

## MINUTES

## Commission Meeting

February 28, 2017

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 2600 Washington Avenue, Newport News, Virginia with the following present:

John Bull	Commissioner
Chad Ballard	
A. J. Erskine	
Wayne France	
Lynn Kellum	
James E. Minor	Associate Members
Ken Neill, III	
John E. Tankard	
John Zydron	
Matthew Hull	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Katherine Leonard	Recording Secretary
Jane McCroskey	Chief, Admin-Finance
Todd Sperling	Business Systems Manager
Linda Hancock	Human Resources Mgr.
Dave Lego	Business Systems Specialist
Robert O'Reilly	Chief, Fisheries Mgmt.
Joe Cimino	Deputy Chief, Fisheries Mgmt.
Andrew Button	Head, Conservation/Replenishment
Stephanie Iverson	Fisheries Mgmt. Manager
Jill Ramsey	Fisheries Mgmt. Specialist
Lewis Gillingham	Director, SWFT
Ryan Jiorle	Fisheries Mgmt. Specialist
Nancy McElligott	Fisheries Mgmt. Specialist
Alex Aspinwall	Fisheries Mgmt. Specialist
Adam Kenyon	Fisheries Mgmt. Specialist
Samantha Hornsby	Fisheries Mgmt. Specialist
Katie May Laumann	Fisheries Mgmt. Specialist
Megan Wood	Fisheries Mgmt. Specialist
Alicia Nelson	Coordinator, RFAB/CFAB

**Commission Meeting**

**17805  
February 28, 2017**

Rick Lauderman  
Allen Marshall  
Jennifer Baylis  
Patrick West  
Ron Cagle  
Henry Reichle  
Clayton Dameron  
John Collamore

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

Tony Watkinson  
Chip Neikirk  
Jeff Madden  
Hank Badger  
Randy Owen  
Ben Stagg  
Mark Eversole  
Mike Johnson  
Rachael Maulorico  
Jay Woodward  
Daniel Faggert  
Bradley Reams  
Dennis Hogge  
Royce Bridger  
Allen Abbott  
Paul Rogers

Chief, Habitat Management  
Deputy Chief, Habitat Management  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Chief Engineer, Western Shore  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Environmental Engineer, Sr.  
Surveyor, Engineering/Surveying  
Program Support Technician  
Surveyor, Engineering/Surveying  
Engineering Technician, E/S  
Surveyor, Engineering/Surveying  
Surveyor, Engineering/Surveying

Virginia Institute of Marine Science (VIMS):

Lyle Varnell  
Troy Tuckey

Bob Orth

Emily Hein

Others present:

Gerald Bellotti  
R. Harold Jones  
John Mulligan  
Nick Szoke  
Carlton Phillips  
Timothy Belvin  
Kim Huskey

Feliz Fravaccio  
Curtis Hickman  
Myles Pocta  
Kenny Crofton  
Charles Duke  
Glen Stacey Moore

Scott Campbell  
Becky Wilk  
A. R. Greer, Jr.  
David O'Brien  
Meade Amory  
Thomas J. Pruitt

and others.

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Commissioner Bull called the meeting to order at approximately 9:38 a.m. Associate Member Minor arrived late to the meeting at approximately 11:35 a.m.

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At the request of Commissioner Bull, Associate Member Tankard said the invocation and Tony Watkinson, Chief, Habitat Management, led the pledge.

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

\* \* \* \* \*

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

Tony Watkinson, Chief, Habitat Management, explained that Item 8, YUN QIN, #16-1665 was pulled from the agenda, as the protest had been resolved. He also explained that Item 13, Charles R. Forrest, oyster planting ground application #2015-018S was withdrawn by the applicant. Mr. Watkinson asked that another issue be added for discussion regarding L. D. Amory Seafood to consider whether to waiver the assessment of a royalty fee for a permit application to restore a portion of the structure that had been destroyed by fire over State-owned bottom.

**Associate Member Erskine moved to approve the agenda, as amended. Associate Member Tankard seconded the motion. The motion carried, 8-0. Chair voted yes.**

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**MINUTES:** Commissioner Bull asked if there were any changes or corrections to be made to the January 24, 2017 Commission meeting minutes. There were no changes.

**Associate Member Zydron moved to approve the minutes, as presented. Associate Member Kellum seconded the motion. The motion carried, 8-0. Chair voted yes.**

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

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Dennis Hogge, who retired February 1, 2017, was recognized and presented with a certificate of service for his many years with the Habitat Management Division, Engineering and Surveying Department, as a surveyor.

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- 2. **PERMITS** (Projects over \$500,000 with no objections and with staff recommendation for approval.

Tony Watkinson, Chief, Habitat Management, gave the briefing of the information provided the staff's evaluation for four page two items. His comments are a part of the verbatim record.

Commissioner Bull opened the public hearing for comments and there were none. He closed the public hearing and stated the matter was before the Commission for discussion and action.

**Associate Member Erskine moved to approve the four items, as presented. Associate Member Neill seconded the motion. The motion carried, 8-0. Chair voted yes.**

- 2A. **SURRY COUNTY, #16-0952**, requests authorization to construct a marina facility consisting of four (4) floating T-head piers extending a maximum of 160 feet channelward of mean low water and associated access pier, finger piers, decks and gangways to accommodate 44 wet slips, electric and water service, a gas/diesel fueling station and boat sewage pump-out station in Grays Creek at the end of Marina Drive in Surry County. Staff recommends approval with a time-of-year restriction between February 15 and June 30 to protect anadromous fish species, and the use of wooden pile cap cushions, bubble curtains and "Ramp-up" techniques should impact hammers be needed for the installation of hollow steel pilings.

