

March 19, 2009

Steven G. Bowman
Virginia Marine Resources Commission
P.O. Box 756
2600 Washington Ave.
Newport News, Va. 23607

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MARINE RESOURCES
COMMISSION

References: Application for General Permit No. 4
Temporary Protective Enclosures for Shellfish

Commissioner Bowman:

According to the notification procedures in General Permit No 4 I am submitting the following information for your consideration in issuing a General Permit for the use of Temporary protective devices to grow shellfish (oysters) on leased ground.

Name: Jennings C. Burton Jr.

Address: 82 Elsie's Lane
P.O. Box 627
Mathews, Va. 23109

Phone: HP: 804-725-3053
Cell: 804-815-3044

Location: James River/Ballards Marsh

Plat File Number: 18751 (Lease # 17472)

Acreage containing
Structures: 15

Maximum structures: 500

Description of Structures: Vinyl coated wire structures measuring 3' x 4' x4" with 8"
Legs.

Species: Native Oysters (*crassostrea virginica*)
And spat on shells

Description of area: This lease is located up the river about two miles above Ballards Marsh Rock. Total Lease is 106.79 acres of which 15 acres will Be used for temporary protective enclosures. The bottom is A mixture of old oyster shells we planted years ago and some Oysters. There is no SAV and no fixed fishing devices or piers or docks with in 500 feet. This lease is offshore about two miles from nearest land.

Water depth (at mean low): 36"-60"

Tidal Range: 3 -3 ½'

Minimum vertical clearance at low water: 24- 48"

Estimated date of placement: 1 June 2009

Additional information: There will be no hardship for landowners as this whole area is Offshore of Ballards Marsh and no homes or home sites are Adjacent and it is offshore approximately two miles. The only navigation in this area is during crab pot when peeler pots and crab pots are placed on our ground. We have always had a good working relationship with all the potters including them offering to move their pots when we begin to work our lease with a dredge. By placing buoys on each enclosure it will be easy for those using navigable waters.

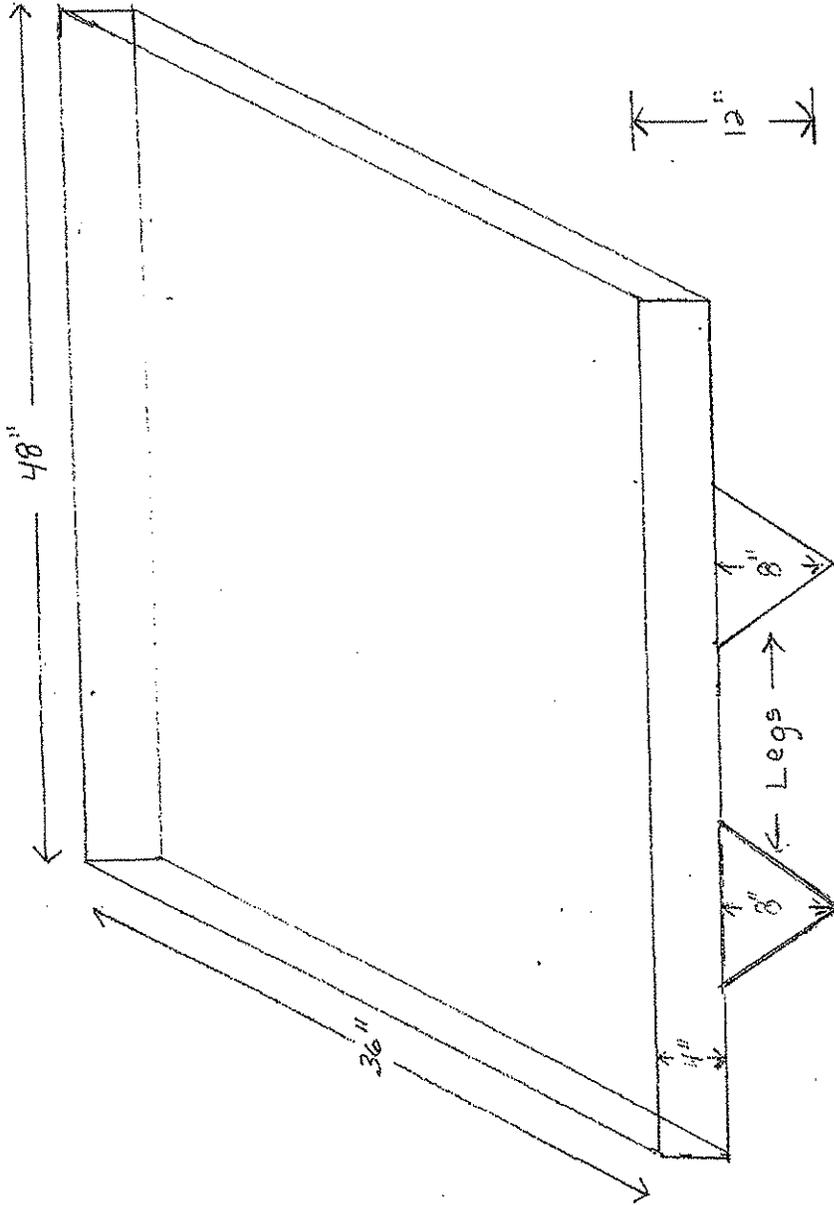
Riparian Property
Owners: None

Sincerely;



Jennings C. Burton Jr.
P.O. Box 627
Mathews, Va. 23109

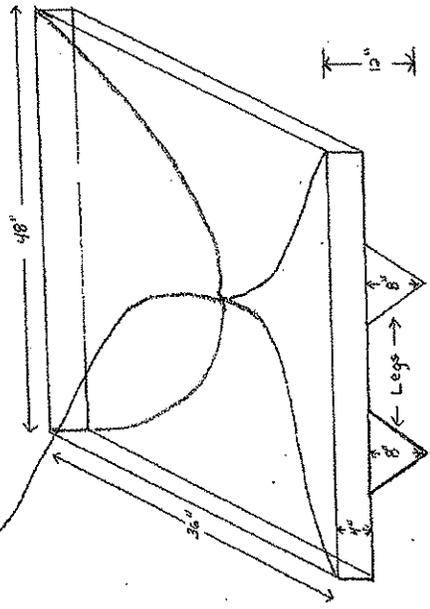
3' x 4' x 12" OFF BOTTOM TRAY



Buoy

Rope
Length
5'

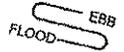
3' x 4' x 12" OFF BOTTOM TRAY



16158 BALLARD FISH & OYSTER COMPANY

16156 HOGGE

15169 SCOTT



106.79 ACRES

18696 KENT CARR SEAFOOD CO.

7570 BURTON, SR.

7752 BURTON, SR.

14417 BURTON, SR.

12896 BURTON, SR.

12896 BURTON, SR.

12666 POCOMOKE SND. OYSTER CO., INC.

18696 KENT CARR SEAFOOD CO.

7829 BURTON, SR.

16184 BURTON, SR.

PUBLIC GROUND NO. 6
ISLE OF WIGHT COUNTY

POINT #	1983 VA. COORDS., SOUTH ZONE (FEET)		NAD83 GEOGRAPHIC COORDINATES (N/M)	
377	3529226.58	12060617.66	36-59-56.1871	76-31-17.7857
378	3527071.84	12059927.48	36-59-35.0292	76-31-26.8480
156	3526220.94	12059604.20	36-59-26.6844	76-31-31.0515
379	3526592.57	12059109.13	36-59-30.4606	76-31-37.0568
183	3526683.74	12059183.01	36-59-31.3465	76-31-36.1229
162	3527085.21	12058850.15	36-59-35.3842	76-31-40.1217
161	3527068.34	12058823.91	36-59-35.2228	76-31-40.4494
178	3527289.94	12058473.45	36-59-37.4858	76-31-44.7114
177	3527604.42	12058754.87	36-59-40.53655	76-31-41.1622
182	3527061.86	12059442.90	36-59-35.0308	76-31-32.8226
181	3527375.64	12059697.82	36-59-38.0800	76-31-29.6001
176	3527968.59	12059069.56	35-59-44.0715	76-31-37.1901
175	3528766.79	12058366.91	36-59-52.1094	76-31-45.7677
247	3530071.92	12057978.68	37-00-05.0894	76-31-50.0936

ALL CORNERS WERE SET BY GPS (RTK) METHODS.

106.79 ACRES
OYSTER PLANTING GROUND
OF
JENNINGS C. BURTON, JR.

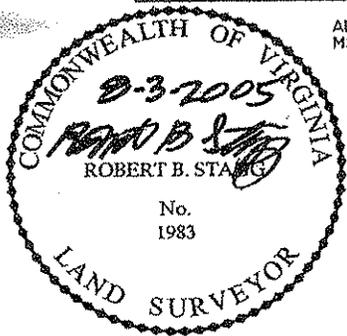
IN
JAMES RIVER 07-00-00

DISTRICT NO. 20 ISLE OF WIGHT COUNTY

SCALE: 1/6000 (1" = 500')

