

MINUTES

Commission Meeting**June 24, 2014**

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
James D. Close	
A. J. Erskine	
S. Lynn Haynie	Associate Members
Ken Neill, III	
J. Edmund Tankard	
Matthew R. Hull	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Katherine Leonard	Recording Secretary
Jane McCroskey	Chief, Admin-Finance
Linda Hancock	Human Resources Manager
Linda Farris	Bs. Systems Specialist, MIS
Robert O'Reilly	Chief, Fisheries Mgmt.
Joe Grist	Deputy Chief, Fisheries Mgmt.
Jim Wesson	Head, Conservation/Replenishment
Joe Cimino	Fisheries Mgmt. Sr. Manager
Stephanie Iverson	Fisheries Mgmt. Manager
Lewis Gillingham	Director, VSWFT
Samantha Hoover	Fisheries Mgmt. Specialist
Sally Roman	Fisheries Mgmt. Specialist
Adam Kenyon	Biological Sampling Supervisor
Laurie Williams	Fisheries Mgmt. Specialist
Rachael Maulorico	Fisheries Mgmt. Planner
Ande Ehlen	Fisheries Mgmt. Specialist
Rick Lauderman	Chief, Law Enforcement
Warner Rhodes	Deputy Chief, Law Enforcement
Steve Holliday	Marine Police Officer
Gerald Pitt	Sr. Marine Police Officer
Zach Widgeon	Marine Police Officer

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Tony Watkinson	Chief, Habitat Management
Jeff Madden	Environmental Engineer, Sr.
Jay Woodward	Environmental Engineer, Sr.
Hank Badger	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Juliette Giordano	Environmental Engineer, Sr.
Randy Owen	Environmental Engineer, Sr.
Ben Stagg	Environmental Engineer, Sr.
Justin Worrell	Environmental Engineer, Sr.
Justine Woodward	Environmental Engineer, Sr.
Brad Reamy	Program Support Technician

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Mark Luckenbach	Rom Lipcius
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Others present:

Anthony English	Sandy English	Robin Bedenbaugh
Rick Bartlett	J. Elias O’Neal	Corey Schultz
Tim Mauzy	Larry Bullock	Tim Wivell
Aaron Applegate	Kim Huskey	Matt Mullis
Terri Graham	H. M. Arnold II	Andrew Bunce
John G. Graham, Jr.	Chris Moore	Bill Mullis
Ken Smith	David Bell	John Daniel

and others

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Commissioner Bull called the meeting to order at approximately 9:31 a.m. Associate Members Beck and Sessoms were both absent. There was a quorum present so the meeting moved forward.

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

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

Tony Watkinson, Chief, Habitat Management stated that they had no changes. Robert O'Reilly, Chief, Fisheries Management, stated that an additional item needed to be added to amend the regulation for the Bluefish commercial quota made necessary because of the NMFS reduction in the Virginia's allotment for 2014.

The amended agenda was approved by general consensus of the Board.

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MINUTES: Commissioner Bull asked if there were any changes or corrections to be made to the May 27, 2014 Commission meeting minutes.

As there were no corrections or changes, Commissioner Bull asked for a motion to approve the minutes. **Associate Member Tankard moved to approve the minutes, as written. Associate Member Erskine seconded the motion. The motion carried, 5-0.**

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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 three page two items to be heard. He reviewed the items for the Board. His comments are a part of the verbatim record.

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

Associate Member Tankard moved to approve the three page two items, 2A through 2C. Associate Member Haynie seconded the motion. The motion carried, 5-0.

2A. METRO FIBER NETWORKS, INC., #13-1568, requests a permit modification to install 8-foot wide concrete scour protection matting over 176 linear feet of submerged cable in the York River, approximately 1,000 feet upstream of the Coleman Bridge in York County. Recommend approval contingent on the matting being buried a minimum of one foot below grade, an instream work time-

of-year restriction of February 15 to June 30 to protect anadromous fishes and an encroachment royalty of \$832.00 for the placement of the matting over 1,664 square feet of State-owned subaqueous land at a rate of \$0.50 per square foot.

Royalty Fees (encroachment 1664 sq. ft. @ \$0.50/sq. ft.)	\$832.00
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- 2B. ELIZABETH RIVER CROSSINGS OPCO, LLC, #11-1116,** requests authorization to modify an existing permit to install six (6) heavy weather moorings in Barge Mooring Area #2 in Norfolk Harbor, each consisting of a single point mooring system with a swing radius of 400 feet, to be located within a 1,300 foot radius of coordinates 36°52'32.21" N Latitude and 76°20'19.96" W Longitude in association with the construction of an additional tunnel for the Mid-town crossing as part of the U.S. Route 58 Downtown Tunnel/Mid-town Tunnel/Martin Luther King Freeway Expansion Project across the Elizabeth River between the cities of Norfolk and Portsmouth.

No applicable fees – Permit Modification

- 2C. WILLIAMS COMPANIES, #14-0025,** requests authorization to install a 24-inch natural gas main by directional drilling or trench and cofferdam methodology within 20 streams in the Roanoke River watershed in Brunswick, Charlotte, Halifax, Mecklenburg, and Pittsylvania Counties. Recommend approval contingent on a requirement for a mussel survey and a time-of-year restriction for in-stream work in the Meherrin River and its tributaries during the periods of April 15 through June 15 and August 15 through September 30 to protect endangered mussel species, and a time of year restrictions for in-stream work in Butcher Creek and Allen Creek during the period of March 15 through June 30 to protect endangered fish species, and an encroachment royalty payment of \$3,870.00 for the crossings under 1,290 linear feet of State-owned subaqueous lands at a rate of \$3.00 per linear foot.

Royalty Fees (crossing 1,290 lin. ft. @ \$3.00/lin. ft.)	\$3,870.00
Permit Fee	\$ 100.00
Total Fees	\$3,970.00

- 3. CONSENT AGENDA ITEMS.** None

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.

When asked if a closed meeting was needed, Matthew Hull, Assistant Attorney General and VMRC Counsel responded no.

5. GIRL SCOUT COUNCIL OF COLONIAL COAST #14-0625, requests authorization to construct two (2) 7-foot by 38-foot sections of riprap revetment to stabilize the shoreline beneath an existing bridge situated along Bells Mill Creek in Chesapeake. The project requires a wetlands permit.

Justine Woodward, Environmental Engineer, Sr., gave the briefing on the information provided by the staff’s evaluation. Her comments are a part of the verbatim record.

Since the City of Chesapeake no longer administers the Wetlands Zoning Ordinance, a public hearing for the proposed project was held by VMRC Habitat Management Division at the VMRC main office on June 12, 2014. In addition to VMRC Staff, the hearing was attended by Mr. Richard Bartlett with Professional Construction Consultants, LLC. No concerns were raised at the public hearing or as a result of the public interest review.

Staff believed the project was warranted and reasonable and recommended approval of the project conditioned upon the purchase of 24 square feet of wetlands credits from the Libertyville Mitigation Bank.

Richard Bartlett, agent for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Bartlett stated that this was a small project. He noted that the rip rap would provide structural stability to the bridge.

Associate Member Erskine asked if vehicles would be using the bridge. Mr. Bartlett stated no, just foot traffic.

Commissioner Bull asked for public comments, pro or con, and 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, 5-0.

Permit Fee	\$300.00
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6. **COREY SCHULTZ, #14-0483**, requests after-the-fact authorization to retain and relocate five (5) concrete block structures adjacent to an existing concrete boat ramp at and adjacent to his property designated as lot 19 near Vista Road along the James River in the Town of Claremont in Surry County. The project requires a Coastal Sand Dune and Beaches permit.

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

The public hearing was conducted on May 29, 2014, at which, Mr. Schutlz and VMRC staff were the only participants.

While staff understood the applicant's desire to protect the existing boat ramp at this location, it remained unclear if this method would provide the desired effect. In this case, there was no technical or engineering analysis of the potential affect of the block structures. Given the dynamic nature of this beach shoreline along the James River, staff was concerned this would be an unnecessary structure on the beach and ultimately result in potential adverse affects on the natural function of the beach, which would alter the beach contours. After considering the factors contained in Section 28.2-1403(10) of the Code of Virginia, staff could not support the retention of the block structures at this location. Staff further recommended the applicant be required to remove the five concrete block structures within 60-days.

