

## MINUTES

**Commission Meeting****July 26, 2005**

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:

William A. Pruitt )	Commissioner
Ernest L. Bowden, Jr. )	
J. Carter Fox )	
Russell Garrison )	Associate Members
Cynthia Jones )	
F. Wayne McLeskey )	
Richard B. Robins, Jr. )	
Kyle J. Schick )	
Carl Josephson	Sr. Assistant Attorney General
Col. Steven Bowman	Deputy Commissioner
Katherine Leonard	Recording Secretary
Wilford Kale	Senior Staff Advisor
Jane McCroskey	Chief, Admin./Finance Div.
Bill Bowen	Accountant, Sr.
Andy McNeil	Programmer Analyst, Sr.
Linda Hancock	Human Resources Mgr., Sr.
Michele Guilford	Human Resources Analyst
Jack Travelstead	Chief, Fisheries Mgt. Div.
Rob O'Reilly	Deputy Chief, Fisheries Mgt. Div.
Lewis Gillingham	Fisheries Management Specialist
Kelly Lancaster	Fisheries Management Specialist
Tara Scott	Fisheries Management Specialist
Ellen Cosby	Fisheries Management Specialist
Joe Cimino	Fisheries Management Specialist
Ron Owens	Fisheries Management Specialist, Sr.
Lt. Col. Lewis Jones	Deputy Chief, Law Enforcement
MPO James Rose	Marine Police Officer
MPO Art Walden	Marine Police Officer
Brandy Battle	Administrative Assistant

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Bob Grabb	Chief, Habitat Management
Tony Watkinson	Deputy Chief, Habitat Mgt. Div.
Chip Neikirk	Environmental Engineer, Sr.
Jeff Madden	Environmental Engineer, Sr.
Jay Woodward	Environmental Engineer, Sr.
Tracy West	Environmental Engineer, Sr.
Ben Stagg	Environmental Engineer, Sr.
Justin Worrell	Environmental Engineer, Sr.
Randy Owen	Environmental Engineer, Sr.
Hank Badger	Environmental Engineer, Sr.
Benjamin McGinnis	Environmental Engineer, Sr.

Virginia Institute of Marine Science (VIMS)

David O'Brien  
Lyle Varnell

Other present included:

Sarah Martin	M. Shawn Albin	Jeanie Clay
David Long	Greg Brown	Jay Bernas
R. Mathew Estes	Ellis W. James	Alfred E. Gregg, III
Paul Steele	Greg Lewis	Mark Williams
Perry Pilgrim	Jeff Elseroad	Mark McEley
Tim McCulloch	Dennis Dietrich	Michelle Newman
Tom Szelest	Harrison Bresce	Arnie Smith
Glenn Hayden	Dawn Parsons	Greg Garrett
Karl Mertig	Rick Stilwagen	Jim Thomas
John Register	Ed Haynie, Jr.	Quinton Sheppard
John Forrest	Robert Allen	Cole Taylor
Kelly Place	Roy Insley	

and others

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Commissioner Pruitt called the meeting to order at approximately 9:37 a.m. Associate Member Holland was absent.

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Associate Member Garrison gave the invocation and Carl Josephson, Sr., Assistant Attorney General and VMRC Counsel led the pledge of allegiance to the flag.

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Commissioner Pruitt congratulated Associate Member Rick Robins on his reappointment to the Commission for a new term. He said that Mr. Robins had finished out Mr. Chad Ballard's term, which ended June 30, 2005 and now was appointed to another term. He explained that Mr. Robins was quickly considered for this term, because of his good standing and for what had been accomplished by him during the past months. Mr. Robins spoke about this opportunity given to him to serve with the Commission and thanked Mr. Pruitt for his kind words.

Commissioner Pruitt stated that Mr. Cowart's term had ended on June 30, 2005. He said that his replacement was present and he introduced the new Associate Member J. Carter Fox to the Commission. He said that he had personally known Mr. Fox for about 25 years. He said that Mr. Fox was a recreational fisherman, knowledgeable of the seafood industry, knowledgeable of environmental issues through his involvement with the Chesapeake Bay Foundation, and knowledgeable with regards to developmental issues. He said Mr. Fox had been President and Chief Executive Officer for the Chesapeake Corporation. He explained that he had come up in the ranks from a seasonal worker to the positions of President and Chief Executive Officer of the company. He said he was married with two grown children and 2 grandchildren. He said he was a person who cares for people and respects all. He welcomed him to the Commission. Associate Member Fox said he had to correct Commissioner Pruitt, saying he had 3 children and 4 and one-half grandchildren. He said he was honored to be appointed to this position on the Commission. He said he would do his best and looked forward to working with everybody.

Col. Steve Bowman, Deputy Commissioner, introduced his new Administrative Assistant, Brandy Battle, who had just joined the Commission in early July.

Col. Steven Bowman, Deputy Commissioner, presented Michele Guilford, Human Resources Analyst, with two Gold Awards for her work with the governor's program for a Healthy Virginia. He said this was not a required job, but a voluntary effort performed by Mrs. Guilford.

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

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**Approval of Agenda:** Commissioner Pruitt asked for any changes to the agenda or a motion. Associate Member Garrison requested time at the end of the agenda to discuss meeting procedures regarding Habitat versus Fisheries matters. Bob Grabb, Chief, Habitat Management told the Commission that Item 2T, Maritime Administration, VMRC #05-0657 had been added to the page two items for which he would provide more information later in the meeting. **Associate Member Robins moved to approve the agenda, as amended. Associate Member Schick seconded the motion. The motion carried 7-0.**

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**MINUTES:** Commissioner Pruitt asked for a motion to approve the June 28, 2005 meeting minutes. **Associate Member Garrison moved to approve the minutes as circulated. Associate Member Robins seconded the motion. The motion carried, 5-0-3. Associate Member Bowden, Fox, and Jones abstained as they were absent from the last meeting or in Associate Member Bowden's case had not been able to stay for the entire meeting last time. Commissioner Pruitt voted, yes.**

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- 2. **PERMITS** (Projects over \$50,000 with no objections and with staff recommendation for approval). Bob Grabb, Chief, Habitat Management made the presentation for the page two items, A through T, and his comments are a part of the verbatim record.

No one was present, pro or con, to address the Commission for these agenda items.

**Associate Member McLeskey moved to approve the page two items, A through C and E through T, as presented by staff. Associate Member Robins seconded the motion. The motion carried, 7-0.**

**Associate Member McLeskey moved to approve the page two item D, as presented by staff. Associate Member Robins seconded the motion. The motion carried, 6-0-1. Associate Member Schick abstained from voting on item 2D.**

**2A. MID-ATLANTIC BROADBAND COOPERATIVE, ET AL, #05-1060,** requests authorization to install fiber optic lines across 28 jurisdictional streams and rivers within the following counties: Patrick, Henry, Pittsylvania, Halifax, Mecklenberg, Brunswick, and Franklin. Lines will cross State-owned submerged bottom using existing and new aerial crossings, attachments to existing bridges, trenching within existing crossings, and directionally boring under stream bottoms. No direct impacts are proposed to the jurisdictional streams. The general route of the proposed installation parallels U.S. Highway 58 from Patrick County to Brunswick County with one northern extension along U.S. Route 220 in Henry and Franklin County and one northern extension along U.S. Route 360 in Halifax County. Staff recommends approval pending the expiration of the public comment period on August 2, 2005.

Permit fee.....\$100.00

**2B. SPOTSYLVANIA COUNTY DEPARTMENT OF PUBLIC UTILITIES, #04-2911,** requests authorization to install a total of approximately 70 linear feet of sewer line, crossing under Massaponax Creek and its immediate tributaries in five separate locations, and to stabilize the stream crossings with approximately 273 square feet of Class B riprap, associated with the Massaponax/Thornburg Sewer Interceptor Replacement project in Spotsylvania County. Recommend approval with standard in-stream conditions.

Permit fee.....\$100.00

**2C. COLUMBIA GAS TRANSMISSION CORPORATION, #05-0828,** requests authorization to repair or replace existing, 30-inch diameter gas pipeline segments along a 10.3-mile section of Line VC, possibly requiring the excavation, exposure, and replacement of the pipeline along Goose Creek, Sycolin Creek, and Tuscarora Creek in Loudoun County. Recommend approval with standard in-stream conditions.

Permit fee.....\$100.00

**2D. COLONIAL BEACH YACHT CENTER, #03-0144,** requests authorization to modify a previously permitted project, by removing three (3) 22-foot wide by 45-foot long uncovered boat slips from "E" Dock, removing the 25-foot high covered roof portions over the first four (4) 22-foot wide by 45-foot long landward boat slips on "D" Dock; and to extend the four-foot wide finger piers on "E" and "D" Docks to the end of each slip, to construct three (3) 22-foot wide by 65-foot long by 35-foot high covered boat slips on the southwestern end of "A" Dock, to construct three (3) 4-foot wide by 65-foot long finger piers adjacent to the three modified slips, to construct a 12-foot wide by 104-foot long pier segment connecting "E" and "A" Docks that will include approximately 864 square feet of

deck platforms for improved handicap access and aquaculture related activities, and to install boat lifts on each of the 158 permitted boat slips, adjacent to their marina situated along Monroe Bay in the Town of Colonial Beach, Westmoreland County. Recommend approval contingent upon the completion of public and agency comment periods without protest.

No fees – permit modification

**2E. CITY OF LEXINGTON, #02-0584**, requests authorization to reactive, extend, and modify their Commission authorized permit to install a 250-foot long by 12-foot wide pile-supported pedestrian bridge, connecting the Woods Creek and Chessie Trails, over the Maury River in the City of Lexington. The new bridge will be reduced to 8 feet in width and relocated 220 feet downstream of the previously authorized location.

