

**AGENDA**  
**MARINE RESOURCES COMMISSION**  
**SEPTEMBER 24, 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. **ROGER EVANS, JR. #24-1089**  
Requests authorization to construct a 30-foot long by 14-foot wide open-sided single slip boathouse over an existing boat lift, adjacent to property situated along Cod Creek at 485 Clarke Lane in Northumberland County. This project is protested by an adjacent property owner.
6. **PUBLIC COMMENTS**
7. **PUBLIC HEARING**  
Proposal to amend Chapter 4VAC20-740-10 et seq., "Pertaining to Snagging or Towing of Fish" to allow recreational anglers to snag Atlantic menhaden and mullet species in the Mugel genus (white mullet, striped mullet, and flathead grey mullet).
8. **REQUEST FOR PUBLIC HEARING**  
Staff presentation, public comment opportunity, and Commission discussion to guide the October Commission decision regarding potential regulatory amendments for the winter crab fishery.
9. **DISCUSSION**  
Recommendations from the Recreational Fishing Advisory Board.

## MINUTES

## COMMISSION MEETING

August 27, 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
Patrick Hand	
Lynn Kellum	
A.J. Erskine	
William Bransom	
Jeremy Headley	Associate Members
Jeanette Edwards	
Thomas Preston	
Preston White	
Kelci Block	Assistant Attorney General Via phone
Jamie Hogge	Recording Secretary
Rachael Peabody	Director of Environmental Policy
Gerald Pitt	1 <sup>st</sup> . Sgt., Marine Police
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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Others present:

Bob Simon	Tommy Kellum	Andrew Larkin
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**Commission Meeting**

Rebecca Francese	George Mapp	Mark Hiltke
Bill Pruitt	Ronald Owens	Melissa Southworth
Roger Mann	Darryl Hurley	Gavin Sayers
Lee Diehl	J. C. Hudgins	Ed Davis
Dave Pryor	Anthony Hogge	Rich Calvert
Jackie Shannon	Julie Hedrick	Kim Huskey
Tony Edwards	Matt Hull	and others.

\* \* \* \* \*

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

**Associate Member Headley moved to approve the agenda presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.**

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**MINUTES:** Commissioner Green asked if there were any changes or corrections to be made to the July 23, 2024, Commission Meeting minutes.

**Associate Member Erskine moved to approve the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0-1. Associate Member White abstained.**

\* \* \* \* \*

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

\* \* \* \* \*

Commissioner Green explained that Senator DeSteph was unable to attend the meeting, but he entered a proclamation during the last senate session, and he asked that we execute it on his behalf.

Ronald Owens, on behalf of Senator DeSteph, presented Senate Joint Resolution Number 210, to William A, Pruitt, former Commissioner of Virginia Marine Resources

Commission, commending him as he served the Commonwealth with unwavering commitment and dedication. His comments are a part of the verbatim record.

\* \* \* \* \*

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 2H for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

- 2A. **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.
- 2B. **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.
- 2C. **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.

- 2D. 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.
- 2E. 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 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.
- 2F. 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.
- 2G. 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.
- 2H. 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.

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 2H as presented. Associate Member Edwards seconded the motion. The motion carried, 8-0.**

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**3. CONSENT AGENDA ITEMS**

**3A. 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.

Randy Owen, Chief, Habitat Management, reviewed the Page 3 item for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

Robert Simon, agent for the applicant was sworn in. His comments are a part of the verbatim record.

Mr. Simon accepted the civil charges against him

Mr. Simon also stated that the homeowner agreed to pay the triple permit fees and the civil charge.

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 3 item as presented. Associate Member Hand seconded the motion. The motion carried, 8-0.**

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

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**5. LICENSE STATUS REVIEW**

Adam Kenyon, Chief, Shellfish Mgmt., gave the briefing of the information provided in the staff’s evaluation for the three (3) License Status Review individuals, with PowerPoint slides. Mr. Kenyon’s comments are a part of the verbatim record.

**Anthony Hogge**

Anthony Hogge was present and sworn in. His comments are a part of the verbatim record.

Mr. Hogge stated that it was a small area, and he is guilty as he could be.

**Associate Member Bransom made a motion to revoke all licenses and privileges for 5 years from the date of conviction. Associate Member Preston seconded the motion. The motion carried, 8-0.**

**Raymond Jenkins Jr.**

Raymond Jenkins Jr. was present and sworn in. His comments are a part of the verbatim record.

Col. Matt Rogers, Chief of Law Enforcement, presented more background of the violations.

**Associate Member Bransom made a substitute motion to revoke all licenses and privileges for 2 years from the date of conviction followed by 3-year probation.**

**Associate Member Edwards seconded the motion. The motion failed, 3-5. Associate Members Hand, Kellum, Erskine, Bransom and White voted no.**

**Associate Member Bransom made a motion to revoke all licenses and privileges for 3 years from the date of conviction followed by 2-year probation. Associate Member Erskine seconded the motion. The motion carried, 6-2. Associate Members Hand and White voted no.**

**Dean Rhea**

Dean Rhea was not present, and this was presented to the Commission in his absence.

**Associate Member Bransom made a motion to revoke all licenses and privileges for 3 years from the date of conviction followed by 2-year probation. Associate Member Preston seconded the motion. The motion carried, 6-2. Associate Members Hand and White voted no.**

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6. **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.

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.

Roger Mann, VIMS representative, was sworn in and spoke in support of the proposed public oyster harvest seasons. His comments are a part of the verbatim record.

J. C. Hudgins was sworn in and spoke in support of the proposed public oyster harvest seasons. His comments are a part of the verbatim record.

Jackie Shannon was sworn in and spoke in support of the proposed public oyster harvest seasons. Her comments are a part of the verbatim record.



Andrew Larkin, NOAA / Chesapeake Bay office, was sworn in and spoke in support of the proposed public oyster harvest seasons. His comments are a part of the verbatim record.

Tommy Kellum was sworn in and spoke in support of the proposed public oyster harvest seasons. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom made a motion to adopt the 2024-2025 public oyster harvest seasons, areas, and gears as recommended by the Shellfish Management Advisory Committee with the exception of only opening Burtons Point for HS and Palaces Bar for HT in the Piankatank River as well as adopting an online reporting system for oyster seed harvest and the ability to harvest both clean cull and seed oysters within the same day. Associate Member White seconded the motion. The motion carried, 8-0.**

\* \* \* \* \*

**7. PUBLIC COMMENT:**

Tommy Kellum recognized the retirement of Debra Jenkins. His comments are a part of the verbatim record.

William Pruitt recognized the retirement of Debra Jenkins. His comments are a part of the verbatim record.

Darryl Hurley was sworn in and spoke. His statement was part of the verbatim record.

Mr. Hurley spoke on behalf of obtaining his private ground leases back after not receiving the payment notices nor VMRC not receiving the payment.

**According to Counsel Block, the Commission did not have authority to override the Code of Virginia which states the guidelines for the lease payment schedule. Based on this authority, the Commission did not make a motion on the request to re-instate the lease. Their comments are a part of the verbatim record.**

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- 8. 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.

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

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- 9. DISCUSSION** Commercial Fishing Advisory Board recommendation on funding request from the Marine Fishing Improvement 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, 8-0.**

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The Commissioner notified the Associate Commissioners, staff and the public of the future dates for the Commission Meeting beginning in October. The October meeting will be held on Monday, October 28, 2024, the November and December meeting will be merged and held on Tuesday, December 3, 2024.

**Commission Meeting**

**19253  
August 27, 2024**

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There being no further business, the meeting is adjourned at 12:06 p.m. The next Commission meeting will be meeting on Tuesday, September 24, 2024.

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Jamie L. Green, Commissioner

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Jamie Hogge, Recording Secretary



# 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

September 19, 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 September Commission Meeting

Attached please find the Habitat Management Division evaluation for this month's Commission meeting. We now have one full brief item.

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 (2024-1089).

I look forward to seeing everyone next Tuesday.

RDO/lra  
HM  
Attachments  
cc: Dr. Mark Luckenbach, VIMS

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**ROGER EVANS JR.**  
**2024-1089**

1. Habitat Management Division Evaluation dated September 24, 2024.
2. Revised Application Drawings dated July 1, 2024, Original Applicant Drawings dated May 16, 2024.
4. Letter of Protest
  - a. Ms. Kimberly Reuter dated July 26, 2024.

