

MINUTES

COMMISSION MEETING

January 28, 2025

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

Jamie L. Green	Commissioner
Patrick Hand	
Lynn Kellum	
A.J. Erskine	
William Bransom	
Jeremy Headley	Associate Members
Jeanette Edwards	
Thomas Preston	
Preston White	
Kelci Block	Assistant Attorney General Via phone
Jamie Hogge	Recording Secretary
Gerald Pitt	1 st . Sgt., Marine Police
Randy Owen	Chief, Habitat Management
Adam Kenyon	Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Emily Hein	Alex Sabo
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Others present:

Andy Dunton	Andy Anderson	Amy Anderson
Thomas Croswell Jr.	Thomas Croswell	Ian Blair
Ira Broman	Mike Ware	Bob Simon
Jon Simon	Mike Steelman	Pat McCrady
Lewis Hall	Emily Small	Mary Rowe

Commission Meeting

**19278
January 28, 2025**

Jordan Krevonick Rebecca Francese Jackie Shannon
David O'Brien Kevin Singleton Randy Cornell
Shannon Varner and others.

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

Randy Owen requested the agenda items 2E and 2 H be heard separately from the Page 2 Agenda items. Mr. Owen requested that items 2E and 2H be heard separately. His comments are a part of the verbatim record.

Associate Member Bransom moved to approve the agenda as amended. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the December 3, 2024, Commission Meeting minutes.

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

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

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

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

- 2A. **JAMES DEANGELIS, #24-2578**, requests authorization to install 171 linear feet of riprap, the toe of which may be installed a maximum of 6 feet channelward of the existing bulkhead and to install a 5-foot by 64-foot wharf and a 5-foot by 44-foot wharf on either side of an existing pier serving 1211 Davis Avenue, situated along the Indian River in Chesapeake. This project requires a VMRC Subaqueous and Wetlands permit.
- 2B. **NORTH-SOUTH DRIVE CIVIC ASSOCIATION, #24-2377**, requests authorization to install one (1) low profile timber groin at 209 South Drive along the Rappahannock River in Essex County. This project requires a VMRC Subaqueous and Wetlands permit.
- 2C. **JOINT BASE LANGLEY EUSTIS, #24-0935**, requests authorization to install, up to 12 times per year, a 24-foot wide, temporary causeway extending 1,300 feet channelward of mean low water and to excavate 26 cubic yards of jurisdictional beach, to facilitate the temporary causeway installation, as part of military training exercises along the James River at the Anzio Beach area of Joint Base Langley-Eustis in the City of Newport News. This project requires a VMRC Beaches and Dunes permit.
- 2D. **SAFE HARBOR BLUEWATER, #24-2497**, requests authorization to replace an existing 8-foot by 240-foot pier in its existing footprint, construct an 8-foot by 6-foot walkway connecting the pier replacement to an existing main pier, replace an additional existing 8-foot by 172-foot pier in its existing footprint with the addition of three (3) 8-foot by 50-foot finger piers, and to mechanically dredge approximately 6,090 cubic yards of new material to a depth ranging from -6.5 feet MLW to -8.0 feet MLW surrounding the marina, including future maintenance dredging as necessary, adjacent to 25 Marina Road situated along Sunset Creek in the City of Hampton with disposal at an approved upland disposal facility. Recommend approval with a dredging royalty of \$3,654.00 for the dredging of 6,090 cubic yards of state-owned submerged bottom at a rate of \$0.60 per cubic yard. This project requires a VMRC Subaqueous permit.
- 2F. **KINDER MORGAN, #24-1931**, requests authorization to mechanically or hydraulically dredge up to 106,800 cubic yards of new material around piers X and IX, necessary to increase the maximum authorized depth to minus fifty-seven (-57) feet mean low water from the previously authorized maximum of minus fifty-five (-55) feet, at their facility (1900 Harbor Access Road) along the

James River in the City of Newport News. The project additionally includes future maintenance dredging (approximately 200,000 cubic yards annually) and disposal of all dredge material at the Craney Island Dredge Spoil Facility or an approved upland location. Recommend approval with a dredging royalty of \$64,080.00 for the dredging of 106,800 cubic yards of state-owned submerged bottom at a rate of \$0.60 per cubic yard. This project requires a VMRC Subaqueous permit.

- 2G. MONUMENT MARINE GROUP, #24-1041**, requests authorization to remove the remnant pilings from a derelict fishing pier and construct a 535-foot long by 10-foot-wide replacement fishing pier with a 3,600 square foot T-head adjacent to property situated along the Potomac River at 190 Plantation Drive in Westmoreland County. This project requires a VMRC Subaqueous permit.
- 2I. ROANOKE CEMENT COMPANY, LLC, #24-1360**, requests authorization to construct a new multi-user 44-foot-wide clear span haul bridge across a 47-foot section of Catawba Creek west of the existing facility and east of Catawba Road in Botetourt County for their Catawba Farm Quarry. Recommend approval with an encroachment royalty of \$4,136.00 for the encroachment over 2,068 square feet of state-owned submerged bottom at a rate of \$2.00 per square foot. This project requires a VMRC Subaqueous permit.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the Page 2 items 2A through 2D, 2F, 2G, 2H and 2 I as presented. Associate Member Headley seconded the motion. The motion carried, 8-0.

