

**VIRGINIA MARINE RESOURCES COMMISSION
FINFISH MANAGEMENT ADVISORY COMMITTEE
2600 WASHINGTON AVENUE, NEWPORT NEWS, VA
VMRC COMMISSION ROOM, 4TH FLOOR
TUESDAY, JUNE 16, 2009–6:00 P.M.**

ATTENDANCE

Members Present

Hon. Ernest Bowden, Jr.
David Agee for Ken Neill
Jeff Deem
Russell Gaskins
Wynston Holbrook
Doug Jenkins
Hon. William Laine
Scott McDonald for Pete Nixon
Tom Powers
Walter Rogers
Sam Swift
Robert Weagley

Members Absent

Andy Hall
Chris Vaughn

VMRC Staff

Jack Travelstead
Rob O'Reilly
Joe Grist
Stephanie Iverson
Hershel Shackelford
Mike Johnson
Alicia Nelson

Others Present

Robert B. Allen
Dusty Crump, Jr.
Frank A. Kearney
Joseph C. Ballenger

A quorum was present with 12 members in attendance.
Minutes were recorded by Alicia Nelson.

SUMMARY

I. Introductions; Announcements

Chairman Bowman called the meeting to order at 6:02. He introduced Associate Commission Member William Laine to the Committee.

II. Approval of minutes from May 12, 2009 meeting

A motion was made by Mr. Deem to accept the May 12, 2009 minutes. The motion was seconded by Mr. Powers. The motion passed with one abstention.

III. Old Business

a. Grouper/Tilefish: Update

Mr. Travelstead reviewed the last meeting's discussion on establishing a mandatory reporting permitting process for tilefish and grouper. This topic centered on the concern that the South Atlantic Fishery Management Council (SAFMC) had proposed to extend its management authority for those species into the mid-Atlantic and New England. The snapper/grouper committee is going through a rigorous process of establishing controversial red snapper regulations. Because of the time required on that issue, they did not address the grouper/tilefish measures to the mid-Atlantic at the last meeting. It will not be part of Amendment 17. However, the SAFMC is working on Amendment 18, which could, ultimately, contain measures to extend the management up into the mid-Atlantic. We will not be asking the Commission to take anymore further regulatory action on grouper/tilefish. However, we will suggest that the Commission form an ad hoc panel of recreational grouper/tilefish fishermen to begin discussion on how that fishery should be managed in this area. There is evidence that these species can be easily overfished and it would be irresponsible to not do anything here.

The bottom line is there will be no immediate action by the SAFMC to manage these species off of Virginia. They were very receptive to the concept of the Mid-Atlantic Fishery Management Council (MAFMC) establishing its own committee and advisory panel to help them decide what rules should be put in place in the mid-Atlantic.

b. Blue Catfish

Mr. Bowden asked Mr. Travelstead for a brief update on blue catfish. After the last Commission meeting, the Commissioners sent a letter to the directors of the Virginia Department of Game and Inland Fisheries (DGIF) and the Virginia Institute of Marine Science (VIMS). The Commission also asked VIMS to assemble information on blue catfish (relating to ecology, diet, natural predators, etc.) so that we can determine what effect it has on other species. They will be sending an outline of the project to us shortly. Representatives from DGIF will also join in the effort with VIMS.

The effort is targeted at the probability that there will be legislation issued regarding who should have management authority of the species. If it is determined that VMRC has authority below the fall line, this is the type of information we will need.

The committee discussed the food safety advisories of blue catfish specifically that many of the large fish were over the PCB limits.

Mr. Travelstead said that VIMS may ask for funding.

Mr. Bowden said that he believed things will greatly improve given the discussion at the last Commission meeting.

Mr. Travelstead said it was key to get the report, from VIMS, before the legislature. He said that it was a political decision and the industry needs to get their point across. He

also reminded the group that state agencies aren't allowed to comment on legislation unless the governor's office directs them.

Mr. Weagley asked Mr. Travelstead if it was too early to set up the river herring meeting.

Mr. Travelstead said that he wanted to set it up for this summer, and the meeting was set for July 14 at 7:00 at the New Kent Court House in New Kent, VA.

