

VIRGINIA MARINE RESOURCES COMMISSION

FINFISH ADVISORY COMMITTEE MEETING

VMRC CONFERENCE ROOM

20 February 2007

MEMBERS PRESENT

Jeff Deem
Robert Weagley
Chris Ludford for Pete Nixon
Douglas Jenkins
Ken Neill, III
Tom Powers
Sam Swift
Russell Gaskins
Hon. William Laine, Jr.
Hon. Ernest Bowden, Jr.
Joel Vedelli for Wynston Holbrook

MEMBERS ABSENT

Chris Vaughan
Walter Rogers

VMRC STAFF

Jack Travelstead
Rob O'Reilly
Joe Grist
Mike Johnson
Lewis Gillingham
Dr. Erik Williams (SE Fisheries Science Center)
Roy Pemberton (VIMS Ph. D. Candidate)

OTHERS PRESENT

Jim Haydon
Peter Foster
Gregory Allen
Jim Brincefield
Steve Wray
Harry Dorente
Chad Boyce
Darren Foster
Kelly Place
Larry Synder

I. Introductions, Announcements

Chairman Ernest Bowden called the meeting to order at 6:05 P.M.

II. Approval of the minutes from the January 16, 2006 meeting

The minutes were approved as written.

III. Old Business

- a. Update on recreational 2007 Summer Flounder fishery management measures**

Rob O'Reilly presented the four options approved by the ASMFC. Mr. O'Reilly stated the ASMFC ruled having a single closed day, as in the original option 3, would be more confusing to anglers than beneficial, and therefore was not needed. The ASMFC discussed whether option 2, with a six-day closed period in July, was viable, since their guidelines for recommended closures a minimum of a two-week block. Eventually, option 2 was approved by the ASMFC. Mr. O'Reilly summarized the public support received by VMRC to date. Options 1 and 2 have received the greatest support. Mr. O'Reilly presented data depicting impact of various size limits by area (Seaside/Coastal versus Chesapeake Bay). The table suggests a 19-inch size limit, versus an 18-1/2-inch limit, will have a greater impact on Seaside/Coastal harvest. Mr. O'Reilly stated staff would like for FMAC to endorse one of the four options.

The FMAC debated and relayed their experience regarding the options. Tom Powers indicated he would prefer the FMAC not endorse any single option but allow the public to decide. Mr. O'Reilly was asked which of the options staff will support? Mr. O'Reilly responded option 2, on the basis of the past performance of seasons, size and bag limit combinations. Staff believes option 2 would have the best chance of not exceeding Virginia's 2007 summer flounder target and its effect would not over burden any specific area.

Jeff Deem made the following motion:

The FMAC recommends the Commission adopt option 2. Sam Swift seconded the motion.

After a very brief discussion by the FMAC, Chairman Bowden asked if any one in the audience would like to speak.

From the audience, Jim Haydon stated three of the four Southside fishing clubs supported option 1, and option 2 was second their preference.

Chairman Bowden called for a vote and the motion passed, 8 members supported the motion and 3 abstained.

b. Continued discussion of blueline tilefish and snowy grouper potential management measures and recommendations

Joe Grist reviewed the background information presented to the FMAC at their last meeting, detailing the IFGA records set last year off the Virginia coast for both species. The FMAC was reminded of the letter the VMRC had received from the South Atlantic Fishery Management Council (SAFMC), requesting Virginia adopt SAFMC restrictions for blueline tilefish and snowy grouper. Mr. Grist indicated additional letters and comments were received (and included in staff's handout for the FMAC) by the CCA, Captain Jim Brincefield and Harry

Dorente. Mr. Grist reiterated that staff's concern was these species were slow growing and easily over fished, as has been in the South Atlantic.

Last month, the FMAC requested more information regarding the science behind blueline tilefish and snowy grouper restrictions. Mr. Grist stated Dr. Erik Williams from the Southeast Fisheries Science Center and Roy Pemberton from VIMS had agreed to speak to the FMAC tonight.

Dr. Erik Williams stated snowy grouper as old as 49 years had been aged at their lab. Snowy grouper are found in the South Atlantic from 150 to at least 1000 feet, and in general, the size of the fish increases with depth. Hooking mortality (the commercial fishery uses short longlines and bandit rigs) is very high due to the depth. Snowy grouper are protogynous hermaphrodites, meaning, these fish become female when they first mature, but as they grow older, they become male. The age or size when these changes occur is indeterminate. These fish form spawning aggregations (April through September over their range in the South Atlantic) and are very susceptible to over fishing. In the South Atlantic, 87% of the harvest is commercial and 13% is recreational. The percent of immature snowy grouper in the harvest has increased dramatically in recent years. Perhaps the most alarming fishery dependent trend was the rapid decline in the average fish size. Even in the deepwater fisheries the harvest is 60 to 80% immature. These small immature grouper are called "snow flakes" because of their size. The snowy grouper is driving the whole SAFMC management plan for the deepwater complex. Currently, the snowy grouper stock is overfished and overfishing is occurring. One stock estimated the stock biomass was at just 5% of its virgin state. As for the Virginia fishery, most of the snowy grouper movement occurs when the fish are immature. Given the large size of the grouper caught off Virginia, these fish have likely been here for quite some time.

Tom Powers was interested in the absolute size of the SAFMC snowy grouper fishery and asked how many fish are being caught. Dr. Williams stated the commercial quota was 88,000 pounds. Typically the recreational harvest is 10 to 15 % of the commercial harvest.

From the audience, Peter Foster asked how far offshore was the fishery taking place. Dr. Williams responded most of it occurs 40 to 60 miles offshore.

Gregory Allen asked if the population off Virginia was genetically connected to those fish in the South Atlantic. Dr. Williams responded he was not sure; there simply was no genetic data to compare.

Roy Pemberton from VIMS addressed the FMAC regarding blueline tilefish. Mr. Pemberton has worked with Virginia commercial fishermen (primarily black sea bass) for the past six years. Mr. Pemberton stated some of the first documented commercial landings of blueline occurred during the late 1970's and early 1980's, as a by-catch in a directed longline fishery for golden tilefish. During the late

1980's and 1990's, blueline tilefish were caught as by-catch in both the commercial and recreational deepwater black sea bass fishery. Recreational catches of blueline tilefish took a big jump in 2003, as a few, but well-publicized, deep drop trips directed on blueline tilefish and were very successful. Mr. Pemberton maintained a big increase in fishing effort could be problematic to the blueline stock off the Virginia Coast, where no restrictions currently exist. Commercially, a directed blueline commercial fishery does not appear economically viable. The fish are found in deeper water than black sea bass and bring about two-thirds less per pound. For recreational fishermen, this is a new and exciting fishery which has produced a big jump in interest. Mr. Pemberton compared the blueline fishery to the golden tilefish fishery, where a large biomass of fish could be harvested in a short period of time. And, like the snowy grouper, blueline tilefish are also protogynous hermaphrodites. Therefore, he reasoned, a rapidly expanding fishery for blueline tilefish does carry a large risk factor. Mr. Pemberton stated he believed there was still time to preserve the trophy blueline fishery of the Virginia coast, adding that all the fish examined by VIMS were mature.

Mr. Grist said it was staff's intent to develop some precautionary management actions for blueline tilefish and snowy grouper off the Virginia coast. Data presented by Dr. Williams and Mr. Pemberton demonstrates how quickly and easily stocks of snowy grouper and golden tilefish were over fished. The SAFMC is proposing to add snowy grouper restrictions to waters governed by the Mid Atlantic Council, but this will likely be a 2-to-3 year process. In the meantime, staff is proposing to limit harvest of blueline and snowy grouper off the Virginia coast at a conservative level and simultaneously begin collecting biological information and detailed landings data on both species. Staff has presented the SAFMC snapper grouper regulations as a starting point for regulatory discussions, but these restrictions may not be appropriate for Virginia. Suggestions for possible recreational limits have been as high as 10 blueline tilefish, coupled with a vessel limit to cap the catch. A vessel limit is viewed by some as unfair to the larger headboats which may carry in excess of 30 paying customers. Commercially, Harry Dorente has proposed similar restrictions to the SAFMC—a 300-pound limit for blueline tilefish and a 175-pound limit for snowy grouper.

The issue was opened for discussion:

Chairman Bowden felt Virginia was today “where Hatteras was in the 1970's,” with a stock that was healthy and largely unexploited but could easily be overfished in the near future. “We know these fish are slow growing and almost all hook and release will result in mortality.” Further, these fish do not seem to undergo long migrations and it makes sense to protect our fish before they are overfished.

Tom Powers stated Virginia's recreational fishery was limited enough in size to allow a more generous possession limit than just five blueline tilefish. Mr.

Powers did express special concern for snowy grouper but stated that anglers were not targeting these fish, yet. Commercially, Mr. Powers felt uncomfortable with a 475-pound trip limit (300 pounds of tilefish and 175 pounds of snowy grouper) and thought a 300-pound aggregate limit, which allowed for just a few grouper, would be more prudent.

Ken Neill stated “the entire Virginia fleet (recreational) is sitting out in the audience right now. I would like to hear from them before we discuss this any further.”

