

## MINUTES

**May 23, 2000**  
**NEWPORT NEWS, VA 23607**

The regular monthly meeting of the Marine Resources Commission was held on May 23, 2000 with the following present:

William A. Pruitt	)	Commissioner
Gordon M. Birkett	)	
Lake Cowart, Jr.	)	
Sheppard H. C. Davis	)	
Laura Belle Gordy	)	Members of the Commission
Henry Lane Hull	)	
John W. White	)	
Kenneth W. Williams	)	
Carl Josephson		Assistant Attorney General
Wilford Kale		Sr. Staff Adviser
Erik Barth		MIS Director
LaVerne Lewis		Commission Secretary
Bob Craft		Chief-Finance and Administration
Jane McCroskey		Assistant Chief-Finance and Administration
Debbie Brooks		Executive Secretary
Steven G. Bowman		Chief-Law Enforcement
Warner Rhodes		Middle Area Supervisor
Kenny Oliver		Southern Area Supervisor
Ray Jewell		Northern Area Supervisor
Randy Widgeon		Eastern Shore Area Supervisor
Dr. Gene Burreson		Virginia Institute of Marine science
Tom Barnard		Virginia Institute of Marine Science
Lyle Varnell		Marine Scientist, Sr.
Dr. Jim Wesson		Head-Conservation and Replenishment
Jack Travelstead		Chief-Fisheries Management
Claude Bain		

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Ellen Cosby  
 Lewis Gillingham  
 Jim Peters  
 Tiny Hutcheson  
 Tracey Patton

Fisheries Management Specialist  
 Fisheries Management Specialist  
 Fisheries Management Specialist  
 Fisheries Management Specialist  
 Fisheries Management Specialist

Bob Grabb  
 Tony Watkinson  
 Chip Neikirk  
 Jay Woodward  
 Randy Owen  
 Traycie West  
 Heather Wood  
 Ben Stagg  
 Hank Badger  
 Jeff Madden

Chief-Habitat Management  
 Deputy Chief-Habitat Management  
 Environmental Engineer  
 Environmental Engineer

Gerry Showalter  
 Debra Jenkins

Head-Engineering and Surveying  
 Program Support Technician

others present:

Michael Frsitas  
 Gray A. Craft  
 Crais Pakbinski  
 Al Heist  
 Robert E. Johnson  
 Edward D. Byrd  
 Fred  
 Nelson Tninkle  
 Susan Rilee  
 Robert Wilks  
 Charlotte Lanford  
 Helen Jenkins  
 Sarah Cowart  
 Tom Powers  
 Norman Charnock  
 Leroy Turner, III  
 David Turner  
 John C. Ludford  
 Douglas F. Jenkins, Sr.

Lou Lawrence  
 Dan Birley  
 Bill Armistead  
 Paul A. Burnette  
 Tim Hayes  
 Sandra Back  
 Doug Schepker  
 Sherry C. Hamilton  
 Rebecca Frances  
 John Johnson  
 Shelly Green  
 Charles Williams, III  
 Rick Stilwagen  
 Marshall Cox, Sr.  
 Michael W. Saunders  
 Freeland Mason  
 William Winfrey Dyar  
 Scott Harper  
 Karen Jenkins

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Larry Snider  
Kelly Place

Larry Peele

and others.

Commissioner Pruitt opened the April meeting at 9:30 a.m. Present were Associate Members,

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Birkett, Davis, Hull, Gordy, Williams, White. Associate Member Ballard was absent and Associate Member Cowart would arrive later. Mr. Showalter gave the invocation and Mr. Williams.

**1. MINUTES** of previous meeting.

Associate Member White moved to adopt the minutes as distributed. The motion was seconded by Associate Member Hull. Motion carried unanimously.

**APPROVAL OF AGENDA.**

Associate Member Hull moved to adopt the agenda as presented. Motion was seconded by Associate Member White. Motion carried.

**PERMITS** (Projects over \$50,000 with no objections and with staff recommendation for approval).

Mr. Grabb, Chief -Habitat Management Division, briefed the Commission on the following 11, page two items for projects that were over \$50,000 and not contested.

**2A. MANASSAS DEPARTMENT OF PUBLIC WORKS, #98-1080,** requests authorization to modify a previously issued permit, specifically to relocate a sewer line stream crossing approximately 150 feet south of the previously permitted crossing under Cannon Branch, a tributary to Broad Run in the City of Manassas. Recommend approval including all conditions of the previously issued permit.

Modification - permit not applicable

**2B. U.S. ARMY CORPS OF ENGINEERS, #00-0013,** requests authorization to place approximately 110,000 cubic yards of sandy dredged material from the maintenance dredging of the Chincoteague Inlet Federal Navigation Project along approximately 2,500 feet of shoreline east of the stone riprap on Wallops Island or within the previously used overboard site located southwest of Chincoteague Inlet in Accomack County.

Permit fee..... \$ 100.00

**2C. FISHERIES MANAGEMENT DIVISION, #94-0519,** requests authorization to modify and extend a previously issued permit to include the placement of steel-hulled vessels (landing craft, barges, etc.) and other suitable artificial fishing reef construction materials while maintaining a minimum clearance of 13 feet below the surface at mean low water at the reef site located approximately 2.8 nautical miles west northwest of the

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mouth of Onancock Creek in the Chesapeake Bay. The reef (Anglers' Reef) is bounded by the Loran coordinates 41852 on the north, 41842 on the south, 27240 on the east, and 27243 on the west.

Permit fee not applicable

- 2D. CITY OF DANVILLE, #00-0352**, requests authorization to widen by 12 feet, the Piedmont Drive bridge crossing of the Sandy River in the City of Danville. To facilitate the construction, a 26-foot wide temporary culvert causeway is proposed to be constructed along the southeast side of the bridge. Staff recommends approval with a time of year restriction between March 1 through June 1 to protect the spawning of Striped Bass, White Bass and Walleye, a condition requiring selected culverts to be countersunk to facilitate fish passage, and inclusion of our standard instream construction conditions. Upon completion of the project, staff also recommends a condition requiring the complete removal of the causeway and restoration of the area impacted by its construction.

