

MINUTES

Commission Meeting**June 25, 2013**

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:

| | |
|---|---|
| Jack G. Travelstead | Commissioner |
| Robert Beck J. Carter Fox S. Lynn Haynie Richard B. Robins, Jr. | Associate Members |
| Paul Kugelman, Jr. | Assistant Attorney General |
| John Bull | Public Relations Director |
| Katherine Leonard | Recording Secretary |
| Jane McCroskey Linda Farris | Chief, Admin-Finance Bs. Systems Specialist, MIS |
| Rob O'Reilly Joe Grist Jim Wesson Joe Cimino Stephanie Iverson Renee Hoover Alicia Nelson | Chief, Fisheries Management Deputy Chief, Fisheries Mgt. Head, Conservation/Replenishment Fisheries Mgmt. Sr. Manager Fisheries Mgmt. Mgr. Biological Collection Prgm. Supvr. Fisheries Mgmt. Specialist (RFAB/CFAB Coordinator) |
| Lewis Gillingham Samantha Hoover Sally Roman Laurie Williams Adam Kenyon | Game Fish Coordinator Fisheries Mgmt. Specialist Fisheries Mgmt. Specialist Fisheries Mgmt. Specialist Fisheries Mgmt. Specialist |
| Warner Rhodes James Rose Grady Ellis Jennifer Baylis Brad Ramsey | Deputy Chief, Law Enforcement Captain, Law Enforcement, NA Sr. Marine Police Officer Marine Police Officer Marine Police Officer |

Commission Meeting

| | |
|--------------------|-----------------------------|
| Tony Watkinson | Chief, Habitat Management |
| Chip Neikirk | Deputy Chief, Habitat Mgmt. |
| Jeff Madden | Environmental Engineer, Sr. |
| Justin Worrell | Environmental Engineer, Sr. |
| Hank Badger | Environmental Engineer, Sr. |
| Mike Johnson | Environmental Engineer, Sr. |
| Justine Woodward | Environmental Engineer, Sr. |
| Julliette Giordano | Environmental Engineer, Sr. |
| Jordan Creed | Environmental Engineer, Sr. |
| Randy Owen | Environmental Engineer, Sr. |
| Jay Woodward | Environmental Engineer, Sr. |

Virginia Institute of Marine Science (VIMS):

| | |
|--------------|-----------------|
| Lyle Varnell | Mark Luckenbach |
|--------------|-----------------|

Others present:

| | | |
|------------------|------------------|--------------------|
| Rebecca Francese | Dan Clements | Meredith Sonwiec |
| Ryan McCreery | Richard Callis | Craig Palubinski |
| Mari Hurd | John Hurd | Robert A. Hardesty |
| Bruce Sanders | Mark Eubank | Rob McWilliams |
| Jim Breeden | James Newsome | Ed Arnest |
| Floyd Gibbs | Richard Lockhart | Bryan Zasmowich |
| Kim Huskey | Chris Moore | |

and others.

* * * * *

Commissioner Travelstead called the meeting to order at approximately 9:39 a.m. Associate Members Palmer, Plumlee, Sessoms, and Tankard were absent. He noted that there was a quorum present so the meeting could proceed.

* * * * *

At the request of Commissioner Travelstead, Associate Member Robins gave the invocation; and Tony Watkinson, Chief of Habitat Management led the pledge of allegiance

* * * * *

Commissioner Travelstead, at this time, swore in the VMRC staff and VIMS staff that would be speaking or presenting testimony during the meeting.

Commissioner Travelstead announced and congratulated Associate Member Robins for his reappointment by the U. S. Secretary of Commerce to serve a third term as Virginia’s representative for the Mid-Atlantic Fisheries Management Council (MAFMC).

Associate Members Robins and Fox whose terms as Commission Board Members were ending on June 30, 2013 expressed their enjoyment and appreciation of their time served on the board. Associate Member Fox noted that both he and Associate Member Robins were graduates from Washington and Lee University and same birth date, September 8th.

APPROVAL OF AGENDA: Commissioner Travelstead asked if there were any changes from the Board members or staff. There were no changes.

Commissioner Travelstead asked for a motion for the agenda.

Associate Member Beck moved to approve the agenda. Associate Member Robins seconded the motion. The motion carried, 5-0.

MINUTES: Commissioner Travelstead asked for a motion for approval of the May 28, 2013 Commission meeting minutes, if there were no corrections or changes. There were no changes.

Associate Member Robins moved to approve the May 28, 2013 meeting minutes. Associate Member Fox seconded the motion. The motion carried, 5-0.

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

Tony Watkinson, Chief, Habitat Management, informed the Commission that there was one page two item to be heard. He reviewed the item for the Board. His comments are a part of the verbatim record.

Commissioner Travelstead asked for public comments. There were none. He then asked for a motion.

Associate Member Robins moved to approve the page two item 2A. Associate Member Beck seconded the motion. The motion carried, 5-0.

2A. SANDERS YACHT YARD, #13-0572, requests authorization to construct six (6) floating concrete piers with associated gangways, finger piers, T-head platforms and mooring piles to create 111 wet slips, construct a 2,400 square foot open-pile boat service platform and wharf, a 360 square foot upper platform, a 2,400 square foot floating sheltered boat service slip with an 8-foot wide by 144-foot long floating concrete pier, a travel lift with two (2) 100-foot long travel lift piers, two (2) tending piers totaling 118 linear feet with one (1) 288 square foot platform, a 2,435 square foot open-pile wharf and construct a 20-foot wide by 70-foot long replacement concrete boat ramp with an 8-foot wide by 50-foot long tending pier along the shoreline of Carter Creek on Carters Creek Road in Lancaster County.

| | |
|-----------------|----------|
| Permit Fee..... | \$100.00 |
|-----------------|----------|

3. CONSENT AGENDA ITEMS. None

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. Commissioner Travelstead asked Paul Kugelman, Assistant Attorney General and VMRC Counsel if a meeting was necessary and he responded no.

5. HIGGERSON-BUCHANAN, INC., #09-0861, requests an extension to an existing Wetland Permit previously issued by the City of Chesapeake and set to expire on June 26, 2013, authorizing the installation of approximately 390 linear feet of sheet-pile bulkhead with associated fill at 5300 Bainbridge Boulevard adjacent to the Southern Branch of the Elizabeth River, a tributary to the Chesapeake Bay.

Justin Woodward, Environmental Engineer, Sr., gave the briefing of the information provided in the staff’s evaluation. Ms. Woodward noted that the Commission would be acting as the Wetlands Board because last year the City of Chesapeake had rescinded the Wetlands Ordinance. She said the request was for an extension of the permit until June 26, 2016 and approval of the extension for the subaqueous permit was done administratively. Her comments are a part of the verbatim record.

Rebecca Francese, agent for the application, was present and said she would answer any questions the Board had about this request. There were no questions.

There were no other public comments. Commissioner Travelstead stated the matter was before the Commission.

Associate Member Robins moved approve the request for extension. Associate Member Beck seconded the motion. The motion carried, 5-0.

No applicable fee – permit extension.

* * * * *

6. KINDER MORGAN TERMINALS, #13-0496, requests authorization to mechanically dredge 201,800 cubic yards of State-owned subaqueous bottom per dredging cycle, of which 83,600 cubic yards is new dredging, to attain and maintain maximum depths of -52 feet below mean low water along the James River on the north side of Kinder Morgan Terminals’ Pier #9 in the City of Newport News. The project is protested by petitioners.

Mike Johnson, Environmental Engineer, Sr., gave the briefing of the information provided in the staff evaluation with slides. His comments are a part of the verbatim record.

There were no questions of staff.

Commissioner Travelstead asked if the applicant’s representative was present.

Rebecca Francese, agent for the applicant, was present and her comments are a part of the verbatim record. Ms. Francese explained the new dredging was necessary to improve the efficiency of the business. She said it was a frivolous protest being made as they would not be causing any further impacts and Craney Island was an approved site for dredged material disposal.

Commissioner Travelstead asked if anyone in opposition was present. There were none. He stated the matter was before the Commission.

Associate Member Beck moved to approve the permit. Associate Member Robins seconded the motion. The motion carried, 5-0.

| | |
|---|-------------|
| Royalty Fees (dredging 83,600 cu. yds. @ \$0.45/sq. ft.)..... | \$37,620.00 |
| Permit Fee..... | \$ 100.00 |
| Total Fee..... | \$37,720.00 |

* * * * *

7. **ROBERT McWILLIAMS, #12-1782**, requests authorization to construct a 16-foot by 16-foot open-sided gazebo in association with the reconstruction of a private pier adjacent to his property at 1215 South Fairwater Drive situated along Edgewater Haven in Norfolk. The project is protested by an adjacent property owner.

Justine Woodward, Environmental Engineer, Sr., gave the briefing on the information provided in the staff's evaluation with slides. Ms. Woodward noted that both the applicant and protestants were present.

Associate Member Fox asked about the height of the pole compared to the roof height of the gazebo. Ms. Woodward said the gazebo height was 11.5 feet.

Commissioner Travelstead called on the applicant to make comments.

Robert McWilliams, applicant, was sworn in and his comments are a part of the verbatim record. Mr. McWilliams provided handouts. He answered the question regarding the light pole and said it was no longer there and there were no plans to replace it. He estimated it to be 20 feet height from the deck and maybe 50 feet total. He said the only problem originally was with the placement of the structure on the property line, but he had resolved that problem by moving it. He said his contractor had advised him to get the larger floating dock as the 9 X 12 would not be enough to meet their needs. He explained that his wife had a skin condition making it necessary to have a covered structure to avoid the sun.

Commissioner Travelstead asked if the protestant wished to comment.

John R. Hurd, adjacent property owner and protestant, was sworn in and his comments are a part of the verbatim record. He stated that they did not object to the floating pier or boat lift, but they were concerned with the large size of the gazebo proposed. He said that they had always been open to discuss their concerns, but had not received any response to their letter. He noted that they never received notification from VMRC. He provided a handout showing the other structures in the area and only one had a roof in the Edgewater Haven area. He referenced the Guidelines which said public benefits were to be considered and water dependence of the structure. He stated he felt that it was not necessary for the activity or structure to be over the water.

Commissioner Travelstead stated the matter was before the Commission.

Associate Member Robins noted that Code Section 28.2-1203 had been amended by the General Assembly in order to allow for a gazebo. He moved to accept the staff

recommendation for approval of the gazebo. Associate Member Beck seconded the motion. The motion carried, 5-0.

| | |
|-----------------|---------|
| Permit Fee..... | \$25.00 |
|-----------------|---------|

* * * * *

- 8. **JOSEPH MORRISSEY, #12-1645**, requests after-the-fact authorization to retain a 112 linear foot cinder block bulkhead encroaching over 2,546 square feet of non-vegetated tidal wetlands at his property situated along the James River at 1308 Chaffins Bluff Lane in Henrico County. The project requires a wetlands permit.

Tony Watkinson, Chief, Habitat Management, explained that there was no Wetlands Board for Henrico County and the applicant has requested a continuance. He said he felt a motion was necessary and that there might be individuals present who wish to comment.

No one from the public was present for this hearing.

Commissioner Travelstead announced that the Board, by consensus, agreed to continue this item until the July Commission meeting.

No further action was taken at this time.

* * * * *

- 9. **MARK EUBANK, #13-0648**, requests after-the-fact authorization to retain a vinyl groin extending 50 feet channelward of mean low water along the Chesapeake Bay at 4 Sweet Gum Drive in Mathews County.

Mike Johnson, Environmental Engineer, Sr., gave the briefing of the information provided by the staff's evaluation with slides. Mr. Johnson noted that Mr. Callis the contractor was accepting the responsibility for no permit being obtained prior to the work being done.

There were no questions of staff. Commissioner Travelstead asked if the applicant or the contractor was present.

Ricky Callis, contractor, was sworn in and his comments are a part of the verbatim record. Mr. Callis stated that the intent was to rebuild the jetty. He said they had the County's after-the-fact permit. He complained that the civil charge being proposed was too much and noted that he had put it in the same location as the original jetty. He

explained that Mr. Eubank had hired him to do all of the paperwork as well as the construction.

Commissioner Travelstead asked him if he was an experienced contractor. Mr. Callis stated he had gotten the permit from the County to repair the jetty, but when he started to make the repairs there was more damaged than they expected. He said the staff believes that they are totally rebuilding the jetty, but they were utilizing some of the existing structure.

Associate Member Beck asked if it was extended further. Mr. Callis stated it was right where it was, there was no extension.

Commissioner Travelstead explained that a major deviation was up to \$10,000 and he did not agree this was the case since it was not done outside of the original footprint.

Associate Member Beck asked if any damage had been done to the environment. Mr. Johnson said it was minimal damage. Mr. Beck stated he was concerned with the penalty being \$3,000 as the contractor had done what was necessary using his best judgement.

Tony Watkinson, Chief, Habitat Management, said the guidelines for civil charge assessment had been changed by the Commission previously establishing the minimal, moderate, and major impact and deviation levels. He read from the established policy. He said the contractor was experienced and knowledgeable about the permit requirements and staff viewed the deviation as major and the impact as minimal.

Associate Member Fox stated that he felt the environmental impact was really zero, not even a minimal degree of deviation. He also said that when there was added work discovered, the contractor was experienced enough to know he should have called VMRC and asked. He suggested a moderate level, \$1,500-\$2,000.

Associate Member Robins said he agreed with the level of environmental impact, but the contractor should have known that the departure from what was to be done and he should have contacted VMRC. He moved to accept a \$1,000 civil charge with a triple permit fee. Associate Member Fox seconded the motion. The motion carried, 5-0.

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

* * * * *

10. LEASED OYSTER GROUND. Pursuant to Code Section 28.2-559, Staff request for the Commission to allow 17 oyster planting ground leaseholders, upon

a petition by the leaseholders, up to three years from this date to remove oysters (clams) or shell from leased ground found to be in public oyster beds based on a newly discovered 1895 survey of the Public Oyster Beds, Rocks and Shoals completed under the direction of J.B. Baylor, Assistant U.S. Coast and Geodetic Survey, known as the Baylor Survey, made pursuant to Chapter 511 of the 1892 Acts of Assembly.

Hank Badger, 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. Badger explained that in the Chincoteague area another colored chart was discovered on the NOAA Coast Survey's Historical Map and Chart collection website. The Engineering and Surveying Department originally had only a black and white copy of the map and now that there was a colored map staff was able to determine that some of the creeks and guts should have been included in the Baylor Survey; where these oyster ground leases are located.

After some discussion, Commissioner Travelstead asked what the pleasure of the Commission was for this matter.

Associate Member Fox stated that he felt the Commission had no alternative but to take the staff recommendation that the leases had to be removed and the leaseholders have to get approval to remove their shellfish from the leases in the Baylor Survey area.

Mr. Badger said that staff would provide the form for them to sign.

Associate Member Fox moved to accept the staff recommendation. Associate Member Haynie seconded the motion. The motion carried, 5-0.

* * * * *

11. DISCUSSION: Establishment of application fees and appointment of hearing officers for tidal wetlands and dune/beach permits.

Tony Watkinson, Chief, Habitat Management, gave the briefing of the information provided by the staff's evaluation with slides. His comments are a part of the verbatim record. Mr. Watkinson said the staff recommendation was to establish a \$300.00 non-refundable application fee for both the Wetlands and the Beach and Sand Dunes applications. He stated he felt it appropriate that the Commission make a motion for each request. The first being the establishment of the \$300.00 application fee and second, the appointment of each Environmental Engineer, Sr. as a hearing officer for those localities that have not adopted the Wetlands or Dune/Beach ordinances and appointed their own Board. He noted this would be a timesaving for the Commission meetings. He noted the

Commission would still have to hear those projects which have project costs over \$500,000. His comments are a part of the verbatim record.

Associate Member Robins stated that the hearing officer appointment was a good idea for making it more efficient.

Mr. Watkinson noted that this application fee would be for cost recovery.

Associate Member Fox moved to approve the non-refundable application fee of \$300.00 as recommended by staff and to add a requirement for a review cycle of the fees for every three years. Associate Member Robins seconded the motion. The motion carried, 5-0.

Associate Member Robins moved to accept the staff recommendation regarding the appointment of the VMRC Environmental Engineers as hearing officer. Associate Member Beck seconded the motion. The motion carried, 5-0.

* * * * *

12. PUBLIC COMMENT:

Associate Member Robins spoke on developing a limited entry approach to the management of channel whelk, and suggested the Commissioner appoint a Channel Whelk Management Advisory Committee. He also urged the Commissioner to continue the Law Enforcement Subcommittee that was established several months ago to review the various law enforcement issues, in particular to establish a new policy for bringing egregious violators before the Commission for potential license suspensions.

As their final terms were expiring June 30, 2013, Rob O'Reilly, Chief, Fisheries Management thanked both Associate Members Robins and Fox for their many years of dedicated service to the Commission, in particular for their serving as chairmen for the Crab Management and Shellfish Management Advisory Committees, respectively.

* * * * *

13. FAILURE TO REPORT: Cases involving failure to report commercial harvests, in accordance with Chapter 4VAC20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting."

Stephanie Iverson, Fisheries Management Manager, gave the briefing. Ms. Iverson explained that Mr. Zasimowich was notified May 2013 that he was missing reports for August 2012 and January and April for 2013. She said that he was currently up to date and staff recommended two-year probation.

Richard Zasimowich, was sworn in and his comments are a part of the verbatim record. Mr. Zasimowich said his reports must have gotten lost in the mail and he thought he had done these reports.

Commissioner Travelstead asked his why he did not respond to the notifications. Mr. Zasimowich said he had no excuse for his not responding.

Commissioner Travelstead explained that staff recommendation was for two year probation and any further violations could result in the revocation of his license. He asked, what was the pleasure of the Commission.

Associate Member Fox moved to accept the staff recommendation. Associate Member Beck seconded the motion. The motion carried, 5-0.

* * * * *

14. REPEAT OFFENDERS.

Captain James Rose, Law Enforcement, gave the briefing and his comments are a part of the verbatim record. Captain Rose explained that James C. Newsome, MRC ID 4432, was charged and convicted by the Court for numerous oyster violations. His comments are a part of the verbatim record.

James Calvin Newsome

1. October 18, 2011 – dredging oysters on private ground with a permit.
2. October 18, 2011 – removal of oysters from condemned shellfish harvest area with a permit.
3. December 24, 2011 – unlawful harvest outside of an opened public harvest area.
4. December 24, 2011 – taking oysters after sunset.
5. December 24, 2011 – failure to properly tag oysters.
6. December 29, 2011 – impeding lawful fishing.

Captain Rose stated that the staff recommendation was for revocation of all licenses for two years.

Commissioner Travelstead asked about Mr. Newsome’s attitude with the officer.

Mr. Brad Ramsey, Marine Police Officer, Law Enforcement was present and his comments are a part of the verbatim record. In response to a question, Mr. Ramsey stated that Mr. Newsome was cooperative.

Associate Member Robins asked about a written narrative. Mr. Ramsey provided copies as a handout.

Commissioner Travelstead stated that the Commission would take time to read the document and then proceed.

Associate Member Fox asked if this narrative was from the Officer's memory or a recording. Mr. Ramsey stated it was from a recording of testimony from Mr. Wright.

Commissioner Travelstead asked for comments from Mr. Newsome or his representative.

James Breeden, Attorney representing Mr. Newsome, was present and his comments are a part of the verbatim record. Mr. Breeden stated that they did not contest that Mr. Newsome was guilty, he had admitted his guilt. He stated that for the day where the oysters were taken from his private lease there were only 2 bushels involved, Mr. Newsome did not realize that the polluted sign had been moved from the head of the creek to the mouth, and he and Mr. Arnest just wanted to check to see if the oysters were good quality enough to obtain a permit and harvest more. He added Mr. Arnest would support Mr. Newsome's statement about the sign being moved without their knowledge. He said the second date December 24, 2011 was for 6 charges that were related to the same event and on the same date. He said these should be two days of charges only. He said there was no abusive conduct and the \$600.00 worth of oysters was due to one private leaseholder only, he had not gone to numerous leases. He stated that Mr. Newsome had worked on the water all of his life and did not have any earlier violations and this was his only means of livelihood.

After some questions and discussion, Edward Arnest, was sworn in and his comments are a part of the verbatim record. Mr. Arnest said that he supported Mr. Newsome in that both of them were not aware of the condemned shellfish harvest area sign being moved. He said that during Mr. Newsome's six months in rehabilitation for drug addition, he had received a good report.

After a little further discussion, Commissioner Travelstead stated the matter was before the Commission.

Associate Member Robins said it was the responsibility of the leaseholders to keep up with changes in the condemnation status of their leases. He stated that on the second date, the violations involved another's private oyster ground lease and regulations had been seriously violated as well as shellfish were taken from polluted waters, which was a public safety issue. He made the motion for suspension of all commercial licenses for 12 months, starting June 25, 2013. Associate Member Haynie seconded the motion. The motion carried, 5-0.

15. **PUBLIC HEARING:** Proposed amendments to Chapter 4VAC20-490-10 et seq., "Pertaining to Sharks," to allow federal waters landings of spiny dogfish during May 1, 2010, through April 30, 2012, to serve as a basis for harvesters to continue participation in this limited access fishery.

Joe Cimino, Fisheries Management Manager, Sr., gave the briefing of the information provided in staff's evaluation with slides. His comments are a part of the verbatim record. He noted that all five of the individuals affected had been notified.

Associate Member Robins asked if there were only five involved in the industry. Mr. Cimino stated the federal database was reviewed by staff and only five were found.

Commissioner Travelstead opened the public hearing.

Floyd Gibbs, waterman, was present and his comments are a part of the verbatim record. Mr. Gibbs explained that he had done as he was told to do by VMRC staff and reported to the Federal listing. He said his permits were taken and he needed them returned. He said he was told by staff that this was industry driven but he had not found that to be true. He said he questioned the need to cut the quota when the quota was not being caught.

Associate Member Fox asked if the action that was suggested by staff would fix the problem. Mr. Cimino stated that FMAC members were concerned there would be an increase in effort in this fishery because of latent effort.

Commissioner Travelstead explained that nothing was proposed to limit entry into the fishery, as the Commission was only being asked to allow the five individuals back into the industry.

Associate Member Robins explained there was a market transition as foreign markets were being sought. He added that FMAC did need to continue their review of this fishery.

When asked for a motion from the Board, Associate Member Robins moved to accept the staff's recommendation. Associate Member Haynie seconded the motion. The motion carried, 5-0.

* * * * *

16. **PUBLIC HEARING:** Proposed amendments to Chapter 4VAC20-450-10 et seq., "Pertaining to the Taking of Bluefish," to establish the 2013 and 2014 Virginia commercial bluefish quotas.

Sally Roman, Fisheries Management Specialist, gave the briefing of the information provided in the staff evaluation. Ms. Roman explained that the 2013 Virginia quota was

1,078,179 pounds of bluefish and for 2014 it was 1,030,419 pounds, unless there was an overage in 2013, which would mean a modification might be necessary to account for the overage in 2013. She stated that staff recommended the 2013 quota be set as 1,078,179 pounds and the 2014 as 1,030,419 pounds. Her comments are a part of the verbatim record.

Associate Member Robins asked, what was the percentage of quota utilized in the last two years? Rob O'Reilly, Chief, Fisheries Management stated it was 25% and 20%.

Commissioner Travelstead noted that previously quota had been transferred to North Carolina.

There were no public comments. Commissioner Travelstead asked, what was the pleasure of the Commission.

Associate Member Robins moved to accept the staff's recommendation. Associate Member Fox seconded the motion. The motion carried, 5-0.

* * * * *

17. PUBLIC HEARING: Proposal to repeal Chapter 4VAC20-200-10 et seq., "Pertaining to the Requirements for Reporting Oyster Transactions and Payment of Taxes," and amend a subsection of Chapter 4VAC20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting," as both regulations contain conflicts with adopted legislation that established the oyster resource user fees that are effective July 1, 2013.

Rob 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 this action was necessary to repeal Chapter 4VAC 20-200-10, et seq., and amend Chapter 4VAC 20-610-10, et seq. to remove any regulation in conflict with legislation passed by the General Assembly, which established the oyster resource user fees, effective July 1, 2013. He said staff recommended these actions be taken.

There were no public comments.

Commissioner Travelstead asked, what was the pleasure of the Commission.

Associate Member Robins moved to accept the staff's recommendations. Associate Member Beck seconded the motion. The motion carried, 5-0.

* * * * *

- 18. PUBLIC HEARING:** Proposed adoption of emergency amendments to Chapter 4VAC20-270-10 et seq. "Pertaining to Crabbing," to ensure that any harvest, possession or vessel limits are daily limits.

Joe Grist, Deputy Chief, Fisheries Management, gave the briefing of the information provided in staff's evaluation. Mr. Grist noted the amendment to Chapter 4VAC 20-270-10, et seq. had been advertised as required by the Code of Virginia. He stated that staff recommendation was to adopt the amendments to establish the daily individual and vessel harvest and possession limits for 2013. His comments are a part of the verbatim record.

There were no public comments.

Commissioner Travelstead stated the matter was before the Commission.

Associate Member Robins moved to approve the daily limits. Associate Member Haynie seconded the motion. The motion carried, 5-0.

* * * * *

There being no further business, the meeting was adjourned at approximately 1:45 p.m. The next regular meeting will be held Tuesday, July 23, 2013.

* * * * *

Jack G. Travelstead, Commissioner

Katherine Leonard, Recording Secretary