

AGENDA
MARINE RESOURCES COMMISSION
SEPTEMBER 22, 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. CARL HERSHNER, JR., VMRC #2026-0160**
requests authorization to construct a 14-foot by 34-foot open-sided boathouse and gazebo roof structure on a statutorily authorized private pier along the Free School Creek shoreline at Tax Map Parcel #41-57 on Deal Lane in Gloucester County. The project is protested by both adjacent property owners and an additional property owner along the creek.
- 7. GREAT HERON LODGE, LLC, VMRC #2026-0675**
requests authorization to install a 30-foot long armor stone spur and a 40-foot long armor stone sill, and place approximately 200 cubic yards of beach nourishment, adjacent to property situated along Hull Creek at 1194 Candy Point Road in Northumberland County. The project is protested by nearby property owners.
- 8. JOSEPH MERCER, VMRC #2025-2593**
Commission review on freeholder appeal of the Northampton County August 20, 2026, Wetlands Board decision to approve a request to install 46 linear feet of new vinyl bulkhead at 1870 Sand Hill Drive, situated along the Chesapeake Bay in Northampton County.
- 9. LICENSE STATUS REQUEST.**
- 10. PUBLIC HEARING**
Proposed amendments to Chapter 4VAC20-1250, "Pertaining to the Tagging of Shellfish" to modify the method of identifying harvested shellfish.

AGENDA

11. RECOMMENDATION

Recommendations on applications to the Recreational and Commercial Fishing Advisory Boards.

12. DISCUSSION

Winter Commission Meeting scheduling.

AGENDA

PAGE 2 ITEMS

A. JASON DEYOUNG, VMRC#2026-1502

requests authorization to construct a 100-foot long rock revetment channelward of an existing bulkhead and two (2) 60-foot sections of rock sill with clean sand backfill and plantings of native wetland vegetation along the Mattaponi River shoreline at 1647 Winona Park Drive in King William County. The project requires a VMRC subaqueous and a wetlands permit.

B. LINDA MITCHELL, VMRC #2026-1581

requests authorization to construct and backfill a 533-foot long vinyl bulkhead along the Mattaponi River shoreline at 190 White Marsh Lane in King and Queen County. Staff recommends approval of the project with the purchase of tidal wetland mitigation credits for the fill loss of 266 square feet of non-vegetated wetlands. The project requires a VMRC wetlands permit.

C. COLONNA SHIPYARD, VMRC #2026-0730

requests authorization to maintenance dredge a total of 180,000 cubic yards of state-owned submerged lands, on an as-needed basis, to maximum depths ranging from minus 35 feet to minus 55 feet mean low water at the Colonna Shipyard Facility situated along the Elizabeth River in the City of Norfolk. Dredged material will be barged to a transfer area for disposal at Shirley Plantation or other approved upland disposal site. The project requires a VMRC subaqueous permit.

D. NASA WALLOPS FLIGHT FACILITY, VMRC #2026-0859

requests authorization to install four (4) 130-foot stone breakwaters and beach nourishment along approximately 15,000 linear feet of shoreline on Wallops Island situated along the Atlantic Ocean in Accomack County. The project requires a VMRC subaqueous permit.

E. CITY OF HAMPTON, VMRC #2026-1383

requests authorization to mechanically dredge a maximum of 2,360 cubic yards of state-owned submerged lands to depths of minus 7.5 feet mean low water to restore and maintain navigational depths at the Custom House Marina (700 Settlers Landing Road), including future maintenance dredging cycles as necessary, along the Hampton River in the City of Hampton. Dredged spoils will be offloaded at the Port Tobacco Wharf for truck transport to an upland disposal site. The project requires a VMRC subaqueous permit.

MINUTES

COMMISSION MEETING

August 25, 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
Lynn Kellum	
A.J. Erskine	
William Bransom	Associate Members
Jeremy Headley	
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
Alexa Galvan	Fisheries Management Specialist
Adam Kenyon	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management

Commission Meeting

19416
July 28, 2026

Virginia Institute of Marine Science (VIMS):

Lyle Varnell Emily Hein Alex Sabo

Others present:

Dixie Doerr	Nate Cutler	Cameron Cutler
Jefferson Hooper	Bob Simon	Karen Hall
Greg Henrich	Sally Bell	Laura Howard
Cassidy McKelvie	Jim Hunter	Patricia Hunter
David Lkedzik	Aaron Williams	Troy Baldwin
Jeff Waple	Karen Waple	Matt Otto
Geoff Hershelwood	Jim Beck	Paul So
Shigeru Honda	David Spencer	Genevieve Patrick
Chris Ludford	Melissa Southworth	Kim Huskey
Rebecca Francese	Brian Fletcher	and others.

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

Randy Owen, Chief, Habitat Management, requested to remove Item #9 from Agenda due because the objection was dropped by the adjacent property owner. Mr. Owen’s comments are a part of the verbatim record.

Associate Member Erskine moved to approve the agenda as modified. Associate Member Bransom seconded the motion. The motion carried, 5-0.

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MINUTES: Commissioner Grist asked if there were any changes or corrections to be made to the July 28, 2026 meeting minutes.

Associate Member Erskine moved to approve of the minutes as presented. Associate Member Kellum seconded the motion. The motion carried, 4-0-1. Associate Member Headley abstained.

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

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2. CONSENT AGENDA 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.

Justin Worrell, Deputy Chief, Habitat Management, reviewed item 3A for the Associate Members. Mr. Worrell's comments are a part of the verbatim record.

The matter is before the Commission for discussion and action.

Associate Member Bransom moved to approve project 3A as presented. Associate Member Erskine seconded the motion. The motion carried, 5-0.

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

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4. PUBLIC COMMENT: No one spoke during Public Comment.

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

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

- 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 Line 27, a 16-inch-diameter underground petroleum pipeline, located in a right-of-way (ROW) that may require impacts to tidal wetlands in the Counties of Chesterfield and Henrico, and the Cities of Richmond and Chesapeake. This project requires a VMRC Wetlands and Subaqueous Permit.
- 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.

The matter is before the Commission for discussion and action.

Associate Member Bransom moved to approve project 2A through 2 F as presented. Associate Member Headley seconded the motion. The motion carried, 5-0.

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- 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.

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

Geoff Henshelwood, Chairman of the Suffolk Wetlands Board, was sworn in and spoke. His comments are a part of the verbatim record.

Cassidy McKelvie, City of Suffolk was sworn in and spoke. Her comments were a part of the verbatim record.

Justin Worrell, Deputy Chief, Habitat Management, explained to the board that VIMS staff would only be able to speak to ‘post wetlands board’ decision, careful not to open the record. His comments are a part of the verbatim record.

Lyle Varnell was called to the podium. He stated that Alex Sabo was knowledgeable of the project and site visits. His comments are a part of the verbatim record.

David Spencer, applicant, was sworn in and spoke. His comments are a part of verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Bransom remanded the project back to the City of Suffolk Local Wetlands Board to reconsider their previous decision to approve a project impacting vegetated wetlands. Associate Member Erskine seconded the motion. The motion carried, 5-0.

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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.

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

Jim Beck, engineer for the project, was sworn in. His comments are part of verbatim record.

The protestant was not present.

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 Kellum seconded the motion. The motion carried, 5-0.

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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.

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

Jeffrey Waple, 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 Headley moved to approve the application per staff recommendation as presented. Associate Member White seconded the motion. The motion carried, 5-0.

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REMOVED FROM THE AGENDA AT THE BEGINNING OF THE MEETING

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.

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

Raymond Britton, applicant, was sworn in. His comments are a part of verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the removal the unauthorized decking and pier from state-owned subaqueous bottom within 90 days and to refer the contractor to the Department of Professional Occupational and Regulation for failure to obtain all necessary permits before construction. They further ordered that failure to remove the structures within 90 days would result in the matter being referred to the Office of the Attorney General for further enforcement action. Associate Member White seconded the motion. The motion carried, 5-0.

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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.

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

Dixie Doerr, Nate Cutler, and Cameron Cutler were sworn in and spoke. Their intentions are to use the lease as bottom planting only. They currently have a 40-acre adjacent lease inshore where they are permitted for bottom cages. Their comments are a part of the verbatim record.

There were four (4) people that were sworn in and spoke in opposition to the application. Their comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve of the application as presented. Associate Member Bransom seconded the motion. The motion carried, 4-0-1. Associate Member Kellum abstained.

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12. SHELLFISH

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

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

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion to accept staff recommendations to modify the 2026 Oyster Replenishment and Restoration Plan (ORP) as presented. Associate Member White seconded the motion. The motion carried, 5-0.

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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.

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

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion to accept the Public Oyster Season as recommended by the SMAC with the addition of an extended season in both the Deep Creek PT Area through March 31 and the CBPT Area from October 1 through March 31. Associate Member Bransom seconded the motion. The motion carried, 5-0.

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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.

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

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion to 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 Fishing" to remove language requiring vessel license decals. Associate Member Erskine seconded the motion. The motion carried, 5-0.

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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.

Alexa Galvan, Fisheries Management Specialist, Fisheries Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Galvan's comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley made a motion 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. Associate Member Erskine seconded the motion. The motion carried, 5-0.

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There being no further business, the meeting was adjourned at 1:56 p.m. The next Commission meeting will be on **Tuesday**, September 22, 2026.

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Joseph Grist, Commissioner

Jamie Hogge, Recording Secretary

Carl Hershner
VMRC#2026-0160

1. Habitat Management Evaluation dated September 22, 2026.
(Page 1-2)
2. Plan drawings dated January 29, 2026 and February 23, 2026.
(Pages 3-9)
3. Letters of Protest
 - A. Beverly Garnett submission dated received March 17, 2026.
(Pages 10 and 11)
 - B. Jose Garcia submissions dated received August 1, 2026, and August 3, 2026.
(Pages 12 - 14)
 - C. Mollie Rawlings submission dated received August 12, 2026.
(Pages 15 – 17)

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

HABITAT MANAGEMENT DIVISION EVALUATION

CARL HERSHNER JR., VMRC #2026-0160, requests authorization to construct a 14-foot by 34-foot open-sided boathouse and gazebo roof structure on a statutorily authorized private pier along the Free School Creek shoreline at Tax Map Parcel #41-57 on Deal Lane in Gloucester County. The project is protested by both adjacent property owners and an additional property owner along the creek.

Narrative

The project is located at the headwaters of Free School Creek at the interface where the creek becomes intertidal. There are multiple roofed structures attached to private piers along the creek shoreline, starting approximately 1,000 feet downstream of the project location.

The applicant owns three lots on the creek. The subject parcel is unimproved and is the only one that accesses navigable water and can support a pier for mooring a vessel. The other two parcels front intertidal marshes only.

The applicant's private pier will extend into an oyster lease owned by Ms. Beverley Garnett – Lease #21003. Staff researched the harvest history of the lease and found that no harvest has been reported in the last three years. As defined under §28.2-630 of the Code of Virginia (Code), since there has been no harvest reported from the lease over the past three years, it is considered non-productive. Since the private pier is proposed over a non-productive lease and meets the other exemption requirements found in §28.2-1203.A.5, of the Code, the pier is deemed statutorily authorized. A partial No Permit Necessary (NPN) letter was sent on March 27, 2026, stating that the pier portion of the proposal was statutorily authorized. However, the open-sided boathouse and gazebo roof structure component required that the adjacent property owners be notified.

Issues

Staff notified both adjacent property owners, Mr. Jose Garcia and Ms. Beverly Garnett, and both have submitted concerns about the pier and proposed roof structure. In addition, the neighbor owning the riparian property opposite the pier location, Ms. Fannie Rawlings, is objecting. Ms. Garnett cites in her comments that the pier is encroaching into her (non-productive) oyster lease, and that it is near her residence. She states this pier will result in increased noise levels which will disturb the enjoyment of her property. Mr. Garcia submitted concerns about his viewshed and the potential for disturbance to wildlife. Ms. Rawlings did not include any specific reasons in her submitted objection.

Although the private pier is statutorily authorized and does not require a permit from this agency, the roof structure will require a VMRC subaqueous permit because of the adjacent neighbors' protests.

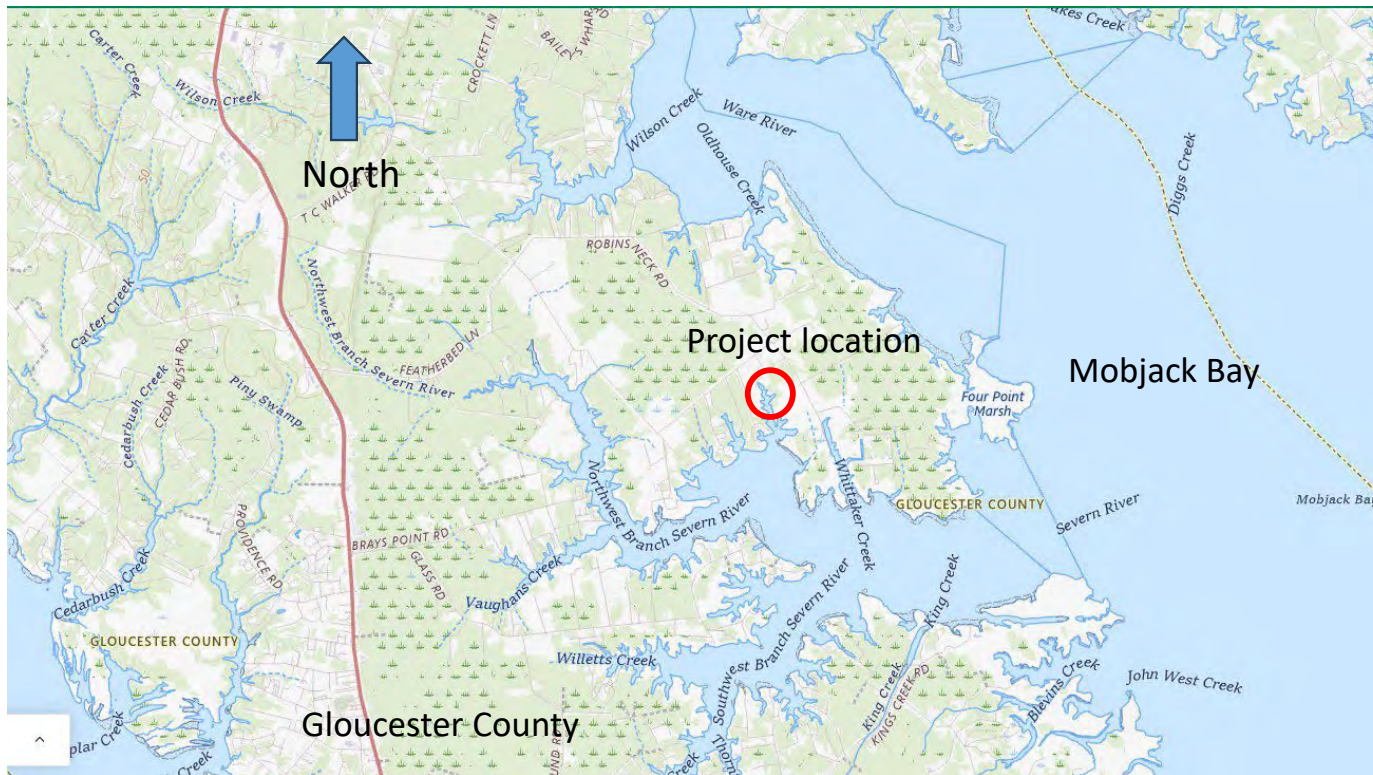
Issues (cont'd)

As a result of a subaqueous permit being required for the project, staff requested a legal notice be published in the Gloucester Gazette Journal. That legal notice was published on July 30, 2026. No additional comments were received from the public due to the newspaper's advertisement.

Summary/Recommendation

Staff understands the protestants' concerns regarding the proposed pier's location in Free School Creek and within an existing oyster lease. However, staff notes that the pier begins on the applicant's property and appears to extend lawfully into his riparian area. Additionally, the pier meets the Code's statutory authorization requirements, and the oyster lease is deemed not to be commercially productive.

Staff believes the open-sided design of the roof structure only minimally adds to the visual obstruction already presented by the applicant's statutorily authorized private pier and boat lift. Additionally, we do not anticipate that the addition of an open-sided boathouse and gazebo roof structure will result in increased noise above what could be anticipated with just a private pier. Had the proposed roof structure not been protested, it would also have been statutorily authorized under §28.2-1203.A.5 of the Code since the gazebo portion is under 400 square feet in size, and the boathouse portion is under 700 square feet in size. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition, and after considering all the factors contained in §28.2-1205 of the Code, staff recommends approval of the project as proposed.



From USGS National Map

Hershner
Vicinity Maps
Free School Creek
Gloucester Co
1-27-2026

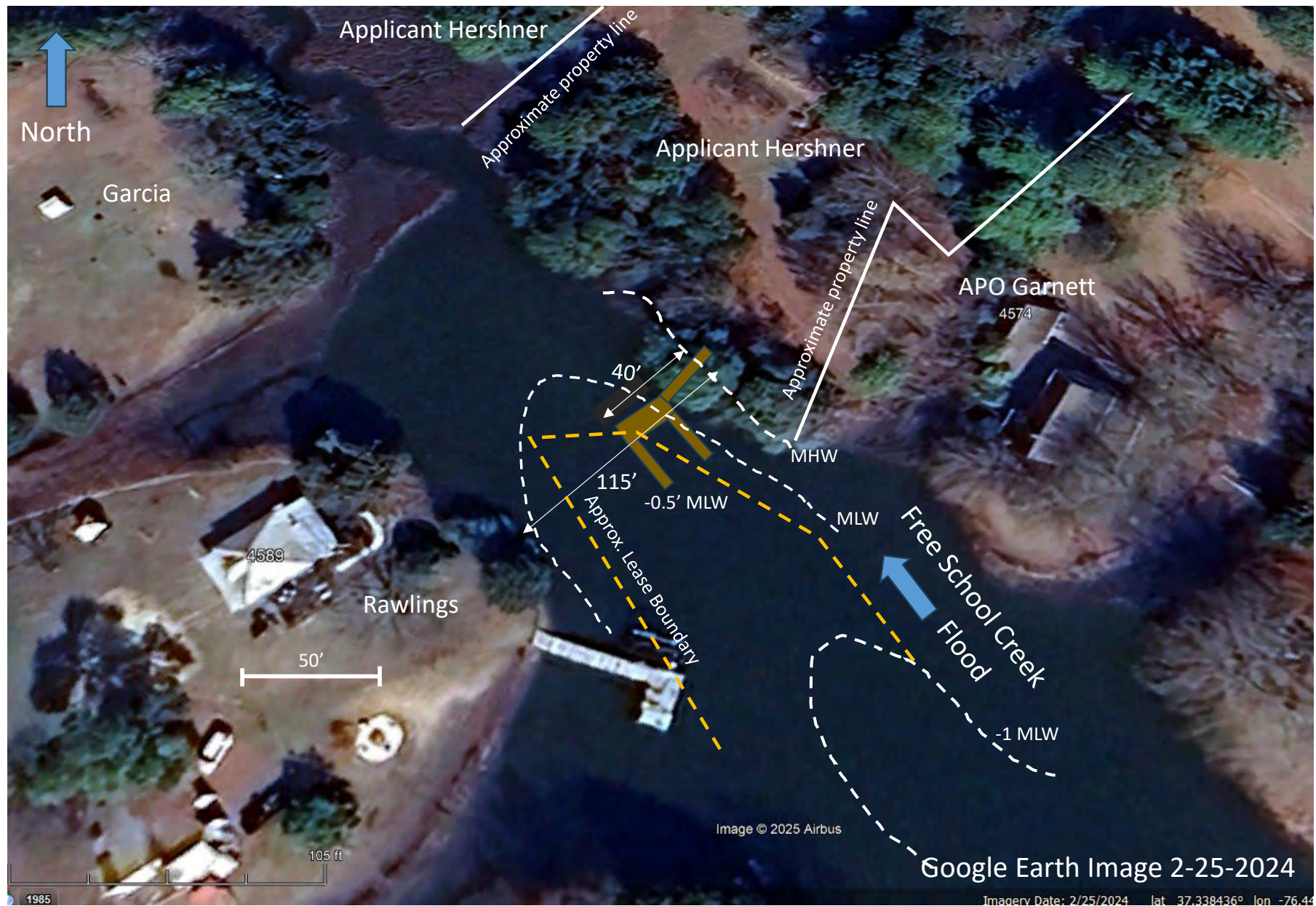


Recieved by VMRC Jan 29, 2026 map

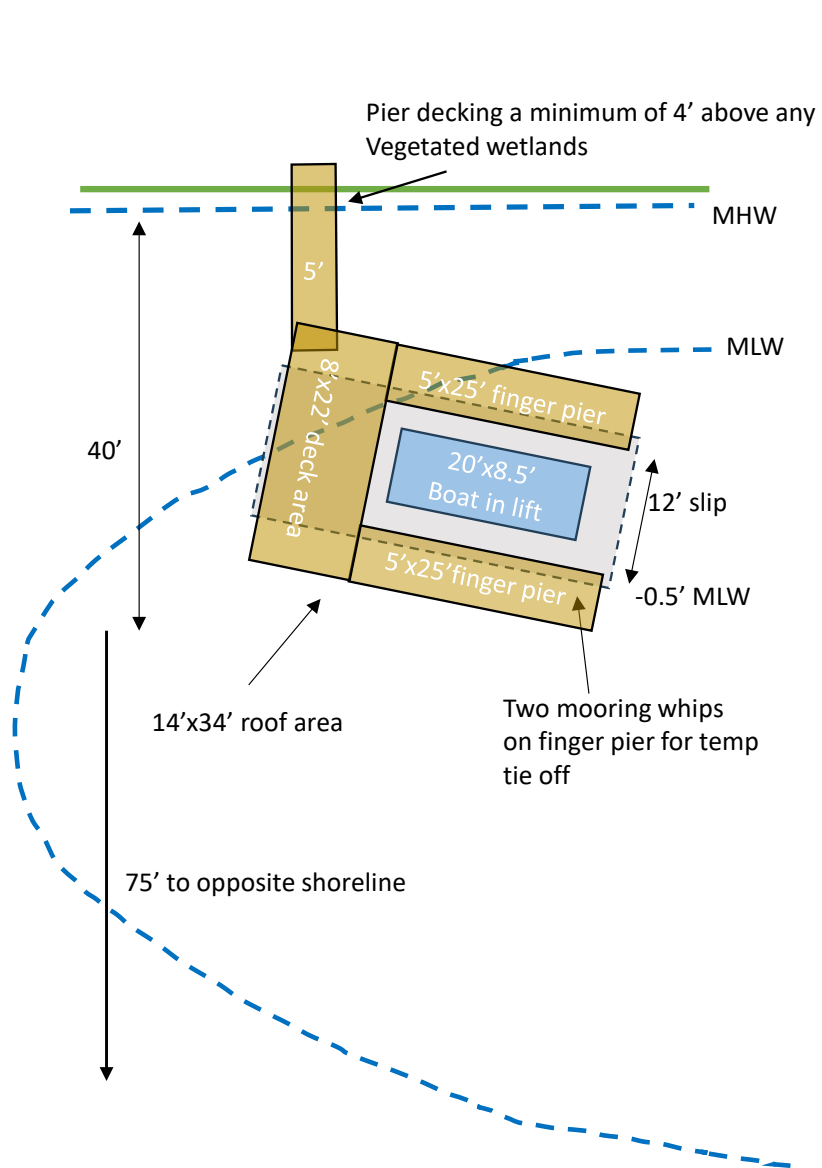
Hershner
Vicinity - Properties
Free School Creek
Gloucester Co
1-27-2026



Hershner
Oystergound Map
Free School Creek
Gloucester Co
1-27-2026

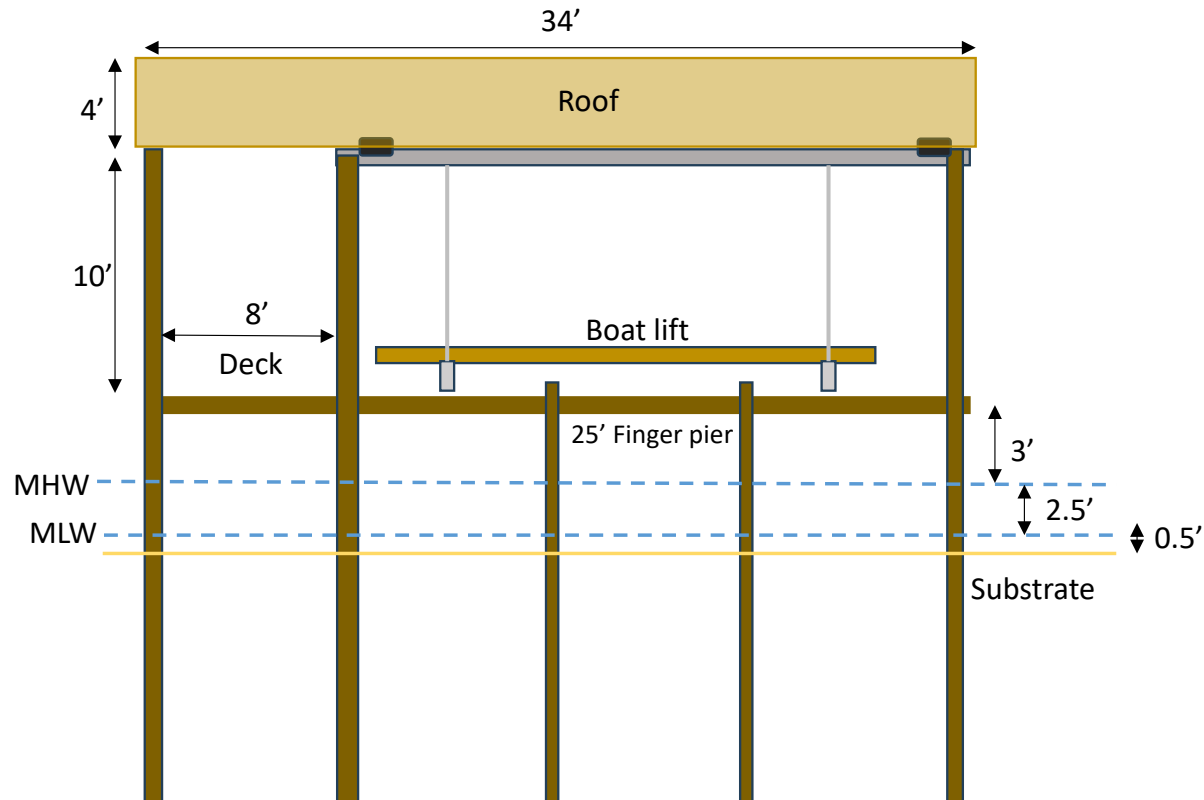


Hershner
Overall Plan View
Free School Creek
Gloucester Co
1-27-2026

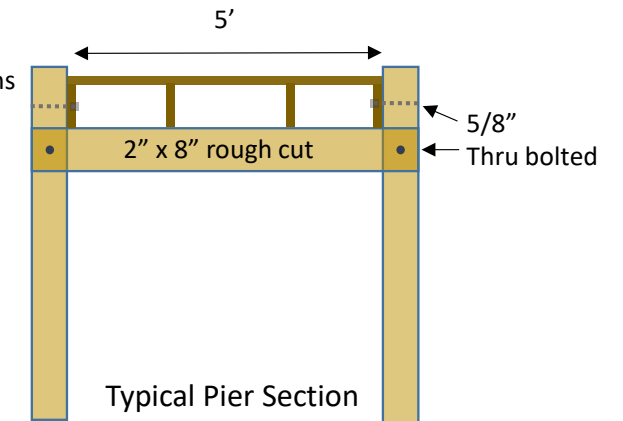


Hershner
Plan View - details
Free School Creek
Gloucester Co
1-27-2026

Notes:
 8"-10" treated pilings driven 8'-10'
 into bottom per substrate conditions
 All hot-dipped galvanized hardware
 2"x 8" cross ties and joists
 2" x 8" treated decking

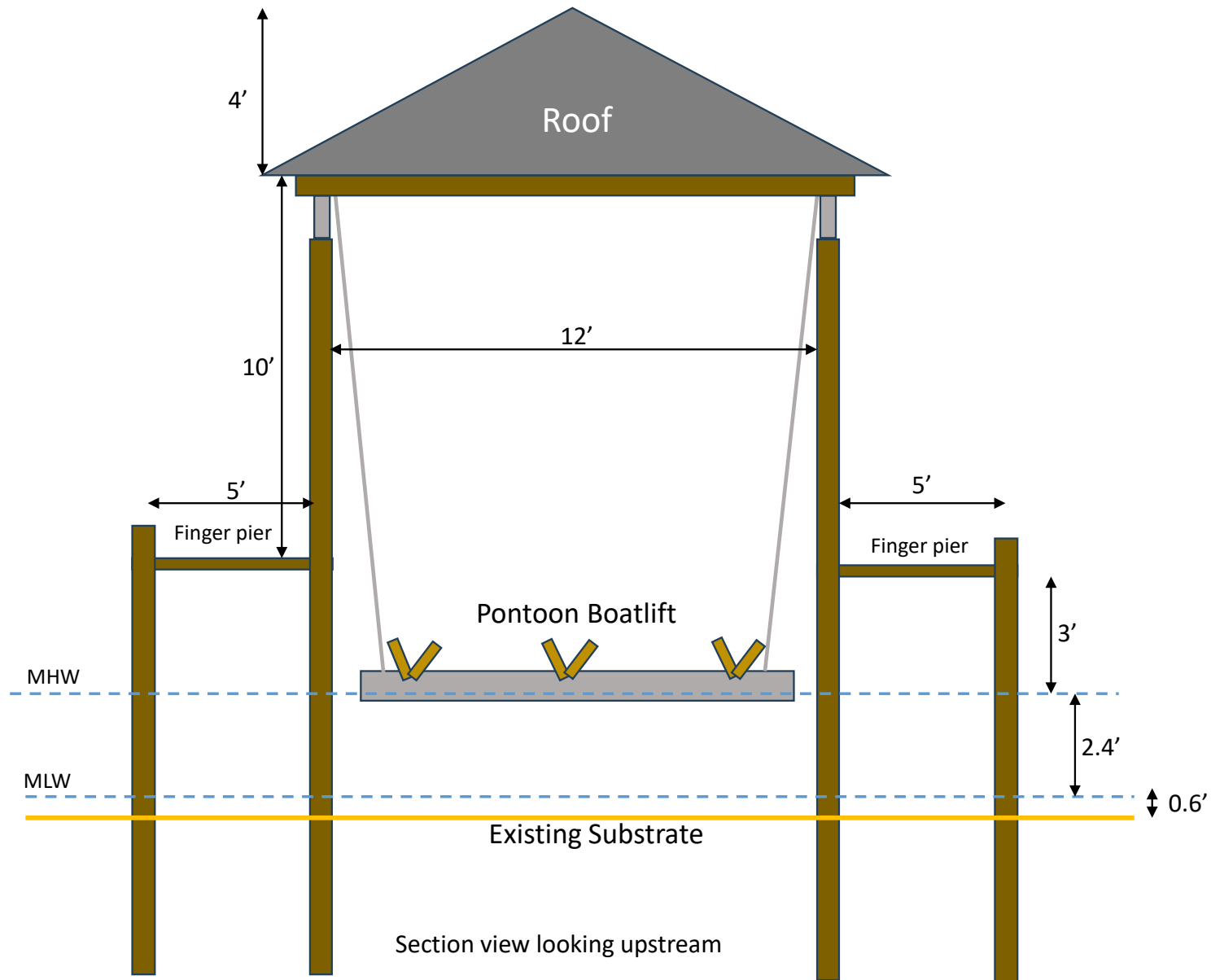


Section view from creek looking landward



Typical Pier Section

Hershner
 Section View
 Free School Creek
 Gloucester Co
 Revised 2-23-26



Hershner
 Section View
 Free School Creek
 Gloucester Co
 1-27-2026

Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20260160

Print Date: Monday September 14 2026 12:50

Number	Name	Received	Position
1	BEVERLEY V GARNETT	03/17/2026 18:16:26 PM	OPPOSE

I OWN TWO HOMES ON DEAL LANE (4574 AND 4564) ADJACENT TO PROPOSED PROJECT AND HAVE RIGHT OF WAY TO ALL OF DEAL LN. THIS IS A RESIDENTIAL AREA. THESE FAMILY HOMES AND PROPERTY HAVE BEEN OWNED BY MY FAMILY FOR FIVE GENERATIONS. I OWN THE OYSTER GROUND IN FRONT OF MY HOMES, LEASE 21003. I STRONGLY OBJECT TO APPROVAL OF CARL HERSHNER'S PROJECT, PIER, TWO FINGER PIERS, DECK AREA, BOAT LIFT, BOAT SLIP, BOAT HOUSE, AND GAZEBO. THIS CONSTRUCTION IS JUST A FEW STEPS AWAY FROM THE SIDE OF MY HOME. SO CLOSE NOISE WOULD BE A PROBLEM. INFO PROVIDED INDICATES PIER ENCROACHES ON PORTION OF MY OYSTER GROUND; THIS IS NOT ACCEPTABLE. I RECENTLY SENT VMRC \$150 TO KEEP THE GROUND. THIS NEWS IS TROUBLING. WE HAVE BEEN DUMPING SHELLS ON GROUND EVERY YEAR SINCE I ACQUIRED IT ON 2016 AND OYSTERS ARE GROWING. PHOTOS HAVE BEEN PROVIDED SHOWING LOCATION OF HERSCHNER PROJECT. PLEASE TAKE NOTE OF AMOUNT OF MUD NEAR SHORE. APPLICANT PROVIDED VMRC 4 MEASUREMENTS OF WATER LEVELS - NOT ACCURATE. 28 INCHES, 24, 21, AND 12 (SEE CHART). SINCE WHEN IS APPLICANT ALLOWED TO MEASURE THEIR OWN STATS? MEASUREMENTS ARE NOT ACCURATE, SEE PHOTOS. PLEASE KEEP ME APPRISED. IF MORE PHOTOS OR INFO IS NEEDED, PLEASE CALL ME AT (804)6949866. SUGGEST YOU MIGHT WANT TO COME TO THE SITE AND SEE HOW CLOSE THIS WILL BE TO MY HOME. WHY ANYONE WOULD WANT TO BUILD ALL OF THIS ON MUD IS BEYOND BELIEF. WHEN ASKED WHERE HIS PROPERTY LINE WAS, MR. HERSCHNER SAID HE DID NOT KNOW - COULD PARTIALLY BE ON MY PROPERTY. BEVERLEY V. GARNETT

Attachments:

Submitted photos for this comment will begin on next page.



Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260160

Print Date: Monday September 14 2026 12:50

Number	Name	Received	Position
2	JOSE A GARCIA	08/01/2026 13:04:50 PM	OPPOSE

DO NOT WANT THE ENVIRONMENT AND THE WATER DESTROYED BY PUTTING THIS PROJECT THROUGH!
ALSO THIS WATER SUPPORTS WILD LIFE, BIRDS, FISH, ETC. WHICH WILL BE DRIVEN OUT. WE BOUGHT OUR
HOME FOR THE VIEW AND DONÂ€™T WANT THAT DESTROYED.

Attachments:

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260160

Print Date: Monday September 14 2026 12:50

Number	Name	Received	Position
3	JOSE A GARCIA	08/03/2026 14:41:43 PM	OPPOSE

WILL INFRINGE ON OUR VIEW AND DISPLACE WILD LIFE. DISRUPTING THEIR ENVIRONMENT. WHAT WILL THEY DO TO THE CREEK! TOO SHALLOW FOR A BOAT.

Attachments:

Submitted photos for this comment will begin on next page.

**Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260160**

Print Date: Monday September 14 2026 12:50

1785782539.jpg



Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260160

Print Date: Monday September 14 2026 12:50

Number	Name	Received	Position
4	MOLLIE F RAWLINGS	08/12/2026 09:46:25 AM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1410

From: [Worrell, Justin \(MRC\)](#)
To: [Johnson, Mike \(MRC\)](#)
Cc: [Atkins, Lou \(MRC\)](#)
Subject: #26-0160 protest
Date: Tuesday, August 11, 2026 10:21:17 AM

Mike,

Please see the email below - another protest for this project. Please respond to the protestants and address their questions, as necessary.

Lou,

Please add the email to the database file as a protest.

Thanks.

From: MRC - Web Info <Web.Info@mrc.virginia.gov>
Sent: Tuesday, August 11, 2026 8:35 AM
To: Worrell, Justin (MRC) <Justin.Worrell@mrc.virginia.gov>
Subject: FW:

From: Frannie Rawlings <frannierawlings@gmail.com>
Sent: Monday, August 10, 2026 6:31 PM
To: MRC - Web Info <web.info@mrc.virginia.gov>; Charlie Rawlings <charliechipman@aol.com>
Subject:

Dear VMRC Permitting Staff,

I am writing regarding Joint Permit Application #2026-0160, submitted by Carl H. Hershner Jr. for a proposed private pier, boathouse and covered deck on Free School Creek in Gloucester County.

My husband, Charles E. Rawlings, and I are the adjacent property owners identified in the application as being across the creek from the proposed project. Our property has an existing dock on Free School Creek.

We recently learned about this proposed project through neighboring property owners. **We**

have not received any notice from VMRC regarding this application.

Could you please provide us with the following information:

1. What is the current status of JPA #2026-0160?
2. Has a public notice been issued for this application? If so, when and where was it published?
3. Were adjacent property owners notified by mail? If so, when was notice sent and to what address?
4. Has this application been scheduled for a VMRC hearing, Commission action, or other public meeting?
5. Is there currently a deadline for submitting public comments or objections?
6. Please advise us of the appropriate procedure for submitting a formal objection and supporting documentation to ensure that it is included in the official permit record.

We would also appreciate confirmation that we will be notified of any future hearing, meeting, or significant action concerning this application.

Thank you for your assistance. We would appreciate a response as soon as practicable because we want to make sure we do not inadvertently miss any applicable opportunity to comment or object.

Sincerely,

Mollie F. Rawlings
Charles E. Rawlings
422 Granite Avenue
Richmond, VA 23226

GREAT HERON LODGE LLC
2026-0675

1. Habitat Management Evaluation dated September 22, 2026.
(Pages 1 and 2)
2. Project Drawings dated received, August 31, 2026, and March 26, 2026.
(Pages 3 through 7)
3. Virginia General Permit #2 dated September 10, 2026.
(Pages 8 through 25)
4. Virginia Institute of Marine Science Comments dated August 4, 2026.
(Pages 26 and 27)
5. Letters of Protest
 - a. Mr. Calvin W. Evans dated received June 17, 2026
 - b. Mr. Calvin W. Evans dated received, July 17, 2026
 - c. Ms. Penny Weinheimer dated received, July 21, 2026
 - d. Ms. Bonita Komar dated received, July 29, 2026
 - e. Mr. Christopher Bache dated received, July 29, 2026(Pages 28 through 32)
6. Letters in Support
 - a. Mr. Zach David dated received July 30, 2026
 - b. Mr. James Teichert dated received July 30, 2026
 - c. Ms. Debra Berry Dated received July 31, 2026
 - d. Mr. John A Garka dated received August 17, 2026
 - e. Mr. Michael Phillips dated received August 17, 2026
 - f. Mr. Michael Phillips dated received September 14, 2026(Pages 33 through 38)

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

HABITAT MANAGEMENT DIVISION EVALUATION

GREAT HERON LODGE, LLC, VMRC #2026-0675, requests authorization to install a 30-foot long armor stone spur and a 40-foot long armor stone sill, and place approximately 200 cubic yards of beach nourishment, adjacent to property situated along Hull Creek at 1194 Candy Point Road in Northumberland County. The project is protested by nearby property owners.

Narrative

The project is located at the confluence of Hull Creek and the Potomac River on Candy Point. The fetch to the northeast from the project site is approximately 24 miles and the fetch due east is 15 miles. The project combines living shoreline elements and traditional shoreline stabilization structures at the base of a severely eroded bank. The Northumberland County Wetlands Board, at their May 22, 2026, public hearing, approved the 170 linear-foot riprap revetment and the placement of 95 cubic yards of intertidal beach nourishment. Additional authorization included the repair of one (1) existing groin and construction of two (2) low-profile timber groins. The three (3) groins were approved to extend a maximum 48 feet beyond mean high water. Including the County's Board approval, the three groins now qualify for the Commission's Virginia General Permit #2.

There was no objection raised by the public at the May Board hearing. The only portion of the project that is now under consideration by the Commission is the 30-foot long armor stone spur, the 40-foot long armor stone sill and the remaining beach nourishment extending channelward of mean low water.

Issues

Neither of the adjacent property owners have voiced any objection to the project. However, four (4) nearby property owners inside Hull Creek have submitted concerns that the shifting creek entrance presents challenges to their ability to navigate immediately in front of the applicant's property. The protestants collectively believe that due to sediment buildup and the present location of the existing channel, any further sand placement or structure installation could impact their ability to ingress and egress Hull Creek.

The project has five (5) nearby property owners in support. These supporters believe the applicant has the right to protect their property, and they believe that while the channel does pass close to the applicant's property, the project will have little impact on the creek as a whole.

To address the concerns raised by the protestants, Habitat staff requested that Craig Palubinski, the authorized agent for the project, provide soundings across the mouth of Hull Creek. Mr. Palubinski noted that the creek was approximately 320 feet wide at mean low water with a

Issues (cont'd)

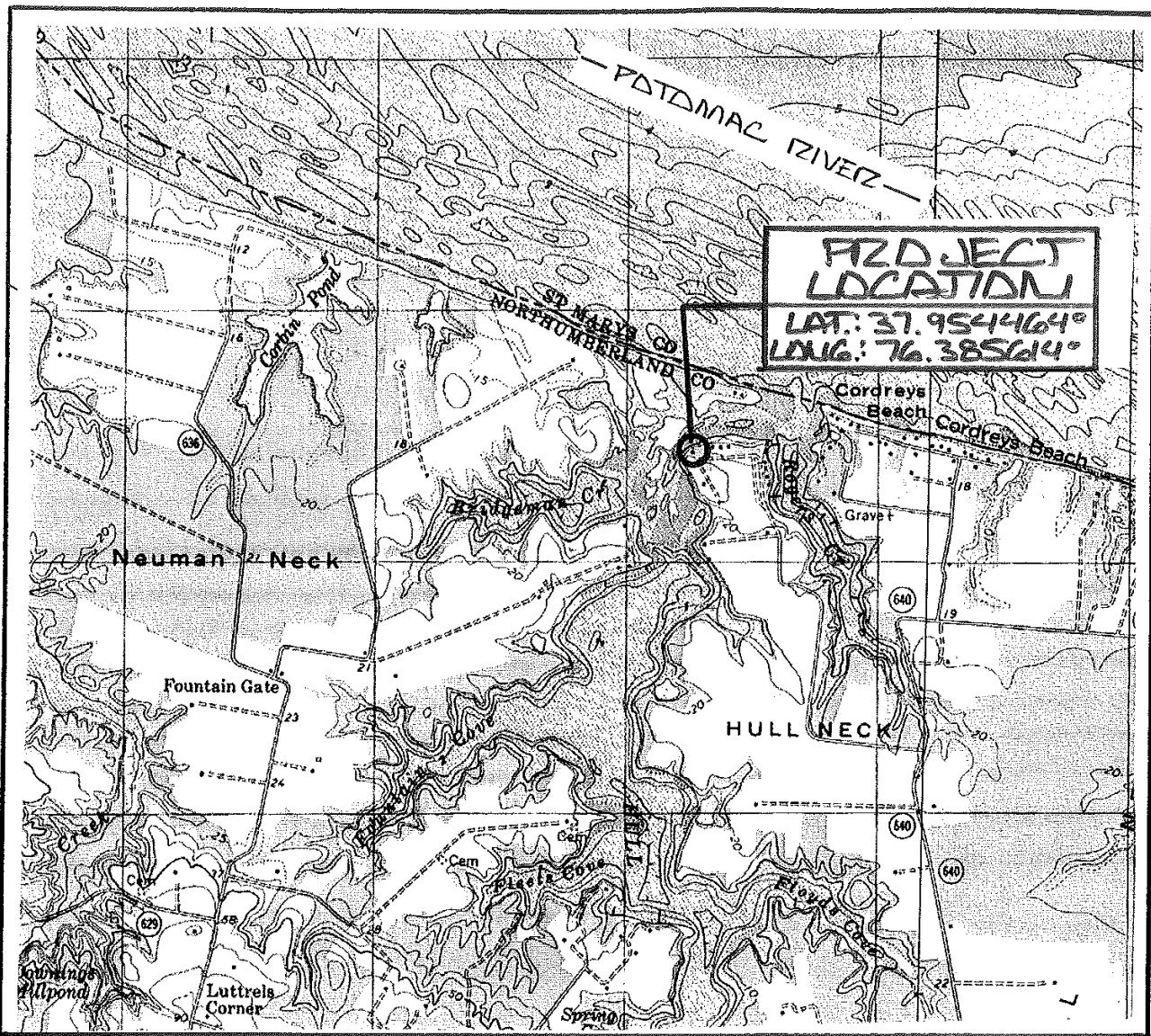
60-foot wide channel having control depths of minus 3.5-foot mean low water, near the outboard side of the applicant's dog leg pier. The sill and the spur will be installed in minus 1-foot mean low water, and neither the armor stone structures nor the beach nourishment will be placed in the navigable channel.

The Virginia Institute of Marine Science reviewed this project and recommended reducing the scale of the project. However, staff feels that the de minimis stone sill installed immediately channelward of the exposed fringe marsh will provide it with additional protection. We also believe that the addition of the stone spur on the largest and most exposed groin, could potentially reduce the scouring of the adjacent beach which resulted in its initial failure.

No other agency has expressed any objection to the project. No submerged aquatic vegetation (SAV) or oyster grounds will be directly encroached upon by this project.

Summary/Recommendations

While staff is sensitive to the concerns raised by the protestants, we are aware that the mouth of Hull Creek is very dynamic and that the navigation channel is presently close to the applicant's pier. However, staff believes that the applicant's property is actively eroding, and that the combination of the proposed living shoreline elements and the groins will combine to stabilize the shoreline and protect the bank, the residential dwelling, and the existing water well at the top of the bank. Ultimately, staff believes that this proposal is a reasonable use of state-owned submerged lands, and the project elements will not adversely affect the navigational channel providing access to Hull Creek. Accordingly, after considering the concerns raised by the protestants, the statements made by those in favor, and §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.



VICINITY MAP

BURGESS & HEATHSVILLE QUADRANGLE

VIRGINIA-MARYLAND

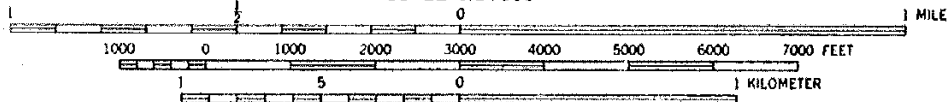
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

SCALE 1:24000

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QUADRANGLE LOCATION



CONTOUR INTERVAL 10 FEET

DASHED LINES REPRESENT 5-FOOT CONTOURS

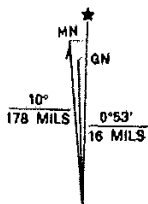
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BATHYMETRIC CONTOUR INTERVAL 1 METER WITH SUPPLEMENTARY

0.5 METER CONTOURS—DATUM IS MEAN LOW WATER

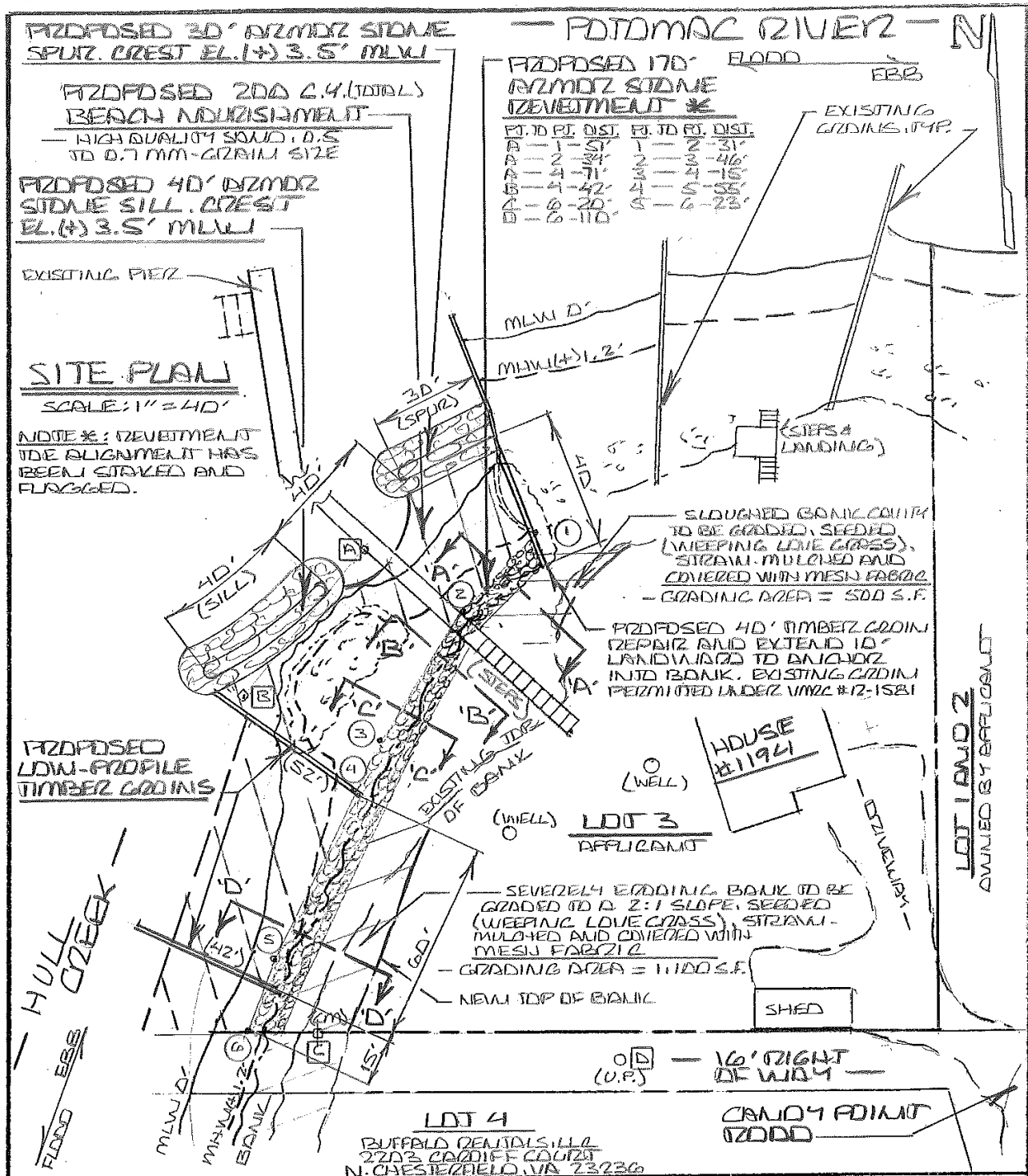
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE

THE MEAN RANGE OF TIDE IS APPROXIMATELY 0.4 METER



UTM GRID AND 1992 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

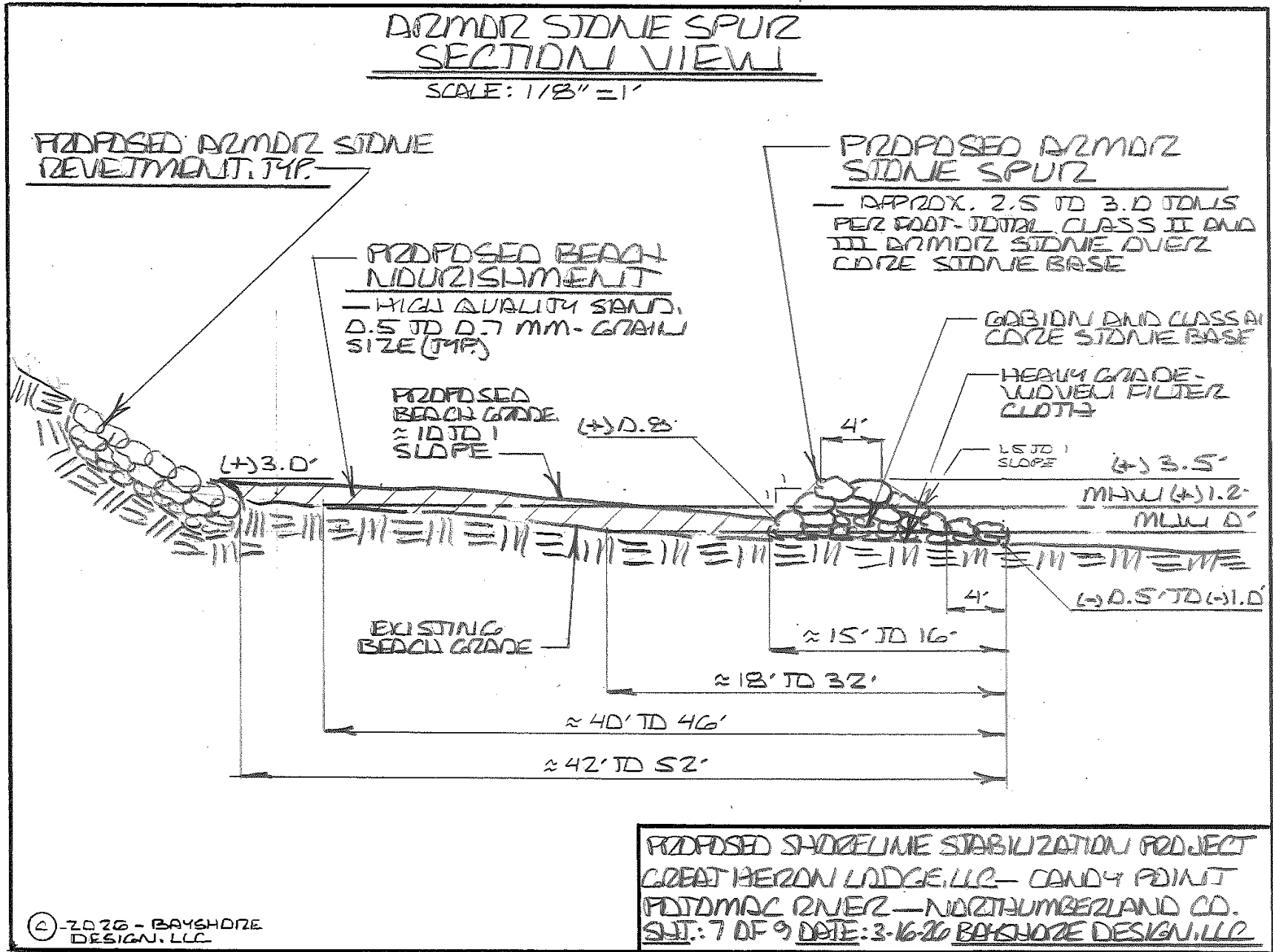
PROPOSED SHORELINE STABILIZATION PROJECT
GREAT HEARD LODGE, LLC—CANDY POINT
POTOMAC RIVER—NORTHUMBERLAND CO.
SHT: 2 OF 9 DATE: 3-16-26 BAYSHORE DESIGN, LLC

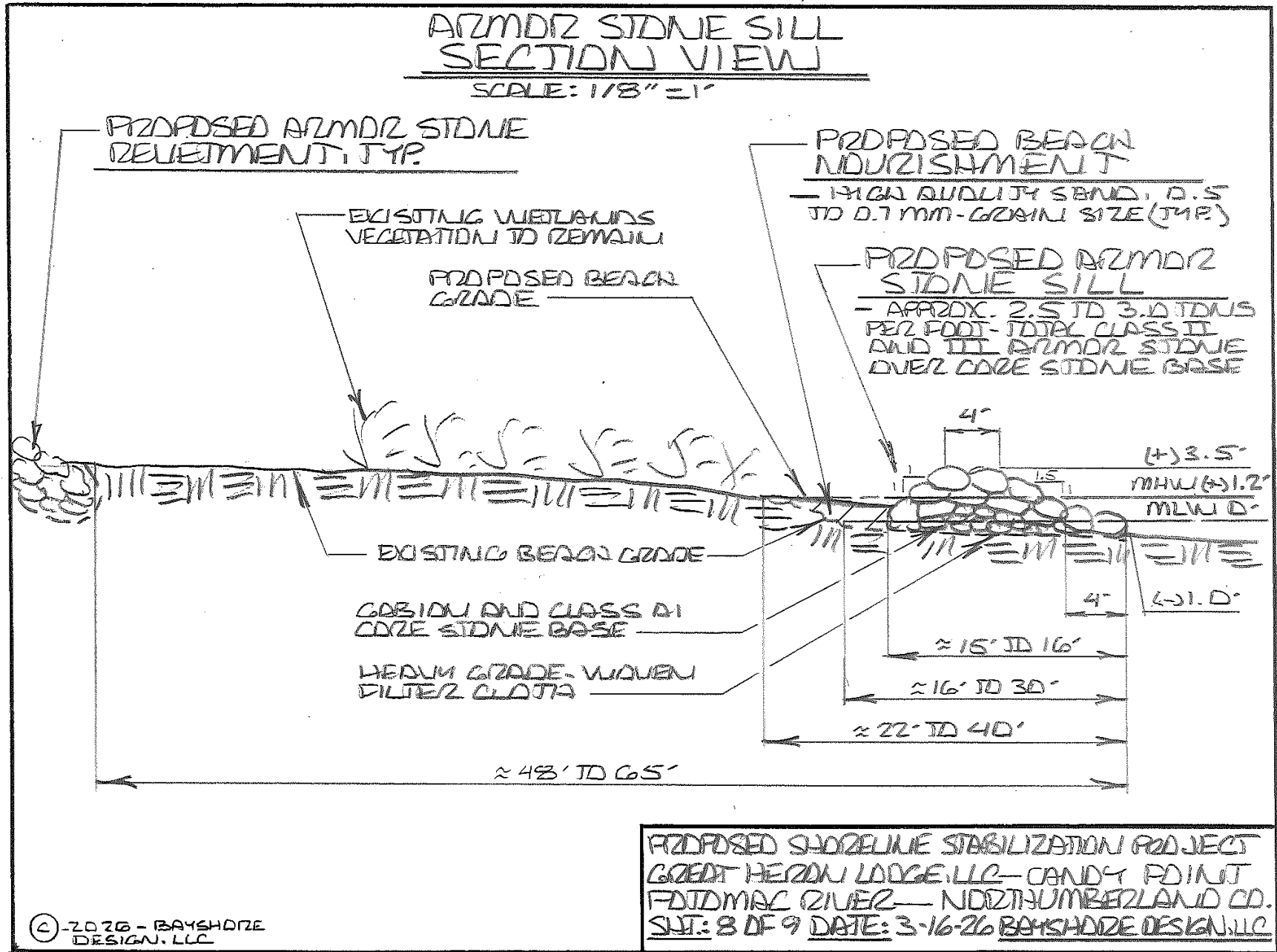


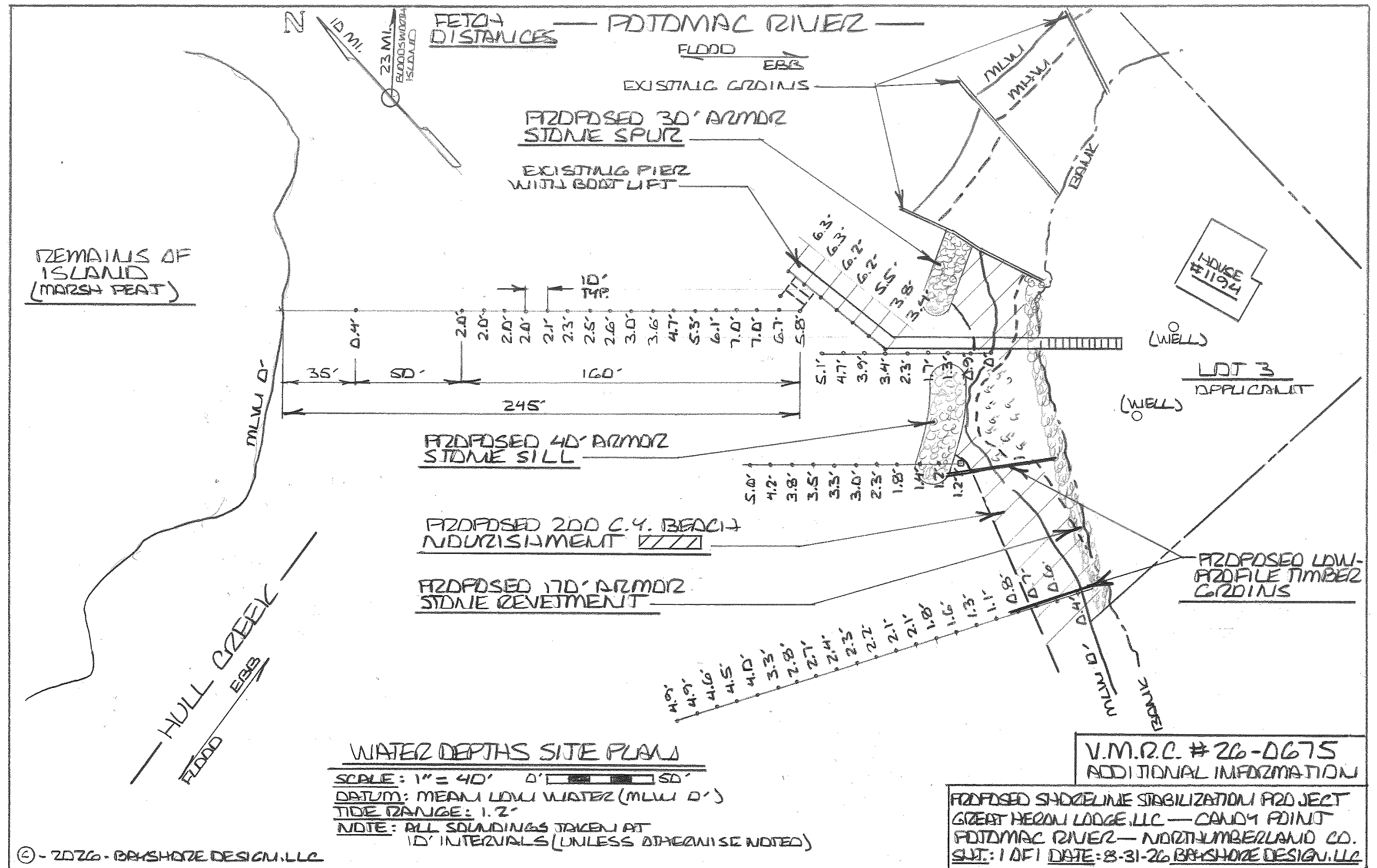
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PROPOSED SHORELINE STABILIZATION PROJECT
 GREAT HERON LODGE, LLC
 1178 CANDY POINT ZONE
 HEATHSVILLE, VIRGINIA 22473

LOCATION: 1194 CANDY POINT ZONE - LOT 3 - CANDY POINT, FAIRFIELD DISTRICT TAX MAP 18A-1, NORTHAMPTON AND COUNTY, VIRGINIA
 SAT: 1 OF 10 DATE: 3-16-26 BAYSHORE DESIGN, LLC









COMMONWEALTH of VIRGINIA

Marine Resources Commission

David L. Bulova
Secretary of Natural
and Historic Resources

Building 96
380 Fenwick Road
Fort Monroe, Virginia 23651

Joseph D. Grist
Commissioner

September 10, 2026

Great Heron Lodge, LLC
Attn: Mr. Edward Carwile &
Ms. Samantha Futrell
c/o Bayshore Design, LLC
8518 Cople Highway
Hague, VA 22469
futresm@gmail.com
craigp@bayshoredesign.com

Re: VMRC #2026-0675

Dear Sir/Madam:

This is regarding your application requesting authorization to install a 30-foot long armor stone spur, a 40-foot armor stone spur, repair/construct three (3) low profile timber groins totaling approximately 134 linear feet and place 200 cubic yards of beach nourishment, adjacent to property situated along Hull Creek at 1194 Candy Point Road in Northumberland County.