- 2E. CITY OF NEWPORT NEWS, #24-2073**, requests authorization to remove existing docks and construct a 6-foot by 182-foot open pile pier, with four (4) 4-foot by 35-foot finger piers, two (2) 6-foot by 35-foot finger piers, four (4) 4-foot by 50-foot finger piers, 20 mooring piles, a 6-foot by 236-foot open pile pier, twelve (12) 4-foot by 35-foot finger piers, two (2) 6-foot by 35-foot finger piers, 24 mooring piles, a 6-foot by 182-foot open pile pier, eight (8) 4-foot by 50-foot finger piers, two (2) 6-foot by 50-foot finger piers, and 24 mooring piles serving the public facility at 524 Menchville Road South along Deep Creek in

Newport News. This project requires a VMRC Subaqueous permit.

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

Associate Members Erskine and Kellum abstained from voting on agenda item 2E.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the Page 2 item 2E as presented. Associate Member Edwards seconded the motion. The motion carried, 6-0-2. Associate Members Erskine and Kellum abstained from voting.

2H. BAY POINT MARINA, LLC, #24-1886, requests authorization to install a 280-foot long by 16-foot wide floating dock extension to an existing floating pier serving Bay Point Marina located at 9500 30th Bay Street situated along Little Creek in the City of Norfolk. Staff recommends approval with royalties totaling \$13,440.00 for the proposed encroachment over 13,440 square feet of state-owned bottom (the proposed floating dock and the mooring areas on either side of the dock) at a rate of \$1.00 per square foot. This project requires a VMRC Subaqueous permit.

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

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to approve the Page 2 item 2H as presented with contingent upon approval from the Navy as outlined in the presentation. Associate Member Headley seconded the motion. The motion carried, 7-0-1. Associate Member White abstained.

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

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

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- 5. **OYSTER ROAD DOCKS, LLC, #24-2020,** requests authorization to convert a private use pier to a commercial operation at 41 Oyster Road along Urbanna Creek in Middlesex County. The project is protested by the adjacent commercial property owner.

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

Lewis Hall was sworn in and spoke on behalf of the project. His comments are a part of the verbatim record.

Andrew and Amy Anderson spoke in opposition of the project. 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 the project as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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- 6. **COUNTY OF NORTHAMPTON, #23-2155,** requests authorization to install six (6) Aids to Navigation buoys and to dredge approximately 24,200 cubic yards of submerged bottom material at the confluence of Nassawadox Creek with overboard disposal into the Chesapeake Bay southwest of Nassawadox Point in Northampton County.

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

Andy Dunton, representative of the applicant, was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

Kevin Singleton was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member White made a motion to deny approval of the project. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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- 7. LEONARD CLARK, #22-1645, NTC #24-06,** requests after-the-fact approval to retain a 100-foot vinyl bulkhead that was constructed approximately two (2) feet in front of an existing failing bulkhead at property serving 1124 Wormley Creek Road situated along Wormley Creek in York County.

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

Mr. Ware stated that the applicant accepts full responsibility for penalty charges imposed.

Randy Cornell, agent for the applicant was sworn in. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Hand moved to approve the project as presented to impose a civil penalty of \$3,000 to the agent, \$9,000 civil penalty to the contractor, and a

triple permit fee of \$900 and royalty fee of \$600 to the applicant contingent on the payment of all the civil penalties. Associate Member Erskine seconded the motion. The motion carried, 7-1. Associate Member Headly voted no.

8. PUBLIC HEARING: Update of the Commission's *Guidelines for Establishment, Use, and Operation of Tidal Wetland Mitigation Banks in Virginia (January 1, 1998)* and its *Wetlands Mitigation-Compensation Policy and Supplemental Guidelines Regulation (4VAC20-390)* developed pursuant to the legislative mandate of Chapter 334 of the 2023 Acts of the Virginia General Assembly (HB 1950).

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

Ian Blair, representing Wetlands Watch, was sworn in and spoke. His comments are a part of the verbatim record.

Shannon Varner was sworn in and spoke. His comments are a part of the verbatim record.

Jackie Shannon with Chesapeake Bay Foundation was sworn in and spoke. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

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

9. PUBLIC COMMENT:

Mary Rowe requested to transfer her late husbands' Oyster User Fee All Gear license. Her 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 transfer of her late husband’s Oyster User Fee All Gear as requested. Associate Member Preston seconded the motion. The motion carried, 8-0.

Thomas Crowell Jr. requested to have his Oyster User Fee All Gear license reinstated. His 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 reinstate his Oyster User Fee All Gear, so long as he pays the back fees for the years he did not renew prior to purchasing his 2025 oyster license. Associate Member Bransom seconded the motion. The motion carried, 7-1. Associate Member Hand voted no.

Thomas P. Crowell requested to have his Oyster User Fee All Gear license reinstated. His comments are a part of the verbatim record.

No action was taken by the Commission.

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There being no further business, the meeting is adjourned at a.m. The next Commission meeting will be meeting on **Tuesday**, February 25, 2025.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary