

MINUTES

JULY 27, 2004
NEWPORT NEWS, VA 23607

The regular Monthly meeting of the Marine Resources Commission was held on July 27, 2004 with the following present:

William A. Pruitt)	Commissioner
C. Chadwick Ballard, Jr.)	
Gordon M. Birkett)	
Ernest L. Bowden, Jr.)	
S. Lake Cowart, Jr.)	
Russell Garrison)	Members of the Commission
J. T. Holland)	
Dr. Cynthia Jones)	
F. Wayne McLeskey)	
Steve Bowman		Deputy Commissioner
Carl Josephson		Assistant Attorney General
Wilford Kale		Sr. Staff Advisor
Erik Barth		Head-MIS
Andy McNeil		Programmer Analyst, Sr.
Michelle Guilford		Acting Recording Secretary
Jane McCroskey		Chief-Finance & Administration
Lewis Jones		Deputy Chief-Law Enforcement
		Marine Patrol Officer
		Marine Patrol Officer

Virginia Institute of Marine Science
Lyle Varnell

Jack Travelstead	Chief-Fisheries Management
Rob O'Reilly	Deputy Chief-Fisheries Management
Roy Insley	Head-Plans and Statistics
Lewis Gillingham	Fisheries Management Specialist
Ellen Cosby	Fisheries Management Specialist
Chad Boyce	Fisheries Management Specialist
Cory Routh	Fisheries Management Specialist
Mike Meier	Head, Artificial Reef Dept.

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James Wesson	Head, Oyster Replenishment Dept.
Bob Grabb	Chief-Habitat Management
Tony Watkinson	Deputy Chief-Fisheries Management
Randy Owen	Environmental Engineer
Traycie West	Environmental Engineer
Hank Badger	Environmental Engineer
Jeff Madden	Environmental Engineer
Justin Worrell	Environmental Engineer
Ben McGinnis	Environmental Engineer
Ben Stagg	Environmental Engineer

others present:

James Caruthers	Christopher Thomas
Joe Hicks	Mike Winn
William Waller	Bob Powell
James Brawley	Mike Bagby
Rebecca Francese	Lance Gilmore
Charles Bainley	Dan Wagoner
Bill Laffoon	Keith Lockwood
Laura Tobin	Tom Cerbenak
Marly Hapenson	Beth Fisher
Del. Melanie Rapp	Kendra Shifflett
Jenny Edds	Christine Smith
David Dolloff	Royce Parks
Douglas F. Jenkins Sr	Edward H. Bender
Keith Lidro	Michael Collins
Kelly Place	Susan Gaston

and others.

Commissioner Pruitt opened the July meeting at 9:30 a.m. Members present were Associate Members Ballard, Birkett, Bowden, Cowart, Garrison, Holland, Jones and McLeskey. Commissioner Pruitt established that there was a quorum. Roy Insley, Head, Department of Plans and Statistics, Fisheries Management Division gave the invocation and Commissioner Pruitt led the Pledge of Allegiance.

**** APPROVAL OF AGENDA**

Bob Grabb, Chief-Habitat Management, said the staff received a request from Walter Hodges that agenda item No. 6 be deferred until the Commission's September meeting. Associate Member Garrison attended a wetlands workshop at the Virginia Institute of

Marine Science and asked to report on it. Commissioner Pruitt said he should report at this point. Associate Member Garrison praised VIMS for the program that was presented. **Associate Member Ballard moved to approve the agenda with the request for the continuance from Mr. Hodges. Motion was seconded by Associate Member Holland and carried unanimously.**

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1. MINUTES of previous meeting.

Associate Member McLeskey moved to accept the Minutes as distributed. Associate Member Birkett seconded the motion that was carried 7-0-1. Associate Member Cowart abstained because he was not present at the June meeting.

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2. PERMITS (Projects over \$50,000 with no objections and with staff recommendation for approval).

Bob Grabb, Chief-Habitat Management, briefed the Commission on the following fourteen Page Two items for projects over \$50,000 and not contested.

2A. VIRGINIA MARINE RESOURCES COMMISSION, #04-1411. The Fisheries Management Division requests authorization to construct a 148,000 square foot medium relief oyster reef composed of approximately 10,200 cubic yards of oyster shell. The reef will be centered between 37° 50' 59" North Latitude and 76° 20' 27" West Longitude while maintaining a minimum depth clearance of six (6) feet below the mean low water elevation, within Public Ground 14 adjacent to the mouth of Horn Harbor in the Great Wicomico River in Northumberland County. Staff recommends approval pending expiration of the public comment period.

PERMIT FEE.....NA

2B. VIRGINIA MARINE RESOURCES COMMISSION, #04-1412. The Fisheries Management Division requests authorization to construct a 174,000 square foot medium relief oyster reef composed of approximately 12,000 cubic yards of oyster shell. The reef will be centered between 37° 51' 11" North Latitude and 76° 19' 41" West Longitude while maintaining a minimum depth clearance of six (6) feet below the mean low water elevation, within Public Ground 15 across from Rogue Point and upstream of Collins Point in the Great Wicomico River in Northumberland County. Staff recommends approval pending expiration of the public comment period.

PERMIT FEE.....NA

2C. VIRGINIA MARINE RESOURCES COMMISSION, #04-1413. The Fisheries Management Division requests authorization to construct a 540,000 square foot medium relief oyster reef composed of approximately 37,000 cubic yards of oyster shell. The reef will be centered between 37° 49' 53" North Latitude and 76° 19' 13" West Longitude while maintaining a minimum depth clearance of six (6) feet below the mean low water elevation, within Public Ground 12 adjacent to the mouth of Gougher Creek in the Great Wicomico River in Northumberland County. Staff recommends approval pending expiration of the public comment period.

PERMIT FEE.....NA

2D. VIRGINIA MARINE RESOURCES COMMISSION, #04-1163. The Fisheries Management Division requests re-authorization to continue construction of a 400,000 square yard artificial fishing reef while maintaining a minimum 15-foot depth clearance, constructed of environmentally acceptable rubble concrete, habitat structures and steel hulled vessels and an associated buoy marker at a location approximately seven (7) nautical miles east of the Great Wicomico Light in the Chesapeake Bay.

PERMIT FEE.....NA

2E. VIRGINIA MARINE RESOURCES COMMISSION, #04-1164. The Fisheries Management Division requests re-authorization to continue to construct an artificial fishing reef constructed of environmentally compatible concrete construction materials, designed concrete habitat structures, environmentally acceptable demolition materials, and USCG approved steel hulled vessels, maintaining a minimum clearance of 16 feet from mean low water, in the Chesapeake Bay approximately 1.6 nautical miles northwest of Wescoat Point (Cherrystone Creek) in Northampton County. The reef is centered at 37°19' 04" North Latitude, 76° 02' 33" West Longitude and will be marked in accordance with all applicable Coast Guard requirements.

PERMIT FEE.....NA

2F. VIRGINIA MARINE RESOURCES COMMISSION, #04-1172. The Fisheries Management Division requests re-authorization to continue to construct an artificial fishing reef constructed of environmentally compatible concrete construction materials, designed concrete habitat structures, environmentally acceptable demolition materials, and USCG approved steel hulled vessels, maintaining a minimum clearance of 15 feet from mean low water, in the Chesapeake Bay approximately 2.8 nautical miles west, northwest of the mouth of Onancock Creek. The reef is centered at 37° 44' 02" North Latitude, 76° 53' 06"

West Longitude and will be marked in accordance with all applicable Coast Guard requirements.

PERMIT FEE.....NA

2G. VIRGINIA MARINE RESOURCES COMMISSION, #04-1334. The Fisheries Management Division requests re-authorization to continue to construct an artificial fishing reef (Cell Reef) constructed of environmentally compatible concrete construction materials, designed concrete habitat structures, environmentally acceptable demolition materials, and USCG approved steel hulled vessels, maintaining a minimum clearance of 22 feet from mean low water, in the Chesapeake Bay approximately 3.6 nautical miles west of Hungars Creek in Northampton County. The reef is centered at 37° 24' 06" North Latitude, 76° 03' 25" West Longitude and will be marked in accordance with all applicable Coast Guard requirements.

PERMIT FEE.....NA

2H. VIRGINIA MARINE RESOURCES COMMISSION, #04-1162. The Fisheries Management Division requests authorization to construct a 4000-foot square artificial fishing reef consisting of reef balls and other designed structures as well as other concrete and steel materials and located between 37° 08' 36" North Latitude 76° 14' 24" West Longitude and 37° 07' 54" North Latitude and 76° 13' 30" West Longitude in the Chesapeake Bay offshore from the Cities of Hampton and Poquoson.

PERMIT FEE.....NA

2I. YORK COUNTY DEPARTMENT OF GENERAL SERVICES, #04-1016, requests authorization to construct a 27-foot long by 18-foot wide T-head at the terminus of the Cofferdam Pier adjacent to the permittee's property situated along the York River in York County. Staff recommends a time-of-year restriction from February 15 through June 30 to protect anadromous fishes.

PERMIT FEE.....\$100.00

2J. YORK COUNTY DEPARTMENT OF GENERAL SERVICES, #04-1406, requests authorization to construct one (1) 150-foot long by 8-foot wide public access fishing pier with a 33-foot by 18-foot T-head and a boat launch area consisting of a 60-foot long by 65-foot wide concrete boat ramp with both open-pile and floating access piers as part of the renovation of Smith Landing situated along the Poquoson River in York County.

PERMIT FEE.....\$100.00

2K. HAMPTON UNIVERSITY, #04-0533, requests authorization to install and backfill 633 linear feet of bulkhead aligned no greater than two feet in front of an existing deteriorated bulkhead adjacent to the permittee's property situated along Jones Creek in Hampton.

PERMIT FEE.....\$100.00

2L. DEPARTMENT OF CONSERVATION AND RECREATION, #04-0780, requests authorization to expand previously authorized and existing structures at Leesylvania State Park along the Potomac River in Prince William County. The work includes adding 8-foot wide by 30-foot long sections to four (4) existing floating piers; adding an 8-foot wide by 35-foot long section to an existing sailboat pier; and to replace the fuel pier by installing two (2) 8-foot by 32-foot floating piers, one (1) 8-foot by 52-foot floating pier, one (1) 32-foot by 42-foot fixed timber pier, and two (2) 10-foot by 10-foot fixed timber piers. New structures proposed include an additional floating sailboat pier, 8 feet wide by 80 feet long and two (2) new handicap-accessible walkways, 8 feet wide by 132 feet long and 8 feet wide by 168 feet long. These walkways will be installed and aligned parallel to the existing bulkhead. Eight (8) additional wet slips will be available due to the additions, thus increasing the total number of approved wet slips to 16 for all piers at the facility.

PERMIT FEE.....\$100.00

2M. DOMINION TERMINAL ASSOCIATES, #04-0349, requests authorization to maintenance dredge up to 80,000 cubic yards of State-owned subaqueous bottomland and to dredge up to 206,700 cubic yards of new material to obtain maximum depths of -52.6 feet at mean low water over the entire area adjacent to their facility in the James River in the City of Newport News. The new dredged area encompasses an area 1,600 feet in length and varies in width from 300 feet at the northwest side to 200 feet at the southeast end. Recommend a royalty for the new dredging be assessed at a rate of \$0.45 per cubic yard.

ROYALTIES FEES (206,700 cu. yds. @ \$0.45/cu. yd.).....\$93,015.00
PERMIT FEE.....\$100.00
TOTAL FEES.....\$93,115.00

2N. TOUCHSTONE DEVELOPMENT LLC, #04-0167, requests authorization to install two (2) 12-foot by 24-foot pre-cast concrete roadway arches with riprap stone bank protection and a 48-foot by 180-foot concrete bridge structure within and over Licking Creek; and to install by directional drill method, 30 linear feet of 8-inch underground waterline beneath Second Branch in conjunction with a proposed single family residential development in Chesterfield County.

PERMIT FEE.....\$ 100.00

Commissioner Pruitt asked if there was anyone in the public who wished to comment on any of the Page Two items that had just been presented. There being none, he put the items before the Commission. **Associate Member Garrison moved to approve the Page Two items. Associate Member Holland seconded the motion, which was approved 8-0.**

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3. There was no need for a Closed Session, Commissioner Pruitt said.

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4. **BAY CREEK MARINA & RESORT, LLC, #03-2501.** Commission review of the June 2, 2004, decision of the Cape Charles Wetlands and Coastal Dunes Board to approve the installation of 340 linear feet and 85 linear feet of stone riprap revetments adjacent to the primary sand dune face along the Chesapeake Bay in the Town of Cape Charles.

Hank Badger, Environmental Engineer Sr., gave a simple outline of the project. Commissioner Pruitt recognized Associate Member Holland, who said he had read the staff recommendation—which was to remand the case to the Cape Charles Wetlands and Coastal Dunes Board. He said that would be his recommendation, too. **Associate Member Holland then moved to remand, which was seconded by Associate Member Garrison. The motion was approved 7 to 0 with Associate Member Ballard abstaining.**

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5. **WILLIAM WINN, #04-0979,** requests authorization to install three (3) 7-foot by 180-foot floating piers with sixty (60) 3.5-foot wide finger piers varying in length from 28 feet to 42 feet to create 75 wetslips; to construct three (3) fixed 18-foot by 18-foot deck piers for gangway attachment; to install 450 linear feet of replacement bulkhead aligned up to 18-inches channelward of an existing deteriorated bulkhead; and to install 250 linear feet of soldier pile breakwater/wavescreen at his marina facility situated along the James River in Prince George County. Both subaqueous and wetland permits are required.

Ben Stagg, Environmental Engineer Sr., gave the presentation with slides and his comments are a part of the verbatim record. Stagg said the project was located at Jordan's Point on the James River at the Benjamin Harrison Bridge. The Marina suffered considerable damage from Hurricane Isabel last fall. Existing structures were two covered boathouses and some piers; virtually all were destroyed during the storm. Some structures

already have been reconstructed under the Governor’s Executive Orders No. 58 and 66. The owner wanted to reconfigure part of the marina, which would require a new permit.

The applicant requested authorization to install a new vinyl bulkhead aligned up to 18 inches channelward of an existing wooden bulkhead that was damaged by the hurricane. In addition, the applicant also wished to recycle many of the wooden piles from the damaged piers to construct a two-part soldier pile wave screen, 100 feet and 150 feet respectively, positioned approximately 200 feet channelward of the proposed downstream floating pier. The reconfigured piers would result in a reduction in slips from 96 to 75. Since Prince George County has not yet adopted the Model Wetlands Ordinance, the bulkhead portion of the project required a wetlands permit from VMRC. Portions of the bulkhead, all the piers, and the wave screen also required a subaqueous permit from VMRC, Mr. Stagg explained.

Mr. Stagg said the Virginia Institute of Marine Science (VIMS) indicated that the project, as proposed, should present minimal adverse individual and cumulative environmental impacts since the site was previously a marina facility.

A public hearing was held the previous day in Prince George County with Mrs. Winn and their contractor the only people attending. No other agencies have commented on the proposal and the project has received the necessary approvals from the Virginia Department of Health. Staff recommended approval.

Mr. William M. Winn, President of Jordan Point Yacht Haven, spoke and said the marina had been there since 1966. The proposal was simply a reconfiguration of the old marina. He hoped the wave-screen would help, not with hurricanes, but with northeasters.

Commissioner Pruitt asked if there was any opposition to the project.. There being none, he put the matter before the Commission. **Associate Member Birkett moved approval of the project. Associate Member Garrison said the marina was an asset to the community. Associate Member Bowden seconded the motion, which was approved by an 8-0 vote.**

PERMIT FEE.....	\$100.00
WETLANDS PERMIT FEE.....	\$10.00
TOTAL FEES.....	\$110.00

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- 6. At the request of the applicant, Mr. Walter Hodges, the permit request (#03-2515) was deferred until the Commission’s September meeting.

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7. **DEPARTMENT OF CONSERVATION AND RECREATION, #04-0547**, requests authorization to construct an 8-foot by 360-foot open-pile fishing pier to include a 10-foot by 63.5-foot T-head with a 10-foot by 25-foot roof over a portion of the T-head, and to install up to 40- linear feet of riprap landward of mean high water at the York River State Park in James City County. An adjoining property owner protested the project.

Commissioner Pruitt recognized Delegate Melanie L. Rapp (R-York) who was in the audience and had expressed an interest in speaking on the case.

Ben Stagg, Environmental Engineer Sr., gave the presentation with slides and his comments are a part of the verbatim record. The proposed project is located along the York River at York River State Park near the Sycamore Landing area of James City County. There are currently boat ramps at the location.

The applicant proposed to construct a fishing pier structure with private funds and labor provided by the Smurfit-Stone Corporation and other service organizations, including the Boy Scouts of America. At this time there has been no request for funds from the Saltwater Recreational Fishing Fund and none are anticipated.

The proposed pier will encroach into an oyster lease in the name of Cowart Seafood Corporation and Bevans Oyster Company. Mr. Cowart had indicated in a phone conversation with staff that the company had no objection to the project.

The upstream adjoining property owners, Dr. Denton Woodward and Mrs. Elsie Woodward, however, had protested the project. Because she was unable to attend the meeting, Mrs. Woodward wrote a letter expressing their objections, including adverse environmental impacts, the close proximity of the pier to their property, the potential decrease in their property value, and increased traffic. Additionally, The Woodwards noted the "commercial" nature of the pier and stated that they did not anticipate living next such a structure when they purchased their property in September of 2003. They suggested moving the pier to the opposite side of the boat ramp, but park officials said that was not practical. The staff had a number of questions including the existing shallow water depths for a considerable distance offshore. There are, however, shallow waters throughout the park and Mr. Stagg said funding kept the pier from being longer.

The Virginia Institute of Marine Science (VIMS) indicated that the project, as proposed, presented minimal adverse individual and cumulative environmental impacts. The Department of Environmental Quality, the Department of Conservation and Recreation and the Department of Health found the project acceptable. The James City County Wetlands Board had indicated that the project qualified for exemption from the Wetlands Ordinance as a governmental activity on property owned by the Commonwealth of Virginia.

The staff also had received telephone calls from several residents in the area and from Delegate Rapp and from State Senator Thomas N. Norment, Jr. in support of the project.

Mr. Stagg said that staff believed the applicant had adequately addressed all of the outstanding issues except for the necessity and water dependency of the proposed roof structure. Deletion of the roof structure should have no significant effect on the design cost of the project. Additionally, considering the distance of the proposed pier from the adjoining property owner, it was felt that the pier should present minimal aesthetic and environmental impacts to the Woodward property. Accordingly, staff recommended approval of the pier and T-head, but denial of the proposed roof structure.

Thomas David Cervenak, manager of York River State Park and an employee of the park since November 1995, said the original master plan of the park in 1975 had a fishing pier on it. The 1992 state bond referendum included the pier, but it never materialized. Now, they had obtained funding and labor to construct the project. He said there was a shore fisherman-boater conflict at the boat ramp when he first came to the park. The community was in strong support of the pier. Associate Member Ballard asked about the purpose of the covered structure. Mr. Cervenak responded that the cover was desired to provide shade during Virginia's hot summer days.

Delegate Rapp said she supported the fishing pier, which was long overdue. It had been originally promised over 20 years ago. She also submitted a letter from Joseph Maroon, Director, DEQ. Mr. Maroon's letter stated that the roof system over a similar pier at Leesylvania State Park was liked by the public and had worked well. They had received no complaints about the roof, Maroon wrote. The roof covers only about 50 percent of the end of the structure.

Mary Apperson, a local resident and avid fisherman, said she had developed a petition and 173 persons signed in favor of the pier. These people were all in the community and enjoyed Croaker Landing, the only public access to the York River in this area. The pier would be a very good addition to the area and a covered roof would be helpful for senior citizens.

Commissioner Pruitt asked if there were any persons in opposition. There being none, he turned the matter over to the Commission. **Associate Member Holland made a motion to approve the pier including the roof structure. Associate Member Garrison seconded the motion.**

The Commissioner recognized Board Counsel Carl Josephson who wished to comment on the roof structure as it related to the board's water dependent policy. He said there were two valid distinguishing factors should the Commission wish not to implement its water dependency policy in this case: the project was a public facility owned by the government, and the facility would be opened to the public.

Associate Member Garrison said he wanted to support staff whenever he possibly could. He also noted that the petition carried telephone numbers of neighbors and not just anyone. Associate Member Ballard noted that public trust property was being converted to public use and he could support the roof structure. **The motion was approved by an 8-0 vote.**

PERMIT FEE.....\$100.00

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Mr. Grabb introduced a new employee, Ben McGinnis, an environmental engineer in the Habitat Management Division. Mr. McGinnis, had received his Bachelor’s degree from West Virginia University and recently received his Master’s degree from the University of North Carolina at Wilmington.

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Colonel Steve Bowman, Chief-Law Enforcement, introduced two special guests attending the Commission meeting: Gerry Edwards and Kendra Shifflet from the Department of Planning and Budget.

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After a 10-minute break, the Commission resumed with the next agenda item.

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- 8. **ROBERT POWELL, #03-1509**, requests authorization to construct a 36-foot long by 16-foot wide open-sided boathouse adjacent to a previously authorized private pier adjacent to his property situated along Chisman Creek in York County. An adjacent property owner protests the project.

Tracy West, Environmental Engineer Sr., gave the presentation with slides and her comments are a part of the verbatim record. She noted that Mr. Powell’s undeveloped property was across the waterway from Dare Marina.

In 2003, Mr. Powell submitted an application for authorization to install a private pier and boathouse at his property. The adjacent property owner, Mr. William Waller, protested the project at that time. In light of Hurricane Isabel, Mr. Powell had requested that the Commission not hear his application until he had an opportunity to fully evaluate the effects of the storm on his property. He now has decided to move forward with the development.

On July 9, 2003, Mr. Powell submitted an application for authorization to construct a 180-foot long by 5-foot wide private, open-pile pier with a 15-foot by 16-foot L-head and

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a 36-foot by 16-foot open-sided boathouse with associated 4-foot wide finger piers. After a review, staff found that the pier portion of the project met the statutory authorization contained within Section 28.2-1203 of the Code of Virginia and a “no permit necessary” letter was issued for the pier. The boathouse did not qualify for statutory authorization, however, because of Mr. Waller’s protest.

The project encroached onto the oyster ground lease of Ms. Myra McCain, who was notified in 2003 and again in 2004 of Mr. Powell’s permit request. Staff received no response to either letter. No other state agencies commented on the project.

In summary, Ms. West said the boathouse appeared reasonably sized. In fact, had the adjacent property owner had not objected to the project, it would have qualified for the authorization contained in Section 28.2-1203 (A)(5) of the Virginia Code. The open-sided design should also minimize any visual impacts associated with the structure. Accordingly, staff recommended approval of the project as proposed.

Mr. Robert W. Powell, the applicant, said he was constructing his personal residence on the property. He said he wanted to be legally correct, but wanted to use it to its fullest benefit. He said Mr. Waller’s letter indicated that families in the area had agreed to preserve the coastline by not erecting structures, like boathouses. Mr. Powell, however, noted that boathouses exist up and down the river. Mr. Powell said the pier location was selected to stay away from Mr. Waller’s property and his view. He noted that Mr. Waller opposed the covered boathouse, yet his own boathouse was covered.

Mr. William Waller, project opponent, said he had lived on his property 24 years and that he objected to the boathouse because it would be an unnecessary obstruction on the creek. He acknowledged that there were 7 to 10 existing boathouses in a one-half mile radius. Three were now unused, but the structures were still here. Commissioner Pruitt asked if anyone else wished to speak on the case. Hearing none, he put the permit before the Commission. **Associate Member Holland moved approval of the permit in accordance with staff recommendations. Associate Member Garrison seconded the motion, which was approved, 8-0.**

PERMIT FEE.....\$25.00

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- 9. **U. S. ARMY CORPS OF ENGINEERS, #04-0923**, requests authorization to place overboard, in an unconfined maneuver, up to 65,000 cubic yards of dredged material, per dredge cycle, from the hydraulic maintenance dredging of the two Federal Project Channels near Tangier Island in Accomack County. The material will be deposited along the western shore of the island, south of the existing seawall. Both Subaqueous and Coastal Primary Sand Dune/Beach permits are required.

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Hank Badger, Environmental Engineer Sr., gave the presentation with slides and his comments are a part of the verbatim record. The disposal area is located in an area where a permit is required. This particular overboard placement site had been used since the 1990's. The channel was last dredged in January 2001.

In late 2004, the Corps proposed to place approximately 65,000 cubic yards of maintenance dredged material, comprised of 70% to 95% sand, along the beach and nearshore area south of the airport seawall. The elevation of the beach nourishment area would be raised no higher than four feet above mean low water or to the face of the dune.

There are no SAV (submerged aquatic vegetation), oyster or clam grounds on the western side of the island. The County of Accomack has not yet adopted the model Coastal Primary Sand Dune and Beach ordinance. As a result, the Commission is responsible for administering the provisions of that ordinance within the locality.

Commission staff held a public hearing in the Accomack County Administration Building, Board of Supervisors Chambers, on Thursday, July 15, 2004, to accept public comments on the project. In attendance were two ACUE representatives. No public opposition had been received to date. The Town of Tangier was notified of the public hearing.

