

MINUTES

Commission Meeting

October 24, 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	
Christina Everett	
Wayne France	
James Minor	Associate Members
Ken Neill, III	
John Tankard	
John Zydron	
Kelci Block	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Matthew Hull	Policy Manager
Linda Hancock	Dir., Human Resources
Jamie Hogge	Recording Secretary
Todd Sperling	Bs. Systems Specialist, Sr.
Dave Lego	Bs. Systems Specialist
Robert O'Reilly	Chief, Fisheries Mgmt.
Joe Cimino	Deputy Chief, Fisheries Mgmt.
Andrew Button	Head, Conservation/Replenishment
Stephanie Iverson	Fisheries Mgmt. Manager, Sr.
Jill Ramsey	Fisheries Mgmt. Specialist
Ryan Jiorle	Fisheries Mgmt. Specialist
Alex Aspinwall	Fisheries Mgmt. Specialist
Adam Kenyon	Fisheries Mgmt. Specialist
Alicia Nelson	Coordinator, RFAB/CFAB
Lewis Gillingham	Director, SWFT
Sydney Alhale	Fisheries Mgmt. Specialist
Sara Blachman	Fisheries Mgmt. Specialist
Jennifer Farmer	Regulatory Coordinator

Commission Meeting

**17966
October 24, 2017**

Rick Lauderman
Warner Rhodes
Robert Berryman
Jennifer Baylis
Richard Haynie
Patrick West
Tommy Wilkins
Kyle Jones

Chief, Law Enforcement
Deputy Chief, Law Enforcement
Captain Marine Police Officer
Marine Police Officer
Marine Police Officer
Marine Police Officer
Marine Police Officer
Marine Police Officer

Tony Watkinson
Chip Neikirk
Mark Eversole
Rachael Peabody
Jeff Madden
Justin Worrell
Hank Badger
Jay Woodward
Randy Owen
Mike Johnson
Ben Stagg

Chief, Habitat Management
Deputy Chief, Habitat Management
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Dir., Shellfish Aquaculture, Leasing and
Mapping
Surveyor, Engineering/Surveying
Program Support Technician

Daniel Faggert
Bradley Reams

Virginia Institute of Marine Science (VIMS):

Lyle Varnell Mark Luckenbach Emily Hein

Others present:

Bruce Mills	Brian Joyner	Hank Giffin
Kenny Crofton	Chris Wu	Jim White
Rommel Tamayo	Bruce P. Firman	Chuck Joyner
Stephanie Hanckey	Mike Purello	Tobias Eisenloh
Whitney McNamara	David Compton	Carolyn Smith
Shawn Bullows	Andy Lacatill	Selma Lindsay
Bob Fisher	James Knight	Chris Wilford
Valerie Rhea	Jerry Rhea	Thomas Paul Crosswell Jr.
Miranda Belvin	Frank Belvin	Jennifer Withrow
Ben & Roxanne Lindsay		

and others.

Commissioner Bull called the meeting to order at approximately 9:37 a.m. Associate Member Lusk was absent from the meeting.

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

APPROVAL OF AGENDA: Commissioner Bull asked if there were any changes from the Board members or staff. No changes by Board Members or staff.

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

MINUTES: Commissioner Bull asked if there were any changes or corrections to be made to the September 26, 2017 Commission meeting minutes. There were no changes.

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

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

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

Tony Watkinson, Chief, Habitat Management, reviewed the three page two items, A, B and C, for the Board members. Mr. Watkinson’s comments are a part of the verbatim record.

There were no public comments.

Associated Member Tankard moved to approve the page two items. Associate Member France seconded the motion. The motion carried, 8-0. Chair voted yes.

Commission Meeting

2A. C4GT, LLC, #16-1604, requests authorization to install a 60-foot by 10-foot 4 port cooling water discharge diffuser, secured to the bottom of the James River, approximately 1,000 feet channelward of Shirley Cove and adjacent to upland property situated at Shirley Plantation. The diffuser will be connected to a 16-inch diameter steel outfall pipe to be installed by the directional drill method, a minimum of five (5) feet beneath the river bottom. The outfall pipe and diffuser are part of a combined-cycle combustion turbine electric generating facility to be constructed in Charles City County. Staff recommends approval with time-of-year restrictions on all instream work from August 1 through November 15 to protect the federally Endangered Atlantic Sturgeon, and February 15 through June 30 to protect anadromous fish species, and a royalty of \$1,200.00 for encroachment over 600 square feet of State-owned submerged land at a rate of \$2.00 per square foot for the discharge diffuser, and \$3,000.00 for encroachment beneath 1,000 linear feet of State-owned submerged land at a rate of \$3.00 per linear foot for the outfall pipe.

Royalty Fees (encroach 600 sq. ft. @ \$2.00)	\$1,200.00
Royalty Fees (encroach 1,000 lin. ft. @ \$3.00)	\$3,000.00
Permit Fee	\$ 100.00
Total Fees	\$4,300.00

2B. CITY OF VIRGINIA BEACH, #17-1174, requests authorization to hydraulically dredge approximately 440,000 cubic yards of beach quality sand from State-owned submerged bottomlands to a maximum depth of -20 feet mean low water from an area designated as the “Chesapeake Beach Shoal Borrow Area,” directly adjacent to the eastern side of the Chesapeake Bay Bridge Tunnel within the Chesapeake Bay. The dredged sand will be hydraulically pumped to Chesapeake Beach in Virginia Beach. Approximately 6,000 linear feet of the existing shoreline between the Joint Expeditionary Base Little Creek/Fort Story to the west and Joyce Avenue to the east will be nourished, with the toe of nourishment occurring a maximum of 390 feet channelward of the existing mean low water mark. Staff recommends approval with the issuance of a five-year permit to cover subsequent dredging and beach nourishment cycles.

Permit	\$100.00
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2C. ARMY CORPS OF ENGINEERS and CITY OF VIRGINIA BEACH, #12-0967 Request a permit modification to allow for an annual placement of up to 20,000 cubic yards of hydraulically or mechanically dredged beach quality sand from the Rudee Inlet Federal Sand Trap within the dune profile along the Croatan Beach shoreline, south of Rudee Inlet.

No applicable fees.

3. CONSENT AGENDA ITEMS:

3A. SHAWN BURROWS, #16-1831, requests after-the-fact authorization to retain a second private riparian pier measuring 4-foot wide by 36-foot long with a 16-foot by 16-foot T-head on Winders Creek, adjacent to 1050 Hills Bay Drive in Mathews County. Staff recommended approval with triple permit fees and a civil charge of \$1,000.

Tony Watkinson, Chief, Habitat Management, reviewed the information provided in the staff’s evaluation for the Board members. Mr. Watkinson’s comments are a part of the verbatim record. Mr. Mike Johnson spoke as well as Shawn Burrows, property owner. Mr. Burrows agreed to accept the fees.

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

Civil Charge	\$1,000.00
Permit Fees (ATF-Triple Fees)	\$ 75.00
Total Fees	\$1,075.00

3B. TIDEWATER TANK TERMINAL, LLC, #17-1357, requests after-the-fact authorization to retain an 11-foot by 35-foot industrial tending pier and a 10-foot by 35-foot industrial tending pier; and to install a new 3-pile anti chaffing structure along the Southern Branch Elizabeth River at 1400 McCloud Road in the City of Chesapeake. Staff recommended approval with triple permit fees and a civil charge of \$3,000.00.

Tony Watkinson, Chief, Habitat Management, reviewed the information provided in the staff’s evaluation for the Board members. Mr. Watkinson’s comments are a part of the verbatim record. Kenny Crofton spoke and accepted responsibility for the violation and agreed to accept the fees.

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

Royalty Fees (394 sq. ft. @ \$6.00 sq. ft.)	\$2,364.00
Civil Charge	\$3,000.00
Permit Fees (ATF-Triple Fees)	\$ 300.00
Total Fees	\$5,664.00

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

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- 5. **BRUCE MILLS, #17-0462,** Commission review, on appeal by the applicant, of the September 18, 2017, decision of the City of Virginia Beach Wetlands Board to deny the request to dredge tidal wetlands and install a riprap revetment adjacent to 613 and 617 Pine Tree Circle, situated along Buchannan Creek, in Virginia Beach.

Commissioner Bull requested Assistant Attorney General Kelci Block provide legal explanation to orient the board of the job function and mandate for the appeal of the wetlands decision. Justin Worrell presented PowerPoint Presentation. Comments and explanations are a part of the verbatim record. Mr. Bruce Mills, Attorney, spoke on behalf of the appeal.

Associate Member Zydron made a motion to uphold wetlands board’s decision to deny application. Associate Member Everette seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 6. **CITY OF NORFOLK, #17-1291,** requests authorization to relocate sand, plant native vegetation, and reshape portions of landward slope of the coastal primary dune adjacent to the home located at 2318 Bay Oaks Place in the City of Norfolk. The project requires a dune/beach permit.

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

Mrs. Peabody explained that the project location is a private single-family home that abuts a jurisdictional coastal primary sand dune. In this area of Norfolk, the majority of the primary dune system is owned and managed by the City of Norfolk. However, a small portion of the landward slope of the dune falls within private property City of Norfolk has applied to move sand and reshape a portion of the landward slope of the dune to reduce the landward migration and encroachment of the dune around the home. The sand will be moved by an excavator and placed within a depression in the dune crest. Following sand movement, the City will revegetate the dune using native dune grasses in any area that has been impacted as a result of the construction and sand relocation. There will be no net loss of sand from the dune and beach system.

In response to a question from Associate Member Everett, Lyle Varnell, Virginia Institute of Marine Science (VIMS), advised that the revegetation plan will restore the habitat

value of the dune and the most important function of the dune at this location is mostly for erosion control.

Chuck Joyner, City of Norfolk representative also spoke on behalf of the project and stated that the project was to restore and maintain dune to address erosion. City of Norfolk was paying for private property work.

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

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- 7. **CITY OF NORFOLK, #17-1425**, requests authorization to relocate sand, plant native vegetation and reshape the landward slope of the jurisdictional coastal primary sand dune adjacent to the home located at 2624 East Ocean View Avenue in the City of Norfolk. The project requires a dune/beach permit.

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

City of Norfolk carried over comments from previous project.

Associate Member Minor made a motion to accept the staff recommendation. Associate Member Neil seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 8. **MIKE PURELLO, #17-0587**, requests after-the-fact authorization to retain a 1,400 square foot, close-sided, private timber boathouse with associated tending pier and boat lift, adjacent to his property situated along Upper Machodoc Creek in King George County.

Jeff Madden, Environmental Engineer, Sr., reviewed the information provided in the staff’s evaluation for the Board members. Mr. Madden’s comments are a part of the verbatim record.

Mr. Purello addressed the board and explained the boathouse was present when he purchased the property about a year ago.

Associate Member France made a motion to accept the staff recommendation. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 9. **PUBLIC HEARING**, proposed "Living Shoreline Group 2 General Permit for Certain Living Shoreline Treatments Involving Submerged Lands, Tidal Wetlands, or Coastal Primary Sand Dunes and Beaches." This second general permit regulation is being developed pursuant to §28.2-104.1 of the Code of Virginia. Proposed "Living Shoreline Group 2 General Permit for Certain Living Shoreline Treatments Involving Submerged Lands, Tidal Wetlands, or Coastal Primary Sand Dunes and Beaches." This second general permit regulation is being developed pursuant to §28.2-104.1 of the Code of Virginia.

Chip Neikirk, Deputy Chief, Habitat Management, gave the briefing with a PowerPoint presentation of the information provided in the staff’s evaluation with explanation of the process. Mr. Neikirk’s comments are a part of the verbatim record.

Associate Member Minor made a motion to accept the staff recommendation with the clarification that there would be no subaqueous permit fee but that there would be a \$300 wetlands application fee for projects in which the Commission must serve as the wetlands board. Associate Member Neil seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 10. **PUBLIC HEARING**, proposal to amend Chapter 4 VAC 20-120-10 ET SEQ. "Pertaining to the Promulgation of a Public Notice on Applications to Encroach In, On, or Over Subaqueous Lands of the Commonwealth."

Tony Watkinson, Chief, Habitat Management, reviewed the information provided in the staff’s evaluation for the Board members. Mr. Watkinson’s comments are a part of the verbatim record.

Associate Member Ballard made a motion to accept the staff recommendation. Associate Member Tankard seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 11. **PUBLIC COMMENTS**, Selma Lindsay was granted an exception for a commercial license by the Commission, as her husband’s license was sold illegally. Mrs. Lindsay's request to have her deceased husbands striped bass quota restored was denied.

Associate Member Zydron made motion to waive the 2 year wait period for Selma Linsey to obtain her commercial license. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.

Ken Blow requested the Commission continue the Cobia management and reporting measures.

Robert O'Reilly, Chief, Fisheries Mgmt., presented Jennifer Withrow's history.

After discussion, the board took no action per Jennifer Withrow's request to obtain her commercial license after she missed the April 30, 2017 deadline.

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12. OFFENDERS

(12-1) – Jerry W. Rhea Jr. (5125) – was present but not sworn in.

Matt Hull, Policy Manager, explained that this was a request by Mr. Rhea Jr. for reinstatement of his commercial crabbing/fishing license excluding his oyster license. Mr. Hull's comments are a part of the verbatim record.

Mr. Rhea Jr. explained that he was working the water for 26 years and learned his lesson after 2 years.

Valerie Rhea also spoke of the hardships and the toll that it has taken on the family.

After review and discussion, by the board, of Mr. Rhea Jr.'s Commercial violations, license history and convictions, Commissioner Bull asked for a motion three times for Mr. Rhea Jr.'s request to have his commercial crabbing/fishing license reinstated. There was no motion made by the Board members. No action was taken.

(12-2) – Carlton Duncan – was not present.

Commissioner Bull stated that this was the fourth month that Mr. Duncan promised to be present. Mr. Bull stated that he would not be putting Mr. Duncan on the agenda for the foreseeable future.

(12-5) – Frank W. Belvin (1436) – was present and sworn in.

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

February 3, 2016, Officer Patrick West, Theft of Oysters, Clams, Shells, Etc.—Class 1 Misdemeanor--§28.2-527 of the Code of Virginia.

Disposition:

June 19, 2017, Newport News General District Court.

Fine: \$1,000.00; Court Cost: \$203.50; 30 days Jail with 30 day suspended for 2 years Good Behavior.

MATRIX GUIDELINE SUGGESTION: 1 YEAR PROBATION (§28.2-232 of the Code of Virginia).

Stephanie Iverson, Fisheries Mgmt. Manager, Sr., explained to the Commission the matrix guidelines. Ms. Iverson's comments are a part of the verbatim record.

In accordance with § 28.2-232 of the Code of Virginia, the matrix guidelines suggest to the Commission to place Mr. Belvin on probation for a period of one year from the date of this Commission meeting, October 24, 2017, through October 23, 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 a license revocation.

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

(12-3) – Miranda R. Belvin (008533) – was present and sworn in.

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

February 3, 2016, Officer Patrick West, Theft of Oysters, Clams, shells, Etc.—Class 1 Misdemeanor--§28.2-527 of the Code of Virginia.

Disposition:

June 19, 2017, Newport News General District Court.

Fine: \$1,000.00; Court Cost: \$101.00; 30 days Jail with 30 day suspended for 2 years Good Behavior.

February 18, 2016, Officer Patrick West, Theft of Oysters, Clams, Shells, Etc.—Class 1 Misdemeanor—§28.2-527 of the Code of Virginia.

Disposition:

June 19, 2017, Newport News General District Court.

Fine: \$1,000.00 with \$1,000.00 suspended; Court Cost: \$91.00; 30 days Jail with 30 days suspended for 2 years Good Behavior.

MATRIX GUIDELINE SUGGESTION: 1 YEAR REVOCATION OF ALL LICENSES (§28.2-232 of the Code of Virginia).

Stephanie Iverson, Fisheries Mgmt. Manager, Sr., explained to the Commission the matrix guidelines. Ms. Iverson's comments are a part of the verbatim record.

Ms. Miranda R. Belvin, a commercial fisherman registration licensee, was convicted on June 19, 2017, of two counts of theft of oysters, clams, shells, etc.--class 1 misd. (§ 28.2-527 of the Code of Virginia). From the description provided by the officer, however, it appears that her conduct was actually fishing without the required license (§ 28.2-225 of the Code of Virginia).

The Commission's guidelines for sanctions specify that two convictions of harvesting oysters without an oyster resource user fee or gear license, within a two-year period, should result in a one-year revocation of all licenses. In accordance with §28.2-232 of the Code of Virginia, the matrix guidelines suggest to the Commission to revoke all Ms. Belvin's Commission-issued licenses for a period of one year from the date of this Commission meeting, October 24, 2017, through October 23, 2018. The Code of Virginia also allows that the Commission prohibit the issuance, reissuance, and renewal of any of Ms. Belvin's licenses during this revocation period.

Associate Member France made a recommendation and motion for 6 month probation. Associate Member Tankard seconded the motion. The motion carried, 8-0. Chair voted yes.

(12-4) – Thomas P. Crowell, Jr. (008841) – was present and sworn in.

Marine Police Officers' Thomas Wilkins and Kyle Jones, were sworn in and they gave the briefing of the information provided in the staff's evaluation. Their comments are a part of the verbatim record.

July 18, 2017, Officer Kyle Jones, Obstructed Cull Rings--§28.2-201 of the Code of Virginia; 4 VAC 20-700-20.

Disposition:

September 11, 2017, Northumberland County General District Court.

Fine: \$150.00, Court Cost: \$121.00.

July 21, 2017, Officer Thomas Wilkins, Fail to Register as Crab Agent—§28.2-201 of the Code of Virginia; 4 VAC 20-610-30.

Disposition:

August 21, 2017, Northumberland County General District Court.

Fine: \$100.00, Court Cost: \$96.00.

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

Mr. Thomas P. Croswell Jr., a commercial fisherman registration licensee, was convicted on September 11, 2017, for one count of obstructed cull rings (4 VAC 20-700-20 and §28.2-201 of the Code of Virginia) and on August 21, 2017, for one count of failing to register as a crab agent (4 VAC 20-610-30 and §28.2-201 of the Code of Virginia).

The Commission's matrix of guidelines for sanctions specify that one conviction of obstructed cull rings and one conviction of failing to register as a crab agent 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 matrix guidelines suggest to the Commission to place Mr. Croswell on probation for a period of two years from the date of this Commission meeting, October 24, 2017, through October 23, 2019. Any failure on Mr. Croswell'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. Croswell appearing before the Commission for a hearing on a license revocation.

Associate Member Zydron made a motion for 6 month probation due to his honesty. Motion failed. Associate Member Minor made a motion for 1 year probation. Associate Member Zydron seconded the motion. Associate Member Neill agrees with motion. The motion carried, 7-1. Associate Member Ballard voted no. Chair voted yes.

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- 13. PUBLIC HEARING**, request to establish emergency amendments as a permanent part of regulation to Chapter 4 VAC20-260-10 et seq., "Pertaining to Designation of Seed Areas and Clean Cull Areas," that clarifies inspection procedures for oysters kept in individual baskets in a vessel.

Andrew Button, Head, Conservation/Replenishment, presented the information provided in the staff's evaluation for the Board members. Mr. Button's comments are a part of the verbatim record.

This amendment will make permanent the emergency amendment of Chapter 4 VAC 20-260-10 et seq. adopted at the September Commission meeting, that clarifies the methods police officers may use to inspect oyster harvests for conformity to culling standards.

Staff is requesting the Commission adopt the amendment, as shown below, to reinstate the ability of police officers to cull oysters from baskets on the boat.

F. Oysters may be inspected by any police officer according to any one of the following provisions:

1. For any oysters stored in a loose pile in a vehicle, trailer, or inside open part of a boat, the police officer shall use a shovel to take one bushel or basket of oysters to inspect, at random, provided that the entire bushel or basket shall be taken from one place in the open pile of oysters. The officer may inspect multiple bushels or baskets by repeating this procedure for each bushel or basket of oysters shoveled from the loose pile.

2. For any oysters stored in baskets in a vehicle, trailer, or inside open part of a boat, the police officer shall select one basket and empty the contents of basket into a bushel, as described in §28.2-526 of the Code of Virginia, or a basket for inspection. The officer may inspect multiple baskets by repeating this procedure for each basket.

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

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14. REQUEST FOR AN EMERGENCY AMENDMENT, proposal to amend Chapter 4 VAC 20-260-10 et seq., "Pertaining to Designation of Seed Areas and Clean Cull Areas," to establish the basket as the only measure for oyster culling tolerance. Request for a public hearing.

