

VIRGINIA MARINE RESOURCES COMMISSION
FINFISH MANAGEMENT ADVISORY COMMITTEE

June 16, 2003 - 7:00 PM

FINAL MINUTES

MEMBERS PRESENT

Hon. Gordon Birkett
Hon. Russell Garrison
Jeff Deem
Dr. Ken Neill
Samuel P. Swift
William E. Laine
James C. Kellum
Tom Powers
Lyell Jett
Douglas F. Jenkins Sr.
Robert Weagley
Pete Nixon
Wynston D. Holbrook
Chris Vaughan

I. Introductions; Announcements

The meeting was called to order at 7:00 PM by Chairman Gordon Birkett. This was the first meeting of the new Finfish Management Advisory Committee. Everyone introduced themselves around the table.

II. Approval of minutes from the June 16, 2003 meeting

Jack Travelstead suggested that approval of minutes from the last meeting be skipped.

III. Old Business - None.

IV. NEW BUSINESS

A. Form and structure of the new Finfish Management Advisory Committee

Chairman Birkett explained that this smaller FMAC was designed to focus on items for discussion; however, it was only advisory to the Commission. Be aware that the Commission may not always take the FMAC's advice. The standard rules of order were reviewed by the Chairman, who stressed that discussions are more important than the actual vote. He asked members to call VMRC if they were

going to be unable to attend an FMAC meeting, and that they could not miss more than three meetings per year. One member asked if a proxy could attend the meeting, but was told that had not been decided yet.

B. Review of proposed haul seine regulations

Mr. Travelstead stated that this has been a very controversial issue. The old requirement that one end of the haul seine net be stationary has been very difficult to enforce. The old definition in Code allowed both ends of the haul seine to move when closing the net. A bill has been passed in the General Assembly that simply defines the haul seine and leaves it to VMRC to promulgate a regulation on gear restrictions.

Meanwhile, Dr. Bob Orth conducted a study of the formation of scars in submerged aquatic vegetation (SAV) beds. He has concluded that haul seine rigs are responsible for some of this damage. We are faced with the question of what can be done to minimize this damage.

Mr. Travelstead handed out copies of the Draft Proposed Regulation and graphs of harvest and license data. It was noted that croaker constitute the majority of haul seine harvest and that it is a relatively small fishery. A number of haul seiners also hold other gears, including crab pots and gill nets.

Mr. Travelstead explained that staff held meetings with recreational fishermen and then with a group of haul seiners to work out the details of this problem.

Mr. Travelstead went over each section of the Draft Regulation with members.

Bobby Weagley expressed concern about haul seine users in the upper rivers, where they just use one boat and one end is always anchored. Mr. Travelstead responded that if they were just using one boat, then they would be exempt from the tidal requirements and call-ins.

Doug Jenkins asked about an exemption for using a "donkey boat". Mr. Travelstead said no exemption because that was a second boat.

James Kellum asked if there were any other Bay fishery that has to call in to report their fishing activity? Mr. Travelstead answered no.

Pete Nixon expressed concerns about penalties and the calling requirement.

Tom Powers was concerned that there were no depth, pocket or wing descriptions.

Public Comment:

Raymond Kellum (Haul seiner in Mobjack Bay) - stated inspectors can find him any time, no need to require calling in. He uses a one-inch mesh in his net pocket.

Flippo Hicks (Lawyer from Gloucester) - expressed concern about "long hauling". He stated that it was a judgement call if closing the net. He requested that the Commission carry over the SAV protection concerns until next year, to allow time to investigate it more.

Lionel Jenkins (Haul seiner in York River) - in the past, there have been conflicts between haul seiners and Law Enforcement. He met with Commissioner Pruitt and Jack Travelstead and asked for a correction in the language of the Code Section relating to haul seines. He expressed concerns that he felt the commercial haul seiners were excluded in drafting the proposed regulation language. He recommended that the haul seiners cut back to 800 yards of net on each vessel (400 fathoms); it is too difficult to pull just 1000 yards with two boats (not enough net on the bottom). He requested that the Commission allow the haul seiners to try using 800 yards per boat this year. He said that they are using 50-year old fishing methods, and they need time to upgrade.

Mr. Travelstead responded that in Code, only 1000 yards per license is allowed, and they shouldn't be tied together.

Bob Pride (CCA) - their position is that haul seiners need to move off the SAV. He stated that the regulation is not adequate to protect the SAV, and to consider working gear during daylight hours. They are also concerned about the size of nets in rivers.

Kelly Place (Haul seiner) - stated that the haul seine is an inefficient gear, and that 1000 yards does not make a very big circle. There are a number of ways to change techniques of fishing.

Charles Nathan Dryden (Haul seiner from Poquoson) - has a problem with "long haul seining" and how it will be interpreted by Law Enforcement. He explained that you can't pull a straight line against the tide; you've got to go with the tide.

Dr. Bob Orth presented his Propeller Scarring Report to the FMAC. He explained that they have been mapping beds of SAV from aerial photography since 1984. He showed maps with scar frequency damage (more than 3 scars) for the last 13 years. He noted that if left alone, grass beds would take three to five years to recover.

Charles Nathan Dryden stated that he was not responsible for all the scars shown in the Poquoson area. When asked if he could haul in the outer area, he said they

would have to clean up stumps first, and that could take a couple of years.

Doug Jenkins asked Dr. Orth if he had proposed restrictions on any other user groups in the Bay, other than commercial fishermen? Dr. Orth responded no, we haven't seen scarring in recreational user areas, although aquaculture is restricted.

Mr. Jenkins noted that cloudy, muddy water is more damaging to SAVs than scars. Dr. Orth said that Mr. Jenkins was right; water quality issues are important. Mr. Jenkins stated that jet skis, water skiing, boating, etc. muddies the water.

Raymond Kellum asked Dr. Orth about cownose rays. Dr. Orth responded that they are indeed a big problem and do damage the SAVs.

Dr. Orth conclude his presentation by stating that we will work on a compromise.

Mr. Powers asked what is an enforceable definition? Should it be one end anchored? It is difficult to enforce at night.

Mr. Travelstead replied that it was difficult to enforce the old definition of both boats moving at the same time.

Lionel Jenkins extended an invitation to any member of the committee to come on board his haul seine boat.

Doug Jenkins made a motion to eliminate the call-in section in the proposed regulation, as well as Sections D & E under Gear Restrictions. The motion was seconded by James Kellum. The motion failed with a vote of 6:7. Chairman Birkett declined to vote.

Mr. Travelstead offered to meet with both recreational fishermen and Commercial haul seiners the following evening. The recreational fishermen said they couldn't make it, so there will be no meeting.

C. Planning for reductions in 2004 striped bass fisheries

Rob O'Reilly distributed copies of a memorandum from Jack Travelstead to ASMFC Striped Bass Technical Committee and Management Board, concerning Virginia's 2004 Striped Bass management measures. Mr. O'Reilly provided some details about the harvest control model and its relationship with the juvenile abundance survey. As a result, the commercial Bay fishermen and recreational fishermen will be required to take a 20% quota reduction in 2004.

V. Next Meeting Date

Members agreed to meet on the third Tuesday of the month. No meeting was scheduled.

VI. Adjournment

The meeting was adjourned at 9:40 pm.