Mr. Weagley asked Mr. Travelstead to ask Mr. Bowman to attend the meeting.

Mr. Deem said that the Marine Fish Conservation Network made a comment at their last meeting that the VMRC hadn't put stricter controls on river herring yet. He said that they were very concerned about river herring and to expect representatives from the network at the meeting.

The meeting has an open invitation, and committee members were asked to spread the word. It was also suggested to put the meeting information on the VMRC webpage.

c. Striped Bass Commercial Season Extension (January): Continued Discussion

Mr. Travelstead reviewed last month's discussion about extending the striped bass coastal season into early January. Most of the discussion centered on staff's ability to administer the program however, there were other issues such as the gear conflict and the bay versus ocean issues. The federal rules on large mesh gill nets have had the effect of shortening the large mesh fishery. Should we provide other times for fishing that includes more or all of January?

Mr. Travelstead explained that the majority of the striped bass catch occurs in the first two weeks of February. 2009 was an exception, when the catch got pushed back later into February. The large mesh restrictions in the ocean don't go into effect until the middle of February. That isn't a problem unless you have a year similar to 2009. In previous years, the majority of the fishermen had caught most of their fish in the first few weeks. The idea of a January season opening for coastal fishermen provides a benefit that the bay fishermen can't enjoy.

Mr. Travelstead asked if the fish would be more available in January than February.

Mr. Bowden said looking at the data that there would have fewer trips early in the season and this would reduce gear conflict.

Mr. Swift said opening the coastal season early would clear the market for bay harvesters.

Mr. Jenkins said that, in February, the coastal fishery gluts the market for the whole Atlantic coast.

Mr. Bowden disagreed that the ocean quota glutted the bay.

Mr. MacDonald said they might have packed 40 or 50 thousand pounds of ocean fish this past year and that the bay glutted the market this year.

Mr. MacDonald said that when this rule came into effect, they didn't allow them to fish below the bridge. So everything was caught above the Chesapeake Bay Bridge Tunnel.

Mr. Jenkins said that North Carolina trawl fisheries load the market, then the Virginia ocean quota comes in, and the market never clears up.

Mr. Jenkins said the fair thing would be open to the 15th of January, but let the bay season go until the 15th of April. After some discussion, he also suggested opening the fishery state-wide on January 15.

Mr. Agee asked Mr. Travelstead about changing the regulations based on a single year of data since the committee hasn't usually made decisions based on few years of data.

Mr. Travelstead answered that because of the federal rules, we know with certainty when the areas will be closed for striped bass fishing by the end of February. This is a case on providing fishing opportunity. It really has nothing to do with the health of the stock. The fish are either going to be caught during the last few weeks of January or the first few weeks of February. There are questions of when the fish will be caught and if there are going to be gear conflicts.

Mr. Powers said that if there is a January opening, VMRC should open it on Monday through Thursday of the last two weeks of January. That would give fishermen more time because of the short number of days.

Mr. Bowden said that the gear conflicts are only in one place.

The group debated the location and density of the recreational fishery in the area and outside the 3-mile limit.

Mr. Bowden suggested no commercial fishing from 12:00 a.m. on Friday to 4:30 p.m. on Sunday, for the entire month of January, to give the recreational fishery the whole weekend. That would be a good compromise because the majority of the sport fishermen wouldn't be involved, and it would still give the commercial fishermen a chance to catch their fish. This would eliminate waste in the spiny dogfish fishery.

Mr. MacDonald said that the spiny dogfish quota shut down in December this year. More than likely, next year it will shut down in the first few weeks of January.

Mr. Bowden said they can fish smaller nets, but there are a lot of discards.

The group discussed when the bulk of the recreational fishermen fished, whether it was morning or night and when, during the month, the recreational fishery was the most active.

Mr. Travelstead said that when the new MRFSS system begins to pick up the recreational harvest in January and February we will know more.

Mr. O'Reilly said the estimates range from 400,000 to 800,000, which is hard to believe. The method of calculating it has changed over the past few years. Currently, it is based on a tag-recapture method. In the last few years, we had a lot of tags, so we boosted up the harvest using that method. We submitted an alternate method using an average which is why there is a range. The only place those data show up is in the stock assessment for total harvest of striped bass. It's been pushed all the way up to the ASMFC policy board to get Virginia covered during Wave 1, January and February.

