

Meeting June 16, 2016 Lynnhaven River Workgroup

Ken Neil brought the meeting to order about 6:05 PM at VMRC headquarters in the Commission meeting room.

1. Use plan discussion. VMRC staff presented some background information on previous attempts to address this issue. The group was provided current laws and some previous bills that were introduced at the General Assembly. Staff then provided information on the agencies position on what is wanted related to the use plan issue. VMRC believes the Commission would be the best entity to create the criteria and therefore the best approach would be to have the General Assembly modify the Code to authorize the Commission to require (and create the criteria for) a use plan for applications, transfers, and lease renewals. The group had lots of discussion about this idea. After considerable discussion while the general consensus is that a use plan would provide a very useful tool for better management of shellfish leasing, this is beyond of the scope the charge of this group is more of a statewide management issue.
2. The use plan discussion resulted in the belief that issues within Virginia Beach are best addressed concerning the placement of cages on existing leases and that this could be addressed through modification of existing regulations. It was agreed that staff would attempt to draft some regulatory language to accomplish this to be presented at the next meeting.

Staff presented information about liability issues. Based on information provided by the Office of the Attorney General, if a leaseholder places structures and/or markers in compliance with all current laws and regulations, then the leaseholder's liability is greatly diminished. Conversely, if boaters, or others do not adhere to safe boating practices they could have some degree of liability for damage to aquaculture structures. This would be a civil matter. Additionally, the information provided by the Office of Attorney General that unless gross negligence could be proved the state would not be liable for damages or injuries associated with this matter.

Open for public comment.

Beverly Ludford commented on the issues of raising shellfish and the challenges of being successful due to acts of nature and other issues. She noted that this is a farming endeavor and it takes a lot of hard work to be successful. She noted that the public comment for these meetings is open to anyone to speak and make their concerns known so that all parties can come to a mutually agreeable solution. She noted and Hap Chalmers also mentioned that eco-tourism tours have been conducted related to oyster farming in Virginia Beach.

Pete Nixon commented that the issue about dredging through leases is something industry understands needs to be addressed to allow for such projects but protect legitimate compensation issues for leased areas that are productive or that contain valuable cultch material. He noted that staff should discourage applications nearshore where conflicts are bound to occur. (Editor's note, staff does discourage such applications). He also spoke about the scope of any notification process if required and requested that this issue be carefully studied.

Chris Ludford spoke about attempting to be a good neighbor and the personal importance of this issue to him. He further noted previous concerns that aquaculture activity adversely impacting property values. He noted a parcel recently sold very near existing on bottom cage leased area that sold for the highest per square foot price of any waterfront parcel (without a house on the lot). He also noted an example of unsafe boating practice he recently witnessed. He noted that aquaculture operators face this issue all the time related to their activities. He also noted he has information of a cage operator that has cages very near the shore and that he adjacent landowner does not have any issues with the operation.

George Kotarides noted his concerns about any increased no boat wake areas being designated. He noted that he feels threatened with new no wake zones and threatened about shellfish activities so close to his highland properties. He would like to work to resolve the discussed issues amicably, but he does have concerns about these issues, particularly a pending lease near his property. He noted he supports sanctuary reefs in Virginia Beach and supports lease buffers around such sanctuaries. He does not believe commercial activity should be located so close to residential areas.

Clay Atkinson, noted he is the leaseholder near Mr. Federor's property and he believed he had a good rapport with Mr. Federor. He wishes to keep that relationship with Mr. Fedoror and hopes they can continue to work out any issues as they arise.