Andrew Button, Head, Conservation/Replenishment, presented the information provided in the staff's evaluation for the Board members. Mr. Button's comments are a part of the verbatim record.

Staff recommends the Commission approve emergency amendments and requests a public hearing for Chapter 4VAC20-260-10, et seq., "Pertaining to Designation of Seed Areas and Clean Cull Areas", to establish the basket as the only measure for oyster culling tolerance.

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

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- 15. PUBLIC HEARING**, request to establish emergency amendments as a permanent part of regulation to Chapter 4 VAC20-510-10 et seq., "Pertaining to Amberjack and Cobia," that set an October 1, 2017 closure date for the commercial Cobia fishery.

Ryan Jiorle, Fisheries Mgmt. Specialist, presented the information provided in the staff's evaluation for the Board members. Mr. Button's comments are a part of the verbatim record.

At its September 26, 2017 meeting, the Commission voted to establish an October 1, 2017 closure for the commercial cobia fishery in Virginia's waters, under its emergency regulatory authority (Section 28.2-210 of the Code of Virginia). This was done to avoid further landings in a fishery whose annual catch limit may have already been exceeded.

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

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- 16. PUBLIC HEARING**, request to establish emergency amendments as a permanent part of regulation to Chapter 4 VAC20-620-10 et seq., "Pertaining to Summer Flounder," that establishes fall 2017 commercial offshore summer flounder fishery management measures which includes a change to the season start date and lowers the Virginia landing limit.

Joe Cimino, Deputy Chief, Fisheries Mgmt., presented the information provided in the staff's evaluation for the Board members. Mr. Cimino's comments are a part of the verbatim record.

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

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- 17. PUBLIC HEARING**, proposal to amend Chapter 4 VAC 20-1120-10 et seq., "Pertaining to Tilefish and Grouper," to set a recreational season for blueline tilefish.

Joe Cimino, Deputy Chief, Fisheries Mgmt., presented the information provided in the staff's evaluation for the Board members. Robert O'Reilly, Chief, Fisheries Mgmt. and Matt Hull, Policy Manager, also spoke. All comments are a part of the verbatim record.

Associate Member Neill made a motion to accept the staff recommendation. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 18. REQUEST FOR PUBLIC HEARING**, proposal to amend Chapter 4 VAC 20-252-10 et seq., "Pertaining to the Taking of Striped Bass," to raise the 2018 Coastal Area Commercial Fishery Striped Bass Quota.

Jill Ramsey, Fisheries Mgmt. Specialist, presented the information provided in the staff's evaluation for the Board members. Ms. Ramsey's comments are a part of the verbatim record.

Staff recommends the Commission authorizes staff to advertise this amendment to Chapter 4 VAC 20-252-10 et seq., "Pertaining to the Taking of Striped Bass," to increase the 2018 Coastal Area Commercial Fishery Striped Bass quota at the December 2017 Commission meeting.

Associate Member Tankard made a motion to accept the staff recommendation. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 19. REQUEST FOR PUBLIC HEARING**, proposal to amend Chapter 4 VAC 20-252-10 et seq., "Pertaining to the Taking of Striped Bass," to simplify permitting and reporting for the charter and private recreational fisheries.

Sara Blachman, Fisheries Mgmt. Specialist, presented the information provided in the staff's evaluation for the Board members. Ms. Blachman's comments are a part of the verbatim record.

Staff recommends the Commission approve advertising for a December public hearing to amend Chapter 4 VAC 20-252-10 et seq., "Pertaining to the Taking of Striped Bass," to simplify permitting and reporting for the charter and private recreational fisheries.

Associate Member Neill made a motion to accept the staff recommendation. Associate Member Minor seconded the motion. The motion carried, 8-0. Chair voted yes.

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20. **DISCUSSION**, establishment of a February 2018 recreational black sea bass fishery and associated monitoring requirements; request for a December public hearing.

Robert O'Reilly, Chief, Fisheries Mgmt., presented a presentation.

Associate Member Neill made a motion to accept the staff recommendation. Associate Member Minor 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 3:37 p.m. The next Commission meeting will be Tuesday, December 12, 2017.

John M. R. Bull, Commissioner

Jamie Hogge, Recording Secretary