Permit Fee	\$100.00
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- 2B. **PRINCE WILLIAM MARINA, #16-1916**, requests authorization to remove three (3) stationary timber piers (J, K, and L Docks) containing 97 wetslips and to install three (3) floating aluminum piers extending a maximum 371 feet channelward of mean low water, with maximum 88-foot wide T-heads and containing 94 wetslips. A sanitary sewer pump out line will remain on J Dock and fuel pumps will remain on L Dock. A 10-foot by 20-foot roofed structure will be added at the channelward end of L Dock to house fuel pump equipment. The project is located in the Occoquan River, immediately upriver of the Interstate 95 crossing, adjacent to upland property situated at 12849 Gordon Boulevard, in Prince William County. Staff recommends approval with a time-of-year

restriction between February 15 and June 30 to protect anadromous fish species and the use of wooden pile cap cushions, bubble curtains and “Ramp-up” techniques should impact hammers be needed for the installation of hollow steel pilings.

Permit Fee	\$100.00
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- 2C. **MARINE OIL SERVICE, #16-1957**, requests authorization to replace an existing deteriorated industrial timber pier and wharf with a 20-foot wide by 120-foot long industrial concrete pier and a 20-foot wide by 140-foot long wharf along the Elizabeth River at the Marine Oil Service facility located at 1421 S. Main Street in the City of Norfolk. Staff recommends approval with a royalty of \$12,000.00 for the encroachment over 6,000 square feet of State-owned subaqueous land at a rate of \$2.00 per square foot.

Royalty Fee (encroachment 6,000 sq. ft. @ \$2.00/sq. ft.)	\$12,000.00
Permit Fee	\$ 100.00
Total Fees	\$12,000.00

- 2D. **DOMINION VIRGINIA POWER, #16-2013**, requests authorization to rebuild the existing Line 51 transmission line that crosses the Elizabeth River from the end of Lansing Street and the end of Lovett Avenue in the City of Norfolk. Staff recommends approval with a royalty in the amount of \$4,500.00 for the encroachment over 1,500 linear feet of State-owned subaqueous land at a rate of \$3.00 per linear foot.

Royalty Fee (encroachment 1,500 lin. ft. @ \$3.00/lin. ft.)	\$4,500.00
Permit Fee	\$ 100.00
Total Fees	\$4,100.00

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- 3. **CONSENT AGENDA ITEMS:** There were none.

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- 4. **CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.** No closed meeting was necessary.

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- 5. **DRUM POINT PROPERTIES, LLC, #16-1360**, requests authorization to construct two (2) stormwater outfalls and associated riprap splash protection, adjacent to Drum Point Creek and Western Branch Elizabeth River, associated with the development of the Martin's Point Subdivision in the City of Chesapeake. This project requires a wetlands permit and is protested by an adjoining property owner.

Rachael Maulorico Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation with slides. Her comments are a part of the verbatim record.

Ms. Maulorico explained that after evaluating the merits of the project and considering all of the factors contained in §28.2-1302(10)(B) of the Code of Virginia and the Wetlands Mitigation-Compensation Policy and Supplemental Guidelines, staff recommended approval of the project, as proposed.

Myles Pocta, agent for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Pocta stated that the staff presentation was well done and he only wanted to add that they had met with the property owners and modifications were made. He added the impacts to the wetlands were only temporary and would be restored.

Commissioner Bull opened the hearing for public comments, pro or con. There were none. The public was closed and he stated that the matter was before the Commission for discussion and action.

**Associate Member Zydron moved to accept the staff recommendation. Associate Member Ballard seconded the motion. The motion carried, 8-0. Chair voted yes.**

No additional fees required, Wetlands application fee previously paid.

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- 6. **LAURA BELLOTTI, ET AL, #16-1417**, requests authorization to construct a 300-foot long by 6-foot wide open-pile, timber, joint-use pier with associated mooring piles, to moor four (4) vessels adjacent to an easement held by four nonriparian property owners. The project is protested by an adjacent property owner.

Mr. Madden noted that Charles Beamon, protestant, had submitted a letter the previous day requesting that the hearing be continued, because he was out of state and unable to attend. Commissioner Bull stated that as there were no objections from the Board members, the hearing would proceed.

Jeff Madden, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Mr. Madden stated that after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommended approval of the project as revised, with a royalty of \$2,592.00 for the encroachment of the pier over 1,728 square feet of State-owned submerged land at a rate of \$1.50 per square foot and a time-of-year restriction for construction between February 15 and June 30 of any year.

In response to legal questions, Matthew Hull, Assistant Attorney General and VMRC Counsel, explained that the Commission was limited in its authority and could only decide that the use of State-owned land was reasonable. He stated that the court would have to decide on any property rights and the protestant could take his questions regarding the easement to Court to get an interpretation.

Applicant or a representative was asked to comment.

Gerald Bellotti, applicant, was sworn in and his comments are a part of the verbatim record. Mr. Bellotti explained that it was an existing easement and the documents were in the Commission record. He stated he and Mr. Beamon were both doctors and he had known him for 40 years. He said Mr. Beamon had been allowed to make property changes and they had not been opposed. He said that this would be used by the four applicants and it was the reason they all bought their properties.

Commissioner Bull opened the public hearing for comments in support.

Feliz Fravaccio, property owner, was sworn in and his comments are a part of the verbatim record. Mr. Fravaccio asked that this request be approved as he had purchased his property so he would have access to water for his boat. He stated please approve.

Laura Bellotti, property owner, was sworn in and her comments are a part of the verbatim record. Ms. Bellotti said that she purchased the property in order to have a pier and to enjoy the water. She asked the Commission to please consider their request.

Commissioner Bull closed the public hearing as there were no more comments, pro or con. He stated the matter was before the Commission for discussion and action.

**Associate Member Neill moved to accept the staff recommendation. Associate Member France seconded the motion. The motion carried, 8-0. Chair voted yes.**

Royalty Fee (encroachment 1,728 sq. ft. @ \$1.50/sq. ft.)	\$2,592.00
Permit Fee	\$ 100.00

Total Fees	\$2,692.00
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- 7. **CITY OF PORTSMOUTH, #16-1574**, requests authorization to remove and replace the northbound span of the US Route 17 Churchland Bridge, to conduct improvements to the southbound lanes and to install a temporary trestle system over the Western Branch Elizabeth River in the City of Portsmouth. This project is protested by adjacent property owners.

