

Virginia Marine Resources Commission
Aquaculture Management Advisory Committee (AMAC) Meeting
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room
Monday, August 12, 2019 – 3:30 PM

ATTENDANCE

Members Present

Ellen Bolen
A.J. Erksine
Jay Ford
Ann Gallivan
Kim Huskey
Rebecca Kubin
Thomas Leggett, Jr.
Mark Luckenback (on phone)
Beverly Ludford
Mike Oesterling
H.R. Perkinson, III.

Members Absent

Tom Perry

VMRC Staff Present

Andrew Button
Ben Stagg
Randy Owen
Hank Badger

Others Present

Chris Moore, CBF

Minutes were prepared by Kristen Bachand.

I. Introductions; Announcements

Chairman Ellen Bolen called the meeting of the Aquaculture Management Advisory Committee to order at 3:32 PM. She informed the committee that the proposed regulation, Chapter 4 VAC 20-1350-10 et seq., entitled "Pertaining to General Oyster Planting Ground Lease Renewal Fee," was passed unanimously by the Commission on July 23, 2019.

II. New Business

Chairman Bolen opened the discussion by briefly summarizing the Oyster Planting Grounds Lease Renewal and Lease Denial Hearing Guidelines document. The intended purpose of the document is to provide future staff with appropriate guidelines pertaining to oyster lease renewals. It would also address the subjectivity in the Code of Virginia Section 28.2-613, specifically the phrasing "significant production" and "reasonable planting."

There were a number of concerns raised by the committee, particularly regarding the metric of one bushel of oysters per acre per year as a measure of production. Mr. Thomas Leggett, Jr. and Mr. Mike Oesterling expressed their concerns, as some lease holders do not record their production or planting in bushels. Mr. H.R. Perkinson, III. proposed providing an equivalent metric to address this issue. Additionally, Mr. Leggett and Mr. Perkinson suggested allowing lease holders to provide their business, management, or husbandry plan to describe how all their leases were being used for the 10-year period in an integrative manner.

Ms. Beverly Ludford also raised a new concern regarding proof of use, as providing various documents on lease holder practices has not been required in the past. Lease holders would need to retroactively devise these plans to address their leases up for renewal in the next few years. Ms. Ann Gallivan raised a further point, that due to the adaptive nature of working on the water, many details cannot be recorded, such as storms, freezing events, or other unpredictable conditions. She requested that mandatory reporting be used as the final tool in deciding to renew a particular lease, before referring to the proposed set of guidelines. Ben Stagg, Director of Shellfish Aquaculture Leasing and Mapping, responded that this is the current practice for lease renewals and that occasionally what is recorded in mandatory reporting does not match up with the renewal form.

Mr. A.J. Erksine and Ms. Kim Huskey recommended bringing the proposed guidelines before the Shellfish Management Advisory Committee before presenting it to the Commission for review. Ms. Huskey stressed in her recommendation that if no regulation exists, then these guidelines serve as the de facto regulation. Furthermore, Mr. Erksine and Ms. Ludford supported the document as a good starting point for advising staff on the lease renewal process. They stressed that recent regulation changes, the increase in application and lease transfer fees and the new lease renewal fee, will have a positive impact in continuing the benefits of oyster production. Ms. Ludford further stressed that the future efforts should not drive people from the aquaculture industry, but work to reduce the number of unused leases. She, supported by Mr. Oesterling, also proposed the inclusion of recreational uses in the guidelines.

III. To Be Addressed Before Next Meeting

Chairman Bolen asked the committee to reflect on the discussion for next meeting and to get feedback from colleagues on the guidelines document. Prior to the next meeting, staff will incorporate input from the discussion into a new draft document and work to address the discrepancies in the mandatory reporting process. Staff will also provide examples of leases that have been denied renewal as a model for the document.

The date of the next meeting will be decided through email correspondence, with proposed dates of September 9 or 16. The frequency of meetings (monthly or less) will also be discussed.

IV. Adjournment

Chairman Bolen adjourned the meeting at 5:36 PM.