

MINUTES

COMMISSION MEETING

July 25, 2023

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 III	Associate Members
Heather Lusk	
Jeremy Headley	
A.J. Erskine	
Kelci Block	Assistant Attorney General Via phone
Lisa Pyle	Recording Secretary
Todd Sperling	Bs. Systems Manager
Pat Geer	Chief, Fisheries Mgmt.
Shanna Madsen	Deputy Chief, Fisheries Mgmt.
Joe Grist	Deputy Chief, Fisheries Mgmt.
Jill Ramsey	Fisheries Mgmt. Specialist
Somers Smott	Fisheries Mgmt. Specialist
Joshua McGilly	Fisheries Mgmt. Specialist
Ethan Simpson	Biological Sampling Prog. Mgr.
Lewis Gillingham	Director, SWFT
Herbert Bell	Deputy Chief, Law Enforcement
Ronald Cagle	Captain, Law Enforcement
Chris Miller	Captain, Law Enforcement

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Randy Owen	Chief, Habitat Management
Justin Worrell	Deputy Chief, Habitat Management
Jay Woodward	Environmental Engineer, Sr.
Jeff Madden	Environmental Engineer, Sr.
Lauren Chartrand	Environmental Engineer, Sr.
Mike Johnson	Environmental Engineer, Sr.
Tiffany Birge	Environmental Engineer, Sr.
Claire Gorman	Environmental Engineer, Sr.
Kirsten Travis	Environmental Engineer, Sr.

Adam Kenyon	Chief, Shellfish Management
Andrew Button	Deputy Chief, Shellfish Management
Daniel Faggert	Surveyor, Engineering/Surveying

Virginia Institute of Marine Science (VIMS):

Lyle Varnell	Mark Luckenbach
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Others present:

Randy Whittaker	Scott Cameron	William Straehl
John Tyson	Richard Langhorne	Kim Larkin
Will Bransom	Daniel Buczek	Rebecca Frances
Chip Neikirk	Johnnie Goddard	Julie Kacmarak
Christi Medice	Sara Goddard	R. Carnell
Bert Manzlak	Pete Owen	Emma Cummings
David O'Brien	Rick Meyer	and others.

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

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

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the June 27, 2023, Commission Meeting minutes.

Associate Member Erskine moved to approve the agenda as presented. Associate Member Headley seconded the motion. The motion carried, 5-0-1. Associate Member Lusk abstained.

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

2A. SHIRLEY-BRANCH JOINT VENTURE, #23-0392, requests authorization to widen and replace portions of the Interstate 64 bridges crossing of Hampton River and Hampton Branch and Brights Creek in association with the I-64 Hampton Roads Express Lanes Segment 4C Road Widening Project between LaSalle Avenue and Settlers Landing Road in the City of Hampton. Staff recommends approval of the project with a special condition requiring the use of cushion blocks and "ramp-up" procedures during the installation of hollow steel pilings.

Fees:	\$ 600.00
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- 2B. **JOHNNIE GODDARD, ET AL., #22-2419**, requests authorization to construct one (1) 180 linear foot riprap revetment, one (1) 36 linear foot riprap sill, one (1) 61 linear foot riprap sill, and 100 cubic yards of clean sand fill and plantings at properties (9, 11, and 15 W. Governor Drive and 2 Blacksmythe Lane) situated along the Warwick River in the City of Newport News. This project requires both a beach and dune permit and subaqueous permit.

Fees:	\$ 300.00
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- 2C. **DAVID McCAULEY, #23-1250**, requests authorization to construct 54 linear feet of riprap revetement channelward of an existing bulkhead at property (2204 Chesapeake Avenue) in the City of Hampton. This project requires both a beach and dune permit and a subaqueous permit.

Fees:	\$ 100.00
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- 2D. **ADVANSIX, #22-0656**, requests authorization to maintenance dredge via mechanical method up to 40,000 cubic yards of state-owned submerged land to a maximum depth of -28 feet at mean low water (MLW) adjacent to their commercial facility situated along the James River in the City of Hopewell, and to conduct overboard disposal at a previously used disposal site in the James River located north of the Federal Navigation Channel and south of Eppes Island in the City of Hopewell. Staff recommends approval of the project with a special permit conditions for a time-of-year restriction for instream work of February 15 through June 30 and August 1 through November 15, our standard dredging special permit conditions, and instructions for the applicant to seek beneficial use alternatives of dredged materials for future dredging activities.

Fees:	\$ 600.00
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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 item 2A through 2D as presented. Associate Member Bransom seconded the motion. The motion carried 6-0.

3. CONSENT AGENDA ITEMS –

Randy Owen, Chief, Habitat Management, reviewed the Page 3 Consent Agenda Items 3A for the Associate Members. Mr. Owen’s comments are a part of the verbatim record.

3A. EDWARD AUGUSTINE, #22-0048, requests after-the-fact authorization to retain 105 linear feet of 6-foot wide fixed pier and 45 linear feet of 6-foot wide floating pier as part of the overall private pier serving 1044 Curlew Drive situated along Little Neck Creek in the City of Virginia Beach. Staff recommends approval with triple permit fees of \$900.00, which the applicant has agreed to pay, and a civil charge of \$3,000.00, which the contractor has agreed to pay.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve 3A as presented. Associate Member Minor seconded the motion. The motion carried 6-0.

Civil Charge:	\$ 3,000.00
Fees:	\$ 900.00
Total:	\$ 3,900.00

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

- 5. **2645 EAST RIVER ROAD, LLC, #22-2373**, requests authorization to install a 12-foot by 70-foot concrete boat ramp, encroaching a maximum of 14 feet channelward of mean low water and replace an existing ramp tending pier with a 6-foot wide by 134-foot long open-pile private tending pier and three (3) mooring piles along the East River at 2645 East River Road in Mathews County. The project is protested.

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

Chip Neikirk, agent, was present and spoke on behalf of for the applicant. His comments are a part of the verbatim record.

Richard Langhorne spoke in opposition to the project. His 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 approve staff recommendation. Associate Member Erskine seconded the motion. The motion carried, 6-0.

Fees:	\$ 300.00
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6. PUBLIC COMMENT:

Julie Kacmarak spoke with concerns about the menhaden industry affecting the osprey population. Her comments are a part of the verbatim record.

John Tyson spoke with the amount of Menhaden boats that are working in the Rappahannock River. His comments are a part of the verbatim record.

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There being no further business, the meeting was adjourned at approximately 10:15 a.m.
The next Commission meeting will be Tuesday, August 22, 2023.

Jamie L. Green, Commissioner

Lisa Pyle, Recording Secretary