

AGENDA
MARINE RESOURCES COMMISSION
SEPTEMBER 23, 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. SHELLFISH**
Montaigne Cree, Oyster Planting Ground Application #2023-051
Requests authorization to lease approximately 3 acres of oyster planting ground within the Warehouse Creek in Northampton County
- 6. PUBLIC COMMENTS**
- 7. EMERGENCY REGULATION**
Proposal to amend Chapter 4VAC 20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

MINUTES

COMMISSION MEETING

August 26, 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 |
| Lynn Kellum | |
| A.J. Erskine | Associate Members |
| William Bransom | |
| Jeremy Headley | |
| Jeanette Edwards | |
| Thomas Preston | |
| Preston White | |
| Kelci Block | Assistant Attorney General
Via phone |
| Joseph Grist | Deputy Commissioner |
| Randy Owen | Chief, Habitat Management |
| Adam Kenyon | Chief, Shellfish Management |

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Others present:

- | | | |
|------------------|------------------|----------------|
| Carrie Miller | Lance Shores | Shanna Madsen |
| David O'Brien | Jordan Krevonick | Lucian Gregory |
| Mike Shackelford | Brody Feuerhahn | Robert Resh |
| and others. | | |

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

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

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the July 22, 2025, Commission Meeting minutes.

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

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Commissioner Green swore in the VMRC staff and VIMS staff that would be speaking or presenting testimony during the meeting.

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

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

- 2A. 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.
- 2B. 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

- 2C. **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.

- 2D. **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.

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 items 2A through 2D as presented. Associate Member Erskine seconded the motion. The motion carried, 7-0.

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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 applicant agreed to pay fees that are associated with the approval of the project.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve Page 3 item as presented. Associate Member Headley seconded the motion. The motion carried, 7-0.

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

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- 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.

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.

Jason Barney, agent for the applicant, was sworn in and spoke. His comments are a part of the verbatim record.

Ryan Fanelli, was sworn in and spoke in opposition of the application. His comments are a part of the verbatim record.

Brody Feuerhahn, representative of Feuerhahn Building Corporation, was sworn in and spoke. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the project as presented. Associate Member Headley seconded the motion. The motion carried, 6-0-1. Associate Member White abstained.

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6. PUBLIC COMMENTS:

Michael Shackelford: Mr. Michael Shackelford, commercial waterman, requested that the Commission reinstate his crab pot license which was placed on the waiting list in 2008. The Commission did not take any action.

Associate Member Bransom made a motion to refer the request back to CMAC for review with clarity for reinstatement and transferability. Associate Member Headley seconded the motion. The motion carried, 7-0.

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Deputy Commissioner Grist introduced the newest employee, John Dearstine, who will be taking over the role of Mandatory Reporting and Licensing Department. His comments are a part of the verbatim record.

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7. DISCUSSION: resolution pertaining to Virginia Waterway Maintenance Grant Program and Fund.

Deputy Commissioner Grist explained the background of the Virginia Waterway Maintenance Grant Program and Fund. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Edwards moved to adopt the resolution as presented by staff on projects previously funded Virginia Waterway Maintenance Fund grants approved prior to July 1, 2025. Associate Member Preston seconded the motion. The motion carried, 7-0.

Commission Meeting

19342
August 26, 2025

* * * * *

There being no further business, the meeting is adjourned at 11:00 a.m. The next Commission meeting will be held on **Tuesday**, September 23, 2025.

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Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

SHELLFISH MANAGEMENT DIVISION EVALUATION

MONTAIGNE CREE

Oyster Planting Ground Application #2023-051

Requests authorization to lease approximately 3 acres of oyster planting ground within the Warehouse Creek in Northampton County

NARRATIVE

Staff received an Oyster Planting Ground Application from Mr. Montaigne Cree on November 14, 2023. The application underwent a public interest review process to include a newspaper public notice and notifications of nearby highland property owners.

ISSUES

The application was subjected to the required public interest review to include a newspaper, agency website, and Town Hall public notices and notifications of nearby leaseholders and highland property owners. Staff received 10 public comments. To mitigate conflicts in the area the applicants reduced the size of the application from 66 acres to 3 acres to remove the major portions that had potential interference with the channel. This mitigation resulted in 8 of the 10 individuals no longer pursuing their public comments.

Public opposition centers on concerns that the proposed area overlays a narrow, unmarked, channel in Warehouse Creek, creating a hazard to navigation at low tide where vessels may be unable to pass without risking damage. Opponents, while generally supportive of aquaculture, also cite the continued reduction of recreational space, diminished natural aesthetics of the creek, and the belief that this lease does not appropriately balance public access with private aquaculture use.

The applicant has submitted all required fees, including those for the application, public notice, and surveying. This surrounding area has existing oyster planting ground leases including an adjacent lease of one of the protestors. Notably, there are no private piers, marked navigation channels, or submerged aquatic vegetation in the vicinity that would be affected by the potential assignment. Chapter 4VAC20-335-30 requires that any bottom structures may cause “no more than a minimal adverse effect on navigation.” Staff sent out a Letter of Finding on January 28, 2025, indicating that this area would be assigned based on the public comments unless the protestants appealed this decision.

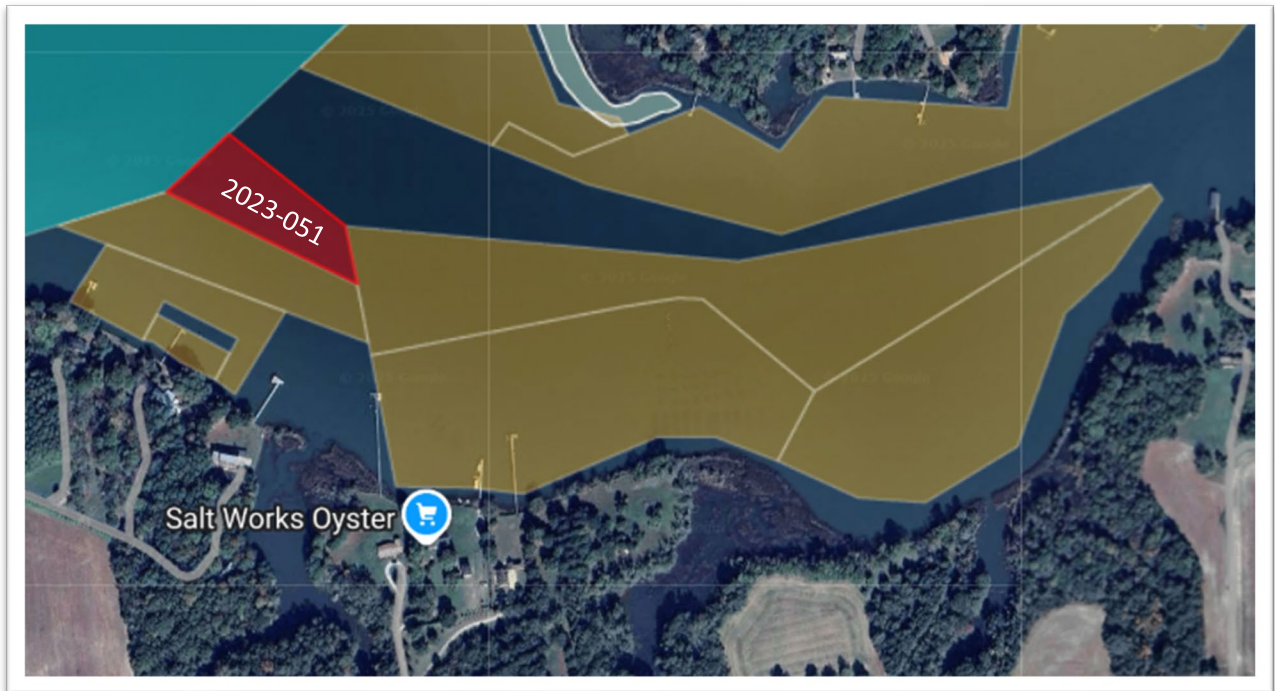
Staff consider each lease application on a case-by-case basis, considering the requirements of the Code of Virginia and the Public Trust Doctrine. The increased interest in shellfish propagation has resulted in increased public awareness of such activity and highlighted the necessity for a more comprehensive review of these methods of shellfish aquaculture propagation. Such lease requests in populated areas raise issues regarding public trust lands to include user conflicts, property values, aesthetics, navigation impacts, and suitable bottom types. Stewardship of public trust lands,

while weighing the public and private benefits versus detriment, requires a balanced approach to the review of such lease requests.

SUMMARY

The Code of Virginia § 28.2-1205 allows the Commission to grant or deny the use of state-owned bottomlands taking into consideration the public and private benefits of the proposed project. Staff is requesting guidance from the Commission to uphold the approval or deny this application based upon consideration of the objections raised by local residents, comments concerning support of the request, and consideration of the public trust doctrine.

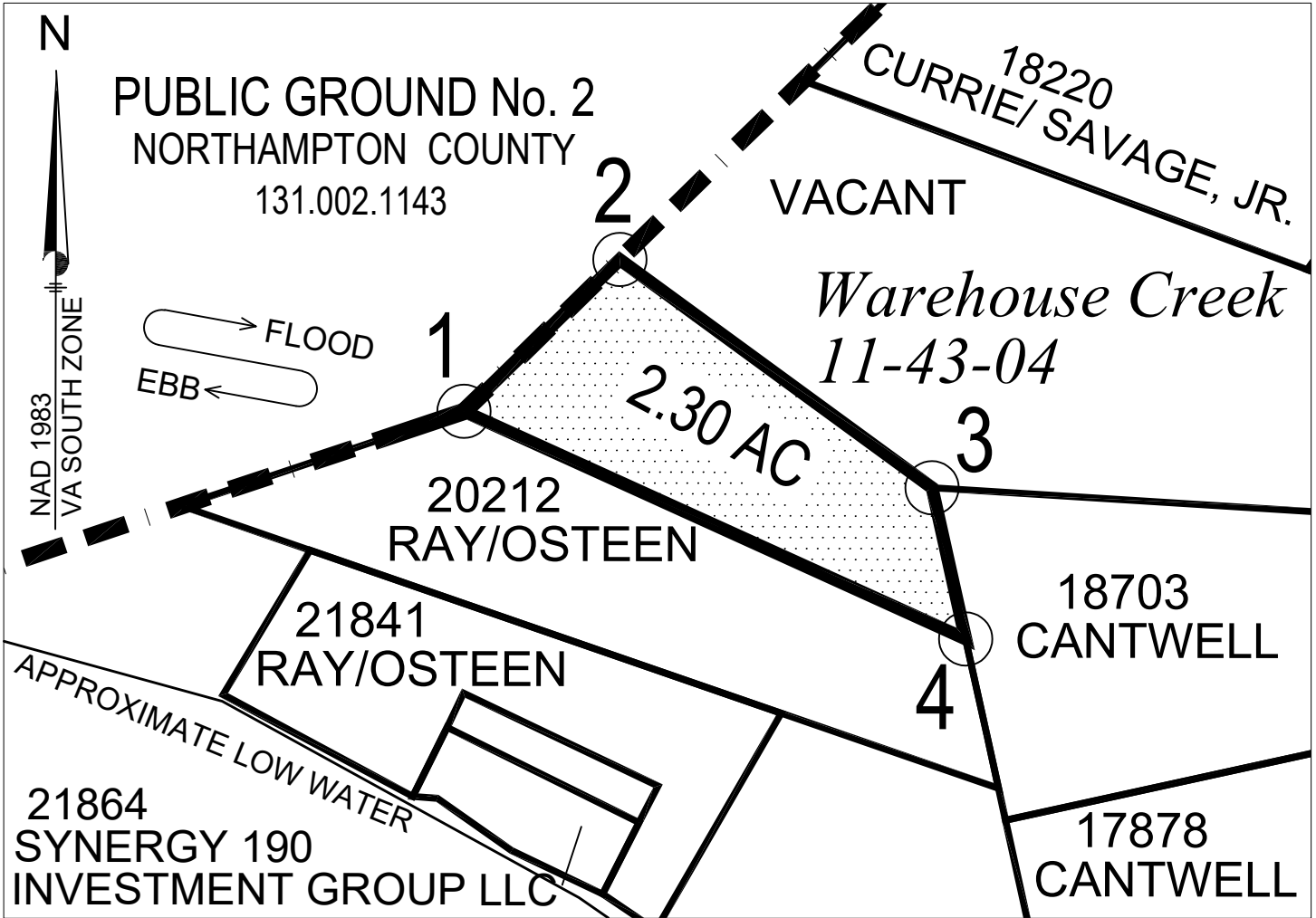
MAP



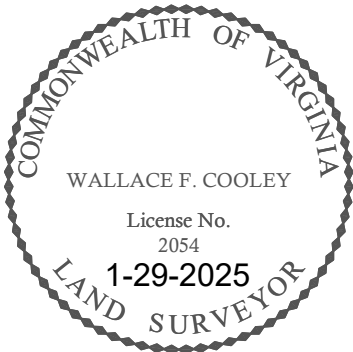


VIRGINIA
MARINE RESOURCES
COMMISSION
ENGINEERING / SURVEYING DEPARTMENT

APPLICATION NO. 2023051	
DISTRICT NO. 24	MAP NO. 23_2730
SHEET NO. 1 OF 1	FILE NO. 22161



VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (U.S. FEET)			GEOGRAPHIC COORDINATES DEGREES, MINUTES	
NORTHING	EASTING	POINT NO.	LATITUDE	LONGITUDE
12230180.74	3709406.93	1	37° 28.9462702' N.	75° 55.4606873' W.
12230359.49	3709582.02	2	37° 28.9743081' N.	75° 55.4227510' W.
12230719.22	3709320.28	3	37° 28.9295753' N.	75° 55.3498704' W.
12230758.15	3709146.23	4	37° 28.9007299' N.	75° 55.3428060' W.



2.30 ACRES
OYSTER PLANTING GROUND
OF
MONTAIGNE CREE & J. DOUGLAS RIPPON
IN
WAREHOUSE CREEK 11-43-04
NORTHAMPTON COUNTY

SCALE: 1/2400 (1" = 200') DATE: JANUARY 29, 2025

V.M.R.C. APPROVED / RECORDED DANIEL FAGGERT
SURVEYOR



Virginia Press
Services

AFFIDAVIT OF PUBLICATION
(23124VM0 - VMRC# 2023051)

STATE OF VIRGINIA

CITY/COUNTY OF Henrico, to-wit:

I, Julia Wigginton hereby certify that a Public Notice for Virginia Marine Resources Commission – Montaigne Cree & J. Douglas Rippon (VMRC #2023051) was published in the following papers on the day listed in the year 2023.

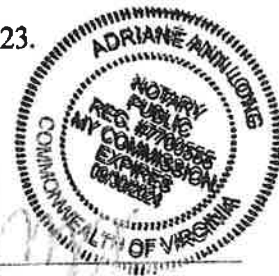
Eastern Shore Post 12/15/23, 12/22/23

Julia Wigginton

Signature

Subscribed to and sworn before me this 19 day of December 2023.

My commission expires: 09/30/24



[Signature]
[Notary Public]

Legal Ads

NOTICE OF OYSTER PLANTING GROUND APPLICATION

Montaigne Cree and J. Douglas Rippon (2023051) have applied for approximately 65.97 acres of oyster planting ground in Warehouse Creek situated in Northampton County. The application is located at Lat/Long: N37-28.941 / W75-54.8406

To view a map of the application, or to provide public comments, use this web link to search the application by number (2023051): https://webapps.mrc.virginia.gov/public/oystergrounds/search_applications.php or contact the VMRC Engineering/Surveying Department at 757-247-2226.

Send written comments or concerns to:

Marine Resources Commission, Engineering/Surveying Department, 380 Fenwick Road, Fort Monroe, VA 23651-1064

NOTICE OF OYSTER PLANTING GROUND APPLICATION

Montaigne Cree and J. Douglas Rippon (2023053) have applied for approximately 12.39 acres of oyster planting ground in Holly Grove Cove situated in Northampton County. The application is located at Lat/Long: N37-29.8248 / W75-54.342

To view a map of the application, or to provide public comments, use this web link to search the application by number (2023053): https://webapps.mrc.virginia.gov/public/oystergrounds/search_applications.php or contact the VMRC Engineering/Surveying Department at 757-247-2226.

Send written comments or concerns to:

Marine Resources Commission, Engineering/Surveying Department, 380 Fenwick Road, Fort Monroe, VA 23651-1064

NOTICE OF OYSTER PLANTING GROUND APPLICATION

Montaigne Cree and J. Douglas Rippon (2023054) have applied for approximately 206.72 acres of oyster planting ground in Nassawadox Creek situated in Northampton County. The application is located at Lat/Long: N37-29.6832 / W75-54.81

To view a map of the application, or to provide public comments, use this web link to search the application by number (2023054): https://webapps.mrc.virginia.gov/public/oystergrounds/search_applications.php or contact the VMRC Engineering/Surveying Department at 757-247-2226.

