

**VIRGINIA MARINE RESOURCES COMMISSION**  
**FINFISH MANAGEMENT ADVISORY COMMITTEE**  
380 FENWICK ROAD, FORT MONROE, VIRGINIA  
VMRC COMMISSION ROOM  
November 12, 2024 5:00 PM

Members Present

- Jeff Deem
- Alex Aspinwall
- Alexander Perez
- Mead Amory
- Ernest Bowden
- Will Bransom
- Mike Lightfoot
- Chris Ludford
- Scott MacDonald
- George Trice
- Skip Feller
- Mark Sanford
- Marcus Simes

Members Absent

- John Bello
- Tom Powers

VMRC Staff Present

- Pat Geer
- Shanna Madsen
- Alexa Galván
- Brooke Lowman
- Joshua McGilly
- Jill Ramsey
- Catherine Wilhelm

Others Present

- Wayne Morris
- Lynnée Morris
- Brian Morgan
- Nathan Morgan
- James Fisher
- Matthew Fisher
- Jerry Cumberland
- Aaron Fisher
- Margi Whitmore (DWR)
- Travis Kemp
- Zach Hoffman
- Clint Morgeson (DWR)
- Mike Ostrander
- Christian Moore
- Brandon Duff
- ~10 other members of the public

Minutes prepared by Catherine Wilhelm

**I. FMAC Announcements**

Chairman Jeff Deem called the meeting to order at 5:00 p.m. Chief Pat Geer gave an overview on the recent staff changes and introduced one of the new fisheries management planners, Catherine Wilhelm. Chief Geer then informed the committee that Mr. Jeff Deem will be stepping down as chairman and thanked Mr. Deem for his service. Nominations for vice chair and chair were then opened: Mr. Alex Aspinwall nominated Mr. Ernest Bowden and Mr. Will Bransom as chair and vice chair, respectively. Mr. Mike Lightfoot seconded and Mr. Deem accepted the motion. Motion was approved unanimously.

## **II. Approval of minutes from the March 28<sup>th</sup>, 2024, meeting**

The March 28, 2024 meeting minutes were approved by consent.

## **III. New Committee Meeting Policy**

Ms. Alexa Galván summarized updates to the FMAC by-laws established in 2020 as per §2.2-3708.3 of the Code of Virginia. This states that the FMAC committee must approve virtual meeting and participation policies if the committee would like to allow virtual participation in any form. Committee members who are unable to be physically present at meetings would be unable to participate virtually unless the committee voted on virtual policies.

Mr. Scott MacDonald expressed discontent with the public virtual meeting limit of two or no more than 50% per year, but Deputy Chief Shanna Madsen and Ms. Galván explained that the limits are set for all Virginia state departments and cannot be changed by the committee. Mr. Mike Lightfoot asked whether some or all of the changes presented are Virginia law, and Ms. Galván replied that they are. Mr. Deem called for a vote on the policy, and the bylaw amendments were approved unanimously.

## **IV. ASMFC Updates – Striped Bass**

Dr. Brooke Lowman presented an update of the recent striped bass stock assessment. In 2023, the striped bass stock was deemed overfished, overfishing was not occurring, and recruitment has been lower than average in six of the last seven years. Dr. Lowman showed a figure of age-1 recruitment and pointed out the strong 2018-year class and the absence of strong year classes after it. Some of the projections of the stock assessment included low removals in 2024, a moderate increase in 2025 due to the 2018-year class reaching fishery selection, and a decrease in 2026 removals as the 2018-year class moves out of slot limit. The Striped Bass Technical Committee will need to develop options for 50% probability of rebuilding for 2029 – this is a requirement by Magnuson-Stevens Act. These potential options could include shortening the recreational season, changing the size limit, reducing commercial quota for 2025, or a combination thereof. Dr. Lowman then described the process of an ASMFC Management Board Action and important dates for anyone wanting to learn more or provide public comments.

12/5/24: Public Information Webinar 6-8pm

12/9/24: Striped Bass Advisory Panel Virtual Meeting 4:30-7pm

12/10/24: Public Comment Due

12/16/24: Striped Bass Board Meeting 10-2pm, Arlington, VA

Mr. Deem asked if the rebuilding target is the stock size in 1995 (post-moratorium) plus 25%. Dr. Lowman replied that it was, and it was a management decision, which Chief Geer further clarified was a result of workgroups that decided the rebuilding stock size. Mr. Deem asked what would happen if the rebuilding size was adjusted downward. Chief Geer stated that he didn't know but it would lower the standard and would require an addendum to do so. Mr. Bowden confirms that VMRC has not been given any more information, and says the issue is recreational release mortality. While the recreational fishery faced an 18% cut in the 2024 fishing year, the required 7% reduction to the commercial quota could not be implemented in time for the 2024 fishing year. Any potential quota reduction will be in addition to the delayed

implementation of the 7% reduction. Mr. Ludford brought up that Virginia has been making their cuts for the last few years, and believes the northern states are not taking their share of cuts.

