

**VIRGINIA MARINE RESOURCES COMMISSION**

**FINFISH ADVISORY COMMITTEE MEETING**

**VMRC CONFERENCE ROOM**

**July 18, 2006**

**MEMBERS PRESENT**

Hon. Ernie Bowden  
Mr. Walter Rogers  
Mr. Wynston Holbrook  
Mr. Jeff Deem  
Mr. Russell Gaskins  
Mr. Douglas F. Jenkins, Sr  
Mr. David Agee proxy for Dr. Ken Neill  
Mr. Samuel Swift  
Mr. Robert Weagley  
Mr. Tom Powers

**MEMBERS ABSENT**

Mr. William Laine, Jr.  
Mr. Peter Nixon  
Mr. Chris Vaughan

**VMRC STAFF**

Mr. Jack Travelstead  
Mr. Rob O'Reilly  
Ms. Stephanie Iverson  
Mr. Joe Cimino

**I. Introductions, Announcements**

Chairman Bowden called the meeting to order at 6:06 pm. Chairman Bowden announced that Board member Garrison was not re-appointed to the Commission and would, therefore, no longer be the FMAC Chair.

**II. Approval of the minutes from the June 20, 2006 meeting**

The minutes were approved.

### **III. Old Business**

#### **a. Continued striped bass discussions**

Mr. O'Reilly began by presenting some landings data, regarding Virginia's recreational striped bass fishery, from NMFS Marine Recreational Fisheries Statistics Survey (MRFSS). The 2005 summary was broken down into time of year, area and fishing mode (shore, private boat, charter boat) estimates. Mr. O'Reilly concluded the recreational summary for 2005 by stating that staff does not see a need to make a push for further regulatory action for the recreational fishery at this time. However, he also noted that staff would like FMAC's recommendation.

There was a motion to keep 2005 fall recreational regulations in place for fall 2006. The motion passed unanimously.

Mr. Cimino presented a brief summary of the 2005 commercial striped bass landings. He showed a comparison of what the harvest was for the year and what the potential harvest could have been if the commercial quota was based on a weight system instead of a tag-based system. The comparison demonstrated the number of individuals whose actual 2005 harvest would have exceeded what a personal allocation of quota would have been based on a poundage system and those individuals whose actual harvest would have been under their individual share based on a poundage system. The projected overage was more than 69,000 pounds greater than the projected underage for the Bay quota.

Chairman Bowden made note that if the number of individuals who did not utilize any of their tags or just a small portion of them, instead landed all of their fish, the quota would have been significantly exceeded.

#### **b. Saltwater/freshwater license jurisdiction issues, update**

Mr. Travelstead explained to FMAC that Virginia Dept. of Game and Inland Fisheries (DGIF) had raised two legal issues in recent months. These issues were brought before the Attorney General's office, and VMRC was made aware of the issues as well. Mr. Travelstead stated that, legally, a license to use commercial gear for recreational use is issued by VMRC and can be fished up to the fall line. Regarding the second issue, he noted that there is a law that states it is illegal to catch freshwater fish using any commercial gear, whether it is for commercial or recreational use. Freshwater fish would include white perch, yellow perch, gar, carp, and gizzard shad. However, there is a provision which would exclude catfish. Mr. Travelstead said that DGIF would attempt to make these issues known to the general public and will not be issuing tickets immediately. DGIF would like VMRC's assistance in defining a line in the river systems, above which it would be illegal to take these freshwater species, using commercial gear. Mr. Travelstead told FMAC he would like individuals affected by these issues to be at the meeting with VMRC staff, to provide guidance in setting these lines. He also mentioned that he does not feel that there is one definition that will work for all the river systems.

There was some discussion by committee members, staff, and audience members as to what circumstances created these issues. There were also several points made that the species being discussed have been landed commercial for many years, and that they are an

important monetary component of up-river commercial harvester's catch and some species (gizzard shad) are taken in small amounts by recreational fishermen. FMAC decided on a few individuals that should be present at the meeting with staff.

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

##### **a. Mandatory Reporting issues**

There are changes to the mandatory reporting regulation that staff would like to make, that Mr. Travelstead presented. One change would be to require a 911 address to the application process, for a commercial fisherman's registration license. Another provision to the regulation that staff would like added is to address the issue of non-reporting. Persons who have outstanding mandatory reports, under this proposed provision, would not be able to renew their commercial licenses for a new year, until all reports are provided to VMRC. Mr. Travelstead explained that non-reporting in the conch fishery hurt Virginia's argument to keep the horseshoe-crab fishery open. He also stated that staff would like to take this before the Commission at the August meeting and would also appreciate FMAC's recommendation.

There was a motion to support staff's recommendations, regarding changes to the mandatory reporting regulations, which passed unanimously.

##### **b. Review of the 2006 Shad bycatch season**

Mr. O'Reilly began with an introduction on how a bycatch fishery for American shad in waters under VMRC's jurisdiction came about. He explained that, although the by-catch fishery was allowed with several restrictions for 2006, it is not guaranteed for future years. Mr. O'Reilly pointed out that VMRC staff had made some conservative projections as to how many shad would be harvested under the by-catch allowance, and, according to the 2006 reports from the participants, the actual harvest number was lower than projections. He concluded by saying that ASMFC's American shad Technical Committee would review the data provided by VMRC reporting and VIMS observational trips and would recommend to the ASMFC Management Board whether or not the by-catch fishery should continue for the 2007 season.

A discussion ensued on the proposal, to go before ASMFC, regarding the restrictions applied to the by-catch fishery. A motion was made to expand the number of individuals allowed into the fishery. It was also suggested that staff look at mandatory reporting data to get an idea of how many individuals have been actively fishing in the allowed areas over the past few years. It was also decided to maintain the boundaries as in 2006 (above the first bridge in the James, Rappahannock and York), maintain the spawning grounds areas as by-catch areas, maintain the gill net gear types of 2006--anchor and stake gill net, but add in pound net and drift net. Unlike 2006, when a 10-fish per vessel limit was in effect in all areas except the spawning reaches (5 fish per vessel in that case), *the FMAC voted for a 10-fish per permittee by-catch allowance, with an allowance for multiple permittees to fish from 1 vessel (3 permittees on a vessel = a maximum of 30 A. shad on the vessel)*. Mr. Gaskin was opposed to this motion, since pound nets below the current areas allowed were not included. Mr. Weagley suggested that as a separate request, Mr. Travelstead ask if the

Virginia tributaries of the Potomac River could have the same shad by-catch provisions allowed under PRFC jurisdiction.

**V. Next Meeting**

The next meeting was not set. However, Mr. Travelstead stated that the Striped Bass Subcommittee should meet next month.

**VI. Adjournment**

The meeting was adjourned at 8:37pm.