Chairman Bowden stated he intended to allow everyone in the audience to speak on this issue, but as a matter of procedure, members of the FMAC would be given time first.

With that, Mr. Neill stated he felt the SAFMC regulations were more complex than anything Virginia anglers needed. For Virginia, Mr. Neill thought a specified number of blueline tilefish (no aggregate limit) and one grouper per person, of any species, was reasonable. Grouper are such a rare catch in Virginia; an angler will not be able to discern one species of grouper from another until they get the fish back to the dock.

Chairman Bowden opened the discussion to the audience.

Captain Jim Brincefield (operates the headboat Jil Carrie, which is docked at Long Bay Pointe, and is licensed to carry up to 20 people in the ocean) submitted a three-page letter (it was part of the FMAC packet from staff). Briefly summarizing, Mr. Brincefield stated he had seen no other boats “deep-dropping” in the past five years and questioned, “where is the increased fishing pressure coming from?” Mr. Brincefield requested to see all landings data in Virginia for these fish—he believes there are none and therefore no data to support a premise of problematic fishing pressure. “Where is the data to support the idea that tilefish and grouper populations in Virginia are declining?” It is my observation that their numbers and size are increasing.” Mr. Brincefield did not favor any creel limits at this time and suggested VMRC should gather data, require state reporting and study the issue. Mr. Brincefield felt any limits would be premature at this time and requested this issue be tabled until sufficient data has been gathered.

Captain Steve Wray, who co-captain’s aboard the Jil Carrie, stated he had been catching tilefish and black sea bass “all my life.” Mr. Wray stated landings data for charter does exist because all charter boats fishing for black sea bass, tilefish and grouper must have a permit from the NMFS and fill out daily catch reports. But Mr. Wray admitted many charter boats were unaware of the permit and reporting requirements.

Harry Dorente, a hook-and-line commercial fisherman, stated he had fished for black sea bass in Mid-Atlantic since 1980 and snapper and grouper in the South Atlantic waters since 1987. Mr. Dorente stated he must document every trip he takes for the NMFS. Mr. Dorente estimated 50% of the charter boats in Virginia and North Carolina that fish for black sea bass do not have the appropriate Federal permits. Mr. Dorente stated back in the 1990's, he saw 4,117 pounds of Warsaw grouper in one cold room that had been landed in Virginia but has seen very few Warsaw grouper since then. If some regulations restricting the harvest of tilefish and grouper are not enacted "you're not going to have any grouper and tilefish out there."

Gregory Allen, recreational angler, stated he would "deep-drop" for tilefish when the tuna fishing was slow. He does not believe the tilefish fishery is exploding and felt more data should be collected before a 5 fish limit is imposed.

Chad Boyce, recreational fishermen, asked how the five blueline tilefish limit, imposed by the SAFMC, was developed? Mr. Grist stated the five fish limit was adopted in 1991. It was determined that enough data to conduct a single species stock assessment did not exist, and the limit was imposed because of concern of the deepwater complex as a whole, but primarily for snowy grouper.

Darren Foster, recreational fishermen, stated he first fished for tilefish in 2002 and since that time, will often deep drop for tilefish when the tuna fishing is slow. He catches tilefish on hard bottom in 50 fathoms of water and has caught tilefish from Chincoteague to Oregon Inlet. "It's easy to do, just like fishing for croaker in 300 feet of water." The grouper and golden tilefish are in deeper water than the blueline off Virginia. Last year, in the location he visits to catch blueline, there were a number of commercial longlines or pots set "and the boats all had North Carolina on their stern."

Tom Powers stated he was concerned about commercial fishermen coming to Virginia to circumvent the SAFMC regulations. As for recreational measures, Mr. Powers did not think Virginia needed to be as strict as the SAFMC of five blueline tilefish.

Chairman Bowden stated the potential existed for both the recreational and commercial to rapidly expand off the Virginia coast and either management measures should address both, or "we take a gamble and do nothing."

Ken Neill felt a five fish limit would definitely stop most recreational trips directed for tilefish. "Almost nobody will run 60 miles for just 5 fish a person." Mr. Neill urged the FMAC to consider something more straight forward than the SAFMC regulations. "Pick a number for blueline tilefish and allow a grouper. People in Virginia don't know what they've caught until they're back at the dock."

Chairman Bowden suggested tabling this discussion and ask interested parties come back again next month.

Tom Powers suggested a 10 to 15 limit on blueline tilefish and “a couple of grouper,” for recreational anglers and 300 pounds of tilefish plus 175 pounds of grouper for commercial fishermen. Mr. Powers also requested staff check with the NMFS regarding data they collected from charter and headboat permit holders.

More discussion followed and Chairman Bowden stated it was becoming increasingly clear this issue would not be resolved tonight. By consensus, the FMAC agreed to table this issue until next month.

c. Possible update on upriver recreational gill net issues

Due to the lengthy discussion of blueline tilefish and snowy grouper, Mr. Travelstead reported this item will be tabled until next month.

IV. New Business

a. Description of changes and requirements associated with the 2007 Striped Bass fisheries

Mr. Grist briefly reviewed some of the changes in the commercial striped bass fishery. First, all tag allocations and any transfers are listed on the license plus the range of tags the license holder has been issued. The two-tag system and the associated slots have been eliminated. Each fisherman’s share of the quota is in actual pounds. Fishermen have been provided with a receipt book to record self-marketing of striped bass of 10 pounds or more. Staff has already seen a drop in the average-sized fish being harvested. One drawback to the new system is all tag transfers must occur at Newport News.

Rob O’Reilly gave an update regarding the shared (commercial and recreational VA, MD and PRFC) Baywide quota. The combined total harvest by the three jurisdictions will be “very close” to the Baywide limit, which, if exceeded, will trigger action by the ASMFC. The data at present suggests the Bay quota was exceeded, but approximately 66,000 spring recreational trophy striped bass are still included in the total and these will be deducted. The Virginia recreational harvest was substantially over its target of 1.5 million pounds. The current estimate places this harvest at 2.5 million pounds. The recreational striped bass “ad hoc” group will be reconvened to come up with suggestions on how to reduce the 2007 recreational catch “regardless of whether 2006 produced an overage of the Baywide quota.” Mr. O’Reilly indicated there was an overage in the 2006 commercial ocean quota of about 6,000 pounds, but this data was preliminary, and still being reviewed.

b. Discussion of recommendations for an interim possession limit on Sheepshead to the Commission

Tom Powers provided the FMAC with a handout to follow his power-point presentation. Mr. Powers briefly reviewed sheepshead citation data, MRFSS data, Virginia's and the NMFS commercial harvest data. The trend in the recreational citation data was increasing while the commercial fishery has been minimal through 2005. Information from the ODU ageing lab reveal most sheepshead weighing 10 pounds or more (the minimum citation qualifying weight) were 15 years old or older, but one sampled fish was only 5 plus years old and weighed greater than 10 pounds. Mr. Powers deemed Virginia's recreational fishery as "largely a trophy fishery," where 7 to 10-pound sheepshead are fairly common. Mr. Powers reasoned in order to maintain Virginia's trophy sheepshead status, it is important to maintain an age structure that includes many fish 15 years and older. Mr. Powers believes that to insure a large number of older and larger individuals it is necessary to restrict the commercial and recreational fisheries, which currently are totally unregulated in Virginia. Mr. Powers stated a four fish recreational possession limit and a 300-pound commercial limit have been suggested. Mr. Powers felt a recreational limit of 4 to 6 fish was appropriate and it was also important to cap commercial hook-and-line at some poundage limit.

Kelly Place felt said the commercial hook-and-line fishery effort was already capped at 200 licenses. Any possession limit for these fishermen should be by license holder and not by vessel.

Larry Synder, representing the CCA, stated his organization has noted growing fishing pressure on sheepshead, a species that has no restrictions. The CCA encouraged ODU to submit a sheepshead research proposal to the Recreational Advisory Board for funding. The study was approved, and 2006 was the first year of the study. The final results will not be available until 2009. In the interim, the CCA supports adopting a modest possession limit for recreational and commercial fishermen.

Jim Haydon, representing three fishing clubs on the Southside, indicated he agreed with Mr. Powers and Mr. Synder. He stated sheepshead were not an easy fish to catch, were structure oriented and required a special bait (fiddler crab). Sheepshead is not a fish for the average recreational fishermen.

Kelly Place, Harry Dorente and Chris Ludford all spoke against the CCA proposal (same possession limit for commercial and recreational) but could support a reasonable possession limit in pounds.

Chris Ludford was asked what would be a reasonable commercial limit. At \$0.75 to \$1.50 per pound, Mr. Ludford reasoned a 500-pound vessel limit would be viable.

Tom Powers made the following motion:

Establish a four fish limit for recreational anglers and a 500-pound commercial vessel limit for hook-and-line only. The motion passed with 8 in support, 2 against and 1 abstained.

VI. Next Meeting

The next meeting will be March 20, 2007, at 6 P.M.

VII. Adjournment

Chairman Ernest Bowden adjourned the meeting at 9:15 P.M.

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