

MINUTES

COMMISSION MEETING

March 28, 2023

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:

Jamie L. Green	Commissioner
Lynn Kellum	
William Bransom	
Wayne France	
John Tankard III	Associate Members
James Minor	
Jeremy Headley	
A.J. Erskine	
Kelci Block	Assistant Attorney General Via Conference Call
Jamie Hogge	Recording Secretary
Pat Geer	Chief, Fisheries Mgmt.
Shanna Madsen	Deputy Chief, Fisheries Mgmt.
Jill Ramsey	Fisheries Mgmt. Specialist
Lewis Gillingham	Director, SWFT
Alicia Nelson	Coordinator, RFAB/CFAB
Matthew Rogers	Chief, Law Enforcement
Herbert Bell	Deputy Chief, Law Enforcement
John Collamore	Marine Police Officer
Zach Widgeon	Public Information Officer
Justin Worrell	Deputy Chief, Habitat Management
Jeff Madden	Environmental Engineer, Sr.
Jay Woodward	Environmental Engineer, Sr.
Lauren Chartrand	Environmental Engineer, Sr.
Mark Eversole	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Tiffany Birge	Environmental Engineer, Sr.
Claire Gorman	Environmental Engineer, Sr.

Commission Meeting

**19079
March 28, 2023**

Adam Kenyon
Andrew Button
Daniel Faggert

Chief, Shellfish Management
Deputy Chief, Shellfish Management
Surveyor, Engineering/Surveying

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Others present:

Mike Johnson	James Henderson	Rebecca Francese
Jeff Brown	Tim Hall	Thomas James
Stephanie Peart	Howard Collins	Justin Morris
Elizabeth Morris	David O'Brian	Mary Beth Armstrong
Chris Moore	James White	John Norton
and others.		

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APPROVAL OF AGENDA. – Commissioner Jamie Green asked if there were any changes from the Board members or staff.

Associate Member France moved to approve the agenda as presented. Associate Member Minor seconded the motion. The motion carried, 7-0.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the February 28, 2023, Commission Meeting minutes.

Associate Member Erskine moved to approve the agenda as presented. Associate Member Headley seconded the motion. The motion carried, 7-0.

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Commissioner Green 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).

Justin Worrell, Deputy Chief, Habitat Management, reviewed the Page 2 items 2A and 2B for the Associate Members. Mr. Worrell’s comments are a part of the verbatim record.

- 2A. **BUSH PARK CAMPGROUND, #22-2751**, requests authorization to construct two (2) quarry stone jetties over top of the existing, deteriorated timber jetties at the mouth of Bush Park Creek off the Rappahannock River in Middlesex County. The new stone jetties will be 316 feet long and 191 feet long with a maximum base width of 26 feet.

- 2B. **DOMINION ENERGY, INC., #23-0236**, requests authorization to temporarily impact state-owned submerged bottomlands using a Remotely Operated Vehicle (ROV) with a mounted suction pump to conduct an unexploded ordinance (UXO) identification survey within the Atlantic Ocean from the three nautical mile boundary of the Commonwealth's territorial sea to nearshore areas adjacent to the State Military Reserve (formerly Camp Pendleton) in Virginia Beach. This operation is necessary to support the Coastal Virginia Offshore Wind Project.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member France moved to approve the Page 2 items 2A and 2B as presented. Associate Member Tankard seconded the motion. The motion carried 7-0.

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- 3. **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. **CITY OF VIRGINIA BEACH, #22-1939**, requests authorization to mechanically dredge approximately 19,279 cubic yards of state-owned submerged bottomlands and install 34 new channel markers as part of the City's Hurds Cove SSD neighborhood dredging project, situated along a tributary to the Eastern Branch Lynnhaven River in Virginia Beach. The project is protested by a nearby property owner.

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

Rebecca Francese, representative for the applicant was sworn in and spoke. Her comments are a part of the verbatim record.

James White, City of Virginia Beach was sworn in and spoke. His comments are a part of the verbatim record. Mr. White explained background of the application and the community's interest in the project.

Martin Schildwachter was sworn in and spoke in support of the proposed project. His comments are a part of the verbatim record.

Elizabeth Morris was sworn in and spoke in opposition of the proposed project. Her comments are a part of the verbatim record.

Justin Morris was sworn in and spoke in opposition of the proposed project. His comments are a part of the verbatim record.

Rebecca Francese, agent for the applicant spoke to further explain the background and the impact on the adjacent property owners that spoke in opposition.

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.

Fees:	\$ 600.00
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- 6. **JOHN T. NORTON, #19-2077**, requests after-the-fact authorization to retain 270 linear feet of quarry stone sill and two (2) quarry stone jetties adjacent to his property on Sturgeon Creek at 253 Old Camp Lane in Middlesex County.

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.

John Norton, applicant, was sworn in and spoke on behalf of his after the fact item. His comments are a part of the verbatim record.

Jeff Brown was sworn in and spoke on behalf of Earth Works. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member France made a motion to reduce the contractors' civil charge from \$3,000 to \$1,000. The permit fee, to be paid by the applicant, remained at \$300. Associate Member Bransom seconded the motion. The motion carried, 6-1. Associate Member Tankard opposed.

The applicant agreed to pay the \$300 for the triple permit fee. The contractor agreed to the amended civil fee of \$1,000.

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- 7. **MICHAEL JOHNSON, #21-2139**, requests after-the-fact authorization to retain a 96-foot breakwater and a 32-foot breakwater with beach nourishment adjacent to property situated along Rosier Creek at 20767 Ridge Road in Westmoreland County.

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.

Michael Johnson, applicant, was sworn in and spoke. His comments are a part of the verbatim record.

Jeff Brown, contractor for the project, previously sworn spoke. 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 Tankard seconded the motion. The motion failed, 3-4. Associate Members Minor, Tankard & Bransom voted yes. Associate Members Kellum, France, Headley and Erskine voted no.

Associate Member Headley made a motion to reduce the contractors' civil charge from \$6,000 to \$1,000. The permit fee, to be paid by the applicant remained at \$900. Associate Member France seconded the motion. The motion carried, 6-1. Associate Member Tankard opposed.

The applicant agreed to pay the \$900 for the triple permit fee. The contractor agreed to the amended civil fee of \$1,000.

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- 8. LINNIE BARR and NANCY BARR to LINNIE BARR and NANCY BARR and JAMES HENDERSON, JR., Oyster Planting Ground Lease Transfer # 2022-610** Request to transfer 4.49 acres of oyster planting grounds within Nassawadox Creek in Northampton County. The transfer is protested by a local waterman.

Daniel Faggert, Surveyor, Engineering/Surveying, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. Faggert's comments are a part of the verbatim record.

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

The matter was before the Commission for discussion and action.

Associate Member Bransom made a motion to approve staff recommendation to accept the transfer application as submitted to the agency. Associate Member Headley seconded the motion. The motion carried, 7-0.

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9. PUBLIC COMMENTS. There were no public comments.

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There being no further business, the meeting was adjourned at approximately 12:13 p.m. The next Commission meeting will be Tuesday, April 25, 2023.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary