

**MINUTES****Commission Meeting****May 26, 2015**

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 2600 Washington Avenue, Newport News, Virginia with the following present:

John M. R. Bull	Commissioner
Chad Ballard, III James D. Close A. J. Erskine Ken Neill, III John E. Zydron	Associate Members
Matthew Hull	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Katherine Leonard	Recording Secretary
Linda Hancock	Human Resources Mgr.
Dave Lego	Business Systems Specialist
Robert O'Reilly Joe Grist Jim Wesson Joe Cimino Lewis Gillingham Samantha Hoover Adam Kenyon Rachael Maulorico Ande Ehlen Laurie Dozier	Chief, Fisheries Mgmt. Deputy Chief, Fisheries Mgmt. Head, Conservation/Replenishment Fisheries Mgmt. Manager, Sr. Director, SWFT Fisheries Mgmt. Specialist Biological Sampling Supervisor Fisheries Mgmt. Planner Fisheries Mgmt. Specialist Fisheries Mgmt. Specialist
Warner Rhodes Matthew Dize Bryant Stephens Brandon Price	Deputy Chief, Law Enforcement Marine Police Officer Marine Police Officer Marine Police Officer

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Steven Holliday  
William Franklin

Marine Police Officer  
Marine Police Officer

Tony Watkinson  
Chip Neikirk  
Jeff Madden  
Hank Badger  
Mike Johnson  
Randy Owen  
Ben Stagg  
Mark Eversole  
Jay Woodward  
Justine Woodward  
Bradley Reamy

Chief, Habitat Management  
Deputy Chief, Habitat Management  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Program Support Technician

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Emily Hein

Rom Lipcius

Others present:

Linwood DeBrew  
Rebecca Francese  
Joseph McGuire III  
Tyler McGilvery  
Eric Aschenbach  
Kim Huskey  
William Smith  
Mark Sanford  
Mickey Healy  
Ken Smith  
Ty Farrington

Derek Hyman  
Mike Oesterling  
Bethany McGuire  
Ricky Woody  
B. Pate  
John DeMaria, Jr.  
Greg Jenkins  
Lee Walton  
Desmond Owens  
Robert Johnson  
William E. Mullis

Craig Palubinski  
Donna Melzer  
Lindsey Rhoten  
Keith Skiles  
Kim Lanterman  
Chris Moore  
Emilie Franke  
Dirk Sanford  
Jon Moore  
Wayne T. Holt

and others.

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Commissioner Bull called the meeting to order at approximately 9:34 a.m. Associate Members Haynie and Sessoms were absent.

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At the request of Commissioner Bull, Associate Member Erskine said the invocation and Tony Watkinson, Chief, Habitat Management, led the pledge.

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**APPROVAL OF AGENDA:** Commissioner Bull asked if there were any changes from the Board members or staff. There were no changes.

**Associate Member Zydron moved to approve the agenda. Associate Member Erskine seconded the motion. The motion carried, 6-0. Chair voted yes.**

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**MINUTES:** Commissioner Bull asked if there were any changes or corrections to be made to the April 28, 2015 Commission meeting minutes. There were no changes.

**Associate Member Erskine moved to approve the minutes. Associate Member Zydron seconded the motion. The motion carried, 6-0. Chair voted yes.**

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Commissioner Bull swore in the VMRC staff and VIMS staff that would be speaking or presenting testimony during the meeting.

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**2. PERMITS** (Projects over \$500,000 with no objections and with staff recommendation for approval).

Tony Watkinson, Chief, Habitat Management, informed the Commission that there were two page two items to be heard, 2A and 2B. He reviewed them for the Board. His comments are a part of the verbatim record.

Commissioner Bull opened the public hearing for any public comments for any of the items presented and there were none. He stated the matter was before the Commission.

**Associate Member Erskine moved to approve the page two items. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

**2A. CORMAN CONSTRUCTION, LLC, #14-0011,** requests a permit modification to construct two (2) 25-foot long by 24-foot wide temporary clear span bridges over Little Tuckahoe Creek to facilitate equipment access and replacement of the I-64 eastbound and westbound bridges in Goochland County.

No applicable fees – Permit Modification

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**2B. COLONNA’S SHIPYARD, #14-1717**, requests authorization to maintenance dredge 60,000 cubic yards of State-owned submerged land per cycle, on an as-needed basis, adjacent to their facility at 400 East Indian River Road situated along the Eastern Branch of the Elizabeth River in Norfolk. Dredged material will be barged to the Craney Island Dredged Material Management Area (CIDMMA) and disposed of in the Rehandling Basin.

Permit Fee	\$100.00
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**3. CONSENT AGENDA ITEMS.** There were none.

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**4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.** There was no closed meeting.

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**5. TRICORD, INC., #15-0498**, requests authorization to construct a concrete boat ramp, two (2) timber jetties, riprap scour protection, two (2) tending piers and a community fishing pier for waterfront access from property (Parcel 11, Tax Map 38-2-11) off Nottingham Drive adjacent to the Rappahannock River in Spotsylvania County. The project requires a wetlands and subaqueous permit.

Randy Owen, Environmental Engineer, Sr., gave the briefing of the information in the staff’s evaluation. His comments are a part of the verbatim record.

After evaluating the merits of the project and considering all of the factors contained in §28.2-1302 and §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed, finding that the anticipated public and private benefits exceed the anticipated public and private detriments. Staff additionally recommends an instream work time-of-year restriction of February 15 to June 30 to protect anadromous fishes, a prohibition of the overnight mooring of vessels, and a one-time royalty assessment in the amount of \$1,005.60 for the encroachment of the proposed ramp and jetties over 624 square feet of State-owned subaqueous land, at a rate of \$1.00 per square foot, and the proposed piers over 1,272 square feet at \$0.30 per square foot.

Craig Palubinski, Agent with Bayshore Design, was sworn in and his comments are a part of the verbatim record. Mr. Palubinski stated that the staff had covered the matter well and he could answer any questions. There were no questions.

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Commissioner Bull opened the public hearing for comments. There were none. He stated the matter was before the Commission.

**Associate Member Erskine moved to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

Royalty Fees (encroachment 624 sq. ft. @ \$1.00/sq. ft.)	\$ 624.00
Royalty Fees (encroachment 1,272 sq. ft. @ \$0.30/sq. ft.)	\$ 381.60
Permit Fee	\$ 100.00
<b>Total Fees</b>	<b>\$ 1,105.60</b>

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- 6. DOMINION RESOURCES, INC., #10-1787**, requests authorization to modify their existing wetlands permit to increase permanent wetland impacts from 0.007 acres to 0.012 acres, including revisions to the temporary fill plan for construction access associated with the permitted bridge crossing of Proctors Creek, adjacent to the Chesterfield Power Station at 603 Reymet Road in Chesterfield County.

Mark Eversole, Environmental Engineer, Sr., gave the briefing of the information in the staff's evaluation. His comments are a part of the verbatim record. He noted that the Wetlands Public Hearing was today.

After evaluating the merits of the project, and after considering the standards and guidelines, as well as the purpose and intent of Chapter 13 of Title 28.2 of the Code of Virginia, staff recommends approval of the project as revised. Staff recommends acceptance of the purchase of credits, at the current per square foot rate, at an approved tidal wetlands bank, for the additional 0.005 acres (218 square feet) of permanent impacts to tidal wetlands at a ratio of 2:1 (for a total of 0.010 acres or 436 square feet).

Commissioner Bull opened the public hearing for comments. There were no comments. He stated the matter was before the Commission.

**Associate Member Neill moved to accept the staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 6-0. Chair voted yes.**

Wetlands Permit Fee	\$300.00
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- 7. DENNIS PARKER, #2013-079**, requests authorization to lease approximately 100 acres at the mouth of Skiffs Creek at its confluence with the James River, in

both the City of Newport News and James City County. The requested area is within an area currently closed for the direct harvest of shellfish, overlaps an existing Army Corps of Engineers navigation channel and turning basin, is partially adjacent to Fort Eustis Military base, and is partially within a restricted area of the James River.

Ben Stagg, Chief Engineer, gave the briefing of the information provided in the staff's evaluation, with slides. His comments are a part of the verbatim record. He noted that the requested area was in a restricted area, but it also overlapped an existing Army Corps of Engineers navigation channel and turning basin, which they requested not be approved and was partially adjacent to the Fort Eustis Military base.

Staff recommended the Commission deny the areas of this application that are within waters deemed restricted for the direct market harvest of shellfish and recommended continued processing of the remaining two areas containing approximately six (6) acres and ten (10) acres respectively, subject to the surveying and further processing of these areas. Provided no protests were received for either parcel pursuant to the required waiting period of thirty days after such survey plats are approved as required by the §28.2-607 of the Code of Virginia, those areas would be assigned administratively upon payment of all required fees by the applicant. In the event that irresolvable protests are received subsequent to the marking of the ground and prior to administrative approval, the request would need to be brought back before the Commission for consideration.

Mr. Stagg noted that the applicant had indicated that he would be present to state his case, but he was not present.

Keith Skiles, Director, VDH-Division of Shellfish Sanitation, was sworn in and his comments are a part of the verbatim record. Mr. Skiles in response to questions, explained that the area was closed because of the fecal coliform resulting from the outfall in the area and boating activity; and, it had been closed since 1951. He further explained that the pathogens from the sewage could result in noro virus and salmonella, which could cause sickness or death. He answered that they do a station monitor to check the water quality and the head lands are the most enforceable land markers which are recognizable to the public.

Commissioner Bull asked for public comments in opposition.

Donna Melzer was sworn in and her comments are a part of the verbatim record. Ms. Melzer explained that it was stipulated in the Code of Virginia to be the responsibility of the Marine Police to monitor this activity. She noted that the City Farm would be closed in the near future and that a lot of natural resources would be lost to the industry, if the area could not be leased.

After some further discussion, Commissioner Bull stated the matter was before the Commission.

**Associate Member Ballard commended the staff on a good job in their presentation and moved to accept the staff recommendations. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

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**8. WILMORE D. HOGGE, ET AL, #2014-204**, requests authorization to lease approximately 70 acres within the Warwick River in the City of Newport News. The application is within an area currently closed for the direct harvest of shellfish.

Ben Stagg, Chief Engineer, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Staff recommended denial of the application, but if the Commission should deem it was in the best interest of the Commonwealth to lease the area staff would proceed with the surveying of the application. Provided no protests were received pursuant to the required waiting period of thirty days after the survey plat was approved, as required by the Code of Virginia and upon payment by the applicants of all required fees, the lease would be assigned administratively.

Keith Skiles, Director, VDH-Division of Shellfish Sanitation, was sworn in and his comments are a part of the verbatim record. Mr. Skiles in response to questions explained that this area was originally condemned in 1942 and was amended. He said it was open briefly in the early 1980's and since 1985 it has been continuously closed. He said it had a buffer for the outfall which would not be reopened.

Donna Melzer was sworn in and her comments are a part of the verbatim record. Ms. Melzer explained in the Code of Virginia it was the Virginia Department of Health that established the standards for whether to allow harvest in an area and the Marine Police was responsible for monitoring the resource. She noted that if there was a violation for working in the polluted area someone could lose their licenses for one to two years. She requested that the application for lease be approved.

After some further discussion, Commissioner Bull closed the public hearing. He stated the matter was before the Commission.

**Associate Member Ballard moved to accept the staff recommendation to deny the lease application and to reimburse the applicant for the newspaper public notice upon completion of the appeal period and upon verification from the applicant of**

payment of those costs. Associate Member Zydron seconded the motion. The motion carried, 6-0. Chair voted yes.

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9. **JENNINGS BURTON, JR., ET AL, #2014-206**, requests authorization to lease approximately 41 acres within the Warwick River in the City of Newport News. The application is within an area currently closed for the direct harvest of shellfish.

Ben Stagg, Chief Engineer, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Staff recommended denial of the application, but if the Commission should deem it was in the best interest of the Commonwealth to lease the area staff would proceed with the surveying of the application. Provided no protests were received pursuant to the required waiting period of 30 days after the survey plat was approved as required by the Code of Virginia, and upon payment by the applicants of all required fees, the lease would be assigned administratively.

Keith Skiles, Director, VDH-Division of Shellfish Sanitation, was sworn in and his comments are a part of the verbatim record. Mr. Skiles explained that the area had been closed since 1962 continuously. He noted that there was an outfall upstream and downstream resulting in the sewage pathogens which caused concern for both the public and the industry.

Donna Melzer was sworn in and her comments are a part of the verbatim record. Ms. Melzer stated that the Code of Virginia required that the Marine Police enforce the health laws of the condemned areas so the leaseholders were allowed to use the resource and to monitor and maintain the resource. She said the VDH Commissioner established the closures. She requested that the lease application be approved as they needed the ground to work.

Joseph P. McQuinn, III, was sworn in and his comments are a part of the verbatim record. Mr. McQuinn explained that if the oysters were left to grow they would die and create more bacteria making a larger problem. He said by not leasing the area, the Commission was shrinking the area to be used.

Commissioner Bull closed the public hearing and stated the matter was before the Commission for discussion or action.

When asked, Mr. Wesson explained that the industry had been growing fast in the last 4 to 5 years and number of applications for lease has increased greatly. Relying shellfish provides .5% of the one half million bushels of harvested oysters. Most applicants want



to take what shellfish that are on the bottom and not put anything back. He said the spat sets for the 3 of 5 years have been poor and the standing stocks will drop. He said that the Commission needs to protect the broodstock for the future to provide spawn which benefits the industry. He said that the James River is a ready source for seed oysters for private ground.

Ms. Melzer in her rebuttal stated that the VMRC was taking authority not given to them and VDH-DSS says there have been no outbreaks. She stated she would appeal, if necessary, as this application was submitted prior to the regulation being established.

**After much discussion, Associate Member Ballard moved to accept the staff recommendation to deny the lease application and to reimburse the applicant for the newspaper public notice upon completion of the appeal period and upon verification from the applicant of payment of those costs. Associate Member Zydron seconded the motion. The motion carried, 6-0. Chair voted yes.**

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**10. LINWOOD DEBREW, #2014-308,** requests authorization to lease approximately 75 acres within the James River in the City of Newport News. The application is within an area currently closed for the direct harvest of shellfish.

Ben Stagg, Chief Engineer, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Staff recommended denial of the application, but if the Commission should deem it was in the best interest of the Commonwealth to lease the area staff would proceed with the surveying of the application. Provided no protests were received pursuant to the required waiting period of thirty days after the survey plat is approved as required by the Code of Virginia, and upon payment by the applicants of all required fees, the lease would be assigned administratively.

Linwood Debrew, applicant, was sworn in and his comments are a part of the verbatim record. Mr. Debrew said that he was just notified of the meeting last week. He requested approval of the application for lease as he did not intent to harvest but just grow oysters for educational purposes and the oysters would clean up the Bay. He stated there was a potential for him to get some funding for this activity.

When asked, Jim Wesson, Head, Conservation and Replenishment stated that there was already a sanctuary at Wreck Shoal which was upriver and if this area were not leased it would be a sanctuary. He noted this was an active shoreline with a long fetch.

Mr. Stagg explained that staff wished to change the recommendation to include the refund of all fees except for the application fee.

Keith Skiles, Director, VDH-DSS, was sworn in and his comments are a part of the verbatim record. Mr. Skiles said this area had been closed since 1949 and in the early nineties there was a program change and this became a restricted area requiring reexamination of the sewage pathogens.

Tony Watkinson, Chief of Habitat Management explained that an encroachment would require a Joint Permit Application (JPA) to permit it. When asked, he said it had been done but usually with environmental organizations.

Donna Melzer was sworn in and her comments are a part of the verbatim record. Ms. Melzer explained that if granted the code requires permits to relay.

**Associate Member Neill moved to accept the staff recommendation to deny the lease application and to reimburse the applicant for the newspaper public notice upon completion of the appeal period and upon verification from the applicant of payment of those costs. He further said that the Habitat Division staff was to work with Mr. DeBrew with the Joint Permit Application process. Associate Member Zydron seconded the motion. The motion carried, 6-0. Chair voted yes.**

The Board members and staff discussed how to deal with other pending applications similar to those heard at this meeting, and it was agreed that staff send a letter to all the remaining applicants explaining that their applications would likely not be supported for leasing by staff and if they wished to withdraw their application their newspaper public notice cost would be reimbursed upon verification of payment of those cost, but if they wanted to continue with the process they could request a hearing before the Commission.

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**11. PUBLIC COMMENT: None.**

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**12. OFFENDERS:**

**Shawn L. Boggess** – present and sworn in. Mr. Boggess was asked if he wanted to proceed with his hearing today due to the fact that his notice of this hearing was not mailed in the required time. He agreed with going ahead with his hearing at this meeting.

Brandon Price, Marine Police Officer, was sworn in and gave the briefing of the summons and convictions as provided in the staff’s evaluation. His comments are a part of the verbatim record.

Possession of rockfish out of season; summons issued pursuant to Code Section 28.2-201 and Chapter 4VAC20-252-50 on January 3, 2015 and convicted February 3, 2015 in James City County General District Court (Criminal), fine \$50.00, court cost, \$121.00.

Mr. Boggess said he was gill netting for catfish and had unintentionally caught a striped bass in his net.

Joe Cimino, Fisheries Management Manager Sr., read the staff recommendation. The Commission's guidelines for sanctions specify that one conviction of possession of striped bass out of season (commercially), within a twelve (12) month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommended the Commission place Mr. Boggess on probation for a period of one year from the date of this Commission meeting, May 26, 2015, through May 25, 2016. Any failure on Mr. Boggess' part to obey any of the laws or regulations relating to the Marine Resources Commission of the Commonwealth during the one year probation would result in Mr. Boggess appearing before the Commission for a hearing on license revocation.