Corey Schultz, applicant, was sworn in and his comments are a part of the verbatim record Mr. Schultz explained that he was not aware that he needed to get this permit and apologized. He said that the adjoining property owner had agreed with his doing this project prior to his starting it. He provided some photos as a handout. In responses to questions from the Board, he explained he had lowered the concrete structures but needed the 12-inch above the ramp or the sand would come over. He offered to put yellow paint or reflective tape to address the public safety concerns expressed by the Board, but there was not a lot of activity after dark in this area.

Associate Member Haynie asked staff if they had an alternate staff recommendation. Mr. Stagg stated that staff did not have an alternate recommendation.

Commissioner Bull asked for comments from the public, pro or con and there were none. He stated the matter was before the Commission.

After much discussion about a possible alternative and safety and engineering issues, Associate Member Tankard moved to approve the project contingent on the placement of the concrete structures no more than 12 inches above the concrete boat ramp. Mr. Schultz stated he agreed with the condition. Associate Member Erskine seconded the motion. He suggested amending the motion to include the marking of the structure for safety purposes. Associate Member Tankard stated that he had not

seen any marking requirements on groins before and there were no protests, so he did not agree to the amendment. The motion carried, 5-0.

No applicable fees.

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- 7. **ANTHONY ENGLISH, #13-0890**, requests after-the-fact authorization to retain a 5-foot wide by 27.5-foot long roofed structure over an existing finger pier and an 8-foot wide by 16-foot long finger pier at his private, non-riparian pier servicing 1217 Little Bay Avenue situated along Willoughby Bay in Norfolk.

Justine Woodward, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation. Her comments are a part of the verbatim record.

In this case, although the adjacent property owners did not protest, the roofed structure does not qualify for the statutory authorization because the lot which the pier serves is not a riparian property due to the paper street's location separating Mr. English's property from the water. The pier and its appurtenances do not qualify for the statutory exemption for private, non-commercial, riparian piers and requires a permit. Furthermore, staff believed the additional finger pier also required after-the-fact authorization to bring the entire pier structure and associated appurtenances into compliance.

Staff recommended after-the fact approval of the roofed structure and the finger pier conditioned on Mr. English's payment of a \$1,000.00 civil charge based on a minor degree of deviation and a minimal degree of impact.

Anthony English, applicant, was sworn in and his comments are a part of the verbatim record. Mr. English explained that he had been trying to provide coverage to allow him to be out on his pier without getting in the sun as he had been suffering from skin cancer which had resulted in surgery. He said he had asked VMRC staff previously if he was allowed to replace some of the deteriorating pilings and was told he could do so without a permit as long as it was within the existing footprint. He did not think that 3 or 4 feet of roof would not be allowed. He said he had a neighbor who had complained because they were mad at him and wanted to cause him trouble and waste the Commission's time.

Associate Member Erskine asked about the complaint. Ms. Woodward stated it was a nearby property owner and they had been notified of this hearing but they had not made any further contact with VMRC.

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

After some further discussion, Associate Member Tankard stated he felt this violation was minimal and he moved to approve the existing structure with no civil charge assessment. Associate Member Neill seconded the motion. The motion carried, 5-0.

Permit Fee	\$25.00
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8. **BOXLEY ASPHALT, LLC (FORMERLY TEMPLETON PAVING, LLC), #13-0624 and #13-0627**, requests reauthorization to dredge by dragline, between 100 – 3,500 cubic yards of sand per year from State-owned submerged land at their Otter #2 site in the Big Otter River in Campbell County and at their Rivanna-Kent site in the Rivanna River in Fluvanna County. The Campbell County Site is protested by an adjacent property owner.

Tony Watkinson, Chief, Habitat Management, gave the briefing of the staff proposed procedures, which was provided as an addendum of the staff’s evaluation, for handling current river mining projects.

Staff recommended the following permit procedure to address the current river mining operations that require VMRC permits.

