

## COMMISSION ACTIONS January 24, 2023

**\*\* APPROVAL OF AGENDA. THE COMMISSION VOTED UNANIMOUSLY TO APPROVE THE AGENDA AS MODIFIED BY HEARING ITEM 5 AS A PAGE 2 ITEM AS THE PROTEST HAD BEEN RESOLVED PRIOR TO THE MEETING.**

**1. MINUTES of previous meeting. THE COMMISSION VOTED UNANIMOUSLY TO APPROVE THE MINUTES AS WRITTEN.**

**2. PERMITS (Projects over \$500,000.00 with no objections and with staff recommendation for approval). THE COMMISSION APPROVED ITEMS 2A, 2B, 2C INCLUDING A ROYALTY FOR THE FILL OF STATE -OWNED SUBAQUEOUS BOTTOM, 2D, 2E AND ITEM 5 BY UNANIMOUS VOTE.**

**3. CONSENT AGENDA ITEMS. THE COMMISSION APPROVED ITEMS 3A BY UNANIMOUS VOTE.**

**4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL. NONE.**

**5. LANCASTER COUNTY BOARD OF SUPERVISORS, ET AL, #22-2229** Requests authorization to construct five (5) stone breakwaters and two (2) stone spurs, with 122,000 square feet of associated clean sand beach nourishment and 42,000 square feet of dune and beach plantings to expand a public beach and create a living shoreline at three (3) adjacent properties at the end of State Route 695, Windmill Point Road in Lancaster County. The project is protested by the oyster planting ground leaseholder nearby. **THE COMMISSION VOTED TO APPROVE THIS ITEM UNANIMOUSLY AS A PAGE 2 PERMIT PROJECT.**

**6. STAY THE COURSE, LLC, #22-2499** Requests authorization to construct a total of four (4) commercial piers and replace an existing concrete boat ramp at a proposed commercial fishing facility on property at the confluence of Antipoison Creek and Harpers Creek at 459 Harpers Creek Road in Lancaster County. The project is protested by an adjacent property owner. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**

**7. PUBLIC COMMENTS** The Commission voted unanimously to extend the James River Hand Scrape areas and Rappahannock Rotation Area 2 to February 24, 2023.

**8. EMERGENCY REGULATION** Proposal to amend Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass," to open a recreational black sea bass season in February 2023 **THE COMMISSION VOTED UNANIMOUSLY TO MAKE AN**

**EMERGENCY AMENDMENT TO CHAPTER 4 VAC 20-950-10 ET SEQ.,  
"PERTAINING TO BLACK SEA BASS", TO OPEN A RECREATIONAL BLACK SEA  
BASS SEASON IN FEBRUARY 2023.**

**PAGE 2 ITEMS**

**A. CITY OF VIRGINIA BEACH, #22-0818** requests authorization to maintenance dredge (mechanically or hydraulically) approximately 48,000 cubic yards of State-owned bottom on an annual as-needed basis to maintain maximum navigable depths of minus eight (-8) feet mean low water in the Long Creek municipal channel in Virginia Beach. All dredged spoils will be offloaded at either the Maple Street Placement Site or the Lynnhaven Inlet Placement Site and used for future beach nourishment. Staff recommends approval with the standard dredge conditions. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**

**B. GP BIG ISLAND LLC, #22-2695** Requests authorization to install a new bridge abutment on the Amherst County side of the James River to include 13 cubic yards of new concrete placed below ordinary high water, excavation of river sediments to expose the underlying bedrock in the construction area, the installation of a temporary stone working platform, and a temporary coffer dam around the riverine construction area. Staff recommends approval of the project with our standard western instream permit conditions and a time-of-year instream work restriction of April 15 through July 31 and August 15 through September 30 of any given year to protect fresh-water endangered mussel species unless waived in writing by the Department of Wildlife Resources. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**

**C. LOUDOUN COUNTY SANITATION AUTHORITY, #22-1820** Requests authorization to install three (3) 10-foot diameter, horizontal shafts below a 30-foot section of Goose Creek using the drill and blast method, one (1) 2-inch diameter sanitary force main using an existing casing, one (1) 8-inch diameter potable waterline using the open cut trench method, 32-linear feet of riprap for bank stabilization, one (1) temporary access bridge using three (3) 10-foot by 6-foot concrete culvert boxes, and to subsequently construct one (1) permanent 330-foot by 24-foot bridge across Sycolin Creek as part of the Potomac Water Supply Program water banking project adjacent to the Washington and Old Dominion Trail in Loudoun County. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**

**D. GARY SCHLUEB, #22-2128** Requests authorization to install 350 linear feet of riprap, the toe of which may be installed a maximum of five feet channelward of the existing bulkhead adjacent to 801 Seabrooke Point along Bells Mill Creek in the City of Chesapeake. This project requires a tidal wetlands and subaqueous permit. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**

**E. JSSY LLC, #22-1263** Requests authorization to construct 237 linear feet of steel bulkhead in front of an existing failing bulkhead, 103 linear feet of new steel bulkhead, and backfill a marine railway area at industrial property (3301 Shipwright Street) adjacent to the Western Branch of the Elizabeth River in the City of Portsmouth. Staff recommends approval of the project as proposed. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**

### **PAGE 3 ITEMS**

**A. POSEIDON PROPERTIES LLC, #22-2175** Requests after-the fact authorization to retain a 24-linear foot by 14-inch high timber retaining wall with a triangular corner planter at the landward edge of a coastal primary sand dune on private property (902 W. Ocean View) in the City of Norfolk. This application requires a dune and beach permit. Staff recommends approval with a civil charge of \$1,000.00. **THE COMMISSION APPROVED THE PROJECT AS PROPOSED BY UNANIMOUS VOTE.**