

MINUTES

Commission Meeting

October 22, 2013

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 2600 Washington Avenue, Newport News, Virginia with the following present:

Jack G. Travelstead	Commissioner
A. J. Erskine	
S. Lynn Haynie	
Ken Neill, III	Associate Members
J. Bryan Plumlee	
Whitt G. Sessoms, III	
J. Edmund Tankard, III	
Paul Kugelman	Assistant Attorney General
John Bull	Public Relations Director
Katherine Leonard	Recording Secretary
Linda Farris	Bs. Systems Specialist, MIS
Rob O'Reilly	Chief, Fisheries Management
Joe Grist	Deputy Chief, Fisheries Mgt.
Jim Wesson	Head, Conservation/Replenishment
Joe Cimino	Fisheries Mgmt. Sr. Manager
Stephanie Iverson	Fisheries Mgmt. Manager
Renee Hoover	Biological Collection Prgm. Supvr.
Alicia Nelson	Fisheries Mgmt. Specialist (RFAB/CFAB Coordinator)
Lewis Gillingham	Game Fish Coordinator
Samantha Hoover	Fisheries Mgmt. Specialist
Sally Roman	Fisheries Mgmt. Specialist
Adam Kenyon	Fisheries Mgmt. Specialist
Jason Schaffler	Fisheries Mgmt. Analyst
Mike Meier	Artificial Reef Program, Mgr.
Rick Lauderman	Chief, Law Enforcement
Warner Rhodes	Deputy Chief, Law Enforcement
Jennifer Baylis	Marine Police Officer
Gerald Pitt	Marine Police Officer

Commission Meeting

**17023
October 22, 2013**

Tony Watkinson	Chief, Habitat Management
Chip Neikirk	Deputy Chief, Habitat Mgmt.
Jeff Madden	Environmental Engineer, Sr.
Justin Worrell	Environmental Engineer, Sr.
Ben Stagg	Environmental Engineer, Sr.
Hank Badger	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Justine Woodward	Environmental Engineer, Sr.
Juliette Giordano	Environmental Engineer, Sr.
Jordan Creed	Environmental Engineer, Sr.
Randy Owen	Environmental Engineer, Sr.
Jay Woodward	Environmental Engineer, Sr.
Bradley Ream	Project Compliance Technician

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Mark Luckenbach	Rom Lipicius
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Others present:

Jessica Bassi	Ben McGinnis	Boyce Jewell
Mary Jewell	Kenny Jenkins	Josh West
Andrew Borden	Robert Hollowell	Ida Hall
Jerome Bonnaville	Chris Moore	Ray McElliot
Phil Davey	Ann Jennings	Roger Parks
Mark Sanford	Tim Wivell	Rochelle Seitz
Frank Kearney	Andy Lacatell	Pete Freeman
Alise Freeman	Kim Huskey	Jenn Arosh
Renee Greene	Ken Smith	Richard Hayslett
David Bradshaw	David Bell	Paula Jasinki
John Forrest	Chris Ludford	Ronnie Denston
Tory Pruitt	Klein Pruitt	Charles Pruitt, Jr.
Charlie Gregory	Curtis Hall	Jim Hudgins
Bill Mulles	Danielle McCulloch	Mike Seebo
Ty Farrington		

and others

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Commissioner Travelstead called the meeting to order at approximately 9:34 a.m.
Associate Member Beck was absent.

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

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

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APPROVAL OF AGENDA: Commissioner Travelstead asked if there were any changes from the Board members or staff.

Tony Watkinson, Chief Habitat Management, explained that Item 6, Terrell W. Bowers, #13-0656 was pulled by the applicant and there was a letter from their Attorney, John Daniel. He explained further that all parties had been notified that this item was pulled for today’s hearing. He further said that a letter from Tim Hayes, Attorney representing the protestants, was also received asking that this item not be heard at the December meeting and requested further that the revised plans be completed by October 30, 2013.

