

MINUTES

Commission Meeting

April 28, 2015

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:

John M. R. Bull	Commissioner
Chad Ballard, III	
James D. Close	
A. J. Erskine	
S. Lynn Haynie	Associate Members
Ken Neill, III	
Whitt G. Sessoms, III	
John E. Zydron	
Matthew Hull	Assistant Attorney General
Laurie Naismith	Director, Public Relations
Katherine Leonard	Recording Secretary
Jane McCroskey	Chief, Admin-Finance
Erik Barth	Bs. System Manager
Todd Sperling	Bs. System Specialist, Sr.
Robert O'Reilly	Chief, Fisheries Mgmt.
Joe Grist	Deputy Chief, Fisheries Mgmt.
Jim Wesson	Head, Conservation/Replenishment
Joe Cimino	Fisheries Mgmt. Manager, Sr.
Stephanie Iverson	Fisheries Mgmt. Manager
Lewis Gillingham	Director, SWFT
Samantha Hoover	Fisheries Mgmt. Specialist
Adam Kenyon	Biological Sampling Supervisor
Rachael Maulorico	Fisheries Mgmt. Planner
Ande Ehlen	Fisheries Mgmt. Specialist
Alicia Nelson	RFAB Coordinator
Laurie Dozier	Fisheries Mgmt. Specialist
Kelsey McLain	Fisheries Mgmt. Specialist
Sally Roman	Fisheries Mgmt. Specialist
Jennifer Farmer	Agency Regulatory Coordinator
Rick Lauderman	Chief, Law Enforcement
Warner Rhodes	Deputy Chief, Law Enforcement
Fred Mitchell	Marine Police Officer
Derek Richards	Marine Police Office

Commission Meeting

**17359
April 28, 2015**

Thomas Fitchett
Matt Dize
Trevor Johnson

Marine Police Officer
Marine Police Officer
Marine Police Officer

Tony Watkinson
Chip Neikirk
Jeff Madden
Hank Badger
Mike Johnson
Randy Owen
Ben Stagg
Justin Worrell
Mark Eversole
Jay Woodward
Justine Woodward
Brad Reamy
Rob Butler

Chief, Habitat Management
Deputy Chief, Habitat Management
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.
Program Support Technician
Surveyor, Engineering/Surveying

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Emily Hein

Mark Luckenbach

Others present:

Jim Lang
Paul Delphos
Laura Rader-Dixon
Edward R. Smith
Anthony Hogge

Kyle
Myles Pocta
Granville Hogge
Daniel Smith
Johnnie Tynes, Jr.

Lawrence Hoffman
Ricky Woody
Kim Huskey
Michael Stevens
Martin Gary

and others.

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Commissioner Bull called the meeting to order at approximately 9:40 a.m.

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At the request of Commissioner Bull, Associate Member Erskine said the invocation and Tony Watkinson, Chief, Habitat Management, led the pledge.

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Robert L. O'Reilly, Chief, Fisheries Management, introduced a new employee to the Fisheries Management Division administrative office to serve as the Agency Regulatory Coordinator. Her name is Jennifer Farmer and she was assuming the position that Betty Warren had held as the Agency Regulatory Coordinator, but who retired as of April 1, 2015. He noted that Ms. Warren had been a very modest, dedicated, and hardworking employee with the agency for approximately 26 years.

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

Tony Watkinson, Chief, Habitat Management explained that the applicant for Item 5; Six M LLC had made a request for a deferral until a later meeting, but the request should be considered when the Item came up on the agenda.

Robert O'Reilly, Chief, Fisheries Management explained that there was a Press Release about the Crab Dredge Survey and after Item 18 Joe Grist, Deputy Chief, Fisheries Management will discuss the results of the survey. He further noted that Items 19, 20, and 21 were request for public hearings to be heard at that time.

Commissioner Bull stated that the amended agenda had been approved by a consensus of the Board members.

