

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

2600 Washington Avenue, Newport News, VA

VMRC Commission Room, Fourth Floor

Monday, September 30, 2013, 6:00 p.m.

**ATTENDANCE**

Members Present

Jeff Deem (Chairman)

Hon. Ken Neill

Ernest Bowden

Skip Feller

G. Wayne France

Scott MacDonald

Tom Powers

Walter Rogers

Robert Weagley

Richard Lockhart

Members Absent

Russell Gaskins

Andy Hall

Jack Austin

Beth Synowiec

VMRC Staff

Robert O'Reilly

Joe Cimino

Ande Ehlen

Lewis Gillingham

Reneé Hoover

Stephanie Iverson

Adam Kenyon

Kelsey Rooks

Jason Schaffler

Others Present

David Agee

Bob Allen

Doug Jenkins

Frank Kearney

Chris Ludford

Roger Parks

Walter Vandergrift

Larry Snider

A quorum was present with 10 members in attendance. Minutes were recorded by Kelsey Rooks.

**I. Introductions; Announcements**

Mr. Deem called the meeting to order at 6:00 pm.

Mr. Rob O'Reilly updated the board that the Commission recently adopted new sanction guidelines that call for the revocation of commercial fishing licenses for even a single egregious offense. This is a tougher standard from prior guidelines, which required an appearance in front of the Commission on a third court conviction of fishery regulations within a calendar year. The report on the Law Enforcement Subcommittee was distributed to the committee members, and an electronic summary can be found on the VMRC website. The Law Enforcement Subcommittee will be an ongoing process and staff will be looking to that committee and FMAC to begin establishing standards for buyer reporting.

**II. Approval of minutes from July 22, 2013 meeting**

Motion to accept the minutes from the last meeting was approved by unanimous consent.

**III. Consideration of additional criteria to limit participation in the commercial spiny dogfish fishery**

Mr. Joe Cimino presented information on spiny dogfish limited entry criteria. He presented data on the landings of spiny dogfish by certain thresholds and the number of trips landing spiny dogfish for several seasons. Trip reports provided only a cross-sectional review of the fishery and counting trips was the best way to track the permittees in the fishery, because the harvest per permittee could not be determined with the reports submitted due to the fact that many individuals worked on the same vessel. According to FMAC and members of the spiny dogfish fishery, the spiny dogfish fishery can only handle upwards of 40 to 50 vessels. Since most of the 82 permittees work together and take turns reporting as the primary harvesters, there have only been about 43 vessels working in the fishery over the course of the last two seasons.

Mr. Jeff Deem asked how the quota is tracked. Mr. Cimino stated that there are two reporting systems that track information differently. Federally the landings are assigned to the vessel, and at the state-wide level the landings are assigned to the permittee. Mr. Deem asked if it would be better to assign the trips to the vessel; Mr. Cimino responded that it would still show that only 40-50 boats participate in the fishery currently.

Mr. Scott MacDonald explained that the spiny dogfish market may not improve because the fishery is driven by the European market and currently the PCB levels in the US fish are acceptable by US standards, but not European standards. Mr. O'Reilly stated that staff is waiting to see if there is a market, and that the committee has taken good directions to reduce the fishery already. Mr. Powers made a motion for the committee to table the matter for at least 6 months. Mr. MacDonald seconded the motion. Motion passed (9-0-1).

**IV. Requirements established by ASMFC regarding American eel**

Mr. Adam Kenyon provided an overview of Addendum III to the 2000 Interstate Fishery Management Plan for American Eels. He described the addendum's specifications and the changes this would impose to the Virginia fishery. Addendum III requires a 9 inch minimum size limit for both the recreational and commercial fisheries, a 25 fish possession limit per person for the recreational fishery with an exemption for charter boats that will allow them to possess 50 fish per crew member. Addendum III also requires a seasonal closure, from September 1 through December 31 for all gears other than pots and traps. Virginia must comply Addendum III by January 1, 2014. The American Eel Management Board also initiated a draft of Addendum IV to deal with issues in the glass eel fishery.

The Committee asked for clarification on the harvest limit and possession limit because the ASMFC requirements may be a problem for the Virginia fishery. Committee members asked that the regulation changes be clear that the recreational possession limit is a vessel possession limit, because most fishermen store their eels in large barrels for when they go on a fishing trip.

Mr. Robert Weagley asked for clarification on the seasonal closure restrictions. Mr. Kenyon responded that there will be no harvest of American eels from September 1 through December 31 each year from all gears, except pots and traps, to protect spawning silver eels. Mr. Powers said that there needs to be educational outreach for the public to understand the silver eel fishery. Mr. Kenyon stated that DGIF will have to make these adjustments as well.

**V. Preliminary results of ASMFC stock assessments:**

**a. Striped Bass**

Mr. Jason Schaffler presented the results of the ASMFC stock assessment on striped bass. He provided an overview of the coastal and bay quotas, and projections in coming years. Currently overfishing is not occurring and the total Bay-wide quota will increase 14% for 2014.

Mr. Richard Lockhart asked if there was an overall reduction in female biomass. Mr. Schaffler stated the reduction of females in the coastal fishery was due to low recruitment in previous years. Mr. O'Reilly stated salinity and environmental changes have played a factor in the strengths of year classes that led to this female biomass reduction.

Mr. Doug Jenkins of the public distributed pictures and handouts to the committee before providing the board with his historical perspective and knowledge related to the fishery. Mr. Jenkins also stated his concerns about the low blue crab fishery this season, and its impact from finfish species.

Mr. Weagley had a question about how striped bass quota overages and reductions were handled. Mr. O'Reilly noted the recreational fishery has not exceeded its target since 2006.

The committee discussed whether it was possible for the recreational fishery to payback their quota if they went over during the year. Mr. O'Reilly responded that the recreational fishery and commercial fishery management operate differently. The recreational fishery is managed by looking back at a year after it has already occurred, and then adjusting regulation to ensure that any overages do not occur in the following year. Reductions and overages are then handled through season and bag limit changes.

**a. Summer Flounder**

Mr. O'Reilly described the results of the benchmark assessment for summer flounder stating that there would be a decrease to the TAC coast-wide in 2014. The ASMFC is trying to

determine how to achieve equity in the recreational fishery by looking at the retention rates for studying both summer flounder and black sea bass.

Mr. Skip Feller asked about the quota increase recommended by the Scientific and Statistical Committee (SSC) for flounder. Mr. Cimino and Mr. O'Reilly responded, stating that it was an increase from what was previously recommended, but not an overall increase in quota from 2013.

Mr. Deem asked if it was safe to assume that this assessment will not impact the 2014 fishery in Virginia, which Mr. O'Reilly confirmed. Mr. Deem expressed concern about giving up Virginia quota to other states including New York, but in order to make things work he said it may be necessary. Mr. O'Reilly stated that if this were the case, Virginia quota would not be given up easily.

## **VI. Update: Atlantic croaker and spot management status**

Mr. Cimino presented an update on the management status for both Atlantic croaker and spot highlighting a concern that landings in both fisheries are low. Overall the fisheries are seeing a downward trend. The ASMFC South Atlantic Management Board is considering a stoplight approach to look at the separate years to get a baseline rather than 2 year averages. The Technical Committee has been tasked with preparing what these options might be and expect to have a presentation to the Management Board in the spring of 2014.

Mr. Feller asked if the committee will look at numbers or size, Mr. Cimino said both. Mr. Powers stated that small croaker are often used for bait and that any minimum size limit would have severe impacts on that bait fishery. Mr. Lockhart stated that he has spoken to the Virginia Charter Boat Captains Association and they were concerned that if there is a size limit on spot or croaker, it would hurt their business, which use the smaller fish for bait.

## **VII. New business**

### **a. Cobia possession limit in the commercial hook-and-line fishery**

Mr. Chris Ludford, commercial hook-and-line fisherman spoke from the audience to present new business on the cobia fishery. Mr. Ludford explained that the commercial cobia fishery is very small, and that he represents a small amount of the commercial hook-and-line fishermen. Mr. Ludford requested an increase from 2 fish per commercial license holder to an 8 fish limit per vessel. Cobia season is at its peak July through September.

The Committee asked for clarification on the interpretation of "licensed crew," and staff indicated it is someone who holds a valid commercial card. Mr. Powers asked staff to review the commission's January 2007 interpretation of this regulation.

Mr. Cimino said a stock assessment was conducted on cobia in 2012, with limited data on the stock. Data is primarily from recreational and commercial catch. There is data that suggests that a distinct population segment of cobia spawn in the Chesapeake Bay, and increasing pressure on the fishery might be detrimental. Mr. Deem asked if decisions by the South Atlantic Council would impact Virginia decisions. Mr. Cimino stated the current the federal regulation is set at 2 fish per person in both commercial and recreational fisheries, however Virginia does has the ability to set a different limit inside of state waters.

Mr. Snider commented from the public that he believed he had seen a 6 fish commercial vessel fishing limit for Florida. Mr. Ludford stated that there is no specific management plan for cobia in Virginia and that drawing comparisons to Florida would not be in Virginia's interest due to the fisheries being so different. Mr. Ludford explained that his original intent in supporting the regulation of a 2 fish per license limit with 3 licensed crew members was to have an 8 fish per trip limit, total.

Hon. Ken Neill stated that he was a member of the hook-and-line task force and said the matter is very complicated because it will make it for difficult for law enforcement to enforce two separate sets for federal and state waters. Further, by increasing the possession limit in the commercial hook-and-line fishery there would be a disparity with the possession limit of other commercial gear. Mr. MacDonald offered his interpretation that the regulation makes it seem that they may have 8 fish per boat, but can only sell 2 per trip. Mr. O'Reilly said that staff will review this information again to prepare for the November meeting and will seek legal interpretation on the regulation in question.

**b. Red Drum**

Mr. Weagley requested the committee discuss lowering the red drum size limit at the next meeting. Mr. Cimino stated that the Fisheries Management Plan (FMP) already has a restriction on establishing new regulations for commercial fisheries for red drum. Mr. Cimino said any decisions on this matter must go before the ASMFC South Atlantic Management Board. Mr. Weagley stated his concern about red drum consuming the blue crab population, which he said is why the blue crab population is so low.

**c. Black Sea Bass**

Mr. Deem noted that the South Atlantic Fishery Management Council is to double its' black sea bass quota, and requested if there is a way for Virginia to shift to that. Mr. O'Reilly stated that this was unlikely.

**d. Gill nets**

Mr. Ernie Bowden expressed concern about gill net fishing practices in the surf. He stated that there was a previous problem when he served on the Commission, and that he supported a regulation that passed for no anchors or weights to be used within 500 yards of the beach (Chapter 4VAC20-751-10 et seq. "Pertaining to the setting and mesh size of gill nets"). A

concern that nets were going to wash up on the shore without at least one anchor prompted a change to the regulation to anchor one end of the net as well as a tending requirement,. Mr. Bowden explained that individuals have been violating the tending requirement and that the current law is only hurting people who follow it. Mr. Bowden emphasized a need to have something in place for the future, and not later than July 2014 to address this concern.

**e. Artificial Reef**

Mr. Lockhart asked for a status update on the artificial reef program. Mr. O'Reilly stated that the program is still in place and has continued to receive funds to make improvements, and individuals could contact Mr. Meier directly if they have any specific questions.

**VIII. Next Meeting Date**

No specific date was set, but a meeting will occur in November.

**IX. Adjournment**

Meeting was adjourned at 8:56 pm.