

## MINUTES

## COMMISSION MEETING

October 26, 2021

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:

|                    |   |
|--------------------|---|
| Steven G. Bowman   | Commissioner                            |
| John Tankard III   |   |
| John Zydron Sr.    |   |
| Wayne France       |   |
| James E. Minor III | Associate Members                       |
| Chad Ballard       |   |
| Heather Lusk       |   |
| Christina Everett  |   |
| Chris Newsome      |   |
| Kelci Block        | Assistant Attorney General              |
| Todd Sperling      | Bs. Systems Manager                     |
| Pat Geer           | Chief, Fisheries Mgmt.                  |
| Adam Kenyon        | Deputy Chief, Fisheries Mgmt.           |
| Shanna Madsen      | Deputy Chief, Fisheries Mgmt.           |
| Jill Ramsey        | Fisheries Mgmt. Specialist              |
| Jennifer Farmer    | Fisheries Mgmt. Specialist              |
| Somers Smott       | Fisheries Mgmt. Specialist              |
| Alexa Galvan       | Fisheries Mgmt. Specialist              |
| Jonathan Depaz     | Fisheries Mgmt. Specialist              |
| Alicia Nelson      | Coordinator, RFAB/CFAB                  |
| Lewis Gillingham   | Director, SWFT                          |
| Matt Rogers        | Chief, Law Enforcement                  |
| Jamie Green        | Deputy Chief, Law Enforcement           |
| David Drummond     | 1 <sup>st</sup> . Sgt., Law Enforcement |
| Justin Worrell     | Deputy Chief, Habitat Management        |
| Mike Johnson       | Environmental Engineer, Sr.             |
| Mark Eversole      | Environmental Engineer, Sr.             |
| Jeff Madden        | Environmental Engineer, Sr.             |

**Commission Meeting**

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| Ben Nettleton  | Environmental Engineer, Sr.     |
| Tiffany Birge  | Environmental Engineer, Sr.     |
| Daniel Faggert | Surveyor, Engineering/Surveying |
| Ben Stagg      | Chief, Shellfish Management     |

Virginia Institute of Marine Science (VIMS):

|              |            |                 |
|--------------|------------|-----------------|
| Lyle Varnell | Emily Hein | Mark Luckenbach |
|--------------|------------|-----------------|

Others present:

|                  |                  |                   |
|------------------|------------------|-------------------|
| Allen Rogers     | Dave Chance      | Tom Lilly         |
| Chuck Miller     | Jeanette Miller  | Andre Wiggins     |
| Dan Holland      | Brian Pack       | Ron Pack          |
| Randy Pack       | Donna Phaneuf    | Scott Campbell    |
| Chris Governator | Rebecca Fransese | John Hutcheson    |
| Briam Fletcher   | Tim Trant        | Brooks Pruitt     |
| Sharon Pruitt    | Megan Wood       | Mary-Carson Stiff |
| Madison Teeter   | Richard Ray      | Raymond Britten   |
| Glenn Oder       | Aaron West       | Magnus Eriksson   |
| and others.      |                  |                   |

\* \* \* \* \*

Commissioner Bowman called the meeting to order at approximately 9:40 a.m.

\* \* \* \* \*

Associate member France led the pledge by the request of Commissioner Bowman. Associate Member Tankard said the invocation.

\* \* \* \* \*

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

Pat Geer, Chief, Fisheries Management, request that the Emergency Regulation for

Summer Flounder be heard as an agenda item with modifications. Commissioner Bowman announced that the Emergency Regulation for Summer Flounder will be Item # 12.

Justin Worrell, Deputy Chief, Habitat Management, explained that Agenda Item 2D was protested. He requested that Agenda Item 2D be presented as a page 1 agenda item. Commissioner Bowman announced that 2D will be moved to Agenda Item # 6.

**Associate Member Zydron moved to approve the agenda as amended. Associate Member France seconded the motion. The motion carried, 9-0 Chair voted yes.**

\* \* \* \* \*

**MINUTES:** Commissioner Bowman asked if there were any changes or corrections to be made to the September 28, 2021 Commission meeting minutes.

**Associate Member Zydron moved to approve the minutes as presented. Associate Member Ballard seconded the motion. The motion carried, 9-0. Chair voted yes.**

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

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

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

**2A. NORFOLK NAVAL STATION, #21-0371,** requests authorization to place three (3) feet of sand and clay from on-site dredge material and two (2) feet of riprap as a contaminant cap over 144,300 square feet of the dredged side slopes of a petroleum, oils and lubricants (POL) contaminated area adjacent to Pier 11

South Berth at Naval Station Norfolk along the Elizabeth River in the City of Norfolk. Staff recommends approval including a special condition that turbidity curtains and oil booms shall be utilized during the duration of the work.

|       |           |
|-------|-----------|
| Fees: | \$ 600.00 |
|-------|-----------|

- 2B. LYON SHIPYARD, #21-0332**, requests authorization to remove existing piers and a railway and construct a travel lift system consisting of a 30-foot wide by 200-foot long open-pile pier, a 20-foot wide by 186-foot long open-pile pier, and two (2) mooring dolphins. Additionally, 46,000 cubic yards of State-owned submerged land will be mechanically dredged to -24 feet MLW in the Eastern Branch of the Elizabeth River adjacent to the facility located at 1818 Brown Avenue in the City of Norfolk. Per §28.2-1206B of the Code of Virginia, as a commercial facility engaged in the business of shipped construction or repair, the project is exempt from payment of rents and royalties, except for the portion of the project which includes removal of bottom material. Staff recommends a one-time dredging royalty of \$27,600.00 for the dredging of 46,000 cubic yards at a rate of \$0.60 per cubic yard and a special condition that turbidity curtains shall be utilized during the removal of underwater piles and dredging.

|  |              |
|--|--------------|
| Royalties: (Dredge 46,000 CY. @ \$.60 CY.) | \$ 27,600.00 |
| Fees:                                      | \$ 600.00    |
| Total Fees:                                | \$ 28,200.00 |

- 2C. U.S. ARMY CORPS OF ENGINEERS, #12-0255**, requests authorization to modify their existing permit to increase the amount of sandy dredged material placement in the nearshore placement area west of the Uppards between the -5 and -8 foot mean low water contours from 5,000 cubic yards to 65,000 cubic yards. This dredged material will originate from the maintenance dredging of the Tangier Federal Channel in Accomack County.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

**Associate Member France moved to approve the page 2 Items A through C as presented. Associate Member Newsome seconded the motion. The motion carried 9-0. Chair voted yes.**

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**3. CONSENT AGENDA ITEMS.**

**3A. MAGNUS ERIKSSON, #20-1194,** requests after-the-fact authorization to retain approximately 430 linear feet of a 12-foot wide base quarry stone riprap revetment installed channelward of an existing bulkhead prior to obtaining the necessary VMRC permit at property situated along Moran Creek, located at 335 Redwood Lane in Lancaster County. Staff recommends approval with triple permit fees of \$900.00 assessed to the applicant, and a civil charge of \$10,000.00 assessed to the agent/contractor, Delta Marine Construction, who prepared the application and installed the revetment. The applicant and contractor have agreed to the aforementioned fees in lieu of further enforcement action.

Justin Worrell, Deputy Chief, Habitat Management, reviewed the Consent Item 3A for the Associate Members. Mr. Worrell’s comments are a part of the verbatim record.

Magnus Eriksson, applicant, was present and sworn in. His comments are a part of the verbatim record.

Mr. Eriksson accepted the triple permit fees recommended by staff.

Brian Fletcher, Delta Marine representative, was sworn in. His comments are a part of the verbatim record.

Tim Trant, attorney representing Mr. Fletcher was present. His comments are a part of the verbatim record.

Mr. Fletcher agreed to the \$10,000 Civil Charge.

The matter was before the Commission for discussion and action.

**Associated Member Minor moved to approve the after the fact application with the imposed permit fees and civil charges recommended by staff. Associate Member**

**Zydron seconded the motion. The motion carried, 9-0. Chair voted yes.**

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|----------------------------|--------------|
| Civil Charge: (Contractor) | \$ 10,000.00 |
| Fees:                      | \$ 900.00    |
| Total Fees:                | \$ 10,900.00 |

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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.**

**Brooks Pruitt – (MRC ID 0010) was present and sworn in. His comments are a part of the verbatim record.**

Andre Wiggins, attorney for Mr. Pruitt was present. His comments are a part of the verbatim record.

David Drummond, 1<sup>st</sup>. Sgt., Marine Police, was sworn in. His comments are a part of the verbatim record.

- 05/19/2021 Possession of dark sponge crabs (34) in one bushel: **4 VAC 20-370-20D**
- 11/10/2020 Possession of unculled crabs (18) in one us standard bushel: **§28.2-708**
- 07/24/2019 Possession of undersize striped bass (1): **§28.2-201 and 4 VAC 20-252-30 C**

**Disposition:**

June 8,2021 Possession of dark sponge crabs (34) in one bushel: **4 VAC 20-370-20D**, Accomack General District Court.

December 7, 2020 Possession of unculled crabs (18) in one us standard bushel: **§28.2-708**, Accomack General District Court.

September 16, 2019 Possession of undersize striped bass (1): **§28.2-201 and 4 VAC 20-252-30 C**, Accomack General District Court.

***GUIDELINE SUGGESTION: 2 YEAR PROBATION (§ 28.2-232 of the Code of Virginia)***

Col. Matthew Rogers explained to the Commission the sanction guidelines, with PowerPoint slides. Mr. Roger's comments are a part of the verbatim record.

Mr. Brooks Pruitt was convicted on June 8, 2021 for one count of possessing dark sponge crabs (34) in one bushel (4 VAC 20-370-20D), on December 7, 2020 for one count of possessing uncultured crabs (18) in one us standard bushel (28.2-708 of the Code of Virginia), and, on September 16, 2019 for one count possessing undersize striped bass (1) (28.2-201 of the Code of Virginia and 4 VAC 20-252-30 C).

Mr. Pruitt first appeared before the commission for two crabbing and one oyster violation at the September 2014 meeting. The commission decided to revoke all of Mr. Pruitt's licenses for a period of six months from September 23, 2014 through March 22, 2015, followed by one year of probation from March 23, 2015 through March 22, 2016.

Mr. Pruitt came back to the commission for a second time at the June 2016 meeting for one crabbing violation that occurred during his probationary period. The Commission voted to revoke all of Mr. Pruitt's licenses and privileges for a period of six months beginning June 28, 2016 through December 27, 2016, followed by a two-year probation beginning December 28, 2016 through December 27, 2018.

The Commission's guidelines for sanctions specify that two or more convictions of possessing 20 or more dark sponge crabs per bushel (70 per barrel), within a two-year period should result in at least a two-year probation. In accordance with § 28.2-232 of the Code of Virginia, the guidelines suggest that the Commission place Mr. Pruitt on probation period of two years from the date of this Commission meeting, October 26, 2021, through October 25, 2023. Any failure on Mr. Pruitt's part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the two-year probation would result in Mr. Pruitt appearing before the Commission for a hearing on license revocation.

**Associate Member France made a motion extend the probation to 4 years. Associate Member Everett seconded the motion. The motion carried, 8-1. Chair voted yes.**

**Associate Member Ballard opposed.**

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6. **PACK BROTHERS HOSPITALITY, #21-1071**, requests authorization to construct and redevelop the Marina at Fort Monroe to include a full marina replacement, a living shoreline, offshore floating concrete breakwaters, a bulkhead replacement no more than two feet channelward of the existing failing bulkhead, a marina building with an appurtenant pool and pool deck constructed on piles, and a 90-room hotel and adjacent promenade deck constructed on piles over State-owned submerged land at property (McNair Drive) adjacent to the James River in the City of Hampton. The proposed hotel facility will encroach upon 28,108 square feet of State-owned bottom and the new marina will encroach upon 67,055 square feet of State-owned bottom. Staff recommends approval including the following special condition that turbidity curtains shall be utilized during the removal of underwater piles, demolition of existing structures, and the driving of new concrete piles. The project is exempt from rents and royalties as the owner of the property is the Fort Monroe Authority, which is a political subdivision of the Commonwealth.