Commissioner Travelstead explained that the parties involved in Item 8, Failure to Report had been notified by staff to come early to the meeting, so this item will be moved to be heard prior to lunch. He also explained that there was a presentation by Dr. Luckenbach of VIMS to be heard and that items 11, 12, and 13 would all be heard before lunch as they were requests for public hearings. He stated if there were no objections to these changes, he would request a motion.

Associate Member Sessoms moved to approve the agenda, as amended. Associate Member Tankard seconded the motion. The motion carried, 6-0.

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MINUTES: Commissioner Travelstead asked if there were any changes or corrections to be made to the September 24, 2013 Commission meeting minutes.

Commissioner Travelstead announced that as there were no changes or corrections, the September 24, 2013 Commission meeting minutes were approved. Associate Members Plumlee and Sessoms were not present at the previous meeting.

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Commission Meeting

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

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

Commissioner Travelstead asked for public comments. There were none. He then stated that the matter was before the Commission.

Associate Member Plumlee moved to approve the page two items 2A through 2E. Associate Member Tankard seconded the motion. The motion carried, 6-0.

- 2A. **DEPARTMENT OF THE NAVY, #13-1207**, requests authorization to nourish approximately two miles of beach within the Naval Air Station Oceana, Dam Neck Annex, located along the Atlantic Ocean in Virginia Beach. Approximately 700,000 cubic yards of beach quality sand, dredged from the Sandbridge Shoal area in the Atlantic (located outside of Virginia’s state territorial waters) will be hydraulically pumped onto the beach as part of an effort to nourish the beach and protect existing Navy infrastructure. The proposed nourishment will move the existing mean low water mark a maximum of 125 feet channelward. The Navy has agreed to a time-of-year-restriction of May 16 - November 30 to prevent adverse impacts to Loggerhead sea turtles and their nesting sites.

Permit Fee.....	\$100.00
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- 2B. **LUCK STONE, #13-1335**, requests authorization to remove 4,916 cubic yards of rock to construct a tunnel at least 45 feet below Goose Creek to access aggregate reserves at the existing Luck Stone - Leesburg Quarry in Loudoun County. Recommend approval with a royalty of \$13,839.60 for the removal of 4,916 cubic yards of State-owned subaqueous material at a rate of \$0.60 per cubic yard, and the encroachment of the tunnel roadway on 5,445 square feet of State-owned subaqueous land at a rate of \$2.00 per square foot.

Royalty Fees (dredge 4,916 cu. yds. @ \$0.60 per cu. yd.).....	\$2,949.60
Royalty Fees (encroachment 5,445 sq. ft. @ \$2.00 per sq. ft.).....	\$10,890.00
Permit Fee.....	\$ 100.00
Total Fees.....	\$13,839.60

2C. LAMBERTS POINT DOCKS, #13-0274, requests authorization to dredge 75,000 cubic yards of new material and to maintenance dredge 29,000 cubic yards of material during an initial cycle, and to maintenance dredge 50, 000 cubic yards of material on an as-needed basis to achieve maximum navigable depths of -36 feet mean low water adjacent to Pier N, located at the terminus of Orapax Drive situated along the Elizabeth River in Norfolk. Dredged material will be disposed of at the Craney Island Dredged Material Management Area (CIDMMA). Staff recommends approval with a one-time royalty payment of \$33,750.00 for the dredging of 75,000 cubic yards of new material at a rate of \$0.45 per cubic yard.

Royalty Fees (dredging 75,000 cu. yds. @ \$0.45 per cubic yard).....	\$33,750.00
Permit Fee.....	\$ 100.00
Total Fees.....	\$33,850.00

2D. DEPARTMENT OF THE NAVY, #13-1134, requests authorization to install 100 linear feet of steel, sheet pile bulkhead approximately three (3) feet channelward of the existing Dry dock #3 end wall and wing walls and the in-kind replacement of the existing wharf structure associated with Berths 16 and 17 at Norfolk Naval Shipyard situated along the Southern Branch of the Elizabeth River in Portsmouth. Staff recommends approval with a permit expiration date five (5) years from permit issuance, as requested by the Department of the Navy.

Permit Fee.....	\$100.00
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2E. DEPARTMENT OF THE NAVY, #13-1137, requests authorization to install a new, concrete-pile supported wharf with an overall footprint of approximately 10,765 square feet to replace the existing wharf structure, to include the installation of 148 linear feet of bulkhead aligned from (3) feet to nine (9) feet channelward of the existing walls associated with the replacement of Berths 18 and 19 at Norfolk Naval Shipyard. The larger nine-foot offset is necessary to maintain the alignment of the new bulkhead around the irregular footprint of the existing dry dock wall. Staff recommends approval with a permit expiration date five years (5) years from permit issuance, as requested by the Department of the Navy.

Permit Fee.....	\$100.00
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3. CONSENT AGENDA ITEMS.

3A. BOTETOURT COUNTY, #13-1285, requests after-the-fact authorization to retain an existing, concrete boat ramp that extends approximately two (2) feet channelward of ordinary high water, to include the installation of native river rock surrounding the boat ramp, resulting in impacts to 120 square feet of State-owned submerged land adjacent to the Springwood Road Bridge, State Route 630, situated along the James River in Botetourt County. The applicant has agreed to pay a civil charge in the amount of \$1,000.00 and triple permit fees totaling \$75.00 in lieu of further enforcement action. Staff recommends approval and acceptance of the aforementioned civil charge.

Tony Watkinson, Chief, Habitat Management gave the briefing of the information provided in the staff’s evaluation. His comments are a part of the verbatim record.

Commissioner Travelstead asked how this violation was discovered. Mr. Watkinson explained that the Department of Game and Inland Fisheries discovered the violation and reported it to the County and VMRC.

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

Associate Member Plumlee moved to approve the project and fees as recommended by staff. Associate Member Sessoms seconded the motion. The motion carried, 6-0.

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

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. It was not necessary to hold a closed meeting.

5. ALICE ORTMAN, #13-0759, requests authorization to install a 16-foot by 33-foot open-sided, single-slip boathouse with a 5-foot by 30-foot catwalk adjacent to her property situated along the James River at 3221 Eastbury Lane in Charles City County. This project is protested by an adjacent property owner.

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

Ms. Giordano stated that staff recommended approval of the project, as proposed.

Commissioner Travelstead asked if the applicant or agent wished to comment.

Joseph Foulis, agent/contractor for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Foulis stated that the previous design would have crossed the riparian line of the other property and also the shore was not as stable and would require additional work, which would be costly. He said the view would be impacted a little, but there would be no impact to navigation with the new location.

Commissioner Travelstead asked if there was anyone in protest to the project who wished to comment.

Joseph P. Sullivan, adjacent property owner and protestant, was sworn in and his comments are a part of the verbatim record. Mr. Sullivan said that he did not object to the original plans as he wanted to be a good neighbor. He said the contractor's barge had caused damage to his property and damage to his invisible fence with no efforts from either to correct the problem. He said he even contacted the applicant to locate the stair correctly. He said when he had put in his structures to stabilize his shoreline he had obtained all the permits required and he was only allowed for the boathouse to be three feet larger than his boat. He said the County was investigation violations of the zoning code.

Mr. Foulis in his rebuttal said that the steps were not relevant to this hearing and it was only the pier portion of the project being reviewed by VMRC at this meeting. He said he had spoken with the County officials and was told to submit drawings, but he was not told of any conflict and they would deal with the County in regards to the steps, if necessary

Tony Watkinson, Deputy Chief, Habitat, said that the steps were on the upland and the matter before the Commission was because of the pier being on state-owned bottom. He said the hearing was scheduled because the pier was closer to the adjoining property than what was originally proposed. He stated that VMRC does not determine the riparian apportionment that was done by the court.

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

Associate Member Tankard stated that the upland issues were not within the VMRC jurisdiction and the applicant did have a right to pier out, therefore, he moved to accept the staff recommendation to approve the project, as proposed. Associate Member Plumlee seconded the motion. The motion carried, 6-0.

Permit Fee.....	\$100.00
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- 6. **TERRELL W. BOWERS, #13-0656**, requests authorization to construct a 150-foot long by 6-foot wide open-pile community pier with a 552-foot long by 6-foot wide T-head for 46 wet slips at the proposed Rappahannock Cliffs Subdivision on the Rappahannock River in Richmond County. The project is protested.

Pulled from the agenda at the request of the applicant.

Mark Luckenbach, VIMS gave a presentation on whether oysters really help Virginia to meet the water quality goals established for the Bay. His comments are a part of the verbatim record.

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

Rob O'Reilly explained that he had talked with Mr. Somer's boss and his reporting was now up to date, only there was no harvest or activity to report. Staff recommendation was for two year probation.

Thomas Somers was not at the hearing.

Commissioner Travelstead asked what was the pleasure of the Commission.

Associate Member Plumlee moved to accept the staff recommendation for two year probation. Associate Member Haynie seconded the motion. The motion carried, 6-0.

Stephanie Iverson, Fisheries Management Manager, gave the briefing on the failure to report cases. Her comments are a part of the verbatim record.

Ms. Iverson said that two of the individuals were present, Mr. Andrew Borden and Mr. Josh West. She explained that staff had not been able to get in touch with John White to let him know about the change in the time for the hearing.

Ms. Iverson explained the notification process. She said Mr. Borden had resolved the missing data to date and he had been given instruction on reporting by the 5th of each month. She said staff recommended two year probation.

Andrew Borden was present and sworn in. His comments are a part of the verbatim record. In response to question from Commissioner Travelstead, he said the reason he did not report was because he did it online and he had lost his phone.

Commissioner Travelstead explained what two year probation was and that he could not miss anymore reporting or he would be brought back before the Commission.

Associate Member Tankard moved to accept the staff recommendation. Associate Member Plumlee seconded the motion. The motion carried, 6-0.

Ms. Iverson explained that all required notifications had been sent to Mr. West and he had been working with another harvester in April to August, which he had submitted, but February, March, and September were still missing. She said he said he had faxed this information, but they were never received by VMRC staff. She noted that he now turned in all of his reports today.

Joshua West, was present and sworn in. His comments are a part of the verbatim record. Mr. West said he had completed his reports and faxed them to the office and he had brought them with him. He said it was not his fault that the fax was not received. He said he was working two jobs and had turned in all of his information. He said he had worked on the water for 11 or 12 years.

Ms. Iverson explained that staff recommendation was for two year probation.

Associate Member Plumlee moved to accept the staff recommendation for two year probation. Associate Member Erskine seconded the motion. The motion carried, 6-0.

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- 11. **REQUEST FOR PUBLIC HEARING:** Proposed amendments to Chapter 4VAC20-900-10 et seq. "Pertaining to Horseshoe Crabs" to establish commercial management measures for the 2014 fishing season.

Adam Kenyon, Fisheries Management Specialist, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Mr. Kenyon stated that staff recommended advertising for a public hearing at the December 10, 2013 Commission meeting to consider the establishment of a horseshoe crab quota for Virginia up to 172,828 horseshoe crabs, a quota category-specific licensing system, quota category-specific daily vessel limits, provisions to allow eligible hand harvest permittees a helper, a definition for the "time of day" possession limits, and dredge gear restrictions in the Virginia Blue Crab Sanctuary Area 2.

After some further discussion, Commissioner Travelstead stated that if there were no objections from the Board members, the request for a public hearing was approved.

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- 12. REQUEST FOR PUBLIC HEARING:** Proposed amendment to Chapter 4VAC20-252-10 et seq. "Pertaining to the Taking of Striped Bass" to establish the recreational and commercial striped bass harvest quota and management measures for the 2014 fishing season.

Sally Roman, Fisheries Management Specialist, gave the briefing of the information provided in the staff's evaluation. Her comments are a part of the verbatim record.

Ms. Roman explained that staff recommended advertising for a December 10, 2013 public hearing to consider establishing the recreational and commercial striped bass harvest quota and management measures for the 2014 fishing season. The 2014 Virginia recreational and commercial striped bass quota would be established as 1,402,325 pounds. Staff further recommended establishing a 12 pound threshold weight with accompanying supplemental monitoring for additional tag requests for the 2014 Coastal Area striped bass commercial fishery.

After some further discussion for clarification, Commissioner Travelstead stated that if there were no objections by the Board members, the staff's recommendation for a public hearing was approved.

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- 13. REQUEST FOR PUBLIC HEARING:** Proposed amendment to Chapter 4VAC20-490-10 et seq. "Pertaining to Sharks" to establish commercial processing tolerances at seas for smooth dogfish. These amendments are proposed for compliance with the fishery management plan requirements for smooth dogfish.

Lewis Gillingham, Game Fish Coordinator, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Mr. Gillingham explained that staff recommended advertising for a December 10, 2013 public hearing to consider the establishment of a maximum smooth dogfish fin-to-carcass weight ratio of 12% and extend the time period commercial fishermen may process smooth dogfish at sea to year round.

Commissioner Travelstead stated that if there were no objections from the Board members, the staff's recommendation for a public hearing was approved.

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7. PUBLIC COMMENTS.

Ida Hall, waterman, told the Commission that the fisheries regulations are increasingly complex and that watermen were having a difficult time finding the regulatory changes on the agency’s website.

Chris Ludford, waterman, asked the Commission to initiate research on whether the mosquito eradication programs are impacting crab reproductive capabilities and to examine loosening some of catch restrictions on other species.

Ken Smith, President of the Virginia Waterman’s Association explained to the Commission that his organization was training watermen on how to conduct ecotourism activities, and that he planned to hold an additional four days of training to be held this coming winter.

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8. FAILURE TO REPORT: (continued)

Stephanie Iverson, Fisheries Management Manager, continued with the presentation for the cases involving failure to report commercial harvests. Ms. Iverson noted that John White was still not present. She said all required notifications were sent and no contact had been made with staff and the missing reports were not resolved. She stated that staff recommended two year probation contingent on reports be submitted or suspension.

Associate Member Plumlee moved to suspend Mr. White’s licenses until he appeared before the Commission. Associate Member Tankard seconded the motion. The motion carried, 6-0.

Ms. Iverson stated that Richard Hayslette was present at the hearing. She explained that staff had sent him all required notifications and there were reports still missing.

Richard Hayslette was sworn in and his comments are a part of the verbatim record. Mr. Hayslette explained that he had been in New Bedford, Massachusetts and he could go to Mr. DeMaria to get the information he needed.

Commissioner Travelstead asked what was the pleasure of the Commission.

Ms. Iverson explained that staff recommended two year probation contingent on the missing reports being submitted or suspension of all licenses until all reports are turn in and followed by two year probation.

Associate Member Tankard moved for two year probation contingent on receipt of missing reports. Associate Member Sessoms seconded the motion. The motion carried, 6-0.

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9. PUBLIC HEARING: Proposed adoption of previous emergency amendments to Chapter 4VAC20-260-10 et seq. “Pertaining to Designation of Seed Areas and Clean Cull Areas,” to clarify culling tolerances and inspection procedures for oysters taken from public oyster beds, rocks, and shoals in Virginia’s tidal waters.

Jim Wesson, Head, Conservation and Replenishment, gave the briefing on the information provided in the staff’s evaluation. His comments are a part of the verbatim record.

Dr. Wesson explained that the staff was requesting that the emergency changes to clarify culling tolerances and inspection procedures for oysters harvested from public oyster grounds become a permanent part of Chapter 4VAC20-260-10. He noted that no public comments had been received.

Commissioner Travelstead opened the public hearing. There were no public comments and the public hearing was closed. He asked for a motion

Associate Member Plumlee moved to approve the staff recommendation. Associate Member Tankard seconded the motion. The motion carried, 6-0.

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10. PUBLIC HEARING: Proposed recommendations for the 2013-2014 commercial blue crab fishery, to include proposals for the following Commission actions: 1) establish the lawful 2014 crab pot and peeler pot commercial harvest seasons as March 17 through November 30, 2014, for male crabs, and March 17 through November 20, 2014, for female crabs; 2) extend the crab pot fishery season, for female and male crabs through December 15, 2013; 3) consider whether to close the 2013-2014 crab dredge fishery season in its entirety; 4) establish crab pot license category-specific bushel limits that may be utilized alone for future management or to compensate for either or both an extended crab pot season and limited crab dredge fishery season; and 5) adopt a declaration date for crab fishery licensees who are eligible to use agents in 2014.

Rob O’Reilly, Chief, Fisheries Management, explained the process for presenting the information by VIMS and staff at this hearing regarding the Blue Crab Fishery proposed management measurements. His comments are a part of the verbatim record.

Rochelle Seitz and Rom Lipicius both of VIMS gave presentation regarding the impacts of Benthos on the crab fishery. Dr. Lipicius stated that VIMS supports the staff recommendation for a limited blue crab dredge fishery. Their comments are a part of the verbatim record.

Joe Grist, Deputy Chief, Fisheries Management provided a video taken of the bottom where the blue crab dredge fishery study occurred. His comments are a part of the verbatim record.

Commissioner Travelstead opened the public hearing.

Alise Freeman, wife of Peter Freeman who served on the Commission's Board for a number of years, and she spoke on his behalf. Her comments are a part of the verbatim record. She said they were concerned with the continued closure of the blue crab dredge fishery and its impacts on the watermen in this fishery. It was good to consider the opening, but strict controls should be implemented.

Phil Davy, Maritime Warrior in Norfolk was present and his comments are a part of the verbatim record. His comments are a part of the verbatim record. He noted that further study was needed on the regulation for the springtime fishery.

Ken Smith, President, Virginia's Watermen Association, was present and his comments are a part of the verbatim record. He said he agreed with the staff's recommendation for a limited blue crab dredging fishery.

Ida Hall, commercial crabber, was present and her comments are a part of the verbatim record. Ms. Hall stated that she has been a participant of the industry for over 40 years. She added she was a new member on the Crab Management Advisory Committee. She said she did not support the opening of the blue crab dredging fishery in 2013-2014.

Doug Jenkins, Twin River Watermen Association, was present and his comments are a part of the verbatim record. He said he had crabbed for 65 years. He said that opening the blue crab dredge fishery would impact the female crab population. He said other watermen have told him the catch is low in the Rappahannock and York Rivers. He said the crab stocks needed to be rebuilt before consideration is given to open the blue crab dredge fishery. He added that the bushels limits proposed were needed.

Chris Moore, Chesapeake Bay Foundation, was present and his comments were in opposition to opening the blue crab dredge fishery and in support of the proposed bushel limits.

Bill Mullis, waterman and crabber and member of a Blue Crab Industry Committee, was present and his comments are a part of the verbatim record. Mr. Mullis stated he and

others present supported the opening of the blue crab dredge fishery for 2013-2014. He had others present raise their hands.

Ty Farrington, waterman, was present and his comments are a part of the verbatim record. Mr. Farrington asked that the blue crab dredge fishery be opened so as not to shorten the supply for the market and option 5 was not good for the industry as it would bring back more spring potters.

Mark Sanford, waterman, was present and his comments are a part of the verbatim record. Mr. Sanford spoke in support of the extension of the season for crab pots and the opening the blue crab dredge fishery.

Matt Mullen, Environmental Defense Fund, was present and his comments are a part of the verbatim record. Mr. Mullen said the proposal by staff was impressive and responsible management. He said the industry worked hard and staff was able to provide a lot of data.

Robert Hollowell, crabber for 30 plus years, was present and his comments in support of the opening of the blue crab dredge fishery are a part of the verbatim record.

Charles Gregory, Lower Bay crabber, was present and his comments in support of the extension of the season for crab pots and the opening of the blue crab dredge fishery are a part of the verbatim record.

The public hearing was closed.

Mr. O'Reilly explained that staff and VIMS support the limited blue crab dredge fishery. Mr. O'Reilly reviewed the Decision Tree provided by staff with the board members.

Staff recommendations to the Commission:

- 1) Establish a 2014 male and female blue crab peeler pot and crab pot season that begins March 17, 2014 and ends November 30, 2014.
- 2) Establish a limited, tightly controlled and monitored crab dredge fishing season that begins either December 1 or December 16 no later than February 28, 2014, with a maximum harvest (quota) of 1.5 million pounds that would be subject to conservation equivalency (compensation) measures, a maximum participation of approximately 49 individuals who meet the qualifications establish by the limited entry criteria, (essentially those criteria are: a) a prospective participant was one of the 53 individuals who were part of the February 2008 limited fishery season eligibility; b) have participated in 5 of the last 5 crab dredge seasons). In addition, staff recommends all provision that ensure a well-managed limited crab dredge fishery that are described in Chapter 4 VAC 20-1280-10 et seq. be adopted.

In addition, the license fee of Chapter 1090 is \$96.00, and staff recommends adoption of that license fee.

- 3) Extend the 2013 crab pot season for female and male crabs to December 15 and subject to conservation equivalency (compensation), measures in 2014. This season extension should not overlap in time with a limited opening of the crab dredge season.
- 4) Establish 2014 conservation equivalency (compensation) measures through crab pot, license category specific, daily harvest and possession bushel and barrel limits.

However, should the Commission not adopt a 2013 crab pot season extension nor a limited dredge season, staff recommends the Commission establish stand-alone bushel limits (Option 5), for future, adaptive management by the Commission.

- 5) Establish a management trigger framework, for the crab dredge fishery season that will allow the Commission to adopt future crab dredge season policies, based on this trigger, that are relative to the relationship between the juvenile abundance of a previous year to crab dredge season opportunities in a current year.
- 6) Establish a 2014 crab agent provision that requires crab licensee's with approved agents in 2012, and who have complied with all reporting requirements, to submit a 2014 crab agent registration application to the Commission by March 1, 2014 to be eligible for one of the 153 agent slots. If the number applications by eligible licensees as of March 1 is less than the approved 153 agent slots, then any application for a crab agent will be considered until the 153 agent slots is filled.

After further discussion by the Board, Commissioner Travelstead asked for motions.

Associate Member Plumlee moved to keep the 2013-2014 blue crab dredge fishery closed. Associate Member Sessoms seconded the motion. The motion carried, 7-0.

Associate Member Sessoms moved to extend the crab pot season through December 15 to include the new pot limits. Associate Member Haynie seconded the motion. The motion carried, 7-0.

The Commission approved of the concept of enacting management triggers that would allow the winter crab dredge fishery to be reopened when stock abundance levels increase significantly in the future.

Commission Meeting

**17037
October 22, 2013**

Associate Member Tankard moved to adopt the declaration date of March 1, 2014 for registration of crab license agents for the 2014 season. Associate Member Plumlee seconded the motion. The motion carried, 7-0.

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There being no further business, the meeting was adjourned at approximately 4:45 p.m. The next Commission meeting was rescheduled for Tuesday, December 10, 2013 (combine November and December meetings).

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Jack G. Travelstead, Commissioner

Katherine Leonard, Recording Secretary