Rachael Maulorico Environmental Engineer, Sr., gave the briefing of the information provided in the staff’s evaluation with slides. Her comments are a part of the verbatim record.

Ms. Maulorico explained that while staff understood the protestants’ concerns related to the project’s potential to impact their property from new storm water drainage and vibration from pile driving the project’s storm water designs will be reviewed by the City of Portsmouth’s Department of Public Works in accordance with the Virginia Department of Environmental Quality MS4 permit. Also, the City has stated the project contractor will monitor vibration levels to prevent damage to surrounding structures. If the project results in damage to a nearby structure, the issuance of the Habitat permit would not preclude the property owner from seeking compensation for any damages. Additionally, the City of Portsmouth’s Claims and Risk Assessment office has a claims procedure for homeowners to claim any damage to property as a result of a City project. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommended approval of the project, as proposed.

Commissioner Bull asked if the applicant’s representative wished to comment.

James Wright, representing the City, was sworn in and his comments are a part of the verbatim record. Mr. Wright stated that the vibration would be minimal and monitoring would be done. He said they were aware of all the land owners’ issues, but the storm water plan was done according to the guidelines set by the Department of Environmental Quality.

Commissioner Bull opened the public hearing for any other comments in support and there were none. He asked for anyone to comment that was opposed.

David Gonzales, property owner, was sworn in and his comments are a part of the verbatim record. He said he was concerned about the City taking his property but had not heard anything from them. He said in the past any claims he has made to the Risk Assessment Office have been turned down. He said there was a large project by VNG that went through his property which caused damage and a storm water drainage pipe put



on his property resulted in erosion in the area of his pier. He said he was asking for help because the City would not help.

Mr. Wright in his rebuttal stated that this project did not involve eminent domain and the work was on the road only. He said the Department of Public Works and others were a resource for resolving other matters.

Commissioner Bull closed the public hearing and stated the matter was before the Commission for discussion and action.

In answer to a legal question, Matthew Hull, Assistant Attorney General and VMRC Counsel stated that the Commission was required to consider adverse impacts on nearby landowners, but deciding on eminent domain was not within the Commission jurisdiction.

Commissioner Bull asked, what was the will of the Commission?

**Associate Member Zydron moved to approve the project. Associate Member Ballard seconded the motion. The motion carried, 8-0. Chair voted yes.**

Permit Fee	\$100.00
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- 8. **YUN QIN, #16-1665**, requests authorization to construct a 14-foot by 33-foot open-sided boathouse as part of a statutorily authorized private pier proposal adjacent to 4165 Cheswick Lane in the Old Donation Farm subdivision, situated along the Western Branch of the Lynnhaven River in Virginia Beach. The proposal is protested by an adjoining property owner.

Pulled from agenda – protest resolved.

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- 9. **G.C. TILLAGE INC., #16-1927**, requests authorization to repair and extend an existing 4-foot wide travel lift pier 31 feet channelward and to construct a 12-foot wide commercial loading pier extending 112 feet channelward of mean high water adjacent to the travel lift pier with a 12-foot by 12-foot platform located along the south side of the pier at property situated along the Northwest Branch of Sarah Creek at property off Tillage Lane and identified by Tax Map # 51-221C in Gloucester County. The project is protested by an adjacent property owner.

Chip Neikirk, Deputy Chief, Habitat Management, gave the briefing of the information provided in the staff’s evaluation with slides. His comments are a part of the verbatim record.

Mr. Neikirk explained that the project appeared to be reasonable to facilitate the loading and unloading of seafood and construction materials and it did not appear that the proposed encroachment would adversely affect navigation within the creek. Although the pier would be longer than the piers located on Ms. Jordan’s property, it did not appear that the proposal would impede access to the adjoining property. The Commission did not have the authority to apportion riparian rights. If Ms. Jordan remained of the opinion that the construction may encroach on her riparian area, that matter should be adjudicated by the appropriate court. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommended approval of the project as proposed with a royalty of \$2,840.00 for the encroachment of the piers over 1,420 square feet of State-owned submerged land at a rate of \$2.00 per square foot.

Charles Duke, agent for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Duke stated that staff did a good job in their presentation and he had nothing to add. He said he just wanted to improve his facility.

Commissioner Bull asked for any other comments, pro or con and there were none. He closed the public hearing and stated the matter was before the Commission for discussion and action.

**Associate Member Erskine moved to approve the project as submitted. Associate Member Kellum seconded the motion. The motion carried, 8-0. Chair voted yes.**

Royalty Fee (encroachment 1,420 sq. ft. @ \$2.00/sq. ft.)	\$2,840.00
Permit Fee	\$ 25.00
Total Fees	\$2,865.00

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- 10. VOLVO PENTA OF THE AMERICAS, #16-1477**, requests a relaxation of the time-of-year restrictions for driving four (4) 14-inch hollow steel piles as a condition of a previously approved permit associated with the installation of 121 linear feet of bulkhead landward of an existing deteriorating bulkhead requiring seven (7) 12-inch precast piles; and installation of one (1) 8-foot by 32-foot floating dock, and one (1) 6-foot by 32-foot floating dock along Chuckatuck Creek at the Volvo Penta of the Americas Facility on 1500 Steeple Drive, in the City of Suffolk.

Rachael Maulorico Environmental Engineer, Sr., gave the briefing of the information provided in the staff’s evaluation with slides. Her comments are a part of the verbatim record.

Ms. Maulorico explained that staff understood the difficult situation the applicant had been presented with and staff commended them for working to develop measures to minimize potential impacts. Nevertheless, the Virginia Institute of Marine Science was the Commission's mandated scientific advisor for fisheries related matters and they continued to recommend adherence to the time-of-year restriction to prevent potential impacts to anadromous fish stocks that had experienced severe declines in recent decades. Accordingly, staff was unable to support the request to relax the time-of-year restriction. If after hearing the testimony and evaluating the matter, the Commission decided the request to relax the time-of-year restriction was appropriate, staff would recommend that all of the mitigated measures outlined by the applicant in their request be incorporated into the permit modification.

The applicant's representative was asked to comment.

Bob Crocker, agent for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Crocker said that they purchased the property in 1999 and had since done a lot of work so that it was a certified clean marina. They had built a 100-foot oyster sanctuary nearby. They had dredged in 2003 and removed the old pilings. He stated they were trying to be good stewards of the environment. They asked to be released from the time-of-year restrictions, as they would soon be busy and needed to get the work done now and not have to wait until July.

Becky Wilk, agent for the application, was sworn in and her comments are a part of the verbatim record. Ms. Wilk explained that they have all their permits and if they can get their request approved today by the Commission it would help with the Corps and the time-of-year restriction in their permit.

Troy Tuckey, Virginia Institute of Marine Science was sworn in and his comments are a part of the verbatim record. Mr. Tuckey explained that finfish were very sensitive to sounds, which affected their behavior, migration, and spawning. He said the shad and herring stocks were down and the previous year class needed to be protected. He asked that the time-of-year restriction not be changed.

Curtis Hickman, agent for applicant was sworn in and his comments are a part of the verbatim record. Mr. Hickman stated that they would do a lot to reduce the impacts to the fish and they just need the one day.

The public hearing was closed as there were no more comments.

Commissioner Bull stated the matter was before the Commission for discussion and action.

After further discussion, Associate Member Neill moved to accept the staff recommendation to maintain the time-of-year restriction. Associate Member Ballard seconded the motion. The motion carried, 7-1. Chair voted no.

No applicable fees.

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11. **KAREN and MARK JOHNSON, Oyster Planting Ground Application #2014-159**, request authorization to lease approximately 148 acres of oyster planting grounds within the Pagan River in Isle of Wight County. The application is protested by an adjacent leaseholder.

Ben Stagg, Chief Engineer, Western Shore, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record. It was noted that the applicants were not present.

Mr. Stagg noted that the applicants were offered, because of the restricted waters status, the opportunity to withdraw and to be reimbursed for the public notice cost. At first the applicants said they did wish to withdraw their application but staff was later told by the applicants that they wished to proceed with the application for lease process.

Mr. Stagg explained that while the applicants applied for this area before the recent Commission decision to no longer accept applications in waters classified as restricted for the direct market harvest of shellfish, staff believed that leasing of this area was not in the best interests of the Commonwealth pursuant to §28.2-607 of the Code of Virginia and recommended denial of the application. The application was also protested by the adjacent leaseholder and portions of the requested area constituted a narrow strip of bottomlands between an existing lease and the shoreline. Shelling or planting seed in quantities that may be required on much of this bottom area may be questionable due to the soft nature of the bottom. Staff could not support a recommendation to lease any of this requested area for the reasons noted above.

Mr. Stagg stated that if the application was denied the Commission might want to consider whether to reimburse the applicants' public notice cost of the application upon the submittal of proper proof of payment for such notice. The Commission had previously approved this reimbursement in other similar circumstances within restricted classified waters for applications received before March of 2015.

The public hearing was opened for comments, pro or con.

O. A. Spady, Ballard Fish and Oyster Company, leaseholder, and protestant, was sworn in and his comments are a part of the verbatim record. Mr. Spady said he thought he leased

the inshore areas already, as he had applied for originally. He said the approval of this lease application would create problems.

After some discussion, the public hearing was closed as there were no further comments.

Commissioner Bull stated that the matter was before the Commission for discussion and action.

**Associate Member Zydron moved to accept the staff recommendation to deny the application and not reimburse the advertisement cost. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.**

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**12. JAMES WITHROW, Oyster Planting Ground Application #2016-164,** requests authorization to lease approximately five (5) acres within the Pagan River in Isle of Wight County. His application is protested by an adjacent leaseholder.

Ben Stagg, Chief Engineer, Western Shore, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Mr. Stagg explained that the application was protested by the adjacent leaseholder and portions of the requested area constitute a narrow strip of bottomlands between an existing lease and the shoreline. Staff could not support leasing of this small area due to the narrow nature of the area and the concerns of the adjacent leaseholder. Staff recommended denial.

Associate Member Minor arrived at the meeting at approximately 11:30 a.m.

The public hearing was opened for comments, pro or con.

O. A. Spady, Ballard Fish and Oyster Company, protestant, was sworn in and his comments are a part of the verbatim record. Mr. Spady explained that there had been erosion along this shoreline. He noted he would be glad if he could make this a part of his lease.

Commissioner Bull closed the public hearing as there were no further comments. He stated the matter was before the Commission for discussion and action.

**Associate Member Zydron moved to deny the application for lease. Associate Member France seconded the motion. The motion carried, 9-0. Chair voted yes.**

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- 13. **CHARLES R. FORREST, Oyster Planting Ground Application #2015-018S,** requests authorization to lease 1.06 acres of oyster ground in Cherrystone Creek, near the mouth of Kings Creek in Northampton County. The project is protested by nearby property owner.

Pulled from the agenda - withdrawn by applicant.

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- 13A. **DISCUSSION:** Concerning the assessment of a royalty associated with a permit to replace a roof at the L. D. Amory and Company, Inc. seafood facility that was damaged recently during a fire.

Tony Watkinson, Chief, Habitat Management, gave the briefing of the information regarding this request.

Mr. Watkinson explained that the facility was damaged recently during a fire. The company contacted the agency and staff authorized a number of needed repairs, as maintenance, and informed them that those activities could be conducted without a permit from Virginia Marine Resources Commission. A portion of the roof was severely damaged and needed to be replaced and they were informed that since a complete replacement was needed that a permit would be required for the work. Typically this work would be subject to the assessment of royalties.

Mr. Watkinson explained that this structure had been in this location as far back as the 1960's, which predates the Commission's regulatory authority. He said that normally staff would assess a royalty fee for such an encroachment, but to waive the permit royalty fees the Commission Board would have to make that decision so that staff can move forward with the permit. He said that staff had no objection to the request for no assessment of royalty fees.

Commissioner Bull asked, if this structure was within the original footprint? Mr. Watkinson responded, yes.

**Associate Member Neill moved to waive the assessment of the royalty fees for this project. Associate Member Zydron seconded the motion. The motion carried, 9-0. Chair voted yes.**

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- 14. **PUBLIC COMMENT:** There were none.

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**15. OFFENDERS:**

After some discussion, Commissioner Bull stated it was the general consensus of the Commission Board to proceed with the hearing in Mr. Gautreaux's absence.

**Earl J. Gautreaux** – was not present.

Henry Reichle, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

May 26, 2016, fishing while license and privileges revoked—4 VAC 20-1280-30; October 27, 2016, York County Circuit Court; Fine: \$150.00, Court Cost: \$105.00.

Case was heard July 18, 2016, in York County General District Court. Mr. Gautreaux was convicted on both charges. He appealed the convictions to York County Circuit Court where a plea agreement was agreed to on October 27, 2016. Mr. Gautreaux pleaded guilty to fishing while his licenses were revoked.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission in accordance with §28.2-232 of the Code of Virginia, could revoke all Mr. Gautreaux's Commission-issued licenses for a period of five years from the date of this Commission meeting, February 28, 2017, through February 27, 2022. The Commission could also prohibit the issuance, reissuance, and renewal of any of Mr. Gautreaux's licenses during this revocation period. The Code of Virginia also allowed the Commission to revoke Mr. Gautreaux's fishing privileges, within the Commonwealth's tidal waters, for a period of five years from the date of this Commission meeting, February 28, 2017, through February 27, 2022, and to take discretionary action concerning the potential of a civil penalty.

After some discussion, Commissioner Bull stated the matter was before the Commission for discussion and action.

**After further discussion, Associate Member Tankard moved to revoke all Commission issued licenses and fishing privileges in the tidal waters of the Commission for five years, starting February 28, 2017, through February 27, 2022; including a civil penalty of \$2,000.00. Associate Member Erskine seconded the motion. The motion carried 9-0. Chair voted yes.**

**Thomas J. Pruitt** – present and sworn in.

Patrick West, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

October 21, 2015, Theft of Oysters, Clams, Shells, Etc.—Class 1 Misdemeanor--§28.2-527 of the Code of Virginia; November 18, 2016, Middlesex County General District Court; Fine: \$100.00, Court Cost: \$25.00.

October 21, 2015, Closure of Sanctuary Areas--§28.2-201 of the Code of Virginia; 4 VAC 20-650-30; November 18, 2016, Middlesex County General District Court; Fine: \$100.00, Court Cost: \$86.00.

October 21, 2015, Theft of Oysters, Clams, Shell, Etc.—Class 1 Misdemeanor--§28.2-527 of the Code of Virginia; November 18, 2016, Middlesex County General District Court; Fine: \$100.00, Court Cost: \$25.00.

October 21, 2015, Harvest Oysters in an Oyster Sanctuary—Class 3 Misdemeanor--4 VAC 20-650-30; November 18, 2016, Middlesex County General District Court; Fine: \$100.00, Court Cost: \$86.00.

October 22, 2015, Theft of Oysters, Clams, Shell, Etc.—Class 1 Misdemeanor--§28.2-527 of the Code of Virginia; November 18, 2016, Middlesex County General District Court; Fine: \$0.00, Court Cost: \$50.00, Restitution: \$500.00 to Oyster Replenishment Fund; 12 months Jail with 11 months suspended 3 years Good Behavior.

October 22, 2015, Possess Gear in Oyster Sanctuary Area—4 VAC 20-650-30; November 18, 2016, Middlesex County General District Court; Fine: \$100.00, Court Cost: \$25.00.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission's guidelines for sanctions specify that one conviction of harvesting oysters from a sanctuary, within a 12 month period, should result in at least one year revocation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest to the Commission to revoke all Mr. Pruitt's Commission-issued licenses for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. The Code of Virginia also allows the Commission to prohibit the issuance, reissuance, and renewal of any of Mr. Pruitt's licenses during this revocation period. In accordance with §28.2-232 of the Code of Virginia the Commission may revoke Mr. Pruitt's fishing privileges, within the Commonwealth's tidal waters, for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018.

Mr. Pruitt explained that he was not steering the boat someone else was. He said the film presented at the court hearing did not show his boat. He stated the GPS and video do not show him inside the buoys. He said the chart showed Kellum's ground behind the lines of the sanctuary and the chart is incorrect. He further stated that he had a family to raise and feed. He noted he had already spent \$10,000 for a lawyer and he was put in jail



which had never happened before in his life. In response to a question, he explained he pleaded guilty on advice of his lawyer, since the others all made a plea agreement.

**After further discussion, Associate Member Minor moved to place Mr. Pruitt on two year probation, starting February 28, 2017, through February 27, 2019. Associate Member France seconded the motion. After further discussion, Associate Member Erskine offered a substitute motion of three year probation for Mr. Pruitt, starting February 28, 2017, through February 27, 2020. Associate Member Zydron seconded the substitute motion. The motion carried, 9-0. Chair voted yes.**

**Robert Munguia, Jr.** – present and sworn in.

Ron Cagle, Marine Police Officer, was sworn in and gave the briefing of information provided in the staff evaluation. His comments are a part of the verbatim record.

October 24, 2016, Have In Possession Unculled Oysters (8 Quarts)--§28.2-201 of the Code of Virginia; 4 VAC 20-260-40; December 5, 2016, Middlesex County General District Court; Fine: \$75.00, Court Cost: \$86.00.

Robert O'Reilly, Chief, Fisheries Management, explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest to the Commission to place Mr. Munguia on probation for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. Any failure on Mr. Munguia's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Munguia appearing before the Commission for a hearing on license revocation.

Mr. Munguia said that he and someone else were doing the culling and he felt he had done it correctly, but he did not say this in court. In response to a question, if he would do it again, he said no. He stated that he had had no problem when he had worked with others.

Commissioner Bull stated the matter was before the Commission for discussion and action.

**Associate Member Erskine moved to place Mr. Munguia on one year probation, starting February 28, 2017, through February 27, 2018. Associate Member Minor seconded the motion. After some discussion about politeness and being cooperative with the Officer, a substitute motion was made by Associate Member Zydron to place Mr. Munguia on six month probation, starting February 28, 2017, through August 27, 2017. Associate Member Neill seconded the motion. Associate Member**

**Erskine suggested amending the motion to place Mr. Munguia on nine month probation, starting February 28, 2017, through November 27, 2017, as the six months would not have any impact as the public oyster harvest season was now closed. Associate Member Zydron and Associate Neill agreed to the amendment. The amended motion carried, 9-0. Chair voted yes.**

**John C. Wandrick** – was present and sworn in.

Ron Cagle, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

October 24, 2016, Have In Possession Unculled Oysters (8 Quarts)--§28.2-201 of the Code of Virginia; 4 VAC 20-260-40; December 5, 2016, Middlesex County General District Court; Fine: \$75.00, Court Cost: \$86.00.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest to the Commission to place Mr. Wandrick on probation for a period of one year from the date of this Commission meeting, February 28, 2017 through February 27, 2018. Any failure on Mr. Wandrick's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Wandrick appearing before the Commission for a hearing on license revocation.

Mr. Wandrick explained that he would do better, watching to make the others do it properly. He said as he was captain he was steering the boat.

**Associate Member Ballard moved for nine month probation, starting February 28, 2017, through November 27, 2017. Associate Member Minor seconded the motion. The motion carried, 9-0. Chair voted yes.**

**Timothy R. Belvin, Sr.** – present and sworn in.

Clayton Dameron, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

December 1, 2016, Possession of Unculled Oysters—6 Quarts--§28.2-510 of the Code of Virginia; December 19, 2016, Northumberland County General District Court; Fine: \$110.00, Court Cost: \$86.00.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 50% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest the Commission to place Mr. Belvin on probation for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. Any failure on Mr. Belvin's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Belvin appearing before the Commission for a hearing on license revocation.

Mr. Belvin explained that there were 3 bushels on the boat with some small but mostly they were dead. He said that some pollutants had been dumped into the river and killed the oysters; and, you had to open them to be able to tell that they were dead. He said he did the best he could and it was his first time there.

**Associate Member Ballard moved to place Mr. Belvin on one year probation, starting February 28, 2017, through February 27, 2018. Associate Member Minor seconded the motion. The motion passed, 9-0. Chair voted yes.**

**Matthew T. Simpson** – present and sworn in.

John Collamore, Marine Resources Commission, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record. In response to questions, Mr. Collamore explained that Mr. Simpson did use aggressive language, that he overheard and also in direct conversation. He also noted that Mr. Simpson interrupted the court proceedings.

October 24, 2016, Have In Possession of Unculled Oysters (8 Quarts)--§28.2-201 of the Code of Virginia; 4 VAC 20-260-40; December 5, 2016, Middlesex County General District Court; Fine: \$75.00, Court Cost: \$86.00.

Robert L. O'Reilly, Chief, Fisheries Management, explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 50% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest to the Commission to place Mr. Simpson on probation for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. Any failure on Mr. Simpson's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Simpson appearing before the Commission for a hearing on license revocation.

Mr. Simpson explained that it sounds worst, but he had been boarded several times within a 9 day period and he was improperly culled by the Officers. He said he did not hit the dumpster and did not tell the Officer to his face that he would hit him. He added that he interrupted the Judge to correct what was said and he apologized to the Judge. He said he was trying to keep his nose clean.

**Associate Member Erskine moved for one year probation in accordance with the matrix guidelines, starting February 28, 2017, through February 27, 2018. Associate Member Kellum seconded the motion. Associate Member Neill said it was important to be polite to the Officers and he felt this needed to be a longer probation. Associate Member Tankard stated that he felt from the testimony, one year probation was right. The motion carried, 8-1. Chair voted yes. Associate Member Neill voted no.**

**Glen S. Moore** – present and sworn in.

Henry Reichle, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Robert O'Reilly, Chief, Fisheries Management, had noted that Mr. Moore had no prior history for violations.

October 18, 2016, Culling Tolerance and Standards have more than 4 Quarts--§28.2-201 of the Code of Virginia; 4 VAC 20-260-40; December 5, 2016, Middlesex County General District Court; Fine: \$75.00, Court Cost: \$86.00.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest the Commission to place Mr. Moore on probation for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. Any failure on Mr. Moore's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Moore appearing before the Commission for a hearing on license revocation.

Mr. Moore stated that he was a rooky at this culling and he had worked only three days and he was hurrying to do the culling. He stated he usually just fishes. In answer to a question, he explained that there was a notch on the cull board he used, but they had found a cull stick when they were dredging and he was using it.

Commissioner Bull stated the matter was before the Commission for discussion and action.

**Associate Member Erskine moved to place Mr. Moore on nine month probation, starting February 28, 2017, through November 27, 2017. Associate Member Minor seconded the motion. The motion carried, 9-0. Chair voted yes.**

**Buddy G. Forrest** – was present and sworn in.

Henry Reichle, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

October 18, 2016, Culling Tolerance and Standards have more than 4 Quarts--§28.2-201 of the Code of Virginia; 4 VAC 20-260-40; December 5, 2016, Middlesex County General District Court; Fine: \$75.00 (Suspended), Court Cost: \$86.00.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest for the Commission to place Mr. Forrest on probation for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. Any failure on Mr. Forrest's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Forrest appearing before the Commission for a hearing on license revocation.

Mr. Forrest explained that he was in the wheelhouse and two other individuals were culling. He said he had worked since he was 12 years old on the water and he did not have any violations until now. He said he tried to avoid getting in trouble.

**Associate Member Minor said Mr. Forrest had worked a long time on the water and had no historical violation record, so he moved to put Mr. Forrest on 3 month probation. Associate Member Tankard seconded the motion. After some further discussion about Mr. Forrest having no past violations after working for so long as a waterman, the motion was withdrawn and agreed to by both the motion maker and the person who made the second.**

**Associate Member Zydron moved to dismiss the case. Associate Member Neill seconded the motion. The motion carried, 9-0. Chair voted.**

**Clark Daniel** – was present and sworn in.

Henry Reichle, Marine Police Officer, was sworn in and gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

October 18, 2016, Culling Tolerance and Standards have more than 4 Quarts--§28.2-201 of the Code of Virginia; 4 VAC 20-260-40; December 5, 2016, Middlesex County General District Court; Fine: \$75.00, Court Cost: \$96.00.

Robert O'Reilly, Chief, Fisheries Management explained that the Commission's guidelines for sanctions specify that one conviction of possession of greater than 100% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest for the Commission to place Mr. Daniel on probation for a period of one year from the date of this Commission meeting, February 28, 2017, through February 27, 2018. Any failure on Mr. Daniel's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Daniel appearing before the Commission for a hearing on license revocation.

Mr. Daniel said there was new guy working and he was not paying attention like he should. He said he had been working since he had started working when he was 11 years old with his stepfather and he had no prior violation.

Commissioner Bull asked, what was the will the Commission?

**Associate Member Zydron said that as Mr. Daniel had no prior violations, he moved to dismiss the case. Associate Member Minor seconded the motion. The motion carried, 9-0. Chair voted yes.**

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Associate Member France left for the remainder of the meeting.

**16. VIRGINIA INSTITUTE OF MARINE SCIENCE (VIMS):** Presentation of Dr. Bob Orth's annual review of the status of Submerged Aquatic Vegetation.

Dr. Bob Orth, representing the VIMS, gave his presentation with a powerpoint presentation. His comments are a part of the verbatim record.

Dr. Orth requested that the Commission approve the continuing of funding for his project, which is \$22,000.00.

Commissioner Bull explained that this project was being funded equally by the Recreational Fishing Advising Board (RFAB) funds (\$11,000.00) and Commercial Fishing Advisory Board (CFAB) funds (\$11,000.00).

Associate Member Neill asked if this had been approved by RFAB. Dr. Orth stated no, this funding was approved by the Commission.

**Associate Member Erskine moved to approve the funding. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.**

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**17. PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-620-10 et seq., "Pertaining to Summer Flounder," to modify minimum size limits for summer flounder landed recreationally in Virginia.

Katie May Laumann, Fisheries Management Specialist, gave the briefing of the information provided in the staff's evaluation with slides. Her comments are a part of the verbatim record.

Dr. Laumann explained that the 2017 summer flounder recreational harvest limit is 3.77 million pounds. This represented the lowest quota to date, and a 30% reduction from 2016's recreational harvest limit (RHL), and a 41% reduction from the projected harvest in 2016. The Atlantic States Marine Fisheries Commission (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board considered five alternative management options to reduce summer flounder harvest in 2017, selecting Option 5. Under this option, some regions must increase their minimum size limits by 1 inch and reduce possession limits (if necessary) to 4 fish. The region that consists of New Jersey through Connecticut will impose a 3-fish possession limit. In order to comply, Virginia must increase the minimum size limit for summer flounder to 17 inches. From 2014 through 2016 the minimum possession size limit in Virginia was 16 inches, and each person was allowed a possession limit of 4 summer flounder.

Dr. Laumann stated that the staff recommended the Commission adopt amendments to Chapter 4 VAC 20-620-10 et seq. "Pertaining to Summer Flounder," to modify the minimum size limit to 17 inches.

Commissioner Bull opened the public hearing. There were no comments from the public, so the public hearing was closed. He stated the matter was before the Commission for discussion and action.

**Associate Member Neill moved to accept the staff recommendation. Associate Member Kellum seconded the motion. The motion carried, 9-0. Chair voted yes.**

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18. **PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-620-10 et seq., "Pertaining to Summer Flounder," to modify the landing dates, landing periods, possession limits and landing limits for summer flounder commercially harvested outside of Virginia waters.

Joe Cimino, Deputy Chief, Fisheries Management, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record. He noted that no written comments were received from the public.

Mr. Cimino explained that the 2016 update to the summer flounder stock assessment indicated that the spawning stock biomass remains well below the set target (42% below). Abundance of summer flounder stock has declined and the juvenile abundance has been poor for six years in a row. Poor juvenile abundance translates to less fish in the fishery for harvest. As a result of this information, the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission decided to lower the 2017 catch limits for summer flounder by 30% from the 2016 levels, for both the commercial and recreational fisheries. The commercial quota for Virginia will be just over 1.2 million pounds. This is one of the lowest quotas allocated to Virginia and with over 100 active vessels in the off-shore trawl fishery there needed to be considerations made for this year's landing periods and landing limits.

Mr. Cimino stated that staff recommended the Commission adopt amendments to Chapter 4 VAC 20-620-10 et seq. "Pertaining to Summer Flounder," to modify the landing dates, landing periods, and landing limits for summer flounder commercially harvested outside of Virginia waters with an effective date of February 28, 2017.

Set aside only 100,000 pounds for harvest in the Virginia's tidal waters, which would allow more to be harvested by the off-shore fleet earlier in the season; and, actually utilized, as opposed to being held back till November.

Change the split in quota from the current 70-30 to 60-40 percent, allowing 60 percent of the quota to be taken during this first window, with a 7,500-pound trip limit, which was more appropriate for each vessel to be able to land once during the spring opening.

Make the spring opening in-between the New Jersey and North Carolina openings, which would go from March 1 through April 30<sup>th</sup>.

Commissioner Bull opened the public hearing and there were no comments from the public. The public hearing was closed and he stated the matter was before the Commission for discussion and action.



**Associate Member Minor moved to approve the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 8-0. Chair voted yes.**

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**19. REQUEST FOR MARCH PUBLIC HEARING:** Chapter 4 VAC 20-510-10 et seq., "Pertaining to Amberjack and Cobia," to establish management measures for the 2017 recreational cobia fishery.

Ryan Jiorle, Fisheries Management Specialist, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Mr. Jiorle said that the Finfish Management Advisory Committee (FMAC) met the previous night. He noted that there were 35 individuals from the public present and 12 spoke which included 8 charter boat operators and 4 anglers. He noted also that only 6 members of the committee were present so there was not a quorum. He said another meeting would be scheduled in March prior to the Commission meeting. He explained that those present at the FMAC meeting did not want a season closure, wanted a 4-fish maximum limit, and wanted the use of a gaff to be allowed.

Mr. Jiorle stated that staff recommended the Commission approve staff advertising for a public hearing at the March 2017 meeting to consider the adoption of management measures for the 2017 Virginia recreational cobia fishery.

Robert O'Reilly, Chief, Fisheries Management, explained that staff asked that the Commission approve the advertisement for public hearing to include 5 options with the 6<sup>th</sup> allowing the Commission to consider other options as well on the notice.

**After further discussion, Associate Member Neill moved to accept the staff recommendation with the expanded informational notice with options for management measurements. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.**

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**20. DISCUSSION:** Proposed amendments to Chapter 4 VAC 20-950-10 et seq."Pertaining to Black Sea Bass," to establish the commercial back sea bass fishery quota for 2017 (a March public hearing is scheduled for this item).

Robert O'Reilly, Chief, Fisheries Management, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Mr. O'Reilly explained that the coast-wide commercial black sea bass quota in 2017 increased by 53%, as compared to the 2016 quota of 2.7 million pounds. The 2017 Virginia total black sea bass quota will be 20% of the coast-wide commercial quota of 1,869 metric tons or approximately 4.12 million pounds. This equals a Virginia 2017 total commercial black sea bass quota of approximately 824,000 pounds. The 2016 total Virginia commercial quota was 542,000 pounds. The ASMFC will establish the 2017 state-specific quotas, and staff expects that process to be complete before your March meeting.

Associate Member Neill reminded the Board Members that the March public hearing had been approved by the Commission at its last meeting and was already scheduled.

No further action was necessary.

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- 21. **DISCUSSION:** Proposed amendments to Chapter 4 VAC 20-950-10 et seq."Pertaining to Black Sea Bass," to establish recreational measures for Black Sea Bass landed in Virginia (a March public hearing is scheduled for this item).

Katie May Laumann, Fisheries Management Specialist, gave the briefing of the information in the staff's evaluation with slides. Her comments are a part of the verbatim record.

Dr. Laumann explained that the 2017 RHL of 4.29 million pounds represents a 52% increase from the 2016 RHL. Recreational black sea bass harvest in 2016 is projected to reach over 5.7 million pounds (based on currently available, preliminary Marine Recreational Information Program data). A reduction of nearly 25% from this projected harvest will be necessary to constrain 2017 harvest to the 4.29 million pound 2017 RHL. Previous projections had suggested that the 2016 harvest would reach 4.6 million pounds, requiring a reduction of 8% to constrain harvest to 4.29 million pounds. Adjustments to recreational management measures in Virginia may be required to meet the necessary reduction.

**After some discussion, Associate Member Neill moved to reschedule the public hearing for the April Commission meeting. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.**

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- 22. **DISCUSSION:** Simplifying permitting requirements for select recreational fisheries described in Chapter 4 VAC 20-252-10 et seq., "Pertaining to the Taking of Striped Bass," Chapter 4 VAC 20-510-10 et seq., "Pertaining to Amberjack and

Cobia,” and Chapter 4 VAC 20-1120-10 et seq., “Pertaining to Tilefish and Groupers.

Ryan Jiorle, Fisheries Management Specialist, gave the briefing of the information provided in the staff’s evaluation with slides. His comments are a part of the verbatim record.

Mr. Jiorle explained that staff had visited angling clubs and presented the new permitting and reporting requirements. For those anglers who were already aware of reporting requirements for these species, the changes were welcomed as a vast improvement in simplifying the regulations. For those not familiar with VMRC’s recreational reporting efforts, there were questions and concerns about the system.

Mr. Jiorle also explained that many of the discussions revolved more around the permits themselves than the reporting requirements. Currently, there are three types of no-cost permits for each of these three fisheries: a charter/headboat permit, a private vessel permit, and an individual permit (for shore/pier anglers or those fishing on an unpermitted vessel). If an angler fishes for a given species in different ways (e.g., from a boat and from a pier), he or she would need to obtain multiple permits. Also, if an individual permittee fishes on a vessel for which the captain has a private vessel permit, both were required to report.

Mr. Jiorle stated that staff recommended the Commission hold a public hearing at the March 2017 meeting to discuss changes to the permitting and mandatory recreational reporting requirements for the spring trophy striped bass fishery, charter striped bass fishery, tilefish-grouper fishery, and cobia fishery. These changes could include simplifying the permitting system and reducing redundant reporting.

**After some discussion, Associate Member Erskine moved to accept the staff recommendation to advertise for a public hearing in March. Associate Member Neill seconded the motion. The motion carried, 8-0. Chair voted yes.**

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There being no further business, the meeting was adjourned at approximately 4:40 p.m. The next Commission meeting will be Tuesday, March 28, 2017.

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John M. R. Bull, Commissioner

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Katherine Leonard, Recording Secretary