

AGENDA
MARINE RESOURCES COMMISSION
AUGUST 27, 2024

**** APPROVAL OF AGENDA.**

1. MINUTES of previous meeting.

2. PERMITS (Projects over \$500,000.00 with no objections and with staff recommendation for approval).

3. CONSENT AGENDA ITEMS.

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.

5. LICENSE STATUS REVIEW

7. PUBLIC HEARING

Proposal to amend Chapter 4VAC20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest" to establish the 2024-2025 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

8. PUBLIC COMMENTS

9. PUBLIC HEARING

Proposal to amend Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks" to reclassify the oceanic whitetip shark from the commercially and recreationally permitted shark list to the commercially and recreationally prohibited shark list.

10. DISCUSSION

Commercial Fishing Advisory Board recommendation on funding request from the Marine Fishing Improvement Fund.

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PAGE 2 ITEMS

A. DOCKSIDE CONDOMINIUM OWNERS ASSOCIATION, #24-1044

Requests authorization to replace three (3) condominium piers and associated slips for a total of 82 slips: Pier A will be an 8-foot wide by 114-foot long mainstem with an 8-foot wide by 194-foot long L-head with nine (9) finger piers and 21 boat slips; Pier B will be an 8-foot wide by 123-foot long mainstem pier with an 8-foot by 206-foot T-head, a 12-foot by 50-foot floating dock, fifteen (15) finger piers and 30 boat slips; Pier D will be an 8-foot wide by 104-foot long mainstem pier with an 8-foot by 208-foot T-head, sixteen (16) finger piers, and 31 boat slips - situated along Sarah Creek at the terminus of Sunset Drive in Gloucester County. Staff recommends approval of the project with a royalty of \$51,192.00 for the new encroachment of 34,128 square feet at the rate of \$1.50 per square foot. The project requires a VMRC Subaqueous Permit.

B. MICHAEL ROSEMOND, #24-1278

Requests authorization to remove two (2) existing failed timber groins and two (2) failed bulkheads and construct two (2) 75-foot long low profile groins, an 84-foot long ReadyReef sill structure with a row of Envirolok Bags landward of the sill, place clean sand backfill landward of the proposed sill, place a 30-foot by 84-foot Flexamat structure over the sand fill and plant native wetland vegetation in the Flexamat media along the Rappahannock River at 149 Pops Lane in Essex County. The project requires a VMRC Subaqueous and Wetlands Permit.

C. BUCKEYE TERMINALS, LLC, #24-1542

Requests authorization to construct four (4) riprap sills with associated sand backfill and planting creating a total of 997 linear feet of living shoreline at property 4030 Buell Street along the Southern Branch of the Elizabeth River in Chesapeake. This project requires a VMRC Subaqueous and Wetlands permit.

D. TEOFILO RAMIREZ, #24-0994

Requests authorization to construct two (2) stone breakwaters, totaling 290 linear feet, reconstruct an existing 150-foot breakwater, and add sand nourishment adjacent to property serving 1101 Bay Tree Beach Road situated along the York River in York County. The project requires a VMRC Subaqueous Permit.

E. MCALLISTER TOWING OF VIRGINIA, #23-2008

Requests authorization to replace 175 linear feet of an existing deteriorated bulkhead, extend an existing revetment by 32 linear feet, construct an 80-foot long concrete wharf with a 155-foot by 20-foot T-head, install 90 linear feet of new timber fenders along an existing concrete platform, install four (4) new timber dolphins, install a series of pin barges for mooring, construct a new 57-foot timber approach pier with a new 48-foot timber pin barge pier and install three (3) stone sills with sand backfill and native wetland plantings for the creation of a living shoreline adjacent to commercial

AGENDA

property located at 902 Southampton Avenue situated along the Elizabeth River in Norfolk. All derelict structures within the vicinity of the subject property, below mean low water, will be removed. Pursuant to §28.2-1206(B) of the Code of Virginia, this proposal is exempt from rent and royalties. The project requires a VMRC Subaqueous Permit.

F. NATIONAL PARK SERVICE, #24-1179

Requests authorization to increase the height and base of six (6) existing rock sills situated at the southern end of the Dyke Marsh Wildlife Preserve in the Potomac River adjacent to the George Washington Memorial Highway in Fairfax County. The rock sills were originally approved by the Commission under VMRC #17-0921, Phase I. The project requires a VMRC Subaqueous Permit.

G. PERDUE AGRIBUSINESS GRAIN LLC, #24-1140

Requests authorization to construct a new 132-foot long steel sheetpile bulkhead with backfill and a concrete cap along the Hoskins Creek shoreline at 1000 Granary Road in Essex County. The applicant has agreed to purchase wetlands credits from the Virginia Aquatic Trust Fund to offset the tidal vegetated wetland loss of 240 square feet. The project requires a VMRC Wetlands Permit.

H. HUNTINGTON INGALLS, INC, NEWPORT NEWS SHIPBUILDING, #24-1287

Requests authorization to construct five (5) berthing fenders along Pier 6 and to modify the existing fender system and components to support production operations at their facility on the James River in the City of Newport News. The project requires a VMRC subaqueous permit.

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PAGE 3 ITEMS

A. **JOSHUA WALTERS, VMRC #24-0040**

Requests after-the-fact authorization to retain a 624-square-foot elevated observation deck platform serving 3017 Mansfield Lane situated along Blackwater Creek in the City of Virginia Beach. Staff recommends approval with triple permit fees of \$900.00, which the applicant has agreed to pay, and a civil charge of \$1,000.00, which the contractor has agreed to pay. The project requires a VMRC Subaqueous Permit.

MINUTES

COMMISSION MEETING

July 23, 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	
Jeremy Headley	
A.J. Erskine	Associate Members
Jeanette Edwards	
Patrick Hand	
Thomas Preston	
Kelci Block	Assistant Attorney General
Jamie Hogge	Recording Secretary
Lisa Pyle	IT Specialist
Todd Sperling	Bs. Systems Manager
Rachael Peabody	Director of Coastal Policy
Gerald Pitt	1 st . Sgt., Marine Police
Zach Widgeon	Director of Communication
Pat Geer	Chief, Fisheries Management
Randy Owen	Chief, Habitat Management
Adam Kenyon	Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Alex Sabo
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Commission Meeting

**19239
July 23, 2024**

Others present:

Mark Roland	John Milford	Elizabeth Roland
Jason Smith	Victoria Chapman	Jack Chapman
Chris Frye	Michael Mann	Kyle Perkins
Rebecca Frances	Greg Hensid	Guy Miller
George Townsend	Karen Dobson	J. Clay Backus
Bryan Peeples	Karla Havens	Ashley Williams
Kim Huskey	Jeremy Laws	Rosalie McGuirk
Ellie Franklin	David Kledzilc	Callie Robinson
Thomas Hyde	Yoanna Hyde	Casey Robinson
Denise Robinson	Gary Grabb	Sue Grabb
Rene Philhower	J. R. Edwards	Justin Forbes
Courtney Stede	Travis Willow	Mallory Tuttle
Pricilla Milford	and others.	

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

Randy Owen, Chief, Habitat Management, requested that Item #6 be removed from the agenda because the matter was resolved. His comments are a part of the verbatim record.

Associate Member Headley moved to approve the agenda amended. Associate Member Bransom seconded the motion. The motion carried, 7-0.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the June 25, 2024, Commission Meeting minutes.

Associate Member Erskine moved to approve the minutes as presented. Associate Member Headley seconded the motion. The motion carried, 6-0.

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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).

Randy Owen, Chief, Habitat Management, reviewed the Page 2 items 2A through 2F for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

- 2A. **WILLIAM DIDLAKE JR., #24-0822**, requests authorization to replace an existing boat ramp with a 12-foot by 26-foot concrete boat ramp, construct a 12-foot rock sill extension onto an existing sill, and place one (1) cubic yard of clean sand backfill, with plantings of native wetland vegetation, landward of the sill extension along Baker's Creek at 560 Hockey's Lane in King and Queen County. The project requires a Commission wetlands and subaqueous permit.
- 2B. **GRANT ANCARROW, #24-0289**, requests authorization to construct an 11-foot by 38-foot gravel boat ramp with associated timberretaining walls and a 6-foot wide by 32-foot long open pile tending pier along Piscataway Creek at the applicant's property identified as Tax Map #38-6-1 on Haile Road in Essex County. The applicant has agreed to purchase wetlands credits from the Virginia Aquatic Trust Fund to offset the tidal vegetated wetland loss of 50 square feet. The project requires a Commission wetlands and subaqueous permit.
- 2C. **KEVIN LUCK, #24-0724**, requests authorization to construct a 180-foot long rock revetment along the James River shoreline at 1450 Battery Hill Drive in Henrico County. The project requires a Commission wetlands permit.
- 2D. **UNITED STATES COAST GUARD, #24-0371**, requests authorization to remove an existing pier and to install a temporary cofferdam for the construction of a 16-foot by 50-foot concrete boat ramp extension and to construct a 4-foot by 36-foot aluminum gangway leading to an 8-foot wide by 40-foot-long concrete floating dock at the Coast Guard Training Center Yorktown situated along Wormley Creek in York County.

- 2E. SMM SOUTHEAST LLC, #23-2024**, requests authorization to excavate 1,078 square feet (SF) of vegetated wetlands and 235 SF of nonvegetated wetlands to minus 12 feet mean low water and to fill 1,140 SF of vegetated wetlands and 25 SF of nonvegetated wetlands for the construction of a new 228 linear-foot concrete bulkhead adjacent to property serving 4300 Buell Street situated along Milldam Creek in Chesapeake. This application requires a Commission tidal wetlands permit. Wetland credits must be purchased from New Mill Creek tidal mitigation bank to offset the proposed impacts to vegetated wetlands prior to permit issuance.

- 2F. GAIL SMITH, #23-2056**, requests authorization to construct a 136 linear-foot stone revetment channelward of an existing bulkhead and to install a 16-linear-foot and a 245-linear-foot stone sill with sand fill and wetlands plantings for the construction of a living shoreline adjacent to 4038 Tanglewood Trail situated along the Eastern Branch Elizabeth River in Chesapeake. This application 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 Bransom moved to approve the Page 2 items 2A through 2F as presented. Associate Member Edwards seconded the motion. The motion carried, 7-0.

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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. SHELLFISH

STEAMBOAT WHARF OYSTER COMPANY

Oyster Aquaculture Joint Permit Application, #2024-0849, requests authorization to install a traditional oyster flip farm which contains 600 floating oyster baskets (3'x2') within 0.5 acres of Little Oyster Creek, a tributary of the Rappahannock River in Lancaster County. The request has received 188 written comments.

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

Thomas Hyde, applicant for the project, was sworn in. His comments are a part of the verbatim record.

There were 6 individuals that spoke in support of the proposed application. There were 13 people who spoke in opposition of the proposed application. Their comments are part of the verbatim record.

Associate Member Edwards made a motion to accept staff recommendations as submitted. Associate Member Bransom seconded the motion. The motion carried, 7-0.

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REMOVED FROM THE AGENDA PRIOR AT THE START OF THE MEETING

6. **PAUL FOX, #24-0719**, requests authorization to install a 60-foot extension to an existing breakwater, including beach nourishment, serving 297 Windfall Lane, situated along the Chesapeake Bay in Lancaster County. This project is protested by the adjacent property owner.

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7. **PUBLIC COMMENT: No one spoke for public comment.**

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8. DISCUSSION

Recreational Fishing Advisory Board recommendation on funding request from the Virginia Saltwater Recreational Fishing Development Fund.

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 funding request.

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion to accept staff recommendations. Associate Member Edwards seconded the motion. The motion carried, 7-0.

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There being no further business, the meeting, is adjourned at 11:51 am. The next Commission meeting will be meeting on Tuesday, August 27, 2024.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

§ 28.2-528 Proceeding
Commission Decision for Length of Licenses and Privileges Revocation

Introduction:

Section §28.2-528 mandates that the Commission revoke all licenses and fishing privileges of any individual convicted of shellfish theft under §28.2-527. The duration of this revocation, which can range from six months to five years, is determined by the Commission. Mr. Anthony Hogge, Mr. Raymond Jenkins, and Mr. Dean Rhea have been convicted under this section in 2024. This agenda item is presented to the Commission to decide the specific length of time for which their licenses and fishing privileges shall be revoked.

1. Anthony Hogge

2024 Licenses and Permits (as of 08/15/2024)

- Commercial registration
- Oysters by hand scrape
- User fee oyster all gear
- Shellfish icing permit
- Oyster aquaculture harvester permit
- Shellfish harvester tag

Background

Mr. Anthony Hogge was convicted on June 18, 2024, for one count of theft of oysters/clams/shells: larceny > \$1000 (§28.2-527 of the Code of Virginia) and one count of unlawfully catching oysters with dredge/etc. (§28.2-523 of the Code of Virginia). Mr. Hogge was also convicted on December 5, 2022, for one count of having in possession uncultured oysters (8 quarts) (§28.2-201 of the Code of Virginia) and on March 7, 2022, for one count of possession of uncultured oysters (5 quarts).

1. Mr. Hogge first appeared before the Commission as a failure to report case during the September 2013 Commission meeting. The Commission placed Mr. Hogge on probation for two years beginning after he submitted his missing reports, October 22, 2013, through October 21, 2015.
2. Mr. Hogge appeared a second time before the Commission during the April 2014 Commission meeting, violating his probation, for a subsequent failure to report. The Commission suspended Mr. Hogge's licenses and permits for six months from April 22, 2014, through October 21, 2014, followed by one-year probation, October 22, 2014, through October 21, 2015.
3. Mr. Hogge appeared for a third time before the Commission during the May 2015 Commission meeting, violating his probation, with a natural resource violation of harvesting oysters with a hand scrape in a hand tong area. The Commission imposed and then suspended a two-year revocation and put Mr. Hogge on a two-year probation, from May 26, 2015, through May 25, 2017, with the condition that any fisheries violation or failure to report on Mr. Hogge's part would result in an immediate license revocation for the remainder of the two-year period.
 - a. Mr. Hogge's licenses and permits were revoked June 1, 2016, owing to two striped bass violations and one reporting violation on May 31, 2016.
4. Mr. Hogge appeared before the Commission for a fourth time on November 1, 2016, for six natural resource violations (including the three violations on May 31, 2016). The Commission revoked all

of Mr. Hogge's licenses and privileges for a period of five years beginning November 1, 2016, through October 31, 2021.

New Violations

06/26/2023	Oysters/clams/shells: theft of, larceny>\$1000: §28.2-527
06/26/2023	Oysters: Unlawful catch oysters with dredge/etc.: §28.2-523
10/20/2022	Have in possession unculled oysters (8 quarts): §28.2-201
02/15/2022	Possession of unculled oysters (5 quarts): 4 VAC 20-260-30

Previous Revocation and Violations Associated with Revocation

05/31/2016	Harvest Atlantic striped bass without a 2016 VMRC striped bass permit: 4 VAC 20-252-130
05/31/2016	Use 2016 VMRC Atlantic striped bass tags of another: 4 VAC 20-252-160
05/31/2016	Fail to report seafood harvest to mandatory reporting-VMRC: 4 VAC 20-610-60
04/22/2016	Unlawfully fail to affix harvester tag to harvested oysters: § 28.2-201; 4 VAC 20-1250-30
10/22/2015	Theft of oysters, clams, shell, etc. – Class 1 Misdemeanor: §28.2-527
10/22/2015	Closure of sanctuary areas – Class 1 Misdemeanor: 4 VAC 20-650-30
12/26/2014	Harvesting oysters with hand scrape in hand tong area: 4 VAC 20-720-70A and 28.2-201

Commission Authority for Decision-Making

§28.2-528 of the Code of Virginia states: The Commission, without notice and hearing required by § 28.2-232, shall revoke all licenses and the fishing privileges within the Commonwealth's tidal waters to take or catch fish, shellfish, or marine organisms, issued to any person convicted of unlawfully taking oysters or other mollusca from the public grounds, any riparian oyster planting grounds assigned pursuant to Article 1 (§ 28.2-600 et seq.) of Chapter 6 of this title, or any general oyster planting ground leased pursuant to Article 2 (§ 28.2-603 et seq.) of Chapter 6 of this title. **No new licenses shall be issued to such person for a minimum of six months or a maximum of five years after such conviction in the discretion of the Commission.**

2. Raymond Jenkins Jr.

2024 Licenses and Permits (as of 08/15/2024)

None (has not had a CFRL since 2002)

Background

Mr. Raymond Jenkins was convicted on March 15, 2024, for one count of unlawfully taking oysters out of season (§28.2-506 of the Code of Virginia) and one count of theft of oysters/clams/shells: larceny < \$200 (§28.2-527 of the Code of Virginia).

New Violations

06/26/2023 Oysters: unlawful take oysters out-of-season: **§28.2-506**
06/26/2023 Oysters/clams/shells: theft of, larceny <\$200: **§28.2-527**

Previous Violations in the last five years

None

Commission Authority for Decision-Making

§28.2-528 of the Code of Virginia states: The Commission, without notice and hearing required by § 28.2-232, shall revoke all licenses and the fishing privileges within the Commonwealth's tidal waters to take or catch fish, shellfish, or marine organisms, issued to any person convicted of unlawfully taking oysters or other mollusca from the public grounds, any riparian oyster planting grounds assigned pursuant to Article 1 (§ 28.2-600 et seq.) of Chapter 6 of this title, or any general oyster planting ground leased pursuant to Article 2 (§ 28.2-603 et seq.) of Chapter 6 of this title. **No new licenses shall be issued to such person for a minimum of six months or a maximum of five years after such conviction in the discretion of the Commission.**

3. Dean Rhea

2024 Licenses and Permits (as of 08/15/2024)

None (has never had a CFRL)

Background

Mr. Dean Rhea was convicted on January 19, 2024, for one count of larceny of oysters (§28.2-527 of the Code of Virginia) and one count of taking oysters out of season (§28.2-506 of the Code of Virginia).

