

AGENDA
MARINE RESOURCES COMMISSION
AUGUST 25, 2026

**** APPROVAL OF AGENDA.**

- 1. MINUTES** of previous meeting.
- 2. CONSENT AGENDA ITEMS.**
- 3. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.**
- 4. PUBLIC COMMENTS**
- 5. PERMITS** (Projects exceeding \$1,000,000.00 in cost with no objections and tidal wetlands/beach projects in localities without Wetlands Boards with no objections, with staff recommendation for approval)
- 6. DAVID SPENCER, VMRC #2023-0895,**
Commission review of the July 16, 2026, Suffolk Wetlands Board decision to approve unquantified impacts to vegetated tidal wetlands as part of a riprap revetment proposal at 6954 Repass Beach Road situated along the mouth of Streeter Creek in the City of Suffolk.
- 7. GREEN BLUFF, LLC, VMRC #2026-0363,**
requests authorization to construct a 10-foot by 20-foot switchback staircase with exterior support beams for access to a 142-foot long private, open-pile pier including a 10-foot by 41-foot L-head and 5-foot wide finger piers surrounding two (2) uncovered boat lifts; and to install 184 linear feet of riprap stone revetment with two (2) riprap breakwater spurs measuring 50 feet and 54 feet in length adjacent to 421 Marlborough Point Road, situated along the Potomac River in Stafford County. The project is protested by an adjacent property owner.
- 8. JEFFREY WAPLE, VMRC #2026-0558,**
requests authorization to construct a 16.5-foot wide by 42-foot long open-sided single slip boathouse addition to a statutorily authorized private pier adjacent to property situated along the Potomac River at 200 Church Point Lane in Westmoreland County. The project is protested by an adjacent property owner.
- 9. MARQUEE HOMES, INC, VMRC #2025-2752,**
requests authorization to construct a 16-foot by 18-foot open-sided gazebo and a 15-foot by 37-foot open-sided boathouse as part of a statutorily authorized pier along the Poquoson River at 132 Breezy Point Drive in York County. This project is protested by an adjacent property owner.

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10. BIC, INC, VMRC #2025-1263,

requests authorization to change the use of a previously statutorily authorized and existing private pier to a multi-user structure; and to retain unauthorized pier expansions adjacent to property (TM #45-A-5) located on Main Street, situated along the Chincoteague Channel in Accomack County.

11. SHELLFISH

DIXIE M. DOERR

Oyster Planting Ground Application #2024-035

Requests authorization to lease approximately 249 acres of oyster planting ground within the Rappahannock River in Middlesex County.

12. SHELLFISH

Modification of the 2026 Oyster Replenishment and Restoration Plan (ORP) and update on projects conducted as part of the 2026 ORP.

13. PUBLIC HEARING

Proposed amendments to Chapter 4 VAC 20-720 "Pertaining to Restrictions on Oyster Harvest," to establish the 2026-2027 areas of public harvest, public oyster seasons, and oyster resource conservation measures.

14. PUBLIC HEARING

Chapter 4 VAC 20-620, "Pertaining to Summer Flounder;"

Chapter 4 VAC 20-920, "Pertaining to Landing Licenses;"

Chapter 4 VAC 20-995, "Pertaining to Commercial Hook-and-Line Fishing;"

The Commission proposes to amend the above regulations to remove language requiring vessel license decals.

15. PUBLIC HEARING

Proposed amendments to Chapter 4 VAC 20-890, "Pertaining to Channeled Whelk" to remove language requiring vessel license decals, clarify gear marking requirements, allow agenting of channeled whelk pot licenses, and clarify existing language.

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PAGE 2 ITEMS

2A. RIVER PORT, LLC, VMRC #2026-0740,

to install a new heavy lift platform with two new 30-foot by 20-foot concrete mooring dolphins; install and backfill a 234 linear-foot replacement steel bulkhead a maximum of two feet channelward of the existing structure; and install a 225 linear-foot low-profile steel toe wall; and to mechanically dredge up to 174,390 cubic yards of state-owned submerged lands to depths of minus fifty (-50) feet mean low water out to the federal navigation channel and to depths of minus sixty (-60) feet mean low water around the new heavy lift platform adjacent to Pier 14 located along the James River at 1201 Terminal Avenue in the City of Newport News. Dredged material will be barged to Shirley Plantation for disposal. Staff recommends approval, including a royalty of \$104,634.00 for the dredging of 174,390 cubic yards of state-owned submerged bottom material at a rate of \$0.60 per cubic yard. This project requires a VMRC Subaqueous permit.

2B. STEVEN WILKINSON, VMRC #2026-0660,

requests authorization to construct two (2) vinyl low profile groins, extending 48 feet from mean high water and to construct 57 feet of vinyl bulkhead immediately adjacent to the unprotected bank at 101 Wildwood Place, situated along the Rappahannock River in Essex County. This project requires a VMRC Beach and Dune Permit.

2C. SKANSKA USA, VMRC #2026-0957,

requests authorization to install a new 37-foot by 50-foot crane platform and trestle along the Southern Branch of the Elizabeth River at their commercial facility (123 Sampson Creek Road) in the city of Chesapeake. Staff recommends approval with the purchase of credits from an approved Tidal Wetlands Mitigation Bank for the loss of 599 square feet of tidal wetlands. This project requires a VMRC Wetlands permit.

2D. SPENCER HULL, VMRC #2025-2129,

requests authorization to install 227 linear feet of riprap, the toe of which may be installed a maximum of 8 feet channelward of the existing bulkhead serving 800 Heritage Point along Bells Mill Creek in the city of Chesapeake. This project requires a VMRC Wetlands and Subaqueous permit.

2E. COLONIAL PIPELINE COMPANY, VMRC #2025-2641,

requests authorization to perform ongoing maintenance of existing petroleum pipeline (Line 27) segments at multiple stream crossings, as needed in Cumberland, Henrico, Powhatan, Chesterfield, Charles City, James City, Surry, and Isle of Wight Counties and the Cities of Richmond, Suffolk, and Chesapeake. A VMRC Subaqueous permit is required for the entire project, and VMRC Wetland permits are required for crossings in the Counties of Henrico and Chesterfield, and the Cities of Richmond and Chesapeake.

AGENDA

2F. WEST ROCK CP, LLC VMRC #2026-0260,

requests authorization to remove an existing bulkhead and jersey wall barrier and construct two (2) rock revetments, 310 and 607 feet long respectively; and install and backfill a 277-foot long steel sheet pile bulkhead along the Pamunkey River shoreline at 1901 Main Street in the Town of West Point. Staff recommends approval of the project with the purchase of mitigation credits for the fill loss of 1,512 square feet of non-vegetated wetlands. The project requires a VMRC Subaqueous and Wetlands Permit.

AGENDA

PAGE 3 ITEMS

3A. DAVID RAO, VMRC #2026-0929,

requests after-the-fact authorization to retain a 21-foot by 47-foot open-sided boathouse constructed as part of a previously statutorily authorized private pier serving 9099 Pebble Beach Lane, situated along the Potomac River in King George County. Staff recommends approval with triple permit fees of \$900.00 and civil charges of \$3,000.00 assessed to both the applicant and contractor in lieu of further enforcement action.

MINUTES

COMMISSION MEETING

July 28, 2026

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:

Joseph Grist	Commissioner
Patrick Hand	
Lynn Kellum	
A.J. Erskine	
William Bransom	Associate Members
Jeanette Edwards	
Thomas Preston	
Preston White	
Kelci Block	Assistant Attorney General
Gerald Pitt	1 st . Sgt., Marine Police
Randy Owen	Chief, Habitat Management
Justin Worrell	Deputy Chief, Habitat Management
Kylie Harris	Engineer, Habitat Management
Jeffrey Madden	Engineer, Habitat Management
Mike Johnson	Engineer, Habitat Management
Tiffany Birge	Engineer, Habitat Management
Claire Gorman	Engineer, Habitat Management
Kirsten Travis	Engineer, Habitat Management
Brad Reams	Engineer, Habitat Management
Olivia Upton	Engineer, Habitat Management
Ethan Simpson	Chief, Fisheries Management
Adam Kenyon	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Emily Hein

Alex Sabo

Commission Meeting

**19411
July 28, 2026**

David Rudder

Others present:

Roger Anderson	Jim Deaver	Mike Shackelford
Dave O'Brien	Brian Fletcher	and others.

* * * * *

APPROVAL OF AGENDA. – Commissioner Joseph Grist 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 Grist asked if there were any changes or corrections to be made to the June 23, 2026 meeting minutes.

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

* * * * *

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

* * * * *

Adam Kenyon, Chief, Shellfish Management, introduced a new surveyor, Nathaniel Curtis to the Commission. His comments are a part of the verbatim record.

Ethan Simpson, Chief, Fisheries Management, introduced a new field observer, Preston Hudlow, to the Commission. His comments are a part of the verbatim record.

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

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

2A TUSCARORA BEACH ASSOCIATION, VMRC #2026-0676, requests authorization to extend an existing timber groin 10 feet landward at 194 Rio Vista Lane, situated along the Rappahannock River in Essex County. This project requires a VMRC Beach and Dune Permit.

The matter is before the Commission for discussion and action.

Associate Member Erskine moved to approve project 2A as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0.

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6. DEANA MASSEY, VMRC #2026-0060, requests authorization to install an 82-foot long and an 83-foot long marsh toe sill, backfilled with clean sand and native wetland plantings, for the construction of a living shoreline adjacent to 38 Point Cove Lane, situated along Bush Park Creek in Middlesex County. The project is protested by an adjacent property owner.

Kylie Harris, Environmental Engineer, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Harris's comments are a part of the verbatim record.

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

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the application per staff recommendation as presented. Associate Member Erskine seconded the motion. The motion carried, 7-0.

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Commission Meeting

**19414
July 28, 2026**

There being no further business, the meeting was adjourned at 10:12 a.m. The next Commission meeting will be on **Tuesday**, August 25, 2026.

* * * * *

Joseph Grist, Commissioner

Jamie Hogge, Recording Secretary

DAVID SPENCER
VMRC #2023-0895

1. Habitat Management Division Evaluation dated August 25, 2026
(Pages 1-3)
2. VIMS comments dated June 29, 2023
(Page 4)
3. Meeting notification for the Suffolk Wetlands Board's July 16, 2026 meeting dated
June 26, 2026
(Page 5)
4. Official record received from the City of Suffolk, dated-received August 5, 2026,
including, Minutes from the July 16, 2026, public hearing, Vote Sheet of the July 16,
2026, public hearing, and City Staff presentation containing their evaluation and
recommendations
(Pages 6-31)
5. Commission Review Notice dated July 23, 2026
(Pages 32-33)

August 25, 2026

HABITAT MANAGEMENT DIVISION EVALUATION

DAVID SPENCER, VMRC #23-0895. Commission review of the July 16, 2026, decision of the Suffolk Wetlands Board to approve unquantified impacts to vegetated tidal wetlands as part of a riprap revetment proposal at 6954 Repass Beach Road situated adjacent to the Hampton Roads waterway in the City of Suffolk.

Narrative

The applicant's property is currently protected by a riprap revetment extending along the length of the shoreline until the westernmost portion of the property. The revetment has been in place for several years, resulting in the growth of a patch of *Spartina alterniflora* along its base within the project area. The application proposes expanding an existing section of the revetment channelward over tidal wetlands including a buried toe. The application's initial submittal on June 30, 2023, provided an estimate of approximately six (6) square feet of impacts to vegetated tidal wetlands.

At the city's July 16, 2026, public hearing, the Wetlands Board received a staff briefing, including copies of the application drawings and photographs of the subject shoreline. In conjunction with the photographs, the staff informed the board of an increase in the amount of vegetated wetlands located in the project area. They showed a slide comparing a 2023 photograph to a 2026 photograph of the grasses, estimating the vegetation has grown into an approximate 18-foot by 12-foot patch (216 square feet). City wetlands staff recommended approval of the project with a condition that an updated survey be provided to quantify the amount of vegetated wetlands impacts, and a condition that any wetlands vegetation in the project footprint be transplanted to the new revetment toe as mitigation with monitoring by staff after a year.

During the Board's discussion of the project, wetlands staff informed the Board of the updates to the existing Wetlands Mitigation and Compensation Policy Regulation adopted by the Commission at their January 2025 meeting. VMRC staff clarified, at the podium, the new order of preference for compensatory mitigation when required as part of a project's approval as: (1) use of an approved tidal mitigation bank, (2) use of an approved in-lieu fee program such as the SWMP (Stream and Wetland Mitigation Program) that offers mitigation credits through the Nature Conservancy, (3) permittee-responsible on-site and in-kind mitigation, or (4) permittee-responsible mitigation through off-site or out-of-kind mitigation within the same watershed. Their staff reminded the Board of their ability to defer the project to gather more information regarding available tidal wetlands banks, as well as to require an updated square footage for the increased amount of proposed impacts to vegetated wetlands. After hearing from both city and VMRC staff, the Board asked no further questions nor sought additional assistance.

The Chairman spoke in support of the project's design with regard to the fetch and energy impacting the shoreline. Ultimately, the Board voted unanimously to approve the project with the conditions of providing an updated survey quantifying the current amount of proposed impacts to

Narrative (cont'd)

vegetated wetlands, and the relocation of any impacted vegetation to the new revetment toe, including staff monitoring for 1 year.

The Suffolk Wetlands Board was advised by VMRC letter dated July 23, 2026, that their decision to approve the project with an unquantified amount of tidal wetland impacts would be reviewed by the full Commission at its August 25, 2026, monthly meeting.

Issues

Comments previously provided by the Virginia Institute of Marine Science (VIMS) dated June 29, 2023, state that the proposal would have no significant adverse environmental impact as it would impact less than 10 square feet of vegetated wetlands. They cautioned, however, that the “success of the vegetation relocation is suspect since the plants will be placed in a situation of greater exposure.”

The VIMS comments were referenced in the board’s presentation by city staff but did not clarify that they referenced the site conditions of 2023. Existing site conditions now are estimated by VMRC staff to be approximately two hundred ten more square feet of tidal wetlands vegetation as opposed to the six square feet identified in the original application.

Mr. David Kledzik, the applicant’s agent, did speak to the project’s need and the inability to install a living shoreline due to the large fetch. The board engaged in limited discussion of the project, outside of the Chairman expressing his support and felt it appropriate to approve the project as requested by the applicant.

Summary/Recommendations

Ultimately, the city staff recommended the application be approved with an unquantified amount of impacts to existing vegetated wetlands with inappropriate mitigation (transplanting existing vegetation - cautioned by VIMS). This does not adhere to the Commission’s current Wetlands Mitigation and Compensation Policy Regulation adopted on January 25, 2025. The Board was reminded of the policy by VMRC staff, necessary to achieve no net loss of wetlands, and that they were hearing a proposal with an unknown quantity of impacts. After consideration, they chose to ignore VMRC’s guidance and approved the project per their staff’s recommendations.

Section 28.2-1313 of the Code specifies when the Commission should modify, remand, or reverse wetlands board decisions. Based on our attendance at the hearing and our review of the complete record provided by the locality, it is staff’s opinion that the Board in reaching its decision failed to fulfill its responsibilities under the wetlands zoning ordinance as outlined in §28.2-1313.1 of the Code of Virginia. Importantly, no substantive effort was made by city staff or the Board to first explore the *avoidance* of impacts to vegetated tidal wetlands. Mitigation of jurisdictional wetland impacts may only be considered by the Board if the proposed riprap is

Summary/Recommendations (cont'd)

determined to be absolutely necessary and the mitigation is approved in accordance with the existing Wetlands Mitigation and Compensation Policy.

Staff recommends that the matter be remanded to the Suffolk Wetlands Board with specific direction to reconsider the matter only after the receipt of revised project drawings depicting existing site conditions and updated estimates of the square footage of impacts to jurisdictional nonvegetated and vegetated tidal wetlands. In addition, the applicant, agent and Board should be required to identify and discuss any and all measures that could be undertaken to further avoid and/or minimize tidal wetlands impacts. Based on VMRC's site visits conducted in 2023 and again in 2026, it appears that any additional erosion measures needed could be designed landward of the existing *Spartina alterniflora* that has increased onsite despite the existing fetch.

Lastly, the Board should consider formally requesting that VIMS provide an updated written recommendation given the substantial change in site conditions and increase in vegetated wetlands from 2023 to 2026.

June 29, 2023

Ms. Lauren Chartrand
Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

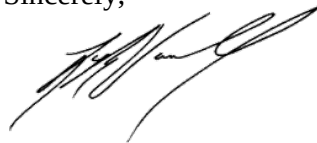
Dear Ms. Chartrand:

I have completed my assessment of the proposal by David Spencer to widen and lengthen a portion of an existing riprap revetment along the James River (VMRC 2023-0895) and find no significant adverse environmental impacts resulting from the project as proposed. The project will impact less than 10 square feet of saltmarsh cordgrass (*Sporobolus alterniflorus*, formerly *Spartina alterniflora*) embedded within the revetment, but relocation of this vegetation is planned near the toe of the new revetment section. The application states that the saltmarsh cordgrass will be replanted at an elevation below 1.5 times the mean tide range; however, saltmarsh cordgrass almost exclusively grows between the elevations of mean tide and mean high water. If relocation is authorized we recommend planting only within their natural tide range to provide the greatest likelihood of survival and growth.

Although this is a small amount of tidal wetlands vegetation growing within the revetment, which can affect their level of habitat and water quality functions, we forward the following recommendations for consideration. The success of vegetation relocation is suspect since the plants will be placed in a situation of greater exposure to wave energy (the rock substrate currently provides some protection to the roots and lower stems). Also, natural communities of saltmarsh cordgrass have not naturally established in the target relocation area even though there are local seed sources. We recommend consideration of monitoring the relocated vegetation for a period of at least one year to determine the likelihood of survival. If relocation fails we recommend consideration of alternative methods of compensatory mitigation. Alternative compensatory mitigation methods may also be considered if relocation is not considered an appropriate strategy.

Please contact me if you have questions or require further information.

Sincerely,



Lyle Varnell
Associate Director for Advisory Services



CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

June 26, 2026

Dear Interested Party/Governmental Agency:

Please be advised that the following permit request has been filed with the City of Suffolk Wetlands Board. The application will be considered at a public hearing to be held on **Thursday, July 16, 2026**, at 6:00 p.m. in the City Council Chambers, Suffolk City Hall, 442 W. Washington Street:

VMRC2023-0895, submitted by David Spencer, applicant and owner, for a permit to modify and extend an existing riprap revetment located at 6954 Respass Beach Road along the Nansemond River; further identified as Tax Map 7A(1)*3.

Should you have any interest in this matter, you are urged to attend the public hearing. This is the only notice you will receive regarding the upcoming public hearing. Please contact me by phone at 757-514-4071 or by email at cmckelvie@suffolkva.us should you have any questions pertaining to the above application, and feel free to share this notice with other parties or agencies who may have an interest in attending the public hearing.

Sincerely,

Cassidy McKelvie

Cassidy McKelvie
Wetlands Board Secretary

- Virginia Institute of Marine Science: advisory@vims.edu
- Department of Environmental Quality: VWP.TRO@deq.virginia.gov
- U. S. Army Corps of Engineers: cenao.reg_rod@usace.army.mil
- Virginia Department of Wildlife Resources: ESSProjects@dwr.virginia.gov
- Virginia Department of Conservation and Recreation: FloodplainMgmt@dcr.virginia.gov and mike.vanlandingham@dcr.virginia.gov
- Virginia Department of Transportation: Melissa.Wolford@vdot.virginia.gov
- Virginia Marine Resources Commission (VMRC): jpa.permits@mrc.virginia.gov and Kirsten.Travis@mrc.virginia.gov



MINUTES

SUFFOLK WETLANDS BOARD

July 16, 2026

6:00 P.M.

The meeting of the Suffolk Wetlands Board was held on Thursday, July 16, 2026, at 6:00 p.m., in the City Council Chambers of the City Hall Building, 442 West Washington Street, Suffolk, Virginia.

MEMBERS:

Geoffrey Hinshelwood, Chairman
Sidney Hazelwood
Kathy Doerner
Bryan Cattenhead
Ellis Dallas

STAFF:

Cassidy McKelvie, Wetlands Board
Secretary
Margaret Pittenger, Assistant Director of
Planning
Jennifer Wilmoth, Assistant City Attorney
Kirsten Travis, Virginia Marine Resources
Commission

ROLL CALL:

The meeting was called to order by Chairman Hinshelwood. The roll was then called by Mrs. McKelvie, who informed Chairman Hinshelwood that a quorum was present.

APPROVAL OF THE MINUTES:

The minutes of the previous meeting were approved as presented by a voice vote of 5 to 0.

PUBLIC HEARING:

VMRC2023-0895, submitted by David Spencer, applicant and property owner, for a permit to modify and extend an existing riprap revetment located at 6954 Respass Beach Road along the James River, further identified as Tax Map 7A(1)*3.

Ms. McKelvie gave a presentation and overview of the project. Staff recommended approval of VMRC2023-0895 with the proposed conditions outlined in the staff report.

The public hearing was opened, and David Kledzik with Marine Engineering spoke in favor of the application.

Ms. McKelvie informed the Board that preferred method of mitigation for impacted vegetated tidal wetlands, as of July 2025, is to purchase credits from a tidal wetlands mitigation bank, instead of replacement onsite as proposed with this application.

Kirsten Travis with the Virginia Marine Resources Commission provided further clarification of the July 2025 regulations change for tidal wetlands mitigation.

Beth Cross with the Nansemond River Preservation Alliance spoke in favor of the application.

The floor was opened for those who were in opposition of the application, and there was no opposition.

The public hearing was closed.

Following discussion by the board, Board Member Hazelwood made a motion to approve VMRC2023-0895 with the proposed conditions. The motion was seconded by Board Member Dallas and was approved by a voice vote of 5 to 0.

NEW BUSINESS:

Ms. McKelvie presented a proposal to change the permit number identification system for Wetlands Board applications and permits. Applications are currently tracked under the VMRC permit number. The proposed change would identify and track permit numbers under a SWB number, representing the Suffolk Wetlands Board. There was no opposition to the proposed change.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

SUFFOLK WETLANDS BOARD



DATE: JULY, 2026

MT: Hazelwood

2ND: Dallas

TO: Approve with Conditions

BOARD MEMBERS	ATTENDANCE		VMRC23-0895	
			VOTE: 5 - 0	
	PRESENT	ABSENT	YES	NO
Chairman Geoffrey Hinshelwood	X		X	
Vice-Chairman Darius Davenport		X		
Sidney Hazelwood	X		X	
Bryan Cattenhead	X		X	
Richard Vroman		X		
Kathy Doerner	X		X	
Kittrell Eberwine		X		
Ellis Dallas - <i>Alternate</i>	X		X	
Kaitlyn Price - <i>Alternate</i>		X		

SUFFOLK WETLANDS BOARD MEETING

July 16, 2026



Agenda

- Election of Officers
- Public Hearing
 - VMRC23-0895 – 6954 Respass Beach Road
- New Business
 - Permit Identification Numbers

Election of Officers

- Chairman
- Vice Chairman

VMRC23-0895

6954 Respass Beach Road

Riprap Revetment Extension and Modification

Permit Application

Suffolk Wetlands Board

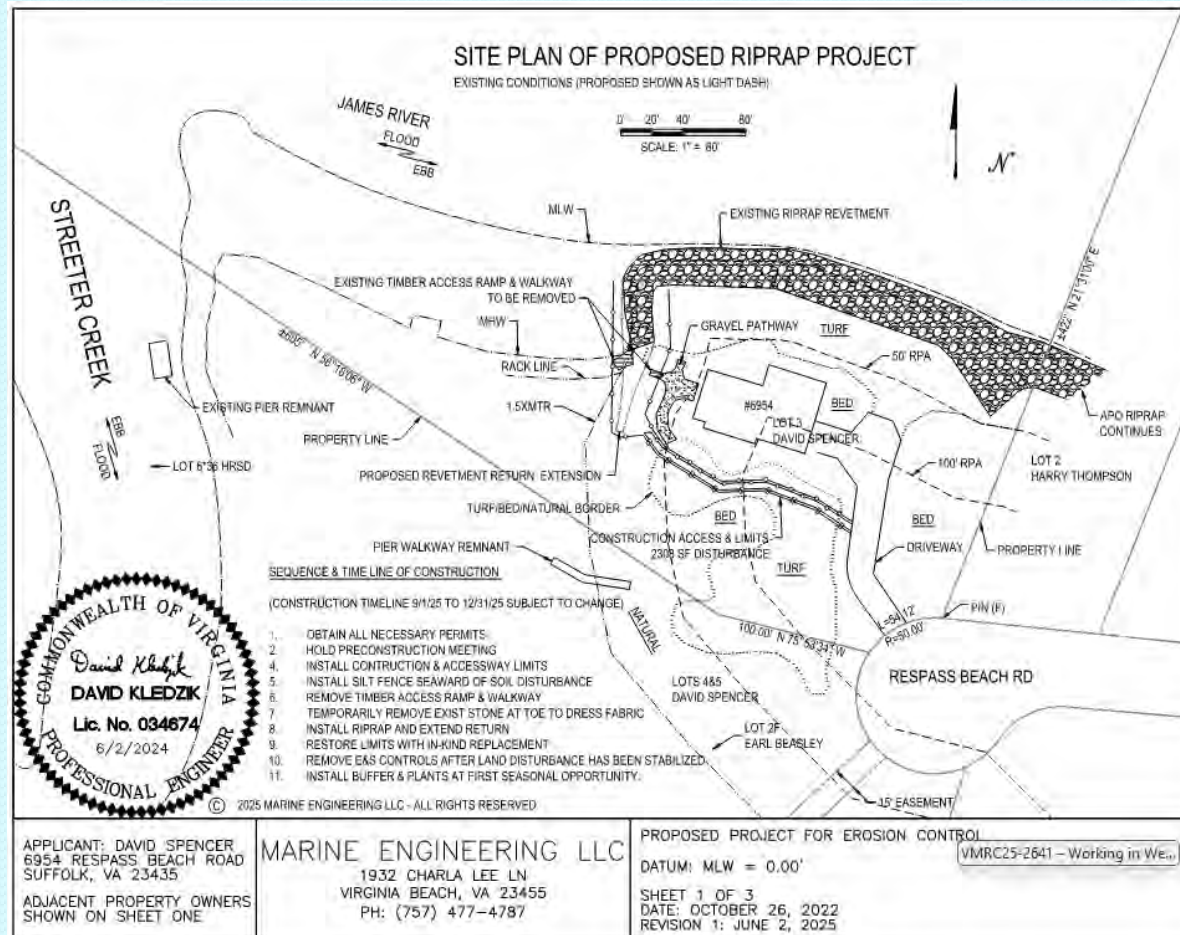
July 16, 2026

VMRC23-0895 – 6954 Respass Beach Road

- Submitted by David Spencer, applicant and owner.
- Request to modify and extend an existing riprap revetment.

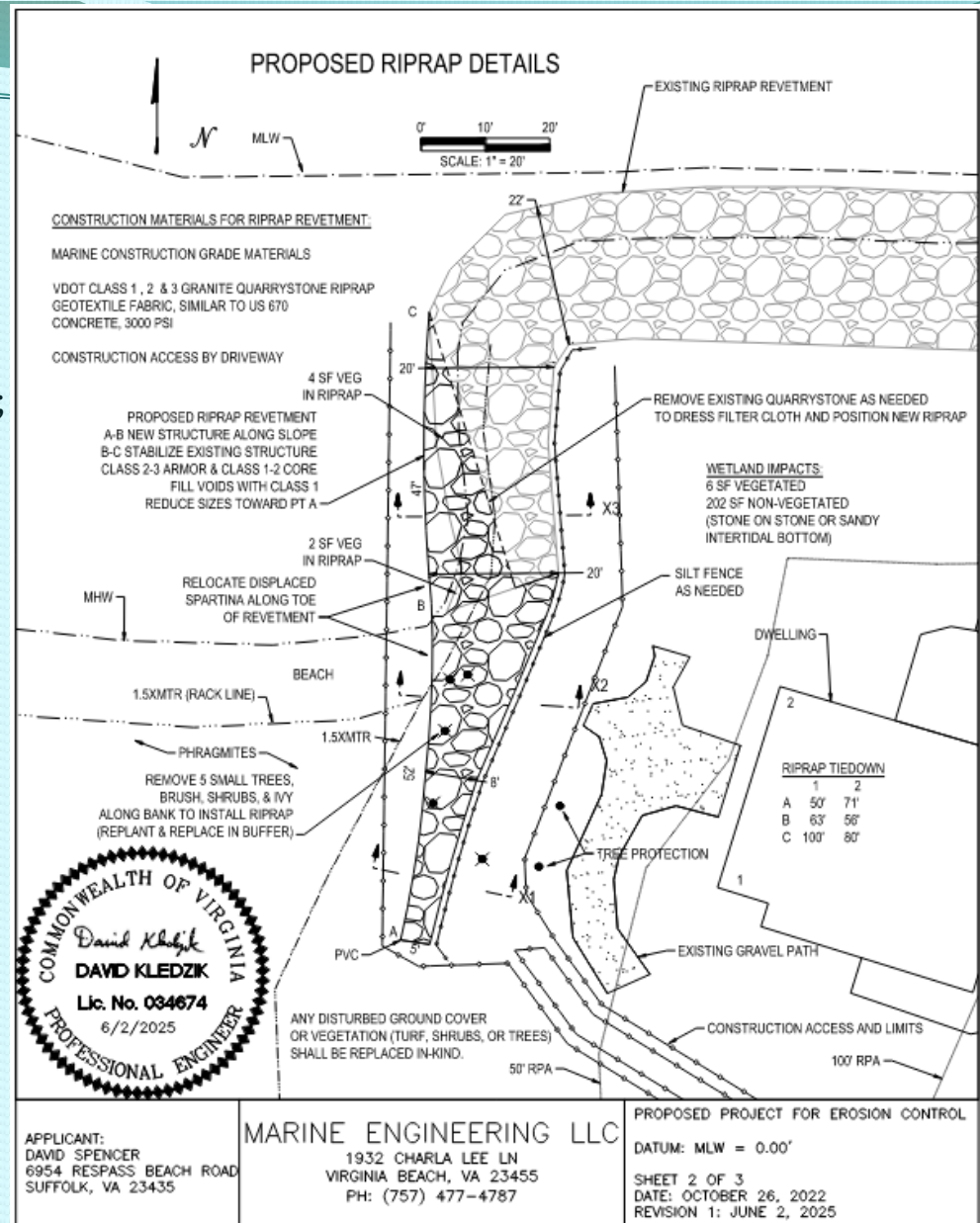


Existing Conditions

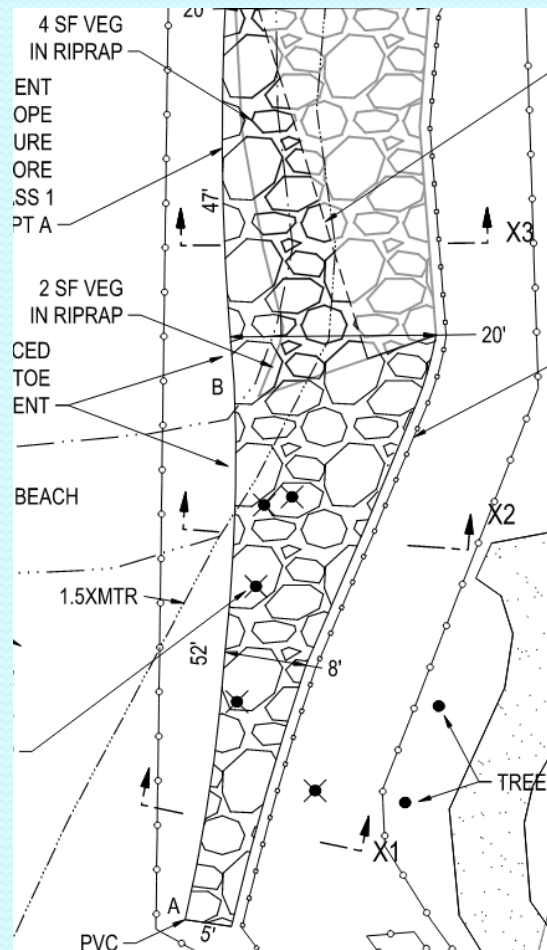


Proposed Conditions

- Existing conditions are in gray; proposed conditions are in black.
- 869 square feet of new riprap.
- Wetland Impacts:
 - 6 sqft of vegetated wetlands
 - 202 sqft of nonvegetated wetlands.
- A majority of the impacts will be to the RPA buffer.

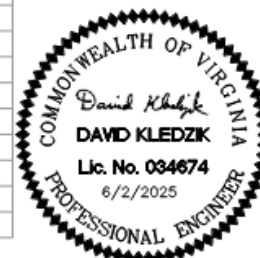
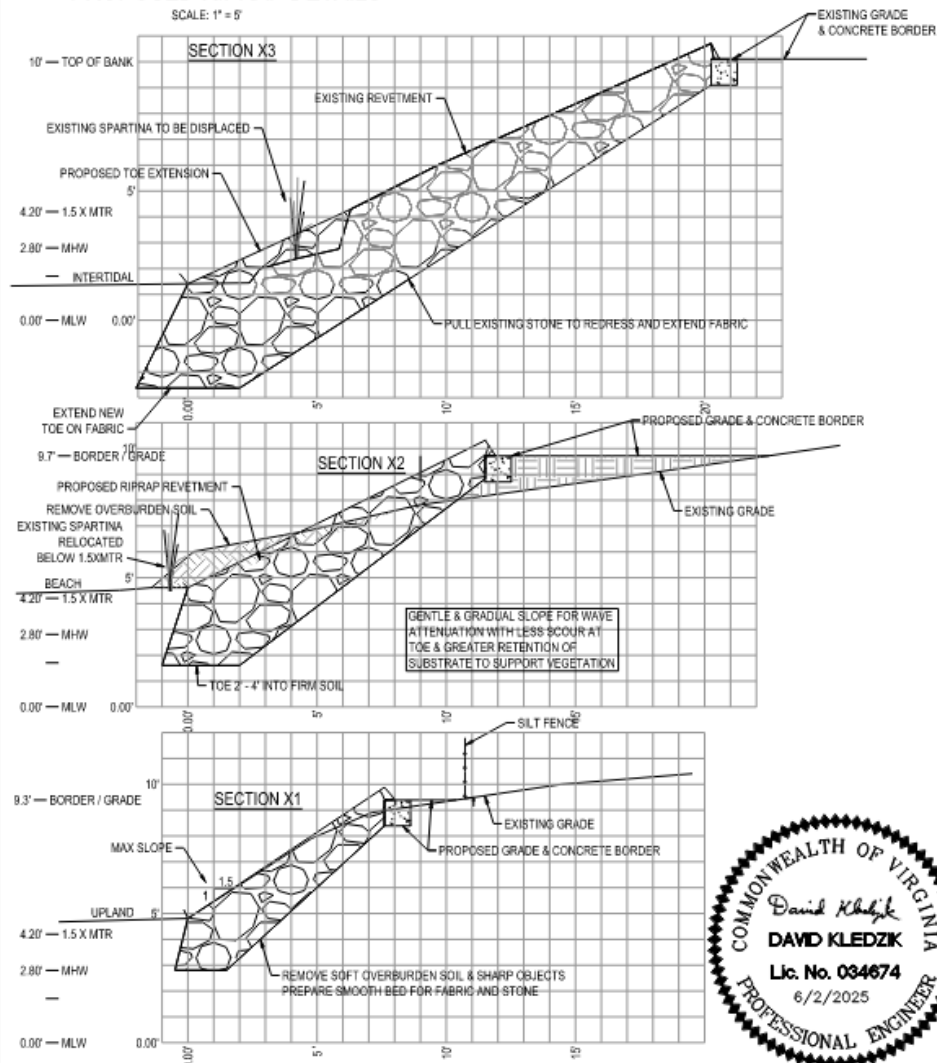


Proposed Riprap Cross-Sections



PROPOSED RIPRAP DETAILS

SCALE: 1" = 5'



APPLICANT:
DAVID SPENCER
6954 RESPASS BEACH ROAD
SUFFOLK, VA 23435

MARINE ENGINEERING LLC
1932 CHARLA LEE LN
VIRGINIA BEACH, VA 23455
PH: (757) 477-4787

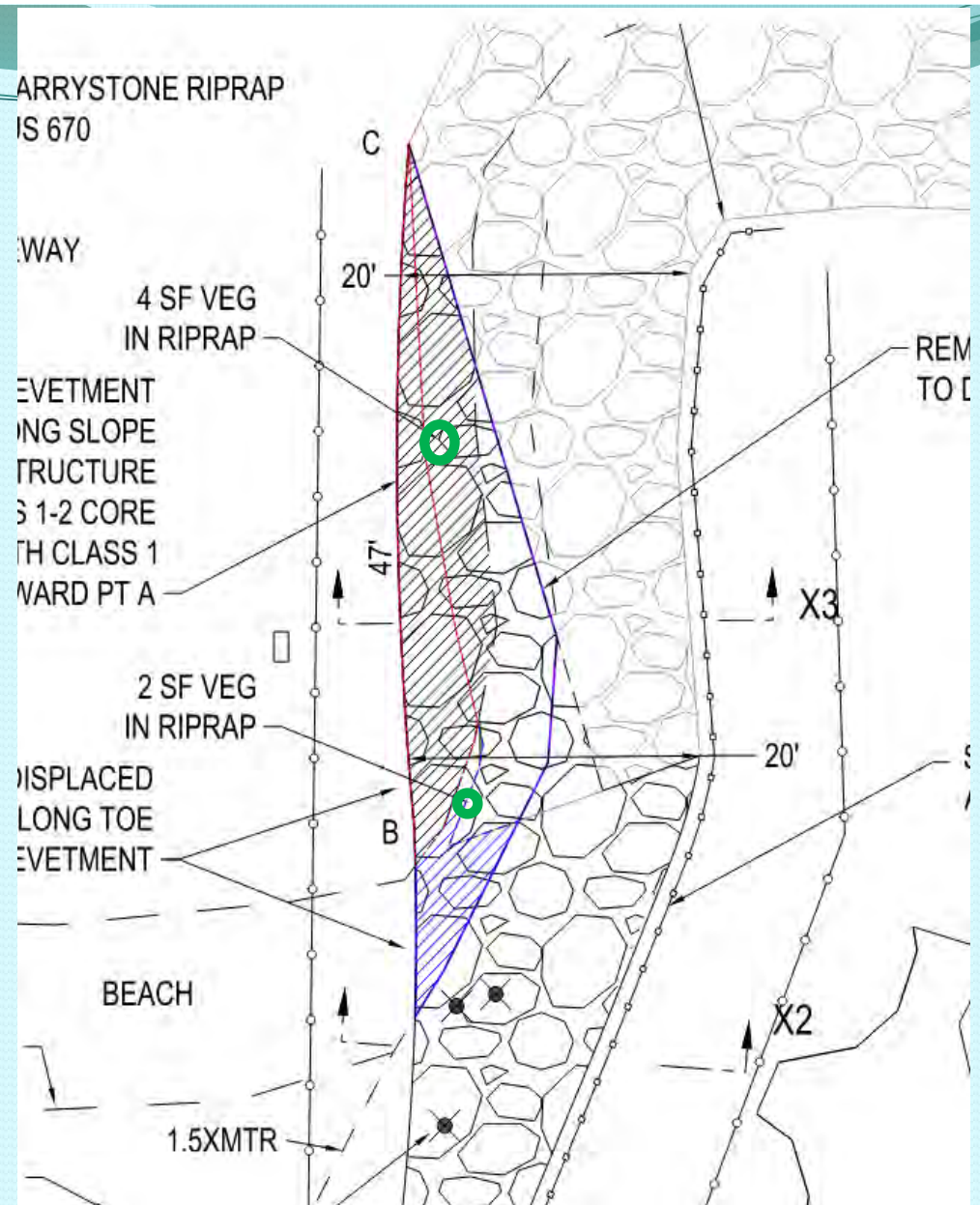
PROPOSED PROJECT FOR EROSION CONTROL

DATUM: MLW = 0.00'

SHEET 3 OF 3
DATE: OCTOBER 26, 2022
REVISION 1: JUNE 2, 2025

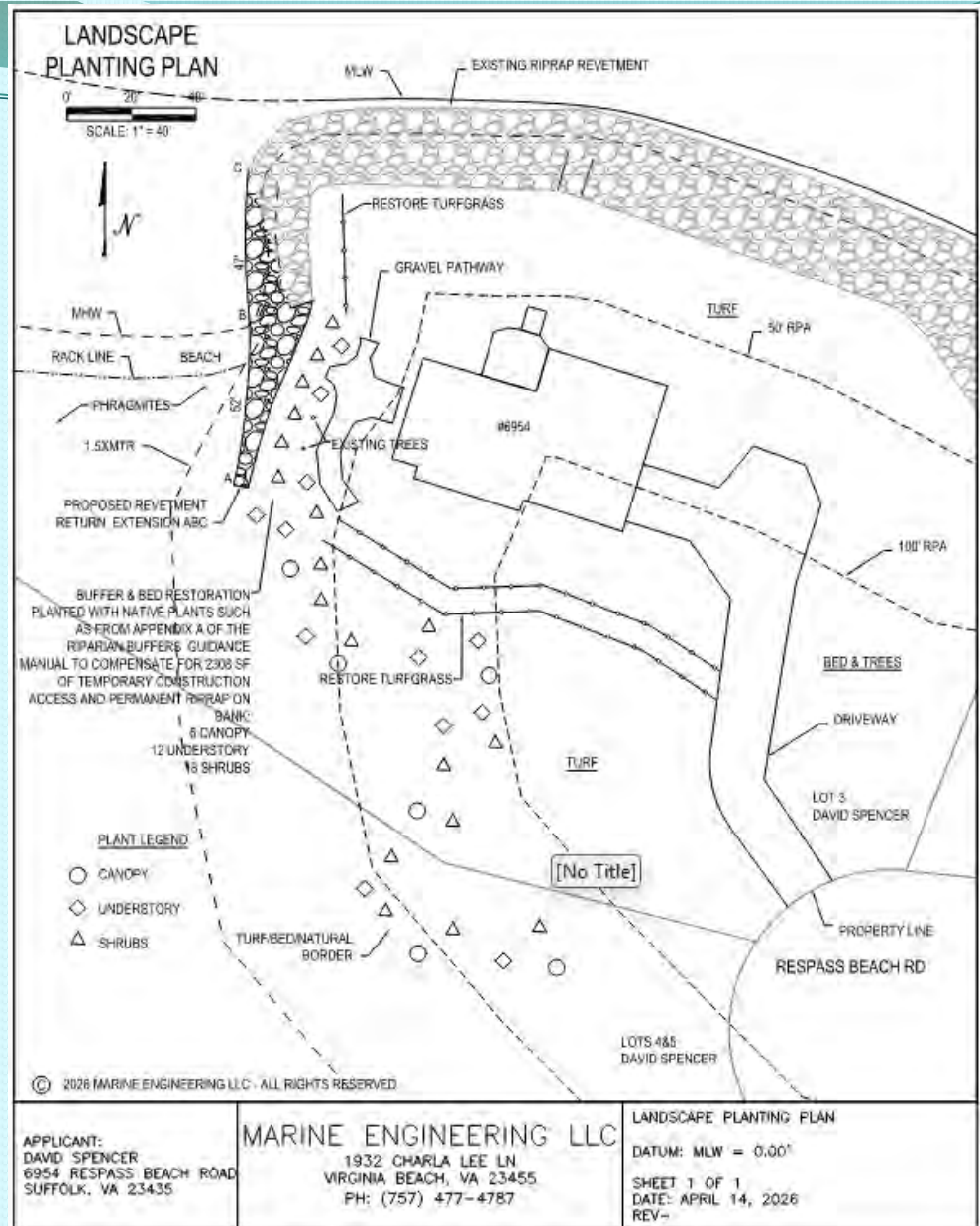
Jurisdictional Boundaries

- 202 square feet of nonvegetated wetland impacts outlined in yellow.
 - Bound by MHW, not 1.5x MTR (purple outline) due to the adjoining tidal wetland area being primarily nonvegetated
- The green circles show the 6 square feet of vegetated wetland impacts.
- The remaining area is within the RPA buffer.



Preliminary CBPA Mitigation Plan

- A majority of the project impacts will be to the RPA buffer; which includes:
 - 2,354 square feet of land disturbance
 - The removal of 5 small trees, shrubs, brush, and ivy.
- Shoreline erosion projects are a permitted use within the RPA buffer.
 - Will be reviewed administratively.



VIMS Report

- Reviewed in June 2023 and found that no significant environmental impacts are anticipated.
- Saltmarsh cordgrass naturally grows between MTR and MHW.
- VIMS recommends replanting within this tide range to maximize survival.
- One year of monitoring is proposed as a permit condition.

June 29, 2023

Ms. Lauren Chartrand
Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

Dear Ms. Chartrand:

I have completed my assessment of the proposal by David Spencer to widen and lengthen a portion of an existing riprap revetment along the James River (VMRC 2023-0895) and find no significant adverse environmental impacts resulting from the project as proposed. The project will impact less than 10 square feet of saltmarsh cordgrass (*Sporobolus alterniflorus*, formerly *Spartina alterniflora*) embedded within the revetment, but relocation of this vegetation is planned near the toe of the new revetment section. The application states that the saltmarsh cordgrass will be replanted at an elevation below 1.5 times the mean tide range; however, saltmarsh cordgrass almost exclusively grows between the elevations of mean tide and mean high water. If relocation is authorized we recommend planting only within their natural tide range to provide the greatest likelihood of survival and growth.

Although this is a small amount of tidal wetlands vegetation growing within the revetment, which can affect their level of habitat and water quality functions, we forward the following recommendations for consideration. The success of vegetation relocation is suspect since the plants will be placed in a situation of greater exposure to wave energy (the rock substrate currently provides some protection to the roots and lower stems). Also, natural communities of saltmarsh cordgrass have not naturally established in the target relocation area even though there are local seed sources. We recommend consideration of monitoring the relocated vegetation for a period of at least one year to determine the likelihood of survival. If relocation fails we recommend consideration of alternative methods of compensatory mitigation. Alternative compensatory mitigation methods may also be considered if relocation is not considered an appropriate strategy.

Please contact me if you have questions or require further information.

Sincerely,



Lyle Varnell
Associate Director for Advisory Services

Anticipated Schedule

- The project is anticipated to take approximately 90 days to complete.
 - Week 1: Preparing the site for construction and removing the existing timber walkway.
 - Week 2-11: Installation of the revetment.
 - Week 12: Demobilization and stabilization.

2023 Photos



Jun 30, 2026 at 9:15:25 AM
6954 Respass Beach Rd
Suffolk VA 23435
United States

2025 Photos



Jun 30, 2026 at 9:41:46 AM
6954 Respass Beach Rd
Suffolk VA 23435
United States



Site Conditions: Erosion



Alternative Solutions

The site is located along the James River, which presents ~27 miles of fetch to the NW and ~32 miles to the NE.

Living Shoreline:

- Wave energy from this fetch exceeds guidelines for a sill-based living shoreline, making vegetation and substrate vulnerable to washout

Breakwater:

- A breakwater would need to handle wave energy from two directions, resulting in larger impacts than the proposed revetment.



Jun 30, 2026 at 9:20:26 AM
6954 Respass Beach Rd
Suffolk VA 23435
United States

VMRC23-0895 – Permit Request

- This permit requests to modify and extend an existing riprap revetment, which would include:
 - The addition of 869 square feet of new riprap.
 - 6 square feet of vegetated tidal wetland impacts.
 - 202 square feet of nonvegetated wetland impacts.

VMRC23-0895 – Considerations

- Impacts to tidal wetlands have been minimized and no significant adverse environmental impacts are anticipated.
- All impacted vegetated tidal wetlands are proposed to be replaced in-kind on the subject property, followed by inspections by the City.
- A VMRC permit is not required. Shoreline erosion projects are permitted within the RPA buffer.

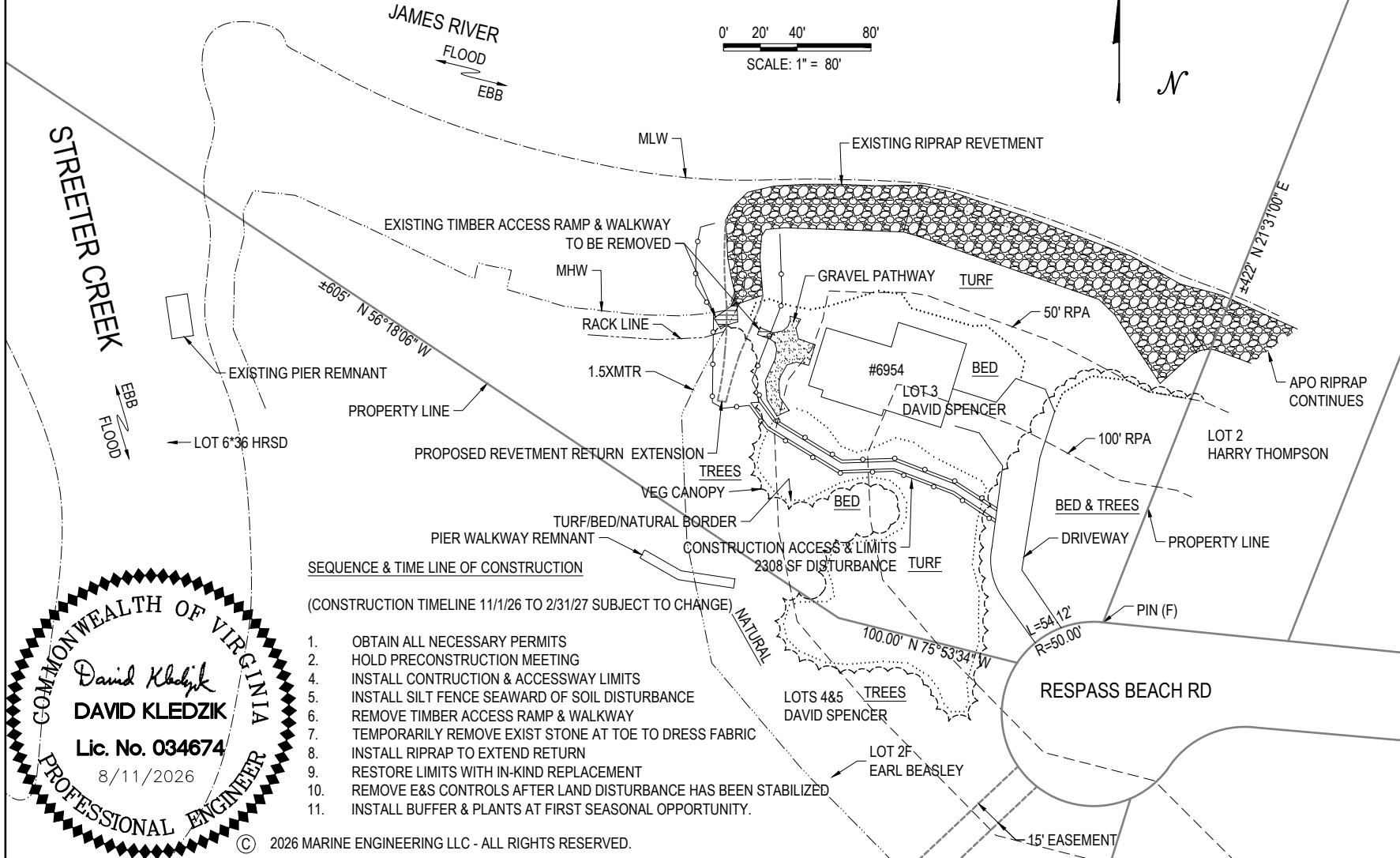
VMRC23-0895 – Staff Recommendation

- ❖ It is staff's opinion that this application meets the requirements established by Section 34-327 of the Suffolk Code of Ordinances.
- ❖ Staff recommends ***approval*** of permit application VMRC23-0895, subject to the conditions outlined in the proposed permit.
 - ❖ To expire on July 16, 2027.

SITE PLAN OF PROPOSED RIPRAP PROJECT

EXISTING CONDITIONS (PROPOSED SHOWN AS LIGHT DASH)

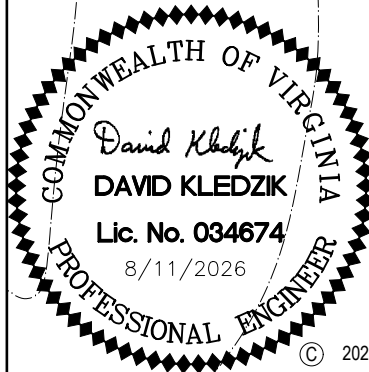
0' 20' 40' 80'
SCALE: 1" = 80'



SEQUENCE & TIME LINE OF CONSTRUCTION

(CONSTRUCTION TIMELINE 11/1/26 TO 2/31/27 SUBJECT TO CHANGE)

1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETING
3. INSTALL CONSTRUCTION & ACCESSWAY LIMITS
4. INSTALL SILT FENCE SEAWARD OF SOIL DISTURBANCE
5. REMOVE TIMBER ACCESS RAMP & WALKWAY
6. TEMPORARILY REMOVE EXIST STONE AT TOE TO DRESS FABRIC
7. INSTALL RIPRAP TO EXTEND RETURN
8. RESTORE LIMITS WITH IN-KIND REPLACEMENT
9. REMOVE E&S CONTROLS AFTER LAND DISTURBANCE HAS BEEN STABILIZED
10. INSTALL BUFFER & PLANTS AT FIRST SEASONAL OPPORTUNITY.



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APPLICANT: DAVID SPENCER
6954 RESPASS BEACH ROAD
SUFFOLK, VA 23435

ADJACENT PROPERTY OWNERS
SHOWN ON SHEET ONE

MARINE ENGINEERING LLC

1932 CHARLA LEE LN
VIRGINIA BEACH, VA 23455
PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL

DATUM: MLW = 0.00'

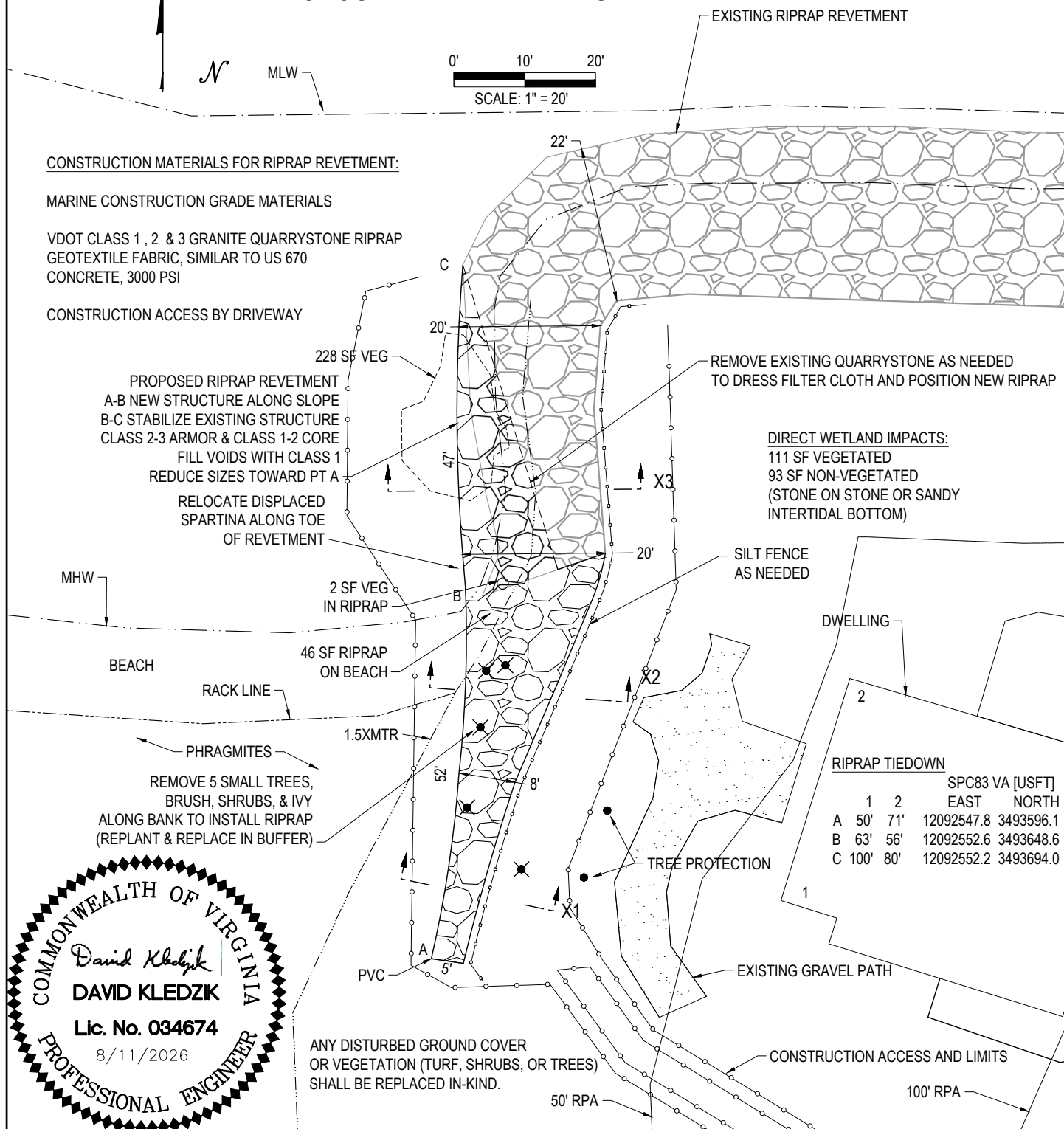
SHEET 1 OF 3
DATE: OCTOBER 26, 2022
REVISION 3: AUGUST 11, 2026

REV 1 ADDS RPA LINES & REDUCES RETURN WIDTH & ENCROACHMENT (ORIGINAL SURVEY DATA)
REV 2 INCLUDES NON VEGETATED IMPACTS TO BEACH FROM RIPRAP ABOVE MHW.
REV 3 UPDATES GROWTH OF SPARTINA VEGETATION

JOB NUMBER 22154

Received by VMRC August 17, 2026 / Ira

PROPOSED RIPRAP DETAILS



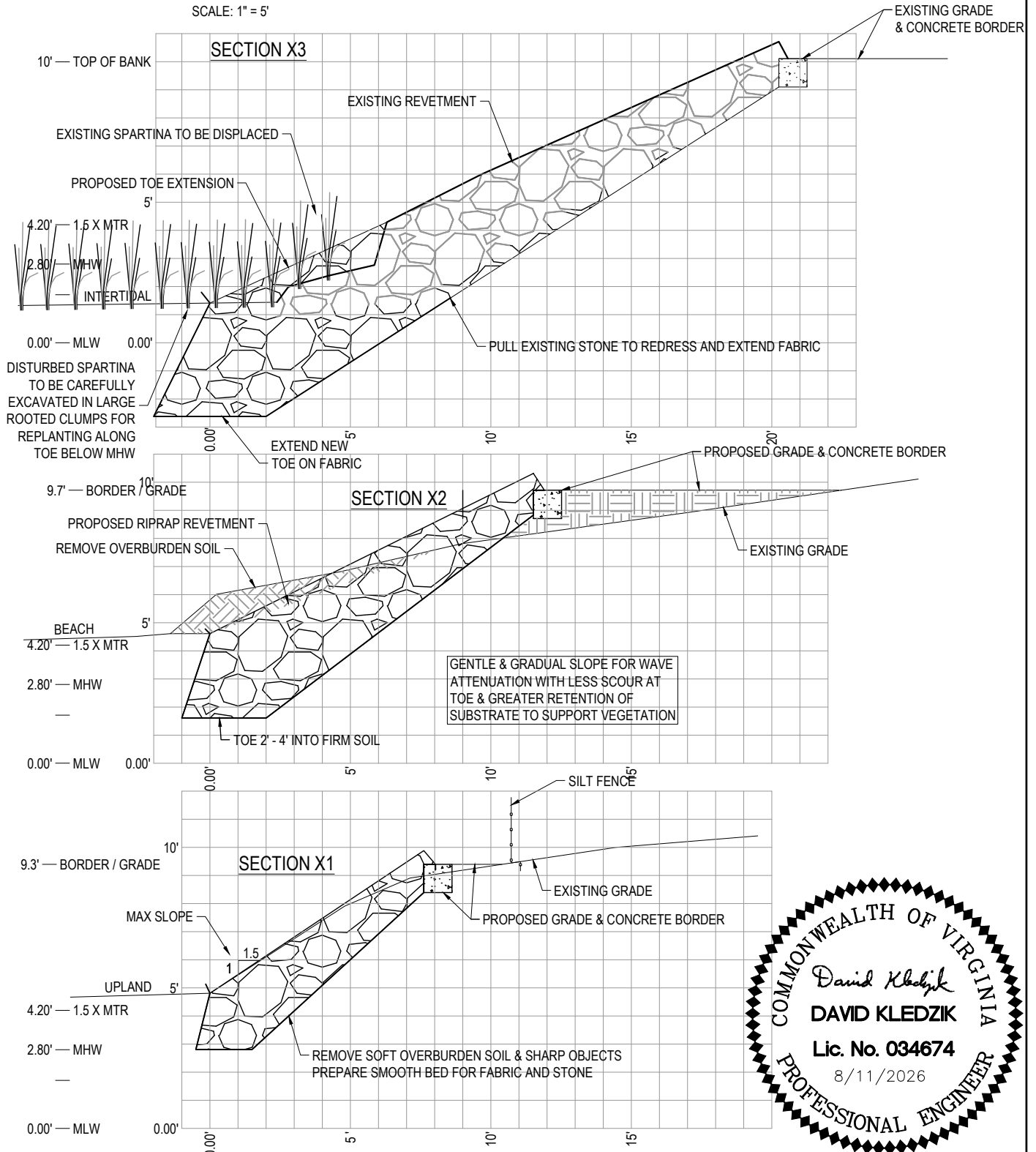
APPLICANT:
DAVID SPENCER
6954 RESPASS BEACH ROAD
SUFFOLK, VA 23435

MARINE ENGINEERING LLC
1932 CHARLA LEE LN
VIRGINIA BEACH, VA 23455
PH: (757) 477-4787

PROPOSED PROJECT FOR EROSION CONTROL
DATUM: MLW = 0.00'
SHEET 2 OF 3
DATE: OCTOBER 26, 2022
REVISION 3: AUGUST 11, 2026

PROPOSED RIPRAP DETAILS

SCALE: 1" = 5'



-PPPLICANT:
D- ID SPENCER
6954 RESP-SS BE-CH RO-D
SUFFOLK, V- 23435

MARINE ENGINEERING LLC

1932 CHARLA LEE LN
VIRGINIA BEACH, VA 23455
PH: (757) 477-4787

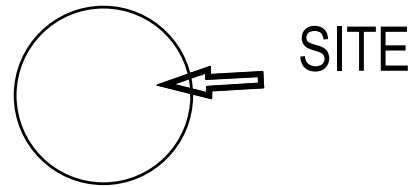
PROPOSED PROJECT FOR EROSION CONTROL

DATUM: MLW = 0.00'

SHEET 3 OF 3
DATE: OCTOBER 26, 2022
REVISION 3: AUGUST 11, 2026

AREA MAP OF 6954 RESPASS BEACH RD SUFFOLK VA 23435

SCALE 1" : 1200'



. \ADC Map JPA (1).jpg



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, Virginia 23651

July 23, 2026

David L. Bulova
Secretary of Natural
and Historic Resources

Joseph D. Grist
Commissioner

Mr. Geoffrey Hinshelwood, Chairman
c/o Ms. Cassidy McKelvie
Suffolk Wetlands Board
442 West Washington Street
Suffolk, VA 23434
cmckelvie@suffolkva.us

Re: David Spencer
VMRC #2023-0895

Dear Mr. Hinshelwood:

On behalf of Commissioner Grist, and in accordance with §28.2-1311 of the Code of Virginia, this is to notify you that the Commissioner is requesting that the full Commission review the July 16, 2026, decision of the Suffolk Wetlands Board to approve David Spencer's application to impact an unquantified amount of vegetated wetlands as part of a revetment project at 6954 Respass Beach Road, situated along the mouth of Streeter Creek in the City of Suffolk.

This will serve as your formal notification that the matter will be reviewed by the Commission at their regularly scheduled meeting on Tuesday, August 25, 2026, commencing at 9:30 a.m. at 380 Fenwick Road, Building 96, Fort Monroe, Virginia.

Accordingly, and in conformance with §28.2-1312(B) of the Code of Virginia, please forward a verbatim transcript of the testimony or minutes taken at the hearing at which this case was considered, along with the originals of all exhibits (maps, plats, letters, slides, or photographs, etc.) entered into the record or considered by the Board. You are reminded that in accordance with §28.2-1314 of the Code of Virginia:

"No permit shall be issued until the period within which a request for review or an appeal to the Commission may be made has expired. If a request for review is made or an appeal is noted, no activity for which the permit is required shall commence until the Commission has notified the parties of its determination."

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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

Mr. Geoffery Hinshelwood, Chairman
Page Two

July 23, 2026
VMRC #2023-0895

VMRC does not discriminate against individuals with disabilities. Therefore, if you are in need of reasonable accommodations due to a disability, please advise Mrs. Michele Guilford (757-247-2206) and identify your needs no later than five (5) working days prior to the meeting.

Should you have any questions regarding this matter, please contact Ms. Kirsten Travis of my staff at (757) 247-8027 or kirsten.travis@mrc.virginia.gov.

Sincerely,

Randal D. Owen

Randal D. Owen
Chief, Habitat Management

RDO/kat:tsb

HM

cc: Joseph D. Grist, Commissioner
Kelci Block, Assistant Attorney General
Suffolk Wetlands Board
David Spencer
David Kledzik, Marine Engineering LLC

Green Bluff LLC
VMRC #2026-0363

1. Habitat Management Evaluation dated August 25, 2026
(Pages 1-2)
2. Application plan view and cross section drawings dated received July 23, 2026
(Pages 3-10)
3. Virginia Institute of Marine Science comments dated received April 30, 2026
(Pages 11-12)
4. Letters of protest from Mr. Danilo Hebron received April 9, 2026, June 30, 2026, and
July 28, 2026
(Pages 13-21)

HABITAT MANAGEMENT DIVISION EVALUATION

GREEN BLUFF LLC, VMRC #2026-0363, requests authorization to construct a 10-foot by 20-foot switchback staircase with exterior support beams for access to a 142-foot long private, open-pile pier including a 10-foot by 41-foot L-head and 5-foot wide finger piers surrounding two (2) uncovered boat lifts; and to install 184 linear feet of riprap stone revetment with two (2) riprap breakwater spurs measuring 50 feet and 54 feet in length adjacent to 421 Marlborough Point Road, situated along the Potomac River in Stafford County. The project is protested by an adjacent property owner.

Narrative

The project is located north of the confluence of Potomac Creek and the Potomac River, east of the Brooke area in Stafford County. The shoreline is characterized by a 60-foot tall cliff-face consisting of marl, a type of sedimentary rock composed of fossil deposits, clay, and silt.

On February 19, 2026, Green Bluff LLC submitted an application requesting authorization to construct a riprap revetment with stone spurs. VMRC previously processed a request for a 10-foot by 20-foot switchback staircase, a 105-foot long private pier, and a 12-foot by 36-foot open-sided boathouse under VMRC #2025-0067. A permit was issued administratively for the staircase, while the pier qualified for statutory exemption under §28.2-1203(A)5 of the Code of Virginia.

Upon receiving the new renderings of the proposed staircase tower and pier, staff discovered the planned design did not match those previously authorized under VMRC #2025-0067. Staff advised that all proposed structures, including the staircase tower, pier, and revetment with spurs, would require a subaqueous permit. A total of 184 linear feet of riprap stone revetment is proposed with a base width of 28 feet. The breakwater spurs will tie into the revetment and extend a maximum of 60 feet channelward of mean low water to protect the foundation and framing of the pier's staircase tower. The proposal will not impact existing shellfish leases or existing submerged aquatic vegetation (SAV).

The professional engineer for this project worked extensively with staff to justify the design behind the proposed revetment and breakwater spurs. During a virtual meeting on May 19, 2026, it was noted that local slope failures along this stretch of shoreline prompted the unique and heavier protection against potential slope failure. Revised drawings of the staircase tower, pier, and revetment were submitted depicting a reduced subaqueous footprint as discussed.

Issues

As part of the public interest review, staff notified both adjoining property owners of the proposal and an advertisement was placed in the Free Lance-Star. The adjoining property owner immediately to the north, Mr. Danilo Hebron, protested the proposal.

Mr. Hebron expressed concerns regarding potential impacts to his property from the proposed shoreline revetment structure. He specifically noted an increased risk of erosion could be possible due to the proposed revetment and requested that further drawings/assessments be provided. Additionally, Mr. Hebron questioned the proposed construction plan, asking how anyone can ensure that his property will not be affected.

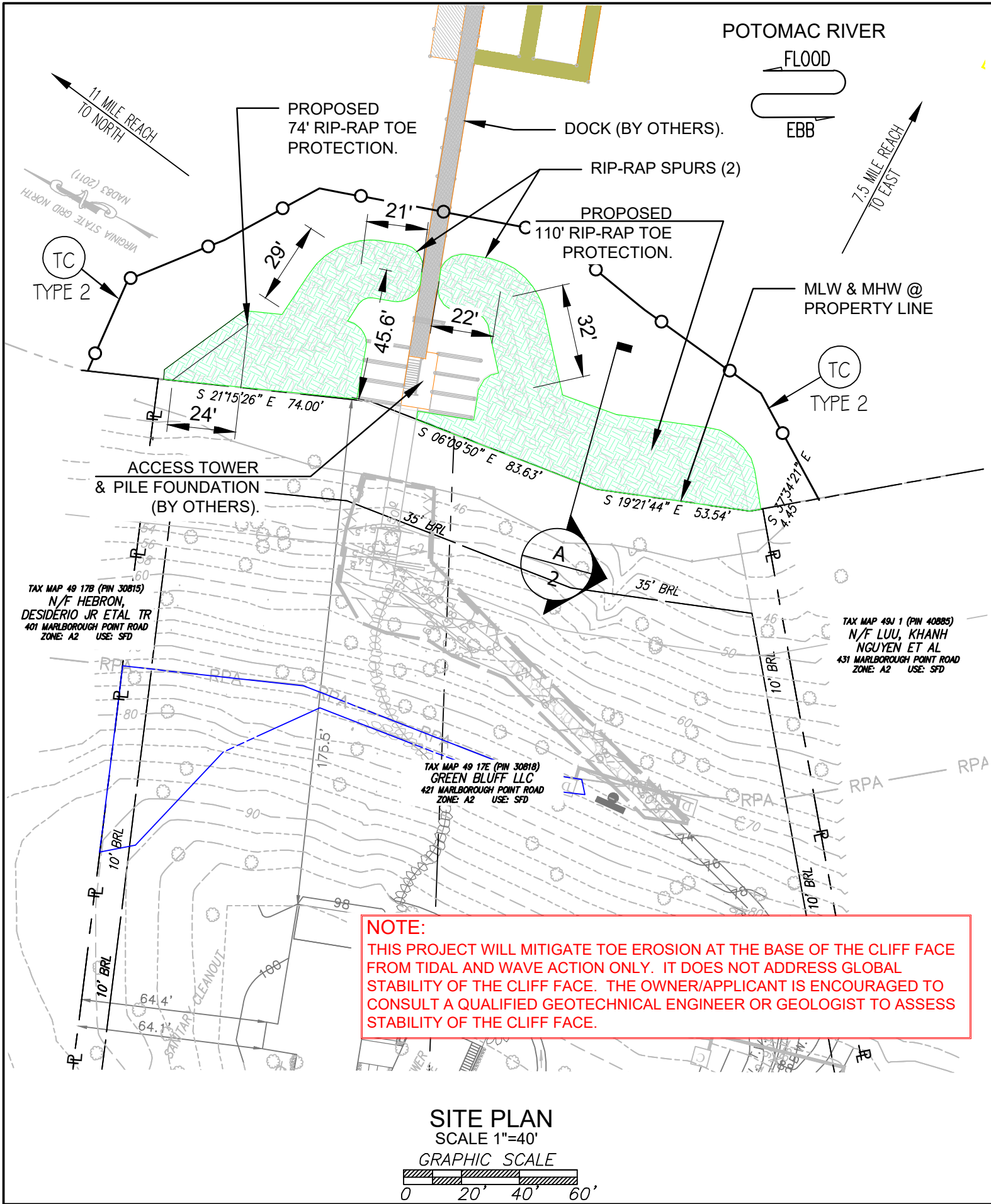
The Virginia Institute of Marine Science (VIMS) conducted a site visit and provided a report regarding the proposal. VIMS noted that the existing rubble toe is currently functioning to dissipate some wave energy and that no active erosion is currently evident along this shoreline. If protection is necessary for the staircase and pier, VIMS states that the stone spurs alone could provide this function which would reduce the fill of subaqueous bottom.

Summary/Recommendation

The project is specifically designed to address potential slope failures and to protect the pier access tower proposed. The applicant is seeking to protect against potential undercutting due to the unique marl cliff-face and to ensure safe pier access to the water.

The protestant's concerns regarding potential impacts to his property were considered in the final project design. The toe protection was tapered on the north side to better tie into the shared property line, and the project engineer states that the riprap will absorb wave action rather than reflect it into the adjacent property. A Type II turbidity curtain was also included in the revised plans to minimize installation impacts.

The private pier proposal would otherwise be statutorily authorized if not for the size and width of the access tower. Although the proposed revetment and attached spurs are larger and different than most normal shoreline structures, there is a significant and high marl cliff that warrants additional protection, especially given the proposal to access the river from the private property's upland elevation. Therefore, after evaluating the merits of the project against the concerns expressed by those in opposition, and after considering all the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommends approval of the project as proposed.



INDEX OF DRAWINGS:

- 1 of 3 SITE PLAN, GENERAL NOTES
- 2 of 3 SHORE PROTECTION DETAILS
- 3 of 3 GROIN SECTION

OWNER / APPLICANT:

GREEN BLUFF LLC
813 Rivergate Place
Alexandria, VA 22314-1708
Contact - Roy Goertner
roy.goertner@verizon.net

GENERAL NOTES:

1. Project is located at 421 MARLBOROUGH Point Road, Stafford VA, Tax Map #49 17E.
2. Property and topographic data from House Grading Plan, prepared by Legacy Engineering dated 1/23/2026.
3. This project is for rip-rap stabilization of an eroding river bank on the Potomac River.
4. Designed using Stafford County Guide for Residential Flood Resistant Construction.
5. Mean high water elevation = 0.7'; Mean Low Water = -0.9' (based on NAVD88 per Dahlgren Tide Station 8635027). 100 year stillwater elevation = 6.3'; significant wave height = 3.6' per transect 18, FIS 51179CV001B, Potomac River. FEMA Zone VE.

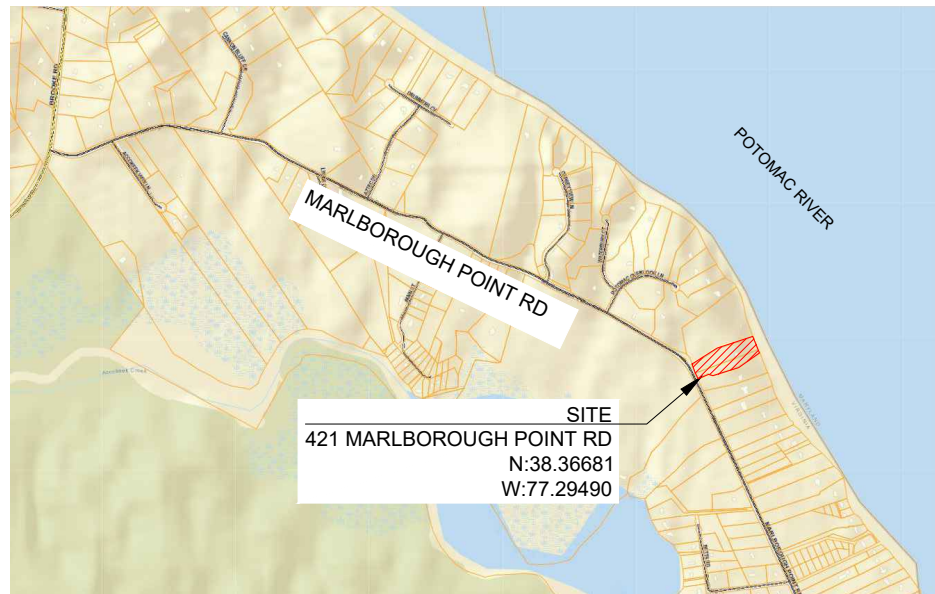
RIP-RAP REVETMENT CONSTRUCTION NOTES:

1. Contractor to field verify all dimensions.
2. Access site from water side and deliver materials via barge.
3. Remove dead and dying trees and debris prior to placing stone.
4. Imbricated stone of equivalent size may be used as armor stone at owners or contractors option.

PROJECT TABULATION:

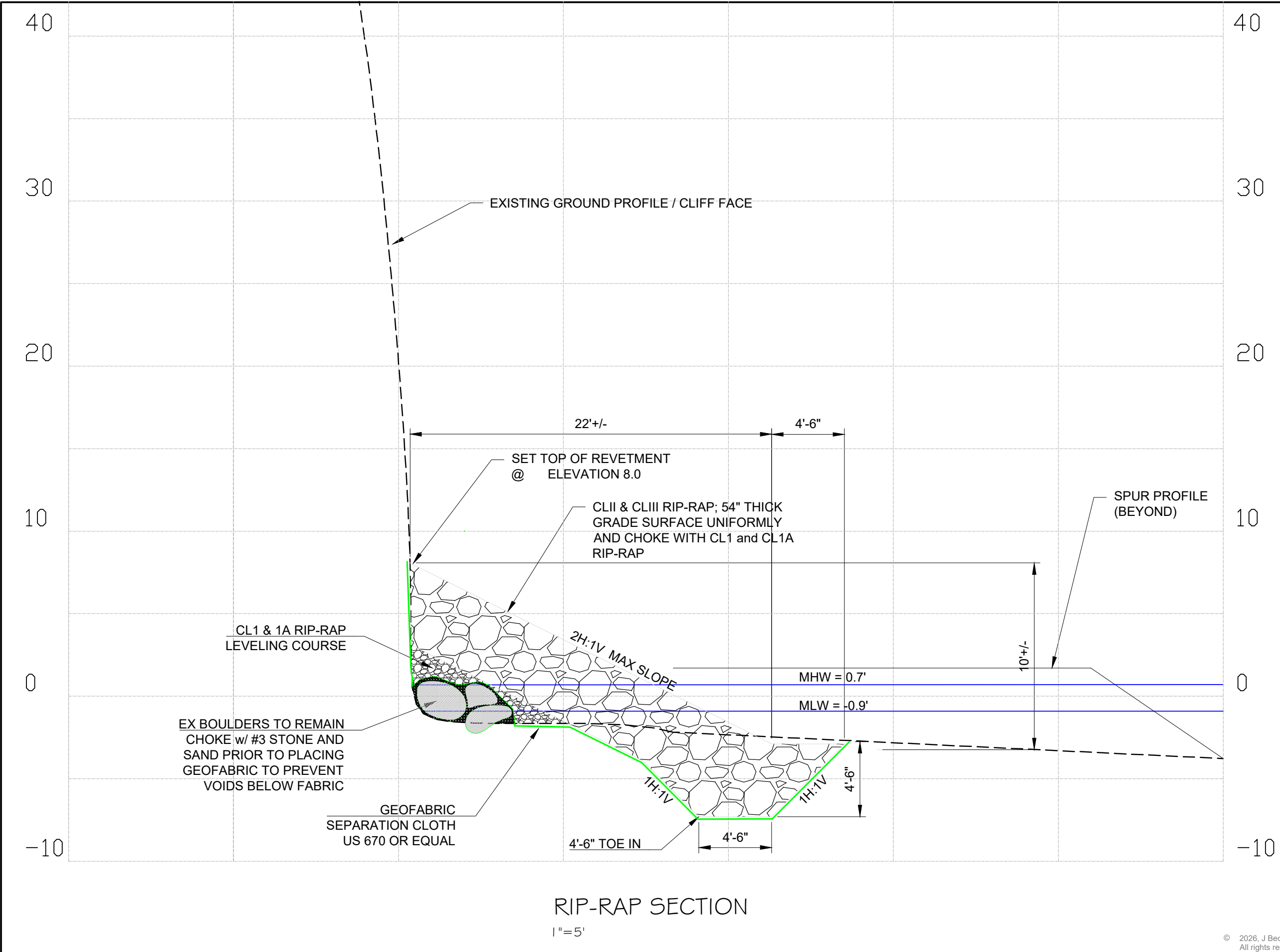
Proposed toe protections length 0 FT 215 LF
Channelward encroachment from MLW 0 SF 60 FT (max)
Channelward encroachment area from MLW 0 SF 103 SF
Intertidal (non-vegetated) encroachment
Vegetated wetland encroachment
Non-Vegetated wetland encroachment

(TC) TURBIDITY CURTAIN
STD. & SPEC. 3.27



VICINITY MAP

REVISIONS			Date	Description
Approved				
			3/5/26	Address VMRC comments
			5/21/26	Address VMRC comments
J Beck & Associates Engineering and Consulting 99 Woodrow Drive Stafford, VA 22554 (703) 801-8739				
TITLE: SITE PLAN & GENERAL NOTES				
PROJECT: GREEN BLUFF LLC SHORELINE STABILIZATION 421 MARLBOROUGH POINT RD STAFFORD, VIRGINIA 22554				
MAR 2026				
File No. J10242				
Sheet 1 of 3				



REVISIONS		
Date	Description	Approved
3/5/26	Address VMRC comments	
3/13/26	Address VMRC comments	
5/21/26	Address VMRC comments	

J Beck & Associates Engineering and Consulting 99 Woodrow Drive Stafford, VA 22554 (703) 801-8739
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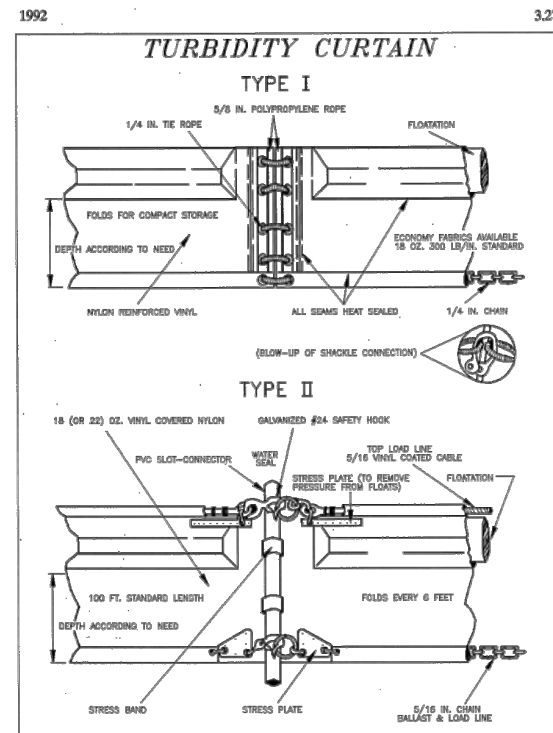
TITLE:	SHORE PROTECTION DETAILS
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PROJECT:	GREEN BLUFF LLC SHORELINE STABILIZATION 421 MARLBOROUGH POINT RD STAFFORD, VIRGINIA 22554
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FEB 2026

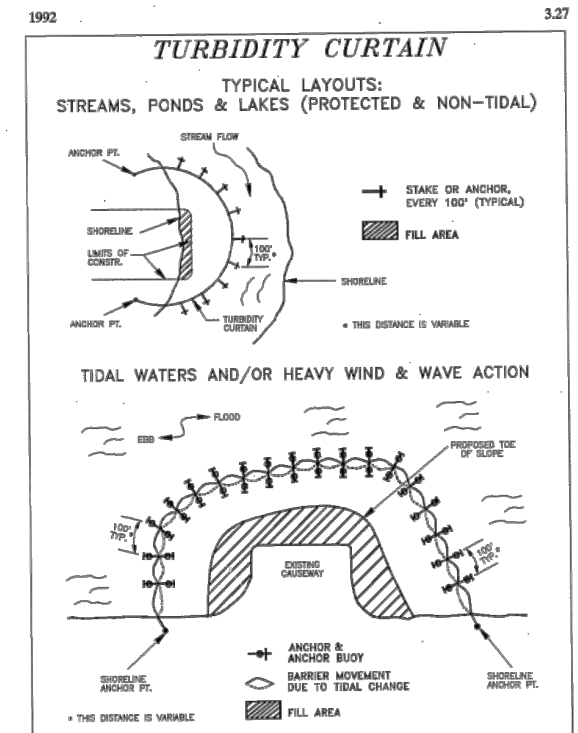
File No. J10242

Sheet 2 of 3



Source: American Boom and Barrier Corp. product literature

Plate 3.27-1

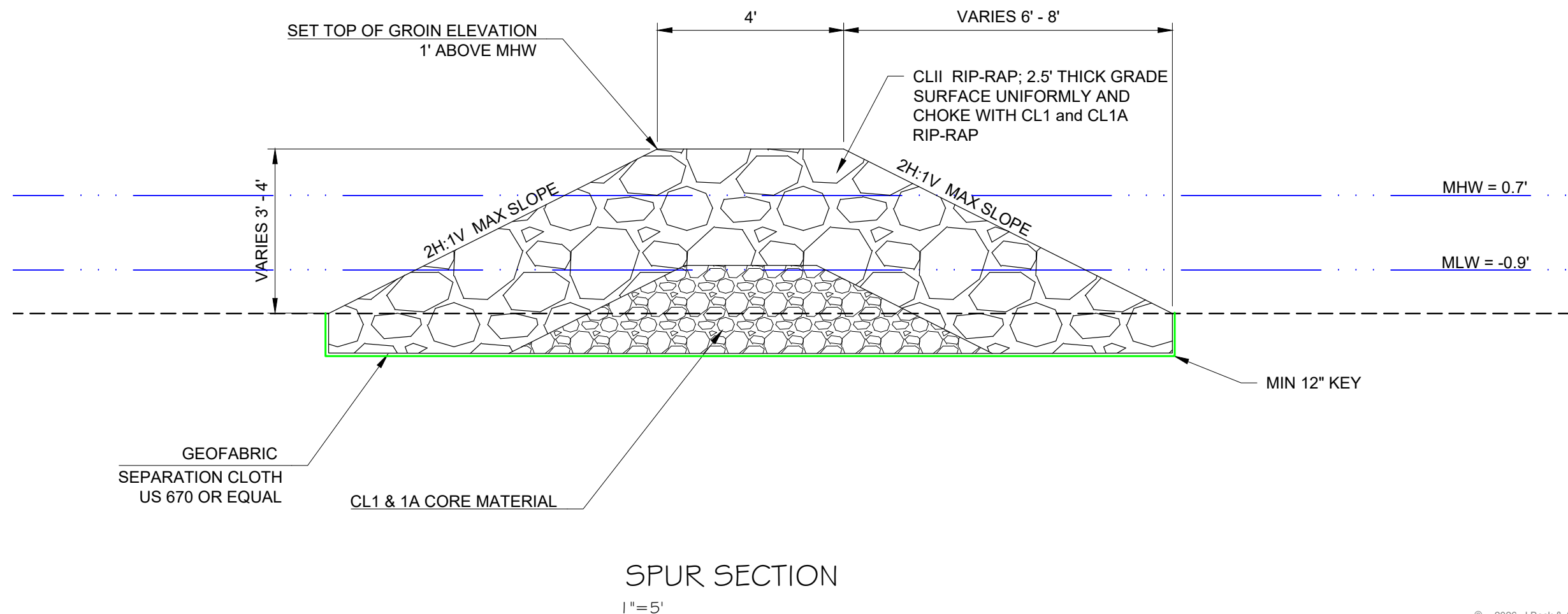


Source: Adapted from Florida Department of Transportation Road and Design Specifications

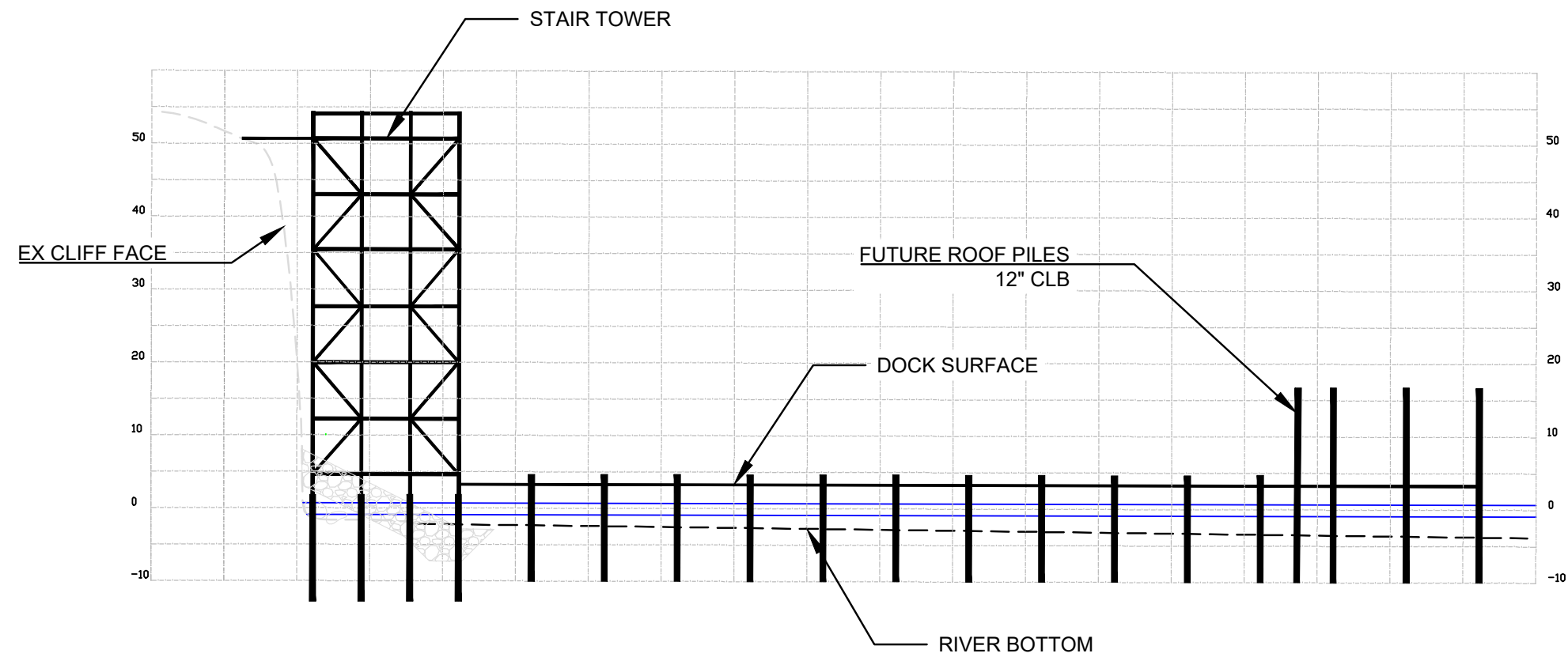
Plate 3.27-3

III - 249

III - 252



REVISIONS	-approved	
	Description	Address VMRC comments
Date	3/5/26	Address VMRC comments
J Beck & Associates Engineering and Consulting 99 Woodrow Drive Stafford, VA 22554 (703) 801-8739		
TITLE: SHORE PROTECTION DETAILS		
PROJECT: GREEN BLUFF LLC SHORELINE STABILIZATION 421 MARLBOROUGH POINT RD STAFFORD, VIRGINIA 22554		
FEB 2026		
File No. J10242		
Sheet 3 of 3		



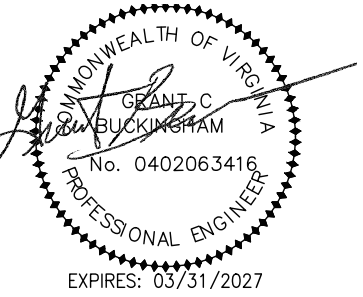
VMRC PERMIT
ELEVATION

GREEN BLUFF LLC
SHORELINE STABILIZATION
421 MARLBOROUGH POINT RD
STAFFORD, VIRGINIA 22554

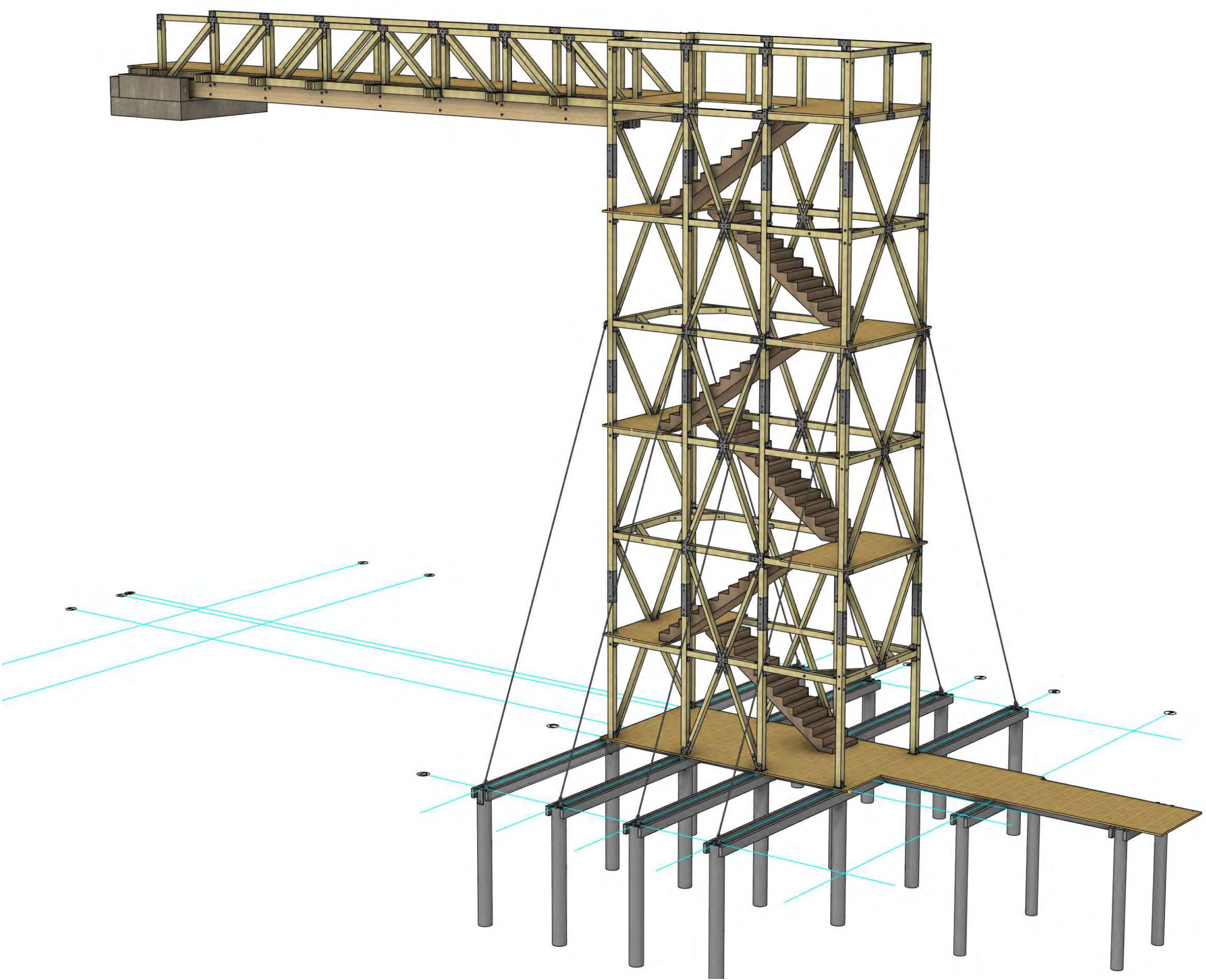
MAY 2026

J10242

1 1



Engineer:



Marlborough Tower

**Location: 421 Marlborough Point Rd
Stafford, VA 22554**

Drawn By: DMK Date: 3-23-26

Review:

Rev 5-4-26

Rev 5-13-26
Rev 5-21-26

Rev 6-2-26

Scale: Not to Scale

Sheet **TF1**



TIMBER FRAME ONLY

Engineer:

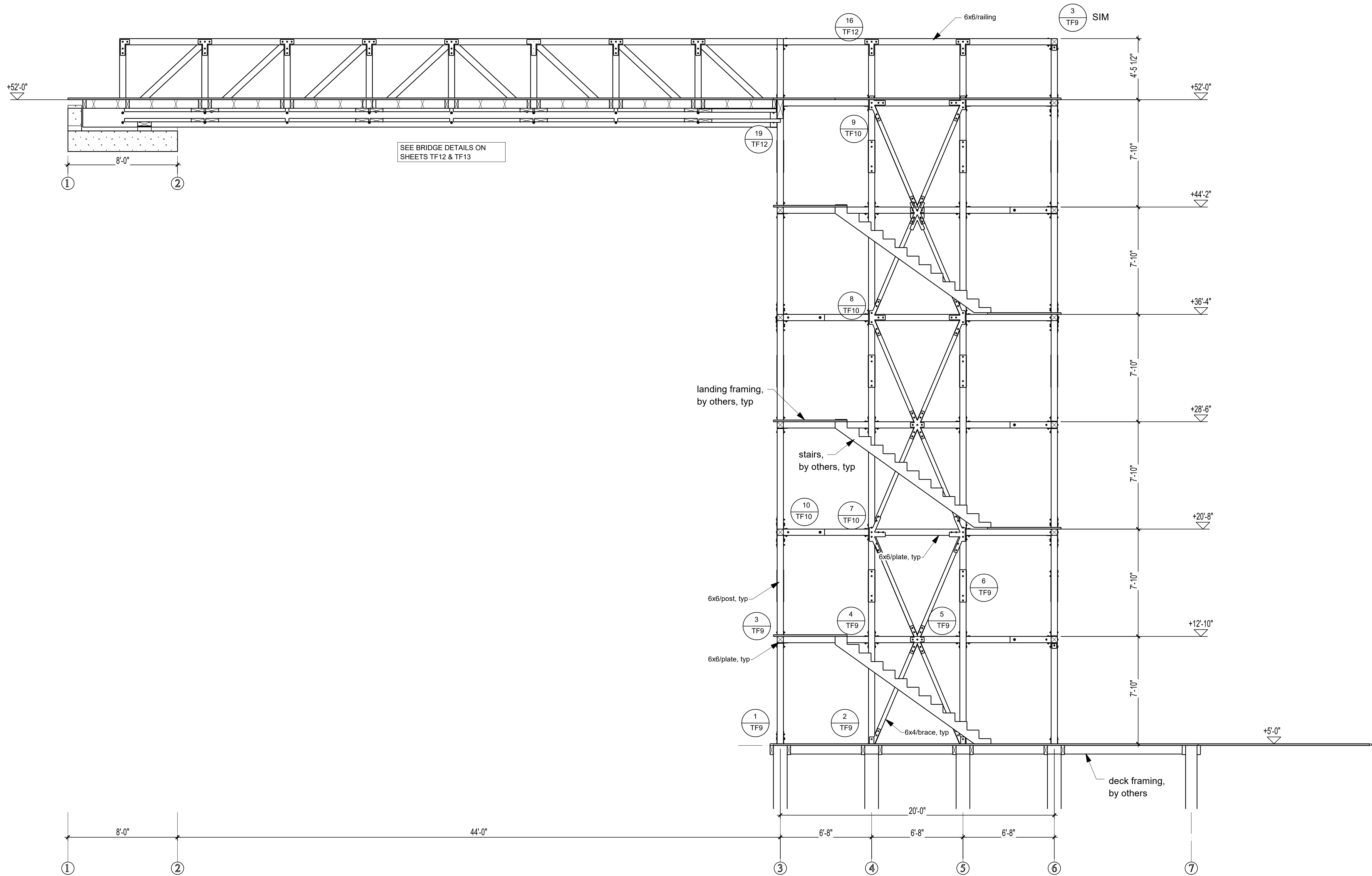
Marlborough Tower

Location: 421 Marlborough Point Rd
Stafford, VA 22554

Drawn By: DMK Date: 3-23-26
Review:
Rev 5-4-26
Rev 5-13-26
Rev 5-21-26
Rev 6-2-26

Scale: 1/4"= 1'-0"

Sheet **TF5**



SECTION @ LINE B



TIMBER FRAME ONLY

Engineer:

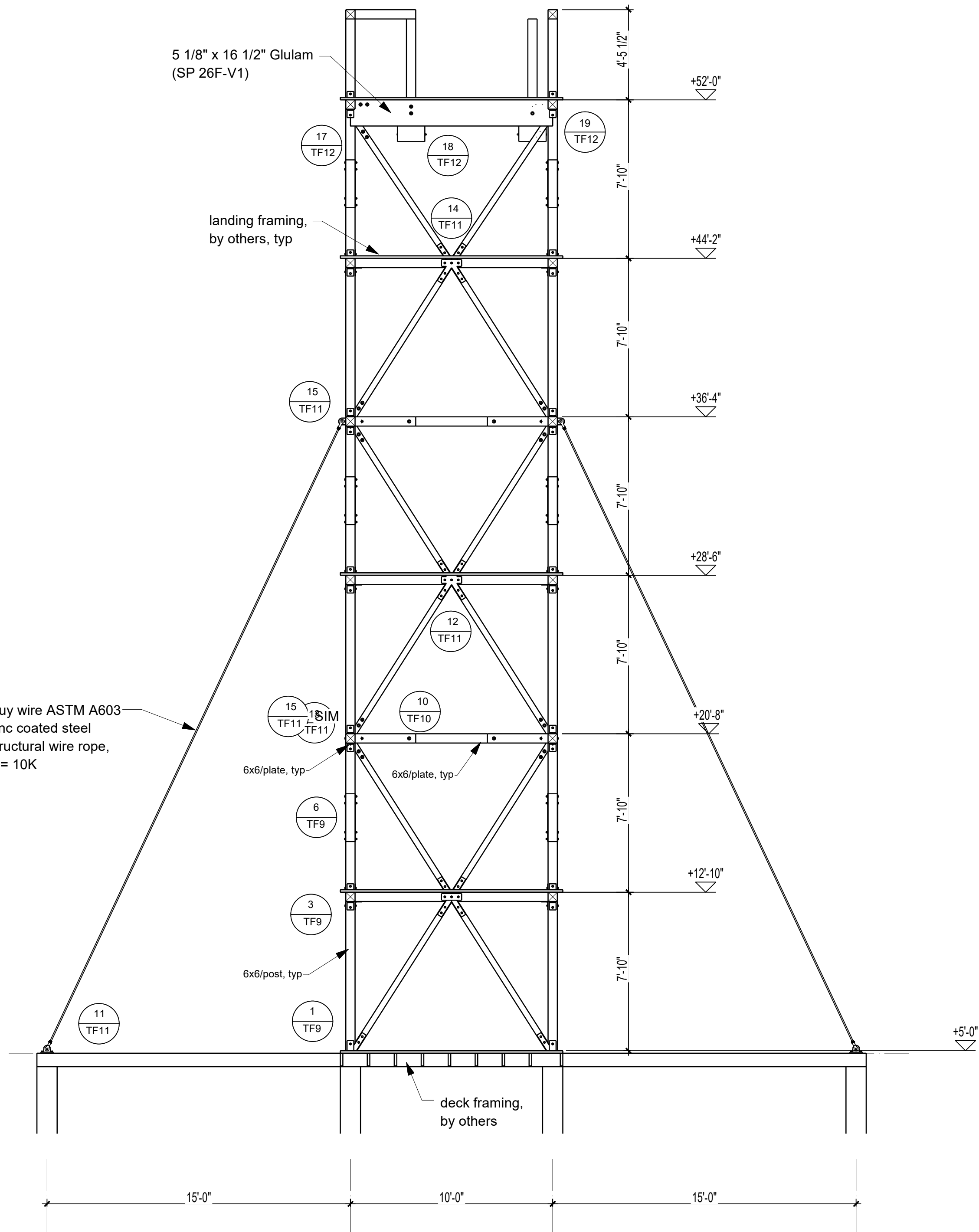
Marlborough Tower

Location: 421 Marlborough Point Rd
Stafford, VA 22554

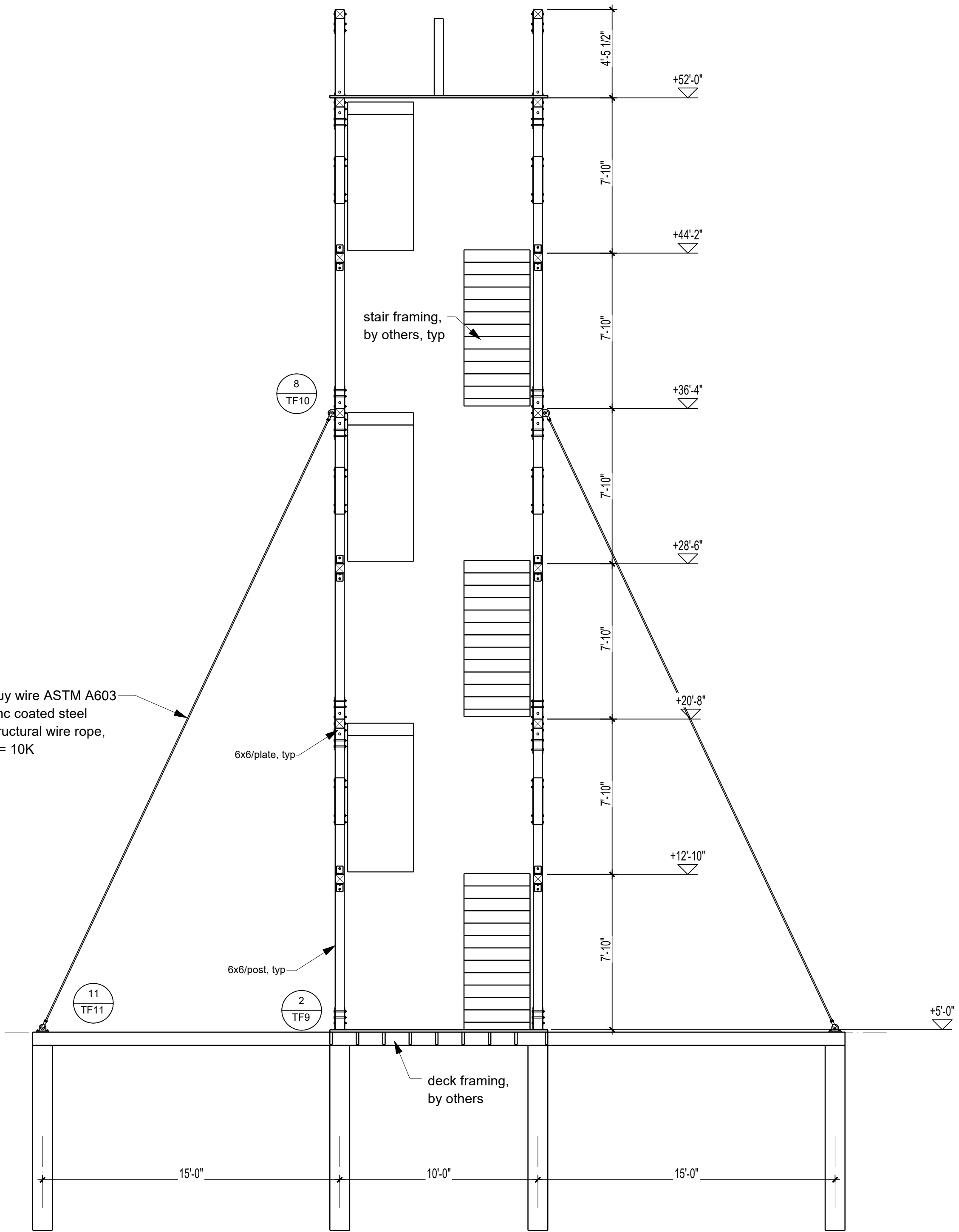
Drawn By: DMK Date: 3-23-26
Review:
Rev 5-4-26
Rev 5-13-26
Rev 5-21-26
Rev 6-2-26

Scale: 1/4" = 1'-0"

Sheet **TF7**



SECTION @ LINE 3



SECTION @ LINE 4 (LINE 5 SIMILAR)

From: [Upton, Olivia \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: Fw: 2026-0363. Green Bluff LLC
Date: Thursday, April 30, 2026 8:08:34 AM

Please process as VIMS comment for 26-0363. Thank you!

Sincerely,
Olivia Upton

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

From: Alexander B. Sabo <absabo@vims.edu>
Sent: Wednesday, April 29, 2026 12:36 PM
To: Upton, Olivia (MRC) <olivia.upton@mrc.virginia.gov>
Subject: 2026-0363. Green Bluff LLC

Good afternoon, Olivia,

Members of the Office of Research and Advisory Services, as well as staff from the Shoreline Studies Program have reviewed the joint permit application submitted by Green Bluff LLC (VMRC #2026-0363, USACE NAO-2026-00367) for proposed work on their shoreline on the Potomac River in Stafford County.

Existing conditions along the shoreline include a steep cliff face with what appears to be a small amount of concrete rubble at its base. This concrete rubble toe is functioning to dissipate some amount of wave energy and is present along neighboring properties as well.

As proposed, the applicant intends to construct a large stone revetment, two stone spurs, and a staircase leading to a pier. Although impacts to marine resources would be minimal since a toe revetment is already present, active erosion is not evident along this shoreline, and therefore we question the function of the proposed stone revetment. If deemed necessary to protect the proposed staircase and pier, then the stone spurs alone could provide this function, significantly reducing the filling of subaqueous bottom.

If the revetment and spurs are authorized and constructed, either as proposed or modified, we do not anticipate any impacts to longshore sediment dynamics along this reach.

Please let us know if you have any questions or require additional information.

Sincerely,
Alex Sabo

Alex Sabo
Environmental Review and Advisory Specialist
Office of Research and Advisory Services
Virginia Institute of Marine Science
College of William & Mary
(804) 684-7826

Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20260363

Print Date: Thursday August 06 2026 13:44

Number	Name	Received	Position
1	DANILO C HEBRON	04/09/2026 09:43:56 AM	OPPOSE

WE, THE ADJACENT PROPERTY OWNERS AT 401 MARLBOROUGH POINT RD, OBJECT TO THE PROPOSED PROJECT FOR THE FOLLOWING REASONS: -36?FT CHANNELWARD ENCROACHMENT CONFIRMED. APPENDIX C AND THE ENGINEERING PLANS SHOW A 36?FOOT PERMANENT ENCROACHMENT INTO STATE WATERS. THIS IS A SUBSTANTIAL FOOTPRINT FOR A RESIDENTIAL SHORELINE AND MAY REDIRECT WAVE ENERGY TOWARD OUR PROPERTY, INCREASING EROSION RISK. -NO TIE?IN DETAIL AT OUR SHARED PROPERTY LINE. NONE OF THE SUBMITTED DRAWINGS SHOW HOW THE REVETMENT TRANSITIONS AT THE SOUTH BOUNDARY. WITHOUT A PROPER TAPERED TIE?IN, HARDENED STRUCTURES OF THIS SIZE COMMONLY CAUSE END?EFFECT EROSION AND SCOUR ON ADJACENT PARCELS. -TOE LOCATION NOT SHOWN RELATIVE TO OUR SHORELINE. THE CROSS?SECTION SHOWS A 5?FT TOE?IN AND A 28?FT HORIZONTAL FOOTPRINT, BUT DOES NOT SHOW THE EXISTING NATURAL TOE OR WHETHER THE NEW TOE WILL PROTRUDE BEYOND OUR SHORELINE. THIS PREVENTS EVALUATION OF DIRECT IMPACTS TO OUR PROPERTY. -REQUIRED ALTERNATIVES ANALYSIS MISSING. QUESTION 10 (AVOIDANCE/MINIMIZATION AND LIVING SHORELINE ALTERNATIVES) IS LEFT BLANK, PREVENTING AGENCIES FROM DETERMINING WHETHER THIS DESIGN IS THE LEAST?DAMAGING PRACTICABLE OPTION. -CONSTRUCTION IMPACTS NOT ADDRESSED. NO TURBIDITY CONTROLS, BARGE ANCHORING PLAN, OR STAGING LIMITS ARE PROVIDED, LEAVING POTENTIAL FOR CONSTRUCTION?RELATED IMPACTS TO OUR SHORELINE. REQUEST: WE RESPECTFULLY ASK VMRC, DEQ, AND USACE TO WITHHOLD APPROVAL UNTIL THE APPLICANT PROVIDES: 1. COMPLETE TIE?IN DRAWINGS AT BOTH PROPERTY LINES, 2. A FULL ALTERNATIVES ANALYSIS, 3. CLEAR EXISTING VS. PROPOSED TOE AND CHANNELWARD ALIGNMENT, AND 4. A CONSTRUCTION/TURBIDITY CONTROL PLAN.

June 30, 2026

Dear Ms. Upton,

Thank you for the update on VMRC #2026-0363 (Green Bluff LLC) and for forwarding the project engineer's comments and revised drawings. We have reviewed both carefully. Our objection remains in place and is expanded based on the revised submission. Please accept this as our timely response within the 15-day window.

We address the engineer's four points below, then identify new concerns introduced by the revised drawings that were not part of the original public notice.

RESPONSE TO PROJECT ENGINEER'S COMMENTS

1. Bottomland reduction (7,486 SF to 6,352 SF). We note this reduction, but it does not resolve our concern. The Project Tabulation on Sheet 1 of the revised drawings now lists 60 ft (max) channelward encroachment from MLW, up from 36 ft in the original submission. A reduction in total area combined with an increase in maximum reach is not explained anywhere in the revised package. Moreover, the cross-section on Sheet 2 still shows only a 22-ft run plus 4.5-ft toe (approximately 26.5 ft from the base of the cliff), which does not reconcile with the 60-ft figure stated in the tabulation. We ask that the applicant explain this discrepancy and show, with a stamped cross-section, exactly where along the 215-ft revetment the 60-ft maximum occurs and why it is necessary there.

2. Type II turbidity curtain. We acknowledge this addition and appreciate that it addresses part of our original construction-impacts concern. However, we have reason to question whether a Type 2 curtain is the correct specification. This is a tidal, wave-exposed Potomac shoreline in FEMA Zone VE with a 3.6-ft design wave height. The reference standard cited on the drawings themselves (Std. & Spec. 3.27) distinguishes between curtains suited for protected/non-tidal waters and those suited for tidal waters and heavy wind/wave action. We ask that the applicant confirm the curtain specification is appropriate for the actual site wave conditions, upgrading to a Type 3 (open bay/wave action) curtain if warranted.

3. "Wrap into the cliff face" at the property lines. This statement does not substitute for the tapered tie-in detail we specifically requested in our original objection. We still have not been provided a stamped plan/profile detail showing the exact tie-in geometry, limits of disturbance, taper, and elevation transition at our shared south property line. End-effect scour at an abrupt termination remains an unaddressed risk to our property. We also note that the engineer's statement that riprap will "absorb" rather than "reflect" wave energy, while generally true relative to vertical structures, does not by itself constitute the independent wave/end-effect analysis needed to evaluate impacts at this specific termination point.

4. Toe protection rationale based on upstream slope failures. We do not dispute that erosion is occurring and that toe protection may be warranted. Our objection is not to the existence of a project, but to the adequacy of the information provided to evaluate its impact on our property. The revised drawings still do not overlay the existing natural toe, existing ground at MLW, or our shoreline against the proposed new toe location, which prevents us from evaluating whether the new structure will protrude toward or beyond our property line.

NEW CONCERNS ARISING FROM THE REVISED DRAWINGS

5. A new 142-ft pier with two boat slips has been added without new public notice.

Sheets 4 and 5 of the revised submission (received by VMRC June 5, 2026) introduce an entirely new structure that did not exist in the original application: a 142-ft x 6-ft open pile pier, a 41-ft x 9.5-ft platform, and two uncovered boat slips with lifts. Adjacent property owners, including us, were noticed only on the riprap and groin project. The addition of a pier and boat slips of this scale is a material change to the project and we request that VMRC require re-notification of adjacent owners on the full revised scope before this application proceeds further.

6. "Future Roof Piles" disclosed on the elevation sheet. Sheet 5 (VMRC Permit Elevation) labels certain 12-inch piles as "Future Roof Piles." This indicates the structure is being engineered now to accommodate a covered boathouse roof that has not been applied for, publicly noticed, or evaluated. We request that the applicant disclose the full intended build-out, including the planned roof structure, so that it can be properly reviewed rather than approved piecemeal.

7. Pier proximity to our property line. The VMRC Permit Plan notes the pier as "107 ft to Prop Line." We have not been provided any riparian rights analysis, navigational impact assessment, or setback evaluation showing that the pier and platform do not impair our riparian access or navigation.

8. Combined hydraulic impact of the revetment and pier not analyzed. The original application was evaluated as a riprap revetment alone. The revised project now combines 215 LF of revetment, two groins/spurs, a 60-ft channelward reach, a 142-ft pier, and two boat slips. We have not seen any combined hydraulic, navigational, or sediment-transport assessment of these structures together, despite the potential for wave reflection and current deflection at the combined pier-revetment interface to increase erosion risk on our property.

9. Construction sequencing and barge access for the combined project. With the pier now part of the project, no construction sequencing, barge anchoring plan, or staging-limit plan has been provided showing how revetment and pier construction will avoid damaging each other or affecting our property.

RENEWED AND EXPANDED REQUEST

We respectfully ask that VMRC, DEQ, and USACE withhold approval of this application until the applicant provides:

1. Re-notification of adjacent owners on the full revised project scope, including the pier, platform, and boat slips;
2. Reconciliation of the 60-ft channelward encroachment figure with the cross-section dimensions shown on Sheet 2, including a stamped detail showing where the maximum encroachment occurs;
3. A stamped tie-in detail at the south property line, showing geometry, limits of disturbance, taper, and elevations;
4. A full alternatives analysis addressing living shoreline options, consistent with the Commonwealth's stated policy preference for living shorelines under Va. Code § 28.2-104.1;
5. Disclosure and proper permitting of the full intended build-out, including the planned roof structure referenced on Sheet 5;
6. A combined hydraulic and erosion impact assessment addressing the revetment, groins, and pier together; and
7. Confirmation or upgrade of the turbidity curtain specification appropriate to FEMA VE-zone wave conditions.

Our objection to this project stands and is not withdrawn. Please confirm receipt of this response and let us know the next steps in the review process.

Sincerely,

Theresa C. Hebron, Michelle H. Mitchell and Danilo C. Hebron
401 Marlborough Point Rd
Stafford, VA 22554
540-809-6763

Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20260363

Print Date: Thursday August 06 2026 13:44

Number	Name	Received	Position
4	DANILO C HEBRON	07/28/2026 09:55:04 AM	OPPOSE

WE RESPECTFULLY ASK THAT VMRC, DEQ, AND USACE WITHHOLD APPROVAL OF THIS APPLICATION UNTIL THE APPLICANT PROVIDES: 1. A COMPLETE, INTEGRATED PROJECT DESCRIPTION COVERING ALL STRUCTURES – STAIRCASE, REVETMENT, SPURS, PIER, PLATFORM, FINGER PIERS, BOAT LIFTS, AND ANY PLANNED ROOF STRUCTURE – SUBMITTED AS A SINGLE COHESIVE APPLICATION; 2. ENGINEERING DRAWINGS FOR THE SWITCHBACK STAIRCASE, INCLUDING DIMENSIONS, MATERIALS, RPA DISTURBANCE FOOTPRINT, AND IMPACT TO THE BLUFF FACE; 3. RECONCILIATION OF THE 60-FT CHANNELWARD ENCROACHMENT FIGURE WITH THE CROSS-SECTION ON SHEET 2, WITH A STAMPED DETAIL SHOWING WHERE THE MAXIMUM ENCROACHMENT OCCURS; 4. A STAMPED TIE-IN DETAIL AT THE SOUTH PROPERTY LINE SHOWING GEOMETRY, TAPER, ELEVATIONS, AND LIMITS OF DISTURBANCE; 5. SURVEY-TIED CROSS-SECTIONS SHOWING THE PROPOSED TOE LOCATION RELATIVE TO OUR SHORELINE AND THE EXISTING NATURAL TOE AT MLW; 6. A FULL ALTERNATIVES ANALYSIS ADDRESSING LIVING SHORELINE OPTIONS CONSISTENT WITH VA. CODE § 28.2-104.1; 7. DISCLOSURE AND PROPER PERMITTING OF THE FULL INTENDED BUILD-OUT INCLUDING THE PLANNED ROOF STRUCTURE REFERENCED ON SHEET 5; 8. A COMBINED HYDRAULIC, NAVIGATIONAL, AND SEDIMENT-TRANSPORT IMPACT ASSESSMENT FOR ALL STRUCTURES TOGETHER; AND 9. CONFIRMATION OR UPGRADE OF THE TURBIDITY CURTAIN SPECIFICATION APPROPRIATE TO FEMA VE-ZONE WAVE CONDITIONS.

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1396

July 28, 2026

Olivia Upton

Environmental Engineer, Habitat Management Division

Virginia Marine Resources Commission

380 Fenwick Road, Building 96

Fort Monroe, Virginia 23651

**Re: VMRC Application #2026-0363 — Green Bluff LLC, 421
Marlborough Point Rd, Stafford, VA — Second Objection of Adjacent
Property Owners (401 Marlborough Point Rd)**

Dear Ms. Upton,

We are writing in response to your re-notification letter dated July 15, 2026, regarding the above-referenced application. We appreciate that VMRC required re-notification of adjacent owners on the full revised project scope — this was among the requests we made in our prior written objection dated June 30, 2026, a copy of which is attached and incorporated herein by reference.

The July 15 letter describes a materially expanded project that now includes: a 10-ft by 20-ft switchback staircase with exterior support beams; a 142-ft long private open-pile pier with a 10-ft by 41-ft L-head and 5-ft wide finger piers surrounding two uncovered boat lifts; and 184 linear feet of riprap stone revetment with two breakwater spurs measuring 50 ft and 54 ft in length. This is a substantially different and more extensive project than what was originally noticed to adjacent property owners in early 2026.

Our objection stands and is expanded as follows.

I. Prior Objections Remain Unresolved

All nine points raised in our June 30, 2026 objection letter remain unresolved. We incorporate that letter in full and do not repeat each point here. In summary, the applicant has not provided:

1. Reconciliation of the stated 60-ft channelward encroachment with the cross-section dimensions on Sheet 2 (which show only approximately 26.5 ft);

2. A stamped tie-in detail at the south property line showing geometry, taper, limits of disturbance, and elevations;
3. Survey-tied cross-sections showing the new toe location relative to our shoreline and the existing natural toe;
4. A full alternatives analysis addressing living shoreline options under Va. Code § 28.2-104.1;
5. Disclosure and permitting of the intended roof structure referenced by "Future Roof Piles" on Sheet 5;
6. A combined hydraulic and erosion impact assessment for the revetment, groins, and pier together;
7. Confirmation or upgrade of the turbidity curtain specification for FEMA VE-zone wave conditions;
8. A riparian rights analysis, navigational impact assessment, or setback evaluation for the pier relative to our property line; and
9. A construction sequencing, barge anchoring, and staging-limit plan showing how revetment and pier construction will avoid damaging each other or affecting our property.

II. New Concerns Raised by the July 15 Re-Notification

The re-notification letter discloses additional project elements that were not addressed in our June 30 objection and have not been evaluated in any materials provided to us:

1. The 10-ft by 20-ft switchback staircase with exterior support beams is a new structure that does not appear in any engineering drawings or JPA materials we have been provided. No dimensions, materials, installation method, upland disturbance footprint, or RPA impact analysis for this structure has been submitted to us. It appears to be the upland access connection to the pier and is integral to the overall build-out, yet it has been evaluated neither in the VMRC permit package nor, to our knowledge, in the combined impact assessment we have previously requested.
2. The breakwater spurs are now specifically described as 50 ft and 54 ft in length. The original VMRC cover sheet listed a 104 LF groin in aggregate, and the revised drawings showed two spurs, but the individual lengths were never broken out for independent evaluation. The sediment transport, navigational, and adjacent-property effects of each spur individually, and both together with the revetment and pier, remain unanalyzed.

3. The full build-out — staircase, revetment, two spurs, 142-ft pier, L-head platform, finger piers, two boat lifts, and a planned roof structure — has never been presented to adjacent owners or evaluated by the agencies as an integrated project. Each element has been added incrementally, preventing meaningful cumulative impact review. We ask that VMRC require the applicant to submit a single, complete project description and impact assessment covering all structures before any permit is issued.

III. Renewed and Expanded Request

We respectfully ask that VMRC, DEQ, and USACE withhold approval of this application until the applicant provides:

1. A complete, integrated project description covering all structures — staircase, revetment, spurs, pier, platform, finger piers, boat lifts, and any planned roof structure — submitted as a single cohesive application;
2. Engineering drawings for the switchback staircase, including dimensions, materials, RPA disturbance footprint, and impact to the bluff face;
3. Reconciliation of the 60-ft channelward encroachment figure with the cross-section on Sheet 2, with a stamped detail showing where the maximum encroachment occurs;
4. A stamped tie-in detail at the south property line showing geometry, taper, elevations, and limits of disturbance;
5. Survey-tied cross-sections showing the proposed toe location relative to our shoreline and the existing natural toe at MLW;
6. A full alternatives analysis addressing living shoreline options consistent with Va. Code § 28.2-104.1;
7. Disclosure and proper permitting of the full intended build-out including the planned roof structure referenced on Sheet 5;
8. A combined hydraulic, navigational, and sediment-transport impact assessment for all structures together; and
9. Confirmation or upgrade of the turbidity curtain specification appropriate to FEMA VE-zone wave conditions.

Our objection to this project stands and is not withdrawn. We request written confirmation of receipt of this letter and our June 30, 2026 objection, and ask to be kept informed of all further proceedings, public hearings, or agency decisions on this application.

Sincerely,

Theresa C. Hebron
Michelle H. Mitchell
Danilo C. Hebron

401 Marlborough Point Rd
Stafford, VA 22554
540-809-6763

Enclosure: Objection Letter dated June 30, 2026

JEFFREY WAPLE
2026-0558

1. Habitat Management Evaluation dated August 25, 2026
(Pages 1 – 2)
2. Project drawings dated received, March 16, 2026
(Pages 3 – 7)
3. Letter of Protest from Mr. Frederick A. Woehr dated received, June 29, 2026
(Page 8)

HABITAT MANAGEMENT DIVISION EVALUATION

JEFFREY WAPLE, VMRC #2026-0558, requests authorization to construct a 16.5-foot wide by 42-foot long open-sided single slip boathouse addition to a statutorily authorized private pier adjacent to property situated along the Potomac River at 200 Church Point Lane in Westmoreland County. The project is protested by an adjacent property owner.

Narrative

The project is located just downstream of the confluence of Mattox Creek and the Potomac River in the Town of Colonial Beach. Unlike Mr. Waple's adjoining neighbors, he does not currently have a pier on his property. Mr. Waple sought to improve his access to the Potomac River by requesting authorization to construct a private, noncommercial, 150-foot-long L-head pier with a wet slip and lower platform adjacent to his riparian property. These private pier design elements were determined to be statutorily authorized by Code §28.2-1203(A)5. The application also includes plans for a 16.5-foot-wide by 42-foot-long open-sided single slip boathouse with lift.

During the course of the public interest review, a protest was submitted by the upstream property owner, Mr. Frederick A. Woehr. Since the boathouse portion of the project was protested by one of the adjacent property owners, this matter alone is now under consideration by the Commission for an agency subaqueous permit.

Issues

In his email protest, dated June 29, 2026, Mr. Woehr wrote that the boathouse was inappropriate for the proposed location. He felt that the wave climate and the frequent storms along the Potomac River would break up the boat house and the pier. The protestant mentioned numerous instances where foul weather damaged pier structures in the vicinity. He also believed that the boathouse would shade the area below the boat house, lower dissolved oxygen levels, alter temperature patterns, shift species composition impact, and reduce photosynthesis and biodiversity. The protestant also believes the boathouse would negatively impact the value of his property.

No public or private oyster leases or SAV beds will be encroached upon by the proposed pier and boathouse structures. No state or county agency has objected to the project.

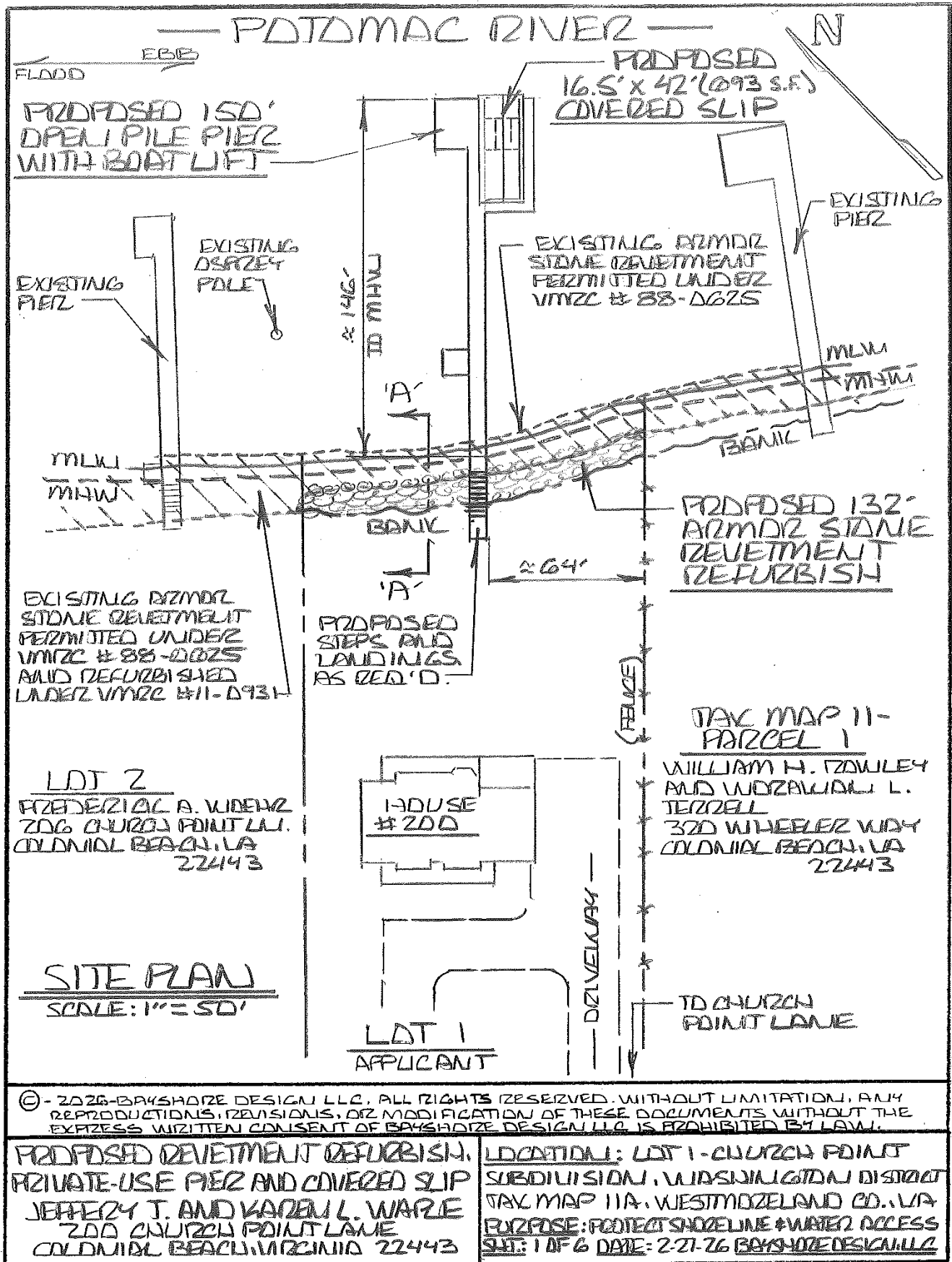
Summary/Recommendations

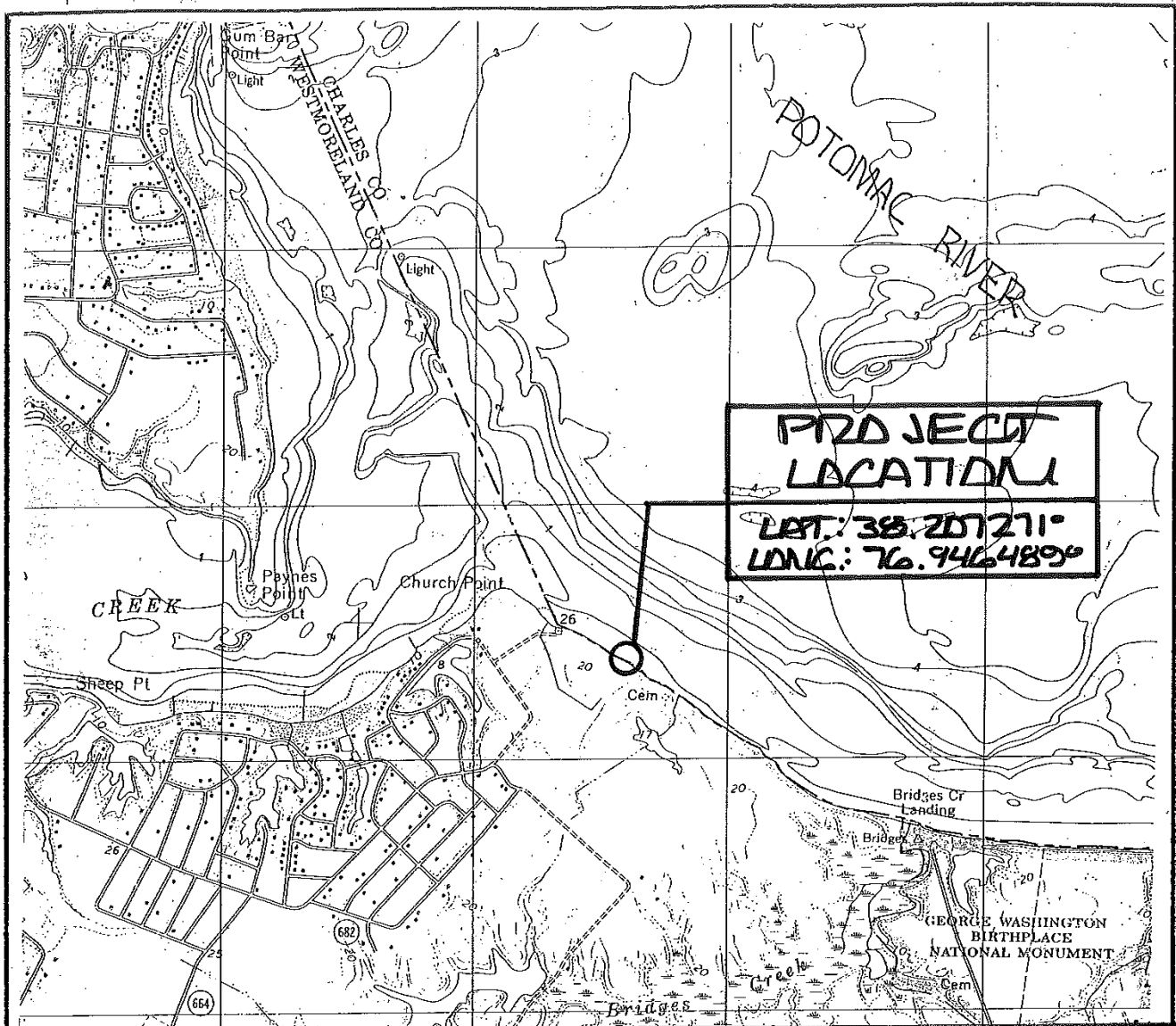
While staff is sensitive to the issues raised by the adjacent property owner, the construction of a private pier and an open-sided boat house is not uncommon in Westmorland County or the Potomac River. Mr. Waple's proposed open-sided boathouse would have qualified for the statutory authorization provided for private piers and open-sided roof structures if it were not protested by the APO, Mr. Woehr. In this case, we believe the open-sided design of the roof

Summary/Recommendations (cont'd)

structure only minimally adds to the visual obstruction already presented by the applicant's statutorily authorized private pier and boat lift. In addition, staff is of the opinion that the construction of this project will not significantly impact water quality of the Potomac River watershed.

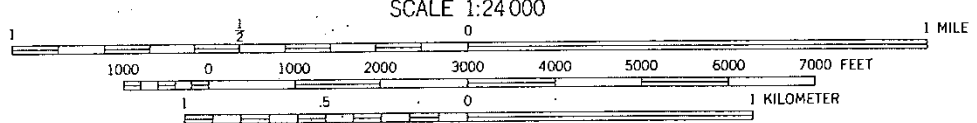
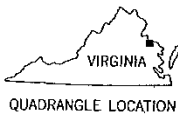
Staff and this Commission have historically agreed that this type of private open-sided roof proposal is an appropriate use of a riparian property owner's rights to access state-owned submerged lands. Accordingly, after evaluating the project drawings and the merits of the project against the concerns expressed by the protestant, and after considering all factors contained in §28.2-1205 of the Code, staff recommends approval of the project as proposed.





VICINITY MAP

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COLONIAL BEACH SOUTH QUADRANGLE
 VIRGINIA-MARYLAND

7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

SCALE 1:24,000

CONTOUR INTERVAL 10 FEET

DASHED LINES REPRESENT 5-FOOT CONTOURS

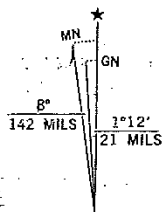
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BATHYMETRIC CONTOUR INTERVAL 1 METER WITH SUPPLEMENTARY

0.5 METER CONTOURS—DATUM IS MEAN LOW WATER

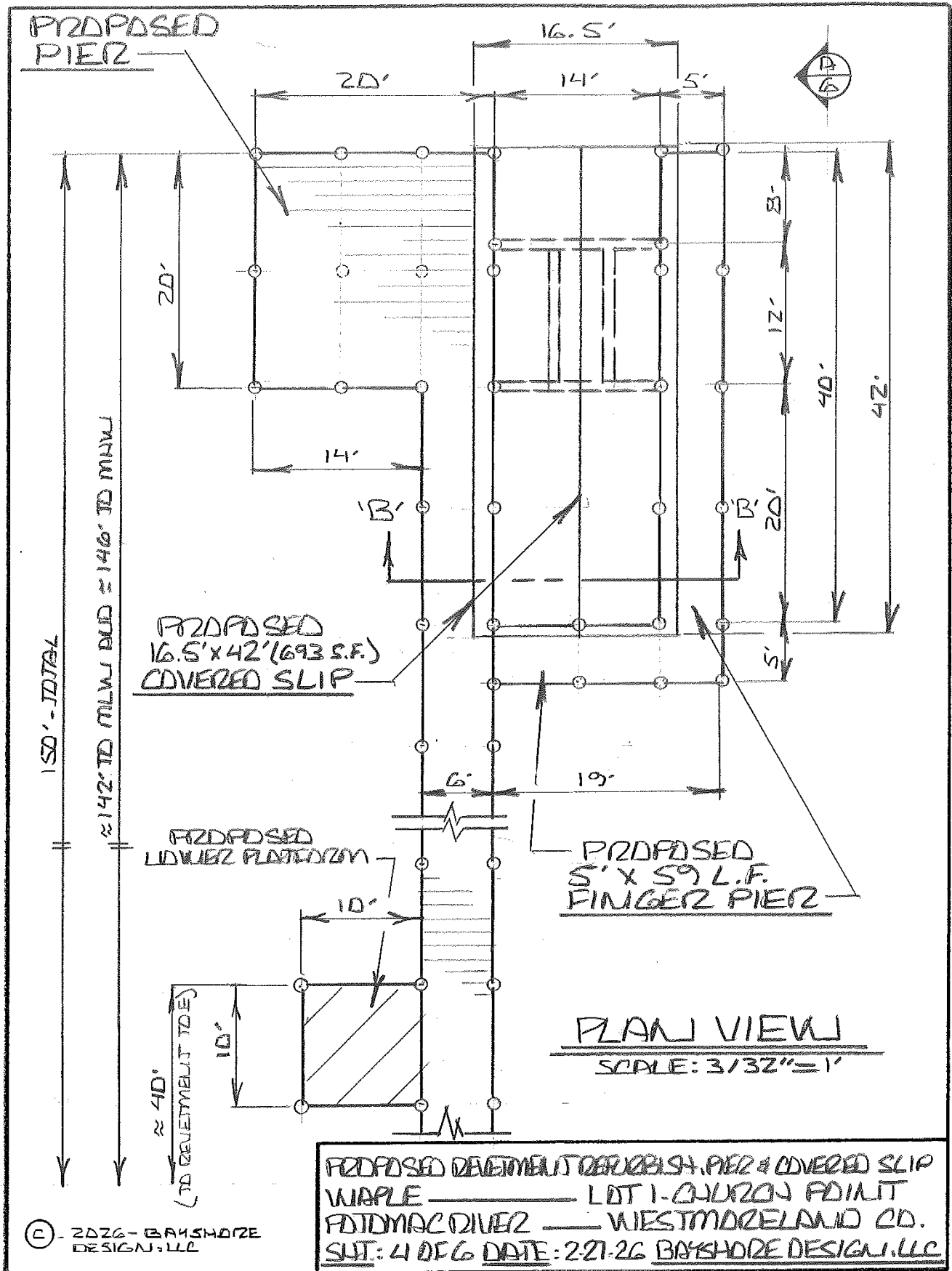
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE

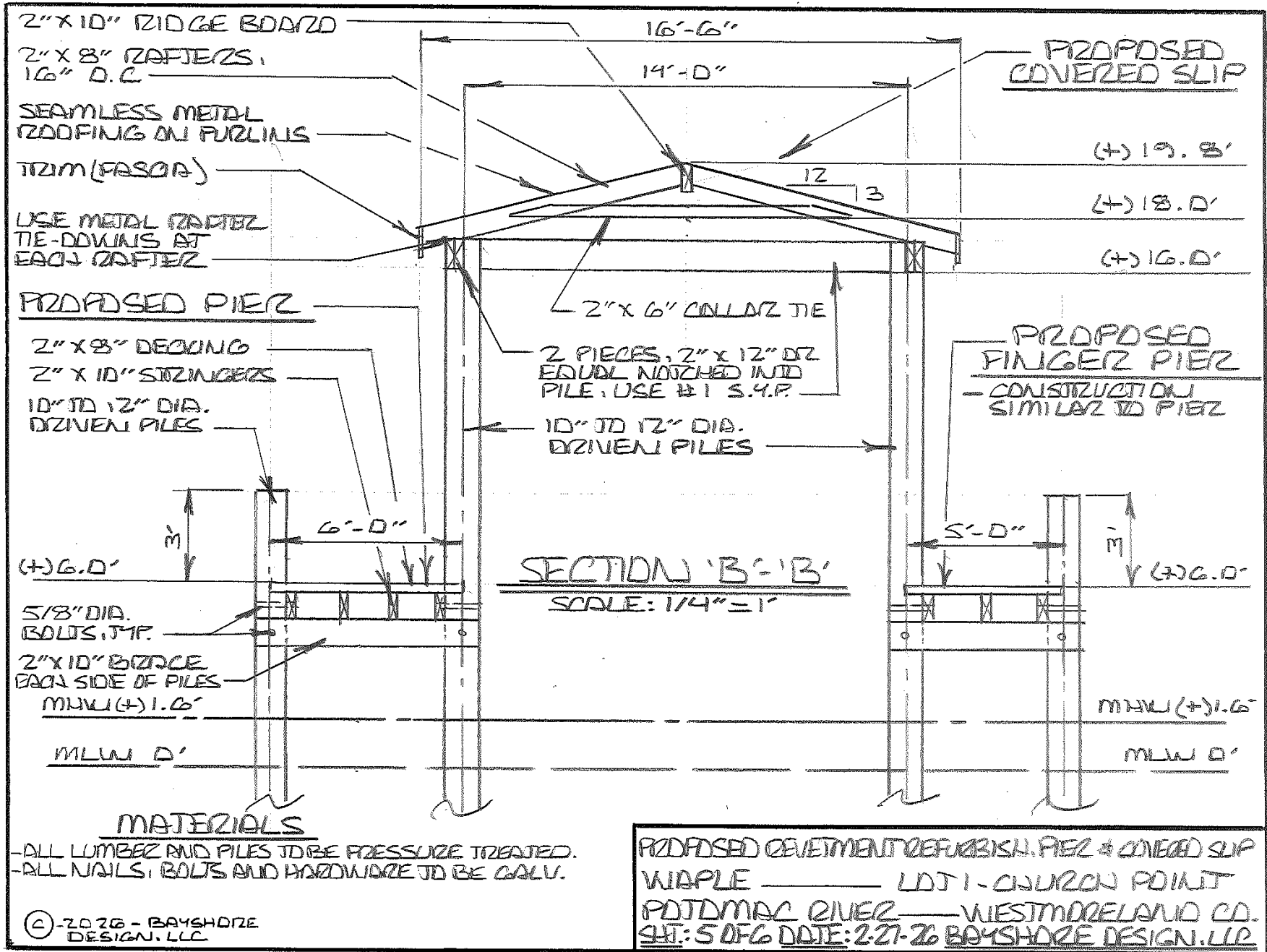
THE MEAN RANGE OF TIDE IS APPROXIMATELY 0.5 METER



UTM GRID AND 1980 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

PROPOSED PAVEMENT REPAIRS, PIER & COVERED SLIP
 WAPLE ——— LIST 1 - CHURCH POINT
 POTOMAC RIVER ——— WESTMORELAND CO.
 SHT: 2 DFC DATE: 2-27-26 BAYSHORE DESIGN, LLC







Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20260558

Print Date: Wednesday August 19 2026 16:27

Number	Name	Received	Position
1	FREDERICK A WOEHR	06/29/2026 10:29:49 AM	OPPOSE

AS AN ADJACENT PROPERTY OWNER, I WISH TO VERY STRONGLY OBJECT TO THE CONSTRUCTION OF THE BOAT HOUSE WHICH IS BEING PROPOSED BY MR. & MRS. JEFFERY T. WAPLE TO BE CONSTRUCTED IN THE POTOMAC RIVER ADJACENT TO THEIR PROPERTY AT 200 CHURCH POINT LN, COLONIAL BEACH, VA. THE REASONS FOR MY OBJECTION ARE LISTED BELOW. FIRSTLY, A BOAT HOUSE AS DESCRIBED IN THIS PROPOSED PROJECT IS TOTALLY INAPPROPRIATE IN THIS LOCATION. IT IS VERY LIKELY TO BE DAMAGED OR DESTROYED BY THE STORMS WHICH WE OFTEN SEE AT THIS LOCATION. WE ARE LOCATED ON A LARGE STRETCH OF OPEN WATER WHICH IS FREQUENTLY SUBJECTED TO STRONG WINDS DURING STORMS. THESE WINDS ARE TYPICALLY FROM THE NORTH EAST ACROSS ACROSS THIS OPEN WATER. STORMS WITH DAMAGING WINDS HAVE OCCURRED REPEATEDLY OVER THE YEARS AND HAVE DAMAGED THE PIERS OF NEARBY PROPERTIES. AS EXAMPLES, ALL FIVE PIERS IMMEDIATELY UPSTREAM FROM THE PROPOSED LOCATION HAVE BEEN DAMAGED BY THE WIND AND WAVES OF PREVIOUS STORMS. WITHIN THE PAST FEW YEARS, THE BOAT LIFT AT 208 CHURCH POINT LANE WAS DESTROYED DURING A STORM AND A BOAT WAS BLOWN OFF THE BOAT LIFT AT 228 CHURCH POINT LANE DURING A DIFFERENT STORM. ALSO, THE PIER IMMEDIATELY DOWNSTREAM AT 320 WHEELER WAY HAS BE DAMAGED BY MORE THAN ONE STORM. THIS IS AN INDICATION OF WHY THERE ARE NO OTHER BOATHOUSES ALONG THIS STRETCH OF THE RIVER. SECONDLY, THE LARGE AREA OF WATER WHICH WOULD BE SHADED BY THE PROPOSED PROJECT IS LIKELY TO UPSET THE ECOSYSTEM AND AFFECT THE BIODIVERSITY FOR THE SHADED WATER. SHADE CAN REDUCE PHOTOSYNTHESIS, LOWER DISSOLVED OXYGEN, ALTER TEMPERATURE PATTERNS AND SHIFT SPECIES COMPOSITION IN BRACKISH WATERS. FINALLY, I AM OPPOSED TO THE PROPOSED BOAT HOUSE BECAUSE OF HOW IT WILL ADVERSELY AFFECT THE VIEW AND SIGHT LINES OF THE RIVER FROM MY PROPERTY. THE PROPOSED PIER IS SUBSTANTIALLY LARGER THAN ADJACENT PIERS AND THE LARGE BOATHOUSE WILL BE PROMINENT IN OUR WATER VIEW. THIS IS LIKELY TO GREATLY DIMINISH MY PROPERTY VALUE AND THE PROPERTY VALUES OF NEARBY PROPERTIES. DUE TO THE LIKELIHOOD OF EVENTUAL STORM DAMAGE FROM INEVITABLE STORMS, WE WILL ALL BE LOOKING AT THE REMAINS OF A BOATHOUSE. (THERE IS NO REQUIREMENT THAT DAMAGE WILL BE REPAIRED.) THANK YOU FOR CONSIDERATION OF MY COMMENTS. FREDERICK A. WOEHR 206 CHURCH POINT LN COLONIAL BEACH, VA 22443 508 783 6170

Marquee Homes, Inc.
VMRC #2025-2752

1. Habitat Management Evaluation dated August 25, 2026
(Pages 1-2)
2. Revised application plan view and cross section drawings dated received
August 11, 2026 (Pages 3-8)
3. Letters of protest from Daniel and Alyson Yates received to date
(Pages 9-27)

HABITAT MANAGEMENT DIVISION EVALUATION

MARQUEE HOMES INC., 2025-2752, requests authorization to construct a 16-foot by 18-foot open-sided gazebo and a 15-foot by 37-foot open-sided boathouse as part of a statutorily authorized private pier along the Poquoson River at 132 Breezy Point Drive in York County. This project is protested by an adjacent property owner.

Narrative

The proposal is located along the Poquoson River where numerous private piers, including gazebos and boathouses, have been authorized and constructed.

On August 13, 2026, a partial “no permit necessary” letter was issued for a 6-foot by 160-foot pier with a 17-foot by 10-foot L-head platform, a 5-foot by 35-foot finger pier, and a 5-foot by 13-foot catwalk, advising that a VMRC permit would not be required for the pier portion of the project. York County notified the applicant that the proposed project did not require a permit from the local wetlands board.

Issues

Following receipt of the application, staff notified the adjoining property owners of the proposal as required by the Code of Virginia for proposed pier roof structures. The downstream adjoining property owners, Daniel and Alyson Yates, objected to the pier and boathouse proposal in January 2026.

Mr. and Mrs. Yates state there is an upland boundary dispute with the applicant, and that the proposed pier appears to be extremely close to their pier. They also express concern about the risk of sediment displacement during construction and the potential for negative impacts on navigation to their pier. In addition, concerns were expressed about disturbance to wetland vegetation and the upland RPA buffer.

On July 15, 2026, a hydrographic survey was conducted by the applicant’s agent. The locations for the intersection of upland property lines and mean low water (MLW) were accurately identified, and existing MLW depths surrounding the proposed and existing piers were noted.

Summary and Recommendations

Had the application for the proposed open-sided boathouse and open-sided gazebo not been protested, they would have qualified for the statutory authorization provided for open-sided roof structures pursuant to §28.2-1203(A)5 of the Code of Virginia. The proposed boathouse is 555 square feet, 145 square feet less than the 700 square-foot maximum allowable size provided by statute. The proposed open-sided gazebo is 288 square feet, 112 square feet less than the 400 square-foot maximum allowable size provided by statute.

Summary and Recommendations (cont'd)

The protestants' concerns are largely focused on an upland boundary dispute. Additionally, Habitat Management staff does not have the legal authority to identify riparian boundaries assigned to individual properties, however this pier and boathouse/gazebo proposal appears to be reasonably located in accordance with the applicant's upland property boundaries. If the protestants believe their riparian rights are being encumbered by the proposal, they can seek a riparian apportionment of the waterway immediately adjacent to the two (2) properties and have the matter adjudicated by the local circuit court.

Staff believes that the construction of the open-sided boathouse and gazebo is a reasonable use of the applicant's riparian rights for private-use encroachment over state-owned submerged lands. In this case, we believe the open-sided designs of the roof structure only minimally add to the visual obstruction presented by the applicant's statutorily authorized private pier and boat lift. Staff and this Commission have historically agreed that this type of private open-sided roof proposal is an appropriate use of a riparian property owner's rights to access state-owned submerged lands. Accordingly, after evaluating the project drawings and 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, staff recommends approval of the project as proposed.



PROJECT DESCRIPTION: THE HOMEOWNER AT 132 BREEZY POINT DR IS PROPOSING TO CONSTRUCT A PIER ON THE POQUOSON RIVER. THE PIER WILL BE A 16' X 35' L-HEAD, A 6' X 125' WALKWAY, AND A 15' X 37' BOATHOUSE WITH BOAT LIFT.

THE PROPOSED TIMBER AND FASTENER MATERIALS FOR THE PROPOSED BOAT LIFTS ARE TREATED TIMBER AND GALVANIZED STEEL FASTENERS AND WILL BE INSTALLED TO MANUFACTURERS SPECIFICATIONS. THE LIFTS SHOULD BE INSTALLED SO THAT THE BOTTOM OF THE LIFT IS HIGHER THAN THE 100 YEAR BFE (8 FT NAVD88). PILINGS FOR THE LIFTS SHOULD BE A MINIMUM 10" DIAMETER.

THE PROPOSED TIMBER AND FASTENER MATERIALS FOR THE PROPOSED FIXED PIER ARE TREATED TIMBER AND GALVANIZED STEEL FASTENERS. FOR STRINGER SPANS OF 8 FEET OR LESS, 2" X 8" TREATED TIMBER SHOULD BE USED AS A MINIMUM. HOWEVER, ONCE THE SPAN EXCEEDS 8 FEET, BUT IS NO MORE THAN 10 FEET, 2" X 10" TREATED TIMBER WILL BE USED. PILINGS WILL BE TREATED TIMBER AND HAVE AN 8" TO 10" DIAMETER. PILINGS SHOULD BE DRIVEN INTO THE EXISTING SUBSTRATE AT A MINIMUM OF 12 FEET. TRANSVERSE CROSS BRACING SHOULD BE 2" X 8" WITH 3/4" BOLTS.

TRANSVERSE CROSS BRACING SHOULD BE 2" X 8" WITH 3/4" BOLTS SHOULD BE PLACED ON THE BACKSIDE OF THE PIER AND EVERY 4TH PILING PAIR ON THE WALKWAY. FOLLOW GUIDANCE IN THE SFPA MARINE CONSTRUCTION GUIDE FOR MORE INFORMATION.

MINIMAL LAND DISTURBANCE IS PROPOSED WITH THE PROJECT AND MINIMAL SUBSTRATE WILL BE DISTURBED WHILE DRIVING THE PILES. PROJECT COMPLETION WILL BE IN LINE WITH CONDITIONS OF THE CHESAPEAKE BAY ACT. MAINTENANCE SHOULD BE REGULARLY PERFORMED TO MAINTAIN THE RESILIENCE OF THE STRUCTURE TO WIND AND FLOOD LOADS.



REVISION	DATE

YORKTOWN, VA

132 BREEZY POINT DR

WATERFRONT DOCK

SITE PLAN

PROJ NO. 16

DATE: 08/03/2026

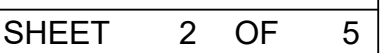
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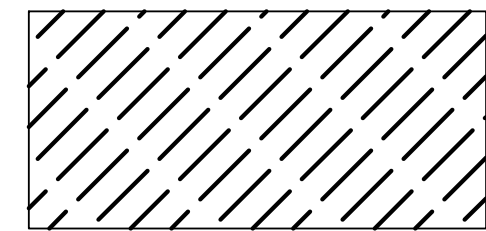
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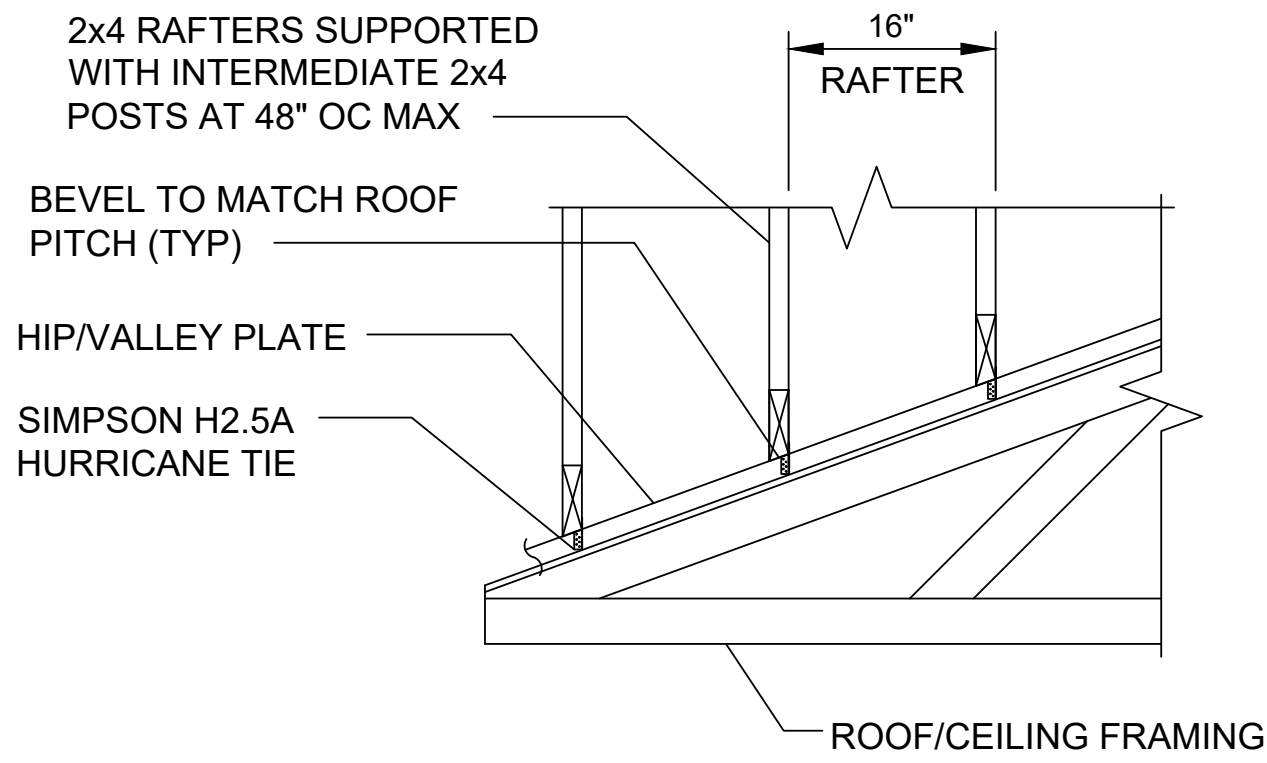
SF104

SHEET 1 OF 5

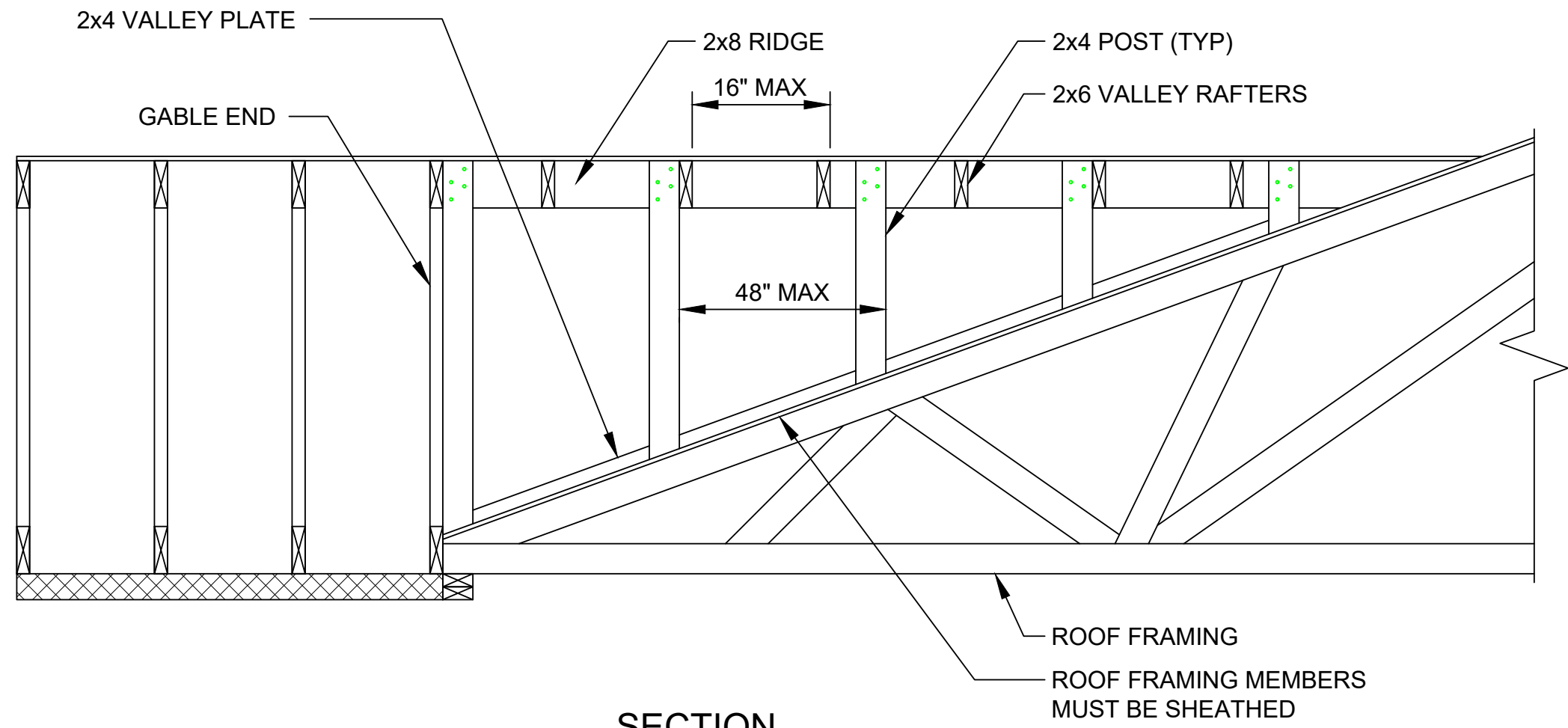




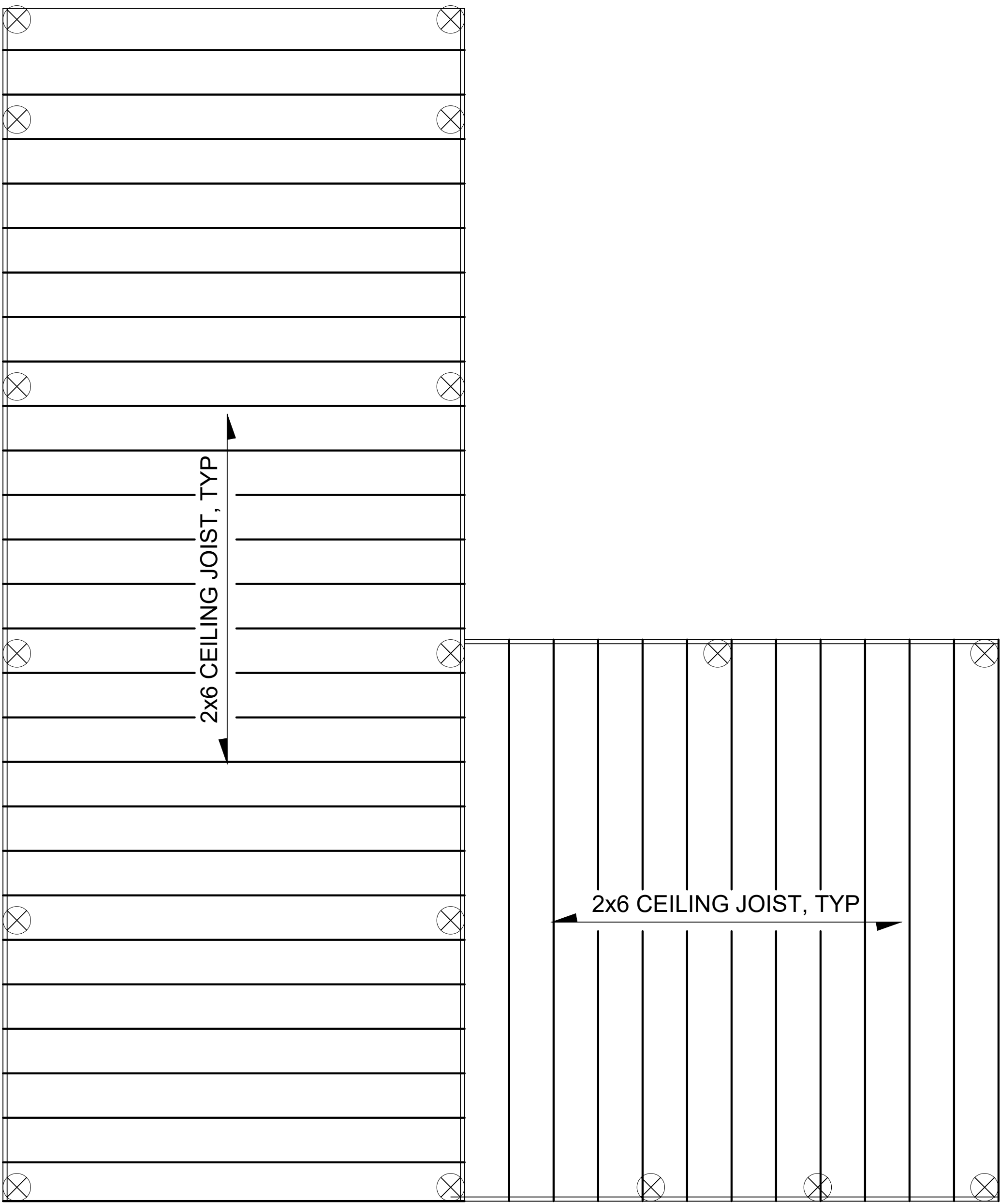
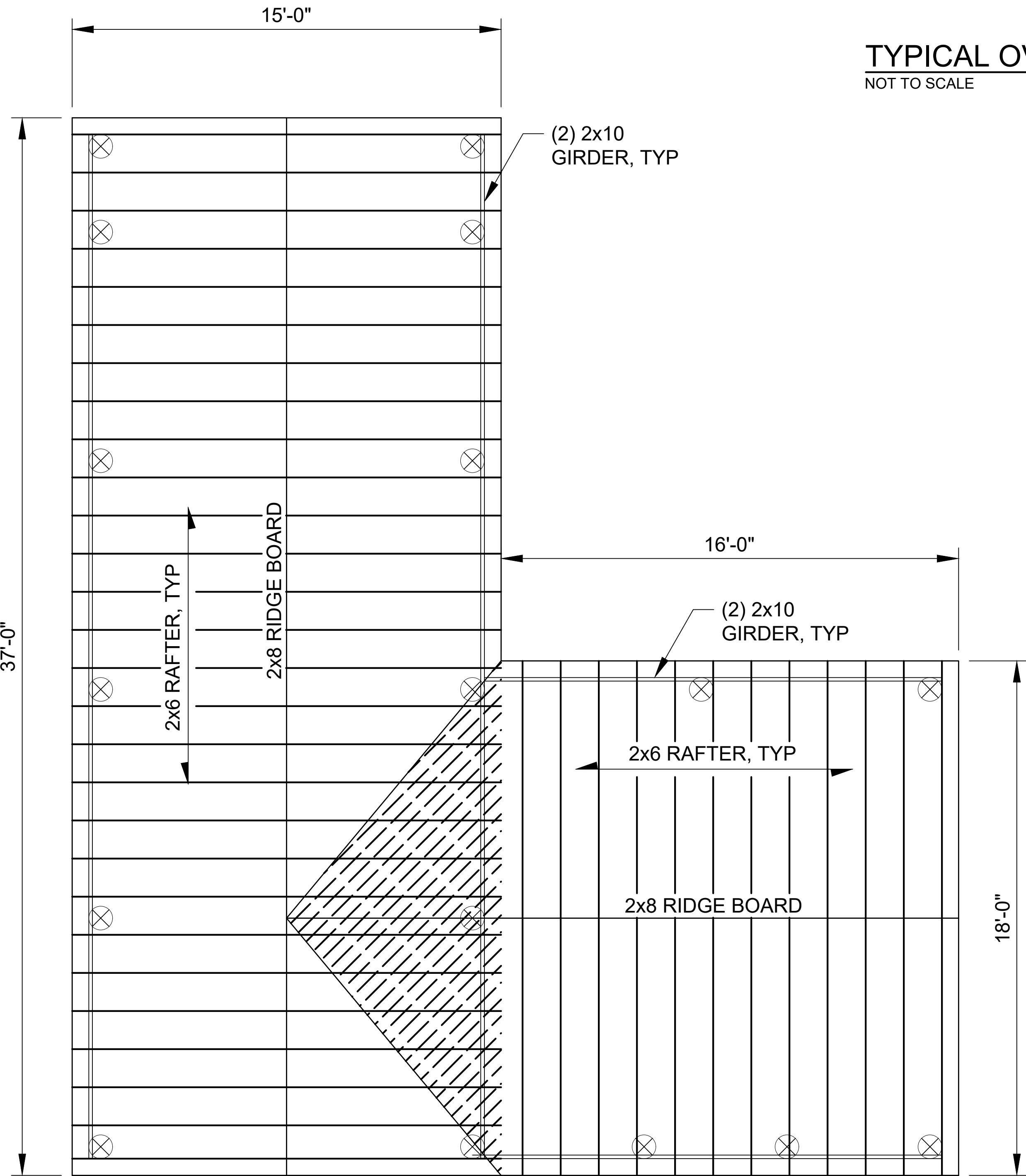
ROOF OVER FRAMING AREA,
REFER TO "TYPICAL ROOF
OVER FRAMING DETAIL"



TYPICAL OVER FRAMING DETAIL
NOT TO SCALE



TYPICAL VALLEY FRAMING DETAIL
NOT TO SCALE



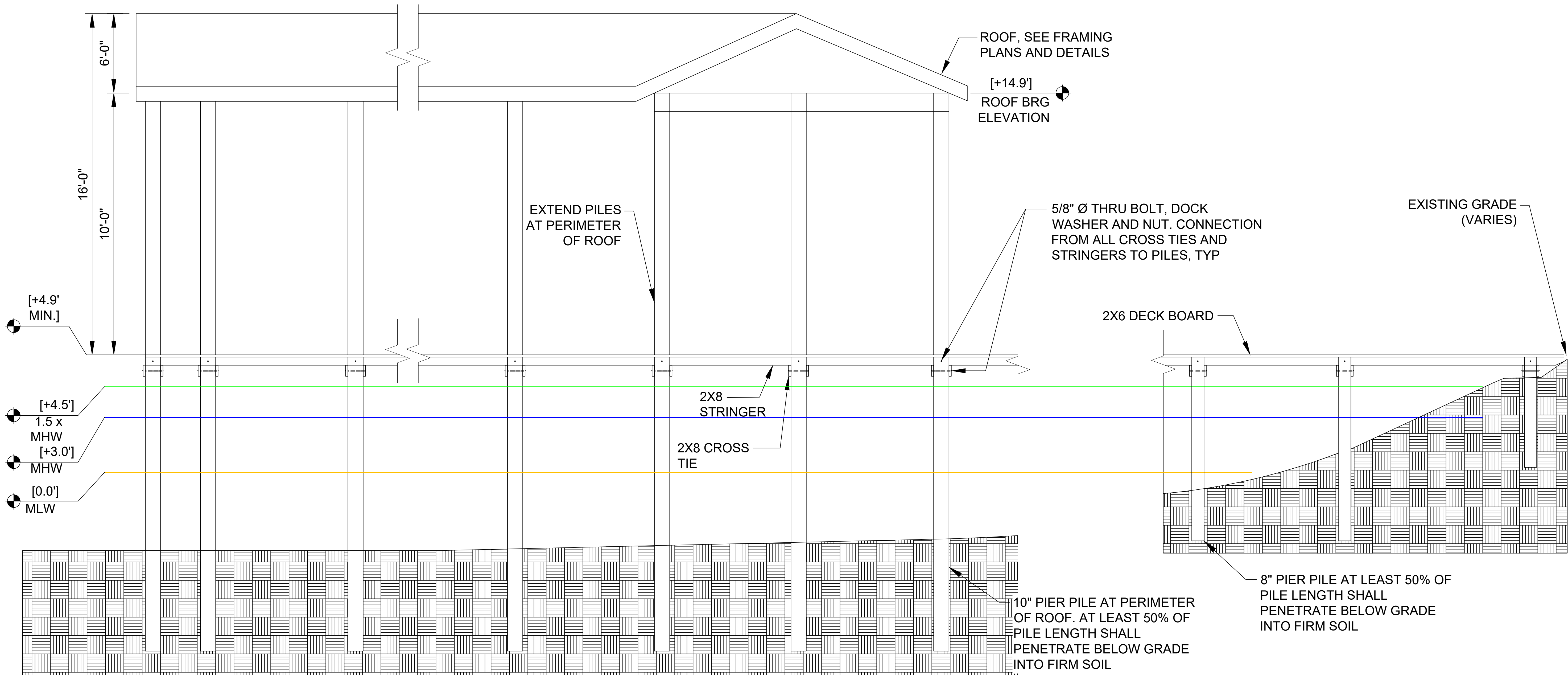
ROOF AND CEILING FRAMING PLAN
SCALE: 3/8" = 1'-0"

REVISION	DATE
1	1/26/2026

132 BREEZY POINT DR.	YORKTOWN, VA 23692
WATERFRONT DOCK	
ROOF AND CEILING FRAMING PLAN AND DETAILS	

PROJ NO.	18
DATE:	11/25/2025
SCALE:	AS SHOWN
CHECKED:	
DRAWN BY:	JHBV

SF102
SHEET 3 OF 5



FRAMING ELEVATION AND REVENTMENT SECTION

NOT TO SCALE

REVISION	DATE
1	1/26/2026

132 BREEZY POINT DR.	YORKTOWN, VA 23692
	WATERFRONT DOCK
FRAMING ELEVATION AND REVENTMENT SECTION	

PROJ NO.	18
DATE:	11/25/2025
SCALE:	AS SHOWN
CHECKED:	
DRAWN BY:	JHBV

SF103
SHEET 4 OF 5

GENERAL NOTES

1.

USE STRUCTURAL DRAWINGS IN CONJUNCTION WITH ALL OTHER DRAWINGS. COORDINATE WORK OF OTHER TRADES INCLUDING, BUT NOT LIMITED TO THE REQUIREMENTS FOR SLEEVES, INSERTS, HOLES, HANGERS AND ANCHORS.
2.

ELEVATIONS ON THE STRUCTURAL DRAWINGS ARE DENOTED [±X'-X"] REFERENCED TO MEAN WATER LEVEL DATUM.
3.

DETAILS ENTITLED OR NOTED AS 'TYPICAL' APPLY NOT ONLY WHERE SPECIFICALLY INDICATED OR REFERENCED, BUT ALSO IN ALL OTHER CASES WHERE THE NATURE OF THE CONSTRUCTION REQUIRES THEIR USE. DETERMINE APPLICABILITY OF TYPICAL DETAILS FROM DESCRIPTIVE TITLES OR FROM THE SIMILARITY OF A CONSTRUCTION CONDITION TO ANOTHER CONDITION WHERE THE DETAIL IS SPECIFICALLY INDICATED OR REFERENCED.
4.

THE STRUCTURAL DRAWINGS CONTAINED HEREIN REPRESENT THE STRUCTURE FOR THE WATERFRONT DOCK. PROVIDE ALL TEMPORARY GUYING AND BRACING AS REQUIRED TO ERECT AND HOLD THE STRUCTURE IN PROPER ALIGNMENT UNTIL ALL STRUCTURAL WORK, INCLUDING CONNECTIONS, IS COMPLETE. THE ANALYSIS, DESIGN, SAFETY, ADEQUACY, AND INSPECTION OF ERECTION BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
5.

CONSTRUCTION MEANS, METHODS, TECHNIQUES, AND SEQUENCES AND SUPERVISION OF THE WORK ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
6.

VERIFY AND COORDINATE ALL DIMENSIONS AND ELEVATIONS NECESSARY FOR THE PROPER CONSTRUCTION AND ALIGNMENT OF THE WORK RELATIVE TO EXISTING STRUCTURES AND GRADES. TAKE ALL MEASURES NECESSARY FOR FABRICATION, ALIGNMENT, AND INSTALLATION OF STRUCTURAL MEMBERS AND COMPONENTS.
7.

BEFORE PROCEEDING WITH ANY WORK, BECOME FAMILIAR WITH THE EXISTING CONDITIONS. PROVIDE ALL NECESSARY SAFEGUARDS TO MAINTAIN THE EXISTING CONSTRUCTION IN A SAFE CONDITION AT ALL TIMES AND TO PROTECT FROM DAMAGE THOSE PORTIONS OF THE EXISTING CONSTRUCTION THAT ARE TO REMAIN.
8.

WHERE EXISTING CONSTRUCTION THAT IS TO REMAIN IN PLACE, RE-USED, OR REMAIN THE PROPERTY OF THE OWNER IS DAMAGED DURING CONSTRUCTION, REPLACE WITH NEW OR REPAIR TO ITS ORIGINAL CONDITION. COST ASSOCIATED WITH SUCH REPAIR AND REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.
9.

ALL ITEMS SHOWN ON THE STRUCTURAL DRAWINGS ARE NEW CONSTRUCTION UNLESS SPECIFICALLY NOTED AS EXISTING.

DESIGN NOTES

1.

STRUCTURAL DESIGN IS IN ACCORDANCE WITH THE FOLLOWING CODES AND SPECIFICATIONS:
- A.

2021 INTERNATIONAL RESIDENTIAL CODE (IRC)
- B.

2021 VIRGINIA RESIDENTIAL CODE
- C.

ASCE/SEI 7-16, MINIMUM DESIGN LOADS AND ASSOCIATED CRITERIA FOR BUILDINGS AND OTHER STRUCTURES
- D.

ANSI/ AWC NDS -2018 NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION WITH 2018 SUPPLEMENT
2.

DESIGN LOAD CRITERIA
- A.

LIVE LOADS (UNIFORM):
DOCK (FLOOR)
- 40

PSF
- B.

SNOW LOADS:
GROUND SNOW LOAD, P
- 15

PSF

HURRICANE CLIP/TIE SCHEDULE	
RAFTER	SIMPSON STRONG TIE HURRICANE CLIP/TIE
2x6	H2A (w/ 5-8d x 1 1/2")
2x8	H10A (w/ 9-10d x 1 1/2")
2x10	H14 (w/ 12-8d x 1 1/2")
2x12	HTS20 DOUBLE

ROUGH CARPENTRY NOTES

1.

DESIGN OF ALL ROUGH CARPENTRY CONSTRUCTION IS ACCORDANCE WITH 2018 EDITION OF THE AMERICAN WOOD COUNCIL 'NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION', INCLUDING SUPPLEMENTS.
2.

ALL DIMENSION LUMBER FRAMING MEMBERS SHALL COMPLY WITH PS-20, 'AMERICAN SOFTWOOD LUMBER STANDARD'. MAXIMUM MOISTURE CONTENT SHALL BE 19 PERCENT. SPECIES AND GRADE SHALL BE AS FOLLOWS:
- A.

POSTS, JOISTS, RAFTERS, BEAMS, HEADERS CHORD MEMBERS AND ALL OTHER FRAMING - SOUTHERN PINE NO. 2 OR AS INDICATED
- B.

SPRUCE PINE FUR IS NOT PERMITTED FOR STRUCTURAL WOOD FRAMING
3.

SPLICES OF TOP PLATES SHALL CONSIST OF (12) 16d COMMON NAILS, EACH SIDE OF SPLICE.
4.

ALL ROUGH CARPENTRY SHALL BE PRESSURE TREATED WOOD.

STEEL NOTES

1.

FABRICATION AND ERECTION OF STRUCTURAL STEEL AND DESIGN OF CONNECTIONS SHALL BE IN ACCORDANCE WITH THE AISC "SPECIFICATION FOR STRUCTURAL STEEL BUILDINGS" DATED JULY 7, 2016 AND THE AISC "CODE OF STANDARD PRACTICE FOR STEEL BUILDINGS AND BRIDGES", DATED JUNE 15, 2016.
2.

UNLESS OTHERWISE NOTED, STRUCTURAL STEEL SHALL BE IN ACCORDANCE WITH THE ABOVE-LISTED AISC SPECIFICATION AND THE FOLLOWING:
- A.

PLATES AND ANGLES
- ASTM A36/ A36M
- B.

BOLTS W/ NUT AND DOCK WASHER
- ASTM A307
- C.

ANCHOR RODS W/ NUT AND WASHER
- ASTM F1554, GRADE 36
3.

ALL STEEL, INCLUDING FASTENERS, SHALL BE HOT-DIP GALVANIZED PER ASTM A123.

MARINE TIMBER NOTES

1.

PILINGS SHALL COMPLY WITH ASTM D25, PROVIDE SOUTHERN PINE OR DOUGLAS FIR WITH A 8 INCH MINIMUM TIP DIAMETER AND PROVIDE A PRESSURE PRESERVATIVE TREATMENT OF 2.5 PCF CCA.
2.

PILE DESIGN CAPACITIES ARE AS FOLLOWS:
- A.

COMPRESSIVE CAPACITY
- 3 TONS
- B.

TENSILE CAPACITY
- 1.5 TONS
- C.

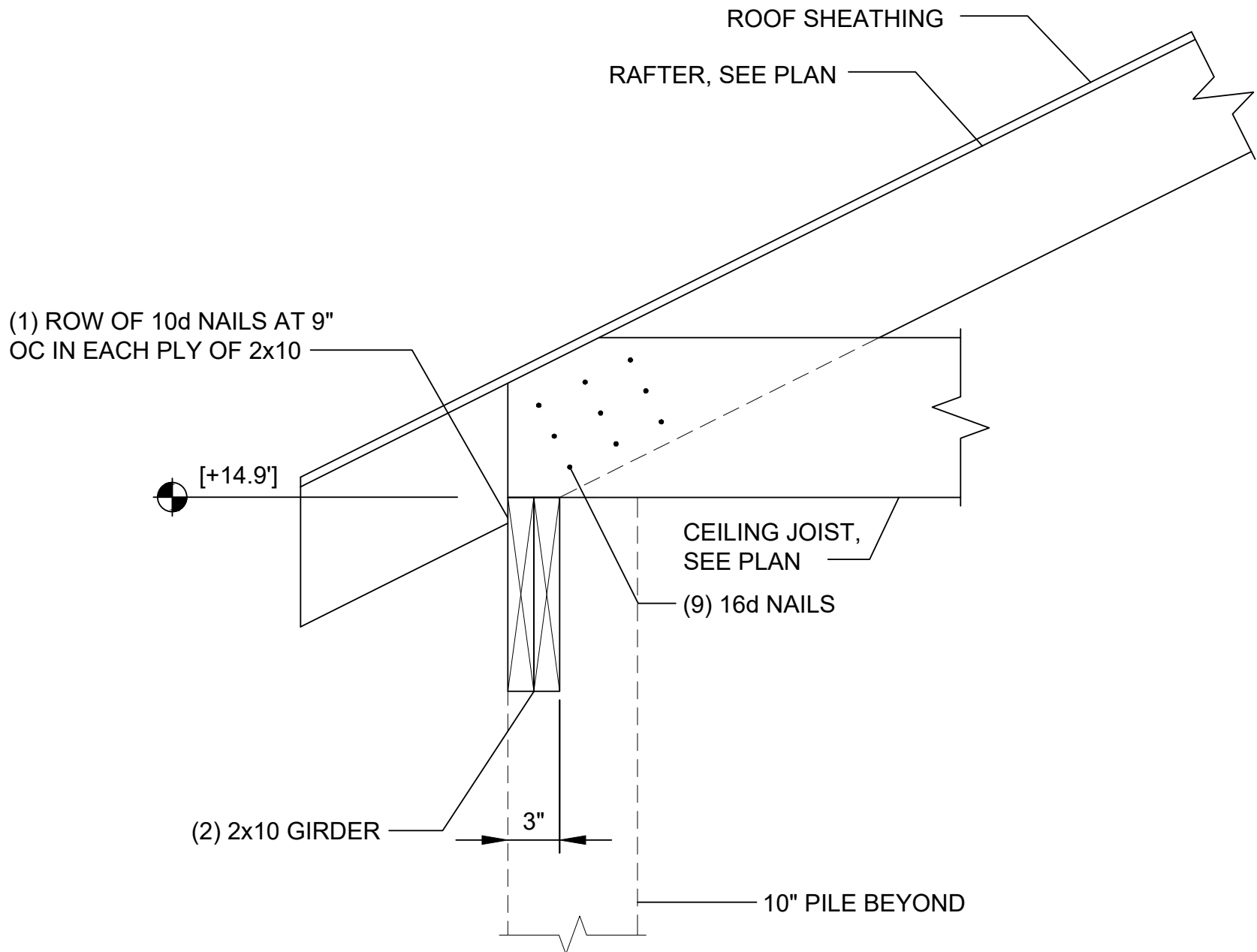
LATERAL CAPACITY
- 1 TON
3.

MINIMUM EMBEDMENT DEPTH FOR ALL PILES SHALL BE 12 FEET OR OTHERWISE NOTED.
4.

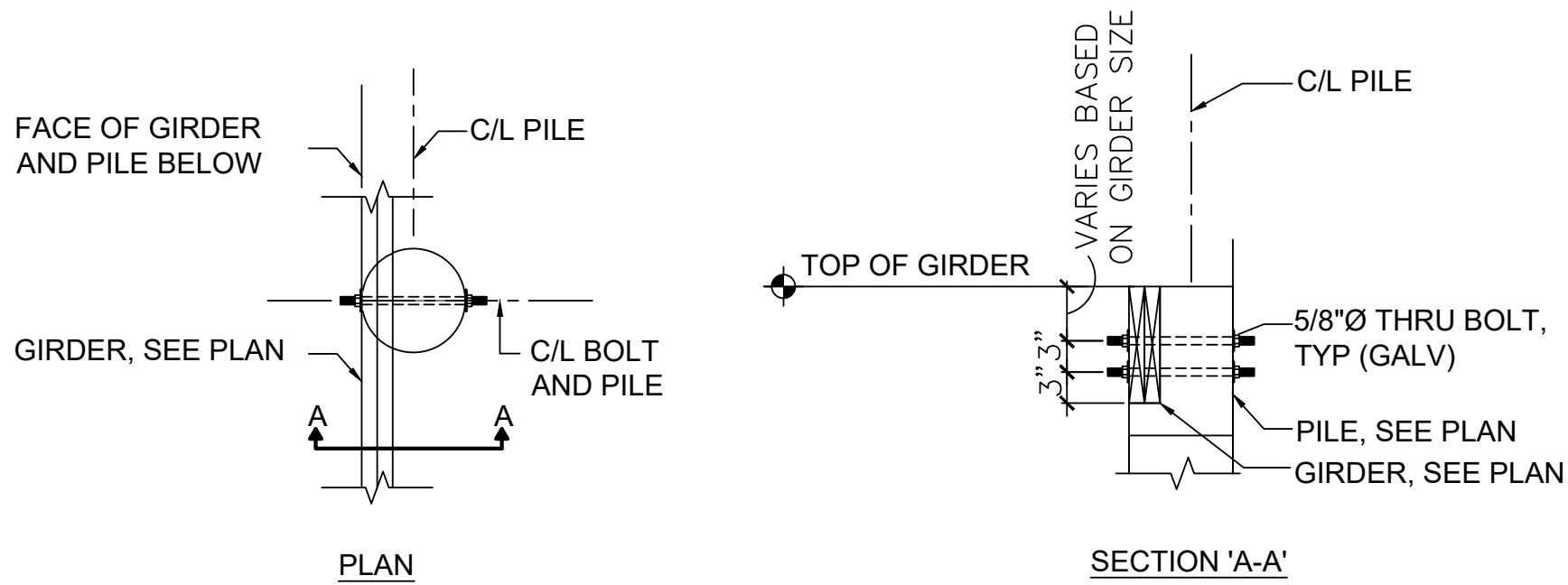
PILINGS SHALL BE DRIVEN TO A MAXIMUM TOLERANCE IN ANY DIRECTION OF 3 INCHES PER PILE.
5.

MARINE CONSTRUCTION GRADE HARDWARE HOT DIPPED GALVANIZED PER ASTM 153.
6.

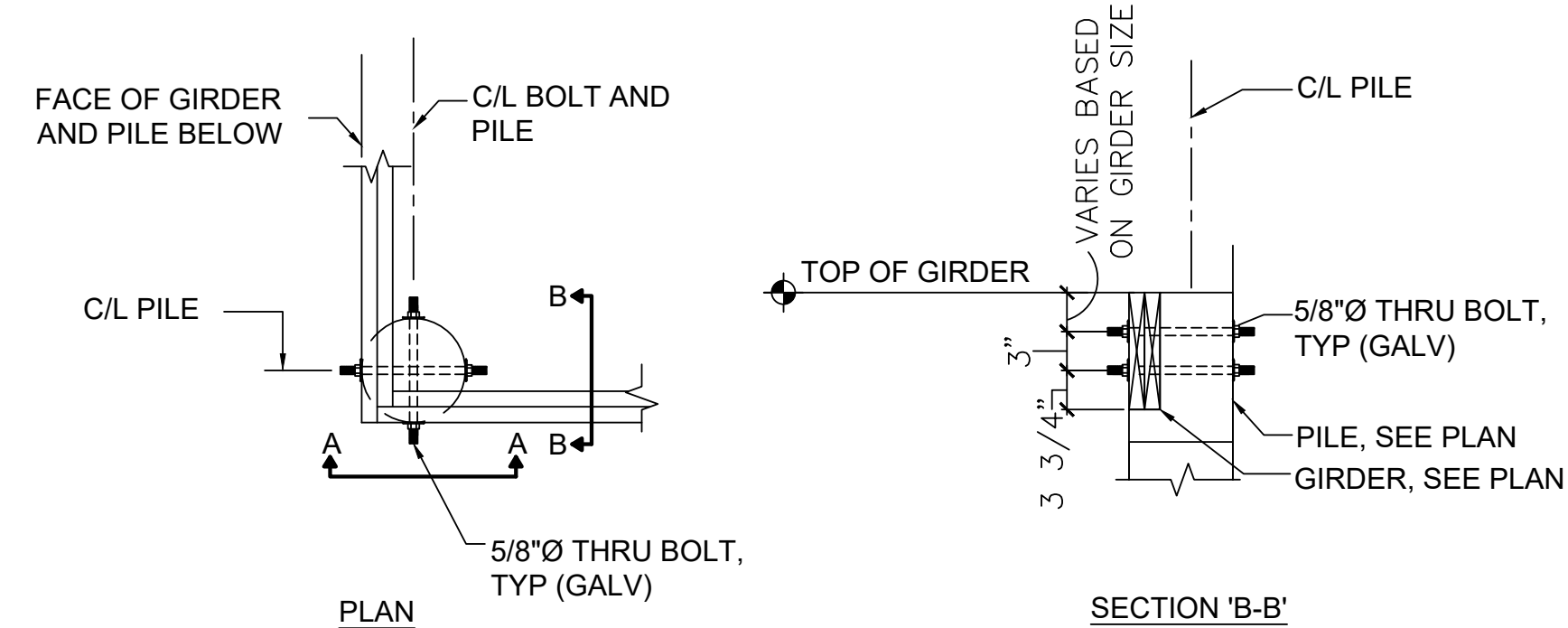
MARINE CONSTRUCTION GRADE SOUTHERN PINE TIMBER IAW AWWPA FOR UC 2 & 3, USE THE FOLLOWING:
- 2" X 8" STRINGER
- 2" X 8" CROSS TIE
- 2" X 6" DECK BOARD



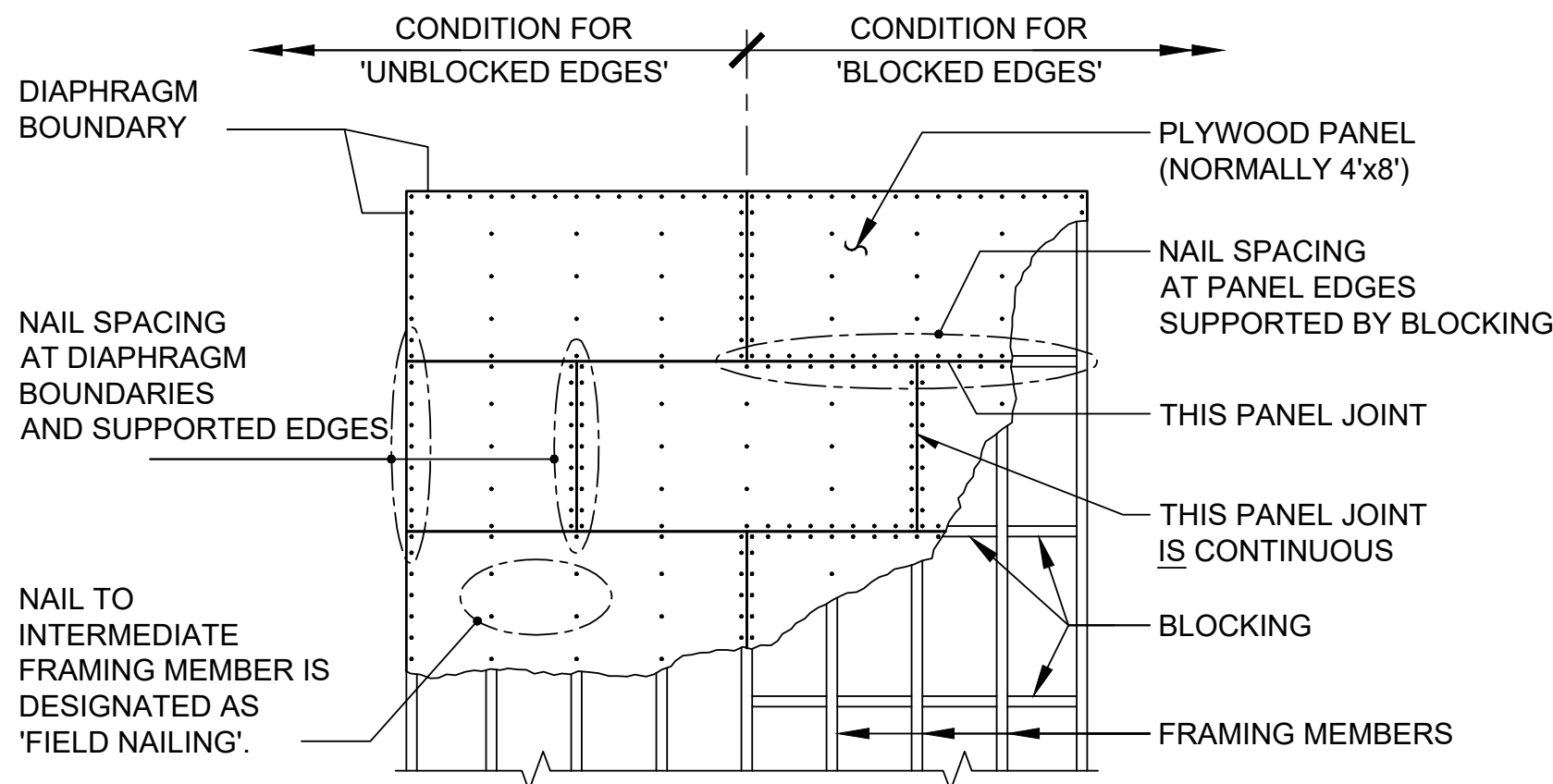
BETWEEN PILES
TYPICAL RAFTER TO GIRDER DETAIL
NOT TO SCALE



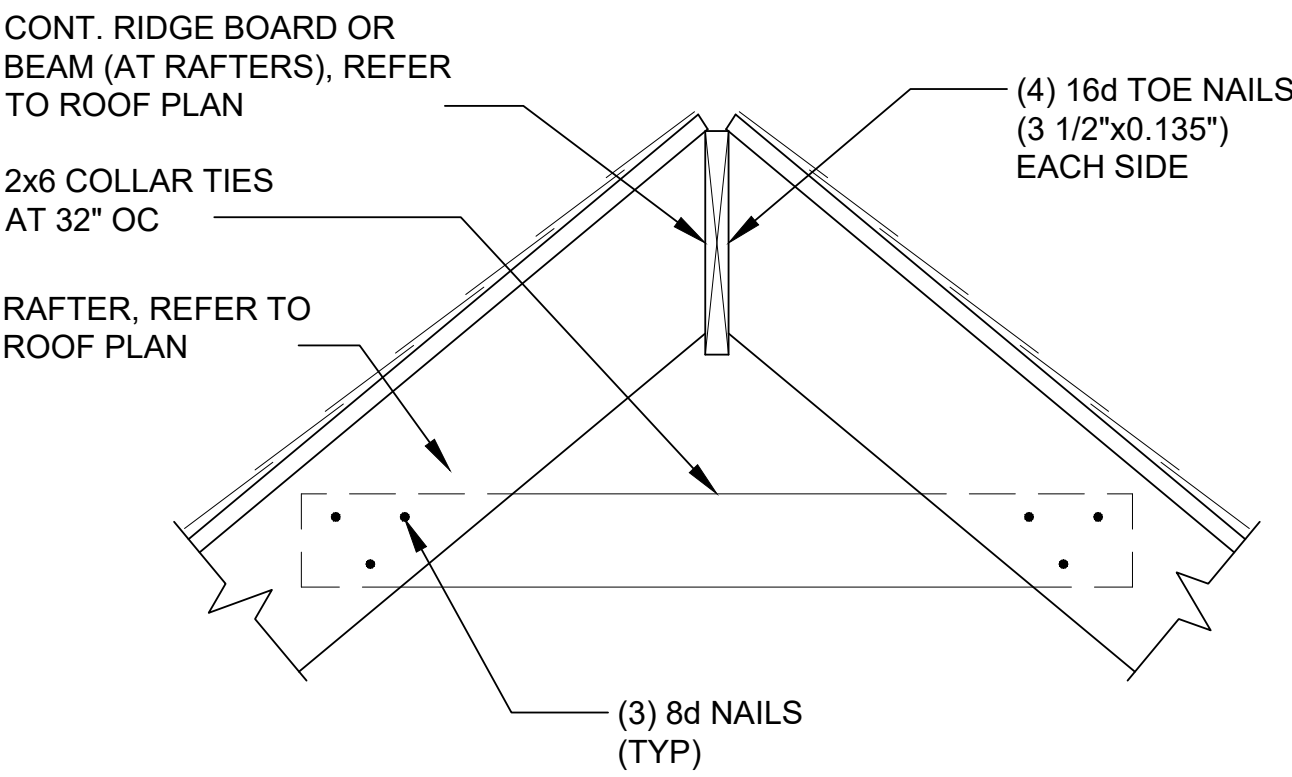
TYPICAL GIRDER-TO-PILE CONNECTION DETAIL
SCALE: 3/4" = 1'-0"



GIRDER-TO-PILE CONNECTION DETAIL AT CORNER
SCALE: 3/4" = 1'-0"



TYPICAL PLYWOOD DIAPHRAGM DETAIL
NOT TO SCALE



TYPICAL SECTION THROUGH RIDGE, VALLEY OR HIP
NOT TO SCALE

WATERFRONT DOCK

YORKTOWN, VA 23692

GENERAL NOTES AND DETAILS

132 BREEZY POINT DR.

PROJ NO.	18
DATE:	11/25/2025
SCALE:	NONE
CHECKED:	
DRAWN BY:	JHBV

S-001

SHEET 5 OF 5

Daniel and Alyson Yates
134 Breezy Point Drive
Yorktown, VA, 23692

December 16, 2025

Jennifer Bliss
Marquee Homes, Inc.
538G Wythe Creek
Poquoson, VA 23662

Re: Alleged Encroachment upon Vacant Lot at 132 Breezy Point Drive

Dear Ms. Bliss:

We are the current owners and residents of 134 Breezy Point Drive, Yorktown, VA. We received your letter dated December 9, 2025, in which you allege that our fence and shed encroach on the property of 132 Breezy Point Drive—the empty lot situated directly to the west of our home.

We dispute your allegation that our fence and shed constitute an encroachment. Rather, we contend that the space highlighted in green on your diagram lawfully belongs to us through a claim of right. Pursuant to Virginia Code 8.01-236 and the common law doctrine of adverse possession, we assert that the area you have identified was adversely possessed long before Marquee Homes, Inc. purchased the vacant parcel at 132 Breezy Point.

The storage shed was installed by Robert and Laura Gifford in August 2003 and has been consistently used and never moved during that period. Likewise, the wood and wire fencing (which runs from a bit north of the shed down to the well-worn retaining wall by the river) encloses an area of backyard which has been continuously occupied, landscaped, cleared of debris, and exclusively enjoyed by us and the prior owners of 134 Breezy Point for more than 15 years. Accordingly, the elements of adverse possession have been met. *See Grappo v. Blanks*, 241 Va. 58, 61, 400 S.E.2d 168, 171 (1991) (“Actual occupation, use, and improvement of the property by the claimant, as if he were in fact the owner, is conduct that can prove a claim of right.”); *see also LaDue v. Currell*, 201 Va. 200, 207, 110 S.E.2d 217, 222 (1959) (“Use and occupation of property, evidenced by fencing the property, constitutes proof of actual possession.”).

If you disagree, we welcome you to take any appropriate legal steps. We are prepared to litigate this boundary dispute to a jury, as we feel there is evidence to support a counterclaim for adverse possession.

However, in the spirit of neighborly cooperation, we are amenable to a possible solution. We noticed from your house site rendering that the proposed dwelling will sit more than six feet to the west of our fence and shed. Moreover, the hash marks indicating “Limits of Clearing and Grading” (presumably denoting a construction silt fence) appear to sit approximately two feet from our shed and wood fence. We presume you may be concerned about having enough space to comply with County residential setback requirements. If that is the case, we would gladly support any waiver or variance that you may need to obtain.

Lastly, in your letter you threatened to dispose of our shed and fencing should we not remove them before you commence with lot clearing on some unspecified future date. In response, we would direct you to Virginia Code Section 18.2-137, which criminalizes your proposed course of action. Specifically, any person who “destroys, defaces, damages, or removes” any property of another valued at \$1,000 or more is guilty of a Class 6 felony offense, punishable by up to five years’ incarceration. Additionally, the shed and fence bear POSTED signage, and your proposed conduct would also qualify as trespassing under Virginia Code Section 18.2-121, a Class 1 misdemeanor. Such “self-help” actions are impermissible under the law, and if you choose to trespass upon or destroy our property, we will report your conduct to the proper authorities.

Should you have any questions or concerns please do not hesitate to contact us at 804-5423-7297 or via email at dannycyates@gmail.com.

Sincerely,

A handwritten signature in blue ink that reads "Daniel Yates". The signature is written in a cursive, flowing style.

Daniel Yates Esq.
Alyson Yates Esq.

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: FW: REV 25-2752 FW: 132 BREEZY edits
Date: Tuesday, February 17, 2026 12:55:55 PM

Apo com

From: Danny Yates <dannycyates@gmail.com>
Sent: Thursday, February 5, 2026 9:17 AM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>
Subject: Re: FW: REV 25-2752 FW: 132 BREEZY edits

Good morning,

Thanks for sharing this. I will review with my wife and get back to you in short order. I also have a meeting scheduled with Marquee's attorney on Friday regarding the boundary dispute, so I might get some more clarity about our concerns after that. I'll reach out to you early next week. Thanks so much.

Danny

On Wed, Feb 4, 2026 at 1:01 PM Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov> wrote:

Hello Mr. Yates,

I wanted to share with you the revised drawings for the adjacent pier and boathouse.
Please let me know if you still have concerns with the new plans.

Thanks,



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

NOTE: Effective September 1, 2025, the U.S. Army Corps of Engineers (USACE) became the clearinghouse and central point of receipt for all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) for submission of the Commonwealth's Joint Permit Application (JPA) or submission of their new national online application portal and management platform called the Regulatory Request System (RRS). RRS allows users to apply for individual and general permits from the

Corps, DEQ, VMRC and the local wetland boards using online forms in lieu of the JPA. The system is designed to decrease permit processing time and is the Corps' preferred permit application process over the historical use of the JPA.

You may apply online to RRS at the following link:

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There is no link to the JPA in RRS. The RRS application process REPLACES the need for the JPA. You must login to RRS in order to submit a request.

Alternatively, you may submit a JPA once completed as a pdf to :

CENAO.REG_ROD@usace.army.mil

The Corps will discontinue the JPA eventually, and you will be required to utilize RRS solely.

If you have questions regarding the shift to RRS please contact Barry Spence at

barry.l.spence@usace.army.mil

From: Reams, Brad (MRC)
Sent: Monday, February 2, 2026 12:57 PM
To: MRC - jpa Permits <jpa.permits@mrc.virginia.gov>
Subject: REV 25-2752 FW: 132 BREEZY edits

From: Karen Hall <mdspringconsult@gmail.com>
Sent: Friday, January 30, 2026 7:52 PM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>; Gregory Henrich <permitdivision@gmail.com>
Subject: 132 BREEZY edits

Brad -

Here is the adjusted location for 132 Breezy. Let me know if you need anything else.

-Karen

--

Karen Hall, PE
Owner, Meadowspring Consulting
7501 Mill Trail Rd, Charles City, VA 23030



--

Danny C. Yates

804-543-7297 (cell)

dannycyates@gmail.com

From: [Reams, Brad \(MRC\)](#)
To: [MRC - jpa Permits; "Gregory Henrich"](#)
Subject: FW: FW: REV 25-2752 FW: 132 BREEZY edits
Date: Wednesday, March 4, 2026 3:14:53 PM

Protestant objection

From: Danny Yates <dannycyates@gmail.com>
Sent: Wednesday, March 4, 2026 3:10 PM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>
Subject: Re: FW: REV 25-2752 FW: 132 BREEZY edits

Good afternoon, Brad,

Apologies for the delayed response. Yes, due to an ongoing boundary dispute with Marquee Homes we are maintaining our objection to the project at this time.

Thank you,

Danny

On Wed, Mar 4, 2026 at 2:48 PM Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov> wrote:

Hello Mr. Yates,

I am following up to see if you've had a chance to review the revised drawings.
Please let me know if you will maintain your objection to the project.

Thank you,



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From: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>

Sent: Thursday, February 5, 2026 10:30 AM

To: Danny Yates <dannycyates@gmail.com>

Subject: RE: FW: REV 25-2752 FW: 132 BREEZY edits

Absolutely, you're welcome.

From: Danny Yates <dannycyates@gmail.com>

Sent: Thursday, February 5, 2026 9:17 AM

To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>

Subject: Re: FW: REV 25-2752 FW: 132 BREEZY edits

Good morning,

Thanks for sharing this. I will review with my wife and get back to you in short order. I also have a meeting scheduled with Marquee's attorney on Friday regarding the boundary dispute, so I might get some more clarity about our concerns after that. I'll reach out to you early next week. Thanks so much.

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Subject: 132 BREEZY edits

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Here is the adjusted location for 132 Breezy. Let me know if you need anything else.

-Karen

--

Karen Hall, PE
Owner, Meadowspring Consulting
7501 Mill Trail Rd, Charles City, VA 23030



--

Danny C. Yates
804-543-7297 (cell)
dannycyates@gmail.com

--

Danny C. Yates
804-543-7297 (cell)
dannycyates@gmail.com

From: dannycyates@gmail.com
To: [Reams, Brad \(MRC\)](#)
Cc: [MRC - jpa Permits](#)
Subject: Re: REV 25-2752 FW: 132 BREEZY edits
Date: Saturday, May 9, 2026 8:22:42 AM

Good morning,

Thank you for the email. We maintain our objection to the proposed pier and boathouse for several reasons:

- (1) Due to the close proximity to our pier and boathouse which could impede ingress/egress, create wake, and intrude on privacy
- (2) Although you reference an upland boundary dispute, the dispute actually runs the entire length of the property border - to include down to the MHWL
- (3) We were dismayed by the way that the developer's subcontractors heavily cleared the trees, bushes, and seagrass in the RPA (photos attached) to include numerous trees with trunk diameter of more than 5 inches. These trees, particularly several along the riverbank, provided an essential root structure and natural erosion protection. We are concerned that if the developer's approach to building the marine structure mirrors the manner in which his crew has deforested the RPA, the consequences could be dire for the marine life and ecosystem.



Thank you. We appreciate the VMRC's consideration of our position and we are happy to provide further input, to include public comment at any hearing.

Sincerely,
Danny

Danny C. Yates
dannycyates@gmail.com
804-543-7297
Sent from my iPhone

On May 8, 2026, at 2:09 PM, Reams, Brad (MRC)
<Brad.Reams@mrc.virginia.gov> wrote:

Hello Mr. Yates,

I would appreciate it if you could clarify what your specific concerns are regarding only the pier and boathouse.

The issues relating to your upland boundary dispute are outside of the jurisdiction of VMRC.

Thank you,

<image001.jpg>

Bradley Reams

Environmental Engineer
Habitat Management
(757) 262-6448

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From: Danny Yates <dannycyates@gmail.com>

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Subject: Re: FW: REV 25-2752 FW: 132 BREEZY edits

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Thank you,

<image001.jpg>

Bradley Reams

Environmental Engineer
Habitat Management
(757) 262-6448

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Sent: Thursday, February 5, 2026 10:30 AM
To: Danny Yates <dannycyates@gmail.com>
Subject: RE: FW: REV 25-2752 FW: 132 BREEZY edits

Absolutely, you're welcome.

From: Danny Yates <dannycyates@gmail.com>
Sent: Thursday, February 5, 2026 9:17 AM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>
Subject: Re: FW: REV 25-2752 FW: 132 BREEZY edits

Good morning,

Thanks for sharing this. I will review with my wife and get back to you in short order. I also have a meeting scheduled with Marquee's attorney on Friday regarding the boundary dispute, so I might get some more clarity about our concerns after that. I'll reach out to you early next week. Thanks so much.

Danny

On Wed, Feb 4, 2026 at 1:01 PM Reams, Brad (MRC)
<Brad.Reams@mrc.virginia.gov> wrote:

Hello Mr. Yates,

I wanted to share with you the revised drawings for the adjacent pier and boathouse.

Please let me know if you still have concerns with the new plans.

Thanks,

<image001.jpg>

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

NOTE: Effective September 1, 2025, the U.S. Army Corps of Engineers (USACE) became the clearinghouse and central point of receipt for all requests in the Commonwealth of Virginia (instead of the Virginia Marine

Resources Commission) for submission of the Commonwealth's Joint Permit Application (JPA) or submission of their new national online application portal and management platform called the Regulatory Request System (RRS). RRS allows users to apply for individual and general permits from the Corps, DEQ, VMRC and the local wetland boards using online forms in lieu of the JPA. The system is designed to decrease permit processing time and is the Corps' preferred permit application process over the historical use of the JPA.

You may apply online to RRS at the following link:

<https://rrs.usace.army.mil/rrs>

There is no link to the JPA in RRS. The RRS application process REPLACES the need for the JPA. You must login to RRS in order to submit a request.

Alternatively, you may submit a JPA once completed as a pdf to :

CENAO.REG_ROD@usace.army.mil

The Corps will discontinue the JPA eventually, and you will be required to utilize RRS solely.

If you have questions regarding the shift to RRS please contact Barry Spence at barry.l.spence@usace.army.mil

From: Reams, Brad (MRC)
Sent: Monday, February 2, 2026 12:57 PM
To: MRC - jpa Permits <jpa.permits@mrc.virginia.gov>
Subject: REV 25-2752 FW: 132 BREEZY edits

From: Karen Hall <mdspringconsult@gmail.com>
Sent: Friday, January 30, 2026 7:52 PM
To: Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>; Gregory Henrich <permitdivision@gmail.com>
Subject: 132 BREEZY edits

Brad -

Here is the adjusted location for 132 Breezy. Let me know if you need anything else.

-Karen

--

Karen Hall, PE
Owner, Meadowspring Consulting
7501 Mill Trail Rd, Charles City, VA 23030



--

Danny C. Yates
804-543-7297 (cell)
dannycyates@gmail.com

--

Danny C. Yates
804-543-7297 (cell)
dannycyates@gmail.com

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20252752

Print Date: Thursday August 20 2026 12:09

Number	Name	Received	Position
1	DANIEL C YATES	01/04/2026 16:20:34 PM	OPPOSE

AT THIS TIME, ABSENT FURTHER DETAILS OR INFORMATION REGARDING THE PRECISE LOCATION OF THE PROPOSED PIER WITH RESPECT TO OUR PROPERTY, DANIEL AND ALYSON YATES, OWNERS AND RESIDENTS OF 134 BREEZY POINT DRIVE, ARE OBJECTING TO PROJECT #20252752 (132 BREEZY POINT DRIVE) ON THE FOLLOWING THREE GROUNDS: (1) PROXIMITY TO EXISTING PIER AT 134 BREEZY POINT: BASED ON THE SATELLITE IMAGERY SCHEMATIC OF THE APPLICANT’S PROPOSED PIER, IT APPEARS TO BE EXTREMELY CLOSE IN PROXIMITY TO OUR PIER AND OUR FLOATING DOCK PILINGS. THE RENDERING DEPICTS WHAT LOOKS TO BE NO MORE THAN 15 FEET OF BUFFER BETWEEN OUR WESTERN MOST FLOATING DOCK PILING AND THE APPLICANT’S PROPOSED EASTERN MOST PILING. AS SUCH, WE HAVE CONCERNS ABOUT ACCESS/NAVIGATION TO OUR PIER. IN ADDITION, WE ARE CONCERNED ABOUT THE RISK OF DAMAGE TO OUR DOCK AND PILINGS DURING THE BUILDING PROCESS. LIKEWISE, ANY DISPLACEMENT OF SEDIMENT BY A CONSTRUCTION BARGE OR PILE DRIVER IN SUCH CLOSE PROXIMITY WOULD NEGATIVELY IMPACT OUR ABILITY OF INGRESS AND EGRESS TO OUR BOAT LIFT GIVEN THE CONSISTENTLY LOW WATER LEVEL AT THIS SECTION OF THE POQUOSON RIVER. (2) DISTURBANCE TO SHORELINE/VEGETATION: THE APPLICANT’S PROPOSED PIER PROJECT WILL INEVITABLY RESULT IN SUBSTANTIAL DISTURBANCE AND DESTRUCTION OF THE SIGNIFICANT NATIVE PLANTS AND TREES WHICH CURRENTLY OCCUPY THE PRISTINE WOODLAND RPA BUFFER ZONE AT THE 132 BREEZY POINT LOT. THERE IS A STEEP DROP-OFF BETWEEN THE LOT AND THE SHORELINE, WHICH WILL PRESUMABLY REQUIRE PILINGS AND STEPS TO BE INSTALLED PAST THE WATER’S EDGE. THE APPLICATION CONTAINS NO INFORMATION ABOUT ANY MITIGATION PLANS, MEASURES TO MINIMIZE TREE REMOVAL, OR OTHER EFFORTS TO REDUCE THE IMPACT TO THE RPA. THE APPLICATION IS DEVOID OF ANY INFORMATION REGARDING HOW AND WHERE THE PIER WILL CONNECT TO THE SHORELINE AND WHAT THE IMPACT WILL LOOK LIKE ALONG THE FRAGILE RIVERBANK. (3) PENDING BOUNDARY DISPUTE: LASTLY AND SEPARATELY FROM THE PROPOSED PIER/GAZEBO PROJECT THE APPLICANT HAS RECENTLY ALLEGED THAT OUR SPLIT RAIL FENCE AND WOODEN SHED ARE ENCROACHING ON THE 132 BREEZY POINT DRIVE VACANT LOT. THE APPLICANT SENT A LETTER THREATENING TO REMOVE AND DESTROY OUR FENCE AND SHED. WE STRONGLY DISPUTE MARQUEE HOMES INC.’S ALLEGATION THAT OUR FENCE OR SHED CONSTITUTE AN ENCROACHMENT. (SEE ATTACHED RESPONSE LETTER). THE SHED AND THE FENCED AREA HAVE BEEN EXCLUSIVELY, OPENLY, CONTINUOUSLY, AND HOSTILELY POSSESSED BY THE OWNERS OF 134 BREEZY POINT SINCE AT LEAST 2003 AND THIS SPACE HAS THEREFORE BEEN ADVERSELY POSSESSED PURSUANT TO VIRGINIA LAW. DUE TO THIS PENDING BOUNDARY DISPUTE, WE CANNOT GIVE OUR APPROVAL FOR THIS PROPOSED CONSTRUCTION, AS THE APPLICANT’S SUBMISSION DOES NOT INDICATE THE EXACT LOCATION OF THE PROPOSED PIER’S INTERSECTION ON THE SHORELINE WITH RESPECT TO OUR FENCED PROPERTY LINE.

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1255

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20252752

Print Date: Thursday August 20 2026 12:09

Number	Name	Received	Position
2	DANNY YATES	02/18/2026 08:21:39 AM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1299

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20252752

Print Date: Thursday August 20 2026 12:09

Number	Name	Received	Position
3	DANNY YATES	03/05/2026 09:17:05 AM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1311

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20252752

Print Date: Thursday August 20 2026 12:09

Number	Name	Received	Position
4	DANNY C YATES	08/11/2026 11:02:55 AM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1409

BIC Inc.
VMRC #2025-1263

1. Habitat Management Evaluation dated August 25, 2026
(Page 1 through 3)
2. Original application plan view and cross section dated-received June 4, 2025
(Page 4)
3. Additional information request sent September 18, 2025
(Page 5)
4. Follow-up to additional information request sent December 5, 2025
(Page 6)
5. Accomack County Local Wetlands Board staff additional information request sent April 23, 2026
(Page 7)
6. As-built modification plan view and property plat dated-received received May 28, 2026
(Page 8 and 9)
7. Revised as-built modification plan view received July 1, 2026
(Page 10)
8. Sworn Complaint dated May 11, 2026
(Page 11)
9. Notice To Comply dated May 12, 2026
(Page 12 and 13)
10. Accomack County Local Wetlands Board permit issued July 31, 2025
(Page 14 and 15)
11. Virginia Department of Health Office of Environmental Health Services comments received September 19, 2025
(Page 16 through 18)
12. Virginia Department of Health Division of Shellfish Sanitation comments received October 31, 2025
(Page 19)

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

HABITAT MANAGEMENT DIVISION EVALUATION

BIC, INC., VMRC #2025-1263, requests authorization to change the use of a previously statutorily authorized and existing private pier to a multi-user structure; and to retain unauthorized pier expansions adjacent to property (TM #45-A-5) located on Main Street, situated along the Chincoteague Channel in Accomack County.

Narrative

On November 18, 2024, staff issued statutory authorization correspondence (VMRC #2024-1964) for a 350-foot private, open-pile pier with a 40-foot by 10-foot T-head adjacent to property serving 2383 Main Street, situated along Chincoteague Channel on the east side of Chincoteague Island in Accomack County. After the pier was constructed, the contractor/property owner, Mr. Raymond Britton of BIC Inc., reached out to staff inquiring about steps needed to change the pier from private use to a multi-user structure, as they were planning to split the single upland parcel into three (3) parcels. Staff advised that a new application would be required, and an application was subsequently submitted on June 4, 2025. The application submitted was incomplete, lacking significant details pertinent to the proposal. As such, staff sent an additional information request on September 18, 2025, and a follow-up request on December 5, 2025, both of which went unanswered for some time.

On January 15, 2026, staff and Accomack County Local Wetlands Board (LWB) staff conducted a routine compliance inspection and observed that the pier was constructed in a different footprint than was approved in the original application, new unauthorized decking had been constructed on the landward end of the pier, and six (6) unauthorized pilings had been installed. At this time the subject parcel had already been split into three (3) lots, with the pier and slips proposed to serve as amenities for three (3), new individual properties. *Multi-user* piers proposed or constructed over state-owned bottomlands require a permit from this agency, making all of the additional unauthorized work on this structure a violation.

During a site meeting later in spring 2026 with Mr. Raymond Britton and Mr. Wes Britton of BIC Inc. they indicated they would be willing to remove the unauthorized decking to resolve the potential violation and allow the multi-use pier application process to proceed. However, BIC Inc. then submitted as-built drawings of the pier structure in an effort to pursue after-the-fact approval for the change in use and unauthorized components.

Since the modified proposal became a request to change the use of the pier from a single user to a multi-user pier, a wetlands board permit was also required. The Accomack County local wetlands board heard this proposal on March 26, 2026, but deferred their decision to April as the drawings lacked details necessary to make a jurisdictional determination. The application was reheard and approved at the April 23, 2026, hearing with the condition that previous application details requested by both VMRC and the Board's staff be submitted.

Narrative (cont'd)

A Notice To Comply (NTC) was issued by VMRC on May 12, 2026, requesting that the unauthorized pier be removed OR that the additional information requested by staff be submitted within 30 days. Additional information provided by BIC, Inc. on May 29, 2026, did not answer or address all of staff's or the wetland board's questions after multiple attempts to obtain a complete application.

Issues

To date, the additional information provided in response to the NTC is incomplete, inaccurate, and difficult to discern. The as-built plan view shows a 40-foot by 10-foot L-head but as constructed, the L-head is 35 feet by 12 feet, equaling 420 square feet. This area exceeds the threshold allotted in the statutory exemption found in Section 28.2-1203(A)5 of the Code of Virginia for private piers and would have required a permit from this agency, even if the structure was not a multi-user request. The private pier was constructed, therefore, in violation of the statutory authorization prior to the requested change in use. An additional six (6) pilings were installed for the creation of three (3) slips before the application (VMRC #2025-1263) was even submitted, and 189 square feet of unauthorized wharf decking was constructed on the landward end of the pier while the application was being processed, before a permit decision, further compounding the violation. The area provided for decking channelward of MLW is not consistent with the dimensions of what has been constructed. The additional information indicated that the total decking area is 2,020 square feet, whereas staff has calculated the total area to be 2,217 square feet. Furthermore, staff requested that the easement and/or legal access for each property owner be clearly shown on the plan view. A plat was submitted as part of the additional information requested, but while each property appears to have some riparian access, it is still unclear where or how the three individual lots legally adjoin to the wharf structure and/or access the pier.

The Commission is also advised that this is the second violation constructed by BIC Inc. on this parcel. A permit was issued by the Accomack LWB and VMRC for construction of a replacement bulkhead at this site (VMRC, #2023-0657, NTC #24-12). The bulkhead was constructed in a larger footprint than permitted, resulting in unauthorized encroachment over subaqueous bottom and the loss of vegetated wetlands. The applicant was directed by the local wetlands board and VMRC staff to remove the unlawfully constructed bulkhead and reconstruct it landward to achieve compliance (November 2024).

Summary/Recommendation

Mr. Raymond Britton of BIC Inc. has been a marine agent and contractor working in marine construction for over four (4) decades in Accomack and Northampton counties. He is very familiar with the regulatory process and is well aware of the need for local and state permits and the details required for such permits. In addition to the bulkhead violation at this location (NTC #24-12), Mr. Britton has been cited by the Commission for other issues and violations in the past

Summary/Recommendation (cont'd)

(e.g., VMRC #2002-1838, William Payne, unauthorized bulkhead; NTC #10-09, VMRC #2010-0978, Chincoteague Inn, et al., unauthorized restaurant expansion, Supreme Court of Virginia Record #130239, *VMRC vs Chincoteague Inn, et al*).

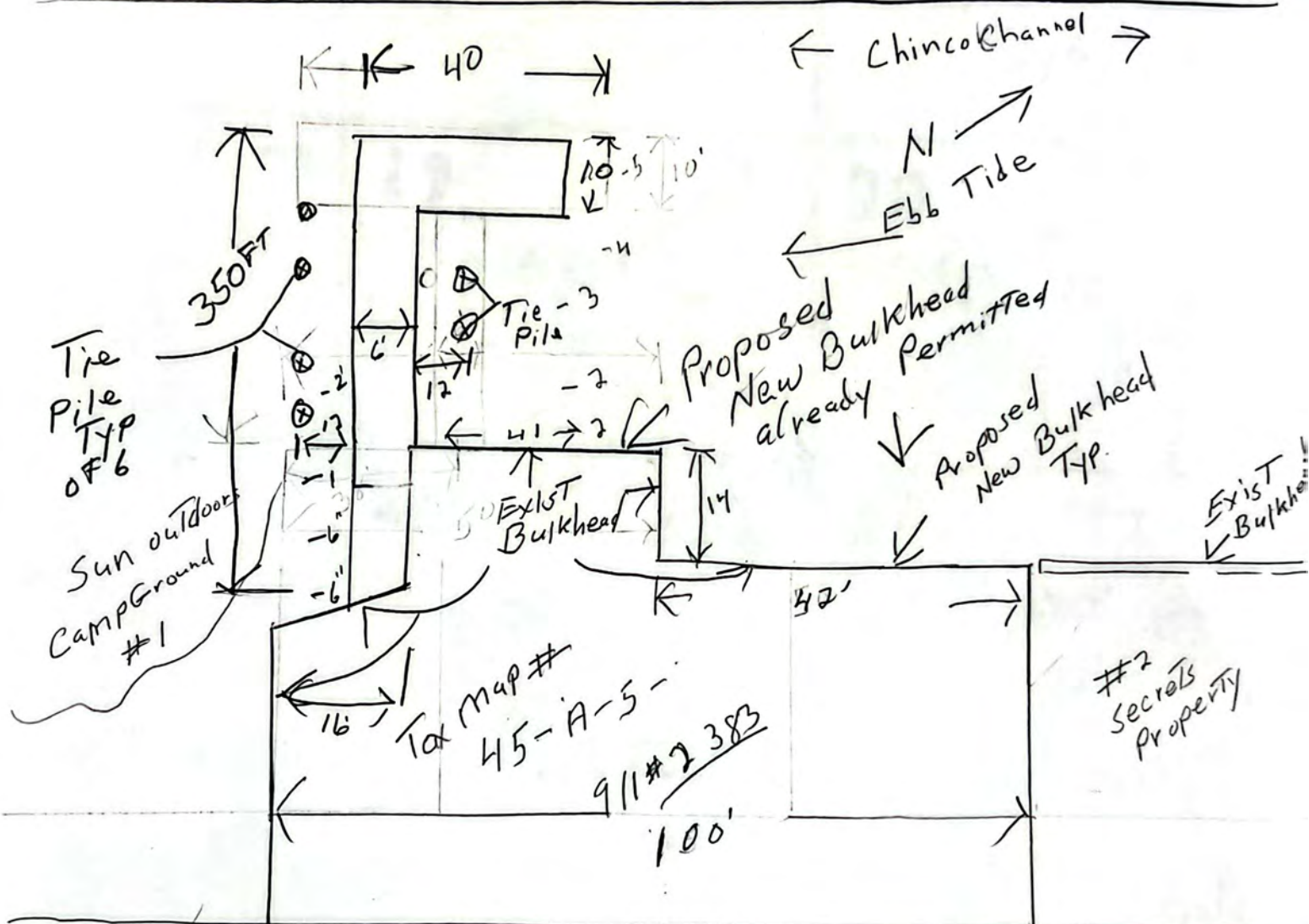
The Accomack County Wetlands Board and VMRC staff have spent an exhaustive amount of time over the last year working through the confusing details and history of this project to process the application request and resolve the bulkhead and pier violations constructed at this site. The pier that was constructed for the original application (VMRC #2024-1964) included a pier head footprint that exceeded the 400 square-foot statutory exemption pursuant to §28.2-1203(A)5 of the Code of Virginia. The entire subaqueous footprint of the pier, therefore, constituted a violation of state law as soon as it was built prior to the request for a multi-user structure. In addition, six (6) pilings were subsequently installed for the creation of three (3) slips, further adding to the violation. These unauthorized components had already been constructed by the time the application to change the structure to multi-user was submitted (VMRC #2025-1263). While this request was being processed, an additional approximately 189 SF of wharf decking on the landward end of the pier was also constructed over subaqueous bottom without permit authorization.

Given that the contractor was aware that the structure needed a permit, continued construction without permit authorization, and still has not provided complete, accurate, and legible drawings, **staff recommends complete removal of the multi-user pier and associated pilings installed over subaqueous bottom within 90 days.** In the future, should the applicant decide to proceed with the construction of a new multi-user pier, a new application would be required and should be submitted only after the project drawings are prepared and sealed by a licensed professional engineer.

Should the Commission choose to allow the applicant to retain the unauthorized pier as constructed and approve the multi-user status, staff recommends such an approval include triple permit fees (\$900.00), triple royalties (2,793 square feet x \$1.50 royalty rate = \$4,189.00 x 3 = \$12,567.00), and a civil charge of \$10,000.00. The recommended civil charge follows the Commission's civil charge matrix based on staff's findings that: (1) the pier constitutes a large encroachment, (2) major noncompliance and (3) Mr. Britton is both the property owner and the contractor (\$10,000.00). Staff also recommends that the contractor be referred to the Virginia Department of Professional and Occupational Regulation for proceeding with marine construction activities without required agency permits.

While staff is not recommending retention of the unlawfully constructed pier in favor of civil charges, failure to consent should result in the matter being referred to the Office of the Attorney (OAG) General for complete removal of the pier and associated pilings. Further, staff recommends the OAG seek appropriate civil penalties up to \$25,000.00 per day, pursuant to §28.2-1213 of the Code of Virginia, if the pier and associated pilings are not removed within 30 days of the Commission's August 25, 2026, decision on the case.

Hand-drawn cross-section diagram of a pier and pile foundation. The diagram shows a horizontal line representing the ground surface, with a wavy line below it representing the existing bottom. A vertical line on the left is labeled "m H W + 2'" and "m H L W 0.0'" with a bracket. A vertical line on the right is labeled "EXIST BOTTOM" with an arrow. A horizontal line is labeled "Proposed pier" with an arrow. A vertical line is labeled "New pile" with an arrow. A horizontal line is labeled "2x8 Decking" with an arrow. A horizontal line is labeled "3x6 Stringers" with an arrow. A horizontal line is labeled "3x8 cross Board" with an arrow. The diagram is divided into sections by vertical lines, with labels -2, -2, -3, -4, and -5 below the ground surface line.



Purpose: Construct New Pier
adj - #1 Sun out doors
adj - #2 Secrete's property
Datum - m L.W 0.0

BIC INC
Plan View
2383 mainstr
Chincoteague VA
23336

Proposed pier: Chincoteague
channel
Co. Accomack
City - Chincoteague
State - VA
APPL. By RB
Date - 5-28-25

From: [Gorman, Claire \(MRC\)](#)
To: [Lynda Outten](#)
Cc: cenao.reg_rod@usace.army.mil (cenao.reg_rod@usace.army.mil); [Paul Watson](#); [Jackson, Pippa \(MRC\)](#)
Subject: JPA #2025-1263 Additional information request
Date: Thursday, September 18, 2025 5:46:17 PM

Good afternoon,

We have received your application requesting authorization to change the use of an existing 350-foot open-pile pier with a 40-foot by 10-foot L-head adjacent to property (TM #45-A-5) located on Main Street situated along the Chincoteague Channel in Accomack County.

In order for your application to be complete, please provide the following:

1. Provide parcel numbers and plats that are proposed to have access to existing pier
2. Clarify pier access path on plan view
3. Clarify how pier will connect to upland on plan view. The application indicates that the distance from MHW and MLW are the same, but this is not reflected in the plan view.
4. Show MLW and MHW on plan view
5. Clarify how many slips and mooring piles are proposed on plan view and in narrative
6. Provide square footage of pier channelward of mean low water

Thank you in advance,
Claire

Claire Gorman
Environmental Engineer

Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
(757) 247-2285

Upcoming out of office: September 22 – October 1

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-

From: [Gorman, Claire \(MRC\)](#)
To: [Lynda Outten](#)
Cc: [Paul Watson](#); [Jackson, Pippa \(MRC\)](#)
Subject: RE: JPA #2025-1263 Additional information request
Date: Friday, December 5, 2025 10:23:19 AM

Good morning,

Following up on the request below. If we do not receive a response within 15 days, we will inactivate this application. The application can be reactivated upon receipt of the information requested. If you have already submitted this information, please resend as we have not received it.

Thank you in advance and please let me know if you have any questions.

Best,
Claire

Claire Gorman
Environmental Engineer

Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
(757) 247-2285

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

Regulator of the Day (ROD) contact information: (757) 201-7652 or CENAO.REG_ROD@usace.army.mil

From: Gorman, Claire (MRC)
Sent: Thursday, September 18, 2025 5:46 PM
To: Lynda Outten <loutten01@gmail.com>
Cc: cenao.reg_rod@usace.army.mil (cenao.reg_rod@usace.army.mil)
<cenao.reg_rod@usace.army.mil>; Paul Watson <pwatson@co.accomack.va.us>; Jackson, Pippa

On Thu, Apr 23, 2026 at 2:28 PM Paul Watson <pwatson@co.accomack.va.us> wrote:

The plans need to show the following: mean low water; mean high water; and structure labels- pier and observation platform.

Claire had previously requested the following:

1. Provide parcel numbers and plats that are proposed to have access to existing pier;
2. Clarify pier access path on plan view;
3. Clarify how pier will connect to upland on plan view. The application indicates that the distance from MHW and MLW are the same, but this is not reflected in the plan view;
4. Show MLW and MHW on plan view;
5. Clarify how many slips and mooring piles are proposed on plan view and in narrative; and
6. Provide square footage of pier channelward of mean low water.

Paul G. Watson IV

Deputy Director of Code Administration

Department of Community and Economic Development

[23296 Courthouse Avenue, Accomack, Virginia 23301](mailto:pwatson@co.accomack.va.us)

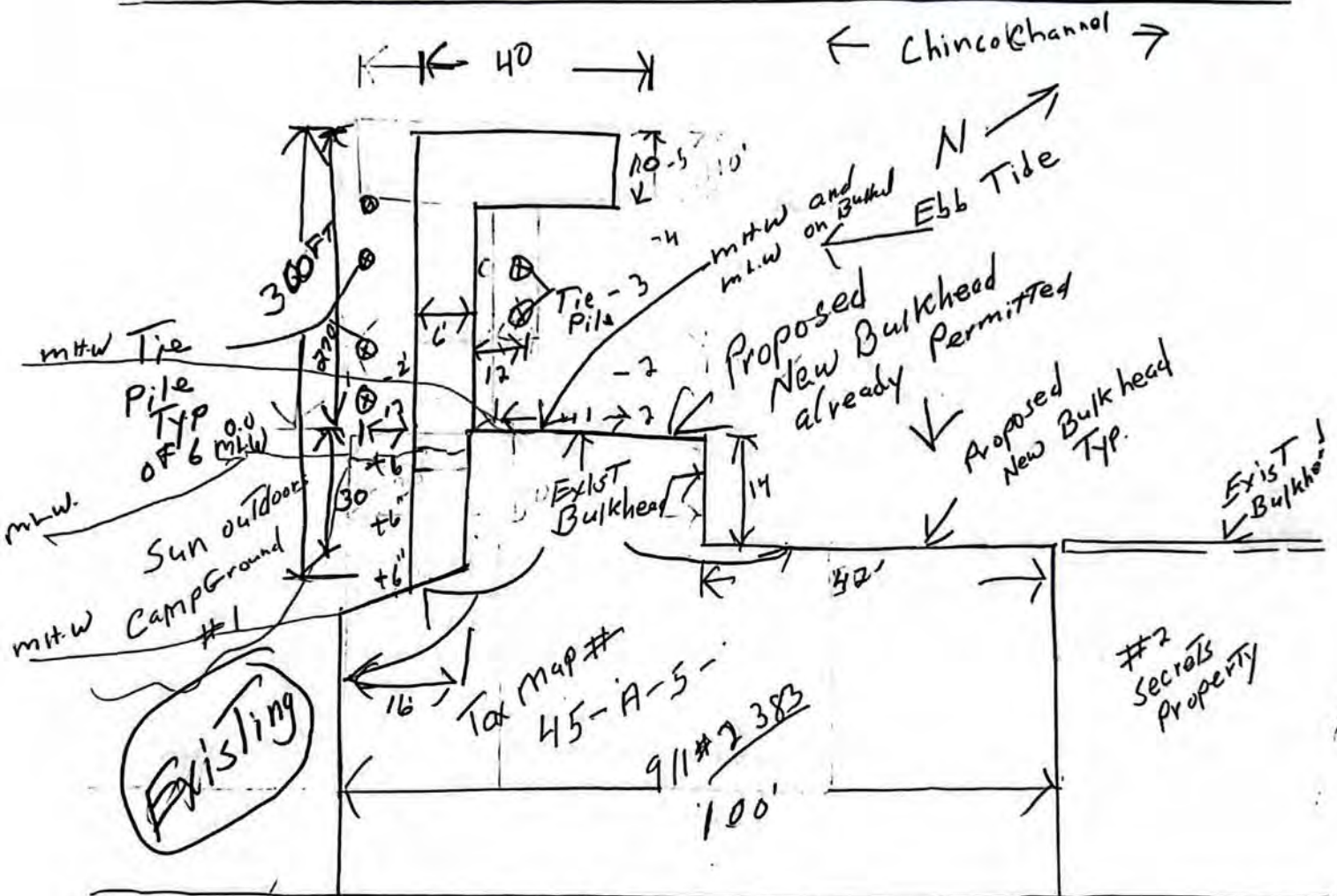
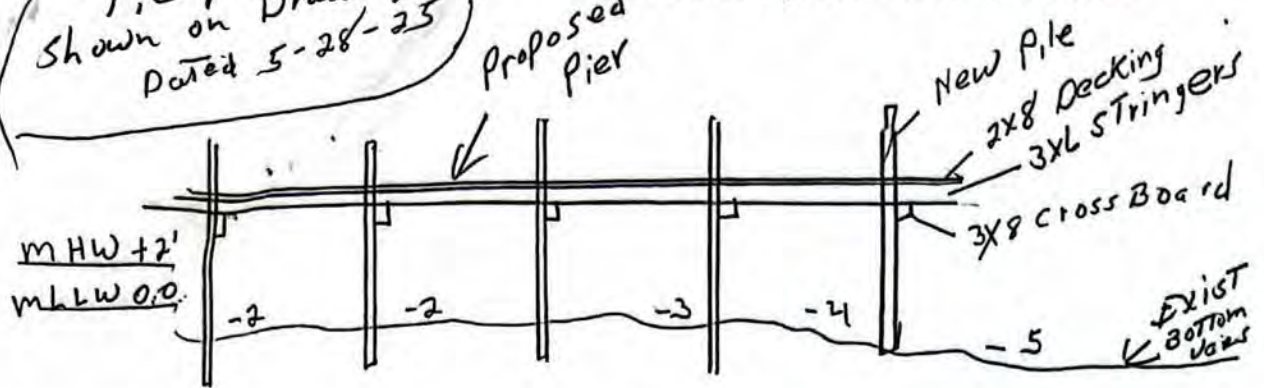
757.787.5723

ACCOMACK COUNTY Virginia



Tie Pile
Shown on Drawing
Dated 5-28-25

Revision recieved by USACE NAO TJJ 6/17/2025



S. main ST

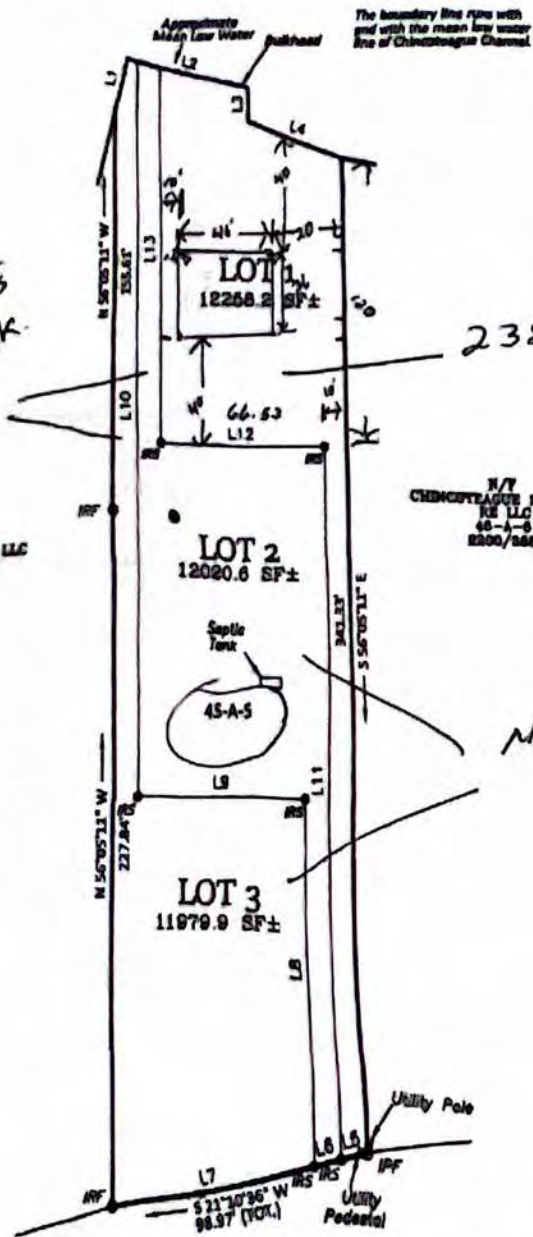
Purpose: Construct New
Pier
adj - #1 Sun outdoors
adj - #2 Secrets Property
Datum - m.L.W. 0.0

BIC INC
Plan View
2383 main st
Chincoteague VA
23336

Proposed Pier: Chincoteague
Channel
Co. Accomack
City - Chincoteague
State - VA
Appl. By RB
Date - 5-28-25

LOC

CHINCOTEAGUE CHANNEL



- 1. ACROSS
- 2. CLASH
- 3. DEEP
- 4. FLOW
- 5. PE

INLET VIEW HOLDINGS LLC
45-A-6A
2000/1000

N/T
CHINCOTEAGUE RECREATION
N/T LLC
45-A-6
2000/1000

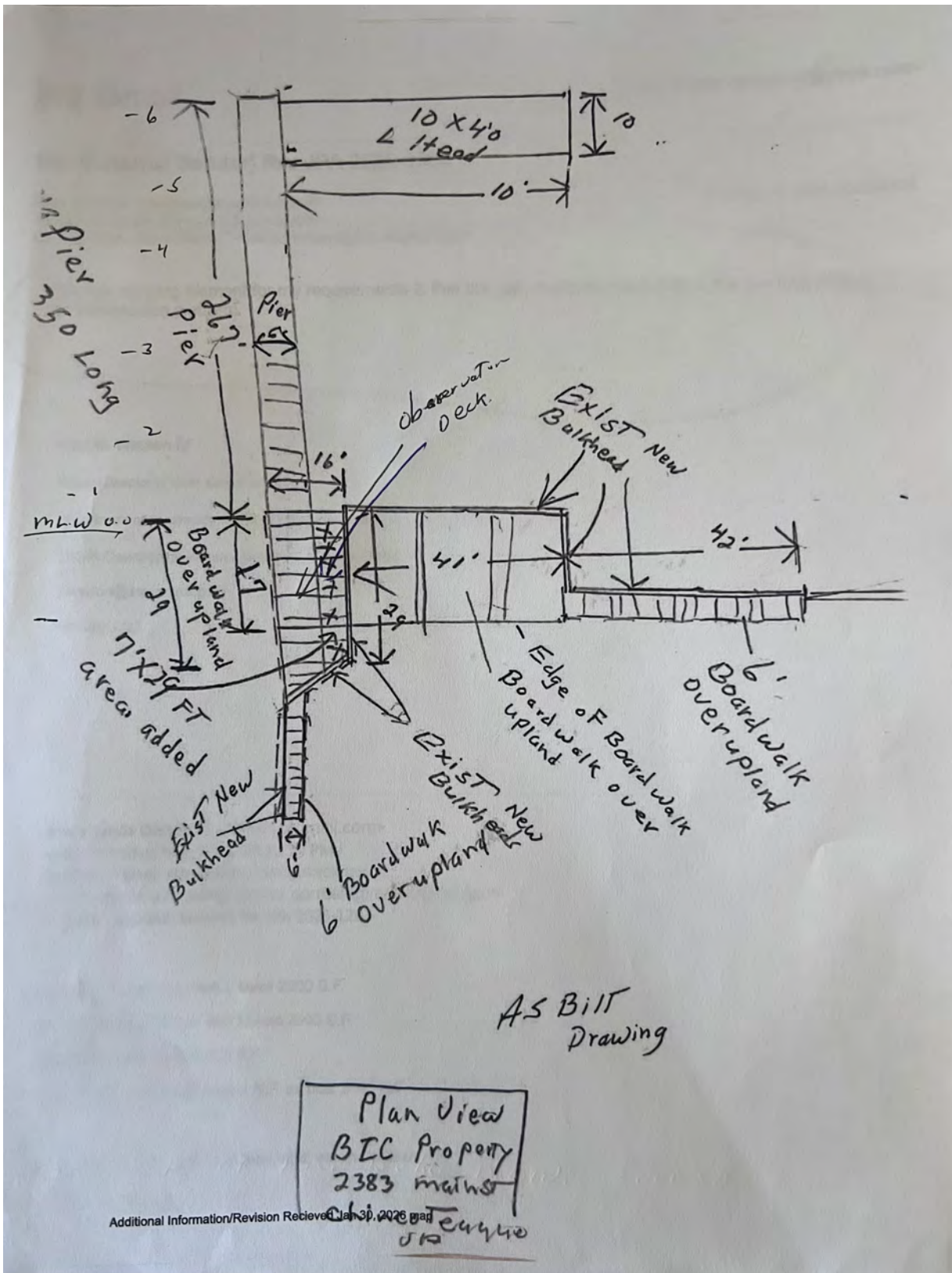
Sent 5-28-25
With Revised Drawing
and New Commercial
Application

SOUTH MAIN ST. (S.R. 2114)

MARK BOWDEN, PLANNING AND ZONING ADMIN.
CHINCOTEAGUE, VIRGINIA

AGREEMENT AND DEDICATION

LAND SHOWN HEREON IS WITH THE FREE CONSENT
OF THE RECIPIENT OF



On Fri, May 29, 2026 at 9:10 AM Paul Watson <pwatson@accomack.gov> wrote:
 The only missing element for my requirements is that the plan needs to show what is the pier and what is the observation platform.



COMMONWEALTH of VIRGINIA

David L. Bulova
Secretary of Natural
and Historic Resources

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

Joseph D. Grist
Acting Commissioner

SWORN COMPLAINT

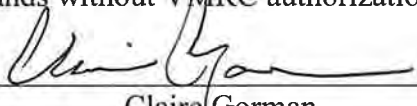
No. 26-04

Date: May 11, 2026

Pursuant to §28.2-1212(B) of the Code of Virginia, I hereby certify that a substantial violation of Chapter 12, Article 1 of the Code of Virginia has occurred adjacent to property located at 2383 Main Street situated along Chincoteague Channel in Accomack County.

During a compliance inspection on January 15, 2026, I observed newly constructed decking of a multi-user pier over state-owned subaqueous bottomlands without VMRC authorization.

May 11, 2026
(Date)

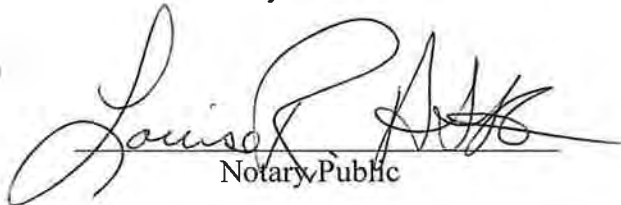


Claire Gorman
(Designated Enforcement Officer)

COMMONWEALTH OF VIRGINIA
The City of Hampton, to-wit:

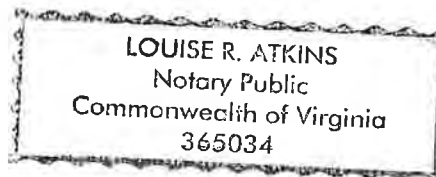
I, Louise R. Atkins, a notary public within and for the City of Hampton, Commonwealth of Virginia, hereby certify that Claire Gorman, a Designated Enforcement Officer whose name is assigned to the foregoing, has acknowledged the same before me in the City aforesaid.

Given under my hand this 11th, day of May 2026



Notary Public

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



An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, Virginia 23651

NOTICE TO COMPLY

May 12, 2026

David L. Bulova
Secretary of Natural
and Historic Resources

Joseph D. Grist
Acting Commissioner

CERTIFIED MAIL

Mr. Raymond Britton
Post Office Box 909
Chincoteague, VA 23336

Re: Notice to Comply #26-04
VMRC #2025-1263

Dear Mr. Britton:

On January 15, and April 16, 2026, Claire Gorman of my staff met with Accomack County staff, Paul Watson, to conduct a compliance inspection of the unauthorized multi-user pier constructed at 2383 Main Street, situated along Chincoteague Channel in Accomack County. A private, single-user pier was authorized by statute on November 18, 2024 (JPA #2024-1964) when the structure was proposed to serve a single residential property. Following the construction of the single-user pier authorized by statute, you were directed by the Accomack County Local Wetlands Board and VMRC to remove an unauthorized bulkhead constructed on site in violation of both agency permits (#2023-0657). After removing the unauthorized bulkhead, the pier no longer had upland access to the subject parcel.

Subsequently, the parcel was subdivided into three parcels, and an application (JPA #2025-1263) was submitted on June 4, 2025, requesting to change the structure to a multi-user pier as all three parcels would have access. That application was deemed incomplete, and additional information was requested on September 19, 2025. You then constructed an addition to the pier over state-owned submerged lands and a decking area over wetlands, without authorization, to tie the pier back into the upland.

After the initial site inspection, county and VMRC staff met with you as the authorized agent, contractor, and property owner to discuss your current application and request for the multi-use pier. You indicated that you were willing to remove the unauthorized portion of the structure to resolve the violation, however, an after-the-fact drawing was submitted requesting to retain the multi-user structure as built. The Accomack County Wetlands Board heard the jurisdictional component of the after-the-fact pier on March 26, and again on April 23, 2026. The board voted to permit the decking constructed over wetlands as constructed with the condition that the additional information previously requested by VMRC staff be submitted to County staff. As of this date, the additional information still has not been received, and as such, the multi-user pier in its entirety remains in violation for unauthorized construction over state-owned submerged lands.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

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

The following corrective measures are necessary to bring your project into compliance:

1. Remove the entire multi-user pier and associated pilings constructed over state-owned subaqueous bottom within 30 days of receipt of this notice.

Or

2. Confirm that you are seeking after-the-fact approval by submitting the additional information requested on September 19, and December 5, 2025, and on April 24, 2026, within 30 days of receipt of this notice:

A. Provide tax map numbers and survey plats for the parcels proposed to have access to the pier. Clearly identify the easement or legal shared-use path by which authorized users will access the pier.

B. Identify the mean low water (MLW) and mean high water (MLW) locations on the plan view drawing. This should include the pier's length and width channelward of both MLW and MHW marks.

C. Provide square footage of all pier decking channelward of mean low water.

D. Clarify how many slips and / or mooring piles are proposed and / or have been constructed. Identify such piles on the plan view drawings and clarify in the application's project narrative.

If the aforementioned additional information is not provided within **30** days, this violation will be presented to the full Commission with a recommendation for immediate removal of the entire pier. If the additional information is submitted within 30 days and deemed complete, the after-the-fact request will be processed and presented to the Commission at a future hearing date.

Please be advised that any person who violates or fails to comply with a Commission Notice To Comply, authorized under §28.2-1212 of the Code of Virginia, may be assessed civil charges not to exceed \$10,000.00 for each violation or civil penalties assessed by the appropriate circuit court not to exceed \$25,000.00 for each day of violation, pursuant to §28.2-1213 of the Code. Your role as the contractor **and** the property owner may be considered separately by the Commission with respect to the assessment of civil charges.

If you have any questions, please do not hesitate to contact Claire Gorman of my staff at (757) 247-2285 or claire.gorman@mrc.virginia.gov.

Notice ordered by *Randal D. Owen* on May 12, 2026.

Randal D. Owen
Chief, Habitat Management Division

RDO/cg:lra
HM

cc: Joseph D. Grist, Acting Commissioner
Kelci Block, Assistant Attorney General
Accomack County Wetlands Board
Applicant



Accomack County, VA

Tidal Wetlands Permit

Permit #: WET-001035-2025

Issued Date:
07/31/2025

Parcel #: 45-A-5

Expiration Date: 07/31/2027

Project Address: 2383 Main Street
Chincoteague Island, VA 23336

Project:

Owner: BIC Construction, Raymond Britton
Address: Po Box 909 Chincoteague, Va. 23336
Phone: (757) 894-0414

Contractor:
Address:
Phone:

Project Details

SQ Ft: 0

Valuation: \$0.00

Description: This application replaces VMRC 2024-1964 which was permitted for a private pier. The new application is for a Community pier for three separate lots. The pier has been constructed. The pier is 6' wide x 350'. 80 Pile installed with vibratory hammer done from barge. 10" Butt pile.

Permit Fees

Name	Amount	Paid	Due
Totals:			

Tidal Wetlands Permit Terms & Conditions

Pursuant to Chapter 13 of Title 28.2 of the Code of Virginia (1950), as amended by the Accomack County Wetlands Zoning Ordinance, the Accomack County Wetlands Board, hereinafter referred to as the Board, hereby grants permission unto the Permittee for the work described above at the referenced property.

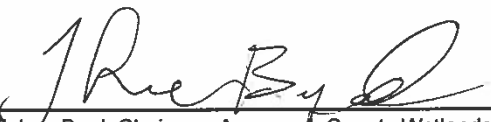
For a more accurate and complete description of the project, reference is hereby made to the application on file in the Department of Environmental Programs. This permit is granted subject to the following terms and conditions and the Permittee hereby agrees to comply with all of the terms and conditions as set forth.

1. The Permittee shall notify the Board when the project is complete. The expiration date may be extended by the Board in its discretion. Any such application for an extension of time shall be in writing prior to the expiration date of the project.
2. Please be advised that the foregoing determination grants no authority for an individual to encroach upon the property rights of others.
3. The rights and privileges granted by this permit are limited to and subject only to the authority granted to the Accomack County Wetlands Board, pursuant to Section 28.2-1302 of the Code of Virginia (1950), as amended.
4. The duly authorized agents of the Board shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
5. The Permittee shall comply with the water quality standards as established by the State Water Control Board and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority required for the project.

6. This permit shall not be transferred without written consent of the Board.
7. This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of Oysters and other shellfish in and from the bottom of areas and waters not included within the terms of this permit.
8. The Board may revoke this permit at any time due to the failure of the Permittee to comply with any of the terms and conditions hereof.
9. The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia and Accomack County from any liability arising from the establishment, operation or maintenance of said project.

The following additional conditions were imposed by the Accomack County Wetlands Board:

No Additional Conditions

 7/13/26

Lee Byrd, Chairman Accomack County Wetlands Board Date

 7/14/2026

Director, Environmental Programs or Designee Date

From: [Gorman, Claire \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: MARINA APPROVAL- JPA: 20251263 in Accomack County, Applicant: BIC Inc.
Date: Friday, September 19, 2025 10:25:49 AM
Attachments: [image002.png](#)

VDH OEHS comment for #2025-1263

Claire Gorman
Environmental Engineer

Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
(757) 247-2285

Upcoming out of office: September 22 – October 1

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

-
Regulator of the Day (ROD) contact information: (757) 201-7652 or CENAO.REG_ROD@usace.army.mil

From: marinaprogram (VDH) <marinaprogram@vdh.virginia.gov>
Sent: Friday, September 19, 2025 10:23 AM
To: Gorman, Claire (MRC) <Claire.Gorman@mrc.virginia.gov>; marinaprogram (VDH) <marinaprogram@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Subject: RE:MARINA APPROVAL- JPA: 20251263 in Accomack County, Applicant: BIC Inc.

Good morning.

This permit is approved by the marina program.

r/

Devenius A. Willcox
Environmental Health Associate
Office of Environmental Health Services
Virginia Department of Health
830 Southhampton Ave. #200
Norfolk, VA 23510



From: Gorman, Claire (MRC) <Claire.Gorman@mrc.virginia.gov>
Sent: Thursday, September 18, 2025 5:47 PM
To: marinaprogram (VDH) <MarinaProgram@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20251263 in Accomack County, Applicant: BIC Inc.

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than October 9, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20251263](#)

Applicant: BIC Inc.
Locality: Accomack County
Project Description: ATF - Community Pier
Date Received: June 4, 2025
Engineer: Claire Gorman

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

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

☒ THE PROPOSED PROJECT IS **ACCEPTABLE**.

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

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

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

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

COMMENTS: _____

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

Claire Gorman
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-2285
Email: Claire.Gorman@mrc.virginia.gov

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



COMMONWEALTH of VIRGINIA

Department of Health
P. O. BOX 2448
RICHMOND, VA 23218-2448

TTY 7-1-1 OR
1-800-828-1120

MEMORANDUM

DATE: 10/30/2025
TO: Claire Gorman
Virginia Marine Resources Commission
FROM: Adam Wood, Growing Area Manager
Division of Shellfish Safety Waterborne Hazards Control
SUBJECT: BIC INCATF - Community Pier

City / County: Community Pier
Accomack County

Waterbody: Chincoteague Bay

Type: ☐ VPDES ☐ VMRC ☐ VPA ☐ VWP ☒ JPA ☐ Other:

Application / Permit Number: 20251263

- ☐ The project will not affect shellfish growing waters.
- ☐ The project is located in or adjacent to approved shellfish growing waters, however, the activity as described will not require a change in classification.
- ☒ The project is located in or adjacent to condemned shellfish growing waters and the activity, as described, will not cause an increase in the size or type of the existing closure.
- ☐ The project will affect condemned shellfish waters and will not cause an increase in the size of the total condemnation. However, a prohibited area (an area from which shellfish relay to approved waters for self-purification is not allowed) will be required within a portion of the currently condemned area. See comments.
- ☐ A buffer zone (including a prohibited area) has been previously established in the vicinity of this discharge, however, the closure will have to be revised. Map attached.
- ☐ This project will affect approved shellfish waters. If this discharge is approved, a buffer zone (including a prohibited area) will be established in the vicinity of the discharge. Map attached.
- ☐ Other.

SHELLFISH MANAGEMENT DIVISION EVALUATION

Dixie M. Doerr

Oyster Planting Ground Application #2024-035

Requests authorization to lease approximately 249 acres of oyster planting ground within the Rappahannock River in Middlesex County

NARRATIVE

Staff received an Oyster Planting Ground Application from Mr. Dixie M. Doerr on July 18, 2024. 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 59 public comments in opposition to the application. Commenters, many of whom are waterfront property owners and long-time residents of the Deltaville, Sturgeon Creek, and Montgomery Cove communities, expressed concerns that the project would interfere with an already narrow and shifting shallow-water channel used for access to the river and bay, creating significant navigation and boating safety hazards, particularly at low tide and at night. Additional concerns included impacts on recreational activities such as fishing, crabbing, swimming, kayaking, sailing, and tubing; degradation of scenic waterfront views and potential reductions in property values; and environmental impacts including disturbance of seagrass beds, fish and bird habitat, altered tidal flow, and debris from oyster cages and aquaculture equipment during storms. While several commenters stated they support oyster restoration and aquaculture in appropriate locations, they argued that the proposed location and scale of this commercial operation are incompatible with the existing residential, recreational, and environmental character of the area and requested that the application be denied.

The applicant has submitted all required fees, including those for the application (\$1,000), public notice (~\$350), and surveying (\$750). The surrounding area has existing oyster planting ground leases. 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.”

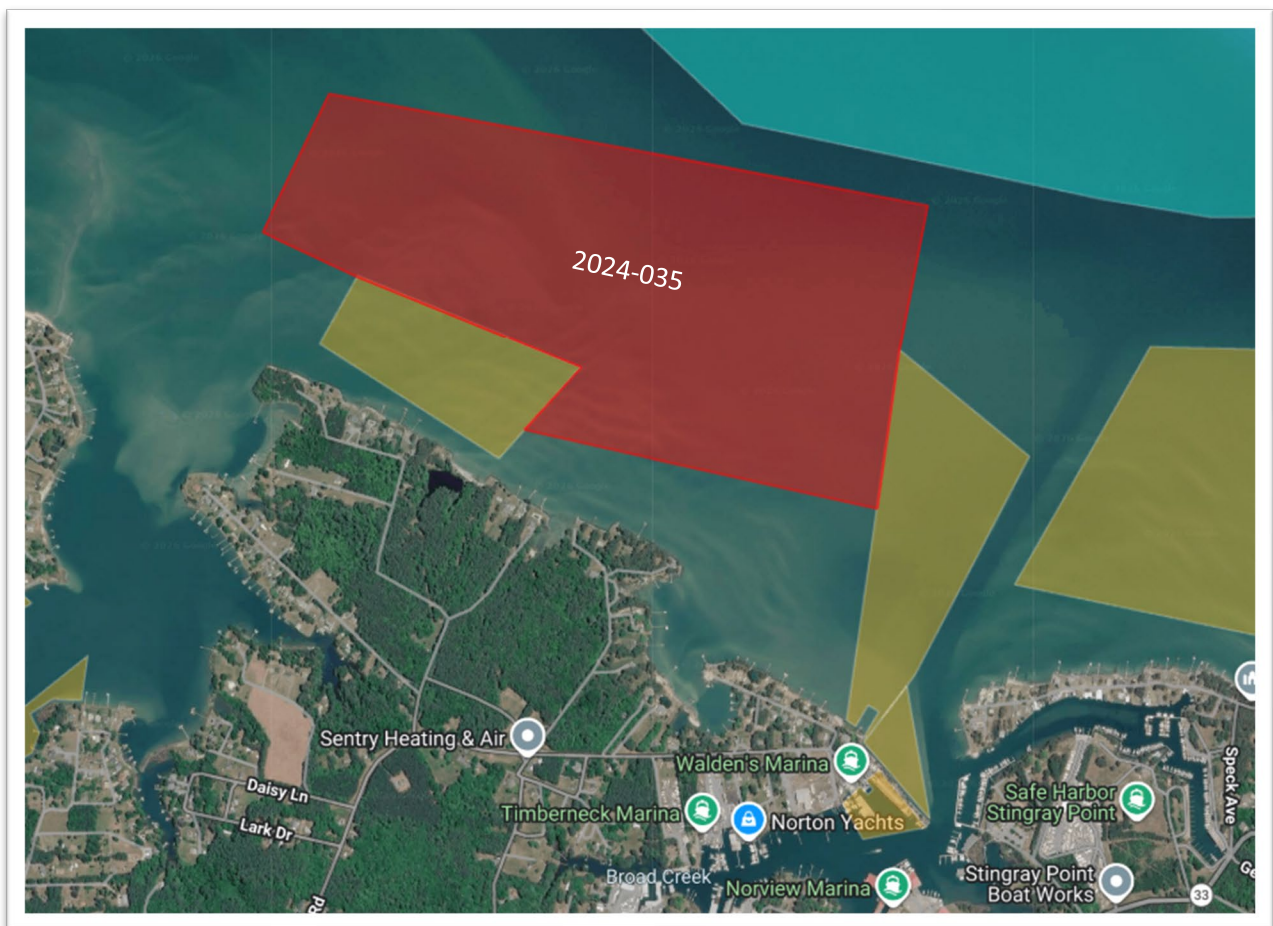
Staff consider each lease application on a case-by-case basis, considering the requirements of the Code of Virginia and the Public Trust Doctrine. The increased interest in shellfish propagation has resulted in increased public awareness of such activity and highlighted the necessity for a more comprehensive 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 approve or deny this application based upon consideration of the objections raised by local residents, comments concerning support of the request, and consideration of the public trust doctrine.

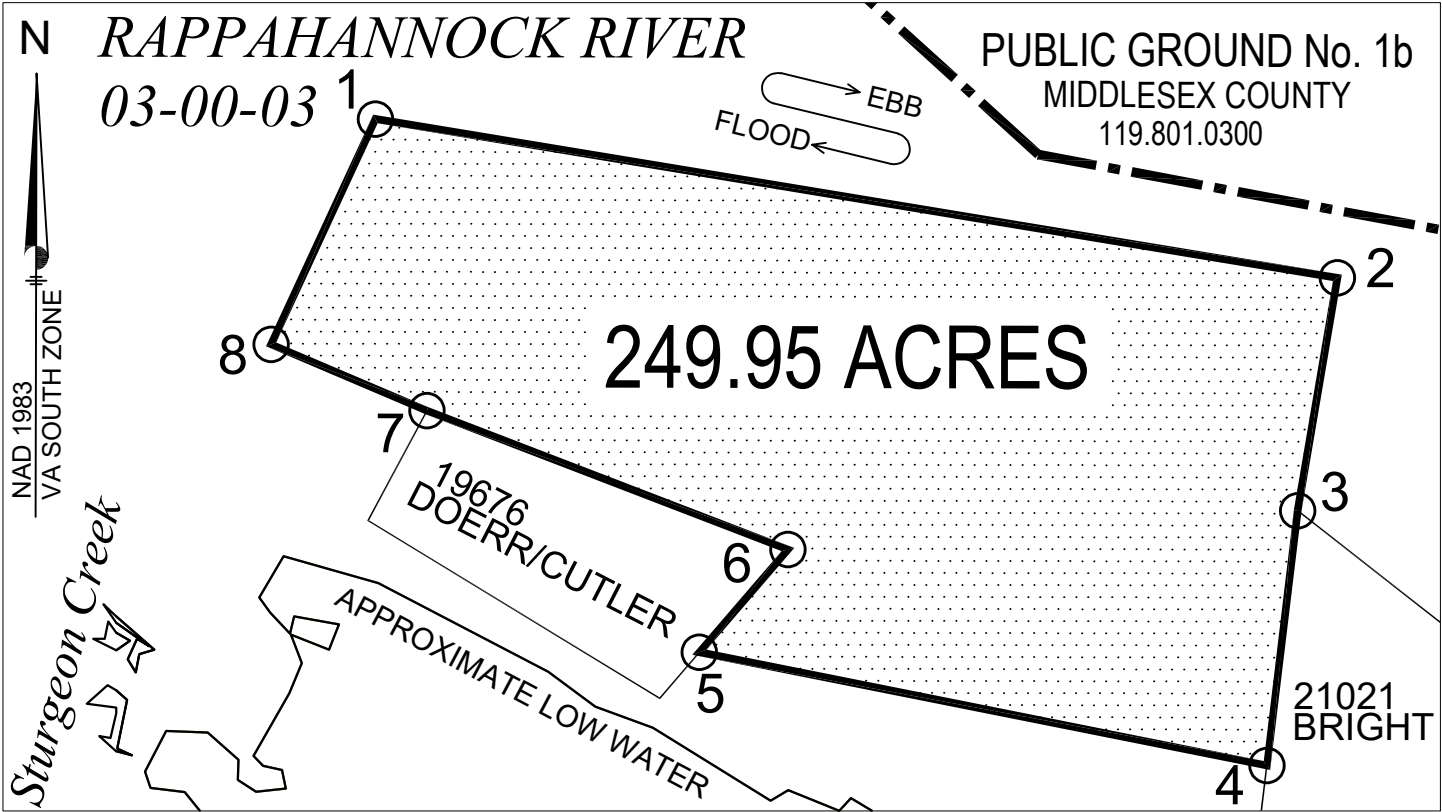
MAP





VIRGINIA
MARINE RESOURCES
COMMISSION
ENGINEERING / SURVEYING DEPARTMENT

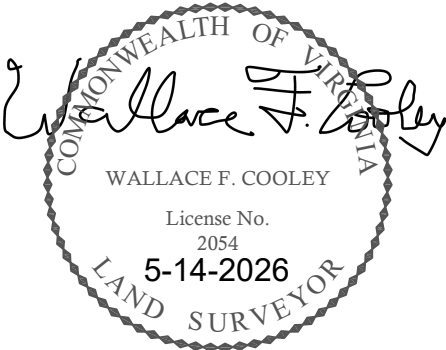
APPLICATION NO. 2024035	
DISTRICT NO. 12	MAP NO. 23_1713
SHEET NO. 1 OF 1	FILE NO. 22281



ALL CORNERS WERE SET BY GPS (RTN) METHODS

VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (U.S. FEET)		GEOGRAPHIC COORDINATES DEGREES, MINUTES		
NORTHING	EASTING	POINT NO.	LATITUDE	LONGITUDE
3740607.37	12111344.40	1	37° 34.5780004' N.	76° 19.8791991' W.
3739790.07	12116357.16	2	37° 34.4243105' N.	76° 18.8455559' W.
3738577.96	12116153.48	3	37° 34.2254067' N.	76° 18.8935209' W.
3737250.82	12115995.42	4	37° 34.0073787' N.	76° 18.9325913' W.
3737834.77	12113037.91	5	37° 34.1148275' N.	76° 19.5418888' W.
3738370.13	12113497.81	6	37° 34.2012761' N.	76° 19.4441521' W.
3739089.87	12111615.84	7	37° 34.3269818' N.	76° 19.8302348' W.
3739433.10	12110803.20	8	37° 34.3866002' N.	76° 19.9967989' W.

249.95 ACRES
OYSTER PLANTING GROUND
OF
DIXIE M. DOERR & NATHAN R. CUTLER
IN
RAPPAHANNOCK RIVER LOWER 03-00-03
MIDDLESEX COUNTY



SCALE: 1/12000 (1" = 1000') DATE: MAY 5, 2026

Wallace F. Cooley
V.M.R.C. APPROVED / RECORDED

DANIEL FAGGERT
SURVEYOR



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, VA 23651

David L. Bulova
Secretary of Natural
and Historic Resources

Joseph D. Grist
Acting Commissioner

August 6, 2026

MEMORANDUM

FROM: Adam Kenyon
Chief, Shellfish Management Division

SUBJECT: DIXIE M. DOERR
Oyster Planting Ground Application #2024-035
Requests authorization to lease approximately 249 acres of oyster planting ground within the Rappahannock River in Middlesex County

The application for oyster planting grounds, referenced above, will be heard by the Marine Resources Commission at their public hearing scheduled for Tuesday, August 25, 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.

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

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

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
1	MARK E HOLT III 804-704-0560 chipandschulz@gmail.com	09/21/2024 11:17:45 AM	OPPOSE

I STRONGLY OPPOSE THIS APPLICATION IF IT WILL ALLOW FOR FLOATS, BUOYS, OR ANY OTHER OBSTACLES TO NAVIGATION, RECREATION, OR THE VIEWS OF OUR RIVER. I SUPPORT CONVENTIONAL OYSTERING OF THE BOTTOM. OYSTERS ARE A VERY IMPORTANT OF OUR MARINE ECOSYSTEM AND ARE TO BE ENCOURAGED JUST NOT BY UNCONVENTIONAL METHODS WHICH CAN INTERFERE WITH THE ENJOYMENT OF OUR RIVER. I HAVE A SUMMER HOME JUST DOWNSTREAM OF STURGEON CREEK.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
2	JAMES S HUNTER JR. 804-839-0405 jshdvm@gmail.com	09/21/2024 11:50:16 AM	OPPOSE

HELLO. I OWN WATERFRONT PROPERTY AND LIVE DIRECTLY IN FRONT OF THIS PROPOSED OYSTER FARM. MY ENTIRE FAMILY, FRIENDS AND NEIGHBORS FREQUENTLY USE THE AREA IN CONCERN FOR SWIMMING, CANOEING, BOATING, SAILING, TUBING, FISHING AND KAYAKING. NOT ONLY WOULD THIS FARM BE UNSIGHTLY, IT WOULD MAKE THE AREA UNSAFE FOR THE ACTIVITIES WE HAVE ALL ENJOYED FOR DECADES IN FRONT OF OUR HOMES. PLEASE DENY THIS APPLICATION AS IT WILL DRAMATICALLY AFFECT ONE OF THE MOST PRISTINE AREAS OF THE RAPPAHANNOCK RIVER.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
3	LYNN F SATTERWHITE 804-339-5068 seascapefishing@verizon.net	09/21/2024 15:06:55 PM	OPPOSE

Iâ€™M REALLY CONCERNED ABOUT THE OYSTER FARM INTERFERING WITH OUR BOATING. I BOUGHT HERE TO BE ABLE TO FISH, BOAT AND ENJOY THE RIVER. STURGEON CREEK IS SHALLOW. WHEN COMING IN AND OUT ONE HAS TO BEAR TO THE RIGHT AND THE CHANNEL IS VERY TRICKY TO NAVIGATE. IT LOOKS AS IF THE PROPOSED AREA MAY INTERFERE WITH THE CHANNEL WHICH IS NOT MARKED. ADDITIONALLY, THERE ARE A NUMBER OF PEOPLE WHO BOUGHT PROPERTY ON THAT BEACH. NOT ONLY WILL IT CAUSE AN EYESORE BUT INTERFERE WITH THE VALUE OF THEIR PROPERTY AND WITH THE ABILITY TO ENJOY THE WATER AROUND. THE AREA APPLIED FOR IS EXTREMELY LARGE COMPARED TO MOST APPLICATIONS LISTED. PLEASE DO NOT APPROVE THIS APPLICATION.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
4	KRISSY GATHRIGHT 804-677-2318 krissy.gathright@gmail.com	09/23/2024 14:09:20 PM	OPPOSE

I AM WRITING TO FORMALLY OBJECT TO THE PROPOSED OYSTER FARM DEVELOPMENT IN FRONT OF OUR WATERFRONT PROPERTY. WHILE I UNDERSTAND THE IMPORTANCE OF SUSTAINABLE AQUACULTURE, I HAVE SEVERAL CONCERNS REGARDING THIS APPLICATION GIVEN THE SUBSTANTIAL SIZE OF AREA COVERED AND THE LACK OF RESTRICTIONS ON OBJECTS FLOATING AT THE SURFACE. OUR PROPERTY WILL BE COMPLETELY SURROUNDED BY LEASED OYSTER FARMS.

OUR PRIMARY REASON FOR PURCHASING AND INVESTING IN OUR PROPERTY IS THE BEAUTIFUL WATERFRONT VIEWS IT AFFORDS AND THE JOY IT BRINGS FOR OUR FAMILY AND FRIENDS. OUR WATERFRONT VIEW COULD BE SEVERELY COMPROMISED, WHICH IS AN ALSO A KEY FACTOR IN THE PROPERTYâ€™S VALUATION. I AM ALSO CONCERNED ABOUT DISRUPTION TO RECREATIONAL ACTIVITIES SUCH AS BOATING, SWIMMING, AND FISHING. THESE ACTIVITIES ARE NOT ONLY IMPORTANT FOR THE RESIDENTSâ€™ QUALITY OF LIFE AND ENJOYMENT BUT ALSO CONTRIBUTE TO THE LOCAL ECONOMY THROUGH VISITORS WHO ENJOY VISITING OUR BEAUTIFUL AREA AND SUPPORTING OUR LOCAL STORES, RESTAURANTS,ETC. IN ADDITION, THE INTRODUCTION OF AN OYSTER FARM IN THIS AREA COULD DISRUPT THE LOCAL MARINE ECOSYSTEM. THE POTENTIAL FOR INCREASED WATER POLLUTION AND HABITAT DISRUPTION FOR NATIVE SPECIES IS A CONCERN.

IN LIGHT OF THESE CONCERNS, I RESPECTFULLY REQUEST THAT THE PROPOSAL FOR THE OYSTER FARM BE RECONSIDERED.

SINCERELY,
KRISSY GATHRIGHT

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
5	BARRY L HAWKINS 804-748-4519 iambh@comcast.net	09/22/2024 16:53:59 PM	OPPOSE

VIRGINIA MARINE RESOURCES COMMISSION

THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMISSION ON THE PENDING OYSTER GROUND APPLICATION 2024035. I AM IN OPPOSITION TO THE GRANTING OF THIS APPLICATION DUE TO THE USE OF THE PROPOSED 249.87-ACRE APPLICATION SITE AT THE PRESENT TIME AND IN THE FUTURE. THE PROPOSED SITE IS IN AN AREA WHERE THE MANY VISITORS TO THE RIVER AND BAY USE IT FOR RECREATIONAL PURPOSES SUCH AS FISHING, SWIMMING, AND BOATING ALONG THE RIVER. THIS STRIP OF THE RIVER IS ONE THAT I HAVE WATCHED OVER THE LAST 70 YEARS AND HAVE SEEN MANY CHANGES. THIS AREA AT ONE TIME WAS MUCH DEEPER THAN IT IS TODAY, AND THIS MAKES IT MUCH HARDER TO NAVIGATE DURING LOW TIDES.

I BELIEVE THAT THERE IS A NEED FOR MORE OYSTERS IN THE RIVER AND THE BAY TO HELP FILTER THE WATER AND THERE IS ALSO A NEED FOR OTHER USES OF THIS PROPOSED SECTION OF THE RIVER. AT ONE TIME, NOT TOO MANY YEARS AGO, THAT AREA WAS COVERED WITH EELGRASS AND WAS USED AS A NURSERY HABIT FOR THE SMALLER CRABS AND FISH THAT MADE THE RIVER THEIR HOME. I AM SEEING SIGNS OF GRASS STARTING TO COME BACK TO THE RIVER AS IT DID IN THE PAST TO HELP IN REBALANCING THE ECOSYSTEM THAT ONCE WAS PART OF THE PROPOSED APPLICATION AREA. IF YOU GRANT THE PROPOSED APPLICATION, I AM AFRAID THAT THE ECOSYSTEM WILL NEVER GET THE CHANCE TO CREATE THE FOOTHOLD THAT IT NEEDS TO MAKE A COMEBACK INTO EXISTENCE AS IT IS ALSO NEEDED FOR THE HEALTH OF THE RIVER AND BAY.

OYSTER FARMING HAS A PLACE IN THE RIVER JUST NOT WHERE OTHER ECOSYSTEMS ARE STRUGGLING TO TAKE HOLD. THE CITIZENS ALREADY ENJOY USING THE WATER, WATCHING THE DOLPHINS, OSPREYS AND EAGLES MAKE THEIR COMEBACK TO THE RIVER. NOW IS THE TIME TO LET THIS FRAGILE ECOSYSTEM COME BACK INTO EXISTENCE WITHOUT HAVING TO FIGHT YET ANOTHER OBSTACLE BY OPPOSING APPLICATION 2024035.

THANK YOU, SINCERELY
BARRY L HAWKINS

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
6	DIANE HOOPER CURRY 703-615-5122 dhcurry1@msn.com	09/23/2024 10:59:14 AM	OPPOSE

I APPRECIATE THE OPPORTUNITY TO HAVE MY VOICE HEARD BY THE VIRGINIA MARINE RESOURCES COMMISSION REGARDING THE PENDING OYSTER GROUND APPLICATION 2024035. I AM VEHEMENTLY OPPOSED TO THIS PROJECT AND REQUEST YOU DENY THIS APPLICATION. AS A HOMEOWNER DIRECTLY IN THE PATH OF THIS PROPOSED PROJECT THIS WILL NEGATIVELY IMPACT OUR ABILITY TO ACCESS THE RIVER. THIS AREA IS NOT THE PLACE FOR A PERMANENT COMMERCIAL FARMING OPERATION THIS IS A PLACE FOR FAMILY FUN WHILE BOATING, SAILING, FISHING, PADDLEBOARDING, DRIVING PERSONAL WATERCRAFTS, SWIMMING, AND CRABBING. THIS LARGE-SCALE OYSTER FARM WILL MOST DEFINITELY BE A WATER HAZARD FOR BOATERS WHO ARE UP AND DOWN THE RIVERS SHORELINE BOTH DAY AND NIGHT. THE THOUGHT OF A BOATER MAKING THEIR WAY HOME AFTER DARK WITH A SPOTLIGHT TRYING TO NAVIGATE THIS TYPE OF STRUCTURE IS SCARY AND DANGEROUS. IT IS NOT CLEAR THE INTENT OF WHERE IN THE WATER COLUMN THESE STRUCTURES WILL RESIDE, BUT I DO KNOW WE HAVE POWERFUL NORÆ™EASTERS IN THE WINTER AND I AM SURE THAT WE WILL HAVE EFFECTS OF SHORE DEBRIS FROM A STRUCTURE OF THIS SCALE RESULTING IN COSTLY REMEDIATION, PROBABLY AT THE OWNERS EXPENSE. I UNDERSTAND YOUR DESIRE TO KEEP THE BAY AND ITS TRIBUTARIES CLEAN NATURALLY, BUT NOT HERE, THIS SHOULD BE SITED IN A PROTECTED CREEK, NOT IN AN AREA WITH EXPOSURE TO STRONG STORMS. IF A HOMEOWNER WANTS TO HAVE A SMALL OYSTER GARDEN IN FRONT OF THEIR HOME OR CONNECTED TO THEIR PIER THEN I SUPPORT THEIR EFFORTS, BUT NOT 246 ACRES THIS IS A LARGE-SCALE COMMERCIAL SHELLFISH FARMING OPERATION AND DOES NOT BELONG ALONG THE CONIFER RUN WATERFRONT. PLEASE DENY THIS APPLICATION.

Attachments:

Submitted photos for this comment will begin on next page.

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Shellfish Management Public Comments
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Number	Name	Received	Position
7	JOSEPH J RUSSO JR. 804-852-1090 jruss1012@gmail.com	09/24/2024 11:30:40 AM	OPPOSE

I AM A WATERMEN AND CRAB THAT AREA DAILY DURING OPEN SEASON. AN AREA THAT LARGE IS NOT A GOOD IDEA TO HAVE OYSTER CAGES AND THE AMOUNT OF TRAFFIC FOR BOATERS IS VERY OFTEN THROUGH THAT AREA. MY CONCERN WOULD BE BOATING ACCIDENTS AS WELL. I KNOW THE LEASE AREA CAN BE CRABBED AND BOATERS CAN USE THOSE AREAS, BUT REALLY CANNOT IF THEY HAVE THAT AREA FULL OF OYSTER CAGES. I WOULD BE OK MAY IF THE AREA WAS CONDENSED TO STAY OUT OF THE WAY OF THE NORMAL FLOW OF TRAFFIC AND NOT SUCH A LARGE AREA THAT WOULD IMPEDE SOME OF THE LOCAL WATERFRONT PROPERTIES. 249 ACRES SEEMS LIKE A LOT OF AREA THAT HAS SUCH HIGH TRAFFIC AND WILL BE PROBLEMATIC IN THE FUTURE FOR SAFETY REASONS.

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Number	Name	Received	Position
8	ROBERT L FOX III 804-928-1238 rob@theinsurancefox.com	09/24/2024 14:11:53 PM	OPPOSE

THE PROPOSED GROUNDS ARE DIRECTLY IN FRONT OF MY RESIDENCE/LAND/BEACH. I HAVE BOATS COMING IN AND OUT OF WHERE THE PROPOSED GROUNDS ARE SLATED TO GO. I DO NOT BELIEVE THESE GROUNDS WILL BE SAFE FOR MY FAMILY AND FRIENDS NOR FOR GUESTS WHO COME IN VIA BOAT. ADDITIONALLY THIS WILL DIRECTLY IMPACT MY, AS WELL AS MY NEIGHBORS ABILITY TO ENJOY THE RIVER AS WE HAVE FOR MANY YEARS PREVIOUSLY. I AM NOT IN SUPPORT OF THIS PROPOSAL

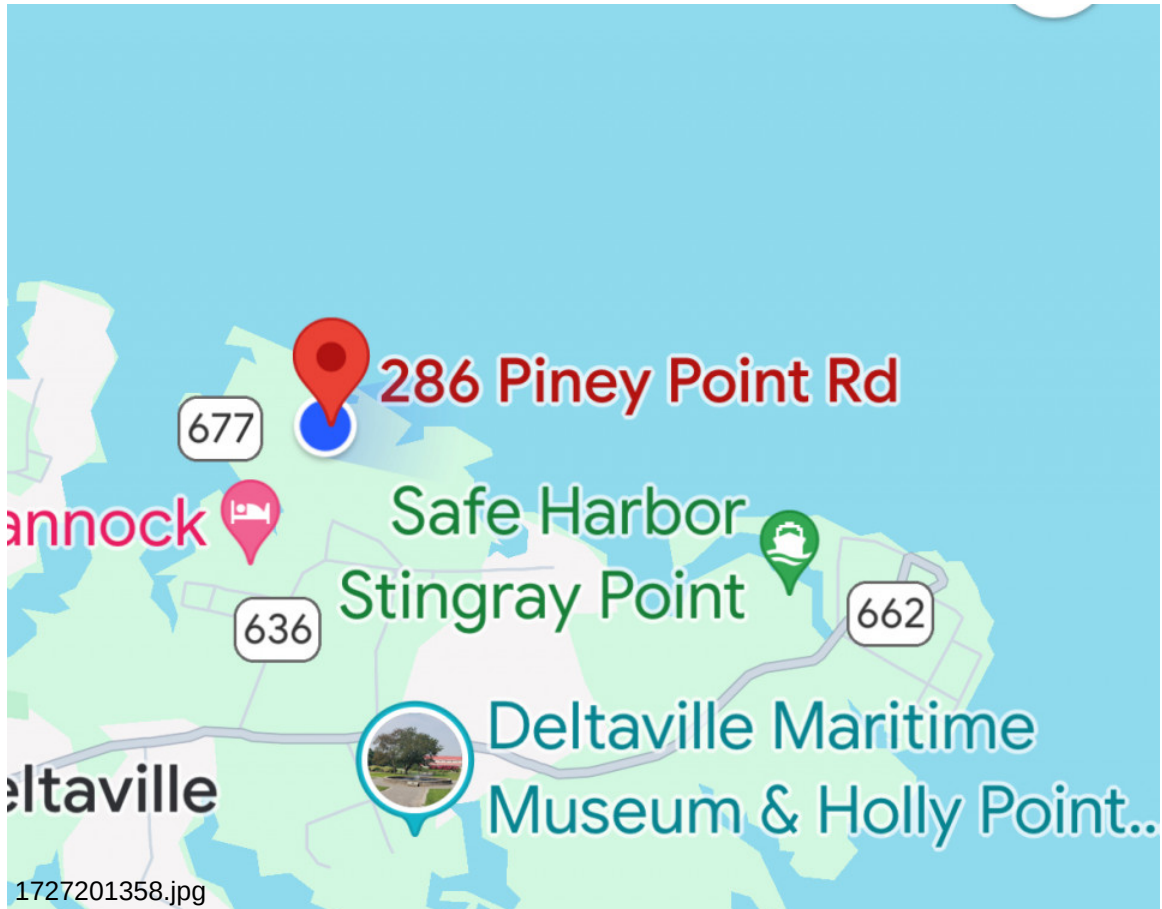
Attachments:

Submitted photos for this comment will begin on next page.

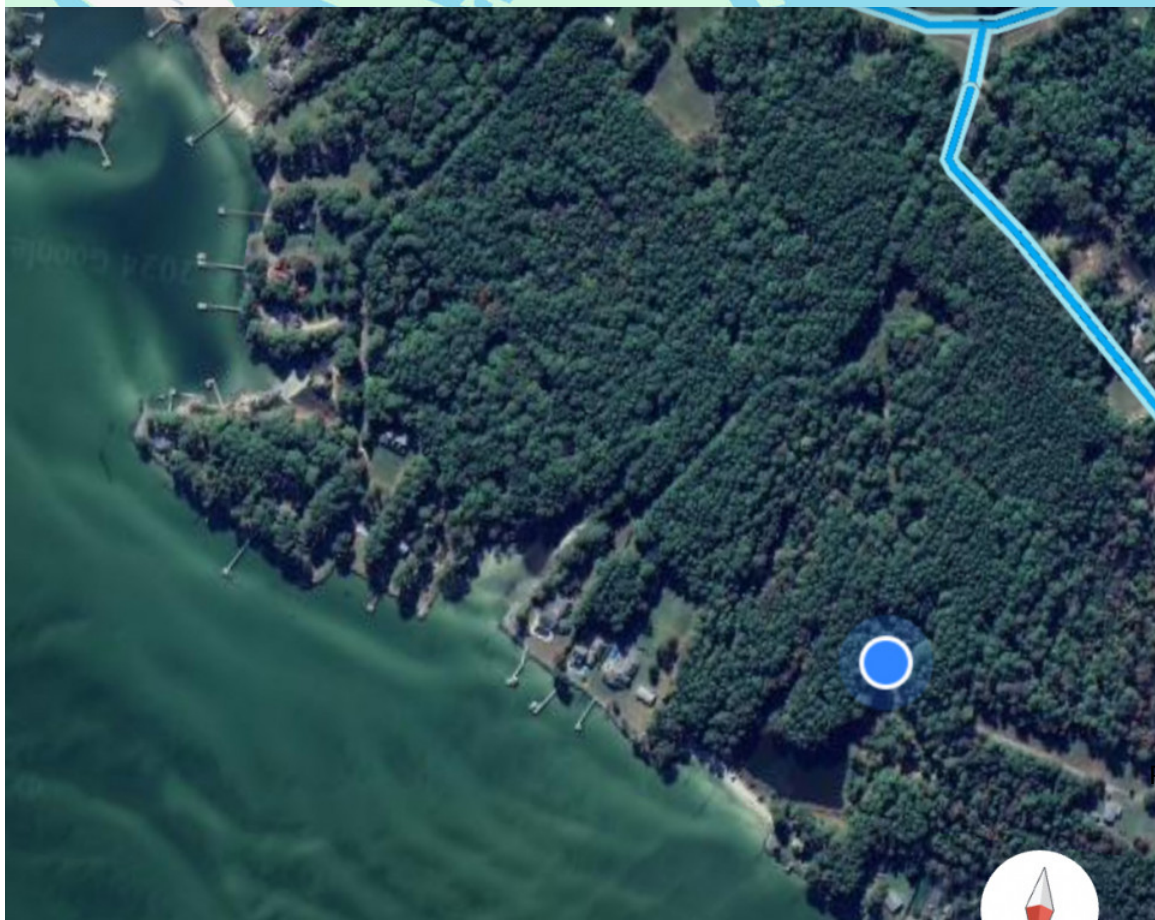
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Number	Name	Received	Position
9	KENNETH E RUDD 804-337-9112 kerudd57@gmail.com	09/24/2024 18:42:21 PM	OPPOSE

I LIVE IN STURGEON CREEK THE WESTERN PART OF THE PROPOSED AREA COVERS A UNMARKED CHANNEL KNOW TO LOCALS TO GET OUT TO THE RIVER WHICH IS VERY SHALLOW ANY THING PUT IN THAT AREA WOULD RESTRICT NAVIGATION AND CAUSE SAFETY CONCERNS,

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Number	Name	Received	Position
10	SCOTT W WILEY 804-316-3223 scott.wiley@timmons.com	09/24/2024 21:12:08 PM	OPPOSE

MY FAMILY AND I RECENTLY PURCHASED AN UNIMPROVED LOT WITH WATER FRONTAGE ON STURGEON CREEK. I HAVE BEEN A FISHERMAN ON THESE WATERS OF THE LOWER RAPPAHANNOCK FOR NEARLY 40 YEARS. I SUPPORT SUSTAINABLE OYSTER FARMING IN THE RIVER AND IN THE CHESAPEAKE BAY AND APPLAUD SMALL BUSINESSES AND CORPORATIONS THAT ARE ABLE TO MAKE A LIVING AND IMPROVE THE HEALTH OF THE BAY AND QUALITY OF OUR WATERS. HOWEVER, I STRONGLY OPPOSE THIS LOCATION AND SIZE OF THE TRACT FOR MANY REASONS. CHIEF AMONG THESE IS A GRAVE CONCERN OVER SAFE NAVIGATION OF THIS AREA DURING BOTH DAY AND NIGHT. THE "CHANNEL" LINKING STURGEON CREEK AND HUNDREDS OF HOMES WITH THE RAPPAHANNOCK RIVER IS ALREADY VERY ILL-DEFINED AND VEERS THROUGH THIS PROPOSED OYSTER FARM. THERE WILL BE IMMEDIATE THREATS TO BOATER SAFETY IN THIS AREA, ESPECIALLY FOR THOSE WHO OCCASIONALLY USE THE RIVER BEFORE DAWN AND AFTER DUSK. WHILE NOT EXACT, I HAVE ATTACHED AN IMAGE DEPICTING A VERY ROUGH LINE SHOWING WHERE THE TYPICAL CHANNEL MANY OF US IN STURGEON CREEK USE FREQUENTLY. PLEASE CONSIDER DOWNSIZING THIS PROJECT AND FINDING ANOTHER LOCATION THAT IS LESS IMPACTFUL TO BOATER SAFETY!

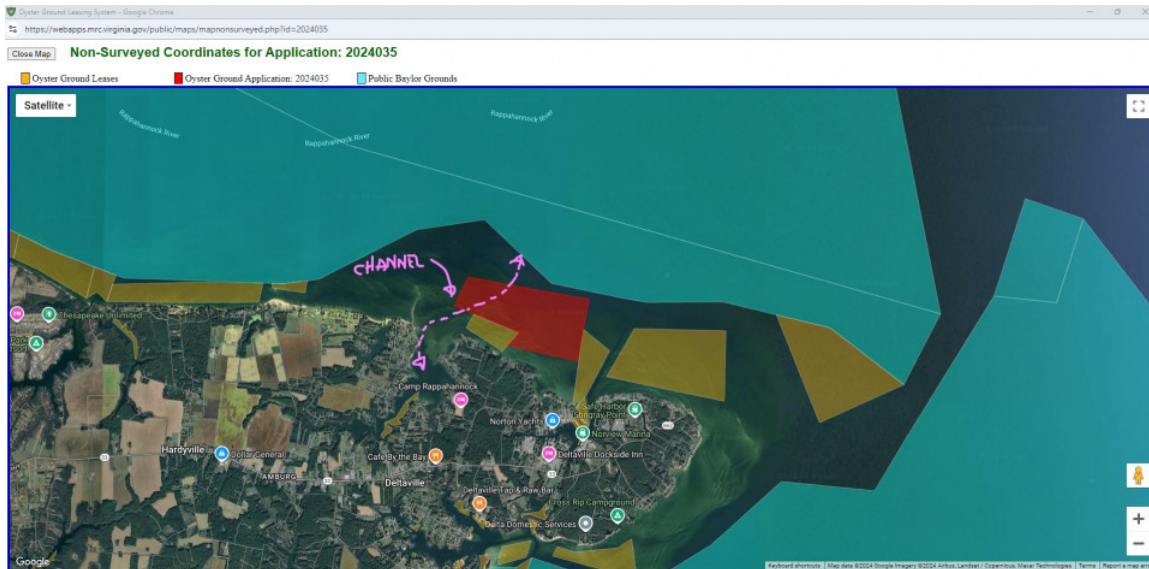
Attachments:

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Number	Name	Received	Position
11	FRED SAUNDERS 804-240-0140 johnblaze812@yahoo.com	09/25/2024 14:21:42 PM	OPPOSE

HELLO. AS A PART TIME RESIDENT I STRONGLY OPPOSE THE PROPOSED OYSTER FARM. I BELIEVE IT WOULD BRING UNNECESSARY POLLUTION TO THE WATERWAY MAKING IT UNSAFE FOR FAMILIES LIVING THERE TO ENJOY WATER ACTIVITIES. THE AMOUNT OF PLASTIC GEAR USED IN OYSTER FARMING CAN DEGRADE OVER TIME RELEASING MICROPLASTIC INTO OUR WATERWAYS. THESE PLASTIC WILL EVENTUALLY END UP INTO OUR FOOD CHAIN AND ALONG OUR BEACHES

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Number	Name	Received	Position
12	DAVID B REATH MD 865-386-7391 davidreath@gmail.com	09/25/2024 15:37:48 PM	OPPOSE

1. DECREASE IN PROPERTY VALUES. THE PROPOSED OYSTER BED WILL SPAN THE ENTIRE COASTLINE OF MY FAMILIES PROPERTY. AS SUCH IT WOULD DESTROY OUR VIEW OF THE RIVER AND DRASTICALLY IMPACT THE VALUE OF OUR PROPERTY.

2. BOATING HAZARD. THE WATERS WHERE THIS FARM IS PROPOSED ARE CONTINUOUSLY TRAVERSED BY PRIVATE BOATS. THE HAZARDS TO THIS TYPE OF NAVIGATION CANNOT BE UNDERSTATED. PERSONAL INJURIES AND DAMAGES BOTH THE BOATS AND THE FARM WILL OCCUR.

3. ENVIRONMENTAL DAMAGE. THE PROPOSED AREA IS EXTREMELY EXPOSED AND WILL BE IMPACTED BY STORMS IN THIS REGION. OUR BEACH LINE IS ANNUALLY IMPACTED BY STORMS WHICH CAUSE EROSION, AND DEPOSITION OF DEBRIS. THESE STORMS, WHICH ARE BECOMING MORE FREQUENT, WILL DISRUPT THE INFRASTRUCTURE OF THE OYSTER BEDS STREWING THE COASTLINE WITH CAGES, BUOYS AND OTHER DEBRIS.

4. ECOLOGICAL CHANGES. THESE WILL BE THE MOST DEVASTATING AND THE HARDEST TO COMBAT. THESE DAMAGES ARE WELL REPORTED IN OYSTER FARMS AROUND THE WORLD.

A. INTRODUCTION OF INVASIVE SPECIES. THIS IS A RISK OF SUCH FARMING. DISEASES, PARASITES, AND OTHER ORGANISMS CAN BE INTRODUCED WITH THE OYSTER FARMING AND HAVE, AND WILL CAUSE IRREPARABLE DAMAGE TO THE LOCAL COASTAL ECOSYSTEM.

B. DEPLETION OF FOOD SOURCES. THE OYSTERS WILL FILTER AND REMOVE NUTRIENTS NEEDED FOR THE SUSTAINANCE OF OTHER PLANT, ANIMAL AND FISH LIFE OF THE RIVER.

C. DESTRUCTION OF FISH AND BIRD HABITATS. THE AREA PROPOSED IS LITERALLY TEEMING WITH FISH AND BIRD LIFE. THIS FARM WILL REMOVE THEIR HABITAT AND THREATEN THEIR SURVIVAL.

D. DEPLETION OF SEAGRASS. OYSTER FARMS ARE WILL KNOWN TO AFFECT THE UNDERLYING SEABED OR RIVER BED. THE INTERRUPTION OF SUNLIGHT WILL DRASTICALLY AFFECT THE GROWTH OF UNDERLYING SEAGRASS. AND THE NUTRIENT DEPLETION BY THE OYSTERS WILL FURTHER DAMAGE THE VIABILITY OF SEAGRASS. SEAGRASS IS ONE OF THE MOST IMPORTANT SPECIES NEEDED TO SUPPORT AND PROTECT THE SHORELINE. IT CANNOT BE THREATENED IN ANY MANNER.

E. CHANGES IN CURRENTS AND TIDAL FLOWS. THE PRESENCE OF SUCH A MASSIVE FARM WILL DRASTICALLY AFFECT THE NORMAL FLOW OF WATER AND TIDAL WATER FLOW. THIS CANNOT BE AMELIORATED OR UNDONE BY ANY MEANS.

IN THE PAST SEVERAL DECADES ALL OF US WHO LOVE THE CHESAPEAKE BAY CAN BE PROUD OF THE MANY EFFORTS PUT FORTH TO "SAVE THE BAY." A PROJECT SUCH AS THIS CAN ONLY THREATEN THE FRAGILE ECOSYSTEM OF OUR BELOVED BAY.

IN THE STRONGEST POSSIBLE WAY, I ABSOLUTELY OPPOSED THE PROPOSED OYSTER FARM.

I THANK THE COMMISSION FOR ENTERTAINING MY COMMENTS.

DAVID B. REATH, MD

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Number	Name	Received	Position
13	CARL WENTZEL MD 757-718-4513 cfwentzel@hotmail.com	09/25/2024 19:49:52 PM	OPPOSE

THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THIS OYSTER LEASE APPLICATION. I OBJECT TO THIS APPLICATION FOR SEVERAL REASONS.

I AM A RESIDENT OF MONTGOMERY COVE, LOCATED JUST WEST OF THE ENTRANCE TO BROAD CREEK . THIS PROPOSAL WOULD COMPLETELY BLOCK ACCESS TO THE COVE FROM THE RAPPAHANNOCK RIVER. RESIDENTS OF THE COVE TRAVERSE THROUGH THIS AREA REGULARLY AS PART OF THEIR BOATING ACTIVITIES. THE MONTGOMERY COVE COMMUNITY DATES BACK TO THE EARLY 1800'S. IT IS AN HISTORICALLY SIGNIFICANT COMMUNITY IN MIDDLESEX COUNTY. THIS PROPOSAL WOULD DENY ACCESS TO A WATERWAY THAT HAS BEEN IN USE BY THE COMMUNITY FOR OVER 200 YEARS. BLOCKING ACCESS TO THE COVE WOULD HAVE A DEVASTATING IMPACT ON COMMUNITY PROPERTY VALUES. THE AESTHETICS OF THE COMMUNITY'S WATER-VIEWS WOULD BE SIGNIFICANTLY DEGRADED BY AN OPERATION OF THIS SIZE. THE HISTORIC HERITAGE AND AESTHETIC BEAUTY OF MONTGOMERY COVE WOULD BE SEVERELY HARMED BY THIS PROPOSAL.

THE PROPOSED SITE HAS A NORTHEASTERN EXPOSURE WITH AN INFINITE FETCH. WINTER STORMS CREATE SIGNIFICANT BREAKING WAVES IN THE AREA DUE TO THE SHALLOW WATER. THESE STORMS WILL SEVERELY IMPACT ANY STRUCTURES IN THE AREA, WHETHER ON THE BOTTOM OR FLOATING. THIS PROPOSAL WOULD ADD TO THE LARGE AMOUNT OF PLASTIC AND DETRITUS THAT REGULARLY CLOGS OUR CHANNEL AND DEFACES OUR SHORELINE.

THE PROPOSAL CONTAINS A LARGE PERCENTAGE OF SHALLOW WATER AT A DEPTH OF 12 INCHES OR LESS. THESE SHALLOWS CONTAIN STANDS OF UNDERWATER GRASSES. APPROVING THIS LEASE WITHOUT FURTHER STUDY THREATENS A SIGNIFICANT ENVIRONMENTAL IMPACT ON THE UNDERWATER GRASSES OF THE AREA.

I AM A SUPPORTER OF EFFORTS TO RESTORE OYSTERS AND THEIR ASSOCIATED COMMERCIAL ACTIVITIES IN THE CHESAPEAKE BAY. HOWEVER, THE LOCATION AND SCALE OF THIS PROPOSAL WILL RESULT IN SIGNIFICANT HARM TO THE ENVIRONMENT AND RESIDENTS OF THE AREA. I URGE THE COMMISSION TO DENY THIS APPLICATION.

CARL WENTZEL, MD

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Number	Name	Received	Position
14	JACK I WILLIAMS JR. 804-943-8423 jackwilliams1207@msn.com	09/25/2024 20:38:10 PM	OPPOSE

AS A RESIDENT OF MONTGOMERY COVE SINCE 1990, THIS PROPOSED 249.87 ACRE PROPOSED COMMERCIAL OYSTER LEASE WOULD SIGNIFICANTLY AFFECT THE ECO-SYSTEM, USES AND VIEWS OF THIS WATERWAY IN A SIGNIFICANTLY NEGATIVE WAY SINCE THIS LEASE ALLOWS A LATITUDE OF PLANTING AND HARVESTING METHODS. PROPERTIES AND OWNERS WILL BE IMPACTED IN A NEGATIVE WAY THUS MY REQUEST TO DENY THIS LEASE.

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Number	Name	Received	Position
15	TRAVIS D SMITH 804-245-0673 tds804@gmail.com	09/26/2024 09:14:43 AM	OPPOSE

IM AM WRITING TO FORMLY OPPOSE THIS APPLICATION DUE TO THE SEVERE IMPACT ON THE MONTGOMERY COVE COMMUNITY AND SURROUNDING MEMBERS. MY FAMILY HAVE BEEN RESIDENTS OF MONTGOMERY COVE FOR SEVERAL YEARS NOW. WE CHOSE THIS PROPERTY FOR IS BEAUTIFUL VIEWS AS WELL AS ACCESS TO THE RIVER AND THE BAY. ASIDE FROM THIS PROPOSAL IMPACTING/ELIMINATING THE ABILITY FOR US TO GAIN ACCESS TO THE RIVER FOR TYPICAL RIVER LIFE ACTIVITIES BOATING, FISHING, TUBING, KAYAKING, ETC. IT WOULD SIGNIFICANTLY DECREASE THE PROPERTY VALUES WHICH IS SOMETHING EVERYONE CONSIDERS WHEN PURCHASING A HOME IN WATERFRONT COMMUNITIES. ADDITIONALLY, THIS PROPOSAL WOULD IMPACT OUR FRIENDS AND FAMILY WHO FREQUENTLY VISIT OUR HOMES BY WATERWAY, AS YOU DO IN THESE TYPES OF COMMUNITIES. LASTLY, THE ENVIRONMENTAL IMPACT OF THIS WOULD BE SEVERE WITH DEVASTATING OUTCOMES TO THE WILDLIFE THAT LIVES IN OUR COMMUNITY AS WELL AS THE AMOUNT OF DEBRIS PLASTIC THAT WOULD END UP ON OUR SHORELINES AND "BEACH" AREAS. I URGE YOU TO DENY THIS PROPOSAL AND APPRECIATE YOUR CONSIDERATION

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Number	Name	Received	Position
16	KEVIN S BROYLES 804-400-1828 scottbroyles@blazerservice.com	09/26/2024 14:08:41 PM	OPPOSE

AS A RESIDENT AND PROPERTY OWNER IN DELTAVILLE, I STRONGLY OBJECT TO THE PROPOSED OYSTER FARM PERMIT ON THE RAPPAHANNOCK RIVER SIDE OF OUR COMMUNITY. MY CONCERNS ARE AS FOLLOWS:

VISUAL IMPACT AND PROPERTY VALUES

THE PROPOSED OYSTER FARM WOULD BE A SIGNIFICANT EYESORE, DRASTICALLY ALTERING THE NATURAL BEAUTY OF OUR WATERFRONT. THIS VISUAL POLLUTION WOULD LIKELY LEAD TO A DECREASE IN PROPERTY VALUES IN THE AREA. AS A RESULT, THIS COULD NEGATIVELY IMPACT LOCAL PROPERTY TAX REVENUES, WHICH ARE CRUCIAL FOR FUNDING ESSENTIAL COMMUNITY SERVICES AND INFRASTRUCTURE.

NAVIGATION AND SAFETY HAZARDS

THE INSTALLATION OF OYSTER FARMING EQUIPMENT POSES A SERIOUS NAVIGATION HAZARD FOR BOATERS IN THE AREA. OUR COMMUNITY PRIDES ITSELF ON ITS RECREATIONAL BOATING ACTIVITIES, AND THE PRESENCE OF OYSTER CAGES AND OTHER AQUACULTURE EQUIPMENT WOULD CREATE DANGEROUS OBSTACLES, ESPECIALLY FOR THOSE UNFAMILIAR WITH THE AREA OR DURING LOW-VISIBILITY CONDITIONS.

INTERFERENCE WITH RECREATIONAL ACTIVITIES

DELTAVILLE IS KNOWN FOR ITS WATER-BASED RECREATIONAL ACTIVITIES, INCLUDING SWIMMING, KAYAKING, JET SKING, AND FISHING. THE PROPOSED OYSTER FARM WOULD MAKE THE AREA UNSAFE FOR THESE PURSUITS. THE PRESENCE OF AQUACULTURE EQUIPMENT COULD RESTRICT ACCESS TO POPULAR AREAS AND POTENTIALLY CAUSE INJURIES TO SWIMMERS OR DAMAGE TO SMALL WATERCRAFT.

IN CONCLUSION, I BELIEVE THIS PARTICULAR LOCATION IS UNSUITABLE FOR SUCH AN OPERATION. THE POTENTIAL NEGATIVE IMPACTS ON OUR COMMUNITY'S SAFETY, AESTHETICS, PROPERTY VALUES, AND WAY OF LIFE FAR OUTWEIGH ANY POTENTIAL BENEFITS. I URGE THE VIRGINIA MARINE RESOURCES COMMISSION TO DENY THIS PERMIT APPLICATION AND PROTECT THE INTERESTS OF DELTAVILLE RESIDENTS AND VISITORS.

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Number	Name	Received	Position
17	WILLIAM A GRIMM 302-333-7152 wagrimm1@gmail.com	09/26/2024 15:22:14 PM	OPPOSE

THE OYSTER GROUND APPLICATION: 2024035 IS POSITIONED DIRECTLY IN WATER WAYS USED BY MY FAMILY, FRIENDS AND NEIGHBORS FOR GENERATIONS. THIS PROPOSED AREA IS DIRECTLY IN FRONT OF PROPERTY OWNED BY THE FAMILY FOR GENERATIONS AS WELL.

I HAVE GROWN UP SPENDING TIME HERE ALONG THE RAPPAHANNOCK. IT IS A WONDERFUL PLACE. THE PROPOSED OYSTER GROUND APPLICATION: 2024035 WOULD CHANGE CURRENT AND FUTURE GENERATIONS OF MY FAMILY'S LOVE AND APPEAL FOR THE LOCATION.

I FIND THAT THIS OYSTER GROUND APPLICATION: 2024035 WOULD POSE A DANGER TO BOATING CRAFT. WHILE THE PROPOSED AREA MAY BE WELL MARKED, IT WOULD BE AN UNDUE HAZARD TO SAILING VESSELS WHICH MY FAMILY OWNS MULTIPLE. THE RIVER FRONT HAS ALWAYS BEEN AVAILABLE FOR USE OF ACTIVITIES AS SAILING, WATER SKIING, TUBING, JET SKIING AND THE LIKE. THIS PROPOSED OYSTER GROUND APPLICATION: 2024035 WOULD PREVENT ALL OF THIS. I FIND THIS OFFENSIVE TO MY FAMILY AND A POTENTIAL DANGER NAVIGATING THROUGH AND OR AROUND.

I RESPECTFULLY REQUEST THIS OYSTER GROUND APPLICATION: 2024035 BE DENIED FOR THE PROPOSED LOCATION.

THERE ARE OTHER LOCATIONS WHICH MAY PROVE SAFER FOR THE BOATING PUBLIC AND MORE PROSPEROUS FOR THE OYSTER FARMERS

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Number	Name	Received	Position
18	PATRICIA H HUNTER 804-382-0000 1984uva@gmail.com	09/27/2024 10:03:53 AM	OPPOSE

THANKS TO THE VIRGINIA MARINE COMMISSION FOR CONSIDERING MY CONCERNS. I OPPOSE APPLICATION 2024035 FOR MANY REASONS. MAINLY, THE IMPACT TO SAFETY FOR THE PUBLIC THAT NAVIGATES THIS AREA VIA BOAT, KAYAK, JET SKI AND CANOE. THIS A A HEAVILY USED AREA FOR RECREATION AND NAVIGATION. I BELIEVE THAT THE INFRASTRUCTURE PLASTIC AND METAL CAGES WILL PRESENT MANY HAZARDS. RECENTLY THREE OF THESE CAGES WERE FREE FLOATING IN THE AREA AND OBVIOUSLY PRESENTED A TREMENDOUS HEALTH AND SAFETY HAZARD. THE MAINTENANCE OF THESE STRUCTURES WILL BE DIFFICULT AS THE WEATHER AND WINDS CAN BE VERY HARSH AS WELL AS THE WATER VERY ROUGH. REGULARLY, MAN MADE DEBRIS WASHES ASHORE ON OUR PROPERTY. THE STRUCTURES ARE UNSIGHTLY AND WILL IMPACT THE BEAUTIFUL VISTAS AND SPECIAL CHARACTER OF THIS PART OF THE RIVER AND THE CHESAPEAKE BAY. I APPRECIATE THE NEED FOR AQUACULTURE AND THE ABILITY OF OYSTERS TO CLEANSE THE WATER , BUT BELIEVE THAT THIS PROJECT MAY BE BETTER SUITED TO A LESS TRAVELED AND UTILIZED AREA OF THE WATERSHED. THANK YOU.

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Number	Name	Received	Position
19	THOMAS E GOODE 804-787-3089 teg4213@gmail.com	09/27/2024 15:58:03 PM	OPPOSE

I STRONGLY OPPOSE THE GROUND LEASE FOR THE PURPOSE OF A COMMERCIAL OYSTER FARM. THAT SECTION OF THE RIVER BETWEEN STURGEON CREEK AND BROAD CREEK IS HEAVILY USED BY BOATS AND HAVING OYSTER CAGES WOULD BE VERY DANGEROUS.

I FEEL THE PROPERTY OWNERS OF MIDDLESEX COUNTY DESERVE A SAY IN THE USE OF PUBLIC WATERWAYS.

APPROVING THIS WOULD HAVE A LASTING IMPACT THAT WE DON'T NEED.

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Number	Name	Received	Position
20	REBECCA DREWRY 434-238-0077 drewryrc@gmail.com	09/29/2024 13:40:40 PM	OPPOSE

1. DECREASE IN PROPERTY VALUES. THE PROPOSED OYSTER BED WILL SPAN THE ENTIRE COASTLINE OF MY FAMILY'S PROPERTY. AS SUCH IT WOULD DESTROY OUR VIEW OF THE RIVER AND DRASTICALLY IMPACT THE VALUE OF OUR PROPERTY.

2. BOATING HAZARD. THE WATERS WHERE THIS FARM IS PROPOSED ARE CONTINUOUSLY TRAVERSED BY PRIVATE BOATS. THE HAZARDS TO THIS TYPE OF NAVIGATION CANNOT BE UNDERSTATED. PERSONAL INJURIES AND DAMAGES TO BOTH THE BOATS AND THE FARM WILL OCCUR.

3. ENVIRONMENTAL DAMAGE. THE PROPOSED AREA IS EXTREMELY EXPOSED AND WILL BE IMPACTED BY STORMS IN THIS REGION. OUR BEACH LINE IS ANNUALLY IMPACTED BY STORMS WHICH CAUSE EROSION, AND DEPOSITION OF DEBRIS. THESE STORMS, WHICH ARE BECOMING MORE FREQUENT, WILL DISRUPT THE INFRASTRUCTURE OF THE OYSTER BEDS STREWING THE COASTLINE WITH CAGES, BUOYS AND OTHER DEBRIS.

4. ECOLOGICAL CHANGES. THESE WILL BE THE MOST DEVASTATING AND THE HARDEST TO COMBAT. THESE DAMAGES ARE WELL REPORTED IN OYSTER FARMS AROUND THE WORLD.

A. INTRODUCTION OF INVASIVE SPECIES. THIS IS A RISK OF SUCH FARMING. DISEASES, PARASITES, AND OTHER ORGANISMS CAN BE INTRODUCED WITH THE OYSTER FARMING AND HAVE, AND WILL CAUSE IRREPARABLE DAMAGE TO THE LOCAL COASTAL ECOSYSTEM.

B. DEPLETION OF FOOD SOURCES. THE OYSTERS WILL FILTER AND REMOVE NUTRIENTS NEEDED FOR THE SUSTENANCE OF OTHER PLANT, ANIMAL AND FISH LIFE OF THE RIVER.

C. DESTRUCTION OF FISH AND BIRD HABITATS. THE AREA PROPOSED IS LITERALLY TEEMING WITH FISH AND BIRD LIFE. THIS FARM WILL REMOVE THEIR HABITAT AND THREATEN THEIR SURVIVAL.

D. DEPLETION OF SEAGRASS. OYSTER FARMS ARE WELL KNOWN TO AFFECT THE UNDERLYING SEABED OR RIVER BED. THE INTERRUPTION OF SUNLIGHT WILL DRASTICALLY AFFECT THE GROWTH OF UNDERLYING SEAGRASS. AND THE NUTRIENT DEPLETION BY THE OYSTERS WILL FURTHER DAMAGE THE VIABILITY OF SEAGRASS. SEAGRASS IS ONE OF THE MOST IMPORTANT SPECIES NEEDED TO SUPPORT AND PROTECT THE SHORELINE. IT CANNOT BE THREATENED IN ANY MANNER.

E. CHANGES IN CURRENTS AND TIDAL FLOWS. THE PRESENCE OF SUCH A MASSIVE FARM WILL DRASTICALLY AFFECT THE NORMAL FLOW OF WATER AND TIDAL WATER FLOW. THIS CANNOT BE AMELIORATED OR UNDONE BY ANY MEANS.

IN THE PAST SEVERAL DECADES ALL OF US WHO LOVE THE CHESAPEAKE BAY CAN BE PROUD OF THE MANY EFFORTS PUT FORTH THE "SAVE THE BAY." A PROJECT SUCH AS THIS CAN ONLY THREATEN THE FRAGILE ECOSYSTEM OF OUR BELOVED BAY.

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Number	Name	Received	Position
21	THOMAS J CRICCHI 804-282-2815 tcricchi@gmail.com	09/28/2024 09:36:08 AM	OPPOSE

I ADDITION TO THE SUBJECTIVE OBJECTION THAT THE FARM DESTROYS THE CURRENT "NATURAL" AND TRADITIONAL SCENIC VIEWS I HAVE ENJOYED FOR OVER 20 YEARS, I HAVE THE FOLLOWING MORE PRACTICAL/FACTUAL OBJECTIONS: THE TIDAL FLOW WILL BE ALTERED, THE NATURAL SEAGRASS GROWTH WILL BE IMPACTED AND HURT OUR SHORELINE, THE VIBRANT FISH AND BIRD HABITAT WILL BE DISTURBED, NEW INVASIVE DISEASES AND PARASITES WILL BE INTRODUCED, A BOATING HAZARD WILL BE CREATED AND STORMS COULD CREATE NEW DEBRIS. FINALLY, I AM VERY CONCERNED ABOUT THE IMPACT THIS EYESORE WILL HAVE ON MY PROPERTY VALUE ON THIS SIDE OF THE RIVER...WE CAN'T HAVE THIS OR ANY OF THE OTHER REASONS OUTLINED HAPPEN, SO I VOTE NO!

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Number	Name	Received	Position
22	LISA REATH 865-385-7391 lisareath@msn.com	09/29/2024 14:41:33 PM	OPPOSE

MY GREAT GRANDFATHER BOUGHT THE LAND ON THE POINT OF THE RAPPAHANNOCK RIVER AND STURGEON CREEK IN THE 1930'S. DURING THE ALMOST HUNDRED YEARS THAT THE PROPERTY HAS BEEN IN OUR FAMILY, THE ONE CONSTANT HAS BEEN THE DAMAGE AND EROSION THE THE NOR'EASTERN STORMS HAVE DONE TO THIS VERY EXPOSED STRETCH OF LAND.

WE HAVE ALREADY HAD TWO OYSTER CAGES WASH UP ON OUR PROPERTY, AND ONE OF THEM NEARLY RESULTED IN AN ACCIDENT WITH OUR KIDS TUBING. MY BROTHER'S QUICK REACTION TIME PREVENTED ANY SERIOUS INJURY. THIS IS BEFORE THE PROPOSED OYSTER GROUND. I HATE TO IMAGINE THE MESS ON OUR BEACH IF THIS WERE APPROVED.

NOT ONLY WILL IT DIMINISH THE PROPERTY VALUE OF OUR FAMILY HOME, IT WILL MEAN WE CAN NO LONGER ENJOY IT AS WE DO NOW. ONE OF OUR FAVORITE FAMILY ACTIVITIES IS TO LAUNCH OUR SMALL SAILBOATS FROM OUR BEACH. THESE CAGES WILL EFFECTIVELY BLOCK OUR ACCESS TO THE RIVER.

FROM AN OYSTER GROWER'S PROSPECTIVE, I CAN'T THINK OF A WORSE AREA TO PUT AN OYSTER FARM. IT WILL BE CONSTANTLY BATTERED BY STORMS AND THE BOAT TRAFFIC FROM THE MARINAS IN BROAD CREEK. IT WILL BE A HUGE MARINE HAZARD IN A HIGHLY RESIDENTIAL AREA.

PLEASE DON'T LET THEM DESTROY THE WAY OF LIFE WE'VE ENJOYED FOR THE LAST HUNDRED YEARS.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
23	DAVID B GOODE 757-575-4660 dbgoode1@cox.net	09/30/2024 08:21:08 AM	OPPOSE

THESE COMMERCIAL OYSTER BEDS WOULD ADVERSELY AFFECT THE PROPERTY OWNERS, NATURAL ENVIRONMENT, AND BOATING NAVIGATION. I HAVE SEEN FIRST HAND THE NEGATIVE IMPACT IN BROAD BAY AREA OF VIRGINIA BEACH.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
24	BRIAN T MORRIS 804-687-3289 briansboat7@gmail.com	10/01/2024 13:14:15 PM	OPPOSE

I OPPOSE APPLICATION 2024035 FOR THE REASON THAT THIS ENCROACHES ON THE CHANNEL ENTRANCE TO STURGEON CREEK. THIS IS A VERY NARROW CHANNEL THAT CHANGES FREQUENTLY WITH TIME AND LARGE STORMS. AS A PROPERTY OWNER ON STURGEON CREEK, WE FREQUENTLY USE THIS CHANNEL TO ACCESS THE RAPPAHANNOCK RIVER. IT ALSO WOULD BE A SAFETY ISSUE AS MANY BOATS TRAVEL THE AREA FROM BROAD CREEK AND OTHER AREAS. I WOULD HATE TO HAVE RIVERFRONT PROPERTY AND HAVE THIS IN FRONT OF ME OBSTRUCTING MY ACCESS TO THE RIVER. THE AREA BETWEEN THE PROPOSED OYSTER FARM AND THE BEACH IS VERY SHALLOW AND WOULD MAKE IT VERY DIFFICULT FOR THESE RESIDENTS TO ACCESS THE RIVER IN MY OPINION. THANKS FOR YOUR CONSIDERATION IN THIS MATTER.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
25	JAMES E FAR SR. 804-815-8190 design@idbcm.com	10/04/2024 11:44:53 AM	OPPOSE

I APPRECIATE THE OPPORTUNITY TO HAVE MY VOICE HEARD BY THE VIRGINIA MARINE RESOURCES COMMISSION REGARDING THE PENDING OYSTER GROUND APPLICATION 2024035. THIS AREA RESIDES BESIDE A PROTECTED OYSTER BAR AND WILL CAUSE ISSUES PERTAINING TO THE NATURAL LIFE CYCLES OF THAT AREA. NEXT THIS IS IN THE STURGEON CREEK RUN THERE IS END MARKER PERMEANT POLE TO THIS CHANNEL THAT IS IN THIS PROPOSED AREA. MY SAILBOAT DAFTS OVER 3' AND THIS IS THE ONLY WAY I CAN GET OUT OF THE CREEK. ATTACHED IS DOCUMENT RED DOTS MY SURVEYED LOCATION WITH THE WATER DEPTH OF >3' OR MORE DURING MEAN TIDE. THE YELLOW DOTS ARE THE CURRENT MARKER POLES.

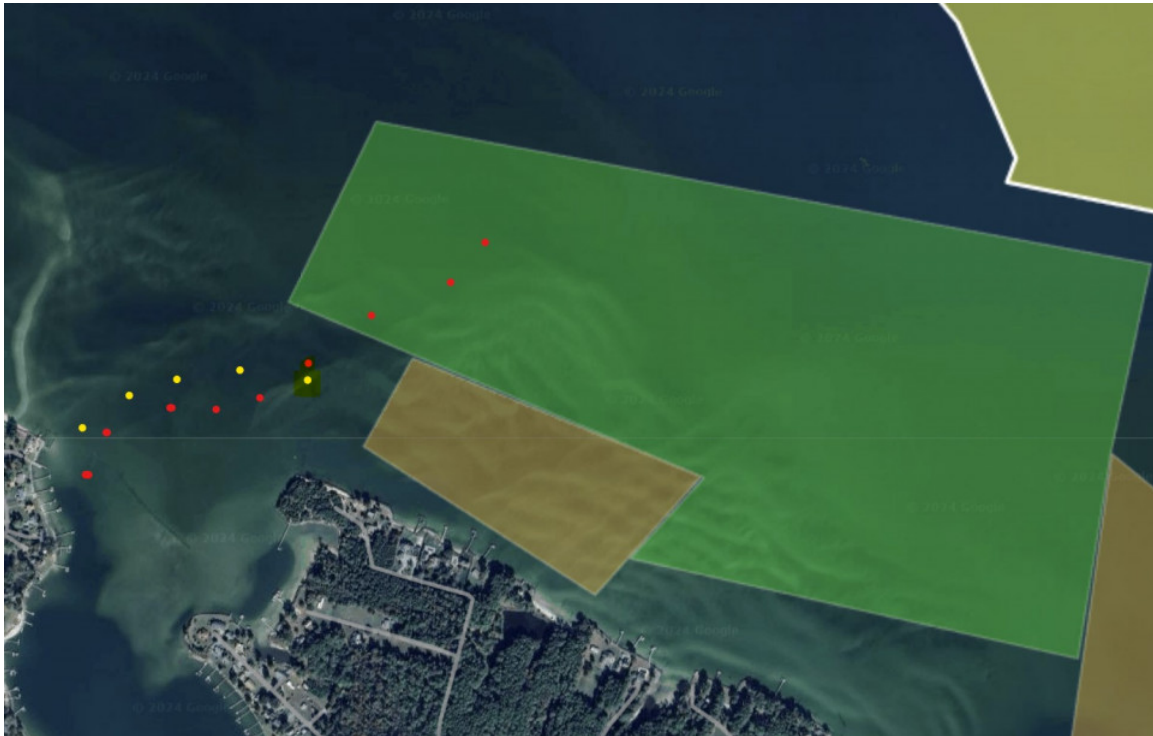
Attachments:

Submitted photos for this comment will begin on next page.

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1728056764.jpg



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Number	Name	Received	Position
26	KIMBALL I MAULL	10/04/2024 11:57:44 AM PO BOX 1079	OPPOSE DELTAVILLE VA 23043

IN SPRING OF THIS YEAR, AN OYSTER CAGE WASHED UP ON OUR BEACH. I WASN'T QUITE SURE WHAT IT WAS AT FIRST. IT TOOK TWO OF US TO CARRY IT UP THE STAIRS AND PLACE IT SOMEWHERE REMOTE ON OUR PROPERTY, AWAY FROM WHERE SOMEONE COULD HURT THEMSELVES. THEN, IN JUNE, MY SON WAS DRIVING OUR BOAT IN FRONT OF OUR HOME AND MY GRANDSON AND A FRIEND WERE TUBING BEHIND THE BOAT. THEY WERE TOSSED INTO THE WATER WHICH APPEARS TO BE TH???? FUN CHALLENGE OF THIS ACTIVITY . AS MY SON CIRCLED THE CHILDREN SO THEY COULD REMOUNT THE TUBING PLATFORM, HE ENCOUNTERED A SECOND OYSTER CAGE IN SHALLOW WATER DIRECTLY IN FRONT OF OUR PROPERTY AND DANGEROUSLY CLOSE TO WHERE THE CHILDREN WERE IN THE WATER. HE STOPPED TUBING AND WAS ABLE TO GET THE CHILDREN IN THE BOAT AND SAFELY DEPOSITED ON THE BEACH. HE RETURNED TO THE SITE OF THE DERELICT OYSTER CAGE, ATTACHED A LINE TO IT AND DRAGGED IT ASHORE WHERE IT WAS PLACED WITH THE OTHER CAGE. \R\NI RELATE THESE ENCOUNTERS TO POINT OUT THAT THE EXISTING OYSTER FARM IS ALREADY CAUSING PROBLEMS FOR THE RESIDENTS OF THE TIMBERNECK BEACH AREA, WHICH CONSISTS OF WATERFRONT HOMES, DOCKS AND OTHER IMPROVEMENTS BETWEEN STURGEON CREEK AND BROAD CREEK ON THE RAPPAHANNOCK RIVER. TO EXPAND THIS PLANTING GROUND IS UNFAIR TO THE AFFECTED PROPERTY OWNERS - TO GRANT NEARLY 250 ACRES FOR SAID PROJECT IS TOTALLY UNACCEPTABLE. \R\NI KNOW THIS AREA AND THESE WATERS AND OWN THE SINGLE LARGEST STRETCH OF WATERFRONT AFFECTED BY THIS PROJECT. FURTHERMORE, I HAVE BEEN COMING TO DELTAVILLE FOR OVER 60 YEARS CURRENTLY, FOUR GENERATIONS OF OUR FAMILY MAKE USE OF OUR HOME AND CONTINUE TO ENJOY, WITHOUT RESTRICTION, BOATING, FISHING, TUBING, WATERSKIING, PADDLEBOARDING, AND SAILING OUR TWO SMALL SAILBOATS CAN BE LAUNCHED RIGHT OFF THE BEACH . \R\NI AM STRONGLY OPPOSED TO THE PROPOSAL TO EXTEND THE EXISTING AREA OF OYSTERING. THE SPECIFIC LOCATION OF THE PROJECT WOULD HAMPER THE RECREATIONAL ACTIVITIES OF THOSE WITH HOMES ALONG THE SOUTH SHORE OF THE RAPPAHANNOCK, ENDANGERING ALL WHO TRAVERSE THIS BUSY AREA. FURTHERMORE, THIS PORTION OF THE RAPPAHANNOCK IS ESPECIALLY EXPOSED TO NORTHEAST STORMS WHICH ARE FUNNELED AROUND WINDMILL POINT DIRECTLY AT THE SOUTH SHORE, SHIFTING THE SANDY BOTTOM AND DRIVING DEBRIS ASHORE. PLACING AN OYSTER FARM HERE IS JUST A BAD IDEA. \R\NI REQUEST THAT, AS YOU CONSIDER THIS PROPOSAL, YOU DO THE PRUDENT THING AND DENY ANY FURTHER EXPANSION OF OYSTER PLANTING BETWEEN STURGEON CREEK AND BROAD CREEK.

Attachments:

https://webapps.mrc.virginia.gov/public/oystergrounds/comments/pc_pdfGet.php?id=53

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Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
27	ANNE MORGAN HUNTER 804-972-1117 amhunter1996@gmail.com	10/05/2024 08:43:36 AM	OPPOSE

I STRONGLY OPPOSE THIS OYSTER LEASE. THIS ENTIRE AREA IS FREQUENTLY USED BY BOATERS, FISHERMAN, JET SKIS, KAYAKERS, PADDLE BOARDERS, AND SWIMMERS. IT IS ALSO FREQUENTLY USED BY FISHERMAN AT NIGHTTIME, WHICH POSES A THREAT TO SAFETY. MOST OF THE AREA IS A SHALLOW SANDBAR AND ANY TYPE OF OYSTER CAGES WOULD PRESENT A SIGNIFICANT HAZARD.

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Number	Name	Received	Position
28	CARTER C HUNTER 804-382-2327 cchunter1991@gmail.com	10/05/2024 11:42:34 AM	OPPOSE

OYSTER FARMS ARE KNOWN FOR ATTRACTING PREDICTORS SUCH AS STING RAYS AND EELS. THESE WATERS ARE COMMONLY USED RECREATIONALLY TO SWIM, TUBE, FISH, KAYAK, AND WAKE BOARD. I STRONGLY OPPOSE AN OYSTER FARM OF ANY KIND IN THIS AREA.

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Number	Name	Received	Position
29	KYLEE HOOPER 804-525-0704 kycolehoop@gmail.com	10/05/2024 15:38:17 PM	OPPOSE

THE PROPOSED OYSTER FARM, SPANNING NEARLY 250-ACRES, POSES A SIGNIFICANT THREAT TO THE DELICATE MARINE ECOSYSTEM OF THE LOWER RAPPAHANNOCK RIVER. THE INTRODUCTION OF SUCH A LARGE-SCALE OPERATION WILL DISRUPT THE NATURAL BALANCE OF THE RIVER, POTENTIALLY HARMING EXISTING MARINE LIFE AND REDUCING BIODIVERSITY. FURTHERMORE, THE FARM'S ACTIVITIES COULD LEAD TO INCREASED SEDIMENTATION, NUTRIENT POLLUTION, AND COMPETITION FOR RESOURCES WITH NATIVE SPECIES.

BEYOND THE ENVIRONMENTAL CONCERNS, THE OYSTER FARM WILL ALSO HAVE NEGATIVE CONSEQUENCES FOR THE LOCAL COMMUNITY. THE FARM'S PRESENCE WILL DETER RECREATIONAL ACTIVITIES LIKE FISHING AND BOATING, IMPACTING OUR FAMILY-ORIENTED QUALITY OF LIFE ON THE RIVER, OUR GROWING TOURISM INDUSTRY, AND REAL ESTATE MARKETS. ADDITIONALLY, THE POTENTIAL FOR INCREASED NOISE AND LIGHT POLLUTION FROM THE FARM'S OPERATIONS COULD DISTURB WILDLIFE AND DISRUPT THE PEACEFUL AMBIANCE OF THE AREA.

THE MOST HARMFUL ECOLOGICAL IMPACTS OF THE NEARLY 250-ACRE OYSTER FARM INCLUDE:

HABITAT DISRUPTION: THE FARM'S INFRASTRUCTURE, SUCH AS CAGES OR LINES, CAN PHYSICALLY ALTER THE SEABED AND DISRUPT NATURAL HABITATS. THIS CAN HARM MARINE ORGANISMS THAT RELY ON THESE HABITATS FOR SURVIVAL. Â

COMPETITION FOR RESOURCES: OYSTERS FILTER WATER AND CONSUME NUTRIENTS, WHICH CAN COMPETE WITH NATIVE SPECIES FOR THESE RESOURCES. A LARGE-SCALE OYSTER FARM COULD DEplete RESOURCES, LEADING TO DECLINES IN OTHER MARINE LIFE POPULATIONS.

SEDIMENTATION: THE FARM'S ACTIVITIES, SUCH AS HARVESTING OR CLEANING, CAN DISTURB SEDIMENTS, LEADING TO INCREASED TURBIDITY AND REDUCED WATER QUALITY. THIS CAN AFFECT MARINE ORGANISMS THAT RELY ON CLEAR WATER FOR THEIR SURVIVAL. Â

NUTRIENT POLLUTION: EXCESS NUTRIENTS FROM THE FARM, SUCH AS FROM FEEDING OR WASTE PRODUCTS, CAN CONTRIBUTE TO ALGAL BLOOMS AND EUTROPHICATION, WHICH CAN HARM MARINE ECOSYSTEMS AND HINDER OVERALL WATER QUALITY.

DISEASE TRANSMISSION: OYSTER FARMS CAN INCREASE THE RISK OF DISEASE TRANSMISSION BETWEEN FARMED AND WILD OYSTERS, POTENTIALLY HARMING WILD OYSTER POPULATIONS.

INVASIVE SPECIES INTRODUCTION: THE FARM'S OPERATIONS CAN INTRODUCE INVASIVE SPECIES INTO THE ECOSYSTEM, WHICH CAN OUTCOMPETE NATIVE SPECIES AND DISRUPT THE ECOLOGICAL BALANCE. Â

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THESE IMPACTS CAN HAVE CASCADING EFFECTS ON THE ENTIRE MARINE ECOSYSTEM, LEADING TO DECLINES IN BIODIVERSITY AND ECOSYSTEM HEALTH. IT SHOULD BE NOTED THAT A NUMBER OF OYSTER FARMING OPERATIONS ALREADY CURRENTLY EXIST IN THIS AREA, AND ALLOWING MORE OF THESE OPERATIONS TO CROWD THIS LOCATION WILL EXACERBATE THE ALREADY CHALLENGED HEALTH OF OUR RIVER COMMUNITY - BOTH ECOLOGICALLY AND EMOTIONALLY.

Virginia Marine Resources Commission

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Number	Name	Received	Position
30	JEFFERSON D HOOPER 804-525-8779 deanhooper804@gmail.com	10/06/2024 06:53:55 AM	OPPOSE

I AM WRITING TO FORMALLY OBJECT TO OYSTER GROUND APPLICATION 2024035 AND MY APPRECIATION FOR THE OPPORTUNITY TO DO SO. MY FAMILY, FRIENDS, AND NEIGHBORS REGULARLY USE THIS PROPOSED AREA AND THE SURROUNDING AREA FOR GENERATIONS TO NAVIGATE WITH BOATS ALONG THE COASTLINE AS WELL AS GOING IN AND OUT FROM OUR HOMES, PULL TUBES, FISH, CRAB, KAYAK, SWIM AND ENJOY THE WATER. THIS BEING SUCH A LARGE AREA DIRECTLY IN THE WAY OF FREQUENT NAVIGATION BY BOATS POSES A VERY SERIOUS RISK TO PEOPLE, BOATS, PROPERTY, AS WELL AS THE CAGES THEMSELVES. IT WILL BE DANGEROUS TO NAVIGATE AROUND THIS JUST IN THE DAYTIME, EVEN MORE SO IN THE EARLY MORNING DARKNESS, COMING BACK AT NIGHT, FOG, OR ANY INCLEMENT WEATHER. THE ECOLOGICAL IMPACT OF POTENTIAL DISEASES, LOSS OF NUTRIENTS TO THE EXISTING WILDLIFE, DESTROYING THE SEAGRASS WHICH WE DESPERATELY NEED, AND HURTING THE SURROUNDING WILDLIFE AND THEIR ECOSYSTEM IS NOT BENEFICIAL TO THE DELICATE ECOSYSTEM IN THIS AREA. THE INEVITABLE BAD STORM WITH HIGH WINDS AND LARGE FAST SWELLS WILL SEND CAGES AND PIECES OF THEM AND RIGGING THROWN ABOUT, OUTSIDE THE AREA, SEMI-SUBMERGED, THROUGHOUT THE WATER AND FOLK'S PROPERTY PRESENTING A VERY DANGEROUS WATERCRAFT PROBLEM AND AN UNNECESSARY COST AND HEADACHE TO EVERYONE. OYSTERS ARE A GREAT RESOURCE AND NECESSARY FOR THE RIVER AND THE BAY BUT THIS PROPOSED LARGE OYSTER FARM AND ITS PLACEMENT WITH THE ENVIRONMENT AND WHAT HAS BEEN GOING ON AROUND IT FOR GENERATIONS, WOULD CAUSE MORE HARM THAN GOOD. IN ADDITION, THE VISUAL AND PHYSICAL INTRUSION OF OYSTER CAGES WILL DIMINISH THE AESTHETIC AND RECREATIONAL APPEAL OF THESE AREAS, HURTING PROPERTY VALUES, AND DISFIGURING SUCH A BEAUTIFUL AREA SO MANY OF US TREASURE. AGAIN, MY APPRECIATION FOR ALLOWING OUR VOICES TO BE HEARD TO THE COMMISSION. PLEASE DENY THIS PROPOSAL.

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Number	Name	Received	Position
31	PERRY G SHELTON 804-629-0631 sheltonpg@yahoo.com	10/06/2024 17:38:09 PM	OPPOSE

I STRONGLY OPPOSE THIS APPLICATION. AS A HOME OWNER ON STURGEON CREEK THIS WILL ENCROACH ON THE CHANNEL ENTRANCE TO STURGEON CREEK. THIS CHANNEL IS VERY NARROW AND POSES CHALLENGES TO GET IN AND OUT OF DUE TO LARGE STORMS SHIFTING THE SAND AND SHALLOWS. MY FAMILY AND I ARE AVID ANGLERS AND WE FISH THIS EXACT AREA RELIGIOUSLY EVERY WEEKEND. LASTLY MY FAMILY AND I FREQUENTLY USE PADDLE BOARDS, KAYAK'S AND TUBES TO FLOAT / SWIM IN THIS SHALLOW AREA. MY NIECES AND NEPHEWS LIKE TO SWIM IN THIS AREA AS IT'S CLOSE TO SHORE, SHALLOW ENOUGH THEY CAN TOUCH THE BOTTOM DURING LOW TIDE AND CLOSE ENOUGH TO THE HOUSE WE CAN PADDLE DIRECTLY TO THIS AREA. FOR THESE REASONS MY FAMILY AND I STRONGLY OPPOSE THIS APPLICATION.

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Number	Name	Received	Position
32	MARION LANCASTER 804-370-6597 marionlanaster17@gmail.com	10/08/2024 13:22:05 PM	OPPOSE

I LIVE ON STURGEON CREEK AND OPPOSE THIS APPLICATION DUE TO THE PROBABLE IMPACT TO ALL
USERS OF THE CHANNEL TO THE RIVER.,

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Number	Name	Received	Position
33	KYLE LECKIE 804-922-3275 rradventures92@gmail.com	10/10/2024 16:17:55 PM	OPPOSE

THIS OYSTER FARM WILL TAMPER LAND OWNERS WATERFRONT VIEWS, BLOCK BOATING ACROSS THE FLATS, AND WILL NOT WITHSTAND ANY NE OR EAST STORMS.

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Number	Name	Received	Position
34	PAUL C NUNNALLY 804-781-0785 nunnap@comcast.net	10/10/2024 16:35:36 PM	OPPOSE

THE AREA WOULD BLOCK THE SHALLOW CHANNEL FROM STURGEON CREEK TO THE RIVER AND THE BAY. THE CHANNEL CAN BE SEEN FROM THE AERIAL VIEW. ALSO THIS AREA TOTAL COVERS THE OLD CHANNEL OUT OF STURGEON CREEK. THE DRAFT FOR MOST OF THE AREA IS 5' OR LESS. ANY BOAT WITH A 2' DRAFT WOULD DESTROY THE CAGES AND THE BOAT PROPS.

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Number	Name	Received	Position
35	LAURA L HOWARD	10/10/2024 16:53:54 PM	OPPOSE

llhoward@comcast.net

I OPPOSE APPLICATION 2024035 FOR THE PROPOSED 250 ACRE COMMERCIAL OYSTER FARM. THIS OPERATION WOULD BE AN EYE SORE AND WOULD OBSTRUCT A HEAVILY TRAVELED AREA BY LOCAL RESIDENTS, VISITORS, ETC. CREATING DANGEROUS CONDITIONS AND EXTREME SAFETY CONCERNS FOR ANYONE ON THE WATER IN THIS AREA. EVERYONE, PARTICULARLY WATER FRONT PROPERTY OWNERS, DESERVE SAFE AND UNOBSTRUCTED ACCESS TO THE WATER WAYS IN FRONT OF THEIR PROPERTIES. ALLOWING LARGE TRACTS OF COMMERCIAL USE, FOR ANY REASON, DIRECTLY IN FRONT OF WATERFRONT PROPERTY OWNERS WOULD BE A VIOLATION OF THE RIPARIAN RIGHTS TO SAFELY ACCESS NAVIGABLE WATERS. I HAVE READ ALL COMMENTS POSTED TO DATE, AND THE OPPOSITION IS CLEAR. REASONS VARY BASED ON PERSONAL IMPACT, AND I SUPPORT MY COMMUNITY IN OPPOSING THIS COMMERCIAL FARM, WHICH POSES NO BENEFIT TO ANYONE BUT THE APPLICANT AND EXTRA REVENUE FOR THE LOCAL GOVERNMENT. PLEASE ALIGN WITH THE RESIDENTS AND DENY THIS APPLICATION. THANK YOU.

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Number	Name	Received	Position
36	ROBIN L SCHREIBER	10/10/2024 16:56:28 PM	OPPOSE

schreiberhill@aol.com

WE APPRECIATE THE OPPORTUNITY TO VOICE OUR CONCERNS ON THE PROPOSED COMMERCIAL OYSTER FARM AT THE MOUTH OF STURGEON CREEK. WE OWN A HOME ON STURGEON CREEK, AND PLAN TO CONTINUE INVESTING IN THE PROPERTY. THIS COMMERCIAL PROJECT WILL NOT ONLY IMPACT THE MARINE LIFE OF THE CREEK, BUT POTENTIALLY BRING DOWN PROPERTY VALUES. WE WOULD NOT CONTINUE IMPROVING OUR PROPERTY IF THIS IS PASSED IN FEAR OF LOSS OF VALUE. STURGEON CREEK IS HOME TO MANY BOATERS, FISHERMEN AND FAMILIES THAT ENJOY THIS BEAUTIFUL AREA. PROPERTY OWNERS MAY NO LONGER BE ABLE TO USE THE AREA AS A RECREATIONAL RETREAT. A COMMERCIAL OYSTER FARM WILL NOT BENEFIT THE PROPERTY OWNERS AND TAX PAYERS OF MIDDLESEX COUNTY. WE STRONGLY OPPOSE THIS APPLICATION.

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Number	Name	Received	Position
37	SCOTT P HILL 804-305-9037 scott.work96@gmail.com	10/10/2024 23:04:16 PM	OPPOSE

I AM AGAINST THE OYSTER BED PRODUCT IN THE RAPPAHANNOCK RIVER DUE TO ITS POTENTIAL TO DISRUPT THE NATURAL ECOSYSTEM. OYSTERS PLAY A CRUCIAL ROLE IN MAINTAINING WATER QUALITY BY FILTERING AND PURIFYING THE WATER, BUT ARTIFICIALLY ALTERING THEIR HABITATS WITH HUMAN-ENGINEERED BEDS COULD DISRUPT THIS BALANCE. INTRODUCING NON-NATIVE STRUCTURES OR ALTERING THE OYSTER POPULATION DENSITY MAY LEAD TO UNINTENDED CONSEQUENCES, SUCH AS INCREASING THE RISK OF DISEASES OR IMBALANCES IN THE LOCAL SPECIES. ADDITIONALLY, THE CONSTRUCTION AND INSTALLATION OF THESE BEDS COULD DISTURB THE RIVERBED AND HARM OTHER AQUATIC LIFE, LEADING TO LONG-TERM DEGRADATION OF THE RIVER’S ECOSYSTEM.

ANOTHER SIGNIFICANT CONCERN IS THE POTENTIAL FOR THESE OYSTER BED PRODUCTS TO INTERFERE WITH THE RIVER’S NATURAL SEDIMENTATION PROCESS. OYSTERS HELP STABILIZE SEDIMENT BY NATURALLY FORMING REEFS THAT ACT AS BARRIERS, BUT ARTIFICIALLY MANIPULATING THIS PROCESS COULD RESULT IN INCREASED EROSION OR CHANGES IN WATER FLOW PATTERNS. THESE CHANGES COULD NEGATIVELY IMPACT SURROUNDING HABITATS AND MAKE THE RIVER MORE VULNERABLE TO POLLUTION AND ALGAL BLOOMS. THE RAPPAHANNOCK RIVER IS ALREADY FACING ENVIRONMENTAL CHALLENGES, AND ADDING OYSTER BED PRODUCTS COULD EXACERBATE THESE ISSUES RATHER THAN MITIGATE THEM. THEREFORE, USING SCIENCE TO PRIORITIZE NATURAL SOLUTIONS OVER ENGINEERED INTERVENTIONS SEEMS MORE BENEFICIAL TO PRESERVING THE RIVER’S LONG-TERM HEALTH.

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Number	Name	Received	Position
38	SHERRI L JONES 804-586-4819 jonesk5@icloud.com	10/11/2024 21:24:43 PM	OPPOSE

WILL NOT BE ABLE TO ACCESS STURGEON CREEK WITH A BOAT.

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Number	Name	Received	Position
39	HEATHER COLEMAN 804-892-4442 hncoleman@yahoo.com	10/11/2024 18:35:51 PM	OPPOSE

I STRONGLY OPPOSE THE PROPOSAL OF AN OYSTER BED OUTSIDE OF STURGEON CREEK. THIS WILL HINDER THE ABILITY FOR BOATS TO COME IN AND OUT OF THE CREEK WHICH IS THE ONLY WAY IN AND OUT OF THE CREEK. THAT WILL IMPACT HUNDREDS OF BOATERS AND WATERCRAFT USERS.

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Number	Name	Received	Position
40	KEITH L JONES 804-586-2073 jonesk5@icloud.com	10/11/2024 23:00:00 PM	OPPOSE

THIS WILL IMPAIR THE BOAT CHANNEL TO STURGEON CREEK

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Number	Name	Received	Position
41	CAROL C ROBERTSON 804-541-8500 robertsonhm@comcast.net	10/12/2024 08:04:57 AM	OPPOSE

THE MOUTH OF STURGEON CREEK ALREADY HARD TO NAVIGATE BECAUSE OF THE SAND MOVEMENT IN THE PAST YEARS LIMITING THE BOAT TRAFFIC TO A VERY LIMITED CHANNEL. PLACING THE OYSTER BEDS ANYWHERE IN FRONT OF THE CREEK WOULD LIMIT THE ACCESS TO THE CREEK. PLACING AN OYSTER BED THERE WOULD LOWER OUR PROPERTY VALUE.

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Number	Name	Received	Position
42	DREW LESTER	10/12/2024 09:51:16 AM	OPPOSE

binglester77@yahoo.com

STRONGLY OPPOSE. MY FAMILY HAS 2 HOUSES IN STURGEON CREEK AND WE LIKE TO GO FISHING IN THE BAY. THIS WILL DIRECTLY IMPACT THE BOATING CHANNELS TO BE ABLE UP GET TO THE BAY. THIS NEEDS TO BE IN A DIFFERENT LOCATION.

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Number	Name	Received	Position
43	CLAUDE W HUDSON III 804-357-5672 chip.hudson@comcast.net	10/12/2024 10:51:48 AM	OPPOSE

I HAVE NO PROBLEM WITH OYSTER GROUNDS AS LONG AS THEY DON'T INTERFERE WITH SIGHT, SOUND, OR EGRESS, THE PROPOSED GROUNDS WILL INTERFERE WITH OUR NAVIGATION TO THE BAY! WE ALREADY HAVE A SEVERE PROBLEM WITH THE LACK OF DEPTH AND NOW YOU ARE PROPOSING TO ALLOW OYSTER CAGES IN THE ONLY AREA WITH ENOUGH DEPTH TO GET A BOAT ON PLANE!!! I STRONGLY OPPOSE

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Number	Name	Received	Position
44	MARY M HUDSON 804-357-5671 maryhudson@comcast.net	10/12/2024 15:04:52 PM	OPPOSE

THE LOCATION OF THE GROUNDS IS VERY CONCERNING DUE TO SHALLOW WATERS IN THE PROPOSED LOCATION. I AM NOT OPPOSED TO OYSTER GROUNDS, BUT IT'S VERY POSSIBLE THAT THIS COULD OBSTRUCT THE PASSAGE OF BOATS DURING LOW TIDES.

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Number	Name	Received	Position
45	SARA LESTER	10/12/2024 14:51:09 PM	OPPOSE
	sarahud@vt.edu		

STRONGLY OPPOSE. MY FAMILY HAS 2 HOMES IN STURGEON CREEK STURGEON CREEK IS ADJOINED BY PROPOSED AREA FOR THIS APPLICATION . THIS WILL DIRECTLY IMPACT THE BOATING CHANNELS TO BE ABLE UP GET TO THE BAY FROM STURGEON CREEK. THIS NEEDS TO BE LOCATED THAT WILL NOT IMPACT RECREATIONAL BOATING ACTIVITIES.

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Number	Name	Received	Position
46	CLYDE N GAULDIN JR. 804-347-1419 nealgauldin@gmail.com	10/12/2024 16:13:08 PM	OPPOSE

AREA TO BE USED ADJACENT TO STURGEN CREEK WILL CREATE A NAVIGATION HAZZARD. THIS IS DUE TO OUR LIMITED DEPTH OF WATER GETTING IN AND OUT OF OUR CREEK. WE DO NOT HAVE A DREDGED CHANNEL. IT HAS ALLWAYS BEEN A CHALLENGE, BUT THIS WOULD NOT ALLOW MY 32 FT BOAT A STEADY WAY IN AND OUT OF THE CREEK, WITH THE LIMITED ACCESS IT WOULD CREATE. 928 ROBINS POINT AV. DELTAVILLE VA.

