

FINFISH ADVISORY COMMITTEE REPORT
January 27, 2016
PRFC Office, Colonial Beach, VA

Members Present

Harry Boyden – (MD)
James A. Bowling – (MD)
Robert T. Brown, Sr. – (MD)
Thomas Crowder, Sr. – (MD)
Jeffrey Pharis – (MD)
George G. Willett – (MD)
Russell A. Sullivan – (MD)
Martin H. Duby – (MD)
Thomas L. Lewis – (VA)
Arthur L. Loving – (VA)
Chris Owens - (VA)
Dusty Remington – (VA)
Jeff Schenemann – (VA)
Paul Downey – (VA)
Dandridge Crabbe – (VA)

Commissioners Present

Dennis Fleming

Support Staff Present

Ofc. Mike Simms – VMRC Marine Police
Martin Gary – PRFC Staff
Ellen Cosby – PRFC Staff
Becky Butler – PRFC Staff
Cathy Friend – PRFC Staff

Members Absent

Ryan S. Rogers – (VA)

Press

None

Others Present:

Joe Mathias; Harry Hornick (MD DNR Fisheries Service), John Dean, Victoria Brown, and several others who did not sign the guest register.

Chairman Brown called the meeting to order at 6:00 p.m.

Possum Point Power Station Coal Ash Discharge

Mr. Gary updated the committee on the Virginia Dominion Power permit to discharge coal ash contaminated waste water. Mr. Gary informed the committee that Virginia Dominion Power applied for a permit to allow it to discharge approximately 150 million gallons of legacy waste water from coal ash ponds on its property at Possum Point. The permit was approved by the Virginia Water Control Board. On behalf of Potomac Riverkeeper Network, the Southern Environmental Law Center has notified the Virginia Department of Environmental Quality (DEQ) that it will appeal in Virginia circuit court the permit allowing Dominion to legally pollute Quantico Creek and the Potomac River with more than 150 million gallons of coal ash wastewater from the Possum Point Power Station that is contaminated with high levels of toxic metals. PRFC has recently conducted two conference calls related to this issue, the first with leadership at MD DNR, Potomac River Keeper and the Southern Environmental Law Center. The discussion focused on what role (if any) would be played by PRFC and MD DNR going forward given the likelihood of an appeal (which now has been filed) and possible litigation. The Second conference call was held between PRFC, MD DNR and MDE technical/environmental review staff and was focused on what could should be done related to monitoring in and around the mouth of Quantico Creek in the Potomac mainstem, assuming

Dominion follows through with the intent to discharge the legacy waste water from its coal ash ponds. This led to a decision to have an MDE representative reach out to VA DEQ to review monitoring protocol, and advise to modify if it is deemed necessary, and possibly supplement the monitoring to best safeguard the impact of the discharge on aquatic life. Mr. Gary has been obtaining mixed feedback on the impact of Atlantic Sturgeon recaptures in the area of concern (mouth of Quantico Creek) and has a request for clarification in to NOAA's GARFO office. It might be that Dominion will be required to adhere to additional scrutiny for Atlantic Sturgeon as required for a species listed under Endangered Species Act.

ASMFC Related Items

Atlantic Menhaden – Mr. Gary advised that the next quarterly meeting of the Atlantic States Marine Fisheries Commission will occur next Tuesday through Thursday, February 2nd to 4th in Alexandria, VA. The major topics as they relate to the PRFC for discussion are Atlantic Menhaden, Striped Bass, and American Eels. Regarding Atlantic Menhaden, the Commission is likely to discuss any updates to the Amendment 3 process, which is looking at developing ecological reference points in parallel with revisiting allocation. It is not likely that there will be any management options for either of these items until a Public Information Document (PID) is developed, and that may be available in early 2017. Mr. Gary informed the FFAC that Maryland is planning to put a motion on the table to allow for an increase in flexibility for bycatch in their pound net fishery. This motion would allow each of two licensees on the same vessel to harvest their 6,000 pound by catch allowance (12,000 pound total). This proposal would match the regulations that were in place during the 2014 season. Mr. Gary asked if the FFAC would be supportive of PRFC being included in the addendum being proposed by MD. There was no opposition.

Striped Bass - 2016 Recreational and Charter Striped Bass Seasons and Restrictions

Mr. Gary mentioned that Maryland's Sport Fish Advisory Commission requested they look into the possibility of two new options for the 2016 trophy and summer/fall seasons for recreational and charter boats. The first new option would be a 35" minimum size and one fish/person/day for the third Saturday in April through May the 15th. The second new option (called a Captain's choice option) would allow recreational fishermen or charter boat anglers to choose between one of the following two options for the summer/fall season that runs from May 16 through December 15th. The options are:

1. 2 fish/person/day with a 20 inch minimum size, or
2. 1 fish/person/day with an 18 inch minimum size

Both options would require approval from ASMFC's Striped Bass Technical Committee (TC) in order to meet the minimum harvest reduction of 20.5 percent, as described in the Atlantic Striped Bass Addendum IV Implementation Plan. If the TC approves the plan, then ASMFC's Striped Bass Management Board would discuss the options in the form of an addendum.

Mr. Gary asked the committee if they would like to approve the two new options, and if so, choose from the full suite of options (including the new options) for their 1st and 2nd choices for the 2016 season, in case ASMFC were not to approve the new options.

A motion was made by Jeff Pharis to support adding an option for a 35" minimum size for the 2016 Trophy Striped Bass recreational/charter fishery, one fish/person/day from the April 16, 2016 through May 15, 2016. It was seconded by Paul Downey, and the motion passed unanimously.

A motion was made by Mr. Pharis to make the 35" minimum size, one fish/person/day from April 16, 2016 through May 15, 2016 the preferred option for the 2016 trophy recreational/charter season for Striped Bass; and make the 36" minimum size, one fish/person/day from April 16, 2016 through May 15, 2016 the secondary preferred option. It was seconded by Chris Owens, and the motion passed unanimously.

A motion was made by Mr. Downey to make the two fish/person/day at a 20 inch minimum size, with one fish over 28 inches from May 16, 2016 through December 31, 2016, the preferred option for the 2016 summer/fall recreational and charter season. It was seconded by Martin Duby, and the motion failed 4-11.

A motion was made by Mr. Pharis to support the creation of the "Captains Choice" option and make it the preferred option for the 2016 summer/fall recreational and charter Striped Bass season (option to keep 2 fish/person/day at 20 inch minimum size or 1 fish/person/day at 18 inch minimum size) from May 16, 2016 through December 31, 2016. The secondary preferred option would be a 20" minimum size, 2 fish/person/day, one of which may be >28" inches. The motion was seconded by Russell Sullivan and passed 11-3-1.

American Eel - Mr. Gary told the committee that final landings data was still coming in to ASMFC, but a trigger mechanism had been put in place that would require development of state by state quotas for yellow eels if the coast wide landings exceed 10 percent of the cap (998,438 lbs). Preliminary landings data is suggesting this likely will not happen.

Commercial Senior License Fees

Mrs. Cosby presented a chart and analysis of the senior commercial license sales and revenues. The analysis showed the Commission lost over \$6,000 in revenue in 2015, due to the discount afforded to licensees that were born on or before July 15, 1945, who pay \$5.00. That regulation was designed to eventually be phased out. The question before the Committee is whether they support continuing the senior discount, or if they would like to repeal the regulation. It was discussed that another drawback of the senior discount fee was the requirement that the license holder must work by himself and that this created a safety issue. Mr. Crowder mentioned that he is a beneficiary of this discount, and although he could afford to pay more, others may not be as fortunate. Mr. Brown asked if the staff had a preference, and Mr. Gary stated that given the limited revenues the Commission has to work with, coupled with increasing operational costs, any and all revenues are helpful.

A motion was made by Mr. Crowder to repeal the senior commercial license discount. It was seconded by Dusty Remington and the motion passed unanimously.

Transferring a Commercial H&L License to Other Gear Types

Chairman Brown turned the discussion on this topic over to Harry Borden. Mr. Borden explained that commercial gill net licensees are able to transfer into the commercial hook and line sector and bring their quota with them, but they are unable to go back once they do so. However, commercial hook and line licensees are not allowed to move into the gill net sector. Mr. Borden would like to see the opportunity for commercial hook and line licensees to be able to transfer into the gill net sector and take their quota with them. He suggested it be a one time allowance. Mr. Gary asked if this process was designed to help reduce the amount of uncaught quota in the hook and line sector, and Mr. Borden indicated that was the case. It was mentioned that there has already been a couple of changes made to allow the commercial hook and line sector to better attain their quota, including the tag exchange, and an earlier season. The committee discussed and determined that it would be best to wait to see how those changes affect the fishery performance and quota achievement before further consideration of the transfer idea.

A motion was made by Spike Loving and seconded by Tommy Lewis to table the transfer idea until an evaluation of the 2016 hook & line season can be made to ascertain the effectiveness of the changes implemented in 2015. Motion passes 13-0-1.

Chairman Brown returned to the meeting and informed the Committee members that he was on the phone with Jeannie Riccio Haddaway, MD Deputy Chief of Staff to Governor Larry Hogan.

Commercial Fish Trot Line License Fees

Chairman Brown turned the discussion over to FFAC Vice Chair Jaime Bowling for this topic. Mr. Bowling indicated that the fee for a single commercial trot line prior to 2015 was \$50. In 2015, a trot line licensee was allowed multiple trot lines, thus decreasing the relative fee per trot line significantly. Mr. Bowling suggested that the price for this license should be higher. This would provide a fair price point for the licensee, and provide revenue to the Commission. He suggested increasing the cost of a commercial trot line license to \$50 per trot line.

A motion was made by Chris Owens to increase the cost of a commercial fish trot line to \$50 per trot line, and seconded by Jaime Bowling. Motion passes 12-1-2.

Sport Fish Jurisdictional Size & Creel Limits

Mr. Gary introduced this topic to the Committee on behalf of Butch Shymansky of Cobb Island, MD. Mr. Gary explained to the Committee that Mr. Shymansky approached him with a concern about inconsistency in recreational fishing regulations between PRFC jurisdictional waters and those that fall under the jurisdictional authority of Virginia and Maryland. The issue is essentially minimum sizes and daily creel limits across the jurisdictional boundaries. Mr. Shymansky owns a boat livery on Cobb Island, MD. Many of his customers are ethnically diverse and are challenged in terms of their understanding the size and creel limits and differences between PRFC, MD and VA. Mr. Gary explained that Mr. Shymansky would like the regulations to be as similar as possible in all three jurisdictions. Mr. Gary explained that simplest, most effective way to attempt to address Mr. Shymansky's concerns would be to

modify PRFC regulations to match the neighboring jurisdictions as best possible. With that, Mr. Gary presented a spreadsheet with the minimum size and creel limits for several species that are caught by Mr. Shymansky's patrons. The species included Spot, Bluefish, Atlantic Croaker, and White Perch.

A motion was made by Mr. Remington to implement a 10 fish/person/day creel limit for Crappie, seconded by Mr. Downey, and passed 13-0-2.

A motion was made by Mr. Remington to remove the 6" minimum size limit on White Perch, seconded by Danny Crabbe, and passed 14-0-1.

A motion was made by Mr. Pharis to implement a 9" minimum size for Atlantic Croaker, seconded by Mr. Remington, and passed 14-0-1.

A motion by Mr. Sullivan to implement an 8" minimum size for Bluefish, seconded by Mr. Remington, and passed 8-6-1.

A motion by Mr. Remington to remove the minimum size limits for White Catfish and Channel Catfish. The motion was seconded by Mr. Crabbe and passed 14-0-1.

A motion was made by Mr. Remington to implement a 10 fish/person/day creel limit for yellow perch. It was seconded by George Willett and passed 13-0-2.

Sportfish Initiative Work Group Feedback

Eight of the 15 members of the FFAC are either recreational fishermen or charter boat guides. These members were invited to participate in a Sport Fish Initiative Work Group. The objective of the WG was to identify opportunities that the Commission could pursue that would benefit recreational and charter boat anglers fishing in PRFC waters. The eight members were asked via e-mail to submit their top five priorities for PRFC to expend funds and staff time on. Five of the members submitted ideas.

Mr. Gary asked the committee how they would prefer to proceed, and it was agreed that Mr. Gary would refine the list to identify certain overlapping ideas and make an effort to prioritize them. The list will be sent back out to the group via e-mail, and the objective will be to rank and prioritize the major items, perhaps the top ten. Those priorities would then be discussed at the next FFAC meeting, and then finalized by the full FFAC for distribution to the full Commission for consideration. It is expected the next FFAC meeting will be in early to mid summer of 2016.

Sport Fishing License Fees

Mr. Gary briefed the committee on the preliminary findings of a comparison of PRFC Sport License sales from 2014 to 2015. The data would not be presented tonight, but he just wanted to make them aware of several preliminary findings: 1) Sport licenses sales dropped in 2015 from levels in 2014; 2) Revenue appears to be only up slightly, and perhaps even flat; 3) The administrative complexity of the new system running in 2015 was much greater; and 4) PRFC

lost three agents on the MD side of the river. Chairman Brown asked what Mr. Gary wanted of the FFAC this evening on this issue, and Mr. Gary stated that he just wants them to be aware of the issue, and that he expects a more detailed discussion at the March meeting and possible action for changes in the 2017 season at the June or September meetings. Either way, the topic will be brought back to the FFAC.

Eternal Reef Balls

Mr. Gary reported that reef balls are prefabricated, concrete structures which resemble miniature igloos with multiple holes in them. They are used to create 3-dimensional fish habitat, and are usually deployed on permitted artificial reef sites. Eternal Reef Balls are reef balls which incorporate the cremated remains (ashes) of loved ones. Plaques commemorating those whose ashes have been placed into the reef ball are often attached to the reef ball. George Frankel is the President of Eternal Reefballs, a Florida based company. He placed a request to deploy eternal reef balls in the Potomac River. Mr. Gary told him he would have to speak to the FFAC first, before any consideration by the Commission would take place. Mr. Frankel indicated he would do so, but could not participate this evening. Mr. Pharis indicated he might have some concerns about hooking an eternal reef ball with his anchor. Chairman Brown indicated he would not be comfortable making a recommendation without having spoken to and asking questions of Mr. Frankel, and he asked that this topic be deferred until the next meeting of the FFAC.

A motion was made by Mr. Crabbe and seconded by Mr. Pharis to table this item. The motion passed unanimously.

Cow Nose Ray Work Shop

Mr. Gary informed the Committee that a workshop to discuss the biology and life history attributes of Cow Nose Rays was conducted in December at the National Aquarium in Baltimore. The most knowledgeable research scientists who have studied Cow Nose Rays were invited, including Dr. Bob Fisher of VIMS and Dean Grubbs of Florida State University. A summary of the workshop was provided to the committee, and Mr. Gary asked them to review the information before the next meeting of the FFAC, where he would like to have a more in depth discussion. Mr. Gary indicated that based upon what we currently know about the life history of Cow Nose Rays, he believes the Commission should at the very minimum start collecting harvest data and participant information, so that the take of Cow Nose Rays can begin to be quantified.

Advisory Committee Vacancies

Mrs. Cosby explained that several committee members' terms expire on March 31, 2016. She asked each current member if they were willing to serve another term, and they all agreed to serve again. These committee members included: Thomas L. Crowder, Sr., Russell Sullivan, Martin H. Duby, Jeffrey W. Schenemann, and Paul Downey. This information will be given to the Commission Chairman Billy Rice for his approval.

New Business

Mr. Remington explained that when he had asked the Commission to start the Commercial Hook & Line fishery on January 1, 2016, he had assumed that the size limit would change as well, to match what the gill net fishery had during that time period. Unfortunately, the Commission rolled the season back but did not change the size limit and he caught a lot of grief from his fellow fishermen. There was some discussion of this topic by members.

A motion was made by Mr. Remington and seconded by Mr. Crowder to have the same size limit next January for the hook & line fishery as the gill net fishery has. The motion passed 14-0-1.

A motion was made by Mr. Pharis and seconded by Mr. Remington to have the hook & line season from Jan. 1 thru March 25 in 2017. The motion passed 14-0-1.

Willie Dean requested the committee support the idea of leaving pound net poles out, instead of having to remove them at the end of the season. Mrs. Cosby noted that this was a requirement in Regulation I, Section 2(s)(2) and would require a public hearing to change it.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Robert T. Brown, Chairman