

**Virginia Marine Resources Commission  
Finfish Management Advisory Committee (FMAC) Minutes**

2600 Washington Avenue, Newport News, VA

VMRC Commission Room, 4<sup>TH</sup> Floor

Monday March 27, 2017 – 6:00 P.M.

**ATTENDANCE**

Members Present

Jeff Deem (Chairman)  
John Bello  
Tom Powers  
Wes Blow proxy for Hon. Ken Neill  
Scott MacDonald  
Skip Feller  
Ernest Bowden

VMRC Staff Present

Joe Cimino  
Alex Aspinwall  
Lewis Gillingham  
Ryan Jiorle  
Katie-May Laumann  
Jill Ramsey

Members Absent

Andy Hall  
Walter Rogers  
Meade Amory  
Jack Austin  
Robert Weagley

Others Present

Gary Kusturin	Charles Meredith
Johnathan Kusturin	Jack Galing
Jeremy Kusturin	John Green
Bill Gorham	Joey Berberich
Zack Hoffman	Ken Neill
Jon Kurowek	Chris O' Brien
Nick Brinkler	Austin Hayne
Rick Lockhart	Alex Field
Bob Reed	Jack Galing
James Seed	John Bourne
Rob Choi	Gary Nelson
Justin Breand	John Green
Bryan Burress	Barbara Bowden
Phillip Burress	Chang Choe
Chris Martin	Dawn Hupman
Mike Avery	Rob Chi
Lanie Avery	Justin Stevens
Brian Watkins	Bill Garlu
Wayne Webb	Dalton West
Trent Roberson	Craig Freeman
Kayleigh Webb	Aaron Bata
Timmy Coker	Patt Link
Justin Cooper	Chase

**I. FMAC Introductions; Announcements**

The meeting was called to order at 6:05pm

**II. Approval of FMAC minutes from September 19, 2016 and February 27, 2017 meeting.**

The minutes from the September 19, 2016 meeting were approved. The minutes for the February 27, 2017 meeting were not approved. Mr. Tom Powers felt that the February 27, 2017 meeting lacked detail and therefore did not accept the minutes. The minutes for the February 27, 2017 meeting was corrected by staff and will be tabled until the next Finfish Management Advisory Committee meeting.

**III. Old Business:**

Atlantic sturgeon - changes to the application for an Incidental Take Permit.

Dr. Katie May Laumann gave a presentation on the Individual Programmatic Take Permit (ITP) for Atlantic sturgeon and sea turtles. The ITP is required under the Endangered Species Act and effects all Atlantic coastal states. Dr. Laumann explained the reason behind the Permit; it is required in order to allow continued operation of commercial fisheries that intercept Atlantic sturgeon and sea turtles as bycatch in Virginia state waters. Dr. Laumann explained that NOAA requires a Permit application that includes a maximum number of allowed takes of each species, as well as a providing a monitoring and conservation plan. These components of the permit are currently based on a limited datasets from the Northeast Fisheries Observer Program and the Virginia Aquarium. Dr. Laumann stressed the importance of improving upon available data by increasing the number of observed trips. A state observer program, which will give staff the data needed to update estimates of the number of Atlantic sturgeon and sea turtles caught as bycatch, began operating in 2016. The goal of this observer program is to observe at least 1% of the total commercial gill net trips taken each year. Data collected in the first three years of the program be used to update the allowed amount of Atlantic sturgeon and sea turtle bycatch and to minimize the amount of bycatch as necessary. Commercial fishermen are also being asked to voluntarily report bycatch of these species in order to increase the amount of data available and come up with more realistic bycatch estimates. After the presentation was finished, Mr. Jeff Deem asked Dr. Laumann what is being done to encourage commercial fisherman to report bycatch. Mr. Deem was worried that commercial fisherman might not want to report bycatch. Dr. Laumann told the committee that staff has interacted with commercial fisherman by handing out informational cards on how to report bycatch during the distribution of striped bass tags, but asked for advice from the committee on how to improve reporting and increase fishermen cooperation with the observer program. Mr. Ernest Bowden indicated that it is important that observers be available to observe trips on weekends and

during non-traditional business hours. Dr. Laumann agreed and Mr. Deem asked staff whether they could meet with commercial fisherman to discuss the importance of the observer program and reporting Atlantic sturgeon and sea turtle bycatch. Mr. Cimino told the committee that he was confident that a regulation would not be necessary in order to meet the goal of observing 1% of commercial trips. Mr. Cimino reiterated that observer data and bycatch reports would allow reevaluation of amount of bycatch by area, and allow us to focus any necessary bycatch reduction efforts (such as potential closures) on areas that have high amounts of bycatch rather than instituting state-wide measures.

