

MINUTES

COMMISSION MEETING

May 28, 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	
James E. Minor	
Jeremy Headley	Associate Members
A.J. Erskine	
Heather Lusk	
Jeanette Edwards	
Kelci Block	Assistant Attorney General Via conference call
Lisa Pyle	Recording Secretary
Todd Sperling	Bs. Systems Manager
Jennifer Farmer	Regulatory Coordinator
Rachael Peabody	Director of Coastal Policy
Matthew Rogers	Chief, Law Enforcement
Herbert Bell	Deputy Chief, Law Enforcement
Ronald Cagle	1 st . Sgt., Marine Police
Gerald Pitt	1 st . Sgt., Marine Police
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.
Kirsten Travis	Environmental Engineer, Sr.
Khadijah Payne	Environmental Engineer, Sr.

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Claire Gorman
Mike Johnson
Brad Reams

Environmental Engineer, Sr.
Environmental Engineer, Sr.
Environmental Engineer, Sr.

Adam Kenyon
Andrew Button

Chief, Shellfish Management
Deputy Chief, Shellfish Management

Pat Geer
Shanna Madsen
Alicia Nelson
Ethan Simpson
Joshua McGilly
Somers Smott
Brooke Lowman
Alexa Galvan
Jill Ramsey
Kylie Muir
Lewis Gillingham

Chief, Fisheries Mgmt.
Deputy Chief, Fisheries Mgmt.
Natural Resource Manager
Biological Sampling Prog. Mgr.
Fisheries Mgmt. Specialist
Fisheries Mgmt. Specialist
Fisheries Mgmt. Specialist
Fisheries Mgmt. Specialist
Fisheries Mgmt. Specialist
Fisheries Mgmt. Specialist
Director, SWFT

Virginia Institute of Marine Science (VIMS):

Lyle Varnell

Emily Hein

Mark Luckenbach

Others present:

Doreen Keparz
Russ Perkinson
Andy Hail
Benjamin Thomas
Gary Banks
Kim Husky
Dave O'Brien
Ryan Croxton

Claudette Lajoie
Albert Bugg Jr.
Gary Grabb
John Hollinsworth
Thomas Berky
Patrick Oliver
Gary Grabb
Jack Hellens

Hannah Long
Chris Turner
Susan Grabb
Anne McMahan
Derrick Banks
Allen Williamson
Susan Grabb
and others.

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

Associate Member Erskine moved to approve the agenda presented. Associate Member Bransom seconded the motion. The motion carried, 7-0.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the April 23, 2024, Commission Meeting minutes.

Associate Member Erskine moved to approve the minutes as presented. Associate Member Minor seconded the motion. The motion carried, 7-0.

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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 2E for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

2A. ARMY CORPS OF ENGINEERS, #23-2277 requests authorization to place up to 3,500,000 cubic yards of dredge spoil material, per annual dredge cycle, from the Tribell Shoal Federal Channel, Goose Hill Shoal Channel, Dancing Point - Swann Point Shoal, Jordan Point Harrison Bar Windmill Point Shoal, and City Point Shoal on adjacent previously approved and utilized open-water disposal areas in the James River in James City County, Surry County, Charles City County, Prince George County, and the City of Hopewell. Staff recommends approval of the project with a permit expiration date of May 31, 2026, and reconsideration of the project by the Commission following staff review of a sediment fate modeling study as required by the James River Federal Channel Memorandum of Understanding signed by the Commissioner and the US Army Corp of Engineers Norfolk District.

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- 2B. **ALYSON SCHLOBOHM, #23-2496** requests authorization to replace an existing groin with a 48-foot long timber low profile groin, install 14 linear feet of new bulkhead return wall and construct a 6-foot by 6-foot access stair structure along the Rappahannock River shoreline at 158 Pops Lane in Essex County. The project requires a VMRC subaqueous and wetlands permit.
- 2C. **JOHN HOLLINGSWORTH, #24-0133** requests authorization to construct a timber low profile groin extending 48 feet channelward of mean high water adjacent to an existing boat ramp along the Rappahannock River at 218 Garnett Lane in Essex County. The project requires a VMRC beaches and dunes permit.
- 2D. **STEVEN WILKINSON, #24-0429** requests authorization to construct a new 105-foot long bulkhead a maximum of two (2) feet channelward of an existing, failing bulkhead and three (3) low profile timber groins extending 48 feet channelward of the bulkhead along the Piankatank River at 101 Wildwood Place in Essex County. The project requires a VMRC beaches and dunes permit.
- 2E. **BUSH PARK CAMPING RESORT LLC, #24-0233** requests authorization to replace a 1,800 square foot boat ramp in the existing footprint, remove and replace three (3) existing jetties with two (2) parallel 62-foot low profile jetties encompassing the boat ramp, construct two (2) new 6-foot by 72-foot piers along the jetties, and remove an existing pier and replace it with a new 6-foot by 423-foot community pier with 15 4-foot by 30-foot finger piers and 30 mooring piles, two (2) within each slip, along Bush Park Creek at 724 Bushy Park Road in Middlesex County.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Minor moved to approve the Page 2 items 2A through 2E as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0.

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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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5. DISCUSSION

Commission review of applications to the Abandoned or Derelict Vessel Grant Program.

Rachael Peabody, Director of Coastal Policy, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Ms. Peabody’s comments are a part of the verbatim record.

Dave Bogg spoke on behalf of several waterfront property owners on Bridge Creek. 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 requested funds for removal of the vessels as presented. Associate Member Minor seconded the motion. The motion carried, 7-0.

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6. ZAPATA HAYNIE-OMEGA PROTEIN INC., #23-1783, requests after-the-fact authorization to retain a 181 linear foot replacement bulkhead constructed channelward of the previously permitted alignment. Additional work to include the construction and backfilling of a 194 linear foot replacement bulkhead and a 114-foot long by 10-foot wide replacement commercial pier section, adjacent to property situated along Cockrell Creek at 610 Menhaden Road in Northumberland County.

Jeffrey Madden, Environmental Engineer, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Madden’s comments are part of the verbatim record.

Andy Hall, General Manager of Omega Protein spoke on behalf of the project. His comments are a part of the verbatim record. Mr. Hall excepted the responsibility, fines and levy’s put forth by the Commission.

No one spoke in opposition of the project.

The matter was before the Commission for discussion and action.

Associate Member Minor made a motion to accept staff recommendations. Associate Member Bransom seconded the motion. The motion carried, 7-0.

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- 7. **TIG ADVISORS LP, ET AL, #23-2870**, requests authorization to install armor stone over two (2) existing 60-foot timber groin structures along the Potomac River at 356 Devils Wood Yard Road Northumberland County. The project is protested by a nearby waterfront property owner.

Jeffrey Madden, Environmental Engineer, gave the briefing of the information provided in the staff’s evaluation, with PowerPoint slides. Mr. Madden’s comments are part of the verbatim record.

Claudette Lajoie, agent for the applicant, was sworn in and spoke on behalf of the project. Her comments are a part of the verbatim record.

Allen Williamson, nearby neighbor on west side of the applicant spoke in support of the project. His comments are a part of the verbatim record.

Anne McMahan spoke in opposition of the project. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Minor made a motion to accept staff recommendations. Associate Member Headley seconded the motion. The motion carried, 7-0.

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8. SHELLFISH

RAPPAHANNOCK RIVER OYSTERS, LLC. #2022-2254, Requests authorization to install 300 floating oyster cages (3'x5') within the boundaries of the oyster planting ground lease area #22489 within 3 acres of the Rappahannock River in Middlesex County. The request is protested by 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.

Ryan Croxton, owner of Rappahannock River Oyster Co., and Patrick Oliver, Director of Farms, spoke on behalf of the project. Their comments are a part of the verbatim record.

Colin Wozencraft Spoke on behalf of the nearby property owners that are in opposition to the project. Mr. Wozencraft had concerns with storm risk mitigation, inadequate engineering, and poor compliance from past applications. His comments are a part of the verbatim record.

Jack Hellens spoke in opposition to the project. Mr. Hellens had concerns about safety and compliance. His comments are a part of the verbatim record.

Derrick Banks, representing the residents of Beverly Beach Homeowners Association spoke in opposition of the project. He spoke on concern with the floats breaking loose and creating debris on their shoreline. His comments are a part of the verbatim record.

Russ Perkinson was sworn in and spoke in opposition to the project. He requested that the issuance of the permit for the project be delayed until staff represents the protest concerns in their summary in reference to storm mitigation and a more creditable amount for the surety bond. His comments are a part of the verbatim record.

Gary Grabb, owner of Parrot's Island spoke in opposition of the project. His concerns are that the areas are not well marked. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Bransom made a motion to approve the application with an addition for the applicant to apply to the USCG for placement of additional lighted Aids to Navigation near the perimeter of the floats. Associate Member Erskine

seconded the motion. The motion carried, 7-0.

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9. PUBLIC COMMENTS

Mr. Russ Perkinson commented that he does not think the standard rate of large oyster float mitigation (\$15 per float) reflects the actual cost of remediation in light of inflation. His comments are a part of the verbatim record.

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10. PUBLIC HEARING

Proposal to amend Chapter 4VAC20-510-10 et seq., "Pertaining to Amberjack and Cobia", to streamline the cobia aquaculture permitting process.

Joshua McGilly, Fisheries Mgmt. Specialist, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. Mr. McGilly's comments are a part of the verbatim record.

No one spoke in support or opposition of the recommended change.

The matter was before the Commission for discussion and action.

Associate Member Bransom made a motion to approve staff recommendation. Associate Member Minor seconded the motion. The motion carried, 7-0.

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There being no further business, the meeting was adjourned at approximately 11:30 a.m.

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The next Commission meeting will be meeting on Tuesday, June 25, 2024.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary