

## MINUTES

## COMMISSION MEETING

March 31, 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	Acting 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
Jamie Hogge	Recording Secretary
Gerald Pitt	1 <sup>st</sup> . Sgt., Marine Police
Randy Owen	Chief, Habitat Management
Justin Worrell	Deputy Chief, Habitat Management
Mike Johnson	Engineer, Habitat Management
Brad Reams	Engineer, Habitat Management
Ethan Simpson	Biological Survey Programs Manager
Shikra Goffe	Fisheries Management
Alexa Galvan	Fisheries Management
Adam Kenyon	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Megan Lafeyre

Dave Rudders

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Others present:

Sharon Neal	Payton Eastwood	Bob Mandigo
Ben Johnson	Kyle Ashley	Matt Rembold
Charles Duke	David O'Brien	and others.

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

Randy Owen, Chief, Habitat Management, requested that Agenda Items #6 and #7, be removed from the agenda. Mr. Owen’s comments are a part of the verbatim record.

Adam Kenyon, Chief, Shellfish Management, requested that Agenda Item #15 be removed from the agenda. Mr. Kenyon’s comments are a part of the verbatim record.

**Associate Member Bransom moved to approve the agenda as modified. Associate Member Headley seconded the motion. The motion carried, 8-0.**

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**MINUTES:** Acting Commissioner Grist asked if there were any changes or corrections to be made to the February 24, 2026, Commission Meeting minutes.

**Associate Member Headley moved to approve the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0-1 Associate Member Erskine abstained.**

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Acting 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: There were no Consent Agenda Items presented.**

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

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- 4. PUBLIC COMMENT:**

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

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

- 2A VIRGINIA AMERICAN WATER, VMRC #23-0449**, requests authorization to install a new (primary) 40 million gallon per day (MGD) water withdrawal intake structure located at their existing surface water withdrawal facility downstream of the Rt 10 Bridge on the south bank of the Appomattox River, at 915 Riverside Drive in the City of Hopewell, to provide a reliable public water supply for the City of Hopewell projected for the next 50 years. Staff recommends approval of the project with the following special permit conditions and royalties:

- Time of year restriction for pile driving activities from February 15 through June 30 to protect spawning anadromous fish.
- All instream construction activities to be located within turbidity curtains.
- Steel pile installation will require the use of bubble curtains, cushion blocks, and ramp-up procedures to protect native fish populations.

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- Royalty assessment of \$1,995.00 for the encroachment of pipelines over 665 linear feet of state-owned subaqueous bottom at a rate of \$3.00 per linear foot, an encroachment royalty \$600.00 for the intake structures installed over 300 square feet state-owned subaqueous bottom at the industrial rate of \$2.00 per square foot, and a dredging royalty of \$1,466.40 for the removal of 2,444 cubic yards of state-owned subaqueous bottom material at a rate of \$0.60 per cubic yard. Total royalty assessment equaling \$4,061.40.
- Permittee agrees to remove the previously existing water intake structures immediately after the new intake is operational.

**2B CITY OF NEWPORT NEWS, VMRC #25-2288**, requests authorization to mechanically dredge up to 4,057 cubic yards of state-owned submerged lands to maintain depths of minus -9 feet mean low water in the Leeward Marina Boat Channel connecting to the James River, with dredged material disposal by barge at the Craney Island DMMA facility. 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 and 2B as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.**

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Removed from the agenda at the beginning of the meeting

**6. CITY OF VIRGINIA BEACH, VMRC #25-1823**, requests authorization for a one-time exemption to the existing special permit condition requiring a time of year restriction to preclude the maintenance dredging of Crab Creek between March 1<sup>st</sup> - September 30<sup>th</sup> of any year to minimize adverse impacts on juvenile flounder - adjacent to the City’s Lynnhaven Municipal Boat Ramp facility.

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Removed from the agenda at the beginning of the meeting

7. **JAMES MISHLER, VMRC #25-2275**, requests authorization to construct a 17-foot by 36-foot open-sided boathouse onto an existing statutorily authorized private pier situated along College Creek at 110A Archers Hope Drive in James City County. This project is protested by an adjacent property owner.

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8. **DOCKSIDE CONDO OWNERS ASSOCIATION, NOTICE TO COMPLY #25-05, VMRC #24-1044**, Commission consideration of the Dockside Condo Owners Association and their contractor Mr. Charles Duke, II of Waterfront Development Corporation, for failure to comply with the Commission's September 5, 2025, directive to remove unauthorized boat slips, finger piers, mooring piles, floating docks, kayak launch, decking, and float-on boat lifts constructed in excess of VMRC Permit #24-1044 authorization, adjacent to property (Parcel #051/R1/9/A) situated along Sarah Creek at the terminus of Sunset Drive in Gloucester County.

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

Payton Eastwood, applicant for the Homeowners Association, was sworn in and spoke. His comments are a part of the verbatim record.

Mr. Eastwood agreed to the fines associated with the violation. His comments are a part of the verbatim record.

Charles Duke, owner and operator of Waterfront Development Company, was sworn in and spoke. His comments are a part of the verbatim record.

Mr. Duke does not agree with the civil penalty set by staff. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Hand made a motion to order the removal of the unpermitted structures within 30 days and assessed a civil charge to the permittee of \$5,000. Associate Member Erskine seconded the motion. The motion carried, 7-0. Associate Member White abstained.**

**Associate Member Bransom made a motion to refer the agent/contractor to the Office of the Attorney General for further enforcement action for failing to agree to a civil charge of \$10,000 and to also refer the agent/contractor to the Virginia Department of Professional Occupational Regulation for construction activities without the necessary environmental permits. Associate Member Hand seconded the motion. The motion carried, 8-0.**

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- 9. **CHESTERFIELD COUNTY UTILITIES DEPARTMENT, VMRC #25-2436**, requests authorization to temporarily install three (3), 3-inch by 300-foot long HDPE water withdrawal pipes including an 8-foot by 8-foot submerged intake structure, four (4), 10-inch hollow steel piles, and one floating warning buoy, situated along the Appomattox River adjacent to the Point of Rocks Water Treatment Plant temporary testing facility at 1203 Point of Rocks Road in Chesterfield County. This project is protested.

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

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

Kyle Ashley was sworn in and spoke in opposition to the application. His comments are a part of the verbatim record. His comments are a part of verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member White moved to approve the project as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.**

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**10. DISCUSSION**

Discussion on the modification of the 2026 Oyster Replenishment and Restoration Plan (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.

Before Mr. Button began, Associate Member Kellum recused herself from the discussion. Her comments are a part of the verbatim record.

Ben Johnson, speaking as a waterman and on behalf of the Shellfish Management Advisory Committee (SMAC), 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 update to the 2026 Oyster Replenishment Plan including acquiring a shellfish pathology report for any seed being transported from the Jail Island Area. Associate Member Edwards seconded the motion. The motion carried, 6-0-1. Associate. Associated Member Kellum recused herself. Associated Member Erskine abstained.**

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**11. PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event

Ethan Simpson, Biological Survey Programs Manager, 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.

Bob Mandigo, representing Virginia Sports fisherman association, was sworn in and spoke in support of the closure. His comments are a part of the verbatim record.

Chris Malgee, charter boat captain, was sworn in and spoke in support of the closure.

His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve the amended regulation to establish a closed period of recreational fishing for speckled trout from April 1, 2026, through June 30, 2026 to protect the spawning stock following two consecutive years of increased cold-stun related mortality as presented. Associate Member Kellum seconded the motion. The motion carried, 8-0.**

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- 12. **PUBLIC HEARING:** Proposed amendments to Chapter 4 VAC 20-450-10 et seq., "Pertaining to the Taking of Bluefish" to increase the private and for-hire recreational bag limits.

Shikra Goffe, Fisheries Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides for the Associate Members. Ms. Goffe's 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 amended regulation to set the recreational possession limits at five fish for private/shore anglers and five fish for for-hire anglers as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0. Associate Member Kellum was not present during the vote.**

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- 13. **REQUEST FOR PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-950, "Pertaining to Black Sea Bass," to establish the 2026 recreational management measures for this species.

Alexa Galvan, 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 Bransom moved to approve to advertise for an April public hearing to amend Chapter 4VAC 20-950, "Pertaining to Black Sea Bass", with both staff options for the regular black sea bass season as presented. Associate Member Hand seconded the motion. The motion carried, 7-0. Associate Member Kellum was not present during the vote.**

**Associate Member Headley moved to advertise a closure of ten days in May-June for the February recreational black sea bass season payback as presented. Associate Member Erskine seconded the motion. The motion carried, 7-0. Associate Member Kellum was not present during the vote.**

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**14. EMERGENCY REGULATION**

Proposed Emergency amendments to Chapter 4 VAC 20-720, "Pertaining to Restrictions on Oyster Harvest".

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 moved to declare that an emergency exists. Associate Member Preston seconded the motion. The motion carried, 4-3. Associate Members Erskine, Bransom and White voted no. Associate Member Kellum was not present for the vote.**

**Associate Member Headley made a motion to extend the Oyster Harvest Season in the Rappahannock Area 9 by 10 working days. The closure for this area will be April 14, 2026. Associate Member Preston seconded the motion. The motion carried, 4-3. Associate Members Erskine, Bransom and White voted no. Associate Member Kellum was not present for the vote.**

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**Commission Meeting**

**19386  
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Removed from the agenda at the beginning of the meeting

**15. LICENSE STATUS REQUEST.**

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There being no further business, the meeting was adjourned at approximately 2:10 p.m.  
The next Commission meeting will be on **Tuesday**, April 21, 2026.

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Joseph Grist, Acting Commissioner

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Jamie Hogge, Recording Secretary