

**MINUTES**  
**SHELLFISH MANAGEMENT ADVISORY COMMITTEE (SMAC)**  
**MEETING**

**February 4 th., 2019**

Members Present

Wayne France  
Tommy Kellum  
Ernest George  
Charles B. Johnson

Members Present

Dan Dise  
Jackie Shannon  
J. C. Hudgins  
Beverly Ludford

VMRC/VIMS Staff

Andrew Button  
Rob O'Reilly  
Vernon Rowe  
Jim Wesson  
Missy Southworth  
Roger Mann  
Jamie Hogge

Wayne France, Chairman, opened the meeting at 4:06 p.m. Mr. France asked for a moment of silence in remembrance for Kevin Wade, Shellfish Management Advisory Committee Member.

Andrew Button, Head Conservation and Replenishment, reviewed the current harvest data for 2017/2018 oyster harvest season and reviewed the 2019 Oyster Replenishment Plan. Mr. Button's comments are a part of the verbatim record.

Mr. Button explained that the State General Funds were increased for FY 2019 by \$750,000 and \$1 million for FY 2020. However, the budget increase included a change in language in the budget bill. Previously, all the funds were for the "replenishment" of public oyster grounds. The new language makes a distinction between funding for "restoration" and funding for "replenishment". Although in the past, replenishment has been conducted on both harvest and non-harvest areas, the administration has determined that, with the new budget language, restoration specific funds will be expended only on non-harvest areas. The Governor has included in his budget request for this coming fiscal year an additional \$1 million, of which, \$500,000 is for replenishment and \$500,000 is for restoration. This brings the potential available general funds for this year's plan to \$4 million.

Mr. Button explained that the Conservation and Replenishment Department (CRD) has moved a small amount of seed from the James River Hand Tong areas to the Potomac tributaries for many years. In addition, seed has been moved from areas when a very high spat set has occurred on a recent shell plant to areas that have had poor or often get poor sets. Staff has recently been developing a plan to increase the benefits and lower the cost of moving wild seed. A rotational harvest strategy has been implemented in the Potomac River tributaries. The tributaries in the rotation are the Coan, Nomini, and the Yecomico. One tributary will be planted annually. The first (Coan) was planted last year. The CRD received no responses to the notice to transport and plant seed at the price that was offered last year. However, seed of equal quality was able to be moved for a significantly lower price from an area that received a very good spat set in the lower James River. This area was re-shelled and expanded in 2018, and again received an extremely high spat set.

Staff proposes moving this seed to three different areas. As most areas had an extremely low spat set in 2018 the seed movement may offset this slightly when these areas are open to harvest in the future. The Yecomico, a portion of area 8 of the Rappahannock known as Morattico Bar, and Shell Rock in the Pocomoke Sound would be planted with seed. The areas planted with seed would not be opened for immediate harvest. Staff would evaluate the seed plant areas prior to opening them to harvest. The cost for each bushel of seed to be harvested, transported, and planted in these areas will be at least \$6.00/bushel. Funds from Oyster Resource User Fees will be used for this project.

In the Piankatank River and Great Wicomico River, VMRC manages a successful program to allow private industry a modest harvest of seed oysters each year. In this program, private leaseholders sign up for the amount of seed oysters that they would like to harvest from the public seed grounds, and they must replace two bushels of shell for each bushel of seed oysters taken. The total standing stocks of oysters in the Piankatank River and Great Wicomico have been relatively consistent over the past few years. However, in 2018, the spat set and count per bushel in the area was very low. It is unlikely that any private lease holders would be interested in participating in the seed program.

Staff recommends that no seed oysters be offered to the private industry in 2019. The seed areas will be lightly replenished to encourage spat recruitment in 2019 and maintain their productivity.

The majority of the appropriation for 2019 will be used for adding new shell to those areas in most need of shell. Funds for oyster restoration are not likely to be enough to maintain the public beds at maximum productivity, but if the mean volume of shell observed in the fall survey does not fall below 5 liters per square meter, a reasonable degree of productivity can be maintained. In Table 1, there is a list of all of the areas and acreages of oyster beds that staff has determined to be in need of shell in 2019. In total, 600 acres of oyster beds need shell. The CRD will seek to plant the largest quantity of comparable shells for the lowest area dependent per-unit price. This will likely be a combination of house, fossil, and dredged shells.

The CRD Program and The Nature Conservancy (TNC) have consistently collaborated on Seaside replenishment and restoration efforts. Last year (TNC) funds were used on areas both closed and open to harvest. The CRD will contract for shell planting for a Nature Conservancy project, assist with the site selection, and shell planting monitoring. If funding allows additional areas open to harvest will be planted using General Funds. Approximately 11 acres will be planted with shells harvested from local shell deposits.

In 2018 an approximate 100 to 200 foot area along the border was cleaned, with ordinary oyster dredges, and shells and live oysters were moved further into Virginia. Areas further from the borderline were also replenished, and a small area was open to harvest for the 2018-2019 season. The plan called for replanting the area that had been cleaned with large stones in a thin line to prevent cross border dredging and create a permanent poaching resistant sanctuary. Funding and permitting delays did not allow for this portion of the work to be completed in 2018. Permits for this work have since been issued and it appears that there will be funding to begin a portion of this project in 2019. There may also be an opportunity to complete some of the work with other restoration partners.

The CRD has identified a number of locations that could have suitable bottom for alternative cultch plantings. These areas tend to have sandier bottoms and low oyster densities. Staff has existing permits (JPAs) for several locations. The locations would be near the Deep Rock Area, two locations in the Lower Rappahannock, the Lower James River near Nansemond Ridge, and the lower Pocomoke Sound adjacent to Onancock Rock. Only a small portion of the permitted areas would be planted at any given time.

In addition to these harvest areas, federal grant money may be made available for alternative cultch projects in two Virginia tributaries. The Piankatank, and Lynnhaven rivers have been selected for “large scale oyster restoration” as part of the 2014 Chesapeake Bay Agreement. VMRC-CRD has carefully selected locations in these areas for alternative substrate planting that will minimize potential user conflict. The intent is to create “new oyster reefs” that will have multiple benefits to adjacent areas, through improved water quality, increased fish habitat, and oyster larval transport to both public and private ground.

Staff recommends approval of the 2019 Oyster Replenishment Plan as well as the associated Procurement Procedures.

After much discussion, the Committee concluded that the plan, as presented, was a good plan although there were concerns with replenishing the Mobjack Bay due to poaching.

Committee Member Hudgins made a motion to accept the plan as presented with the stipulation of reviewing the Mobjack Bay before planting shell. Committee Member George seconded the motion. The motion carried 7-0-1. Committee Member Kellum abstained.

The date of a future SMAC meeting was discussed. There may be preferably 3 meetings that will be scheduled before the August SMAC meeting.

The meeting adjourned at 5:20 p. m..