

MINUTES

COMMISSION MEETING

May 26, 2026

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

Joseph Grist	Commissioner
Patrick Hand	
Lynn Kellum	
A.J. Erskine	
William Bransom	
Jeremy Headley	Associate Members
Preston White	
Kelci Block	Assistant Attorney General
Gerald Pitt	1 st . Sgt., Marine Police
Justin Worrell	Deputy Chief, Habitat Management
Mike Johnson	Engineer, Habitat Management
Kirstin Travis	Engineer, Habitat Management
Kylie Harris	Engineer, Habitat Management
Ethan Simpson	Deputy Chief, Fisheries Management
Adam Kenyon	Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Emily Hein	Alex Sabo
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Others present:

Mike Ware	Charles Duke	Craig Palubinski
Matt Roth	Ryan Lee	Rebecca Frances
Karen Hall	David O'Brien	Wayland Hundle
Tammy Heath	Sara Jefferon	and others.

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

Justin Worrell, Deputy Chief, Habitat Management, requested Items 2B & 2C be removed from the agenda as they will be before the Commission next month. Mr. Worrell’s comments are a part of the verbatim record.

Associate Member Erskine moved to approve the agenda as amended. Associate Member Headley seconded the motion. The motion carried, 5-0. Associate Member White was not present during the vote.

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MINUTES: Commissioner Grist asked if there were any changes or corrections to be made to the April 21, 2026 meeting minutes.

Associate Member Headley moved to approve the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 6-0.

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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 FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION, VMRC #2026-0125, requests after-the-fact authorization to retain a 9.5-foot by 19.5-foot floating dock, a 5-foot by 12-foot kayak launch with handrails, and a 5-foot by 36-foot aluminum gangway along Gordon Creek at 3475 Westport in James City County. Staff recommends approval with triple permit fees of \$900.00, triple royalties of \$108.00, and a civil charge of \$6,000.00, which the applicant has agreed to pay, in lieu of further enforcement

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action.

Justin Worrell, Deputy Chief, Habitat Management, reviewed the Consent Agenda Item for the Associate Members. Mr. Worrell’s comments are a part of the verbatim record.

Ryan Leigh, the applicant agent, agreed to the fees. His comments are a part of the verbatim record.

The matter is before the Commission for discussion and action.

Associate Member Bransom moved to approve the after-the-fact request as presented. Associate Member Erskine seconded the motion. The motion carried, 5-0-1. Associate Member White abstained.

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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.

ITEMS 2B and 2C were removed from agenda at the beginning of meeting.

2A YORK RIVER YACHT HAVEN, VMRC#2026-0319, requests authorization to install and backfill 647 linear feet of vinyl bulkhead two (2) feet channelward of a failing bulkhead, install two (2) 3-foot by 35-foot finger piers and four (4)

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boatlifts on F Dock, install seven (7) 3-foot by 30-foot finger piers and eight (8) boatlifts on G Dock, install 34 floating and fixed finger piers of varying widths and lengths creating 40 boat slips on H Dock with 22 boatlifts, and install a 4.5-foot by 505-foot access dock and a 6-foot by 322-foot floating access dock on H Dock - along Sarah Creek at 8109 Yacht Club Road in Gloucester County. Staff recommends approval of the project with a special permit condition to hold a pre-construction meeting with the permittee and contractor. The project requires a VMRC Subaqueous Permit.

2B STEPHEN RICHARD, VMRC #2025-2003, requests authorization to remove and replace five (5) 48-foot low-profile timber groins; reconstruct one (1) 48-foot low-profile stone groin; and to install two (2) 48-foot low-profile stone groins at 199 and 221 Shellfield Road, situated along the Rappahannock River in Essex County. This project requires a VMRC Wetlands Permit and General Permit #2 (Groin).

2C CHARLES TANGO, VMRC #2022-2429, requests authorization to construct and backfill 80 linear feet of vinyl bulkhead and install 65 linear feet of stone revetment at 5237 Pickett River Drive, situated along the James River in Henrico County. Staff recommends approval with the purchase of Virginia Stream and Wetland Mitigation Program credits to compensate for proposed tidal wetland impacts. This project requires a VMRC Wetlands permit.

The matter is before the Commission for discussion and action.

Associate Member Bransom moved to approve the project 2A as presented. Associate Member Erskine seconded the motion. The motion carried, 6-0.

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6. C. MARSHAL FLAGG, JR. and ELENA F. FLAGG, VMRC #2026-0543, request authorization to construct two (2) 80-foot stone breakwaters and one (1) 35-foot stone spur, backfilled with clean sand and native wetland plantings for the construction of a living shoreline adjacent to 188 and 256 Bayview Lane, situated along Indian Creek in Lancaster County. The project is protested by an adjacent property owner.

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

Agent for the applicant was sworn in and spoke. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the project to include the modification suggested by staff as presented. Associate Member Kellum seconded the motion. The motion carried, 6-0.

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- 7. **RAYMOND CHALLONER, VMRC #2026-0182**, requests authorization to install 208 linear feet of riprap, the toe of which may be installed a maximum of 12 feet channelward of the existing bulkhead, and to remove an existing groin and top dress an existing 60-foot groin serving 15 Barclay Road, situated along the James River in Newport News. This project requires a VMRC Beaches and Dunes permit.

Kirstin 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.

Karen Hall, representative of the applicant, 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 Hand moved voted to deny the project as proposed. Associate Member Headley seconded the motion. The motion carried, 5-0-1. Associate Member White abstained.

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- 8. **CHARLES DUKE, VMRC NTC #25-05**, reconsideration of Commission order

to refer Mr. Duke to Virginia Department of Professional and Occupational Regulation for failure to comply with NTC #25-05 regarding a violation of VMRC Permit #24-1044.

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

Mike Ware, representing Mr. Duke, spoke on behalf of the failure to comply. Their 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 reaffirm their March 31, 2026, decision to refer the contractor to DPOR for construction activities upon state-owned subaqueous lands without the necessary permits. Associate Member Bransom seconded the motion. The motion carried, 5-0-1. Associate Member White voted no.

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9. PUBLIC HEARING

Proposal to adopt Chapter 4VAC 20-1420., "Pertaining to Atlantic Tarpon", to establish prohibitions on recreational and commercial harvest and create further gear limitations to decrease the likelihood of mortality on the migratory population of tarpon encountered in Virginia's territorial waters.

Ethan Simpson, Deputy Chief, Fisheries Management, gave a 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.

There were two (2) people that spoke in support of the regulation change. Their comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to adopt Chapter 4VAC 20-1420, "Pertaining

to Atlantic Tarpon", to establish prohibitions on recreational and commercial harvest and create further gear limitations to decrease the likelihood of mortality on the migratory population of tarpon encountered in Virginia's territorial waters, including a prohibition on bringing tarpon into the boat when caught and a mandate for any commercially caught tarpon to be released into the water immediately. Associate Member White seconded the motion. The motion carried, 6-0.

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10. LICENSE STATUS REQUEST.

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.

Douglas Whitmire has requested to have his Commercial Registration Card reinstated. Mr. Whitmire was not present.

There was no motion.

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There being no further business, the meeting was adjourned at approximately 11:03 a.m. The next Commission meeting will be on **Tuesday**, June 23, 2026.

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Joseph Grist, Commissioner

Jamie Hogge, Recording Secretary