New Violations

06/26/2023 Larceny of oysters: **§28.2-527**
06/26/2023 Take oysters out of season: **§28.2-506**

Previous Violations in the last five years

None

Commission Authority for Decision-Making

§28.2-528 of the Code of Virginia states: The Commission, without notice and hearing required by § 28.2-232, shall revoke all licenses and the fishing privileges within the Commonwealth's tidal waters to take or

catch fish, shellfish, or marine organisms, issued to any person convicted of unlawfully taking oysters or other mollusca from the public grounds, any riparian oyster planting grounds assigned pursuant to Article 1 (§ 28.2-600 et seq.) of Chapter 6 of this title, or any general oyster planting ground leased pursuant to Article 2 (§ 28.2-603 et seq.) of Chapter 6 of this title. **No new licenses shall be issued to such person for a minimum of six months or a maximum of five years after such conviction in the discretion of the Commission.**

Virginia Marine Resources Commission License History Report



ANTHONY D HOGGE

MRC ID: 008579

License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL793885-001		125	SHELLFISH ICING PERMIT	2024-05-09	2024	09014	SOLD
OL651934-001		109	OYS AQUACULT HARVESTER PERM	2024-05-08	2024	16A09	SOLD
OL313397-001		379	USER FEE OYSTER ALL GEAR	2023-12-29	2024	08A09	SOLD
OL313397-002		106	OYSTERS BY HAND SCRAPE	2023-12-29	2024	08A09	SOLD
OL628762-001		500	COMMERCIAL REGISTRATION	2023-12-29	2024	WEB	SOLD
OL313346-001	SH3982	134	SHELLFISH HARVESTER TAG	2023-12-20	2024	08A09	SOLD
OL791901-001		125	SHELLFISH ICING PERMIT	2023-05-18	2023	09014	SOLD
OL313265-001		109	OYS AQUACULT HARVESTER PERM	2023-05-15	2023	08A09	SOLD
OL313182-001		372	CLASS B GILL NET PERMIT	2023-02-26	2023	08A09	SOLD
OL313182-002	14964	303	GILL NETS-600 OR LESS	2023-02-26	2023	08A09	SOLD
OL313182-003	14965	303	GILL NETS-600 OR LESS	2023-02-26	2023	08A09	SOLD
OL313182-004	14966	303	GILL NETS-600 OR LESS	2023-02-26	2023	08A09	SOLD
OL313182-005	14967	303	GILL NETS-600 OR LESS	2023-02-26	2023	08A09	SOLD
OL313182-006	14968	303	GILL NETS-600 OR LESS	2023-02-26	2023	08A09	SOLD
OL313182-007	14969	303	GILL NETS-600 OR LESS	2023-02-26	2023	08A09	SOLD
OL313154-001	SH3544	134	SHELLFISH HARVESTER TAG	2023-02-07	2023	08A09	SOLD
OL323301-001		379	USER FEE OYSTER ALL GEAR	2022-12-30	2023	08A10	SOLD
OL323301-002		106	OYSTERS BY HAND SCRAPE	2022-12-30	2023	08A10	SOLD
OL323301-003		104	OYSTERS BY HAND TONGS	2022-12-30	2023	08A10	SOLD
OL625252-001		500	COMMERCIAL REGISTRATION	2022-12-29	2023	GHATC	SOLD
OL312934-001	SH3322	134	SHELLFISH HARVESTER TAG	2022-05-25	2022	08A09	SOLD
OL790246-001		125	SHELLFISH ICING PERMIT	2022-04-30	2022	09014	SOLD
OL323086-001		387	USER FEE PRIVATE OYSTER AQU	2022-04-29	2022	08A10	SOLD
OL323086-002		109	OYS AQUACULT HARVESTER PERM	2022-04-29	2022	08A10	SOLD
OL323086-003		108	OYS AQUACULT PROD OWNER PER	2022-04-29	2022	08A10	SOLD
OL312867-001		104	OYSTERS BY HAND TONGS	2022-03-21	2022	08A09	SOLD
OL312825-001	22502	992	REPLACEMENT DECAL	2022-02-26	2022	08A09	SOLD
OL312825-002	22503	992	REPLACEMENT DECAL	2022-02-26	2022	08A09	SOLD
OL312825-003	22504	992	REPLACEMENT DECAL	2022-02-26	2022	08A09	SOLD

Virginia Marine Resources Commission License History Report



License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL322931-001	16356	303	GILL NETS-600 OR LESS	2022-02-25	2022	08A10	SOLD
OL322931-002	16357	303	GILL NETS-600 OR LESS	2022-02-25	2022	08A10	SOLD
OL322931-003	16358	303	GILL NETS-600 OR LESS	2022-02-25	2022	08A10	SOLD
OL322931-004	16359	303	GILL NETS-600 OR LESS	2022-02-25	2022	08A10	SOLD
OL322931-005		372	CLASS B GILL NET PERMIT	2022-02-25	2022	08A10	SOLD
OL390062-001		500	COMMERCIAL REGISTRATION	2021-12-30	2022	LVEDD	SOLD
OL650767-001		379	USER FEE OYSTER ALL GEAR	2021-12-30	2022	16A09	SOLD
OL650767-002		387	USER FEE PRIVATE OYSTER AQU	2021-12-30	2022	16A09	VOID
OL650784-001		106	OYSTERS BY HAND SCRAPE	2021-12-30	2022	16A09	SOLD
OL322757-001	SH3145	134	SHELLFISH HARVESTER TAG	2021-11-26	2021	08A10	SOLD
OL388185-001		500	COMMERCIAL REGISTRATION	2021-11-01	2021	SCROCSOLD	
OL650666-001		379	USER FEE OYSTER ALL GEAR	2021-11-01	2021	16A09	SOLD
OL650666-002		387	USER FEE PRIVATE OYSTER AQU	2021-11-01	2021	16A09	SOLD
OL320188-001	SH1379	134	SHELLFISH HARVESTER TAG	2016-06-30	2016	08A10	SOLD
OL183452-001		124	OYSTER BULK SEED PRMT	2016-05-12	2016	kleon	SOLD
OL119845-001		109	OYS AQUACULT HARVESTER PERM	2016-04-29	2016	dspar	SOLD
OL183370-001		125	SHELLFISH ICING PERMIT	2016-04-29	2016	kleon	SOLD
OL310448-001		372	CLASS B GILL NET PERMIT	2016-03-11	2016	08A09	SOLD
OL310448-002	23222	304	GILL NETS-1200 OR LESS	2016-03-11	2016	08A09	SOLD
OL310448-003	23223	304	GILL NETS-1200 OR LESS	2016-03-11	2016	08A09	SOLD
OL310448-004	23224	304	GILL NETS-1200 OR LESS	2016-03-11	2016	08A09	SOLD
OL118799-001	20623	711	TRANSFERRED CRAB POT 100	2016-03-04	2016	tshor	TRAN
OL320101-001		104	OYSTERS BY HAND TONGS	2016-01-28	2016	08A10	SOLD
OL320098-001	SH1378	134	SHELLFISH HARVESTER TAG	2016-01-25	2016	08A10	SOLD
OL320081-001		106	OYSTERS BY HAND SCRAPE	2015-12-31	2016	08A10	SOLD
OL320081-002		379	USER FEE OYSTER ALL GEAR	2015-12-31	2016	08A10	SOLD
OL117452-001		500	COMMERCIAL REGISTRATION	2015-12-30	2016	50050	SOLD
OL115698-001		108	OYS AQUACULT PROD OWNER PER	2015-08-19	2015	50050	SOLD
OL115698-002		387	USER FEE PRIVATE OYSTER AQU	2015-08-19	2015	50050	SOLD
OL115690-001	26612	211	CRAB POT-85 OR LESS	2015-08-17	2015	dspar	SOLD
OL181858-001		125	SHELLFISH ICING PERMIT	2015-05-20	2015	kleon	SOLD
OL115439-001		109	OYS AQUACULT HARVESTER PERM	2015-05-19	2015	tshor	SOLD
OL310026-001	SB1163	134	SHELLFISH HARVESTER TAG	2015-05-01	2015	08A09	SOLD
OL141029-001	11832	303	GILL NETS-600 OR LESS	2015-03-28	2015	14A01	SOLD
OL141029-002	11833	303	GILL NETS-600 OR LESS	2015-03-28	2015	14A01	SOLD
OL141029-003	12236	341	FISH/EEL POT-300 OR LESS	2015-03-28	2015	14A01	SOLD
OL230331-001	13934	303	GILL NETS-600 OR LESS	2015-03-02	2015	08A04	SOLD

Virginia Marine Resources Commission License History Report



License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL230331-002	13935	303	GILL NETS-600 OR LESS	2015-03-02	2015	08A04	SOLD
OL230331-003	13936	303	GILL NETS-600 OR LESS	2015-03-02	2015	08A04	SOLD
OL230331-004	13937	303	GILL NETS-600 OR LESS	2015-03-02	2015	08A04	SOLD
OL230331-005		372	CLASS B GILL NET PERMIT	2015-03-02	2015	08A04	SOLD
OL230327-001		372	CLASS B GILL NET PERMIT	2015-02-25	2015	08A04	VOID
OL230327-002	13932	303	GILL NETS-600 OR LESS	2015-02-25	2015	08A04	VOID
OL230327-003	13933	303	GILL NETS-600 OR LESS	2015-02-25	2015	08A04	VOID
OL230327-004	13934	303	GILL NETS-600 OR LESS	2015-02-25	2015	08A04	VOID
OL230327-005	13935	303	GILL NETS-600 OR LESS	2015-02-25	2015	08A04	VOID
OL230296-001		104	OYSTERS BY HAND TONGS	2015-02-07	2015	08A04	SOLD
OL230227-001	SH1129	134	SHELLFISH HARVESTER TAG	2015-01-08	2015	08A04	SOLD
OL230162-001		106	OYSTERS BY HAND SCRAPE	2014-12-31	2015	08A04	SOLD
OL230162-002		379	USER FEE OYSTER ALL GEAR	2014-12-31	2015	08A04	SOLD
OL111033-001		500	COMMERCIAL REGISTRATION	2014-12-18	2015	dspar	SOLD
OL094509-001		372	CLASS B GILL NET PERMIT	2014-03-21	2014	08A04	SOLD
OL094509-002	GN1333	303	GILL NETS-600 OR LESS	2014-03-21	2014	08A04	SOLD
OL094509-003	GN1334	303	GILL NETS-600 OR LESS	2014-03-21	2014	08A04	SOLD
OL094509-004	GN1335	303	GILL NETS-600 OR LESS	2014-03-21	2014	08A04	SOLD
OL094364-001		104	OYSTERS BY HAND TONGS	2014-02-21	2014	08A04	SOLD
OL094164-001		106	OYSTERS BY HAND SCRAPE	2013-12-31	2014	08A04	SOLD
OL094164-002		379	USER FEE OYSTER ALL GEAR	2013-12-31	2014	08A04	SOLD
OL102890-001		500	COMMERCIAL REGISTRATION	2013-12-30	2014	dspar	SOLD
OL094000-001		106	OYSTERS BY HAND SCRAPE	2013-10-26	2013	08A04	SOLD
OL094000-002		379	USER FEE OYSTER ALL GEAR	2013-10-26	2013	08A04	SOLD
OL095831-001		354	AM SHAD BYCATCH PERMIT	2013-04-09	2013	TPALM	SOLD
OL093473-001	GN1036	303	GILL NETS-600 OR LESS	2013-03-01	2013	08A04	SOLD
OL093473-002	GN1037	303	GILL NETS-600 OR LESS	2013-03-01	2013	08A04	SOLD
OL093473-003		372	CLASS B GILL NET PERMIT	2013-03-01	2013	08A04	SOLD
OL099870-001		500	COMMERCIAL REGISTRATION	2013-01-09	2013	50050	SOLD
OL071297-001	SB0156	133	SHELLFISH BULK TAG	2011-02-19	2011	08A04	SOLD
OL075232-001		500	COMMERCIAL REGISTRATION	2011-01-28	2011	tshor	SOLD
OL049576-001		500	COMMERCIAL REGISTRATION	2010-11-08	2010	50050	SOLD

4 Pre-Auths.

Close Window

Preauthorizations for current year and next year.

MRC ID	License	Gear	Description	Year	Additional Data
008579	2024-OL323086-003	108	OYS AQUACULT PROD OWNER PERMIT	2024	
008579	OL313397-001	379	USER FEE OYSTER ALL GEAR	2024	
008579	2024-OL323086-001	387	USER FEE PRIVATE OYSTER AQUACULTURE	2024	
008579	OL628762-001	500	COMMERCIAL REGISTRATION	2024	

Fisheries Tracking System

Virginia Marine Resources Commission

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Compliance History

ANTHONY D HOGGE

Year	Buyer	Month	Days	Violation	Comments	Summons	Resolved
2024		June		Failure to Report	Online Reporter Has Received 3 Email Notices for June 2024.		✓
2024		April		Failure to Report	Second Notification sent from compliance process. Reply required by September 15, 2024 Second Notification sent from compliance process. Reply required by September 15, 2024 Online Reporter Has Received 3 Email Notices for April 2024.		✓
2024		March		Failure to Report	Second Notification sent from compliance process. Reply required by August 15, 2024 Online Reporter Has Received 3 Email Notices for March 2024.		✓
2024		February		Failure to Report	Third Notification sent from compliance process. Reply required by August 15, 2024 Third Notification sent from compliance process. Reply required by August 15, 2024 Second Notification sent from compliance process. Reply required by July 15, 2024 Online Reporter Has Received 3 Email Notices for February 2024.		✓
2024		January		Failure to Report	Second Notification sent from compliance process. Reply required by June 15, 2024 Online Reporter Has Received 3 Email Notices for January 2024.		✓
2023		October		Failure to Report	Online Reporter Has Received 3 Email Notices for October 2023.		✓
2023		March		Failure to Report	Online Reporter Has Received 3 Email Notices for March 2023. Received green card on 05/18/2023. KG 05/18/2023		✓
2023		February		Failure to Report	Online Reporter Has Received 3 Email Notices for February 2023. Received green card on 05/18/2023. KG 05/18/2023		✓
2022		June		Failure to Report	Second Notification sent from compliance process. Reply required by November 15, 2022 Online Reporter Has Received 3 Email Notices for June 2022.		✓
2022		March		Failure to Report	Online Reporter Has Received 3 Email Notices for March 2022.		✓
2021		November		Failure to Report	Online Reporter Has Received 3 Email Notices for November 2021.		✓
2018		October		cons vio: harvesting w/o license	"28.2-523 unlawfully harvesting oysters with a scrape in an unauthorized area- class 6 felony" 10/22/15 --JC 2/9/18	✓	✓
2016		May		Conservation Violation: Fail To Report	4VAC20-610.60 Fail to report seafood harvest to mandatory reporting - VMRC Date of Offense: 5/31/2016 -- AC 10/25/2016	✓	✓
2016		May		Conservation Violation: Fail To Report	4VAC20-610-60 Unlawfully fail to fully report harvest. Date of Offense: 05/31/2016 -- AC 10/25/2016	✓	✓

2016	April	Conservation Violation: Oyster	4VAC20-1250-30 / 28.2-201 Unlawfully fail to affix harvester tag to harvested oysters. Date of Offense: 04/22/2016 -- AC 10/25/2016	✓	✓
2016	April	Conservation Violation: License	46.2-301 Unlawfully drive motor vehicle after license had been suspended. Date of Offense: 04/18/2016 -- AC 10/25/2016	✓	✓
2016	May	Conservation Violation: Fish	4VAC20-252-160 Use 2016 VMRC attendee stripped bass tags of another. Date of Offense: 05/31/2016 -- AC 10/25/2016	✓	✓
2016	May	Conservation Violation: Fish	4VAC20-252-130 Harvest attentive stripped bass without a 2016 VMRC Stripped bass permit. Date of Offense: 05/31/2016 -- AC 10/25/2016	✓	✓
2016	April	Conservation Violation: Stripped Bass Tags	4VAC20-252-160 Use 2016 VMRC stripped bass tags belonging to another. Date of Offense: 04/29/2016 -- AC 06/28/2016	✓	✓
2016	April	Conservation Violation: Fail To Report	4VAC20-610-60 Fail to report harvest of tidal fish / crab to VMRC mandatory reporting. Date of Offense: 04/29/2016 -- AC 06/28/2016	✓	✓
2016	April	Conservation Violation: Stripped Bass	4VAC20-252-130 No 2016 VMRC stripped bass permit. Date of Offense: 04/29/2016 -- AC 06/28/2016	✓	✓
2016	June	Failure to Report	Online Reporter Has Received 3 Email Notices for June 2016. Called and talk to Mr. Hogge about his missing June 2016 report. He stated he worked on Ron Sopko's grounds but he didn't know what days. I asked him did he want to report anything and he stated NO! He also said that Jamie Green LE took his license in July 2016 and he no longer works on the water. He is now working on a tug boat. NJM 09/15/16 - Green Card Received 11/01/21 - SL		✓
2016	April	Failure to Report	Online Reporter Has Received 3 Email Notices for April 2016. Reported no activity per phone call for April and May 2016 - sri 6/9/16		✓
2015	December	Failure to Report	Online Reporter Has Received 3 Email Notices for December 2015. report received 2/4/16-LED RESOLVED 2/8/16		✓
2015	November	Failure to Report	He was told he is missing Nov2015 reports - he indicated they were mailed - he was told they had not been processed; he is currently on probation and can't be late with reports - sri 12/14/15. Missing month has been submitted - sri 12/30/15		✓
2015	January	Probation: Failure to Report	Mr. Hogge was put on 2 year probation(with threat of immediate revocation) by the Commission at its meeting on 5/26/15 due to the unanimous approval by the Commission of the following motion: Mr. Hogge's licenses and permits are revoked for 2 years but this is suspended (probation)for two years unless a natural resource conviction occurs and then the revocation will begin immediately the day of conviction for the remainder of the two year period (ending May 25, 2017) or if he fails to report and is summoned for a hearing again before the Commission then the revocation will begin immediately the day of the scheduled Commission hearing for the remainder of the two year period (ending May 25, 2017).-LED 5/26/15 / Pre Stephanie ...Sent LE paperwork on why Mr. Hogge's licence were taking. NJM 09/19/16		✓
2015	February, March	Failure to Report	Failed to report by the fifth of the month for the previous month-LED 4/13/15 reports received 4/16/15 at the counter to Nancy McElligott-LED RESOLVED but not until after he had already been served-LED 4/20/15		✓
2015	April	Hearing: Probation	Convicted of harvesting oysters with hand scrape in hand tong area Date of offense: 12/26/2014;		✓

			Violation	<p>Summons #: 127006 He is also missing 2015/Feb and Mar as of 4/6/15. He has violated the terms of his probation by violating any provisions of the VMRC Regulation 4VAC20-610-10 et seq., or any other regulation or law relating to the Marine Resources Commission of the Commonwealth-LED 4/6/15; Mr. Hogge came in the office yesterday Apr. 16,2015 to turn in his missing reports for Feb and March. He turned in two folders one with Jan and March forms Jan was dated and marked with no work. I checked his history for Jan after discovering he had already reported Jan 2015. I printed the Jan harvest and showed him and also asked him if the reports that we already have was correct or was the forms that he turn in today was the correct ones and he said no he must had made a mistake with the no work forms. Feb reports was make the same as the Jan no work. The Mar report was correct. I told Mr. Hogge that he was not to turn in forms saying no work that he either need to call and report NOT over the 800 line or speak to one of the techs. He also had the option to send in a green card. I told him before he left that he needed to take his reporting serious and make sure he kept his reporting. NJM - sri 4/17/15;Mr. Hogge called the office this morning and informed me that he needed a copy of his serve letter that he was on probation for one year. I told him I would pull his letters and make him copies of the letter. He maintained that he did not know that he was on probation when he received his ticket and was convicted of the charges. He stated he thought he was okay after his revocation ended. I told him he was placed on probation immediately following his revocation for a period of one-year. He stated that he had hired a lawyer at a cost of \$3,000 and he didnâ€™t understand why he was being brought before the Commission. He was told that he had violated his probation, by receiving a marine violation and not reporting his harvest per the regulation. He stated he would be coming into the office to get a copy of the letter - sri 4/21/15;Attorney from Hampton contacted our office to let us know they may be taking Mr. Hogge case, and requested an continuance, they were told once a harvester is 'served' to appear before the Commission he has to appear. At the hearing they can request the case be continued and the Commission can decide at that time - he stated he would send paperwork if Mr. Hogge secures him as his lawyer - sri 4/23/14 The Commission voted to grant him a continuance at its meeting on 4/28/15 to be heard at the next meeting on May 26, 2015-LED 4/28/15 RESOLVED was heard at hearing on 5/26/2015-LED</p>		
2014		October-October	Probation: Failure to Report	<p>Mr. Hogge was placed on Probation for one year by the Commission at its April 22, 2014 meeting. His probation is to immediately follow the end of his 6 month revocation, therefore it begins October 21, 2014 and will end October 20, 2015-LEW 10/21/14 This action was ended by the Commission at its 5/26/15 meeting-LED RESOLVED 6/1/15</p>		✓
2014		April-October	Revocation: Failure to report	<p>Mr. Hogge's licenses and permits were revoked for 6 months at his hearing on April 22, 2014 for failure to report and violating the terms of his probation-LEW 4/22/14</p>		✓
2014		January, February, March	Failure to Report	<p>Failed to report months by the 5th of the following month. This is a probation violation-LEW 4/11/14 reported NOT by phone for February and March 2014 on 4/22/14-LEW brought in January 2014 report to counter before his hearing-LEW RESOLVED 4/22/14</p>		✓

2014		April		Hearing: Probation Violation	Mr. Hogge was placed by the Commission on a two year probation for failure to report his harvest for the months of December, 2012 and January, 2013. This probation decision was made on 9/24/13 but began after 10 days from 9/24/13 that he had to get his reports in. So he is on probation from 10/4/13 to 10/3/15. He violated the terms of this probation by failing to report by the 5th of the month and has been scheduled for a hearing on 4/22/14-LEW		✓
2013		January		Failure to Report	Third Notification sent from postcard process. Reply required by Monday, August 26, 2013. Reported 'no activity' for the month; when he came into the office, however we have documented oyster data sold to 'Sea Farms' for Dec 2012 and Jan 2013 - sri 9/24/13 report received in person at counter on 10/4/13-LEW RESOLVED		✓
2013		February		Failure to Report	Third Notification sent from postcard process. Reply required by Monday, August 26, 2013 report received 8/22/13-LEW RESOLVED 8/26/13		✓
2013		January-March		Failure to Report	Missing harvest reports for Jan - Mar 2013 - sri 6/3/13. Called and unable to leave a msg about missing harvest reports - received a message that his mailbox was full - sri 8/6/13 - 4:44pm. All missing reports have been received - sri 9/24/13		✓
2012	Sea Farms	December		Failure to Report: oyster harvest	Buyer purchased illegally - harvester did not have a valid 2012 mrcid - sri 6/4/13. Called and left a msg about missing harvest reports - sri 8/6/13 - 4:48pm. Came into the office with August 2013 reports, however he did not bring Dec 2012 and January 2013 harvest reports into the office - sri 9/24/13 report received in person at counter on 10/4/13-LEW RESOLVED		✓
2011		May		Conservation Violation: litter state waters	Cast garbage into state waters (bait boxes). RRH 08/01/11	✓	✓



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

July 31, 2024

PERSONAL SERVICE

Anthony Hogge



Dear Mr. Hogge:

Pursuant to Section 28.2-528 of the Code of Virginia, you are hereby notified that a hearing will be held regarding your oyster convictions during the monthly Commission meeting on Tuesday, August 27, 2024, at 9:30 AM, or as soon thereafter. At the hearing, the Commission staff will assert or question the matters of fact or law set forth in the documents provided on the link located at <https://www.mrc.virginia.gov/calendar.shtm> to determine the length of time for the revocation of your Commission-issued licenses and fishing privileges in the Commonwealth's tidal waters. The documents for the August meeting will be available online Friday, August 23, 2024. Please bring all licenses issued to you to the meeting and please be present by 9:30 AM. The hearing will be held during the monthly Commission meeting at 380 Fenwick Road, Building 96, Fort Monroe, VA 23651. The Commission may revoke your licenses and privileges to fish in tidal waters for a period of up to five years.

If you have any questions concerning this letter, you may contact me at my office at (757) 247-2206 any time during business hours.

Sincerely,

Herbert Bell
Lt. Col. of Law Enforcement

HB/mlg

Hand delivered to Anthony Hogge
MRC ID: 008579

Southall
by MPO 410 on 8/1/24
Date

Anthony Hogge

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www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Virginia Marine Resources Commission License History Report



RAYMOND - JENKINS JR

MRC ID: 2926

License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
022926A		500	COMMERCIAL REGISTRATION	2002-02-21	2002	50050	SOLD
012926A		500	COMMERCIAL REGISTRATION	2001-02-28	2001	50050	SOLD
002926A		500	COMMERCIAL REGISTRATION	2000-02-28	2000	50050	SOLD
TT3526A	HS0005	310	HAUL SEINE-UNDER 500 YDS	1999-04-18	1999	10A02	SOLD
992926A		500	COMMERCIAL REGISTRATION	1999-02-24	1999	50050	SOLD
UU2885A	CA0254	211	CRAB POT-85 OR LESS	1998-03-30	1998	10A02	SOLD
UU2885B	HS0034	310	HAUL SEINE-UNDER 500 YDS	1998-03-30	1998	10A02	SOLD
982926A		500	COMMERCIAL REGISTRATION	1998-02-19	1998	50050	SOLD
TT0348A	HS0024	310	HAUL SEINE-UNDER 500 YDS	1997-03-29	1997	10A02	SOLD
TT0348B	CA0197	211	CRAB POT-85 OR LESS	1997-03-29	1997	10A02	SOLD
972926A		500	COMMERCIAL REGISTRATION	1997-02-13	1997	50050	SOLD
962926A		500	COMMERCIAL REGISTRATION	1996-02-28	1996	50050	SOLD
NN2610A		112	CLAM PATENT TONGS-SINGLE	1995-01-04	1995	10A02	SOLD
952926A		500	COMMERCIAL REGISTRATION	1994-12-30	1995	50050	SOLD
PP4489	GX0163	304	GILL NETS-1200 OR LESS	1994-08-09	1994	10A02	SOLD
942926		500	COMMERCIAL REGISTRATION	1994-01-10	1994	50050	SOLD
PP5047		112	CLAM PATENT TONGS-SINGLE	1994-01-10	1994	10A02	SOLD
KK1542		112	CLAM PATENT TONGS-SINGLE	1993-02-20	1993	10A02	SOLD
932926		500	COMMERCIAL REGISTRATION	1993-02-16	1993	50050	SOLD
FF7667		104	OYSTERS BY HAND TONGS	1992-09-29	1992	10A02	SOLD
AA9127		112	CLAM PATENT TONGS-SINGLE	1992-01-02	1992	10A02	SOLD
T04538		112	CLAM PATENT TONGS-SINGLE	1991-01-07	1991	10A02	SOLD
W04363		112	CLAM PATENT TONGS-SINGLE	1990-05-05	1990	10A02	SOLD
J02932	CP0592	201	CRAB POT INDIVIDUAL	1988-04-01	1988	10A02	SOLD

Fisheries Tracking System

Virginia Marine Resources Commission

Close Window

Compliance History

RAYMOND - JENKINS JR

[There are no compliance issues.](#)

Fisheries Tracking System

There are no preauthorizations for this licensee.

Close Window



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

July 31, 2024

PERSONAL SERVICE

Raymond Jenkins, Jr.



Dear Mr. Jenkins:

Pursuant to Section 28.2-528 of the Code of Virginia, you are hereby notified that a hearing will be held regarding your oyster convictions during the monthly Commission meeting on Tuesday, August 27, 2024, at 9:30 AM, or as soon thereafter. At the hearing, the Commission staff will assert or question the matters of fact or law set forth in the documents provided on the link located at <https://www.mrc.virginia.gov/calendar.shtm> to determine the length of time for the revocation of your Commission-issued licenses and fishing privileges in the Commonwealth's tidal waters. The documents for the August meeting will be available online Friday, August 23, 2024. Please bring all licenses issued to you to the meeting and please be present by 9:30 AM. The hearing will be held during the monthly Commission meeting at 380 Fenwick Road, Building 96, Fort Monroe, VA 23651. The Commission may revoke your licenses and privileges to fish in tidal waters for a period of up to five years.

If you have any questions concerning this letter, you may contact me at my office at (757) 247-2206 any time during business hours.

Sincerely,

Herbert Bell
Lt. Col. of Law Enforcement

HB/mlg

Hand delivered to Raymond Jenkins, Jr.
MRC ID: 2926

by MPO Southall 410 on 7/31/24
Date

Raymond Jenkins, Jr.

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Virginia Marine Resources Commission License History Report



DEAN W RHEA

[REDACTED]
[REDACTED]
MRC ID: N098283

License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL322664-001		109	OYS AQUACULT HARVESTER PERM	2021-07-14	2021	08A10	SOLD

There are no preauthorizations for this licensee.

Close Window

Fisheries Tracking System

Virginia Marine Resources Commission

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Compliance History

DEAN W RHEA

[There are no compliance issues.](#)

Fisheries Tracking System



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

July 31, 2024

PERSONAL SERVICE

Dean Rhea



Dear Mr. Rhea:

Pursuant to Section 28.2-528 of the Code of Virginia, you are hereby notified that a hearing will be held regarding your oyster convictions during the monthly Commission meeting on Tuesday, August 27, 2024, at 9:30 AM, or as soon thereafter. At the hearing, the Commission staff will assert or question the matters of fact or law set forth in the documents provided on the link located at <https://www.mrc.virginia.gov/calendar.shtm> to determine the length of time for the revocation of your Commission-issued licenses and fishing privileges in the Commonwealth's tidal waters. The documents for the August meeting will be available online Friday, August 23, 2024. Please bring all licenses issued to you to the meeting and please be present by 9:30 AM. The hearing will be held during the monthly Commission meeting at 380 Fenwick Road, Building 96, Fort Monroe, VA 23651. The Commission may revoke your licenses and privileges to fish in tidal waters for a period of up to five years.

If you have any questions concerning this letter, you may contact me at my office at (757) 247-2206 any time during business hours.

Sincerely,

Herbert Bell
Lt. Col. of Law Enforcement

HB/mlg

Hand delivered to Dean Rhea
MRC ID:

by MPO H. Gordon on 7.31.24
Date

Dean Rhea

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

August 22, 2024

MEMORANDUM

TO: Commissioner Jamie Green
Mr. William Bransom
Ms. Kelci Block
Mr. Jeremy S. Headley
Ms. Jeannette Edwards
Mr. A. J. Erskine
Ms. Lynn Kellum
Mr. Preston White
Mr. Thomas Preston
Mr. Lyle Varnell
Mr. Patrick Hand

FROM: Randy Owen, Chief, Habitat Management Division *RDO*

SUBJECT: Habitat Management Division Evaluations for the August Commission Meeting

Attached please find the Habitat Management Division evaluation for this month's Commission meeting. We now have eight Page Two and one Page Three cases.

As a reminder, a more complete application record for each of the Habitat agenda items, including the permit applications, agency or public comments, and protests can be viewed on our agency website. The information can be found through the Habitat Permits link in the Habitat Management section of the VMRC home page or directly at <https://webapps.mrc.virginia.gov/public/habitat/> You can enter the project number to view the information (2024-0701).

I look forward to seeing everyone next Tuesday.

RDO/lra

HM

Attachments

cc: Dr. Mark Luckenbach, VIMS

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August 27, 2024

HABITAT MANAGEMENT DIVISION EVALUATION

JOSHUA WALTERS, #24-0040, requests after-the-fact authorization to retain a private pier serving 3017 Mansfield Lane situated along Blackwater Creek in the City of Virginia Beach.

Staff was processing an application requesting authorization to construct a new private open-pile timber pier including a 3-foot by 40-foot L-head, a 10-foot by 24-foot floating dock, a finger pier surrounding a slip, a boat lift, two (2) PWC lifts, and a 26-foot by 24-foot elevated observation deck platform with stairway access to serve the applicant's private residential property. On July 1, 2024, staff was notified by the applicant's agent, Mr. Robert Simon, that the pier and appurtenant elevated observation deck platform had been completely constructed over state-owned submerged lands prior to the issuance of a VMRC permit. Staff conducted a site inspection on July 8, 2024, with the contractor, Carolina Marine Construction, and confirmed that the pier and platform were completely constructed.

The contractor stated that he relies upon the agent to stake out the pier alignment prior to commencing work to ensure the pier is constructed in accordance with the approved plans. The agent stated they were in the area staking another pier and decided to preemptively stake Mr. Walters' pier at that time. Carolina Marine Construction immediately took responsibility for the oversight and indicated that since the pier alignment had been staked out, he misunderstood that to mean he was able to begin construction.

The City of Virginia Beach Waterfront Operations Office approved the project on February 12, 2024, and the U.S. Army Corps of Engineers issued PASDO permit on February 6, 2024. Additionally, as part of our standard processing of the submitted application, the requisite news ad and Adjacent Property Owner notifications garnered no opposition to the project.

Staff received as-built project drawings submitted by the agent on July 9, 2024, which shows the pier has been constructed in conformance with the plans and drawings submitted with two (2) exceptions: the 10-foot by 24-foot floating dock was not constructed, and the elevated observation deck was constructed at 24-foot by 22-foot, which is smaller than the proposed deck. Despite the reduction in deck space, a permit would have still been required given that the cumulative deck space exceeds the allowable 400 square feet pursuant to §28.2-1203(A)5 of the Code of Virginia.

The applicant, Mr. Walters, has agreed to pay a triple permit fee of \$900.00, and Carolina Marine Construction has agreed to pay a civil charge of \$1,000.00 due to a minimal environmental impact and a minor degree of noncompliance. Staff was prepared to administratively issue a subaqueous permit upon the expiration of the public interest review. Accordingly, staff recommends approval of the after-the-fact permit to retain the pier and elevated observation deck platform as installed with the agreed upon triple permit fee and the aforementioned civil charge in lieu of further enforcement actions.

SHELLFISH MANAGEMENT DIVISION EVALUATION, 08/27/2024

PUBLIC HEARING: Proposal to amend Chapter 4VAC20-720-10 et seq., “Pertaining to Restrictions on Oyster Harvest” to establish the 2024-2025 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

ISSUES: Prior to October 1st of each year, the Commission can establish, by regulation, Chapter 4 VAC 20-720-10 et seq., “Pertaining to Restrictions on Oyster Harvest”, the areas of public oyster harvest, public oyster harvest seasons and oyster resource conservation measures if they choose these to be different from those which are established by §28.2-506 of The Code of Virginia. The Commission has no requirement to change the oyster season established by code, but may do so, per section §28.2-507 of the Code of Virginia, “in order to protect or promote the growth of oysters”. The Commission may establish methods and seasons of harvest in those areas described in §28.2-524 of the Code of Virginia that “promote the oyster or clam fishery”.

BACKGROUND: The reported oyster harvest from Virginia waters, on both public and private oyster ground, over the last 20 years has generally tracked upward from record low harvest in the 1990s and early 2000s. Seasonal harvest amounts are directly affected by the length of harvest season, the number of active harvesters, daily bushel limit, and market condition. Annual total harvest numbers are primarily influenced by market condition and not the health of the resource. Preliminary harvest numbers for the 2023-2024 season indicated a modest decrease from the previous year to ~256,000 bushels which is still well above the 20-year average (143,000 bushels) (Graph 1). Information gathered during the annual stock assessment surveys of the public oyster grounds is used in conjunction with the advice and recommendations of the Shellfish Management Advisory Committee (SMAC) and the Virginia Institute of Marine Science (VIMS) to develop the proposed public oyster harvest season and recommended management measures each year (Chart 1).

Staff and SMAC agree that many of the changes made in recent years should continue this season as these measures have had the primary intended effect of preventing high levels of fishing effort from being focused on single harvest areas. These measures help to mitigate both a safety concern about “overcrowding” expressed by many watermen, as well as negative impacts to the oyster resource. Staff and SMAC support the continuation of these measures for the

2024-2025 public harvest season as follows:

- A vessel limit of 28 bushels for vessels harvesting by hand or hand tong.
- An individual harvest limit for harvest by hand or hand tong of 14 bushels.
- Maintaining a harvest day ending at 11am for all gear types for the month of October.
- Maintaining a harvest day that ends at 12 noon for all gear types except hand and hand tong for all months other than October.
- Maintaining the patent tong harvest season in some areas to be concurrent with other gear types and other harvest areas.
- Extending the season length in the James River Areas 1,2, and 3 from 13 weeks (2020-2021 season) to 22 weeks.
- Maintaining hand tong as the gear type permitted in the upper portion of the York River.
- Maintaining 3-year rotational areas in the main-stem of the Rappahannock River.

The intent of maintaining this recent management structure, along with the coordinated opening of harvest areas is to allow for the incremental long-term expansion of the oyster resource and oyster fishery while providing resource and fishery stability.

The SMAC also made the following recommendations for the 2024-2025 that are fully supported by staff:

- Transitioning a portion of the upper Pocomoke area from a hand scrape area to a hand tong area
- Developing a rotational management strategy in portions of the upper Pocomoke/Saxis area to provide more consistent open harvest areas each year
- Creating an online system for the daily reporting of James River seed harvest rather than a call-in line. Proposed changes for this season will only require that harvest be reported online daily. This removes redundant reporting requirements, reduces regulatory burden, and increases real time quota monitoring accuracy.

At the August SMAC meeting the committee also put forward several recommendations that are different than the recent management structure. These recommendations by SMAC were made to balance long-term sustainability of the resource with short term flexibility to adjust to market needs. The industry has indicated that this season's market will be higher on supply than demand due

to high supply in the Gulf states and that, most likely, the market will limit harvest across the bay. The recommendations by SMAC may have an adverse impact on the long-term management and sustainability of the oyster resource if demand for product was high, but short-term impacts may be able to be mitigated with current replenishment efforts:

- *Opening areas in the Upper Great Wicomico and Piankatank Rivers to public oyster harvest (Chart 2)*

The four harvest areas in the Piankatank River that were proposed to be opened have been closed for more than 20 years to commercial harvest but have seen harvest as part of a seed harvest program. The annual oyster survey shows these areas have more than enough resources to support harvest with any gear type. These areas are currently counted towards longstanding oyster restoration goals as part of the 2014 Chesapeake Bay Agreement (Literature 1,2,3). SMAC debated on spreading the harvest across all 4 deeper areas or to open hand scrape to only Burtons Bay to allow for better monitoring and simplified replenishment. Staff received public comments from NOAA and the USACE that expressed concern on whether harvest in this area would allow them to continually meet the restoration goals. They also had concerns of the proximity of the recommended areas to newly constructed restoration reefs and asked that any harvest areas be well marked and enforced. If the Commission adopts any open harvest in these areas, staff would propose mitigating replenishment efforts be supported by both SMAC and the Commission in the agency's annual Oyster Replenishment Plan.

- *Opening multiple areas (York River and Great Wicomico) out of the current 2 or 3-year rotation cycle to hand scrape*
SMAC has recommended open harvest to spread effort across rocks rather than concentrate fishing effort in these areas. However, if harvest effort is not stunted by the market as expected, this may not allow these areas time to recover and grow for longer-term sustainability. If the Commission chooses to remove these areas from the 2-year rotational management structure current regulation allows the agency to adaptively manage these areas by closing them to protect the resource.
- *Extending the season in certain geographic locations, such as the Rappahannock River and Great Wicomico areas, by not overlapping the opening and closing dates of individual river harvest areas*
SMAC has recommended to shorten the number of open days in an area rather than having open areas that overlap.

This may allow for more concentrated effort in these individual river areas. These recommendations were made to reduce costs to the industry and were a reduction in the number harvest days in a specific area. If the Commission chooses to remove these areas from the 2-year rotational management structure current regulation allows the agency to adaptively manage these areas by closing them to protect the resource

When considered in totality, many of SMAC's recommendations align with recent management practices and help prevent excessive fishing effort from being concentrated in specific river harvest areas. These measures address safety concerns about "overcrowding" raised by many watermen and minimize negative impacts on the oyster resource. However, the long-term effects of reducing the overlap of concurrent harvest areas or expanding gear types may necessitate additional replenishment efforts and could extend the recovery time for reefs. Anticipated reduced market demand in 2024 may alleviate these concerns and supports a flexible approach, given the Agency's ability to manage through seasonal closures as needed adaptively. Staff encourages an incremental strategy that encourages oyster resource management that is focused on the long-term trend of an increasing or stable oyster resource.

STAFF

RECOMMENDATION:

Staff recommends adopting amendments to Chapter 4VAC20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest, as to establish the 2024-2025 areas of public harvest, public oyster harvest seasons and oyster resource conservation measures.

Attachments:

1. Chart 1 SMAC Season Recommendation
2. Chart 2 SMAC Season Recommendation on Piankatank and Great Wicomico Areas
3. Graph 1
4. Public Comments
5. Public Notice
6. Draft Regulation

Other Literature:

1. [2014 Chesapeake Bay Agreement](#)
2. [Piankatank River Oyster Restoration Tributary Plan](#)
3. [Great Wicomico River Oyster Restoration Tributary Plan](#)

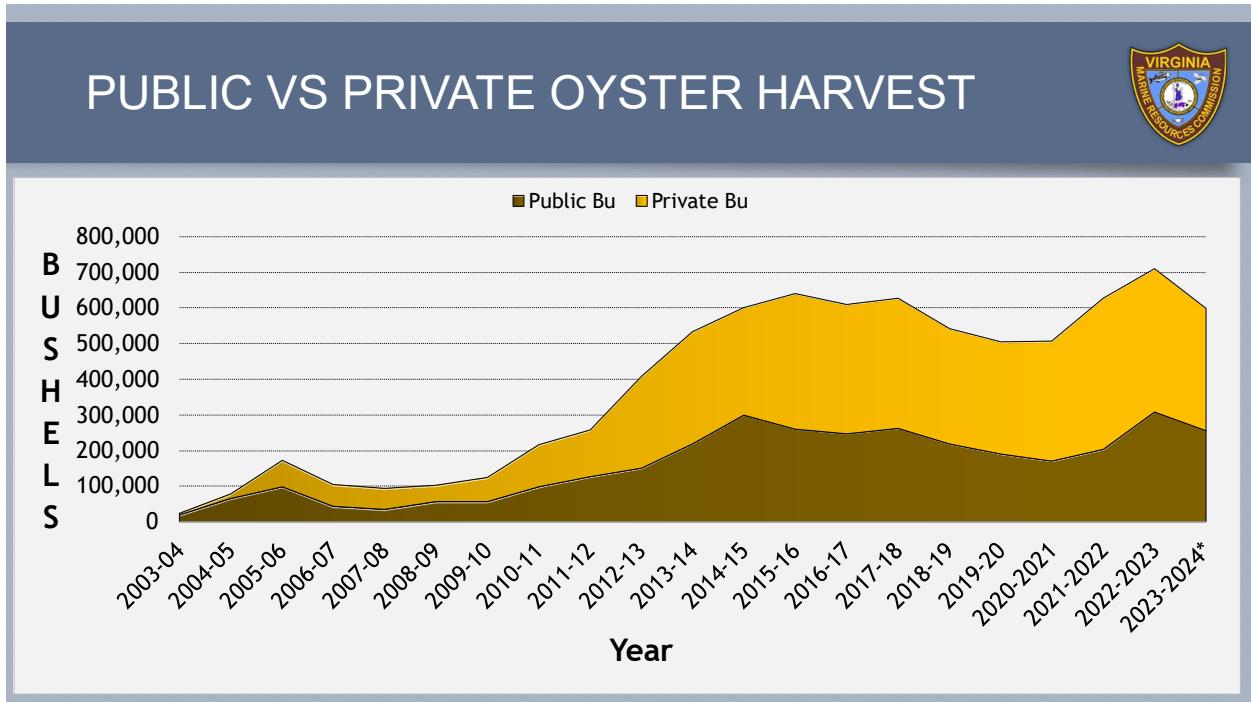
Chart 1

SMAC								
Area	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
James River								
Clean Cull	HT*	HT	HT	HT	HT	HT	HT	HT*
Area 1,2,3	HS*	HS*	HS*	HS*	HS*	HS*		
Seed Oysters	HT*	HT	HT	HT	HT	HT	HT	HT
York River								
Mobjack					HS*			
York HTA	HT*	HT	HT	HT	HT	HT		
York 2		HT	HT	HT	HS*	HS*		
York 1		HT	HT	HS*	HT	HT		
Milford Haven								
Deep Rock		PT*	PT*	PT*	PT*	PT*		
Rappahannock								
Area 1	PT*	PT*	PT*					
Area 3					HS*	HS*		
Area 5	HS*	HS*						
Area 7	HT*	HT	HS*	HT	HT	HT		
Area 8	HT*	HT	HT	HS*	HT	HT		
Area 9	HT*	HT	HT	HT	HT	HT		
Corrotoman HTA	HT*	HT	HT	HT	HT	HS*	HT	
Larsons Bay	PT*	PT*	PT					
Great Wicomico 1								
Great Wicomico 2			HS*					
Blackberry Hangs								
Little Wicomico	HT*	HT	HT					
Potomac Tribs	HT*	HT	HT					
Indian Creek	HT*	HT	HT	HT	HT	HT		
Tangier-Pocomoke								
Poco Area 2		DR*	DR*	DR*	DR*			
Tangier Area 2			DR*	DR*	DR*			
Hurleys						DR*		
Poco. Sound 9		HT	HT	HT	HT	HT		
Poco. Sound 10		HT	HT	HT	HT	HT		
Poco. Sound 11		HS*	HT	HT	HT	HS*	HT	
Seaside ES								
		By Hand	By Hand	By Hand	By Hand	By Hand	By Hand	
HT	HS							
Hand Tong	Hand Scrape					Patent Tong		By Hand
* harvest ends at noon/ 11am in October and 10 am in May						Online Mandatory Reporting Codes		
<u>Bushel Limits</u>								
8 bushel limit HS/DR/PT - 16 BU. Vessel limit						HT = OT		
14 bushel limit HT/By Hand - 28 BU. Vessel limit						HS = OSCR		
Click Here for a Map of Open Areas						DR = OYDRD		
https://webapps.mrc.virginia.gov/harvest/						PT = PTOYS		
						HAND = OYHND		

Chart 2

Piankatank And Great Wicomico "New" Areas								
Area	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Great Wicomico								
Sandy Point	HT*	HT	HT					
Shell Bar	HT*	HT	HT					
Haymie Point	HT*	HT	HT					
Piankatank								
Bland Point						HS*		
Cape Tune						HS*		
Burton Point						HS*		
Palaces Bar						HT		
HT	HS		DR			PT		By Hand
Hand Tong	Hand Scrape		Dredge			Patent Tong		
* harvest ends at noon/ 11am in October and 10 am in May						Online Mandatory Reporting Codes		
Bushel Limits								
8 bushel limit HS/DR/PT - 16 BU. Vessel limit						HT = OT		
14 bushel limit HT/By Hand - 28 BU. Vessel limit						HS = OSCR		
Click Here for a Map of Open Areas						DR = OYDRD		
https://webapps.mrc.virginia.gov/harvest/						PT = PTOYS		
						HAND = OYHND		

Graph 1



August 22, 2024

Jamie Green, Commissioner
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651

RE: Comments Pertaining to Restrictions on Oyster Harvest

Dear Commissioner Green:

On behalf of the National Oceanic and Atmospheric Administration's (NOAA) Office of Habitat Conservation, and the Norfolk District, U.S. Army Corps of Engineers (USACE), we wish to provide the following comments on the recommendation by Virginia Marine Resources Commission's (VMRC) Shellfish Management Advisory Committee to open to harvest reefs in the Piankatank and Great Wicomico Rivers that are classified as "restored" under the oyster outcome in the 2014 Chesapeake Bay Watershed Agreement (Watershed Agreement). As you know, the Commonwealth, through VMRC, has been a leader toward accomplishing this outcome, supporting oyster reef restoration in all six Virginia tributaries that were selected for completion. NOAA and USACE are grateful for this leadership.

Our agencies have a strong interest in restoring oysters in the Chesapeake Bay to rebuild oyster reef habitat and enhance the many benefits reefs provide for the natural ecosystem and surrounding communities. Oysters filter and clean the water, provide habitat for fish and crabs, and enhance other commercial and recreational fisheries. Over the years, oyster populations and the reef habitat they provide have been negatively affected by disease, overfishing, and poor water quality. There is a need to restore and conserve this critical habitat for the health of the Bay, which is why we have invested in restoration planning, science, and reef construction.

A large group of partners, including VMRC, USACE, and NOAA, have deemed 621 acres of oyster reefs restored in the Piankatank and Great Wicomico rivers combined. This is part of the collective effort to restore oyster reef habitat in 10 tributaries by 2025, and ensure its protection, as set forth in the oyster outcome of the Watershed Agreement. The cost of restoration work in these two tributaries was approximately \$12 million.

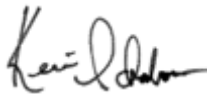
In addition to funding the construction of reefs in the Piankatank River, NOAA led the multiagency planning process that developed the restoration blueprints for the Piankatank and Great Wicomico rivers. As part of that process, approximately 200 acres of existing reef in the Piankatank and 100 acres of existing reef in the Great Wicomico were classified as restored. These reefs were considered restored because they met the Oyster Restoration Success Metrics established by the Chesapeake Bay Program and other oyster restoration partners to evaluate the performance of both existing and constructed oyster reefs. We are concerned that opening harvest in the Piankatank and Great Wicomico rivers will result in the loss of this oyster reef habitat acreage, and the multiple benefits this acreage provides. The potential loss could also

affect whether these tributaries will continue to meet the Oyster Restoration Success Metrics and, therefore, continue to count toward meeting the oyster outcome under the Watershed Agreement. The success of meeting this outcome is frequently touted as an example of how states, the federal government, industry, and nongovernmental organizations can work together to achieve things we could not have done individually. Opening reefs to harvest currently classified as restored could put this success at risk.

We are also concerned about the proximity of the proposed harvest areas in the Piankatank and the Great Wicomico to oyster reefs that were built either with federal funding or with VMRC's non-federal project matching funds. As part of the cooperative agreement with NOAA for the Piankatank reef restoration project, VMRC pledged that "all reefs constructed as part of the proposed project would be protected as sanctuaries through VMRC's regulatory authority to ensure their sustainability." Similarly, the Project Cooperation Agreement dated May 9, 2022, between VMRC and USACE highlights, "the construction of up to 215 acres of new oyster sanctuary reefs, the rehabilitation of approximately 46 acres of existing sanctuaries, and the enhancement of existing seed beds using alternative substrate." While the current proposed harvest areas do not include these federally funded reefs, the proposed harvest areas are located in close proximity to them.

We respectfully request that VMRC consider the implications that opening harvest on reefs currently classified as restored in the Piankatank and Great Wicomico could have on meeting the oyster outcome under the Watershed Agreement. We would also be extremely appreciative of VMRC using the suite of law enforcement tools at its disposal to ensure reefs that were restored using federal funding and VMRC's non-federal matching funds are not harvested.

Sincerely,



Kevin Schabow
Director (acting)
NOAA Chesapeake Bay Office



Keith B. Lockwood
Chief, Water Resources Division
USACE Norfolk District



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure



August 22, 2024

The Honorable Jamie Green
Commissioner
Virginia Marine Resources Commission
380 Fenwick Rd.
Hampton, VA 23651

Submitted via email only to: jennifer.farmer@mrc.virginia.gov

RE: Comments on the Proposed Piankatank River 2024-2025 Public Oyster Fishery

Dear Commissioner Green,

On behalf of the Chesapeake Bay Foundation (CBF) and The Nature Conservancy (TNC), we wish to provide the following comments on the Virginia Marine Resources Commission's (VMRC) amendments to Virginia's proposed 2024–2025 oyster season. We are encouraged that the oyster industry has experienced a decade of robust oyster landings, and we commend VMRC staff for adeptly managing this critical natural resource.

The Piankatank River was selected as one of ten priority tributaries for oyster restoration under the 2014 Chesapeake Bay Watershed Agreement. As you know, the Shellfish Management Advisory Committee (SMAC) supported a motion to open parts of the Piankatank River for hand tong or hand scrape harvest for ten working days in March 2025. Such an action would be the first time the Commonwealth has allowed market oysters to be harvested from a designated restoration tributary—although a number of bars were open to seed harvest in the past. While CBF supports opening more harvest bars for other gear types, we recommend delaying further decisions until January. Since the SMAC favored a March oyster harvest season, this will give VMRC staff and partners time to address the complex issues involved in opening the Piankatank to additional oyster harvesting.

The Piankatank River is among four in Virginia that meet the Bay Program's large-scale oyster restoration goals, with 437 acres of reefs identified in the system. This is partly due to the counting of 164 acres of seed harvest areas toward the oyster acreage goals. Restoration partners, including the National Oceanic and Atmospheric Administration, the Army Corp of Engineers, The Nature Conservancy, and VMRC secured permits and funding to construct an additional 234 acres. Because of the inclusion of non-harvest *and* sustainably managed harvest reefs, the Piankatank is considered the world's largest oyster reef restoration project. Further, the Piankatank River is known as a "trap estuary" because its unique water circulation pattern keeps oyster larvae within the river. The river has been managed for seed oyster production since 1963. Annual surveys show consistently high larvae recruitment, suggesting that management for the modest, controlled increase in harvest efforts may be accomplished with ongoing replenishment. The SMAC favored opening three bars simultaneously for hand scrape; however, CBF recommends a harvest management plan that allows for the unique opportunity to plan a rotational harvest schedule that alternates opening one harvest

bar this season.

Discussions on opening the Piankatank should be especially deliberate given the restoration activities that have taken place, the agreements that the Commonwealth has entered into with restoration partners, and the unique opportunity to consider management scenarios such as rotational harvest. Therefore, we believe a decision to open the Piankatank River to additional oyster harvest should be delayed until January to allow VMRC and stakeholders more time to fully consider a range of possibilities for opening the river. CBF supports the controlled expansion of harvest areas and respectfully requests the Commission to consider the following recommendations for opening the Piankatank:

- Harvest areas do not encroach on federally-funded restoration projects.
- Season is open sometime during the first two weeks of March 2025 and will not exceed ten working days.
- Hand scrape areas are placed in a rotational harvest and replenishment per the below recommendations
 - Hand scrape harvest areas are limited to one bar.
 - Harvest area does not encroach west beyond Palaces Bar.
 - Palaces Bar is limited to hand tong harvest only.
 - VMRC implements a replenishment plan that includes planting shell on all new harvest areas.
- Complete and publish a detailed review of the impacts of this harvest in the summer of 2025.

Proposed Rotational Harvest Scenarios for the Piankatank River

- Open Palaces Bar for hand tonging for the upcoming season and modify as needed depending on the results of the annual fall survey.
- Open a maximum of two bars for a two or three-year hand scrape rotation, with replenishment occurring at the end of the harvest season and modify as needed based on the results of the annual fall survey.

Thank you for your vital role in managing the Commonwealth's public oyster fishery. We appreciate your consideration of these comments.

Respectfully,



Jackie Shannon
Virginia Oyster Restoration Manager
Chesapeake Bay Foundation



Nikki Rovner
Associate State Director
The Nature Conservancy

cc: VMRC Associate Commissioners
Alison Prost, Vice President EPR, CBF
Chris Moore, Virginia Executive Director, CBF
Allison Colden, Maryland Executive Director, CBF



COMMONWEALTH of VIRGINIA

Marine Resources Commission
Building 96
380 Fenwick Road
Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By August 8, 2024, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, August 27, 2024, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the Shellfish Management Division proposals or on shellfish items not on the agenda must be provided by 12:00 p.m., Thursday, August 22, 2024, to Public Comments, VMRC Shellfish Management Division, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651, or sent by email to web.info@mrc.virginia.gov with the subject heading "Shellfish Commission Comments".

The Commission may review Shellfish Management Division items as early as 9:30 a.m.

I. Chapter 4VAC20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest"

The Commission proposes to amend Chapter 4VAC20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest" to establish the 2024-2025 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

In accordance with Section 28.2-203, 28-2-506, and 28.2-524 of the Code of Virginia, the purpose of these amendments is to manage the Virginia public oyster fishery for sustainable harvest and to prevent overfishing.

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS BECAUSE OF A DISABILITY, PLEASE ADVISE MICHELE GUILFORD (757-247-2206) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.

An Agency of the Natural and Historic Resources Secretariat
www.mrc.virginia.gov
Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

VIRGINIA MARINE RESOURCES COMMISSION
“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”
CHAPTER 4 VAC 20-720-10 ET SEQ.

PAGE 1 OF 26

This version is different than what was advertised on August 8, 2024. This update only alters section 85.

PREAMBLE

This chapter establishes times of closure and other restrictions, for conservation purposes, on the harvest of oysters from all oyster grounds in the tidal waters of the Commonwealth. This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-720-10 et seq., which was adopted ~~August 22, 2023~~, January 23, 2024, and made effective ~~October 1, 2023~~ January 26, 2024. The effective date of this chapter, as amended, is ~~January 26, 2024~~ October 1, 2024.

4VAC20-720-10. Purpose.

The purpose of this chapter is to conserve Virginia's oyster resources, especially oyster broodstock.

4VAC20-720-15. Control Date, License Moratorium, Transferability and Agents.

A. The Marine Resources Commission (commission) hereby establishes July 1, 2014, as the control date for management of all public oyster fisheries in Virginia. Participation by any individual in any public oyster fishery after the control date may not be considered in the calculation or distribution of oyster fishing rights should entry limitations be established. Any individual entering the public oyster fishery after the control date will forfeit any right to future participation in the public oyster fishery should further entry limitations be established by the Commission.

B. Only individuals who paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia in any year, from 2013 through 2016, may pay that fee in 2017, for harvest of oysters from public ground in 2017. In any year following 2017, eligibility to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia shall be limited to those individuals who paid the oyster resource user fee for harvest of oysters from public ground in the previous year.

C. Should the number of people eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia in any given year fall below 600, a random drawing shall be held to award eligibility to pay that oyster resource user fee to individuals who were not previously eligible until the number of persons eligible to pay the fee reaches 600. Any Commercial Fisherman Registration Licensees may apply for the random drawing.

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

CHAPTER 4 VAC 20-720-10 ET SEQ.

D. Any person eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia, or such person's legal representative, may transfer the eligibility to pay such user fee to:

1. A transferee who is the transferor's spouse, sibling, parent, child, grandparent, or grandchild and who possesses a current Commercial Fisherman Registration License and intends to participate in the public oyster fishery.
2. A transferee other than a person described in subdivision 1 of this subsection if the transferor has paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia for the previous five consecutive calendar years and has satisfied one of the following conditions:
 - a. Has oyster harvest documented by Marine Resources Commission’s mandatory harvest reporting system and buyers’ reports in a minimum of three of the previous five calendar years; or
 - b. Has a Commissioner of the Marine Resources-approved documented medical hardship or is deceased.

All transfers under this subsection shall be documented on a form provided by the Marine Resources Commission.

E. Exceptions to subsection B of this section shall only apply to those individuals who previously paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia and shall be based on documented medical hardships or active military leave that prevented the fisherman from fully satisfying the requirements of subsection B of the section. The Commissioner of the Marine Resources, in consultation with the Shellfish Management Division, shall have final authority of approval or denial concerning such medical hardship or active military leave exception requests.

F. No person shall serve as an agent for any public oyster gear licensee.

4VAC20-720-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Aid to navigation” means any public or private day beacon, lighted channel marker, channel buoy, lighted channel buoy, or lighthouse that may be at, or adjacent to, any Latitude and Longitude used in area descriptions.

"Beasley Bay Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Pocomoke Sound east of a line that begins at a point, located off the north end of Russell Island at Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence northerly to an end at Long Point at Latitude 37° 53.8568300' N., Longitude 75° 45.3632100' W.

"California Rock Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Tangier Sound south of a line that begins at a point located approximately 1.6 miles east of East Point Marsh at Latitude

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.**

37° 50.4093779' N., Longitude 75° 56.5165564' W.; thence due east to an end at a point at Latitude 37° 50.4093779' N., Longitude 75° 53.6926361' W.

“Clean culled oyster” means any oyster taken from natural public beds, rocks, or shoals that is 3 inches or greater in shell length.

"Coan River Area" means the Public Grounds within the Coan River consisting of Public Grounds 77 and 78 of Northumberland County described as:

Public Ground 77 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 2,300 feet northeast of Honest Point and 1,300 feet southwest of Travis Point, said point being Corner 1, located at Latitude 37° 59.5257207' N., Longitude 76° 27.8810639' W.; thence southwesterly to Corner 2, Latitude 37° 59.3710259' N., Longitude 76° 27.9962148' W.; thence southwesterly to Corner 3, Latitude 37° 59.2953830' N., Longitude 76° 28.0468953' W.; thence northwesterly to Corner 4, Latitude 37° 59.3350863' N., Longitude 76° 28.0968837' W.; thence northeasterly to Corner 5, Latitude 37° 59.3965161' N., Longitude 76° 28.0287342' W.; thence northwesterly to Corner 6, Latitude 37° 59.4758507' N., Longitude 76° 28.1112280' W.; thence north-northwesterly to Corner 7, Latitude 37° 59.5079401' N., Longitude 76° 28.1230058' W.; thence northeasterly to Corner 8, Latitude 37° 59.5579153' N., Longitude 76° 27.9889429' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

Public Ground 78 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 3,420 feet southeast of Travis Point and 3,260 feet northwest of Great Point, said point being Corner 1, located at Latitude 37° 59.4822275' N., Longitude 76° 27.1878637' W.; thence southeasterly to Corner 2, Latitude 37° 59.3824046' N., Longitude 76° 27.1088650' W.; thence southwesterly to Corner 3, Latitude 37° 59.2283287' N., Longitude 76° 27.8632901' W.; thence northeasterly to Corner 4, Latitude 37° 59.4368502' N., Longitude 76° 27.6868001' W.; thence continuing northeasterly to Corner 5, Latitude 37° 59.5949216' N., Longitude 76° 27.5399436' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

"Corrotoman Hand Tong Area" means all public grounds, in that area of the Corrotoman River and its tributaries north of a line beginning at Bar Point at Latitude 37° 41.65256000' N., Longitude 76° 28.66195000' W.; thence easterly to Black Stump Point at Latitude 37° 41.7360900' N., Longitude 76° 28.1212200' W.

“Deep Rock Area” means all Public Grounds and unassigned grounds, in that area of the Chesapeake Bay near Gwynn Island, beginning at Cherry Point at the western-most point of the eastern headland of Kibble Pond located at Latitude 37° 30.9802148' N., Longitude 76° 17.6764393' W.; thence northeasterly to the Piankatank River, Flashing Green Channel Light “3”, Latitude 37° 32.3671325' N., Longitude 76° 16.7038334' W.; thence east-southeasterly to the Rappahannock River Entrance Lighted Buoy G“1R”, Latitude 37° 32.2712833' N., Longitude 76° 11.4813666' W.; thence southwesterly to the southern-most point of Sandy Point, the northern headland of “The Hole in the Wall”, Latitude 37° 28.1475258' N., Longitude 76° 15.8185670' W.; thence northwesterly along the Chesapeake Bay mean low water line of the barrier islands of Milford Haven, connecting headland to headland at their eastern-most points, and of Gwynn Island to the western-most point of the eastern headland of Kibble Pond on Cherry Point, said point being the point of beginning.

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“Deep Water Shoal State Replenishment Seed Area” or “DWS” means that area in the James River near Mulberry Island, beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1, located at Latitude 37° 08.9433287’ N., Longitude 76° 38.3213007’ W.; thence southeasterly to Corner 2, Latitude 37° 09.5734380’ N., Longitude 76° 37.8300582’ W.; thence southwesterly to Corner 3, Latitude 37° 08.9265524’ N., Longitude 76° 37.0574269’ W.; thence westerly to Corner 4, Latitude 37° 08.4466039’ N., Longitude 76° 37.4523346’ W.; thence northwesterly to Corner 5, Latitude 37° 08.4491489’ N., Longitude 76° 38.0215553’ W.; thence northeasterly to Corner 1, said corner being the point of beginning.

“Great Wicomico River Rotation Area 1” means all Public Grounds and unassigned grounds, in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay, beginning at a point on Sandy Point, Latitude 37° 49.3269652’ N., Longitude 76° 18.3821766’ W.; thence easterly to the southern-most point of Cockrell Point, Latitude 37° 49.2664838’ N., Longitude 76° 17.3454434’ W.; thence easterly following the mean low water line of Cockrell Point to a point on the boundary of Public Ground 115 at Cash Point, Latitude 37° 49.2695619’ N., Longitude 76° 17.2804046’ W.; thence southeasterly to the gazebo on the pier head at Fleeton Point, Latitude 37° 48.7855824’ N., Longitude 76° 16.9609311’ W.; thence southeasterly to the Great Wicomico River Light; Latitude 37° 48.2078167’ N., Longitude 76° 15.9799333’ W.; thence westerly to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771’ N., Longitude 76° 17.9600320 W.; thence northerly crossing the entrance to Towles Creek at the offshore ends of the jetties and continuing along the mean low water line to Bussel Point, Latitude 37° 48.6879208’ N., Longitude 76° 18.4670860’ W.; thence northwesterly to the northern headland of Cranes Creek, Latitude 37° 48.8329168’ N., Longitude 76° 18.7308073’ W.; thence following the mean low water line northerly to a point on Sandy Point, Latitude 37° 49.3269652’ N., Longitude 76° 18.3821766’ W., said point being the point of beginning.

“Great Wicomico River Rotation Area 2” means all Public Grounds and unassigned grounds, in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay, beginning at a point on Great Wicomico River Light, Latitude 37° 48.2078167’ N., Longitude 76° 15.9799333’ W ; thence due south to a point due east of the southern-most point of Dameron Marsh, Latitude 37° 46.6610003’ N., Longitude 76° 16.0570007’ W.; thence due west to the southern-most point of Dameron Marsh, Latitude 37° 46.6609070’ N., Longitude 76° 17.2670707’ W.; thence along the mean low water line of Dameron Marsh, north and west to Garden Point, Latitude 37° 47.2519872’ N., Longitude 76° 18.4028142’ W.; thence northwesterly to Windmill Point, Latitude 37° 47.5194547’ N., Longitude 76° 18.7132194’ W.; thence northerly along the mean low water to the western headland of Harveys Creek, Latitude 37° 47.7923573’ N., Longitude 76° 18.6881450’ W.; thence east-southeasterly to the eastern headland of Harveys Creek, Latitude 37° 47.7826936’ N., Longitude 76° 18.5469879’ W.; thence northerly along the mean low water line to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771’ N., Longitude 76° 17.9600320 W., thence easterly to Great Wicomico River Light, Latitude 37° 48.2078167’ N., Longitude 76° 15.9799333’ W , said point being the point of beginning.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

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“Hand tong” or “ordinary tong” means any pincers, nippers, tongs, or similar device used in catching oysters, which consist of two shafts or handles attached to opposable and complementary pincers, baskets or containers operated entirely by hand, from the surface of the water and has no external or internal power source.

"Indian Creek Area" means all public grounds and unassigned grounds in that area of Indian Creek and its tributaries in Northumberland and Lancaster Counties between a line beginning at a point on the shore on the south side of the creek located at Latitude 37° 041.4021100' N., Longitude 76° 20.7493600' W.; thence in a straight line to a point on shore on the north side of the creek located at Latitude 37° 041.4999200' N., Longitude 76° 20.5974400' W.; thence southeasterly to a line beginning on the south shore of the mouth of the creek located at Latitude 37° 041.2975900' N., Longitude 76° 19.5082500' W.; thence in a straight line to a point on shore on the north side of the mouth of the creek located at Latitude 37° 041.0934000' N., Longitude 76° 18.7589400' W.

“James River Area 1” means all Public Grounds and unassigned grounds, in that area of the James River, beginning the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence southeasterly to the Flashing Green Channel Light #3, located at Latitude 37° 01.7124500' N., Longitude 76° 31.8210667' W.; thence southeasterly to the Flashing Green Channel Light #1, located at Latitude 37° 00.7666667' N., Longitude 76° 29.9083333' W.; thence southeasterly to the northeast corner of the western draw span pier of the James River Bridge (U.S. Route 17), Latitude 37° 00.1524824' N., Longitude 76° 28.1581984' W.; thence southwesterly along the upstream side of the James River Bridge to the mean low water line; thence northwesterly along the mean low water line, crossing Kings Creek at the headlands and continuing along the mean low water line to a point on the shore at Rainbow Farm Point in line with VMRC Markers “STH” and “SMT”, located at Latitude 37° 00.1965862' N., Longitude 76° 34.0712010' W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328' N., Longitude 76° 33.5955842' W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160' N., Longitude 76° 33.3887351' W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W., said point being the point of beginning.

“James River Area 2” means all Public Grounds and unassigned grounds, in that area of the James River, beginning at the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540' N., Longitude 76° 32.0960864' W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055' N., Longitude 76° 31.4231211' W.; thence to a point on the north shore of the river at Blunt (Blount) Point, said point being in line with VMRC Markers “NMT” and “NTH” and located at Latitude 37° 03.3805862' N., Longitude 76° 31.1444562' W.; thence southeasterly along the mean low water line to the upstream side of the James River Bridge (U.S. Route 17); thence westerly along the James River Bridge to the northeast corner of the western draw span pier, Latitude 37° 00.1524824' N., Longitude 76° 28.1581984' W.; thence northwesterly to the Flashing Green Channel Light #1, located at Latitude 37° 00.7666667' N., Longitude 76° 29.9083333' W.; thence northwesterly to the Flashing Green Channel Light #3, located at Latitude 37° 01.7124500' N., Longitude 76° 31.8210667' W.; thence northwesterly to the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W. said point being the point of beginning

“James River Area 3” means those Public Grounds of Isle of Wight County and Nansemond County (City of Suffolk) located in the James River and Nansemond River west of the Monitor Merrimac Memorial Bridge Tunnel

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(Route I-664), northeast of the Mills E. Godwin, Jr. Bridge (U.S. Route 17) on the Nansemond River, and south of the James River Bridge (U.S. Route 17).

“James River Seed Area” means all public grounds and unassigned grounds in that area of the James River and its tributaries with a southeastern boundary beginning at a point on the shore on the south side of the river at Rainbow Farm Point in Isle of Wight County located at Latitude 37° 00.1965862’ N., Longitude 76° 34.0712010’ W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328’ N., Longitude 76° 33.5955842’ W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160’ N., Longitude 76° 33.3887351’ W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833’ N., Longitude 76° 32.7785333’ W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540’ N., Longitude 76° 32.0960864’ W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055’ N., Longitude 76° 31.4231211’ W.; thence to a point on the north shore of the river at Blunt (Blount) Point, in the City of Newport News, located at Latitude 37° 03.3805862’ N., Longitude 76° 31.1444562’ W.; the northern boundary, being a straight line, beginning at a point on the shore on the east side of the river in the City of Newport News, at Latitude 37° 08.4458787’ N., Longitude 76° 37.2855533’ W., thence westerly to the southeast corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4466039’ N., Longitude 76° 37.4523346’ W.; thence westerly to the southwest corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4490472’ N., Longitude 76° 38.0215554’ W.; thence westerly to a point on the shore on the west side of the river at the mouth of Lawnes Creek in Isle of Wight County, Latitude 37° 08.4582990’ N., Longitude 76° 40.2816023’ W.

"Larsons Bay Area" means all public grounds in that area of Larsons Bay in the Rappahannock River, beginning at Cherry Point at Latitude 37° 37.6554400' N., Longitude 76° 24.1203200' W.; thence south east to the southern-most corner of the house on Mosquito Point at Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence following the Ordinary Mean Low Water line in a northwesterly direction to Cherry Point, said point being the point of beginning.

“Latitude and Longitude” means values that are based upon a geodetic reference system of the North American Datum of 1983 (NAD83). When Latitude and Longitude are used in any area description, in conjunction with any physical landmark, to include aids to navigation, the Latitude and Longitude value is the legal point defining the boundary.

“Little Wicomico River” means that area of the Little Wicomico River inside of Public Ground 43 of Northumberland County, located in the Little Wicomico River near Bridge Creek, beginning at a point approximately 150 feet north of Peachtree Point, said point being Corner 1, located at Latitude 37° 53.2910650’ N., Longitude 76° 16.7312926’ W.; thence southwesterly to Corner 2, Latitude 37° 53.2601877’ N., Longitude 76° 16.8662408’ W.; thence northwesterly to Corner 3, Latitude 37° 53.2678470’ N., Longitude 76° 16.8902408’ W.; thence northeasterly to Corner 4, Latitude 37° 53.3113148’ N., Longitude 76° 16.8211543’ W.; thence southeasterly to Corner 1, said corner being the point of beginning.

"Middle Ground" means all public grounds in the area of the Corrotoman River between a line beginning at Ball Point at Latitude 37° 40.65133000' N., Longitude 76° 28.4440000' W.; thence easterly to a point at the western side of the mouth of Taylor Creek at Latitude 37° 40.97331000' N, Longitude 76° 27.59471000' W.; upstream to a line from Bar Point at Latitude 37° 41.65256000' N., Longitude 76° 28.66195000' W.; thence easterly to Black Stump Point, at Latitude 37° 41.7360900' N., Longitude 76° 28.1212200' W.

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"Milford Haven" means all public grounds and unassigned grounds in that area of Milford Haven and its tributaries bound on the west by a line from a point on the southernmost point of land of the north shore of Milford Haven being near the end of State Route 634, Latitude 37° 29.5971' N., Longitude 76° 18.1822' W.; thence south-southeasterly to a point on the northeast corner of the pier head of the long pier being on the south shore of Milford Haven immediately west of the Sea Farms Inc. facility, Latitude 37° 29.3546' N., Longitude 76° 18.1323' W.; thence following the east side of the pier to the shore and bound on the east by a line from a point on the shore at the western headland of the wash formerly Hills Creek, Latitude 37° 29.0278' N., Longitude 76° 16.3834' W.; thence easterly to a point on the north shore of Sandy Point near Latitude 37° 29.0017' N., Longitude 76° 16.1640' W.; thence following the shore of the east side of Sandy Point to a point on the shoreline at Latitude 37° 28.6233' N., Longitude 76° 15.8605' W.; thence in a line south-southeasterly to a point on the breakwater at Haven Beach, Latitude 37° 26.2006' N., Longitude 76° 15.1257' W.

“Mobjack Bay Area” means that area of Mobjack Bay consisting of Public Ground 2 of Mathews County (Pultz Bar) and Public Ground 25 of Gloucester County (Tow Stake) described as:

Public Ground 2 of Mathews County, known as Pultz Bar, is located in Mobjack Bay, beginning at a point approximately 5,420 feet south of Minter Point, said point being Corner 1, located at Latitude 37° 21.2500000' N., Longitude 76° 21.3700000' W.; thence easterly to Corner 2, Latitude 37° 21.2700000' N., Longitude 76° 20.9600000' W.; thence southerly to Corner 3, Latitude 37° 21.0200000' N., Longitude 76° 20.9400000' W.; thence westerly to Corner 4, Latitude 37° 21.0500000' N., Longitude 76° 21.3300000' W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 25 of Gloucester County, known as Tow Stake, is located in Mobjack Bay, near the mouth of the Severn River, beginning at a point approximately 2,880 feet east-northeast of Tow Stake Point, said point being Corner 1, located at Latitude 37° 20.3883888' N., Longitude 76° 23.5883836' W.; thence northeasterly to Corner 2, Latitude 37° 30.5910482' N., Longitude 76° 23.2372184' W.; thence southeasterly to Corner 3, Latitude 37° 20.3786971' N., Longitude 76° 22.7241180' W.; thence southwesterly to Corner 4, Latitude 37° 19.8616759' N., Longitude 76° 23.5914937' W.; thence northwesterly to Corner 5, Latitude 37° 20.0284019' N., Longitude 76° 23.7717423' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

“Nomini Creek Area” means that area of Nomini Creek inside of Public Grounds 26 and 28 of Westmoreland County.

Public Ground 26 of Westmoreland County is located in Nomini Creek, north of Beales Wharf and east of Barnes Point, beginning at a point approximately 1,400 feet north of Barnes Point, said point being Corner 1, located at Latitude 38° 07.2690219' N., Longitude 76° 42.6784210' W.; thence southeasterly to Corner 2, Latitude 38° 07.0924060' N., Longitude 76° 42.4745767' W.; thence southwesterly to Corner 3, Latitude 38° 06.8394053' N., Longitude 76° 42.6704025' W.; thence northwesterly to Corner 4, Latitude 38° 06.8743004' N., Longitude 76° 42.7552151' W.; thence northeasterly to Corner 5, Latitude 38° 07.0569717' N., Longitude 76° 42.5603535' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 28 of Westmoreland County is located at the mouth of Nomini Creek, beginning at a point approximately 50 feet west of White Oak Point, said point being Corner 1, located at Latitude 38° 07.6429987'

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N., Longitude 76° 43.0337082' W.; thence south-southeasterly to Corner 2, Latitude 38° 07.2987193' N., Longitude 76° 43.1101420' W.; thence northwesterly to Corner 3, Latitude 38° 07.7029267' N., Longitude 76° 43.3337762' W.; thence west to the mean low water line, Latitude 38° 07.7031535' N., Longitude 76° 43.3378345' W.; thence northerly and westerly along the mean low water line of Nomini Creek to a point southwest of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence northeasterly to a point on the mean low water line at the southern-most point of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence following the mean low water line of the southern and eastern sides of Cedar Island to a point, Latitude 38° 08.0164430' N., Longitude 76° 43.4773169' W.; thence northeasterly to Corner 4, Latitude 38° 08.0712849' N., Longitude 76° 43.4416606' W.; thence northeasterly to a point on the northern headland of Nomini Creek at the mean low water line, said point being Corner 5, Latitude 38° 08.2729626' N., Longitude 76° 43.3105315' W.; thence following the mean low water line of White Point to a point northwest of Snake Island, Corner 6, Latitude 38° 08.4066960' N., Longitude 76° 42.9105565' W.; thence southeast, crossing the mouth of Buckner Creek, to a point on the mean low water line of Snake Island, Corner 7, Latitude 38° 08.3698254' N., Longitude 76° 42.8939656' W.; thence southeasterly following the mean low water line of Snake Island to Corner 8, Latitude 38° 08.2333798' N., Longitude 76° 42.7778877' W.; thence south-southwesterly, crossing the mouth of Buckner Creek, to Corner 9, Latitude 38° 08.2134371' N., Longitude 76° 42.7886409' W.; thence southeasterly to a point on the mean low water line of the southern headland of Buckner Creek, Corner 10, Latitude 38° 08.1956281' N., Longitude 76° 42.7679625' W.; thence southwesterly following the mean low water line of Nomini Creek, crossing the mouth of an un-named cove at the narrowest point between the headlands and continuing to follow the mean low water line to a point on White Oak Point, Latitude 38° 07.6428228' N., Longitude 76° 43.0233530' W.; thence west to Corner 1, said point being the point of beginning.

“Oyster” means any shellfish of the species *Crassostrea virginica*.

"Oyster dredge" means any device having a maximum weight of 150 pounds with attachments, maximum width of 50 inches, and maximum tooth length of four inches.

"Oyster patent tong" means any patent tong not exceeding 100 pounds in gross weight, including any attachment other than rope and with the teeth not to exceed four inches in length.

“Oyster resource user fee” means a fee that must be paid each calendar year by anyone who grows, harvests, shucks, packs or ships oysters, for commercial purposes.

“Pocomoke Sound Area” means that area of Pocomoke Sound inside of Public Ground 9 and Public Ground 10 of Accomack County.

Public Ground 9 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 1.06 nautical miles north-northeast of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 57.2711566' N., Longitude 75° 42.2870790' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 57.2896577' N., Longitude 75° 41.9790727' W.; thence southerly to Corner 3, Latitude 37° 57.2574850' N., Longitude 75° 41.9790730' W.; thence southwesterly to Corner 4, Latitude 37° 57.2288700' N., Longitude 75° 42.0077287' W.; thence west-southwesterly to Corner 5, Latitude 37° 57.2034533' N., Longitude 75° 42.1511250' W.; thence south-southwesterly to Corner 6, Latitude 37° 57.0940590' N., Longitude

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75° 42.1935214' W.; thence south-southeasterly to Corner 7, Latitude 37° 57.0551726' N., Longitude 75° 42.1814457' W.; thence southwesterly to Corner 8, Latitude 37° 56.9408327' N., Longitude 75° 42.2957912' W.; thence south-southwesterly to Corner 9, Latitude 37° 56.6574947' N., Longitude 75° 42.3790819' W.; thence southwesterly to Corner 10, Latitude 37° 56.5790952' N., Longitude 75° 42.5228752' W.; thence west-southwesterly to Corner 11, Latitude 37° 56.5712564' N., Longitude 75° 42.5915437' W.; thence south-southeasterly to Corner 12, Latitude 37° 56.5441067' N., Longitude 75° 42.5869894' W.; thence southwesterly to Corner 13, Latitude 37° 56.4575045' N., Longitude 75° 42.7458050' W.; thence west-southwesterly to Corner 14, Latitude 37° 56.2575123' N., Longitude 75° 43.3791097' W.; thence southwesterly to Corner 15, Latitude 37° 55.7408688' N., Longitude 75° 43.7957804' W.; thence westerly to Corner 16, Latitude 37° 55.7575327' N., Longitude 75° 43.9458298' W.; thence northwesterly to Corner 17, Latitude 37° 55.8908661' N., Longitude 75° 44.1291309' W.; thence north-northeasterly to Corner 18, Latitude 37° 55.9908639' N., Longitude 75° 44.0791266' W.; thence northeasterly to Corner 19, Latitude 37° 56.1241858' N., Longitude 75° 43.8791328' W.; thence north-northeasterly to Corner 20, Latitude 37° 56.4075136' N., Longitude 75° 43.7291361' W.; thence northeasterly to Corner 21, Latitude 37° 56.8241664' N., Longitude 75° 43.2624601' W.; thence north-northeasterly to Corner 22, Latitude 37° 57.0706006' N., Longitude 75° 43.1480402' W.; thence east-northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.

Public Ground 10 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 2.3 nautical miles westerly of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 56.4741881' N., Longitude 75° 45.7051676' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 56.9261140' N., Longitude 75° 43.7679786' W.; thence south-southwesterly to Corner 3, Latitude 37° 56.1241948' N., Longitude 75° 44.3624962' W.; thence west-southwesterly to Corner 4, Latitude 37° 56.0820561' N., Longitude 75° 44.5826292' W.; thence northerly to Corner 5, Latitude 37° 56.1377309' N., Longitude 75° 44.5817745' W.; thence west-southwesterly to Corner 6, Latitude 37° 56.1259751' N., Longitude 75° 44.6226859' W.; thence southwesterly to Corner 7, Latitude 37° 56.1039335' N., Longitude 75° 44.6692334' W.; thence southerly to Corner 8, Latitude 37° 56.0643616' N., Longitude 75° 44.6750106' W.; thence west-southwesterly to Corner 9, Latitude 37° 55.9742005' N., Longitude 75° 45.1458109' W.; thence west-northwesterly to Corner 10, Latitude 37° 56.0741973' N., Longitude 75° 45.8958329' W.; thence north-northwesterly to Corner 11, Latitude 37° 56.2565760' N., Longitude 75° 46.0000557' W.; thence northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.

"Pocomoke and Tangier Sounds Management Area" or "PTSMA" means the area as defined in §28.2-524 of the Code of Virginia.

"Pocomoke and Tangier Sounds Rotation Area 1" means all public grounds and unassigned grounds, within an area of the PTSMA, in Pocomoke and Tangier Sounds, bounded by a line beginning at a point on the Maryland-Virginia state line, located at Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W.; thence south to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence westerly to a point, Latitude 37° 53.3633500' N., Longitude 75° 56.5589600' W.; thence south to a point, Latitude 37° 48.4429100' N., Longitude 75° 56.4883600' W.; thence easterly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence northerly to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southeasterly to Pocomoke Sound Shoal Flashing Light Red "8", Latitude 37° 52.4583300' N., Longitude 75° 49.4000000' W.; thence southeasterly to Messongo Creek

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Entrance Buoy Green Can "1", Latitude 37° 52.1000000' N., Longitude 75° 47.8083300' W.; thence southeast to Guilford Flats Junction Light Flashing 2+1 Red "GF", Latitude 37° 50.9533300' N., Longitude 75° 46.6416700' W.; thence southerly to a point on a line from Guilford Flats Junction Light to the northern-most point of Russell Island, where said line intersects the PTSMA boundary, Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence clockwise following the PTSMA boundary to a point on the Maryland-Virginia state line, said point being the point of beginning.

“Pocomoke and Tangier Sounds Rotation Area 2” means all public grounds and unassigned grounds, within an area of the PTSMA, in Pocomoke and Tangier Sounds, bounded by a line beginning at the house on Great Fox Island, located at Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southerly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence westerly to a point, Latitude 37° 48.4429100' N., Longitude 75° 56.4883600' W.; thence northerly to a point, Latitude 37° 53.3633500' N., Longitude 75° 56.5589600' W.; thence easterly to the house on Great Fox Island, said house being the point of beginning. Also, Pocomoke and Tangier Sounds Rotation Area 2 shall include all Public Grounds and unassigned grounds in the PTSMA in Pocomoke Sound bounded by a line beginning at a point on the Maryland-Virginia state line, Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W.; thence following the PTSMA boundary clockwise to a point on the line from the northern-most point of Russell Island to Guilford Flats Junction Light Flashing 2+1 Red "GF", where said line intersects the PTSMA boundary, Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence northerly to Guilford Flats Junction Light Flashing 2+1 Red "GF", Latitude 37° 50.9533300' N., Longitude 75° 46.6416700' W.; thence northwesterly to Messongo Creek Entrance Buoy Green Can "1", Latitude 37° 52.1000000' N., Longitude 75° 47.8083300' W.; thence northwesterly to Pocomoke Sound Shoal Flashing Light Red “8”, Latitude 37° 52.4583300' N., Longitude 75° 49.4000000' W.; thence northwesterly to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence northerly to a point on the Maryland-Virginia state line, said point being the point of beginning.

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia or by any other acts of the General Assembly pertaining to those grounds, all those grounds set aside by court order, and all those grounds set aside by order of the Marine Resources Commission, and may be redefined by any of these legal authorities.

“Rappahannock River Area 7” means all public grounds, in that area of the Rappahannock River, bounded downstream by a line from Rogue Point, located at Latitude 37° 40.0400000' N., Longitude 76° 32.2530000' W.; thence west-northwesterly to Flashing Red Buoy “8”, Latitude 37° 40.1580000' N., Longitude 76° 32.9390000' W.; thence southwesterly to Balls Point, Latitude 37° 39.3550000' N., Longitude 76° 34.4440000' W.; and bounded upstream by a line from Punchbowl Point, Latitude 37° 44.6750000' N., Longitude 76° 37.3250000' W.; thence southeasterly to Monaskon Point, Latitude 37° 44.0630000' N., Longitude 76° 34.1080000' W.

“Rappahannock River Area 8” means all public grounds, in that area of the Rappahannock River, bounded downstream by a line from Monaskon Point, located at Latitude 37° 44.0630000' N., Longitude 76° 34.1080000' W.; thence northwesterly to Punchbowl Point, Latitude 37° 44.6750000' N., Longitude 76° 37.3250000' W.; and bounded upstream by a line from Jones Point, Latitude 37° 46.7860000' N., Longitude 76° 40.8350000' W.; thence north-northwesterly to Sharps Point, Latitude 37° 49.3640000' N., Longitude 76° 42.0870000' W.

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“Rappahannock River Area 9” means all public grounds, in that area of the Rappahannock River, bounded downstream by a line from Sharps Point, located at Latitude 37° 49.3640000' N., Longitude 76° 42.0870000' W.; thence south-southeasterly to Jones Point, Latitude 37° 46.7860000' N., Longitude 76° 40.8350000' W.; and bounded upstream by the Thomas J. Downing Bridge (U.S. Route 360).

“Rappahannock River Rotation Area 1” means all public grounds, in that area of the Rappahannock River and Chesapeake Bay, bounded by a line offshore and across the mouth of the Rappahannock River from a point on the mean low water line of Windmill Point, located at Latitude 37° 36.8200000' N., Longitude 76° 16.9460000' W.; thence southeast to Windmill Point Light, Latitude 37° 35.7930000' N., Longitude 76° 14.1800000' W.; thence southwesterly to Stingray Point Light, Latitude 37° 33.6730000' N., Longitude 76° 16.3620000' W.; thence westerly to a point on the mean low water line of Stingray Point, Latitude 37° 33.6920000' N., Longitude 76° 17.9860000' W.; and bounded upstream by a line from the mean low water line west of Broad Creek, Latitude 37° 33.9520000' N., Longitude 76° 19.3090000' W.; thence northeasterly to a VMRC Buoy on the Baylor line, Latitude 37° 34.5310000' N., Longitude 76° 19.1430000' W.; thence northeasterly to a VMRC Buoy, Latitude 37° 34.6830000' N., Longitude 76° 19.1000000' W.; thence northwesterly to a VMRC Buoy, Latitude 37° 35.0170000' N., Longitude 76° 19.4500000' W.; thence northwesterly to Sturgeon Bar Light “7R”, Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence continuing northwesterly to Mosquito Point Light “8R”, Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence northwesterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

“Rappahannock River Rotation Area 2” means all public grounds, in that area of the Rappahannock River, bounded downstream by a line from the southern-most corner of the house on Mosquito Point, located at Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southeast to Mosquito Point Light “8R”, Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence continuing southeasterly to Sturgeon Bar Beacon “7R”, Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence west-southwesterly to a VMRC Buoy, Latitude 37° 34.9330000' N., Longitude 76° 21.0500000' W.; thence southwesterly to a VMRC Buoy, Latitude 37° 34.8830000' N., Longitude 76° 21.1000000' W.; thence southwesterly to a pier west of Hunting Creek at Grinels, Latitude 37° 34.4360000' N., Longitude 76° 26.2880000' W.; and bounded on the upstream by a line from Mill Creek Channel Marker “4”, Latitude 37° 35.0830000' N., Longitude 76° 26.9500000' W.; thence northeasterly to Mill Creek Channel Marker “2”, Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence northeasterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

“Rappahannock River Rotation Area 3” means all public grounds, in that area of the Rappahannock River, beginning from the north channel fender at the Robert O. Norris, Jr. Bridge, located at Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence southeast to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southwest to Mill Creek Channel Marker “2”, Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence southwesterly to Mill Creek Channel Marker “4”, Latitude 37° 35.0830000' N., Longitude 76° 24.9500000' W.; thence northeasterly to Parrotts Creek Channel Marker “1”, Latitude 37° 36.0330000' N., Longitude 76° 25.4170000' W.; thence northerly to VMRC Buoy, Latitude 37° 36.3330000' N., Longitude 76° 25.2000000' W.; thence northerly to the north channel fender of the Robert O. Norris, Jr. Bridge, said point being the point of beginning.

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“Rappahannock River Rotation Area 4” means all public grounds, in that area of the Rappahannock River, Corrotoman River and Carter Creek, beginning at the White Stone end of the Robert O. Norris, Jr. Bridge (State Route 3), located at Latitude 37° 38.1290000' N., Longitude 76° 24.7220000' W.; thence along said Bridge to the north channel fender, Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence westerly to the VMRC Buoy “5-4”, Latitude 37° 38.0050000' N., Longitude 76° 30.0280000' W.; thence northerly to Old House Point, Latitude 37° 39.1390000' N., Longitude 76° 29.6850000' W.; thence northeasterly to Ball Point, Latitude 37° 41.6600000' N., Longitude 76° 28.6320000' W.; thence southeasterly to VMRC reef marker “Ferry Bar – North”, Latitude 37° 40.3000000' N., Longitude 76° 28.5000000' W.; thence southwesterly to VMRC reef marker “Ferry Bar – South”, Latitude 37° 40.1670000' N., Longitude 76° 28.5830000' W.; thence southeasterly to a duck blind west of Corrotoman Point, Latitude 37° 39.8760000' N., Longitude 76° 28.4200000' W.; thence southerly to VMRC Buoy “543”, Latitude 37° 39.2670000' N., Longitude 76° 27.8500000' W.; thence southerly to VMRC Buoy “Drumming-West”, Latitude 37° 38.8830000' N., Longitude 76° 27.6830000' W.; thence southerly to VMRC Buoy “Drumming-East”, Latitude 37° 38.8330000' N., Longitude 76° 27.5670000' W.; thence northeasterly to Orchard Point, Latitude 37° 38.9240000' N., Longitude 76° 27.1260000' W.

“Rappahannock River Rotation Area 5” means all public grounds, in that area of the Rappahannock River, beginning at the Greys Point end of the Robert O. Norris, Jr. Bridge (State Route 3), located at Latitude 37° 36.8330000' N., Longitude 76° 25.9990000' W.; thence northeasterly along the bridge to the north channel fender, Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence west-northwesterly to VMRC Buoy “5-4”, Latitude 37° 38.0050000' N., Longitude 76° 30.0280000' W.; thence westerly to Buoy “R6”, Latitude 37° 38.0330000' N., Longitude 76° 30.2830000' W.; thence south to the eastern headland of Whiting Creek, Latitude 37° 36.6580000' N., Longitude 76° 30.3120000' W.

“Rappahannock River Rotation Area 6” means all public grounds, in that area of the Rappahannock River, beginning on the eastern headland of Whiting Creek, located at Latitude 37° 36.6580000' N., Longitude 76° 30.3120000' W.; thence north to Buoy “R6”, Latitude 37° 38.0330000' N., Longitude 76° 30.2830000' W.; thence northwesterly to VMRC White House Sanctuary Buoy, Latitude 37° 38.1500000' N., Longitude 76° 30.5330000' W.; thence northwesterly to VMRC Towles Point Area Buoy, Latitude 37° 38.8330000' N., Longitude 76° 31.5360000' W.; thence northwesterly to Flashing Red Buoy “8” off Rogue Point, Latitude 37° 40.1580000' N., Longitude 76° 32.9390000' W.; thence southwesterly to Balls Point, Latitude 37° 39.3550000' N., Longitude 76° 34.4440000' W.

“Seed Oyster” means any oyster taken by any person from natural beds, rocks, or shoals that is more than 30 days from harvest for human consumption.

