

MINUTES

Commission Meeting

December 8, 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	
A. J. Erskine	
G. Wayne France	
S. Lynn Haynie	
James E. Minor, III	Associate Members
Ken Neill, III	
John E. Tankard, III	
John E. Zydron	
Matthew Hull	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Katherine Leonard	Recording Secretary
Jane McCroskey	Chief, Admin-Finance
Todd Sperling	Business Systems Specialist, Sr.
Dave Lego	Business Systems Specialist
Joe Cimino	Deputy Chief, Fisheries Mgmt.
Jim Wesson	Head, Conservation/Replenishment
Samantha Hornsby	Fisheries Mgmt. Specialist
Jill Ramsey	Fisheries Mgmt. Planner
Lewis Gillingham	Director, SWFT
Laurie Dozier	Fisheries Mgmt. Specialist
Adam Kenya	Fisheries Mgmt. Specialist
Katie May Laumann	Fisheries Mgmt. Specialist
Rick Lauderman	Chief, Law Enforcement
Warner Rhodes	Deputy Chief, Law Enforcement
Kenneth Freeman	Marine Police Officer
Russell Phillips	Marine Police Officer

Commission Meeting

**17519
December 8, 2015**

Tony Watkinson	Chief, Habitat Management
Chip Neikirk	Deputy Chief, Habitat Management
Jeff Madden	Environmental Engineer, Sr.
Hank Badger	Environmental Engineer, Sr.
Randy Owen	Environmental Engineer, Sr.
Ben Stagg	Chief Engineer Western Shore
Mark Eversole	Environmental Engineer, Sr.
Justin Worrell	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Rachael Maulorico	Environmental Engineer, Sr.

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Mark Luckenbach	Emily Hein
--------------	-----------------	------------

Others present:

Kenneth Laenger	Glen Sirbaugh	Shanna Canill
Stan Carpenter	Terry Mock	Brice Kutch
Tommy Garm	Rick Bartlett	Rebecca Francese
Jim Irre	Brian Cooke	Kalie Johnson
Roger Thiesfeld	Anna Yarashus	David Mayfield
Richard Green	Michael Oesterling	Doug McMinn
Lisa Rose	Paul Muhly	Michael Clair
Bill Bailey	Jackie Shannon	Andy Lacatell
Darryl Hurley	Arnold Evans	Melanie Bailey

and others.

* * * * *

Commissioner Bull called the meeting to order at approximately 9:37 a.m. All Associate Members were present.

* * * * *

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

* * * * *

APPROVAL OF AGENDA: Commissioner Bull asked if there were any changes from the Board members or staff.

Joe Cimino, Deputy Chief, Fisheries Management, explained that the staff was requesting that the Commission add one more item regarding summer flounder to increase the offshore landing limit for December from 5,000 pounds to 7,500 pounds, to be made effective December 8, 2015 and to end December 31, 2015.

Commissioner Bull stated this would become Item 19. He requested a motion to adopt the revised agenda.

Associate Member Tankard moved to approve the agenda, as revised. Associate Member Minor seconded the motion. The motion carried, 9-0. Chair voted yes.

* * * * *

MINUTES: Commissioner Bull asked if there were any changes or corrections to be made to the October 27, 2015 Commission meeting minutes. There were no changes.

Associate Member Zydron moved to approve the minutes. Associate Member Neill seconded the motion. The motion carried, 8-0-1. Chair voted yes. Associate Member Erskine abstained from voting, as he was not present at the October meeting.

* * * * *

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

* * * * *

2. PERMITS (Projects over \$500,000 with no objections and with staff recommendation for approval). None.

* * * * *

3. CONSENT AGENDA ITEMS. None.

* * * * *

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. A closed meeting was not necessary.

* * * * *

5. **COLONIAL PIPELINE COMPANY, #15-1211**, requests authorization to replace or repair petroleum pipeline (Line 27) segments at multiple stream crossing, as needed in Cumberland, Henrico, Powhatan, Chesterfield, Charles City, James City, Surry, and Isle of Wight Counties and the Cities of Richmond, Suffolk and Chesapeake. A Subaqueous permit is required for the entire project and Wetland permits are required for crossings in Henrico County, Chesterfield County, Richmond and Chesapeake.

Mark Eversole, Environmental Engineer, Sr., gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Eversole explained that the proposed inspection and maintenance of Line 27 is required by federal regulation, as well as by Section 28.2-1210 of the Code of Virginia. Staff considered the project's approval to be in the Commonwealth's best interest to avoid potential spills in tidal wetlands and/or State-owned submerged lands. As such, staff recommended approval of the project with the following special conditions:

The applicant shall adhere to the Commission's standard instream permit conditions listed here for all non-tidal stream repairs;

1. The instream construction activities shall be accomplished during low flow periods and within cofferdams constructed of non-erodible materials in such a manner that no more than half the width of the waterway is obstructed at any point in time.
2. All areas of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into State waters.
3. The Virginia Erosion and Sediment Control Handbook shall be employed throughout construction.
4. The Permittee agrees to develop a contingency/clean-up plan to address potential frac-outs or related spills associated with any directional drilling activities.

Mr. Eversole stated that furthermore, the applicant shall submit a detailed restoration plan for any tidal wetland impact areas necessary in the Counties of Chesterfield and Henrico, and the Cities of Richmond and Chesapeake. The plan shall include scaled, geographically referenced drawings and include a monitoring protocol and timeline.

A minimum five-year monitoring effort is recommended for all impacts to tidal freshwater wetlands and for all wetland impact areas which pose a risk of *Phragmites* colonization.

Mr. Eversole noted that for crossings 1-4, 7-10, 12-16, 19-21, 24 and 27, the applicant shall adhere to a February 15 through June 30 time-of-year restriction for instream work to protect anadromous fish. This restriction shall not apply for repairs, which must be initiated immediately or within 60 days, as required by federal regulation.

Mr. Eversole said that for any sub-tidal repairs necessary with crossings 1-3, 5, 7-10, 12, 14, 16 and 19, the applicant shall first submit detailed project drawings, to scale, depicting the location of the anomaly, the type of repair proposed and the construction methodology (i.e., cofferdam type, temporary trestle or barge access, etc.). No work may commence in these areas until a permit modification request is considered and approved by the Commissioner. The Commissioner retains his authority to defer approval of any instream work necessary at the aforementioned crossings to the full Commission for consideration at their next available meeting.

Mr. Eversole further said that any sub-tidal repairs that require the removal and replacement of anomalous line segments may be subject to an encroachment royalty in the amount of \$3.00 per linear foot.

Shanna Canill, representative for the applicant was sworn in and her comments in support are a part of the verbatim. She stated that they supported and agreed with the staff recommendation.

There were no other public comments. Commissioner Bull stated the matter was before the Commission for discussion or action.

Associate Member Zydron moved to approve the staff recommendation. Associate Member Minor seconded the motion. The motion carried, 9-0. Chair voted yes.

Permit Fee	\$100.00
------------	----------

* * * * *

- THOMAS YARASHUS, #15-1403**, requests authorization to install approximately 109 linear feet of riprap, the toe of which may extend a maximum of two (2) feet channelward of mean low water adjacent to 1501 Taylor Point Drive, situated along the Western Branch of the Elizabeth River in Chesapeake. The project requires a wetlands and subaqueous permit.

Justin Worrell, Environmental Engineer, Sr., gave the briefing of the information contained in the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Worrell stated that after evaluating the merits of the project and considering all of the factors contained in §28.2-1205(A) and §28.2-1302(10) (B) in the Code of Virginia, staff recommended approval of the project, as proposed. Given that there were no proposed vegetated wetlands impacts, and the proposed revetment was designed to protect both upland and existing vegetated wetlands, staff felt that no compensation was necessary for the conversion of non-vegetated wetlands to an intertidal rubble community.

Rick Bartlett, representing the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Barlett said he wanted to thank staff for their efforts and that he did not have anything to add, as comments.

Commissioner Bull asked for any other comments, pro or con. There were none. He stated the matter was before the Commission for discussion or action.

Associate Member Tankard moved to approve the staff recommendation. Associate Member France seconded the motion. The motion carried, 9-0. Chair voted yes.

Permit Fee	\$25.00
------------	---------

* * * * *

- 7. **AQUIA HARBOUR PROPERTY OWNER’S ASSOCIATION, INC., #15-0861**, requests authorization to mechanically dredge approximately 6,500 cubic yards of accumulated sediment to re-establish navigation along portions of Aquia Creek in Stafford County. The project is protested by an adjacent property owner.

Jeff Madden, Environmental Engineer, Sr., gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Madden explained that after evaluating the merits of the project against the concerns expressed by the adjacent property owner, Mr. Thiesfeld, and after considering all of the factors contained in §28.2-1205 of the Code of Virginia, staff recommended approval of the project conditioned upon the adherence of a time-of-year restriction between February 15 and June 30 and with the inclusion of our standard dredge conditions which shall include: providing a post-dredge bathymetric survey within 30 days of the completion dredging operations and a pre-dredge conference being held on-site prior to the commencement of dredging activities. Staff also recommended a dredging royalty in the amount \$918.00 for the new dredging of 2,040 cubic yards of State-owned subaqueous bottom at a rate of \$0.45 per cubic yard.

Kenneth Laenger, representing the HOA, applicant, was sworn in and his comments in support of the project is a part of the verbatim record. Mr. Laenger explained that the area had been dredged in 2000 and 2006 and there had not been any complaints. He said he had examined the wall and did not see any damage. In response to a question, Mr. Laenger said this project was very similar to the previous times with 6 locations to be dredged.

Commissioner Bull asked for further comments, pro or con.

Roger Thiesfeld, adjoining property owner and protestant was sworn in and his comments are a part of the verbatim record. Mr. Thiesfeld said he objected to the dredging because it would degrade his bulkhead. He explained that in 2006 during the dredging of the area, a tree was knocked over which impacted his bulkhead. He suggested that rip rap be installed to protect his bulkhead and to make this a condition of the permit.

Glen Sirbaugh, property owner, was sworn in and his comments are a part of the verbatim record. Mr. Sirbaugh explained that the bulkhead was about 40 years old and the erosion was most likely from natural causes.

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

Associate Member Erskine said he sympathized with the protestant and he noted that there was accretion in the area. He moved to approve the project with the permit conditions recommended by staff. Associate Member Zydron seconded the motion. The motion carried, 9-0. Chair voted yes.

Royalty Fees (dredge 2,040 cu. yds. @ \$0.45/cu. yd.)	\$ 918.00
Permit Fee	\$ 100.00
Total Fees	\$1,018.00

* * * * *

- 8. COLONNA’S SHIPYARD, #15-1184**, requests authorization to install a 27-foot by 100-foot mooring dolphin, a 27-foot by 150-foot concrete pier, a 315 square foot platform, a 20-foot by 50-foot access ramp, dredge 213,575 cubic yards of State-owned subaqueous bottom to attain depths up to -48 feet MLW, and maintenance dredge up to 60,000 cubic yards of subaqueous bottom per ten-year dredge cycle to allow for the installation of a drydock facility at the their shipyard located along the Eastern Branch of the Elizabeth River at 111 South Main Street in the City of Norfolk. The project is protested.

Mike Johnson, Environmental Engineer, Sr., gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Johnson explained since the area has historically been utilized for large ship repair and was zoned accordingly by the City of Norfolk, staff believed the project was justified and that the detrimental impacts associated with the proposal were outweighed by the benefits. After evaluating the merits of the project against the concerns expressed by those in opposition to the project and after considering all of the factors contained in §28.2-1205 of the Code of Virginia, staff recommended approval of the project conditioned with conformance to our standard dredge conditions which shall include: providing a post-dredge bathymetric survey within 30 days of the completion of the dredging operations, a pre-dredge conference being held on-site prior to the commencement of dredging activities, and maintenance dredging operations may be initiated after a 15-day notification has been submitted to the VMRC. Staff also recommended a dredging royalty in the amount \$96,108.75 for the new dredging of 213,575 cubic yards of state-owned subaqueous bottom at a rate of \$0.45 per cubic yards.

