

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC) Minutes
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Monday, August 26, 2019 – 6:00 P.M.

ATTENDANCE

Members Present

Jeff Deem
Honorable Dr. Ken Neill
John Bello
Ernest Bowden
Skip Feller
Scott MacDonald
Michael Lightfoot

VMRC Staff Present

Pat Geer
Jill Ramsey
Alex Aspinwall
Alexa Kretsch
Lewis Gillingham
Adam Kenyon
Somers Smott
Hank Liao

Members Absent

Meade Amory
Andy Hall
Walter Rogers
Bob Sinclair
Robert Weagley
Honorable James Minor
Tom Powers

Others Present

Charles Dryden
Zane Oliver
David Fisher
Ryan Rogers
Jack Frazier
Wes Blow
Rich Puchalski
Delany Black
Denny Dobbins
Jim Dawson
Katie Dawson

Minutes were prepared by Somers Smott.

I. FMAC Introductions; Announcements – J. Deem

Mr. Jeff Deem called the meeting to order at 6:00pm. Deputy Chief Pat Geer announced Chief Rob O'Reilly's retirement effective September 15, 2019. He said Mr. O'Reilly sends his regrets that he could not attend tonight's meeting. Chairman Deem thanked Mr. O'Reilly for his 32 years of dedicated service to the Commonwealth. Mr. Geer will be the new Chief of Fisheries effective September 16, 2019.

Deputy Chief Geer introduced Somers Smott, a new Fisheries Planner who started in June 2019. Deputy Chief Geer also introduced the new ageing staff coming from Old Dominion University to work with the Biological Sampling Program. Dr. Hank Liao will have oversight of the ageing lab and Ms. Jessica Gilmore providing technical support.

II. Approval of minutes for the June 11, 2019 meeting – J. Deem

Minutes from the June 11, 2019 meeting were approved unanimously without objection.

III. New Business

A). Commercial Hook and Line Minimum Size Limit for Summer Flounder

Mr. Adam Kenyon presented on the inequity between commercial hook-and-line and recreational hook-and-line regulations for summer flounder and the decline in state waters harvest, making a point to say this has been brought to FMAC previously (twice in 2010) and will be going to public hearing at the September Commission meeting. Mr. Bowden expressed concern about commercial fisheries getting regulated twice with a quota and this new size limit. He mentioned this may be rooted in a perception problem on the recreational side. Mr. Bowden sees no biological data to support these claims and no issues with the stock, and doesn't want to see a change happen. Mr. MacDonald mentioned that the buyers prefer smaller fish. He also agreed that this was rooted in a perception problem and that these motions will hurt people that use this fishery to supplement their income. Mr. Kenyon explained that this is a conservation measure and showed how harvest has been declining in the Virginia portion of the bay for the past few years. Mr. Delaney Black, hook and line fisherman, said trawls were responsible for the lack of bigger fish in the bay. Mr. Jim Dawson, commercial fisherman, believes the flounder have been avoiding the bay since 2012 and these measures will reduce the yield by half. **Mr. MacDonald made a motion to maintain status quo for the minimum size limit. Mr. Bowden seconded. With one abstention, the motion carried 6-0-1.**

B). Commercial Tautog Tagging

Ms. Alexa Kretsch presented on the problem with the sale of illegal caught tautog on the black market and the resulting requirement from the Atlantic States Marine Fisheries Commission (ASMFC) for all commercially harvested tautog to be tagged. This program is mandated coast-wide by ASMFC and it is up to each individual state to put a program in place by January 2020. Issued tag numbers will be tied to a licensee and there will be no agenting or transfer of tags. Mr. MacDonald asked if it was possible to have tags at the packing house so they didn't have to throw out the occasional fish that comes into his business as incidental catch by a gill net fisherman. Ms. Kretsch explained that the fish must be tagged at time of landing. Mr. Bowden spoke to how he believes this is a waste of VMRC resources since the fishery is almost entirely opportunistic. He asked if we were a *de minimis* state, to which Ms. Kretsch said no. He was curious why not. Ms. Kretsch said even if we were *de minimis*, we would have to tag. Any and all commercial tautog must be tagged at landing, no matter what state or status. Mr. Delaney Black said although it is a lot of resources and money, he is curious about the life history of tautog and hopes this will help. Mr. Jim Dawson believes the numbers are down and the migratory patterns have changed. He believes we don't catch them because our season doesn't capture when they are available. He requested that VMRC hold a meeting with all commercial tautog fisherman to discuss this new program and the fishery in general. He claimed the tags would only be in use for two months of the year before the season ends. Mr. Rich Puchalski believes tagging is not a good idea and that it will not solve the problem of recreational anglers bringing home live fish. The tagging program will add hours of work to his day and increase the chance that the fish will die. Ms. Kretsch reiterated that the tagging program

is required by ASMFC. Virginia is in charge of deciding how to implement it. Mr. Bello asked about the cost of the program, including tags, applicators, man-power, outreach, etc. Ms. Kretsch explained the budget depends on the total participation in the program and we don't have a number yet. Mr. Lightfoot believes we haven't done enough research to know the breadth of this program. He requested staff work more on this before the public hearing. Deputy Chief Geer mentioned we can have meetings on this but they are not normally well attended. He reiterated ASMFC mandated this through Amendment 1 of the Tautog Fishery Management Plan (FMP) with an implementation date of January 1, 2020. Mr. Deem spoke on how this is a real issue with the live fish black markets up north so we have to live with this moving forward. He said if the committee can come up with any further ideas then we can speak on those at a later time. Deputy Chief Geer suggested staff talk with those at ASMFC about the implementation plan to discuss concerns and possible solutions.

C). Striped Bass Management

Mr. Alex Aspinwall presented all of the ASMFC options for Addendum VI of Amendment 6 of the striped bass FMP. There were a lot of follow up questions about the choices and when the choice was to be made. Mr. Aspinwall informed the board about the public hearing that will be held at VMRC on September 9th with ASMFC. Mr. Bowden discussed his disapproval of the MRIP data. He spoke on how other states went over their quota and now we have to make up for it. He mentioned how commercial fisherman already took a 25% cut in 2015 and he doesn't believe they need to do more to cover the other state's issues. Mr. Aspinwall and Deputy Chief Geer explained how this addendum is triage. It is much faster to reduce fishing mortality and then focus on rebuilding the stock with spawning stock biomass protections. Mr. Aspinwall then introduced the emergency regulation that would be presented to the Commission the next morning. Mr. MacDonald spoke on the commercial gear change being difficult to implement in such a short period of time. Mr. Bello expressed support on the recreational side. Mr. Deem asked about recreational tournaments and how this change would impact them. Mr. Aspinwall said they would have to be modified to be catch and release only for fish over 36" (total length). Mr. Ryan Rogers, a charter captain, spoke on how the cut from keeping two fish to keeping one will be devastating to the charter industry. Mr. David Fisher, a charter captain, spoke on how the cut from two to one fish would destroy the tourism industry. Mr. Fisher asked if it was possible to change the season lengths instead. Mr. Denny Dobbins, a board member from the Virginia Saltwater Fishing Association, believes the biological data is incorrect. Mr. Dobbins expressed concern about how Massachusetts and New York took too much quota and now we all have to make up for it. Mr. Jim Dawson believes our numbers do not warrant an emergency action. Mr. Zane Oliver, charter captain, expressed concern that the one fish bag limit would put charter boats out of business. Deputy Chief Geer explained how the emergency measure gives more time to the public to make comments and address these issues with striped bass fishery before the changes are made final at the September 24, 2019 Commission meeting. Mr. Bowden, Mr. Feller, and Mr. MacDonald all expressed concerns that not all consequences on the fisheries, especially the charter boat industry, have been thought out. **Mr. Bowden made a motion against the emergency action because the committee did not have enough warning. He wants better options and wants the consequences to be explored. Second by Mr. Feller. Final vote 4-0-3. The abstentions were Chairman Deem, the Honorable Dr. Neill, and Mr. Bello.**

D). Update from ASMFC Summer Meeting (August 6-8)

Because of time restraints, Deputy Chief Geer suggested the updates from the summer meeting be emailed to the FMAC members. This was approved unanimously without objection.

IV. Old Business

Deputy Chief Geer stated the next meeting will be sometime in November, with blue catfish electrofishing on the agenda. Mr. Lightfoot asked if FMAC meetings could be moved to 4pm. This request will be emailed out and discussed.

V. Adjournment

Mr. Deem adjourned the meeting at 8:50pm.