## **V. 2025 Recreational Cobia Management**

Deputy Chief Madsen presented upcoming changes in cobia recreational management measures. The ASMFC Coastal Pelagics Board previously passed Addendum II to Amendment 1 in response to persistent high uncertainty in estimates of recreational cobia harvest and increased harvest in some regions, particularly the Mid-Atlantic. Addendum II allows the Board to set measures for up to five years instead of three and modifies the recreational allocation framework: quota is now based off of harvest over the last ten years from regions instead of individual states. The Northern region (Virginia to Rhode Island) was over its harvest target by 10,007 fish and will need to take a 15.9% reduction in 2025. The management measures must also be implemented regionally, with a same size and vessel limit from Rhode Island to Virginia, although each state can have different seasons. The minimum size limit cannot be below 40" total length as per the Cobia Fisheries Management Plan. Virginia must go over options and submit their plans by January 1, 2025. Measures must be implemented by April 1, 2025. Deputy Chief Madsen provided four options for the committee to discuss. Mr. Lightfoot asked whether the only one fish over 50" provision is applicable to the other options or needed in the other options, and Deputy Chief Madsen stated that there isn't enough information to determine the effect of that rule, so that would be up to the Board's discretion. Deputy Chief Madsen recommended a Board-approved option (minimum size of 43", a 2-fish vessel limit, season open from June 15 to September 20) involving minimal changes to Virginia's current management measures. Mr. Meade Amory asked about adding two days in the beginning and three days at the end of the season instead of five days at the end of the season. Deputy Chief Madsen said adding June days increases the catch probability too much. Mr. Ludford thanked Deputy Chief Madsen and staff for their work. Deputy Chief Madsen, in response to a question about closing a week or two in July, said doing so would not give enough time to for an enforceable closure per the ASMFC Law Enforcement Committee. Another question was asked about possible regulations if we waited for MRIP calibrations. Deputy Chief Madsen replied that Virginia would have taken a 50% cut if the Board waited for the update instead of approving Addendum II. Mr. Zach Hoffman and Mr. Travis Kemp, recreational anglers, voiced concern over the taking of fish greater than 50" potentially hurting the stock. Deputy Chief Madsen said the northern states are predominantly catching the larger fish but usually only take one fish while Virginia could maintain its current provision for only one fish >50", if that is what FMAC recommended as a conservation measure. Mr. Bowden confirmed the commercial fishery would be status quo. Mr. Bransom brought up some misgivings about usefulness of MRIP. Mr. Ludford asks public to consider the voluntary stipulation of one fish greater than 50", as this will not factor into potential future reductions. Members of the public brought up the technological barrier of the VA Saltwater Journal.

Mr. MacDonald made a motion to adopt staff recommendation of a minimum size of 43", a 2-fish vessel limit, and a season from June 15 to September 20. Motion was seconded by Mr. Simes. Motion passed unanimously. Mr. Bowden thanked Virginia staff for their efforts.

## **VI. Blue Catfish Management**

### **a) Committee Discussion**

Ms. Galván discussed blue catfish management, including a presentation of annual harvest amounts and share of the harvest by gear. Mr. Lightfoot asked about the number of watermen using each gear, which Ms. Galván provided. She presented options for expanding the electrofishing fishery to increase blue catfish harvest: expand the number of licenses, expand areas, expand/remove size limit, and remove eligibility constraints. Mr. Deem inquired about the costs of establishing an electrofishing business. Ms. Galván gave a general list of equipment needed, and Mr. Lightfoot and Mr. George Trice provided examples. Mr. Lightfoot wanted to know about adding Potomac tributaries to the area for electrofishing. Mr. Trice brought up that limiting harvesters to specific areas can shut down the fishing during weather events that affect salinity and believes that harvesters should be able to fish in whatever river has the best conditions at the time.

Committee members asked for staff to look into correlation between harvest by electrofishing and other gears before increasing the electrofishing fishery, as there have been limited study of the effects of shocking on vulnerability to other gears. Ms. Galván said staff can look into this.

Staff also brought up a need to clarify language on a buffer area around fishing piers. Mr. Trice said there should be a purchasable permit to classify a pier as an off-limit pier. Other committee members said that they wouldn't know what a 'licensed' pier would be, and there would need to be a list. Ms. Galván said the VMRC does not have a list of current 'public' fishing piers, and this is something that would need to be discussed with law enforcement.

### **b) Public Comment**

Mr. James Fisher, waterman, said that electrofishing impedes fishing with other gears and asserted that the fish won't bite after the shock boats go by. He stated that he caught 52,000 lbs in July of 2022 when there was no electrofishing near him and only 15,000 lbs in 2024 when it was occurring. He said that increasing the capacity of one gear would hurt harvesters who use other methods. Mr. Fisher also stated there was a lack of processing and market for blue catfish, and that increasing the electrofishing fishery would be fruitless if there is no place to sell the fish. Mr. Mark Sanford wanted to know how electrofishing affects other gears. Ms. Galván replied that there was an experiment run that indicated no significant difference between gears. Mr. Christian Moore, a charter captain and catfish guide, agreed that the shock boats cause lethargy and fasting for days after shocking. Mr. Bransom brought up the current minimum distance of 300 feet between the shock boats and other fixed gear types. Mr. McDonald wanted to know if increasing the distance between the shocking and fixed gear would help. Mr. Fisher thinks a mile minimum would be better for distance between shocking and fixed nets.

Mr. Mike Ostrander, catfish guide, believed removing the size limits for the non-sportfishing gears is not sustainable.

Mr. James Fisher said all piers, not just specific ones, should have the distance limitation. Mr. Bowden responded there are too many piers to allow all to be considered for limitations.

He went on to state the electrofishing harvesters are willing to work with others to compromise on distances between gears. Mr. Trice asked how far would realistically be best, to which Mr. Fisher replied as far as possible since the fish move up and down the river.

Processing and marketing were pointed out as the main issues for the blue catfish fishery, not a need for more harvesters in the fishery. Ms. Galván explained that wild-caught blue catfish are regulated by the USDA, unlike other fish, which means a USDA inspector must come to inspect each catfish facility, which raises the barrier to grow that business. Mr. Amory said buyers are working with the state to increase the market, but the majority of the catfish consumed are cheaper foreign products.

### **c) Committee Recommendation**

Mr. Lightfoot made a motion to recommend keeping the same number of licenses, remove the experimental eligibility, add the Potomac tributaries below the Rt. 301 bridge to the fishing areas, allow electrofishing licensees to move freely between allowed areas, no closed season for electrofishing, remove size limits for blue catfish, and to keep catfish harvest as eligibility constraint for new entrants to the electrofishing fishery.

Mr. Bowden found it hard to approve the motion and mentioned the gear conflict issue, fishing pier identification issue, and asked if the distance between a commercial licensed fishing pier should be universal for all gears. Mr. Sanford agreed with Mr. Bowden the risk of gear conflict is too great. Mr. Ludford said there was room for negotiation and there should be a buffer between other gears and electrofishing. Mr. Bransom stated the conflict issue should be worked on by staff. Mr. Bowden agreed the electrofishing licenses should not be removed, but some areas need to be restricted and more information is needed to determine this. Mr. Trice said it wouldn't be a problem to leave about three miles around the fixed pound nets in the Rappahannock if they could move around instead of being restricted to certain areas. Mr. Bowden moved to table the current motion, seconded by Mr. Sanford. The committee voted unanimously to table the motion.

Mr. Bowden moved to set up a blue catfish work group of stakeholders to discuss proximity and other issues before the start of next year's fishing. Chief Geer recommended a 6-8 person work group with representation of the charter boat industry, electrofishing harvesters, fixed gear harvesters, and others. Staff will work with DWR to make sure they are represented. Mr. Bransom seconded the motion. Motion was passed unanimously.

## **V. Public comment for items not on the agenda**

Ms. Galván told the committee that Virginia has indicated to ASMFC that the VMRC is interested in the February black seabass season for 2025. FMAC will discuss the fishery results and payback in March 2025.

Mr. Feller reminded the public about the upcoming Spanish mackerel meetings.

Mr. Bransom, joined by Mr. Sanford and Mr. Lightfoot, thanked Mr. Deem for all years of service.

Mr. Bowden said the committee will miss Mr. Lewis Gillingham, the director of the Virginia Saltwater Game Fish Tournament, who passed away earlier this year.

**VI. Adjourn**

The meeting was adjourned at 7:37 p.m.

DRAFT