

**Virginia Marine Resources Commission**  
**Finfish Management Advisory Committee (FMAC)**  
380 Fenwick Road, Fort Monroe, VA  
VMRC Commission Room,  
Wednesday, October 14, 2020 – 5:00 P.M.

**ATTENDANCE**

Members Present

Jeff Deem  
Honorable Dr. Ken Neill  
John Bello  
Ernest Bowden  
Dr. P. Milton Cook  
Michael Lightfoot  
Scott MacDonald  
Tom Powers  
Ed Sarfan  
Robert Weagley

Members Absent

Honorable James Minor  
Meade Amory  
Skip Feller  
Bob Sinclair

VMRC Staff Present

Pat Geer  
Shanna Madsen  
Somers Smott  
Lewis Gillingham  
Alexa Kretsch  
Jill Ramsey  
Jennifer Farmer  
Ethan Simpson  
Olivia Phillips  
Ellen Bolen

Others Present

Mike Avery  
Alex Aspinwall  
Ben Ames  
Bill Gorham  
Brandon Timm  
Bryan Lewis  
Devin Rilee  
JC Hudgins  
Wes Blow  
John Powers  
John Satterly  
Jonathan French  
Mark Sanford  
Zane Oliver

Minutes were prepared by Olivia Phillips

**I. FMAC Announcements – J. Deem**

Due to the COVID-19 office closure, this meeting was conducted via electronic communication means (WebEx). Mr. Jeff Deem explained that, due to medical reasons he would not be chairing the meeting. The Honorable Dr. Ken Neil served as chair, and called the meeting of the Finfish Management Advisory Committee to order at 5:05pm.

**II. Approval of minutes from the November 25 meeting and March 3, 2020 meeting**

The minutes from the November 25, 2019 and March 3, 2020 meetings were approved by consent.

### **III. New Business:**

#### **A. Election of a Vice Chair**

Dr. Neill called for nominations for a Vice Chair to take on Mr. Jeff Deem's duties at future meetings if he is unavailable. Mr. Michael Lightfoot nominated himself. Mr. Scott MacDonald nominated Mr. Ernie Bowden, indicating that he would be a good choice because he has prior experience as chair of FMAC. Mr. Bowden accepted the nomination. Mr. Deem endorsed Mr. Bowden's nomination, also citing Mr. Bowden's prior experience as a benefit. Mr. Lightfoot conceded to Mr. Bowden, and the committee approved Mr. Bowden as Vice Chair of the committee.

#### **B. Recreational Cobia Options for 2021-2023**

Deputy Chief Shanna Madsen began by providing the recent history of cobia management to explain the need for a harvest reduction in the recreational cobia fishery. Deputy Chief Madsen explained that, in 2017, the Atlantic States Marine Fisheries Commission (ASMFC) adopted the Interstate Fishery Management Plan (IFMP) for Atlantic Migratory Group Cobia. At the time, the coastwide recreational harvest limit (RHL) was 620,000 pounds, of which Virginia receives 39.4%, yielding a state quota of 244,280 pounds. Deputy Chief Madsen further explained that in 2019, Amendment I transferred the IFMP to sole management by ASMFC, and at the February ASMFC meeting, a new coastwide harvest quota of 80,112 fish was set in response to the new cobia stock assessment. As such, the new recreational soft target for Virginia is 29,039 fish (92% recreational and 8% commercial). Based on MRIP harvest numbers for the previous three years (2017-2019), Virginia's recreational cobia fishery must take a 42% reduction to avoid exceeding the new soft target. Deputy Chief Madsen explained that, per Amendment I to the IFMP, the only management action states can take to accomplish recreational harvest reductions are season adjustments and vessel limits.

Following Deputy Chief Madsen's presentation, Ms. Somers Smott provided the proposed management measures staff calculated for the 2021-2023 recreational cobia seasons. Ms. Smott informed the committee that all the management options have been presented to and approved by the Cobia Technical Committee (TC). Ms. Smott explained that staff used 2017, 2018, and 2019 as reference years, and the MRIP data from the three reference years indicated that a 42% reduction is necessary to meet the new soft target set for 2021 to 2023. Ms. Smott first presented the following two full season and one split season options in which only the season was adjusted to meet the 42% reduction: S1) June 1 to July 23 (47% reduction), S2) July 1 to August 19 (45% reduction), and S3) June 1 to July 12 and August 12 to September 15 (43% reduction). Then Ms. Smott explained option V1, current season (June 1 to September 30) with a 1-fish vessel limit, which would provide a 53% reduction. Ms. Smott provided the following combined season adjustment and 2-fish vessel limit options: C1) June 15 to September 15 (42% reduction), C2) July 1 to September 30 (52% reduction), C3) June 1 to June 30 and August 1 to August 31 (46% reduction), and C4) June 1 to July 15 and August 15 to September 30 (54% reduction). Ms. Smott explained that, in addition to whatever season and vessel limit adjustments staff and FMAC

recommend, staff would like to propose a prohibition on gaffing. Ms. Smott provided data that suggests there may be a relationship between gaffing and the number of undersized cobia harvested, such that fewer undersized cobia are harvested when gaffing is prohibited. Ms. Smott explained that staff hope to reduce the harvesting of undersized cobia by once again prohibiting gaffing. Finally, Ms. Smott told the committee that staff recommends options C1, a June 15 to September 15 season with a one fish per person or 2 per vessel (whichever is most restrictive) possession limit, status quo size limits, and a prohibition on gaffing.

Both Mr. John Bello and Mr. Michael Lightfoot provided support for staff recommendation. Mr. Lightfoot asked about the possibility of issuing a certain number of tags to insure Virginia does not exceed the soft target. Chief Pat Geer and Deputy Chief Madsen explained that, although that is a good idea, it is not feasible due to staff time and budgetary limitations. Mr. Lightfoot also asked when cobia usually occur in the Virginia portion of the Chesapeake Bay, in reference to the proposed season adjustments. Dr. Neill explained that cobia arrive earlier and earlier each year, but, in general, they usually arrive in May. Mr. Lightfoot suggested a season that begins earlier but ends earlier, and Ms. Smott explained that staff cannot propose such a season because we do not have reference data for months prior to June. Dr. Neill also observed that it appears Virginia will achieve a larger reduction with fewer days if days are removed from the beginning of the season rather than the end. Ms. Smott confirmed that Dr. Neill's observation was correct. Mr. Edward Sarfan asked staff when cobia spawn, and Deputy Chief Madsen explained that cobia spawn in early June and thus, the proposed season adjustments will have the added benefit of allowing for greater spawning potential prior to the fishing season. Dr. Neill opened the discussion up to the public.

Mr. Mike Avery explained that he needed more time to consider the options before providing his opinion, but asked FMAC to provide a recommendation of their top three options to the Commission. He also asked staff if they could send a survey to members of the public with a selection of the proposed management options, such that the public has ample opportunity to provide the most feedback possible. Mr. Avery finished his statement by expressing lack of support for the gaffing prohibition, indicating that he does not believe prohibiting gaffing will reduce the number of undersized cobia. Several FMAC members agreed that a survey for the public with fewer options from which to select would be beneficial. Deputy Chief Madsen agreed, and told FMAC and the public that staff would send a survey with options from each category.

Mr. Jonathan French prepared several comments. In general, he disagrees with the coastwide quota approved by ASMFC, and does not believe that Virginia should take a reduction in recreational harvest based on MRIP data. Mr. French requested that VMRC ask for flexibility from ASMFC. He also expressed support for Virginia's mandatory reporting program, and hopes that VMRC can use it to inform management decisions in the future. Mr. French explained that if he had to select a management option, he would choose option C4, a split season option with a 2-fish vessel limit, because it removes July which is not generally a good time to catch cobia in Virginia. He further explained that the best time to catch cobia is in June and September before the weather turns.

Mr. Bill Gorham introduced himself by explaining that he was appointed to participate in the recent stock assessment. He echoed Mr. French's statements that Virginia should not have to

take a reduction in the first place, citing that the stock assessment results indicate the stock is not overfished nor is overfishing occurring. He also hopes that VMRC will continue the mandatory reporting program, and that the data will be usable in the future. Mr. Gorham believes that shortening the season will not achieve a reduction, but will instead focus effort. He also believes that cobia spawn throughout the year, and as such, it is misguided to think that adjusting the season will benefit spawning. Mr. Gorham believes that the recreational cobia fishery in Virginia is popular because fish are abundant not because they are difficult to find. Mr. Gorham said that, if pressed, he would choose option C3.

Mr. Devin Riley began by expressing support for prohibiting gaffing, citing issues with novice anglers gaffing undersized fish. Mr. Riley was also in support of option C1 (i.e., staff recommendation). He also suggested that staff consider a trophy season for cobia, which could allow a period of time during the season that protected the spawners and a period of time during the season in which anglers could catch larger fish. He also requested that staff consider sector-specific regulations (i.e., different regulations for charter versus private anglers).

Mr. John Satterly echoed the idea of different regulations for charter and private anglers, but recognized that VMRC has not supported such sector separation in the past. Mr. Satterly indicated that the options most charter fishers would prefer are the options in which only season adjustments are considered and vessel limits remain status quo (i.e., 3 per vessel).

Mr. Wes Blow expressed support for prohibiting gaffing. He also explained that many novice anglers gaff undersized fish and then release them dead once they've measured the fish. He urged staff to consider more conservative measures to ensure Virginia is taking the most corrective action possible to protect cobia and the future of the fishery. He supports option C1 (i.e., staff recommendation).

Mr. Alex Aspinwall asked staff if they had considered separate measures for charter versus private anglers. Ms. Smott explained that there were too few MRIP intercepts with each sector to separate the data and maintain a robust statistical analysis. In response, Mr. Aspinwall expressed support for option C1 (i.e., staff recommendation).

Mr. French spoke again to support the prohibition of gaffing to protect undersized fish, but expressed concern for the pier angler. He indicated that it is difficult to net a cobia safely from a pier without first gaffing the fish.

Mr. Blow and Mr. Avery both spoke again to ask staff not to consider separate regulations for recreational sectors.

At this point, FMAC discussed which options to include in the survey VMRC would send to the public. Several committee members agreed that split seasons would be difficult to enforce, and therefore agreed to only options with full season in the survey. **Mr. MacDonald made a motion to recommend option C1 (i.e., staff recommendation). Mr. Lightfoot seconded the motion, and it passed unanimously.**

Deputy Chief Madsen explained that Addendum 1 to the FMP, which proposes alternative allocation strategies that would allow for more proportion changes to the commercial and recreational split, was on the agenda for review at the October 2020 ASMFC meeting. Deputy

Chief Madsen explained that based on the decision, staff may be able to add days to the proposed season adjustments, and asked the committee if they would prefer to see days added to the beginning or end of the season. Rather than providing a recommendation, the committee asked staff to include that question on the public survey.

Mr. Tom Powers asked Deputy Chief Madsen how the mandatory reporting program data was being used to inform management measures. Deputy Chief Madsen explained that it is too early in the program to use the data to inform management measures. Deputy Chief Madsen further explained that 2019 and 2020 are the two most consistent years with the highest reporting rates, and would therefore serve as the beginning of the dataset. Deputy Chief Madsen also indicated that there are several reporting errors within the data so the public in favor of this program and the committee need to temper their expectations of the data and be patient with the limitations in which staff could use the data in the future. Deputy Chief Madsen recognized that the MRIP data has issues, but that, as of right now, it is the only dataset that is statistically sound and approved by ASMFC. As such, staff is going to work with ASMFC to see what can be done with our mandatory reporting program's dataset. Mr. Lightfoot asked how well the numbers from MRIP and the Virginia's reporting program match up. Ms. Smott explained that the datasets are incomparable. Chief Geer further explained that Virginia's dataset is not old enough yet, citing a 10 year minimum before the dataset would be considered "old enough". Mr. Powers expressed a need for some assurance that Virginia's dataset is worth continuing. Deputy Chief Madsen agreed, and re-stated that staff is working with ASMFC to evaluate Virginia's reporting program. Dr. Neill explained that this program would only work with angler support, citing Virginia's successful February Black Seabass reporting program. Mr. French, member of the public, expressed support for Virginia's reporting program, and urged staff to continue forward with the program and to allow time for the dataset to grow and be useful in the future. Mr. Blow, member of the public, stated that he does not believe the program will ever provide accurate data because anglers are not reporting accurately.

#### **IV. Other Business**

##### **A. Atlantic Croaker/Spot Updates**

Ms. Smott reminded the committee that Atlantic croaker and spot are managed with a traffic light approach in place of a stock assessment. Ms. Smott explained that both species will trip at 30% based on both the harvest indicator and the abundance indicator, and that as a result both species will have a 50-fish bag limit to meet a 1% reduction to average landings over the last 10 years. Because of COVID-19, there are two indices missing from the fishery independent data (VIMS and ChesMMAP). Both species still trip at 30% even without these data points. Ms. Smott explained that staff plan to discuss this issue with the spot and croaker work group and with FMAC in 2021 because implementation will likely be in the spring of 2021. Although some committee members expressed concern about future spot and croaker management action, Mr. MacDonald indicated that the work group is aware the committee's issues, and plans to address them when they meet in 2021.

##### **B. Speckled Trout Updates**

Deputy Chief Madsen provided background regarding Virginia's self-imposed commercial quota for speckled trout. She explained that the quota was imposed proactively in response to recreational restrictions in place at the time. Deputy Chief Madsen explained that, in 2019, harvest happened quickly and the fishery was closed before the bycatch provision that occurs when 80% of the harvest is achieved could be implemented. As a result, the Commission approved replacing the weekly buyer reporting program (implemented in 2014) with a daily buyer reporting program. Deputy Chief Madsen explained that the daily reporting was helpful in closing the commercial speckled trout fishery this year before the quota was exceeded. However, considering the commercial speckled trout fishery has achieved and surpassed the self-imposed quota two years in a row, Deputy Chief Madsen indicated that staff believe the commercial speckled trout fishery needs to be evaluated and updated. Deputy Chief Madsen explained that staff intend to monitor the progress of the NC Stock Assessment, discuss the fishery with FMAC in spring 2021, and implement potential changes to fishery next year. Several members of the committee supported the need for re-evaluating the commercial speckled trout fishery and requested a task force be implemented like was done for spot/croaker. Deputy Chief Madsen said they would ask the FMAC to help populate that task force.

## **V. Adjournment**

The meeting was adjourned at 7:28 pm by the Honorable Dr. Ken Neill.