

Virginia Marine Resources Commission
Finfish Management Advisory Committee Meeting
2600 Washington Avenue, Newport News, VA
VMRC Commission Room, Fourth Floor
Monday, March 22, 2010, 6:00 p.m.

ATTENDANCE

Members Present

Hon. Ernest Bowden, Jr.
Hon. William Laine Jr.
Jeff Deem
Russell Gaskins
Doug Jenkins
Wynston Holbrook
Chris Ludford
Scott MacDonald for Pete Nixon
Ken Neill
Sam Swift
Bobby Weagley

Members Absent

Andy Hall
Chris Vaughn
Tom Powers
Walter Rogers

VMRC Staff

Robert O'Reilly
Joe Grist
Joe Cimino
Lewis Gillingham
Laura Lee
Justine Woodward
Alicia Nelson

Others Present

Jim Dawson
G.G. Grump Jr
David Agee

I. Introductions; announcements

Mr. Bowden mentioned that Mr. Walker was prepared to update the group about the commercial hook-and-line license questions that he was asked to survey last fall.

II. Approval of minutes from the January 12, 2010 meeting.

Minutes were not approved because several members mentioned that they did not receive the minutes. Mr. Grist said that the minutes would be re-sent for the next meeting.

III. Old business

There was no old business to discuss.

IV. New Business

a. Discussion of industry proposal to modify the closed season dates for the commercial tautog fishery

Ms. Lee gave the presentation about the tautog fishery and presented closure options. In 2007, the Commission extended the commercial closed tautog season, reduced the recreational trip limits, and created a closed season. Staff was approached to modify the commercial closed season to be in line with the closed season in the recreational fishery. She gave the committee four options for additional closed seasons (Option 1: Sept 1 – Nov 12; Option 2: Apr 1 – Apr 30; Option 3: Apr. 16 – 30 and Sept 1 - October 24; Option 4: Apr 16 - 30, Sept 1- Oct 2, and Dec 17 – 31). Staff recommendation is option 1. All options were approved by the ASMFC.

Mr. Neill asked if the commercial fishery was requesting these changes, and Ms. Lee responded that it was a request by the commercial industry.

Mr. Deem asked if there was an additional closure for the commercial fishery. Ms. Lee said that the previous closure will remain in effect (May 1 through August 31).

Mr. Dawson, commercial tautog fisherman, discussed some of the complications with option 4. He was worried that the closure in December was right in the middle of the season. He said that Option 1 was best because it allows fishing during the end of April. He mentioned that it was also supported by other tautog fishermen that he knew.

Mr. Bowden asked if there had been comments from the public, and Joe Cimino said that he had three calls today in support of option 1.

Sam Swift motioned to accept option 1. The motion was seconded by Jeff Deem. The motion passed unanimously.

b. Report on findings from the recent gill net subcommittee meeting concerning the limited gill net and spiny dogfish provisions

Gill Net Provisions:

Mr. Grist gave the background on the subcommittee, which was formed in 2008 and met through 2008 and parts of 2009. For the upcoming 2010 season, a permitting system was created. For class A, there are a set number of residents and non-residents. Everyone else can still gillnet with a class B permit with up to 6,000 feet of net. No one has been taken out of the fishery.

Mr. Grist said that the permit system put in place late last fall began this year. The issue of vessel limits has come up. It is now unlawful for more than 1 gillnet permittee to set, place, or fish any gillnets other than those permitted by that permittee. In the river areas, with smaller operations, fishermen join up to fish together. The subcommittee recognized that these are tough economic times, but did not want to promote license stacking. The committee worked on a preliminary idea to combine individuals on a vessel, as long as they didn't go over 6,000 ft of net in total. This way, fishermen can work together.

The gillnet subcommittee wants to set up a provision that fishermen can team up as long as the total permits do not exceed 6,000 ft (each person would be assumed to fish the maximum allowable). This is easier to enforce, although there is still an enforcement problem. One issue is if someone only purchased half of their allotment and then purchased the other half of the allotment at a later time. It would be difficult for marine police officers to enforce.

Mr. Bowden said that the law enforcement may not be able to check them immediately, but could check when they got back in their vehicle.

Mr. Weagley said that we could make the law, but it's up to the individual to abide by the law.

Mr. Grist said that he would be asking to advertise for a public hearing tomorrow at the Commission meeting and asked if anyone had a problem with this going forward. There were none.

Spiny Dogfish provisions:

Mr. Grist said that the same subcommittee also worked with the spiny dogfish permit that was put in place last year. In November, the Commission, having seen issues come up with license transfers, enacted a no-transfer policy on this permit. The criteria to get into the fishery was two fold. Either a harvester was a fulltime gillnetter who had spiny dogfish landings from 2006 through 2008, or a full time spiny dogfish fisherman who had 10,000 lbs in any year from 2006 through 2008. Mr. Grist stated that 102 individuals had qualified. Mr. Grist said staff received a lot of complaints from individuals who had been left out asking for opportunities to add helper information or clarify reports in order to enter the fishery. Mr. Grist described the following recommendations of the subcommittee:

- 1- Because of concern about transfers and agents, prohibit the use of agents in the spiny dogfish limited entry fishery for 2010
- 2- Loosen up the transfer provision slightly to allow transfers to family members in the case of death (not for hardships or other transfers).
- 3- Re-examine the issue in 2011 after data for the 2009 and 2010 spiny dogfish fishery has been submitted.

Mr. Bowden discussed helper issues. He said that everyone knew someone who didn't fish, but got permits because of the helper issues. He mentioned that this was a bad time to burden staff with additional work. He said that they hoped the quota would increase this year because, at this time, if all 102 permitted people went out, they would catch Virginia's share of the quota in less than four days.

Mr. Deem asked if this would result in people being taken off of the permit list, and Mr. Bowden replied that no one would be removed from this list. This would prevent new additions to the list.

Mr. Laine asked if it was something that the Commission would need to act on, and Mr. Bowden and Mr. Grist clarified that the proposal was for no agent use and to allow transfers in the case of death.

Mr. Jenkins asked if you have someone as a permittee who has been very active, and if something happens to him, he will not be able to transfer? Mr. Grist said that the subcommittee felt that transfers should be allowed in the case of death only. Mr. Jenkins asked why temporary disability or hardship wasn't included.

Mr. Bowden explained that the Commission had a hard time with hardship over the years, and he said that severe illness should be specified and that it should be clarified at the Commission.

Mr. Weagley asked if we could put something specific in the regulation about hardship for the Commission.

Mr. O'Reilly said that over time the Commission has moved away from those things. For example, they could put in the regulation that a doctor's note along with some sort of prognosis could be used. The Commission does that for the crab fishery even for those who want to work outside of the 8-hour window. It would be something along those lines.

Mr. Deem asked if it would cover a fisherman who has to take care of spouse. Mr. Bowden responded that we would have to exceptions to that, and we have before. Those are things that need to be fleshed out.

Mr. Jenkins gave an example of someone who had to care for a family member with cancer and couldn't work. Mr. Bowden said that we would not lose his permit (in a caretakers situation, you would never lose the permit). Mr. Jenkins asked if someone could take that fisherman's boat out, and felt that a lot of the regulations didn't account for all scenarios.

Mr. Bowden said that we also needed to look at some sort of medical hardship as well.

Mr. O'Reilly said that this will take some discussion at the Commission meeting, and they will leave it to the April meeting to come up with the details on this. The item should be broad for the March Commission meeting because they will be advertising for a public hearing.

c. Update on the National Saltwater Angler Registry.

Mr. O'Reilly gave the presentation. He explained that the National Saltwater Angler Registry would be no cost this year. Mr. Travelstead and John Bull have been running through the general assembly information, and the Senate had a bill in which everyone over 16 would have to go under this registry. It would cost about \$15 to \$25 per person.

Mr. O'Reilly said that the House came back with a bill that would not adhere to the additional fees, and it led to a compromise bill that allowed the current exemptions to stay as-is. Boat license and property owner exemptions remain (the Senate bill would have gotten rid of them). For the boat license, to take out guests, the Commission will have the Virginia Fishermen Identification Program. The guests would have to call and register to get an identification number. This also applies to property owners (guests would just need to call in to be covered).

Mr. Jenkins asked if there was a charge for those licenses, and Mr. O'Reilly answered no because the state will pick up that tab for this program, which is estimated at about \$650,000 per year. This is paid through a bill from the legislature that allows an increase in the saltwater license. At some point, the saltwater license fee will increase by \$5, and the boat license will be raised by \$10.

Mr. O'Reilly stated the emergency bill (the compromise bill) provides that the Commission will establish the Virginia Saltwater Identification Program, which will be consistent with the National Saltwater Angler Registry Program. Those that purchase the saltwater license shall not be required to register with the Fisherman Identification Program because their information will be supplied to the feds automatically when they buy their license. That is also why guests of boat owners and property owners have to register with the program to give their information. The individual saltwater fishing license will increase to \$17.50 (from \$12.50), which is less than the freshwater license. Individual anglers will also not have to pay the federal fee (because the information is shared with the federal government).

Mr. Gillingham said that this bill from the legislature has taken care of the federal requirements. He reminded the Committee that anglers still need to register for 2010. If anglers do it online, they get a temporary copy, and then their card will be sent through the mail.

Mr Jenkins asked if he were to get a boat license and he took someone who wasn't registered (even though everyone who usually goes fishing on his boat would be), if that person would be okay to fish. Mr. O'Reilly responded that they would need to call in to register.

d. Added item: Commercial Hook-and-Line by Chris Ludford

Mr. Ludford said that last year, it was brought to everyone's attention that there were some hook-and-line licensees who were registering over 200 crew members on their hook-and-line license. He said that this was basically individuals chartering out commercial fishing trips. Mr. Travelstead asked him to interview members within the fishery to get an ideal number for the limit of helpers on hook-and-line licenses. He said that after speaking with many watermen, he came up with 15. He said that some watermen fish in three different geographic locations (Eastern Shore, Virginia Beach, and upper Chesapeake Bay) and that would give them 5 helpers in each location.

Mr. Ludford asked that the committee make a recommendation to ask for a public hearing at tomorrow's meeting. Staff answered that the following Commission agenda was very full and that we should have one additional finfish meeting to discuss this.

Mr. Weagley asked why this would limit the commercial fishery. He felt that it is unfair to put limitations on the commercial fishery and not the recreational fishery.

Mr. Grist, Mr. O'Reilly, and Mr. Bowden explained the hook-and-line rules and how these changes are intended to prevent abuse of the hook-and-line license without causing hardship to the commercial hook-and-line fishermen. Mr. Grist explained the rules for charter boat permits and commercial hook-and-line licenses. Commercial hook-and-line licensees must submit their list of helpers annually but can update the list once within the year.

Mr. Deem asked when those people who are abusing the license are landing the fish, do they have to land them with a dealer since they are catching them under a commercial license.

Mr. Grist responded that they do not. It is another issue with the commercial hook-and-line license. Those with big crews can report a lot of that as personal use. Since it's not required to be sold to a dealer, staff can not track their actions if an officer doesn't check the boats. Also, to maintain the hook-and-line license, they have to have reported harvest of 1000 lbs of seafood per year, but it doesn't have to be from the hook-and-line gear.

Mr. Ludford mentioned that there was nothing wrong with not using the hook-and-line license every year, and that it is often kept as a safety net for watermen.

V. Next Meeting

The next meeting was not scheduled, at that time. The committee members will be notified of the next date.

VI. Adjournment

The meeting adjourned at 7:15 p.m.