

AGENDA
MARINE RESOURCES COMMISSION
JULY 22, 2025

**** APPROVAL OF AGENDA.**

- 1. MINUTES** of previous meeting.
- 2. PERMITS** (Projects over \$1,000,000 with no objections and with staff recommendation for approval).
- 3. CONSENT AGENDA ITEMS.**
- 4. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.**
- 5. COCKRELL FARMS LLC, #25-0358**
requests authorization to construct and backfill a 387-foot vinyl replacement bulkhead, mechanically dredge 280 cubic yards of state-owned submerged lands with upland disposal and construct a 3,420 square-foot concrete commercial wharf, adjacent to the commercial marina situated along the Little Wicomico River at 309 Railway Drive in Northumberland County. The project is protested by two adjacent property owners.
- 6. URBANNA BOATYARD AND MARINA, #24-1864**
requests authorization to retain an 8-foot by 10-foot open-sided fuel dock roof and a 143 square-foot enclosed storage area, and install 12 (twelve) new boat lifts in existing boat slips at Urbanna Boatyard and Marina adjacent to 15 Watling Street situated along Urbanna Creek in Middlesex County.
- 7. SHELLFISH**
Mark Johnson, Oyster Planting Ground application #2021-016, requests authorization to lease approximately 250 acres of oyster planting ground in the Chesapeake Bay in the City of Norfolk.
- 8. PUBLIC COMMENTS**
- 9. PUBLIC HEARING**
Proposal to amend Chapter 4VAC20-490, "Pertaining to Sharks" to clarify language regarding the prohibition of overnight soaks for Virginia spiny dogfish permit holders using gill net mesh size equal to or greater than 5.25-inches and less than 10-inches in the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area or the Virginia Atlantic Sturgeon Bycatch Reduction Area between 8:00 pm through 5:00 am the following day from November 1 through March 31.
- 10. PUBLIC HEARING**

AGENDA

Proposal to amend Chapter 4VAC20-1390-10, "Pertaining to Shrimp," to 1) Expand the number of limited entry shrimp trawl licenses; 2) Establish an Eastern Shore Shrimp Trawl Harvest Area; 3) Extend the start of the season into September; 4) Modify the maximum dimensions of the shrimp trawl gear; and 5) Amend methods for reporting bycatch.

AGENDA

PAGE 2 ITEMS

A. KINDER MORGAN TRANSMIX COMPANY LLC, #25-0870

requests authorization to install a 50-foot by 54-inch diameter steel mooring monopile with a 66-inch diameter rock socket situated along the James River, serving 3302 Deepwater Road in the City of Richmond.

AGENDA

PAGE 3 ITEMS

A. LARRY SHORES, JR., #25-0687

requests after-the-fact authorization to retain seven (7) 4-foot by 8-foot crab shedding trays attached to an existing pier, and to utilize the pier for both private and commercial purposes, adjacent to tax parcel 20B-65, situated along Urbanna Creek in Middlesex County.

MINUTES**COMMISSION MEETING****June 24, 2025**

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

Patrick Hand

Lynn Kellum

A.J. Erskine

Associate Members

Jeremy Headley

Jeanette Edwards

Thomas Preston

Preston White

Kelci Block

Assistant Attorney General

Joseph Grist

Deputy Commissioner

Randy Owen

Chief, Habitat Management

Adam Kenyon

Chief, Shellfish Management

Pat Geer

Chief, Fisheries Management

Virginia Institute of Marine Science (VIMS):

Alex Sabo

Mark Luckenbach

Others present:

Willem Roosenburg

Kim Husky

J. C. Hudgins

Monica Schenemann

Emory Rice

Daniel Knott

Douglas Jenkins

Nathan Everette

Mark Sanford

Rachael Mathews

Sydney Gustafson

Mark Johnson

Randy Chambers

John Dameron

Dana Noone

Brett Noone

George Verlander

Dylan Mason

Elizabeth Collins

Ron Collins

Sherry Ashe

Marion Sutton	William Lan	Camille Fisher
Jordan Krevonick	Margaret Kelly	Joan Thompson
Naomi Sutton	Cole Henderson	Greg Henrion
Elsie Woodward	Mike Lewis	Katy Damico
Justine Woodward	Robert Pruhs	Sarah Spota
Jackson Mullen	Grayson Shulz	Callie Knight
Dave Carter	James McCreedy	Andrew Stith
and others.		

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

Randy Owen, Chief, Habitat Management requested to remove Item #10 from the agenda.

Associate Member Erskine moved to approve the agenda as modified. Associate Member Edwards seconded the motion. The motion carried, 7-0.

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MINUTES: Commissioner Green asked if there were any changes or corrections to be made to the May 27, 2025, Commission Meeting minutes.

Associate Member Erskine moved to approve the minutes as presented. Associate Member Headley seconded the motion. The motion carried, 6-0-1. Associate Member Hand 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 Page 2 items 2A through 2E for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

- 2A. PAYNES ISLAND, LLC, #25-0803** requests authorization to remove the existing bridge and to construct a 20-foot wide open-pile timber replacement bridge across a 76-foot section of Bridge Creek, and to install and backfill 80 linear feet of bulkhead immediately channelward of the existing bridge abutments, serving for ingress and egress of private and farm vehicles adjacent to Paynes Island Road in Essex County. Staff recommends approval with a royalty of \$150.00 for 50 square feet of subaqueous fill loss at \$3.00/sf and a time of year restriction from February 15 to June 30 for anadromous fish. The project requires a VMRC Wetlands and Subaqueous permit.
- 2B. TODD THOMPSON, #25-0339** requests authorization to construct a 50-foot long vinyl bulkhead, with two (2) 10-foot long returns, along the Rappahannock River shoreline at 153 Green Field Road in Essex County. The project requires a VMRC Wetlands Permit.
- 2C. SAMUEL MCGOWAN, #25-0666** requests authorization to construct a 79-foot rock sill including returns, with clean sand fill and plantings of native wetland vegetation along the Mattaponi River shoreline at 756 Ryefield Road in King and Queen County. The project requires a VMRC Wetlands and Subaqueous Permit.
- 2D. TED SWEARINGTON, JR., #25-0404** requests authorization to install and backfill a replacement 178 linear foot timber bulkhead a maximum of two (2) feet channelward of the existing structure serving 3314 Rokeby Avenue along the Eastern Branch of the Elizabeth River in Chesapeake. Wetlands credits will be purchased from an approved tidal wetlands mitigation bank to compensate for vegetated wetlands filled. This project requires a VMRC Wetlands and Subaqueous permit.
- 2E. BRYAN'S COVE DEVELOPMENT LLC, #25-0740** requests authorization to regrade and replant an existing living shoreline to create 7,317 square feet of vegetated wetlands, close an existing riprap sill window, and install two riprap sill saddles within windows at 1860 Barkadeer Cove along Deep Creek in Chesapeake. This project requires a VMRC Wetlands permit.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve Page 2 items 2A through 2E as presented. Associate Member Edwards seconded the motion. The motion carried, 7-0.

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- 3. CONSENT AGENDA ITEMS:** There were no Consent Agenda Items presented.

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

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- 5. PETITION**

Petition to protect Diamondback Terrapins from mortality in blue crab pots by requiring bycatch reduction devices in near-shore waters.

Deputy Commissioner Grist provided background information for the petition and rulemaking process prior to hearing the petition.

Willem Roosenburg was sworn and in and provided information about the petition with PowerPoint slides. His comments are a part of the verbatim record.

Pat Geer, Chief, Fisheries Management, gave a briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Geer's comments are a part of the verbatim record.

Randy Chambers, director of environmental lab for William and Mary was sworn in and spoke in support of the petition. His comments are a part of the verbatim record.

There were 7 speakers that were opposed to the petition. Their comments are a part of the verbatim record.

Rachael Mathews was sworn in and provided a rebuttal. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Preston moved to deny the petition as presented. Associate Member Headley seconded the motion. The motion carried, 7-0.

Associate Member White made a motion for staff to review all recreational crab pot fisheries for turtle excluder devices. Associate Member Hand seconded the motion. The motion carried, 7-0.

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6. DISCUSSION
CVOW-C Fisheries Compensatory Mitigation Program update.

Sydney Gustafson, was sworn in and gave a briefing of the information with PowerPoint slides. Her comments are a part of the verbatim record.

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Randy Owen, Chief, Habitat Management, asked permission to forgo the PowerPoint presentation for protested, statutory pier and gazebo projects to expedited review of the projects unless protestants are present.

Associate Member Erskine moved to approve the project as presented. Associate Member Headley seconded the motion. The motion carried, 6-0. Associate Member Hand was not present during the vote.

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7. BRETT NOONE, #25-0817 requests authorization to construct an 11-foot by 11-foot open-sided gazebo on a statutorily authorized private pier along Mill Creek at 477 Rains Lane in Mathews County. This project is protested by an

adjacent property owner.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

No one spoke in opposition to the project.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the project as presented. Associate Member Edwards seconded the motion. The motion carried, 6-0. Associate Member Hand was not present during the vote.

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8. **RONALD COLLINS, #25-0732** requests authorization to construct a 14-foot by 18-foot open-sided gazebo on a statutorily authorized private pier along Winder Creek at 135 Starlight Lane in Mathews County. This project is protested by an adjacent property owner.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

Sherry Ashe, agent for the applicant, was sworn in and spoke in support of the project. Her comments are a part of the verbatim record.

There were two people that spoke in opposition to the project. Their comments are a part of the verbatim record.

Ron Collins, applicant, was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

Elizabeth Collins was sworn in and spoke in support of the project. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve the project as presented. Associate Member Edwards seconded the motion. The motion carried, 7-0.

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- 9. HARRELL FAMILY LIVING TRUST, #25-0019** requests authorization to construct an 18-foot by 16-foot gazebo and a 37-foot by 15-foot open-sided boathouse onto a statutorily authorized private pier, situated along the York River at 5232 Ivey Lane in James City County. The project is protested by two adjacent property owners.

Randy Owen, Chief, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

Greg Henrion, agent for the applicant was sworn in. His comments are a part of the verbatim record.

There were two people that spoke in opposition to the project. Their comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the project as presented. Associate Member Kellum seconded the motion. The motion carried, 7-0.

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Item #10 was removed from the agenda at the beginning of the meeting.

- 10. COCKRELL FARMS LLC, 25-0358** requests authorization to construct and backfill a 387-foot vinyl replacement bulkhead, mechanically dredge 280 cubic yards of state-owned submerged lands with adjacent upland disposal and construct a 3,420 square-foot concrete commercial wharf, adjacent to the applicant's commercial marina situated along the Little Wicomico River at 309 Railway Drive in Northumberland County. The project is protested by two adjacent property owners.

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11. PUBLIC COMMENTS

Andrew Stith of Hampton asked the Commission for ideas and assistance with creating a local seafood industry museum. His comments are a part of the verbatim record.

Emory Rice spoke about the Crab Management Advisory Committee's recommendation to extend the December crab pot season. His comments are a part of the verbatim record.

Sherry Ashe thanked the Commission for accepting the new policy regarding protested roof structures when the protestant does not appear at the hearing, and suggested the Commission consider changing the requirement of a permit issuance in this situation to declaring the roof structure to be statutorily authorized. Counsel said once an application is protested, by the Code of Virginia it is no longer statutorily authorized, and the Commission must vote on the project. Her comments are a part of the verbatim record.

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12. SHELLFISH

Mark Johnson, Oyster Planting Ground application #2021-016, requests authorization to lease approximately 250 acres of oyster planting ground in the Chesapeake Bay in the City of Norfolk.

Adam Kenyon, Chief, Shellfish Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Kenyon's comments are a part of the verbatim record.

Mark Johnson, applicant, was sworn in and spoke in support of the application. His comments are a part of the verbatim record.

Robert Pruhs, representing Army Corp of Engineers was sworn in and spoke in opposition of the application. He stated that the application has a direct conflict with the upcoming beach nourishment project. His comments are a part of the verbatim record.

William Long was sworn in and spoke in opposition to the application. His comments are a part of the verbatim record.

Margaret Kelly, an attorney for the City of Norfolk, spoke in opposition of the application. Her comments are a part of the verbatim record.

Mark Johnson had a chance to rebuttal. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

After much deliberation, Associate Member Erskine made a motion to table the decision until the July meeting to allow all parties to work towards a compromise for the lease application. Associate Member Kellum seconded the motion. The motion carried, 3-2-2. Associate Members Preston and Edwards voted no. Associate Members White and Hand abstained.

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13. 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 2025-2026 commercial blue crab fisheries and to close the 2025-2026 winter commercial crab dredge fishing season.

Pat Geer, Chief, Fisheries Management, gave a briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Geer's comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve to approve staff recommendation with the recommendation from CMAC for the crab pot season closing December 20, 2025. Associate Member White seconded the motion. The motion carried, 6-0. Associate Member Edwards was not present during the final vote.

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There being no further business, the meeting was adjourned. The next Commission meeting will be held on **Tuesday**, June 24, 2025.

Commission Meeting

19329
June 24, 2025

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

COCKRELL FARMS LLC
20235-0358

1. Habitat Management Evaluation dated July 22, 2025.
(Pages 1 and 2)
2. Project drawings dated received June 10, 2025, and May 27, 2025.
(Pages 3 through 16)
3. Comments from the Virginia Department of Health Bureau of Shellfish Sanitation dated received March 14, 2025.
(Pages 17 through 20)
4. Comments from the Virginia Department of Health Office of Environment Health Services/ Marina program dated received May 7, 2025.
(Pages 21 through 24)
5. Letter of protest from E. Stanley Murphy esq. on behalf of Ms. Olivia Cockrell and Mr. John Morgenthaller dated received March 6, 2025.
(Pages 25 through 27)
6. Letter and attachments from E. Stanley Murphy esq. dated received June 23, 2025.
(Pages 28 through 34)

All project drawings, plans and application information are available at
<https://webapps.mrc.virginia.gov/public/habitat/>

HABITAT MANAGEMENT DIVISION EVALUATION

COCKRELL FARMS LLC, VMRC #25-0358, requests authorization to construct and backfill a 387-foot vinyl replacement bulkhead, mechanically dredge 280 cubic yards of state-owned submerged lands with upland disposal, and construct a 3,420 square foot concrete commercial wharf, adjacent to the applicant's commercial marina situated along the Little Wicomico River at 309 Railway Drive in Northumberland County. The project is protested by two adjacent property owners.

Narrative

The Cockrell Marine Railway and Marina is a commercially zoned parcel located in the Ophelia section of Northumberland County along the Little Wicomico River. The property also provides for the offloading, culling and refrigeration of live oysters in support of a large shellfish aquaculture operation.

The existing timber bulkhead is failing and will be replaced and backfilled with a 387 linear-foot vinyl structure a maximum of two (2) feet channelward. Immediately offshore of the new bulkhead, the applicant proposes maintenance dredging a total of 280 cubic yards of state-owned submerged land, on an as needed basis, to allow commercial boats to moor side-to against a new concrete wharf and the new bulkhead. The dredged spoil material will be offloaded on-site into sealed trucks and immediately conveyed to an approved upland disposal site.

To facilitate the offloading of vessels along the wharf and shellfish aquaculture operations, the applicant also proposes the construction of a 3,240 square-foot covered, open-pile concrete platform immediately channelward of the new bulkhead. The concrete wharf will support four (4) slips and enable commercial vessels to safely offload live oysters under the protection of the roof for further processing and shipping.

The applicant's agent, Craig Palubinski with Bayshore Design LLC, added that the current wharf area (18-foot to 22-foot wide) is too small and extremely congested when unloading oyster cages from the moored vessels. The cages are temporarily stacked on pallets on the wharf, alongside existing equipment that culls and counts the shellfish, and then transported by "tow motor operators" ashore for refrigeration. The proposed larger wharf will facilitate safer operations and allow for two (2) additional culling and counting units.

Issues

The project is protested by two (2) adjacent property owners, Ms. Olivia Cockrell and Mr. John Morgenthaler, owners of 247 Railway Drive. Staff received letters of objection from their attorney, Stanley Murphy. In his May 28, 2025, letter Mr. Stanley expressed his clients' concern over the use and development of the applicant's upland property, the

Issues (cont'd)

expansion of the marina and the unauthorized filling of wetlands. The letter asserts that existing facility encroachments channelward of mean low water under VMRC jurisdiction were not properly permitted. Mr. Murphy also claims that his clients were never notified of the previous marina expansion.

According to agency records, the marina expansion has been permitted through four (4) individual VMRC permits: #2000-0475, #2002-0940, #2012-0363 and #2022-0393. Furthermore, the protestant appeared on the tax records in 2024, two (2) years after the public interest review for the most recent permit. The previous owner was Mr. Daindridge Cockrell. As for the wetlands filling, this agency has no knowledge of such activity, nor jurisdiction over the filling of wetlands landward of mean low water. The Northumberland County wetlands board has been notified of the alleged fill.

The Northumberland County Wetlands Board did not assert jurisdiction over this project as no impacts to tidal wetlands are proposed. No other County approvals were required.

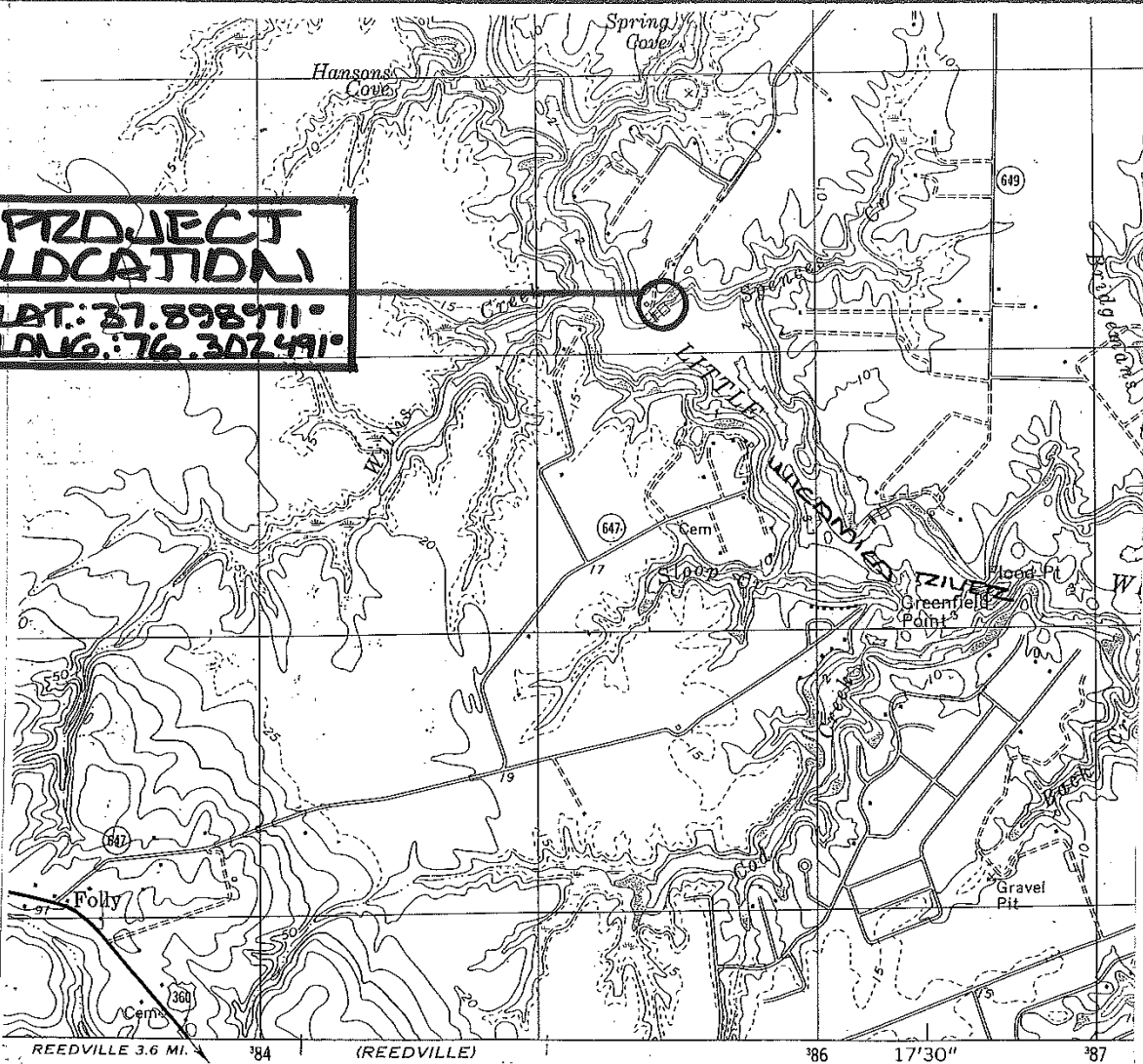
The Virginia Department of Health Division of Shellfish Sanitation has no objection to the project. The project has been approved by the Virginia Department of Health Office of Environmental Health Services-Marina Program.

Summary/Recommendation

Commission staff has researched the claims made by the protestants' and have not found any unauthorized encroachments over state-owned submerged lands associated with the recent marina expansion. After reviewing the application and considering the agent's rationale for the requested improvements, staff believes the proposed bulkhead repair, dredging and new concrete wharf constitute a reasonable use of state-owned submerged lands and are consistent with other commercial aquaculture landing facilities in the Commonwealth. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommends approval of the project as proposed. If approved, this permit will be exempt from royalties as prescribed in §28.2-1206(B) since the commercial facility is also an existing boatyard and marina that repairs vessels.

PROJECT LOCATION

LAT.: 37.898971°
 LONG.: 76.302491°



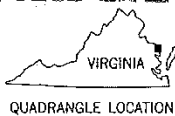
VICINITY MAP

BURGESS QUADRANGLE

VIRGINIA - MARYLAND

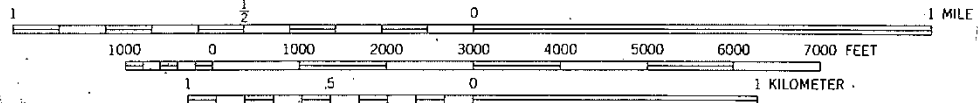
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

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QUADRANGLE LOCATION

SCALE 1:24,000



CONTOUR INTERVAL 10 FEET

DASHED LINES REPRESENT 5-FOOT CONTOURS

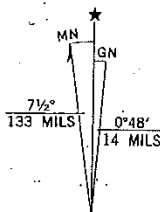
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BATHYMETRIC CONTOUR INTERVAL 1 METER WITH SUPPLEMENTARY

0.5 METER CONTOURS—DATUM IS MEAN LOW WATER

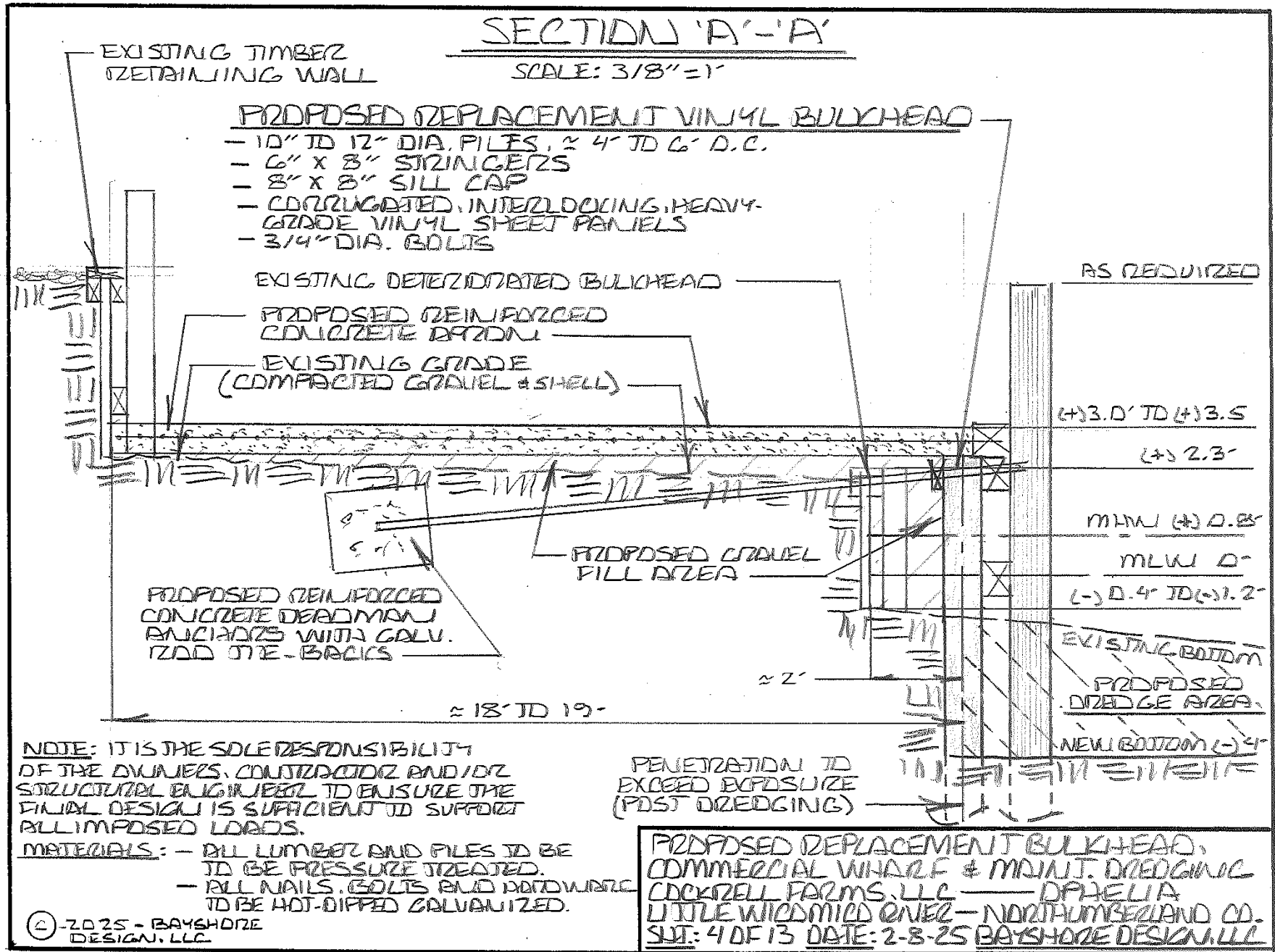
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE

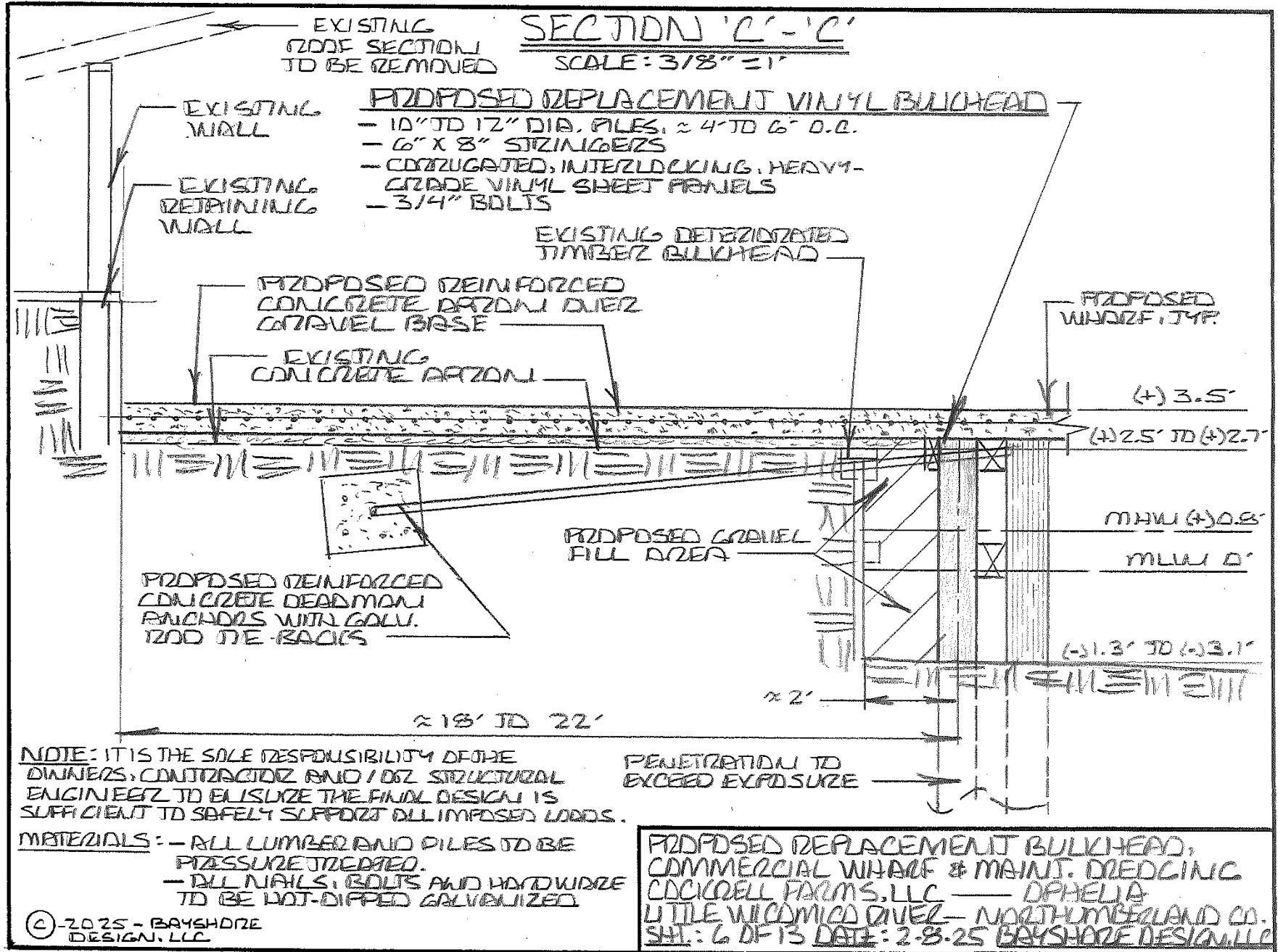
THE MEAN RANGE OF TIDE IS APPROXIMATELY 0.2 METER



UTM GRID AND 1968 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

PROPOSED REPLACEMENT BULKHEAD,
 COMMERCIAL WHARF & MAINT. DOCKING
 CROCKELL FARMS, LLC — DANIELA
 LITTLE WICOMICO RIVER—NORTHUMBRELAND CO.
 SHEET: 2 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC





SECTION 'D'-'D'

SCALE: 3/8" = 1'

PROPOSED REPLACEMENT VINYL BULKHEAD

- 10" TO 12" DIA. PILES, 2' 4" TO 6' O.C.
- 6" X 8" STRINGERS
- 8" X 8" SILL CAP
- CORRUGATED, INTERLOCKING, HEAVY-GRADE VINYL SHEET PANELS
- 3/4" DIA. BOLTS

PROPOSED REINFORCED CONCRETE PADON

PROPOSED COMPACTED GRAVEL BASE

(+1) 3.5'

MHW (+1) 0.8'

MLW 0'

EX. BOTTOM

PROPOSED DREDGE AREA

NEW BOTTOM (-1) 4'

EXISTING CONCRETE

BOAT RAMP

~ 8'

PENETRATION TO EXCEED EXPOSURE (POST DREDGING)

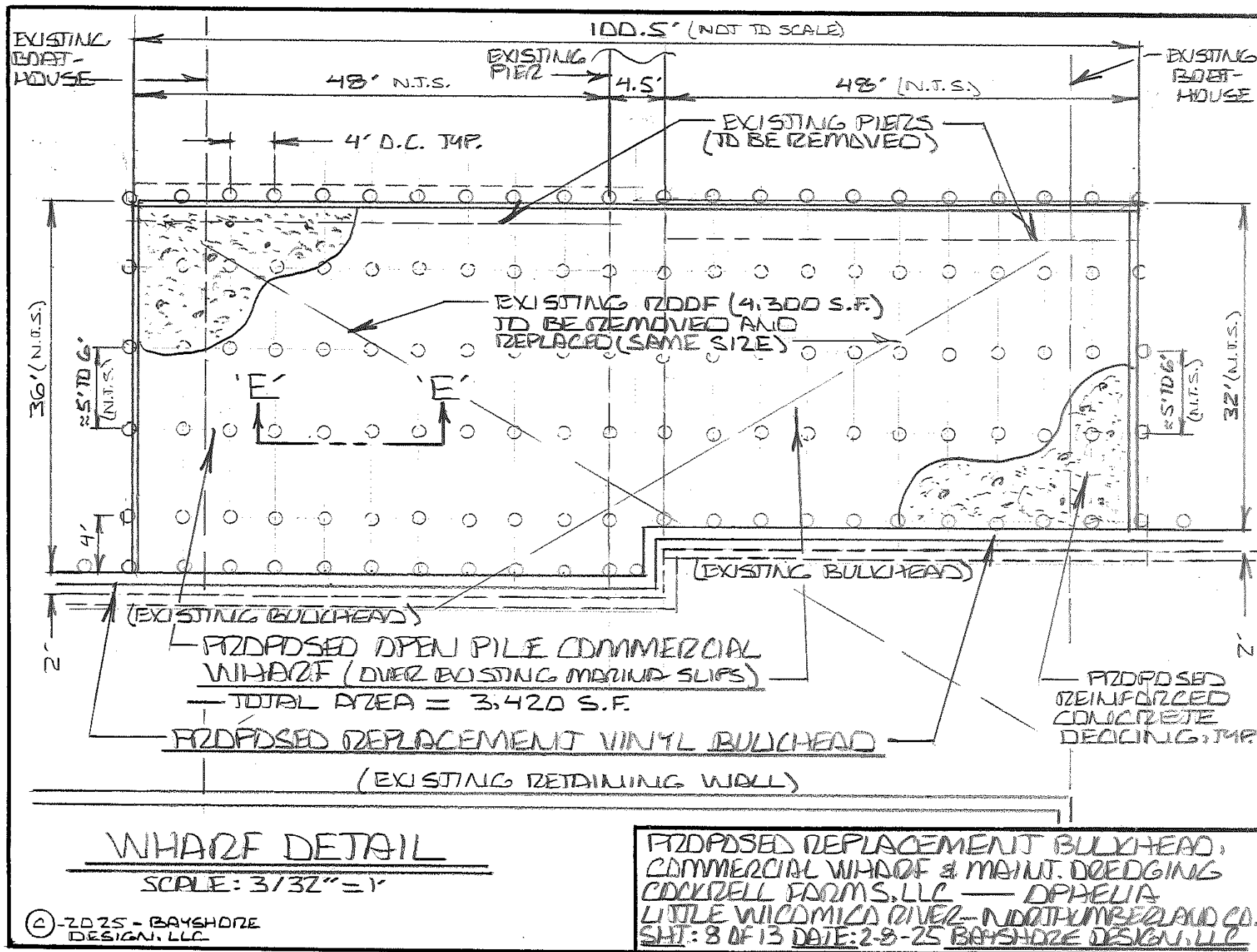
PROPOSED REINFORCED CONCRETE DEADMAN ANCHORS WITH GALV. ROD TIE-BACKS

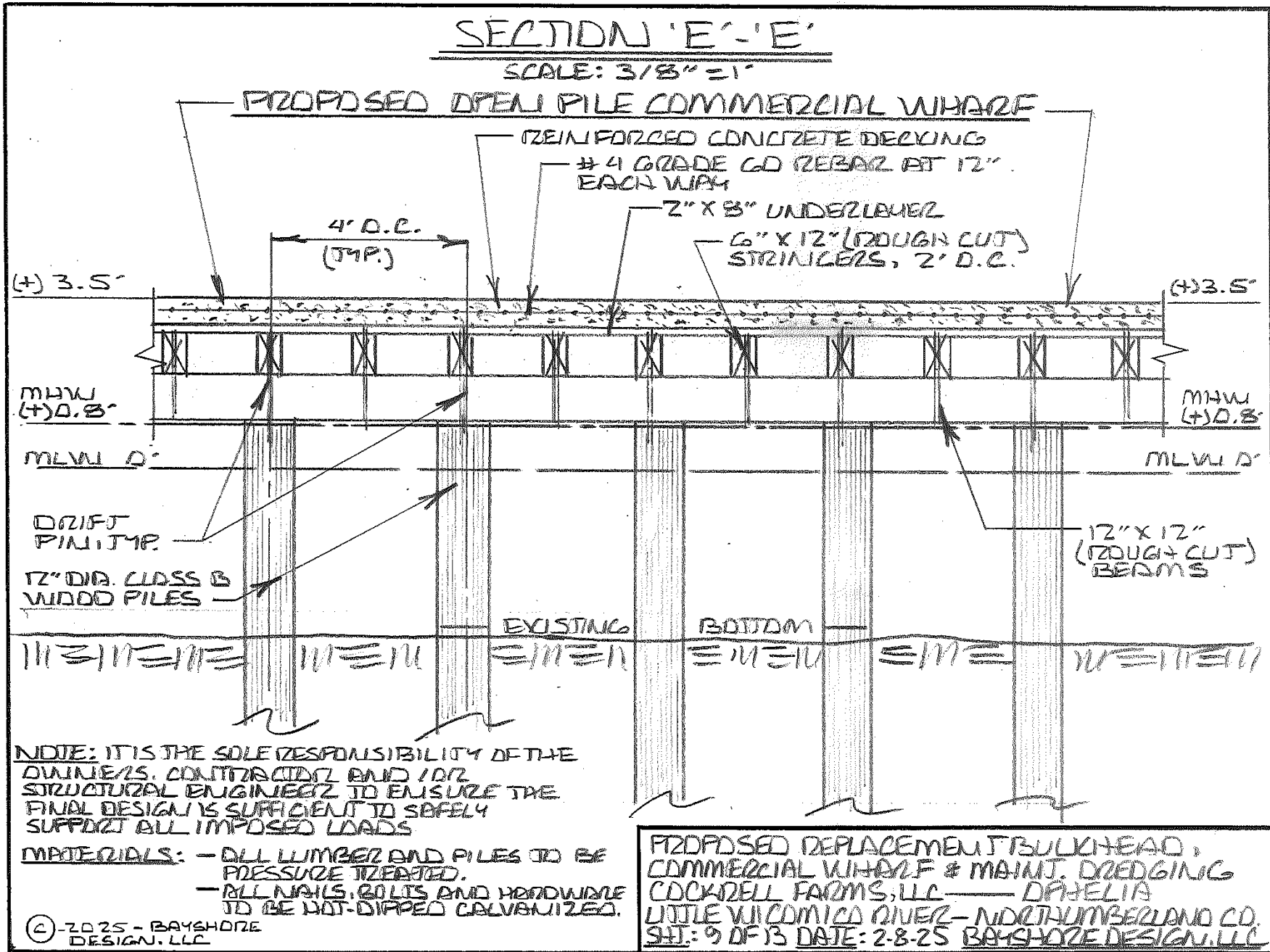
NOTE: IT IS THE SOLE RESPONSIBILITY OF THE OWNERS, CONTRACTOR AND/OR STRUCTURAL ENGINEER TO ENSURE THE FINAL DESIGN IS SUFFICIENT TO SAFELY SUPPORT ALL IMPOSED LOADS.

MATERIALS: ALL LUMBER AND PILES TO BE PRESSURE TREATED.
ALL NAILS, BOLTS AND HARDWARE TO BE HOT-DIPPED GALVANIZED.

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PROPOSED REPLACEMENT BULKHEAD,
COMMERCIAL WHARF & MAINT. DREDGING
COCKRELL FARMS, LLC — DAYLIA
LITTLE WILCOMING RIVER — NORTHUMBERLAND CO.
SHEET 7 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC





SECTION 'F'- 'F'

SCALE: 1/4" = 1'

AREA OF PROPOSED DREDGING
TO (-) 4.0' MLW

PROPOSED REPLACEMENT
VINYL BULKHEAD, TYP.

PROPOSED CONCRETE
APRON, TYP.

EXISTING BOTTOM
TO BE DREDGED

(-) 0.4' TO (-) 1.2'

EXISTING
DETERIORATED
BULKHEAD

PROPOSED
NEW BOTTOM
(-) 4.0' MLW

~ 20' TO 26'

EXISTING BOTTOM

MLW (+) 0.8'
MLW 0'

(-) 4.0'

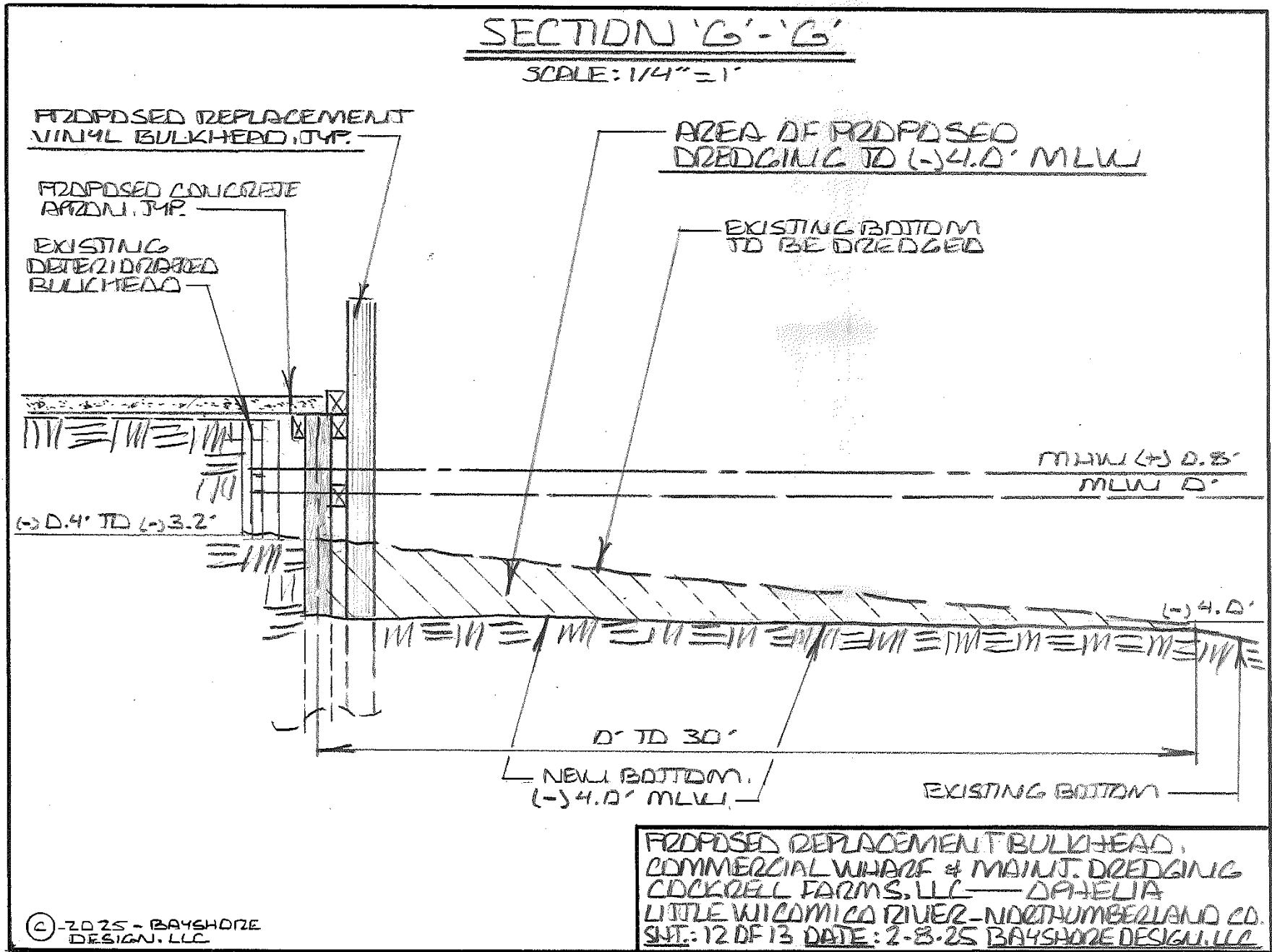
DREDGING NOTES

1. DREDGING AMOUNT: *
- 280 C.Y. (ALL SUBAQUEOUS)
2. DREDGING AREA: *
- 5,000 S.F. (ALL SUBAQUEOUS)
3. DREDGING DEPTHS:
- (-) 4.0' MLW
4. DREDGE MATERIAL:
- SAND
5. DREDGE METHOD:
- MECHANICAL EXCAVATOR
POSITIONED ON LAND.
DREDGE MATERIAL TO BE
PLACED IN DESIGNATED
CONFINEMENT AREA ON SITE.

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DESIGN, LLC

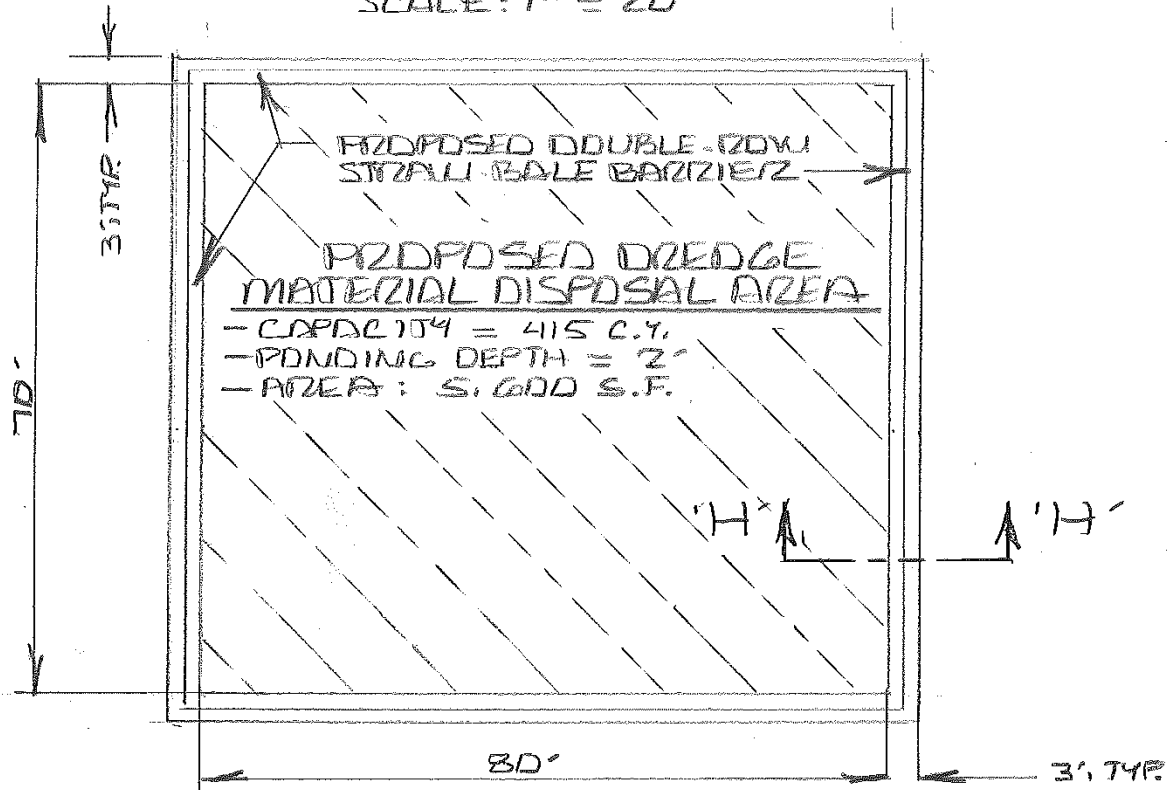
*REVISED 5-22-25

PROPOSED REPLACEMENT BULKHEAD,
COMMERCIAL WHARF & MAINT. DREDGING
CLOCKELL FARMS, LLC — APHELIA
LITTLE WICOMICO RIVER - NORTHUMBERLAND CO.
SHEET: 11 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC



DISPOSAL SITE DETAIL

SCALE: 1" = 20'

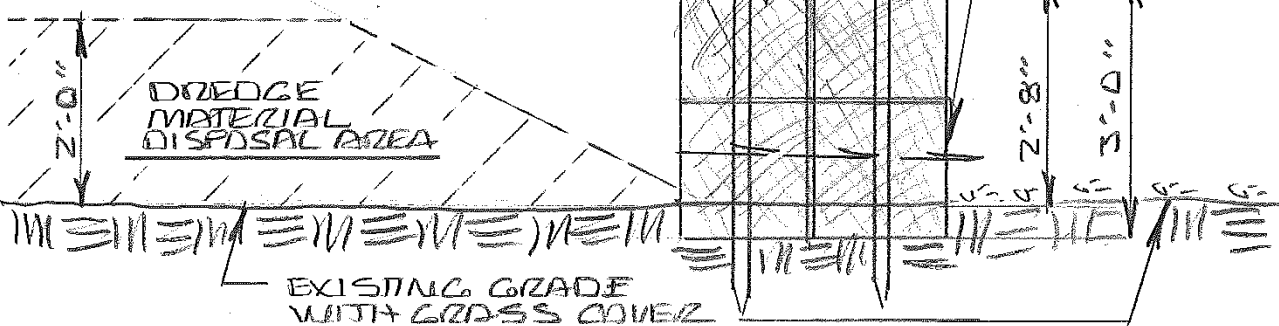


SECTION "H-H"

SCALE: 1/2" = 1'

PROPOSED STRAW-BALE BARRIER

1. EXCAVATE 4" TRENCH
2. PLACE AND STAKE BALES
3. WEDGE LOOSE STRAW BETWEEN BALES
4. DOUBLE ROW BALES, ALTERNATE BALES TO OVERLAP SEAMS.



PROPOSED REPLACEMENT BULKHEAD;
COMMERCIAL WHAUF & MAINT. DREDGING
CLOCKELL FARMS, LLC — DANIELA
LITTLE WICOMICO RIVER — NORTHUMBERLAND CO.
SHT.: 13 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC

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DESIGN, LLC

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-0358 (Cockrell Farms, LLC) VDH Div Shellfish Sanitation comments
Date: Friday, March 14, 2025 10:42:36 AM
Attachments: [Outlook-sn1s4n4a.png](#)
[Outlook-p3vt40vn.png](#)
[DSS_20250313_20250358_CommentsMemo.pdf](#)

Jeffrey P. Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651
Jeff.madden@mrc.virginia.gov

From: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Sent: Thursday, March 13, 2025 11:52 AM
To: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Subject: Re: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Good Morning,

This project will not cause any change in shellfish classification areas. Please accept the attached memo as VDH/DSS's response.

Very Respectfully

Adam Wood

Growing Area Manager

Virginia Department of Health

Division of Shellfish Safety

Cell: (804) 839-2809

Office: (804) 577-4007

www.vdh.virginia.gov/shellfish



From: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Sent: Tuesday, March 4, 2025 4:00 PM
To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than March 25, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20250358](#)

Applicant: Cockrell Farms, LLC
Locality: Northumberland
Project Description: Bulkhead/Dredge/Pier
Date Received: February 13, 2025
Engineer: Jeffrey P. Madden

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☐ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

COMMENTS: _____

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-2276 or jeff.madden@mrc.virginia.gov

Jeffrey P. Madden
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-2276
Email: jeff.madden@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.



COMMONWEALTH of VIRGINIA

Department of Health

P. O. BOX 2448
RICHMOND, VA 23218-2448

TTY 7-1-1 OR
1-800-828-1120

MEMORANDUM

DATE:

TO: Jeff Madden
Virginia Marine Resources Commission

FROM: Adam Wood, Growing Area Manager
Division of Shellfish Safety Waterborne Hazards Control

SUBJECT: COCKRELL FARMS, LLC

City / County: Northumberland

Waterbody: Little Wicomico River

Type: ☐ VPDES ☐ VMRC ☐ VPA ☐ VWP ☒ JPA ☐ Other:

Application / Permit Number: 20250358

- ☐ The project will not affect shellfish growing waters.
- ☐ The project is located in or adjacent to approved shellfish growing waters, however, the activity as described will not require a change in classification.
- ☒ The project is located in or adjacent to condemned shellfish growing waters and the activity, as described, will not cause an increase in the size or type of the existing closure.
- ☐ The project will affect condemned shellfish waters and will not cause an increase in the size of the total condemnation. However, a prohibited area (an area from which shellfish relay to approved waters for self-purification is not allowed) will be required within a portion of the currently condemned area. See comments.
- ☐ A buffer zone (including a prohibited area) has been previously established in the vicinity of this discharge, however, the closure will have to be revised. Map attached.
- ☐ This project will affect approved shellfish waters. If this discharge is approved, a buffer zone (including a prohibited area) will be established in the vicinity of the discharge. Map attached.
- ☐ Other.

**ADDITIONAL
COMMENTS:**

Area #: 010

ACW



Recieved by VMRC Mar 14, 2025 map

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-0358 (Cockrell Farms, LLC) VDH-OEHS comments
Date: Wednesday, May 7, 2025 3:39:16 PM

Jeff Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651
757-247-2276
Jeff.madden@mrc.virginia.gov

From: Smigo, Margaret (VDH) <Margaret.Smigo@vdh.virginia.gov>
Sent: Tuesday, May 6, 2025 3:17 PM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>
Subject: Approved for Marina Programs - VDH - RE: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Sorry for the delay – this is approved for Marina Programs.

Thank you,

Margaret Smigo
Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services
Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352
HAB Hotline: (888) 238-6154
www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health
109 Governor Street
Richmond, VA 23219

From: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>
Sent: Thursday, April 24, 2025 12:51 PM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>
Subject: RE: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Hi Jeff,
This one slipped by me, reviewing this now. We will try to get this back ASAP.

Margaret Smigo
Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services
Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352
HAB Hotline: (888) 238-6154
www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health
109 Governor Street
Richmond, VA 23219

From: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Sent: Tuesday, March 4, 2025 4:01 PM
To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than March 25, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20250358](#)

Applicant: Cockrell Farms, LLC

Locality: Northumberland

Project Description: Bulkhead/Dredge/Pier

Date Received: February 13, 2025

Engineer: Jeffrey P. Madden

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☒ THE PROPOSED PROJECT IS **ACCEPTABLE**.

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WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: _____
NAME OF INVESTIGATOR: _____
COMMENTS: _____

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-2276 or jeff.madden@mrc.virginia.gov

Jeffrey P. Madden
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-2276
Email: jeff.madden@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.

From: [Craig Palubinski](#)
To: [MRC - jpa Permits](#)
Subject: Cockrell Farms, LLC #25-0359
Date: Wednesday, March 5, 2025 4:13:52 PM
Attachments: [Apo forms - protest.pdf](#)

Hi Beth and Michele,

Please find attached the apo forms and protest for Cockell Farms, LLC - #25-0359.

Thanks,
Craig

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphyllawplc.com

March 4, 2025

Via Email to craigp@bayshoredesign.com

Mr. Craig Palubinski
BAYSHORE DESIGN, LLC
8518 Cople Highway
Hague, Virginia 22469

Re: Cockrell Farms, LLC

Dear Craig:

I represent Olivia Cockrell and John Morgenthaler, who own property next door to the proposed project described in your letter of February 13, 2025.

John and Olivia received your letter on February 21, 2025 and have asked me to respond on their behalf within the two-week period mentioned in your letter.

Please be advised that my client's object to the project that Cockrell Farms, LLC apparently is attempting to permit. I enclose your form, which I have completed on their behalf objecting to this project.

Further communications regarding this matter should be directed to my attention.

Very truly yours,



E. Stanley Murphy

cc: Ms. Cockrell and Mr. Morgenthaler

BAYSHORE DESIGN
MAR 04 2024
RECEIVED

P.O. Box 85 • WHITE STONE, VIRGINIA 22578

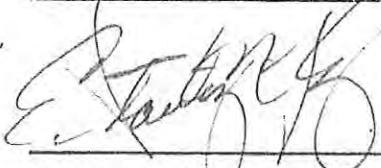
ADJACENT PROPERTY OWNER'S ACKNOWLEDGMENT FORM

OLIVIA D. COCKRELL,
JOHN L. MORGENTHALER AND
I, ~~WILLIAM H. HARRIS~~, am the property owner whose land is
adjacent to, across from or nearby the land of COCKRELL FARMS, LLC.
I have reviewed the applicant's drawings, dated 2-8-25, to be submitted for all
necessary local, state, and federal permits.

 I DO NOT OBJECT to the project as proposed.
X I DO OBJECT to the project as proposed and have returned my
written objections with this form.

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 YOU HAVE CHECKED ONE OF THE
LINES ABOVE. IF NO CHOICE IS MADE, IT WILL BE ASSUMED YOU HAVE NO
OBJECTION TO THIS PROJECT.



ADJACENT OWNER'S SIGNATURE

3/4/25

DATE

ATTORNEY & AGENT
FOR MS COCKRELL & MR MORGENTHALER

NOTE: If you object to this project, please provide specific objections made in writing
and return with this form.

Please return this form within two (2) weeks from the date of receipt. Please call
Bayshore Design, LLC if you have any questions or wish to discuss the project.

BAYSHORE DESIGN, LLC – 8518 COPLE HIGHWAY

HAGUE, VIRGINIA 22469 PH: 804/472-4439

EMAIL: craigp@bayshoredesign.com

BAYSHORE DESIGN

MAR 04 2024

RECEIVED

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - Jpa Permits](#)
Subject: FW: VMRC #25-0358 (Cockrell Farms LLC) protest and cover letter
Date: Monday, June 23, 2025 10:58:27 AM
Attachments: [Habitat Management Application.pdf](#)
[25-0358-1 Virginia Department of Conservation and Forestry Application.pdf](#)

Jeff Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651
757-247-2276
Jeff.madden@mrc.virginia.gov

From: E. Stanley Murphy <Stan@murphylawplc.com>
Sent: Wednesday, May 28, 2025 2:53 PM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>
Cc: Owen, Randy (MRC) <Randy.Owen@mrc.virginia.gov>
Subject: RE: VMRC #25-0358 (Cockrell Farms LLC) Additional information request

I am in court out of town Friday around 9 am. I Can be available for a call around 10:30 am or later. Just call my cell: 804.725.6818.

I am attaching the letter I promised for Cockrell/Morgenthaler. Let me know if you have questions.



E. Stanley Murphy
Attorney at Law

804 493-4075
stan@murphylawplc.com

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

Please allow up to a full business day for a response to your email. Practice demands do not permit me to read emails as they are received. Call me if you are writing about an urgent matter.

If you believe that you have received this email in error, please delete it and immediately notify me.

Full contact information is available at www.murphylawplc.com/contact-directions

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphyllawplc.com

May 28, 2025

Via email to: Jeff.madden@mrc.virginia.gov

Mr. Jeff Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651

Re: MRC Application Number 25-0358 (Cockrell Farms, LLC)

Dear Mr. Madden:

Thank you for the opportunity to provide written comments concerning the above application on behalf of Olivia Cockrell and John Morgenthauer.

John and Olivia are husband and wife who have lived next door to the applicant's property for approximately thirty years.

The property in question began as a very small marine railway but in recent years has exploded into a large mixed-use operation involving a marina, a seafood processing company, and an aquaculture operation. Structures associated with this development have extensive roofs, docks, and other impervious surfaces that drain directly into the Little Wicomico River. My clients strongly believe that the existing runoff negatively impacts water quality and that the proposed improvements worsen the already existing impact.

Most recently, the company was able to permit through a county zoning exception construction of 17,500 square foot warehouse only a few hundred feet from the river. Runoff from the massive roof on this building flows directly into drainage ditches that empty into the Little Wicomico.

May 28, 2025

Page | 2

The roof on a 17,500 square foot building will geometrically increase the impact of this drainage.

Numerous internet resources provide formulas for calculating the amount of runoff produced by roofs. A commonly used figure, is .623 gallons per inch of rain per square foot.¹ Northumberland County receives 44.17 inches of rain annually.² Accordingly, the proposed 17,500 square foot building will produce 481,563 gallons of runoff annually. That rain currently is disbursed over, and largely absorbed into, a field with crops. The new building will channel this torrent across Olivia and John's residential property and into the river.

Until the most recent VMRC application, John and Olivia have never received notice of planned improvements to this shoreline and they are concerned that some of the improvements that have occurred may not have been permitted at all. Accordingly, they are concerned that VMRC staff may not be aware of how intensely demanding this large operation is on the estuary.

The applicant's owner (or a predecessor interest) purchased a small marine railway from Ms. Cockrell's father in 1997.³ Since then it has steadily increased the number and nature of businesses conducted at the property. Buildings have multiplied, commercial docks have been built, and a large aquaculture business has been added along with a processing facility. The general public now is drawn to the area by a commercial marina, ship's store and shower building. Commercial boats unload catches at the facility daily.

Figure A depicts the property and surrounding areas as it appeared when purchased by the applicant's apparent owner.

Figure B depicts the property as it appeared in October 2023.

Figure C highlights what has been added since 1997, no oversight by regulatory authorities known John and Olivia prior to this application, which lists approvals for at least some work in 2002 and 2020.

¹ See, e.g., <https://theraincatcherinc.com/calculate-rainwater-from-roof/#:~:text=An%20inch%20of%20rainfall%20on,623%20gallons.>

² Weather date from: <http://www.usa.com/northumberland-county-va-weather.htm>

³ The original purchaser was Ms. Cockerill's brother, Andrew Cockrell, who has subsequently formed several business entities, apparently including the applicant Cockrell Farms, LLC.



FIGURE A

United States Geological Survey photo taken in 1994. The property had no material changes when the applicant or its predecessor owner purchased it three years later.



FIGURE B

October 25, 2023 Google Earth photo of the same property. Photo retrieved October 5, 2024 from: https://earth.google.com/web/@37.89943479,-76.30361135,0.81047699a,872.93421627d,35y,0h,0t,0r/data=CgRCAggBOgMKATBKDQj_8BEAA

May 28, 2025

Page | 5

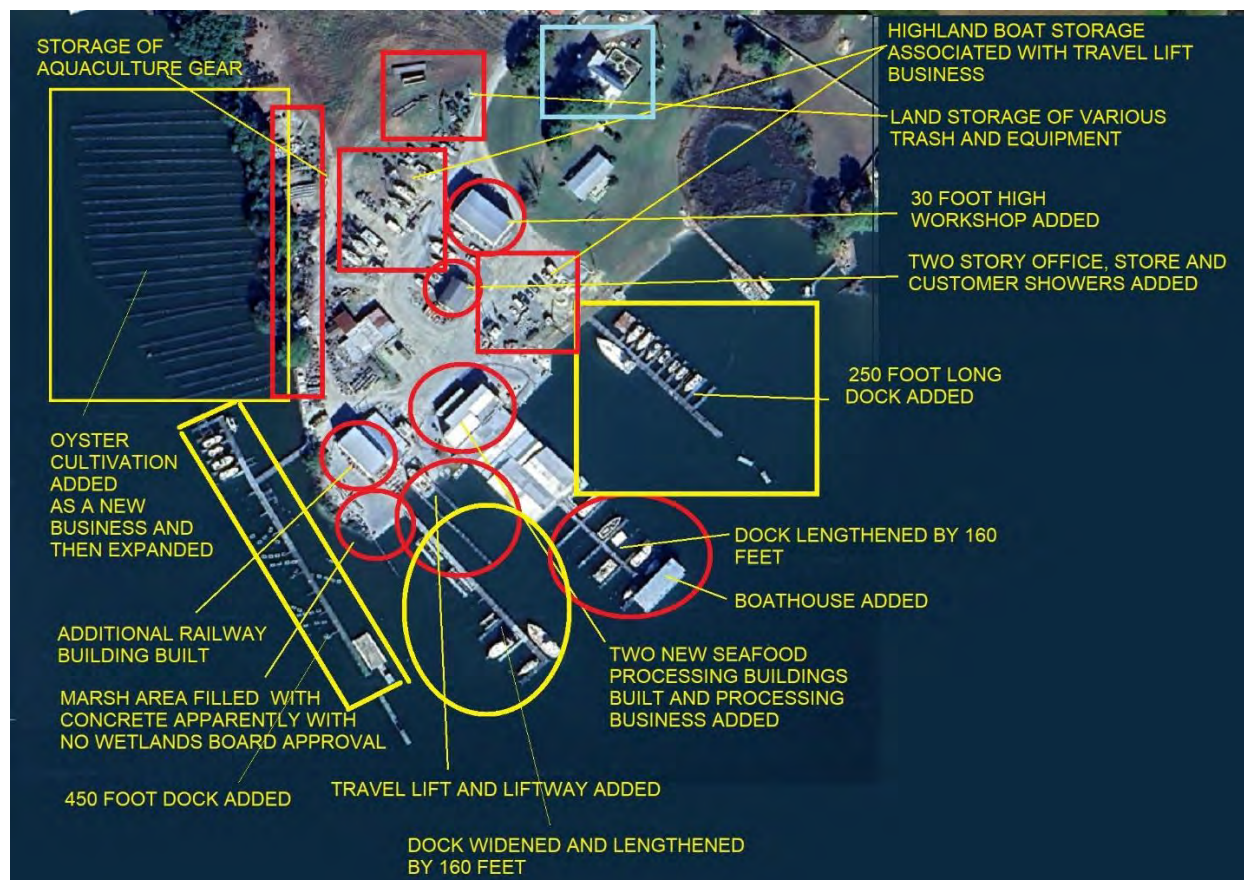


FIGURE C

Showing the spectacular increase in commercial activity on the property. At least six new buildings and two long docks have been added. The business owners have even cemented over a marsh land.

The proximity of the Cockrell/Morgenthaler residence to all of this commercial activity is shown by the light blue box at the top of the figure. They are also 2/3's owner of the residence between their house and this business. They are the neighbors most severely impacted by these commercial activities.

As noted in Figure C, there is an area of former marsh that was covered with concrete and my clients have been unable to locate a permit for this activity. I would greatly appreciate your assistance in locating such a permit.

What had been a small low impact marine railway has mushroomed into at least five businesses: 1) An expanded version of the old railway; 2) a commercial marina with a ship's

May 28, 2025

Page | 6

store, and customer showers; 3) A highland boat storage and repair facility with travel lift; 4) An oyster farming aquaculture business; and 5) a seafood processing business.⁴

We respectfully believe that approval of this application will add significant environmental stress to the Little Wicomico River and, by extension, to the Chesapeake Bay. For this reason, John and Olivia object to this application

In addition to noting this objection, John and Olivia respectfully request that staff evaluate the current application in light of the extensive shoreline that already has occurred and advise use whether all of these projects have been permitted in either of the two previous shoreline applications.

Thank you very much for your consideration.

Very truly yours,



E. Stanley Murphy

⁴ It is even fair to say that a sixth business, loading and unloading of fishing boats, is also being conducted on the property.

July 22, 2025

**Urbanna Boatyard and Marina,
VMRC #24-1864**

1. Habitat Management Division Evaluation dated July 22, 2025
(Pages 1-3)
2. Application drawings dated received: August 5, 2024, April 17, 2025, April 22, 2025
(Pages 4-14)
3. Middlesex County Wetlands Exemption dated received May 12, 2025
(Pages 15-16)
4. Virginia Department of Health: DSS approval dated received December 17, 2024
(Pages 17-20)
5. Virginia Department of Health: OEHS approval dated received December 4, 2024
(Pages 21-23)
6. Letter from the Town of Urbanna dated received May 14, 2025
(Pages 24-32)
7. Letter from Murphy Law Offices dated July 1, 2025
(Pages 33-48)
8. Letter of correction from Murphy Law Offices dated July 2, 2025
(Pages 49-50)

July 22, 2025

HABITAT MANAGEMENT DIVISION EVALUATION

URBANNA BOATYARD AND MARINA, VMRC #24-1864, requests authorization to retain an 8-foot by 10-foot open-sided fuel dock roof and a 143 square foot enclosed icehouse/equipment storage shed, and to install 12 (twelve) new boat lifts in existing slips at Urbanna Boatyard and Marina adjacent to 15 Watling Street situated along Urbanna Creek in Middlesex County.

Narrative

The Urbanna Boat Yard and Marina is a commercial marina that offers long-term slip rentals, moorings, and boat repair, located in the Town of Urbanna on Urbanna Creek. The area is a mix of commercial and residential properties with multiple marinas along the same shoreline, including the Urbanna Town Marina and Oyster Road Docks, LLC. The Urbanna Boatyard and Marina sits between the Urbanna Harbor Yacht Club to the south and the Oyster Road Docks, LLC facility to the north.

In response to an anonymous complaint regarding the use of an enclosed structure as a vacation rental, staff performed a site visit accompanied by Mr. Andy Anderson, the owner of Urbanna Boat Yard and Marina, on July 2, 2024. A 10-foot by 8-foot open-sided roof covering a fuel dock and an 11-foot by 13-foot enclosed structure were confirmed to have been constructed without VMRC authorization.

Following the site visit on July 2, 2024, a Notice to Comply, NTC #24-04, was issued to Mr. Anderson on August 14, 2024, directing the removal of the unauthorized fuel dock roof and enclosed structure. All structures were required to be removed within 30 days to bring the facility into compliance.

Mr. Anderson retained the services of Mr. Andy Bury, an attorney with Bury & Co., Attorneys-at-Law, to request an extension of the 30-day timeline for removal, resulting in the granting of an additional 45 days to bring the facility into compliance.

An additional on-site meeting with Mr. and Mrs. Anderson was held on April 16, 2025, to discuss the retention of the fuel dock cover and storage shed. In the discussion, Mr. Anderson expressed the need for the fuel dock cover to protect the fuel pump from heat and sun damage. Additionally, he expressed his intention to use the shed as storage for an ice machine and equipment for the use of watermen offloading their catch at the marina and properly icing their product.

Following the April 16th meeting, staff received a series of revisions to the application submitted on August 6, 2024, requesting the retention of the fuel dock roof and storage shed, and to install a series of 12 boatlifts within existing slips.

Issues

VMRC staff conducted a standard public interest review for this proposal, notifying the adjacent property owners and placing an advertisement in the Southside Sentinel on April 24, 2025. On May 14, 2025, the Urbanna Town Administrator, Mr. Ted Costin, emailed VMRC advising that the proposed shed was not permitted by the Town of Urbanna which maintains zoning and other functions separate from the County of Middlesex. In their September 13, 2023, correspondence from the former zoning administrator Roy Kime, Mr. Costin advised that the applicant was on notice of the violation from the Town.

The applicant's new counsel, Mr. Stan Murphy, contacted staff soon after learning that the project had been removed from the Commission's tentative May 2025 agenda in direct response to Mr. Costin's email to VMRC. Mr. Murphy advised staff on July 1, 2025, that "despite repeated recent requests, the Town of Urbanna has refused to communicate meaningfully" with his client concerning this project. Mr. Murphy advised further that the September 13, 2023, correspondence from the Town actually confirmed that the shed project complied with Town requirements, that the Town's legal counsel could not identify any violation of their existing ordinance, and that Mr. Costin to date has not issued any notice of violation.

The Middlesex County Wetlands Board did not require a permit for the project since there are no direct impacts to jurisdictional intertidal wetlands. Mr. Anderson advised on site that the County inspected the enclosed shed on three separate occasions, finding no issues or violations.

The Virginia Department of Health, Office of Environmental Health Services, submitted comments on the project on December 4, 2024, and determined the project acceptable as proposed. The Virginia Department of Health, Division of Shellfish Safety submitted comments on the project on December 17, 2024, and determined the project acceptable as proposed.

Summary/Recommendation

After initially corresponding and speaking with Mr. Costin in May, staff agreed to postpone the Commission's consideration of the applicant's proposal until the two parties could meet to discuss the local approvals needed. Staff is unclear, however, why the Town has not agreed since that time to return Mr. Murphy's phone calls or requests for a meeting.

At this point, given Mr. Anderson's desire to move forward with his proposed uncovered lifts and retention of the roofed structures, staff is of the opinion that the matter is ripe for the Commission's consideration. The Office of the Attorney General has confirmed that any remaining zoning requirements from the Town of Urbanna would not be affected by any Commission decision reached.

Staff asked Mr. Anderson during the April 2025 site visit why he proceeded with the roofed structures without submitting the required application. We note that Mr. Anderson received three (3) VMRC permits since 2017 (VMRC #2017-0445, 2018-0486, & 2018-1641). VMRC permit #2017-0445 was issued on September 14, 2017, for the initial replacement of the piers and slips associated with the marina following a fire. VMRC #2018-0486 was issued for a bulkhead

Summary/Recommendation (cont'd)

replacement on July 9, 2018. VMRC #2018-1641 was issued for the replacement of pilings and the reinforcement of the bulkhead in an existing boathouse on October 15, 2024. Mr. Anderson advised staff that he was informed by local officials that he did not need any additional authorization for the proposed roofs and storage shed. For this reason, he did not file a joint permit application for the structures.

After reviewing the current application, staff does not believe the proposed additions to the facility will result in any adverse impacts to navigation within the creek or on the overall marine environment, nor do we feel it will result in any negative impacts to the adjacent commercial operations. The applicant's request to retain the storage shed within the existing enclosed eight-slip boathouse, to provide ice for the catch and offloading of shellfish to commercial watermen, is supported by staff.

Accordingly, after evaluating the merits of the project and after considering all the factors contained in §28.2-1205(A) of the Code of Virginia, staff finds the proposal to be a reasonable and permissible use of state-owned submerged bottom and recommends approval for the retention of a fuel dock cover and enclosed storage shed and to install 12 (twelve) new boat lifts in existing boat slips at Urbanna Boatyard and Marina with a triple permit fee of \$900.00. The Commission may want to consider any appropriate civil charge for the constructed roofed structures should it elect to approve them.

VEBROWNT BONT YARD & MAREKANT

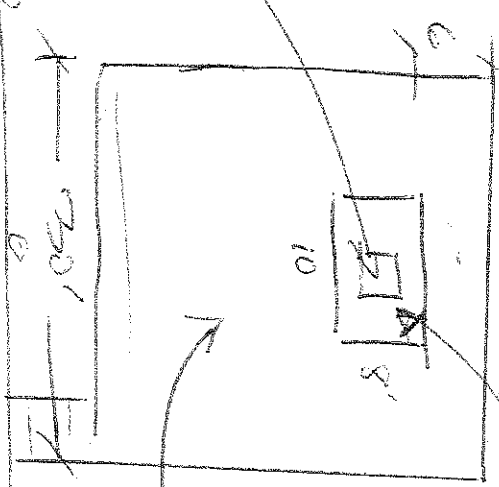
804-758-0200

N.T.S.

ITEM IN QUESTION:
ADDED 8x10 FLAT
ROOF GAS PUMP
ROOF

ALW
MHW
ON Bulkhead

EXISTING
FUEL
PUMP



EXISTING DECK

EXISTING
BACKLASH

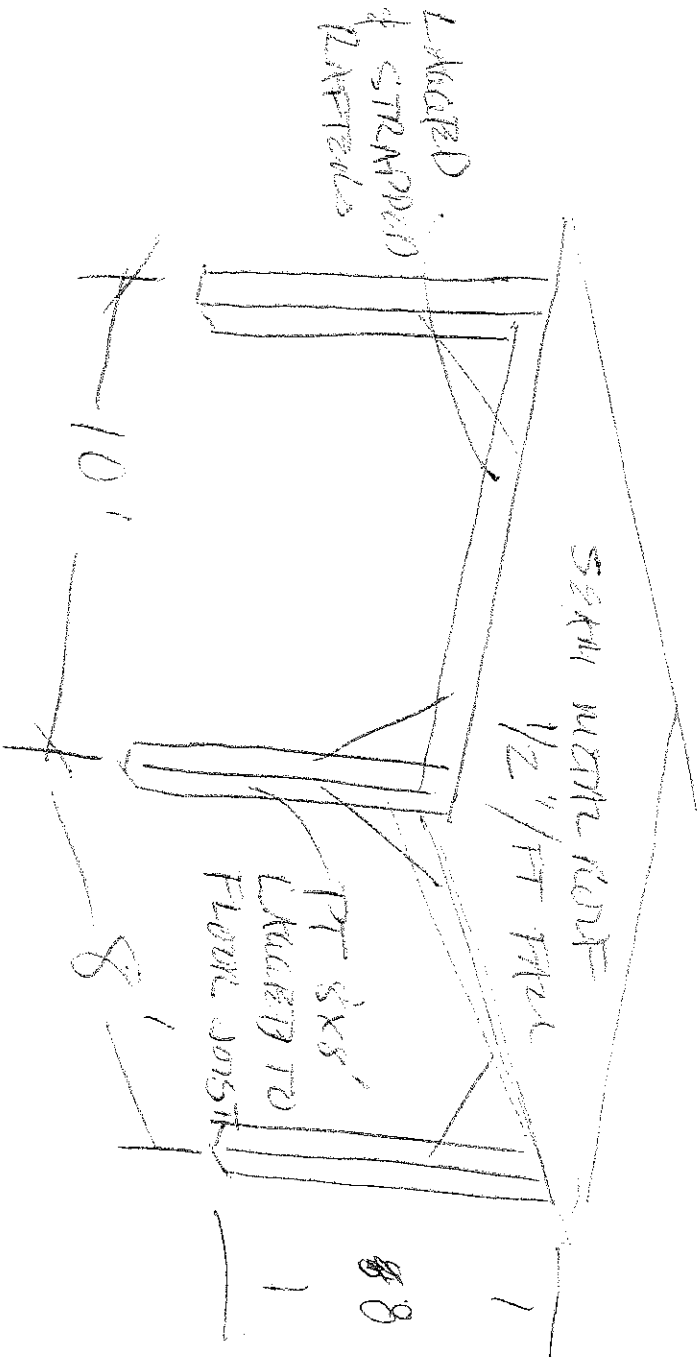
EXISTING OFFICE
IS WAITING ST
VEBROWNT VA
23175

EXISTING
PARKING

1 OF 2

UNBUILT BOTT NECK of IMPROVEMENT
GTS ROCK SHED

2072

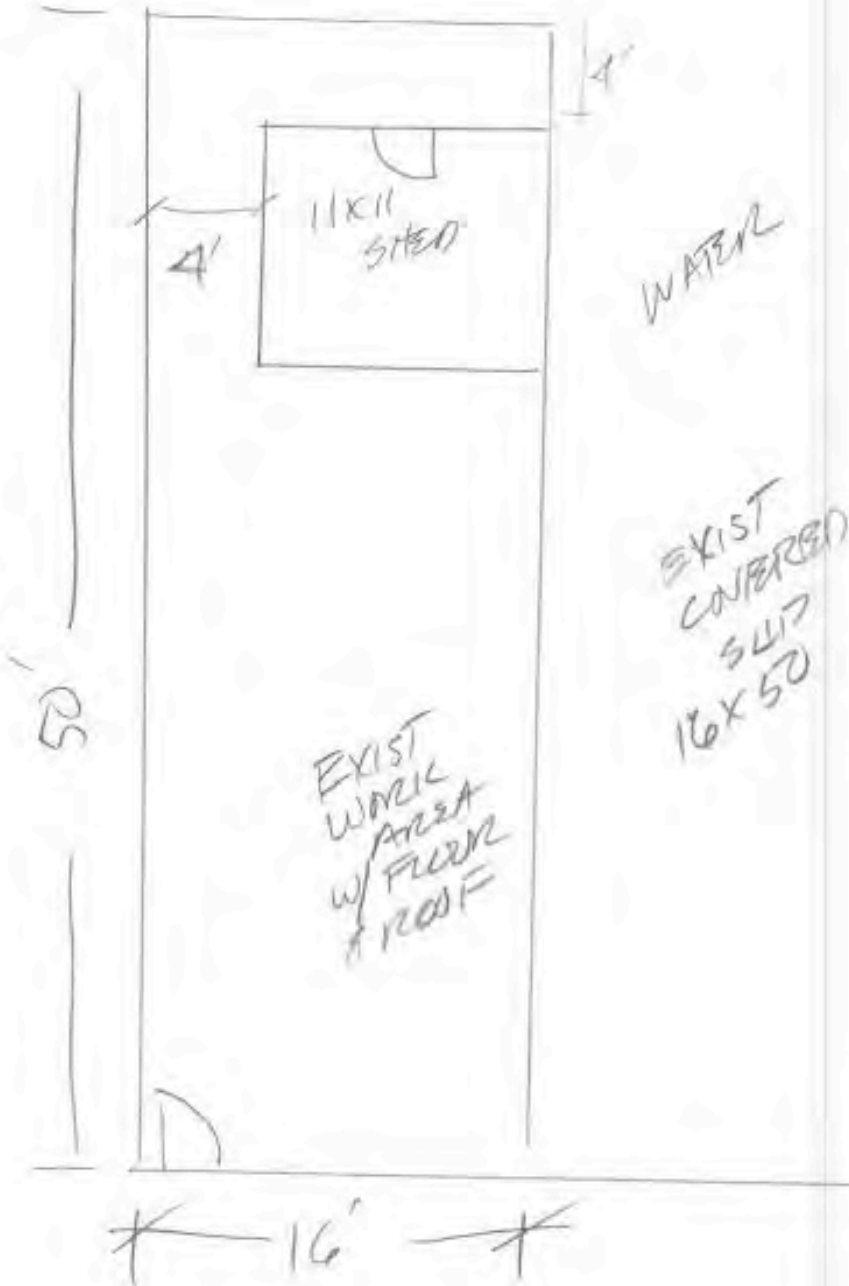


NTS.

4/20/25
N.T.S.

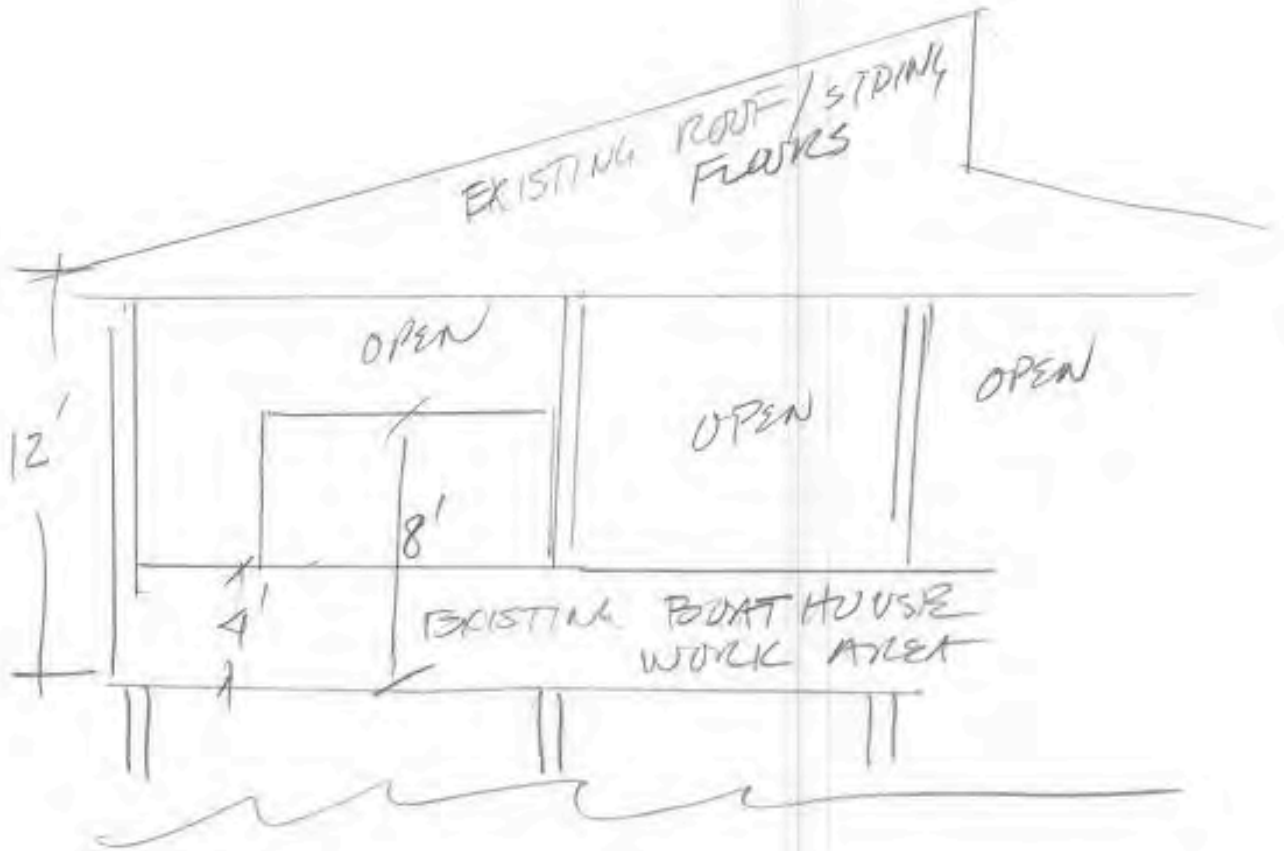
CRACK

BOAT LIFT SLIP AREA



PLAN VIEW / ENLARGED
URBANNA BOAT YARD & MARINA

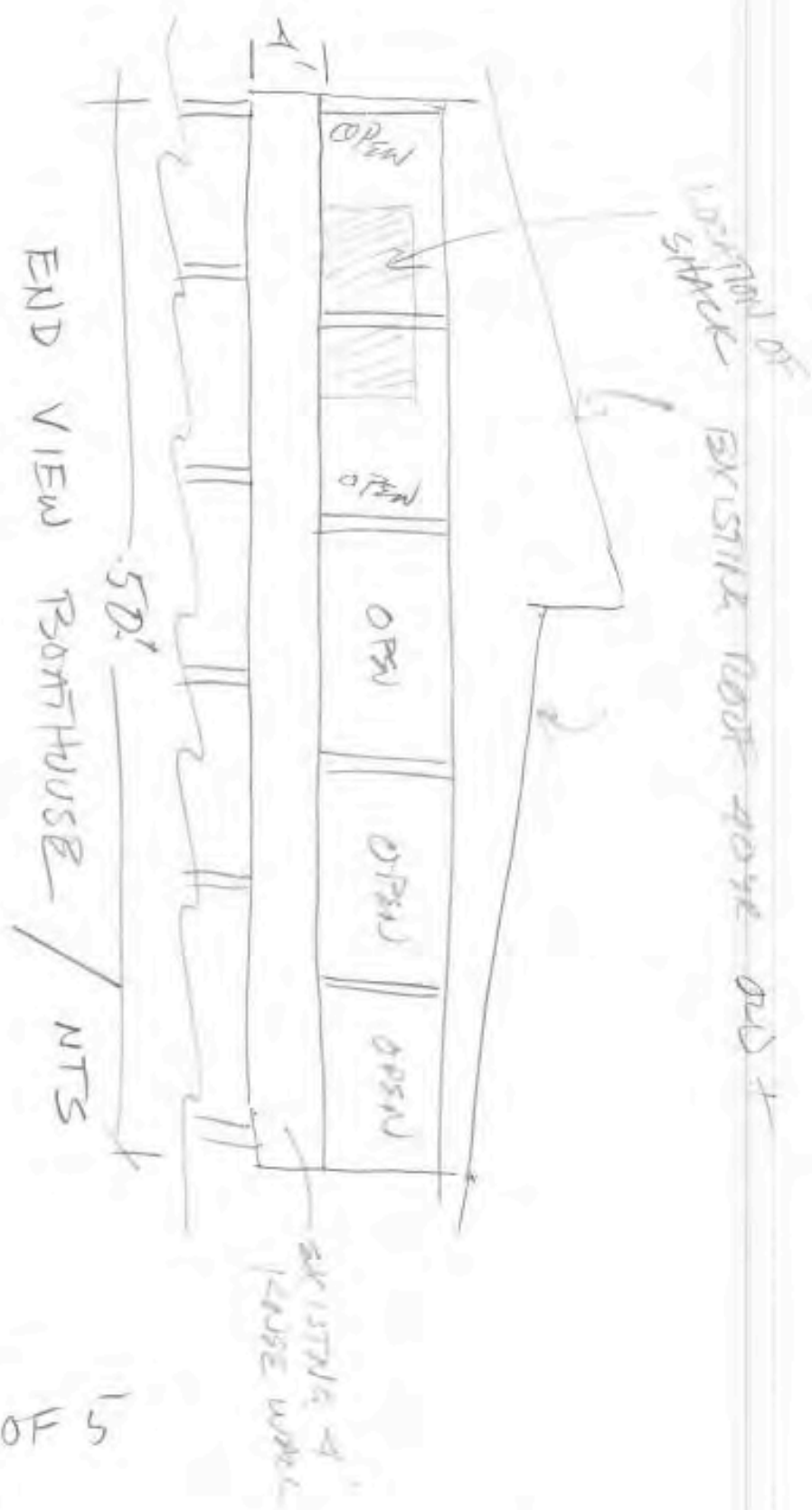
1 OF 5

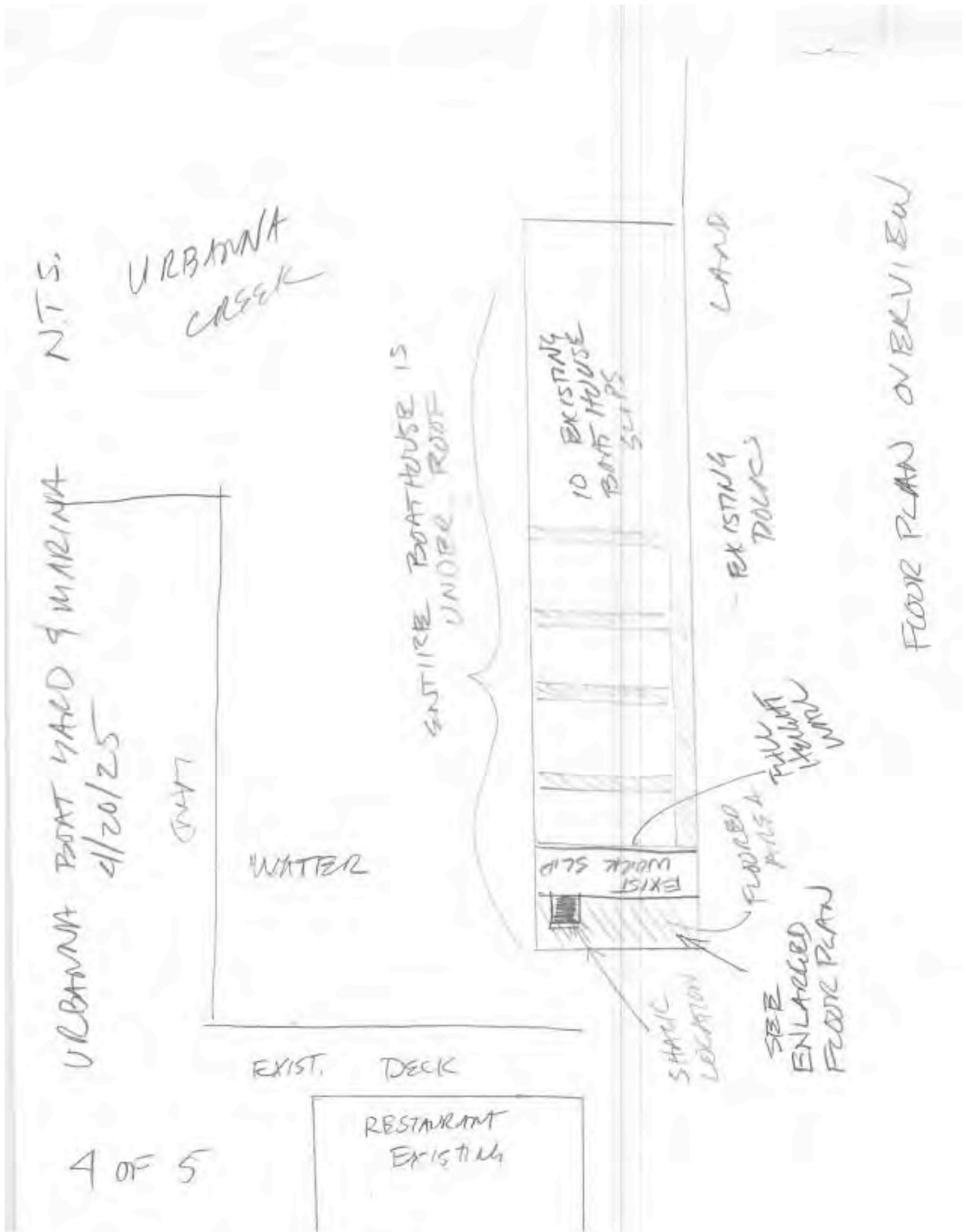


URBANNA BOAT YARD & MARINA
BOAT HOUSE / SHARIC

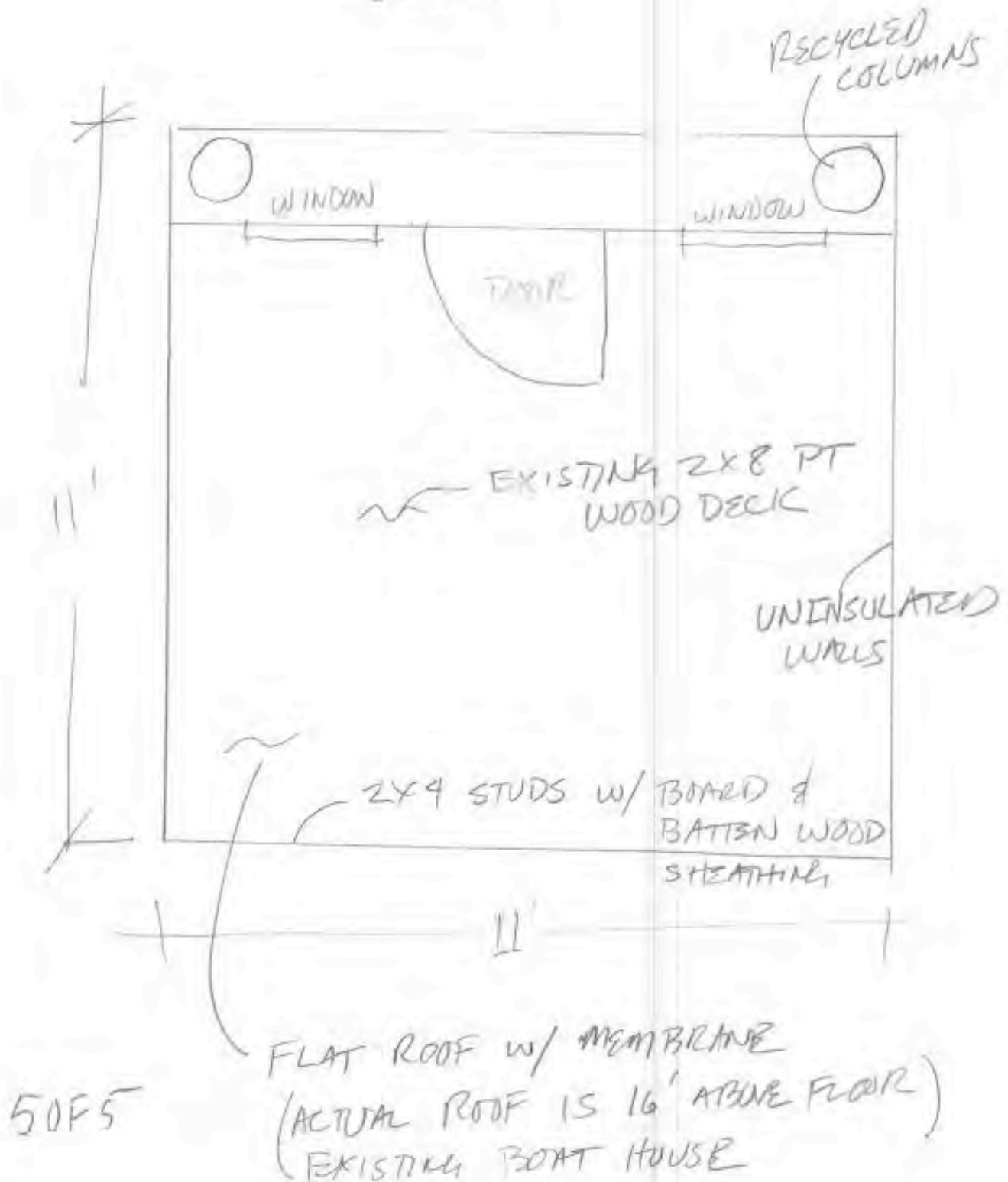
2 OF 5 END VIEW

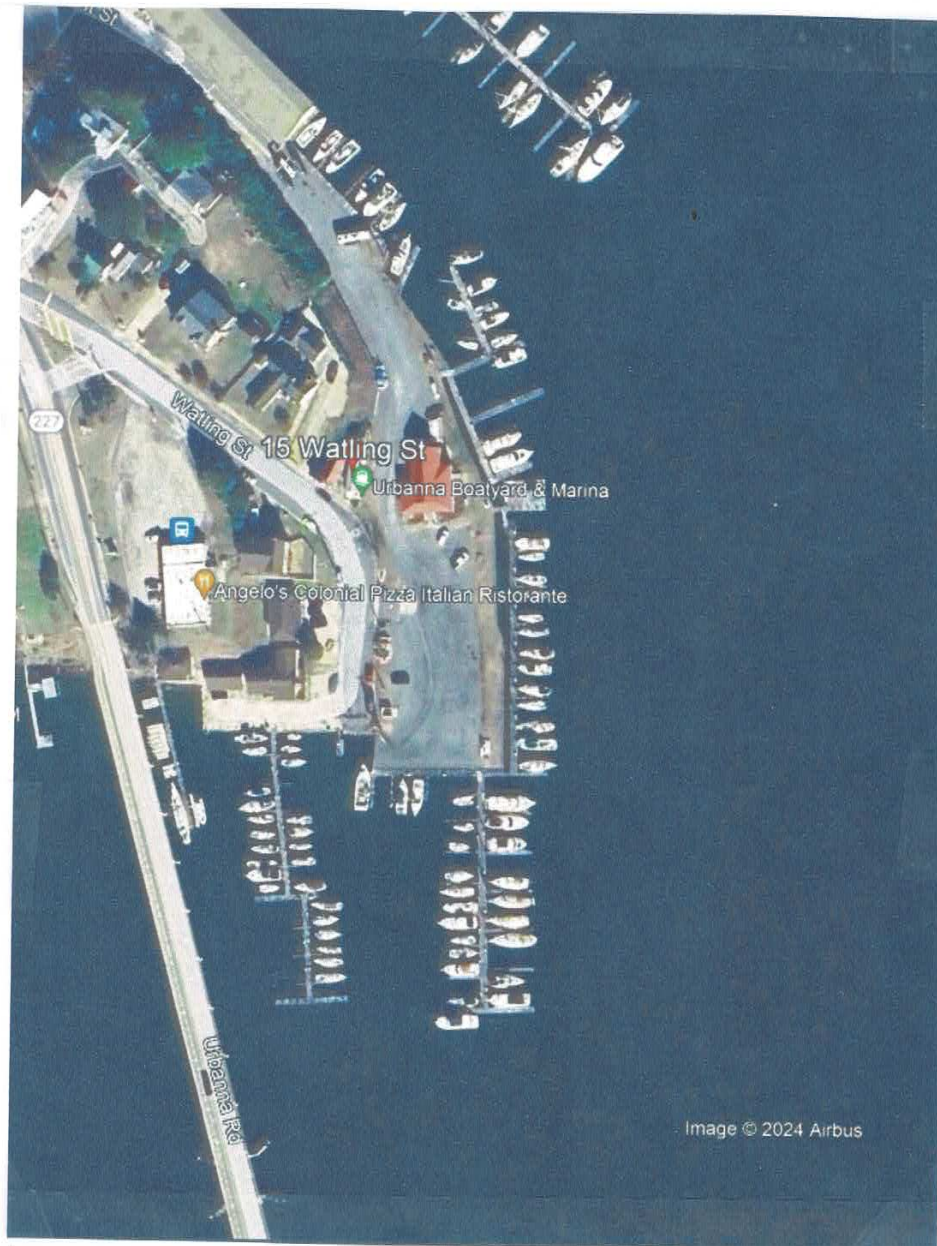
4/20/25 NTS





4/20/25 N.T.S.
SHACK FLOOR PLAN
URBB34



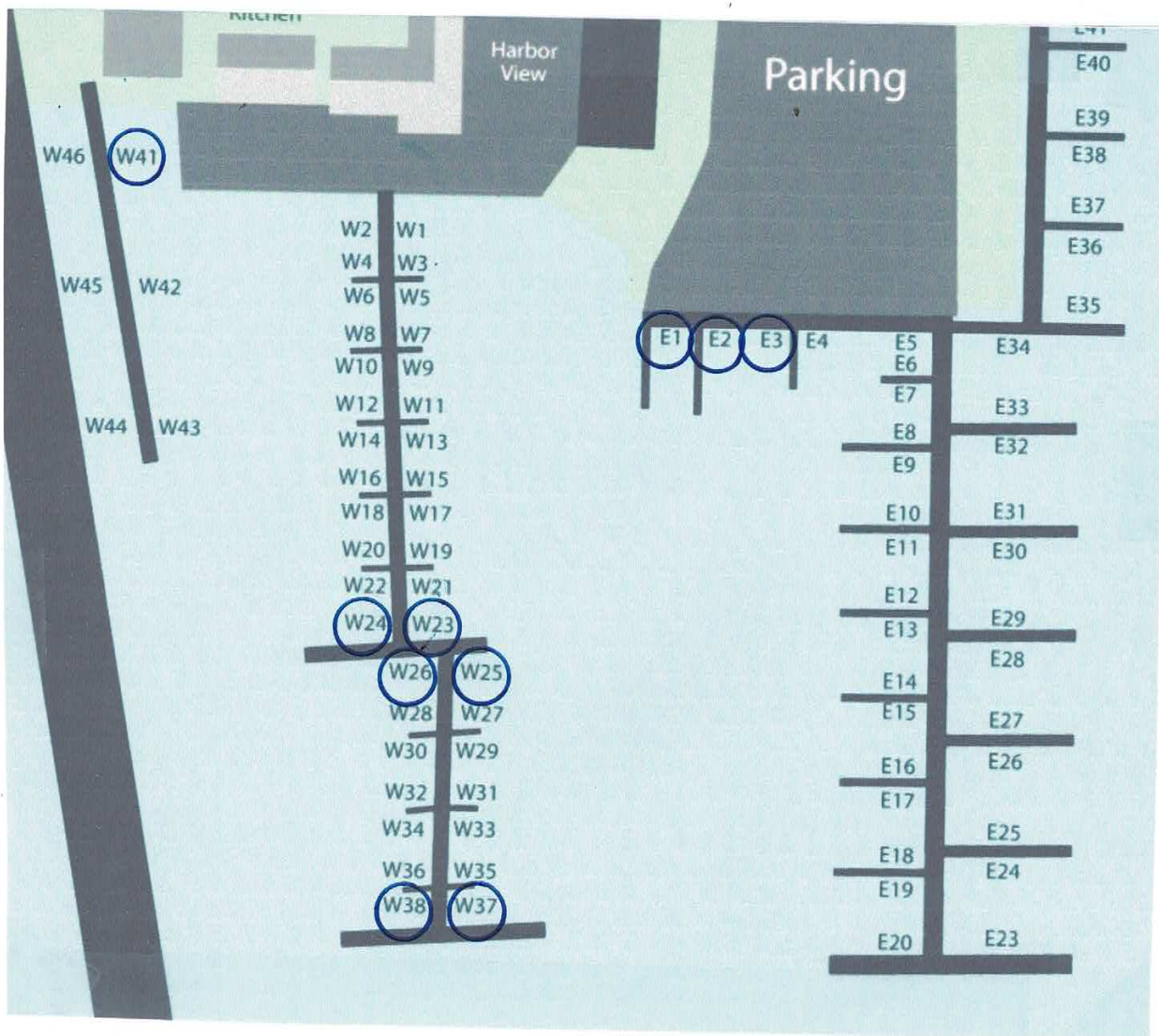


AERIAL VIEW:

ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA. 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 3

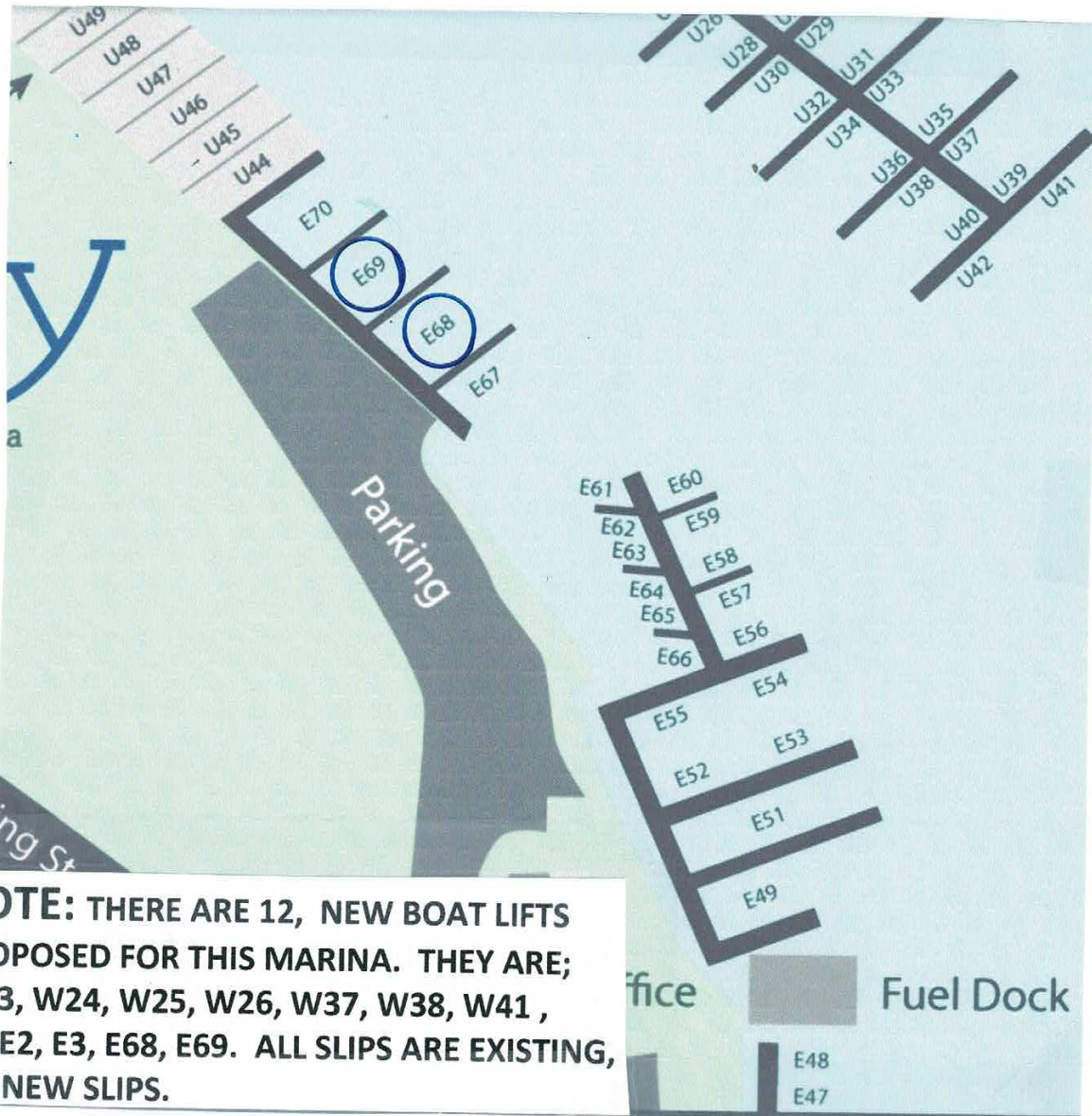


PLAN VIEW, SLIP LOCATION OF BOATLIFTS:

ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 4



NOTE: THERE ARE 12, NEW BOAT LIFTS PROPOSED FOR THIS MARINA. THEY ARE; W23, W24, W25, W26, W37, W38, W41, E1, E2, E3, E68, E69. ALL SLIPS ARE EXISTING, NO NEW SLIPS.

PLAN VIEW, SLIP LOCATION OF BOATLIFTS:

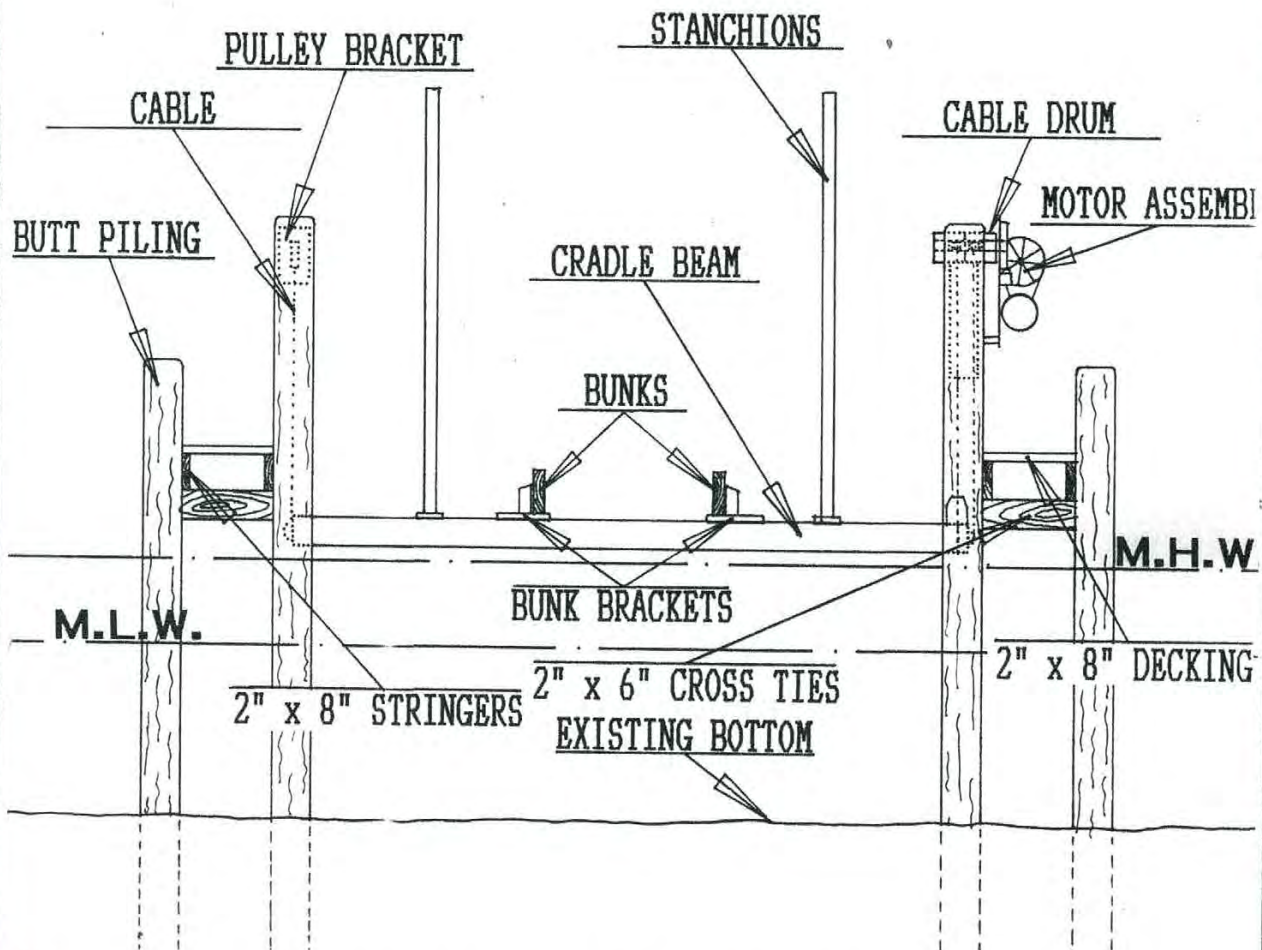
ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA. 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 5

CCA TREATMENT OF PILINGS: 2.5 pcf. CCA TREATMENT OF FRAMING: 1.5 pcf.

CCA TREATMENT OF DECKING: 0.4 pcf.



SECTION VIEW, PROPOSED BOATLIFTS:

ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 6

From: [Travis, Kirsten \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: VMRC 2024-1864 Urbanna Boatyard and Marina
Date: Monday, May 12, 2025 12:28:06 PM
Attachments: [Wetlands No Permit Needed Letter 2024-1864 Urbanna Boatyard and Marina.pdf](#)

Good afternoon,

Could you please add this LWB comment to JPA# 24-1864?

Thanks,
Kirsten Travis
Environmental Engineer, Habitat Management
Virginia Marine Resource Commission
(757) 247-8027 (Office)

From: Marc Longest <m.longest@co.middlesex.va.us>
Sent: Friday, August 16, 2024 12:25 PM
To: 691millpoint6541@gmail.com
Cc: dockmaster@URBBYmarina.com; MRC - jpa Permits <jpa.permits@mrc.virginia.gov>; Travis, Kirsten (MRC) <Kirsten.Travis@mrc.virginia.gov>
Subject: VMRC 2024-1864 Urbanna Boatyard and Marina

Roger,

Please see attached. Thank you.

Marc K. Longest
Environmental and Codes Compliance Officer



Middlesex County, VA
Phone: (804) 758-3382
Fax: (804) 758-0061
m.longest@co.middlesex.va.us
www.co.middlesex.va.us

David W. Kretz, L.S.
Director

PO Box 428
Saluda VA 23149



County of Middlesex
Office of Planning and Zoning

August 16, 2024

Urbanna Boatyard and Marina
15 Watling Street
Urbanna, VA 23175

RE: **JOINT PERMIT APPLICATION # 2024-1864**

Dear Urbanna Boatyard and Marina:

Please be advised that the Middlesex County Wetlands Office has reviewed your proposed project to **install 12 electric boatlifts in 12 existing boatslips**. The project is located within Urbanna Creek at Tax Map #20A-1-86, 87, 88, 89, & 91. The Wetlands Office has made the determination that this project will not conflict with the Middlesex County Wetlands Ordinance. A Middlesex County Wetlands Permit will not be required for this project.

Please note that if any modifications are proposed within the 100' RPA, a Resource Protection Area Modification Permit is required before work is to commence. Please note that the Middlesex County Department of Planning and Community Development must issue a Zoning and Building Permit for your project before any construction is permitted to begin. Please contact our staff at (804) 758-4305 for information on how to apply for a Zoning and Building Permit. Effective January 1, 2007, in order to receive the Building and Zoning permit, the contractor **MUST** be listed on the application. It is recommended that homeowners have the contractor apply for the Building Permit.

In addition, you may need approvals from the U. S. Department of the Army, Corps of Engineers, Norfolk, Virginia at (757) 441-7652 and the Virginia Marine Resource Commission, Newport News, Virginia at (757) 247-2254, Middlesex County Department of Planning and Community Development (804) 758-3382 (Resource Protection Area). **If approvals from these agencies are required, copies of those approvals must be on hand before Middlesex County Department of Planning and Community Development can issue a Zoning and Building Permit for the project.**

If you have any questions or comments, feel free to contact our staff at (804) 758-3382.

Sincerely,

Marc K. Longest
Environmental & Codes Compliance Officer

cc: Roger McKinley, Sr.
VMRC
File, W# 2024-1864

From: [Travis, Kirsten \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina
Date: Monday, December 16, 2024 11:59:40 AM
Attachments: [Outlook-ngtp25i5.png](#)
[Outlook-xptcqqqs.png](#)
[DSS_20241216_20241864_CommentsMemo.pdf](#)

Good morning,

Could you please add these VDH comments to JPA# 20241864?

Thank you!

Kirsten Travis

Environmental Engineer, Habitat Management

Virginia Marine Resource Commission

(757) 247-8027 (Office)

From: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Sent: Monday, December 16, 2024 11:30 AM
To: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>
Subject: Re: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Good Morning,

This project will not cause any change in shellfish classification areas. Please accept the attached memo as VDH/DSS's response.

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

[X] THE PROPOSED PROJECT IS ACCEPTABLE.

[] CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS UNDESIRABLE. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS UNACCEPTABLE. (THIS IS CONSIDERED AN AGENCY OBJECTION REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? NO

Very Respectfully

Adam Wood

Growing Area Manager

Virginia Department of Health

Division of Shellfish Safety

Cell: (804) 839-2809

Office: (804) 577-4007

www.vdh.virginia.gov/shellfish



From: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>

Sent: Tuesday, November 26, 2024 12:28 PM

To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>

Subject: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than December 17, 2024. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20241864](#)

Applicant: Urbanna Boatyard and Marina

Locality: Middlesex

Project Description: 12 Lifts

Date Received: August 5, 2024

Engineer: Kirsten Travis

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☐ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

☐ THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

COMMENTS: _____

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-8027 or kirsten.travis@mrc.virginia.gov

Kirsten Travis

Environmental Engineer

Virginia Marine Resources Commission

Phone: (757) 247-8027

Email: kirsten.travis@mrc.virginia.gov



COMMONWEALTH of VIRGINIA

Department of Health

P. O. BOX 2448
RICHMOND, VA 23218-2448

TTY 7-1-1 OR
1-800-828-1120

MEMORANDUM

DATE: 12/16/2024
TO: Kirsten Travis
Virginia Marine Resources Commission
FROM: Adam Wood, Growing Area Manager
Division of Shellfish Safety Waterborne Hazards Control
SUBJECT: URBANNA BOATYARD AND MARINA

City / County: Middlesex

Waterbody: Urbanna Creek

Type: ☐ VPDES ☐ VMRC ☐ VPA ☐ VWP ☒ JPA ☐ Other:

Application / Permit Number: 20241864

- ☒ The project will not affect shellfish growing waters.
- ☐ The project is located in or adjacent to approved shellfish growing waters, however, the activity as described will not require a change in classification.
- ☐ The project is located in or adjacent to condemned shellfish growing waters and the activity, as described, will not cause an increase in the size or type of the existing closure.
- ☐ The project will affect condemned shellfish waters and will not cause an increase in the size of the total condemnation. However, a prohibited area (an area from which shellfish relay to approved waters for self-purification is not allowed) will be required within a portion of the currently condemned area. See comments.
- ☐ A buffer zone (including a prohibited area) has been previously established in the vicinity of this discharge, however, the closure will have to be revised. Map attached.
- ☐ This project will affect approved shellfish waters. If this discharge is approved, a buffer zone (including a prohibited area) will be established in the vicinity of the discharge. Map attached.
- ☐ Other.

**ADDITIONAL
COMMENTS:**

Area #: 029

ACW

Recieved by VMRC Dec 17, 2024 map



From: [Travis, Kirsten \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: VDH Marina program approval; RE: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina
Date: Wednesday, December 4, 2024 8:57:16 AM

Good morning,

Could you please add these comments to JPA#20241864?

Thank you!

Kirsten Travis

Environmental Engineer, Habitat Management

Virginia Marine Resource Commission

(757) 247-8027 (Office)

From: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>
Sent: Wednesday, December 4, 2024 5:10 AM
To: Travis, Kirsten (MRC) <Kirsten.Travis@mrc.virginia.gov>
Cc: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Subject: VDH Marina program approval; RE: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Please see below for the marina program approval, thanks!

Margaret Smigo

Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services

Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352

HAB Hotline: (888) 238-6154

www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health

109 Governor Street

Richmond, VA 23219



**Office of Environmental
Health Services**
Division of Shellfish Safety
and Waterborne Hazards

From: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>
Sent: Tuesday, November 26, 2024 12:28 PM
To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than December 17, 2024. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20241864](#)

Applicant: Urbanna Boatyard and Marina
Locality: Middlesex
Project Description: 12 Lifts
Date Received: August 5, 2024
Engineer: Kirsten Travis

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☒ THE PROPOSED PROJECT IS **ACCEPTABLE.**

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE

PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / **NO**

DATE OF INVESTIGATION: **12/3/24**

NAME OF INVESTIGATOR: **Margaret Smigo**

COMMENTS: **project described is on existing slips**

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-8027 or kirsten.travis@mrc.virginia.gov

Kirsten Travis
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-8027
Email: kirsten.travis@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.

Please treat this email and attachments as Town of Urbanna comments. Thanks.

24



TOWN OF URBANNA

390 VIRGINIA STREET, SUITE B
PO BOX 179, URBANNA, VA 23175
PHONE: 804-758-2613, FAX: 804-758-0389

September 13, 2023

Andy Anderson, Owner
URBBY
P.O. Box 973
Urbanna VA, 23175

RE: Storage Shed

The Town office has received several complaints that you are planning on building a shed or sheds to provide sleeping quarters to visitors for a fee. At this time, you have not applied for or been granted zoning or building permit for that purpose.

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

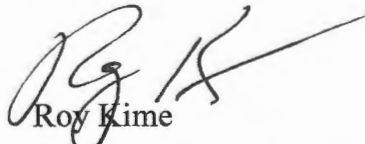
The neighboring residents will be watching to see what use you intend to put this structure. Keep that in mind. You already are making questionable use of three apartments as short term rentals. Do not let the use of this storage shed make that situation worse.

You have ignored my last letter about the short-term rental issue and ignored my suggestion of applying for a special use permit to operate a motel/hotel for those rental units. I provide you with what I believed to be an acceptable alternative well over a year ago and you chose to ignore my advice.

On another note, you will be pleased to hear that the trolley, the Pearl has stopped operating for the year as of September 3. We will notify them that you do not wish to have their driver turn around in your parking lot in following years . We will instruct the operator to complete his turns at the top of the hill on Watling Street.. Let us know if you want that decision to be reconsidered.

If you have any question about this letter please feel free to contact me.

Sincerely,



Roy Kime
Zoning Administrator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Andy Anderson, Owner
URBBY
P.O. Box 973
Urbanna, VA 23175



9590 9402 7673 2122 8581 84

2. Article Number (Transfer from service label)

7022 0410 0000 4401 7068

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Agent
☐ Addressee

☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent to

Street and Apt. No., or P.O. Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

From: G. David Selph <david@co.middlesex.va.us>
Subject: Fwd: Andy Anderson
Date: Oct 30, 2023 at 4:49:41 PM
To: b.goldsmith@urbannava.gov

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Woodward, Jay (MRC) <jay.woodward@mrc.virginia.gov>
Sent: Friday, October 27, 2023 9:35:01 AM
To: G. David Selph <david@CO.Middlesex.VA.US>
Subject: RE: Andy Anderson

David,
If the platform is over the water, it would need a permit from VMRC even tho it is under the boathouse roof. We would likely NOT support it, best that he remove it from being over State-owned bottom.
Jay

Jay Woodward
Environmental Engineer, Sr.
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
Office (757) 247-8032
Mobile (757) 504-7009
Jay.woodward@mrc.virginia.gov
Website www.mrc.virginia.gov

WATER IS LIFE

From: G. David Selph <david@CO.Middlesex.VA.US>
Sent: Thursday, October 26, 2023 3:54 PM
To: Woodward, Jay (MRC) <jay.woodward@mrc.virginia.gov>
Subject: FW: Andy Anderson

Jay,

From: **G. David Selph** david@co.middlesex.va.us
Subject: **storage space of Andy Anderson**
Date: **Oct 30, 2023 at 4:26:58 PM**
To: **b.goldsmith@urbannava.gov**

As requested an inspection of the storage space of Mr. Anderson's at URBBY marina was conducted. The space has a platform suspended from the ceiling that appears to be a sleeping platform, and minor electrical installed. I am ok with the electrical work. VMRC was notified, they require the platform to be removed.

Storage spaces are allowed to be below design flood elevation (Town Code 17-4.11.11.C.1), however flood vents are required (Town Code 17-4.11.11.C.3).

David Selph

expressions about this range of questions concerning the National Flood Program in general: please call 1-877-FEMA MAP (1-877-356-2627) or hit website at <http://www.fema.gov/disaster/fnp>

Federal Emergency Management

WATER IS LIFE

From: Bill Goldsmith <b.goldsmith@urbannava.gov>

Sent: Tuesday, November 14, 2023 3:49 PM

To: vagentib@gmail.com; Anderson Andy <dockmaster@urbbymarina.com>

Cc: Andrea Erard <erardlaw@gmail.com>; Woodward, Jay (MRC) <jay.woodward@mrc.virginia.gov>; G. David Selph <david@co.middlesex.va.us>; m.rodenburg@urbannava.gov; Roy Kime <r.kime@urbannava.gov>

Subject:

November 14, 2023

Mr. Anderson,

You have constructed what was agreed to be a storage shed under the roof of your covered slips. David Selph had inspected the construction and found it was compliant with code regarding electricity, but informed me that it was in a location that fell under our flood zone ordinance. As acting town administrator, flood zone compliance falls under my enforcement. The pictures that Mr. Selph produced showed no flood vents and a bed that appeared to be in position for use.

I was preparing a notification that would have reinforced that the area involved could not be inhabited and needed proper flood venting. It turns out that the space was also in violation of VMRC permitting and that presents a more important issue for the structure. Based on feedback from Jay Woodward at VMRC, the structure should be removed as it is not properly permitted by VMRC.

I will be sending you a packet containing this email, correspondence with David Selph and Jay Woodward and the flood ordinance.

Sincerely

Bill Goldsmith,

Urbanna Mayor

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Andy Anderson Urbanna Boat Yard & Marina P.O. Box 973 Urbanna, VA 23175		A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Anderson</i> C. Date of Delivery <i>11/27/23</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Transfer from service label) 7022 0410 0000 4401 7051		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery	
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Andy Anderson / Urbanna Boat Yard
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphylawplc.com

July 1, 2025

Via MRC Portal with email copy to:
Randy.Owen@mrc.virginia.gov

Mr. Randal D. Owen
Chief, Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road,
Building 96
Fort Monroe, VA 23651

Re: Urbanna Boat Yard & Marina
VMRC Application 20241864

Dear Mr. Owen:

As you know, I represent Urbanna Boatyard & Marina, LLC, which is attempting to permit several projects at its marina in Urbanna, Virginia under the above application. One of the projects covered by this application is a 144 square foot storage building placed under an existing and previously permitted covered dock.

I understand that on May 14, 2025, Urbanna's Town Manager Ted Costin, emailed your office a September 13, 2023 letter from his predecessor, Roy Kime. Mr. Costin incorrectly advised you that the letter was a "Notice of Violation" of some unspecified town requirement. In fact, however, the letter confirmed that the shed project complied with town requirements.

I am writing to advise you and the Commission that the boatyard's project does not violate any Urbanna ordinance and that despite repeated recent requests, the Town of Urbanna has refused to communicate meaningfully with my client concerning this project.

On June 4, 2025, I summarized the situation in the a letter to Mr. Costin and specifically asked the Town to inspect this project in order to determine whether there were any violations of a town ordinance. A copy of my letter is attached as EXHIBIT A.

July 1, 2025

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My letter invited him to visit the project after coordinating a visit with Mr. Anderson.

Nearly a month has gone by since my letter to Mr. Costin, and in that time, he has failed to respond to my letter and has refused to take calls from me. Instead, on June 12 at approximately 8:00 p.m., long after the marina's closing time, the Urbanna town attorney, Andrea Erard, arrived on the property unannounced. She initially refused to identify herself in response to requests from Mr. Anderson, one of the marina's owners. When he caught up with her, Ms. Erard had entered the covered boathouse and was inspecting the site of the storage shed.

After finally identifying herself, Ms. Erard, stated that she had been sent by the Town to conduct an inspection, but that she was not clear what she was looking for.

Mr. Anderson pointed out that the work was in compliance with express permission the Town had provided in 2022 and 2023, as fully described in Mr. Kime's letter. See, **EXHIBIT B**. This attorney could not identify any violations of Town ordinances in her conversation with Mr. Anderson, and she refused to discuss the express permission for this structure that Mr. Kime had provided more than a year before his September 13, 2023 letter.

It has now been almost three weeks since this attorney's visit and there have been no further communications from Urbanna regarding this project. If there is any violation, the Town's legal counsel could not identify it, and its zoning enforcement official, Mr. Costin, has not issued any notice of violation. Neither he nor the Town Attorney will return my calls regarding this project.

On behalf of Urbanna Boatyard & Marina, LLC, I ask the Commission to consider the following facts pertaining to the Town of Urbanna's correspondence with VMRC:

- Mr. Kime's September 13, 2023 letter specifically states that the boatyard can construct an accessory storage building provided it is ten feet from any property line and does not exceed 256 square feet.¹ His letter stated:

¹ The Kime letter refers to "the Middlesex building inspector." The Commission should understand that Urbanna is a town within Middlesex County that provides some but not all government services. The Town administers its own zoning ordinance, but building permits and inspections are provided by Middlesex County. See: <https://urbannava.gov/pages/planning->

July 1, 2025

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The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

- As acknowledged in this letter, Mr. Kime had told Mr. Anderson a year earlier that no permit would be required for such a storage shed.
- The project my client is attempting to permit is a 12 foot by 12 foot (144 square foot) storage shed that is over forty feet from the nearest property line. The project fully complies with Mr. Kime's 2022 authorization as the Town's zoning enforcement officer.
- As discussed in the above excerpt from Mr. Kime's letter, my client already had abandoned all plans to use this space for sleeping quarters by the time he was visited by the Middlesex Building County official on September 12, 2025.
- Under the circumstances, I cannot understand how this letter can be regarded as a "Notice of Violation." To the extent the Town claims that the letter was such a notice, any "violation" already had been abated even before Mr. Kime wrote my client on September 13, 2023. I also observe that an actual notice of

[zoning.php#:~:text=The%20Town's%20Zoning%20Ordinance%2C%20Comprehensive,applications%20that%20may%20be%20required](#). Copy attached as EXHIBIT C.

The county did not require a building permit for construction of the shed, but Mr. Anderson kept the building official advised of the work, The official visited the site three times and indicated that the work met with his approval.

July 1, 2025

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violation would have provided my client with appeal rights. Because there is no actual violation noted, the marina legally has nothing to appeal.

With all of this in mind, two things are clear. First, this project fully complies with town ordinances. Second, that instead of being a “Notice of Violation,” Mr. Kime’s letter is in reality a specific authorization for the building that the boatyard built and now attempts to permit through VMRC.

It is quite clear to me that Urbanna Boat Yard & Marina is not in violation of any Town of Urbanna ordinance.

I cannot explain why the Town Manager has refused to discuss this project with us, nor can I explain why after a visit from Urbanna’s legal counsel, Urbanna has failed to identify any rational or objective basis for opposing this project, if, in fact, it does. To the extent Mr. Costin’s letter can be read as opposition, it is manifestly arbitrary and capricious. *See, e.g., Bd. of Supervisors v. Snell Constr. Corp.*, 214 Va. 655, 202 S.E.2d 889 (1974).²

Before closing, I want to address one final point.

Principal correspondence from the Town of Urbanna seems to focus on The Town’s mistaken belief that this shed was intended for habitation. Perhaps lost in the back and forth on the point is a November 14, 2023 email from Urbanna’s mayor saying that he was “preparing a notification” that the shed would need to have flood vents in order to comply with the Town’s flood zone ordinance.

My clients never received any formal notification, but they nonetheless added vents at the base of two walls of the building providing the minimum drainage opening of 144 square inches. Accordingly, the shed is in full compliance with Urbanna Town Code Section 17-4.11.11, a copy of which I attach as **EXHIBIT D**.³

² Zoning action of a government agency may not be “unreasonable, arbitrary or capricious.” It must bear a “reasonable or substantial relation to the public health, safety, morals, or general welfare.” 214 Va. 655, 658, 202 S.E.2d 889, 892-93 (1974). Here, there does not even appear to be action under a zoning ordinance, only an unexplained belief that a letter expressly permitting a project was somehow a “notice of violation.”

³ Subsection (C)(3)(b) of the ordinance requires a minimum of one square inch drainage for each square foot of floor area. Drain must be on a minimum of two walls under (C)(3)(a).

July 1, 2025

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I reiterate, however, that Urbanna has never issued a notice of violation relative to drains. The Boatyard simply complied and there is no violation notice of any sort that has ever been issued to my client.

Mr. Anderson will attend the Commission hearing on this application and provide testimony in the event the Commission has any questions.

For all of these reasons, we respectfully ask that the Commission disregard Mr. Costin's May 14, 2025 email and approve the application for this project.

I would be happy to answer any questions your office may have.

Very truly yours,



E. Stanley Murphy

cc: Mr. and Mrs. Anderson

Under Subsection (C)(3)(e), drains must be at least 3" high. There is only one enclosed area in the shed.

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphylawplc.com

June 4, 2025

Via email to: t.costin@urbannava.gov

Mr. Ted Costin
Zoning Administrator
Town of Urbanna
P.O. Box 179
Urbanna, Virginia 23175

Re: Urbanna Boat Yard & Marina
VMRC Application 20241864

Dear Mr. Costin:

I represent Urbanna Boat Yard & Marina in connection with the above application now pending before the Virginia Marine Resources Commission.

The Commission has made me aware of your May 14, 2025 email to VMRC stating that the proposed shed project is not permitted under the Town of Urbanna zoning ordinance. Although your letter does not say that it is an opposition to this application, VMRC has regarded this letter as opposing the enclosed storage space for which my client is seeking Commission approval.

Your email provided the Commission with a September 13, 2023 letter from your predecessor, Roy Kime, which is characterized as a "notice of violation."

Urbanna Boat Yard & Marina is anxious to comply with any requirements of the Town of Urbanna. Based upon my investigation, however, there is no violation of any town ordinance.

Please note the following:

- Mr. Kime's letter specifically states that my client can construct an accessory storage building provided it is ten feet from any property line and does not exceed 256 square feet without the need for a building permit.

June 4, 2025

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- Prior to sending this letter, Mr. Kime verbally told Mr. Anderson that no permit would be required for such a storage shed, as discussed in his September 13, 2023 letter, which I quote here:

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

- As discussed in the above excerpt from Mr. Kime's letter, my client already had abandoned all plans to use this space for sleeping quarters as he informed the Middlesex Building official on September 12, 2025. Under the circumstances, I cannot understand how this letter can be regarded as a "Notice of Violation." To the extent the Town claims that the letter was such a notice, any "violation" already had been abated even before Mr. Kime wrote my client on September 13, 2023.
- The permit now pending before VMRC is for a 144 square foot building to be used for storage only. It is the same use approved by the Town of Urbanna and described to the Middlesex building official at the time of his visit. The shed is approximately 40 feet from the nearest property line. It appears to me, therefore, that the building is in full compliance with town zoning requirements as stated in Mr. Kime's letter.
- I reiterate that the application pending before VMRC is for a storage building only. It will not be used for habitation of any type and my client has so stipulated in proceedings before the VMRC. Based upon Mr. Kime's verbal authorization for such a structure, and his May 13, 2023 letter, Urbanna Boat Yard & Marina is not in violation of any Town of Urbanna ordinance.

June 4, 2025

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On behalf of Urbanna Boat Yard & Marina, I respectfully request that you inspect the shed in question and, after confirming the space will be used for storage only, that you advise VMRC staff that this storage building does not violate any Urbanna town ordinance. My client will be happy to accommodate such an inspection at a mutually convenient time. Please contact Mr. Anderson for an appointment at 804.758.0000.

My understanding of this situation is that you and the Town may have been misinformed about the proposed use of the building in question. We would very much appreciate prompt action in order to eliminate any such confusion.

I would be happy to discuss this matter with you further. Please feel free to call or write.

Very truly yours,



E. Stanley Murphy

cc: VMRC Staff via email
Mr. and Mrs. Anderson



TOWN OF URBANNA
390 VIRGINIA STREET, SUITE B
PO BOX 179, URBANNA, VA 23175
PHONE: 804-758-2613, FAX: 804-758-0389

September 13, 2023

Andy Anderson, Owner
URBBY
P.O. Box 973
Urbanna VA, 23175

RE: Storage Shed

The Town office has received several complaints that you are planning on building a shed or sheds to provide sleeping quarters to visitors for a fee. At this time, you have not applied for or been granted zoning or building permit for that purpose.

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

The neighboring residents will be watching to see what use you intend to put this structure. Keep that in mind. You already are making questionable use of three apartments as short term rentals. Do not let the use of this storage shed make that situation worse.

EXHIBIT B

You have ignored my last letter about the short-term rental issue and ignored my suggestion of applying for a special use permit to operate a motel/hotel for those rental units. I provide you with what I believed to be an acceptable alternative well over a year ago and you chose to ignore my advice.

On another note, you will be pleased to hear that the trolley, the Pearl has stopped operating for the year as of September 3. We will notify them that you do not wish to have their driver turn around in your parking lot in following years . We will instruct the operator to complete his turns at the top of the hill on Watling Street.. Let us know if you want that decision to be reconsidered.

If you have any question about this letter please feel free to contact me.

Sincerely,



Roy Kime
Zoning Administrator



Urbanna Virginia

If you're thinking about opening a business, constructing a new building or remodeling an existing structure, drop by and discuss your plans with the Zoning Administrator first. The Town's Zoning Ordinance, Comprehensive Plan and Subdivision Ordinance set forth land use and development policies, procedures and permit requirements. The Zoning Administrator will show you which ones apply to your business or building project and will help you complete any applications that may be required.

Building & Remodeling

The Town has entered into an agreement with Middlesex County to enforce the terms of the Virginia Uniform Statewide Building Code for building and remodeling projects in Urbanna. Contact the [Middlesex County Building Department](#) at the Saluda Courthouse Complex to obtain an application for a building permit and to schedule inspections.

Zoning

The Town of Urbanna has 5 zoning districts, which are shown on the town's zoning map. Each zoning district has its own:

- Purpose
- Uses and structures permitted as of right
- Uses permitted only with a Special Use Permit
- Uses permitted only with Conditional Zoning
- Lot size and setback standards
- Special regulations for particular uses or types of structures

The Town also has three Overlay Districts with rules that apply to properties located within them in addition to the regulations for the underlying zoning district.

- The Chesapeake Bay Preservation Overlay District regulations protect and enhance water quality through environmentally responsible land use management and practices
- The Historic Preservation Overlay District regulations protect the town's character, historic areas, buildings and monuments
- Flood Plain Area regulations apply to lands that are in the 100-year flood plain

Zoning Administrator
Ted Costin

Email

390 Virginia Street
Suite B
Urbanna, Virginia 23175

Office: (804) 758-2613

Fax: (804) 758-0389

Hours

Monday ~ Friday

8:30am ~ 4:30pm



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- J. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- K. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. If placement outside of flood zones is not possible, the system shall include the use of top-seamed tanks and/ or sealed septic and pump chamber tanks.
- L. All tanks, including but not limited to propane, fuel oil and gas, and septic, shall be anchored to prevent flotation. The amount of anchorage required shall assume the tank is empty.
- M. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance. All costs are cumulative as defined by 'substantial improvement'.
- N. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced. All costs of alteration, repair, reconstruction or improvement are cumulative as defined by 'substantial improvement'.
- O. All development plans within designated flood districts shall be maintained in the office of the Zoning Administrator.

In addition to provisions A – O above, in all special flood hazard areas, the additional provisions shall apply:

- P. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the FEMA.
- Q. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

§17-4.11.11 - Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated by a certified professional according 17-4.11.8.1(B), and freeboard zones the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above

the design flood elevation or as required in AO Zones per 17-4.11.8.1(C).

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the design flood elevation. Buildings located in all A1-30, AE, AO and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the DFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to NAVD 1988,) to which such structures are flood proofed shall be maintained by Zoning Administrator.

C. Elevated Buildings

Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions,

and permit the passage of a 3" diameter object.

- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in 17-4.11.10 (A) through (O), and 17-4.11.11 (A) through (C).
2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. Meet all the requirements for manufactured homes in 17-4.11.10 and 17-4.11 (D).

§17-4.11.12 - Standards for the Special Floodplain District (AE and AH Zones)

The following provisions shall apply within the Special Floodplain District:

The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided. The provisions of this ordinance shall apply in all AE or AH zones adjacent to tidal waters.

In non-tidal AE or AH zones where the floodway has not been delineated the following provisions shall apply:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Town of Urbanna.

Development activities in Zones A1-30, AE, and AH, on the Town of Urbanna Flood Insurance Rate

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphyplc.com

July 2, 2025

Via MRC Portal with email copy to: Randy.Owen@mrc.virginia.gov

Mr. Randal D. Owen
Chief, Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road,
Building 96
Fort Monroe, VA 23651

Re: Urbanna Boat Yard & Marina
VMRC Application 20241864

Dear Mr. Owen:

Please accept this letter as a minor correction to the material I emailed and uploaded yesterday to the Commission's comment portal.

On page three of my cover letter, the third bullet point refers to a visit from the Middlesex County building official. Although it is clear from the context of the discussion, that visit occurred in September 2023, not 2025, as stated in my letter, the correct bullet point should read:

- As discussed in the above excerpt from Mr. Kime's letter, my client already had abandoned all plans to use this space for sleeping quarters by the time he was visited by the Middlesex Building County official on September 12, 2023.

I apologize for the typographical oversight.

Very truly yours,



E. Stanley Murphy

July 2, 2025
Page | 2

cc: Mr. and Mrs. Anderson

July 22, 2025

HABITAT MANAGEMENT DIVISION EVALUATION

LARRY SHORES JR., VMRC #25-0687, requests after-the-fact authorization to retain seven (7) 4-foot by 8-foot crab shedding trays attached to an existing pier, and to utilize the pier for both private and commercial purposes, adjacent to tax parcel 20B-65, situated along Urbanna Creek in Middlesex County.

On February 24, 2025, staff conducted a site visit as part of a standard application review process for a proposed riprap revetment and dock expansion (VMRC #2025-0274). During this visit, seven (7) unauthorized crab-shedding trays were discovered along the applicant's existing private pier.

Staff's research confirmed that the existing pier structure was built in accordance with prior authorizations (VMRC #2004-0380 and #2015-1157) with the exception of the crab shedding trays.

The applicant's authorized agent, Mr. Lance Shores, stated the applicant was unaware that the shedding trays required VMRC authorization. Mr. Shores further explained that the shedding trays were not intended for commercial use, and they could easily be removed since they are cantilevered off the side of the previously authorized pier piles with no additional supporting structures. Mr. Shores, however, stated the applicant was willing to follow instructions to bring the structure into compliance.

Staff received an after-the-fact application on March 28, 2024, requesting to retain the shedding trays and convert the pier from private to commercial use, given that the applicant holds a *commercial* crab shedding tank 20 or less license. Additionally, as-built project drawings were received on March 28, 2025, showing the existing, previously authorized pier, the recently permitted wharf (VMRC# 25-0274), and the seven (7) crab shedding trays.

The Middlesex County Wetlands Board determined that the project will not require a permit on April 21, 2025. Additionally, as part of our standard processing of the submitted application, the requisite news ad and Adjacent Property Owner notifications garnered no opposition.

The applicant, Mr. Shores Jr., has agreed to pay a triple permit fee of \$300.00 and an encroachment royalty of \$4,952.00 for the 2,476 square foot area of the commercial pier at a rate of \$2.00 per square foot. Accordingly, staff recommends approval of the after-the-fact request to retain the pier and crab shedding trays as installed, and to convert the private pier to a commercial use status with the agreed-upon triple permit fee and royalty in lieu of further enforcement action.

COCKRELL FARMS LLC
20235-0358

1. Habitat Management Evaluation dated July 22, 2025.
(Pages 1 and 2)
2. Project drawings dated received June 10, 2025, and May 27, 2025.
(Pages 3 through 16)
3. Comments from the Virginia Department of Health Bureau of Shellfish Sanitation dated received March 14, 2025.
(Pages 17 through 20)
4. Comments from the Virginia Department of Health Office of Environment Health Services/ Marina program dated received May 7, 2025.
(Pages 21 through 24)
5. Letter of protest from E. Stanley Murphy esq. on behalf of Ms. Olivia Cockrell and Mr. John Morgenthaller dated received March 6, 2025.
(Pages 25 through 27)
6. Letter and attachments from E. Stanley Murphy esq. dated received June 23, 2025.
(Pages 28 through 34)

All project drawings, plans and application information are available at
<https://webapps.mrc.virginia.gov/public/habitat/>

HABITAT MANAGEMENT DIVISION EVALUATION

COCKRELL FARMS LLC, VMRC #25-0358, requests authorization to construct and backfill a 387-foot vinyl replacement bulkhead, mechanically dredge 280 cubic yards of state-owned submerged lands with upland disposal, and construct a 3,420 square foot concrete commercial wharf, adjacent to the applicant's commercial marina situated along the Little Wicomico River at 309 Railway Drive in Northumberland County. The project is protested by two adjacent property owners.

Narrative

The Cockrell Marine Railway and Marina is a commercially zoned parcel located in the Ophelia section of Northumberland County along the Little Wicomico River. The property also provides for the offloading, culling and refrigeration of live oysters in support of a large shellfish aquaculture operation.

The existing timber bulkhead is failing and will be replaced and backfilled with a 387 linear-foot vinyl structure a maximum of two (2) feet channelward. Immediately offshore of the new bulkhead, the applicant proposes maintenance dredging a total of 280 cubic yards of state-owned submerged land, on an as needed basis, to allow commercial boats to moor side-to-against a new concrete wharf and the new bulkhead. The dredged spoil material will be offloaded on-site into sealed trucks and immediately conveyed to an approved upland disposal site.

To facilitate the offloading of vessels along the wharf and shellfish aquaculture operations, the applicant also proposes the construction of a 3,240 square-foot covered, open-pile concrete platform immediately channelward of the new bulkhead. The concrete wharf will support four (4) slips and enable commercial vessels to safely offload live oysters under the protection of the roof for further processing and shipping.

The applicant's agent, Craig Palubinski with Bayshore Design LLC, added that the current wharf area (18-foot to 22-foot wide) is too small and extremely congested when unloading oyster cages from the moored vessels. The cages are temporarily stacked on pallets on the wharf, alongside existing equipment that culls and counts the shellfish, and then transported by "tow motor operators" ashore for refrigeration. The proposed larger wharf will facilitate safer operations and allow for two (2) additional culling and counting units.

Issues

The project is protested by two (2) adjacent property owners, Ms. Olivia Cockrell and Mr. John Morgenthaler, owners of 247 Railway Drive. Staff received letters of objection from their attorney, Stanley Murphy. In his May 28, 2025, letter Mr. Stanley expressed his clients' concern over the use and development of the applicant's upland property, the

Issues (cont'd)

expansion of the marina and the unauthorized filling of wetlands. The letter asserts that existing facility encroachments channelward of mean low water under VMRC jurisdiction were not properly permitted. Mr. Murphy also claims that his clients were never notified of the previous marina expansion.

According to agency records, the marina expansion has been permitted through four (4) individual VMRC permits: #2000-0475, #2002-0940, #2012-0363 and #2022-0393. Furthermore, the protestant appeared on the tax records in 2024, two (2) years after the public interest review for the most recent permit. The previous owner was Mr. Daindridge Cockrell. As for the wetlands filling, this agency has no knowledge of such activity, nor jurisdiction over the filling of wetlands landward of mean low water. The Northumberland County wetlands board has been notified of the alleged fill.

The Northumberland County Wetlands Board did not assert jurisdiction over this project as no impacts to tidal wetlands are proposed. No other County approvals were required.