Send written comments or concerns to:

Marine Resources Commission, Engineering/Surveying Department, 380 Fenwick Road, Fort Monroe, VA 23651-1064

Request for Proposals

Proposals are requested for the roof repair/replacement and interior rehabilitation of the St. James Methodist Episcopal Church, located at 10565 Champ Road, Princess Anne, MD.

Work includes: 1) Repair/in-kind replacement of the gable roof between the two front towers on the west façade of the church, including any repair/replacement necessary to the roof structure/sheathing; 2) Repair or replace the framing on the interior of the building, which include wainscoting; and repair/replacement of all plaster (mud) on the internal walls and ceilings.

This item (2) is imperative and historically prohibited the use of drywall. The project is partly funded by the MD Historical Trust. The Property is protected by a preservation easement that restricts alterations to the church and site. The project will be executed with the involvement and oversight of the State Historic Preservation Office (the Maryland Historical Trust, "MHT"). All work must be designed and executed in accordance with the Secretary of the Interior's Standards for Rehabilitation.

Proposals must be received before December 31, 2023, at 5 p.m. EST. Contact Laura Gaskins by email at lgaskins79@gmail.com. Late submissions will not be considered.

MBE/WBE firms are encouraged to respond to this solicitation. The contract will be awarded to the lowest proposal from a qualified firm conforming to the project schedule. The owners reserve the right to waive irregularities and to reject proposals.

Invitation to Bid County of Northampton, Virginia

INSTALL GENERATOR AT NORTHAMPTON COUNTY COURTHOUSE

The County of Northampton, Virginia is accepting sealed bids for the installation of an owner supplied 300 kW generator at the Northampton County Courthouse located at 5229 The Hornes in Eastville, VA. Sealed bids may be submitted either as a physical hard copy or electronically through eVA, the Virginia Department of General Services central electronic procurement website. Faxed or emailed proposals are not acceptable. Bids will be received until 2:00 PM, Thursday, December 21, 2023. Bids will be publicly opened and read aloud immediately thereafter. Physical bids received after the assigned time will not be accepted and will be returned to the bidder unopened.

The work is described, in general, as the removal of an existing 100 kW diesel-fired generator with automatic transfer switch (ATS) and the addition of a new 300 kW diesel-fired, engine-driven generator set with a service entrance rated ATS. The new generator set and ATS will be provided by the county.

Contractors can obtain copies of the complete bid documents from either of the following sources:

- Northampton County Website
<https://tinyurl.com/4bnj9hew>
- eVA Virginia Procurement Website
<https://eva.virginia.gov/>
- Chris Thomas, Director of Public Works
Phone: (757) 678 - 3377
Email: cthomas@co-northampton.va.us

The County reserves the right to reject any or all bids and to waive any irregularities or informalities in the bidding.

All bidders are subject to and must comply with the provisions of Northampton County's Equal Employment Opportunity Policy and applicable State and Federal anti-discrimination laws.

VIRGINIA: IN THE CIRCUIT COURT FOR NORTHAMPTON COUNTY

RAS TRUSTEE SERVICES, LLC

Plaintiffs

CASE NO. CL23000327-00

v.

THE ESTATE OF MYRTIS AMES, et al.

Defendants

ORDER OF PUBLICATION

UPON CONSIDERATION of the Plaintiff's Order of Publication into Court it is on this 9th day of Nov. 2023, hereby

ORDERED that The Estate of Myrtis Ames and Any Unknown Heirs of Myrtis Ames be served by the Publication in this Interpleader Action pursuant to Virginia Code Section 8.01-317; and it is further

ORDERED that such Order of Publication shall be published in the Virginia newspaper, Eastern Shore Post, once a week for four consecutive weeks; and

ORDERED that upon completion of such publication, the clerk shall file a certificate in the papers of the case that the requirements of this section have been complied with, and

ORDERED that if The Estate of Myrtis Ames and Any Unknown Heirs of Myrtis Ames fail to appear and protect their interests on or before the date of 10th day of January, 2024; which shall be no sooner than 50 days after entry of the Order of Publication, then The Estate of Myrtis Ames and Any Unknown Heirs of Myrtis Ames shall be in default and a judgement may be entered upon request by Plaintiff.

ENTER: This 9th day of November, 2023
Traci Johnson,
Circuit Court for Northampton County, VA

I ask for this:
THOMAS J. GARTNER, Esquire
(VA Bar # 79340)
Robertson, Anschutz, Schneid,
Crane & Partners PLLC
11350 McCormick Road, EP 1, Suite 302
Hunt Valley, Maryland 21031
Phone: (470) 321-7112 x52149
Fax: (404) 393-1425
tgartner@raslg.com
Counsel for Plaintiff

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The
December
edition of
Shore First
is now
available!



Virginia Press Services, Inc.

4860 Cox Road, Suite 150

Glen Allen, Virginia 23060

Phone: 804-521-7585 Fax: 804-726-1566



Virginia Press
Services

INVOICE

December 19, 2023

Order: 23124VM0

Attn: Debra Jenkins
Virginia Marine Resources Commission
380 Fenwick Road
Building 96
Ft. Monroe, Virginia 23651

Voice: 757-247-2200

Fax:

Advertiser: Montaigne Cree & J. Douglas Rippon

P.O.#: VMRC #2023051

Brand:

Campaign:

Client Order Number: VMRC #2023051

Amount Due: \$217.42

Please detach and return this portion with your payment

Montaigne Cree & J. Douglas Rippon P.O.#: VMRC #2023051 Client Order Number: VMRC #2023051

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
Eastern Shore Post (Onley, Virginia)									
12/15/2023	0.00	Public Notice	\$108.71		\$108.71	\$0.00	(0.00%)	\$108.71	
Caption: VMRC #2023051									
12/22/2023	0.00	Public Notice	\$108.71		\$108.71	\$0.00	(0.00%)	\$108.71	
Caption: VMRC #2023051									
Subtotal:	0.00		\$217.42	\$0.00	\$217.42	\$0.00		\$217.42	
Gross Advertising			\$217.42	Total Misc	\$0.00	Amount Paid		\$0.00	
Agency Discount			\$0.00	Tax	\$0.00	Adjustments		\$0.00	
Other Discount			\$0.00	Total Billed	\$217.42	Payment Date			
Service Charge			\$0.00	Unbilled	\$0.00	Balance Due		\$217.42	

Thank you for your business!

Payment is due 15 days from receipt of this invoice. No statement will be sent.

Payment can be made by ACH / Wire Transfer, Check or Credit Card. Credit Card payments will include a 3.5% processing fee. Questions? Please email advertising@vpa.net

Please remit payment to: Virginia Press Services

Virginia Marine Resources Commission
Engineering & Surveying Department
Oyster Ground Leasing
Transaction Report
Application Number: 2023051

Print Date: Wednesday September 10, 2025

Date	Billing	MRC ID	Entered By	Description	Amount	Invoice	Date Paid	Pay Method
11/14/2023	10427	N104713	Daniel Fagge	Debited Application Fee, Entered Application	\$(1000.00)		12/05/2023	Check
12/05/2023	10427		Debra Jenkin	Credited Application Fee	\$ 1000.00			
12/06/2023	10427		Debra Jenkin	Printed Acknowledgement Letter	\$ 0.00			
12/06/2023	10427		Debra Jenkin	Printed Advertisement Letter	\$ 0.00			
01/21/2024	10427	N104713	Public Comme	Application Protested or Objected by Staff	\$ 0.00			
01/29/2025	10427		Daniel Fagge	Entered a project report	\$ 0.00			
01/29/2025	10427		Daniel Fagge	Plat Number Assigned	\$ 0.00			
01/29/2025	10427		Adam Kenyon	Plat Signed and Approved	\$ 0.00			
02/24/2025	10427		Adam Kenyon	Debited Survey Charges for an application	\$(750.00)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Rent Charges for an application	\$(2.63)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 6878	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 7513	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 7606	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 9375	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 6878	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 7513	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 7606	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 9375	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 9375	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 10223	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 10223	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 10084	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Adj Lease Certified Letter Notification To: 10084	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Landowner Certified Letter Notification	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited Landowner Certified Letter Notification	\$(5.60)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Debited PVC Stakes	\$(52.00)	103565	05/19/2025	
02/24/2025	10427		Adam Kenyon	Application Invoice Printed, First Notice	\$ 0.00			
02/24/2025	10427		Adam Kenyon	Application Invoice Printed, First Notice	\$ 0.00			

Virginia Marine Resources Commission
Engineering & Surveying Department
Oyster Ground Leasing
Transaction Report
Application Number: 2023051

Print Date: Wednesday September 10, 2025

Date	Billing	MRC ID	Entered By	Description	Amount	Invoice	Date Paid	Pay Method
02/24/2025	10427		Adam Kenyon	Email Invoice (Rent, Survey, Adj Letters)	\$ 0.00			
03/26/2025	10427		Adam Kenyon	Email Invoice (Rent, Survey, Adj Letters)	\$ 0.00			
04/08/2025	10427		Adam Kenyon	Application Invoice Printed, Second Noti	\$ 0.00			
04/18/2025	10427		Daniel Fagge	Application Invoice Printed, Third Notice	\$ 0.00			
04/25/2025	10427		Adam Kenyon	Email Invoice (Rent, Survey, Adj Letters)	\$ 0.00			
05/10/2025	10427		Adam Kenyon	Email Invoice (Rent, Survey, Adj Letters)	\$ 0.00			
05/19/2025	10427	N104713	Adam Kenyon	Credited survey charges for application	\$ 750.00			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited rent charges for application	\$ 2.63			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Adj Lease Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Landowner Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited Landowner Certified Letter Notification	\$ 5.60			Check
05/19/2025	10427	N104713	Adam Kenyon	Credited PVC Stakes	\$ 52.00			Check
Outstanding Balance:					\$(0.00)			



COMMONWEALTH of VIRGINIA

Marine Resources Commission

*380 Fenwick Road
Building 96
Fort Monroe, VA 23651*

Jamie L. Green
Commissioner

January 28, 2025

MEMORANDUM

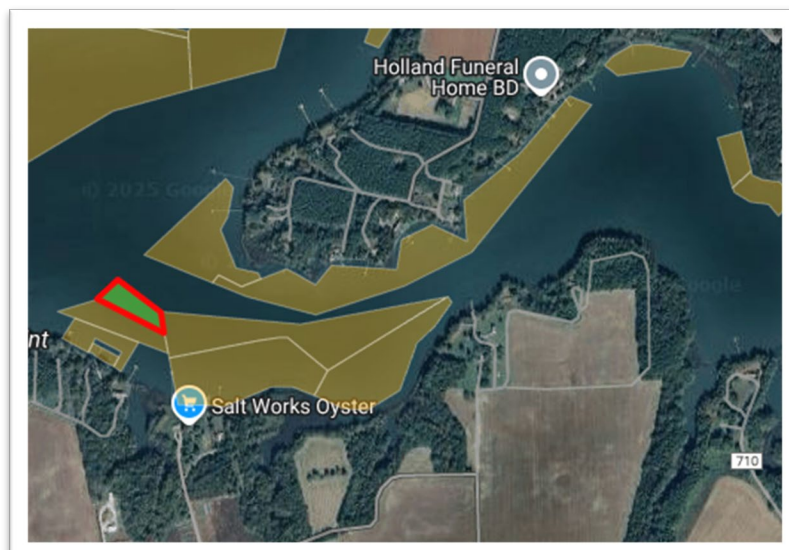
FROM: Adam Kenyon,
Chief, Shellfish Management Division

SUBJECT: VMRC Oyster Ground Lease Application #2023-051

This memo serves to inform you that the Marine Resources Commission has completed its review of Oyster Ground Lease Application #2023-051 covering 2.3 acres within Warehouse Creek in Northampton County (see map below). You are receiving this memo as you had previously submitted written comments concerning this application.

After careful consideration of your written comments, the application has been modified to no longer encompass areas of concern including the mouth of the channel and the up-river areas (see map below). After a thorough evaluation of the public benefits and impacts of on-bottom shellfish aquaculture, as well as the factors outlined in subsection A of §28.2-1205 of the Code of Virginia, the Marine Resources Commission has made a determination that the assignment of this ground is in the public interest.

Should you disagree with the findings of the agency, the Code of Virginia §28.2-216 allows any person to appeal an action of the Commission through an in-person formal hearing process. You have 10 days from the date of this memo to file a complaint to the agency in writing. If a complaint is submitted within this timeframe, you will be required to appear before the Commission at an in person formal hearing to present your case. Written complaints must be sent to the agency main office at: *VMRC, 380 Fenwick Road, Fort Monroe, VA 23561*.



An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

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

RACHEL C. KELLAM, ESQ.
7262 GULL POINT ROAD
FRANKTOWN, VA 23354

RACHEL C. KELLAM, Esq.
Licensed in VA and NC

Rachel@rkellamlaw.com
kellamrc@gmail.com

Telephone
757-894-0265

Fax
757-787-2348

February 3, 2025

VIA OVERNIGHT UPS

VMRC

380 Fenwick Road
Fort Monroe, VA 23561

RE: Opposition to Oyster Ground Lease Application #2023-051

Dear VMRC Board Members:

My home, dock, and access to the Nassawadox Creek channel are directly impacted by the proposed modified placement of Montaigne Cree's oyster bed application area. My initial opposition was filed with your Commission because the Applicant's proposed areas blocked and/or significantly hindered access to Warehouse Creek. After your review, they were denied. Her new placement is directly in front of my dock and across the access to the creek's channel. Retaliatory?

My dock is the last dock on Gull Point Road, thus my neighbors' access to said channel is also hindered and/or completely blocked. Due to the short opposition response time given, I will have to bring pictures to the Hearing.

If this modified placement is allowed, not only will the oysters block my access to the channel, but planting oyster beds in this area will also create new shoals on all sides of the proposed bed further hindering this shallow area of the creek. I have seen this exact issue with other planted beds in Nassawadox, Church, and Warehouse Creeks.

In addition, the proposed bed cuts off another narrow channel which allows a short cut from the mouth of Warehouse Creek to Bayford dock (also known on the creek as: "The Cut Through"). Instead of having to traverse the entire northwest side of the creek to navigate to Bayford dock (10+ minutes), at high tide, you can use the short cut in front of Gull Point Road residents' docks and pop out at Bayford within 1 minute.

The Applicant states they don't have plans to use oyster floats at this time, however, that doesn't mean they won't use them in the future. Floats will also create dangerous navigational

hazards in the area.

The Applicant does not live, work, or play on Nassawadox, Church, or Warehouse creek. She is shielded from any harm her proposed beds will create. She has no vested interest in what is best for the people who actually work, play, and live on the creek.

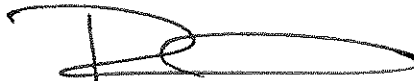
I grew up on this creek. Skiing, hydro-sliding, tubing, fishing, and navigating its waters for decades. I have been fortunate enough to purchase a home of my own with a dock on this creek, and now I must defend my ability to access said dock.

Once more, from my dock, I have a tiny slough I use to access the channel. The proposed placement of Application 2023-051 would allow oysters, rebar, netting, and everything else used in oyster farming to block that slough.

I look forward to elaborating on how detrimental this proposed bed placement will be if granted. I also welcome any Board member to visit the effected area for an in-person inspection.

Please don't hesitate to call or email me should you have any questions before the hearing. I remain

Very truly yours,

A handwritten signature in black ink, appearing to be 'Rachel C. Kellam', written over a horizontal line.

Rachel C. Kellam, Esq.

From: [Richard Ray](#)
To: [Kenyon, Adam \(MRC\)](#)
Subject: Opposition to proposed oyster ground lease #202351
Date: Wednesday, February 5, 2025 11:45:33 AM

Please see herein my letter of opposition to the above referenced proposed lease. Please acknowledge your receipt of this letter. Thank you.

Richard H. Ray

7312 Gull Point Road

Franktown, VA 23354

Virginia Marine Resources Commission

Building 96

380 Fenwick Road

Ft. Monroe, VA 23651

RE: Oyster Ground Lease Application #2023051

To Virginia Marine Resources Commission:

Please accept this letter stating my OPPOSITION to the Oyster Ground Lease Application #2023051. Also please accept this letter as confirmation of my intent to attend, and speak at, any VMRC hearing regarding this application upon proper notification of such hearing. Unless required to do so in advance, I will present my reasons and facts for my opposition at the hearing.