Permit fee.....\$ 100.00

- 2E. DEPARTMENT OF THE ARMY, #00-0397**, requests authorization to deploy an Offshore Petroleum Discharge System (OPDS)/Inland Petroleum Discharge System (IPDS), consisting of an 8-inch diameter submerged conduit charged only with potable water, between a fuel tanker situated a maximum of one (1) nautical mile offshore and the Fort Story beaches situated along the Chesapeake Bay. The proposed activities would occur a maximum of four (4) times annually, as part of the military's Joint Logistics Over-the-Shore training exercises, within the following area: Latitude 36° 57' 00" N, Longitude 76° 02' 43" W, Easterly to Latitude 35° 56' 43" N, Longitude 76° 01' 29.5" W, and Southerly to Latitude 36° 55' 54" N, Longitude 76° 01' 30" W.

Permit fee.....\$ 100.00

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2F. WILLIAM H. THUMEL, JR., #00-0155, requests authorization to construct and backfill 1,020 linear feet of timber tongue-and-groove bulkheading, aligned a maximum of two feet channelward of the deteriorating structure, at his property situated along Crystal Lake in Virginia Beach. Recommend a royalty of \$1,244.00 for the encroachment of the bulkhead and fill on 1,244 square feet of State-owned subaqueous bottom at a rate of \$1.00 per square foot.

Royalty for filling of 1244 sq. ft. of State-owned bottom @ \$1.00 per sq. ft.....	\$ 1244.00	
Permit fee.....		<u>100.00</u>
Total	\$ 1344.00	

2G. CHESAPEAKE BAY BRIDGE AND TUNNEL DISTRICT, #99-2209, requests authorization to mechanically dredge by clamshell method approximately 2,800 cubic yards of State-owned subaqueous bottom material to establish maximum project depths of -15 feet at mean low water with a six-inch overdredge tolerance at its commercial docking facility situated along Little Creek Cove in Virginia Beach.

Permit fee.....\$ 100.00

2H. CHESTERFIELD COUNTY UTILITIES DEPARTMENT, #00-0036, requests authorization to replace a 42-inch aerial gravity sewer line requiring the installation of three (3) support pedestals, approximately 125 linear feet of riprap and a temporary access road crossing Pocoshock Creek.

Permit fee.....\$ 100.00

2I. HANOVER COUNTY DEPARTMENT OF PUBLIC UTILITIES, #00-0106, requests authorization to install, by the directional drill method, 75 linear feet of a 30" sanitary sewer force main under the Chickahominy River between Hanover and Henrico Counties.

Permit fee.....\$ 100.00

2J. CITY OF HAMPTON, #93-0357, requests reactivation and extension of a previously issued permit to maintenance dredge approximately 12,000 cubic yards of bottom material from the Salt Ponds Entrance Channel in order to restore maximum project depths to minus eight (-8) feet below mean low water.

Permit fee not applicable

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- 2K. FISHERIES MANAGEMENT DIVISION, #00-0406, #00-0407, #00-0408**, requests authorization to construct three (3) oystershell reefs in the lower Rappahannock River, downriver of the Norris Bridge, on Public Ground #1 in Middlesex County.

Permit fees not applicable

There being no comments, pro or con, from the audience on the page two items, Commissioner Pruitt placed the matter before the Commission. Associate Member White move to approve the page two items. Motion was seconded by Associate Member Gordy. Motion carried.

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- 3. EXECUTIVE SESSION** was not necessary.
- 4. GWYNN'S ISLAND CONDO UNIT OWNERS ASSOCIATION, #96-1172.** Failure to comply with design conditions of permit to extend an existing community pier 24 feet and construct a T-head structure to support a maximum of ten (10) wet slips, which was authorized as a result of a Court order dated November 4, 1997.

Tracy West, Environmental Engineer, briefed the Commission and presented slides. Comments are a part of the verbatim record. Ms. West gave some background history on the project which included the site location; the Commission's review of the project in 1990; and the Association's request in 1996 for authorization to extend the existing pier an additional 24 feet and to construct a T-head with 14 wet slips, which the Commission denied. The court issued a final order reversing the Commission's decision and directed issuance of a permit with seven specific conditions as outlined below:

- 1) This permit shall be for a total of 10 slips;
- 2) The 10 slips shall be located along the outboard side of the pier T- head;
- 3) The proposed mooring piles and finger piers associated along the inboard side of the T-head are not permitted and are deleted;
- 4) The proposed mooring piles and finger piers associated with the four slips located along the inboard side of the T-head are not permitted and are deleted.
- 5) Use of the approved facilities are restricted to condominium unit owners and their guests.
- 6) No services (fuel, pump-out, etc.) will be provided on the facility.
- 7) No overnight occupancy aboard moored vessels will be permitted.

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Ms. West then stated that according to the application and permit drawings, each side of the T-head had been angled away from the shoreline so that the end of the pier resembled a "Y" configuration. As constructed, however, the ends of the pier were perpendicular to the main pier and did not angle away from the SAV as specified in the drawings. Ms. West then briefed the Commission and presented slides. Comments are a part of the verbatim record on the project. She indicated that VIMS' comments were a part of the Commission packages. According to VIMS, in order to avoid possible damage to the SAV bed, they recommended that the pier be rebuilt per the permit design. In addition, VIMS also indicated that if the pier were allowed to remain as built, they suggested that slip number 10 be deleted or moved channelward of the "T" head so that no boat traffic was channeled across the SAV bed in order to reach that mooring.

In conclusion, Ms. West stated that the current structure had a direct impact on the SAV in the area. She said the pier, as constructed, did not conform to the design approved by the Circuit Court or contained within the Commission permit. As a result, staff recommended the Commission direct removal of the unauthorized structure within a suitable period of time. She also stated that should the association wish, the pier could be reconstructed in a manner consistent with the original design approved by the Court.

Lewis Lawrence, Jr., President of the Gwynn's Island Condominium Association, and representing the 10 slip owners, addressed the Commission. Mr. Lawrence indicated that the contractor, Bill Armstead, was also available to answer any questions. Mr. Lawrence then presented drawings to the Commission that showed the Association's proposal. Mr. Lawrence acknowledged that the slips were not constructed in accordance with the permit that had been issued. He said that before construction began, he went with Mr. Armstead to see the proposed project out on the end of the current dock as it existed at that time. They reviewed the drawing and how the slips were supposed to be put in. Mr. Lawrence said at that time, they saw no evidence of grass. Mr. Lawrence explained the drawings he had presented to the Commission. Comments are a part of the verbatim record. Mr. Lawrence then requested that the Commission consider the Association's proposal to make a "Y" configuration, however, slip number 10 would still be over the grass. Therefore, he proposed that scheme "A", shown on the drawing he provided, be considered as a solution to the problem that he admitted they created. He also stated that if slips 9 and 10 were moved from the westward end to the eastward end of the pier this should get the slips completely away from the SAV. The Association also proposed to put signs at the westward end of the dock and on the main dock, which would say "no boating in this area."

Associate Member White asked what the depth of water was at low tide where the SAV was located. Mr. Lawrence responded that at the hump where slip 10 was located, the water depth was approximately 15 to 20 inches deep in an area of 20 square feet. He said the rest of the slips were in 6 to 12 feet of water.

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Associate Member Hull asked how many members were in the Home Owners Association? Mr. Lawrence responded that there were 27. Associate Member Hull then asked Mr. Tom Barnard of VIMS, why the aerial photograph of 1990 showed so much more aquatic vegetation than the more recent photograph? Mr. Barnard responded that a great deal of research had been done to determine what had happened in that area. A discussion followed regarding the disappearance of the grass beds and the location of slip 10. Comments are a part of the verbatim record.

Commissioner Pruitt reminded the members that the Circuit Court issue that had been mentioned earlier would have to be addressed because the Circuit Court had outlined how the pier should be built. In addition, VIMS' concern regarding the impacts to SAV as a result of slip 10 should also be addressed. Mr. Pruitt then placed the matter before the Commission.

Associate Member Birkett asked staff if the water depth had been checked on the side where the Association was proposing to relocate slip 10. Ms. West responded that they had a six foot pole that they had used to measure the depth but it was not long enough to touch the bottom. Mr. Lawrence responded that he returned later that day with a 16 foot tape and he could not get it to touch the bottom. A brief discussion followed regarding the water depth at the site. Mr. Birkett asked if prop wash would affect the grass in 10 or 12 feet of water. Mr. Barnard responded that it potentially could at low water, depending on the size of the boat.

Associate Member Williams commented that the Mathews County Board of Supervisors had passed a resolution to install a "no wake zone" in that area several years ago, which he thought may have helped the situation.

Associate Member Hull asked why the initial plans were altered before coming back before the Commission? Mr. Lawrence responded that in the future nothing would be done before coming before the Commission.

Assistant Attorney General Josephson asked if there were any objections from the adjacent property owner on the side where the proposed extension would be placed? Ms. West responded that she was not aware of any objections, and she had only seen the drawings today. Mr. Grabb also stated that the proposal had not been subject to a public interest review and there was the possibility of a riparian apportionment issue also, the Commission may have to get a Court decree before the Commission could approve and extension of the pier.

Doug Shepard, an adjacent property owner, approached the Commission to respond to an earlier question regarding notification of adjacent property owners. He said when the application for the additional four boat slips was filed in December, the adjacent property owners were polled at that time; approval was obtained from for all the adjacent property owners for the additional four boat slips.

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Commissioner Pruitt asked staff if either of the three proposals by the Association satisfied the requirements of the Circuit Court's decision. Ms. West responded she did not think so because the Circuit Court's decision specifically stated, "as it was requested." Mr. Pruitt asked counsel if the Commission could deviate from the Court's decision. Mr. Josephson responded that he thought the Commission could deviate because the Court Order addressed the before them application at that time. Since there had been a change in circumstances, and he did not think it would "tie the Commission's" hands in future matters. He also thought it was within the Commission's jurisdiction to modify the Order.

Commissioner Pruitt then placed the matter before the Commission.

Associate Member Birkett commented that from a practical point, the original design with the "Y" configuration was probably done to avoid the SAV bed. However, the design was awkward to get a boat in to tie up the way the pilings were placed. Mr. Birkett said if the Association would consent to moving slips 9 and 10 to the east side of the "T" configuration, it would be something that he thought would be acceptable to the Commission. He then moved that the proposal be approved. Motion seconded by Mrs. Gordy.

Associate Member Hull requested VIMS' opinion on the motion. Mr. Barnard indicated that if slips 9 and 10 remained, they would affect the SAV. After a brief discussion regarding removal of slips 9 and 10 and removal of approximately 10 to 12 feet of construction on the end of the pier, Associate Member Birkett was acceptable to an amendment to the motion. The amendment was also acceptable to Mrs. Gordy. Mrs. Gordy asked if the Association would have to go through the permitting process for the proposed extension. Mr. Grabb indicated that the proposed extension had not had a public interest review. Mr. Grabb said there was the possibility that the extension could extend into the riparian area of the adjacent property owners. If the adjacent property owner objected, the Commission's policy would be send the matter to the Circuit Court where the area would be apportioned because the Commission was without the authority to authorize an encroachment onto the adjoining property.

Mr. Birkett then asked if the motion could be amended to indicate that the conditions be such that it did not extend into the riparian rights of others, so that the issue would not have to be readdressed in the future by the Commission. Mr. Grabb said he thought that if the Commission approved scheme "A" and had a public interest review, which drew no opposition and the adjoining property owners approved the proposal, the permit could be issued. Mr. Pruitt indicated that the amendment would become a part of the motion. Mr. Grabb's suggestion was acceptable to Mr. Birkett and Mrs. Gordy.

Associate Member Hull commented that although Mr. Birkett's motion was a practical solution to a difficult problem, he disapproved of applicants altering permits on their own and then

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coming before the Commission for authorization. Motion carried.

Modification - Permit fee not applicable

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**5. TOTUSKEY MARINE TERMINAL, LLC, 00-0146**, requests authorization to install two (2) commercial barge moorings in the Rappahannock River, specifically at 37° 51' 20" N latitude and 76° 45' 47" W longitude, and 37° 51' 12" N latitude and 76° 45' 40" W longitude in Essex County. The project is protested by an area property owner.

Heather Wood, Environmental Engineer, briefed the Commission and presented slides of the site. Comments are a part of the verbatim record. Ms. Wood said the proposed moorings would be for barges waiting to be loaded or unloaded while other barges were at the terminal. The moorings would be placed approximately 2,100 to 2,500 feet offshore from mean low water and 1,400 to 1,900 feet inshore of USCG Buoy G-21. The moorings would be marked with a 5-foot diameter steel and lighted mooring buoys and secured with a 5 to 6 ton danforth anchor and anchor chain.

Ms. Wood stated that Ms. Leah Darron, the protestant, outlined in her letter concerns about the mooring of barges, the safety hazard for area swimmers and skiers, and that she was concerned about the aesthetic issues surrounding the proposed location of the moorings. In addition, Ms. Darron pointed out that she felt the public notice published in the Rappahannock Times did not adequately notify the area property owners of the proposed project.

Ms. Wood said that VIMS indicated that the cumulative impacts from the proposed moorings were minimal. In addition, the Departments of Health, Environmental Quality, and Conservation and Recreation had each indicated that the proposed project was acceptable.

Tim Hayes, attorney representing Bayshore Designs, along with Mr. Dan Burley, development manager for Totuskey Marine Terminal, and Mr. Craig Palubinski Bayshore Designs, the project agent, were available to answer questions. He said he thought Ms. Wood's presentation was accurate and complete and they had nothing to add at this time, but would like to reserve the opportunity to rebut the protestant's remarks.

There being no opposition, pro or con, the matter was placed before the Commission. Associate Member White moved that the project be approved as

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proposed, including the lightings and markings. Motion was seconded by Associate Member Birkett. Motion to approved passed 5-0.

Royalty of \$500 for two Commercial Moorings @ \$250 each.....	\$	500.00
Permit fee.....		<u>100.00</u>
	Total	
\$ 600.00		

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**ITEM 6: RICHARD AND SANDRA BACK, #99-1548**, request authorization to construct a 16-foot by 24-foot private, non-commercial, open-sided boathouse including an 8-foot by 16-foot elevated deck on the channelward end of the roof adjacent to their property along the North River in Gloucester County. The project is protested by several nearby property owners.

Chip Neikirk, Environmental Engineer, briefed the Commission and presented slides on the location, depths, and dimensions of the proposed boathouse. Comments are a part of the verbatim record. Mr. Neikirk said the proposed boathouse would be channelward of a private pier that would extend approximately 150 feet channelward of mean high water. The proposed boathouse would be open-sided, with a gable style roof covering the first 16 feet of the slip. The other portion of the roof that was more channelward, an 8-foot by 16-foot portion, was proposed to be flat with an open deck area above it.

Mr. Neikirk said that the project was protested by adjacent property owners on both sides of the Back's property and five nearby property owners. The protestants were concerned that the boathouse roof and elevated deck would adversely affect their view and navigation. Mr. Neikirk indicated that the project would not encroach on any public or privately leased oyster ground. According to VIMS, the individual and cumulative adverse impacts associated with the project would be minimal and temporary in nature.

In staff's opinion, the proposed open-sided boathouse appeared to be appropriately sized to protect the applicants 22-foot vessel. However, the proposed deck, railing and associated stairs, however, would increase the visual obstruction associated with the structure. Mr. Neikirk said the proposed deck was not water-dependent and activities proposed for the elevated deck could likely be accommodated on the 16-foot by 16-foot pierhead or preferably on the adjacent upland. Therefore, staff recommended approval of the 16-foot by 24-foot open-sided boathouse without the elevated deck portion.

Richard Back, the applicant, addressed the Commission and pointed out that staff had covered

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just about everything. He said the project would only be used for private, family, and guest activities only. He said they had approximately 315 feet of river frontage. Mr. Back stated that the adjacent property owners had piers and a community pier was located upriver a few hundred feet from their property. Other comments are a part of the verbatim record.

Harold Johnson gave comments regarding the piers in the neighborhood. He also indicated that he thought there was significant obstruction to visibility with the proposed 16 foot by 24 foot roof. He said the measurements seemed out of proportion.

Staff then pointed out that they would use the measurements with the drawings that showed the 16 foot by 16 foot "L" head and the 16 foot by 24 foot open-sided boathouse.

Mr. Johnson then gave other supporting information in opposition to the project. Comments are a part of the verbatim record.

Charlotte Lanford, an adjoining property owner, addressed the Commission. She said they had written letters to VMRC and Mr. and Mrs. Back protesting the project and asking them to reconsider their proposal. Ms. Lanford stated that she felt the proposed project would negatively affect the 13 property owners that had signed the petition in opposition. She said they had no objection to the Backs enjoying their waterfront with the use of a pier or a reasonably sized boat lift. Other comments are a part of the verbatim record.

John Lanford asked about the water depth. He then presented a letter from the protestants that they had sent to Mr. Back and to the Commission. He said they felt the 150 foot pier, with the elevated boat deck was excessive and would affect the value of their property. Other comments are a part of the verbatim record.

Mr. Back readdressed the Commission in rebuttal. He said the 315 feet of frontage at the edge of the bank was what was on the drawing when they purchased the property a year ago. Again, Mr. Back said it was not an entertainment deck, but something for his family and grandchildren to enjoy. He said he wanted the roof to protect his boat. A brief discussion between Mr. Back and the Commission followed. Comments are a part of the verbatim record.

Commissioner Pruitt placed the matter before the Commission. Associate Member White commented that he felt staff had done an excellent job and came up with a recommendation to allow the pier. Therefore, he move to adopt staff recommendation. Motion was seconded by Associate Member Gordy. Motion carried 5-0-1, Mr. Davis abstained because he was not there for the discussion.

Permit Fee.....\$ 25.00

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**ITEM 7: COUNTY OF ACCOMACK, #00-0031**, requests authorization to replace a previously existing 12-foot wide by 9-foot long "drive on" commercial dock and to repair a 6-foot wide by 75-foot long commercial dock at the Ann's Cove Boat Landing situated along Guilford Creek. The project is protested by an adjacent property owner.

Tony Watkinson, Assistant Chief-Habitat Management, briefed the Commission on the location and presented slides. Comments are a part of the verbatim record. Mr. Watkinson said the purpose of the project was to repair pier facilities that were damaged by Hurricane Floyd in 1999. He said Mr. David Dawson the only resident in the immediate area was protesting the project. Mr. Dawson had indicated that he had concerns about the issues that were related to the use of the facility and activities that occurred on the roadway leading to the site. Mr. Watkinson said to address those concerns, the County had written Mr. Dawson attempting to explain the actions they were able to take in this matter. However, Mr. Dawson was unsatisfied and still maintained his objection to the project.

Mr. Watkinson said VIMS had reviewed the project and indicated that any impacts associated with the pier construction should be minimal. No other agency had expressed any concern about the project. Mr. Watkinson said staff recommended approval of the project because they felt it was appropriate to repair the piers for use by local residents and watermen. A brief discussion followed between Commission members regarding repair and replacement of the pier.

There being no one in opposition present, Commissioner Pruitt placed the matter before the Commission.

Michael Frsitas, the Director of Public Works from Accomack County, addressed the Commission. Mr. Frsitas said he was available to answer any questions. He also concurred with everything that was presented this morning by staff.

Associate Member Gordy moved to accept staff's recommendation. Motion was seconded by Associate Member Davis. Motion carried unanimously.

Permit fee .....\$ 100.00

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Associate Member Cowart arrived for the meeting.

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- 8. DISCUSSION:** Consideration Mr. Roger McKinley's failure to remit the civil charges agreed to by the Commission in November 1999.

For the Record: Associate Member Hull said he would be abstaining from participation in this discussion.

Robert Grabb, Chief-Habitat Management, briefed the Commission on Mr. McKinley's responsibility as a contractor relating to the Willie Bush violation (#99-0340) concerning dredging, containment, and the location of the dredged materials. He said the Commission, at its November 1999 meeting, voted to find that Mr. McKinley had violated several conditions of the permit granted by the Commission in accordance with the provisions under Section 28.2-1213 of the Code of Virginia. The Commission consented to a civil charge in the amount of \$1,800.00 in lieu of further enforcement action. In a letter from Mr. McKinley dated November 17, 1999, Mr. McKinley agreed and requested to pay off the civil charge in installments. Mr. Grabb said on December 22, 1999, he responded to Mr. McKinley's request and agreed to allow six equal installments with the first installment due no later than January 15, 2000. The remaining installments of \$300.00 each were due no later than the 15th of each successive month with the final payment due no later than June 15, 2000. Mr. Grabb said, to date, staff had only received one payment of \$300.00. Mr. Grabb indicated that he had advised Mr. McKinley, by letter dated May 4, 2000, that if the overdue payments were not received by May 15, 2000, the matter would be brought before the full Commission for action.

Associate Member Davis asked what were the alternatives? Mr. Carl Josephson responded that additional time could be given him or an Order could be sent to the Attorney General's Office for appropriate action.

After a brief discussion regarding the alternatives, Commissioner Pruitt suggested that Mr. McKinley be given another month and he would talk with him. Associate Member Gordy so moved. Motion was seconded by Associate Member White. Motion carried 6-0-1 with, Associate Member Hull abstaining.

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- 9. REQUEST FOR PUBLIC HEARING** on modification of the summer period quota for the scup commercial fishery.

Tiny Hutcheson, Fisheries Management Specialist, briefed the Commission on the

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request for a public hearing regarding the scup commercial fishery. Ms. Hutcheson said the summer period quota was from May 1, through October 31. She said last year the quota was over 3,000 pounds. She indicated that this year's quotas should be revised to a total of 2,149 pounds as requested by the Atlantic States Marine Fisheries Commission. Therefore, staff was requesting a public hearing in June to amend the regulation.

There being no comments, pro or con, Acting Chairman White placed the matter before the Commission. Associate Member Gordy move to go to public hearing. Motion seconded by Associate Member Birkett. Motion carried.

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**10. PUBLIC HEARINGS (BLUE CRAB):**

- A. Proposal to extend the current moratorium on the sale of new crabbing licenses.
- B. Modification of the requirements for the transferal of crabbing licenses.
- C. Proposal to allow for the interchangeable use of peeler pots and hard crab pots.
- D. Disposition of those persons ineligible for crabbing licenses for failure to purchase a 1999 license.

Jack Travelstead , Chief-Fisheries Management, said that there were four public hearing issues and each had been before two meetings of the Crab Management Advisory Committee supplemented with the attendance of Presidents of all the various watermen's associations. He said each opinion expressed by the Advisory Committee was unanimously adopted.

Mr. Travelstead said there had been a moratorium on the sale of crabbing licenses since May 1999 because of the increase in effort since 1994. He said the Crab Management Advisory Committee and Staff recommended that there be a continuance on the license sale moratorium for an additional year. He said the Advisory Committee was close to developing a long-term program for the management of the blue crab fishery in terms of managing the effort in the fishery. Mr. Travelstead then recommended that the moratorium be extended for another year, which was unanimously supported by the Crab Management Advisory Committee. However, he was hoping that a program be established before the end of the year that would allow an avenue for persons to get in and out of the fishery. He then briefed the Commission on the four public hearing issues.

**COMMISSION MEETING****MAY 23, 2000**Transfer of Crabbing Licenses:

Mr. Travelstead said under the current regulation, there were only three reasons that licenses could be transferred: (1) between immediate family members; (2) upon the death or incapacitation of the licensee; (3) licenses could be transferred if the boat and all of the gear were being sold together. The Crab Advisory Committee and staff were in agreement to maintain the system currently in place now.

A brief discussion followed regarding voting on the items separately or together, it was decided that they would vote on the items one-by-one in the order they were discussed.

Acting Chairman White then opened the public hearing for item 1. There being no public comments, pro or con, the matter was placed before the Commission.

Associate Member Cowart moved to continue the current license moratorium for an additional year, which would give the crab subcommittee time to work out the details of a more involved license transfer process. Motion was seconded by Associate Member Davis. Associate Member Hull commented that although the motion was for a year, he would like to think the Committee could get back sooner than a year. Associate Member Cowart said the would revise the motion as follows: an additional year or until the Crab Subcommittee could come up with a detailed transfer process within that length of time. Motion was seconded by Associate Member Davis. Motion carried unanimously.

**ITEM 2:** Recommendation to maintain the three current provisions for the transfer of crabbing license.

Acting Chairman White opened the public hearing, there being no comments, pro or con, the the matter was placed before the Commission. Associate Member Gordy so moved. Seconded by Associate Member Cowart. Motion carried unanimously.

**ITEM 3:** Interchangeable Peeler/Crab pots:

Mr. Travelstead said that Mr. Freeland Mason had brought the issue before the Commission to use peeler pots and hard crab pots interchangeably in the past. He pointed out that Mr. Mason had been a long time supporter of using the same gear for both fisheries, which would save the watermen from buying two complete sets of pots. Mr. Travelstead said staff presented the proposal to the Crab Advisory Committee and all the President's of the Watermen's Association and there was no support for this change.

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T. Freeland Mason from Kilmarnock addressed the Commission and gave several reasons to support the interchangeable peeler/crab pots. Comments are a part of the verbatim record.

Richard Stillwagon, Secretary of the Virginia Watermen's Association, addressed the Commission in support of the proposed regulation. He gave several points that he wanted the Commission to consider before making a decision. Comments are a part of the verbatim record.

Chris Ludford, a commercial fisherman and crabber, addressed the Commission. He said he had given a lot of thought to the proposal, but he could not support it. He said with a lot of emphasis being placed on trying to reduce the effort on the fishery, but he felt that enforcement would be difficult. Comments are a part of the verbatim record.

Marshall Cox, President of the Lower Eastern Shore Watermen's Association and a member of the crab committee, addressed the Commission. He said the Crab Committee thought long and hard on this issue, and he felt they looked at the issue and looked at correctly. He said every member voted against the issue because of certain geographical locations. He said he felt that by using the interchangeable pots it would be an incentive to save more small crabs. Mr. Cox then indicated that he thought an experimental plan should be implemented which involved a few individuals, and then bring the results back to the Crab Committee and the Commission for consideration, which would give some data to base a decision.

Commissioner Pruitt closed the public hearing.

Associate Member Hull asked Law Enforcement what their views were on how the regulation would be enforced if the regulation was adopted.

Colonel Bowman said he really didn't have a position on the proposed regulation. He said the proposal had the potential of having some enforcement concerns, but he had not given any indepth thought to the implementation of the proposal.

Associate Member Williams commented that he thought the proposal should be done on an experimental basis with an experimental permit for a year and then have staff follow-up.

Associate Member Davis commented that he felt this proposal was a way of increasing effort and he felt there was enough effort already in the fishery.

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Associate Member Hull commented that since the only available data was Mr. Mason's, the first 10 persons that applied for the permit should be allowed to experiment, and their names forwarded to Colonel Bowman so that the Marine Patrol could check to make sure nothing was being illicitly done through the combination pot experiment. In addition, Mr. Hull said that would be a way to get some data.

After a discussion, Commissioner Pruitt placed the matter before the Commission.

Associate Member Hull moved to adopt an experimental program on this procedure with a limit of no more than 10 watermen from anywhere in the Commonwealth. Ideally, from different geographical areas so that a good feel would come from the entire marine community for this year. He said reports should be submitted regularly to the Fishery Division and their participants name submitted to Colonel Bowman. The marine patrol would then check to make sure their activity was in compliance with the regulation. Associate Member Gordy seconded the motion.

Associate Member White asked if an amendment was acceptable for less than 10 participants? Mr. Hull was acceptable to the amendment and restated the motion to a lesser number of five participants. Mrs. Gordy was acceptable to the amendment.

Colonel Bowman suggested that the experiment be strictly tailored to a confined waterbody.

Mr. Travelstead commented that he thought for the experiment to work it should be going on in different areas of the Bay. He said there was not enough staff to get out and be with the people everyday to make the experimental effective. Mr. Travelstead said their main concern was enforcement.

Associate Member Cowart commented that he would only be comfortable with this experiment if staff would design the criteria for the experiment and come up with what they intended to do, and how they intended to measure the results, and what would have to be done in order to collect the data.

Associate Member Williams commented that he felt the experiment was worthwhile, but he felt it would be difficult to find five persons willing to participate in the experiment.

After a brief discussion, the question was called. Motion carried 7 to 1 to have an experimental fishery. Commissioner Pruitt requested Mr. Travelstead to implement the experiment. Mr. Travelstead commented that it would have to be done quickly because the peeler season was well underway.

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**ITEM 4: Ineligible 2000 Licenses:**

Jack Travelstead, Chief-Fisheries Management, briefed the Commission on the history of the ineligible licensees. Comments are a part of the verbatim record. Mr. Travelstead said last year in May the Commission passed a moratorium for the sale of crabbing licenses. The moratorium was intended to stop the sale of new crabbing licenses, but not for the people who already held eligibility letters. Unfortunately, he said there was some confusion about the moratorium which may have led people not to purchase their 1999 crabbing license, which made them ineligible to purchase licenses in 2000. Mr. Travelstead said there were approximately 250 people that had eligibility letters in 1999, but failed to purchase their 1999 crabbing license. He said in an attempt to clarify the procedure, directions were given to the sales agents and a notice was placed in the commercial fishery newsletter. However, this procedure did not reach every eligible licensee. Therefore, staff recommended that crab license eligibility letters be provided to the 250 individuals who failed to purchase licenses in 1999. Mr. Travelstead said the Crab Advisory Committee unanimously felt those 250 people should be afforded an additional opportunity to buy their license, and staff agreed with the proposal. He said the Crab Advisory Committee had suggested giving the eligible people 30 days to purchase the license. However, staff felt that the eligible licensee may need more than 30 days to purchase their license because some people may not start crabbing until summer. Mr. Travelstead said he thought staff should do what they had done in the past, issue the crab eligibility letter, and then people could purchase their license anytime during the remainder of the crabbing season. If the license was not purchased this year, they would be out of the fishery.

Commissioner Pruitt opened the public hearing.

Michael Wayne Saunders addressed the Commission and said he would like to get his crabbing license back. He had a license in 1992, but moved to North Carolina and crabbed for one year there, and now he wanted to buy a crab license.

Commissioner Pruitt explained that the moratorium was on issuing new crabbing licenses and he should check with staff and other watermen to find out if there was anyone getting out of the fishery that he could purchase a license from.

Shelby Green addressed the Commission. She said her husband died in 1996 and he had been working with her son. She had gone in business for herself and was seeking a license.

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Commissioner Pruitt explained to Mrs. Green that the moratorium was on still for the sale of new licenses. Therefore, she would have to purchase it from someone wanting to sell their license.

Kemp Charnock addressed the Commission. He said he had followed the guidelines and had waited two years to get a license. He said he had purchased his commercial registration, but had not received a letter to get his crabbing license.

Commissioner Pruitt also advised Mr. Charnock to find someone getting out of the fishery to purchase a license from.

Chris Ludford, commercial waterman and a crabber, addressed the Commission. He said he agreed with staff's recommendation.

Leroy Turner addressed the Commission and said he had been sending in letters for four years. He said he was paying \$150 every year for a card that was no good and he had been buying it for five years.

Commissioner Pruitt explained that Mr. Turner came into the fishery when there was a lot of pressure on the fishery. The public had input and the Commission voted to freeze the licenses, and the Commission voted again today to maintain the freeze.

For clarification, Associate Member Cowart pointed out that the 250 persons eligible to purchase their licenses were misinformed when they went to purchase their license in 1999. He said it was a miscommunication between VMRC and the licensing agents and that was the reason the 250 people were eligible to purchase a license. Mr. Cowart also pointed out that the Crab Committee was also looking into the possibilities of what to do in cases similar to these presented today.

Commissioner Pruitt then closed the public hearing, and placed the matter before the Commission.

David Turner addressed the Commission and said he had received a letter last year, but was not allowed to purchase a license. Staff explained to him that if he had a letter last year, he would be eligible to purchase a license.

Commissioner Pruitt again placed the matter before the Commission.

Associate Member Cowart moved that the people that were eligible last year in 1999, and did not purchase their license be sent another eligibility letter stating that they now have the opportunity to purchase a license. The licenses should be purchased

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by the end of this year, and the notification should be sent by certified letter with a return receipt requested. In addition, he requested staff inform the public through the internet and the newsletter to let them know what had taken place. Associate Member Davis seconded the motion. A brief discussion followed. Motion carried unanimously.

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Commissioner Pruitt indicated that the motion to approve the agenda was made by Mr. Hull and seconded by Mr. White. However, he had a public service announcement that needed to be made regarding the Governor's and Secretary Woodley's fishing extravaganza. He said Mr. Claude Bain was a representative on the Interagency Committee and he had a brief report to present to the Commission. The motion maker and seconder were agreeable to the amendment to the agenda.

Claude Bain presented overheads that showed the saltwater programs and their locations. He said this fishing angler's extravaganza was an educational initiative which was a priority of the Governor's administration for this year. This particular program was to encourage participation in recreational fishing for families and children. He also talked about the three free fishing days, June 3-5, 2000. Comments are a part of the verbatim record. Commissioner Pruitt then commented that he thought the program was an extremely important one and a great thing for the kids.

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**ITEM 11: RECOMMENDATIONS of the Recreational and Commercial Fishing Advisory Boards.**

Jack Travelstead, Chief Fisheries Management, briefed the Commission on the projects that had been reviewed by staff, placed through a professional peer review, and had been subjected to a public hearing. He said written comments had also been received. At the request of the Advisory Board, staff issued a number of requests for proposals for research in specific areas where they had some concerns.

As a result, they received a number of proposals that were for research which was warranted. The projects responding to Research RFP are as follows:

- A. Effects of Haul Seine Fishing Gear on Submerged Aquatic Vegetation in Virginia, Virginia Institute of Marine Science; Robert J. Orth. June 2000-May 31, 2001, \$14,939.
- B. Exploratory Study of Circle and J-Shaped Hooks on Release Mortality in

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Adult Speckled Trout and Associated Utilization of SAV Using Telemetry Tags, Virginia Institute of Marine Science; Jon a Lucy. \$63,280.

C. Using Tag-Recovery Data to estimate Migration of Striped Bass (*Morone saxatilis*) Spawned in the Chesapeake Bay, Virginia Institute of Marine Science; Robert J. Latoru \$25,638.

Mr. Travelstead said the Long Term (Multi-year) Projects were:

E. Restoring seagrass habitat as Essential Fish Habitat (EFH) in Chesapeake Bay, Virginia Institute of Marine Science; Robert J. Orth. \$41,247.00.

F. Support of Facilities to Provide Finfish Ageing for Virginia Catches and Application of Virtual Population Analysis to Provide Management Advice. Virginia Marine Resources Commission; Jack Travelstead, VMRC; Cynthia M. Jones, Old Dominion University; \$203,028.

G. 2000 Children's Fishing Clinic, The Denbigh Rotary Club & CCA; Rob Cowling. \$6,000

H. Hampton Roads Kids Fishing Day, Coastal Conservation Association/VA tidewater Chapter, ill Dieffenbach. \$6,000

I. Life History of Spadefish (*Chaetodipterus faber*) from the Chesapeake Bay and Nearshore Virginia Waters: Age & Growth, Feeding, and Reproduction; Deborah A. Bododlus, Hampton University, Herbert M. Austin, Virginia Institute of Marine Science. \$8,474

New Projects

K. County of Isle of Wight Department of Parks & Recreation, Jones Creek Boat Ramp, Phase II; Alan Nogiec \$85,000.

O. Wallop-Breaux Matching Funds, Jack Travelstead; Virginia Marine Resources Commission. \$60,000

P. Virginia Marine Angler's Guide-Revision and Reprinting; Virginia Marine Resources Commission, Claude Bain. Total Request: \$227,000

Mr. Travelstead indicated that two of the projects did not receive a unanimous recommendation. He said the Advisory Board members continued to express concern for funding projects which they believed should be funded by the general

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funds from the General Assembly, primarily because the research that was being done benefited the recreational fishermen, as well as the commercial fishermen and the citizens of Virginia. He said the Advisory Board members were willing to contact their local representatives to see if general funds could be made available for projects, O and F. Mr. Travelstead said the Board was concerned that \$200,000 per year was a significant amount of money from the recreational fund to fund projects that would benefit the commercial fishermen, as well as the general citizens. Mr. Travelstead also noted that at the present time there was only about \$26,000 in the fund. However, between now and September they should collect almost \$1.0 million dollars to fund the proposed projects.

Commissioner Pruitt opened the Public hearing. There being no comments from the public, Commissioner placed the matter before the Commission.

Associate Member Cowart commented that he was concerned about using recreational funds that would benefit the commercial industry.

Commissioner Pruitt commented if SAVs were going to be studied, it should be done thoroughly.

Tom Powers with the CCA addressed the Commission. He said the CCA reviewed the study and one of the issues from the study was that he was comparing areas with the historical haul seine fishing with other areas without the fishing.

Commissioner Pruitt again stated that he would like to have a comparison, not just a study of a single location.

Jacques Van Montfrans from VIMS commented that he was somewhat involved with the proposal with Dr. Orth. He said the intent of the proposal was to look at known areas where haul seining was repeatedly known to occur because of the fact there was a lack of obstruction in those areas and to compare those with areas that were of a similar character, but because of obstruction or some other reasons, haul seining could not occur there. He said Dr. Orth was looking at a 15-year historical data set involving aerial photography of all the SAV beds in the lower Bay. He said Dr. Orth's intent was focus on some of the issues related to prop scarring.

A brief discussion followed between Commission Members and Jacques Van Montrans. Comments are a part of the verbatim record.

Douglas Jenkins, Twin Rivers Watermen's Association, addressed the Commission. Mr. Jenkins gave comments regarding the red tide in his area, and the algae bloom

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and the affect on the SAV Crop. He also gave examples of SAV disappearing in the shallow creeks because of the boat traffic, jet skiing, and water skiing in the area because once the creeks became muddy, the grass was gone.

Larry Snyder,CCA, pointed out that this particular issue was one of several brought up regarding using the licensing money. He said a lot of people did not like the idea that licensing money was going into scientific projects. Other comments are a part of the verbatim record. He said he felt there was value in the study especially in this particular area. A discussion followed. Comments are a part of the verbatim record.

Mr. Pruitt then closed the public hearing, and placed the matter before the Commission.

Associate Member Davis moved to approve the recommendations of the Fishery Advisory Board. Motion was seconded by Associate Member Gordy.

Associate Member Cowart again commented that there were some people that voted against the use of recreational monies to fund studies that would be done to benefit recreational, as well as the commercial industry. He said he felt the commercial industry should support half of the studies that might benefit the commercial future. He said his comments were directed towards the Fishing Advisory Board in their decision making process. However, he would vote for the motion and support it because he knew Dr. Orth would do a thorough investigation of this matter. Concurrence was received by Associate members Williams and Hull .

The question was called. Motion carried.

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**12. PUBLIC HEARING:** Proposed final Regulation 4 VAC 20-620-10 et. seq. to incorporate emergency amendments to set summer flounder recreational fishing measures for the Potomac River and Tributaries and commercial vessel possession limitations.

Lewis Gillingham, Fisheries Management Specialist, briefed the Commission on the emergency amendments that were passed last month. He said the emergency regulation included the Potomac River Tributaries, the summer flounder season size and bag limit being the same as in the Potomac River mainstem. In addition, he said industry requested a transfer of approximately 90,000 pounds of the summer flounder quota from the fourth quarter to the second quarter to allow the bycatch fishery to continue through the second quarter. They could possess up to 10 per cent

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flounder by weight on board the vessel. Mr. Gillingham said in order for those measures to continue, the amended version of regulation 620 would need to be approved. He said no comments had been received regarding the Potomac River proposal. Mr. Gillingham said the commercial transfer of flounder quota for the bycatch fishery had landed about 15,000 of summer flounder. He said the transfer contained a requirement that the buyer must contact law enforcement when the buyer was aware that a boat was coming in.

Acting Chairman White opened the public hearing. There being no comments, pro or con, the matter was placed before the Commission.

Associate Member Cowart moved that staff recommendation of 4 VAC 20-620-10 et. seq. be adopted which established the May 15 through December 31 open season, with 8-fish bag limit, 15-inch size limit for summer flounder in the Potomac River Tributaries in Virginia. In addition, the amended version of regulation 4 VAC 20-620-10 et. seq. also be adopted.

Motion seconded by Associate Member Hull. Motion carried unanimously.

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- 13. REQUEST FOR PUBLIC HEARING** to suspend the July 1, 2000, requirement for crab pots within the crab dredge areas and Pocomoke and Tangier Sounds to contain a large, 2 5/16-inch cull ring.

Jack Travelstead, Chief-Fisheries Management, said this request for a public hearing would cover two things: 1) adoption and implementation of crab sanctuary borders extending from the Virginia/Maryland line south to the mouth of the Chesapeake Bay and would be closed to crab potting from June 1 to September 15. In addition, would serve as protection for female crabs as they entered the migration from the middle of the Bay southward during the spawning migration to higher salinity waters. 2) He said the Commission had also previously tentatively agreed with the adoption of a crab sanctuary to reconsider the implementation of the new cull ring requirement that would go into effect July 1, 2000. This would require the placement of a new cull ring, 2 5/16 inch in diameter, in crab pots placed and fished in the mainstem of the Chesapeake Bay. Mr. Travelstead said Dr. Lipcius from VIMS could not be here today to describe how he defined the proposed crab sanctuary, however, Jacques Van Montfrans was here and he would go through the data and information that led VIMS to design the crab sanctuary.

Associate Member Davis requested staff give a brief explanation of what the crab sanctuary purported to do. Mr. Travelstead said VIMS had evidence that the density

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of female crabs on the spawning ground had decreased by 70 percent over the past seven or eight years. He said VIMS designed a plan to provide protection to those females crabs during the time of year when they were moving southward down the Bay to the spawning grounds, which provided a corridor during that entire time period to protect the crabs during the entire migration and their spawning time.

Associate Member Cowart commented the Crab Advisory Committee unanimously adopted the plan. He said some of the members would like to see the cull ring closed in the mainstem of the Bay.

Jacques Montfrans, VIMS, briefed the Commission on the 10-year VIMS trawl survey data study that examined the distribution of adult female crabs in the lower Chesapeake Bay in Virginia. Comments are a part of the verbatim record.

A discussion followed regarding extending the line through the management area. Comments are a part of the verbatim record.

Commissioner Pruitt placed the matter before the Commission. Associate Member Gordy moved to go to public hearing on the two items. Motion was seconded by Associate Member Birkett. Motion carried unanimously.

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**14. PUBLIC COMMENTS.**

Chris Ludford addressed the Commission. He said he was interested in Item B of the Blue Crab issue just for the record. He gave comments in support of the cull rings. He said he hoped that Dr. Orth would look at other contributing factors other than the haul seine aerial photographs, because he felt other factors such as pollution runoff also affected the SAV. In addition, he said he felt the effects of chemicals used on lawns near the shoreline also affected the SAV area.

Commissioner Pruitt commented that the Secretary of Natural Resources reiterated that the Governor's environmental priorities were water quality. Mr. Pruitt also commented that he thought the overall water quality in the State would improve the Bay.

Marshall Cox addressed the Commission. He pointed out that the regulation regarding 5 1/2 inch conch fishery should be looked into. He said in the processing stage, while conch fishing, the shells are thin and fragile, and the tips break off easily, which made the regulation difficult to enforce because the tips will get

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broken. He indicated that Maryland had a different measuring system that used a ring and he would like for the Commission to look into using the ring.

Commissioner Pruitt commented that watermen on the Eastern Shore had brought this to his attention. He felt that since Virginia did sell in Maryland, the ring should be looked into to create some uniformity with the neighbors. Mr. Travelstead said staff would have Mr. O'Reilly look into having a ring to measure the size of the conch. He said they would have to determine the 5 1/2 inch length and how a ring size could be determined. Commissioner Pruitt suggested talking with Maryland and Delaware, and then bring the information back to the Commission for action.

Douglas Jenkins of the Twin River Watermen's Association addressed the Commission. He gave comments in reference to the July 1, 2000 requirement that crab pots within the dredge area of Tangier and Pocomoke Sound use the large cull ring. He felt this should be done Baywide. He said with the sanctuary that was proposed would probably eliminate some crab pots. He said it had been proven that between 28 to 30 percent of the crabs escape through the large cull ring.

The meeting adjourned at 2:30 p.m.

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William A. Pruitt  
Commissioner

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LaVerne Lewis  
Commission Secretary