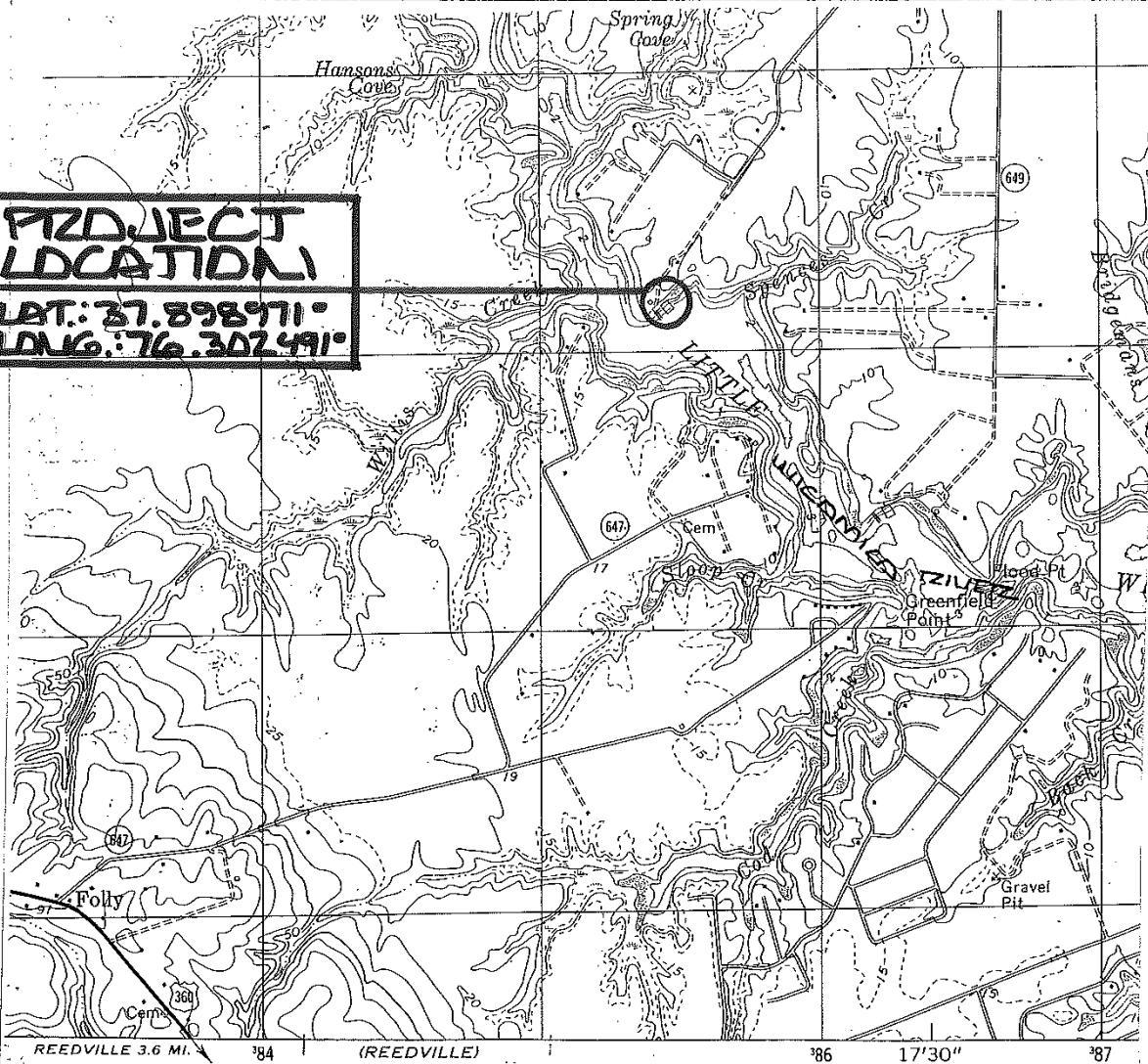
The Virginia Department of Health Division of Shellfish Sanitation has no objection to the project. The project has been approved by the Virginia Department of Health Office of Environmental Health Services-Marina Program.

Summary/Recommendation

Commission staff has researched the claims made by the protestants' and have not found any unauthorized encroachments over state-owned submerged lands associated with the recent marina expansion. After reviewing the application and considering the agent's rationale for the requested improvements, staff believes the proposed bulkhead repair, dredging and new concrete wharf constitute a reasonable use of state-owned submerged lands and are consistent with other commercial aquaculture landing facilities in the Commonwealth. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all of the factors contained in §28.2-1205(A) of the Code of Virginia, staff recommends approval of the project as proposed. If approved, this permit will be exempt from royalties as prescribed in §28.2-1206(B) since the commercial facility is also an existing boatyard and marina that repairs vessels.

PROJECT LOCATION

LAT.: 37.898971°
 LONG.: 76.302491°



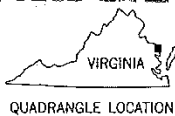
VICINITY MAP

BURGESS QUADRANGLE

VIRGINIA - MARYLAND

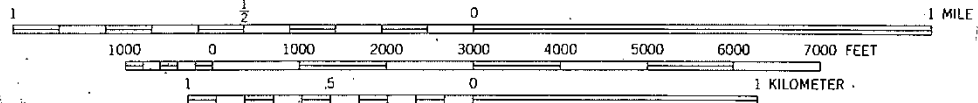
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

© 2025 BAYSHORE DESIGN, LLC



QUADRANGLE LOCATION

SCALE 1:24,000



CONTOUR INTERVAL 10 FEET

DASHED LINES REPRESENT 5-FOOT CONTOURS

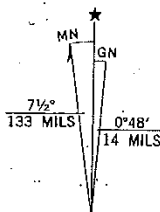
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BATHYMETRIC CONTOUR INTERVAL 1 METER WITH SUPPLEMENTARY

0.5 METER CONTOURS—DATUM IS MEAN LOW WATER

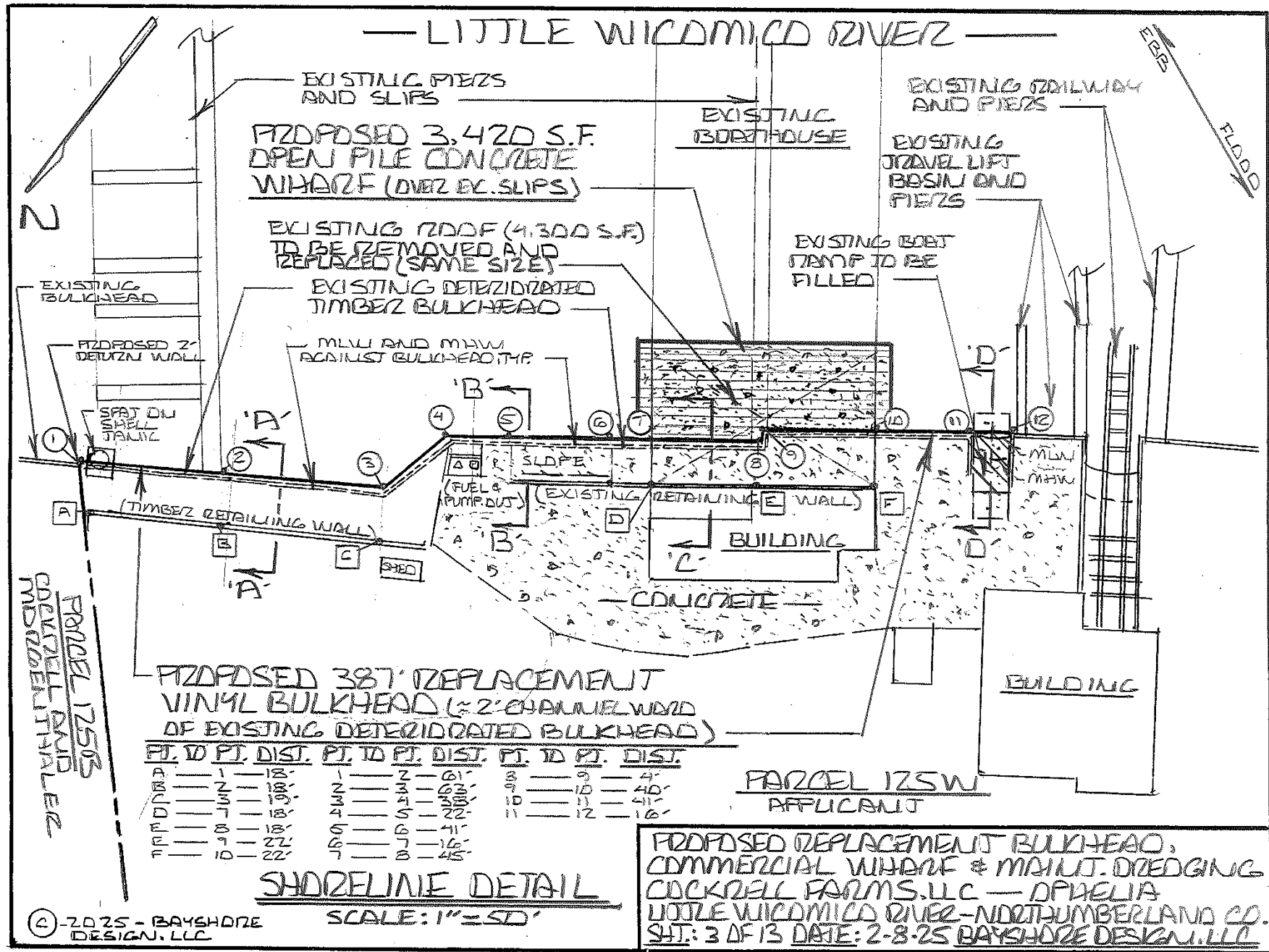
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE

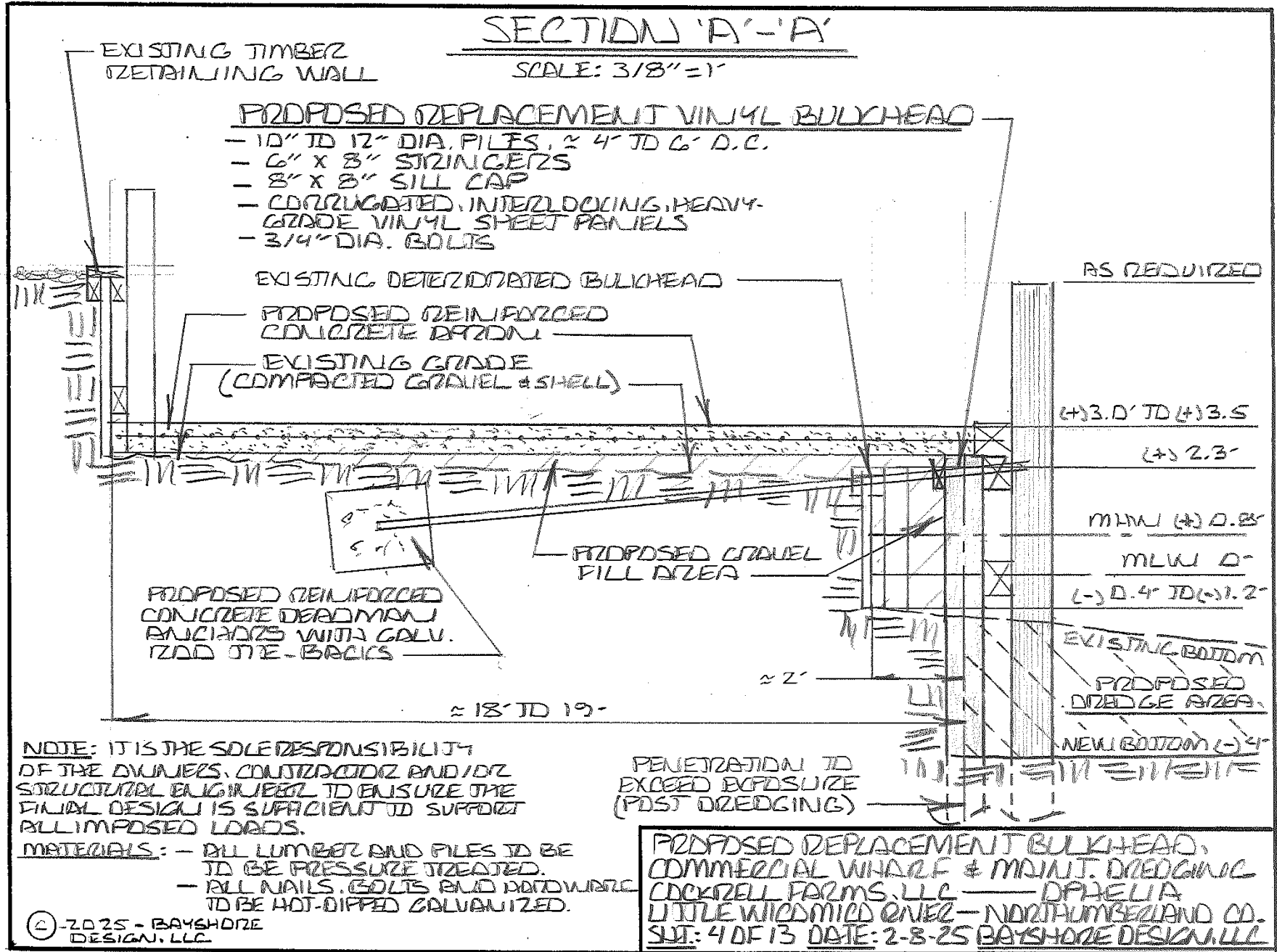
THE MEAN RANGE OF TIDE IS APPROXIMATELY 0.2 METER



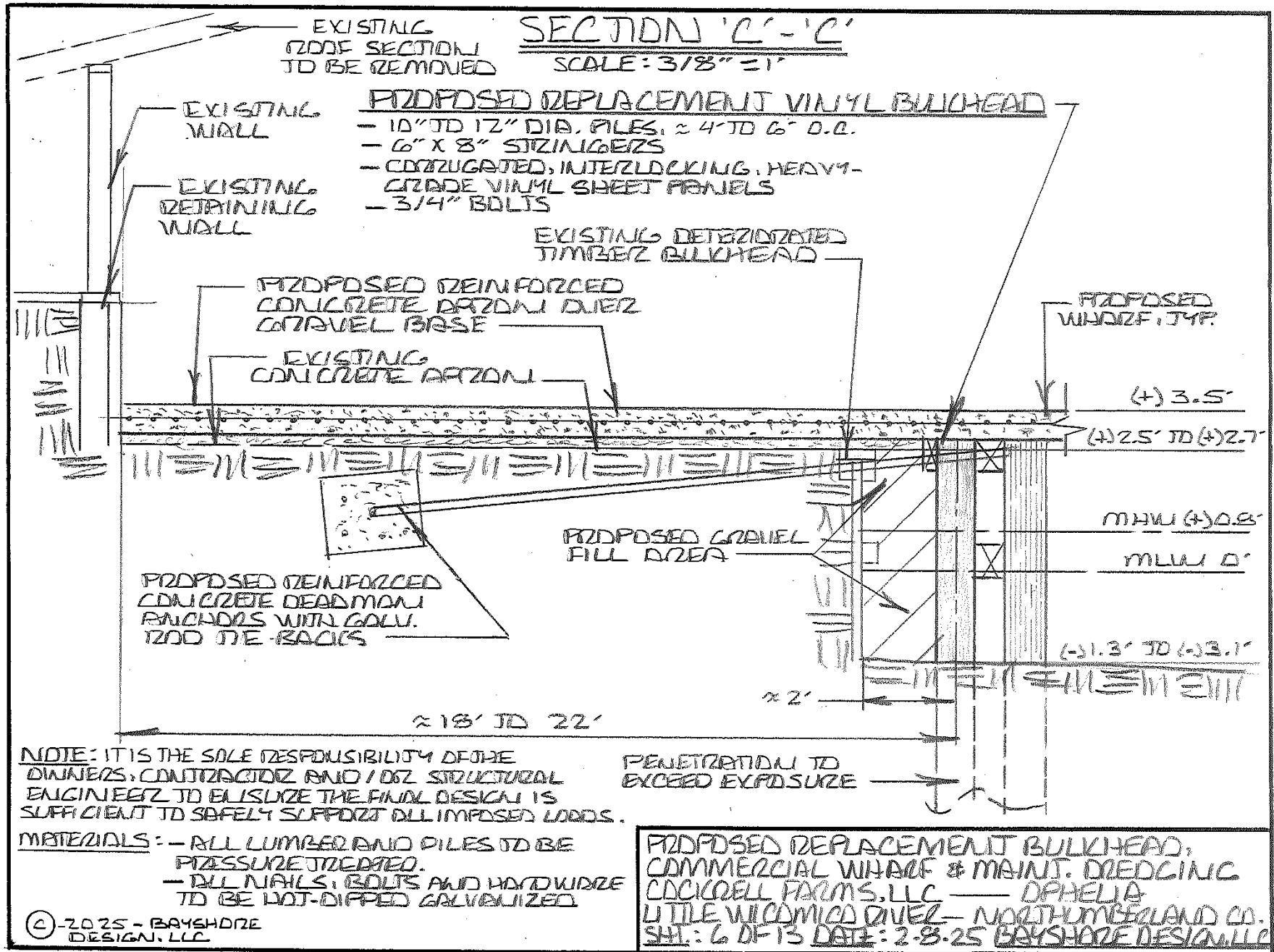
UTM GRID AND 1968 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

PROPOSED REPLACEMENT BULKHEAD,
 COMMERCIAL WHARF & MAINT. DOCKING
 CROCKELL FARMS, LLC — DANIELA
 LITTLE WICOMICO RIVER—NORTHUMBRELAND CO.
 SHEET: 2 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC









SECTION 'D'-'D'

SCALE: 3/8" = 1'

PROPOSED REPLACEMENT VINYL BULKHEAD

- 10" TO 12" DIA. PILES, 2' 4" TO 6' O.C.
- 6" X 8" STRINGERS
- 8" X 8" SILL CAP
- CORRUGATED, INTERLOCKING, HEAVY-GRADE VINYL SHEET PANELS
- 3/4" DIA. BOLTS

PROPOSED REINFORCED CONCRETE PADON

PROPOSED COMPACTED GRAVEL BASE

(+) 3.5'

MHW (+) 0.8'

MLW 0'

EX. BOTTOM

PROPOSED DREDGE AREA

NEW BOTTOM (-) 4'

EXISTING CONCRETE

BOAT RAMP

~ 8'

PENETRATION TO EXCEED EXPOSURE (POST DREDGING)

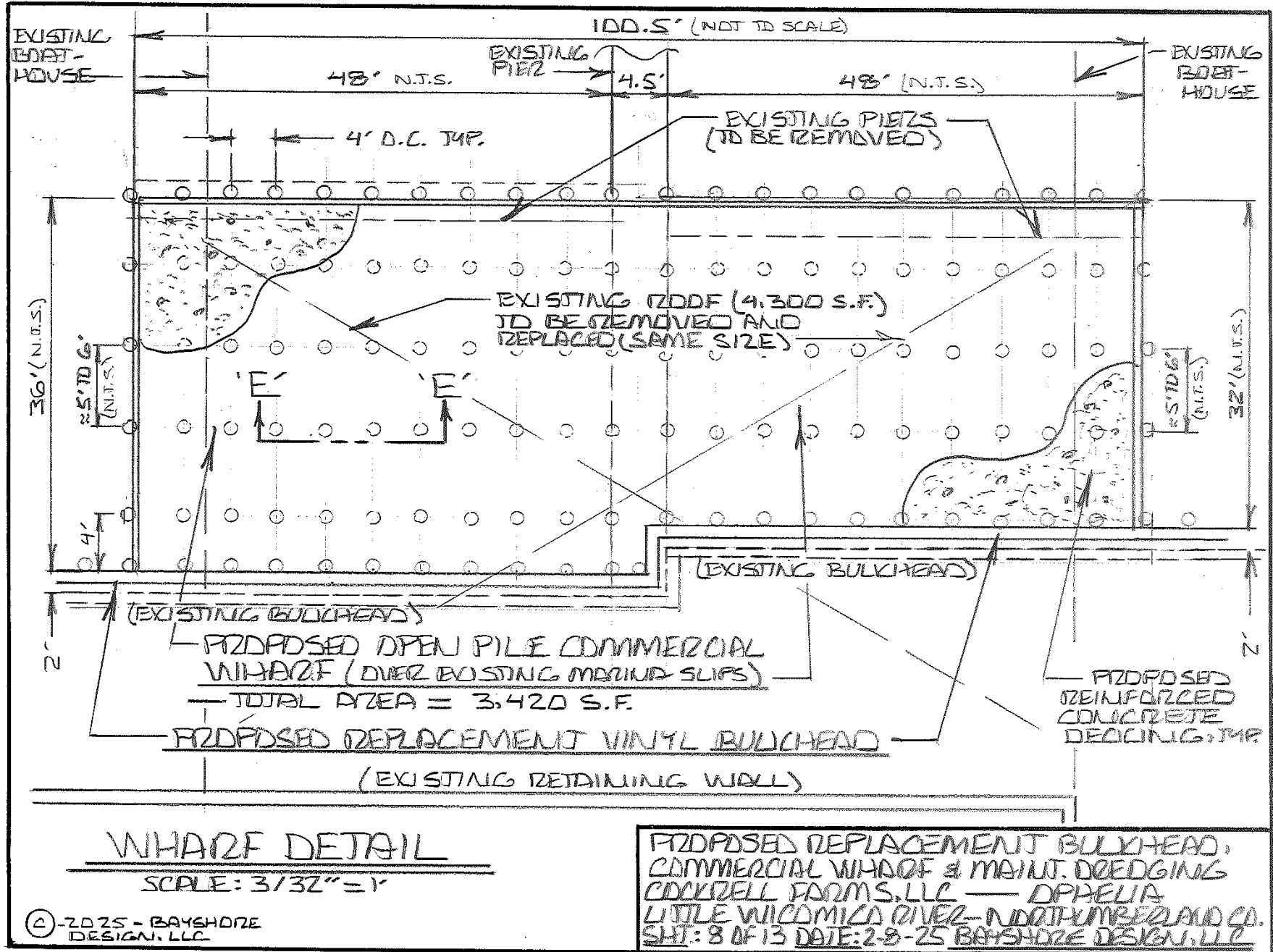
PROPOSED REINFORCED CONCRETE DEADMAN ANCHORS WITH GALV. ROD TIE-BACKS

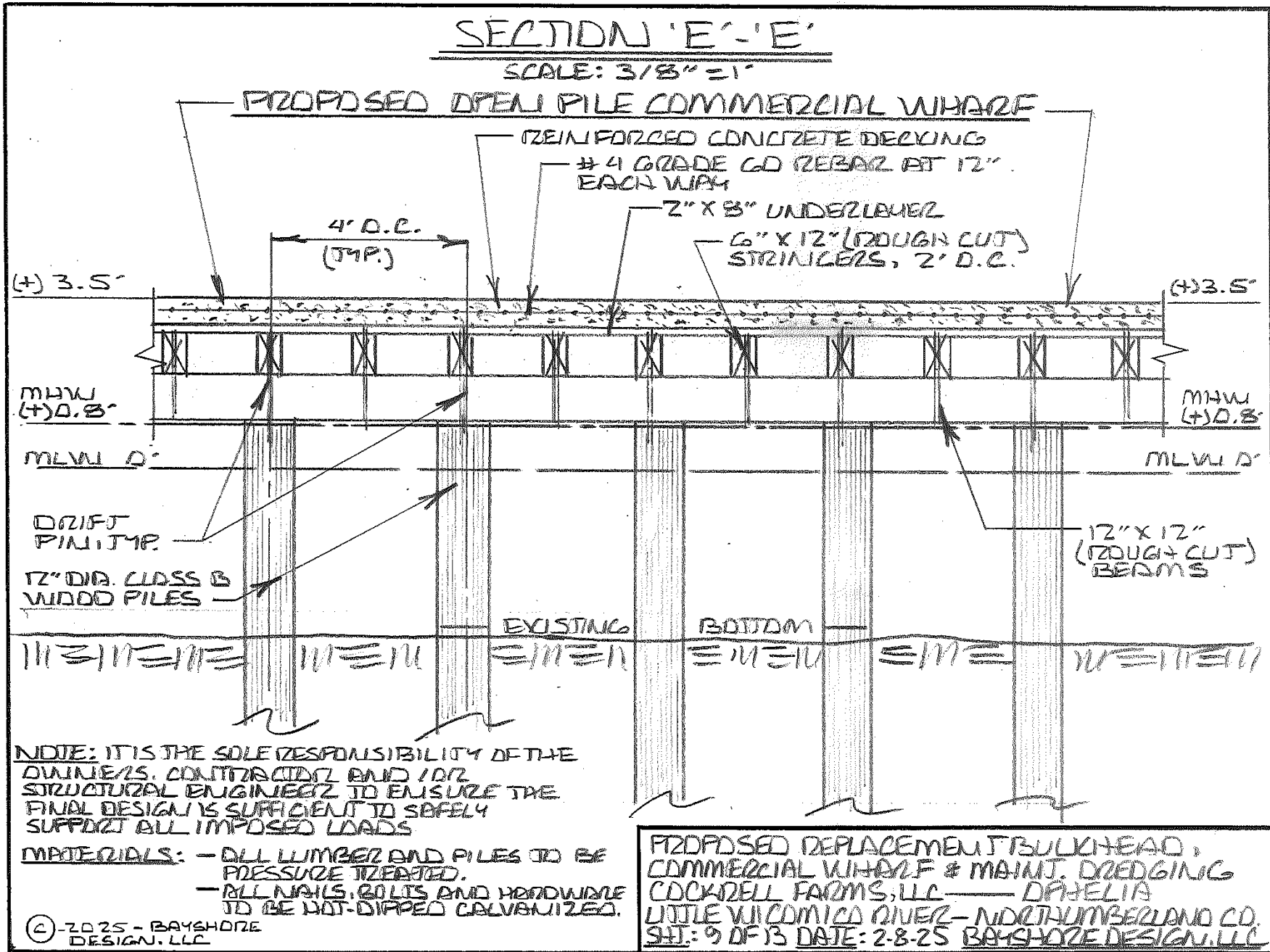
NOTE: IT IS THE SOLE RESPONSIBILITY OF THE OWNERS, CONTRACTOR AND / OR STRUCTURAL ENGINEER TO ENSURE THE FINAL DESIGN IS SUFFICIENT TO SAFELY SUPPORT ALL IMPOSED LOADS.

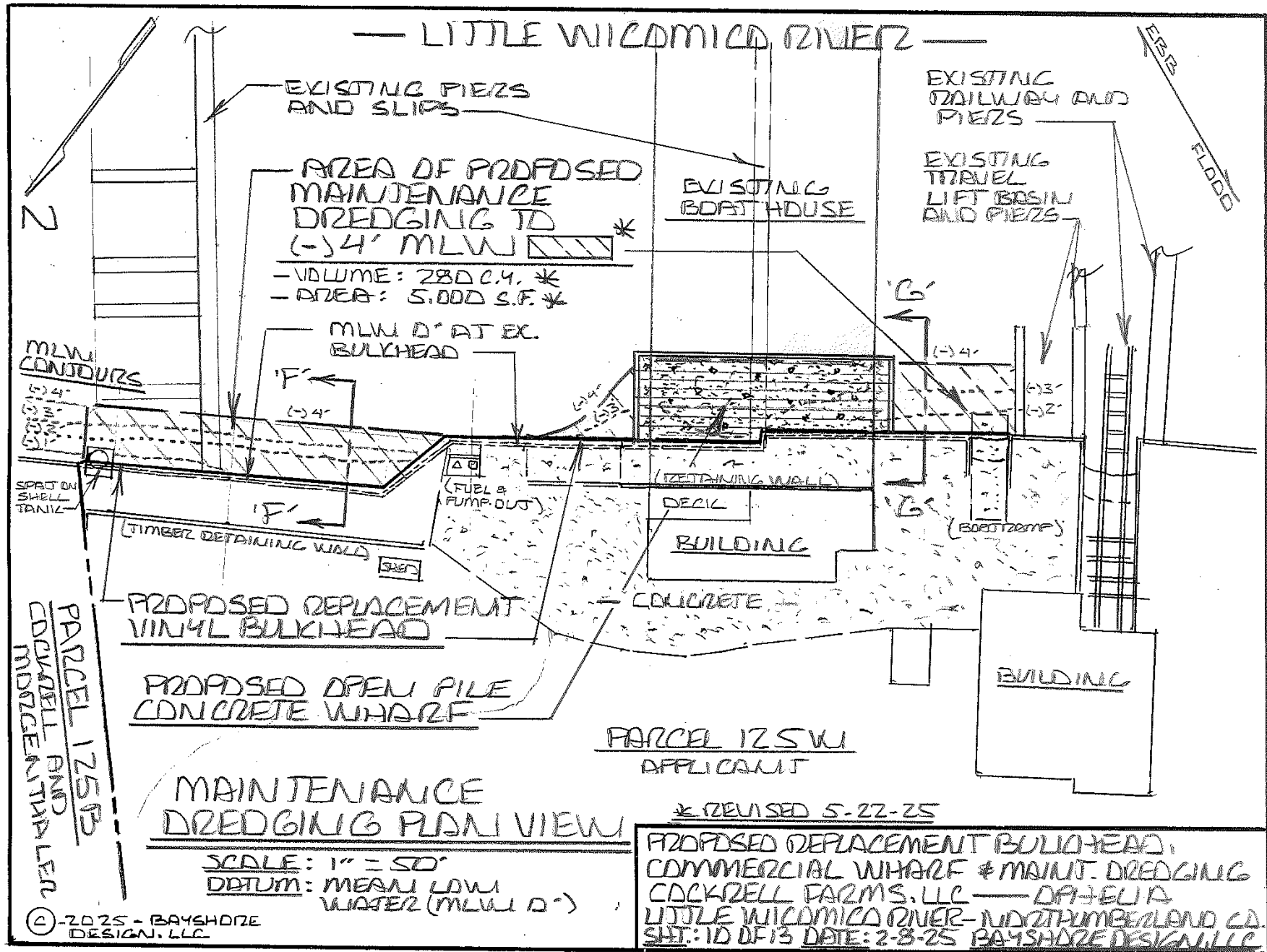
MATERIALS: ALL LUMBER AND PILES TO BE PRESSURE TREATED.
ALL NAILS, BOLTS AND HARDWARE TO BE HOT-DIPPED GALVANIZED.

© 2025 - BAYSHORE DESIGN, LLC

PROPOSED REPLACEMENT BULKHEAD,
COMMERCIAL WHARF & MAINT. DREDGING
COCKRELL FARMS, LLC — DAYLIA
LITTLE WILCOMICO RIVER — NORTHUMBERLAND CO.
SHEET 7 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC







SECTION 'F'- 'F'

SCALE: 1/4" = 1'

AREA OF PROPOSED DREDGING
TO (-) 4.0' MLW

PROPOSED REPLACEMENT
VINYL BULKHEAD, TYP.

PROPOSED CONCRETE
APRON, TYP.

EXISTING BOTTOM
TO BE DREDGED

(-) 0.4' TO (-) 1.2'

EXISTING
DETERIORATED
BULKHEAD

PROPOSED
NEW BOTTOM
(-) 4.0' MLW

~ 20' TO 26'

EXISTING BOTTOM

MLW (+) 0.8'
MLW 0'

(-) 4.0'

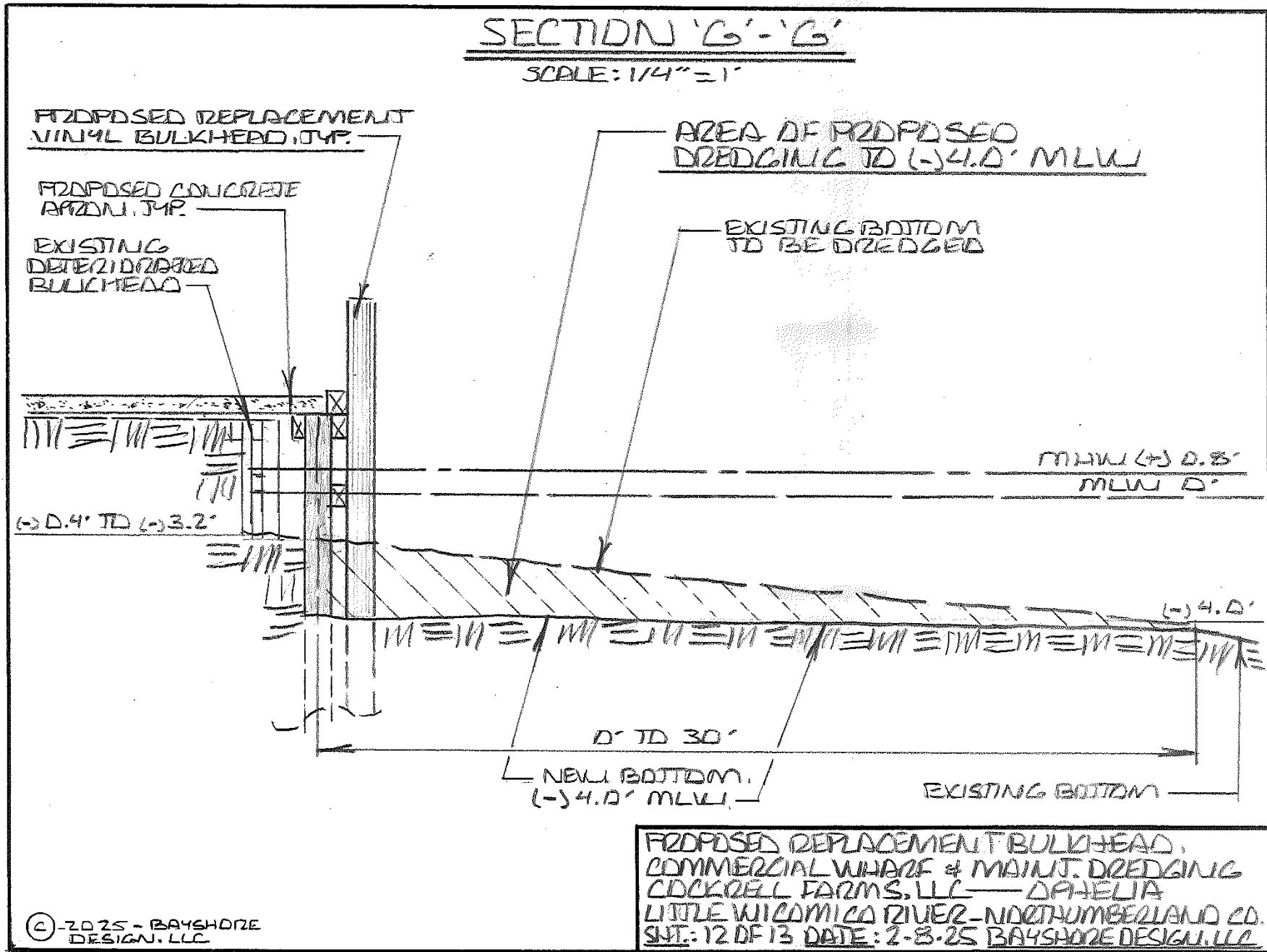
DREDGING NOTES

1. DREDGING AMOUNT: *
- 280 C.Y. (ALL SUBAQUEOUS)
2. DREDGING AREA: *
- 5,000 S.F. (ALL SUBAQUEOUS)
3. DREDGING DEPTHS:
- (-) 4.0' MLW
4. DREDGE MATERIAL:
- SAND
5. DREDGE METHOD:
- MECHANICAL EXCAVATOR
POSITIONED ON LAND.
DREDGE MATERIAL TO BE
PLACED IN DESIGNATED
CONFINEMENT AREA ON SITE.

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DESIGN, LLC

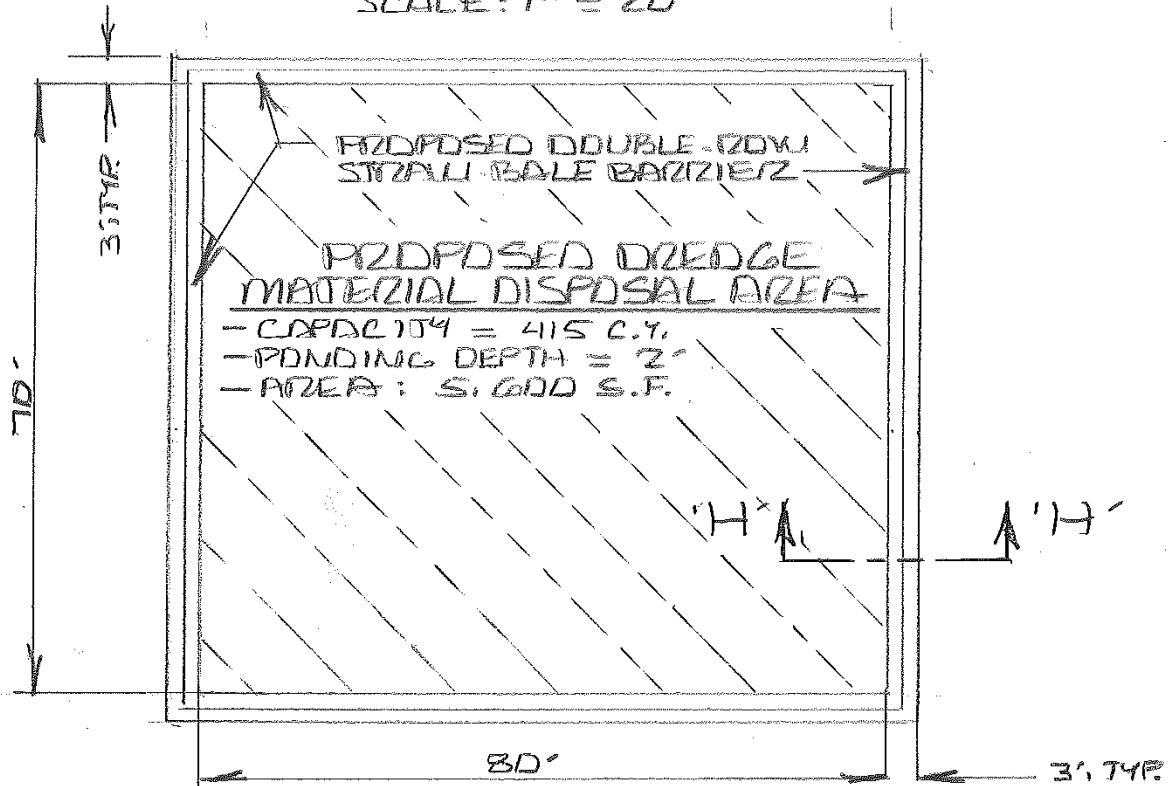
*REVISED 5-22-25

PROPOSED REPLACEMENT BULKHEAD,
COMMERCIAL WHARF & MAINT. DREDGING
CLOCKELL FARMS, LLC — APHELIA
LITTLE WICOMICO RIVER — NORTHUMBERLAND CO.
SHT.: 11 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC



DISPOSAL SITE DETAIL

SCALE: 1" = 20'

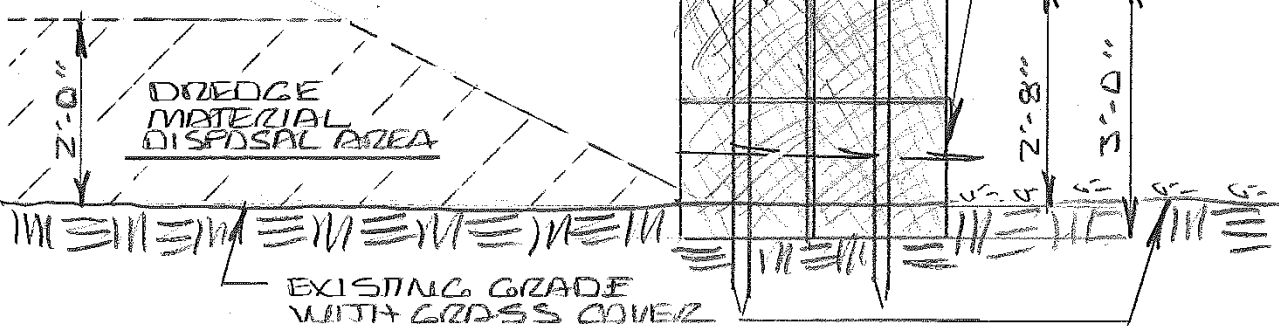


SECTION 'H'-H'

SCALE: 1/2" = 1'

PROPOSED STRAW-BALE BARRIER

1. EXCAVATE 4" TRENCH
2. PLACE AND STAKE BALES
3. WEDGE LOOSE STRAW BETWEEN BALES
4. DOUBLE ROW BALES, ALTERNATE BALES TO OVERLAP SEAMS.



PROPOSED REPLACEMENT BULKHEAD;
COMMERCIAL WHARF & MAINT. DREDGING
CLOCKELL FARMS, LLC — DANIELA
LITTLE WICOMICO RIVER — NORTHUMBERLAND CO.
SHT.: 13 OF 13 DATE: 2-8-25 BAYSHORE DESIGN, LLC

© 2025 - BAYSHORE
DESIGN, LLC

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-0358 (Cockrell Farms, LLC) VDH Div Shellfish Sanitation comments
Date: Friday, March 14, 2025 10:42:36 AM
Attachments: [Outlook-sn1s4n4a.png](#)
[Outlook-p3vt40vn.png](#)
[DSS_20250313_20250358_CommentsMemo.pdf](#)

Jeffrey P. Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651
Jeff.madden@mrc.virginia.gov

From: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Sent: Thursday, March 13, 2025 11:52 AM
To: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Subject: Re: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Good Morning,

This project will not cause any change in shellfish classification areas. Please accept the attached memo as VDH/DSS's response.

Very Respectfully

Adam Wood

Growing Area Manager

Virginia Department of Health

Division of Shellfish Safety

Cell: (804) 839-2809

Office: (804) 577-4007

www.vdh.virginia.gov/shellfish



From: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Sent: Tuesday, March 4, 2025 4:00 PM
To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than March 25, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20250358](#)

Applicant: Cockrell Farms, LLC
Locality: Northumberland
Project Description: Bulkhead/Dredge/Pier
Date Received: February 13, 2025
Engineer: Jeffrey P. Madden

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☐ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

COMMENTS: _____

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-2276 or jeff.madden@mrc.virginia.gov

Jeffrey P. Madden
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-2276
Email: jeff.madden@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.



COMMONWEALTH of VIRGINIA

Department of Health

P. O. BOX 2448
RICHMOND, VA 23218-2448

TTY 7-1-1 OR
1-800-828-1120

MEMORANDUM

DATE:

TO: Jeff Madden
Virginia Marine Resources Commission

FROM: Adam Wood, Growing Area Manager
Division of Shellfish Safety Waterborne Hazards Control

SUBJECT: COCKRELL FARMS, LLC

City / County: Northumberland

Waterbody: Little Wicomico River

Type: ☐ VPDES ☐ VMRC ☐ VPA ☐ VWP ☒ JPA ☐ Other:

Application / Permit Number: 20250358

- ☐ The project will not affect shellfish growing waters.
- ☐ The project is located in or adjacent to approved shellfish growing waters, however, the activity as described will not require a change in classification.
- ☒ The project is located in or adjacent to condemned shellfish growing waters and the activity, as described, will not cause an increase in the size or type of the existing closure.
- ☐ The project will affect condemned shellfish waters and will not cause an increase in the size of the total condemnation. However, a prohibited area (an area from which shellfish relay to approved waters for self-purification is not allowed) will be required within a portion of the currently condemned area. See comments.
- ☐ A buffer zone (including a prohibited area) has been previously established in the vicinity of this discharge, however, the closure will have to be revised. Map attached.
- ☐ This project will affect approved shellfish waters. If this discharge is approved, a buffer zone (including a prohibited area) will be established in the vicinity of the discharge. Map attached.
- ☐ Other.

ADDITIONAL COMMENTS:

Area #: 010

ACW



Recieved by VMRC Mar 14, 2025 map

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-0358 (Cockrell Farms, LLC) VDH-OEHS comments
Date: Wednesday, May 7, 2025 3:39:16 PM

Jeff Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651
757-247-2276
Jeff.madden@mrc.virginia.gov

From: Smigo, Margaret (VDH) <Margaret.Smigo@vdh.virginia.gov>
Sent: Tuesday, May 6, 2025 3:17 PM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>
Subject: Approved for Marina Programs - VDH - RE: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Sorry for the delay – this is approved for Marina Programs.

Thank you,

Margaret Smigo
Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services
Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352
HAB Hotline: (888) 238-6154
www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health
109 Governor Street
Richmond, VA 23219

From: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>
Sent: Thursday, April 24, 2025 12:51 PM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>
Subject: RE: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Hi Jeff,
This one slipped by me, reviewing this now. We will try to get this back ASAP.

Margaret Smigo
Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services
Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352
HAB Hotline: (888) 238-6154
www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health
109 Governor Street
Richmond, VA 23219

From: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Sent: Tuesday, March 4, 2025 4:01 PM
To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20250358 in Northumberland, Applicant: Cockrell Farms, LLC

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than March 25, 2025. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20250358](#)

Applicant: Cockrell Farms, LLC

Locality: Northumberland

Project Description: Bulkhead/Dredge/Pier

Date Received: February 13, 2025

Engineer: Jeffrey P. Madden

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☒ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

☐ THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: _____
NAME OF INVESTIGATOR: _____
COMMENTS: _____

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-2276 or jeff.madden@mrc.virginia.gov

Jeffrey P. Madden
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-2276
Email: jeff.madden@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.

From: [Craig Palubinski](#)
To: [MRC - jpa Permits](#)
Subject: Cockrell Farms, LLC #25-0359
Date: Wednesday, March 5, 2025 4:13:52 PM
Attachments: [Apo forms - protest.pdf](#)

Hi Beth and Michele,

Please find attached the apo forms and protest for Cockell Farms, LLC - #25-0359.

Thanks,
Craig

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphyllawplc.com

March 4, 2025

Via Email to craigp@bayshoredesign.com

Mr. Craig Palubinski
BAYSHORE DESIGN, LLC
8518 Cople Highway
Hague, Virginia 22469

Re: Cockrell Farms, LLC

Dear Craig:

I represent Olivia Cockrell and John Morgenthaler, who own property next door to the proposed project described in your letter of February 13, 2025.

John and Olivia received your letter on February 21, 2025 and have asked me to respond on their behalf within the two-week period mentioned in your letter.

Please be advised that my client's object to the project that Cockrell Farms, LLC apparently is attempting to permit. I enclose your form, which I have completed on their behalf objecting to this project.

Further communications regarding this matter should be directed to my attention.

Very truly yours,



E. Stanley Murphy

cc: Ms. Cockrell and Mr. Morgenthaler

BAYSHORE DESIGN
MAR 04 2024
RECEIVED

P.O. Box 85 • WHITE STONE, VIRGINIA 22578

ADJACENT PROPERTY OWNER'S ACKNOWLEDGMENT FORM

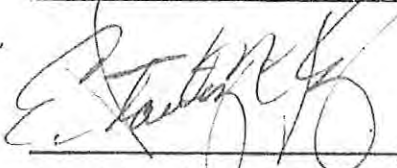
OLIVIA D. COCKRELL,
JOHN L. MORGENTHALER AND
I, ~~WILLIAM H. HARRIS~~, am the property owner whose land is
adjacent to, across from or nearby the land of COCKRELL FARMS, LLC.

I have reviewed the applicant's drawings, dated 2-8-25, to be submitted for all
necessary local, state, and federal permits.

 I DO NOT OBJECT to the project as proposed.
X I DO OBJECT to the project as proposed and have returned my
written objections with this form.

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 YOU HAVE CHECKED ONE OF THE
LINES ABOVE. IF NO CHOICE IS MADE, IT WILL BE ASSUMED YOU HAVE NO
OBJECTION TO THIS PROJECT.



ADJACENT OWNER'S SIGNATURE

3/4/25

DATE

ATTORNEY'S AGENT
FOR MS COCKRELL & MR MORGENTHALER

NOTE: If you object to this project, please provide specific objections made in writing
and return with this form.

Please return this form within two (2) weeks from the date of receipt. Please call
Bayshore Design, LLC if you have any questions or wish to discuss the project.

BAYSHORE DESIGN, LLC – 8518 COPLE HIGHWAY

HAGUE, VIRGINIA 22469 PH: 804/472-4439

EMAIL: craigp@bayshoredesign.com

BAYSHORE DESIGN

MAR 04 2024

RECEIVED

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - Jpa Permits](#)
Subject: FW: VMRC #25-0358 (Cockrell Farms LLC) protest and cover letter
Date: Monday, June 23, 2025 10:58:27 AM
Attachments: [Habitat Management Application.pdf](#)
[25-0358-1 Virginia Department of Conservation and Forestry Application.pdf](#)

Jeff Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651
757-247-2276
Jeff.madden@mrc.virginia.gov

From: E. Stanley Murphy <Stan@murphylawplc.com>
Sent: Wednesday, May 28, 2025 2:53 PM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>
Cc: Owen, Randy (MRC) <Randy.Owen@mrc.virginia.gov>
Subject: RE: VMRC #25-0358 (Cockrell Farms LLC) Additional information request

I am in court out of town Friday around 9 am. I Can be available for a call around 10:30 am or later. Just call my cell: 804.725.6818.

I am attaching the letter I promised for Cockrell/Morgenthaler. Let me know if you have questions.



E. Stanley Murphy
Attorney at Law

804 493-4075
stan@murphylawplc.com

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

Please allow up to a full business day for a response to your email. Practice demands do not permit me to read emails as they are received. Call me if you are writing about an urgent matter.

If you believe that you have received this email in error, please delete it and immediately notify me.

Full contact information is available at www.murphylawplc.com/contact-directions

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphyllawplc.com

May 28, 2025

Via email to: Jeff.madden@mrc.virginia.gov

Mr. Jeff Madden
Senior Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road Bldg. 96
Fort Monroe, VA 23651

Re: MRC Application Number 25-0358 (Cockrell Farms, LLC)

Dear Mr. Madden:

Thank you for the opportunity to provide written comments concerning the above application on behalf of Olivia Cockrell and John Morgenthaler.

John and Olivia are husband and wife who have lived next door to the applicant's property for approximately thirty years.

The property in question began as a very small marine railway but in recent years has exploded into a large mixed-use operation involving a marina, a seafood processing company, and an aquaculture operation. Structures associated with this development have extensive roofs, docks, and other impervious surfaces that drain directly into the Little Wicomico River. My clients strongly believe that the existing runoff negatively impacts water quality and that the proposed improvements worsen the already existing impact.

Most recently, the company was able to permit through a county zoning exception construction of 17,500 square foot warehouse only a few hundred feet from the river. Runoff from the massive roof on this building flows directly into drainage ditches that empty into the Little Wicomico.

