

AGENDA
MARINE RESOURCES COMMISSION
MARCH 25, 2025

**** APPROVAL OF AGENDA.**

1. MINUTES of previous meeting.

2. PERMITS (Projects over \$500,000.00 with no objections and with staff recommendation for approval).

3. CONSENT AGENDA ITEMS.

4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.

5. PUBLIC HEARING

The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

6. ARMY CORPS OF ENGINEERS, #24-1891

requests authorization to place, via hydraulic means, approximately 162,500 cubic yards of dredged material from the Quinby Creek Federal Channel maintenance project onto state-owned wetlands and submerged lands situated along Upshur Bay in Accomack County. The project is protested by an adjacent shellfish ground leaseholder.

7. LEONARD CLARK, #22-1645, NTC 24-06

Commission reconsideration of this after-the-fact request to retain a 100-foot vinyl bulkhead constructed in York County without VMRC authorization and the civil charges assessed against the responsible marine permitting agent and contractor.

8. YANKEE POINT MARINA LLC, #24-2369

requests authorization to construct a replacement boat ramp, temporary cofferdam, new tending pier and dry hydrant at their existing marina at 1303 Oak Hill Road along Myer Creek in Lancaster County. The project is protested by a nearby property owner.

9. WESTMINSTER-CANTERBURY ON CHESAPEAKE BAY, #24-2475

requests authorization to remove a failed timber pier and construct a new concrete pier for the exclusive use of Westminster-Canterbury residents as part of the proposed Westminster-Canterbury on Chesapeake Bay campus expansion situated at property off Ocean Shore Avenue along the Chesapeake Bay in the City of Virginia Beach. The project is protested by numerous citizens.

AGENDA

10. PUBLIC COMMENTS

AGENDA

PAGE 2 ITEMS

A. ENVIVA PORT OF CHESAPEAKE, LLC, #23-1428

requests authorization to conduct new dredging of approximately 4,500 cubic yards of state-owned submerged lands to maximum depths of -44 feet mean low water (MLW) and to maintenance dredge approximately 5,400 cubic yards of state-owned submerged lands to maximum depths of -42 feet MLW, on an as-needed basis, within Paradise Creek adjacent to property serving 1000 Enviva Drive in the City of Chesapeake. Dredged material will be barged and offloaded at either Craney Island Dredged Material Management Area, Shirley Plantation in Charles City, or Precon Marine facility in the City of Chesapeake. Staff recommends a royalty assessment of \$2,700.00 for the removal of 4,500 cubic yards of state-owned submerged land at a rate of \$0.60/cubic yard. This project requires a subaqueous permit.

B. COLONNA SHIPYARD, #24-1918

requests authorization to conduct new dredging of approximately 556,700 cubic yards of state-owned submerged lands to achieve maximum depths of -37 feet mean low water, on an as-needed basis, within the Eastern Branch Elizabeth River Federal Navigation Channel in the City of Norfolk. Dredged material will be barged and offloaded at either Craney Island Dredged Material Management Area, Shirley Plantation in Charles City, or Precon Marine facility in the City of Chesapeake. Staff recommends a royalty assessment of \$334,020.00 for the removal of 556,700 cubic yards of material at a rate of \$0.60/cubic yards. This project requires a subaqueous permit.

C. FEDERAL HIGHWAY ADMINISTRATION, #24-2813

requests authorization to construct a new causeway bridge across a 214-foot section of Cat Creek and to install two (2) 30-inch HDPE conduits housing a relocated waterline, sewer line, two electrical conduits, and a single communication conduit using the horizontal directional drill method across a 219-foot section of Cat Creek on Wallops Islands in Accomack County. The project requires a VMRC subaqueous permit.

MINUTES

COMMISSION MEETING

February 25, 2025

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
Patrick Hand	
Lynn Kellum	
A.J. Erskine	
William Bransom	
Jeremy Headley	Associate Members
Jeanette Edwards	
Thomas Preston	
Preston White	
Kelci Block	Assistant Attorney General Via phone
Jamie Hogge	Recording Secretary
Gerald Pitt	1 st . Sgt., Marine Police
Randy Owen	Chief, Habitat Management
Pat Geer	Chief, Fisheries Management
Adam Kenyon	Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Emily Hein
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Others present:

Karen Dodson	Bob Ker	Phillip Gibson
Danette Gibson	Martha Thereault	Lisa Watts
David O'Brien	Nancy Pouliquen	Chris Grosch

Commission Meeting

19287
February 25, 2025

Howard Weinberg	Windy Crutchfield	Louis Wyatt
Rebecca Francese	Mike Ware	J. C. Hudgins
Walt Stone	Nathan Morgan	Jackie Shannon
Rona Marsh	Lee Deihl	Phil Gibson
Kelly Mills	David West	Maggie Heing
Tim Solanic	Kim Huskey	Kelsey English
Sandra Dawe	Brian Deschler	Mike Daine
Andy Kurfees	Brian Morgan	Kailey Martinez
Nathan Everett	Wayne Fisher	Kelly Place
Aaron Fisher	Jason Smith	Natalie Smith
George Trice	Melissa Smith	Mike Lightfoot
Dave Johnson	Todd Elden	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 Bransom moved to approve the agenda as presented. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the January 28, 2025, Commission Meeting minutes.

Associate Member Erskine moved to approve the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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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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Commissioner Green recognized a small group of youth students from Norfolk which

Ms. Stephaine Iverson brought forth to the meeting. His comments are a part of the verbatim record.

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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 items 2A through 2D for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

- 2A. **JOHN PRESS, #24-2605**, requests authorization to install a 50-foot long low-profile timber groin extending 37 feet channelward of mean low water at 371 Locust Lane along the Rappahannock River in Essex County. The project requires a VMRC Wetlands and Subaqueous Permit.
- 2B. **MICHAEL VARNER, #24-2525**, requests authorization to construct a 173-foot long rock revetment channelward of an existing bulkhead along the Mattaponi River shoreline at 94 and 110 Horse Landing Court in King William County. The project requires a VMRC Wetlands Permit.
- 2C. **ERGON ASPHALT PARTNERS, LP, #24-2713**, requests authorization to mechanically or hydraulically dredge up to 125,000 cubic yards of state-owned submerged lands, on an as-needed basis, with disposal at the Craney Island Rehandling Basin or an approved upland storage site at their commercial facility located along the James River at 801 Terminal Ave in the City of Newport News. The project will reestablish previously permitted (VMRC #16-0662) depths of minus 38 feet mean low water on the western side of the pier and depths of minus 18 feet on the eastern side of the pier. This project requires a VMRC Subaqueous permit.
- 2D. **CITY OF VIRGINIA BEACH, #23-2820**, requests authorization to mechanically maintenance dredge on an as-necessary basis a maximum of 34,000 cubic yards of state-owned submerged lands to achieve and maintain a maximum depth of minus six (-6) feet mean low water within sections of the Western Branch Lynnhaven River municipal channel in Virginia Beach. Dredged spoils will be offloaded at either the Thalia Creek or Crab Creek Transfer Facility and will be truck-hauled to an approved upland facility. Staff recommends approval with instream work time-of-year restrictions on dredging

activity from April 1st until July 1st for summer flounder and from July 1st until September 30th for local shellfish within areas situated north of Hebden Cove. This project requires a VMRC Subaqueous permit.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the Page 2 items 2A through 2D as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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- 3. CONSENT AGENDA ITEMS:** There were no Consent Agenda Items presented.

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- 4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. – No meeting needed**

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- 5. ROANOKE CEMENT COMPANY, LLC, #24-1360,** requests authorization to construct a clear span haul bridge across Catawba Creek west of the existing facility and east of Catawba Road in Botetourt County for their Catawba Farm Quarry. The project is protested by the adjacent property owner.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

No one spoke in support or opposition of the project.

The matter was before the Commission for discussion and action.

Associate Member Kellum moved to approve the project as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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6. **MARSHA WEATHERWAX, #24-2553**, requests authorization to construct a 15-foot by 20-foot gazebo with screened sides on a statutorily authorized private pier along the Timberneck Creek shoreline at 6470 Williams Landing Road in Gloucester County. The project is protested by an adjacent property owner.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

Terry Emerson, agent for the applicant, was sworn in. His comments are a part of the verbatim record.

No one spoke in opposition of the project.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the project as presented. Associate Member Headley seconded the motion. The motion carried, 8-0.

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7. **GAIL TIESENGA, #24-1805**, requests authorization to construct a living shoreline at 469 Coppedge Farm Road, situated along Johnsons Cove in Lancaster County. The project is protested by the adjacent property owner.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

Kelsey English, agent for the applicant was sworn in. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the project as presented. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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8. **CITY OF VIRGINIA BEACH, #24-2851**, requests authorization to mechanically dredge a 19-foot wide by 63-foot long subtidal area to a maximum depth of minus two (-2) feet mean low water within Pleasure House Creek to create a shallow water channel necessary to provide the hydrological connection to the proposed municipal Pleasure House Point Mitigation Bank in Virginia Beach. This project is protested by nearby property owners.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

Bob Kerr, representing the City of Virginia Beach, was sworn in. His comments are a part of the verbatim record.

There were nine (9) individuals that spoke in opposition of the project. Their comments are a part of the verbatim record.

Bob Kerr, representing the City of Virginia Beach, previously sworn in, further explained the concerns brought before the Commission by those in opposition. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member White moved to approve the project as presented, per staff recommendation, include the four (4) conditions listed on the CBF letter, including a time of year restriction (June 1 through September 30) and have CBF & LRN on site while dredging. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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9. **PHILLIP GIBSON and BLACKWATER PIER & DOCK, INC., NOTICE TO COMPLY #24-07**. Commission consideration of Phillip Gibson and Blackwater Pier & Dock, Inc.’s failure to comply with the Commission's August 22, 2024, directive to remove four timber piles and an unauthorized extension to

an existing boathouse, built in excess of its former authorization under VMRC Permit #2000-0590 at 119 Dandy Haven Lane situated along Back Creek in York County.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

Mike Ware, attorney for the applicant, spoke on behalf of the applicant. His comments are a part of the verbatim record.

Mr. Easton, the attorney for the protestant, spoke in opposition of the pier and boathouse that was built larger than originally permitted to remain in place. His comments are a part of the verbatim record.

Duey Regans was sworn in and spoke in opposition of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Preston moved to approve staff recommendation as presented with a 60-day removal that exceeded the original permitted structure per the 2024 failure to comply. Associate Member White seconded the motion. The applicant agreed to the civil charge imposed by the Commission. The contractor or agent was not present to agree to the \$6,000 civil penalty. The motion carried, 8-0.

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10. SHELLFISH

Request for approval of the 2025 Oyster Replenishment and Restoration Plan (ORP) and the Associated Procurements Procedures.

Adam Kenyon, Chief, Shellfish Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Kenyon's comments are a part of the verbatim record.

J. C. Hudgins was sworn in and spoke on behalf of the proposed 2025 Oyster

Replenishment and Restoration Plan (ORP). His comments are a part of the verbatim record. He requested approval of the proposed 2025 Oyster Replenishment and Restoration Plan (ORP).

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve the 2025 Oyster Replenishment and Restoration Plan (ORP) as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0. Associate Member Kellum recused herself.

Associate Member Headley made a motion to approve staff recommendations for Procurement Procedures. Associate Member Bransom seconded the motion. The motion carried, 6-0-1. Associate Member Erskine abstained; Associate Member Kellum recused herself.

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11. PUBLIC COMMENTS

Ms. Edwards:

Associate Commissioner Edwards made a motion to extend the oyster harvest season in Tangier Area 2 until March 14th due to inclement weather that has prevented harvest.

This motion was withdrawn following guidance from counsel that the Commission did not have the authority to act under § 28.2-210 and § 2.2-3707 of the Code of Virginia.

Nathan Everett:

Requested support for a fish processing plant in the Northern Neck. His comments are a part of the verbatim record.

Commissioner Green recommended that he present his request to CFAB. His comments are a part of the verbatim record.

Todd Elder:

Request to renew his experimental spear fishing permit for 2025. His comments are a part of the verbatim record.

Pat Geer, Chief, Fisheries Management, advised the Commission members that last year was the first year that an entire committee convened and made suggestions on experimental fishing permits. The committee decided not to issue the permit in 2025 by a majority vote. His comments are a part of the verbatim record.

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12. PUBLIC HEARING

Proposal to amend Chapter 4 VAC 20-1360-10 et seq., "Pertaining to Commercial Electrofishing", to expand the electrofishing fishery, broaden eligibility for new licenses, increase harvest areas, remove size limits on blue catfish, and clarify areas where electrofishing is prohibited.

Pat Geer, Chief, Fisheries Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Geer's comments are a part of the verbatim record.

There were six (6) individuals that spoke in opposition of the regulation change. Their comments are a part of the verbatim record.

There were eight (8) individuals that spoke in support of the regulation change. Their comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Preston moved to approve a modified regulation which included: no size limit, 300-yard buffer near fixed fishing devices and piers and 100-yard buffer around all other commercially marked gear. Associate Member White seconded the motion. The motion carried, 6-1. Associate Member Bransom voted no. Associate Member Erskine was not present.

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Commission Meeting

19295
February 25, 2025

There being no further business, the meeting was adjourned at 3:17 p.m. The next Commission meeting will be held on **Tuesday**, March 25, 2025.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

FISHERIES MANAGEMENT DIVISION EVALUATION, 03/25/2025

Public Hearing: Proposal to amend Chapter 4 VAC 20-510-10 et seq., "Pertaining to Amberjack and Cobia", to revise the recreational season and size limit for cobia to comply with required reductions per Addendum II to Amendment 1 of the Interstate Fisheries Management Plan for Atlantic Migratory Group Cobia.

Issues: In August 2019, the Atlantic States Marine Fisheries Commission (ASMFC) approved Amendment 1 of the Interstate Fisheries Management Plan (FMP) for Atlantic Migratory Group Cobia. A portion of Amendment 1 details a harvest specification process, a 3-year evaluation of the recreational fishery using the estimates from the Marine Recreational Information Program (MRIP) and a comparison to a "soft target" set by the ASMFC Board. State specific management measures can be adjusted based on the resulting comparison over the evaluation years.

In August 2024, the ASMFC approved Addendum II to Amendment 1. This addendum changes the recreational allocation framework from a state-by-state to a regional framework, with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. Per Addendum II, the coastwide recreational harvest quota for Atlantic cobia is allocated between the Northern Region (68.7%) and Southern Region (31.3%). This results in new soft targets for each region. The evaluation of the Northern Region's new soft target against 2021-2023 MRIP data showed that a 15.9% reduction is necessary for the Northern Region.

Background: In 2023, in response to increased cobia harvest in some Mid-Atlantic states, as well as concerns about high uncertainty associated with cobia recreational harvest estimates, the Board initiated Addendum II. Approved in 2024, Addendum II modifies the recreational allocation framework, allows the Board to update allocations quickly if the underlying data are revised, expands the range of data used in harvest evaluations, and allows the Board to set management measures for a longer period of time. Notably, Addendum II changes both the geographic scope of the recreational allocation framework and the timeframe of data used as the basis for allocations. The Addendum changes the recreational allocation framework from a

state-by-state to a regional framework, with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. The new regional allocation framework is intended to reduce uncertainty by using harvest estimates based on a larger sample size combining multiple states in a region, instead of individual state-level harvest estimates. Each region is allocated part of the recreational quota based on each region's percentage of the coastwide landings in number of fish over the last ten years, combining 50% of the 2014-2023 average and 50% of the 2018-2023 average. This results in 68.7% of the recreational quota available to the northern region and 31.3% of the quota available to the southern region. Using the more recent data, as compared to previously using 2006-2015 data, accounts for changes in harvest and potential range expansion of the species in recent years.

The Technical Committee evaluated each region's average 2021-2023 harvest against its target to determine if management changes are needed for 2025. The Northern Region's soft target is 52,825 fish while the average MRIP-estimated landings for 2021-2023 were 62,832 fish, an overage of 10,007 fish which equates to a 15.9% reduction. On November 12, 2024, the Finfish Management Advisory Committee (FMAC) had a meeting to discuss the recreational cobia options for 2025-2027 that meet the 15.9% reduction. The FMAC voted unanimously in favor of the staff recommended amendments. The Northern Region came to consensus regarding the management measures as well, and the implementation plan has been submitted to ASMFC for approval. The previous management measures and the new measures can be found below (Table 1).

Staff Recommendation:

Staff recommends the Commission approve amendments to Chapter 4 VAC 20-510-10 et seq., "Pertaining to Amberjack and Cobia", to revise the recreational season and size limit for cobia to comply with required reductions per Addendum II to Amendment 1 of the Interstate Fisheries Management Plan for Atlantic Migratory Group Cobia.

Table 1. Northern Region (Rhode Island through Virginia) Recreational Fishery for 2024 and changes for 2025

Requirement: Regionwide size limit and vessel limit

	2024 Size Limit	2024 Vessel Limit	2024 Season
RI, NY, NJ, DE	37" TL	1 fish	All Year
MD, PRFC, VA	40" TL (Virginia allowed only 1 fish >50" per vessel)	2 fish	June 15 – September 15

	2025 Size Limit	2025 Vessel Limit	2025 Season
RI, NY, NJ, DE	43" TL	2 fish	All Year
MD, PRFC, VA			June 15 – September 20



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road
Building 96
Fort Monroe, VA 23651

Stefanie K. Taillon
Acting Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By March 6, 2025, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, March 25, 2025, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

Written public comments on the proposals below or on items not on the agenda must be provided by 11:59 p.m., Thursday, March 20, 2025. Comments should be made at the following link: https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php or addressed to Public Comments, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

I. Chapter 4VAC20-510, “Pertaining to Amberjack and Cobia”

The Commission proposes to amend Chapter 4VAC20-510, “Pertaining to Amberjack and Cobia” to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

The purpose of these amendments is to comply with the required reductions per Atlantic States Marine Fisheries Commission’s Addendum II to Amendment 1 of the Interstate Fisheries Management Plan (FMP) for Atlantic Migratory Group Cobia.

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS BECAUSE OF A DISABILITY, PLEASE ADVISE MICHELE GUILFORD (757-247-2206) NO LATER THAN FIVE WORKDAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
1	WILLIAM PAPPAS	03/12/2025	OPPOSE

WHO MADE IT SEPTEMBER 20?!?! WE NEED JUNE 10TH! IF YOUR GOUNG TO GIVE US 5 DAYS WHY AT THE END OF THE SEASON?? BRING BACK THE GAFF! OPTION 1 WITH 43 2 FISH BUT ON JUNE 10 OPEN! PLEASE ASK CHARTER CAPTAINS THAT DEPEND ON THESE FISH TO MAKE A LIVING!? I REPRESENT 17 OCEANFRONT CHARTER CAPTAINS AND THAT'S WHAT WE NEED PLEASE ADD ANOTHER OPTION! CAPTAIN BILL PAPPAS PLAYIN HOOKEY CHARTERS

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
2	SCOTT GREGG	03/12/2025	FAVOR

COBIA ARE VERY PLENTIFUL THIS RULE IS FAIR FOR FISHERMEN I DONT BELIEVE THAT MRC HAS DECENT DATA ON JUST HOW MANY THERE REALLY ARE GO ON SOME TRIPS AND SEE FIRST HAND BEFORE RAISING OR LOWERING LIMITS ON ANY SPECIES WE DON'T WANT FISHERIES OVERFISHED EITHER BUT SEE WHAT IS THERE FIRST HAND AND NOT FROM A DESK USING QUESTIONABLE DATA SETS

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

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Number	Name	Received	Position
3	CHRIS M PEYCELON	03/12/2025	OPPOSE

OPPOSED DUE TO THE LARGER COBIA BEING PREDOMINANTLY FEMALE BREEDING AND THE LARGER FISH AS NOT AS COMMON AS 40 45 INCH CLASS COBIA RAISING THE MINIMUM SIZE LIMIT HINDERS FOLKS WHO ARE LESS FORTUNATE AND/OR CANNOT AFFORD A BOAT IN ORDER TO SPECIFICALLY TARGET LARGER FISH I ALSO CITE FLORIDAS RECREATIONAL COBIA LIMITS AT 36 INCHES FORK LENGTH ALONG WITH THE SAME 1 FISH PER PERSON/ 2 PER VESSEL RULE FLORIDA APPEARS TO HAVE A HEALTHY COBIA POPULATION EVEN WITH SMALLER SIZE MINIMUMS

Attachments:

Submitted documents for this comment will begin on next page.

Virginia Marine Resources Commission Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

7:45

62%

[Home](#) > [Fishing](#) > [Saltwater Fishing](#) >
[Recreational Regulations](#) > [Cobia](#)

Cobia



Gulf and Atlantic State Waters

Minimum Size Limit: 36" fork length

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

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Number	Name	Received	Position
4	GARRETT K THOMPSON	03/12/2025	OPPOSE

HELLO MY NAME IS GARRETT THOMPSON I HAVE FISHED FOR COBIA EVERYDAY THE LAST 8 SUMMERS AS I DO THINK COBIA ARE PLENTIFUL I SEE A REGULATION THAT COULD BE A POSITIVE OUT COME I DON'T MIND THE DATES HONESTLY IT'S THE SAME BOTH WAYS THEY ARE HERE REGARDLESS MOST OF EARLY JUNE AND ALL OF SEPTEMBER IS MIGRATORY FISH TO SPLIT THE DIFFERENCE A PERFECT WORLD WOULD BE JUNE 15TH SEPTEMBER15TH MY REGULATIONS AS ON THE WATER EXPERIENCE GOES WOULD BE ALLOW GAFFING FISH 2 FISH REGULATION MINIMUM SIZE LENGTH 37 INCHES 1 FISH OVER 50 INCHES OR 2 FISH REGULATION 37 50 INCHES AND ANY RECREATIONAL CAN RECEIVE A SPECIFIC AMOUNT OR BUY TAGS FOR FISH OVER 50 INCHES FOR TOURNAMENTS OR MEMORABLE CITATIONS

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

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Number	Name	Received	Position
5	KEN G LANG III III	03/12/2025	OPPOSE

THE 43 MINIMUM SHOULD BE 37 I WOULD ALSO SUPPORT A MAX OF 50 KEEPING IT 2 PER BOAT I WOULD LIKE TO SEE 3 PER BOAT PERSONALLY BUT I WOULD RECOMMEND CUTTING BACK ON THE COMMERCIAL FISHING OF COBIA

Virginia Marine Resources Commission

Public Comments

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Number	Name	Received	Position
6	CHARLES E HOCK III III	03/12/2025	OPPOSE

I WOULD PREFER TO BE ABLE TO KEEP A 41 FISH

Virginia Marine Resources Commission

Public Comments

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Number	Name	Received	Position
7	ZAC DUKE	03/12/2025	OPPOSE

43 IS AN ODD NUMBER TO TRACK 42 IS MORE STANDARD WITH BOAT RULERS THAT ARE AFFIXED TO MANY BOATS I'D LIKE TO KEEP THE 1 OVER 50 RULE

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

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Number	Name	Received	Position
8	SCOTT BREWSTER	03/13/2025	OPPOSE

COPY THE RED DRUM REGULATIONS RELEASE THE LARGE EGG LAYERS THERE IS ENORMOUS PRESSURE ON COBIA IN THE BAY

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
9	TOM RITTER	03/13/2025	OPPOSE

AS A CHARTER BOAT CAPTAIN I AM NOT IN FAVOR OF THE PROPOSED REGULATIONS WE AS ANGLERS HAVE ALWAYS BEEN TOLD THAT THE LARGER FISH ARE THE BREEDER FISH AND WE NEED TO PROTECT THEM I HEAR VARIOUS REPORTS BUT DOES THE MRC REALLY HAVE DATA TO VERIFY HOW MANY FISH THERE ARE AND HOW THE COBIA FISHERY IN OUR AREA IS DOING? WE DID SEE A NICE CLASS OF FISH LAST SEASON SO WHY TAKE A CHANCE OF OVERHARVESTING OUR BREEDER FISH THOSE OF US WHO HAVE BEEN AROUND A WHILE HAVE SEEN OTHER SPECIES BE OVERHARVESTED AND I THINK THE APPROACH SHOULD BE IN FAVOR OF CONSERVATION I WOULD LIKE TO KNOW THE SCIENCE BEHIND RAISING THE MINIMUM SIZE TO 43 AS STATES BELOW US CERTAINLY HAVE A SMALLER SLOT SIZE MORE IMPORTANTLY I WOULD LIKE TO SEE THE MRC TAKE A STRONGER STANCE ON THE HARVEST OF THE MENHADEN IN THE BAY TO HELP NUMEROUS FISH SPECIES WHILE THEY ARE IN OUR WATERS A STRONG AND HEALTHY FISHERY CAN CERTAINLY BE TIED TO THE AVAILABILITY OF FOOD TO SUSTAIN FISH WHILE THEY ARE HERE AND PREPARE THEM FOR THEIR MIGRATION IF IN FACT YOU ARE GOING TO EXTEND THE SEASON I WOULD BE IN FAVOR OF IT STARTING EARLIER IN JUNE VERSUS ADDING DAYS IN SEPTEMBER PLEASE ALSO CONSIDER ALLOWING CHARTER BOATS TO GAFF COBIA AS OUR REPUTATION AS SUCH WOULD HAVE US NET A FISH IN QUESTION OF SIZE

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
10	RICH J NOLAN JR. JR.	03/13/2025	OPPOSE

DO NOT ALLOW MORE THAN ONE FISH OVER 50 MAKES NO SENSE I'M OK WITH RAISING THE MINIMUM SIZE

Virginia Marine Resources Commission

Public Comments

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Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
11	RICHARD R NOLAN	03/13/2025	OPPOSE

AN EXTRA 5 DAYS OF CHARTERBOAT SLAUGHTER AND YOU CAN KEEP TWO 70 BREEDING FISH IF YOU FEEL LIKE IT? BUT MY MINIMUM GOES UP 3IN? ABSOLUTELY ATROCIOUS

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
12	ALEXXA COUNASSE	03/13/2025	OPPOSE

RAISING THE SIZE LIMIT OF LARGE BREEDING COBIA COULD HAVE NEGATIVE CONSEQUENCES FOR THE SPECIES' OVERALL POPULATION AND GENETIC HEALTH LARGER COBIA ARE TYPICALLY THE MOST FERTILE INDIVIDUALS AND BY INCREASING THE SIZE LIMIT WE COULD INADVERTENTLY REDUCE THE NUMBER OF BREEDING ADULTS THIS COULD HINDER THE SPECIES' ABILITY TO REPRODUCE AT OPTIMAL RATES LEADING TO FEWER OFFSPRING AND A DECLINE IN POPULATION NUMBERS OVER TIME ADDITIONALLY REMOVING LARGE OLDER FISH FROM THE POPULATION COULD REDUCE THE GENETIC DIVERSITY OF THE SPECIES AS YOUNGER LESS GENETICALLY DIVERSE INDIVIDUALS MAY NOT BE ABLE TO FULLY COMPENSATE FOR THE LOSS OF THESE KEY BREEDERS FURTHERMORE LARGER COBIA OFTEN PLAY AN IMPORTANT ECOLOGICAL ROLE WITHIN THEIR HABITAT BY RAISING THE SIZE LIMIT AND ALLOWING THESE MATURE FISH TO BE CAUGHT WE RISK DISRUPTING THE BALANCE OF THE LOCAL ECOSYSTEM THESE LARGER COBIA CONTRIBUTE TO THE CONTROL OF CERTAIN PREY SPECIES AND THEIR REMOVAL COULD HAVE RIPPLE EFFECTS ON THE FOOD CHAIN THE LONG TERM CONSEQUENCES COULD BE A LESS STABLE MARINE ENVIRONMENT WITH NEGATIVE IMPACTS ON OTHER SPECIES THAT RELY ON THE PRESENCE OF MATURE COBIA FOR ECOLOGICAL BALANCE THEREFORE WHILE RAISING SIZE LIMITS MAY APPEAR TO BENEFIT FISHING INDUSTRIES IN THE SHORT TERM IT COULD ULTIMATELY HARM THE SPECIES AND THE BROADER ECOSYSTEM IN WHICH THEY THRIVE

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
13	BOBBY BENNETT	03/14/2025	OPPOSE

WHERE IS THE SCIENCE THAT SUPPORTS THE PROPOSED REGULATIONS? THE MANDATORY COBIA REPORTING WENT AWAY IN 2024 SO HELP US UNDERSTAND THE NEED FOR NEW SIZE REGULATIONS ELIMINATING MANDATORY REPORTING WOULD MAKE MOST FEEL AS IF THE FISHERY WERE IN GOOD SHAPE CONDUCTING SMALL SAMPLES AND RAMP SURVEYS ARE NOT EFFECTIVE TOOLS FOR MANAGING FISHERIES WHERE DOES THE 43 MINIMUM SIZE REGULATION COME FROM IS THERE SCIENCE THAT INDICATES SMALLER FISH 40 FISH SHOULD NOT BE HARVESTED? REGULATIONS FOR COBIA SHOULD REMAIN AS THEY WERE IN 2024 SEEMS THERE IS NO JUSTIFICATION TO MAKE ANY CHANGES TO SEASON DATES LIMITS OR SIZE OF FISH TO BE HARVESTED

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
14	WILLIAM P CARTER	03/16/2025	OPPOSE

IF COBIA ARE IN THAT MUCH NEED OF REGULATION I THINK THAT YOU SHOULD CLOSE THE SEASON FOR A YEAR AND THEN RE EVALUATE

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-510, "Pertaining to Amberjack and Cobia" to 1) amend the recreational size limit to 43 inches; 2) repeal the one fish over 50-inch allowance in the recreational fishery; and 3) establish the recreational fishing season.

Print Date: Friday March 21 2025 12:29

Number	Name	Received	Position
15	NATHAN T REYNOLDS	03/19/2025	OPPOSE

THERE IS NO DATA COLLECTED THAT REPRESENTS A NEED FOR REGULATION CHANGE THE MOMENT WE TOOK MANDATORY REPORTING AWAY WAS THE MOMENT WE NO LONGER NEEDED INFORMATION IN REGARD TO BIOMASS OF COBIA THERE IS MORE COBIA THAN ANY MARINE BIOLOGIST OR STAFF MEMBER EVER IMAGINED AND YET WE ARE MESSING WITH THE REGULATIONS BASED ON ASMFC ASKING FOR A REDUCTION? THE FIRST YEAR MANDATORY REPORTING WAS REQUIRED THE BIOMASS NUMBERS WERE UNEXPLAINABLY HIGH THESE RANDOM SIZES ARE SELECTED BASED ON A MATHEMATICALLY CREATED FORMULA LET'S NOT SOON FORGET THIS BIOMASS OF COBIA WAS FISHED ON FOR YEARS WITH THE REGULATION OF 2 FISH PER PERSON OVER 37" A YEAR ROUND SEASON AND NO BOAT LIMIT WE HAD AN ALREADY BUILDING STOCK WITH THAT REGULATION IN PLACE YEARS AGO NOW HERE WE ARE 15 YEARS LATER WITH A CONTINUATION OF A STOCK THAT'S NOW KNOWN TO BE MUCH GREATER THAN PREDICTED THROUGH MANDATORY REPORTING YET WE ARE GOING TO CHANGE THE REGULATIONS AGAIN?

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

PREAMBLE

This chapter establishes possession limits, season, and minimum size limits for cobia and amberjack in Virginia waters.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts previous Chapter 4 VAC 20-510-10 et seq., which was adopted on ~~February 28, 2023~~ May 28, 2024 and effective on ~~March 3, 2023~~ June 1, 2024. The effective date of this chapter, as amended, is ~~June 1, 2024~~ April 1, 2025.

4VAC20-510-10. Purpose.

The purpose of this chapter is to control the harvest, protect the spawning stocks, minimize the possibility of recruitment failure and increase yield in the amberjack and cobia fisheries. The provisions pertaining to aquaculture serve to prevent cobia raised in an aquaculture facility from being placed into Virginia waters and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

4 VAC 20-510-12. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Amberjack” means any fish of the species *Seriola dumerili*.

“Cobia” means any fish of the species *Rachycentron canadum*.

“Mandatory Harvest Reporting Program Web Application” means the online web-based resource provided by the Commission to report commercial harvest of seafood at <https://webapps.mrc.virginia.gov/harvest/>.

“Recreational vessel” means any vessel, kayak, charter vessel, or headboat fishing recreationally.

“Snout” means the most forward projection from a fish’s head that includes the upper and lower jaw.

“Total length” means the length of a fish measured from the most forward projection of the snout, with

"PERTAINING TO AMBERJACK AND COBIA"**CHAPTER 4 VAC 20-510-10 ET SEQ.**

the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

4VAC20-510-15. (Repealed.)**4VAC20-510-20. Recreational fishery possession limits, season, vessel allowance, and prohibition on gaffing.**

A. It shall be unlawful for any person fishing recreationally to possess more than one cobia at any time. When fishing from any recreational vessel where the entire catch is held in a common hold or container, the possession limit for the recreational vessel shall be equal to the number of persons on board legally eligible to fish multiplied by one, except there is a maximum recreational vessel limit of two cobia per recreational vessel per day. The captain or operator of the recreational vessel shall be responsible for any recreational vessel possession limit. Any cobia caught after the possession limit has been reached shall be returned to the water immediately.

B. It shall be unlawful for any person, fishing recreationally, to harvest or possess any cobia before June 15 or after September ~~15~~ 20 of the current calendar year.

C. It shall be unlawful for any person fishing recreationally to possess more than two-amberjack at any time. When fishing from any recreational vessel where the entire catch is held in a common hold or container, the possession limit for the recreational vessel shall be equal to the number of persons on board legally eligible to fish multiplied by two. The captain or operator of the recreational vessel shall be responsible for any recreational vessel possession limit. Any amberjack caught after the possession limit has been reached shall be returned to the water immediately.

D. It shall be unlawful for any person fishing recreationally to gaff or attempt to gaff any cobia.

4VAC20-510-25. Commercial fishery possession limits, season, and reporting requirements.

A. It shall be unlawful for any person fishing commercially to possess more than two cobia at any time. When fishing from any vessel where the entire catch is held in a common hold or container, the possession limit for the vessel shall be equal to the number of valid commercial fisherman registration licensees on board multiplied by two, except there is a maximum vessel limit of six cobia per vessel per day. The captain or operator of the vessel shall be responsible for any vessel possession limit. Any cobia caught after the possession limit has been reached shall be returned to the water immediately.

B. Any commercial harvest of cobia shall only be reported through the Online Mandatory Harvest Reporting Program Web Application. Such reports shall record daily harvests from Sunday through

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

Saturday and be submitted on a weekly basis no later than Wednesday of the following week in accordance with 4VAC20-610.

C. It shall be unlawful for any person to take, harvest, land, or possess any cobia for commercial purposes once it has been announced by the commission that the commercial quota has been landed for the current calendar year.

D. It shall be unlawful for any person fishing commercially to possess more than two amberjack at any time. When fishing from any vessel where the entire catch is held in a common hold or container, the possession limit for the vessel shall be equal to the number of valid commercial fisherman registration licensees on board multiplied by two. The captain or operator of the vessel shall be responsible for any vessel possession limit. Any amberjack caught after the possession limit has been reached shall be returned to the water immediately.

E. The possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as buyer, wholesaler, or retailer shall not be limited by the possession limits described in this section.

4VAC20-510-30. Size limits.

A. It shall be unlawful for any person to take, catch or have in possession any amberjack less than 32 inches in total length.

B. It shall be unlawful for any person fishing commercially to take, harvest or possess any cobia less than 37 inches in total length.

C. It shall be unlawful for any person to take, catch or have in possession any recreationally harvested cobia less than ~~40~~ 43 inches in total length.

~~D. When fishing from any recreational vessel, it shall be unlawful to take, catch, or have in possession more than one recreationally harvested cobia greater than 50 inches in total length per vessel.~~

4VAC20-510-33. (Repealed.)

4VAC20-510-35. Aquaculture of cobia; permit required.

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

It shall be unlawful for any person to operate a cobia aquaculture facility without first obtaining a permit from the Marine Resources Commission (commission). This permit shall authorize and define the limits of activities concerning the purchase, possession, sale, giving, receiving, and transportation of aquacultured cobia. Any person in violation of any permit condition issued under this section may have the permit revoked at any time upon review by the commission. If the commission revokes any person's permit for an aquaculture facility, that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

4VAC20-510-37. (Repealed.)

4VAC20-510-40. Penalty.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on ~~May 28, 2024~~ March 25, 2025.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2025.

Notary Public

DRAFT

Army Corps of Engineers

VMRC #2024-1891

1. Habitat Management Evaluation dated March 25, 2025
(Page 1 and 2)
2. Application plan view and cross sections dated-received December 2, 2024, and March 18, 2025 (Page 3 through 12)
3. Application Dredged Material Management Plan received August 8, 2024
(Page 13 and 14)
4. Virginia Institute of Marine Science comments received February 26, 2025
(Page 15)
5. Shellfish lease holder protest received January 26, 2025
(Page 16)
6. Army Corps of Engineers comments received March 17, 2025
(Page 17)
7. Accomack County Local Wetlands Board comments dated-received August 13, 2024
(Page 18 and 19)
8. Department of Conservation and Recreation comments received January 27, 2025
(Page 20 through 24)

All project drawings, plans and application information are available at

<https://webapps.mrc.virginia.gov/public/habitat/>

HABITAT MANAGEMENT DIVISION EVALUATION

ARMY CORPS OF ENGINEERS, VMRC #2024-1891, requests authorization to place, via hydraulic means, approximately 162,500 cubic yards of dredged material from the Quinby Creek Federal Channel maintenance project onto state-owned wetlands and submerged lands situated along Upshur Bay in Accomack County. The project is protested by an adjacent shellfish ground leaseholder.

Narrative

The Quinby Creek Federal Channel is located within Upshur Bay and provides access to Quinby Harbor in Accomack County. Since 1973, dredged material from this channel has been placed at an overboard disposal site adjacent to Peeler Point. This placement site is located within public grounds and state-owned marshlands. Previous overboard placement of dredged material has resulted in the accretion of wetlands at this location with the site now primarily comprised of intertidal mudflat. There are several private shellfish leases in the vicinity located approximately 0.5 miles away from the placement site along the federal channel.

The U.S. Army Corps of Engineers (ACOE) is proposing to dredge the Quinby Creek Federal Channel and place approximately 162,500 cubic yards of material on the historically used placement site in 2025. The channel requires maintenance dredging every five (5) to seven (7) years and was last dredged in 2017. Placement of dredged material at this location was previously authorized by this agency in 2003 (VMRC #2002-2103) and again in 2009 (VMRC #2009-0483).

Issues

While federal dredging is statutorily authorized per §28.2-1203(3) of the Code of Virginia, placement of dredged material channelward of mean low water requires a Commission subaqueous permit. Additionally, the placement of such material on state-owned marsh also requires authorization from this agency per §28.2-1306(A) of the Code of Virginia.

As part of our public interest review, three (3) shellfish leaseholders near the placement site were notified of the project. All three leases are approximately 0.5 miles or more away from the placement area. One of the lease holders, Mr. Revel Walker, has protested the project. Mr. Walker indicated that the shellfish harvested from his lease have a poor shelf life and believes that this is due to sedimentation from previous placement of material at the disposal site. He has requested that the ACOE consider an alternative disposal location.

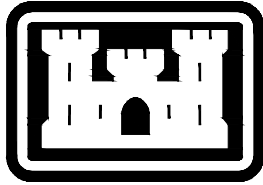
The Virginia Institute of Marine Science (VIMS) recommends the use of a turbidity curtain during the dredged material placement to help contain the material and keep it from becoming suspended in the water column. If a turbidity curtain cannot be utilized, then VIMS recommends an instream work time-of-year-restriction (TOYR) from May 1 through September 30 be implemented to protect shellfish resources during recruitment and reproductive life stages.

Summary/Recommendations

While staff is sensitive to the leaseholder's concerns regarding impacts from sedimentation, the subject lease is situated approximately 0.5 miles away from the placement site and there is no evidence that the shellfish on this lease have been adversely affected. Since the placement site at Peeler Point has been used for dredged material disposal from Quinby Creek for over 40 years, and no immediate adverse effects are anticipated, staff recommends approval of the project as proposed with our standard dredging permit conditions including a post-dredge survey of disposal site and a pre-dredge/placement meeting with staff. Additionally, staff recommends authorization include the conditions that a turbidity curtain be used during the placement of material and if this is not feasible, a TOYR from May 1 through September 30 be observed; that no dredge material be placed on vegetated wetlands; and that the dredge material elevation will not exceed two (2) feet above mean low water or the adjacent marsh.

While we have no objection to the current maintenance dredge cycle given the long-term use of the Peeler Point placement site, we continue to have concerns regarding the adverse impacts to fisheries and subaqueous bottom habitats resulting from the overboard placement of dredge spoil material. This position is supported by the national directive outlined in the Beneficial Use of Dredge Material (BUDM) Command Philosophy Notice forwarded to the Norfolk District in 2023, by the Corps' Civil and Emergency Operations, Washington D.C. Headquarters. This national policy, congressionally established by Section 125 of the Water Resources and Development Act in 2020, charged the Corps with the goal of meeting a 70% target for beneficial use practices of dredge material by 2030.

As such, staff additionally recommends that the Commission require the Corps to incorporate a plan for the beneficial use of the dredge material generated for all future maintenance cycles of the Quinby Creek Federal Project Channel.



US Army Corps
of Engineers
Norfolk District

QUINBY CREEK PERMIT DRAWINGS

SURVEY OF AUGUST 2023

ACCOMAC COUNTY, VIRGINIA

INDEX TO DRAWINGS

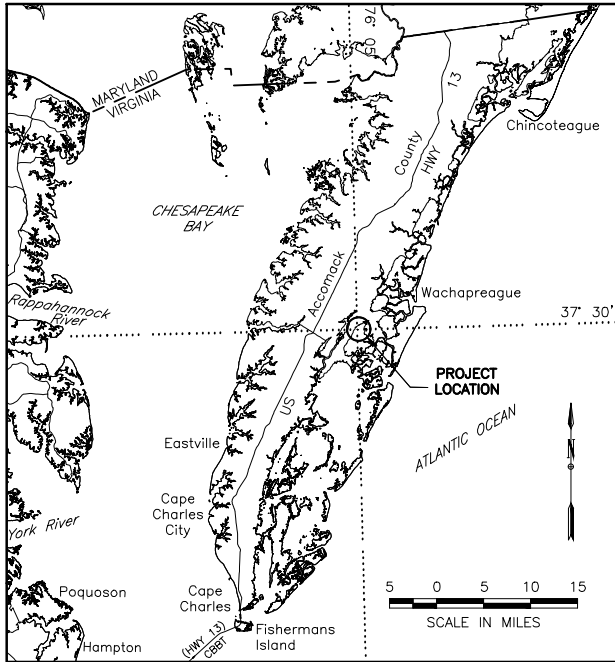
SHEET NO.	TITLE
1	TITLE SHEET
2	GENERAL NOTES
3	MAPPING SHEET
4	MAPPING SHEET
5	MAPPING SHEET
6	MAPPING SHEET
7	MAPPING SHEET
8	PLACEMENT AREA
9	CROSS-SECTIONS

SHEET: 1

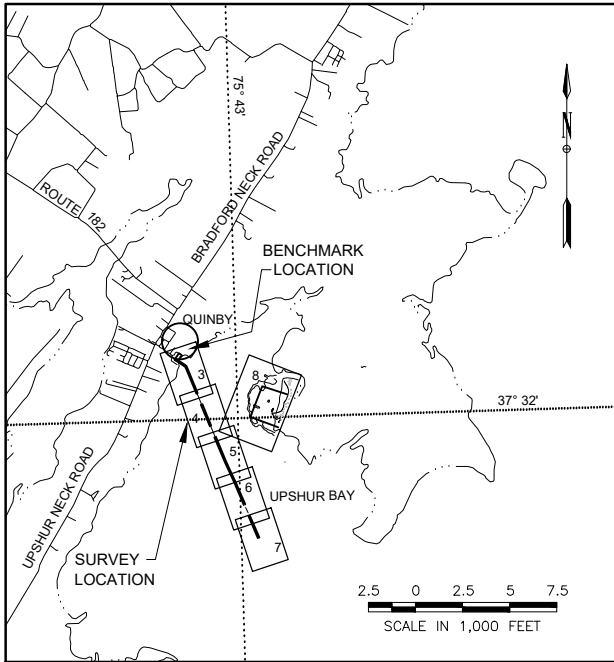
QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
TITLE SHEET
ACCOMAC COUNTY, VIRGINIA



US Army Corps
of Engineers










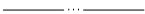


VICINITY MAP



LOCATION MAP

T:\Q\Quinby Creek\Permit Drawing\QBY\2023-08-21\PS\QBY_2023-07-16_PERMIT.dwg

LEGEND:

-  DESIGNATED PIPELINE CORRIDOR FROM CHANNEL TO PLACEMENT AREA BETWEEN STATIONS 30+00 AND 42+00. (APPEARING ON SHEET 6 ONLY)
-  DREDGING AREA (CHANNEL) - WITHIN THIS AREA, MATERIAL SHALL BE REMOVED TO A REQUIRED DREDGING DEPTH OF -6 FEET WITH ONE FOOT ALLOWABLE OVERDEPTH.
-  DREDGING AREA (TURNING BASIN) - WITHIN THIS AREA, MATERIAL SHALL BE REMOVED TO A REQUIRED DREDGING DEPTH OF -6 FEET WITH ONE FOOT ALLOWABLE OVERDEPTH.
-  TOE OF AUTHORIZED CHANNEL
-  OYSTER GROUNDS
-  SIDE SLOPES OF CHANNEL
-  MARSH
-  SHORELINE
-  MEAN HIGH WATER
-  MEAN LOW WATER

NOTES:

PROJECT DIMENSIONS: A CHANNEL 80 FEET WIDE AND 8 FEET DEEP FROM THAT DEPTH IN UPSHUR BAY TO WITHIN APPROXIMATELY 600 FEET OF QUINBY LANDING, THENCE 60 FEET WIDE TO QUINBY LANDING WITH A MOORING AND TURNING BASIN 8 FEET DEEP, 200 FEET WIDE AND 400 FEET LONG AT THE HEAD OF THE 60 FOOT CHANNEL.

MEAN LOWER LOW WATER (MLLW), NATIONAL TIDAL DATUM EPOCH (NTDE) OF 1983-2001, WAS DETERMINED BY THE NATIONAL OCEAN SERVICE (NOS) AT WACHAPREAGUE, VIRGINIA.

SOUNDINGS ARE IN FEET REFERRED TO NOS MLLW AND WERE TAKEN ON 21-23 AUGUST AND 16 NOVEMBER, 2023.

MEAN RANGE OF TIDE IS 4.02 EET AT QUINBY CHANNEL AND IS BASED ON NOS OBSERVATIONS AT WACHAPREAGUE, VIRGINIA.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) ELEVATION WAS DERIVED BY THE RESULTS OF A OPUS GPS SESSION ON JUNE 15, 2010 PERFORMED BY USACE PERSONNEL ON NOS BENCHMARK 863-1208-E, 1979 AND IS 2.75 FEET ABOVE NOS MLLW 83 - 01 NTDE BASED ON GEOID 12B.

COORDINATES ARE REFERRED TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE IN U.S. SURVEY FEET, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983.

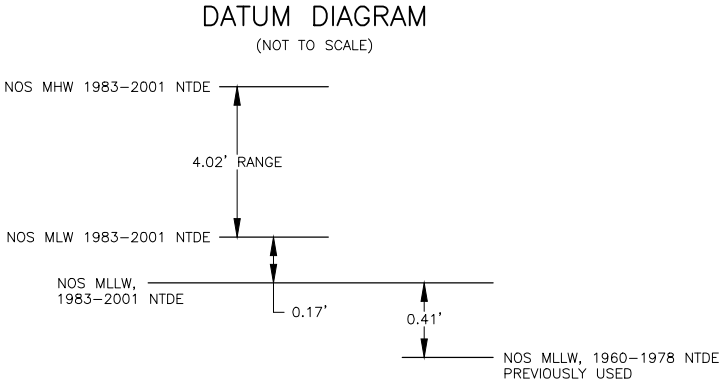
IMAGERY FROM VIRGINIA GEOGRAPHIC INFROMATION NETWORK'S (VGIN) WEB MAP FOR MOST CURRENT VBMP IMAGERY, 2021.

LAST DREDGED BY COTTRELL CONTRACTING CORPORATION DURING THE PERIOD 15 THROUGH 22 NOVEMBER 2003 UNDER CONTRACT NO. DACW65-03-C-0052 DATED 22 JULY 2003.

BENCHMARKS	
BENCHMARK	ELEVATION
NOS "QUIN-HARB"	+7.13'
NOS "863-1208-C, 1979"	+8.12'
NOS "863-1208-D, 1979"	+8.08'
NOS "863-1208-E, 1979"	+8.35'
ELEVATIONS ARE RELATIVE TO NOS MLLW, 1983-2001 NTDE	

CENTERLINE COORDINATES CHANNEL		
STATION	EAST (X)	NORTH (Y)
0+00.0	12,285,136.78	3,735,224.81
6+89.3	12,285,711.64	3,734,844.40
62+00.0	12,287,826.50	3,729,755.70
74+00.0	12,288,328.23	3,728,665.62

CENTERLINE COORDINATES BASIN		
STATION	EAST (X)	NORTH (Y)
0+00.0	12,285,203.62	3,735,144.61
4+00.0	12,285,424.36	3,735,478.18



The information depicted on this map represents the results of surveys made on the date(s) indicated and can only be considered as indicating the general conditions existing at that time.

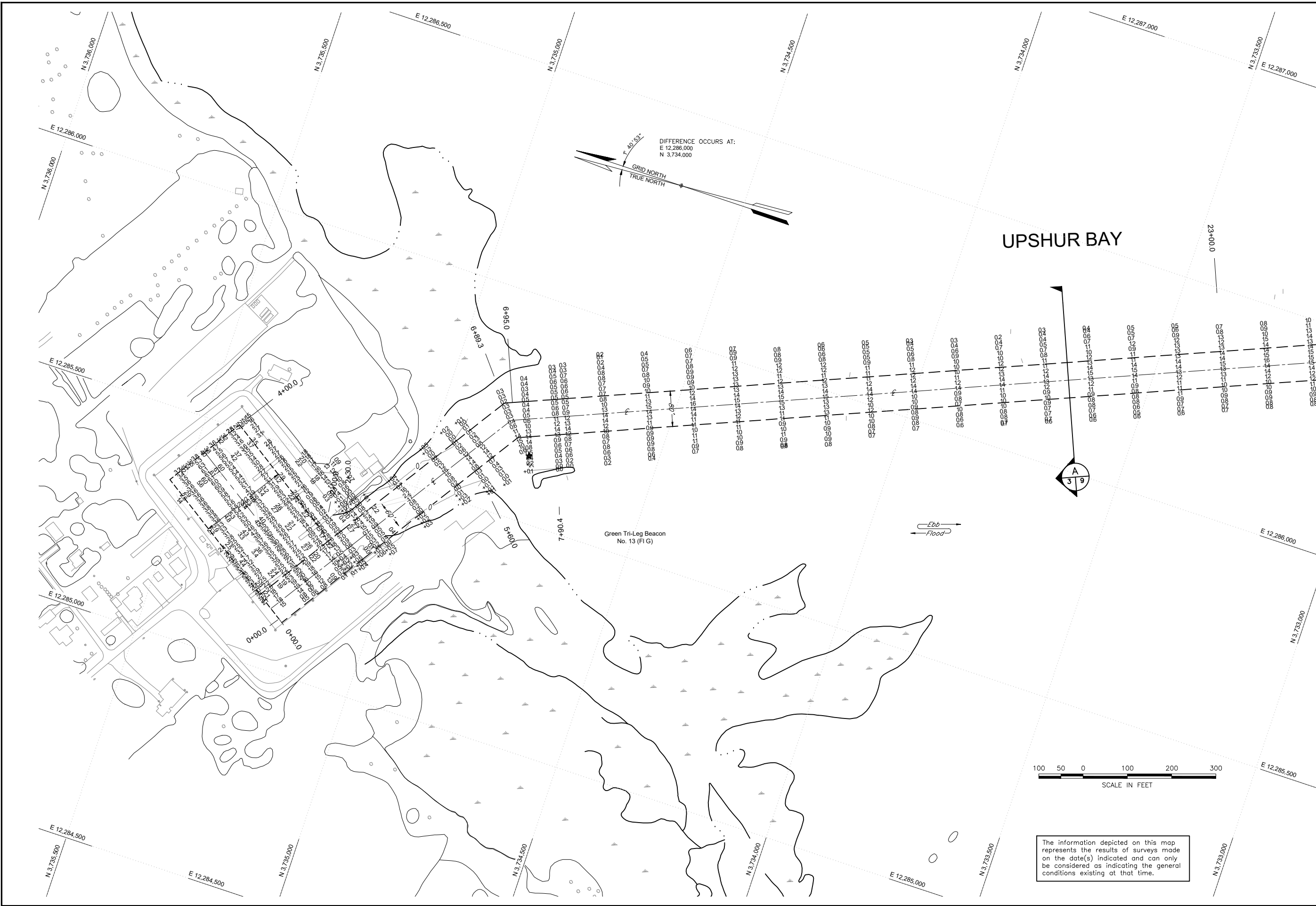


US Army Corps
of Engineers

QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
GENERAL NOTES
ACCOMAC COUNTY, VIRGINIA

SHEET: 2

T:\Q\Quincy Creek\Permit Drawing\QBY\2023-08-21\PS\QBY_2023-07-16_PERMIT.dwg

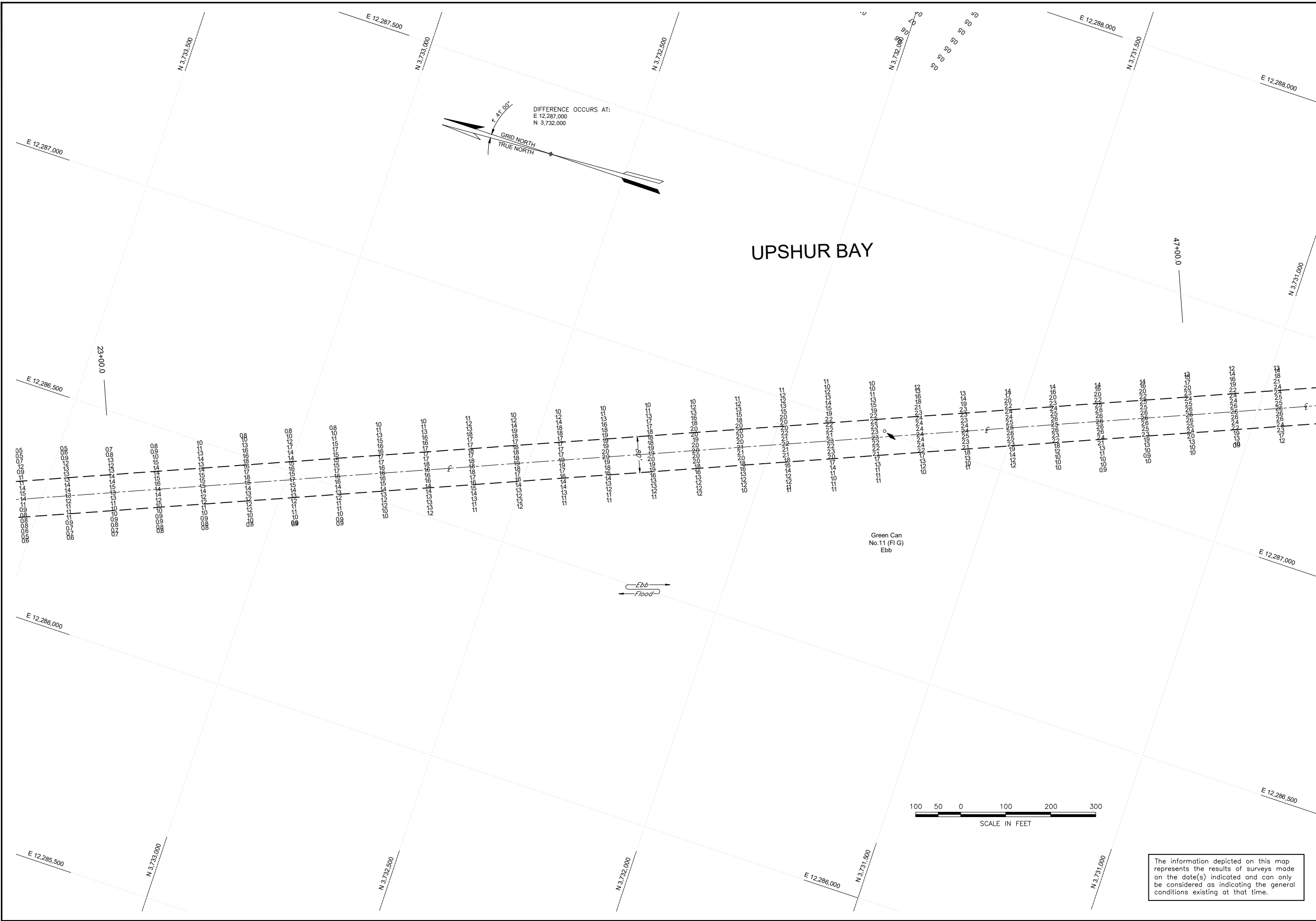


QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
MAPPING SHEETS
ACCOMAC COUNTY, VIRGINIA



SHEET: 3

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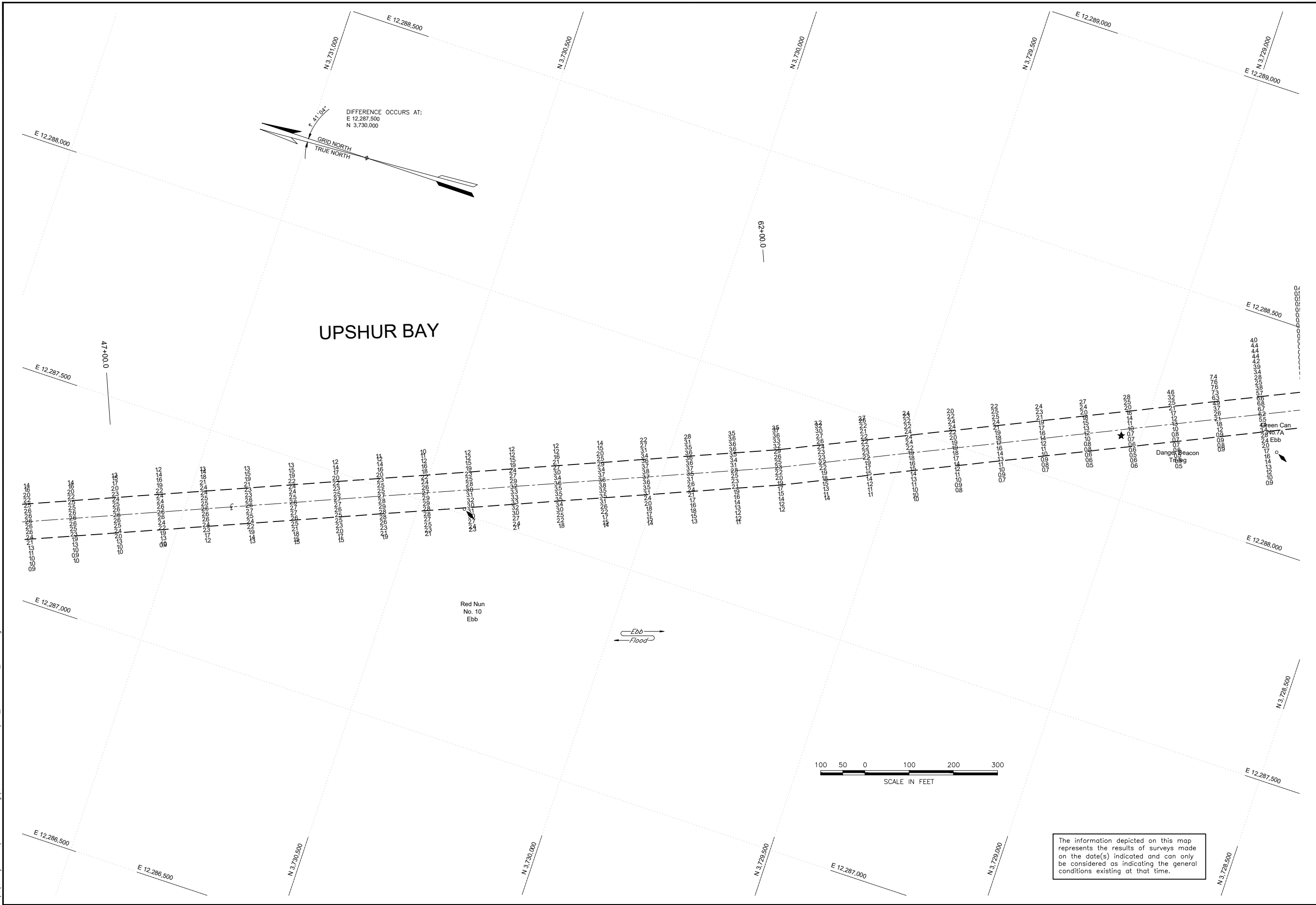


QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
MAPPING SHEETS
ACCOMAC COUNTY, VIRGINIA



SHEET: 4

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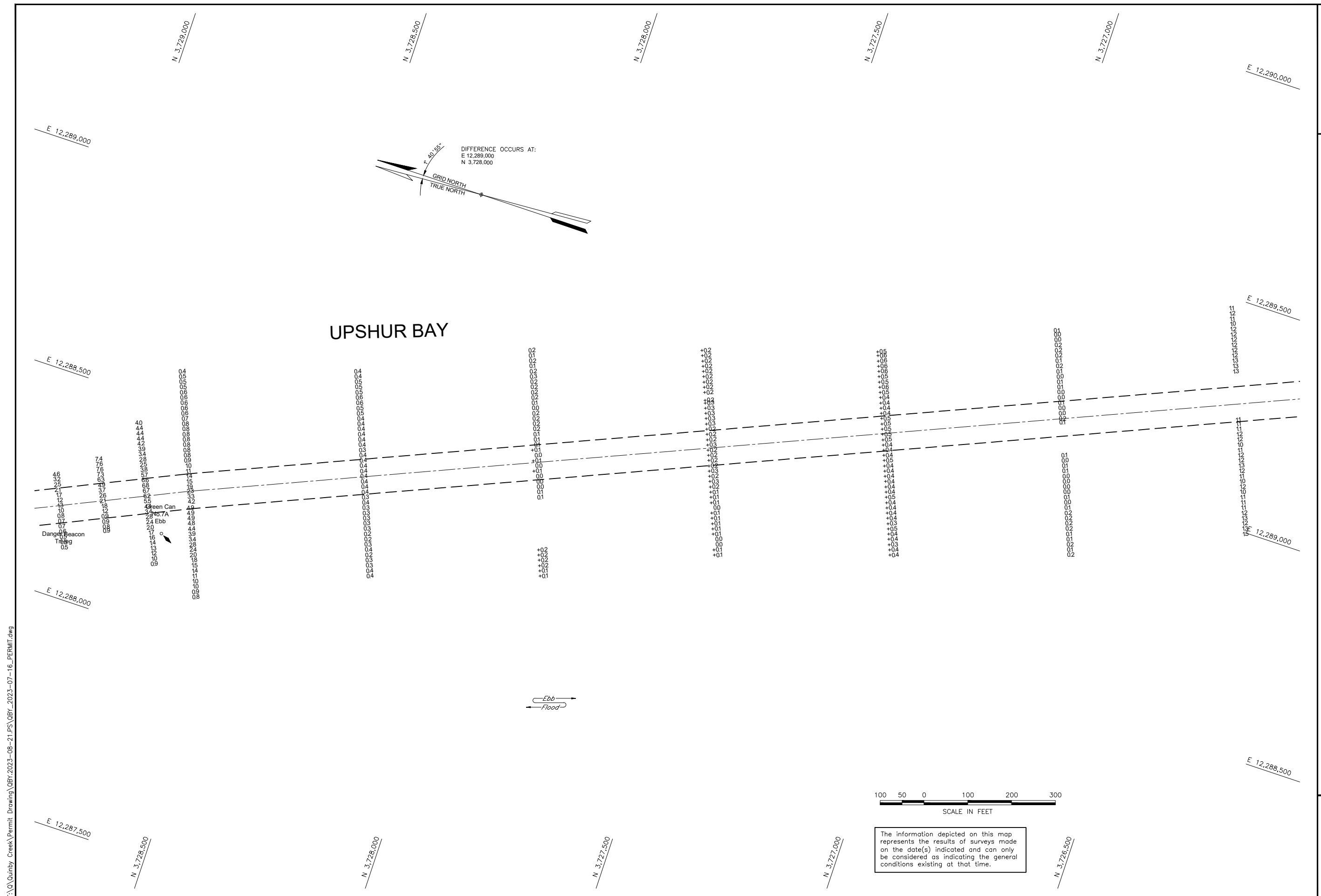


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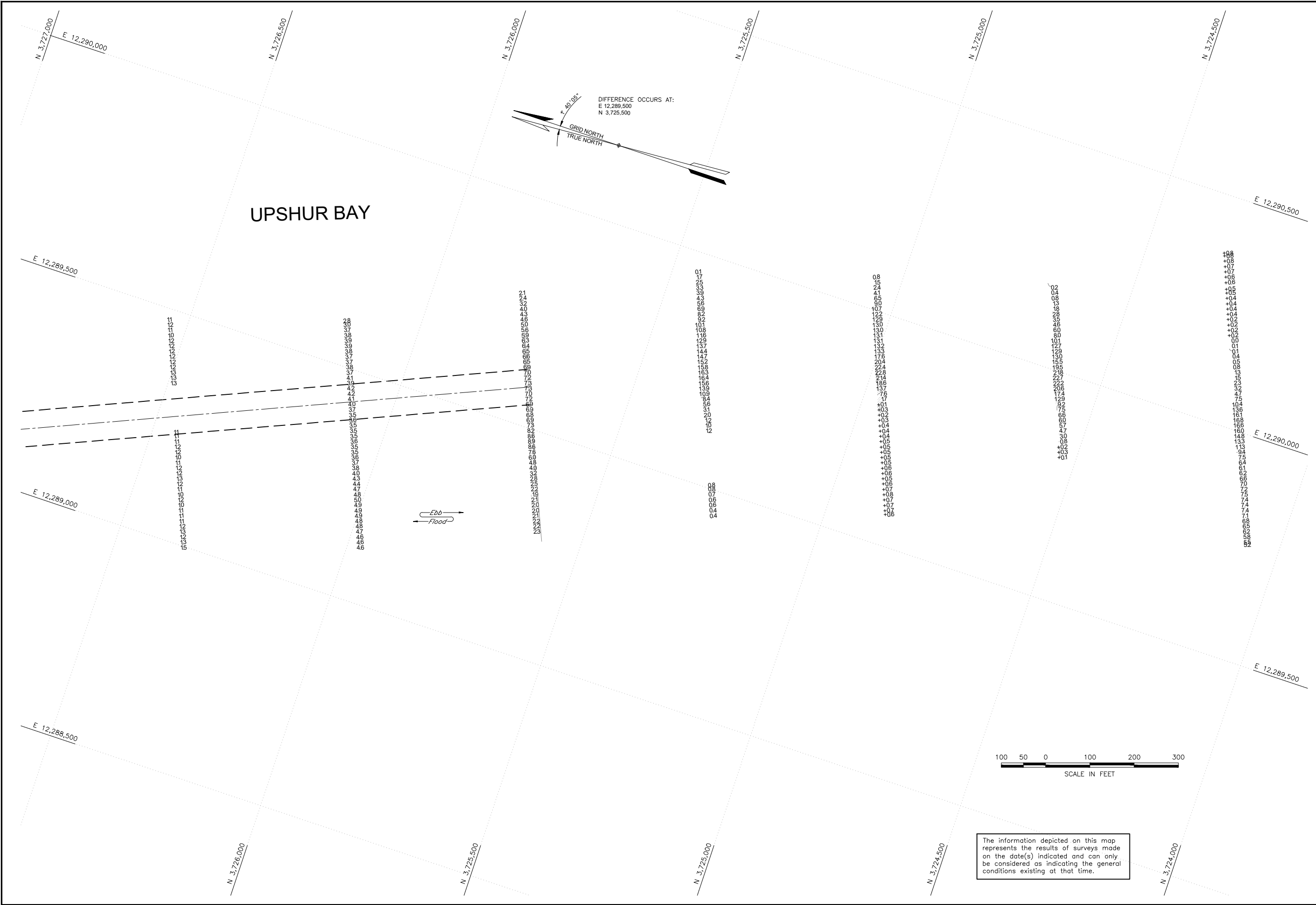
QUINCY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
MAPPING SHEETS
ACCOMAC COUNTY, VIRGINIA



SHEET: 5



T:\Q\Quincy Creek\Permit Drawing\QBY\2023-08-21\PS\QBY_2023-07-16_PERMIT.dwg

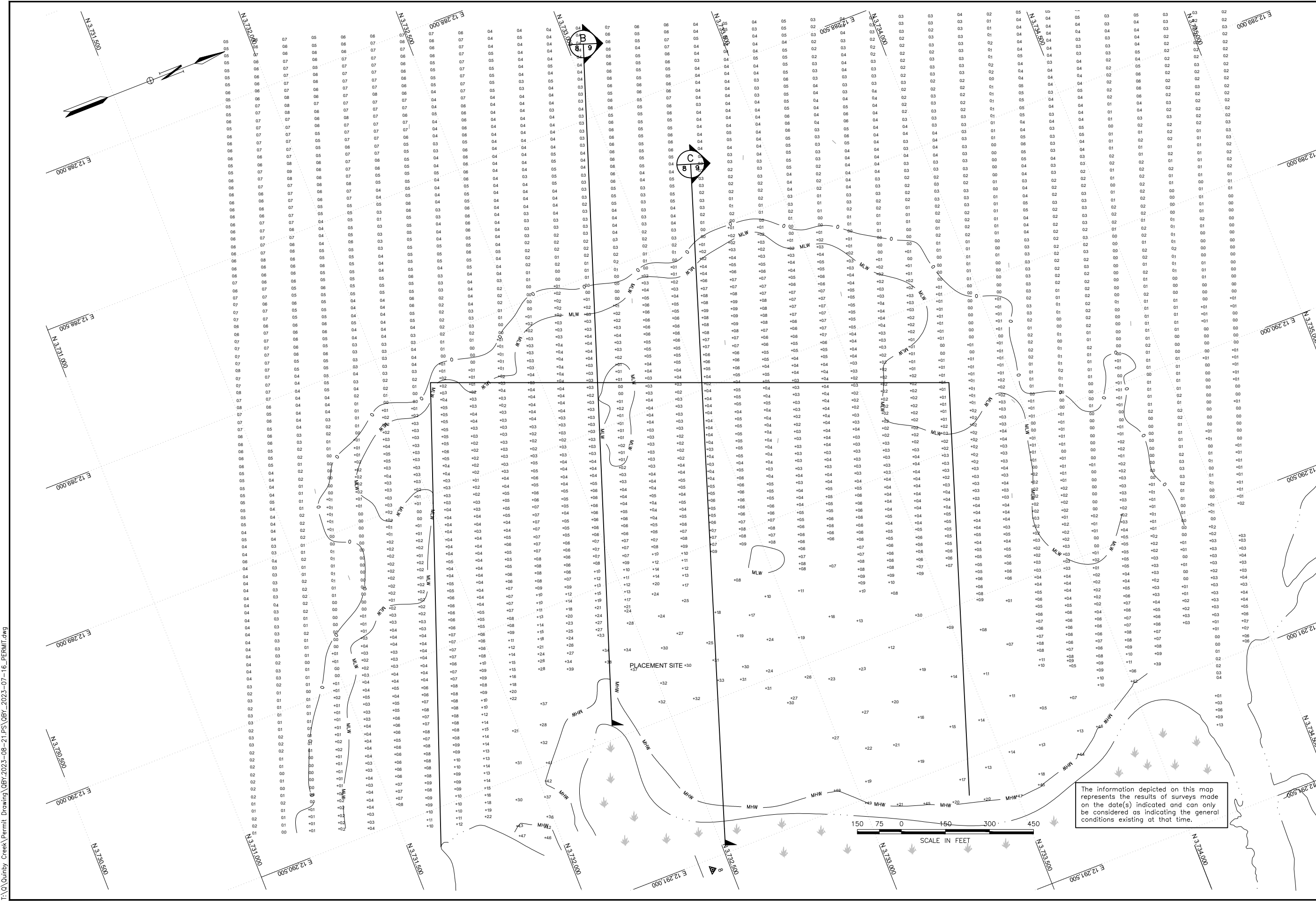


QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
MAPPING SHEETS
ACCOMAC COUNTY, VIRGINIA



SHEET: 7

T:\Q\Quinby Creek\Permit Drawing\QBY.2023-08-21.PS\QBY_2023-07-16_PERMIT.dwg



The information depicted on this map represents the results of surveys made on the date(s) indicated and can only be considered as indicating the general conditions existing at that time.

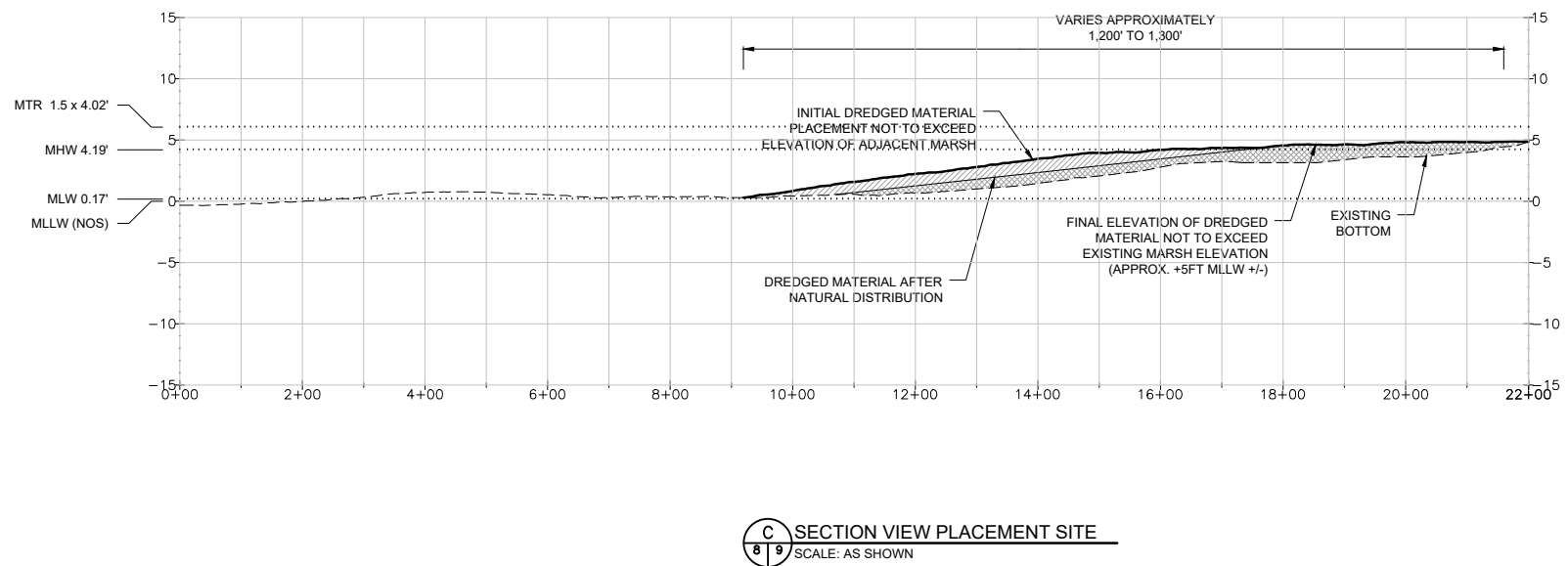
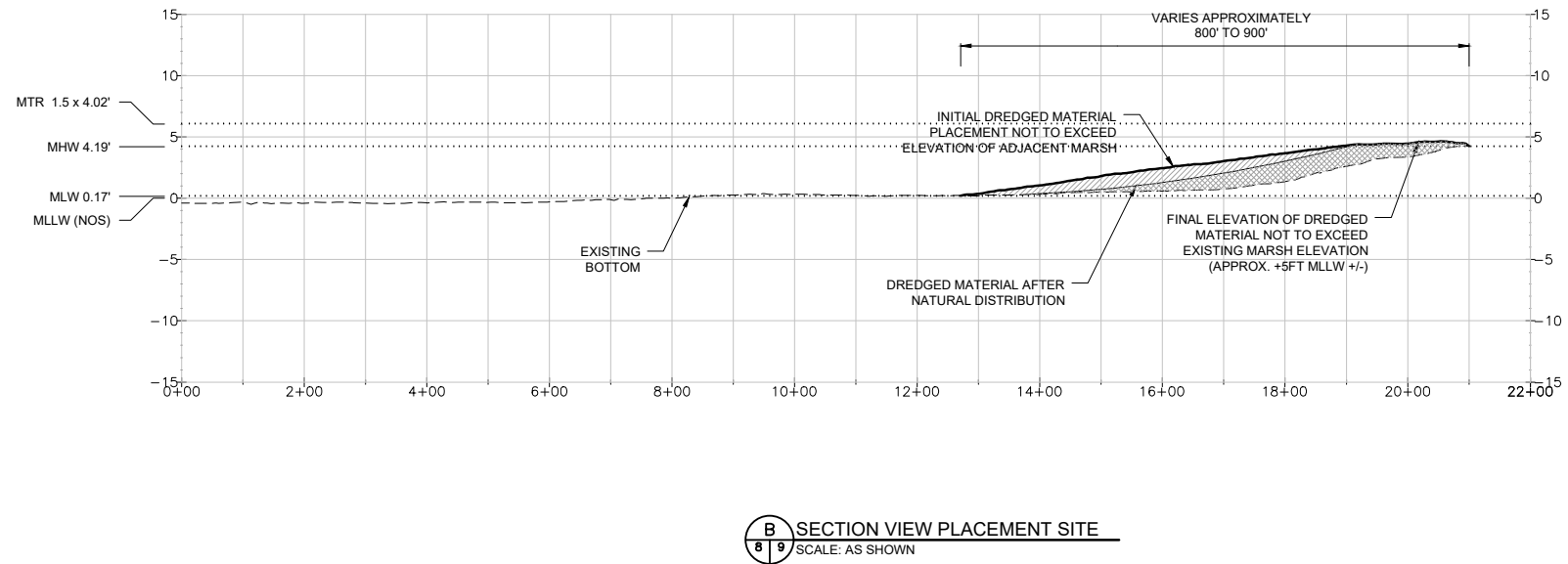
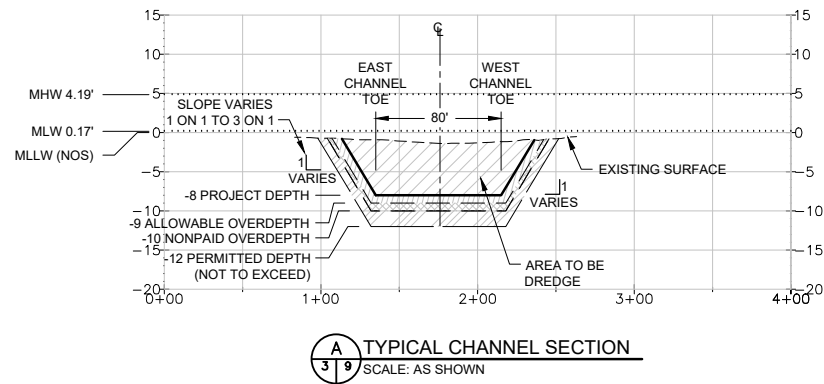
QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
MAPPING SHEETS
ACCOMAC COUNTY, VIRGINIA



US Army Corps
of Engineers

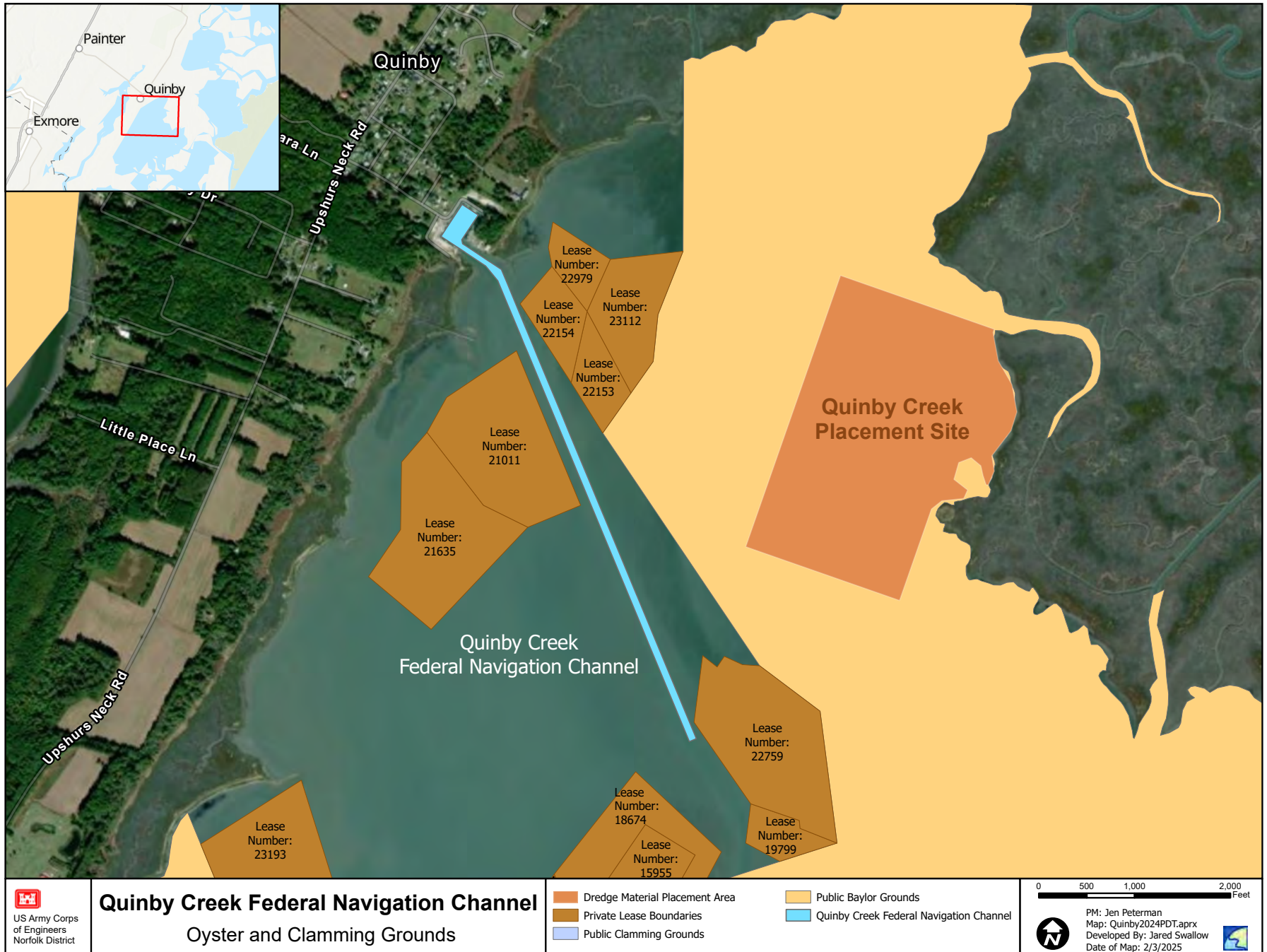
SHEET: 8

T:\Q\Quincy Creek\Permit Drawing\QBY\2023-08-21\PS\QBY_2023-07-16_PERMIT.dwg



QUINBY CREEK PERMIT DRAWING
SURVEY OF OCT & NOV, 2023
CHANNEL AND PLACEMENT AREA - CROSS SECTION
ACCOMAC COUNTY, VIRGINIA





QUINBY CREEK FEDERAL NAVIGATION PROJECT
ACCOMACK COUNTY, VIRGINIA
PROJECT DATA SHEET

Project Location and Description

Quinby Creek Federal Navigation Project, located on the Atlantic Ocean side of Virginia's Eastern Shore within the Town of Quinby, approximately 32 miles north of Cape Charles, provides a channel 8 feet deep and 80 feet wide in Upshur Bay to a point 600 feet bayward from Quinby Landing, thence 60 feet wide to Quinby Landing, a total distance of 6,900 feet and a turning and mooring basin of 8 feet deep, 200 feet wide and 400 feet long opposite the harbor landing. The project was Congressionally authorized by the Rivers and Harbor Act of 17 May 1950.

Project Purpose

The Quinby Creek Federal Navigation Project provides safe navigation for mostly commercial waterman and recreational vessels including aquaculture interests traveling in and out of the harbor landing into Upshur Bay and Quinby Inlet. A public dock, boat ramp, and numerous boat slips are located within the harbor at Quinby.

Dredged Material Management

Maintenance dredging will be performed by hydraulic cutterhead method and remove approximately 225,000 cubic yards of dredged material from the channel and deposited via pipeline into our previously permitted overboard placement site surrounding Peeler Point. The project will be dredged to a maximum depth of -12 feet mean lower low water (MLLW) including advanced maintenance and allowable overdepth. Historical data coupled with current shoaling rates and channel alignment estimate the need for maintenance dredging every 5 to 7 years. The channel was last dredged in February 2017. There are no known

pollutants that exist in the Quinby Creek sediments and no reason to believe other contaminant sources are within the project vicinity.

The long-term dredged material management plan is to continue overboard placement in an unconfined manner adjacent to Peeler Point. Material has been placed at this location since the early 1970s by using the material beneficially to protect the existing marsh from erosion and creating additional acres of intertidal bottom for wetland growth.

From: [Emily A. Hein](#)
To: [Gorman, Claire \(MRC\)](#)
Cc: [MRC - Jpa Permits; Advisory](#)
Subject: 24-1891 Quinby Creek Dredging
Date: Wednesday, February 26, 2025 11:28:28 AM

Good morning, Claire,

We reviewed the US Army Corps of Engineers' Quinby Creek Dredging project in Accomack County (VMRC #24-1891). The project includes maintenance dredging of the channel and turning basin to -8 ft MLW (not to exceed -12 ft MLW) with the dredged material placed on a nearby non-vegetated tidal wetland. The material will be unconfined during placement. If a turbidity curtain is not able to be utilized effectively, we recommend implementation of a time of year restriction on dredged material placement to be protective of nearby shellfish resources (clams and oysters) during their reproductive and recruitment life stages. To be most protective, we recommend the restriction extend from May 1 through September 30; however, a condensed time of June 1 through September 30 would be reasonable if the longer window is deemed impracticable.

As discussed on site, it would be helpful to inform future dredged material management projects to collect aerial imagery of the spoil site before and after placement. Please let me know when we can coordinate those flights.

Let me know if you have any questions or require additional information.

Best,

Emily

Emily Hein
Assistant Director for Advisory Services
VIMS Research and Advisory Services
Virginia Institute of Marine Science
William & Mary
www.vims.edu/oras
eahein@vims.edu
804-684-7482



[Book time to meet with me](#)

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241891

Print Date: Wednesday March 19 2025 16:51

Number	Name	Received	Position
2	REVEL WALKER	01/26/2025 00:05:13 AM	OPPOSE

PLEASE RECONSIDER USING THE HISTORICAL SITE TO PLACE THE SPOIL FROM THIS PROJECT. I GROW CLAMS AND OYSTERS ON LEASE NUMBER 22759 AND THE PRODUCTS I HARVEST FROM THAT LEASE HAVE THE WORSE SHELF LIFE OF ANYWHERE ELSE I GROW CLAMS. WHEN I ATTENDED THE PANEL DISCUSSIONS CONCERNING THIS PROJECT, IT WAS STATED THAT THE CHANNEL FILLS IN QUICKLY BECAUSE THE SEDIMENT IS PLACED TO THE NORTH OF THE CHANNEL, AND IT GET BLOWN BACK INTO THE CHANNEL BY THE STRONG NORTH-EASTERLY WINDS. I BELIEVE THIS IS ALSO THE CAUSE OF THE POOR RETURN ON THE GROUNDS I HOLD. I RECALL THAT IT WAS SUGGESTED A NEW SPOIL SITE AT THE SOUTH END OF THE BAY REPLACE THE HISTORICALLY USED SITE AT THE NORTH END. I BEG THE COMMISSION AND THE ARMY CORPSE TO TAKE ANOTHER LOOK AT THIS PROPOSAL. THANK YOU,
REVEL WALKER

From: [Pruhs, Robert S CIV USARMY CENAO \(USA\)](#)
To: [Owen, Randy \(MRC\)](#)
Cc: [Turner, Christopher W CIV USARMY CENAO \(USA\)](#); [Gorman, Claire \(MRC\)](#)
Subject: Quinby Creek Federal Navigation Project, Objection from Leaseholder and VIMS recommendation
Date: Monday, March 17, 2025 3:32:51 PM

Randy,

Thanks for the discussion last week about Quinby Creek. This email is a follow up to our phone conversation (Wednesday, March 12, 2025) regarding the objection from the nearby shellfish lease holder and VIMS subsequent recommendation for a TOYR as a result of the nearby shellfish resources.

I have followed up with USACE Office of Counsel and have been advised that if the Commission requires a TOYR or other operational control that alters the USACE project it will present a conflict with USACE authority under Rivers and Harbors Act, Section 408 (33USC408). I believe you indicated that you are obligated to present the leaseholder objection and VIMS recommendation to the Commission. I'm not certain if you have discretion as to what VMRC habitat division recommends but would like to request your consideration to not "recommend" either the TOYR or the turbidity curtain. If the Commission does vote to require conditions that may include requirements that alter the federal project we will need to work with VMRC to resolve an apparent conflict between the state authority and the USACE authority.

Let me know if you think we need to discuss further before the Commission hearing. Chris Turner is planning to be at the Commission hearing on behalf of the USACE project.

Robert Pruhs
Chief, Technical Support Section
Operations Branch, Norfolk District
(757)201-7130 (office)

From: [Beth Nunnally](#)
To: [Howell, Beth \(MRC\)](#); [Julie Floyd](#)
Cc: [Gorman, Claire \(MRC\)](#)
Subject: RE: [External Sender] JPA: 20241891 in Accomack County, Applicant: Army Corps of Engineers
Date: Tuesday, August 13, 2024 11:51:34 AM

This application will not be required to be heard by the Accomack County Wetlands Board.

Thanks,

Beth Nunnally
Environmental Planner II
Environmental Programs Office
County Of Accomack
23282 Courthouse Ave.
P. O. Box 686
Accomac, VA 23301
757-787-5728

From: VMRC JPA <beth.howell@mrc.virginia.gov>
Sent: Thursday, August 8, 2024 6:56 AM
To: Julie Floyd <jfloyd@co.accomack.va.us>; Chontese Ridley <cridley@co.accomack.va.us>; Beth Nunnally <bunnally@co.accomack.va.us>
Subject: [External Sender] JPA: 20241891 in Accomack County, Applicant: Army Corps of Engineers

New Joint Permit Application Notice

Virginia Marine Resources Commission, Habitat Management Division, would like to notify you the following new permit application:

Please click the link below for full application details.

[Application: 20241891](#)

Applicant: Army Corps of Engineers
Locality: Accomack County
Project Description: Dredge Quinby Creek Channel
Date Received: August 8, 2024
Engineer: Claire Gorman

After reviewing the application, please reply to this email and indicate one of the following:

X Does not involve wetlands. A letter will be forwarded to the applicant advising that

no permit will be required from this Board.

☐ Does involve wetlands and a permit will be required. A public hearing has been tentatively scheduled for _____ at _____.

☐ Does involve wetlands but a permit will not be required because _____

☐ Site inspection conducted on _____.

☒ No site inspection conducted.

Should you have any questions regarding this permit application, please do not hesitate to contact Claire Gorman at (757) 247-2285 or Claire.Gorman@mrc.virginia.gov

Beth Howell
Virginia Marine Resources Commission
Phone: (757) 247-2252
Email: beth.howell@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241891

Print Date: Wednesday March 19 2025 16:51

Number	Name	Received	Position
1	DCR PRR	01/27/2025 09:31:27 AM	NO POSITION

DATE: JANUARY 27, 2025

TO: CLAIRE GORMAN, VMRC

FROM: ALLISON TILLET, ENVIRONMENTAL IMPACT REVIEW COORDINATOR

SUBJECT: MRC 24-1891, QUINBY CREEK FEDERAL NAVIGATION CHANNEL DREDGING PROJECT

DIVISION OF PLANNING AND RECREATION RESOURCES

DCR'S DIVISION OF PLANNING AND RECREATIONAL RESOURCES DCR-PRR ADMINISTERS THE VIRGINIA SCENIC RIVERS VIRGINIA CODE Â§ 10.1-200 , STATE TRAILS PROGRAMS VIRGINIA CODE Â§10.1-204 , AND THE STATE PARK MASTER PLANNING PROCESS VIRGINIA CODE Â§10.1-200.1 . DCR-PRR DEVELOPS THE VIRGINIA OUTDOORS PLAN VOP , THE STATE'S COMPREHENSIVE OUTDOOR RECREATION AND OPEN SPACE PLAN VIRGINIA CODE Â§10.1-200 AND ADMINISTERS THE STATE-ASSISTANCE SIDE OF THE LAND AND WATER CONSERVATION FUND LWCF . THE VOP RECOGNIZES THE IMPORTANCE OF SCENERY, NATURAL LANDSCAPES, AND ACCESS TO RECREATIONAL OPPORTUNITIES FOR VIRGINIANS.

DIVISION OF NATURAL HERITAGE

THE DEPARTMENT OF CONSERVATION AND RECREATION'S DIVISION OF NATURAL HERITAGE DCR HAS SEARCHED ITS BIOTICS DATA SYSTEM FOR OCCURRENCES OF NATURAL HERITAGE RESOURCES FROM THE AREA OUTLINED ON THE SUBMITTED MAP. NATURAL HERITAGE RESOURCES ARE DEFINED AS THE HABITAT OF RARE, THREATENED, OR ENDANGERED PLANT AND ANIMAL SPECIES, UNIQUE OR EXEMPLARY NATURAL COMMUNITIES, AND SIGNIFICANT GEOLOGIC FORMATIONS.

ACCORDING TO THE INFORMATION CURRENTLY IN BIOTICS, NATURAL HERITAGE RESOURCES HAVE NOT BEEN DOCUMENTED WITHIN THE SUBMITTED PROJECT BOUNDARY INCLUDING A 100 FOOT BUFFER. THE ABSENCE OF DATA MAY INDICATE THAT THE PROJECT AREA HAS NOT BEEN SURVEYED, RATHER THAN CONFIRM THAT THE AREA LACKS NATURAL HERITAGE RESOURCES. IN ADDITION, THE PROJECT BOUNDARY DOES NOT INTERSECT ANY OF THE PREDICTIVE MODELS IDENTIFYING POTENTIAL HABITAT FOR NATURAL HERITAGE RESOURCES.

THERE ARE NO STATE NATURAL AREA PRESERVES UNDER DCR'S JURISDICTION IN THE PROJECT VICINITY.

UNDER A MEMORANDUM OF AGREEMENT ESTABLISHED BETWEEN THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES VDACS AND THE DCR, DCR REPRESENTS VDACS IN COMMENTS REGARDING POTENTIAL IMPACTS ON STATE-LISTED THREATENED AND ENDANGERED PLANT AND INSECT SPECIES. THE CURRENT ACTIVITY WILL NOT AFFECT ANY DOCUMENTED STATE-LISTED PLANTS OR INSECTS.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241891

Print Date: Wednesday March 19 2025 16:51

NEW AND UPDATED INFORMATION IS CONTINUALLY ADDED TO BIOTICS. PLEASE RE-SUBMIT PROJECT INFORMATION AND MAP FOR AN UPDATE ON THIS NATURAL HERITAGE INFORMATION IF THE SCOPE OF THE PROJECT CHANGES AND/OR SIX MONTHS HAS PASSED BEFORE IT IS UTILIZED.

THE VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES VDWR MAINTAINS A DATABASE OF WILDLIFE LOCATIONS, INCLUDING THREATENED AND ENDANGERED SPECIES, TROUT STREAMS, AND ANADROMOUS FISH WATERS THAT MAY CONTAIN INFORMATION NOT DOCUMENTED IN THIS LETTER. THEIR DATABASE MAY BE ACCESSED AT [HTTPS://SERVICES.DWR.VIRGINIA.GOV/FWIS/](https://services.dwr.virginia.gov/fwis/) OR CONTACT LEE BRANN AT LEE.BRANN@DWR.VIRGINIA.GOV.

DIVISION OF STATE PARKS

DCR'S DIVISION OF STATE PARKS IS RESPONSIBLE FOR ACQUIRING AND MANAGING, STATE PARKS. PARK DEVELOPMENT AND MASTER PLANNING ARE MANAGED BY THE DIVISION OF PLANNING AND RECREATION RESOURCES. MASTER PLANS ARE REQUIRED PRIOR TO A PARKS OPENING AND ARE UPDATED EVERY TEN YEARS VIRGINIA CODE Â§ 10.1-200 ET SEQ. .

DIVISION OF DAM SAFETY AND FLOODPLAIN MANAGEMENT

DAM SAFETY PROGRAM:

THE DAM SAFETY PROGRAM WAS ESTABLISHED TO PROVIDE PROPER AND SAFE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF DAMS TO PROTECT PUBLIC SAFETY. AUTHORITY IS BESTOWED UPON THE PROGRAM ACCORDING TO THE VIRGINIA DAM SAFETY ACT, ARTICLE 2, CHAPTER 6, TITLE 10.1 10.1-604 ET SEQ OF THE CODE OF VIRGINIA AND DAM SAFETY IMPOUNDING STRUCTURE REGULATIONS DAM SAFETY REGULATIONS , ESTABLISHED AND PUBLISHED BY THE VIRGINIA SOIL AND WATER CONSERVATION BOARD VSWCB .

FLOODPLAIN MANAGEMENT PROGRAM:

THE NATIONAL FLOOD INSURANCE PROGRAM NFIP IS ADMINISTERED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEMA , AND COMMUNITIES WHO ELECT TO PARTICIPATE IN THIS VOLUNTARY PROGRAM MANAGE AND ENFORCE THE PROGRAM ON THE LOCAL LEVEL THROUGH THAT COMMUNITY'S LOCAL FLOODPLAIN ORDINANCE. EACH LOCAL FLOODPLAIN ORDINANCE MUST COMPLY WITH THE MINIMUM STANDARDS OF THE NFIP, OUTLINED IN 44 CFR 60.3 HOWEVER, LOCAL COMMUNITIES MAY ADOPT MORE RESTRICTIVE REQUIREMENTS IN THEIR LOCAL FLOODPLAIN ORDINANCE, SUCH AS REGULATING THE 0.2% ANNUAL CHANCE FLOOD ZONE SHADED X ZONE .

ALL DEVELOPMENT WITHIN A SPECIAL FLOOD HAZARD AREA SFHA , AS SHOWN ON THE LOCALITY'S FLOOD INSURANCE RATE MAP FIRM , MUST BE PERMITTED AND COMPLY WITH THE REQUIREMENTS OF THE LOCAL FLOODPLAIN ORDINANCE.

STATE AGENCY PROJECTS ONLY

ALL AGENCIES AND DEPARTMENTS OF THE COMMONWEALTH SHALL COMPLY WITH THE CODE OF VIRGINIA Â§ 10.1-603. STATE AGENCY COMPLIANCE.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241891

Print Date: Wednesday March 19 2025 16:51

FEDERAL AGENCY PROJECTS ONLY

PROJECTS CONDUCTED BY FEDERAL AGENCIES WITHIN THE SFHA MUST COMPLY WITH FEDERAL EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT.

DCR's FLOODPLAIN MANAGEMENT PROGRAM DOES NOT HAVE REGULATORY AUTHORITY FOR PROJECTS IN THE SFHA. THE APPLICANT/DEVELOPER MUST REACH OUT TO THE LOCAL FLOODPLAIN ADMINISTRATOR FOR AN OFFICIAL FLOODPLAIN DETERMINATION AND COMPLY WITH THE COMMUNITY'S LOCAL FLOODPLAIN ORDINANCE, INCLUDING RECEIVING A LOCAL PERMIT. FAILURE TO COMPLY WITH THE LOCAL FLOODPLAIN ORDINANCE COULD RESULT IN ENFORCEMENT ACTION FROM THE LOCALITY. FOR STATE PROJECTS, DCR RECOMMENDS THAT COMPLIANCE DOCUMENTATION BE PROVIDED PRIOR TO THE PROJECT BEING FUNDED. FOR FEDERAL PROJECTS, THE APPLICANT/DEVELOPER IS ENCOURAGED REACH OUT TO THE LOCAL FLOODPLAIN ADMINISTRATOR AND COMPLY WITH THE COMMUNITY'S LOCAL FLOODPLAIN ORDINANCE.

TO FIND FLOOD ZONE INFORMATION, USE THE VIRGINIA FLOOD RISK INFORMATION SYSTEM VFRIS :
WWW.DCR.VIRGINIA.GOV/VFRIS

TO FIND COMMUNITY NFIP PARTICIPATION AND LOCAL FLOODPLAIN ADMINISTRATOR CONTACT INFORMATION, USE DCR'S LOCAL FLOODPLAIN MANAGEMENT DIRECTORY:
WWW.DCR.VIRGINIA.GOV/DAM-SAFETY-AND-FLOODPLAINS/FLOODPLAIN-DIRECTORY

THE REMAINING DCR DIVISIONS HAVE NO COMMENTS REGARDING THE SCOPE OF THIS PROJECT. THANK YOU FOR THE OPPORTUNITY TO COMMENT.

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1095

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241891

Print Date: Wednesday March 19 2025 16:51

Number	Name	Received	Position
3	DCR PRR	03/19/2025 13:15:48 PM	NO POSITION

MEMORANDUM
DATE: MARCH 19, 2025
TO: CLAIRE GORMAN, VMRC
FROM: ALLISON TILLET, ENVIRONMENTAL IMPACT REVIEW COORDINATOR
SUBJECT: MRC 24-1891, QUINBY CREEK CHANNEL FEDERAL NAVIGATION PROJECT
DIVISION OF PLANNING AND RECREATION RESOURCES
DCR'S DIVISION OF PLANNING AND RECREATIONAL RESOURCES (DCR-PRR) ADMINISTERS THE VIRGINIA SCENIC RIVERS (VIRGINIA CODE Â§ 10.1-200), STATE TRAILS PROGRAMS (VIRGINIA CODE Â§10.1-204), AND THE STATE PARK MASTER PLANNING PROCESS (VIRGINIA CODE Â§10.1-200.1). DCR-PRR DEVELOPS THE VIRGINIA OUTDOORS PLAN (VOP), THE STATE'S COMPREHENSIVE OUTDOOR RECREATION AND OPEN SPACE PLAN (VIRGINIA CODE Â§10.1-200) AND ADMINISTERS THE STATE-ASSISTANCE SIDE OF THE LAND AND WATER CONSERVATION FUND (LWCF). THE VOP RECOGNIZES THE IMPORTANCE OF SCENERY, NATURAL LANDSCAPES, AND ACCESS TO RECREATIONAL OPPORTUNITIES FOR VIRGINIANS.
DIVISION OF NATURAL HERITAGE
THE DEPARTMENT OF CONSERVATION AND RECREATION'S DIVISION OF NATURAL HERITAGE (DCR) HAS SEARCHED ITS BIOTICS DATA SYSTEM FOR OCCURRENCES OF NATURAL HERITAGE RESOURCES FROM THE AREA OUTLINED ON THE SUBMITTED MAP. NATURAL HERITAGE RESOURCES ARE DEFINED AS THE HABITAT OF RARE, THREATENED, OR ENDANGERED PLANT AND ANIMAL SPECIES, UNIQUE OR EXEMPLARY NATURAL COMMUNITIES, AND SIGNIFICANT GEOLOGIC FORMATIONS.
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THERE ARE NO STATE NATURAL AREA PRESERVES UNDER DCR'S JURISDICTION IN THE PROJECT VICINITY.
UNDER A MEMORANDUM OF AGREEMENT ESTABLISHED BETWEEN THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (VDACS) AND THE DCR, DCR REPRESENTS VDACS IN COMMENTS REGARDING POTENTIAL IMPACTS ON STATE-LISTED THREATENED AND ENDANGERED PLANT AND INSECT SPECIES. THE CURRENT ACTIVITY WILL NOT AFFECT ANY DOCUMENTED STATE-LISTED PLANTS OR INSECTS.
NEW AND UPDATED INFORMATION IS CONTINUALLY ADDED TO BIOTICS. PLEASE RE-SUBMIT PROJECT INFORMATION AND MAP FOR AN UPDATE ON THIS NATURAL HERITAGE INFORMATION IF THE SCOPE OF THE PROJECT CHANGES AND/OR SIX MONTHS HAS PASSED BEFORE IT IS UTILIZED.
THE VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES (VDWR) MAINTAINS A DATABASE OF WILDLIFE LOCATIONS, INCLUDING THREATENED AND ENDANGERED SPECIES, TROUT STREAMS, AND ANADROMOUS FISH WATERS THAT MAY CONTAIN INFORMATION NOT DOCUMENTED IN THIS LETTER. THEIR DATABASE MAY BE ACCESSED AT [HTTPS://SERVICES.DWR.VIRGINIA.GOV/FWIS/](https://services.dwr.virginia.gov/fwis/) OR CONTACT LEE BRANN AT LEE.BRANN@DWR.VIRGINIA.GOV.
DIVISION OF STATE PARKS
DCR'S DIVISION OF STATE PARKS IS RESPONSIBLE FOR ACQUIRING AND MANAGING, STATE PARKS. PARK DEVELOPMENT AND MASTER PLANNING ARE MANAGED BY THE DIVISION OF PLANNING AND RECREATION RESOURCES. MASTER PLANS ARE REQUIRED PRIOR TO A PARKS OPENING AND ARE UPDATED EVERY TEN YEARS (VIRGINIA CODE Â§ 10.1-200 ET SEQ.).
DIVISION OF DAM SAFETY AND FLOODPLAIN MANAGEMENT
DAM SAFETY

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241891

Print Date: Wednesday March 19 2025 16:51

PROGRAM: THE DAM SAFETY PROGRAM WAS ESTABLISHED TO PROVIDE PROPER AND SAFE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF DAMS TO PROTECT PUBLIC SAFETY. AUTHORITY IS BESTOWED UPON THE PROGRAM ACCORDING TO THE VIRGINIA DAM SAFETY ACT, ARTICLE 2, CHAPTER 6, TITLE 10.1 (10.1-604 ET SEQ) OF THE CODE OF VIRGINIA AND DAM SAFETY IMPOUNDING STRUCTURE REGULATIONS (DAM SAFETY REGULATIONS), ESTABLISHED AND PUBLISHED BY THE VIRGINIA SOIL AND WATER CONSERVATION BOARD (VSWCB). FLOODPLAIN MANAGEMENT PROGRAM: THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) IS ADMINISTERED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AND COMMUNITIES WHO ELECT TO PARTICIPATE IN THIS VOLUNTARY PROGRAM MANAGE AND ENFORCE THE PROGRAM ON THE LOCAL LEVEL THROUGH THAT COMMUNITY'S LOCAL FLOODPLAIN ORDINANCE. EACH LOCAL FLOODPLAIN ORDINANCE MUST COMPLY WITH THE MINIMUM STANDARDS OF THE NFIP, OUTLINED IN 44 CFR 60.3; HOWEVER, LOCAL COMMUNITIES MAY ADOPT MORE RESTRICTIVE REQUIREMENTS IN THEIR LOCAL FLOODPLAIN ORDINANCE, SUCH AS REGULATING THE 0.2% ANNUAL CHANCE FLOOD ZONE (SHADED X ZONE). ALL DEVELOPMENT WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA), AS SHOWN ON THE LOCALITY'S FLOOD INSURANCE RATE MAP (FIRM), MUST BE PERMITTED AND COMPLY WITH THE REQUIREMENTS OF THE LOCAL FLOODPLAIN ORDINANCE. STATE AGENCY PROJECTS ONLY
ALL AGENCIES AND DEPARTMENTS OF THE COMMONWEALTH SHALL COMPLY WITH THE CODE OF VIRGINIA Â§ 10.1-603. STATE AGENCY COMPLIANCE. FEDERAL AGENCY PROJECTS ONLY
PROJECTS CONDUCTED BY FEDERAL AGENCIES WITHIN THE SFHA MUST COMPLY WITH FEDERAL EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT. DCR'S FLOODPLAIN MANAGEMENT PROGRAM DOES NOT HAVE REGULATORY AUTHORITY FOR PROJECTS IN THE SFHA. THE APPLICANT/DEVELOPER MUST REACH OUT TO THE LOCAL FLOODPLAIN ADMINISTRATOR FOR AN OFFICIAL FLOODPLAIN DETERMINATION AND COMPLY WITH THE COMMUNITY'S LOCAL FLOODPLAIN ORDINANCE, INCLUDING RECEIVING A LOCAL PERMIT. FAILURE TO COMPLY WITH THE LOCAL FLOODPLAIN ORDINANCE COULD RESULT IN ENFORCEMENT ACTION FROM THE LOCALITY. FOR STATE PROJECTS, DCR RECOMMENDS THAT COMPLIANCE DOCUMENTATION BE PROVIDED PRIOR TO THE PROJECT BEING FUNDED. FOR FEDERAL PROJECTS, THE APPLICANT/DEVELOPER IS ENCOURAGED REACH OUT TO THE LOCAL FLOODPLAIN ADMINISTRATOR AND COMPLY WITH THE COMMUNITY'S LOCAL FLOODPLAIN ORDINANCE. TO FIND FLOOD ZONE INFORMATION, USE THE VIRGINIA FLOOD RISK INFORMATION SYSTEM (VFRIS): WWW.DCR.VIRGINIA.GOV/VFRIS
TO FIND COMMUNITY NFIP PARTICIPATION AND LOCAL FLOODPLAIN ADMINISTRATOR CONTACT INFORMATION, USE DCR'S LOCAL FLOODPLAIN MANAGEMENT DIRECTORY: WWW.DCR.VIRGINIA.GOV/DAM-SAFETY-AND-FLOODPLAINS/FLOODPLAIN-DIRECTORY
THE REMAINING DCR DIVISIONS HAVE NO COMMENTS REGARDING THE SCOPE OF THIS PROJECT. THANK YOU FOR THE OPPORTUNITY TO COMMENT.

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1118

Leonard Clark, VMRC
VMRC #22-1645, NTC #24-06

1. Habitat Management Evaluation for March 25, 2025.
(Pages 1)
2. Habitat Management Evaluation dated January 28, 2025.
(Pages 2 - 3)
3. Joint Permit Application drawings dated-received August 9, 2022.
(Pages 4 - 7)
4. York County Wetlands Board permit approval dated October 13, 2022.
(Page 8)
5. VMRC no permit necessary issued dated October 28, 2022.
(Page 9)
6. VMRC notices to comply sent by certified mail and served by MPO Hodges
August 22, 2024.
(Pages 10 - 22)
7. After-the-fact request dated-received September 30, 2024.
(Pages 23 - 28)
8. Agent's repairs to bulkhead tie-ins dated-received November 15, 2024.
(Pages 29 - 32)
9. Letters of finding sent on January 31, 2025.
(Pages 33 - 38)
10. Marine contractor Matt McQuillen email March 6, 2025.
(Page 39)

HABITAT MANAGEMENT DIVISION EVALUATION

LEONARD CLARK, #22-1645, NTC #24-06. Commission reconsideration of this after-the-fact request to retain a 100-foot vinyl bulkhead constructed in York County without VMRC authorization and the civil charges assessed against the responsible marine permitting agent and contractor.

On January 28, 2025, the Commission considered the unauthorized installation and backfill of a replacement bulkhead over state-owned submerged bottomlands serving 1124 Wormley Creek Road, situated along Wormley Creek in York County. During that hearing, the Commission assessed civil charges to both the agent and contractor and agreed to continue processing the after-the-fact application request, including a newspaper advertisement and adjoining property owner notices. The request to retain the bulkhead was advertised in the local newspaper, and the neighbors were notified as part of our standard public interest review requirements. No protests were received.

On February 28, 2025, the marine permitting agent, Mr. Randy Carnell, paid his assessed civil charge of \$3,000.00. Staff believes Mr. Carnell has fulfilled his obligations and recommends no further enforcement action per his involvement as the authorized agent.

Accordingly, staff now recommends approval of the after-the-fact permit be issued to Mr. Clark necessary to retain the 100-foot vinyl bulkhead. Mr. Leonard Clark has agreed to pay a triple permit fee of \$900.00 and a triple royalty of \$600.00 for the filling of 200 square feet at \$1.00 per square foot. Should the Commission concur, staff will prepare and send the draft permit immediately to the applicant for their signature and payment of the aforementioned triple fees.

The contractor, Mr. Matt McQuillen, emailed staff on March 7, 2025, to accept responsibility for his role in the violation. Mr. McQuillen has requested the Commission allow him to pay the assessed \$9,000.00 civil charge in a series of payments in lieu of further enforcement actions. Staff seeks further Commission guidance regarding this request, as we have no history of marine contractors approved to pay civil charges in such a manner.

HABITAT MANAGEMENT DIVISION EVALUATION

LEONARD CLARK, #22-1645, NTC #24-06, requests after-the-fact approval to retain a 100-foot vinyl bulkhead that was constructed approximately two (2) feet channelward of an existing failing bulkhead serving 1124 Wormley Creek Road situated along Wormley Creek in York County.

Narrative

On July 13, 2022, Mr. Clark's agent, Randy Carnell, Living Shorelines Design, LLC, submitted a joint permit application (JPA) requesting to repair the existing deteriorating bulkhead. As proposed in the original application request, the work would involve "patching" the section of the failed bulkhead and leaving the functional sections of the bulkhead on either side of the "patch" as-is. Importantly, the application stated that "the bulkhead patch will be in the same footprint as the existing."

Based on the agent's commitment to repair the bulkhead in the same footprint of the existing structure, VMRC issued its No Permit Necessary letter on October 28, 2022. The letter clarified that a permit was not needed provided the repairs resulted in "no additional channelward encroachment within the waterway," as detailed in the application drawings dated received October 3, 2022, from Livings Shorelines LLC.

Issues

On July 11, 2024, VMRC staff conducted a routine compliance inspection of the Clark property. During the inspection, it was determined that the bulkhead repair was constructed approximately two (2) feet channelward of the original wall. Following a second inspection scheduled with Mr. Clark, the agent and York County, Living Shorelines LLC advised in writing and in revised project drawings that:

- Living Shorelines LLC was the general contractor and that Mr. Matt McQuillen, the subcontractor, constructed the wall.
- That additional unforeseen conditions resulted in a field-based decision to construct the repairs in front of the existing southern and northern portions of the bulkhead.

This field decision made by Living Shorelines LLC and Mr. McQuillen resulted in the unauthorized construction of the bulkhead over the Commonwealth's state-owned submerged lands without the required VMRC permit. In light of this discovery and documentation offered by the permit agent, VMRC staff issued its Sworn Complaint and Notice to Comply on (NTC) August 22, 2024, for the unlawfully constructed wall. The Notice was sent via certified mail to Mr. Clark, the agent and to Mr. McQuillen. The agent and Mr. McQuillen were further served with the NTC by VMRC marine police.

Issues (cont'd)

A third and fourth on-site inspection was conducted by VMRC staff, in response to the applicant and his structural engineer's request to meet onsite to review the integrity of the wall as constructed. Based on the engineer's position that the wall was constructed without the required return walls, which are standard for any bulkhead construction, Living Shorelines LLC agreed to return to the site and construct the returns. The agent advised that he was no longer utilizing Mr. McQuillen, the subcontractor.

On November 19, 2024, VMRC staff met with the applicant's representatives and Mr. Carnell to inspect the recently constructed return walls. The property owner indicated that they were satisfied with the returns.

Summary and Recommendation

The unauthorized construction of shoreline erosion control structures by marine contractors working throughout Tidewater has unfortunately increased over the past few years. We are very concerned that Mr. McQuillen and the agent, Living Shorelines LLC, chose to proceed with the unlawful construction of the wall beyond their stated intentions of repairing the wall in the existing structure's footprint. Had a phone call been made prior, VMRC staff could have initiated its standard public interest review required to issue the eventual permit that is required for the wall as now constructed.

Staff does agree that the unauthorized bulkhead and backfill should now be permitted, however, with appropriate civil charges and triple permit fees as outlined in the Commission's civil charge matrix and in keeping with §28.2-1213 of the Virginia Code. Both the marine agent and marine contractor are experienced and fully aware of the state's regulatory application and permit process. It appears in this situation that the contractor nor the agent would have contacted York County or VMRC staff if a compliance inspection had not occurred.

In light of both parties' decision to proceed without the required VMRC authorization, staff recommends after-the-fact approval of the bulkhead as constructed with a \$3,000.00 civil charge assessed to the agent Living Shorelines LLC, and a \$9,000.00 civil charge assessed to the contractor Mr. Matt McQuillen, in accordance with the Commission's civil charge matrix.

Staff also recommends a triple permit fee of \$900.00 be required, including a triple royalty in the amount of \$600.00 for the filling of 200 square feet at \$1.00 per square-foot. Should the marine agent and marine contractor not agree to the recommended civil charges, staff recommends that the Commission require the immediate removal of the unauthorized bulkhead section installed over state-owned submerged lands.

Project scope: BULKHEAD REPAIR

Repair 75LF of a failed section of bulkhead. The bulkhead is on a steep embankment. Most areas of the bulkhead are functional and serviceable. The bulkhead patch will be **in the same footprint as the existing**

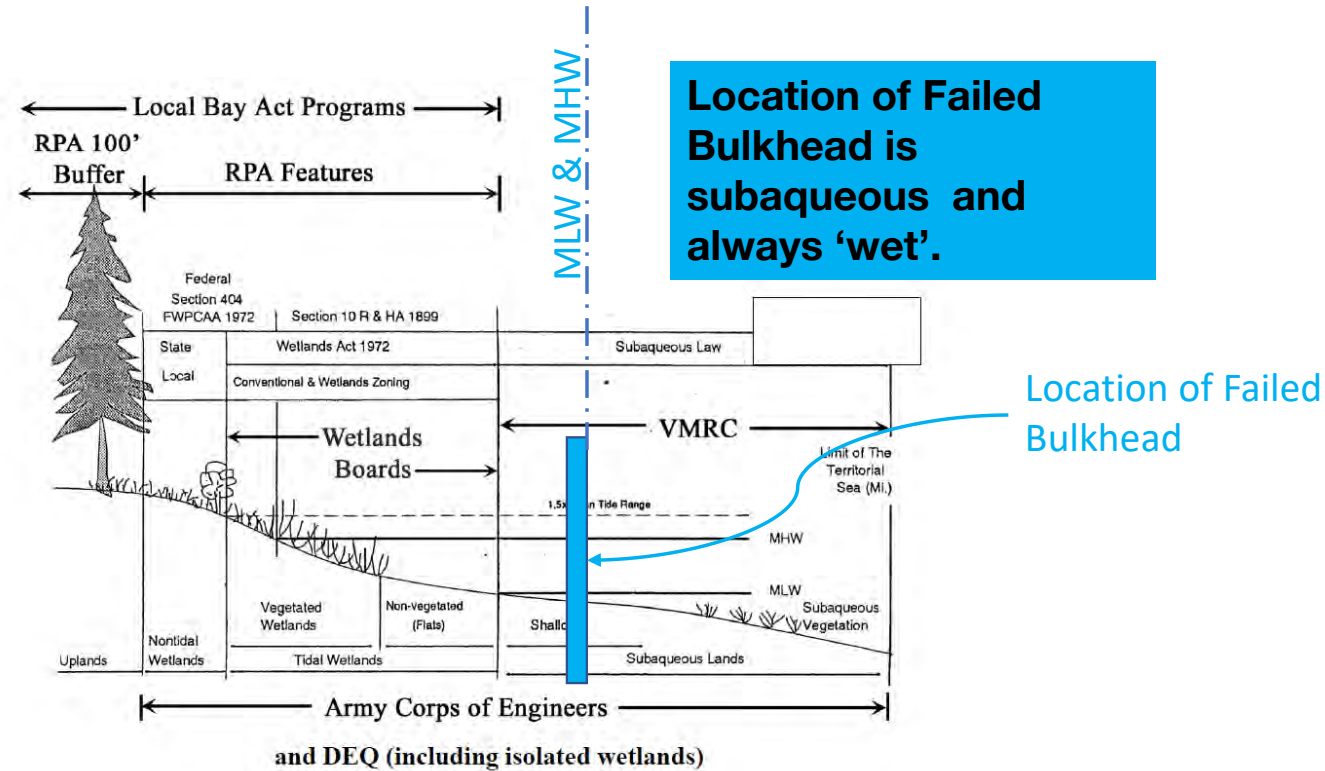
- Drive EVERLAST Vinyl ESP 3.1 Sheet Piles - 50 Year Manufacturer Warranty
- Weepholes installed per manufacturer specs 1' higher than mean high tide
- 8in Tip 2.5 CCA Butt Pilings installed in Front of Vinyl Bulkhead driven to refusal at 6' spacing
- 2x8 2.5 CCA Pressure Treated Top & Mid Wailers
- 20in wide 2x6in Treated Top Cap
- Backfill with clean fill dirt

Access via land and sea with barge. Pilings driven with vibratory earth compacting hammer on excavator.



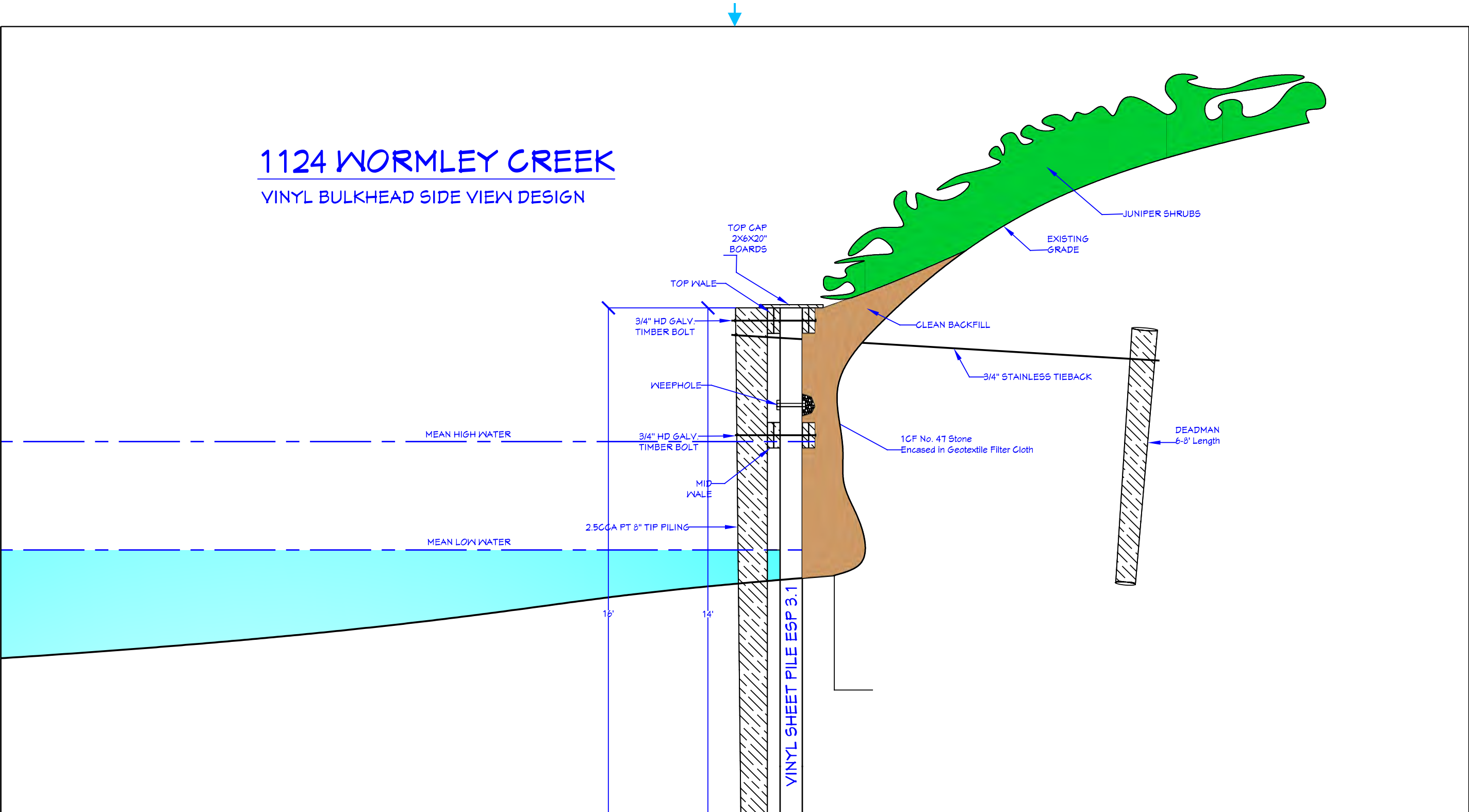
Living Shorelines LLC 2022
LivingShorelinesLLC@gmail.com
8/8/2022

1124 Wormley Creek Bulkhead

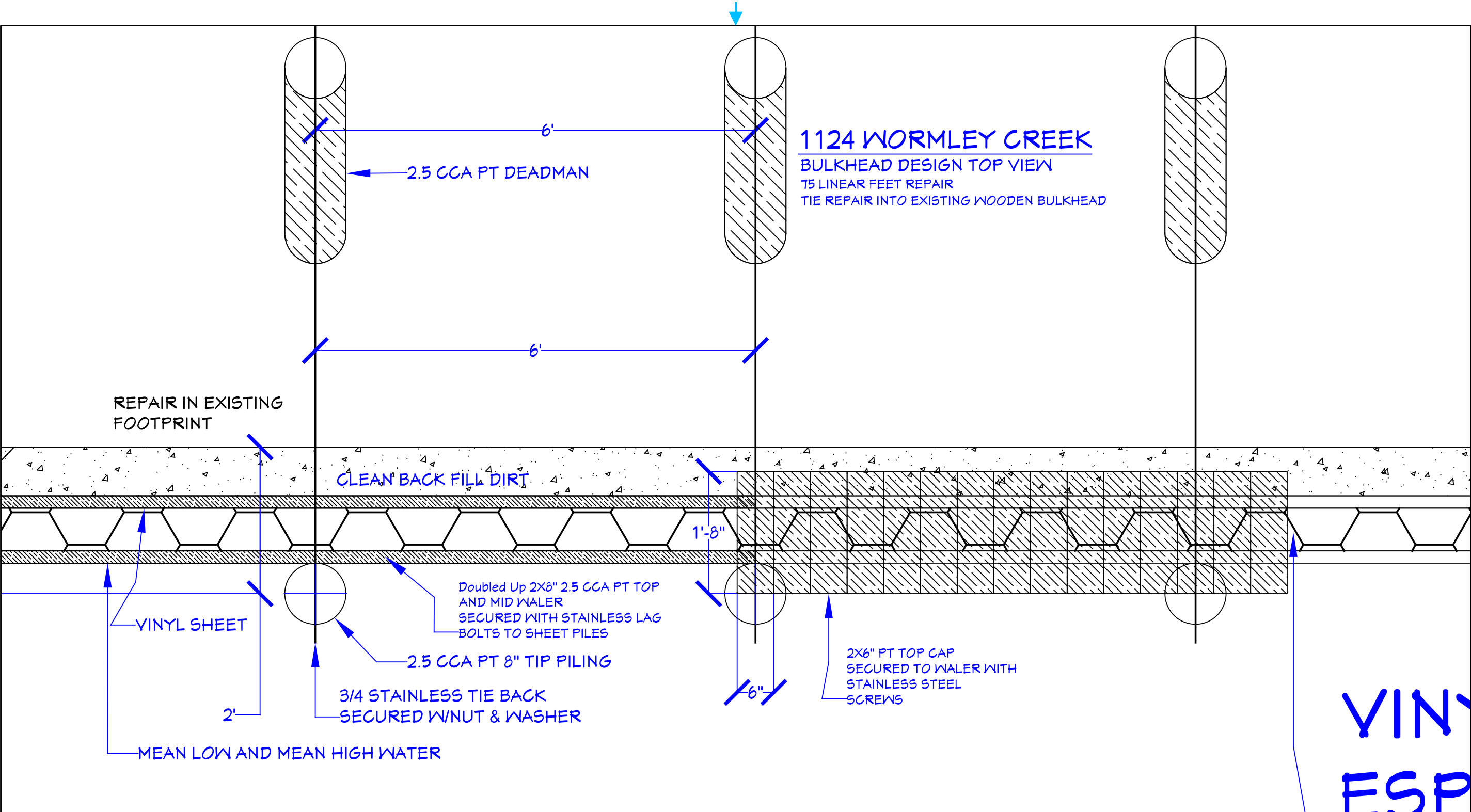


Living Shorelines LLC 2022
LivingShorelinesLLC@gmail.com
8/8/2022

1124 WORMLEY CREEK
VINYL BULKHEAD SIDE VIEW DESIGN



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PROJECT ADDRESS: 1124 WORMLEY CREEK		Invoice No.:															
BODY OF WATER: WORMLEY CREEK	Drawn Date: 8/8/22																
PROJECT LOCATION: 37°12'48.85"N 76°28'10.45"W	Drawn By: Randy Carnell																
JPA AGENT: RANDY CARNELL	Check Date:																
PROJECT TYPE: BULKHEAD REPAIR	Checked By:																
	Approved By:																
	Sent Date:																
	Sent By:																



PROPERTY OWNER: LEONARD CLARK	THE REPRODUCTION, DISTRIBUTION AND UTILIZATION OF THIS DOCUMENT AS WELL AS THE COMMUNICATION OF ITS CONTENTS TO OTHERS WITHOUT EXPRESSED AUTHORIZATION IS PROHIBITED. OFFENDERS WILL BE HELD LIABLE FOR THE PAYMENT OF DAMAGES. ALL RIGHTS RESERVED IN THE EVENT OF A PATENT, UTILITY MODEL OR DESIGN. LIVING SHORELINESS LLC NOT RESPONSIBLE FOR RIPARIAR WATERWAY RIGHTS	EPD. No.:		<div>1124 Wormley Creek</div> <div>Yorktown VA</div> <table><tr><td>Size:</td><td>Drawing No.:</td><td>Number:</td><td>Revision:</td></tr><tr><td>B</td><td>LS08082022B</td><td>TOP VIEW</td><td>A</td></tr><tr><td colspan="2">Scale:</td><td>Weight:</td><td>Page:</td></tr></table>				Size:	Drawing No.:	Number:	Revision:	B	LS08082022B	TOP VIEW	A	Scale:		Weight:	Page:
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PROJECT LOCATION: 37°12'48.85"N 76°28'10.45"W	Drawn By: Randy Carnell																		
JPA AGENT: RANDY CARNELL	Check Date:																		
PROJECT TYPE: BULKHEAD REPAIR	Checked By:																		
	Approved By:																		
	Sent Date:																		
	Sent By:																		

YORK COUNTY WETLANDS BOARD



Wetlands Permit Number

22-44 (VMRC 22-1645)

Granted October 13, 2022

Pursuant to Chapter 13 of Title 28.2 of the Code of Virginia and the York County Wetlands Ordinance, the York County Wetlands Board, hereinafter referred to as the Board, grants unto Leonard Clark (Applicant), and Randolph Carnell (Agent), hereinafter referred to as the Permittee, permission to undertake the following described project:

LOCATION:

1124 Wormley Creek Drive, Yorktown VA

DESCRIPTION OF PROJECT:

Replace 100 linear feet of a failed section of bulkhead along the shoreline of Wormley Creek at 1124 Wormley Creek Drive.

For a more complete description of such project, reference is hereby made to the Permittee's application for a wetlands permit, received by York County on July 13, 2022, and which application is attached hereto and made a part hereof.

This permit is approved subject to following terms and conditions:

The application received by York County on July 13, 2022 will be revised as per drawings received on October 3, 2022. **The revised drawings and information will supersede any conflicting previously dated information.**



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, VA 23651

Travis A. Voyles
Acting Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

October 28, 2022

Mr. Leonard Clark
c/o Mr. Randy Carnell
1124 Wormley Creek Road
York County, VA
livingshorelinesllc@gmail.com
len23692@yahoo.com

Re: VMRC #2022-1645

Dear Mr. Clark:

This will acknowledge receipt of your request to replace 100 linear feet of an existing failed, timber bulkhead at property (1124 Wormley Creek) situated along Wormley Creek in York County.

Provided the new bulkhead will be in same footprint as the current bulkhead, with no additional channelward encroachment within the waterway, as detailed in the revised drawings dated received October 3, 2022, and the previous VMRC permit # 86-0662, your proposal is deemed "maintenance and repair" pursuant to Section 28.2-1209 of the Code of Virginia. No further authorization from this agency will be required.

For your information, you may need further authorization from the U. S. Army Corps of Engineers and York County prior to commencing your project. This letter and attached drawings were forwarded to both agencies.

If you have any future plans to expand the existing bulkhead, you must first complete a Joint Permit Application and submit it to the Virginia Marine Resources Commission for review. Should you have any questions regarding this matter, please contact me at (757) 247-2250.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Chartrand".

Lauren Chartrand
Environmental Engineer

LRC/bf
HM
Enclosure
cc: USACOE
York County Wetlands Board
Applicant/Agent

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

NOTICE TO COMPLY

August 22, 2024

CERTIFIED MAIL

Mr. Matt McQuillen
1803 Dandy Loop Road
Yorktown, VA 23692

Re: Notice to Comply #24-06
VMRC #2022-1645

Dear Mr. McQuillen:

On, July 11, 2024, Bradley Reams and Daniel Royster of my staff conducted a routine compliance inspection of the County's previous wetlands permit, at your property (1124 Wormley Creek Drive) situated along Wormley Creek in the County of York. A second on-site compliance meeting was attended by Mr. Reams, Mr. Clark, and marine agent Mr. Carnell, with Kent Henkel and Charles White of the York County wetlands board staff, on July 30, 2024. During the site inspections, the following violation was identified:

1. The new 100-foot section of replacement vinyl bulkhead has been placed approximately two (2) feet in front of the existing timber bulkhead out over state-owned submerged lands. This installation does not comply with the VMRC #2022-1645 application drawings nor the no permit necessary letter that Lauren Chartrand of my staff authorized on October 28, 2022, for "maintenance and repair" to the existing bulkhead.

The following corrective measures are necessary to bring you into compliance and must be completed within 30 days of receipt of this notice: (1) Completely remove the unauthorized 100-foot section of vinyl bulkhead or (2) submit a complete Joint Permit Application requesting after-the-fact authorization to retain the unauthorized backfill and alignment of the newly constructed bulkhead. If an after-the-fact JPA is submitted, it should include a full explanation as to why the replacement bulkhead was installed out of compliance with the previous authorization, and who authorized the new channelward installation.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Should you submit a Joint Permit Application requesting after-the-fact authorization, your request will be scheduled for consideration by the full Commission at a future hearing. Please be advised, however, that the processing of an after-the-fact request does not guarantee that the Commission will approve the project. Should the Commission elect to approve your after-the-fact application, such approval may be conditioned on your agreement to pay a civil charge of up to \$10,000 per violation in lieu of further enforcement actions. **Any other party found responsible for this violation may also be assessed a civil charge by the Commission.**

You should also be aware that any person who violates or fails to obey any Commission notice authorized under Section 28.2-1212 of the Code of Virginia may be assessed civil penalties not to exceed \$25,000.00 by the appropriate court for each day of violation. **Please be advised that you and the applicant (Mr. Leonard Clark) will be required to attend this meeting.**

If you have any questions, please do not hesitate to contact Bradley Reams of my staff at (757) 247-8120 or brad.reams@mrc.virginia.gov.

Notice ordered by *Randal D. Owen* on August 22, 2024.

Randal D. Owen
Chief, Habitat Management Division

RDO/br:lra

cc: Commissioner, Jamie Green
Assistant Attorney General, Kelci Block
York County Wetlands Board
Applicant, Mr. Leonard Clark
Agent, Living Shorelines LLC, Mr. Randy Carnell, Jr.



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

NOTICE TO COMPLY

August 22, 2024

CERTIFIED MAIL

Mr. Matt McQuillen
1010 Dandy Loop Road
Yorktown, VA 23692

Re: Notice to Comply #24-06
VMRC #2022-1645

Dear Mr. McQuillen:

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Randal D. Owen
Chief, Habitat Management Division

RDO/br:lra

cc: Commissioner, Jamie Green
Assistant Attorney General, Kelci Block
York County Wetlands Board
Applicant, Mr. Leonard Clark
Agent, Living Shorelines LLC, Mr. Randy Carnell, Jr.



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Fort Monroe, Virginia 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

NOTICE TO COMPLY

August 22, 2024

CERTIFIED MAIL

Living Shorelines LLC
Attn: Mr. Randolph Carnell, Jr.
513 Dandy Loop Road
Yorktown, VA 23692

Re: Notice to Comply #24-06
VMRC #2022-1645

Dear Mr. Carnell:

On, July 11, 2024, Bradley Reams and Daniel Royster of my staff conducted a routine compliance inspection of the County's previous wetlands permit, at your property (1124 Wormley Creek Drive) situated along Wormley Creek in the County of York. A second on-site compliance meeting was attended by Mr. Reams, yourself, and Mr. Clark, with Kent Henkel and Charles White of the York County wetlands board staff, on July 30, 2024. During the site inspections, the following violation was identified:

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If you have any questions, please do not hesitate to contact Bradley Reams or my staff at (757) 247-8120 or brad.reams@mrc.virginia.gov.

Notice ordered by *Randal D. Owen* on August 22, 2024.

Randal D. Owen
Chief, Habitat Management Division

RDO/br:lra

cc: Commissioner, Jamie Green
Assistant Attorney General, Kelci Block
York County Wetlands Board
Applicant, Mr. Leonard Clark
Contractor, Matt McQuillen, Tidewater Marine Construction



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

NOTICE TO COMPLY

August 22, 2024

CERTIFIED MAIL

Mr. Leonard Clark
1124 Wormley Creek Road
Yorktown, VA 23692

Re: Notice to Comply #24-06
VMRC #2022-1645

Dear Mr. Clark:

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You should also be aware that any person who violates or fails to obey any Commission notice authorized under Section 28.2-1212 of the Code of Virginia may be assessed civil penalties not to exceed \$25,000.00 by the appropriate court for each day of violation. **Please be advised that your agent (Living Shorelines LLC) and your contractor (Tidewater Marine Construction) will be required to attend this meeting and you are welcome to attend as well.**

If you have any questions, please do not hesitate to contact Bradley Reams of my staff at (757) 247-8120 or brad.reams@mrc.virginia.gov.

Notice ordered by Randal D. Owen on August 22, 2024.

Randal D. Owen
Chief, Habitat Management Division

RDO/br:lra

cc: Commissioner, Jamie Green
Assistant Attorney General, Kelci Block
York County Wetlands Board
Agent, Living Shorelines LLC, Mr. Randy Carnell, Jr.
Contractor, Tidewater Marine Construction, Mr. Matt McQuillen

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Mr. Leonard Clark
1124 Wormley Creek Road
Yorktown, VA 23692
NTC #24-06 VMRC #22-1645

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Mr. Matt McQuillen
1803 Dandy Loop Road
Yorktown, VA 23692
NTC 24-06 VMRC #22-1645

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Mr. Matt McQuillen
1010 Dandy Loop Road
Yorktown, VA 23692
NTC #24-06 VMRC #22-1645

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark Here

Postage

Living Shorelines LLC
Attn: Mr. Randy Carnell, Jr.
513 Dandy Loop Road
Yorktown, VA 23692
NTC #24-06 VMRC #22-1645

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

NOTICE TO COMPLY

August 22, 2024

LAW ENFORCEMENT SERVICE TO:

Mr. Matt McQuillen
1010 Dandy Loop Road
Yorktown, VA 23692

Re: Notice to Comply #24-06
VMRC #2022-1645

Dear Mr. McQuillen:

On, July 11, 2024, Bradley Reams and Daniel Royster of my staff conducted a routine compliance inspection of the County's previous wetlands permit, at your property (1124 Wormley Creek Drive) situated along Wormley Creek in the County of York. A second on-site compliance meeting was attended by Mr. Reams, Mr. Clark, and marine agent Mr. Carnell, with Kent Henkel and Charles White of the York County wetlands board staff, on July 30, 2024. During the site inspections, the following violation was identified:

1. The new 100-foot section of replacement vinyl bulkhead has been placed approximately two (2) feet in front of the existing timber bulkhead out over state-owned submerged lands. This installation does not comply with the VMRC #2022-1645 application drawings nor the no permit necessary letter that Lauren Chartrand of my staff authorized on October 28, 2022, for "maintenance and repair" to the existing bulkhead.