Mr. Deem stated that he did not see commercial striped bass gear where he was fishing. He said the recreational guys that would be fishing during the middle of the week should do enough fishing that they know what to look for with commercial gear. He said that there might be a gear conflict on the weekend.

Mr. Travelstead suggested the last 8 or 9 days in January including the weekend. It helps solve a lot of problems, minimizes administration issues, and even with the weekends, it helps solve some of the conflict problems.

Mr. Bowden said the only problem is that the fish were still going out during the first two weeks in January.

Mr. Travelstead clarified that early in the season, they are picking up the tail end of the fish for the year, before you get the catch from the next year. He said we are having trouble reaching consensus, and staff hates it, because we have to make a recommendation on it, and no one likes it. We should try something for one year just to see if it works, and revisit it in one year. He thinks the Commission will want to experiment for one year.

Mr. Swift suggested having the season through the entire month, and Mr. Bowden and Mr. MacDonald agreed because it could potentially spread the catch out.

Mr. Travelstead reminded the group that you can't fish large mesh the first two weeks of January.

Mr. Deem asked Mr. Travelstead if commercial fishing all of January but no weekends would affect staff worse than just the two weeks.

Mr. Travelstead said that it would, but the concern with staff will be the discards. If you are setting less than 7-inch mesh, a large percentage of it will be discards. That's why it would be better after the 15th.

Mr. O'Reilly described mesh selectivity studies by Maryland and VIMS. He said that discards would be a big problem that we haven't had to deal with for a number of years.

Mr Gaskins said that the opening was just for the ocean fishery and that it isn't fair to open the ocean without opening the bay in January as well.

Mr. MacDonald said the ocean fishery only gets the first two weeks in February. The bay has more fair fishing days than the coastal fishermen do. It is also better for the bay fishermen for the ocean fishery to get through the market sooner to give it time to recover.

Mr. Deem asked if bycatch would increase, and Mr. Travelstead said that if the fishermen knew they could keep striped bass, they would probably go after additional fish when they were targeting spiny dogfish and have more discards. He then asked why everyone wants to go after fish those first few days if the price isn't as good.

Mr. MacDonald said that it would help everyone out, financially, to spread out the catch.

Mr. Deem asked if everyone agreed on the first few weeks in January except weekends, and was answered with mixed results from the committee.

Mr. Travelstead said that it would be better to limit it to the last few weekends. He also said that it was more important that the committee come to some agreement, and staff would make recommendations thereafter.

Mr. MacDonald said that giving the recreational fishery the first 10 days of the month and weekends is fair.

Mr. Agee stated that there needs to be some input on the general feelings of the recreational community.

After some discussion, Mr. Deem suggested that the committee table the issue for a month so that the recreational representatives could discuss the issue with the community.

Mr. Travelstead asked for a list of options to focus the discussion. The following options were presented:

- 1) January 11 through 31, gill netting allowed from 4:30 p.m. Sunday until midnight Thursday, and no netting on M.L.King holiday. (11 weekdays and late Sundays; 430 pm on)
- 2) January 19 through 31, gill netting allowed from 4:30 p.m. Sunday until midnight Thursday. and no netting on M.L.King holiday. (7) weekdays and late Sundays (after 4:30 pm)
- 3) January 24 through 31; all (8) days

4) No change--status quo Season starts February 1.

And, sunset any adopted provisions after 1 year.

Mr. Weagley said to make sure that it was a one-year change, so that we could track what happens with the bay market, and Mr. Powers suggested giving the regulation a sunset clause.

Mr. Rogers asked that the same information that was presented for the ocean fishery be presented for the bay fishery, and Mr. O'Reilly responded that the information would be presented at the next meeting.

IV. New Business

No new business was discussed.

V. Next Meeting

The next meeting was scheduled for Thursday, July 16, at 6:00 p.m.

VI. Adjournment

The meeting adjourned at 7:51 p.m.