

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC) Minutes
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Tuesday, June 11, 2019 – 6:00 P.M.

ATTENDANCE

Members Present

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

Members Absent

Meade Amory
Andy Hall
Walter Rogers
Bob Sinclair

VMRC Staff Present

Rob O'Reilly
Pat Geer
Jill Ramsey
Alex Aspinwall
Alexa Kretsch
Lewis Gillingham

Others Present

Charles Dryden
Mike Avery
Wes Blow
Dr. Bob Allen
Dan Knotts
Theresa Vaughan
Stan Sutliff
Jim Holloway
John Broadwater

Minutes were prepared by Alexa Kretsch.

I. Introductions; Announcements

Chairman Jeff Deem called the meeting of the Finfish Management Advisory Committee to order at 6:06 pm.

II. Approval of minutes from the March 25, 2019 and April 22, 2019 meetings.

Mr. Michael Lightfoot wanted to make a correction to a comment made in a prior meeting, as recorded in the audio record. He clarified that 7" mesh is readily available for gillnetters. The minutes passed unanimously with that notation.

III. Discussion Items:

A. Nomination of the Yorktown Shipwreck Area as a NOAA designated marine sanctuary

Mr. Jim Holloway, representative of a committee of Yorktown and Gloucester residents, presented their proposal to put forward the Yorktown Shipwreck area for designation as a marine sanctuary, together with Mr. John Broadwater. This area between Yorktown and Gloucester Point contains Revolutionary War shipwrecks that were sunk during the Siege of Yorktown or scuttled by the

British. The area is already listed on the National Register of Historic Places. Marine sanctuary designation would promote further study and education opportunities for researchers and the public. Mr. Holloway stated that the proposal does not seek to restrict access to the area. The boundaries are 200 feet away from shore to avoid conflict with landowner rights and fishing will not be further restricted in the area. At this stage, the proponents of the sanctuary are seeking public comments, questions, and concerns. These will inform the application sent to NOAA. NOAA will review the application and choose to deny it or submit it to a federal process for public review.

Mr. John Bello and Mr. Skip Feller asked if access would be restricted for any use. Mr. Holloway said there would be no new restrictions beyond any protections under the National Historic Register. One purpose of the sanctuary would be to encourage kayaking, boating, diving, and beach-going in the area. Mr. Broadwater said there would be an office, possibly a visitors center with museum. Mr. Lightfoot suggested a Memorandum of Understanding, such as was created for the Mallows Bay Sanctuary proposal in Maryland. He said the waterman's associations he is part of would be okay with a sanctuary as long as there was no restriction of access. Mr. Ernest Bowden was concerned about the possibility of NOAA putting restrictions in place down the line, such as when restricted fishing access was proposed around Assateague Island Wildlife Refuge. Mr. Holloway said that some sanctuaries, including the proposed Mallows Bay, included a contingency that would allow revisiting and possibly canceling the sanctuary within some time after creation and the Yorktown Shipwrecks proposal could include the same. Chairman Deem asked if there would be opportunity for comment on a more developed presentation. Mr. Holloway said there would be several public comment periods during the process. Mr. Tom Powers asked about restrictions of anchoring or using bottom gears, such as patent tongs, on wrecks. He also asked if VMRC would be able to create an oyster reef within the sanctuary. Mr. Broadwater said there are already some protections on the wrecks, but Mr. Powers said he has never seen signs or heard that there are any current restrictions. Mr. Bello asked if VIMS is involved with the plan. Mr. Holloway said Mark Luckenbach, of VIMS, has been advising the committee, but VIMS will not endorse or take sides on the proposal.

Theresa Vaughan, member of the public, asked if the boundaries of the sanctuary would change if more wrecks are discovered in the area. Mr. Broadwater said they created the boundaries based on historic maps that showed where ships were anchored and scuttled. Ms. Vaughan asked if wrecks could be marked on the surface. Mr. Broadwater said it's possible. Mr. Robert Allan, recreational fisherman, said the wrecks should be left alone and he is opposed to the creation of a sanctuary. Several commenters on the committee and from the public felt that the benefits of a sanctuary could be achieved without NOAA's involvement, possibly using current infrastructure of the National Parks Service or the Revolutionary War Museum. Chairman Deem passed on that charter boats out of Chincoteague are against the sanctuary. Mr. Wes Blow, recreational fisherman, asked if VMRC staff has an opinion. Chief of Fisheries Robert O'Reilly said it is too early in the process.

B. Update on cobia management and the Virginia fishery

Deputy Chief of Fisheries Pat Geer discussed the transition of cobia management from the South Atlantic Fisheries Management Council to the Atlantic States Marine Fisheries Commission (ASMFC). The ASMFC is currently developing Amendment 1 to the management plan, with a public hearing at VMRC on June 12, 2019. ASMFC will be discussing allocations, management in federal waters, a quota management structure, and the stock assessment, which has been delayed to late 2019 or early 2020. Virginia recreational cobia harvest is reported both by MRIP and by mandatory reporting to VMRC, but the two estimates are very different.

Mr. Ken Neill is concerned that cobia effort and harvest are trending upward. He expects to see higher numbers again this year. He recommended doing something to curtail the fishery that would not hurt Virginia down the road. Mr. Deem asked why the MRIP and VMRC harvest estimates are so different. Mr. Alex Aspinwall, Fisheries Management staff member, said the reporting rate for the VMRC recreational cobia permit is low and many people don't know that they need a permit. He suggested doing more outreach. Mr. Feller said he often sees marine police checking permits, so most people should be aware of the requirement. Mr. Blow suggested that the recreational community isn't reporting correctly. In terms of the MRIP survey, Mr. Powers said cobia's low rate of intercepts means the numbers may not be accurate. He also suggested geographic bias based on sampling locations. Mr. Lightfoot recommended recreational and commercial tagging programs to increase accountability, but Mr. O'Reilly said tagging programs require too much of personnel and are not being considered for cobia at this time. Mr. Powers said tagging would be a challenge when many people fishing may not have tags available if they weren't expecting to catch a fish.

C. Update on ASMFC process to develop a striped bass addendum by fall 2019

Mr. Aspinwall informed the committee that when ASMFC met in April, they initiated an addendum to be finalized this year to reduce striped bass removals. The Plan Development Team has been developing options that will achieve this. The striped bass management board will meet in August and chosen options will go out for public comment in August and September. ASMFC should take action in October. VMRC will request a December public hearing for changes to the striped bass regulation.

D. Discussion of striped bass commercial and recreational options

Mr. Aspinwall discussed management options that will achieve the requested 18% decrease in striped bass removals from the recreational and commercial sectors. ASMFC will decide if reductions will be equal between the two sectors or proportional, since the commercial fishery only represents 10% of coastwide landings. VMRC's suggested recreational options included 1) a one fish possession limit from October 4 to December 31 with a two fish possession limit for a spring season of June 1-15; 2) increasing the minimum size to 22"; 3) only having a recreational fishery from November 17 to December 31; and 4) keeping the spring season and cutting the fall

season to October 4 to December 4. In addition, VMRC could consider a tagging program for one fish 36" or greater per angler per year, a vessel limit of one fish 36" or greater, or mandatory non-offset circle hooks when fishing with bait.

Mr. Lightfoot said a tagging system for recreational anglers would give greater accountability. He expressed concern that an offset circle hook could gut hook fish, but Mr. Bello said a non-offset circle hook would not. Mr. Aspinwall said a lot of states are looking into mandating circle hooks. Mr. Aspinwall also said any reduction in removals for the commercial fishery would likely need to be a quota reduction. Mr. Powers asked if commercial discards also includes bycatch from other fisheries. Mr. Aspinwall said the stock assessment only includes discards from directed striped bass fisheries. Mr. Powers said this would underestimate actual dead discards. He gave an example of the North Carolina white perch fishery where a study indicated numbers as high as 10 dead immature striped bass for every harvested white perch. Mr. Lightfoot asked why other commercial options are not being considered for conservation equivalency. Chief O'Reilly said the Technical Committee decided to not consider spawning potential reductions during this addendum process. Other options could be considered during an amendment. Mr. Powers asked staff to consider a no-take slot limit, possibly paired with a shorter closed season. Mr. Mike Avery, recreational angler, asked if VMRC is planning to make cuts to the 2019 fall season. Chief O'Reilly said he does not know of any such plans. Mr. Powers said changes in size limits would not help with dead discards; closed seasons would reduce them.

Mr. Bowden was concerned about a quota cut up to 18%. He said commercial fishermen already took a quota cut up to 25%, but other states did not make cuts, so Virginia is being punished for others' inaction. He also feels that ASMFC is increasingly the north voting against the south, so Virginia has fewer votes behind them. Mr. Robert Weagley echoed these concerns.

Chief O'Reilly asked that any committee members who would like to make recommendations, send them to Chairman Deem, who would pass them on to staff, and the issue will be revisited in August after the ASMFC vote.

E. Other Business

Chairman Deem asked for an update on the fish towing regulation. Chief O'Reilly said the Commission decided to prohibit towing for striped bass and cobia.

IV. Adjournment

The meeting was adjourned at 8:34 pm by Chairman Deem.