Sincerely,

RH Ray

Richard H. Ray

From: [Kenyon, Adam \(MRC\)](#)
Bcc: [Faggert, Daniel \(MRC\)](#); [Longest, Savannah \(MRC\)](#); [Montaigne Cree](#); [Richard Ray](#); kellamrc@gmail.com
Subject: 2023-051 Oyster Ground Notice
Date: Wednesday, September 3, 2025 9:23:00 AM
Attachments: [2023-051 Oyster Ground Notice.pdf](#)



COMMONWEALTH of VIRGINIA

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

Stefanie K. Tallon
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

September 3, 2025

MEMORANDUM

FROM: Adam Kenyon
Chief, Shellfish Management Division

SUBJECT: MONTAIGNE CREE
Oyster Planting Ground Application #2023-051
Requests authorization to lease approximately 3 acres of oyster planting ground
within the Warehouse Creek in Northampton County

The application for oyster planting grounds, referenced above, will be heard by the Marine Resources Commission at their public hearing scheduled for Tuesday, September 23, 2025, beginning at 9:30 a.m.

You are receiving this memo as you had previously submitted written comments concerning the above application. For more information pertaining to this application, please visit:
https://webapps.mrc.virginia.gov/public/oystergrounds/search_applications.php.

If you wish to withdraw your written comments, please contact the Shellfish Management Division at 757-247-8068 prior to the date of the public hearing.

The Marine Resources Commission does not discriminate against individuals with disabilities. Therefore, if you are in need of reasonable accommodation due to a disability, please advise Michele Guilford, Agency Secretary, at (757) 247-2206 no less than five workdays prior to the meeting time and identify your need.

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

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

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
1	SPENCER MURRAY	01/11/2024 13:32:28 PM PO BOX 10	OPPOSE FRANKTOWN VA 23354

COMMISSIONERS:\R\N\R\N\I AM WRITING TO EXPRESS MY DESIRE THAT THE FOLLOWING OYSTER PLANTING
GROUND APPLICATIONS BE\R\N\DENIED:\R\N\R\N\MONTAIGNE AND J. RIPPON DOUGLAS:\R\N\R\N\APPLICATION
2023051 65.97 ACRES IN WAREHOUSE CREEK, NORTHAMPTON VA.\R\N 2023053 12.39 ACRES IN HOLLY
GROVE COVE, NORTHAMPTON, VA.\R\N 2023054 206.72 ACRES IN NASSAWADOX CREEK, NORTHAMPTON,
VA.\R\N\R\N\I ,AS WELL AS THE CITIZENS OF NORTHAMPTON COUNTY, HAVE ALWAYS SUPPORTED
AQUACULTURE AS ONE OF THE ECONOMIC ENGINES OF THE COUNTY AND THE EASTERN SHORE. MOST
WATERMEN ARE RESPONSIBLE, DEDICATED STEWARDS OF OUR CREEKS AND WATERWAYS. THEY MARK
THEIR AREAS WHERE OYSTERS AND CLAMS ARE BEING HARVESTED AND RESPECT THE RIGHTS OF
PROPERTY OWNERS AND RECREATIONAL USERS OF THE CREEKS.\R\N\R\N\AN AERIAL VIEW OF
NASSAWADOX AND WAREHOUSE CREEKS SHOW THAT MOST OF THE AVAILABLE AQUACULTURE GROUNDS
HAVE BEEN LEASED. THE APPLICATIONS SUBMITTED ABOVE WOULD SIGNIFICANTLY CLOSE THE
NAVIGABLE PORTIONS OF NASSAWADOX CREEK AND IMPOSE A HARDSHIP ON THE RESIDENTS AND
RECREATIONAL USERS. THE CHANNELS ARE ALREADY VERY NARROW AND SHIFT OVER TIME AS THE
RESULT OF TIDE AND STORM ACTIVITY. HOLLY GROVE COVE IS ESSENTIALLY CLOSED WITH ONLY VERY
NARROW ACCESS.\R\N\R\N\INGOOD GOVERNANCE DEMANDS THE RESPECT FOR THE RIGHTS OF ALL
CITIZENS. PLEASE REJECT THE APPLICATIONS CITED ABOVE AS THE AREAS ARE ALREADY ADEQUATELY
SHARED BY RESIDENTS AND WATERMEN.

Attachments:

https://webapps.mrc.virginia.gov/public/oystergrounds/comments/pc_pdfGet.php?id=36

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
2	JOSHUA H WEBB 757-710-2626 hunterwebb13@gmail.com	01/21/2024 13:01:03 PM	OPPOSE

AS A WORKING WATERMEN ON NASSAWADOX CREEK I AM IN DIRECT OPPOSITION OF APPLICATION 2023051. THE OYSTER GROUND APPLIED FOR IS NON-PRODUCTIVE BOTTOM AND MOSTLY CHANNEL. THIS IS ONE OF TWO LARGE AREAS IN THE CREEK WHERE RECREATIONAL WATER SPORTS AND BOATING ARE ENJOYED DUE TO THE LACK OF COMMERCIAL ACTIVITIES. I GET A STRONG SENSE THAT THE APPLICANTS ARE SEEKING TO HOARD GROUND AND DEFRAUD THE VMRC BASED ON INTERESTS THAT DO NOT INVOLVE AQUACULTURE.

Virginia Marine Resources Commission Shellfish Management Public Comments Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
3	RACHEL KELLAM	01/31/2024 15:46:44 PM	OPPOSE
kellamrc@gmail.com			

THE PROPOSED AREA IS DIRECTLY IN THE LIMITED NAVIGABLE AREA IN WAREHOUSE CREEK. IF OYSTER GROUNDS WERE ALLOWED ON THE SHORES OF THIS CREEK, IT WILL IMPEDE MANY RESIDENTS ABILITY TO GET TO THEIR LAND VIA THE CREEK. THE ENTIRE PROPOSED AREA WILL HINDER THE TRAFFIC IN AND OUT OF WAREHOUSE CREEK. I CAN'T BELIEVE THIS OPTION IS AVAILABLE TO LEASE.

**Virginia Marine Resources Commission
Shellfish Management Public Comments
Application Number 2023051**

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
4	JAY A SCOTT 443-880-6329 scott_jay@comcast.net	02/25/2024 12:31:05 PM	OPPOSE

THE PROPOSED LEASE AREA COMPLETELY SURROUNDS OUR DOCK AND WILL MAKE IT MORE DIFFICULT TO ACCESS THAN IT ALREADY IS. WAREHOUSE CREEK IS ALREADY FULL OF CRAB POTS AND OYSTER FLOATS MAKING NAVIGATION BY BOAT CHALLENGING. THE PROPOSED LEASE MAKES THE SITUATION DRAMATICALLY WORSE.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
5	BRAD SCOTT 410-430-6116 bradscott6@comcast.net	02/25/2024 17:49:29 PM	OPPOSE

I AM IN OPPOSITION OF OYSTER GROUND LEASE APPLICATION 2023051. THE BOTTOM OF WAREHOUSE CREEK IS NOT SUITABLE FOR SHELLFISH PRODUCTION AND SURFACE OR FLOATING AQUACULTURE GEAR WOULD SEVERELY LIMIT THE NAVIGATION AND RECREATIONAL USE OF THE CREEK. PROPERTY VALUES COULD ALSO BE NEGATIVELY IMPACTED. IT APPEARS THE SAME APPLICANTS HAVE APPLIED FOR TWO ADDITION LEASES - 2023053 AND 2023054 WHICH I ALSO OPPOSE FOR A TOTAL OF 267 ACRES. THIS SEEMS LIKE A LAND GRAB TO ME AND IS NOT IN THE SPIRIT OF THE INTENTIONS OF THE VMRC OYSTER GROUND LEASE PROGRAM.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
6	RICHARD RAY 757-621-0555 rhray@icloud.com	03/06/2024 16:33:18 PM	OPPOSE

I OPPOSE OYSTER GROUND LEASE APPLICATION 202351. AS A CITIZEN WHO BELIEVES IN THE BENEFITS OF AQUACULTURE FOR THE ENVIRONMENT AND FOR THE ECONOMIC BENEFITS IT PROVIDES TO NORTHAMPTON COUNTY, I USUALLY THINK THAT OYSTER LEASES ARE A GOOD THING. HOWEVER, IN THE CASE OF LEASE APPLICATION 202351 THAT IS NOT THE CASE, I OPPOSE THE PROPOSED LEASE FOR THE FOLLOWING REASONS: 1. THE LEASE WILL OVERLAY THE CHANNEL THAT OYSTERMEN, CRABBERS AND RECREATIONAL BOATERS USE DAILY, THEREFORE IT IS A HAZARD TO NAVIGATION. IT IS A HAZARD TO THE EXTENT THAT, AT VERY LOW TIDES, THE CHANNEL OVER THE LEASED GROUNDS WILL BE UNNAVIGABLE DUE TO THE REQUIRED CLEARANCE UNDER A BOAT AND ABOVE THE LEASED GROUNDS. DAMAGE TO OYSTER BEDS AND BOATS IS CERTAIN TO OCCUR. BOATS ALREADY FREQUENTLY HIT BOTTOM ON VERY LOW TIDES. 3. THE LEASE WILL COVER A CONSIDERABLE AMOUNT OF THE RECREATIONAL AREA OF THE CREEK. THE RECREATIONAL AREA HAS BEEN REDUCED THROUGHOUT THE CREEK BY EXISTING LEASES AND SHIFTING BOTTOMS. FURTHER REDUCTION OF RECREATIONAL AREAS SHOULD NOT BE ALLOWED. 3. THE NATURAL BEAUTY OF THE CREEK MUST BE CONSIDERED. THE APPROVAL OF THIS LEASE WILL DIMINISH THE NATURAL BEAUTY OF THE CREEK. 4. IT IS ESSENTIAL, AND I BELIEVE AN IMPORTANT PART OF THE MISSION OF VMRC, TO BALANCE THE RIGHTS OF PUBLIC USE WITH THE RIGHTS OF AQUACULTURE. THIS PROPOSED LEASE CLEARLY DOES NOT DO THAT. THEREFORE, IN ACCORDANCE WITH THE PRECEDING REASONS, I RESPECTFULLY REQUEST THE DENIAL OF THIS PROPOSED LEASE.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
7	DAVID C SCOTT 301-928-3029 landsharks2@gmail.com	02/28/2024 17:06:06 PM	OPPOSE

I AM WRITING TO EXPRESS MY STRONG OPPOSITION TO THE PROPOSAL TO LEASE ADDITIONAL OYSTER GROUNDS IN WAREHOUSE CREEK. WHILE THE IDEA MAY SEEM BENEFICIAL AT FIRST GLANCE, THERE ARE SEVERAL SIGNIFICANT CONCERNS THAT NEED TO BE CAREFULLY CONSIDERED BEFORE MOVING FORWARD WITH ADDING ADDITIONAL LEASED GROUNDS.

THE PROCESS OF ESTABLISHING AND MAINTAINING OYSTER BEDS CAN INVOLVE THE USE OF MACHINERY, WHICH CAN DAMAGE THE CREEK BED AND DESTROY ESSENTIAL MARINE HABITATS SUCH AS SEAGRASS BEDS. THIS DESTRUCTION NOT ONLY HARMS BIODIVERSITY BUT ALSO DIMINISHES THE RESILIENCE OF OUR COASTAL AREAS TO CLIMATE CHANGE AND EXTREME WEATHER EVENTS.

IN ADDITION TO ENVIRONMENTAL CONCERNS, THERE ARE ALSO NAVIGATION IMPLICATIONS TO CONSIDER. ADDING THESE ADDITIONAL GROUNDS TO EXISTING LEASED GROUND WOULD EFFECTIVELY CHOK OFF WHAT REMAINS OF THE NAVIGABLE WATERWAY. GREATLY REDUCING THE ENJOYMENT OF WAREHOUSE CREEK BY OUR LOCAL COMMUNITY.

IT IS CRUCIAL THAT ANY DECISION REGARDING THE LEASING OF GROUND FOR OYSTER CULTIVATION IS MADE WITH CAREFUL CONSIDERATION OF THE LONG-TERM IMPACTS ON BOTH THE ENVIRONMENT AND OUR COMMUNITY. ALTERNATIVE APPROACHES, SUCH AS SUPPORTING SUSTAINABLE WILD OYSTER FISHERIES AND INVESTING IN HABITAT RESTORATION PROJECTS, OFFER MORE ENVIRONMENTALLY AND SOCIALLY RESPONSIBLE SOLUTIONS TO PROMOTING HEALTHY MARINE ECOSYSTEMS AND SUPPORTING LOCAL ECONOMIES.

IN CONCLUSION, I URGE YOU TO REJECT THE APPLICATION 2023051 AND KEEP WHAT'S LEFT OF WAREHOUSE CREEK'S NAVIGABLE WATERWAY OPEN TO LOCAL BOATERS.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
8	KEVIN ROGERS 302-381-0761 kingcropin@aol.com	03/01/2024 14:34:51 PM	OPPOSE

THIS IS A NOTIFICATION OF OPPOSITION OF ALL THREE APPLICATIONS 2023054,2023053,2023051 BY MONTAIGNE CREE AND J. DOUGLAS RIPPON. IF APPROVED WOULD TOTALLY ELIMINATE PUBLIC LAND USE AND NAVIGABLE WATERS FOR ALL COMMERCIAL FISHING, CRABBING, EXISTING AQUACULTURE AND RECREATIONAL WATER SPOTS. ALL THOSE THAT LIVE, WORK OR JUST ENJOY THE BEAUTIFUL NASSAWADOX CREEK, IT WOULD BE DETRIMENTAL TO ALL. I PURPOSE THE LEASES IN QUESTION ON THE APPLICATIONS SHOULD BE PERMANENTLY ENTERED AS PUBLIC LANDS FOR THE SAME REASONS AS STATED ABOVE. I URGE ALL TO REJECT THE THREE APPLICATIONS.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
9	TED R RAITCH 240-463-2899 traitch@aticorp.biz	03/15/2024 18:55:44 PM	OPPOSE

AS A LONG-TERM USER OF WAREHOUSE CREEK FOR MORE THAN 45 YEARS I STRONGLY BELIEVE YOU SHOULD REJECT THE 20230651 APPLICATION AND RETAIN THE EXISTING NAVIGABLE WATERWAY FOR THE USE OF LOCAL BOATERS AND WATERMEN. IT SEEMS THE SAME APPLICANTS HAVE ALSO APPLIED FOR AN ADDITIONAL TWO LEASES - 2023053 AND 2023054 - THAT I ALSO OPPOSE.

OVER THE YEARS I HAVE EXPERIENCED THE GRADUAL REDUCTION IN THE NAVIGABLE WATERWAYS IN BOTH WAREHOUSE CREEK AND THE SURROUNDING WATERWAYS AND THEREFORE RESPECTFULLY REQUEST THE REJECTION OF THIS PROPOSED LEASE.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2023051

Print Date: Wednesday September 10 2025 09:21

Number	Name	Received	Position
10	JAMES L HENDERSON JR. 302-593-9253 lamar_125@hotmail.com	04/05/2024 10:00:14 AM	OPPOSE

THIS OYSTER GROUND WILL NEGATIVELY IMPACT TRAFFIC ON THE CREEK FOR RECEREATIONAL AND COMMERCIAL BOATERS. IT IS A MAJOR ARTERY OF THE NASSAWADOX CREEK AND THE ONLY CHANNEL FOR BOATERS ON THE WAREHOUSE BRANCH.

SHELLFISH MANAGEMENT DIVISION EVALUATION, 09/23/2025

REQUEST FOR AN EMERGENCY AMENDMENT:

Proposal to amend Chapter 4VAC 20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

ISSUES:

§ 28.2-209 requires a newspaper publication of proposed regulations 15 days prior to the day of a scheduled public hearing. Due to regulatory timing and the immediate protection of the seafood industry, staff is requesting emergency adoption of regulatory amendments.

§ 28.2-210. Adoption of emergency regulations.

If, in an emergency, the adoption of a regulation is necessary for the immediate preservation of the public peace, health, safety, and welfare, or the protection of the seafood industry, natural resources or marine organisms, the Commission may promulgate the necessary regulation. The regulation shall be published and filed as prescribed in § 28.2-209. No regulation adopted as an emergency regulation shall remain in effect longer than thirty days unless a public hearing is held as required in § 28.2-211 after being advertised as prescribed in § 28.2-209.

Prior to October 1st of each year, the Commission can establish, by regulation, Chapter 4VAC 20-720, "Pertaining to Restrictions on Oyster Harvest", the areas of public oyster harvest, public oyster harvest seasons and oyster resource conservation measures if they choose these to be different from those which are established by §28.2-506 of The Code of Virginia. The Commission has no requirement to change the oyster season established by code, but may do so, per section §28.2-507 of the Code of Virginia, "in order to protect or promote the growth of oysters". The Commission may establish methods and seasons of harvest in those areas described in §28.2-524 of the Code of Virginia that "promote the oyster or clam fishery".

There has been a recommendation out of the Shellfish Management Advisory Committee (SMAC) to modify the current definition of "Hand Tong" to allow this gear to be pulled with "mechanical assistance".

BACKGROUND:

The reported oyster harvest from Virginia waters, on both public and private oyster ground, over the last 20 years has generally tracked upward from record low harvest in the 1990s and early 2000s. Seasonal harvest amounts are directly affected by the length of harvest season, the number of active harvesters, daily bushel limit, and market condition. Annual total harvest numbers are also influenced by market conditions and the condition of the resource.

Preliminary reported harvest numbers for the 2024-2025 season are nearly identical to the previous season, and the reported harvest of ~258,000 bushels is still well above the 20-year average. Information gathered during the annual stock assessment surveys of the public oyster grounds is used in conjunction with the advice and recommendations of the SMAC and the Virginia Institute of Marine Science (VIMS) to develop the proposed public oyster harvest season and recommend management measures each year.

SMAC meetings were held on July 23rd and August 19th, 2025, to discuss and make a recommendation on the 2025-2026 public oyster harvest season (Attachment 1). The SMAC also discussed adopting the use of “mechanically assisted” hand tongs. Under current regulation this gear must be operated entirely by hand. SMAC recommended that the Commission adopt regulatory changes that would allow the use of mechanical assistance to aid in raising hand tongs from the water for the harvest of clean cull oysters, while maintaining the prohibition on mechanical assistance for the harvest of seed oysters.

The Blue Ribbon Oyster Panel met on August 27th, 2025 to rotational harvest strategies in the public oyster fishery. The Panel reviewed a recommendation from a Panel subgroup to explore the feasibility and potential benefits of implementing rotational harvest strategies within the public oyster fishery (Attachment 2).

STAFF**RECOMMENDATION:**

Staff recommends adopting the emergency amendments to Chapter 4VAC 20-720 “Pertaining to Restrictions on Oyster Harvest” to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

ATTACHMENTS:

1. SMAC Recommended Season Chart
2. Blue Ribbon Oyster Panel Subgroup on Rotational Harvest Strategies
3. Draft Emergency Regulation

SMAC Recommendation Draft 2025 - 2026 Public Oyster Harvest Season									
PLEASE CONSULT VMRC REGULATION 4VAC 20-720 PRIOR TO HARVESTING									
Area	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
James									
Clean Cull	HT*	HT	HT	HT	HT	HT	HT	HT	
Area 1,2,3	HT* HS*	HS*	HS*	HS*	HS*	HS*	HT	HT	
White Shoal	HT*	HS*	HS*	HS*	HS*	HT			
Seed Oysters	HT*	HT	HT	HT	HT	HT	HT	HT	
York HTA	HT*	HT	HT	HT	HT	HT			
York 1 and 2	HT*	HT	HT	HT	HT	HT			
Mobjack/Piankatank	HT*	HT	HT	HT	HS*	HS*			
Milford Haven			HT	HT	HT				
CBPT Area		PT*	PT*	PT*	PT*	PT*			
Deep Rk		PT*	PT*	PT*	PT*	PT*			
Rappahannock									
Area 2					HS*	HS*			
Area 4	HS*	HS*							
Area 7			HS*						
Area 8				HS*					
Area 9	HT*	HT	HT	HT	HT	HT			
Corrotoman HTA	HT*	HT	HT	HT	HT	HT			
Great Wicomico 1			HS*						
Great Wicomico 2				HS*					
Blackberry Hangs					HS*	HS*			
Little Wicomico	HT*	HT	HT						
Nomini River	HT*	HT	HT						
Indian Creek	HT*	HT	HT	HT	HT	HT			
Poco Area 1			DR*	DR*	DR*				
Tangier Area 1			DR*	DR*	DR*				
Tangier Thoroughfare		DR*							
Poco Area 10	HT*	HT	HT	HT	HT HS*	HT			
Poco Sound HTAs	HT*	HT	HT	HT	HT	HT			
Seaside ES		By Hand	By Hand	By Hand	By Hand	By Hand			
		HT	HT	HT	HT	HT			
HT	HS		DR			PT		By Hand	
Hand Tong	Hand Scrape		Dredge			Patent Tong			
* harvest ends at noon/ 11am in October						Online Mandatory Reporting Codes			
Bushel Limits						HT = OT			
8 bushel limit HS/DR/PT - 16 BU. Vessel limit						HS = OSCR			
14 bushel limit HT/By Hand - 28 BU. Vessel limit						DR = OYDRD			
https://webapps.mrc.virginia.gov/harvest/						PT = PTOYS			
						BY HAND = OYHND			



COMMONWEALTH of VIRGINIA

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

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

July 11, 2025

MEMORANDUM

TO: Virginia Blue Ribbon Oyster Panel

FROM: Blue Ribbon Oyster Panel Subgroup on Rotational Harvest Strategies

SUBJECT: RECOMMENDATIONS ON ROTATIOAL HARVEST STRATEGIES

BACKGROUND

At its May 9, 2025 meeting, the Blue Ribbon Oyster Panel (BROP) supported a dedicated subgroup to explore the feasibility and potential benefits of implementing rotational harvest strategies within the public oyster fishery. Panel members Dr. Jim Wesson and Dr. Roger Mann were tasked with leading this effort and reporting their findings and recommendations back to the full Panel.

The subgroup convened on July 9, 2025, with participation from Dr. Wesson, Dr. Mann, and staff from the Virginia Marine Resources Commission (VMRC) and Virginia Institute of Marine Science (VIMS). The discussion focused on the biological, operational, and economic implications of rotational harvest management.

There was broad consensus among the group that a three-year rotational harvest strategy can provide measurable benefits to oyster populations, as evidenced by recent research, including a 2024 VIMS study by Alexandria R. Marquardt [[Link](#)]. The study, along with long-standing observations from Virginia's managed harvest areas, supports the conclusion that rotational strategies improve resource stability, enhance sustainability, and provide predictability for industry stakeholders.

In addition to promoting long-term resource health, this strategy can help buffer the public fishery against episodic environmental events such as freshwater inflow or disease outbreaks that may temporarily impact localized oyster resources.

Adopting a structured three-year rotation within the public fishery will also improve the efficiency of resource planning, shell replenishment, and restoration activities, while offering financial and operational benefits to the fishery as a whole.

RECOMMENDATIONS

Rappahannock River

- Maintain the current three-year rotational harvest strategy for Areas 2 through 6. Each area should remain open to hand scraping for no more than two months during any given harvest season.
- Delay harvest in Area 1 for the 2025–2026 season to allow the area to be maintained and be reintegrated into the rotation alongside Area 6 in the 2026–2027 season.
- Reconfigure Areas 7 and 8, which are not currently managed in rotation, into three distinct management zones to support a new three-year rotational strategy. Each zone should allow no more than two months of harvest per season:
 - A revised Area 8 would be centered around Morattico Bar.
 - A revised Area 7 would include the southern portion of the current Area 7 and part of southern Area 8, encompassing Punch Bowl and extending downriver below Wicks Bars.
 - A new Area 10 would include the northern portions of current Areas 7 and 8, primarily covering Monaskin Bluff.
- Harvest schedule for the restructured areas:
 - Revised Area 7 would open in 2025–2026,
 - New Area 10 in 2026–2027,
 - Revised Area 8 in 2027–2028.

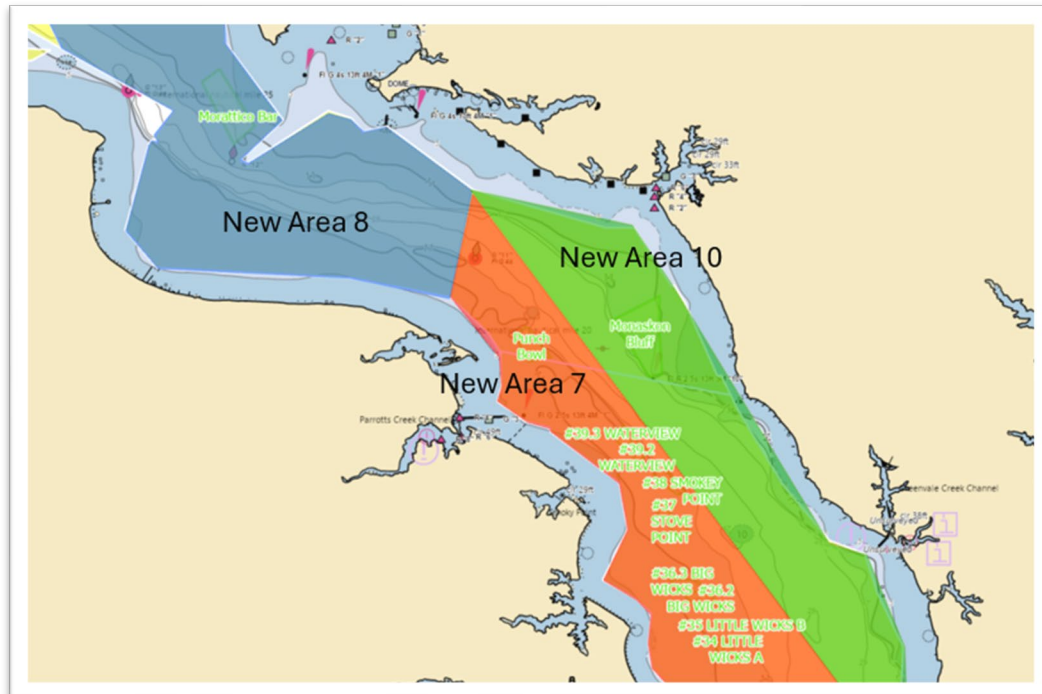


Figure 1. New rotational areas in upper Rappahannock

York River and Mobjack Bay

- Implement a three-year rotation strategy involving:
 - York River Area 1 (Pages),
 - York River Area 2 (Timberneck), and
 - Existing and newly designated areas in Mobjack Bay (including Pultz and Tow Stake).
- Add at least one new management area to Mobjack Bay to bring rotational parity with the two York River areas. This would include potential areas inside of Piankatank River or areas inside the Expanded Patent Tong Area described below.
- Limit harvest in each area to no more than two months per season.
- Harvest schedule:
 - York River Area 2 (Timberneck), to open in 2025–2026,
 - York River Area 1 (Pages), to open in 2026-2027,
 - Mobjack Bay areas (including any additions) to open in 2027-2028.

Great Wicomico River

- Return to a 2-year rotation. The upriver area (Area 1) should be open for the 2025-2026 season, with Area 2 open for the following season.
- Consider a 3-year rotational management approach if additional areas in the vicinity of Blackberry Hangs can be replenished to create areas comparable to current Area 1 and Area 2.

James River

- No changes to current management are recommended. The area appears to self-regulate based on where replenishment has occurred and market conditions.

Pocomoke and Tangier Sound

- Maintain the current 2-year rotation in the Pocomoke and Tangier Sound management areas.
- Pocomoke areas should be open for no more than three months.
- Any season extension into November or March should only occur in the areas scheduled to be open in the current rotation in Tangier Sound.
- Areas 9 and 10 in the Pocomoke should only be open to hand tong for the 2025-2026 season.

Patent Tong Area

- There was a consensus that it would be appropriate to open considerably more area to harvest, both north and south of the Deep Rock area.
- Harvest activity in the new area should be observed and documented. If harvesters can identify suitable areas, future replenishment and survey efforts should be expanded.

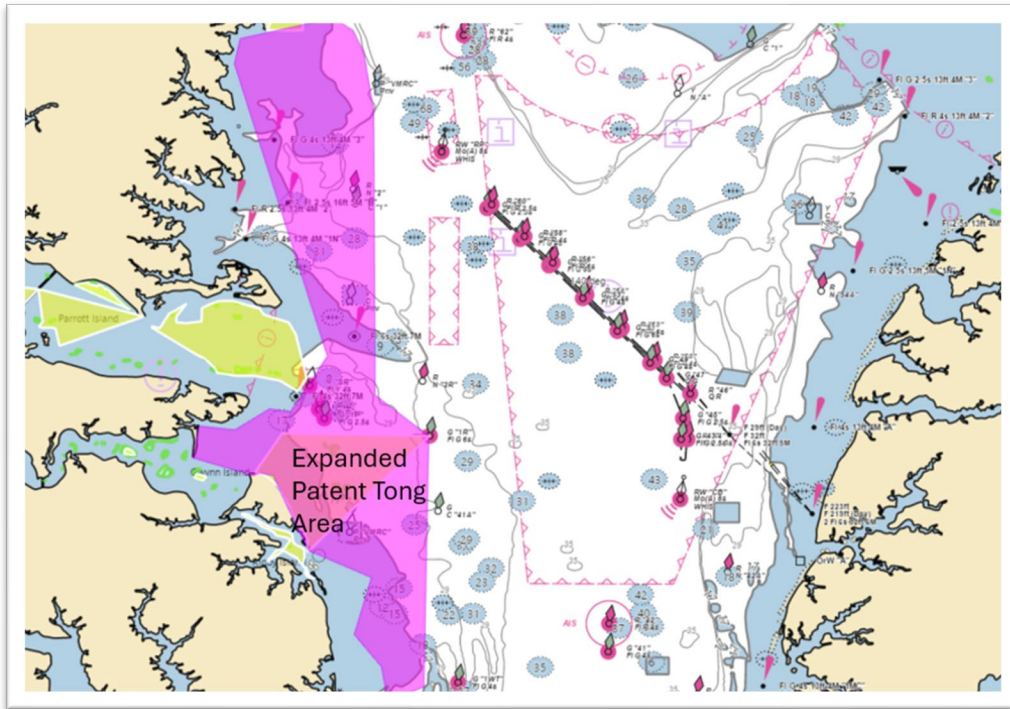


Figure 2. Expanded Patent Tong Area

Additional Considerations and Recommendations for Rotational Management

- Areas should not be opened outside of their scheduled rotation.
- Rotational management is effective when consistently supported by post-harvest replenishment.
- Reduced spat set or a reduction replenishment resource may have negative long-term impacts on the fishery.
- Vessel monitoring could be used to enhance the ability to target replenishment efforts and maximize returns on replenishment investments while providing fisheries managers with additional valuable information.

VIRGINIA MARINE RESOURCES COMMISSION
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PREAMBLE

This chapter establishes times of closure and other restrictions, for conservation purposes, on the harvest of oysters from all oyster grounds in the tidal waters of the Commonwealth. This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-720-10 et seq., which was adopted ~~January 23, 2024~~ August 27, 2024, and made effective ~~January 26, 2024~~ October 1, 2024. The effective date of this emergency chapter, as amended, is ~~October 1, 2024~~ October 1, 2025.

4VAC20-720-10. Purpose.

The purpose of this chapter is to conserve Virginia's oyster resources, especially oyster broodstock.

4VAC20-720-15. Control Date, License Moratorium, Transferability and Agents.

A. The Marine Resources Commission (commission) hereby establishes July 1, 2014, as the control date for management of all public oyster fisheries in Virginia. Participation by any individual in any public oyster fishery after the control date may not be considered in the calculation or distribution of oyster fishing rights should entry limitations be established. Any individual entering the public oyster fishery after the control date will forfeit any right to future participation in the public oyster fishery should further entry limitations be established by the Commission.

B. Only individuals who paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia in any year, from 2013 through 2016, may pay that fee in 2017, for harvest of oysters from public ground in 2017. In any year following 2017, eligibility to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia shall be limited to those individuals who paid the oyster resource user fee for harvest of oysters from public ground in the previous year.

C. Should the number of people eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia in any given year fall below 600, a random drawing shall be held to award eligibility to pay that oyster resource user fee to individuals who were not previously eligible until the number of persons eligible to pay the fee reaches 600. Any Commercial Fisherman Registration Licensees may apply for the random drawing.

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D. Any person eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia, or such person's legal representative, may transfer the eligibility to pay such user fee to:

1. A transferee who is the transferor's spouse, sibling, parent, child, grandparent, or grandchild and who possesses a current Commercial Fisherman Registration License and intends to participate in the public oyster fishery.
2. A transferee other than a person described in subdivision 1 of this subsection if the transferor has paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia for the previous five consecutive calendar years and has satisfied one of the following conditions:
 - a. Has oyster harvest documented by Marine Resources Commission's mandatory harvest reporting system and buyers' reports in a minimum of three of the previous five calendar years; or
 - b. Has a Commissioner of the Marine Resources-approved documented medical hardship or is deceased.

All transfers under this subsection shall be documented on a form provided by the Marine Resources Commission.

E. Exceptions to subsection B of this section shall only apply to those individuals who previously paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia and shall be based on documented medical hardships or active military leave that prevented the fisherman from fully satisfying the requirements of subsection B of the section. The Commissioner of the Marine Resources, in consultation with the Shellfish Management Division, shall have final authority of approval or denial concerning such medical hardship or active military leave exception requests.

F. No person shall serve as an agent for any public oyster gear licensee.

4VAC20-720-20. Definitions.

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

“Aid to navigation” means any public or private day beacon, lighted channel marker, channel buoy, lighted channel buoy, or lighthouse that may be at, or adjacent to, any Latitude and Longitude used in area descriptions.

"Beasley Bay Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Pocomoke Sound east of a line that begins at a point, located off the north end of Russell Island at Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence northerly to an end at Long Point at Latitude 37° 53.8568300' N., Longitude 75° 45.3632100' W.

"California Rock Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Tangier Sound south of a line that begins at a point located approximately 1.6 miles east of East Point Marsh at Latitude

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37° 50.4093779' N., Longitude 75° 56.5165564' W.; thence due east to an end at a point at Latitude 37° 50.4093779' N., Longitude 75° 53.6926361' W.

“Clean culled oyster” means any oyster taken from natural public beds, rocks, or shoals that is three inches or greater in shell length.

“Coan River Area” means the Public Grounds within the Coan River consisting of Public Grounds 77 and 78 of Northumberland County described as:

Public Ground 77 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 2,300 feet northeast of Honest Point and 1,300 feet southwest of Travis Point, said point being Corner 1, located at Latitude 37° 59.5257207' N., Longitude 76° 27.8810639' W.; thence southwesterly to Corner 2, Latitude 37° 59.3710259' N., Longitude 76° 27.9962148' W.; thence southwesterly to Corner 3, Latitude 37° 59.2953830' N., Longitude 76° 28.0468953' W.; thence northwesterly to Corner 4, Latitude 37° 59.3350863' N., Longitude 76° 28.0968837' W.; thence northeasterly to Corner 5, Latitude 37° 59.3965161' N., Longitude 76° 28.0287342' W.; thence northwesterly to Corner 6, Latitude 37° 59.4758507' N., Longitude 76° 28.1112280' W.; thence north-northwesterly to Corner 7, Latitude 37° 59.5079401' N., Longitude 76° 28.1230058' W.; thence northeasterly to Corner 8, Latitude 37° 59.5579153' N., Longitude 76° 27.9889429' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

Public Ground 78 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 3,420 feet southeast of Travis Point and 3,260 feet northwest of Great Point, said point being Corner 1, located at Latitude 37° 59.4822275' N., Longitude 76° 27.1878637' W.; thence southeasterly to Corner 2, Latitude 37° 59.3824046' N., Longitude 76° 27.1088650' W.; thence southwesterly to Corner 3, Latitude 37° 59.2283287' N., Longitude 76° 27.8632901' W.; thence northeasterly to Corner 4, Latitude 37° 59.4368502' N., Longitude 76° 27.6868001' W.; thence continuing northeasterly to Corner 5, Latitude 37° 59.5949216' N., Longitude 76° 27.5399436' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

“Corrotoman Hand Tong Area” means all public grounds in that area of the Corrotoman River and its tributaries north of a line beginning at Bar Point at Latitude 37° 41.65256000' N., Longitude 76° 28.66195000' W.; thence easterly to Black Stump Point at Latitude 37° 41.7360900' N., Longitude 76° 28.1212200' W.

“Deep Rock Area” means all public grounds and unassigned grounds, in that area of the Chesapeake Bay near Gwynn Island, beginning at Cherry Point at the western-most point of the eastern headland of Kibble Pond located at Latitude 37° 30.9802148' N., Longitude 76° 17.6764393' W.; thence northeasterly to the Piankatank River, Flashing Green Channel Light “3”, Latitude 37° 32.3671325' N., Longitude 76° 16.7038334' W.; thence east-southeasterly to the Rappahannock River Entrance Lighted Buoy G“1R”, Latitude 37° 32.2712833' N., Longitude 76° 11.4813666' W.; thence southwesterly to the southern-most point of Sandy Point, the northern headland of “The Hole in the Wall”, Latitude 37° 28.1475258' N., Longitude 76° 15.8185670' W.; thence northwesterly along the Chesapeake Bay mean low water line of the barrier islands of Milford Haven, connecting

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headland to headland at their eastern-most points, and of Gwynn Island to the western-most point of the eastern headland of Kibble Pond on Cherry Point, said point being the point of beginning.

“Deep Water Shoal State Replenishment Seed Area” or “DWS” means that area in the James River near Mulberry Island, beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1, located at Latitude 37° 08.9433287' N., Longitude 76° 38.3213007' W.; thence southeasterly to Corner 2, Latitude 37° 09.5734380' N., Longitude 76° 37.8300582' W.; thence southwesterly to Corner 3, Latitude 37° 08.9265524' N., Longitude 76° 37.0574269' W.; thence westerly to Corner 4, Latitude 37° 08.4466039' N., Longitude 76° 37.4523346' W.; thence northwesterly to Corner 5, Latitude 37° 08.4491489' N., Longitude 76° 38.0215553' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

"Great Wicomico River Hand Tong Area" means that area of the Great Wicomico River known as Haynie Point, Sandy Point, and Shell Bar.

Haynie Point consists of the area bounded by a line beginning at a point located at Latitude 37° 49.7907323' N., Longitude 76° 18.6294277' W.; thence northeasterly to a point located at Latitude 37° 49.8578592' N., Longitude 76° 18.5570328' W.; thence southeasterly to a point located at Latitude 37° 49.7892242' N., Longitude 76° 18.5140118' W.; thence southwesterly to a point located at Latitude 37° 49.7380000' N., Longitude 76° 18.5672041' W.; thence northwesterly to a point located at Latitude 37° 49.7907323' N., Longitude 76° 18.6294277' W., being the point of beginning, containing 4.64 acres.

Sandy Point consists of the area bounded by a line beginning at a point located at Latitude 37° 49.2576829' N., Longitude 76° 18.7547649' W.; thence northeasterly to a point located at Latitude 37° 49.2832242' N., Longitude 76° 18.6559957' W.; thence northeasterly to a point located at Latitude 37° 49.3541620' N., Longitude 76° 18.4765658' W.; thence southerly to a point located at Latitude 37° 49.2917724' N., Longitude 76° 18.4583880' W.; thence southwesterly to a point located at Latitude 37° 49.2335757' N., Longitude 76° 18.6003145' W.; thence southwesterly to a point located at Latitude 37° 49.2166701' N., Longitude 76° 18.7332435' W.; thence northwesterly to a point located at Latitude 37° 49.2576829' N., Longitude 76° 18.7547649' W., being the point of beginning, containing 11.71 acres.

Shell Bar consists of the area bounded by a line beginning at a point located at Latitude 37° 49.4334037' N., Longitude 76° 18.9831193' W.; thence northeasterly to a point located at Latitude 37° 49.5165040' N., Longitude 76° 18.9165237' W.; thence southeasterly to a point located at Latitude 37° 49.3666408' N., Longitude 76° 18.7164965' W.; thence southwesterly to a point located at Latitude 37° 49.3169571' N., Longitude 76° 18.8165540' W.; thence northwesterly to a point located at Latitude 37° 49.3499945' N., Longitude 76° 18.9166098' W.; thence northwesterly to a point located at Latitude 37° 49.4334037' N., Longitude 76° 18.9831193' W., being the point of beginning, containing 17.67 acres.

“Great Wicomico River Rotation Area 1” means all Public Grounds and unassigned grounds in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay beginning at a point on Sandy Point, Latitude 37° 49.3269652' N., Longitude 76° 18.3821766' W.; thence easterly to the southern-most point of Cockrell Point, Latitude 37° 49.2664838' N., Longitude 76° 17.3454434' W.; thence easterly following the mean low water line

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of Cockrell Point to a point on the boundary of Public Ground 115 at Cash Point, Latitude 37° 49.2695619' N., Longitude 76° 17.2804046' W.; thence southeasterly to the gazebo on the pier head at Fleeton Point, Latitude 37° 48.7855824' N., Longitude 76° 16.9609311' W.; thence southeasterly to the Great Wicomico River Light; Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W.; thence westerly to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771' N., Longitude 76° 17.9600320 W.; thence northerly crossing the entrance to Towles Creek at the offshore ends of the jetties and continuing along the mean low water line to Bussel Point, Latitude 37° 48.6879208' N., Longitude 76° 18.4670860' W.; thence northwesterly to the northern headland of Cranes Creek, Latitude 37° 48.8329168' N., Longitude 76° 18.7308073' W.; thence following the mean low water line northerly to a point on Sandy Point, Latitude 37° 49.3269652' N., Longitude 76° 18.3821766' W., said point being the point of beginning.

“Great Wicomico River Rotation Area 2” means all public grounds and unassigned grounds in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay beginning at a point on Great Wicomico River Light, Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W ; thence due south to a point due east of the southern-most point of Dameron Marsh, Latitude 37° 46.6610003' N., Longitude 76° 16.0570007' W.; thence due west to the southern-most point of Dameron Marsh, Latitude 37° 46.6609070' N., Longitude 76° 17.2670707' W.; thence along the mean low water line of Dameron Marsh, north and west to Garden Point, Latitude 37° 47.2519872' N., Longitude 76° 18.4028142' W.; thence northwesterly to Windmill Point, Latitude 37° 47.5194547' N., Longitude 76° 18.7132194' W.; thence northerly along the mean low water to the western headland of Harveys Creek, Latitude 37° 47.7923573' N., Longitude 76° 18.6881450' W.; thence east-southeasterly to the eastern headland of Harveys Creek, Latitude 37° 47.7826936' N., Longitude 76° 18.5469879' W.; thence northerly along the mean low water line to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771' N., Longitude 76° 17.9600320 W., thence easterly to Great Wicomico River Light, Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W , said point being the point of beginning.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

“Hand tong” or “ordinary tong” means any pincers, nippers, tongs, or similar device used in catching oysters, which consist of two shafts or handles attached to opposable and complementary pincers, baskets or containers ~~operated entirely by hand, from the surface of the water and has no external or internal power source.~~

“Hurleys Rock Area” means that portion of Pocomoke and Tangier Sound Rotation Area 1 in the Tangier Sound north of a line beginning at a point on the Maryland-Virginia state line, located at Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W., thence due west to an end at a point at Latitude 37° 54.6136000' N., Longitude 76° 00.0687800' W.

"Indian Creek Area" means all public grounds and unassigned grounds in that area of Indian Creek and its tributaries in Northumberland and Lancaster Counties between a line beginning at a point on the shore on the

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south side of the creek located at Latitude 37° 041.4021100' N., Longitude 76° 20.7493600' W.; thence in a straight line to a point on shore on the north side of the creek located at Latitude 37° 041.4999200' N., Longitude 76° 20.5974400' W.; thence southeasterly to a line beginning on the south shore of the mouth of the creek located at Latitude 37° 041.2975900' N., Longitude 76° 19.5082500' W.; thence in a straight line to a point on shore on the north side of the mouth of the creek located at Latitude 37° 041.0934000' N., Longitude 76° 18.7589400' W.

“James River Area 1” means all Public Grounds and unassigned grounds in that area of the James River beginning the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence southeasterly to the Flashing Green Channel Light #3, located at Latitude 37° 01.7124500' N., Longitude 76° 31.8210667' W.; thence southeasterly to the Flashing Green Channel Light #1, located at Latitude 37° 00.7666667' N., Longitude 76° 29.9083333' W.; thence southeasterly to the northeast corner of the western draw span pier of the James River Bridge (U.S. Route 17), Latitude 37° 00.1524824' N., Longitude 76° 28.1581984' W.; thence southwesterly along the upstream side of the James River Bridge to the mean low water line; thence northwesterly along the mean low water line, crossing Kings Creek at the headlands and continuing along the mean low water line to a point on the shore at Rainbow Farm Point in line with VMRC Markers “STH” and “SMT”, located at Latitude 37° 00.1965862' N., Longitude 76° 34.0712010' W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328 N., Longitude 76° 33.5955842' W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160' N., Longitude 76° 33.3887351' W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W., said point being the point of beginning.

“James River Area 2” means all Public Grounds and unassigned grounds in that area of the James River beginning at the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540' N., Longitude 76° 32.0960864' W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055' N., Longitude 76° 31.4231211' W.; thence to a point on the north shore of the river at Blunt (Blount) Point, said point being in line with VMRC Markers “NMT” and “NTH” and located at Latitude 37° 03.3805862' N., Longitude 76° 31.1444562' W.; thence southeasterly along the mean low water line to the upstream side of the James River Bridge (U.S. Route 17); thence westerly along the James River Bridge to the northeast corner of the western draw span pier, Latitude 37° 00.1524824' N., Longitude 76° 28.1581984' W.; thence northwesterly to the Flashing Green Channel Light #1, located at Latitude 37° 00.7666667' N., Longitude 76° 29.9083333' W.; thence northwesterly to the Flashing Green Channel Light #3, located at Latitude 37° 01.7124500' N., Longitude 76° 31.8210667' W.; thence northwesterly to the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W. said point being the point of beginning

“James River Area 3” means those Public Grounds of Isle of Wight County and Nansemond County (City of Suffolk) located in the James River and Nansemond River west of the Monitor Merrimac Memorial Bridge Tunnel (Route I-664), northeast of the Mills E. Godwin, Jr. Bridge (U.S. Route 17) on the Nansemond River, and south of the James River Bridge (U.S. Route 17).

“James River Seed Area” means all public grounds and unassigned grounds in that area of the James River and its tributaries with a southeastern boundary beginning at a point on the shore on the south side of the river at Rainbow Farm Point in Isle of Wight County located at Latitude 37° 00.1965862' N., Longitude 76° 34.0712010' W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328 N., Longitude 76°

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33.5955842' W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160' N., Longitude 76° 33.3887351' W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540' N., Longitude 76° 32.0960864' W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055' N., Longitude 76° 31.4231211' W.; thence to a point on the north shore of the river at Blunt (Blount) Point, in the City of Newport News, located at Latitude 37° 03.3805862' N., Longitude 76° 31.1444562' W.; the northern boundary, being a straight line, beginning at a point on the shore on the east side of the river in the City of Newport News, at Latitude 37° 08.4458787' N., Longitude 76° 37.2855533' W., thence westerly to the southeast corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4466039' N., Longitude 76° 37.4523346' W.; thence westerly to the southwest corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4490472' N., Longitude 76° 38.0215554' W.; thence westerly to a point on the shore on the west side of the river at the mouth of Lawnes Creek in Isle of Wight County, Latitude 37° 08.4582990' N., Longitude 76° 40.2816023' W.

"Larsons Bay Area" means all public grounds in that area of Larsons Bay in the Rappahannock River, beginning at Cherry Point at Latitude 37° 37.6554400' N., Longitude 76° 24.1203200' W.; thence south east to the southern-most corner of the house on Mosquito Point at Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence following the Ordinary Mean Low Water line in a northwesterly direction to Cherry Point, said point being the point of beginning.

“Latitude and Longitude” means values that are based upon a geodetic reference system of the North American Datum of 1983 (NAD83). When Latitude and Longitude are used in any area description, in conjunction with any physical landmark, to include aids to navigation, the Latitude and Longitude value is the legal point defining the boundary.

“Little Wicomico River” means that area of the Little Wicomico River inside of Public Ground 43 of Northumberland County, located in the Little Wicomico River near Bridge Creek, beginning at a point approximately 150 feet north of Peachtree Point, said point being Corner 1, located at Latitude 37° 53.2910650' N., Longitude 76° 16.7312926' W.; thence southwesterly to Corner 2, Latitude 37° 53.2601877' N., Longitude 76° 16.8662408' W.; thence northwesterly to Corner 3, Latitude 37° 53.2678470' N., Longitude 76° 16.8902408' W.; thence northeasterly to Corner 4, Latitude 37° 53.3113148' N., Longitude 76° 16.8211543' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

"Middle Ground" means all public grounds in the area of the Corrotoman River between a line beginning at Ball Point at Latitude 37° 40.65133000' N., Longitude 76° 28.4440000' W.; thence easterly to a point at the western side of the mouth of Taylor Creek at Latitude 37° 40.97331000' N, Longitude 76° 27.59471000' W.; upstream to a line from Bar Point at Latitude 37° 41.65256000' N., Longitude 76° 28.66195000' W.; thence easterly to Black Stump Point, at Latitude 37° 41.7360900' N., Longitude 76° 28.1212200' W.

