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Virginia Marine Resources
Commission



Home > Calendar > COMMISSION ACTIONS



COMMISSION ACTIONS June 22, 2021

**** APPROVAL OF AGENDA. APPROVED BY UNANIMOUS VOTE WITH THE REMOVAL OF ITEM 9 (ROBERT GEORGE 20-2013) FROM THE AGENDA AT THE APPLICANT'S REQUEST.**

1. MINUTES of previous meeting. **APPROVED BY UNANIMOUS VOTE**
2. PERMITS (Projects over \$500,000.00 with no objections and with staff recommendation for approval). **APPROVED BY UNANIMOUS VOTE**
3. **CONSENT AGENDA ITEMS. APPROVED BY UNANIMOUS VOTE**
4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. **NONE**
5. **REQUEST FOR PUBLIC HEARING** Proposal to establish Chapter 4 VAC 20-1390-10 et seq.,

"Pertaining to Shrimp", to create a commercial shrimp trawl license and fishery, and develop commercial and recreational shrimp possession limits.

6. LICENSE STATUS REVIEW: THE COMMISSION HEARD 3 CASES OF LICENSE STATUS REVIEWS.

7. NATIONAL PARK SERVICE, #20-2059 Requests authorization to construct 1,720 linear feet of rock sill with no backfill aligned along the minus three (-3) foot contour and situated at the northern end of the Dyke Marsh Wildlife Preserve in the Potomac River adjacent to the George Washington Memorial Highway in Fairfax County. This work constitutes Phase 2 of the Dyke Marsh Wildlife Restoration Project. The project is protested by a nearby property owner. **THE PROJECT WAS APPROVED BY UNANIMOUS VOTE AS RECOMMENDED BY STAFF.**

8. SEA MIST LLC, #20-2134 Requests authorization to place approximately 18,200 square feet of sand fill with plantings on the restored seaward-most sand dune and grade down 5,845 square feet of the existing second seaward-most dune to construct three (3) single-family homes at 1086 West Ocean View Avenue along the Chesapeake Bay in the City of Norfolk. This application requires a dune and beach permit. **THE PROJECT WAS APPROVED BY UNANIMOUS VOTE AS RECOMMENDED BY STAFF.**

9. ROBERT GEORGE, #20-2013 Requests authorization to remove an existing pier and construct a private open-pile pier with a 15-foot by 40-foot open-sided boathouse adjacent to 108 Olde Cottage Lane along the Poquoson River in York County. This project is protested by nearby property owners. **THE ITEM WAS REMOVED FROM THE AGENDA AT THE APPLICANT'S REQUEST.**

10. ORRIE LEE SMITH, JR., CYNTHIA KESLER SMITH and CURTIS H. SMITH, Oyster Planting Ground Transfer Application, #2020-586 Requests authorization to transfer an oyster ground lease containing 2.24 acres within Slough Creek in Northumberland County. The transfer application is protested by an adjacent highland property owner. **THE COMMISSION CONTINUED THE MATTER TO ACCOMMODATE THE PROTESTANT'S INABILITY TO ATTEND THE MEETING DUE TO AN ILLNESS.**

11. BRANDON F. BEACH, Oyster Planting Ground Application, #2017-043 Requests authorization to lease approximately ten (10) acres within Johnson Cove of Occohannock Creek, in Northampton County. The application is protested by a number of nearby highland property owners. **THE LEASE APPLICATION WAS DENIED BY UNANIMOUS VOTE AS RECOMMENDED BY STAFF.**

12. KIRK and JOSHUA WEBB Commission review of staff denial of acceptance of a previously

submitted oyster planting ground application within Hungars Creek in Northampton County. The area has a history of considerable SAV beds. The applicants have provided a written appeal of the staff denial. **THE COMMISSION UPHELD STAFF'S DECISION TO DENY ACCEPTANCE OF THE LEASE APPLICATION ADMINISTRATIVELY DUE TO THE PRESENCE OF SUBMERGED AQUATIC VEGETATION ONSITE.**

