

MINUTES

Commission Meeting

December 13, 2016

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 Bull	Commissioner
Chad Ballard	
A. J. Erskine	
Wayne France	
Lynne Kellum	
James E. Minor	Associate Members
Ken Neill, III	
John E. Tankard	
John E. Zydron	
Matthew Hull	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Katherine Leonard	Recording Secretary
Jane McCroskey	Deputy Chief, Admin-Finance
Linda Hancock	Human Resources Mgr.
Erik Barth	Head, MIS
Todd Sperling	Business Systems Specialist, Sr.
Dave Lego	Business Systems Specialist
Joe Cimino	Deputy Chief, Fisheries Mgmt.
Jim Wesson	Head-Conservation/Replenishment
Andrew Button	Head-Conservation/Replenishment
Stephanie Iverson	Fisheries Management Mgr.
Jill Ramsey	Fisheries Mgmt. Specialist
Lewis Gillingham	Director, SWFT
Ryan Jiorle	Fisheries Mgmt. Specialist
Alex Aspinwall	Fisheries Mgmt. Specialist
Sean Sheline	Fisheries Mgmt. Specialist
Adam Kenyon	Fisheries Mgmt. Specialist
Samantha Hornsby	Fisheries Mgmt. Specialist
Katie May Laumann	Fisheries Mgmt. Specialist
Chris Davis	Fisheries Mgmt. Specialist
Megan Wood	Fisheries Mgmt. Specialist
Alicia Nelson	Coordinator RFAB/CFAB
Donald Lee Terry	Fisheries Mgmt. Tech.
Anna Mai Svajdlenka	Fisheries Mgmt. Tech.

Commission Meeting

**17754
December 13, 2016**

Rick Lauderman
Warner Rhodes
Jamie Green
Lisa Gruber
Steve York
David Drummond
William Hall
Marshall Reedy

Chief, Law Enforcement
Deputy Chief, Law Enforcement
Captain, LE Area Supervisor, MA
Marine Police Officer
Marine Police Officer
Marine Police Officer
Marine Police Officer
Marine Police Officer

Tony Watkinson
Chip Neikirk
Jeff Madden
Hank Badger
Ben Stagg
Justin Worrell
Mike Johnson
Rachael Maulorico
Jay Woodward
Daniel Faggert
Bradley Reams

Chief, Habitat Management
Deputy Chief, Habitat Management
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Chief Engineer, Western Shore
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Surveyor, Engineering/Surveying
Program Support Technician

Virginia Institute of Marine Science (VIMS):

Lyle Varnell Mark Luckenbach Emily Hein

Others present:

Rick Bartlett	John Witherspoon	Louise Witherspoon
Sherry Ashe	Casey Hooper	George Kuper
Rebecca Francese	Mike Osterling	Travis Croxton
Scott Croxton	Ryan Croxton	Bobbi Case
Rob Case	Martin Bel	Jerry Azech
Kim Huskey	Trent Bcazure	Ken Kurkowski
Robert Hogge	James Holloway	Pat Link
and others.		

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Commissioner Bull called the meeting to order at approximately 9:44 a.m. Associate Member France arrived approximately 10:24 am.

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At the request of Commissioner Bull, Associate Member Tankard 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.

Joe Cimino, Deputy Chief, Fisheries Management stated that there was an additional item for Fisheries Management, which was to consider emergency action for Chapter 4VAC 20-252-10 et seq., "Pertaining to Striped Bass" regarding the harvest overage and the lower quota; and, to request a public hearing.

Commissioner Bull indicated this would be placed on the agenda as the last item, Item 17.

Associate Member Erskine moved to approve the agenda, as amended. Associate Member Kellum seconded the motion. The motion carried, 8-0.

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MINUTES: Commissioner Bull asked if there were any changes or corrections to be made to the November 1, 2016 Commission meeting minutes.

Associate Member Tankard moved to approve the minutes, as presented. Associate Member Neill seconded the motion. The motion carried, 6-0-2. Chair voted yes. Associate Members Erskine and Kellum both abstained, as they were not present at the hearing.

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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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Joe Cimino, Deputy Chief, Fisheries Management, introduced new staff of the Fisheries Management Division to the Board members.

Megan Woods; Jill Ramsey; Sean Sheline; Alex Aspinwall; Chris Davis; Anna Mai Svajdlenka; and Donald Lee Terry.

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- 2. PERMITS** (Projects over \$500,000 with no objections and with staff recommendation for approval). There were three page two items to be heard.

Tony Watkinson, Chief, Habitat Management, gave the briefing for the three page two items. His comments are a part of his verbatim record.

Commissioner Bull opened the public hearing for comments and there were none. He closed the public hearing.

Associate Member Erskine moved to approve the three page two items, as presented. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.

- 2A. CITY OF NORFOLK, #15-0328**, requests authorization to mechanically dredge 165,000 cubic yards of State-owned subaqueous bottom to attain depths of minus four (-4) feet MLW in the mainstem of Mason Creek and depths of minus three and a half (-3.5) feet MLW in the narrower arms and coves, install a 20-foot by 20-foot open-pile platform, and install 48 bubble diffusers in Mason Creek, upstream of the channel adjacent to Naval Station Norfolk in the City of Norfolk.

Permit Fee	\$100.00
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- 2B. MICROSOFT INFRASTRUCTURE GROUP LLC, #16-1205**, requests authorization to install a trans-Atlantic fiber optic telecommunications cable and conduit under the three nautical miles of Virginia’s State-owned submerged bottomlands within the Atlantic Ocean, directly adjacent to the Croatan Beach Municipal Parking Lot in Virginia Beach, within a corridor having the following corner coordinates: 36° 48.957’ N Latitude, 75° 57.978’ W Longitude; 36° 49.302’ N Latitude, 75° 58.050 W Longitude; 36° 49.434’ N Latitude, 75° 54.275’ W Longitude; 36° 49.032 N Latitude, 75° 54.171 W Longitude. The cable will be installed in a horizontally drilled conduit under the beach and extending to a distance approximately 0.5 nautical miles offshore, and then be installed by a cable sea plow to a depth of three (3) feet below the seabed until it passes Virginia’s three mile offshore boundary. Three separate horizontally drilled conduits will also be installed under the beach and adjacent to the cable/conduit to a similar distance offshore and remain vacant with the intent of accommodating future submarine fiber optic cable projects. The cable and conduit installations are part of the MAREA Fiber Optic System Project linking Virginia Beach to Bilbao, Spain. Staff recommended approval with a royalty of \$82,026.00 for the crossing of 27,342 linear feet of State-owned submerged bottomlands at \$3.00 per linear foot.

