

**VIRGINIA MARINE RESOURCES COMMISSION**  
**FINFISH MANAGEMENT ADVISORY COMMITTEE**  
**2600 WASHINGTON AVENUE, NEWPORT NEWS, VA**  
**VMRC COMMISSION ROOM, 4<sup>TH</sup> FLOOR**

**TUESDAY MAY 8, 2018 – 6:00 P.M.**

Members Present

Robert Weagley  
John Bello  
Jack Austin  
Jeff Deem  
Scott MacDonald  
Tom Powers  
Bob Sinclair  
Curtis Jenkins proxy for Andy Hall  
Doug Jenkins proxy for Walter Rogers

Members Absent

Hon. Ken Neill  
Meade Amory  
Skip Feller

VMRC Staff Present

Rob O'Reilly  
Pat Geer  
Lewis Gillingham  
Alex Aspinwall  
Sydney Alhale  
Ryan Jiorle

Others Present

Wayne France  
Wes Blow  
Mike Avery  
Elgin Nininger Jr.  
Lloyd R. Hall Jr.  
Robert L. Weagley Jr.  
JC Hudgins

I. FMAC Introductions; Announcements

The meeting was called to order at 6:00pm. Chief of Fisheries Rob O'Reilly introduced Bob Sinclair, a new member on the Finfish Management Advisory Committee, who is a recreational angler from Virginia Beach. He also introduced Pat Geer, the VMRC's new Deputy Chief of the Fisheries Management Division.

II. Approval of minutes for the February 2018 meeting

Minutes were approved without objection.

III. New Business

A). Discussion of a proposal to change management measures for recreational striped bass

Doug Jenkins, a commercial fisherman from Warsaw, Virginia, presented to the Committee a proposal regarding recreational striped bass management in Virginia. He pointed out that the recreational sector does not have a tagging system as the

commercial sector does, and this system allows for accountability and enforcement for the fisherman. Mr. Jenkins suggested implementing the same system for the recreational striped bass fishery, whereby each angler legally eligible to fish in Virginia would be allocated a quota and tags for striped bass. Acknowledging that not everyone fishes for striped bass, they would be allowed to pass those tags along to interested anglers. This is important because he estimated the quota would be approximately five pounds per person. Mr. Jenkins believes this would create more equity among the two sectors in Virginia, especially given the strict management implemented by the Atlantic States Marine Fisheries Commission. He stated that interstate management plans must take into account social and economic needs of the fisheries, while allowing states to make allocation decisions. Mr. Jenkins, citing cuts to commercial striped bass quotas, garnered the support of a watermen's association to get actions taken that would reinstate the cuts and also establish the allocation/tagging system for the recreational sector.

John Bello cited concerns over the costs of the program and the need for this program in the first place.

Jeff Deem suggested waiting on addressing this issue because there is an ongoing stock assessment for striped bass and that the recalculation of MRIP effort values, to be released July 2018, may have ramifications for recreational fisheries numbers.

Mr. O'Reilly explained that the recalculation of MRIP's effort estimates will have an effect, but it is not clear what effect this will have on stock size and fishing mortality estimates.

Jack Austin stated that he is an avid striped bass fisherman and wants improved data collection. However, he suggested the issue with striped bass is that menhaden, a prey species, is depleted. He would be supportive of a strict accountability program for striped bass if there was also a corresponding cut in the menhaden quota.

Tom Powers cited a concern with the tagging system because many anglers get their fishing licenses or Fisherman Identification Program numbers online. Thus, it would be difficult to distribute tags to these people. He also warned that implementing the tagging system would create a gray market for anglers to sell the tags to other people.

Mr. Jenkins and the group of watermen he represents would be willing to take legal action if nothing is done to address his concerns. He also indicated Maryland was able to achieve loosening of regulations in both sectors for striped bass, and Virginia should be pursuing the same.

Scott MacDonald cited an increase in menhaden abundance in the Upper Chesapeake Bay and more small striped bass as well.

Mr. O'Reilly addressed Mr. Jenkins's proposal, saying that Virginia would need ASMFC approval to use this system to evaluate recreational landings over MRIP. He also cited budget concerns, saying it would take a new VMRC position or a position-and-a-half to administer this program. Finally, the recreational sector is no longer under a quota, so there is no amount of weight to allocate to individual recreational anglers. It is not a practical proposal given the size of the VMRC's Fisheries Management Division and Law Enforcement Division. Regarding the

state of the commercial fishery, Mr. O'Reilly pointed out that the management of striped bass has improved since the 1990s, when seasons were extremely short. Any further relaxation of measures will depend on the results of the ongoing stock assessment for striped bass, because the VMRC has to follow the ASMFC management plan. In 2017, the VMRC had attempted to get the ASMFC to agree to a 10% liberalization in striped bass quota for Virginia, but was turned down.

Mr. Jenkins insisted it's unfair for the commercial sector to be managed under a quota when the recreational sector isn't. He indicated a solution would be to get the Governor of Virginia involved to get Virginia out from underneath the management of the ASMFC, as this would allow flexibility and better results for both of the sectors.

Mr. Bello wanted to know if VMRC staff and other state agencies felt the most recent ASMFC striped bass regulations were having the desired effect, because many anglers are not seeing a difference. Mr. O'Reilly responded that the goal of those regulations was to protect the 2011 year class, and the success or failure will not be known until the assessment has been completed.

Mr. Deem expressed the willingness to help commercial watermen find other fisheries to prosecute until the timing is better for changing striped bass management.

Mike Avery, a recreational angler from the public, wanted clarification on how anglers are supposed to measure a striped bass. Mr. O'Reilly indicated the measurement should begin at the tip of the snout (not the tip of the lower jaw) to the tip of the tail, and that VMRC staff will get the Commission to put this into regulation at a future meeting. Mr. Avery also requested changing the recreational season to allow an opening for two weeks in January in exchange for two fewer weeks of fishing in October. Mr. O'Reilly indicated this is something staff could bring before the ASMFC for approval if the anglers want such a change. He also noted Virginia may attempt to establish a season similar to that of Maryland and the Potomac River Fisheries Commission.

Mr. Powers expressed concern over an open season for recreational striped bass in the summer because of increased release mortality.

#### B). Updates from the ASMFC Spring 2018 meeting

##### Summer Flounder

Sydney Alhale reported on the approval of an Amendment Public Hearing Document with possible changes to summer flounder management, mainly, the modification of commercial quota allocation. Current allocation was established in 1993 and is based on landings data from 1980 through 1989, and some states in the ASMFC believe this is outdated. A public hearing will be scheduled for a later date to discuss these allocation alternatives in detail.

### Tautog

Ms. Alhale explained that the Tautog Management Board of the ASMFC reviewed Connecticut's plans to remain status quo, which deviated from the Board's original plan. The technical committee reviewed this and determined there would unlikely be any negative impact as a result of this change, so the Board allowed Connecticut to remain status quo.

### Striped Bass

Alex Aspinwall updated FMAC on the ongoing stock assessment, explaining it will be finished in November of 2018. A working group was established to see which reference points states are interested in using to manage striped bass. The stock assessment subcommittee has been directed to provide a range of reference points for the Striped Bass Management Board to consider.

### Black Sea Bass

Mr. O'Reilly informed FMAC the states Massachusetts through New York ("northern states") appealed the most recent recreational allocation for black sea bass, as established under Addendum XXX. They disagreed with the reference period used to establish the allocations because they believed it favored the states to their south. Citing a northward shift in the stock's distribution, the northern states believed the most recent years should be the focus. Mr. O'Reilly explained New Jersey's recent appeal on a summer flounder decision has created tensions at the ASMFC, and that ASMFC staff worked with the northern states before the Summer Flounder, Scup, and Black Sea Bass Management Board meeting to achieve a compromise. Also, as part of their proposal, the northern states wanted the ASMFC to review commercial allocation for black sea bass.

Wes Blow, a recreational angler from the public, wanted to know if the January/February black sea bass season was still on the table for the recreational fishery in future years. Mr. O'Reilly responded that it is still a possibility and would require a letter of authorization (LOA) from the National Marine Fisheries Service.

### Black Drum

Ryan Jiorle informed FMAC that the South Atlantic State/Federal Fisheries Management Board of the ASMFC approved Maryland's proposal to re-open its commercial black drum fishery under a 28-inch minimum size and a 10-fish daily vessel limit.

Mr. Powers expressed concern about the potential growth of the fishery in Maryland and hoped both Virginia and the ASMFC would monitor landings so that they do not hurt the spawning stock. Mr. Jiorle responded that Maryland

has strict commercial regulations for pound nets and gill nets, which greatly limits the potential for an expansion of this fishery.

### Cobia

Mr. Jiorle gave an update on the multiple assessment and management activities surrounding cobia. Preliminary results of the SEDAR 58 Cobia Stock Identification Workshop indicate that the current stock boundary of the Florida-Georgia state line is the most sensible biological boundary. The South Atlantic Fishery Management Council representative at the ASMFC meeting indicated these results would make the two councils (South Atlantic and Gulf of Mexico Fishery Management Councils, who jointly manage cobia) willing to give up sole management of Atlantic Migratory Group Cobia to the ASMFC. Mr. Jiorle also provided an update on the upcoming SEDAR 58 stock assessment for cobia, explaining it should be completed by late 2019 and peer-reviewed in early 2020.

### Spot and Croaker

Mr. Jiorle informed that, because neither the spot nor the Atlantic croaker stock assessment passed peer review, the technical committees have been exploring alternative ways to assess the health of these fisheries. The current management tool is the traffic light analysis (TLA), which use landings information, as well as fishery-independent surveys, to measure the abundance relative to some historical time period. The technical committees, as well as the ASMFC's South Atlantic Board, are considering various adjustments to the TLA, which could change how the states would need to respond in terms of management. However, this process is still in the exploration phase because it is unclear whether changes in these fisheries are from fishing mortality or other environmental factors.

Mr. Powers stated the need for proactive management, saying that even if the primary problem is not fishing mortality, establishing regulations like a size limit would still help the population rebound. Mr. Jiorle indicated that even if the ASMFC does not mandate any management changes for spot and croaker, the VMRC could choose to implement stricter regulations.

Mr. Jenkins indicated that croaker abundance is cyclical and has been up and down for the last sixty or seventy years.

### Menhaden

Mr. O'Reilly informed FMAC that the Virginia General Assembly did not update its laws relative to menhaden, meaning the quota is still set at the 2017 values, and as such, the state has not met the criteria established in ASMFC's Amendment 3 to the Atlantic Menhaden FMP. As a result, the ASMFC found Virginia out of compliance and will revisit this issue in August. Mr. Bello stated that if Virginia does not come into compliance by the ASMFC August

meeting, ASMFC's Interstate Fishery Management Program Policy Board may vote to send a letter of non-compliance to both the Secretary of Commerce within ten days of the Board's decision. Mr. O'Reilly added that the Secretary of the Interior, in addition to the Secretary of Commerce, will weigh the information provided and render a decision on compliance within 30 days. A letter will be sent to Governor Northam with the Secretary's decision. If found out of compliance, Virginia's menhaden fishery could face a moratorium in accordance to the Atlantic Coastal Fisheries Cooperative Management Act. It is hoped the General Assembly can address this issue when they reconvene to address the State FY19 budget.

#### IV. Old Business

##### Speckled Trout

Mr. Deem asked why speckled trout was not closed following the cold winter. Lewis Gillingham indicated that at its February 2018 meeting, FMAC chose not to recommend a closure. Also, at the Commission meeting, there was no public comment supporting a closure, so it chose not to establish a temporary closure.

Mr. Powers stated there should be enough data to support a closure until June 1 to allow speckled trout at least one chance to spawn. Closures could be based off of monitoring of certain environmental conditions (for example water temperature) combined with evidence of fish kills in the Chesapeake Bay.

Robert Hollowell, a commercial fisherman, stated that small speckled trout leave the Bay during the winter. He also stated the deterioration of the habitat (bottom) of the Chesapeake Bay has hurt major fisheries in Virginia like spot, croaker, and summer flounder. Further, the lack of dredging in the Bay has made the process worse because turning the ground over increases productivity. If anything, effort has decreased since the 1950s, so overfishing is not the problem.

#### V. Adjournment

The meeting adjourned at 8:31pm.