The Virginia Institute Of Marine Science indicated in its report that the individual and cumulative adverse environmental impacts resulting from the proposed activity might be locally significant but only over the short term during the dredge and placement operation. The cumulative impacts should be minimal. Placement of the material on the beach would result in the temporary burial of benthic species, however, a relatively rapid recovery was anticipated. VIMS also stated that the sandy dredged material had proven over the last two decades to be an effective erosion deterrent for the affected shoreline and this site continued to be a desirable location from a marine environmental perspective.

No other State agencies expressed any opposition to the project.

In summary, Mr. Badger said that since the proposed sites had been used in the past and since it did not appear that continued use of the site would result in any significant long-term adverse impacts, staff recommended approval of the project with the stipulation that the overboard placement of any dredged material be confined to the period of October 1 through April 30 in order to minimize any adverse effects to crabs that might be present in or near the project area.

Staff further recommended that the applicant be required to submit post-dredging bathymetric and cross-sectional surveys within ninety days of completion of the dredging and disposal and that the elevation of the dredged material not be allowed to exceed four feet above mean low water or the face of the coastal primary sand dune.

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Commissioner Pruitt asked if anyone from the U.S. Army Corps of Engineers or the Town of Tangier wished to speak? No one responded. He also asked if there was anyone in opposition to the project. There being none, he placed the matter before the Commission. Associate Member Garrison moved that the project be approved. Associated Member Holland seconded the motion, which was carried, 8-0.

PERMIT FEE.....\$100.00

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- 10. **SAMUEL SPANGLER, #04-0923**, requests after-the-fact authorization to retain a 63-foot long by 38-foot wide clear span bridge crossing over Claiborne Run, a tributary of the Rappahannock River, and permission to install a 12-inch water line beneath the bridge's pavement. The bridge spans approximately 25 feet of State-owned bottom, and will maintain a minimum of 20 feet of clearance above ordinary high water. The bridge provides access into Chatham Industrial Properties, a future industrial park, and a proposed County-owned storage yard in Stafford County.

Justin Worrell, Environmental Engineer, gave the presentation with slides and his comments are a part of the verbatim record. The application was originally submitted in April 2004 but was resubmitted as an after-the-fact, once Mr. Spangler said the bridge already had been completed. The site plan was approved by Stafford County in April 2003 with an exemption for road construction in a flood plain.

GEO Constructors built the concrete span bridge over Claiborne Run sometime during the period between July 7, 2003, and October 17, 2003. The county and the applicant said strict measures were taken with rip-rap and silt fencing to prevent sedimentation from entering the stream and they did not need to enter the stream or need to use construction cofferdams since access was available from the upland.

The waterline had not been installed. The U.S. Army Corps of Engineers did not require a permit and the Department of Conservation and Recreation had no comments. The Virginia Department of Transportation said that although the bridge crossing may be too narrow for inclusion into the state system at no time did the applicant submit plans for approval of the private crossing.

In summary, Mr. Worrell said the concrete span bridge appeared to be an appropriate crossing over State-owned bottom with little or no adverse impacts other than shading. Had an application been submitted prior to actual bridge construction, and given the fact that there were no protests, staff would likely have recommended approval of the crossing as a Page 2 item. Given the foregoing, Staff recommended approval of the after-the-fact request for the bridge and permission to install the water line beneath the bridge's

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pavement. In addition, staff recommended that the Commission consider an appropriate civil charge, given the after-the-fact nature of the request, based on minimal environmental impacts and a moderate degree of non-compliance. Staff also recommended tripling the permit fee as provided by Code.

Associate Member Ballard asked if a professional engineering firm planned the bridge? Mr. Worrell said Michael Bagby of Bagby, Caldwell and Associates, P.C. was the actual engineer.

Mr. Michael Bagby of Bagby, Caldwell and Associates said he represented Mr. Spangler. In response to Mr. Ballard's question, Mr. Bagby said they felt that if they spanned the water and did not disturb wetlands pr the stream no permit was needed. The county did not indicate it needed a permit from VMRC. They tried to be sensitive to the waterway at all times.

Commissioner Pruitt asked if there was anyone else in the audience who either support or oppose the permit? There being none, he turned the matter over to the Commission for action. Associate Member Holland moved to approve the permit with staff recommendations. Commissioner Pruitt said a more definitive motion was needed regarding the civil charge matrix. Commissioner Pruitt said there was a minimal amount of environmental impact and Mr. Bagby made a good case for his reasoning regarding the stream crossing. He said he did not think there was a blatant disregard for permit requirements.

Associate Member Garrison moved to approve the permit, dropping the civil charges to zero but tripling the permit fees as provided by Code. Associate Member Birkett seconded the motion.

Associate Member Ballard said he very much disagreed with the motion. He said the civil charge should not be eliminated because the case involved a professional engineering firm. He said at a minimum the degree of non-compliance was moderate, if not major.

Associate Member Garrison said he could defend the motion because the case was quite different. Ignorance of the law was no excuse, but in this case, there was no ill intent meant. **The motion failed by a 5-3 vote.**

Associate Member Ballard the moved to approve the after-the-fact permit and impose a civil charge of \$1,200, in lieu of further enforcement, based upon the Commission's matrix and a finding of minimal environmental impact and a moderate degree of non-compliance and triple permit fees. Associate Member Cowart seconded the motion that was approved, 8-0.

PERMIT FEE (Triple).....	\$300.00
CIVIL CHARGE.....	\$1,200.00

TOTAL FEES.....\$1,500.00

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Commissioner Pruitt asked Wilford Kale, Senior Staff Adviser, about the plans for the King William Reservoir public hearing in James City County. Mr. Kale said a letter would be sent to all Commission members regarding hotel accommodations, public hearing location, etc.

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Commissioner Pruitt said a matter had come to his attention that needed to be aired. Mr. Chip Neikirk, Environmental Engineer Senior, told the Commission that in August 2003 there was a case regarding a large boathouse proposed by Mr. Kent Early. At the time there was no opposition to the project and the Commission approved it. Later, when word of the project got around the neighborhood, staff received letters from the adjacent property owners who acknowledged that while they had signed the adjacent owner property forms (which indicated they had no objections to the project), they did not realize the extent of the project. Some indicated they might have been misled regarding the entire proposal. These citizens wished to be heard by the Commission.

Commissioner Pruitt said this was an unusual request, because the Code was very clear as to the appeal procedure. He said the Commission would listen but could take no action.

Laura Topen, an adjacent property owner, said she was representing the other adjacent property owners, including Mr. William West. She said they had major concerns regarding the Early permit. Letters that she sent to the Commission were part of the meeting's record. She said her husband and Mr. Early had agreed to construct some groins along the shoreline together. They obtained forms and got signatures from the adjacent property owners for only two 48-foot groins. Basically, she said she wanted to respond to a recent VMRC letter that said the application was submitted with adjacent property owner forms and since there were no objections, staff did not provide any additional notification.

Ms. Topen said appeals must be approved within the requirements of the Administrative Process Act. Since adjacent property owners were not notified of the approval, there was no way an appeal within the 30-day requirement could be made. She said Mr. West had questions as to the erection of pilings, dock and boathouse. Construction drawings showed a perpendicular setting, but construction now underway showed a more westward setting.

Commissioner Pruitt said the staff could address the question of whether Mr. Early was complying with his permit.

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Assistant Attorney General Carl Josephson said a 30-day extension could not be extended because that was a rule of the Supreme Court of Virginia. A decision had been made; there had to be finality to the action. He said it appears they may have two problems; whether the individual was violating their riparian rights, and, if the permit had been received and work had begun. Their recourse or action would appear to be in the courts.

Ms. Topen questioned why they could not have 30-days notice since they had received no notice regarding the decision. Associate Member Cowart said he understood that Mr. Early had presented adjacent property owner forms regarding the groins. Ms. Topen said it only referred to groins. Associate Member Cowart questioned whether Mr. Early had misled the neighbors and if that would be a civil matter between them and Mr. Early. Mr. Grabb, Chief-Habitat Management, said the pier did not require a permit, but the platform at the end needed a permit. That decision was made at a public hearing. The Topens, he said, were indicating that if they had not signed the form, we would have notified them. Since the forms were signed indicating there were no objections, they were not notified.

Christine Smith, a property owner 200 feet from the Early project, said she understood that the Commission could not grant another public hearing. She wanted to speak, however, because she wanted to make sure the Commission was aware there were problems with the expedited process and the acknowledgement forms. After holding the hearing in August 2003, Hurricane Isabel hit the York River and battered the docks and piers. In addition, when the Early project was approved, there was a three to three vote that was ultimately approved against the advice of staff. It was apparently approved because the Commission felt there were no objections from adjacent property owners. Once the form is signed, the adjacent property owners are not directly notified. This process failed and the property owners were denied an opportunity to be heard in this administrative process. The form did not represent what it was intended. Mr. West and Ms. Topen believed they had given approval only for the groins. She recommended that the form include a paragraph describing the project. Commissioner Pruitt assured Ms. Smith that staff would reexamine the form.

David Deloff, husband of Christine Smith, said Mr. Early's project impacted his property. He said he would have opposed the project had he known of it. He said there was a large-scale development project on the banks of the York River involving a 5-6,000 square foot home, groins, nearly a 500-foot pier, boathouse and nearly a 1,400 square foot pier end. This was a huge impact on the York River, he said. He questioned whether anyone was looking at the overall impact on the river. He expressed concern that the project could impact his own plans for small groins on his property. Mr. Deloff said he was now going to have to review each month the Commission's agenda to make sure he knew about other developments in the area. Residents now have to be vigilant to know what every other property owner is doing.

Commissioner Pruitt recessed the meeting for lunch.

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11. Public Comments. When the Commission resumed the meeting the public comment period was extended. Michael Kyer from Mobjack Bay Seafood asked for a month extension of the James River clam relay season. Roy Insley, Head, Plans and Statistics Department, said a letter was received from Mobjack asking for the season to be extended from August 15 to September 15. A petition, he said, was received yesterday from 34 clammers who work in the areas requesting the extension.

Mr. Insley said staff checked landing and catch-per-unit effort data. If the Commission wished to take action it must be done by emergency regulation. He said it looks like the catch per boat per hour has been fairly stable in the past several years with extensions being granted in 2001, 2002 and 2003. He said this year the clams are larger, not a good sign in the health of the fishery, with probably no clam set this year. Since there are only 40 boats now in the fishery, an extension would not hurt and we would recommend that the season be extended 15 working days until September 3. This would allow the clammers three full weeks. Mr. Insley said an emergency regulation could be enacted, and in 30-days the emergency would end, and the regulations would revert to the Code of Virginia, §28.2-816.

Associate Member Cowart moved the extension until September 3. Associate Member Birkett seconded the motion, which was approved, 8-0.

Associate Member Bowden brought up several striped bass issues. Regarding the poundage quota for striped bass rather than tags, he said the staff needs to move ahead on the proposal. He said increased revenue could be obtained through increased fees. In another issue, the recreational fishermen went over the 2003 quota by 634,000 pounds. . He said his concern was that the commercial quota for the ocean fishery was not caught. Nevertheless, five percent of the ocean tags were taken away. Rob O'Reilly, Deputy Chief-Fisheries Management said the best average weight data was used for 2003 and the total number of tags available to determine how the tags were divided. Associate Member Bowden said more discussion is probably needed. He said he did not want the ocean fishermen penalized for going under, while the other areas are not penalized.

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12. PUBLIC HEARING: Proposed amendments to Regulation 4VAC20-320, "Pertaining to the Taking of Black Drum" to eliminate the requirement to report commercial harvests of black drum on a weekly basis and to allow for the harvest of one black drum per day by any registered commercial fisherman.

Jack Travelstead, Chief-Fisheries Management, reminded the Commission of earlier discussions and the Finfish Advisory Management Committee studied this year and recommended two adjustments to the regulation: allowing any registered commercial

fisherman to keep one black drum per day which would count against the quota and eliminate weekly reporting and maintain monthly reporting requirement.

He said the commercial quota has been exceeded only one year—1994—of the past decade and for that reason Staff believes the weekly quota can be eliminated. If harvest jumps up, he said he would ask for the weekly report to be reinstated. Mr. Travelstead also noted that there are several fishermen in the fishery who are not using their quota. He said no public comments have been received in opposition to the amendments.

Acting Chairman Gordon Birkett asked if anyone in the public had any comments. There being none, he put the item before the Commission. Associate Member Jones said there is a report from an Austin and Chittenden (1985) publication and those data are completely out of date. There are more recent material from VMRC and the Age and Growth Lab at Old Dominion University that is much more reliable than the stated materials, and Virginia paid for this work and has the ability to manage these fish and red drum scientifically. Dr. Jones said much more data is known now than from 1985 data.

Mr. Travelstead said Dr. Jones' work (at ODU) shows that the fishery is not overfished and by including the other document the staff was not trying to do anything except to respond to the Coastal Conservation Association of Virginia's comments. Dr. Jones added that CCA was using out-of-date data.

Associate Member Bowden said the quota has never been reached and that it was basically an Eastern Shore fishery. He said there was no need to track the single fish on the commercial quota because any recreational fishermen can catch one per day. He made a motion to accept staff recommendation on the two measures. He added that the one commercial fish per day would not be part of the quota. Associate Member Garrison seconded the motion.

Associate Member Jones had questions about the mandatory reporting. Associate Member Bowden said it would have to be part of mandatory reporting, but not part of the 120,000- pound quota. Associate Member Ballard asked if there were reporting issues. Mr. Travelstead said the FMAC agreement saw no problem in allowing any registered commercial fishermen to catch one black drum per day, but since it would be a commercial harvest and could be sold, it should be counted against the quota. He said there is no recreational quota. It would also be part of the total catch statistics. Associate Member Bowden said if you have a permit, the fish would be counted against the quota. Watermen who do not have a black drum permit can catch one-fish per day and it would not be counted against the quota. Other discussion is part of the verbatim record.

Acting Chairman Birkett called for the vote. The motion passed, 8-0.

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- 14. OYSTER SEASON 2004/2005:** Request for public hearing to establish next season's harvest season.

James Wesson, Head, Replenishment Department, Fisheries Management Division, told the Commission that this was an annual requirement to establish dates and rules for the upcoming oyster season. His remarks are part of the verbatim record.

Associate Member Holland moved to set a public hearing for the Commission's September meeting. The motion was seconded by Associate Member Birkett and passed, 8-0.

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Roy Insley, Head, Statistics and Planning Department, introduced Joe Cimino, who previously had worked for the North Carolina Department of Natural Resources. He will be a fishery management planner and is currently working on clams.

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- 13. Public Hearing:** Proposed amendments to Regulation 4VAC20-270, "Pertaining to Crabbing" to establish provisions for medical hardship exemptions to the 8-hour workday requirement.

Rob O'Reilly, Deputy Chief-Fisheries Management, said this had been discussed in June and July. He said staff does not think this will lead to a run on exceptions because this is a narrow situation for medical hardships. He said the substantive amendments would allow any licensed crab pot or peeler pot fishermen, if he provides medical documents, to be permitted to harvest with the alternative 8-hour time limit to be determined by the Commissioner or his designee. This would not cause problems to the limited entry fishery.

Commissioner Pruitt asked if there were any questions. Associate Member Ballard questioned the wording, "do you want documentation," or "a doctor's opinion?" Mr. O'Reilly said he felt the documentation would provide the opinion. The staff is looking for paperwork. Mr. O'Reilly said the word "documentation" would be changed to "an opinion and supporting documentation" for a physician.

Associate Member Garrison said he has heard all negative comments from crab dealers, who do not seem to understand what the amendment will do. Associate Member Cowart asked about the legal hours: it used to be two-hours before sunrise and sunset. Now it is an 8-hour day. O'Reilly said there was a discussion about capping the working day at sunset, there could be persons who would work later. The Staff's thoughts were to leave the hours alone. Associate Member Birkett questioned whether the word "any" should be changed to "his or her" crab pot. Mr. O'Reilly responded affirmatively.

Commissioner Pruitt opened the public hearing. Doug Jenkins from Twin Rivers Waterman's Association said he had several questions. How many extra hours are involved? Commissioner Pruitt said there would be no extra hours. Could there be a helper? Commissioner Pruitt said existing regulations allow for a helper. Jenkins said he was concerned about the need. His comments are part of the verbatim record. Mr. Jenkins said he needed to study the amendments and Commissioner Pruitt moved to agenda item No. 16 while Mr. Jenkins was studying the material

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16. REQUEST for Marine Improvement Funds for a Study related to *Ariakensis* oyster.

Commissioner Pruitt said it is a request from the Virginia Seafood Council. The recommendation from the staff is to approve the use of \$10,000 from the fund to prevent termination of the study.

Associate Member Birkett moved to accept staff recommendation. Associate Member Holland second the motion, which was approved by a 6-0 vote, with Associate Members Ballard and Cowart abstaining.

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13. Crab Public Hearing continued. Mr. Jenkins said watermen frequently have trouble, but this proposal just opens up an area when pots are there and no one else is there. During the regular 8-hour day crabbers are around to watch for themselves and their pots. Why would they let a person with a medical condition go out later, Mr. Jenkins questioned? He said he was afraid that more people would have medical problems if you open this issue up. Mr. Jenkins said a number of persons he has talked with are not in favor of the item.

Commissioner Pruitt put the matter before the Commission. **Associate Member Holland moved the amendments with the corrections and additions made earlier. Associate Member Ballard seconded the motion.**

Associate Member Cowart said he could not support the change for a list of reasons. He said the crab subcommittee did not support it and there is not much support from the crab industry itself. He said he could see more than one or two requests, but believes the Commission will open the door for a lot of things that have not happened the last two years. The 8-hour day has been successfully implemented, especially by law enforcement efforts.

Commissioner Pruitt called for the vote. **The motion was approved, 5-3.** Commissioner Pruitt said the Staff will review the issue and if there is a problem the question will be brought back to the Commission.

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16. ED BENDER: Discussion of legal issues pertaining to the NMFS pound net/sea turtle rule.

Edward Bender, waterman from the Eastern Shore, said he has filed another lawsuit in Federal District Court on the 2004 pound net/sea turtle rule. The 2003 complaint has already been to the Court of Appeals and back, and he now has an amended complaint. Details of his cases are part of the verbatim record. He said he would like the Commission to file a complaint in federal court for the years 2001, 2002, 2003 and 2004. In 2001, the first year the federal government “took” a fishery has become a horror story. He said the Endangered Species Act is running amuck and is ambiguous.

Mr. Bender said he looked at the rule as to what is mandatory. The APA said if a rule is made, what must be done—they must seek the best of scientific advice? Mr. Bender said scientific advice in Virginia said the rule was not necessary. Most recently, watermen have been allowed to fish the inshore fish trap. There are only two families—Walter Coles Boroughs and the Benders—can only fish one trap. The APA said the rule must be constitutional; if a federal agency takes property there must be compensation. It said the burden should not be placed on a few for conservation, but a broad fishery. There is never notice given, Mr. Bender said; it is always an emergency.

In 2001 the action was because back in 1992 a rule was written that allowed them to regulate turtles without a public hearing. The rule, Mr. Bender said, relates to turtle excluding devices in the Gulf of Mexico and that does not relate to Virginia, he challenged. He said an emergency cannot be declared only with scientific advice and the key word is “substantial danger” to the endangered species. He said in 2001 there was not one single case of a turtle dying in fish nets, yet NMFS declared an emergency without any notice.

Commissioner Pruitt asked Mr. Bender to focus on what he wanted the Commission to do. Mr. Bender said he would like to see the Commission file a complaint in federal court against the National Marine Fisheries Service. Commissioner Pruitt said the Commission cannot file a complaint, but can ask that a suit be filed. Mr. Bender said this Commission could ask that a suit be filed to protect the Virginia fishery. Additional details of his discussion are found in the verbatim record.

Commissioner Pruitt said he would put the request before the Commission now. Mr. Keith Like, another Eastern Shore fisherman, said the federals are threatening watermen with huge fines and asked the Commission to keep pursuing our problem.

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Associate Member Bowden said the 2001 closure by the federals was to all fisheries, although all the scientific data said there were no problems with those gear types. He said he talked with a number of NMFS officials about the situation. In 2002 a study was made of the black drum fishery. Of more than 100 trips, there were no incidents found, and the black drum fishery was left off the turtle program.

Associate Member Bowden said they have found very few situations where turtles were found in nets. Mr. Like said only six turtles were found. Associate Member Bowden said the state (the Commission) needs to back up our watermen. Right now it is the commercial fishing program; it could involve other programs very soon. It is not right for one element—commercial fishing—to take all of the hits. This is clearly wrong, he said.

Commissioner Pruitt said the Commission has taken the position of opposing NMFS in the past, but has not considered a lawsuit previously. Associate Member Ballard asked if the Commission has ever asked the Attorney General's Office to review a matter of federal regulation and advise the Commission? Commissioner Pruitt said he could not recall such a situation.

Dan Haworth, administrative assistant to Virginia State Senator Nick Rerras, said the office has written the Attorney General asking him to review the issue and advise us. He said the letter should be in the office now. Commissioner Pruitt said he felt the Commission should wait and see what the Attorney General says. Associate Member Bowden said he felt it was appropriate for the Commission to write a similar letter.

Mr. Haworth said Senator Rerras has responded previously to matters, such as in 2001. He said he would ask the Commission to weigh in to support the issue. Associate Member Garrison asked if the Attorney General could respond soon on the matter. He said he did not want the issue to drop through the cracks.

Associate Member Bowden made a motion asking that the Commission to draft a letter asking the Attorney General's office to look into the matter of the National Marine Fisheries Service's control of Virginia fisheries under the endangered species act to see (determine) the validity of the law (and whether) it is being adhered to. Associate Member Garrison seconded the motion, which was approved, 8-0. Commissioner Pruitt asked Associate Members Bowden and Garrison to work with Mr. Travelstead and Mr. O'Reilly to draft the letter. Legal Counsel Josephson recommended that whatever basis the Commission has for successful litigation should be included in the letter.

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Commissioner Pruitt asked Wilford Kale, Senior Staff Adviser, to brief the Commission on the enabling legislation passed by the 2004 Virginia General Assembly. He called attention to House Bill No. 1024, on the Saltwater Fishing license and permits and fee

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increases. The last action by the Assembly in its session removed paragraphs added by the budget conferees. The bill states that beginning July 1, 2004, licenses fees and permits can be increased not more frequent than every three years. Mr. Kale said he was bringing this matter to the Commission so it could act anyway it wished on the matter.

Associate Member Holland asked where would the fees go according to the legislation. Mr. Kale said the fees would be paid into the Marine Improvement Fund (for commercial fishing) and increases in recreational license fees shall be paid into the Recreational Fishing Fund. The appropriate advisory boards would recommend expenditures to the Commission.

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17. REVIEW of the Virginia Saltwater Sport Fishing Tournament.

Claude Bain, Director, Virginia Saltwater Fishing Tournament, presented an overview of the current year's activities. The tournament committee meets every October to set the program for the coming year. This year there were more strict rules, and, to date, the tournament was about 1,000 awards under the previous year. Mr. Bain said the fishing season had been off to a better start in 2003. Long term, over the 47 year history of the program, the average was 3,200 citations annually.

He said the citations were reflective of several things including improved fisheries, like summer flounder and an expansion of the number of fisheries from the low teens to more than 30 species now. Anglers were still encouraged to release fish that were in a healthy condition. Releases this year were more than any other time in the program's history. Details of the program are part of the verbatim record.

There have been two state records: a 19-pound sheep's head and a 63-pound striped bass. The second major program is the Virginia Game Fish Tagging Program. The number of tagged fish dropped off early in the Warner administration when there were major budget concerns. The tag program had moved forward this year with 198 taggers, much higher than previous years. In 2003 most of the effort was from fishing piers. This year fish tagging continued at a high level, but not from pier activity. Most of the success has been in tagging summer flounder, with over 1,300 fish tagged inside Rudee Inlet—a very small area in Virginia Beach. There have been fish tagged elsewhere and the tagging gives an opportunity to study dispersion of fish over a period of time.

Mr. Bain said the tagging program also had produced a record for traveling by cobia. traveling in history. He reported that a fish tagged in the mouth of York River in 2001 was caught off oil rig in Gulf of Mexico in the spring of 2004. It was a very valuable tag return, he added.

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The program also had worked actively with the Virginia Department of Tourism to get the American Outdoor Writers Association to hold its annual convention in Virginia in 2007 in Roanoke, bringing 500 to 700 outdoor writers to the Commonwealth. The tournament's role will be working with the writers, once they get here to the conference and to get out on the Chesapeake Bay and the Atlantic Ocean to promote fishing in Virginia.

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Mr. Bob Grabb said he needed to leave materials—the summary of public comments and a copy of two articles that Associate Member Garrison asked to be conveyed regarding the King William Reservoir issue.

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Commissioner Pruitt said George Washington, President of the Virginia Watermen's Association, passed away since the last meeting and he wished to adjourn this meeting in his memory.

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There was no further business, the meeting adjourned at approximately 2:45 p.m.

William A. Pruitt, Commissioner

Wilford Kale, Acting Recording Secretary