

MINUTES

COMMISSION MEETING

February 25, 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
Pat Geer	Chief, Fisheries Management
Adam Kenyon	Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Emily Hein
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Others present:

Karen Dodson	Bob Ker	Phillip Gibson
Danette Gibson	Martha Thereault	Lisa Watts
David O'Brien	Nancy Pouliquen	Chris Grosch

Commission Meeting

**19287
February 25, 2025**

Howard Weinberg	Windy Crutchfield	Louis Wyatt
Rebecca Francese	Mike Ware	J. C. Hudgins
Walt Stone	Nathan Morgan	Jackie Shannon
Rona Marsh	Lee Deihl	Phil Gibson
Kelly Mills	David West	Maggie Heing
Tim Solanic	Kim Huskey	Kelsey English
Sandra Dawe	Brian Deschler	Mike Daine
Andy Kurfees	Brian Morgan	Kailey Martinez
Nathan Everett	Wayne Fisher	Kelly Place
Aaron Fisher	Jason Smith	Natalie Smith
George Trice	Melissa Smith	Mike Lightfoot
Dave Johnson	Todd Elden	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 Bransom moved to approve the agenda as presented. 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 January 28, 2025, Commission Meeting minutes.

Associate Member Erskine 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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Commissioner Green recognized a small group of youth students from Norfolk which

Ms. Stephaine Iverson brought forth to the meeting. 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).

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

- 2A. **JOHN PRESS, #24-2605**, requests authorization to install a 50-foot long low-profile timber groin extending 37 feet channelward of mean low water at 371 Locust Lane along the Rappahannock River in Essex County. The project requires a VMRC Wetlands and Subaqueous Permit.
- 2B. **MICHAEL VARNER, #24-2525**, requests authorization to construct a 173-foot long rock revetment channelward of an existing bulkhead along the Mattaponi River shoreline at 94 and 110 Horse Landing Court in King William County. The project requires a VMRC Wetlands Permit.
- 2C. **ERGON ASPHALT PARTNERS, LP, #24-2713**, requests authorization to mechanically or hydraulically dredge up to 125,000 cubic yards of state-owned submerged lands, on an as-needed basis, with disposal at the Craney Island Rehandling Basin or an approved upland storage site at their commercial facility located along the James River at 801 Terminal Ave in the City of Newport News. The project will reestablish previously permitted (VMRC #16-0662) depths of minus 38 feet mean low water on the western side of the pier and depths of minus 18 feet on the eastern side of the pier. This project requires a VMRC Subaqueous permit.
- 2D. **CITY OF VIRGINIA BEACH, #23-2820**, requests authorization to mechanically maintenance dredge on an as-necessary basis a maximum of 34,000 cubic yards of state-owned submerged lands to achieve and maintain a maximum depth of minus six (-6) feet mean low water within sections of the Western Branch Lynnhaven River municipal channel in Virginia Beach. Dredged spoils will be offloaded at either the Thalia Creek or Crab Creek Transfer Facility and will be truck-hauled to an approved upland facility. Staff recommends approval with instream work time-of-year restrictions on dredging

activity from April 1st until July 1st for summer flounder and from July 1st until September 30th for local shellfish within areas situated north of Hebden Cove. 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 as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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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. ROANOKE CEMENT COMPANY, LLC, #24-1360, requests authorization to construct a clear span haul bridge across Catawba Creek west of the existing facility and east of Catawba Road in Botetourt County for their Catawba Farm Quarry. The project is protested by the adjacent 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.

No one spoke in support or opposition of the project.

The matter was before the Commission for discussion and action.

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

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- 6. **MARSHA WEATHERWAX, #24-2553**, requests authorization to construct a 15-foot by 20-foot gazebo with screened sides on a statutorily authorized private pier along the Timberneck Creek shoreline at 6470 Williams Landing Road in Gloucester County. The project is protested by an adjacent 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.

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

No one spoke in opposition of the project.

The matter was before the Commission for discussion and action.

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

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- 7. **GAIL TIESENGA, #24-1805**, requests authorization to construct a living shoreline at 469 Coppedge Farm Road, situated along Johnsons Cove in Lancaster County. The project is protested by the adjacent 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.

Kelsey English, agent for the applicant was sworn in. Her 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 project as presented. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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- 8. **CITY OF VIRGINIA BEACH, #24-2851**, requests authorization to mechanically dredge a 19-foot wide by 63-foot long subtidal area to a maximum depth of minus two (-2) feet mean low water within Pleasure House Creek to create a shallow water channel necessary to provide the hydrological connection to the proposed municipal Pleasure House Point Mitigation Bank in Virginia Beach. This project is protested by nearby property owners.

