

MINUTES**Commission Meeting****May 27, 2014**

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:

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| John M. R. Bull | Commissioner |
| James D. Close | |
| A. J. Erskine | |
| S. Lynn Haynie | Associate Members |
| Ken Neill, III | |
| J. Edmund Tankard | |
| Paul Kugelman | Assistant Attorney General |
| Laurie Naismith | Director, Public Relations |
| Katherine Leonard | Recording Secretary |
| Linda Farris | Bs. Systems Specialist, MIS |
| Robert O'Reilly | Chief, Fisheries Mgmt. |
| Joe Grist | Deputy Chief, Fisheries Mgmt. |
| Jim Wesson | Head, Conservation/Replenishment |
| Joe Cimino | Fisheries Mgmt. Sr. Manager |
| Stephanie Iverson | Fisheries Mgmt. Manager |
| Lewis Gillingham | Director, VSWFT |
| Samantha Hoover | Fisheries Mgmt. Specialist |
| Sally Roman | Fisheries Mgmt. Specialist |
| Adam Kenyon | Biological Sampling Supervisor |
| Laurie Williams | Fisheries Mgmt. Specialist |
| Rachael Maulorico | Fisheries Mgmt. Planner |
| Ande Ehlen | Fisheries Mgmt. Specialist |
| Kelsey Rooks | Fisheries Mgmt. Technician |
| Rick Lauderman | Chief, Law Enforcement |
| Warner Rhodes | Deputy Chief, Law Enforcement |
| William Thompson | Marine Police Officer |
| John Whitehurst | Sr. Marine Police Officer |

Commission Meeting

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| Tony Watkinson | Chief, Habitat Management |
| Chip Neikirk | Deputy Chief, Habitat Mgmt. |
| Jeff Madden | Environmental Engineer, Sr. |
| Jay Woodward | Environmental Engineer, Sr. |
| Hank Badger | Environmental Engineer, Sr. |
| Mike Johnson | Environmental Engineer, Sr. |
| Juliette Giordano | Environmental Engineer, Sr. |
| Randy Owen | Environmental Engineer, Sr. |
| Ben Stagg | Environmental Engineer, Sr. |
| Justin Worrell | Environmental Engineer, Sr. |
| Brad Reams | Program Support Technician |
| Paul Rogers | Surveyor, Eastern Shore |

Virginia Institute of Marine Science (VIMS):

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| Lyle Varnell | Mark Luckenbach |
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Others present:

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| Edward F. Daniels | Robert Walker | Linda Walker |
| Jeff Walker | R. S. Blackwell | Vernon McDaniel |
| Mark Williams | Bob Livengood | Phil Brouillard |
| Perry Neal | Sarah O'Haire | Kim Huskey |
| Troy Libertino | Zach Jester | Dirk Sanford |
| Ken Smith | Bill Mullis | Paul Jasinski |

and others

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Commissioner Bull called the meeting to order at approximately 9:40 a.m. Associate Members Beck and Sessoms were absent. There was a quorum present so the meeting proceeded.

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

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

There were no changes. Commissioner Bull asked for a motion to approve the agenda.

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

MINUTES: Commissioner Bull asked if there were any changes or corrections to be made to the April 22, 2014 Commission meeting minutes.

As there were no corrections or changes, Commissioner Bull asked for a motion to approve the minutes. **Associate Member Tankard moved to approve the minutes, as written. Associate Member Erskine seconded the motion. The motion carried, 5-0.**

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

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

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

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

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

2A. ARMY CORPS OF ENGINEERS, #12-1255, requests a permit modification to increase the maximum amount of cubic yards placed in their overboard placement site located in Bradford Bay, southwest of the Federal Channel and centered at N37°35'02", W75°40'53" from 75,000 to 100,000 cubic yards, per dredge cycle. The dredge material will come from the maintenance dredging of the Bradford Bay and Wachapreague Channel Federal Project Channels near the Town of Wachapreague in Accomack County. All other permit conditions would remain the same.

No applicable fees.

3. CONSENT AGENDA ITEMS. None

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.

When asked if a closed meeting was needed, Paul Kugelman, Assistant Attorney General and VMRC Counsel responded no.

5. LUCK STONE CORPORATION, #14-0435, requests authorization to construct a 40-foot wide by 60-foot long T-head platform at an existing commercial pier, six (6) mooring dolphins, and a conveyor system adjacent to their property at 4608 Bainbridge Boulevard situated along the Southern Branch of the Elizabeth River in Chesapeake. The project requires a wetlands and a subaqueous permit.

