

MINUTES

COMMISSION MEETING

May 24, 2022

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:

Justin Worrell	Acting Commissioner
John Tankard III	
John Zydron Sr.	
Wayne France	
James E. Minor III	Associate Members
Jeremy Headley	
William Bransom	
Kelci Block	Assistant Attorney General
Jamie Hogge	Recording Secretary
Todd Sperling	Bs. Systems Manager
Pat Geer	Chief, Fisheries Mgmt.
Stephanie Iverson	Fisheries Mgmt. Manager, Sr.
Adam Kenyon	Deputy Chief, Fisheries Mgmt.
Shanna Madsen	Deputy Chief, Fisheries Mgmt.
Jill Ramsey	Fisheries Mgmt. Specialist
Nancy McElligott	Fisheries Mgmt. Specialist
Jennifer Farmer	Fisheries Mgmt. Specialist
Somers Smott	Fisheries Mgmt. Specialist
Alexa Galvan	Fisheries Mgmt. Specialist
Brooke Lowman	Fisheries Mgmt. Specialist
Joshua McGilly	Fisheries Mgmt. Specialist
Alicia Nelson	Coordinator, RFAB/CFAB
Lewis Gillingham	Director, SWFT
Matt Rogers	Chief, Law Enforcement
Jamie Green	Deputy Chief, Law Enforcement
Randy Owen	Chief, Habitat Management
Mike Johnson	Environmental Engineer, Sr.

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Jeff Madden	Environmental Engineer, Sr.
Jay Woodward	Environmental Engineer, Sr.
Lauren Chartrand	Environmental Engineer, Sr.
Claire Gorman	Environmental Engineer, Sr.
Tiffany Birge	Environmental Engineer, Sr.
Daniel Faggert	Surveyor, Engineering/Surveying
Ben Stagg	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Others present:

Keith Martin	Rebecca Francese	Neville Reynolds
Luna Brett	David O'Brien	Charles Brown II
Brian Dickson	Andrea Levine	Robert Qualls
Susan Scarbo	Lynn Godfrey	Chris Ludford
Myles Cockrell	Claudette Lajoie	Robert Clayton
Matt South	Heidi Corey	Wayne Corey
Corey Chalmers	Mason Ayers	Hayley Becker
Dana Collins	Daniel Colacicio	and others.

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Acting Commissioner Worrell called the meeting to order at approximately 9:33 a.m.

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Associate Member France led the pledge by the request of Acting Commissioner Worrell. Associate Member Tankard said the invocation.

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Acting Commissioner Worrell introduced the new Associate Member William Bransom to the Commission Members. His comments are a part of the verbatim record.

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APPROVAL OF AGENDA. – Acting Commissioner Justin Worrell asked if there were any changes from the Board members or staff.

Ben Stagg, Chief, Shellfish Management Division, requested that Agenda Item #9 **LITTLE WICOMICO OYSTER COMPANY, #21-2442** be removed from the agenda for at least a month due to a nearby property owner that did not receive the proper notification prior to the meeting.

Associate Member Zydron moved to approve the agenda as amended. Associate Member France seconded the motion. The motion carried, 7-0 Chair voted yes.

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MINUTES: Acting Commissioner Worrell asked if there were any changes or corrections to be made to the April 26, 2022 Commission Meeting minutes.

Associate Member Zydron moved to approve the minutes as presented. Associate Member Minor seconded the motion. The motion carried, 6-0-1. Chair voted yes. Associate Member Bransom abstained.

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Acting Commissioner Worrell 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 \$500,000.00 with no objections and with staff recommendation for approval).

Randy Owen, Chief, Habitat Management, reviewed the Page 2 Items A through F for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

2A. HAMPTON LANDING LTD., #22-0151, requests authorization to remove fixed Docks A and B, and replace in the same basic footprint (no further channelward encroachment) with floating docks, resulting in five (5) fewer slips

and to perform maintenance dredging of up to 20,000 cubic yards of accumulated sediments on an as-needed basis to maintain depths of minus six feet (-6') at the marina facility within Neabsco Creek in Prince William County. Staff recommends approval with a time-of-year restriction from February 15 through June 30 of any year, standard dredging conditions and no royalty assessment.

Fees:	\$ 600.00
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- 2B. GLOBALINX DATA CENTER, #21-1649**, requests authorization to horizontally drill four (4) five-inch steel submarine fiber optic conduits under Sandbridge Beach and adjacent State-owned submerged bottomlands to a distance of approximately 4,000 linear feet offshore, directly adjacent to City property located at 209 Sandbridge Road, situated along the Atlantic Ocean within the City of Virginia Beach. The conduits will remain vacant with the intent of accommodating future submarine fiber optic cable projects. This project was previously permitted and royalties paid under VMRC Permit #19-2048, which was inactivated. Given that no additional impacts are proposed, additional royalties are not recommended. Staff recommends approval as proposed.

Fees:	\$ 600.00
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- 2C. GREAT LAKES DREDGE AND DOCK COMPANY, LLC. #21-1630**, requests authorization to construct 518 feet of steel sheetpile bulkhead with a subaqueous riprap toe on the north end of the site and 369 linear feet of steel bulkhead on the south end of the site. Both bulkheads will have backfill and a concrete cap at property (700 and 800 East Indian River Rd) adjacent to the Elizabeth River Eastern Branch in the City of Norfolk. Staff recommends a royalty of \$23,085.00 for upland creation.

Royalties: (4,617 S.F. @ \$5.00 / S.F.)	\$ 23,085.00
Fees:	\$ 600.00
Total Fees:	\$ 23,685.00

- 2D. BRG LITTLE CREEK, LLC, #21-2180**, requests authorization to construct a new outfall with riprap protection, install a floating dock with a community-use kayak launch, replace two existing piers with a single 375 linear foot floating

pier and 34 slips, and construct a 248 linear foot floating pier parallel to bulkhead with four finger piers and nine (9) slips at property (4707 Pretty Lake Avenue) adjacent to Little Creek in the City of Norfolk. Staff recommends a royalty of \$77,250.00 for the private marina.

Encroachment: (51,500 S.F. @ \$1.50 / S.F.)	\$ 77,250.00
Fees:	\$ 600.00
Total Fees:	\$ 77,850.00

- 2E. NORFOLK NAVAL SHIPYARD, #22-0793,** requests authorization to construct 420 linear feet of steel bulkhead with backfill, 6 feet in front of existing bulkhead, as part of a broader reconstruction of the berths at Dry Dock 8, Norfolk Naval Shipyard, adjacent to the Southern Branch Elizabeth River in the City of Portsmouth.

Fees:	\$ 600.00
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- 2F. PAMUNKEY INDIAN TRIBAL GAMING AUTHORITY, #21-1191,** requests authorization to remove existing dilapidated structures and install shoreline stabilization measures to include bulkheading, riprap revetment, living shorelines, construct two (2) 48-inch storm water outfalls, dredge 26,315 cubic yards of State-owned submerged land, and install a 50-slip commercial marina at property (200 Park Avenue) adjacent to the Eastern Branch of the Elizabeth River in the City of Norfolk.

Royalties: (Dredge 26,310 CY @ \$0.60 / CY; Fill 660 S.F. @ \$3.00 / S.F.; Encroachment 121,980 S.F. @ \$1.00 / S.F.)	\$ 139,746.00
Fees:	\$ 600.00
Total Fees:	\$ 140,346.00

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Acting Commissioner Worrell requested to separate Item 2B from the rest of the page 2 items when voting.

Associate Member Minor moved to approve the page 2 Items 2A, 2C, 2D, 2E and 2F as presented. Associate Member France seconded the motion. The motion carried 7-0. Chair voted yes.

Associate Member Minor moved to approve the page 2 Item 2B as presented. Associate Member France seconded the motion. The motion carried 6-0-1. Chair abstained.

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3. CONSENT AGENDA ITEMS. – No Consent Agenda Items.

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4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. – No meeting needed

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5. LICENSE STATUS REVIEW

Keith Martin (3051): was present and sworn in. His comments are a part of the verbatim record.

Alexander Tucker, Marine Police Officer, was sworn in. His comments are a part of the verbatim record.

03/31/2021 Possession of undersized striped bass (79 total fish) **4 VAC 20-252-140**

Disposition:

October 21, 2021 Accomack General District Court

The matter was before the Commission for discussion and action.

Associate Member Zydron made a motion to suspend all current licenses, revoke tidal fishing privileges and prohibit any issuance or reissuance of any license for 5 years. Associate Member France seconded the motion. The motion carried, 7-0. Chair voted yes.

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- 6. MOUNTAIN VALLEY PIPELINE, LLC, #21-0416**, requests authorization to install a natural gas pipeline, with associated temporary construction access bridges, beneath the beds of eight (8) streams and/or rivers with drainages greater than five (5) square miles, which are considered to be State-owned subaqueous bottomlands of the Commonwealth along the designed project corridor in Giles, Roanoke, Montgomery, Franklin and Pittsylvania Counties for the Mountain Valley Pipeline Project. The project is protested.

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

Mr. Johnson explained that in 2018, the Virginia Marine Resources Commission (VMRC) issued a permit to Mountain Valley Pipeline (MVP) to install a 42-inch natural gas line under 18 jurisdictional streams with a drainage area greater than 5 square miles. The permit that was issued to MVP authorized those stream crossings utilizing trench and cofferdam methodology as well as various methods of directional drilling to install the pipeline.

MVP has now identified eight (8) of the previously authorized stream crossings, that were originally permitted for open trench and cofferdam installation, that now need to be installed using directional drilling. This change was in response to how the U.S. Army Corp of Engineers needed to permit the project and necessitated a new application be submitted to the VMRC for the modification. The use of directional drilling will result in no impact on the stream bed or its aquatic natural resources. However, since the installation still results in an encroachment, a VMRC subaqueous permit is still required.

The eight (8) streams crossings which are being modified with this request are: Sinking Creek and Little Stony Creek in Giles County; Bradshaw Creek, Craig Creek, and the Roanoke River in Montgomery County; Mill Creek in Roanoke County, Teels Creek in Franklin County, and Harpen Creek in Pittsylvania County.

Applicable permits and authorizations for the Virginia Department of Environmental Quality (DEQ) and the Federal Energy Regulatory Commission (FERC) have been issued. The U.S. Army Corps of Engineers will require a permit only for the crossing of the Roanoke River and that authorization is expected soon.

In 2018, the Commission issued a permit to MVP for the installation of the proposed gas pipeline across 18 VMRC jurisdictional creeks. Included in that permit was authorization to install the pipeline, using traditional open cut and cofferdam methodology, under the eight (8) creeks in question for this application. The applicant has now requested that these crossings be installed using borings.

The primary concern of the protestants was directional boring impacts on natural resources. Staff notes that this type of installation methodology results in no direct disturbance to the stream, or its natural resources, as compared to traditional open-cut installations which includes damming off part of the stream to cut a trench for the pipeline installation. This is why DWR has indicated in their comments to VMRC that the directional drilling methodology is preferred as it will not directly impact threatened and endangered species or their habitat. It also avoids any time-of-year restriction to protect these species as all of the VMRC jurisdictional work occurs under the stream bottom. DWR did request that the applicant follow a frac-out monitoring and response plan in case there is a fracture of the rock around the bore which could allow drilling fluids to escape into the stream. The applicant has provided such a plan to VMRC and agreed to its use.

The protestants also cited concerns with impacts on water quality and future realignments of the pipeline. Staff notes that the boring of the pipeline should result in minimal to no direct impact to water quality. Any future realignments would require a new application, public interest review and reconsideration by the Commission. In addition, the protestants were concerned with erosion and sediment control, leachates from the gas pipeline impact on groundwater, and work being performed in the uplands. It should be noted that the DEQ State Water Control Board addressed these concerns during their public hearing several months ago and issued their permit.

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Accordingly, after reviewing all of the materials in the application, comments received from other state agencies, 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 recommends approval of the project as proposed with the following special permit conditions:

- 1) That the frac-out monitoring and response plan submitted is to be made a part of the permit and that the applicant abides by that plan;
- 2) That if karst features are encountered during construction, the DCR Karst Program Coordinator must be notified;
- 3) All areas of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into State waters.

Cory Chalmers spoke on behalf of the project. His comments are a part of the verbatim record.

There were four (4) people that spoke in opposition of the project. Their comments are a part of the verbatim record.

Justin Curtis spoke in support of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Minor made a motion to approve staff recommendation. Associate Member France seconded the motion. The motion carried, 7-0-. Chair voted yes.

Fees:	\$ 600.00
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- 7. **JAMES M. AYERS, #22-0360**, requests authorization to construct a 560-foot long open-pile walkway and footbridge over a marsh and tidal tributary to

LaGrange Creek to access a proposed private, riparian pier at property at 183 Shell Court in Middlesex County. The project is protested by a nearby neighborhood citizens association.

Jay Woodward, Environmental Engineer, Sr., gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Woodward's comments are a part of the verbatim record.

Mr. Woodward explained that the project site is near the confluence of LaGrange Creek and the Rappahannock River, approximately two miles northeast of the Town of Urbanna. The applicant's home is on a 7.24 acre parcel, much of which is a tidal marsh abutting LaGrange Creek that has a braided tidal tributary feeding it. The submerged lands of this tributary are considered to be State-owned submerged lands as they do not ebb dry at a normal low tide. In order to gain access to LaGrange Creek, the applicant has proposed an elevated, open-pile walkway that will result in bridging the small tributary channel into the marsh. The total length of the proposed structure will be 900 feet from the upland on the Ayers property, with the pier extending 285 feet channelward of the Mean High Water line into LaGrange Creek.

The current proposal is very similar to a previously permitted project for the prior property owner, Mr. Steven Bland (VMRC #06-2484). That project was also protested and ultimately unanimously approved by the Commission on December 18, 2007, finding that only the bridge portions of the walkway crossing the tidal tributary to the creek fell within the jurisdiction of the Commission. The approval included a special condition that the portions of the walkway crossing the tidal tributary would be elevated a minimum of six (6) feet above mean high water to allow continued navigable access to small boats. The Commission found the pier portion of that project to meet the statutory authorization provided under §28.2-1203.A.5 of the Code of Virginia for private, riparian piers. The footbridge permit was extended several times, and expired on December 31, 2016, without being constructed.

Mr. Ayers has since purchased the property and is requesting that the Commission reauthorize the footbridge permit held by Mr. Bland.

The applicant submitted a new survey of their property, dated September 28, 2021. It clearly shows that the marsh is part of Lot 7A "Cedar Pointe" Section II Tax Map 19 (19) consisting of 7.24 acres[±], which abuts LaGrange Creek, making it a riparian parcel. As such, the applicant is entitled to a private, riparian pier to access LaGrange Creek

adjacent to their waterfront property. That survey appears to show that the applicant does own the portion of the sand beach over which the project will cross. While Mr. Brauer questions ownership of the beach, the Commission lacks the authority to determine who in fact owns the sand beach between LaGrange Creek and the Ayers' tidal marsh, as it did during review of the previous application by the prior owner of the subject parcel. Although each application is reviewed on its own merits, staff feels that the issues remain largely the same as they were in 2007. That project was brought to the Commission and ultimately approved, as noted previously.

Accordingly, 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 finds the proposal to be a reasonable and permissible use of the State-owned submerged lands in the tidal marsh adjacent to the applicant's waterfront property. Therefore, staff recommends approval of the footbridge with the condition that the portion of the structure spanning the main tributary into the marsh be elevated a minimum of six (6) feet above Mean High Water to provide continued access by small watercraft navigating in the marsh area. Staff further recommends that the Commission find that the remainder of the footbridge over the marsh areas, and the private pier extending channelward of Mean Low Water into LaGrange Creek, meets the statutory authorization provided for private piers pursuant to §28.2-1205(A) of the Virginia Code and, therefore, does not require a permit from this agency.

Should subsequent litigation determine that Mr. Ayers does not in fact own the beach area separating the marsh from LaGrange Creek where the footbridge and pier is to cross, he would need to submit a new permit application for a non-riparian pier, requiring a new public interest review for that portion of his request.

James Ayers, applicant, was present and sworn in. His comments are a part of the verbatim record.

No one spoke in support or opposition of the proposed project.

The matter was before the Commission for discussion and action.

Associate Member Minor made a motion to approve staff recommendation. Associate Member Headley seconded the motion. The motion carried, 7-0-. Chair voted yes.

Fees:	\$ 300.00
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- 8. **APPALACHIAN POWER COMPANY, #21-1777**, requests authorization to install 26 individual aerial crossings to install a nonelectric telecom cable on existing distribution poles with no instream work over sections of Levisa Fork, Looney Creek, Bull Creek, Bart Lick Creek and Russell Fork in the vicinity of Haysi in Dickenson and Buchanan Counties. The project is protested by an adjacent property owner.

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

Mr. Madden explained that the Appalachian Power Company Grundy-Haysi Telecommunications Project in Buchanan and Dickenson Counties will include the installation of approximately 20.7 miles of new nonelectric telecom cable. The new cable will be installed on existing distribution poles with no instream work required. This application includes 26 individual jurisdictional aerial crossings of water bodies, with drainage areas greater than five (5) square miles, of which only one (1) is protested by an adjacent property owner.

While Commission staff is sensitive to the protestant’s concerns, the issues raised by Mr. Fuller concerning ingress and egress to his property involve areas that are outside of the Commission’s jurisdictional authority. As proposed, the installation of the overhead crossing on existing distribution poles will result in no instream work. Accordingly, after reviewing all of the materials in the application, comments received from other State agencies, the concerns expressed by Mr. Fuller, and all of the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.

Luna Brett, a representative of Appalachian Power was present and sworn in. Her comments are a part of the verbatim record.

No one spoke in support or opposition of the proposed project.

The matter was before the Commission for discussion and action.

Associate Member Minor made a motion to approve staff recommendation. Associate Member Bransom seconded the motion. The motion carried, 7-0. Chair voted yes.

Dredge/fill: (2,291 L.F. @ \$3.00 / L.F.)	\$ 6,873.00
Fees:	\$ 300.00
Total Fees:	\$ 7,173.00

REMOVED FROM THE AGENDA AT THE REQUEST OF BEN STAGG AT THE BEGINNING OF THE MEETING.

9. LITTLE WICOMICO OYSTER COMPANY, #21-2442, requests authorization to install floating oyster bag enclosures at three (3) locations within the Little Wicomico River near Hansons Cove in Northumberland County, with the footprint of oyster planting ground lease #21701. Site one will encompass a 200-foot by 400-foot area with 20 horizontal lines 200 feet in length with 130 bags per line; site two will encompass a 300-foot by 500-foot area with 30 horizontal lines 300 feet in length with 200 floats per line; site three will encompass a 250-foot by 700-foot area with 35 horizontal lines 250 feet in length with 160 bags per line. The request is protested by a number of nearby residents and property owners.

10. JASON L. DAMERON TO LITTLE WICOMICO OYSTER COMPANY, LLC, Oyster Planting Ground Transfer Application #2021-556, requests authorization to transfer 6.72 acres of oyster planting grounds (lease # 19247) in Mill Creek in Northumberland County. The transfer request is protested by a number of local nearby highland property owners.

Ben Stagg, Chief, Shellfish Management Division, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Stagg's comments are a part of the verbatim record.

Mr. Stagg explained that staff received an oyster ground lease transfer request from Jason L. Dameron to Little Wicomico Oyster Company, LLC, on August 4, 2021.

As required by the Code of Virginia notification of the request was sent to adjacent leaseholders and nearby highland property owners. Staff received a number of objections to the transfer from highland property owners in the area. Those in opposition provided concerns about potential adverse impacts to navigation, other uses of the waterway for recreational and fishing purposes, view shed concerns, use of the nearshore areas adjacent to their properties and possible adverse impacts navigation access to a small cove just north of the existing lease.

After careful review and consideration of the objections raised by nearby and adjacent property owners, and after considering all of the factors of §28.2-625 and §28.2-1205A of the Code of Virginia, staff recommends approval of the lease transfer request in its entirety, containing 6.72 acres.

Miles Cockrell, spoke on behalf of Little Wicomico Oyster Company. His comments are a part of the verbatim record.

Dan Colacicco, president of Oak Cove Home Owners Association was sworn in and spoke in opposition of the application. His comments are a part of the verbatim record.

Brian Dixon, nearby property owner, was sworn in and spoke in opposition of the application. His comments are a part of the verbatim record.

Andrea Levine, nearby property owner, was sworn in and spoke in opposition of the application. Her comments are a part of the verbatim record.

Mr. Cockrell stated that if the Commission does not approve the lease transfer, he will continue to work the lease as is until time for the lease to be renewed.

The matter was before the Commission for discussion and action.

Associate Member Zydron made a motion to defer the action for at least a month to allow the leaseholder, prospective leaseholder and the protestors to meet and attempt to reach a compromise regarding the lease transfer. Associate Member Bransom seconded the motion. The motion carried, 7-0. Chair voted yes.

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11. PUBLIC COMMENTS. No one present to speak during public comment.

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12. PUBLIC HEARING: Proposal to amend Chapter 4 VAC 20-1390-10 et seq., “Pertaining to Shrimp”, to modify shrimp trawl licensing entry requirements, license transferability, and the use of agents for the commercial shrimp trawl fishery.

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

Mr. Geer explained that in July of 2021, the Commission established Chapter 4 VAC 20-1390-10 et seq., “Pertaining to Shrimp”, creating a commercial shrimp trawl license, relevant procedures for obtaining a license, designated trawl harvest areas, and commercial and recreational harvest limits for non-target gears. This new regulation was the outcome of a four-year experimental shrimp trawl fishery in coastal waters off Virginia Beach and Eastern Shore. It was evident at the time that the transition from an experimental to a regulated fishery would require addition amendments to the regulation as the fishery continued to develop. In addition to modifying license eligibility and timing, the amendments presently being considered address transferability of the commercial shrimp trawl license and criteria on when agents are permissible.

Staff recommends amending Chapter 4 VAC 20-1390-10 et seq., “Pertaining to Shrimp” to 1) modify shrimp trawl licensing harvest requirements, lottery dates, and application requirements 2) allow the transfer of commercial shrimp trawl licenses in certain circumstances due to death, medical hardships, or military service; and 3) allow agents for shrimp trawl licenses for a two-week period each year under certain circumstances due to death, medical hardships, or military service.

No one spoke in support or opposition of the proposed regulation change.

The matter was before the Commission for discussion and action.

Associate Member Minor made a motion to approve staff recommendation. Associate Member Headley seconded the motion. The motion carried, 7-0. Chair voted yes.

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13. DISCUSSION: Presentation of 2021-2022 Blue Crab Winter Dredge Survey results and information pertaining to Virginia's blue crab fisheries.

Alexa Galvan, Fisheries Mgmt. Specialist, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Ms. Galvan's comments are a part of the verbatim record.

Ms. Galvan explained that the Bay-wide Winter Dredge Survey is the primary survey used to assess the Chesapeake Bay's blue crab population. Since 1990, the survey has been conducted annually from mid-December through mid-March at 1,500 randomly chosen sites by the Virginia Institute of Marine Science (VIMS) and Maryland Department of Natural Resources (MD DNR). During winter's cold temperatures, blue crabs bury into the muddy bottom and remain sedentary until spring. Sampling during this time allows scientists to more efficiently capture crabs and to reduce bias of crabs moving throughout the bay to develop estimates of the number of crabs. The survey objectives are to describe the size and sex composition of the Bay wide population, develop accurate estimates of Bay-wide blue crab abundance and harvest exploitation, and to evaluate the status of the stock on a yearly basis.

Management of blue crabs is updated on an annual basis, where bushel limits are effective from July 5 of one year to July 4 of the next and an evaluation of the winter dredge season is conducted annually. This allows managers to respond, if necessary, to the most recent winter dredge survey results, which are usually released in May.

The 2022 total abundance estimate for blue crabs in Chesapeake Bay is 226.6 million crabs, which is the lowest abundance value since the survey's inception in 1990. It is also a decrease of 20% from 2021.

Abundance estimates by age are based on a size cutoff, whereby crabs 2.4 inches (60 mm) or less in carapace width (tip of spine to tip of spine) are denoted as ‘age-0’ or juvenile crabs, and those greater than 2.4 inches in carapace width are classified as spawning age or ‘age-1+’ crabs. Juvenile abundance was estimated at 101 million crabs, an increase of 18% from 2021. This juvenile abundance ranked the second lowest out of the 33 years of the survey, with 2021 as the lowest, and is the main driver for the low total crab abundance. This is concerning for the jurisdictions, because these juvenile crabs will become exploitable to fisheries in late summer or fall and represent the 2022 spawning potential. Several years of below average recruitment could lead to a drop in abundance of adult crabs, as the survey saw this year. Of spawning age crabs, the survey estimated an abundance of 126 million crabs for 2022, a decrease of 36% from 2021. These adult crabs are likely to spawn between May and August 2022, releasing their eggs near the mouth of the Bay.

The survey further estimates the adult population by sex, as the fishery is managed by sex-specific reference points. The current estimate of spawning age (age-1+) female abundance (97 million) is 39% lower than the 2021 estimate and 16% lower than the long-term average of 116 million crabs. This falls below the healthy target of 196 million but is still above the minimum threshold of 72 million crabs. The adult female abundance in 2022 is the 20th highest across the 33-year time series, with the lowest abundances occurring in the period before 2008. Management measures imposed in 2008 to reduce Bay-wide female crab harvest by 34% have promoted stock growth since that time with generally higher annual adult female crab abundance observed in the winter dredge survey with normal annual variability due to environmental conditions. Adult male crabs were estimated at 28 million, which is below the long-term average of 62 million and about 27% below the 2021 abundance.

Preliminary Bay-wide (excluding seaside areas) commercial harvest for 2021 was 36 million pounds, a 28% decrease from 2020’s Bay-wide harvest. Virginia’s harvest, including the seaside areas, is estimated at 18 million pounds, a decrease from 2019’s 21 million pounds. Both the Bay-wide and Virginia harvests in 2021 were below the ten year averages (2012-2021) (49 and 23 million lbs, respectively). Crab harvest is monitored for overfishing each year by comparing the number of female crabs harvested as a percentage of the total female crab population. Exploitation of female crabs was at 26% in 2022, which is below the overfishing threshold of 37% and the fishing target of 28%. Total commercial harvest and a recreational harvest estimate are both considered for the exploitation rate.

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Staff recommends this information be used as guidance for any regulatory changes to Virginia's blue crab fishery that may be considered by the Commission for its June public hearing.

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There being no further business, the meeting was adjourned at approximately 2:08p.m. The next Commission meeting will be Tuesday, June 28, 2022.

Justin Worrell, Acting Commissioner

Jamie Hogge, Recording Secretary