

**FINFISH ADVISORY COMMITTEE REPORT**  
**SEPTEMBER 19, 2017**  
**PRFC Office, Colonial Beach, VA**

**Members Present**

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

**Commissioners Present**

None

**Support Staff Present**

Martin Gary – PRFC Staff  
Ellen Cosby – PRFC Staff  
Cathy Friend – PRFC Staff

**Press**

None

**Members Absent**

**Others Present:**

John Dean, Elgin Nininger, Harry Hornick (MD DNR), MPO Straughan (VMRC) and Max Appleman (ASMFC)

Chairman Brown called the meeting to order at 4:05 p.m.

**2017 Menhaden Fishery Update**

Mrs. Cosby, referring to a graph handed out, stated that 70% of the menhaden catch quota (2.7 million) was reached on May 26, 2017. She said the limit was reached in May and by the time she realized it, we were already past the catch quota; therefore, the fishery closed on August 4, 2017 because the projection for reaching the 90% was the end of July. There was no call-in this year because the quota was missed when it reached 70%. We haven't reached the quota yet, but we are on the by-catch of 6000 lbs for pound nets, fyke nets and gill nets. The fishery is closed to haul seine, fish pots and bait pots. Mrs. Cosby stressed to the pound netters that they need to get their reports in on time so she can continue to track the quota. She also pointed out that 99% of menhaden is caught by pound nets.

## **2017 Blue Catfish Landings to Date**

Mrs. Cosby reviewed a summary table of the gear, years and poundage by gear for blue catfish. The table is preliminary for 2017 thru September 8, 2017. Totals have been going up every year and continue to do so with over 1 million lbs so far this year. Chairman Brown asked what kind of catch (poundage) is usually caught through the rest of season. Mrs. Cosby said she has not run those numbers and is unsure. She pointed out that, although pound net harvest is down, gill net and haul seines have caught quite a few this year.

## **USDA FSIS Catfish Inspection Update**

Mr. Gary stated that effective Sept 1, 2017, there was a transition for the inspection of catfish only from the FDA to the USDA. The concern of the Commission was the strict rigor of the inspection process of the USDA. There were some meetings, which Mr. Gary attended, in June and July of 2017, to communicate to the USDA to minimize any impacts to the infrastructure for harvesters to get the harvest out to markets. There was a soft roll out of the USDA inspection process. A long term plan is being addressed with a new group, Wild American Catfish Coalition (WACC). There is a whole matrix of groups from Louisiana, Florida, North Carolina, Virginia and the Chesapeake region that are all bonding together. The short term strategy is to work with and communicate with the USDA. The long term strategy brings all of these groups together to work on language in the next Farm Bill to exempt the wild caught catfish or modify it so that the processors don't have the issues they have to deal with. Pro Fish said they haven't had any issues as of yet, and that the USDA inspectors are in there every shift as opposed to the FDA coming in once a month. Monica Schenemann further stated that if anyone has been impacted by the new regulations, the coalition would like to know. The time frame for the Farm Bill could be one or two years because they have to get to Capitol Hill and meet with the Committees and Senators. Roberta Wagner is the coalition representative. The coalition is trying to solicit funding from the watermen organizations that are impacted by this. Mr. Gary added the Lobbyist spearheading this is Margaret Henderson, and the issue going forward would be to convince certain key republican officials, primarily in the Senate, who are highly protective of the channel catfish farm raised industry. Monica Schenemann stated that Kristen Wilcox, 20 years as a food and agriculture lobbyist with the House and Senate, has been part of 4 Farm Bills and her direction is to continue to work with this.

## **Atlantic Surgeon Critical Habitat Designation Update**

Mr. Gary showed a chart of the Potomac River on the projector, that is part of NOAA's Office of Protected Resources document that is tied in with the rule making that was established on August 17, 2017 to designate multiple rivers up and down Atlantic seaboard as critical habitat for endangered Atlantic sturgeon, including the Potomac from the mouth of the river up to Little Falls. Some of the questions Mr. Gary has been asked include: What are the implications of this rule making? How does it affect fixed fishing gear? Does it affect any type of fishing gear; and, How does it affect planting shell or seed and/or harvesting oysters? Mr. Gary isn't clear about what the rule making does for endangered Atlantic sturgeon. He further stated that he attended a public hearing in Annapolis in July 2016 where he asked both questions, but didn't get an answer he could understand. The Chesapeake Bay program has set up a teleconference Friday,

September 22, 2017 from 1 – 2 p.m. and is encouraging anyone to participate. Julie Crocker, their point person, will answer questions and address concerns. The concerns have been further exacerbated by the potential designation of Mallows Bay being a national marine sanctuary.

### **Discussion of Harry W. Nice Bridge Replacement**

Mr. Gary showed maps on the projector of the areas in question regarding the bridge replacement. He stated that he has been closely communicating with a couple of different groups, the Joint Evaluation Committee (JEC) and the Maryland Transportation Authority (MTA), over the last two years, which have become more frequent recently. Gov. Hogan has fast tracked bridge replacement. The Joint Evaluation Committee, which is made up of the Maryland Department of the Environment, Maryland Department of Natural Resources, US Fish & Wildlife, NOAA Marine Fisheries, Army Corp of Engineers, and several others, meets once a month. Although the meetings are not closed to public, they prefer the public do not attend due to scientific nature of meetings. The Maryland Transportation Authority, who owns the bridges and toll facilities, is the lead state agency on the demolition of old bridge and construction of the new bridge. New bridge is essentially just to the north (up river) of the old bridge, within a stone throw of the old bridge. They anticipate 3.5 years to build the new bridge, starting in late 2019 or early 2020, and finishing in mid 2023; and then they anticipate 1.5 years to tear down the old bridge. In order to get infrastructure out, they are proposing, on the Maryland side, to build a pier to the north of current bridge to get equipment out. The Virginia side, however, gets controversial as they need to go out to the 12 foot contour. One proposal is to build a causeway for an ingress/egress for vehicles/materials that would be in place for the 5 years and then would be torn down. Hearing this, Mr. Gary is concerned about the disruption to crabbers, recreational fishing and boat traffic along that shoreline. The second proposal would be to dredge out a 12 foot deep channel out to the contour. After he inquired about mitigation for the impact it will cause to aquatic resources, he was given a Finding of No Significant Impact document (FONSI) (slide document shown in meeting), which occurred and was published in 2012. Although there were two public hearings, one in La Plata, MD and one in King George, VA, there was no outreach to the PRFC to see what the PRFC and its stakeholders want. The question is if there really is an impact; but they continue to say no impact based on the FONSI. Therefore, Mr. Gary doesn't think there are any arguments to be made about the impact. However, he does feel there are two arguments to be made, the first of which is the fact that there was no outreach with PRFC even though there were two public hearings. Until now, they didn't know where the oyster bars are located, were unfamiliar with our activities and didn't know where the crabbers are working. The second argument is that, for 5 years, there are going to be construction activities and a disruption to the river. He feels that it would be most productive for him to engage with contractors. With the huge price tag of the project, can they carve out a little bit of that money to plant oysters or do something for the river? Mrs. Cosby inquired about sturgeon spawning grounds. Mr. Gary said there would be in-water closure periods when there would be no construction activity during the sturgeon spawning season, sometime between January through end of June, to account for all anadromous species. Chris Owens asked who is going to hold them accountable to stop work during that period. Mr. Gary isn't sure and thinks it's the Army Corp of Engineers. Mr. Gary's final statement on the bridge is that when they tear down the old bridge, the charter guys are interested in the old materials for two reef sites. Chairman Brown's

concern is how a demarcate to 12 feet would change the flow of the river and how long will a channel stay dug out?

### **Delinquent Seafood Harvest Report Notices**

Mrs. Cosby explained that staff talked with the Commission about the delinquent harvest notices, and the Commission suggested we send just one notice instead of two. When a harvester is 4 weeks past due on their reporting, this notice would be sent to the harvester stating that they have 14 days to get their harvest report into our office. After that time has elapsed and, if we still don't have the report, they would then be called before the Commission for a hearing. This one notice should trigger the harvester that we haven't received a report. Russell Sullivan asked if there is any progression with online reporting. Mr. Gary explained that he has reached out to vendors and they are very expensive, especially for a small organization. However, he is researching other ways such as receiving harvest reports by PDF.

### **ASMFC Menhaden Public Hearing**

Mr. Gary introduced Max Appleman, with ASMFC, who is here for the ASMFC menhaden public hearing immediately following the Finfish Advisory meeting. Mr. Appleman is going to present the options in Draft Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. Mr. Gary would like to get the committee's preferences for each option and give them to the Commissioners and then the Commissioners would give Mr. Gary guidance for voting. Chairman Brown expressed concerns about how in-depth and overwhelming the document is and that there are a lot of options on which to give an opinion, which would need some discussion. Mr. Appleman added that they are very well aware it is a complex and lengthy document. His goal is to lay it out in easy terms to understand so they can collect comments on specific options they are in favor of or against. He will be providing a condensed cheat sheet version of the Draft Amendment during the hearing. John Dean's concern is the northern states, that have never had a quota, want a quota this time and where will it come from. Virginia and New Jersey have 1.7% of the quota and won't give it up. Chairman Brown stated that Maryland has 1.7% of the quota and a lot of the northern states want 2%. With needing some discussion on what the Committee wants with each option, Mr. Gary is concerned about how he will get the groups preferences on the options so he can forward them to the Commissioners before the menhaden board meeting on November 13 and 14<sup>th</sup>. Chairman Brown asked the committee members if they would rather try to discuss this over a teleconference, or come to the office for another meeting. Majority stated they would rather get together at the PRFC office. It was noted that the closing date of public comment is October 24, 2017. Consensus to have the next Finfish Advisory meeting to discuss the options will be on Wednesday, October 11, 2017 at 6 p.m.

### **Advisory Committee Vacancies**

Mrs. Cosby stated that a sheet was provided with committee members whose terms will be coming up to expire on March 31, 2018. When asked if they would re-serve on the committee, James Bowling, Russell Sullivan, George Willett, Dusty Remington, Christopher Owens and Ryan Rogers, all stated they would serve another term. Mrs. Cosby stated that Paul Downey's seat is vacant and a new Virginia At-Large Recreational Fisherman is needed.

## **New Business**

Elgin Nininger mentioned he asked about the status of transferring a hook and line license for a gill net license at the last Commission meeting and the Commissioner's stated that the Committee had turned the idea down. James Bowling stated his recollection is that the Committee wanted to wait and see how the striped bass tag exchange program went before they looked at it further. Mrs. Cosby stated that the reason the PRFC started allowing gill nets to transfer to hook and line because hook and line is considered to be more of a conservative gear with less waste than a gill net. She further stated that a hook and line transfer for a gill net, has never been allowed. The current allowance of a gill net to a hook and line has always been nonreversible. If this type of transfer were allowed, it would affect the quota for each gear. Chairman Brown stated that, according to the ASMFC, there is a 9% mortality rate of fish caught by hook. James Bowling requested to see the data of how the hook and line fishery is going at the next Finfish Advisory Committee meeting. Mr. Gary summed up that they wanted a presentation of the performance of the hook and line fishery for 2016/17 to date.

The meeting adjourned at 5:23 p.m.

Respectfully submitted,

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Robert T. Brown, Chairman