

**Virginia Marine Resources Commission**  
**Finfish Management Advisory Committee (FMAC)**  
380 Fenwick Road, Fort Monroe, VA  
(virtual meeting)  
Thursday, March 7, 2022

**ATTENDANCE**

Members Present

- Ernest Bowden
- Jeff Deem
- John Bello
- Scott MacDonald
- Skip Feller
- Honorable Dr. Ken Neill
- Tom Powers
- Bob Sinclair
- Mike Lightfoot
- Honorable James Minor
- Robert Weagley

VMRC Staff Present

- Pat Geer
- Shanna Madsen
- Adam Kenyon
- Alexa Galván
- Lewis Gillingham
- Brooke Lowman
- Jill Ramsey
- Ethan Simpson
- Somers Smott

Others Present

- Alex Aspinwall
- Bill Pappas
- Brandon Baldwin
- Chris Batsavage
- Dave Agee
- Jim Boltz
- Mark Sanford
- Michael Luisi
- Mike Avery
- Rick Vaughan
- Scott Gregg
- Steve Atkinson
- Tyler Rowe
- Wally Veal
- Wes Blow

Members absent

- Meade Amory
- Dr. Milton Cook
- Ed Sarfan

Minutes prepared by Brooke Lowman.

**I. FMAC Announcements**

This meeting was conducted via electronic communication (WebEx). Deputy Chief Shanna Madsen called the meeting to order at 5:00pm.

## **II. Approval of minutes from the February 3, 2022 meeting**

Mr. Tom Powers requested an update to the minutes to reflect his request for staff to review the scale of the speckled trout fishery relative to its historic quota to decide whether to revisit management decisions.

With this update, the minutes from the February 3, 2022 meeting were approved by consent.

## **III. Recreational Summer Flounder and Black Sea Bass Measures**

Deputy Chief Madsen (agency representative to the ASMFC Summer Flounder/Scup/Black Sea Bass Board) overviewed the meeting agenda and explained that the MRC is asking for input on preferred recreational management measures. The preferred measures will be discussed with other states involved in the Conservation Equivalency plans, and consensus must be reached on final measures. The MRC was approached shortly before the meeting regarding an additional option for black sea bass measures for discussion. DC Madsen noted that the other states have not yet seen this alternative option.

Fisheries Scientist Alexa Galván overviewed the 2022 recreational measures for summer flounder, scup, and black sea bass and explained the conservation equivalency process. Conservation equivalency (CE) measures can take the place of coastwide measures. NMFS must agree that the proposed measures will constrain the coastwide harvest to the recreational harvest limit. Precautionary default measures are defined in the case that CE measures are not approved. If the precautionary measures are not implemented, the jurisdiction will be found out of compliance, and sectors can be shut down.

### Summer Flounder

Ms. Galván described the proposed measures for summer flounder to achieve the allowed 16.5% liberalization which include decreasing the minimum size by half an inch to 16", maintaining a 4-fish bag limit, and maintaining a year-round season (Jan 1 - Dec 31). The CE region for summer flounder is DE, MD, and VA. Based on interest at the previous FMAC meeting in increasing bag limit from 4 to 5 fish, analysis was conducted and results brought to the regional management team. However, managers from the other states did not agree to the increased limit based on concerns of "management whiplash" with upcoming changes to the harvest control rule process.

### Black Sea Bass

Ms. Galván explained the CE options for black sea bass, as outlined in Table 1, and that if Virginia did not implement an approved CE option, the state would be required to implement a 16" minimum size, 3 fish bag limit, and a June 24-December 31 season. Reductions to the current season take into account differential daily harvest rates throughout the year (i.e. the daily

harvest rate is much higher in Nov-Dec, so fewer days are required to achieve the same overall reduction). The CE region for black sea bass is DE, MD, VA, NC.

**Table 1. Management alternatives for the 2022 black sea bass season. CE = conservation equivalency.**

	Minimum Size	Bag Limit	Season	Percent Reduction
Current measures	12.5"	15 fish	May 15 - Dec 31	0%
CE Option 1	13"	15 fish	May 15 - Dec 11	21.0%
CE Option 2	13"	15 fish	May 20 - Dec 14	20.9%
CE Option 3	13"	13 fish	May 15 - Dec 15	21.1%
*Split Season Alternative	13"	15 fish	May 15 - May 30 July 9 - Dec 31	21.0%

\*The split season alternative was proposed by Capt. Bill Pappas through public comment.

