

AGENDA
MARINE RESOURCES COMMISSION
AUGUST 26, 2025

**** APPROVAL OF AGENDA.**

- 1. MINUTES** of previous meeting.
- 2. PERMITS** (Projects over \$1,000,000 with no objections and with staff recommendation for approval).
- 3. CONSENT AGENDA ITEMS.**
- 4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.**
- 5. ROBERT J. RESH, #25-1077**
requests authorization to construct a 45-foot by 19-foot open-sided canvas boathouse roof structure adjacent to an existing private pier serving 945 Bobolink Drive, situated along a cove tributary to Linkhorn Bay in Virginia Beach. This project is protested by an adjacent property owner.
- 6. PUBLIC COMMENTS**
- 7. DISCUSSION**
Resolution pertaining to Virginia Waterway Maintenance Grant Program and Fund.

AGENDA

PAGE 2 ITEMS

A. EASTERN FEDERAL LANDS HIGHWAY DIVISION, #25-1492

requests authorization to install 65 linear feet of riprap revetment as part of the repair of Mount Vernon Trail Bridge #26 in the City of Alexandria. This project requires a VMRC Wetlands permit.

B. VIRGINIA ELECTRIC AND POWER COMPANY, #23-1116

requests authorization to replace an electrical line under a 6,132 linear-foot section of the Nansemond River via horizontal directional drilling and embedment plow near the intersection of Bennetts Creek Landing and Bridge Road in the City of Suffolk. The electrical line will be installed a minimum of six (6) feet below the river bottom. Recommend approval with an encroachment royalty of \$18,396.00 for the crossing under 6,132 linear feet of state-owned submerged bottom at a rate of \$3.00 per linear-foot. This project requires a VMRC Subaqueous permit

C. JONATHON WILSON, #25-1485

requests authorization to construct an 83-foot long rock revetment channelward of a failing bulkhead along the Pamunkey River shoreline at 340 West Euclid Boulevard in King William County. The project requires a VMRC Wetlands permit.

D. NORFOLK SOUTHERN RAILWAY COMPANY, #25-0615

requests authorization to mechanically dredge a maximum of 170,000 cubic yards of state-owned submerged land to achieve a maximum depth of -57 feet below mean low water and to maintenance dredge up to 50,000 cubic yards of material per cycle on an as-needed basis, at Pier 6 berths at the Norfolk Southern Railway Company facility located on Norfolk Southern Drive, situated along the Elizabeth River in Norfolk. The dredged material will be transferred by barge to CIDMMA/CIRB or Shirley Plantation or offloaded on-site into sealed trucks and hauled to the Recycled Properties LLC facility in Chesapeake. Staff recommends approval with our standard dredge conditions, including a royalty of \$102,000.00 for the dredging of 170,000 cubic yards of submerged material at a rate of \$0.60/cubic yard, and a time-of year restriction from July 1 to September 30 of any year for the protection of nearby shellfish resources. This project requires a VMRC Subaqueous permit.

AGENDA

PAGE 3 ITEMS

A. LARRY SHORES JR., #25-0687

requests after-the-fact authorization to retain seven (7) 4-foot by 8-foot crab shedding trays attached to an existing pier, and to utilize the pier for both private and commercial purposes, adjacent to tax parcel 20B-65, situated along Urbanna Creek in Middlesex County.

MINUTES

COMMISSION MEETING

July 22, 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 | Associate Members |
| William Bransom | |
| Jeremy Headley | |
| Jeanette Edwards | |
| Thomas Preston | |
| Preston White | |
| Kelci Block | Assistant Attorney General |
| Joseph Grist | Deputy Commissioner |
| Randy Owen | Chief, Habitat Management |
| Adam Kenyon | Chief, Shellfish Management |
| Pat Geer | Chief, Fisheries Management |

Virginia Institute of Marine Science (VIMS):

- | | | |
|--------------|------------|-----------|
| Lyle Varnell | Emily Hein | Alex Sabo |
|--------------|------------|-----------|

Others present:

- | | | |
|-----------------|-------------------|--------------|
| Andy Anderson | Myles Cockrell | Rusty West |
| Mitchell Smiley | Charles DeMarino | Emily Foster |
| Margaret Kelly | E. Stanley Murphy | Kim Huskey |
| Mark West | Lisa Barnes | and others. |

* * * * *

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 Headley 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 June 24, 2025, Commission Meeting minutes.

Associate Member Headley moved to approve the minutes as presented. Associate Member Edwards seconded the motion. The motion carried, 7-0-1. Associate Member Bransom abstained.

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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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Col. Matt Rogers acknowledged 1st. Sgt. Jeff Copperthite in his retirement from Virginia Marine Resources Commission. His comments are a part of the verbatim record.

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2. **PERMITS** (Projects over \$1,000,000.00 with no objections and with staff recommendation for approval).

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

- 2A. **KINDER MORGAN TRANSMIX COMPANY LLC, #25-0870**, requests authorization to install a 50-foot by 54-inch diameter steel mooring monopile with a 66-inch diameter rock socket situated along the James River, serving 3302 Deepwater Road in the City of Richmond.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

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

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

Randy Owen, Chief, Habitat Management, reviewed the Page 3 item for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

3A. LARRY SHORES, JR., #25-0687, requests after-the-fact authorization to retain seven (7) 4-foot by 8-foot crab shedding trays attached to an existing pier, and to utilize the pier for both private and commercial purposes, adjacent to tax parcel 20B-65, situated along Urbanna Creek in Middlesex County.

The matter was before the Commission for discussion and action.

Associate Member Erskine requested the item be postponed until the August meeting Associate Member Bransom seconded the motion. The motion carried, 8-0.

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

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5. COCKRELL FARMS LLC, #25-0358, requests authorization to construct and backfill a 387-foot vinyl replacement bulkhead, mechanically dredge 280 cubic yards of state-owned submerged lands with upland disposal and construct a 3,420 square-foot concrete commercial wharf, adjacent to the commercial marina

situated along the Little Wicomico River at 309 Railway Drive in Northumberland County. The project is protested by two adjacent 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.

Craig Palibinski, agent for the applicant, Miles Cockrell, spoke in support of the project. His comments are a part of the verbatim record.

Earl Stanley Murphy, representative of John Morgan and Olivia Cockrell, spoke in opposition to the project. His 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 White seconded the motion. The motion carried, 8-0.

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- 6. URBANNA BOATYARD AND MARINA, #24-1864**, requests authorization to retain an 8-foot by 10-foot open-sided fuel dock roof and a 143 square-foot enclosed storage area and install 12 (twelve) new boat lifts in existing boat slips at Urbanna Boatyard and Marina adjacent to 15 Watling Street situated along Urbanna Creek in Middlesex 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.

Earl Stanley Murphy, representing the applicant, spoke in support of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the project with triple permit fees as

presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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- 7. MARK JOHNSON, OYSTER PLANTING GROUND APPLICATION, 2021-016,** request authorization to lease approximately 250 acres of oyster planting ground in the Chesapeake Bay in the City of Norfolk.

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.

The applicant was not present.

Rusty West spoke in opposition to the application. His comments are a part of the verbatim record.

Lisa Barnes, Chief of Staff for Senator Angela Graves, spoke on behalf of Senator Angela Graves, Representative for Norfolk, in opposition to the application. Her comments are a part of the verbatim record.

Margaret Kelly, assistant city attorney for the City of Norfolk, spoke in opposition to the application. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member White moved to deny the lease application as presented. Associate Member Hand seconded the motion. The motion carried, 8-0.

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- 8. PUBLIC COMMENTS: No one spoke during public comment.**

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- 9. PUBLIC HEARING:**
Proposal to amend Chapter VAC20-490, "Pertaining to Sharks" to clarify

language regarding the prohibition of overnight soaks for Virginia spiny dogfish permit holders using gill net mesh size equal to or greater than 5.25 inches and less than 10-inches in the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area or the Virginia Atlantic Sturgeon Bycatch Reduction Area between 8:00pm through 5am the following day from Novem 1 through March 31.

Pat Geer, Chief, Fisheries Management, gave a 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.

The matter was before the Commission for discussion and action.

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

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10. PUBLIC HEARING:

Proposal to amend Chapter 4VAC20-1390-10, "Pertaining to Shrimp," to 1) Expand the number of limited entry shrimp trawl licenses; 2) Establish an Eastern Shore Shrimp Trawl Harvest Area; 3) Extend the start of the season into September; 4) Modify the maximum dimensions of the shrimp trawl gear; and 5) Amend methods for reporting bycatch.

Pat Geer, Chief, Fisheries Management, gave a 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.

Mark West, a resident of Norfolk, Virginia, was sworn in and spoke about his background of shrimping from Eastern Shore, VA. His comments are a part of the verbatim record.

George Trice was sworn in and spoke. His comments are a part of the verbatim record.

Charles DeMarino was sworn in and spoke. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Preston made a motion to increase the number of shrimp licenses by a maximum of five, with eligibility requirements of having any reported landings by shrimp trawl during the period of 2022-2024 and having had their shrimp trawl gear inspected by staff as of July 22, 2025, to approve the project as modified. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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There being no further business, the meeting is adjourned. The next Commission meeting will be held on **Tuesday**, August 26, 2025.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

Robert Resh
#2025-1077

1. Habitat Management Evaluation dated August 26, 2025
(Pages 1-2)
2. Application drawings dated-received May 15, June 6, June 11, and June 26, 2025(Pages 3-7)
3. Adjacent Property Owner form dated-received May 29, 2025
(Page 8)
4. Adjacent Property Owner letters of opposition and comments dated-received May 19, 2025 - July 10, 2025
(Pages 9-56)
5. Previous Adjacent Property Owner letters of opposition as part of VMRC #2024-1355, dated-received April 25, 2025 - May 19, 2025
(Pages 57-58)
6. VMRC 'No Permit Necessary' letter for uncovered lift as part of VMRC #2024-1355, dated July 11, 2024
(Pages 59-60)
7. City of Virginia Beach Waterfront Operations permit dated-received August 20, 2025(Pages 61-75)

HABITAT MANAGEMENT DIVISION EVALUATION

ROBERT RESH, #25-1077, requests authorization to construct an open-sided canvas boathouse roof structure adjacent to an existing private pier serving 945 Bobolink Drive, situated along a cove tributary to Linkhorn Bay in Virginia Beach. This project is protested by an adjacent property owner.

Narrative

The project is located adjacent to property within a cove tributary to Linkhorn Bay in the Birdneck Point Subdivision of Virginia Beach. This subdivision is characterized by natural tributaries and manmade canals to Linkhorn Bay that support residential properties. The location of the project is within a natural cove and over state-owned submerged bottomlands under the Commission's purview. Within the subdivision, nearly every waterfront parcel has a constructed private pier, some of which are also equipped with an open-sided roof structure.

Staff received a phone call from the adjacent property owner to the north, Ms. Martin, on April 21, 2025, claiming that the applicant, Mr. Resh, was constructing a boat house without authorization. Staff conducted a site inspection on April 25, 2025, and confirmed that an unauthorized boathouse was being constructed prior to receiving VMRC authorization. The applicant and contractor complied with staff's request via Notice to Comply #25-03 to remove the unauthorized structure and apply for the roof structure through the JPA process. Staff confirmed its removal during a follow-up site visit on July 7, 2025.

We received Mr. Resh's submitted application requesting authorization to construct a new 45-foot by 19-foot open-sided canvas boathouse roof structure adjacent to the existing, previously authorized and exempt private pier and uncovered boat lift (VMRC #2013-0677 and #2024-1355) on May 15, 2025. Given that the proposed boathouse dimensions exceed 700 square feet, the area allowable pursuant to §28.2-1203(A5), staff began processing the request for a Commission subaqueous permit. As part of the standard permit process, adjacent riparian property owners were notified, and a newspaper advertisement was published in the Virginian Pilot. The Virginia Beach Waterfront Operations office has approved the proposal.

Issues

The project is protested by the adjoining property owners to the north, Mr. Fanelli and Ms. Martin. Staff received Mr. Fanelli's original written correspondence submitted via counsel, Mr. Bryan Peeples, Pender & Coward on April 28, 2025, after originally notifying staff of the unauthorized roof frame construction. Staff received additional correspondence from Mr. Fanelli's counsel on May 19, 2025. After staff notified adjacent property owners of this current roof request, another protest was submitted on July 8, 2025, by Mr. Fanelli, directing staff to refer to the previously submitted correspondence. Follow-up correspondence was received from Mr. Fanelli's counsel on July 10, 2025. The other adjacent riparian property owner to the south did not object to the proposal.

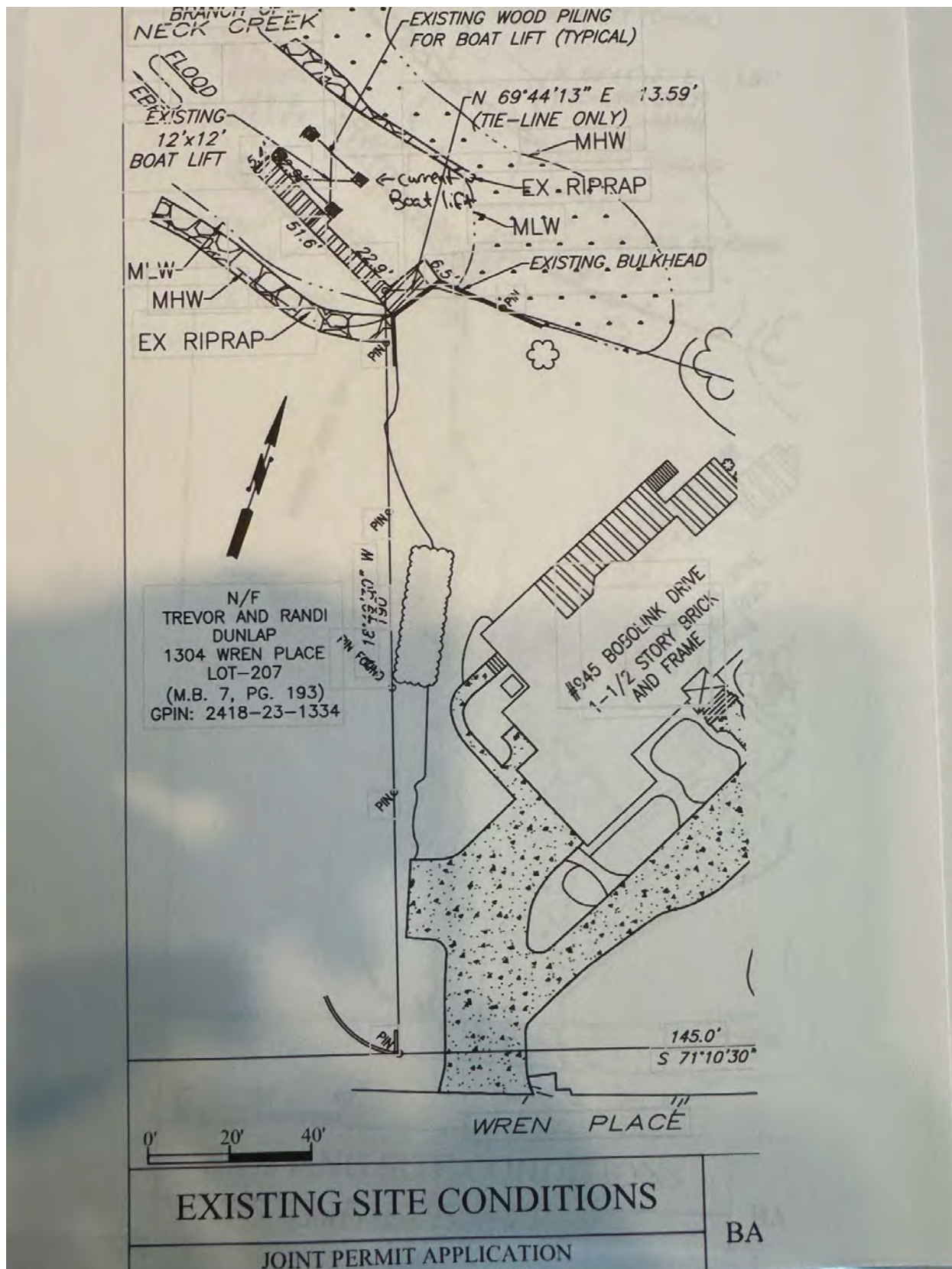
Per the submitted correspondence, their complaints are as follows: the proposed roof structure will affect the neighbor's quality of life and enjoyment of the property; decrease property value; obstruct the existing viewshed; and may adversely affect the adjacent living shoreline due to shading.

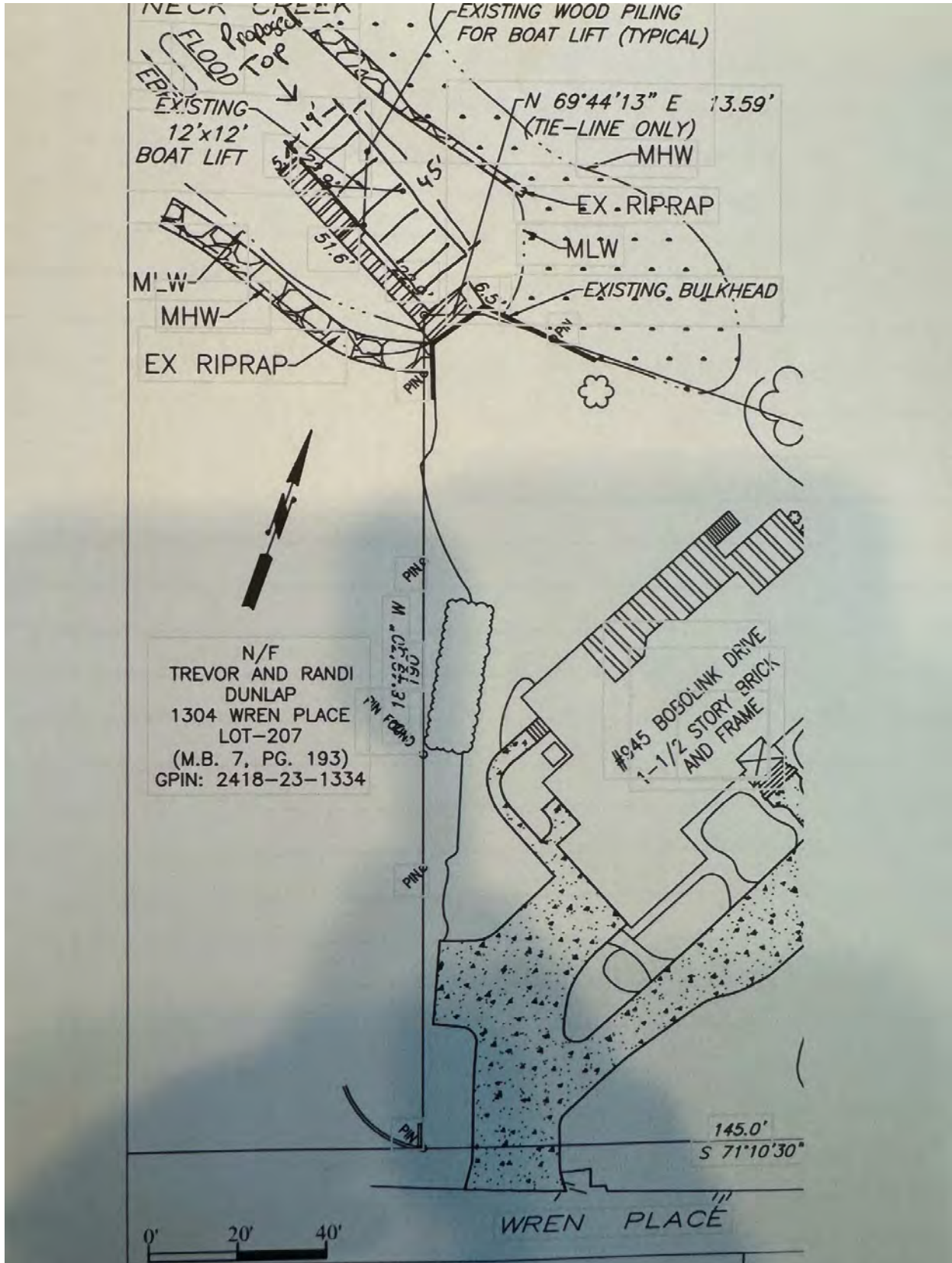
Summary/Recommendations

The applicant apologized for the original unauthorized construction of the boathouse citing a misinterpretation of the previous boat lift approval (VMRC #2024-1355) and promptly worked with staff to remove the structure within a timely manner. Habitat staff are satisfied that the applicant complied with all requirements of the issued Notice to Comply (#25-03).

Nearly all properties within the subdivision community have private piers, some of which also have open-sided roof structures. The applicant has provided information to satisfy the vessel requirements for over-sized boathouse roof structure requests. Although the size of the boathouse precludes its qualification for the statutory authorization provided for private piers and roof structures, this project could have been administratively approved if it had not been protested by the adjacent riparian property owner, Mr. Fanelli.

In this case, we believe the open-sided design of the roof structure only minimally adds to the visual obstruction already presented by Mr. Resh's statutorily authorized private pier and boat lift. Staff and this Commission have historically agreed that this type of private open-sided roof proposal is an appropriate use of a riparian property owner's rights to access state-owned submerged lands. Accordingly, after evaluating the applicant's request and project drawings, the merits of the project against the concerns expressed by those in opposition, and after considering all factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.





Hey Tiffany please let me know if this works , apologies I am out of office , for the next few days due to air conditioning being down .

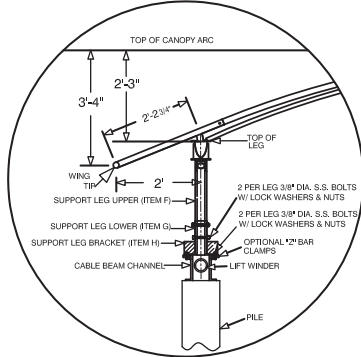
Thanks ,
Brody Feuerhahn

On Jun 25, 2025, at 4:39 PM, Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov> wrote:

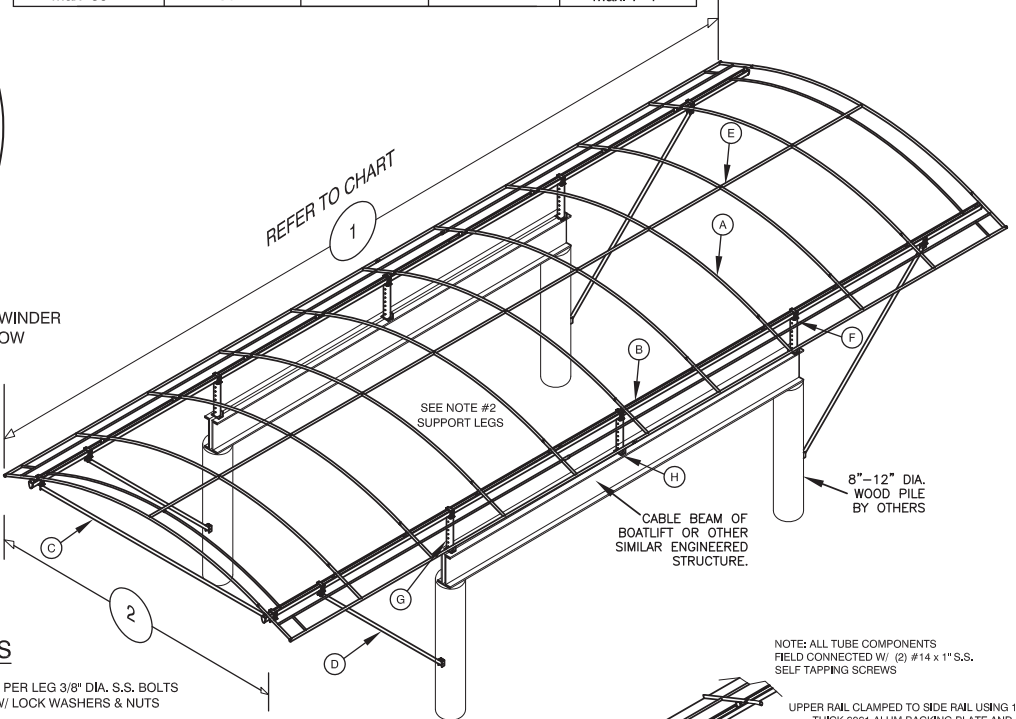
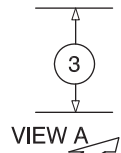
GOLDEN ENGINEERED 24 x 50 (Max) Sunshade Canopy

CANOPY SIZE AND SPACING CHART - CENTERED ON SUPPORT STRUCTURE

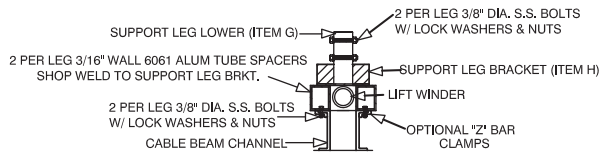
Max. Roof Bow Spacing Ctr.-Ctr.	*1" Dimension Out to Out	*2A" Dimension Out to Out	*2B" Dimension Beam to Beam	*3" Height above Support
Inches	Feet (max)	Feet (max)	Feet (max)	Feet
Max. 60	50	24	20	Max. 7'-4"



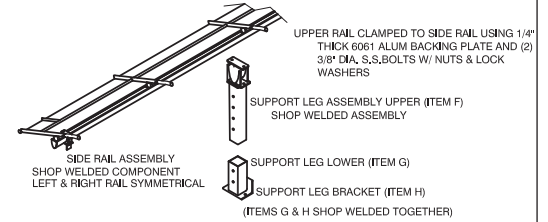
DOUBLE "C" CHANNEL CABLE BEAM W/INTERNAL WINDER
SOME ALTERNATE CONNECTIONS SHOWN BELOW
VIEW A



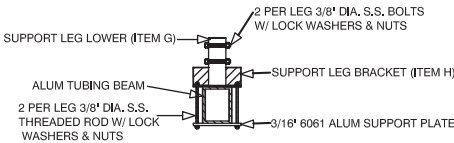
ALTERNATE CONNECTION DETAILS



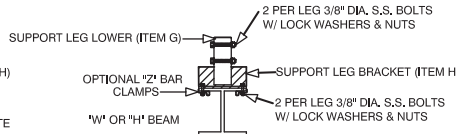
DOUBLE "C" CHANNEL CABLE BEAM W/ RAISED WINDER



UPPER & LOWER LEG ASSEMBLIES FIELD CONNECTED WITH MINIMUM (2) 3/8" DIA. S.S. THRU BOLTS, NUTS AND WASHERS



ALUMINUM TUBE BEAM MOUNT



"W" OR "H" BEAM MOUNT

NOTE 1: THIS STRUCTURE HAS BEEN DESIGNED FOR LOADS ASSOCIATED WITH AN ULTIMATE WIND SPEED OF 170 MPH, EXPOSURE "D", RISK CATEGORY I, MEAN ROOF HEIGHT 15 FT. CALCULATED PER FLORIDA BUILDING CODE 2023, ASCE/SEI 7-22 AND ADM-2020. CANOPY COVER SHALL NOT BE ON FRAME DURING HIGH WIND EVENTS (WIND SPEED GREATER THAN 70 MPH). MOUNT CONSPICUOUS PLACARD STATING TO REMOVE CANOPY FOR ANTICIPATED WINDS GREATER THAN 70 MPH.

NOTE 2: 4 TO 8 SUPPORT LEGS REQUIRED FOR OVERALL LENGTH (DIMENSION "1") NOT GREATER THAN 50 FT. MAX. SPACING BETWEEN LEGS 12 FT.

NOTE 3: MAX. CANTILEVER BEYOND END SUPPORT LEG 15 FT. CANTILEVERS GREATER THAN 6 FT. REQUIRE KICKER BAR. (ITEM D)

NOTE 4: ALL WELDED MEMBERS SHALL BE SHOP WELDED, GAS SHIELDED W/ 4043 FILLER OF MIN. STRENGTH 12.2 KSI. WELDING SHALL BE PERFORMED BY CERTIFIED WELDER PER AWS D1.2.

IN GENERAL, THE CONTRACTOR SHALL VERIFY ALL PILE AND SUPPORT STRUCTURE CAPACITIES. ALL STEEL MEMBERS AND FASTENERS ARE STAINLESS STEEL. ALUMINUM MEMBERS SHALL BE ISOLATED BY A BARRIER FROM P.T. WOOD, STEEL AND OTHER INCOMPATIBLE MATERIALS.

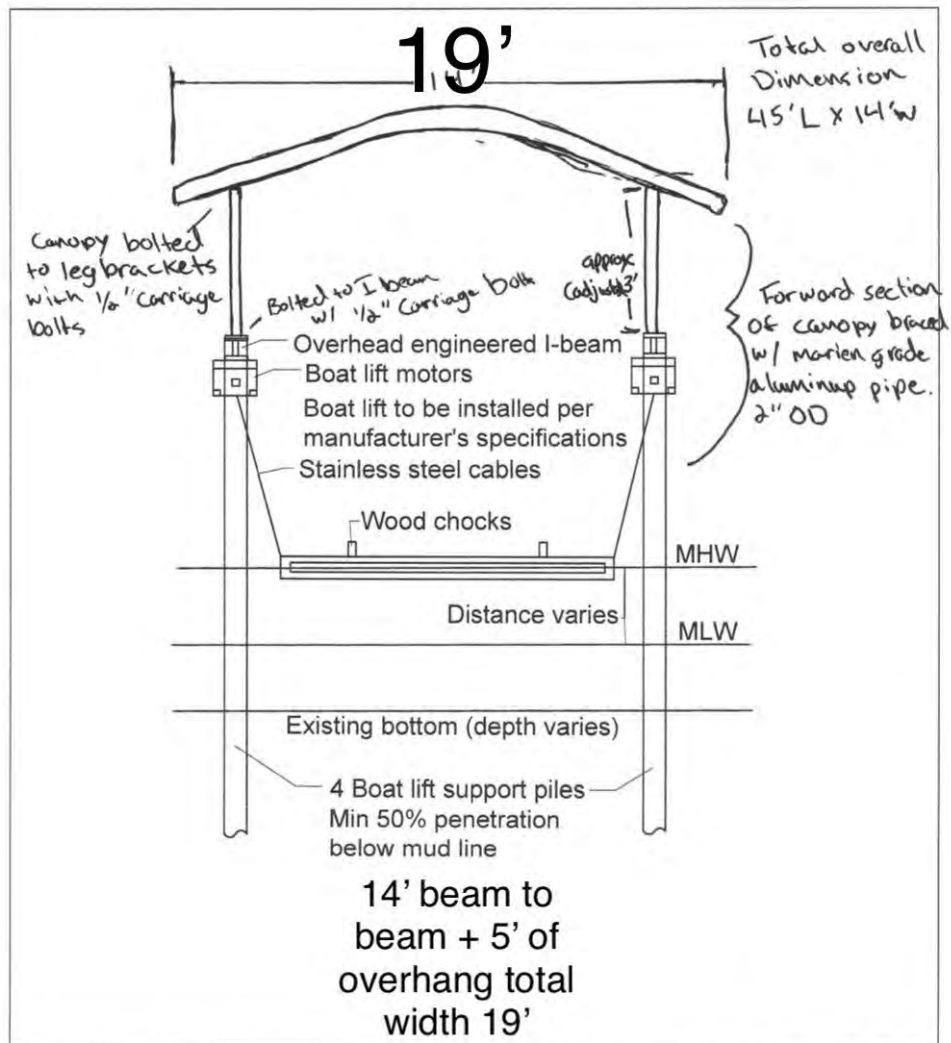
SUMMARY OF DESIGN FEATURES

MODEL	(A) ROOF BOWS @ 60" O.C.	(B) SIDE BEAM (2 EA)	(C) BOW SPANNER TUBE LATERAL BRACE	(D) KICKER BAR DIAGONAL BRACE	(E) RIDGE BEAM TOP BRACE	(F) SUPPORT LEG UPPER 1 AT EACH LEG	(G) SUPPORT LEG LOWER 1 AT EACH LEG	(H) SUPPORT LEG BRKT 1 AT EACH LEG
	INCHES	INCHES	INCHES	INCHES	INCHES	INCHES	INCHES	INCHES
Bullet Rail Canopy 50 FT. Long (Max) 24 FT. Wide (Max)	1.5 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM.	3.125" x 4.00" CUSTOM EXTRUSION 6061-T6 ALUM.	2.0 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM. FOR CANOPIES WIDER THAN 16' ON BOW END	2.0 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM.	1.5 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM.	2.45 x 2.45 x 0.25 SQUARE TUBE 6061-T6 ALUM. @ MAX. 35" LONG	3.0 x 3.0 x 0.125 SQUARE TUBE 6061-T6 ALUM. MAX. 35" LONG @ MAX. 144" O.C.	3.5 x 3.5 x 0.25 ANGLE BRKT. 6061-T6 ALUM. WELD TO LOWER LEG BASE

Golden Sunshade 2171 Flint Dr., Fort Myers Florida 33916

Pub 3-13-25

Recieved by VMRC May 15, 2025 map



BOAT LIFT DETAILS					BARNEY ENVIRONMENTAL, INC. (757) 641-5004 FAX (757) 390-4216 P.O. BOX 1595 VIRGINIA BEACH, VA 23451 WWW.BARNEYENVIRONMENTAL.COM
JOINT PERMIT APPLICATION					
RESH RESIDENCE					
945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA					
APPLICANT: ROBERT RESH					Engineering Services Provided By: Blake Engineering Services of Tidewater, LLC 224 Downing Drive Chesapeake, VA. 23322
DATUM MLW = 0'	DATE 05/31/2024	SCALE NTS	SHEET 5 OF 6	BY: JRB	

Sent from my iPhone

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: Resh Boat, Aviara AV-36
Date: Wednesday, June 11, 2025 11:20:19 AM

Please process the email as revision for 25-1077, Resh.
Thanks!

Tiffany Birge
Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651
Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: rjr0426@gmail.com <rjr0426@gmail.com>
Sent: Tuesday, June 10, 2025 4:48 PM
To: Birge, Tiffany (MRC) <tiffany.birge@mrc.virginia.gov>
Cc: brody@feuerhahnbuildinggroup.com
Subject: Resh Boat, Aviara AV-36

Tiffany-

Per your request, my boat is an Aviara AV-36
Its Coast Guard Registration Number valid through 7/2029 is 1348048
Its Hull ID #AVLBB002E122
38.6 feet long
10'10" Beam (Width)

Under the proposed canopy cover, it is just big enough to cover the boat with only a few feet to spare at each endpoint, bow to stern and port to starboard. The size of the cover was necessary to protect the vessel. Brody is finishing up the aerial view sketch you requested, which will show the existing framing over the boat at present. He will work to have the framing taken down within the 20-day deadline you discussed yesterday. Let me know if you need anything else. Thanks, Rob

Rob (RJ) Resh
CEO
The 757 Realty Companies
757 Realty, 804 Homes, & Atlantic Coast Realty Management
Elevated Ventures LLC
Ubiquitous Ventures LLC

P [757-557-0030](tel:757-557-0030)
M [757-288-4690](tel:757-288-4690)
W <https://757realty.com>
E rjr0426@gmail.com

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Trevor & Randi Dunlap, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Robert J. Resh.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5/12/25
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT ☒ ABOUT THE PROJECT.

I DO NOT OBJECT ☐ TO THE PROJECT.

I OBJECT ☐ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Trevor Dunlap
Adjacent/nearby property owner's signature(s)

5/24/2025
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251077

Print Date: Tuesday August 19 2025 17:16

Number	Name	Received	Position
1	BRYAN S PEEPLES	05/19/2025 16:35:40 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1147

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: Updated Objection -- covered boathouse (JPA 2024-1355)
Date: Monday, May 19, 2025 1:31:26 PM
Attachments: [Updated Objection - Covered Boathouse \(JPA 2024-1355\).pdf](#)
[Request Stop Work Order - JPA 2024-1355.pdf](#)

Please process the email and attachments as protest for 2025-1077, Resh.
Thanks!

Tiffany Birge
Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651
Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: Bryan S. Peeples <bpeeples@PenderCoward.com>
Sent: Monday, May 19, 2025 12:43 PM
To: Owen, Randy (MRC) <randy.owen@mrc.virginia.gov>; Birge, Tiffany (MRC) <tiffany.birge@mrc.virginia.gov>
Cc: Hannah M. Sabo <hmsabo@vbgov.com>; Christopher J. Berggren <cberggren@vbgov.com>
Subject: Updated Objection -- covered boathouse (JPA 2024-1355)

Good afternoon Randy and Tiffany:

Please find an updated objection letter regarding the covered boathouse being constructed in violation of JPA 2024-1355.

Please also find a "copy" of a Request for a Stip Work Order which we are sending to the City of Virginia Beach.

Hard copies are being sent in the mail.

Thank you,
Bryan

Bryan S. Peeples
SHAREHOLDER / ATTORNEY

PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

222 Central Park Ave Suite 400 | Virginia Beach, VA 23462
tel (757) 490-6283
[website](#) | [map](#) | [email](#) | [LinkedIn](#)

May 19, 2025

Bryan S. Peeples
bpeeples@pendercoward.com
Direct dial: (757) 490-6283
Facsimile: (757) 502-7380
222 Central Park Ave., Suite 400
Virginia Beach, VA 23462

Via First Class Mail and Email

Planning and Community Development Office (Environmental)

Attn: Hannah Sabo

2875 Sabre Street, Suite 500

Virginia Beach, VA 23452

HMSabo@VBgov.com

Planning and Community Development Office (Waterfront)

Attn: Christopher Berggren

2875 Sabre Street, Suite 500

Virginia Beach, VA 23452

CBerggren@VBgov.com

Copy to:

Virginia Marine Resources Commission

Attn: Randy Owen

308 Fenwick Road

Fort Monroe, VA 23651

randy.owen@mrc.virginia.gov

Virginia Marine Resources Commission

Attn: Tiffany Birge

308 Fenwick Road

Fort Monroe, VA 23651

randy.owen@mrc.virginia.gov

Copy to: (by regular mail only)

Robert Resh

945 Bobolink Drive

Virginia Beach, VA 23451

**Re: Request Stop Work Order – Unauthorized Covered Boathouse
JPA #2024-1355 (945 Bobolink, Virginia Beach)**

Dear Ms. Sobo and Mr. Berggren:

This firm and the undersigned counsel represent Mr. Ryan Fanelli, who owns a home at 949 Bobolink Drive, Virginia Beach, VA 23451 in opposition to the unauthorized construction of a covered boathouse currently taking place at the neighboring property located at 945 Bobolink Drive in Virginia Beach.

As you are aware, Mr. Robert Resh is constructing an unauthorized covered boathouse in violation of the No Permit Needed letter issued by the VMRC in JPA 2024-1355 and explicit instructions issued by the City. Thank you for investigating our complaint and finding our concerns valid.

On May 8, 2025, the VMRC issued Mr. Resh a Notice to Comply (NTC #25-03) (**Exhibit A**), requiring that he remove the covering or submit an after the fact JPA to retain in. Implicit in the Notice to Comply is a requirement for Mr. Resh to stop construction.

We are also aware from correspondence with Ms. Sobo that Mr. Resh was issued a verbal Stop Work Order on or around April 22, 2025, because the covered boathouse is in violation of explicit instructions that Mr. Resh received from the City regarding a building permit. (**Exhibit B**). Like the VMRC, the City reviewed the plans that Mr. Resh submitted with the JPA, which did not include a covered boat lift. The City's letter explicitly states that field changes are not permitted, and any change in plans must be resubmitted to the VMRC for review. (**Exhibit B, p. 2 of 2**)

I. It appears that Mr. Resh is not complying with the Orders from the VMRC or the City of Virginia Beach.

Despite the Notice to Comply from the VMRC and the verbal Stop Work Order issued by the City, it appears that Mr. Resh is continuing construction. My client has observed work taking place on May 10, 2025, and May 12, 2025, both of which occurred after the Notice from the VMRC and well after the verbal Order from the City. Although it is not completely clear whether the work is occurring on the roof structure itself, it is our understanding that no more work should occur on any part of the structure until the violation is rectified.

II. The City should issue a formal Stop Work Order.

While we appreciate the verbal assurances, we respectfully request that the City issue Mr. Resh a formal, written Stop Work order for his unauthorized construction. The Order should be made part of the official record in this matter. Furthermore, if Mr. Resh is found to be in violation of the Order, the City should immediately take enforcement action against him.

Thank you for your consideration. Please feel free to call or email me directly to discuss. I can be reached at (757)490-6283, or bpeeples@pendercoward.com

Very truly yours,



Bryan S. Peebles, Esq.

Cc: Mr. Ryan Fanelli



COMMONWEALTH of VIRGINIA

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, Virginia 23651

Jamie L. Green
Commissioner

May 8, 2025

CERTIFIED MAIL

Mr. Robert Resh
945 Bobolink Drive
Virginia Beach, VA 23451

Re: Notice to Comply #25-03
Unauthorized boathouse at 945
Bobolink Drive, Virginia Beach, VA

Dear Mr. Resh:

Pursuant to §28.2-1212 of the Code of Virginia, Tiffany Birge of my staff was on site on April 25, 2025, after receiving a neighbor complaint, and observed framing for a canvas boathouse roof constructed without VMRC authorization adjacent to the existing private pier serving 945 Bobolink Drive, situated along a cove tributary to Linkhorn Bay in Virginia Beach. *A recent Joint Permit Application (VMRC #24-1355) requesting an uncovered boat lift was submitted by you and deemed statutorily authorized by this agency, however it did not include any details for a proposed roof structure.

During the inspection, the following unauthorized structure was noted: Framing for a canvas boathouse roof was constructed over state-owned subaqueous bottomlands adjacent to the existing private pier serving 945 Bobolink Drive. The boathouse was constructed prior to an application being processed and approved by VMRC.

The following corrective measures are necessary to bring your private pier and boat lift into compliance: The unauthorized boathouse framing shall be removed in its entirety to prevent further enforcement action. Alternatively, you may elect to submit a Joint Permit Application (JPA) with as-built drawings requesting authorization to retain the structure. A detailed explanation explaining why the structure was constructed without proper approval must be provided. You are additionally directed to provide the name and contact information of the contractor who installed the structure.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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



Mr. Robert Resh
May 8, 2025
Page Two

Failure to comply with the above corrective measures within 30 days of this Notice will result in this matter being scheduled for a hearing before the Virginia Marine Resources Commission.

Please be advised that any person who violates or fails to comply with a Commission order, rule, regulation, or permit condition authorized under Chapter 12 of Title 28.2 of the Code of Virginia, may be assessed civil penalties by the appropriate circuit court not to exceed \$25,000.00 for each day of violation.

If you have any questions, please do not hesitate to contact Tiffany Birge of my staff at (757) 247-2254 or tiffany.birge@mrc.virginia.gov.

Notice ordered by *Randal D. Owen* on May 8, 2025

Randal D. Owen
Chief, Habitat Management Division

RDO:tlb/tsb
HM

cc: Commissioner, Jamie L. Green
Assistant Attorney General Kelci Block
Virginia Beach City Waterfront Operations
Barney Environmental, Inc.

From: [Christopher J. Berggren](#)
To: [Jason Barney](#); [MRC - jpa Permits](#)
Cc: [Heaven L. Manning](#)
Subject: Resh Review Pack
Date: Monday, June 24, 2024 9:03:03 AM
Attachments: [image001.png](#)
[2024-WTRA-00124 \(Resh\) 945 Bobolink Dr..pdf](#)

Mr. Barney, here is the review pack for Resh's boatlift at 945 Bobolink Dr.

Christopher Berggren
PLANNING & COMMUNITY DEVELOPMENT
Coastal Planning Technician

D: 757-385-8246 | O: 757-385-4621
CBerggren@vbgov.com
www.vbgov.com/planning

2875 Sabre Street, Suite 500
Virginia Beach, Virginia 23452



Received by VMRC June 24, 2024 /blh





PLANNING & COMMUNITY DEVELOPMENT

Planning Administration
2875 Sabre Street, Suite 500
Virginia Beach, VA 23452

June 24, 2024

Sent via email only:

Robert Resh
Rjr0426@gmail.com

Jason Barney
barney@barneyenvironmental.com
Barney Environmental, Inc.

Subject: Waterfront Construction Review Letter
Robert Resh, 945 Bobolink Dr.
Accela Record: 2024-WTRA-00124

Dear Mr. Resh:

The Virginia Beach Department of Planning and Community Development staff has reviewed the Joint Permit Application (JPA) for the above referenced property regarding the following proposed improvements:

- Remove Existing Pier/Lift/ Floating Docks
- Construct Pier w T-Head/ Floating Dock/ Finger Pier
- Reinstall Lift
- Approved for Waterfront construction drawings, received by VMRC, dated May 31, 2024. Pages 1 thru 6

A building permit will be required to construct the proposed improvements. Building permits are issued by the Department of Planning and Community Development, Permits and Inspections Office. In addition to the requirements of the JPA the following conditions apply.

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. Land disturbance is inclusive of construction access ways, stockpile areas, and staging areas.

(757) 385-4621
virginiabeach.gov/planning

Received by VMRC June 24, 2024 /blh

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.

Field changes are not permitted. Any revisions to the proposed improvements 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, 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 approval packet from Waterfront Operations containing the entire Joint Permit Application with the City of Virginia Beach 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 that Zoning and/or 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.

Sincerely,



Chris Berggren
Coastal Planning Technician II

XXX/xxx

cc: Virginia Marine Resource Commission – Tiffany Birge
Heaven Manning, Planning Administration

**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 June 24, 2024 /blh

Zoning Approval

Use: Proposed boat lift as shown.

Zoning: R40 Residential -

Standard Setbacks - Variance Setbacks:

<u>50 FT</u>	<u>Front</u>	<u>-</u>
<u>0 FT</u>	<u>Side</u>	<u>-</u>
<u>N/A</u>	<u>Side Corner</u>	<u>-</u>
<u>0 FT</u>	<u>Rear</u>	<u>-</u>
<u>35 FT</u>	<u>Height</u>	<u>-</u>

Zoning Inspection: BZA

☐

CUP

☐

FVR

☐

CRZ

☐

CBPA Inspection: YES

☐

NO

☐

Flood Plain Multitple Zones

Watershed CHESAPEAKE BAY - RPA

AICUZ: < 65 dB & N/A

Remarks: 945 Bobolink Dr.

DSC File Number: 2024-WTRA-00124 Date: 06/14/2024

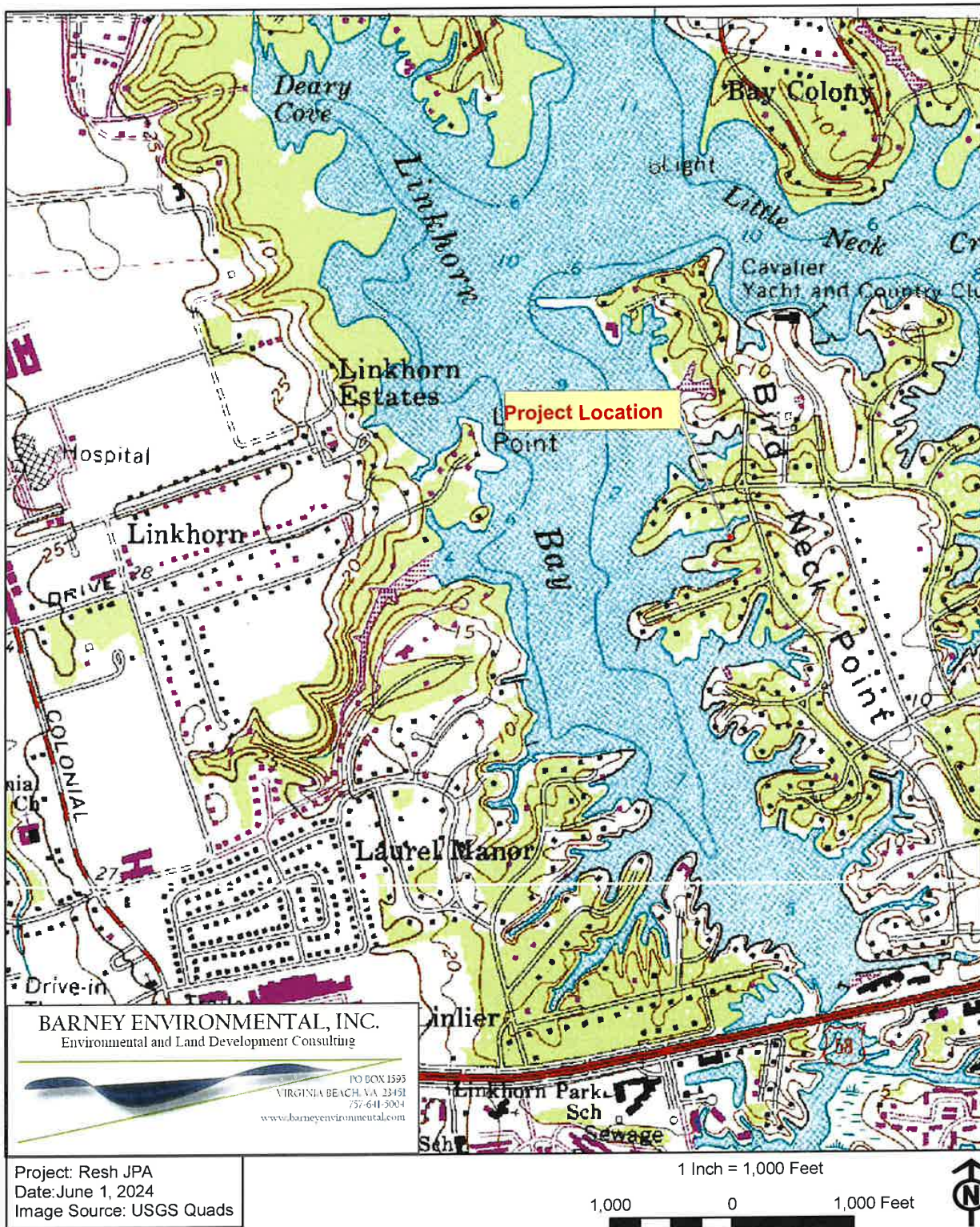
Jeff Manuel

DSC/Zoning Staff

rev 12-21-2020

Received by VMRC June 24, 2024 /blh

Resh Residence JPA Vicinity Exhibit: 945 Bobolink Drive



Received by VMRC June 24, 2024 /blh

RESH RESIDENCE BOAT LIFT REPLACEMENT

945 BOBOLINK DRIVE
VIRGINIA BEACH, VA.

<u>SHEET</u>	<u>TITLE</u>
1	COVER SHEET
2	EXISTING SITE CONDITIONS
3	PROPOSED IMPROVEMENTS
4	CROSS SECTION
5	BOAT LIFT DETAILS
6	CONSTRUCTION NOTES

CONSTRUCTION SEQUENCE

1. Acquire all necessary permits
2. Designate construction limits
3. Remove existing boat lift and piles
4. install new piles and new boat lift

COVER SHEET

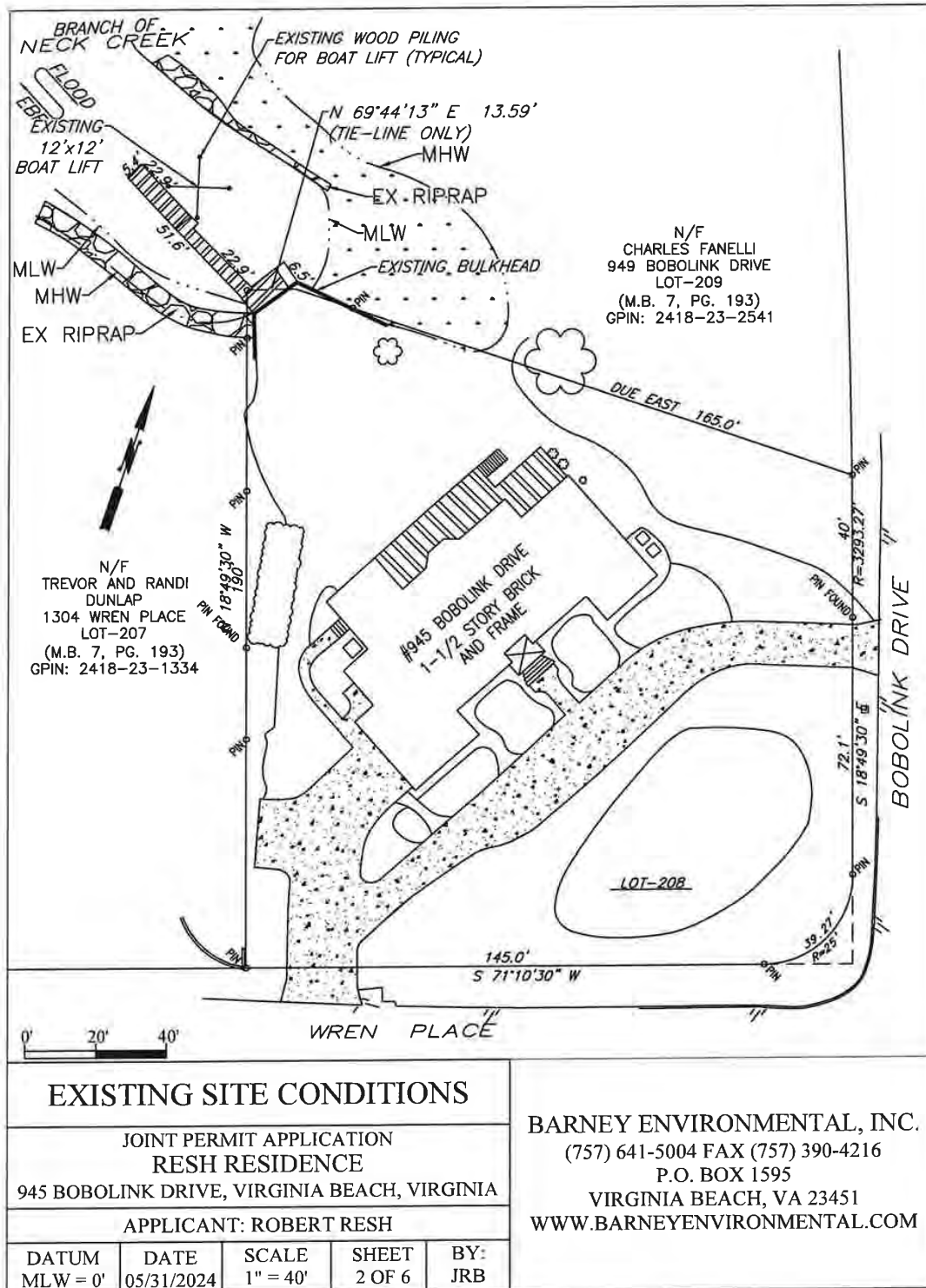
JOINT PERMIT APPLICATION
RESH RESIDENCE
945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA

APPLICANT: ROBERT RESH

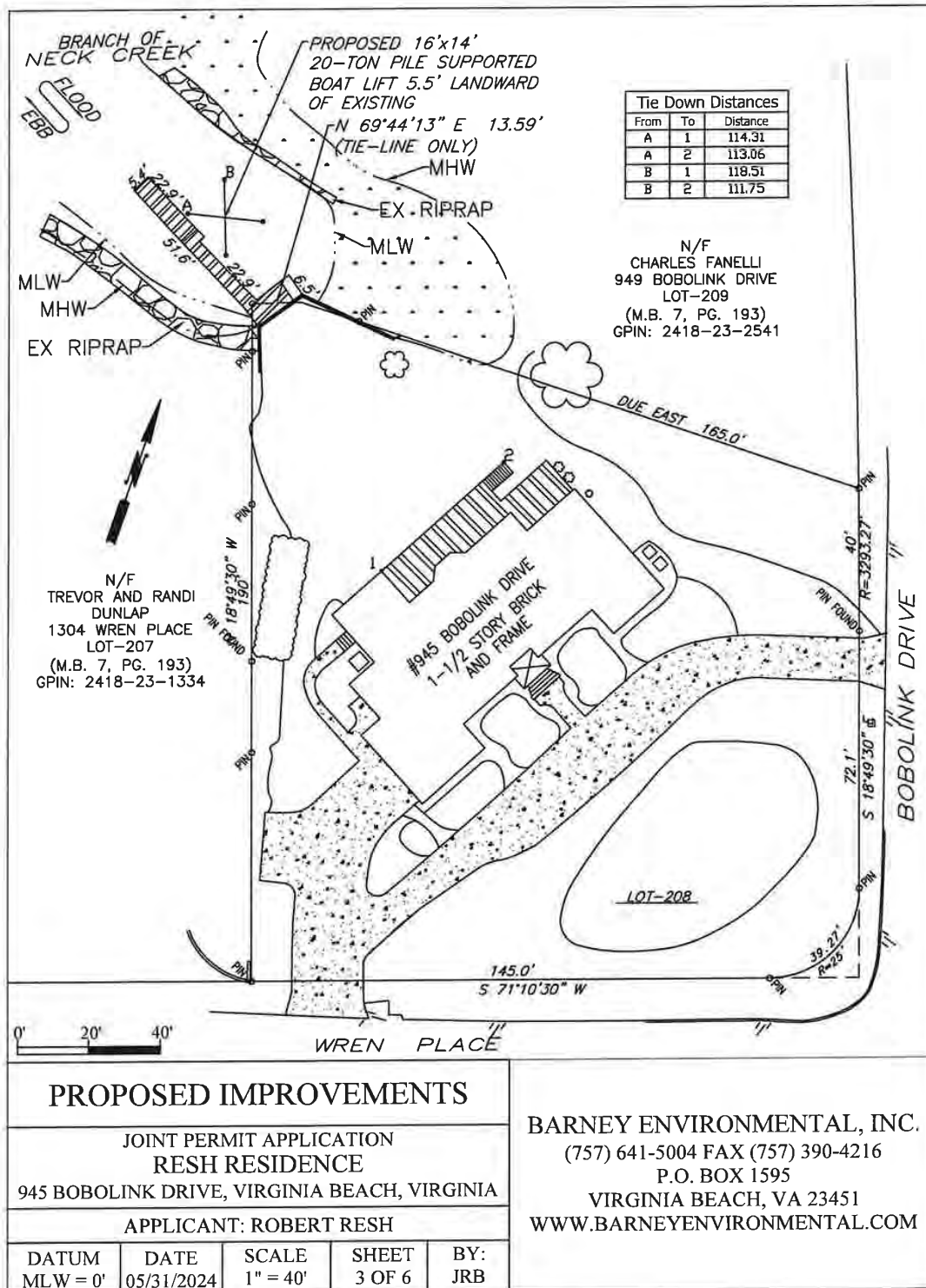
DATUM MLW = 0'	DATE 05/31/2024	SCALE As Shown	SHEET 1 OF 6	BY: JRB
-------------------	--------------------	-------------------	-----------------	------------

BARNEY ENVIRONMENTAL, INC.
(757) 641-5004 FAX (757) 390-4216
P.O. BOX 1595
VIRGINIA BEACH, VA 23451
WWW.BARNEYENVIRONMENTAL.COM

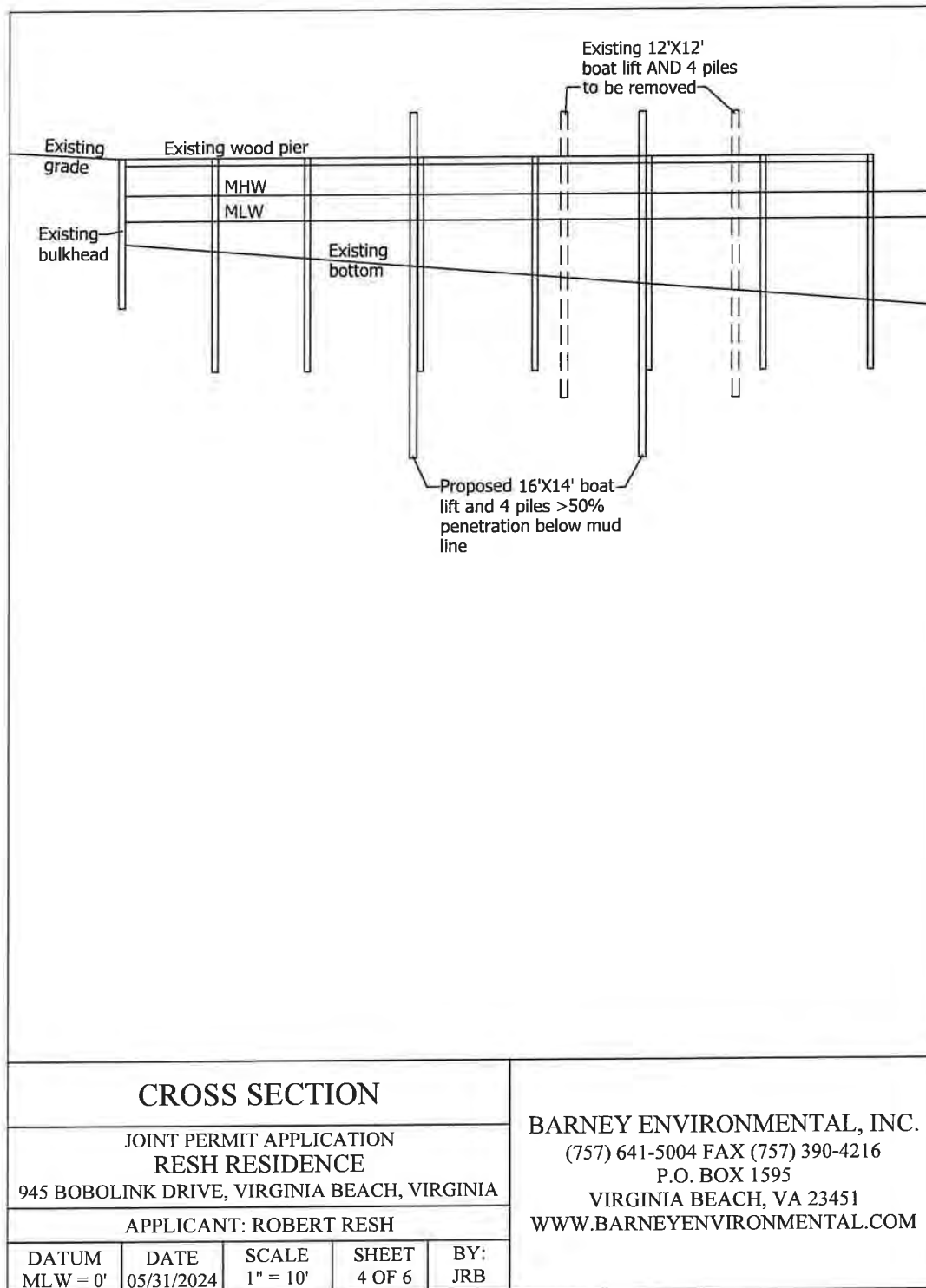
Received by VMRC June 24, 2024 /blh



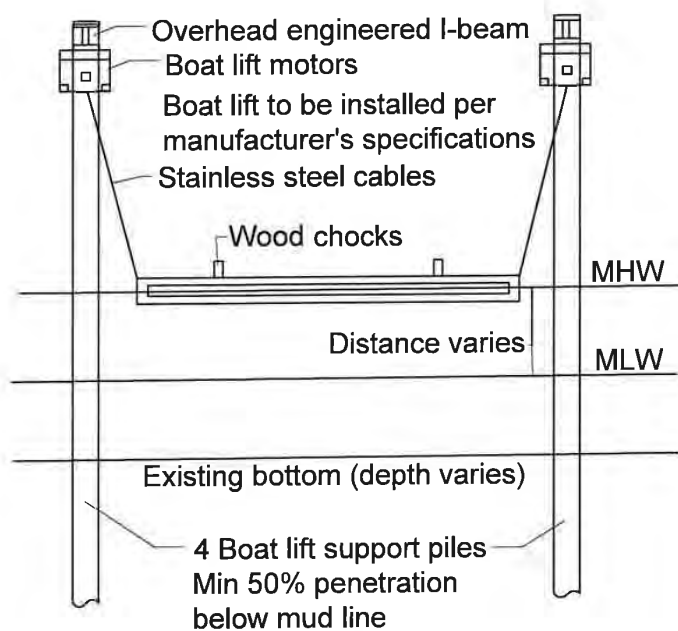
Received by VMRC June 24, 2024 /blh



Received by VMRC June 24, 2024 /blh



Received by VMRC June 24, 2024 /blh



BOAT LIFT DETAILS

JOINT PERMIT APPLICATION
 RESH RESIDENCE
 945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA

APPLICANT: ROBERT RESH

DATUM	DATE	SCALE	SHEET	BY:
MLW = 0'	05/31/2024	NTS	5 OF 6	JRB

BARNEY ENVIRONMENTAL, INC.
 (757) 641-5004 FAX (757) 390-4216
 P.O. BOX 1595
 VIRGINIA BEACH, VA 23451
 WWW.BARNEYENVIRONMENTAL.COM

Received by VMRC June 24, 2024 /blh

Project Description:

The project will involve replacement of the boat lift at 945 Bobolink Drive. The existing boat lift and support piles will be removed, and the new lift and support piles installed.

Existing Site Conditions:

The site currently contains a residence and a variety of common tree species. A bulkhead protects the landward slope from erosion. An existing pier and boat lift is present.

Adjacent Properties:

Adjacent parcels contain residences. Waterfronts are protected by riprap.

Geology:

The project site is located within the Virginia Coastal Plain Physiographic Province. Review of the Geological Map and Generalized Cross Sections of the Coastal Plain and Adjacent Parts of the Piedmont, Virginia (U.S.

Geological Survey, 1989), shows that the geology consists of a wedge of stratified unconsolidated sediments that gently dip and thicken eastward. These sediments generally consist of fluvial and marine deposits of sand, silt, and clay with variable amounts of shell material that range from Cretaceous to Holocene (recent).

Erosion and Sediment Control Measures:

If applicable a properly installed silt fence shall be maintained seaward of all disturbed areas at the conclusion of each work day. Silt fence shall be 36" in width with 4" entrenched vertically and 4" entrenched horizontally. Silt fences will also be installed at the capboard immediately after completing backfill, and shall be maintained until permanent vegetative cover has established.

Temporary Construction Entrance:

Construction machinery will access the site via Neck Creek. There is no landward construction access required for this project.

NOTE:

Boat lift building materials supplied by manufacturer, to be installed in accordance with manufacturer's specifications.

All nails, bolts, and hardware to be in accordance with ASTM A-153.

All timber material for use in this marine environment to be preservative treated in accordance with the AWP

Any disturbed soils shall be immediately stabilized upon completion by grading, seeding, and mulching.

Drawings are for permit purposes only and do not constitute full design drawings. No soil borings have been done to confirm subsurface conditions. Boatlift layout is based on visual onsite inspection. Boat lift design is based on standard design practices. Dimensions shown are minimums to be allowed. Atypical site conditions not visibly apparent have not been taken into account. The contractor shall verify bottom conditions to assure that firm material is in place. The engineer shall be notified of any abnormal soil conditions.

CONSTRUCTION NOTES

JOINT PERMIT APPLICATION

RESH RESIDENCE

945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA

APPLICANT: ROBERT RESH

DATUM
MLW = 0'

DATE
05/31/2024

SCALE
As Shown

SHEET
6 OF 6

BY:
JRB

BARNEY ENVIRONMENTAL, INC.

(757) 641-5004 FAX (757) 390-4216

P.O. BOX 1595

VIRGINIA BEACH, VA 23451

WWW.BARNEYENVIRONMENTAL.COM

Received by VMRC June 24, 2024 /blh

May 19, 2025

Bryan S. Peebles
bpeeples@pendercoward.com
Direct dial: (757) 490-6283
Facsimile: (757) 502-7380
222 Central Park Ave., Suite 400
Virginia Beach, VA 23462

Via First Class Mail and Email

Virginia Marine Resources Commission
Attn: Randy Owen
308 Fenwick Road
Fort Monroe, VA 23651
randy.owen@mrc.virginia.gov

Copy to

Virginia Marine Resources Commission
Attn: Tiffany Birge
308 Fenwick Road
Fort Monroe, VA 23651
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Planning and Community Development Office (Environmental)

Attn: Hannah Sabo
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Virginia Beach, VA 23452
HMSabo@VBgov.com

Planning and Community Development Office (Waterfront)

Attn: Christopher Berggren
2875 Sabre Street, Suite 500
Virginia Beach, VA 23452
CBerggren@VBgov.com

Copy to: (by regular mail only)

Robert Resh
945 Bobolink Drive
Virginia Beach, VA 23451

**Re: Updated Objection - Unauthorized Covered Boathouse
JPA #2024-1355 (945 Bobolink, Virginia Beach)**

Dear Mr. Owen and Ms. Birge:

As you know, our firm and the undersigned counsel represent Mr. Ryan Fanelli, who owns a home at 949 Bobolink Drive, Virginia Beach, VA 23451 in opposition to the unauthorized construction of a covered boathouse currently taking place at the neighboring property located at 945 Bobolink Drive in Virginia Beach.

As we discussed in our April 25, 2025, letter, Mr. Robert Resh is constructing an unauthorized covered boathouse in violation of the No Permit Needed letter issued by the VMRC in JPA 2024-1355. Thank you for investigating our complaint and finding our concerns valid.

On May 8, 2025, the VMRC issued Mr. Resh a Notice to Comply (NTC #25-03) (**Exhibit A**), requiring that he remove the covering or submit an after the fact JPA to retain it. Implicit in the Notice to Comply is a requirement for Mr. Resh to stop construction.

We are also aware from correspondence with Hannah Sobo of the Virginia Beach Planning and Community Development Environmental Team, that Mr. Resh was issued a verbal Stop Work Order on or around April 22, 2025, because the covered boathouse is in violation of explicit instructions that Mr. Resh received from the City regarding a building permit. (**Exhibit B**). Like the VMRC, the City reviewed the plans that Mr. Resh submitted with the JPA, which did not include a covered boat lift. The City's letter explicitly states that field changes are not permitted, and any change in plans must be resubmitted to the VMRC for review. (**Exhibit B, p. 2 of 2**)

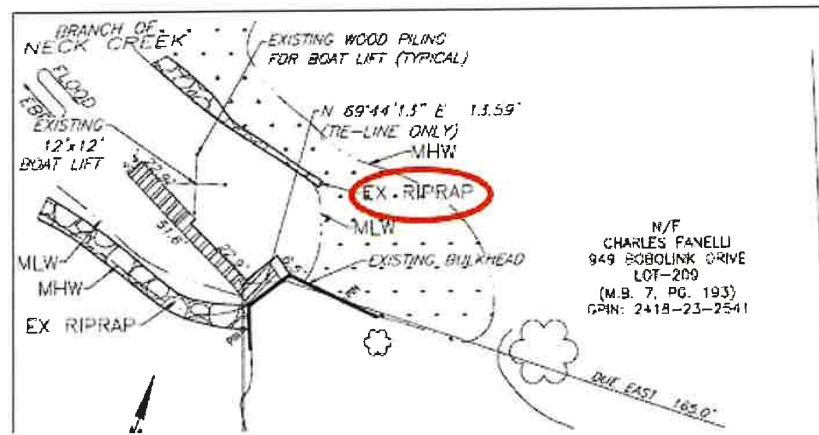
I. It appears that Mr. Resh is not complying with the Orders from the VMRC or the City of Virginia Beach.

Despite the Notice to Comply from the VMRC and the verbal Stop Work Order issued by the City, it appears that Mr. Resh is continuing construction. My client has observed work taking place on May 10, 2025, and May 12, 2025, both of which occurred after the Notice from the VMRC and well after the verbal Order from the City. Although it is not completely clear whether the work is occurring on the roof structure itself, it is our understanding that no more work should occur on any part of the pier structure until the violation is rectified.

II. The JPA contained an inaccurate description of Existing Site Conditions

Our client is not opposed to Mr. Resh constructing a boatlift. However, the large metal structure currently under construction will not only impair our clients' viewshed and property value because it is *extremely* close to the shared property line, but it will also adversely affect the plant and animal life in the adjacent living shoreline.

Of significant note, the property survey submitted with JPA #2024-1355 is plainly wrong. The JPA shows "existing rip rap" on my client's shoreline. This is incorrect. There is no rip rap present at that location. That area is protected by a living shoreline which is home to plant life and shellfish. As the photos below show, a covered boathouse in such close proximity to a living shoreline would have adverse effects on the plants and animals which live there.



Except from "Existing Site Conditions" plat contained in JPA 2024-1355



Photo taken along the Fanellis' property line, showing boathouse awning over the living shoreline

May 19, 2025

Page 4

As you know, under Virginia Code §28.2-1205, the VMRC is required to take several factors into account when determining whether to grant a permit. These factors include the effect on adjacent or nearby properties; water quality; and submerged aquatic vegetation (SAV). Additionally, the VMRC is required to consult with other state agencies, including the Virginia Institute of Marine Science (VIMS), if the VMRC's decision on a permit application relates to or affects the particular concerns or activities of those agencies.

In the present case, the enormous covered boathouse will not only affect the use and enjoyment of the Fanelli property, but it will harm the plant and animal life in the living shoreline. Any after the fact permit should be DENIED.

At a minimum, the VMRC should require an analysis from VIMS regarding the environmental impacts of a covered structure on the plants and animal life before proceeding with any new JPA.

Thank you for your consideration. Please feel free to call or email me directly to discuss. I can be reached at (757)490-6283, or bpeeples@pendercoward.com

Very truly yours,

A handwritten signature in blue ink, appearing to read 'B. Peeples', with a long horizontal flourish extending to the right.

Bryan S. Peeples, Esq.

Cc: Mr. Ryan Fanelli



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, Virginia 23651

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

May 8, 2025

CERTIFIED MAIL

Mr. Robert Resh
945 Bobolink Drive
Virginia Beach, VA 23451

Re: Notice to Comply #25-03
Unauthorized boathouse at 945
Bobolink Drive, Virginia Beach, VA

Dear Mr. Resh:

Pursuant to §28.2-1212 of the Code of Virginia, Tiffany Birge of my staff was on site on April 25, 2025, after receiving a neighbor complaint, and observed framing for a canvas boathouse roof constructed without VMRC authorization adjacent to the existing private pier serving 945 Bobolink Drive, situated along a cove tributary to Linkhorn Bay in Virginia Beach. *A recent Joint Permit Application (VMRC #24-1355) requesting an uncovered boat lift was submitted by you and deemed statutorily authorized by this agency, however it did not include any details for a proposed roof structure.

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The following corrective measures are necessary to bring your private pier and boat lift into compliance: The unauthorized boathouse framing shall be removed in its entirety to prevent further enforcement action. Alternatively, you may elect to submit a Joint Permit Application (JPA) with as-built drawings requesting authorization to retain the structure. A detailed explanation explaining why the structure was constructed without proper approval must be provided. You are additionally directed to provide the name and contact information of the contractor who installed the structure.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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



Mr. Robert Resh
May 8, 2025
Page Two

Failure to comply with the above corrective measures within 30 days of this Notice will result in this matter being scheduled for a hearing before the Virginia Marine Resources Commission.

Please be advised that any person who violates or fails to comply with a Commission order, rule, regulation, or permit condition authorized under Chapter 12 of Title 28.2 of the Code of Virginia, may be assessed civil penalties by the appropriate circuit court not to exceed \$25,000.00 for each day of violation.

If you have any questions, please do not hesitate to contact Tiffany Birge of my staff at (757) 247-2254 or tiffany.birge@mrc.virginia.gov.

Notice ordered by *Randal D. Owen* on May 8, 2025

Randal D. Owen
Chief, Habitat Management Division

RDO:tlb/tsb
HM

cc: Commissioner, Jamie L. Green
Assistant Attorney General Kelci Block
Virginia Beach City Waterfront Operations
Barney Environmental, Inc.

From: [Christopher J. Berggren](#)
To: [Jason Barney](#); [MRC - jpa Permits](#)
Cc: [Heaven L. Manning](#)
Subject: Resh Review Pack
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Mr. Barney, here is the review pack for Resh's boatlift at 945 Bobolink Dr.

Christopher Berggren
PLANNING & COMMUNITY DEVELOPMENT
Coastal Planning Technician

D: 757-385-8246 | O: 757-385-4621
CBerggren@vb.gov
www.vbgov.com/planning

2875 Sabre Street, Suite 500
Virginia Beach, Virginia 23452



Received by VMRC June 24, 2024 /blh





PLANNING & COMMUNITY DEVELOPMENT

Planning Administration
2875 Sabre Street, Suite 500
Virginia Beach, VA 23452

June 24, 2024

Sent via email only:

Robert Resh
Rjr0426@gmail.com

Jason Barney
barney@barneyenvironmental.com
Barney Environmental, Inc.

Subject: Waterfront Construction Review Letter
Robert Resh, 945 Bobolink Dr.
Accela Record: 2024-WTRA-00124

Dear Mr. Resh:

The Virginia Beach Department of Planning and Community Development staff has reviewed the Joint Permit Application (JPA) for the above referenced property regarding the following proposed improvements:

- Remove Existing Pier/Lift/ Floating Docks
- Construct Pier w T-Head/ Floating Dock/ Finger Pier
- Reinstall Lift
- Approved for Waterfront construction drawings, received by VMRC, dated May 31, 2024. Pages 1 thru 6

A building permit will be required to construct the proposed improvements. Building permits are issued by the Department of Planning and Community Development, Permits and Inspections Office. In addition to the requirements of the JPA the following conditions apply.

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. Land disturbance is inclusive of construction access ways, stockpile areas, and staging areas.

(757) 385-4621
virginiabeach.gov/planning

Received by VMRC June 24, 2024 /blh

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.

Field changes are not permitted. Any revisions to the proposed improvements 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, 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 approval packet from Waterfront Operations containing the entire Joint Permit Application with the City of Virginia Beach 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 that Zoning and/or 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.

Sincerely,



Chris Berggren
Coastal Planning Technician II

XXX/xxx

cc: Virginia Marine Resource Commission – Tiffany Birge
Heaven Manning, Planning Administration

**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 June 24, 2024 /blh

Zoning Approval

Use: Proposed boat lift as shown.

Zoning: R40 Residential -

Standard Setbacks – Variance Setbacks:

<u>50 FT</u>	<u>Front</u>	<u>-</u>
<u>0 FT</u>	<u>Side</u>	<u>-</u>
<u>N/A</u>	<u>Side Corner</u>	<u>-</u>
<u>0 FT</u>	<u>Rear</u>	<u>-</u>
<u>35 FT</u>	<u>Height</u>	<u>-</u>

Zoning Inspection: BZA

☐

CUP

☐

FVR

☐

CRZ

☐

CBPA Inspection: YES

☐

NO

☐

Flood Plain Multitple Zones

Watershed CHESAPEAKE BAY - RPA

AICUZ: < 65 dB & N/A

Remarks: 945 Bobolink Dr.

DSC File Number: 2024-WTRA-00124 Date: 06/14/2024

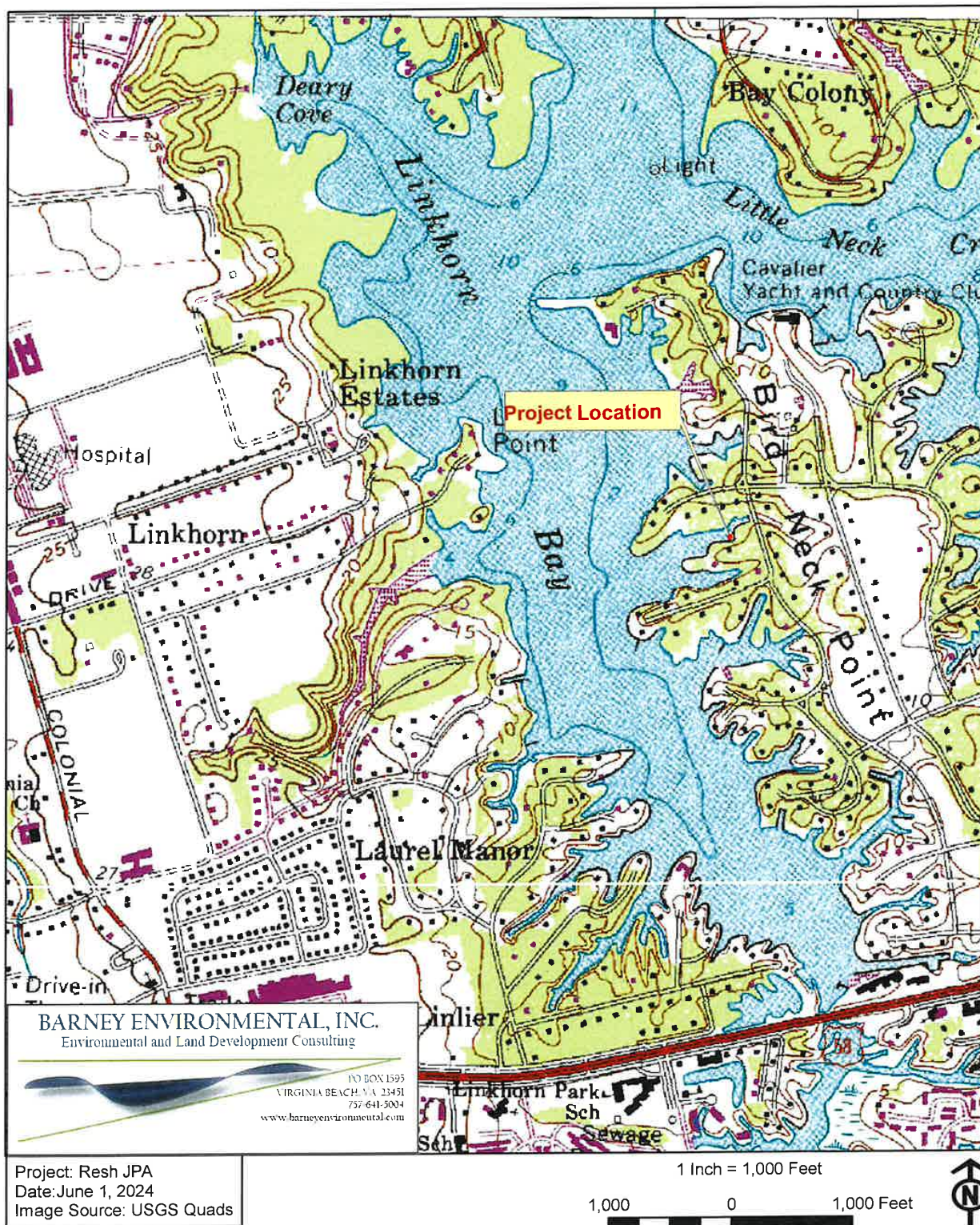
Jeff Manuel

DSC/Zoning Staff

rev 12-21-2020

Received by VMRC June 24, 2024 /blh

Resh Residence JPA Vicinity Exhibit: 945 Bobolink Drive



Received by VMRC June 24, 2024 /blh

RESH RESIDENCE BOAT LIFT REPLACEMENT

945 BOBOLINK DRIVE
VIRGINIA BEACH, VA.

<u>SHEET</u>	<u>TITLE</u>
1	COVER SHEET
2	EXISTING SITE CONDITIONS
3	PROPOSED IMPROVEMENTS
4	CROSS SECTION
5	BOAT LIFT DETAILS
6	CONSTRUCTION NOTES

CONSTRUCTION SEQUENCE

1. Acquire all necessary permits
2. Designate construction limits
3. Remove existing boat lift and piles
4. install new piles and new boat lift

COVER SHEET

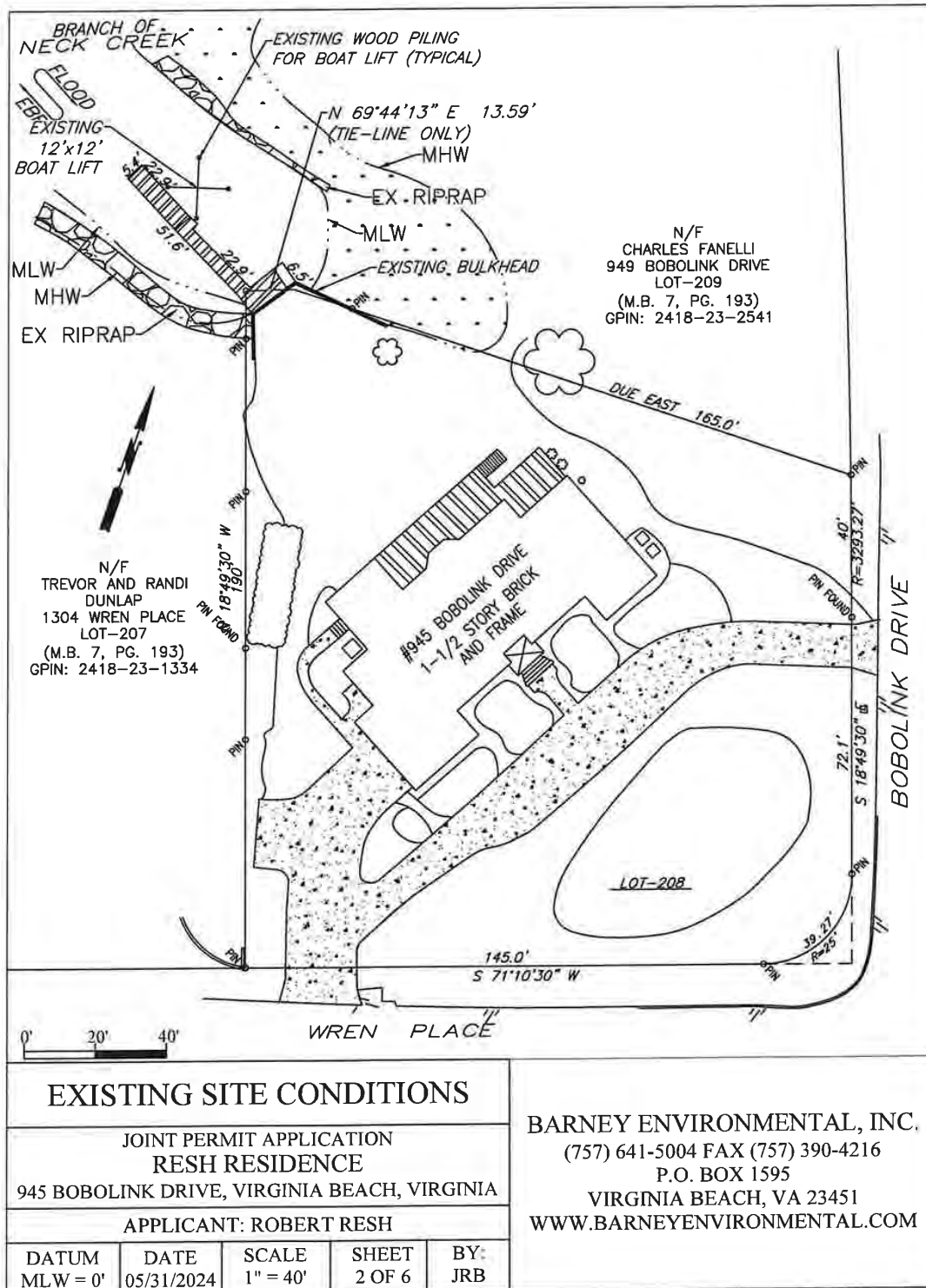
JOINT PERMIT APPLICATION
RESH RESIDENCE
945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA

APPLICANT: ROBERT RESH

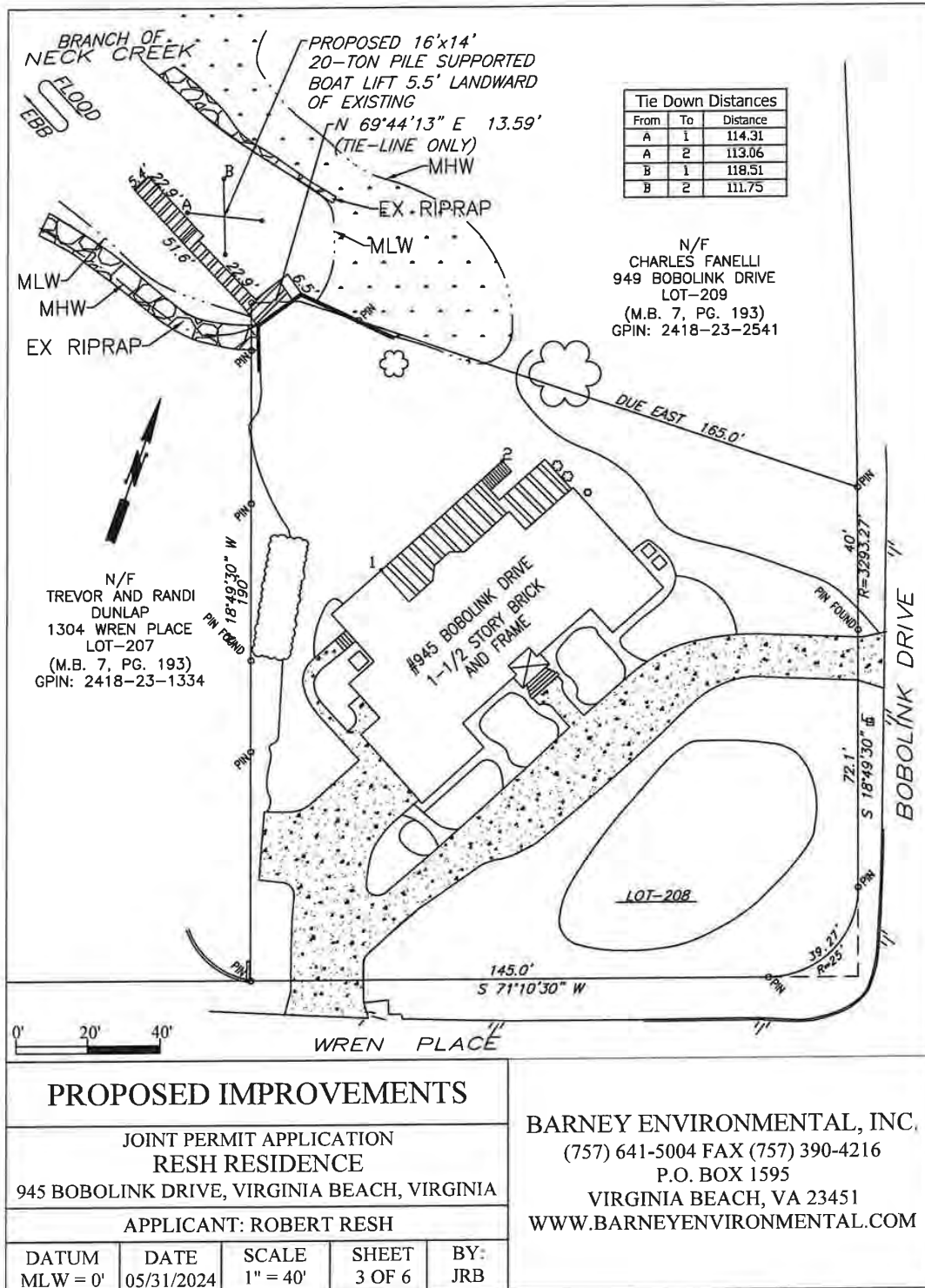
DATUM MLW = 0'	DATE 05/31/2024	SCALE As Shown	SHEET 1 OF 6	BY: JRB
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BARNEY ENVIRONMENTAL, INC.
(757) 641-5004 FAX (757) 390-4216
P.O. BOX 1595
VIRGINIA BEACH, VA 23451
WWW.BARNEYENVIRONMENTAL.COM

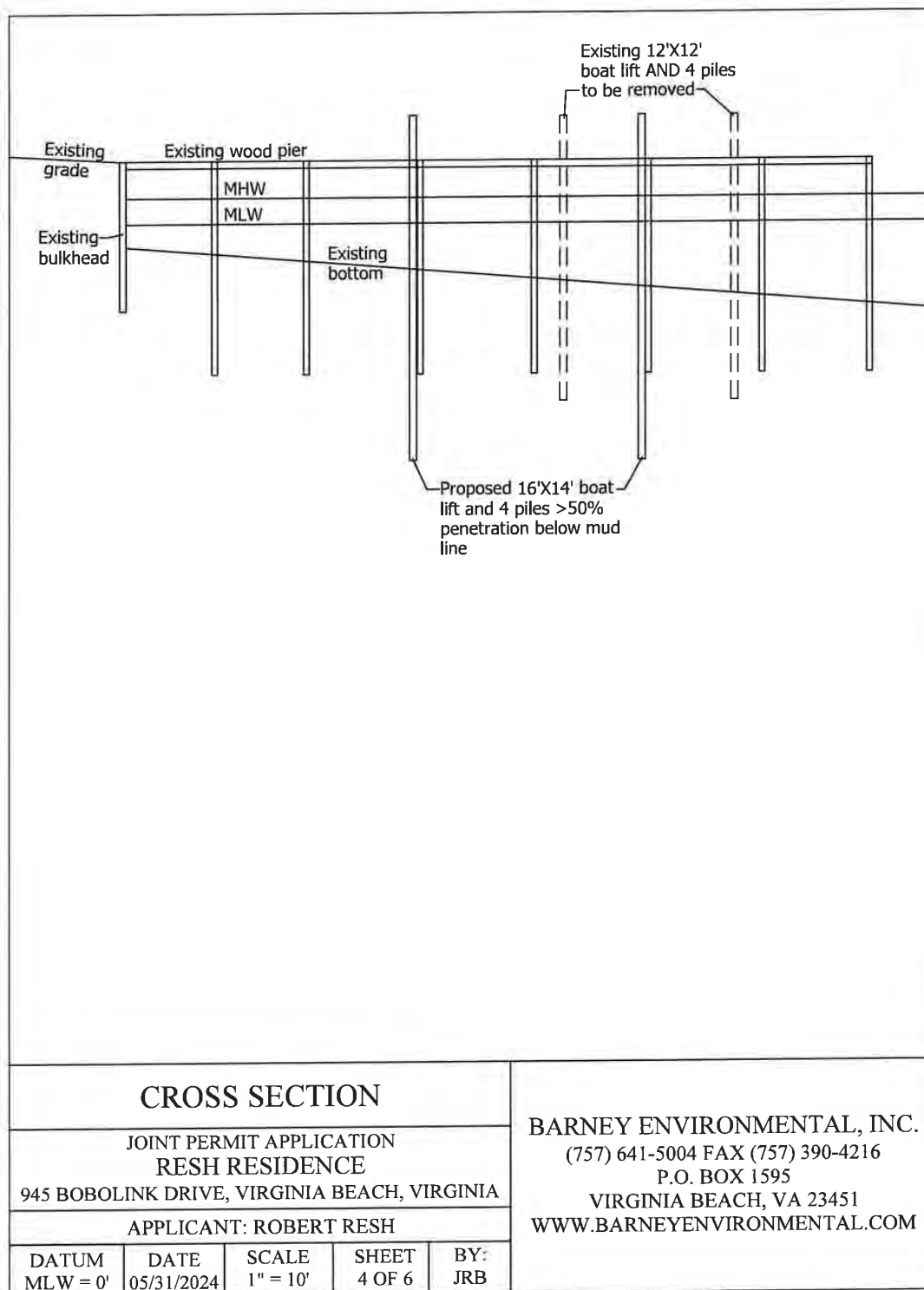
Received by VMRC June 24, 2024 /blh



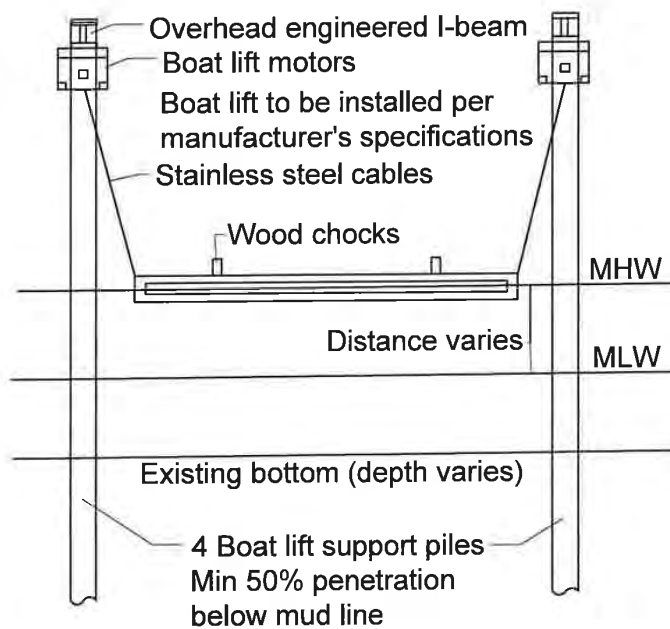
Received by VMRC June 24, 2024 /blh



Received by VMRC June 24, 2024 /blh



Received by VMRC June 24, 2024 /blh



BOAT LIFT DETAILS

JOINT PERMIT APPLICATION
 RESH RESIDENCE
 945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA

APPLICANT: ROBERT RESH

DATUM MLW = 0'	DATE 05/31/2024	SCALE NTS	SHEET 5 OF 6	BY: JRB
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BARNEY ENVIRONMENTAL, INC.
 (757) 641-5004 FAX (757) 390-4216
 P.O. BOX 1595
 VIRGINIA BEACH, VA 23451
 WWW.BARNEYENVIRONMENTAL.COM

Received by VMRC June 24, 2024 /blh

Project Description:

The project will involve replacement of the boat lift at 945 Bobolink Drive. The existing boat lift and support piles will be removed, and the new lift and support piles installed.

Existing Site Conditions:

The site currently contains a residence and a variety of common tree species. A bulkhead protects the landward slope from erosion. An existing pier and boat lift is present.

Adjacent Properties:

Adjacent parcels contain residences. Waterfronts are protected by riprap.

Geology:

The project site is located within the Virginia Coastal Plain Physiographic Province. Review of the Geological Map and Generalized Cross Sections of the Coastal Plain and Adjacent Parts of the Piedmont, Virginia (U.S. Geological Survey, 1989), shows that the geology consists of a wedge of stratified unconsolidated sediments that gently dip and thicken eastward. These sediments generally consist of fluvial and marine deposits of sand, silt, and clay with variable amounts of shell material that range from Cretaceous to Holocene (recent).

Erosion and Sediment Control Measures:

If applicable a properly installed silt fence shall be maintained seaward of all disturbed areas at the conclusion of each work day. Silt fence shall be 36" in width with 4" entrenched vertically and 4" entrenched horizontally. Silt fences will also be installed at the capboard immediately after completing backfill, and shall be maintained until permanent vegetative cover has established.

Temporary Construction Entrance:

Construction machinery will access the site via Neck Creek. There is no landward construction access required for this project.

NOTE:

Boat lift building materials supplied by manufacturer, to be installed in accordance with manufacturer's specifications.

All nails, bolts, and hardware to be in accordance with ASTM A-153.

All timber material for use in this marine environment to be preservative treated in accordance with the AWPA

Any disturbed soils shall be immediately stabilized upon completion by grading, seeding, and mulching.

Drawings are for permit purposes only and do not constitute full design drawings. No soil borings have been done to confirm subsurface conditions. Boatlift layout is based on visual onsite inspection. Boat lift design is based on standard design practices. Dimensions shown are minimums to be allowed. Atypical site conditions not visibly apparent have not been taken into account. The contractor shall verify bottom conditions to assure that firm material is in place. The engineer shall be notified of any abnormal soil conditions.

CONSTRUCTION NOTES					BARNEY ENVIRONMENTAL, INC. (757) 641-5004 FAX (757) 390-4216 P.O. BOX 1595 VIRGINIA BEACH, VA 23451 WWW.BARNEYENVIRONMENTAL.COM
JOINT PERMIT APPLICATION RESH RESIDENCE 945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA					
APPLICANT: ROBERT RESH					
DATUM MLW = 0'	DATE 05/31/2024	SCALE As Shown	SHEET 6 OF 6	BY: JRB	

Received by VMRC June 24, 2024 /blh

May 19, 2025

Bryan S. Peebles
bpeeples@pendercoward.com
Direct dial: (757) 490-6283
Facsimile: (757) 502-7380
222 Central Park Ave., Suite 400
Virginia Beach, VA 23462

Via First Class Mail and Email

Planning and Community Development Office (Environmental)

Attn: Hannah Sabo

2875 Sabre Street, Suite 500

Virginia Beach, VA 23452

HMSabo@VBgov.com

Planning and Community Development Office (Waterfront)

Attn: Christopher Berggren

2875 Sabre Street, Suite 500

Virginia Beach, VA 23452

CBerggren@VBgov.com

Copy to:

Virginia Marine Resources Commission

Attn: Randy Owen

308 Fenwick Road

Fort Monroe, VA 23651

randy.owen@mrc.virginia.gov

Virginia Marine Resources Commission

Attn: Tiffany Birge

308 Fenwick Road

Fort Monroe, VA 23651

randy.owen@mrc.virginia.gov

Copy to: (by regular mail only)

Robert Resh

945 Bobolink Drive

Virginia Beach, VA 23451

**Re: Request Stop Work Order – Unauthorized Covered Boathouse
JPA #2024-1355 (945 Bobolink, Virginia Beach)**

Dear Ms. Sobo and Mr. Berggren:

This firm and the undersigned counsel represent Mr. Ryan Fanelli, who owns a home at 949 Bobolink Drive, Virginia Beach, VA 23451 in opposition to the unauthorized construction of a covered boathouse currently taking place at the neighboring property located at 945 Bobolink Drive in Virginia Beach.

As you are aware, Mr. Robert Resh is constructing an unauthorized covered boathouse in violation of the No Permit Needed letter issued by the VMRC in JPA 2024-1355 and explicit instructions issued by the City. Thank you for investigating our complaint and finding our concerns valid.

On May 8, 2025, the VMRC issued Mr. Resh a Notice to Comply (NTC #25-03) **(Exhibit A)**, requiring that he remove the covering or submit an after the fact JPA to retain in. Implicit in the Notice to Comply is a requirement for Mr. Resh to stop construction.

We are also aware from correspondence with Ms. Sobo that Mr. Resh was issued a verbal Stop Work Order on or around April 22, 2025, because the covered boathouse is in violation of explicit instructions that Mr. Resh received from the City regarding a building permit. **(Exhibit B)**. Like the VMRC, the City reviewed the plans that Mr. Resh submitted with the JPA, which did not include a covered boat lift. The City's letter explicitly states that field changes are not permitted, and any change in plans must be resubmitted to the VMRC for review. **(Exhibit B, p. 2 of 2)**

I. It appears that Mr. Resh is not complying with the Orders from the VMRC or the City of Virginia Beach.

Despite the Notice to Comply from the VMRC and the verbal Stop Work Order issued by the City, it appears that Mr. Resh is continuing construction. My client has observed work taking place on May 10, 2025, and May 12, 2025, both of which occurred after the Notice from the VMRC and well after the verbal Order from the City. Although it is not completely clear whether the work is occurring on the roof structure itself, it is our understanding that no more work should occur on any part of the structure until the violation is rectified.

II. The City should issue a formal Stop Work Order.

While we appreciate the verbal assurances, we respectfully request that the City issue Mr. Resh a formal, written Stop Work order for his unauthorized construction. The Order should be made part of the official record in this matter. Furthermore, if Mr. Resh is found to be in violation of the Order, the City should immediately take enforcement action against him.

Thank you for your consideration. Please feel free to call or email me directly to discuss. I can be reached at (757)490-6283, or bpeeples@pendercoward.com

Very truly yours,



Bryan S. Peeples, Esq.

Cc: Mr. Ryan Fanelli

**Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20251077**

Print Date: Tuesday August 19 2025 17:16

Number	Name	Received	Position
2	CHARLES R FANELLI	07/08/2025 15:58:00 PM	OPPOSE

PLEASE SEE PREVIOUSLY SUBMITTED LETTER.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251077

Print Date: Tuesday August 19 2025 17:16

Number	Name	Received	Position
3	BRYAN PEEPLES	07/10/2025 11:27:01 AM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1187

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: Objection: JPA #2025-1077
Date: Thursday, July 10, 2025 11:15:49 AM
Attachments: [Objection to JPA 2025-1077 \(covered boat lift\).pdf](#)

Please process the objection received for the above-referenced application.
Thanks!

Tiffany Birge
Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651
Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: Bryan S. Peeples <bpeeples@PenderCoward.com>
Sent: Wednesday, July 9, 2025 2:45 PM
To: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>; Boyd, Teresa (MRC) <Teresa.Boyd@mrc.virginia.gov>
Cc: Owen, Randy (MRC) <randy.owen@mrc.virginia.gov>; Ryan Fanelli <fanelliryan@gmail.com>
Subject: Objection: JPA #2025-1077

Good afternoon Tiffany,

Please find an objection letter to JPA 2025-1077, attached. I have also placed a hard copy in the mail. Please advise us when this matter is set for hearing.

Thank you and best regards,
Bryan

From: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Sent: Tuesday, July 8, 2025 12:53 PM
To: Bryan S. Peeples <bpeeples@PenderCoward.com>; Boyd, Teresa (MRC) <Teresa.Boyd@mrc.virginia.gov>
Subject: RE: VMRC #2025-1077 Robert Resh

External Email

Mr. Peeples,
Yes, staff was notified of its removal by the applicant on 7/1/25; staff also conducted a site visit yesterday, 7/7/25 and confirmed it has been removed. Our updated photos are available on our website under the associated project report (at the bottom). Please advise if you would like instructions on how to access those photos.
Thanks,
Tiffany

Tiffany Birge
Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651
Tiffany.birge@mrc.virginia.gov, 757-247-2254

From: Bryan S. Peeples <bpeeples@PenderCoward.com>
Sent: Tuesday, July 8, 2025 12:44 PM
To: Boyd, Teresa (MRC) <Teresa.Boyd@mrc.virginia.gov>
Cc: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Subject: RE: VMRC #2025-1077 Robert Resh

Good afternoon:

Received, thank you. Can you confirm that the VMRC conducted a site visit and verified that the previously-installed cover has been removed?

Thank you,
Bryan

Bryan S. Peeples
SHAREHOLDER / ATTORNEY



222 Central Park Ave Suite 400 | Virginia Beach, VA 23462
tel (757) 490-6283
[website](#) | [map](#) | [email](#) | [LinkedIn](#)

From: Boyd, Teresa (MRC) <Teresa.Boyd@mrc.virginia.gov>
Sent: Monday, July 7, 2025 3:07 PM
To: Bryan S. Peeples <bpeeples@PenderCoward.com>
Cc: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Subject: VMRC #2025-1077 Robert Resh

External Email

Good afternoon Mr. Peeples,

Please see the attachment in reference to VMRC #2025-1077 Robert Resh. A hard copy of the attached letter will be mailed to you today, July 7, 2025.

Sincerely,

July 9, 2025

Bryan S. Peeples
bpeeples@pendercoward.com
Direct dial: (757) 490-6283
Facsimile: (757) 502-7380
222 Central Park Ave., Suite 400
Virginia Beach, VA 23462

Via First Class Mail and Email

Virginia Marine Resources Commission
Attn: Randy Owen
308 Fenwick Road
Fort Monroe, VA 23651
randy.owen@mrc.virginia.gov

Copy to

Virginia Marine Resources Commission
Attn: Tiffany Birge
308 Fenwick Road
Fort Monroe, VA 23651
Tiffany.birge@mrc.virginia.gov

**Re: Objection - Covered Boathouse
JPA #2025-1077 (945 Bobolink, Virginia Beach)**

Dear Mr. Owen and Ms. Birge:

As you know, our firm and the undersigned counsel represent Mr. Ryan Fanelli, who owns a home at 949 Bobolink Drive, Virginia Beach, VA 23451.

On April 25, 2025, we informed the VMRC of an unauthorized covered boathouse which was being constructed by Mr. Robert Resh on the immediately adjacent lot (945 Bobolink). We informed the VMRC that Mr. Resh was constructing a frame and covering despite the fact that his JPA (JPA 2024-1355) requested an *uncovered* boat lift (to which Mr Fanelli had no objection).

The VMRC conducted an investigation and issued a Notice to Comply on May 9, 2025 (**Exhibit A**), followed by a Sworn Complaint on May 22, 2025 (**Exhibit B**).

Mr. Resh was directed to remove the framing for the covering, and was further directed that, "A detailed explanation explaining why the structure was constructed without proper approval must be provided." Although Mr. Resh has now removed the unauthorized framing, it does not appear that he has provided any explanation as to why the framing was constructed without the proper permits.

Mr. Resh has now submitted a new JPA (JPA 2025-1077) seeking to rebuild the 855-square foot covering. For the reasons explained in this letter, our client **OBJECTS** to JPA 2025-1077.

I. Legal Standard:

Although the Supreme Court of Virginia has long recognized that a riparian owner has the right to build a pier to access navigable water, the Court has never recognized an absolute right to build a boathouse. Nevertheless, when Mr. Resh initially submitted his application for an uncovered boat lift (JPA 2024-1355), our client did not object. The same remains true today – we have no objection to the uncovered boatlift as it pertains to this JPA¹.

However, a covered boathouse is a different matter entirely, because covered structures have significantly more impact on neighboring properties and natural resources than uncovered structures do.

The difference between covered and uncovered structures is explicitly recognized in the Code of Virginia. The Code requires a permit for any covered structure when a neighbor objects; OR when the covered structure will exceed 700 square feet in size.

Presumably, the Virginia legislature set forth 700 square feet because this would be considered the largest reasonable size for a standard covered boathouse. However, this proposed 855-square foot structure will far exceed the 700-square feet set forth in the Code.

II. Impact to Adjacent Properties:

As you know, under Virginia Code §28.2-1205(A), the VMRC is required to take several factors into account when determining whether to grant a permit. These factors include the effect on adjacent or nearby properties. The VMRC must consider the effect on quality of life and property value which our client will experience if this huge covered structure is approved.

The proposed structure will be located extremely close to our client's property. This will undoubtedly impair our client's viewshed and property value. The VMRC should not allow one property owner to construct a covered boathouse for his own benefit while adversely impacting his neighbors.

III. Impact to Natural Resources

In addition to the impact on nearby properties, the VMRC is also required by Va. Code §28.2-1205(A) to consider the public and private benefits for the proposed project under the Public Trust Doctrine. The VMRC is required to take into account factors such as the effect on water quality and submerged aquatic vegetation. Furthermore, as per Va. Code §28.2-1205(B), the VMRC *shall* consult with other agencies, including VIMS, when the potential impact of the project lies within those agencies' concerns or activities

As we explained in our letter dated May 19, 2025 (in reference to JPA 2024-1355), the proposed covered structure may partially overhang a living shoreline on our client's property. The living shoreline is home to plant life and shellfish. Thus, the enormous covered boathouse

¹ Mr. Fanelli reserves the right to oppose the boat lift in other venues, including but not limited to the Virginia Beach Circuit Court.

will not only affect the use and enjoyment of the Fanelli property, but it may harm the plant and animal life in the living shoreline.

Conclusion:

For the reasons explained in the foregoing, we ask that JPA #2025-1077 be **DENIED**.

Or at a minimum, that the VMRC require an analysis from VIMS regarding the environmental impacts of a covered structure on the plants and animal life; and in no event should the VRMC should approve a covered boathouse in excess of 700 square feet in this location.

Thank you for your consideration. Please feel free to call or email me directly to discuss. I can be reached at (757)490-6283, or bpeeples@pendercoward.com

Very truly yours,



Bryan S. Peebles, Esq.

Cc: Mr. Ryan Fanelli



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, Virginia 23651

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

May 8, 2025

CERTIFIED MAIL

Mr. Robert Resh
945 Bobolink Drive
Virginia Beach, VA 23451

Re: Notice to Comply #25-03
Unauthorized boathouse at 945
Bobolink Drive, Virginia Beach, VA

Dear Mr. Resh:

Pursuant to §28.2-1212 of the Code of Virginia, Tiffany Birge of my staff was on site on April 25, 2025, after receiving a neighbor complaint, and observed framing for a canvas boathouse roof constructed without VMRC authorization adjacent to the existing private pier serving 945 Bobolink Drive, situated along a cove tributary to Linkhorn Bay in Virginia Beach. *A recent Joint Permit Application (VMRC #24-1355) requesting an uncovered boat lift was submitted by you and deemed statutorily authorized by this agency, however it did not include any details for a proposed roof structure.

During the inspection, the following unauthorized structure was noted: Framing for a canvas boathouse roof was constructed over state-owned subaqueous bottomlands adjacent to the existing private pier serving 945 Bobolink Drive. The boathouse was constructed prior to an application being processed and approved by VMRC.

The following corrective measures are necessary to bring your private pier and boat lift into compliance: The unauthorized boathouse framing shall be removed in its entirety to prevent further enforcement action. Alternatively, you may elect to submit a Joint Permit Application (JPA) with as-built drawings requesting authorization to retain the structure. A detailed explanation explaining why the structure was constructed without proper approval must be provided. You are additionally directed to provide the name and contact information of the contractor who installed the structure.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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



Mr. Robert Resh
May 8, 2025
Page Two

Failure to comply with the above corrective measures within 30 days of this Notice will result in this matter being scheduled for a hearing before the Virginia Marine Resources Commission.

Please be advised that any person who violates or fails to comply with a Commission order, rule, regulation, or permit condition authorized under Chapter 12 of Title 28.2 of the Code of Virginia, may be assessed civil penalties by the appropriate circuit court not to exceed \$25,000.00 for each day of violation.

If you have any questions, please do not hesitate to contact Tiffany Birge of my staff at (757) 247-2254 or tiffany.birge@mrc.virginia.gov.

Notice ordered by *Randal D. Owen* on May 8, 2025
Randal D. Owen
Chief, Habitat Management Division

RDO:tlb/tsb
HM

cc: Commissioner, Jamie L. Green
Assistant Attorney General Kelci Block
Virginia Beach City Waterfront Operations
Barney Environmental, Inc.



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, Virginia 23651

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

SWORN COMPLAINT

No. 25-03
Date: April 25, 2025

Pursuant to section §28.2-1212 of the Code of Virginia, I hereby certify that a substantial violation of Chapter 12 of the Code of Virginia has occurred at 945 Bobolink Drive in the City of Virginia Beach.

I personally inspected the site on April 25, 2025, after receiving a neighbor complaint, and noted the following unauthorized structure: framing for a canvas boathouse roof was completely constructed over state-owned subaqueous bottomlands adjacent to 945 Bobolink Drive, situated along a cove to Linkhorn Bay. The boathouse was constructed prior to an application being processed and approved by VMRC.

May 8, 2025
(Date)

Tiffany Birge
(Designated Enforcement Officer)

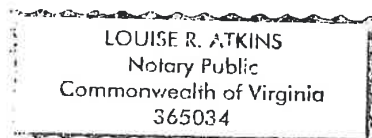
COMMONWEALTH OF VIRGINIA
City of Hampton, to-wit:

I, Louise R. Atkins, a notary public within and for the City of Hampton, Commonwealth of Virginia, hereby certify that Tiffany Birge, a Designated Enforcement Officer whose name is assigned to the foregoing, has acknowledged the same before me in the City aforesaid.

Given under my hand this 8th day of May, 2025

Notary Public

My Commission expires on the 31st day of January, 2029.



An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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



Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241355

Print Date: Tuesday August 19 2025 17:16

Number	Name	Received	Position
1	BRYAN S PEEPLES	04/28/2025 13:44:12 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1126

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20241355

Print Date: Tuesday August 19 2025 17:16

Number	Name	Received	Position
2	BRYAN S PEEPLES	05/19/2025 16:38:05 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1148



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, Virginia 23651

July 11, 2024

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

Robert Resh
Barney Environmental, Inc.
Attn: Jason Barney
Post Office Box 1595
Virginia Beach, VA 23451
Rjr0426@gmail.com
jbarney@barneyenvironmental.com

Re: VMRC #2024-1355

Dear Mr. Resh:

We have received your application requesting authorization to remove and existing boat lift and install a new, uncovered boatlift adjacent to a previously authorized private pier serving 945 Bobolink Drive in the Birdneck Point Subdivision, situated along a cove to Linkhorn Bay in the City of Virginia Beach.

Based upon your application and drawings, which assert that you are a riparian property owner, please be advised that your pier proposal qualifies for the statutory authorization found in **Section 28.2-1203(A)5 of the Code of Virginia**. No permit will be required from the Marine Resources Commission provided your pier will be exclusively for your private, non-commercial use, is located within your riparian area, and complies with all conditions detailed in the cited Code section. Please be aware that the sale or leasing of mooring space at your pier would change its status, and issuance of a permit by this agency would then be required.

Please be advised that the foregoing determination grants no authority for an individual to encroach upon the property rights, including riparian rights of others. If you are uncertain whether your pier is located within your riparian area, your local Circuit Court is the proper tribunal for apportioning those riparian rights. In addition, this letter does not authorize any encroachment on leased oyster planting ground without the express consent of the leaseholder.

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www.mrc.virginia.gov

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

Robert Resh
July 11, 2024
Page Two

For your information, you may need authorization from your locality and/or the U.S. Army Corps of Engineers prior to commencing your project. Your application has been forwarded to these agencies.

If I may be of further assistance, please contact me at (757) 247-2254 or via email at tiffany.birge@mrc.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "Tiffany L. Birge".

Tiffany Birge
Environmental Engineer
Habitat Management Division

TLB:tsb
HM

cc: U.S. Army Corps of Engineers
City of Virginia Beach – Waterfront Operations
Applicant

August 20, 2025

Sent via email only:

Robert Resh
Rjr0426@gmail.com

Jason Barney
Barney Environmental, Inc.

Subject: Waterfront Construction Review Letter
Robert Resh, 945 Bobolink Dr.
Accela Record: 2025-WTRA-00088

Dear Mr. Resh,

The Virginia Beach Department of Planning and Community Development staff has reviewed the Joint Permit Application (JPA) for the above referenced property regarding the following proposed improvements:

- Open Sided Roof
- Approved for Waterfront construction drawings revised, received by VMRC, dated June 6, and May 15, 2025. Pages 1 thru

A building permit will be required to construct the proposed improvements. Building permits are issued by the Department of Planning and Community Development, Permits and Inspections Office. In addition to the requirements of the JPA the following conditions apply.

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. Land disturbance is inclusive of construction access ways, stockpile areas, and staging areas.

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.
6. This approval will expire two years from the date of this letter. If the project has not been completed by that time, it will be necessary to reapply to continue the project. Contact this office if this situation occurs.

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

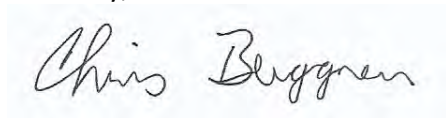
Make sure that you have received all necessary authorizations, or documentation that no permit is required, from each review agency associated with the JPA process prior to obtaining a building permit for this work with the City. To apply for a building permit, a record will need to be created through 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 approval packet from Waterfront Operations containing the entire Joint Permit Application with the City of Virginia Beach 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 that Zoning and/or 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.

Sincerely,



Chris Berggren
Engineering Technician II

cc: Virginia Marine Resource Commission – Tiffany Birge
Heaven Manning, Planning Administration

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

REVISION 02-2012

BUILDING PERMIT NUMBER:

(If unknown contact Permits & Inspections at 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.

Zoning Approval

Use: _____

Zoning: _____

Standard Setbacks – Variance Setbacks: Zoning Inspection: BZA _____ CUP _____

_____ Front _____ FVR _____ AC _____

_____ Side _____ CBPA Inspection: YES _____ NO _____

_____ Side Corner _____ Flood Plain _____

_____ Rear _____ Watershed _____

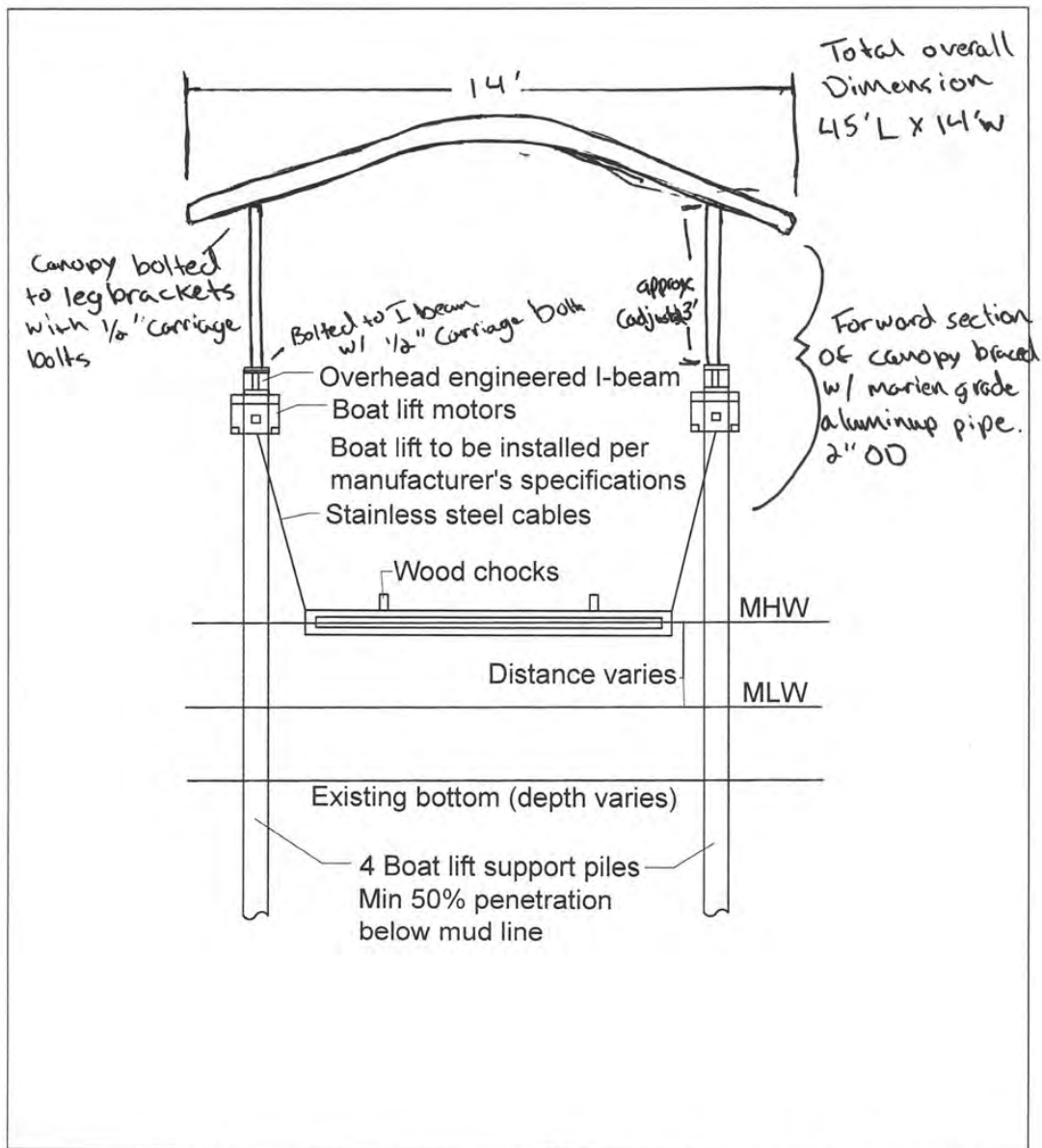
_____ Height _____ AICUZ: _____

Remarks: _____

DSC File Number: _____ Date: _____

DSC/Zoning Staff

Recieved by VMRC Aug 20, 2025 map



BOAT LIFT DETAILS					BARNEY ENVIRONMENTAL, INC. (757) 641-5004 FAX (757) 390-4216 P.O. BOX 1595 VIRGINIA BEACH, VA 23451 WWW.BARNEYENVIRONMENTAL.COM
JOINT PERMIT APPLICATION RESH RESIDENCE 945 BOBOLINK DRIVE, VIRGINIA BEACH, VIRGINIA					
APPLICANT: ROBERT RESH					
DATUM MLW = 0'	DATE 05/31/2024	SCALE NTS	SHEET 5 OF 6	BY: JRB	Engineering Services Provided By: Blake Engineering Services of Tidewater, LLC 224 Downing Drive Chesapeake, VA. 23322

J.L. Sanders, PE

March 13, 2025

Building Official
Charlotte County Community Development
18400 Murdock Circle
Port Charlotte, Florida 33948

Re: Master Golden Sunshade Specifications for Charlotte County

We are submitting this cover letter, along with Signed and Sealed Specification Sheet for the Golden Sunshade Canopy that we are requesting be allowed under your Master Program. Design specifications and calculations are based on the Florida Building Code, 8th Edition, 2023, Chapters 16 and 20; ASCE/SEI 7-22; Aluminum Design Manual (ADM 2020) and the following:

CALCULATION CRITERIA:

Mean Structure Height:	15'
Ultimate Wind Speed:	170 MPH
Nominal Wind Speed:	132 MPH
Risk Category:	1
Exposure:	D
Enclosure:	Open
Internal Pressure Coefficient:	±0.00

APPLICABLE SPECIFICATION SHEETS:

Manufacturer: Golden Sunshade, 2171 Flint Dr., North Fort Myers, FL 33916

Series: 24' x 50' (Max) Sunshade Canopy (copy attached)
Published March 13, 2025

Installation: Must be installed per Specification Sheets, Manufacturer's Instructions,
and all applicable Code Requirements

Master Plan Note: The undersigned engineer authorizes the repetitive use and reproduction of the plans as required for permits using the Charlotte County Master Plan certification system for the listed Series of Golden Sunshade Canopy installed in Charlotte County. An authorization letter is not required from the engineer for individual permits, locations or installations.

