

MINUTES

Commission Meeting

April 24, 2018

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:

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| Steven G. Bowman | Commissioner |
| Chad Ballard | |
| Christina Everett | |
| Heather Lusk | Associate Members |
| Ken Neill, III | |
| John Tankard III | |
| John Zydron Sr. | |
| Kelci Block | Assistant Attorney General |
| Jamie Hogge | Recording Secretary |
| Dave Lego | Bs. Systems Specialist |
| Todd Sperling | Bs. Systems Manager |
| Robert O'Reilly | Chief, Fisheries Mgmt. |
| Pat Geer | Deputy Chief, Fisheries Mgmt. |
| Stephanie Iverson | Fisheries Mgmt. Manager, Sr. |
| Jill Ramsey | Fisheries Mgmt. Specialist |
| Ryan Jiorle | Fisheries Mgmt. Specialist |
| Alex Aspinwall | Fisheries Mgmt. Specialist |
| Adam Kenyon | Fisheries Mgmt. Specialist |
| Lewis Gillingham | Director, SWFT |
| Nancy McElligott | Fisheries Mgmt. Specialist |
| Sydney Alhale | Fisheries Mgmt. Specialist |
| Sara Blachman | Fisheries Mgmt. Specialist |
| Anna-Mai Christmas | Fisheries Mgmt. Specialist |
| John Cadena | Fisheries Mgmt. Specialist |

Commission Meeting

**18061
April 24, 2018**

Rick Lauderman
Warner Rhodes
Michael Nicholson
Thomas Straughan

Chief, Law Enforcement
Deputy Chief, Law Enforcement
Marine Police Officer
Marine Police Officer

Tony Watkinson
Randy Owen
Jeff Madden
Justin Worrell
Jay Woodward
Mark Eversole
Mike Johnson
Hank Badger
Ben Stagg

Chief, Habitat Management
Deputy Chief, Habitat Management
Environmental Engineer, Sr.
Dir., Shellfish Aquaculture, Leasing
and Mapping

Daniel Faggert

Surveyor, Engineering/Surveying

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Emily Hein

Others present:

Walter Priest
William Gard
Sara Maynard
Thomas James
Jim Lang
Taryn Rowland
David Insley
Mark Dobson
Tim Wivell

Tom Tye
Bri Eberline
Johnny Cope
Kim Huskey
Jeff Wilson
Aaron Rowland
David Watson
Julian Cox
Mark Sanford

Craig Patavinski
John Maynard
Michael West
Reza Alipadall
Bryan Peeples
Cheryl Poutansul
Mike Greene
Robert Cox
and others.

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Commissioner Bowman called the meeting to order at approximately 9:37 a.m. Associate Members Minor and France were absent.

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At the request of Commissioner Bowman, Associate Member Tankard said the invocation and Associate Member Lusk led the pledge.

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

Robert O'Reilly, Chief, Fisheries Management, requested Item 13 be removed from the agenda due to the lack of cases and be placed on the agenda for the June Commission meeting.

Commissioner Bowman also advised that the June 2018 Commission Meeting was re-scheduled for June 19 from June 26, 2018.

Associate Member Zydron moved to approve the agenda as amended. Associate Member Tankard seconded the motion. The motion carried, 7-0. Chair voted yes.

MINUTES: Commissioner Bowman asked if there were any changes or corrections to be made to the March 27, 2018 Commission meeting minutes. Request for amendment in wording of final decision on Item 7.

Associate Member Zydron moved to approve the agenda as amended. Associate Member Ballard seconded the motion. The motion carried, 7-0. Chair voted yes.

Commissioner Bowman swore in the VMRC staff and VIMS staff that would be speaking or presenting testimony during the meeting.

Robert O'Reilly, Chief, Fisheries Management introduced and welcomed Patrick Geer as the new Deputy Chief of Fisheries Management.

Ben Stagg, Dir., Shellfish Aquaculture, Leasing and Mapping introduced and welcomed Kevin Sutton and Shane Overbay, 2 new surveying employees.

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

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. **OLD DOMINION BOAT CLUB, #17-1845,** requests authorization to construct a 16-foot wide by 74-foot long concrete boat ramp in the Potomac River, adjacent to upland property situated immediately south of the waterfront terminus of Prince Street in the City of Alexandria. The project requires a wetlands permit.

Mark Eversole, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Eversole's comments are a part of the verbatim record.

Commission is acting as Wetlands board.

Mr. Eversole explained that the construction of the boat ramp will result in the loss of 96 square feet of non-vegetated tidal wetlands. As noted, the non-vegetated wetlands on this property consist primarily of concrete rubble and hardened concrete, due to the property's historic use as a concrete company facility.

After evaluating the merits of the project and considering all of the factors contained in §28.2-1302(10)(B) in the Code of Virginia and the Wetlands Mitigation-Compensation Policy and Supplemental Guidelines, staff recommends approval of the project as proposed. Staff does not recommend the need for any compensation considering the condition of the shoreline

Craig Patavinski, a representative of the applicant, was sworn and his comments are a part of the verbatim record. Mr. Patavinski had no further comments to add and was available if the board had further questions.

Public hearing was closed and the matter was before the Commission for discussion and action.

Associate Member Ballard made a motion to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 7-0. Chair voted yes.

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6. **VIRGINIA ELECTRIC AND POWER COMPANY, #18-0055**, requests authorization to temporarily impact 3,460 square feet of jurisdictional wetlands as a result of the placement of construction access mats; for the replacement of existing electric towers; and to replace an existing power line that crosses Hodges Creeks at the Dozier Tap Substation, located along Bainbridge Boulevard in the City of Chesapeake. The project requires a subaqueous and wetlands permit.

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

Commission is acting as Wetlands board.

Mr. Woodward explained that the applicant is proposing to replace two (2) existing H-frame structures and replace the 115kV transmission line that crosses Hodges Creek, located within an established easement adjacent to the Dozier Substation, in Chesapeake. Replacement of the existing structures is proposed in an area outside of wetland jurisdiction. However, construction access will temporarily impact 3,460 square feet of jurisdictional vegetated wetlands by the placement of timber access mats. In addition, a temporary bridge must be constructed over Hodges Creek for construction access. Following construction of the new towers, the applicant proposes to replace two existing 115kV lines, which will cross three (3) linear feet of State-owned submerged lands at Hodges Creek.

Staff recommends the following permit conditions to ensure that appropriate wetlands restoration is achieved following the completion of the project:

- 1) All areas of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into State waters;
- 2) Erosion and sediment control measures shall be in conformance with the 1992 Third Edition of the Virginia Erosion and Sediment Control Handbook and shall be employed throughout construction;
- 3) VMRC staff will be notified within 30 days of project completion to schedule a post construction site visit to determine if wetland planting will be required during the following growing season.

Therefore, after evaluating the merits of the project and considering all of the factors contained in §28.2-1205(A) and §28.2-1302(10)(B) in the Code of Virginia, staff recommends approval of the project with the above-referenced conditions. The proposed

aerial line crossing over Hodges Creek will remain at the existing height of 30 feet above mean low water and will be in the same general footprint. Staff feels that no compensation is necessary for the temporary wetlands impacts and recommends a one-time royalty assessment in the amount of \$18.00 for the encroachment of two (2) new lines over three (3) linear feet of State-owned submerged land assessed at the rate of \$3.00 per linear foot.

Mr. Woodward answered several questions from associate members concerning permanent wetlands impact and the disturbance in *Phragmites*.

Bri Eberline, a representative for the applicant was sworn and her comments are a part of the verbatim record.

Lyle Varnell, Virginia Institute of Marine Science (VIMS), answered questions from Commissioner Bowman regarding the length of time vegetation will be restored after the mats are removed.

Associate Member Tankard made a motion to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 7-0. Chair voted yes.

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| Royalties (Encroachment of 2 lines over 3 lf @ 3.00/lf) | \$ 18.00 |
| Fees | \$ 100.00 |
| Total Fees | \$ 118.00 |

- 7. **CHESAPEAKE LAND DEVELOPMENT, LLC, #18-0122**, requests authorization to dredge approximately 100 cubic yards of submerged land and tidal wetlands for the construction of a 20-foot wide tidal channel that will connect New Mill Creek to the New Mill Creek Tidal Wetland Mitigation Bank at 174 Sampson Creek Road, in the City of Chesapeake. Dredged material will be dewatered on-site and transported by truck to the Higginson-Buchanan landfill. The project requires a subaqueous and wetlands permit.

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

Commission is acting as Wetlands board.

Mr. Woodward explained that the Virginia Marine Resources Commission, together with the U.S. Army Corps of Engineers, are part of the Interagency Review Team (IRT) who approved the Mitigation Banking Instrument for the New Mill Creek Tidal Mitigation Bank in March 2018. The bank will consist of 11.646 acres of vegetated tidal wetlands and 1.215 acres of non-vegetated tidal channels. VMRC and the Corps will also oversee the withdrawal of tidal wetland mitigation credits created.

As a result of amendments to §28.2-1308 of the Code of Virginia in 1996, applicants who wish to satisfy compensatory mitigation requirements for adverse impacts to tidal wetlands are authorized to purchase credits from any wetlands mitigation bank that has been approved and is operating in accordance with applicable Federal and State guidance.

The Commission considered and adopted its current *Guidelines for the Establishment, Use and Operation of Tidal Wetland Mitigation Banks in Virginia* (4VAC 20-391-10 et seq.) at its November 1997 monthly meeting, with an effective date of January 1, 1998. These guidelines supplement the Commission's existing *Wetlands Mitigation-Compensation Policy* (4 VAC 20-390-10 et seq. updated in 2005), that provide VMRC, local wetlands boards and the Commission with an additional management tool to compensate for unavoidable, permitted tidal wetlands losses that in turn addresses the habitat restoration goals and "no net loss" policy of the Chesapeake Bay Program.

There is clearly a need for the proposed New Mill Creek Tidal Wetland Mitigation Bank in the heavily developed Hampton Roads area. Mr. Tye is one of few people with experience in successfully developing and administering such tidal mitigation banks.

Accordingly, in light of the Commonwealth's recognition of this need as per the aforementioned statute and regulatory guidance, an evaluation of the merits of the project and after considering all of the factors contained in §28.2-1205(A) and §28.2-1302(10)(B) in the Code of Virginia, staff recommends approval of the project as proposed, with the following special conditions:

1. Adherence to the long term *Phragmites* management plan outlined in the permit drawings, which are to become a part of the permit document; and
2. Relocation of any intertidal oysters to adjacent areas outside of the dredging footprint.

In addition, staff also recommends a royalty in the amount of \$12.60 for the dredging of 28 cubic yards of state-owned subaqueous bottom at a rate of \$0.45 per cubic yard. A total of 600 tidal wetland mitigation credits has already been debited from the existing Libertyville Bank to compensate for the tidal wetland impacts proposed during construction. Staff believes this is sufficient compensation for the proposed tidal wetland impacts, as the bank will ultimately create over 11 acres of tidal, vegetated wetlands and more than an acre of tidal, non-vegetated wetlands.

Mr. Woodward answered a question from associate member concerning the location of the oysters that were moved from the project location.

Walter Priest, a representative for the applicant was sworn and his comments are a part of the verbatim record. Mr. Priest explained the need for the project.

Associate Member Zydron moved to approve the staff recommendation. Associate Member Ballard seconded the motion. The motion carried, 7-0.

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| Royalty fee (Dredging of 28 cy @ \$0.45 /cy) | \$ 12.60 |
| Fees | \$ 100.00 |
| Total Fees | \$ 112.60 |

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- 8. TARYN ROWLAND, Oyster Planting Ground Application #2015-141,** requests authorization to lease approximately 93 acres of oyster planting grounds within the Rappahannock River in Lancaster County. The application is protested by numerous local property owners.

Ben Stagg, Dir., Shellfish Aquaculture, Leasing and Mapping, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Stagg’s comments are a part of the verbatim record.