Questions:

Mr. Mike Lightfoot asked for clarification of the data used to calculate daily harvest rates. The rates are based on MRIP estimates of total harvest divided by the number of days that the fishery was open. Mr. Lightfoot emphasized that he and others would like to see for-hire vessel trip report (VTR) data used in such calculations and questioned the possibility of a reporting and permitting system similar to that currently implemented in the cobia fishery. Mr. Powers agreed with Mr. Lightfoot’s concerns and request. DC Madsen noted the concern to revisit the discussion at a future meeting.

Public Comment and Discussion:

Mr. Scott Gregg (charter boat captain, VA Beach) further emphasized the objection to the use of MRIP data and expressed support for the use of the electronic VTR. Mr. Gregg supports options that maintain the 15-fish bag limit and as many open days as possible. Capt. Bill Pappas (charter boat captain, F/V Lucky Charter, Rudee Inlet) spoke on behalf of 16-18 charter captains. Capt. Pappas proposed an alternative management option (“Split Season Alternative” in Table 1) that a group of captains formulated together and believe would have less economic impact than the other options. He emphasized that the entire month of December is critical to the charter industry. Capt. Pappas also expressed concerns over MRIP data. Mr. Tyler Rowe supports the split season alternative. Mr. Rowe also voiced concern over the use of MRIP data and lack of use of VTR data for management purposes, as well as the closure of the 2022 February season. Ms. Galván reminded the group that the February season must be requested from the ASMFC each

year. Although the request has been approved in several recent years, the February opening is not a reliable season for business planning purposes.

Mr. Mike Avery (VA Saltwater Fishing Association) emphasized that the black sea bass stock is healthy and believes that VA should not participate in the coastwide reductions because overfishing is not occurring in VA waters. DC Madsen confirmed that VA is not overfishing and that the stock is healthy. However, the recreational harvest limit is treated as a quota, and reductions are required to avoid a closure of federal waters. This is particularly important because ~80% of VA's fishery takes place in federal waters.

There was some discussion of black sea bass discard mortality in summer months. Mortality is believed to be higher in deep water. Some captains use release devices to reduce mortality, but more could be done. The percent reductions for each CE Option are not adjusted for differing dead discard rates across months. Though one charter captain (Jim Boltz, Fly'n Fish) noted that he experienced no black sea bass catch during June-July 2021, several other captains and committee members agreed that discard mortality may be problematic in the summer (during targeted tilefish trips).

There was general support for the Split Season Alternative and support for eliminating Option 3 with the lower bag limit despite some concerns raised about the potential for higher rates of dead discards during the summer months. A motion to replace Option 3 with the split season alternative passed with no objections. The Committee and public generally expressed agreement that the Split Season Alternative is the preferred option, and Options 1 and 2 are approximately equally favorable secondary options. Mike Avery suggested that Option 2 is preferable to Option 1.

#### Recreational HCR:

Ms. Galván announced the upcoming ASMFC public hearing on March 16 to consider changes to the process for setting recreational measures. The recreational harvest control rule addendum does not implement new measures but defines the process for determining them in the future. Public comments will be accepted at public hearings, by mail, and by email until April 22, 2022. Interested parties can find instructions to register for the March 16 public hearing webinar by following the instructions here <http://www.asmfc.org/calendar/03/2022/VMRC-Public-Hearing-on-Harvest-Control-Rule-Draft-Addenda/1915>. More information about the Recreational Harvest Control Rule Addenda and how to send written public comments is available here: [http://www.asmfc.org/uploads/file/621fa4d7pr06HarvestControlRule\\_PublicComment.pdf](http://www.asmfc.org/uploads/file/621fa4d7pr06HarvestControlRule_PublicComment.pdf).

#### **V. Public Comment**

There were no additional public comments.

## **VI. Adjourn**

The meeting was adjourned at 6:13pm.

DRAFT