- Issue a permit that is valid for five years subject to special conditions as recommended by advisory agencies.
- Assess a one-time royalty based on the permitted maximum annual volume removed to be collected at permit issuance.
- Assess a one-time back royalty for the maximum annual volume removed from 2009-2013, or the five year period preceding the permit issuance.
- Assess a one-time civil charge of \$1,000 for operating without a VMRC permit for those operations that have conducted mining operations in the last five years.

Associate Member Neill moved to approve the recommended procedure presented by staff for the current river mining projects. Associate Member Erskine seconded the motion. The motion carried, 5-0.

Juliette Giordano, Environmental Engineer, Sr., gave the briefing for the information provided in the staff’s evaluation. Her comments are a part of the verbatim record.

Staff recommended approval of the projects, as proposed using the five-year permit procedure and to include the following permit conditions:

- Adherence to a time-of-year restriction from March 15 to June 30 of any year at the mining site in Campbell County protective of the endangered Roanoke log perch;
- Agreement to conduct mussel survey and relocation at the Rivanna-Kent site prior to each dredge cycle or as specified by DGIF, and subsequent adherence to a time-of-year restriction from April 15 through July 31 and August 15 through September 30 of any year protective of the mussel species;
- Agreement to cooperate with DGIF on monitoring efforts at their mining sites;
- Installation of erosion and sediment control measures consistent with Mineral Mining Regulations and construction specifications for perimeter dikes and outlet sediment traps; or minimum design and implementation standards as described in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992 to contain runoff from the dredge material stockpile area;
- Agreement to no additional bank clearing or grading at the project site and all dredge equipment shall operate from the bank on the landward side of the perimeter berm to be constructed at the top of the bank;
- Agreement to provide documented proof that the restoration of the site is covered under the Minerals Reclamation Fund through DMME;
- Agreement that no more than the permitted number of cubic yards will be removed from each site annually.

Staff recommended the approval of a five-year permit with a one-time royalty of \$1,050.00 for the Otter #2 site and \$30.00 for the Rivanna-Kent site based on the reported yearly maximum volume removed at a rate of \$0.30 per cubic yard. Staff did not recommend the assessment of a civil charge.

Larry Bullock, representative for the applicant was sworn and his comments are a part of the verbatim record. Mr. Bullock stated that the applicant wanted to do the right thing here and comply with all conditions.

Commissioner Bull asked if they agreed with the staff recommendations. Mr. Bullock stated they were fine with the staff recommendation

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

Associate Member Neill moved to approve both five-year permit requests with the stated conditions with a civil charge of \$1,000.00 and back royalties for the previous five years and including royalties for the five years the permit is valid for project number 13-1624; and, no civil charge or back royalties, only the five year royalties for the five-year permit period for the project number 13-0627. Associate Member Haynie seconded the motion. The motion carried 6-0. The Chair voted yes.

13-1624:

Royalty Fees (dredge 3,500 cu. yds. @ \$0.30/cu. yd.)	\$1,050.00
Royalty Fees (dredge 4,879 cu. yds. @ \$0.30/cu. yd.)	\$1,468.00
Permit Fee	\$ 100.00
Civil Charge	\$1,000.00
Total Fees	\$3,613.00

13-0627:

Royalty Fees (dredge 100 cu. yds. @ \$0.30/cu. yd.)	\$300.00
Permit fee	\$100.00
Total Fees	\$400.00

9. PUBLIC COMMENT. None

10. FORMAL HEARING: Mr. Ronald W. Collier Sr. requests a hearing under Code Section 28.2-216 to appeal the Commission’s decision in April to suspend his commercial fishing licenses for two years.

Ronald W. Collier, Sr. – was not present.

The matter was continued and his license suspension continued.

- 11. FAILURE TO REPORT:** Cases involving failure to report commercial harvests, in accordance with Chapter 4VAC20-610-10 et seq., “Pertaining to Commercial Fishing and Mandatory Harvest Reporting.”

Stephanie Iverson, Fisheries Management Manager, explained that Keith Jenkins had called to say he would not be able to get to the hearing as he was having transportation problems. She further reminded the Commission that Mr. Jenkins had been given a continuance for today’s hearing because of his incarceration.

Commissioner Bull instructed staff to serve Mr. Jenkins with another hearing notice for the next Commission meeting.

