
VMRC COMMERCIAL FISHING ADVISORY BOARD MANUAL

EFFECTIVE VOTING DATE, 2024



SECTION I PROGRAM DESCRIPTION AND PURPOSE

Background

The Commercial Fishing Advisory Board (CFAB) was established in 1993 by legislation enacted by the Virginia General Assembly. The CFAB advises the Virginia Marine Resources Commission on expenditures from the Marine Fishing Improvement Fund (MFIF). Grant applications are reviewed by the CFAB for recommendations with final expenditure approval by the Commission.

1.1 Source of Funds

The Marine Fishing Improvement Fund is made up of fees from the sale of commercial licenses and is administered by the Commission (§28.2-208) to be used solely for:

- (i) managing and improving marine fisheries
- (ii) seafood product promotion and development services
- (iii) mandatory reporting and stock assessment
- (iv) education of commercial fishermen
- (v) conservation and management strategies identified by the General Assembly and the Commission
- (vi) public information pamphlets and summaries of rules issued with gear licenses
- (vii) retaining commercial fishermen to engage in replenishment, research, and stock assessment activities.

1.2 Funding Availability

Funds are available annually based on the sale of Virginia Commercial Fishing Licenses. VMRC's finance division provides updates on funds available for projects as needed.

1.3 Request for Proposals

VMRC receives funding proposals utilizing the application provided that includes a coversheet, descriptive narrative, cost estimate, and schedule to fund the proposed project. Applications should be submitted as described in Section III of this manual. Applications to this program are being accepted on a rolling basis, unless otherwise noted by the VMRC.

Section II Commercial Fishing Advisory Board

2.1 Commercial Fishing Advisory Board

The Commercial Fishing Advisory Board (CFAB) was established by § 28.2-208.1 to advise the Commission on expenditures from the MFIF. It consists of nine members who meet at least four times annually or as needed.

2.2 Board Appointments

The members are appointed by the Commissioner from a list of nominees submitted by organizations representing commercial fishing interests. Membership shall be representative of the

geographic area covered by commercial fishing licenses. Board members are not compensated for their services but will be reimbursed for actual expenses (typically travel).

Each member is appointed for a three-year term (appointments are staggered so that each year three members are up for reappointment). The Commissioner will make appointments to fill any vacancies to complete a three-year term.

Each CFAB member is expected maintain communication with staff and attend meetings if needed. As a member of an advisory board that reviews financial information, each member is required to complete a state-issued disclosure form provided by the agency annually. This form must be completed digitally, and an email address is required.

A chair and co-chair will be selected from the appointed members.

2.3 Meetings

Meetings are subject to the requirements outlined in § 2.2-3707 and § 2.2-3708.3 and are held on an as-needed basis at least four times per calendar year. Board members receive meeting information (agenda, applications, and previous meeting minutes) via email prior to each meeting.

Meetings will be advertised on the agency calendar with a link to the virtual meeting (if applicable), an agenda, and any meeting documents that will be reviewed. Virtual meetings may be held via Microsoft Teams or WebEX, and those links will be shared with the agenda on the agency calendar. A meeting notice will be published on the Virginia Regulatory Town Hall no less than three business days prior to the meeting. Individual applications are entered into tracking and made public on the agency website through the advisory board page (<https://webapps.mrc.virginia.gov/vsrfdp/projects.php>).

Meetings minutes are recorded by VMRC staff and provided at the next meeting for approval and published on the VMRC website. Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with §§ 2.2-3708.2 or 2.2-3708.3, minutes shall include (i) the identity of the members of the public body who participated in the meeting through electronic communication means, (ii) the identity of the members of the public body who were physically assembled at one physical location, and (iii) the identity of the members of the public body who were not present at the location identified in clause but who monitored such meeting through electronic communication means.

At any meeting, members of the CFAB physically present constitute a quorum. Board members who miss two or more subsequent meetings without notification may be removed from the board.

2.4 Policy for Remote Participation for CFAB Meetings

An individual CFAB member may participate from a remote location only if a quorum of the CFAB is physically assembled at the meeting location, and there are arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location, as permitted by Virginia Code §2.2-3708.3, as amended, and this policy.

Individual members of the CFAB may use remote participation instead of attending a public meeting in person if, in advance of the public meeting the member notifies the Chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 50 % of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes.

In the event of any such participation by a member from a remote location, the meeting minutes will record remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. The meeting minutes will also reflect the fact that the member participated virtually due to one of the reasons listed above.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

2.5 Policy for All-Virtual Meetings

The CFAB and any corresponding subcommittees may convene a maximum of two all-virtual public meetings per calendar year or up to 50% of the meetings held per calendar year rounded up to the next whole number, whichever is greater. However, the all-virtual meetings cannot be held consecutively with another all-virtual meeting. These limitations shall apply separately with respect to the meetings of any subcommittees.