Cobia- Continued discussion and vote on 2017 recreational management measures, providing a recommendation to the Commission for its March 28<sup>th</sup> public hearing.

Mr. Ryan Jiorle began his presentation by emphasizing the importance of the meeting and what staff hopes the advisory group and the public will promote for tomorrow's commission meeting. Mr. Jiorle showed a graph of cobia spawning stock biomass from the last stock assessment, which was used to depict declining trends in spawning stock biomass as a subtle reminder to everyone that the cobia fishery is approaching the overfishing and overfished levels. Mr. Jiorle gave an overview of the Virginia landings and regulations for the 2015 and 2016 season. He explained the calculations used to estimate landings and what Virginia expected to land in terms of pounds of fish in 2016. Mr. Jiorle stated that based on our calculations, staff expected Virginia anglers to catch 332,970 pounds, unfortunately the management measures put in place were not reflected in the 2016 MRIP landings. Acknowledging that the MRIP landings may not be reliable, Mr. Jiorle used the standard error of the mean from the last three years of harvest data to come up with harvest projections under a variety of different vessel and seasonal measures. A total of five management measures were presented to the committee and the public. Mr. John Bello asked Mr. Jiorle if any of his projections included a no season closure option or a seasonal closure of August 31<sup>st</sup>. Mr. Jiorle responded by saying that none of the options included a no seasonal closure but did provide Mr. Bello with projections ending on August 31<sup>st</sup>. Mr. Tom Powers asked Mr. Jiorle about staff's recommendation for the 2017 season. Mr. Jiorle presented staff's recommendation to the committee and the public. The conversation quickly switched to gaffing measures when Mr. Bello asked Mr. Jiorle about staff's position on gaffing. Mr. Jiorle explained that staff did not choose a side on gaffing as there was little scientific evidence supporting the impacts of gaffing to the fishery. The committee gave their opinion on five major points including vessel limit, season, minimum size limit, gaffing and vessel limit per day or per trip. The general consensus amongst the committee was to keep a minimum size limit of 40 inches and let the public discuss their opinions on vessel limit, season and size limits before making a formal motion.

Ten members of the public provided comment to FMAC. Six were charter captains and four were private recreational anglers. The majority of charter boat captains were concerned with a season closing date of August 31<sup>st</sup> and would like to see a season extending into September. The majority of charter captains wanted to make gaffing optional and increase the vessel limit to 4 fish to relieve the captains from having to split up fish filets amongst customers. The majority of private recreational anglers were happy with keeping the same size limit of 40 inches and wanted the committee to extend the season into September and increase the vessel limit to four fish. Mr. Deem asked the audience to raise their hands for a general consensus on the idea of the captain and mate not counting toward the vessel limit on for-hire trips. The majority of charter captains and private recreational anglers agreed to the idea of different vessel limits for recreational and for hire trips. One private recreational angler did not agree with a change in vessel limit for recreational angler and for hire trips. There was also consensus from the public to keep the stipulation that only one fish per vessel could exceed 50 inches. Mr. Powers made a motion to recommend to the Commission a 40-inch total length minimum size limit, a season of May 15-September 15, a one-fish possession limit, and a four-fish daily vessel limit—whichever is more restrictive—where the captain and mate are not allowed a possession limit on for-hire trips. The motion was seconded by Mr. Bello, and Mr. Wes Blow offered a friendly amendment to the motion to reduce the vessel limit to 3 fish, saying the committee needed to be more conservative in its recommendation. Mr. Powers agreed to the amendment, but Mr. Bello did not, meaning the friendly amendment failed. The committee voted on the original motion, which passed 4-1-2. The meeting was adjourned at 8:35pm.

#### **IV. New Business**

Mr. Deem requested staff investigate the possibility of adjusting regulations such that a vessel limit is defined by a “per-trip” basis, as opposed to the current “per-day” basis, as charter captains desired the freedom to take multiple trips in the same day.

Mr. Bowden requested staff explore the various transferrable licenses offered by the VMRC for the purpose of facilitating direct, generational, family transfers.

#### **V. Adjournment**

- The meeting adjourned at 8:30 pm.