DATE: AUGUST 2, 2005

V.M.R.C. APPROVED / RECORDED



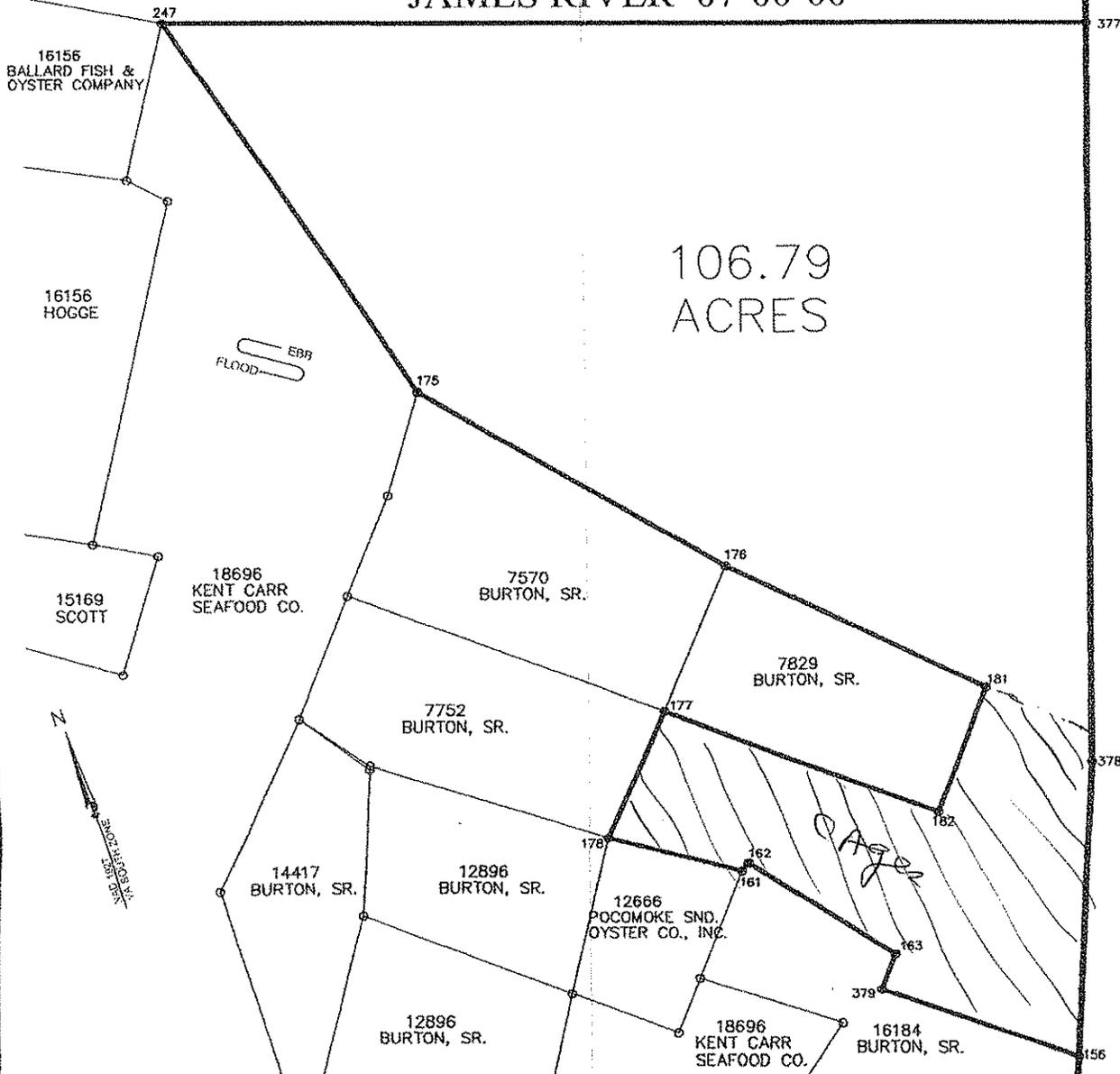
Robert P. Burton
V.M.R.C. SURVEYOR

FIELD BOOK PAGE
 GEOREFERENCE
 LEASE NUMBER

COMMONWEALTH
 OF
VIRGINIA
MARINE RESOURCES COMMISSION

APP. NO. 05-018
 APP. NO. 05-018
 MAP NO. 240-2560
 FILE NO. 18751

JAMES RIVER 07-00-00



PUBLIC GROUND NO. 6
 ISLE OF WIGHT COUNTY

POINT # 1983 VA. COORDS., SOUTH ZONE (FEET) NAD83 GEOGRAPHIC COORDINATES (N/W)

POINT #	1983 VA. COORDS., SOUTH ZONE (FEET)	NAD83 GEOGRAPHIC COORDINATES (N/W)
377	3529226.58 12060617.66	36-59-56.1871 76-31-17.7857
378	3527071.84 12059927.48	36-59-35.0292 76-31-26.8480
156	3526220.94 12059604.20	36-59-26.6844 76-31-31.0515
379	3526592.57 12059109.13	36-59-30.4606 76-31-37.0568
163	3526683.74 12059183.01	36-59-31.3465 76-31-36.1229
162	3527085.21 12058850.15	36-59-35.3842 76-31-40.1217
161	3527068.34 12058823.91	36-59-35.2228 76-31-40.4494
178	3527289.94 12058473.45	36-59-37.4858 76-31-44.7114
177	3527604.42 12058754.87	36-59-40.53655 76-31-41.1622
182	3527061.86 12059442.90	36-59-35.0308 76-31-32.8226
181	3527375.64 12059697.82	36-59-38.0800 76-31-29.6001
176	3527968.59 12059069.56	35-59-44.0715 76-31-37.1901
175	3528766.79 12058356.91	36-59-52.1094 76-31-45.7677
247	3530071.92 12057978.68	37-00-05.0894 76-31-50.0936

ALL CORNERS WERE SET BY GPS (RTK) METHODS.

106.79 ACRES
OYSTER PLANTING GROUND



JENNINGS C. BURTON, JR.

March 19, 2009

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Virginia Marine Resources Commission
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Name: Jennings C. Burton Jr.

Address: 82 Elsie's Lane
P.O. Box 627
Mathews, Va. 23109

Phone: HP: 804-725-3053
Cell: 804-815-3044

Location: James River/Days Pt.

Plat File Number: 5151 (Lease # 17190)

Acreage containing
Structures: 15

Maximum structures: 500

Description of Structures: Vinyl coated wire structures measuring 3' x 4' x4" with 8"
Legs.

Species: Native Oysters (*crassostrea virginica*)
And spat on shells

Description of area: This lease is located offshore and just above the tip of Days Point Marsh. Total lease is 36.79 acres of which about 5 acres will be used for temporary protective enclosures. The bottom is a mixture of old oyster shells we planted years ago and some oysters. There is no SAV and no fixed fishing devices or piers or docks within 500 feet. There is an oyster management area approximately one-two miles above this leased ground.

Water depth (at mean low): 24"-48"

Tidal Range: 3 -3 ½'

Minimum vertical clearance at low water: 12- 36"

Estimated date of placement: 1 September 2009

Additional information: There will be no hardship for landowners as this whole area is offshore of tip of Days Pt and no homes or home sites are adjacent. The only navigation in this area is during crab pot when peeler pots and crab pots are placed on our ground. We have always had a good working relationship with all the potters including them offering to move their pots when we begin to work our lease with a dredge. By placing buoys on each enclosure it will be easy for those using navigable waters

Riparian Property Owners:

Joe Luters airport is a mile above this ground and I am assuming he owns everything below airport along this marsh area. He cannot even see this area from the house at the airport since we cannot see the house from the ground. The temporary protective devices will only be placed on this lease during the winter months from September till May each year and only about 80 will be used.

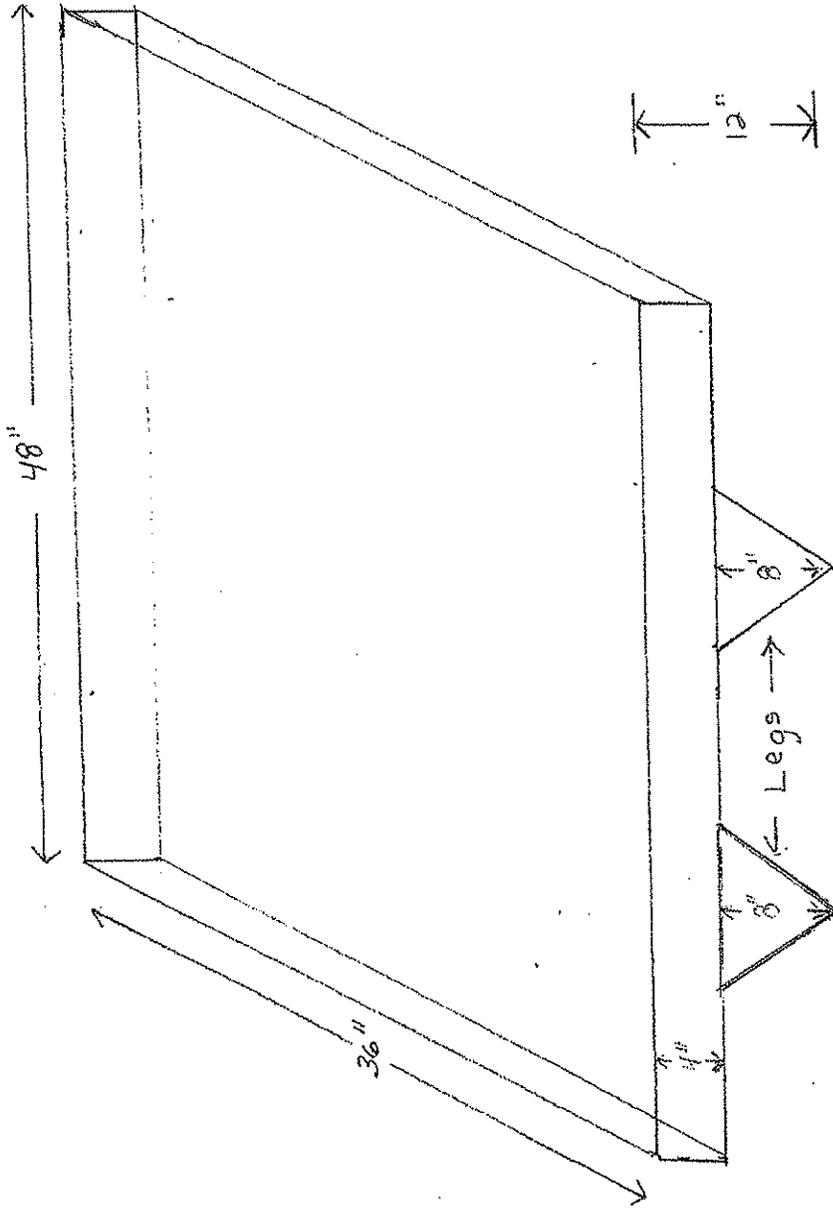
3.

Sincerely;

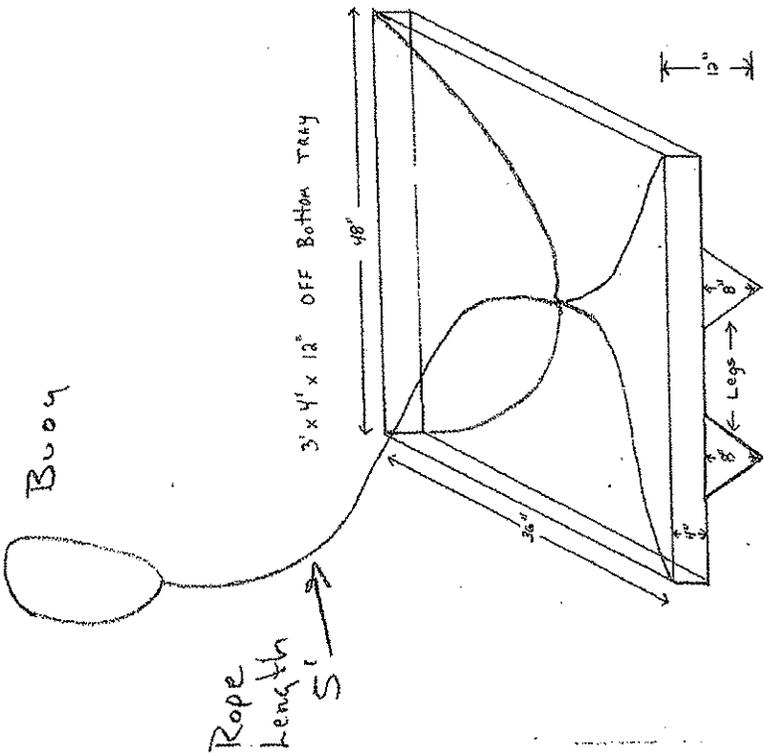
Jennings C. Burton Jr.

Jennings C. Burton Jr.
P.O. Box 627
Mathews, Va. 23109

3' x 4' x 12" OFF BOTTOM TRAY



Buoy



CHIMNEY OF BEACH HOUSE

LAT $37^{\circ} 01.666' N$, LON $76^{\circ} 35.136' W$

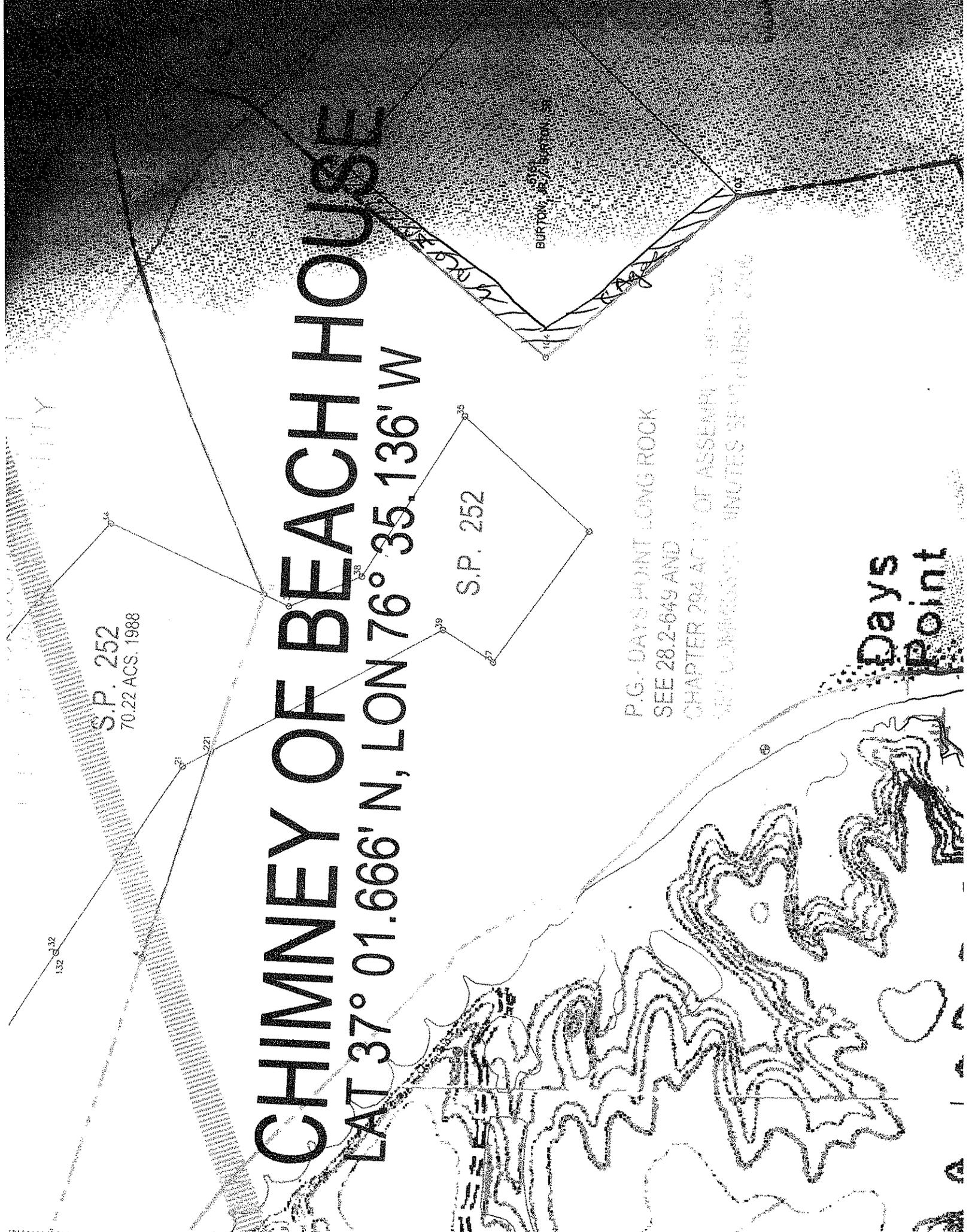
S.P. 252
70.22 ACS, 1988

S.P. 252

P.G. DAYS POINT LONG ROCK
SEE 28.2-649 AND
CHAPTER 294 ACTS OF ASSEMBLY
AND COMPANIONS MINUTES SEPTEMBER 1836

Days
Point

BURTON, 1857



PUBLIC GROUND
ISLE OF WASHINGTON COUNTY

S.P. 252
70.22 ACS, 1988

Y OF BEACH HOUSE

S. 1/4 N, LON 76° 35.136' W

S.P. 252

P.O. DAYS POINT LONG ROCK

SEE 28.2-649 AND

CHAPTER 294 ACTS OF ASSEMBLY 1901-1902

SEE COMMISSION MINUTES SEPTEMBER 2006

BURTON, JR./BURTON, SR.

13532
BLOUNT, SR.

16332
POCOMOKE S/D
OYSTER CO., INC.

16330
BALLARD
OYSTER CO.

15356
BALLARD, FISH & OYSTER CO., INC.

March 19, 2009

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P.O. Box 627
Mathews, Va. 23109

Phone: HP: 804-725-3053
Cell: 804-815-3044

Location: James River/ Ballards Marsh

Plat File Number: 16185 (Lease # 6715)

Acreage containing
Structures: 15

Maximum structures: 500

Description of Structures: Vinyl coated wire structures measuring 3' x 4' x 4" with 8" Legs.

Species: Native Oysters (*crassostrea virginica*)
And spat on shells

Description of area: This lease is located inshore of Ballards Marsh Rock. Total lease Is 77.27 acres of which about 5 acres will be used for temporary Protective enclosures. The bottom is a mixture of old oyster shells we planted years ago and some oysters. There is no SAV and no fixed fishing devices or piers or docks with in 500 feet.

Water depth (at mean low): 24"-48"

Tidal Range: 3 -3 ½'

Minimum vertical clearance at low water: 12- 36"

Estimated date of placement: 1 June 2009

Additional information: There will be no hardship for landowners as this whole area is Offshore of Ballards Marsh and no homes or home sites are Adjacent. The only navigation in this area is during crab Pot when peeler pots and crab pots are placed on our ground. We have always had a good working relationship with all the Potters including them offering to move their pots when we Begin to work our lease with a dredge. We have invested over \$30,000 in seed oysters planted directly on the bottom and the Rays or skates have eaten up most of it. The temporary Protective enclosures are our last effort to stay in this fishery. By placing buoys on each enclosure it will be easy for those Using navigable waters.

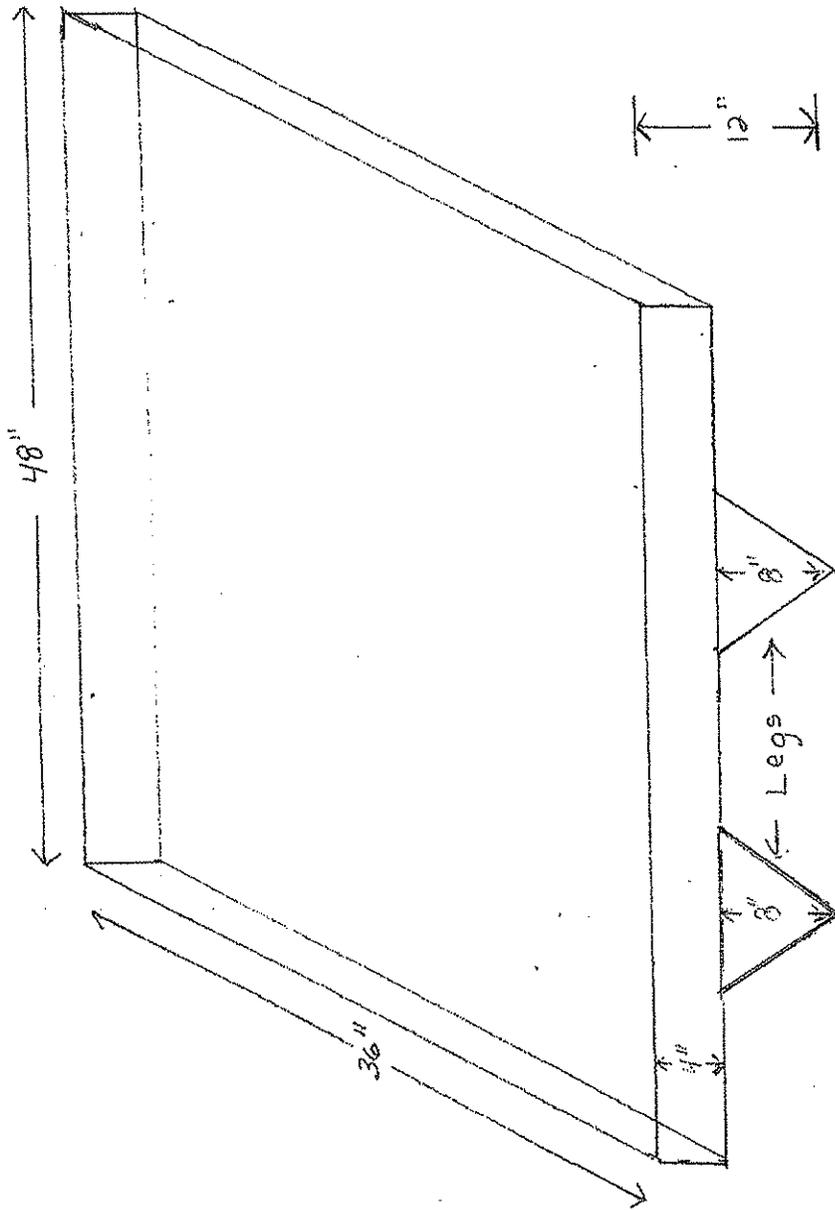
Riparian Property
Owners: None

Sincerely;

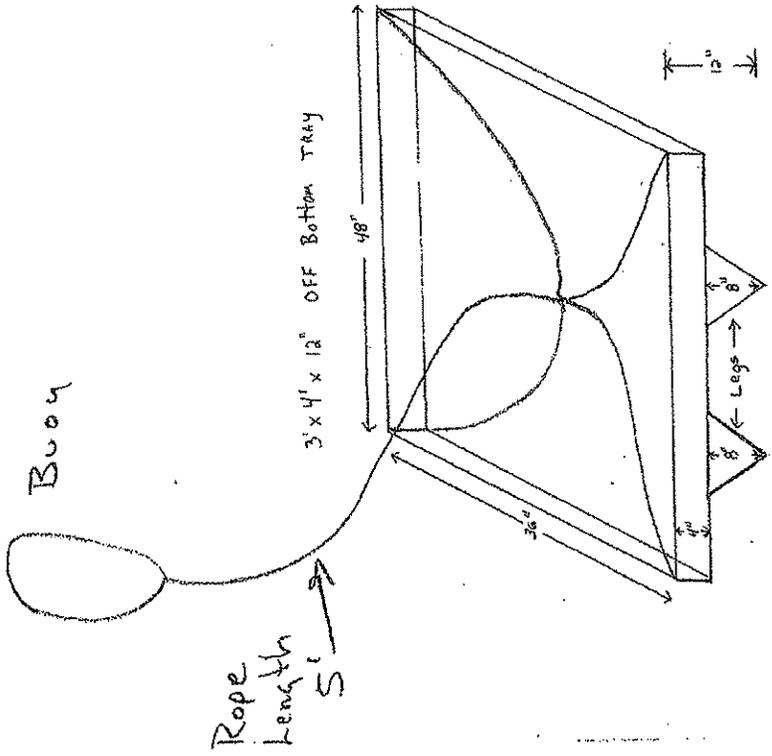


Jennings C. Burton Jr.
P.O. Box 627
Mathews, Va. 23109

3' x 4' x 12" OFF BOTTOM TRAY



Buoy



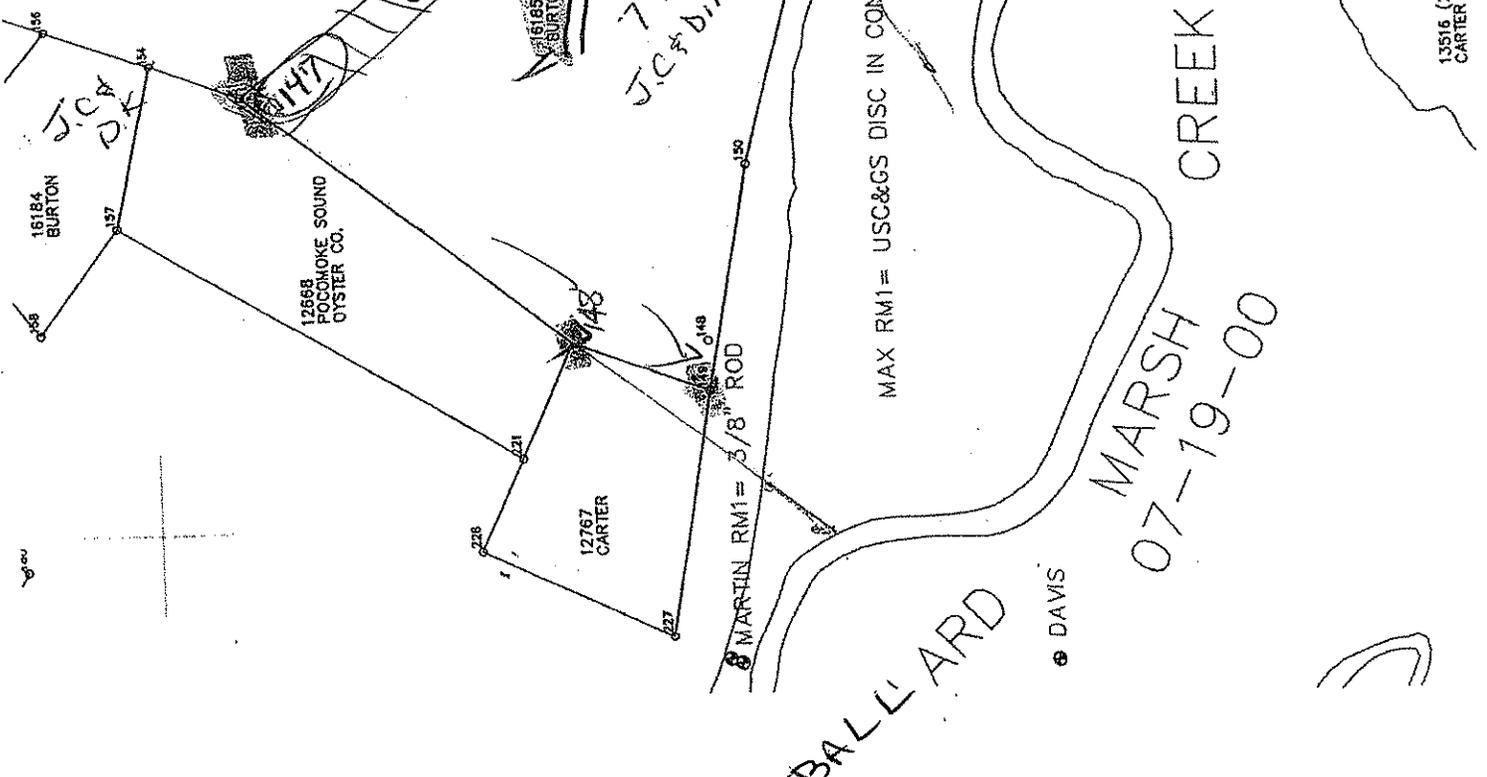
240-2500

8

FLOOD Ebb
Public Grd
I of W

8 CORNERS
J.C. & D.K.
77.27 Acker
less 1/2 of this side

4 CORNERS



BALLARD

MARSH 07-19-00

DAVIS

MARSH RM1 = 3/8" ROD

MAX RM1 = USC&GS DISC IN CONC

13516 (2)
CARTER

7759
POCOMOKE SOUND

12549
POCOMOKE SOUND
OYSTER CO.,
INC.

12548
POCOMOKE
SND. OYS.
CO., INC.

12596
BURTON

12596
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12409
CARTER

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CARTER

12550
BURTON

13748
CARTER

13748
CARTER

16183
BALLARD FISH & OYSTER CO., INC.

12668
POCOMOKE SOUND
OYSTER CO.

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