

MINUTES

COMMISSION MEETING

April 28, 2020

****In consideration of Governor Northam's Executive Order 55 and public safety, the April 28, 2020 Commission meeting of the Marine Resources Commission was held electronically at 9:30AM at the Marine Resources Commission main office at 380 Fenwick Road, Fort Monroe, Virginia with the minimum people present in the Commission Room. As required by law, all interested persons were provided an opportunity to be heard on this matter as part of the electronic meeting, prior to the meeting as follows:**

1. Any interested party was invited to visit the agency web calendar at <https://mrc.virginia.gov/calendar.shtm> and look for the 4/28/2020 meeting date to see web links to the draft proposed regulation, instructions for meeting participation, public call-in information, and the meeting YouTube livestream web link. Participants were instructed to join the livestream and public conference call starting at approximately 9:20AM since the meeting will begin at 9:30AM.
2. All persons interested in commenting were highly encouraged to submit written comments prior to the meeting. Comments sent by mail were to be sent to 380 Fenwick Rd, Ft. Monroe, VA 23561 and should be received by 4/23/2020. Comments could have also have been emailed to fisheries@mrc.virginia.gov and were accepted until 5PM on 4/27/2020.
3. Any individuals interested in providing spoken testimony via the public conference call-in line during the public hearing held on the day of the meeting were instructed to email their name, hometown, and for or against regulation to fisheries@mrc.virginia.gov by 5PM on 4/27/2020.

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia with the following present:

Steven G. Bowman

Commissioner, present in room

Wayne France

John Tankard III

John Zydron Sr.

Ken Neill, III

Heather Lusk

Associate Members

Present via conference call

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Christina Everett	Associate Members
James E. Minor III	Present via conference call
Chad Ballard	
Kelci Block	Assistant Attorney General, Present via conference call
Jamie Hogge	Recording Secretary, Present via conference call
Erik Barth	Bs. Systems Manager, Present, in room
Pat Geer	Chief, Fisheries Mgmt.; Present, in room
Shanna Madsen	Deputy Chief, Fisheries Mgmt., Present, in room
Somers Smott	Fisheries Mgmt. Specialist, Present, in room
Matt Dize	Marine Police Officer, Present, Inside of the lobby
Tony Watkinson	Chief, Habitat Management Present via conference call
Randy Owen	Deputy Chief, Habitat Management Present, in room
Virginia Institute of Marine Science (VIMS):	
Lyle Varnell	
Emily Hein	Present via conference call
Mark Luckenbach	

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Commissioner Bowman called the meeting to order at approximately 9:30 a.m.

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Associate Member Tankard said the invocation by the request of Commissioner Bowman.

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Commissioner Bowman explained the process of the Electronic Commission Meeting for the Associate Members and those present in the room, or via YouTube and Conference line.

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APPROVAL OF AGENDA: Commissioner Bowman asked if there were any changes from the Associate Board Members or staff.

Associate Member Minor moved to approve the agenda as presented. Associate Member Zydron seconded the motion. The motion carried, 9-0. Chair voted yes.

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- 2. **PERMITS** (Projects over \$500,000.00 with no objections and with staff recommendation for approval).

Randy Owen, Deputy Chief, Habitat Management, reviewed the one (1) page 2 Item A for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

- 2A. **Department of Game and Inland Fisheries, #20-0505** Requests authorization to place up to 33 barges using spuds and anchor systems from April through mid-September to create up to 110,000 square feet of temporary bird nesting habitat in Hampton Roads at the mouth of the James River adjacent to Fort Wool in Hampton. Recommend approval of the permit for the 2020 nesting season.

Fee:	\$ 100.00
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There was one person that spoke in support of the approval of the permit. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Minor moved to approve the one (1) page 2 Item A as presented. Associate Member Ballard seconded the motion. The motion carried 9-0. Chair voted yes.

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3. **PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-1270-10 et seq., “Pertaining to Atlantic Menhaden” related to the transfer of management authority of the species from the General Assembly to VMRC and to be in compliance with the ASMFC Atlantic Menhaden Fishery Management plan to avoid a moratorium of the fishery effective June 17, 2020.

Pat Geer, Chief, Fisheries Mgmt., presented the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Geer’s comments are a part of the verbatim record.

On March 12, 2020, the Virginia General Assembly passed SB 791 and HB 1448. These bills rescinded §§ 28.2-400.2 through 28.2-400.6, 28.2-411, and 28.2-1000.2 in the Code of Virginia, relating to quota management of the menhaden fishery and effectively transferred this authority to VMRC. If the Commission does not adopt regulations on the menhaden fishery, the U.S. Secretary of Commerce will shut down the fishery effective June 17, 2020. This will adversely affect the menhaden industry, fishing communities, and crabbers that rely on menhaden as bait. Given the economic losses to the fishery industry already associated with COVID-19, any delay in adopting this regulation will exacerbate the financial situation for several thousand Virginians.

Staff requests the Commission approve amendments to Chapter 4 VAC 20-1270-10 et seq., “Pertaining to Atlantic Menhaden,” for the VMRC to accept management authority from the Virginia’s General Assembly, to be in compliance with the ASMFC’s Atlantic Menhaden Fishery Management Plan, and to avoid a statewide moratorium of the fishery effective June 17, 2020.

Public comments that were submitted prior to the meeting were displayed on a PowerPoint slide.

There were no public comments on the conference line.

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The matter was before the Commission for discussion and action.

Associate Member Neill made a motion to approve staff recommendation. Associate Member Everett seconded the motion. The motion carried, 9-0. Chair voted yes.

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There being no further business, the meeting was adjourned at approximately 10:25 a.m.

Steven G. Bowman, Commissioner

Jamie Hogge, Recording Secretary