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.

Mr. Watkinson noted that since the City of Chesapeake no longer administers the Wetlands Zoning Ordinance, a public hearing for the proposed project was held by Habitat Management Division staff at the VMRC main office on May 15, 2014. In addition to staff, the hearing was attended by Mr. Mark Williams, Environmental Manager for Luck Stone Corporation. No concerns were raised at the public hearing or as a result of the public interest review.

Staff believed the project is consistent with the current industrial use of the waterway and recommends approval of the project conditioned upon the complete removal of the existing conveyor and support structures to mitigate for impacts to approximately 2.7 square feet of vegetated wetlands. Staff further recommends a royalty assessment of \$664.00 for the encroachment of the conveyor over 193 square feet of State-owned submerged land at rate of \$2.00 per square foot and for the encroachment of the five (5) mooring dolphins over a total of 139 square feet at a rate of \$2.00 per square foot. In addition, staff recommends a time-of-year restriction from February 15 through June 15 to protect anadromous fishes.

Commissioner Bull asked for public comments, pro or con and there were none. He stated the matter was before the Commission.

Associate Member Tankard moved to approved as presented. Associate Member Erskine seconded the motion. The motion carried, 6-0

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| Royalty Fees (encroachment 332 sq. ft. @ \$2.00/sq. ft.) | \$664.00 |
| Permit Fee | \$100.00 |
| Total Fees | \$764.00 |

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- 6. **PERRY NEAL, #12-0957**, requests authorization to install an additional 36 linear feet of riprap revetment against an existing timber bulkhead, with a six-foot base width and channelward of mean low water, adjacent to his property situated along the Potomac River in Westmoreland County. The project is protested by the upstream adjacent property owner.

Jeff Madden, Environmental Engineer, Sr. gave the briefing of the information provided in staff's evaluation with slides. His comments are a part of the verbatim record.

Mr. Madden noted that while the potential impacts on private property resulting from storm activity on the Potomac River are unpredictable, the installation of appropriately sized riprap, against a failing bulkhead, to create a toe scour revetment is an established Best Management Practice and appears to be a reasonable use of submerged lands. Accordingly, and in consideration of the factors contained in §28.2-1205 (A) of the Code of Virginia, staff recommends approval of Mr. Neal's proposal to install a 36-foot riprap revetment with a maximum 6-foot base width along his bulkhead as proposed

Perry Neal, applicant was sworn in and his comments are a part of the verbatim record. Mr. Neil said that all other neighbors were okay with the project and he still did not understand the protest by his upstream neighbor, Mr. Broyhill.

Commissioner Bull asked for public comments and there were none. He stated the matter was before the Commission.

Associate Member Erskine moved to approve the proposal, as submitted. Associate Member Haynie seconded the motion. The motion carried, 6-0.

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| Permit Fee | \$100.00 |
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- 7. **PHILIP BROUILLARD, #13-1837**, requests authorization to construct an 18-foot by 38.5-foot open-sided single slip boathouse roof at his property situated along the Pagan River in the Town of Smithfield at 10 Jamesview Circle in Isle of Wight County. The boathouse roof is protested by an adjoining property owner.

Ben Stagg, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Mr. Stagg noted that while staff understands the concerns of the adjacent property owner concerning possible storm damage to existing structures and material being deposited upon private property from such storm related events, its removal is a civil matter. Therefore, after evaluating the merits of the request, the protestants concerns, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia staff recommended approval of the boathouse structure as requested.

Bob Livengood, contractor was sworn in and his comments are a part of the verbatim record. Mr. Livengood said from his experience with building these structures he had not had any problems.

Commissioner Bull asked for public comments, pro or con.

Ed Daniels, protestant and adjoining property owner, was sworn in and his comments are a part of the verbatim record. Mr. Daniels provided photographs for the Board's review. He said all of these structures continue to destroy his property when they are destroyed by a storm causing damage. He stated the pier structure was causing him to lose shoreline. He noted that he had not been asked to comment when the pier was originally constructed as he would have asked it be moved further away from his property.

Commissioner Bull asked for additional public comments and there were none. He stated the matter was before the Commission.

Associate Member Erskine moved to approve the project, as proposed. Associate Member Neill seconded the motion. The motion carried, 6-0.