Commissioner Bull stated the matter was before the Commission.

**Associate Member Erskine moved to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

**James F. Holloway, Jr.** – present and sworn in. Mr. Holloway was asked if he wanted to proceed with his hearing today due to the fact that his notice of this hearing was not mailed in the required time. He agreed with going ahead with his hearing at this meeting.

Mike Morris, Marine Police Officer, was not present. Associate Member Zydron stated that Mr. Holloway had pleaded guilty in court and the Commission should proceed now with hearing in absence of the officer.

October 8, 2014 taking and possession of unculled commercial oysters from the public rocks – 8 quarts shell and small oysters; summons issued pursuant to Code Section 28.2-201 and Chapter 4VAC20-260-30; convicted November 20, 2014 in Isle of Wight County General District Court (Criminal), fine \$100.00, court case \$89.00

Mr. Holloway stated that he had not had a ticket since 2013. He said he did not cull the oysters the boat captain did the culling. He said he was good at shaft tonging and he had to work with whoever he could.

Joe Cimino, Fisheries Management Manager Sr., read staff recommendation. The Commission's guidelines for sanctions specify that one conviction of possession of greater than 100 percent over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommended the Commission place Mr. Holloway on probation for a

period of one year from the date of this Commission meeting, May 26, 2015, through May 25, 2016. Any failure on Mr. Holloway's part to obey any of laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Holloway appearing before the Commission for a hearing on license revocation.

Commissioner Bull stated the matter was before the Commission.

**Associate Member Neill moved to accept the staff recommendation for one year probation, starting May 26, 2015, through May 25, 2016. Associate Member Close seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Wayne T. Holt** – was present and sworn in.

Possession of unculled oysters – 8 quarts; summons issued December 26, 2014 pursuant to Code Section 28.2-510; convicted January 12, 2015 at the Northumberland County General District Court (Criminal), find \$110.00, court cost \$86.00.

Joe Cimino, Fisheries Management Manager Sr., read the staff recommendation. The Commission's guidelines for sanctions specify that one conviction of possession of greater than 100 percent over the tolerance of undersized shellfish, with a 12 month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommended that the Commission place Mr. Holt on probation for one year from the date of this Commission meeting, May 26, 2015, through May 25, 2016. Any failure on Mr. Holt's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Holt appearing before the Commission for a hearing on license revocation.

Mr. Holt explained that he was working alone that day and doing everything himself, plus running a truck for a buyer and he had hastily filled up the last basket. He said the officer asked to inspect that last basket which he did not realize had so many shells in it. He was told he could pay for a bond and have another one basket inspected, which he did not want to do.

**After some discussion, Associate Member Erskine moved to accept the staff recommendation for one year probation, starting May 26, 2015, through May 25, 2016. Associate Member Ballard seconded the motion. The motion carried, 6-0. Chair voted yes.**

Stephen Holliday, Marine Police Officer, gave the briefing of the summons and convictions for this case. His comments are a part of the verbatim record.

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**James G. Jenkins** – present and sworn in.

Unculled oysters – 8 quarts; summons issued October 29, 2014 pursuant to Code Section 28.2-201 and Chapter 4VAC 20-260-30; convicted on December 16, 2014 in the Newport News General District Court (criminal), find \$150.00, court cost \$91.00.

Mr. Jenkins explained that he had been careless when putting the oysters in the baskets and some of the shells were spilled on the deck.

Staff recommendation was that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100 percent over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommended the Commission place Mr. Jenkins on probation for a period of one year from the date of this Commission meeting, May 26, 2015, through May 25, 2016. Any failure on Mr. Jenkins' part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Jenkins appearing before the Commission for a hearing on license revocation.

Commissioner Bull stated the matter was before the Commission.

**Associate Member Neill moved to approve the staff recommendation for one year probation, starting May 26, 2015, through May 25, 2016. Associate Member Ballard seconded the motion. The motion carried, 6-0. Chair voted yes.**

Stephen Holliday, Marine Police Officer, gave the briefing of the summons and convictions for this case. His comments are a part of the verbatim record.

**William T. Smith** – present and sworn in.

Unculled oysters – 8 quarts; summons issued on October 29, 2014 pursuant to Code Section 28.2-201 and Chapter 4VAC 20-260-30, convicted on December 16, 2014 in Newport News General District Court (Criminal), find \$150.00, court cost \$91.00.

Mr. Smith explained that he did the tonging and someone else did the culling. He added he had not any tickets in seven years.

Staff recommendation was that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100 percent over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommended the Commission place Mr. Smith on probation for a period of one year from the date of this Commission meeting, May 26, 2015, through May 25, 2016. Any failure on Mr. Smith part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the

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one year probation would result in Mr. Smith appearing before the Commission for a hearing on license revocation.

Commissioner Bull stated the matter was before the Commission.

**Associate Member Erskine moved to accept the staff recommendation for one year probation, starting May 26, 2015, through May 25, 2016. Associate Member Ballard seconded the motion. The motion carried, 6-0. Chair voted yes.**

Bill Franklin, Marine Police Officer, gave the briefing of the summons and convictions for this case. His comments are a part of the verbatim record.

**William K. Wilmer** – present and sworn in.

Possession of unculled oysters – 8 quarts, summons issued on December 26, 2014 pursuant to Code Section 28.2-510; convicted on January 12, 2015 in the Northumberland County General District Court (Criminal), fine \$110.00, court cost \$86.00.

Mr. Wilmer stated that he had been careless in his handling of the oysters. He expressed concerns over the Marine Police Officer taking the basket to the MPO boat to check it and then bringing back. He stated he was still able to sell to Kellum Seafood and that he had not had any trouble with the Marine Police before.

Mr. Franklin explained that he took the oysters to the MPO boat to cull it, which was a standard procedure.

