

VIRGINIA MARINE RESOURCES COMMISSION

VMRC Home | What's New | Regulations | Newsletters | Links | Calendar | Recreational Fishing | Commercial Fishing | Habitat

SEPTEMBER 2005 COMMISSION ACTIONS

The following are the agenda items from the Commission's regular meeting held September 27, 2005 at Commission headquarters. **The Commission's action is in bold.**

1. MINUTES of previous meeting. **The Commission voted, 5-0-1 with Associate Member Fox abstaining, to approve the minutes.**

2. [PERMITS](#) (Projects over \$50,000 with no objections and with staff recommendation for approval). **The Commission voted, 6-0, to approve the Page Two permits as amended with staff recommendations.**

3. CLOSED MEETING FOR CONSULTATION WITH OR BRIEFING BY COUNSEL. **The Commission went into closed meeting to discuss three on-going legal cases with counsel.**

4. MARIA NGUYEN, #04-1709. Commission review, on appeal by the applicant, of the August 15, 2005, decision by the City of Virginia Beach Wetlands Board to deny a proposal to construct a residence on her property along the Atlantic Ocean in the Sandbridge section of Virginia Beach. **The Commission voted, 6-0, to uphold the Virginia Beach Wetlands Board. The applicant was told that a reapplication for the project in modified form to Virginia Beach was possible.**

5. THE HERMITAGE FOUNDATION, #05-0630, requests authorization to install two (2) breakwaters and fill 3,300 square feet of state-owned submerged land to create a tidal wetland area adjacent to their property situated along the Lafayette River in Norfolk. Several residents in the vicinity protest the project. **The Commission voted, 6-0, to approve the permit.**

6. ROBERT QUINN, #05-0283, requests authorization to remove an existing 5-foot wide by 75-foot long pier; and to construct a new, 5-foot wide commercial/community pier, extending approximately 115 feet channelward of mean low water, with a 10-foot wide by 30-foot long T-head platform, eight (8) wet slips, two (2) three-foot wide by 12-foot long tapered finger piers, and 10 freestanding mooring piles; with approximately 48 linear feet of the landward end of the main pier section constructed eight feet wide to accommodate crab-shedding tanks, adjacent to an existing crab-shedding house on his property situated along Nomini Creek in Westmoreland County. Several nearby property owners protest the project. **The Commission voted, 6-0, to approve the permit with three of four conditions recommended by staff.**

7. CHESAPEAKE REALTY VENTURES, LLC, #04-2516, requests authorization to construct one (1) community pier adjacent to their property along Monroe Bay to serve the proposed development of Monroe Point in the Town of Colonial Beach. The pier will extend a maximum of 217 feet channelward of mean low water and provide a total of 94 boat slips with lifts. In addition to the pier, authorization is requested for the construction of a 6-foot wide timber walkway that will extend over a 10-foot section of Monroe Bay to be used as an access walkway and observation trail. An adjacent property owner and a nearby resident protest the project. **The Commission voted, 6-0, to approve a permit for 92 slips with the additional requirements including the submittal of a marine management plan.**

8. SIDNEY G. ARMSWORTHY #05-0633, requests authorization to construct and backfill 209 linear feet of replacement bulkhead aligned a maximum of 2 feet channelward of his existing, deteriorating timber bulkhead at his property adjacent to Cockrell Creek in Northumberland County. An upstream neighbor protests the project. **The Commission voted, 6-0, to approve the permit with the stipulation that filter cloth be installed behind the replacement bulkhead.**

9. F. CRAIG READ, #04-2365, requests authorization to construct a 12.5-foot by 36-foot private, non-commercial open-sided boathouse adjacent to a previously authorized pier adjacent to his property situated along Lamb's Creek in York County. An adjacent property owner protests the project. **The Commission voted, 6-0, to approve the permit as proposed.**

10. ELEANOR BRAUN, ET AL, #05-1296, requests after-the-fact authorization to widen a shared-use pier from its 4-foot width to a 6-foot width, and authorization to increase the size of a pierhead to 20 feet by 22 feet and construct a new 4-foot by 36-foot finger pier that will extend a total of 226 feet channelward of mean high water at their easement situated along Robinson Creek in Middlesex County. The adjoining property owners protest the project. **The Commission voted, 6-0, to approve the permits per staff recommendations and a requirement that «-inch diameter galvanized bolts be used to secure the framework of the pier.**

11. MORAN TOWING, #05-0399, requests authorization to install two commercial mooring buoys adjacent to their property situated along the Eastern Branch of the Elizabeth River in Norfolk. Several residents in the vicinity protest the project. **The Commission voted, 6-0, to approve the permit as proposed.**

12. J.C. WALKER BROS. INC., #04-1874, requests authorization to modify their existing permit for shellfish aquaculture, to increase the number of shellfish cages in an already permitted area in Occohannock Creek from 100 cages to 1,000 cages and to increase the size of the cages from two-feet wide by two-feet long to 5.3-feet wide by 3-feet long. The height will remain two feet. A nearby property owner protests the project. **The Commission voted, 6-0, to approve the permit modification with the inclusion of nine special conditions.**

13. ARBUCKLE SHELLFISH COMPANY, #04-031S, requests authorization to lease approximately ten (10) acres of oyster planting ground along Assateague Channel near Little Beach in the Town of Chincoteague, Accomack County. The project is protested by the Town of Chincoteague and nearby property owners. **The Commission voted, 6-0, to deny the oyster ground lease request and later voted, 6-0, to set aside the land near Little Beach indefinitely and agreed to not entertain any lease request for at least 10 years.**

14. DISCUSSION regarding Michael Jewett's compliance with the Commission's January 25, 2005, restoration order. **The Commission voted, 6-0, to refer the matter to the Office of the Virginia Attorney General to take the necessary action to enforce the Commission's order.**

15. DISCUSSION: Consideration of changes to the Commission's Subaqueous Guidelines. Request for Public Hearing. **The Commission voted, 6-0, to set a public hearing for the guideline changes at its Oct. 25th meeting.**

16. PUBLIC COMMENTS: **Douglas Jenkins of the Twin Rivers Watermen's Association asked the Commission to consider returning the old practice of allowing watermen tonging for clean-cull oysters to also take seed oysters and keep them separated instead of returning the seed to the water. Currently, watermen are required to decide whether they are tonging for clean-cull or seed and cannot do both. The request was referred to the shellfish advisory committee.**

17. PUBLIC HEARING: Proposed amendments to Regulation 4 VAC 20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest," to establish the public oyster season for 2005-2006. **The Commission voted, 6-0, to open all oyster areas in Virginia on Oct. 1 with a 12-bushel daily limit per card, with the exception of Tangier/Pocomoke sounds that will continue to open Dec. 1 with an 8-bushel daily limit. A change was made in the sanctuary area in the James River by emergency regulation, to allow harvesting in a portion of that area (Wreck Shoal), but the sanctuary acreage remains the same as before. A public hearing will be held at the Commission's Oct. 25th meeting to make this emergency regulation permanent.**

18. PUBLIC HEARING: Proposed amendments to Regulation 4 VAC 20-310-10 et seq., "Pertaining to the Relaying of Shellfish," to exempt shellfish seed stock from certain condemned shellfish, relay provisions. **The Commission voted, 6-0, to approve the proposed amendments.**

19. STRIPED BASS: Request for emergency amendment to Regulation 4 VAC 20-252-10 et seq., "Pertaining to Striped Bass," to allow possession of fish tagged for research purposes by the Virginia Institute of Marine Science. **The Commission voted, 6-0, to approve the emergency amendment and will hold a public hearing at the Oct. 25th Commission meeting to make the it permanent.**

20. BLACK SEA BASS: Review of industry requests for amendments to Regulation 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass." **The Commission voted, 6-0, to adopt an emergency regulation to allow industry members to seek an alternative vessel to assist with harvesting their individual quotas and set a public hearing for its Oct. 25th meeting.**

21. STRIPED BASS: Review of recommendations of the Striped Bass Management Ad hoc Committee and the Finfish Management Advisory Committee. **The Commission voted, 6-0, to set a public hearing for its Oct. 25th meeting.**

PAGE 2 ITEMS (Projects over \$50,000 with no objections and with staff recommendation for approval; **Approved in Item 2**)

2A. TOWN OF MARION, #05-0490, requests authorization to replace the Lee Street Bridge, and all associated utility lines (buried water, natural gas, and electric and overhead telephone) crossings of Staley Creek in the Town of Marion in Smyth County. The new bridge will be a pre-cast, clear-span structure providing a minimum clearance of four (4) feet above ordinary high water. Recommend approval with the inclusion of our standard in-stream construction conditions.

2B. HENRICO COUNTY DEPARTMENT OF PUBLIC UTILITIES, #05-1903, requests authorization to install a submerged water line beneath 90 linear feet of Upham Brook at two locations to provide potable water to area residents in the Wilkinson Road area of Henrico County.

2C. WASHINGTON COUNTY SERVICE AUTHORITY, #02-1007, requests authorization to construct a 12 MGD raw water intake, previously authorized by VMRC Permit #91-0420, on the South Fork Holston River Reservoir near its confluence with the Middle Fork Holston River in Washington County. The intake structure will be equipped with a coarse bar and 1-mm mesh screens and operated with a 0.25 fps maximum approach velocity. Recommend approval contingent on the inclusion of our standard instream permit conditions and that the structure be marked in accordance with the TVA regulations to minimize navigation impacts.

2D. MOBJACK MARINE SERVICES, LLC, #03-1221, requests authorization to modify their existing permit to allow the construction of 167 linear feet of floating pier with 14 wetslips, a

transient slip and a pump out slip in lieu of the previously authorized open-pile marginal wharf with 10 slips and a single mooring buoy adjacent to their facility situated along a cove of the East River near the community of Mobjack in Mathews County.

2E. WATERMAN'S MUSEUM, #02-0503, requests reactivation, extension, and a modification to their permit authorizing the replacement of a previously existing pier with a 114-foot long by 8-foot wide open-pile commercial pier with a 132-foot long by 14-foot floating dock and a 60-foot by 6-foot access ramp adjacent to their property situated along the York River in York County. The project is being relocated 35 feet downstream of the previously authorized location to accommodate recently constructed breakwaters along the Yorktown waterfront.

2F. LANCE GARVER, #04-0345, requests authorization to reconfigure an existing marina with the replacement of all open-pile piers with floating piers and the addition of one floating pier resulting in an expansion of the number of wet slips to 84; install a 120-foot long stone groin beneath an existing fishing pier; dredge 1,300 cubic yards of State-owned submerged lands from a sandy spit area; the placement of the same 1,300 cubic yards of sandy dredge material as beach nourishment updrift of the proposed groin, and change the currently authorized use from a marina to a dockminium facility adjacent to property situated along Willoughby Bay in Norfolk.

2G. ARMY CORPS OF ENGINEERS, #05-0338, requests authorization to maintenance dredge the James River Federal Project Channel at Tribell Shoal on as as-needed basis for a five-year period to maintain project depths of -28 feet at mean lower low water including advanced maintenance and allowable overdepth dredging. Approximately 500,000 cubic yards of dredged material, per dredging cycle, may be hydraulically placed in a previously utilized open-water disposal area at the upstream end of the Tribell Shoal in the James River. Recommend approval contingent on the prohibition of any overboard disposal between March 15 and September 30 to protect anadromous fish populations and shellfish.

2H. CAMP PEARY, #05-1109, requests authorization to install 72 linear feet of riprap adjacent to the Carter Creek bridge, 130 linear feet of riprap adjacent to the Ferry Point Bridge and 20 linear feet of riprap adjacent to the Souix Road bridge adjacent to government property situated along Carter and Skimino Creeks in York County.

NEXT MEETING: October 25, 2005



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