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.

Bob Kerr, representing the City of Virginia Beach, was sworn in. His comments are a part of the verbatim record.

There were nine (9) individuals that spoke in opposition of the project. Their comments are a part of the verbatim record.

Bob Kerr, representing the City of Virginia Beach, previously sworn in, further explained the concerns brought before the Commission by those in opposition. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member White moved to approve the project as presented, per staff recommendation, include the four (4) conditions listed on the CBF letter, including a time of year restriction (June 1 through September 30) and have CBF & LRN on site while dredging. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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- 9. **PHILLIP GIBSON and BLACKWATER PIER & DOCK, INC., NOTICE TO COMPLY #24-07.** Commission consideration of Phillip Gibson and Blackwater Pier & Dock, Inc.’s failure to comply with the Commission's August 22, 2024, directive to remove four timber piles and an unauthorized extension to

an existing boathouse, built in excess of its former authorization under VMRC Permit #2000-0590 at 119 Dandy Haven Lane situated along Back Creek in York 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.

Mike Ware, attorney for the applicant, spoke on behalf of the applicant. His comments are a part of the verbatim record.

Mr. Easton, the attorney for the protestant, spoke in opposition of the pier and boathouse that was built larger than originally permitted to remain in place. His comments are a part of the verbatim record.

Duey Regans was sworn in and spoke in opposition of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Preston moved to approve staff recommendation as presented with a 60-day removal that exceeded the original permitted structure per the 2024 failure to comply. Associate Member White seconded the motion. The applicant agreed to the civil charge imposed by the Commission. The contractor or agent was not present to agree to the \$6,000 civil penalty. The motion carried, 8-0.

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10. SHELLFISH

Request for approval of the 2025 Oyster Replenishment and Restoration Plan (ORP) and the Associated Procurements Procedures.

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.

J. C. Hudgins was sworn in and spoke on behalf of the proposed 2025 Oyster

Replenishment and Restoration Plan (ORP). His comments are a part of the verbatim record. He requested approval of the proposed 2025 Oyster Replenishment and Restoration Plan (ORP).

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve the 2025 Oyster Replenishment and Restoration Plan (ORP) as presented. Associate Member Bransom seconded the motion. The motion carried, 7-0. Associate Member Kellum recused herself.

Associate Member Headley made a motion to approve staff recommendations for Procurement Procedures. Associate Member Bransom seconded the motion. The motion carried, 6-0-1. Associate Member Erskine abstained; Associate Member Kellum recused herself.

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11. PUBLIC COMMENTS

Ms. Edwards:

Associate Commissioner Edwards made a motion to extend the oyster harvest season in Tangier Area 2 until March 14th due to inclement weather that has prevented harvest.

This motion was withdrawn following guidance from counsel that the Commission did not have the authority to act under § 28.2-210 and § 2.2-3707 of the Code of Virginia.

Nathan Everett:

Requested support for a fish processing plant in the Northern Neck. His comments are a part of the verbatim record.

Commissioner Green recommended that he present his request to CFAB. His comments are a part of the verbatim record.

Todd Elder:

Request to renew his experimental spear fishing permit for 2025. His comments are a part of the verbatim record.

Pat Geer, Chief, Fisheries Management, advised the Commission members that last year was the first year that an entire committee convened and made suggestions on experimental fishing permits. The committee decided not to issue the permit in 2025 by a majority vote. His comments are a part of the verbatim record.

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12. PUBLIC HEARING

Proposal to amend Chapter 4 VAC 20-1360-10 et seq., "Pertaining to Commercial Electrofishing", to expand the electrofishing fishery, broaden eligibility for new licenses, increase harvest areas, remove size limits on blue catfish, and clarify areas where electrofishing is prohibited.

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

There were six (6) individuals that spoke in opposition of the regulation change. Their comments are a part of the verbatim record.

There were eight (8) individuals 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 Preston moved to approve a modified regulation which included: no size limit, 300-yard buffer near fixed fishing devices and piers and 100-yard buffer around all other commercially marked gear. Associate Member White seconded the motion. The motion carried, 6-1. Associate Member Bransom voted no. Associate Member Erskine was not present.

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Commission Meeting

19295
February 25, 2025

There being no further business, the meeting was adjourned at 3:17 p.m. The next Commission meeting will be held on **Tuesday**, March 25, 2025.

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary