

FINFISH ADVISORY COMMITTEE REPORT
July 31, 2012
PRFC Office, Colonial Beach, VA

Members Present

Harry Boyden – Charles Co. Watermen’s Assoc.
James A. Bowling – Charles County Comm. Fisherman
Robert T. Brown, Sr. – St. Mary’s Waterman’s Assoc.
Thomas Crowder, Sr. – St. Mary’s Co. Comm. Fisherman
Jeffrey Pharis – MD Charter Boat Captain
Martin H. Duby – MD Recreational Fisherman
Thomas L Lewis – Northumberland Comm. Fisherman
Kenneth Wicker – Westmoreland Comm. Fisherman
Arthur L. Loving – Commercial Fisherman Upper River
Dandridge Crabbe – VA Charter Boat Captain
Paul Downey – VA Recreational Fisherman
Talma E. Deane – VA Recreational Fisherman
Steve Scala – Lower River Rec. Fisherman

Members Absent

Capt. Brady Bounds – MD Recreational Fisherman
Jeff W. Schenemann – VA Comm. Fisherman Up. River

PRFC Commissioners

Ida C. Hall
Robert H. Bowes
Dennis Fleming

Support Staff Present

Harry Hornick – MdDNR
Ofc. Brad Ramsey – VMRC Law Enforcement
Cpl. Darryl Riley – MdDNR Law Enforcement
Sr. Ofc. Timothy Kraemer – MdDNR Law Enforcement
Kirby A. Carpenter – PRFC Staff
Ellen Cosby – PRFC Staff
Becky Butler – PRFC Staff

Press

None

Others Present:

Elgin Nininger – Crab Advisory Committee, Victoria Brown, Charles Thrift, Leon Pruitt, Matt Pruitt and several others who did not sign the guest register.

Chairman Brown called the meeting to order at 6:00 p.m. Mrs. Cosby advised that staff received a letter of resignation from Mr. Scott Burroughs. Therefore, the committee will have a vacancy and will seek nominations for someone to fill the position representing Charles County as a recreational fisherman.

Order 2012-xx – 2012-2013 Gill Net Season and Restrictions and Commercial Striped Bass Catch & Size Limit

Mrs. Cosby stated the Commission will be considering this order at its upcoming meeting. The gill net season is proposed to start on November 12 and end on March 25, 2013. There are no other changes to the order other than calendar updates. She noted that the quota (449,002 pounds) would remain the same as last year as well as the number of striped bass tags issued (80 tags per stand).

Kenneth Wicker questioned how close the fishery came to reaching the quota. Mrs. Cosby stated she knew that the fishery did not exceed the quota, but did not have the exact figure on hand.

A motion was made by Larry Crowder, seconded by Harry Boyden and passed to recommend Order 2012-xx for the 2012-2013 gill net season as presented. The motion passed unanimously.

Kenneth Wicker stated an earlier start to the season is what he would like to see. He feels the Potomac River fishery is more restrictive than needed when there is a limited quota and a limited amount of striped bass tags already in place.

Reg. III, Sec. 11(c) – Return of Incidental Catch

Mrs. Cosby explained these are proposed amendments to this regulation that are being considered as part of a public hearing at the next Commission meeting. This language change is related to gill net and pound net by-catch tolerance of American and/or hickory shad that will be specified in an Order. The Commission adopted an increase of American and/or hickory shad from one bushel to two bushels per licensee in March, as approved by the ASMFC. This amendment to the regulation would allow the Commission the flexibility to change that Order as necessary from time to time.

Chairman Brown stated this gives the Commission the authority the change the by-catch tolerance as needed by Order instead of going through a regulation and having to advertise for a public hearing each time.

Dennis Fleming stated he assumed this was a per day by-catch. Mrs. Cosby verified that this was a per day by-catch. Larry Crowder stated when the shad are here, the water is cool and they will live in pound nets. Chairman Brown stated when a shad is caught in a pound net, they don't get their gills hung like they do in a gill net and die. Larry Crowder stated in reality, most of the shad that is in the pound nets is thrown back in the river when you are bailing the net in. The two bushel by-catch allowance is just to cover yourself.

Mr. Carpenter noted that gill nets have to be out of the water on March 25th, which is just prior to the main part of the shad run. Converting dead discards to market does make sense for the gill nets and pound nets. The harvest and discard data for pound nets and gill nets was used in the analysis that was presented to ASMFC to justify the increase in the by-catch allowance for these gear types. The Potomac River is the only river system on the east coast that is showing signs of being restored and meeting the goal that was set. He explained a stock assessment was done using pound net historical data from the 1940's and '50's to establish a benchmark CPUE. The pound net fishery since 1999 has been cooperating in that study. The threshold was crossed last year and technically we are restored, but we have not filed for restored status. What we filed for was an increase in by-catch. We want to be conservative and part of the plan that was submitted to ASMFC states that if the index drops below the target, then the by-catch limit will automatically go back to one bushel.

A motion was made by Thomas Lewis, seconded by James Bowling to recommend the approval of this Regulation as presented. The motion passed unanimously.

Reg. III, Sec. 13(e) – Individual Striped Bass Identification (SBID) Tag Allocation Transfer for a Commercial Hook and Line License

Mrs. Cosby explained this is a new regulation to help clarify the process of receiving a hook and license and striped bass tags associated with that license.

Bob Bowes question the term “surrender” that’s used throughout the draft regulation. He questioned if the license is being surrendered back to the Commission, then it should become part of the license drawings that are held.

Mrs. Cosby explained that a surrendered license would be issued to the next person at the counter. She stated the Commission does not “transfer” commercial licenses. When the license is surrendered to the Commission, the next person in line applying for that type of license (the person present with you) will be issued a new license. Mr. Bowes asked if those licenses were part of the license drawing in the past. Mrs. Cosby explained that only limited entry licenses that are not renewed or have been revoked by the Commission are the licenses that go up for the random drawing.

A motion was made by Jeffery Pharis, seconded by Martin Duby to recommend the approval of this Regulation as presented. The motion passed unanimously.

Reg. III, Sec. 13(f) – Individual Striped Bass Identification (SBID) Tag Allocation Transfer for Pound Net License(s)

Mrs. Cosby explained this is another new regulation that was developed as a result of the pound net sub-committee meeting that was held on May 10th. The committee addressed a pound net problem of transferring striped bass tags during the season. Mrs. Cosby explained the regulation in detail.

There were no questions or comments regarding this draft regulation.

A motion was made by Thomas Lewis, seconded by Larry Crowder to recommend the approval of this Regulation as presented. The motion passed unanimously.

Emergency Order – 2012-07 – American Eel Season Closure

Mrs. Cosby stated this Order is proposed to close the American eel season this fall from September 30 through December 31, 2012. This Order was drafted based on the fact that the American eel landings from the Potomac River have had a long-term average of approximately 280,000 pounds (1964-2001), and the landings dropped below 100,000 pounds for the first time in 2006, and now have plunged to one-third of that value in 2011 (29,000 pounds). She presented a brief two page explanation showing the decline in landings and effort and a four page fact sheet, which included the life history of the American eel. She said that the Commission has concerns regarding this steep decline in landings. She attended the ASMFC American Eel Technical Committee meeting as well as the stock assessment meeting and their findings indicate that total mortality needs to be reduced because the stock is depleted. The ASMFC American

Eel Management Board will be looking at this issue next week and considering the technical committee's recommendations for this fishery. She noted that a petition has been filed to list the American eel as endangered. If American eels are listed, all the eel fisheries will be shut down and any other fisheries that have contact or encounter American eel will be impacted as well. This is a serious situation.

There was a brief discussion and most people felt that the Commission may be taking action too soon and should wait until ASMFC tells us what to do. They felt that trying to protect the Potomac River eels won't do any good if it's not done coast wide.

Kenneth Wicker asked if the Commission was looking at altering the mesh sizes for eel pots. Mrs. Cosby said no, not at this time. She said that the goal of this early season closure is to protect the silver eels that migrate out of the river system in the fall.

Jeffrey Pharis felt that this may be a knee jerk reaction and all options should be considered before we jump to any conclusion. Mrs. Cosby felt that no one is jumping to conclusions and stated this is the Commission's way of stepping up and taking action. It's a proactive approach towards this issue.

Chairman Brown had a problem with not knowing what ASMFC is going to do before the Commission takes any action. He also did not like the months that were being proposed to close (Sept. 30 through Dec. 31, 2012). He felt there was not much activity going on at that time and didn't want to do too much or too little before ASMFC makes their decision.

Martin Duby felt that the explanation sheets showing the decline in landings and effort are staggering and that a moratorium may be needed until we can figure out what's going on rather than fishing it out to zero.

Kenneth Wicker felt that water quality has a lot to do with the catch decline of American eels. Eels do not feed/pot during poor water quality events. Larry Crowder felt the same way and stated it was not overfishing, but over-building and bad water that's killing the eels.

Chairman Brown stated one of the main problems in the Potomac River is dissolved oxygen. He knows something needs to be done about this situation, but would like for ASMFC to provide some type of guidance on what we should do.

Martin Duby stated sometimes it's good to take the lead when something is screwed up and he felt this is really screwed up.

A motion was made by Martin Duby, seconded by Paul Downey to accept staff's recommendation as presented. The motion failed with 2 in favor and 11 against.

Mr. Carpenter advised the committee that ASMFC will not have final decisions on this issue at its next meeting. He explained that it could take up to a year to finalize any recommendations on this topic.

Jeffrey Pharis questioned how closing the fishery this fall would help if all the other states are continuing to fish. Mr. Carpenter stated he could not say that it would save the stock, probably not, but every silver eel that gets to escape to the ocean, is one more than it would have been if we allow the fishery to continue.

