

AGENDA
MARINE RESOURCES COMMISSION
JANUARY 27, 2026

** 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. **PUBLIC COMMENTS**
6. **STEVEN GREER, VMRC #25-1015**
requests authorization to construct a 17-foot by 37-foot open-sided boathouse situated along Chisman Creek at 202 Cheadle Loop Road in York County. This project is protested by an adjacent property owner.
7. **ROANOKE CEMENT COMPANY, VMRC #25-1129**
requests authorization to construct a new 55-foot by 4-foot clear-span pedestrian footbridge placed a minimum of three (3) feet above Catawba Creek situated north of Interstate-81 and east of Catawba Road as part of the Roanoke Cement Company - Pedestrian Bridge project in Botetourt County. This project is protested by a nearby property owner.
8. **TERESA JEPSON, VMRC #25-1712**
requests authorization to construct a 16-foot by 18-foot open-sided gazebo on a statutorily authorized private pier along the Barn Creek shoreline at 1012 Gum Thicket Road in Mathews County. The project is protested by an adjacent property owner.
9. **SHELLFISH**
Joshua H. Webb
Oyster Planting Ground Application #2021-068
Requests authorization to lease approximately 12 acres of oyster planting ground within the North Inlet in Accomack County.
10. **DISCUSSION**
Waterway Maintenance Fund Guidance Document.

AGENDA

PAGE 2 ITEMS

A. NANCY LONGEST, VMRC #25-2377

requests authorization to extend an existing timber groin 20-feet landward and to construct an 8-foot spur on the channelward end adjacent to 155 Point Breeze Lane, situated along the Rappahannock River in Essex County. Recommend approval contingent upon proof of purchase of 13sf of tidal wetlands credits from The Nature Conservancy's Stream and Wetland Mitigation Program (SWMP). This project requires a VMRC Wetlands and Subaqueous permit.

B. DEPARTMENT OF THE NAVY VMRC #25-1137

requests authorization to hydraulically renourish the existing beach within Public Works Cove situated along the Chesapeake Bay within the Joint Expeditionary Base Little Creek - Fort Story in Virginia Beach. Approximately 150,000 cubic yards of sand dredged per cycle from near shore areas adjacent to Utah Beach will be placed channelward of mean low water along the shoreline. This project requires a VMRC Subaqueous permit.

C. NORFOLK SOUTHERN RAILWAY COMPANY, VMRC #25-2262

requests authorization to conduct bridge repairs on an existing railroad crossing of the Pamunkey River, between New Kent County and King William County, by installing 14 Helper Bent structures each consisting of 4 H-Piles with associated bent caps, bracings, plate stiffeners, splicing structures, and sacrificial anodes - as part of the Bridge NSR F-164.50 Rehabilitation Project. The project requires a VMRC Subaqueous and Wetlands Permit.

D. WESTROCK CP, LLC, VMRC #25-2459

requests authorization to perform repair work on four pilings under an existing dock pad at their facility located along the Pamunkey River at 1901 Main Street in the City of West Point. The project requires a VMRC Wetlands Permit.

E. DEPARTMENT OF WILDLIFE RESOURCES, VMRC #25-2392

requests authorization to expand and raise the existing riprap breakwaters, previously installed under VMRC permit #24-0055 along the shoreline of the Ragged Island Wildlife Management Area, to include additional landward sand nourishment and wetlands plantings, danger marker piles, and oyster reef defender structures - situated along the James River in Isle of Wight County. This project requires a VMRC Subaqueous Permit.

F. FAIRWINDS LANDING, LLC, VMRC #25-1778

requests authorization to construct a 200-foot by 17-foot commercial floating dock adjacent to property leased from Norfolk Southern (500 Orapax Street) situated along the Main Stem of the Elizabeth River in the City of Norfolk. Staff recommends approval including a royalty of \$7,200.00 for the encroachment of 3,600 square feet of submerged lands at a rate of \$2.00/square foot. This project

AGENDA

requires a VMRC Subaqueous permit.

MINUTES

COMMISSION MEETING

December 2, 2025

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia with the following present:

- Jamie L. Green Commissioner
- Patrick Hand
- Lynn Kellum
- A.J. Erskine Associate Members
- William Bransom
- Jeanette Edwards
- Thomas Preston
- Preston White
- Kelci Block Assistant Attorney General
Via phone
- Randy Owen Chief, Habitat Management
- Adam Kenyon Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Others present:

- | | | |
|--------------|------------------|---------------|
| Ron Martin | Brandon Martin | Corey Schultz |
| Ben Stagg | Barbara Zener | John Waechter |
| Kim Huskey | Jordan Krevonick | David O'Brien |
| Dirk Sanford | Andy Garby | and others. |

* * * * *

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

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

* * * * *

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

Associate Member Erskine moved to approve the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 6-0-1. Associate Member Edwards abstained.

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

* * * * *

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 G for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

Mr. Owen requested that Item 2A be heard separately from the other 2B – 2G items. His comments are a part of the verbatim record.

Associate Member Erskine moved to approve the request to separate item 2A as requested. Associate Member Bransom seconded the motion. The motion carried, 7-0.

2A. BRON PROPERTIES, LLC, VMRC #2025-2343, requests authorization to construct 200 linear feet of timber bulkheading, a maximum of one (1) foot channelward of mean high water and landward of existing tidal vegetated wetlands, located at 570 and 274 Marshfield Road, situated along Piscataway Creek in Essex County. This project requires a VMRC Wetlands permit.

Associate Member Preston moved to approve the project as presented predicated on the modified drawing. Associate Member Edwards seconded the motion. The motion carried, 7-0.

- 2B. ANN EUBANK, VMRC #2025-2250**, requests authorization to install 70 linear feet of riprap revetment at 131 Coopers Point Lane, situated along the Rappahannock River in Essex County. This project requires a VMRC Wetlands permit.
- 2C. UPPER BRANDON TIDAL MITIGATION BANK, LLC, VMRC #2025-1892**, requests authorization to mechanically dredge 1,098 square feet of nonvegetated wetlands and 23 cubic yards of state-owned submerged lands, on an as-needed basis, to create a connecting channel from the James River to the proposed tidal wetlands mitigation bank site at 1802 Upper Brandon Road in Prince George County. Dredged spoils will be utilized in the existing upland as part of the site construction. Staff recommends approval with a royalty of \$18.40 for the dredging of 23 cubic yards of state-owned submerged lands at a rate of \$0.80 per cubic yard. This project requires both a VMRC Wetlands and Subaqueous permit.
- 2D. HUNTINGTON INGALLS- NEWPORT NEWS SHIPBUILDING, VMRC #2025-1671**, requests authorization to construct a 25-foot by 425-foot platform extension to Pier 3 at the Newport News Shipbuilding facility, adjacent to 4101 Washington Avenue, situated along the James River in Newport News. This project requires a VMRC Subaqueous permit.
- 2E. CITY OF NORFOLK, VMRC #2025-1479**, requests authorization to place approximately 6,500 cubic yards of sand nourishment along 1,050 linear feet of shoreline between 13th View Street and 11th View Street behind Toler Place and approximately 43,000 cubic yards along 4,550 linear feet of shoreline from Sarah Constant Beach Park to Ocean View Beach Park, situated along the Chesapeake Bay in the City of Norfolk. Sand will be sourced from an upland location and truck-hauled to the nourishment sites. This project requires a VMRC Subaqueous permit.
- 2F. CITY OF VIRGINIA BEACH, VMRC #2025-1823**, requests authorization to annually maintenance dredge by mechanical or hydraulic means approximately 27,000 cubic yards of state-owned submerged bottomlands within the existing Crab Creek municipal channel to a maximum depth of minus nine (-9) feet mean

low water adjacent to the Lynnhaven Beach and Boat Ramp Facility in Virginia Beach. Dredged spoils will be offloaded at the existing facility or transferred by barge to the Maple Street dredge material management area and utilized for city beach nourishment and marsh enhancement projects. Hydraulically dredged material will be placed directly onto Ocean Park Beach. Staff recommends approval with the standard dredge permit conditions, a dredge work time-of-year restriction from March 1 - September 30 of any year to protect juvenile summer flounder, and Commission notification (including coordinates) should the relocation of temporary floating channel markers be required due to depth constraints. This project requires a VMRC Subaqueous permit.

- 2G. VIRGINIA ELECTRIC AND POWER COMPANY, VMRC #2025-2016,** requests authorization to install stormwater management pond outfall pipes and structures, in four (4) locations impacting both tidal-fresh wetlands and state-owned submerged lands of the James River, as part of the Chesterfield Power Station Coal Combustion Residuals (CCR) Closure by Removal Project, in Chesterfield County. No changes are proposed for this project, which was previously permitted under #2020-2348. That previous permit expired prior to project completion. This project requires both a VMRC Wetlands and Subaqueous permit.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve Page 2 items 2B through 2G as presented. Associate Member Erskine seconded the motion. The motion carried, 7-0.

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

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

- 5. **COREY SCHULTZ, VMRC #2025-0539**, requests authorization to construct a 5-foot wide by 144.5-foot long private non-riparian pier, including a 37-foot by 45-foot dual-slip, open-sided boathouse/gazebo, 5-foot wide finger piers, and associated mooring piles to specifically serve 659 Villa Road - constructed on and adjacent to Tax Map Parcel 3B-2-1A in the Town of Claremont, situated along the James River in Surry County. The project is protested by an adjacent property owner.

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

Corey Schultz, applicant, was sworn in and spoke. His comments are a part of the verbatim record.

Barbara Zener, protestant, was sworn in and spoke. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

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

* * * * *

6. PUBLIC COMMENTS:

Brandon Martin (7500)

Mr. Martin requested his Oyster User Fee All Gear license be reinstated. He did not purchase his Oyster User Fee All Gear in 2024. His comments are a part of the verbatim record.

Associate Member Bransom moved to approve the request to reinstate his Oyster User Fee All Gear so as long as he pay the previous year. Associate Member Preston seconded the motion. The motion carried, 7-0.

* * * * *

- 7. **PUBLIC HEARING:** The Commission proposes to amend Chapter 4VAC20-1390, "Pertaining to Shrimp," to expand the number of limited entry shrimp trawl licenses.

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

Dirk Sanford, a member of the public, was sworn in and spoke. He is requesting to obtain a permit as he was denied before the Commission in a previous attempt. His comments are a part of verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Edwards moved to adopt the regulatory changes to expand the number of licenses from 19 to 26 as presented. Associate Member Erskine seconded the motion. The motion carried, 6-1. Associate Member Bransom voted no.

* * * * *

There being no further business, the meeting was adjourned at 10:59 a.m. The next Commission meeting will be a combined November/December meeting that will be held on **Tuesday**, January 27, 2026.

* * * * *

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

STEVEN GREER, VMRC #25-1015

1. Habitat Management Evaluation dated January 27, 2026.
(Pages 1 and 2)
2. Project drawings dated received on September 22, 2025.
(Pages 3 through 5)
3. Protest submissions from Steven Spencer, dated received on May 28, 2025, and October 21, 2025. (Pages 6 and 7)
4. Protest submissions from James Burley, dated received on August 25, 2025, and October 28, 2025. (Pages 8 and 9)

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

HABITAT MANAGEMENT DIVISION EVALUATION

STEVEN GREER, VMRC #25-1015, requests authorization to construct a 17-foot by 37-foot open-sided boathouse situated along Chisman Creek at 202 Cheadle Loop Road in York County. This project is protested by an adjacent property owner.

Narrative

The proposal is located along a cove off of Chisman Creek, where numerous piers, gazebos, and boathouses have been authorized and constructed. The applicant has a 37-foot USCG registered vessel that draws two feet, nine inches (2’9”) and will be stored in the proposed boathouse.

On October 16, 2025, the Commission reviewed the applicant’s request to construct a 5-foot by 210-foot pier extension, a 14-foot by 20-foot L-head platform, a 5-foot by 52-foot finger pier, a 5-foot by 8-foot and a 6-foot by 13-foot floating dock; and determined that it all qualified for the statutory authorization for private noncommercial piers found in Section 28.2-1203(A)5 of the Code of Virginia.

Issues

As part of staff’s public interest review required for the boathouse roof proposal, the adjoining property owners were notified. Mr. Steve Spencer, the adjacent property owner to the west, filed his objections, arguing that the applicant’s existing pier and proposed boathouse impact his riparian rights.

On July 14, 2025, Mr. Spencer’s own pier reconstruction was statutorily authorized under VMRC #25-1296. His private pier also includes an existing open-sided boathouse adjacent to his property.

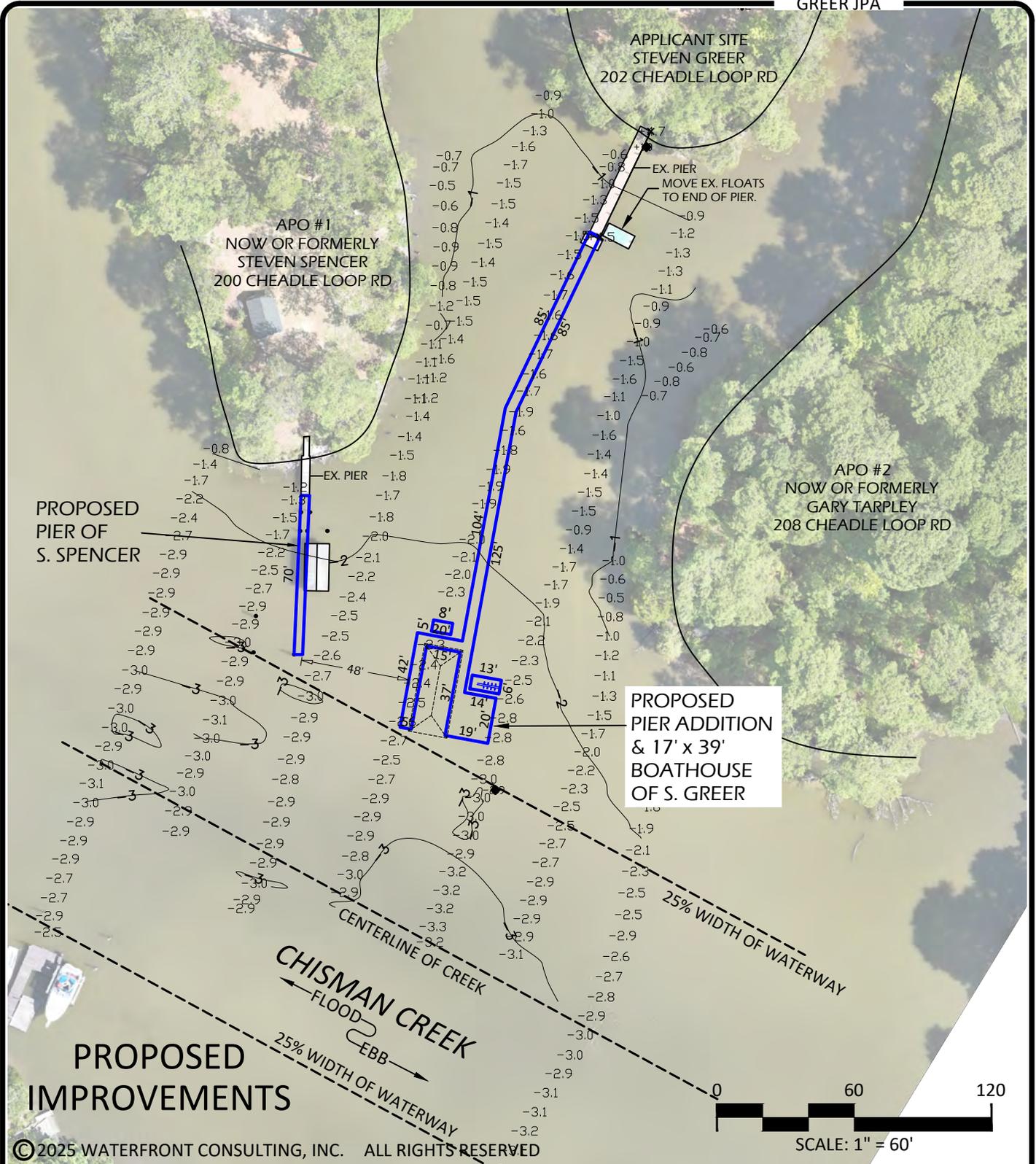
York County has exempted the proposal as it is outside the jurisdiction of the local wetlands board.

Summary

Habitat Management staff does not have the legal authority to identify riparian boundaries assigned to individual properties, however this pier / boathouse proposal appears to be centrally located in accordance with the applicant’s upland property boundaries. If the protestant, Mr. Spencer, believes his riparian rights are being encumbered by the proposal, he can seek a

riparian apportionment of the waterway immediately adjacent to the two properties and have the matter adjudicated by the local circuit court.

Had the application for the boathouse not been protested, staff would have determined that the boathouse was also statutorily authorized similar to the pier structure, as the proposed 629 square feet is under the 700 square feet maximum allowable size as stated in Code for a statutorily authorized boathouse. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all the factors contained in Section 28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.



PURPOSE: BOATING ACCESS
 DATUM: MLW = 0.00'
 APOS:
 1. STEVEN SPENCER
 2. GARY TARPLEY
 3.
 4.



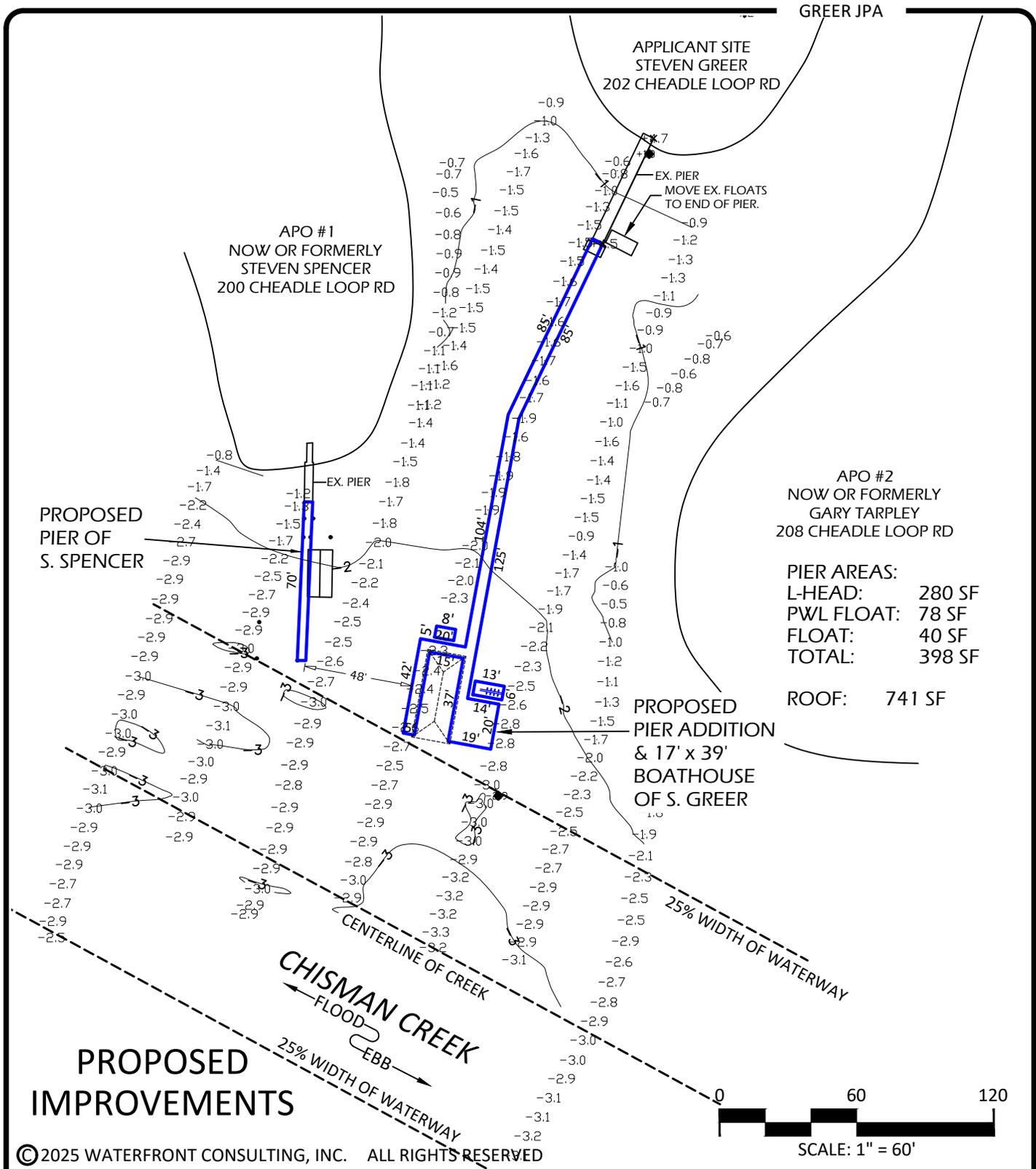
**WATERFRONT
CONSULTING, INC.**

2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 permits@waterfrontconsulting.net (757) 619-7302

STEVEN GREER
 202 CHEADLE LOOP RD

PROPOSED: PIER & BOATHOUSE
 IN: CHISMAN CREEK
 AT: 202 CHEADLE LOOP ROAD
 SEAFORD, VA 23692
 APPLICATION BY:
 STEVEN GREER

SHEET: 1 OF 7
 DATE: SEPTEMBER 5, 2025



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PURPOSE: BOATING ACCESS
 DATUM: MLW = 0.00'
 APOS:
 1. STEVEN SPENCER
 2. GARY TARPLEY
 3.
 4.



WATERFRONT CONSULTING, INC.

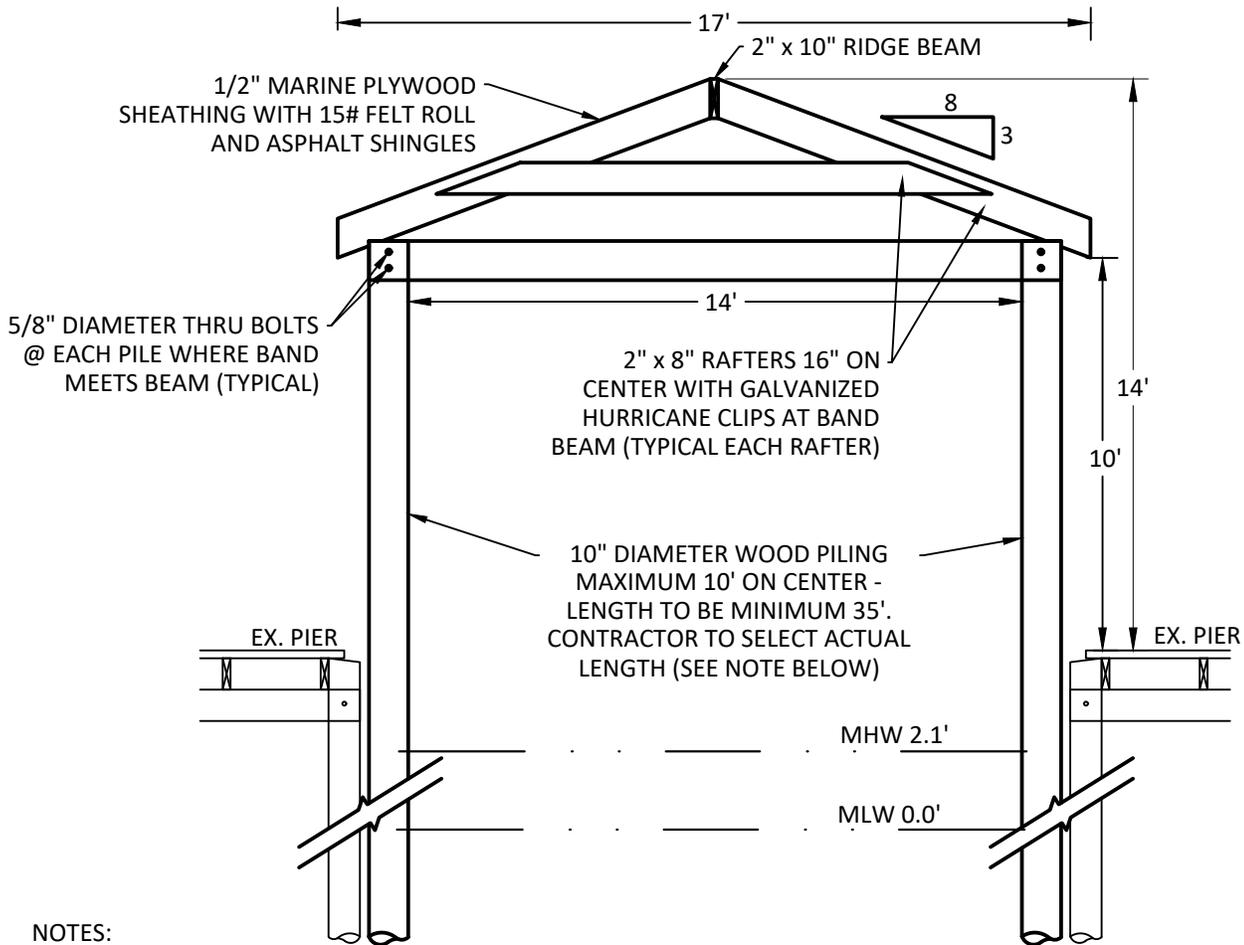
2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 permits@waterfrontconsulting.net (757) 619-7302

STEVEN GREER
 202 CHEADLE LOOP RD

PROPOSED: PIER & BOATHOUSE
 IN: CHISMAN CREEK
 AT: 202 CHEADLE LOOP ROAD
 SEAFORD, VA 23692
 APPLICATION BY:
 STEVEN GREER

SHEET: 2 OF 7
 DATE: SEPTEMBER 5, 2025

PROPOSED PIER CROSS SECTION



NOTES:

1. ALL TIMBER MATERIAL FOR USE IN THIS MARINE ENVIRONMENT SHALL BE PRESERVATIVE TREATED IN ACCORDANCE WITH THE AWPA.
2. ALL HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A-153.
3. DRAWINGS ARE FOR PERMIT PURPOSES ONLY, AND DO NOT CONSTITUTE FULL DESIGN DRAWINGS. FINAL DESIGN BY OTHERS.
4. NO HYDROGRAPHIC SURVEYS OR SOIL BORINGS HAVE BEEN TAKEN TO CONFIRM SUBSURFACE SOIL CONDITIONS (FOR PILE LENGTH DETERMINATION).
5. PIER LAYOUT IS BASED ON VISUAL ON-SITE INSPECTION.
6. ABNORMAL SITE CONDITIONS NOT READILY APPARENT HAVE NOT BEEN TAKEN INTO ACCOUNT, AND MAY REQUIRE MODIFICATIONS TO THE MINIMUM PILE LENGTHS SHOWN.
7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY DEPTH OF WATER AND SUBSURFACE CONDITIONS AND TO SELECT PILE LENGTHS ADEQUATE FOR THE STRUCTURE.



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PURPOSE: BOATING ACCESS
 DATUM: MLW = 0.00'
 APOS:
 1. STEVEN SPENCER
 2. GARY TARPLEY
 3.
 4.

WCI WATERFRONT CONSULTING, INC.
 2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 permits@waterfrontconsulting.net (757) 619-7302

STEVEN GREER
 202 CHEADLE LOOP RD

PROPOSED: PIER & BOATHOUSE
 IN: CHISMAN CREEK
 AT: 202 CHEADLE LOOP ROAD
 SEAFORD, VA 23692
 APPLICATION BY:
 STEVEN GREER

SHEET: 5 OF 7
 DATE: SEPTEMBER 5, 2025

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Steven Spencer, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Steven Greer
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5/6/2025
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT X TO THE PROJECT.

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

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

Steven Spencer
Adjacent/nearby property owner's signature(s)

5/27/25
Date

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

I object to the project because, it will block my view of the water from the house I am currently building. I will agree to you adding on 100 ft. to your current pier to be a total of 150 ft. but no more.

Steve Spencer

200 Cheadle Loop Drive

Seaford Va, 23696

2025-1015

10/16/2025

Objection Letter

I object to the construction of the pier at 202 Cheadle Loop Drive as it is currently proposed due to concerns surrounding the possible violation of my riparian rights. Specifically, my concern is that the proposed length of the pier and location of the boathouse will interfere with reasonable access to navigable waters from my existing pier. I am currently under the belief that access to and from my pier will become diminished if no alterations to the currently proposed plan are implemented. I propose a Riparian Survey be conducted and provided to me prior to the approval of the currently proposed pier design.

Additionally, I object to the length of the proposed roof on the boathouse which is currently slated to be 40' in length. I am concerned that the combination of the placement and size of the boathouse roof will create a visual obscurement that will aggravate my access and egress to and from my pier by way of boat.

Please review my comments and take them into consideration prior to issuing approval to the proposed pier at 202 Cheadle Loop Drive.

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: VMRC application 2025-1015
Date: Monday, August 25, 2025 10:31:10 AM

Protest

-----Original Message-----

From: James R Burley II <jrburley2nd@gmail.com>
Sent: Monday, August 25, 2025 10:25 AM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>
Subject: VMRC application 2025-1015

Good Morning,

I have recently learned of an application for a new pier at 202 Cheadle Loop Road. I have lived at 108 Cheadle Loop since 1987 and routinely use the adjacent waterway for boating, fishing, crabbing and oystering. I have reviewed Mr Greer's application and am concerned that the proposed pier and dock will block access to the cove adjacent to 200, 202, and 208 Cheadle Loop. I have accessed this cove and others nearby for many years and like to fish and crab here as it produces good results. The proposed pier will severely limit my access (maybe completely at low tide) and seems to extend well beyond the riparian area of Mr. Greer's property. As a nearby property owner, I believe a full riparian area calculation is needed to establish reasonable limits.

As a boater for many years, I would never attempt to dock a 37' boat in this creek that requires 33" of water just to float. The survey you have requested is a good idea and should help establish that operating a boat of this size in this waterway on a regular basis will be severely limited by the water depth.

Respectfully,
Jim Burley
108 Cheadle Loop Rd
Seaford, Va
23696

2022 Grady-White 236 Fisherman
draft 18.5"

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: 251015 FW: revised application for pier/boathouse at 202 Cheadle Loop Road
Date: Tuesday, October 28, 2025 12:06:55 PM

Protest

-----Original Message-----

From: James R Burley II <jrburley2nd@gmail.com>
Sent: Monday, October 27, 2025 11:50 AM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>
Subject: revised application for pier/boathouse at 202 Cheadle Loop Road

Mr Reams,

I have reviewed the revised application for a pier and boathouse at 202 Cheadle Loop Road and continue to have the same concerns as I expressed in my letter to you dated 25AUG2025. The revised application seems to exacerbate the issues as it extends the pier even further than the original application. The surveyed depths do not appear to support such a large boat at this location and the project appears to infringe upon the riparian rights of both adjacent neighbors.

The one thing that seems to be missing in all of this is a riparian area calculation for 202 Cheadle Loop Rd. Is it not incumbent upon the applicant to shown that they are not infringing upon the riparian rights of their neighbors? It seems to me this is the only way to establish whether or not the subject project can proceed. The calculation of the riparian areas for the three adjacent properties would seem to solve the concerns of all parties and allow an educated decision to be made.

Respectfully,
Jim Burley
108 Cheadle Loop Road
Seaford, Va 23696

Roanoke Cement Company, LLC
#2025-1129

1. Habitat Management Evaluation dated January 22, 2026
(Pages 1-2)
2. Application drawings dated-received June 24, and July 21, 2025, and January 12, 2026
(Pages 3-10)
3. Letter of opposition dated-received July 4, 2025
(Page 11)
4. Agency correspondence to protestant dated July 4, July 8, and August 1, 2025
(Pages 12-13)
5. Applicant correspondence to protestant dated-received August 1, 2025
(Pages 14)
6. Letter of support submitted by applicant's agent dated-received January 5, 2026
(Pages 15-16)
7. Department of Environmental Quality 'no permit required' letter dated-received May 22, 2025
(Pages 17-20)
8. Botetourt County comment dated-received December 5, 2025
(Page 21)

HABITAT MANAGEMENT DIVISION EVALUATION

ROANOKE CEMENT COMPANY, LLC, #25-1129, requests authorization to construct a new 55-foot by 4-foot clear-span pedestrian footbridge above Catawba Creek situated north of Interstate 81 and east of Catawba Road as part of the Roanoke Cement Company - Pedestrian Bridge project in Botetourt County. This project is protested by a nearby property owner.

Narrative

The Roanoke Cement Company plant is located northwest of Roanoke in Botetourt County. The company has been operating in the area since 1951 and is planning to expand their quarry operations into an adjoining parcel. A segment of the Andy Layne Trail, part of the Appalachian National Scenic Trail (A.T.), is located within an existing easement on the applicant's property. The Andy Layne Trail, including an existing pedestrian bridge component over Catawba Creek will be relocated to facilitate planned quarry expansion activities while maintaining outdoor recreational use by the public.

A Joint Permit Application was received on May 21, 2025, from Wetland Studies and Solutions, Inc. (agent) on behalf of the applicant, proposing to reconstruct the clear span pedestrian bridge across Catawba Creek roughly 2,100 feet south of the current bridge location. The bridge is proposed to be constructed a minimum of three (3) feet above a 36-foot section of Catawba Creek, with no impact to the creek itself. The bridge approaches and abutments are situated on upland property owned by the applicant. Once completed, the bridge will be within a relocated trail easement to be used by the public for access to the A.T. via the Andy Layne Trail. Per the applicant's agent, the bridge will be maintained by the applicant.

Issues

The project is protested by a nearby property owner, Mr. Joseph Brown. Per the protest correspondence received, Mr. Brown objects to the construction of another structure over Catawba Creek. He specifically cited concerns regarding potential debris build-up at the bridge location that may lead to flooding of the surrounding areas. Mr. Brown also indicated that the bridge may affect nearby property owners by allowing trespassing on private land.

After receiving the written protest, staff made two attempts to reach out to Mr. Brown via email to discuss his concerns in more detail and offered to meet with him in person after a planned site visit. Mr. Brown did not respond to staff's attempts to contact him. Per the applicant's agent, they also attempted to reach out to Mr. Brown and received no response.

Issues (cont'd)

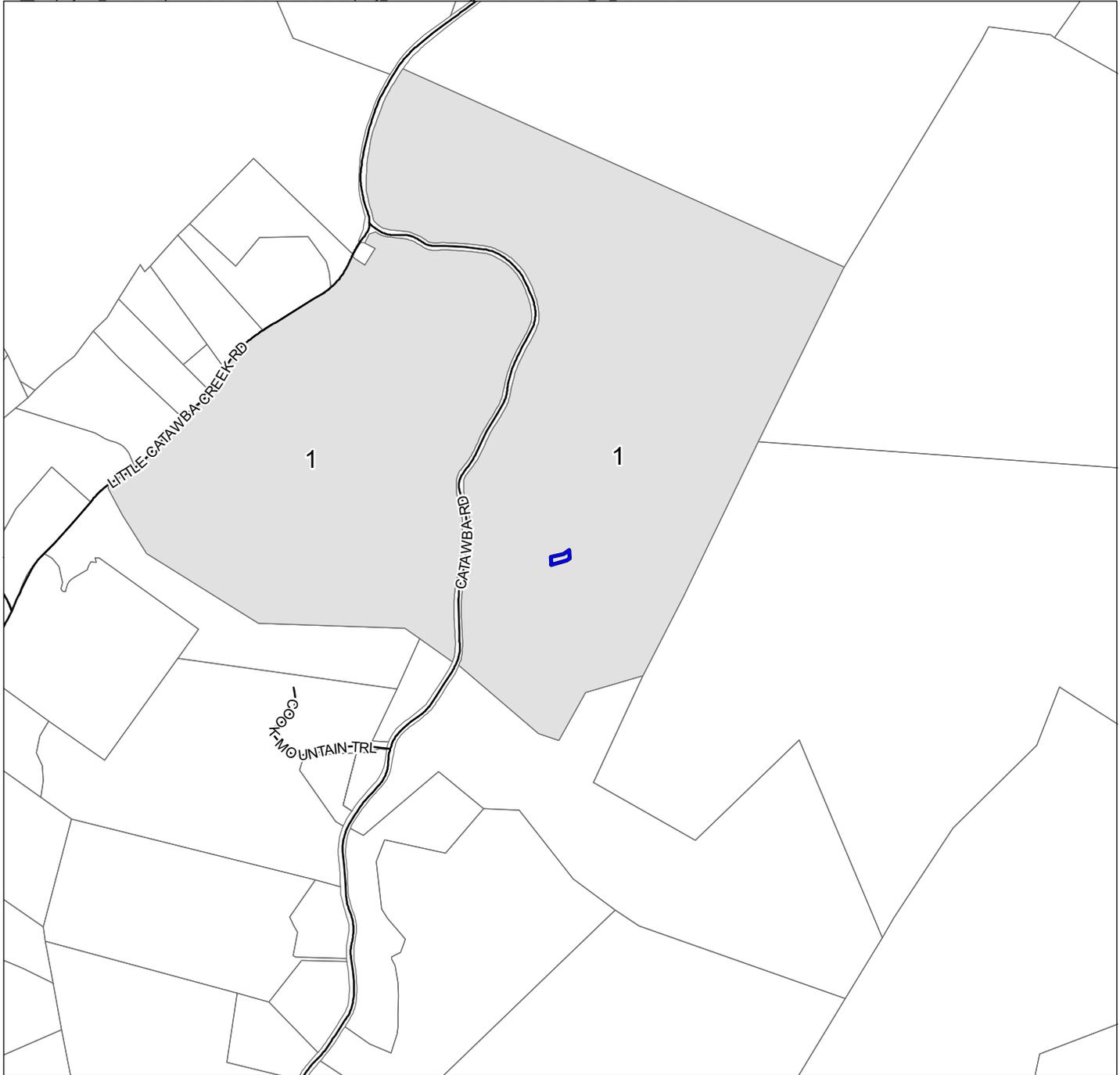
A letter of support was provided by the applicant's agent from the Regional Manager of the Appalachian Trail Conservancy, specifically stating their support for the applicant's continued operations, proposed expansion, and trail relocation project.