Given that your groin proposal has been approved by your local wetlands board, is of low-profile design, and will not extend more than 48 feet channelward of mean high water, it will qualify for the Virginia Marine Resources Commission General Permit (VGP #2) for groins and will therefore not require an individual permit from this agency. A copy of the General Permit and your project drawings are enclosed and should be retained as evidence of authorization by the Marine Resources Commission. **Please be advised that your VGP #2 authority expires concurrently with your wetlands board permit, and any groin construction must be completed before permit expiration.**

Also, be advised that a subaqueous permit will be required from VMRC for the Spur, sill and beach nourishment portions of your project. This permit will follow at a later date.

In addition, the placard accompanying this letter must be conspicuously displayed at the work site throughout the construction phase of the authorized activity. You are also required to notify this office a minimum of 15 days prior to construction.

Prior to commencing your project, you may also need a permit from the Army Corps of Engineers and the Department of Environmental Quality (DEQ).

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

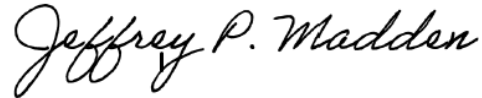
Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

Great Heron Lodge, LLC
Page Two

September 10, 2026
VMRC #2026-0675

If I may be of further assistance, please contact me at (757) 247-2276 or
jeff.madden@mrc.virginia.gov.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey P. Madden". The signature is written in a cursive style with a large, stylized "J" and "M".

Jeffrey P. Madden
Environmental Engineer

JPM/lra

HM

Enclosures

cc: Department of Environmental Quality #5
Northumberland County Wetlands Board
Applicants

COMMONWEALTH OF VIRGINIA
VIRGINIA MARINE RESOURCES COMMISSION (VMRC)

GENERAL PERMIT VGP #2

VMRC GENERAL PERMIT FOR GROIN PROJECTS DESIGNED TO CONTROL SHORELINE EROSION, WHICH CONFORM TO CERTAIN CRITERIA AND ARE UNDERTAKEN BY RIPARIAN OWNERS IN, ON OR OVER STATE-OWNED SUBAQUEOUS LANDS IN WATERS OF THE COMMONWEALTH.

1. AUTHORITY - EFFECTIVE DATE

(a) This General Permit is promulgated pursuant to the authority contained in § 28.2-103 and Chapter 12 of Title 28.2 of the Code of Virginia.

(b) This General Permit conforms with current Commission policy in its establishment of general permits for projects which meet certain restrictive criteria.

(c) This General Permit is consistent with the official opinion of the Attorney General issued on October 31, 1984, and attached hereto.

(d) The effective date of this General Permit is July 1, 1985.

2. DISCUSSION

(a) A principal objective of the permit streamlining efforts of this agency is the achievement of a single permit wherever possible for minor projects with minimal cumulative impacts.

(b) The Norfolk District U.S. Army Corps of Engineers has approved a general permit for groin projects in Virginia waters which are authorized by a local wetlands board and/or VMRC (89 RP-19)

(c) Local wetlands boards now process applications and issue permits for groins under the 1982 amendments to the Wetlands Act which placed the non-vegetated intertidal area of the "Tidewater Virginia" shoreline under their jurisdiction.

(d) The Virginia Institute of Marine Science reviews all applications for groins in tidal waters and submits a written evaluation to local boards for their use in the decision process.

(e) All local wetlands boards' decisions are made at public hearings which are public noticed in accordance with § 28.2-1302 of the Code of Virginia.

(f) The Commissioner reviews all decisions of local wetlands boards in compliance with § 28.2-1310.

(g) Any applicant, or 25 or more freeholders of property within the locality, aggrieved by a final decision of the local board, whether such decision is affirmative or negative in form, may appeal that decision to the Commission which will then review the local record in accordance with §§ 28.2-1311, 1312, and 1313.

(h) The Commission has promulgated guidelines to assist local boards in determining the appropriateness and suitability of proposed groin structures.

3. PROCEDURES

The Chief, Habitat Management Division, will administer the General Permit and assure:

(a) That the approved Local-State-Federal Joint Permit Application form is completed and filed in accordance with the instructions contained therein.

(b) That applications are processed in accordance with the procedures established in § 28.2-1302 of the Wetlands Act and the local ordinance adopted thereunder.

(c) That groin projects authorized by this permit achieve the policy and standards implicit in Chapter 12 of Title 28.2 of the Code of Virginia, reasonably accommodate guidelines promulgated by the Commission and are consistent with the attached opinion of the Attorney General.

(d) That groins authorized by local boards meet the following criteria: (1) are of "low profile" design, (2) do not extend more than 48 feet channelward of mean high water, (3) if constructed of riprap or stone material do not exceed six feet in base width, and (4) any spur associated with an approved groin must be properly designed and located.

Projects which do not meet the criteria in (a) through (d) above will be processed for an individual VMRC permit with appropriate fees and royalties.

4. AUTHORIZATION/CONDITIONS

All proposals for groin structures to encroach in, on or over State-owned subaqueous land which meet the criteria in

paragraph 3 (a) through (d) above are hereby permitted subject to the following standard conditions:

- (1) This permit grants no authority to the Permittee to encroach upon property rights, including riparian rights, of others.
- (2) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purposes of inspecting the work being done pursuant to this permit.
- (3) 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 for the project.
- (4) The permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning 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.
- (5) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (6) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (7) There is expressly excluded from this permit any portion of the waters within the boundaries of the Baylor Survey (Public Oyster Ground).
- (8) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (9) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.

- (10) All structures authorized by this permit which are not maintained in good repair shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (11) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment operation or maintenance of said project.
- (12) This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn, notify the Virginia Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

5. This General Permit should be retained by the Permittee for the life of his project as evidence of authorization.

This is to certify that this permit was approved by the Commission at its regularly scheduled meeting on May 28, 1985, and is recorded in the official minutes of that meeting.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

By: William A. Pruitt
William A. Pruitt
Commissioner

Subscribed and sworn to before me this 23rd day of February, 1993.

My Commission expires: June 30, 1993.

Virginia S. Chappell
Notary Public



NOV 2 1984

COMMONWEALTH of VIRGINIA

Gerald L. Baliles
Attorney General

William G. Broadus
Chief Deputy Attorney General

Office of the Attorney General

October 31, 1984

Dohald C. J. Gehring
Deputy Attorney General
Criminal Law Enforcement Division

Maston T. Jacks
Deputy Attorney General
Human & Natural Resources Division

Elizabeth B. Lacy
Deputy Attorney General
Judicial Affairs Division

Walter A. McFarlane
Deputy Attorney General
Finance & Transportation Division

Karl E. Bren
Director of Administration

The Honorable William A. Pruitt, Commissioner
Marine Resources Commission
P. O. Box 756
Newport News, Virginia 23607

My dear Mr. Pruitt:

You have requested my opinion regarding the authority of a local wetlands board to regulate the length of structures known as groins (structures built out from a shore to prevent erosion) and other similar structures constructed as part of a single project extending beyond the wetlands in both the intertidal zone and below mean low water.

The Wetlands Act, § 62.1-13.1 et seq. of the Code of Virginia, provides for local wetlands boards and gives them authority to regulate wetlands which are contiguous to and above mean low water, including the intertidal zone.

The lands below mean low water, unless previously conveyed away, are owned by the Commonwealth. See § 62.1-1. Section 62.1-3 allows certain uses of these lands and gives the Marine Resources Commission (the "Commission") authority to permit other uses. See 1981-1982 Report of the Attorney General at 242.

The Wetlands Act prohibits any use or development of wetlands without a wetlands permit issued by a wetlands board. See §§ 62.1-13.9 and 62.1-13.5(4)(a). A wetlands board must base its decision to issue or deny a permit on the impact the use or development will have on the public health and welfare as expressed by the Act's policy of preserving wetlands. Sections 62.1-13.5(9) and 62.1-13.1. The Commission is empowered by § 62.1-13.13 to modify, remand or reverse the decision of the wetlands board. See 1982-1983 Report of the Attorney General at 761.

In granting or denying any permit for the use of state-owned bottom lands, the Commission must consider the effect of the project "upon the wetlands of the Commonwealth, except when its effect upon said wetlands has been or will be determined under the provisions of Chapter 2.1 (§ 62.1-13.1 et seq.) [The Wetlands Act]...." Section 62.1-3, ¶ 6.

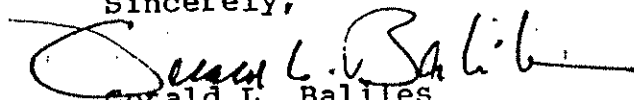
The Honorable William A. Pruitt
October 31, 1984
Page 2

By reading the wetlands boards' authority to carry out the Commonwealth's strong policy favoring wetlands preservation, together with the deference to Wetlands Act decisions contained in § 62.1-3, I conclude that a local wetlands board should consider the impact on wetlands from the total project, including that portion of the project resting on subaqueous lands beyond the wetland. Although not expressly authorized to do so by statute, regulation of the length of a structure is vital to exercising the authority to regulate the use of wetlands. Whether such consideration will require imposition of a limitation on the length of structures located below mean low water is a factual determination which must be made on a case-by-case basis. That decision is subject to review by the Commission. If the wetlands board does not consider the wetlands impact of the total project, the Commission must consider, pursuant to § 62.1-3, the effect of such a subaqueous project on wetlands, when it determines whether or not to grant a permit to use subaqueous lands.

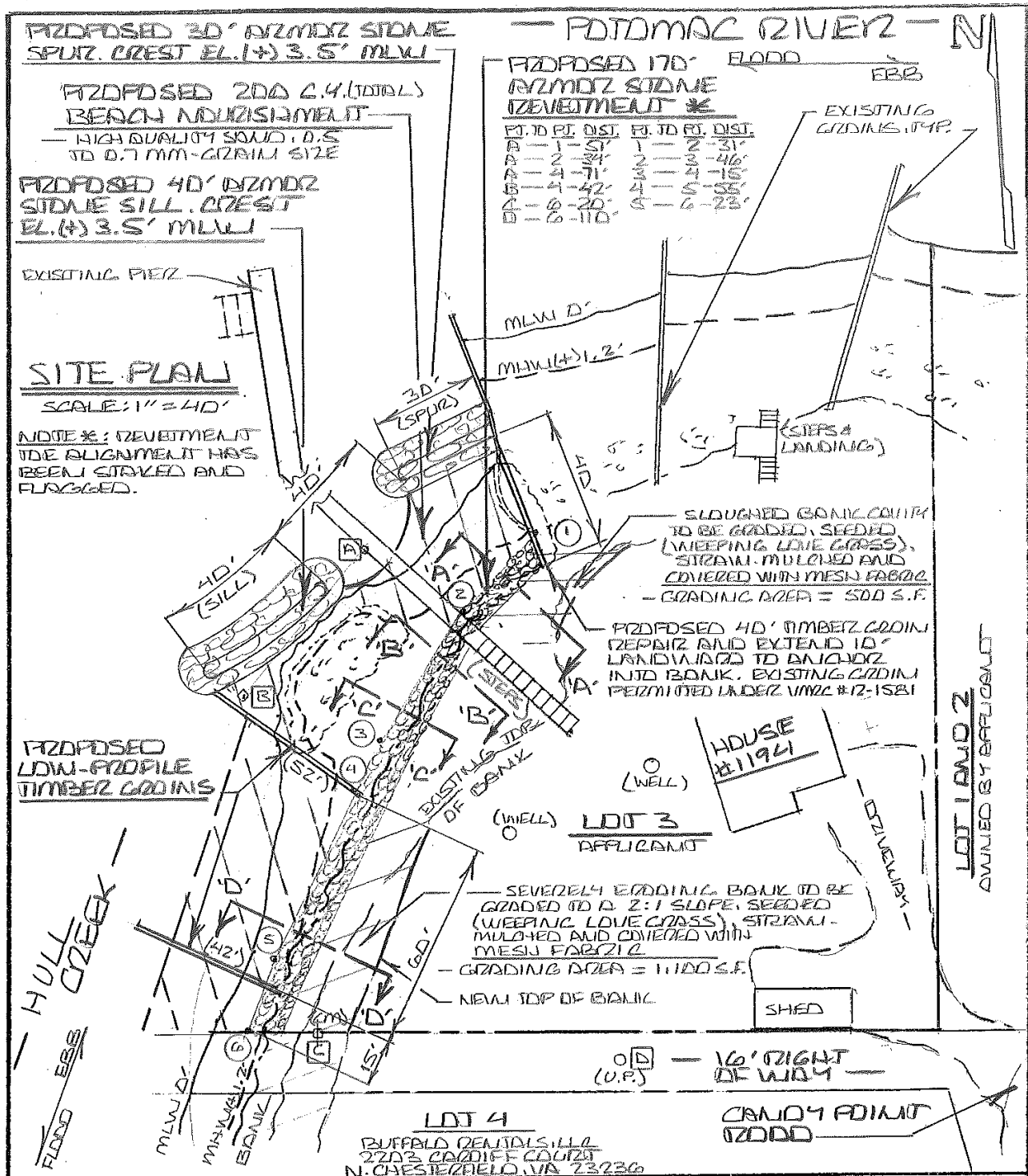
I am, therefore, of the opinion that a local wetlands board is authorized to regulate the length of a structure which is constructed through both the intertidal zone and channelward of mean low water, subject to superior jurisdiction of the Commission to modify or reverse the decision.

With kindest regards, I am

Sincerely,


Gerald L. Ballies
Attorney General

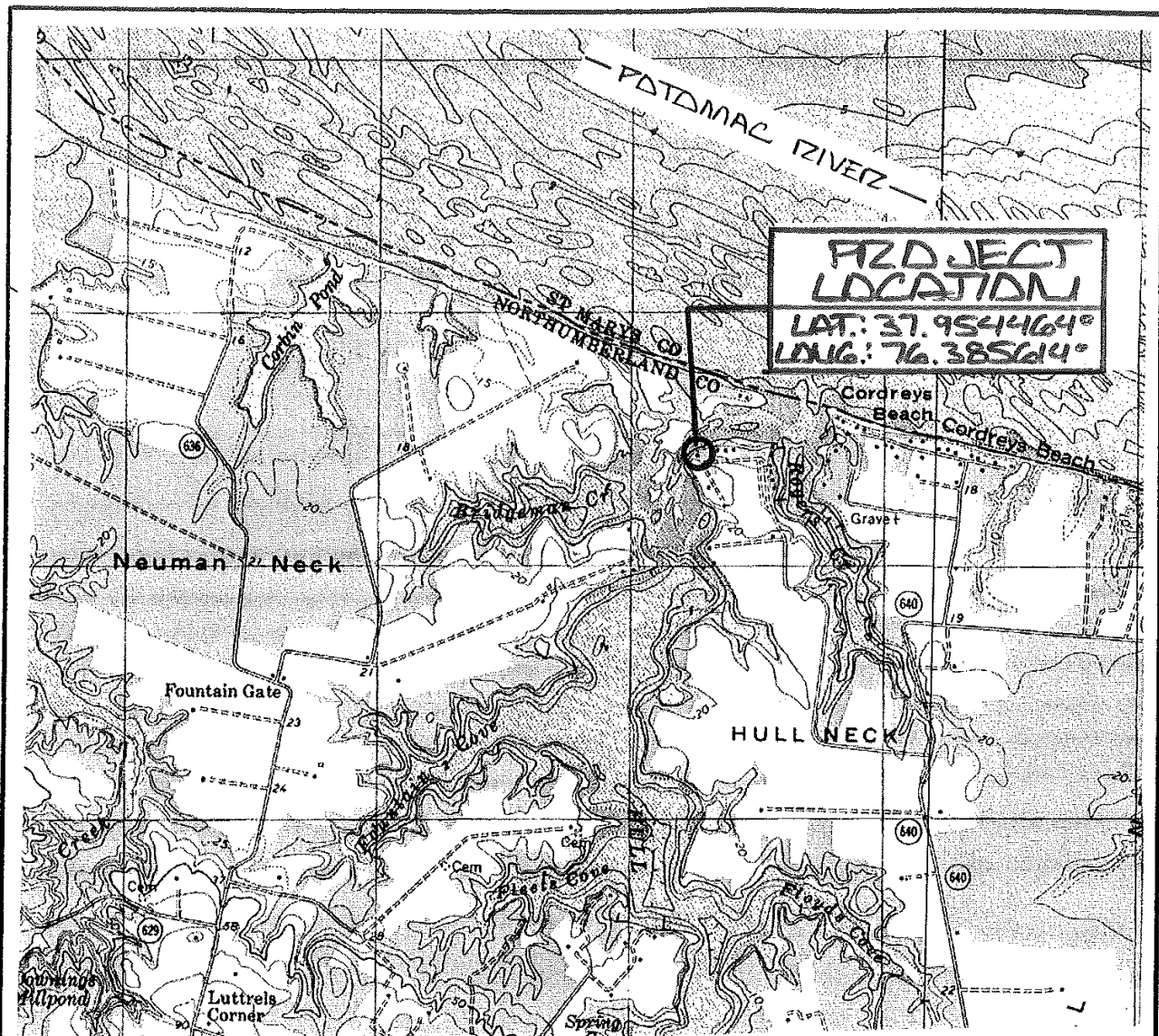
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PROPOSED SHORELINE STABILIZATION PROJECT
GREAT HERON LODGE, LLC
1178 CANDY POINT ZONE
HEATHSVILLE, VIRGINIA 22473

LOCATION: 1194 CANDY POINT ZONE - LOT 3 - CANDY POINT, FAIRFIELD DISTRICT TAX MAP 18A-1, NORTHAMPTON AND COUNTY, VIRGINIA
SAT: 1 OF 10 DATE: 3-16-26 BAYSHORE DESIGN, LLC



VICINITY MAP

BURGESS & HEATHSVILLE QUADRANGLE

VIRGINIA-MARYLAND

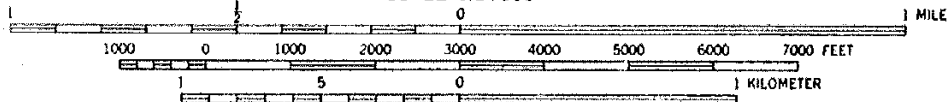
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

SCALE 1:24000

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QUADRANGLE LOCATION



CONTOUR INTERVAL 10 FEET

DASHED LINES REPRESENT 5-FOOT CONTOURS

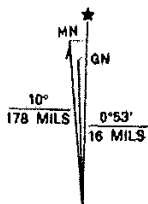
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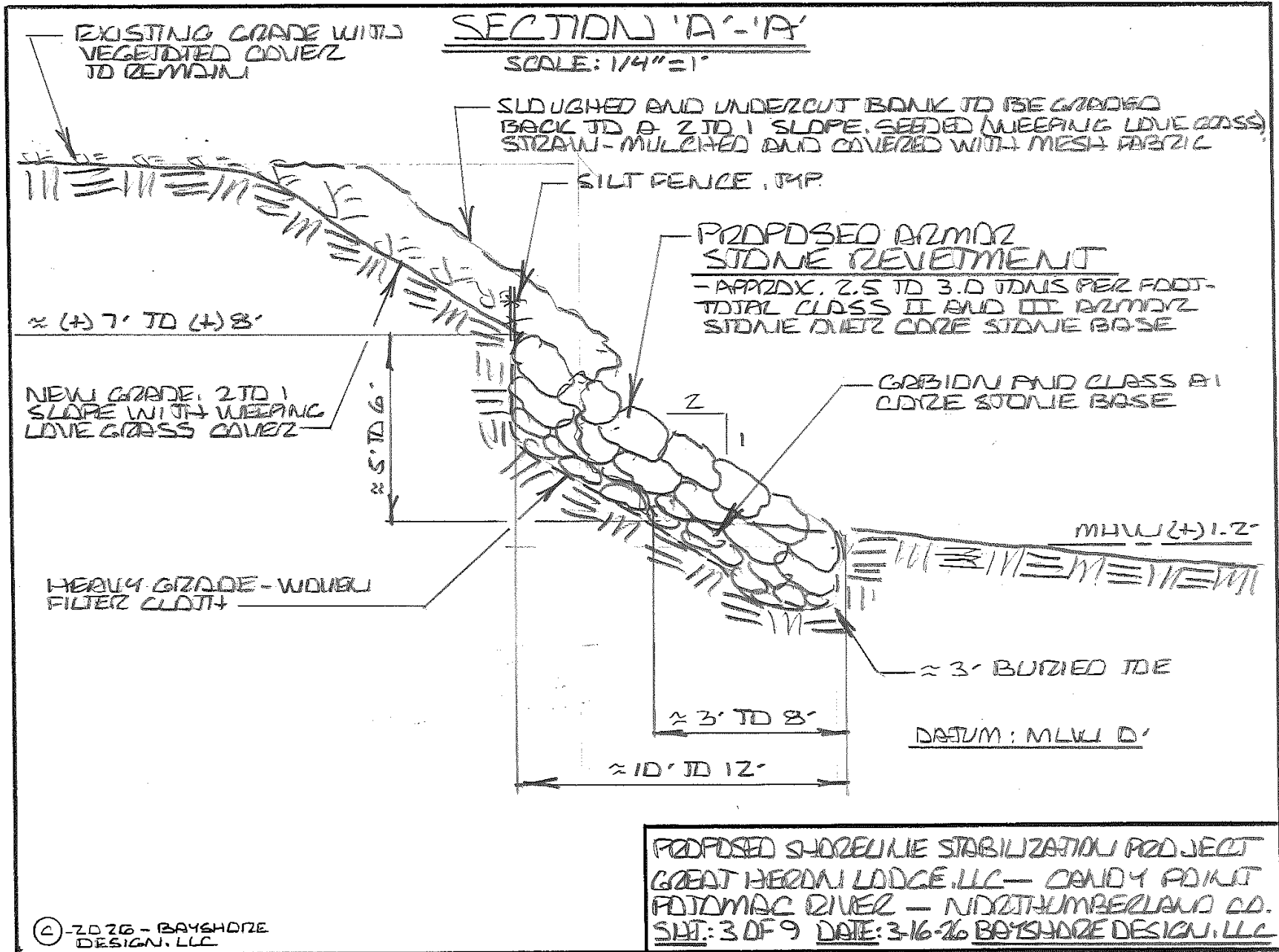
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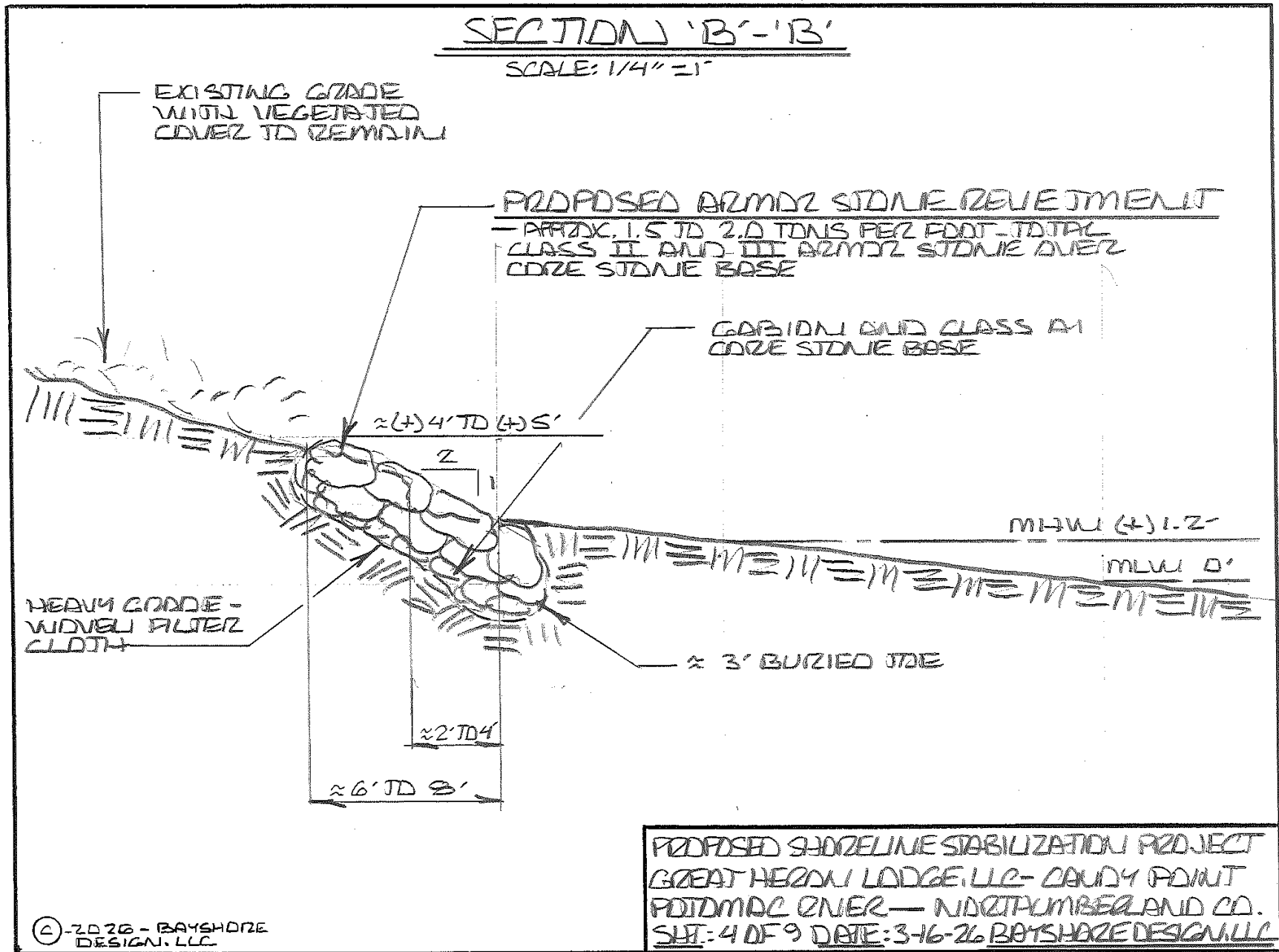
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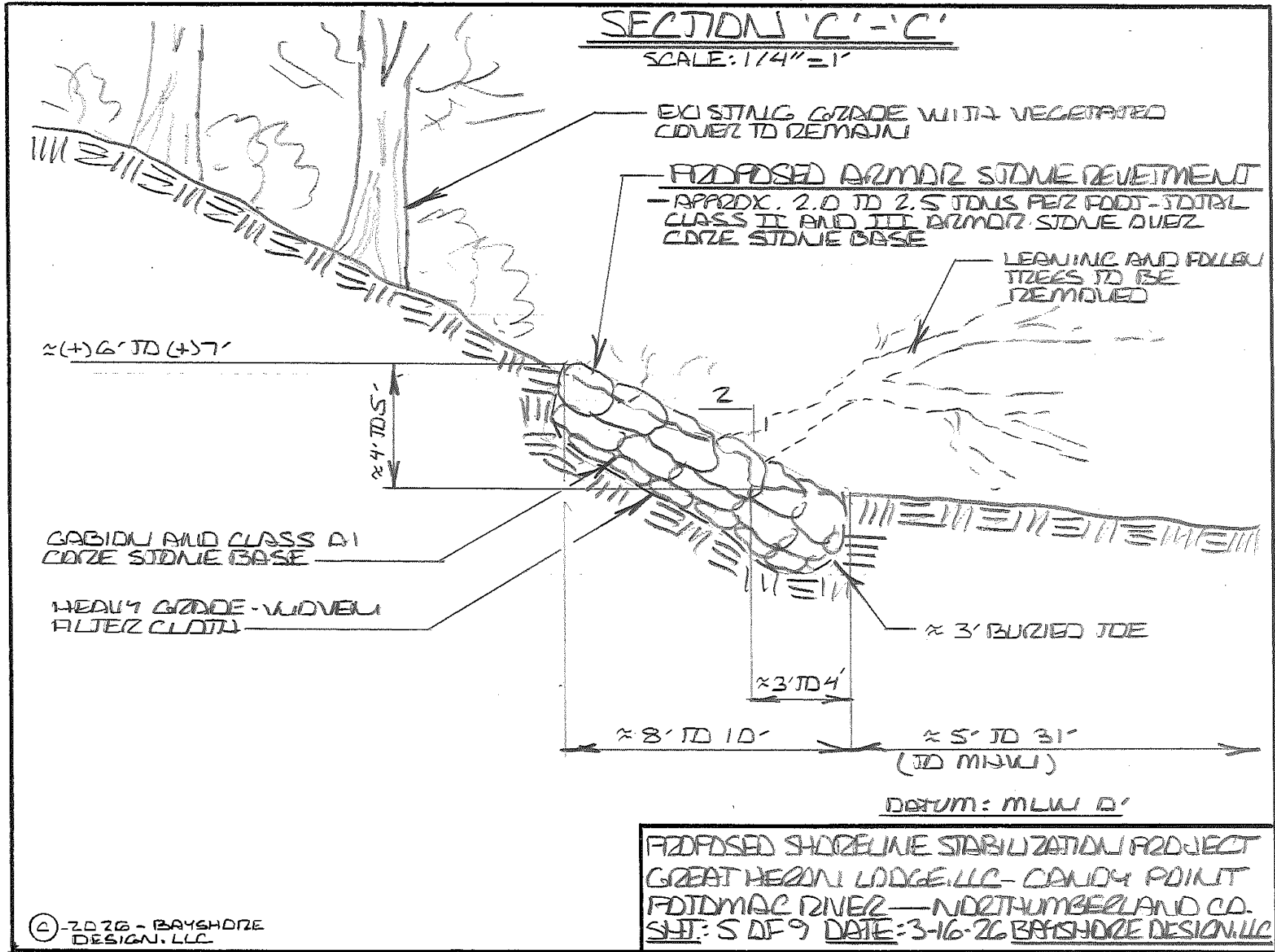


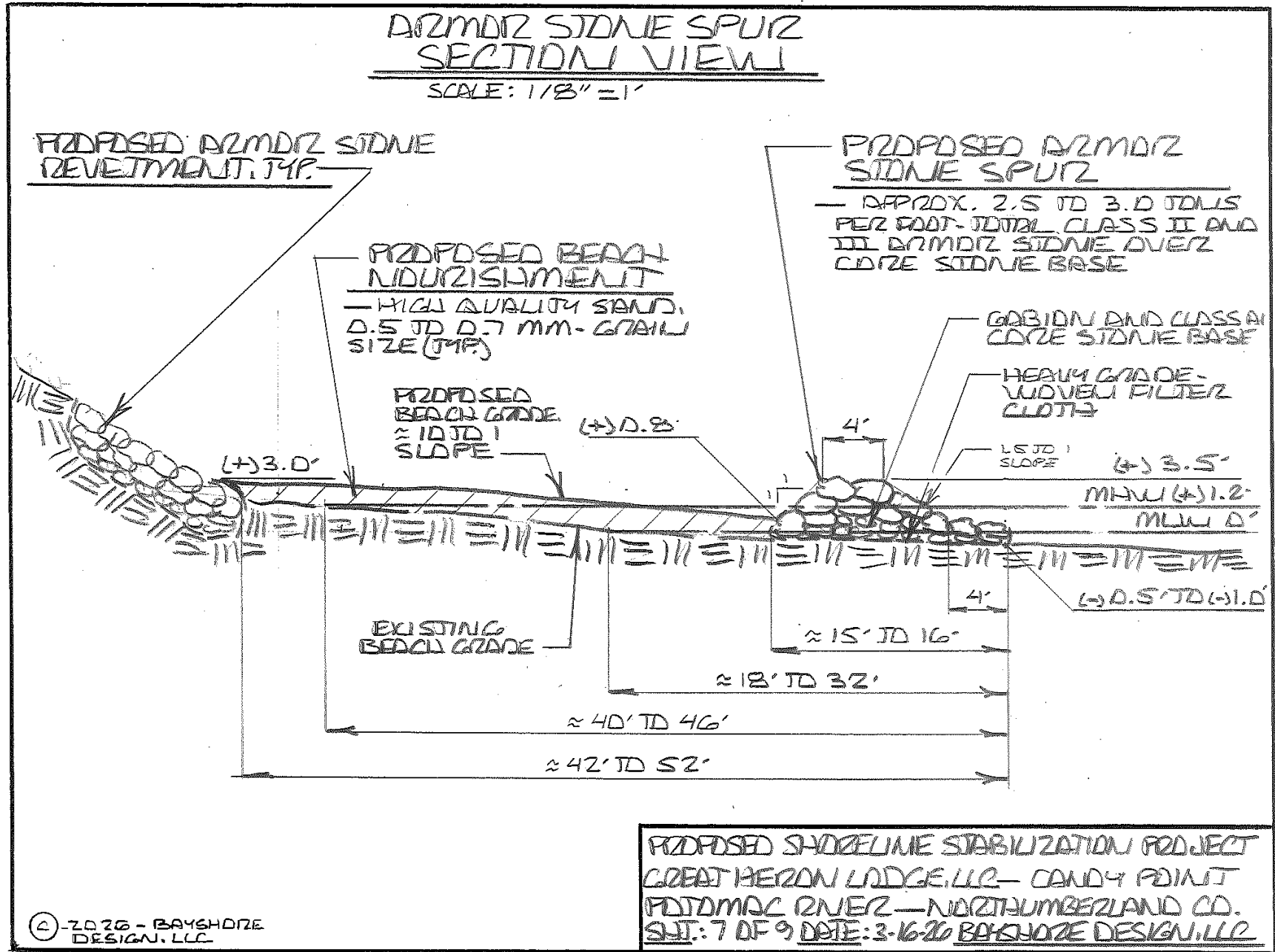
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DECLINATION AT CENTER OF SHEET

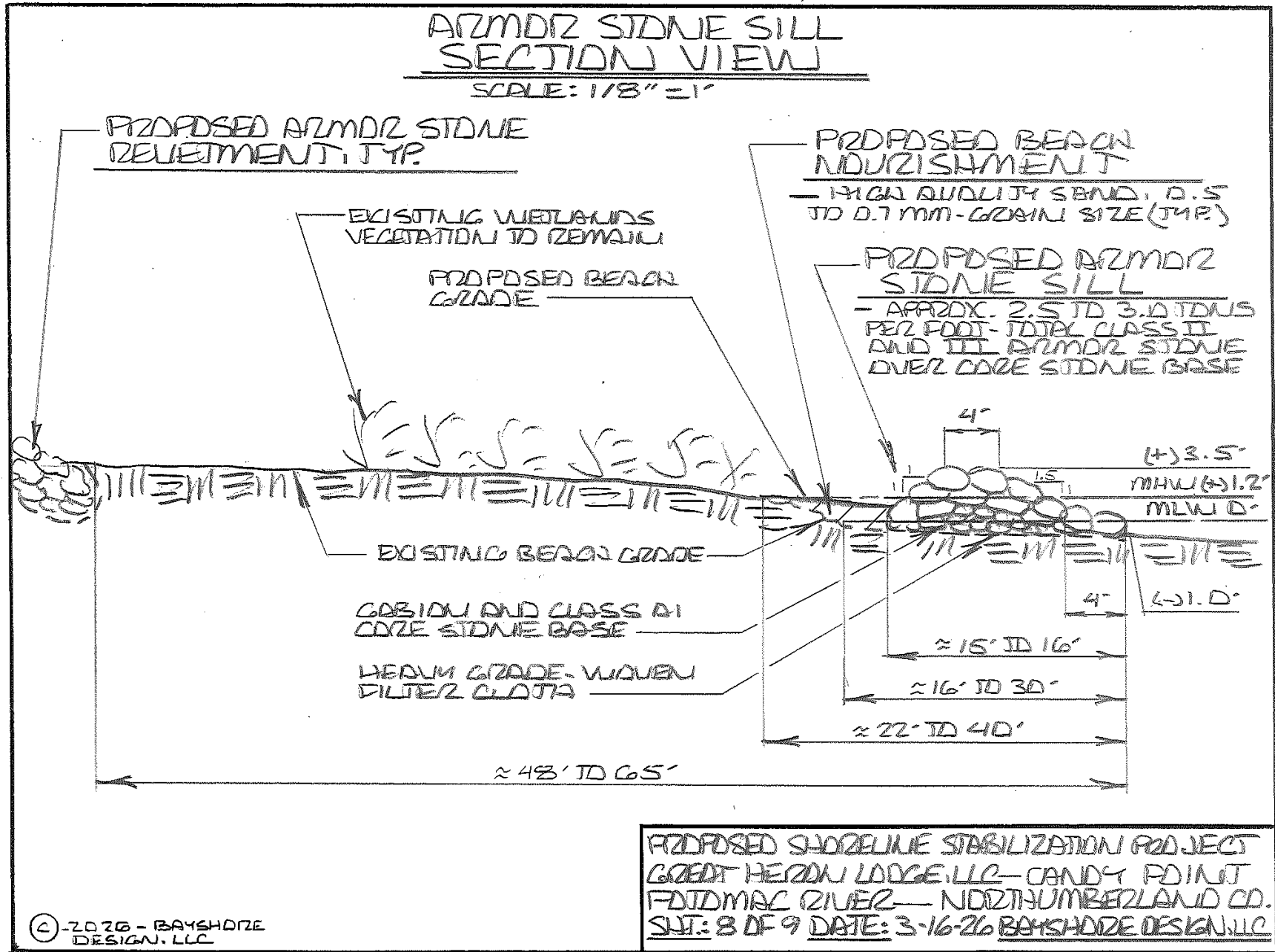
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GREAT HEARD LODGE, LLC—CANDY POINT
POTOMAC RIVER—NORTHUMBERLAND CO.
SHT: 2 OF 9 DATE: 3-16-26 BAYSHORE DESIGN, LLC

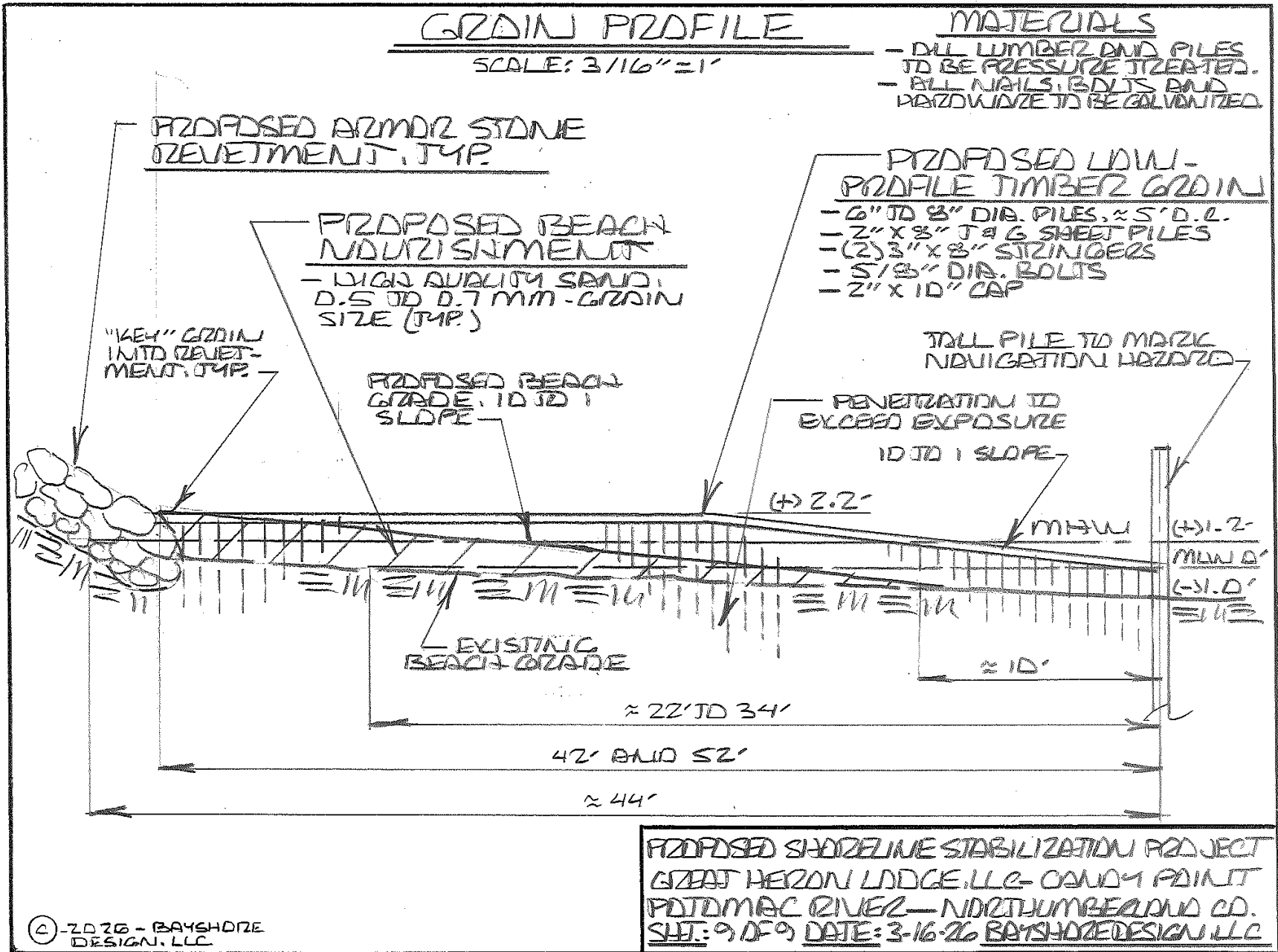














Permit #26-0675

Commonwealth of Virginia Marine Resources Commission Authorization

A Permit has been issued to: Great Heron Lodge, LLC
1178 Candy Point Road
Heathsville, VA 22473

Permittee is hereby authorized to install a 30-foot long armor stone spur, a 40-foot armor stone spur, repair/construct three (3) low profile timber groins totaling approximately 134 linear feet and place 200 cubic yards of beach nourishment, adjacent to property situated along Hull Creek at 1194 Candy Point Road in Northumberland County.

Issuance Date: September 10, 2026

Expiration Date: May 22, 2029

Randal D. Owen
Randal D. Owen
Chief, Habitat Management Division

This Notice Must be Conspicuously Displayed at Site of Work

3 August 2026

Mr. Jeffrey Madden
Senior Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

Dear Mr. Madden:

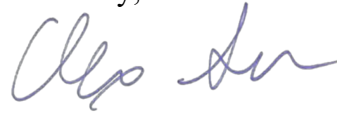
We have reviewed the joint permit application submitted by Great Heron Lodge, LLC to construct a revetment, sills, and groins along their shoreline at the confluence of Hull Creek and the Potomac River in Northumberland County (VMRC #2026-0675, NAO-2026-00691). Existing conditions along this shoreline can be separated into two distinct segments. The north facing stretch of shoreline is currently protected by a timber groin system that is functioning appropriately to capture moving sand. One of the timber groins has failed along its upland extent, and sand is eroding out of the cell near the failure. Within this area of the shoreline, landward of the dune vegetation, is a steep upland slope that is vegetated with trees and shrubs. Along the west facing shoreline there are currently no shoreline protection features.

As proposed, the applicant intends to repair the existing failed groin, construct two new timber groins along the west facing portion of the shoreline, add a stone revetment along the entirety of the west facing upland toe, and construct two stone sills within one of the newly created groin cells. With regard to this design, we offer a few recommendations to reduce impacts to marine resources without diminishing the shoreline protection offered.

The combination of timber groins, an upland toe revetment, and stone sills may be unnecessary to protect this area, and in order to reduce impacts to marine resources the applicant should consider modifications to the design. Firstly, we recommend the applicant consider eliminating the proposed stone sills. As designed, these sills may reduce the sediment capture abilities of the groin cells, and eliminating the sills greatly reduces the overall project footprint. The existing groin system along this reach is functioning effectively to capture sediment and provide shoreline protection, and the proposed additional timber groins are likely to function together with the existing system. If this design were utilized, we recommend the applicant nourish the groin cells with clean sand as proposed but avoid filling in the existing vegetated wetlands. This sand nourishment is unlikely to result in impacts to the existing sand movement patterns within Hull Creek. Another design modification that the applicant may consider that would reduce impacts to marine resources is decreasing the overall length of the proposed revetment. As designed, the revetment spans the entire length of the west facing portion of the property shoreline. Upland erosion is varied along this reach, and placing the revetment in areas without active upland erosion may not be necessary.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Sabo', is positioned above the printed name.

Alex Sabo
Environmental Review and
Advisory Specialist

Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
1	CALVIN W EVANS	06/17/2026 14:52:11 PM	OPPOSE

AS PRESIDENT OF SANDS ON THE POTOMAC AND A WATERFRONT OWNER, I HIGHLY OPPOSE THE DUMPING OR PLACING OF 200 CUBIC YARDS OF SAND AND BEACH ALTERATIONS AT THE ENTRANCE OF HULL CREEK AT THE GREAT HERON LODGE. THE ENTRANCE WHERE HULL AND BRIDGEMAN CREEKS MEET THE POTOMAC RIVER, IN FRONT OF THE GREAT HERON LODGE, IS THE ONLY WAY TO ACCESS THE POTOMAC. THE CHANNEL, WHICH IS OUR ONLY DEEP WATER WHICH EVERYONE HAS TO USE, RUNS WITHIN FEET OF THE PIER AT GREAT HERON LODGE AND IS BARELY 6 FOOT WIDE BECAUSE OF THE SWIRLING CONDITIONS THAT ALWAYS OCCUR IN THAT AREA. THE CHANNEL, AT TIMES, IS ONLY 2 FEET DEEP, WHICH IS ALWAYS AN ISSUE. AS IT IS NOW, WE HAVE TO BE CONSCIENCE OF TIDE TABLES BECAUSE OF WATER DEPTH., RESIDENTS ACTUALLY WALK IN THE WATER AT LOW TIDE AND PUT POLES IN THE WATER TO TRY AND ALERT BOATERS TO BOTTOM CHANGES. CHANGING THE SHORELINE MEANS HOW THE SAND SETTLES WILL CHANGE THE BOTTOM CONDITIONS OF THE WATER IN THAT AREA. PLACING THAT AMOUNT OF SAND, BULKHEAD OR ROCKS MEANS CURRENT CHANGES AND SHIFTING SAND. ANY CHANGES TO THE GREAT HERON LODGE SHORELINE WOULD BE DETRIMENTAL TO THE WATERWAY IN THAT AREA. SAND AND ROCKS SHIFT, WHERE WILL IT GO IF IT DOES? THE AREA NEEDS DREDGING WHICH I'M SURE NONE US WILL EVER SEE. THE PROPOSED CHANGE OF THE SHORELINE WOULD GREATLY IMPACT ALL OF THE WATERMEN AND RESIDENTS, PLEASE RECONSIDER THE PERMIT. WE ALL WANT TO PROTECT OUR WATERFRONT AND I UNDERSTAND THAT, BUT AT WHAT COST TO THE AREA.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
2	CALVIN W EVANS	07/17/2026 13:19:37 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1390

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
3	PENNY WEINHEIMER	07/21/2026 13:34:34 PM	OPPOSE

SEE ATTACHED

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1391

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
5	BENITA KOMAN	07/29/2026 04:58:22 AM	OPPOSE

ANYONE THAT TRAVELS THE WATERWAY TO THE POTOMAC HAS TO PASS WITHIN FEET OF THE OWNER’S PIER BECAUSE OF THE SHIFTING SAND AT THE MOUTH OF THE CREEK. ALLOWING THIS PROJECT TO CONTINUE COULD FURTHER HINDER WATER ACCESS. DUMPING THAT AMOUNT OF SAND MAY FURTHER CHANGE THE CONSTANT CHANGING CREEK ENTRANCE CONFIGURATION, NOT FIGURING IN THE 134 LINEAR FEET OF STONE AND TIMBER DAMAGE IT WOULD CAUSE. WHERE IS ALL THAT MATERIAL GOING TO GO AFTER THE NEXT EXTREME HIGH TIDE AND WINDY WEATHER? THE ENTRANCE TO THE CREEKS DOESN’T NEED A HURRICANE TO CAUSE THE SHIFTING OF SAND, MOTHER NATURE IS TAKING CARE OF THAT. THIS COULD DESTROY OUR WATERWAY ACCESS.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
6	CHRISTOPHER J BACHE	07/29/2026 11:28:49 AM	OPPOSE

THIS PROJECT WOULD HAVE SIGNIFICANT NEGATIVE IMPACTS ON RESIDENTS OF SANDS ON THE POTOMAC, PARTICULARLY THOSE WHO OWN WATERCRAFT, AS WELL AS THE MANY RESIDENTS LOCATED FARTHER WITHIN HULL CREEK. ACCESS TO THE CREEK IS ALREADY CHALLENGING DUE TO LOW TIDES, SEDIMENT BUILDUP, AND THE EFFECTS OF STORMS. ANY FURTHER RESTRICTIONS COULD SUBSTANTIALLY AFFECT NAVIGATION AND PROPERTY ACCESS. THERE IS ALSO CONCERN THAT THE PROPOSED PROJECT COULD ALTER EXISTING SANDBAR FORMATIONS, POTENTIALLY CAUSING ADDITIONAL SHOALING AND FURTHER RESTRICTING ACCESS TO BOTH HULL CREEK AND BRIDGEMANS CREEK. CURRENTLY, ALL VESSELS MUST PASS THROUGH AN ALREADY NARROW ENTRANCE CHANNEL“AT TIMES MEASURING ONLY SIX FEET WIDE OR LESS”TO REACH THE POTOMAC RIVER. THE PRACTICAL IMPLICATIONS OF THIS SITUATION SHOULD BE CAREFULLY CONSIDERED. FOR EXAMPLE, HOW WOULD PROPERTY OWNERS OBTAIN REPAIRS OR REPLACEMENTS FOR EXISTING DOCKS IF MARINE CONSTRUCTION BARGES ARE UNABLE TO SAFELY NAVIGATE AN EVEN NARROWER CHANNEL? REDUCED ACCESS COULD CREATE LONG-TERM CHALLENGES FOR MAINTENANCE, EMERGENCY SERVICES, AND ROUTINE RECREATIONAL USE. WHILE I UNDERSTAND THE GOALS OF BEACH NOURISHMENT AND SHORELINE PROTECTION, I BELIEVE ANY PROJECT MOVING FORWARD SHOULD ALSO ADDRESS THE NAVIGATIONAL CONCERNS OF NEIGHBORING COMMUNITIES. ONE POTENTIAL SOLUTION WOULD BE TO EVALUATE WIDENING OR MAINTAINING THE ENTRANCE CHANNEL TO HULL CREEK TO ENSURE CONTINUED SAFE AND RELIABLE ACCESS FOR ALL RESIDENTS. FOR THESE REASONS, I STRONGLY OPPOSE THE PROJECT AS CURRENTLY PROPOSED AND URGE DECISION-MAKERS TO FULLY CONSIDER ITS POTENTIAL IMPACTS ON WATERWAY ACCESS, NAVIGATION, AND THE PROPERTY RIGHTS OF AFFECTED RESIDENTS BEFORE PROCEEDING.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
4	ZACH DAVID	07/30/2026 13:24:05 PM	FAVOR

I LIVE ON THE CREEK IN SANDS ON THE POTOMAC. I USE WATER FREQUENTLY AND SUPPORT THIS PROJECT

Virginia Marine Resources Commission

Habitat Management Public Comments

Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
7	JAMES TEICHERT	07/30/2026 15:07:30 PM	FAVOR

MY WIFE AND I OWN THE HOME ACROSS HULL CREEK IN THE SANDS ON THE POTOMAC SUBDIVISION (302 SPINNAKER LN. HEATHSVILLE, VA. 22473) FROM THIS SITE AND SUPPORT THIS PERMIT AND WORK. I ALONG WITH HELP FROM MR. GOODING, WHO ALSO LIVES ACROSS HULL CREEK FROM US, HAVE BEEN HELPING BOATERS BY PHYSICALLY MARKING THE DEEPER PARTS OF THIS CREEK ENTRANCE WITH GREEN PVC PIPES DUE TO THE SHIFTING SANDS MOST ESPECIALLY DURING THE FALL AND WINTER WITH OUR NOR'EASTERS. WE HAD SIGNIFICANT CHANGES THIS PAST WINTER AS I CAN ATTEST WHEN WE RE-MARKED THE CREEK EARLY THIS SUMMER. WE HAVE BEEN DOING THIS FOR SEVERAL YEARS NOW. I'VE REVIEWED THE PLANS AND THINK THIS WILL ACTUALLY HELP THE NATURALLY OCCURRING CHANNEL THAT SERVES AS THE ENTRANCE TO HULL CREEK. THE NOTION THAT THIS WORK WOULD CLOSE THIS CREEK TO NAVIGATION IS A BIT PREPOSTEROUS. I WOULD ESTIMATE THAT SOMEWHERE WELL NORTH OF 200 MILLION GALLONS OF WATER ENTER AND EXIT THIS CREEK AT EACH TIDE CHANGE TWICE DAILY. THIS SHORELINE WORK WILL DO NOTHING TO CHANGE THAT WHATSOEVER EXCEPT FOR THE PATH OF IT. FOR THOSE WHO HAVE BEEN HERE FOR YEARS, WE'VE WATCHED THE ENTRANCE OF THIS CREEK CHANGE MASSIVELY. TENS OF THOUSANDS OF CUBIC YARDS OF SAND HAVE BEEN STRIPPED AWAY FROM WHAT IS LOCALLY CALLED "TREASURE ISLAND" IN FRONT OF THE GREAT HERON LODGE. SINCE THAT DID NOT CLOSE UP THE MOUTH OF THE CREEK I'M FAIRLY CERTAIN 200 YARDS OF SAND WON'T. I BELIEVE IT WAS AROUND 2016 WHEN WE HAD A BACK TO BACK NOR'EASTER AND REMNANTS OF A HURRICANE OR TROPICAL DEPRESSION THAT CAME THROUGH THAT FALL. EVER SINCE THAT TIME THE ENTRANCE OF HULL CREEK HAS BEEN GETTING WIDER AND THE LOSS OF THE SAND BARRIER IS ALL BUT GONE. THESE EVENTS REALLY ACCELERATED THE DEGRADATION OF THAT AREA SINCE THAT TIME. I'VE ALSO SPENT THE LAST SEVERAL WEEKS TRYING TO HELP MR. CARWILE REPAIR HIS DOCK LIFT POSTS THAT WERE TILTED SIGNIFICANTLY THIS PAST WINTER WITH THE ICE FLOW IN AND OUT OF HULL CREEK. I CAN TELL YOU FROM PERSONAL EXPERIENCE THAT A GOOD PORTION OF THE "NAVIGABLE CHANNEL" CURRENTLY RESIDES UNDER HIS PIER. CLEARLY YOU CAN SURMISE BASED ON THE DRAWINGS FOR THIS WORK THAT IT HAS THE POTENTIAL TO SHIFT THE DEEPER WATER OUTWARD FROM THE SHORE AND HIS PIER THEREBY ENHANCING THE NATURALLY OCCURRING SO-CALLED CHANNEL INTO HULL CREEK. THE NAVIGATION WITHIN THE CREEK IS ANOTHER MATTER AS NO ONE CAN PREDICT HOW THE WATER DEPTH WILL BE MAINTAINED AS THE SANDS SHIFT AROUND CONSTANTLY. IF THIS WERE TO SHIFT THE NAVIGABLE PORTION OF THE HULL CREEK ENTRANCE AS I SUSPECT IT WILL, A LOT OF FOLKS WOULD OWE MR. CARWILE A HUGE THANKS AND PROBABLY MONETARILY FOR HIS EFFORTS THAT PROTECT NOT ONLY HIS PROPERTY BUT HAVE THE ADDED EFFECT OF AIDING THE CREEK NAVIGATION. I ALSO BELIEVE THE RIGHT OF A PROPERTY OWNER TO PROTECT HIS PROPERTY IS NO SMALL MATTER AND I SUSPECT THAT MANY THAT WOULD OPPOSE THIS WORK WOULD THINK MUCH DIFFERENTLY IF THIS WAS THEIR PROPERTY THAT WAS AT RISK OF DISAPPEARING. I'M ALSO CERTAIN THAT MR. CARWILE DID NOT COME TO THE CONCLUSION TO SPEND TENS OF THOUSANDS OF DOLLARS JUST TO CLOSE UP THE CREEK ENTRANCE. I'VE ALSO ASKED WAYNE EVANS TO REMOVE HIS TITLE AS PRESIDENT OF OUR HOMEOWNERS FROM HIS PUBLIC COMMENTS SINCE I DON'T BELIEVE HE HAS THE AUTHORITY TO SPEAK AS THE REPRESENTATIVE OF OUR ASSOCIATION ON THIS MATTER. THERE WAS NO VOTE OR QUORUM TO DO SO. HE SHOULD BE ADDRESSING THIS AS A HOMEOWNER ON HULL CREEK INDIVIDUALLY. CLEARLY NOT ALL HOMEOWNERS ARE IN AGREEMENT WITH HIS POSITION. JIM TEICHERT

**Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260675**

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
8	DEBRA BERRY	07/31/2026 11:07:33 AM	FAVOR

AS HOMEOWNERS ON HULL CREEK, WE SUPPORT THE PROJECT MR. CARWILE IS PROPOSING TO HIS PROPERTY.\R\N\R\NHOPEFULLY, THE WORK DONE MAY BENEFIT OTHERS IN THE CREEK. UNTIL THE TIME THAT HULL CREEK RECEIVES ITS PERMIT TO DREDGE, LET THIS PROJECT BE APPROVED, AND KEEP HULL CREEK AS HIGH ON THE LIST FOR A DREDGE PERMIT!\R\N\R\NLET THIS COUNT AS OUR VOTE TO ALLOW THE CARWILE PERMIT PASS. IF COMES THE DAY WE NEED TO SAVE OUR PROPERTY, I WOULD EXPECT THE SAME CONSIDERATION!!\R\N\R\NKENNETH AND DEBRA BERRY\R\N243 SPINNAKER LANE

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
9	JOHN A GARKA	08/17/2026 14:07:24 PM	FAVOR

I HAVE OWNED A COTTAGE ON THE POTOMAC RIVER FOR OVER 42 YEARS AS WELL AS A BOAT HOUSE ON ROGERS CREEK FOR OVER 20 YEARS. BOTH PROPERTIES ARE LOCATED LESS THAN A 1/3 MILE FROM THE GREAT HERON LODGE. I HAVE OWNED BOATS AND FISHED OFF AND NEAR THE GREAT HERON LODGE FOR AT LEAST 30 YEARS. IN THAT TIME, I HAVE WITNESSED ISLANDS DISAPPEARING AS WELL AS NAVIGABLE CHANNEL CHANGES AS NATURE, WINDS, TIDES AND STORMS AFFECT OUR SHORELINES. I FULLY SUPPORT THE CARWILE'S PROJECT TO ATTEMPT TO STABILIZE AND PROTECT THEIR PROPERTY. I WOULD SUPPORT THE EFFORTS OF ANY LANDOWNER TO PROTECT THEIR PROPERTY. I WOULD HOPE MY NEIGHBORS WOULD DO THE SAME IF IT WAS THEIR PROPERTY THAT WAS BEING COMPROMISED. THANK YOU.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
10	MICHAEL PHILLIPS	09/14/2026 13:42:41 PM	FAVOR

SEE FILE

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1433

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20260675

Print Date: Tuesday September 15 2026 16:22

Number	Name	Received	Position
11	MICHAEL PHILLIPS	09/15/2026 14:06:55 PM	FAVOR

SEE FILE

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1435

Joseph Mercer
VMRC #2025-2593

1. Habitat Management Evaluation dated September 22, 2026
(Page 1 and 2)
2. Northampton County Wetlands Board Meeting minutes dated August 20, 2026
(Page 3 through 12)
3. Northampton County Wetlands Board Meeting agenda packet including email correspondence, project drawings, revised drawings, and hearing notifications dated August 20, 2026
(Page 13 through 62)
4. VIMS comments dated January 26, 2026
(Page 63)

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

HABITAT MANAGEMENT DIVISION EVALUATION

JOSEPH MERCER, #25-2593, Commission review on freeholder appeal of the Northampton County August 20, 2026, Wetlands Board decision to approve a request to install 46 linear feet of new vinyl bulkhead at 1870 Sand Hill Drive situated along the Chesapeake Bay in Northampton County.

Narrative

On August 20, 2026 the Northampton County Wetlands Board heard a request by Joseph Mercer to impact approximately 559 square feet of jurisdictional beach for the construction and backfill of a new vinyl bulkhead. The beach impacts are due to the backfilling of the bulkhead to protect an existing groundwater well and to prevent further erosion on their property. All work is proposed landward of mean low water and is within the Board's beach jurisdiction.

The Northampton County Wetlands Board heard a staff briefing from Mr. Kevin Willis with revised application drawings and site photos. Staff also discussed the revisions and changes required for the application to be complete and accurate. Staff read a written objection from Ms. Kari Pollock, the adjacent property owner to the north, which included concerns about the lack of riprap scour protection at the base of the proposed bulkhead.

During public comment, the Board heard comments from the applicant's agent, Ms. Kelley Parks; the applicant's spouse, Ms. Megan Doughty; the protestant and northern adjacent property owner Ms. Pollock; and the protestant's agent, Ms. Ellen Grimes. Ms. Parks and Ms. Doughty discussed their reasoning for proposing a bulkhead without a revetment or stone toe. Ms. Grimes and Ms. Pollock expressed their concerns about the lack of a stone toe and the potential negative impact it would have on the Pollock's beach.

Chairman Cox and Vice Chair Prorise questioned both Ms. Pollock and Ms. Doughty as to whether the parties had attempted or would be willing to work together. Ms. Pollock indicated that she had not attempted to talk to her neighbors. Ms. Doughty indicated that she had concerns about not being able to protect her property before hurricane season, and that the Pollocks were unwilling to work with her. Ms. Pollock subsequently stated that she would be willing to work with the applicants to come to an agreement.

Board staff, Mr. Willis, reminded the board that this project has been under review since February and that any neighborly cooperation would have occurred by now. He offered that if the board wanted the two parties to come to an agreement, then they could consider denying the project and requesting a new application. Mr. Willis ultimately reiterated staff's recommendation to approve the project as proposed, and that if the parties come to an agreement about the installation of stone, they can submit a new application.

Narrative cont'd

After Chairman Cox closed public comment staff explained and clarified comments provided by the Virginia Institute of Marine Science (VIMS). Mr. Willis clarified that VIMS recommended a revetment rather than a bulkhead, and that the bulkhead return wall alignment be angled landward to reduce the loss of beach resource. The applicants argued that alignment would be too close to the house.

Board member Coccaro commented that it is the Board's duty to promote best management practices, but that is not what is occurring due to personal disputes between the two parties, and that the applicants have a right to protect their property. Board member Kolos made a motion to approve the project as proposed. The motion carried with a 4-1 vote.

Issues

VMRC staff received a letter from Mr. and Ms. Pollock on August 25, 2026, indicating their intent to appeal the August 20, 2026, Northampton County Wetlands Board decision. On August 27, Habitat staff received the appeal letter with 25 freeholder signatures. After reviewing the signatures only 24 were deemed to be freeholders of property within the subject locality. Further discussions with Ms. Pollock and her legal counsel, Carl Eason, revealed that a 26th freeholder signature had been submitted to the agency, but it had not been received by Habitat staff. On September 9, 2026, Habitat staff confirmed that the minimum 25 valid and timely freeholder signatures had been received in accordance with §28.2-1411(B) of the Code of Virginia.

Mr. and Ms. Pollocks' primary concerns of the Board's approval decision are the potential for wave reflection and scour onto their property, the lack of a tie-in to their existing shoreline stabilization structure, and that the proposal does not incorporate the VIMS recommendation.

Summary/Recommendations

§28.2-1413 of the Code of Virginia states that the Commission shall modify, remand, or reverse the Board's decision if the Board in reaching its decision failed to fulfill its responsibilities under the coastal primary sand dune zoning ordinance; or the substantial rights of the appellants have been prejudiced because the findings, conclusions, or decisions of the Board are in violation of constitutional provisions; in excess of statutory authority or jurisdiction of the Board; made upon unlawful procedure; affected by other error of law; unsupported by the evidence on the record considered as a whole; or arbitrary, capricious, or an abuse of discretion.

Based on our attendance at the hearing and our review of the record, staff cannot find that the Board erred procedurally in their review of this matter, nor that the substantial rights of the appellants have been prejudiced by their decision. The Board conducted a thorough review of the project and carefully considered all testimony during the public hearing in making their decision to approve the proposed bulkhead installation.

As such, staff recommends that the August 20, 2026, decision of the Northampton Wetlands Board be upheld.

Northampton County Wetlands Board

Minutes

20 August 2026

A meeting of the Northampton County Wetlands Board was held on Thursday, August 20, 2026, at 10:00 a.m. in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia. Site visits to Sand Hill Drive, Cape Charles and Picketts Harbor Drive, Cape Charles were conducted immediately prior to the commencement of the Board meeting.

Present: Chairman, Marshall Cox; Vice Chairman, William Prorise; Thomas (Tom) Fox; John Kolos; Joe Cocco

Absent: Louis Fox; Renee Hunt

Additional: Claire Gorman of VMRC; Kevin Willis, Planner, Environmental Specialist, & Wetlands Board Agent; Michael Starling, Interim Director of Planning, Permitting, and Enforcement & Zoning Administrator; Ted Docev, Environmental & GIS Specialist; Olivia Bennett, Recording Secretary

Opening Procedures:

Chairman Cox called the meeting to order, a quorum was established, and public speakers were sworn in.

2. Public Hearing

2.01 VMRC 2025-2593 Revision

VMRC 2025-2593 REVISION: Joseph Mercer has submitted a revised application for a permit to construct an L shaped bulkhead with return. The proposed structure will consist of hot dipped galvanized hardware and marine treated timber. The property is located at 1870 Sand Hill Drive, Cape Charles, VA, and is further described as Tax Map 104D-1-17 along the shoreline of the Chesapeake Bay.

Mr. Willis read the public notice and action memo.

Action Memo – April 15, 2026 Wetlands Board Meeting

During the April 15, 2026, Wetlands Board meeting motion was made by Vice Chair, William Prorise, and seconded by Mr. Louis Fox that the Wetlands Board revoke the January 28, 2026, approval of VMRC 2025-2593, and return the application to draft status pending submission of revised drawings depicting the corrected property line with benchmarks, the new bulkhead alignment with dimensions, and the footprint of bulkhead fill over the beach. All members voted “yes,” except Mr. Thomas (Tom) Fox who was absent. The motion passed unanimously.

Mr. Willis read the following excerpt from Mrs. Kari Pollock's letter of opposition dated July 31, 2026.

Adding additional hardened structure to this area will have negative effects on our soft shoreline. This would be especially more destructive during any storm event without a riprap toe to scatter oncoming waves. Riprap is absolutely necessary to protect the newly developing shallow environment we are trying to establish. The board is required to reject any plan that cannot avoid and minimize adverse impacts on neighboring properties.

Mr. Willis noted the Board is required to consider the impact of the structure as proposed on their neighbors.

Mr. Kolos raised concerns about the removal of the revetment from the project design. I agree with the Pollock's assessment, the water is going to hit the return wall and come crashing back onto their shoreline. It makes more sense for the revetment to be in that "L" shaped corner to deflect wave action. It would also support the bulkhead structure. I'm not sure why the revetment was taken out. Large boulders are better than no boulders.

All adjacent property owners were notified.

The Chairman opened the public hearing.

Kelley Parks (agent) at Parks Planning & Consulting, 15532 Smith Beach Road, informed the Board that neither her clients nor herself were sent a letter of opposition from Mrs. Pollock. However, a response statement was drafted by Mrs. Parks and presented to the board on behalf of Mr. Mercer and Ms. Doughty, the subject parcel owners.

Response to Letter of Opposition

Erosion causes:

The neighbors state that property has undergone significant challenges in the last three years, but they fail to acknowledge that these challenges were largely self-created. The Mercer's did nothing to initiate the erosion on the parcel. Activities on the neighboring property contributed to erosion on both parcels including the erosion they are now experiencing themselves.

Inclusion of their structure in our plans:

The letter claims that our submittal completely omits their structure. This is incorrect. Our project drawings clearly include the design and location of their structure. We were required to design a shoreline protection system that would effectively protect the Mercer property. Given the existing bulkhead the most appropriate functional design was a bulkhead extension. We have no intention of removing the existing fully functional working bulkhead.

Considering the rock sizes appropriate for this high energy shoreline:

The rock size is appropriate. It's what the Mercer's have now. The narrow space near the property line does not allow for an effective rip rap revetment. With only 7 ft. available the structure would consist of only 1 or 2 large rocks, not considering the toe, and it would be adjacent to significantly smaller rocks.

We talked to contractors and it did not seem like adding the revetment in that 7 ft. would make any sense from a construction and design aspect, it wouldn't work. The newly located property line put the Mercer's closer to the Pollock's, limiting available space.

It seems that there's not going to be an opportunity for it to be a cohesive project, so we are left to protect the Mercer's property. This was the best design in the contractors' opinion.

Impact on their soft shoreline:

The neighbors have expressed concerns that our proposed project will adversely affect their soft shoreline. However, evidence indicates that their project has resulted in nearly 30 ft. of new erosion on both parcels. Nor'easters generate large swells and extremely high tides. These conditions cause highly erosive waves to pass between and over the existing breakwaters actively contributing to shoreline loss. It is important to clarify that the erosion is not a result of minor wave reflections from our project but rather the consequences of the significant natural events and the ineffectiveness of the breakwater. Our design aims to minimize impacts and protect the shoreline within the constraints of the site's dynamic environment.

It's not small waves bouncing off the contours of the shoreline causing the bulk of the erosion, it's the Nor'easters that are eating away the shoreline. As you saw during today's site visit the erosion is coming back because Fall is approaching. The toe of the new rip rap is almost eroded under already.

Property line concerns:

The letter raises concerns about our project encroaching on their property. We have no plans to encroach on their property. The issue has been dissolved. The neighbors used the county's mapping site for their original permit. We have no reason to believe the property line was incorrect at the time. Our revised plans keep the project entirely on the Mercer parcel. The point where the bulkhead ties into the newest section is more than 3 ft. from the property line. This is one reason why we removed the rock; it wasn't feasible with the space.

Suggestions to remove the return and install standalone rip rap:

The letter appears to suggest removing the turn and installing standalone rip rap. However, the neighbor's newly installed rip rap is already showing toe erosion and is likely to fail soon. The toe is already deteriorating. The rocks used are too small and will be scattered along the beach in a short period of time. This shoreline receives intense surf from northwest winds especially in

Fall and Winter. The surf is overtopping their breakwaters. A bulkhead can withstand these forces. A standalone rock wall might withstand them only if the rock is appropriately sized. A bulkhead with rip rap revetment would be ideal but the Mercer property does not have sufficient space for a properly sized revetment given the rock dimensions required.

Concerns about organized wave reflection:

The neighbors expressed concern about organized wave reflection from the bulkhead. Any wave reflecting off the bulkhead has already lost most of its erosive force. The most damaging waves in this area come from the north. Additionally, the Mercer bulkhead is fronted by a full revetment making the claim contradictory. The property is entirely wrapped in stone. The wave patterns shown in the photos are not reflections from the bulkhead. They are the result of shoreline contours and erosion that has already occurred.

To conclude the Mercer's simply seek to protect their property. This design offers the highest likelihood of success in a dynamic and challenging environment while fully respecting property boundaries. Unfortunately, we suspect that the offshore breakwaters will continue to pose problems. The rock is undersized, the elevation is too low, and the water depth is too great for the structures as installed. Erosion will continue particularly during Fall storms unless both properties are adequately protected. The Mercer's proposed design is the most effective and appropriate solution available for their property given the circumstances and the variables.

Mr. Kolos questioned if any type of rock could be used to help support the wall.

That corner will receive significant wave action, and I wouldn't want to put rock in there that's too small that might work. I would put rock in there that's large enough that will work. The space given is not appropriate for a standalone rip rap structure of any sort, Mrs. Parks replied.

When the wall went up originally there was no rip rap in front of it. It got beaten up quite a bit. It was repaired, rock was put in, and now it's holding up much better. If there's a way to get Class 2 sized rock in there it may help a bit, Mr. Kolos commented.

Chairman Cox asked staff if they received letters of opposition from adjacent property owners objecting to the size of the stone at the first public hearing for the Mercer project. Mr. Willis noted that he did not recall any objections to the size of the stone at the initial hearing.

Ellen Grimes, representing Mr. & Mrs. Pollock, addressed the Board. The stone at the Pollock's is not too small. The stone that is wrapped around the Mercer's bulkhead is very nice, it's the right size, Class 3 and/or above except for underneath you can put smaller stone. It appears some of the larger stone got removed that was on the Pollock's property line, and now the smaller stone is exposed.

I agree with Mr. Kolos, I do believe there should be some kind of toe scour in front of the long stretch of return wall. I do anticipate that sand will build in here, but I also anticipate that big stones will take it right back out. That stone doesn't have to be armor stone it can be Class 3 on the outside with Class 2 underneath. It doesn't have to be big all it has to do is break the force of the wave as the wave hits the bulkhead. I'm concerned about the environment, specifically the portion of unprotected beach that belongs to no one. That return wall needs a toe scour. The return wall can be moved back into the property so that when the toe scour is installed in front of it, it doesn't encroach in and over the property line. You can put a bend in a return wall if you armor it properly and well because it will be a weak point.

In response to Ms. Grimes' comments concerning the Mercer's revised site plan, Mrs. Parks noted that the renderings were based off the approved site plan submitted by the Pollock's in their joint permit application packet approved by Virginia Marine Resources Commission (VMRC). The revised site drawings of the Mercer's project show cohesiveness with the Pollock's approved project. Ideally, we would put the identical sized rock the Mercer's currently have along the entire bulkhead toe, but unfortunately, we're not living in a dream world. The moving of the property line created a situation where it's no longer an option to put rock there.

Mr. Kolos asked Mrs. Parks if she believed that extending rocks identical in size to those on the Pollock's property, along the bulkhead would help. In my opinion, I believe that stone is too small Parks replied. It's already moving, and the toe is eroding.

Vice Chair Prorise inquired if it would be possible to move the revetment wall to the south a few feet to create more space to put stone at the toe. I don't see any option for that unless the Pollock's and Mercer's come to an agreement to move the property line over and have a cohesive project, Parks replied.

Kari Pollock, an adjacent property owner, spoke in opposition to the proposed project. She objected to the project on the grounds that 1.) the structure that was installed on the Pollock property is not included on the site drawings submitted by the Mercer's; 2.) there is potential for structural threat to the Pollock's wall from excavation destabilizing the soil; 3.) there are environmental erosion risks from having a flat wall without a toe against it; 4.) the flat vertical bulkhead contradicts VIMS (Virginia Institute of Marine Science) recommendation.

My husband and I would fully support moving the wall back to make room for the rip rap for protection. We'd even bring in a load or two of rock to put along the bank and help merge the gap, Mrs. Pollock stated.

Chairman Cox asked Mrs. Pollock if she made any effort to talk to her neighbors and come up with a plan between both properties. No sir, Pollock stated.

Would you be willing to work out some type of agreement for the Mercer's project to come across the property line if it's necessary, to help both properties, Vice Chair Prorise inquired.

I understand what you're saying. I do think they should support it entirely on their property, Mrs. Pollocks replied.

Megan Doughty, the subject parcel owner, reminded the Board that at the April meeting, Mrs. Pollock was asked by the Wetlands Board if she would be willing to work with Ms. Doughty to tie in revetments on both properties, she repeatedly refused. Mrs. Pollock has made it clear that she will not work with me, so this is the plan that I, Mrs. Parks, and my contractor, came up with.

Mrs. Pollock noted that she could try to work with whatever will help both properties. I'm interested in making sure that the erosion issue doesn't continue, Pollock commented.

Mr. Willis reminded the Board that VMRC 2025-2593 has been under review since February. If there was going to be any cooperation, it would've occurred after the last revision hearing, Willis advised. If it's the will of the Board to seek further cooperation between the two parties, then the most reasonable thing to do would be to deny the application as proposed and request a new application and design between the two parties.

I have grave concerns. We're coming up on hurricane season. I'd like to protect my property, and this keeps getting pushed back. Mrs. Pollock has been given every opportunity to work with me, Ms. Doughty stated.

While the rocks would be an asset to the wall, the wall will function just fine by itself, Mrs. Parks noted.

Mr. Willis recommended that the Board approve the application as proposed currently and if the two parties do truly wish to work together to come to an agreement for the revetment that could be added as a second application done afterwards. If the applicant is truly concerned about hurricane season coming up, they could come in afterwards and install the revetment to reinforce.

I don't agree with that. That's not a great design. Moving it back and putting rock at the base is the best design and that's what I want to see happen as well as putting rock in place where there's a gap, Mrs. Pollock stated.

The Chairman closed the public hearing.

In response to comments made during the public hearing, Mr. Willis noted that 1.) VIMS (Virginia Institute of Marine Science) letter issued in January 2026 did comment on the revetment on the beach. 2.) VIMS (Virginia Institute of Marine Science) did not recommend a revetment as the only solution to the beach but addressed as designed the impacts as predicted by the institute. 3.) VIMS (Virginia Institute of Marine Science) suggested dog legging the bulkhead alignment to reduce further impact, but the Mercer's are arguing that it would come too close to their dwelling.

Our job is to promote best management practices and that is not what's happening here because of a personal dispute. It puts us in an awful position. The applicant has a right to protect her property, Mr. Coccaro commented.

Motion was made by John Kolos, seconded by Vice Chair William Prosise to approve revised VMRC 2025-2593 as presented. All members present voted "yes," except Chairman Marshall Cox who voted "no," and Renee Hunt and Louis Fox who were absent. The motion carried with a 4-1 vote.

2.02 VMRC 2025-2814 Violation

VMRC 2025-2814 VIOLATION: Duane D. & Deborah Smith will appear before the Wetlands Board for a violation hearing regarding discrepancies reported from the final inspection of permitted project, VMRC 2025-2814. Following review of the violation of the Wetlands Board may take the following action: 1) Require submission of an after-the-fact permit application; 2) Impose a restoration order with time period for compliance; 3) Impose civil charges. The property is located at 2391 Picketts Harbor Drive, Cape Charles, VA, and is further described as Tax Map 104-1-A1 along the shoreline of the Chesapeake Bay.

Mr. Willis read the public notice and staff recommendation.

Staff Recommendation

Based on the above determinations of moderate non-compliance and minor impact staff will recommend to the Board a civil charge of \$2000 to be paid to the Northampton County Treasurer.

All adjacent property owners were notified.

The Chairman opened the public hearing.

Duane Smith of 2391 Picketts Harbor, the subject parcel owner, distributed paperwork that included several descriptions of the project and notice of violation, to the Board. Mr. Smith noted that nothing was done intentionally. There was a mistake in the drawing that was submitted. Except for the removal of the splash apron, the project description on the submitted application is what occurred.

There was no discussion with staff regarding the alteration. You preceded with this altered engineering without a discussion with the county, Mr. Coccaro stated.

The wedge as drawn showed that the core was full of stone, Vice Chair Prosise noted. However, Mr. Mudd said that it wouldn't work because you couldn't place the stone vertically, so he created a partial underlayment of fill for the wedge before putting the stone on top. The problem is the fact that when you have a change you don't arbitrarily make it without checking with the county and going through that process, Prosise concluded.

We were not aware that we made a change. We thought that the work that was done was the same as what was submitted in the application packet. It's the drawing that's the mistake not everything else, Mr. Smith replied.

Mr. Willis read the project description found in the revised joint permit application, dated May 13, 2026, and responded to Mr. Smith's statement.

Project Description

Excavate a 3 ft. wide x 300 ft. long x 3 ft. deep toe to create a wedge rip rap seawall lined with heavy duty-nonwoven polypropylene geotextile underlayment cloth, to prevent stone from sinking/settling. To be filled with approximately 250 tons of Class 2 rip rap. Piled/stacked to bank and up bank on a 1.5 to 1 slope with hydraulic excavator.

It's staff's understanding that a wedge rip rap would align with what was initially submitted in their drawing. What has been submitted now and revised is slightly different. It was accepted that this was an error not just in the site drawing but, in the application submitted as a whole.

Concerning the Notice of Violation, Mr. Smith referenced that only the issue regarding the splash apron was mentioned. That is false. There was a second point in that violation that called out lack of what was approved in the site drawing, which was the fill stone in the initial layer. The other point made was that I (Willis) was contacted during the change in plan. I (Willis) was only told that the plan had changed after the violation was discovered.

Jonathan Mudd of Mudds Marine & Construction informed the Board that the project was completed in 12 days. He noted there was a typo in the submitted paperwork and most of his jobs involve wedge walls with stone in front of the bulkhead. Mr. Willis was informed that we were having a hard time locating uniform flat stone. Mr. Smith and I decided to leave the wall without the flat stone. If I had done the wedge wall on a 2 to 1 slope, I would have been 16 ft. out from the bank, which wasn't allowed, Mudd explained.

If you had noticed earlier that the drawing wasn't correct, what would you have done, Vice Chair Prosisie inquired. I would have made an amendment, which is what was done, Mr. Mudd replied.

The Chairman closed the public hearing.

Since this is the first time this type of situation has come before the Board, and considering Mr. Mudd's comments, I believe a less severe penalty should be considered, Vice Chair Prosisie suggested.

A discussion ensued amongst the Board members concerning the amount for the civil charge and final action.

Motion was made by Joe Coccaro, seconded by Vice Chair William Prosisie to require submission of an after-the-fact permit and impose a civil charge of \$100 be paid to the Northampton County Treasurer for the violation. All members present voted "yes," except John

Kolos who voted “no,” and Renee Hunt and Louis Fox who were absent. The motion carried with a 4-1 voted.

Mr. Mudd and Mr. Smith verbally agreed to pay the \$100 fine.

3. Old Business

3.01 None

4. New Business

4.01 None.

5. Statements from the Public

5.01 Ms. Grimes inquired about the 30-day notification policy.

6. Agent to the Chair Report

6.01 Future Hearings & Future Review of Bylaws

There are no public hearings scheduled for September.

The 30-day notification policy will be assessed during the Board’s review of its bylaws at the next scheduled meeting.

7. Enforcement Agent Report

7.01 None.

8. Consideration of Minutes

8.01 June 17, 2026 Draft Minutes

Motion was made by John Kolos, seconded by Vice Chair William Prosis to approve June 17, 2026, meeting minutes as submitted. All members present voted “yes” except Thomas (Tom) Fox who abstained because he did not attend the June 17th meeting, and Louis Fox and Ms. Renee Hunt who were absent. The motion carried.

9. Adjournment/Recess

As there was no further business, Chairman Cox adjourned the meeting. The meeting adjourned at 11:38 A.M.

Chairman

Marshall Cox Sr.

Recording Secretary



Northampton County Wetlands Board Meeting

Thursday, August 20, 2026, at 10:00 A.M.

Board Chambers
16404 Courthouse Road
Eastville, VA 23347

Please make every effort to check Diligent Community frequently as documents may be continually added to the agenda.

Staff communications on a given issue are available for public review on request.

Page

1. Opening Procedures

- 1.01 Site Visits @ 8:00 A.M.
- 1.02 Call to Order @ 10:00 A.M.
- 1.03 Establish a Quorum

2. Public Hearing

- 2.01 VMRC 2025-2593 Revision 3
 - [7.22.26 REV.pdf](#)
 - [SP REV 7-22.pdf](#)
 - [6.26.26 Letter to Agent re Revisions.pdf](#)
 - [Notice of Rescheduled Revision Hearing \(8.20.26 meeting\).pdf](#)
 - [Public Notice.pdf](#)
 - [VMRC Action Memo 4.16.26.pdf](#)
 - [Notarized Joseph Mercer Wetlands Permit.pdf](#)
 - [Mercer Photos 8.20.26.pdf](#)

Letters & Comments

[R. Smith Comments re VMRC 2025-2593 2nd Rev..pdf](#) [7.31.26 K. Pollock Opposition to VMRC 2025-2593 Revisions.pdf](#)

- 2.02 VMRC 2025-2814 Violation 51
 - [VMRC 2025-2814 - NOV.pdf](#)
 - [Notice of Rescheduled Violation Hearing.pdf](#)
 - [Public Notice.pdf](#)
 - [05.14.26 Revised Contract and Drawing.pdf](#)
 - [05.14.26 Site](#)

3. Old Business

3.01 TBD

4. New Business

4.01 TBD

5. Statements from the Public

5.01 TBD

6. Agent to the Chair Report

6.01 TBD

7. Enforcement Agent Report

7.01 TBD

8. Consideration of Minutes

8.01 June 17, 2026 Minutes

[Wetlands Board 6.17.26 Draft Minutes.pdf](#) 

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9. Adjournment

9.01 Adjournment/Recess

10. After the Meeting

10.01 Meeting Audio

https://www.co.northampton.va.us/government/open_government/meeting_audio_files

10.02 Meeting Minutes

[External]JPA 20252593 / USACOE NAO-2025-02620 in Northampton, Applicant: Joseph Mercer

From VMRC JPA <jpa.permits@mrc.virginia.gov>

Date Mon 7/27/2026 9:08 AM

To VWP.TRO@deq.virginia.gov <VWP.TRO@deq.virginia.gov>; Olivia Bennett
<olivia.bennett@co.northampton.va.us>; Kevin Willis <kevin.willis@co.northampton.va.us>; Matt Spuck
<matt.spuck@co.northampton.va.us>; Michael Starling <michael.starling@co.northampton.va.us>

Revision Notice



8/11/26

Virginia Marine Resources Commission, Habitat Management Division, would like to notify you of the revision to permit application JPA 20252593 / USACOE NAO-2025-02620.

Please click this link to see the specific revision documents:

[Revision#: 290352](#)

Please click the link below for full application details.

[Application: 20252593](#)

USACOE Number: NAO-2025-02620

Applicant: Joseph Mercer

Locality: Northampton

Project Description: Bulkhead/Revetment

Date Received: November 18, 2025

Engineer: Claire Gorman

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

Virginia Marine Resources Commission

Phone: (757) 247-2252

Email: jpa.permits@mrc.virginia.gov

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

From: [Gorman, Claire \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: Fw: [External]Re: [External]Re: [External]Re: [External]Mercer Revisions
Date: Friday, July 24, 2026 1:15:43 PM
Attachments: [Mercer Final Revisions with Return 7-21-26.pdf](#)

Revision for #2025-2593

From: mkelleyLewis@aol.com <mkelleyLewis@aol.com>
Sent: Wednesday, July 22, 2026 10:59 AM
To: Kevin Willis <kevin.willis@co.northampton.va.us>
Cc: Megan Doughty <megan.brooke.doughty@gmail.com>; Joseph Mercer <joseph.charles.mercer@gmail.com>; Mathew Wivell <matwivell@gmail.com>; Gorman, Claire (MRC) <claire.gorman@mrc.virginia.gov>
Subject: Re: [External]Re: [External]Re: [External]Re: [External]Mercer Revisions

Revised plans attached. Also updated the calcs sheet and description. Please let me know if you need anything additional.

Thanks,

Kelley

Kelley L. Parks, CZA ESC SWM
Parks Planning and Consulting, LLC
Lewis Realty
Randolph-Macon College '11
Cheriton, VA
(757) 442-1385

On Wednesday, July 22, 2026 at 09:40:22 AM EDT, Kevin Willis <kevin.willis@co.northampton.va.us> wrote:

Kelley,

Please submit the revised plan by the end of business on Friday (7/24/2026), so that I can confirm it is ready for the Board's review. If I cannot make that determination before our deadline to submit public advertisement to the local post, this application will have to wait until the September hearing.

Please let me know if you have any questions.

Regards,

Kevin Willis

Northampton County

Planner

Environmental Specialist

(757) 678-0443 ext.546

From: Kelley Lewis Parks <mkelleyLewis@aol.com>

Sent: Tuesday, July 21, 2026 10:00 AM

To: Kevin Willis <kevin.willis@co.northampton.va.us>

Cc: Megan Doughty <megan.brooke.doughty@gmail.com>; Joseph Mercer <joseph.charles.mercer@gmail.com>; Mathew Wivell <matwivell@gmail.com>; Claire Gorman <claire.gorman@mrc.virginia.gov>; Steven.W.Gibson@usace.army.mil <Steven.W.Gibson@usace.army.mil>; jpa.permits@mrc.virginia.gov <jpa.permits@mrc.virginia.gov>

Subject: [External]Re: [External]Re: [External]Re: [External]Mercer Revisions

Kevin,mrc

I did see that; however the approved plan view shows the vinyl return wall up against the PL without a 5' gap. Regardless, I don't want to complicate this any further so we are going to submit a revision with a return which hopefully addresses the issue regardless of their alignment.

Kelley

Kelley Lewis Parks, CZA
Parks Planning & Consulting
Lewis Realty, Salesperson
Randolph Macon College '11
(757) 442-1385

On Jul 21, 2026, at 9:47 AM, Kevin Willis <kevin.willis@co.northampton.va.us> wrote:

Kelley,

Attached is VMRC 2026-0641 (NAO 2024-00367), approved 04/15/2026. Also available on the Northampton County's Diligent community portal, under the agenda for the hearing on 04/15/2026.

Please see page 2 of the Site Drawing which specifies the 5' offset of the return wall.

Let me know if you have any questions.

Regards,

Kevin Willis

Northampton County

Planner

Environmental Specialist

(757) 678-0443 ext.546

From: mkelleyLewis@aol.com <mkelleyLewis@aol.com>

Sent: Tuesday, July 21, 2026 9:23 AM

To: Kevin Willis <kevin.willis@co.northampton.va.us>

Cc: Megan Doughty <megan.brooke.doughty@gmail.com>; Joseph Mercer <joseph.charles.mercer@gmail.com>; Mathew Wivell <matwivell@gmail.com>; Claire Gorman <claire.gorman@mrc.virginia.gov>; steven.w.gibson@usace.army.mil <steven.w.gibson@usace.army.mil>; jpa.permits@mrc.virginia.gov <jpa.permits@mrc.virginia.gov>

Subject: [External]Re: [External]Re: [External]Mercer Revisions

Kevin,

After a deep dive into this, I see that there was a discrepancy in the approved drawings which I know was a source of confusion on our end. Can disregard the last email. See below snip from the neighbor's approved plans. It shows the proposed neighboring vinyl return wall directly up against the PL with no 5' gap. We made our latest revisions based on that approved site plan/alignment. I also see it was drawn differently elsewhere with rocks up against the PL. Your email was also interpreted to mean that the entire project's return was offset 5' from the PL. That would be an even bigger issue because there would be a 5' gap of fully exposed bank. I think we are on the same page now.

That said, we will likely make an additional revision and add our own return wall to further protect the Mercer property and bank. There is no good option to tie in if their plan, in fact, is to build their vinyl wall 5' from the PL and fill the 5' gap with stone. Will confirm with all and send those revisions this afternoon if that is the plan.

Thanks,

Kelley

<1784640054932blob.jpg>

Kelley Lewis Parks, CZA
Parks Planning & Consulting
Lewis Realty, Salesperson
Randolph Macon College '11
(757) 442-1385

On Jul 20, 2026, at 5:17 PM, Kelley Lewis Parks
<mkelleylewis@aol.com> wrote:

Will do regarding flagging Kevin. Thanks!

Kelley Lewis Parks, CZA
Parks Planning & Consulting
Lewis Realty, Salesperson
Randolph Macon College '11
(757) 442-1385

On Jul 20, 2026, at 4:15 PM, Kevin Willis
<kevin.willis@co.northampton.va.us> wrote:

The Mercers are not required by ordinance to
coordinate or negotiate the treatment of the gap
between the two projects.

<NAO-2024-00367 Application from Agent.pdf>

Part 1 - General Information (continued)

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

Joe Mercer & Megan Doughty
Billing Address: 6048 WOODMONT RD
City: ALEXANDRIA
State: VA
Zip: 22307-1163

Home (203) 733-1185
Work ()
Fax ()
Cell ()
e-mail

State Corporation Commission Name and ID Number (if applicable)

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

Home ()
Work ()
Fax ()
Cell ()
e-mail

State Corporation Commission Name and ID Number (if applicable)

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

Kelley L. Parks, CZA
Parks Planning & Consulting, LLC
PO Box 611 Cheriton, VA 23316

Contact Information:

Home ()
Work ()
Fax ()
Cell (757) 442-1385
e-mail

State Corporation Commission Name and ID Number (if applicable)

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

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

Construction of an L shaped bulkhead with return. Longer leg approx 39' long and 6-8' high depending on erosion. Shorter portion of L is 7' long x 6-8' depending on erosion. Piles will be vibrated in by a mini excavator. All hardware hot dipped galvanized and all wood marine treated cca lumber. Return will be 10-12' in length along the PL.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Construction of an L shaped bulkhead with return. Longer leg approx 39' long and 6-8' high depending on erosion. Shorter portion of L is 7' long x 6-8' depending on erosion. Piles will be vibrated in by a mini excavator. All hardware hot dipped galvanized and all wood marine treated cca lumber. Return will be 10-12' long.

2. What is the maximum encroachment channelward of mean high water? 4 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? 41 feet.

3. Please calculate the square footage of encroachment over:

• Vegetated wetlands	<u>0</u>	square feet
• Non-vegetated wetlands	<u>4</u>	square feet
• Subaqueous bottom	<u>0</u>	square feet
• Dune and/or beach	<u>559</u>	square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? x Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? x Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Site Plan



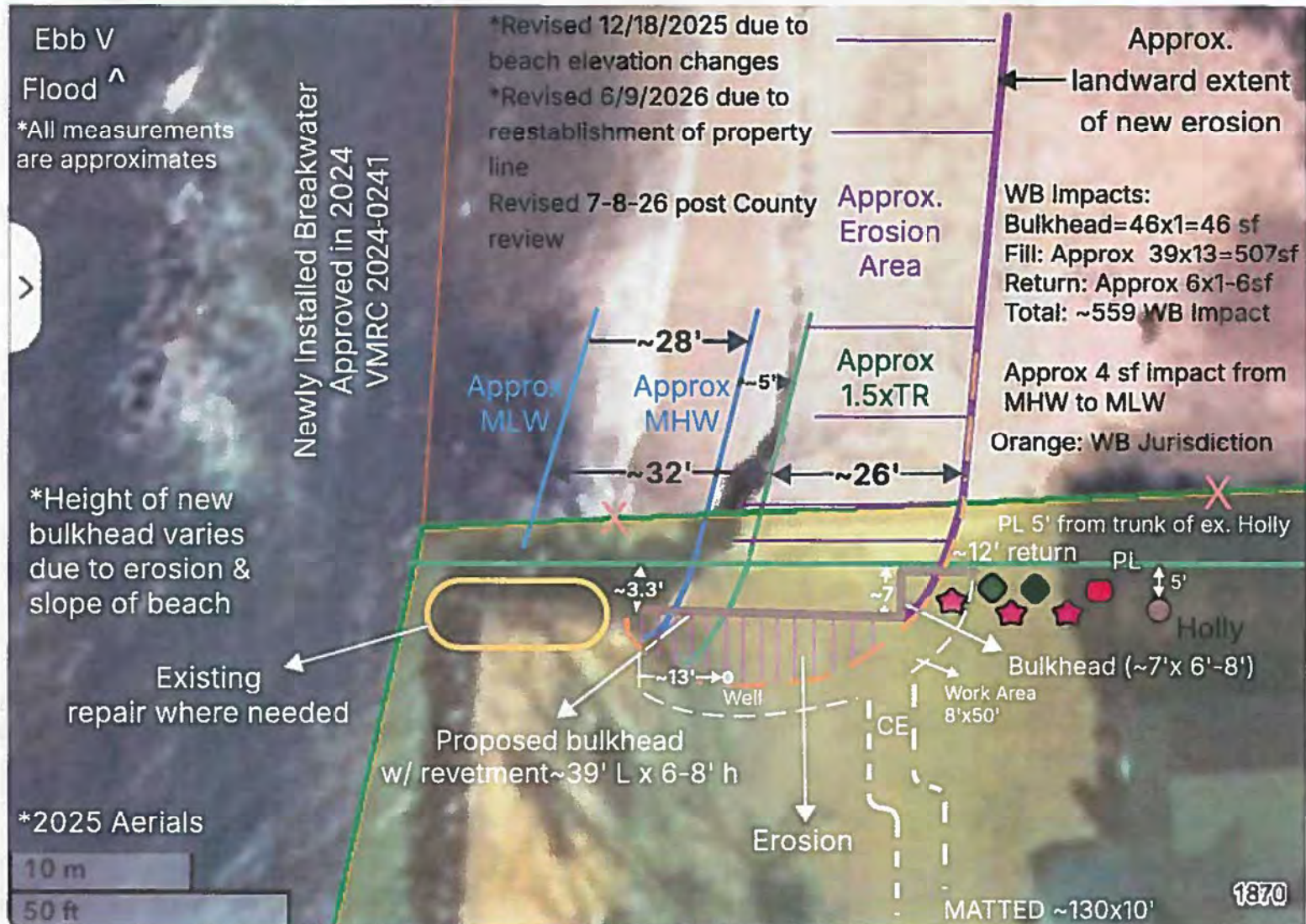
Parks
Planning & Consulting, LLC
 Mercer Project
 Sheet 1 of 6



Mitigation (for work area)

- American Holly @ 6' h (1)
- Eastern Red Cedar @ 4' h (2)
- ★ Rugosa Rose @ 15" h. (3)

Kelley Parks, CZA
 Cheriton, VA 23316
 mkelleyLewis@aol.com
 (757) 442-1385



Site Plan Cont.



Parks
Planning & Consulting, LLC
Mercer Project
Sheet 2 of 6



Kelley Parks, CZA
Cheriton, VA 23316
mkelleylewis@aol.com
(757) 442-1385

Northampton County Map

1" = 61'

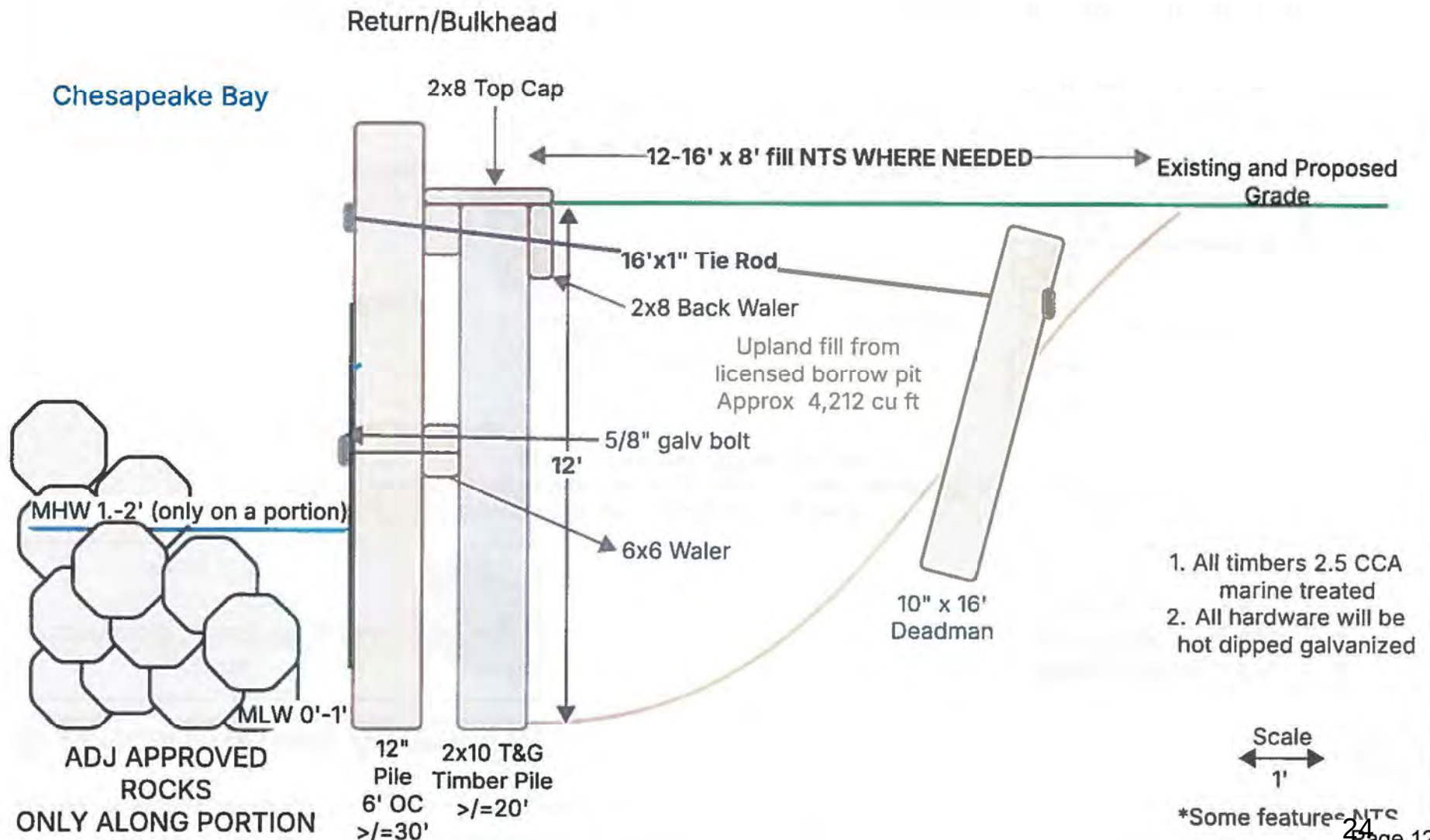


Address Labels
Road Labels
Town Labels
County Boundary



Northampton County Virginia

Kelley Parks, CZA
Cheriton, VA 23316
mkelleylewis@aol.com
(757) 442-1385



Bulkhead/Return Alignment



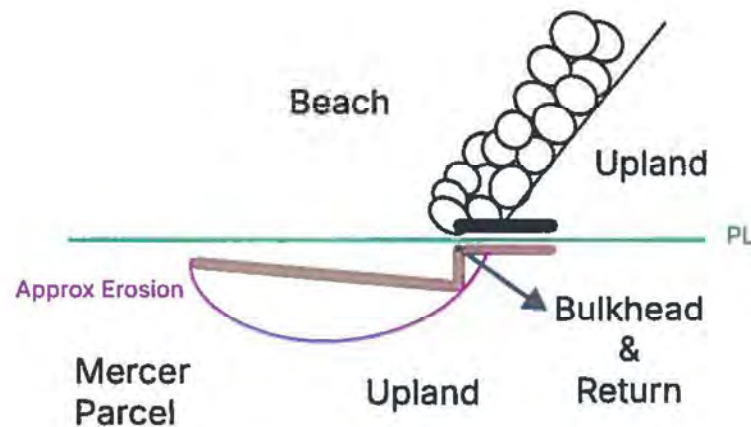
Parks
Planning & Consulting, LLC
 Mercer Project
 Sheet 4 of 6



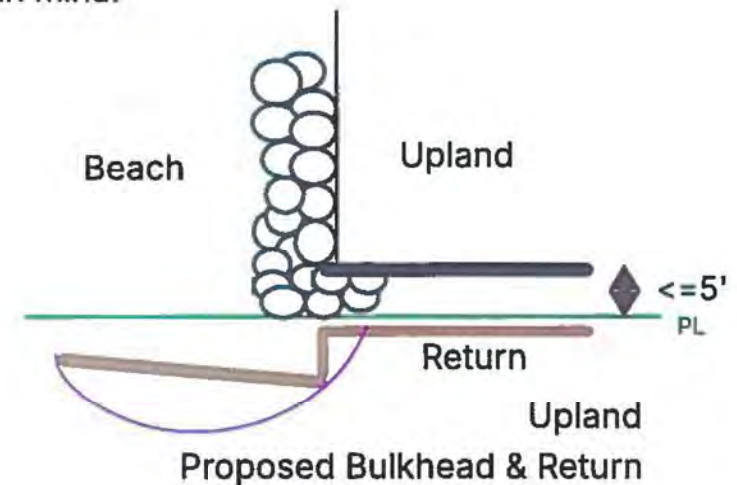
Kelley Parks, CZA
 Cheriton, VA 23316
 mkelleyLewis@aol.com
 (757) 442-1385

Mercer Project showing approved neighboring alignments. County states neighbors intend to build with the 5' gap and rocks against the PL. Mercer project revised with this in mind.

Adjacent Parcel to the N



Approved Adjacent Plan View to show neighboring project
 BROWN LINE SHOWS PROP. BULKHEAD/RETURN



Approved Adjacent Rendering to show neighboring project
 BROWN LINE SHOWS PROP. BULKHEAD/RETURN

A tie-in is not a feasible option as rocks were removed from this project based on limited space to install them

Markup NTS-Simplified drawings to show relation to neighboring project-not for construction purposes

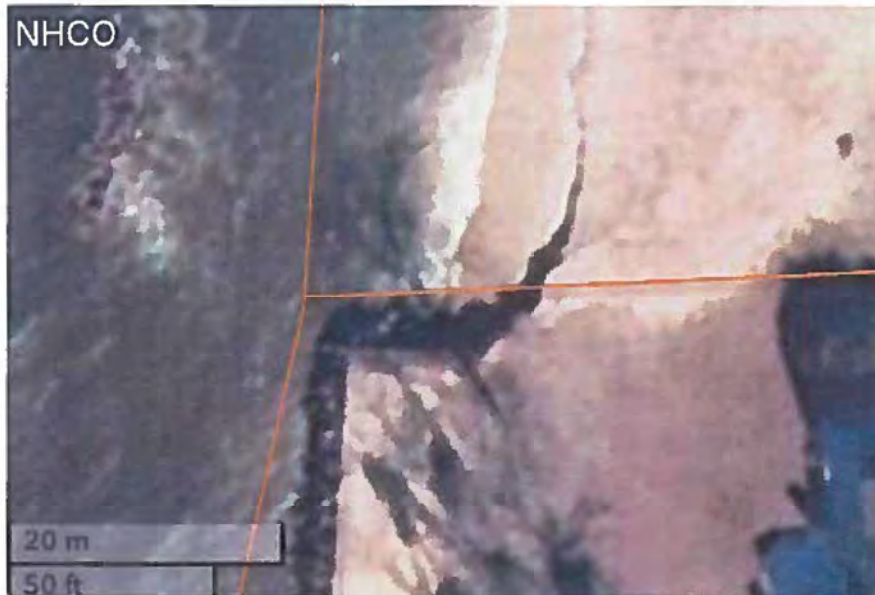
Aerial Views



Parks
Planning & Consulting, LLC
Mercer Project
Sheet 5 of 6

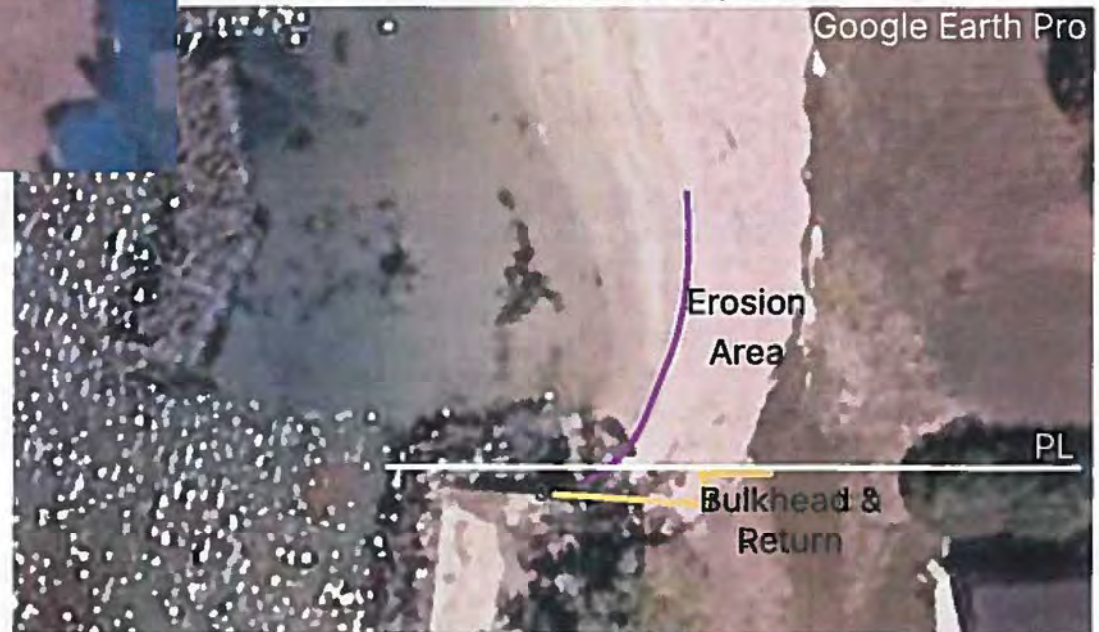


Kelley Parks, CZA
Cheriton, VA 23316
mkelleylewis@aol.com
(757) 442-1385



Aerials Winter 2025

Aerials May 2026



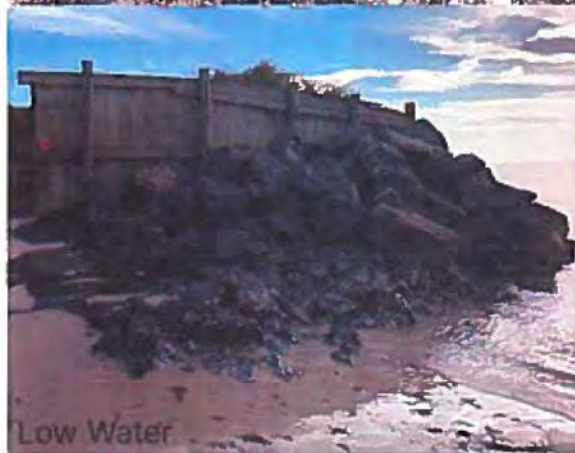
Site Pics

Parks
Planning & Consulting, LLC
 Mercer Project
 Sheet 6 of 6



Kelley Parks, CZA
 Cheriton, VA 23316
 mkelleyLewis@aol.com
 (757) 442-1385

Approx location of
 original revetment



Approx location of
 original revetment



New Breakwaters



Low Water

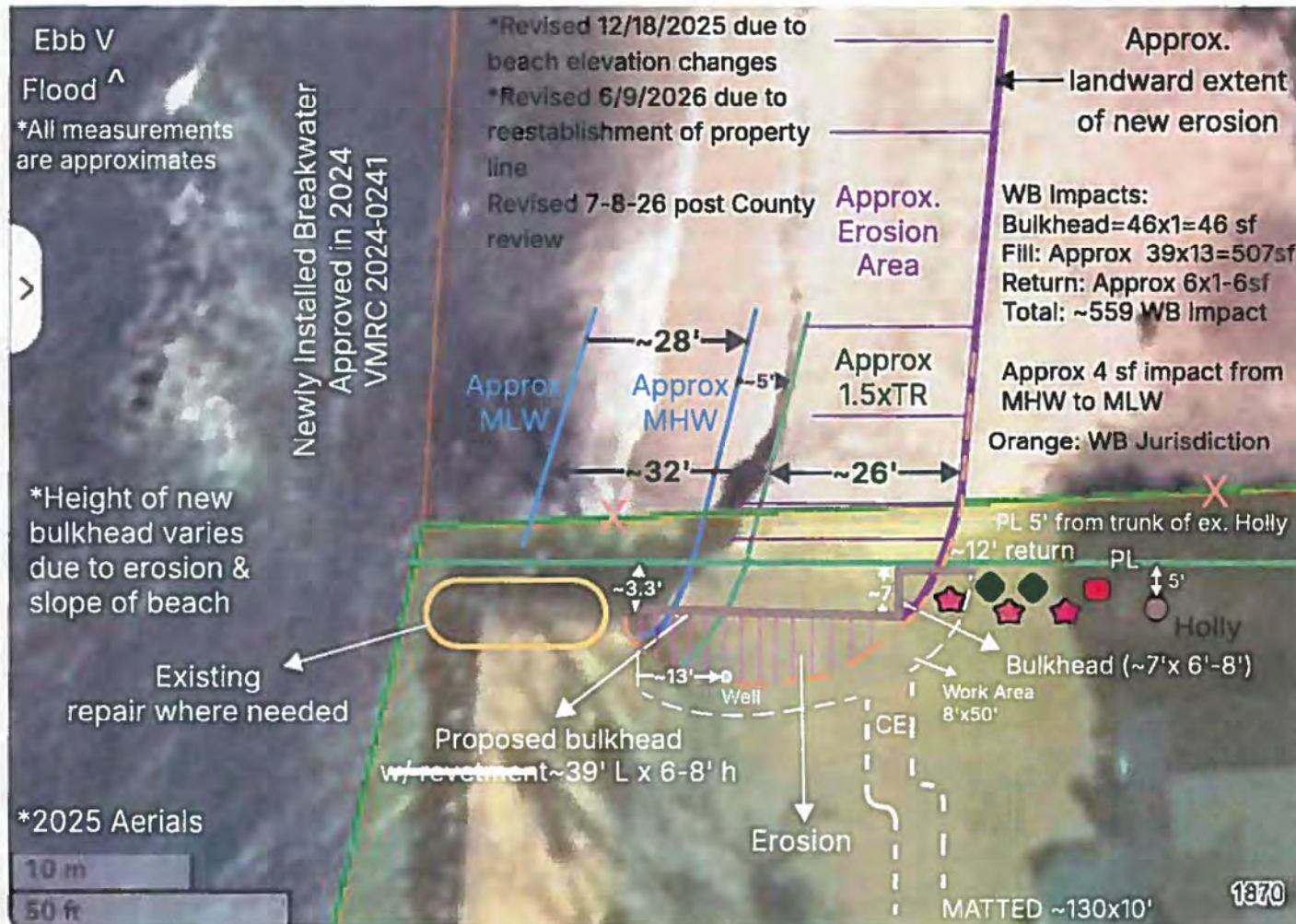
Site Plan

**Parks
Planning & Consulting, LLC**
Mercer Project
Sheet 1 of 6



- Mitigation (for work area)**
- American Holly @ 6' h (1)
 - Eastern Red Cedar @ 4' h (2)
 - ★ Rugosa Rose @ 15" h. (3)

Kelley Parks, CZA
Cheriton, VA 23316
mkellylewis@aol.com
(757) 442-1385



[External]Re: [External]Site Staking/revision

From Kelley Lewis Parks <mkelleyLewis@aol.com>

Date Mon 8/17/2026 6:23 PM

To Kevin Willis <kevin.willis@co.northampton.va.us>

Cc Olivia Bennett <olivia.bennett@co.northampton.va.us>; Joseph Mercer <joseph.charles.mercer@gmail.com>; Megan Doughty <doughtmb@gmail.com>; Claire Gorman <claire.gorman@mrc.virginia.gov>

External (mkelleyLewis@aol.com)

[Graymail](#) [Spam](#) [Phish](#) [More...](#) [FAQ](#) [Protection by INKY](#)

Np and staking is finished!

Kelley Lewis Parks, CZA
Parks Planning & Consulting
Lewis Realty, Salesperson
Randolph Macon College '11
(757) 442-1385

On Aug 17, 2026, at 3:47 PM, Kevin Willis <kevin.willis@co.northampton.va.us> wrote:

Understood, thank you.

Regards,

Kevin Willis

Northampton County
Planner
Environmental Specialist
(757) 678-0443 ext.546

From: mkelleyLewis@aol.com <mkelleyLewis@aol.com>

Sent: Monday, August 17, 2026 12:45 PM

To: Kevin Willis <kevin.willis@co.northampton.va.us>

Cc: Olivia Bennett <olivia.bennett@co.northampton.va.us>; Joseph Mercer <joseph.charles.mercer@gmail.com>; Megan Doughty <doughtmb@gmail.com>

Subject: [External]Site Staking/revision

Hi Kevin,

I'll be staking the site today. Also wanted to send this sheet with "revetment" crossed out. No other changes, just realized that note was still there.

Thanks,

Kelley

Kelley L. Parks, CZA ESC SWM
Parks Planning and Consulting, LLC
Lewis Realty
Randolph-Macon College '11
Cheriton, VA
(757) 442-1385



PLANNING, PERMITTING, AND ENFORCEMENT DEPARTMENT NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Zoning Director
- Planning
- Zoning
- Building
- Code Compliance

16404 Courthouse Road
P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443
Fax: 757-678-0483
www.co.northampton.va.us

June 26, 2026

DIGITAL COPY SENT TO:

- Kelley Parks; mkelleyLewis@aol.com (agent)
- Matt Wivell; matwivell@gmail.com (contractor)
- Megan Doughty; doughtmb@gmail.com (owner)
- Joeseeph Mercer; joseph.charles.mercer@gmail.com (owner)

RE: Revisions requested for VMRC 2025-2593 application

Project Location: Tax Map 104D-1-17, 1870 Sand Hill Drive

Kelley,

Your client's Joint Permit Application, **VMRC 2025-2593**, revised on June 14, 2026, per direction of the Northampton County Wetlands Board, requires the following revisions;

- **Joint Permit Application (JPA)**
 - Submit a revised JPA with the project design and jurisdictional impacts updated. What you submitted counts only as the Site Drawing, and now conflicts with what we have as the actual application for this project. Attached is the standard JPA form that you are familiar with; you can either fill out this form or revise the application through the ACOE Regulatory Request System (RRS) website.
- **SITE DRAWING:** These revisions are necessary for the drawing to properly depict your encroachment as described in your application.
 - Sheet 1: "Site Plan": Update the jurisdictional lines and impact calculation values.
 - The Wetlands Board jurisdictional boundaries for a beach resource begin at the Mean Low Water (MLW) line, and end where the beach transitions to uplands. For this project it will be from the MLW line to the line you labeled "Approx Area of Erosion" on sheet 4 of your Site Drawing.
 - See **NCC 152.02 Definition of BEACH**
 - Sheet 1: "Site Plan": Either remove the steps from the side yard setback (10 feet) or secure an approved variance request from the Northampton County Board of Zoning Appeals (BZA).
 - The proposed steps need to meet the setback requirements for an accessory structure, which in ES/R-A1 (Existing Subdivision/Residential - Agriculture-1), per NCC 154.2 Appendix D, the side yard setback is 10 feet. Per NCC

154.2.141(6) *General Modifications to Yard Regulations*, only the rear yard setback may be modified by the Zoning Administrator for beach access stairs.

- Sheet 1: "Site Plan": As requested by the Wetlands Board, locate the exposed well.
- Sheet 3: "Tie in with Adjacents": Elaborate how the structures will tie together.
 - Has there been any coordination between the contractors or property owners? In order to "tie in", the bulkhead will need to cross the neighbor's property line. In what way will the bulkhead tie in to the neighbor's return wall?

Due to the significant change in design of this project, please update all signatures and dates following the revisions to the application.

Until the above requested revisions are received, your application is considered incomplete.

In addition to the revisions, please mark the following features in the field within 2 weeks of the date of the Public Hearing for this revision (To Be Determined):

- The section of the northern property line shown in the Site Drawing,
- proposed bulkhead,
- if approved by variance, the proposed beach access steps,
- and the centerline of the proposed "CE".

There are also issues with the RPA encroachment elements; the following revisions won't be required for the application to be reviewed by the Wetlands Board, however, they will be requested during the Planning Permitting and Enforcement Department's review of the zoning application.

- Sheet 1: "Site Plan": Relocate the Canopy and Understory trees to a more suitable location.
 - The current approximate locations of your 3 mitigation trees fall inside of existing dense tree growth.
- Sheet 1B: "Site Plan Cont.": Delineate the full boundary of the Limits of Disturbance (LOD) in addition to the Construction Entrance (CE).
 - It seems unlikely that the footprint of land disturbance will just be the access; especially around the portion of the bulkhead that needs to be repaired. If the contractor can confirm that the LOD match the current "CE", then disregard this revision request.
- Sheet 1B: "Site Plan Cont.": Show approximate location of septic tank and drainfield.
 - This is required to guarantee that heavy construction equipment does not damage the onsite septic.

If you have any questions regarding the content of this notice, please contact me as soon as possible at the information below.

Regards,



Kevin Willis
Environmental Specialist
Wetlands Board Agent
Northampton County

Phone: (O) 757-678-0443 ext.546
Email: Kevin.Willis@co.northampton.va.us

Cc:
Claire Gorman, VMRC Environmental Engineer
Michael Starling, Zoning Administrator



PLANNING, PERMITTING, AND ENFORCEMENT
DEPARTMENT
NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Director
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16404 Courthouse Road
P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

ADDRESS REVISED AUGUST 12, 2026

August 12, 2026

Joseph Mercer & Megan Doughty
400 Wythe Street
Apartment 443
Alexandria, VA 22314

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s):

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

You are hereby notified of this revision hearing as the property owner & applicant, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



**PLANNING, PERMITTING, AND ENFORCEMENT
DEPARTMENT**

NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Director
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P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

Joseph Mercer & Megan Doughty
6048 Woodmont Road
Alexandria, VA 23307

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s): 104D-1-17

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

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Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT DEPARTMENT

NORTHAMPTON COUNTY, VIRGINIA

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P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

Parks Planning and Consulting, LLC
C/O Kelley Parks
P.O. Box 611
Cheriton, VA 23316

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s):

To Whom It May Concern:

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You are hereby notified of this revision hearing as the authorized agent, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT
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Eastville, VA 23347
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Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

PJK Holding Company Limited
5680 Bishop Court
Nashport, OH 43830

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s): 104D-1-16

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

You are hereby notified of this revision hearing as an adjacent property owner, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT DEPARTMENT

NORTHAMPTON COUNTY, VIRGINIA

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Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

Robin Michael & Kari Lynn Pollock
847 Sandy Hill Trail
Camden, DE 19934

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s): 104D-1-18

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

You are hereby notified of this revision hearing as an adjacent property owner & interested party, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT
DEPARTMENT
NORTHAMPTON COUNTY, VIRGINIA

Michael Sterling, LS
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• Planning
• Zoning
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• Code Compliance

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P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

DEQ-TRO
5636 Southern Boulevard
Virginia Beach, VA 23462

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s):

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

You are hereby notified of this revision hearing as an interested agency, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT DEPARTMENT

NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Director
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Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

VDOT
1700 North Main Street
Suffolk, VA 23434

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s):

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

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Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT
DEPARTMENT
NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Director
- Planning
- Zoning
- Building
- Code Compliance

16404 Courthouse Road
P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

Virginia Department of Wildlife Resources
P.O. Box 90778
Henrico, VA 23228-0778

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s):

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

You are hereby notified of this revision hearing as an interested agency, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



PLANNING, PERMITTING, AND ENFORCEMENT DEPARTMENT

NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Director
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16404 Courthouse Road
P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

July 29, 2026

Pender & Coward
C/O Bryan S. Peeples
222-400 Central Park Avenue #400
Virginia Beach, VA 23462

NOTICE OF RESCHEDULED REVISION HEARING

RE: VMRC 2025-2593; Tax Map #: 104D-1-17

Your Parcel(s):

To Whom It May Concern:

This is to officially inform you that the Northampton County Wetlands Board will meet for the purpose of conducting a revision hearing on a pending zoning matter in your area. The hearing scheduled for Wednesday, August 19, 2026, has been rescheduled and will now take place on Thursday, August 20, 2026, at 10:00 A.M. The Board will depart from the Administration Building at 8:00 A.M. to conduct site visits.

You are hereby notified of this revision hearing as a representative of the property owner, as you may wish to make your comments known. Please note the time, date and place of the meeting as advertised and enclosed. If you cannot attend the meeting, you may put your comments in writing and forward to this office.

Please advise if you have any questions concerning this notice.

Olivia Bennett
Administrative Clerk
757-678-0443, ext. 544

Enclosure



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Tracking #:			
9505 5158 4341 6224 2380 34			
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Up to \$100.00 included			
Total			\$11.65

Grand Total: \$11.65

Debit Card Remit \$11.65

Card Name: VISA
Account #: XXXXXXXXXXXX
Approval #
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Total Postage and Fees \$ 10.48

Sent To **Joseph Mercer & Megan Doughty**
6048 Woodmont Road
Alexandria, VA 22307

PS Form 3800, January 2023 PSN 7500-02-000-9047 See Reverse for Instructions

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Total Postage and Fees \$ 10.48

Sent To **Parks Planning and Consulting, LLC**
C/O Ketley Parks
P.O. Box 611
Cheriton, VA 23316

PS Form 3800, January 2023 PSN 7500-02-000-9047 See Reverse for Instructions

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Total Postage and Fees \$ 10.48

Sent To **PJK Holding Company Limited**
5680 Bishop Court
Nashport, OH 43830

PS Form 3800, January 2023 PSN 7500-02-000-9047 See Reverse for Instructions

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Postage \$.78

Total Postage and Fees \$ 10.48

Sent To **Robin Michael & Karl Lynn Pollock**
847 Sandy Hill Trail
Camden, DE 19934

PS Form 3800, January 2023 PSN 7500-02-000-9047 See Reverse for Instructions

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☐ Adult Signature Required \$

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Postage \$.78

Total Postage and Fees \$ 10.48

Sent To **Pender & Coward**
C/O Bryan S. Peoples
222-400 Central Park Avenue #400
Virginia Beach, VA 23462

PS Form 3800, January 2023 PSN 7500-02-000-9047 See Reverse for Instructions

Public Notice

Notice is hereby given that the Northampton County Wetlands Board will hold a public meeting on Thursday, August 20, 2026, to consider and to hear public comments on two applications.

The meeting will begin at 8:00 AM with site visits to the affected properties, in the order in which the cases are listed below. The Board will reconvene at or around 10:00 AM that same morning in Board Chambers in the County Administration Building at 16404 Courthouse Road, Eastville, Virginia, for the purpose of conducting public hearings.

VMRC 2025-2593 REVISION: Joseph Mercer has submitted a revised application for a permit to construct an L shaped bulkhead with return. The proposed structure will consist of hot dipped galvanized hardware and marine treated timber. The property is located at 1870 Sand Hill Drive, Cape Charles VA, and is further described as Tax Map 104D-1-17 along the shoreline of the Chesapeake Bay.

VMRC 2025-2814 VIOLATION: Duane D. & Deborah Smith will appear before the Wetlands Board for a violation hearing regarding discrepancies reported from the final inspection of permitted project, VMRC 2025-2814. Following review of the violation the Wetlands Board may take the following action: 1) Require submission of an after-the-fact permit application; 2) Impose a restoration order with time period for compliance; 3) Impose civil charges. The property is located at 2391 Picketts Harbor Drive, Cape Charles VA, and is further described as Tax Map 104-1-A1 along the shoreline of the Chesapeake Bay.

The application files may be viewed in the Planning, Permitting, and Enforcement Office in the County Administration Building, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m.

Written comments may be sent via e-mail to olivia.bennett@co.northampton.va.us or may be submitted by mail or hand-delivery to the Planning, Permitting, and Enforcement Office in the County Administration Building.

Persons needing assistance attending the meeting or viewing the file may contact the County at (757) 678-0443, ext. 544.

For questions on application information, contact the Planning, Permitting, and Enforcement Office at (757) 678-0443, ext. 546.

Marshall Cox, Chairman

Wetlands Board

Advertise: July 31, 2026
August 7, 2026



PLANNING, PERMITTING, AND ENFORCEMENT
DEPARTMENT
NORTHAMPTON COUNTY, VIRGINIA

Michael Starling, LS
Interim Director
- Planning
- Zoning
- Building
- Code Compliance

16404 Courthouse Road
P.O. Box 538
Eastville, VA 23347
Phone: 757-678-0443 x541
Fax: 757-678-0483
www.co.northampton.va.us

April 16, 2026

VMRC Commissioner Jamie L. Green
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

Dear Commissioner Green;

Pursuant to the Northampton County Coastal Primary Sand Dunes Ordinance 151.23 (A) and Northampton County Wetlands Board Ordinance, Section 7, I am notifying you of the decisions made by the Board on April 15, 2026. The Board members who were present are as follows: Chairman, Marshall Cox; Vice-Chairman, William Prosise; Louis Fox; Joe Coccaro; Renee Hunt; and John Kolos.

VMRC 2026-0442; NAO-2026-00424: Linda Barlow is applying for a permit to construct a rip rap revetment and vinyl return wall with corner armor. The revetment will use Class I & II quarry stone with filter cloth underlayment. The property is located at 4274 Battle Point Road, Jamesville VA, and is further described as Tax Map 6A-1-5 along the shoreline of the Chesapeake Bay.

After a discussion by the Board regarding this matter and review the following motion was made.

Motion was made by Mr. Joe Coccaro, seconded by Mr. Louis Fox to approve VMRC 2026-0442; NAO-2026-00424 with a 1:2 slope. All members present voted "yes," except Mr. Thomas (Tom) Fox who was absent. The motion passed unanimously.

The wetlands permit will be active for two years.

VMRC 2026-0641; NAO-2024-00367: Robin & Kari Pollock are applying for a permit to construct a rip rap revetment, vinyl return wall, and a “by right” beach access structure to comply with a previously permitted project. The property is located on Sand Hill Drive, Cape Charles, VA, and is further described as Tax Map 104D-1-18, along the shoreline of the Chesapeake Bay.

After a discussion by the Board regarding this matter and review the following motion was made.

Motion was made by Ms. Renee Hunt, seconded by Vice Chair William Prosise to approve VMRC 2026-0641; NAO-2024-00367 as submitted. All members present voted “yes,” except Mr. John Kolos and Mr. Joe Coccaro who voted “no,” and Mr. Thomas (Tom) Fox who was absent. The motion carried 4-2.

The wetlands permit will be active for two years.

These were the only actions taken by the Board during this month’s public hearing.

During New Business, the Board reviewed project revisions for two applications and made the following recommendations.

APPLICATION REVISION VMRC 2025-1216

Motion was made by Vice Chair William Prosise, seconded by Mr. Joe Coccaro to continue observation of the Salt Iva Bush for 3 months with the following revised condition; require mitigation to be completed in the form of mitigation credits from an approved mitigation bank. All members present voted “yes,” except Mr. Thomas (Tom) Fox who was absent. The motion passed unanimously.

Receipt of the mitigation credit or proof of the plant’s survival must be submitted to the Wetlands Board prior to the permit’s expiration, July 16, 2026.

APPLICATION REVISION VMRC 2025-2593

Motion was made by Vice Chair William Prosise, seconded by Mr. Louis Fox that the Wetlands Board revoke the January 28, 2026, approval of VMRC 2025-2593, and return the application to draft status pending submission of revised drawings depicting the corrected property line with benchmarks, the new bulkhead alignment with dimensions, and the footprint of bulkhead fill over the beach. All members present voted “yes,” except Mr. Thomas (Tom) Fox who was absent. The motion passed unanimously.

If you require any additional information regarding this session, please feel free to contact me at (757) 678-0443 ext. 546 or via email at kevin.willis@co.northampton.va.us.

Sincerely,

Kevin Willis, Wetlands Board Agent
Northampton County Wetlands Board

cc:

Linda Barlow, property owner & applicant for VMRC 2026-0442; NAO-2026-00424
Katie Sanders of CRM, llc, agent for VMRC 2026-0442; NAO-2026-00424
Robin & Kari Pollock, property owners & applicants for VMRC 2026-0641; NAO-2024-00367
Katie Sanders, agent for VMRC 2026-0641; NAO-2024-00367
Waverly Estates POA, Inc. C/O Howard Loudin, applicant for VMRC 2025-1216
(Revision)
Waverly Estates POA, Inc. C/O Tia Guinness, property owner for VMRC 2025-1216
(Revision)
Ellen Grimes of CRM, llc, agent for VMRC 2025-1216
Joseph Mercer & Megan Doughty, property owners & applicants for VMRC 2025-2593
(Revision)
Kelley Parks of Parks Planning and Consulting, LLC, agent for VMRC 2025-2593
(Revision)

**WETLANDS/COASTAL PRIMARY SAND DUNE PERMIT
NORTHAMPTON COUNTY WETLANDS BOARD**

Pursuant to Chapters 13 and 14 of Title 28.2 of the Code of Virginia (1950), as amended, the Northampton County, Virginia, Wetlands Ordinance, and the Northampton County, Virginia, Coastal Primary Sand Dune Ordinance, the Northampton County Wetlands Board, hereinafter referred to as the Board, hereby grants unto, hereinafter referred to as the Permittee, permission to undertake the following described project:

VMRC 2025-2593: Joseph Mercer is applying for a permit to construct a bulkhead with revetment and repair an existing bulkhead. The proposed structures will consist of timber piles, tongue & groove timber sheet piles, and Type 1 or Class III rip rap. The property is located at 1870 Sand Hill Drive, Cape Charles VA, and is further described as Tax Map 104D-1-17 along the shoreline of Chesapeake Bay.

For a more accurate and complete description of the project, reference is hereby made to the application on file in the Planning, Permitting and Enforcement Department in Eastville, Virginia. **This permit is hereby granted and the Permittee agrees to comply with all of the terms and conditions as set forth.**

- 1) **The expiration date of this permit shall be January 28, 2028.** The expiration date is the date by which the project must be completed. The Permittee shall notify the Board through the Wetlands Board Enforcement Agent at 757-678-0443 ext. 542 when the project has been completed. The Board in its discretion may extend the expiration date. Any request to extend an expiration date shall be in writing, received prior to the expiration date herein, specify the reason for such extension and specify expected date of the completion of the work.
- 2) **Before the work may commence other plan approvals and permits are required including but not limited to a zoning clearance with a water quality impact assessment, a land disturbance permit and a building permit. Contact the Northampton County Planning, Permitting and Enforcement Department Permit Technician to obtain these approvals and permits at 757-678-0443 ext. 543.**
- 3) **The Permittee shall notify the Wetlands Board Enforcement Agent at 757-678-0443 ext. 542 before any work commences to schedule a pre-construction meeting and prepare an inspection schedule. The Wetlands Board Enforcement Agent shall also be notified by the Permittee upon completion of the permitted work.**
- 4) **No stockpiling of materials shall be allowed within the Resource Protection Area 100-foot Buffer adjacent to wetlands.**
- 5) **Any encroachment beyond the limits of the permit shall constitute a misdemeanor. The permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.**
- 6) **The rights and privileges granted by the permit are limited and subject only to the authority granted to the Northampton County Wetlands Board, pursuant to Section 28.2-1302 of the Code of Virginia, as amended.**
- 7) **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.**

- 8) 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.
- 9) This permit shall not be transferred without written consent from the Board.
- 10) This permit shall not effect or interfere with the right vouch safe 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.
- 11) The Board, upon the failure of the Permittee to comply with any of the terms and conditions hereof, may revoke this permit at any time.
- 12) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia and Northampton County from any liability arising from the establishment, operation or maintenance of said project.

IN WITNESS WHEREOF, the Northampton County Wetlands Board has caused these presents to be executed in its behalf by Marshall Cox, Chairman.

9 day of 2 2026 by Marshall B Cox SR
Chairman, Northampton County Wetlands Board

STATE OF VIRGINIA

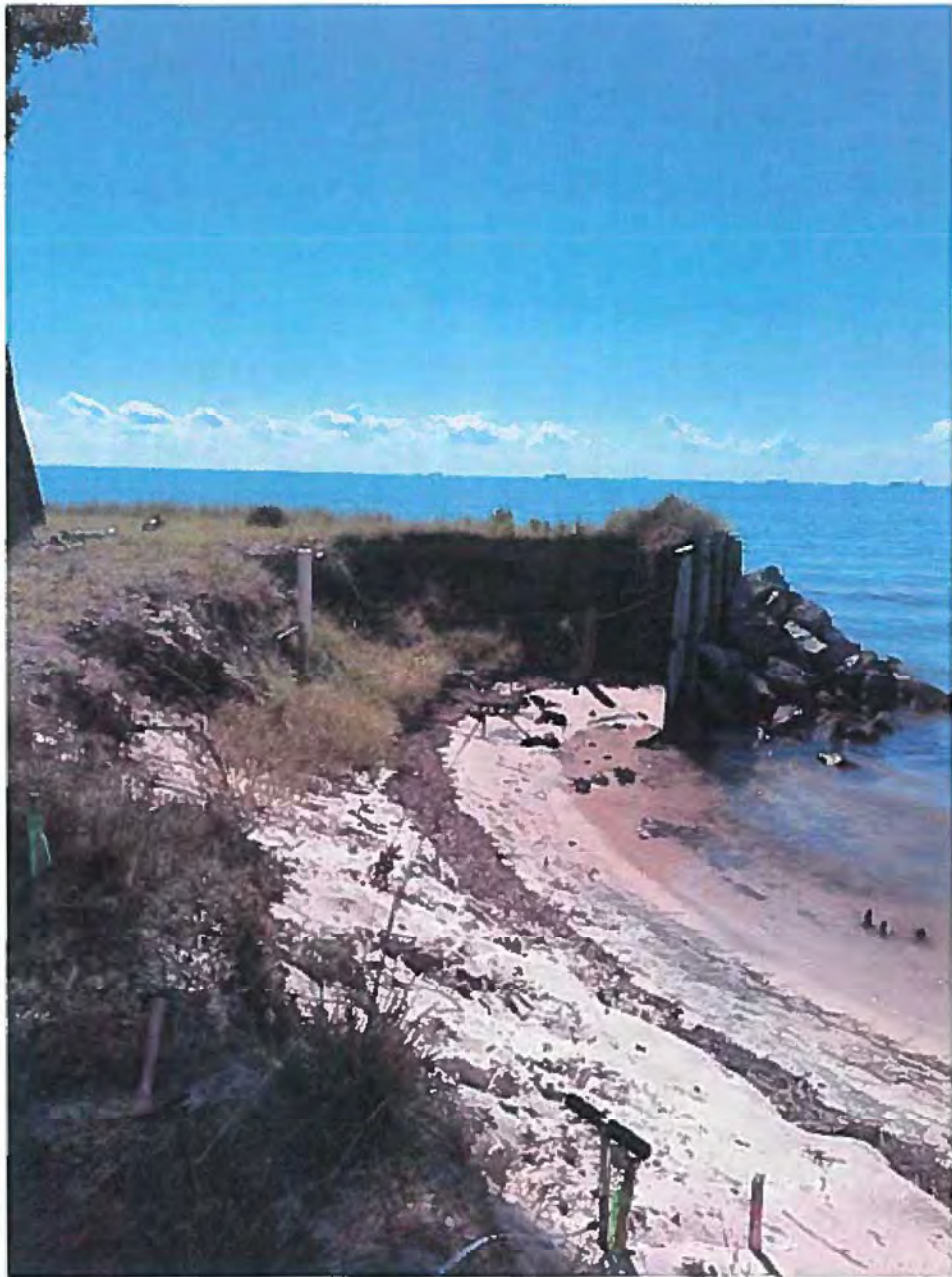
I, Jennifer S. Sayers, a Notary Public within and for the County of Northampton, State of Virginia, hereby certify that Marshall Cox, Chairman of the Northampton County Wetlands Board, whose name is signed to the above writing, bearing date, the 9th day of February, 2026, has acknowledged the same before me in my County aforesaid.

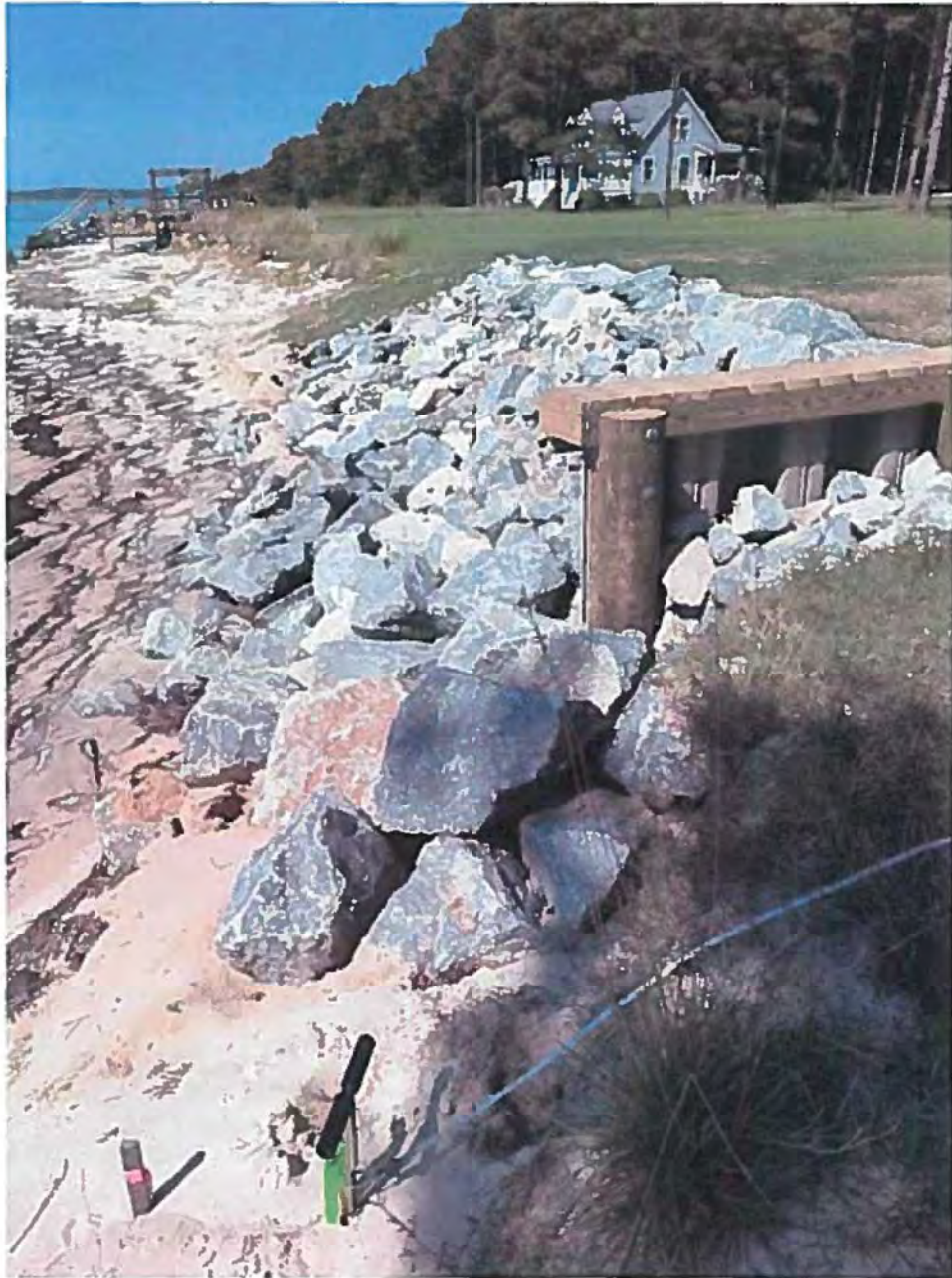
Given under my hand this 9th day of February, 20 26

My Commission expires 4/30/2026.

Notary Public Jennifer S. Sayers.











[External]Re: Revision Hearing VMRC 2025-2593 - Wetlands Board 8.20.26 Meetingr tor

From Rodney Smith <rodsville@verizon.net>

Date Thu 8/13/2026 4:36 PM

To Olivia Bennett <olivia.bennett@co.northampton.va.us>

Ms. Bennett

Olivia

Thank you for the posting as advertised in the Legals of Eastern Shore Post.

May I clarify please:

My prior submitted comment was of " No Objection " not deemed as In Support. But clearly not in Objection to the project.

If protocol allows me to submit a comment on the Revision Hearing on August 20,2026 agenda my comment is the same as earlier:

No Objection to the project proceeding.

The Angle of Repose needs to be calculated into these type projects to minimize and hopefully avoid detrimental consequences on neighboring shoreline and properties. Adherence to the Angle of Repose was the same comment I testified to in person during the flawed first hearing regarding a request before the Wetlands Commission for Lot 14 Sand Hill Drive.

Thank you Ms. Bennett, I think you do a wonderful job in your capacity with Northampton County.

Rodney W. Smith

Owner, Lot 15 Sand Hill Drive

Sent from my iPad

On Aug 13, 2026, at 12:33 PM, Olivia Bennett <olivia.bennett@co.northampton.va.us> wrote:

Greetings Mr. Smith,

Please be advised that a revision hearing is scheduled at 10:00 A.M. on Thursday, August 20, 2026, in Board Chambers on the second floor of the County Administration Building at 16404 Courthouse Road, Eastville, Virginia. You are receiving this notice because you submitted a comment in support of this project at the January 28, 2026, public hearing.

Below is the meeting agenda link. Please check Diligent Community frequently as documents may be continually added to the agenda.

[Wetlands Board - Aug 20 2026 - Agenda - Html](#)

Respectfully,

Olivia

Olivia Bennett
Administrative Clerk
Department of Planning, Permitting & Enforcement
P.O. Box 538
Eastville, VA 23347
757-678-0443, ext. 544
<Public Notice.pdf>

Re: [External]Opposition to 9th revision VMRC 20252593

From Kevin Willis <kevin.willis@co.northampton.va.us>

Date Mon 8/3/2026 4:55 PM

To Kari Pollock <karipollock47@gmail.com>

Cc Carl A. Eason <eason@wolriv.com>; Olivia Bennett <olivia.bennett@co.northampton.va.us>; Claire Gorman <claire.gorman@mrc.virginia.gov>

Kari,

I will forward these comments to the Wetlands Board for their review.

Regards,

Kevin Willis

Northampton County

Planner

Environmental Specialist

(757) 678-0443 ext.546

From: Kari Pollock <karipollock47@gmail.com>

Sent: Friday, July 31, 2026 4:28 PM

To: eason@wolriv.com <eason@wolriv.com>; Kevin Willis <kevin.willis@co.northampton.va.us>; Olivia Bennett <olivia.bennett@co.northampton.va.us>; Claire Gorman <claire.gorman@mrc.virginia.gov>

Subject: [External]Opposition to 9th revision VMRC 20252593

Good afternoon Mr. Willis, Ms. Bennett, Ms. Gorman, and Wetlands Board,

As neighboring parcel lot 18 Sand Hill Drive, we have a valid stake in appropriate shoreline stabilization. Our property has undergone significant challenges in the last 3 years with regard to erosion. We have recently completed a \$130,000 investment in approved breakwaters, a return wall, and shore revetment to combat the erosive forces caused by a 25 mile fetch and exacerbated by the adjacent hardened structure. There is currently ongoing scarp to our sandy shallow habitat specifically along the southern portion of the property. This is occurring despite the breakwaters, and this photo taken July 19th, 2026 shows how the waves, instead of moving perpendicular to the shore, are coming in at an angle due to deflection onto our shore from the bulkhead to our south. The applicant's July 24th submittal completely omits our newly completed, legally permitted marine structures, rendering their site plan factually obsolete and physically unconstructable. Photo of structure, taken July 19th, 2026.

Adding additional hardened structure to this area will have negative effects on our soft shoreline. This would be especially more destructive during any storm event without a riprap toe to scatter oncoming waves. Riprap is absolutely necessary to protect the newly developing shallow environment we are trying to establish. The board is required to reject any plan that cannot avoid and minimize adverse impacts on neighboring properties. A plain bulkhead return is not the preferred alternative. At

minimum, riprap is a requirement, specifically in this location, and needs to be contained on lot 17, as part of the lot's own supportive structure.

In addition, we oppose any project that ties into the existing flanked return wall. The supportive riprap against that wall is currently an encroachment on our property by approximately 5-6 feet. The wetlands board should have a copy of our most recent survey, whereby the wooden bulkhead alone is only 1.1 feet off the property line and the riprap against it is an encroachment onto lot 18. We ask the board to reject any project that would tie into and thereby cause continuance of this existing encroachment. Photo from July 19, 2026 shows flag and paint, and it provides a visual sight line directly on the property line in relation to the existing riparian encroachment.

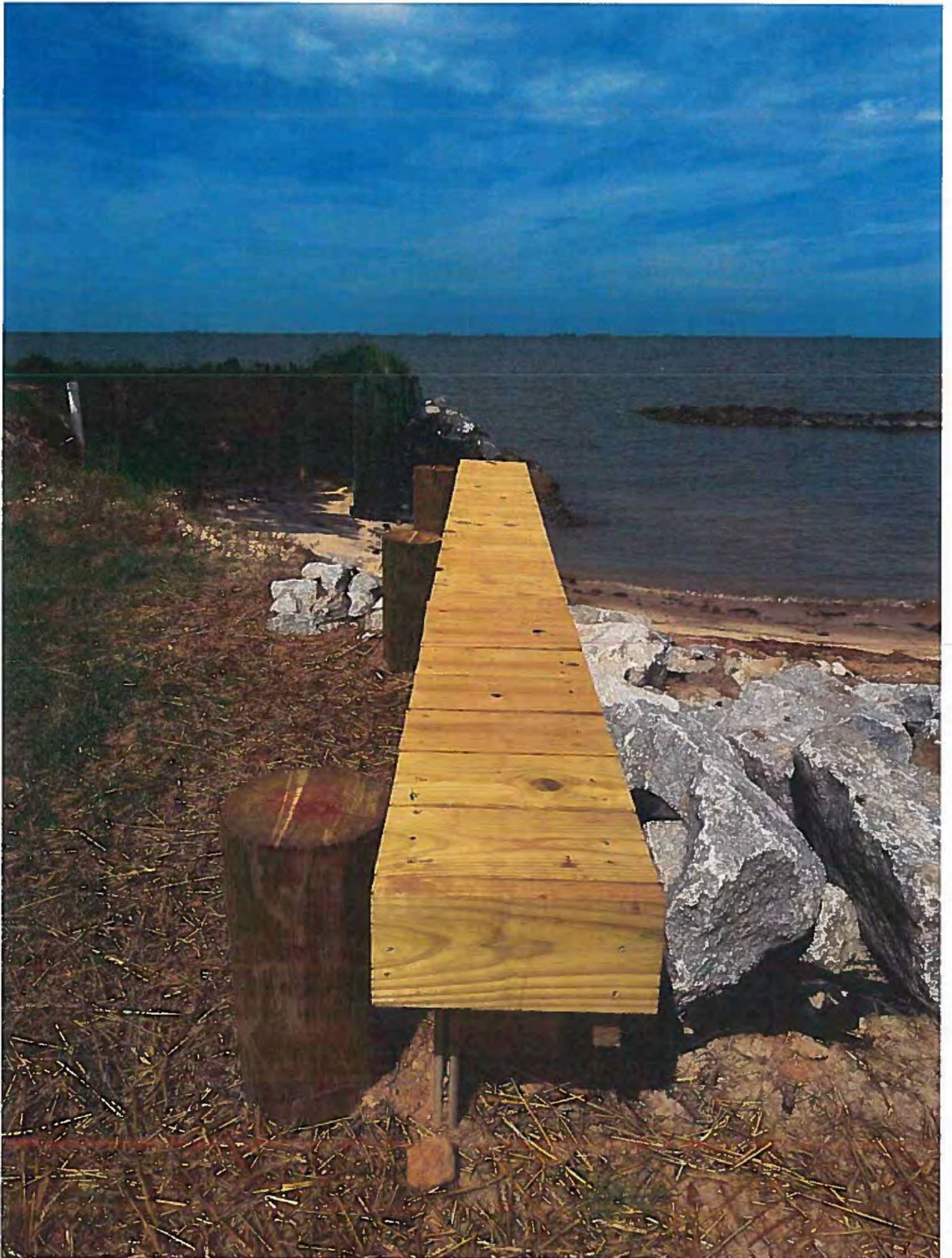
We propose that the current application be rejected due to both maintaining ongoing encroachment, and an inferior design that will exacerbate erosive harm to the adjacent parcel belonging to us, lot 18 Sand Hill Drive.

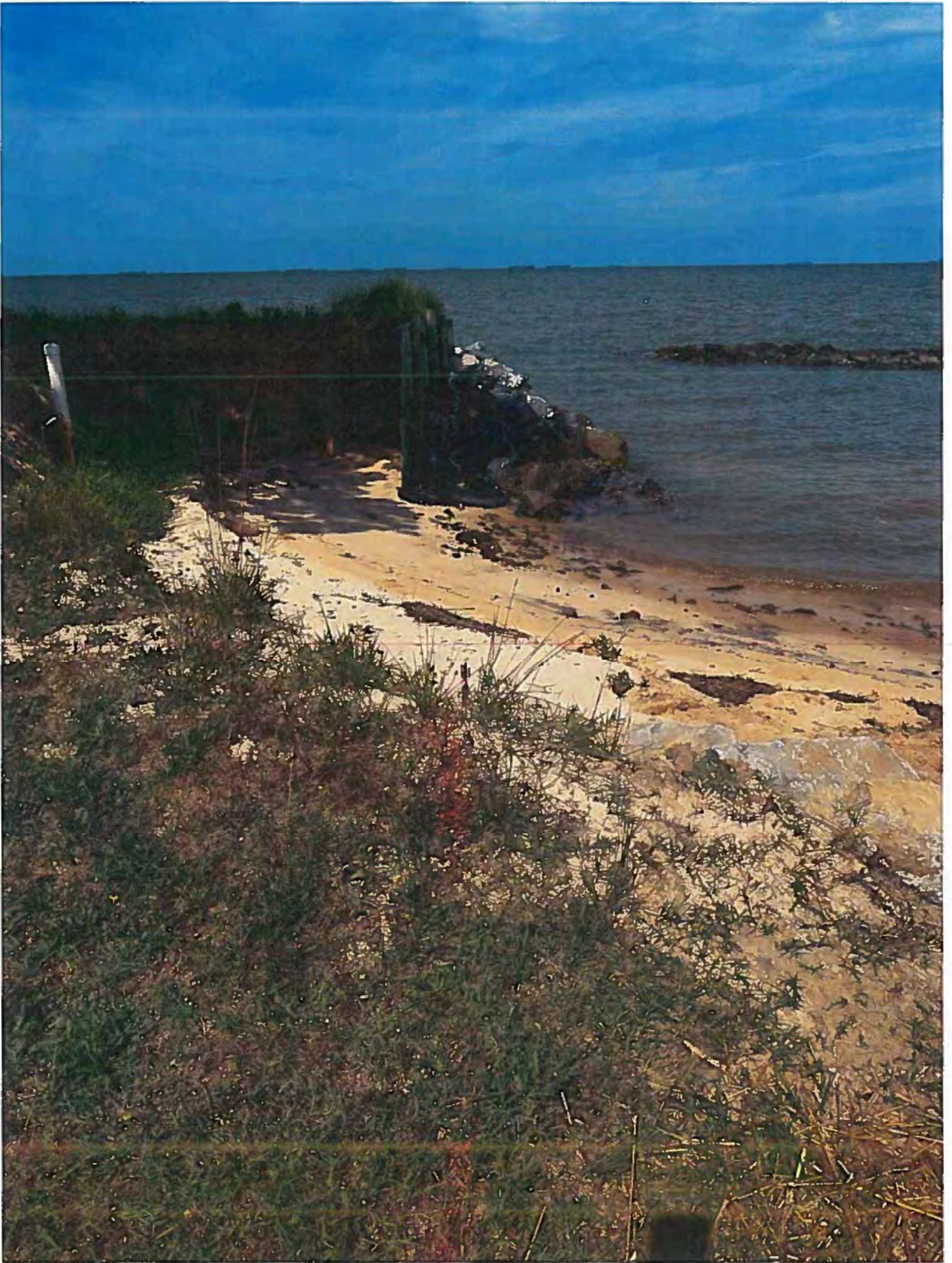
We would fully support a riprap alone design with a 2:1 slope, entirely on lot 17 with the ability to connect to our riprap. We would be less apt to object to a design that moves the whole northern return wall southward on their property, a straight wall, with a proper riprap support with 2:1 slope, pending a review of said design. We feel this is the minimum necessary in this location to reduce organized wave reflection onto our shallow habitat environment.

Best,

Kari and Mike Pollock
Lot 18 Sand Hill Drive
Cape Charles, VA







26 January 2026

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

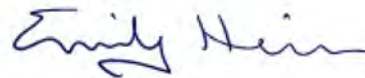
Mr. Kevin Willis
Environmental Planner
Northampton County
P.O Box 538
Eastville, VA 23374

Dear Ms. Gorman and Mr. Willis:

We have reviewed the Mercer application to address the erosion of the north side of their property by extending a bulkhead return wall with a revetment against it (VMRC 2025-2593, NAO-2025-02620). The revetment previously installed along the adjacent property to the north was reworked into two nearshore breakwaters. These structures appear to be functioning well and as the shoreline adjusted to this change and cusped beaches formed, the side of the project property landward of the existing bulkhead return was scarped. The area at the base of the scarp is a jurisdictional beach, and while we do not typically recommend revetments on beaches, this situation is unusual. To effectively transition from the existing bulkhead and revetment to the neighboring beach, we recommend minimizing the length of the additional return wall and extending the revetment along the curve of the scarp rather than extending the return wall and rock straight landward from the existing structure. We realize the location of the exposed well head may require the return wall to extend landward to at least its location and recommend it is angled into the property as much as is feasible.

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

Sincerely,



Emily Hein
Assistant Director for Advisory Services

SHELLFISH MANAGEMENT DIVISION EVALUATION, 9/22/2027

Public Hearing:	Proposal to amend Chapter 4 VAC 20-1250-10 et seq., "Pertaining to the Tagging of Shellfish" to modify the method of identifying harvested shellfish to align with the National Shellfish Sanitation Program's tagging requirements to increase public safety and protect the shellfish resource.
Issues:	The proposed amendments will enhance the specificity of shellfish harvest locations in Virginia. By aligning Virginia's regulations with the latest National Shellfish Sanitation Program standards, these changes will improve the traceability of molluscan shellfish harvested in the state. Specifically, the amendments incorporate updated growing areas identified by the Virginia Department of Health and mandate that shellfish tags include the growing area and either the lease number or public harvest area.
Background:	The National Shellfish Sanitation Program (NSSP) is the federal/state cooperative program recognized by the U. S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. The purpose of the NSSP is to promote and improve the sanitation of shellfish (oysters, clams, mussels and scallops) moving in interstate commerce through federal/state cooperation and uniformity of State shellfish programs. Participants in the NSSP include agencies from shellfish producing and non-producing States, FDA, EPA, NOAA, and the shellfish industry. Under international agreements with FDA, foreign governments also participate in the NSSP. Other components of the NSSP include program guidelines, State growing area classification and dealer certification programs, and FDA evaluation of State program elements. The latest revision to the NSSP Guide for the Control of Molluscan Shellfish introduces more detailed guidelines for identifying shellfish harvest areas, enhancing traceability and safeguarding both the public and industry against potential disease outbreaks. The proposed amendments will update the information required on shellfish tags, mandating that harvesters document the growing area and either the lease number or public harvest area. This regulatory change is set to take effect on July 1, 2027. The delay allows the Virginia Marine Resources Commission and the Department of Health ample time to educate the industry and harvesters on these changes, thereby improving traceability for shellstock products.

Staff Recommendation: Staff recommends the Commission consider amendments to Chapter 4 VAC 20-1250-10 et seq., "Pertaining to the Tagging of Shellfish" to modify the method of identifying harvested shellfish to align with the National Shellfish Sanitation Program's tagging requirements to increase public safety and protect the shellfish resource.

MEMORANDUM

TO: Joseph Grist
Commissioner
Virginia Marine Resources Commission

FROM: Kelci A. Block
Assistant Attorney General



DATE: September 14, 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 20-1250

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.



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 September 3, 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, September 22, 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, September 17, 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 20-1250, "Pertaining to the Tagging of Shellfish"

The Commission proposes to amend Chapter 4VAC20-1250, "Pertaining to the Tagging of Shellfish" to modify the method of identifying harvested shellfish.

The purpose of these amendments is to align with the National Shellfish Sanitation Program's tagging requirements and to increase public safety and protect the shellfish resource.

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 THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ET SEQ.****PREAMBLE**

This chapter establishes a method of identifying, with the use of shellfish tags, any harvest of shellfish from Virginia waters. This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-801 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous chapter 4 VAC 20-1250-10 et seq., which was adopted on ~~May 22, 2012~~ August 24, 2021 and made effective on ~~May 31, 2012~~ October 1, 2021. The effective date of this chapter is ~~October 1, 2021~~ July 1, 2027.

4 VAC 20-1250-10. Purpose.

The purpose of this chapter is to establish a method of identifying harvested ~~shellfish~~ shellstock, according to its original Virginia ~~harvest~~ growing area, at any time of the year.

4 VAC 20-1250-20. Definitions.

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

~~“Bulk shellfish tag” means a shellfish tag that shall only be used for shellfish harvested from a single harvest area in any one day and accompanies a conveyance containing multiple containers of shellfish.~~

“Certified dealer” means a person to whom certification is issued by the Virginia Department of Health for the purposes of introducing ~~shellfish~~ shellstock into commerce.

"Certified dealer tag" means a ~~shellfish~~ shellstock tag, which is approved by the Virginia Department of Health, ~~Division of Shellfish Sanitation~~, that shall only be used for ~~shellfish~~

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10-ET-SEQ.**

shellstock harvested from a single harvest growing area, ~~in any one day, and those shellfish are either loose in a conveyance or in a single container.~~

"Container" means any bag, box, sack, tote, or other receptacle that contains ~~shellfish~~ shellstock to be held, in any type of conveyance, for transport ~~from the harvest area to the landing site and from the landing site to the point of sale or other use.~~

“Conveyance” means any form of transport, either mechanical, such as a boat or truck, or non-mechanical that is used to transport ~~shellfish~~ shellstock ~~from the harvest area to the landing site or from the landing site to a certified dealer or other use.~~

~~“Direct marketing” means any shellfish or shellstock that is landed and sold without any post-harvest processing.~~

"Harvest" means the act of removing any ~~shellfish or~~ shellstock from a designated ~~harvest~~ growing area and placing that ~~shellfish or~~ shellstock in a container or on or in a conveyance.

“Land” or “landing” means to (i) enter port with finfish, ~~shellfish~~ shellstock, crustaceans, or other marine seafood on board any boat or vessel; (ii) begin offloading finfish, ~~shellfish~~ shellstock, crustaceans, or other marine seafood; or (iii) offload finfish, ~~shellfish~~ shellstock, crustaceans, or other marine seafood.

“Post-harvest processing” means any process which has been validated using National Shellfish Sanitation Program validation procedures.

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ~~ET SEQ.~~**

“Replant” or “replanting” means to place after harvest ~~shellfish~~ shellstock into waters as allowable by applicable law or permit.

“Restricted-use shellstock” means shellstock ~~or shellfish~~ harvested from approved ~~shellfish~~ growing areas that shall ~~not be sold for direct marketing or raw consumption~~ only be sold to a certified shucker-packer for the purpose of shucking or post-harvest processing.

“Restricted-use shellstock tag” means a Virginia Marine Resources Commission-issued green tag that shall only be used by a certified ~~dealer who has a current certificate of inspection as a~~ shucker packer for shellstock ~~or shellfish~~ harvested from a single ~~harvest~~ growing area in any one day. Use of any such tag indicates that shellstock is intended for ~~further processing~~ shucking or for post-harvest processing prior to distribution ~~to retail or food service.~~

~~“Shellfish”~~ or “Shellstock” means all ~~species of bivalve~~ live molluscan shellfish in the shell.

“Single ~~harvest~~ growing area” means one of the water areas established by the Virginia ~~Marine Resources Commission for reporting fisheries statistics~~ Virginia Department of Health.

“Shellfish Shellstock harvester tag” means ~~a shellfish tag that shall only be used for shellfish harvested from a single harvest area, in any one day, and those shellfish shellstock are either loose in a conveyance or in a single container~~ the identification that shall be used for shellstock harvested from a single growing area in a single day and accompanies shellstock to a certified dealer.

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ET SEQ.**

“Shucker_packer” means a person who shucks and packs ~~shellfish~~ shellstock under a current certificate of inspection issued by the Virginia Department of Health, ~~Division of Shellfish Sanitation~~.

“Temperature control” means the use of ice or mechanical refrigeration, which is capable of lowering the temperature of the shellstock and maintaining it at 50°F (10°C) or less, as approved by the Virginia Department of Health, ~~Division of Shellfish Sanitation~~.

4 VAC 20-1250-30. Shellfish identification.

A. Any person harvesting ~~shellfish~~ shellstock for commercial purposes shall affix a ~~shellfish~~ shellstock harvester tag to each container of ~~shellfish~~ shellstock, except as provided in subsection E of this section, before leaving any single ~~harvest~~ growing area. The ~~shellfish~~ shellstock harvester tag shall remain in place while the ~~shellfish~~ shellstock are transported from the ~~harvest~~ growing area to the landing site and from the landing site to a certified dealer or for any other use. Any transport of ~~shellfish~~ shellstock to a certified dealer requires that the ~~shellfish~~ shellstock harvester tag remain affixed to each container of ~~shellfish~~ shellstock until the container is emptied or shipped and re-tagged by a certified dealer.

B. The ~~shellfish~~ shellstock harvester tag, ~~the bulk shellfish tag~~, and the green restricted-use shellstock tag shall be durable, waterproof, at least 13.8 square inches in size, and approved by the Virginia Marine Resources Commission or the Virginia Department of Health prior to use, ~~and at least 13.8 square inches in size~~.

“PERTAINING TO THE TAGGING OF ~~SHELLFISH~~ SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ~~ET SEQ.~~**

C. The ~~shellfish~~ shellstock harvester tag shall contain all of the following indelible and legible information, in the following order:

1. The harvester's Virginia Marine Resources Commission identification number or Virginia Marine Resources Commission oyster aquaculture harvester permit number or clam aquaculture harvester permit number;
2. The date of harvest, time that any ~~shellfish~~ shellstock harvest began, and time that harvested ~~shellfish~~ shellstock were offloaded and placed under temperature control;
3. An acknowledgement of whether or not those ~~shellfish~~ shellstock, described in subdivision 2 of this subsection, were placed in a storage container approved by the Virginia Department of Health, Division of Shellfish Sanitation ~~approved storage container~~ with ~~a layer~~ layers of ice that continuously and completely covered the oysters;
4. The most accurate identification of the harvest location ~~or aquaculture site~~, including the abbreviated name of the state of harvest ~~and the Virginia Marine Resources Commission's designation of the growing area by indexing, administrative, or geographic designation, and the minimum identification requirement shall be to specify a single growing area from the listing, as described in 4VAC20-1250-50~~. The harvest location shall include the single growing area as described in 4VAC20-1250-50 and shall also include either lease number, public harvest area as described in 4VAC20-720, or aquaculture site.
5. The type and quantity of harvested ~~shellfish~~ shellstock; and,

“PERTAINING TO THE TAGGING OF ~~SHELLFISH~~ SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ~~ET SEQ.~~**

6. The following statement, in bold capitalized letters: "THIS TAG IS REQUIRED TO BE ATTACHED, UNTIL THE CONTAINER IS EMPTY OR IS ~~RE-TAGGED~~, RETAGGED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS."

D. For any quantities of ~~shellfish~~ shellstock commercially harvested from a single ~~harvest~~ growing area, in any one day, ~~that are loose and not containerized aboard any conveyance~~, the harvester shall prepare a ~~shellfish~~ shellstock harvester tag for that quantity of ~~shellfish~~ shellstock, which shall accompany that quantity of ~~shellfish~~ shellstock during transport from the single ~~harvest~~ growing area to the landing site and from the landing site to a certified dealer or for transport to any area for replanting.

E. When multiple containers of ~~shellfish~~ shellstock are harvested from a single ~~harvest~~ growing area, in any one day, and placed in any conveyance, the lot may be tagged with a ~~bulk~~ shellfish shellstock harvester tag, for that quantity of ~~shellfish~~ shellstock, which shall accompany that quantity of ~~shellfish~~ shellstock during transport from the ~~harvest~~ growing area to the landing site and from the landing site to a certified dealer or for transport to any area for replanting. In addition to the information required in subsection C of this section, any ~~bulk-shellfish~~ shellstock harvester tag shall also include:

1. The following statement in bold capitalized letters: "ALL ~~SHELLFISH~~ SHELLSTOCK ~~CONTAINERS~~ IN THIS LOT HAVE THE SAME HARVEST DATE AND ~~ARE FROM A SINGLE~~ AREA OF HARVEST"; and,

“PERTAINING TO THE TAGGING OF ~~SHELLFISH~~ SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ~~ET SEQ.~~**

2. The number of individual containers in the lot.

F. Certified shucker-packers shall use a green restricted-use shellstock tag for the harvest of restricted-use shellstock from a single ~~harvest~~ growing area in any one day. The restricted-use shellstock tag shall accompany that quantity of ~~shellfish~~ shellstock during transport from the ~~harvest~~ growing area to the landing site and from the landing site to the certified shucker-packer. In addition to the information required in subsection C of this section, any restricted-use shellstock tag shall also include:

- 1) The ~~certified~~ shucker-packer name and address; the certification number issued by the Virginia Department of Health, ~~Division of Shellfish and Sanitation~~ certification number; and the following statement in bold capitalized letters: “FOR SHUCKING ~~BY A CERTIFIED DEALER~~ OR POST HARVEST PROCESSING ~~ONLY~~ BY A CERTIFIED DEALER ONLY”; and,

- 2) The quantity of restricted-use shellstock in the lot.

G. Certified dealers may use their certified dealer tag in place of a ~~shellfish~~ shellstock harvester tag as provided in subsection A of this section, except as provided in subsection F of this section.

H. All commercially harvested ~~shellfish~~ shellstock shall be tagged by a certified dealer prior to being sold, marketed, consumed, or transported to any location other than to a certified dealer or for replanting.

“PERTAINING TO THE TAGGING OF ~~SHELLFISH~~ SHELLSTOCK”
 CHAPTER 4 VAC 20-1250-~~40~~ ET SEQ.

4 VAC 20-1250-40. Penalty.

A. 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~~ shellstock 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~~ shellstock growing 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.

B. 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.

4 VAC 20-1250-50. Designated Single ~~Harvest~~ Growing Areas.

A listing of water area names for use by harvesters to designate ~~harvest~~ growing areas.

Back Bay	Mobjack Bay
Back River	Nansemond River
Bogue Bay	Nomini River
Bradford Bay	North River
Burton’s Bay	North Landing River

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10-ET-SEQ.**

Chesapeake Bay Lower East	Outlet Bay
Chesapeake Bay Lower West	Oyster Bay Seaside Eastern Shore
Chesapeake Bay Upper East	Pagan River
Chesapeake Bay Upper West	Pamunkey River
Chickahominy River	Piankatank River
Chincoteague Bay	Pocomoke River
Chuckatuck Creek	Pocomoke Sound
Coan River	Poquoson River
Cobb Bay Seaside Eastern Shore	Potomac Creek
Corrotoman River	Rappahannock River Middle
Currioman River	Rappahannock River Lower
East River	Rappahannock River Upper
Elizabeth River	Rosier Creek
Fleets Bay	Severn Creek
Gargathy Bay	South Bay
Great Wicomico River	Swash Bay
Hog Island Bay	Tangier Sound
Horn Harbor	Upper Machodoc Creek
James River Middle	Upshur Bay
James River Lower	Ware River
James River Upper	Warwick River
Kegotank Bay	Watts Bay

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10-ET-SEQ.**

~~Lafayette River~~ _____ ~~Willoughby Bay~~
~~Little Wicomico River~~ _____ ~~Winter Harbor~~
~~Lower Machodoc Creek~~ _____ ~~Yeocomico River~~
~~Lynnhaven Bay~~ _____ ~~York River Middle~~
~~Magothy Bay~~ _____ ~~York River Lower~~
~~Mattaponi River~~ _____ ~~York River Upper~~
~~Mattox Creek~~ _____ ~~Ocean Eastern Shore~~
~~Metomkin Bay~~ _____ ~~Ocean Virginia Beach~~
~~Milford Haven~~

001A Upper Machodoc Creek

001 Rosier Creek

003 Potomac River: Mattox Creek to Currioman Bay

004 Nomini and Currioman Bays

005 Potomac River: Lower Machodoc Creek

006 Gardner, Jackson and Bonum Creeks

007 Potomac River: Yeocomico River

008 Potomac River: Coan River

009 Potomac River: Cod Creek to Hack Creek

010 Little Wicomico River

011 Chesapeake Bay: Smith Point to Fleeton Point

012 Cockrell, Reason and Whays Creek

013 Great Wicomico River

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ~~ET SEQ.~~**

- 014 Chesapeake Bay: Cranes Creek to Mill Creek
- 015 Chesapeake Bay: Dividing Creek
- 016 Chesapeake Bay: Barnes Creek to Windmill Point
- 018 Oyster, Little Oyster, Windmill Point and Mosquito Creeks
- 020 Rappahannock River: Carter Creek
- 021L Corrotoman River, Lower
- 021U Corrotoman River, Upper
- 022 Rappahannock River: Towles Point to Monaskon
- 023 Rappahannock River: Monaskon to Farham Creek
- 024 Rappahannock River: Farnham Creek
- 025 Rappahannock River: Sharps to Accaceek Point
- 025A Rappahannock River: Accaceek Point to Tappahannock Bridge
- 026A Rappahannock River: Tappahannock Bridge to Wares Wharf
- 026 Rappahannock River: Wares Wharf to Jones Point
- 027 Rappahannock River: Jones Point to Weeks Point
- 028 Rappahannock River: Lagrange and Robinson Creeks
- 029 Rappahannock River: Urbanna and Whiting Creeks
- 030 Rappahannock River: Meachim Creek
- 031 Rappahannock River: Locklies and Mill Creeks
- 032 Rappahannock River: Bush Park, Sturgeon and Broad Creeks
- 034 Piankatank River, Lower
- 035 Piankatank River, Upper

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10 ~~ET SEQ.~~**

- 037 Gwynn’s Island, Queens Creek to Whites Creek
- 038 Chesapeake Bay: Winter Harbor and Garden Creek
- 039 Chesapeake Bay: Horn Harbor and Dyer Creek
- 040 Mobjack Bay: New Point Comfort to East River
- 041 Mobjack Bay: East River
- 042 Mobjack Bay: North River
- 043 Mobjack Bay: Ware River
- 044 Mobjack Bay: Severn River
- 045 Mobjack Bay: Browns Bay and Monday Creek
- 046 York River: Sarah Creek and Perrin River
- 047 York River: Gloucester Point to Allmondsville
- 048 York River: Purtan and Poropotank Bays
- 049 York River: West Point
- 050 York River: Terrapin Point to Camp Peary
- 051 York River: Camp Peary to Yorktown
- 052 York River: Yorktown and Back Creek
- 053 Chesapeake Bay: Poquoson River
- 054 Back River
- 055 Chesapeake Bay: Back River to Old Point Comfort
- 056 Hampton Roads North
- 057 James River: Newport News Point to Blunt Point
- 058 Warwick River

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10-ET-SEQ.**

- 059 James River: Blunt Point to Jamestown Island
- 060 James River: Hog Point to Days Point
- 061 Pagan River
- 062 Chuckatuck Creek
- 063 Nansemond River
- 064 James River: Days Point to Pig Point
- 065 Elizabeth and Lafayette Rivers
- 066 Hampton Roads South
- 068 Willoughby Spit to Lynnhaven Bay
- 070 Lynnhaven Bay
- 071 Broad and Linkhorn Bays
- 073 Virginia Beach
- 075 Pocomoke Sound: Pocomoke River
- 076 Pocomoke Sound: Messongo and Guilford Creeks
- 077 Pocomoke Sound: Hunting and Deep Creeks
- 078 Tangier, Smith and Fox Islands
- 079 Chesapeake Bay: Chesconessex Creek
- 080 Chesapeake Bay: Onancock and Matchotank Creeks
- 081 Chesapeake Bay: Pungoteague and Butcher Creeks
- 082 Chesapeake Bay: Nandua Creek
- 083 Chesapeake Bay: Craddock Creek
- 084 Chesapeake Bay: Occohannock Creek

“PERTAINING TO THE TAGGING OF SHELLFISH SHELLSTOCK”**CHAPTER 4 VAC 20-1250-10-ET-SEQ.**

- 085 Chesapeake Bay: Nassawadox Creek
- 086 Chesapeake Bay: Hungars and Mattawoman Creeks
- 087 Chesapeake Bay: The Gulf
- 088 Chesapeake Bay: Cherrystone Inlet and Kings Creek
- 089 Chesapeake Bay: Cape Charles
- 090 Chesapeake Bay: Old Plantation Creek to Fisherman’s Island
- 093 Seaside: Fisherman’s Island to Smith Point
- 094 Seaside: Smith Island to Sand Shoal Inlet
- 095 Seaside: Sand Shoal Inlet to Great Machipongo Inlet
- 096 Seaside: Great Machipongo Inlet to Wachapreague Inlet
- 097 Seaside: Wachapreague Inlet to Metompkin Inlet
- 098 Seaside: Metompkin Inlet to Gargathy Inlet
- 099 Seaside: Gargathy Inlet to Chincoteague Channel
- 100 Chincoteague Bay West
- 101 Chincoteague and Assateague Islands

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Virginia Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201 and 28.2-801 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission’s minute book, at its meeting held in Hampton, Virginia on ~~October 28,~~ September 22, 2026.

“PERTAINING TO THE TAGGING OF ~~SHELLFISH~~ SHELLSTOCK”

CHAPTER 4 VAC 20-1250-10-ET-SEQ.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

By: _____
Joeseeph D. Grist
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2026.

Notary Public

FISHERIES MANAGEMENT DIVISION EVALUATION, 9/22/26

RECOMMENDATION: Recommendations on applications to the Recreational and Commercial Fishing Advisory Boards.

BACKGROUND AND ISSUES:

Recreational Fishing Advisory Board (RFAB)

The Recreational license fund, the Virginia Saltwater Recreational Fishing Development (VSRFDF), is comprised of sales of Virginia saltwater fishing licenses. The Recreational Fishing Advisory Board (RFAB) advises the Commission on expenditures from the VSRFDF in accordance with §28.2-302.3.

The RFAB met virtually on August 10 and in person on September 14th, 2026, and reviewed the remaining applications for the 2026 cycle. The board recommended funding seven proposals and tabled two proposals for the 2027 cycle because the applicants did not present this cycle.

A-1. 0426-01 2027 Hope House & Oak Grove Nursing Home Fishing Excursion. T.B. Butch Pierce; Great Bridge Fisherman's Association. **\$5,200.**

The RFAB recommended funding the project on August 10, 2026.

B-1. 0426-04 2027 Sunshine Program. Steve York, Norfolk Angler's Club. **\$13,375.**

The RFAB recommended funding the project on August 10, 2026.

C-1. 0426-09 Virginia Game Fish Tagging 2027. S. Musick (VIMS), M. Hargis (VMRC). **\$103,105.**

The RFAB recommended funding the project on August 10, 2026.

D-1. 0426--17 C.A.S.T. for Kids-Eastern Shore. Zachary Tanner. **\$5,769.**

The RFAB recommended funding the project on August 10, 2026.

E-1. 0426-08 MLC Public Access Waterfront Enhancement and Community Saltwater Learn to Fish Program (SL2F). Bernadette La Casse, Mathews Land Conservancy. **\$30,600.**

The RFAB recommended funding the project (4 in favor and 2 opposed) on September 14th, 2026.

F-1. 0426-14 Planning the Renovation of Coles Point Boater Access, Westmoreland County. John Kirk, DWR. **\$100,000.**

RFAB recommended funding the project on September 14th, 2026.

G-1. 0426-16 Planning the Renovation of Gloucester Point Boater Access, Gloucester County. John Kirk, DWR. **\$41,019.**

The RFAB recommended funding the project on September 14th, 2026.

Commercial Fishing Advisory Board (CFAB)

The Commercial license fund, the Marine Fishing Improvement Fund (MFIF), is made up of sales of Virginia commercial fishing licenses. The Commercial Fishing Advisory Board (CFAB) advises the Commission on expenditures from the MFIF in accordance with §28.2-208.

The CFAB met in person on September 17th, 2026, to review three applications to the MFIF. Six members attended the meeting in person with one member joining virtually. One of the three applications was recommended for funding, with additional comments and no action on the second and third applications.

A-2. Virginia Beach Working Waterfront Revitalization Project, Paul Bayer, City of Virginia Beach Development Authority, **\$25,000.**

The CFAB recommended funding the project (four in favor, two opposed, one abstention).

B-2. Diamondback Terrapin Habitat Mapping, Donna Bilkovic, William & Mary Batten School of Coastal & Marine Sciences, **\$81,600.**

The CFAB did not recommend funding the project and voted to recommend that it be funded by an alternative source (the recreational license fund).

C-2. Targeted Derelict Crab Pot Removal in Important Terrapin Habitat, Kirk Havens, William & Mary Batten School of Coastal & Marine Sciences, **\$144,486.**

The CFAB took no action on this item (motion failed for a lack of second).

RECOMMENDATION:

The Recreational Fishing Advisory Board recommended funding seven proposed projects, totaling \$299,068 from the Virginia Saltwater Recreational Fishing Development Fund.

The Commercial Fishing Advisory Board recommended funding one project for \$25,000. The entire request for the three proposals totals \$251,086 from the Marine Fishing Improvement Fund.



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

September 16, 2026

TO: All Associate Commissioners
Virginia Marine Resources Commission

FROM: Joseph D. Grist
Commissioner, Marine Resources Commission

SUBJECT: November, 2026 through March, 2027 Commission Meeting Schedule

Dear Associate Commissioners,

Thank you for your continued dedicated service to the Commonwealth of Virginia and to the Virginia Marine Resources Commission and its constituents each month.

My office has identified some reoccurring and new scheduling challenges for our December through March Commission meetings which we should formally address at our upcoming September 22, 2026, meeting. These are challenges that may create a conflict in my ability to be present to open a Commission meeting as its chairman. I am recommending the following changes from the traditional fourth Tuesday of the month meeting schedule for that time period.

First, I recommend we continue the current precedent of not meeting in November as the meeting is the same week as the Thanksgiving holiday week. Furthermore, because of similar reasons associated with the multiple holidays recognized on and around December 25, I recommend that we convene the December Commission meeting on Tuesday, December 8, 2026, to begin at 9:30am.

Next, I recommend changes to the January and February meeting dates to avoid conflicts with the Virginia General Assembly session, where both myself and some Associate Commissioners often have job-related requirements to be physically present during the session. I recommend that we convene the January Commission meeting on Tuesday, January 12, 2027 (prior to the opening of the General Assembly session) and convene the February Commission meeting on Thursday, February 25, 2027 (which avoids conflicting with the majority of natural resource and Chesapeake Bay committee and subcommittee meetings that occur earlier each week during the General Assembly session).

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

Finally, I recommend delaying the March Commission meeting until March 30, 2027, as I will be unavailable to open the Commission meeting as chairman on the fourth Tuesday of the month, March 23, 2027.

In Summary, the schedule for the Commission meetings from October, 2026 through April, 2027 would be:

October 27, 2026 (no change, 4th Tuesday in October)

No meeting in November

December 8, 2026 (2nd Tuesday in December)

January 12, 2027 (2nd Tuesday in January)

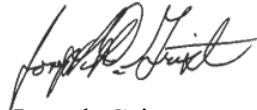
February 25, 2027 (4th Thursday in February)

March 30, 2027 (5th Tuesday in March)

April 27, 2027 (no change, 4th Tuesday in April)

I make these recommendations in full acknowledgement that it may impact your long-term planning schedule, but they are necessary to ensure the chairman is present for every meeting. I will ask for a vote of concurrence during our September 22, 2026 meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph Grist".

Joseph Grist
Commissioner

JDG

CC: Meghan Mayfield, Deputy Commissioner, Marine Resources Commission
Michele Guilford, Executive Assistant to the Commissioner