

VIRGINIA MARINE RESOURCES COMMISSION

FINFISH ADVISORY COMMITTEE MEETING

VMRC CONFERENCE ROOM

20 March 2007

MEMBERS PRESENT

Jeff Deem
Chris Vaughan
Robert Weagley
Chris Ludford for Pete Nixon
Douglas Jenkins
David Agee for Ken Neill, III
Tom Powers
Sam Swift
Russell Gaskins
Hon. Ernest Bowden, Jr.
Wynston Holbrook
Walter Rogers

MEMBERS ABSENT

Hon. William Laine, Jr.

VMRC STAFF

Jack Travelstead
Rob O'Reilly
Joe Grist
Mike Meir
MPO Ed Clifton
Stephanie Iverson
Sonya Davis
Mike Johnson
Lewis Gillingham

OTHERS PRESENT

Steve Wray
Peter Foster
G.G. Crump
Kelly Place
Jay Hiles (sp?)
Jim Brincefield
Gregory Allen
Darren Foster

I. Introductions, Announcements

Chairman Ernest Bowden called the meeting to order at 6:05 P.M. There were no introductions or announcements.

II. Approval of the minutes from the February 20, 2007 meeting

The minutes were approved as written.

III. Old Business

a. Upriver Gill Net Proposal—Final Recommendations

Jack Travelstead stated the FMAC has reviewed this issue several times already. The Commission has advertised a series of changes regarding the setting and fishing of recreational gill nets in tidal waters, upriver of the established saltwater/freshwater license boundaries, and will conduct a public hearing on this issue at its March meeting. Staff is proposing to limit upriver gill nets to no more than 110 feet in length, limit the soak time to one hour, continue to require the fishermen to remain within 100 yards of their net and exempt the nets from the existing marking requirements but require the nets be marked with a fluorescent yellow, 3-1/2-inch diameter float. The proposed changes will only apply to anchored recreational gill nets. Recreational drift nets, such as those used for herring, will not be affected. The proposed changes will primarily impact recreational catfish anglers that use small anchored gill nets to catch gizzard shad for use as catfish bait. Mr. Travelstead stated staff has met with upriver recreational catfish anglers and they support the proposed changes.

Several FMAC members expressed concern that DGIF was now regulating species of commercially caught fish. Mr. Travelstead explained that some wording in DGIF regulations conflicts with wording contained in VMRC regulation. The state attorney general has met with DGIF and VMRC and ruled VMRC regulates commercial fishing up to the fall line but DGIF regulates freshwater fish. As part of a compromise between the two agencies, DGIF has modified its regulations to allow commercial fishermen to harvest white and yellow perch, gar, carp and gizzard shad and recreational fishermen to catch and keep gizzard shad and white perch which are all species the DGIF believed were freshwater fish. In exchange, VMRC has agreed to further restrict how recreational gill nets are fished above the saltwater/freshwater boundary.

From the audience, G.G. Crump stated he had problems with bass boaters and Jet Ski operators running over properly marked commercial gillnets and stake gillnets. Mr. Crump believes allowing recreational gillnet fishermen to use small floats to mark their gear is a mistake. Mr. Travelstead reminded Mr. Crump these upriver nets were only 100 feet in length and were always tended (the owner was within 100 yards). Additionally, the marking exemption was similar to the exemption provided for upriver commercial white perch fishermen, which also allowed the ends of the net to be marked with 3-1/2-inch diameter floats.

Chairman Bowden asked the FMAC if they were ready to make a motion. Tom Powers said the group had endorsed these measures last fall and Chairman Bowden moved to the next item.

b. Tilefish and Grouper Recommendations

Joe Grist provided the FMAC with a handout that included a summary of the Northeast Fisheries Science Center (NEFSC) data for permitted charter and

headboats (the FMAC had requested this data at their last meeting), the staff recommendation for tilefish and grouper limits, and letters from Harry Dorente and Jim Brincefield. Mr. Grist reviewed the NEFSC data. The data provided by NEFSC was very limited and therefore of little value for this issue. Mr. Grist reiterated the greatest concern was these species were slow growing and easily over fished, as has been seen in the South Atlantic. Further, it is staff's intent to develop some precautionary management actions for blueline tilefish and snowy grouper off the Virginia coast. This will allow collection of landings information, life history data and the development of population dynamics models to determine status of the stock before the fishery overexploits the existing resource. Staff is recommending a 10-fish blueline tilefish limit per person per day and a one-fish grouper possession limit per person per day recreationally. For commercial trips, a 300-pound tilefish per day per vessel and 175-pound grouper per day per vessel possession limit is recommended by staff. To arrive at these recommendations, staff evaluated results of deep-drop trips from several recreational fishermen and reports from commercial black sea bass fishermen, as well as information from the March FMAC meeting, and concluded these proposed limits would not curtail the current level of fishing.

The issue was opened for discussion:

Chris Ludford asked how accurate was the NEFSC data? Mr. Grist responded staff believes the data is very poor in terms of reflecting the current fishery between North Carolina and Massachusetts. "That was my point, we don't dispute the data is poor quality," replied Mr. Ludford.

From the audience, Captain Jim Brincefield reiterated most of the points contained in his letter (included in the hand-out). Mr. Brincefield felt this issue was an effort to regulate one boat, the Jil Carrie. Mr. Brincefield cited the impressive catches of large tilefish as evidence the population off Virginia is healthy. Mr. Brincefield believes the VMRC is allowing the South Atlantic to dictate the proposed restrictions. Mr. Brincefield suggested the best way to help deep-drop fishermen, and help commercial fishermen at the same time, would be to open up the commercial spiny dogfish fishery because the dogfish are eating "everything out there."

Gregory Allen felt the proposed restrictions for grouper (1 fish) were too severe. In North Carolina, anglers can keep up to 5 grouper. Mr. Allen has caught tilefish off Virginia and off North Carolina and the tilefish off Virginia are much larger. Mr. Allen also commented about the abundance of spiny dogfish off the Virginia coast.

Jay Hiles (sp?) supports earlier statements about the abundance of spiny dogfish. Mr. Hiles wondered why the VMRC is proposing to restrict the catch of tilefish and grouper, when so few boats are fishing for them and there is a lack of other supporting data.

Chris Ludford stated that commercial fishermen in North Carolina felt the blueline tilefish and grouper stocks were in much better shape than in other parts of the South Atlantic. He cited a very active and growing recreational fishery for blueline tilefish out of Oregon Inlet, as evidence these stocks were healthy. Mr. Ludford felt restricting Virginia's commercial and recreational fisheries was not warranted at this time.

Joe Grist requested an opportunity to respond to some of the earlier comments. Mr. Grist stated staff had never claimed blueline tilefish off the Virginia coast were declining. Instead, the proposed restrictions were meant to be pro-active and maintain this healthy fishery. Regarding the recreational grouper limits off North Carolina, anglers could keep up to five grouper but this was an aggregate limit that included blueline tilefish. If an angler kept one grouper, then only four tilefish could be kept. From what is known about the characteristics of the recreational deep-drop fishery off Virginia, blueline tilefish is the major component. This is why staff has proposed a 10-fish limit for tilefish. Lastly regarding the spiny dogfish, Mr. Grist stated "we would all like to see restrictions in the dogfish fishery loosened-up." To this end, staff will request advertisement at the March Commission meeting for a public hearing to establish a year round 3,000-pound commercial limit for spiny dogfish, for as long as quota is available.

Doug Jenkins felt with so little known about these fish off the Virginia coast "its' like we are shooting in the blind," with regards to harvest limits. Mr. Jenkins did support adopting some liberal limits, and "if the fish begin to get scarce, then we can cut back."

Tom Powers said Harry Dorente's proposal at last month's meeting was meant to allow existing commercial fisheries, that do occasionally catch grouper and tilefish, to continue to land these fish, yet preclude the development of a directed commercial fishery. Mr. Powers stated the best catch by any of Captain Jim Brincefield's parties was 144 tilefish, for 14 paying customers, which is about 10 fish per person and is consistent with the staff proposal of 10 fish per person. Mr. Powers stated he would propose something more liberal than the staff proposal of 10 tilefish and one grouper, once this discussion had concluded.

From the audience, Darren Foster thought any proposal to limit Virginia commercial fishermen was a waste of time, since any boat could fish off the Virginia coast, catch tilefish and grouper and then land their catch from Maryland the Massachusetts, where no landing limits exist. Mr. Foster stated very few grouper have been caught, perhaps as few as five in 2006, recreationally. Deep-drop anglers catch black sea bass and tilefish in the same hard bottom areas, but once you move out beyond 350 feet, most of the black sea bass disappear from the catch.

Chris Vaughan described the tilefish fishery off the Virginia coast as “world class” and felt we should do something to maintain that status, even though “the science or data is not there.”

Chris Ludford requested a brief period of time in order to caucus with some of the recreational anglers. Chairman Bowden granted the request.

When the meeting resumed, Chris Ludford stated it was important for Virginia to move ahead and establish some restrictions or risk being pulled under the SAC regulations. **Mr. Ludford made the following motion:**

A recreational limit of 12 blueline tilefish and 3 grouper. A commercial limit of 300 pounds of tilefish and 175 pounds of grouper. Tom Powers seconded the motion.

Tom Powers provided more rationale for the motion. Mr. Powers stated the recreational proposal was equal to Mr. Brincefield’s best day plus 20%. Additionally, the captain and mate were also allowed their possession limit, in Virginia. Commercially, the limits would allow the commercial fishery to continue as it exists, and landings of tilefish and grouper would remain a by-catch.

Both Chairman Bowden and Mr. Jenkins expressed interest in having a higher commercial limit.

Chairman Bowden asked Mr. Ludford (maker of the motion) if he would accept a friendly amendment, and allow up to two commercial possession limits per vessel provided there were two landing licenses or two registered watermen aboard. Mr. Ludford accepted, but Mr. Powers (who seconded the motion) did not.

Chairman Bowden then made the following substitute motion:

A recreational limit of 12 blueline tilefish and 3 grouper. A commercial limit of 300 pounds of tilefish and 175 pounds of grouper per person, but not to exceed two possession limits, provided there were at least two landing license holders or registered watermen aboard. The motion was seconded and passed 7 to 5.

Tom Powers stated that he, David (Agee) and Chris (Vaughan) would have supported the original motion, but voted against the substitute motion because one commercial vessel would be able to land up to 600 pounds of tilefish and 350 pounds of grouper if two licensed watermen were aboard the vessel.

c. Striped Bass update

Mr. Grist briefed the FMAC regarding the 2007 commercial harvest (February) and provided a one-page handout. Although this harvest only represents 13% of the available quota for 2007, Mr. Grist presented comparisons of 2006 and 2007. Total pounds landed, for the same period in 2006, was down in 2007, as was the average size fish. Both observations are likely a result of the shift from a tag-based system, which has an incentive to catch the largest fish possible, to a strict poundage system. In terms of quota transfers, temporary transfers were down slightly, from 88 in 2006 to 77 in 2007 while permanent transfers decreased from 20 to 13. Nine bay watermen had already reported their quota was harvested for 2007 and five ocean fishermen had reported their quota was harvested.

IV. New Business

a. Grey Trout update—ASMFC mandates for 2007

Mr. O'Reilly reported the ASMFC Weakfish Board has met and approved Addendum II, which is designed to control the expansion of the weakfish fishery. Mr. O'Reilly distributed a press release from the ASMFC detailing these changes. The Stock Assessment data indicates fishing mortality has been stable at a reasonable level, while natural mortality has increased considerably since 1995, with a net result of a steep decline in weakfish biomass since 1997. Members of the Weakfish Board could not agree whether further restrictions in the fisheries were warranted but chose several measures to cap the current fishery that must be in place by October 2007. States will need to adopt a six-fish recreational possession limit. The by-catch allowance of 300 pounds will be reduced to 150 pounds, and each state's commercial fishery will have a cap based upon its average landings for 2000 through 2004. Virginia's cap will be 871,346 pounds. In April, staff will request the Commission hold a public hearing, in May. The major fisheries are governed by a closed season, when the 150-pound by-catch will apply, but fyke net and commercial hook and line are very small fisheries and do not have any closed season. Reviewing the data, these fisheries rarely land as much as 150 pounds in any one trip. Mr. O'Reilly's question to the FMAC: should we establish a closed period for these fisheries or a year round 150-pound possession limit or just leave them alone?

Tom Powers asked if the small trout caught in the haul seine fishery was counted? Mr. O'Reilly indicated the fish were counted but some could be entered as unclassified bait.

Some members of the FMAC had questions concerning the health of the weakfish stock and how much impact the fisheries were having on the stock biomass. However, the FMAC had no strong opinion as to how best to handle the fisheries that caught weakfish but had no closed period or cap. The general feeling was

these fisheries were so insignificant they could be left alone for now, but if they become a problem, then restrictions can be adopted.

b. Tautog update—ASMFC mandates for 2007

Rob O'Reilly distributed a 19-page handout and briefed the FMAC on Addendum IV to the Interstate Fishery Management Plan for Tautog. Addendum IV establishes target and threshold spawning stock biomass reference points of 26,800 and 20,100 metric tons, respectively, and requires a 28.6% reduction in the 2005 overall fishing mortality rate to achieve $F=0.20$. The Plan requires the recreational fishery to account for the entire reduction (recreational plus commercial) in fishing mortality and will require Virginia come up with a 29% reduction because the 2005 commercial fishery was 0.43 %. There are two means to achieve the required reduction—reduce the possession limit and adopt seasonal closures. Staff is in the process of selecting an ad hoc committee to provide guidance regarding the preferred combination of reduction in possession limit and closed period to achieve the 29% reduction. Staff has received questions regarding an increase in minimum size limit as a means of reducing the catch but the ASMFC Tautog Technical Committee has ruled since the fish will grow out of the minimum size limit, the reduction in fishing mortality is temporary and will not allow states to extract any reduction credit by raising its size limit.

Mr. O'Reilly stated Dr. John Hoenig had provided a catch curve analysis at two other critical points in tautog management. In those cases the analysis showed Virginia was fishing well below the required rate and we were not required to further restrict the fishery. But Virginia is not so lucky this time. Using the same technique, Dr. Hoenig shows Virginia's fishing mortality rate is about 0.28, and hence, the need for reductions.

VI. Next Meeting

The next meeting was not set at this time

VII. Adjournment

Chairman Ernest Bowden adjourned the meeting at 8:40 P.M.