

**Virginia Marine Resources Commission**  
**Finfish Management Advisory Committee (FMAC) Meeting**  
2600 Washington Avenue, Newport News, VA  
VMRC Commission Room, Fourth Floor  
Tuesday, August 19, 2014, 6:00 p.m.

**ATTENDANCE**

Members Present

Jeff Deem (Chairman)  
Ernest Bowden  
Meade Amory  
Jack Austin  
Skip Feller  
Scott MacDonald  
Tom Powers  
Beth Synowiec  
Doug Jenkins (proxy for G. Wayne  
France and Robert Weagley)  
Russell Gaskins  
Richard Lockhart

VMRC Staff Present

Joe Cimino  
Ande Ehlen  
Lewis Gillingham  
Joe Grist  
Rachael Maulorico  
Robert O'Reilly

Members Absent

Andy Hall  
Hon. Dr. Ken Neill  
Walter Rogers

Others Present

Tim Wivell  
Robert Hollowell  
Chris Ludford  
Mike Langowski  
Mark Sanford  
Daryl Lilliston  
Donnie Porter  
Rick Shearer  
A.W. Williams  
John Shertenlieb

A quorum was present with 12 members in attendance. Minutes were recorded by Ande Ehlen.

**I. Approval of minutes from July 15, 2014 meeting**

Minutes from the previous meeting were approved by unanimous consent.

**II. Update: Decisions from ASMFC Summer Board Meetings**

Mr. Robert O'Reilly provided updates to the FMAC on the draft addenda discussed at the August summer meeting by the Atlantic States Marine Fisheries Commission (ASMFC) for management options for American eel and for the coast-wide reduction of commercial and recreational striped bass.

Draft Addendum IV for American eel proposes quota options for yellow eel for 15 coastal states, including Virginia. The addendum also discusses management options for states with a glass eel and silver eel fishery. The ASMFC board discussed yellow eel management options for four hours during the August meeting, and was unable to come to a unified vote. The board will meet again in October to finalize voting on an option. Virginia can expect a yellow eel quota somewhere between 70 thousand and 90 thousand pounds. Mr. O'Reilly stated that

Virginia is capable of monitoring another species quota, but he expressed concern over other states not having the same capabilities. Mr. O'Reilly also discussed options for the glass eel fishery, which are of particular importance for Maine and South Carolina. More information on Draft Addendum IV for American eel will be known after the October ASMFC meeting in Mystic, Connecticut.

Draft Addendum IV for Atlantic striped bass was also a major topic at the ASMFC meeting. After much discussion, the draft addendum was approved by the Striped Bass Management Board at the August ASMFC board meeting, and is now available for public comment from August through September 2014. A public hearing will be held in Virginia on draft Addendum IV on September 22, 2014 at the VMRC office in Newport News, and interested parties are encouraged to attend and express their opinion on the proposed options. Final recommendations will be considered during the October 2014 ASMFC meeting.

The striped bass addendum includes options for a 25% coast-wide reduction of the total coast-wide 2013 striped bass landings. This reduction is proposed to be implemented over the course of a one-year or three-year period for both the commercial and recreational striped bass fisheries. For the Chesapeake Bay, the draft addendum includes options for reducing the quota from the 2012 commercial harvest, or reducing quota from the 2013 commercial quota. However, the 2012 option would be the more favorable option for the Chesapeake Bay, because Virginia had already taken a voluntary 14% reduction in quota for 2013. In order to achieve the 25% savings, the addendum considers changes in size limits, slot limits, and bag limits for the recreational fishery. Once passed by the board, all states will have to implement this reduction. The FMAC will play a large role in determining the best options for Virginia.

Mr. Joe Grist provided updates on the two addenda pertaining to spot and Atlantic croaker. The South Atlantic Board approved new management framework to evaluate fisheries trends and develop state-specific management actions when harvest and abundance thresholds are exceeded. For the current year, management measures are not needed because the triggers were not tripped. It is a state-by-state management plan, so if a trigger is ever tripped, Virginia has the flexibility to create their own management plan and have it approved by the ASMFC Board.