This item has been digitally signed and sealed by J.L. Sanders, PE on the date adjacent to the seal. Print copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Respectfully submitted,



J.L. Sanders, P.E.
Consulting Engineer
Reg. FL #66361

Digitally signed by J.L. Sanders
Date: 2025.03.13 10:11:25 -04'00'

Project 241001

J.L. Sanders, PE
Reg. FL No. 66361

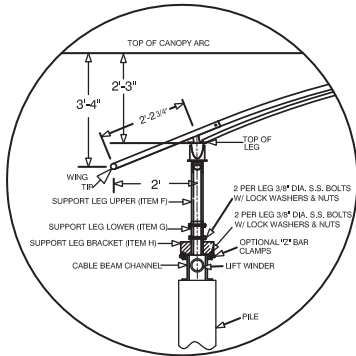
2515 Gratis Rd, Monroe, GA 30656
Phone: 239-671-1578

Recieved by VMRC May 15, 2025 map
Recieved by VMRC Aug 20, 2025 map

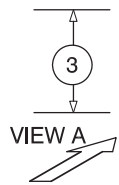
GOLDEN ENGINEERED 24 x 50 (Max) Sunshade Canopy

CANOPY SIZE AND SPACING CHART - CENTERED ON SUPPORT STRUCTURE

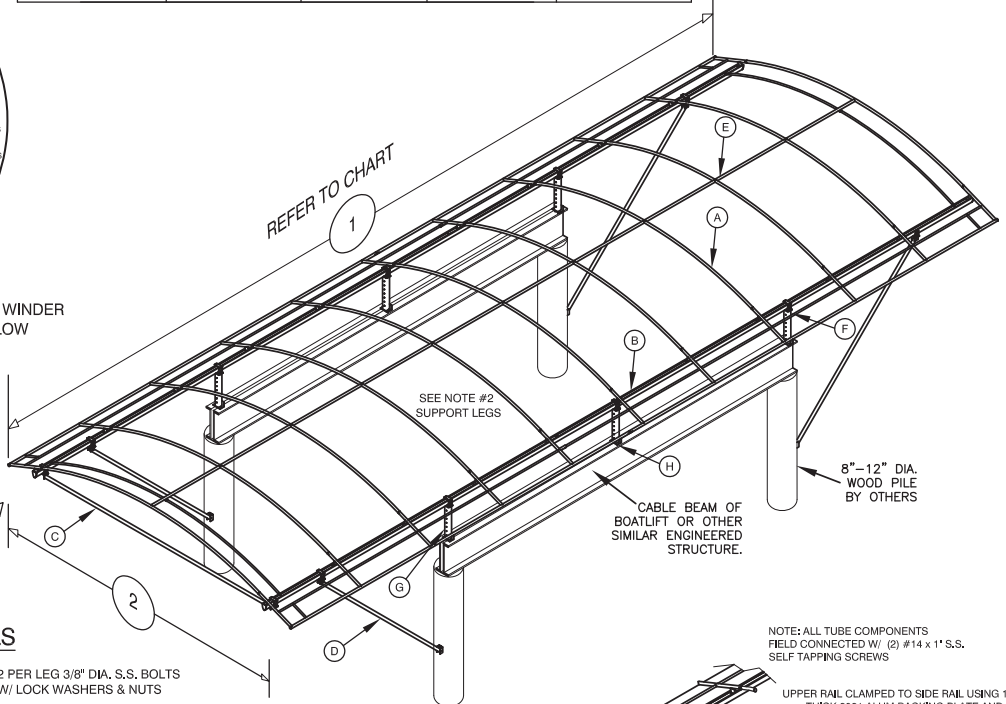
Max. Roof Bow Spacing Ctr.-Ctr.	*1* Dimension Out to Out	*2A* Dimension Out to Out	*2B* Dimension Beam to Beam	*3* Height above Support
Inches	Feet (max)	Feet (max)	Feet (max)	Feet
Max. 60	50	24	20	Max. 7'-4"



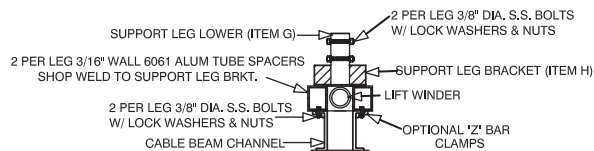
DOUBLE "C" CHANNEL CABLE BEAM W/INTERNAL WINDER
SOME ALTERNATE CONNECTIONS SHOWN BELOW
VIEW A



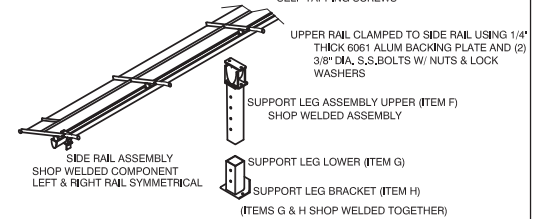
VIEW A



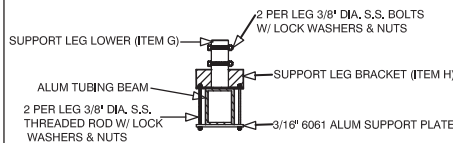
ALTERNATE CONNECTION DETAILS



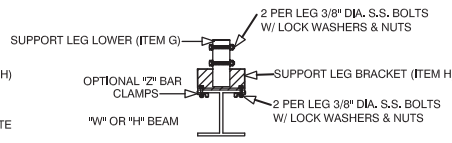
DOUBLE "C" CHANNEL CABLE BEAM W/ RAISED WINDER



UPPER & LOWER LEG ASSEMBLIES FIELD CONNECTED WITH MINIMUM (2) 3/8" DIA. S.S. THRU BOLTS, NUTS AND WASHERS



ALUMINUM TUBE BEAM MOUNT



"W" OR "H" BEAM MOUNT

NOTE 1: THIS STRUCTURE HAS BEEN DESIGNED FOR LOADS ASSOCIATED WITH AN ULTIMATE WIND SPEED OF 170 MPH, EXPOSURE "D", RISK CATEGORY I, MEAN ROOF HEIGHT 15 FT. CALCULATED PER FLORIDA BUILDING CODE 2023, ASCE/SEI 7-22 AND ADM-2020. CANOPY COVER SHALL NOT BE ON FRAME DURING HIGH WIND EVENTS (WIND SPEED GREATER THAN 70 MPH). MOUNT CONSPICUOUS PLACARD STATING TO REMOVE CANOPY FOR ANTICIPATED WINDS GREATER THAN 70 MPH.

NOTE 2: 4 TO 8 SUPPORT LEGS REQUIRED FOR OVERALL LENGTH (DIMENSION *1*) NOT GREATER THAN 50 FT. MAX. SPACING BETWEEN LEGS 12 FT.

NOTE 3: MAX. CANTILEVER BEYOND END SUPPORT LEG 15 FT. CANTILEVERS GREATER THAN 6 FT. REQUIRE KICKER BAR. (ITEM D)

NOTE 4: ALL WELDED MEMBERS SHALL BE SHOP WELDED, GAS SHIELDED W/ 4043 FILLER OF MIN. STRENGTH 12.2 KSI. WELDING SHALL BE PERFORMED BY CERTIFIED WELDER PER AWS D1.2.

IN GENERAL, THE CONTRACTOR SHALL VERIFY ALL PILE AND SUPPORT STRUCTURE CAPACITIES. ALL STEEL MEMBERS AND FASTENERS ARE STAINLESS STEEL. ALUMINUM MEMBERS SHALL BE ISOLATED BY A BARRIER FROM P.T. WOOD, STEEL AND OTHER INCOMPATIBLE MATERIALS.

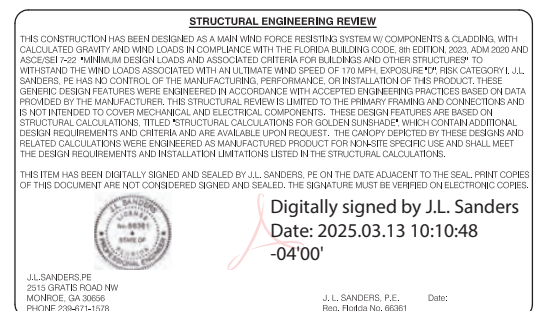
SUMMARY OF DESIGN FEATURES

MODEL	ROOF BOWS @ 60" O.C.	SIDE BEAM (2 EA)	BOW SPANNER TUBE LATERAL BRACE	KICKER BAR DIAGONAL BRACE	RIDGE BEAM TOP BRACE	SUPPORT LEG UPPER 1 AT EACH LEG	SUPPORT LEG LOWER 1 AT EACH LEG	SUPPORT LEG BRKT 1 AT EACH LEG
	INCHES	INCHES	INCHES	INCHES	INCHES	INCHES	INCHES	INCHES
Bullet Rail Canopy 50 FT. Long (Max) 24 FT. Wide (Max)	1.5 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM.	3.125" x 4.00" CUSTOM EXTRUSION 6061-T6 ALUM.	2.0 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM. FOR CANOPIES WIDER THAN 16' ON BOW END	2.0 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM. SEE NOTE *3*	1.5 DIA. x 0.125 WALL ROUND TUBE 6063-T6 ALUM.	2.45 x 2.45 x 0.25 SQUARE TUBE 6061-T6 ALUM. @ MAX. 35" LONG	3.0 x 3.0 x 0.125 SQUARE TUBE 6061-T6 ALUM. MAX. 35" LONG @ MAX. 144" O.C.	3.5 x 3.5 x 0.25 ANGLE BRKT. 6061-T6 ALUM. WELD TO LOWER LEG BASE

Golden Sunshade 2171 Flint Dr., Fort Myers Florida 33916

Pub 3-13-25

Recieved by VMRC May 15, 2025 map
Recieved by VMRC Aug 20, 2025 map





Installation Instructions

4-Post Canopy Standard Duty Frame

Step 1: Remove boat from lift.

Step 2: Set scaffold system to reach entirety of canopy being installed.

(If top beams are square and parallel, follow step 3 and skip 3A-3C. If top beam squareness is skewed skip step 3 and follow steps 3A-3C.)

Step 3: Lay out lower legs evenly spaced along top beams. Never exceed 8' spacing. Avoid setting lower leg over top of limit switch to maintain accessibility for later lift service. Fasten tight using thru-bolt (top beam drilling required) or z-tab clamp (no top beam drilling required).

Step 3A (alternative): Lay out slide tracks evenly spaced along top beams. Never exceed 8' spacing. Avoid setting slide track over top of limit switch to maintain accessibility for later lift service. Fasten tight using thru-bolt (top beam drilling required) or z-tab clamp (no top beam drilling required).

Step 3B (alternative): For legs on the close side/land side, set on top of slide tracks flush and in-line with each other and fasten tight.

Step 3C (alternative): For legs on outside/water side, slide to adjust according to canopy width spec. Since lift is out of square, these may look skewed in relation to each other. Take measurements from legs on the close side/land side to verify they all match the canopy width spec. Once desired positioning is achieved, tighten down.

Step 4: Insert upper legs into the lower legs. If top beam heights are not level, position legs accordingly so that they are level and at desired height spec. Drilling may be required if there are not pre-drilled holes at desired position. Use thru-bolts to hold upper leg in place and then tighten down.

Phone: 239-237-2572

Alt. Phone: 239-441-8885

info@goldensunshade.com

www.goldensunshade.com

2171 Flint Dr, Fort Myers, FL 33916

Recieved by VMRC May 15, 2025 map
Recieved by VMRC Aug 20, 2025 map

Step 5: Place side rail into saddles of upper legs with overhang specified in drawing. Repeat for opposite side. Before fastening tight, take corner to corner measurements to ensure squareness of canopy frame. Use backing plates and thru-bolts to tighten down rails to the upper leg saddle once desired position is achieved.

Step 6: Starting at one end of the canopy, seat end bow over the side rail receiver pins. Make sure that the end bow receiver pin is facing towards the inside.

You will continue working from this end towards the other end connecting bows and center spans together – see next steps.

Step 7: First, sleeve the end center span receiver over the tie-off bow so that the two pieces are perpendicular – the end center span will spin/move freely along the tie-off bow. Next, seat the tie-off bow onto the square receiver pins, making sure that the long side of the end center span is facing towards the inside of the canopy. Seat the short side of the end center span over the receiver pin coming off the end bow to hold in place.

Step 8: First, seat center bow over both side rail receiver pins. Finish by seating the center span over the receiver pin of the bow that was just placed.

Step 9: Continue adding center spans and center bows until you reach the square tie-off bow receivers on the other end. Make sure to repeat the first part of process from step 7, which is to sleeve the end center span receiver over the tie-off bow (with the long side facing the inside) before securing the tie-off bow over square receiver pins. It may also be helpful to leave the end center span spinning freely, and finish securing last, after the tie-off bow and end bow have both been seated in place.

Step 9: Once all bows have been placed, apply self-tapping screws into the inside of each bow on both ends where they seat over side rail receiver pins to fasten. Self-tapping screws not required for tie-off bows or center spans, but may be used on center spans if desired. This completes the frame assembly/installation unless kicker bars are needed – see next page.

(If canopy overhang is 6' or greater for standard frame, or 8' or greater for heavy duty frame, continue with steps 10-13 for adding kickers. If the overhangs are less than stated, frame installation is complete.)

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2171 Flint Dr, Fort Myers, FL 33916

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Step 10: Determine approximate location of rail kicker bracket on side rail to properly support overhang. Affix to side rail at determined location using backing plates and thru-bolts – leave semi-loose until end of step 13 in case slight adjustment is needed.

Step 11: Determine location for pile kicker brackets and affix to pilings with lags. If supporting kicker bars from lift piles, place pile kicker bracket at 45° angle from the rail kicker bracket. This is a site-specific determination, so if there are other available pilings or dock space that provide better support/allow for a shorter kicker bar/easier access to the boat, affix pile kicker bracket accordingly with proper hardware.

Step 12: Measure from top outermost corner of rail kicker bracket to the bottom innermost corner of pile kicker bracket to determine kicker bar lengths and cut kicker bar accordingly. You will need to drill holes in each end of the kicker bar to thru-bolt in place in the next step, so make sure that you cut enough length to allow for this.

Step 13: First, position kicker bar within rail kicker bracket (top), drill hole through end of kicker bar, and loosely fasten with thru-bolt. Next, pivot kicker bar to reach the pile kicker bracket (bottom), drill hole through end of kicker bar, and fasten with thru-bolt. Once kicker bar is seated on both ends, fully tighten down both ends of rail kicker bar, as well as rail kicker bracket placed in step 10 to complete kicker bar installation.

(Repeat steps 10-13 for all corners that require kickers.)

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Recieved by VMRC May 15, 2025 map
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GOLDEN SUNSHADE™



FOLLOW US



GOLDEN
sunshade

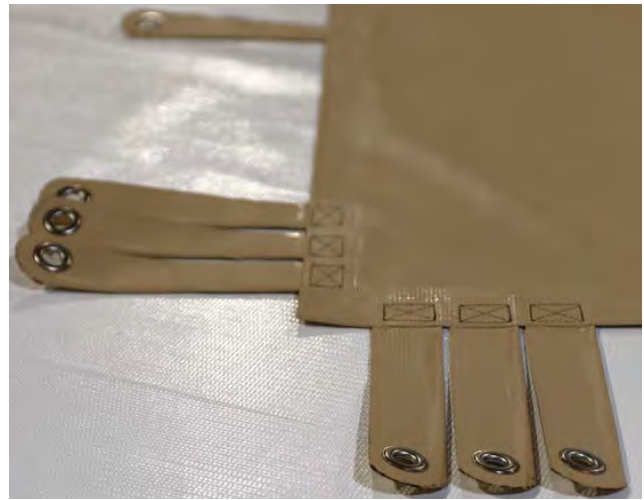
Received by VMRC May 15, 2025 map
Received by VMRC Aug 20, 2025 map

4-POST LIFT & MARINA CANOPIES: CLASSIC SHADING SOLUTIONS REDEFINING QUALITY & DURABILITY

Golden Sunshades™ are the pinnacle of sunshade design, crafted from years of expertise and industry best practices. We have reimagined shading solutions with enhanced strength and aesthetic for your peace of mind. Vinyl tops are fabricated from the highest quality materials using a unique blend of techniques and are attached to the frame using a convenient bungee system for easy removal. Frames are rated up to 70MPH wind speeds with the top attached, and up to 180MPH wind speeds with the top removed. From protecting your boat to creating shaded areas for comfort, you can rest easy that Golden Sunshades™ has you covered every time.