"Milford Haven" means all public grounds and unassigned grounds in that area of Milford Haven and its tributaries bound on the west by a line from a point on the southernmost point of land of the north shore of Milford Haven being near the end of State Route 634, Latitude 37° 29.5971' N., Longitude 76° 18.1822' W.; thence south-southeasterly to a point on the northeast corner of the pier head of the long pier being on the south shore of Milford Haven immediately west of the Sea Farms Inc. facility, Latitude 37° 29.3546' N., Longitude 76° 18.1323' W.; thence following the east side of the pier to the shore and bound on the east by a line from a point on the shore at

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the western headland of the wash formerly Hills Creek, Latitude 37° 29.0278' N., Longitude 76° 16.3834' W.; thence easterly to a point on the north shore of Sandy Point near Latitude 37° 29.0017' N., Longitude 76° 16.1640' W.; thence following the shore of the east side of Sandy Point to a point on the shoreline at Latitude 37° 28.6233' N., Longitude 76° 15.8605' W.; thence in a line south-southeasterly to a point on the breakwater at Haven Beach, Latitude 37° 26.2006' N., Longitude 76° 15.1257' W.

“Mobjack Bay Area” means that area of Mobjack Bay consisting of Public Ground 2 of Mathews County (Pultz Bar) and Public Ground 25 of Gloucester County (Tow Stake) described as:

Public Ground 2 of Mathews County, known as Pultz Bar, is located in Mobjack Bay, beginning at a point approximately 5,420 feet south of Minter Point, said point being Corner 1, located at Latitude 37° 21.2500000' N., Longitude 76° 21.3700000' W.; thence easterly to Corner 2, Latitude 37° 21.2700000' N., Longitude 76° 20.9600000' W.; thence southerly to Corner 3, Latitude 37° 21.0200000' N., Longitude 76° 20.9400000' W.; thence westerly to Corner 4, Latitude 37° 21.0500000' N., Longitude 76° 21.3300000' W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 25 of Gloucester County, known as Tow Stake, is located in Mobjack Bay, near the mouth of the Severn River, beginning at a point approximately 2,880 feet east-northeast of Tow Stake Point, said point being Corner 1, located at Latitude 37° 20.3883888' N., Longitude 76° 23.5883836' W.; thence northeasterly to Corner 2, Latitude 37° 30.5910482' N., Longitude 76° 23.2372184' W.; thence southeasterly to Corner 3, Latitude 37° 20.3786971' N., Longitude 76° 22.7241180' W.; thence southwesterly to Corner 4, Latitude 37° 19.8616759' N., Longitude 76° 23.5914937' W.; thence northwesterly to Corner 5, Latitude 37° 20.0284019' N., Longitude 76° 23.7717423' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

“Nomini Creek Area” means that area of Nomini Creek inside of Public Grounds 26 and 28 of Westmoreland County.

Public Ground 26 of Westmoreland County is located in Nomini Creek, north of Beales Wharf and east of Barnes Point, beginning at a point approximately 1,400 feet north of Barnes Point, said point being Corner 1, located at Latitude 38° 07.2690219' N., Longitude 76° 42.6784210' W.; thence southeasterly to Corner 2, Latitude 38° 07.0924060' N., Longitude 76° 42.4745767' W.; thence southwesterly to Corner 3, Latitude 38° 06.8394053' N., Longitude 76° 42.6704025' W.; thence northwesterly to Corner 4, Latitude 38° 06.8743004' N., Longitude 76° 42.7552151' W.; thence northeasterly to Corner 5, Latitude 38° 07.0569717' N., Longitude 76° 42.5603535' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 28 of Westmoreland County is located at the mouth of Nomini Creek, beginning at a point approximately 50 feet west of White Oak Point, said point being Corner 1, located at Latitude 38° 07.6429987' N., Longitude 76° 43.0337082' W.; thence south-southeasterly to Corner 2, Latitude 38° 07.2987193' N., Longitude 76° 43.1101420' W.; thence northwesterly to Corner 3, Latitude 38° 07.7029267' N., Longitude 76° 43.3337762' W.; thence west to the mean low water line, Latitude 38° 07.7031535' N., Longitude 76° 43.3378345' W.; thence northerly and westerly along the mean low water line of Nomini Creek to a point southwest of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence northeasterly to a point on the mean low water line at the southern-most point of Cedar Island, Latitude 38° 07.8986449' N.,

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Longitude 76° 43.6329097' W.; thence following the mean low water line of the southern and eastern sides of Cedar Island to a point, Latitude 38° 08.0164430' N., Longitude 76° 43.4773169' W.; thence northeasterly to Corner 4, Latitude 38° 08.0712849' N., Longitude 76° 43.4416606' W.; thence northeasterly to a point on the northern headland of Nomini Creek at the mean low water line, said point being Corner 5, Latitude 38° 08.2729626' N., Longitude 76° 43.3105315' W.; thence following the mean low water line of White Point to a point northwest of Snake Island, Corner 6, Latitude 38° 08.4066960' N., Longitude 76° 42.9105565' W.; thence southeast, crossing the mouth of Buckner Creek, to a point on the mean low water line of Snake Island, Corner 7, Latitude 38° 08.3698254' N., Longitude 76° 42.8939656' W.; thence southeasterly following the mean low water line of Snake Island to Corner 8, Latitude 38° 08.2333798' N., Longitude 76° 42.7778877' W.; thence south-southwesterly, crossing the mouth of Buckner Creek, to Corner 9, Latitude 38° 08.2134371' N., Longitude 76° 42.7886409' W.; thence southeasterly to a point on the mean low water line of the southern headland of Buckner Creek, Corner 10, Latitude 38° 08.1956281' N., Longitude 76° 42.7679625' W.; thence southwesterly following the mean low water line of Nomini Creek, crossing the mouth of an un-named cove at the narrowest point between the headlands and continuing to follow the mean low water line to a point on White Oak Point, Latitude 38° 07.6428228' N., Longitude 76° 43.0233530' W.; thence west to Corner 1, said point being the point of beginning.

“Oyster” means any shellfish of the species *Crassostrea virginica*.

"Oyster dredge" means any device having a maximum weight of 150 pounds with attachments, maximum width of 50 inches, and maximum tooth length of four inches.

"Oyster patent tong" means any patent tong not exceeding 100 pounds in gross weight, including any attachment other than rope and with the teeth not to exceed four inches in length.

“Oyster resource user fee” means a fee that must be paid each calendar year by anyone who grows, harvests, shucks, packs or ships oysters, for commercial purposes.

"Piankatank River Area" means that area in the Piankatank River known as Burton Point bounded by a line beginning at a point located at Latitude 37° 30.8149992' N., Longitude 76° 19.8179990' W.; thence northeasterly to a point located at Latitude 37° 30.9333442' N., Longitude 76° 19.7333318' W.; thence southeasterly to a point located at Latitude 37° 30.8832475' N., Longitude 76° 19.5827984' W.; thence southeasterly to a point located at Latitude 37° 30.8335420' N., Longitude 76° 19.3835660' W.; thence southwesterly to a point located at Latitude 37° 30.6867440' N., Longitude 76° 19.5250181' W.; thence northwesterly to a point located at Latitude 37° 30.7700556' N., Longitude 76° 19.7721907' W.; thence northwesterly to a point located at Latitude 37° 30.8149992' N., Longitude 76° 19.8179990' W., being the point of beginning, containing 38.99 acres.

"Piankatank River Hand Tong Area" means that area in the Piankatank River known as Palace Bar bounded by a line beginning at a point located at Latitude 37° 31.6366756' N., Longitude 76° 22.2999953' W.; thence northly to a point located at Latitude 37° 31.7574943' N., Longitude 76° 22.2966779' W.; thence northeasterly to a point located at Latitude 37° 31.8291757' N., Longitude 76° 22.2483355' W.; thence southeasterly to a point located at Latitude 37° 31.8166854' N., Longitude 76° 22.1433377' W.; thence southeasterly to a point located at Latitude 37° 31.7500276' N., Longitude 76° 22.0166809' W.; thence southeasterly to a point located at Latitude 37° 31.6000121' N., Longitude 76° 21.9166733' W.; thence westerly to a point located at Latitude 37°

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31.6199872' N., Longitude 76° 22.1500353' W.; thence westerly to a point located at Latitude 37° 31.6366756' N., Longitude 76° 22.2999953' W., being the point of beginning, containing 38.53 acres.

“Pocomoke Sound Area” means that area of Pocomoke Sound inside of Public Ground ~~9 and Public Ground 10~~ 11 of Accomack County.

Public Ground 11 of Accomack County consists of the area bounded by a line beginning at a point located at Latitude 37° 54.2242247' N., Longitude 75° 46.8458531' W.; thence northeasterly to a point located at Latitude 37° 54.7717652' N., Longitude 75° 46.2306934' W.; thence southeasterly to a point located at Latitude 37° 54.7655487' N., Longitude 75° 46.2246266' W.; thence northeasterly to a point located at Latitude 37° 55.1625018' N., Longitude 75° 45.7462838' W.; thence northwesterly to a point located at Latitude 37° 55.1713750' N., Longitude 75° 45.7562587' W.; thence northeasterly to a point located at Latitude 37° 55.4058815' N., Longitude 75° 45.4541658' W.; thence northeasterly to a point located at Latitude 37° 55.5742129' N., Longitude 75° 44.8291700' W.; thence northeasterly to a point located at Latitude 37° 55.5923356' N., Longitude 75° 44.7851143' W.; thence northeasterly to a point located at Latitude 37° 55.6009795' N., Longitude 75° 44.7641422' W.; thence southeasterly to a point located at Latitude 37° 55.5842236' N., Longitude 75° 44.7554991' W.; thence southeasterly to a point located at Latitude 37° 55.5265366' N., Longitude 75° 44.6897855' W.; thence northeasterly to a point located at Latitude 37° 55.6926202' N., Longitude 75° 44.3730212' W.; thence northwesterly to a point located at Latitude 37° 55.7414951' N., Longitude 75° 44.4228784' W.; thence northeasterly to a point located at Latitude 37° 55.8075338' N., Longitude 75° 44.2624885' W.; thence southernly to a point located at Latitude 37° 55.6345499' N., Longitude 75° 44.2772024' W.; thence southwesterly to a point located at Latitude 37° 55.5620352' N., Longitude 75° 44.4066645' W.; thence southeasterly to a point located at Latitude 37° 55.4972479' N., Longitude 75° 44.3397091' W.; thence northeasterly to a point located at Latitude 37° 55.5576916' N., Longitude 75° 44.2459142' W.; thence southeasterly to a point located at Latitude 37° 55.4242118' N., Longitude 75° 44.1791595' W.; thence southeasterly to a point located at Latitude 37° 55.3575442' N., Longitude 75° 43.9958019' W.; thence southwesterly to a point located at Latitude 37° 54.8742193' N., Longitude 75° 44.7625058' W.; thence southernly to a point located at Latitude 37° 54.4075648' N., Longitude 75° 44.5291567' W.; thence southeasterly to a point located at Latitude 37° 54.0909029' N., Longitude 75° 44.2291560' W.; thence southwesterly to a point located at Latitude 37° 54.0075735' N., Longitude 75° 44.4791578' W.; thence northwesterly to a point located at Latitude 37° 54.1075697' N., Longitude 75° 44.5958138' W.; thence westerly to a point located at Latitude 37° 54.0909049' N., Longitude 75° 45.1291836' W.; thence northwesterly to a point located at Latitude 37° 54.1909062' N., Longitude 75° 45.2291611' W.; thence northwesterly to a point located at Latitude 37° 54.3242309' N., Longitude 75° 45.6624951' W.; thence southwesterly to a point located at Latitude 37° 54.3075702' N., Longitude 75° 45.7458522' W.; thence southwesterly to a point located at Latitude 37° 53.8075670' N., Longitude 75° 46.7292265' W.; thence northernly to a point located at Latitude 37° 54.2242247' N., Longitude 75° 46.8458531' W., being the point of beginning, containing 1650.39 acres.

“Pocomoke Sound Hand Tong Area” means that area of Pocomoke Sound inside of Public Ground 9 and Public Ground 10 of Accomack County.

Public Ground 9 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 1.06 nautical miles north-northeast

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of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 57.2711566' N., Longitude 75° 42.2870790' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 57.2896577' N., Longitude 75° 41.9790727' W.; thence southerly to Corner 3, Latitude 37° 57.2574850' N., Longitude 75° 41.9790730' W.; thence southwesterly to Corner 4, Latitude 37° 57.2288700' N., Longitude 75° 42.0077287' W.; thence west-southwesterly to Corner 5, Latitude 37° 57.2034533' N., Longitude 75° 42.1511250' W.; thence south-southwesterly to Corner 6, Latitude 37° 57.0940590' N., Longitude 75° 42.1935214' W.; thence south-southeasterly to Corner 7, Latitude 37° 57.0551726' N., Longitude 75° 42.1814457' W.; thence southwesterly to Corner 8, Latitude 37° 56.9408327' N., Longitude 75° 42.2957912' W.; thence south-southwesterly to Corner 9, Latitude 37° 56.6574947' N., Longitude 75° 42.3790819' W.; thence southwesterly to Corner 10, Latitude 37° 56.5790952' N., Longitude 75° 42.5228752' W.; thence west-southwesterly to Corner 11, Latitude 37° 56.5712564' N., Longitude 75° 42.5915437' W.; thence south-southeasterly to Corner 12, Latitude 37° 56.5441067' N., Longitude 75° 42.5869894' W.; thence southwesterly to Corner 13, Latitude 37° 56.4575045' N., Longitude 75° 42.7458050' W.; thence west-southwesterly to Corner 14, Latitude 37° 56.2575123' N., Longitude 75° 43.3791097' W.; thence southwesterly to Corner 15, Latitude 37° 55.7408688' N., Longitude 75° 43.7957804' W.; thence westerly to Corner 16, Latitude 37° 55.7575327' N., Longitude 75° 43.9458298' W.; thence northwesterly to Corner 17, Latitude 37° 55.8908661' N., Longitude 75° 44.1291309' W.; thence north-northeasterly to Corner 18, Latitude 37° 55.9908639' N., Longitude 75° 44.0791266' W.; thence northeasterly to Corner 19, Latitude 37° 56.1241858' N., Longitude 75° 43.8791328' W.; thence north-northeasterly to Corner 20, Latitude 37° 56.4075136' N., Longitude 75° 43.7291361' W.; thence northeasterly to Corner 21, Latitude 37° 56.8241664' N., Longitude 75° 43.2624601' W.; thence north-northeasterly to Corner 22, Latitude 37° 57.0706006' N., Longitude 75° 43.1480402' W.; thence east-northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.

Public Ground 10 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 2.3 nautical miles westerly of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 56.4741881' N., Longitude 75° 45.7051676' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 56.9261140' N., Longitude 75° 43.7679786' W.; thence south-southwesterly to Corner 3, Latitude 37° 56.1241948' N., Longitude 75° 44.3624962' W.; thence west-southwesterly to Corner 4, Latitude 37° 56.0820561' N., Longitude 75° 44.5826292' W.; thence northerly to Corner 5, Latitude 37° 56.1377309' N., Longitude 75° 44.5817745' W.; thence west-southwesterly to Corner 6, Latitude 37° 56.1259751' N., Longitude 75° 44.6226859' W.; thence southwesterly to Corner 7, Latitude 37° 56.1039335' N., Longitude 75° 44.6692334' W.; thence southerly to Corner 8, Latitude 37° 56.0643616' N., Longitude 75° 44.6750106' W.; thence west-southwesterly to Corner 9, Latitude 37° 55.9742005' N., Longitude 75° 45.1458109' W.; thence west-northwesterly to Corner 10, Latitude 37° 56.0741973' N., Longitude 75° 45.8958329' W.; thence north-northwesterly to Corner 11, Latitude 37° 56.2565760' N., Longitude 75° 46.0000557' W.; thence northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.

"Pocomoke and Tangier Sounds Management Area" or "PTSMA" means the area as defined in §28.2-524 of the Code of Virginia.

"Pocomoke and Tangier Sounds Rotation Area 1" means all public grounds and unassigned grounds within an area of the PTSMA in Pocomoke and Tangier Sounds, bounded by a line beginning at a point on the Maryland-Virginia state line, located at Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W.; thence south to the

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house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence westerly to a point, Latitude 37° 53.3633500' N., Longitude 75° 56.5589600' W.; thence south to a point, Latitude 37° 48.4429100' N., Longitude 75° 56.4883600' W.; thence easterly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence northerly to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southeasterly to Pocomoke Sound Shoal Flashing Light Red “8”, Latitude 37° 52.4583300' N., Longitude 75° 49.4000000' W.; thence southeasterly to Messongo Creek Entrance Buoy Green Can “1”, Latitude 37° 52.1000000' N., Longitude 75° 47.8083300' W.; thence southeast to Guilford Flats Junction Light Flashing 2+1 Red “GF”, Latitude 37° 50.9533300' N., Longitude 75° 46.6416700' W.; thence southerly to a point on a line from Guilford Flats Junction Light to the northern-most point of Russell Island, where said line intersects the PTSMA boundary, Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence clockwise following the PTSMA boundary to a point on the Maryland-Virginia state line, said point being the point of beginning.

“Pocomoke and Tangier Sounds Rotation Area 2” means all public grounds and unassigned grounds within an area of the PTSMA in Pocomoke and Tangier Sounds, bounded by a line beginning at the house on Great Fox Island, located at Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southerly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence westerly to a point, Latitude 37° 48.4429100' N., Longitude 75° 56.4883600' W.; thence northerly to a point, Latitude 37° 53.3633500' N., Longitude 75° 56.5589600' W.; thence easterly to the house on Great Fox Island, said house being the point of beginning. Also, Pocomoke and Tangier Sounds Rotation Area 2 shall include all Public Grounds and unassigned grounds in the PTSMA in Pocomoke Sound bounded by a line beginning at a point on the Maryland-Virginia state line, Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W.; thence following the PTSMA boundary clockwise to a point on the line from the northern-most point of Russell Island to Guilford Flats Junction Light Flashing 2+1 Red “GF”, where said line intersects the PTSMA boundary, Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence northerly to Guilford Flats Junction Light Flashing 2+1 Red “GF”, Latitude 37° 50.9533300' N., Longitude 75° 46.6416700' W.; thence northwesterly to Messongo Creek Entrance Buoy Green Can “1”, Latitude 37° 52.1000000' N., Longitude 75° 47.8083300' W.; thence northwesterly to Pocomoke Sound Shoal Flashing Light Red “8”, Latitude 37° 52.4583300' N., Longitude 75° 49.4000000' W.; thence northwesterly to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence northerly to a point on the Maryland-Virginia state line, said point being the point of beginning.

“Public oyster ground” means all those grounds defined in § 28.2-551 of the Code of Virginia or by any other acts of the General Assembly pertaining to those grounds, all those grounds set aside by court order, and all those grounds set aside by order of the Marine Resources Commission, and may be redefined by any of these legal authorities.

“Rappahannock River Area 7” means all public grounds in that area of the Rappahannock River bounded downstream by a line from Rogue Point, located at Latitude 37° 40.0400000' N., Longitude 76° 32.2530000' W.; thence west-northwesterly to Flashing Red Buoy “8”, Latitude 37° 40.1580000' N., Longitude 76° 32.9390000' W.; thence southwest to Balls Point, Latitude 37° 39.3550000' N., Longitude 76° 34.4440000' W.; and bounded upstream by a line from Punchbowl Point, Latitude 37° 44.6750000' N., Longitude 76° 37.3250000' W.; thence southeasterly to Monaskon Point, Latitude 37° 44.0630000' N., Longitude 76° 34.1080000' W.

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“Rappahannock River Area 8” means all public grounds in that area of the Rappahannock River bounded downstream by a line from Monaskon Point, located at Latitude 37° 44.0630000' N., Longitude 76° 34.1080000' W.; thence northwesterly to Punchbowl Point, Latitude 37° 44.6750000' N., Longitude 76° 37.3250000' W.; and bounded upstream by a line from Jones Point, Latitude 37° 46.7860000' N., Longitude 76° 40.8350000' W.; thence north-northwesterly to Sharps Point, Latitude 37° 49.3640000' N., Longitude 76° 42.0870000' W.

“Rappahannock River Area 9” means all public grounds in that area of the Rappahannock River bounded downstream by a line from Sharps Point, located at Latitude 37° 49.3640000' N., Longitude 76° 42.0870000' W.; thence south-southeasterly to Jones Point, Latitude 37° 46.7860000' N., Longitude 76° 40.8350000' W.; and bounded upstream by the Thomas J. Downing Bridge (U.S. Route 360).

“Rappahannock River Rotation Area 1” means all public grounds in that area of the Rappahannock River and Chesapeake Bay bounded by a line offshore and across the mouth of the Rappahannock River from a point on the mean low water line of Windmill Point, located at Latitude 37° 36.8200000' N., Longitude 76° 16.9460000' W.; thence southeast to Windmill Point Light, Latitude 37° 35.7930000' N., Longitude 76° 14.1800000' W.; thence southwesterly to Stingray Point Light, Latitude 37° 33.6730000' N., Longitude 76° 16.3620000' W.; thence westerly to a point on the mean low water line of Stingray Point, Latitude 37° 33.6920000' N., Longitude 76° 17.9860000' W.; and bounded upstream by a line from the mean low water line west of Broad Creek, Latitude 37° 33.9520000' N., Longitude 76° 19.3090000' W.; thence northeasterly to a VMRC Buoy on the Baylor line, Latitude 37° 34.5310000' N., Longitude 76° 19.1430000' W.; thence northeasterly to a VMRC Buoy, Latitude 37° 34.6830000' N., Longitude 76° 19.1000000' W.; thence northwesterly to a VMRC Buoy, Latitude 37° 35.0170000' N., Longitude 76° 19.4500000' W.; thence northwesterly to Sturgeon Bar Light “7R”, Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence continuing northwesterly to Mosquito Point Light “8R”, Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence northwesterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

“Rappahannock River Rotation Area 2” means all public grounds in that area of the Rappahannock River bounded downstream by a line from the southern-most corner of the house on Mosquito Point, located at Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southeast to Mosquito Point Light “8R”, Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence continuing southeasterly to Sturgeon Bar Beacon “7R”, Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence west-southwesterly to a VMRC Buoy, Latitude 37° 34.9330000' N., Longitude 76° 21.0500000' W.; thence southwesterly to a VMRC Buoy, Latitude 37° 34.8830000' N., Longitude 76° 21.1000000' W.; thence southwesterly to a pier west of Hunting Creek at Grinels, Latitude 37° 34.4360000' N., Longitude 76° 26.2880000' W.; and bounded on the upstream by a line from Mill Creek Channel Marker “4”, Latitude 37° 35.0830000' N., Longitude 76° 26.9500000' W.; thence northeasterly to Mill Creek Channel Marker “2”, Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence northeasterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

“Rappahannock River Rotation Area 3” means all public grounds in that area of the Rappahannock River beginning from the north channel fender at the Robert O. Norris, Jr. Bridge, located at Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence southeast to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southwest to Mill Creek Channel Marker “2”, Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence southwesterly to Mill Creek Channel

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Marker "4", Latitude 37° 35.0830000' N., Longitude 76° 24.9500000' W.; thence northeasterly to Parrotts Creek Channel Marker "1", Latitude 37° 36.0330000' N., Longitude 76° 25.4170000' W.; thence northerly to VMRC Buoy, Latitude 37° 36.3330000' N., Longitude 76° 25.2000000' W.; thence northerly to the north channel fender of the Robert O. Norris, Jr. Bridge, said point being the point of beginning.

“Rappahannock River Rotation Area 4” means all public grounds in that area of the Rappahannock River, Corrotoman River, and Carter Creek, beginning at the White Stone end of the Robert O. Norris, Jr. Bridge (State Route 3), located at Latitude 37° 38.1290000' N., Longitude 76° 24.7220000' W.; thence along said Bridge to the north channel fender, Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence westerly to the VMRC Buoy “5-4”, Latitude 37° 38.0050000' N., Longitude 76° 30.0280000' W.; thence northerly to Old House Point, Latitude 37° 39.1390000' N., Longitude 76° 29.6850000' W.; thence northeasterly to Ball Point, Latitude 37° 41.6600000' N., Longitude 76° 28.6320000' W.; thence southeasterly to VMRC reef marker “Ferry Bar – North”, Latitude 37° 40.3000000' N., Longitude 76° 28.5000000' W.; thence southwesterly to VMRC reef marker “Ferry Bar – South”, Latitude 37° 40.1670000' N., Longitude 76° 28.5830000' W.; thence southeasterly to a duck blind west of Corrotoman Point, Latitude 37° 39.8760000' N., Longitude 76° 28.4200000' W.; thence southerly to VMRC Buoy “543”, Latitude 37° 39.2670000' N., Longitude 76° 27.8500000' W.; thence southerly to VMRC Buoy “Drumming-West”, Latitude 37° 38.8830000' N., Longitude 76° 27.6830000' W.; thence southerly to VMRC Buoy “Drumming-East”, Latitude 37° 38.8330000' N., Longitude 76° 27.5670000' W.; thence northeasterly to Orchard Point, Latitude 37° 38.9240000' N., Longitude 76° 27.1260000' W.

“Rappahannock River Rotation Area 5” means all public grounds in that area of the Rappahannock River beginning at the Greys Point end of the Robert O. Norris, Jr. Bridge (State Route 3), located at Latitude 37° 36.8330000' N., Longitude 76° 25.9990000' W.; thence northeasterly along the bridge to the north channel fender, Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence west-northwesterly to VMRC Buoy “5-4”, Latitude 37° 38.0050000' N., Longitude 76° 30.0280000' W.; thence westerly to Buoy “R6”, Latitude 37° 38.0330000' N., Longitude 76° 30.2830000' W.; thence south to the eastern headland of Whiting Creek, Latitude 37° 36.6580000' N., Longitude 76° 30.3120000' W.

“Rappahannock River Rotation Area 6” means all public grounds in that area of the Rappahannock River beginning on the eastern headland of Whiting Creek, located at Latitude 37° 36.6580000' N., Longitude 76° 30.3120000' W.; thence north to Buoy “R6”, Latitude 37° 38.0330000' N., Longitude 76° 30.2830000' W.; thence northwesterly to VMRC White House Sanctuary Buoy, Latitude 37° 38.1500000' N., Longitude 76° 30.5330000' W.; thence northwesterly to VMRC Towles Point Area Buoy, Latitude 37° 38.8330000' N., Longitude 76° 31.5360000' W.; thence northwesterly to Flashing Red Buoy “8” off Rogue Point, Latitude 37° 40.1580000' N., Longitude 76° 32.9390000' W.; thence southwesterly to Balls Point, Latitude 37° 39.3550000' N., Longitude 76° 34.4440000' W.

“Seed Oyster” means any oyster taken by any person from natural beds, rocks, or shoals that is more than 30 days from harvest for human consumption.

"Unassigned ground" means all grounds either not assigned pursuant to §28.2-600 through §28.2-633 of the Code of Virginia, established pursuant to §28.2-551 of the Code of Virginia, set aside by court order, or those grounds set aside by declarations or regulation by the Marine Resources Commission, and as may be redefined by any of these legal authorities.

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“Upper Chesapeake Bay - Blackberry Hangs Area” means all public grounds and unassigned grounds in that area of the Chesapeake Bay bounded by a line, beginning at a point approximately 300 feet east of the mean low water line of the Chesapeake Bay and approximately 1230 feet southwest of the end of the southern-most stone jetty at the mouth of the Little Wicomico River, said point being Corner 1, Latitude 37° 53.1811193’ N., Longitude 76° 14.1740146’ W.; thence east-southeasterly to Corner 2, Latitude 37° 52.9050025’ N., Longitude 76° 11.9357257’ W.; thence easterly to Corner 3, Latitude 37° 52.9076552’ N., Longitude 76° 11.6098145’ W.; thence southwesterly to Corner 4, Latitude 37° 52.8684955’ N., Longitude 76° 11.6402444’ W.; thence east-southeasterly to Corner 5, Latitude 37° 52.7924853’ N., Longitude 76° 11.0253352’ W.; thence southwesterly to Corner 6, Latitude 37° 49.4327736’ N., Longitude 76° 13.2409959’ W.; thence northwesterly to Corner 7, Latitude 37° 50.0560555’ N., Longitude 76° 15.0023234’ W.; thence north-northeasterly to Corner 8, Latitude 37° 50.5581183’ N., Longitude 76° 14.8772805’ W.; thence north-northeasterly to Corner 9, Latitude 37° 52.0260950’ N., Longitude 76° 14.5768550’ W.; thence northeasterly to Corner 1, said corner being the point of beginning.

“Yeocomico River Area” means that area of the North West Yeocomico River, inside Public Ground 8 of Westmoreland County, and those areas of the South Yeocomico River inside Public Grounds 100, 102, 104, 107, and 112 of Northumberland County described as:

Public Ground 8 of Westmoreland County is located in the North West Yeocomico River, beginning at a point approximately 1455 feet northeast of Crow Bar and 1850 feet northwest of White Point, said point being Corner 1, located at Latitude 38° 02.7468214’ N., Longitude 76° 33.0775726’ W.; thence southeasterly to Corner 2, Latitude 38° 02.7397202’ N., Longitude 76° 33.0186286’ W.; thence southerly to Corner 3, Latitude 38° 02.6021644’ N., Longitude 76° 33.0234175’ W.; thence westerly to Corner 4, Latitude 38° 02.6006669’ N., Longitude 76° 33.0824799’ W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 100 of Northumberland County is located in the South Yeocomico River, beginning at said point being Corner 1, located at Latitude 38° 00.2292779’ N., Longitude 76° 32.2244222’ W.; thence southwesterly to Corner 2, Latitude 38° 00.2183904’ N., Longitude 76° 32.2488009’ W.; thence westerly to Corner 3, Latitude 38° 00.2156893’ N., Longitude 76° 32.3156220’ W.; thence northwesterly to Corner 4, Latitude 38° 00.4024997’ N., Longitude 76° 32.3338888’ W.; thence continuing northeasterly to Corner 5, Latitude 38° 00.5806170’ N., Longitude 76° 32.1957546’ W.; thence continuing easterly to Corner 6, Latitude 38° 00.5798424’ N., Longitude 76° 31.9506788’ W.; thence continuing southeasterly to Corner 7, Latitude 38° 00.5076459’ N., Longitude 76° 31.9387425’ W. thence heading along the mean low water southwesterly to Corner 1, said corner being the point of beginning.

Public Ground 102 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 630 feet south of Mundy Point and 1745 feet southwest of Tom Jones Point, said point being Corner 1, located at Latitude 38° 01.2138059’ N., Longitude 76° 32.5577201’ W.; thence east-northeasterly to Corner 2, Latitude 38° 01.2268644’ N., Longitude 76° 32.4497849’ W.; thence southwesterly to Corner 3, Latitude 38° 01.1091209’ N., Longitude 76° 32.5591101’ W.; thence northerly to Corner 1, said corner being the point of beginning.

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Public Ground 104 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 670 feet north of Walker Point and 1900 feet northwest of Palmer Point, said point being Corner 1, located at Latitude 38° 00.8841841' N., Longitude 76° 32.6106215' W.; thence southeasterly to Corner 2, Latitude 38° 00.8609163' N., Longitude 76° 32.5296302' W.; thence southeasterly to Corner 3, Latitude 38° 00.6693092' N., Longitude 76° 32.4161866' W.; thence southwesterly to Corner 4, Latitude 38° 00.6418466' N., Longitude 76° 32.5394849' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 107 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 1000 feet southwest of Barn Point and 1300 feet northwest of Tom Jones Point, said point being Corner 1, located at Longitude 38° 01.1389367' N., Latitude 76° 32.3425617' W.; thence east-southeasterly to Corner 2, Latitude 38° 01.4106421' N., Longitude 76° 32.1077962' W.; thence southwesterly to Corner 3, Latitude 38° 01.2717197' N., Longitude 76° 32.2917989' W.; thence north-northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 112 of Northumberland County is located in the Yeocomico River, beginning at said point being Corner 1, located at Latitude 38° 01.8449428' N., Longitude 76° 32.2191877' W.; thence northeasterly to Corner 2, Latitude 38° 01.8783929' N., Longitude 76° 31.9970988' W.; thence southeasterly to Corner 3, Latitude 38° 01.7997003' N., 76° 31.9569302' W.; thence continuing southeasterly to Corner 4, 38° 01.6848729' N., Longitude 76° 31.5931801' W.; thence southerly to Corner 5, Latitude 38° 01.5760153' N., 76° 31.5931801' W.; thence westerly to Corner 6, Latitude 38° 01.6860521' N., Longitude 76° 32.2820100' W., thence northerly to Corner 1, said corner being the point of beginning.

“York River Hand Tong Area” means that area of the York River consisting of a portion of Public Ground 31 of Gloucester County (Aberdeen Rock), Public Ground 901 of Gloucester and King and Queen County and that portion of Public Ground 4 of King and Queen County that is in waters approved by the Virginia Department of Health for the harvest of Shellfish (Bell Rock) described as:

Public Ground 31 of Gloucester County, known as Aberdeen Rock, is that portion of Public Ground between a line from Upper York River Green Channel Marker 9, Latitude 37° 19.35986' N., Longitude 76° 35.99789' W.; thence northeasterly to Gum Point, Latitude 37° 19.74276' N., Longitude 76° 35.49063' W.; upstream to a line from the Flashing Yellow VIMS Data Buoy “CB”, Latitude 37° 20.4670000' N., Longitude 76° 37.4830000' W.; thence northeasterly to the inshore end of the wharf at Clay Bank.

Public Ground 901 of Gloucester and King and Queen County is located in the York River at the mouth of the Propotank River, beginning at said point being Corner 1, located at Latitude 37° 26.0291178' N., Longitude 76° 42.4769473' W.; thence northwesterly to Corner 2, Latitude 37° 26.1502199' N., Longitude 76° 42.5504403' W.; thence continuing northwesterly to Corner 3, Latitude 37° 26.2593188' N., 76° 42.5639668' W.; thence southeasterly to Corner 4, 37° 26.0537949' N., Longitude 76° 42.3217587' W.; thence southwesterly to Corner 5, Latitude 37° 26.0023548' N., 76° 42.4076221' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

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Public Ground 4 of King and Queen County, known as Bell Rock, is located in the York River, beginning at said point being Corner 1, located at Latitude 37° 29.1377467' N., Longitude 76° 45.0390139' W.; thence southerly to Corner 2, Latitude 37° 29.0456979' N., Longitude 76° 45.0642131' W.; thence northwesterly to Corner 3, Latitude 37° 29.5582048' N., 76° 45.8484481' W.; thence continuing northwesterly to Corner 4, 37° 29.8480848' N., Longitude 76° 46.5362330' W.; thence northeasterly to Corner 5, Latitude 37° 30.0087805' N., 76° 46.3513889' W.; thence continue southeasterly to Corner 6, Latitude 37° 29.6554103' N., Longitude 76° 45.5620462' W., thence continuing southeasterly to Corner 7, Latitude 37° 29.1838193' N., 76° 44.8908342' W., thence continue southeasterly to Corner 8, Latitude 37° 29.1094227' N., 76° 44.7985114' W., thence continue southeasterly to Corner 9, Latitude 37° 28.9796379' N., 76° 44.6726329' W., thence continue southeasterly to Corner 10, Latitude 37° 28.7771294' N., 76° 44.5058580' W., thence continue southeasterly to Corner 11, Latitude 37° 28.6286905' N., 76° 44.4140389' W., thence continue southeasterly to Corner 12, Latitude 37° 28.4745509' N., 76° 44.3267558' W., thence continue southeasterly to Corner 13, Latitude 37° 28.4379124' N., 76° 44.2964890' W., thence continue southeasterly to Corner 14, Latitude 37° 28.3255929' N., 76° 44.2037875' W., thence continue southeasterly to Corner 15, Latitude 37° 28.2389865' N., 76° 44.1706101' W., thence continue southeasterly to Corner 16, Latitude 37° 28.2157560' N., 76° 44.1552324' W., thence westerly to Corner 17, Latitude 37° 28.1396622' N., 76° 44.3698473' W., thence northerly to Corner 18, Latitude 37° 28.7398061' N., 76° 44.7807027' W., thence continue northerly to Corner 19, Latitude 37° 28.8838652' N., 76° 44.8818391' W., thence easterly to Corner 20, Latitude 37° 28.9140411' N., 76° 44.8163514' W. thence northwesterly to Corner 1, said corner being the point of beginning.

“York River Rotation Area 1” means all public grounds in the York River, within Gloucester County, between a line from Upper York River Flashing Red Channel Marker “8”, Latitude 37° 17.8863666' N., Longitude 76° 34.6534166' W.; thence northeasterly to Red Day Marker “2” at the mouth of Cedar Bush Creek, Latitude 37° 18.6422166' N., Longitude 76° 33.8216000' W.; upstream to a line from the Upper York River Green Channel Marker 9, Latitude 37° 19.35986' N., Longitude 76° 35.99789' W.; thence northeasterly to Gum Point, Latitude 37° 19.7427600' N., Longitude 76° 35.4906300' W.

“York River Rotation Area 2” means all public grounds in the York River, within Gloucester County, from the George P. Coleman Memorial Bridge (U.S. Route 17), upstream to a line from Upper York River Flashing Red Channel Marker “8”, Latitude 37° 17.8863666' N., Longitude 76° 34.6534166' W.; thence northeasterly to Red Day Marker “2” at the mouth of Cedar Bush Creek, Latitude 37° 18.6422166' N., Longitude 76° 33.8216000' W.

4VAC20-720-30. Standing stock criteria.

Any public oyster ground or unassigned ground may be closed to harvest by the Commissioner of Marine Resources, when it is determined by the Oyster Replenishment Department that the standing stock of oysters has been depleted by 50% or more. The initial estimate of standing stock for each area shall be the volume of oysters as of October 1 of the current year as determined by the Oyster Replenishment Department.

4VAC20-720-35. Public oyster ground harvest season.

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The Marine Resources Commission shall be authorized to extend the public oyster harvest season in the James River Seed Area, including the Deep Water Shoal State Replenishment Area, but the extension shall not be established to go beyond June 30.

4VAC20-720-40. Open oyster harvest season, harvest areas, and harvest limits.

A. It shall be unlawful for any person to harvest oysters from public and unassigned grounds except within the dates and areas and with the harvest gears set forth in this section.

B. It shall be unlawful to harvest clean cull oysters from the public oyster grounds and unassigned grounds within the seasons and areas and with the harvest gears as described in Table 1 in this subsection.

**Table 1.
Clean Cull Oyster Harvest Area, Harvest Dates, and Harvest Gear**

Harvest Area	Harvest Dates	Harvest Gear	Daily Individual Bushel Limit	Daily Vessel Bushel Limit
Great Wicomico River Rotation Area 1	January 1, 2025, through January 31, 2025	Hand Scrape	8	16
Great Wicomico River Rotation Area 2	December 1, 2024 2025 , through December 31, 2024 2025	Hand Scrape	8	16
James River Area 1, 2, and 3	October 1 6 , 2024 2025 , through March 31, 2025 <u>February 28, 2026</u>	Hand Scrape	8	16
Middle Ground	March 1, 2025, through March 14, 2025	Hand Scrape	8	16
Mobjack Bay Area	February 1, 2025, through February 28, 2025	Hand Scrape	8	16
Piankatank River Area	March 1, 2025, through March 14, 2025	Hand Scrape	8	16
Pocomoke Sound Area Public Ground 11	November 1, 2024, through November 15, 2024 and February 1, 2025, through February 14, 2025	Hand Scrape	8	16
Rappahannock River Area 7	December 1, 2024 2025 , through December 31, 2024 2025	Hand Scrape	8	16
Rappahannock River Area 8	January 1, 2025 2026 , through January 31, 2025 2026	Hand Scrape	8	16

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Rappahannock River Rotation Area 32	February 1, 2025 2026, through March 14, 2025 2026	Hand Scrape	8	16
Rappahannock River Rotation Area 54	October 16, 2024 2025, through November 30, 2024 2025	Hand Scrape	8	16
Upper Chesapeake Bay – Blackberry Hangs Area	February 1, 2025 2026, through March 14, 2025 February 28, 2026	Hand Scrape	8	16
York River Rotation Area 1	January 1, 2025, through January 31, 2025	Hand Scrape	8	16
York River Rotation Area 2	February 1, 2025 2026, through March 14, 2025 February 28, 2026	Hand Scrape	8	16
Coan River Area	October 1, 2024 2025, through December 31, 2024 2025	Hand Tong	14	28
Corrotoman Hand Tong Area	October 1, 2024 2025, through March 31, 2025 2026	Hand Tong	14	28
Indian Creek	October 1, 2024 2025, through March 31, 2024 2026	Hand Tong	14	28
Great Wicomico River Hand Tong Area	October 1, 2024, through December 31, 2024	Hand Tong	14	28
James River Seed Area, including the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2024 2025, through May 30, 2025 2026	Hand Tong	14	28
Little Wicomico River	October 1, 2024 2025, through December 31, 2024 2025	Hand Tong	14	28
Milford Haven	December 1, 2024 2025, through February 28, 2025 2026	Hand Tong	14	28
Nomini Creek Area	October 1, 2024 2025, through December 31, 2024 2025	Hand Tong	14	28
Piankatank River Hand Tong Area	March 1, 2025, through March 14, 2025	Hand Tong	14	28
Pocomoke Sound Area Public Ground 11	November 16, 2024, through January 31, 2025,	Hand Tong	14	28

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	and February 15, 2025, through March 31, 2025			
Pocomoke Sound Hand Tong Area Public Ground 9 and 10	November 1, 2024 <u>2025</u> , through March 31, 2025 <u>2026</u>	Hand Tong	14	28
Rappahannock River Area 7	October 1, 2024 <u>2025</u> through November 30, 2024 <u>2025</u> and January 1, 2025 <u>2026</u> through March 31, 2025 <u>2026</u>	Hand Tong	14	28
Rappahannock River Area 8	October 1, 2024 <u>2025</u> through December 31, 2024 <u>2025</u> and February 1, 2025 <u>2026</u> through March 31, 2025 <u>2026</u>	Hand Tong	14	28
Rappahannock River Area 9	October 1, 2024 <u>2025</u> through March 31, 2025 <u>2026</u>	Hand Tong	14	28
Yeocomico River Area	October 1, 2024 <u>2025</u> , through December 31, 2024 <u>2025</u>	Hand Tong	14	28
York River Hand Tong Area	October 16, 2024 <u>2025</u> , through March 14, 2025 <u>2026</u>	Hand Tong	14	28
York River Rotation Area 1	November 1, 2024 <u>2025</u> , through December 31, 2024, and February 1, 2025 , through March 31, 2025 <u>2026</u>	Hand Tong	14	28
York River Rotation Area 2	November 1, 2024 <u>2025</u> , through January 31, 2025 <u>2026</u>	Hand Tong	14	28
Hurleys Rock Area	March 1, 2025, through March 14, 2025	Oyster Dredge	8	16
Pocomoke Sound Rotation Area 2	November 16, 2024, through February 14, 2025	Oyster Dredge	8	16
Pocomoke and Tangier Sound Rotation Area 21	December 1, 2024<u>2025</u>, through February 28, 2025<u>2026</u>	Oyster Dredge	8	16
Larsons Bay Area	October 1, 2024, through December 31, 2024	Patent Tong	8	16

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Deep Rock Area	November 1, 2024 <u>2025</u> , through March 31, 2025 <u>2026</u>	Patent Tong	8	16
Rappahannock River Rotation Area 1	October 1, 2024 <u>2025</u> , through December 31, 2024 February 28, 2026	Patent Tong	8	16
Seaside Eastern Shore	November 1, 2024 <u>2025</u> , through April 30, 2025 <u>2026</u>	By Hand or Hand Tong	14	28

C. It shall be unlawful to harvest seed oysters from the public oyster grounds or unassigned grounds, except within the dates and areas and with the harvest gears described in Table 2 in this subsection.

Table 2.
Seed Oyster Harvest Area, Harvest Dates, and Harvest Gear

Harvest Area	Harvest Dates	Harvest Gear
James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2024 <u>2025</u> through May 31, 2025 <u>2026</u>	Hand Tong

D. In the Pocomoke and Tangier Sounds Rotation Areas, it shall be unlawful to possess on board any vessel more than 250 hard clams.

E. It shall be unlawful to possess any blue crabs on board any vessel with an oyster scrape or oyster dredge.

F. It shall be unlawful for any person or vessel to harvest clean cull oysters with more than one gear type in any single day from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia.

4VAC20-720-50. Repealed.**4VAC20-720-60. Day and time limit.**

A. It shall be unlawful to take, catch, or possess oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, for commercial purposes, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand or ordinary tong for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest.

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B. It shall be unlawful to do any of the following from the harvest areas described in Table 1 or Table 2 of 4VAC20-720-40:

1. Harvest or attempt to harvest oysters prior to sunrise or after sunset.
2. For any vessel to leave the dock until one hour before sunrise or return to the dock after sunset if the vessel has an oyster dredge or hand scrape aboard.
3. From October 1 through October 31, for any person to harvest or attempt to harvest clean cull oysters after 11 a.m. and from May 1, through May 30, to harvest or attempt to harvest clean cull oysters after 10 a.m.
4. Beginning November 1, for any person to harvest or attempt to harvest clean cull oysters after noon with patent tongs, hand scrapes, or oyster dredges.
5. For any person to harvest or attempt to harvest oysters after 2 p.m. with hand tongs.

In addition, it shall be unlawful for any vessel to leave the dock until one hour before sunrise or return to the dock after sunset if the vessel has an oyster dredge or hand scrape aboard.

4VAC20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters in the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area except by hand tong. It shall be unlawful for any person to have a hand scrape or oyster dredge on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong. When used in catching of seed oysters, hand tongs shall be operated entirely by hand, from the surface of the water and have no external or internal power source. When used in catching clean cull oysters, hand tongs may use power to assist lifting the tongs with a single lifting cable or rope attached at only a single point on 1 shaft of the tongs.

B. It shall be unlawful to harvest oysters by any gear from the seaside of the Eastern Shore except by hand or hand tong. It shall be unlawful to harvest oysters that are not submerged at mean low water by any gear other than by hand.

C. It shall be unlawful for any person to have more than one hand scrape on board their vessel while he is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to

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have a hand tong on board his vessel while he is harvesting or attempting to harvest oysters from public grounds by hand scrape.

4VAC20-720-75. Gear license.

It shall be unlawful for any vessel or individual to harvest shellfish for commercial purposes from the public oyster grounds as described in 4VAC20-720-40 unless the individual or an individual on board the harvesting vessel has been issued a valid commercial fisherman's registration license, a valid gear license required for the harvest area, and has paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes.

4VAC20-720-80. (Repealed).**4VAC20-720-85. James River Seed Quota and Monitoring.**

A. An oyster seed harvest quota of 90,000 bushels of seed is established for the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area. Once it has been projected and announced that the quota of seed has been attained, it shall be unlawful for any person to harvest seed oysters from these areas.

B. Of the 90,000-bushel seed quota described in subsection A of this section, no more than 30,000 bushels of this quota may be harvested from October 1 through December 31. However, if it is projected and announced that 30,000 bushels of seed have been harvested before December 31, it shall be unlawful for any person to harvest seed oysters from that date forward until January 1.

C. Of the 90,000-bushel seed quota described in subsection A of this section, no more than 60,000 bushels of this quota may be harvested from January 1 through May 31.

D. It shall be unlawful for any person harvesting seed oysters from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, to fail to provide daily harvest records accurately quantifying and legibly describing that day's seed harvest from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area. All records shall be submitted within 24 hours of harvest or landing through the Online Mandatory Harvest Reporting Program Web Application and shall provide that person's name, Commercial Fisherman Registration License number, date, daily number of bushels of seed oysters harvested, harvest rock location, planting location (any lease numbers), buyer name, and any other harvest reporting information required by law.

4VAC20-720-90. Harvest permit required for the James River Areas.

A permit is required for the James River Areas 1, 2, and 3. It shall be unlawful for any person to harvest, or attempt to harvest, oysters from the James River Areas without first obtaining a harvest permit from the Marine Resources Commission as required by §28.2-518 of the Code of Virginia.

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4VAC20-720-91. Harvest Permit required for the James River Seed Area, including the Deep Water Shoal State Replenishment Area.

A. A harvest permit shall be required for the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, for the harvesting of seed oysters. It shall be unlawful for any person to harvest or attempt to harvest seed oysters from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, without first obtaining and having on board a harvest permit.

B. The Commissioner may cease granting permits required by § 28.2-535 or 28.2-546 of the Code of Virginia, when he determines that the seed areas currently open to harvest are becoming depleted and the additional granting of such permits could seriously injure the seed areas.

4VAC20-720-95. Repealed.

4VAC20-720-100. Seed oyster planting procedures.

A. The marine police officer at the point of seed harvest may require that a marine police officer be present during the seed planting. When this is required, it will be specified on the seed transfer permit. If a marine police officer is required to be present at planting, the planter shall notify the marine police officer in the area prior to planting. It shall be unlawful for the permittee or planter to plant the oysters without a marine police officer being present.

B. The planting of seed oysters shall consist of spreading the oysters loosely on the bottom of the planting area. It shall be unlawful to plant seed oysters in any manner except by spreading the oysters loosely on the bottom.

C. Seed oysters shall be placed on a designated and marked area of the private ground from which said oysters are not to be removed until after December 31 if placed prior to December 31. Any seed oysters placed January 1 through May 31 are not to be removed until after May 31. It shall be unlawful to remove these seed oysters within 30 days of being placed on private ground.

4VAC20-720-105. [Repealed.]

4VAC20-720-106. [Repealed.]

4VAC20-720-110. Penalty.

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

B. In addition to the penalty prescribed by law, any person violating any provision of this chapter shall destroy, in the presence of a marine police officer, all shellfish in his possession, or, at the direction of the marine

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police officer, shall place the shellfish overboard on the nearest oyster sanctuary or closed shellfish area, and shall cease harvesting on that day. All harvesting apparatus may be subject to seizure, and, pursuant to § 28.2-232 of the Code of Virginia, all licenses and permits may be subject to revocation following a hearing before the Virginia Marine Resources Commission.

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201, 28.2-507, and 28.2-518, of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Hampton, Virginia, ~~August 27, 2024~~ September 23, 2025.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ ~~2024~~ 2025.

Notary Public