The Department of Environmental Quality and the U.S. Army Corps of Engineers did not require a permit for the bridge relocation. Botetourt County has approved the site plan for the trail and bridge relocation relative to flood plain requirements.

Summary/Recommendations

We are cognizant of the protestant's concerns related to flooding and potential property trespassing due to the trail and bridge relocation. However, the proposed bridge is not an additional structure over Catawba Creek but rather replaces an existing pedestrian bridge. The proposed design will be more secure and improve safety for recreational users by replacing old timber abutments with engineered concrete and stone abutments. Additionally, the project plans and associated hydraulic model were reviewed and approved by Botetourt County relative to floodplain requirements. Therefore, staff does not feel that the proposed bridge construction will cause increased flooding of the surrounding area. We are also unable to clarify where the protestant's property exists compared to the proposed bridge location - the submitted protest correspondence did not include a property address, and no response was received after multiple attempts by staff to contact and meet with Mr. Brown. The clear span bridge is the only component that is jurisdictional for the Commission, and its construction will not directly impact state-owned submerged lands.

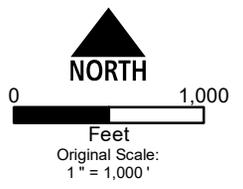
Accordingly, after evaluating the merits of the project against the concerns expressed by the protestant, and after considering all factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed. If approved, staff recommends that the permit include a condition requiring the removal of the existing bridge within 120 days of public access to the new bridge.



Map Number	Parcel ID Number	Property Address	Owner Name	Owner Mailing Address
1	85-61	CATAWBA RD TROUTVILLE, VA 24175	ROANOKE CEMENT HOLDINGS INC	5700 LAKE WRIGHT DR STE 300

- Site
- Parcel ID

Parcel ID Map
Roanoke Cement Company - Pedestrian Bridge
WSSI #28724.02

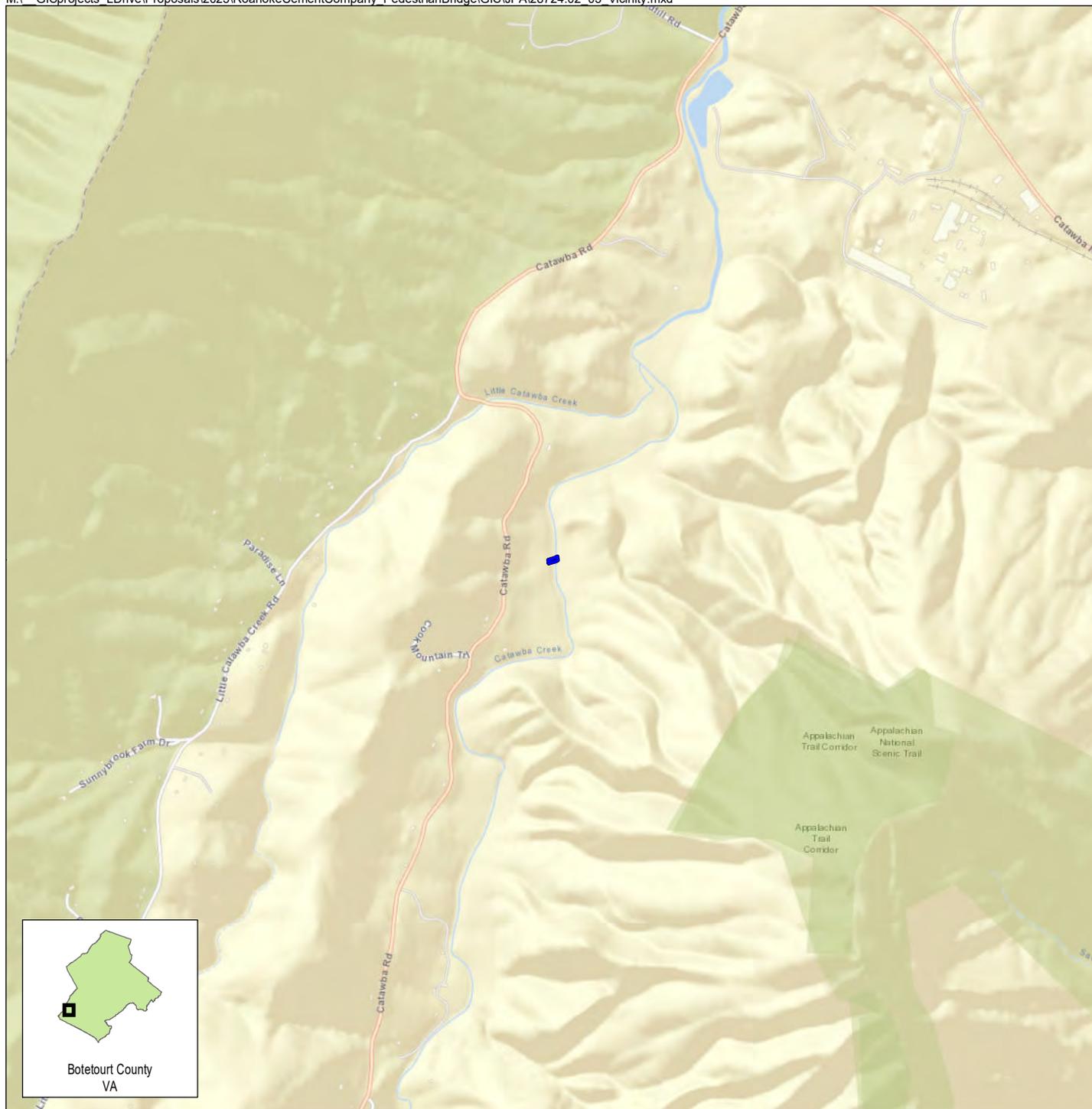


Source: Botetourt County Digital Data

Wetland Studies and Solutions, Inc.
 a **DAVEY** company

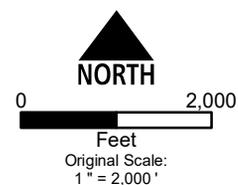
Additional Info/Revision Received by VMRC June 24, 2025 / Ira

Exhibit 1



 Site

Vicinity Map
Roanoke Cement Company - Pedestrian Bridge
WSSI #28724.02

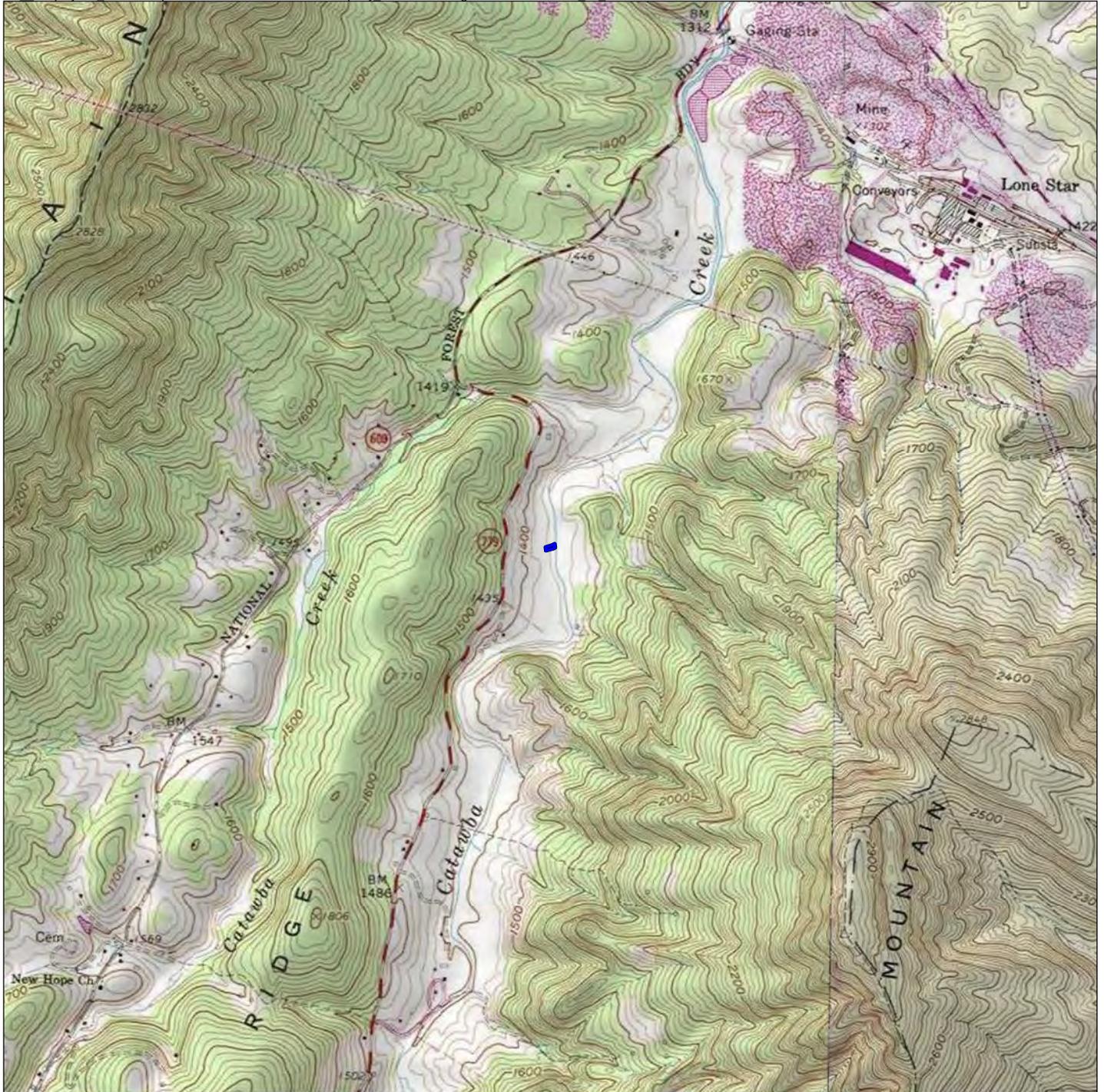


911 Address: 508 Little Catawba Creek Rd, Troutville, VA 24175
Source: World Street Map - ESRI

Wetland Studies and Solutions, Inc.
a **DAVEY** company

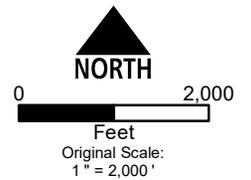
Exhibit 3

Additional Info/Revision Received by VMRC June 24, 2025 / Ira



 Site: ±0.2 acres

**USGS 7.5' Quadrangle Map
 Roanoke Cement Company - Pedestrian Bridge
 WSSI #28724.02**



Catawba, VA 1984
 Latitude: 37°26'56"N (37.44900°N)
 Longitude: 80°0'48"W (-80.0132°W)
 Hydrologic Unit Code (HUC): 020802011301
 HUC12 Name: Little Catawba Creek-Catawba Creek
 COE Region: Eastern Mountains and Piedmont

Wetland Studies and Solutions, Inc.
 a **DAVEY** company

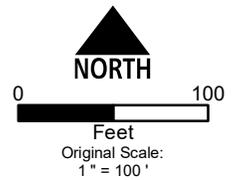
Additional Info/Revision Received by VMRC June 24, 2025 / Ira

Exhibit 4



 Site

**March 2025 Natural Color Imagery
Roanoke Cement Company - Pedestrian Bridge
WSSI #28724.02**

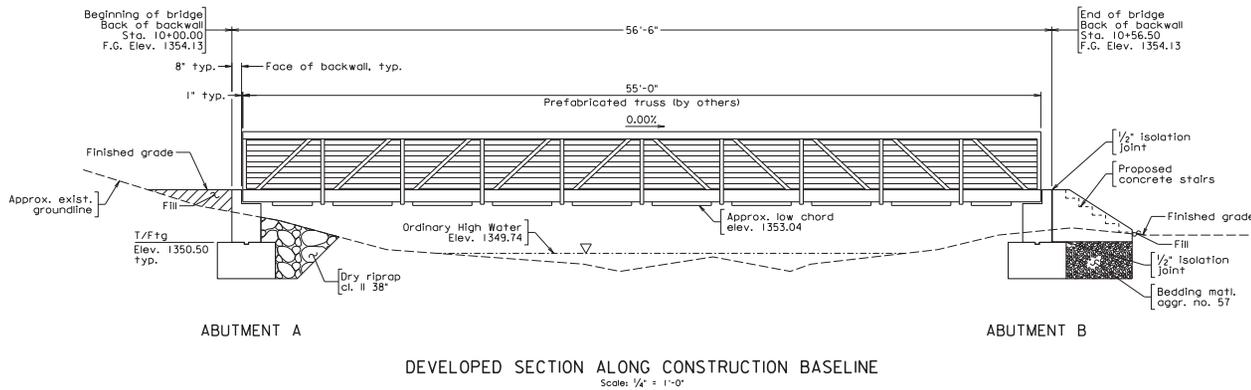
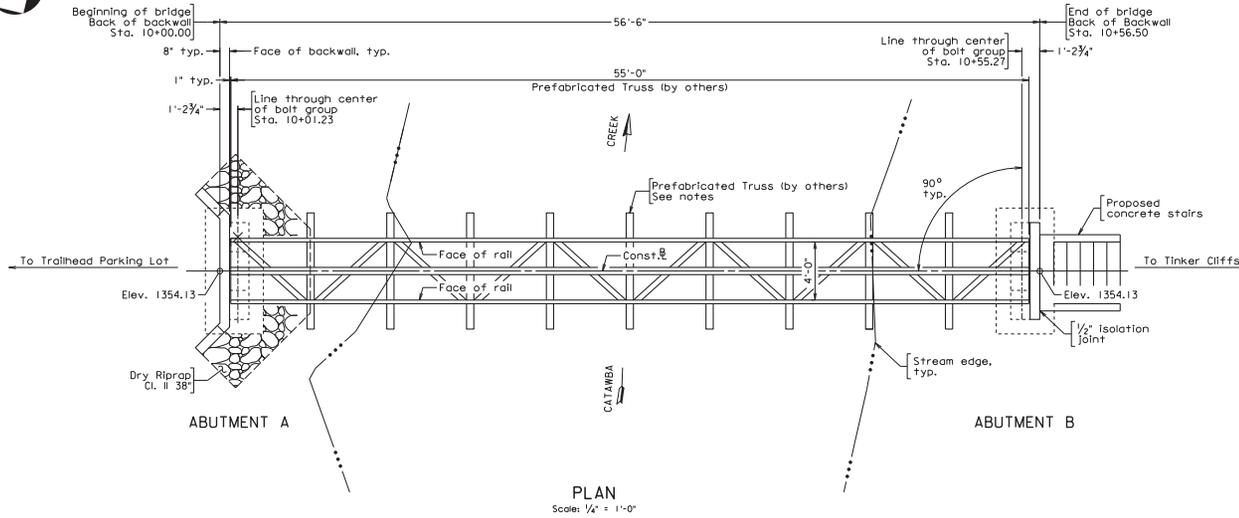


Source: Nearmap®

Wetland Studies and Solutions, Inc.
a **DAVEY** company

Additional Info/Revision Received by VMRC June 24, 2025 / Ira

Exhibit 5



GENERAL NOTES:

Width: 4'-0" face-to-face of railing
 Span layout: 55'-0" Prefabricated Truss
 Design Loading: 85 psf live load
 40 psf snow load
 35 psf wind load

Specifications:

Construction: Virginia Department of Transportation Road and Bridge Specifications, 2020.
 Design: AASHTO LRFD Bridge Design Specifications, 9th Edition, 2020; and VDOT Modifications.
 LRFD Guide Specifications for Design of Pedestrian Bridges, 2nd Edition, 2009; and VDOT modifications.

These plans are incomplete unless accompanied by the Supplemental Specifications and Special Provisions included in the contract documents.

This project is to be constructed in accordance with the Virginia Department of Transportation Work Area Protection Manual, August 2011 and latest revisions.

All structural steel, including bearings shall be ASTM A709 Grade 50W and shall be unpainted.

Concrete in superstructure shall be Class A3.

Permeability testing does not apply to this project.

All reinforcing steel shall be deformed and shall conform to ASTM A615, Grade 60 except for reinforcing steels noted as Corrosion Resistant Reinforcing (CRR) which shall conform to Section 233 of the Specifications. All reinforcing bar dimensions on the detailed drawings are to centers of bars except where otherwise noted and are subject to fabrication and construction tolerances.

Cost of 1" preformed joint filler and 1/2" Isolation joint filler shall be included in price bid for Concrete Class A3.

Footings for both abutments shall bear on competent bedrock. For bearing requirements, see the Spread Footing Data Table on Sheet B-2.

Prefabricated Pedestrian Bridge shall be fiber reinforced polymer truss manufactured by Arete Structures or approved equal. Lump sum bid price for Prefabricated Pedestrian Bridge shall include all labor, equipment, and materials to design, fabricate, transport, and erect the bridge at the site, including all incidental items related to providing an in-place bridge.

Prefabricated Pedestrian Bridge shall be designed and sealed by a Professional Engineer with a current Professional Engineering License in the Commonwealth of Virginia. See project special provisions and drawings herein for design requirements.

See bridge manufacturer's drawings for sizes and/or location of anchor bolts, sleeves, openings, or embedments in concrete or attachments to structural steel. Contractor shall coordinate and verify size and location of all anchor bolts, sleeves, openings, etc. All dimensions, including the dimensions of the bearing seats, shall be coordinated with the bridge manufacturer.

Contractor shall submit shop drawings and design calculations for the bridge to the Engineer for review and approval. Drawings shall include placing drawings, bearing details, and anchor bolt details. Design calculations shall confirm that all bridge members (chords and other members of the truss, floor beams, stringers, bridge deck, rails, and posts, etc.) are sufficient to adequately resist the loading required herein. All shop drawings and calculations shall be sealed and signed by a Professional Engineer with a current Professional Engineering License in the Commonwealth of Virginia.

The Contractor shall request in writing and highlight on the shop drawings any proposed changes in the materials, details, etc., indicated on the drawings or specifications. Any changes must be approved by the Engineer in writing.

Contractor to stake layout and verify bridge location with Owner and/or Engineer prior to construction.

Timber deck boards and fasteners are not included in the lump sum bid item for Prefabricated Pedestrian Bridge. Fasteners to connect timber deck boards to bridge shall be included in the bid item for timber deck boards.

All hardware shall be hot-dipped galvanized in accordance with Section 233 of the VDOT Road and Bridge Specifications, 2020 and Supplement.

B.M.:
 Iron Pin
 N 3692018.5180
 E 11043524.9860
 Elev. 1431.92



Date	
Revisions	

Issue Date	APRIL 4, 2025
Drawn By	RES
Designed By	RES
Checked By	LTJ
Date	04/02/2025

Matter & Craig
 ENGINEERS • SURVEYORS
 101 FIRST STREET, S.W.
 ROANOKE, VIRGINIA 24060
 FAX 540-945-7678

ROANOKE CEMENT PEDESTRIAN BRIDGE & PARKING AREA
PLAN, PROFILE, AND GENERAL NOTES
 BOTETOURT COUNTY, VA

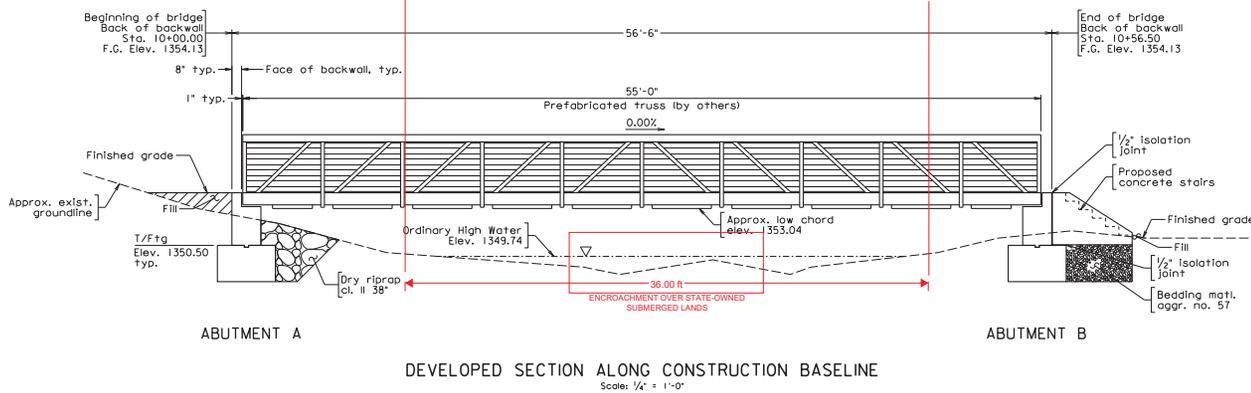
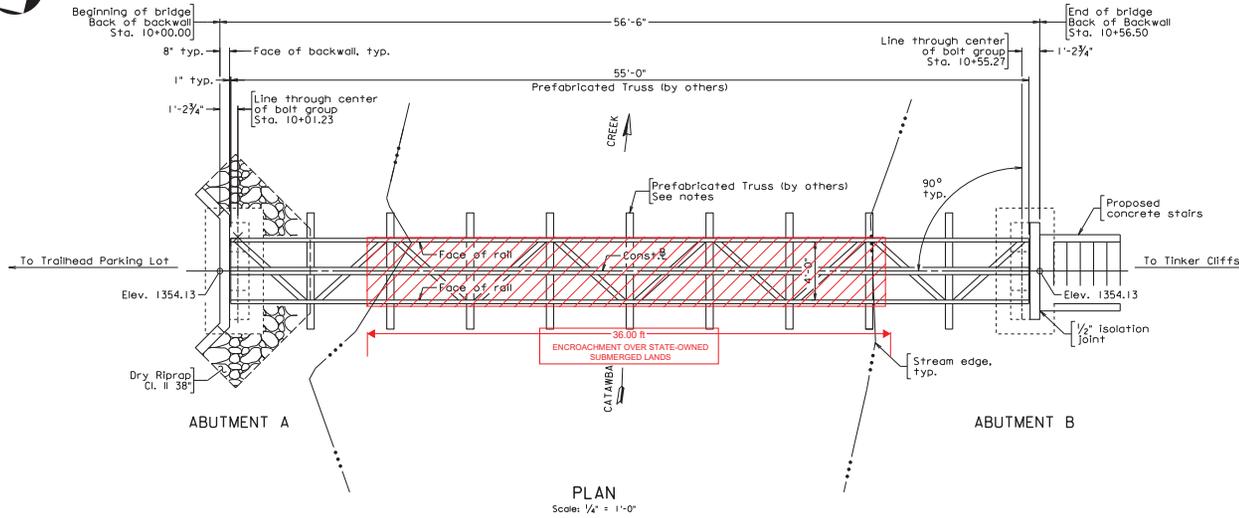
Vertical Scale: N/A

Horizontal Scale: AS NOTED

Commission Number: 4512

Sheet No.:

B-1



GENERAL NOTES:

Width: 4'-0" face-to-face of railing
Span layout: 55'-0" Prefabricated Truss
Design Loading: 85 psf live load
40 psf snow load
35 psf wind load

Specifications:
Construction: Virginia Department of Transportation Road and Bridge Specifications, 2020.
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B.M.: Iron Pin
N 36920 18.5180
E 11043524 9860
Elev. 1431.92



Date	
Revisions	

Issue Date	APRIL 4, 2025
Drawn By	KES
Designed By	KES
Checked By	LTJ
Date	04/02/2025

Matter & Craigt
ENGINEERS • SURVEYORS
101 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24060
TEL: 540-945-7678
FAX: 540-945-7678

ROANOKE CEMENT PEDESTRIAN BRIDGE & PARKING AREA
PLAN, PROFILE, AND GENERAL NOTES
BOTETOWN COUNTY, VA

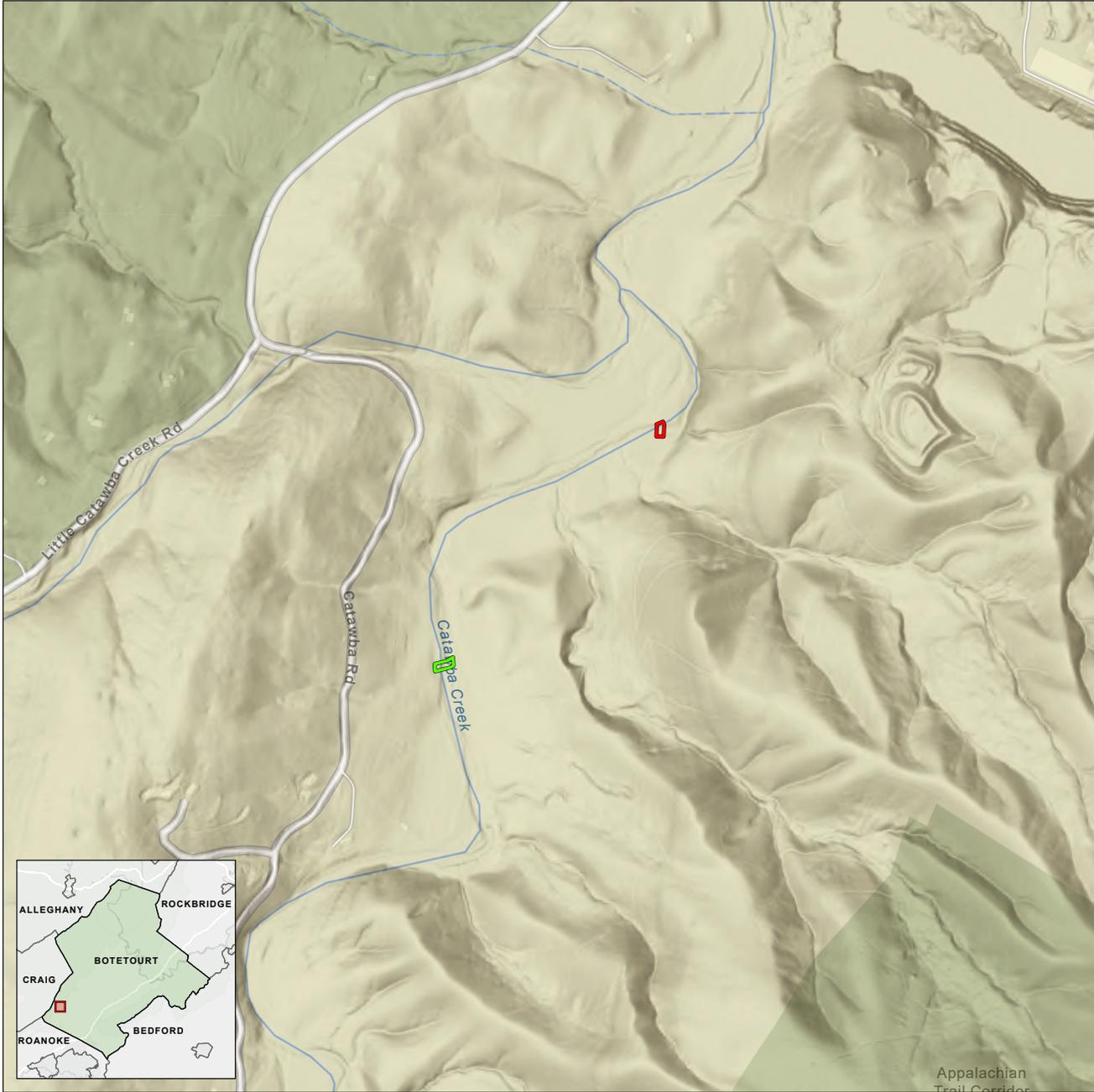
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Horizontal Scale: AS NOTED

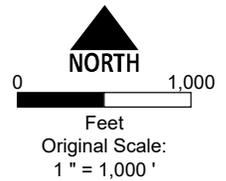
Commission Number: 4512

Sheet No.:

B-1



**Vicinity Map
Roanoke Cement Company
Pedestrian Bridge
WSSI #28724.02**



-  Existing pedestrian bridge location
-  Proposed pedestrian bridge location

911 Address: 508 Little Catawba Creek Rd, Troutville, VA 24175
Source: ESRI Base Maps

Wetland Studies and Solutions, Inc.
a **DAVEY** company

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251129

Print Date: Thursday January 22 2026 12:20

Number	Name	Received	Position
1	JOEPH BROWN	07/04/2025 12:39:52 PM	OPPOSE

THE PROJECT INFORMATION IS NOT REALLY CLEAR AS TO PURPOSE. WE DO NOT NEED ANOTHER STRUCTURE OVER OUR WATERWAYS. THESE WILL INEVITABLY LEAD TO AN ISSUE WITH DEBRIS BEING CAUGHT UNDER THE STRUCTURE LEADING TO CATASTROPHIC FLOODING OF SURROUNDING AREAS. IT ALSO WILL AFFECT PROPERTY OWNERS IN THE AREA AS TOO OFTEN TRESPASSING WILL OCCUR ON PRIVATE LANDS.

From: [Birge, Tiffany \(MRC\)](#)
To: dalevilledad@yahoo.com
Subject: Re: VMRC Habitat Public Comments Acknowledgement
Date: Friday, August 1, 2025 2:43:33 PM

Good afternoon,
VMRC staff will be onsite to view the project area on Thursday, August 7th. Please advise if you will be available and we will coordinate a meeting with you to better understand your concerns. If your concerns have been addressed, please advise.

Thanks,
Tiffany

Tiffany Birge
Environmental Specialist, Habitat Management

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

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

From: Birge, Tiffany (MRC)
Sent: Tuesday, July 8, 2025 3:27 PM
To: dalevilledad@yahoo.com <dalevilledad@yahoo.com>
Subject: FW: VMRC Habitat Public Comments Acknowledgement

Good afternoon,
We have received your below notice of opposition to the referenced project requesting a permit from VMRC to cross a 36 linear foot section of Catawba Creek with a clear-span pedestrian bridge. Per the submitted application materials, *“the purpose of this bridge is to accommodate the Andy Layne Trail relocation plan to support future recreational use by the public... [and is] driven by an expansion of the adjacent Roanoke Cement Company Quarry...”*

At this stage, we are interested in learning more about your position and want to better understand any concerns you may have relative to this project. If amenable, please feel free to call me at the number in my signature below at a time that is convenient to you. I am available Monday through Thursday from 8 am – 5 pm and Friday from 8 am – 2:30 pm. Please be advised, any unresolved protests will be addressed in front of the full Commission at one of our future monthly meetings. We look forward to speaking with you.

Respectfully,
Tiffany Birge
Environmental Specialist II, Habitat Management

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

From: VMRC <DoNotReply@mrc.virginia.gov>
Sent: Friday, July 4, 2025 12:40 PM
To: dalevilledad@yahoo.com
Subject: VMRC Habitat Public Comments Acknowledgement

VMRC Habitat Public Comments Acknowledgement

Re: Application Number: 20251129
Applicant: Roanoke Cement Company, LLC
Project Description: Pedestrian Bridge Andy Layne Trail
Locality: Botetourt
Waterway: James River

Dear JOEPH BROWN,
This will acknowledge receipt of your comments for Habitat Permit Application 20251129, which have been incorporated into the public record. You may view them and the collective public comments received to date at [Habitat Management Permits and Applications](#). If the Habitat Management Division determines that this application request will require a subaqueous permit, and the objections cannot be resolved, a public hearing will be scheduled before the full Commission to weigh all of the evidence and make a determination. You will be informed of the date of such a hearing in the event you may wish to attend. If the application request will not require a subaqueous permit, you will receive agency correspondence explaining the administrative decision.

The following is a summary of your submission:

Name: JOEPH BROWN

Email: dalevilledad@yahoo.com

Application Number: 20251129

Support: OPPOSE

Comments: THE PROJECT INFORMATION IS NOT REALLY CLEAR AS TO PURPOSE. WE DO NOT NEED ANOTHER STRUCTURE OVER OUR WATERWAYS. THESE WILL INEVITABLY LEAD TO AN ISSUE WITH DEBRIS BEING CAUGHT UNDER THE STRUCTURE LEADING TO CATASTROPHIC FLOODING OF SURROUNDING AREAS. IT ALSO WILL AFFECT PROPERTY OWNERS IN THE AREA AS TOO OFTEN TRESPASSING WILL OCCUR ON PRIVATE LANDS.

Includes Documents or Photos: N

If you need assistance, please call the VMRC at (757) 247-2200, Option 8. Please keep this email for your records.

Please do not reply to this email message. Replies to this email will not be responded to or read.

Perry, Michele (MRC)

From: McCrady Patrick <pmccrady@titanamerica.com>
Sent: Wednesday, July 23, 2025 12:33 PM
To: dalevilledad@yahoo.com; Breakell James; Bayne Chris
Subject: VMRC Comment - Permit # 2025-1129

Mr. Brown,

The V.M.R.C. received a public comment from you related to a recent public notice that Roanoke Cement published regarding our application for a new pedestrian footbridge. It is our understanding that they have reached out to you as well, but could not provide any contact information beyond this email address.

You noted that the public notice did not include a clear purpose, or explanation for the need of the proposed structure. This new pedestrian bridge is part of project being done in conjunction with the Roanoke Appalachian Trail Conservancy, with their full support and input on the design.

I believe from your email that you are located near the site so we are offering to discuss this with you in person, or over the phone, at you earliest convenience. Please let me know if you have any specific questions, or would like to discuss this further with our team.

PUBLIC NOTICE

Notice is hereby given that Roanoke Cement Company, LLC (VMRC #2025-1129) is requesting a permit from the Virginia Marine Resources Commission to construct a new 55-foot by 4-foot clear-span pedestrian footbridge placed a minimum of three (3) feet above Catawba Creek situated north of Interstate-81 and east of Catawba Road as part of the Roanoke Cement Company - Pedestrian Bridge project in Botetourt County.

You may provide comments on this application (VMRC #2025-1129) at <https://webapps.mrc.virginia.gov/public/habitat/comments/> We will accept comments by the USPS provided they are received within 15 days of this notice to: Marine Resources Commission, Habitat Management Division, 380 Fenwick Road, Bldg. 96, Hampton, VA 23651.

Patrick McCrady, PE SME-R
Director of Corporate Mining Services

Titan America LLC – Roanoke Cement Company
O: 540-512-7680 | C: 540-446-4611

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: VMRC #2025-1129, RCC Pedestrian Bridge - Additional Information Request
Date: Monday, January 5, 2026 1:51:29 PM
Attachments: [RATC letter of support.pdf](#)

Please process the email and attachment as revision for 25-1129, Roanoke Cement Co.
Thanks!

Tiffany Birge
Environmental Specialist II, Habitat Management

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

Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission) and to your local wetlands board. To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>

If you have questions regarding this permanent change, contact Barry Spence at barry.l.spence@usace.army.mil.

From: Katherine Chambers <kchambers@wetlands.com>
Sent: Monday, January 5, 2026 11:26 AM
To: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Cc: Boyd, Teresa (MRC) <Teresa.Boyd@mrc.virginia.gov>; Robbie Clark <RClark@wetlands.com>; hcahill@lapisglobalconsulting.com; pmccrady@titanamerica.com; miwright@titanamerica.com
Subject: RE: VMRC #2025-1129, RCC Pedestrian Bridge - Additional Information Request

Good morning Tiffany,

I have attached a re-scan of the letter of support. The bridge will be maintained by RCC for maintenance/repairs. Additionally, there is an existing easement for the trail/bridge. Please give me a call with any additional questions or concerns.

All the best,

Katherine Chambers
Project Regulatory Specialist

Wetland Studies and Solutions, Inc., a Davey company
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155
O: 703.679.5600 **D:** 703.679.5694 **M:** 571.459.0448
Email: kchambers@wetlands.com



APPALACHIAN TRAIL
CONSERVANCY®

August 7, 2024

Dear Ms. Heston:

I am writing on behalf of the Appalachian Trail Conservancy (ATC), a nonprofit organization whose mission is to protect, manage, and advocate for the Appalachian National Scenic Trail (A.T.). We support Roanoke Cement Company's continued operations and their proposed plan to relocate a quarry on their existing property.

Our organization holds an easement across the Roanoke Cement Company's property for public access to the A.T. via the Andy Layne Trail. Routine maintenance of the Andy Layne Trail and the A.T. in our area is performed by local volunteer members of the Roanoke Appalachian Trail Club (RATC). Our organization, RATC, and RCC have a collaborative relationship focused on environmental stewardship, community engagement, and conservation efforts along the Appalachian Trail and the Andy Layne Trail.

Over the years, RCC has supported both ATC and RATC's efforts through financial contributions, volunteer efforts, and providing materials or resources that aid in trail maintenance.

RCC supports environmental stewardship in many ways, such as hosting educational field trips for our region's young people on the various ecosystems on their property, planting a 40-acre riparian buffer along Catawba Creek, and revitalizing previous quarries, among others. They proactively sought our input and have worked closely with us on plans to minimize the impact of proposed mining activities on the hiking public, and preserve A.T. access.

It is my hope you will join us in supporting Roanoke Cement in their efforts to continue to better the lives of our community and environment.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Herndon-Powell". The signature is written in a cursive style with a large initial 'K'.

Kathryn Herndon-Powell
Regional Manager, Central Virginia
Appalachian Trail Conservancy

From: [Crist, Shawn \(DEQ\)](#)
To: pmccrady@titanamerica.com
Cc: [Clark, Robbie \(rclark@wetlands.com\)](mailto:rclark@wetlands.com); [Serafin, Jennifer M CIV USARMY CENAO \(USA\)](#)
(jennifer.m.serafin@usace.army.mil); [MRC - jpa Permits](#)
Subject: NPR for JPA No. 25-1129, Pedestrian Bridge Andy Layne Trail, Botetourt County, Virginia
Date: Thursday, May 22, 2025 10:45:56 AM
Attachments: [2025-5-22_JPA25-1129 NPR Letter.pdf](#)

Please find attached the NPR for your project. If you have any questions, just let me know.