All-virtual public meetings may be convened for the following reasons:

1. It is impracticable or unsafe to assemble a quorum of the CFAB in a single location, but a state of emergency has not been declared; or
2. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting.

All-virtual public meetings must meet the following conditions in accordance with §2.2-3708.3:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. The phone number of the Chair or designated staff will be provided at the start of each meeting to alert the CFAB if the audio or video transmission of the meeting fails. The staff will monitor such designated means of communication during the meeting, and the CFAB will take a recess until public access is restored if the transmission fails for the public; and
3. No more than two members of the CFAB are together in any one remote location unless that remote location is open to the public to physically access it.

This policy shall be adopted annually pursuant to § [2.2-3708.3](#) D of the Code of Virginia

2.6 Application Review and Recommendation

The CFAB will review all application details including applicant presentations if necessary. New research and access proposals may be peer reviewed if requested. The CFAB will vote on funding recommendations to the Commission.

Final approval of expenditures from the Marine Fishing Improvement Fund are made by the Commission. The CFAB findings will be presented to the Commission for consideration and approval. Applicants are typically not required to attend the Commission meeting. If approved, a grant agreement will be provided to the applicant as described in Section V of this manual.

Section III General Instructions for Grant Applications

3.1 Application Form and Instructions

Applicants must submit applications on VMRC's Commercial Fishing Advisory Board Grant Application form (FORM TITLE HERE). The application form and instructions may be obtained from VMRC's Web site (INSERT WHEN UPDATED). Applications must be submitted to alicia.nelson@mrc.virginia.gov. All applications must include a budget and may include a cover letter.

3.2 Authorization to Apply

Applications for construction or access projects must include documentation of formal authorization by the appropriate governing body that the individual signing the application form has the authority to apply for and administer the grant and agree to the grant conditions on behalf of the governing body.

3.3 Budget Expectations

Applications should clearly state financial request and match information. Matching funds of at least 25% are preferred for most external projects. Indirect costs are capped at 25% unless otherwise noted.

Budgets must be sufficiently detailed to allow reviewers to determine the reasonableness of the request. Additionally, the following parameters should be noted.

(i) Salary support for principal investigators must not exceed 15% of their annual salary. Further restrictions may appertain for principal investigators who are awarded multiple projects by the CFAB.

(ii) Any equipment item costing more than \$5000 must be justified with respect to the cost and benefit to be derived from the project, to include an analysis of renting vs. purchase.

(iii) Applicants who have established indirect cost rates may include indirect cost reimbursement as a part of the project budget. Indirect costs (facilities, administrative & overhead costs) may not exceed a rate of 25% of total costs. Applicants with an approved indirect cost rate greater than 25% may include those costs exceeding 25% as a part of matching contribution.

(iv) Grant recipients are required to match a minimum of 10% of the total project costs for research and data collection projects.

(v) Grant recipients for facilities/access projects are required to provide a "hard dollar" (cash, value of land, etc.) matching contribution at a minimum of 25% of the total project cost.

Section IV Grant Funding

4.1 Reimbursement of Funds

Funds are provided on a reimbursement basis. A final report narrative and financial accounting of all expenditures must be provided prior to release of funds.

4.3 Payment of Grant Funds

Payment of grant funds to the applicant shall be by warrant (check).

SECTION V GRANT AGREEMENT

5.1 Grant Agreement

Upon approval of a project for funding, the grantee and VMRC shall enter into a grant agreement. This grant agreement will describe the responsibilities of both parties and terms and conditions particular to each project, and will require compliance with applicable statutes, rules, and policies.

Projects will normally be awarded for a period of one year. Applicants may request a multi-year support, but additional funding will be approved on an annual basis subject to satisfactory completion of previous work (includes reporting on a timely basis), submission of a renewal proposal, and a determination that continuation of the project is in the best interest of the CFAB/VMRC's needs and priorities.

VI COMPLIANCE REQUIREMENTS

6.1 State and Federal Laws

Projects must comply with all local, state, and federal regulations, obtain state or federal permits, if necessary; and follow all applicable laws related to procurement for any labor, equipment, materials, facilities, construction, and other services related to the project funded.

6.2 Project Completion Requirement

Failure to complete advanced funded projects within the agreed upon time may result in grant termination. Grant reports will be required and detailed within the Grant Agreement.

6.3 Timeline and Agreement Changes

The grantee shall inform the coordination staff of any changes or time delays incurred with the project. If deadlines or other terms of the agreement cannot be met, the grantee must notify VMRC immediately and request an amendment to the agreement. No-cost extensions may be requested up to 30 days from the end of the grant agreement.

6.4 Agreement Compliance Requirement

A grant agreement will be terminated, and program funds returned to VMRC for noncompliance with any of the terms of the agreement or these guidelines, unless the noncompliance is rectified by the grantee.