

**Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC) Meeting**

2600 Washington Avenue, Newport News, VA
VMRC Commission Room, Fourth Floor
Monday, November 15, 2010, 6:00 p.m.

ATTENDANCE

Members Present

Hon. Ernest Bowden, Jr.
Russell Gaskins
Andy Hall
Wynston D. Holbrook
Douglas F. Jenkins, Sr. for Wayne France
David Agee for Dr. Ken Neill, III
Scott MacDonald for Pete Nixon
Walter N. Rogers
Robert Weagley

Members Absent

Jeff Deem
Hon. William E. Laine, Jr.
Tom Powers
Chris Vaughan

VMRC Staff

Jack Travelstead
Robert O'Reilly
Joe Grist
Joe Cimino
Stephanie Iverson
Laura M. Lee
Justine Woodward
Allison Watts
Sonya Davis
Lewis Gillingham
MPO R. Haynie

Others Present

Woody Malone
Vern Ricker
Harvey (last name illegible)
James Joseph
Greg South
Frank Kearney
John Barr
R.M. (last name illegible)
G.G. Crump, Jr.
Stephen Gaskill
Walter Zuchel
John C. "Chris" Ludford
Matt Abell
Jim Clark
Danny Shoosmith
Rexwood Cox
Faye & Frank Daniels, Jr.
William S. Reynolds
B.A. (last name illegible)
Tim Nielsen
Brian Riley
Ken Brown
Barbara Bowden
J.C. West

A quorum was present with 9 members in attendance.

Minutes recorded by Laura M. Lee.

SUMMARY

I. Introductions; Announcements

Chairman Bowden called the meeting to order at 6:05 p.m.

II. Approval of minutes from August 20, 2010 meeting

The minutes of the August meeting were approved by unanimous consent.

III. Old Business

Final recommendations on:

a. CHL Crew List and participation requirements

Mr. Grist reviewed the discussion of this topic that took place at the August meeting. The general consensus of the committee was to recommend limiting the size of commercial hook-and-line (CHL) licensees' crew lists to 15 members and allowing one update of that list per year. Mr. Grist also summarized concerns with the current proposal that were discussed. The recommendations are included in the advertisement for a public hearing at the November 2010 Commission meeting. The public hearing will also address the term "previous year" currently used in the regulatory language in the definition of the qualifying period for the license lottery and transfers. This issue was not discussed by the FMAC at their August 30th meeting. Staff will recommend specifying the use of calendar years to clarify participation and entry requirements.

Public Comment

Bill Reynolds (audience), from the Eastern Shore, mentioned that he was on the original task force that addressed this issue. Mr. Reynolds asked if CHL licensees will still be allowed one "swing" person—a crew member that does not need to be registered—given the proposed changes. Staff responded that the use of a swing person will still be permitted.

The committee asked for clarification about the annual update. Mr. Grist explained that a new crew list must still be submitted each year, even if there are no changes. Existing crew lists will not automatically carry over. CHL licenses will be allowed to update the list once a year if revisions are necessary.

Chris Ludford (audience), commercial hook-and-line fisherman, said he felt there was an irregularity in the process. Mr. Ludford said that at no time did the committee discuss reducing the number of allowable updates from twice a year to once a year. Mr. Grist replied that this was discussed at the August 30th FMAC meeting and can be found in the minutes from that meeting.

End Public Comment

The committee agreed by consensus to support the recommendations staff will present at the public hearing.

b. Summer Flounder Restricted Endorsement License provisions and 14-inch size limit issue

Offshore Permit Process

Mr. Gillingham informed the committee that there was a request by CHL fishermen for limited access to the offshore summer flounder quota. Staff proposes to establish a restricted summer flounder endorsement license (SFEL). In order to be eligible, one

must already hold a CHL license and a federal summer flounder moratorium permit. A modest vessel possession limit of 150–200 pounds would be established. Licensees would be allowed to harvest year-round or until the NMFS determined and announced the Virginia quota has been harvested. No agents or transfers will be allowed. The fishery would be monitored and subject to reporting requirements. Mr. Gillingham reminded the committee the proposal applies to federal waters only. A draft copy of the proposed changes to the regulations was provided.

There were no comments from the public.

The committee agreed by consensus to support staff's proposal.

Size Limit

Mr. Gillingham informed the committee that there was a request to modify the CHL minimum size limit for summer flounder. The majority of species regulated by the VMRC have the same minimum size limit in both the commercial and recreational fisheries. There are a few exceptions, and most of these have a minimal difference in the minimum size limit between the fisheries. Mr. Gillingham reviewed the history of the summer flounder minimum size limit in both fisheries in Virginia. He explained that the commercial minimum size limit is tied to the offshore fishery where the bulk of Virginia's harvest occurs. The offshore fishery is largely a trawl fishery. Mr. Gillingham pointed out that recreational anglers tend to prefer size limits to other types of regulations.

Ms. Watts presented the results of a survey of CHL-related regulations in other east coast states. Most of the states that responded indicated that they have different size limits for the CHL and recreational fisheries, and the CHL minimum size limit is lower in these cases. States where the minimum size limit differs reported that they receive complaints from fishermen, even in North Carolina where the difference is only one inch.

Chairman Bowden commented that this issue was discussed in the past and he thought that the issue was closed. He also commented that the commercial fishery is subject to restrictions that the recreational fishery is not.

Public Comment

John Barr (audience) mentioned that he has been a board member of the recreational fishing advisory board for about 8 years but he was speaking on his own behalf. He does not own a commercial license or CHL license but has friends that do possess these licenses. Mr. Barr said he felt the biggest concern is that the minimum size limit of 14 inches applies to all commercial fishermen. He felt that if the minimum size limit for the CHL fishery was changed, the CHL licenses would be worthless. Mr. Barr asked anyone in the audience who was in support of the CHL fishermen to please stand. The majority of audience members stood. Mr. Barr commented that he felt most of the complaints from recreational anglers about the size limit difference are from those uneducated in the reasons for the differences. He said he was not aware of any scientific evidence showing that changing the size limit would provide any help to the resource. Mr. Barr said the issue is really a perception of unfairness.

He added that endorsing such a change should be based on conservation of the resource not perceived unfairness.

Chris Ludford (audience) asked the FMAC not to endorse any catch limit for the CHL fishery or endorse raising the raise size limit for the proposed federal or existing state fishery. He supports the 200-pound trip limit in federal waters but does not support any trip limits in state waters.

End Public Comment

Mr. Holbrook asked where the 14-inch minimum size originally came from. Mr. Gillingham explained that the early fisheries management philosophy was to allow fish to grow to a size so they have the opportunity to spawn at least once. He added that the commercial fishery minimum size limit is tied to the mesh size restrictions imposed in federal waters. Mr. Gillingham reminded the committee that the bulk of Virginia's commercial harvest is taken by offshore trawlers.

Mr. MacDonald added that, in the summer, markets have developed for the smaller size fish.

Attendees were asked if they had to throw back a lot of small fish for each of the bigger fish they catch. The general response was no.

Mr. Gillingham commented that the recreational fishery dead discard rate is high. The CHL fishery discard rate is assumed to be low. The discard rate in the CHL fishery could potentially substantially increase if the minimum size limit is increased.

Mr. Weagley asked if recreational anglers were requesting this because they were interested in catching smaller fish or because they want to make it difficult for others.

Mr. Gillingham said that recreational anglers have told him they have difficulty finding legal-size fish in some areas.

J.C. West (audience), commercial fisherman, commented that recreational anglers have told him they target the biggest fish they can catch.

The committee agreed by consensus to leave the CHL minimum size limit where it is (14.0 inches total length).

IV. New Business

a. Wind Farms

Mr. Travelstead pointed out that this item was put on the agenda at the request of Jeff Deem. Mr. Deem was unable to attend tonight's meeting, so the discussion will be postponed. Mr. Travelstead explained that Mr. Deem was concerned that the increased use of wind farms could result in exclusion of recreational anglers from fishing in large areas. Mr. Deem is interested in what opportunities anglers have to get involved in the public comment process. This issue will be addressed at a future meeting.

b. NOAA Sturgeon listing under ESA

Mr. Travelstead mentioned that several committee members were present at last week's public hearing for the proposal to list Atlantic sturgeon as an endangered species. He reminded the committee that the public comment period ends January 4, 2011. The VMRC is planning to submit a comment; we are waiting from an analysis of data from the VIMS. Mr. Travelstead stated that right now we don't have enough information to form an opinion. The VMRC is concerned about the potential impact on the fishing sector, boating traffic, and others. He said that there has been some talk to request a 90-day extension to the public comment period so as to allow us more time to thoroughly review the data. Mr. Travelstead added that he felt the presentation at last week's public hearing did not go into a lot of detail about the data that supported their findings. In 1998, the NMFS and USFWS determined that listing Atlantic sturgeon was not warranted at that time. Mr. Travelstead questioned what has changed since that time to suggest that listing is now warranted.

Chairman Bowden commented that everything we've seen has been positive for the stock, not negative. He added that such a listing would have implications for shipping and boat traffic, especially James River traffic. Chairman Bowden encouraged committee members to submit comments.

V. Next Meeting Date

The date and time of the next meeting was not determined.

VI. Adjournment

The meeting was adjourned at 7:41 p.m.