

## MINUTES

## COMMISSION MEETING

March 26, 2024

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

Jamie L. Green	Commissioner
Lynn Kellum	
William Bransom	
A.J. Erskine	Associate Members
Patrick Hand	
Jeanette Edwards	
Kelci Block	Attorney General
Jamie Hogge	Recording Secretary
Lisa Pyle	IT Specialist
Todd Sperling	Bs. Systems Manager
Jennifer Farmer	Regulatory Coordinator
Herbert Bell	Deputy Chief, Law Enforcement
Zach Widgeon	Director of Communication
Randy Owen	Chief, Habitat Management
Justin Worrell	Deputy Chief, Habitat Management
Jeff Madden	Environmental Engineer, Sr.
Tiffany Birge	Environmental Engineer, Sr.
Lauren Chartrand	Environmental Engineer, Sr.
Kirsten Travis	Environmental Engineer, Sr.
Khadijah Payne	Environmental Engineer, Sr.
Claire Gorman	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Brad Reams	Habitat Compliance Officer
Adam Kenyon	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management

**Commission Meeting**

Pat Geer	Chief, Fisheries Mgmt.
Joe Grist	Deputy Chief, Fisheries Mgmt.
Shanna Madsen	Deputy Chief, Fisheries Mgmt.
Alicia Nelson	Natural Resource Manager
Joshua McGilly	Fisheries Mgmt. Specialist
Somers Smott	Fisheries Mgmt. Specialist
Brooke Lowman	Fisheries Mgmt. Specialist
Alexa Galvan	Fisheries Mgmt. Specialist
Jill Ramsey	Fisheries Mgmt. Specialist
Brooke Lowman	Fisheries Mgmt. Specialist
Kylie Muir	Fisheries Mgmt. Specialist
Lewis Gillingham	Director, SWFT

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Mark Luckenbach	Emily Hein
Alex Sabo		

Others present:

Ben Hahn	Dave O'Brien	Jackie Shannon
David Butler	Kurt Wallace	Andy Cortez
Jeannet Edwards	John Tyson	Roberto Cazares
Chris Hobert	Ben Stagg	Elizabeth Rhodes
Kevin Hall	Pat Viola	Bob Simon
Richard Murray	Wesley Edwards	George Mapp
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 explained that the agent for Item 5 was running late. Mr. Owen requested to switch Item 6 in place of Item 5 to give the agent time to arrive.

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

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**MINUTES:** Commissioner Green asked if there were any changes or corrections to be made to the February 27, 2024, Commission Meeting minutes.

**Associate Member Edwards moved to approve the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 5-0.**

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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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Justin Worrell, Deputy Chief, Habitat Management, acknowledged the retirement of Jay Woodward and acknowledged losing a member of the Habitat team, Lauren Chartrand. His comments are a part of the verbatim record.

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

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

**2A. THE CITY OF HAMPTON, #23-0857**, requests authorization to maintenance dredge a maximum of 23,080 cubic yards of state-owned submerged lands and new dredging of 1,000 cubic yards of submerged lands to provide maximum depths of minus 5.5 feet below mean low water within the Hampton River and its ancillary channels in the City of Hampton. A temporary transfer station will be constructed at 1 Club Run Boulevard and dredged spoils will be transported by truck to an approved upland disposal site.

**Commission Meeting**

- 2B. **GUINN, LUCINDA, #23-2876**, requests authorization to install 100 linear feet of riprap, the toe of which may be installed a maximum of 12 feet channelward of the existing bulkhead serving 8185 Eva Drive, located along the Rappahannock River in Caroline County. The project requires a VMRC wetlands permit.
- 2C. **LEVASSEUR, CHRISTOPHER, #24-0204**, requests authorization to construct a living shoreline including a 66-foot riprap sill, 506 square feet of sand fill and wetlands plantings, and a 133-foot long riprap revetment at 232 Deep Water Drive, situated along a manmade tributary to the Southern Branch of the Elizabeth River in the City of Chesapeake. The project requires a VMRC wetlands permit.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve the Page 2 items 2A through 2C as presented. Associate Member Erskine seconded the motion. The motion carried, 5-0.**

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- 3. **CONSENT AGENDA ITEMS –There were no consent agenda items.**

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

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ITEM 6 was presented before Item 5

- 5. **HOBERT, CHRIS & AMY, #23-1155**, requests authorization to construct a 16-foot by 41-foot open-sided boathouse adjacent to a statutorily authorized private pier serving 230 Wentworth Court situated along the Nansemond River in the City of Suffolk. The boathouse is protested by an adjacent property owner.

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Lauren Chartrand, Environmental Engineer, Sr., gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Ms. Chartrand’s comments are a part of the verbatim record.

Robert Simon, Waterfront Consulting, representative of the protestant, was sworn in and spoke. His comments are part of the verbatim record.

Mr. Simon stated that he and the protestants have spoken to the applicants, and they wanted to withdraw the protest to the project.

**Due to the withdraw from the protestant, the project does not require approval from the Commission as the project meets the statutory requirements set forth in the Code of Virginia.**

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- 6. **WARD, JOHN, #23-2207**, requests authorization to construct a 30-foot by 18-foot open-sided boathouse adjacent to an existing private pier serving 1080 Fort Lowry Lane, situated along the Rappahannock River in Essex County. The boathouse is protested by an adjacent property owner.

Tiffany Birge, Environmental Engineer, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Ms. Birge’s comments are part of the verbatim record.

Roberto Cazares, agent for applicant was sworn in and spoke on behalf of the applicant. His comments are a part of the verbatim record.

No one spoke opposition of the project.

The matter was before the Commission for discussion and action.

**Associate Member Erskine made a motion to accept staff recommendations. Associate Member Bransom seconded the motion. The motion carried, 5-0.**

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**7. SHELLFISH**

Oyster Aquaculture Joint Permit Application #2022-2833, requests authorization to install 180 floating oyster cages (4'x5') within the boundaries of the applicant's oyster planting ground lease area (lease #21821) within Occohannock Creek in Accomack County. The request is protested by six nearby property owners.

Adam Kenyon, Chief, Shellfish Management, gave the briefing of the information provided in the staff's evaluation. His comments are part of the verbatim record.

Richard Murray, applicant, spoke on behalf of the application. His comments are a part of the verbatim record.

Ben Stagg, Executive Director of Shellfish Growers of Virginia, was sworn in and spoke in support of the application. His comments are a part of the verbatim record.

The application was protested by three (3) nearby property owners. Their comments are a part of the verbatim record.

The concerns from the protestants were viewshed, the impact on waterfowl habitat, safety and navigation in the area with floating cages.

Richard Murray explained the distance between the cages and navigating the area once the cages are in the water. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Erskine made a motion to approve the application as proposed by the applicant. Associate Member Bransom seconded the motion. The motion carried, 4-1. Associate Member Hand voted no.**

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**8. PUBLIC COMMENTS**

David O'Brien, NOAA Marine Habitat Resource Specialist, provided comments pertaining to aquaculture conflicts with submerged aquatic vegetation (SAV) and said it would be inappropriate to suggest placing floating cages on top of SAV until VIMS

completes their current study on the effects of cages on SAV. His comments are a part of the verbatim record.

Ben Stagg, Executive Director of Shellfish Growers of Virginia, encouraged staff to present their recommendations on commission items. His comments are a part of the verbatim record.

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**9. PUBLIC HEARING**

Proposal to amend Chapter 4VAC20-1350-10 et seq., "Pertaining to General Oyster Planting Ground Lease Renewal Fee" to allow for online applications and payments.

Adam Kenyon, Chief, Shellfish Management, gave the briefing of the information provided in the staff's evaluation. His comments are part of the verbatim record.

No one spoke in support or opposition.

The matter was before the Commission for discussion and action.

**Associate Member Erskine made a motion to accept staffs recommended changes. Associate Member Hand seconded the motion. The motion carried, 5-0.**

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**10. PUBLIC HEARING**

Proposal to amend Chapters 4VAC20-1290-10 et seq., "Pertaining to Restrictions on the Harvest of Shellfish and in Condemned Shellfish Areas" and, 4VAC20-1090-10 et seq., "Pertaining to License Requirements and License Fees" to lower the cost to the public of the shellfish relay process.

Andrew Button, Deputy Chief, Shellfish Management, gave the briefing of the information provided in the staff's evaluation. His comments are part of the verbatim record.

No one spoke in support or opposition.

The matter was before the Commission for discussion and action.

**Associate Member Hand made a motion to accept staffs recommended changes. Associate Member Edwards seconded the motion. The motion carried, 5-0.**

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**11. PUBLIC HEARING**

Proposal to amend Chapter 4VAC20-252-10 et seq., "Pertaining to Atlantic Striped Bass" to change management measures to comply with ASMFC Addendum II to Amendment 7 for striped bass, to change the recreational season for Potomac River tributaries summer/fall striped bass season, to streamline the aquaculture of striped bass process, and remove all gear restrictions for commercial harvesters that hold striped bass quota.

Joshua McGilly, Fisheries Management, gave the briefing of the information provided in the staff's evaluation. His comments are part of the verbatim record.

No one spoke in support or opposition.

The matter was before the Commission for discussion and action.

**Associate Member Edwards made a motion to approve staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 5-0.**

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**12. PUBLIC HEARING**

Proposal to amend Chapter 4VAC20-620-10 et seq., "Pertaining to Summer Flounder" to set the recreational summer flounder minimum size limit as 16 inches from January 1 through May 31 and 17 ½ inches from June 1 through December 31.

Joseph Grist, Deputy Chief, Fisheries Management, gave the briefing of the information provided in the staff's evaluation. His comments are part of the verbatim record.

No one spoke in support or opposition.



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**19212  
March 26, 2024**

The matter was before the Commission for discussion and action.

**Associate Member Bransom made a motion to approve staff recommendation.  
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 approximately 11:38 a.m.  
The next Commission meeting will be Tuesday, April 23, 2024.

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Jamie L. Green, Commissioner

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Jamie Hogge, Recording Secretary