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MINUTES: Commissioner Bull asked if there were any changes or corrections to be made to the March 24, 2015 Commission meeting minutes.

As there were no changes, Commissioner Bull stated that the matter was before the Commission.

Associate Member Erskine moved to approve the minutes. Associate Member Sessoms seconded the motion. The motion carried, 8-0. Chair voted yes.

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

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- 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, 2A – 2C. He reviewed them for the Board. His comments are a part of the verbatim record.

Commissioner Bull opened the Public Hearing for any public comments for any of the items presented and there were none. He stated the matter was before the Commission.

Associate Member Zydron moved to approve the page two items, as submitted. Associate Member Close seconded the motion. The motion carried, 8-0. Chair voted yes.

- 2A. RICHMOND DEPARTMENT OF PUBLIC WORKS, #15-0275**, requests authorization to demolish and replace the 168 linear foot “Intermediate Terminal Dock” within the same footprint, replacing its failing timber pilings with metal sheet pilings driven in the same locations at 3101 Wharf Street, along the James River between Rocketts Landing and Gillies Creek, in the City of Richmond. Staff recommends approval of the project with a special permit condition for a time-of-year restriction of February 15 through June 30 to protect anadromous fish species.

Permit Fee	\$100.00
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- 2B. VIRGINIA BEACH DEPARTMENT OF PUBLIC WORKS, #15-0254**, requests authorization to construct a new channel fender system under the new Lesner Bridge currently being constructed over the Lynnhaven Inlet in Virginia Beach. Each fender will be 225 feet in total length and consist of horizontal timbers attached to steel piles extending a minimum of seven feet above the mean high water elevation. The fenders will be lighted, include three-foot wide catwalks on the exterior sides, and provide 150 feet of horizontal clearance for the existing federal channel under the bridge.

Permit Fee	\$100.00
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- 2C. U.S. COAST GUARD, #15-0148**, requests authorization to construct two (2) 7-foot wide by 73-foot long travel lift piers to replace the existing piers, and to construct a 17-foot wide by 12-foot long timber maintenance pier adjacent to 4000 Coast Guard Boulevard situated along the Elizabeth River in Portsmouth.

Permit Fee	\$100.00
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- 3. **CONSENT AGENDA ITEMS.** There were none.

- 4. **CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.** When asked, the VMRC Counsel indicted that no closed meeting was necessary.

- 5. **SIX M LLC, #14-0486,** requests authorization to install 13 timber mooring dolphins, each consisting of 7-pile clusters arranged on 50-foot centers for a total length of 600 feet, in the vicinity of 425 Campostella Drive situated along an unnamed tributary to the Eastern Branch of the Elizabeth River in Norfolk. The project is protested by several adjacent property owners.

Tony Watkinson, Chief Habitat Management explained that the applicant had requested a deferral to which staff agreed to schedule for a later date and asked that the Commission consider this request by the applicant. His comments are a part of the verbatim record.

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

Associate Member Neill moved to approve the request to continue this matter. Associate Member Sessoms seconded the motion. The motion carried, 8-0. Chair voted yes.

- 6. **BEDFORD REGIONAL WATER AUTHORITY, #15-0283,** requests authorization to install an 18-inch PVC water main under 94 linear feet of Goose Creek, utilizing directional jack and bore methodology, as part of the Lakes to Forest Water Line Extension Project near Route 122 in Bedford County. The project is protested.

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

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

of the Code of Virginia, staff recommended approval of the project, as proposed, pending receipt of an acceptable Frac-out Monitoring and Response Plan from the applicant.

When asked, the applicant’s representative stated they had no further comments as staff’s presentation covered the matter.

Commissioner Bull opened the public hearing. There were no public comments. It was noted that the protestants were not present at this hearing. Commissioner Bull stated the matter was before the Commission.

Associate Member Neill moved to accept the staff recommendation. Associate Member Ballard seconded the motion. The motion carried, 8-0. Chair voted yes.

Permit Fee	\$100.00
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- 7. **GILES COUNTY BOARD OF SUPERVISORS, #12-0739**, requests after-the-fact authorization to cross 140 linear feet of Doe Creek at three (3) locations adjacent to U.S. Route 460 by installing a new water line, by trench method, a minimum of six (6) inches beneath the streambed in Giles County.

Justine Woodward, Environmental Engineer, Sr., gave the briefing of the information provided in the staff evaluation with slides. Her comments are a part of the verbatim record.

Staff believed the project was warranted and reasonable and the project would have been authorized administratively upon receipt of a copy of the VDOT Land Use Permit. After evaluating the merits of the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommended after-the-fact approval of the project with a triple permit fee of \$300.00. Given the confusion associated with the funding delay and the minimal impacts associated with the project, staff did not recommend a civil charge.

It was noted that the County Administrator’s office was not represented, but they had submitted a letter in support of the permit approval.

Commissioner Bull opened the public hearing and there were no public comments. He stated the matter was before the Commission.

Associate Member Sessoms moved to accept the staff recommendation. Associate Member Neill seconded the motion. The motion carried, 8-0. Chair voted yes.

Permit Fee (ATF Triple fees)	\$300.00
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- 8. **BUCHANAN COUNTY BOARD OF SUPERVISORS, #14-1196**, requests after-the-fact authorization to retain a 50-foot long by 15-foot wide clearspan vehicle crossing of Big Prater Creek along Deep Creek Road in Buchanan County.

Jeff Madden, 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.

Staff was always concerned with projects that are commenced or completed prior to receiving the necessary authorization. In this instance staff understands the County’s public safety concerns associated with the continued degradation of the bridge, but staff does remain troubled by the fact the County failed to advise VMRC of their decision to proceed prior to receiving their permit. Nevertheless, given the circumstances, staff recommended approval of the project with a triple permit fee of \$300.00 given the after-the-fact nature of the project and recommended the Commission not impose any civil charges.

Commissioner Bull opened the public hearing and there were no public comments. He stated the matter was before the Commission.

Associate Member Erskine stated that he was disappointed the local government did not follow up with obtaining the VMRC permit prior to going ahead with the project. He moved to accept the staff recommendation. Associate Member Sessoms seconded the motion. The motion carried, 8-0. Chair voted yes.

Permit Fee (ATF Triple fees)	\$300.00
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9. PUBLIC COMMENTS:

Granville Hogg of Northampton County - spoke to the Commission about the impact of large aquaculture operations on the ecosystem. He expressed concern that the large aquaculture operations were consuming most of the food in the ecosystem and small clam or oyster operations up river were being impacted. He further said the oysters planted were not growing as large as they should be. He requested the Commission consider this when leasing bottom land.

10. OFFENDERS:

Edward R. Smith – present and sworn in.

Thomas Fitchett – Marine Police Officer gave the briefing to the summons and convictions as provided in the staff evaluation.

Non-Resident Catching Oysters- summons pursuant to Code Section 28.2-634; convicted March 9, 2015 in the Accomack County General District Court (Criminal), defendant pled guilty; fine \$800.00 with \$500.00 suspended, jail sentence of 91 days with 90 suspended for a period of two years conditioned upon being of good behavior, keeping peace, obeying this order and paying fines and cost. Court cost \$111.00.

Unlawful to possess a dredge or other equipment used for dredging, Commonwealth's Attorney asked the Court to Nolle Prosequi due to his guilty plea on the other charge. Defendant was remanded to Accomack County Jail to serve his time.

Mr. Smith explained that the weather was bad and his radar was broken and he had worked in the same place for two weeks. He noted he had caught only 1 ½ to 2 bushels and his boat was in Virginia, but his dredge was in Maryland.

Joe Cimino, Fisheries Management Manager, Sr., read the staff recommendation. His comments are a part of the verbatim record. In accordance with Code Section 28.2-232, staff recommended the Commission revoke all of Mr. Smith's licenses to take or catch fish, shellfish, or marine organisms for a period of two years from the date of this Commission meeting, April 28, 2015 through April 27, 2017. Staff also recommended the Commission revoke all of Mr. Smith's fishing privileges, within the Commonwealth's tidal waters, for a period of two years from the date of this Commission, April 28, 2015 through April 27, 2017.

Commissioner Bull stated the matter was before the Commission.

Associate Member Zydron moved to accept the staff recommendation for two year revocation of all of Mr. Smith's licenses and fishing privileges, starting April 28, 2015 through April 27, 2017. Associate Member Ballard seconded the motion. The motion carried, 8-0. Chair voted yes.

Johnny Tynes, Jr. – present and sworn in.

Matt Dize, Marine Police Officer, gave the briefing of the summons and convictions from the information provided in the staff evaluation. His comments are a part of the verbatim record.

12/31/2014 Undocumented Use of Striped Bass Tags; summons pursuant to Chapter 4VAC 20-160(D5); Permittee Not on Board Boat when Striped Bass Tags were applied; summons pursuant to Chapter 4VAC 20-252-160(G); Over Commercial Harvest Quota; summons pursuant to Chapter 4VAC 252-150; 02/12/2015 convicted in Isle of White

General District Court (Criminal); fine \$500.00 with \$250.00 suspended, 12-month probation; court cost \$29.00.

Phillip Koury, Marine Police Officer gave the briefing of the summons and convictions from the information provided in the staff evaluation. His comments are a part of the verbatim record.

Possession of Unculled Oysters (Commercial); 12/15/2014 summons pursuant to Code Section 28.2-510; 01/15/2015 convicted in Isle of Wight County General District Court (Criminal); fine \$110.00, court cost \$89.00.

Mr. Tynes explained that he had never been in trouble before and he used the tags belonging to Dave to help him out and get him paid.

Joe Cimino, Fisheries Management Manager, Sr., read the staff recommendation. The Commission's guidelines for sanctions specify that two convictions of improper use of commercial harvest tags, within a 12-month period, should result in at least one year probation. In accordance with Code Section 28.2-232, staff recommends the Commission place Mr. Tynes on probation for a period of one year from the date of this Commission meeting, April 28, 2015 through April 27, 2016. Any failure on Mr. Tynes' part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Tynes appearing before the Commission for a hearing on license revocation. Staff also recommended that Mr. Tynes be prohibited from participating in the Striped Bass Fishery for a period of two years because of his violation of Section 230 of Chapter 4VAC 20-252-10, et seq.

After some discussion, Associate Member Zydron moved to accept the staff recommendation for one year probation, starting April 28, 2015 through April 27, 2016 and to prohibit Mr. Tynes from participating in the Striped Bass Fishery for a period of two years, starting April 28, 2015 through April 26, 2017. Associate Member Ballard seconded the motion. The motion carried, 7-1. Associate Member Erskine voted no. Chair voted yes.

Michael B. Stevens – present and sworn in.

Trevor Johnson, Marine Police Officer, gave the briefing for the summons and convictions from the information provided in the staff's recommendation. His comments are a part of the verbatim record.

Possession of Unculled Oysters (17 quarts); summons pursuant to Code Section 28.2-510; convicted January 12, 2015 in the Northumberland County General District Court (Criminal), fine \$110.00, court cost \$93.84.

Possession of Unculled Oysters; summons pursuant to Code Section 28.2-510; convicted January 12, 2015 in the Northumberland County General District Court (Criminal), fine \$110.00, court cost \$93.84.

Mr. Stevens stated he thought he could tell by sight that he had the right amount.

Joe Cimino, Fisheries Management Manager, Sr., read the staff's recommendation. The Commission's guidelines for sanctions specify that one conviction of possession of greater than 100% over the tolerance of undersized shellfish, within a 12 month period, should result in at least one year probation. In accordance with Code Section 28.2-232 of the Code of Virginia, staff recommends the Commission place Mr. Stevens on probation for a period of one year from date of this Commission meeting, April 28, 2015 through April 27, 2016. Any failure on Mr. Stevens' part to obey any of the laws or regulations relating to the Marine Resources of the Commonwealth during the one year probation would result in Mr. Stevens appearing before the Commission for a hearing on license revocation.

Commissioner Bull stated the matter was before the Commission.

Associate Member Haynie moved to accept the staff recommendation for one year probation, starting April 28, 2015 through April 27, 2016. Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 11. FAILURE TO REPORT:** Cases involving failure to report commercial harvests, in accordance with Chapter 4 VAC 20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting."

Stephanie Iverson, Fisheries Management Manager, gave the briefings of the information related to the five cases being heard by the Commission from the information provided in the staff's evaluation. Her comments are a part of the verbatim record.

Anthony Hogge – present.

Ms. Iverson explained that Mr. Hogge had retained an attorney and that his attorney had sent in a letter stating that he could not be present at the hearing because of a scheduled court hearing on the same day. She stated the Commission could decide whether to continue Mr. Hogge's case until the next meeting.

Associate Member Zydron moved to continue Mr. Hogge's case until the next meeting because of attorney's conflict. Associate Member Erskine seconded the motion. The motion carried, 7-1. Chair voted yes. Associate Member Neill voted no.

Brandon Morgan – not present

Ms. Iverson explained that Mr. Morgan had signed off on the service notice telling him to be present at this hearing. It was up to Commission to use its discretion as to whether to take action or suspend Mr. Morgan's licenses until he appears before the Commission.

Associate Member Neill moved to suspend Mr. Morgan's licenses until he appeared before the Commission. Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

Billy Pate – not present

Ms. Iverson explained that this was the same as the prior case of Mr. Morgan and the Commission could either go ahead and take action today or suspend Mr. Pate's licenses until he appears before the Commission.

Associate Member Neill moved to suspend Mr. Pate's licenses until he appeared before the Commission. Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

Payton W. Jones – present and sworn in.

Ms. Iverson explained that Payton W. Jones was notified by staff that he had failed to report for the month of August 2014 with postcard notices two times. He was now also missing the months of September through December 2014. Mr. Jones was sent a 3rd and final notice by certified mail for all missing harvest reports. Mr. Jones received and signed for this final notice on March 25, 2015. The same day Mr. Jones called staff and discussed his reporting status and he said he would review his records and get back to staff. Staff has still not received any reports or had any further contact from Mr. Jones to date.

Staff recommended Payton W. Jones be placed on probation for a period of two years ending April 27, 2017. During which time, any violation of Chapter 4VAC 20-610-10 et seq. or any of the laws relating to the Marine Resources of the Commonwealth and associated regulations will result in Mr. Jones appearing before a hearing of the Commission on licenses suspension.

Mr. Jones explained that he would go to the buyer to get the records, since he had the same name as his father sometimes it gets confused. He stated he would get it straight.

After much discussion, Associate Member Neill moved to suspend all of Payton W. Jones licenses, starting April 28, 2015, until the Commission gets accurate and verifiable harvest information and then he will be placed on two year probation.

Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

Payton Jones, Jr. – present and sworn in.

Ms. Iverson explained that staff notified Mr. Jones that he failed to report for August 2014 by postcard twice. He was also missing for the months of September through December 2014. Mr. Jones came into the office March 10th and reported to staff that he had no activity for the months of August through December 2014. At a later date, during a buyer audit it was found that Mr. Jones had sold oysters from private grounds during the months of May, June, August, and September 2014. Mr. Jones was sent another notice on March 25, 2015 by certified mail for all missing harvest reports. It was discovered when looking at the buyer’s record for Mr. Jones, it was found that he did work in December 2014. Mr. Jones was notified again on March 26, 2015 for this missing harvest report for December 2014.

Staff recommended Mr. Payton Jones, Jr. be placed on probation for a period of two years ending April 27, 2017. During which time, any violation of Chapter 4VAC 20-610-10 et seq. or any of the laws relating to the Marine Resources of the Commonwealth and associated regulations will result in Mr. Payton appearing before the Commission for a hearing of licenses suspension.

Upon questioning Mr. Payton said he did not harvest for that time period and it must have been someone else. He has given his brother permission, but he did not tell him anything about harvesting. He said when he was notified he had nothing to report.

After much discussion, Associate Member Neill moved that all of Payton Jones, Jr.’s licenses will be suspended, starting April 28, 2015, until such time that the Commission gets accurate and verifiable harvest records and then he will be placed on two year probation. Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

- 12. **PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-252 10 et seq., “Pertaining to the Taking of Striped Bass” to increase the minimum size limit from 32- inches to 36-inches, for the trophy-size striped bass recreational fisheries in the Chesapeake Bay and its tributaries and Coastal Area.

Rachael Maulorico, Fisheries Mgmt. 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 the Commission adopt previous emergency amendments to Chapter 4 VAC 20-252-10 et seq. "Pertaining to the Taking of Striped Bass", increasing the minimum size limit from 32-inches to 36-inches, for the trophy-size striped bass recreational fisheries in the Chesapeake Bay and its tributaries and Coastal Area.

Commissioner Bull opened the public hearing and there were no public comments. He stated the matter was before the Commission.

Associate Member Neill moved to approve the staff recommendation. Associate Member Close seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 13. PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-1090-10 et seq., "Pertaining to License Requirements and License Fees," to reinstate recreational fishing license fees to previous, lower October 2014 amounts.

Lewis Gillingham, Director, Saltwater Fishing Tournament, gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Staff recommended the Commission adopt amendments to the final Chapter 4VAC 20-1090-10 et seq. "pertaining to the Licenses Requirements and License Fees" to lower recreational license fees to pre2015 levels.

Associate Member Neill moved to accept the staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.

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- 14. PUBLIC HEARING:** Proposed final adoption of emergency amendments to Chapter 4 VAC 20-1280-10 et seq., "Pertaining to License Revocations," to establish penalties for individuals who violate a Commission-issued revocation of fishing licenses or fishing privileges, in order to minimize damage to the seafood industry or public health.

Robert O'Reilly, Chief, Fisheries Management gave the briefing of the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

The intent of this proposed regulation is to allow our Marine Police to cite those individuals, who continue fishing activities while under revocation from the Commission. This process may also allow the courts to recognize the seriousness of these additional and earlier offenses. Especially, concerning shell fish, this regulation is necessary to

protect public health and ensure resource conservation. Staff recommends the Commission adopt draft Chapter 4 VAC 20-1280-10 et seq. "Pertaining to License Revocations," as a final regulation.

Commissioner Bull opened the public hearing and there were no public comments. He stated matter was before the Commission.

Associate Member Neill moved to accept the staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 8-0. Chair voted yes.

- 15. PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-620-10 et seq., "Pertaining to Summer Flounder," that will close the summer flounder commercial offshore fishery on April 19, 2015.

Joe Cimino, Fisheries Management Manager Sr., gave the briefing the information provided in the staff's evaluation with slides. His comments are a part of the verbatim record.

Staff recommended the Commission adopt the emergency amendments as final amendments to Chapter 4VAC 20-620-10 et seq. "Pertaining to Summer Flounder". This amendment establishes an April 19 first period closure date.

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

Associate Member Erskine moved to accept the staff recommendation. Associate Member Haynie seconded the motion. The motion carried, 8-0. Chair voted yes.

- 16. PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass," to establish the 2015 recreational season for black sea bass, as May 15 through September 21 and October 22 through December 31.

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

In order to make the recreational season for Virginia consistent with the 2015 federal regulations, staff recommended establishing the 2015 recreational season as May 15 through September 21 and October 22 through December 31.

Commissioner Bull opened the public hearing and there were no public comments. He stated the matter was before the Commission for discussion or action.

Associate Member Neill moved to accept the staff recommendation. Associate Member Close seconded the motion. The motion carried, 8-0. Chair voted yes.

- 17. PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-1270-10 et seq., “Pertaining to Atlantic Menhaden,” to establish the 2015 commercial non-purse seine menhaden bait sector quota as 4,629,542 pounds. This is a quota reduction to account for the 2014 quota landings overage of this sector.

Ande Ehlen, Fisheries Management Specialist, 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 the Commission adopt amendments to Chapter 4 VAC 20-1270-10 et seq., “Pertaining to Atlantic Menhaden” to establish the 2015 commercial non-purse seine menhaden bait sector quota as 4,629,542 pounds.

Commissioner Bull opened the public hearing and there were no public comments. He stated the matter was before the Commission.

Associate Member Erskine moved to accept the staff recommendation. Associate Member Haynie seconded the motion. The motion carried, 8-0. Chair voted yes.

- 18. RECOMMENDATION:** From the Commercial Fishing Advisory Board, on funding a river herring sampling project from the Virginia Marine Fishing Improvement Fund.

Robert O’Reilly, Chief, Fisheries Management gave the briefing of the information provided in the staff’s evaluation. He noted that staff was able to contact 4 out of the 7 member board regarding this request.

The VIMS proposal, titled, “Biological Monitoring of River Herring in Virginia” and request for \$40,000 in funding, from the Marine Fishing Improvement Fund, would increase *Alosid* monitoring activities.

Staff recommended approval of funding \$40,000 from the Marine Fishing Improvement Fund, to increase sampling efforts and enhance the monitoring program for river herring.

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

Associate Member Neill moved to accept the staff recommendation. Associate Member Haynie seconded the motion. The motion carried, 8-0. Chair voted yes.

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Joe Grist, Deputy Chief, Fisheries Management, gave a briefing on the current Winter Crab Dredge Survey with slides. His comments are a part of the verbatim record.

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Robert O'Reilly, Chief, Fisheries Management, gave the briefing of the information provided on the following items that are requests for public hearings to be held at the May 26, 2015 meeting. His comments are a part of the verbatim record.

After some discussion, Associate Member Erskine moved to accept the staff recommendations for public hearings to be held for Items 19, 20, and 21. Associate Member Zydron seconded the motion. The motion carried, 8-0. Chair voted yes.

19. REQUEST FOR PUBLIC HEARING: On proposed amendments to Chapter 4 VAC 20-490-10 et seq. "Pertaining to Sharks," to advertise the establishment of an increase in the spiny dogfish commercial harvest quota for the upcoming fishing season, May 1 through April 30.

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20. REQUEST FOR PUBLIC HEARING: On proposed amendments to Chapters 4 VAC 20-270-10 et seq. "Pertaining to Crabbing" and 4 VAC 20-752-10 et seq. "Pertaining to Blue Crab Sanctuary," in order to ensure conservation of the blue crab resource.

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21. REQUEST FOR PUBLIC HEARING: On proposed amendments to Chapter 4 VAC 20-1290-10 et seq., "Pertaining to Relaying of condemned shellfish," to establish a daily permit and associated fee for the harvest and relay of condemned shellfish.

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Commission Meeting

**17374
April 28, 2015**

There being no further business, the meeting was adjourned at approximately 2:29 p.m.
The next regular Commission meeting will be Tuesday, May 26, 2015.

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John M. R. Bull, Commissioner

Katherine Leonard, Recording Secretary