Joe Cimino, Fisheries Management Manager Sr., read staff recommendation. The Commission's guidelines for sanctions specify that one conviction of possession of greater than 100 percent over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommended the Commission place Mr. Wilmer on probation for one year from the date of this Commission meeting, May 26, 2015, through May 25, 2016. Any failure on Mr. Wilmer's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Wilmer appearing before the Commission for a hearing on license revocation.

Commissioner Bull stated the matter was before the Commission.

**Associate Member Neill moved to accept the staff recommendation for one year probation, starting May 26, 2015, through May 25, 2016. Associate Member Ballard seconded the motion. The motion carried, 6-0. Chair voted yes.**

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- 13. FAILURE TO REPORT:** Cases involving failure to report commercial harvests, in accordance with Chapter 4 VAC 20-610-10 et seq., “Pertaining to Commercial Fishing and Mandatory Harvest Reporting.”

Laurie Dozier, Fisheries Management Specialist, gave the briefing of the cases involving failure to report commercial harvest. Her comments are a part of the verbatim record. She noted that there were three cases to be heard and all three had initially been placed on probation by the Commission.

**Anthony D. Hogge** – was present and sworn in.

Ms. Dozier explained that Mr. Hogge was initially placed on two year probation at the Commission meeting on September 24, 2013, starting October 4, 2013, through October 3, 2015 for failure to report. It was explained to him at that time that any violations of Chapter 20-610-10 et seq. and any laws or regulations relating to the Marine Resources of the Commonwealth would result in him coming before the Commission for a license revocation hearing.

Ms. Dozier said Mr. Hogge again appeared before the Commission at its hearing on April 24, 2014 for failure to report in violation of the terms of his probation. At that meeting Mr. Hogge was given six month revocation of all licenses and permits to be immediately followed by one year probation, beginning October 21, 2014, through October 20, 2015.

Ms. Dozier explained that now Mr. Hogge had been convicted of a natural resource violation pertaining to the laws relating to the Marine Resources of the Commonwealth during his probationary period thereby violating the terms of his probation. In addition, he was in violation of Chapter 4VAC20-610-10 et seq. by failing to report his harvest or no harvest by the fifth of the following month for February and March 2015. Mr. Hogge was served a personal service notice on April 14, 2015 to appear before the Commission for violation of the terms of his probation. He has submitted his February and March 2015 harvest reports. Mr. Hogge retained counsel who requested postponement of the April 28, 2015 hearing until May 26, 2015 which was approved.

Staff recommended suspension of all licenses and permits issued to Mr. Hogge for a period of one year, immediately followed by one year probation starting April 26, 2015, through April 27, 2017. During which time, any violation of Chapter 4VAC20-610-10 et seq. or any of the laws relating to the Marine Resources of the Commonwealth and corresponding regulations will result in Mr. Hogge appearing before a hearing of the Commission on license(s) suspension.

Romeo Lumaban, Attorney representing Mr. Hogge was present.

Mr. Hogge explained that he was headed down a bad road and he had had personal family loss and heavy financial burdens. He said he had forgotten about his being on probation.

He said he needed to work and all of his harvest was up to date and requested that his license not be taken. He stated he was trying to do better.

Mr. Lumaban explained that Mr. Hogge had a lot of problems and last time was ready to give up working on the water, but he had nothing else to do for a living. He also explained that Mr. Hogge now had his wife to help him. He stated that the one year suspension was not mandatory and they asked that the Commission consider not taking his licenses.

Shannon Mitchell, wife, was sworn in and her comments are a part of the verbatim record. When asked, Ms. Mitchell said they had been married for four months and she understood what was to be done and would work with him to get his reporting done.

After some further discussion, Commissioner Bull stated the matter was before the Commission.

**Associate Member Zydron moved for two year license revocation but to suspend the two year license revocation and put Mr. Hogge on two year probation, starting May 26, 2015, through May 25, 2017 and any criminal violation or late reporting would result in license revocation for the remainder of the two year period. Associate Member Erskine seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Brandon Morgan** – was present and sworn in.

Ms. Dozier explained that Mr. Morgan was initially placed on probation from September 24, 2013 and ending September 23, 2015 by the Commission at its meeting on September 24, 2013 for failure to report his seafood harvest. At that time, it was explained to him that any violations of Chapter 20-610-10 et seq. or any of the laws relating to Marine Resources of the Commonwealth and corresponding regulations could result in Mr. Morgan having to appear before the Commission on license(s) suspension. Mr. Morgan has been convicted of a natural resource violation pertaining to the laws relating of the Marine Resources of the Commonwealth, which occurred while on probation violating the terms of his probation. Also he was in violation of Chapter 20-610-10 et seq. for not reporting his harvest or no harvest by the fifteen of the month following for the months of November 2014, and January, February, and March 2015. After he was served the personal service notice to appear before the Commission on April 28, 2015, he called staff and said he would mail the missing harvest reports. Staff did not receive the harvest reports until May 5 and 6, 2015 which was after his licenses and permits had been suspended by the Commission for failing to appear for his scheduled hearing on April 28, 2015.

Staff recommended suspension of all licenses and permits issued to Mr. Morgan for a period of one year immediately followed by one year probation until April 27, 2017. During which time, any violation of Chapter 20-610-10 et seq. or any of the laws relating



to the Marine Resources of the Commonwealth and corresponding regulations will result in Mr. Morgan appearing before a hearing of the Commission on license(s) suspension.

Mr. Morgan stated that he needed to work. He said he was sorry and it would not happen again. He said his girlfriend had been doing his reporting and now his brother was doing his reporting. He said he only got the notification delivered by Allen Marshall and no other notifications. He stated the girlfriend had turned in the reports twice. He said they called and were told it was received. He said he did not know he had to be here.

Commissioner Bull stated the matter was before the Commission.

**Associate Member Zydron moved to accept the staff recommendation for 1 year revocation and one year probation, ending April 27, 2017. Associate Member Ballard seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Billy N. Pate** – was present and sworn in.

Ms. Dozier explained that Mr. Pate was initially placed on probation from May 28, 2013 and ending May 27, 2015 by the Commission at its meeting on May 28, 2013 for failure to report his seafood harvest. At that time, it was explained to him that any violations of Chapter 20-610-10 et seq. or any of the laws relating to Marine Resources of the Commonwealth and corresponding regulations could result in Mr. Pate having to appear before the Commission on license(s) suspension. Mr. Pate has been convicted of a natural resource violation pertaining to the laws relating of the Marine Resources of the Commonwealth, which occurred while on probation violating the terms of his probation. Also he was in violation of Chapter 20-610-10 et seq. for not reporting his harvest or no harvest by the fifth of the month following for the months of December 2014, and March 2015. After he was served the personal service notice to appear before the Commission on April 28, 2015 in regards to the violation of the terms of his probation, Mr. Pate called staff on April 28, 2015 which was after the Commission had already suspended all his licenses and permits for failing to appear for his scheduled hearing on April 28, 2015. He also reported that he had no harvest December 2014. Mr. Pate has continued to commercially harvest even after he had been informed of the suspension. On May 7, 2015, staff received a harvest report for Mr. Pate for April 2015 which included days harvested after his hearing the suspension on April 28, 2015.

Staff recommended suspension of all licenses and permits issued to Mr. Pate for a period of one year, immediately followed by one year probation until April 27, 2017. During which time, any violations of Chapter 4VAC 20-610-10 et seq. or any of the laws relating to the Marine Resources of the Commonwealth and corresponding regulations will result in Mr. Pate appearing before a hearing of the Commission on license suspension.

Mr. Pate stated he did not realize he had to be here the previous month. He said he had received the service notice, but had not read it. He said he had some family health

problems and got behind. He said he got his license back in March and forgot about the probation. He asked that his license not be taken as he had nothing else to do when he is not out on the scallop boat. He said he would do better.

After further discussion, Commissioner Bull stated the matter was before the Commission.

Associate Member Close moved to place Mr. Pate on two year probation. There was no second, the motion failed.

**Associate Member Zydron moved for two year license revocation but to suspend the two year license revocation and put Mr. Hogge on two year probation, starting May 26, 2015, through May 25, 2017 and any criminal violation would result in automatic license revocation for the remainder of the two year period and any late reporting would result in coming before the Commission to explain. Associate Member Close seconded the motion. The motion carried, 6-0. Chair voted yes.**

\* \* \* \* \*

- 14. PUBLIC HEARING:** On proposed amendments to Chapter 4 VAC 20-490-10 et seq. "Pertaining to Sharks," to advertise the establishment of an increase in the spiny dogfish commercial harvest quota for the upcoming fishing season, May 1 through April 30.

Rachael Maulorico, Fisheries Management Planner, gave the presentation of the information provided in the staff's evaluation with slides. Her comments are a part of the verbatim record.

Staff recommended adoption of amendments to Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks" to set the Virginia commercial spiny dogfish quota, for May 1, 2015 through April 30, 2016, as 5,463,565 pounds.

There were no public comments.

**Associate Member Neill moved to accept the staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 6-0. Chair yes.**

\* \* \* \* \*

- 15. PUBLIC HEARING Blue Crab Fishery Issues:** To review or authorize: **1)** the dates associated with crab fishery season limits; **2)** the daily commercial crab harvester, vessel and possession limits; **3)** restrictions on the lawful crab harvesting dates on a gear-specific basis; **4)** limitations on allowing any person licensed as a seafood buyer and crab fishery licensee to possess both licenses on

board any boat or vessel on the same day (Chapter 4 VAC 20-270-10 et seq. “Pertaining to Crabbing”); **5)** the date when harvesters may possess dark-colored sponge crabs (Chapter 4 VAC 20-370-10 et seq. “Pertaining to the Culling of Crabs”); **6)** changes to the closed time periods of areas in the Blue Crab Sanctuary, to include allowing crab harvest in Virginia Blue Crab Sanctuary Area 4, but only in the portion of that area that extends from Cape Henry Light southward to Rudee Inlet, thence seaward at least ½ mile (Chapter 4 VAC 20-752-10 et seq. “Pertaining to Blue Crab Sanctuary”); and, **7)** the closure of the 2015 – 2016 winter crab dredge fishery season, in accordance with the provisions of Section 28.2-707 of the Code of Virginia (Chapter 4 VAC 20-1140-10 et seq.).

Robert O’Reilly, Chief, Fisheries Management, gave the introduction for the crab issues and explained how the issues will be address by several of staff.

Joe Grist, Deputy Chief, gave the briefing of the information provided for Items 1, 2, and 3 in the staff’s evaluation. His comments are a part of the verbatim record.

Joe Cimino, Fisheries Management Manager Sr., gave the briefing of the information provided for Item 4 in staff’s evaluation. His comments are a part of the verbatim record.

Ande Ehlen, Fisheries Management Specialist, gave the briefing of the information provided for Item 5 in the staff’s evaluation. Her comments are a part of the verbatim record.

Rachael Maulorico, Fisheries Management Planner, gave the briefing of the information provided for Item 6 in the staff’s evaluation. Her comments are a part of the verbatim record.

Rom Lipcius, VIMS representative, spoke in support of the staff recommendation in regards to the sponge crabs. His comments are a part of the verbatim record.

Mr. Grist gave the briefing of the information provided for Item 7 in the staff’s evaluation.

Mr. O’Reilly read the staff recommendations for all the items:

- 1) Continue the seasonal management approach, starting the next crab management season on July 5, 2015 and ending July 4, 2016, and opening the commercial crab pot season March 17 and closing the commercial crab pot season November 30 as provided in draft Chapter 4 VAC 20-270-10 et seq. “Pertaining to Crabbing”.
- 2) Continue the current bushel limit management measures and dates for upcoming season, as provided in draft Chapter 4 VAC 20-270-10 et seq. “Pertaining to Crabbing”.