The roof on a 17,500 square foot building will geometrically increase the impact of this drainage.

Numerous internet resources provide formulas for calculating the amount of runoff produced by roofs. A commonly used figure, is .623 gallons per inch of rain per square foot.¹ Northumberland County receives 44.17 inches of rain annually.² Accordingly, the proposed 17,500 square foot building will produce 481,563 gallons of runoff annually. That rain currently is disbursed over, and largely absorbed into, a field with crops. The new building will channel this torrent across Olivia and John's residential property and into the river.

Until the most recent VMRC application, John and Olivia have never received notice of planned improvements to this shoreline and they are concerned that some of the improvements that have occurred may not have been permitted at all. Accordingly, they are concerned that VMRC staff may not be aware of how intensely demanding this large operation is on the estuary.

The applicant's owner (or a predecessor interest) purchased a small marine railway from Ms. Cockrell's father in 1997.³ Since then it has steadily increased the number and nature of businesses conducted at the property. Buildings have multiplied, commercial docks have been built, and a large aquaculture business has been added along with a processing facility. The general public now is drawn to the area by a commercial marina, ship's store and shower building. Commercial boats unload catches at the facility daily.

Figure A depicts the property and surrounding areas as it appeared when purchased by the applicant's apparent owner.

Figure B depicts the property as it appeared in October 2023.

Figure C highlights what has been added since 1997, no oversight by regulatory authorities known John and Olivia prior to this application, which lists approvals for at least some work in 2002 and 2020.

¹ See, e.g., <https://theraincatcherinc.com/calculate-rainwater-from-roof/#:~:text=An%20inch%20of%20rainfall%20on,623%20gallons>.

² Weather date from: <http://www.usa.com/northumberland-county-va-weather.htm>

³ The original purchaser was Ms. Cockerill's brother, Andrew Cockrell, who has subsequently formed several business entities, apparently including the applicant Cockrell Farms, LLC.



FIGURE A

United States Geological Survey photo taken in 1994. The property had no material changes when the applicant or its predecessor owner purchased it three years later.



FIGURE B

October 25, 2023 Google Earth photo of the same property. Photo retrieved October 5, 2024 from: https://earth.google.com/web/@37.89943479,-76.30361135,0.81047699a,872.93421627d,35y,0h,0t,0r/data=CgRCAggBOgMKATBKDQj_8BEAA

May 28, 2025

Page | 5

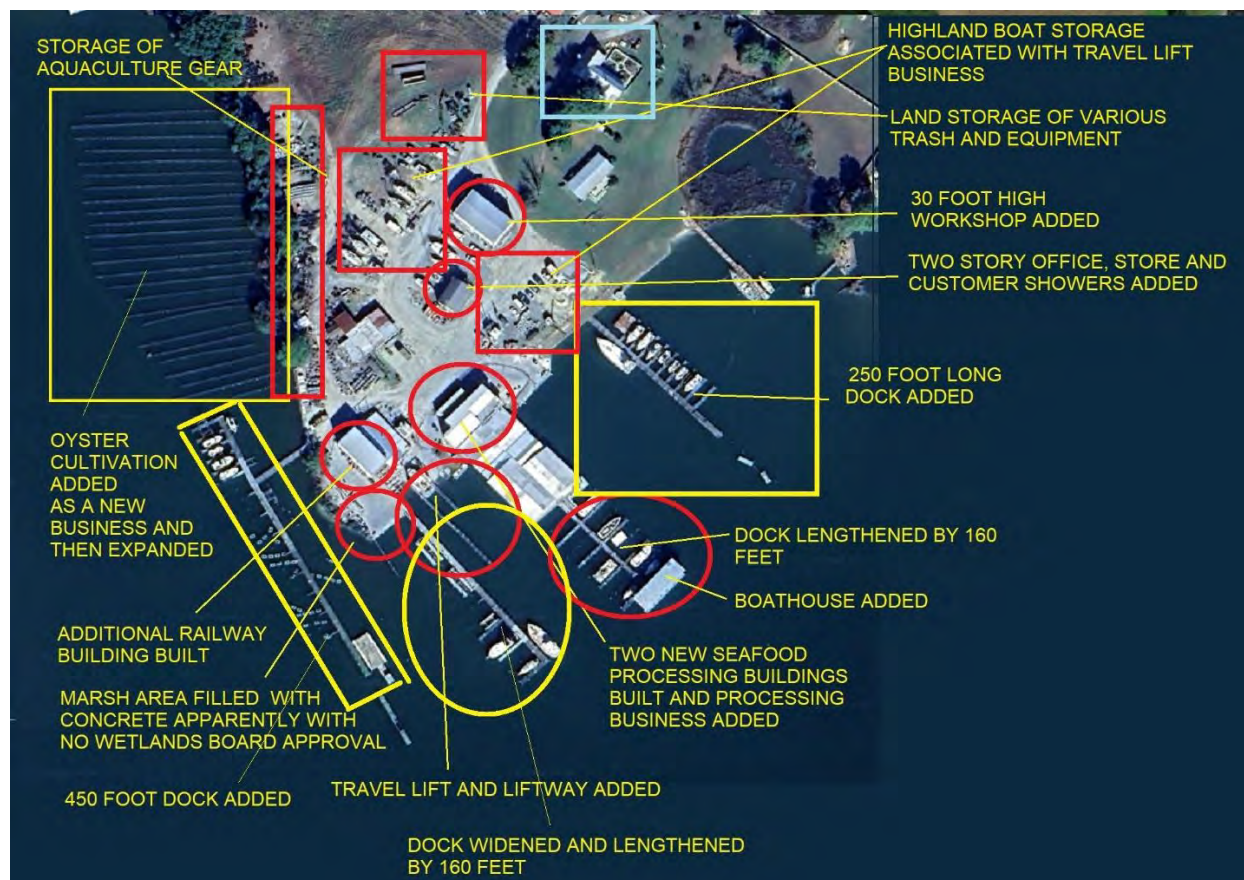


FIGURE C

Showing the spectacular increase in commercial activity on the property. At least six new buildings and two long docks have been added. The business owners have even cemented over a marsh land.

The proximity of the Cockrell/Morgenthaler residence to all of this commercial activity is shown by the light blue box at the top of the figure. They are also 2/3's owner of the residence between their house and this business. They are the neighbors most severely impacted by these commercial activities.

As noted in Figure C, there is an area of former marsh that was covered with concrete and my clients have been unable to locate a permit for this activity. I would greatly appreciate your assistance in locating such a permit.

What had been a small low impact marine railway has mushroomed into at least five businesses: 1) An expanded version of the old railway; 2) a commercial marina with a ship's

May 28, 2025

Page | 6

store, and customer showers; 3) A highland boat storage and repair facility with travel lift; 4) An oyster farming aquaculture business; and 5) a seafood processing business.⁴

We respectfully believe that approval of this application will add significant environmental stress to the Little Wicomico River and, by extension, to the Chesapeake Bay. For this reason, John and Olivia object to this application

In addition to noting this objection, John and Olivia respectfully request that staff evaluate the current application in light of the extensive shoreline that already has occurred and advise use whether all of these projects have been permitted in either of the two previous shoreline applications.

Thank you very much for your consideration.

Very truly yours,



E. Stanley Murphy

⁴ It is even fair to say that a sixth business, loading and unloading of fishing boats, is also being conducted on the property.

July 22, 2025

**Urbanna Boatyard and Marina,
VMRC #24-1864**

1. Habitat Management Division Evaluation dated July 22, 2025
(Pages 1-3)
2. Application drawings dated received: August 5, 2024, April 17, 2025, April 22, 2025
(Pages 4-14)
3. Middlesex County Wetlands Exemption dated received May 12, 2025
(Pages 15-16)
4. Virginia Department of Health: DSS approval dated received December 17, 2024
(Pages 17-20)
5. Virginia Department of Health: OEHS approval dated received December 4, 2024
(Pages 21-23)
6. Letter from the Town of Urbanna dated received May 14, 2025
(Pages 24-32)
7. Letter from Murphy Law Offices dated July 1, 2025
(Pages 33-48)
8. Letter of correction from Murphy Law Offices dated July 2, 2025
(Pages 49-50)

July 22, 2025

HABITAT MANAGEMENT DIVISION EVALUATION

URBANNA BOATYARD AND MARINA, VMRC #24-1864, requests authorization to retain an 8-foot by 10-foot open-sided fuel dock roof and a 143 square foot enclosed icehouse/equipment storage shed, and to install 12 (twelve) new boat lifts in existing slips at Urbanna Boatyard and Marina adjacent to 15 Watling Street situated along Urbanna Creek in Middlesex County.

Narrative

The Urbanna Boat Yard and Marina is a commercial marina that offers long-term slip rentals, moorings, and boat repair, located in the Town of Urbanna on Urbanna Creek. The area is a mix of commercial and residential properties with multiple marinas along the same shoreline, including the Urbanna Town Marina and Oyster Road Docks, LLC. The Urbanna Boatyard and Marina sits between the Urbanna Harbor Yacht Club to the south and the Oyster Road Docks, LLC facility to the north.

In response to an anonymous complaint regarding the use of an enclosed structure as a vacation rental, staff performed a site visit accompanied by Mr. Andy Anderson, the owner of Urbanna Boat Yard and Marina, on July 2, 2024. A 10-foot by 8-foot open-sided roof covering a fuel dock and an 11-foot by 13-foot enclosed structure were confirmed to have been constructed without VMRC authorization.

Following the site visit on July 2, 2024, a Notice to Comply, NTC #24-04, was issued to Mr. Anderson on August 14, 2024, directing the removal of the unauthorized fuel dock roof and enclosed structure. All structures were required to be removed within 30 days to bring the facility into compliance.

Mr. Anderson retained the services of Mr. Andy Bury, an attorney with Bury & Co., Attorneys-at-Law, to request an extension of the 30-day timeline for removal, resulting in the granting of an additional 45 days to bring the facility into compliance.

An additional on-site meeting with Mr. and Mrs. Anderson was held on April 16, 2025, to discuss the retention of the fuel dock cover and storage shed. In the discussion, Mr. Anderson expressed the need for the fuel dock cover to protect the fuel pump from heat and sun damage. Additionally, he expressed his intention to use the shed as storage for an ice machine and equipment for the use of watermen offloading their catch at the marina and properly icing their product.

Following the April 16th meeting, staff received a series of revisions to the application submitted on August 6, 2024, requesting the retention of the fuel dock roof and storage shed, and to install a series of 12 boatlifts within existing slips.

Issues

VMRC staff conducted a standard public interest review for this proposal, notifying the adjacent property owners and placing an advertisement in the Southside Sentinel on April 24, 2025. On May 14, 2025, the Urbanna Town Administrator, Mr. Ted Costin, emailed VMRC advising that the proposed shed was not permitted by the Town of Urbanna which maintains zoning and other functions separate from the County of Middlesex. In their September 13, 2023, correspondence from the former zoning administrator Roy Kime, Mr. Costin advised that the applicant was on notice of the violation from the Town.

The applicant's new counsel, Mr. Stan Murphy, contacted staff soon after learning that the project had been removed from the Commission's tentative May 2025 agenda in direct response to Mr. Costin's email to VMRC. Mr. Murphy advised staff on July 1, 2025, that "despite repeated recent requests, the Town of Urbanna has refused to communicate meaningfully" with his client concerning this project. Mr. Murphy advised further that the September 13, 2023, correspondence from the Town actually confirmed that the shed project complied with Town requirements, that the Town's legal counsel could not identify any violation of their existing ordinance, and that Mr. Costin to date has not issued any notice of violation.

The Middlesex County Wetlands Board did not require a permit for the project since there are no direct impacts to jurisdictional intertidal wetlands. Mr. Anderson advised on site that the County inspected the enclosed shed on three separate occasions, finding no issues or violations.

The Virginia Department of Health, Office of Environmental Health Services, submitted comments on the project on December 4, 2024, and determined the project acceptable as proposed. The Virginia Department of Health, Division of Shellfish Safety submitted comments on the project on December 17, 2024, and determined the project acceptable as proposed.

Summary/Recommendation

After initially corresponding and speaking with Mr. Costin in May, staff agreed to postpone the Commission's consideration of the applicant's proposal until the two parties could meet to discuss the local approvals needed. Staff is unclear, however, why the Town has not agreed since that time to return Mr. Murphy's phone calls or requests for a meeting.

At this point, given Mr. Anderson's desire to move forward with his proposed uncovered lifts and retention of the roofed structures, staff is of the opinion that the matter is ripe for the Commission's consideration. The Office of the Attorney General has confirmed that any remaining zoning requirements from the Town of Urbanna would not be affected by any Commission decision reached.

Staff asked Mr. Anderson during the April 2025 site visit why he proceeded with the roofed structures without submitting the required application. We note that Mr. Anderson received three (3) VMRC permits since 2017 (VMRC #2017-0445, 2018-0486, & 2018-1641). VMRC permit #2017-0445 was issued on September 14, 2017, for the initial replacement of the piers and slips associated with the marina following a fire. VMRC #2018-0486 was issued for a bulkhead

Summary/Recommendation (cont'd)

replacement on July 9, 2018. VMRC #2018-1641 was issued for the replacement of pilings and the reinforcement of the bulkhead in an existing boathouse on October 15, 2024. Mr. Anderson advised staff that he was informed by local officials that he did not need any additional authorization for the proposed roofs and storage shed. For this reason, he did not file a joint permit application for the structures.

After reviewing the current application, staff does not believe the proposed additions to the facility will result in any adverse impacts to navigation within the creek or on the overall marine environment, nor do we feel it will result in any negative impacts to the adjacent commercial operations. The applicant's request to retain the storage shed within the existing enclosed eight-slip boathouse, to provide ice for the catch and offloading of shellfish to commercial watermen, is supported by staff.

Accordingly, after evaluating the merits of the project and after considering all the factors contained in §28.2-1205(A) of the Code of Virginia, staff finds the proposal to be a reasonable and permissible use of state-owned submerged bottom and recommends approval for the retention of a fuel dock cover and enclosed storage shed and to install 12 (twelve) new boat lifts in existing boat slips at Urbanna Boatyard and Marina with a triple permit fee of \$900.00. The Commission may want to consider any appropriate civil charge for the constructed roofed structures should it elect to approve them.

VEBROWNT BONT YARD & MAREKANT

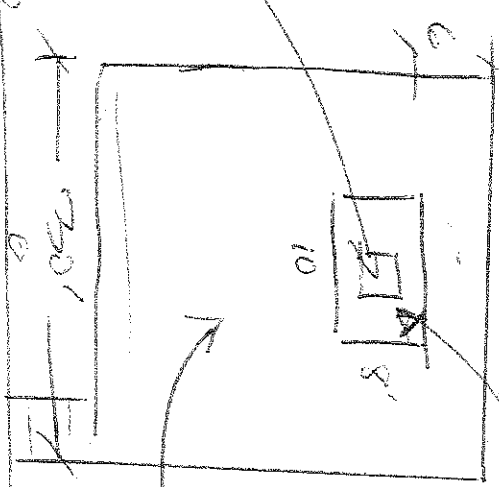
804-758-0200

N.T.S.

ITEM IN QUESTION:
ADDED 8x10 FLAT
ROOF GAS PUMP
ROOF

ALW
MHW
ON Bulkhead

EXISTING
FUEL
PUMP



EXISTING DECK

EXISTING
BULKHEAD

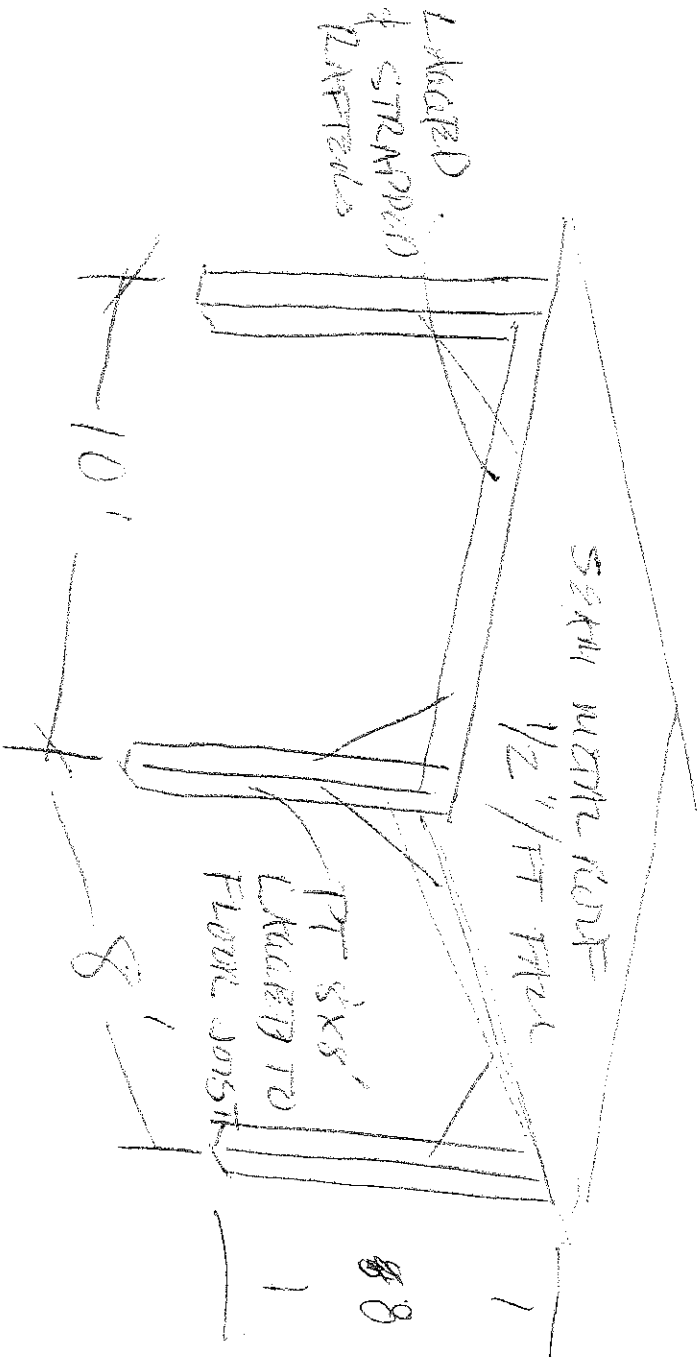
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23175

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1 OF 2

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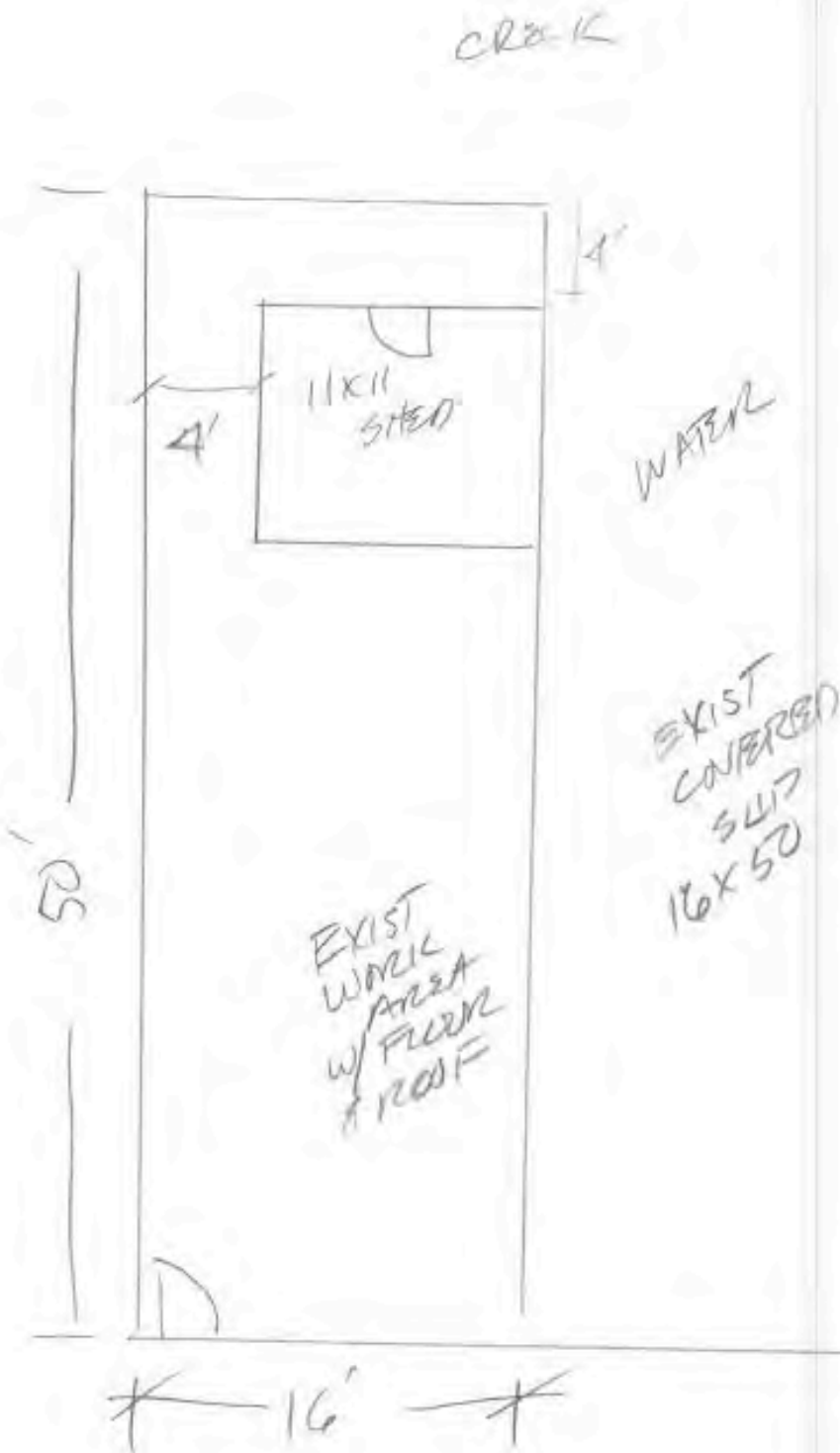
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NTS.

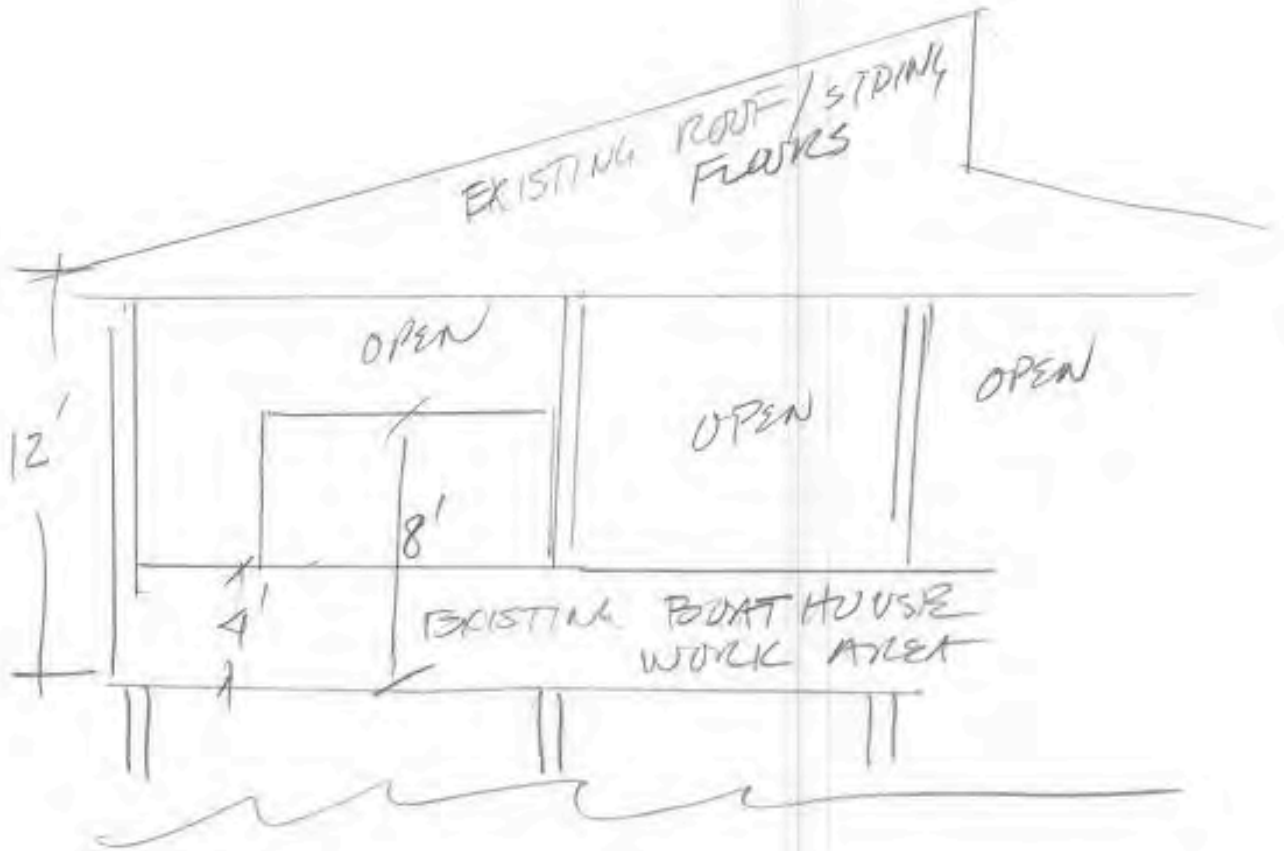
4/20/25
N.T.S.

BOAT LIFT SLIP AREA



PLAN VIEW / ENLARGED
URBANNA BOAT YARD & MARINA

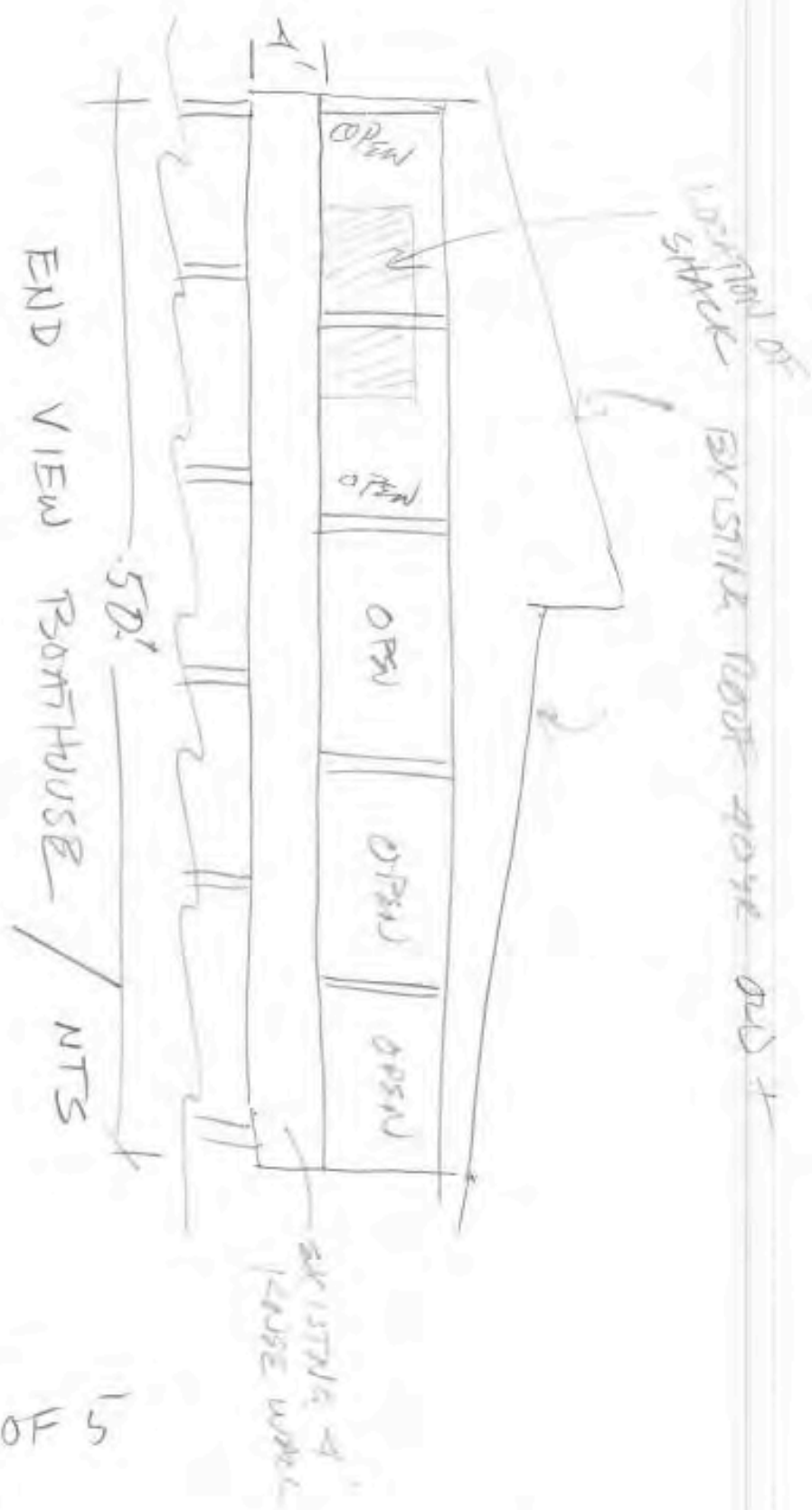
1 OF 5

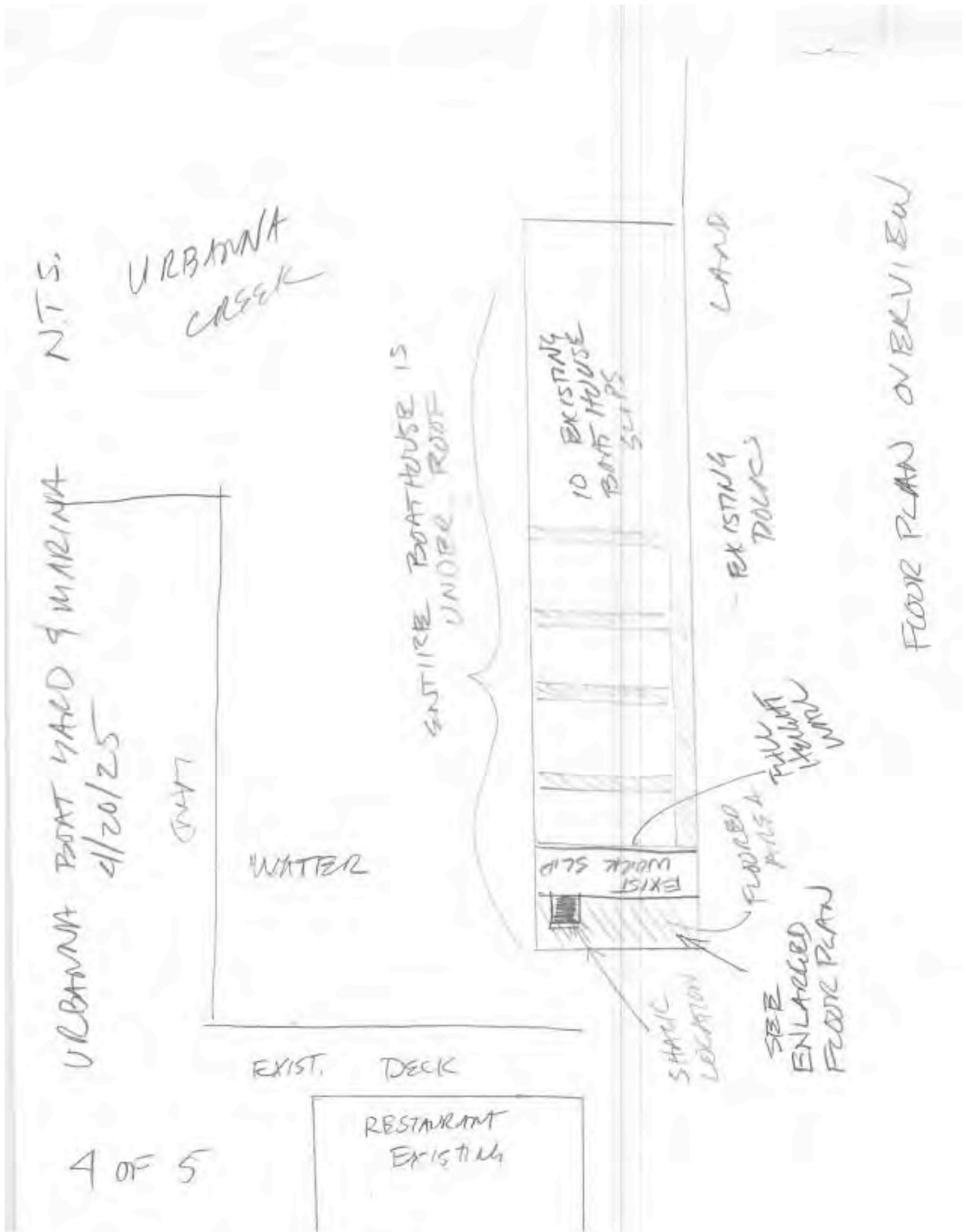


URBANNA BOAT YARD & MARINA
BOAT HOUSE / SHARIC

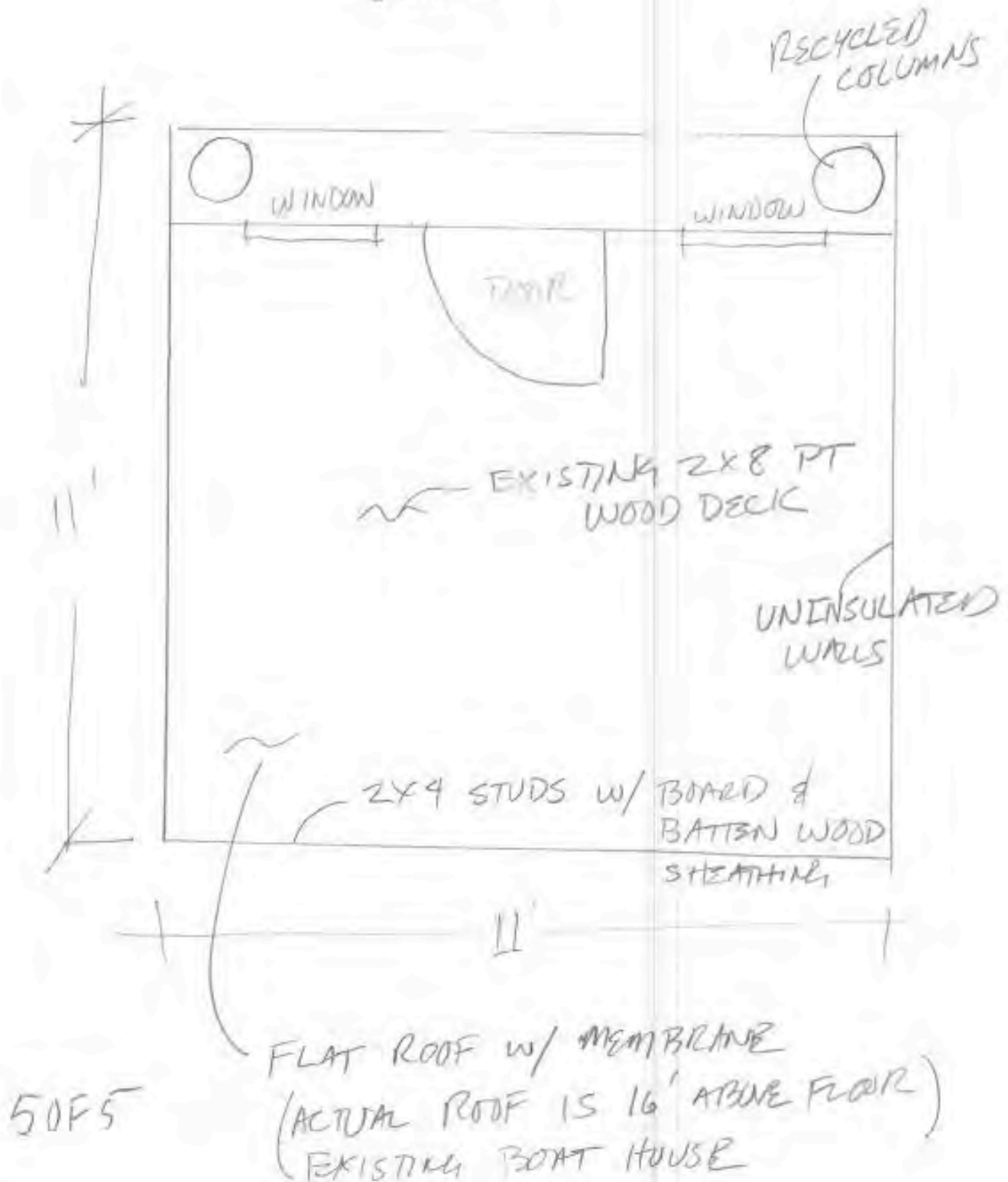
2 OF 5 END VIEW

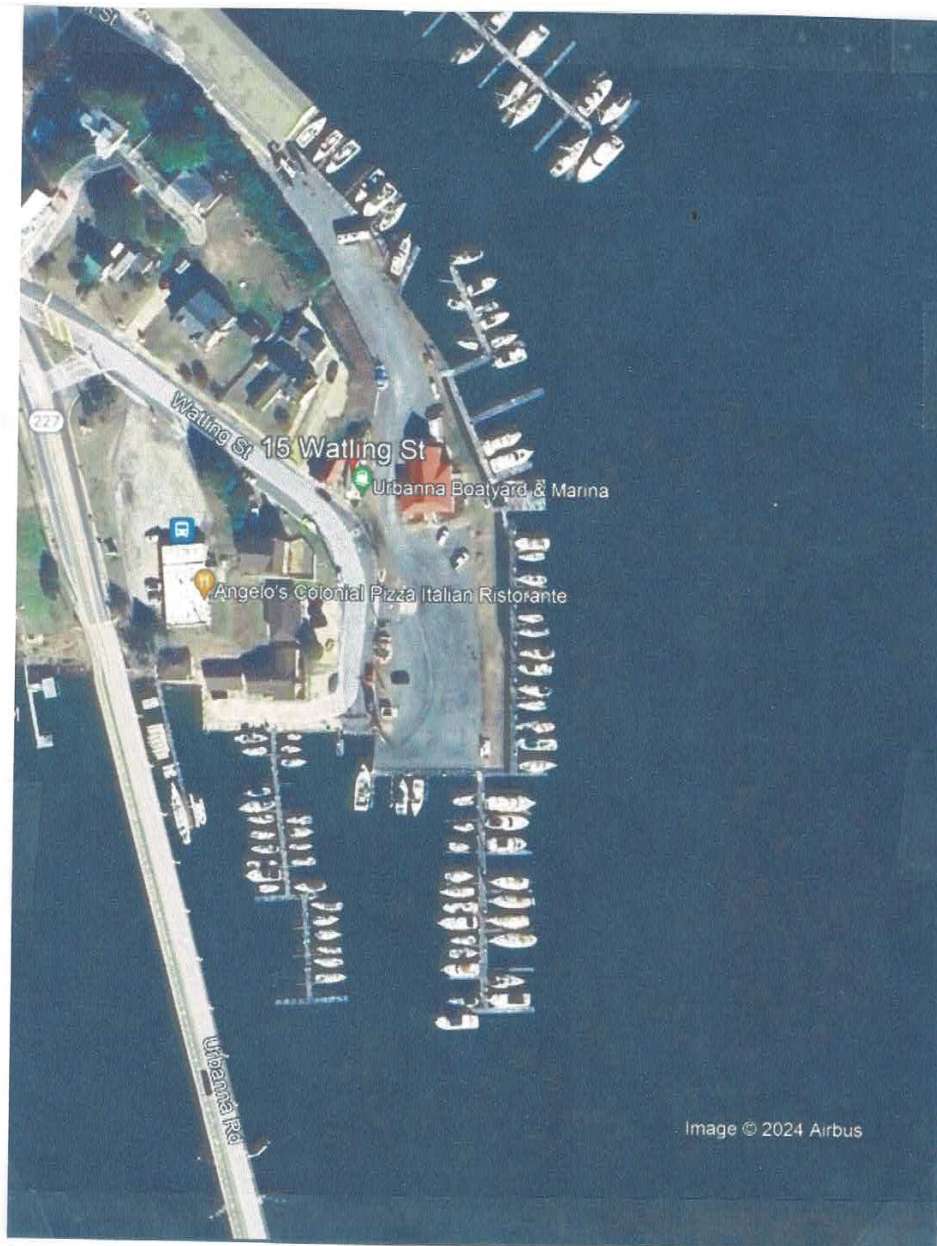
4/20/25 NTS





4/20/25 N.T.S.
 SHACK FLOOR PLAN
 URB34



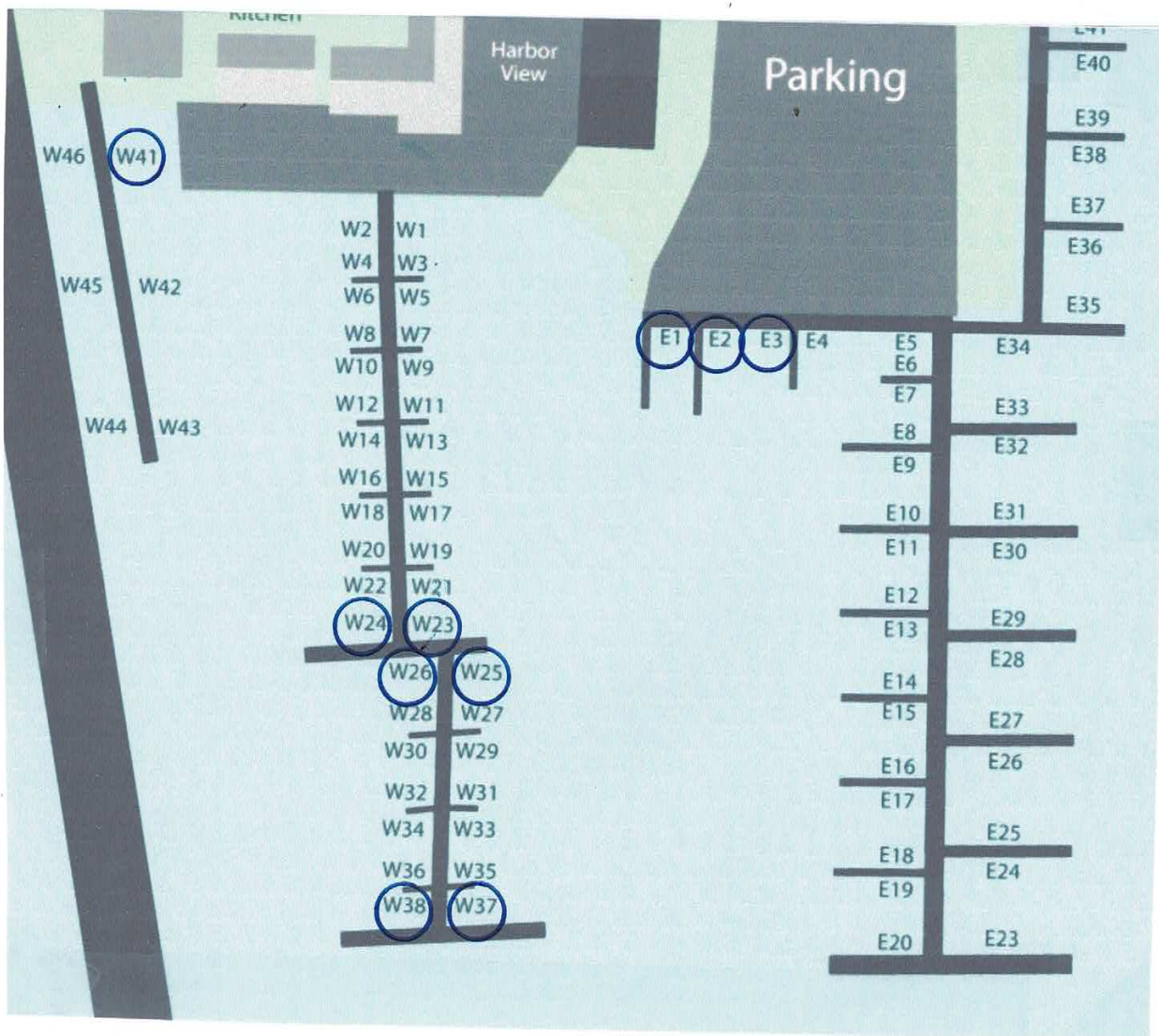


AERIAL VIEW:

ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA. 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 3

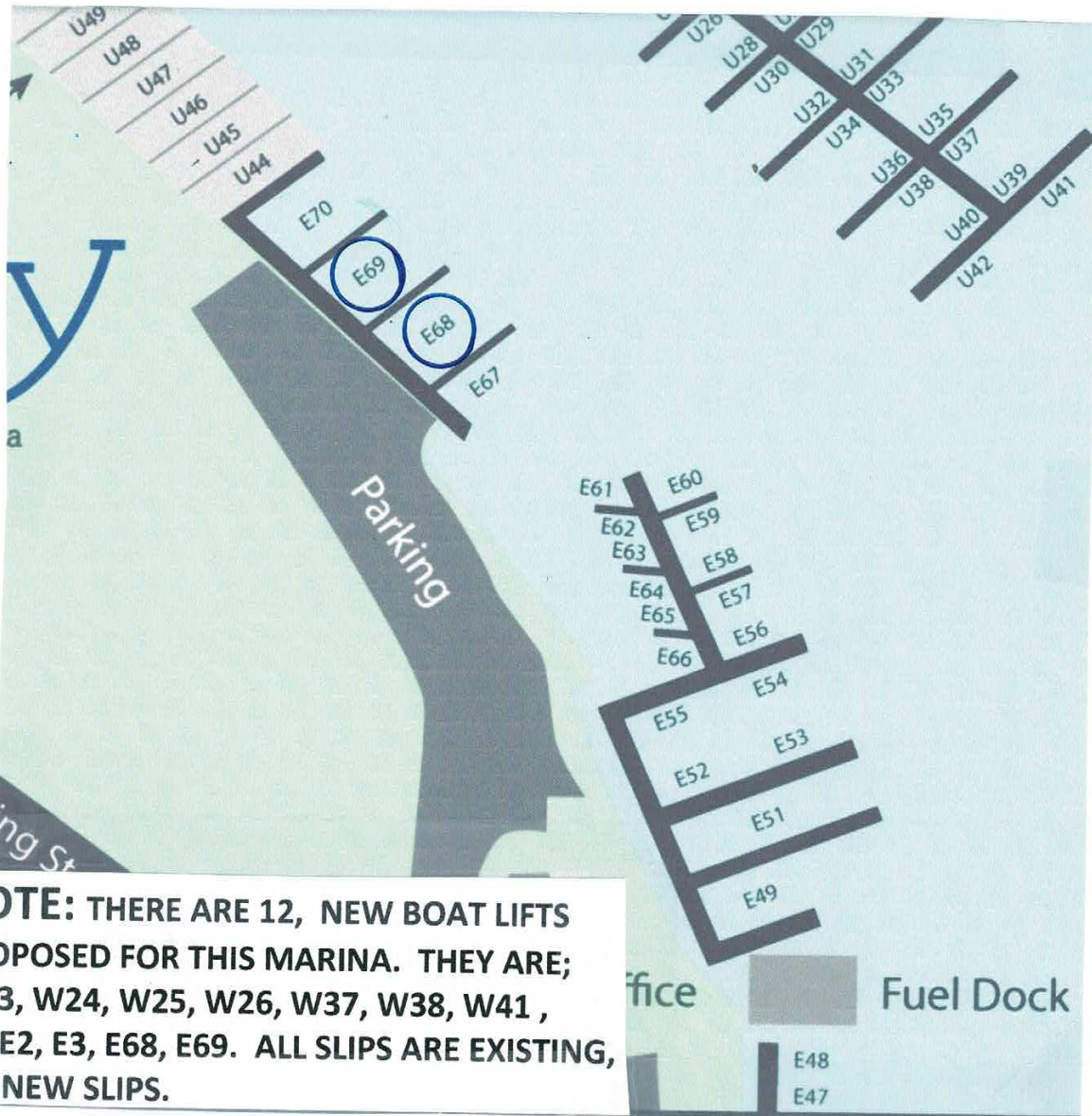


PLAN VIEW, SLIP LOCATION OF BOATLIFTS:

ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 4



NOTE: THERE ARE 12, NEW BOAT LIFTS PROPOSED FOR THIS MARINA. THEY ARE; W23, W24, W25, W26, W37, W38, W41, E1, E2, E3, E68, E69. ALL SLIPS ARE EXISTING, NO NEW SLIPS.