**HABITAT MANAGEMENT DIVISION EVALUATION**

**ROGER EVANS, JR. #24-1089**, requests authorization to construct a 30-foot long by 14-foot wide open-sided single slip boathouse over an existing boat lift, adjacent to property situated along Cod Creek at 485 Clarke Lane in Northumberland County. This project is protested by an adjacent property owner.

**Narrative**

The project is in Heathsville, along a tributary to Cod Creek in Northumberland County. There are numerous boathouses along the creek, and one has been recently authorized for construction directly across the street from the Evans' property (Odham, VMRC #23-1034). The applicant's proposed boathouse will be attached to an existing statutorily authorized private pier constructed by the applicant.

**Issues**

Commission staff was notified by phone on February 14, 2024, by Ms. Kimberly Reuter, an adjacent property owner, that construction had occurred in the creek adjacent to the applicant's property. Ms. Reuter's property is immediately downstream from the Evans' property. The protestant reported that a pier had been constructed by Mr. Evans and questioned if a boathouse was also proposed since there were tall pilings around a newly installed boat lift. Following Ms. Reuter's phone call, staff arranged to meet Mr. and Mrs. Evans on-site on March 7, 2024. At that meeting, staff observed that a 57-foot by 6-foot pier with a 400 square foot L-head had been constructed. Additional construction included an uncovered boat lift and outboard mooring piles. At that time, staff advised the property owner to suspend any further construction and to file a Joint Permit Application (JPA) seeking authorization to retain the pier and to complete the construction of the boathouse. On May 6, 2024, we received a JPA from Roger Evans. Staff then processed the application and officially notified Ms. Reuter and the upstream adjacent property owner of the proposed boathouse.

In a follow-up email, Ms. Reuter expressed her concern that the boathouse will significantly obstruct and alter her view and the view of the adjacent property owners on both sides of the narrow creek. Since the project was now protested and a subaqueous permit required, a public notice was advertised in a newspaper in general circulation in the project area. No member of the public, other than Ms. Reuter, has protested the project.

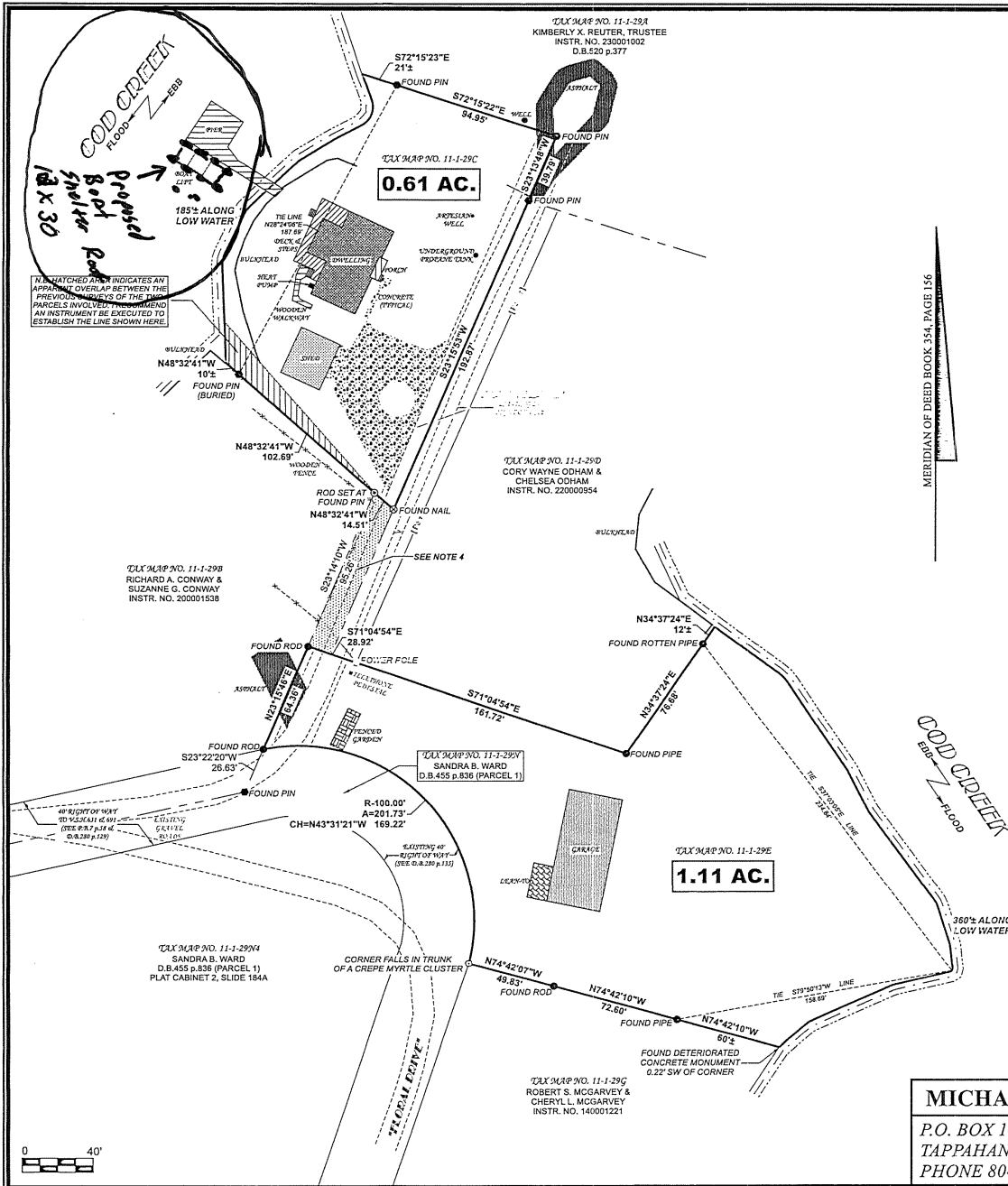
The protested boat house will be a subject of a future hearing by the Northumberland County Board of Supervisors.

No other agency has objected to the project.

## **Summary and Recommendation**

Section 28.2-1203(A)(5) of the Code of Virginia provides statutory authorization for the construction of an open-sided boathouse measuring 700 square feet or less which is designed to cover a single vessel, provided the adjacent property owners voice no objection. In this case, while the boathouse is designed to qualify for the statutory authorization, an adjacent property owner has raised objections to the structure, and therefore it requires a permit. While staff is sensitive to the issue raised by the adjacent property owner, the 420 square foot open-sided boathouse is well below the 700 square foot threshold for a boathouse structure. Staff feels that an open-sided boathouse of this size only minimally increases the visual obstruction of a vessel sitting in the existing boat lift. Accordingly, staff feels this is a reasonable use of state-owned submerged lands and recommends approval of the boathouse contingent upon approval by the Northumberland County Board of Supervisors.

SURVEY FOR  
**ROGER M. EVANS, JR. &  
 CYNTHIA L. EVANS**  
 HEATHSVILLE MAGISTERIAL DISTRICT  
 NORTUMBERLAND COUNTY, VIRGINIA



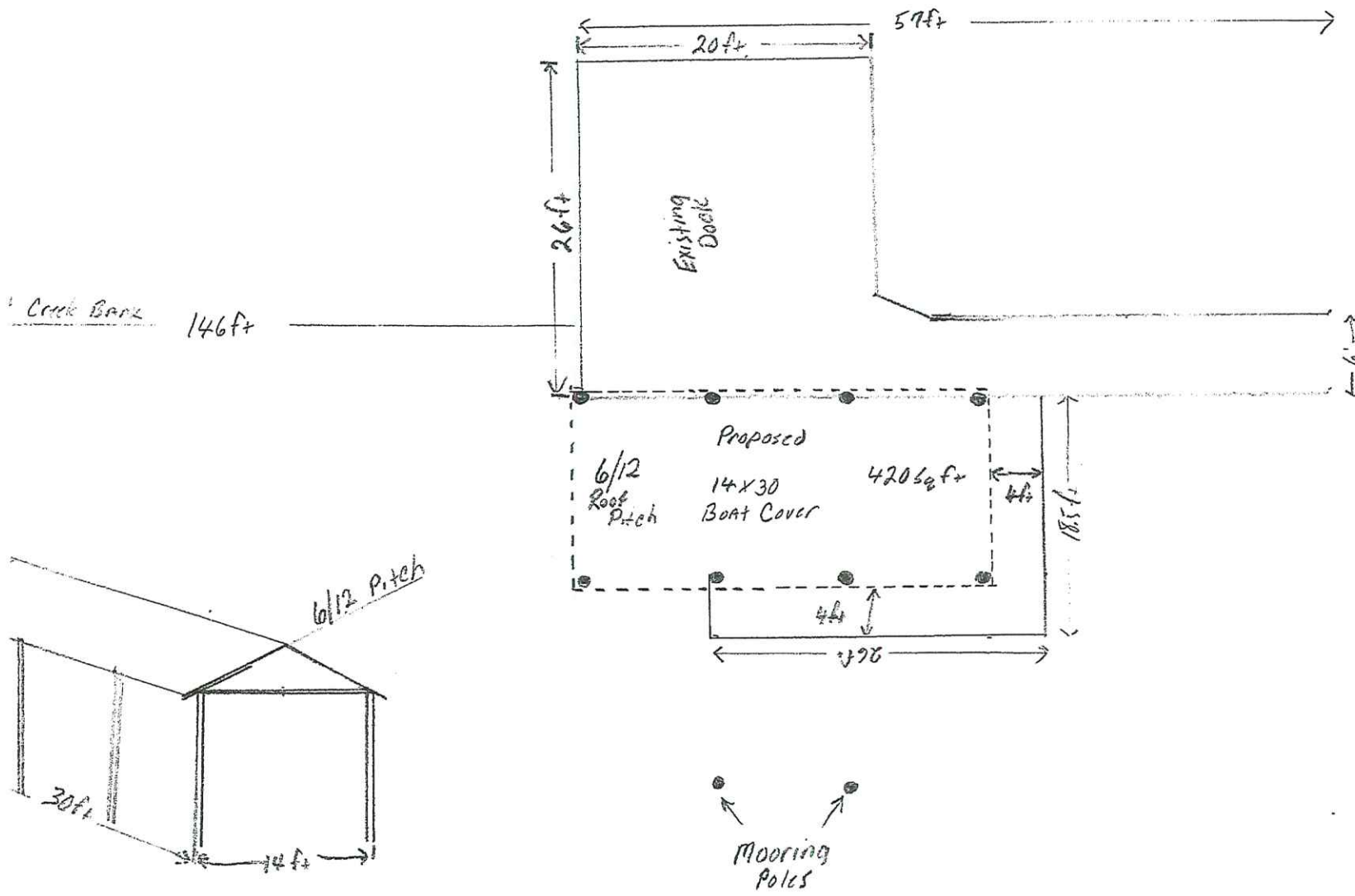
NOTES:

- 1) THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.
- 2) CURRENT OWNERS: ROGER M. EVANS, JR. & CYNTHIA L. EVANS  
 INSTR. NO. 180001751 (TAX MAP NO. 11-1-29C)  
 D.B.520 p.377  
 AND  
 ROGER EVANS  
 INSTR. NO. 22000311 (TAX MAP NO. 11-1-29E)
- 3) PROPERTY ADDRESS FOR TAX MAP NO. 11-1-29C IS 485 CLARKE LANE.
- 4) THE STIPPLED AREA SHOWN HERE REPRESENTS AN APPARENT GAP BETWEEN THE SURVEYS OF RECORD FOR TAX MAP NOS. 11-1-29B & 29D.

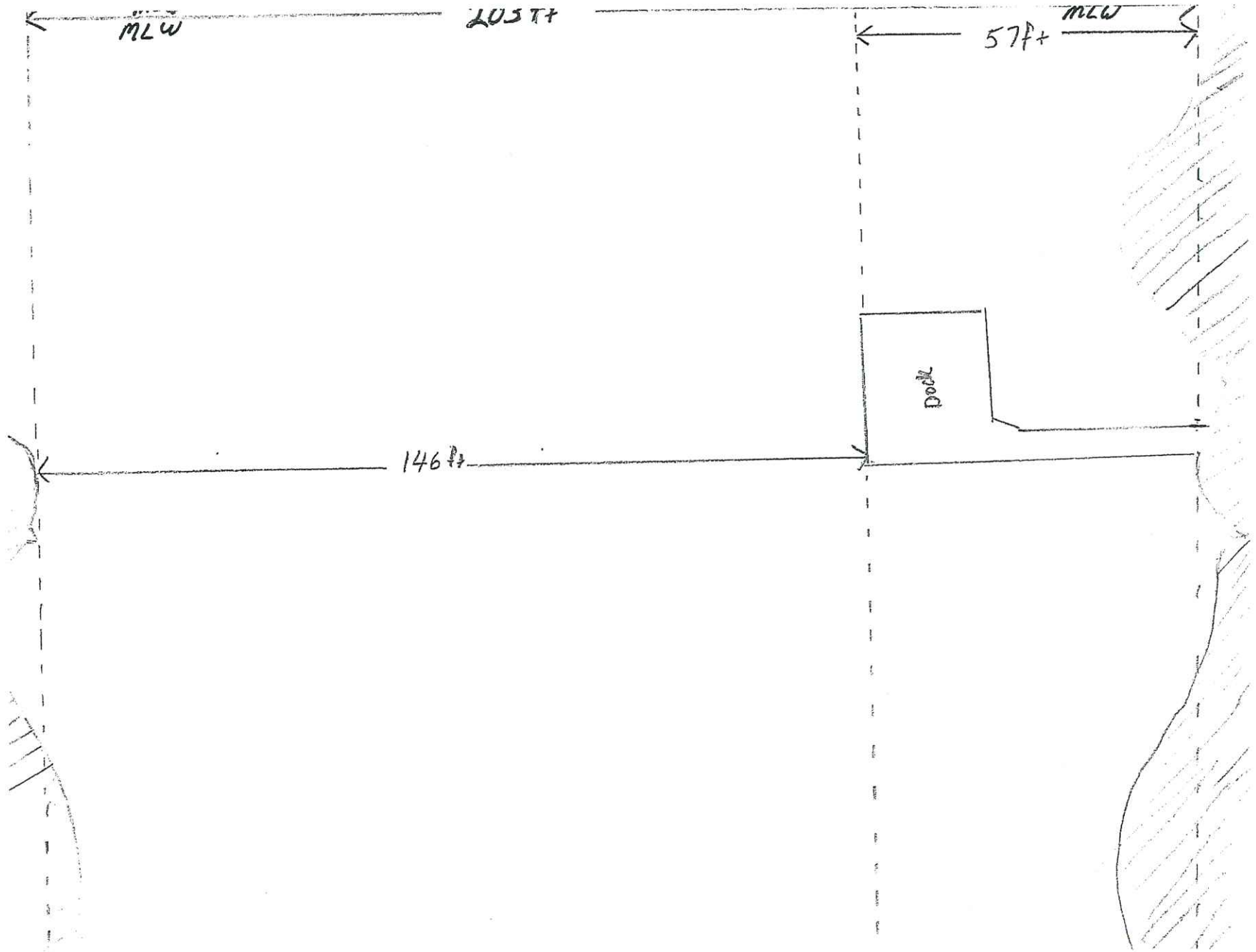


<b>MICHAEL A. WIND, CERTIFIED LAND SURVEYOR</b>	
P.O. BOX 1597 TAPPAHANNOCK, VA. 22560 PHONE 804-443-6426	DATE: OCTOBER 23, 2023 JOB NO: 92-133 TAX MAP NO: 11-1-29C&29E
	SCALE: 40 Ft/In DISK NO: 155-18 TPC NO: 24-14





Additional Information/Revisions Received by VMRC July, 1, 2024 map



Additional Information/Revisions Recieved by VMRC July, 1, 2024 map

# Public Comments for 20241089

- [<< Back](#)
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**Total Comments: 1    Favor: 0    Oppose: 1**

*Click on column heading to sort data.*

No.	Name	Email	Timestamp	Position	Comments
1	KIMBERLY REUTER <a href="#">Edit</a>	kimberly@clarityscalegrowth.com	07/26/2024 15:04:53 PM	OPPOSE	I OPPOSE THIS PROJECT BECAUSE THE BOAT HOUSE WILL SIGNIFICANTLY OBSTRUCT AND ALTER THE VIEW OF NOT ONLY THE ADJACENT PROPERTY OWNERS BUT ALSO PROPERTY OWNERS ACROSS AND UPSTREAM OF THE NARROW CREEK.

## FISHERIES MANAGEMENT DIVISION EVALUATION, 09/24/2024

- Public Hearing:** Proposal to amend Chapter 4 VAC 20-740-10 et seq., "Pertaining to the Snagging or Towing of Fish" to allow recreational anglers to snag Atlantic menhaden and mullet species in the *Mugel* genus (white mullet, striped mullet, and flathead grey mullet).
- Issues:** Currently it is unlawful to take or attempt to take any finfish by snagging. Atlantic menhaden and mullet species are used by recreational anglers as cut and live bait and are caught using cast nets when schools swim close to the shoreline. When schools swim further from the shoreline, shore-based anglers cannot effectively use a cast net due to the limited distance it can be thrown. This results in shore-based anglers not being able to catch fresh bait while fishing. Using a weighted treble hook for snagging is the only method to catch these baitfish when they are far off the shoreline. The current regulation limits anglers to only be able to catch Atlantic menhaden and mullet species when schools are close enough for a cast net.
- Background:** Atlantic menhaden and mullet species are important baitfish used by recreational anglers throughout Virginia. These baitfish are filter feeders and cannot be caught using baited hooks or lures. The main method for catching these species is using a cast net as they swim in large easily identifiable schools close to the shoreline. Large schools are regularly seen swimming further off the shoreline but are too far for a cast net to be thrown. The only method for shore-based anglers to catch Atlantic menhaden and mullet species when schools swim far off the shoreline is using a weighted treble hook to snag the fish in the body. Currently, snagging of any species is illegal and this restricts recreational shore-based anglers from catching fresh bait while fishing. Allowing recreational anglers the ability to snag Atlantic menhaden and mullet species will decrease the financial burden of having to buy bait at a tackle shop every trip and the burden of searching for schools of baitfish close enough to be caught using a cast net.
- Staff Recommendation:** Staff recommends the Commission approve amendments to Chapter 4 VAC 20-740-10 et seq., "Pertaining to the Snagging or Towing of Fish" to allow recreational anglers to snag Atlantic menhaden and mullet species in the *Mugel* genus.



# 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 September 5, 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, September 24, 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, September 19, 2024. Comments should be made at the following link: [https://webapps.mrc.virginia.gov/public/fisheries/search\\_publiccomments.php](https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php) or addressed to Public Comments, VMRC Fisheries Management Division, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

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### **I. Chapter 4VAC20-740-10 et seq., “Pertaining to Snagging or Towing of Fish”**

The Commission proposes to amend Chapter 4VAC20-740-10 et seq., “Pertaining to Snagging or Towing of Fish” to allow recreational anglers to snag Atlantic menhaden and mullet species in the *Mugil* genus (white mullet, striped mullet, and flathead grey mullet).

The purpose of these amendments is to provide additional opportunities for recreational anglers to collect their own bait with gears other than a cast net and reduce the financial burden of needing to purchase similar baitfish.

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**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.**

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"PERTAINING TO THE SNAGGING OR TOWING OF FISH"

CHAPTER 4 VAC 20-740-10 ET SEQ.

PREAMBLE

This chapter prohibits the snagging of fish or towing of any cobia or striped bass.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia.

This chapter amends and readopts previous Chapter 4 VAC 20-740-10 et seq., which was adopted on ~~March 28, 1995~~ March 26, 2019 and was effective on ~~April 12, 1995~~ April 1, 2019. The effective date of this chapter is ~~April 1, 2019~~ October 1, 2024.

**4VAC20-740-10. PURPOSE.**

The purpose of this chapter is to reduce snagging and towing injuries and mortalities to finfish in Virginia waters, and to preserve the public safety by prohibiting the practice of snagging fish.

**4VAC20-740-15. DEFINITIONS.**

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

"Mugel genus" means white mullet, striped mullet, and flathead grey mullet.

"Snagging" means the act of intentionally hooking or attempting to hook a fish in any part of its body other than its mouth using a fishing line, hook, or other device.

"Towing of fish" means tethering a fish, by any method, behind the vessel while the engine is running and in gear.

**4VAC20-740-20. SNAGGING PROHIBITED.**

It shall be unlawful for any person to take or to attempt to take any finfish by means of snagging other than Atlantic menhaden and species in the Mugel genus.

**4 VAC 20-740-25. TOWING OF FISH PROHIBITED.**

"PERTAINING TO THE SNAGGING OR TOWING OF FISH"

CHAPTER 4 VAC 20-740-10 ET SEQ.

It shall be unlawful for any person to tow any cobia or striped bass.

4VAC20-740-30. 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, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on September 24, 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 9/24/2024

### REQUEST FOR

**PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-270-10 et seq., “Pertaining to Blue Crab Fishery,” to consider a winter blue crab fishery.

### ISSUE:

In 2008, all Chesapeake Bay jurisdictions took a 34% decrease in effort to conserve a consistently low blue crab population observed for multiple years. The Virginia winter crab dredge fishery represented 17% of the 34% reduction. As described in §28.2-707 of the Code of Virginia, the winter crab dredge fishery season is from December 1 to the following March 31. Until 2024, the dredge season has been closed since 2008 each year by annual updates to Chapter 4 VAC 20-1140-10 et seq., “Prohibition of Crab Dredging in Virginia Waters.” In June 2024, the Commission repealed Chapter 4 VAC 20-1140-10 et seq. and asked staff to bring a new dredge regulation before them in September.

### BACKGROUND:

A Blue Crab Federal Fishery Disaster was declared for Chesapeake Bay by NOAA Fisheries in 2008. The three Chesapeake Bay jurisdictions--Virginia, Maryland, and the Potomac River Fisheries Commission--agreed to take a 34% reduction in effort to conserve the blue crab population. Virginia’s 34% reduction included reducing individual crab pot limits, increasing cull rings, shortening female harvest season, increasing minimum size limit for peeler crabs, and closing the winter crab dredge fishery.

Virginia’s dredge fishery harvested mostly female crabs, with some studies reporting up to 95% of dredge harvest were female. This is due to the life cycle and distribution of crabs throughout Virginia, where female crabs primarily overwinter in the lower Chesapeake Bay in preparation for spawning in spring. Continued closure of the winter crab dredge fishery was precipitated by concerns that pressure on pre-spawn female crabs, especially when blue crab adult female abundance has not generally achieved the desired target (Figure 1A), could negatively affect subsequent spawning events and crab pot harvest. While the adult female crab population has generally remained above the abundance threshold (indicating that the stock is not overfished) and overfishing is no longer occurring (Figure 1B), the female population has only met the abundance target for two out of the last 16 years (Figure 1A).

In Virginia, the winter crab dredge season typically began after the crab



pot season ended, and it closed before the crab pot season opened the following spring. In the last five years of Virginia's crab dredge fishery (2004-2008), that sector averaged 2.5 million pounds of blue crabs landed, or approximately 10% of Virginia's annual harvest. The number of participants in that time ranged from 73 to 174, though this fishery had been in decline for some time.

Recently there has been renewed interest in a winter blue crab fishery, including reopening the winter dredge fishery and extending the pot season. One reason for the request was to maintain market that could be lost to southern states during our three-month winter closure. At their August 3, 2023, meeting, the Crab Management Advisory Committee (CMAC) voted to recommend staff put together a proposal for an experimental crab dredge fishery, with 4-6 boats participating. Staff began work on this proposal, including work sessions with CMAC advisors. At their May 29, 2024, meeting, CMAC voted to recommend opening the 2024-25 winter dredge fishery rather than have a limited experimental fishery.

On June 25, 2024, the Commission voted 5-4 to repeal Chapter 4 VAC 20-1140-10 et seq., "Prohibition of Crab Dredging in Virginia Waters." This regulation, which by law could only close one year's crab dredge season at a time, had been renewed each year since implemented in 2008. The Commission also requested a new dredge regulation to be voted on later that year. According to §28.2-707 of the Code of Virginia, the crab dredge season would open December 1 unless delayed or closed by the Commission, but because all crab dredge regulations were repealed in 2008, there are currently no regulations regarding crab dredging (outside of §28.2-707).

Two CMAC meetings were held during the summer of 2024, both of which were facilitated by an independent third-party to promote a balanced discussion on management measures for a winter crab fishery. On July 29, 2024, staff presented data to CMAC regarding the crab dredge fishery and sought what further information committee members would find useful in making recommendations for a future dredge fishery. On August 20, 2024, the committee was asked to provide recommendations on aspects of a potential dredge fishery. Decisions needing to be made about the dredge fishery included: who would be eligible to participate; how many licenses to issue; where dredging would be allowed; how many crabs could be caught in the dredge fishery; and what gear restrictions would be in place. Staff also sought recommendations on how to pursue conservation equivalency (i.e., how to take reductions elsewhere in the blue crab fishery to offset the increase in harvest from re-opening the crab dredge fishery). VMRC staff, VIMS, all support conservation equivalency in the event of the dredge fishery re-opening. A proposal was made to open the

2024-25 crab dredge fishery based on a plan developed in 2013 by staff and CMAC. That plan was tabled by the Commission unanimously at its October 22, 2013, meeting citing low crab abundance that year and low public support at the time. . Most of the committee indicated they had concerns with this proposal. Several committee members said they felt the winter dredge fishery should not be opened until results of the ongoing stock assessment are released in 2026. The committee voted 8-5 to instead recommend extending the crab pot season through December 31, 2024, re-open on March 1, 2025, and to maintain a March 1 – December 31 season until the stock assessment results are ready. In the meantime, staff would continue discussing a framework with CMAC for a potential future winter dredge fishery. The committee made no other recommendations on a framework for a winter dredge fishery at this time.

The purpose of fishery stock assessments is to increase our understanding of how a stock is changing over time, to examine fishing pressure trends, and to determine the current health of a stock as well as the fishing rates that would allow sustained catches while allowing enough of the stock remaining to reproduce and maintain itself into the future. Stock assessments are the basis of scientific advice provided to managers. Ideally, assessments occur on a regular basis, using updated datasets to determine the stock status relative to reference points. During a “benchmark” stock assessment such as the one presently underway, scientists can broaden the research aspects of the assessment and make changes to which data sets are used (and how), the types of model(s) used, and how the models are implemented. Biological reference points are calculated and compared to estimates of stock abundance and fishing pressure to determine whether a stock is overfished and whether or not overfishing is occurring (see Figure 1 for the current biological reference points). Major changes to management are often postponed during ongoing assessments to reduce the chance of having to re-adjust measures in response to the stock assessment results.

If a public hearing is approved, staff will recommend in October for amendments to Chapter 4 VAC 20-270-10 et seq., “Pertaining to Blue Crab Fishery,” to include a section on a crab dredge season. Until staff and CMAC can develop a framework for a future crab dredge fishery, staff recommends the regulation only contain a section describing the season, to allow an annual closure or opening of the winter crab dredge fishery based on the Commission’s discretion. Eventually more sections would be added pertaining to licensing, quotas, and gear and area restrictions, for example. Once that framework is in place, it would remain in regulation whether the dredge fishery season is open or closed. This would prevent a future situation where the season would be opened December 1 by §28.2-707 without management measures or

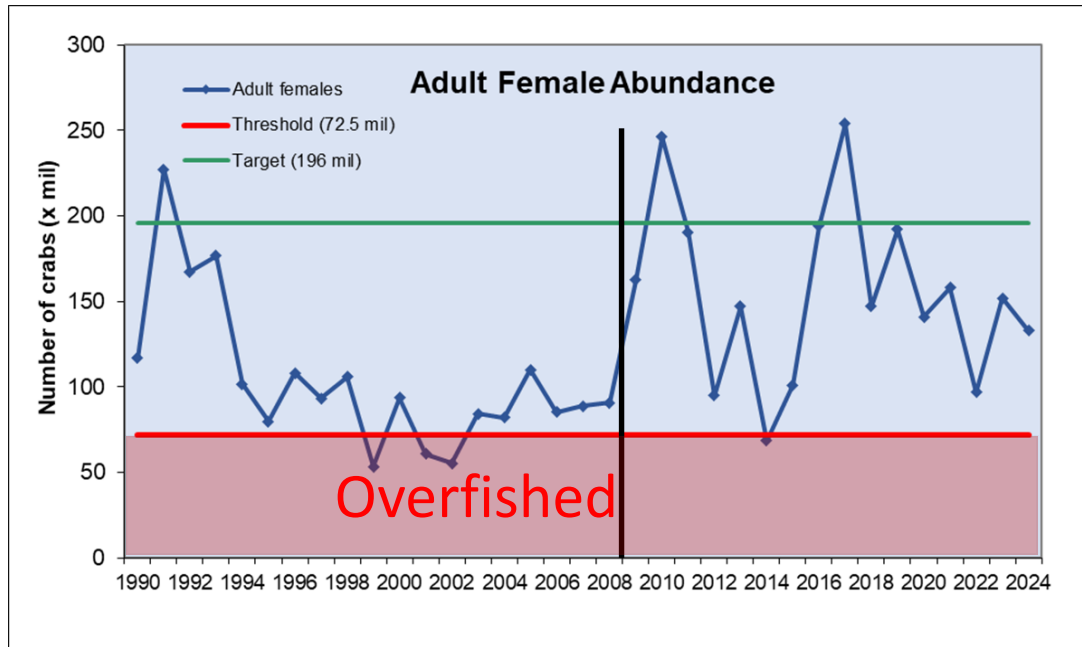
licensing in place.

Along with recommending the continued closure of the winter crab dredge season, CMAC recommended extending the crab pot season from March 1 through December 31. If the Commission wishes to consider this, a public hearing would be required in October to amend section 40 of Chapter 4 VAC 20-270-10 (“Season Limits”) to amend the dates outside which it is unlawful to have crab pots in the waters of the Commonwealth.

Extending the crab pot season through December 31 is unlikely to have a large impact on harvest. The season is currently set to close on December 16. In the five years when the crab pot season was extended into December (2012, 2013, 2016, 2020, and 2023), less than 200,000 pounds of blue crabs were landed during each of the two to three-week extensions. This represents 1% or less of the total annual harvest from Virginia. Up to 100 harvesters have been active each year during a December extension, compared with the 700-800 total active harvesters each year. Many crabbers switch to the oyster fishery in the winter months. The harvesters who do participate in December fisheries report better prices, as supply is down. Waning participation and decreases in catch per trip due to crabs “settling in” for winter means harvest increases with a December extension are likely to remain small.

How much harvest will increase by opening the crab pot season March 1 is unknown. The crab pot season has only been opened prior to March 17 once (in 2017), with nearly 460,000 pounds of blue crabs harvested between March 1 and March 16—41% of the March 2017 total harvest. Blue crab behavior is highly temperature dependent, with most blue crabs remaining dormant below 5°C (41°F) and stop feeding below 9°C (48.2°F). Food, via the bait bag, is the main lure that attracts blue crabs into crab pots. This can be seen in Figure 2 where Virginia’s commercial harvest in March appears to be correlated with the average water temperature during that month. In other words, when March is warmer, more crabs are active and feeding, so crab pot harvest will likely be higher. Due to climate change, Virginia is likely to see increasingly warmer springs in future years. Variation in annual March temperatures is likely a driver of the wide range of March harvest, from less than 10,000 pounds to over 2.5 million pounds.

A.



B.

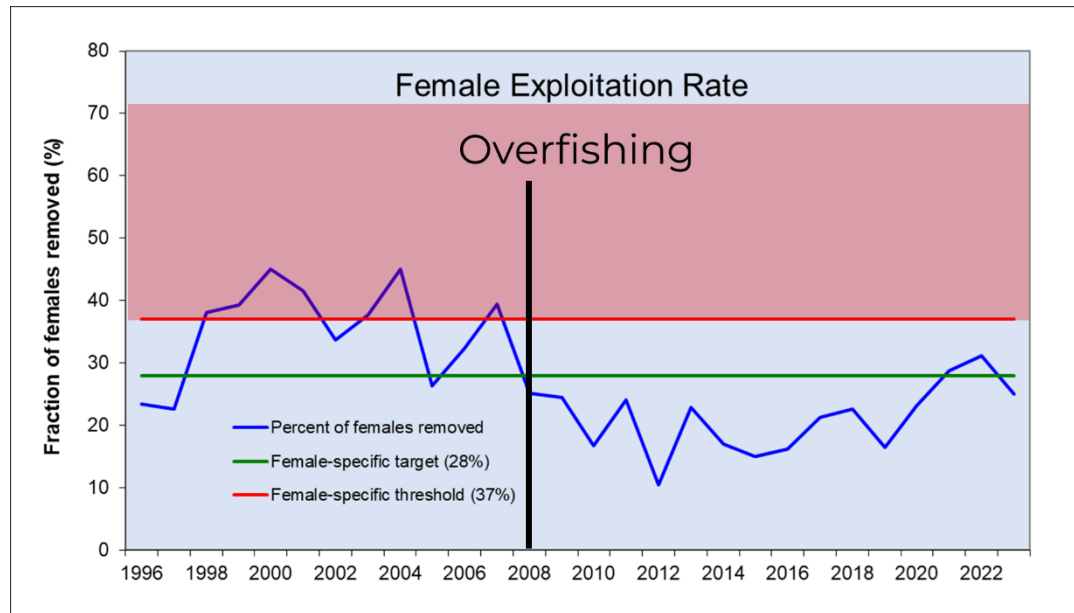
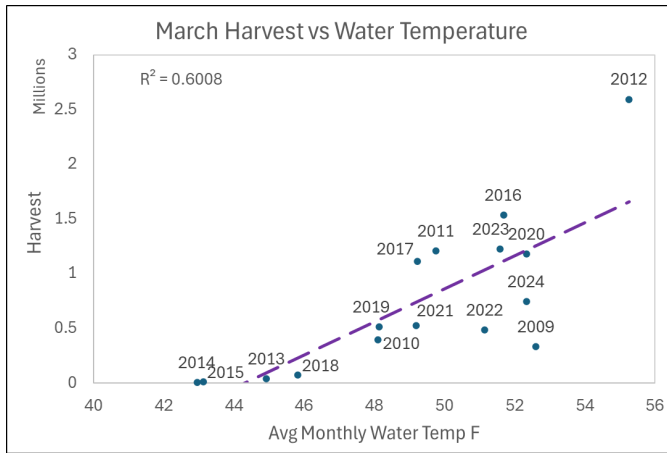


Figure 1. Biological reference points from the Bay-wide Winter Dredge Survey relative to A: Abundance of adult female crabs, and B: Female Exploitation Rate (percent of population removed due to fishing). The reference points are shown by the green line and red lines and are derived from the stock assessment. For abundance (1A) the target (red line) is 196 million crabs, and the threshold (green line) is 72.5 million crabs. Above the abundance threshold and the stock is considered healthy and sustainable. Below the abundance target and the stock is overfished (too many crabs are being removed to sustain the population). If the exploitation rate (1B) is above the threshold of 37% (red line) then overfishing is occurring – too many crabs are being removed due to fishing. Managers try to keep the exploitation rate at or below the 28% target (green line) by managing annual fishing effort. The vertical line at 2008 indicates when management measures requiring a 34% reduction in effort were adopted (fully implemented by 2009).



*Figure 2. March commercial crab pot harvest (in millions of pounds) versus the average water temperature during March of each year.*

Staff have received 5 letters from organizations opposing opening the crab dredge season at this time.

**STAFF**

**RECOMMENDATION:** Staff recommends the Commission approve advertising for an October public hearing to amend Chapter 4VAC20-270“Pertaining to Blue Crab Fishery,” to consider a winter blue crab season.



CHESAPEAKE BAY FOUNDATION  
*Saving a National Treasure*

June 7, 2024

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

RE: Comments on Commercial Crabbing Regulations

*Submitted via email only to: [jennifer.farmer@mrc.virginia.gov](mailto:jennifer.farmer@mrc.virginia.gov)*

Dear Commissioner Green:

On behalf of the Chesapeake Bay Foundation (CBF), I wish to provide the following comments on the Virginia Marine Resources Commission's (VMRC) possible amendments to Virginia's commercial crabbing regulations. The results of this year's survey are less than hoped for given the importance of blue crabs in the Chesapeake Bay region. The estimate of 19 million fewer adult females and low number of males underscores the need to protect these segments of the population. Continued below-average recruitment is also of concern and suggests additional harvest is not warranted at this time. Through careful, science-based management, CBF looks forward to working with all stakeholders to build a more robust and resilient blue crab population in the Bay.

CBF would like to highlight the importance of the upcoming blue crab stock assessment to future management efforts. The blue crab remains not only the most iconic but also one of the most economically important fisheries to the Chesapeake Bay region. Given the numerous threats to the blue crab population from stressors such as climate change, blue catfish, and loss of underwater grass habitat, improved understanding of the status of this species will be extremely helpful.

CBF opposes the recommendation of the Blue Crab Management Advisory Committee to open the winter dredge fishery for the 2024–2025 season. Unfortunately, opening the winter dredge fishery at this time would send the wrong message about Virginia's management of the blue crab resource given the status of the population. This is particularly concerning given the winter dredge fishery focuses on the adult female segment of the population. It would also undermine the cooperative framework with Maryland that has been critical to the success of blue crab management to date.

CBF continues to emphasize that controls on the blue crab fishery are only one part of the formula for restoring the crab population. Wise management of predators such as blue catfish and improvements in water quality are vitally important to ensuring both a sustainable blue crab population and fishery in the future. CBF looks forward to continuing our efforts to develop sound fisheries management proposals for this iconic Chesapeake Bay species.

Sincerely,

A handwritten signature in black ink that reads "Chris Moore". The signature is written in a cursive, slightly slanted style.

Chris Moore  
Virginia Executive Director

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

**From:** [Brent Hunsinger](#)  
**To:** [fisheries \(MRC\)](#)  
**Subject:** Commission Comments  
**Date:** Thursday, June 20, 2024 9:13:28 AM

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Dear Commissioner Green.

On behalf of Friends of the Rappahannock I would like to indicate our SUPPORT for the proposal to amend Chapter 4VAC20-1140-10 et seq., “Prohibition of Crab Dredging in Virginia Waters” to close the December 1, 2024, through March 31, 2025, winter commercial crab dredge fishing season, in accordance with the provisions of Section 28.2-707 of the Code of Virginia.

We believe that the results of the recent survey indicate a need to continue to conserve female crabs, as increased exploitation can jeopardize the current and future biological health of this resource.

Thank you for your consideration of these comments.

Respectfully,

Brent Hunsinger

--

Brent Hunsinger  
Advocacy and Coastal Programs Director  
Friends of the Rappahannock  
email: [brent.hunsinger@riverfriends.org](mailto:brent.hunsinger@riverfriends.org)  
web: [www.riverfriends.org](http://www.riverfriends.org)  
phone: (540) 373-3448 x117 or 804-443-3448

\*\*\*\*\*

Are you a FRIEND of the Rappahannock? We are a membership driven organization. Join today and help us be the daily voice and active force for the River and its tributaries







Pat Geer  
Chief of Fisheries Management  
Virginia Marine Resources Commission  
Building 96, 380 Fenwick Road  
Ft. Monroe, VA 23651  
757-247-2236

Dear Pat Geer,

We are providing this letter in response to the decision made by the Virginia Marine Resources Commission (VMRC) on June 27, 2024 to end the ban on the blue crab winter dredge fishery. We understand that VMRC is now determining if and how to implement a winter dredge fishery and considering how it may impact other blue crab fisheries in the Commonwealth.

As you know, there is long-standing cooperation of blue crab management in the Chesapeake Bay. In 2008, the Governors of Maryland and Virginia agreed to jointly reduce adult female crab harvest by 34%. Virginia's plan for this reduction included the elimination of its crab dredge fishery (17 of the 34%). Subsequent to this agreement, the 2011 benchmark blue crab stock assessment established adult female specific reference points which have been jointly adhered to by Maryland, Virginia and the Potomac River Fisheries Commission. This coordinated management approach has led to a sustainable fishery.

However, recent years have shown low levels of recruitment and high male exploitation rates. As a result, the Chesapeake Bay Stock Assessment Committee's 2024 Blue Crab Advisory Report called for a precautionary management approach. In addition, a new benchmark stock assessment is underway and may provide an updated understanding of stock status and suggest changes to the current reference points.

In carrying out a precautionary approach, the Executive Committee of the Chesapeake Bay Program's Sustainable Fisheries Goal Implementation Team (SFGIT) encourages

VMRC to maintain the status quo or exercise conservation equivalency measures, including imposing restrictions in other blue crab sectors to fully offset any new harvest from the potential winter dredge fishery.

The Executive Committee of the SFGIT recognizes that state specific management goals for blue crab may change overtime. Therefore, the key to sound management is to continue coordination across jurisdictions to ensure state specific management goals are consistent with maintaining a sustainable Chesapeake Bay wide blue crab resource.

Sincerely,

*Bruce Vogt*

Bruce Vogt  
Chair, Sustainable Fisheries Goal Implementation Team  
Chesapeake Bay Program

Virginia Twin Rivers Waterman's Association

We the crabbers, who crab from the mouth of the Rappahannock River and up the bay including the Potomac River and its tributaries depend totally on the amount of crabs that migrate to us.

Crabbers down the bay have a much longer harvesting season than those who crab in the upper part of the bay, because of water temperature.

Crabs leave the upper part of the bay and return to the lower part during early fall. Crabbers in the lower part of the Bay harvest crabs 1 ½ months later in the season and 1 month earlier than those who crab in the upper part of the Bay because of water temperature.

We need to impose laws that will be fair and equal to all crabbers up and down the Bay. It's a natural resource that should be shared equally to all its citizens.

First, you start with the Crab Management Advisory Committee. The mid and upper part of the Bay only has one representative on it. The Committee needs more members from the upper part of the Bay, which will equalize votes.

Next, we need to shorten the harvest season so crabs can recover some before they are potted heavy again. End season to the last of October and start season 1<sup>st</sup> of April Bay wide.

Potomac River has 1,000 licensed crabber, only 500 are active now.

I hope the crab committee can honor these requests by next year, if not we will seek legislative action.

Respectfully submitted,

Virginia Twin Rivers Waterman's Association

RECEIVED AUG 20 2024



Rick Elyar  
President

Bob Mandigo  
Treasurer

Kevin Smith  
Secretary

**Board of  
Directors**

Steve Atkinson

John Bello

Brian Collins

Chris Dollar

Rick Elyar

Stan Gold

Scott Greg

Jerry Hughes

Bob Mandigo

Kevin Smith

David Tobey

Robert Pollard

Tom Burkett

Ben Ames

Mike Avery

June 9, 2024

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

RE: Comments on Commercial Crabbing Regulations

*Submitted via email only to: [jennifer.farmer@mrc.virginia.gov](mailto:jennifer.farmer@mrc.virginia.gov)*

Dear Commissioner:

On behalf of Virginia's saltwater anglers, I want to provide some brief comments on the Virginia Marine Resources Commission's (VMRC) possible amendments to Virginia's commercial crabbing regulations. As we understand it, the advisory committee has recommended that the winter dredge season be reopened. While we are primarily an organization of recreational fishermen, crabs are an important forage in the bay and declines in their numbers could negatively impact both commercial and recreational fishing in the bay.

As you know there are already significant concerns about menhaden forage availability and it would seem harmful to also put crabs in jeopardy. Of course, catfish predation of both species is an ongoing challenge.

Given the results of recent surveys, reopening winter dredging seems unwise and does not promote conservation of this important resource. *The estimate of 19 million fewer adult females and a relatively low number of males underscores the need to protect these segments of the population.* Continued below-average recruitment is also of concern. The upcoming blue crab stock assessment will be important when considering future management actions. The blue crab remains one of the most economically important fisheries to the Chesapeake Bay region. With numerous threats to the blue crab



population from climate change, predation, and loss of grass habitat, we need a better understanding of the status of this species. We therefore oppose the recommendation of the Crab Management Advisory Committee to reopen the winter dredge fishery for the upcoming season.

The bay faces many challenges to return to its previous glory. Let's not add another by putting our crabs at risk of over harvesting. Thank you for considering the input of recreational anglers.

Sincerely,

*Steve Atkinson*

Steve Atkinson, Chairman of the Board

# Public Comments for Staff presentation, public comment opportunity, and Commission discussion to guide the October Commission decision regarding potential regulatory amendments for the winter crab fishery.

Close Window

**Total Comments: 8    Favor: 0    Oppose: 8**

*Click on column heading to sort data.*

No.	Name	Date	Position	Comments
1	ALLIE STEVENS	09/10/2024	OPPOSE	PLEASE DO NOT ALLOW WINTER DREDGING FOR BLUE CRABS. WE ALL LOVE CRABS, BUT WE HAVE SEEN TIME AND TIME AGAIN WITH FISHERIES ALL OVER THE WORLD THAT IF YOU OVER-HARVEST, THE POPULATION WILL CRASH. IT WOULD BE NONSENSICAL TO RESTART WINTER DREDGING, WHICH PRIMARILY GATHERS FEMALE CRABS, WHICH ARE OF COURSE NECESSARY FOR SPAWNING MORE CRABS. WE NEED TO LET THE POPULATION RECOVER, NOT HARVEST MORE OF THEM. THE ABUNDANCE OF FEMALE CRABS IS ALREADY BELOW TARGET LEVELS, AND THIS WILL MAKE IT MUCH WORSE. WINTER DREDGING SHOULD BE PERMANENTLY BANNED.

No.	Name	Date	Position	Comments
2	ANNE STEVENS	09/10/2024	OPPOSE	<p>PLEASE DO NOT ALLOW WINTER DREDGING FOR BLUE CRABS. WE HAVE SEEN TIME AND TIME AGAIN, WITH FISHERIES ALL OVER THE WORLD, THAT IF STOCKS ARE OVER-HARVESTED, THE POPULATION WILL CRASH. IT WOULD BE WRONG TO RESTART WINTER DREDGING, WHICH PRIMARILY GATHERS FEMALE CRABS, WHICH ARE OF COURSE NECESSARY FOR SPAWNING MORE CRABS. WE NEED TO LET THE POPULATION RECOVER EVERY YEAR, NOT HARVEST MORE OF THEM. THE ABUNDANCE OF FEMALE CRABS IS ALREADY BELOW TARGET LEVELS, AND THIS WILL MAKE IT MUCH WORSE. WINTER DREDGING SHOULD BE PERMANENTLY BANNED.</p>
3	JP FORD	09/17/2024	OPPOSE	<p>THE WINTER DREDGING OF CRABS IMPACTS FEMALES DURING THIS TIME WHEN THE CRAB POPULATION IS AT LOW LEVELS IN THE CHESAPEAKE BAY. THE PRUDENT THING IS TO PROHIBIT WINTER CRABBING.</p>

No.	Name	Date	Position	Comments
4	GAIL E RUSSELL	09/17/2024	OPPOSE	BLUE CRAB POPULATIONS ARE ALREADY STRESSED IN THE BAY AND EACH STATE BORDERING THE BAY IS RESPONSIBLE FOR THE APPROPRIATE MANAGEMENT OF THEIR RESOURCES. ALLOWING FEMALE BLUE CRAB DREDGING IN THE WINTER IN VA WILL STRONGLY NEGATIVELY AFFECT THE POPULATION IN THE FUTURE. THE ADDED STRESS OF PREDATION BY INVASIVE SPECIES ALREADY HAS AFFECTED THE POPULATION. PLEASE LISTEN TO THE RECOMMENDATIONS OF THE MD DEPARTMENT OF NATURAL RESOURCES WHO HAS MADE DECISIONS BASED ON SCIENCE AND DO NOT APPROVE THE WINTER DREDGING OF FEMALE CRABS IN VA.
5	CHRIS WRIGHT	09/17/2024	OPPOSE	FEMALES, BREEDERS MUST BE PROTECTED TO KEEP HARVEST SUSTAINABLE. THIS IS A UNIVERSAL TRUTH WHEN IT COMES TO GAME MANAGEMENT. KEEP WINTER DREDGE CLOSED



No.	Name	Date	Position	Comments
6	JEFF RUSSELL	09/19/2024	OPPOSE	ACCORDING TO A PRESENTATION GIVEN TO THE COMMISSION BY ITS STAFF, WINTER DREDGING WOULD TARGET A MAJORITY FEMALE BLUE CRABS AT A CRITICAL STAGE IN THEIR LIFE CYCLE BEFORE THEY SPAWN THE NEXT GENERATION OF CRABS. WHILE WINTER DREDGING MAY FINANCIALLY BENEFIT A FEW, THE LONG-TERM EFFECTS WILL BE HARMFUL TO MANY ALL OVER THE BAY.
7	CYNTHIA BAYNE	09/19/2024	OPPOSE	PLEASE DO NOT ALLOW WINTER DREDGING OF BLUE CRABS. WINTER DREDGING PRIMARILY HARVESTS FEMALE CRABS, WHICH WE NEED TO MAINTAIN A HEALTHY POPULATION. WE CANNOT RISK POPULATIONS CRASHING FOR A SPECIES AS ESSENTIAL AND LOVED AS BLUE CRABS ARE TO ALL OF US.
8	BRANDI DEVIVO	09/19/2024	OPPOSE	WINTER CRABBING WILL DECIMATE THE CRAB POPULATION AS CHESAPEAKE CRABS ARE ALREADY WAY BELOW TARGET LEVELS. A FEW PEOPLE WILL MAKE A FINANCIAL GAIN IN A SHORT TIME, WITH DEVASTATING LONG TERM EFFECTS.



# 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

### **Request for Public Hearing on the Blue Crab Dredge Fishery**

The Virginia Marine Resources Commission is conducting a public hearing to discuss proposed changes to the blue crab dredge fishery. All interested parties are invited to attend and provide their input.

**Date:** September 24, 2024

**Time:** The meeting starts at 9:30 a.m.

**Location:** 380 Fenwick Road, Building 96, Fort Monroe, Virginia 23651

The purpose of this request for public hearing is to gather feedback on potential regulatory amendments for consideration of opening the blue crab dredge fishery for the 2024-2025 season, or other winter fishery options.

Written public comments on the proposal must be provided by 12:00 p.m., Thursday, September 19, 2024. Comments should be made at the following link: [https://webapps.mrc.virginia.gov/public/fisheries/search\\_publiccomments.php](https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php) or addressed to Public Comments, VMRC Fisheries Management Division, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

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**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](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

## FISHERIES MANAGEMENT DIVISION EVALUATION, 9/24/24

**RECOMMENDATION:** Recommendations from the Recreational Fishing Advisory Board.

### **BACKGROUND AND ISSUES:**

The Recreational license fund (Virginia Saltwater Recreational Fishing Development (VSRFDF) is comprised of sales of Virginia saltwater fishing licenses. The Recreational Fishing Advisory Board (RFAB) advises the Commission on expenditures from the VSRFDF in accordance with §28.2-302.3.

On September 9, 2024, the RFAB met virtually to review and recommend projects for the 2024 funding cycle from the VSRFDF. This cycle included requests to continue to fund fishing events, research projects, access projects, and agency programs. The RFAB reviewed each project and any accompanying peer reviews and recommended funding 17 of the 18 projects discussed, in addition to a new proposal regarding program staffing during the discussion period. Several applications requested split funding between the recreational and commercial license funds (marked with an asterisk). The recreational portion of these projects are presented in this evaluation. The Commercial Fisheries Advisory Board will meet this fall on the remaining commercial requests, and those recommendations will be brought to the Commission at a later meeting.

The RFAB voted unanimously to fund all the projects below with the exception of item P (Phoebus Waterfront Park Dock Improvements, City of Hampton). After discussing concerns brought up during the peer reviews of the dock improvements, the board requested modifications to the project and will revisit the request at their next meeting.

- A. 0424-01 2025 Hope House & Oak Grove Nursing Home Fishing Excursions and Clinics. T.B. Butch Pierce; Great Bridge Fisherman's Association. **\$2,450.**
- B. 0424-02 2025 Virginia Beach Anglers Club/Seton Youth Shelter Children's Fishing Trip. Shannon Ferguson, Virginia Beach Anglers Club. **\$3,000.**
- C. 0424-03 2025 Norfolk Youth Head Boat Fishing Trip. Ike Eisenhower, Norfolk Anglers Club. **\$1,800.**
- D. 0424-04 2025 Kiwanis Club Children's Fishing Clinic and Kiwanis Fishing Clinic. Wesley Brown, Capital District Kiwanis Club. **\$11,000.**
- E. 0424-05 2025 Saxis and Morley's Wharf Children's Fishing and Conservation Educational Outings. Robert Mucha, Eastern Shore of Virginia Anglers Club. **\$2,662.**

F. 0424-06 2025 Knights of Columbus Annual Kids Fishing Day. Jim McCaddin, Knights of Columbus. **\$7,500.**

~~G.~~ \*approved in July\*

H. 0424-08 2025 Broken Men Foundation Incentive-Based Goal Fishing Trip. Ellery Lundy, Broken Men Foundation. **\$13,975.**

I. 0424-09 Virginia Game Fish Tagging 2024. S. Musick (VIMS), L. Gillingham (VMRC). **\$92,495.**

J. 0424-10 \*Estimating Relative Abundance of Young-of-Year American Eel in the Virginia Tributaries of Chesapeake Bay. M. Fabrizio, T. Tuckey, VIMS. \$32,983. (**\$16,492 from VSRFDF, and \$16,491 from MFIF).**

K. 0424-11 \*Federal Assistance (Sportfish Restoration) Matching Funds, Federal FY 2025. P. Geer. \$204,822 (**\$153,616 from VSRFDF, \$51,206 from MFIF).**

L. 0424-12 \*Boat Scarring Effects on Submerged Aquatic Vegetation in Virginia: Monitoring and Recovery Patterns – year 23. Christopher Patrick, VIMS. \$21,919 (**\$10,960 from VSRFDF, and \$10,959 from MFIF).**

M. 0424-13 M Use of Satellite Archival Transmitting Tags (PSATS) to evaluate air exposure and handling effects on the survival of red drum (*Scianops ocellastus*) released during Virginia’s late summer recreational fishery. \*updated\* Hamish Small, VIMS. **\$84,975.**

N. 0424-14 Genetic Analysis of the Distinctiveness of Gray Triggerfish, *Balistes capriscus* sampled from Virginia. Jan McDowell, VIMS. **\$78,295.**

O. 0424-15 MLC Public Access Waterfront Enhancement and Community Saltwater Learn to Fish Program. Bernadette La Casse, Mathews Land Conservancy. **\$27,600.**

P. 0424-16 Phoebus Waterfront Park Dock Improvements. Alison Eubank, City of Hampton. \*updated\* **\$120,000.**

The board requested that the City of Hampton update their request based on feedback from the peer reviews regarding orientation and placement of the kayak launch. The board plans to make recommendations on this request at their next meeting.

Q. 0424-17 Virginia Saltwater Fishing Tournament: Youth Division Add-On. \*updated\* Joseph Grist, VMRC. **\$10,259.**

- R. 0424-18 2025 Sunshine Program. Steve York, Norfolk Angler's Club. **\$10,100.**
- S. 0424-19 Cole's Point Water Access. Rebecca Gywnn. Department of Wildlife Resources. **\$500,000.**

Discussion item: Potential funding to support the Saltwater Tournament and Tagging Program interim staffing needs.

This item was proposed by Fisheries Chief Pat Geer during the discussion period as a new item, due to the immediate needs of the program. Additional staffing is needed for the Virginia Saltwater Tournament and Tagging Program due to an extended leave period for the current director and planned retirement for the administrative staff member. He submitted a proposal for funds for an interim tournament director to fulfill program needs during this time, in hopes for a smooth succession plan in the future. Interim staffing will allow for a period of training and transfer of knowledge of over 60 years of program experience. The RFAB was in favor of the proposal and voted to recommend funding \$83,417 in funds from the VSRFDF to support those efforts.

**RECOMMENDATION:**

The Recreational Fishing Advisory Board recommended funding 17 of the 18 proposed projects in addition to the Saltwater Tournament and Tagging Program interim staffing needs, totaling \$1,110,556 from the Virginia Saltwater Recreational Fishing Development Fund.