

## MINUTES

## COMMISSION MEETING

June 27, 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 E. Minor III	
Jeremy Headley	
A.J. Erskine	
Kelci Block	Assistant Attorney General
Lou Atkins	Recording Secretary
Pat Geer	Chief, Fisheries Mgmt.
Shanna Madsen	Deputy Chief, Fisheries Mgmt.
Joe Grist	Deputy Chief, Fisheries Mgmt.
Jill Ramsey	Fisheries Mgmt. Specialist
Alexa Galvan	Fisheries Mgmt. Specialist
Joshua McGilly	Fisheries Mgmt. Specialist
Somers Smott	Fisheries Mgmt. Specialist
Brooke Lowman	Fisheries Mgmt. Specialist
Jennifer Farmer	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
Jeff Copperthite	Marine Police Officer
Jacob Guy	Marine Police Officer
Chris Miller	Marine Police Officer
Zach Widgeon	Public Information Officer

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Randy Owen	Chief, Habitat Management
Justin Worrell	Deputy Chief, Habitat Management
Jay Woodward	Environmental Engineer, Sr.
Lauren Chartrand	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Tiffany Birge	Environmental Engineer, Sr.
Claire Gorman	Environmental Engineer, Sr.
Adam Kenyon	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management
Daniel Faggert	Lead Surveyor, Engineering/Surveying
Christopher Myers	Surveyor, Engineering/Surveying

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Others present:

Emory Rice	Aubrey Stokes	Melanie Coffey
Rebecca Frances	Ben Stagg	Monica Schememan
Nathan Reynolds	Walker Ware	Claudette Lajoie
Myles Cockrell	Stuart Gaugh	Molly Fuller
Will Prince	Carrie Mullins	Stacey Kitchen
John Mullenholz	Jason Ericson	Mitchell Babs
Missy Neff	Richard Green	Jerry Barnes
E. E. "Chip" Rohr	Rachel Studebaker	Chris Moore
Bruce Sarandrea	Karla Havens	Robert Hinton
Kim Huskey	Bernie Wies	Janile Wies
Christine Williams	Clayton Wigg	Rocco Boyd
Parker Deihl	Joshua McAllister	Randolph Frostick
A. Bugg, Jr.	Jay Atkinson	Ronald Gooding
Onda Gooding	Pat Buford	Deborah Sarandrea
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 Headley moved to approve the agenda as presented. Associate Member Branson 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 May 23, 2023, Commission Meeting minutes.

**Associate Member Erskine moved to approve the minutes as presented. Associate Member Minor 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).

Randy Owen, Chief, Habitat Management, reviewed the Page 2 item for the Associate Members. His comments are a part of the verbatim record.

**2A. BRG LITTLE CREEK, LLC, #23-0423**, requests authorization to make modifications at the existing Cutty Sark Marina to include: (4) uncovered boat lifts, (3) 18' by 40' floating kayak/jet ski launch platforms, (20) new finger piers on Dock A, and (10) new finger piers on Dock B, with removal and replacement of mooring piles as needed to create 73 additional slips at property on Little Creek at 4707 Pretty Lake Avenue in the City of Norfolk. Recommend a royalty of \$68,760.00 for the encroachment over 45,840 square feet of state-owned subaqueous bottom at a rate of \$1.50 per square foot.

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 item 2A as presented. Associate Member Branson seconded the motion. The motion carried 7-0.

Royalties (encroachment) 45,840 sf @ \$1.50/sf	\$ 68,760.00
Fees:	\$ 600.00
Total:	\$ 69,360.00

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**3. CONSENT AGENDA ITEMS - There were 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. DISCUSSION:** Staff presentation of applications ADV-23-03 by the City of Poquoson for \$16,500, ADV-23-04 by the City of Virginia Beach for \$275,000, and ADV-23-05 by the City of Portsmouth for \$35,000 in advance funds to remove and dispose of identified abandoned or derelict vessels within each locality.

Rachel Peabody reviewed the discussion item for the Associate Members. Her comments are a part of the verbatim record.

**NOTES:**

Associate Members Erskine and Headley asked questions. Rachel answered. Commissioner Green spoke. All comments and conversations are a part of the verbatim record.

**SUPPORT:**

No speakers

**OPPOSITION:**

No speakers

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.**

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6. **ROBERT HOGGE, JR.** Commission review of two (2) unauthorized floating docks currently situated over state-owned subaqueous bottom near the mouth of Deep Creek in the City of Newport News.

Lauren Chartrand reviewed the violation for the Associate Members. Her comments are a part of the verbatim record.

**NOTES**

Mr. Tankard asked questions & Ms. Chartrand answered. All conversations and comments are part of the verbatim record.

**SUPPORT:**

No speakers

**OPPOSITION:**

No speakers

The matter was before the Commission for discussion and action.

**Associate Member France made a motion to approve staff recommendation. Associate Member Branson seconded the motion. The motion carried, 7-0**

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7. **DOMINION ENERGY VIRGINIA, #22-1183**, requests authorization to install nine (9) 230 kV submarine high-voltage alternating-current offshore export cables placed a minimum of eight (8) feet below state-owned submerged bottomlands via plowing and tunneling within the Atlantic Ocean from the three nautical mile boundary of the Commonwealth's territorial sea to the State

Military Reservation (SMR, formally Camp Pendleton); install temporary cofferdams or permanent concrete mattresses, and temporary pilings to facilitate cable installation; and to aerially cross three (3) jurisdictional streams in Virginia Beach with up to four (4) 230 kV electrical circuits to support the Coastal Virginia Offshore Wind Project. The project is protested.

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

**NOTES:**

Mrs. Kellum, Mr. Bransom & Mr. Erskine asked questions & Ms. Birge answered. Mr. Pat Geer also responded to Mr. Erskine's question. All conversations and comments are part of the verbatim record.

**SUPPORT:**

Jason Ericson was sworn in and spoke on behalf of the proposed project. His comments are a part of the verbatim record.

**OPPOSITION:**

Stuart Gough spoke in opposition to the proposed project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Headley recused himself from Item #7. Associate Member Tankard made a motion to approve staff recommendation. Associate Member Bransom seconded the motion. The motion carried, 5-1 (Erskine-No)**

Royalties (encroachment) 164,409 sf @ \$3.00/sf	\$ 493,227.00
Fees:	\$ 600.00
Total:	\$ 493,827.00

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- 8. VLADIMIR ARANA and RUTH BENITEZ, #23-0287**, request authorization to construct two (2) 5-foot-wide finger piers, one (1) gangway, and an 18-foot by 33-foot open-sided boathouse roof with a lift adjacent to an existing private pier serving 7671 Cypress Drive situated along the Chickahominy River in James City County. The project is protested by an adjacent property owner.

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

**NOTES:**

Ms. Kelci Block & Commissioner Green both spoke. Their comments are a part of the verbatim record.

**SUPPORT:**

Karla Havens, Agent, was sworn in and spoke on behalf of the proposed project. Her comments are a part of the verbatim record.

Vladimir Arana, Property Owner, was sworn in and spoke on behalf of the proposed project. His comments are a part of the verbatim record.

**OPPOSITION:**

Walker Ware, APO, spoke in opposition to the proposed project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Headley made a motion to approve staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 7-0**

Fees:	\$ 300.00
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- 9. LITTLE WICOMICO OYSTER COMPANY, LLC, #21-2608** Request for after-the-fact approval for the modification and expansion of boundaries to a previously approved Joint Permit Application within the Great Wicomico River in Northumberland County. The expansion will include up to 5.27 acres within

the footprint of oyster planting ground lease #22845.

Adam Kenyon, Chief, Shellfish Management, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. His comments are a part of the verbatim record.

Staff received an after-the-fact Joint Permit Application (JPA) from Little Wicomico Oyster Company, LLC, on October 27, 2022, requesting to modify and expand the boundaries of the previously approved JPA #2021-2608. This after-the-fact application does not request any additional floating oyster bag enclosures. The original JPA was approved and authorized on April 28, 2022 to install floating oyster bag enclosures at two (2) locations within the Great Wicomico River near Blackwells Creek in Northumberland County, with the footprint of two oyster planting ground leases, #21909 and # 22845.

**Associate Member Tankard made a motion to deny the application. Associate Member France seconded the motion. The motion carried, 7-0-1. Associated Member Erskine abstained.**

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**10. PUBLIC COMMENTS – No public comments**

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**11. PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-252-10 et seq., “Pertaining to the Taking of Striped Bass”, to implement a 31-inch maximum size limit for striped bass recreational fisheries.

Joshua McGilly, Fisheries Mgmt. Specialist, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. His comments are a part of the verbatim record.

**NOTES:**

Mr. Bransom, Mr. Headley & Mr. Tankard asked questions. Pat Geer spoke. All conversations and comments are part of the verbatim record.



**SUPPORT:**

No speakers

**OPPOSITION:**

No speakers

The matter was before the Commission for discussion and action.

**Associate Member Erskine made a motion to approve staff recommendation.  
Associate Member Minor seconded the motion. The motion carried, 7-0**

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- 12. PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-270-10 et seq., “Pertaining to Blue Crab Fishery,” to establish management measures, including season and bushel limits, for the 2023-2024 commercial crab fisheries.

Alexa Galvan gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Her comments are a part of the verbatim record.

**NOTES**

Mr. Headley asked if the population is still below average despite the closure of the winter dredge fishery. Ms. Galvan stated that the population has been mostly above average since the closure of the winter dredge fishery and only in the last few years has seen a trend of low abundance. Their comments are part of the verbatim record.

**SUPPORT:**

Mr. Chris Moore spoke in favor of this proposition. His comments are a part of the verbatim record. Ms. Kellum agreed with several of his statements.

**OPPOSITION:**

Mr. Aubrey Stokes and Mr. Peter Nixon spoke in opposition of the proposition. Mr. Emory Rice and Ms. Monica Scheneman spoke in opposition of the proposition. Ms. Galvan presented more information regarding bushel limit attainments. Mr. France said he would advise proceeding with caution. All conversations and comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Tankard made a motion for staff recommendation, Associate Member Headley would like to recommend a friendly amendment for the Commission to hold a CMAC meeting before September 1<sup>st</sup> to discuss fall bushel limits. Associate Member Headley seconded the motion. The motion carried, 7-0**

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- 13. PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-1140-10 et seq., “Prohibition of Crab Dredging in Virginia Waters” to close the December 1, 2023, through March 31, 2024, winter commercial crab dredge fishing season, in accordance with the provisions of Section 28.2-707 of the Code of Virginia.

Alexa Galvan gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Her comments are a part of the verbatim record.

**NOTES:**

No comments

**SUPPORT:**

No speakers

**OPPOSITION:**

No speakers

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, 5-2 Associate Members Headley & Kellum voted no. Mr. Headley requested a discussion of the winter dredge fishery be put on the August 2023 CMAC agenda.**

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- 14. RECOMMENDATION:** Marine Improvement Fund Grant proposals for consideration.

Alicia Nelson gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Her comments are a part of the verbatim record.

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

**Commissioner Green thanked Associate Members France & Tankard for their service as Associate Commissioner Members.**

There being no further business, the meeting was adjourned at approximately 2:30 p.m. The next Commission meeting will be meeting on Tuesday, July 25, 2023.

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Jamie L. Green, Commissioner

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Louise R. Atkins, Recording Secretary