Royalty Fees (crossing 27,342 lin. ft. @ \$3.00/lin. ft.	\$82,026.00
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Permit Fee	\$ 100.00
Total Fees	\$82,126.00

- 2C. **PERDUE AGRIBUSINESS, LLC, #16-1287**, requests authorization to mechanically maintenance dredge 14,000 cubic yards of State-owned submerged lands to a maximum depth of -38 feet at mean low water adjacent to the unloading dock, and -42 mean low water adjacent to the loading dock at the Perdue Agribusiness facility located at the confluence of the Southern Branch Elizabeth River and Jones Creek in the City of Chesapeake. Dredged material will be transported by sealed barge to the Craney Island Dredge Material Management Area or an approved upland location.

Permit Fee	\$100.00
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3. **CONSENT AGENDA ITEMS:** There were no consent items to be heard.

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

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5. **JEAN CASE, #16-1320.** Appeal by 41 freeholders of the Mathews County Wetlands Board decision to authorize the installation of 436 linear feet of riprap revetment and two breakwater spurs along the East River shoreline at 726 Turpin Lane in Mathews County. This was continued from the November 1, 2016, Commission meeting at the request of the appellants.

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

Mr. Johnson explained that the Mathews County Wetlands Board held a hearing for Ms. Jean Case’s modified application to construct a revetment and two breakwater spurs along her shoreline at 726 Turpin Lane during their November 2, 2016, meeting. During that hearing, the Board entertained the arguments made by the opposition regarding these impacts and felt the concerns were addressed. The Board noted that erosion was occurring in the area and that the shoreline was currently undefended. The Board analyzed the methodology proposed by the applicant to defend the shoreline from erosion and the effort made by the applicant to avoid and minimize impacting the intertidal area.

The Board determined that these efforts were appropriate and that nothing more could reasonably be done to minimize them. The Board then reviewed ways to mitigate for these impacts and determined that payment to the County's in-lieu fund for the loss of vegetated wetlands was appropriate.

Mr. Johnson stated that after reviewing the record, staff believed that the Board had met their obligation under the standards for use and development of wetlands set forth in §28.2-1308 of the Code of Virginia. Accordingly, staff recommended that the Commission uphold the November 2, 2016, decision of the Mathews County Wetlands Board to approve the revised project as proposed.

John Witherspoon, appellant, was sworn in and his comments are a part of the verbatim record. Mr. Witherspoon said that all of the appellants felt that this was not a good application and the Wetlands Board hearing was to consider a revised project. He added the CCRM reported on the impacts to the wetlands and that there was no erosion on the northern portion and the living shoreline was not adopted. He said the revision did not achieve what was needed and the impacts were still severe. He said this did not protect the protestants needs, only the applicant. In response to question, Mr. Witherspoon said that they were not given an opportunity to address the petition only the applicant's agent. He stated the Commission can modify the application, remand it back to the Wetlands Board or reverse the Wetlands Board's decision, but he suggested that the Commission reverse the Wetlands Board's decision.

After some discussion, Commissioner Bull asked for a motion to open the record. Associate Member Zydron moved for no additional testimony would be heard and to not open the Wetlands Board hearing record. Associate Member Minor seconded the motion. The motion carried, 8-0.

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

Associate Member Zydron said it looked like there was a lot of erosion in the area, which needed some sort of action. He said also the Wetlands Board had done a good job with due process with the written and oral testimony. He moved to uphold the Wetlands Board's decision. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.

No applicable fees – Wetlands Appeal.

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Associate Member France arrived to the meeting at approximately 10:24 am.

- 6. **KENNETH MOYER, #16-1600**, requests authorization to construct 220 linear feet of bulkhead a maximum of two (2) feet channelward of a deteriorating bulkhead along a canal tributary to the Southern Branch Elizabeth River, at 1129 Sunlight Drive in the City of Chesapeake. This project requires a wetlands permit.

Rachael Maulorico, Environmental Engineer, Sr., gave the briefing of the information provided in the staff’s evaluation with slides. Her comments are a part of the verbatim record.

Ms. Maulorico said that removal of the existing bulkhead would result in the loss of the new non-vegetated wetlands that had become established landward of the bulkhead. No compensation was necessary based on VMRC’s Wetlands Mitigation-Compensation Policy and Supplemental Guidelines. Therefore, after evaluating the merits of the project and considering all of the factors contained in §28.2-1302(10)(B) of the Code of Virginia and the Wetlands Mitigation-Compensation Policy and Supplemental Guidelines, staff recommended approval of the project, as proposed.

Rick Bartlett, project agent, was sworn in and his comments are a part of the verbatim record. Mr. Barlett said he agreed with staff and stated that this was needed, as requested, to save this property.

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

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

Permit Fee	\$100.00
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- 7. **RAPPAHANNOCK RIVER YACHT CLUB, INC. (RRYC), #16-1190**, requests authorization to add a 24-foot long by 8-foot wide, floating dock to the end of an existing 36-foot long dock adjacent to their boat ramp at property on Carter Creek at 100 Rappahannock Road in the Town of Irvington, Lancaster County. The project is protested by an adjacent property owner.

Jay Woodward, Environmental Engineer, Sr., gave the briefing of the information provided in the staff’s evaluation with slides. His comments are a part of the verbatim record.

Mr. Woodward explained that when the RRYC first contacted staff to inquire about the need for a permit for the proposal, staff indicated that a VMRC permit would be required

and encouraged their representative, Mr. Gary Hooper, Vice Commodore to reach out to their neighbors to discuss their plans. Unfortunately, this effort was not successful in reaching a satisfactory compromise between the club and Mr. McGettrick. It was noted that the moorings that Mr. McGettrick indicated had been vacant for over four years were permitted by VMRC before he acquired his property, and staff had witnessed boats on the moorings many times over the years.

Mr. Woodward stated that staff did not believe the small floating dock section will result in any adverse impacts on the marine environment, nor did staff feel that it would cause any negative impacts to navigation in the creek. Staff believed “need” to be somewhat subjective, and while the protestant felt there was no need for the proposal, staff felt that the RRYC club had satisfactorily explained why the proposal was a justifiable use of State-owned bottomlands. Accordingly, after evaluating the merits of the project and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff found the proposal to be a reasonable and permissible use of public submerged lands and recommended approval of the proposed 24-foot long by 8-foot wide floating dock with a royalty in the amount of \$288.00 for the encroachment over 192 square feet of State-owned subaqueous bottom at the standard rate of \$1.50 per square foot for the private yacht club.

Commissioner Bull asked if the applicant or a representative wanted to comment.

Gary Hooper, the applicant’s representative was sworn in and his comments are a part of the verbatim record. Mr. Hooper stated that he did not have anything to add.

Commissioner Bull opened the public hearing for comments, pro or con.

Mark McGettrick, protestor and adjoining property owner, was sworn in and his comments are a part of the verbatim record. Mr. McGettrick said that the RRYC had been generously permitted within the footprint and was the largest permitted single interest in the creek. He said the structures were usually empty and the floating dock was used very little. He said a changed was not needed with the amount of usage and he was opposed to the project. He said the previously approved permit had conditions that were not met for quite some time. He suggested the Commission reject or table to review the compliance with the existing permit.

The public hearing was closed and after some discussion, Associate Member Neill moved to accept the staff recommendation. Associate Member Zydron seconded the motion. The motion carried, 9-0. Chair voted yes.

Royalty Fee (encroachment over 192 sq. ft. @ \$1.50/sq. ft.)	\$288.00
Permit Fee	\$100.00
Total Fees	\$388.00

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8. **CROXTON, CROXTON & CROXTON, LLC, #16-1510**, requests authorization to install a 204-foot long by 8-foot wide floating pier with twelve (12) 32-foot long by 4-foot wide finger piers and two (2) 30-foot long by 4-foot wide piers to create a total of 24 transient slips, construct a 162-foot long fixed and floating wave attenuator with 70 linear feet of riprap breakwater repair, and construct 510-linear feet of vinyl sheet-pile replacement bulkhead, a maximum of two (2) feet channelward of an existing timber bulkhead, including the filling of 289 square feet of State-owned subaqueous bottom adjacent to their commercial facility on Locklies Creek at 784 Locklies Creek Road in Middlesex County. The applicants have requested Commission review of the staff recommended royalty for the filling of and encroachment over State-owned subaqueous lands resulting from the proposal.

Jay Woodward, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Mr. Woodward explained that after evaluating all the merits of the project and after careful consideration of all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff found the proposal to be a reasonable and permissible use of public submerged lands and recommended approval of the project, as proposed with a recommended total royalty assessment in the amount of \$20,113.00. Staff also recommended a special permit condition that the permittee notify VMRC and the personnel at the VIMS shellfish hatchery, directly across the creek, at least three (3) days prior to any permitted construction activities, per comments received from VIMS.

Commissioner Bull asked if the applicant or representative wished to comment.

Scott Croxton, applicant, was sworn in and his comments are a part of the verbatim record. Mr. Croxton stated that they had a facility where they bought oysters taken from both public and private oyster grounds and boats come to this facility to offload their product. He said they felt that should be exempt from the royalties since their activities were similar to those at the Norfolk International Terminal. He suggested that if they were to remove the derelict sailboat which would cost from \$8,000 to \$10,000, it could be considered royalties paid and area that will be returned to state-owned bottom. He said the filling is not going to be done within the entire 2 foot area so they should not be charged royalties for the entire area. The Boating Infrastructure Grant they applied for is a 2-tier grant and what is proposed could qualify as 100% transient for up to 15 days of use and the Grant is to be matched.

Tony Watkinson, Chief, Habitat Management, explained that the boats that come there temporarily to offload their seafood catch are coming on a daily basis and transient vessels come in to tie up for up to 15 days.

Travis Croxton explained that this would increase tourism as the public can watch the aquaculture operation and there would be mixed usages for the facility.

Mr. Watkinson stated that Staff considered this more of a marina and the exemption applies to facilities where ships come and go.

After further discussion, the public hearing was closed.

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

Associate Member Zydron moved to accept the staff recommendation including the royalties. Associate Member Neill seconded the motion. Associate Member France suggested the cost for removal of the derelict vessel be deducted from the royalties. Commissioner Bull explained that because of a decline in revenue that the Waterway Improvement Fund was short on funds. Matthew Hull, Assistant Attorney General and VMRC Counsel stated that the exception did not apply to offloading oysters but was for other products and it was up to the Commission.

After much discussion regarding the consideration of the cost of the derelict vessel removal being used to reduce the royalty, Associate Member Zydron again made the motion to accept the staff recommendation including the royalties. Associate Member Neill seconded the motion. The motion carried, 7-2. Chair voted yes. Associate Members France and Minor both voted no.

Royalty Fee (encroachment over 16,186 sq. ft. @ \$1.00/sq. ft.)	\$16,186.00
Royalty Fee (filling 1,309 sq. ft. @ \$3.00/sq. ft.)	\$ 3,927.00
Permit Fee	\$ 100.00
Total Fees	\$20,213.00

(Note: Items 9 and 10 were heard together and there was one motion.)

- 9. DEPARTMENT OF GAME AND INLAND FISHERIES, #15-0036, requests after-the-fact authorization to retain a 40-foot long by 6-foot wide open-pile pier with a 12.5-foot by 16-foot kayak launch platform, a 10-foot wide by 65-foot long**

open-pile tending pier with a 8-foot by 39-foot long L-head with associated wavescreen, a 8-foot wide by 66-foot long open-pile tending pier, and a 64-foot long open-pile tending pier that widens from 5 feet wide to 10.5 feet wide at its channelward end with associated wavescreen at the Fox Hill public boat landing located along Back River adjacent to 365 Dandy Point Road in the City of Hampton.

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

Mr. Johnson explained that since the permitted plans did not accurately represent what was built at the Fox Hill public boat launch, staff determined VDGIF was in violation and staff requested accurate as-built drawings to facilitate an after-the-fact review. Staff conducted a public interest review of the as-built project and no objections were received and staff believed that the structures were appropriate in their current form. Staff was not recommending any civil charges or triple permit fees since the applicant did receive a permit and there had been no objections to the variations from the originally permitted drawings that were and apparently the result of a clerical error. Accordingly, 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, as constructed.

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- 10. DEPARTMENT OF GAME AND INLAND FISHERIES, #15-0733**, requests after-the-fact authorization to retain a 10-foot wide by 139-foot long open-pile tending pier with a 8-foot wide by 17-foot long L-head with associated wave-screen along the East River at the Town Point public boat landing facility in Mathews County.

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

Mr. Johnson explained that since the permitted plans did not accurately represent what was built at the Town Point public boat launch, staff determined VDGIF was in violation and staff requested accurate as-built drawings to facilitate an after-the-fact review. Staff conducted a public interest review of the as-built project and no objections were received and staff believes that the structures are appropriate in their current form. Staff did not recommend any civil charges or triple permit fees since the applicant did receive a permit and there were no objections to the variations from the originally permitted drawings that were and apparently the result of a clerical error. Accordingly, 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, as constructed.

After much discussion about possibly charging triple permit fees for the after-the-fact permit requests (Items 9 and 10), the public hearing was opened. There were no public comments and the public hearing was closed.

Associate Member Tankard moved to accept the staff recommendations for Items 9 and 10. Associate Member Zydron seconded the motion. The motion carried, 8-1. Chair voted yes. Associate Member Erskine voted no.

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11. PUBLIC COMMENT. None

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Associate Member Minor did not return to the meeting after the lunch break for the remainder of the day.

12. OFFENDERS.

Patrick Johnson – not present.

Staff noted that Mr. Johnson was not present. Commissioner Bull stated it was the general consensus of the Board members to proceed with the hearing.

Marshall Reedy, Marine Police Office was sworn in and gave the briefing of the information in the staff’s evaluation. His comments are a part of the verbatim record. Mr. Reedy noted that Mr. Johnson had his licenses revoked because of earlier charges.

June 11, 2016—Fishing without the Required License—§28.2-225 of the Code of Virginia; September 14, 2016, Accomack County General District Court; Fine: \$500.00, Court Cost: \$121.00; 6 months 20 days Jail/6 months suspended.

June 11, 2016—Fishing after VMRC License had been Revoked—4 VAC 20-1280-30; September 14, 2016, Accomack County General District Court. Fine: \$50.00, Court Cost: \$10.00

June 11, 2016—No ID Number on Crab Pot Buoy—4 VAC 20-140-25; September 14, 2016, Accomack County General District Court; Fine: \$50.00, Court Cost: \$10.00

June 11, 2016—No ID Number on Crab Pot Buoy—4 VAC 20-140-25; September 14, 2016, Accomack County General District Court; Fine: \$50.00, Court Cost: \$10.00

June 11, 2016--No ID Number on Crab Pot Buoy—4 VAC 20-140-25; September 14, 2016, Accomack County General District Court; Fine: \$50.00, Court Cost: \$10.00

June 11, 2016—Obstructed Cull Rings—4 VAC 20-700-20; September 14, 2016, Accomack County General District Court; Fine: \$50.00, Court Cost: \$10.00

June 11, 2016—Obstructed Cull Rings—4 VAC 20-700-20; September 14, 2016, Accomack County General District Court; Fine: \$50.00, Court Cost: \$10.00

June 11, 2016—Obstructed Cull Rings—4 VAC 20-700-20; September 14, 2016, Accomack County General District Court; Fine: \$50.00, Court Cost: \$10.00

Stephanie Iverson, Fisheries Management Manager, read the staff recommendation. Mr. Patrick J. Johnson, a commercial fisherman registration licensee, was convicted on September 14, 2016, for one count of fishing after VMRC license had been revoked (4 VAC 20-1280-30); one count of fishing without the required license (§ 28.2-225 of the Code of Virginia); three counts of obstructed cull rings (4 VAC 20-700-20); and, three counts of no id on crab pot buoy (4 VAC 20-140-25).

Mr. Johnson first appeared before the Commission as a natural resource offender during the March, 2016, Commission meeting. The Commission decided to revoke his licenses and privileges, under 28.2-232, for one year, March 22, 2016, through March 21, 2017, followed by one year probation, March 22, 2017, through March 21, 2018, owing to four unculted crab violations.

In accordance with §28.2-232 of the Code of Virginia, staff recommended the Commission revoke all Mr. Johnson's Commission-issued licenses for a period of five years from the date of this Commission meeting, December 13, 2016, through December 12, 2021. Staff also recommended the Commission prohibit the issuance, reissuance, and renewal of any of Mr. Johnson's licenses during this revocation period. Staff recommended the Commission revoke Mr. Johnson's fishing privileges, within the Commonwealth's tidal waters, for a period of five years from the date of this Commission meeting, December 13, 2016, through December 12, 2021. Staff recommended the Commission take discretionary action concerning the potential of a civil penalty.

Associate Member Neill moved to accept the staff recommendation to revoke all Mr. Johnson's Commission-issued licenses and fishing privileges, within the Commonwealth's tidal waters for a period of five years from the date of this Commission meeting, December 13, 2016, through December 12, 2021; and, with no civil penalty charge. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.

Brian West – not present.

Colonel Rick Lauderman informed the Commission that staff received a call this morning that Mr. Brian West would not be able to attend the hearing because of a funeral.

Commissioner Bull stated that it was the general consensus of the Board members to proceed with the hearing.

Charles W. Hall, Marine Police Officer, was sworn in and he gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

May 18, 2016—Fishing after Privilege was Revoked—§28.2-201 of the Code of Virginia; 4 VAC 20-1280-30; September 20, 2016, York County Circuit Court; Fine: \$250.00, Court Cost: \$166.00

Stephanie Iverson, Fisheries Management Manager, read the staff recommendation. Mr. Brian E. West, a commercial fisherman registration licensee, was convicted on September 20, 2016 for one count of fishing after his privilege was revoked (§ 28.2-201 of the Code of Virginia; 4 VAC 20-1280-30). In accordance with §28.2-232 of the Code of Virginia, staff recommended the Commission revoke all Mr. West's Commission-issued licenses for a period of five years from the date of this Commission meeting, December 13, 2016, through December 12, 2021. Staff also recommended the Commission prohibit the issuance, reissuance, and renewal of any of Mr. West's licenses during this revocation period. Staff recommended the Commission revoke Mr. West's fishing privileges, within the Commonwealth's tidal waters, for a period of five years from the date of this Commission meeting, December 13, 2016, through December 12, 2021. Staff recommended the Commission take discretionary action concerning the potential of a civil penalty.

Commissioner Bull asked, what were the wishes of the Commission?

Associate Member Neill moved to accept the staff recommendation to revoke all Mr. West's Commission-issued licenses and fishing privileges, within the Commonwealth's tidal waters for a period of five years from the date of this Commission meeting, December 13, 2016, through December 12, 2021 and to include the maximum civil penalty of \$10,000.00. Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

James F. Holloway, Jr. - present and sworn in.

Steve York, Marine Police officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

September 18, 2015--Take Oysters with Dredge--§28.2-523 of the Code of Virginia. March 31, 2016, Newport News Circuit Court—Plea Agreement--Amended charge Impeding Oyster Inspectors—§28.2-512; Fine: \$00.00, Court Cost: \$407.00, 12 months Jail with 12 months suspended for Good Behavior for 3 years.

Stephanie Iverson, Fisheries Management Manager read the staff recommendation. In accordance with §28.2-232 of the Code of Virginia, staff recommended the Commission revoke all Mr. Holloway's Commission-issued licenses for a period of two years from the date of this Commission meeting December 13, 2016, through December 12, 2018. Staff also recommended the Commission prohibit the issuance, reissuance, and renewal of any of Mr. Holloway's licenses during this revocation period. Staff recommended the Commission revoke Mr. Holloway's fishing privileges, within the Commonwealth's tidal waters, for a period of two years from the date of this Commission meeting, December 13, 2016, through December 12, 2018. Staff also recommended the Commission place Mr. Holloway on probation for a period of two years immediately following this revocation period, December 13, 2018, through December 12, 2020. Any failure on Mr. Holloway's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the two years probation would result in Mr. Holloway appearing before the Commission for another hearing on license revocation.

Elliott Schlosser, Attorney for Mr. Holloway, was present and his comments are a part of the verbatim record. Mr. Schlosser stated that Mr. Holloway was just an employee and should not be held responsible. He said that they were asking for mercy and noted that Mr. Holloway had been cooperative and had no inclination to commit a violation. He stated the Captain got one year and the employee should not get more. He noted that Mr. Holloway had pleaded guilty in Court to reduce the charges.

Robert N. Hogge, was sworn in and his testimony was a part of the verbatim record. Mr. Hogge explained that he was the boat owner and they had a hand scrape on boat. He said it was his fault that they just took a sample but he had decided to keep it, as it was rough cull. He admitted that he was not thinking clearly, as he had been drinking earlier.

Mr. Holloway stated that he knew how it worked in the past, that you go to court and pay the fine and just return to work. He said he was not aware of the changes and that it could cost him his license. He said he had no control over where the boat goes. He confirmed it was a hand scrape as it was better for working private grounds but he was not working the gear. He requested that they give him probation so that he could work. He promised the Board would not see him again.

After much discussion, Associate Member Erskine moved to revoke all of Mr. Holloway's licenses and fishing privileges within the Commonwealth's tidal waters for one year, starting December 13, 2016, through December 12, 2017 and followed by three years probation, December 13, 2017, through December 12, 2020. Associate

Member Kellum seconded the motion. The motion carried, 7-1. Chair voted yes. Associate Member Tankard voted no.

Mark S. Pruitt – was present and sworn in.

Marshall Reedy, Marine Police Officer was sworn in and giving the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

July 30, 2015—Obstructed Cull Rings—4 VAC 20-700-20; October 14, 2015, Accomack County General District Court; Fine: \$150.00, Court Cost: \$86.00

David Drummond, Marine Police Officer was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

June 11, 2016—Possession of Unculled Crabs 25 in One Bushel—§28.2-708 of the Code of Virginia; July 26, 2016, Northampton County General District Court; Fine: \$150.00, Court Cost: \$126.00

Stephanie Iverson, Fisheries Management Manager, read the staff recommendation. The Commission's guidelines for sanctions specify that two convictions of possession of greater than 20 undersized crabs per bushel, within a 24 month period, should result in at least two-year probation. The Commission guidelines also specify that two convictions of obstructed cull rings, within a 24 month period, should result in at least two-year probation. In accordance with §28.2-232 of the Code of Virginia, staff recommends the Commission place Mr. Pruitt on probation for a period of two years from the date of this Commission meeting, December 13, 2016, through December 12, 2018. Any failure on Mr. Pruitt's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the two year probation would result in Mr. Pruitt appearing before the Commission for a hearing on license revocation.

Mr. Pruitt said that he had done wrong, but it was difficult to work alone with the crab pots in bad weather. He said that he agreed with Mr. Holloway that things had changed from years ago and he would do his best to do right from now on.

Associate Member Erskine moved to accept the staff recommendation for two year probation, starting December 13, 2016, through December 12, 2018. Associate Member France seconded the motion. The motion carried, 8-0. Chair voted yes.

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13. **PUBLIC HEARING:** Amendments to Chapter 4 VAC 20-252-10 et seq., “Pertaining to the Taking of Striped Bass,” Chapter 4 VAC 20-510-10 et seq., “Pertaining to Amberjack and Cobia,” and Chapter 4 VAC 20-1120-10 et seq., “Pertaining to Tilefish and Groupers,” to streamline and standardize mandatory reporting requirements for recreational fisheries.

Ryan Jiorle, Fisheries Management Specialist, gave the briefing of the information provided in the staff’s evaluation, with slides. His comments are a part of the verbatim record.

Mr. Jiorle explained that staff recommended the Commission adopt the following regulatory amendments: Chapter 4 VAC 20-252-10 et seq., “Pertaining to the Taking of Striped Bass” (establish private vessel and charter-headboat permits in addition to individual permits; reduce reporting requirements for Bay, Coastal, and Potomac Spring Trophy Striped Bass seasons down to date of trip, location, number of anglers, and number of trophy striped bass caught/released; and establish that those who fail to report activity/no activity will be ineligible for obtaining the permit in the following year); Chapter 4 VAC 20-510-10 et seq., “Pertaining to Amberjack and Cobia” (establish individual, private vessel, and charter-head boat recreational permits; establish reporting requirements of date of trip, number of anglers, and number of cobia caught/released; make reports due 15 days following the close of the recreational season; and establish that those who fail to report activity/no activity will be ineligible for obtaining the permit in the following year); and Chapter 4 VAC 20-1120-10 et seq., “Pertaining to Tilefish and Groupers” (establish individual permits in addition to vessel permits; reduce reporting requirements down to date of harvest, number of anglers, and number of tilefish and groupers caught/released; make reports due 15 days following the close of the recreational season; and establish that those who fail to report activity/no activity will be ineligible for obtaining the permit in the following year). And establish that those who fail to report activity/no activity will be ineligible for obtaining the permit in the following year).

Commissioner Bull opened the public hearing.

Patrick Link, Cobia Fisherman, was present and his comments are a part of the verbatim record. Mr. Link stated he agreed with Mr. Neill for the need for better data.

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

Associate Member Neill moved to accept the staff recommendations and to approve the addition of a shorter reporting requirement of 7 days, for harvested and released fish. Associate Member Erskine seconded motion. The motion carried, 8-0. Chair voted yes.

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- 14. PUBLIC HEARING:** The Commission proposes to amend Chapter 4 VAC 20-1090-10 et seq., "Pertaining to Licensing Requirements and License Fees" to enable agency functions to keep pace with rising management costs. If approved by the Commission, these fee increases would be effective December 1, 2017.

Joe Cimino, Deputy Chief, Fisheries Management, gave the briefing of the information provided in the staff's evaluation, with slides. His comments are a part of the verbatim record. Copy of letter in opposition from Virginia Delegate Margaret Ransome was given to the Commission.

Mr. Cimino informed the Commission that Subdivision 4 of section 28.2-201.4 of the Code of Virginia authorizes the Commission to increase fees for tidal fisheries licenses and permits not more frequently than every three years. The last time the Commission raised any commercial gear or other licenses was in 2006. Any fee increase shall be capped at \$5.00 or a percentage equal to the change in the Consumer Price Index (CPI) calculated from the time the fee was last set or adjusted, whichever is greater.

Mr. Cimino explained that staff recommended adopting amendments Chapter 4 VAC 20-1090-10 et seq., "Pertaining to Licensing Requirements and License Fees," to adjust the fees associated with commercial licenses to keep pace with rising management costs.

Proposed Commercial License Fees for 2018, to be made effective December 1, 2017 :

DESCRIPTION	2016	2018
OYSTER BY HAND	\$ 10.00	\$ 33.00
OYSTER PATENT TONGS-SINGLE	\$ 35.00	\$ 116.00
OYSTER DREDGE PUBLIC GROUND	\$ 50.00	\$ 72.00
OYSTERS BY HAND TONGS	\$ 10.00	\$ 33.00
OYSTER PATENT TONGS-DOUBLE	\$ 70.00	\$ 114.00
OYSTERS BY HAND SCRAPE	\$ 50.00	\$ 72.00
OYS AQUACULT PROD OWNER PERMIT	\$ 10.00	\$ 15.00
OYS AQUACULT HARVESTER PERMIT	\$ 5.00	\$ 10.00
CLAM BY HAND/RAKE	\$ 24.00	\$ 29.00
CLAM PATENT TONGS-SINGLE	\$ 58.00	\$ 69.00
CLAM DREDGE-HAND	\$ 19.00	\$ 24.00
CLAM DREDGE-POWER	\$ 44.00	\$ 52.00
CLAM PATENT TONGS-DOUBLE	\$ 84.00	\$ 100.00
CLAM AQUACULT PROD OWNER PERMIT	\$ 10.00	\$ 15.00
CLAM AQUACULT HARVESTER PERMIT	\$ 5.00	\$ 10.00
CLAM WATER RAKE PERMIT	\$ 24.00	\$ 29.00

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CONCH-DREDGE	\$ 58.00	\$ 69.00
CHANNELED WHELK POT	\$ 51.00	\$ 60.00
CRAB-ORDINARY TROT LINE	\$ 13.00	\$ 18.00
CRAB-PATENT TROT LINE	\$ 51.00	\$ 60.00
CRAB HAND SCRAPE-SINGLE	\$ 26.00	\$ 31.00
CRAB HAND SCRAPE-DOUBLE	\$ 53.00	\$ 63.00
CRAB DIP NET	\$ 13.00	\$ 18.00
CRAB POT - UP TO 85	\$ 48.00	\$ 57.00
CRAB POT - UP TO 127	\$ 79.00	\$ 94.00
CRAB POT - UP TO 170	\$ 79.00	\$ 94.00
CRAB POT - UP TO 255	\$ 79.00	\$ 94.00
CRAB POT - UP TO 425	\$ 127.00	\$ 151.00
CRAB SHED TANK - UP TO 20	\$ 9.00	\$ 14.00
CRAB SHED TANK- OVER 20	\$ 19.00	\$ 24.00
CRAB PEELER POT- UP TO 210	\$ 36.00	\$ 43.00
LOBSTER- UP TO 200	\$ 41.00	\$ 48.00
LOBSTER-OVER 200	\$ 166.00	\$ 198.00
CRAB TRAP	\$ 8.00	\$ 13.00
POUND NET	\$ 41.00	\$ 48.00
STAKED GILL NET	\$ 24.00	\$ 29.00
GILL NETS- UP TO 600	\$ 16.00	\$ 21.00
GILL NETS- UP TO 1200	\$ 24.00	\$ 29.00
COMMERCIAL FISH CAST/THROW NET	\$ 13.00	\$ 18.00
FYKE NET	\$ 13.00	\$ 18.00
FISH TROT LINE	\$ 19.00	\$ 24.00
COMMERCIAL FISH DIP NET	\$ 9.00	\$ 14.00
HAUL SEINE-UNDER 500 YDS	\$ 48.00	\$ 57.00
HAUL SEINE-500 YDS & OVER	\$ 146.00	\$ 174.00
COMMERCIAL HOOK & LINE	\$ 31.00	\$ 37.00
COMMERCIAL FISH PIER	\$ 83.00	\$ 99.00
COMM HOOK & LINE STRIPED BASS	\$ 31.00	\$ 37.00
MENHADEN REDUCTION <70 TON	\$ 249.00	\$ 257.00
MENHADEN REDUCTION >= 70 TON	\$ 996.00	\$ 1,029.00
MENHADEN BAIT <70 TON	\$ 249.00	\$ 257.00
MENHADEN BAIT >= 70 TON	\$ 996.00	\$ 1,029.00
FISH POT - UP TO 100	\$ 19.00	\$ 24.00
FISH POT - UP TO 300	\$ 24.00	\$ 29.00
FISH POT - OVER 300	\$ 62.00	\$ 74.00
EEL POT - UP TO 100	\$ 19.00	\$ 24.00
EEL POT - UP TO 300	\$ 24.00	\$ 29.00

EEL POT - OVER 300	\$ 62.00	\$ 74.00
SHUCKING HOUSE-UNDER 1000	\$ 12.00	\$ 17.00
SHUCKING HOUSE-TO 10,000	\$ 33.00	\$ 39.00
SHUCKING HOUSE-TO 25,000	\$ 74.00	\$ 88.00
SHUCKING HOUSE-TO 50,000	\$ 124.00	\$ 148.00
SHUCKING HOUSE-TO 100,000	\$ 207.00	\$ 247.00
SHUCKING HOUSE-TO 200,000	\$ 290.00	\$ 346.00
SHUCKING HOUSE > 200,000	\$ 456.00	\$ 544.00
SEAFOOD BUYERS BOAT	\$ 63.00	\$ 75.00
SEAFOOD BUYERS TRUCK	\$ 63.00	\$ 75.00
BUYERS BUSINESS PLACE	\$ 126.00	\$ 150.00
OYSTER SINGLE BUYER LICENSE	\$ 50.00	\$ 55.00
OYSTER MULTIPLE BUYER LICENSE	\$ 100.00	\$ 105.00
FISH CAST NET	\$ 10.00	\$ 15.00
FISH DIP NET	\$ 7.00	\$ 12.00
COMMERCIAL FOR REC USE - CRAB TROTLINE	\$ 10.00	\$ 15.00
COMMERCIAL FOR REC USE - CRAB TRAP	\$ 6.00	\$ 11.00
COMMERCIAL FOR REC USE - GILL NET	\$ 9.00	\$ 14.00
COMMERCIAL FOR REC USE - FISH/EEL POT	\$ 10.00	\$ 15.00
COMMERCIAL FOR REC USE - CRAB 5 POT W/TERP EXC	\$ 36.00	\$ 41.00
COMMERCIAL FOR REC USE - CRAB 5 POT NO TERP EXC	\$ 46.00	\$ 51.00
COMMERCIAL REGISTRATION	\$ 190.00	\$ 226.00
COMM REGISTRATION-SENIOR CITIZ	\$ 90.00	\$ 107.00
DELAYED ENTRY-SENIOR CITIZ	\$ 90.00	\$ 107.00
DELAYED ENTRY-COMM REG.	\$ 190.00	\$ 226.00
TRANSFERRED COMM REG CARD	\$ 190.00	\$ 226.00
TRANSFERRED COMM REG CARD SR	\$ 90.00	\$ 107.00
SEAFOOD LANDING LICENSE	\$ 175.00	\$ 209.00
NON-RESIDENT ENTRY	\$ 444.00	\$ 530.00

Commissioner Bull explained that State agencies have been instructed to prepare for a 7.5 percent reduction in their General Funds for the 2018 fiscal year budget that begins on July 1, 2017. This would mean a budget cut for the agency of \$936,979. In order to continue to meet the agency's core responsibilities, the budget reduction will require additional revenue.

After much discussion about the necessity of the increases and alternatives to increasing the commercial licenses fees, Associate Member Neill moved to accept the staff recommendation. Associate Member Tankard seconded the motion. The motion carried, 8-0. Chair voted yes.

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15. RECOMMENDATIONS: Recommendations from the Recreational Fishing Advisory Board on proposed project expenditures from the Virginia Saltwater Recreational Fishing Development Fund.

Alicia Nelson, Coordinator, RFAB and CFAB, gave the briefing of the information provided in the staff's evaluation, with slides. Her comments are a part of the verbatim record.

Ms. Nelson explained that on November 14, 2016, the RFAB met to review and recommend projects for the 2nd funding cycle of 2016. The estimate of funds available, as of November 14, 2016, from the Virginia Saltwater Recreational Fishing Development Fund (VSRFDF) is \$2,134,442 after subtracting annual agency obligations. The RFAB reviewed 12 projects (A through L below) and voted to recommend the Commission fund all of them, totaling \$376,841 from the VSRFDF. The RFAB would return to a single funding cycle for next year. Applications will be due for all 2017 projects by April 17, 2017, and the applicant presentation will take place on May 8, 2017.

2017 Fishing Events

A) 2017 Knights of Columbus Annual Kids Fishing Day (Year 30). Greg Brown, \$7,500. The RFAB recommended funding unanimously.

B) 2017 Hope House & Oak Grove Nursing Home Fishing Excursions and Clinics. Joseph Stephenson; George Reich, Great Bridge Fisherman's Association. \$3,825. The RFAB recommended funding unanimously.

C) 2017 Saxis and Morley's Wharf Children's Fishing and Conservation Educational Outings. Fred Chemi, Eastern Shore of Virginia Anglers Club. \$2,100. The RFAB recommended funding unanimously.

D) 2017 Virginia Beach Anglers Club/Seton Youth Shelter Children's Fishing Trip. Robert Burstein, Virginia Beach Anglers Club. \$2,500. The RFAB recommended funding unanimously.

E) 2017 Norfolk Youth Head Boat Fishing Trip. James "Ike" Eisenhower, Norfolk Anglers Club. \$1,200. The RFAB recommended funding unanimously.

F) 2017 Children's Fishing Clinic. Rob Cowling, Newport News Rotary Club and Coastal Conservation Association-Peninsula. \$7,500. The RFAB recommended funding unanimously.

G) 2017 Kiwanis Club Children's Fishing Clinic. Wesley Brown, Capital District Kiwanis Club. \$7,500. The RFAB recommended funding unanimously.

H) 2017 Sunshine Children's Fishing Program. Denny Dobbins, Portsmouth Anglers Club/Sunshine Program. \$11,550. The RFAB recommended funding unanimously.

Access Projects for 2017

I) Northumberland County Dredging of Lodge Landing Public Boat Ramp. Luttrell Tadlock, Northumberland County. \$30,000.

The board added an additional provision to the grant provision checklist (attachment B) that the county would make the best attempt to maintain the four foot depth. With that additional requirement, the RFAB recommended funding unanimously.

Research projects for 2017

J) Genetic analysis of the distinctiveness of Cobia, *Rachycentron canadum*, from Chesapeake Bay. John Graves and Jan McDowell, VIMS. \$135,931. The RFAB recommended funding unanimously.

K) Understanding the Virginia Cobia Stock through Analysis of Trophy Fish. Kevin Weng, VIMS. \$63,249. The RFAB recommended funding unanimously, with the stipulation that an executive summary of all three cobia projects be required (described below).

L) Quantifying the Economic and Behavioral Effects of Alternative Regulatory Measures in Virginia's Recreational Cobia (*Rachycentron canadum*) Fishery. Andrew Scheld, VIMS. \$103,986. The RFAB recommended funding.

Staff recommended funding projects A through L, for expenditures totaling \$376,841, from the recreational license fund (VSRFDF).

Commissioner Bull opened the public hearing and there were no public comments.

Ms. Nelson noted that there had been one written public comment.

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

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

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- 16. **REQUEST FOR AN EMERGENCY AMENDMENT:** To amend Chapter 4 VAC 20-510-10 et seq., “Pertaining to Amberjack and Cobia,” to establish a closure date for the commercial cobia fishery. Request for a Public Hearing.

Ryan Jiorle, Fisheries Management Specialist, gave the briefing of the information provided in the staff’s evaluation, with slides. His comments are a part of the verbatim record.

Mr. Jiorle explained that the Atlantic Migratory Group of cobia is managed by the South Atlantic Fishery Management Council (SAFMC), under an ACL system. The entire cobia stock in the waters from Georgia through New York has an ACL of 670,000 pounds, with 620,000 pounds being allocated to the recreational sector and 50,000 pounds being allocated to the commercial sector. If either of the sectors goes over its respective component of the ACL, and that overage causes the entire stock to exceed 670,000 pounds of landings, then the season is shortened in the following year, as mandated by the accountability measures in the SAFMC’s Coastal Migratory Pelagics fishery management plan. The closure in federal waters was designed to prevent that scenario from occurring so that the fishery could avoid restrictive measures in the future. Staff recommended the Commission adopt emergency amendments to Chapter 4 VAC 20-510-10 et seq., “Pertaining to Amberjack and Cobia,” to establish a closure of the commercial cobia fishery.

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

Associate Member Erskine moved to accept the staff recommendation to approve the emergency amendments to the regulation and to advertise for a public hearing at the Commission meeting in January 2017. Associate Member France seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 17. **REQUEST FOR AN EMERGENCY AMENDMENT:** To amend Chapter 4 VAC 20-252-10 et seq., “Pertaining to Striped Bass”, address the harvest overage and lower quota. Request for a Public Hearing.

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

4VAC 20-252-10(B). The commercial harvest quota for the coastal area of Virginia shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the coastal area

for all open seasons and for all legal gear shall be 136,141 pounds of whole fish. At such time as the total commercial harvest of striped bass from the coastal area is projected to reach 136,141 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the coastal area.

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

Associate Member Erskine moved to accept the staff recommendation to approve the emergency amendments to the regulation and to advertise for a public hearing at the Commission meeting in January 2017. Associate Member Neill seconded the motion. The motion carried, 8-0. Chair voted yes.

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There being no further business, the meeting was adjourned at approximately 5:28 p.m. The next Commission meeting will be Tuesday, January 24, 2017.

John M. R. Bull, Commissioner

Katherine Leonard, Recording Secretary