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| Permit Fee | \$100.00 |
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- 8. **ROBERT BLACKWELL, #14-0394**, requests authorization to extend an existing open-sided boathouse 10 feet channelward to increase the overall size of the boathouse to 19 feet by 46.5 feet and to construct a 16-foot by 16-foot open-sided shelter over an existing pier platform adjacent to his property situated along the Northwest Branch of Sarah Creek at 1868 Katie Lane in Gloucester County. The project is protested by an adjoining property owner.

Associate Member Neill recused himself from this hearing because of business conflict.

Chip Neikirk, Deputy Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation. His comments are a part of the verbatim record.

Mr. Neikirk noted the boathouse extension is not statutorily authorized because it will both exceed 700 square feet and it is objected to by an adjoining neighbor. He stated staff, however, believes the proposed boathouse extension is reasonably sized to provide protection for the Blackwell’s current boat. Additionally, it appears the 10-foot extension would only minimally add to any visual obstruction.

After evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommended approval of the project, as proposed.

Commissioner Bull asked for comments.

Jeff Watkins, contractor, was sworn in and his comments are a part of the verbatim record. Mr. Watkins stated he would answer any questions and Mr. Blackwell would discuss the project.

Mr. Blackwell in response to a question said he asked the contractor to put in the pilings.

Commissioner Bull asked for any additional public comments.

Vernon McDaniel, Jr., protestant and adjoining property owner, was sworn and his comments are a part of the verbatim record. Mr. McDaniel stated that the structure blocked his view and negatively impacted his property value. He provided pictures as a hand out for the Board.

As there were no other public comments, Commissioner Bull stated the matter was before the Commission.

Associate Member Close moved to approve the project. Associate Member Erskine seconded the motion. The motion carried, 5-0-1. The Chair voted yes and Associate Member Neill abstained.

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| Permit Fee | \$25.00 |
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- 9. **EDMUND S. RUFFIN, JR. #14-0362**, requests authorization to construct an 18-foot by 36-foot open-sided boathouse over an existing boatslip at a private, non-commercial open-pile pier adjacent to his property situated along the Ware River at 6740 Ware Neck Road in Gloucester County. The project is protested by an adjoining property owner.

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

Mr. Neikirk noted that had the proposal not been objected to by the Walkers, the open sided boathouse would have been statutorily authorized under the exemption provided in §28.2-1203(A)(5) of the Code of Virginia. He stated staff felt the boathouse appears reasonably sized to provide protection to the Ruffins, boat and the open-sided design should only minimally add to the obstruction already provided by the pier and boatlift. The project will not impact navigation since there is no encroachment outside of the footprint of the existing pier and boatslip. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommended approval of the project, as proposed.

Jeff Watkins, contractor for the applicant, was sworn in and his comments are a part of the verbatim record. Mr. Watkins stated the applicant was not present because his wife was undergoing surgery. He said that staff had given a good presentation and he had originally built the pier which was the shortest distance and still provided water depth. He said the boathouse was to shelter the current boat and would be open-sided. He provided a picture which showed the pier was 75 feet from a pipe making Mr. Ruffin's property.

Commissioner Bull asked for comments, pro or con.

Robert and Linda Walker, protestants and adjoining property owners, were sworn in.

Mr. Walker stated they had not received the sign off sheet from staff nor had they received the APO from the agent for the original pier. He said that fiberglass boats do get damaged by the sun. He provided eight photos for the Board's review. He said the photos show that the structure would further impact their view and property value. He stated that they have 40 acres and do not have a clear view of the water. He said they did not object to the pier, just the boathouse roof. He said if he had been notified properly about the pier, he would have asked that the pier be moved further up the shore away from his property.

Mrs. Walker said there was an alternative to the roof and that would be to use a boat cover.

Mr. Watkins stated that the contractor had said he would agree with changing the roof to hip rafters and no open gable ridge. He said the ridge would be cut back a 1/3 and it would be 4 to 5 feet lower even though it would cost more. He said if this was not acceptable then he requested tabling the matter until Mr. Ruffin could be present.

Associate Member Tankard moved to deny the project, as proposed. The motion failed for lack of a second.

After further discussion, Associate Member Erskine said the applicant needed to be present, so he moved to table the matter until the June meeting. Commissioner Bull suggested it be tabled for 60 days until the July meeting and Associate Member Erskine agreed to the amendment. Associate Member Haynie seconded the motion. The motion carried, 5-1. The Chair voted yes and Associate Member Tankard voted no.

Tabled - July Commission meeting

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10. TIDEWATER REALTY & SECURITY CORPORATION, #2013-125, requests authorization to lease approximately 6.0 acres of oyster lease planting grounds in Cherrystone Creek and Mill Creek in Northampton County. The request is protested by Mark Sanford.

Ben Stagg, Environmental Engineer, Sr. and Chief Engineer of Western Area noted that both the applicant and the protestant had requested this matter be continued. After much discussion by the Commission as to whether to hear the matter or not, the Commission asked the staff to brief the proposal and they would then decide what action to take.

Mr. Stagg gave the briefing of the information provided in the staff’s evaluation. His comments are a part of the verbatim record. The briefing noted the past history of an application for some of this same are in a previous application from Mr. Sanford. The Commission at that time leased a portion of an area within Mill Creek but declined to lease the remainder of Mr. Sanford’s request. Staff noted that the application of one of the principals of Tidewater Realty and Security Corporation about existing clam beds in this general area. After staff investigation it was discovered that areas of unleased State-owned bottomlands, were being used for clam aquaculture purposes to include netting gear illegally placed on these bottomland areas. After receiving the application from Tidewater Realty and Security Corporation staff accomplished surveying of the area. VMRC staff, including our Law Enforcement Division assisted in the ongoing issue of the clam beds and netting in the area. After surveying the area, staff determined that most of the area was suitable for leasing, however a small channel area was left out of the surveyed area to allow access to and from Mill Creek. Mr. Sanford continued to object, however, the applicant agreed to a reduced area and Mr. Sanford agreed that if this area was not leased and set aside by the Commission he would not longer object. Staff further noted that based upon prior court action, that once the proposed area was under lease no continuing violation concerning on bottom clam aquaculture would exist, as nets are not allowed on leased bottomlands.

After evaluating the merits of the request, the objections of Mr. Sanford and the compromise lease area agreed upon by the applicant in accordance with Article 2 of

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Chapter 6 of Title 28.2 of the Code of Virginia, staff endorsed a revised recommendation of approval of the application, containing 1.95 acres.

Associate Member Tankard moved to approve the northern portion of the requested lease area for a total 1.95 acres and leave the southern portion for possibly leasing in the future. Associate Member Erskine seconded the motion. The motion carried, 6-0. Chair voted yes.

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11. PUBLIC COMMENT. None

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

Stephanie Iverson, Fisheries Management Manager, gave the briefings for the two cases to be heard. Her comments are a part of the verbatim record.

Troy Libertino – present and sworn in.

Ms. Iverson said that Mr. Libertino had been issued all required notifications in accordance with Sections 28.2-216 and 28.2-232 of the Code of Virginia. She said that Mr. Libertino was placed on probation by the Commission on March 26, 2013 until March 25, 2015. He was told at that hearing that any subsequent violations of any of the laws relating to the Marine Resources of the Commonwealth and corresponding regulations could result in his appearing before the Commission for a license revocation hearing. He now comes before the Commission because of failure to report harvest for the months of February, March, and April of 2014 by the 5th of the month. He has since submitted a report of “no activity” for February and March 2014 and as of today is up to date through April.

Staff recommended that Mr. Libertino have all of his fishing privileges revoked within the Commonwealth’s tidal waters, and all licenses revoked for taking or catching fish, shellfish or marine organism for a period of six months, followed by one year probation, until November 26, 2015. During which time, any violations of Chapter 4VAC 20-610-10 et seq, or any laws relating to the Marine Resources of the Commonwealth and corresponding regulations will result in Mr. Libertino appearing before the Commission for a revocation of licenses hearing.

Mr. Libertino stated he did call in the 1-800-number and told someone that he sometimes did not work. Ms. Iverson said there was no record of that call.

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

Associate Member Erskine moved to continue the probation for two years with the understanding that Mr. Libertino could be called back for another hearing to consider license revocation. He added that this would start from today's hearing date of May 27, 2014. Associate Member Neill seconded the motion. The motion carried, 6-0. The Chair voted yes.

Dirk Sanford – present and sworn in.

Ms. Iverson explained that all required notifications had been sent to Mr. Sanford in accordance with Sections 28.2-216 and 28.2-232 of the Code of Virginia of this hearing.

Mr. Sanford was notified of his failing to report for October 2013 with a 1st and 2nd postcard notices. He then failed to turn in his report for November 2013 and was sent a 3rd notice of all missing reports. The 3rd notice which was sent via certified mail came back unclaimed. When staff called him after the notice was returned unclaimed, he said he had his reports and would mail them. He had to be called again to let him know that November 2013 was still missing. When Mr. Sanford received a service letter for the hearing today, he came to the office May 13, 2014 and submitted the missing November 2013 report.

Staff recommended that Mr. Sanford be placed on probation for a period of two years, starting May 27, 2014 and ending May 26, 2016. During which time, any violations of Chapter 4VAC 20-610-10 et seq, or any laws relating to the Marine Resources of the Commonwealth and corresponding regulations will result in Mr. Sanford appearing before the Commission for a revocation of licenses hearing.

Mr. Sanford said that he called staff to let them know he had put the reports in the mail, but he was told that November 2013 was still needed. He said he brought that report into the office on May 13, 2014. He said he received the MPO letter on May 15, 2014 and he brought the last report on May 13, 2014. He said he had always kept up with his reporting since 1993 and now he apologized for his not submitting these reports on time.

Commissioner Bull stated that Mr. Sanford did not have a criminal history and had until now had a very good track record.

Associate Member Tankard moved for one year probation. Associate Member Erskine seconded the motion. The motion carried, 5-0.

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13. **PUBLIC HEARING:** Amendments to Chapter 4VAC20-910-10 et seq. "Pertaining to Scup (Porgy)" Request to establish the 2014 summer period commercial quota, as 14,105 pounds.
15. **REQUEST FOR A JUNE PUBLIC HEARING:** Amendments to Chapter 4VAC20-910-10 et seq. "Pertaining to Scup (Porgy)", to lower the recreational possession limit

Samantha Hoover, Fisheries Management Specialist, gave the briefing for Items 13 and 15. Ms. Hoover asked if she could present both items on scup at the same time, to which they agreed. Her comments are a part of the verbatim record.

Commercial Fishery:

Last November the ASMFC approved an increased summer period Atlantic coast-wide quota of 8,548,442 pounds. Virginia's share of the coast-wide scup quota for the summer period is 14,105 pounds. This amount of quota, for the 2014 summer period, is a decrease from the 2013 summer quota of 15,120 pounds.

Recreational Fishery:

The 2014 recreational harvest limit is 7.03 million pounds, a slight decrease from 2013 of 0.52 million pounds. In order to comply with the federal regulations, one of Virginia's management measures needs to be modified to change the recreational possession limit from 50 fish per person to 30 fish per person.

Staff recommended establishing the 2014 commercial summer scup quota as 14,105 pounds and staff further recommended advertising for a June 24, 2014 public hearing to establish the 2014 recreational possession limit for scup as 30 fish per person.

Commissioner Bull asked for public comments. As there were no public comments, he stated the matter was before the Commission.

Associate Member Neill moved to accept the staff recommendations. Associate Member Erskine seconded the motion. The motion carried, 5-0.

14. **PUBLIC HEARING:** Amendments to Chapter 4VAC20-490-10 et seq. "Pertaining to Sharks" to increase Virginia's commercial spiny dogfish seasonal quota from 4,408,894 pounds to 5,329,491 pounds.

Rachael Maulorico, Fisheries Management Planner, gave the briefing of the information provided in the staff's evaluation with slides. Her comments are a part of the verbatim record.

Staff recommended adoption of amendments to Chapter 4 VAC 20-490-10 et seq. "Pertaining to Sharks" to set the Virginia commercial spiny dogfish quota, for May 1, 2014 through April 30, 2015, as 5,329,492 pounds.

Commissioner Bull asked for public comments. As there were no public comments, he stated the matter was before the Commission.

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

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16. DISCUSSION: Presentation of 2013-2014 Blue Crab Winter Dredge Study results and consideration of management measures for 2014 and 2015.

Robert O'Reilly, Chief, Fisheries Management, gave the briefing of information provided in the staff's evaluation with a slide. Mr. O'Reilly provided background information for the 2013-2014 Blue Crab Winter Dredge Study results. His comments are a part of the verbatim record.

Ande Ehlen, Fisheries Management Specialist, gave her presentation on the harvest and data effort. Her comments are a part of the verbatim record.

Samantha Hoover, Fisheries Management Specialist, gave her presentation on the gear effort versus the harvest. Her comments are a part of the verbatim record.

Kelsey Rooks, Fisheries Management Technician, gave her presentation on the pricing survey. Her comments are a part of the verbatim record.

Joe Grist, Deputy Chief, Fisheries Management gave a briefing on the possible management options for the Commission's consideration. The options are as follows:

- 1) A reduction in the summer 2014 daily bushel, vessel and possession limit, for any crab pot licensee, from July 15 through August 31.
 - Conserve female crabs that will spawn during the July through early September period.
- 2) Establish the lawful season for the harvest of female crabs as March 17, 2014 through November 15, 2014.

➤ The current cohort of juvenile crabs will be afforded some conservation, for spawning. This 2-week harvest of female crabs can be variable, and the 2013 harvest during November 16-30 accounted for 175,442 pounds. However, staff indicates the average (2006-07) November 16 through November 30 harvest of female crabs should be used as a savings estimate because the abundance of juveniles in those years were more closely aligned to the current 2013-2014 juvenile abundance. Maryland is proposing to close the harvest of females on November 10 and the PRFC indicates it will close to the harvest of female crab on November 10.

3) A reduction in the spring (March 17 – May 31) 2015 daily bushel, vessel and possession limit, for any crab pot licensee within the 5 crab pot categories.

➤ This measure is to conserve some of the overwintering female crabs, to augment the spawning event in late May.

Mr. O'Reilly spoke on the two different ways to achieve the reduction in the harvest of female crabs: the reductions can follow select time periods, by reducing current bushel limits, or, a 10% reduction can be distributed on a summer to summer basis (July 5, 2014 through July 4, 2015). Either approach can achieve the management objective. The principal objective is to increase spawning potential, to address the depleted condition of the crab resource. A July to July basis for this management action will ensure some conservation of female crabs that were spawning age crabs during the 2013-14 WDS but will also conserve juveniles from that December 2013-March 2014 that become exploitable during late summer through fall 2014.

Mr. O'Reilly recommended advertisement for a June public hearing, options that will reduce female crab harvest by at least 10%, in order to conserve female crabs and promote an increase in spawning potential in 2014 and 2015 (as described above). For any of these options or alternatives, the reduction in the 2014-15 harvests of female crabs shall be no less than 10% of the 2013 female harvest of crabs, and that equals 1,314,371 pounds. The basis for reduction is to conserve spawning potential of the current spawning age females and the current cohort of juvenile crabs that represent the 2015 spawning stock. The overriding concern is the depleted state of the resource.

Following much discussion, Commissioner Bull asked for public comments.

Ken Smith, Virginia Watermen's Association, was present and his comments are a part of the verbatim record. Mr. Smith said that generally people do not realize how critical the situation is for the crab fishery, but the Commission and watermen both know and there needs to disaster measures taken now. He added that it will not seem to benefit the present time but it will later, in the future. He stated the presence of Law Enforcement is a problem that needs to be resolved.

Bill Mullis, Blue Crab Industry Panel, was present and his comments are a part of the verbatim record. Mr. Mullis explained that the panel works with the staff at VMRC and VIMS. He provided a handout. He asked that the Commission not let the crab population get out of hand. He suggested that the management of the crabs be done by looking at the biomass. He suggested not closing the season from November 16 to November 30 but to close it in the spring when the females are laden down with eggs. He said the question was how many females need to be saved who are potential spawners. He said in the 80's there was a large fleet of boats that were managed through saving the biomass. He noted that there were no regulations for the male crabs and in Maryland they were concerned with the male crab population. He said there needed to be a different approach to management measures, because such measures as the bushel limits have not worked. He said if the Commission keeps doing things the same way there is not going to be any improvement. He reiterated that the biomass needed to be protected.

Commissioner Bull stated the matter was before the Commission.

Associate Member Neill moved to approve the advertisement for a public hearing with the options presented by staff. Associate Member Erskine seconded the motion. He suggested that a statement be added to the notice to say that other management measurements as necessary to achieve the 10% reduction will be considered. Associate Member Neill accepted the amendment. The motion carried, 5-0.

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There being no further business, the meeting was adjourned at approximately 3:35 p.m. The next regular Commission meeting will be Tuesday, June 24, 2014.

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John M. R. Bull, Commissioner

Katherine Leonard, Recording Secretary