item has been an ongoing discussion item, which began with a question about the possession limits for the crew of a commercial hook and line (CHL) fishing trip.

Mr. Cimino noted there are two chapters of regulation pertaining directly to this matter: 4 VAC 20-610-30 which establishes that in accordance with §28.2-241 C of the Code of Virginia, only persons who hold a valid Commercial Fisherman Registration License (CFRL) may sell, trade, or barter their harvest, or give their harvest to another, in order that it may be sold, traded, or bartered. Only these licensees may sell their harvests from Virginia tidal waters, regardless of the method or manner in which caught., In the case of CHL trips, the interpretation of staff and the VMRC Law Enforcement Division remains, along with the regulatory review committee, that in order to possess cobia for sale one must possess a CFRL. Therefore only individuals in possession of a CFRL who are participants in a hook and line fishing trip may each keep two cobia to sell. Chapter 4VAC 20-995-30, establishes that recreational fishing is prohibited during a CHL trip and CHL fishing is prohibited on recreational trip (i.e. on a charter for hire). Therefore individuals on a CHL trip that do not possess a CFRL while fishing commercially could not keep 1 cobia as a recreational possession limit.

In previous FMAC meetings there was discussion about expanding the hook and line possession limit for a single license holder to possess up to eight cobia per vessel. The South Atlantic Fishery Management Council (SAFMC) allows states the flexibility to have different cobia possession limits. He noted that currently the federal and state regulations are congruent and have been for the past twenty years.

Mr. Austin asked staff if the question before FMAC was having a vessel limit of six or eight fish for commercial hook and line cobia. Mr. Cimino clarified that this item was mentioned solely as a discussion item for consideration as a result of a previous request from a CHL holder to the committee. Mr. Austin commented that cobia is primarily a recreational fishery. He pointed out that from the data presented, it can be seen that recreational fishermen are catching the majority of the cobia harvested. He stated that cobia is a very popular

recreational game fish and its popularity has increased over the last four or five years mainly due to the practice of sight casting. Mr. Austin suggested that in consideration of the increased pressure on the cobia stock from recreational fishermen that he preferred to keep the possession limit at two fish per licensee. Ms. Synowiec agreed.

Mr. Deem asked if any changes made by the Commission would have to be approved by the ASMFC. Mr. Cimino clarified that if a change to the cobia possession limit advances, then the VMRC staff would have to notify the SAFMC since the state of Virginia participates in the SAFMC management plan for cobia. Mr. Cimino noted that since the management plan does not have any requirements for the state on what restrictions to implement, then there would not necessarily have to be a formal review or approval. He cautioned the FMAC that even though a formal review is not required, the SAFMC could become concerned if the VMRC lessened restrictions on cobia.

Mr. Ludford informed the FMAC that the purpose of the request for eight fish per vessel was not to accomplish a goal of four people going their separate ways and selling their fish. He stated that the goal is to make a profit and provide quality fish to the Hampton roads and DC metro areas, etc. Mr. Ludford added that cobia is often a part of a commercial fishing day and makes that day profitable. He felt that it was a limited commercial fishery that was being discussed and that it would by no means equal the cobia harvest in the 1960's and 1970's. He emphasized that it was not the commercial industry's intention to make the situation into another "us and them" issue with the recreational industry. He reiterated that the goal was to provide fish to Americans who do not have the means of catching the fish for themselves. He concluded by asking the FMAC to consider the possibility of increasing the cobia possession limit for an individual CHL license holder.

Mr. Scott MacDonald agreed with Mr. Ludford that those who are fishing for cobia are a small group and only do so in a short season and that the Commercial Fishing industry had suffered due to the poor economy as well as the Charter Boat Industry. He suggested that a compromise was possible.

Mr. Deem asked if there were any public comments.

Dr. Robert Allen, a recreational fisherman, shared that tackle shops, boat dealers, marinas, etc. create a lot of jobs and money for the state. He expressed concerns that the recreational industry is crashing and that fish stocks are in trouble. Dr. Allen agreed that a compromise must be achieved in this situation.

Mr. Wes Blow, recreational fisherman, shared that he had witnessed a dramatic decline in large cobia. He suggested setting a limit of six fish per vessel for both commercial and recreational cobia harvest.

Mr. Kearney agreed the state of Virginia should set a limit of six fish per vessel in consideration of the growing interest in cobia fishing and the fact of the bay being a spawning area. He suggested there be a limit of two fish per

commercial fishing license and a limit of one fish per recreational license with a limit of six fish per vessel per day.

Mr. Walter Rogers raised the concern that increasing the possession limit to eight fish would potentially increase the effort in the fishery to catch cobia. He also asked if eight fish per vessel would be enough to make the trip profitable for a commercial fisherman. Mr. Ludford answered that it would be rare to actually catch all eight fish but having it possible to keep that many would be helpful to fishermen.

Mr. O'Reilly added that there are two situations that are being dealt with by staff and the FMAC. One is involving the cobia possession limit and the other the number of hook and line licenses available. He stated the importance of realizing that the two issues are intertwined. He remarked the original intent of allowing crew members for a commercial hook and line trip was to assist the captain. Mr. O'Reilly said that if nothing is changed then it forces fishermen like Mr. Ludford to find individuals with commercial licenses to be their crew members. Mr. O'Reilly stated that if the FMAC did not want to get involved in this situation then the VMRC staff must continue to hold the interpretation that every crew member must have a CFRL and be accompanied by a captain with a commercial hook and line license in order to keep two cobia. He also informed the committee that if anything is to be changed regarding the limited entry of commercial hook and line licenses, then staff would ask the Commission to establish a task force to develop a solution. He noted that the Task Force would have Commission representatives on it.

Mr. Deem made the decision, upon hearing no objections, to move to the next agenda item and then return to discuss the possible increase of the cobia possession limit (see item VI. Continued Discussion: Commercial cobia possession limits immediately following item VII. Discussion: CHL licensing).

## **VII. Discussion: CHL licensing**

- **Request to increase the number of commercial hook-and-line licenses, from the current limit of 200, and make any additional licenses available to charter boat licensees.**

Mr. Cimino noted that this item was another discussion item that was a request by a committee member to be considered by FMAC. He then gave some background on the establishment of the CHL. Mr. Cimino reminded the FMAC that an individual can fish for striped bass by hook and line without a commercial hook and line license as long as he has his striped bass hook and line license which anyone is allowed to obtain if he has striped bass quota.

Mr. Cimino also presented information on the number of 2013 licenses sold for both charter boat and commercial hook and line. He then explained the regulations for CFRL and CHLs to the FMAC and detailed the requirements for a person to obtain such licenses. He also connected those requirements with the implications of increasing the number of CHLs available.

After some discussion Mr. Deem asked staff if the question was whether to

increase the number of commercial hook and line licenses and make them available solely to charter captains or not. Mr. O'Reilly answered that he could only share what he knew and that there are 19 charter captains who also have their hook and line license. They each got that license by purchasing it like anyone else. If the Commission was to increase the number of commercial hook and line licenses available then another task force would be required to look at the situation fairly. There are routes that can be taken to first obtain a CFRL which are open to everyone. There is already a system of limited entry and ability to transfer licenses to others.

Mr. Peter Nixon expressed his concerns that licenses are traded like commodities or equities. He felt that it was not realistic for someone to expect licenses to be given to them solely upon request. He shared that every fishery he is involved in is under extreme pressure and felt that increasing the number of hook and line licenses would only increase the pressure on already weak stocks. Mr. Doug Jenkins and Mr. MacDonald both commented that a way to enter the fishery already exists.

Mr. Deem asked the FMAC if anyone wanted to make a motion to increase the number of hook and line licenses available. Seeing none the subject was considered closed for discussion.

#### **VI. Continued Discussion: Commercial cobia possession limits**

Mr. Austin offered a motion that the FMAC recommend a commercial limit of 6 cobia per vessel for CHL fishermen regardless of there being more than one license holder on board. Mr. Ludford seconded the motion and added that the FMAC should entertain the idea of the recreational industry taking the same limit. Mr. Blow, a member of the public, commented that he would like to see a recreational vessel limit set also. The motion passed with nine committee members for it, one opposed and two abstentions.

#### **VIII. New business**

Mr. Lockhart stated he would like to look at changing the speckled trout regulation. He shared that he would like to see the recreational possession limit be lowered year round from 10 to five fish per person. Mr. O'Reilly said it could be added to the agenda for the next meeting. Mr. Lockhart also requested that a change be considered in season for striped bass. Mr. O'Reilly also assured him that striped bass could be discussed at the next meeting. He also confirmed that change in fishing season did need to go to the ASMFC for approval.

#### **IX. Adjournment**

The meeting was adjourned at 8:30pm.