- 3) Adjust the closure dates for the non-crab pot gear season, closing on September 26 instead of September 16 and reopening the non-crab pot gear season on April 21 instead of May 1, as provided in Chapter 4 VAC 20-270-10 et seq. "Pertaining to Crabbing".
- 4) Amend Chapter 4 VAC 20-270-10 et seq., "Pertaining to Crabbing", to make it unlawful for any vessel to act as both a crab harvester and a crab buyer on the same trip.
- 5) Amend Chapter 4 VAC 20-370-10 et seq., "Pertaining to the Culling of Crabs" to make it unlawful for any person to possess dark sponge crabs from March 17 through June 15.
- 6) Amend Chapter 4 VAC 20-752-10 et seq., "Pertaining to Blue Crab Sanctuary" to redefine Virginia Blue Crab Sanctuary Area 1 as Virginia Blue Crab Sanctuary Area 1A and Blue Crab Sanctuary Area 1B and implement separate closure dates for Blue Crab Sanctuary Areas 1A, 1B and Areas 2 through 4.
- 7) Amend Chapter 4 VAC 20-1140 et seq., "Prohibition of Crab Dredging in Virginia Waters" to close the winter crab dredge fishery season from December 1, 2015 through March 31, 2016

Commissioner Bull opened the public hearing.

Lee Walton, Mickie Haley, Mark Sanford, and Desmond Owens, watermen were present and their comments are a part of the verbatim record. They all agreed that for item 3 the delayed start time should be discontinued and that May 1 caused them to lose part of their season.

Bill Mullis, B and C Seafood, was present and his comments are a part of the verbatim record. Mr. Mullis said that at the CMAC meeting they asked that the crab dredge fishery decision be delayed for further discussion by CMAC. He said the crab dredge fishery was closed in 2008 and he has not been able to dredge since. He noted that the number of peeler pot licenses increased when the crab dredging was stopped.

Chris Moore, CBF, was present and his in support comments of the proposed management measures are a part of the verbatim record.

Ty Farrington, waterman, was present and his comments are a part of the verbatim record. Mr. Farrington said that there has been 30 years of conservation measures and little positive effect. He said it needs to be reevaluated as nothing is being done to improve the fishery. He agreed that the crab dredge fishery needed to be reopened as it was an efficient method of harvest and to keep the bushel limits on the peeler potters in lower Bay and open earlier in the upper Bay later.

Chris Moore, CBF, was present and his in support comments of the proposed management measures are a part of the verbatim record.

Robert Johnson, waterman, was present and his comments are a part of the verbatim record. Mr. Johnson said that requiring a pot license and buyer's license, there should be an invoice to say who the crabs were bought from. He said that was the purpose of having the seafood buyer's license on the boat.

Dirk Sanford, waterman, was present and his comments are a part of the verbatim record. He said that it was unfair to extend the season in the upper bay and cut it in the lower bay.

Commissioner Bull closed the public hearing.

After some discussion, Commissioner Bull stated the matter was before the Commission.

**Associate Member Ballard moved to approve the staff recommendation #1. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Associate Member Erskine moved to approve the staff recommendation #2. Associate Member Ballard seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Associate Member Neill moved to approve the staff recommendation #3. Associate Member Zydron seconded the motion. The motion carried, 6-0. The Chair voted yes.**

**Associate Member Zydron suggested that staff add "any person" on any vessel and he moved to approve the staff recommendation #4. Associate Member Close seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Associate Member Close moved the approve staff recommendation #5. Associate Member Zydron seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Associate Member Zydron moved to approve staff recommendation #6. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

**Associate Member Close moved that the final item for the Winter Crab Dredge Fishery be continued and that staff work with VIMS and the Crab Management Advisory Committee (CMAC) to bring this issue back to the Commission to be heard. Associate Member Erskine seconded the motion. Associate Member Zydron suggested that this item be heard at the October Commission meeting. Associate Members Close and Erskine agreed to the amendment to the motion. The motion carried, 6-0. Chair voted yes.**

\* \* \* \* \*

16. **PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-1290-10 et seq., “Pertaining to Relaying of Condemned Shellfish”, to establish a daily permit and associated fee for the harvest and relay of condemned shellfish, and proposed amendments to Chapter 4 VAC 20-1090-10 et seq., “Pertaining to License Requirements and License Fees”, to add the daily permit fee for the harvest and relay of condemned shellfish to the list of license requirements.

James Wesson, Head, Conservation and Replenishment, gave the briefing of the information provided in the staff’s evaluation with slides. His comments are a part of the verbatim record. There were two handouts: Draft copy of the Chapter 4VAC20-1190-10, et seq., “Pertaining to License Requirements and License Fees” and a letter from the Food and Drug Administration (FDA) in support of the proposed procedural changes.

Staff recommended the Commission adopt amendments to Chapter 4VAC 20-1290-10, et seq., “Pertaining to Restrictions on the Harvest of Shellfish in Condemned Shellfish Areas,” to establish a Daily Restricted Shellfish Area Relay Permit for the harvest and relay of condemned shellfish, and establish a fee for this permit of \$150. Staff also recommended the Commission adopt amendments to the final Chapter 4VAC 20-1090-10 et seq., “Pertaining to License Requirements and License Fees,” to add the Daily Restricted Shellfish Area Relay Permit fee of \$150.00 to the list of license fees.

Matthew Hull, VMRC Counsel said that in Chapter 20-1290-40(D) staff needed to add the Code Section 28.2-528.

Keith Skiles, Director, VDH-Division of Shellfish Sanitation, was sworn in and his comments are a part of the verbatim record. Mr. Skiles said that the VMRC and VDH-DSS shared the responsibilities and there was enough oversight to see what was supposed to occur. He said if Virginia was found to be out of compliance it would impact interstate commerce.

Commission Bull opened the public hearing.

Donna Melzer was present and her comments are a part of the verbatim record. Ms. Melzer stated that \$150.00/day was too much and the resource was needed by the industry. She asked if VMRC had done a regulatory analysis, as required by law.

Mr. Hull stated that the Marine Resources Commission is exempt and not required by law to do an analysis.

John DeMaria was present and his comments are a part of the verbatim record. Mr. DeMaria said that since 1970’s he had been relaying from his private grounds with no

problems. He said that staff had told the Shellfish Management Advisory Committee that reductions in harvest would be imposed.