Mr. Stagg explained on June 29, 2015, staff accepted an application from Taryn Rowland requesting to lease approximately 250 acres of subaqueous bottomlands within the Rappahannock River, in Lancaster County. The application has been subjected to our normal public interest review. The application area was surveyed by Bay Design Group, in October of 2015, and a plat depicting an acreage of 216.11 acres was submitted to VMRC. Some of the requested area closer to the shoreline was excluded from the surveyed area due to the presence of submerged aquatic vegetation (SAV) and, therefore, reduced the area from the amount originally requested. As a result of the public interest review and the surveying of the area, staff received a number of objections (13) from nearby highland property owners.

Some of the issues raised by the protestors include potential hazards to navigation, the existence of SAV in the application area, conflicts with other existing uses including commercial crabbing, highland property values impacts as well as view shed concerns.

In an attempt to address the concerns of the protestants, the applicant provided staff with a modified proposal (with specific coordinate locations) for three smaller areas within the footprint of the original application area.

After carefully reviewing the revised proposal of the applicant, and considering the concerns of the protestors, it appears that most of their objections will be mitigated by the distance of the requested areas from their nearby highland properties. Since the applicant does wish to use on bottom cage aquaculture, the three smaller areas seem more appropriate than leasing the larger area originally requested. However, to accommodate navigation for residents along the Rappahannock River shoreline and within Paynes Creek, staff recommends leaving an area approximately 500 feet in width vacant for continued and future navigation access.

Therefore, staff recommends approval of a modification of the most current request reducing the final area to 80.66 acres of State-owned subaqueous bottomlands. If approved, as the applicant most recently requested by the applicant, or the staff recommendation, the applicant shall provide three separate plats depicting each area, to include the 500 foot setback from the existing leases to the north. The corners for each area shall be staked in the field to reflect the footprint of all such approved areas before final assignment of the lease is completed.

Mr. Stagg answered a several questions from associate members concerning whether the area was leased in the past, the access to the channel, whether the applicant was agreeable with the modifications, if the lease was suitable for cages and inquired about the status of the existing leases just north of the protested leased ground.

James and Taryn Rowland, applicants, were present and sworn in. Their comments are a part of the verbatim record. Ms. Rowland indicated there were more protestants present that she was unable to speak to and ask whether modification to the lease was acceptable to protestants.

Michael Green, protestant, was sworn in and his comments are a part of the verbatim record. Mr. Green stated that on behalf of him and his family, they were willing to consider accommodation and consider compromise. Mr. Green also requested more information on the proposed changes in writing for the protestants to review. However, if that was not an option, Mr. Green was willing to move forward.

James Rowland explained the depths of the proposed lease. The applicants are agreeable to the amended lease and flexible for modification.

Mark Dodson and John Maynard, in opposition of the project initially, were sworn and their comments are a part of the verbatim record.

Mr. Dodson spoke on behalf of the residents and stated that they were agreeable to the amendments to the lease.

Mr. Maynard spoke with concerns of potential SAV and requested for an explanation of the agreement. Mr. Stagg explained, in detail, the agreement.

Associate Member Tankard moved to approve the staff recommendation of an amended application. Associate Member Everett seconded the motion. The motion carried, 7-0.

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9. MICHAEL E. WEST, Oyster Planting Ground Application #2016-179, requests authorization to lease approximately 235 acres of oyster planting grounds within the North River in Gloucester County. Bottomlands of this application are not suitable and/or economically feasible for cultch planting or aquaculture activities and some areas also contain submerged aquatic vegetation.

Ben Stagg, Dir., Shellfish Aquaculture, Leasing and Mapping, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Stagg's comments are a part of the verbatim record.

Since the time that this area was previously leased (based on a 2013 application request), the Engineering/Survey Department began a more thorough review of lease applications than in past years due to the increase in shellfish aquaculture propagation interests and increasing user conflict issues. This review is required as methods of propagating shellfish and increased user conflicts require a more robust analysis of the use of state-owned public trust lands for shellfish propagation purposes. Leasing of bottomlands that are unsuitable for shellfish propagation, or that will require the placement of large quantities of cultch material, does not seem economically feasible due to the lack of and high cost of shell and other suitable material for this purpose.