PLAN VIEW, SLIP LOCATION OF BOATLIFTS:

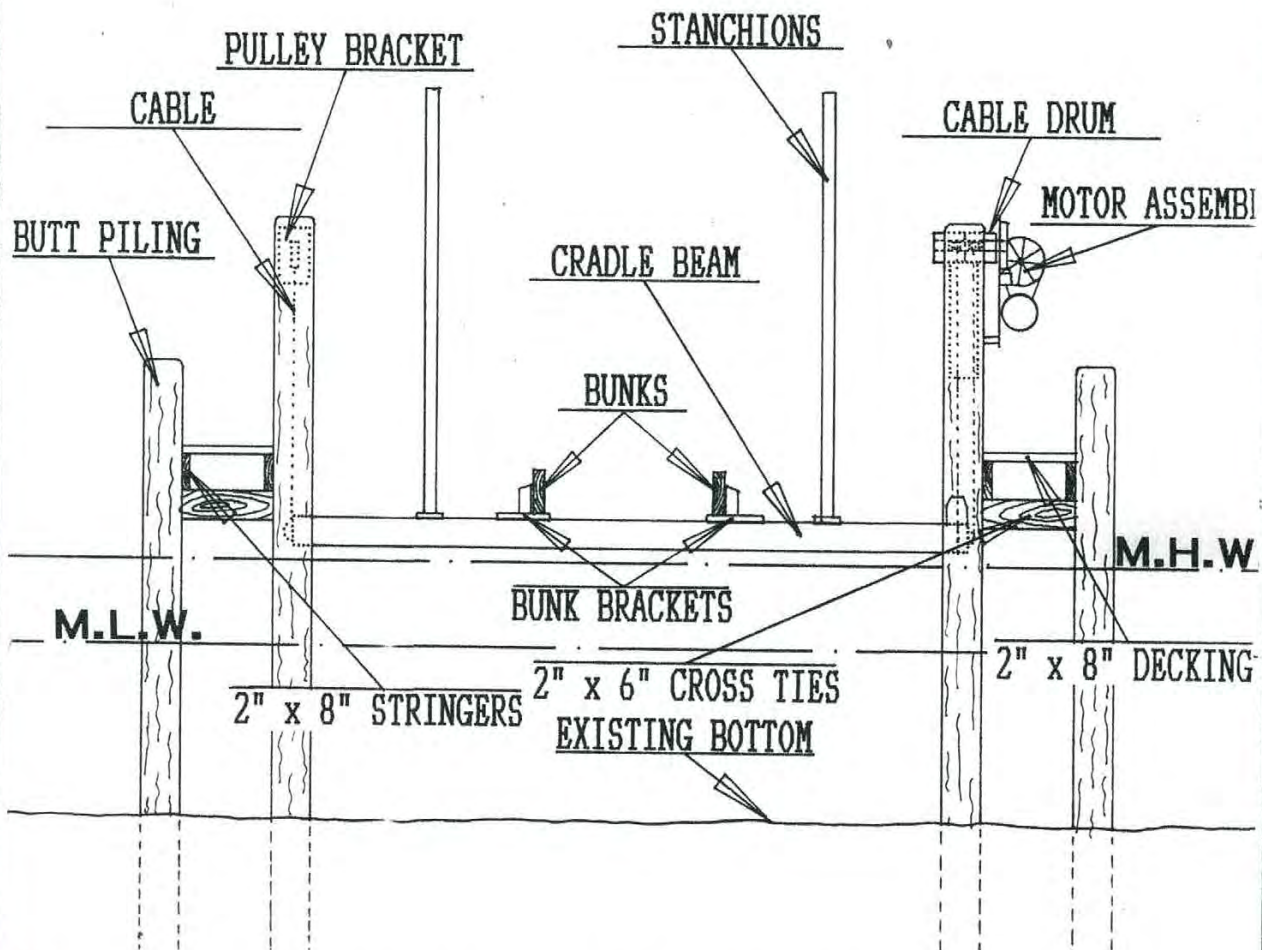
ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA. 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 5

CCA TREATMENT OF PILINGS: 2.5 pcf. CCA TREATMENT OF FRAMING: 1.5 pcf.

CCA TREATMENT OF DECKING: 0.4 pcf.



SECTION VIEW, PROPOSED BOATLIFTS:

ROGER MC KINLEY, INC.
691 MILL POINT DRIVE
HEATHSVILLE, VA 22473
804-724-8094

PROPOSED BOAT LIFTS ANDY ANDERSON, DOCKMASTER
URBANNA BOATYARD & MARINA 15 WATLING STREET
URBANNA CREEK URBANNA, VA. 23175
MIDDLESEX COUNTY JULY 27, 2024
COUNTY SECTION #20A-1-86,87,88,89,91.

PAGE 6

From: [Travis, Kirsten \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: VMRC 2024-1864 Urbanna Boatyard and Marina
Date: Monday, May 12, 2025 12:28:06 PM
Attachments: [Wetlands No Permit Needed Letter 2024-1864 Urbanna Boatyard and Marina.pdf](#)

Good afternoon,

Could you please add this LWB comment to JPA# 24-1864?

Thanks,
Kirsten Travis
Environmental Engineer, Habitat Management
Virginia Marine Resource Commission
(757) 247-8027 (Office)

From: Marc Longest <m.longest@co.middlesex.va.us>
Sent: Friday, August 16, 2024 12:25 PM
To: 691millpoint6541@gmail.com
Cc: dockmaster@URBBYmarina.com; MRC - jpa Permits <jpa.permits@mrc.virginia.gov>; Travis, Kirsten (MRC) <Kirsten.Travis@mrc.virginia.gov>
Subject: VMRC 2024-1864 Urbanna Boatyard and Marina

Roger,

Please see attached. Thank you.

Marc K. Longest
Environmental and Codes Compliance Officer



Middlesex County, VA
Phone: (804) 758-3382
Fax: (804) 758-0061
m.longest@co.middlesex.va.us
www.co.middlesex.va.us

David W. Kretz, L.S.
Director

PO Box 428
Saluda VA 23149



County of Middlesex
Office of Planning and Zoning

August 16, 2024

Urbanna Boatyard and Marina
15 Watling Street
Urbanna, VA 23175

RE: **JOINT PERMIT APPLICATION # 2024-1864**

Dear Urbanna Boatyard and Marina:

Please be advised that the Middlesex County Wetlands Office has reviewed your proposed project to **install 12 electric boatlifts in 12 existing boatslips**. The project is located within Urbanna Creek at Tax Map #20A-1-86, 87, 88, 89, & 91. The Wetlands Office has made the determination that this project will not conflict with the Middlesex County Wetlands Ordinance. A Middlesex County Wetlands Permit will not be required for this project.

Please note that if any modifications are proposed within the 100' RPA, a Resource Protection Area Modification Permit is required before work is to commence. Please note that the Middlesex County Department of Planning and Community Development must issue a Zoning and Building Permit for your project before any construction is permitted to begin. Please contact our staff at (804) 758-4305 for information on how to apply for a Zoning and Building Permit. Effective January 1, 2007, in order to receive the Building and Zoning permit, the contractor **MUST** be listed on the application. It is recommended that homeowners have the contractor apply for the Building Permit.

In addition, you may need approvals from the U. S. Department of the Army, Corps of Engineers, Norfolk, Virginia at (757) 441-7652 and the Virginia Marine Resource Commission, Newport News, Virginia at (757) 247-2254, Middlesex County Department of Planning and Community Development (804) 758-3382 (Resource Protection Area). **If approvals from these agencies are required, copies of those approvals must be on hand before Middlesex County Department of Planning and Community Development can issue a Zoning and Building Permit for the project.**

If you have any questions or comments, feel free to contact our staff at (804) 758-3382.

Sincerely,

Marc K. Longest
Environmental & Codes Compliance Officer

cc: Roger McKinley, Sr.
VMRC
File, W# 2024-1864

From: [Travis, Kirsten \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina
Date: Monday, December 16, 2024 11:59:40 AM
Attachments: [Outlook-ngtp25i5.png](#)
[Outlook-xptcqqqs.png](#)
[DSS_20241216_20241864_CommentsMemo.pdf](#)

Good morning,

Could you please add these VDH comments to JPA# 20241864?

Thank you!

Kirsten Travis

Environmental Engineer, Habitat Management

Virginia Marine Resource Commission

(757) 247-8027 (Office)

From: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Sent: Monday, December 16, 2024 11:30 AM
To: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>
Subject: Re: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Good Morning,

This project will not cause any change in shellfish classification areas. Please accept the attached memo as VDH/DSS's response.

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

[X] THE PROPOSED PROJECT IS ACCEPTABLE.

[] CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS UNDESIRABLE. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS UNACCEPTABLE. (THIS IS CONSIDERED AN AGENCY OBJECTION REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? NO

Very Respectfully

Adam Wood

Growing Area Manager

Virginia Department of Health

Division of Shellfish Safety

Cell: (804) 839-2809

Office: (804) 577-4007

www.vdh.virginia.gov/shellfish



From: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>

Sent: Tuesday, November 26, 2024 12:28 PM

To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>

Subject: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than December 17, 2024. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20241864](#)

Applicant: Urbanna Boatyard and Marina

Locality: Middlesex

Project Description: 12 Lifts

Date Received: August 5, 2024

Engineer: Kirsten Travis

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☐ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

☐ THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / NO

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

COMMENTS: _____

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-8027 or kirsten.travis@mrc.virginia.gov

Kirsten Travis

Environmental Engineer

Virginia Marine Resources Commission

Phone: (757) 247-8027

Email: kirsten.travis@mrc.virginia.gov



COMMONWEALTH of VIRGINIA

Department of Health

P. O. BOX 2448
RICHMOND, VA 23218-2448

TTY 7-1-1 OR
1-800-828-1120

MEMORANDUM

DATE: 12/16/2024
TO: Kirsten Travis
Virginia Marine Resources Commission
FROM: Adam Wood, Growing Area Manager
Division of Shellfish Safety Waterborne Hazards Control
SUBJECT: URBANNA BOATYARD AND MARINA

City / County: Middlesex

Waterbody: Urbanna Creek

Type: ☐ VPDES ☐ VMRC ☐ VPA ☐ VWP ☒ JPA ☐ Other:

Application / Permit Number: 20241864

- ☒ The project will not affect shellfish growing waters.
- ☐ The project is located in or adjacent to approved shellfish growing waters, however, the activity as described will not require a change in classification.
- ☐ The project is located in or adjacent to condemned shellfish growing waters and the activity, as described, will not cause an increase in the size or type of the existing closure.
- ☐ The project will affect condemned shellfish waters and will not cause an increase in the size of the total condemnation. However, a prohibited area (an area from which shellfish relay to approved waters for self-purification is not allowed) will be required within a portion of the currently condemned area. See comments.
- ☐ A buffer zone (including a prohibited area) has been previously established in the vicinity of this discharge, however, the closure will have to be revised. Map attached.
- ☐ This project will affect approved shellfish waters. If this discharge is approved, a buffer zone (including a prohibited area) will be established in the vicinity of the discharge. Map attached.
- ☐ Other.

**ADDITIONAL
COMMENTS:**

Area #: 029

ACW

Recieved by VMRC Dec 17, 2024 map



From: [Travis, Kirsten \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: VDH Marina program approval; RE: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina
Date: Wednesday, December 4, 2024 8:57:16 AM

Good morning,

Could you please add these comments to JPA#20241864?

Thank you!

Kirsten Travis

Environmental Engineer, Habitat Management

Virginia Marine Resource Commission

(757) 247-8027 (Office)

From: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>
Sent: Wednesday, December 4, 2024 5:10 AM
To: Travis, Kirsten (MRC) <Kirsten.Travis@mrc.virginia.gov>
Cc: Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Subject: VDH Marina program approval; RE: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Please see below for the marina program approval, thanks!

Margaret Smigo

Waterborne Hazards and Marina Programs Manager

Office of Environmental Health Services

Division of Shellfish Safety and Waterborne Hazards

Phone: (804)731-1352

HAB Hotline: (888) 238-6154

www.SwimHealthyVA.com

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

Virginia Department of Health

109 Governor Street

Richmond, VA 23219



**Office of Environmental
Health Services**
Division of Shellfish Safety
and Waterborne Hazards

From: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>
Sent: Tuesday, November 26, 2024 12:28 PM
To: Smigo, Margaret (VDH) <Margaret.smigo@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>
Subject: JPA: 20241864 in Middlesex, Applicant: Urbanna Boatyard and Marina

Joint Permit Application Request for Comments

Virginia Marine Resources Commission, Habitat Management Division, requests your review and evaluation of the following permit. Your evaluation is requested no later than December 17, 2024. By statute, we are obliged to refer an objection by any state agency to the full Commission in a public hearing. An unacceptable evaluation will be considered an agency objection. Evaluations suggesting modifications or indicating that the proposal is unacceptable should include comments in the justification of your finding.

Please click the link below for full application details.

[Application: 20241864](#)

Applicant: Urbanna Boatyard and Marina
Locality: Middlesex
Project Description: 12 Lifts
Date Received: August 5, 2024
Engineer: Kirsten Travis

After reviewing the application, please reply to this email and indicate one of the following:

I HAVE CONDUCTED A THOROUGH REVIEW OF THE PROPOSED PROJECT BASED UPON THE STATUTORY RESPONSIBILITY OF THIS AGENCY AND MY EVALUATION IS THAT:

☒ THE PROPOSED PROJECT IS **ACCEPTABLE**.

☐ CERTAIN ASPECTS OF THE PROPOSAL ARE OBJECTIONABLE AND UNLESS THE SUGGESTED MODIFICATIONS ARE INCORPORATED, THE

PROJECT IS **UNDESIRABLE**. (SUGGESTED MODIFICATIONS SHOULD BE PROVIDED TO THE APPLICANT EXPEDITIOUSLY FOR HIS CONSIDERATION.)

[] THERE ARE ASPECTS THAT ARE OBJECTIONABLE AND, IN OUR OPINION, NOT RECONCILABLE; THEREFORE, THE PROJECT IS **UNACCEPTABLE**. (THIS IS CONSIDERED AN **AGENCY OBJECTION** REQUIRING REVIEW BY THE FULL COMMISSION IN ACCORDANCE WITH SECTION 28.2-1207(A2) OF THE CODE OF VIRGINIA; MUST BE FULLY JUSTIFIED AND MAY REQUIRE YOUR PRESENCE TO TESTIFY AT THE PUBLIC HEARING.)

WAS A FIELD INVESTIGATION OF THE PROPOSAL PERFORMED BY A MEMBER OF YOUR AGENCY? YES / **NO**

DATE OF INVESTIGATION: **12/3/24**

NAME OF INVESTIGATOR: **Margaret Smigo**

COMMENTS: **project described is on existing slips**

Should you have any questions regarding this permit application, please do not hesitate to contact me at (757) 247-8027 or kirsten.travis@mrc.virginia.gov

Kirsten Travis
Environmental Engineer
Virginia Marine Resources Commission
Phone: (757) 247-8027
Email: kirsten.travis@mrc.virginia.gov

Viewing application and related documents requires Google Chrome, Mozilla Firefox, Safari, or Microsoft Edge.

From: [Worrell, Justin \(MRC\)](#)
To: [MRC - jpa Permits](#)
Cc: [Owen, Randy \(MRC\)](#); [Travis, Kirsten \(MRC\)](#)
Subject: FW: VMRC Applications Search/ Documentations
Date: Wednesday, May 14, 2025 2:57:18 PM
Attachments: [2023-05-14-Justin-Worrell-Letter.pdf](#)
[2023-11-14-Justin-Worrell-Email.pdf](#)
[2023-10-08-Justin-Worrell-Email.pdf](#)

Please treat this email and attachments as Town of Urbanna comments. Thanks.

From: t.costin@urbannava.gov <t.costin@urbannava.gov>
Sent: Wednesday, May 14, 2025 2:51 PM
To: Worrell, Justin (MRC) <justin.worrell@mrc.virginia.gov>
Cc: Travis, Kirsten (MRC) <kirsten.travis@mrc.virginia.gov>; david@co.middlesex.va.us
Subject: RE: VMRC Applications Search/ Documentations

As discussed today, the documentation attached details the enclosed space desired for permitting in application VMRC# 2024-1864 is not permitted by the Town of Urbanna which maintains zoning and other functions separate from the County of Middlesex. It further documents the applicant is on notice of the violation.

P. S. T. (Ted) Costin
Urbanna Town Administrator
POB 179
Urbanna, VA 23175
804.758.2613 ext. 202

[Town of Urbanna](#)



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From: Travis, Kirsten (MRC) <Kirsten.Travis@mrc.virginia.gov>
Sent: Wednesday, May 14, 2025 12:14 PM
To: t.costin@urbannava.gov
Subject: VMRC Applications Search/ Documentations

Good afternoon,

For future reference, I am sending you the link to our [Habitat Management Permits and Applications](#) search, the application number for the urbanna marina is VMRC# 2024-1864. All associated documents are available for view by the public. Please let me know if you have any questions



TOWN OF URBANNA

390 VIRGINIA STREET, SUITE B
PO BOX 179, URBANNA, VA 23175
PHONE: 804-758-2613, FAX: 804-758-0389

September 13, 2023

Andy Anderson, Owner
URBBY
P.O. Box 973
Urbanna VA, 23175

RE: Storage Shed

The Town office has received several complaints that you are planning on building a shed or sheds to provide sleeping quarters to visitors for a fee. At this time, you have not applied for or been granted zoning or building permit for that purpose.

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

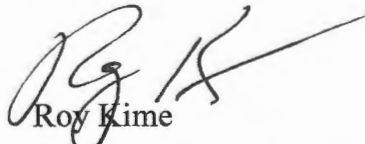
The neighboring residents will be watching to see what use you intend to put this structure. Keep that in mind. You already are making questionable use of three apartments as short term rentals. Do not let the use of this storage shed make that situation worse.

You have ignored my last letter about the short-term rental issue and ignored my suggestion of applying for a special use permit to operate a motel/hotel for those rental units. I provide you with what I believed to be an acceptable alternative well over a year ago and you chose to ignore my advice.

On another note, you will be pleased to hear that the trolley, the Pearl has stopped operating for the year as of September 3. We will notify them that you do not wish to have their driver turn around in your parking lot in following years . We will instruct the operator to complete his turns at the top of the hill on Watling Street.. Let us know if you want that decision to be reconsidered.

If you have any question about this letter please feel free to contact me.

Sincerely,



Roy Kime
Zoning Administrator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Andy Anderson, Owner
URBBY
P.O. Box 973
Urbanna, VA 23175



9590 9402 7673 2122 8581 84

2. Article Number (Transfer from service label)

7022 0410 0000 4401 7068

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Agent
☐ Addressee

☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent to

Street and Apt. No., or P.O. Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
Here

From: G. David Selph <david@co.middlesex.va.us>
Subject: Fwd: Andy Anderson
Date: Oct 30, 2023 at 4:49:41 PM
To: b.goldsmith@urbannava.gov

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Woodward, Jay (MRC) <jay.woodward@mrc.virginia.gov>
Sent: Friday, October 27, 2023 9:35:01 AM
To: G. David Selph <david@CO.Middlesex.VA.US>
Subject: RE: Andy Anderson

David,
If the platform is over the water, it would need a permit from VMRC even tho it is under the boathouse roof. We would likely NOT support it, best that he remove it from being over State-owned bottom.
Jay

Jay Woodward
Environmental Engineer, Sr.
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
Office (757) 247-8032
Mobile (757) 504-7009
Jay.woodward@mrc.virginia.gov
Website www.mrc.virginia.gov

WATER IS LIFE

From: G. David Selph <david@CO.Middlesex.VA.US>
Sent: Thursday, October 26, 2023 3:54 PM
To: Woodward, Jay (MRC) <jay.woodward@mrc.virginia.gov>
Subject: FW: Andy Anderson

Jay,

From: **G. David Selph** david@co.middlesex.va.us
Subject: **storage space of Andy Anderson**
Date: **Oct 30, 2023 at 4:26:58 PM**
To: **b.goldsmith@urbannava.gov**

As requested an inspection of the storage space of Mr. Anderson's at URBBY marina was conducted. The space has a platform suspended from the ceiling that appears to be a sleeping platform, and minor electrical installed. I am ok with the electrical work. VMRC was notified, they require the platform to be removed.

Storage spaces are allowed to be below design flood elevation (Town Code 17-4.11.11.C.1), however flood vents are required (Town Code 17-4.11.11.C.3).

David Selph

is its use in administering the National Flood Insurance Program. It immediately identifies all areas subject to flooding, particularly those with small squares of small size. The community map repository should be used for studies conducted or additional flood hazard information.

n more detailed information in areas where **Base Flood Elevations** and/or **Storm Surge** have been determined, users are encouraged to consult **1. Profiles and Floodway Data and/or Summary of Significant Elevations** relevant within the Flood Insurance Study (FIS) report that encompasses the area. Users should be aware that IFEs shown on the FIS represent **mean high water** elevations. These IFEs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of site and/or footprint management.

Base Flood Elevations shown on this map apply only to owners of a **Residential Single-Family Detached** (RSD) structure. Users of this FIRM should be aware that substantial flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. L shown in the Summary of Elevations tables should be used for other and/or floodplain management purposes when they are higher than those shown on this FIRM.

14. of the Roadways were compiled at cross sections and interpolated cross sections. The Roadways were based on hydraulic considerations and requirements of the Federal Flood Insurance Program. Fourteen and other pertinent roadway data are provided in the Flood Insurance and for the landscape.

areas not in Special Flood Hazard Areas may be protected by flood structures. Refer to Section 2.4 "Flood Protection Measures" of the current Study report for information on flood control structures to the R.

action used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18N. The horizontal datum was NAD 83. GPS/GIS differences in urban school populations or UTM errors exist in the % of farms for adjacent jurisdictions may result in slight potential % in map features across jurisdiction boundaries. These differences do not affect the interpretation of the data.

Those fixed elevations must be compared to attitudes and ground referenced to the same vertical datum. For information regarding it between the National Geodetic Vertical Datum of 1929 and the National Vertical Datum of 1985 visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at (800) 852-2662.

Equation Services
P.O. Box 10
Dorchester, Surrey
GU30 2EJ
1-11 West Highway
Ing. Maryland 20710-2062
3042

Current situation, description, and possible intervention to benefit youth on the edge please contact the Information Services Branch general Gerardo Duray at (705) 713-3262 or visit by website at cysa.nrc.ca.

A portion of the map data were obtained in digital spatial data format from researchers at Virginia and Middlesex County. Road boundaries were by Middlesex County Department of Planning and Community Int. The Middlesex County political boundary was downloaded from the EPA web site and 2002 digital orthoregistration were provided by the Geographic Information Network (VGIN). Adjustments were made to the map features to align them to 1:250,000 and 1:100,000 scale VGIN.

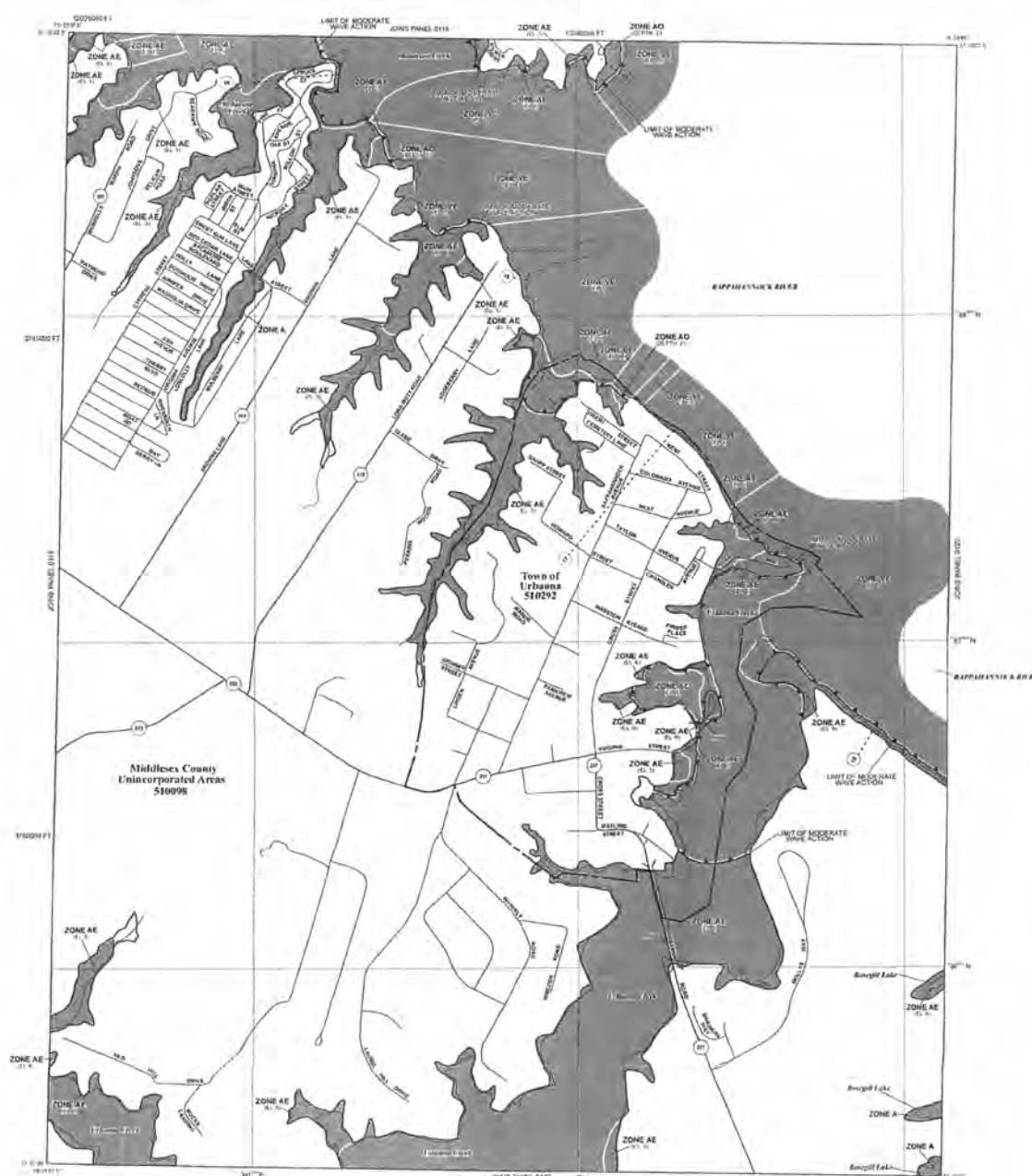
effects more detailed and up-to-date stream channel configurations (shown on the previous 1985 to 1986 jurisdiction). The Russians said that were transferred from the previous 1985 may have been adjusted to these new stream channel configurations. As a result, the final to Fishery Data Series in the Flood Insurance Study Report (which contains hydraulic data) may reflect stream channel distances that will be shown on this map.

points shown on the map are based on the best data available at the location. Because changes due to annexation or deannexation may affect the map, map publisher map users should contact appropriate offices to verify current permitted land locations.

and a category has been created by a *Limit of Moderate Wave Action* (the LAMMA) represents the approximate low-water limit of the 1500 yd. The effects of wave heights indicates the VE Zone and the LAMMA in the shoreline and the LAMMA to areas where VE Zones are not but be similar to, but less severe than those in the VE Zone.

re: FEMA Map information exchange at 1-877-326-9627 for available products associated with this FIRM. Available products are previously issued letters of Map Change, a Flood Insurance rate and/or digital version of this map. The FEMA Map information may also be reached by fax at 1-800-558-9620 and their website www.fema.gov.

expressions about this map or questions concerning the National Flood Program in general, please call 1-877-FLEMA MAP (1-877-356-2627) or hit website at <http://www.fema.gov/disasters/flep>

 SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBMITTAL BY THE 1% ANNUAL CHANCE FLOOD...[illegible]

ZONE A	Yes Size World Investors advised
ZONE AB	Subs/Trans Structure Improved
ZONE AH	Fixed Supply of 1 to 1 for publicly owned or controlled Companies, announced.

Z104E AR Fracture depths of 1 to 1 foot (usually) from flow, on sloping, non-compact, disintegrated. For most of skinned topography, in 20 minutes.

Z104E AR Fracture from Hazard Area, forming a protected from the 20% in 20 minutes. A third control, under the same, in 20 minutes.

CONCLUSION: It can be projected from the actual changes from the 1980s that the program would achieve considerable cost savings.

[illegible]

The Institute of the Americas of a system of active citizens' education and that "the vast majority of the population has not been able to exercise a good citizen's role in their region."

Area of 10 2/3 sq. ft. annual average flow, area of 1/2 sq. ft. annual average depth of the stream 1 foot or with average width 1 square foot, and area protected by heavy trees 1/2 annual flow.

Zone 1 Areas that are not designated for any special conservation purposes.

Zone 2 Areas that are not designated for any special conservation purposes.

Coastal Barrier Resources System (CBRS) Areas

OTHERWISE PROTECTED AREAS (OPAs)
OPAs are not OTHAs and normally include riparian or adjacent to coastal frontage

Cold and CHN boundary

boundary covered by Upper Fluvial related with forms a boundary at where Lower Fluvial merged into delta of all lower fluvial channels. Most likely, as first.

 Level of White and Black Antennae

 Green Forest Elevations: as in figure 1, except in 1998
 Black Forest Elevations: as in figure 1, except in 1998

Geographic coordinates referenced to the North
Latitude of 200 (N42-0), modern geodesy

7911 H	125mm Internal Diameter Morgan Pro Valve
800220 ET	550 Gallon Volume Virginia Super Fine Control Valve, Steel and PTFE/FEP Valves, Lateral Flow Project

[illegible]

EFFECTIVE DATE OF TRANSFERRED
FLOOD-INSURANCE RATE RAMP
May 1, 2010
EFFECTIVE DATES OF REVISIONS TO THIS PANEL

For more information, visit www.fda.gov/oc/ohrt or call 1-800-FDA-1088.

To determine if Black rhinoceros is available in the community, call 800-451-4673 or visit the National Black Rhino Program at 1-800-222-8626.

MAP SCALE 1" = 500'

0 50 100 FEET

0 50 100 METERS

NSTP PANEL 0114E

FIRM

FLOOD INSURANCE RATE
MIDDLESEX COUNTY
VIRGINIA

PANEL 114 OF 275

(SEE MAP INDEX FOR FIRM PANEL)

CONTACTS

COMPANY	CONTACT	PHONE
WILLIS TOWERS WATSON	WILLIS TOWERS WATSON	212 512 2000

10-INSU

Anders to learn. The May Journal will be used after passing may order the Kerner Award Award, showing the good for world peace.



MAP 5111

MAP P
MAY

Federal Emergency Management Agency

WATER IS LIFE

From: Bill Goldsmith <b.goldsmith@urbannava.gov>

Sent: Tuesday, November 14, 2023 3:49 PM

To: vagentib@gmail.com; Anderson Andy <dockmaster@urbbymarina.com>

Cc: Andrea Erard <erardlaw@gmail.com>; Woodward, Jay (MRC) <jay.woodward@mrc.virginia.gov>; G. David Selph <david@co.middlesex.va.us>; m.rodenburg@urbannava.gov; Roy Kime <r.kime@urbannava.gov>

Subject:

November 14, 2023

Mr. Anderson,

You have constructed what was agreed to be a storage shed under the roof of your covered slips. David Selph had inspected the construction and found it was compliant with code regarding electricity, but informed me that it was in a location that fell under our flood zone ordinance. As acting town administrator, flood zone compliance falls under my enforcement. The pictures that Mr. Selph produced showed no flood vents and a bed that appeared to be in position for use.

I was preparing a notification that would have reinforced that the area involved could not be inhabited and needed proper flood venting. It turns out that the space was also in violation of VMRC permitting and that presents a more important issue for the structure. Based on feedback from Jay Woodward at VMRC, the structure should be removed as it is not properly permitted by VMRC.

I will be sending you a packet containing this email, correspondence with David Selph and Jay Woodward and the flood ordinance.

Sincerely

Bill Goldsmith,

Urbanna Mayor

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Andy Anderson Urbanna Boat Yard & Marina P.O. Box 973 Urbanna, VA 23175		A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Anderson</i> C. Date of Delivery <i>11/27/23</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Transfer from service label) 7022 0410 0000 4401 7051		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery	
9590 9402 7673 2122 8581 91		restricted Delivery	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees *9.97*

Postmark Here
NOV 17 2023

7022 0410 0000 4401 7051

Andy Anderson, Urbanna Boat Yard
 P.O. Box 973
 Urbanna, VA 23175

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphylawplc.com

July 1, 2025

Via MRC Portal with email copy to:
Randy.Owen@mrc.virginia.gov

Mr. Randal D. Owen
Chief, Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road,
Building 96
Fort Monroe, VA 23651

Re: Urbanna Boat Yard & Marina
VMRC Application 20241864

Dear Mr. Owen:

As you know, I represent Urbanna Boatyard & Marina, LLC, which is attempting to permit several projects at its marina in Urbanna, Virginia under the above application. One of the projects covered by this application is a 144 square foot storage building placed under an existing and previously permitted covered dock.

I understand that on May 14, 2025, Urbanna's Town Manager Ted Costin, emailed your office a September 13, 2023 letter from his predecessor, Roy Kime. Mr. Costin incorrectly advised you that the letter was a "Notice of Violation" of some unspecified town requirement. In fact, however, the letter confirmed that the shed project complied with town requirements.

I am writing to advise you and the Commission that the boatyard's project does not violate any Urbanna ordinance and that despite repeated recent requests, the Town of Urbanna has refused to communicate meaningfully with my client concerning this project.

On June 4, 2025, I summarized the situation in the a letter to Mr. Costin and specifically asked the Town to inspect this project in order to determine whether there were any violations of a town ordinance. A copy of my letter is attached as EXHIBIT A.

July 1, 2025

Page | 2

My letter invited him to visit the project after coordinating a visit with Mr. Anderson.

Nearly a month has gone by since my letter to Mr. Costin, and in that time, he has failed to respond to my letter and has refused to take calls from me. Instead, on June 12 at approximately 8:00 p.m., long after the marina's closing time, the Urbanna town attorney, Andrea Erard, arrived on the property unannounced. She initially refused to identify herself in response to requests from Mr. Anderson, one of the marina's owners. When he caught up with her, Ms. Erard had entered the covered boathouse and was inspecting the site of the storage shed.

After finally identifying herself, Ms. Erard, stated that she had been sent by the Town to conduct an inspection, but that she was not clear what she was looking for.

Mr. Anderson pointed out that the work was in compliance with express permission the Town had provided in 2022 and 2023, as fully described in Mr. Kime's letter. See, **EXHIBIT B**. This attorney could not identify any violations of Town ordinances in her conversation with Mr. Anderson, and she refused to discuss the express permission for this structure that Mr. Kime had provided more than a year before his September 13, 2023 letter.

It has now been almost three weeks since this attorney's visit and there have been no further communications from Urbanna regarding this project. If there is any violation, the Town's legal counsel could not identify it, and its zoning enforcement official, Mr. Costin, has not issued any notice of violation. Neither he nor the Town Attorney will return my calls regarding this project.

On behalf of Urbanna Boatyard & Marina, LLC, I ask the Commission to consider the following facts pertaining to the Town of Urbanna's correspondence with VMRC:

- Mr. Kime's September 13, 2023 letter specifically states that the boatyard can construct an accessory storage building provided it is ten feet from any property line and does not exceed 256 square feet.¹ His letter stated:

¹ The Kime letter refers to "the Middlesex building inspector." The Commission should understand that Urbanna is a town within Middlesex County that provides some but not all government services. The Town administers its own zoning ordinance, but building permits and inspections are provided by Middlesex County. See: <https://urbannava.gov/pages/planning->

July 1, 2025

Page | 3

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

- As acknowledged in this letter, Mr. Kime had told Mr. Anderson a year earlier that no permit would be required for such a storage shed.
- The project my client is attempting to permit is a 12 foot by 12 foot (144 square foot) storage shed that is over forty feet from the nearest property line. The project fully complies with Mr. Kime's 2022 authorization as the Town's zoning enforcement officer.
- As discussed in the above excerpt from Mr. Kime's letter, my client already had abandoned all plans to use this space for sleeping quarters by the time he was visited by the Middlesex Building County official on September 12, 2025.
- Under the circumstances, I cannot understand how this letter can be regarded as a "Notice of Violation." To the extent the Town claims that the letter was such a notice, any "violation" already had been abated even before Mr. Kime wrote my client on September 13, 2023. I also observe that an actual notice of

[zoning.php#:~:text=The%20Town's%20Zoning%20Ordinance%2C%20Comprehensive,applications%20that%20may%20be%20required](#). Copy attached as EXHIBIT C.

The county did not require a building permit for construction of the shed, but Mr. Anderson kept the building official advised of the work, The official visited the site three times and indicated that the work met with his approval.

July 1, 2025

Page | 4

violation would have provided my client with appeal rights. Because there is no actual violation noted, the marina legally has nothing to appeal.

With all of this in mind, two things are clear. First, this project fully complies with town ordinances. Second, that instead of being a “Notice of Violation,” Mr. Kime’s letter is in reality a specific authorization for the building that the boatyard built and now attempts to permit through VMRC.

It is quite clear to me that Urbanna Boat Yard & Marina is not in violation of any Town of Urbanna ordinance.

I cannot explain why the Town Manager has refused to discuss this project with us, nor can I explain why after a visit from Urbanna’s legal counsel, Urbanna has failed to identify any rational or objective basis for opposing this project, if, in fact, it does. To the extent Mr. Costin’s letter can be read as opposition, it is manifestly arbitrary and capricious. *See, e.g., Bd. of Supervisors v. Snell Constr. Corp.*, 214 Va. 655, 202 S.E.2d 889 (1974).²

Before closing, I want to address one final point.

Principal correspondence from the Town of Urbanna seems to focus on The Town’s mistaken belief that this shed was intended for habitation. Perhaps lost in the back and forth on the point is a November 14, 2023 email from Urbanna’s mayor saying that he was “preparing a notification” that the shed would need to have flood vents in order to comply with the Town’s flood zone ordinance.

My clients never received any formal notification, but they nonetheless added vents at the base of two walls of the building providing the minimum drainage opening of 144 square inches. Accordingly, the shed is in full compliance with Urbanna Town Code Section 17-4.11.11, a copy of which I attach as **EXHIBIT D**.³

² Zoning action of a government agency may not be “unreasonable, arbitrary or capricious.” It must bear a “reasonable or substantial relation to the public health, safety, morals, or general welfare.” 214 Va. 655, 658, 202 S.E.2d 889, 892-93 (1974). Here, there does not even appear to be action under a zoning ordinance, only an unexplained belief that a letter expressly permitting a project was somehow a “notice of violation.”

³ Subsection (C)(3)(b) of the ordinance requires a minimum of one square inch drainage for each square foot of floor area. Drain must be on a minimum of two walls under (C)(3)(a).

July 1, 2025

Page | 5

I reiterate, however, that Urbanna has never issued a notice of violation relative to drains. The Boatyard simply complied and there is no violation notice of any sort that has ever been issued to my client.

Mr. Anderson will attend the Commission hearing on this application and provide testimony in the event the Commission has any questions.

For all of these reasons, we respectfully ask that the Commission disregard Mr. Costin's May 14, 2025 email and approve the application for this project.

I would be happy to answer any questions your office may have.

Very truly yours,



E. Stanley Murphy

cc: Mr. and Mrs. Anderson

Under Subsection (C)(3)(e), drains must be at least 3" high. There is only one enclosed area in the shed.

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphylawplc.com

June 4, 2025

Via email to: t.costin@urbannava.gov

Mr. Ted Costin
Zoning Administrator
Town of Urbanna
P.O. Box 179
Urbanna, Virginia 23175

Re: Urbanna Boat Yard & Marina
VMRC Application 20241864

Dear Mr. Costin:

I represent Urbanna Boat Yard & Marina in connection with the above application now pending before the Virginia Marine Resources Commission.

The Commission has made me aware of your May 14, 2025 email to VMRC stating that the proposed shed project is not permitted under the Town of Urbanna zoning ordinance. Although your letter does not say that it is an opposition to this application, VMRC has regarded this letter as opposing the enclosed storage space for which my client is seeking Commission approval.

Your email provided the Commission with a September 13, 2023 letter from your predecessor, Roy Kime, which is characterized as a "notice of violation."

Urbanna Boat Yard & Marina is anxious to comply with any requirements of the Town of Urbanna. Based upon my investigation, however, there is no violation of any town ordinance.

Please note the following:

- Mr. Kime's letter specifically states that my client can construct an accessory storage building provided it is ten feet from any property line and does not exceed 256 square feet without the need for a building permit.

June 4, 2025

Page | 2

- Prior to sending this letter, Mr. Kime verbally told Mr. Anderson that no permit would be required for such a storage shed, as discussed in his September 13, 2023 letter, which I quote here:

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

- As discussed in the above excerpt from Mr. Kime's letter, my client already had abandoned all plans to use this space for sleeping quarters as he informed the Middlesex Building official on September 12, 2025. Under the circumstances, I cannot understand how this letter can be regarded as a "Notice of Violation." To the extent the Town claims that the letter was such a notice, any "violation" already had been abated even before Mr. Kime wrote my client on September 13, 2023.
- The permit now pending before VMRC is for a 144 square foot building to be used for storage only. It is the same use approved by the Town of Urbanna and described to the Middlesex building official at the time of his visit. The shed is approximately 40 feet from the nearest property line. It appears to me, therefore, that the building is in full compliance with town zoning requirements as stated in Mr. Kime's letter.
- I reiterate that the application pending before VMRC is for a storage building only. It will not be used for habitation of any type and my client has so stipulated in proceedings before the VMRC. Based upon Mr. Kime's verbal authorization for such a structure, and his May 13, 2023 letter, Urbanna Boat Yard & Marina is not in violation of any Town of Urbanna ordinance.

June 4, 2025

Page | 3

On behalf of Urbanna Boat Yard & Marina, I respectfully request that you inspect the shed in question and, after confirming the space will be used for storage only, that you advise VMRC staff that this storage building does not violate any Urbanna town ordinance. My client will be happy to accommodate such an inspection at a mutually convenient time. Please contact Mr. Anderson for an appointment at 804.758.0000.

My understanding of this situation is that you and the Town may have been misinformed about the proposed use of the building in question. We would very much appreciate prompt action in order to eliminate any such confusion.

I would be happy to discuss this matter with you further. Please feel free to call or write.

Very truly yours,



E. Stanley Murphy

cc: VMRC Staff via email
Mr. and Mrs. Anderson



TOWN OF URBANNA
390 VIRGINIA STREET, SUITE B
PO BOX 179, URBANNA, VA 23175
PHONE: 804-758-2613, FAX: 804-758-0389

September 13, 2023

Andy Anderson, Owner
URBBY
P.O. Box 973
Urbanna VA, 23175

RE: Storage Shed

The Town office has received several complaints that you are planning on building a shed or sheds to provide sleeping quarters to visitors for a fee. At this time, you have not applied for or been granted zoning or building permit for that purpose.

The Middlesex building inspector paid you a visit yesterday and you told him the building you were in the process of constructing was for storage purposed only and that I had given you permission for it over a year ago. While I do not remember that specific verbal conversation, I may well have. You can construct an accessory building for storage as long as it is 10 feet from any property line and as long as it is under 256 square feet you do not need a building permit. You had indicated that the shed would be 144 square feet. With all that in mind you can construct your storage shed but it cannot be used for sleeping quarters because without proper facilities it would violate a number of zoning and health code requirements.

The neighboring residents will be watching to see what use you intend to put this structure. Keep that in mind. You already are making questionable use of three apartments as short term rentals. Do not let the use of this storage shed make that situation worse.

EXHIBIT B

You have ignored my last letter about the short-term rental issue and ignored my suggestion of applying for a special use permit to operate a motel/hotel for those rental units. I provide you with what I believed to be an acceptable alternative well over a year ago and you chose to ignore my advice.

On another note, you will be pleased to hear that the trolley, the Pearl has stopped operating for the year as of September 3. We will notify them that you do not wish to have their driver turn around in your parking lot in following years . We will instruct the operator to complete his turns at the top of the hill on Watling Street.. Let us know if you want that decision to be reconsidered.

If you have any question about this letter please feel free to contact me.

Sincerely,



Roy Kime
Zoning Administrator



Urbanna Virginia

If you're thinking about opening a business, constructing a new building or remodeling an existing structure, drop by and discuss your plans with the Zoning Administrator first. The Town's Zoning Ordinance, Comprehensive Plan and Subdivision Ordinance set forth land use and development policies, procedures and permit requirements. The Zoning Administrator will show you which ones apply to your business or building project and will help you complete any applications that may be required.

Building & Remodeling

The Town has entered into an agreement with Middlesex County to enforce the terms of the Virginia Uniform Statewide Building Code for building and remodeling projects in Urbanna. Contact the [Middlesex County Building Department](#) at the Saluda Courthouse Complex to obtain an application for a building permit and to schedule inspections.

Zoning

The Town of Urbanna has 5 zoning districts, which are shown on the town's zoning map. Each zoning district has its own:

- Purpose
- Uses and structures permitted as of right
- Uses permitted only with a Special Use Permit
- Uses permitted only with Conditional Zoning
- Lot size and setback standards
- Special regulations for particular uses or types of structures

The Town also has three Overlay Districts with rules that apply to properties located within them in addition to the regulations for the underlying zoning district.

- The Chesapeake Bay Preservation Overlay District regulations protect and enhance water quality through environmentally responsible land use management and practices
- The Historic Preservation Overlay District regulations protect the town's character, historic areas, buildings and monuments
- Flood Plain Area regulations apply to lands that are in the 100-year flood plain

Zoning Administrator
Ted Costin

Email

390 Virginia Street
Suite B
Urbanna, Virginia 23175

Office: (804) 758-2613

Fax: (804) 758-0389

Hours

Monday ~ Friday

8:30am ~ 4:30pm



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- J. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- K. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. If placement outside of flood zones is not possible, the system shall include the use of top-seamed tanks and/ or sealed septic and pump chamber tanks.
- L. All tanks, including but not limited to propane, fuel oil and gas, and septic, shall be anchored to prevent flotation. The amount of anchorage required shall assume the tank is empty.
- M. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance. All costs are cumulative as defined by 'substantial improvement'.
- N. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced. All costs of alteration, repair, reconstruction or improvement are cumulative as defined by 'substantial improvement'.
- O. All development plans within designated flood districts shall be maintained in the office of the Zoning Administrator.

In addition to provisions A – O above, in all special flood hazard areas, the additional provisions shall apply:

- P. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the FEMA.
- Q. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

§17-4.11.11 - Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated by a certified professional according 17-4.11.8.1(B), and freeboard zones the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above

the design flood elevation or as required in AO Zones per 17-4.11.8.1(C).

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the design flood elevation. Buildings located in all A1-30, AE, AO and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the DFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to NAVD 1988,) to which such structures are flood proofed shall be maintained by Zoning Administrator.

C. Elevated Buildings

Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions,

and permit the passage of a 3" diameter object.

- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in 17-4.11.10 (A) through (O), and 17-4.11.11 (A) through (C).
2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. Meet all the requirements for manufactured homes in 17-4.11.10 and 17-4.11 (D).

§17-4.11.12 - Standards for the Special Floodplain District (AE and AH Zones)

The following provisions shall apply within the Special Floodplain District:

The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided. The provisions of this ordinance shall apply in all AE or AH zones adjacent to tidal waters.

In non-tidal AE or AH zones where the floodway has not been delineated the following provisions shall apply:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Town of Urbanna.

Development activities in Zones A1-30, AE, and AH, on the Town of Urbanna Flood Insurance Rate

MURPHY LAW OFFICES, PLC

TRIAL AND APPELLATE REPRESENTATION

E. STANLEY MURPHY
ATTORNEY AT LAW

(804) 493-4075
stan@murphyplc.com

July 2, 2025

Via MRC Portal with email copy to: Randy.Owen@mrc.virginia.gov

Mr. Randal D. Owen
Chief, Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road,
Building 96
Fort Monroe, VA 23651

Re: Urbanna Boat Yard & Marina
VMRC Application 20241864

Dear Mr. Owen:

Please accept this letter as a minor correction to the material I emailed and uploaded yesterday to the Commission's comment portal.

On page three of my cover letter, the third bullet point refers to a visit from the Middlesex County building official. Although it is clear from the context of the discussion, that visit occurred in September 2023, not 2025, as stated in my letter, the correct bullet point should read:

- As discussed in the above excerpt from Mr. Kime's letter, my client already had abandoned all plans to use this space for sleeping quarters by the time he was visited by the Middlesex Building County official on September 12, 2023.

I apologize for the typographical oversight.

Very truly yours,



E. Stanley Murphy

July 2, 2025
Page | 2

cc: Mr. and Mrs. Anderson

July 22, 2025

HABITAT MANAGEMENT DIVISION EVALUATION

LARRY SHORES JR., VMRC #25-0687, requests after-the-fact authorization to retain seven (7) 4-foot by 8-foot crab shedding trays attached to an existing pier, and to utilize the pier for both private and commercial purposes, adjacent to tax parcel 20B-65, situated along Urbanna Creek in Middlesex County.

On February 24, 2025, staff conducted a site visit as part of a standard application review process for a proposed riprap revetment and dock expansion (VMRC #2025-0274). During this visit, seven (7) unauthorized crab-shedding trays were discovered along the applicant's existing private pier.

Staff's research confirmed that the existing pier structure was built in accordance with prior authorizations (VMRC #2004-0380 and #2015-1157) with the exception of the crab shedding trays.

The applicant's authorized agent, Mr. Lance Shores, stated the applicant was unaware that the shedding trays required VMRC authorization. Mr. Shores further explained that the shedding trays were not intended for commercial use, and they could easily be removed since they are cantilevered off the side of the previously authorized pier piles with no additional supporting structures. Mr. Shores, however, stated the applicant was willing to follow instructions to bring the structure into compliance.

Staff received an after-the-fact application on March 28, 2024, requesting to retain the shedding trays and convert the pier from private to commercial use, given that the applicant holds a *commercial* crab shedding tank 20 or less license. Additionally, as-built project drawings were received on March 28, 2025, showing the existing, previously authorized pier, the recently permitted wharf (VMRC# 25-0274), and the seven (7) crab shedding trays.

The Middlesex County Wetlands Board determined that the project will not require a permit on April 21, 2025. Additionally, as part of our standard processing of the submitted application, the requisite news ad and Adjacent Property Owner notifications garnered no opposition.

The applicant, Mr. Shores Jr., has agreed to pay a triple permit fee of \$300.00 and an encroachment royalty of \$4,952.00 for the 2,476 square foot area of the commercial pier at a rate of \$2.00 per square foot. Accordingly, staff recommends approval of the after-the-fact request to retain the pier and crab shedding trays as installed, and to convert the private pier to a commercial use status with the agreed-upon triple permit fee and royalty in lieu of further enforcement action.

SHELLFISH MANAGEMENT DIVISION EVALUATION

MARK JOHNSON

Oyster Planting Ground Application #2021-016

Requests authorization to lease approximately 250 acres of oyster planting ground in the Chesapeake Bay in the City of Norfolk.

NARRATIVE

At the June 24, 2025, Commission meeting, a public hearing was held regarding oyster ground lease application #2021-016. Following public comment and discussion, the Commission voted to table the decision until the July meeting to allow time for all parties to explore a potential compromise.

On July 16, 2025, VMRC staff met with the applicant, Mr. Mark Johnson, to discuss alternative lease configurations. Staff presented several reduced-area options within the original 250-acre application footprint, including 125-acre, 100-acre, and 50-acre scenarios. Mr. Johnson expressed that a smaller lease would be cost prohibitive for his intended operation and confirmed his desire to proceed with the original 250-acre request.

ISSUES

Staff received an Oyster Planting Ground Application from Mr. Mark Johnson on June 22, 2021. The application underwent a public interest review process to include a newspaper public notice and notification of a nearby highland property owners.

The application was subjected to the required public interest review to include a newspaper, agency website, and Town Hall public notices and notification of a nearby leaseholders and highland property owners. Staff received 3 public comments from the City of Norfolk, United States Army Corp of Engineers (USACE), and a private citizen.

The City of Norfolk and the USACE formally protested Application 2021-016 for oyster planting ground in the Chesapeake Bay, citing significant concerns that the proposed lease would interfere with critical public resilience and infrastructure projects. Specifically, the City argued that the lease area would obstruct ongoing and future beach nourishment efforts that are essential to protecting nearby properties from coastal hazards and sea level rise as well as potential stormwater outfall improvements. These projects are key components of the City's long-term strategy to safeguard public welfare and environmental stability. The 1986 Federal *Willoughby Spit and Vicinity Beach Renourishment Project* utilizes this area for beach nourishment and shoreline stabilization (See Attachment).

Additionally, the City contended that the proposed lease would conflict with the public trust doctrine by limiting recreational use of nearby beaches and waters. The protest emphasized that the proposed project is not in the public interest as required under Virginia Code § 28.2-607, and that any potential private benefit from oyster harvesting would be outweighed by the harm to

public access, safety, and resilience. Based on these concerns, the City requested that the application be denied.

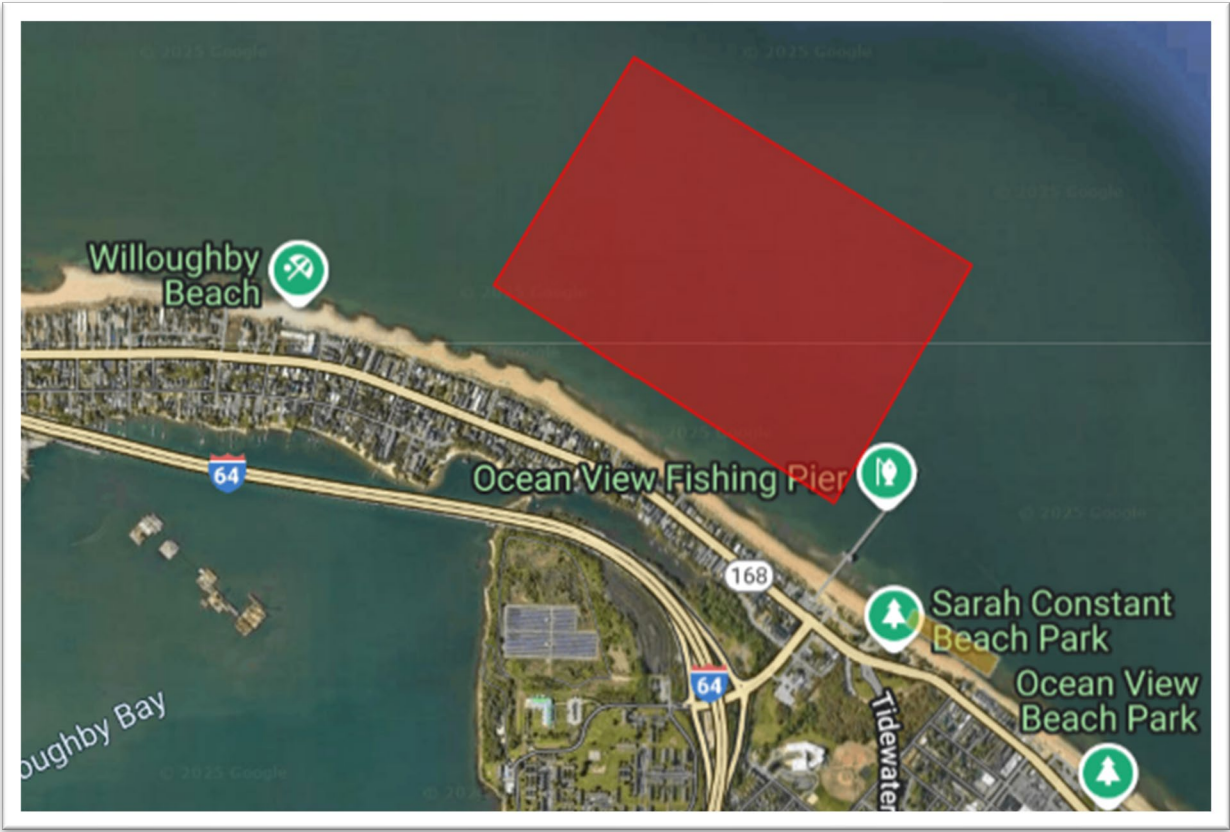
The applicant has submitted all required fees, including those for the application, public notice, and surveying. This area has no existing oyster planting ground leases, and there is no record of such leases having been assigned here in the past. As such, the proposed lease would establish shellfish aquaculture operations in a location with no prior history of this use. Notably, there are no private piers, navigation channels, or submerged aquatic vegetation in the vicinity that would be affected by the potential assignment.

Staff considers each lease application on a case-by-case basis, considering the requirements of the Code of Virginia and the Public Trust Doctrine. The increased interest in shellfish propagation, has resulted in increased public awareness of such activity and highlighted the necessity for a more comprehensive review of these methods of shellfish aquaculture propagation. Such lease requests in populated areas raise issues regarding public trust lands to include user conflicts, property values, aesthetics, navigation impacts, and suitable bottom types. Stewardship of public trust lands, while weighing the public and private benefits versus detriments, requires a balanced approach to the review of such lease requests.

SUMMARY

The Code of Virginia § 28.2-1205 allows the Commission to grant or deny any permit for the use of state-owned bottomlands taking into consideration the public and private benefits of the proposed project. Staff is requesting guidance from the Commission to approve or deny this application based upon consideration of the objections raised by local residents, comments concerning support of the request, and consideration of the public trust doctrine.

MAP





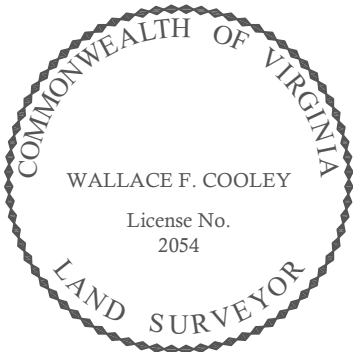
VIRGINIA
MARINE RESOURCES
COMMISSION
ENGINEERING / SURVEYING DEPARTMENT

APPLICATION NO. 2021016	
DISTRICT NO. 21	MAP NO. 23_1531
SHEET NO. 1 OF 1	FILE NO. 22173



ALL CORNERS WERE SET BY GPS (RTN) METHODS

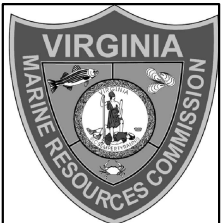
VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (U.S. FEET)			GEOGRAPHIC COORDINATES DEGREES, MINUTES	
NORTHING	EASTING	POINT NO.	LATITUDE	LONGITUDE
3522274.33	12135096.53	1	36° 58.5172981' N.	76° 16.0319863' W.
3520272.35	12138537.61	2	36° 58.1740263' N.	76° 15.3351751' W.
3517859.29	12137212.09	3	36° 57.7816627' N.	76° 15.6190920' W.
3519964.79	12133751.86	4	36° 58.1420360' N.	76° 16.3192946' W.

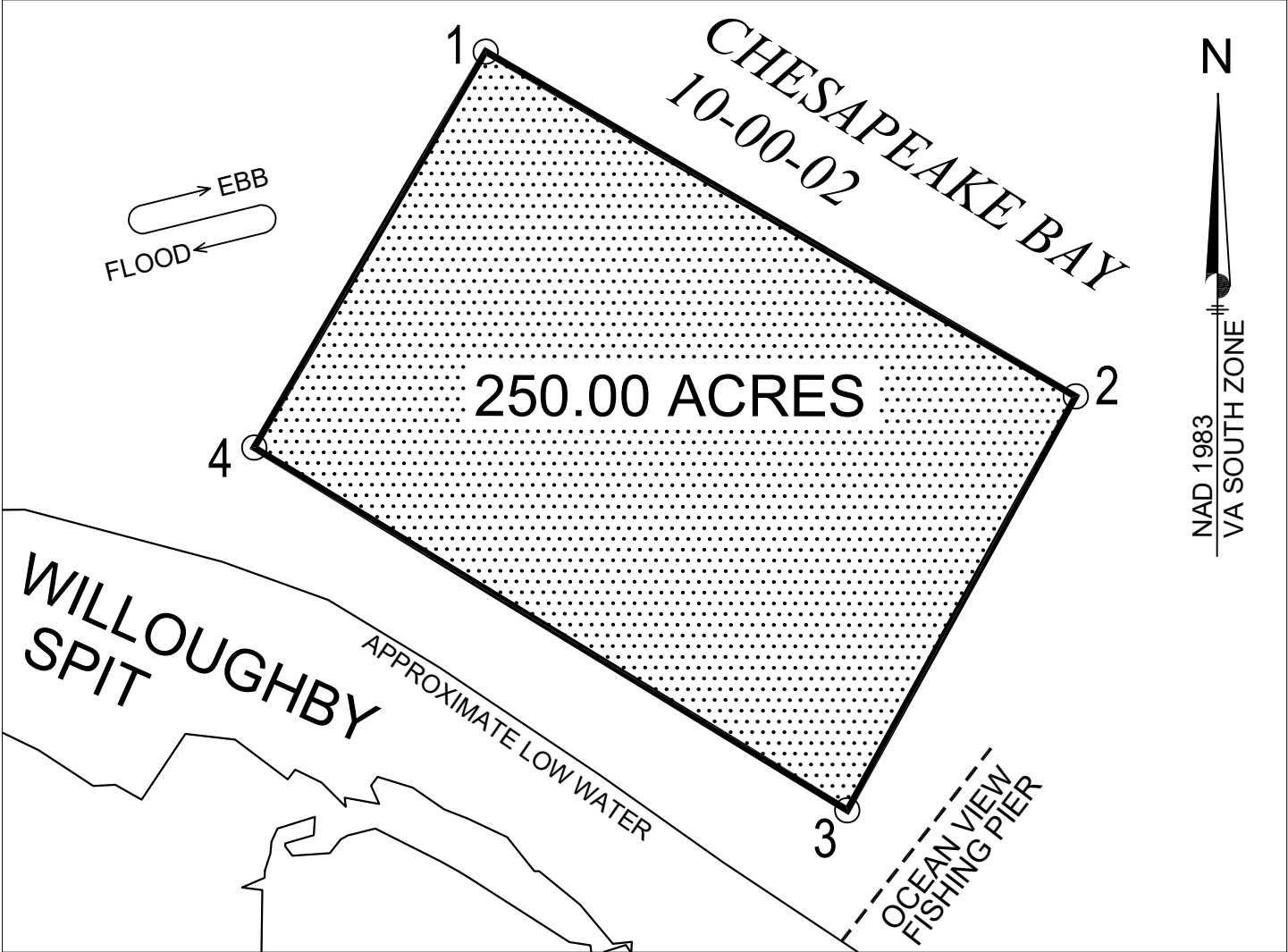


250.00 ACRES
OYSTER PLANTING GROUND
OF
MARK K. JOHNSON
IN
CHESAPEAKE BAY (LOWER WEST) 10-00-02
CITY OF NORFOLK

SCALE: 1/12000 (1" = 1000') DATE: FEBRUARY 25, 2025

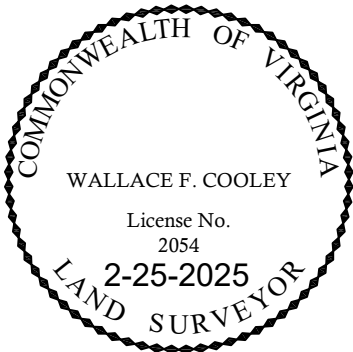
V.M.R.C. APPROVED / RECORDED DANIEL FAGGERT
SURVEYOR

	VIRGINIA MARINE RESOURCES COMMISSION ENGINEERING / SURVEYING DEPARTMENT	APPLICATION NO. 2021016	
		DISTRICT NO. 21	MAP NO. 23_1531
		SHEET NO. 1 OF 1	FILE NO. 22173



ALL CORNERS WERE SET BY GPS (RTN) METHODS

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250.00 ACRES
OYSTER PLANTING GROUND
OF
MARK K. JOHNSON
IN
CHESAPEAKE BAY (LOWER WEST) 10-00-02
CITY OF NORFOLK

SCALE: 1/12000 (1" = 1000') DATE: FEBRUARY 25, 2025

V.M.R.C. APPROVED / RECORDED DANIEL FAGGERT
SURVEYOR



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, VA 23651

Stefanie K. Taillon
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

July 14, 2025

MEMORANDUM

FROM: Adam Kenyon
Chief, Shellfish Management Division

SUBJECT: MARK JOHNSON
Oyster Planting Ground Application #2021-016
Requests authorization to lease approximately 250 acres of oyster planting ground
in the Chesapeake Bay in the City of Norfolk.

The application for oyster planting grounds, referenced above, will be heard by the Marine Resources Commission at their public hearing scheduled for Tuesday, July 22, 2025, beginning at 9:30 a.m.

You are receiving this memo as you had previously submitted written comments concerning the above application. For more information pertaining to this application, please visit:
https://webapps.mrc.virginia.gov/public/oystergrounds/search_applications.php.

If you wish to withdraw your written comments, please contact the Shellfish Management Division at 757-247-8068 prior to the date of the public hearing.

The Marine Resources Commission does not discriminate against individuals with disabilities. Therefore, if you are in need of reasonable accommodation due to a disability, please advise Michele Guilford, Agency Secretary, at (757) 247-2206 no less than five workdays prior to the meeting time and identify your need.

MEMORANDUM TO PERSONS INTENDING TO APPEAR BEFORE THE VIRGINIA MARINE RESOURCES COMMISSION

It is the avowed intent of the Marine Resources Commission to arrive at a clear understanding of all facts relating to any case before making a decision. In this regard, all parties, both for and against the proposal, will be heard, and all witnesses presented by any parties will be heard.

Any person appearing before the Commission has the right to be represented by counsel of their choosing; however, whether or not to obtain counsel is strictly an option of the appearing party.

The Commission is not a Court of law; but, in order to facilitate the hearing and arrive at a true and just decision, the Commission will, insofar as is practicable and possible, depending on the nature of the particular case, abide by the following general procedures:

- (1) Ascertain that all parties have been notified of the hearing, or are present, or are represented.
- (2) Statement from Commission personnel as to the nature of the case and basic facts of the case. Included in this presentation shall be all the facts necessary to establish the application as bona fide and meeting all of the administrative and statutory requirements necessary in order for the Commission to consider such application.
- (3) At the conclusion of the statement from Commission personnel, the applicant will be offered the opportunity to add anything, including witnesses, that he feels will clarify or strengthen the application.
- (4) All parties in opposition to the proposal will then be heard, including any witnesses these parties wish to present.
- (5) The applicant then shall have the opportunity to answer any of the statements of the parties in opposition and to summarize his case.

Any parties who appear before the Commission shall answer any questions of the Commission. If you submit additional material (e.g. photographs, maps, plans, relevant correspondence, etc.) which you believe is pertinent, and it is accepted by the Commission as evidence, it must be retained as part of the record in the case.

We thought you would like to have this information prior to appearing before the Commission. If you have any questions, please do not hesitate to call us.



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

June 9, 2025

SUBJECT: Formal Objection of VMRC Application No. 2021016 Oyster Planting
Ground Lease for Mr. Mark Johnson

Mr. Adam Kenyon
Chief, Shellfish Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Bldg 96
Fort Monroe, VA 23651

Dear Mr. Kenyon,

The U.S. Army Corps of Engineers, Norfolk District (Corps), has reviewed the Virginia Marine Resources Commission (VMRC) public notice regarding VMRC Application No. 2021016, submitted by Mr. Mark Johnson (the leaseholder), for a proposed 250± acre oyster planting ground lease (Proposed Lease) located just offshore of Willoughby Spit, between 4th View Street and 9th View Street in Norfolk, Virginia. The Corps was also notified of the pending VMRC Commission Hearing, tentatively scheduled for June 24, 2025.

Due to scheduling conflicts, a Corps representative may be unable to attend the June 24th hearing. Therefore, this letter serves as the Corps' formal objection to the Proposed Lease. Based on available information, as explained below, the Proposed Lease between VMRC and Mr. Johnson will alter and impair the use of the federally authorized Willoughby Spit and Vicinity Beach Renourishment Project (Federal Project), and requires permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408), referred to as Section 408. The Norfolk District operates and maintains this Federal Project in partnership with the City of Norfolk, the non-federal sponsor.

On March 31, 2025, Mr. Robert Pruhs of the Norfolk District Operations Branch submitted comments regarding the Proposed Lease location, noting that it would impact the Corps' ability to construct and maintain the Federal Project. The Federal Project will utilize hopper dredging to borrow sand from distant sources, transport it to a pump-out location near the Proposed Lease area, and convey the sand via submerged pipelines across the Proposed Lease area to the beach.

The Federal Project consists of 7.3 miles of southern Chesapeake Bay shoreline extending from the tip of Willoughby Spit near the Hampton Roads Bridge-Tunnel to the

federal navigation project at Little Creek Inlet. The Federal Project includes periodic renourishment over a 50-year period. Initial construction was completed in 2017 and consisted of a protective beach berm with an average width of 60-feet at an elevation of 5-feet above mean low water (3.5-feet, North American Vertical Datum, 1988 (NAVD 88)) along the entire 7.3-mile shoreline. The City of Norfolk conducted an independent renourishment effort to address erosional hotspots at four reaches within the limits of the Federal Project in 2021. The periodic renourishment effort is due in calendar year 2026.

As required by Section 408, the VMRC and the leaseholder must obtain Corps approval via a Section 408 permission for any alteration of the Federal Project. An "alteration" includes any action by a party other than the Corps that builds upon, alters, improves, moves, obstructs, or occupies an existing federal project. Geographically, Section 408 jurisdiction extends to alterations to submerged lands occupied or used by a federal project, as well as alterations to submerged lands in the vicinity of a federal project when those alterations have the potential to impair the federal project. (Engineer Circular 1165-2-220, at p. 10.). A Section 408 evaluation of the Proposed Lease is necessary to determine whether it would impair the usefulness of the Federal Project or harm the public interest. Final permission decisions are made by the District Commander. If granted, a Section 408 permission would require both the VMRC and the leaseholder to fully defend, indemnify, and hold harmless the United States and the Corps from any and all damage, injury, or compensation claims arising from authorized work, structures, or future operations undertaken by the United States, subject to any limitations in law. Furthermore, the leaseholder will be required to remove, relocate, or alter any authorized structures or obstructions at their expense, and to repair any damage to the Federal Project resulting from leaseholder activities, also at their expense.

For questions regarding this objection or the Section 408 Program, please contact the Norfolk District Section 408 Coordinator, Katy Damico, via email at nao.section408@usace.army.mil and/or Katy.R.Damico@usace.army.mil, or by telephone at (757) 201-7670.

Sincerely,

Keith B. Lockwood

Keith B. Lockwood
Chief, Water Resources Division

MEMORANDUM

To: Tammy Halstead, PE, City of Norfolk

From: Brian Joyner, PE and Holly Berckenhoff, PE

Date: May 13, 2025

Subject: Evaluation of Potential Detrimental Impacts of Offshore Commercial Oyster Lease near Chesapeake Bay Facing Beaches

M&N No.: 231247-13

1 PURPOSE

The purpose of this memorandum is to document potential detrimental impacts that a proposed offshore commercial oyster lease might have on the City of Norfolk's (City) beach management efforts. This document contains a summary of beach management along the Chesapeake Bay shoreline followed by a description of potential impacts from the oyster lease on beach management construction methodology and construction costs and public safety. Moffatt & Nichol (M&N) has developed this memorandum as the City's consultants for Shoreline Protection and Engineering Services.

2 BEACH MANAGEMENT HISTORY & POTENTIAL CONSTRUCTION IMPACTS

2.1 BEACH MANAGEMENT HISTORY

The U.S. Army Corps of Engineers (USACE) completed a feasibility study in 1983 that recommended an implementable plan for beach nourishment that was authorized in the Water Resources Development Act of 1986 (WRDA 1986). Design and implementation of the Authorized Project did not occur immediately following authorization because of the focus on other shoreline stabilization practices. Because of the damages incurred due to Hurricane Isabel in 2003, there was renewed interest in the Authorized Project. A Limited Reevaluation Report (LRR) was completed in 2014 and confirmed that the Authorized Project remained economically justified. According to the LRR, the Authorized Project consists of a berm with an average width of 60 feet constructed at an elevation of +3.5 feet NAVD88 with a foreshore slope of 1V:20H

extending to the natural bottom along the entire 7.3-mile shoreline where an adequate berm does not presently exist.

The initial nourishment of the Federal Willoughby and Vicinity Coastal Storm Damage Reduction Project (Federal Project) was constructed in March, April and May 2017. Since the initial construction of the Federal Project in May 2017, there has not been a standalone Federal beach renourishment conducted along the Ocean View beaches. However, in August and September 2022 the City partnered with the Virginia Port Authority / USACE Norfolk Harbor Deepening construction contract to place 264,500 cubic yards of sand in two reaches of the project shoreline, as beneficial use of dredged material. This material was hydraulically placed between the eastern end of Willoughby Spit and the western end of 800 Block Breakwaters (37+50 to 61+62) and at West Ocean View reach (93+41 to 169+63).

2.2 POTENTIAL CONSTRUCTION IMPACTS

Large sources of beach compatible dredge material are not located close to the Chesapeake Bay facing beaches within the City. Therefore, hydraulically placing dredged material on the beach requires a hopper dredge which needs a pump out buoy and submerged pipeline (subline) to transport sand from an offshore location to the beach placement area. How far offshore the pump out buoy needs to be is dependent on the draft of the vessel to be used for the dredging, and the alongshore location is highly dependent upon the beach placement template.

To allow construction Contractors the most flexibility, and to employ cost control measures, the offshore and alongshore location of the pump out buoy(s) are up to the Contractor, and proposed locations are provided to the Owner (City) in a pre-construction submittal titled “Beach Fill and Borrow Area Work Plan”, as seen in Figure 1. During construction, the Contractor may slightly deviate from the pre-construction submittal if found to lead to more efficient dredge production. Figure 2 displays documentation from the daily quality control report that was received during the 2022 nourishment event which shows a subline that would go directly through the proposed commercial oyster lease area.

Authorizing a commercial oyster lease offshore of Ocean View Beach would lead to a significant reduction in alongshore extent available to Contractors for subline placement for beach nourishment. This would likely lead to increased construction costs for future nourishment events. Thus, a commercial oyster lease negatively impacts the City’s ability to manage the Ocean View Beach.



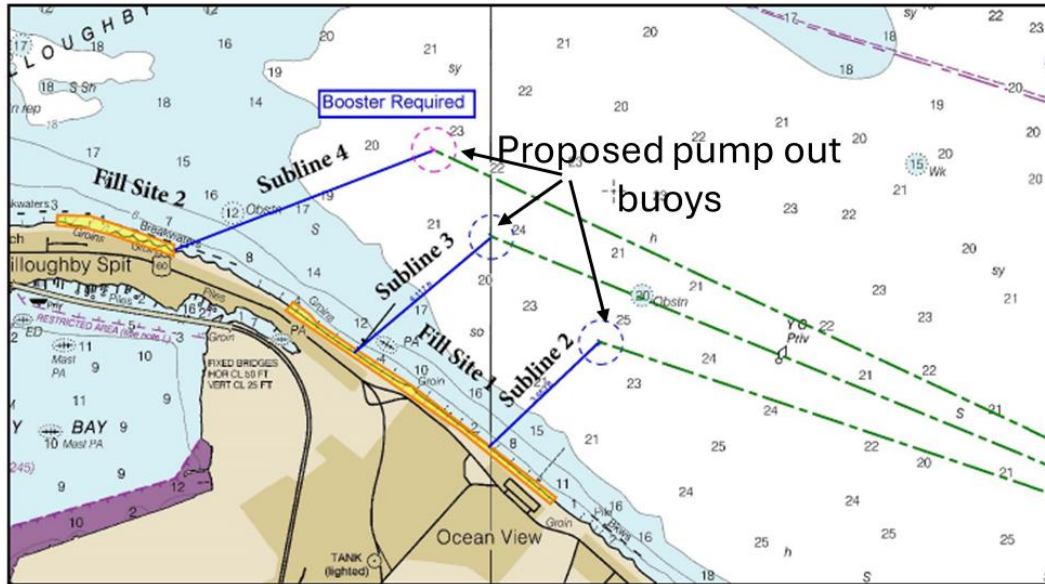


Figure 1. Proposed Sublines from 2022 Nourishment Beach Fill and Borrow Area Work Plan

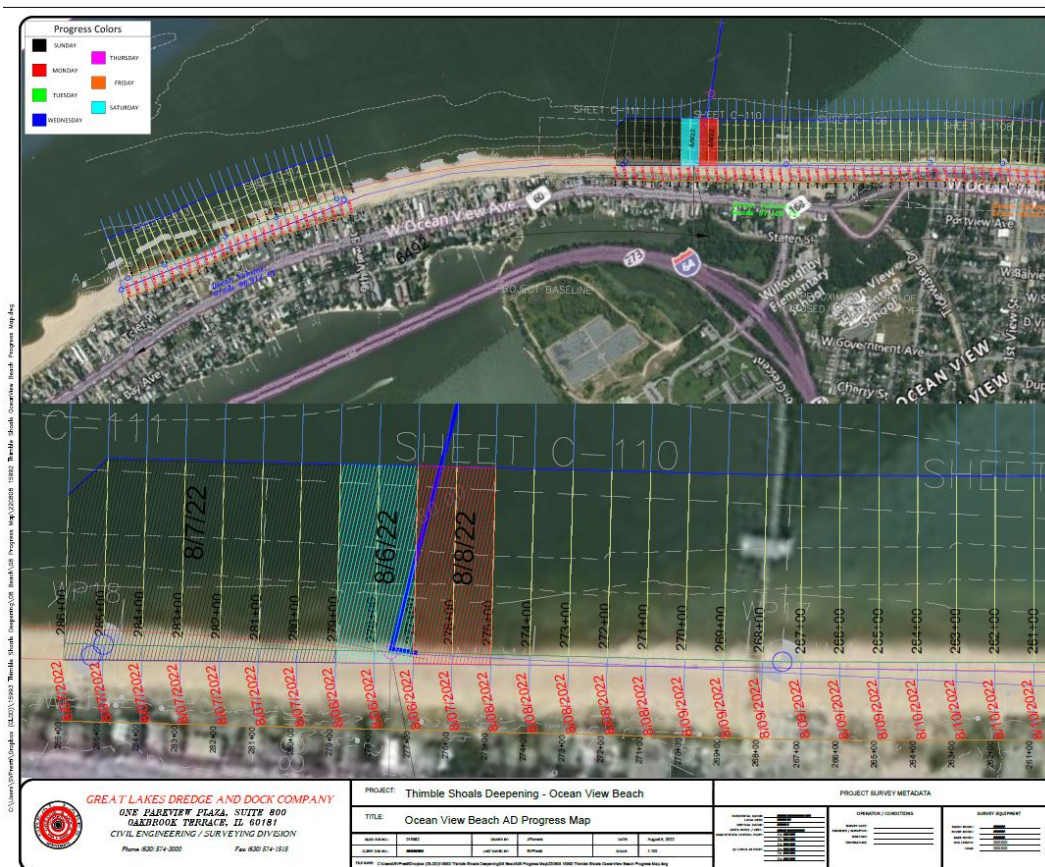


Figure 2. Actual Subline Location from 2022 Nourishment Daily Quality Control Report

3 PUBLIC SAFETY CONCERNS

Additional concerns have been raised about the feasibility of a commercial oyster lease offshore of the Chesapeake Bay facing beaches within the City of Norfolk. While these do not have a direct impact on construction costs, they do require consideration for overall safety risks to beach users and boaters.

1. This area is prone to high wave energy when winds are from the North. The type of proposed equipment within the oyster lease is unknown, but anything that is anchored to the bottom would need to be evaluated with appropriate metocean considerations to prevent anchors from being exposed, cables snapping, etc.
2. The proposed oyster lease is in an area that is heavily used by boaters. Since the proposed equipment within the oyster lease is unknown, estimates for the under keel clearance can not be determined. Additionally, any floating cages that break loose, or partially break loose, from their anchors may become a hazard to mariners.





THE CITY OF
NORFOLK
OFFICE OF THE CITY ATTORNEY

BERNARD A. PISHKO
City Attorney
ADAM D. MELITA
HEATHER A. MULLEN
JACK E. CLOUD
DEREK A. MUNGO
TAMELE Y. HOBSON
NADA N. KAWWASS
ANDREW R. FOX
MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
ALEX H. PINCUS
MICHAEL A. BEVERLY
MARGARET A. KELLY
KATHERINE A. TAYLOR
KRISTOPHER R. MCCLELLAN
BONNIE P. LANE

September 27, 2021

VMRC Commissioner Bowman
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651

AND

Virginia Marine Resources Commission
Engineering/Surveying Department
380 Fenwick Road
Fort Monroe, VA 23651

RECEIVED

SEP 29 2021

Marine Resources Commission

NOTICE OF PROTEST

To Commissioner Bowman,

The City of Norfolk protests Application 2021016 for oyster planting ground in the Chesapeake Bay, submitted by Mark K Johnson (attached). An oyster planting ground at the proposed location would negatively impact the City's resilience and public welfare projects in that area. If the application is granted and the land assigned, it would jeopardize the City's work to protect its citizens and their property from coastal hazards and would impede the City's efforts to defend against the consequences of sea level rise. The assignment would also violate the public trust doctrine by inhibiting recreational enjoyment of the nearby beach. Virginia Code § 28.2-607(1) requires that any assignment for general oyster planting ground must be in the public interest. Assignment of Application 2021016 would be damaging to the public interest and therefore the application should be denied.

Standard of Review

When the Virginia Marine Resources Commission issues a general oyster lease such as the application that is the subject of this protest, Virginia Code § 28.2-607(1) requires that the Commissioner consider "whether the assignment is in the public interest." VA Code § 28.2-607(1). The Commissioner's determination about the public interest must include consideration of the factors defined in Virginia Code § 28.2-1205(A). *Id.* The factors relevant to the proposed project and the City's protest are:

1. The conservation policies of Article XI, Section I of the Virginia Constitution;
2. The public and private benefits of the proposed project;
3. The public trust doctrine;

4. The proposed project's effect on "[o]ther reasonable and permissible uses of state waters and state-owned bottom lands;" and
 5. The proposed project's effect on "[a]djacent or nearby properties."
- VA Code § 28.2-1205(A).

The proposed project is only approximately 500 feet from the City of Norfolk's coastline and beaches. The City was not given notice of this application because the City's property is more than 200 feet from the proposed application site. However, when deciding whether to grant the application, the VMRC may not limit its consideration just to the effect on adjacent properties. The VMRC must consider the proposed project's effect on the City's nearby property as well as the nearby properties of the coastal community. The beach operates as both a natural defense for the coastal community as well as a recreation area for people's use and enjoyment. The proposed project would have a significant negative effect on the City's and nearby properties and on the public interest.

A. Any Benefits of the Proposed Project Are at the Expense of the Public Interest

While the VMRC must consider the public and private benefits of the proposed project in making its determination, these potential benefits come at the cost of the public interest. The City of Norfolk values the public benefits of healthy oyster reefs and supports their use throughout appropriate locations in the Chesapeake Bay Preservation Area. Healthy oyster reefs can act as a buffer from waves and slow erosion, while cleaning nearby waters and supporting local habitats. The actual intended use for oysters planted under this application is unknown to the City, but it has been indicated that the applicant intends to harvest the oysters for private benefit and not for the public benefits that a sustained, healthy oyster reef can confer.

Any public benefit from the project would be minimal and cancelled out by the negative effect the project would have on the public interest. The public benefits created by healthy oyster reefs are not guaranteed in every planting project since oyster reefs can be damaged by unsustainable harvesting. If the applicant intends to harvest the oysters for private benefit, the sustainability measures the applicant will take to preserve the reef are unknown. However, even if the applicant intends to build and sustain a healthy oyster reef at the proposed location, the proposed location is not appropriate for an oyster planting ground for the reasons explained within this protest. The public and private benefits of applicant's project are eclipsed by the damage the project would do to the public interest.

B. The Proposed Project Jeopardizes the City's Resilience Efforts to Defend Nearby Properties Against Coastal Hazards and Sea Level Rise

If the application is granted, the proposed planting ground would put nearby properties at risk to damage from coastal hazards. The beach near the proposed ground operates as a natural defense against coastal storms and flooding. The City must retain its ability to conserve and develop this natural defense as projected future sea level rise comes with predictions of more extreme and increased coastal hazards. The City and the Virginia Port Authority (VPA) are working together on a beach nourishment project along the Ocean View and Willoughby Spit shoreline. The beach nourishment project is important to the public interest and the City's

resilience efforts because it restores and increases the natural coastal defense against storms and flooding for homes, businesses, and recreation areas. As the sea level rises, coastal hazards increase, and the beach erodes, the beach needs to be replenished and nourished to maintain and improve that crucial line of defense for nearby properties. But the proposed oyster planting ground jeopardizes the City-VPA beach nourishment project and any future beach nourishment efforts.

The City-VPA beach nourishment project is a reasonable and permissible use of state waters and state-owned bottomlands to benefit the public interest. The current beach nourishment project involves placing approximately 393,000 cubic yards of sand along 14,400 linear feet of shoreline by way of pipelines and pump-out buoys. The pipelines run from the off-shore pump-out buoys and will necessarily have to go through the proposed oyster planting ground to replenish that length of shoreline. Because the proposed oyster planting ground covers much of the area the City and the VPA need to utilize to complete the project, there is a conflict with the proposed lease. Therefore, a lease granted to this oyster planting ground application could jeopardize the current City-VPA beach nourishment project and any future beach nourishment projects in that area, depriving the coastal community of its main natural defense. While healthy oyster reefs act as buffers and potentially slow erosion, a reef created by this application would not be a sufficient defense. The beach renourishment project provides a greater natural defense to coastal hazards than the proposed application could. Beach nourishment should be prioritized over a private oyster planting ground.

The City is highly concerned about the effect the proposed application could have on the City's ability to obtain environmental permits for future beach nourishment projects adjacent to or near the proposed lease area. Beach nourishment projects require the placement of sand, and sand placement can result in fine particles being stirred up in the water. These fine particles can sometimes affect oyster beds at certain times of the year. The VMRC has exhibited significant care towards preventing this effect: on recent City dredging projects, the VMRC precluded dredging within 1,000 feet from oyster reefs to protect them from the potential impact by fine particles. The fine particles stirred up during dredging projects are very similar to the those stirred up during beach nourishment projects. The current City-VPA beach nourishment project, and future beach nourishment projects, would include placement of sand near the proposed oyster planting ground in order to add to the shoreline. A buffer around the proposed 250 acres of oyster planting ground would preclude the City from placement of sand in the surf zone and would severely inhibit the ability of the City to perform any beach nourishment. The proposed application would therefore impact the City's current beach nourishment project and all future beach nourishment projects in that area of the Chesapeake Bay. Any public or private benefit of the proposed oyster planting ground would be at the expense of the nearby properties' natural defense barrier against coastal hazards and would leave them exposed to the consequences of sea level rise.

The City is also concerned that the proposed lease may impact permitting of future storm water outfall extensions in the area. Storm water management is another important element of the City's efforts to combat the effects of sea level rise and flooding throughout the City. The City may need to adapt its storm water management and add storm water outfalls near the proposed lease area in the future to protect nearby properties from flooding that occurs beyond the beach. Storm water management is in the public interest and is a reasonable and permissible use of state waters and bottomlands. But storm water outfalls bring freshwater discharge and sediments into

contact with the water and land at the end of the outfalls. Therefore, the City has similar concerns for its storm water management as it does for its beach nourishment projects. If an extension is needed in the area near the proposed oyster planting ground, the lease holder might try to challenge the City's permit request as detrimental to their lease. Any public benefit of an oyster reef as a natural defense buffer or private benefit to the applicant would be at the expense of the surrounding properties' storm water management.

C. The Proposed Project Is Inconsistent with Constitutional Conservation Policies and the Public Trust Doctrine

A determination whether or not a proposed project is in the public interest is not limited to a review of the effect a project would have on public safety and resilience. Public interest also includes the people of Virginia's recreational use and enjoyment of the lands and waters of the Commonwealth. The Constitution of Virginia declares that, "To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands..." Va. Const. art. XI, § 1. The VMRC is also charged that its decision regarding the application must be "consistent with the public trust doctrine as defined by the common law of the Commonwealth adopted pursuant to § 1-200 in order to protect and safeguard the public right to the use and enjoyment of the subaqueous lands of the Commonwealth..." VA Code § 28.2-1205(A).

The proposed application is not just contrary to the public interest from a resilience standpoint. Due to the proposed location of the oyster planting ground, an assignment of this lease would be inconsistent with the conservation policies found in Article XI, Section I of the Constitution of Virginia and the public trust doctrine. The City-VPA beach nourishment program conserves and develops the beach in the proposed planting area as a natural defense against coastal hazards, but beach nourishment programs also increase people's use and enjoyment of the beach and waters through development and restoration of the beach. By impeding the City's beach nourishment efforts as discussed above, the project also stands in the way of conserving the beach for public enjoyment now and in the future.

In contrast to the City's work to conserve the beach, the proposed project in the application could have a chilling effect on people's use and enjoyment of the water and beach for recreation. Norfolk citizens have already alerted the VMRC to their concerns that the proposed oyster planting ground would pose a danger to people's safety. Oyster beds can be damaged by storms. When the beds are damaged, the broken shells do not remain in place. Instead, they wash up all along the coast. In an email exchange with the VMRC on August 9 and 12, 2021, a Norfolk resident conveyed worries that broken shells washed onto the beach and into the surf zone during storms could result in injury to people using the water for recreation and those walking along the beach. While broken shells are naturally occurring along the coast already, the application seeks to introduce 250 acres worth of additional oyster shells only 500 feet off-shore in a shallow area of the Chesapeake Bay. The citizen's protest clearly shows the apprehension and discomfort such a proposal has brought to the people of the Commonwealth who have a right to use and enjoy these lands and waters.

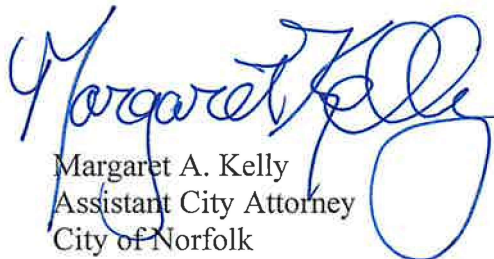
The concern about the broken shells needs to be carefully considered and not dismissed as something that would occur in the absence of the proposed project. The applicant would deliberately introduce 250 acres of oyster shells to a shallow recreation area close to the beach during a time when sea level rise is predicted to increase coastal hazards that can damage the oyster bed. If the application is granted, people may continue to feel unsafe coming to use and enjoy that stretch of the coastline for recreation, despite the Constitution's policy that the lands and waters should be conserved for that use. Va. Const. art. XI, § 1.

This apprehension can have a damaging rippling effect on the Commonwealth's and City's conservation efforts. As mentioned above, the City recognizes the public benefits of healthy oyster reefs and supports their use in appropriate locations. People should be encouraged to understand the public interest value of healthy oyster reefs and add their support to maintaining reefs in appropriate locations. However, this location is not appropriate. To grant this application could send a negative message about oyster reefs to concerned citizens by prioritizing the private benefit of oyster planting over the public interest.

Conclusion

Virginia Code § 28.2-607 requires that the Commissioner of the VMRC determine that the assignment of a planting ground is in the public interest before granting the lease. The City of Norfolk protests Application 2021016 for oyster planting ground in the Chesapeake Bay, submitted by Mark K Johnson, because the proposed project is not in the public interest. The proposed planting ground would have damaging effects on the City's existing and future efforts to defend against coastal hazards and sea level rise. And the proposed planting ground would impair people's use and enjoyment of the lands and waters in this area for recreation. Therefore, the application should be denied.

Sincerely,



Margaret A. Kelly
Assistant City Attorney
City of Norfolk

MAK
Attachment

Public Law 99-662
99th Congress

An Act

Nov. 17, 1986
[H.R. 6]

Water Resources
Development
Act of 1986.
33 USC 2201
note.

To provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1986".

(b) TABLE OF CONTENTS.—

Title I—Cost Sharing
Title II—Harbor Development
Title III—Inland Waterway Transportation System
Title IV—Flood Control
Title V—Shoreline Protection
Title VI—Water Resources Conservation and Development
Title VII—Water Resources Studies
Title VIII—Project Modifications
Title IX—General Provisions
Title X—Project Deauthorizations
Title XI—Miscellaneous Programs and Projects
Title XII—Dam Safety
Title XIII—Namings
Title XIV—Revenue Provisions

33 USC 2201.

SEC. 2. DEFINITION OF SECRETARY.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—COST SHARING

33 USC 2211.

SEC. 101. HARBORS.

(a) CONSTRUCTION.—

Contracts.

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of 45 feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of 45 feet.

(2) ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS.—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period

first Federal cost of \$7,950,000 and an estimated first non-Federal cost of \$7,950,000.

PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at a total cost of \$34,800,000, with an estimated first Federal cost of \$18,900,000 and an estimated first non-Federal cost of \$15,900,000.

FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at a total cost of \$7,040,000, with an estimated first Federal cost of \$3,870,000 and an estimated first non-Federal cost of \$3,170,000.

WILLOUGHBY SPIT, VIRGINIA

→ The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of \$5,690,000, with an estimated first Federal cost of \$4,250,000 and an estimated first non-Federal cost of \$1,440,000.

VIRGINIA BEACH, VIRGINIA

→ The project for beach erosion control and hurricane protection, Virginia Beach, Virginia: Report of the Chief of Engineers, dated May 22, 1985, at a total cost of \$42,400,000, with an estimated first Federal cost of \$27,600,000 and an estimated first non-Federal cost of \$14,800,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

PINELLAS COUNTY, FLORIDA

The project for beach erosion control for Pinellas County, Florida: Report of the Board of Engineers for Rivers and Harbors, dated April 23, 1985, at a total cost of \$52,600,000, with an estimated first Federal cost of \$32,700,000 and an estimated first non-Federal cost of \$19,900,000.

ILLINOIS BEACH STATE PARK, ILLINOIS

The project for shoreline protection, Illinois Beach State Park, Illinois described as alternative 3A in Interim Report 1, Illinois-Wisconsin Stateline to Waukegan of the District Engineer, Chicago District, dated June 1982, at a total cost of \$13,400,000, with an

Federal cost of \$1,750,000. The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

(5) TARRANT COUNTY, TEXAS.—The Secretary is authorized and directed to develop detailed plans and specifications and to construct measures in Tarrant County, Texas, to eliminate flood damage in the historical stockyards along Tony's Creek and Marine Creek, at a total cost of \$20,000,000, with an estimated first Federal cost of \$15,000,000 and an estimated first non-Federal cost of \$5,000,000. The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

SEC. 402. COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS. 33 USC 701b-12.

Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

SEC. 403. GROUNDWATER INDUCED DAMAGES.

Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 33 U.S.C. 701a-1), is amended by inserting after "drainage improvements" the following: "and flood prevention improvements for protection from groundwater-induced damages".

TITLE V—SHORELINE PROTECTION

SEC. 501. AUTHORIZATION OF PROJECTS.

Reports.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the benefit of shoreline protection are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection. Construction of the projects authorized in this title shall be subject to determinations of the Secretary, after consultation with the Secretary of the Interior, that the construction will be in compliance with the Coastal Barrier Resources Act (Public Law 97-348).

16 USC 3501
note.

PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at a total cost of \$48,500,000, with an estimated first Federal cost of \$22,800,000 and an estimated first non-Federal cost of \$25,700,000.

ST. JOHNS COUNTY, FLORIDA

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at a total cost of \$18,200,000, with an estimated first Federal cost of \$11,100,000 and an estimated first non-Federal cost of \$7,100,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting. Wildlife.

Joint Permit Application and Supporting Information
for
Ocean View Beach Nourishment Project

City of Norfolk
Department of Public Works

Contents

Project Description, Purpose and Need..... 2
Beach Fill Material Dredging and Hydraulic Placement..... 4

Attachments

1. Tidewater Joint Permit Application
2. Proposed Project Plans
3. Adjacent Property Owners List

<i>Date</i>	<i>Version</i>	
12/02/2020	Submittal to VMRC	

Project Description, Purpose and Need

The City of Norfolk (City) proposes to construct a beach nourishment project at four beach reaches along its Ocean View and Willoughby Spit shoreline. The proposed fill at Reach 1 is between 24th Bay St. and Bay Point Dr. The proposed fill at Reach 2 is between Chesapeake Blvd. and Atlans St. The proposed fill at Reach 3 is between 6th View St. and Norfolk Ave. The proposed fill at Reach 4 is between 12th View St. and 9th View St. Refer to Figure 1 for nourishment reach locations.

The purpose of the project is to restore and enhance coastal storm protection to residential, public and commercial structures by increasing beach width (advancing shoreline), establishing a beach berm at +4.0 feet NAVD88. The project will particularly address a chronic erosional “hot spot” between 12th View St. and 10th View St. The primary purpose of the project is to restore beach width and volume to segments of beach that are more severely eroded than their neighboring shorelines. This will help to maintain beach width and its protective function during the remaining interval before the planned renourishment of the Federal coastal storm damage reduction project. The secondary purpose of the project is the beneficial use of sandy material being dredged as part of a Federal navigation improvement project.

The project will accomplish its purpose by placing approximately 393,000 cubic yards (cy) of sand along approximately 14,400 linear feet of shoreline, to tie into existing submerged grade at approximately -5.0 feet to -8.0 feet NAVD88. The sand material will be obtained from the Thimble Shoals Channel as part of the Norfolk Harbor Navigation Improvement projects.



Figure 1: Location of Ocean View Beach nourishment project areas

The location of the project area and major project elements are shown in Figure 1. The beach fill length is fully within the limits of the U.S. Army Corps of Engineers’ (USACE) Willoughby Spit & Vicinity Coastal

Storm Damage Reduction Project (the Federal Project) initially constructed by USACE in May 2017. The Federal Project basis of design is described in the USACE report¹ *Willoughby Spit and Vicinity, Norfolk, Virginia, Hurricane Sandy Limited Reevaluation Report* and its appendices.

The proposed beach nourishment profiles at Reach 1 through Reach 4 are intended to be consistent with those constructed by USACE in its May 2017 construction of the Federal Project. Figure 2 shows a typical nourishment construction profile within Reach 3 in West Ocean View.