Leon Pruitt stated he has been eeling since the 1960's and guaranteed that an eel pot will not catch a silver eel. Pound nets will catch silver eels but not eel pots. The biggest majority of eels that are caught in eel pots are males not females. Females tend to stay in freshwater. To eliminate eel potting is not going to help this problem. Mrs. Cosby agreed, however she noted that some of the large eels that will go into eel pots may be close to changing into a silver eel.

Mrs. Cosby stated that this Order would prohibit any gear from taking American eels this fall.

Leon Pruitt stated that Mother Nature has more restrictions on American eels that man could ever impose. By November 15th Mother Nature closes down the eel fishery in the Potomac River for the rest of the year until mid-April of the following year.

Larry Crowder stated he would support a closing on October 30th instead of September 30th.

A motion was made by Jeffrey Pharis, seconded by Steve Scala to recommend waiting to see what ASMFC reports. The motion passed with 8 in favor, 3 against and 1 abstention.

Paul Downey stated that Mr. Crowder made a suggestion to reduce effort and close the season by a month, and he felt there was not enough discussion on that suggestion. Mr. Downey felt that maybe there was a compromise between the motion that was just made and the suggestion from Mr. Crowder. The thought of having a moratorium for a couple of months, with limited impact on watermen, may be the way to go. Saying we are disputing all of this semi-scientific data presented today by saying there isn't a problem and just say we don't want to be limited at all may not be the best choice.

Chairman Brown stated no one is disputing the data that's been presented, but we would like to have more direction from ASMFC before making a recommendation to the Commission. If ASMFC feels this is such a big deal, then they won't take too long to make a decision as to what to do.

Chairman Brown advised Mr. Downey to attend the August 30th Commission meeting to voice his concerns. Mr. Downey stated he was simply trying to bridge the gap.

Pound Net Lighting

Mrs. Cosby advised that funding is available to support a study that would test flashing, solar powered lights on pound nets. She stated staff is looking for some pound netters to participate in this pilot study. We want to see if the lights help or don't help with marking pound nets and reducing the amount of boats that run through the nets. Staff is looking for 6 to 10 pound netters to volunteer to place these lights on their pound nets.

Thomas Lewis stated back in the '80's or '90's it was required to have lights on the pound nets and it seemed to attract boats to the nets. Since then reflectors have replaced the lights and there hasn't been as many issues. When they see the lights flashing, boaters tend to head towards them instead of away from them.

Chairman Brown stated he has lights on one pound net in Maryland and it has been run into six or seven times already this year. Larry Crowder recommended to the states of Maryland and Virginia that boats 18' or longer should be required to have headlights on them. Some members laughed and Mr. Crowder felt boats should be considered the same as cars. There were no committee volunteers so Mr. Carpenter said staff would send letters to the other pound netters in search of volunteers.

Election of Chairman and Vice-Chairman

A motion was made by Kenneth Wicker, seconded by Harry Boyden to elect Robert T. Brown as Chairman and Steve Scala as Vice-chairman. There were no objections from the committee and the motion passed unanimously.

Miscellaneous Commercial Gear Quota

Mrs. Cosby explained the Commission sent this item to the committee to see if there were any recommended changes that should be considered. There was concern expressed at the last Commission meeting about how the miscellaneous quota was distributed. Currently the rules state that in order to receive striped bass tags you have to have held a specific miscellaneous gear type license, fished such gear and reported catch of other species during each of the last 3 years. There were watermen who were not issued striped bass tags this year because the Commission is following the rules as written.

Elgin Nininger stated he was one of the watermen who was cut from getting striped bass tags for his haul seine license. He explained that he and his son like to work together and sometimes when a haul seine is set you don't catch any other species other than striped bass. He also had an issue with only allowing one seal on a net. If he and his son work together, currently they would be required to have two haul seine nets in order to receive each person's quota. Mr. Carpenter suggested that they could work together using one net, but they would only receive one quota of tags instead of two.

Chairman Brown stated he also has an issue with how you qualify for the tags. He was also penalized and did not receive his tags. He explained that haul seining should be similar to gill netting where you are encouraged to work together. No one person can pull a haul seine by themselves. He felt the striped bass tags should be issued per licensee and they should be allowed to work together using one net if they so choose.

There were no further comments made and no recommendations from the committee.

New Business

Kenneth Wicker asked Mr. Carpenter for an update on the ASMFC Striped Bass Addendum III of Amendment VI.

Mr. Carpenter explained that Addendum III will deal with the tagging of commercially caught striped bass. What may happen to us may be requiring us to use a single color, single year tag that would be uniform coast wide. Kenneth Wicker felt it would be easier for law enforcement if each jurisdiction had their own tag color. Mr. Carpenter stated PRFC complies with virtually everything right now in terms of tagging.

Elgin Nininger commented that on the eel issue, from April until now, he has only seen two people eeling in this area. When they were catching all these eels years ago, people would come from everywhere to fish. He thinks the data provided showing 20 people eeling is misleading.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Robert T. Brown, Chairman