

**VIRGINIA MARINE RESOURCES COMMISSION
FINFISH ADVISORY COMMITTEE MEETING
VMRC CONFERENCE ROOM
AUGUST 31, 2004
FINAL MINUTES**

MEMBERS PRESENT

Walter Rogers
Douglas Jenkins
Robert Weagley
Ken Neill
Jeff Deem
William Laine, Jr.
Chris Vaughan
Hon. Gordon Birkett
Hon. Russell Garrison
Wynston Holbrook
Tom Powers
Samuel Swift
William Burruss

MEMBERS ABSENT

Pete Nixon

VMRC STAFF

Commissioner Bill Pruitt
Jack Travelstead
Roy Insley
Ellen Cosby
Joe Cimino
Kenny Oliver

I. **Introductions, Announcements**

Mr. Garrison called the meeting to order at 6:02 pm. He introduced Commissioner Pruitt. Commissioner Pruitt thanked Chairman Garrison and the Committee for their service. He stated that two previous members of the FMAC were missing. The two Committee members who represented the menhaden fishery have been replaced since the Finfish Management Advisory Committee (FMAC) no longer handles menhaden issues. He then introduced the two new members: Capt. William Burruss from the recreational fishing industry, who comes highly recommended, and Walter Rogers a life long waterman who comes from several generations of waterman and also highly recommended. Commissioner Pruitt expressed that every Commission member likes the concept of the Committee system and finds it very helpful. The Commissioner reminded FMAC that the Commission rotates seats and

that two seats are now vacant and two more will be upcoming. He then thanked the FMAC members for their service again. Mr. Garrison thanked the Commissioner for his diligence in assigning Committee members who could work together.

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

Mr. Powers requested modifications regarding clarification of his comments. The minutes were approved as modified.

III. Old Business

A. Continued discussion of an individual Striped Bass weight (lbs) quota verses an individual tag based quota.

Mr. Travelstead handed out the Fisheries Management Division Evaluation 12-22-03 that reviewed the Proposed amendments to Regulation 4 VAC 20-252-10 et seq.. The issue has been tabled since December. Mr. Travelstead provided FMAC with a review of the current Individual Transferable Tag Quota system. He explained that there is a trend toward high grading (selecting largest possible fish for tags). In effect this gives fishermen more pounds of striped bass than they would have been entitled to under a strict poundage quota. Roughly 50 percent of the industry would exceed their individual poundage quota if there were one, and the other half would be under. Mr. Travelstead informed the Committee that the current system has developed an inequity between fishermen. Those that have access to larger fish and are more mobile have an advantage over those that are not mobile. Mr. Travelstead mentioned that there have been complaints by a lot of people in the fishery. He stated that the question is how to resolve this issue, and reminded the Committee that it had suggested doing away with the present tagging system and go to a poundage quota. Mr. Travelstead explained staff saw this as a way to reduce the interest in high grading and perhaps even the cost to fisherman (since they would not have to search for larger bass). However, staff also notes individual poundage quota is much harder to enforce. There is a greater probability Virginia could go over quota. Mr. Travelstead noted that if this happened year after year then stock would respond negatively.

The Committee was then referred to the evaluation and staff's recommendations. The first requirement option would be check-in stations at all permitted striped bass buyers, where any harvester (including a self marketer) would have to take their catch. The harvester would not be required to sell to the check-in station/ dealer. Mr. Travelstead pointed out that this might not be ideal for either party, especially if the fisherman does not sell to the dealer where he is checking in. Buyers would also need to report daily

using an electronic format to VMRC. Along with mandatory monthly reports, fishermen would be required to carry a log sheet on board the vessel at all times. In order to keep up with the quota, the fishery would need to close for period of time for auditing purposes. Staff suggests July for the closure. More tags could be allotted if, after an audit, it is found that the fisherman has not gone over quota but has run out of tags. Tags not used by the end of the year would have to be returned before the following years tags could be issued. Amount of tags returned and used must equal the total allotment. Instantaneous transfer of tags, which occurs now, could no longer take place. After an audit a person could transfer poundage to another fisherman. Mr. Travelstead affirmed that implementation of this system would require computers be put in the buyer's place of business if they didn't already have them. It would also require creating computer software for the database, purchasing more tags, and printing of new forms. It was decided to take this before the General Assembly in early 2004 to request additional funding. The General Assembly did not increase licensing fees to cover costs, but provisions were adopted that would allow the Commission by regulation to raise commercial and recreational license fees and to charge for permits and other things in the agency that are now free. Mr. Travelstead pointed out that although this system would address the inequity in the fishery right now, the funds are still not available. If licensing fees were raised it would still take some time to generate the money needed to start this system. He also pointed out that license fees couldn't be raised in the middle of the calendar year. Another option staff considered was to hire additional staff to handle data and audits. However, several problems with hiring additional staff were cited. Mr. Travelstead ended by reflecting that although there are complaints with the current system under the proposed system some fishermen are going to be told they cannot harvest as much as they have over the last several years.

Mr. Powers proposed that, since the Commission has the power to charge a permit fee with no defined limit, this might be a funding option, which would solely affect the specific fishery. This could be done on a poundage basis and had the advantage that only one Commission meeting would be needed. Mr. Travelstead agreed that this is a possibility.

Mr. Powers then asked how much this would cost.

Mr. Travelstead explained no specific dollar figures have been looked at. However, cost for two additional staff member, with everything factored in would cost around \$100,000 and the automated option would probably cost more.

Mr. Garrison mentioned that sentiments out of Maryland have been expressed that wished Virginia to keep things the way they are. Mr. Garrison asserted that if the process started now to attain funds for a new system, they would not be available till 2006. Mr. Travelstead agreed.

Mr. Weagley stated that since he was the one to make the motion to go to a poundage quota, he would like rockfish fishermen to have an input on all the figures that are presented. Although he could not rescind his motion since it has gone before the Commission, he would like to hear comments from fishermen (on whether they would want to pay the fees or go through all the procedures) before he makes a new motion to leave the fishery the way it is.

Mr. Jenkins suggested informing fishermen that if they go over their quota for a given year that it be subtracted from their individual quota the next year, and that this would ease monitoring needs alleviating a lot of the expense and reporting.

Mr. Travelstead expressed concern that such a thing would encourage reporting to be falsified. He then explained that Mandatory Reporting should not be used as an enforcement tool, otherwise it could make data suspect.

Mr. Jenkins asked about the recreational catch data and its accuracy.

Mr. Travelstead responded that recreational catch data is expounded from surveys and that unless a surveyor lied that part of the system will be accurate though the fact that is a survey means there is a certain amount of error around the estimates.

Mr. Jenkins put forth that the commercial fishery could also go to a survey system.

Mr. Travelstead stated that is why auditors are needed.

Ms. Cosby noted that late reporting would be a complication in looking at end of year overages as Mr. Jenkins suggested.

Mr. Garrison asked, couldn't FMAC refer back to the Commission if the Commission saw fit to provide money.

Mr. Travelstead replied that FMAC might want to suggest a way to the Commission on how raise money. He professed he did not know how the Commission felt.

Mr. Bowden responded from the floor that in his estimation this matter is only going to get worse and that FMAC needs to move ahead. Perhaps a small committee could be formed to work on a funding solution. Mr. Bowden said he would suggest a sub-committee to the Commission. He also suggested that maybe the funding numbers would not be as high as Mr. Travelstead put forward.

Mr. Travelstead said staff could certainly generate some estimates as to the cost necessary to run a poundage quota system.

Mr. Powers inquired if this was to be a web-based program.

Mr. Travelstead replied it would be something along those lines.

Mr. Powers posed that the initial funding would be around \$150,000 to set up computers and software, with an additional \$20-30,000 a year for upkeep.

Mr. Travelstead pointed out that one advantage to setting up an electronic system is that once it is up and running it can be used for other fisheries, after a few minor adjustments are made.

Mr. Powers asked if anyone has talked to the buyers yet about this.

Mr. Travelstead said no. He asked them to keep in mind that NMFS, under federal law, requires federal buyers to be automated.

Mr. Place stated that a poundage quota would have prevented a shift in effort that has put a stress on certain year classes. He suggested that staff evaluation measures might be so onerous that people would go against it. Mr. Oliver pointed out several measures to keep the poundage of an individual in check. He suggested a call in system like the Black Seabass fishery.

Mr. Travelstead responded by saying that the Black Seabass fishery is required to report to the NMFS, as are the dealers aside from calling in. This provides a three-way check and despite that there are still discrepancies between what the dealer and fisherman report.

Mr. Neill inquired if a lot of the problems could be alleviated if a cap was put on the size of fish that a Bay tag could be put on.

Mr. Travelstead stated Maryland had a cap, as did PRFC.

Mr. Deem proposed to allocate next years tags based on the average pounds that a particular fisherman turned in the previous year. Though he noted a fisherman might still go after the bigger fish, his poundage would be limited.

Mr. Travelstead declared you could do that for one year.

Mr. Deem then asked why the state would have to provide a computer to a dealer.

Mr. Travelstead noted that the Federal government requires buyers to purchase their own computer.

Mr. Place addressed Mr. Neill's question of a cap, stating that it would increase discard and therefore overall mortality.

Mr. Bowden asked if Mr. Deems proposal could be used for one year while another solution is worked on.

Mr. Travelstead said it could be considered.

Mr. Weagley made a motion to recommend to the Commission to form a Committee of commercial fishermen to come up with a solution.

Mr. Powers advised that the newly formed Committee report back to FMAC. The motion was carried.

B. Report of the Pound Net Siting Subcommittee

Mr. Travelstead reported that the Pound Net Siting Subcommittee met. After passing out a report staff put together, he stated there were two topics that were discussed. The first was the conflict of a net in the Rappahannock that has been under some scrutiny. The other issue was what kind of process might be put in place to avoid such conflict elsewhere in the state in the future. Mr. Travelstead then explained the options put forth by staff.

1. No action
2. Regulate location of pound nets
3. Public interest review

Staff supports the third option. Issues that arose during the Subcommittee meeting included grandfathering in a pound net that has been in one location for an extended amount of time and if a fisherman wished to move the net he would have to notify the public and a public hearing would be held prior to a license for the pound net.

Mr. Travelstead noted that our attorney suggested certain wording be included for further guidance. The Committee was referred to the wording in the existing Code 28.2-1205. Permits for the use of state-owned bottomlands.

Mr. Vaughan asked if a pound net is set in a certain location if that person is guaranteed the same spot the next year.

Mr. Travelstead explained that the current regulation allows that if the Pound netter sets his nets with the complete sets of nets and poles, then he has the priority right to the same location the following year ahead of anybody else.

Mr. Garrison pointed out that there was an exception this past year for Hurricane Isabel.

Mr. Weagley asked what criteria the Marine Patrol currently used in granting a license, and if they could make a decision based on new criteria.

Mr. Powers referred the Committee to Senate Bill 605 regarding aquaculture, to provide a basis for a case by case claim to terminate a lease or in this case a license. Also noted in the Bill is a notification to the public, which can be used for siting a net as well.

Mr. Jenkins expressed his concern over making pound net siting similar to leased ground. He also stated his support for grandfathering in net locations.

Mr. Powers made a motion for FMAC to suggest to the Commission that a Pound netter moving a net would have to notify the public, notify the adjacent property owners within a specified distance from the net.
The motion passed 8/3.

Mr. Rodgers mentioned using GPS to mark pound net locations.

Mr. Travelstead said staff would work on writing GPS into regulations.

Mr. Holbrook had a question about the Striped Bass overage from last year.

Mr. Travelstead responded that Commission member Dr. Jones and NMFS are looking into the issue, but it may take several months.

IV. New Business

No new business was discussed

V. Next Meeting

The next meeting was set for September 21, 2004 at 6:00pm.

VI. Adjournment

The meeting was adjourned at 8:00pm.