Shawn Crist

VWP Project Manager

[Virginia Department of Environmental Quality](#)

Blue Ridge Regional Office

901 Russell Drive

Salem, Virginia 24153

(434) 316-4031



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

May 22, 2025

SENT VIA E-MAIL: pmccrady@titanamerica.com

Re: Notification that a Virginia Water Protection (VWP) Permit/Coverage is Not Required
JPA No. 25-1129, Pedestrian Bridge Andy Layne Trail, Botetourt County, Virginia

The Virginia Department of Environmental Quality (DEQ) has received your JPA on May 21, 2025. Provided that the size or scope of the project does not change, the project will not require issuance of a VWP individual permit or VWP general permit coverage per the selected checkboxes below.

If unauthorized impacts occur, you **must** contact DEQ at shawn.crist@deq.virginia.gov or 540-562-6700 (BRRO) within 24 hours of discovery. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at 540-562-6700 (BRRO) If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons and that reaches, or that is expected to reach, land only is not reportable, if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up.

It is the applicant's responsibility to obtain any required approvals, authorizations, or permits from other government agencies or programs for the proposed activities. Note that 23-SPGP-PASDO Category C projects may require coordination with VDEQ's Office of Environmental Impact Review for an individual [Coastal Zone Management Act \(CZMA\) federal consistency](#) determination. Questions regarding federal consistency with Virginia's Coastal Zone Management Program should be directed to Bettina Rayfield at (804) 659-1915 or bettina.rayfield@deq.virginia.gov.

A. Virginia Water Protection Permit Program regulations or State Water Control Law:

- 1. The project is not proposing impacts to surface waters.
- 2. The project qualifies for an exclusion from the permitting requirements per 9VAC25-210-60 and/or the provisions noted:
 - 2.a. Discharges of dredged or fill material into state waters, *except wetlands* [emphasis added], which are addressed under a U.S. Army Corps of Engineers (USACE) Regional, General or Nationwide Permit, and for which no [individual] § 401 Water Quality Certificate[Certification] is required.

February 2025

Received by VMRC May 22, 2025 map

- 2.b. Any stormwater discharge from municipal separate storm sewer systems or land disturbing activities authorized by 9VAC25-870, or discharges authorized by a Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9VAC25-31 or a Virginia Pollution Abatement (VPA) permit in accordance with 9VAC25-32.
- 2.c. Any activity in a wetland governed under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, unless state certification is required by § 401 of the Clean Water Act. Even where such certification is required due to a pending USACE permit action, such certification is waived if the activity meets the provisions of subdivision 10.a of 9VAC25-210-60 - see below. (§ 62.1-44.15:21.G; 9VAC25-210-220.C)

[As referenced: (9VAC25-210-60.10.a) Construction or maintenance of farm ponds or impoundments, stock ponds or impoundments, or irrigation ditches that are operated for normal agricultural or silvicultural purposes, and are less than 25 feet in height or create a maximum impoundment capacity smaller than 100 acre-feet.]

- 2.d. Normal residential gardening and lawn and landscape maintenance in a wetland. (§ 62.1-44.15:21.G)
- 2.e. Maintenance of currently serviceable structures.
- 2.f. Impacts to open waters that do not have a detrimental effect on public health, animal life, or aquatic life or to the designated uses of such waters.
- 2.g. Flooding or back-flooding impacts to surface waters resulting from the construction of temporary sedimentation basins on a construction site.
- 2.h. Normal agriculture and silviculture activities in a wetland. (§ 62.1-44.15:21.G)
- 2.i. Construction or maintenance of farm ponds or impoundments, stock ponds or impoundments, or irrigation ditches, or the maintenance (but not construction) of drainage ditches, provided that: (i) no surface water withdrawal is proposed; (ii) the final dimensions of the maintained ditch do not exceed the average dimensions of the original ditch; and, (iii) the farm or stock pond or impoundment does not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§ 10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities. (§ 62.1-44.15:21.H)
- 2.j. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment.
- 2.k. Wetland and open water impacts to a stormwater management facility that was created on dry land for the purpose of conveying, treating, or storing stormwater. (§ 62.1-44.15:21.I)
- 3. The activities cause impacts to an isolated wetland of minimal ecological value as defined in 9VAC25-210-10 (§ 62.1-44.15:21.D; 9VAC25-210-220.A).

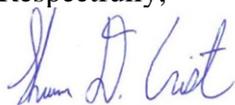
4. The activity does not impact instream flows; the activity qualifies for a permit issued by the USACE; and the project proponent receives a permit from the Virginia Marine Resources Commission or wetlands boards, pursuant to Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia (9VAC25-210-220.B).

B. Section 401:

1. This letter confirms a waiver of § 401 Water Quality Certification for purposes of federal permits. No public notice is required by 9VAC25-210 *et seq.*

Please contact DEQ at shawn.crist@deq.virginia.gov or 540-562-6700 (BRRO) if you have any questions.

Respectfully,



Shawn Crist, VWP Project Manager
Virginia Department of Environmental Quality
434-316-4031
shawn.crist@deq.virginia.gov
Blue Ridge Regional Office
901 Russell Drive
Salem, Virginia 24153
540-562-6700

cc: Robbie Clark, WSSI (via e-mail rclark@wetlands.com)
Jennifer Serafin, U.S. Army Corps of Engineers via e-mail (Jennifer.M.Serafin@usace.army.mil)
Beth Howell, Virginia Marine Resources Commission, Building 96, 380 Fenwick Road, Ft. Monroe, VA 23651, or jpa.permits@mrc.Virginia.gov

From: [Birge, Tiffany \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: 20251129 in Botetourt, Applicant: Roanoke Cement Company, LLC
Date: Friday, December 5, 2025 9:04:23 AM
Attachments: [image002.png](#)

Please process the email as County comment for the above-referenced application.
Thanks!

Tiffany Birge
Environmental Specialist II, Habitat Management

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

Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission) and to your local wetlands board. To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>

If you have questions regarding this permanent change, contact Kimberly Prisco-Baggett at 757-647-3282 or Kimberly.A.Prisco-Baggett@usace.army.mil

From: Pendleton, Nicole <npendleton@BOTETOURTVA.GOV>
Sent: Friday, December 5, 2025 8:07 AM
To: Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Subject: Re: JPA: 20251129 in Botetourt, Applicant: Roanoke Cement Company, LLC

Good morning Tiffany,

We have approved the site plan and associated floodplain requirements for the bridge. Thank you, and please let me know if you would need anything additional from us.

Thanks!
Nicole



Nicole Pendleton, AICP, CZA, CFM | Director

Community Development
57 S. Center Drive | Daleville, VA 24083
P: 540.928.2080 | F: 540.473.2018
E: npendleton@botetourtva.gov
[Book time to meet with me](#)

TERESA JEPSON
VMRC #25-1712

1. Habitat Management Evaluation dated January 27, 2026.
(Page 1)
2. Project drawings dated July 29, 2025.
(Pages 2 - 6)
3. Letter of protest from Ms. Judy Fifer August 15, 2025.
(Page 7 - 8)

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

HABITAT MANAGEMENT DIVISION
EVALUATION

TERESA JEPSON, VMRC #25-1712, requests authorization to construct a 16-foot by 18-foot open-sided gazebo on a statutorily authorized private pier along the Barn Creek shoreline at 1012 Gum Thicket Road in Mathews County. The project is protested by an adjacent property owner.

Narrative

The project is located on the south side of Gwynn's Island, along Barn Creek just north of its confluence with Milford Haven in Mathews County. There are multiple private piers and roofed structures along the creek within site of the Jepson property.

January 27, 2026

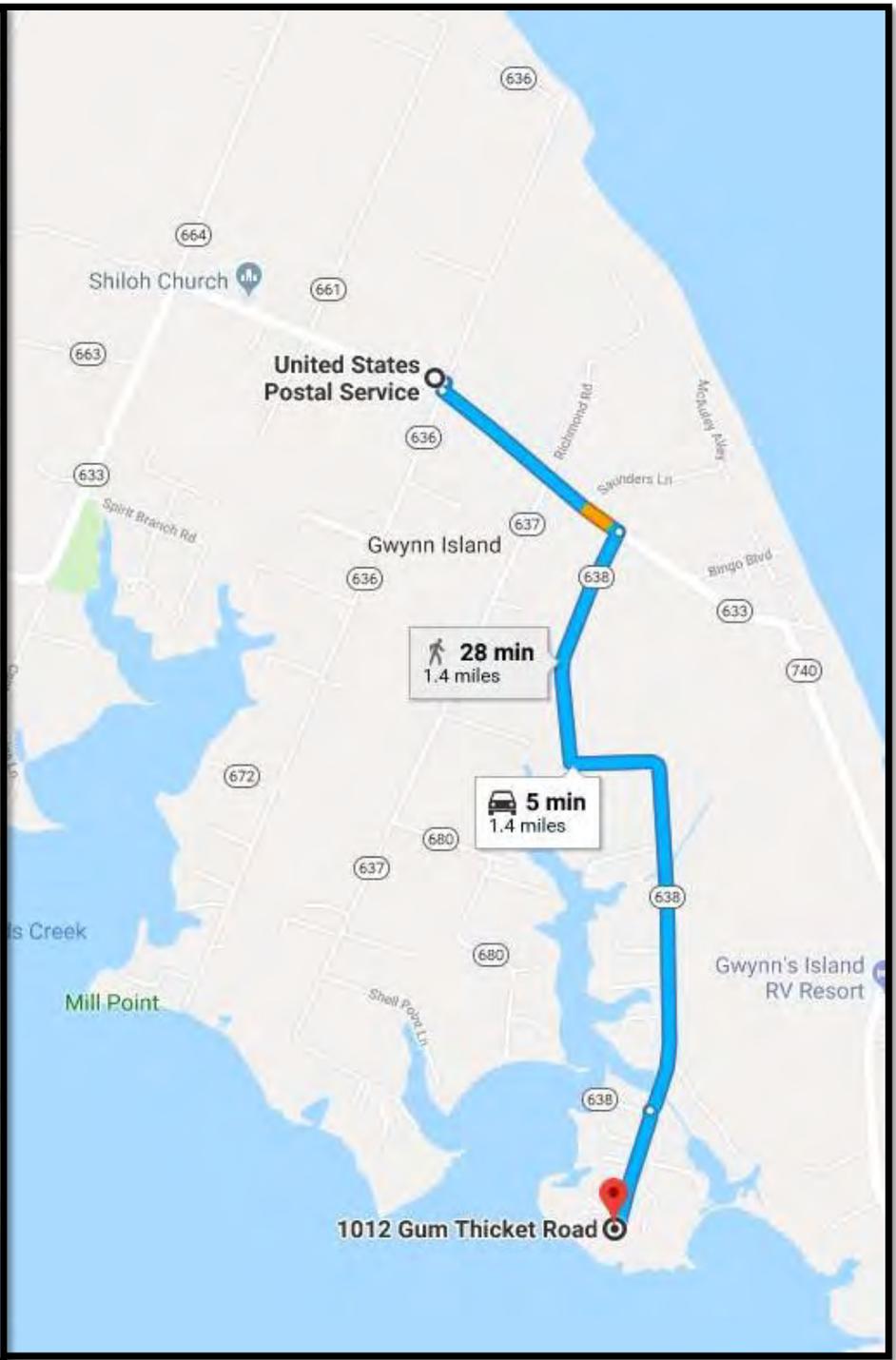
The applicants, Teresa P. and Robert S. Jepson, III have requested authorization to remove an existing pier and replace it with a 198-foot long private, open pile pier that will extend 184 feet channelward of mean low water and to construct an 11-foot by 14-foot L-head with a 16-foot by 18-foot open-sided roof (gazebo), an uncovered boat lift and three (3) free-standing mooring piles. The replacement pier will encroach onto a private shellfish lease assigned to Michael Callis - Lease #10981. According to the Shellfish Management Division, there has been no reported harvest on the lease in recent years. As such, the pier, uncovered lift and mooring piles qualify for the statutory authorization provided for in [§ 28.2-1203A5](#) of the Code of Virginia.

Issues

Ms. Judy Fifer, the adjacent property owner to the north, has submitted comments outlining her concerns for the proposed roof over the L-head. Ms. Fifer advises that she has no objection to the replacement of the pier and uncovered lift, but objects to the proposed roof. She states that it will obstruct her view and adds that it will impact wildlife, particularly osprey who often nest on roofed structures.

Summary/Recommendation

Staff understands the protestant's concerns regarding her viewshed and enjoyment of Barns Creek, however, we believe the open-sided design of the roof structure only minimally adds to the visual obstruction already presented by the Jepson's statutorily authorized private pier and boat lift. Had the proposed roof structure not been protested, it too would also have been statutorily authorized under the aforementioned code section since it is under 400 square feet in size and open-sided. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project and after considering all the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.

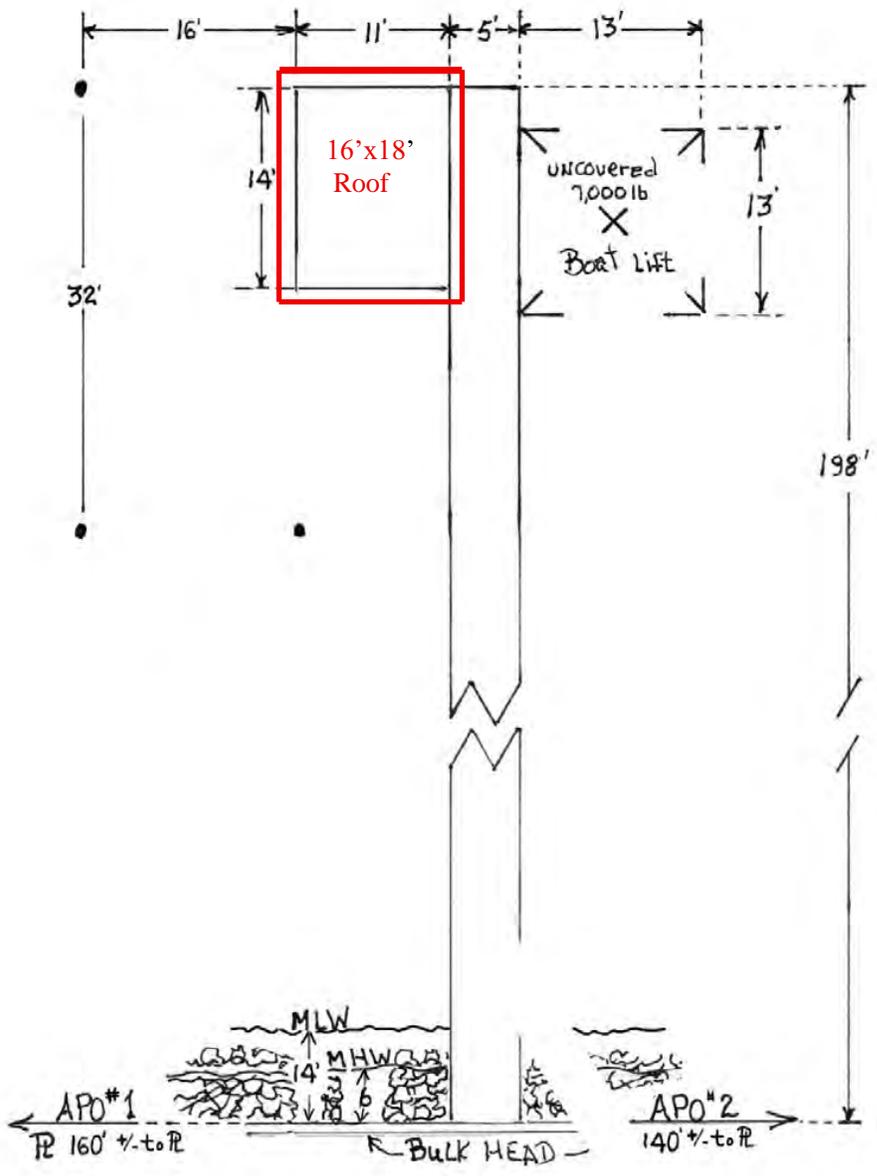


From Gwynn US Post Office go southeast on Route 633 / Old Ferry Road. Turn right onto Route 638 / Gum Thicket Road. Go 1.1 miles to driveway of 1012 Gum Thicket Road on the right. Site is to the left and behind house.

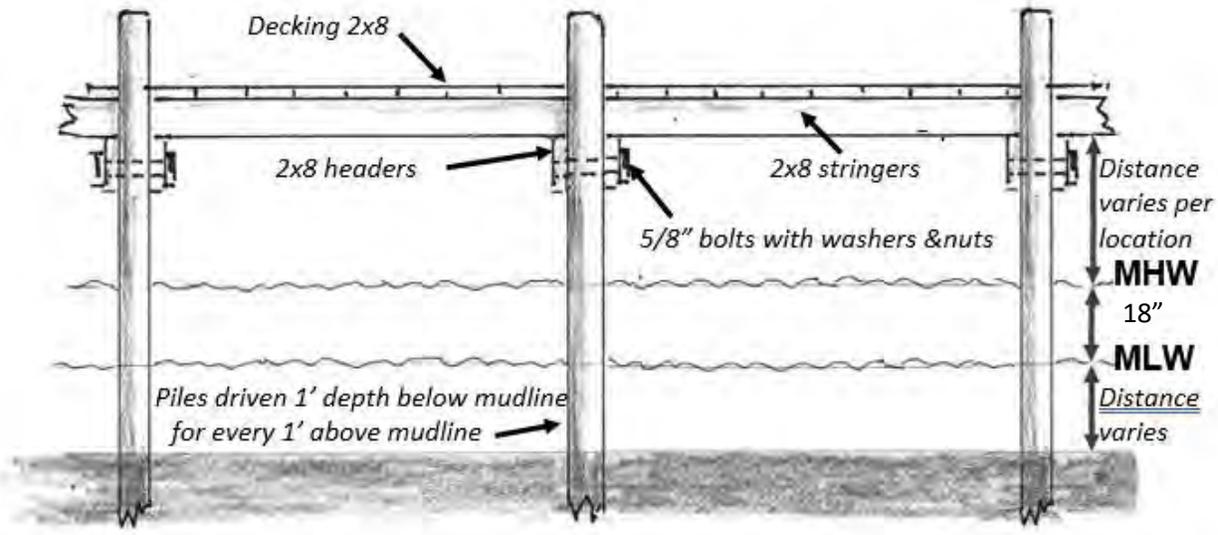
Adjacent Property Owners: 1. Collier 2. Fifer	<p style="text-align: center;">Vicinity Map <i>Not to Scale</i> Tax Map #11A6 (11) 2 1012 Gum Thicket Road</p>	<p style="text-align: center;">Proposed Replacement Pier In Mathews County On Barn Creek Applicant: Teresa P. & Robert S. Jepson III Sheet <u>5</u> of <u>5</u> Date <u>7/26/25</u></p>
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← Ebb Flood →

Barn Creek



Adjacent Property Owners: 1. Collier 2. Fifer	Plan View <i>Not to Scale</i> Tax Map #11A6 (11) 2 1012 Gum Thicket Road	Proposed Replacement Pier In Mathews County On Barn Creek Applicant: Teresa P. & Robert S. Jepson III Sheet <u>1</u> of <u>5</u> Date <u>7/26/25</u>
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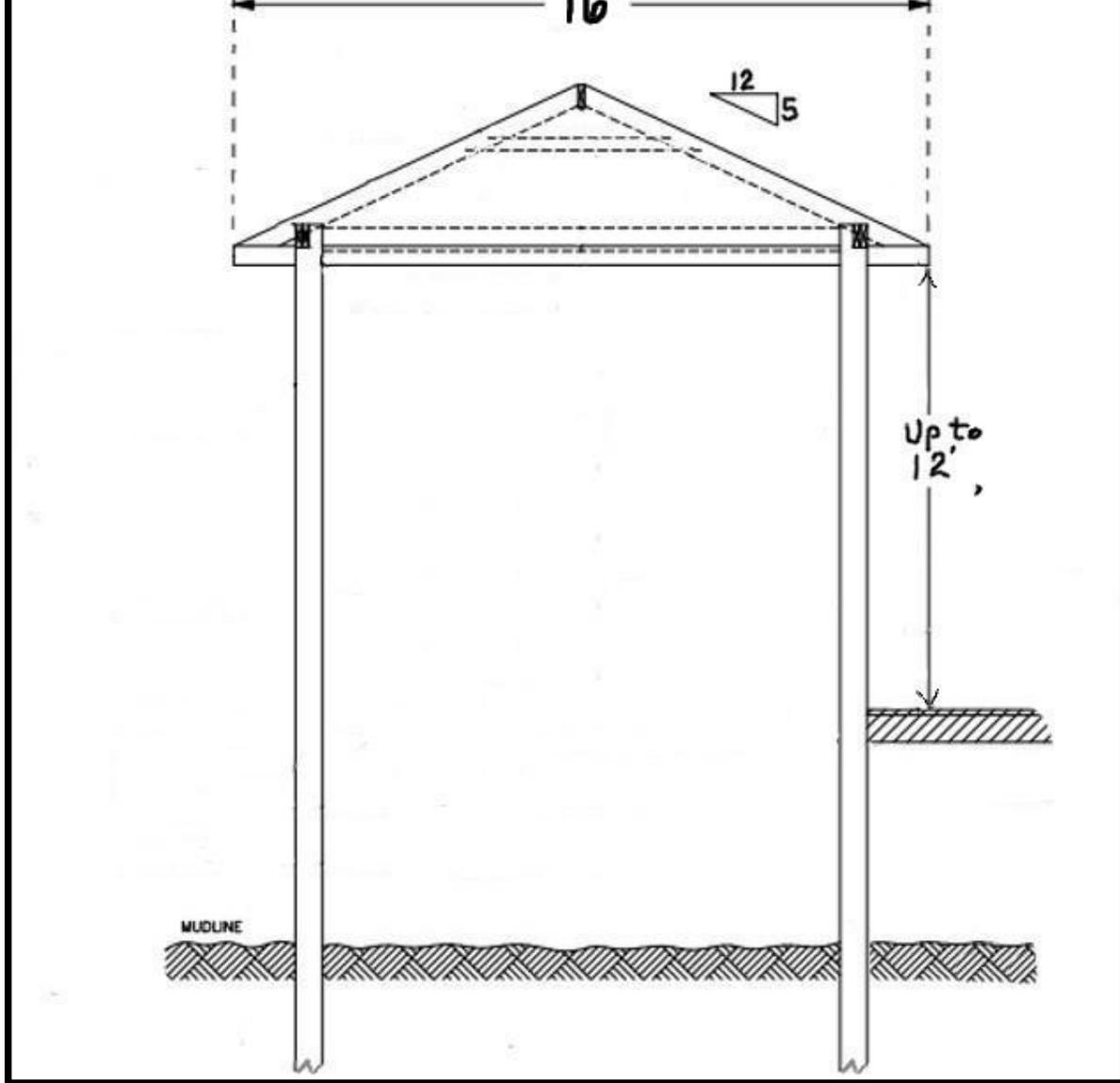


Total Pier Length 198'; channelward of MHW 192' (landward 6'); channelward of MLW 184' (landward 14')

NOTES:

- Average **tide range** at this site is **18"**. **MLW depth at channelward end of the pier is 7'**.
- Shortest distance from **MHW at this site across Barn Creek to MHW on opposite shore is about 760'**. (See aerial p 4 of 5 drawings.) Distance from **MHW to center of channel is approximately 445'** at project location. (See aerial p 4 of 5 drawings.)
- There is an **oyster ground lease** in the area of the proposed pier. The lease holder will be notified. (See aerial p 4 of 5 drawings.)
- There will be no impact to vegetated wetlands.
- Height of decking above MHW is generally 30", to be determined specifically by contractor and site conditions.
- All piles will be salt treated with a minimum retention of 2.5 lbs per cubic foot, 6"-10" butt end diameter, and will be driven not less than 50% penetration below the sand/mudline. Distance between pilings will be 8' unless otherwise determined by contractor and site conditions. Height of piles above decking to be determined by contractor and applicant.
- Total number of wooden, salt-treated **pilings 6"-8" diameter** installed channelward of MHW by vibratory method will be **60**.
- All framing lumber will be salt treated with a minimum retention of 0.80 lbs. per cubic foot.
- All hardware and fasteners will be hot dipped galvanized.
- Total number of pilings to be removed by thumb and bucket from a work barge will be approximately **30**.
- Salty Permits, LLC is submitting this application with the explicit approval of the property owner. Salty Permits, LLC shall not be held liable for any errors or negligence on the part of another party nor for any infringement upon neighboring riparian rights or oyster lease rights.

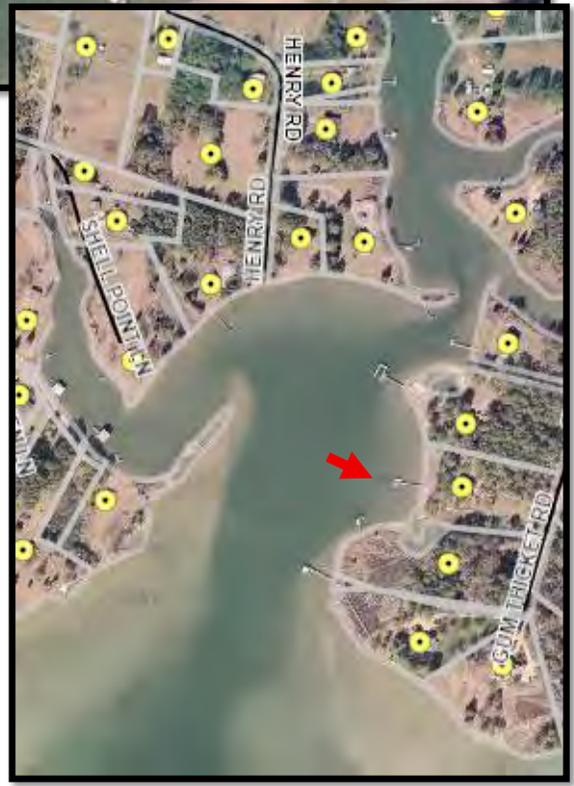
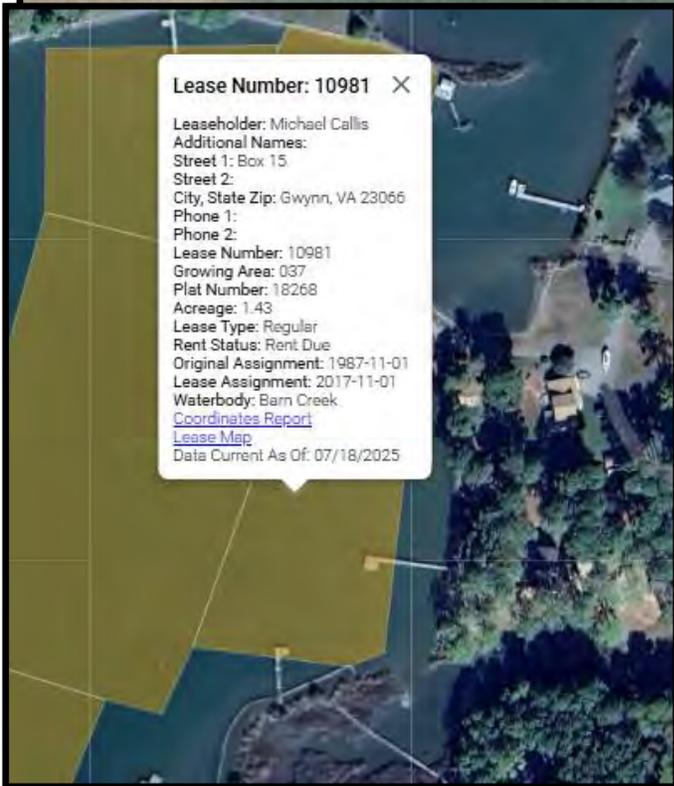
Adjacent Property Owners: 1. Collier 2. Fifer	Cross Sectional <i>Not to Scale</i> Tax Map #11A6 (11) 2 1012 Gum Thicket Road	Proposed Replacement Pier In Mathews County On Barn Creek Applicant: Teresa P. & Robert S. Jepson III Sheet <u> 2 </u> of <u> 5 </u> Date <u> 7/26/25 </u>
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Metal Roof over Deck and Pier

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. Collier 2. Fifer 	<p>Cross Sectional <i>Not to Scale</i> Tax Map #11A6 (11) 2 1012 Gum Thicket Road</p>	<p>Proposed Replacement Pier In Mathews County On Barn Creek Applicant: Teresa P. & Robert S. Jepson III Sheet <u>3</u> of <u>5</u> Date <u>7/26/25</u></p>
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▼ Distance across and to the channel of Barn Creek and new length of pier ▼



Adjacent Property Owners: 1. Collier 2. Fifer	Aerials Tax Map #11A6 (11) 2 1012 Gum Thicket Road	Proposed Replacement Pier In Mathews County On Barn Creek Applicant: Teresa P. & Robert S. Jepson III Sheet <u>4</u> of <u>5</u> Date <u>7/26/25</u>
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From: [Johnson, Mike \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: Objection | Replacement Pier in Mathews County on Barn Creek
Date: Friday, August 15, 2025 9:15:12 AM

25-1712 Jepson

J. Michael Johnson
Lead Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
Office Phone #757-247-2255

From: Judy Fifer <judyhfifer@gmail.com>
Sent: Wednesday, August 13, 2025 2:30 PM
To: Johnson, Mike (MRC) <mike.johnson@mrc.virginia.gov>
Cc: sherry@saltypermits.com
Subject: Objection | Replacement Pier in Mathews County on Barn Creek

Mr. Johnson,

I received an adjacent property owner's acknowledgment form for a proposed pier project located at 1012 Gum Thicket Road – Tax Map # 11A6 (11) 2 in Mathews County on Barn Creek.

I partially object to the project and will be submitting a written detailed response to VMRC for review and consideration in addition to mailing the form back to Sherry Ashe with Salty Permits LLC.

Thank you,
Judy Fifer,
Property Owner of 942 Gum Thicket Road

25-1712

Judy H. Fifer
1237 Waltons Store Rd.
Louisa, VA 23093

August 18, 2025

Virginia Marine Resources Commission
Attn: J. Michael Johnson
380 Fenwick Rd., Bldg. 96
Fort Monroe, VA 23651

Subject: Partial Objection to Proposed Pier Project – Tax Map # 11A6 (11) 2

Dear Mr. Johnson,

I am writing to formally submit a **partial objection** to the proposed pier rebuild project located at 1012 Gum Thicket Road – Tax Map # 11A6 (11) 2 in Mathews County on Barn Creek, adjacent to 942 Gum Thicket Road.

I fully understand the importance of maintaining functional waterfront structures and have no objection to rebuilding the pier or installing a boat lift. However, I have serious concerns about the proposed covered L-head structure, which would significantly obstruct my view of the water — a feature that has been a cherished part of my family's property since 1978. The unobstructed waterfront view is a central element of the property's value, character, and enjoyment.

Another concern is the impact on local wildlife, particularly osprey. These birds are known to build nests on tall or extended man-made structures over the water. The addition of a covered structure could create an ideal nesting platform, which in turn might disturb the natural use of the creek for boating and fishing, introduce additional human-wildlife conflicts, and require future intervention that could be stressful to the birds and the ecosystem.

Barn Creek is a place of natural beauty, and its health depends on keeping the shoreline and water views as open and undisturbed as possible. By allowing the pier and boat lift to be rebuilt but eliminating the covered L-head structure, the Commission could preserve both the scenic and environmental value of the area while still meeting the property owner's functional needs.

239 WALTHAM STW & RD.
OMISA, VA 23093

RECHNOID VA RPDC 230

5 SEP 2025 PM 3 L



VMRC
Attn: J. Michael Johnson
380 Fenwick Rd. Bldg 9B
Fort Monroe, VA 23061

23551-1064810



SHELLFISH MANAGEMENT DIVISION EVALUATION

Joshua H. Webb

Oyster Planting Ground Application #2021-068

Requests authorization to lease approximately 12 acres of oyster planting ground within the North Inlet in Accomack County

NARRATIVE

Staff received an Oyster Planting Ground Application from Mr. Joshua H. Webb on October 29, 2021. 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 3 public comments. Public opposition centers on concerns that any access to the proposed area will traverse over the protestants leased grounds and may damage seed beds that are used and seeded regularly. Additionally, the protestants state that the bottom is soft mud and not suitable for shellfish use.

The applicant has submitted all required fees, including those for the application (\$500), public notice (~\$250), and surveying (\$771.30). The surrounding area has existing oyster planting ground leases including adjacent leases 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 May 28, 2025, indicating that this area would be assigned based on the public comments unless the protestors appealed this decision, which resulted in 2 protestors appealing the 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



COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

RECEIVED

OCT 29 2021

MARINE RESOURCES COMMISSION

APPLICATION FOR OYSTER PLANTING GROUND

(Revised 8-22-2019)

Name(s): J. Hunter Webb
(Complete pages 1 and 2 of application) (Please Print) (All Applicants must be Virginia residents or eligible business entities, See Code 28.2-604)

Responsible Applicant: J. Hunter Webb Birthdate: 04/19/1991
(if multiple applicants)

911 Address: 9605 Rogers Drive, Nassanadox VA 23413
Number Street City State Zip Code

Mailing Address: 23413 661 Nassanadox VA
Zip Code Number Street P.O. Box # City State

E-mail Address: hunterwebb13@gmail.com Telephone: 757-710-2626
Work/Cell Home

Contact Person (if other than applicant): _____ C/O or agent OR if signing as: POA Corporate Officer
(Check only one above)

Mailing Address for contact person: _____
Street or P.O. Box City State Zip Code

E-mail Address (for contact person) _____ Telephone: _____
Work/Cell Home

Ground is in the waters of North Inlet ~~Hog Island Bay~~, containing approximately 24 acres, in the City/County of Northampton, and described as follows (Please list any adjoining leases, Public Ground, proximity to mean low water, navigation channels, and any other nearby physical landmarks such as channel markers, land features, etc., if applicable, and existing submerged aquatic vegetation). Please provide a map. See pages 3 and 4 for additional instructions.
see: https://webapps.mrc.virginia.gov/public/maps/chesapeakebay_map.php

South By Lease #'s: 16646, 20917, 20916, 17326
North By State Marsh

PF #s
16637
16772
17326

Application must include non-refundable fee (see page 3 for fee schedule). I/we agree to promptly pay the newspaper for the required advertising. All applicant's are equally responsible to pay all fees for advertising, notification of adjacent leaseholders, notification of adjacent highland property owners, surveying, mapping, assigning, and recording as specified in the Code of Virginia, Title 28.2.

Do you presently lease oyster ground in this name? yes no _____ Billing number is _____

Do you presently have a MRC ID #? yes no _____ MRC ID # is 9757

Federal Employer Identification Number (FEIN), if applicable: _____

Applicant's signature(s) (all must sign)

FOR OFFICE USE ONLY:

App. Number: 2021-008 Billing Number: 9762 Waterbody Number: 14-01-00
Map Number: 0232790 District Number: 25 Assigned Surveyor: Daniel Faggert
Latitude: N37-27.2987 Longitude: W75-42.0092

Ben [Signature] 11-8-21 Brandon Sterling
Chief or Director, Engineering/Surveying Dept. Date Law Enforcement Officer/Supervisor



Chesapeake Bay Map

Disclaimer: this GIS data is not guaranteed to be accurate and complete at any given time. Although it is expected that the data will be used for regulatory and permitting processes, any user of this data should verify their use of the data with Marine Resources Commission and/or VDH Division of Shellfish Sanitation staff before taking action or otherwise using the data to make decisions, particularly when related to regulatory and permitting processes, or any other legal action.

Cursor Lat / Long: N37-27.0488, W75-41.2394

Click Lat / Long:



Map Layers

- [Shellfish Grounds](#)
- Private Oyster Ground Leases
- Oyster Ground Applications
- Shellfish Condemnation Zones By VDH
- Open Harvest Areas 4 VAC 20-720
- Public Grounds
- Public Clamming Grounds
- Oyster Sanctuaries
- State Marsh and Meadow Lands
- Submerged Aquatic Vegetation Sanctuaries
- Submerged Aquatic Vegetation 2015-2019
- PRFC Jones Shore Special Mgmt Area



25 +/- Acres

RECEIVED

OCT 29 2021

MARINE RESOURCES COMMISSION

- [Fixed Fishing Devices](#)
- Pound



H. M. Terry Co., Inc.

5039 Willis Wharf Road | PO Box 87 | Willis Wharf, VA 23486

OFFICE: (757) 442-6251 | FAX: (757) 442-7499

www.hmterry.com

May 3, 2022

To whom it may concern:

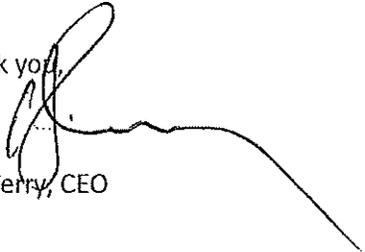
I am writing to protest VMRC Lease Application #2021068 submitted by Joshua Webb for oyster ground.

The ground in question covers what is primarily a drain, and is soft mud bottom and not useful for aquaculture.

Furthermore, there is no access to the ground in question except over currently occupied leases which are actively in use, including our planted clam ground (Lease Nos. 20916, 20917). These leases are very important to our operation. We have 170 market nets and 120 seed nets (100ft long each) planted on that ground and it would be extremely detrimental to have boats regularly going over the ground and risk cutting or ripping the nets.

For these reasons we ask that you deny this application.

Thank you,


K.S. Terry, CEO

PROTEST

RECEIVED

FEB 27 2023

MARINE RESOURCES
COMMISSION

Captain Bob's Seafood
PO Box 94
Willis Wharf VA 23486

January 30, 2023

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

To Whom It May Concern,

This letter serves as my formal protest to application # 2021068. I have been growing and harvesting farm raised clams on JC Walker Brothers lease # 16646, for over 10 years. Previous to that clam seed was grown on this location for over 10 years by JC Walker Brothers. Due to the location of application # 2021068, access to that ground would require boats to cross lease # 16646, potentially causing significant damage to my clam beds.

Respectfully,



Robert Lawson
Captain Bob's Seafood



PROTEST

Stagg, Robert <ben.stagg@mrc.virginia.gov>

FW: Protest application #2021068

3 messages

Wallace Cooley <Wallace.Cooley@mrc.virginia.gov>

Mon, May 2, 2022 at 3:01 PM

To: Daniel Faggert <daniel.faggert@mrc.virginia.gov>

Cc: "Stagg, Robert" <ben.stagg@mrc.virginia.gov>, Debra Jenkins <debra.jenkins@mrc.virginia.gov>

From: J C Walker <seasideclams@gmail.com>

Sent: Monday, May 2, 2022 3:00 PM

To: wallace.cooley@mrc.virginia.gov

Subject: Protest application #2021068

To Whom It May Concern,

JC Walker Brothers Inc is in protest of application # 2021068. Due to the surrounding currently leased ground, there is nowhere to access the ground being applied for without crossing over our lease #16646, plat # 16637 or other leased ground. JC Walker Brothers currently has seed beds on this lease that would be damaged if boats were crossing over to access the ground for this application. In the past JC Walker Brothers was denied this area due to it being unworkable, too muddy, and too close to the state.

Sincerely,

Ellen Walker, President

--

JC Walker Brothers Inc

12459 Ballard Dr
PO Box 10

Willis Wharf VA 23486

www.jcwalkerbroscams.com
<https://www.facebook.com/JCWalkerBrothers>

(757) 442-6000

(757) 442-7059 (fax)

Daniel Faggert <Daniel.Faggert@mrc.virginia.gov>

Tue, May 3, 2022 at 7:56 AM

To: Wallace Cooley <Wallace.Cooley@mrc.virginia.gov>

Cc: Robert Stagg <ben.stagg@mrc.virginia.gov>, Debra Jenkins <debra.jenkins@mrc.virginia.gov>



COMMONWEALTH of VIRGINIA

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

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

May 28, 2025

MEMORANDUM

TO: HEATHER T. LUSK
P.O. BOX 87,
WILLIS WHARF, VA 23486

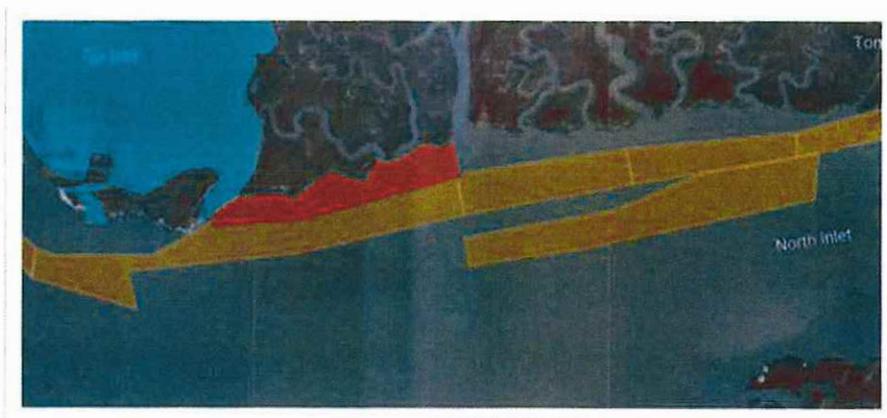
FROM: Adam Kenyon,
Chief, Shellfish Management Division

SUBJECT: VMRC Oyster Ground Lease Application #2021-068

This memo serves to inform you that the Marine Resources Commission has completed its review of Oyster Ground Lease Application #2021-068 covering 11 acres within North Inlet in Accomack 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, along with 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, therefore it will be assigned accordingly.

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 30 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



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

May 28, 2025

MEMORANDUM

TO: ELLEN WALKER
12459 BALLARD DRIVE
WILLIS WHARF, VA 23486

FROM: Adam Kenyon,
Chief, Shellfish Management Division

SUBJECT: VMRC Oyster Ground Lease Application #2021-068

This memo serves to inform you that the Marine Resources Commission has completed its review of Oyster Ground Lease Application #2021-068 covering 11 acres within North Inlet in Accomack 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, along with 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, therefore it will be assigned accordingly.

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 30 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

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May 28, 2025

MEMORANDUM

TO: ROBERT LAWSON
P.O. BOX 94
WILLIS WHARF, VA 23486

FROM: Adam Kenyon,
Chief, Shellfish Management Division

SUBJECT: VMRC Oyster Ground Lease Application #2021-068

This memo serves to inform you that the Marine Resources Commission has completed its review of Oyster Ground Lease Application #2021-068 covering 11 acres within North Inlet in Accomack 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, along with 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, therefore it will be assigned accordingly.

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 30 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.



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From: [Faggert, Daniel \(MRC\)](#)
To: ellenswalker86@gmail.com
Cc: [Kenyon, Adam \(MRC\)](#)
Subject: Webb application #2021068 information
Date: Monday, June 9, 2025 3:42:52 PM

Good afternoon Ellen,

Per our phone conversation this afternoon, the Webb application #2021-068 has been surveyed and approved. Initially, staff was under the belief that much of the application site was above mean low water and considered to be unleaseable highland area. Mr. Webb was sent a denial letter stating the above, with the right to appeal. Mr. Webb stated that there is a slough running east to west and spanning from the offshore flat to the inshore marsh line and chose to appeal the denial and pay the non-refundable \$750.00 to have the ground surveyed.

During the field survey it was concluded that there is indeed an inshore slough present, and much of the application footprint is below mean low water, equating to 11.64AC of leaseable state-owned bottom.

Staff has decided that assigning the 11.64AC area is in the public interest and will be assigned accordingly, while informing the three protestors, Ms. Walker, Ms. Lusk and Mr. Lawson, of their rights to appeal the application and have it placed on a future agenda to be heard before the Commission Board.

Feel free to reach out if I can provide any further info.

Enjoy your day,
-Daniel

From: [J C Walker](#)
To: [Faggert, Daniel \(MRC\)](#); [Kenyon, Adam \(MRC\)](#)
Cc: [Ellen Walker](#)
Subject: Webb protest application #2021068
Date: Wednesday, June 25, 2025 12:07:38 PM

Dear sirs,

JC Walker Brothers would like to appeal this application.

Please let us know the process to have it placed on the future agenda to be heard before the Commission Board.

If you need to contact me directly, please call my cell at 757-692-0294.

Thank you,
Ann Gallivan

--

JC Walker Brothers Inc

12459 Ballard Dr

PO Box 10

Willis Wharf VA 23486

www.jcwalkerbrosciams.com

<https://www.facebook.com/JCWalkerBrothers>

(757) 442-6000

From: [Kenyon, Adam \(MRC\)](#)
Bcc: [Faggert, Daniel \(MRC\)](#); [Longest, Savannah \(MRC\)](#); [Kenyon, Adam \(MRC\)](#); [ellenswalker86@gmail.com](#); [Webb, Hunter](#); [Walker, Tom](#); [lawsonrobert16@gmail.com](#); [heather@hmterry.com](#) ([heather@hmterry.com](#))
Subject: Public Notice Oyster Planting Ground Application #2021-068
Date: Monday, January 12, 2026 9:53:00 AM
Attachments: [2021-068 Oyster Ground Notice.pdf](#)
[image001.png](#)



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

January 12, 2026

MEMORANDUM

FROM: Adam Kenyon
Chief, Shellfish Management Division

SUBJECT: Joshua H. Webb
Oyster Planting Ground Application #2021-068
Requests authorization to lease approximately 12 acres of oyster planting ground within the North Inlet in Accomack County

The application for oyster planting grounds, referenced above, will be heard by the Marine Resources Commission at their public hearing scheduled for Tuesday, January 27, 2026, 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.

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**VIRGINIA
MARINE RESOURCES
COMMISSION**
ENGINEERING / SURVEYING DEPARTMENT

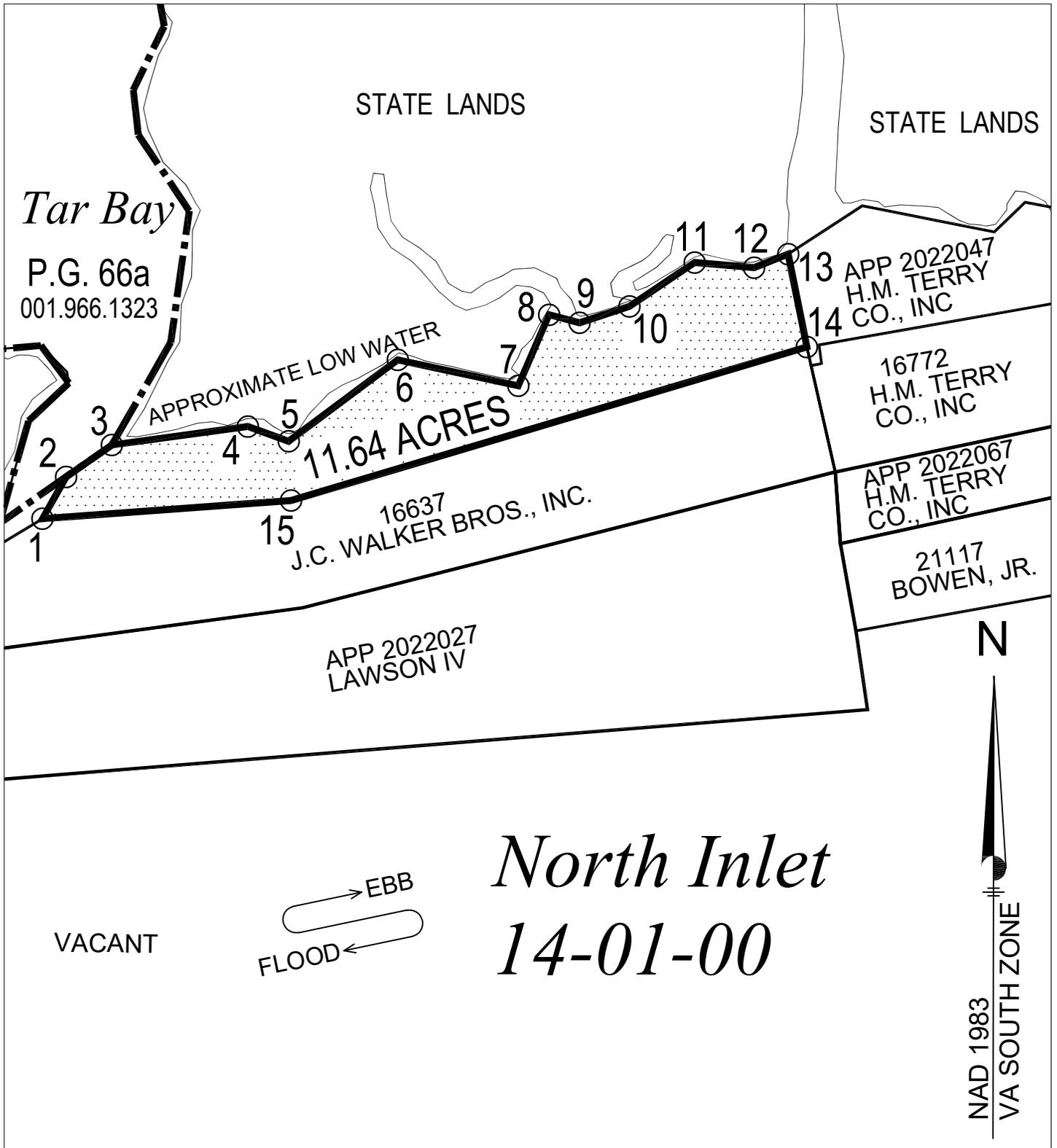
APPLICATION NO. 2021068

DISTRICT NO. 25

MAP NO. 023_2790

SHEET NO.
1 OF 2

FILE NO.
22207



ALL CORNERS WERE SET BY GPS (RTN) METHODS

**11.64 ACRES
OYSTER PLANTING GROUND**

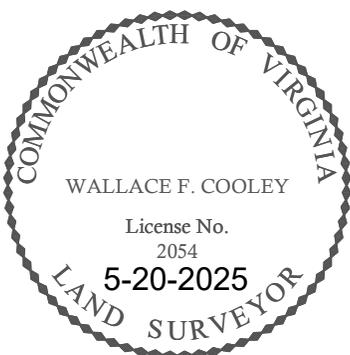
OF
JOSHUA H. WEBB

IN
NORTH INLET 14-01-00

ACCOMACK COUNTY

SCALE: 1/4800 (1" = 400')

DATE: MAY 20, 2025



DANIEL FAGGERT
SURVEYOR

V.M.R.C. APPROVED / RECORDED



**VIRGINIA
MARINE RESOURCES
COMMISSION**
ENGINEERING / SURVEYING DEPARTMENT

APPLICATION NO. 2021068

DISTRICT NO. 25

MAP NO. 023_2790

SHEET NO.
2 OF 2

FILE NO.
22207

VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (U.S. FEET)			GEOGRAPHIC COORDINATES DEGREES, MINUTES	
NORTHING	EASTING	POINT NO.	LATITUDE	LONGITUDE
3700586.83	12293214.31	1	37° 27.1981760' N.	75° 42.4861504' W.
3700706.60	12293282.01	2	37° 27.2175739' N.	75° 42.4714308' W.
3700797.90	12293413.03	3	37° 27.2319738' N.	75° 42.4438023' W.
3700851.62	12293803.36	4	37° 27.2389194' N.	75° 42.3628268' W.
3700809.44	12293920.98	5	37° 27.2313981' N.	75° 42.3387831' W.
3701042.92	12294233.88	6	37° 27.2683293' N.	75° 42.2727053' W.
3700969.55	12294580.26	7	37° 27.2545539' N.	75° 42.2015877' W.
3701172.58	12294668.28	8	37° 27.2875662' N.	75° 42.1821584' W.
3701149.77	12294756.06	9	37° 27.2833805' N.	75° 42.1641615' W.
3701196.87	12294899.10	10	37° 27.2904402' N.	75° 42.1343189' W.
3701322.56	12295085.85	11	37° 27.3102311' N.	75° 42.0949636' W.
3701308.42	12295257.11	12	37° 27.3070655' N.	75° 42.0596653' W.
3701347.00	12295354.51	13	37° 27.3129443' N.	75° 42.0393045' W.
3701081.76	12295408.78	14	37° 27.2689904' N.	75° 42.0297171' W.
3700640.40	12293928.06	15	37° 27.2035203' N.	75° 42.3383544' W.

**11.64 ACRES
OYSTER PLANTING GROUND**

OF
JOSHUA H. WEBB

IN
NORTH INLET 14-01-00

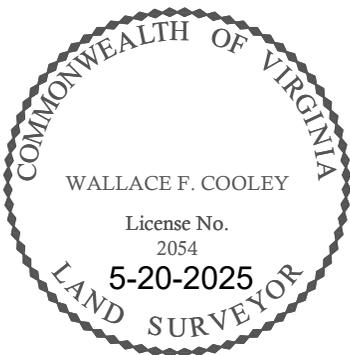
ACCOMACK COUNTY

SCALE: 1/4800 (1" = 400')

DATE: MAY 20, 2025

DANIEL FAGGERT
SURVEYOR

V.M.R.C. APPROVED / RECORDED





COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, Virginia 23651

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

Subject: Virginia Waterway Maintenance Fund Guidelines for Marine Resources Commission

To: Jamie L. Green, Commissioner

Through: John Cosgrove, Chief Deputy Commissioner

From: Joseph Grist, Deputy Commissioner

Date: November 12, 2025

Background: The Virginia General Assembly established the Virginia Waterway Maintenance Fund for the purpose of supporting shallow-draft dredging projects throughout the Commonwealth. Effective July 1, 2025, the administration of the Fund was transferred from the Virginia Port Authority to the Virginia Marine Resources Commission.

Preparation of Draft Public Guidance Document: The purpose of the Guidance Document is to establish the Virginia Waterway Maintenance Grant Program Guidelines (Attachment I) under the administration of the Virginia Marine Resources Commission.

Public Notice Publication: The public notice for public comments were posted in the Virginia Register of Regulations Volume 41, Issue 26, page 2892, on August 11, 2025, for a period of 30 days (August 11, 2025, through September 10, 2025).

Summary of Public Comments Received: During the 30-day public comment period, VMRC received 2 comments through the Virginia Town Hall, and 1 comment through direct submission (Attachment II). Below, the comments accompanying the requests for edits are provided in **bold**, each followed by VMRC's response in *italics*.

Summary Comment #1: The proposed VMRC guidance document omits specific language from the 2025 Budget Bill (enrolled Chapter 725): “the Commonwealth’s maintenance of shallow-draft navigable waterway channel maintenance dredging and the design, lease, or purchase of upland containment areas where the material can be selectively excavated and used beneficially for environmental restoration or for mitigation of coastal erosion.”

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Response #1: Addition made to II.a.iii.3 to clarify and align the guidance document to referenced budget bill section.

Summary Comment #2: The proposed VMRC guidance document omits specific language from a previous Virginia Port Authority guidance document governing the same program: “Special consideration will be given to any project application that supports waterway enhancement in rural coastal Virginia as defined by §15.2-7600. Localities as defined by §15.2-7600 will provide evidence of working waterfront businesses or commercial fishing or seafood businesses and the need for dredging projects”.

Response #2: The language recommended from a previous guidance document was not enacted by HB1834, nor provided by §28.2-108.1, §28.2-108.2, or HB1600 (Chapter 725, Items 373 and 451), and was not originally included as it did not align the guidance document to enabling legislation. However, the language will be included in response to public comment and its utility in the application review process will be reevaluated after the end of FY26.

Summary Comment #3: Carried forward legacy language from the VPA guidance regarding a 3-1 match requirement in the program’s first year, despite the program now being well-established.

Response #3: Budget Bill – HB1600 (Chapter 725) Item 373 G.1. provides “Special consideration shall be given to any locality which provides a three-to-one match for any requested funding.”. Furthermore, Item 373 G.1. directed \$4,000,000 to be transferred to the Virginia Marine Resources Commission in the second year, without reference that this would not be conditional once the program was ‘well-established’. The specific consideration for a three-to-one match submission remains to align the guidance document to the referenced budget bill language.

Summary Comment #4: Concern in the omission of the statutory “25-year exception” as referenced in Section 28.2-108(B)(3) of the Code of Virginia.

Response #4: Addition made to II.a.xiii to align the guidance document to referenced statutory section.

Summary Comment #5: Guidance’s reliance on ‘sole discretion’ to describe VMRC’s decision-making. The statute requires that applications be evaluated using specific criteria, such as public benefit, urgency, environmental impact, and the availability of other funding sources.

Response #5: Edit and addition made to II.a.v to align the guidance documents criteria to §28.2-108.2 B.1

Summary Comment #6: Although the statute prohibits any local match requirement, the draft introduces “special consideration” for applicants providing 3:1 match. This creates a de

factor preference for localities with greater fiscal capacity, a standard the Eastern Shore counties cannot meet.

Response #6: As noted in Response #3, HB1600 (Chapter 725) Item 373 G.1. provides “Special consideration shall be given to any locality which provides a three-to-one match for any requested funding.” The special consideration for a three-to-one match submission remains to align the guidance document to the referenced budget bill language. The special consideration was also contained in the previous guidance document enacted by the Virginia Port Authority.

Summary Comment #7: Concern about the inclusion of a “no competitive disadvantage to public ports” test. This condition has no basis in HB 1834 or the Code and is a carryover from the VPA policy.

Response #7: As noted in Response #4, Edit and addition made to II.a.v to align the guidance documents criteria to §28.2-108.2 B.1, to include removing “will not directly competitively disadvantage existing publicly owned port facilities”.