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- 12. PUBLIC HEARING:** Amendments to Chapter 4VAC20-910-10 et seq. “Pertaining to Scup (Porgy),” to lower the recreational possession limit for scup.

Samantha Hoover, Fisheries Management Specialist, gave the briefing on the information provided in the staff’s evaluation. Her comments are a part of the verbatim record.

Staff recommended the adoption of amendments to Chapter 4 VAC 20-910-10 et seq., “Pertaining to Scup (Porgy)”, to establish the 2014 recreational possession limit for scup as 30-fish.

As there were no public comments, Commissioner Bull stated the matter was before the Commission.

Associate Member Neill moved to approve the amendments to the regulation. Associate Member Close seconded the motion. The motion carried, 6-0. Chair voted yes.

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- 13. PUBLIC HEARING:** Amendments to Chapter 4VAC20-270-12 et seq. “Pertaining to Crabbing,” to reduce the harvest of female blue crabs by 10% from July 5, 2014 through July 4, 2015, in order to augment spawning potential and help reverse a depleted condition of this resource.

Robert O’Reilly, Chief, Fisheries Management, gave the briefing of the information in the staff’s evaluation. Mr. O’Reilly explained that a lot of information was given at the last meeting and today staff was providing new information. He said there was a hand out of blue copies of the draft regulations 4VAC20-270-10, et seq. and 4VAC290-1140-10, et seq. The public notice was advertised and there is a copy of the CMAC meeting minutes on June 17, 2014. His comments are a part of the verbatim record.

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Staff recommended adoption of the proposed amendments to Chapter 4 VAC 20-270-10 et seq, for the period that extends from July 5, 2014 through July 4, 2015. This recommendation supports Option 3, as the basis for crab pot bushel and vessel limits, for that 12-month period and establishes limitations in harvesting periods for all other gear types that are lawful for the harvest of blue crab. Staff recommends the adoption of Chapter 4 VAC 20-1140-10 et seq, and this adoption would close the 2014-15 crab dredge fishery season.

There were four options discussed. Each option consists of two parts: The bushel limits that would apply to certain reductions during specific time periods and the corresponding ‘savings’ in pounds and numbers, according to percentage of savings.

OPTION 1: Status Quo. Maintain current crab pot bushel limits, adopted October 2013. This option, if initiated

OPTION 2 (multi-year dataset): Reduce crab pot bushel limits by specific time periods and have a female harvest closure from November 16, 2014 through November 30, 2014, and add a season closure for all other crab harvest gears from September 16, 2014 through April 30, 2015.

<i>Bushel Limits by License Category</i>	CURRENT Crab Pot Bushel Limits through July 4, 2014	Crab Pot Bushel Limits July 5 through November 15, 2014	Crab Pot Bushel Limits March 17 through July 4, 2015
Up to 85 Crab Pots	16	10	10
Up to 127 Crab Pots	21	14	14
Up to 170 Crab Pots	27	18	18
Up to 255 Crab Pots	43	29	29
Up to 425 Crab Pots	55	47	47
Female Harvest Closure	November 16 through November 30, 2014		
All Other Crab Harvest Gears (Peeler Pots, Scrapes, Trotlines, Traps)	Non-Crab Pot Season Closed beginning September 16, 2014 and Season Reopens May 1, 2015		

Savings from different data series (12-month periods), where bushel limits were calculated from select months in 2009, 2010 and 2011 (as the basis for Option 2).

Amount Saved (Goal 1,790,696 pounds)	% Saved (Pounds)	REPORTED HARVEST BY NUMBERS	Amount Saved (Numbers)	% Saved (Numbers)
1,599,932	6.9%	65,232,095	4,638,158	7.1%
2,122,106	7.7%	76,681,771	6,242,242	8.1%
3,060,230	9.7%	87,534,612	8,799,135	10.1%
2,340,844	8.1%	80,732,460	6,952,321	8.6%
847,116	4.3%	55,913,855	2,491,692	4.5%

OPTION 3 (multi-year dataset): Reduce crab pot bushel limits by specific time periods and add a season closure for all other crab harvest gears from September 16, 2014 through April 30, 2015.

<u>Bushel Limits by License Category</u>	CURRENT Crab Pot Bushel Limits through July 4, 2014	Crab Pot Bushel Limits July 5 through November 15, 2014	Crab Pots Bushel Limits Halved November 16 through November 30, 2014 and March 17 through March 31, 2015	Crab Pot Bushel Limits April 1 through July 4, 2015
Up to 85 Crab Pots	16	10	8	10
Up to 127 Crab Pots	21	14	10	14
Up to 170 Crab Pots	27	18	13	18
Up to 255 Crab Pots	43	29	21	29
Up to 425 Crab Pots	55	47	27	47
All Other Crab Harvest Gears (Peeler Pots, Scrapes, Trotlines, Traps)	Non-Crab Pot Season Closed beginning September 16, 2014 and Season Reopens May 1, 2015			

Savings from different data series (12-month periods), where bushel limits were calculated from select months in 2009, 2010 and 2011 (as the basis for Option 3).

Amount Saved (Goal 1,790,696 pounds)	% Saved (Pounds)	REPORTED HARVEST BY NUMBERS	Amount Saved (Numbers)	% Saved (Numbers)
1,570,563	6.8%	65,232,095	4,555,604	7.0%
2,048,245	7.5%	76,681,771	6,034,627	7.9%
3,156,964	10.0%	87,534,612	9,071,043	10.4%
2,742,290	9.5%	80,732,460	8,080,751	10.0%
837,227	4.3%	55,913,855	2,463,896	4.4%

OPTION 4 (2006/2007 dataset): Reduce crab pot bushel limits by specific time periods and add a season closure for all other crab harvest gears from September 16, 2014 through May 15, 2015.

<u>Bushel Limits by License Category</u>	CURRENT Crab Pot Bushel Limits through July 4, 2014	Crab Pot Bushel Limits July 5 through November 15, 2014	Crab Pots Bushel Limits Halved November 16 through November 30, 2014 and March 17 through March 31, 2015	Crab Pot Bushel Limits April 1 through July 4, 2015
Up to 85 Crab Pots	16	8	8	8
Up to 127 Crab Pots	21	10	10	10
Up to 170 Crab Pots	27	13	13	13
Up to 255 Crab Pots	43	22	21	22
Up to 425 Crab Pots	55	36	27	36
All Other Crab Harvest Gears (Peeler Pots, Scrapes, Trotlines, Traps)	Non-Crab Pot Season Closed beginning September 16, 2014 and Season Reopens May 16, 2015			

Savings from different data series (12-month periods), where bushel limits were calculated from July 2006 – July 2017 (as the basis for Option 4).

Amount Saved (Goal 1,790,696 pounds)	% Saved (Pounds)	REPORTED HARVEST BY NUMBERS	Amount Saved (Numbers)	% Saved (Numbers)
3,181,555	13.8%	65,232,095	9,581,312	14.7%
3,819,653	13.9%	76,681,771	11,507,123	15.0%
5,594,902	17.8%	87,534,612	16,358,708	18.7%
4,413,807	15.3%	80,732,460	13,029,860	16.1%
1,746,276	8.9%	55,913,855	5,165,321	9.2%

Dr. Rom Lipcius, Virginia Institute of Marine Science was present and his comments are a part of the verbatim record.

Commissioner Bull opened the public hearing.

Ken Smith, Virginia Watermen’s Association, was present and his comments are a part of the verbatim record. Mr. Smith said that the crabbers are not happy with the proposed measures for achieving the 10% reduction. He asked that if they were not able to catch their limit, why did the bushel limit need changing. He said that Bill Mullis with the Blue Crab Industry Panel had some good recommendations. He said he felt that better management measures for the crab fishery was needed.

Kim Huskey, Executive Director, Virginia Seafood Council, was present and her comments are a part of the verbatim. Ms. Huskey explained that the Virginia Seafood Council did not recommend the proposed amendments today because the crisis was not the results of overfishing. She stated the Winter Dredge Survey should not be used solely to manage the crab fishery. She stated also that the 10% cutback would not help as the limits were not caught now and this would affect the fall and spring catch for the next year as they would not be able to make up for the spring-summer loss.

Bill Mullis, Blue Crab Industry Panel, was present and his comments are a part of the verbatim record. Mr. Mullis explained that the panel was looking into the future as the current measures were for the short-term and based on the winter dredge survey. He added that management measures are for now and not for rebuilding the stocks. He said the Commission needed to do something different.

- 1) Establish a blue crab management program by getting together the Blue Crab Industry Panel members and the staff from VMRC and VIMS to discuss what management measures were needed.
- 2) Improve harvest reporting by improving mandatory reporting. (Need electronic reporting by dealers.)
- 3) Concerns for the increased mortality during the crab shedding process and the blue catfish predation of the blue crabs.
- 4) Cost – need an economic study.

Johnny Graham, Graham and Rollins Seafood, was present and his comments are a part of the verbatim record. Mr. Graham said that he was the third generation operating the family seafood company. He said in the past there were a hundred processors in Virginia, now it was only five. He noted that no other states have done what Virginia has and nothing that Virginia has done has helped. He said:

The crabbers were quitting because they were not able to make it;
There was no control of effort as there was no enforcement and no penalties;
The 10 percent reduction would not change anything; and,
The male crabs need to be managed as well as the females.

He said he was getting his crabs from other sources outside of the country. He added that his company was negotiating now to move abroad.

Commissioner Bull closed the public hearing. He stated the matter was before the Commission.

Mr. O'Reilly, when asked, explained that the roles of the Crab Management Advisory Committee (CMAC) versus the Blue Crab Industry Panel. CMAC is a clearing house as an advisory committee looking at the short term management and the Panel was looking at the long-term visions. He noted that there needed to be a meeting of two minds which in the end would result in the Commission getting the best advice. He added that moving forward towards 2018 allocations of the crab resource among Chesapeake jurisdictions would not be done by short term management.

Commissioner Bull stated that everybody was frustrated and did not like what was happening. He noted that the management plan had worked because the results were that the harvest was below the target rate and there were other issues that could not be controlled. He said that juveniles now were next year's spawners. He said he liked option 3 and CMAC supported it.

Associate Member Close stated that he felt that the Commission needed to take a different approach or this issue would be returning every year.

After much discussion, Associate Member Neill moved to approve the staff recommendation for Option 3; and, to keep the winter crab dredge season closed. Associate Member Tankard seconded the motion. The motion carried, 4-2. Associate Members Close and Haynie both voted no. Chair voted yes.

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- 14. **REQUEST FOR PUBLIC HEARING:** Amendments to Chapter 4VAC20-1090-10 et seq. "Pertaining to Licensing Requirements and License Fees" to update license and license fee provisions.

Lewis Gillingham, Director SWFT, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Staff recommended the Commission authorize advertisement for a July public hearing to consider updating the recreational license fees for the Combined Sportfishing License, the 5-day Combined Sportfishing Trip License, and the Tidal Boat Sport Fishing License.

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, 5-0. Chair voted yes. Associate Member Tankard was absent during this item.

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- 15. **REQUEST FOR PUBLIC HEARING:** Amendments to Chapter 4VAC20-450-10 et seq. "Pertaining to the Taking of Bluefish," to change the commercial bluefish quota from the current quota of 1,030,119 pounds to 886,040 pounds, as established by the National Marine Fisheries Service (NMFS).

Robert O'Reilly, Chief, Fisheries Management gave the briefing on this issue brought before the Commission. He explained that the commercial blue-fish quota had been reduced by the NMFS to 886,040 pounds.

Mr. O'Reilly stated staff was requesting that a public hearing be advertised for the next Commission meeting in order to amend the Regulation 4VAC20-450-10, et seq, "Pertaining to the Taking of Blue-fish."

Associate Member Erskine moved to accept the staff recommendation. Associate Member Close seconded the motion. The motion carried, 5-0. Chair voted yes. Associate Member Tankard was absent during this item.

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Commission Meeting

**17172
June 24, 2014**

There being no further business, the meeting was adjourned at approximately 3:01 p.m.
The next regular Commission meeting will be Tuesday, July 22, 2014.

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John M. R. Bull, Commissioner

Katherine Leonard, Recording Secretary