Permit fee.....\$100.00

**2F. COLUMBIA GAS TRANSMISSION CORPORATION, #05-0830**, requests authorization to repair or replace, on an as-needed basis, stream crossings of Mill Creek in Rockbridge County, Moores Creek and the South River in the City of Waynesboro, Marl Creek, Johns Run, and Saw Mill Run, in Augusta County, Moomans River, Doyles River, Mountain Creek, and the Roach River in Albemarle County, Lynch River, the Roach River, and Swift Run in Greene County. Staff recommends standard instream construction conditions and that all impacted streambeds are returned to their pre-existing condition following completion of repairs.

Permit fee.....\$100.00

**2G. VULCAN CONSTRUCTION MATERIALS, LP, #05-1242**, requests authorization to install six (6) 19-pile/steel industrial mooring dolphins adjacent to their Port Norfolk facility situated along the Western Branch of the Elizabeth River in Norfolk.

Permit fee.....\$100.00

**2H. NAVAL FACILITIES ENGINEERING COMMAND, #05-0539**, requests authorization to construct a 325-foot long by 50-foot wide relieving platform and bulkhead at Pier 7 adjacent to property situated along the Elizabeth River in Norfolk.

Permit fee.....\$100.00

**2I. CITY OF WAYNESBORO, #05-1110**, requests authorization to install replacement sewer lines with two crossings on the South River, one near Hopeman Parkway and one at the existing sewage treatment plant, and nine crossings of District Home Creek and its unnamed tributaries in the City of Waynesboro.

Permit fee.....\$100.00

**2J. LYON SHIPYARD, #05-0984**, requests authorization to maintenance dredge, on an as-needed basis, to depths varying for -12 feet below mean low water to -42 feet at mean low water at their facility near the Campostella Bridge situated along the Eastern Branch of the Elizabeth River in Norfolk.

Permit fee.....\$100.00

**2K. NORFOLK YACHT AND COUNTRY CLUB, #01-1042**, requests authorization to install 8 uncovered boatlifts at existing slips and a 100-foot long by 20-foot wide floating marginal wharf with two 8-foot long access ramps adjacent to their property situated along the Elizabeth River in Norfolk.

Permit fee.....\$100.00

**2L. VIRGINIA INSTITUTE OF MARINE SCIENCE, #05-0977**, requests authorization to deploy eight (8) 10-foot by 10-foot metal cages extending two feet above the substrate at a location between the Old Ferry Pier and the VIMS Oyster Pier in conjunction with an oyster experiment to be conducted over a three (3) year period in the York River adjacent to the VIMS campus in Gloucester County.

Permit fee.....\$100.00

**2M. SOMERSET STOKES, LLC, #05-1026**, requests authorization to construct 462 linear feet of riprap breakwaters, sills and spurs, place 600 cubic yards of sand landward of the shoreline structures as beach nourishment, extend an 18-inch ductile iron pipe from a storm water management pond under the nourished area and terminating at the channelward face of the center breakwater, to plant the nourished areas with appropriate wetland vegetation, and to construct a community use pier, with no boat slips, extending 321 feet channelward of mean high water adjacent to their development situated along the York River at the end of Stokes Road in Gloucester County.

Permit fee.....\$100.00

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**2N. TURNER MARINE SERVICES INC., #05-1154**, requests authorization to construct a 272-foot by 83-foot floating boathouse to replace a similarly sized open-pile boathouse that was destroyed in a recent fire and to complete the construction of a previously authorized 45-foot by 54-foot boathouse addition, for which the permit has expired, at the Horn Harbor Marina facility situated along Horn Harbor in Mathews County.

Permit fee.....\$100.00

**2O. RAPPAHANNOCK SHORES ASSOCIATION, #03-7221**, requests a permit modification to allow for the addition of eight (8) 2-foot wide by 9-foot long finger piers on their existing community pier #2 at their property situated along the Rappahannock River in Essex County.

No fee – permit modification

**2P. EQUITABLE PRODUCTION COMPANY, #05-1439**, requests authorization to install by directional drill method a submerged natural gas transmission line beneath approximately 55 linear feet of the McClure River adjacent to SR 83 and the Red Ridge Tunnel in Dickenson County. Recommend approval pending expiration of the public comment period ending July 28, 2005.

Permit fee.....\$100.00

**2Q. CITY OF VIRGINIA BEACH, #04-1913**, construct 1,100 linear feet of steel sheet-pile bulkheading, two (2) storm water outfalls with riprap scour protection, replace an existing 36” submerged water main with two (2) 20-inch diameter lines and replace an existing twin concrete box culvert crossing of Little Neck Creek with a pre-cast concrete arched bridge crossing to facilitate construction of the Laskin Road and 30<sup>th</sup> Street Gateway Project in Virginia Beach.

Permit fee.....\$100.00

**2R. GLEBE HILL ASSOCIATES, INC., #04-2063**, requests authorization to construct a 90-foot long by 28-foot wide clearspan bridge across Crump Creek to facilitate vehicular access to a proposed residential subdivision in Hanover County.

Permit fee.....\$100.00

**2S. DEPARTMENT OF THE ARMY, #05-0621**, requests authorization to dredge 37,000 cubic yards of subaqueous bottom material from their Dogue Creek Marina basin, to create maximum depths of minus six (-6) feet at mean low water; and to dredge 38,000 cubic yards of subaqueous bottom material to create an



approximate 6,600-foot long by 40-foot wide navigable access channel, also possessing maximum depths of minus six (-6) feet at mean low water, adjacent to the U.S. Army Garrison, Fort Belvoir, in Fairfax County. All of the dredged material will be transported by barge to, and offloaded at, the Dominion Virginia Power Possum Point Station in Prince William County for upland disposal. Impacts to submerged aquatic vegetation (SAV) will be compensated for by planting two (2) acres of SAV within near shore restoration areas along the Fort Belvoir installation shoreline, as outlined in their SAV Mitigation Plan - Revised Draft dated July 14, 2005. Recommend a time-of-year dredging restriction to preclude dredging during the period of March 15 through September 30 to protect anadromous fish and other aquatic biota, and a condition to require that SAV mitigation reports be submitted to the Commission annually, no later than December 31st, following monitoring activities, that are consistent with the Commission's Submerged Aquatic Vegetation Transplantation Guidelines (4 VAC 20-337-10). Staff further recommends that in the event of mitigation failure, the applicant be required to seek a permit modification to incorporate a new mitigation plan.

Permit fee.....\$100.00

**2T. MARITIME ADMINISTRATION, VMRC #05-0657**, requests authorization to hydraulically dredge approximately 250,000 cubic yards of subaqueous bottom material over a 5-year period from the MARAD navigation channel in the James River in Newport News. The channel was last dredged in 1968. Maximum authorized dredge depths would be minus sixteen feet mean low water. All dredged material will be pumped to the Fort Eustis dredged material management area located approximately 1.8 miles upstream. The dredged material effluent will be re-discharged into Milstead Island Creek, a tributary of the James and Warwick Rivers. Recommended approval contingent on sediment sampling for PCB's within the channel footprint prior to dredging, conducted as defined by EPA method 8082, and the requirement that any levels detected be at or below 70 parts per billion (ppb). Additionally recommended a time of year dredge restriction from July 1 through September 30 to protect shellfish during their spawning periods.

Permit fee.....\$100.00

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**3. CLOSED SESSION (no closed session was held).**

Carl Josephson, Sr., Assistant Attorney General and VMRC Counsel, reported that in the appeals by Palmer and Jewett the courts had upheld the Virginia Marine Resources Commission's decisions. He said now the Palmers have to remove the structure within

thirty days or appeal the Circuit Court's decision with the Court of Appeals within thirty days. He said the Jewetts would have to remove the structure within sixty days, provide a certified engineering report that said that the structure was sound, or appeal the Circuit Court's decision within thirty days to the Court of Appeals.

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4. **JANE M. BROWN, #04-2349**, requests authorization for after-the-fact approval to retain a partially constructed and authorization to complete construction of a 34-foot by 82-foot two-story marina store/customer lounge/office/storage building; and after-the-fact approval of a 32-foot by 36-foot pier platform extension over State-owned subaqueous lands of Jones Creek, a tributary to the Pagan River at 10180 Browns Marina Road in Isle of Wight County.

Ben Stagg, Environmental Engineer, Sr., gave the presentation with slides. His comments are a part of the verbatim record.

Mr. Stagg explained that the project was located along Jones Creek near its confluence with the Pagan River in close proximity to the community of Rescue in Isle of Wight County. In the past the site was used to offload shellfish. More recently it had served as a marina and boat repair facility.

Mr. Stagg explained further that in the fall of 2004, Marc Brown, one of the applicant's sons and the facility operator, contacted staff concerning damage sustained during Hurricane Isabel, specifically to the marina building, which is located on a concrete pad over Jones Creek. It was unclear how long this building had been in existence, but it appeared to predate any previous permit requests to the Commission that date back to at least the early 1980's. While the building was not destroyed by Hurricane Isabel, there was water in the building and Mr. Brown stated that additional settling had occurred. Mr. Brown further indicated that they wanted to remove the old building and replace it with a somewhat larger structure to expand their business and better serve their clientele. An application was received on October 12, 2004. Staff conducted a site visit on November 17, 2004. Mr. Marc Brown was present and he was questioned about what appeared to be a new elevated pier constructed next to the existing building and marginal wharf. Mr. Brown stated that it had been recently constructed but indicated that the footprint was over an area that in the past had been used to offload oysters and was indicated on the application drawings as the "conveyor dock" area.

Subsequent to that meeting, on November 22, 2004 staff wrote to the applicant requesting additional information to include the following:

- 1) Provide a drawing depicting the height of the proposed structure and additional information on the proposed uses of the new building.

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- 2) Clarify the existence of the structure labeled as previous conveyor dock that appeared to have been recently reconstructed. It appeared a new pier had been constructed at this location, which might constitute a violation of the Code of Virginia.
- 3) Provide any record of authorization for either of the travel lift piers. It appeared that there had previously been one pier in this general location adjacent to an old marine railway, which had apparently been removed.
- 4) Provide additional information or verification that all zoning issues with the county have been fulfilled related to the proposed work. It was staff's understanding that the County may require a conditional use permit and/or other approvals. It was not the policy of the Commission to act on request for permits until local approvals had been obtained.

Mr. Stagg said that staff was in contact with Isle of Wight County Planning and Zoning staff concerning the application on a monthly basis beginning in January of 2005, in an attempt to ascertain the status of all local approvals. The county eventually determined that the project would require a water quality impact assessment (WQIA) related to potential Chesapeake Bay Act impacts. The applicant apparently provided this information to the County on or about March 31, 2005. The project was heard by the Planning Commission on April 26, 2005 and received their recommendation for approval to the Board of Supervisors. The Board of Supervisors subsequently approved the proposal on May 5, 2005 and the applicant apparently received a building permit from the County on May 17, 2005.

Mr. Stagg explained that on June 1, 2005, staff received a telephone complaint from a nearby property owner that work was ongoing at Brown's Marina on the new building. At this time staff still had not received a response from the applicant for the initial request for additional information in November 2004. Staff subsequently contacted the County and obtained the information related to the approvals noted above. A site visit was conducted at 8:00 am on June 13, 2005 at which time staff observed partial construction of the new marina building. During the site visit, staff informed Mr. Marc Brown that a VMRC permit had not been issued for the ongoing work and that all construction should cease until proper authorization was issued. A Sworn Complaint and Notice to Comply were promulgated by staff on June 13, 2005, and served by our Law Enforcement Division on June 14, 2005. Staff believes that no additional work had occurred since June 14, 2005.

Mr. Stagg stated that on June 15, 2005, the applicant provided a letter with some additional information concerning previously constructed structures, information on the "conveyor dock" area, and information that the new building would be used as an office, a store, and a customer lounge. On June 20, 2005, staff responded by letter to the applicant, again reiterating that some of the existing structures at the site did not appear to

have previous authorization, clarification of staff's position related to the "conveyor dock" area, and another request as to why the proposed uses of the building should be considered water dependent and not be accommodated on the upland. Staff also noted that the structure now appeared to be a two-story building and that the only use proposed for the second floor sited during the site visit was storage. Staff inquired what types of items would be stored and how the use of this area for storage could be considered water dependent. Staff also requested additional revised drawings to reflect the height of the building.

Mr. Stagg said that the applicant subsequently provided "architectural" drawings of the building. Those drawings indicated that the second floor useable space would be smaller than the first floor but provided no further details of use. Staff wrote to the applicant again requesting clarification on how the proposed uses of the building could be considered water dependent. Staff provided a copy of the Commission adopted water dependency policy and further stressed that this information was paramount for staff to properly evaluate the applicant's request and for the full Commission to fulfill its mandate to weigh both the benefits and detriments of the proposal as stewards of the State-owned subaqueous bottomlands held in public trust for the use of all current and future residents of Virginia.

Mr. Stagg said that while the marina previously had an enclosed structure over State-owned subaqueous bottomlands, that structure possibly predated the Commission's authority in 1962. Regardless, the current request represented an increased footprint and a considerable increase in square footage, with proposed uses that could easily be accommodated on the upland, the majority of which did not appear to meet the Commission's adopted water dependency criteria. Additionally, the owners of the marina submitted a Joint Permit Application for the current work, had submitted applications and received permits in the past, but chose to proceed with construction in the absence of VMRC authorization. Additionally, one aspect of their business included construction of both private and commercial piers and boathouses and therefore, again, permit requirements should be readily apparent.

Mr. Stagg said that the applicant indicated that uses for the building would include office space, customer lounge, marine store sales, gas sales, potential future outboard motor sales, storage, and the sale of convenience foods. While some of these uses might be directly related to the business as a marina, boatslip rental facility, and boat repair business, many of them were not directly water dependent in nature and/or could be accommodated on the upland.

Mr. Stagg said that the Commission's water dependent policy does provide for the approval of projects that are deemed not to be water dependent, but further stated that such approval should contain a specific explanation of the finding on a case-by-case basis.

Mr. Stagg stated that the Virginia Institute of Marine Science Shoreline Application Report indicated that the proposed commercial structures would adversely impact approximately 5,464 square feet of subaqueous bottom habitat through construction and shading. The water dependency of the proposed use of the structures was not clear from the application. It was staff's opinion from an environmental viewpoint that any siting over subaqueous bottom should only be considered after all upland alternatives had been eliminated. The Department of Health, Shellfish Sanitation Division, noted that while the project would affect condemned shellfish growing waters it would not cause an increase in the size of the closure. Since the applicant did not propose to increase the number of marina slips and no water or sewer were currently proposed within the building, no additional Health Department approval was required at this time. The Department of Conservation and Recreation reviewed the Water Quality Impact Assessment and determined that the project complied with the Bay Act. They offered no other comments or a basis and rationale for this seemingly incongruous assessment. The Isle of Wight County Wetlands Board did not exert jurisdiction because all of the encroachments and construction activities were channelward of mean low water. No other agencies had commented on the proposal.

Mr. Stagg informed the Commission that staff recommended after-the-fact approval of the previously unauthorized downstream travel lift pier. Staff also recommended after-the-fact approval of the expanded marginal wharf area downstream of the travel lift pier. However, based on the information provided by the applicant and applying the Commission's adopted water dependency policy, staff could not recommend after-the-fact approval of the building as partially constructed or proposed.

Mr. Stagg further explained that since the applicant previously had a building at this location and was using the building as part of their ongoing marina business, staff was reluctant to recommend removal of the entire new structure at this location. Based on the previous use and the proposed future uses, and notwithstanding the water dependent policy, staff recommended approval of a building no larger than the previous structure, with elimination of the second floor storage area. Furthermore, if any portion of the building was approved, staff recommended a permit condition that would state, if addition of water and/or sewer to the building were proposed, it would require additional Commission authorization provided the applicant had obtained Health Department approval.

Mr. Stagg said that in light of the applicant's first hand knowledge of VMRC permit requirements, staff also recommended an appropriate civil charge be assessed for any after-the-fact approval the Commission should choose to grant.

Greg Brown, the applicant's son and representative, was sworn in and his comments are a part of the verbatim record. Mr. Brown said they were appealing to the Commission to approve their original application for permit request. He said they had made a mistake performing this work without VMRC approval and they apologized. He stated that they

did not agree with the staff recommendation. He said he had read the definition for water dependency and felt everything fit the criteria. He said his family had lived and worked in the Jones Creek area since 1920. He said the seafood business was owned and operated by their father, Robert E. Brown and across the creek was once owned by Ben Brown. He said all the original work was done by their father starting in 1964, who was not aware of his being in violation of any State Code. He said the Bay Act water dependent definition read "...marina and boat docking structures...". He said it fits them and he was confident all that they were doing was water dependent. He explained that they had mistakenly said that the building was two-story actually it was one story. He said it was not bigger than the footprint, but the larger building was necessary for their increasing marina business.

Marc Brown, the applicant's son and operator of the marina, was sworn in and his comments are a part of the verbatim record. He said he had been a waterman and was still working in a shad-monitoring program. He explained that the seafood business changed to a marina business in 1983 due to the many restrictions on the shad fishery. He said it was "grandfathered" at that time and they removed the conveyor and belt when the seafood business closed. He said the County required a water quality impact study and site plan. He said the Corps came out and stated they had no problem with the project. He stated that no other agency other than VMRC had a problem. He said the construction was being done for their mother, so that she could see it completed before she died. He said they were asking that it be approved as applied for in October 2004. Associate Member Robins asked if they were licensed for construction business. Mr. Brown responded, no. Associate Member Robins asked him if they were familiar with the rules. Mr. Brown said they just told whomever they were working for to obtain all permits and they just did the work.

Associate Member Garrison explained that other jurisdictions were slow and VMRC did not have any control over that. Greg Brown said that they had received a letter of apology from the County and they had no problem with anyone until now. Associate Member Schick explained that all have different jurisdictions to consider. He asked did they continue work even after receiving the VMRC letter. Greg Brown explained that they had responded to Mr. Stagg, but he was not satisfied. Associate Member Schick said he wanted a response to his question and asked again if they still went ahead with the work.

Myron Brown, the applicant's son and representative, was present and his comments are a part of the verbatim record. Mr. Myron Brown explained that the work actually started after Hurricane Isabel.

Greg Brown explained that his father and brother helped others instead of doing the work needed at their own property. He said they helped others be better prepared for other hurricanes with new structures. He said they had anticipated approval by VMRC.

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Associate Member Garrison said he could appreciate what they had been through, in business time was money, but permits were required and it has got to be that way.

Associate Member Fox asked if they had applied for everything they want to do? Marc Brown responded that they had applied in October.

Commissioner Pruitt asked why nothing was done on the application since November? Ben Stagg responded the County just gave their approval May 5<sup>th</sup>. Commissioner Pruitt said that being the case the hearing now was within a reasonable time.

Associate Member McLeskey stated that the second story should not be built, but the design aesthetically added to the building and should be allowed with a stipulation that it not be used.

**After much discussion, Associate Member Garrison moved to accept the staff recommendation for approval, stipulating the building be no larger than the original structure and that the second floor be eliminated. Associate Member Schick seconded the motion.** Mr. Robins stated he had two issues with the project. He said the first being that the structure did not pass the water dependence requirement test and he agreed with Mr. McLeskey that the pitched roof was an enhancement to the structure as the original structure had a pitched roof. He also said that no additional structures should be allowed. Commissioner Pruitt said that he concurred with both Mr. McLeskey and Mr. Robins. **Mr. Garrison and Mr. Schick both agreed that the second story should not be occupied, but be used for storage only.** Dr. Jones explained that the water dependency clause was to protect the waterway, not for any individual's benefit. She said it was all right to rebuild where the "grandfathered" structure was located, but if everything requested were approved it would be destructive of the habitat. She said the Commission should stick to the water dependency rules and that she concurred with the motion. Mr. Bowden asked if the configuration could be manipulated within the same square footage. Mr. Robins asked if a civil charge was to be assessed. Mr. Garrison responded, no, that as long as it was the same square footage it was okay, and no fine was necessary. Carl Josephson reminded the board that any civil charge would have to be agreed to by the applicant and if not, then it could be taken to court. Dr. Jones asked what impact there was with the original square footage. Mr. Stagg responded minimal, it was a non-compliance issue and the construction was not authorized by a VMRC permit. **The motion carried, 7-0.**

Permit fee.....\$100.00

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5. **GREG LEWIS, #04-1522**, requests authorization to construct a 36-foot long by 16-foot wide (576 sq ft), private, non-commercial, open-sided boathouse adjacent to his property situated along the little Wicomico River in Northumberland. An adjacent property owner protested the project.

Commissioner Pruitt and Associate Members Jones and McLeskey were all out of the meeting at this point.

Jeff Madden, Environmental Engineer, Sr., gave the presentation with slides. His comments are a part of the verbatim record.

Mr. Madden explained that on June 24, 2004, Mr. Lewis submitted an application to construct a 36-foot long by 16-foot wide, open-sided, single slip, timber boathouse over an existing boatlift for his 30-foot powerboat. The boatlift was adjacent to his 61-foot long private, non-commercial pier at his property situated along the Little Wicomico River.

Mr. Madden further explained that the development along this shoreline was a mixture of commercial and residential properties. Mr. Lewis' property (Parcel 4A), on which the pier was constructed, was zoned R2 residential. Immediately upstream of parcel 4A was Little River Seafood, a seafood processing facility owned and operated by Mr. Lewis. There were similar commercial operations and residential lots downstream of the applicant's property. A boathouse of similar construct had been erected just downstream of the project site.

Mr. Madden stated that on July 7, 2004, staff received a letter and attached Adjacent Property Owners Acknowledgment Form signed by Mr. Wayne P. Lawson on behalf of himself, Ms. Leslie Lawson, and Mr. Pierce Lawson, objecting to the construction of the roof structure over the existing wet slip. In his letter, Mr. Lawson claimed that the covered slip would block the view from their property. Mr. Wayne Lawson is part owner of the unimproved property (Parcel 4B) immediately east and downstream from the applicant's property.

Mr. Madden said that in January 2005, Commission staff received a letter from Mr. Stephen Minor, another part owner of parcel 4B, in support of the project. In the mistaken belief that the owners of parcel 4B had reached an accord with Mr. Lewis, staff wrote Mr. Lawson requesting comment on the letter from Mr. Miner. On March 8, 2005, Mr. Lawson reiterated his objection to the project.

Mr. Madden said that it was the staff's opinion that the boathouse appeared to be reasonably sized to accommodate the applicant's 30-foot long boat with a 9-foot beam, boatlift cradle and hoist. The open-sided structure with attached lift did not exceed the square footage authorized in Section 28.2-1203(A) (5) of the Code of Virginia. In fact had the project not been protested by Mr. Lawson, the project would have qualified for



the exemption. The open-sided design should minimize the visual impact associated with the structure in the event the protestant choose to build on their property. Staff recommended approval of the project as proposed.

Commissioner Pruitt and Associate Members Jones and McLeskey returned to the meeting.

Associate Member Fox asked if there was a marsh area in the vicinity of the pier? Mr. Madden reviewed the slide and explained further the layout of the area around the project site. Mr. Fox stated that the shoreline was high with no low areas, therefore, the structure should not impact the view. Mr. Madden confirmed this and stated that the land was high enough to see over the roof.

Greg Lewis, the applicant was present stated he did not have any comments to make to the Commission.

No one was present in opposition to address the Commission.

**Associate Member Schick moved to accept the staff recommendations. Associate Member Garrison seconded the motion. The motion carried, 5-0-2. Associate Members Jones and McLeskey both did not vote on the motion, as they were not present during the presentation.**

Permit fee.....\$25.00

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- 6. **ROBERT A. ELAM, #05-0316**, requests authorization to construct a 16-foot wide by 40-foot long, open-sided boathouse, onto an existing private, non-commercial pier, adjacent to their property situated along Nomini Creek in Westmoreland County. An adjacent property owner protested the project.

**Item pulled - protest resolved**

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- 7. **GREGORY GARRETT, #05-0450**, requests authorization to construct a second 6-foot wide by 150-foot long private, non-commercial, open-pile pier, including 4-foot by 28-foot and 4-foot by 60-foot L-shaped finger piers to provide moorings for his personal vessels at his property situated along the York River in York County. In addition, the applicant proposes to install six (6) mooring piles in a protected cove behind the property with connection to the Sandbox. An adjacent property owner protested the project.

Tracy West, Environmental Engineer, Sr., gave the presentation with slides. Her comments are a part of the verbatim record. Ms. West presented the Commission with an additional comment letter received from York County.

Ms. West explained that Mr. Garrett's property was located in York County, on a point of land bordered by the Thorofare, the York River and an unnamed cove.

Ms. West further explained that the applicant initially submitted an application requesting authorization for two piers, one within the cove area and one on the York River. These were designed to accommodate his four large vessels and personal watercraft, which range in length from 30 to 47 feet and draw from 18" to 24". Both piers were proposed with protrusions totaling over 500 square feet. After several rounds of written correspondence and discussion on the telephone, staff met with Mr. Garrett and his agents, Karl Mertig and Ed Haynie, on June 30, 2005, in order to discuss various options for reductions in the square footage of pier protrusions.

Ms. West said that as a result of that meeting, both piers were redesigned. Mr. Garrett's previous correspondence stated that the cove was not suitable for regular mooring of his vessels because of the shallow nature of the cove. Staff noted that Mr. Garrett had not proposed to conduct any dredging within the cove area at this point. He stated that, in order to use the cove as the primary mooring location for the vessels, dredging would be necessary. In its unimproved state, the cove would realistically serve as a jet-ski mooring and as a storm mooring for his larger vessels.

Ms. West said that given that the cove pier was an extension to the existing pier and boathouse, staff concluded that the pier within the cover area qualified for statutory authorization under Section 28.2-1203 of the Code of Virginia. The second pier, located on the York River, however, was not authorized by statute and was before the Commission for permit consideration.

Ms. West stated that an adjacent property owner on the cove, Tim McCullough, protested the original project. Mr. McCullough expressed his concerns about the overall scope of the project and stated that he was concerned about the construction of a "mini-marina" at the property. His concerns also included potential navigation restrictions within the cove, obstruction of his view, and whether the second pier should be placed within the York River, where it would likely be battered by storms. He also noted that there was a marina in close proximity to the Garrett property.

Ms. West said that the revised drawings were submitted too late for staff to obtain written comments from Mr. McCullough. Given staff's discussions with Mr. McCullough, however, staff was confident that he remained a protestant of the project.

Ms. West stated that when reviewing proposals to build over State-owned submerged lands the Commission's Subaqueous Guidelines direct staff to consider, among other

factors, the water dependency and necessity of the proposed structure. Furthermore, when considering authorization for such structures for private use, §28.2-1205 of the Code of Virginia stipulates that: "In addition to other factors, the Commission shall also consider the public and private benefits of the proposed project and shall exercise its authority under this section consistent with the public trust doctrine as defined by the common law of the Commonwealth adopted pursuant to §1-10 in order to protect and safeguard the public right to the use and enjoyment of the subaqueous lands of the Commonwealth held in trust by it for the benefit of the people as conferred by the public trust doctrine and the Constitution of Virginia."

Ms. West said that without dredging, the pier within the cove area would only provide mooring for Mr. Garrett's shallow draft vessels and jet skis. The York River pier was necessary to provide mooring for and access to his larger deep draft vessels. Although staff questioned the suitability of this pier given its exposure, it was not expected to pose a navigational hazard. Therefore, staff recommended approval of the second pier.

Commissioner Pruitt asked if staff had had time to read the handout from York County and their concern that this project would be commercial. Ms. West replied yes and the applicant and his agents were present to address that issue as well.

Associate Member Fox asked if usually only one pier was allowed for each property. Ms. West explained that was true but Mr. Garrett's larger vessel required this pier for its mooring. She said that Mr. Garrett was not proposing any dredging and dredging would be necessary for the cove pier to accommodate his larger vessel.

Commissioner Pruitt swore in Mr. Garrett, Mr. Mertig and Mr. Haynie at the same time.

Karl Mertig, representative for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Mertig stated that the staff did a great job on the scope of the project. He said the initial square footage proposed was 2,500 but now it was 1,236 square feet less than what was originally proposed. He said after speaking with staff the proposed pier was reduced. He said the property was unique in its configuration and location. He said Mr. Garrett owned a number of watercraft and was an avid user of the waterways. He said that Mr. Garrett should have the right to moor his watercraft at his property. He said he did not think it was an unreasonable request to be allowed to moor the numerous vessels owned by the applicant. He said it was too dangerous to moor all these vessels at the one pier in the York River for his vessels as well as for the other property owners in the area should a severe weather event occur. He said there was an adjacent marina and he thought that there were plans to expand it, but no one was sure of the size of the expansion and there was no guarantee that mooring would be available for Mr. Garrett's vessels when that was done. He said that Mr. Garrett was licensed for commercial sales of watercraft, but he had no intent to use the pier commercially. He said the property was not zoned for business. He said that there were no plans to request a rezoning or to open such a business at this residence.

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Greg Garrett, applicant was sworn in and his comments are a part of the verbatim record. Mr. Garrett said the purchase of this property was his dream come true. He said he bought it in December 2004 and there were a number of residents at the property, adult children, a teenager and his elderly mother-in-law. He said he wanted to have his boats there for easier access. He explained that the pier in the cove was not accessible for his larger vessels because of the shallow depth of water. He said that no matter what the size of the vessel you could only get into the cove at high tide. He said he was protecting his boats from storm damage by putting them on the lift at high tide in the cove. He said the cove was very protective and there were a lot of severe wind and storms occurring in that area. He stated that Mr. McCulloch owned the marina and he was dredging a channel to his marina as well as his boat slips. He said in working with staff a compromise had been found and he appreciated their cooperation and help. He testified that he had no plans now, or in the future to have a commercial business operating at his property. Associate Member Robins asked that since the 2<sup>nd</sup> pier was in the protestant's view could it be moved to the east site of the property. Mr. Garrett explained that the proposed site was 700 feet away from the protestant's house and no structure was proposed on top of the pier, which should preclude it from blocking their view. In reviewing some photos provided by staff he explained how he could not move the pier as suggested by the protestant. He said that at low tide the area was a complete sandbar. He also provided photos for the Commission's review. Associate Member Fox asked if the heaviest boat could get to the pier for the boatlift. Mr. Garrett said that it could be brought in at high tide at approximately 2 ½ or 2.8 feet. He said that the one with outdrives can get in with less than three feet of water. He said it would only be for its protection to bring it in to the cove.

Commissioner Pruitt asked if anyone was present in opposition.

Tim McCulloch, protestant and adjoining property owner, was sworn in and his comments are a part of the verbatim record. Mr. McCulloch explained he had been a full time resident for the past 8 plus years and that this Sandbox area was zoned rural residential. He said that this project he felt impacted his riparian rights, affected his property values, and investments. He said he submitted his protest letter on May 5, 2005. He said on July 19<sup>th</sup> he received his notification of this meeting and he only received the revised proposal on July 19<sup>th</sup>. He said this was very different from the original proposal and he did not have time to review it. He said that the cove pier was being allowed without permit. He said Mr. Garrett was going to keep more boats at this site than he kept at his marina. He said this was not enough time for him to consider the change, as his attorney was out of the country he had not been able to consult with him for this meeting. He said he would be impacted financially, his riparian rights would be impacted now and in the future, and it would cause damage to this property. He requested that the Commission set aside or delay approval of this project to allow him time to review and consult with his attorney. He provided the Commission with a copy of his two statements. He said his biggest concern was the cove pier with its 28,000-pound boatlift, which was different from what the Corps had approved. He said he questioned whether

Mr. Garrett should be approved for more piers, with what was requested he would have three piers.

Associate Member Jones asked if the cove pier was not being discussed because the Code exempted it. Commissioner Pruitt said that usually it was the policy to allow one pier per property.

Bob Grabb, Chief, Habitat Management, said that the private pier extension qualified for an exemption. Commissioner Pruitt asked for clarification of the number of piers in the cove. Mr. Grabb explained that in the cove there was one small pier with approval to expand it. Associate Member Robins asked if it was still exempt even with the protest. Carl Josephson explained the cove pier did not require a permit according to the statute and only in the cases where a permit was required did a protest require consideration by the Commission.

Associate Member Fox asked if Mr. Garrett's project was within his riparian rights. Mr. Grabb explained that staff was not empowered to determine riparian rights. He said it was staff's opinion and presumption that based on his property lines and amount of shoreline, however, that he was within his riparian area. He said the actual riparian area had to be determined by the courts.

Greg Garrett in his rebuttal said he was glad he did not hear any problem with the York River pier. He pointed out his riparian area by showing the Commission on a slide provided by staff.

Karl Mertig responded to Mr. McCullouch's comments about Mr. Garrett being able to moor more vessels at the proposed York River pier than he could at his marina. He explained that the permit for Dandy Haven Marina allowed for a 172' wharf; 400 X 200 foot basin at 6 feet; five finger piers and 10 boat slips. He said that Mr. Garrett could not moor more than 10 vessels at the proposed 150-foot pier.

Ed Haynie, Jr., York County resident and representative for Mr. Garrett, was sworn in and his comments are a part of the verbatim record. Mr. Haynie said that he was very familiar with the area, as he had owned a similar property at Ships Point. He said he had to deal with the same tide situations to get his boats in and out of a cove. He explained for the Commission about the difficulties he had experienced trying to get his boats in and out of a mud cove.

Mr. McCulloch said that the proposal could accommodate 20 vessels, if you considered all the proposed structures. He said that the proposed York River pier would not stand up to severe weather. He said he was protesting the York River pier and he was not opposed to Mr. Garrett having a pier in the cove, his concern was that it should be a reasonable size.

**Associate Member Schick moved to approve the second pier as stated by staff. Associate Member Garrison seconded. The motion carried, 6-1. Associate Member Fox voted No.**

Permit fee.....\$100.00

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**8. PUBLIC COMMENTS**

**DAVID LONG**, #05-0423, requested that the Commission reconsider the case decision made when his request was heard last month at the June Commission meeting. He stated that he had additional information he wished to submit. He said that there had been others approved by VMRC the same as his, except that his was smaller. He said the information on VMRC's Web page lead him to believe that his project was approved as he requested.

Associate Member Garrison stated that even though Mr. Long did not get what he wanted he stood by his motion and did not wish to change it.

Commissioner Pruitt said that Mr. Garrison had accepted some of the staff's recommendations, but not all. He further explained that a letter of finding was sent to the applicant, which caused the confusion about what had been approved. He said Mr. Long would have to request his case be reopened.

Bob Grabb, Chief, Habitat Management, explained that Mr. Long could note an appeal within 33 days of the June 28th meeting, which meant he could still file for an appeal as late as next Monday.

Carl Josephson, Sr., Assistant Attorney General, also told Mr. Long he could file an appeal 30 days from June 30<sup>th</sup>.

**Commissioner Pruitt stated that Mr. Garrison was solid in his opinion and Mr. Long wanted his case to be reopened. He asked for a motion to rehear the case. He called for a motion three times, but no motion was made. He told Mr. Long he could wait a year and resubmit an application, or file an appeal with the Circuit Court before the deadline set by Code.**

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The meeting was recessed for lunch at approximately 12:15 p.m. and was reconvened at approximately 1:00 p.m.

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**9. Public Hearing:** Consideration of changes in commercial and recreational license and permit fees.

Jack Travelstead, Chief, Fisheries Management Division, gave the presentation with a power point presentation. His comments are a part of the verbatim record.

Mr. Travelstead explained that in response to the Commission's request, staff had posted a Public Notice advertising five public hearings on the proposal to increase commercial and recreational fishing license and permit fees. The Notice contained a description, for each license and permit, of the maximum fee allowed by law as well as the recommendation of the ad hoc License Fee Committee.

Mr. Travelstead said that for two of the five hearings there were summaries of the remarks received in the Commission packets as well as written public comments that had been received by staff. He gave the Commission copies of the summaries for the last two hearings as well as additional public comments which he explained had been received via the e-mail.

Mr. Travelstead said that many of the public comments had expressed an interest in the needs of the agency and the proposed uses of the new funds. Staff presented a list of potential uses during the public hearings, with a caution that the list was first prepared for the ad hoc License Fee Committee but had not been reviewed and endorsed by the Commission. The list contained two urgent needs: \$100,000.00 to maintain the Commercial Fishery Harvest Reporting Program and \$300,000.00 for the state-matching portion of the federal Wallop-Breaux Funds. The list also contains several staffing needs which have been requested the General Assembly but which remain unfunded. Other programs listed were endorsed by the Commission or were under current investigation, but without funding. These needs were consistent with the findings of the 2003 VMRC Licensing Roundtable, formed by Secretary of Natural Resources W. Tayloe Murphy, Jr.

Mr. Travelstead explained that only a few comments from the recreational sector had addressed the economic burden placed on individual anglers. The shoreside angler has been noted as the one least likely to be able to afford a fee increase. The maximum fee increase for a shoreside angler would be \$5.00 per year. For comparison, the costs of other items an angler might use include: a dozen bloodworms, \$7.50-\$10.00; Fishbites, \$6.95-8.95; Clarke spoon, \$2.95; dozen minnows, \$2.50; 1-pound squid, \$2.50; PK 5-inch Bass Assassins, \$3.99-4.99; Hopkins lure, \$2.95-5.00; and 100 yards braided line, \$9.99-15.00. Thus, the argument of a substantial impact appeared to be unsubstantiated.

Mr. Travelstead stated that the ad hoc committee had recommended no increase in the 10-day temporary (tourist) license and the charterboat license and only a \$1.00/per person increase in the headboat license.

Mr. Travelstead explained that to help the Commission in its evaluation of the economic impacts staff randomly selected 20 watermen to determine how the fees proposed by the ad hoc panel might affect them. Among that small population of 20 fishermen, the license fee increases ranged from \$47.00 to \$462.00 per fisherman. The average increase was \$194.15.

Mr. Travelstead said that the recreational fishermen, who do not support any recreational license fee increases, believed that the current fees were inequitable. Since their implementation in 1993, recreational fishing license sales have generated over \$20.6 million in revenue. During the same time period, commercial license sales revenue that comes to the Commission has totaled only \$6.3 million. Administration of the mandatory reporting program takes all of the funds now generated by the Commercial registration licenses. Over 69 percent of the recreational revenue had been used for monitoring, research, stock enhancement, and habitat improvements that benefit all Virginians, not just those who fish recreationally. Secondly, over the last 10 years all of the federal Wallop-Breaux (Sport Fish Restoration Act) funds had been used to pay for stock monitoring, which is mandated by the Atlantic States Marine Fisheries Commission. The fund required a 1:3 state match (\$1 state funds for every \$3 federal funds). There was currently a deficit in the state match requirement.

Mr. Travelstead said that the General Assembly, in adopting the legislation, had some concerns about equity. Equity is not possible given the further restrictions established by the General Assembly.

Mr. Travelstead said that the commercial sector appeared to approach the equity issue from a different direction. Concerns had been expressed that the percentage increases in the gear license fees were not equal and this was viewed as a form of discrimination. These differences were due, in part, to the fact that the fees could be raised no higher than the percentage increases in the Consumer Price Index since the time the fee was last adjusted. For example, the pound net license was last adjusted in 1979 and can be increased by 153 percent. The peeler pot license, on the other hand, was established in 1993 and can be increased only by 27 percent.

Mr. Travelstead said that in reviewing each license, the ad hoc committee considered the biological health of the fishery, the economic vitality of the fishery, and the number of current licensees and whether a fee increase may discourage purchases. For example, based on the above factors, the committee recommended no increase in oyster license fees, while the finfish gears were recommended for maximum increases.

Mr. Travelstead said that some watermen had suggested they would support fee increases, but only if each gear license was increased by the same percentage. Unfortunately, the amount of revenue generated by such a proposal is very limited because of the CPI restrictions placed on the process by the General Assembly. For example, the ad hoc committee's recommendations generate \$407,000.00 in new revenue from commercial



fees while an across the board increase of 27 percent (the lowest common CPI factor) generates only \$207,000.00.

Mr. Travelstead explained that the staff recommendation did not include charging a fee for permits and permit transfers that currently do not require payment of a fee. An additional position (salary, work space, equipment, etc.) would be needed to handle this program and would cost almost as much as would be generated by these fees. Only one of the permits would generate any significant amount of money and all others would be less or little. He said it was not worth starting.

Mr. Travelstead said that staff endorsed the recommendations of the ad hoc License Fee Committee. Staff believed the Committee's recommendations were based on a thorough discussion of the needs of the agency, a review of the biological health of the resource, and the ability of the fishery participants to meet the increase. Staff believed, too, that the Committee's proposal began to address the equity issue described above. Staff recommended adoption of the ad hoc committee's proposed fee increases, effective for calendar year 2006 licenses.

Associated Member Robins asked if the line item for crab pots had been corrected as it established in 1993 not 1979. Mr. Travelstead explained that it had been corrected and it was the 500 crab pots item which was currently calculated to increase from \$100 to \$127.

Associate Member Garrison asked if the staff recommendation included deleting the permit and permit transfer fees? Mr. Travelstead responded yes, that staff recommended not establishing a fee for permits and permit transfers. Associate Member Garrison asked if the staff recommendation was for all other ad hoc committee recommendations. Mr. Travelstead responded, yes.

Associate Member Garrison opened the public hearing. He explained that in order to expedite the hearing, the Commission would hear from the Commercial watermen first followed by the Recreational fishermen.

Richard Stilwagen, waterman, said he was Secretary for the Virginia Waterman's Association, but he was speaking for himself at this meeting. His comments are a part of the verbatim record. Mr. Stilwagen requested that a decision be held off until they can come up with better figures. He said the website is not up to date enough because it only goes back so far. He said the ad hoc recommendations had different rates of increase and there was a need for equity. He said some were paying 150% more and some nothing. He said it was not fair that the Clam Patent Tong license was increased 66% and the oyster clam patent tong was increased 0%. He said there needed to be a straight across the board increase for everybody. He said there was a need to know better where the funds were to be spent. He said a portion of the license fee increase would go the Marine Products Board, which did not do anything for the watermen. He said there was a big concern that good information cannot be gotten off the website and it needed to be

updated. He said the Commission needed to reconsider the proposal and come up with a better proposal. He said it was the percentages of increases that were objectionable.

Dale Taylor, president of the Virginia Waterman's Association, was present and his comments are a part of the verbatim record. Mr. Taylor said the industry was losing ground and losing watermen. He said it was sad that the industry was giving a lot of tax many years ago to the state's economy, but today it hit hard as there were less watermen. He said they agreed that a increase should be allowed, but it needed to be easier and no more than 20%. A higher increase will put the industry out of business. He said he suggested 20% now and in five years revisit the situation. He said the Commission needed to help the watermen.

Kelly Place, Coastal Virginia Waterman's Association, was present and his comments are a part of the verbatim record. Mr. Place said there was only one waterman on the committee and should have been more to represent the approximately 15 associations. He said the average person did not find out about the public hearings. He requested the Commission wait until the September meeting to make a decision. He said that the data did need updating. He said Mr. Travelstead was correct when he said the General Assembly gave the Virginia Marine Resources Commission the authority. He said the first committee recommended only a 24% increase and the CPI would make an undue burden on watermen. He said that the second committee should not override the first committee. He said that the mandatory reporting process was evaluating the man-hours involved for just meeting the reporting requirements. He said there are 3,000 watermen and approximately 30 hours a year required to get all the reporting done. He said the Commission should consider that as an in-kind contribution by watermen. He stated that other states get federal funding for reporting. He said that the increase would be an undue burden to Virginia watermen, unlike other states. He explained that the recreational fishermen were not required to report like the commercial. He said comparing them was like comparing apples with oranges. He said there were still a number of items to examine and the levels of the proposal were unfair.

John Forrest of Mathews County was present and his comments are a part of the verbatim record. Mr. Forrest suggested that the increase be limited to \$5. He said he agreed with the permit fee increases not being approved. He explained that the Game and Inland Fisheries' study shows that when they increased fees, the number of licensees goes down; therefore, no additional funds were collected. He stated a lot of watermen would quit.

Tom Powers, Poquoson resident and Licensing Roundtable member was present and his comments are a part of the verbatim record. Mr. Powers said that the agency budget needs far exceed what would be gained even if increased by a factor of 5. He said this proposed increase was just what both funds needed. He said the purpose of this increase was not to supplant the general fund and any fee increases should be equitable. He said the commercial fee increase which amounts to about \$100,000 that was proposed by the roundtable committee was a compromise because they did not have the time nor the

desire to look at each fee on a license by license basis and to compare programmatic needs as was done by the ad hoc committee.

Associate Member McLeskey left the meeting at approximately 2:30 p.m. for the day.

Robert Allen, sportsfisherman, was present his comments are a part of the verbatim record. Mr. Allen said he was representing himself. He said that there were no funds in the Commercial fund and the Recreational Board had been covering all commercial projects, as well as Wallop Breaux requests. He suggested that the Commercial Board be reorganized. He said the Code giving the Marine Products Board part of the license fees should be amended to require an annual request for funding be made by the Marine Products Board. He said they should be required to prove what they have accomplished.

Dale Taylor, spoke to the recreational portion and his comments are a part of the verbatim record. Mr. Taylor asked that the recreational license fee for crab pots be left at \$5. He said that this was a gear utilized by families and should be encouraged.

Associate Member Garrison closed the hearing to the public.

Associate Member Bowden said that in regards to the CFAB since there no funds other than what was used for mandatory reporting, and they do not hold any meetings. He said the Marine Products Board activities effect everybody. He said the dealers and processors are affected directly, but the watermen are also affected, but indirectly. He said the General Assembly did not mean fair and equal, dollar for dollar. He said equity can not be expected to happen. He said that the increase should be across the board. He stated that the oyster industry and charter boats have both had hard times, but it was only fair to increase across the board. He said that CPI for the commercial industry is lower as their income is the same as it was in 1979. He said most sales are for people who are just holding onto their license, not using it, as an investment. He said that the increase in the fees would change this and they will stop just holding onto them. He said the first committee said a 24% increase as a unanimous consensus. He said the ad hoc committee had only one waterman on it.

Associate Member Robins said he wished to disclose that he is a member of the seafood industry, but feels he can participate without bias. Mr. Robins said that having General Funds would be more desirable, but the political reality was that such funding requests were denied. He said the Roundtable committee identified \$5 million in unfunded needs. He said that staff had identified \$3 million. He said if the Commission failed to do as the General Assembly allowed, then any requests for funding in the future would not be taken seriously by them. He said a significant increase was necessary to alleviate the necessity to revisit this issue in the near future. He said the VMRC was given guidelines by the General Assembly for equity, but it was not defined by them. He explained that the General Assembly did not say equally, but said equitably. He said the future of both industries was dependent on fisheries management. He said the State must comply with

ASMFC mandates. He stated that the different percentages were sanctioned by the guidelines of the General Assembly. He explained that there were 40 times more recreational participants than commercial. He said the General Fund was the agency's main source of funding and a part of that was Fisheries Management. He said the ad hoc committee had reviewed all licenses. He said a broader view of equity was needed and a compromise was in order.

Associate Member Garrison stated that the RFAB held 6 meetings per year. He said the board was very strict and used the money like it was theirs. He said at the Finfish meeting the past week concerns had been raised. He said there were unfunded needs such as Striped Bass weight/quota monitoring, menhaden studies, and Striped Bass high reward tagging.

**Associate Member Bowden moved to approve the 27% increase, rounding the fee to the nearest dollar. Commissioner Pruitt asked for a second, twice. Associate Member Garrison seconded the motion. Carl Josephson said any rounding would have to be down.**

Associate Member Robins stated that he did not agree with the motion and offered a substitute motion. Commissioner Pruitt said if the substitute motion did not pass then the Commission would go back to the original motion. **Associate Member Robins moved to increase the recreational and commercial license fees to either the lesser of 66% or the CPI since the license's inception or last change. He further stipulated that the 10-day license would remain unchanged, the saltwater recreational license would go up \$5.00 from \$7.50 to \$12.50; seafood buyers would be based on the CPI since inception or last changed; no exception would be allowed for charter boats, as the increased fuel costs have not affected them anymore than the other user groups; and the economically depressed oyster industry was exempted from any fee increases at this time. Associate Member Schick seconded the motion. Associate Member Robins stated that unlike the original motion the CPI since 1993 or 66% was well below the ad hoc committee recommendations and would be equitable for all. The motion carried, 4-1-1. Associate Member Bowden voted no. Associate Member Jones abstained. Associate Member McLeskey left earlier during the presentation for the day. (a copy of the table of license fees as approved is attached)**

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- 10. Public Hearing:** Consideration of amendments to Regulation 4VAC20-270, "Pertaining to Crabbing", to allow those granted medical exceptions to the 8-hour work day to use mates who are licensed crabbers.

Rob O'Reilly, Deputy Chief, Fisheries Management, gave this presentation and his comments are a part of the verbatim record.

**Commission Meeting**

Mr. O'Reilly explained that the Commission had adopted, under its emergency regulatory authority (Section 28.2-210 of The Code of Virginia), an amendment to Regulation 4 VAC 20-270-10 et seq., "Pertaining to Crabbing," that would allow any licensed crab pot or peeler pot fishermen granted a medical exception to the standard 8-hour daily time limit and prescribed an alternate 8-hour time limit, by the Commissioner or his designee, to use another licensed crab pot or peeler pot fisherman as a mate, provided; however, during the designated alternate work hours, only the crab pots or peeler pots of the fisherman receiving the exception shall be fished.

Mr. O'Reilly stated that there had been two situations encountered by Law Enforcement where the mate or helper, assisting someone granted a medical exception, were licensed crabbers themselves. Consequently, a helper, licensed as a crabber, assisting the crabber provided a medical exception, was in violation of the prescribed time period, by crabbing outside the defined 8-hour period.

Mr. O'Reilly said that the attached draft Regulation 4 VAC 20-270-10 et seq. included the amendment (page 2 of 4, Section 30B) that allowed a licensed crab pot or peeler pot fisherman to assist one who receives a medical exception from the prescribed 8-hour workday.

Mr. O'Reilly said that staff requests the adoption of this amendment, as a permanent provision of Regulation 4 VAC 20-270-10 et seq.

Commissioner Pruitt opened the public hearing. No one was present commented.

**Associate Member Robins moved to adopt the amended Regulation 4VAC 20-270-10. Associate Member Garrison seconded the motion. The motion carried, 5-0. Commissioner Pruitt stated he was voting yes, since the number of members present did not meet the quorum requirement. Associate Members Schick and Fox were absent during this part of the hearing.**

\* \* \* \* \*

- 11. Public Hearing:** Consideration of Proposed amendments to regulations 4VAC20-670 and 4VAC20-80 concerning the use of recreational cast nets, dip nets, and eel pots.

Rob O'Reilly, Deputy Chief, Fisheries Management gave this presentation and his comments are a part of the verbatim record.

Mr. O'Reilly explained that there were two proposed amendments to Regulation 4 VAC 20-670-10 et seq., "Pertaining to Recreational Gear Licenses." The first amendment would exempt recreational fish cast nets and recreational fish dip nets from the prohibitions against using these gear types to catch and possess any species of fish that is

managed by an annual commercial harvest quota. Recreational fish cast nets and dip nets would be managed, on a species harvested basis, according to current minimum size and possession limits. The second amendment would allow these individuals who purchase a saltwater license and use a recreational fish dip net, recreational fish cast net or up to two recreational eel pots to be exempt from the reporting requirements.

Mr. O'Reilly explained that the amendment to Regulation 4 VAC 20-80-10 et seq., "Pertaining to the Setting of Fishing Devices Proximate to the Chesapeake Bay Bridge-Tunnel" would make it unlawful for any person to set, place, or fish any fish pot or eel pot of any type in an area extending 250 yards from either span of the Chesapeake Bay Bridge-Tunnel. This exact prohibited zone currently applies to any fixed fishing device or any type of gill net. As this area is a prime recreational fishing area, it would be important to enact the prohibitions to preclude any gear conflicts in the future. The proposed amendment is shown on page 1 of the draft Regulation 4 VAC 20-80-10 et seq.

Mr. O'Reilly said that these suggested changes were ones that were signed into law, effective July 1 of this year.

Mr. O'Reilly stated that staff recommended adoption of the proposed amendments, as permanent parts of Regulations 4 VAC 20-670-10 et seq. and 4 VAC 20-80-10 et seq.

Commissioner Pruitt opened the public hearing.

Tom Powers, was present and his comments are a part of the verbatim record. Mr. Powers said that currently in Regulation 4VAC 20-670-10 bluefish, flounder, striped bass, speckled trout and sea bass could not be targeted using the recreational nets. He said that he had requested this be changed in order to avoid confusion and simplify enforcement. He said from a conservation standpoint a dip net, cast net or eel pots have a lesser release mortality rate than hook and line fishing. He further said that the fish brought on board and immediately released or kept would eliminate any issue of a gut hooked fish. He said that the recreational gill net would still be limited to species that do not have a commercial quota.

Mr. Powers explained that for the Regulation 4VAC 20-80-10 the amendment was a preemptive change. He said the only description for an eel pot in the Code or regulations was that it must have a ½ inch by 1 inch mesh escape panel. He explained that a number of recreational fishermen use the eel pot license to legally set out spot traps which are used to catch bait, normally off of private piers. He said he was concerned with the fact that individuals would use this as a mechanism to set out pots in the area of the Chesapeake Bay Bridge Tunnel in order to target a species such as tautog. He said this is the premier recreational fishery around the islands and the scour stones which were placed along several miles of the span. He said that the regulatory change would eliminate this concern. He said that Law Enforcement said that these gears were not currently being used around the bridge area.

Commissioner Pruitt asked for a motion regarding 4VAC 20-670-10 Et seq.

**Associate Member Robins moved to adopt Regulation 4VAC 20-670-10, Et seq. Associate Member Bowden seconded the motion. The motion carried, 6-0.**

Commissioner Pruitt asked for a motion for 4VAC 20-80-10 Et seq.

**Associate Member Robins moved to adopt 4VAC 20-80-10 Et seq. Associate Member Fox seconded the motion. Carl Josephson, Sr., Assistant Attorney General, suggested that in Section 30, the title be changed to reflect that eel pots and fish pots were included since these were not fixed fishing devices. Associate Member Robins and Fox agreed to the amendment to the motion. The motion carried, 6-0.**

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- 12. Requests for public hearing: a) modifications to the recreational striped bass regulations for the Fall 2005 fishery, b) changes to the commercial striped bass tagging program for 2006, c) additional measures to improve compliance with the commercial striped bass tag program, and d) modifications to gill net mesh size requirements to reduce the harvest of large striped bass.

Jack Travelstead, Chief, Fisheries Management, gave this presentation and his comments are a part of the verbatim record. Mr. Travelstead said that there were five (5) items, which were all relating to striped bass. He said staff was asking for public hearings on these issues in August. He explained that it would be better to hold these hearings in August to allow time for the anglers to make adjustments to any approved changes that might occur.

Associate Member Bowden requested that an item be added. He suggested that an ocean gill net mesh size be established as well as a Bay size. Mr. Travelstead asked if he was suggesting any specific sizes. Mr. Bowden responded no, it was general enough to cover it and discuss when it came back for the hearing.

**Associate Member Bowden moved to approve the request to advertise for public hearings in August with the suggested additional item. Associate Member Garrison seconded the motion. The motion carried, 6-0.**

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- 13. Failure to Report Commercial Harvest; consideration of individual case

**Eric H. Ferguson**

**CRL: #436894 3855**

**Commission Meeting**

Kelly Lancaster, Fisheries Management Specialist, gave this presentation and her comments are a part of the verbatim record. Ms. Lancaster stated that Mr. Eric H. Ferguson was not present at the hearing. She explained that Mr. Ferguson had been scheduled to come before the Commission in April for his habitual non-reporting.

Ms. Lancaster said that staff had been willing to give Mr. Ferguson the benefit of the doubt since he seemed to be trying to work with the staff to correct the situation. She further stated that since that time Mr. Ferguson had not made any more effort to cooperate. She said that Mr. Ferguson was behind in his reporting for 5 months in both 2004 and 2005.

Ms. Lancaster stated that Mr. Ferguson had been served notification on June 22nd to appear today at this meeting. She said that because he was not in attendance at the hearing, staff recommended that he be put on 30-day suspension until he does appear before the Commission.

Commissioner Pruitt asked for a motion. **Associate Member Garrison moved to accept the staff's recommendation. Associate Member Robins seconded the motion. The motion carried, 6-0.**

\* \* \* \* \*

14. Request to extend the clam relay season from August 15 through September 30, 2005. (4VAC 20-566-10, et. seq.)

Joe Cimino, Fisheries Management Specialist, gave this presentation and his comments are a part of the verbatim record.

Mr. Cimino explained that Mr. Roy Insley, on behalf of industry, had requested the Hampton Roads Shellfish Relay Area season be extended from August 15 through September 30, 2005. The season currently closes on August 15<sup>th</sup> as established by Code. An extension had been granted in the previous four years.

Mr. Cimino stated an Emergency Regulation must be adopted and a public hearing would be required for the August Commission meeting, to make the regulation permanent. An emergency regulation would only remain in effect for 30 days.

Mr. Cimino said that staff recommended the adoption of the Emergency Regulation and requested approval to advertise for a public hearing for the August Commission meeting to make the regulation permanent.

Associate Member Fox asked what was a relay area just for his information. Mr. Cimino explained that these were polluted areas where shellfish were taken to a clean area for depuration.



Roy Insley, Industry representative, was present and his comments are a part of the verbatim record. Mr. Insley when asked said he did not need to say anything as he was satisfied with the staff recommendation.

**Associate Member Garrison moved to approve the emergency action and the advertisement of a public hearing for the August meeting. Associate Member Schick seconded the motion. The motion carried, 6-0.**

\* \* \* \* \*

15. Request for exception to the limited entry criteria for the Black Drum Fishery.

TRANSFER REQUEST

**RONALD LEWIS      CRL: #4534017512      CHERITON, VA**

Tara Scott, Fisheries Management Specialist gave this presentation and her comments are a part of the verbatim record. Ms. Scott explained that there was only one transfer request for approval by the Commission. She said that the commercial harvest permits were required to participate in the commercial Black Drum Fishery and transfer requests were required to be approved by the Commission. She said there were currently 67 permitted fishermen in the black drum fishery and out of those 67 fishermen, an average of 35 have been active in the fishery each year.

Ms. Scott said that the commercial harvest quota of 120,000 pounds was established in 1992. An average of 66,000 pounds of black drum had been harvested annually, since 1995. Although 64,823 pounds of black drum was harvested last year (54% of the quota), the quota has not been exceeded since 1994, when 153,202 lbs. was harvested.

In previous years the Commission had approved similar requests, on the basis of a one in one out situation. Staff recommended approving the request of Ronald Lewis because it was a transfer and can be treated as a one-in, one-out situation.

**Associate Member Garrison moved to approve the transfer. Associate Member Robins seconded the motion. The motion carried, 6-0.**

\* \* \* \* \*

Jack Travelstead, Chief, Fisheries Management stated that earlier in the discussion regarding the proposed licensed license fee increases, he did not remember to say that the fee increases would be effective January 1, 2006.

Commissioner Pruitt asked counsel if a motion was necessary. Carl Josephson said to be on the safe side a motion should be done.

**Associate Member Robins moved to amend the motion to reflect the January 1, 2006 effective date. Associate Member Garrison seconded the motion. The motion carried, 6-0.**

\* \* \* \* \*

Associate Member Garrison asked the Commissioner what could be done to change the meeting procedures for the Habitat versus Fisheries items.

After some discussion, Commissioner Pruitt suggested that the matter should be decided on a meeting-by-meeting basis. He said that if the Commission considered it necessary for a particular meeting, once the agenda was established, then that meeting could be adjourned and then reconvened the next day to continue with all remaining items.

\* \* \* \* \*

There was no further business, the meeting adjourned at approximately 3:00 p.m. The next meeting will be Tuesday, August 23, 2005.

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William A. Pruitt, Commissioner

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Katherine Leonard, Recording Secretary

**Commercial and Recreational Fisheries License Fees, by Category or Gear Type.  
 Fees for 2005 Licenses Extend Through December 31, 2005.  
 Fees for 2006 Licenses Become Effective December 1, 2005.**

Type of License	2005 Fees	2006 Fees
Commercial Registration	\$150.00	\$190.00
Commercial Registration-Senior (Age 70 or Older)	\$75.00	\$90.00
Delayed Entry	\$150.00	\$190.00
Delayed Entry-Senior (Age 70 or Older)	\$75.00	\$90.00
<u>Oyster</u>		
By Hand	\$10.00	\$10.00
Patent Tong (Single-Rigged)	\$35.00	\$35.00
Dredge	\$50.00	\$50.00
Ordinary tong	\$10.00	\$10.00
Patent tong (Double-Rigged)	\$70.00	\$70.00
Hand Scrape	\$50.00	\$50.00
<u>Shucking House</u>		
< 1000 gal.	\$7.50	\$12.00
1000 up to 10,000 gal.	\$20.00	\$33.00
10,000 up to 25,000 gal.	\$45.00	\$74.00
25,000 up to 50,000 gal.	\$75.00	\$124.00
50,000 up to 100,000 gal.	\$125.00	\$207.00
100,000 up to 200,000 gal.	\$175.00	\$290.00
200,000 gal. or over	\$275.00	\$456.00
<u>Crabs</u>		
Ordinary Trotline	\$8.00	\$13.00
Patent Trotline	\$31.00	\$51.00
Dredge	\$58.00	\$96.00
Scrape (Single-Rigged)	\$16.00	\$26.00
Scrape (Double-Rigged)	\$32.00	\$53.00
Dip Net	\$8.00	\$13.00
Crab pot: up to 100 pots	\$29.00	\$48.00
Crab pot: up to 150 pots	\$48.00	\$79.00
Crab pot: up to 200 pots	\$48.00	\$79.00
Crab pot: up to 300 pots	\$48.00	\$79.00
Crab pot: up to 500 pots	\$100.00	\$127.00

Type of License	2005 Fees	2006 Fees
Crab Peeler Pot: up to 300 peeler pots	\$29.00	\$36.00
Shed Tank: up to 20 tanks or floats	\$7.50	\$9.00
Shed Tank: more than 20 tanks or floats	\$15.00	\$19.00
Crab Trap/Pound	\$5.00	\$8.00
Horseshoe Crab (By hand)	\$15.00	\$16.00
Lobster (< 200 pots)	\$25.00	\$41.00
Lobster (> 200 pots)	\$100.00	\$166.00
<u>Clams</u>		
By Hand, Rake or Ordinary Tongs	\$15.00	\$24.00
Patent Tong (Single-Rigged)	\$35.00	\$58.00
Patent Tong (Double-Rigged)	\$70.00	\$84.00
Dredge (By Hand)	\$15.00	\$19.00
Dredge (Power)	\$35.00	\$44.00
Hydraulic Dredge for Soft Shell Clams	\$50.00	\$83.00
Surf Clam	\$100.00	\$124.00
Conch Dredge	\$35.00	\$58.00
Conch Pot (Channeled Whelk)	\$48.00	\$51.00
<u>Finfish</u>		
Pound Net	\$25.00	\$41.00
Stake Gill Net	\$15.00	\$24.00
Gill Net: up to 600 Feet	\$10.00	\$16.00
Gill Net: Over 600 and up to 1200 Feet	\$15.00	\$24.00
Cast Net	\$8.00	\$13.00
Fyke Net	\$8.00	\$13.00
Trot Line	\$12.00	\$19.00
Dip Net	\$6.00	\$9.00
Haul Seine: Less than 500 Yards	\$29.00	\$48.00
Haul Seine 500 to 1000 Yards	\$88.00	\$146.00
Commercial Hook and Line	\$25.00	\$31.00
Commercial Hook and Line: Striped bass	\$25.00	\$31.00
Purse seine: Vessel less than 70 Gross Tons	\$3/ton, \$150 max	\$4/ton, \$249 max
Purse seine: Vessel greater than 70 Gross Tons	\$5/ton, \$600 max	\$8/ton, \$996 max
Fish/Eel Pot: up to 100 pots	\$12.00	\$19.00
Fish/Eel Pot: Over 100 and up to 300 pots	\$20.00	\$24.00
Fish/Eel Pot: Over 300 pots	\$50.00	\$62.00

Type of License	2005 Fees	2006 Fees
Commercial Fishing Pier (Mandatory)	\$50.00	\$83.00
Seafood Buyer - Boat or Vehicle	\$25.00	\$63.00
Seafood Buyer - Place of Business	\$50.00	\$126.00
Seafood Landing License	\$150.00	\$175.00
Nonresident Harvester's License	\$350.00	\$444.00
<u>Non-Commercial Gear</u>		
Up to 5 Crab pots	\$29.00	\$36.00
Crab trotline (300 feet maximum)	\$8.00	\$10.00
One Crab trap or Crab Pound	\$5.00	\$6.00
Gill net: up to 300 Feet in length	\$7.50	\$9.00
Fish Dip Net	\$6.00	\$7.00
Fish Cast Net	\$8.00	\$10.00
Up to 2 Eel Pots	\$10.00	\$10.00
<u>Recreational</u>		
Individual License	\$7.50	\$12.50
Temporary 10-Day License	\$5.00	\$5.00
Recreational Boat	\$30.00	\$38.00
Head Boat/Charter Boat: 6 Passengers or Less	\$150.00	\$190.00
Head Boat/Charter Boat: More than 6 Passengers	\$150+ \$4.00 pp	\$190 +\$5.00 pp
Rental Boat (per boat)	\$7.50, \$500 max	\$9.00, \$635 max
Commercial Fishing Pier (Optional)	\$450.00	\$571.00
Disabled Resident Lifetime Saltwater License	\$5.00	\$5.00
Reissuance: Saltwater Recreational Boat License	\$5.00	\$5.00
Combined (Inland and Tidal) Sportfishing License:		
Residents	\$19.50	\$24.50
Nonresidents	\$37.50	\$42.50
Combined Sportfishing Trip License:		
Residents	\$10.50	\$10.50
Nonresidents	\$15.50	\$15.50
Individual Lifetime License	\$250.00	\$250.00
Individual Lifetime License age 45 - 50	\$120.00	\$120.00
Individual Lifetime License age 51 - 55	\$90.00	\$90.00

Type of License	2005 Fees	2006 Fees
Individual Lifetime License age 56 - 60	\$60.00	\$60.00
Individual Lifetime License age 61 - 64	\$30.00	\$30.00