“Unassigned ground” means all grounds either not assigned pursuant to §28.2-600 through §28.2-633 of the Code of Virginia, established pursuant to §28.2-551 of the Code of Virginia, set aside by court order, or those grounds set aside by declarations or regulation by the Marine Resources Commission, and as may be redefined by any of these legal authorities.

“Upper Chesapeake Bay - Blackberry Hangs Area” means all public grounds and unassigned grounds, in that area of the Chesapeake Bay, bounded by a line, beginning at a point approximately 300 feet east of the mean low water line of the Chesapeake Bay and approximately 1230 feet southwest of the end of the southern-most stone jetty at the mouth of the Little Wicomico River, said point being Corner 1, Latitude 37° 53.1811193' N.,

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Longitude 76° 14.1740146' W.; thence east-southeasterly to Corner 2, Latitude 37° 52.9050025' N., Longitude 76° 11.9357257' W.; thence easterly to Corner 3, Latitude 37° 52.9076552' N., Longitude 76° 11.6098145' W.; thence southwesterly to Corner 4, Latitude 37° 52.8684955' N., Longitude 76° 11.6402444' W.; thence east-southeasterly to Corner 5, Latitude 37° 52.7924853' N., Longitude 76° 11.0253352' W.; thence southwesterly to Corner 6, Latitude 37° 49.4327736' N., Longitude 76° 13.2409959' W.; thence northwesterly to Corner 7, Latitude 37° 50.0560555' N., Longitude 76° 15.0023234' W.; thence north-northeasterly to Corner 8, Latitude 37° 50.5581183' N., Longitude 76° 14.8772805' W.; thence north-northeasterly to Corner 9, Latitude 37° 52.0260950' N., Longitude 76° 14.5768550' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

“Yeocomico River Area” means that area of the North West Yeocomico River, inside Public Ground 8 of Westmoreland County and those areas of the South Yeocomico River inside Public Grounds 100, 102, 104, 107, and 112 of Northumberland County described as:

Public Ground 8 of Westmoreland County is located in the North West Yeocomico River, beginning at a point approximately 1455 feet northeast of Crow Bar and 1850 feet northwest of White Point, said point being Corner 1, located at Latitude 38° 02.7468214' N., Longitude 76° 33.0775726' W.; thence southeasterly to Corner 2, Latitude 38° 02.7397202' N., Longitude 76° 33.0186286' W.; thence southerly to Corner 3, Latitude 38° 02.6021644' N., Longitude 76° 33.0234175' W.; thence westerly to Corner 4, Latitude 38° 02.6006669' N., Longitude 76° 33.0824799' W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 100 of Northumberland County is located in the South Yeocomico River, beginning at said point being Corner 1, located at Latitude 38° 00.2292779' N., Longitude 76° 32.2244222' W.; thence southwesterly to Corner 2, Latitude 38° 00.2183904' N., Longitude 76° 32.2488009' W.; thence westerly to Corner 3, Latitude 38° 00.2156893' N., Longitude 76° 32.3156220' W.; thence northwesterly to Corner 4, Latitude 38° 00.4024997' N., Longitude 76° 32.3338888' W.; thence continuing northeasterly to Corner 5, Latitude 38° 00.5806170' N., Longitude 76° 32.1957546' W.; thence continuing easterly to Corner 6, Latitude 38° 00.5798424' N., Longitude 76° 31.9506788' W., thence continuing southeasterly to Corner 7, Latitude 38° 00.5076459' N., Longitude 76° 31.9387425' W. thence heading along the mean low water southwesterly to Corner 1, said corner being the point of beginning.

Public Ground 102 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 630 feet south of Mundy Point and 1745 feet southwest of Tom Jones Point, said point being Corner 1, located at Latitude 38° 01.2138059' N., Longitude 76° 32.5577201' W.; thence east-northeasterly to Corner 2, Latitude 38° 01.2268644' N., Longitude 76° 32.4497849' W.; thence southwesterly to Corner 3, Latitude 38° 01.1091209' N., Longitude 76° 32.5591101' W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 104 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 670 feet north of Walker Point and 1900 feet northwest of Palmer Point, said point being Corner 1, located at Latitude 38° 00.8841841' N., Longitude 76° 32.6106215' W.; thence southeasterly to Corner 2, Latitude 38° 00.8609163' N., Longitude 76° 32.5296302' W.; thence southeasterly to Corner 3, Latitude 38° 00.6693092' N., Longitude 76° 32.4161866' W.; thence

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southwesterly to Corner 4, Latitude 38° 00.6418466' N., Longitude 76° 32.5394849' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 107 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 1000 feet southwest of Barn Point and 1300 feet northwest of Tom Jones Point, said point being Corner 1, located at Longitude 38° 01.1389367' N., Latitude 76° 32.3425617' W.; thence east-southeasterly to Corner 2, Latitude 38° 01.4106421' N., Longitude 76° 32.1077962' W.; thence southwesterly to Corner 3, Latitude 38° 01.2717197' N., Longitude 76° 32.2917989' W.; thence north-northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 112 of Northumberland County is located in the Yeocomico River, beginning at said point being Corner 1, located at Latitude 38° 01.8449428' N., Longitude 76° 32.2191877' W.; thence northeasterly to Corner 2, Latitude 38° 01.8783929' N., Longitude 76° 31.9970988' W.; thence southeasterly to Corner 3, Latitude 38° 01.7997003' N., 76° 31.9569302' W.; thence continuing southeasterly to Corner 4, 38° 01.6848729' N., Longitude 76° 31.5931801' W.; thence southerly to Corner 5, Latitude 38° 01.5760153' N., 76° 31.5931801' W.; thence westerly to Corner 6, Latitude 38° 01.6860521' N., Longitude 76° 32.2820100' W., thence northerly to Corner 1, said corner being the point of beginning.

“York River Hand Tong Area” means that area of the York River consisting of a portion of Public Ground 31 of Gloucester County (Aberdeen Rock), Public Ground 901 of Gloucester and King and Queen County and that portion of Public Ground 4 of King and Queen County that is in waters approved by the Virginia Department of Health for the harvest of Shellfish (Bell Rock) described as:

Public Ground 31 of Gloucester County, known as Aberdeen Rock, is that portion of Public Ground between a line from Upper York River Green Channel Marker 9, Latitude 37° 19.35986' N., Longitude 76° 35.99789' W.; thence northeasterly to Gum Point, Latitude 37° 19.74276' N., Longitude 76° 35.49063' W.; upstream to a line from the Flashing Yellow VIMS Data Buoy “CB”, Latitude 37° 20.4670000' N., Longitude 76° 37.4830000' W.; thence northeasterly to the inshore end of the wharf at Clay Bank.

Public Ground 901 of Gloucester and King and Queen County is located in the York River at the mouth of the Propotank River, beginning at said point being Corner 1, located at Latitude 37° 26.0291178' N., Longitude 76° 42.4769473' W.; thence northwesterly to Corner 2, Latitude 37° 26.1502199' N., Longitude 76° 42.5504403' W.; thence continuing northwesterly to Corner 3, Latitude 37° 26.2593188' N., 76° 42.5639668' W.; thence southeasterly to Corner 4, 37° 26.0537949' N., Longitude 76° 42.3217587' W.; thence southwesterly to Corner 5, Latitude 37° 26.0023548' N., 76° 42.4076221' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 4 of King and Queen County, known as Bell Rock, is located in the York River, beginning at said point being Corner 1, located at Latitude 37° 29.1377467' N., Longitude 76° 45.0390139' W.; thence southerly to Corner 2, Latitude 37° 29.0456979 ' N., Longitude 76° 45.0642131 ' W.; thence northwesterly to Corner 3, Latitude 37° 29.5582048 ' N., 76° 45.8484481 ' W.; thence continuing northwesterly to Corner 4, 37° 29.8480848' N., Longitude 76° 46.5362330' W.; thence northeasterly to

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Corner 5, Latitude 37° 30.0087805' N., 76° 46.3513889' W.; thence continue southeasterly to Corner 6, Latitude 37° 29.6554103' N., Longitude 76° 45.5620462' W., thence continuing southeasterly to Corner 7, Latitude 37° 29.1838193' N., 76° 44.8908342' W., thence continue southeasterly to Corner 8, Latitude 37° 29.1094227' N., 76° 44.7985114' W., thence continue southeasterly to Corner 9, Latitude 37° 28.9796379' N., 76° 44.6726329' W., thence continue southeasterly to Corner 10, Latitude 37° 28.7771294' N., 76° 44.5058580' W., thence continue southeasterly to Corner 11, Latitude 37° 28.6286905' N., 76° 44.4140389' W., thence continue southeasterly to Corner 12, Latitude 37° 28.4745509' N., 76° 44.3267558' W., thence continue southeasterly to Corner 13, Latitude 37° 28.4379124' N., 76° 44.2964890' W., thence continue southeasterly to Corner 14, Latitude 37° 28.3255929' N., 76° 44.2037875' W., thence continue southeasterly to Corner 15, Latitude 37° 28.2389865' N., 76° 44.1706101' W., thence continue southeasterly to Corner 16, Latitude 37° 28.2157560' N., 76° 44.1552324' W., thence westerly to Corner 17, Latitude 37° 28.1396622' N., 76° 44.3698473' W., thence northerly to Corner 18, Latitude 37° 28.7398061' N., 76° 44.7807027' W., thence continue northerly to Corner 19, Latitude 37° 28.8838652' N., 76° 44.8818391' W., thence easterly to Corner 20, Latitude 37° 28.9140411' N., 76° 44.8163514' W thence northwesterly to Corner 1, said corner being the point of beginning.

“York River Rotation Area 1” means all public grounds in the York River, within Gloucester County, between a line from Upper York River Flashing Red Channel Marker “8”, Latitude 37° 17.8863666' N., Longitude 76° 34.6534166' W.; thence northeasterly to Red Day Marker “2” at the mouth of Cedar Bush Creek, Latitude 37° 18.6422166' N., Longitude 76° 33.8216000' W.; upstream to a line from the Upper York River Green Channel Marker 9, Latitude 37° 19.35986' N., Longitude 76° 35.99789' W.; thence northeasterly to Gum Point, Latitude 37° 19.7427600' N., Longitude 76° 35.4906300' W.

“York River Rotation Area 2” means all public grounds in the York River, within Gloucester County, from the George P. Coleman Memorial Bridge (U.S. Route 17), upstream to a line from Upper York River Flashing Red Channel Marker “8”, Latitude 37° 17.8863666' N., Longitude 76° 34.6534166' W.; thence northeasterly to Red Day Marker “2” at the mouth of Cedar Bush Creek, Latitude 37° 18.6422166' N., Longitude 76° 33.8216000' W.

4VAC20-720-30. Standing stock criteria.

Any public oyster ground or unassigned ground may be closed to harvest by the Commissioner of Marine Resources, when it is determined by the Oyster Replenishment Department that the standing stock of oysters has been depleted by 50% or more. The initial estimate of standing stock for each area shall be the volume of oysters as of October 1 of the current year as determined by the Oyster Replenishment Department.

4VAC20-720-35. Public oyster ground harvest season.

The Marine Resources Commission shall be authorized to extend the public oyster harvest season in the James River Seed Area, including the Deep Water Shoal State Replenishment Area, but the extension shall not be established to go beyond June 30.

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4VAC20-720-40. Open oyster harvest season, harvest areas, and harvest limits.

A. It shall be unlawful for any person to harvest oysters from public and unassigned grounds except within the dates and areas and with the harvest gears set forth in this section.

B. It shall be unlawful to harvest clean cull oysters from the public oyster grounds and unassigned grounds within the seasons and areas and with the harvest gears as described in Table 1 in this subsection.

**Table 1.
Clean Cull Oyster Harvest Area, Harvest Dates, and Harvest Gear**

Harvest Area	Harvest Dates	Harvest Gear	Daily Individual Bushel Limit	Daily Vessel Bushel Limit
Great Wicomico River Rotation Area 1 ₂	December 1, 2023, through January 31, 2024, and February 15, 2024, through February 29, 2024 <u>February 1, 2025 through February 28, 2025</u>	Hand Scrape	8	16
James River Area 1, 2, and 3 and 2	October 15, 2023, through February 29, 2024, and March 16, 2024, through March 31, 2024 <u>November 1, 2024 through February 28, 2025</u>	Hand Scrape	8	16
James River Area 3	November 1, 2023, through March 15, 2024	Hand Scrape	8	16

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Middle Ground <u>Mobjack Bay Area</u>	<u>November 1, 2023, through November 15, 2023</u> <u>February 1, 2025, through February 28, 2025</u>	Hand Scrape	8	16
Rappahannock River Rotation Area 1	<u>March 1, 2024, through March 15, 2024</u>	Hand Scrape	8	16
Rappahannock River Area 8	<u>January 1, 2024, through February 14, 2024</u>	Hand Scrape	8	16
Rappahannock River Area 7	<u>December 1, 2023, through December 31, 2023</u>	Hand Scrape	8	16
Rappahannock River Rotation Area 2 <u>3</u>	<u>February 15, 2024, through February 29, 2024</u> <u>November 1, 2024 through December 31, 2024</u>	Hand Scrape	8	16
Rappahannock River Rotation Area 6 <u>5</u>	<u>November 1, 2023, through November 30, 2023</u> <u>December 1, 2024 through January 31, 2025</u>	Hand Scrape	8	16
Upper Chesapeake Bay – Blackberry Hangs Area	<u>February 1, 2024 2025, through February 29, 2024</u> <u>28, 2025</u>	Hand Scrape	8	16

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York River Rotation Area 1	November 1, 2023, through November 30, 2023, and February 15, 2024, through February 29, 2024	Hand Scrape	8	16
Coan River Area	October 1, 2023 <u>2024</u> , through December 31, <u>2023 2024</u>	Hand Tong	14	28
Corrotoman Hand Tong Area	October 1, 2023 <u>2024</u> , through March 31, 2024 <u>2025</u>	Hand Tong	14	28
Indian Creek	March 1, 2024 <u>2025</u> , through March 31, 2024 <u>2025</u>	Hand Tong	14	28
James River Area 1 and 2	March 1, 2024, through March 15, 2024, and April 1, 2024, through April 30, 2024	Hand Tong	14	28
James River Area 3	March 16, 2024, through April 30, 2024	Hand Tong	14	28

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James River Seed Area, including the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2023 , through May 31, 2024 <u>2024</u> through April 30, <u>2025</u>	Hand Tong	14	28
Little Wicomico River	October 1, 2023 <u>2024</u> , through December 31, 2023 <u>2024</u>	Hand Tong	14	28
Milford Haven	November 1, 2023 <u>2024</u> , through March 31, 2024 <u>2025</u>	Hand Tong	14	28
Nomini Creek Area	October 1, 2023 <u>2024</u> , through December 31, 2023 <u>2024</u>	Hand Tong	14	28
Pocomoke Sound Area Public Ground 9 and 10	November 1, 2023 <u>2024</u> , through March 31, 2024 <u>2025</u>	Hand Tong	14	28
Rappahannock River Area 9	November 1, 2023 <u>2024</u> , through March 31, 2024 <u>2025</u>	Hand Tong	14	28
Yeocomico River Area	October 1, 2023 <u>2024</u> , through December 31, 2023 <u>2024</u>	Hand Tong	14	28

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York River Hand Tong Area	November 1, 2023 <u>2024</u> , through March 31, 2024 <u>2025</u>	Hand Tong	14	28
York River Rotation Area 1 and 2	October 1, 2023, through October 31, 2023, and December 1, 2023, through February 15, 2024, and March 1, 2024, through March 31, 2024 <u>November 1, 2024, through March 31, 2025</u>	Hand Tong	14	28
Beasley Bay Area	March 1, 2024, through March 15, 2024	Oyster Dredge	8	16
California Rock Area	November 15, 2023, through November 30, 2023	Oyster Dredge	8	16
Pocomoke and Tangier Sound Rotation Area 1 & 2	December 1, 2023 <u>2024</u> , through February 29 <u>28</u> , <u>2024</u> <u>2025</u>	Oyster Dredge	8	16
Tangier Sound Rotation Area 1	December 1, 2023, through March 15, 2024	Oyster Dredge	8	16

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Larsons Bay Area	December 1, 2023, through February 29, 2024	Patent Tong	8	16
Deep Rock Area	November 1, 2023 <u>2024</u> , through March 31, 2024 <u>February 28, 2025</u>	Patent Tong	8	16
Rappahannock River Rotation Area 1	October 15, 2023 <u>November 1, 2024, through February 29, 2024</u> <u>28, 2025</u>	Patent Tong	8	16
Seaside Eastern Shore	November 1, 2023 <u>2024</u> , through March 31, 2024 <u>2025</u>	By Hand or Hand Tong	14	28

C. It shall be unlawful to harvest seed oysters from the public oyster grounds or unassigned grounds, except within the dates and areas and with the harvest gears described in Table 2 in this subsection.

Table 2.
Seed Oyster Harvest Area, Harvest Dates, and Harvest Gear

Harvest Area	Harvest Dates	Harvest Gear
James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2023 <u>2024</u> through May 31, 2024 <u>2025</u>	Hand Tong

D. In the Pocomoke and Tangier Sounds Rotation Areas, it shall be unlawful to possess on board any vessel more than 250 hard clams.

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E. It shall be unlawful to possess any blue crabs on board any vessel with an oyster scrape or oyster dredge.

F. It shall be unlawful for any person or vessel to harvest clean cull oysters with more than one gear type in any single day from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia.

4VAC20-720-50. Repealed.

4VAC20-720-60. Day and time limit.

A. It shall be unlawful to take, catch, or possess oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, for commercial purposes, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand or ordinary tong for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest.

B. It shall be unlawful to do any of the following from the harvest areas described in Table 1 or Table 2 of 4VAC20-720-40:

1. Harvest or attempt to harvest oysters prior to sunrise or after sunset.
2. For any vessel to leave the dock until one hour before sunrise or return to the dock after sunset if the vessel has an oyster dredge or hand scrape aboard.
3. From October 1, ~~2023~~, through October 31, ~~2023~~, for any person to harvest or attempt to harvest clean cull oysters after 11 a.m.
4. Beginning November 1, ~~2023~~, for any person to harvest or attempt to harvest clean cull oysters after noon with patent tongs, hand scrapes, or oyster dredges.
5. Beginning November 1, ~~2023~~, for any person to harvest or attempt to harvest oysters after 2 p.m. with hand tongs.

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.**

In addition, it shall be unlawful for any vessel to leave the dock until one hour before sunrise or return to the dock after sunset if the vessel has an oyster dredge or hand scrape aboard.

4VAC20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters in the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area except by hand tong. It shall be unlawful for any person to have a hand scrape or oyster dredge on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong.

B. It shall be unlawful to harvest oysters by any gear from the seaside of the Eastern Shore except by hand or hand tong. It shall be unlawful to harvest oysters that are not submerged at mean low water by any gear other than by hand.

C. It shall be unlawful for any person to have more than one hand scrape on board their vessel while he is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to have a hand tong on board his vessel while he is harvesting or attempting to harvest oysters from public grounds by hand scrape.

4VAC20-720-75. Gear license.

It shall be unlawful for any vessel or individual to harvest shellfish for commercial purposes from the public oyster grounds as described in 4VAC20-720-40 unless the individual or an individual on board the harvesting vessel has been issued a valid commercial fisherman's registration license, a valid gear license required for the harvest area, and has paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes.

4VAC20-720-80. (Repealed).**4VAC20-720-85. James River Seed Quota and Monitoring.**

A. An oyster seed harvest quota of 90,000 bushels of seed is established for the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area. Once it has been projected and announced that the quota of seed has been attained, it shall be unlawful for any person to harvest seed oysters from these areas.

B. Of the 90,000-bushel seed quota described in subsection A of this section, no more than 30,000 bushels of this quota may be harvested from October 1 through December 31. However, if it is projected and announced that 30,000 bushels of seed have been harvested before December 31, it shall be unlawful for any person to harvest seed oysters from that date forward until January 1.

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C. Of the 90,000-bushel seed quota described in subsection A of this section, no more than 60,000 bushels of this quota may be harvested from January 1 through May 31.

~~D. Any person harvesting or landing oyster seed from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, shall report monthly on forms provided by the Virginia Marine Resources Commission all harvest of seed oysters. Reporting requirements shall consist of that person's Commercial Fisherman Registration License number, daily number of bushels of seed oysters harvested, harvest rock location, planting location (any lease numbers), and buyer name.~~

~~E. D.~~ It shall be unlawful for any person harvesting seed oysters from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, to fail to contact the Virginia Marine Resources Commission Interactive Voice Response (IVR) System within 24 hours of harvest or landing, and provide that person's name, Commercial Fisherman Registration License number, time, date, daily number of bushels of seed oysters harvested, harvest rock location, the planting location (any lease numbers), and buyer name provide daily harvest records accurately quantifying and legibly describing that days seed harvest from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area. All records shall be submitted within 24 hours of harvest or landing through the Online Mandatory Harvest Reporting Program Web Application and provide that person's name, Commercial Fisherman Registration License number, date, daily number of bushels of seed oysters harvested, harvest rock location, the planting location (any lease numbers), buyer name, and any other harvest reporting information required by law.

4VAC20-720-90. Harvest permit required for the James River Areas.

A permit is required for the James River Areas 1, 2, and 3. It shall be unlawful for any person to harvest, or attempt to harvest, oysters from the James River Areas without first obtaining a harvest permit from the Marine Resources Commission as required by §28.2-518 of the Code of Virginia.

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.****4VAC20-720-91. Harvest Permit required for the James River Seed Area, including the Deep Water Shoal State Replenishment Area.**

A. A harvest permit shall be required for the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, for the harvesting of seed oysters. It shall be unlawful for any person to harvest or attempt to harvest seed oysters from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, without first obtaining and having on board a harvest permit.

B. The Commissioner may cease granting permits required by § 28.2-535 or 28.2-546 of the Code of Virginia, when he determines that the seed areas currently open to harvest are becoming depleted and the additional granting of such permits could seriously injure the seed areas.

4VAC20-720-95. Repealed.**4VAC20-720-100. Seed oyster planting procedures.**

A. The marine police officer at the point of seed harvest may require that a marine police officer be present during the seed planting. When this is required, it will be specified on the seed transfer permit. If a marine police officer is required to be present at planting, the planter shall notify the marine police officer in the area prior to planting. It shall be unlawful for the permittee or planter to plant the oysters without a marine police officer being present.

B. The planting of seed oysters shall consist of spreading the oysters loosely on the bottom of the planting area. It shall be unlawful to plant seed oysters in any manner except by spreading the oysters loosely on the bottom.

C. Seed oysters shall be placed on a designated and marked area of the private ground from which said oysters are not to be removed until after December 31 if placed prior to December 31. Any seed oysters placed January 1 through May 31 are not to be removed until after May 31. It shall be unlawful to remove these seed oysters within 30 days of being placed on private ground.

4VAC20-720-105. [Repealed.]**4VAC20-720-106. [Repealed.]****4VAC20-720-110. Penalty.**

A. As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

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B. In addition to the penalty prescribed by law, any person violating any provision of this chapter shall destroy, in the presence of a marine police officer, all shellfish in his possession, or, at the direction of the marine police officer, shall place the shellfish overboard on the nearest oyster sanctuary or closed shellfish area, and shall cease harvesting on that day. All harvesting apparatus may be subject to seizure, and, pursuant to § 28.2-232 of the Code of Virginia, all licenses and permits may be subject to revocation following a hearing before the Virginia Marine Resources Commission.

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201, 28.2-507, and 28.2-518, of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Hampton, Virginia, August 27, 2024.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2024.

Notary Public

FISHERIES MANAGEMENT DIVISION EVALUATION, 08/27/2024

- Public Hearing:** Proposal to amend Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks," to move oceanic whitetip shark from the commercially and recreationally permitted shark species lists to the commercially and recreationally prohibited shark species lists in the definitions section of this regulation.
- Issues:** On January 3rd, 2024, the National Oceanic and Atmospheric Administration (NOAA) Fisheries published a final rule that prohibits commercial and recreational retention of Oceanic whitetip sharks in all U.S. waters of the Atlantic Ocean. This prohibition only affects federal waters past 3 miles and the proposed amendment will maintain consistency in Virginia state waters.
- Background:** In federal waters, oceanic whitetip sharks are managed jointly by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and NOAA Fisheries. This prohibition on oceanic whitetip sharks is in response to biological opinions for highly migratory species that strongly encouraged a prohibition on fishing for this species. The oceanic whitetip is currently listed as threatened under the Endangered Species Act.
- Starting February 2nd, 2024, this final rule adds oceanic whitetip sharks to NOAA's prohibited species list and requires all commercial and recreational fishermen to leave oceanic whitetips in the water and any caught must be released immediately. Moving oceanic whitetip sharks to the commercial and recreational prohibited species lists in the definitions sections of the shark regulation will mirror all regulations NOAA put into place in federal waters. The ASMFC Coastal Sharks Management Board has recommended that all states mirror the new regulations as soon as possible.
- Staff Recommendation:** Staff recommends the Commission amend Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks," to move Oceanic Whitetip shark from the commercially and recreationally permitted shark species lists to the commercially and recreationally prohibited shark species lists in the definitions section of this regulation in the definitions section of this regulation.



COMMONWEALTH of VIRGINIA

Marine Resources Commission
Building 96
380 Fenwick Road
Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By August 8, 2024, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, August 27, 2024, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the Fisheries Management Division proposals or on fisheries items not on the agenda must be provided by 12:00 p.m., Thursday, August 22, 2024. Comments should be addressed to Public Comments, VMRC Fisheries Management Division, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651, or sent by email to web.info@mrc.virginia.gov with the subject heading "Fisheries Commission Comments".

The Commission may review Fisheries Management Division items as early as 9:30 a.m.

I. Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks"

The Commission proposes to amend Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks" to reclassify the oceanic whitetip shark from the commercially and recreationally permitted shark list to the commercially and recreationally prohibited shark list.

The purpose of these amendments is to mirror state regulations with federal regulations set by NOAA.

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS BECAUSE OF A DISABILITY, PLEASE ADVISE MICHELE GUILFORD (757-247-2206) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.

An Agency of the Natural and Historic Resources Secretariat

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"PERTAINING TO SHARKS"

CHAPTER 4 VAC 20-490-10 ET SEQ.

PREAMBLE

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 and of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4 VAC 20-490-10 et seq. which was promulgated ~~March 22, 2022~~ September 27, 2022 and made effective on ~~April 1, 2022~~ October 1, 2022. The effective date of this chapter, as amended, is ~~October 1, 2022~~ September 1, 2024.

4 VAC 20-490-10. Purpose.

The purpose of this chapter is to ensure the conservation of shark resources, by preventing overfishing by commercial and recreational fisheries, and to control the practice of finning.

4 VAC 20-490-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman’s gear or sell that commercial fisherman’s harvest.

“Annual quota” means Virginia’s 10.795% share of the annual coastwide commercial spiny dogfish quota managed by the Atlantic States Marine Fisheries Commission.

“Carcass length” means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“Circle Hook” means a non-offset, non-stainless steel hook with the point turned sharply and straight back toward the shank.

“COLREGS line” means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

“Commercial shark fisherman” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes

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spiny dogfish) in that calendar year (January 1 through December 31).

“Commercially permitted aggregated large coastal shark” means any of the following species:

Blacktip, *Carcharhinus limbatus*
Bull, *Carcharhinus leucas*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Silky, *Carcharhinus falciformis*
Spinner, *Carcharhinus brevipinna*
Tiger, *Galeocerdo cuvier*

“Commercially permitted hammerhead shark” means any of the following species:

Great hammerhead, *Sphyrna mokarran*
Scalloped hammerhead, *Sphyrna lewini*
Smooth hammerhead, *Sphyrna zygaena*

“Commercially permitted nonblacknose small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*
~~Oceanic whitetip, *Carcharhinus longimanus*~~
Porbeagle, *Lamna nasus*
Thresher, *Alopias vulpinus*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Blacknose, *Carcharhinus acronotus*

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Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*

Oceanic whitetip, *Carcharhinus longimanus*

Sand tiger, *Carcharias taurus*

Sevengill, *Heptranchias perlo*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*
Shortfin mako, *Isurus oxyrinchus*

"Control rule" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"Dressed weight" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"Finning" means removing the fins and returning the remainder of the shark to the sea.

"Fork length" means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the fork of the tail along the midline, using a straight-line measure, not measured over the curve of the body.

"Large mesh gill net" means any gill net with a stretched mesh of greater than five inches.

"Longline" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

"Movable gill net" means any gill net other than a staked gill net.

"Permitted commercial gear" means rod and reel, handlines, shark shortlines, small mesh gill nets,

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large mesh gill nets, pound nets, and weirs.

“Recreational shore angler” means a person neither fishing from a vessel nor transported to or from a fishing location by a vessel.

“Recreational vessel angler” means a person fishing from a vessel or transported to or from a fishing location by a vessel.

“Recreationally permitted shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Blacktip, *Carcharhinus limbatus*
Blue, *Prionace glauca*
Bonnethead, *Sphyrna tiburo*
Bull, *Carcharhinus leucas*
Finetooth, *Carcharhinus isodon*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*

~~Oceanic whitetip, *Carcharhinus longimanus*~~

Porbeagle, *Lamna nasus*

Scalloped hammerhead, *Sphyrna lewini*
Smooth Dogfish, *Mustelus canis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Thresher, *Alopias vulpinus*
Tiger, *Galeocerdo cuvier*

“Recreationally prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*

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Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*

Oceanic whitetip, *Carcharhinus longimanus*

Sand tiger, *Carcharias taurus*

Sandbar, *Carcharhinus plumbeus*
Sevengill, *Heptranchias perlo*
Silky, *Carcharhinus falciformis*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*
Shortfin mako, *Isurus oxyrinchus*

“Research only shark” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“Shark shortline” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

“Small mesh gill net” means any gill net with a stretched mesh of equal to or less than five inches.

“Smooth Dogfish” means any shark of the species *Mustelus canis*. Smooth dogfish are also known as "smoothhound shark."

“Snout” means the most forward projection from a fish’s head that includes the upper and lower jaw.

"Spiny dogfish" means any shark of the species *Squalus acanthias*.

4 VAC 20-490-30. Commercial gear restrictions.

A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal

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waters.

B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.

C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.

D. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.

E. Any person fishing commercially for sharks shall check all large mesh gill nets at least once every two hours.

4 VAC 20-490-35. [Repealed]**4 VAC 20-490-40. Recreational harvest limitations and gear restrictions.**

A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.

C. It shall be unlawful for any person to possess any recreationally prohibited shark.

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D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational harvest limitations described in this section that is less than 54 inches in fork length except as described in subdivisions 1, 2 and 3 of this subsection:

1. It shall be unlawful for any person to possess any recreationally caught great hammerhead, scalloped hammerhead, or smooth hammerhead shark that is less than 78 inches in fork length.
2. Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish sharks are exempt from the recreational size limit described in this subsection.

E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.

F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

G. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.

H. Any person fishing recreationally for sharks shall use non-offset, corrodible, non-stainless steel circle hooks except when fishing with flies or artificial lures.

4 VAC 20-490-41. Commercial harvest limitations.

A. Beginning January 1 of any given year it shall be unlawful for any person to possess on board a vessel or to land in Virginia more than a combined total of 36 commercially permitted aggregated large coastal sharks and commercially permitted hammerhead sharks in one twenty-four hour period, unless the Commission has posted notice of any change to possession limits on its website at <http://mrc.virginia.gov/Regulations/VA-commercial-shark-possession-limits.shtm>. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.

B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain

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naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.

C. Virginia licensed commercial fishermen may completely process smooth dogfish at sea prior to landing when the harvest of smooth dogfish comprises at least 25%, by weight, of the total retained harvest except that it shall be unlawful for anyone to land or possess on board any vessel any amount of processed smooth dogfish whereby the total weight of fins exceeds 12 percent of the total dressed weight of any smooth dogfish.

D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.

E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted non-blacknose species.

F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:

1. The vessel does not engage in fishing, in Virginia waters, while possessing the species listed in this subsection; and
2. All fishing gear aboard the vessel is stowed and not available for immediate use.

G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.

H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.

I. The commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

4 VAC 20-490-42. Spiny dogfish commercial quota and harvest limitations.

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A. The fishing year for spiny dogfish shall be from May 1 of the current calendar year through April 30 of the following calendar year. For the fishing year, the commercial spiny dogfish landings quota shall be limited to the annual quota except as specified in subsection B of this section.

B. If a quota transfer occurs between Virginia and another state or region participating in the Interstate Fishery Management Plan for spiny dogfish, Virginia's annual quota for the fishing year shall be limited to the annual quota amount as adjusted for transfers.

C. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

D. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia more than 7,500 pounds of spiny dogfish per day for commercial purposes.

E. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish for commercial purposes after the annual quota specified in subsections A and B of this section has been landed and announced as such.

F. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.

G. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or annual quota described in this section has been landed and announced as such.

4 VAC 20-490-43. Limited access control rule.

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

4 VAC 20-490-44. Spiny dogfish limited entry fishery permit and permit transfers.

A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to

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Virginia registered commercial fishermen meeting either of the criteria described in subdivision 1 or 2 of this subsection:

1. Shall have documentation of (i) harvest from a movable gill net for an average of at least 60 days from 2006 through 2008, (ii) a minimum harvest of one pound of spiny dogfish at any time from 2006 through 2008, and (iii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.

2. Shall have documentation of (i) harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008, and (ii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.

B. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February 2006 through 2008 shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions A 1 and A 2 of this section.

C. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.

D. The use of agents in the spiny dogfish fishery is prohibited.

E. The commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection C of this section to any individual who meets any of the following criteria:

1. Demonstrates a significant hardship on the basis of health and provides the commissioner documentation, by an attending Physician, of the medical condition.

2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the commissioner an explanation, in writing, and copy of the military orders for active duty.

3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

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When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the exact weight of spiny dogfish received or purchased, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

4VAC20-490-47. Control date.

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

4VAC20-490-48. Smooth dogfish commercial quota and harvest limitations.

A. During each calendar year, total allowable commercial landings of smooth dogfish shall be limited to a quota in dressed weight calculated pursuant to the Interstate Coastal Sharks Fishery Management Plan.

B. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any smooth dogfish harvested from federal waters once NOAA Fisheries has determined and announced that 80% of the smooth dogfish coastwide quota has been harvested.

C. It shall be unlawful for any person to harvest or to land in Virginia any smooth dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.

D. Any smooth dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.

E. It shall be unlawful for any buyer of seafood to receive any smooth dogfish harvested from federal waters once NOAA Fisheries has determined and announced that 80% of the smooth dogfish coastwide quota has been harvested.

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F. It shall be unlawful for any buyer of seafood to receive any smooth dogfish after the commercial quota specified in subsection A of this section has been attained and announced as such.

4VAC20-490-50. Finning.

It shall be unlawful for any person to engage in finning.

4VAC20-490-60. [Repealed]

4VAC20-490-70. Penalty.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia, on August 27, 2024.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this ____ day of ____ 2024.

Notary Public

FISHERIES MANAGEMENT DIVISION EVALUATION, 8/27/24

RECOMMENDATION: Recommendation on a proposal from the Commercial Fishing Advisory Board

**BACKGROUND
AND ISSUES:**

The Marine Fishing Improvement Fund (MFIF) is made up of sales of Virginia commercial fishing licenses. The Commercial Fishing Advisory Board (CFAB) advises the Commission on expenditures from the MFIF.

The Commercial Fishing Advisory Board (CFAB) met at the main office on August 13, 2024 to review the CFAB manual and two applications for funding. After reviewing both proposals, the CFAB voted to recommend funding both projects.

A. 2024 Commercial Fisheries Offshore Ocean Planning Coordination. Todd Janeski. VCU. **\$176,040.**

This grant provides funding for a manager to serve as the Virginia Ocean-based Commercial Fisheries Coordinator (“Fisheries Coordinator”) for the VA Marine Resources Commission (VMRC). The Coordinator provides direct support to the Commissioner’s Office and the Commonwealth on ocean fishing issues relating to fisheries permitted, licenses, or landed in Virginia to ensure they are fully informed to changes in ocean use that will affect commercial fishing activities, traditional use, and the protection of domestic food security. This position will also directly provide policy assistance and advise the Virginia Administration on issues as it relates to the interaction of commercial fisheries and the deployment of offshore wind off Virginia and relative to those projects that directly affect those jobs and revenue to the State of Virginia.

The Fisheries Coordinator will focus especially on the commercial fishing sector, as their activities relate to planned and future offshore renewable energy including offshore wind (OSW). This proposal includes the addition of subcontracted technical assistance to research relevant and emerging issues, conduct and evaluate economic exposure analysis and to provide direct assistance and guidance to address impacts to commercial fishing from changes in ocean use; this includes the Law Office of Shaun Gehan, Desautel-Browning Law and Capital Trade, Inc.

Seven public comments were received by the CFAB in support of the project. The CFAB voted unanimously to recommend funding the project.

- B. Biological Monitoring of River Herring in Virginia; additional project funds addendum. Eric Hilton, VIMS, **\$8,000**.

The river herring project was initially presented and approved by both the CFAB and the Commission in Fall 2023. This project is typically funded at \$40,000 annually. Due to a miscommunication between match and indirect funds, the funds requested totaled \$32,000, leaving the project \$8,000 short for this cycle. Dr. Hilton submitted a letter asking for the additional funds to complete this cycle. The 2025 cycle funding will be requested and reviewed at the next CFAB.

RECOMMENDATION: The Commercial Fishing Advisory Board recommended funding both programs totaling \$184,040 from the Marine Fishing Improvement Fund.