Ben Nettleton, Environmental Engineer, Sr., Habitat Division, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Nettleton's comments are a part of the verbatim record.

Mr. Nettleton explained that the applicant was selected after a competitive grant process by the Fort Monroe Authority (FMA). FMA received 18 proposals that were reviewed by the FMA staff, the Fort Monroe Historic Preservation Officer, representatives from the Department of General Services, City of Hampton, and the National Park Service. The project will be constructed at the existing Old Point Comfort Marina. All existing docks will be replaced with new floating docks to include a 1,600 linear-foot super dock that will also act as a floating wave attenuator, replacing the failing timber wave screen. The existing ships store and marina office will be replaced with a new marina building. The building will be attached to a deck and pool to be built over the water, on piles, for hotel and marina guests to use. A newly constructed hotel will be built over water, on piles, just to the south of the marina building and will consist of 90-rooms and an appurtenant promenade deck. An existing tramway wharf will be rebuilt in its existing footprint and serve as an outdoor deck and seating area overlooking the water. In the adjacent uplands, a 500-seat restaurant and a 250-person event facility will be



constructed.

The new encroachment of the superstructures (buildings on piles) proposed over state-owned subaqueous bottom is 28,108 square feet. The new marina layout, floating concrete breakwater, and additional floating docks adjacent to the tramway wharf will result in a net increase of 21,990 square feet of encroachment over state-owned subaqueous bottom. The entire project results in a net increase of 50,098 square feet of encroachment.

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

He stated that there will be no impact to the wetlands but they will be creating a living shoreline.

Glen Oder, Executive Director of Fort Monroe Authority, was sworn in. His comments are a part of the verbatim record.

Chris Moore, Chesapeake Bay Foundation, was sworn in and spoke in opposition of the project. His comments are a part of the verbatim record.

Mary-Carsons Stiff, Policy Director at Wetlands Watch, was sworn in and spoke in opposition of the project. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Minor made a motion to approve staff recommendation. Associate Member Zydron seconded the motion. The motion carried, 8-1. Chair voted yes. Associate Member Everett opposed.**

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|-------|-----------|
| Fees: | \$ 600.00 |
|-------|-----------|

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- THOMAS BARTON, #21-1238**, requests authorization to install and backfill 58 linear feet of replacement vinyl bulkhead a maximum of one-foot channelward of the existing bulkhead serving 37458 Bayside Drive adjacent to Chincoteague Bay in the Captain’s Cove subdivision in Accomack County. This

proposal requires a coastal primary sand dunes and beaches permit.

Ben Nettleton, Environmental Engineer, Sr., Habitat Division, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Nettleton's comments are a part of the verbatim record.

Mr. Nettleton explained that the Captain's Cove subdivision of Accomack County is located in the far northeastern portion of the County and consists of many residential properties located on man-made canals and the Chincoteague Bay. The property in this application is facing to the south, with an open fetch of five (5) to six (6) miles across Chincoteague Bay. The existing lot is developed with a private home and a timber bulkhead with a deck over the top of it. The existing timber piles are driven into the intertidal beach in front of the existing timber wall. Mean high water (MHW) rises on the existing bulkhead and mean low water (MLW) is approximately five (5) feet channelward of the existing bulkhead.

The proposed bulkhead will be vinyl, and the sheets will be driven directly in front of the existing timber piles, resulting in a channelward encroachment of one foot. The vinyl sheets will be placed in front of the entire timber bulkhead, which is beginning to rot and fail. A one-foot return wall will be constructed on each side of the new bulkhead, and new deadman and tieback rods will be installed to anchor the structure in the upland.

The bulkhead will be installed from the upland with no construction access on the channelward side. Approximately 58 square feet of privately owned intertidal beach will be filled as a result of the backfill behind the new bulkhead.

Staff understands the need to protect private property from erosion and significant wave action present on the Chincoteague Bay. Staff believes that the applicant has attempted to minimize the environmental impact by placing the replacement bulkhead as close to the existing bulkhead as possible and reusing the existing pilings. After considering this and possible alternatives outlined above, staff believes that driving new sheet piles in front of the existing timber piles is an appropriate approach.

Accordingly, after evaluating the merits of the project, and after considering all of the factors contained in §28.2-1403(10)(B) of the Code of Virginia, staff recommends approval of the project as proposed.

Raymond Britten, representative for the applicant, was sworn in. His comments are a part of the verbatim record.

No one was present to speak in opposition of the application.

The matter was before the Commission for discussion and action.

**Associate Member Minor made a motion to approve staff recommendation. Associate Member France seconded the motion. The motion carried, 9-0. Chair voted yes.**

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**8. AARON T. WEST, Oyster Planting Ground Application #2018-066**, requests authorization to lease approximately 16 acres within Doctors Creek in Mathews County. The application is protested by a number of nearby highland property owners.

Ben Stagg, Chief, Shellfish Management Division, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Stagg's comments are a part of the verbatim record.

Mr. Stagg explained that staff received the application on April 16, 2018, from Aaron West seeking to lease approximately sixteen acres within Doctors Creek in Mathews County. The request was subjected to our normal public interest review, and the area was surveyed on July 9, 2021.

While staff is sensitive to the nearby property owners' concerns, based on the proposed use and the reduced footprint of the surveyed area to only 5.28 acres, which avoids existing SAV beds and the immediately adjacent property owners' private pier, the remaining area appears appropriate to lease for traditional shellfish propagation.

Therefore, after careful review and consideration all of the comments received, and after considering all of the factors in §28.2.618 and §28.2-1205A of the Code of Virginia, staff recommends approval of an area containing 5.28 acres to Aaron T. West in Doctors Creek in Mathews County.

Aaron West, applicant, was sworn in. His comments are a part of the verbatim record.

Chuck Miller, representing nearby land-owners, was sworn in and spoke in opposition of the application. His comments are a part of the verbatim record.

David Chance was sworn in and spoke in opposition of the application. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Minor made a motion to approve staff recommendation. Associate Member Lusk seconded the motion. The motion carried, 8-0-1. Chair abstained.**

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**9. RICHARD H. RAY and GREGORY S. OSTEEEN, Oyster Planting Ground Application #2019-033**, requests authorization to lease approximately 4.50 acres in Nassawadox Creek in Northampton County. The application is protested by a local waterman.

Ben Stagg, Chief, Shellfish Management Division, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Stagg's comments are a part of the verbatim record.

Mr. Stagg explained that staff received the application on March 29, 2019, from Richard H. Ray and Gregory S. Osteen seeking to lease approximately 4.50 Acres in Nassawadox Creek near the mouth of Warehouse Creek, in Northampton County. The request has been subjected to our normal public interest review, and the area was surveyed on April 6, 2021.

Again, staff understands the protestant's concerns, however requests to lease small nearshore areas where residential development has occurred is increasingly problematic - creating use conflicts of nearshore commercial versus recreational uses and raising navigation concerns to both piers and riparian land shorelines. In this instance, the remaining unleased area near this shoreline is likely more suitable to leasing for more recreational shellfish use to the adjacent property owners. This will allow for very small-scale shellfish production in a manner that will not interfere with ongoing competing uses by nearby property owners, two of whom will be leaseholders.

Therefore, after careful review and consideration of the objections received from Mr.

Bunce, and after considering all of the factors in §28.2.618 and §28.2-1205A of the Code of Virginia, staff recommends approval of an area containing 2.34 acres to Richard H. Ray and Gregory S. Osteen in Nassawadox Creek in Northampton County.

Richard Ray, applicant, was sworn in. His comments are a part of the verbatim record.

No one was present to speak in opposition of the application.

The matter was before the Commission for discussion and action.

**Associate Member Minor made a motion to approve staff recommendation. Associate Member France seconded the motion. The motion carried, 7-2. Chair voted yes. Associate Member’s Ballard and Lusk opposed.**

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**10. PUBLIC COMMENT.**

**David Holland** addressed the Commission on adjusting the recreational 5-crab pot season. He explained how crabs do not become plentiful in his area of the Nansemond Ricer until late August or early September. As such, he asked to move the season opening from June 1 to June 15 and the season closing from September 15 to September 30. His comments are a part of the verbatim record.

**Tom Lilly** addressed the Commission about Atlantic menhaden in the Chesapeake Bay. His comments are a part of the verbatim record.

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**11. RECOMMENDATION:** Recommendation on funding requests from the Recreational and Commercial Fisheries License Funds.

Alicia Nelson, Coordinator, RFAB/CFAB, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Ms. Nelson’s comments are a part of the verbatim record.

Alicia Nelson explained that on September 13, 2021, the RFAB met virtually to review

and recommend projects for the 2021 funding cycle. This cycle included requests to continue to fund 11 reoccurring fishing event and research projects. Two of those projects requested split funding between the recreational and commercial license funds.

In addition, two other requests for funding from the commercial license fund have been received and reviewed by staff. One is from the Virginia Institute of Marine Science to continue river herring monitoring, and the other is a request from the Virginia Marine Police for surveillance equipment.

The estimate of funds available for projects from the Virginia Saltwater Recreational Fishing Development Fund (VSRFDF) as of September 13, 2021 is \$5,176,295. The estimate of funds available from the Marine Fishing Improvement Fund as of September 1, 2021 is \$1,188,685.

The RFAB reviewed and recommended funding all 11 project requests for the 2021 cycle. All of the projects in this cycle are reoccurring projects.

2022 Fishing Events:

- A. 0421-01 2022 Hope House & Oak Grove Nursing Home Fishing Excursions and Clinics. Joseph Stephenson; George Reich, Great Bridge Fisherman's Association. **\$2,620.**
- B. 0421-02 2022 Virginia Beach Anglers Club/Seton Youth Shelter Children's Fishing Trip. David Anderson, Virginia Beach Anglers Club. **\$2,500.**
- C. 0421-03 2022 Children's Fishing Clinic. Rob Cowling, Newport News Rotary Club and Coastal Conservation Association-Peninsula. **\$7,500.**
- D. 0421-04 2022 Kiwanis Club Children's Fishing Clinic. Wesley Brown, Capital District Kiwanis Club. **\$7,500.**
- E. 0421-05 2022 Saxis and Morley's Wharf Children's Fishing and Conservation Educational Outings. Steven Elliot, Eastern Shore of Virginia Anglers Club. **\$2,200.**
- F. 0421-06 2022 Norfolk Youth Head Boat Fishing Trip. James "Ike" Eisenhower, Norfolk Anglers Club. **\$1,200.**

- G. 0421-07 2022 Sunshine Children's Fishing Program. Denny Dobbins, Portsmouth Anglers Club/Sunshine Program. **\$9,904.**

Research Projects

- H. 0421-08 Virginia Game Fish Tagging 2022. S. Musick (VIMS), L. Gillingham (VMRC). **\$86,312.**
- I. 0421-09 \*Estimating Relative Abundance of Young-of-Year American Eel in the Virginia Tributaries of Chesapeake Bay. M. Fabrizio, T. Tuckey, VIMS. \$28,906. (**\$14,453 from VSRFDF, and \$14,453 from MFIF**)
- J. 0421-10 \*Federal Assistance (Sportfish Restoration) Matching Funds, Federal FY 2022. P. Geer. \$283,835 (**243,287 from VSRFDF, 40,548 from MFIF**)
- K. 0421-11 Marine Sportfish Collection Project. E. Simpson, VMRC. **\$15,000.**

Funds are available in the commercial license fund (the Marine Fishing Improvement Fund or MFIF) at this time. Projects I (the young-of-year American eel survey) and J (the sportfish restoration match) are traditionally split funded by the VSRFDF and the MFIF because these projects benefit both recreational and commercial fisheries. Funding recommendations from the MFIF total \$55,001.

Additional requests from the commercial license fund (MFIF):

Biological Monitoring of River Herring in Virginia:

River herring monitoring in Virginia is accomplished as part of a larger, federal-funded Sportfish Restoration project for American shad and river herring that has been conducted by VIMS since 1998. River herring monitoring was added to the program in 2014 with funding provided from the Marine Fishing Improvement Fund (MFIF) to account for additional staff time and increased sampling efforts. This additional support allows the VMRC and VIMS to better meet the ASMFC mandates and enhance the exiting monitoring program for river herring. In some years, funding for this additional work was included in the larger federal program; however, because Sportfish Restoration funds have been drastically reduced, this portion of the program has not been funded through the Sportfish Restoration program since 2018.

Requests for the additional funding of \$40,000 from the MFIF for the river herring

monitoring is generally made to the Commission annually. However, in order to realign the schedule for the river herring funding request to the federally-funded project schedule, staff is requesting both this year’s and next year’s monitoring funds be apportioned at this time. The total request of funds for river herring monitoring for both FY21 and FY22 is \$80,000.

Law Enforcement Surveillance Equipment Funding Request

The VA Marine Police have requested funding to acquire and implement two surveillance systems with the ability to monitor and detect violations in a real time capacity. The request includes two versatile cameras that function as pole cameras and can be converted to drop cameras for motor vehicles. The intended use for the camera systems would be identifying clandestine offload areas, perpetrators, and associated motor vehicles. The request totals \$23,371 from the commercial license fund and includes for two units, battery kit, and a vehicle mounting platform.

Staff recommends funding projects A through K, for expenditures totaling \$392,476, from the recreational license fund (VSRFDF). Staff also recommends funding \$158,372 from the Marine Fishing Improvement Fund (MFIF) for split funded projects, two segments of the annual river herring monitoring project, and the law enforcement request.

The matter was before the Commission for discussion and action.

**Associate Member Minor made a motion to approve staff recommendation. Associate Member Newsome seconded the motion. The motion carried, 9-0. Chair voted yes.**

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- 12. REQUEST FOR AN EMERGENCY AMENDMENT:** The Commission proposes to amend Chapter 4VAC20-620-10 et seq., “Pertaining to Summer Flounder,” to modify the landing dates, possession limits, and landing limits for summer flounder commercially harvested offshore (federal waters) and landed in Virginia. The purpose of this amendment is to promote efficient utilization and economic stability for this resource.

Jill Ramsey, Fisheries Mgmt. Specialist, presented the information provided in the



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staff's evaluation, with PowerPoint slides. Ms. Ramsey's comments are a part of the verbatim record.

Staff's recommendation for the new fall dates for Summer Flounder is November 1 through December 1 with a 12,000 pound landing limit and December 2 through December 31 with a 12,500 pound landing limit.

Staff recommends the Commission make an emergency amendment to Chapter 4 VAC 20-620-10 et seq., "Pertaining to Summer Flounder," to establish fall 2021 commercial offshore summer flounder fishery management measures.

With Counsel's assistance, the Commission decided to deny the emergency regulation and asked staff to bring back this issue as a public hearing at the December 7, 2021 Commission meeting.

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There being no further business, the meeting was adjourned at approximately 12:40 p.m. The next Commission meeting will be Tuesday, December 7, 2021.

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Steven G. Bowman, Commissioner

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Jamie Hogge, Recording Secretary