13. PUBLIC COMMENTS There were no public comments.

14. PUBLIC HEARING Proposal to amend Chapter 4 VAC 20-270-10 et seq., "Pertaining to Blue Crab Fishery" to establish management measures, including season and bushel limits, for the 2021-2022 commercial crab fishery. **THE COMMISSION VOTED UNANIMOUSLY TO AMEND CHAPTER 4 VAC 20-270-10 ET SEQ., "PERTAINING TO BLUE CRAB FISHERY," TO ESTABLISH MANAGEMENT PROVISIONS FOR THE JULY 5, 2021 THROUGH JULY 4, 2022 BLUE CRAB FISHERIES.**

15. PUBLIC HEARING Proposal to amend Chapter 4 VAC 20-1140-10 et seq., "Prohibition of Crab Dredging in Virginia Waters" to close the December 1, 2021 through March 31, 2022 winter commercial crab dredge fishing season, in accordance with the provisions of Section 28.2-707 of the Code of Virginia. **THE COMMISSION VOTED UNANIMOUSLY TO AMEND CHAPTER 4 VAC 20-1140-10 ET SEQ., "PROHIBITION OF CRAB DREDGING IN VIRGINIA WATERS," TO CLOSE THE 2021-2022 WINTER COMMERCIAL CRAB DREDGE FISHING SEASON.**

16. PUBLIC HEARING Proposal to amend Chapter 4 VAC 20-700-10 et seq., "Pertaining to Crab Pots" and Chapter 4 VAC 20-1090-10 et seq., "Pertaining to Licensing Requirements and License Fees" to require terrapin excluder devices (TEDs) in all recreational crab pots. **THE COMMISSION VOTED UNANIMOUSLY TO SEND THIS ITEM BACK TO THE CRAB MANAGEMENT ADVISORY COMMITTEE FOR FURTHER DISCUSSION AND TO RECONSIDER THE SCIENTIFIC MERIT AND EQUITY OF REQUIRING TERRAPIN EXCLUDERS IN RECREATIONAL POTS.**

17. PUBLIC HEARING Proposal to amend Chapter 4 VAC 20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting" to require mandatory online harvest reporting for blue crabs. **THE COMMISSION VOTED UNANIMOUSLY TO AMEND CHAPTER 4 VAC 20-610-10 ET SEQ., "PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING," TO ESTABLISH MANDATORY ONLINE HARVEST REPORTING FOR BLUE CRABS.**

PAGE 2 ITEMS

A. NORFOLK DEPARTMENT OF PUBLIC WORKS, #21-0598 Requests authorization to extend

an existing stormwater outfall pipe by 108 linear feet at Ocean View Beach adjacent to Chesapeake Boulevard and construct a warning sign adjacent to an existing outfall pipe at 11th View Street along the Chesapeake Bay in the City of Norfolk. **THE PROJECT WAS APPROVED BY UNANIMOUS VOTE.**

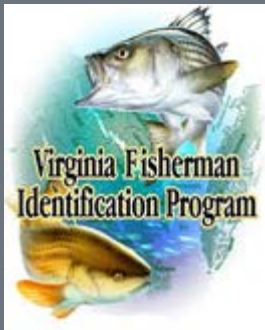
PAGE 3 ITEMS

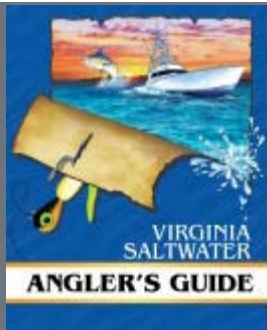
A. SLOOP POINT COMMUNITY ASSOCIATION, #20-1409 Requests authorization to retain five (5) unauthorized, uncovered boatlifts, and two (2) unauthorized Personal Water Craft (PWC) lifts, and install seven (7) new uncovered boatlifts and two (2) new PWC lifts at an existing community marina facility at the Sloop Pointe condo development on Mulberry Creek in Lancaster County. Recommend approval with triple permit fees and a civil charge of \$1,000.00 which the applicants have agreed to pay. **THE COMMISSION APPROVED THE PROJECT BY UNANIMOUS VOTE CONTINGENT ON THE APPLICANT'S WILLINGNESS TO PAY A \$1000 CIVIL CHARGE AND A TRIPLE PERMIT FEE OF \$900.**

[□ BACK TO TOP](#)

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Virginia Marine Resources Commission

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