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Number	Name	Received	Position
47	DUANNE M HAWKINS	10/12/2024 16:21:05 PM	OPPOSE

duanne1@verizon.net

APPROVAL OF THIS APPLICATION WOULD IMPEDE NAVIGATIONAL RIGHTS OF HOMEOWNERS ON STURGEON CREEK, AS WELL AS SOME RAPPAHANNOCK RIVER HOMEOWNERS. HOW WILL THIS AFFECT FISHING AND CRABBING, IMPORTANT SPORT AND FOOD SOURCES IN THIS AREA? MANY OF US LIVE IN THIS AREA TO ENJOY THE WATER AND OTHER NATURAL RESOURCES. PLEASE PRESERVE THESE RIGHTS.

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
48	WESTON SPIVEY 804-972-3056 spiveyweston1@gmail.com	10/14/2024 12:11:47 PM	OPPOSE

I AM A LONG TIME PROPERTY OWNER ON STURGEON CREEK. I AM CONCERNED ABOUT FUTURE NAVIGATION THROUGH THE PROPOSED LEASE AREA. THE ACCESS TO THE CREEK IS VERY RESTRICTED DUE TO SHIFTING SANDBARS OFF THE CREEK ENTRANCE. BOATS HEADING EAST TOWARD THE BAY OR BROAD CREEK CROSS THE PROPOSED LEASE AREA. FROM MY PROPERTY I SEE MANY SMALL SAILBOATS, JET SKIS AND BOATS TOWING TUBES ACCESSING THIS AREA.. I HAVE UPLOADED A PICTURE FROM MY GPS SHOWING MY TRACKS THROUGH THE PROPOSED LEASE AREA. I AM JUST ONE PERSON WITH ONE BOAT. AS YOU CAN SEE I TRANSIT THIS AREA FREQUENTLY

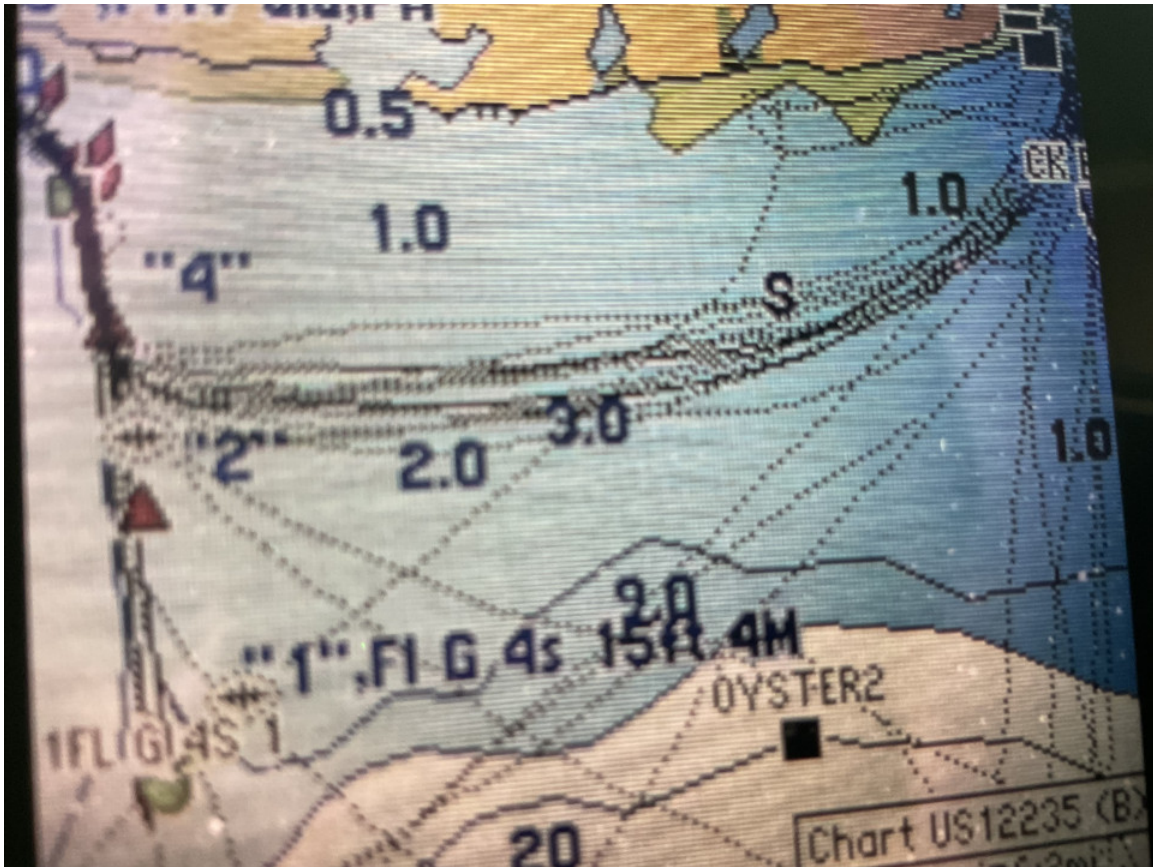
Attachments:

Submitted photos for this comment will begin on next page.

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Virginia Marine Resources Commission

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Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
49	JAMES HUNTER JR. 804-839-0405 jshdvm@gmail.com	10/21/2024 07:46:09 AM	OPPOSE

I WOULD LIKE TO ADD THE ATTACHED PHOTO OF THE COMMERCIAL OYSTER CAGES THAT WASHED UP ON MY NEXT-DOOR NEIGHBOR'S SHORE AFTER A RECENT NOR'EASTER. THESE STORMS ARE VERY COMMON ALONG THE RAPPAHANNOCK. I WOULD ASSUME THE CAGES CAME FROM THE 35 ACRES CURRENTLY LEASED BY DOERR/CUTLER DIRECTLY IN FRONT OF OUR PROPERTIES. THIS IS NOW MY NEIGHBOR'S PROBLEM. PLEASE DO NOT ALLOW ANOTHER 250 ACRES OF CAGES TO ADD TO WHAT MAY POTENTIALLY WASH UP ON ALL OF THE PROPERTY OWNERS' LAND DIRECTLY IN FRONT OF THE GROUNDS.

Attachments:

Submitted photos for this comment will begin on next page.

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1729511199.jpg



Virginia Marine Resources Commission

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Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
50	WILL FERRELL 804-874-6656 wferrell4@gmail.com	08/07/2026 06:59:16 AM	OPPOSE

NOT ONLY DO I OPPOSE APPLICATION 2024035, BUT I ALSO FIND IT INCOMPREHENSIBLE. THE APPLICANT'S REQUEST TO SUBMERGE 249.87 ACRES OF COMMERCIAL OYSTER CAGES IN AN AREA FREQUENTED BY SWIMMERS, KAYAKERS AND PADDLE BOARDERS. WHY DON'T THEY GO AHEAD AND SUBMERGE 249.87 ACRES OF BARBED WIRE BECAUSE WHAT AWAITS THE SWIMMERS UNDER THE WATER'S SURFACE IS GOING TO SERRATE THEM. WITH THE PRESENCE OF HARMFUL BACTERIA LIKE VIBRIO AND MICRO BACTERIA MARINUM THAT ENTER THE BODY THROUGH OPEN CUTS, THE PROPOSED LOCATION OF THESE OYSTER CAGES IS AN IRRESPONSIBLE IDEA. THE RAPPAHANNOCK RIVER'S WATERSHED IS 1,737,600 ACRES SURELY A BETTER LOCATION CAN BE PROPOSED. THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THIS APPLICATION.

Virginia Marine Resources Commission

Shellfish Management Public Comments

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Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
51	JOHN FLEMING	08/06/2026 16:23:40 PM	OPPOSE

jffleming094@gmail.com

I AM WRITING TO REGISTER MY STRONG AND UNEQUIVOCAL OBJECTION TO APPLICATION NO. 2024035, FILED BY DIXIE M. DOERR AND NATHAN R. CUTLER OF 2179 WAKE RD., WAKE, VA 23176, SEEKING A PRIVATE OYSTER PLANTING GROUND OF APPROXIMATELY 249.87 ACRES IN THE LOWER RAPPAHANNOCK RIVER NEAR MIDDLESEX COUNTY LAT/LONG N37-34.2258, W76-18.8952 . I URGE THE COMMISSION TO DENY THIS APPLICATION IN FULL. 1. THE PUBLIC RECORD ALREADY ESTABLISHES OVERWHELMING, SUBSTANTIATED OPPOSITION. AS OF THIS WRITING, EVERY ONE OF THE ROUGHLY 48 PUBLIC COMMENTS FILED ON THIS APPLICATION " FROM RESIDENTS OF STURGEON CREEK, MONTGOMERY COVE, TIMBERNECK BEACH, AND THE SURROUNDING DELTAVILLE/MIDDLESEX SHORELINE " OPPOSES IT. THIS IS NOT A MATTER OF A FEW DISGRUNTLED NEIGHBORS IT IS A UNANIMOUS, DETAILED, FIRST-HAND RECORD FROM THE PEOPLE WHO USE THESE WATERS DAILY. SEVERAL FACTS RECUR SO CONSISTENTLY ACROSS INDEPENDENT COMMENTERS THAT THEY SHOULD BE TREATED AS ESTABLISHED, NOT SPECULATIVE: " THE PROPOSED GROUNDS COVER THE UNMARKED, SHIFTING CHANNEL THAT IS THE SOLE NAVIGABLE ROUTE BETWEEN STURGEON CREEK AND THE RAPPAHANNOCK RIVER. AT LEAST A DOZEN STURGEON CREEK RESIDENTS INDEPENDENTLY IDENTIFY THIS SAME CHANNEL AND WARN THAT ANY STRUCTURE PLACED IN IT WILL STRAND OR ENDANGER THE HUNDREDS OF BOATS THAT TRANSIT IT DAILY, PARTICULARLY AT NIGHT, IN FOG, OR DURING THE LOW-TIDE CONDITIONS THE CHANNEL ALREADY STRUGGLES WITH. " DERELICT OYSTER GEAR FROM EXISTING OPERATIONS IN THIS IMMEDIATE AREA HAS ALREADY WASHED ASHORE AND CAUSED A DOCUMENTED NEAR-MISS. ONE RESIDENT DESCRIBES RETRIEVING TWO LOOSE CAGES FROM THEIR BEACH AND A SEPARATE INCIDENT IN WHICH A BOAT TOWING CHILDREN ON A TUBE ENCOUNTERED A SUBMERGED CAGE IN SHALLOW WATER DIRECTLY IN FRONT OF THEIR PROPERTY, NARROWLY AVOIDING INJURY. THIS IS NOT A HYPOTHETICAL FUTURE RISK " IT IS A DEMONSTRATED, ONGOING HAZARD FROM OPERATIONS ALREADY PRESENT, WHICH THIS APPLICATION WOULD SUBSTANTIALLY EXPAND. " THE SITE IS DESCRIBED AS IMMEDIATELY ADJACENT TO A PROTECTED OYSTER BAR AND TO SHALLOW, HISTORICALLY EELGRASS-VEGETATED FLATS THAT RESIDENTS REPORT ARE SHOWING EARLY SIGNS OF NATURAL SAV RECOVERY " PRECISELY THE KIND OF NURSERY HABITAT RECOVERY THAT A 250-ACRE COMMERCIAL BUILDOUT WOULD FORECLOSE. " THE AREA HAS EXCEPTIONALLY HIGH, UNBUFFERED EXPOSURE TO NORTHEAST STORMS FUNNELED AROUND WINDMILL POINT, WITH RESIDENTS REPORTING RECURRING EROSION AND DEBRIS DEPOSITION EVEN WITHOUT THIS PROJECT MULTIPLE COMMENTERS STATE THIS MAKES THE SITE ESPECIALLY POORLY SUITED TO GEAR THAT WILL INEVITABLY BREAK LOOSE AND SCATTER ACROSS THE SHORELINE. " SEVERAL COMMENTERS REPORT THIS STRETCH OF SHORELINE HAS BEEN IN CONTINUOUS RESIDENTIAL AND RECREATIONAL USE BY THEIR FAMILIES FOR PERIODS RANGING FROM 60 TO NEARLY 100 YEARS, AND THAT THE MONTGOMERY COVE COMMUNITY'S ACCESS TO THE RIVER DATES TO THE EARLY 1800S. I ADOPT AND INCORPORATE THESE CONCERNS BY REFERENCE, AND URGE THE COMMISSION TO TREAT THE CONSISTENCY AND SPECIFICITY OF THIS PUBLIC RECORD " NOT JUST ITS VOLUME " AS STRONG EVIDENCE THAT THIS SITE IS UNSUITABLE AT THIS SCALE. 2. THE SCALE OF THIS REQUEST IS EXTRAORDINARY AND WARRANTS HEIGHTENED SCRUTINY. AT NEARLY 250 ACRES, THIS APPLICATION IS MANY MULTIPLES THE SIZE OF A TYPICAL PRIVATE OYSTER GROUND LEASE. AN ASSIGNMENT OF THIS MAGNITUDE EFFECTIVELY PRIVATIZES A SIGNIFICANT STRETCH OF THE RIVERBED AND WATER COLUMN IN

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A SINGLE STROKE. VIRGINIA CODE Â§ 28.2-603 AND THE COMMISSIONâ€™S OWN REGULATIONS REQUIRE THAT LEASED GROUNDS NOT UNREASONABLY INTERFERE WITH NAVIGATION, RIPARIAN RIGHTS, OR THE PUBLICâ€™S USE OF THE WATERWAY. AN APPLICATION OF THIS FOOTPRINT SHOULD TRIGGER, AT MINIMUM, AN ON-SITE SURVEY, A PUBLIC HEARING, AND INDIVIDUALIZED NOTICE TO EVERY RIPARIAN OWNER AND WATERWAY USER WITHIN OR ADJACENT TO THE PROPOSED BOUNDARY â€” NOT ROUTINE ADMINISTRATIVE APPROVAL. 3. NAVIGATION AND RIPARIAN ACCESS ARE DIRECTLY THREATENED. OYSTER PLANTING GROUNDS OF THIS SIZE, PARTICULARLY WHEN MARKED WITH STAKES, CAGES, OR OTHER GEAR, MATERIALLY OBSTRUCT SMALL-CRAFT NAVIGATION, ANCHORING, CRABBING, AND RECREATIONAL BOATING IN AREAS THAT WATERMEN AND RESIDENTS HAVE USED WITHOUT INTERFERENCE FOR GENERATIONS. A 250-ACRE FOOTPRINT IN A RIVER OF THE LOWER RAPPAHANNOCKâ€™S WIDTH IS NOT A MARGINAL ENCROACHMENT â€” IT IS A SUBSTANTIAL TAKING OF NAVIGABLE WATER FROM PUBLIC AND RIPARIAN USE. I AND OTHER PROPERTY OWNERS/USERS IN THE VICINITY RELY ON UNOBSTRUCTED ACCESS TO THIS REACH OF THE RIVER, AND THIS APPLICATION THREATENS THAT ACCESS DIRECTLY. 4. ENVIRONMENTAL AND CUMULATIVE IMPACTS HAVE NOT BEEN ADEQUATELY ASSESSED. THE LOWER RAPPAHANNOCK SUPPORTS SUBMERGED AQUATIC VEGETATION SAV BEDS, FINFISH NURSERY HABITAT, AND NATURAL OYSTER ROCK THAT ARE ECOLOGICALLY SIGNIFICANT AND, IN PLACES, STILL RECOVERING FROM HISTORICAL OVERHARVEST AND DISEASE PRESSURE MSX/DERMO . CONVERTING NEARLY 250 ACRES OF PUBLIC BOTTOM TO INTENSIVE PRIVATE AQUACULTURE USE â€” INCLUDING THE ASSOCIATED BOAT TRAFFIC, GEAR, AND SUBSTRATE DISTURBANCE FROM HARVESTING ACTIVITY â€” CARRIES A REAL RISK OF DEGRADING ADJACENT SAV AND NATURAL BAR HABITAT. I AM NOT AWARE OF ANY ENVIRONMENTAL ASSESSMENT IN THE PUBLIC RECORD THAT ADEQUATELY ADDRESSES IMPACTS OF A LEASE AT THIS SCALE, AND I REQUEST THAT THE COMMISSION REQUIRE ONE BEFORE PROCEEDING. 5. THIS APPLICATION CONFLICTS WITH EXISTING AND TRADITIONAL USES OF THESE GROUNDS. PUBLIC OYSTER GROUNDS AND AREAS LONG USED BY WATERMEN FOR HAND-TONGING, CRABBING, AND RECREATIONAL HARVEST EXIST IN THIS SAME GENERAL AREA. GRANTING EXCLUSIVE PRIVATE CONTROL OVER SUCH A LARGE AREA RISKS DISPLACING THOSE TRADITIONAL AND PUBLIC USES IN FAVOR OF A SINGLE PRIVATE OPERATION, CONTRARY TO THE COMMISSIONâ€™S STATUTORY MANDATE TO BALANCE PRIVATE AQUACULTURE DEVELOPMENT WITH THE PUBLICâ€™S RIGHTS IN THE SUBAQUEOUS LANDS OF THE COMMONWEALTH. 6. REQUESTED ACTION. I RESPECTFULLY REQUEST THAT THE COMMISSION: â€¢ DENY APPLICATION NO. 2024035 AS FILED, CONSISTENT WITH THE UNANIMOUS PUBLIC COMMENT RECORD

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Shellfish Management Public Comments
Application Number 2024035**

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Number	Name	Received	Position
52	GEORGE R WOLTZ JR. 239-451-0627 flyvmi@yahoo.com	08/06/2026 16:41:50 PM	OPPOSE

I STRONGLY OPPOSE THE ESTABLISHMENT OF AN OYSTER FIELD AT THE AREA IDENTIFIED BY APPLICATION 2024035 DIXIE DOERR . THIS AREA IS A FAVORITE OF LOCAL FISHERMEN AS WELL AS PLEASURE CRAFT ENTHUSIAST AND WATER SPORT PARTICIPANTS. THE TIDE TABLE IN THIS AREA ALREADY PRESENTS A SIGNIFICANT CHALLENGE TO BOATERS. THIS OYSTER FIELD WILL PRESENT A SIGNIFICANT HAZARD TO NAVIGATION AND PRESENT AN UNACCEPTABLE RISK TO ALL WHO USE THIS PORTION OF THE LOWER RAPPAHANNOCK RIVER. I URGE THE VMRC TO CAREFULLY CONSIDER THE DANGER THIS OYSTER FIELD WOULD INTRODUCE AND, ACCORDINGLY, DISAPPROVE THE APPLICATION. RESPECTFULLY SUBMITTED, GRWJR

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Number	Name	Received	Position
53	MARCELO L PALMAZ	08/06/2026 16:57:46 PM	OPPOSE
marcelopalma@hotmai.com			

I WOULD LIKE TO OPPOSE THIS APPLICATION DUE TO BOATER SAFETY CONCERNS. THIS AREA IS HEAVILY USED BY BOAT TRAFFIC AND WILL CAUSE A NAVIGATIONAL HAZARD TO ALL BOATERS TRAVELING THIS PART OF THE RIVER. THE AREA WILL BE UNSIGHTLY WITH OYSTER TRAPS ALONG THE WATERFRONT. PLEASE DO NOT APPROVED THIS AREA IS SO BEAUTIFUL PLEASE DON'T RUIN IT .

**Virginia Marine Resources Commission
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Application Number 2024035**

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
54	PETER DUGAN	08/06/2026 22:59:59 PM	OPPOSE
duganp@earthlink.net			

I OPPOSE THIS LEASE AS IT WILL SEVERELY LIMIT BOAT ACCESS TO THE AREA AROUND THE OYSTER LEASE AND DRAMATICALLY ALTER THE NATURAL BEAUTY OF THE RIVER

**Virginia Marine Resources Commission
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Number	Name	Received	Position
55	JOSEPH SHEPPARD 704-425-7730 noexcuse42@aol.com	08/07/2026 07:10:09 AM	OPPOSE

TERRIBLE IDEA! SAFETY HAZARDS AS WELL AS SIGHT POLLUTION ON OUR WATERWAYS.

Virginia Marine Resources Commission

Shellfish Management Public Comments

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Number	Name	Received	Position
56	GRAHAM B SHERROD JR. 804-356-4117 gsherrodjr@gmail.com	08/09/2026 18:38:58 PM	OPPOSE

DEAR MEMBERS OF THE VIRGINIA MARINE RESOURCE COMMISSION, I AM WRITING TO RESPECTFULLY URGE YOU TO DENY THE PROPOSAL TO ESTABLISH A LARGE FLOATING OYSTER FARMING OPERATION DIRECTLY IN FRONT OF MY & MY NEIGHBORS' PROPERTIES. THIS PROPOSAL WOULD HAVE A SIGNIFICANT IMPACT ON THE RIVER AND ON THE MANY RESIDENTS WHO HAVE ENJOYED THIS WATERWAY FOR GENERATIONS. THE RIVER IS NOT SIMPLY A COMMERCIAL RESOURCE--IT IS A PLACE WHERE FAMILIES SWIM, BOAT, FISH, KAYAK, PADDLE BOARD & ENJOY THE NATURAL BEAUTY OF OR COMMUNITY. A 250-ACRE FLOATING OYSTER OPERATION WILL DRAMATICALLY CHANGE THAT EXPERIENCE & WILL INTERFERE WITH MANY OF THESE RECREATIONAL ACTIVITIES. WHILE OYSTER FARMING MAY BE A LUCRATIVE BUSINESS THE FINANCIAL INTEREST OF A PRIVATE OPERATION SHOULD NOT OUTWEIGH THE RIGHTS & QUALITY OF LIFE OF THE RESIDENTS WHO LIVE ALONG & USE THIS RIVER. MAKE NO MISTAKE, THIS APPLICATION HAS NOTHING TO DO WITH IMPROVING THE WATER QUALITY OF THE CHESAPEAKE & ITS TRIBUTARIES. WITH SHUCKED OYSTERS COMMANDING \$55 OR MORE PER QUART & RESTAURANTS SELLING A DOZEN FOR \$25-\$30 THIS IS AN ATTRACTIVE COMMERCIAL OPPORTUNITY FOR THE FARMERS, & A HUGE TAX REVENUE GENERATOR FOR MIDDLESEX COUNTY & THE STATE OF VIRGINIA. BUT THAT PROFITABILITY SHOULD NOT COME @ THE EXPENSE OF OUR COMMUNITY & OUR SHARED WATERWAY. THESE FLOATING POTS WILL & ARE GOING TO BREAK LOOSE & BECOME NAVIGATIONAL HAZARDS. THEY CAN PUNCH HOLES IN FIBERGLASS & ALUMINUM BOAT HULLS. THEY WILL ALSO LITTER THE WATERFRONT & MAKE THE RESIDENTS RESPONSIBLE FOR THE CLEAN-UP. I AM PARTICULARLY CONCERNED THAT A SMALL PANEL COULD APPROVE A PROJECT OF THIS ENORMOUS SCALE DESPITE SUBSTANTIAL OPPOSITION FROM THE RESIDENTS WHO WILL BE DIRECTLY AFFECTED. A 250 -ACRE FLOATING OPERATION IS NOT A MINOR CHANGE TO THE RIVER. IT WOULD ESSENTIALLY PLACE A MASSIVE OBSTRUCTIVE UNATTRACTIVE COMMERCIAL OPERATION IN A PRISTINE BODY OF WATER THAT RESIDENTS & THE PUBLIC HAVE CHERISHED & USED FOR YEARS. PLEASE CONSIDER & VOTE NO ON THIS 250- ACRE GARBAGE DUMP!

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Number	Name	Received	Position
57	ED JEWETT	08/11/2026 10:47:10 AM	OPPOSE

edward.f.jewett@gmail.com

AS A HOMEOWNER IN THE RAPPAHANOCK RIVER AREA, I OPPOSE THIS PARTICULAR APPLICATION BECAUSE IT IS IN THE MOST HEAVILY USED SECTION AREA OF THE LOWER RAPPAHANOCK. THERE ARE MANY MOTOR BOATS, SAILBOATS, KAYAKS, AND OTHER SMALL CRAFT USING THIS AREA ON A DAILY BASIS. THERE ARE MANY HOMES FRONTING THE RAPPAHANNOCK THAT WOULD HAVE DEGRADED VIEW-SHEDS DUE TO THIS INAPPROPRIATE USE.

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Number	Name	Received	Position
58	TOM CRICCHI 804-338-5777 tcricchi@gmail.com	08/12/2026 15:02:53 PM	OPPOSE

AS A 20+ YEAR HOMEOWNER ON HUNTON CREEK AND NOW A HOMEOWNER ON THE RAPPAHANNOCK RIVER NEAR BUSH CREEK, I AM STRONGLY OPPOSED TO THIS FARM. I VISIT HOMEOWNERS BY BOAT NEAR WHERE THIS PROPOSED FARM WOULD EXIST AND THAT CREATES CHALLENGES AND DANGERS TO ME AND MY PASSENGERS. WE TRAVERSE THAT SIDE OF THE RIVER OFTEN AND I DON'T LIKE THE AESTHETICS EITHER. THIS AREA OF THE RIVER IS CLEARLY RESIDENTIAL AND THIS FARM WOULD NOT FIT IN TO THE CHARACTER OF THE AREA.

Virginia Marine Resources Commission Shellfish Management Public Comments Application Number 2024035

Print Date: Monday August 17 2026 11:34

Number	Name	Received	Position
59	JEFFREY P COUGHTER	08/13/2026 11:22:46 AM	OPPOSE

coughterjeff@gmail.com

THANK YOU FOR THE OPPORTUNITY TO COMMENT ON OYSTER PLANTING GROUND APPLICATION 2024035. OUR PROPERTY, WHERE WE LIVE FULL-TIME, LIES DIRECTLY IN FRONT OF THIS PROPOSED OYSTER FARM. OUR FAMILY, FRIENDS, AND NEIGHBORS FREQUENTLY USE THIS AREA OF RELATIVELY SHALLOW WATER TO SWIM, PADDLEBOARD, AND KAYAK. AN OYSTER FARM WOULD MAKE THE AREA UNSAFE FOR THE ACTIVITIES WE HAVE ALL ENJOYED FOR DECADES AND WOULD IMMEASUREABLY HARM OUR VIEWSHED, THUS UNFAIRLY REDUCING THE VALUE OF OUR PROPERTY. WE SUPPORT EFFORTS TO RESTORE OYSTERS AND RELATED ACTIVITIES IN THE CHESAPEAKE BAY, BUT THIS RESIDENTIAL AREA IS SIMPLY NOT THE PLACE FOR A COMMERCIAL FARMING OPERATION. PLEASE DENY THIS APPLICATION. ELIZABETH AND JEFF COUGHTER

SHELLFISH MANAGEMENT DIVISION EVALUATION, 8/25/2026

DISCUSSION:

Modification of the 2026 Oyster Replenishment and Restoration Plan (ORP) and update on projects conducted as part of the 2026 ORP.

ISSUES:

The Commission unanimously approved the 2026 ORP at the February Commission meeting. A significant portion of the plan, as approved, included proposals to plant between 600,000 and 800,000 bushels of shell from a variety of sources. For many decades, the largest available source of shell has been deposits in the James River, where shells are extracted by a highly specialized hydraulic dredge and sorting apparatus. Approximately 85% of the shell planted over the last several decades has come from this single source. On March 6, 2026, Commission staff received notification from the company that owns this equipment that, due to a marine incident (grounding and subsequent damage), the dredge will not be available to perform this work in 2026. At the March Commission meeting the Commission approved a modified ORP to address the change in availability of suitable substrate. Part of this modified plan included the expansion of shell stockpiling on the Eastern Shore of Virginia. This is a request to further expand this stockpiling operation.

BACKGROUND:

Eastern Shore:

Naturally occurring shallow shell deposits are located in several areas on the Seaside of the Eastern Shore. These shells can be harvested with oyster dredges, similar to those used in the fishery but considerably larger and have been successfully used for replenishment projects on the Eastern Shore.

Approximately 70 acres of replenishment was conducted as part of the 2026 ORP, utilizing approximately 70,000 bushels of shell. An additional 30,000 bushels are being harvested and stockpiled from this local source. Shell from this area has been economically planted in locations near Saxis Harbor that were previously slated for replenishment with reef or “fossil” shell. An additional 85,000 bushels could be harvested and stockpiled over the fall and winter for planting in 2027.

The estimated cost range is \$2.50–\$6.50 per bushel for planting and \$2.00–\$3.50 per bushel for harvest and stockpiling. Costs may vary depending on individual locations and contract size.

Proposed Project	Up to 85,000 bushels stockpiled @ ~\$2.00 - \$3.50/bushel
Estimated Cost	Up to ~\$300,000
Funding Sources	NGF and GF (restoration)

SHELLFISH MANAGEMENT DIVISION EVALUATION, 08/25/2026

PUBLIC HEARING: Proposal to amend Chapter 4VAC 20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2026-2027 areas of public harvest, public oyster harvest seasons and oyster resource conservation measures.

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

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

Preliminary reported harvest numbers for the 2025-2026 season are lower as compared to the previous season. However, the reported harvest of ~218,000 bushels is still above the 20-year average. Information gathered during the annual stock assessment surveys of the public oyster grounds is used in conjunction with the advice and recommendations of the Shellfish Management Advisory Committee (SMAC) and the Virginia Institute of Marine Science (VIMS) to develop the proposed public oyster harvest season and recommend management measures each year.

Shellfish Management Advisory Committee meetings were held to discuss and make a recommendation on the 2026-2027 public oyster harvest season.

STAFF

RECOMMENDATION: Staff recommends adopting amendments to Chapter 4VAC 20-720 "Pertaining to Restrictions on Oyster Harvest" to establish the 2026-

2027 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

ATTACHMENTS:

1. Public Notice
2. Draft Regulation
3. SMAC Recommended Season Chart



COMMONWEALTH of VIRGINIA

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

David L. Bulova
Secretary of Natural
and Historic Resources

Joseph D. Grist
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comments on proposed amendments to regulations, as shown below. By August 6, 2026, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, August 25, 2026, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the proposals below or on items not on the agenda must be provided by 12:00 Noon, Thursday, August 20, 2026. Comments should be made at the following link: https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php or addressed to Public Comments, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

The Commission may review Fisheries or Shellfish Management Division items as early as 9:30 a.m.

I. Chapter 4 VAC 20-620, "Pertaining to Summer Flounder;" Chapter 4 VAC 20-920, "Pertaining to Landing Licenses;" Chapter 4 VAC 20-995, "Pertaining to Commercial Hook-and-Line Fishing;"

The Commission proposes to amend the above regulations to remove language requiring vessel license decals.

The purpose of these amendments is to remove license marking requirements in accordance with amendments to §28.2-234 of the Code of Virginia and reduce regulatory burden.

II. Chapter 4 VAC 20-890, "Pertaining to Channeled Whelk"

The Commission proposes to amend Chapter 4VAC20-890, "Pertaining to Channeled Whelk," to remove language requiring vessel license decals, clarify gear marking requirements, allow agenting of channeled whelk pot licenses, and clarify existing language.

The purpose of these amendments is to remove license marking requirements in accordance with amendments to §28.2-234 of the Code of Virginia, reduce regulatory burden, and modify language for law enforcement clarity.

III. Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest”

The Commission proposes to amend Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest” to establish the 2026-2027 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

In accordance with Section 28.2-203, 28.2-506, and 28.2-524 of the Code of Virginia, the purpose of these amendments is to manage the Virginia public oyster fishery for sustainable harvest and to prevent overfishing.

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

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.****PREAMBLE**

This chapter establishes times of closure and other restrictions, for conservation purposes, on the harvest of oysters from all oyster grounds in the tidal waters of the Commonwealth. This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-720-10 et seq., which was adopted ~~August 27, 2024~~ October 28, 2025, and made effective October ~~13, 2024~~ 2025. The effective date of this chapter, as amended, is October 1, ~~2025~~ 2026.

4VAC20-720-10. Purpose.

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

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

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

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

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

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

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

The Commissioner of Marine Resources or the commissioner's designee may grant exceptions to this subsection for individuals eligible for the oyster resource user fee that are unable to fully meet the transfer requirements due to hardship.

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

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

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

4VAC20-720-20. Definitions.

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

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

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

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"California Rock Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Tangier Sound south of a line that begins at a point located approximately 1.6 miles east of East Point Marsh at Latitude 37° 50.4093779' N., Longitude 75° 56.5165564' W.; thence due east to an end at a point at Latitude 37° 50.4093779' N., Longitude 75° 53.6926361' W.

“Chesapeake Bay Patent Tong Area” means all public grounds and unassigned grounds, in that area of the Chesapeake Bay, including the Deep Rock Area, bounded by a line, beginning at the southeastern corner of the Upper Chesapeake Bay - Blackberry Hangs Area, at point, located at Latitude 37° 49.4231463' N., Longitude 76° 13.1972058' W.; thence southerly to the northeastern most corner of the Deep Rock Area, at a point, located at Latitude 37° 32.2712826' N., Longitude 76° 11.4813655' W.; thence southerly to the southeastern-most point at the corner of Public Ground 6 of Mathews Counts, located at Latitude 37° 23.2914687' N., Longitude 76° 11.7129870' W.; thence southerly to Plum Tree Point, located at Latitude 37° 07.634478' N., Longitude 76° 17.4847488' W.; thence northwesterly, following the western boundaries of public grounds in and in the vicinity of the Poquoson Flats, Poquoson River, Chisman Creek, and Back River, to Tue Point, at the mouth of the York River, located at Latitude 37° 13.7353263' N., Longitude 76° 23.1214137' W.; thence northeasterly to New Point Comfort Light, located at a point, at Latitude 37° 18.0444793' N., Longitude 76° 16.5883654' W.; thence northerly, following the inshore western boundary of public clam ground 906 and 905 in Mathews County to a point, located at Latitude 37° 22.8921535' N., Longitude 76° 14.8393041' W.; thence northerly to the south western most corner of the Deep Rock Area, located at Latitude 37° 28.1475258' N., Longitude 76° 15.8185669' W.; thence northerly following the boundary of the Deep Rock Area to Cherry Point, located at Latitude 37° 30.9790359' N., Longitude 76° 17.6755365' W.; thence westerly to Stove Point, located at Latitude 37° 31.4971000' N., Longitude 76° 19.8766986' W.; thence following the shoreline north and north easterly to Stingray Point, located at Latitude 37° 33.5324634' N., Longitude 76° 17.8232983' W.; thence north easterly to the eastern most corner of Rappahannock Rotation Area 1, located at Latitude 37° 34.329127' N., Longitude 76° 15.8396537' W.; thence northerly to a point east of Windmill Point, located at Latitude 37° 36.9479925' N., Longitude 76° 16.5064757' W.; thence northerly to Hughlett Point, located at Latitude 37° 43.7775644' N., Longitude 76° 18.0814988' W.; thence northerly to the north eastern corner of public ground 28 of Northumberland County, located at Latitude 37° 46.38727361' N., Longitude 76° 18.235200' W.; thence easterly to the southeastern corner of Great Wicomico Rotation Area 2, located at Latitude 37° 46.6609063' N., Longitude 76° 15.9799327' W.; thence north to boundary line between Great Wicomico Rotation Area 1 and 2, located at Latitude 37° 48.2078168' N., Longitude 76° 15.9799324' W.; thence northerly to the south western corner of Upper Chesapeake Bay - Blackberry Hangs Area, located at Latitude 37° 50.0560555' N., Longitude 76° 15.0023233' W.; thence easterly to the southeastern corner of the Upper Chesapeake Bay - Blackberry Hangs Area, at point, located at Latitude 37° 49.4231463' N., Longitude 76° 13.1972058' W., which is the point of beginning.

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

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

Public Ground 77 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 2,300 feet northeast of Honest Point and 1,300 feet southwest of Travis Point, said

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point being Corner 1, located at Latitude 37° 59.5257207' N., Longitude 76° 27.8810639' W.; thence southwesterly to Corner 2, Latitude 37° 59.3710259' N., Longitude 76° 27.9962148' W.; thence southwesterly to Corner 3, Latitude 37° 59.2953830' N., Longitude 76° 28.0468953' W.; thence northwesterly to Corner 4, Latitude 37° 59.3350863' N., Longitude 76° 28.0968837' W.; thence northeasterly to Corner 5, Latitude 37° 59.3965161' N., Longitude 76° 28.0287342' W.; thence northwesterly to Corner 6, Latitude 37° 59.4758507' N., Longitude 76° 28.1112280' W.; thence north-northwesterly to Corner 7, Latitude 37° 59.5079401' N., Longitude 76° 28.1230058' W.; thence northeasterly to Corner 8, Latitude 37° 59.5579153' N., Longitude 76° 27.9889429' W.; thence southeasterly to Corner 1, which is the point of beginning.

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

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

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

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

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

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

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

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

“Great Wicomico River Rotation Area 1” means all Public Grounds and unassigned grounds in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay beginning at a point on Sandy Point, Latitude 37° 49.3269652' N., Longitude 76° 18.3821766' W.; thence easterly to the southern-most point of Cockrell Point, Latitude 37° 49.2664838' N., Longitude 76° 17.3454434' W.; thence easterly following the mean low water line of Cockrell Point to a point on the boundary of Public Ground 115 at Cash Point, Latitude 37° 49.2695619' N., Longitude 76° 17.2804046' W.; thence southeasterly to the gazebo on the pier head at Fleeton Point, Latitude 37° 48.7855824' N., Longitude 76° 16.9609311' W.; thence southeasterly to the Great Wicomico River Light; Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W.; thence westerly to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771' N., Longitude 76° 17.9600320' W.; thence northerly crossing the entrance to Towles Creek at the offshore ends of the jetties and continuing along the mean low water line to Bussel Point, Latitude 37° 48.6879208' N., Longitude 76° 18.4670860' W.; thence northwesterly to the northern headland of Cranes Creek, Latitude 37° 48.8329168' N., Longitude 76° 18.7308073' W.; thence following the mean low water line northerly to a point on Sandy Point, Latitude 37° 49.3269652' N., Longitude 76° 18.3821766' W., which is point being the point of beginning.

“Great Wicomico River Rotation Area 2” means all public grounds and unassigned grounds in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay beginning at a point on Great Wicomico River Light, Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W.; thence due south to a point due east of the southern-most point of Dameron Marsh, Latitude 37° 46.6610003' N., Longitude 76° 16.0570007' W.; thence

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due west to the southern-most point of Dameron Marsh, Latitude 37° 46.6609070' N., Longitude 76° 17.2670707' W.; thence along the mean low water line of Dameron Marsh, north and west to Garden Point, Latitude 37° 47.2519872' N., Longitude 76° 18.4028142' W.; thence northwesterly to Windmill Point, Latitude 37° 47.5194547' N., Longitude 76° 18.7132194' W.; thence northerly along the mean low water to the western headland of Harveys Creek, Latitude 37° 47.7923573' N., Longitude 76° 18.6881450' W.; thence east-southeasterly to the eastern headland of Harveys Creek, Latitude 37° 47.7826936' N., Longitude 76° 18.5469879' W.; thence northerly along the mean low water line to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771' N., Longitude 76° 17.9600320' W., thence easterly to Great Wicomico River Light, Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W., which is the point of beginning.

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

"Hand tong" or "ordinary tong" means any pincers, nippers, tongs, or similar device used in catching oysters, which consist of two shafts or handles attached to opposable and complementary pincers, baskets or containers.

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

"Indian Creek Area" means all public grounds and unassigned grounds in that area of Indian Creek and its tributaries in Northumberland and Lancaster Counties between a line beginning at a point on the shore on the south side of the creek located at Latitude 37° 041.4021100' N., Longitude 76° 20.7493600' W.; thence in a straight line to a point on shore on the north side of the creek located at Latitude 37° 041.4999200' N., Longitude 76° 20.5974400' W.; thence southeasterly to a line beginning on the south shore of the mouth of the creek located at Latitude 37° 041.2975900' N., Longitude 76° 19.5082500' W.; thence in a straight line to a point on shore on the north side of the mouth of the creek located at Latitude 37° 041.0934000' N., Longitude 76° 18.7589400' W.

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

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W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W., which is the point of beginning.

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

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

“James River Seed Area” means all public grounds and unassigned grounds in that area of the James River and its tributaries with a southeastern boundary beginning at a point on the shore on the south side of the river at Rainbow Farm Point in Isle of Wight County located at Latitude 37° 00.1965862' N., Longitude 76° 34.0712010' W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328' N., Longitude 76° 33.5955842' W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160' N., Longitude 76° 33.3887351' W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540' N., Longitude 76° 32.0960864' W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055' N., Longitude 76° 31.4231211' W.; thence to a point on the north shore of the river at Blunt (Blount) Point, in the City of Newport News, located at Latitude 37° 03.3805862' N., Longitude 76° 31.1444562' W.; the northern boundary, being a straight line, beginning at a point on the shore on the east side of the river in the City of Newport News, at Latitude 37° 08.4458787' N., Longitude 76° 37.2855533' W., thence westerly to the southeast corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4466039' N., Longitude 76° 37.4523346' W.; thence westerly to the southwest corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4490472' N., Longitude 76° 38.0215554' W.; thence westerly to a point on the shore on the west side of the river at the mouth of Lawnes Creek in Isle of Wight County, Latitude 37° 08.4582990' N., Longitude 76° 40.2816023' W.

“Johnsons” means that area of the Pocomoke and Tangier Sounds Management Area consisting of Public

Ground 4 of Accomack County described as:

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Public Ground 4 of Accomack County, known as Johnsons Rock, is located in the Tangier Sound, beginning at a point , said point being Corner 1, located at Latitude 37° 48.1576156' N., Longitude 75° 56.5128256' W.; thence southerly to Corner 2, Latitude 37° 46.7576377' N., Longitude 75° 56.5628338' W.; thence westerly to Corner 3, Latitude 37° 46.9576307' N., Longitude 75° 57.3628556' W.; thence northerly to Corner 4, Latitude 37° 48.1742797' N., Longitude 75° 57.0128107' W.; thence north westerly to Corner 5, Latitude 37° 48.6909250' N., Longitude 75° 58.0461930' W.; thence easterly to Corner 6, Latitude 37° 48.9742567' N., Longitude 75° 57.3961833' W; thence south easterly to Corner 1, which is the point of beginning.

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

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

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

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

"Milford Haven" means all public grounds and unassigned grounds in that area of Milford Haven and its tributaries bound on the west by a line from a point on the southernmost point of land of the north shore of Milford

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Haven being near the end of State Route 634, Latitude 37° 29.5971' N., Longitude 76° 18.1822' W.; thence south-southeasterly to a point on the northeast corner of the pier head of the long pier being on the south shore of Milford Haven immediately west of the Sea Farms Inc. facility, Latitude 37° 29.3546' N., Longitude 76° 18.1323' W.; thence following the east side of the pier to the shore and bound on the east by a line from a point on the shore at the western headland of the wash formerly Hills Creek, Latitude 37° 29.0278' N., Longitude 76° 16.3834' W.; thence easterly to a point on the north shore of Sandy Point near Latitude 37° 29.0017' N., Longitude 76° 16.1640' W.; thence following the shore of the east side of Sandy Point to a point on the shoreline at Latitude 37° 28.6233' N., Longitude 76° 15.8605' W.; thence in a line south-southeasterly to a point on the breakwater at Haven Beach, Latitude 37° 26.2006' N., Longitude 76° 15.1257' W.

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

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

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

“Nassawadox Creek Area” means all public grounds in Nassawadox Creek in Northampton County.

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

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

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Public Ground 28 of Westmoreland County is located at the mouth of Nomini Creek, beginning at a point approximately 50 feet west of White Oak Point, said point being Corner 1, located at Latitude 38° 07.6429987' N., Longitude 76° 43.0337082' W.; thence south-southeasterly to Corner 2, Latitude 38° 07.2987193' N., Longitude 76° 43.1101420' W.; thence northwesterly to Corner 3, Latitude 38° 07.7029267' N., Longitude 76° 43.3337762' W.; thence west to the mean low water line, Latitude 38° 07.7031535' N., Longitude 76° 43.3378345' W.; thence northerly and westerly along the mean low water line of Nomini Creek to a point southwest of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence northeasterly to a point on the mean low water line at the southern-most point of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence following the mean low water line of the southern and eastern sides of Cedar Island to a point, Latitude 38° 08.0164430' N., Longitude 76° 43.4773169' W.; thence northeasterly to Corner 4, Latitude 38° 08.0712849' N., Longitude 76° 43.4416606' W.; thence northeasterly to a point on the northern headland of Nomini Creek at the mean low water line, said point being Corner 5, Latitude 38° 08.2729626' N., Longitude 76° 43.3105315' W.; thence following the mean low water line of White Point to a point northwest of Snake Island, Corner 6, Latitude 38° 08.4066960' N., Longitude 76° 42.9105565' W.; thence southeast, crossing the mouth of Buckner Creek, to a point on the mean low water line of Snake Island, Corner 7, Latitude 38° 08.3698254' N., Longitude 76° 42.8939656' W.; thence southeasterly following the mean low water line of Snake Island to Corner 8, Latitude 38° 08.2333798' N., Longitude 76° 42.7778877' W.; thence south-southwesterly, crossing the mouth of Buckner Creek, to Corner 9, Latitude 38° 08.2134371' N., Longitude 76° 42.7886409' W.; thence southeasterly to a point on the mean low water line of the southern headland of Buckner Creek, Corner 10, Latitude 38° 08.1956281' N., Longitude 76° 42.7679625' W.; thence southwesterly following the mean low water line of Nomini Creek, crossing the mouth of an un-named cove at the narrowest point between the headlands and continuing to follow the mean low water line to a point on White Oak Point, Latitude 38° 07.6428228' N., Longitude 76° 43.0233530' W.; thence west to Corner 1, which is the point of beginning.

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

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

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

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

"Piankatank River Hand Tong Area" means those areas in the Piankatank River known as Bland Point, Burton Point, ~~and~~ Cape Tune, and Palace Bar.

Bland Point means that area in the Piankatank River bounded by a line beginning at a point located at Latitude 37° 31.7504466' N., Longitude 76° 21.3243911' W.; thence westerly to a point located at Latitude 37° 31.7928543' N., Longitude 76° 21.5539642' W.; thence northerly to a point located at Latitude 37° 31.9666666' N., Longitude 76° 21.4833333' W.; thence easterly to a point located at Latitude 37°

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31.916666'N., Longitude 76° 21.2666666' W.; thence southerly to a point located at Latitude 37° 31.7504466' N., Longitude 76° 21.3243911' W., which is the point of beginning.

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

Cape Tune means that area in the Piankatank River bounded by a line beginning at a point located at Latitude 37° 31.1154576' N., Longitude 76° 20.8133418' W.; thence easterly to a point located at Latitude 37° 31.0500000 ' N., Longitude 76° 20.6333333 ' W.; thence southerly to a point located at Latitude 37° 30.8250970 ' N., Longitude 76° 20.7108568 ' W.; thence westerly to a point located at Latitude 37° 30.8350000' N., Longitude 76° 20.9683333' W.; thence northerly to a point located at Latitude 37° 31.1154576' N., Longitude 76° 20.8133418' W., which is the point of beginning.

~~“Piankatank River Hand Tong Area” means that area in the Piankatank River known as Palace Bar means~~

that area in the Piankatank River bounded by a line beginning at a point located at Latitude 37°

31.6366756' N., Longitude 76° 22.2999953' W.; thence northly to a point located at Latitude 37°

31.7574943' N., Longitude 76° 22.2966779' W.; thence northeasterly to a point located at Latitude

37° 31.8291757' N., Longitude 76° 22.2483355' W.; thence southeasterly to a point located at Latitude

37° 31.8166854' N., Longitude 76° 22.1433377' W.; thence southeasterly to a point located at Latitude 37°

31.7500276' N., Longitude 76° 22.0166809' W.; thence southeasterly to a point located at Latitude 37°

31.6000121' N., Longitude 76° 21.9166733' W.; thence westerly to a point located at Latitude 37°

31.6199872' N., Longitude 76° 22.1500353' W.; thence westerly to a point located at Latitude 37°

31.6366756' N., Longitude 76° 22.2999953' W., being the point of beginning, containing 38.53 acres.

“Pocomoke Sound Area” means that area of Pocomoke Sound inside of Public Ground ~~4011~~ of Accomack County.

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

Public Ground 9 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 1.06 nautical miles north-northeast of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 57.2711566’ N., Longitude 75° 42.2870790’ W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 57.2896577’ N., Longitude 75° 41.9790727’ W.; thence southerly to Corner 3, Latitude 37° 57.2574850’ N., Longitude 75° 41.9790730’ W.; thence southwesterly to Corner 4, Latitude 37° 57.2288700’ N., Longitude 75° 42.0077287’ W.; thence west-southwesterly to Corner 5, Latitude 37° 57.2034533’ N., Longitude 75° 42.1511250’ W.; thence south-southwesterly to Corner 6, Latitude 37° 57.0940590’ N., Longitude 75° 42.1935214’ W.; thence south-southeasterly to Corner 7, Latitude 37° 57.0551726’ N., Longitude 75° 42.1814457’ W.; thence southwesterly to Corner 8, Latitude 37° 56.9408327’ N., Longitude 75° 42.2957912’ W.; thence south-southwesterly to Corner 9, Latitude 37° 56.6574947’ N., Longitude 75° 42.3790819’ W.; thence southwesterly to Corner 10, Latitude 37° 56.5790952’ N., Longitude 75° 42.5228752’ W.; thence west-southwesterly to Corner 11, Latitude 37° 56.5712564’ N., Longitude 75° 42.5915437’ W.; thence south-southeasterly to Corner 12, Latitude 37° 56.5441067’ N., Longitude 75° 42.5869894’ W.; thence southwesterly to Corner 13, Latitude 37° 56.4575045’ N., Longitude 75° 42.7458050’ W.; thence west-southwesterly to Corner 14, Latitude 37° 56.2575123’ N., Longitude 75° 43.3791097’ W.; thence southwesterly to Corner 15, Latitude 37° 55.7408688’ N., Longitude 75° 43.7957804’ W.; thence westerly to Corner 16, Latitude 37° 55.7575327’ N., Longitude 75° 43.9458298’ W.; thence northwesterly to Corner 17, Latitude 37° 55.8908661’ N., Longitude 75° 44.1291309’ W.; thence north-northeasterly to Corner 18, Latitude 37° 55.9908639’ N., Longitude 75°

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44.0791266' W.; thence northeasterly to Corner 19, Latitude 37° 56.1241858' N., Longitude 75° 43.8791328' W.; thence north- northeasterly to Corner 20, Latitude 37° 56.4075136' N., Longitude 75° 43.7291361' W.; thence northeasterly to Corner 21, Latitude 37° 56.8241664' N., Longitude 75° 43.2624601' W.; thence north-northeasterly to Corner 22, Latitude 37° 57.0706006' N., Longitude 75° 43.1480402' W.; thence east-northeasterly along the Maryland-Virginia state line to Corner 1, which is the point of beginning.

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

Public Ground 11 of Accomack County consists of the area bounded by a line beginning at a point located at Latitude 37° 54.2242247' N., Longitude 75° 46.8458531' W.; thence northeasterly to a point located at Latitude 37° 54.7717652' N., Longitude 75° 46.2306934' W.; thence southeasterly to a point located at Latitude 37° 54.7655487' N., Longitude 75° 46.2246266' W.; thence northeasterly to a point located at Latitude 37° 55.1625018' N., Longitude 75° 45.7462838' W.; thence northwesterly to a point located at Latitude 37° 55.1713750' N., Longitude 75° 45.7562587' W.; thence northeasterly to a point located at Latitude 37° 55.4058815' N., Longitude 75° 45.4541658' W.; thence northeasterly to a point located at Latitude 37° 55.5742129' N., Longitude 75° 44.8291700' W.; thence northeasterly to a point located at Latitude 37° 55.5923356' N., Longitude 75° 44.7851143' W.; thence northeasterly to a point located at

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Latitude 37° 55.6009795' N., Longitude 75° 44.7641422' W.; thence southeasterly to a point located at Latitude 37° 55.5842236' N., 75° 44.7554991' W.; thence southeasterly to a point located at Latitude 37° 55.5265366' N., Longitude 75° 44.6897855' W.; thence northeasterly to a point located at Latitude 37° 55.6926202' N., Longitude 75° 44.3730212' W.; thence northwesterly to a point located at Latitude 37° 55.7414951' N., Longitude 75° 44.4228784' W.; thence northeasterly to a point located at Latitude 37° 55.8075338' N., Longitude 75° 44.2624885' W.; thence southernly to a point located at Latitude 37° 55.6345499' N., Longitude 75° 44.2772024' W.; thence southwesterly to a point located at Latitude 37° 55.5620352' N., Longitude 75° 44.4066645' W.; thence southeasterly to a point located at Latitude 37° 55.4972479' N., Longitude 75° 44.3397091' W.; thence northeasterly to a point located at Latitude 37° 55.5576916' N., Longitude 75° 44.2459142' W.; thence southeasterly to a point located at Latitude 37° 55.4242118' N., Longitude 75° 44.1791595' W.; thence southeasterly to a point located at Latitude 37° 55.3575442' N., Longitude 75° 43.9958019' W.; thence southwesterly to a point located at Latitude 37° 54.8742193' N., Longitude 75° 44.7625058' W.; thence southernly to a point located at Latitude 37° 54.4075648' N., Longitude 75° 44.5291567' W.; thence southeasterly to a point located at Latitude 37° 54.0909029' N., Longitude 75° 44.2291560' W.; thence southwesterly to a point located at Latitude 37° 54.0075735' N., Longitude 75° 44.4791578' W.; thence northwesterly to a point located at Latitude 37° 54.1075697' N., Longitude 75° 44.5958138' W.; thence westerly to a point located at Latitude 37° 54.0909049' N., Longitude 75° 45.1291836' W.; thence northwesterly to a point located at Latitude 37° 54.1909062' N., Longitude 75° 45.2291611' W.; thence northwesterly to a point located at Latitude 37° 54.3242309' N., Longitude 75° 45.6624951' W.; thence southwesterly to a point located at Latitude 37° 54.3075702' N., Longitude 75° 45.7458522' W.; thence southwesterly to a point located at Latitude 37° 53.8075670' N.,

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Longitude 75° 46.7292265' W.; thence northerly to a point located at Latitude 37° 54.2242247' N., Longitude 75° 46.8458531' W., being the point of beginning, containing 1650.39 acres.

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

~~Public Ground 9 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland Virginia state line, located in the Pocomoke Sound approximately 1.06 nautical miles north-northeast of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 57.2711566' N., Longitude 75° 42.2870790' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 57.2896577' N., Longitude 75° 41.9790727' W.; thence southerly to Corner 3, Latitude 37° 57.2574850' N., Longitude 75° 41.9790730' W.; thence southwesterly to Corner 4, Latitude 37° 57.2288700' N., Longitude 75° 42.0077287' W.; thence west-southwesterly to Corner 5, Latitude 37° 57.2034533' N., Longitude 75° 42.1511250' W.; thence south-southwesterly to Corner 6, Latitude 37° 57.0940590' N., Longitude 75° 42.1935214' W.; thence south-southeasterly to Corner 7, Latitude 37° 57.0551726' N., Longitude 75° 42.1814457' W.; thence southwesterly to Corner 8, Latitude 37° 56.9408327' N., Longitude 75° 42.2957912' W.; thence south-southwesterly to Corner 9, Latitude 37° 56.6574947' N., Longitude 75° 42.3790819' W.; thence southwesterly to Corner 10, Latitude 37° 56.5790952' N., Longitude 75° 42.5228752' W.; thence west-southwesterly to Corner 11, Latitude 37° 56.5712564' N., Longitude 75° 42.5915437' W.; thence south-southeasterly to Corner 12, Latitude 37° 56.5441067' N., Longitude 75° 42.5869894' W.; thence southwesterly to Corner 13, Latitude 37° 56.4575045' N., Longitude 75° 42.7458050' W.; thence west-southwesterly to Corner 14, Latitude 37°~~

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~~56.2575123' N., Longitude 75° 43.3791097' W.; thence southwesterly to Corner 15, Latitude 37° 55.7408688' N., Longitude 75° 43.7957804' W.; thence westerly to Corner 16, Latitude 37° 55.7575327' N., Longitude 75° 43.9458298' W.; thence northwesterly to Corner 17, Latitude 37° 55.8908661' N., Longitude 75° 44.1291309' W.; thence north-northeasterly to Corner 18, Latitude 37° 55.9908639' N., Longitude 75° 44.0791266' W.; thence northeasterly to Corner 19, Latitude 37° 56.1241858' N., Longitude 75° 43.8791328' W.; thence north-northeasterly to Corner 20, Latitude 37° 56.4075136' N., Longitude 75° 43.7291361' W.; thence northeasterly to Corner 21, Latitude 37° 56.8241664' N., Longitude 75° 43.2624601' W.; thence north-northeasterly to Corner 22, Latitude 37° 57.0706006' N., Longitude 75° 43.1480402' W.; thence east-northeasterly along the Maryland-Virginia state line to Corner 1, which is the point of beginning.~~

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

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

“Pocomoke and Tangier Sounds Rotation Area 2” means all public grounds and unassigned grounds within an area of the PTSMA in Pocomoke and Tangier Sounds, bounded by a line beginning at the house on Great Fox Island, located at Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southerly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence westerly to a point, Latitude

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

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

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

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

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

“Rappahannock River Rotation Area 1” means all public grounds in that area of the Rappahannock River and Chesapeake Bay bounded by a line offshore and across the mouth of the Rappahannock River from a point on the mean low water line of Windmill Point, located at Latitude 37° 36.8200000' N., Longitude 76° 16.9460000' W.; thence southeast to Windmill Point Light, Latitude 37° 35.7930000' N., Longitude 76° 14.1800000' W.; thence southwesterly to Stingray Point Light, Latitude 37° 33.6730000' N., Longitude 76° 16.3620000' W.; thence westerly to a point on the mean low water line of Stingray Point, Latitude 37° 33.6920000' N., Longitude 76° 17.9860000' W.; and bounded upstream by a line from the mean low water line west of Broad Creek, Latitude

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37° 33.9520000' N., Longitude 76° 19.3090000' W.; thence northeasterly to a VMRC Buoy on the Baylor line, Latitude 37° 34.5310000' N., Longitude 76° 19.1430000' W.; thence northeasterly to a VMRC Buoy, Latitude 37° 34.6830000' N., Longitude 76° 19.1000000' W.; thence northwesterly to a VMRC Buoy, Latitude 37° 35.0170000' N., Longitude 76° 19.4500000' W.; thence northwesterly to Sturgeon Bar Light “7R”, Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence continuing northwesterly to Mosquito Point Light “8R”, Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence northwesterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

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

“Rappahannock River Rotation Area 3” means all public grounds in that area of the Rappahannock River beginning from the north channel fender at the Robert O. Norris, Jr. Bridge, located at Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence southeast to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southwest to Mill Creek Channel Marker “2”, Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence southwesterly to Mill Creek Channel Marker “4”, Latitude 37° 35.0830000' N., Longitude 76° 24.9500000' W.; thence northeasterly to Parrotts Creek Channel Marker “1”, Latitude 37° 36.0330000' N., Longitude 76° 25.4170000' W.; thence northerly to VMRC Buoy, Latitude 37° 36.3330000' N., Longitude 76° 25.2000000' W.; thence northerly to the north channel fender of the Robert O. Norris, Jr. Bridge, which is the point of beginning.

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

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VMRC Buoy “Drumming-East”, Latitude 37° 38.8330000' N., Longitude 76° 27.5670000' W.; thence northeasterly to Orchard Point, Latitude 37° 38.9240000' N., Longitude 76° 27.1260000' W.

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

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

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

“Thorofare” means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Tangier Sound north of a line beginning at a point, located at Latitude 37° 51.3670743' N., Longitude 75° 53.7526426' W., thence west to an end at a point at Latitude 37° 51.3505943' N., Longitude 75° 56.5300708' W.

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

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

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“White Shoal” means all Public Grounds and unassigned grounds in that area of the James River, bounded by a line, beginning at a point, Corner 1, located at Latitude 37° 01.2430528’ N., Longitude 76° 31.8484099’ W.; thence northwesterly to Corner 2, Latitude 37° 01.6296514’ N., Longitude 76° 32.3400073’ W.; thence northwesterly to Corner 3, Latitude 37° 01.9737472’ N., Longitude 76° 33.0234175’ W.; thence westerly to Corner 4, Latitude 37° 02.3528838’ N., Longitude 76° 32.7785342’ W.; thence southeasterly to Corner 5, Latitude 37° 01.7124499’ N., Longitude 76° 31.8210668’ W.; thence southeasterly to Corner 6, Latitude 37° 01.3285092’ N., Longitude 76° 31.0444525’ W.; thence westerly to Corner 1, which is the point of beginning.

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

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

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

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

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

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southeasterly to Corner 3, Latitude 38° 00.6693092' N., Longitude 76° 32.4161866' W.; thence southwesterly to Corner 4, Latitude 38° 00.6418466' N., Longitude 76° 32.5394849' W.; thence northwesterly to Corner 1, which is the point of beginning.

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

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

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

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

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

Public Ground 4 of King and Queen County, known as Bell Rock, is located in the York River, beginning at said point being Corner 1, located at Latitude 37° 29.1377467' N., Longitude 76° 45.0390139' W.; thence southerly to Corner 2, Latitude 37° 29.0456979 ' N., Longitude 76° 45.0642131 ' W.; thence northwesterly to Corner 3, Latitude 37° 29.5582048 ' N., 76° 45.8484481 ' W.; thence continuing

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northwesterly to Corner 4, 37° 29.8480848' N., Longitude 76° 46.5362330' W.; thence northeasterly to Corner 5, Latitude 37° 30.0087805' N., 76° 46.3513889' W.; thence continue southeasterly to Corner 6, Latitude 37° 29.6554103' N., Longitude 76° 45.5620462' W., thence continuing southeasterly to Corner 7, Latitude 37° 29.1838193' N., 76° 44.8908342' W., thence continue southeasterly to Corner 8, Latitude 37° 29.1094227' N., 76° 44.7985114' W., thence continue southeasterly to Corner 9, Latitude 37° 28.9796379' N., 76° 44.6726329' W., thence continue southeasterly to Corner 10, Latitude 37° 28.7771294' N., 76° 44.5058580' W., thence continue southeasterly to Corner 11, Latitude 37° 28.6286905' N., 76° 44.4140389' W., thence continue southeasterly to Corner 12, Latitude 37° 28.4745509' N., 76° 44.3267558' W., thence continue southeasterly to Corner 13, Latitude 37° 28.4379124' N., 76° 44.2964890' W., thence continue southeasterly to Corner 14, Latitude 37° 28.3255929' N., 76° 44.2037875' W., thence continue southeasterly to Corner 15, Latitude 37° 28.2389865' N., 76° 44.1706101' W., thence continue southeasterly to Corner 16, Latitude 37° 28.2157560' N., 76° 44.1552324' W., thence westerly to Corner 17, Latitude 37° 28.1396622' N., 76° 44.3698473' W., thence northerly to Corner 18, Latitude 37° 28.7398061' N., 76° 44.7807027' W., thence continue northerly to Corner 19, Latitude 37° 28.8838652' N., 76° 44.8818391' W., thence easterly to Corner 20, Latitude 37° 28.9140411' N., 76° 44.8163514' W. thence northwesterly to Corner 1, which is the point of beginning.

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

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

4VAC20-720-30. Standing stock criteria.

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

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

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

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

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

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

It shall be unlawful to exceed the daily individual bushel harvest limit or the daily vessel bushel limit of clean cull oysters in Table 1 in this subsection.

Table 1. Clean Cull Oyster Harvest Area, Harvest Dates, Harvest Gear, and Daily Bushel Limits				
Harvest Area	Harvest Dates	Harvest Gear	Daily Individual Bushel Limit	Daily Vessel Bushel Limit
Great Wicomico River Rotation Area 1	December 1, 2025 2026, through December January 31, 2025 2027	Hand Scrape	8	16
Great Wicomico River Rotation Area 2	January December 1, 2026, through January 31, 2026 2027	Hand Scrape	8	16
James River Area 1, 2, and 3	October 15, 2025 2026, through March 31 February 28, 2026 2027	Hand Scrape	8	16
Mobjack Bay Area	February 1, 2026, through March 15, 2026	Hand Scrape	8	16
Piankatank River Area	February 1, 2026, through March 15, 2026	Hand Scrape	8	16

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Pocomoke Sound Area Public Ground 1011	February 15, 2026 <u>February 15, 2027</u> , through February 28, 2026 <u>2027</u>	Hand Scrape	8	16
Rappahannock River Area 7	December <u>January 1, 2025</u> <u>2027</u> , through December 31, 2025 <u>February 14, 2027</u>	Hand Scrape	8	16
Rappahannock River Area 8	January <u>December 1, 2026</u> , through January 31 <u>15, 2026</u> <u>2027</u>	Hand Scrape	8	16
Rappahannock River Rotation Area 21	February 1, 2026 <u>February 1, 2027</u> , through March 15 <u>February 28, 2026</u> <u>2027</u>	Hand Scrape	8	16
Rappahannock River Rotation Area 46	October 15, 2025 <u>October 15, 2026</u> , through November 30, 2025 <u>November 30, 2026</u> and <u>February 15, 2027 through</u> <u>February 28, 2027</u>	Hand Scrape	8	16
Upper Chesapeake Bay - Blackberry Hangs Area	February <u>January 1, 2026</u> <u>2027</u> , through March 15 <u>February 28,</u> <u>2026</u> <u>2027</u>	Hand Scrape	8	16
White Shoal	November 1, 2025, through February 28, 2026	Hand Scrape	8	16

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Corrotoman Hand Tong Area	October 1, 2025 <u>2026</u> , through March 31 <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
Indian Creek	October 1, 2025 <u>2026</u> , through March 31 <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2025 <u>2026</u> , through May 31, 2026 <u>2027</u>	Hand Tong	14	28
James River Areas 1, 2, and 3	October 1, 2025 <u>2026</u> , through October 14, 2025 <u>2026</u> , and April 1 <u>March 1, 2026</u> <u>2027</u> , through May 31, 2026 <u>2027</u>	Hand Tong	14	28
Little Wicomico River	October 1, 2025 <u>2026</u> , through December <u>May 31, 2025</u> <u>2027</u>	Hand Tong	14	28
Milford Haven	December <u>October 1, 2025</u> <u>2026</u> , through February 28 <u>May 31,</u> <u>2026</u> <u>2027</u>	Hand Tong	14	28
Mobjack Bay Area	October 1, 2025 <u>2026</u> , through January <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28

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<u>Nassawadox Creek</u> <u>Area</u>	<u>October 1, 2026, through</u> <u>December 31, 2026</u>	<u>Hand Tong</u>	<u>14</u>	<u>28</u>
Nomini Creek Area	October 1, 2025 <u>2026</u> , through December <u>May 31, 2025</u> <u>2027</u>	Hand Tong	14	28
Piankatank River Area	October 1, 2025 <u>2026</u> , through January <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
Pocomoke Sound Area Public Ground 1011	October 1, 2025 <u>2026</u> , through February 15 <u>14, 2026</u> <u>2027</u> , and March 1, 2026 <u>2027</u> , through March <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
Pocomoke Sound Hand Tong Area	October 1, 2025 <u>2026</u> , through March <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
Rappahannock River Area 9	October 1, 2025 <u>2026</u> , through March <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
White Shoal	October 1, 2025 <u>2026</u> , through October 31, 2025, and March 1, 2026, through <u>May 31, 2026</u> <u>2027</u>	Hand Tong	14	28
<u>Yeocomico River Area</u>	<u>October 1, 2026, through May 31,</u> <u>2027</u>	<u>Hand Tong</u>	<u>14</u>	<u>28</u>

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York River Hand Tong Area	October 1, 2025 2026, through March 15 May 31, 20262027	Hand Tong	14	28
York River Rotation Areas 1 and 2	October 1, 2025 2026, through March 15 May 31, 20262027	Hand Tong	14	28
<u>Johnsons</u>	<u>November 15, 2026, through</u> <u>November 30, 2026</u>	<u>Oyster Dredge</u>	<u>8</u>	<u>16</u>
Pocomoke and Tangier Sound Rotation Area 42	December 1, 2025 2026, through February 28, 20262027	Oyster Dredge	8	16
Thorofare	November 15, 2025, through November 30, 2025	Oyster Dredge	8	16
Deep Rock Area and Chesapeake Bay Patent Tong Area	November 1, 2025 2026, through March 31 15 , 20262027	Patent Tong	8	16
<u>Rappahannock River</u> <u>Rotation Area 1</u>	<u>December 1, 2026, through</u> <u>January 31, 2027</u>	<u>Patent Tong</u>	<u>8</u>	<u>16</u>
<u>Rappahannock River</u> <u>Rotation Area 7</u>	<u>November 1, 2026, through</u> <u>November 30, 2026</u>	<u>Patent Tong</u>	<u>8</u>	<u>16</u>

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

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Seaside Eastern Shore	November 1, 2025 2026, through March May 31, 2026 2027	By Hand or Hand Tong	14	28
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C. It shall be unlawful to harvest seed oysters from the public oyster grounds or unassigned grounds, except within the dates and areas and with the harvest gears described in Table 2 in this subsection.

Table 2. Seed Oyster Harvest Area, Harvest Dates, and Harvest Gear		
Harvest Area	Harvest Dates	Harvest Gear
James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2025 2026, through May 31, 2026 2027	Hand Tong

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

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

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

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

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

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

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

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

4VAC20-720-70. Gear restrictions.

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

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

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

4VAC20-720-75. Gear license.

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

4VAC20-720-80. (Repealed).

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.****4VAC20-720-85. James River Seed Quota and Monitoring.**

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

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

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

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

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

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

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

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

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

4VAC20-720-95. Repealed.

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

CHAPTER 4 VAC 20-720-10 ET SEQ.

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

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

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

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

4VAC20-720-105. [Repealed.]

4VAC20-720-106. [Repealed.]

4VAC20-720-110. Penalty.

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

B. In addition to the penalty prescribed by law, any person violating any provision of this chapter shall destroy, in the presence of a marine police officer, all shellfish in his possession, or, at the direction of the marine police officer, shall place the shellfish overboard on the nearest oyster sanctuary or closed shellfish area, and shall cease harvesting on that day. All harvesting apparatus may be subject to seizure, and, pursuant to § 28.2-232 of the Code of Virginia, all licenses and permits may be subject to revocation following a hearing before the Virginia Marine Resources Commission.

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201, 28.2-507, and 28.2-518, of the

Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Hampton, Virginia, August 25, 2026.

VIRGINIA MARINE RESOURCES COMMISSION

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“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

CHAPTER 4 VAC 20-720-10 ET SEQ.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____

**Joseph D. Grist
Commissioner**

Subscribed and sworn to before me this _____ day of _____ 2026.

Notary Public

PLEASE CONSULT VMRC REGULATION 4VAC 20-720 PRIOR TO HARVESTING

Area	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
James								
Clean Cull	HT	HT	HT	HT	HT	HT	HT	HT
Area 1,2,3	HT	HS*	HS*	HS*	HS*	HS*	HT	HT
White Shoal	HT	HT*	HT*	HT*	HT*	HT	HT	HT
Seed Oysters	HT	HT	HT	HT	HT	HT	HT	HT
York HTA	HT	HT	HT	HT	HT	HT	HT	HT
York 1 and 2	HT	HT	HT	HT	HT	HT	HT	HT
Mobjack/Piankatank	HT	HT	HT	HT	HT	HT	HT	HT
Milford Haven	HT	HT	HT	HT	HT	HT	HT	HT
CBPT Area		PT*	PT*	PT*	PT*	PT*		
Deep Rk		PT*	PT*	PT*	PT*	PT*		
Rappahannock								
Area 1			PT*	PT*	HS*			
Area 6	HS*	HS*			HS*			
Area 7		PT*		HS*	HS*	HT	HT	HT
Area 8			HS*	HS*		HT	HT	HT
Area 9	HT	HT	HT	HT	HT	HT	HT	HT
Corrotoman HTA	HT	HT	HT	HT	HT	HT	HT	HT
Great Wicomico 1			HS*	HS*				
Great Wicomico 2			HS*	HS*				
Blackberry Hangs				HS*	HS*			
Little Wicomico	HT	HT	HT	HT	HT	HT	HT	HT
Nomini River	HT	HT	HT	HT	HT	HT	HT	HT
Yeocomico River	HT	HT	HT	HT	HT	HT	HT	HT
Indian Creek	HT	HT	HT	HT	HT	HT	HT	HT
Poco Area 2			DR*	DR*	DR*			
Tangier Area 2			DR*	DR*	DR*			
Johnsons		DR*						
Nassawadox	HT	HT	HT					
Poco Area 11	HT	HT	HT	HT	HT	HS*	HT	HT
Poco Sound HTAs	HT	HT	HT	HT	HT	HT	HT	HT
Seaside ES		By Hand	By Hand	By Hand	By Hand	By Hand	By Hand	By Hand
		HT	HT	HT	HT	HT	HT	HT
HT	HS		DR			PT		By Hand
Hand Tong	Hand Scrape		Dredge			Patent Tong		
* harvest ends at noon/ 11am in October						Online Mandatory Reporting Codes		
Bushel Limits						HT = OT		
8 bushel limit HS/DR/PT - 16 BU. Vessel limit						HS = OSCR		
14 bushel limit HT/By Hand - 28 BU. Vessel limit						DR = OYDRD		
https://webapps.mrc.virginia.gov/harvest/						PT = PTOYS		
						BY HAND = OYHND		

FISHERIES MANAGEMENT DIVISION EVALUATION 8/25/26

PUBLIC HEARING: Proposal to amend Chapter 4VAC20-620, “Pertaining to Summer Flounder,” Chapter 4VAC20-920, “Pertaining to Landing Licenses,” and Chapter 4VAC20-995, “Pertaining to Commercial Hook-and-Line Fishing” to remove language requiring vessel license decals.

ISSUES: In 2026, the General Assembly passed House Bill 645 to allow the Commission to set licensing decal requirements. VMRC Fisheries Management staff and Law Enforcement reviewed existing decals to determine which are still necessary for identification and enforcement. It was determined that the vessel license decals for the summer flounder endorsement license, seafood landing license, commercial hook-and-line license, and commercial hook-and-line striped bass were no longer necessary.

BACKGROUND: In prior years, §28.2-234 of the Code of Virginia set forth requirements for commercial gear and vessel licensing decals. During the 2026 session of the General Assembly, House Bill 645 was passed which removed these requirements from Code and amended §28.2-234 to state “License tags or identification numbers shall be attached and displayed in a manner prescribed by the Commission.”

After the passing of this bill, staff from the Fisheries Management Division and officers from the Virginia Marine Police reviewed a list of license decals currently required to determine which, if any, are no longer necessary. Vessel decals were previously used for law enforcement and other vessels to identify that a commercial vessel is licensed for the gear it is using. However, Chapter 4VAC20-60 already requires that any person required to have a fishing license must have their licenses available for inspection while fishing, making the vessel decal redundant in some cases. Staff recommends removing gear and vessel decal requirements for certain fisheries. This will reduce regulatory burden on commercial watermen. As the agency has moved to online license sales, this will reduce agency expenses as the materials for displaying the decals will no longer be shipped to watermen. This will allow staff to focus on other tasks as they will not need to sort and package decal materials. The summer flounder endorsement license, seafood landing license, and commercial hook-and-line licenses are licensing decals identified for removal from regulation.

No public comments have been received on this item.

RECOMMENDATION: Staff recommends the Commission amend Chapter 4VAC20-620, “Pertaining to Summer Flounder,” Chapter 4VAC-920, “Pertaining to Landing Licenses,” and Chapter 4VAC-995, “Pertaining to Commercial Hook-and-line-licenses to remove language requiring vessel license decals.



COMMONWEALTH of VIRGINIA

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

David L. Bulova
Secretary of Natural
and Historic Resources

Joseph D. Grist
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comments on proposed amendments to regulations, as shown below. By August 6, 2026, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, August 25, 2026, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the proposals below or on items not on the agenda must be provided by 12:00 Noon, Thursday, August 20, 2026. Comments should be made at the following link: https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php or addressed to Public Comments, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

The Commission may review Fisheries or Shellfish Management Division items as early as 9:30 a.m.

I. Chapter 4 VAC 20-620, "Pertaining to Summer Flounder;" Chapter 4 VAC 20-920, "Pertaining to Landing Licenses;" Chapter 4 VAC 20-995, "Pertaining to Commercial Hook-and-Line Fishing;"

The Commission proposes to amend the above regulations to remove language requiring vessel license decals.

The purpose of these amendments is to remove license marking requirements in accordance with amendments to §28.2-234 of the Code of Virginia and reduce regulatory burden.

II. Chapter 4 VAC 20-890, "Pertaining to Channeled Whelk"

The Commission proposes to amend Chapter 4VAC20-890, "Pertaining to Channeled Whelk," to remove language requiring vessel license decals, clarify gear marking requirements, allow agenting of channeled whelk pot licenses, and clarify existing language.

The purpose of these amendments is to remove license marking requirements in accordance with amendments to §28.2-234 of the Code of Virginia, reduce regulatory burden, and modify language for law enforcement clarity.

III. Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest”

The Commission proposes to amend Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest” to establish the 2026-2027 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

In accordance with Section 28.2-203, 28-2-506, and 28.2-524 of the Code of Virginia, the purpose of these amendments is to manage the Virginia public oyster fishery for sustainable harvest and to prevent overfishing.

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

MEMORANDUM

TO: Joseph Grist
Commissioner
Virginia Marine Resources Commission

FROM: Kelci A. Block
Assistant Attorney General



DATE: August 17, 2026

RE: Proposed Regulation Amendments

It is my opinion that the Virginia Marine Resources Commission has authority to promulgate the proposed amendments to the following regulations under Va. Code § 28.2-201:

- 4 VAC 20-620
- 4 VAC 20-920
- 4 VAC 20-995
- 4 VAC 20-890
- 4 VAC 20-720

It is further my opinion that the regulations are exempt from the provisions of the Virginia Administrative Process Act pursuant to §2.2-4006(A)(11) of the Code of Virginia.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General. If I may be of further assistance, please do not hesitate to contact me.

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10 ET SEQ.****PREAMBLE**

This chapter establishes limitations on the commercial and recreational harvest of summer flounder in order to manage the fishing mortality rate in order to maintain a healthy stock of summer flounder. The limitations include a commercial harvest quota and possession limits, minimum size limits, and a recreational possession and season limit.

This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-204 of the Code of Virginia and amends and re-adopts, as amended, previous Chapter 4 VAC20-620-10 et seq. which was promulgated ~~April 26, 2022~~ March 26, 2024 and made effective on ~~May 1, 2022~~ April 1, 2024. The effective date of this chapter, as amended, is ~~April 1, 2024~~ January 1, 2027.

4 VAC 20-620-10. Purpose.

The purpose of this chapter is to manage commercial and recreational fishing mortality in order to maintain healthy stocks of summer flounder and to establish a license for commercial fishing vessels to land summer flounder in Virginia.

4 VAC 20-620-20. Definitions.

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

"Chesapeake Bay and its tributaries" means all tidal waters of Virginia, excluding the Potomac River tributaries and the coastal area as defined in this section.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea and all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County, including areas east of the causeway from Fisherman Island to the mainland and the City of Virginia Beach, including federal areas and state parks fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry.

“Land” or “landing” means to (i) enter port with finfish, shellfish, crustaceans, or other marine seafood on board any boat or vessel; (ii) begin offloading finfish, shellfish, crustaceans, or other marine seafood; or (iii) offload finfish, shellfish, crustaceans, or other marine seafood.

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10-ET SEQ.**

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond, thence upstream to the District of Columbia boundary.

"Safe harbor" means that a vessel has been authorized by the commissioner to enter Virginia waters from federal waters solely to either dock temporarily at a Virginia seafood buyer's place of business or traverse the Intracoastal Waterway from Virginia to North Carolina.

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

“Total length” means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

4 VAC 20-620-30. Commercial harvest quota and allowable landings.

A. During each calendar year, allowable commercial landings of summer flounder shall be limited to a quota in total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan.

B. The commercial harvest of summer flounder from Virginia tidal waters for each calendar year shall be limited to 100,000 pounds of the annual quota described in subsection A of this section.

C. It shall be unlawful for any person to harvest or to land summer flounder for commercial purposes after the commercial harvest limit or any allowable commercial landings as described in this section have been attained and announced as such. If any person lands summer flounder after the commercial harvest limit or any allowable commercial landings have been attained and announced as such, the entire amount of summer flounder in that person's possession shall be confiscated.

D. It shall be unlawful for any buyer of seafood to receive any summer flounder after any commercial harvest limit or allowable commercial landings as described in this section has been attained and announced as such.

4 VAC 20-620-40. Commercial vessel possession and landing limitations.

A. It shall be unlawful for any person harvesting summer flounder outside of Virginia's waters to do any of the following, except as described in subsections B, C, and D of this section:

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10-ET SEQ.**

1. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of 10% by weight of Atlantic croaker or the combined landings, on board a vessel, of black sea bass, scup, squid, scallops and Atlantic mackerel.
2. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of 1,500 pounds landed in combination with Atlantic croaker.
3. Fail to sell the vessel's entire harvest of all species at the point of landing.

B. Nothing in this chapter shall preclude a vessel from possessing any North Carolina or New Jersey vessel possession limit of summer flounder in Virginia; however, no vessel that possesses the North Carolina or New Jersey vessel possession limit of summer flounder shall offload any amount of that possession limit, except as described in subsection I of this section.

C. It shall be unlawful for any person to land summer flounder in Virginia that was harvested outside of Virginia waters, except as in accordance with the established seasons and landing limits announced by the Marine Resources Commission (commission). Season opening dates, closing dates, and landing limits shall be set based on market conditions and quota monitoring and announced on the commission website. Within each season announced by the commission, it shall be unlawful to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of summer flounder in excess of the combined total of the Virginia landing limit described in subdivision 2 of this subsection and the amount of the legal North Carolina or New Jersey landing limit or trip limit.
2. Land any summer flounder more than the landing limit announced by the commission.
3. Land in Virginia any amount of summer flounder more than once in any consecutive five-day period.

D. From January 1 through December 31, any boat or vessel issued a valid federal Summer Flounder moratorium permit and owned and operated by a legal Virginia Commercial Hook-and-Line Licensee that possesses a Restricted Summer Flounder Endorsement shall be restricted to a possession and landing limit of 200 pounds of summer flounder, except as described in 4 VAC 20-620-30 C.

E. Upon request by a marine police officer, the seafood buyer or processor shall offload and accurately determine the total weight of all summer flounder aboard any vessel landing summer flounder in Virginia.

F. Any possession limit described in this section shall be determined by the weight in pounds of summer flounder as customarily packed, boxed and weighed by the seafood buyer or processor.

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10 ET SEQ.**

The weight of any summer flounder in pounds found in excess of any possession limit described in this section shall be prima facie evidence of violation of this chapter. Persons in possession of summer flounder aboard any vessel in excess of the possession limit shall be in violation of this chapter unless that vessel has requested and been granted safe harbor. Any buyer or processor offloading or accepting any quantity of summer flounder from any vessel in excess of the possession limit shall be in violation of this chapter, except as described by subsection I of this section. A buyer or processor may accept or buy summer flounder from a vessel that has secured safe harbor, provided that vessel has satisfied the requirements described in subsection I of this section.

G. If a person violates the possession limits described in this section, the entire amount of summer flounder in that person's possession shall be confiscated. Any confiscated summer flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine police officer shall inventory the confiscated summer flounder and, at a minimum, secure two bids for purchase of the confiscated summer flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

H. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operations Station prior to a vessel offloading summer flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel, its captain, an estimate of the amount in pounds of summer flounder on board that vessel, and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed summer flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of summer flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any summer flounder during the period of 9 p.m. to 7 a.m.

I. It shall be unlawful for any boat or vessel possessing summer flounder on board to enter Virginia waters for safe harbor unless they have contacted the Marine Resources Commission Operations Station in advance of such entry into Virginia waters. Any boat or vessel that has entered Virginia waters for safe harbor shall only offload summer flounder when the state that licenses that vessel requests to transfer quota to Virginia, in the amount that corresponds to that vessel's possession limit, and the commissioner agrees to accept that transfer of quota.

J. It shall be unlawful for any person to possess aboard any vessel, in Virginia, any amount of summer flounder, once it has been projected and announced that 100% of the quota described in 4VAC20-620-30 A has been taken.

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10 ET SEQ.**

K. It shall be unlawful to transfer or offload summer flounder from one vessel to another vessel at sea.

4 VAC 20-620-41. Summer flounder endorsement license, restricted summer flounder endorsement license, and exemption.

A. It shall be unlawful for any boat or vessel to land summer flounder in Virginia, for commercial purposes, without first obtaining a Seafood Landing License as described in 4VAC20-920-30 and a Summer Flounder Endorsement License or possessing a Restricted Summer Flounder Endorsement License. The Summer Flounder Endorsement License shall be required of each boat or vessel used to land summer flounder for commercial purposes. Possession of any quantity of summer flounder which exceeds the possession limit, described in 4VAC20-620-60, shall be presumed to be for commercial purposes. ~~Any boat or vessel so licensed shall display a Summer Flounder Endorsement License decal, provided by the Virginia Marine Resources Commission. The decals shall be displayed on both the port and starboard sides of the pilot house.~~

B. It shall be unlawful for any buyer of seafood to receive any summer flounder from any boat or vessel which is not licensed for the landing of summer flounder unless that boat or vessel is exempt from the requirement to obtain a Seafood Landing License and a Summer Flounder Endorsement License as described in 4VAC20-920-30 and this section.

C. Any boat or vessel that is both owned and operated by a person who holds a valid Virginia Commercial Fisherman Registration License and is used solely for fishing for summer flounder only in Virginia waters shall be exempt from the requirement to obtain a Summer Flounder Endorsement License.

D. Any boat or vessel operated by a person harvesting and landing marine seafood from the Potomac River who holds a valid Potomac River Fisheries Commission commercial license shall be exempt from the requirement to obtain a Summer Flounder Endorsement License.

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10-ET SEQ.**

E. Any boat or vessel operated by a person harvesting and landing marine seafood from leased ground or reharvesting marine seafood as part of the relay process shall be exempt from the requirements to obtain a Summer Flounder Endorsement License.

F. To be eligible for a Summer Flounder Endorsement License the boat or vessel shall have landed and sold at least 500 pounds of summer flounder in Virginia in at least one year during the period of 1993 through 1995.

1. The owner shall complete an application for each boat or vessel by providing to the commission a notarized and signed statement of applicant's name, address, telephone number, boat or vessel name, and registration or documentation number and a copy of the vessel's federal Summer Flounder moratorium permit.

2. The owner shall complete a notarized authorization to allow the commission to obtain copies of landings data from the National Marine Fisheries Service.

G. To be eligible for a Restricted Summer Flounder Endorsement License (RSFEL), a person must be a legal Virginia commercial hook-and-line licensee and own a vessel issued a valid federal summer flounder moratorium permit. The person shall complete an application for the RSFEL by providing to the commission a notarized and signed statement of the person's name, address, telephone number, boat or vessel name, the boat or vessel's registration or documentation number, and a copy of that vessel's federal summer flounder moratorium permit.

H. Effective February 24, 2004, any vessel eligible for a Summer Flounder Endorsement License shall be considered a baseline vessel, and that vessel's total length shall be used to determine eligibility for all future transfers of that Summer Flounder Endorsement License. A Summer Flounder Endorsement License may be transferred from one vessel to another vessel that is entering the summer flounder fishery, provided the vessel receiving the Summer Flounder Endorsement License does not exceed by more than 10%, the total length of the baseline vessel that held that Summer Flounder Endorsement License on February 24, 2004.

4 VAC 20-620-42. Summer flounder endorsement license and hardship exception.

Any licensed fisherman who provides to the commissioner an opinion and supporting documentation from an attending physician of an existing medical condition, proof of active military service, documentation that indicates substantial vessel damage, or other significant extenuating circumstances that prevented that licensed fisherman from satisfying the eligibility criteria described in 4VAC20-620-41 F and can provide documentation of having landed at least 500 pounds of summer flounder during any one year of the 1990 through 1992 period may be authorized for an exception to the requirements to be eligible for a Summer Flounder Endorsement License as described in 4VAC20-620-41 F.

4 VAC 20-620-45. Repealed.

“PERTAINING TO SUMMER FLOUNDER”**CHAPTER 4 VAC 20-620-10 ET SEQ.****4 VAC 20-620-50. Minimum size limits.**

A. The minimum size for summer flounder harvested by commercial fishing gear shall be 14 inches in total length.

B. The minimum size of summer flounder harvested by recreational fishing gear, including hook and line, rod and reel, spear and gig, shall be 16 inches in total length January 1 through May 31 and 17.5 inches in total length June 1 through December 31, except that the minimum size of summer flounder harvested in the Potomac River tributaries shall be the same as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

C. It shall be unlawful for any person to possess any summer flounder smaller than the designated minimum size limit.

D. Nothing in this chapter shall prohibit the landing of summer flounder in Virginia that were legally harvested in the Potomac River.

4 VAC 20-620-60. Recreational possession limit.

A. It shall be unlawful for any person fishing in any tidal waters of Virginia, except the Potomac River tributaries, with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess more than four summer flounder. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by four. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any summer flounder taken after the possession limit has been reached shall be returned to the water immediately.

B. It shall be unlawful for any person fishing in the Potomac River tributaries with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess more summer flounder than the possession limit established by the Potomac River Fisheries Commission for the mainstem Potomac River. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by the possession limit established by the Potomac River Fisheries Commission for the mainstem Potomac River. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any summer flounder taken after the possession limit has been reached shall be returned to the water immediately.

C. Possession of any quantity of summer flounder that exceeds the possession limit described in subsections A and B of this section shall be presumed to be for commercial purposes.

“PERTAINING TO SUMMER FLOUNDER”

CHAPTER 4 VAC 20-620-10 ET SEQ.

4 VAC 20-620-70. Recreational fishing season.

A. The recreational fishing season for any tidal waters of Virginia, except the Potomac River tributaries, shall be open year-round.

B. The recreational fishing season for the Potomac River tributaries shall be the same as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

C. It shall be unlawful for any person fishing recreationally to take, catch, or possess any summer flounder during any closed recreational fishing season.

D. Nothing in this chapter shall prohibit the landing of summer flounder in Virginia that were legally harvested in the Potomac River.

4 VAC 20-620-75. (Repealed.)

4 VAC 20-620-80. Penalty

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

B. Any person found guilty of violating any of the seafood laws or regulations of Virginia may have their Summer Flounder Endorsement License revoked upon review by the commission as provided for in §28.2-232 of the Code of Virginia.

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§28.2-201, and 28.2-204 of the Code of Virginia, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on August 25, 2026.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

By: _____

**Joseph D. Grist
Commissioner**

“PERTAINING TO SUMMER FLOUNDER”

CHAPTER 4 VAC 20-620-10 ~~ET SEQ.~~

Subscribed and sworn to before me this _____ day of _____ 2026.

Notary Public

"PERTAINING TO LANDING LICENSES"**CHAPTER 4VAC20-920-10-ET-SEQ.****PREAMBLE**

This chapter establishes a license for the landing of seafood for commercial purposes in Virginia.

This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-228.1 of the Code of Virginia. This chapter amends and re-adopts, as amended, 4 VAC 20-920-10-~~et seq.~~, which was promulgated on ~~November 23, 2010~~ August 25, 2020 and made effective on ~~December 1, 2010~~ September 1, 2020. The effective date of this chapter, as amended, is ~~September 1, 2020~~ January 1, 2027.

4VAC20-920-10. Purpose.

The purpose of this chapter is to establish a license for the landing of seafood for commercial purposes in Virginia.

4VAC20-920-20. Definition.

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

"Land" or "landing" means to (i) enter port with finfish, shellfish, crustaceans, or other marine seafood on board any boat or vessel; (ii) to begin offloading finfish, shellfish, crustaceans, or other marine seafood; or (iii) offload finfish, shellfish, crustaceans, or other marine seafood.

4 VAC 20-920-30. License requirements and exemptions.

- A. It shall be unlawful for any boat or vessel to land seafood in Virginia for commercial purposes without a Seafood Landing License provided from the Virginia Marine Resources Commission or its agent. The license shall be required of each boat or vessel used to land seafood for commercial purposes. Possession of any quantity of a marine seafood species which exceeds the recreational possession limit for that species shall be presumed to be for

"PERTAINING TO LANDING LICENSES"

CHAPTER 4VAC20-920-10 ET SEQ.

~~commercial purposes. Any boat or vessel so licensed shall display a Seafood Landing License decal provided by the Virginia Marine Resources Commission. The decals shall be displayed on both the port and starboard sides of the pilot house.~~

- B. It shall be unlawful for any buyer of seafood to receive any marine seafood from any boat or vessel which is not licensed for the landing of seafood unless that boat or vessel is exempt from the requirement to obtain a Seafood Landing License as described in this section.
- C. Any boat or vessel which is both owned and operated by a person who holds a valid Virginia Commercial Fisherman Registration License shall be exempt from the requirement to obtain a Seafood Landing License.
- D. Any boat or vessel operated by a person harvesting and landing marine seafood from the Potomac River who holds a valid Potomac River Fisheries Commission commercial license shall be exempt from the requirement to obtain a Seafood Landing License.
- E. Any boat or vessel operated by a person harvesting and landing marine seafood from leased ground or reharvesting marine seafood as part of the shellfish relay process shall be exempt from the requirements to obtain a Seafood Landing License.

4VAC20-920-40. (Repealed).

4VAC20-920-45. (Repealed).

4 VAC 20-920-50. Penalty.

- A. As set forth in §28.2-228.1 of the Code of Virginia, the following shall constitute Class 3 misdemeanors: (i) landing seafood without the license required by this chapter and (ii) failure to produce or have available for inspection the license required by this chapter when requested by any officer. Failure to produce the license is prima facie evidence that the person is landing seafood without a license.
- B. Any person found guilty of violating any of the seafood laws or regulations of Virginia may have that person's Seafood Landing License revoked upon review by the commission as provided for in §28.2-232 of the Code of Virginia.

"PERTAINING TO LANDING LICENSES"

CHAPTER 4VAC20-920-10 ET SEQ.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on August 25, 2026.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Joseph D. Grist
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2026.

Notary Public

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10-ET-SEQ.

PREAMBLE

This chapter establishes a limited commercial hook-and-line fishery in Virginia tidal waters. Its provisions are designed to provide for a viable commercial fishery, while minimizing impacts on fully utilized fish stocks and conflicts with the recreational fishery.

This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-204.1 of the Code of Virginia.

This chapter amends previous Chapter 4 VAC 20-995-10-~~et seq.~~, "Pertaining to Commercial Hook-and-Line Fishing," which was promulgated on ~~October 30, 2018~~ February 25, 2020 and effective ~~November 2, 2018~~ March 1, 2020. The effective date of this chapter is ~~March 1, 2020~~ January 1, 2027.

4VAC20-995-10. PURPOSE.

The purpose of this chapter is to establish a viable commercial hook-and-line fishery in Virginia tidal waters while minimizing the potential for overharvesting of Virginia's fishery stocks and conflicts with the recreational fishery.

4VAC20-995-15. DEFINITION.

The following term when used in this chapter shall have the following meaning unless the context indicates otherwise:

“Immediate family member” means spouse, sibling, parent, child, grandparent, or grandchild.

“Crew member list” means those individuals registered to participate in commercial hook-and-line fishing activities with one or more individuals who possesses a valid commercial hook-and-line license.

“Year” means a calendar year.

4VAC20-995-20. ENTRY LIMITATION; CATCH RESTRICTIONS; TRANSFERS.

A. The sale of commercial hook-and-line licenses shall be limited to registered commercial

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"**CHAPTER 4VAC20-995-10-ET-SEQ.**

fishermen meeting either of the following two requirements, except as provided by subsection B of this section:

1. The fisherman shall possess a valid Commercial Fisherman Registration License and eligibility for the commercial hook-and-line license by reporting sales of at least 1,000 pounds of seafood during the course of the previous two calendar years as documented by the commission's mandatory harvest reporting program.
 2. The fisherman shall possess a valid and current striped bass permit issued by the Marine Resources Commission in accordance with Chapter 4 VAC 20-252-10-~~et~~ seq.
- B. The fisherman otherwise qualified under subdivision A 1 of this section shall be granted an exemption from the requirement to report sales of at least 1,000 pounds of seafood during the course of the previous two calendar years as documented by the commission's mandatory harvest reporting system when the following conditions are met:
1. Exemptions shall be solely based on a documented medical condition or active military service that prevented the fisherman from fully satisfying the requirements described in subdivision A 1 of this section and,
 2. Exemptions shall only be granted by the commissioner or his designee.
- C. The maximum number of general hook-and-line licenses is established as 200.
- D. A random drawing for available commercial hook-and-line licenses shall be held annually should the number of licensees by the fifth day of January in the current calendar year be less than 200. Commercial Fisherman Registration Licensees who have reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two calendar years by the fifth day of January of the current calendar year, as documented by the commission's mandatory harvest reporting program, but do not currently possess a commercial hook-and-line license shall be eligible for the random drawing.
- E. Persons who are eligible to purchase a commercial hook-and-line license by meeting the provisions of subdivision A 2 of this section may take only striped bass by commercial hook and line.
- F. Any person licensed for commercial hook and line under the provisions of subdivision A 1 of this section may transfer such license to any registered commercial fisherman, provided:

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

1. The transferee has a Commercial Fisherman Registration License.
2. Both the transferee and transferor have reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two calendar years by the fifth day of January, as documented by the commission's mandatory harvest reporting program.
3. All transfers shall be documented on a form provided by the Marine Resources Commission and approved by the Marine Resources Commissioner or his designee. Upon approval, the person entering the commercial hook-and-line fishery shall purchase a commercial hook-and-line license in his own name.
4. Transfers of commercial hook-and-line licenses between immediate family members shall be exempt from the requirements provided in subdivision 2 of this subsection.
5. No commercial hook-and-line license shall be transferred more than once per calendar year.

4VAC20-995-30. PROHIBITIONS.

- A. It shall be unlawful for any person licensed under the provisions of 4VAC20-995-20 A 1 or 2 as a commercial hook-and-line fisherman to do any of the following unless otherwise specified:
 1. Fail to be on board the vessel when that vessel is operating in a commercial hook-and-line fishing capacity.
 2. Have more than three crew members, on board the vessel at any given time provided that:
 - a. Crew members do not need to be licensed commercial fishermen but shall be registered on a crew member list with the commission on an annual basis and in advance of any fishing in any year;
 - b. One crew member per vessel need not be registered on a crew member list;
 - c. The maximum number of crew members registered to any commercial hook-and-line licensee at any one time shall be 15;
 - d. Any crew registration list submitted by any commercial hook-and-line fisherman may be revised once per calendar year; and,

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"**CHAPTER 4VAC20-995-10 ET SEQ.**

- e. A legible and approved crew member list must be maintained on board the vessel during all commercial hook-and-line activities.
- ~~3. Fail to display prominently the commercial hook and line decals, as provided by the commission, on the starboard and port sides of the vessel.~~
- 43. Fish within 300 yards of any bridge, bridge-tunnel, jetty or pier from 6 p.m. Friday through 6 p.m. Sunday.
- ~~54.~~ Fish within 300 yards of any fixed fishing device.
- ~~65.~~ Harvest black drum within 300 yards of the Chesapeake Bay-Bridge-Tunnel at any time.
- ~~76.~~ Fish recreationally on any commercial hook-and-line vessel during a commercial fishing trip.
- ~~87.~~ Use any hydraulic fishing gear or deck-mounted fishing equipment.
- ~~98.~~ Use any fishing rod and reel or hand line equipped with more than six hooks.
- ~~109.~~ Fish commercially with hook and line aboard any vessel licensed as a charter boat or head boat while carrying customers for recreational fishing.

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

- B. It shall be unlawful for any person to use a commercial hook and line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during Thanksgiving Day through the following day or during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through 6 a.m. Friday.

4VAC20-995-40. SPEAR FISHING.

It shall be unlawful for any person to harvest fish for commercial purposes by any method of spear fishing.

4VAC20-995-50. PENALTY.

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

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on August 25, 2026.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Joseph D. Grist
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2026.

Notary Public

FISHERIES MANAGEMENT DIVISION EVALUATION 8/25/26

PUBLIC HEARING: Proposal to amend Chapter 4VAC20-890, “Pertaining to Channeled Whelk,” to remove language requiring vessel license decals, clarify gear marking requirements, allow agenting of channeled whelk pot licenses, and clarify existing language.

ISSUES: In 2026, the General Assembly passed House Bill 645 to allow the Commission to set licensing decal requirements. VMRC Fisheries Management staff and Law Enforcement reviewed existing decals to determine which are still necessary for identification and enforcement. It was determined that the vessel license decal for channeled whelk pot licensees is unnecessary. While reviewing Chapter 4VAC20-890, other licensing and gear marking regulations were identified as being outdated, no longer necessary, redundant, or in need of clarification.

BACKGROUND: In prior years, §28.2-234 of the Code of Virginia set forth requirements for commercial gear and vessel licensing decals. During the 2026 session of the General Assembly, House Bill 645 was passed which removed these requirements from Code and amended §28.2-234 to state “License tags or identification numbers shall be attached and displayed in a manner prescribed by the Commission.”

After the passing of this bill, staff from the Fisheries Management Division and officers from the Virginia Marine Police reviewed a list of license decals currently required to determine which, if any, are no longer necessary. Vessel decals were previously used for law enforcement and other vessels to identify that a commercial vessel is licensed for the gear it is using. However, Chapter 4VAC20-60 already requires that any person required to have a fishing license must have their licenses available for inspection while fishing, making the vessel decal redundant in some cases. To reduce regulatory burden on commercial watermen and to reduce agency expenses and staff time, staff recommends removing vessel decal requirements for certain fisheries. The channeled whelk pot license is one such vessel licensing decal that was identified for removal from regulation.

While reviewing Chapter 4VAC20-890, staff identified several subsections where regulatory language was outdated, redundant, or could use clarification. Before 2019, the unique six-digit MRC ID issued to each VMRC license holder began with “00” as we had fewer than 10,000 licensees, so gear marking regulations only required the

last four digits of the MRC ID. New MRC IDs being issued now start with “01”, which means two watermen could have the same last four digits of their MRC ID. Staff therefore recommend the gear marking requirement be for the whole MRC ID to be inscribed on channeled whelk pot buoys. Also, mirroring language for crab pot and fish pot buoys in Chapter 4VAC20-140, staff recommends requiring the gear marking to be legible and visible, with figures no smaller than one inch in height.

Other amendments recommended for reducing regulatory burdens, eliminating redundant language, or for increasing regulatory clarity include:

- Staff recommends removing the requirement for the licensee to be on board, allowing for the use of agents as per Chapter 4VAC20-610-30 B.
- The requirement for reporting daily commercial harvest data is also in Chapter 4VAC20-610-60 for all gears, making 4VAC20-890-25 C-7 redundant.
- The last sentence of 4VAC20-890-25 D states that “No person may purchase a channeled whelk pot license unless he is a registered commercial fisherman,” which is redundant with subsection 25 A of this regulation and § 28.2-241 of the Code of Virginia.
- In section 30, language was re-arranged for law enforcement clarity while maintaining the same inspection procedure.

No public comments have been received on this item.

RECOMMENDATION: Staff recommends the Commission amend Chapter 4VAC20-890, “Pertaining to Channeled Whelk,” to remove language requiring vessel license decals, clarify gear marking requirements, allow agenting of channeled whelk pot licenses, and clarify existing language.



COMMONWEALTH of VIRGINIA

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

David L. Bulova
Secretary of Natural
and Historic Resources

Joseph D. Grist
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comments on proposed amendments to regulations, as shown below. By August 6, 2026, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, August 25, 2026, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the proposals below or on items not on the agenda must be provided by 12:00 Noon, Thursday, August 20, 2026. Comments should be made at the following link: https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php or addressed to Public Comments, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

The Commission may review Fisheries or Shellfish Management Division items as early as 9:30 a.m.

I. Chapter 4 VAC 20-620, "Pertaining to Summer Flounder;" Chapter 4 VAC 20-920, "Pertaining to Landing Licenses;" Chapter 4 VAC 20-995, "Pertaining to Commercial Hook-and-Line Fishing;"

The Commission proposes to amend the above regulations to remove language requiring vessel license decals.

The purpose of these amendments is to remove license marking requirements in accordance with amendments to §28.2-234 of the Code of Virginia and reduce regulatory burden.

II. Chapter 4 VAC 20-890, "Pertaining to Channeled Whelk"

The Commission proposes to amend Chapter 4VAC20-890, "Pertaining to Channeled Whelk," to remove language requiring vessel license decals, clarify gear marking requirements, allow agenting of channeled whelk pot licenses, and clarify existing language.

The purpose of these amendments is to remove license marking requirements in accordance with amendments to §28.2-234 of the Code of Virginia, reduce regulatory burden, and modify language for law enforcement clarity.

III. Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest”

The Commission proposes to amend Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest” to establish the 2026-2027 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

In accordance with Section 28.2-203, 28-2-506, and 28.2-524 of the Code of Virginia, the purpose of these amendments is to manage the Virginia public oyster fishery for sustainable harvest and to prevent overfishing.

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

MEMORANDUM

TO: Joseph Grist
Commissioner
Virginia Marine Resources Commission

FROM: Kelci A. Block
Assistant Attorney General



DATE: August 17, 2026

RE: Proposed Regulation Amendments

It is my opinion that the Virginia Marine Resources Commission has authority to promulgate the proposed amendments to the following regulations under Va. Code § 28.2-201:

- 4 VAC 20-620
- 4 VAC 20-920
- 4 VAC 20-995
- 4 VAC 20-890
- 4 VAC 20-720

It is further my opinion that the regulations are exempt from the provisions of the Virginia Administrative Process Act pursuant to §2.2-4006(A)(11) of the Code of Virginia.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General. If I may be of further assistance, please do not hesitate to contact me.

"PERTAINING TO CHanneled WHELK"**CHAPTER 4VAC20-890-10-ET SEQ.****PREAMBLE**

This chapter establishes a limited entry channeled whelk pot fishery for channeled whelk in designated Virginia tidal waters. Its provisions are designed to provide for a viable commercial fishery, while minimizing the potential for overfishing the channeled whelk stock in Virginia. This chapter establishes limitations on the commercial harvest and possession of channeled whelks, in order to conserve this resource and provide for continued recruitment of channeled whelk to the fishery. The limitations include a minimum possession size and landing limit and restrictions on the type of gear which can be used to harvest channeled whelk from designated Virginia waters.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-890-10-~~et seq.~~ which was promulgated ~~April 24, 2007~~ March 26, 2019 and made effective on ~~July 1, 2007~~ April 1, 2019.

The effective date of this chapter, as amended, is ~~April 1, 2019~~ January 1, 2027.

4VAC20-890-10. PURPOSE.

The purpose of this regulation is to establish a viable commercial fishery for channeled whelk in Virginia waters while minimizing the potential for overfishing of Virginia channeled whelk stocks.

4VAC20-890-20. DEFINITIONS.

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

"Bait bag" means a bag, box, or other container, with mesh, slats or other types of openings no greater than three-eighths of an inch in one dimension, either width or length, that is designed for

"PERTAINING TO CHANNELED WHELK"**CHAPTER 4VAC20-890-10 ET SEQ.**

the purposes of containing the bait within a channeled whelk pot.

"Basket" means a circular plastic mesh container of 2,566 cubic inches, with a top inside diameter of 17 inches, bottom inside diameter of 13.5 inches, and an inside height of 14".

"Bushel" means a Virginia bushel with a volumetric measure equivalent to 1.4 U.S. standard bushels or 3,003.9 cubic inches.

"Channeled whelk" means any whelk of the species *Busycotypus canaliculatus*.

"Land" or "landing" means to enter port with channeled whelk on board any boat or vessel, to begin offloading channeled whelk, or to offload channeled whelk.

"Length" means the total length of a channeled whelk, measured from the tip of the apex to the outer tip of the shell opening.

"MRC ID" means the unique Marine Resources Commission identification number assigned to each individual.

4VAC20-890-25. ENTRY LIMITATION; TRANSFERS; PROHIBITIONS.

- A. The sale of commercial channeled whelk pot licenses shall be limited to registered commercial fishermen, solely for the harvest of channeled whelk from Virginia waters described in this section, who meet either of the following requirements:
 - 1. The fisherman shall have held a provisional Virginia conch pot permit in 1999 and reported in accordance with the requirements of 4VAC20-610-60 and the 1999 conch pot permit; or
 - 2. The fisherman shall provide the commission with proof of having harvested channeled whelk from federal waters during the January 1, 1997, through October 1, 1999, period.
- B. Any person licensed for commercial channeled whelk pot under the provisions of this section may transfer such license to any registered commercial fisherman when said transfer is documented on the form provided by the commission and approved by the Commissioner of Marine Resources. Upon approval, the person entering the Virginia commercial channeled whelk pot fishery shall purchase a commercial channeled whelk pot license in his own name. No commercial channeled whelk pot license shall be transferred more than once per calendar year.

"PERTAINING TO CHanneLED WHELK"**CHAPTER 4 VAC 20-890-10 ET SEQ.**

- C. It shall be unlawful for any person licensed under the provisions of subsection A of this section as a commercial channeled whelk pot fisherman to do any of the following, unless otherwise specified:
1. Place, set or fish any channeled whelk pot within any channel.
 - ~~2. Fail to be on board the vessel when that vessel is operating in a commercial channeled whelk pot harvesting capacity within tidal Virginia waters;~~
 - ~~3. Fail to display the commercial channeled whelk pot license decal prominently on the starboard side of the vessel;~~
 - ~~4. Fail to inscribe each channeled whelk pot buoy with the last four numbers of the licensee's MRC ID preceded by the letter "W," which correspond to the lawful channeled whelk pot licensee in a legible and visible manner and in figures of not smaller than one inch in height;~~
 - ~~5. Place, set or fish more than 200 channeled whelk pots within Virginia tidal waters;~~
 - ~~6. Retain by-catch of any species not in the whelk family caught by channeled whelk pots; and~~
 - ~~7. Fail to report harvest related data from harvests in Virginia waters on a monthly basis on forms supplied by the commission; and~~

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85. Set, place, or fish a channeled whelk pot of any type in an area extending 250 yards from either span of the Chesapeake Bay Bridge-Tunnel. For purposes of this section, the distance shall be measured from the outer edges of each span and shall extend from the low water mark on Fisherman's Island to the one-mile marker on the south end of the bridge-tunnel.

- D. It shall be unlawful for any person to take or catch channeled whelk with channeled whelk pots from the tidal waters of Virginia without first having purchased a channeled whelk pot license from the commission or its agent. ~~No person may purchase a channeled whelk pot license unless he is a registered commercial fisherman as described in § 28.2-241 of the Code of Virginia.~~

4VAC20-890-30. MINIMUM SIZE LIMITS.

- A. It shall be unlawful for any person to possess or land more than 10 channeled whelk that measure less than 5-1/2 inches in length in any inspected basket, where a basket may be filled from any single container or from within a vehicle, trailer, or the inside open part of the boat, except as described in subsection D of this section.
- B. Any police officer ~~may fill one basket with channeled whelk for inspection from a single container or from within a vehicle, trailer, or the inside open part of the boat. The officer~~ may inspect multiple baskets but must finish inspecting a basket before inspecting another. In the event the officer cannot fill a basket from a single container, the officer may fill the basket from any other single container in order to determine any violation of the possession

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limit of sublegal size channeled whelk.

- C. Those undersized whelk in excess of the allowance level, as described in subsection A of this section, shall be returned immediately to the water alive.
- D. Nothing in this section shall prohibit the possession of sublegal size channeled whelk imported from other states or jurisdictions, provided the following conditions are met:
 - 1. Such imports shall have been landed in another state or jurisdiction and shall not have been imported into Virginia by waterborne transport.
 - 2. Such imported channeled whelk are accompanied by a bill of sale which shall include the name of the seller, address and phone number of the seller, the license number of the seller if such license is required in the jurisdiction of harvest, the date of sale and the quantity of channeled whelk purchased under the bill of sale.

4VAC20-890-35. POSSESSION AND LANDING LIMITS.

- A. The possession and landing limits for channeled whelk shall be 60 bushels per licensed channeled whelk pot fishermen on board a vessel but shall not exceed 120 bushels per vessel. Only one channeled whelk pot license per person shall be used to calculate the vessel limit.
- B. It shall be unlawful for any person to possess aboard any vessel or to land more than the possession and landing limit for channeled whelk specified in subsection A of this section. In the enforcement of this provision, the vessel operator or captain shall be responsible for the possession and landing limit.

4VAC20-890-40. GEAR RESTRICTIONS.

- A. It shall be unlawful for any person to possess channeled whelk harvested from Virginia waters by any means other than by hand, licensed conch dredge, licensed crab dredge, or licensed channeled whelk pot, except as described in 4VAC20-890-50.
- B. Except as provided in subsection C of this section, it shall be unlawful for any person to place, set, or fish, or attempt to place, set, or fish any channeled whelk pot that does not contain a bait bag.
- C. Any person not utilizing horseshoe crabs as bait for channeled whelk shall be exempt from the provisions of subsection B of this section, provided that the possession of any quantity of horseshoe crabs on board the vessel of such person shall constitute prima facie evidence of a violation of this chapter. Further, the presence of any quantity of horseshoe crab in

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any channeled whelk pot not equipped with a bait bag shall constitute prima facie evidence of a violation of this chapter.

- D. It shall be unlawful for any person to place, set, or fish or attempt to place, set or fish any channeled whelk pot that exclusively contains more than either one-half of a female horseshoe crab or one male horseshoe crab, in whole or in parts.
- E. It shall be unlawful for any person to land, attempt to land, or possess channeled whelk that were harvested by pots that do not meet the provisions of this chapter.

4VAC20-890-45. MONITORING REQUIREMENTS.

- A. It shall be unlawful, for any person, firm or corporation to buy any channeled whelk from any legally licensed harvester, without first having obtained a Channeled Whelk Buyer's Permit from the Marine Resources Commission. Such permit shall be completed in full by the licensed seafood buyer. A copy of the Channeled Whelk Buyer's Permit shall be in possession of the permittee while buying or possessing channeled whelk.
- B. Any licensed seafood buyer permitted to purchase channeled whelk shall provide written reports to the commission of daily purchases and harvest information of channeled whelk landed in Virginia organized by month on forms provided by the commission. Such information shall include the date of the purchase; the buyer's channeled whelk permit number and harvester's MRC ID; the gear type; water area fished; city or county of landing; and number of bushels, bags or barrels of channeled whelk. These reports shall be completed in full and submitted to the commission no later than the 15th day of January for the prior year's purchases.

4VAC20-890-50. BY CATCH EXEMPTION.

It shall be unlawful for any crab pot fisherman, licensed in accordance with the provisions of 4VAC20-610-10 ~~et seq.~~ and 4VAC20-880-10 ~~et seq.~~ and §28.2-702 of the Code of Virginia, to possess more than five bushels of channeled whelk.

4VAC20-890-60. PENALTY.

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

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This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on August 25, 2026.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Joseph D. Grist
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2026.

Notary Public

August 25, 2026

HABITAT MANAGEMENT DIVISION EVALUATION

DAVID RAO, VMRC #2026-0929, requests after-the-fact authorization to retain a 21-foot by 47-foot open-sided boathouse constructed as part of a statutorily authorized private pier serving 9099 Pebble Beach Lane, situated along the Potomac River in King George County. Staff recommends approval with triple permit fees of \$900.00 and civil charges of \$3,000.00 assessed to both the applicant and contractor in lieu of further enforcement action.

On April 27, 2026, an after-the-fact request for the oversized boathouse was received as part of an application for the proposed installation of a riprap revetment. The existing pier structure had been previously statutorily authorized under VMRC #2021-0218. The boathouse proposal was authorized to be 16 feet by 43 feet (688 square feet), however it was constructed as 21 feet by 47 feet (987 square feet), thereby exceeding the 700 square-foot exemption threshold found in §28.2-1203(A)5 of the Code of Virginia.

Staff conducted a site visit on May 20, 2026, to inspect the pier and confirm dimensions of the boathouse. Staff observed a 42-foot vessel within the existing boathouse. During this visit, the applicant, Mr. Rao, shared further information regarding the construction of the boathouse. He explained that Mr. Brad Martin with Shoreline Design was originally contracted to obtain permits and build the boathouse. Mr. Martin was terminated from the project midway through construction, and the boathouse was then completed by Mr. Ryan Adams with Metropolitan Marine Construction.

Staff contacted Mr. Adams, and he stated that it was his assumption that the previous contractor had obtained all the correct permits. He did not recall viewing the permit documents prior to construction. Based on Mr. Adams' recollection, a majority of the pier was constructed when he was hired, and all that was left was to add the boathouse trusses and roof.

Adjacent property owners' acknowledgement forms were signed and provided by the agent. Additionally, as part of VMRC's standard public interest review, a news advertisement was listed in the Free Lance-Star on June 11, 2026, and garnered no response.

Given that Mr. Rao self-reported the boathouse violation as part of his new application submittal, staff recommends approval of the boathouse as constructed with triple permit fees of \$900.00, and a civil charge in the amount of \$3,000.00 assessed in lieu of further enforcement action. This amount is based on a major degree of non-compliance and a minimal degree of impacts as detailed in the Commission's *Guidance for Civil Charge Assessments* matrix. A civil charge of

\$3,000.00 is also recommended for the contractor, Mr. Ryan Adams, as it appears that he did not have a copy of the approved boathouse plan during construction.

Mr. Rao and Mr. Adams have both agreed in writing to pay the recommended civil charges and triple permit fees. Accordingly, staff recommends approval of the after-the-fact request, with the acceptance of the aforementioned triple permit fees and civil charges in lieu of further enforcement action.