Mr. Stagg stated that staff agreed to further evaluate this area after the applicant indicated a belief that either suitable substrate exists thereupon or that existing shellfish resources were located on the bottomlands. Staff did not find any evidence of substantial cultch material nor shellfish resource, and the majority of the bottomlands are deep, soft, muddy bottom. Staff did identify a smaller subset area where cage aquaculture may be appropriate and/or the bottom could sustain shellfish propagation with the planting of seed oysters, shell, or some other appropriate cultch material. The applicant has indicated a belief that he can make the entire 184-acre area productive. Staff continues to maintain that the economics of making most of this area productive would be highly cost prohibitive.

Johnny Cope, a representative for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Cope explained the intention for the lease ground application.

Michael West, the applicant, was present and sworn in. Mr. West's comments are a part of the verbatim record. Mr. West explained the water depth of the area.

Public hearing was closed and the matter was before the Commission for discussion and action.

Associate Member Ballard moved to approve the original lease application. Associate Member Lusk seconded the motion. The motion carried, 7-0. Chair voted yes.

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10. THOMAS JAMES, Oyster Planting Ground Application #2017-067, requests authorization to lease 0.83 acres of oyster planting ground in The Gulf in Northampton County. The project has submerged aquatic vegetation (SAV) and is protested by nearby property owners.

Hank Badger, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Badger's comments are a part of the verbatim record

Mr. Badger stated that Mr. James requires areas that are in shallow water to grow his aquaculture clams. Mr. James has a 4.95 acre lease north of The Gulf and a 3.5 acre lease in Hungars Creek for a total of 8.45 acres. He also has nine (9) applications totaling 53.95 acres on the bayside of Northampton County. Seven of his nine applications are protested. The applicant intends to use the ground to grow aquaculture clams, which requires placing nets over the planted clams.

Associate Member Lusk abstained due to interest in adjacent leased property.

Mr. Badger stated to address the protestants navigational concerns, Mr. James proposes to move his northern application line south, approximately 100 feet. Staff believes this will give boaters reasonable access to The Gulf.

VMRC's new SAV Guidance Policy "*Criteria Delineating Areas Where There is Potential for SAV Restoration*," adopted by the Commission at the August 22, 2017, meeting states that new structures or leasing of oyster planting grounds on any SAV beds annually mapped by VIMS during at least one of the previous five years should be avoided.

The Virginia Institute of Marine Science's SAV maps indicate that there has been submerged aquatic vegetation in the southern portion of the area that Mr. James has applied for in the last five years. Their 2017 map indicates the southern area has 40% to 60% coverage. Staff, therefore, is unable to support the applicant's request in that area.

Staff could, however, support leasing the area that does not have SAV and does not affect navigation to The Gulf area.

Therefore, staff recommends approval of a portion of the application as bounded on the east by the Kellam and New Inlet, Inc. (Plat File #16803) lease: South by the SAV as shown on the VIMS map: West by the small channel: and North by the line, which Mr. James has agreed too, as shown on the attached map. The area appears to be approximately 0.5 acres.

Mr. James is working with a private licensed surveyor on this project and a revised plat will be required.

Thomas James, applicant, was sworn and his comments are a part of the verbatim record. Mr. James presented a PowerPoint presentation to explain the area surrounding the protested lease application.

There was no one present to speak in opposition of the application.

Public hearing was closed and the matter was before the Commission for discussion and action.

Associate Member Neill moved to approve staff recommendation. Associate Member Tankard seconded the motion. The motion carried, 5-1-1. Associate Member Lusk abstained. Chair voted no.

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11. REQUEST FOR PUBLIC HEARING: Consideration of a petition to the Marine Resources Commission to designate an area as Public Clam Grounds within the Poquoson River in the City of Poquoson.

Ben Stagg, Environmental Engineer, Sr., Dir., Shellfish Aquaculture, Leasing and Mapping, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Stagg’s comments are a part of the verbatim record.

In 2016, the Commission received a number of petitions requesting that an area of approximately 425 acres at the mouth of the Poquoson River and Bennetts Creek be designated as Public Clam Grounds pursuant to §28.2-632 of the Code of Virginia.

Staff recommends a public hearing concerning the petition request at the May Commission meeting after an appropriate public notice of the hearing.

Associate Member Tankard made a motion to accept the staff recommendation. Associate Member Ballard seconded the motion. The motion carried, 7-0. Chair voted yes.

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12. **PUBLIC COMMENTS:** There were no public comments.

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13. **LICENSE STATUS REVIEW:** Cases were continued to the June Commission meeting, per written request from an attorney

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14. **PUBLIC HEARING:** The Commission proposes to amend Chapter 4 VAC 20-490-10 et seq., "Pertaining to Sharks," that would: 1) establish the May 1, 2018 through April 30, 2019 commercial spiny dogfish harvest quota as 4,123,239 pounds; and, 2) modify harvest limits.

Jill Ramsey, Fisheries Mgmt. Specialist, presented the information provided in the staff's evaluation, with PowerPoint slides. Ms. Ramsey's comments are a part of the verbatim record.

Staff recommends the Commission adopt the 2018-19 commercial spiny dogfish harvest quota at 4,123,239 pounds and modify the harvest limits.

The public hearing was closed and the matter was before the board for discussion and action.

Associate Member Tankard made a motion to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 7-0. Chair voted yes.

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15. **PUBLIC HEARING:** The Commission will consider a proposal that would establish a start date of May 16, rather than May 9, when it would be unlawful for any person to conduct certain crabbing activities in areas 2, 3 and 4 of the Blue Crab Sanctuary. Currently, areas 2 and 4 prohibit any commercial crabbing from May 9 through September 15, while area 3 prohibits recreational and commercial crabbing from May 9 through September 15. If this proposal is adopted it would require an amendment to Chapter 4 VAC 20-752-10 et seq., "Pertaining to the Blue Crab Sanctuary."

Sara Blachman, Fisheries Mgmt. Specialist, presented the information provided in the staff's evaluation with a PowerPoint presentation for the Board members. Ms. Blachman's comments are a part of the verbatim record.

Mark Sanford is in support of the proposal that was presented by Ms. Blachman. Mr. Sanford also requested a delay of the sanctuary closures to commercial harvest until June 1 due to the spring weather prevented usual harvest in lower Chesapeake Bay.

Public hearing was closed and the matter was before the Commission for discussion and action.

Associate Member Ballard made a motion to accept the staff recommendation. Associate Member Tankard seconded the motion. The motion carried, 7-0. Chair voted yes.

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- 16. PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-1120-10 et seq., "Pertaining to Tilefish and Grouper," to establish the 2018 recreational season and possession limits for Blueline Tilefish that complement federal waters measures.

Lewis Gillingham, Director, SWFT, presented the information provided in the staff's evaluation with a PowerPoint presentation for the Board members. Mr. Gillingham's comments are a part of the verbatim record.

Staff recommends the Commission amend Chapter 4VAC20-1120-10 et seq., "Pertaining to Tilefish and Grouper," to establish the 2018 open recreational season from May 1 through October 31 and adopt a recreational possession limit of three blueline tilefish per person per trip aboard a private vessel, five blueline tilefish per person per trip aboard a for-hire vessel that has been issued a valid Tilefish Charter/Party Permit, but does not have a current U.S. Coast Guard safety inspection sticker and seven blueline tilefish per person per trip aboard a for-hire vessel that has both a valid Tilefish Charter/Party Permit and a current U.S. Coast Guard safety inspection sticker.

Associate Member Zydron made a motion to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 7-0. Chair voted yes.

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- 17. DISCUSSION:** A request for an May public hearing to consider amendments to Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass," to establish the 2018 recreational fishery management measures.

Robert O'Reilly, Chief, Fisheries Mgmt., presented the information provided in the staff's evaluation for the Board Members. Mr. O'Reilly's comments are a part of the verbatim record.

Staff requests the Commission approve of an advertisement of the change to the recreational black sea bass fishing season in for 2018 and a May public hearing to establish the amendments in Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass."

Associate Member Neill made a motion to approve the staff recommendation. Associate Member Everett seconded the motion. The motion carried, 7-0. Chair voted yes.

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There being no further business, the meeting was adjourned at approximately 1:36 p.m. The next Commission meeting will be Tuesday, May 22, 2018.

Steven G. Bowman, Commissioner

Jamie Hogge, Recording Secretary