The following corrective measures are necessary to bring you into compliance and must be completed within 30 days of receipt of this notice: (1) Completely remove the unauthorized 100-foot section of vinyl bulkhead or (2) submit a complete Joint Permit Application requesting after-the-fact authorization to retain the unauthorized backfill and alignment of the newly constructed bulkhead. If an after-the-fact JPA is submitted, it should include a full explanation as to why the replacement bulkhead was installed out of compliance with the previous authorization, and who authorized the new channelward installation.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Mr. Matt McQuillen
Page Two

August 21, 2024
NTC #24-06 VMRC #2022-1645

Should you submit a Joint Permit Application requesting after-the-fact authorization, your request will be scheduled for consideration by the full Commission at a future hearing. Please be advised, however, that the processing of an after-the-fact request does not guarantee that the Commission will approve the project. Should the Commission elect to approve your after-the-fact application, such approval may be conditioned on your agreement to pay a civil charge of up to \$10,000 per violation in lieu of further enforcement actions. **Any other party found responsible for this violation may also be assessed a civil charge by the Commission.**

You should also be aware that any person who violates or fails to obey any Commission notice authorized under Section 28.2-1212 of the Code of Virginia may be assessed civil penalties not to exceed \$25,000.00 by the appropriate court for each day of violation. **Please be advised that you and the applicant (Mr. Leonard Clark) will be required to attend this meeting.**

If you have any questions, please do not hesitate to contact Bradley Reams of my staff at (757) 247-8120 or brad.reams@mrc.virginia.gov.

Notice ordered by Randal D. Owen on August 22, 2024.

Randal D. Owen
Chief, Habitat Management Division

RDO/br:lra

cc: Commissioner, Jamie Green
Assistant Attorney General, Kelci Block
York County Wetlands Board
Applicant, Mr. Leonard Clark
Agent, Living Shorelines LLC, Mr. Randy Carnell, Jr.

Serving Officer: _____

 616

Notice signed for by: _____



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Matt McQuillen
1803 Dandy Loop Road
Yorktown, VA 23692

2. Article Number
(Transfer from service label)

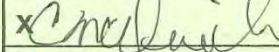
9589 0710 5270 0472 3681 79

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. McQuillen

C. Date of Delivery

8/24/2024

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

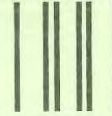
3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

**VMRC – Habitat Mngt.
380 Fenwick Rd, Bldg 96
Fort Monroe, VA 23651
Attn: Mr. Brad Reams**

NTC#24-06
VMRC#22-1645

TO:

Mr. Bradley Reams
Environmental Engineer
Habitat Management
(757) 262-6448

SUBJECT: NTC 24-06 JPA20221645

September 27th, 2024

Mr. Reams,

Regarding the 'Notice to Comply' NTC 24-06 related to JPA20221645 please see the attached documentation for the Bulkhead Replacement at 1124 Wormley Creek Drive in Yorktown VA. This letter is requesting after the fact authorization for the already completed bulkhead replacement.

After investigating the final position of the new bulkhead, the data appears to show that the bulkhead was installed directly in front of the remaining portions of the bulkhead that still existed at the start of construction. When the JPA20221645 was submitted on July 13th, 2022, the main sections of the bulkhead area to be replaced were already destroyed and missing. This resulted in the inability to record benchmarks on the eventually approved layout plan.

Eleven months after the JPA was initiated, the bulkhead experienced accelerated failure due to numerous, major winter storms. The result was only three remaining reference points for the new replacement bulkhead footprint: the southern bulkhead, the start of the spine of the existing dock, and the remaining northern bulkhead. Furthermore, additional unforeseen conditions were discovered when driving the sheet piles in the assumed, same footprint. Sub-surface debris from the failed bulkhead prevented correct installation of the pilings and vinyl sheets. They were not able to be driven to correct depths and without damaging the material. Using best practice, an onsite field change was required and implemented to install the ends of the bulkhead directly in front of the existing southern and northern portions of the bulkhead. This prevented interference between sub surface debris and new bulkhead material installation.

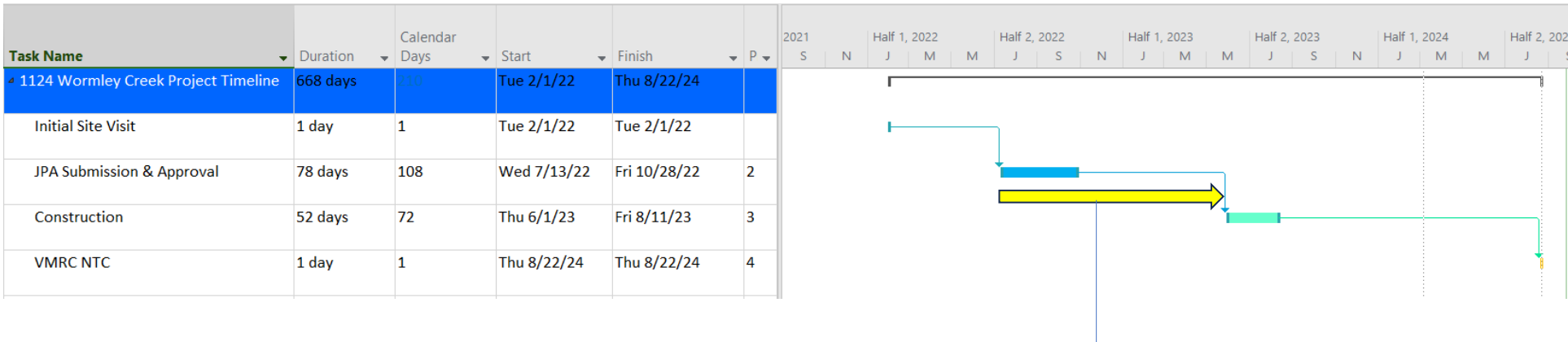
Best efforts were made onsite to install the new bulkhead in the same footprint. Any deviation from the permitted footprint that may have occurred was not done intentionally, or for personal or financial gain. The goal was to construct a properly installed seawall that will endure the test of time and protect the shoreline for years to come.

Very Respectfully,



Randolph W. Carnell Jr.
Owner, BSME
Living Shorelines, LLC

Project Timeline



JPA20221645 was initiated in July of 2022 and start of construction commenced eleven months later in June of 2023. During this period, the bulkhead continued to be subjected to numerous nor'easters which accelerated its rapid failure on the main area of repair. When construction started, it was unclear exactly where the original bulkhead was located. Only three points remained above the mudline for construction reference (See drawing LS09272024A).



LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

Preconstruction Aerial 9/28/2022



Areas of the bulkhead that were destroyed by the time construction started and were no longer existing as reference points for replacement bulkhead position.



LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

Completed Bulkhead 8/11/2023



LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

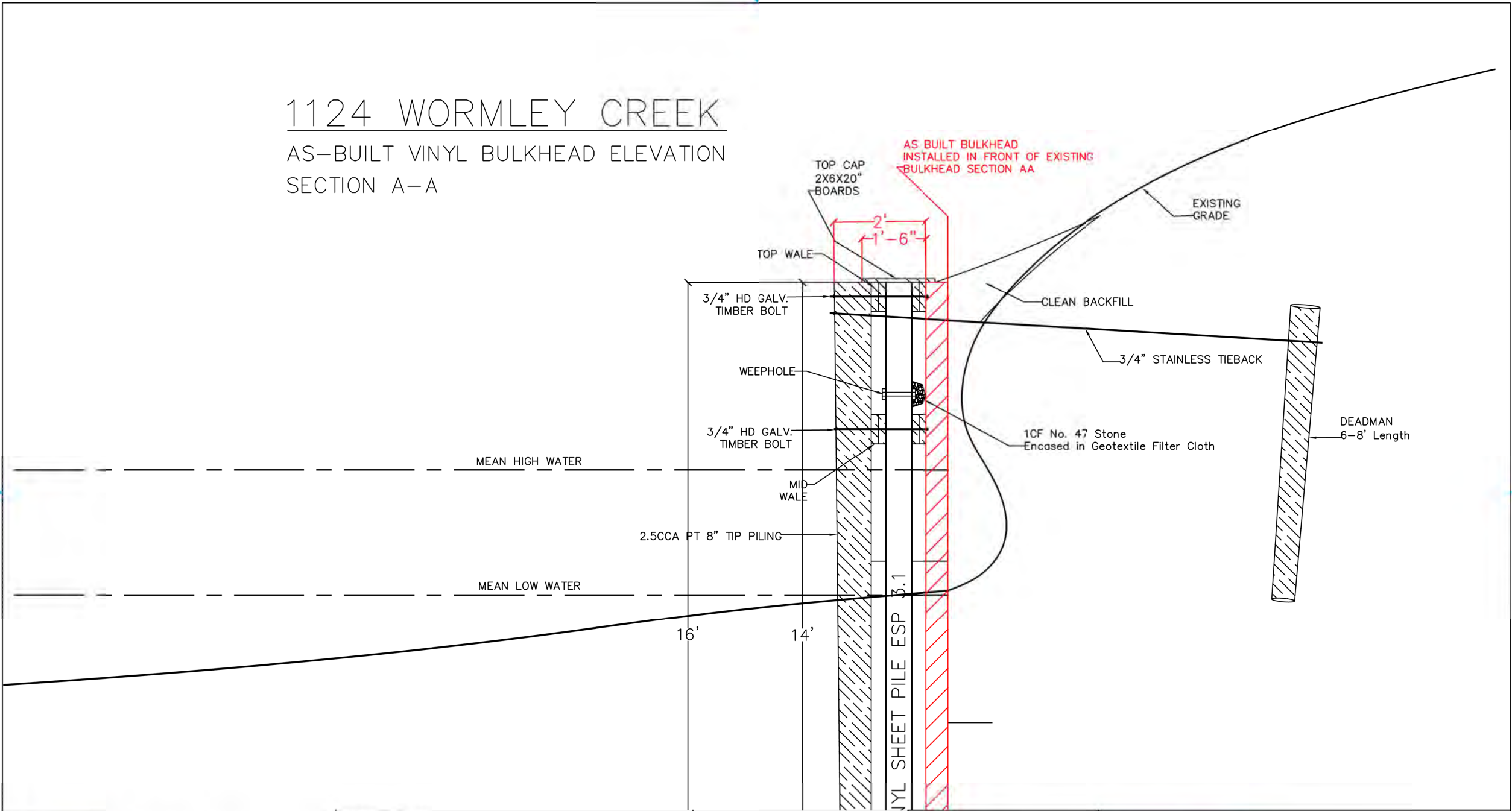
WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

LIVING SHORELINES LLC 2024 - LIVINGSHORELINESLLC@GMAIL.COM

LIVING SHORELINES LLC 2024 - LIVINGSHORELINESLLC@GMAIL.COM

1124 WORMLEY CREEK
AS-BUILT VINYL BULKHEAD ELEVATION
SECTION A-A



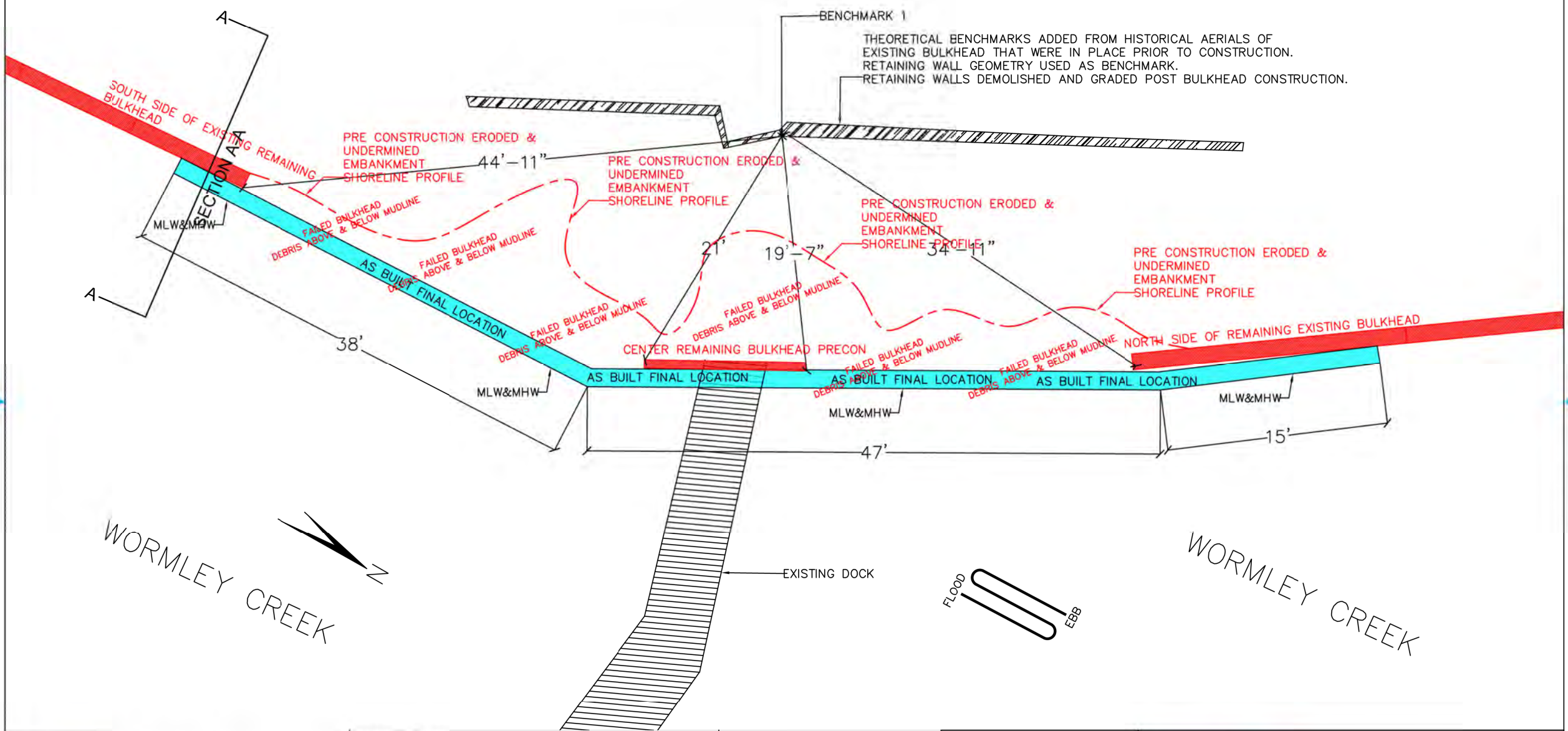
PROPERTY OWNER: LEONARD CLARK
PROJECT ADDRESS: 1124 WORMLEY CREEK
BODY OF WATER: WORMLEY CREEK
PROJECT LOCATION: 37°12'48.85"N 76°28'10.45"W
JPA AGENT: RANDY CARNELL
PROJECT TYPE: BULKHEAD REPAIR

THE REPRODUCTION, DISTRIBUTION AND UTILIZATION OF THIS DOCUMENT AS WELL AS THE COMMUNICATION OF ITS CONTENTS TO OTHERS WITHOUT EXPRESSED AUTHORIZATION IS PROHIBITED. OFFENDERS WILL BE HELD LIABLE FOR THE PAYMENT OF DAMAGES. ALL RIGHTS RESERVED IN THE EVENT OF A PATENT, UTILITY MODEL OR DESIGN. LIVING SHORELINES LLC NOT RESPONSIBLE FOR RIPARIAN WATERWAY RIGHTS. THIS IS NOT A SURVEY

EPD. No.:
Invoice No.:
Drawn Date: 09/25/2024
Drawn By: Randy Carnell
Check Date:
Checked By:
Approved By:
Sent Date:
Sent By:

Bulkhead Elevation AS BUILT			
1124 Wormley Creek			
Yorktown VA			
Size: B	Drawing No.: LS09252024A	Number: NTC JPA	Revision: A
Scale:	Weight:	Page:	

PRECONSTRUCTION CONDITIONS AND AS-BUILT LOCATION
1124 WORMLEY CREEK ROAD, YORKTOWN VA 23692
JPA 2022-1645



PROPERTY OWNER: LEONARD CLARK
PROJECT ADDRESS: 1124 WORMLEY CREEK
BODY OF WATER: WORMLEY CREEK
PROJECT LOCATION: 37°12'48.85"N 76°28'10.45"W
JPA AGENT: RANDY CARNELL
PROJECT TYPE: BULKHEAD REPAIR

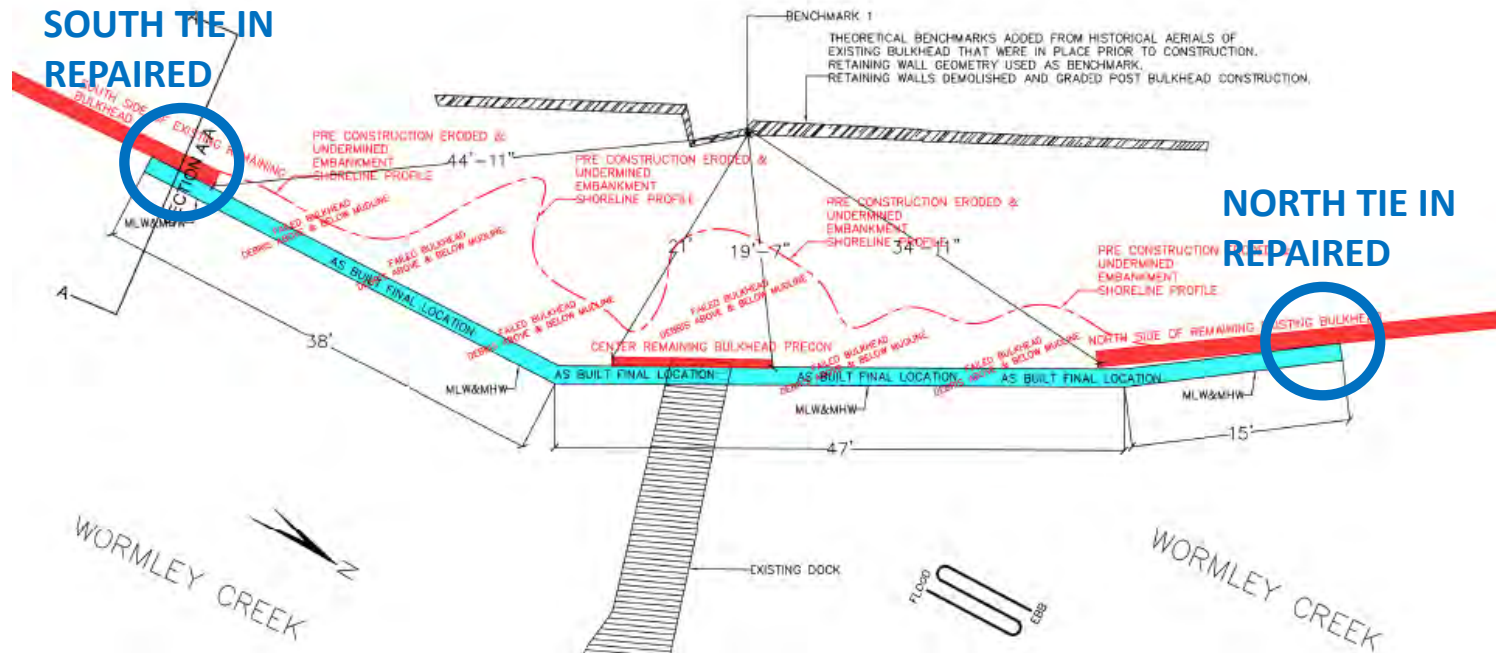
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EPD. No.:
Invoice No.:
Drawn Date: 09/27/2024
Drawn By: Randy Carnell
Check Date:
Checked By:
Approved By:
Sent Date:
Sent By:

Bulkhead Layout AS BUILT			
1124 Wormley Creek			
Yorktown VA			
Size: B	Drawing No.: LS09272024A	Number: NTC JPA	Revision: A
Scale:	Weight:	Page:	

Bulkhead Tie-in Repair

The North and South ends of the new bulkhead were properly tied into the existing bulkhead on November 13th, 2024.



LIVING SHORELINES
Waterfront Design & Permitting

LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

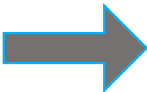
WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

Living Shorelines LLC 2024
LivingShorelinesLLC@gmail.com
11/15/2024

Bulkhead Tie-in Repair (South End)

PREVIOUS CONDITION TIE-IN SOUTH END (VMRC PHOTO)



NEW CORRECTED CONDITION TIE-IN SOUTH END 11/13/2024



LIVING SHORELINES
Waterfront Design & Permitting

LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

Living Shorelines LLC 2024
LivingShorelinesLLC@gmail.com
11/15/2024

Bulkhead Tie-in Repair (North End)

PREVIOUS CONDITION TIE-IN NORTH END (VMRC PHOTOS)



LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

Living Shorelines LLC 2024
LivingShorelinesLLC@gmail.com
11/15/2024

Bulkhead Tie-in Repair (North End)

NEW CORRECTED CONDITION TIE-IN NORTH END 11/13/2024



LEONARD CLARK
1124 Wormley
Creek YORKTOWN
23692

WORMLEY CREEK
37°12'48.85"N
76°28'10.45"W

AGENT
Randy Carnell
757.620.9530

Living Shorelines LLC 2024
LivingShorelinesLLC@gmail.com
11/15/2024



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Jamie L. Green
Commissioner

January 31, 2025

Mr. Leonard Clark
1124 Wormley Creek Road
Yorktown, VA 23692
Alanclark65@gmail.com

Re: VMRC #2022-1645

Dear Mr. Clark:

This is to inform you that the Marine Resources Commission, at its regularly scheduled meeting on January 28, 2025, considered your after-the-fact request to retain the unauthorized installation and backfill of a replacement bulkhead over state-owned submerged bottomlands, located at 1124 Wormley Creek Road, situated along Wormley Creek in York County.

The Commission reviewed a staff presentation and heard testimony from your authorized agent, Mr. Randy Carnell, and his attorney, Mr. Michael Ware. After careful deliberation and considering all of the factors contained in §28.2-1205.A and §28.2-1213 of the Code of Virginia, the Commission voted to assess civil charges to both your agent, Mr. Carnell, and your contractor, Mr. Matt McQuillen. Furthermore, the Commission agreed to continue processing your after-the-fact application request, including the preparation of a newspaper advertisement and adjoining property owner notices (these are currently being prepared by Commission staff). Once those notices have expired, and the civil charge payments have been received, staff will consider issuing the after-the-fact permit including triple permit fees and triple royalties. *Please note that if the civil charge payments are not received, or if protests are filed pursuant to the public notices, this matter will again be presented to the Commission for action.

Please be advised that any person aggrieved by a decision of the Marine Resources Commission has the right of judicial review. Part 2A of the Rules of the Supreme Court of Virginia applies to judicial appeal of Commission decisions reviewable in accordance with the Administrative Process Act. As provided by Rule 2A:2, you have 30 days from the date of service of this decision within which to initiate an appeal of this decision by filing a Notice of Appeal with:

Ms. Michelle Guilford, Agency Secretary
Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Fort Monroe, Virginia 23651

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Mr. Leonard Clark
Page Two

January 31, 2025
VMRC #2022-1645

In the event that this decision is served on you by mail, three days are added to the 30-day period.

Should you have any questions concerning this matter, please feel free to contact me at (757) 247-2251 or randy.owen@mrc.virginia.gov.

Sincerely,

Randal D. Owen

Randal D. Owen
Chief, Habitat Management

RDO/br:lra

HM

cc: Jamie Green, Commissioner
Kelci Block, Assistant Attorney General
Schempf & Ware, PLLC, Attn: Michael B. Ware
Agent



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Jamie L. Green
Commissioner

January 31, 2025

CERTIFIED MAIL

Mr. Randolph W. Carnell
513 Dandy Loop Road
Yorktown, VA 23692
livingshorelinesllc@gmail.com

Re: VMRC #2022-1645

Dear Mr. Carnell:

This is to inform you that the Marine Resources Commission, at its regularly scheduled meeting on January 28, 2025, considered your role as the authorized agent for the unauthorized installation and backfill of a replacement bulkhead over state-owned submerged bottomlands, located at 1124 Wormley Creek Road, situated along Wormley Creek in York County.

The Commission reviewed a staff presentation and heard testimony from you and your attorney, Mr. Michael Ware. After careful deliberation and after considering all of the factors contained in §28.2-1213 of the Code of Virginia, the Commission voted to assess a \$3,000.00 civil charge to you as the authorized agent for this violation. Please remit this payment to our office within 30 days. If the payment is not received within 30 days, this matter will be referred to the Office of the Attorney General to seek civil penalties pursuant to §28.2-1213 of the Code of Virginia.

Please be advised that any person aggrieved by a decision of the Marine Resources Commission has the right of judicial review. Part 2A of the Rules of the Supreme Court of Virginia applies to judicial appeal of Commission decisions reviewable in accordance with the Administrative Process Act. As provided by Rule 2A:2, you have 30 days from the date of service of this decision within which to initiate an appeal of this decision by filing a Notice of Appeal with:

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Virginia Marine Resources Commission
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Fort Monroe, Virginia 23651

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Mr. Randolph W. Carnell
Page Two

January 31, 2025
VMRC #2022-1645

In the event that this decision is served on you by mail, three days are added to the 30-day period.

Should you have any questions concerning this matter, please feel free to contact me at (757) 247-2251 or randy.owen@mrc.virginia.gov.

Sincerely,

Randal D. Owen

Randal D. Owen
Chief, Habitat Management

RDO/br:lra

HM

cc: Jamie Green, Commissioner
Kelci Block, Assistant Attorney General
Schempf & Ware, PLLC, Attn: Michael B. Ware
Applicant



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

Jamie L. Green
Commissioner

January 31, 2025

CERTIFIED MAIL

Mr. Matt McQuillen

1010 Dandy Loop Road

Yorktown, VA 23692

vamarineconstructionllc@gmail.com

Re: VMRC #2022-1645

Dear Mr. McQuillen:

This is to inform you that the Marine Resources Commission, at its regularly scheduled meeting on January 28, 2025, considered your role as the marine contractor for the unauthorized installation and backfill of a replacement bulkhead over state-owned submerged bottomlands, located at 1124 Wormley Creek Road, situated along Wormley Creek in York County.

The Commission reviewed a staff presentation and heard testimony from the authorized agent, Mr. Randy Carnell, and his attorney, Mr. Michael Ware. After careful deliberation and after considering all of the factors contained in §28.2-1213 of the Code of Virginia, the Commission voted to assess a \$9,000.00 civil charge to you as the marine contractor for this violation. Please remit this payment to our office within 30 days. If the payment is not received within 30 days, this matter will be referred to the Office of the Attorney General to seek civil penalties pursuant to §28.2-1213 of the Code of Virginia.

Please be advised that any person aggrieved by a decision of the Marine Resources Commission has the right of judicial review. Part 2A of the Rules of the Supreme Court of Virginia applies to judicial appeal of Commission decisions reviewable in accordance with the Administrative Process Act. As provided by Rule 2A:2, you have 30 days from the date of service of this decision within which to initiate an appeal of this decision by filing a Notice of Appeal with:

Ms. Michelle Guilford, Agency Secretary
Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Fort Monroe, Virginia 23651

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Mr. Matt McQuillen
Page Two

January 31, 2025
VMRC #2022-1645

In the event that this decision is served on you by mail, three days are added to the 30-day period.

Should you have any questions concerning this matter, please feel free to contact me at (757) 247-2251 or randy.owen@mrc.virginia.gov.

Sincerely,

Randal D. Owen

Randal D. Owen
Chief, Habitat Management

RDO/br:lra

HM

cc: Jamie Green, Commissioner
Kelci Block, Assistant Attorney General
Schempf & Ware, PLLC, Attn: Michael B. Ware
Applicant

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: 2022-1645 Leonard Clark
Date: Friday, March 7, 2025 8:40:11 AM

Contractor

From: Matt McQuillen <vamarineconstructionllc@gmail.com>
Sent: Thursday, March 6, 2025 2:52 PM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>
Subject: 2022-1645 Leonard Clark

Good afternoon Mr. Reams hope all is well. I wanted to reach out regarding the above case. As I don't agree with the findings I do have to accept it and want to move forward. With that being the case are there any options for payments to be made to clear this matter up?

Thank you.
Matt McQuillen
757-342-8887

YANKEE POINT MARINA, LLC, #24-2369

1. Habitat Management Evaluation March 25, 2025.
(Page 1 – 2)
2. Revised JPA application dated received February 5, 2025.
(Pages 3 – 9)
3. Revised project drawings dated received March 6, 2025.
(Pages 10 – 21)
4. Protestant comments from Mr. Ken Knull received December 13, 2024, January 8, 2025,
and March 13, 2025.
(Pages 22 – 39)
5. Dry hydrant email from Todd Patterson on March 13, 2025.
(Page 40)
6. Lancaster County wetlands board permit March 13, 2025.
(Will be available at the Commission Meeting)
7. VIMS comments received March 2025.
(Will be available at the Commission Meeting)

All project drawings, plans and application information are available at
<https://webapps.mrc.virginia.gov/public/habitat/>

HABITAT MANAGEMENT DIVISION EVALUATION

YANKEE POINT MARINA, LLC, #24-2369, requests authorization to construct a replacement boat ramp, temporary cofferdam, new tending pier and dry hydrant at their existing marina at 1303 Oak Hill Road along Myer Creek in Lancaster County. The project is protested by a nearby property owner.

Narrative

Yankee Point Marina is a full-service boatyard and marina located in the Merry Point area of Lancaster County, situated along the Myer Creek, with 101 slips for monohulls and catamarans. The marina has a 40-ton travel lift, mechanic and carpentry shop, and associated upland amenities include a restaurant, swimming pool, ship store, and 180 boat parking area for vehicles and vessel storage.

On August 5, 2024, VMRC received an application requesting authorization to replace an existing boat ramp with a 16-foot by 85-foot reinforced concrete ramp, a 6-inch by 33-foot PVC pipe for a dry hydrant, and a 30-foot by 4-foot floating tending pier with a helix anchor. The tending pier will be able to pivot away from the ramp to provide greater width to accommodate catamaran vessels.

The existing boat ramp will be removed and disposed of at an approved upland site. Construction of the replacement boat ramp will require the temporary use of two (2) 90-foot vinyl “naval style” walls with a cofferdam located at the channelward end of the ramp to pump the ramp area dry. The navy walls and cofferdam will be immediately removed after construction. The new ramp configuration will eliminate the use of three (3) existing wet slips.

The dry hydrant is needed for emergency firefighting and will be available to the public.

Issues

VMRC staff conducted a standard public/agency interest review for this proposal. Adjacent property owners were notified, and a public notice was advertised in The Rappahannock Record.

An adjacent property owner, Mr. Ken Knull, is protesting the project. Mr. Knull, the former owner of the marina, believes the proposed ramp will adversely affect the river current and sediment flow around the boat ramp's location, leading to increased sediment accumulation adjacent to his property. Mr. Knull's property is located approximately 675 feet southeast of the existing ramp.

Issues (cont'd)

Staff asked the Virginia Institute of Marine Science (VIMS) to review the project in light of Mr. Knull's concerns. Their review will be provided at the Commission hearing.

On March 13, 2025, the Lancaster County Wetlands Board approved the boat ramp portion of the project and its impacts to intertidal wetlands. The proposed new tending pier is exempt from the Board's jurisdiction.

On January 28, 2025, the Department of Health Division of Shellfish Safety provided comments. They noted that the project is located in a condemned shellfish growing area and confirmed that the project is acceptable and will not increase the size of the existing shellfish closure. On February 19, 2025, the Department of Health Office of Environmental Health Services said that the project is acceptable.

Summary/Recommendations

Staff does not believe the tending pier, dry hydrant, and the expansion of the boat ramp replacement will adversely impact the marine environment, nor do we feel that the replacement ramp will lead to increased sedimentation in the marina or in the vicinity of the protestant's property.

Accordingly, after evaluating the project's merits against the opposition's concerns and considering all of the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the new tending pier, concrete boat ramp, and dry hydrant as proposed. This is a full-service vessel repair facility and is exempt from royalties in accordance with §28.2-1206.B of the Code of Virginia.

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

YANKEE POINT MARINA, LLC
1303 OAK HILL RD.
LANCASTER, VA 22503

Home () _____
Work (804) 462-7635
Fax () _____
Cell () _____
e-mail todd@yankeepointmarina.com

State Corporation Commission Name and ID Number (if applicable) _____

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Zach and Luke Enterprises, LLC
1303 Oak Hill Rd
Lancaster, VA 22503

Home () _____
Work () _____
Fax () _____
Cell (804) 296-1553
e-mail todd@yankeepointmarina.com

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):

MAC BROS, LLC
388 SCOGGINS CREEK TRAIL
HARTFIELD, VA 23071

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell (804) 517-6753
e-mail bryan.macbros@gmail.com

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

PROPOSED 30' X 4' FLOATING DOCK WITH HELIX ANCHOR SO THE DOCK CAN BE TURNED NORTHWARD WHEN NEEDED FOR LARGE BOAT ENTRY.
PROPOSED 16' X 85' CONCRETE BOAT RAMP TO REPLACE THE EXISTING DEFUNCT BOAT RAMP.
SET UP TEMPORARY VINYL NAVY WALLS AND COFFERDAM 5' CHANNELWARD FROM THE END OF THE BOAT RAMP AND PUMP THE RAMP DRY.
CONSTRUCT NEW BOAT RAMP AS DETAILED ON PLAN VIEW AND REMOVE NAVY WALLS AND COFFERDAM AFTER CONSTRUCTION.
EXISTING UTILITIES ARE PROPOSED TO BE LOWERED IN PLACE TO PROVIDE CLEARANCE FOR THE NEW RAMP.
EXISTING PUMP HOUSE PROPOSED TO BE MOVED 45' +/- TO THE EAST BESIDE THE EXISTING TRAVEL LIFT IN ORDER TO ACCOMMODATE NEW RAMP FOOTPRINT.
PROPOSED TO PLACE A DRY HYDRANT BESIDE THE EXISTING TRAVEL LIFT WITH PIPE FLANKING THE FLOATING DOCK TO DEEP WATER.

TOTAL SQ. FOOTAGE OF PROPOSED BOAT RAMP = 1360 SQ. FT.
TOTAL SQ. FOOTAGE OF PROPOSED FLOATING DOCK = 120 SQ. FT.

(0.033 ACRES)

MATERIALS TO CONSIST OF:

BOAT RAMP: 1' DEEP 4000PSI FIBER REINFORCED CONCRETE, 1' OF #5 REBAR O/C, 1' OF #57 STONE AND FABRIC.
TEMPORARY VINYL NAVY WALLS: VINYL SHEET PILES C-LOC 9000 OR EQUAL, 10" BUTT TIMBER PILES, 5/8" GALVANIZED BOLTS, NUTS, AND WASHERS.

ACCESS TO THE PROJECT WILL BE GAINED BY LAND THROUGH OAK HILL ROAD WHICH PROVIDES DIRECT ACCESS TO THE PROJECT SITE, AND BY WATER THROUGH CORROTOMAN RIVER WHICH PROVIDES DIRECT ACCESS TO THE PROJECT SITE.

PROPOSED EQUIPMENT TO CONSIST OF:
DUMP TRUCK, EXCAVATOR, BARGE WITH VIBRATORY HAMMER, CEMENT TRUCK, CENTRIFUGAL PUMP, AND HAND TOOLS.
TOTAL NUMBER OF TREATED 10" BUTT TIMBER PILINGS = 46

This plan complies with all applicable county ordinances and state regulations to the best of my knowledge. - Bryan McDearmon

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X Yes* No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

DOCKS OF THE BAY
422 Chesapeake Dr
PO Box 1160
White Stone, VA 22578

Contact Information:

Home ()
Work (804) 438-9200
Fax ()
Cell ()
email info@docksofthebay.com

State Corporation Commission Name and ID Number (if applicable) S1080383

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Rappahannock Record
PO Box 400
Kilmarnock, VA

Telephone number

(804) 435-1701

7. Give the following project location information:

Street Address (911 address if available) 1303 OAK HILL RD.

Lot/Block/Parcel# PARCEL: 26-18

Subdivision

City / County LANCASTER

ZIP Code 22503

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.693832° / -76.489885° (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

FROM THE LANCASTER COURTHOUSE

8265 Mary Ball Rd, Lancaster, VA 22503

Continue to VA-3 W/Mary Ball Rd

55 sec (0.1 mi)

Continue on VA-3 W/Mary Ball Rd. Take VA-201 S/White Chapel Rd and VA-354 S to State Rte 610

15 min (11.3 mi)

Drive to State Rte 610

3 min (1.2 mi)

1303 Oak Hill Rd, Lancaster, VA 22503

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

THE PRIMARY PURPOSE IS TO PROVIDE SAFER ACCESS TO THE WATER BY REPLACING THE FAILING BOAT RAMP. THE SECONDARY PURPOSE IS TO PROTECT THE BOAT RAMP AREA.

Part 1 - General Information (continued)

9. Proposed use (check one):
____ Single user (private, non-commercial, residential)
x Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- Project would be accessed by land along the paved/gravel surface of Oak Hill Rd. and by barge from Corrotoman River with as little as possible disturbance to the area while being worked on and accessing the site. Use only the necessary equipment along with keeping foot traffic to a minimum. Note: traffic would occur on the paved/gravel surface of Oak Hill Rd. Also, project would be accessed by barge through Corrotoman River.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ____ Yes x No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 260,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 145,000
13. Completion date of the proposed work: December _____ - 2027
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

APO TO THE SOUTHEAST:

CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR.
PARCEL: 26-17B
133 SAUNDERS LN.
LANCASTER, VA 22503

APO TO THE NORTHEAST:

JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

YANKEE POINT MARINA, LLC

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

10/2/2024

Date

Zach and Luke Enterprises, LLC

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

10/2/2024

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), YANKEE POINT MARINA, LLC, hereby certify that I (we) have authorized MAC BROS, LLC
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

By: [Signature]
(Agent's Signature)

(Use if more than one agent)

(Date)

(Applicant's Signature)

(Use if more than one applicant)

10/2/2024

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), YANKEE POINT MARINA, LLC, have contracted DOCKS OF THE BAY
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

422 Chesapeake Drive, PO Box 1160, White Stone, VA 22578

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

PROPOSED 30' X 4' FLOATING DOCK WITH HELIX ANCHOR SO THE DOCK CAN BE TURNED NORTHWARD WHEN NEEDED FOR LARGE BOAT ENTRY.
PROPOSED 16' X 85' CONCRETE BOAT RAMP TO REPLACE THE EXISTING DEFUNCT BOAT RAMP.
SET UP TEMPORARY VINYL NAVY WALLS AND COFFERDAM 5' CHANNELWARD FROM THE END OF THE BOAT RAMP AND PUMP THE RAMP DRY.
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EXISTING PUMP HOUSE PROPOSED TO BE MOVED 45' +/- TO THE EAST BESIDE THE EXISTING TRAVEL LIFT IN ORDER TO ACCOMMODATE NEW RAMP FOOTPRINT.
PROPOSED TO PLACE A DRY HYDRANT BESIDE THE EXISTING TRAVEL LIFT WITH PIPE FLANKING THE FLOATING DOCK TO DEEP WATER.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ____ Yes ____ No

If yes, will it be removed? ____ Yes ____ No

Is your lot platted to the mean low water shoreline? ____ Yes ____ No

What is the overall length of the proposed structure? _____ feet.

Channelward of Mean High Water? _____ feet.

Channelward of Mean Low Water? _____ feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____ square feet.

What is the total size of any and all L- or T-head platforms? _____ sq. ft.

For boathouses, what is the overall size of the roof structure? _____ sq. ft.

Will your boathouse have sides? ____ Yes ____ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § [28.2-1203](#) A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § [28.2-1205](#) for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § [28.2-1204](#).

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

TYPE OF CONSTRUCTION INCLUDES CONSTRUCTION OF NEW BOAT RAMP & FLOATING DOCK.

PROPOSED MATERIALS TO CONSIST OF:

BOAT RAMP: 1' DEEP 4000PSI REINFORCED CONCRETE, 1' OF #5 REBAR O/C, 1' OF #57 STONE AND FABRIC.

TEMPORARY VINYL NAVY WALLS: (VINYL SHEET PILES C-LOC 9000 OR EQUAL, 10" BUTT TIMBER PILES, 2"X8" TREATED LUMBER SALT CAP TYP., 5/8 GALV. HARDWARE.

FLOATING DOCK: POLY FLOATS, ALUMINUM FRAME, IPE, PROCELL OR EPI/AZEK DECKING.

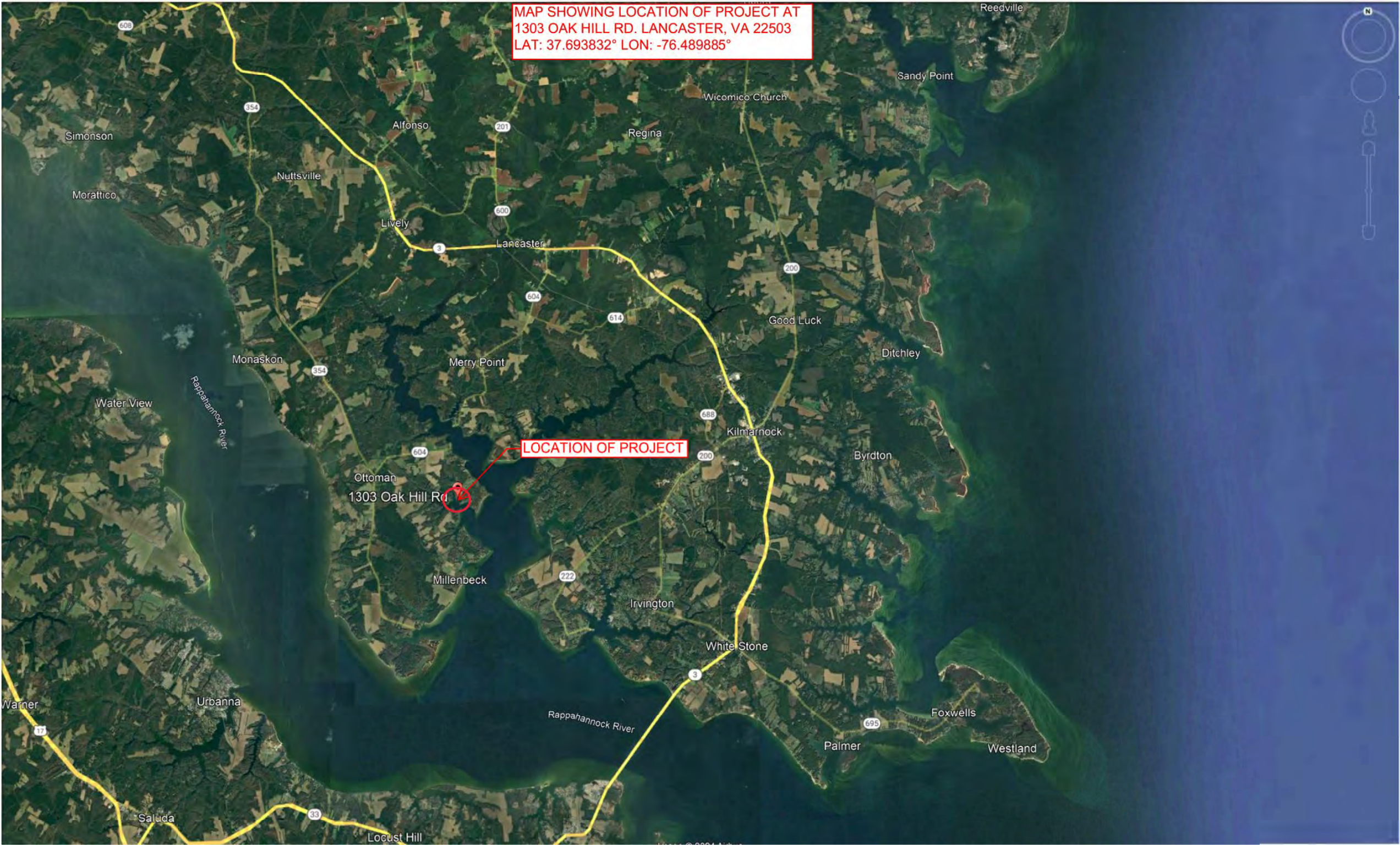
6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:
- | | | |
|------------------------------|------------------------|------------------|
| Core (inner layer) material | _____ pounds per stone | Class size _____ |
| Armor (outer layer) material | _____ pounds per stone | Class size _____ |
7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material

_____	cubic yards channelward of mean low water
_____	cubic yards landward of mean low water
_____	cubic yards channelward of mean high water
_____	cubic yards landward of mean high water
- Area to be covered

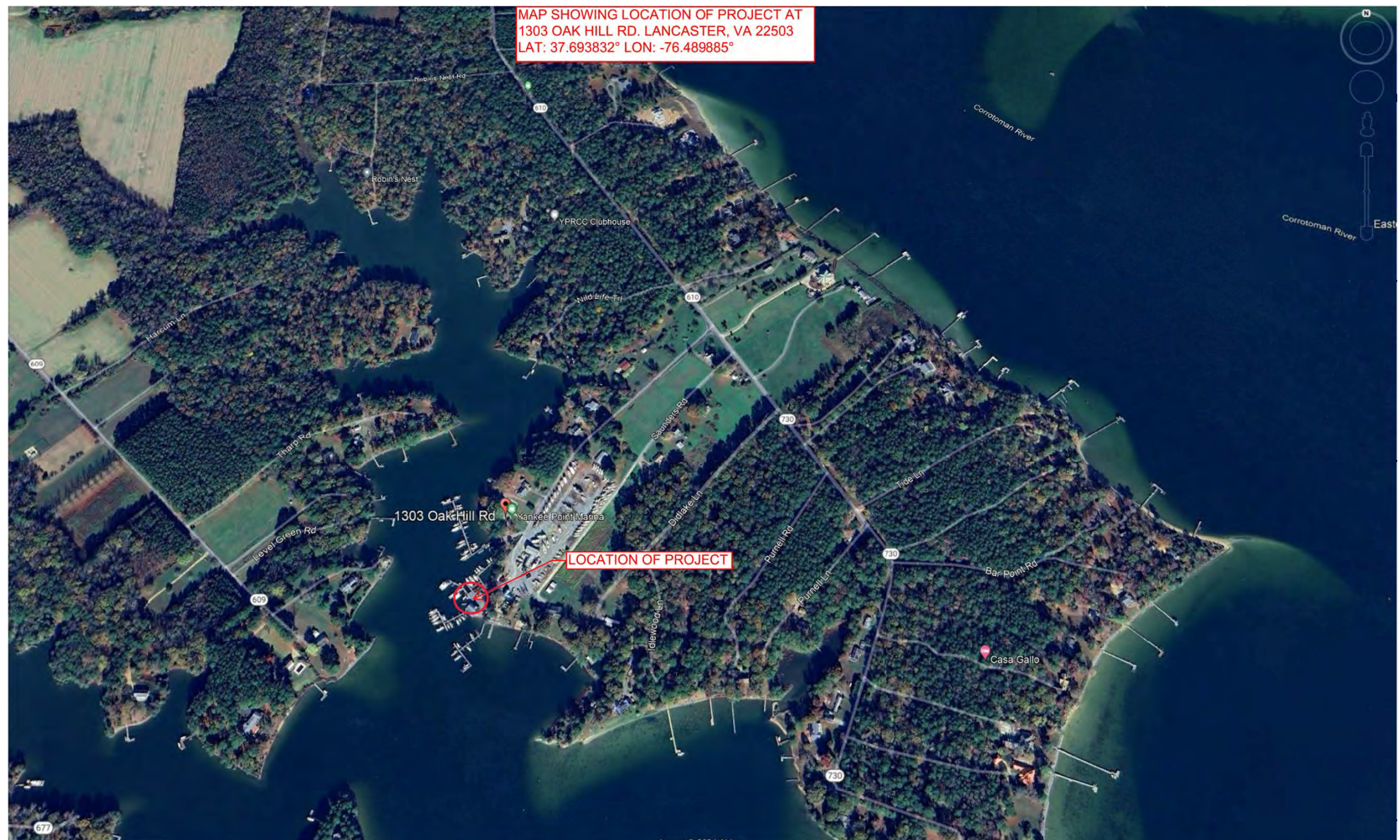
880	square feet channelward of mean low water
480	square feet landward of mean low water
1008	square feet channelward of mean high water
352	square feet landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement:
BARGE, DUMP TRUCK, EXCAVATOR _____
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

NO TREE CLEARING IS REQUIRED FOR THIS PROJECT AND NO VEGETATED WETLANDS PRESENT AT THIS PROJECT SITE LOCATION



VICINITY MAP 1 OF 2 (MAPS ZOOM INTO PROJECT LOCATION)

<p>APO TO THE NORTH: JOHN F. & LAURIE A. PAXTON PARCEL: 26-16A 9628 SEVEN SISTERS DR. ASHLAND, VA 23005</p>			<p>PROPERTY OWNER: YANKEE POINT MARINA, LLC PARCEL: 26-18 1303 OAK HILL RD. LANCASTER, VA 22503</p>			<p>APO TO THE SOUTHEAST: CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR. PARCEL: 26-17B 133 SAUNDERS LN. LANCASTER, VA 22503</p>			<p>COUNTY: LANCASTER</p>		<p>SITE LOCATION:</p>		<p>JPA</p>		<p>JOB TITLE: PROPOSED BOAT RAMP REPLACEMENT, FLOATING DOCK AND DRY HYDRANT</p>	
<p>DESIGNED BY: DOCKS OF THE BAY</p>			<p>DRAWN BY: BRYAN MCDEARMON</p>			<p>1303 OAK HILL RD. LANCASTER, VA 22503</p>			<p>PERMIT DRAWINGS</p>		<p>NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY</p>		<p>PARCEL: 26-18</p>		<p>SH. 1 OF 16</p>	
<p>PROPERTY OWNER: YANKEE POINT MARINA, LLC</p>			<p>CORROTOMAN RIVER</p>			<p>MAC BROS, LLC</p>			<p>PROJECT: YANKEE POINT MARINA</p>		<p>SCALE: 1"= 30' (PLAN VIEW)</p>		<p>DATE: REV. 2-4-2025</p>		<p>VICINITY MAP 1</p>	
<p>PERMIT DRAWINGS PROVIDED PER PROPERTY OWNER'S REQUEST. PROPERTY OWNER IS RESPONSIBLE TO ENSURE NEIGHBORING RIPARIAN RIGHTS ARE NOT ENCROACHED UPON. IN SOME CASES A SURVEY MAY BE NEEDED. MAC BROS, LLC IS NOT RESPONSIBLE FOR OTHER PARTY ERROR OR NEGLIGENCE. PERMIT DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT MEANT AS A LAND SURVEY OR RIPARIAN RIGHTS SURVEY.</p>			<p>Additional Information Revisions Received by VMRC Mar 6, 2025 map</p>			<p>10</p>										




VICINITY MAP 2 OF 2 (MAPS ZOOM INTO PROJECT LOCATION)

APO TO THE NORTH: JOHN F. & LAURIE A. PAXTON PARCEL: 26-16A 9628 SEVEN SISTERS DR. ASHLAND, VA 23005		PROPERTY OWNER: YANKEE POINT MARINA, LLC PARCEL: 26-18 1303 OAK HILL RD. LANCASTER, VA 22503		APO TO THE SOUTHEAST: CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR. PARCEL: 26-17B 133 SAUNDERS LN. LANCASTER, VA 22503	
<small>PERMIT DRAWINGS PROVIDED PER PROPERTY OWNER'S REQUEST. PROPERTY OWNER IS RESPONSIBLE TO ENSURE NEIGHBORING RIPARIAN RIGHTS ARE NOT ENCLOSED UPON. IN SOME CASES A SURVEY MAY BE NEEDED. MAC BROS. LLC IS NOT RESPONSIBLE FOR OTHER PARTY ERROR OR NEGLIGENCE. Additional Information Revisions Received by VMBC Mar 6, 2025 map.</small>					

COUNTY: LANCASTER
DESIGNED BY: DOCKS OF THE BAY
DRAWN BY: BRYAN MCDEARMON
PROPERTY OWNER: YANKEE POINT MARINA, LLC

SITE LOCATION: 1303 OAK HILL RD. LANCASTER, VA 22503
CORROTOMAN RIVER

JPA	JOB TITLE: PROPOSED BOAT RAMP REPLACEMENT, FLOATING DOCK AND DRY HYDRANT	
PERMIT DRAWINGS		PARCEL: 26-18
		PROJECT: YANKEE POINT MARINA
		SCALE: 1"= 30' (PLAN VIEW)
		DATE: REV. 2-4-2025
NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY		

11

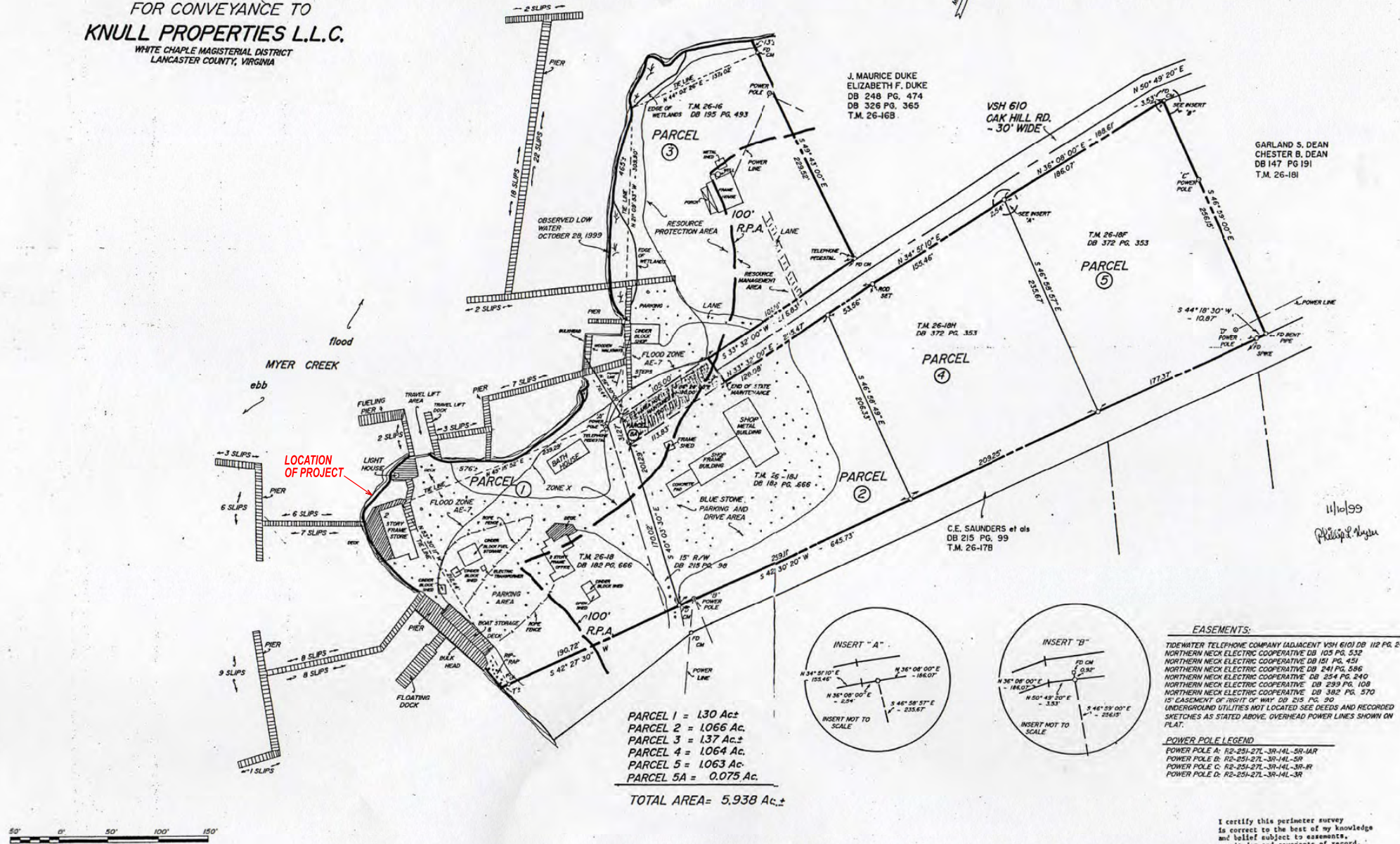
SH. 2 OF 16

VICINITY MAP 2



<div>APO TO THE NORTH: JOHN F. & LAURIE A. PAXTON PARCEL: 26-16A 9628 SEVEN SISTERS DR. ASHLAND, VA 23005</div> <div>PROPERTY OWNER: YANKEE POINT MARINA, LLC PARCEL: 26-18 1303 OAK HILL RD. LANCASTER, VA 22503</div> <div>APO TO THE SOUTHEAST: CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR. PARCEL: 26-17B 133 SAUNDERS LN. LANCASTER, VA 22503</div>			COUNTY: LANCASTER		SITE LOCATION:		JPA		JOB TITLE: PROPOSED BOAT RAMP REPLACEMENT, FLOATING DOCK AND DRY HYDRANT		
<div>PERMIT DRAWINGS PROVIDED PER PROPERTY OWNER'S REQUEST. PROPERTY OWNER IS RESPONSIBLE TO ENSURE NEIGHBORING RIPARIAN RIGHTS ARE NOT ENCROACHED UPON. IN SOME CASES A SURVEY MAY BE NEEDED. MAC BROS, LLC IS NOT RESPONSIBLE FOR OTHER PARTY ERROR OR NEGLIGENCE. PERMIT DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT MEANT AS A LAND SURVEY OR RIPARIAN RIGHTS SURVEY.</div> <div>Additional map revisions received by VMRC Mar 6, 2025 map.</div>			DESIGNED BY: DOCKS OF THE BAY		1303 OAK HILL RD. LANCASTER, VA 22503		PERMIT DRAWINGS		<div><div>M</div><div>MAC BROS, LLC</div></div> <div>PARCEL: 26-18 PROJECT: YANKEE POINT MARINA SCALE: 1"= 30' (PLAN VIEW) DATE: REV. 2-4-2025</div> <div>SH. 7 OF 16 SITE ACCESS</div>		
			DRAWN BY: BRYAN MCDEARMON		CORROTOMAN RIVER						
			PROPERTY OWNER: YANKEE POINT MARINA, LLC								

BOUNDARY SURVEY OF
FIVE PARCELS
FOR CONVEYANCE TO
KNULL PROPERTIES L.L.C.
WHITE CHAPLE MAGISTERIAL DISTRICT
LANCASTER COUNTY, VIRGINIA



RECORDED IN THE CLERK'S OFFICE OF
COUNTY OF LANCASTER ON
NOVEMBER 30, 1999 AT 03:42PM
ROBERTA H. LEAHY CLERK

GENERAL NOTES
1) This survey area and related Township
features only of per back studies.

2) Property Information: DB 102 PG. 482
DB 103 PG. 483
DB 104 PG. 484

3) Property Boundary in the Name of
YANKEE POINT MARINA, INC.
JOHN E. MCLENNAN, JR.
CHARLES J. MCLENNAN, JR.

4) This property may contain wetlands and
hydric soils not located by this survey.

NOTE: WEST LINE DETERMINED BY LOW WATER,
OCTOBER 28/1999, NORTH, EAST AND SOUTH LINES
BY PREVIOUS SURVEYS AND FOUND POINTS.
SEE COMBINATION PANEL # 510004 0000A, FLOOD
INSURANCE RATE MAP, LANCASTER COUNTY, VIRGINIA
FOR FLOOD INFORMATION.
DIVISION LINE DETERMINED BY RECORDING PLATS
AND DEEDS AND RECORDING PLATS.



Date: OCTOBER 28, 1999
Scale: 1" = 50'
TOMLIN & KEYSER
CERTIFIED LAND SURVEYOR
P. O. BOX 99
BURROESS, VA 22432
(804) 453-4100
Drawn by: SAG
Checked by: JLM
JES HIL, LC 143-800
V.I. SH. JAMES ARE
Date: 11-10-99

APO TO THE NORTH:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005

PROPERTY OWNER:
YANKEE POINT MARINA, LLC
PARCEL: 26-18
1303 OAK HILL RD.
LANCASTER, VA 22503

APO TO THE SOUTHEAST:
CORLISS SAUNDERS BRENT &
JAMES A. BRENT, JR.
PARCEL: 26-17B
133 SAUNDERS LN.
LANCASTER, VA 22503

PERMIT DRAWINGS PROVIDED PER PROPERTY OWNER'S REQUEST.
PROPERTY OWNER IS RESPONSIBLE TO ENSURE NEIGHBORING RIPARIAN RIGHTS ARE NOT ENCLOSED UPON. IN SOME CASES A SURVEY MAY BE NEEDED.
MAC BROS, LLC IS NOT RESPONSIBLE FOR OTHER PARTY ERROR OR NEGLIGENCE.
PERMIT DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT MEANT AS A LAND SURVEY OR RIPARIAN RIGHTS SURVEY.

COUNTY: LANCASTER

DESIGNED BY: DOCKS OF THE BAY

DRAWN BY: BRYAN MCDEARMON

PROPERTY OWNER: YANKEE POINT MARINA, LLC

SITE LOCATION:

1303 OAK HILL RD.
LANCASTER, VA 22503

CORROTOMAN RIVER

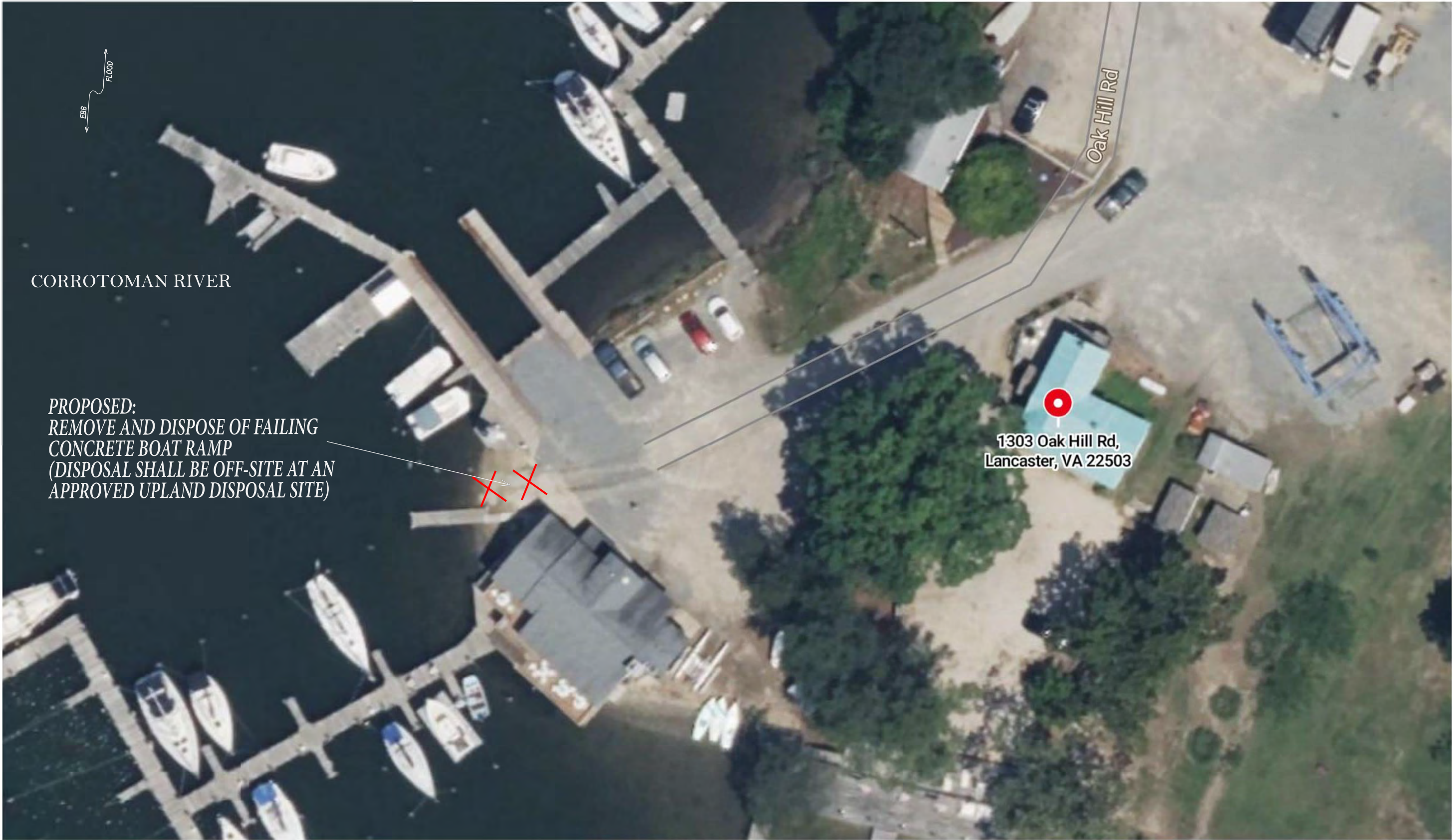
JPA

PERMIT DRAWINGS

NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY

JOB TITLE: PROPOSED BOAT RAMP
REPLACEMENT, FLOATING DOCK
AND DRY HYDRANT

PARCEL: 26-18	SH. 6 OF 16
PROJECT: YANKEE POINT MARINA	SURVEY PLAT
SCALE: 1"= 30' (PLAN VIEW)	13
DATE: REV. 2-4-2025	



<div>APO TO THE NORTH: JOHN F. & LAURIE A. PAXTON PARCEL: 26-16A 9628 SEVEN SISTERS DR. ASHLAND, VA 23005</div>			<div>PROPERTY OWNER: YANKEE POINT MARINA, LLC PARCEL: 26-18 1303 OAK HILL RD. LANCASTER, VA 22503</div>			<div>APO TO THE SOUTHEAST: CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR. PARCEL: 26-17B 133 SAUNDERS LN. LANCASTER, VA 22503</div>			<div>COUNTY: LANCASTER</div>			<div>SITE LOCATION:</div>			<div>JPA</div>			<div>JOB TITLE: PROPOSED BOAT RAMP REPLACEMENT, FLOATING DOCK AND DRY HYDRANT</div>						
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									<div>DRAWN BY: BRYAN MCDEARMON</div>			<div>CORROTOMAN RIVER</div>									<div>PROJECT: YANKEE POINT MARINA</div>		<div>DEMO VIEW</div>	
									<div>PROPERTY OWNER: YANKEE POINT MARINA, LLC</div>						<div>NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY</div>			<div>SCALE: 1" = 30'</div>		<div>DATE: REV. 2-4-2025</div>				

CORROTOMAN RIVER

- LEGEND
- DENOTES MEAN LOW WATER LINE (M.L.W.)
 - DENOTES MEAN HIGH WATER LINE (M.H.W.)
 - DENOTES EXISTING PILING
 - DENOTES BENCHMARK PLACED
 - DENOTES EXISTING ELECTRICAL LINE
 - DENOTES EXISTING FUEL LINE (DIESEL)
 - DENOTES EXISTING FUEL LINE (GAS)
 - DENOTES EXISTING SEWER PUMP OUT LINE
 - DENOTES EXISTING WATER LINE
 - DENOTES EXISTING PUMP HOUSE LOCATION
 - DENOTES COFFERDAM BOUNDARY
 - DENOTES SLIP TO BE REMOVED

600' + TO APO TO THE NORTHEAST:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005



BOAT PARKING

YANKEE POINT MARINA, LLC
PARCEL: 26-18
1303 OAK HILL RD.
LANCASTER, VA 22503

OAK HILL RD.

BLDG# 1303

APO TO THE
SOUTHEAST:
CORLISS SAUNDERS
BRENT & JAMES A.
BRENT, JR.
PARCEL: 26-17B
133 SAUNDERS LN.
LANCASTER, VA 22503

PROPOSED 16' X 85' CONCRETE
BOAT RAMP TO REPLACE THE
EXISTING DEFUNCT BOAT RAMP

CONSTRUCTION NOTE: SET UP
COFFERDAM 5' CHANNELWARD
FROM THE END OF THE BOAT RAMP
AND PUMP RAMP DRY.
CONSTRUCT NEW RAMP AND
REMOVE COFFERDAM AFTER
CONSTRUCTION.

*NOTE: EXISTING UTILITIES ARE PROPOSED TO BE
LOWERED IN PLACE TO PROVIDE CLEARANCE
FOR THE NEW RAMP. EXISTING PUMP HOUSE
PROPOSED TO BE MOVED 45' +/- TO THE EAST
SIDE OF THE TRAVEL LIFT TO ACCOMMODATE
NEW RAMP & FLOATING DOCK FOOTPRINT.
PROPOSED LANDWARD END OF DRY HYDRANT
TO BE PLACED ON THE EAST SIDE OF THE
TRAVEL LIFT ALSO.

BENCHMARK "C"
ORANGE CONE PLACED AT NE
CORNER OF PROPOSED BOAT RAMP

BENCHMARK "B"
ORANGE CONE PLACED AT SE
CORNER OF PROPOSED BOAT RAMP

BENCHMARK "A"
WHITE FLAG PLACED AT BASE
OF NW PILING ON FRONT PORCH

COORDINATES AT
BENCHMARK "A"
37.693832°
-76.489885°

APO TO THE NORTH:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005

PROPERTY OWNER:
YANKEE POINT MARINA, LLC
PARCEL: 26-18
1303 OAK HILL RD.
LANCASTER, VA 22503

APO TO THE SOUTHEAST:
CORLISS SAUNDERS BRENT &
JAMES A. BRENT, JR.
PARCEL: 26-17B
133 SAUNDERS LN.
LANCASTER, VA 22503

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COUNTY: LANCASTER

DESIGNED BY: DOCKS OF THE BAY

DRAWN BY: BRYAN MCDEARMON

PROPERTY OWNER: YANKEE POINT MARINA, LLC

SITE LOCATION:

1303 OAK HILL RD.
LANCASTER, VA 22503

CORROTOMAN RIVER

JPA

PERMIT DRAWINGS

NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY

JOB TITLE:

PROPOSED BOAT RAMP
REPLACEMENT, FLOATING DOCK
AND DRY HYDRANT



PARCEL: 26-18

PROJECT: YANKEE POINT MARINA

SCALE: 1" = 30'

DATE: REV. 2-4-2025

SH. 9 OF 16

PLAN

VIEW

15

CORROTOMAN RIVER



APO TO THE NORTH:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005

PROPERTY OWNER:
YANKEE POINT MARINA, LLC
PARCEL: 26-18
1303 OAK HILL RD.
LANCASTER, VA 22503

APO TO THE SOUTHEAST:
CORLISS SAUNDERS BRENT &
JAMES A. BRENT, JR.
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133 SAUNDERS LN.
LANCASTER, VA 22503

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COUNTY: LANCASTER

DESIGNED BY: DOCKS OF THE BAY

DRAWN BY: BRYAN MCDEARMON

PROPERTY OWNER: YANKEE POINT MARINA, LLC

SITE LOCATION:

1303 OAK HILL RD.
LANCASTER, VA 22503

CORROTOMAN RIVER

JPA

PERMIT DRAWINGS

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JOB TITLE: PROPOSED BOAT RAMP
REPLACEMENT, FLOATING DOCK
AND DRY HYDRANT



PARCEL: 26-18

PROJECT: YANKEE POINT MARINA

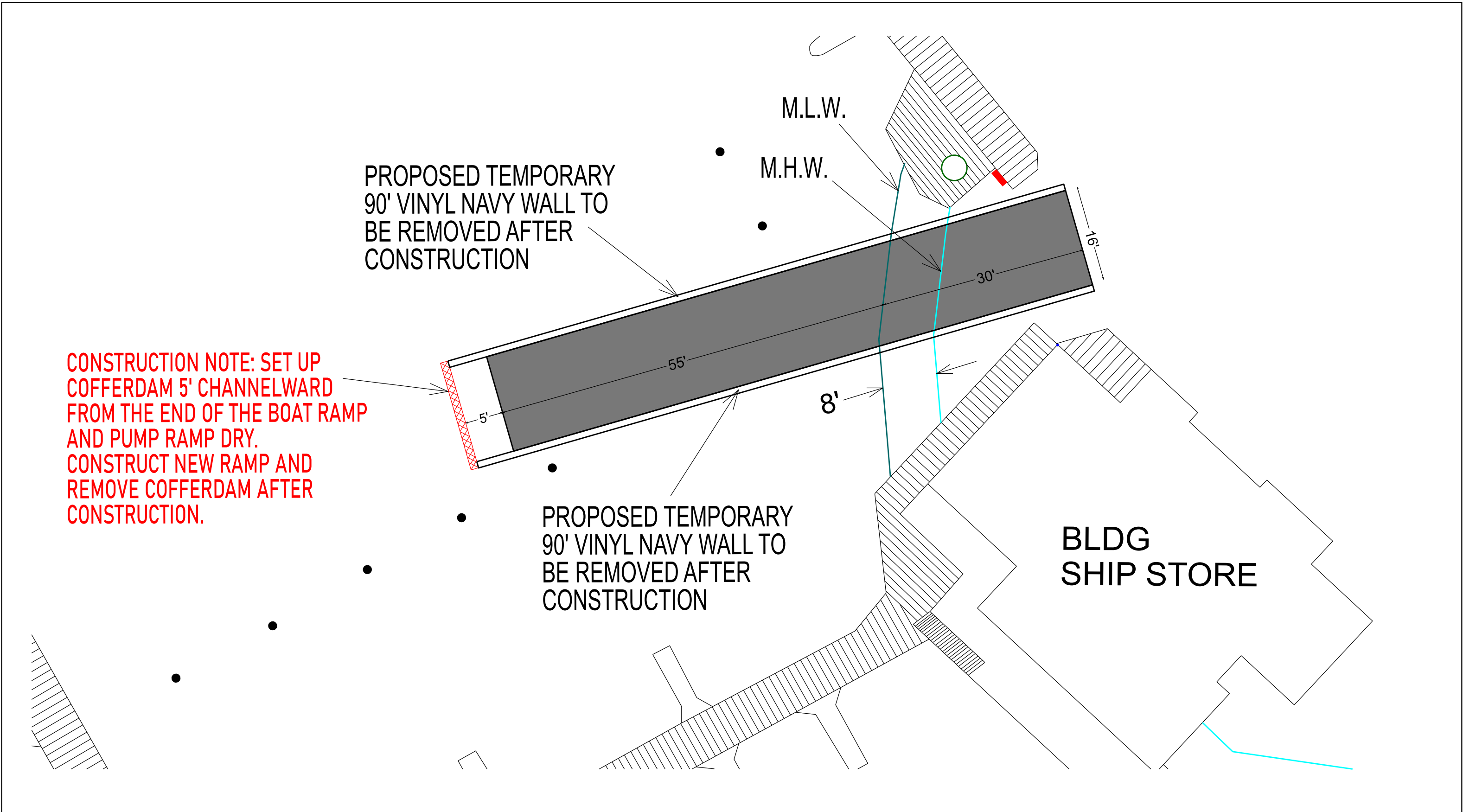
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DATE: REV. 2-4-2025

SH. 10 OF 16

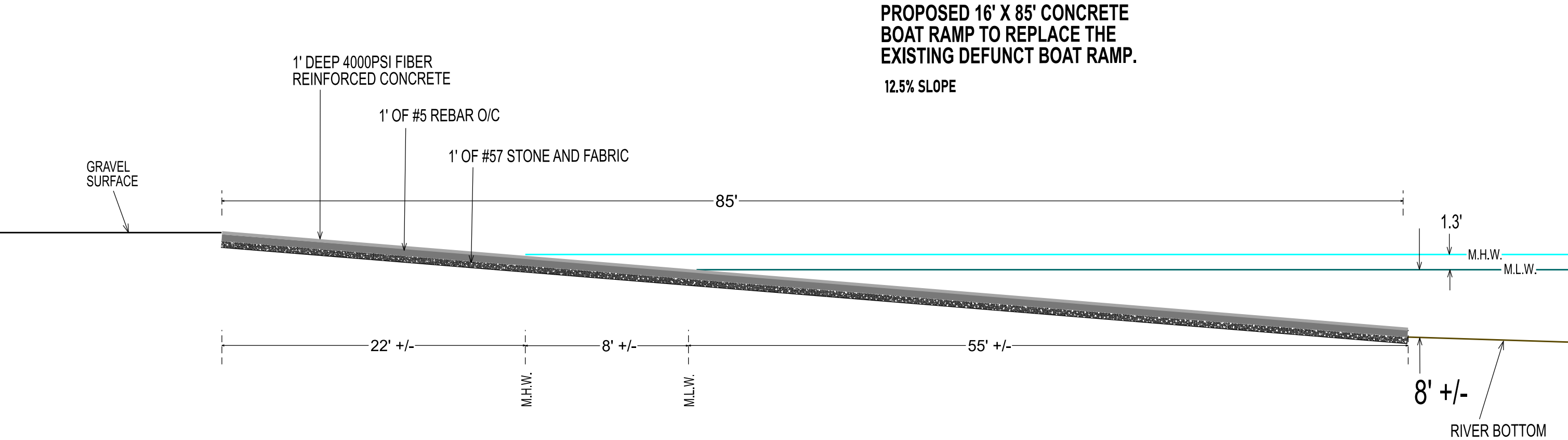
EARTH
VIEW

16



<div>APO TO THE NORTH: JOHN F. & LAURIE A. PAXTON PARCEL: 26-16A 9628 SEVEN SISTERS DR. ASHLAND, VA 23005</div>			<div>PROPERTY OWNER: YANKEE POINT MARINA, LLC PARCEL: 26-18 1303 OAK HILL RD. LANCASTER, VA 22503</div>			<div>APO TO THE SOUTHEAST: CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR. PARCEL: 26-17B 133 SAUNDERS LN. LANCASTER, VA 22503</div>		
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COUNTY: LANCASTER			DESIGNED BY: DOCKS OF THE BAY			DRAWN BY: BRYAN MCDEARMON		
PROPERTY OWNER: YANKEE POINT MARINA, LLC			1303 OAK HILL RD. LANCASTER, VA 22503			CORROTOMAN RIVER		
JPA			PERMIT DRAWINGS			JOB TITLE: PROPOSED BOAT RAMP REPLACEMENT, FLOATING DOCK AND DRY HYDRANT		
							PARCEL: 26-18	SH. 11 OF 16
							PROJECT: YANKEE POINT MARINA	COFFERDAM AND TEMPORARY JETTY LOCATION DETAIL
NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY			SCALE: N.T.S.			DATE: REV. 2-4-2025		
						17		

BOAT RAMP SECTION VIEW



APO TO THE NORTH:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005

PROPERTY OWNER:
YANKEE POINT MARINA, LLC
PARCEL: 26-18
1303 OAK HILL RD.
LANCASTER, VA 22503

APO TO THE SOUTHEAST:
CORLISS SAUNDERS BRENT &
JAMES A. BRENT, JR.
PARCEL: 26-17B
133 SAUNDERS LN.
LANCASTER, VA 22503

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COUNTY: LANCASTER

DESIGNED BY: DOCKS OF THE BAY

DRAWN BY: BRYAN MCDEARMON

PROPERTY OWNER: YANKEE POINT MARINA, LLC

SITE LOCATION:

1303 OAK HILL RD.
LANCASTER, VA 22503

CORROTOMAN RIVER

JPA

PERMIT DRAWINGS

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JOB TITLE: PROPOSED BOAT RAMP
REPLACEMENT, FLOATING DOCK
AND DRY HYDRANT



PARCEL: 26-18

PROJECT: YANKEE POINT MARINA

SCALE: N.T.S.

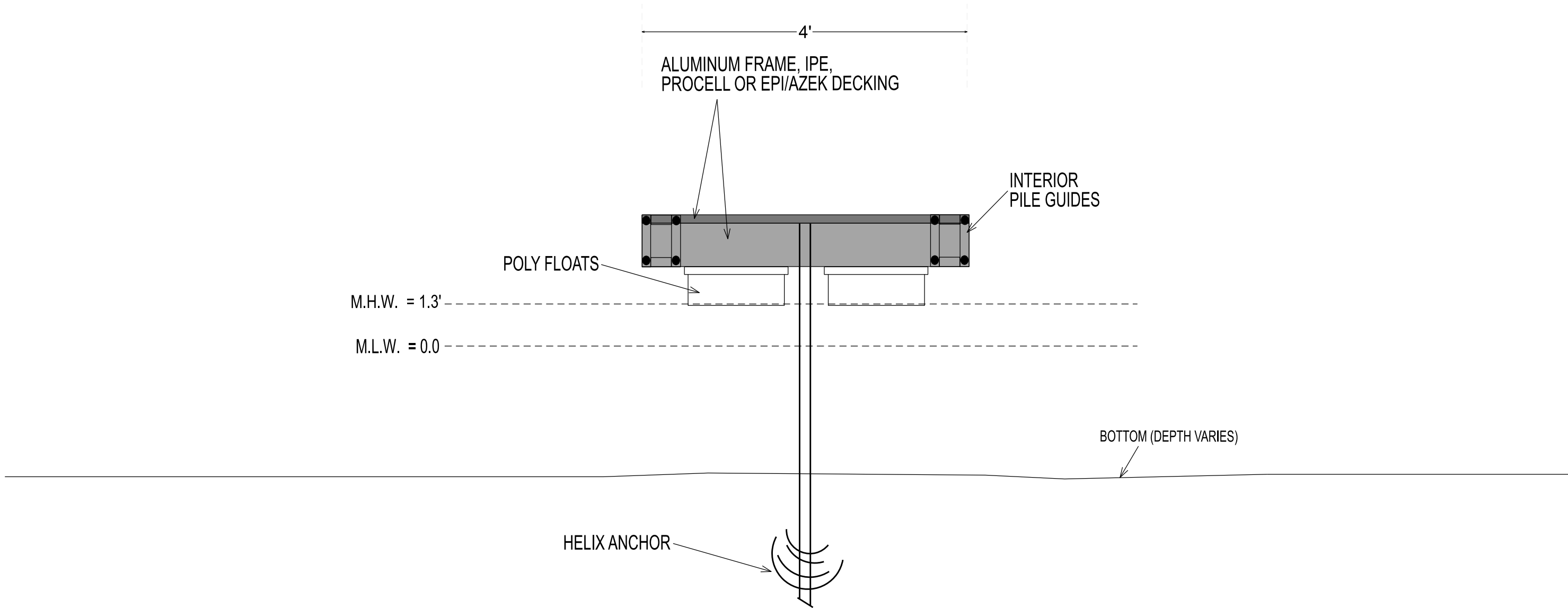
DATE: REV. 2-4-2025

SH. 12 OF 16

BOAT RAMP
SECTION VIEW

18

FLOATING DOCK SECTION VIEW

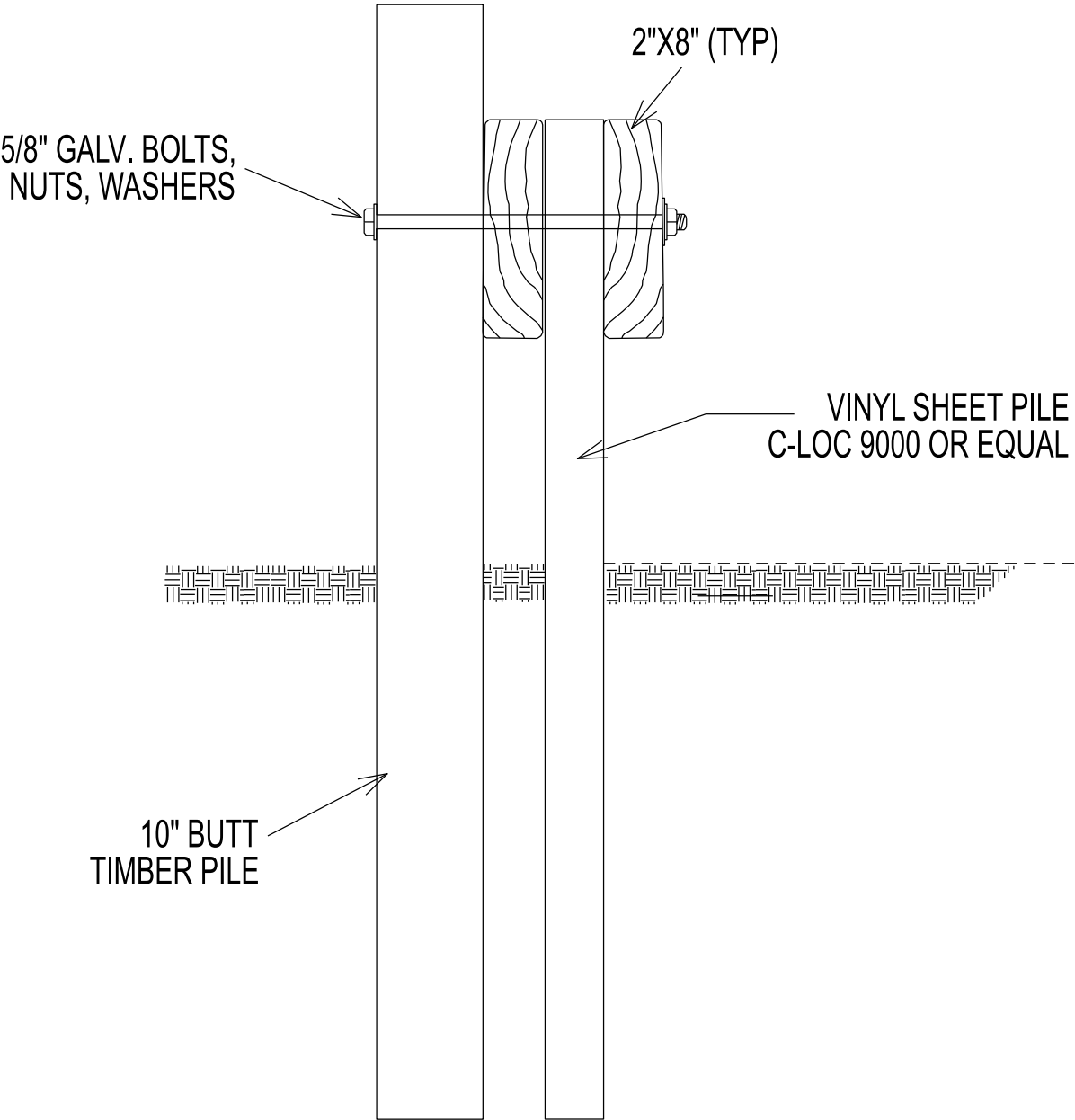


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Additional Information/Revisions Received by VMRC Mar 6, 2025 map

NAVY WALL SECTION VIEW



APO TO THE NORTH:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-16A
9628 SEVEN SISTERS DR.
ASHLAND, VA 23005

PROPERTY OWNER:
YANKEE POINT MARINA, LLC
PARCEL: 26-18
1303 OAK HILL RD.
LANCASTER, VA 22503

APO TO THE SOUTHEAST:
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COUNTY: LANCASTER

DESIGNED BY: DOCKS OF THE BAY

DRAWN BY: BRYAN MCDEARMON

PROPERTY OWNER: YANKEE POINT MARINA, LLC

SITE LOCATION:

1303 OAK HILL RD.
LANCASTER, VA 22503

CORROTOMAN RIVER

JPA

PERMIT DRAWINGS

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JOB TITLE: PROPOSED BOAT RAMP
REPLACEMENT, FLOATING DOCK
AND DRY HYDRANT



PARCEL: 26-18

PROJECT: YANKEE POINT MARINA

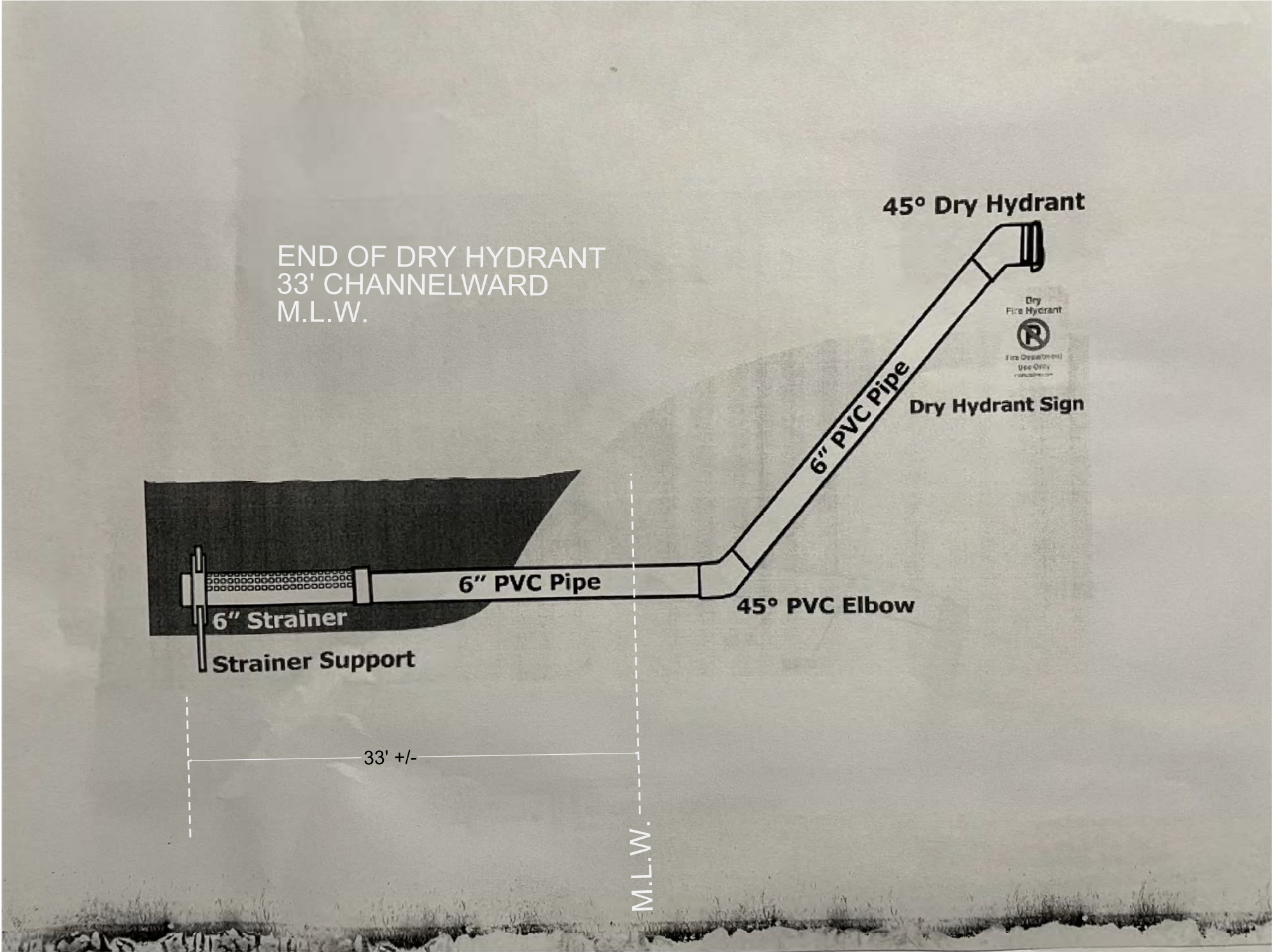
SCALE: N.T.S.

DATE: REV. 2-4-2025

SH. 14 OF 16

NAVY WALL
SECTION
VIEW

DRY HYDRANT SECTION VIEW



<div><div>APO TO THE NORTH: JOHN F. & LAURIE A. PAXTON PARCEL: 26-16A 9628 SEVEN SISTERS DR. ASHLAND, VA 23005</div><div>PROPERTY OWNER: YANKEE POINT MARINA, LLC PARCEL: 26-18 1303 OAK HILL RD. LANCASTER, VA 22503</div><div>APO TO THE SOUTHEAST: CORLISS SAUNDERS BRENT & JAMES A. BRENT, JR. PARCEL: 26-17B 133 SAUNDERS LN. LANCASTER, VA 22503</div></div>			<div>COUNTY: LANCASTER</div> <div>DESIGNED BY: DOCKS OF THE BAY</div> <div>DRAWN BY: BRYAN MCDEARMON</div> <div>PROPERTY OWNER: YANKEE POINT MARINA, LLC</div>		<div>SITE LOCATION:</div> <div>1303 OAK HILL RD. LANCASTER, VA 22503</div> <div>CORROTOMAN RIVER</div>	<div>JPA</div> <div>PERMIT DRAWINGS</div> <div>NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY</div>	<div>JOB TITLE: PROPOSED BOAT RAMP REPLACEMENT, FLOATING DOCK AND DRY HYDRANT</div> <div><div><div>M</div><div>MAC BROS, LLC</div></div><div><div>PARCEL: 26-18</div><div>PROJECT: YANKEE POINT MARINA</div><div>SCALE: N.T.S.</div><div>DATE: REV. 2-4-2025</div></div><div><div>SH. 15 OF 16</div><div>DRY HYDRANT DETAIL</div><div>21</div></div></div>
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Additional Information/Revisions Received by VMRC Mar 6, 2025 map

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242369

Print Date: Thursday March 20 2025 09:59

Number	Name	Received	Position
1	KENNETH M KNULL	12/13/2024 11:49:49 AM	OPPOSE

1 THE PROPOSED CHANGE TO THE EXISTING SMALL BOAT RAMP WILL INTERFERE WITH THE NATURAL CURRENT FLOW OF MYER CREEK AT THE SITE. THE NATURAL CURRENT HAS PREVENTED THE NEED FOR DREDGING OF THE ADJACENT HAUL OUT SLIP AND HAS NOT CAUSED THE SOUTHWARD BAY BETWEEN MY PROPERTY AT 135 IDLEWOOD LANE, LANCASTER OR THE OTHER THREE PROPERTIES BETWEEN US. THERE DOES NOT SEEM TO BE ANY INFORMATION CONCERNING ALTERED CURRENT FLOW OR RAMIFICATIONS TO BOTTOM SILTING OR SAND MOVEMENT IN EITHER THE APPLICATION TO THE COE OR TO VMRC. I BELIEVE THIS TO BE A SIGNIFICANT ERROR THAT MUST BE ADDRESSED. THE PROPOSED RAMP WILL FIRST INTERFERE WITH THE CURRENT FLOW AT APPROXIMATELY 50 FEET FROM THE SHORELINE/HEAD OF THE PROPOSED RAMP. THAT WOULD MEAN THAT 35' OF RAMP WOULD BE INTERFERING WITH THE NATURAL FLOW. THAT HAS TO CAUSE A CHANGE IN SEDIMENT MOVEMENT.

2 IT IS A FACT THAT THE APPLICANT HAS, WITHOUT THE APPROPRIATE PERMITS ALREADY INSTALLED "MANY" TRUCKLOADS OF GRAVEL IN THIS LOCATION FOR THE PURPOSE OF CREATING A LARGER RAMP FOR THE HAULING OF LARGE CATAMARANS. EVIDENCE OF THIS CAN BE CLEARLY SEEN BY A QUICK GOOGLE EARTH PICTURE OF THE STORAGE YARD SHOWING NO LESS THAN FOUR LARGE CATAMARANS THAT COULD NOT HAVE BEEN SAFELY HAULED ON THE CURRENT SMALL BOAT RAMP APPROXIMATELY 8' X 30' .

Yankee
Pt.

Date: January 5, 2025

To: Lancaster County Wetlands Board

Cc: Ms. Olivia Hall, Director of Planning and Land Use, Lancaster Country

Ms. Nancy Davis, U.S. Army Corps of Engineers

Ms. Khadijah Payne, VMRC

From: Kenneth M. Knull, 135 Idlewood lane, Lancaster, VA 22503

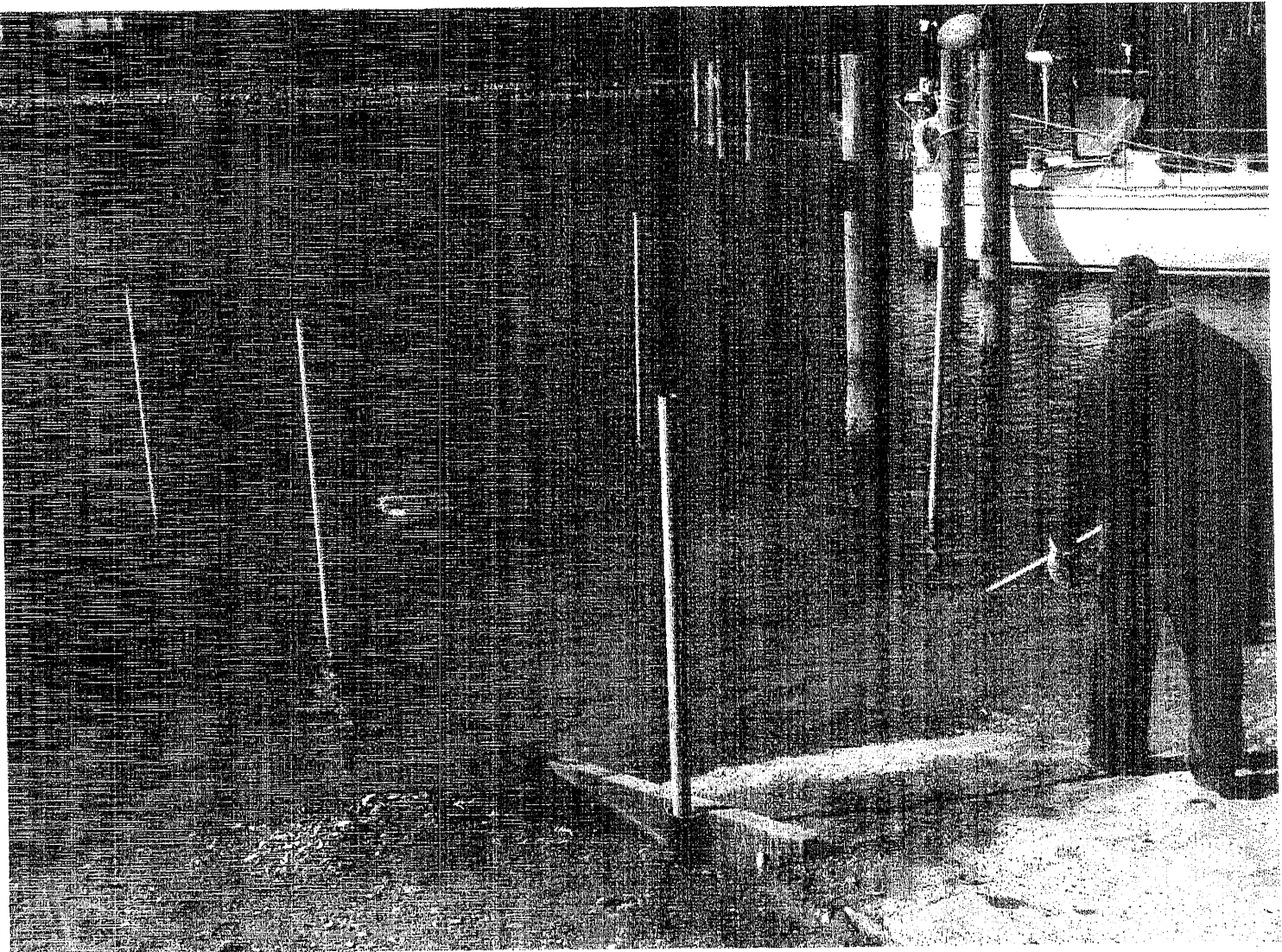
Subject: Objection to Approval of JPA NOA-2024-02598, VMRC #24-2369 Application for Construction of Replacement Boat Ramp at Yankee Point Marina at 1303 Oak Hill Road, Lancaster, VA 22503

Dear Board Members,

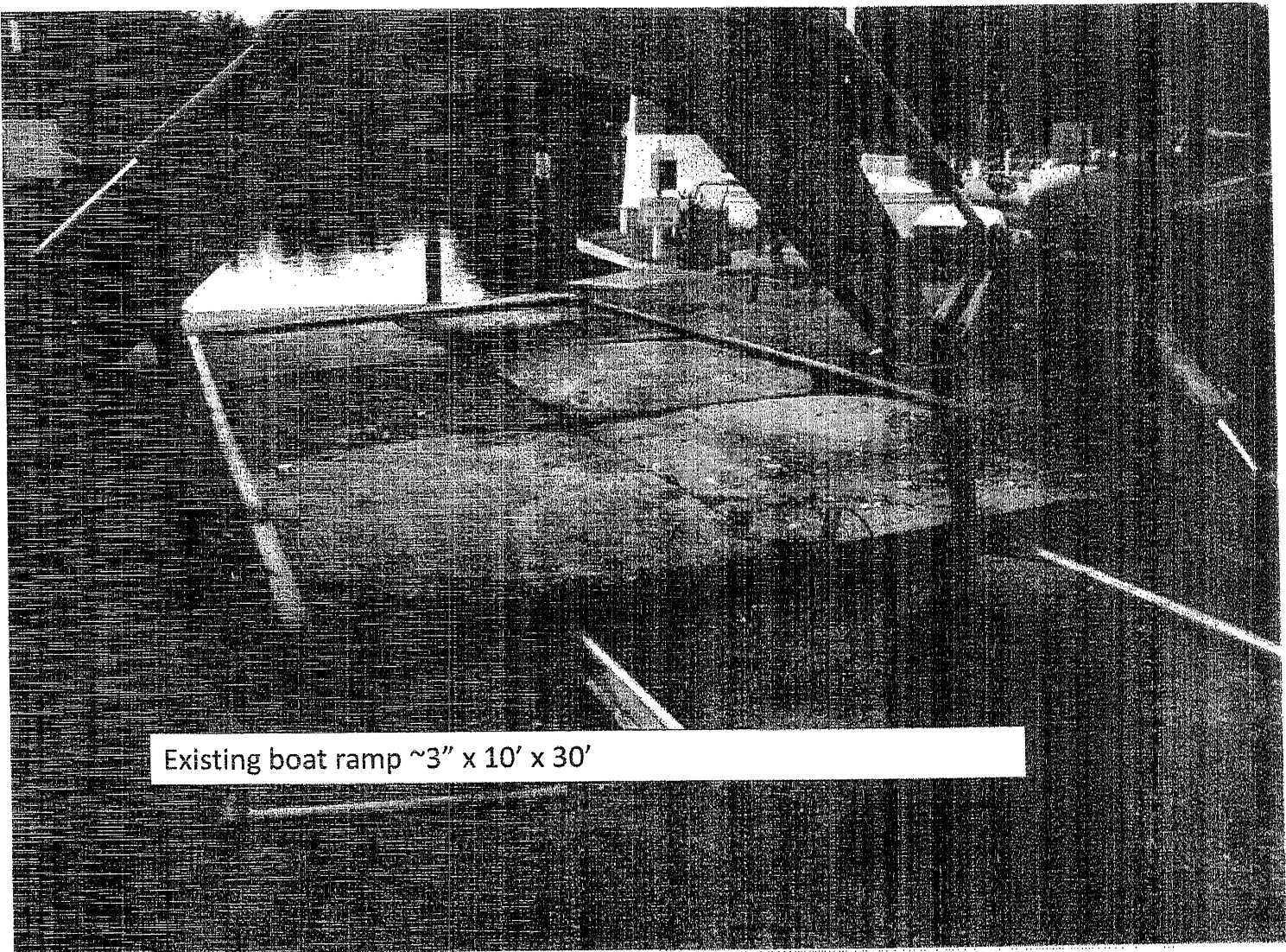
As a nearby property owner and past owner of Yankee Point Sailboat Marina for over 22 years, I must object to the issuance of a permit for the proposed application. I do so on the following grounds:

1. The Application purpose itself is grossly in error and misleading. The application reads "The purpose is to provide safer access to the water by replacing the failing boat ramp. The secondary purpose is to protect the boat ramp area."
 - a. In fact, the existing ramp is a group of 6 reinforced concrete slabs held together by steel channel and is approximately 3" x 10' x 30' (300 square feet in area) on the creek bottom. At the end of the existing ramp, the bottom drops off to between 4' and 6.5' that is kept open by the natural current flow.
 - b. The "replacement" structure is to be a 1 foot thick, 14' x 85' concrete ramp or 1,190 square feet built up on fill gravel to support the structure.
 - c. An almost 5 times increase in size is not a "replacement" it is a new construction of a much larger structure.
 - d. It is understandable that the Army COE did not object initially to this permit because so much information was not presented in the application. The existing ramp was not described and the bottom contour was not addressed at all. Further the current flow indicator would make one think that the current was not an issue at all. I would hope that the additional information I am providing will spark the ACOE to readdress this issue.
2. The existing natural current flows around the point where the proposed new ramp will be constructed. This flow has always kept the marina's haul-out slip free from the need to dredge and has kept the small bay just to the South of the point navigable to the four properties in this area. The proposed new ramp and the permanent vinyl jetty on either side do not meet the JPA Scope of Activities (JPA Section II.B.3 as it will without a doubt will present a "LOSS" as defined in the Joint Permit Application Section IV Definitions, as " ...permanent discharge of dredged or fill material that change an aquatic area to dry land or increase the bottom elevation of a water body". The new ramp plans also violate the JPA General Conditions in JPA Section VI.28 in that they will cause the "obstruction of high flows: Discharges of dredged or fill material must not permanently restrict or impede the passage of normal or expected high flows". It will alter the natural flow of the current

EXISTING 10x30' Ramp at time of Marina Sale

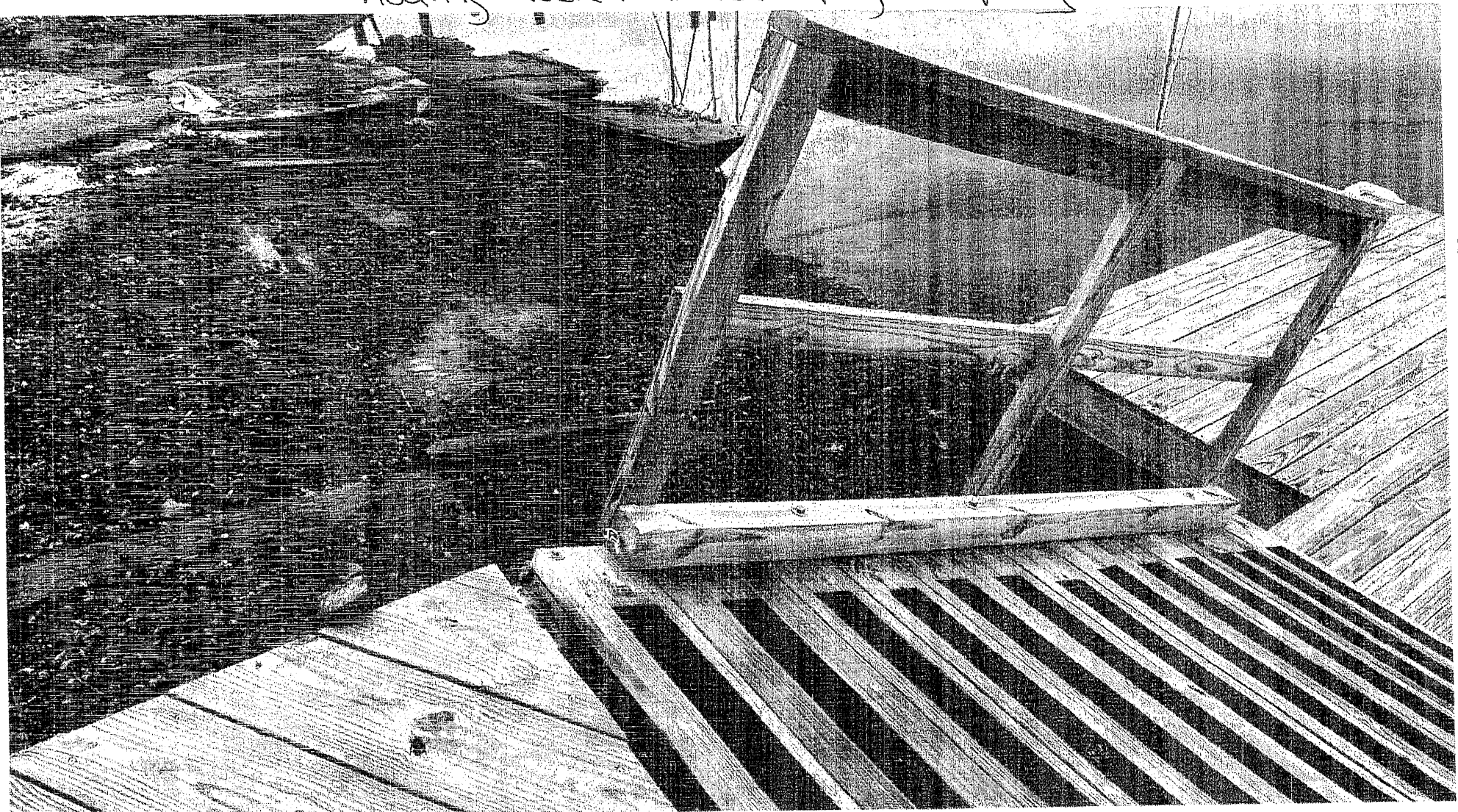


Six(1) pre-poured concrete slabs contained in steel channel



Existing boat ramp ~3" x 10' x 30'

1/3/25 Photo of ramp area - new gravel + non-permitted
floating dock + articulating walkway

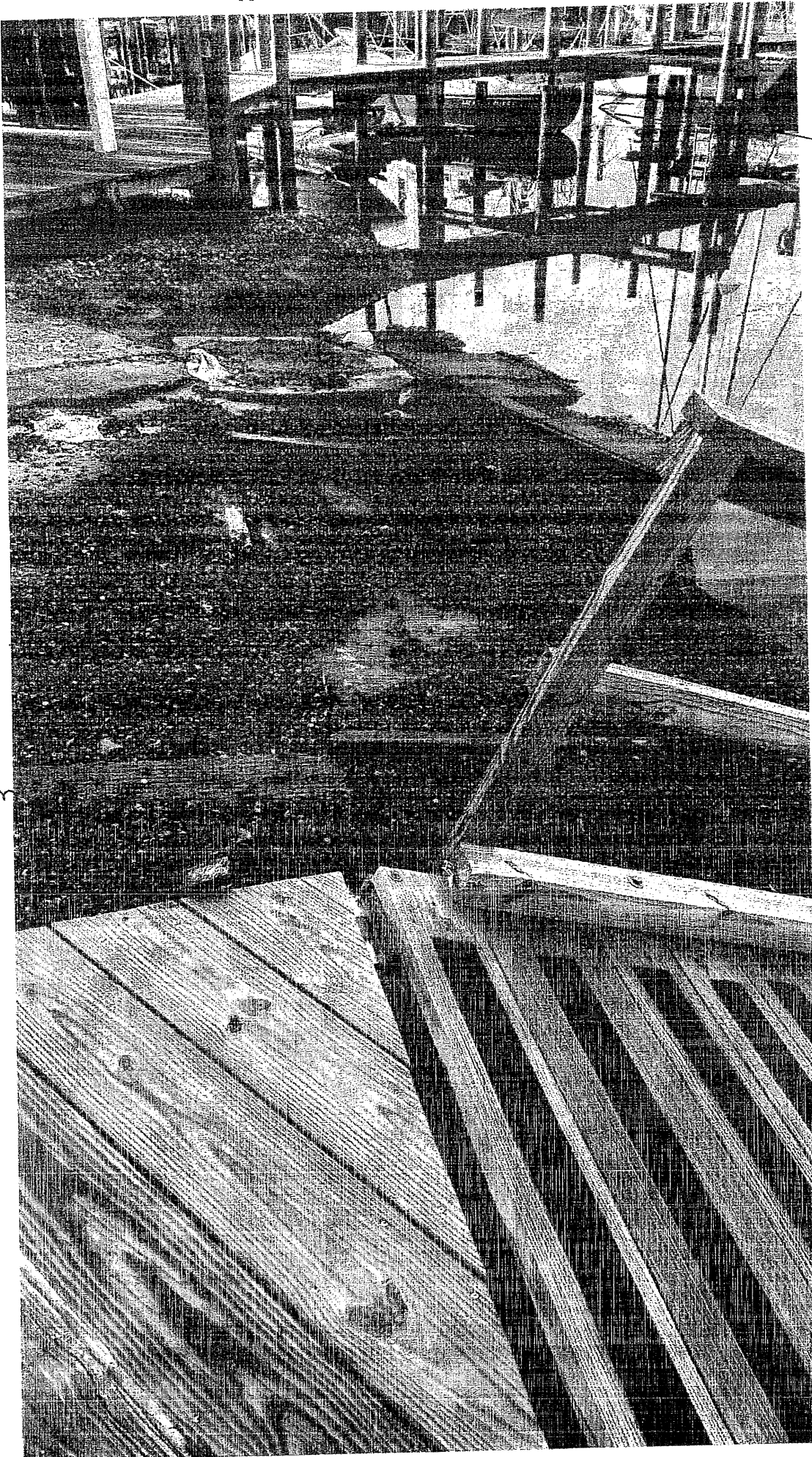


1/3/25

Photo
very
Low
Tide

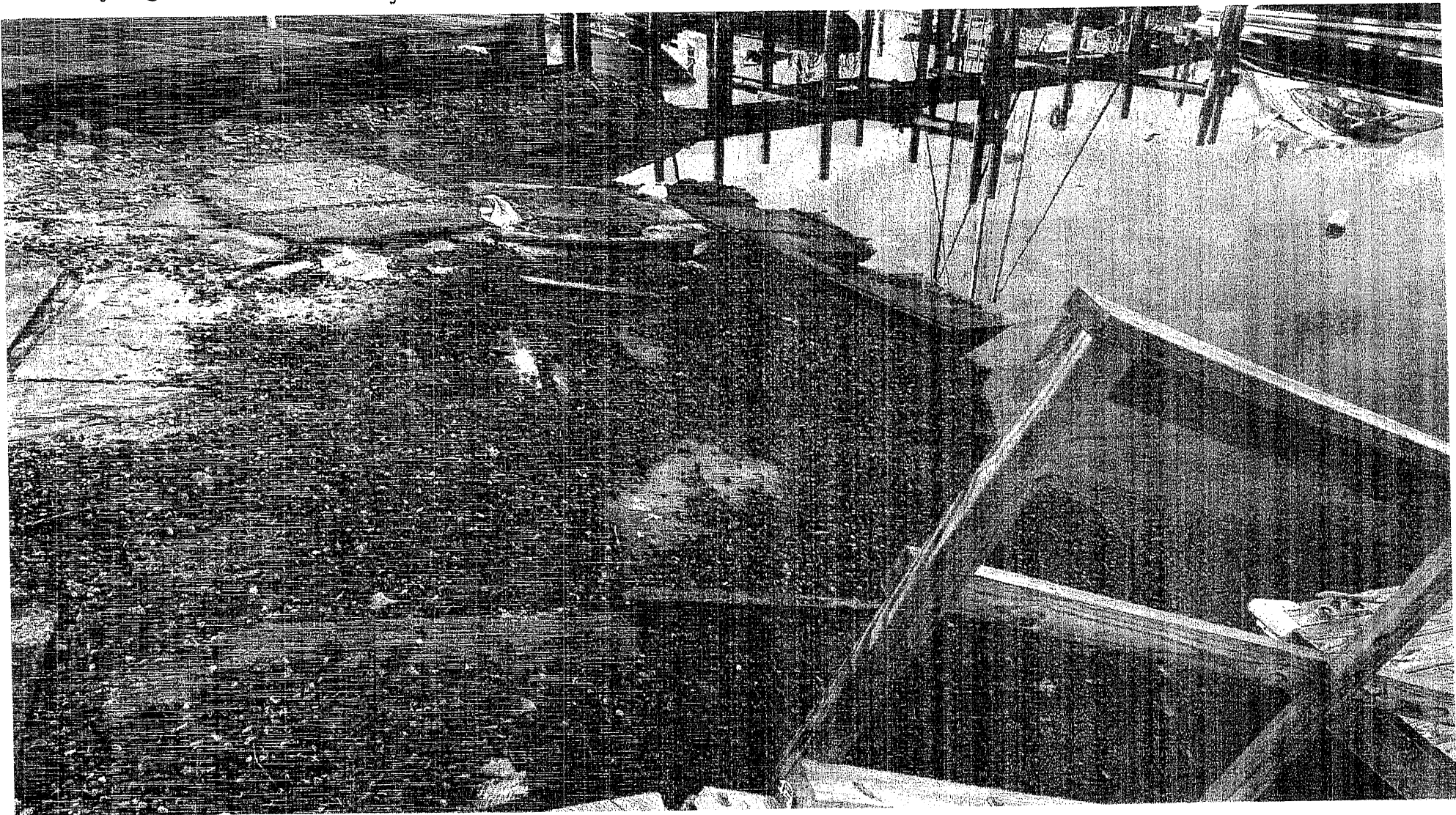
Plate
Steel
+
gravel

are
new
+
un-perm
itted

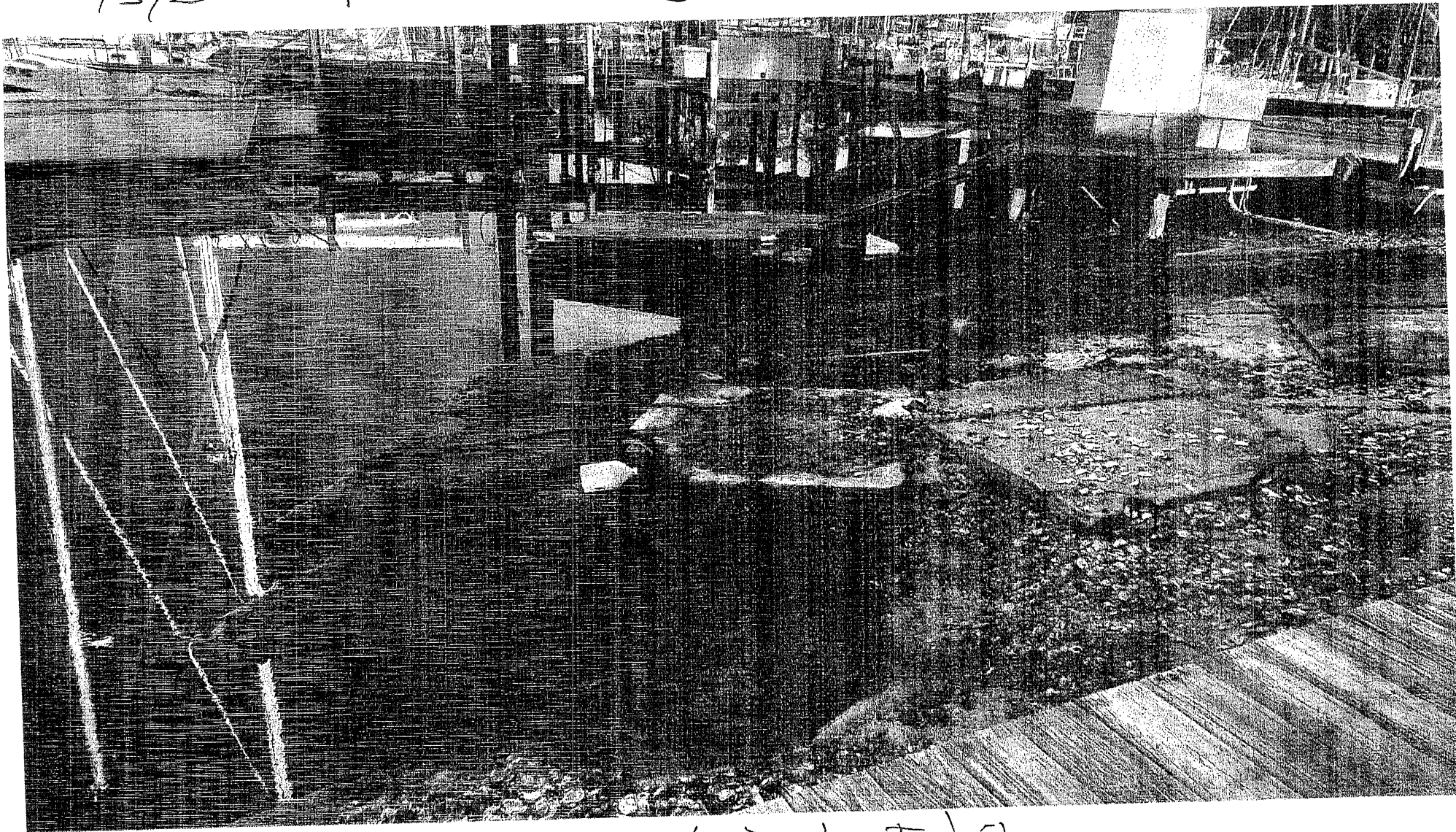


4' draft
sailboat

1/3/25 New gravel extends into deep water

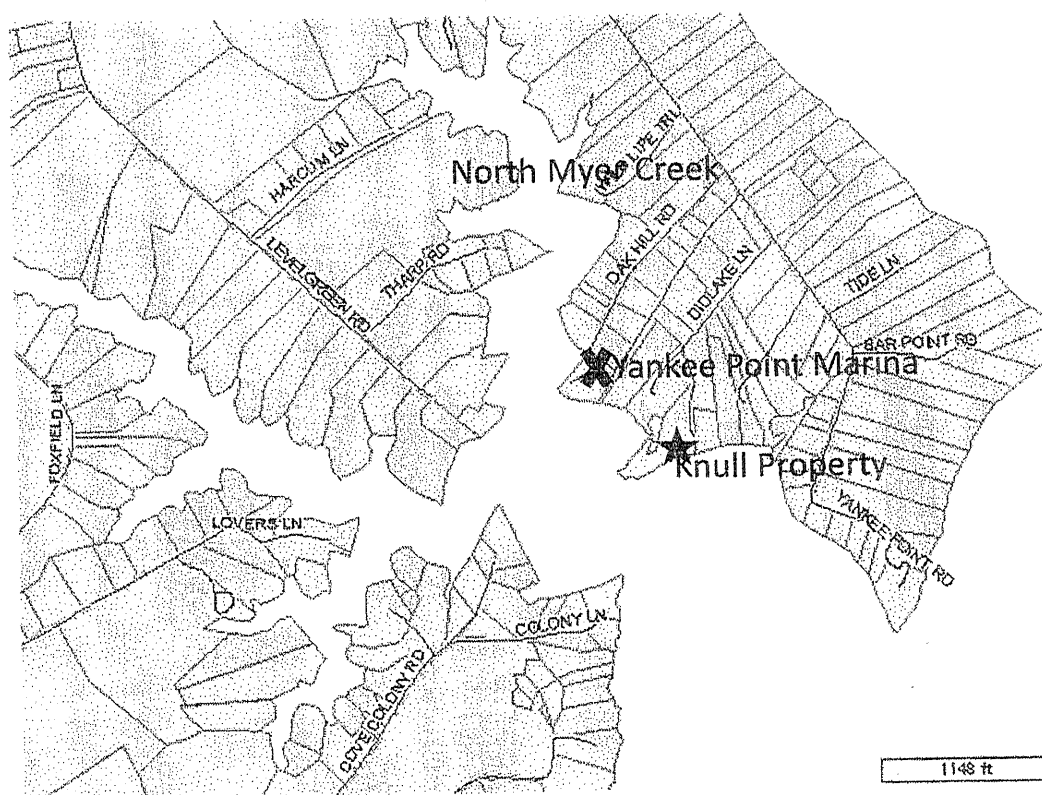


1/3/25 Un-permitted floating dock + ramp. End of old ramp

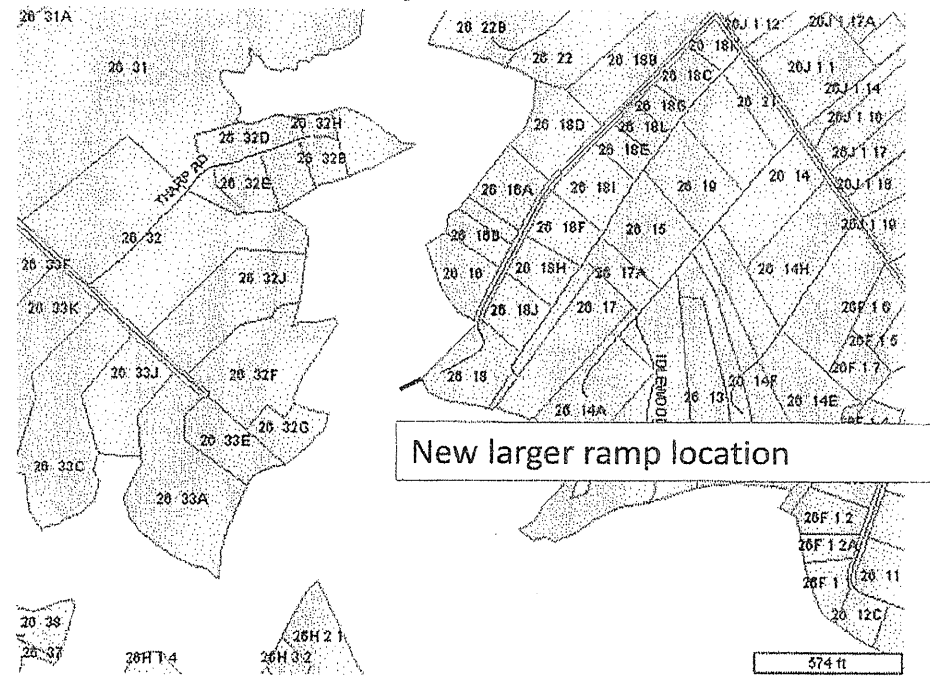


drops off to 4 - 6.5 - 8' in short distance

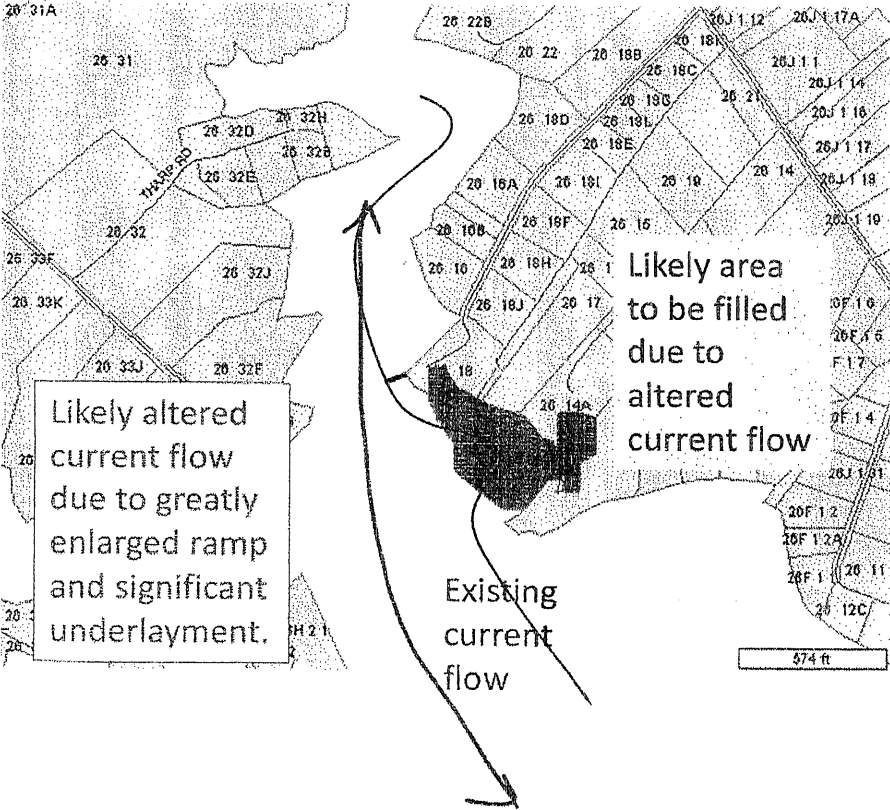
North Myer Creek – large tidal ebb and flow area



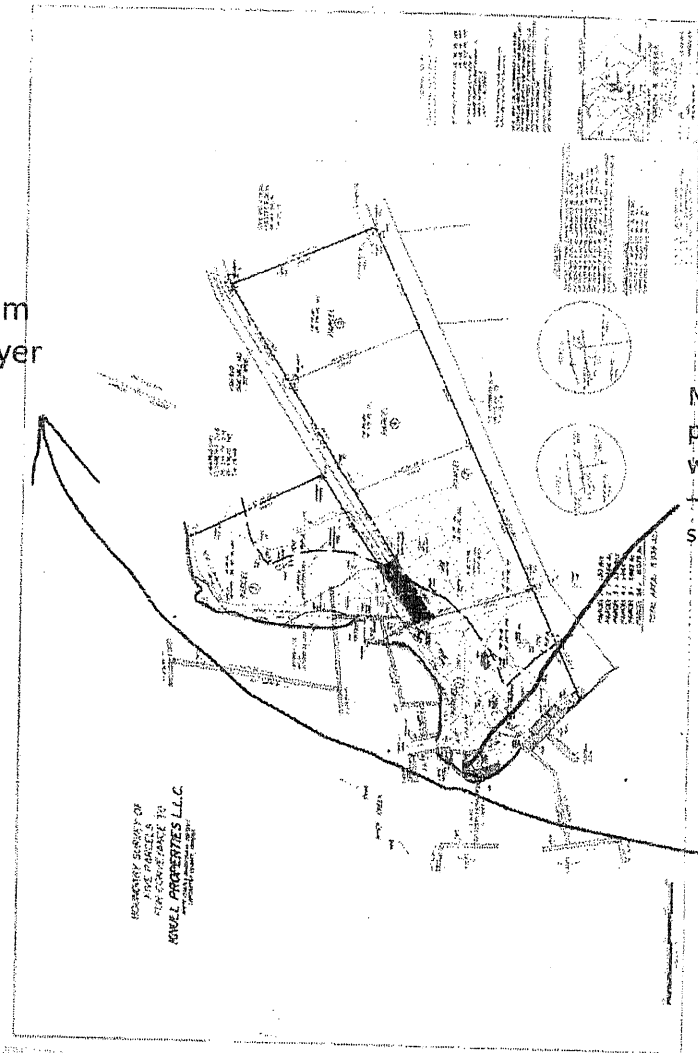
Location of New Ramp



Ramp is directly in high volume area of tidal flow



Current flow to/from
North branch of Myer
Creek

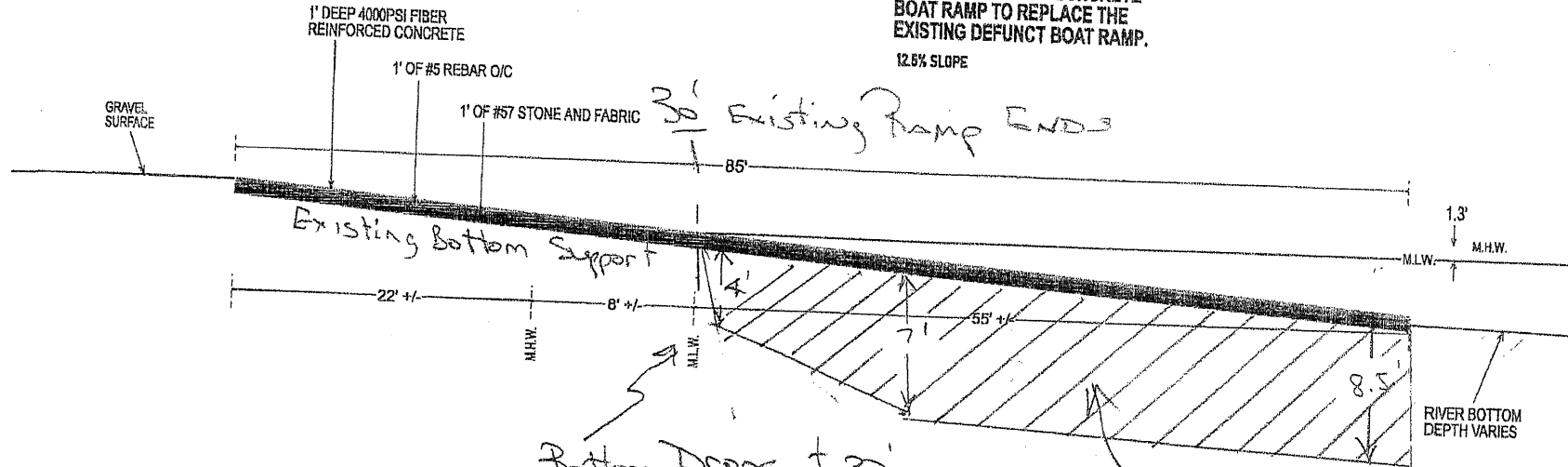


Note: current flow is directly
past end of existing 30' ramp
where bottom drops off to 4'
+ 6' immediately. See next
slides.

DEPTHS BASED ON SLIP SPECIFICATIONS USED DURING PREVIOUS
OWNER'S MANAGEMENT OF MARINA, CLOSEST SLIPS TO RAMP
ARE Q-1 + B-21.

BOAT RAMP SECTION VIEW

PROPOSED 14' X 85' CONCRETE
BOAT RAMP TO REPLACE THE
EXISTING DEFUNCT BOAT RAMP.
12.5% SLOPE



Fill Required obstructing
Tidal Flow

APO TO THE NORTH:
JOHN F. & LAURIE A. PAXTON
PARCEL: 26-10A
0625 SEVEN SISTERS DR.
ASHLAND, VA 23005

PROPERTY OWNER:
YAUCE POINT MARINA, LLC
PARCEL: 26-1B
1303 OAK HILL RD.
LANCASTER, VA 22503

APO TO THE SOUTHEAST:
COHLISS SAUNDERS BRENT &
JAMES A. BRENT, JR.
PARCEL: 26-17B
133 SAUNDERS LN.
LANCASTER, VA 22503

COUNTY: LANCASTER

DESIGNED BY: DOCKS OF THE BAY

DRAWN BY: BRYAN MCDEARMON

PROPERTY OWNER: YAUCE POINT MARINA, LLC

SITE LOCATION:

1303 OAK HILL RD.
LANCASTER, VA 22503

CORROTOMAN RIVER

JPA

PERMIT DRAWINGS

NOTE: DRAWINGS ARE FOR PERMITTING PURPOSES ONLY

JOB TITLE:

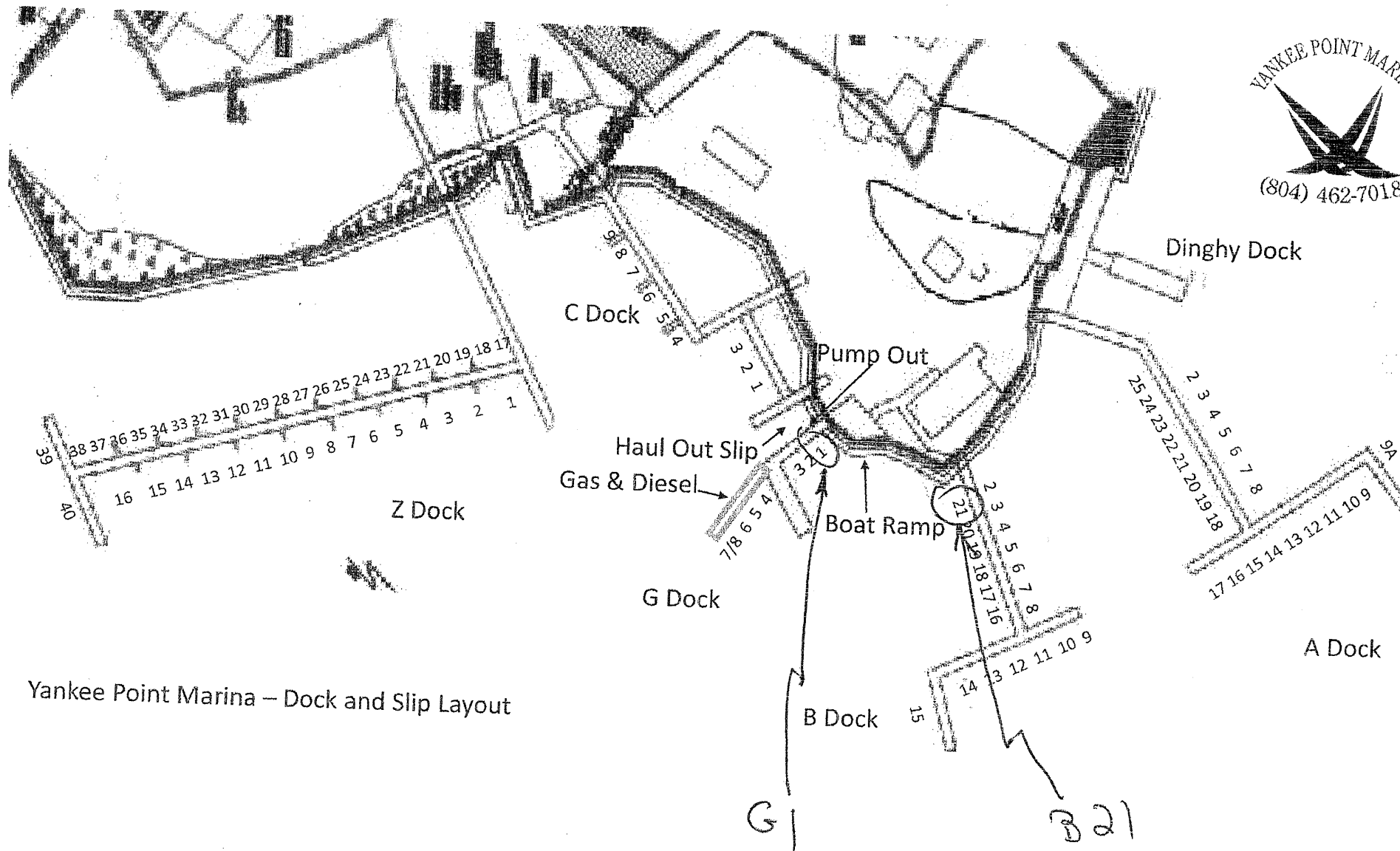
PROPOSED BOAT RAMP
REPLACEMENT

M
MAC BROS, LLC

PARCEL: 26-1B
PROJECT: YAUCE POINT MARINA
SCALE: N.T.S.
DATE: 7-10-2024

SH. 12 OF 13
BOAT RAMP
SECTION VIEW

Received by VMRC October 2, 2024 bjh
Received by VMRC November 6, 2024 bjh



Yankee Point Marina – Dock and Slip Layout

Yankee Point Sailboat Marina
SLIP SPECIFICATIONS PRICING
FINGER - ASSUMES BOATS COME IN - BOW IN

Dock	Slip	Price	Draft - ft	Beam - ft.	LOA - ft	FINGER	Dock	Slip	Price	Draft - ft	Beam - ft.	LOA - ft	FINGER
A	2	\$ 1,080	2.0	13.0	30	STBD	C	8	\$ 1,850	6.0	15.0	30.0	PORT
A	3	\$ 1,080	3.5	14.5	30	PORT	C	9	\$ 1,080	4.5	14.2	30.0	STBD
A	4	\$ 1,080	4.0	14.0	30	STBD	C	10	\$ 1,080	2.0	10.0	15.0	PORT
A	5	\$ 1,080	5.5	14.0	30	PORT	G	1	\$ 1,080	4.0	13.0	30.0	PORT
A	6	\$ 1,850	7.0	14.0	30	STBD	G	2	\$ 1,850	6.5	14.6	30.0	STBD
A	7	\$ 1,850	8.0	14.2	30	PORT	G	3	\$ 2,550	7.0	14.0	30.0	FULL
A	8	\$ 2,180	8.5	12.5	30	FULL	G	4	\$ 2,425	8.0	12.7	40.0	FULL
A	9	\$ 2,550	9.0	15.3	40	FULL	G	5	\$ 2,550	8.0	15.0	53.0	PORT
A	9A	\$ 3,130	8.5	16.3	48	FULL	G	6	\$ 2,715	8.0	15.0	53.0	STBD
A	10	\$ 2,200	9.0	12.8	40	PORT	G	7	\$ 2,715	8.0	15.0	53.0	PORT
A	11	\$ 2,200	9.0	12.5	40	STBD	G	8	\$ 2,715	8.0	15.0	53.0	STBD
A	12	\$ 2,200	9.0	15.0	40	PORT	Z	1	\$ 2,850	9.0	19.9	40.0	FULL
A	13	\$ 2,200	9.0	12.8	40	STBD	Z	2	\$ 2,200	9.0	17.8	40.0	STBD
A	14	\$ 2,200	9.0	13.1	40	PORT	Z	3	\$ 2,200	9.0	19.3	40.0	PORT
A	15	\$ 2,200	9.0	10.5	40	STBD	Z	4	\$ 2,200	9.0	18.3	40.0	PORT
A	16	\$ 2,200	9.0	13.7	40	PORT	Z	5	\$ 2,200	9.0	17.2	40.0	STBD
A	17	\$ 2,200	9.0	13.0	40	STBD	Z	6	\$ 2,200	9.0	15.9	40.0	PORT
A	18	\$ 2,550	9.0	11.5	40	FULL	Z	7	\$ 2,200	9.0	19.4	40.0	STBD
A	19	\$ 2,200	8.5	13.8	40	STBD	Z	8	\$ 2,200	9.0	15.9	40.0	PORT
A	20	\$ 2,200	8.5	13.2	40	PORT	Z	9	\$ 2,200	9.0	17.5	40.0	STBD
A	21	\$ 2,200	8.0	13.2	40	STBD	Z	10	\$ 2,200	9.0	18.3	40.0	PORT
A	22	\$ 2,200	7.5	13.7	40	PORT	Z	11	\$ 2,200	9.0	16.5	40.0	STBD
A	23	\$ 1,850	6.5	12.7	40	STBD	Z	12	\$ 2,200	9.0	18.0	40.0	PORT
A	24	\$ 1,850	5.0	13.3	30	PORT	Z	13	\$ 2,200	9.0	17.7	40.0	STBD
A	25	\$ 1,080	4.0	13.0	30	STBD	Z	14	\$ 2,200	9.0	16.5	40.0	PORT
B	2	\$ 1,080	2.0	14.0	33	PORT	Z	15	\$ 2,200	9.0	17.3	40.0	STBD
B	3	\$ 1,850	7.0	14.0	33	PORT	Z	16	\$ 2,550	9.0	16.6	40.0	FULL
B	4	\$ 1,850	8.0	14.0	33	STBD	Z	17	\$ 1,400	4.5	15.0	25.0	FULL
B	5	\$ 1,850	8.5	14.3	33	PORT	Z	18	\$ 1,080	4.5	15.0	25.0	STBD
B	6	\$ 1,850	8.5	14.5	33	STBD	Z	19	\$ 1,080	4.5	15.0	25.0	PORT
B	7	\$ 1,850	8.5	14.5	33	PORT	Z	20	\$ 1,080	4.5	15.0	25.0	STBD
B	8	\$ 2,200	8.5	13.7	33	FULL	Z	21	\$ 1,080	4.5	15.0	25.0	PORT
B	9	\$ 2,200	8.5	14.5	40	PORT	Z	22	\$ 1,080	4.5	15.0	25.0	STBD
B	10	\$ 2,200	8.0	16.3	40	STBD	Z	23	\$ 1,080	4.5	15.0	25.0	PORT
B	11	\$ 2,200	8.5	15.0	40	PORT	Z	24	\$ 1,080	4.5	15.0	25.0	STBD
B	12	\$ 2,200	8.5	14.8	40	STBD	Z	25	\$ 1,080	4.5	15.0	25.0	PORT
B	13	\$ 2,200	8.5	16.0	40	PORT	Z	26	\$ 1,080	4.5	15.0	25.0	STBD
B	14	\$ 2,550	8.5	16.3	40	FULL	Z	27	\$ 1,080	4.5	15.0	25.0	PORT
B	15	\$ 3,130	8.5	18.5	48	FULL	Z	28	\$ 1,080	4.5	15.0	25.0	STBD
B	16	\$ 2,550	8.5	14.0	40	FULL	Z	29	\$ 1,080	4.5	15.0	25.0	PORT
B	17	\$ 2,200	8.5	14.5	40	STBD	Z	30	\$ 1,080	5.0	15.0	25.0	STBD
B	18	\$ 2,200	8.5	14.5	40	PORT	Z	31	\$ 1,080	5.0	15.0	25.0	PORT
B	19	\$ 2,200	8.0	14.5	40	STBD	Z	32	\$ 1,080	5.0	15.0	25.0	STBD
B	20	\$ 2,200	7.0	13.8	40	PORT	Z	33	\$ 1,850	5.0	15.0	25.0	PORT
B	21	\$ 2,200	6.5	14.5	40	STBD	Z	34	\$ 1,850	6.5	15.0	25.0	STBD
C	1	\$ 3,130	7.0	17.5	45	FULL	Z	35	\$ 1,850	6.5	15.0	30.0	PORT
C	2	\$ 2,575	6.5	15.7	45	PORT	Z	36	\$ 1,850	6.5	15.0	30.0	STBD
C	3	\$ 3,250	6.5	16.5	50	FULL	Z	37	\$ 1,850	6.5	15.0	30.0	PORT
C	4	\$ 1,850	6.5	11.0	30	PORT	Z	38	\$ 2,180	6.5	15.0	30.0	STBD
C	5	\$ 1,850	6.0	12.7	30	STBD	Z	39	\$ 2,550	7.5	17.0	35.0	FULL
C	6	\$ 1,850	6.0	14.0	30	PORT	Z	40	\$ 3,140	7.5	17.0	45.0	FULL
C	7	\$ 1,850	6.0	15.5	30	STBD							

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: Revision to Additional Objection toto Approval of JPA NOA-2024-02598, VMRC #24-2369 Application for Construction of Replacement Boat Ramp at Yankee Point Marina at 1303 Oak Hill Road, Lancaster, VA 22503
Date: Thursday, March 13, 2025 12:59:54 PM
Attachments: [WetlandsBdltr031322025.docx](#)

protestant
24-2369

From: Ken Knull <kenknull2@gmail.com>
Sent: Thursday, March 13, 2025 11:12 AM
To: Olivia Hall <ohall@lancova.com>; Nancy.P.Davis@usace.army.mil; Reams, Brad (MRC) <brad.reams@mrc.virginia.gov>
Subject: Revision to Additional Objection toto Approval of JPA NOA-2024-02598, VMRC #24-2369 Application for Construction of Replacement Boat Ramp at Yankee Point Marina at 1303 Oak Hill Road, Lancaster, VA 22503

Please see the remarks I made today (added to the end of yesterday's objection) made at today's Wetlands Board Meeting. I have tried to provide an alternative to the proposed site that will have no adverse effects on the surrounding wetlands or waterways.

I have a survey of the property and am willing to answer any questions that anyone may have.

Thank you for your attention to this issue.

Best Regards,

Ken Knull

Date: March 12, 2025

To: Lancaster County Wetlands Board

Cc: Ms. Olivia Hall, Director of Planning and Land Use, Lancaster Country

Ms. Nancy Davis, U.S. Army Corps of Engineers

Mr. Brad Reams, VMRC

From: Kenneth M. Knull, 135 Idlewood lane, Lancaster, VA 22503

Subject: Additional Objection to Approval of JPA NOA-2024-02598, VMRC #24-2369 Application for Construction of Replacement Boat Ramp at Yankee Point Marina at 1303 Oak Hill Road, Lancaster, VA 22503

Dear Board Members,

As a nearby property owner and past owner of Yankee Point Sailboat Marina, I must object to the issuance of a permit for the proposed application. I do so on the following grounds:

I believe this application to be deficient in that the full dimensions of the proposed major enlargement of the boat ramp are not disclosed. Specifically, it does not indicate the volume of materials that will be introduced to the site which will potentially affect the flow of Myer Creek tide-currents.

The two-dimensional drawing does not include any mention of the depth of water at the land side of the ramp, at the point 30' from the beginning of the old ramp (although Mr. Patterson did, in his remarks to the Wetlands board's first review admit that the water depth at that point is 8') or at the waterside end of the 85' ramp. Additionally, there is no dimension of the depth of the ramp to the MLW line at the end of the 85' ramp. Consequently, neither the Wetlands Board nor the Army Corps of Engineers nor VMRC board could form an informed opinion of the effects that this ramp could have on the surrounding waters. I submit that this information is both critical and readily available since without it, it would be impossible for the applicant to obtain quotes for this project from contractors. I request that this information be provided prior to proceeding.

All of my previous objections remain in effect.

Best Regards,

Ken Knull

135 Idlewood Lane, Lancaster, VA 22503

Plat/Parcel Number 26-14C

Phone: 804-761-2608

eMail: kenknoll2@gmail.com

Attachments:

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: Dry Hydrant
Date: Thursday, March 13, 2025 12:58:47 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)

24-2369

From: bryan.macbros@gmail.com <bryan.macbros@gmail.com>
Sent: Thursday, March 13, 2025 7:54 AM
To: Reams, Brad (MRC) <brad.reams@mrc.virginia.gov>
Subject: FW: Dry Hydrant

Good morning Brad,

I just received official word that the dry hydrant is indeed for the county to use.

Please see the below message from Todd

Thank you sir, have a good morning!

Bryan McDearmon
Mac Bros, LLC
Cell: 804-517-6753
Email: bryan.macbros@gmail.com



From: Todd Patterson <todd@yankeepointmarina.com>
Sent: Thursday, March 13, 2025 7:16 AM
To: bryan.macbros@gmail.com
Subject: RE: Dry Hydrant question from VMRC 3-12-25

It is for the counties use

Thanks

C. Todd Patterson
Yankee Point Marina
B+G Yacht Management & B+G Marine Services – British Virgin Islands
Lancaster VA | British Virgin Islands
+1.804.462.7635 | +1.284.345.2656

Westminster-Canterbury on Chesapeake Bay
#2024-2475

1. Habitat Management Evaluation dated March 25, 2025
(Pages 1-3)
2. Original application drawings dated-received October 11, 2024
(Pages 4-9)
3. Revised application drawings dated-received January 24, 2025
(Pages 10-15)
4. Application materials - City of Virginia Beach acknowledgment of pier easement dated-received December 30, 2024
(Page 16)
5. Letters of opposition dated-received December 13, 2024 - February 20, 2025
(Pages 17-24)
6. City of Virginia Beach Department of Public Works comment dated-received December 18, 2024
(Pages 25-26)
7. Virginia Department of Health comments dated-received December 20, 2024, and February 20, 2025
(Pages 27-31)
8. City of Virginia Beach Wetlands Board permit dated-received March 19, 2025
(Pages 32-35)
9. U.S. Army Corps of Engineers PASDO permit dated-received March 11, 2025
(Pages 36-39)

March 25, 2025

HABITAT MANAGEMENT DIVISION EVALUATION

WESTMINSTER-CANTERBURY ON CHESAPEAKE BAY, #24-2475, requests authorization to remove a failed timber pier and construct a new concrete pier for the exclusive use of Westminster-Canterbury residents as part of the proposed Westminster-Canterbury on Chesapeake Bay campus expansion situated at property off Ocean Shore Avenue along the Chesapeake Bay in the City of Virginia Beach.

Narrative

The project site is located north of Shore Drive and east of the Lesner Bridge and Lynnhaven Inlet adjacent to the former Lynnhaven Fish House property. The applicant is requesting to construct a 230-foot-long by 20-foot-wide concrete pier in the same alignment as the existing dilapidated timber pier. The pier will have a variable clearance above the beach substrate of approximately 10 to 15 feet and will be more than three (3) feet higher than the clearance of the existing pier that will be removed. The landward extent of the pier will connect to a pavilion platform previously approved by the City's wetlands board (VMRC #2023-2775) on February 22, 2024. Once constructed, the pier will be for the exclusive use of Westminster-Canterbury residents.

Since the submittal and processing of the original application, the City of Virginia Beach nourished the beach in the vicinity of the pier proposal (VMRC #2020-2310). A new survey was completed in December 2024; revised drawings dated December 10, 2024, using the updated survey profiles depict the entire pier structure located over nourished beach. As of March 15, 2025, however, approximately one-third (), or about 7 to 8 pile bents of the existing pier is positioned channelward of mean low water (MLW) due to the net east to west littoral drift patterns known for the nourished area.

In accordance with §28.2-1200.1.B.3 of the Code of Virginia pertaining to the conveyance of state-owned bottomlands, ownership of state-owned submerged lands shall not be conveyed for areas lawfully filled for public beach nourishment projects. Therefore, the portion of the pier to be constructed channelward of mean low water, as surveyed in July 2024, requires a Commission permit.

As part of the Commission's public/agency review process, staff notified adjacent riparian property owners and the Virginia Department of Health (VDH). A project advertisement was also published in the Virginian Pilot.

Issues

Commission staff received a total of seven (7) comments in opposition; five (5) from nearby property owners, and two (2) from a homeowner association president. Per their correspondence, their objections are that the pier is unnecessary development; would be visually unsightly and lead to larger crowds on the beach; would increase beach erosion; would limit access beneath and to the west of the pier during construction; and would degrade the quality of life for nearby residents. Concerns were raised regarding the inability for the public to access the pier (the existing, failed timber pier was previously part of the former Lynnhaven Fish House property and despite being privately owned, was open to the public for a fee). Additional objections pertain to issues with the broader construction of the 22-story campus expansion; the property owners' history of poor construction practices (e.g., failure to promptly clean up debris after a storm); and issues with our agency's public notification process. One comment was received with no specific position but questioned the impacts to overall public beach use during construction.

The pier will cross a beach parcel owned by the City of Virginia Beach. The City has provided a signed notice indicating their awareness and agreement to the construction and operation of the proposed pier. Additionally, a permit was issued by the City's wetlands board for the encroachment over beach habitat. The Virginia Department of Health had no concerns with the proposal. The U.S. Army Corps of Engineers issued their permit for this work on November 21, 2024.

Summary/Recommendations

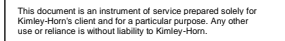
The protestants' concerns regarding the broader expansion and overall construction of the Westminster-Canterbury facility are outside of the purview of the Commission and left to the local government. The pier will have a final minimum clearance of over 10 feet allowing for pedestrian passage beneath the pier. The applicant has also indicated that the pier will be constructed in phases so that public beach access west of the pier will be maintained throughout construction. Additionally, the City of Virginia Beach has authorized the pier encroachment through city-owned property. The portion of the proposed pier and impacts over state-owned submerged lands appears to be appropriately designed.

While staff is sensitive to the protests of the nearby residents, as proposed, the pier will not exceed the footprint of the existing timber pier that has existed since at least the late 1950s. Therefore, staff feels that the project will not cause an increase of impacts to state-owned submerged lands or adjacent beaches. Any environmental impacts associated with the construction of the pier are anticipated to be minimal and temporary.

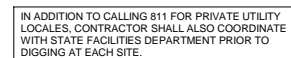
Summary/Recommendations (cont'd)

Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition and after considering all the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommends approval as submitted with an assessed royalty of \$3,940.00 for the encroachment over 3,940 square feet of state-owned submerged lands at a rate of \$1.00 per square foot.

PERMIT APPLICATION DRAWINGS



G001	COVER SHEET
S101	PIER PILE PLAN
S103	PIER DECK TOPPING SLAB PLAN
S301	PIER SECTIONS
SD101	DEMOLITION PLAN
SV100	HYDROGRAPHIC SURVEY



SPECIFIC PROJECT INFO:

THE NEW PIER IS DESIGNED FOR RECREATIONAL USE ONLY. THE PIER WILL ABUT A PAVILION AT WESTMINSTER CANTERBURY ON THE CHESAPEAKE BAY. THE PAVILION WILL BE CONSTRUCTED BY OTHERS. NO VEHICLE LOADS OR VESSEL LOADS ARE ANTICIPATED ON THIS PIER.

SCOPE OF WORK SUMMARY:

REPLACE EXISTING TIMBER PIER WITH A NEW CONCRETE PIER. THE NEW PIER WILL BE CONSTRUCTED IN THE EXACT FOOTPRINT OF THE EXISTING PIER. NO DREDGING IS REQUIRED.

OWNER

Westminster-Canterbury
on Chesapeake Bay

Kimley-Horn and
Associates, Inc.

David Pryor, P.E.
4525 Main Street, Suite 1000
Virginia Beach, VA 23462

WESTMINSTER
CANTERBURY

CLIENT PROJECT INFO

1	09/23/24	Permit Set
NO:	DATE	DRAWING ISSUE DESCRIPTION

DESIGNED BY: DWP
DRAWN BY: CTS
CHECKED BY: DWP
SCALE: 1" = 1'-0"
DATE: 9/23/2024
PROJECT NO: 116788008
FILENAME: _____

Project Status

G001

FILE NAME: \\V:\Projects\Land 2008 Projects\6118-00\Westminster Pier replacement\Draw\6118-00-35-01.dwg LAYOUT NAME: SHT 1 PLOTTED: Monday, July 01, 2024 - 11:15am

CHESAPEAKE BAY

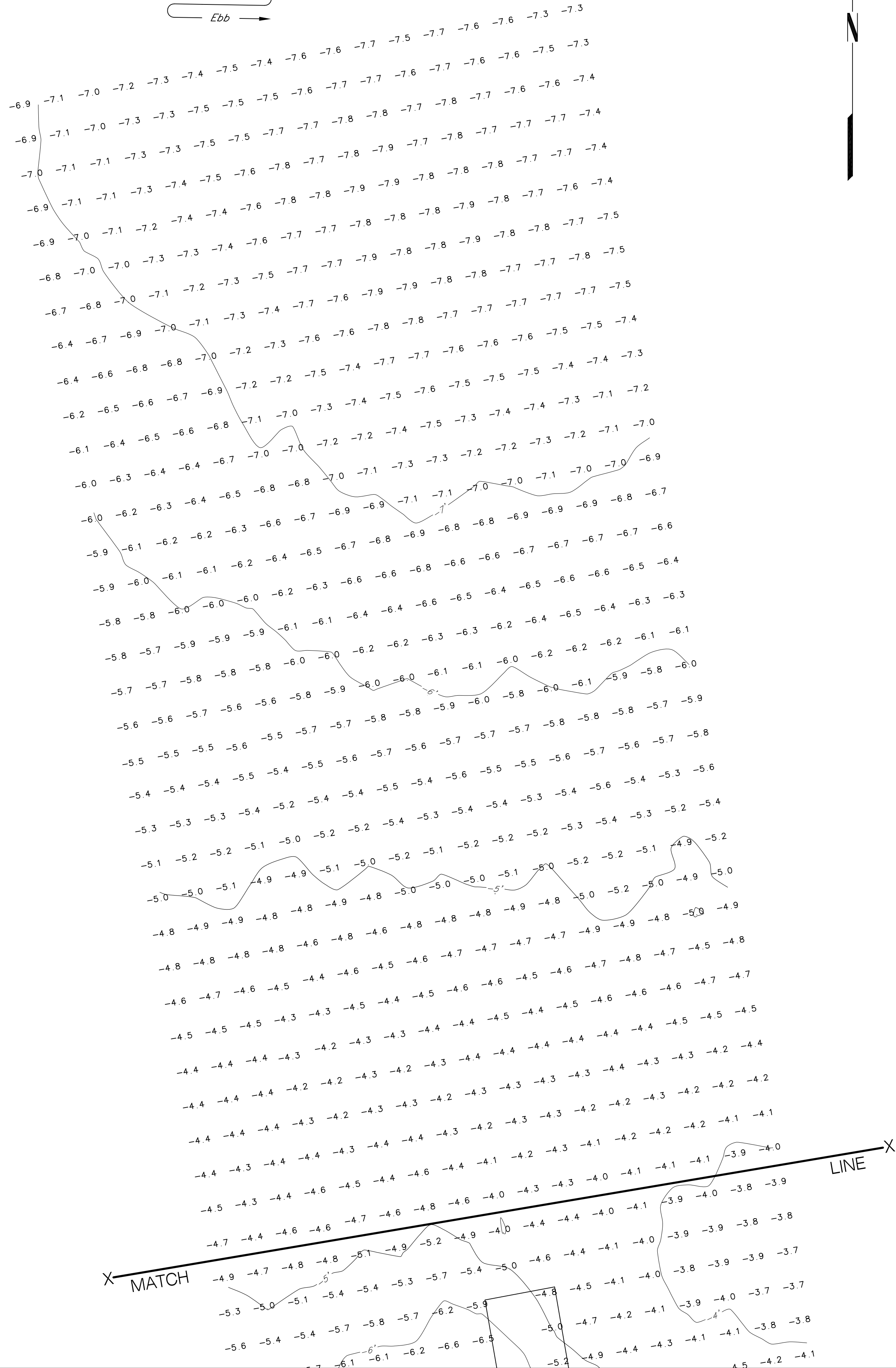
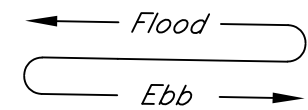
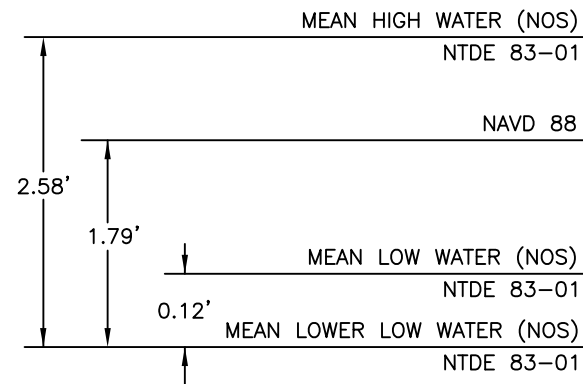


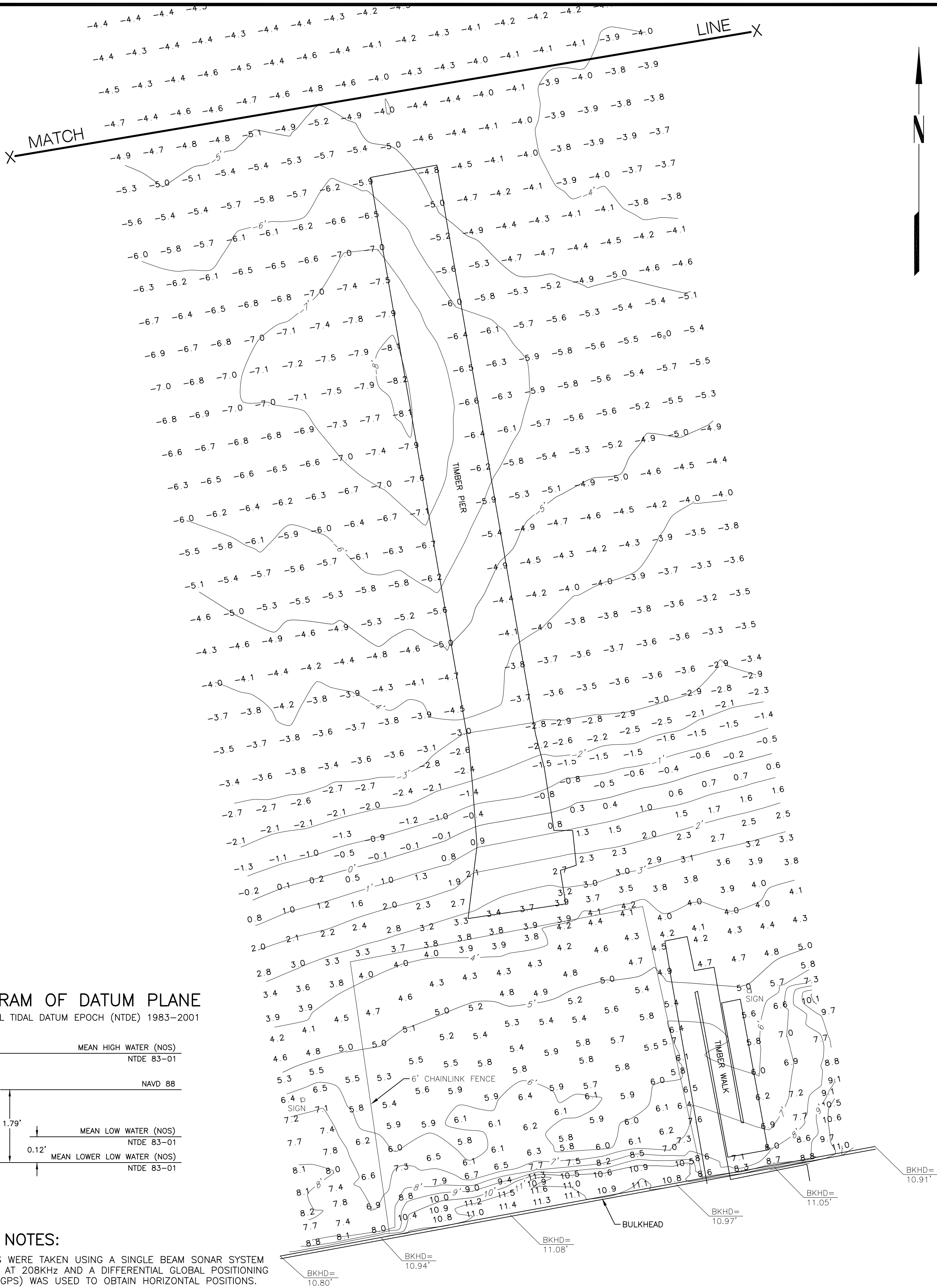
DIAGRAM OF DATUM PLANE

NATIONAL TIDAL DATUM EPOCH (NTDE) 1983-2001



SURVEY NOTES:

- SOUNDINGS WERE TAKEN USING A SINGLE BEAM SONAR SYSTEM OPERATING AT 208KHz AND A DIFFERENTIAL GLOBAL POSITIONING SYSTEM (DGPS) WAS USED TO OBTAIN HORIZONTAL POSITIONS.
- ELEVATIONS ARE IN FEET REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE TAKEN ON JUNE 24 & 25, 2024.
- BENCH MARK IS CITY OF VIRGINIA BEACH DISK STAMPED "H-2-1, 1977" ELEVATION = +4.04' ABOVE NAVD88.
- COORDINATES ARE IN U.S. SURVEY FEET REFERRED TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83).



DATE	DESCRIPTION OF REVISION	BY	APP

Waterway
Surveys & Engineering, Ltd.
321 Cleveland Place, Virginia Beach, Va. 23462
Tel: (757) 490-1691 Fax: (757) 490-1348

KIMLEY HORN
VIRGINIA BEACH, VIRGINIA
CONDITION SURVEY
WESTMINSTER PIER REPLACEMENT
SURVEY OF JUNE 2024

COMMONWEALTH OF VIRGINIA
Robert L. Taliaferro
Lic. No. 1939
07/01/24
LAND SURVEYOR

SURVEYED	DESIGNED
R.W.	N/A
DRAWN	REVIEWED
M.S.P.	R.L.T.
SCALE	DATE
1"=20'	07/01/24
DRAWING NO.	
6118-00-36-01	
S-01	
SHEET 1 OF 1	



Kimley»Horn
2024, ©
4525 MAIN ST
SUITE 1000
VIRGINIA BEACH, VA 23462
PHONE: 757.213.8600

This document is an instrument of service prepared solely for
Kimley-Horn's client and for a particular purpose. Any other
use or reliance is without liability to Kimley-Horn.

SEALS
PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

**PIER
IMPROVEMENTS**

**WESTMINSTER
CANTERBURY**

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

1	09/23/24	Permit Set
NO:	DATE	DRAWING ISSUE DESCRIPTION

DESIGNED BY: DWP
DRAWN BY: CTS
CHECKED BY: DWP
SCALE: 1" = 10'-0"
DATE: 9/23/2024
PROJECT NO: 116788008
FILENAME: _____

DEMOLITION PLAN

Project Status
SD101



PIER DEMO PLAN 1
SCALE: 1" = 10'-0"





2024, (

4525 MAIN ST
SUITE 1000
VIRGINIA BEACH, VA 23462

PHONE: 757.213.8600

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SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

PIER IMPROVEMENTS

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

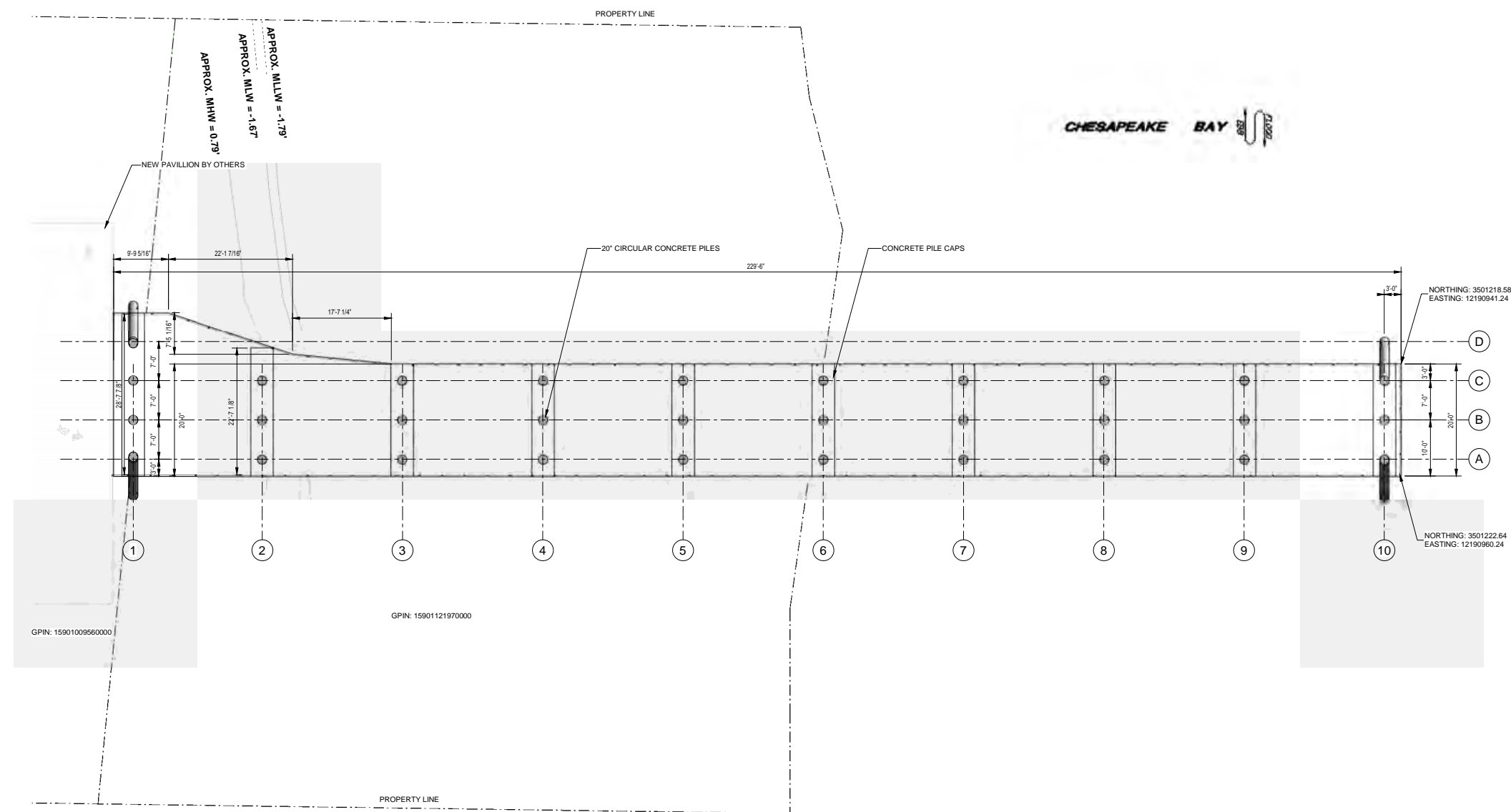
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NO.	DATE	DRAWING ISSUE DESCRIPTION

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DRAWN BY: CTS
CHECKED BY: DWP
SCALE: 1" = 10'-0"
DATE: 9/23/2024
PROJECT NO: 116788008
FILE NAME:

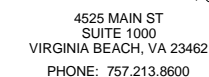
PIER PILE PLAN

Project Status

S101



1 PIER PILE PLAN
S101 SCALE: 1" = 10'-0"



SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

PIER IMPROVEMENTS

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

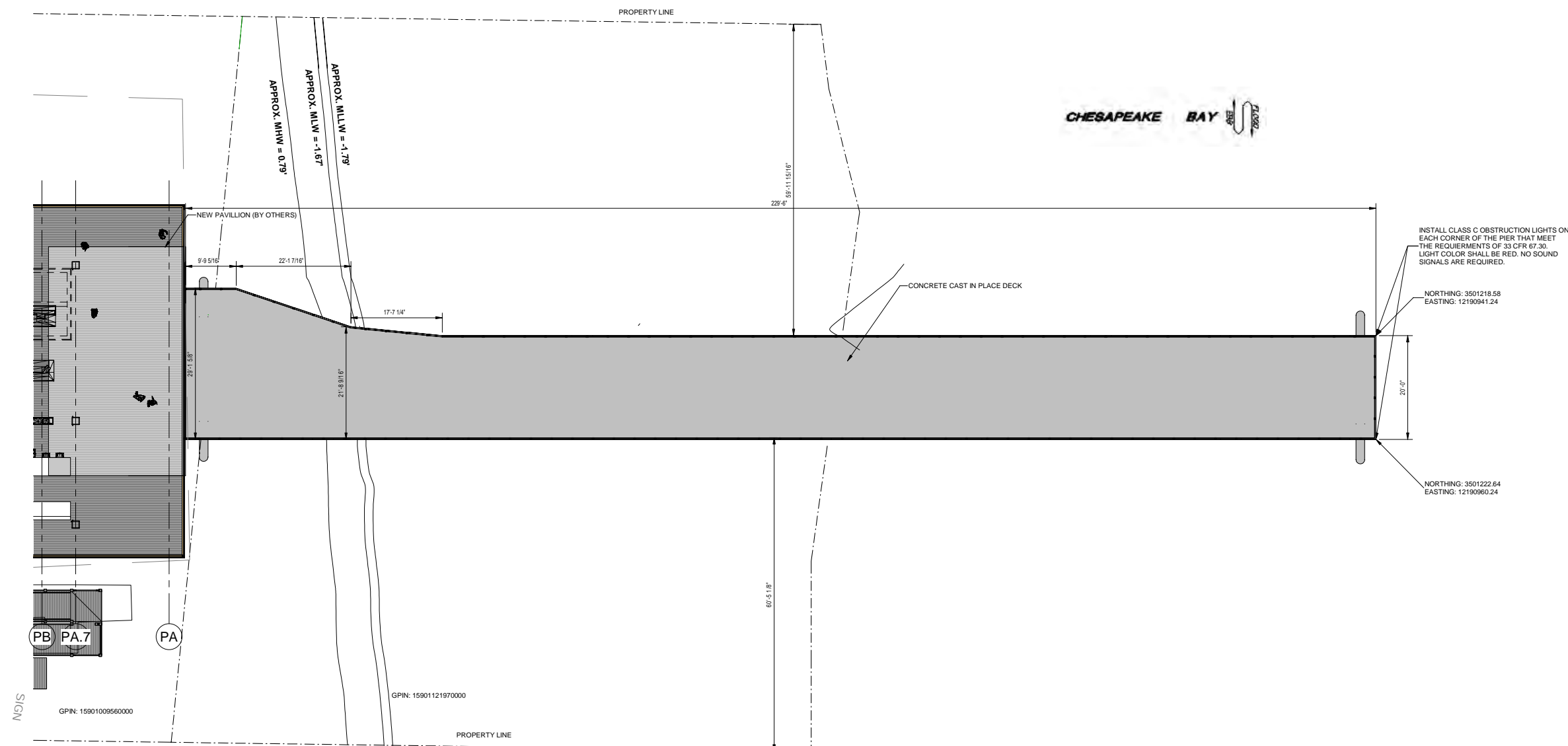
1	09/23/24	Permit Set
NO:	DATE	DRAWING ISSUE DESCRIPTION

DESIGNED BY: DWP
DRAWN BY: CTS
CHECKED BY: DWP
SCALE: 1" = 10'-0"
DATE: 9/23/2024
PROJECT NO: 116788008
FILE NAME: _____

PIER DECK
TOPPING SLAB
PLAN

Project Status

S103



1 Deck Plan View
S103 SCALE: 1" = 10'-0"



WCCB PIER REPLACEMENT

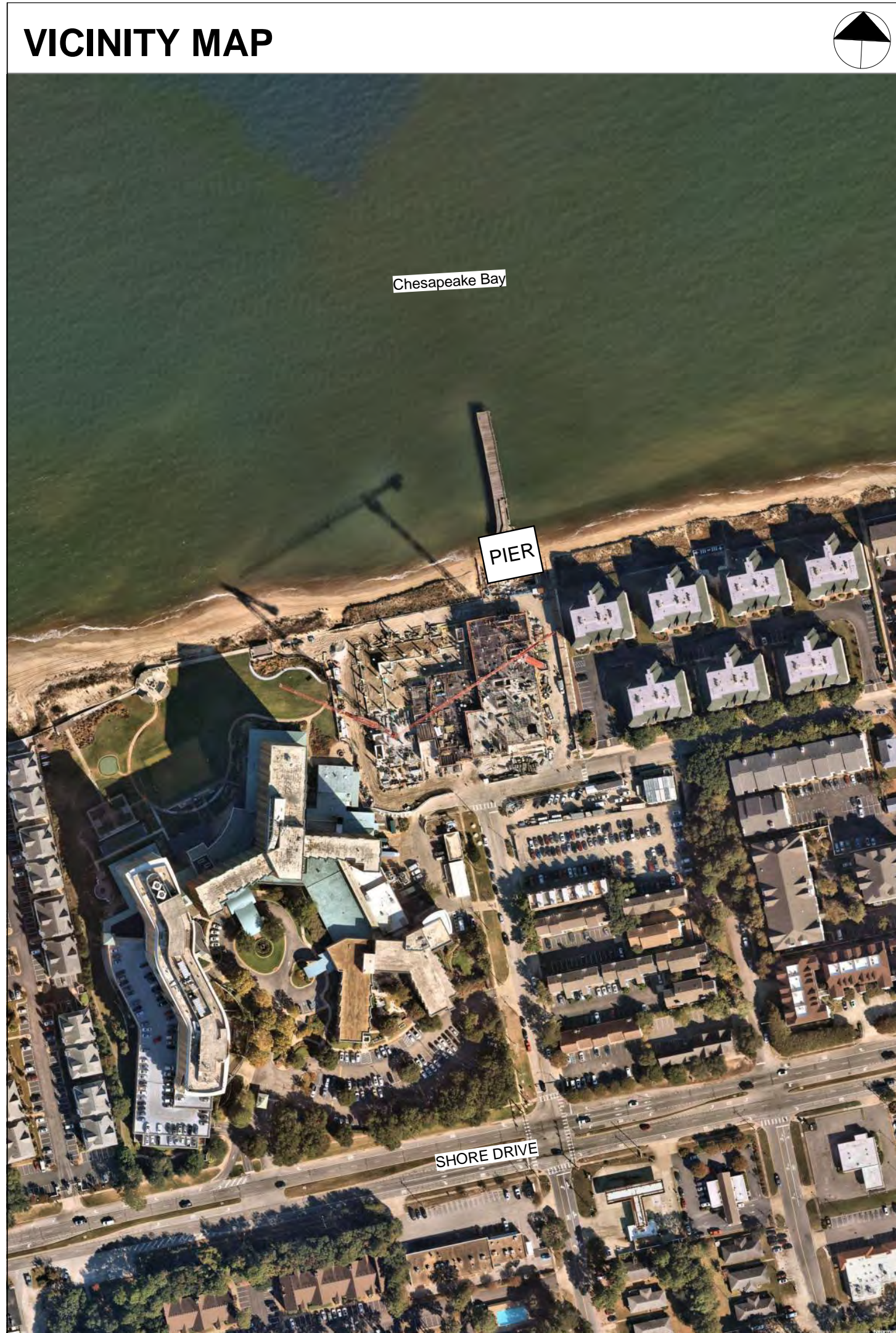
REVISED DRAWINGS FOR JPA

JANURARY 16, 2025

DRAWING INDEX

G001	COVER SHEET
SV100	HYDROGRAPHIC SURVEY
SD101	DEMOLITION PLAN
S101	PIER PILE PLAN
S105	PIER DECK LOD PLAN
S301	PIER SECTIONS

VICINITY MAP



PROJECT TEAM

OWNER

Westminster-Canterbury on Chesapeake Bay

Mark Borst
3100 Shore Dr
Virginia Beach, VA 23451

STRUCTURAL

Kimley-Horn and
Associates, Inc.

David Pryor, P.E.
4525 Main Street, Suite 1000
Virginia Beach, VA 23462

LIGHTING

Oldner Lighting, LLC

Andrew Gauld, IDA
4645 Greenville Ave Studio B
Dallas, TX

IN ADDITION TO CALLING 811 FOR PRIVATE UTILITY LOCALES, CONTRACTOR SHALL ALSO COORDINATE WITH STATE FACILITIES DEPARTMENT PRIOR TO DIGGING AT EACH SITE.



Know what's below
Call before you dig.

SPECIFIC PROJECT INFO:

THE NEW PIER IS DESIGNED FOR RECREATIONAL USE ONLY. THE PIER WILL ABUT A PAVILION AT WESTMINSTER CANTERBURY ON THE CHESAPEAKE BAY. THE PAVILION WILL BE CONSTRUCTED BY OTHERS. NO VEHICLE LOADS OR VESSEL LOADS ARE ANTICIPATED ON THIS PIER.

SCOPE OF WORK SUMMARY

REPLACE EXISTING TIMBER PIER WITH A NEW CONCRETE PIER. THE NEW PIER WILL BE CONSTRUCTED IN THE EXACT FOOTPRINT OF THE EXISTING PIER. NO DREDGING IS REQUIRED.

Kimley»Horn

024, ©C

4525 MAIN ST
SUITE 1000
VIRGINIA BEACH, VA 23462
PHONE: 757.213.8600

This document is an instrument of service prepared solely for Kimley-Horn's client and for a particular purpose. Any other use or reliance is without liability to Kimley-Horn.

SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

PIER IMPROVEMENTS

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

[illegible]DESIGNED BY: DWPDRAWN BY: CTS

CHECKED BY: DWF

SCALE: NTS

DATE: 01/16/2025

PROJECT NO: 116788008

FILENAME:

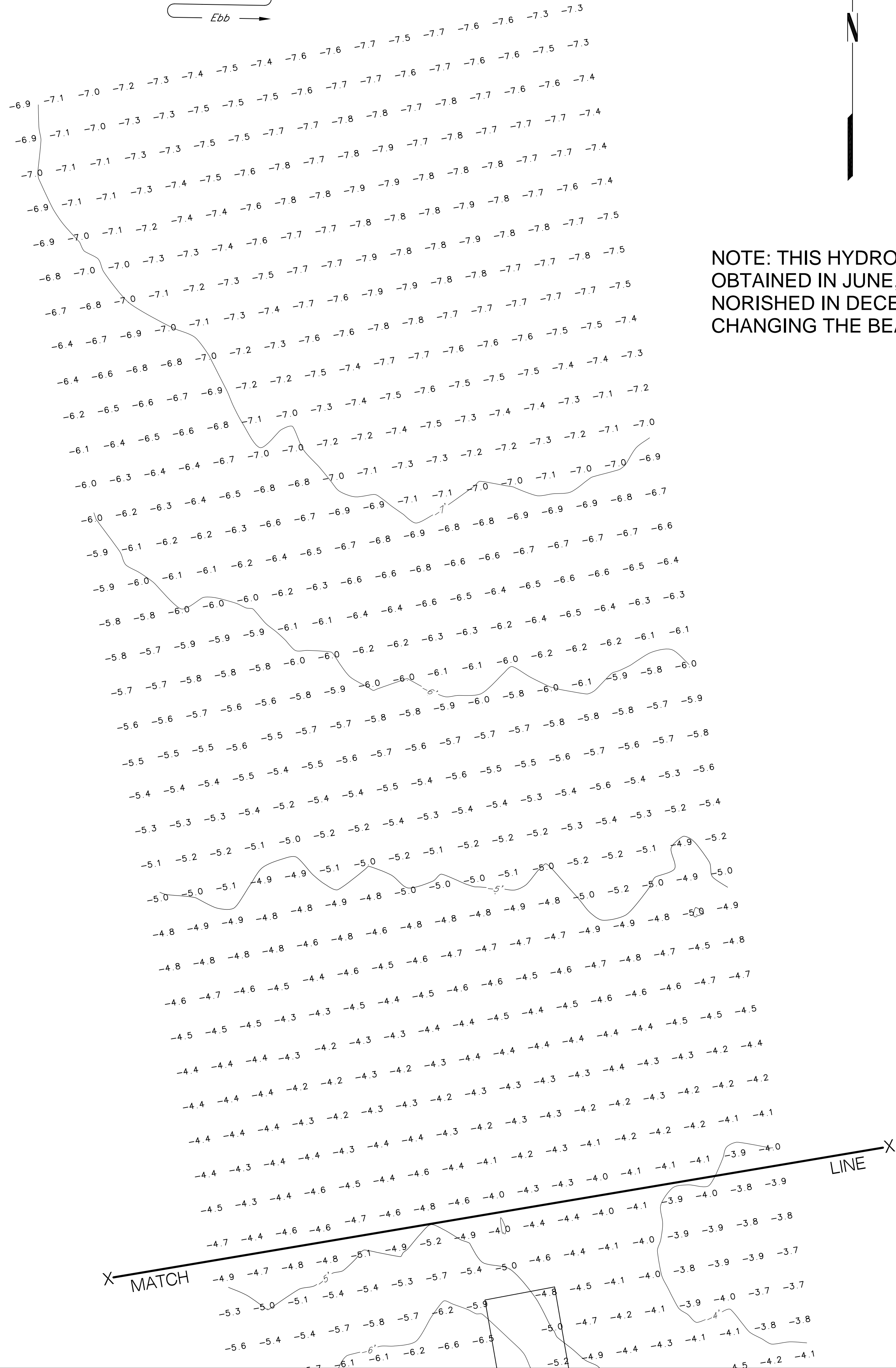
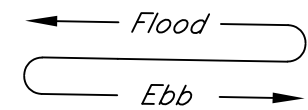
COVER SHEET

PRELIMINARY ISSUE FOR PRICING

G001

FILE NAME: \\M:\Projects\Land 2008 Projects\6118-00\Westminster Pier replacement\Draw\6118-00-35-01.dwg LAYOUT NAME: SHT 1 PLOTTED: Monday, July 01, 2024 - 11:15am

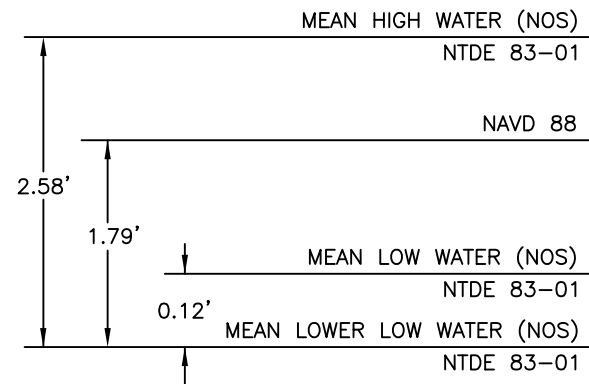
CHESAPEAKE BAY



NOTE: THIS HYDROGRAPHIC SURVEY WAS OBTAINED IN JUNE, 2024. THE BEACH WAS NORISHED IN DECEMBER, 2024, THUS CHANGING THE BEACH PROFILE.

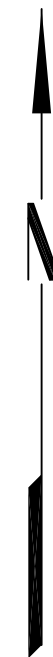
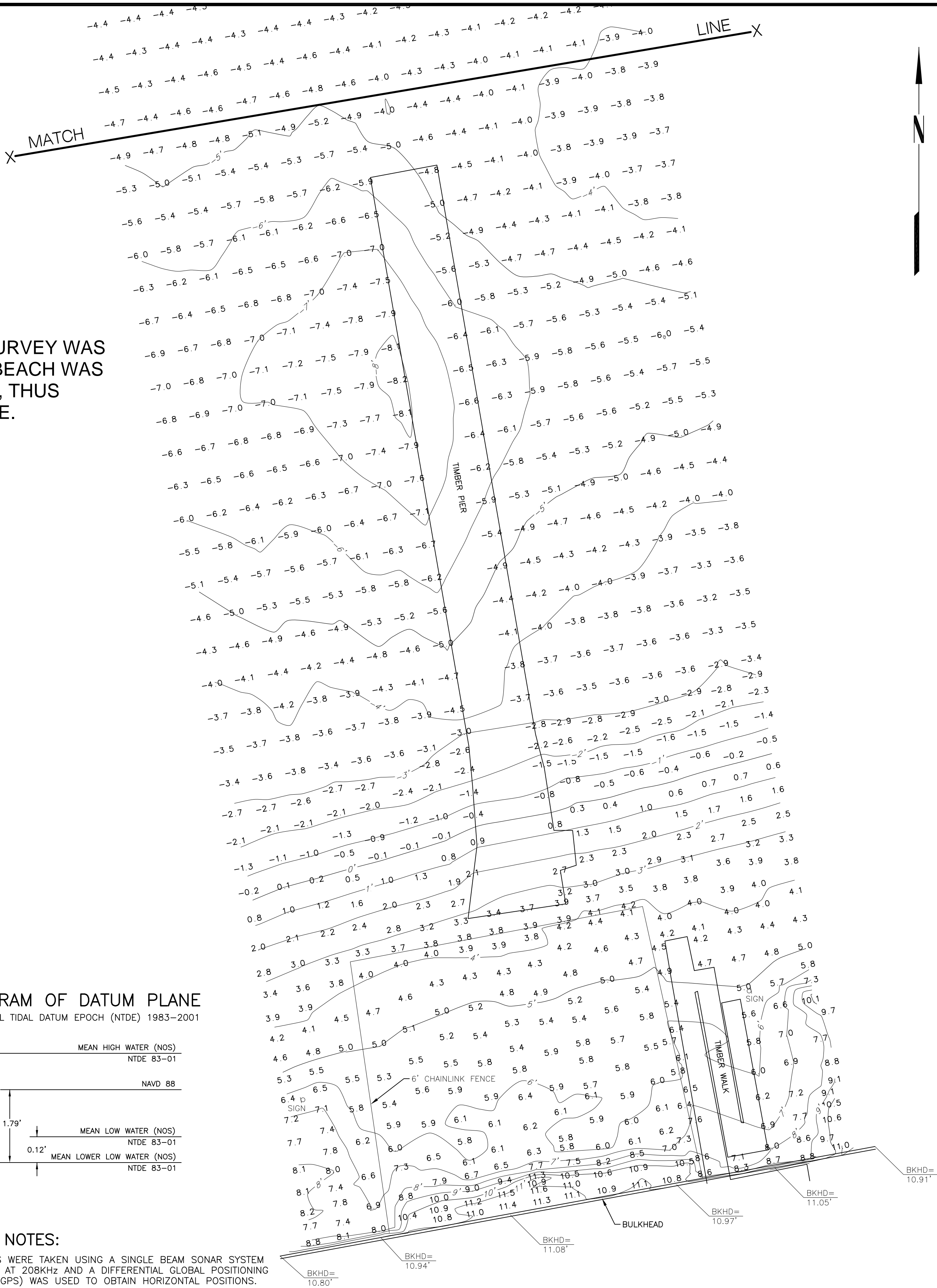
DIAGRAM OF DATUM PLANE

NATIONAL TIDAL DATUM EPOCH (NTDE) 1983-2001



SURVEY NOTES:

- SOUNDINGS WERE TAKEN USING A SINGLE BEAM SONAR SYSTEM OPERATING AT 208KHz AND A DIFFERENTIAL GLOBAL POSITIONING SYSTEM (DGPS) WAS USED TO OBTAIN HORIZONTAL POSITIONS.
- ELEVATIONS ARE IN FEET REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE TAKEN ON JUNE 24 & 25, 2024.
- BENCH MARK IS CITY OF VIRGINIA BEACH DISK STAMPED "H-2-1, 1977" ELEVATION = +4.04' ABOVE NAVD88.
- COORDINATES ARE IN U.S. SURVEY FEET REFERRED TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83).



DATE	DESCRIPTION OF REVISION	BY	APP

Waterway
Surveys & Engineering, Ltd.
321 Cleveland Place, Virginia Beach, Va. 23462
Tel: (757) 490-1691 Fax: (757) 490-1348

KIMLEY HORN

Kimley»Horn

VIRGINIA BEACH, VIRGINIA
CONDITION SURVEY
WESTMINSTER PIER REPLACEMENT
SURVEY OF JUNE 2024

COMMONWEALTH OF VIRGINIA
Robert L. Taliaferro
Lic. No. 1939
07/01/24
LAND SURVEYOR

SURVEYED	DESIGNED
R.W.	N/A
DRAWN	REVIEWED
M.S.P.	R.L.T.
SCALE	DATE
1"=20'	07/01/24
DRAWING NO.	
6118-00-36-01	
S-01	
SHEET 1 OF 1	



4525 MAIN ST
SUITE 1000
VIRGINIA BEACH, VA 23462
PHONE: 757.213.8600

SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

PIER IMPROVEMENTS

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

1	01/16/25	PERMIT SET
NO:	DATE	DRAWING ISSUE DESCRIPTION

DESIGNED BY: DWP

DRAWN BY: CTS

CHECKED BY: DWP

SCALE: $1/32" = 1'-0"$

DATE: 01/16/2025

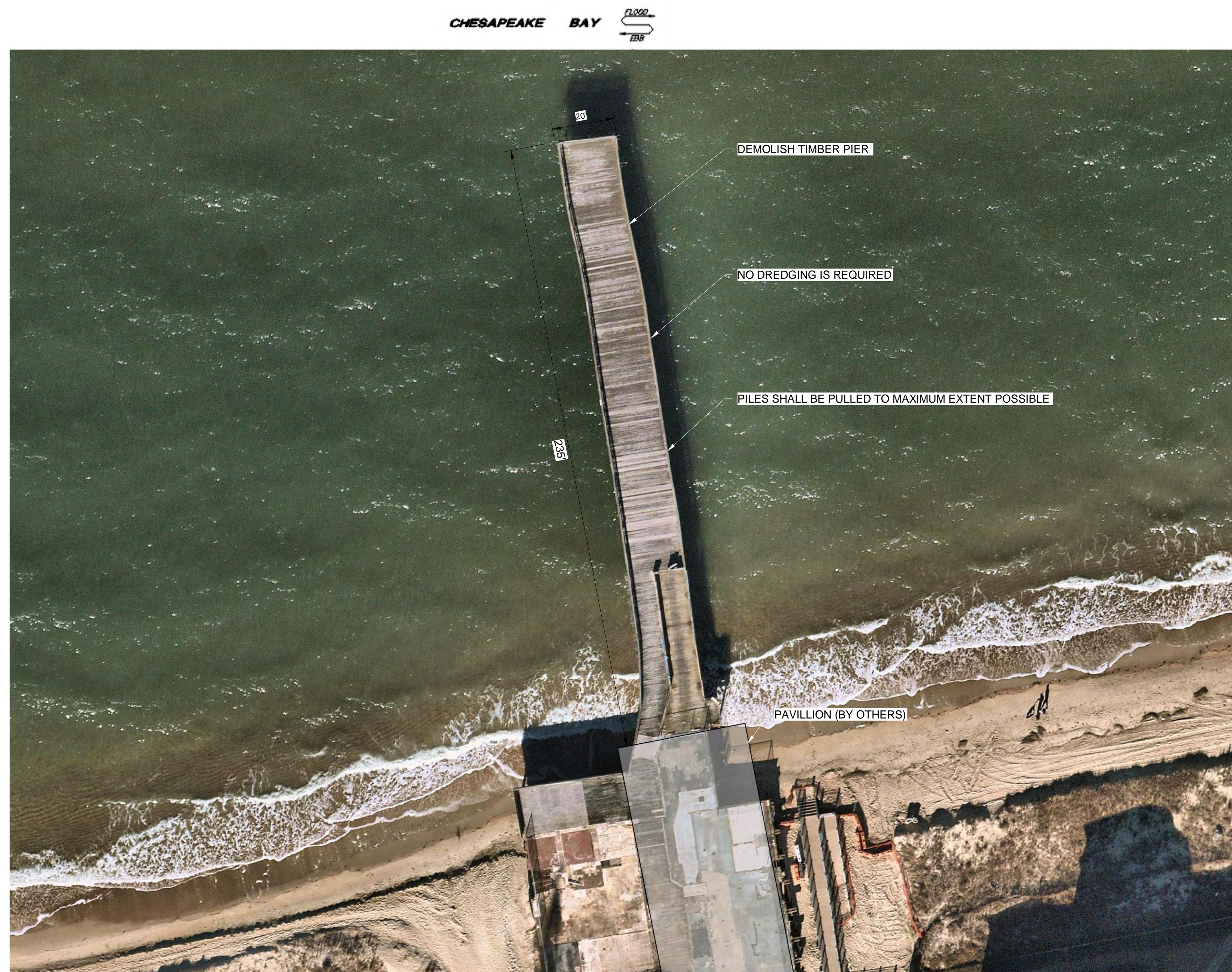
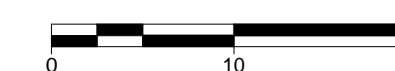
PROJECT NO: 116788008

FILENAME:

DEMOLITION PLAN

PRELIMINARY ISSUE FOR PRICING

SD101



1 PIER DEMO PLAN
SD101 SCALE: 1/32" = 1'-0"



4525 MAIN ST
SUITE 1000
VIRGINIA BEACH, VA 23462
PHONE: 757.213.8600

KEY NOTE		
1	IMPACTS BEFORE MLW	31
	TOTAL (SF) =	69.75 ft^2

SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

PIER IMPROVEMENTS

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

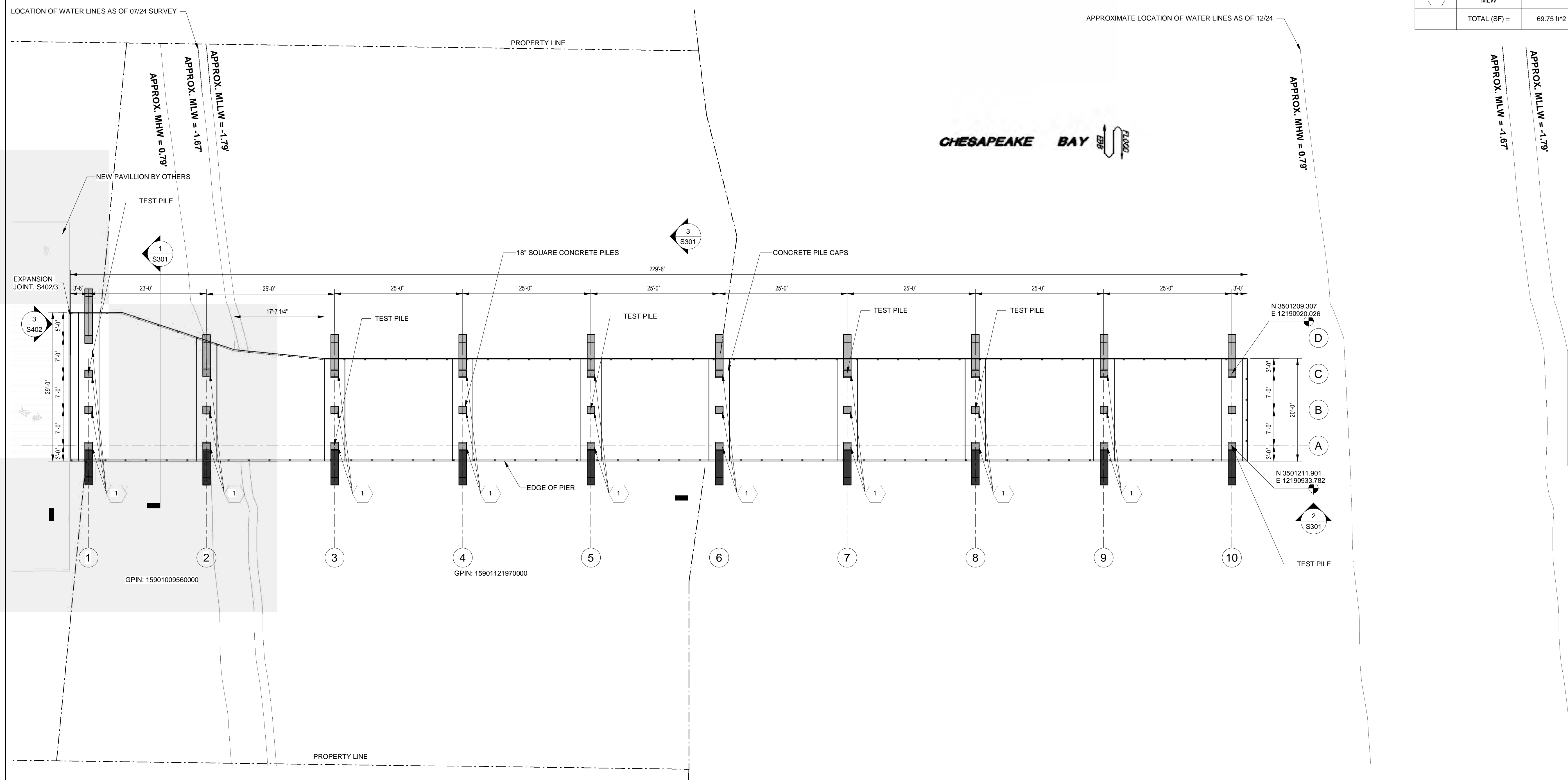
1	01/16/25	PERMIT SET
NO:	DATE	DRAWING ISSUE DESCRIPTION

FILENAME: _____

PIER PILE PLAN

PRELIMINARY ISSUE FOR PRICING

S101



1
S101





4525 MAIN ST
SUITE 1000
VIRGINIA BEACH, VA 23462
PHONE: 757.213.8600

SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

PIER IMPROVEMENTS

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

CLIENT PROJECT INFO

[illegible]DESIGNED BY: DWP

DRAWN BY: CTS

CHECKED BY: DWP

SCALE: 1/16" = 1'-0"

DATE: 01/16/2025

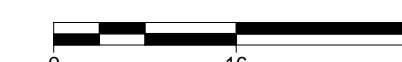
PROJECT NO: 116788008

PROJECT
FILENAME

PIER DECK LOD PLAN

PRELIMINARY ISSUE FOR PRICING

S105



1 DECK PLAN VIEW LOD
S105 SCALE: 1/16" = 1'-0"

6/20/2025 11:10:17 AM Autodesk Docs://16788008 - W/CCB Pler/2024.07.08 W/CCB Pler.rvt

SEALS

PRELIMINARY DRAWINGS
DO NOT USE FOR CONSTRUCTION

WESTMINSTER
CANTERBURY

3100 SHORE DRIVE
VIRGINIA BEACH, VA 23451

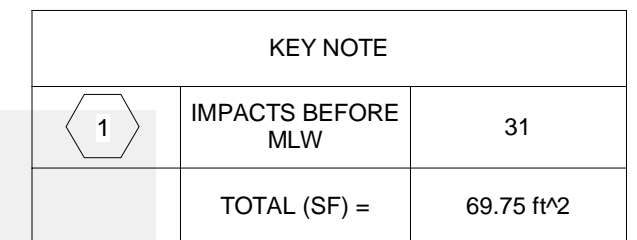
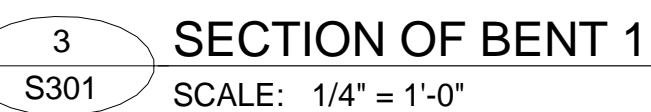
CLIENT PROJECT INFO

[illegible]

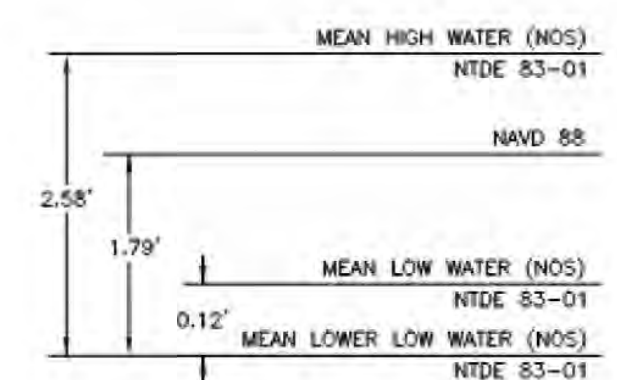
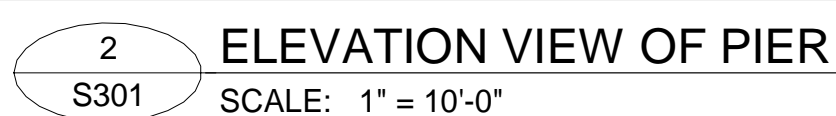
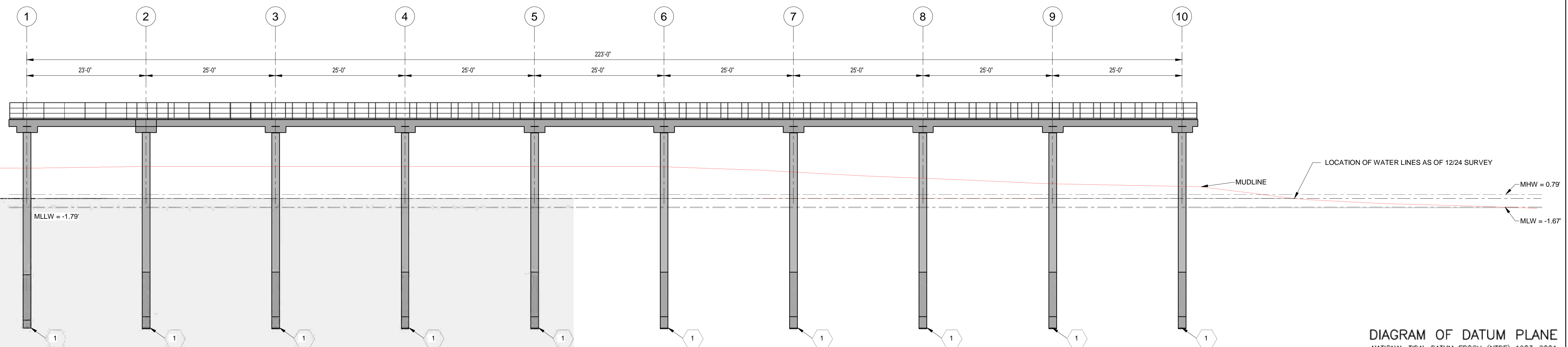
DESIGNED BY: DWP
DRAWN BY: CTS
CHECKED BY: DWP
SCALE: As indicated
DATE: 01/16/2025
PROJECT NO: 116788008
FILENAME:

PRELIMINARY ISSUE FOR PRICING

S301



NOTE:
1. APPROXIMATE BOTTOM OF EXISTING
PIER FRAMING.

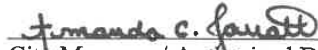


The City signs for the sole purpose of acknowledging that the JPA for this private project to replace the existing pier is the exercise by the Applicant of easement rights as reserved in the deed to the City for Parcels C-C, 1-A, and D-D, recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach in Deed Book 1480, Page 609 and corrected in Deed Book 1521, Page 789, and appears to be wholly within the Applicant's easement rights.

WITNESS the following signatures and seals:

CITY OF VIRGINIA BEACH

ATTEST: 
City Clerk / Authorized Designee

By: 
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA
CITY OF VIRGINIA BEACH, to wit:

The foregoing instrument was signed, sworn to and acknowledged before me this 16th day of December, 2024, by Amanda C. Jarratt, City Manager / Authorized Designee of the City Manager of the City of Virginia Beach, on its behalf.

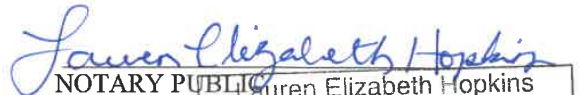

NOTARY PUBLIC

My Commission Expires: 11-30-2025
My Registration Number: 7914587

COMMONWEALTH OF VIRGINIA
CITY OF VIRGINIA BEACH, to wit:

Lauren Elizabeth Hopkins
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7914587
My Commission Expires November 30, 2025

The foregoing instrument was acknowledged and sworn to before me this 18th day of December, 2024, by Amanda Burnes, City Clerk / Authorized Designee of the City Clerk of the City of Virginia Beach, on its behalf.


NOTARY PUBLIC
Lauren Elizabeth Hopkins
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7914587
My Commission Expires November 30, 2025

My Commission Expires: 11-30-2025
My Registration Number: 7914587

APPROVED AS TO LEGAL SUFFICIENCY:


City Attorney

APPROVED AS TO CONTENT:


Department of Planning

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
1	LISA LEIDIG	12/13/2024 02:58:24 AM	OPPOSE

LYNNSHORE CONDOMINIUMS HOA OPPOSES THIS.

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1060

**Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20242475**

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
2	LINDA L GIESEN	02/10/2025 15:06:32 PM	OPPOSE

WHAT A WASTE OF TIME. WESTMINISTER GOT APPROVAL TO BUILD 22 STORY ADDITION-OVER THE LIMIT OF ANYTHING ELSE N BEACH. THEY WILL GET WHAT THEY WANT AS MONEY TALKS.

Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
3	LISA LEIDIG	02/13/2025 11:10:13 AM	OPPOSE

MY COMMUNITY OPPOSES THE PROJECT FOR A NUMBER OF REASONS - FIRST - IT IS NOT NECESSARY DEVELOPMENT - THIS IS A PRIVATE PIER ACROSS A PUBLIC BEACH WITH USAGE RESTRICTED TO WESTMINSTER-CANTERBURY RESIDENTS. BEFORE THE EXISTING PIER WAS DEMOLISHED, THE RESIDENTS OF WESTMINSTER-CANTERBURY DID NOT UTILIZE IT EVEN WHEN OPEN. TO NEGATIVELY IMPACT THE THOUSANDS THAT USE THE BEACH FOR THE WANTS OF A HANDFUL OF PEOPLE DOES NOT MEET THE CRITERIA OR DEFINITION OF NECESSARY - IT IS A WANT. THE MORE LIKELY POSSIBILITY OF DESTRUCTION OF COASTAL DUNES AND BEACHES SHOULD OVERRIDE THE REQUEST TO REBUILD THE PIER. DURING THE CONSTRUCTION AND DEMOLITION OF THE REMAINING PIER, THE BAY AND COASTAL BEACH ENVIRONMENT WILL BE NEGATIVELY IMPACTED BY CONSTRUCTION DEBRIS ENTERING THE WATER. THE SAFETY OF THOSE USING THE BEACHES WILL ALSO BE IMPACTED WITH CONSTRUCTION DEBRIS ENTERING THE WATERWAY. THIS ALSO IMPACTS THE BEACH ACCESSIBILITY AS IT WILL CREATE A WORK ZONE AROUND THE PIER WHERE PROTECTIVE GEAR AND CLOTHING ARE NECESSARY - HOW WILL BEACHGOERS GO EAST OR WEST OF THE PIER DURING CONSTRUCTION SAFELY? THIS BEACH HAS HEAVY TRAFFIC FROM BOTH RESIDENTS AND VISITORS, SO ACCESSIBILITY AND SAFETY IS A MAJOR CONCERN. IT IS OUR OPINION THAT THIS PERMIT SHOULD BE DENIED AS IT DOES NOT ENHANCE QUALITY OF LIFE ALONG THE BAY, THAT WESTMINSTER CANTERBURY HAS SO FAR NOT ACTED WITH APPROPRIATE CORPORATE RESPONSIBILITY IN PROTECTING THE BAY AND WILL NEGATIVELY IMPACT BOTH THE BAY AND LOCAL RESIDENTS/BEACHGOERS WHILE UNDER CONSTRUCTION. THE PIER ONCE CONSTRUCTED WILL ALSO CAUSE DOWNSTREAM EROSION ON THE BEACH WEST OF THE PROPOSED CONSTRUCTION. MY COMMUNITY IS LOCATED AT 2314 STARFISH ROAD, VIRGINIA BEACH, VA 23451.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
4	RICHARD MALLA	02/13/2025 13:36:20 PM	OPPOSE

IN RESPONSE TO ENVIRONMENTAL ENGINEER HABITAT MANAGEMENT DIVISION MEMORANDUM DATED FEBRUARY 5, 2025, THE FOLLOWING COMMENTS ARE SUBMITTED: 1. I RECEIVED THE MEMORANDUM DATED FEBRUARY 5, 2025, ON FEBRUARY 10, 2025, ALLOWING ME JUST 10 DAYS TO REVIEW AND RESPOND. UNSATISFACTORY. 2. THE MEMORANDUM WAS ADDRESSED TO ADJACENT PROPERTY OWNERS. SINCE THE PROJECT IS PROPOSED TO BE PARTIALLY BUILT ON A PUBLIC BEACH, IT WOULD SEEM MORE APPROPRIATE TO ADDRESS THE MEMORANDUM TO ALL VIRGINIA BEACH RESIDENTS. 3. THE LINK TO REVIEW THE APPLICATION AND/OR DRAWINGS SHOULD HAVE BEEN MORE DEFINITIVE ON WHERE AND HOW TO SEARCH FOR VMRC #2024-2475. THE CORRECT LINK SHOULD HAVE BEEN [HTTPS://WEBAPPS.MRC.VIRGINIA.GOV/PUBLIC/HABITAT](https://webapps.mrc.virginia.gov/public/habitat). CLICK ON "I'M NOT A ROBOT." ENTER 20242475 IN THE APPLICATIONS BLOCK. ENTER 4. THE FIRST PARAGRAPH OF THE MEMORANDUM STATES, "A 20-FOOT-WIDE SHARED-USE CONCRETE PIER." WHAT DOES SHARED-USE MEAN? MERRIAM-WEBSTER SAYS, "SHARE -TO PARTAKE OF, USE, EXPERIENCE, OCCUPY, OR ENJOY WITH OTHERS." A REVIEW OF THE WESTMINSTER-CANTERBURY APPLICATION SHOWS THE FOLLOWING - PART 1-GENERAL INFORMATION, PARAGRAPH 9. PROPOSED USE (CHECK ONE): ☒ SINGLE USER (PRIVATE, NON-COMMERCIAL, RESIDENTIAL) ☐ MULTI-USER (COMMUNITY, COMMERCIAL, INDUSTRIAL, GOVERNMENT). A WORD SEARCH OF THE ENTIRE APPLICATION DOES NOT EVEN SHOW A SINGLE USE OF THE WORD SHARE. CLEARLY, WESTMINSTER-CANTERBURY HAS NO INTENTION OF SHARING THEIR PIER ON MY BEACH. 5. WITH THE CONSTRUCTION OF THE 22-STORY ADDITION, WESTMINSTER-CANTERBURY HAS TAKEN AWAY A SUBSTANTIAL VIEW THAT INCLUDES THE BAY, THE SKY, AND THE SUB FOR SOME OWNERS OF OCEAN SHORE CONDOMINIUM AND NOW WESTMINSTER-CANTERBURY WANTS TO BUILD AN EXCLUSIVE MEMBERS-ONLY PIER ON OUR PUBLIC BEACH. 6. I OPPOSE HAVING THIS PIER BUILT ON CHESAPEAKE BAY

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
5	DANIELLE MILLER	02/13/2025 15:10:33 PM	OPPOSE

I FEEL LIKE THAT WOULD BE UNSIGHTLY VISUALLY. I ALSO FEEL AS IF IT WILL BRING MORE PEOPLE TO A VERY PRIVATE END OF THE BEACH. WE NEVER WANTED THE NEW BUILDING DUE TO HIGHER TRAFFIC, MAKING THE BEACHFRONT OVER CROWDED AND KICKING OUT INNOCENT VA BEACH RESIDENTS TO MAKE WAY FOR ALL OF THIS. IT SHOULD BE ILLEGAL TO HAVE COME THIS FAR AND WE DONâ€™T WANT A GIANT PIER LITTERING THE VIEW OF OUR BEAUTIFUL BAY.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
6	SANDRA EDWARDS	02/14/2025 15:11:15 PM	OPPOSE

LYNNHAVEN BEACH CONDOMINIUMS HOA DID NOT RECEIVE NOTICE. WE ONLY BECAME AWARE OF THIS APPLICATION AND COMMENT OPPORTUNITY ON 2/13/2024 AND THAT WAS THRU ONE OF OUR OWNERS WHO SAW IT PUBLICLY AND NOT THRU ANY FORMAL NOTIFICATION PROCESS. THE FORMAL NOTICE STILL HAS NOT BEEN DELIVERED TO OUR HOA. THE OWNERS AND/OR THE HOA MAY HAVE ADDITIONAL COMMENTS ONCE REVIEWED. BUT OF COURSE, TIME IS VERY LIMITED TO DO SO. PLEASE DELAY APPROVAL FOR THIS APPLICATION UNTIL ALL AFFECTED PARTIES HAVE BEEN DULY NOTIFIED. IT BOTHERS ME THAT THERE WAS NO EFFORT TO NOTIFY ALL INDIVIDUAL HOMEOWNERS OR UNIT OWNERS WITHIN THE AFFECTED ASSOCIATIONS ALONG THE BAY. THE BEACH IS A PUBLIC BEACH AND THE PUBLIC IS MORE THAN DISADVANTAGED BY BUILDING THIS PIER ONLY FOR THE USE OF WESTMINSTER RESIDENTS. THE LEGAL NOTICE THAT WILL BE PRINTED IN THE VIRGINIAN PILOT SAYS "SHARED USE". TO THE LAYMAN THIS COULD BE INTERPRETED TO MEAN "PUBLIC". YOU HAVE TO READ THE ACTUAL APPLICATION TO FIND OUT OTHERWISE.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
7	WILLIAM ALFORD	02/18/2025 14:37:02 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1104

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20242475

Print Date: Wednesday March 19 2025 07:43

Number	Name	Received	Position
8	TERESA A LINK	02/20/2025 13:23:44 PM	NO POSITION

QUESTION IS REGARDING THE APPLICATION AND ADJACENT PROPERTY OWNERS. IF YOU LOOK AT THE APPLICATION, THEY DID NOT ASK THE CLOSEST ADJACENT PROPERTY OWNERS ON THIS DOCUMENT. THE DOCUMENT REFLECTS SEAGATE COLONY(.7MILES FROM WCCB) AND MARINERS MARK(1.0 MILES FROM WCCB) (BOTH TO THE EAST) BUT DID NOT DOCUMENT THE IMMEDIATE PROPERTY OCEAN SHORE CONDOMINIUMS WHICH ARE DIRECTLY NEXT TO THE PROJECT. NOR DID THEY INDICATE LYNNHAVEN BEACH CONDOMINIUM TO THE WEST AND ANY OF THE ADJACENT PROPERTIES ON STAR FISH ROAD.

 ALSO, HOW DOES THIS IMPACT THE OVERALL PUBLIC BEACH USE

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay
Date: Wednesday, December 18, 2024 10:59:27 AM
Attachments: [image.png](#)

Please process the below correspondence as Public Works comment for 24-2475, Westminster.
Thanks!

Tiffany Birge
Environmental Engineer, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651

Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: James D. White <jawwhite@vbgov.com>
Sent: Wednesday, December 18, 2024 10:57 AM
To: Birge, Tiffany (MRC) <tiffany.birge@mrc.virginia.gov>; Smigo, Margaret (VDH) <margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: RE: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay

The proposed project is acceptable.

Jim White, P.E.
Coastal Program Administrator (Acting)



From: VMRC JPA <Tiffany.Birge@mrc.virginia.gov>
Sent: Tuesday, December 17, 2024 5:23 PM
To: Smigo, Margaret (VDH) <margaret.smigo@vdh.virginia.gov>; Adam.wood@vdh.virginia.gov; James D. White <jawwhite@vbgov.com>
Subject: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay

CAUTION: This email originated from outside of the City of Virginia Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your

Received by VMRC December 18, 2024 / Ira

review and evaluation of the following permit. Your evaluation is requested no later than January 7, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20242475](#)

Applicant: Westminster-Canterbury on Chesapeake Bay

Locality: Virginia Beach

Project Description: Pier

Date Received: October 18, 2024

Engineer: Tiffany Birge

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☒ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

☐ THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / **NO**

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

COMMENTS: _____

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay
Date: Friday, December 20, 2024 2:08:11 PM
Attachments: [Outlook_20241220_140811.png](#)
[Outlook_20241220_140811.png](#)

Please process the below email as VHD-DSS comment for 24-2475, Westminster-Canterbury.

Thanks!

Tiffany Birge

Environmental Engineer, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651

Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Sent: Friday, December 20, 2024 2:05 PM
To: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Subject: Re: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay

Good Afternoon,

This project will not cause any change in shellfish classification areas.

Applicant: Westminster-Canterbury on Chesapeake Bay
Locality: Virginia Beach
Project Description: Pier
Date Received: October 18, 2024
Engineer: Tiffany Birge

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

[X] THE PROPOSED PROJECT IS ACCEPTABLE.

[] CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? NO

Very Respectfully

Adam Wood

Growing Area Manager

Virginia Department of Health

Division of Shellfish Safety

Cell: (804) 839-2809

Office: (804) 577-4007

www.vdh.virginia.gov/shellfish



From: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>

Sent: Tuesday, December 17, 2024 5:22 PM

To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>; jawwhite@vbgov.com <jawwhite@vbgov.com>

Subject: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay
Date: Thursday, February 20, 2025 8:23:56 AM

Please process the email as VDH-OEHS comments for 24-2475.
Thanks!

Tiffany Birge
Environmental Engineer, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651

Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>
Sent: Wednesday, February 19, 2025 5:30 PM
To: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>; Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>; jawwhite@vbgov.com
Subject: RE: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay

Thank you Tiffany, approval below.

Margaret Smigo
Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services
Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352
HAB Hotline: (888) 238-6154
www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health
109 Governor Street
Richmond, VA 23219

From: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>

Sent: Tuesday, December 17, 2024 5:23 PM

To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>; jawwhite@vbgov.com

Subject: JPA: 20242475 in Virginia Beach, Applicant: Westminster-Canterbury on Chesapeake Bay

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than January 7, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20242475](#)

Applicant: Westminster-Canterbury on Chesapeake Bay

Locality: Virginia Beach

Project Description: Pier

Date Received: October 18, 2024

Engineer: Tiffany Birge

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☒ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE

PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: 2/19/25
NAME OF INVESTIGATOR: MSMIGO
COMMENTS: NO COMMENT

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-2254 or Tiffany.Birge@mrc.virginia.gov

Tiffany Birge
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-2254
Email: Tiffany.Birge@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.



March 19, 2025

Sent via email only:

Kailey Martinez
permits@waterfrontconsulting.net

Mark Borst
mark.borst@wcbay.com

Subject: Wetlands/Waterfront Construction Approval for 2024-WTRA-00214, Proposed Pier
for Westminster-Canterbury on Chesapeake Bay at 2350 Starfish Road

Dear Ms. Martinez,

The referenced application has been reviewed and approved with the following conditions:

1. **An on-site pre-construction meeting will be required.** The contractor must contact Waterfront Operations at (757) 385-8246 to schedule the pre-construction meeting, 48-hours prior to mobilizing to the site. Please be advised that no land disturbance or construction activities may commence until after the pre-construction meeting and required building permit has been obtained and appropriately displayed on site.
2. Land disturbance shall be limited to the area necessary to provide for the construction of the proposed improvements only.
3. Erosion & sediment (E&S) measures shall be properly installed prior to any land disturbance and shall remain in place until such time as vegetative cover is established for all areas denuded during construction.
4. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations. Permanent or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) and vegetative cover established before submittal of the Engineer's Final Inspection Report.
5. Within 30 days from completion of the project, the contractor shall have the Engineer of Record complete and return the enclosed Engineer's Final Inspection Report to the Department of Planning and Community Development, Waterfront Operations Office. Please be advised that the building permit will not be closed until the report is submitted and reviewed.

(757) 385-4621
virginiabeach.gov/planning

Received by VMRC March 19, 2025 / Ira

The Wetlands Permit will expire **December 16, 2027**. In the event the project is not complete, you or the applicant must submit another Joint Permit Application.

Field changes are not allowed. Any changes to the project must first be shown on revised drawings, the drawings resealed by the Engineer of Record, and resubmitted to VMRC for review and approval.

Make sure that you have received all necessary authorizations, or documentation that no permit is required, from each review agency associated with the JPA process prior to obtaining a building permit for this work with the City. To apply for a building permit for this work, a record will need to be created through Accela Citizen Access at <https://aca-prod.accela.com/cvb/Default.aspx> under the Permits tab. During the record creation, please upload the following documents.

- A copy of this letter
- The approved waterfront construction packet, including construction drawings sealed on **July 1, 2024** received by VMRC January 24, 2025, sheets 1 through 6, Waterfront permit, and zoning stamp.
- All permits or approvals from the US Army Corps of Engineers (US ACOE) and VMRC.
- All necessary building permit forms to be processed and reviewed by City Staff.

Please be advised, Permits and Inspections may require additional information that could affect the release of the building permit.

A building permit may also be obtained in person. All required documents must be provided if applying for a permit in person. The Permits and Inspections office is located at 2875 Sabre Street, Suite 500. You may contact the Permits and Inspections office at (757) 385-4211, concerning the cost of the building permit.

Prior to commencing construction, you may also need a permit from the following agencies:

U.S. Army Corps of Engineers, 803 Front Street, Norfolk, Virginia 23510
Virginia Marine Resource Commission, Habitat Management Division, 380 Fenwick Rd., Bldg. 96,
Ft. Monroe, VA 23651

If you have any questions, call (757) 385-4621.

Sincerely,



Heaven Manning
Environmental Planner

cc: Virginia Marine Resource Commission – Tiffany Birge

(757) 385-4621
virginiabeach.gov/planning

Received by VMRC March 19, 2025 / Ira

**ENGINEER/SURVEYOR'S FINAL INSPECTION REPORT
FOR
WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND
DUNE PROJECTS**

REVISED 02-2012

BUILDING PERMIT NUMBER: _____
(If unknown contact Permits & Inspections 757 385-4211)

CONTRACTOR: _____

Waterfront File number: _____

PROJECT LOCATION: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

ENGINEER/SURVEYOR OF RECORD _____

THIS IS TO CERTIFY THAT I HAVE INSPECTED THE REFERENCED PROJECT AND TO THE BEST OF MY KNOWLEDGE, THIS PROJECT HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS I PREPARED. *ANY DEVIATIONS IN CONSTRUCTION MUST BE SUBMITTED ON REVISED PLANS TO THE VMRC FOR CONSIDERATION. IF YOU HAVE ANY QUESTIONS CONTACT THE WATERFRONT OPERATIONS STAFF.

THIS FORM MUST BE COMPLETED AND SUBMITTED TO THE DEPARTMENT OF PLANNING, PERMITS AND INSPECTIONS DIVISION AFTER ALL INSPECTIONS ARE COMPLETE AND PRIOR TO THE FINAL INSPECTION BY CITY PERSONNEL.

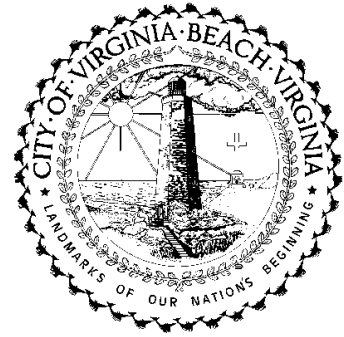
SIGNATURE OF ENGINEER/SURVEYOR OF RECORD
CERTIFYING THE ABOVE

DATE

TYPE OR PRINT NAME OF ENGINEER/SURVEYOR OF RECORD
ANY ALTERATION OF THIS FORM OR ITS ENDORSEMENTS WITHOUT EXPRESS
CONSENT FROM THE ORIGINATOR SHALL INVALIDATE THIS INSTRUMENT.

Received by VMRC March 19, 2025 / Ira

CITY OF VIRGINIA BEACH, VIRGINIA WETLANDS BOARD PERMIT



TO: Construct a pier involving coastal primary sand dune and beach as shown on the plans titled: "Proposed Pier Improvements" for Westminster-Canterbury on Chesapeake Bay Sealed July 1, 2024, Sheets 1 through 6.

AT: 2350 Starfish Road, Virginia Beach, VA 23451

PERMITEE: Westminster-Canterbury on Chesapeake Bay

ADDRESS OF PERMITEE: 3100 Shore Drive, Virginia Beach, VA 23451

DATE APPROVED: December 16, 2024

DATE EXPIRE: December 16, 2027

PERMIT NO: 2024-WTRA-00214

Chairperson of the Board or an authorized representative:

Heaven Manning
Environmental Planner

WLA form Rev. 7-2023



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

November 18, 2024

Eastern Virginia Regulatory Section
NAO 2024-2717 / VMRC 24-2475 (Chesapeake Bay)

Mark Borst
Westminster-Canterbury on Chesapeake Bay
3100 Shore Drive
Virginia Beach, VA 23451

Dear Mark Borst:

This is in reference to the Department of the Army application (NAO 2024-2717) you submitted to remove and replace a 229.5'x20' pier on the Chesapeake Bay. Maximum encroachment channelward of MHW of 175.5'. The 229.5'x20' pier includes a 28.6' wide section on the shore portion of the pier, 31 20" piles, and a cast in place deck. All work will be performed at 3092 Ocean Shore Avenue Virginia Beach, VA 23451 (Lat/Long: 36.91338, -76.07783). Your proposed project as described above and depicted on attached drawings entitled "Pier Improvements," dated September 23, 2024 and stamped as received by our office on 10/18/2024 satisfies the terms and conditions of Norfolk District's State Programmatic General Permit for piers, aquaculture, shoreline, dredging, and other activities (23-SPGP-PASDO), **Category B. For Category B**, permittees must also obtain authorization from the Virginia Marine Resources Commission (VMRC), Virginia Department of Environmental Quality (VDEQ), and/or a Local Wetlands Board by permit, rule, or regulation prior to commencing work in Waters of the U.S. Private piers for noncommercial purposes that qualify for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia (no permit required from the VMRC) are covered under **Category B**. Provided that you follow the general and permit specific conditions of the 23-SPGP-PASDO and any additional special conditions that have been included below, no further authorization will be required from the Corps.

IF THE STATE OR LOCAL WETLAND BOARD DOES NOT AUTHORIZE THE PROPOSED ACTIVITY THIS IS A PROVISIONAL NOTIFICATION THAT A 23-SPGP-PASDO CATEGORY C AUTHORIZATION IS REQUIRED and you (the applicant) must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginias' coastal zone management program (Virginia CZM program) and obtain concurrence from the DEQ, office of environmental impact review (OEIR). It is YOUR responsibility to submit a consistency certification to the OEIR for concurrence or objection, and proof of concurrence must be submitted to the Corps prior to final permit authorization. A template federal consistency certification can be found in the Federal Consistency

Received by VMRC March 11, 2025 / Ira

Manual here: <https://www.deq.virginia.gov/our-programs/environmental-impact-review/federal-consistency>. For more information or to obtain a list of the enforceable policies of the Virginia CZM Program, contact the DEQ-OEIR at (804) 659-1915 or e-mail: bettina.rayfield@deq.virginia.gov.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

If you suspect that your project may result in purposeful take of migratory birds, contact the U.S. Fish and Wildlife Service Migratory Bird Program at PermitsR5MB@fws.gov. If you are interested in voluntarily reducing impacts to migratory birds and their habitats, please consult <https://fws.gov/birds/managment/project-assessment-tools-and-guidance/conservation-measures.php> for conservation measures.

Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project. Your signature on this form certifies that you have completed the work in accordance with the regional permit terms and conditions.

Unless suspended or revoked, the 23-SPGP-PASDO will be in effect until September 4, 2028. Activities which have commenced (i.e., are under construction) or are under contract to commence construction in reliance upon 23-SPGP-PASDO will remain authorized provided the activity is completed within 12 months of the date of this 23-SPGP-PASDO's expiration of September 4, 2028, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7(a-e). Activities qualifying for this extension that are not complete by September 4, 2029, must apply for new general and/or individual Corps permit authorization. Activities which have NOT commenced and are NOT under contract to commence construction by the September 4, 2028, expiration require a new general and/or individual Corps permit authorization.

The State Water Control Board provided unconditional §401 Water Quality Certification (WQC) for this 23-SPGP-PASDO. Therefore, the activities that qualify for this 23-SPGP-PASDO meet the requirements of the VDEQ Virginia Water Protection Permit Regulation, provided that you abide by the conditions of this 23-SPGP-PASDO. You will not be required to obtain a separate §401 WQC from VDEQ. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government

authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, the VDEQ Virginia Coastal Zone Management Program (VCP) completed its review of the Federal Consistency Determination (FCD) for this SPGP-PASDO on June 6, 2023 and provided conditional concurrence that Category B authorizations under the 23-SPGP-PASDO are consistent with the VCP. Authorizations under this 23-SPGP-PASDO do not supersede State or local government authority or responsibilities pursuant to any State or local laws or regulations.

In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings. Please note that you should obtain all required State and local authorizations before you proceed with the project.

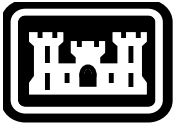
If you have any questions and/or concerns about this permit authorization, please contact Rowen Schmidt via telephone at 309-386-3496 or via email at rowen.e.schmidt@usace.army.mil.

Sincerely,

Peter Kube
Chief, Eastern Virginia
Regulatory Section

Enclosure(s)

Cc:
Agent
Virginia Marine Resources Commission
Local Wetlands Board



U.S. Army Corps
Of Engineers
Norfolk District

**CERTIFICATE OF COMPLIANCE
WITH
ARMY CORPS OF ENGINEERS PERMIT**

Permit Number: NAO-2024-2717
VMRC Number: 24-2475
Corps Contact: Rowen Schmidt
Permittee Name: Westminster-Canterbury on Chesapeake Bay
Date of Verification: November 18, 2024
Permit Type: 23-SPGP-PASDO

Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification, and return it to the following address:

US Army Corps of Engineers - Norfolk District
CENAO-WR-R
Attn: Rowen Schmidt
803 Front Street
Norfolk, VA 23510-1011

Or scan and send via email to rowen.e.schmidt@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit and required mitigation has been completed in accordance with the permit conditions.

Signature of Permittee

Date