

MINUTES

COMMISSION MEETING

June 25, 2024

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia with the following present:

Jamie L. Green	Commissioner
Lynn Kellum	
William Bransom	
James E. Minor	
Jeremy Headley	Associate Members
A.J. Erskine	
Heather Lusk	
Jeanette Edwards	
Patrick Hand	
Kelci Block	Assistant Attorney General
Jamie Hogge	Recording Secretary
Lisa Pyle	IT Specialist
Todd Sperling	Bs. Systems Manager
Rachael Peabody	Director of Coastal Policy
Herbert Bell	Deputy Chief, Law Enforcement
Gerald Pitt	1 st . Sgt., Marine Police
Zach Widgeon	Director of Communication
Justin Worrell	Deputy Chief, Habitat Management
Brad Reams	Environmental Engineer, Sr.
Adam Kenyon	Chief, Shellfish Management
Pat Geer	Chief, Fisheries Mgmt.
Brooke Lowman	Stock Assessment Scientist

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Alexa Galvan

Fisheries Mgmt. Scientist

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Alex Sabo

Mark Luckenbach

Others present:

Dave O'Brien

Chris Moore

Nathan Reynolds

Robert Ficca

Joseph Scott

Christian Marsh

Jem Baldisimo

Daquan Morris

Kim Huskey

Bob Simon

Dale Neal

Steve Atkinson

and others.

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APPROVAL OF AGENDA. – Commissioner Jamie Green asked if there were any changes from the Board members or staff.

Pat Geer, Chief, Fisheries, requested that Item #8 is heard before Item #7 for better flow of the meeting. His comments are a part of the verbatim record.

Associate Member Erskine moved to approve the agenda amended. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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Rachael Peabody, Director of Coastal Policy, introduced Brad Reams and Kylie Harris, two new employees in the Habitat Division. Her comments are a part of the verbatim record.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the May 28, 2024, Commission Meeting minutes.

Associate Member Erksine moved to approve the minutes as presented. Associate Member Minor seconded the motion. The motion carried, 7-0-1. Associate Member

Hand abstained.

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Commissioner Green 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 \$500,000.00 with no objections and with staff recommendation for approval).

Justin Worrell, Deputy Chief, Habitat Management, reviewed the Page 2 items 2A through 2C for the Associate Members. Mr. Worrell’s comments are a part of the verbatim record.

- 2A. **ROBERT MARLIN, VMRC #24-0795**, requests authorization to install 118 linear feet of riprap, the toe of which may be installed a maximum of 7.5 feet channelward of mean high water at 713 Seabrook Lane, situated along Bells Mill Creek in the City of Chesapeake. The applicant has agreed to purchase wetlands credits from the New Mill Creek mitigation bank to offset tidal wetlands losses. This project requires a Commission tidal wetlands permit.
- 2B. **BAE SYSTEMS NORFOLK SHIP REPAIR, VMRC #23-2562**, requests authorization to maintenance dredge a maximum of 150,000 cubic yards of state-owned submerged land, on an as-needed basis, to maintain depths ranging from -36 feet to -64 feet mean low water adjacent to existing piers and dry docks at the BAE Norfolk Ship Repair facility located on Berkley Avenue, situated along the Southern Branch Elizabeth River in Norfolk. The dredged material will be transferred by barge to CIDMMA/CIRB or Shirley Plantation, or by truck to Dominion Landfill.
- 2C. **TRENT TALIAFERRO, VMRC #24-0610**, requests authorization to install two (2) 52-foot long low profile vinyl groins and a 5-foot wide riprap rock apron at the landward terminus of one of the groins at 416 Wharf Road, situated along the Rappahannock River in Essex County. The project requires a Commission tidal wetlands permit.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Minor moved to approve the Page 2 items 2A through 2C as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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3. CONSENT AGENDA ITEMS –There were no consent agenda items.

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4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. – No meeting needed

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5. PUBLIC COMMENT:

Dale Neal updated the commission on attempts to secure funding for a VIMS menhaden study. His comments are a part of the verbatim record.

Daquan Morris asked the commission to reinstate his oyster user fee after having missed one year. His comments are a part of the verbatim record.

Associate Member Bransom moved to approve the request for the reinstatement of the Oyster User Fee All Gear license if he pay for the previous year’s license (2023). Associate Member Minor seconded the motion. The motion carried, 8-0.

Steve Atkinson spoke about the need for further menhaden research and recommended revising the bay cap on the reduction fishery. His comments are a part of the verbatim record.

Associate Member Headley stated that he noticed a barge, full of oyster shells, that were deploying shells on top of an oyster rock that was due to open for harvest. He asked why the spat set was being covered up being that the area at the mouth of the Great Wicomico, is due to open for harvest this season. His comments are a part of the verbatim record.

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6. **PUBLIC HEARING:** Proposal to amend Chapter 4VAC20-1270-10 et seq., "Pertaining to Atlantic Menhaden", to establish a quota and license transfer system for the menhaden purse seine bait sector.

Pat Geer, Chief, Fisheries Mgmt., gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Geer's comments are a part of the verbatim record.

Dale Neal spoke in support of the regulatory change. His comments are a part of the verbatim record.

Steve Atkinson spoke in support of the regulatory change. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion to accept staff recommendations. Associate Member Minor seconded the motion. The motion carried, 8-0.

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ITEM # 8 HEARD PRIOR TO ITEM #7

7. **PUBLIC HEARING:** Proposal to amend Chapter 4VAC20-270-10 et seq., "Pertaining to Blue Crab Fishery" to establish management measures, including season and bushel limits, for the 2024-2025 commercial crab fisheries and to amend the daily time limits for commercial harvest.

Pat Geer, Chief, Fisheries Mgmt., gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Geer's comments are a part of the verbatim record.

Nathan Reynolds spoke on behalf of Seaside of the Eastern Shore. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Hand made a motion to accept staff recommendations but allow to Seaside to work 5 am to 5 pm. Associate Member Lusk seconded the motion.

The motion was amended by Associate Member Lusk for a daily time limit of 3 am to 5 pm, for all waters of the Commonwealth. The motion carried, 8-0.

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- 8. **PUBLIC HEARING:** Proposal to amend Chapter 4VAC20-140-10 et seq., “Pertaining to the Identification and Location of Crab Pots, Peeler Pots, Eel Pots, and Fish Pots” to clarify the height required for identifying information on crab and eel pot buoys as described in Section 28.2-712 of the Code of Virginia.

Pat Geer, Chief, Fisheries Mgmt., gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Geer’s comments are a part of the verbatim record.

No one spoke in support or opposition of the regulatory change.

The matter was before the Commission for discussion and action.

Associate Member Bransom made a motion to accept staff recommendations. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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- 9. **PUBLIC HEARING:** Proposal to amend Chapter 4VAC20-1140-10 et seq., “Prohibition of Crab Dredging in Virginia Waters” to close the December 1, 2024, through March 31, 2025, winter commercial crab dredge fishing season, in accordance with the provisions of Section 28.2-707 of the Code of Virginia.

Pat Geer, Chief, Fisheries Mgmt., gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Geer’s comments are a part of the verbatim record.

Dave O’Brien, NOAA representative spoke in opposition of opening the crab dredge fishery season. His comments are a part of the verbatim record.

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Dale Neal spoke in opposition of opening the crab dredge fishery season. His comments are a part of the verbatim record.

Steve Atkinson spoke in opposition of opening the crab dredge fishery season. His comments are a part of the verbatim record.

Nathan Reynolds spoke in opposition of opening the crab dredge fishery season. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion to repeal Chapter 4 VAC 20-1140-10 et seq., "Prohibition of Crab Dredging in Virginia Waters. Associate Member Kellum seconded the motion. The motion carried, 5-4. Chair voted yes. Associate Members Bransom, Lusk, Hand and Edwards were opposed.

Associate Member Bransom made a motion to for staff to bring the crab dredge regulation for a vote in September. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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Prior to the conclusion of the meeting, Commissioner Green announced that the June 25, 2024, Commission Meeting will be the last meeting that Associate Commissioners Minor and Lusk will serve as their term to serve on the Commission will expire soon. Commissioner Green thanked both Associate Commissioners for their many years of service to the Commission.

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There being no further business, the meeting, is adjourned at 11:40 am. The next Commission meeting will be meeting on Tuesday, July 23, 2024.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary