

Meeting July 15, 2016 Lynnhaven River Workgroup

Ken Neil brought the meeting to order about 9: 45 at the Brock Environmental Center meeting room.

Staff presented two versions of the 12-inch cage regulation. Define as cage\hardened structure instead of just cage. Discussion about providing some type financial relief if permits are going to be required. After considerable discussion the group consensus was to require all future structure deployments obtain either the Fisheries General Permit # 4 or a permit through the Joint Permit Application process. To address leaseholders with already deployed structures it was suggested that they we be required to obtain a permit to retain such structures through the same methods within 18 months of any regulation change requiring such permits for new structures.

Discussion about the penalty for non-compliance with the on bottom up to 12-inch cage regulation. Some thoughts about making penalties stiffer. Staff noted that the current penalties align with other similar regulations.

Discussion about what the group was charged with addressing and keeping focused on the issues of user conflict between aquaculture and other uses. A suggestion to make all cages in Virginia Beach in at least 5 feet of water at low tide. Staff noted that enforcement of this would be difficult with the fluctuation of tides through the Lynnhaven system.

The requirement for a use plan issue was brought up again and the fact that other states do a much more robust job of requiring a use plan. The Commissioner noted that the Commission charged the group with user conflict but that some issues like a use plan and rent rate increase may be beyond the scope of this group.

Public comment:

Beverly Ludford, spoke and had the following comments. Believes the proposals presented this meeting are contrary to the charge of the group. Five foot suggestions would increase the use of mechanical equipment and is contrary to the business model some leaseholders use and would conflict with oyster gardening (this is not true as oyster gardening requires a separate permit). Size of lease is not necessarily a good fix to current issues. Any new regulatory requirement may seriously adversely impact some current leaseholders business. She also has concerns about the implementation of a use plan and how this could adversely impact ongoing businesses.

Chris Ludford, noted that long lines are used to make working cages easier. They are not used to secure the location of cages in the Lynnhaven. He believes ideas were presented by staff that were not requested by the workgroup.