

# THE DAILY OYSTER COMPANY

Mr. John M. R. Bull, Commissioner  
Virginia Marine Resource Commission  
2600 Washington Ave.  
Newport News, VA 23607

May 13, 2014

Re: Notification for use of **General Permit #4 Temporary Protective Enclosures for Shellfish Chapter 4VAC20-1130-10-ET SEQ.**

Applicant:  
R. David Smith  
**The Daily Oyster Company**  
33 W Queensway Suite C  
Hampton, VA 23669  
Ph. # (757) 570-9099

Location:  
Bay Tree Creek 10-42-00

Lease No. 19556

Plat File No. 20326

Mr. Bull,

I respectfully submit a request for authorization from the VMRC to use General Permit #4 for the placement of up to 500 temporary protective enclosures on bottom to approximately 4 acres of my 24.16 acres as described above and on the attached survey plat labeled **Oyster Planting Ground of R. David Smith**. The enclosures proposed to be used are typical 3ft x 4ft vinyl coated, single and double stack ½" and 1" wire mesh oyster aquaculture cages not to exceed 12 inches in height. Stock to be cultivated will be DR triploids licensed from VIMS-ABC. Proposed deployment will be in lines paralleling ebb and flood tidal currents along the northeast boundaries of grounds as established in VMRC survey and shown on attached copy of said plat. Lines and submerged cages will be identified by pvc stake markers and surface buoys to provide navigational safeguards for recreational use. Placement of structures would be immediate upon approval.

Bay Tree Creek is a secluded tributary which flows in a southeast to northwest direction. Its shoreline is ninety plus percent salt marsh and there are twelve riparian property owners, five of which are within the 500ft of the proposed deployment area. The five affected riparian property owners are listed below and identified on the attached York County property map accordingly. There is essentially no recreational use of the creek due to its shoaling at the mouth and shallow waters within. Shoreline structures are limited to one private dock at the mouth of the creek just outside of the leased area and one private dock on the creek itself that belongs to one of the five property owners listed below. These structures are also shown and identified on the attached plat.

# THE DAILY OYSTER COMPANY

The creek bottom is of a sandy-mud consistency and there are no SAV conflicts according to most recent VIMS 2008 data. Water depths at mean low tide for proposed deployment area will range from twelve to twenty-four inches. Normal tidal range is approximately thirty inches. Turbidity is excellent and provides an ideal growth environment for native shellfish. The VDH has been conducting water quality tests within the creek, at my request, since July 2012.

## Required Riparian Property Owners Notification List

List is arranged to show property owners as oriented to attached map in order from the creek's mouth towards its source. Mailing addresses are in **bold print**.

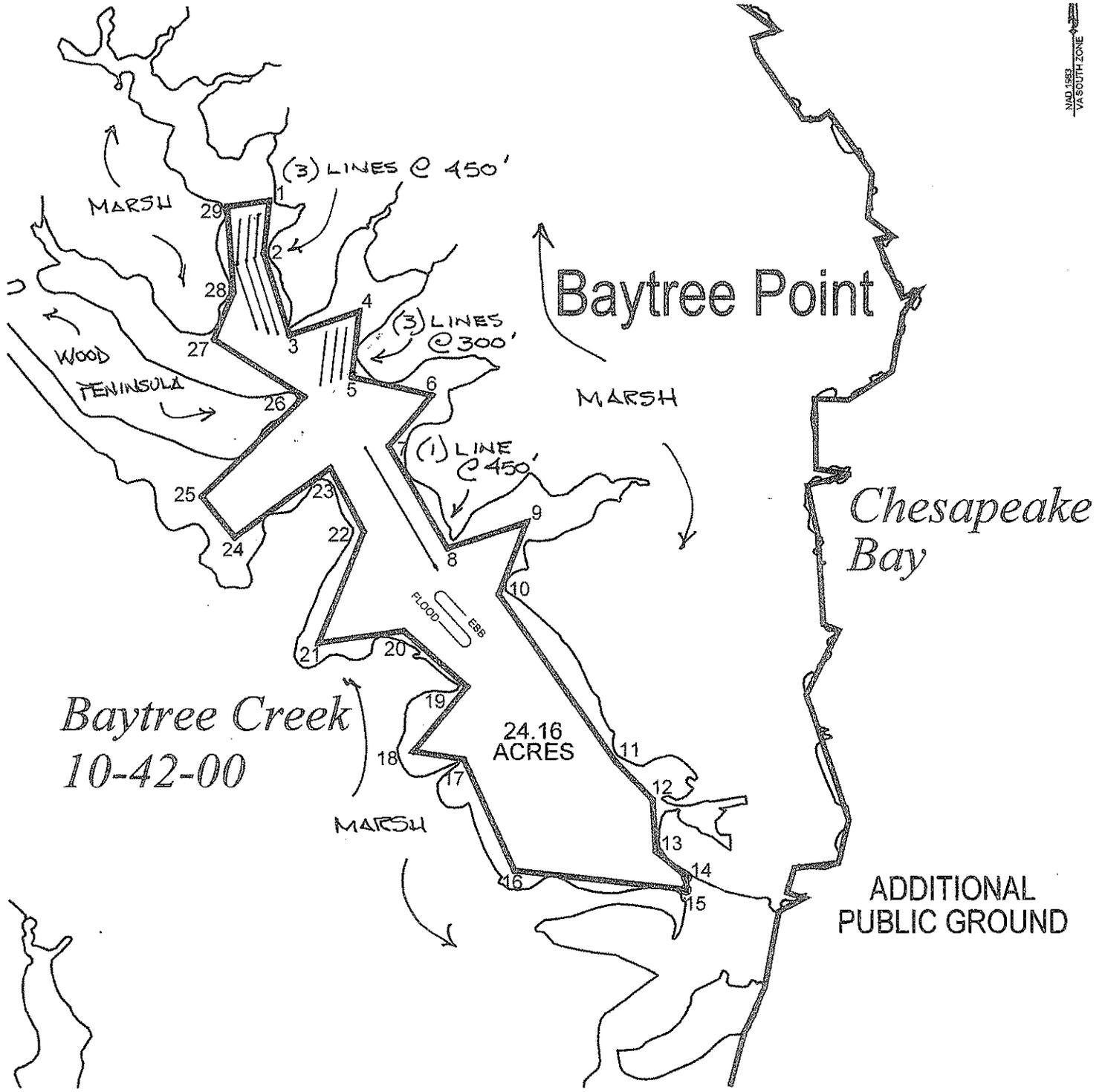
1. James Haiderer  
301 York Point Rd.  
**PO Box 492**  
**Seaford, VA 23696**
  
2. Geoffrey Bacon w/Etux  
101 York Pt. Rd.  
**23 Rileys Way**  
**Hampton, VA 23664**
  
3. Mark Stephens  
**4201 Seaford Rd.**  
**Seaford, VA 23696**
  
4. Donald J. Morrison  
4203 Seaford Rd.  
**PO Box 587**  
**Seaford, VA 23696**
  
5. Jacqueline Teagle Etals  
520 Bay Tree Rd.  
**627 Haystack Landing Rd.**  
**NN, VA23602**

Please contact me via email [davidsmith@dailyoystercompany.com](mailto:davidsmith@dailyoystercompany.com) or by phone, at your convenience, if any additional information is required.

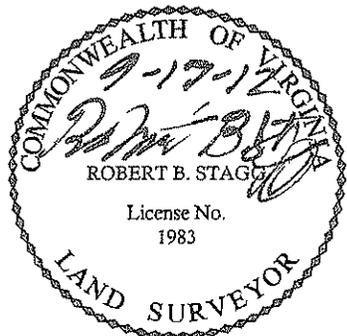
Sincerely,



R. David Smith  
Ph. # 757-570-9099



ALL CORNERS WERE SET BY GPS (RTK) METHODS.



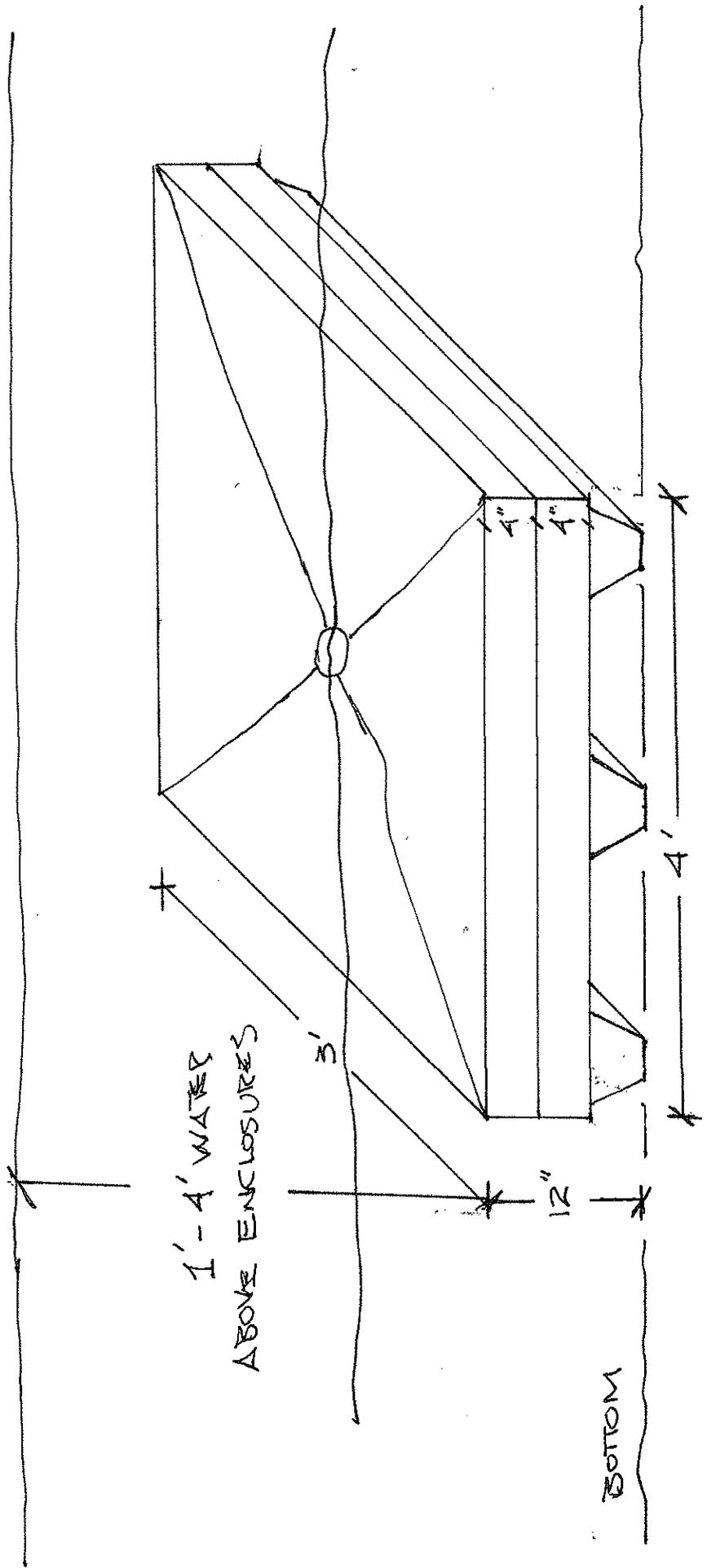
24.16 ACRES  
**OYSTER PLANTING GROUND**  
 OF  
**R. DAVID SMITH**  
 IN  
**BAYTREE CREEK 10-42-00**

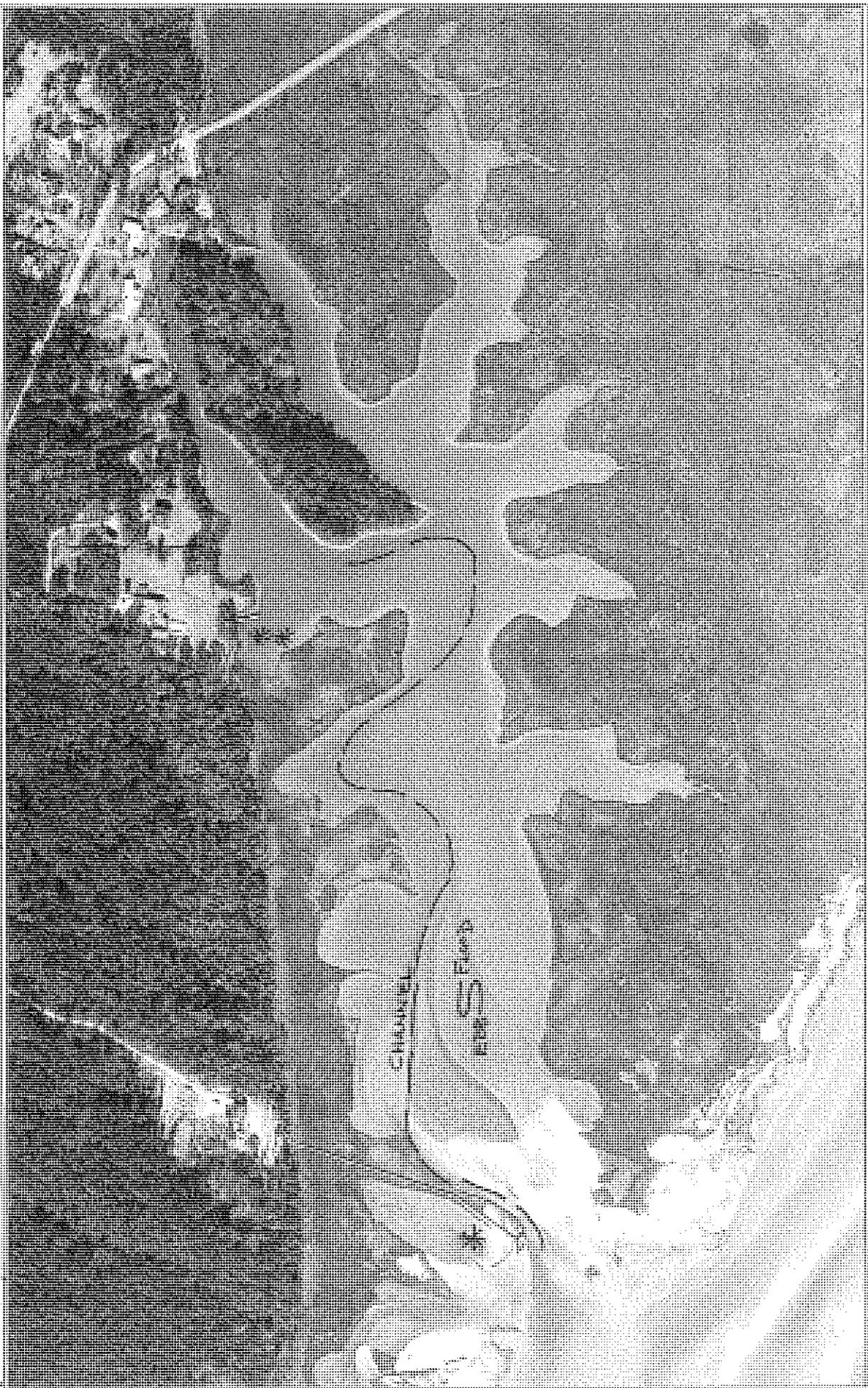
DISTRICT NO. 15 YORK COUNTY  
 SCALE: 1/6000 (1" = 500') DATE: SEPTEMBER 11, 2012  
 V.M.R.C. APPROVED / RECORDED V.M.R.C. SURVEYOR

DAILY OYSTER COMPANY

TRP. VINYL COATED WIRE MESH CAGES ON BOTTOM

DIM: 3' x 4' x 12"





\*\*  
DOCK  
STRUCTURE  
INSIDE  
CREEK  
-  
STEPHENS  
4201  
SEAFORD RD.

\* DOCK  
STRUCTURE  
OUTSIDE  
LEASE AREA  
-  
HAIDER  
301  
YORK PT. RD.

CHANNEL  
LEASE AREA

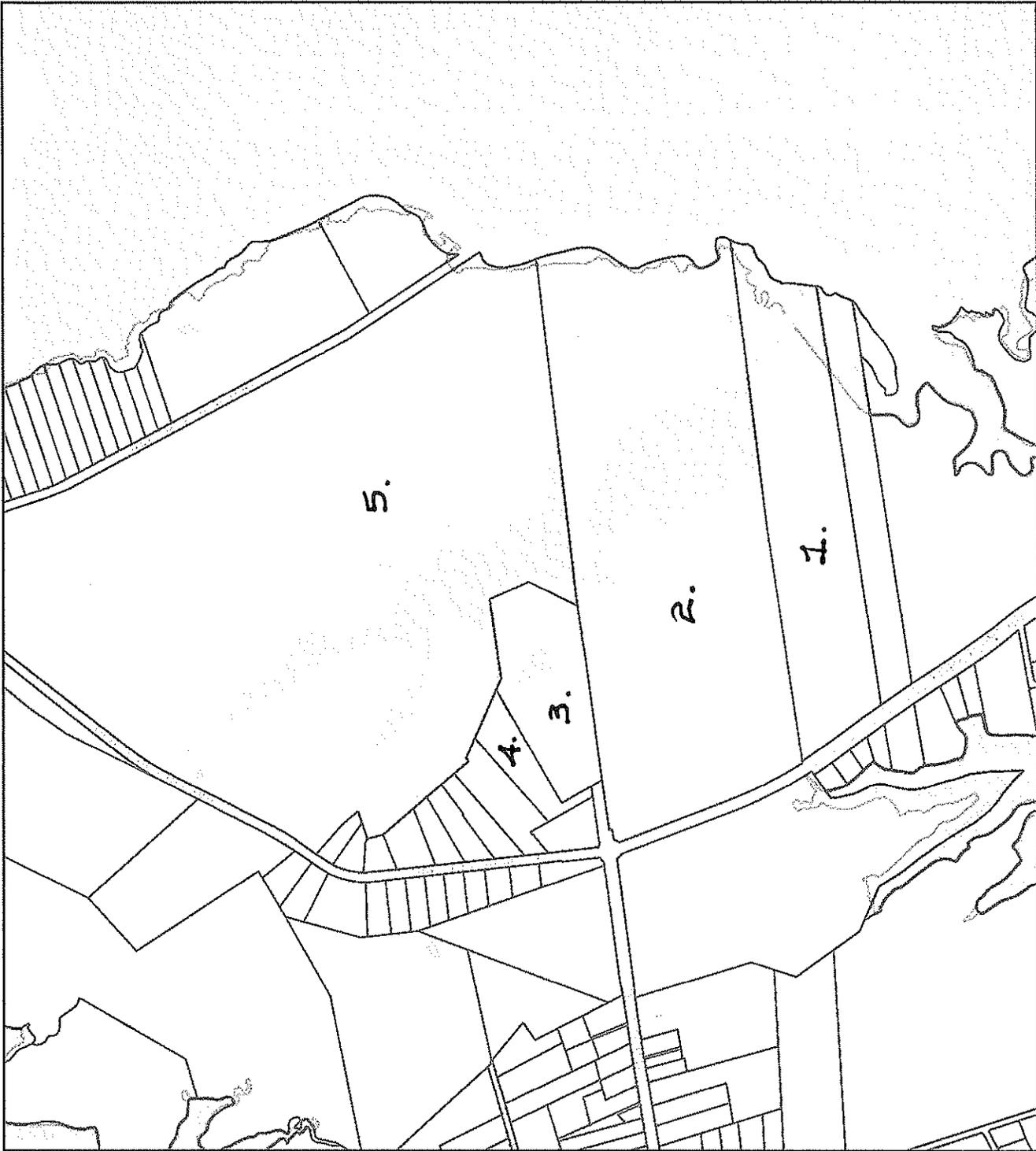


**Legend**

- Parcel Boundary
- ▬ Plat Link

**RIPARIAN  
PROPERTY OWNERS**

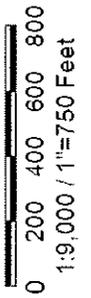
1. JAMES HAIDERER
2. GEOFFREY BACON
3. MARK STEPHENS
4. DONALD MORRISON
5. JAQUELINE TEASLE



**Title: Baytree Creek**

**Date: 5/11/2014**

Feet



*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and York County is not responsible for its accuracy or how current it may be.*

APPENDIX A

RIPARIAN ~~Adjacent~~ Property Owner's Acknowledgement Form

I, MARK STEPHENS, own land next to/ across the water from/ in the same cove  
(print adjacent property owner's name)

OYSTER GROUNDS  
as the <sup>A</sup> ~~trust~~ of R. DAVID SMITH  
(print applicant's name)

I have reviewed the applicant's project drawings dated MAY 12, 2014 to be submitted for all  
(date of drawings)

necessary Federal, State, and Local permits.

I have no comment regarding the proposal

I do not object to the proposal

I object to the proposal

**The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.**

(Before signing this form, please be sure that you have checked the appropriate option above)

*Mark A. Stephens*  
Adjacent property owner's signature

5/22/14  
Date

**NOTE: IF YOU OBJECT TO THE PROPOSAL, THE REASON(S) YOU OPPOSE THE PROJECT MUST BE SUBMITTED TO VMRC IN WRITING. AN OBJECTION WILL NOT NECESSARILY RESULT IN A DENIAL OF A PERMIT FOR THE PROPOSED WORK. HOWEVER, VALID COMPLAINTS WILL BE GIVEN FULL CONSIDERATION DURING THE PERMIT REVIEW PROCESS.**