Rebecca Francese, representing the applicant, was sworn in and her comments in support are a part of the verbatim record. Ms. Francese explained that the protests were mostly resolved. She said that the applicant had gone beyond what was required so that less pollutants were returned to the water, therefore the long term impacts were shorten. She noted that all the work was done on the dry dock so there were less emissions being return to the water. She stated this industry was needed for repairing boats.

Mark Essert, operations manager for the applicant was sworn and his comments are a part of the verbatim record. Mr. Essert explained that there were traps and tanks to catch the polluted waters with an underground pipe which would take the waste water directly to a treatment plant. When asked, he stated that this would mean 75 to 100 new jobs, would replace an old railway, and with all the government work, it would increase the capabilities of the shipyard.

There were no further comments, either pro or con. Commissioner Bull stated the public hearing was closed and the matter was before the Commission for discussion or action.

Associate Member Ballard moved to approve the staff recommendation. Associate Member Minor seconded the motion. The motion carried, 9-0. The Chair voted yes.

Royalty Fees (dredge 213,575 cu. yds. @ \$0.45/cu. yd.)	\$96,108.75
Permit Fee	\$ 100.00
Total Fees	\$96,208.75

* * * * *

- 9. **PAUL HARRIS, #09-1498**, requests authorization to construct a 15-foot long by 5-foot wide private pier extension, and install one (1) additional mooring to improve the mooring of his yacht at his existing private pier, situated along the Great Wicomico River in Northumberland County. The project is protested by the adjacent oyster ground leaseholder.

Jeff Madden, Environmental Engineer, Sr., gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Madden explained that while Commission staff was sensitive to the concerns of the oyster ground leaseholder, staff believed the revised modification request minimized the impact of the pier on the oyster ground. In fact, the 5-foot by 15-foot pier extension was narrower than the statutory exemption afforded and did not extend as far channelward as the boat would extend, if moored side-to at the end of the existing pier.

Mr. Madden said that staff believed that the revised modification was a reasonable use of State-owned lands and would have only a minimal impact on the oyster ground. Accordingly, pursuant to §28.2-1205(D) of the Code of Virginia, staff recommended approval of the revised project.

The applicant and the protestant were not present.

There were no public comments, either pro or con. Commissioner Bull stated the public hearing was closed.

Associate Member Zydron moved to approve the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 7-1-1. Chair voted yes. Associate Member France voted no and Associate Member Erskine abstained.

Permit Fee	\$25.00
------------	---------

* * * * *

- 10. **KALIE JOHNSON**, Oyster Planting Ground Application #2015-085, requests authorization to lease up to 10 acres of oyster planting grounds within the York River, near Sarah’s Creek in Gloucester County. The application is protested by a nearby highland property owner.

Ben Stagg, Chief Engineer, gave the briefing of the information regarding the oyster ground lease application with slides. His comments are a part of the verbatim record.

Mr. Stagg explained that staff understood the highland property owner’s concerns about leasing along his property where he has a usable beach area for recreational purposes and staff noted the property had considerable historic significance. However, this application

area was along a portion of the property far from the owner’s residence, and shellfish growing activities at a reasonable distance offshore, should provide only minimal impact to any activities along the near shore area. Staff, therefore, recommended approval of an area beginning approximately 150 feet from the mean low water line and offshore containing approximately 3.70 acres. Staff also agreed with the Commission’s approval to allow for the leasing of additional area originally applied for on the offshore side of this area as a further compromise.

Kalie Johnson, applicant, was sworn in and her comments are a part of the verbatim record. Ms. Johnson said she wished to change the inshore line from 150’ to 100’ which would be closer to the shoreline to give her the depth needed for working the cages. She said she was introduced to aquaculture through her work with the Chesapeake Bay Foundation and then with working with the Chesapeake Oyster Company. She now wanted to operate a small aquaculture business of her own. She said she had used a sublease to try on a small trial business to see if she wished to continue. She said she had met with Mr. Barnes earlier about the inshore area and he had signed an agreement to have her lease 75 feet from shore.

After further discussion, the public hearing was opened to comments, pro or con.

Doug McMinn, Chesapeake Bay Oyster Company, was present and his comments in support are a part of the verbatim record. Mr. McMinn said he was concerned with Mr. Barnes applying for the area if not for growing oysters. He noted that a lease can go the mean low water line. He said Katie was willing to work with the landowners and there was plenty of room for 200 cages. He said she was trying to negotiate but the protestant now wanted more.

The public hearing was closed.

After much discussion, Associate Member Neill moved to approve the staff recommendation on the inshore line at 150’ from the shore of the 3.70 acre portion; and, to include in the staff recommendation to lease an additional offshore area in the original application and not included in the compromise area. Associate Member Zydron seconded the motion. The motion carried, 9-0. Chair voted yes.

* * * * *

11. PUBLIC COMMENTS:

Tommy Gardner - requested approval of his previous application to construct a pier for which he has obtained a court order on the matter. Staff requested that this be delayed for further review by staff and to hear the matter at next month meeting.

Commission Meeting

Lisa Rose - requested the Commission open the public grounds for January, February and March, 2016 due to the spat set the harvesters have observed in all areas. She noted that the regulations were too restrictive on the waterman and impacted the oyster industry.

Richard Green - requested The Commission reconsider its decision to close the James River to hand scrape in January 2016 due to the economic impact on the harvesters.

Paul Muhly - explained to the Commission that he had been elected to the Accomack County Board of Supervisors in November and there were a number of Saxis watermen in this area. He encouraged the Commission to open areas 9, 10 and 11 in Saxis to harvesting through December 31, 2015.

Arnold R. Evans - requested the Commission open areas 9, 10 and 11 in Saxis be opened through December 31, 2015.

Bill Bailey - requested the Commission open areas 9, 10 and 11 in Saxis through December 31, 2015.

Michael Claire - requested the Commission open areas 9, 10 and 11 in Saxis through December 31, 2015.

* * * * *

Associate Member Minor did not return to the meeting after the lunch break for the rest of the afternoon.

* * * * *

12. OFFENDERS: None.

* * * * *

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."

Richard J. Johnson – was not present.

Laurie Dozier, Fisheries Management Specialist, explained that Mr. Johnson was not present and the Commission had at a previous meeting, suspended his licenses until he appeared before the Commission.

Commissioner Bull said that the Board had the option to continue Mr. Johnson's suspension of licenses.

Associate Member Neill moved to continue the suspension of Mr. Johnson's license until he appeared before the Commission. Associate Member Tankard seconded the motion. The motion carried, 8-0. Chair voted yes.

* * * * *

- 14. DISCUSSION:** The Virginia Institute of Marine Science will give a presentation on the results of an investigation of the potential impact on Gwynn's Island bridge rehabilitation work on mortality in a nearby oyster hatchery.

Mark Luckenbach, representing VIMS, gave the presentation with slides. His comments are a part of the verbatim record.

* * * * *

- 15. PUBLIC HEARING:** Request to amend Chapter 4 VAC 20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest" to close the Pultz Bar in the Mobjack Bay Area and establish a trial allowance of hand tong gear on Seaside of the Eastern Shore (for clean cull oysters only).

Jim Wesson, Head, Conservation and Replenishment, gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Wesson said that staff recommended approval of the amendments to Chapter 4VAC 20-720-10, et seq., "Pertaining to Restrictions on Oyster Harvest," to close to harvest Pultz Bar in the Mobjack Bay area.

Mr. Wesson said that staff recommended establishing a trial allowance of hand tong gear on the Seaside of Eastern Shore, including:

- Open season from January 1, 2016, through March 31, 2016, and
- An eight (8) bushel limit of clean cull oysters per hand tong licensee.

Mr. Wesson explained that staff would agree if the Commission allowed for the James River hand scrape areas to be open in January 2016 instead of having the area open in March, and to just switch the months.

Commissioner Bull opened the public hearing.

Thomas Kellum, W. E. Kellum Oyster Company, was present and his comments are a part of the verbatim record. Mr. Kellum stated that he supported the closure of Pultz Bar and to extending the hand scrape season in the James River through January 2016 and to close it for March.

Michael Clair asked if the Commission would consider opening the three areas in Pocomoke Sound in Saxis. Commissioner Bull stated that no action was taken by the Commission to open those areas in Saxis.

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

Matthew Hull, Assistant Attorney General and VMRC Counsel reminded the Commission that the emergency action would require a public hearing in order to close the hand scrape areas in the James River for the month of March.

Associate Member Erskine moved to accept the staff recommendations for the Pultz Bar area in the Mobjack Bay being closed to harvest, allowing a trial period for the hand tong gear being used on public grounds on seaside of Eastern Shore, and to continue by emergency action the hand scrape season in the Thomas Rock and James River hand scrape areas for the month of January 2016; and, closing the two hand scrape areas in the James River for the month of March. Associate Member Haynie seconded the motion.

Associate Member France asked if the Rappahannock River area could be opened for another month, since the Great Wicomico River was not working out. Mr. Wesson explained that there were market oysters in the Great Wicomico River, it was just the watermen did not want to have spend the time required to cull the smaller oysters and return them to the public grounds. He stated staff did not recommend extending the season in the Rappahannock River.

The motion carried, 8-0. Chair voted yes.

* * * * *

16. PUBLIC HEARING: Request to amend Chapter 4 VAC 20-140-10 et seq., “Pertaining to Identification of Crab Pots, Peeler Pots, Eel Pots, and Fish Pots ” to establish marking requirements for eel pots with an identification number.

Joe Cimino, Deputy Chief, Fisheries Management, gave the briefing of the information from the staff evaluation with slides. His comments are a part of the verbatim record.

Mr. Cimino explained that staff recommended adopting proposed amendments to Chapter 4 VAC 20-140-10 et seq., “Pertaining to Identification of Crab Pots, Peeler Pots, and Fish Pots,” to establish eel pot marking requirements.

Commissioner Bull opened the public hearing and there were no public comments. He stated the public hearing was closed and the matter was before the Commission for discussion or action.

Associate Member France moved to accept the staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.

* * * * *

17. PUBLIC HEARING: Proposed amendments to Chapter 4 VAC 20-950-10 et seq., “Pertaining to Black Sea Bass”, to establish the 2016 commercial quota.

Katie May Laumann, Fisheries Management Specialist, gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

Ms. Laumann explained that On November 5, 2015 the ASMFC released the 2016 black sea bass commercial coast wide quota by memorandum. Therefore, the Virginia 2016 black sea bass directed quota will be 502,000 pounds and the bycatch fishery’s quota will remain at 40,000 pounds.

Ms. Laumann stated that staff recommended the Commission adopt amendments to Chapter 4 VAC 20-950-10 et seq., “Pertaining to Black Sea Bass,” to establish the 2016 quota as 542,000 pounds.

There were no public comments.

Commissioner Bull stated the matter was before the Commission for discussion or action.

Associate Member Neill moved to accept the staff’s recommendation. Associate Member Haynie seconded the motion. The motion carried, 8-0. Chair voted yes.

* * * * *

18. RECOMMENDATIONS: From the Recreational Fishing Advisory Board on funding projects from the Virginia Saltwater Recreational Fishing Development Fund.

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

Mr. Cimino explained that the estimate of funds available, for projects, as of September 30, 2015, from the Virginia Saltwater Recreational Fishing Development Fund (VSRFDF), is \$1,720,555, after subtracting agency obligations.

The RFAB reviewed the following projects and voted to recommend the Commission continue to fund eight fishing events and to fund one new fishing event (located on the Middle Peninsula) in 2016. One fishing group (Project C) withdrew its application.

The RFAB also recommended funding the Clontz Park Boat Ramp project in Smithfield, Virginia. The projects and associated funding requests are listed below.

The projects recommended by the RFAB to the Commission for funding at the November 9, 2015 RFAB meeting total \$304,900.28 from the VSRFDF.

Fishing events for 2016 Renewal.

- A) 2016 Knights of Columbus Annual Kids Fishing Day (Year 27th). Greg Brown, **\$7,656.28**. RFAB voted unanimously to recommend funding
- B) 2016 Hope House & Oak Grove Nursing Home Fishing Excursions and Clinics. Joseph Stephenson; George Reich, Great Bridge Fisherman's Association. **\$3,825**. RFAB voted unanimously to recommend funding
- C) ***withdrawn by applicant*** 2016 Chincoteague Island Charter Boat Association "Take a Kid Fishing Day." Charlie Koski, Chincoteague Island Charter Boat Association **\$2,028**.
- D) 2016 Saxis and Morley's Wharf Fishing Piers Youth Fishing Tournaments. David Page, Eastern Shore of Virginia Anglers Club. **\$2,000**. RFAB voted unanimously to recommend funding
- E) 2016 Sunshine Children's Fishing Program. Denny Dobbins, Portsmouth Angler Club/Sunshine Program. **\$7,904**. RFAB voted unanimously to recommend funding
- F) 2016 Norfolk Youth Head Boat Fishing Trip. Ned Smith, Norfolk Anglers Club. **\$1,200**. RFAB voted unanimously to recommend funding
- G) 2016 Children's Fishing Clinic. Rob Cowling, Newport News Rotary Club and Coastal Conservation Association-Peninsula. **\$7,500**. RFAB voted unanimously to recommend funding
- H) 2016 Kiwanis Club Children's Fishing Clinic. Wesley Brown, Capital District Kiwanis Club. **\$8,500**. RFAB voted unanimously to recommend funding
- I) 2016 Virginia Beach Anglers Club/Seton Youth Shelter Children's Fishing Trip. Robert Burstein, Virginia Beach Anglers Club. **\$2,500**. RFAB voted unanimously to recommend funding

New events for 2016

J) 2016 The Middle Peninsula ‘Youts n’ Coots’ Fishing Derby. Dave Cryer, Middlesex Kiwanis Club. **\$10,000**. RFAB voted unanimously to recommend funding

Access Projects for 2015-2016

K) Clontz Park Boat Ramp. Peter Stephenson, Town of Smithfield. **\$253,815**. RFAB voted unanimously to recommend funding. The habitat permit for the project is in process but not yet completed. Staff recommends any approval for funding be contingent on the approval of the habitat permit.

Three other projects presented this cycle (renovations to Town Point, Fox Hill, and West Point boat ramps) were recommended for expedited funding and were approved by the Commission at the September meeting. Those projects are now contracted and under construction.

Mr. Cimino stated that staff supported the project funding recommendations from the RFAB, for expenditures totaling \$304,900.28, from the VSRFDF, with Item K (Clontz Park Boat Ramp) approval being contingent on the granting of the Habitat Management JPA permit.

The public hearing was opened and there were no public comments. Commissioner Bull 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, 8-0. The Chair voted yes.

* * * * *

19. REQUEST FOR AN EMERGENCY AMENDMENT Emergency amendments to Chapter 4 VAC 20-620-10 et seq., to increase the December offshore summer flounder landing limit.

Joe Cimino, Deputy Chief, Fisheries Management, gave the briefing of the information regarding this emergency action.

Mr. Cimino explained that the staff was recommending that the offshore commercial landings limit for summer flounder for December be increased from 5,000 pounds to 7,500 pounds, to be made effective today, December 8, 2015, through December 31, 2015. No public hearing would be necessary.

Commission Meeting

**17534
December 8, 2015**

After some discussion, the public hearing was opened, but there were no public comments. Commissioner Bull stated the matter was before the Commission.

Associate Member Erskine moved to accept the staff recommendation. Associate Member Haynie seconded the motion. The motion carried, 8-0. Chair voted yes.

* * * * *

There being no further business, the meeting was adjourned at approximately 2:56 p.m. The next regular Commission meeting will be Tuesday, January 26, 2016.

John M. R. Bull, Commissioner

Katherine Leonard, Recording Secretary