

Virginia Marine Resources Commission
Aquaculture Management Advisory Committee (AMAC) Meeting
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room
January 13, 2020

ATTENDANCE

Members Present

Ellen Bolen (left at 4:00 PM)
A.J. Erksine
Ann Gallivan
Kim Huskey
Rebecca Kubin
Mark Luckenbach
Beverly Ludford (arrived at 3:15 PM)
Mike Oesterling (on phone)
H.R. Perkinson, III.

Members Absent

Jay Ford
Thomas Leggett, Jr.

VMRC Staff Present

Andrew Button
Tony Watkinson
Ben Stagg

Minutes were prepared by Kristen Bachand.

I. Introductions; Announcements

Chairman Ellen Bolen called the meeting of the Aquaculture Management Advisory Committee to order at 3:04 PM. She thanked the Committee members for their participation in 2019 and for their patience following administrative changes in the Fisheries Management Division. Chairman Bolen reiterated that the Commissioner wants strength in the guidelines document.

II. Old Business: Oyster Leasing Guidelines Discussion

Multiple members expressed concerns that there was not enough time to review the document in depth before the meeting. Mr. H.R. Perkinson, III, opened the comments saying he felt the guidelines discouraged oyster scraping and dredging due to the 100 bushel replenishment requirement. Both Chairman Bolen and Mr. Andrew Button, Head of Conservation and Replenishment, stated this is required in law, with Mr. Button elaborating that wild harvest seed or spat on shell would count. Mr. Mike Oesterling asked if there would be a delay in the documentation requirement to give lease holders time to collect the documents, to which Dr. Mark Luckenbach agreed. Chairman Bolen said staff would look into this, although it would take time for the requirement to ramp up given the lease renewal notification process. Dr. Luckenbach also questioned the language concerning the use of immediately adjacent leases. Chairman Bolen and Mr. Ben Stagg, Director of Shellfish Aquaculture Leasing and Mapping, stated this language is present in the code; Mr. Stagg expressed concerns on how it applies to renewals. Chairman Bolen and Ms. Ann Gallivan stated that other parts of the guidelines help address this issue.

Mr. A.J. Erksine appreciated the discussion, but was uncomfortable with the guidelines, saying he felt they were too specific. He stated the guidelines were meant to be guidance to the Commission and staff and to address bad actors in the industry; he felt the current version goes after good actors. Mr. Erksine would like to see the documentation process simplified; if one lease is productive, then all leases under that lease holder are productive, with which Ms. Gallivan agrees. Dr. Luckenbach, for discussion purposes only (not as a Virginia Institute of Marine Science (VIMS) opinion), stated this practice might not work for new growers, as historically a large area of bottom has been held by a small group of lease holders. Ms. Beverly Ludford suggested that all leases under one lease holder be tied up in one lease. She stated this could improve VMRC efficiency in reviewing renewals and be better for a small staff and for those lease holders with no prior history in the industry. Dr. Luckenbach also suggested flexibility in the sequence of renewing leases to increase efficiency. Mr. Stagg stated that lease consolidation could do this, but this raises the issue of whether the consolidated lease is a new lease. Chairman Bolen said staff would discuss these options, but would have to consult with legal counsel before exploring further.

Mr. Stagg confirmed for Mr. Perkinson that the listed additional factors would be considered if the one bushel per acre per year requirement was not met. Mr. Perkinson was also concerned with the inclusion of floats in the list. Mr. Stagg stated that a bottom lease is not needed for floats, only a permit, which would allow anchorage on the bottom. Ms. Gallivan requested that mortality events and other emerging diseases be added to the list. Dr. Luckenbach agreed, also stating that it is not hard to obtain documentation from VIMS to support these claims. Ms. Gallivan also requested a more streamlined way to submit documentation as it is generated.

III. New Business: Discussion Items for 2020

- Create and institute guidelines for renewal fees and beneficial use.
- Mr. Perkinson suggested discussing how industry could make aquaculture equipment less of an eye sore to limit objections on aesthetics and ruining the natural view shed. He also suggested adding a member to fill the vacant seat, preferably another riparian landowner.
- Ms. Huskey requested to discuss the Submerged Aquatic Vegetation (SAV) Guidelines.
- The guidelines will be reviewed by the Shellfish Management Advisory Committee at the upcoming January 22, 2020, meeting.

IV. To Be Addressed Before Next Meeting

Committee members must review and comment on the oyster leasing guidelines before February 3, 2020. A request for a public hearing will be made to the Commission on March 25, 2020.

The next AMAC meeting will be held on March 9, 2020.

V. Adjournment

Mr. Stagg adjourned the meeting at 4:31 PM.