Summary Comment #8: The draft interprets federal partnership projects too narrowly. The statute authorizes WMF to fund the nonfederal share of the federal projects conducted “by the Commonwealth.” VMRC’s draft guidance appears to read this phrase as excluding local governments from serving as nonfederal sponsors.

Response #8: Addition made to II.a.iii.2 to be inclusive of political subdivisions and the governing bodies of Virginia localities.

Summary Comment #9: Another critical issue is the payment structure and timeline proposed in the draft guidance. VMRC has indicated a preference for processing payments on a quarterly schedule. However, dredging projects operate on highly compressed timelines that do not align with quarterly disbursements. A practical solution would be for VMRC to release approved grant funds in advance to the sponsoring account such as the Local Government Investment Pool (LGIP) or another Treasury-approved account. The locality could then draw on the funds as invoices come due and submit quarterly reports and drawdown documentation to VMRC. This approach ensures accountability while also preventing project delays or stoppages due to cash-flow constraints.

Response #9: Addition made to II.a.ix to reduce submissions intervals from quarterly to monthly. The solution suggested is impractical and adds an additional processing layer that would be counterproductive to the efficiency desired in program operations.

Summary Comment #10: The draft guidance structurally advantages federally sponsored projects by layering match preferences on top of the Corps’ standard 65-90 percent federal cost share. This combination ensures that federally partnered projects will dominate the program.

Virginia Waterway Maintenance Fund Guidelines for Marine Resources Commission

Response #10: The criteria for a project to be eligible for funds is provided by II.a.v of the guidance document. As noted in Response #3 and #6, HB1600 (Chapter 725) Item 373 G.1. provides “Special consideration shall be given to any locality which provides a three-to-one match for any requested funding.” The special consideration for a three-to-one match submission remains to align the guidance document to the referenced budget bill language. The special consideration was also contained in the previous guidance document enacted by the Virginia Port Authority and in the original enacting Budget Bill – HB5002 (Chapter 2) Item 461 from the 2018 Special Session I of the General Assembly of Virginia.

Action: Acceptance of the Amended Virginia Waterway Maintenance Fund Guidelines for Marine Resources, as provided in Attachment 1.

Jamie L. Green, Commissioner

ATTACHMENT I

VIRGINIA WATERWAY MAINTENANCE FUND GUIDELINES FOR MARINE RESOURCES COMMISSION

PREFACE: In May 2018, the Virginia General Assembly established the Virginia Waterway Maintenance Fund for the purpose of supporting shallow-draft dredging projects throughout the Commonwealth. The source of the grant funds shall be the Virginia Waterway Maintenance Grant Fund. In March 2025, the Virginia General Assembly transferred the administration of the Virginia Waterway Maintenance Grant Program and Fund from the Virginia Port Authority to the Virginia Marine Resources Commission, with an effective date of July 1, 2025. The Virginia Marine Resources Commission finds it necessary and in the public body interest, and pursuant to its statutory responsibility, to establish the Virginia Waterway Maintenance Grant Program Guidelines. This policy shall be as follows:

I. DEFINITIONS

- a. Applicant – refers to the political subdivision and the governing bodies of Virginia localities
- b. Study – refers to feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by a political subdivision of the Commonwealth.
- c. Carryover Funds – refers to unused funds for awarded projects. Funds must be reapplied for each year.
- d. Dredging – refers to the removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies.
- e. Items of Local Cooperation – include specific requirements on the applicant for implementation of a federal, state or local project. Such items include but are not limited to lands, easements, rights-of-way, relocations, dredge material disposal sites, and cash contributions.
- f. Beneficial Use – refers to innovative uses and placement alternatives for dredge materials that produce public, economic or environmental benefits.
- g. Shallow draft dredging – refers to rural coastal waterways that have recognized and established navigable channels that are pivotal to the use and enjoyment of docks, marinas, boat yards and working waterfronts. Shallow draft dredge areas can be

ATTACHMENT I

categorized as primary, secondary (including smaller tributaries and marked and unmarked channels) having a water depth of 14-feet or less.

II. ADMINISTRATION

The following elements will guide the application, allocation, and distribution of the Virginia Waterway Maintenance Fund:

a. **FOR ALL PROJECTS FOR WHICH VIRGINIA WATERWAY MAINTENANCE GRANT FUNDS ARE REQUESTED:**

- i. The Virginia Marine Resources Commission will serve as the responsible agency for administering the Virginia Waterway Maintenance Grant Fund and shall award grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Virginia Marine Resources Commission.
- ii. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities.
- iii. Funds will be used to support:
 1. Feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the political subdivisions and the governing bodies of Virginia localities.
 2. The state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding.
 3. The Commonwealths' maintenance of shallow-draft navigable waterway channel maintenance dredging and the design, lease, or purchase of upland containment areas where the material can be selectively excavated and used beneficially for environmental restoration or for mitigation of coastal erosion.
 4. The beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by the political subdivisions and the governing bodies of Virginia localities.

ATTACHMENT I

- iv. Special consideration shall be given to any political subdivision or governing bodies of Virginia localities which provides a three-to-one match for any requested funding.
- v. For a project to be eligible for funds, the Virginia Marine Resources Commission, in its sole discretion, shall evaluate each application to determine its completeness, the sufficiency of its justification for the proposed project, the status of any necessary permits, the adequacy of its project management organization, and the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding, or other purposes for the common good.
- vi. Requests for funding and their disposition shall be made by February 1st. Applicants may be required to make oral presentation of the requests to the Virginia Marine Resources Commission Board. Funds will be allocated by the Virginia Marine Resources Commission at its April Board meeting and available for successful applicants by July 1st of that year.
- vii. Application Guidelines: The applicant shall submit a completed application to the Virginia Marine Resources Commission that contains the following information: statement of need and urgency, total project cost, timeline and phases of project, feasibility of the proposed planning and/or dredging project, status of any necessary permits, the adequacy of the applicants project management, the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding or other purposes, potential beneficial impact to the community, and total amount of funding being requested.
- viii. Prior to the receipt of a grant, the applicant shall enter a memorandum of understanding with the Virginia Marine Resources Commission establishing the requirements for the use of grant funds.
- ix. Disbursements: The applicant shall submit a requisition to the Virginia Marine Resources Commission for payment. The requisition shall be accompanied by supporting invoices or other documentation as well as a certification of the applicant that the work has been performed or that

ATTACHMENT I

payment is otherwise properly due. The requisition shall further set forth the name of the person or entity to whom payment is to be made, the amount of payment, and the project for which the payment is to be made. Requisitions may be submitted monthly or at the completion of the project. When the project is completed, the applicant shall certify its completion date to the Virginia Marine Resources Commission.

- x. Requests not made within the schedule of Paragraph vi above, shall be considered only when accompanied by a statement declaring the need for funds an emergency, with consequences of non-funding clearly specified, or a statement explaining why the schedule in Paragraph vi above could not be met. Requests must be received no later than three weeks prior to the next regular Virginia Marine Resources Commission Board meeting to be considered at that meeting.
- xi. The Virginia Marine Resources Commission will allocate an amount appropriated by the General Assembly for projects which are judged to meet the criteria above.
- xii. The Virginia Marine Resources Commission, in its sole discretion, may allocate the total amount requested to an applicant, any portion thereof, or may decline to allocate funds for the project.
- xiii. No grant award shall support any dredging project for a solely privately owned marina or dock. However, the Virginia Marine Resources Commission may award a grant to a political subdivision or governing body for the dredging of a waterway channel with a bottom that is privately owned if such political subdivision or governing body holds a lease of such bottom with a term of 25 years or more.
- xiv. Any funding remaining at the end of the fiscal year shall be carried forward for the same purpose.

b. FOR PROJECTS WITH POTENTIAL FEDERAL INTEREST

- i. Applicant must have made previous, or must make simultaneous, “application” for federal funds.

ATTACHMENT I

- ii. The Virginia Marine Resources Commission recognizes that local sponsors for federal projects must agree to share with the federal government in the cost of studies and construction as a condition necessary for the initiation of federal study of the project. The Virginia Marine Resources Commission agreement to provide support necessary to allow for the initiation of any project is conditional upon the later determination of the Virginia Marine Resources Commission that the standards in II.a.v above are met and that the funds are available.
 - iii. The Virginia Marine Resources Commission shall be given the opportunity to review and comment on all cost sharing agreements between the local sponsor and federal government prior to releasing any funds.
 - iv. If undertaken prior to receipt of federal funds, but for which federal funds are committed, projects must be completed within the time frame determined reasonable by the Corps of Engineers in project studies.
- c. FOR NON-FEDERALLY FUNDED PROJECTS
- i. There will be no financial contribution requirement for the applicant.
 - ii. Special consideration will be given to any project application that supports waterway enhancement in rural coastal Virginia as defined by §15.2-7600 of the Code of Virginia. Localities as defined by §15.2-7600 of the Code of Virginia will provide evidence of working waterfront businesses or commercial fishing or seafood businesses and the need for dredging projects.

Rachael Peabody
MPPDC
Acting Executive Director



Lewis L Lawrence
MPCBPAA
Secretary

**MPPDC/MPCBPAAA
Review of Proposed WMF Guidance August 12, 2025**

MPPDC personnel conducted a review of the proposed new Virginia Marine Resources Commission (VMRC) Waterways Maintenance Fund guidance document recently posted on the Town Hall Public Comment Forum. MPPDC also compared the proposed guidance to the language contained into the previous Virginia Port Authority (VPA) guidance document; and language contained in the Enrolled 2025 Budget Bill – HB1600 (Chapter 725), Item 373, Marine Life Management, (50500), Section G.).

Provided below are key results of this review:

To begin, the language in the proposed VMRC Guidance reflects generally the same form and function contained in the previous VPA guidance. However, there are some significant omissions and modifications. These are provided below.

1. Omission of Final Budget Language (Item 451, Section C)

The proposed VMRC guidance document omits specific language from the 2025 Budget Bill (enrolled Chapter 725). Missing language is highlighted below:

This is language contained in enrolled Budget Bill and omitted from VMRC proposed guidance:

“...the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the design, lease, or purchase of upland containment areas where the material can be selectively excavated and used beneficially for environmental restoration or for mitigation of coastal erosion.”

VMRC Guidance Language

“...the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the construction and management of areas for the placement of dredged material.”

The General Assembly made its decision to include the design, lease, and purchase of upland containment areas because dredging projects in rural coastal Virginia require this essential component of a dredge project to be included.

2. Removal of Special Consideration for Rural Coastal Communities

In Section C of the VMRC guidance (“Additionally, For Nonfederal Funded Projects”), long-standing VPA language providing rural coastal communities special consideration in the grant review process has been removed. When the Waterway Maintenance Fund was established, and approved by the General Assembly, it was spearheaded by coastal rural communities, primarily the Eastern Shore and the Middle Peninsula, to ensure the necessary waterways (the highways of the Bay) essential to the commercial seafood industry in Virginia were maintained.

The omitted language reads:

1

“Special consideration will be given to any project application that supports waterway enhancement in rural coastal Virginia as defined by 15.2-7600. Localities as defined 15.2-7600 will provide evidence of

HUB 33

P.O. Box 399 Shacklefords, VA 23156 s 4521 Lewis B. Puller Memorial Highway Mattaponi, VA 23110

(Phone) 804 785-8100 s (Email) pdinfo@mppdc.com

<https://www.mppdc.com>

working waterfront business or commercial fishing or seafood businesses and the need for dredging project.”

This removal eliminates an important provision that recognized the unique needs of rural coastal communities.

Other Minor Modifications

- **Preface:** Updated to add VMRC references.
- **Definitions:** Appear unchanged between VPA and VMRC documents.
- **Administration:** VMRC reorganized the section and retained most content, with notable changes:
 - Accelerated the application deadline to February 1, aligning with the Commission’s April meeting schedule for approvals.
 - Carried forward legacy language from the VPA guidance regarding a 3-1 match requirement in the program’s first year, despite the program now being well-established. As background, this language was initially included by Chair Torian for Prince William County when the WMF was first approved. This language remains in the HB1600.

The two changes of greatest significance, the removal of the ability to lease or purchase upland areas for dredge projects and the deletion of rural coastal priority consideration further discompose the stability of an established program historically designed to support the consideration of projects in rural coastal Virginia, projects essential to supporting the important commercial seafood sector so important to these communities. It was the legislative intent – as prescribed by the General Assembly – for these purposes.

Additional context can be provided by MPPDC personnel.

Commenter	Title	Comment	Date/ID
Elaine Meil, Accomack-Northampton Planning District Commission	Public Comment on VMRC Draft Guidance for the Waterway Maintenance Fund: Aligning with Statute and S	<p data-bbox="451 205 1255 235">To the Virginia Marine Resources Commission:</p> <p data-bbox="451 268 1255 604">House Bill 1834 (2025) transferred administration of the Virginia Waterway Maintenance Grant Program and Fund (WMF) from the Virginia Port Authority to the Virginia Marine Resources Commission. The General Assembly’s purpose in enacting this reform was to ensure that the WMF is managed in a way that is fair, transparent, and responsive to the needs of rural coastal communities — especially those on Virginia’s Eastern Shore, where access to safe navigation channels is indispensable for working waterfronts, seafood industries, aquaculture, and public safety.</p> <p data-bbox="451 646 1255 781">While VMRC has taken important steps to assume this new responsibility, several elements of the draft guidance do not reflect the statute or legislative intent, and if left uncorrected, will place Eastern Shore communities at a disadvantage.</p> <p data-bbox="451 823 1255 1255">One concern is the omission of the statutory “25-year lease exception.” Section 28.2-108.2(B)(3) of the Code of Virginia prohibits WMF grants for a solely privately owned marina or dock, but explicitly allows eligibility where a locality holds a lease of at least 25 years over privately owned bottomlands. This exception is particularly important on the Eastern Shore, where historic land grants have conveyed private ownership of submerged lands in creeks and channels. Navigation routes leading to community harbors such as Willis Wharf or Quinby may cross these privately deeded bottoms. If the lease exception is not recognized in the guidance, projects in these waterways will be excluded from eligibility even though the statute provides otherwise.</p> <p data-bbox="451 1297 1255 1600">A second issue is the guidance’s reliance on “sole discretion” to describe VMRC’s decision-making. The statute requires that applications be evaluated using specific criteria, such as public benefit, urgency, environmental impact, and the availability of other funding sources. Small counties like Accomack and Northampton cannot afford to prepare detailed applications without assurance that they will be judged according to these objective standards. The guidance should therefore replace “sole discretion” with explicit reference to the statutory criteria.</p> <p data-bbox="451 1642 1255 1967">Third, although the statute prohibits any local match requirement, the draft introduces “special consideration” for applicants providing a 3:1 match. This creates a de facto preference for localities with greater fiscal capacity, a standard that Eastern Shore counties cannot meet. Northampton County, for example, has just over 11,000 residents, and Accomack about 34,000, with tax bases heavily dependent on seafood and aquaculture rather than diversified industry. A scoring preference for match contributions undermines the statutory prohibition and disadvantages precisely the communities the WMF is designed to</p>	9/5/25 3:26 pm CommentID:237084

serve.

Another concern is the inclusion of a “no competitive disadvantage to public ports” test. This condition has no basis in HB 1834 or the Code and is a carryover from VPA policy. It is especially misplaced on the Eastern Shore, where the relevant facilities are county-owned community harbors such as Oyster Harbor, Willis Wharf, and Quinby Harbor. These small working harbors support local seafood landings and watermen’s livelihoods; they do not compete with large ports. Imposing this requirement would, in practice, exclude the very projects HB 1834 sought to prioritize.

The draft also interprets federal partnership projects too narrowly. The statute authorizes WMF to fund the nonfederal share of federal projects conducted “by the Commonwealth.” VMRC’s draft guidance appears to read this phrase as excluding local governments from serving as nonfederal sponsors. In practice, however, the U.S. Army Corps of Engineers almost always designates counties, towns, or regional entities as sponsors in Virginia. On the Eastern Shore, federal maintenance of channels like Wachapreague Inlet and Oyster Harbor has historically depended on local sponsorship and coordination. If local governments are not recognized as eligible sponsors under WMF, the Shore’s most common pathway to federal cost-sharing will be cut off. The guidance should explicitly affirm the eligibility of counties and towns as nonfederal sponsors.

Another critical issue is the payment structure and timeline proposed in the draft guidance. VMRC has indicated a preference for processing payments on a quarterly schedule. However, dredging projects operate on highly compressed timelines that do not align with quarterly disbursements. For example, the entirety of the Kings Creek dredging project was completed in less than 45 days. During that period, over \$1.38 million in payments had to be made to contractors. Neither the Accomack-Northampton Planning District Commission (A-NPDC) nor the counties have the financial capacity to front this amount of funding for three months while awaiting reimbursement. A practical solution would be for VMRC to release approved grant funds in advance to the sponsoring locality, which could deposit the funds into an interest-bearing account such as the Local Government Investment Pool (LGIP) or another Treasury-approved account. The locality could then draw on the funds as invoices come due and submit quarterly reports and drawdown documentation to VMRC. This approach ensures accountability while also preventing project delays or stoppages due to cash-flow constraints.

Finally, the draft guidance structurally advantages federally sponsored projects by layering match preferences on top of the Corps’ standard 65–90 percent federal cost share. This combination ensures that federally partnered projects will dominate the program. But the Eastern Shore’s navigation system is not limited to Corps-maintained channels. Numerous creeks, secondary harbor basins, and access routes — while

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critical for watermen, aquaculture operators, and recreational boaters — are outside the scope of federal maintenance cycles or receive only infrequent dredging. Even in federally authorized projects such as Oyster, Willis Wharf, and Quinby, federal funding has not been sufficient to meet recurring local needs. If WMF scoring tilts too heavily toward federal partnerships, these locally significant projects will be disadvantaged, leaving gaps in safe access and economic activity.

In conclusion, the WMF was restructured by HB 1834 to ensure that Virginia's rural coastal communities — and most urgently the Eastern Shore — receive fair and effective support for their navigation needs. To align with the statute and legislative intent, VMRC should restore the 25-year lease exception, apply statutory criteria instead of "sole discretion," eliminate match-based preferences, remove the competitive disadvantage test, affirm local governments as eligible nonfederal sponsors, revise the payment structure to align with dredging project realities, and rebalance scoring so that non-federal local projects remain fully competitive. By making these corrections, VMRC will honor both the letter and the spirit of HB 1834, ensuring that the Eastern Shore's working waterfronts, seafood landings, and community harbors remain viable for generations to come.

Respectfully submitted,

Elaine Meil
Executive Director
Accomack-Northampton Planning District Commission

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Guidance Document: 2747

Commenter	Title	Comment	Date/ID
Andy Dunton Eastern Shore Regional Waterways Committee	Support of ANDPC	I support ANPDC's comment on the draft WMF guidance. The rules should include the 25-year lease exception, apply the statutory evaluation factors instead of 'sole discretion,' avoid de facto match preferences, remove the public ports test, recognize local governments as eligible sponsors, and provide a payment schedule that reflects dredging timelines. These changes will ensure the program functions as intended under HB1834.	9/8/25 7:16 am CommentID:237085