

VIRGINIA MARINE RESOURCES COMMISSION
FINFISH MANAGEMENT ADVISORY COMMITTEE

July 20, 2004 - 6:00 PM *DRAFT MINUTES*

MEMBERS PRESENT

Hon. Gordon Birkett
Hon. Russell Garrison
Jeff Deem
David Agee (for Dr. Ken Neill)
Samuel P. Swift
Robert Weagley
Pete Nixon
Tom Powers
Lyell Jett
Douglas F. Jenkins Sr.
Chris Vaughan
Wynston D. Holbrook
Hon. William Laine Jr.

MEMBERS ABSENT

James C. Kellum

VMRC STAFF

Jack Travelstead
Rob O'Reilly
Roy Insley
Ellen Cosby
Joe Cimino
Warner Rhodes

I. Introductions; Announcements

The meeting was called to order at 6:00 PM by Chairman Gordon Birkette.

II. Approval of minutes from the April 20, 2004 meeting

Mr. Laine had some changes to the minutes; they were approved as amended.

III. Old Business

A. Final Discussion of Black Drum Proposal

Jack Travelstead briefly reviewed previous discussions that FMAC had on the black drum proposal, and announced that it would go to public hearing at the next Commission meeting. The changes to the regulation would include no more weekly reporting for black drum permit holders, and all commercial fishermen would be allowed one black drum per day. Mr. Travelstead said that staff supports these changes.

B. Continued Discussion of Exceptions to Limited Entry

Mr. Travelstead remarked that the Crab Management Advisory Committee had discussions on medical hardship exceptions and the use of agents. He stated that he had no new information for FMAC.

Tom Powers requested that staff not change the limited entry rules, but should go to the Commission to allow additional people in. Mr. Travelstead responded that the FMAC is on record supporting a review board for applications to exceptions.

IV. NEW BUSINESS

Bobby Weagley asked about the shad bycatch issue, and requested that Virginia's proposal be changed to match what PRFC had submitted to ASMFC. Mr. Travelstead said he was waiting for a decision on the King William Reservoir issue, because it will impact any shad harvest. The concept of protecting shad in the river is contrary to allowing bycatch.

A. Pound Net licensing and Setting (location) Issues

Mr. Travelstead explained a situation where a pound net has been set off Windmill Point, but the leader comes up to the shoreline in front of a condo. This has situation is having a negative impact on the residents of the condo, with dead fish and birds washing up on the shore and blocking access to the water for swimming and kayaking. The law allows any registered fisherman to set his pound net, as long as it is not too close to another net, in a fixed location. Commissioner Pruitt thinks we need some type of public interest review process.

Public Comment:

Bonnie Lee Jones - from Beach Cove Villas Ms. Jones stated that we need common ground to solve the location of this one net, which is in a new location this year. She asked if it could be moved offshore? If the net is flagged, then it has 250 feet of access protected. Small children are attracted to it, as a curiosity, and could potentially get entangled in it. She mentioned the issue with the turtle population, and noted decomposing dead birds and fish wash ashore. She said that the angle of the net was a problem, because it was not perpendicular to the shoreline. Her last point was aesthetics, because the net was catching debris. Ms. Jones said she has not contacted the pound net fisherman, but did write a letter to the Commissioner asking for assistance.

Rob O'Reilly (VMRC staff) commented that Mr. Tom Wilson was supposed to be in attendance tonight. Mr. Wilson had talked to the pound netter and had attended the Commission meeting in June.

Tom Wilson arrived at the meeting. He said he wants the pound netter to move his net. He noted that in Maryland, they have a 1500 foot buffer. He said he would like a compromise, and a buffer zone of 1000-1500 feet would work.

Pete Nixon remarked that he was from Virginia Beach, and used to fish beach seines; however, he no longer does because residents didn't want fishermen on the beach. He recently talked to Secretary Murphy about this, because the problem of conflicts will continue to get worse as waterfront property is developed. Mr. Nixon said it is a rights issue, and cautioned that if it ends up in a review process, it will be a huge burden on pound netters. He reviewed the four main concerns of the condo residents: (1) ability to encroach on the net; (2) bird carcasses; (3) dead fish; and (4) net on shore.

Doug Jenkins stated that in the Potomac River, they confront the fisherman and work out a compromise. He noted that red tide kills more fish and some birds get diseased and die, so natural causes result in dead fish and birds on the shoreline. He remarked that the pound netter should work with you (condo residents).

Mr. Powers commented that as we get more development, there will be more conflicts. We need to address fishing gear that restricts public access on a permanent basis.

Mr. Nixon noted that if it was above the mean low water mark, then it was on private property.

Mr. Birkette recommended that the residents talk to the pound netter directly, and the committee will take the issue under advisement.

Mr. Garrison advised the residents to start asking for a few hundred feet of buffer, instead of 1000 feet, as a compromise.

Mr. Travelstead stated that the Commissioner wants a subcommittee to address this issue with staff. If this pound netter has his net marked in accord with the regulation, then there should be no fishing within a 125 foot zone, no anchoring, drifting or crabbing. However, you can swim or kayak in this zone. Mr. Travelstead explained that pound nets in the Rappahannock River were not subject to the turtle restrictions. In the Bay, if a net is set within ten feet of the shoreline, then it is exempt. So the law encourages fishermen to move pound nets out of deep water.

Kenneth Heath (Eastern Shore pound netter) addressed the committee. He stated that he set his net so the tide runs through the leader and funnel. He expressed concern about more regulations on the pound netters. He has been dealing with turtle regulations for the past few years. This year, he has five nets that touch the beach, but has no flags to restrict access near the nets. He stated he would be willing to move his nets off about 100 feet for a buffer, if needed.

A subcommittee was appointed that included Pete Nixon, Doug Jenkins, Chris Vaughan, and Lyell Jett.

B. Striped Bass - Discussion of Quota Overage

A handout was distributed to members, showing the harvests of striped bass by Virginia recreational and commercial fisheries for 1997 through 2003. Rob O'Reilly stated that he didn't know what the 2005 quota will be yet. He explained how the recreational survey is conducted, with dockside contact and a random phone survey. He noted that some of the Recreational Saltwater Fund is used to augment the survey for more precise information. The recreational quota, which only applies to the Chesapeake area, had overages in 2001, 2002 and 2003. The 2004 recreational fishery was modified. The Baywide quota was started in 1997, and each jurisdiction is responsible for any overage.

Chris Vaughan said he was skeptical of the 2003 fall data.

Mr. O'Reilly informed members that he will ask the NMFS to probe into data for errors, since the 2003 fall fishery was only 27 days long.

Mr. Travelstead commented that he has received complaints from commercial fishermen regarding low fish prices in the spring because of a glutted market. A 100-pound daily catch limit has been suggested. There are reports of fishermen holding both Bay and ocean tags, using their Bay tags on ocean fish. Perhaps we should distribute one type of tag at a time to solve this problem.

Mr. Travelstead was asked about discussing the poundage-based quota system, and he responded that it is contingent on funding and the license bill.

Ernie Bowden suggested requiring people to call in and report where they will be fishing.

V. Next Meeting Date

The next meeting was scheduled for August 31, 2004 at 6:00 pm.

VI. Adjournment

The meeting was adjourned at 8:20 pm.