

**VIRGINIA MARINE RESOURCES COMMISSION**  
**FINFISH MANAGEMENT ADVISORY COMMITTEE**

**380 FENWICK ROAD, BUILDING 96**

**FORT MONROE, VA**

**MONDAY, FEBRUARY 25, 2019 – 6:00 P.M.**

Members Present

Jeff Deem (Chairman)  
Hon. Ken Neill  
Meade Amory  
John Bello  
Scott MacDonald  
Tom Powers  
Bob Sinclair  
Robert Weagley

Members Absent

Ernest Bowden  
Hon. James Minor  
Skip Feller  
Andy Hall  
Walter Rogers

VMRC Staff Present

Rob O'Reilly  
Pat Geer  
Ellen Bolen  
Alex Aspinwall  
Lewis Gillingham  
Alexa Kretsch  
Adam Kenyon  
Jill Ramsey  
Ethan Simpson

Others Present

Mike Avery  
Chris Ludford  
Charles Dryden  
Theresa Vaughan  
Wes Blow  
Wayne Lumsden  
Wayne Young

I. FMAC Introductions; Announcements – J. Deem

The meeting was called to order at 6:04pm.

II. Approval of minutes for the January 9, 2019 meeting – J. Deem

Minutes from the January meeting were approved unanimously without objection.

III. New Business

A). Discussion on Hickory Shad

Mr. Wayne Lumsden, recreational fisherman, and Mr. Wayne Young, biologist, gave a presentation on concerns about the hickory shad fishery. Mr. Lumsden stated that he

has observed people removing coolers full of hickory shad from the spawning reaches of the Rappahannock river and the Occoquan river using cast nets and dip nets during spawning runs. He demonstrated how hickory shad are vulnerable to capture in shallow areas of the rocky spawning reaches. Mr. Young informed the committee that there is limited data available about the health of the hickory shad stock and its role in the striped bass forage base. There is a moratorium on hickory shad capture in Maryland and Potomac waters due to its similarity to American shad, for which there is a coastwide moratorium, and the overlap of spawning runs for the two species. Mr. Young recommended proactive management measures such as banning the use of dip nets and cast nets in spawning reaches and establishing a recreational creel limit. He also recommended a biologist-led assessment of the stock.

Mr. Adam Kenyon, Fisheries Management staff member, presented hickory shad data available to the VMRC. Mr. Robert Weagley said regulations should not be made without scientific information available. Mr. Tom Powers believes VMRC has the power to manage pro-actively for a quality fishery, as is done for sheepshead and spadefish. The fishing pressures described by Mr. Lumsden could injure the stock in its spawning reaches. Mr. Powers suggested VMRC staff contact DGIF for their creel survey data and advised Mr. Lumsden to give his presentation to fishing clubs, for them to forward comments to staff. Chairman Jeff Deem advised staff to collect more information and report back to the committee at a later time.

#### B). Update on Towing Fish Regulation

Mr. Lewis Gillingham, Fisheries Management staff member, updated the committee that staff will ask the Commission at the next day's meeting to postpone the public hearing for changing the fish towing regulation. The inter-departmental Regulatory Review Committee recommended that the towing regulation apply not just to striped bass and cobia, but to all species regulated by a possession limit. Mr. Mike Avery, of the VA Saltwater Sportfishing Association, commented that a poll on the VSSA's website showed 76% of members support a ban on fish towing.

#### C). Discussion on Changes to Mandatory Recreational Reporting for Cobia, Trophy Striped Bass, Black Sea Bass, Tilefish, and Grouper

Mr. Ethan Simpson, Fisheries Management staff member, presented a history of mandatory reporting requirements for the recreational tilefish and grouper, cobia, and striped bass fisheries, as staff has heard concerns about low reporting. Staff is recommending enforcing the denial of renewal if the report is not submitted within 15 days of the season closure. Chief of Fisheries Management Rob O'Reilly added that there can be a bias in data if anglers don't recall what days they fished and how much they caught or if they report "No activity" only to receive the next year's permit. Mr.

Simpson also discussed the consistently low tilefish reporting rates. Tilefish is federally managed and anglers are required to report via NOAA's VTR program, which VMRC can request data from. Any reports sent in to VMRC are redundant. Staff is requesting removing the tilefish permit and reporting requirement from regulation.

Mr. Bob Sinclair recommended advertising which recreational species need permits when anglers are buying licenses. Mr. Powers recommended that the printed license could list what species need licenses and reporting and to advertise at marinas and boat launches. Chief O'Reilly reminded the committee that the permitting and reporting requirements are in regulation. Mr. Gillingham added that the recreational regulation card lists "Permit required" for the pertinent species. Mr. Powers recommended stressing to the public that any loss of license for non-reporting is only for one year and to lengthen the reporting period to 45 days. Mr. Wes Blow, recreational fisherman, said waiting 45 days would still have memory bias. Chief O'Reilly said ASMFC uses our weight data for stock assessments.

#### D). Striped Bass Stock Assessment and Future Management

Chief O'Reilly reported that several southern states prefer ASMFC start an amendment process for striped bass, which can last 1-1.5 years, with no action before 2021. Virginia and several northern states are in favor of an addendum process, which could mean action by 2020. Chief O'Reilly pointed out that states are now allowed conservation equivalency, so if VA wants different measures, staff would need to show that any measures are equal in scope.

Mr. Alex Aspinwall, Fisheries Management staff member, updated the committee on the striped bass stock assessment, which shows that striped bass coastwide are overfished and overfishing is occurring. In Virginia, recreational effort, harvest, and catch per unit effort have been decreasing, as has the average commercial weight per fish. Mr. Aspinwall also described several recreational and commercial options that staff would like opinions on, including season closures, possession limits, size limits, and maximum gill net mesh sizes.

Mr. Powers and Mr. MacDonald expressed concern that commercial season closures would increase effort on the stock once the season opens again. Several committee members were concerned that Virginia would share cuts and limitations despite consistently coming in under commercial quota. Mr. O'Reilly stated that 10% of coastwide removals are from the commercial fishery, but Virginia's commercial fishery accounts for more than 50% of state removals. Several committee members are also concerned with the effect of size limitations on dead discards, which Mr. Aspinwall says are only 4% of state removals, but much higher in other states. Mr. Charles Dryden, commercial striped bass fisherman, said marketability is the reason

average fish weight has been decreasing. Commercial fishermen are targeting smaller fish because they get a higher price per pound for them. Mr. Chris Ludford, recreational and commercial fisherman, said Virginia's fishery is good and any decrease seen in striped bass is due to the cyclical nature of the population. Mr. Avery agrees in taking conservation measures, but believes it should be as a coalition of states. Chief O'Reilly said ASMFC will decide in May what next steps are. In the meantime, Virginia needs to decrease the mortality rate and increase spawning potential and will use the committee's comments to decide what to look at next.

#### E). Other Business

##### 1. Electrofishing for Blue Catfish

Mr. Weagley asked how long before electrofishing can be used widely for blue catfish. Chief O'Reilly said VMRC is working with Bob Fisher of VIMS on a possible strategy to allow electrofishing operations in 2020. The Code of Virginia is specific about gear licenses needed for selling catch.

##### 2. FMAC Business

Mr. MacDonald asked how the advisory committee could have more commercial fishing representation. Chief O'Reilly said the committee has become less partisan on recreational and commercial issues, but VMRC would look into it. Mr. MacDonald asked if a subcommittee for spot and croaker, as discussed in the January 9, 2019 meeting, is still on the table. Chief O'Reilly advised him to work with Deputy Chief Geer. Deputy Chief Geer said VMRC will provide a summary of opinions at the May ASMFC meeting and VMRC could form a working group. Mr. MacDonald and Chairman Deem stressed the important of a diverse group of gear fishers being present.

Mr. Weagley asked about the disallowing of proxies at FMAC meetings. Chief O'Reilly said attendance records showed meetings where proxies made up the quorum. There used to be a formal process of requesting permission from the Chief, but the Commissioner has asked for no more proxies. Chief O'Reilly said again VMRC would consider Mr. MacDonald's request for more members.

#### IV. Old Business

There was no old business.

#### V. Adjournment

The meeting was adjourned at 8:47 pm.