FEATURES

- Fully Adjustable Frame & Legs
- Removable Bungee System
- Patio 500® Vinyl Tops (over 30 color options)
- Stitched with Gore® Tenara® PTFE Lifetime Thread
- Adaptable to Any 4-Post Lift or Pilings



STRUCTURE:

- T6-6061/6063 Marine Grade Aluminum
- Stainless Steel Hardware
- Corrosion Resistant Grommets
- Oversized Tube Framing
- Standard & Heavy-Duty Rail Options

WARRANTY

- 10 Years Structure
- 5 Years Vinyl Top

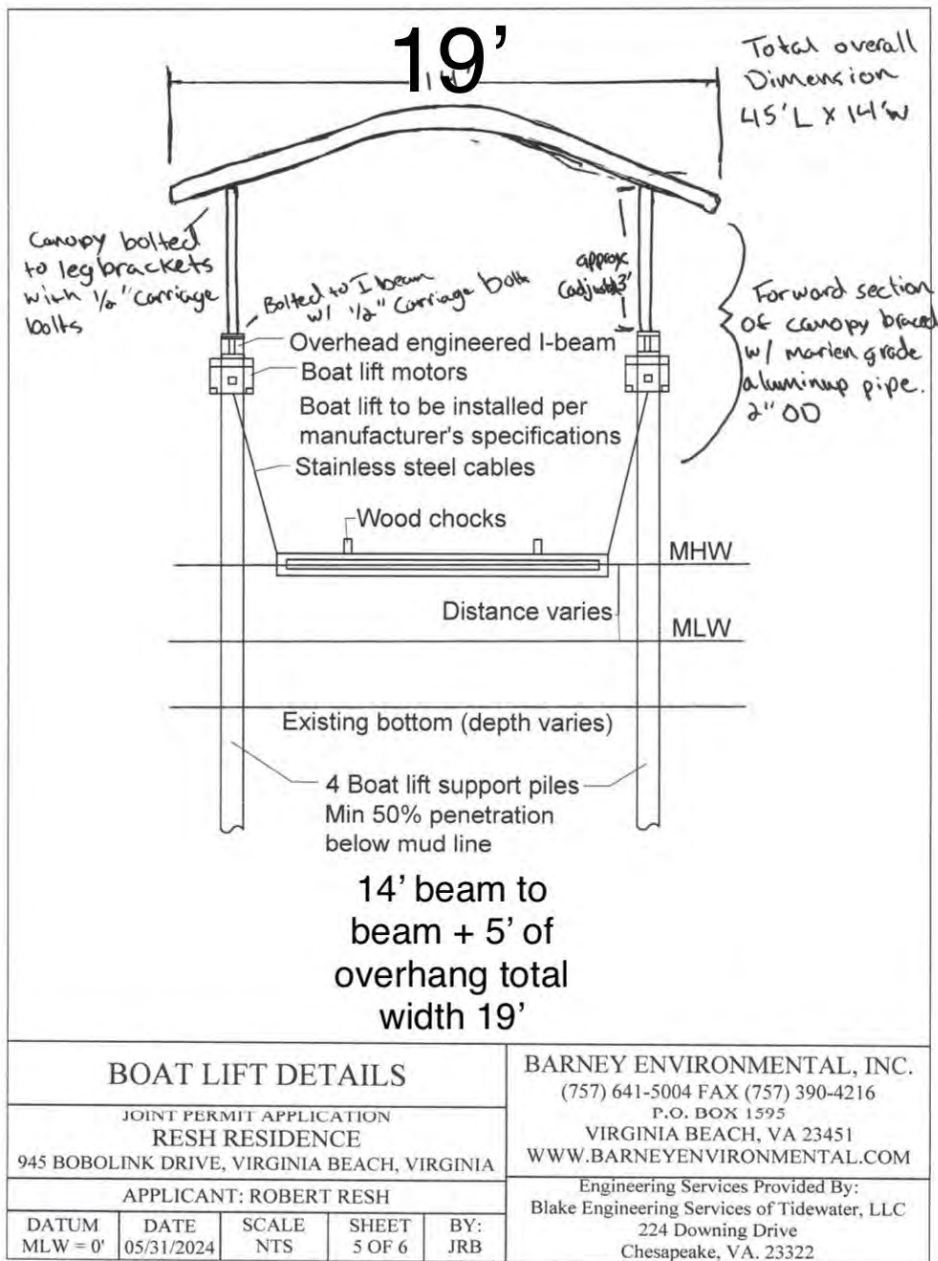


Golden has been Certified by DQS Inc. to ISO 9001:2015

Scan the QR code for warranty information



Office: 239-237-2572
Mobile: 239-441-8885
info@goldensunshade.com
www.goldensunshade.com



Sent from my iPhone

August 26, 2025

HABITAT MANAGEMENT DIVISION EVALUATION

LARRY SHORES, JR., VMRC #25-0687, requests after-the-fact authorization to retain seven (7) 4-foot by 8-foot crab shedding trays attached to an existing pier, and to utilize the pier for both private and commercial purposes, adjacent to tax parcel 20B-65, situated along Urbanna Creek in Middlesex County.

On February 24, 2025, staff conducted a site visit as part of a standard application review process for a proposed riprap revetment and dock expansion (VMRC #25-0274). During this visit, seven (7) unauthorized crab-shedding trays were discovered along the applicant's existing private pier.

Staff's research confirmed that the existing pier structure was built in accordance with prior authorizations (VMRC#04-0380 and #15-1157) with the exception of the crab shedding trays.

The applicant's authorized agent, Mr. Lance Shores, stated the applicant was unaware that the shedding trays required VMRC authorization. Mr. Shores further explained that the shedding trays were not intended for commercial use, and they could easily be removed since they are cantilevered off the side of the previously authorized pier piles with no additional supporting structures. Mr. Shores, however, stated the applicant was willing to follow instructions to bring the structure into compliance.

Staff received an after-the-fact application on March 28, 2024, requesting to retain the shedding trays and convert the pier from private to commercial use, given that the applicant holds a *commercial* crab shedding tank 20 or less license. Additionally, as-built project drawings were received on March 28, 2025, showing the existing, previously authorized pier, the recently permitted wharf (VMRC#25-0274), and the seven (7) crab shedding trays.

The Middlesex County Wetlands Board determined that the project will not require a permit on April 21, 2025. Additionally, as part of our standard processing of the submitted application, the requisite news ad and Adjacent Property Owner notifications, distributed June 6, 2025, garnered no opposition. Following the July 22, 2025, commission hearing, signatures from both adjacent property owners acknowledging the conversion of the pier to commercial and the retention of the shedding trays have been submitted to our office, received July 30, 2025.

The applicant, Mr. Shores, Jr., has agreed to pay a triple permit fee of \$300.00 and an encroachment royalty of \$4,952.00 for the 2,476 square foot area of the commercial pier at a rate of \$2.00 per square foot. Accordingly, staff recommends approval of the after-the-fact request to retain the pier and crab shedding trays as installed, and to convert the private pier to a commercial use status with the agreed-upon triple permit fee and royalty in lieu of further enforcement action.

RESOLUTION FOR MARINE RESOURCES COMMISSION TO CONSIDER FOR ADOPTION:

Whereas the Code of Virginia was amended by adding to Article 2 of Chapter 1 of Title 28.2 sections numbered 28.2-108.1 and 28.2-108.2 and repealed §§ 62.1-132.3:3 and 62.1-132.3:4 of the Code of Virginia relating to Marine Resources Commission; Virginia Waterway Maintenance Grant Program and Fund; codified March 18, 2025, and made effective July 1, 2025; and,

Whereas these amendments transfer from the Virginia Port Authority (VPA) to the Virginia Marine Resources Commission (VMRC) the administration of the Virginia Waterway Maintenance Grant Program and Fund, requiring VMRC to utilize the existing Municipal Dredging Operation Program and Municipal Dredging Operating Agreement adopted by the Authority for the administration of the Municipal Dredge Pilot Program operated by the Middle Peninsula Chesapeake Bay Public Access Authority, and,

Whereas the Commission is to utilize the Fast-Track Permitting Program for Disposal of Dredged Material when applicable for dredged material disposal in its implementation of the Virginia Waterway Maintenance Grant Program, and

Whereas the establishment of VMRC guidance is necessary to implement legislative changes enacted through HB1834, which transfers administrative authority over the Virginia Waterway Maintenance Grant Program and Fund from VPA to the VMRC; thus,

The Marine Resources Commission hereby and henceforth adopts administrative authority over the Virginia Waterway Maintenance Grant Program from the Virginia Port Authority and adopts all Virginia Port Authority approved Virginia Waterway Maintenance Fund grants approved prior to July 1, 2025.

Hereby Adopted and Resolved on August 26, 2025, by the Marine Resources Commission.

Jamie L. Green, Commissioner

Marine Resources Commission

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 78

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 28.2 sections numbered 28.2-108.1 and 28.2-108.2 and to repeal §§ 62.1-132.3:3 and 62.1-132.3:4 of the Code of Virginia, relating to Marine Resources Commission; Virginia Waterway Maintenance Grant Program and Fund.

[H 1834]

Approved March 18, 2025

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 28.2 sections numbered 28.2-108.1 and 28.2-108.2 as follows:

§ 28.2-108.1. Virginia Waterway Maintenance Fund continued.

From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby continued in the state treasury a special nonreverting, permanent fund to be known as the Virginia Waterway Maintenance Fund (the Fund), to be administered by the Commission. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner. Moneys in the Fund shall be used solely for the purpose of awarding grants to applicants to the Virginia Waterway Maintenance Grant Program pursuant to § 28.2-108.2.

§ 28.2-108.2. Virginia Waterway Maintenance Grant Program.

A. Once each fiscal year, the Commission shall award a grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Commission. The source of the grant funds shall be the Virginia Waterway Maintenance Fund continued pursuant to § 28.2-108.1. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities.

B. The Commission shall develop guidelines establishing an application process, procedures for evaluating the feasibility of a proposed dredging project, and procedures for awarding grants. The guidelines and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). The guidelines and procedures shall provide that:

1. The Commission shall evaluate each application to determine its completeness, the sufficiency of its justification for the proposed project, the status of any necessary permits, the adequacy of its project management organization, and the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding, or other purposes for the common good.

2. The Commission shall not require any level of matching contributions from the applicant.

3. No award of a grant shall support any dredging project for a solely privately owned marina or dock. However, the Commission may award a grant to a political subdivision or governing body for the dredging of a waterway channel with a bottom that is privately owned if such political subdivision or governing body holds a lease of such bottom with a term of 25 years or more.

4. Prior to receipt of a grant, the applicant shall enter into a memorandum of understanding with the Commission establishing the requirements for the use of the grant funds.

C. Projects for which the Commission may award grant funding include (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the construction and management of areas for the placement of dredged material; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by the Commonwealth.

2. That §§ 62.1-132.3:3 and 62.1-132.3:4 of the Code of Virginia are repealed.

3. That the Marine Resources Commission (the Commission) shall utilize the existing Municipal Dredging Operating Program and Municipal Dredging Operating Agreement adopted by the Virginia Port Authority for the administration of the Municipal Dredge Pilot Program operated by the Middle Peninsula Chesapeake Bay Public Access Authority. The Commission shall also utilize the Fast-Track Permitting Program for Disposal of Dredged Material pursuant to 4VAC20-1340-40 of the Virginia Administrative Code when applicable for dredged material disposal in its implementation of the Virginia Waterway Maintenance Grant Program pursuant to § 28.2-108.2 of the Code of Virginia, as created by this act.

VIRGINIA STATE BUDGET

2025 Session

Budget Bill - HB1600 (Chapter 725)

Bill Order » Office of Natural and Historic Resources » Item 373

Marine Resources Commission

Item 373	First Year - FY2025	Second Year - FY2026
Marine Life Management (50500)	\$33,016,720	\$26,266,720 \$30,266,720
Marine Life Information Services (50501)	\$1,469,113	\$1,469,113
Marine Life Regulation Enforcement (50503)	\$11,221,366	\$11,221,366
Artificial Reef Construction (50506)	\$73,079	\$73,079
Chesapeake Bay Fisheries Management (50507)	\$10,113,996	\$6,363,996 \$10,363,996
Oyster Propagation and Habitat Improvement (50508)	\$3,500,000	\$500,000
Shellfish Management (50509)	\$6,639,166	\$6,639,166
Fund Sources:		
General	\$18,121,481	\$14,371,481
Special	\$7,318,507	\$7,318,507
Commonwealth Transportation	\$363,743	\$363,743
Trust and Agency	\$3,000,000	\$0
Dedicated Special Revenue	\$858,396	\$858,396 \$4,858,396
Federal Trust	\$3,354,593	\$3,354,593

Authority: Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5 and 7; Title 28.2, Chapters 1 through 10; Title 29.1, Chapter 7; Title 32.1, Chapter 6; Title 33.2, Chapter 1; and Title 62.1, Chapters 18 and 20, Code of Virginia.

A. Out of this appropriation, \$54,611 the first year and \$54,611 the second year from the general fund is provided for annual membership dues to the Atlantic States Marine Fisheries Commission.

B. Out of this appropriation, \$148,750 the first year and \$148,750 the second year from the general fund is provided for annual membership dues to the Potomac River Fisheries Commission.

C. Out of the amounts for Marine Life Regulation Enforcement shall be paid into the Marine Patrols Fund, \$169,248 the first year and \$169,248 the second year, pursuant to § 28.2-108, Code of Virginia. For this purpose, cash shall be transferred from the Commonwealth Transportation Fund.

D. Pursuant to § 58.1-2289 D, Code of Virginia, \$144,520 the first year and \$144,520 the second year shall be transferred to Marine Life Regulation Enforcement from the Commonwealth Transportation Fund from unrefunded motor fuel taxes for boats and paid into the Marine Patrols Fund.

E.1. Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund, and \$3,000,000 the first year from nongeneral funds is provided to support oyster replenishment and oyster restoration activities. From these amounts \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be used to provide support for oyster restoration.

2. Any unexpended general fund balances designated by the agency for oyster remediation activities remaining in this Item on June 30, 2025, and on June 30, 2026 shall be reappropriated and reallocated to the Marine Resources Commission for expenditure.

3. Out of the amounts provided to support oyster replenishment and oyster restoration activities, the Commission may expend up to \$200,000 from the general fund the first year to support the Potomac River Fisheries Commission implementation of an oyster revitalization project in the Potomac River. The funding is contingent on an equal amount of support being provided for the project by the state of Maryland. If the matching funds are not provided, the Commission may use the funding for other oyster replenishment projects.

F. Out of this appropriation, \$3,750,000 the first year from the general fund is provided for the non-federal share of costs of an Army Corps of Engineers environmental restoration project at Money Point in the Elizabeth River in the City of Chesapeake. Any remaining balance at year-end shall be carried forward to the subsequent fiscal year.

G.1. Out of amounts in this item, \$4,000,000 the second year from amounts transferred to this item pursuant § 3-1.01 M. of this act, the Commission shall award a grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Commission. The source of the grant funds shall be the Virginia Waterway Maintenance Fund created pursuant to § 62.1-132.3:3. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities. The Commission shall develop guidelines establishing an application process as set out in Chapter 642, 2018 Session of the General Assembly. Projects for which the Commission may award grant funding include (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the design, lease, or purchase of upland containment areas where the material can be selectively excavated and used beneficially for environmental restoration or for mitigation of coastal erosion; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from approved waterway dredging projects conducted by the Commonwealth. Special consideration shall be given to any locality which provides a three-to-one match for any requested funding. Any funding remaining at the end of the fiscal year shall be carried forward for the same purpose.

2. Out of the amounts in this paragraph, the Commission may use up to \$150,000 each year for administration of the grant program.

H. Notwithstanding § 28.2-1209, Code of Virginia, any city or county duly authorized by the Commission or other state agency to install an underground or underwater utility or facility, shall be deemed to possess a legal interest in the lawful use of state-owned waters, bottoms, or subsurface soils sufficient to qualify for any reimbursement for costs associated with relocation, removal, or abandonment of said utility or facility as a result of the construction or maintenance of any Congressionally approved navigation and flood control project undertaken by the Army Corps of Engineers, or other federal agency, to regulate navigable waters or flood control that requires relocation, removal, or abandonment of a permitted utility located on or under state-owned waters, bottoms, or subsurface soils of the Commonwealth.

VIRGINIA STATE BUDGET

2025 Session

Budget Bill - HB1600 (Chapter 725)

Bill Order » Office of Transportation » Item 451

Virginia Port Authority

Item 451	First Year - FY2025	Second Year - FY2026
Financial Assistance for Port Activities (62800)	\$19,112,325 \$20,437,325	\$11,612,325 \$7,612,325
Aid to Localities (62801)	\$13,500,000 \$14,825,000	\$6,000,000 \$2,000,000
Payment in Lieu of Taxes (62802)	\$5,612,325	\$5,612,325
Fund Sources:		
General	\$7,500,000 \$8,500,000	\$0
Special	\$1,612,325 \$1,937,325	\$1,612,325
Commonwealth Transportation	\$2,000,000	\$2,000,000
Dedicated Special Revenue	\$8,000,000	\$8,000,000 \$4,000,000

Authority: Title 62.1, Chapter 10, Code of Virginia.

A.1. Of the amounts authorized in Item 101 A.1, \$2,000,000 the first year from the general fund may be deposited in the Port of Virginia Economic and Infrastructure Development Grant Fund, created pursuant to § [62.1-132.3:2](#), Code of Virginia. The Executive Director of the Virginia Port Authority shall disburse the funding in the form of grants to qualified companies in accordance with the provisions of § [62.1-132.3:2](#), Code of Virginia.

2. Of the amounts authorized in Item 101 A.1, \$2,000,000 the second year from the general fund may be deposited in the Port of Virginia Economic Development Grant Fund, established pursuant to § [62.1-132.3:2.1](#), Code of Virginia. These funds shall be used to support the Port of Virginia Economic Development Grant Program, consisting of the following component programs: 1) the Economic Development and Infrastructure Development Grant Program established by § [62.1-132.3:2.2](#), Code of Virginia, and 2) the International Trade Facility Grant Program established by § [62.1-132.3:2.3](#), Code of Virginia.

3. Notwithstanding any other provision of law, upon expiration of the Port of Virginia Economic and Infrastructure Development Grant Fund and Program on December 31, 2024, any balance remaining in the Port of Virginia Economic and Infrastructure Development Grant Fund shall be transferred to the Port of Virginia Economic Development Grant Fund, established pursuant to § [62.1-132.3:2.1](#), Code of Virginia, and used to support the Port of Virginia Economic Development Grant Program and its component programs pursuant to §§ [62.1-132.3:2.1](#), [62.1-132.3:2.2](#), and [62.1-132.3:2.3](#), Code of Virginia.

B. Of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the Commonwealth Port Fund is appropriated for previously awarded Aid to Local Ports which were unreimbursed in the year of the initial award.

C. Out of amounts in this item, \$4,000,000 the first year ~~and \$4,000,000 the second year~~ from amounts transferred to this item pursuant § 3-1.01 M. of this act, the Authority shall award a grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Authority. The source of the grant funds shall be the Virginia Waterway Maintenance Fund created pursuant to § ~~62.1-132.3:3~~. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities. The Authority shall develop guidelines establishing an application process as set out in Chapter 642, 2018 Session of the General Assembly. Projects for which the Authority may award grant funding include (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the design, lease, or purchase of upland containment areas where the material can be selectively excavated and used beneficially for environmental restoration or for mitigation of coastal erosion; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from approved waterway dredging projects conducted by the Commonwealth. Special consideration shall be given to any locality which provides a three-to-one match for any requested funding in the first year.

D. Out of the amounts in this item, \$7,500,000 the first year from the general fund is provided to fund a pilot municipal dredge program operated by the Middle Peninsula Chesapeake Bay Public Access Authority for the dredging of shovel-ready projects, to be distributed by the Virginia Port Authority upon approval of a Municipal Dredging Operating Program and a Municipal Dredging Operating Agreement. Funding for this program is designated for shovel-ready, shallow-draft dredging projects in localities identified in Chapter 66 of the Code of Virginia, or through the development of operating agreements between the Middle Peninsula Chesapeake Bay Public Access Authority and the Eastern Shore Water Access Authority or the Northern Neck Public Access Authority.

E. Out of the amounts in this item, \$1,000,000 the first year from the general fund is provided to support dredging Back Creek off the York River.

F. Effective July 1, 2025, the responsibility for administering shallow dredging projects and the Waterway Maintenance Fund shall be transferred to the Virginia Marine Resources Commission. Any unexpended general or nongeneral funds appropriated in fiscal years prior to fiscal year 2026 shall be transferred to the Commission to support the completion of these projects.

G.1. Of the amounts in the Transportation Partnership Opportunity Fund, up to \$8,000,000 the first year is provided to support dredging near the north end of Wallops Island. The Virginia Port Authority shall administer such dredging project to create a navigable water channel for transport of rocket components and other uses to serve all commercial partners at the spaceport until longer term solutions are implemented to ensure that the Virginia spaceport remains competitive. Any project costs that exceed the amounts provided in this paragraph shall be at the expense of the private sector partners referenced in this paragraph. To the extent determined to be cost effective and practicable, the project should include shoreline stabilization to reduce the need for future dredging. The Virginia Port Authority may collaborate with the Virginia Economic Development Partnership Authority, the Virginia Spaceport Authority, commercial partners at the spaceport, and any federal, state, or local agency as may be necessary to complete the marine transport access project. The Director of the Department of Planning and Budget is hereby authorized to transfer moneys pursuant to this paragraph to the Virginia Port Authority. After submission of a project funding schedule to the Secretary of Finance and the Director of the Department of Planning and Budget, only the Virginia Port Authority may request that the Director release the funds according to such schedule.

2. The funding provided in this paragraph is contingent on the Virginia Commercial Space Flight Authority (Virginia Space) providing copies of the executed building and ground leases for and the total construction costs of the Assembly, Integration, and Testing Facility, referenced in Chapter 1, 2022 Acts of Assembly, Special Session I,

Item 101, Paragraph T to the Secretary of Commerce and Trade, the Virginia Port Authority, and the Virginia Economic Development Partnership Authority. In executing a ground lease for the property surrounding the Assembly, Integration, and Testing Facility (Lease Parcels 1, 3, and 4), Virginia Space shall charge the tenant no more than one dollar per year for the duration of the performance period outlined in the Memorandum of Understanding executed August 15, 2023, between the Commonwealth, Rocket Lab USA, INC, Virginia Space, and the Virginia Economic Development Partnership Authority. If at the end of the performance period, Rocket Lab assumes ownership of the Assembly, Integration, and Testing Facility, and sells the building, Virginia Space is hereby required to notify the Chair of the Major Employer and Investment Commission by letter of the sale, which shall include the name of the buyer and the sale price.

3. No more than 30 days from completion of the dredging project, the Virginia Port Authority shall submit a report to the Secretary of Finance, Secretary of Transportation, and to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees outlining total project costs and total funding paid by all sources.

H. Out of the amounts in this item, \$325,000 the first year from nongeneral funds is authorized to fund the non-federal sponsorship share of not more than twelve National Oceanic and Atmospheric Administration (NOAA) Physical Oceanographic Real-Time System (PORTS) stations in the southern Chesapeake Bay.