Robert Johnson was present and his comments are a part of the verbatim record. He asked the Commission to not approve Regulation 4VAC20-1290-10, et seq. He said that relaying has gone on for years and had worked very well. He said there were good relations and the MPO did other things. He said that Mr. Skiles had said that there had never been any instances of sickness from the relay program and the FDA was just here in April. He said the \$150/day fee was not fair and if you cannot relay shellfish on the date requested what happens to the fee paid in advance. He stated the program now was not broken.

Public hearing was closed. Commissioner Bull stated the matter was before the Commission.

After much discussion, Commissioner Bull asked for a motion.

Associate Member Erskine moved to accept the staff recommendation except for the \$150 permit fee. The motion failed for a lack of a second.

**Associate Member Zydron moved to accept the staff recommendation and to add the Code Section 28.2-528 suggested by VMRC Counsel to Chapter 4 VAC 20-1290-40(D). Associate Member Neill seconded the motion. The motion carried, 5-1. Chair voted yes and Associate Member Erskine voted no.**

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- 17. PUBLIC HEARING:** Chapter 4 VAC 20-910-10 et seq. "Pertaining to Scup (Porgy)," Request to establish the 2015 commercial scup summer period harvest quota as 13,646 pounds.

Rachael Maulorico, Fisheries Mgmt. Planner, gave the presentation of the information provided in the staff's evaluation with slides. Her comments are a part of the verbatim record.

Staff recommended adoption of proposed amendments to Chapter 4VAC20-910-10 et seq., "Pertaining to Scup (Porgy)", to establish the 2015 commercial scup summer period harvest quota as 13,646 pounds.

**Associate Member Erskine moved to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 6-0. Chair voted yes.**

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18. **RECOMMENDATIONS:** From the Recreational Fishing Advisory Board, on funding projects from the Virginia Saltwater Recreational Fishing Development Fund, with certain projects also partly funded by the Marine Fishing Improvement Fund.

Joe Grist, Deputy Chief, Fisheries Management, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

The estimate of funds available, for projects, as of March 31, 2015, from the Virginia Saltwater Recreational Fishing Development Fund (VSRFDF), is \$1,019,817, after subtracting agency obligations.

The projects recommended by the RFAB to the Commission for funding total \$549,209 from the VSRFDF and \$74,997 from the MFIF. The Commercial Fishing Advisory Board (which recommends projects for funding from the MFIF) was notified and all those who commented recommended approval of the jointly funded projects (items E and F).

Access and Fishing Structure Projects for 2015

A) **-withdrawn by applicant-** Mathews County East River Boat Yard Fishing Pier. M. Moran, Mathews County. **\$253,000**

B) Portsmouth City Park Fishing Pier, W. Gill, City of Portsmouth **\$200,000. RFAB voted not to recommend this project for funding, and ask that they resubmit a complete application for the next cycle.**

C) **-withdrawn by applicant-** Cherry Point Community Pier Fishing Reef Completion. M. Moran and D. Hill, Mathews County, **\$4,816.89**

Multi-Year Projects for 2015/2016 Renewal.

D) Virginia Game Fish Tagging (Year 22). S. Musick (VIMS), L. Gillingham (VMRC). **\$80,893. RFAB voted unanimously to recommend funding.**

E) \*Estimating Relative Abundance of Young-of-Year American Eel in the Virginia Tributaries of Chesapeake Bay (Year 13). M. Fabrizio, T. Tuckey, VIMS. \$53,158. (**\$26,579** from VSRFDF, and **\$26,579** from MFIF) **RFAB voted unanimously to recommend funding.**

F) \*Federal Assistance (Wallop-Breaux) Matching Funds, Federal FY 2016. R. O'Reilly, VMRC. \$338,925. (**\$290,507** from VSRFDF, and **\$48,418** from MFIF) **RFAB voted unanimously to recommend funding.**



G) Virginia Marine Sportfish Collection Project, Year 9. A. Kenyon, VMRC \$12,000. **RFAB voted unanimously to recommend funding.**

New Projects for 2015

H) Tracking Decadal Changes in Striped Bass Recruitment: A Calibration Study of Seine Surveys in Chesapeake Bay. M. Fabrizio, VIMS \$78,022. **RFAB voted unanimously to recommend funding.**

(I) Temperature selectivity and movement patterns of speckled trout. E. Hilton, P. McGrath, VIMS \$61,208. **RFAB voted unanimously to recommend funding.**

Staff supports the project funding recommendations from the RFAB, for expenditures totaling \$549,209 from the VSRFDF, and partial funding of projects E and F, totaling \$74,997 from the MFIF.

**Associate Member Erskine moved to accept the staff recommendations. Associate Member Neill seconded the motion. The motion carried, 6-0.**

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Robert O'Reilly, Chief, Fisheries Management, gave the briefing of the information provided on the following items that are requests for public hearings to be held at the June 23, 2015 meeting. His comments are a part of the verbatim record.

**Associate Member Erskine moved to accept the staff recommendations. Associate Member Close seconded the motion. The motion carried, 6-0. Chair voted yes.**

**19. REQUEST FOR PUBLIC HEARING:** Amendments to Chapter 4VAC 20-70-10 et seq., "Pertaining to the Harvesting of Clams," to establish a gear license for hand-held "water vacuum" or "water rake" for the harvesting of cultured hard clams on leased ground.

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**20. REQUEST FOR PUBLIC HEARING:** Amendments to Chapter 4 VA20-560-10 et seq., "Pertaining to Shellfish Management Areas," to amend the lawful season of the harvest of clams by patent tong from the Newport News Shellfish Management Area.

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- 21. REQUEST FOR A JUNE PUBLIC HEARING:** to increase Virginia's portion of the coast wide total allowable catch of menhaden, in accordance with recent ASMFC actions.

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There being no further business, the meeting was adjourned at approximately 7:06 p.m. The next regular Commission meeting will be Tuesday, June 23, 2015.

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John M. R. Bull, Commissioner

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Katherine Leonard, Recording Secretary