### **III. Update: Near-shore anchored gill nets on the seaside of the Eastern Shore**

Mr. Joseph Cimino presented a brief background on the near-shore anchored gill net issue on the seaside of Assateague Island, including the tending requirements amended in 2008. This issue was brought to staff's attention by a member of the FMAC to address over-crowding and enforcement issues within a small section of near-shore area by Assateague Beach.

Mr. Ernie Bowden emphasized that the proposed regulation only applies to a small area, and will assist with over-crowding and enforcement issues within that area.

Mr. Scott MacDonald stated that many commercial harvesters expressed confusion over this issue. Mr. O'Reilly asked the committee to carefully review the draft regulation in order to ensure there is no misconception.

Mr. John Shertenlieb from the public stated that removing the tending requirements for only the Assateague Island management area gives an advantage for the harvesters in this area. Tending requirements are still required for Accomack and Northampton counties. He stated he could support the new draft regulation if it also removed tending requirements from the entire seaside of the Eastern Shore during the proposed time period.

Through discussion, staff and the FMAC noted that the original motion put forth by FMAC at the July meeting was misinterpreted, and that the tending requirements should have been removed for all the seaside area in Northampton and Accomack counties. Mr. Bowden made a motion to ask the Commission to also lift the tending requirements for the entire seaside of the Eastern shore during September and October. The motion was seconded by Mr. MacDonald.

Mr. Shertenlieb requested that the time period be altered to August 15<sup>th</sup> through October 15. He also felt that the special management area should extend to the lower end of Assateague Island, rather than up to the Maryland and Virginia state line.

Mr. Richard Lockhart expressed concern over a low-quality of fish because the water is still very warm in mid-to-late August. Mr. MacDonald clarified that the majority of harvesters check their nets twice a day and there is no concern over spoiled fish. Mr. Daryl Lilliston from the public also emphasized that the quality of fish is not a problem because the harvester would be wasting time and labor. He was in favor of Mr. Shertenlieb's proposal for adjusting the size of the management area and lifting tending requirements for the entire seaside of Accomack and Northampton counties.

Mr. Rick Shearer from the public felt that there is a portion of fishermen not being represented because they have minimal access to proposed information. He requested that in the future, a questionnaire be sent to those affected by a regulation amendment in order to reflect their opinion. Mr. O'Reilly stated that the VMRC can relay information through the agency's toll-free telephone line, which any person may call and obtain information from. However, this line is no longer updated due to very few calls in the past. If the industry is interested, this process can be used again. Mr. Jeff Deem requested that letters be sent to the buyers so the buyers can relay information to the harvesters. Mr. O'Reilly liked the idea of relaying information through the buyers, and told the committee that staff will look into various avenues for reaching the public, such as fax trees.

Mr. O'Reilly stated that the public notice only advertised to "limit the number of gill nets, set by any individual harvester, east and north of Chincoteague Inlet." Because the advertisement did not include amendments for tending requirements, staff would need to ask the Commission to adopt an emergency regulation in order to modify tending requirements for Northampton and Accomack counties. This item would qualify as an emergency amendment because it is a welfare issue for the seafood industry. Mr. Bowden agreed that this would be a welfare issue, along with a safety and peace issue for the industry.

Staff and the FMAC agreed that in the future, items brought to attention would be discussed over the course of two meetings, and that motions would be written on the projector screen for the committee, staff, and the public to see. These methods will assist in decreasing any misinterpretation, and allow the public ample time to address any items up for discussion.

Mr. Donnie Porter from the public spoke in favor of ending the management area south of the old Coast Guard station. Mr. Bowden stated that a point between two locations could be a compromise. Through discussion between the committee and members from the public, a point to encompass the special management area was selected from a map of the south side of Assateague Island.

Mr. Bowden amended his motion to the following:

**Motion:** “Establish a special management area on the ocean side of Assateague Island from August 15 through October 15 from point C to point D to yellow line and to starting point (as presented to FMAC).

Establish emergency request to remove tending requirements for small mesh gillnet from August 15 through October 15, seaside of Accomack and Northampton counties. Small-mesh gill net means any gill net with a stretched mesh of less than or equal to five inches.

Motion to ask the Commission to change Chapter 4 VAC 20-751-10 to leave in place (tending) restrictions for June, July, and through August 14; and ask for a special management zone north of Chincoteague Inlet, within 500 yards of the beach; can have only two gill nets (along the) ocean side of Assateague Beach within 500 yards, and the Commissioner to have discretion on the use of an agent to tend gill nets (in the special management area).”

Vote- Motion approved, with a vote of 9-0, and 3 abstentions.

The FMAC also pointed out to the public that the date of Oct 15<sup>th</sup> was picked because the regulation already lifts tending requirements after this date.

#### **IV. Discussion: Draft 2014 commercial speckled trout management measures**

Mr. O’Reilly distributed public comment that he has received regarding speckled trout to the FMAC.

Mr. MacDonald asked to amend the commercial speckled trout management measures to include a trip limit rather than the current bycatch provision, and to consider increasing the trip limit to more than 100 pounds. He believes that this would allow harvesters to better utilize the commercial speckled trout quota. Mr. MacDonald also requested to increase the commercial quota by 10%.

Mr. O’Reilly told the committee that there is ample time to discuss this topic, because the speckled trout season restarts on September 1, 2014.

Ms. Beth Synowiec noted that recreational measures put in place in 2014 should also be reviewed, because the speckled trout fishery is mostly a recreational fishery,

and the recreational fishermen took a large hit from the cold-stun events. Ms. Synowiec believes that both the commercial and recreational speckled trout regulations should be reviewed to be fair to both fisheries. She also asked for an update on the status of speckled trout research and data.

Mr. O'Reilly stated that both commercial and recreational measures can be reviewed in the coming months, and explained there is a forthcoming stock assessment for North Carolina and Virginia's speckled trout population, as well as a genetic study being conducted by the VIMS.

Mr. Mark Sanford from the public would also like to see a 10% increase in commercial speckled trout quota. He stated that the recreational sector harvests much more than the commercial, and he would like to see those numbers a little closer. He was also in favor of amending the commercial speckled trout management measures to include a trip limit rather than the current bycatch provision, with the trip limit more than 100 pounds.

Mr. Chris Ludford also spoke in favor of amending the commercial speckled trout management measures.

#### **V. New Business**

Mr. Sanford stated concern over not having a commercial fisherman representative for the Virginia Beach area. He would like to see another FMAC member added to represent this area, and suggested Mr. Ludford for the position.

Mr. Doug Jenkins informed the committee about his discussions with the Secretary of Natural Resources, Molly Ward, on finfish and predation within the Chesapeake Bay. Mr. Jenkins would like to see Virginia's coastal and bay commercial striped bass quota increased. Mr. O'Reilly stated that a reduction in striped bass quota is inevitable with the current draft addendum being voted on at the October 2014 ASMFC meeting. Mr. O'Reilly encouraged committee members to become familiar with the striped bass draft addendum and express their opinions to Mike Waine with ASMFC on September 22<sup>nd</sup>, when the ASMFC Public Hearing will be held in Virginia.

Mr. Russell Gaskins has seen an increase in American shad and requested more information about the status of the stock within the Chesapeake Bay. Mr. O'Reilly stated that it would be a good idea to have a VIMS scientist attend an FMAC meeting and inform the committee on the status of American shad. Staff will work to get more information on the topic and bring that to a future FMAC meeting.

#### **VI. Adjournment**

The meeting was adjourned at 8:42 pm. The next meeting is scheduled for September 22, 2014.