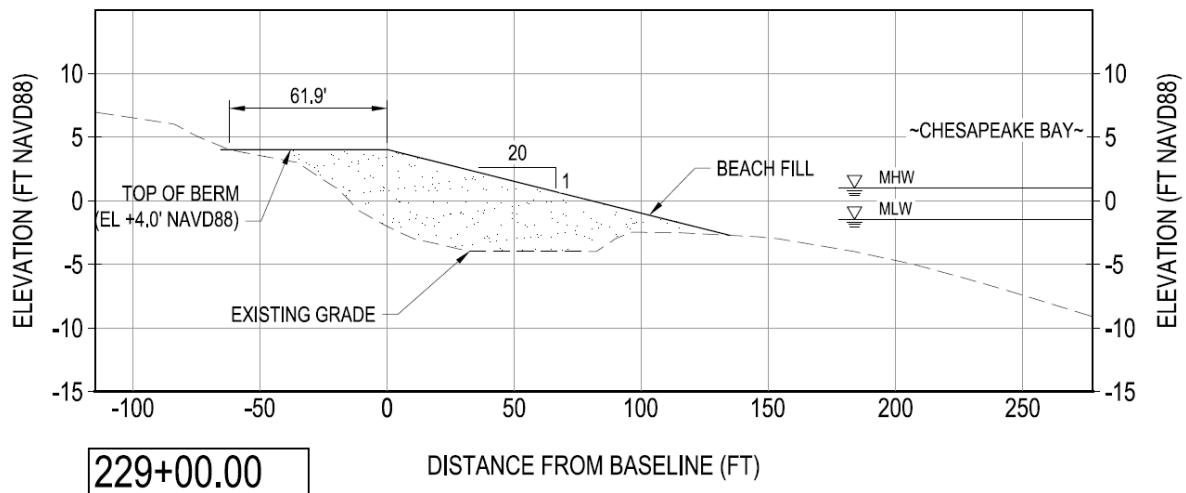


Figure 2: Typical beach profile showing existing grades and proposed nourishment construction in Reach 3 (STA 229+00)

It is the intent of this permit application to obtain permissions to hydraulically place sand beach fill material obtained by hopper dredging in the Thimble Shoals Channel (TSC) and adjacent Meeting Areas, on the beach within the design templates shown in the Attachment 2 permit drawings. The beach fill material would be dredged from the TSC as part of the Norfolk Harbor Navigation Improvement projects being completed jointly between USACE and the Virginia Port Authority. The approved General Reevaluation Report (GRR) and Environmental Assessment² for the ongoing Norfolk Harbor Navigation Improvements projects considered the beneficial use of the dredged material for beach nourishment. This permit application is being submitted in support of a project to implement the GRR's encouragement of the beneficial use of dredged material.

The project is further documented in the Joint Permit Application included as Attachment 1 to this document. The proposed project would place sand on previously-nourished sandy beaches. The impacts of the proposed sand placement are considered to be equivalent to those associated with the

¹ <https://www.nao.usace.army.mil/WilloughbyandVicinity/>

² <https://www.nao.usace.army.mil/About/Projects/Norfolk-Harbor-Channel-Deepening/>

May 2017 initial construction of the Federal Project. No impacts are expected to any vegetated or non-vegetated wetlands as part of the proposed beach nourishment. No mitigation is proposed.

Beach Fill Material Dredging and Hydraulic Placement

The nourishment will require placement of up to approximately 393,000 cy that will be dredged from a portion of the Thimble Shoals Channel (TSC) and Meeting Area. The TSC is shown in Figure 3. It is noted that separate environmental regulatory approvals have been obtained (by others) for the dredging, and the dredging for navigation improvement will occur regardless of whether the material is placed on the beach.



Figure 3: Location of Thimble Shoals Channel dredging area providing the proposed beach fill material

S&ME, Inc. and Ocean Services, Inc. studied and summarized the geotechnical evaluation of borrow material at the TSC in July 2008 for USACE, Norfolk District. A total of approximately 4 nautical trackline miles were surveyed along 19 lines in the TSC area. Vibracores were advanced a maximum of 20 feet below the seafloor and cone penetrometer testing (CPT) was performed as deep as 30 feet below the bottom in places. A total of 36 vibracore and 22 penetrometer stations were occupied in the TSC.

The shoal sediments are generally described in the report *Craney Island Eastward Expansion, Draft Geotechnical Evaluation of Potential Offshore Borrow, Atlantic Ocean Channel, Thimble Shoals Channel, Newport News Channel and Anchorages* (S&ME and Ocean Surveys, 2008) as being greater than 90% sand and gravel. The S&ME and Ocean Surveys (2008) evaluation indicated that median grain sizes at

the Thimble Shoals Channel are from 0.15 mm to 0.30 mm. The May 2017 construction of the Federal Project by USACE used same sand source for the same project areas.

Dredging is proposed to be completed using a hopper dredge with a pipeline to the beach. Additional pipeline and onshore grading equipment will be trucked to the site, with expected maximum widths of 14 feet for over the road transportation. Expected equipment includes:

- Hopper dredge
- Floating pump-out buoy (may include booster pump depending on distance of pump).
- Pipeline to shore and along the shore; approximately 24" diameter, but variable depending on the size and pumping capacity of the dredge
- Survey vessel
- D-6N or similar dozer for shore crew
- 980H or similar front loader for shore crew
- 20-Ton offshore crane for assembling pipeline

Production for the hydraulic dredging is estimated to be on the order of 300 – 600 cy/hr, (depending on dredge size and efficiency), and it is assumed that the dredging and grading operation will be conducted 24 hours per day to maximize cost effectiveness.

Contractor site access and laydown areas will be provided by the City. It is expected that construction access can be made at 13th View Street, east of Ocean View Fishing Pier, Chesapeake Street, and 11th Bay Street. It is expected that laydown areas for pipeline can be on the beach within the public beach easement. Based on an estimated dredge volume of up to 393,000 cy, and production of 9,000-21,600 cy/day, the project construction period is estimated to be less than three months.

Attachment 1:
Tidewater Joint Permit Application

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-2232

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) ☐ NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)	Regional Permit 17 (RP-17) ☐			
County or City in which the project is located: <u>City of Norfolk</u>				
Waterway at project site: <u>Chesapeake Bay</u>				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
USACE	Environmental Assessment	Willoughby Spit & Vicinity CSDR Project	Jan. 2014	n/a
Various	Pre-app. mtg: USACE MRC		10/28/2020	

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
City of Norfolk
Department of Public Works, Attn: Richard Broad, PE
810 Union Street, #700
Norfolk, Virginia 23510
Home ()
Work (757) 664-4600
Fax ()
Cell ()
e-mail richard.broad@norfolk.gov
State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
Home ()
Work ()
Fax ()
Cell ()
e-mail _____
State Corporation Commission Name and ID Number (if applicable) _____
3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
City of Norfolk
Department of Public Works. Attn: Chuck Joyner, PE
810 Union Street, #700
Norfolk, Virginia 23510
Home ()
Work (757) 664-4648
Fax ()
Cell (757) 647-0842
e-mail chuck.joyner@norfolk.gov
State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

This project will construct a beach renourishment at four reaches along the Ocean View shoreline. The fill at Reach 1 is between 24th Bay St. and Bay Point Dr. The fill at Reach 2 is between Chesapeake Blvd. and Atlans St. The fill at Reach 3 is between 6th View St. and Norfolk Ave. The fill at Reach 4 is between 12th View St. and 9th View St. The total footprint of the project area will be approximately 90 acres. The total fill volume will be approximately 393,000 cubic yards. Additional details regarding the project and the beach fill material source are provided in the project narrative document to which this JPA is attached.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ____ Yes* x No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Contact Information:

Home (____) _____

Work (____) _____

Fax (____) _____

Cell (____) _____

email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

The Virginian-Pilot
150 West Brambleton Avenue
Norfolk, VA 23510

(757) _____

7. Give the following project location information:

Street Address (911 address if available) _____

Lot/Block/Parcel# _____

Subdivision Ocean View _____

City / County Norfolk ZIP Code 23510

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

36.94612 / - 76.23700 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

From I-64, go north on 4th View Street, then turn left (northwest) on W Ocean View Ave. Project reaches are at four locations along Ocean View Ave. as described and as shown in the project narrative to which this JPA is attached.

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

The primary purpose of the project is to restore beach width and volume to segments of beach that are more severely eroded than their neighboring shorelines. Secondary purposes of the project include extending the interval before required renourishment of a Federal coastal storm damage reduction project, and the beneficial use of sandy material being dredged as part of a Federal navigation improvement project.

Part 1 - General Information (continued)

9. Proposed use (check one):
___ Single user (private, non-commercial, residential)
x Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- Alternatives include: (1) No Action, which would leave the four reaches in a condition that provides less than the recommended level of storm surge and wave protection. (2) Sand nourishment through truck haul; the footprint of the project would remain similar to the proposed extent. (3) Sand nourishment through hopper dredging (the proposed project).**
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___ Yes x No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 6.5 million
Approximate cost of that portion of the project that is channelward of mean low water:
\$ _____
13. Completion date of the proposed work: November 2021 - November 2022
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Adjacent property owner information is provided as Attachment 3.

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

Date

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

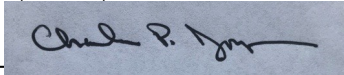
2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Richard Broad, PE, hereby certify that I (we) have authorized Chuck Joyner, PE
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.


(Agent's Signature)

(Use if more than one agent)

12/8/20
(Date)


(Applicant's Signature)

(Use if more than one applicant)

12/8/2020
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

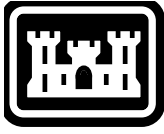
The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

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

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



U.S. Army Corps
Of Engineers
Norfolk District

APPENDIX B

REGIONAL PERMIT 17 CHECKLIST

Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

- | | | | |
|-----|----|-----|--|
| YES | NO | | (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17? |
| YES | NO | | (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)? |
| YES | NO | | (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)? |
| YES | NO | N/A | (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)? |
| YES | NO | N/A | (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a <u>maximum</u> width of five (5) feet and a <u>minimum</u> height of four (4) feet between the decking and the wetland substrate? |
| YES | NO | N/A | (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips? |
| YES | NO | N/A | (7) Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet? |
| YES | NO | N/A | (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW? |
| YES | NO | N/A | (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present? |
| YES | NO | N/A | (10) If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline. |
| YES | NO | | (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite? |
| YES | NO | | (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat? |
| YES | NO | | (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton? |
| YES | NO | | (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project? |

- | | | | |
|-----|----|-----|--|
| YES | NO | | (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area? |
| YES | NO | | (16) Will the proposed structure(s) be located outside of any Designated Trout Waters? |
| YES | NO | N/A | (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured? |
| YES | NO | N/A | (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water? |
| YES | NO | | (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure? |
| YES | NO | | (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements? |
| YES | NO | N/A | (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet? |
| YES | NO | N/A | (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division? |
| YES | NO | | (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps? |
| YES | NO | | (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage? |

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Proposed work to be located at:

Signature of Property Owner(s) or Agent

Date _____

VMRC Number: _____

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ____ Yes ____ No

If yes, will it be removed? ____ Yes ____ No

Is your lot platted to the mean low water shoreline? ____ Yes ____ No

What is the overall length of the proposed structure? _____ feet.

Channelward of Mean High Water? _____ feet.

Channelward of Mean Low Water? _____ feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____ square feet.

What is the total size of any and all L- or T-head platforms? _____ sq. ft.

For boathouses, what is the overall size of the roof structure? _____ sq. ft.

Will your boathouse have sides? ____ Yes ____ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § [28.2-1203](#) A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § [28.2-1205](#) for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § [28.2-1204](#).

Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
- a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health?_____ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - B) Will petroleum products or other hazardous materials be stored or handled at your facility?_____.
 - C) Will the facility be equipped to off-load sewage from boats?_____.
 - D) How many wet slips are proposed?_____. How many are existing?_____.
 - E) What is the area of the piers and platforms that will be constructed over
 - Tidal non-vegetated wetlands _____ square feet
 - Tidal vegetated wetlands _____ square feet
 - Submerged lands _____square feet
6. For **boat ramps**, what is the overall length of the structure?_____feet.
From Mean High Water?_____feet.
From Mean Low Water?_____feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

 2. What is the maximum encroachment channelward of mean high water? _____feet.
Channelward of mean low water?_____feet.
Channelward of the back edge of the dune or beach?____feet.

 3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands _____square feet
 - Non-vegetated wetlands _____square feet
 - Subaqueous bottom _____square feet
 - Dune and/or beach _____square feet

 4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? ____ Yes____ No.
- If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? ____Yes ____No.
- If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material _____ pounds per stone Class size _____

Armor (outer layer) material _____ pounds per stone Class size _____

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
- _____ cubic yards landward of mean low water
- _____ cubic yards channelward of mean high water
- _____ cubic yards landward of mean high water

- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay):_____
- Method of transportation and placement:_____

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?
2. What is the width of the waterway and/or wetlands to be crossed
from mean high water to mean high water (tidal waters)? _____ feet.
from mean low water to mean low water (tidal waters)? _____ feet.
from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.
3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? _____square feet.
4. For overhead crossings:
 - a. What will be the height above mean high water? _____feet.
 - b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
 - c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____
5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? ____Yes ____No.
6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes ____ No.

If yes, please provide the following:

- | | |
|---|--|
| a. Amount of excavation in wetlands | _____ cubic yards
_____ square feet |
| b. Amount of excavation in submerged land | _____ cubic yards
_____ square feet |
| c. Amount of excavation in dune/beach | _____ cubic yards
_____ square feet |
| d. Amount of fill in wetlands | _____ cubic yards
_____ square feet |
| e. Amount of fill in submerged lands | _____ cubic yards
_____ square feet |
| f. Amount of fill in dune/beach | _____ cubic yards
_____ square feet |

Part 3 – Appendices (continued)

Appendix D: Aquaculture Related Structures such as cages and floats. Before completing this appendix, please review the aquaculture requirements summary at:
http://mrc.virginia.gov/Shellfish_Aquaculture.shtm.

1. Will the activity be for commercial purposes? ____ Yes ____ No.

If Yes and structures will be placed upon an oyster ground lease, you may qualify for the VMRC General Permit #4 for Temporary Protective Enclosures for Shellfish. For more info see:
http://www.mrc.virginia.gov/regulations/MRC_Scanned_Regs/Shellfish_Mix/fr1130_12-0107.pdf. If you qualify for the General Permit #4, or if such structures are proposed that are not on an oyster planting ground lease, or for floating structures of any kind, complete this Joint Permit Application and include the necessary information requested below in question 2 through 11.

If No, you may qualify for the VMRC General Permit #3, for Noncommercial Riparian Shellfish Growing (i.e. “Gardening”) For more information see:
http://www.mrc.virginia.gov/forms/VGP3_Aquaculture.doc.pdf. If you qualify for this general permit use the Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures available at https://mrc.virginia.gov/forms/2019/VGP3_Aquaculture_form_2019.pdf **do not use this Joint Permit Application.**

2. Will aquaculture structures be attached to an existing pier or other structure? ____ Yes ____ No.
3. The plat file # if proposed upon oyster planting ground lease(s)._____
4. The maximum area where enclosures are proposed. _____ square feet
5. The maximum number of enclosures being proposed to be deployed. _____
6. The species of shellfish to be cultured. _____
7. A detailed description of the enclosures to include width, length and height.
8. In addition to the requirements itemized in Part 4 Project Drawings, the following additional information must be included on your project drawings: A general description of the area within 500 feet of deployment area. Provide a drawing that depicts existing marine resources such as SAV, shellfish beds, fixed fishing devices, public grounds, piers, water depths at mean low water, tide range, and the minimum clearance at mean low tide over the enclosures.
9. Provide the date enclosures are proposed to be deployed _____. How will the structures be secured? _____.

Part 3 – Appendices (continued)

10. List of all riparian land owners within 500 feet of the area where enclosures are proposed along with a map (tax map or other suitable map) depicting the locations of such parcels or riparian property owner acknowledgement forms signed by the riparian land owner with any comments concerning the enclosures deployment request.
11. Proof that the applicant holds a current oyster or clam aquaculture product owners permit, and verification that the applicant is in compliance with Mandatory Harvest Reporting requirements, and verification that the current years oyster ground rent is paid, if structures are proposed on an oyster ground lease.

Part 4 - Project Drawings

Plan view and cross-sectional view drawings are required for all projects. Application drawings do not need to be prepared by a professional draftsman, but they must be clear, accurate, and should be to an appropriate scale. If a scale is not used, all dimensions must be clearly depicted in the drawings. If available, a plat of the property should be included, with the existing and proposed structures clearly indicated. Distances from the proposed structure(s) to fixed points of reference (benchmarks) and to the adjacent property lines must be shown. A vicinity map (County road map, USGS Topographic map, etc.) must also be provided to show the location of the property. **NOTE:** The sample drawings have been included at the end of this section to provide guidance on the information required for different types of projects. Clear and accurate drawings are essential for project review and compliance determination. Incomplete or unclear drawings may cause delays in the processing of your application.

The following items must be included on ALL project drawings: (plan and cross-sectional, as appropriate)

- **name of project**
- **north arrow**
- **scale**
- **waterway name**
- **existing and proposed structures, labeled as such**
- **dimensions of proposed structures**
- **mean high water and mean low water lines**
- **all delineated wetlands and all surface waters on the site, including the Cowardin classification (i.e., emergent, scrub-shrub, or forested) for those surface waters (if applicable)**
- **limits of proposed impacts to surface waters, such as fill areas, riprap scour protection placement, and dredged areas, and the amount of such impacts in square feet and acres**
- **ebb/flood direction**
- **adjacent property lines and owner's name**
- **distances from proposed structures to fixed points of reference (benchmarks) and adjacent property lines**

Part 5 - Chesapeake Bay Preservation Act Information

All proposed development, redevelopment, land disturbance, clearing or grading related to this Tidewater JPA must comply with the Chesapeake Bay Preservation Area Designation and Management Regulations, which are enforced through locally adopted Chesapeake Bay Preservation Area (CBPA) ordinances. Compliance with state and local CBPA requirements mandates the submission of a ***Water Quality Impact Assessment (WQIA)*** for the review and approval of the local government. Contact the appropriate local government office to determine if a WQIA is required for the proposed activity(ies).

Because the 84 local governments within Tidewater Virginia are responsible for enforcing the CBPA Regulations, the completion of the JPA process does not constitute compliance with the Bay Act Regulations nor does it guarantee that the local government will approve encroachments into the RPA that may result from this project. Applicants should contact their local government as early in the design process as possible to ensure that the final design and construction of the proposed project meets all applicable CBPA requirements. Early cooperation with local government staff can help applicants avoid unnecessary and costly delays to construction. Applicants should provide local government staff with information regarding existing vegetation within the Resource Protection Area (RPA) as well as a description and site drawings of any proposed land disturbance, construction, or vegetation clearing. As part of their review and approval processes, local government staff will evaluate the proposed project and determine whether or not approval can be granted. Once the locality has made a decision on the project, they will advise the Local Wetlands Boards and other appropriate parties of applicable CBPA concerns or issues.

Resource Protection Areas (RPAs) are composed of the following features:

1. **Tidal wetlands;**
2. **Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;**
3. **Tidal shores;**
4. **Other lands considered by the local government to meet the provisions of subsection A of 9VAC25-830-80 and to be necessary to protect the quality of state waters; and**
5. **A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 4 above, and along both sides of any water body with perennial flow.**

Notes for all projects in RPAs

Development, redevelopment, construction, land disturbance, or placement of fill within the RPA features listed above requires the approval of the locality and may require an exception or variance from the local Bay Act ordinance. Please contact the appropriate local government to determine the types of development or land uses that are permitted within RPAs.

Pursuant to 9VAC25-830-110, on-site delineation of the RPA is required for all projects in CBPAs. Because USGS maps are not always indicative of actual “in-field” conditions, they may not be used to determine the site-specific boundaries of the RPA.

Notes for shoreline erosion control projects in RPAs

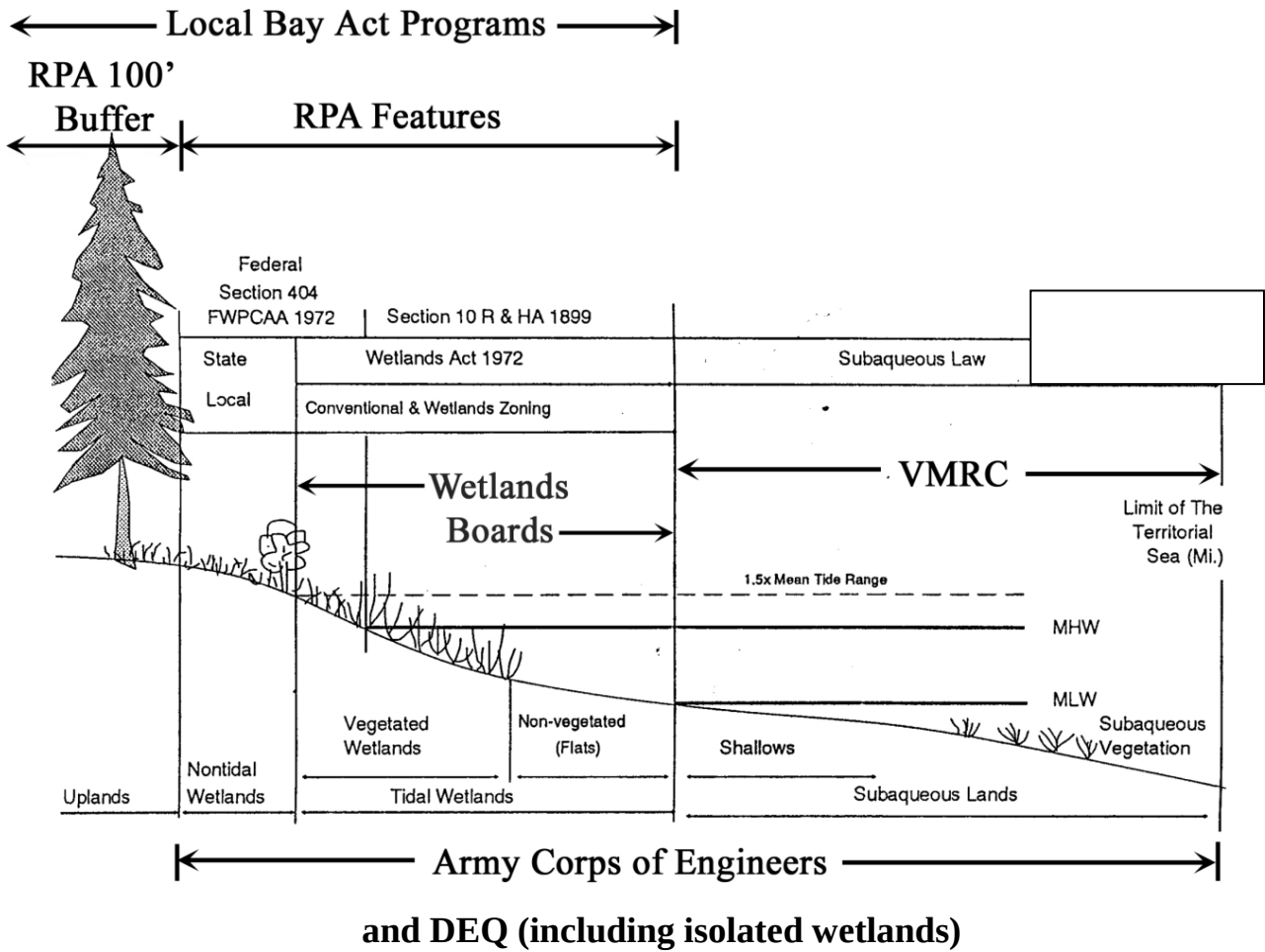
Re-establishment of woody vegetation in the buffer will be required by the locality to mitigate for the removal or disturbance of buffer vegetation associated with your proposed project. Please contact the local government to determine the mitigation requirements for impacts to the 100-foot RPA buffer.

Part 5 - Chesapeake Bay Preservation Act Information (continued)

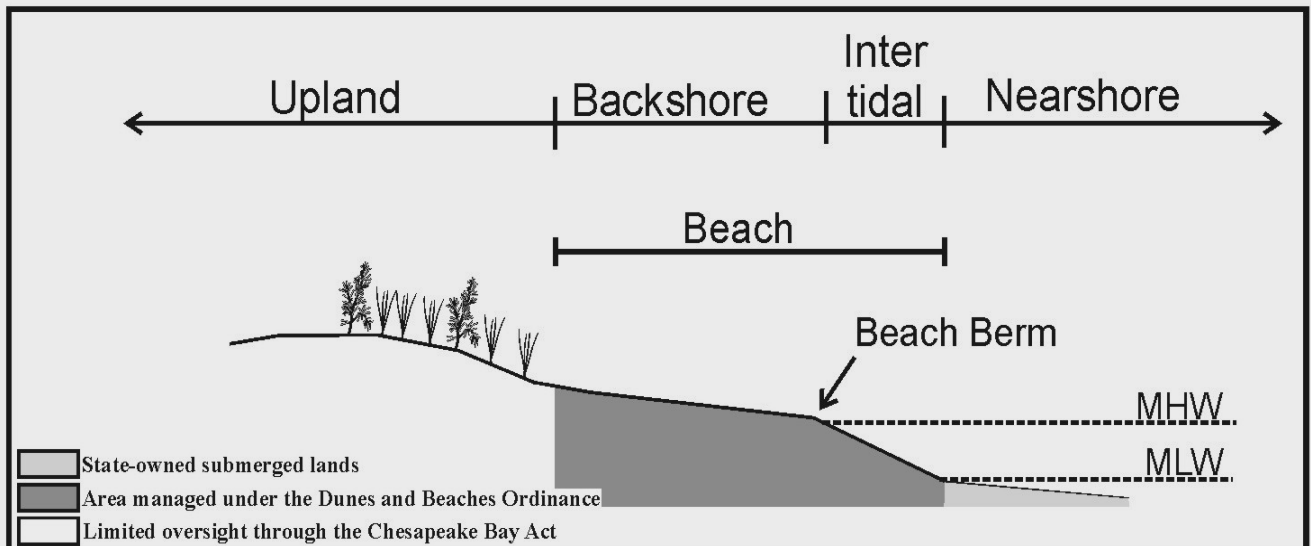
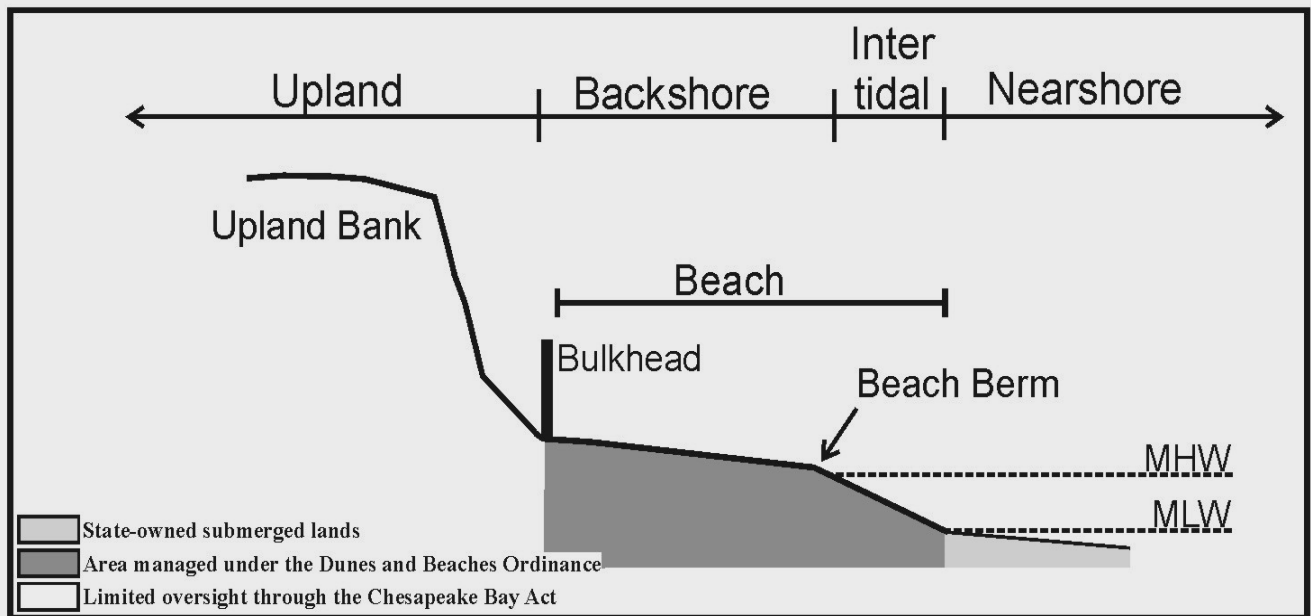
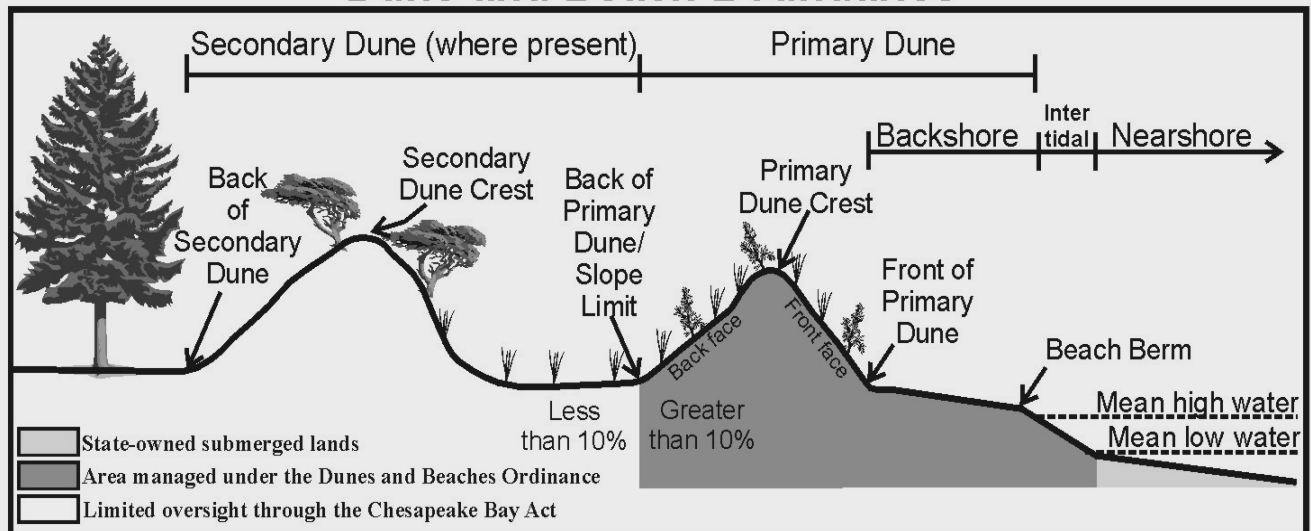
Pursuant to 9VAC25-830-140 5 a (4) of the Virginia Administrative Code, shoreline erosion projects are a permitted modification to RPAs provided that the project is based on the “best technical advice” and complies with applicable permit conditions. In accordance with 9VAC25-830-140 1 of the Virginia Administrative Code, the locality will use the information provided in this Part V, in the project drawings, in this permit application, and as required by the locality, to make a determination that:

1. Any proposed shoreline erosion control measure is necessary and consistent with the nature of the erosion occurring on the site, and the measures have employed the “best available technical advice”
2. Indigenous vegetation will be preserved to the maximum extent practicable
3. Proposed land disturbance has been minimized
4. Appropriate mitigation plantings will provide the required water quality functions of the buffer (9VAC25-830-140 3)
5. The project is consistent with the locality’s comprehensive plan
6. Access to the project will be provided with the minimum disturbance necessary.

JURISDICTIONAL BOUNDARIES

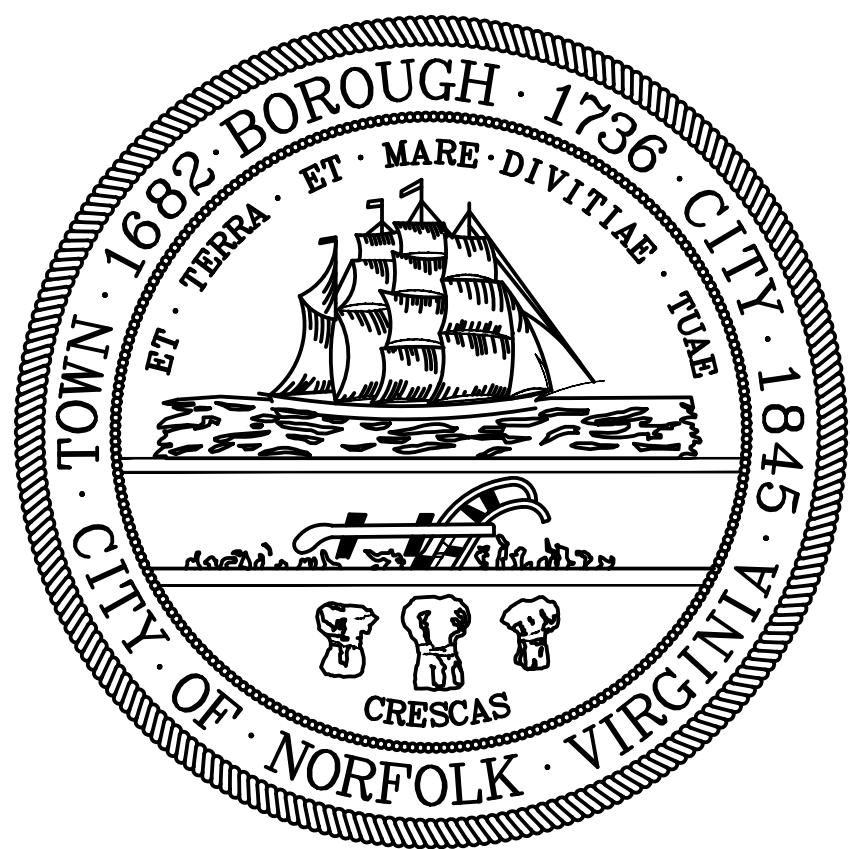


Dune and Beach Boundaries



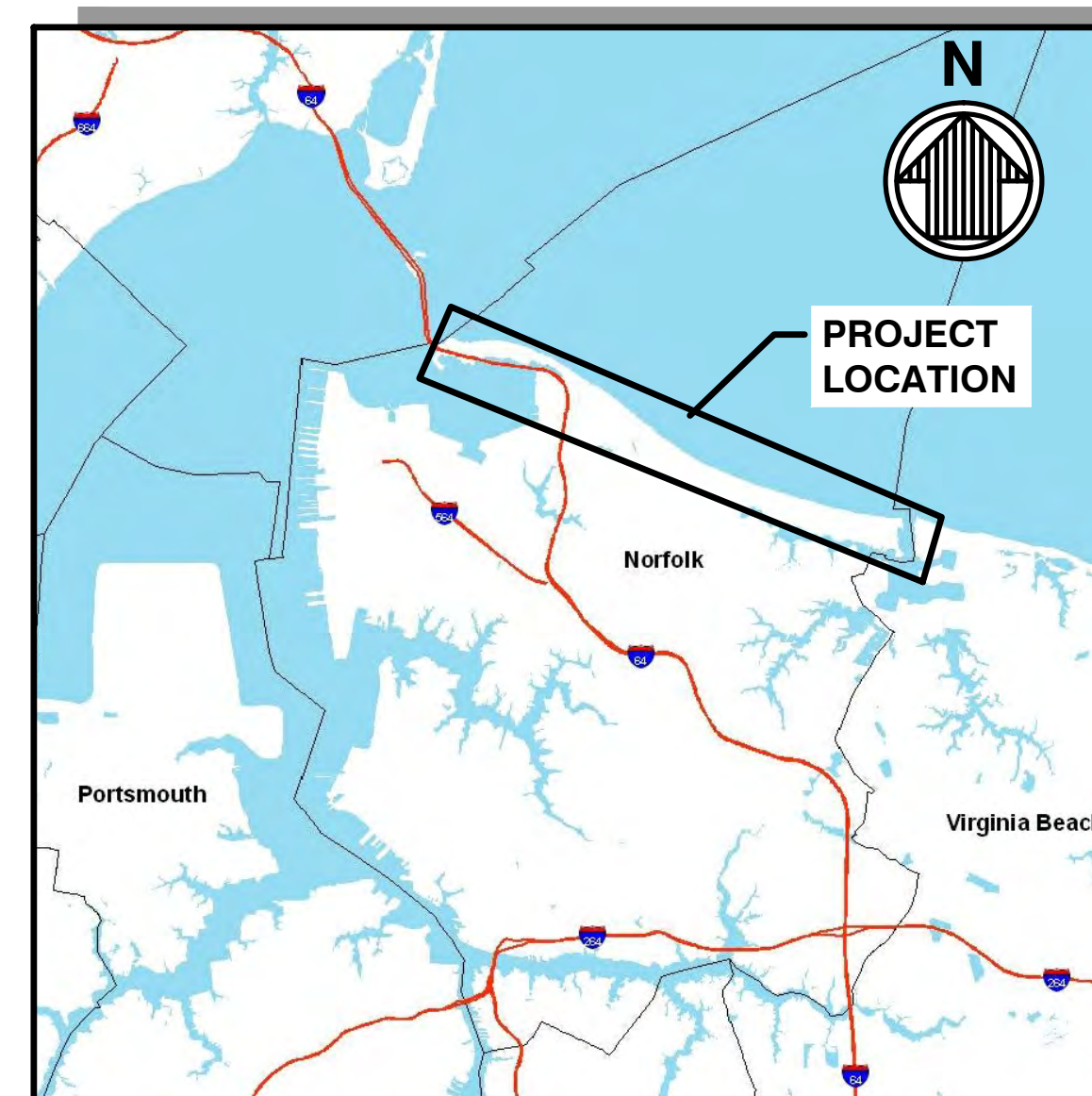
Attachment 2:

Proposed Project Plans



City of Norfolk

Department of Public Works



VICINITY MAP
NTS

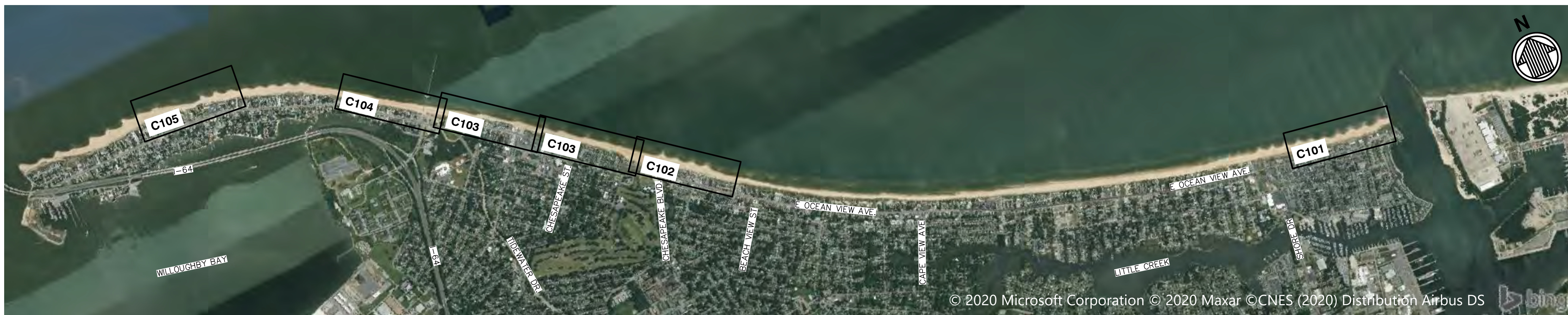
OCEAN VIEW BEACH NOURISHMENT

PROPERTY JURISDICTION: CITY OF NORFOLK

CITY OF NORFOLK, VIRGINIA

SITE PLAN # _____
BEFORE YOU DIG,
CALL
"MISS UTILITY"
OF VIRGINIA
811

INDEX OF DRAWINGS		
INDEX NO	SHEET	SHEET TITLE
1	G001	COVER SHEET
2	G002	GENERAL NOTES
3	C101	EOV PLAN
4	C102	COV PLAN
5	C103	WOV PLAN – SHEET 1 OF 2
6	C104	WOV PLAN – SHEET 2 OF 2
7	C105	TOLER PLACE PLAN
8	C301	TYPICAL BEACH SECTIONS



LOCATION MAP / KEY PLAN
NTS

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Mark	Description	Date	Appr.
	PERMIT DRAWINGS NOT TO BE USED FOR CONSTRUCTION		

OCEAN VIEW BEACH NOURISHMENT CITY OF NORFOLK, VA	COVER SHEET
--	-------------

Designed by: YC	Rev. NOV 2020 0	M&N Project No. 10390-19	Drawing code:	Drawing Scale: Plot scale: 1:1 (D SHEET)
Dwn by: JT	Edt by: BPJ	Submitted by: BPJ	Reviewed by: BPJ	MOFFATT & NICHOL

101 W. MAIN STREET SUITE 3000 NORFOLK, VA 23510 757-628-8222	PREPARED FOR: CITY OF NORFOLK DEPARTMENT OF PUBLIC WORKS
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SEAL

Sheet Reference No. G001
INDEX: 1 OF 8

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GENERAL NOTES:

1.

THESE DRAWINGS ARE "PERMIT SKETCHES" INTENDED TO PROVIDE SUFFICIENT DATA FOR REVIEW AND EVALUATIONS BY REGULATORY AGENCIES.

2.

THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

3.

BEACH PROFILE SURVEY DATA WERE SURVEYED BY GEODYNAMICS, LLC., DATED JUNE 2020.

4.

HORIZONTAL COORDINATES ARE IN U.S. SURVEY FEET REFERRED ON THE VIRGINIA STATE GRID (SOUTH ZONE) BASED ON NAD1983/1993 (HARN).

5.

ELEVATIONS ARE IN FEET REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD1988).

6.

BASEMAP FEATURES WERE PROVIDED BY THE CITY OF NORFOLK.

7.

MEAN HIGH WATER (MHW) IS +0.98' NAVD88; MEAN LOW WATER (MLW) IS -1.48' NAVD88. THE TIDAL BENCHMARK DATA ARE FROM THE 1883 - 2001 TIDAL EPOCH AT NOAA SEWELLS POINT MEASUREMENTS.

8.

FILL TO BE DREDGED FROM THE THIMBLE SHOALS CHANNEL (TSC) BY HOPPER DREDGING AND PLACED IN FILL AREA WITH HYDRAULIC PLACEMENT.

9.

TOTAL FILL WILL BE APPROXIMATELY 393,000 CY.

10.

THE TOTAL LINEAR LENGTH OF THE PROJECT IS APPROXIMATELY 14,400 FEET.

11.

AERIAL PHOTOGRAPHY ON PLAN SHEETS IS FROM 2018 AND IS PROVIDED BY CITY OF NORFOLK.

1

2

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5

SEAL

Sheet Reference No.

G002

INDEX: 2 OF 8

101 W. MAIN STREET
SUITE 3000
NORFOLK, VA 23510
757-628-8222

mo

ffatt & nichol

PREPARED FOR:
CITY OF NORFOLK
DEPARTMENT OF PUBLIC WORKS

Designed by:
YC

Dwn by:
JT

Old by:
BPJ

Reviewed by:
BPJ

Submitted by:
MOFFATT & NICHOL

Date:
NOV 2020

Rev.
0

M&N Project No.
10390-19

Drawing code:

Drawing Scale:

Plot scale: 1:1 (D SHEET)

OCEAN VIEW BEACH
NOURISHMENT
CITY OF NORFOLK, VA

GENERAL NOTES

PERMIT DRAWINGS
NOT TO BE USED FOR
CONSTRUCTION

Mark

Date

Appr.

D

C

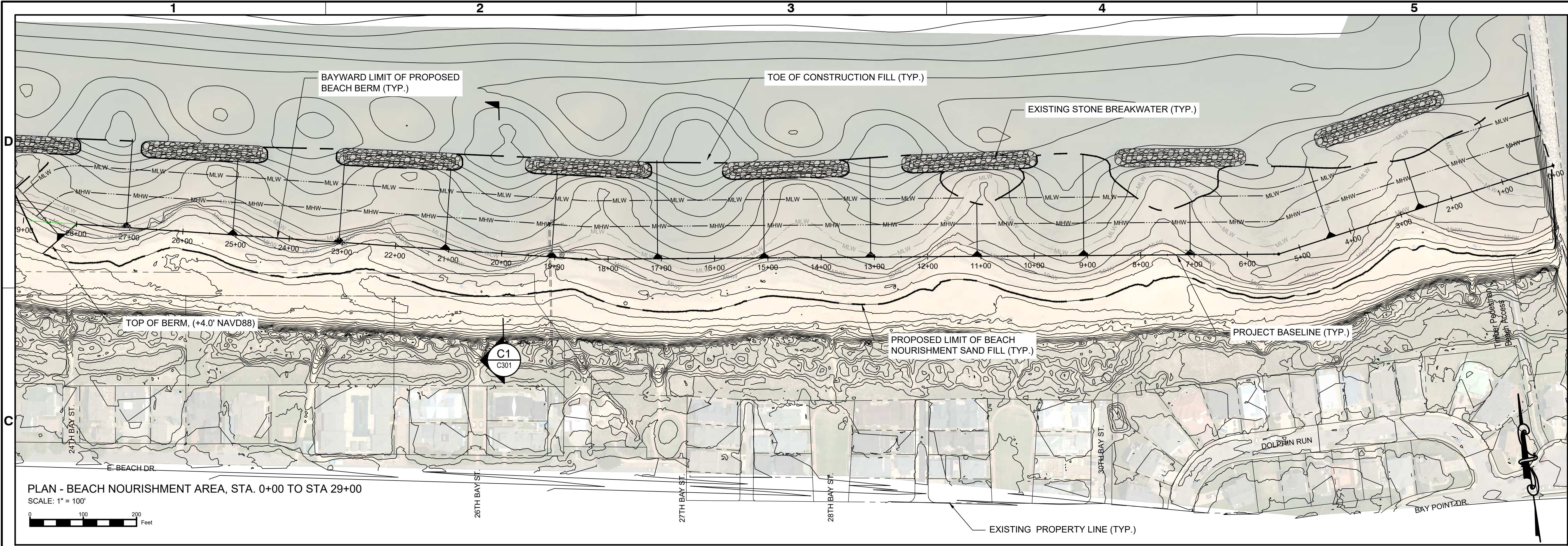
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Received by VMRC on December 9, 2020 /Ira

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



PLAN - BEACH NOURISHMENT AREA, STA. 0+00 TO STA 29+00

SCALE: 1" = 100'
0 100 200 Feet

- LEGEND**
- EXISTING 1' CONTOURS
 - MHW EXISTING MEAN HIGH WATER
 - MLW EXISTING MEAN LOW WATER
 - MHW PROPOSED MEAN HIGH WATER
 - MLW PROPOSED MEAN LOW WATER
 - PROPERTY LINE
 - == STORM DRAINS

PERMIT DRAWINGS NOT TO BE USED FOR CONSTRUCTION			
Mark	Description	Date	Appr.

OCEANVIEW BEACH
NOURISHMENT
CITY OF NORFOLK, VA

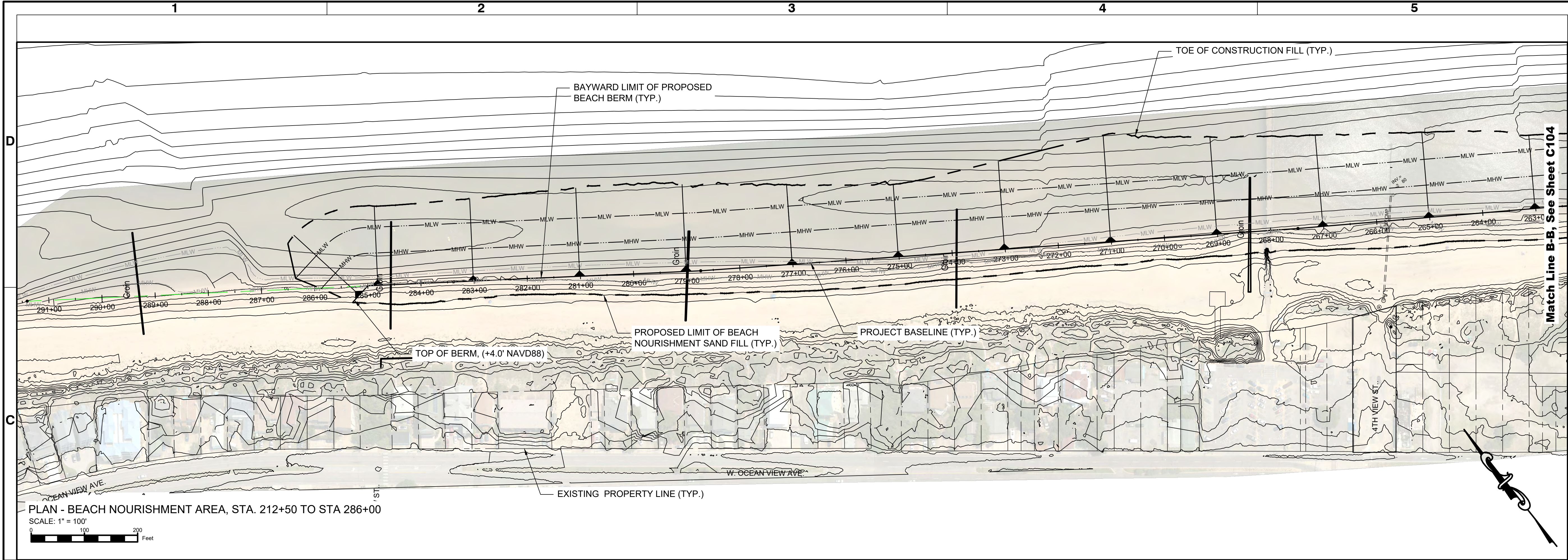
EOV PLAN

 101 W. MAIN STREET SUITE 3000 NORFOLK, VA 23510 757-628-8222	Designed by: YC		Date: NOV 2020	Rev. 0
	Dwn by: JT	Cdd by: BPJ	M&M Project No. 10390-19	
	Reviewed by: BPJ		Drawing code:	
	Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (D SHEET)	
PREPARED FOR: CITY OF NORFOLK DEPARTMENT OF PUBLIC WORKS				

SEAL

Sheet
Reference No.
C101

INDEX: 3 OF 8



PLAN - BEACH NOURISHMENT AREA, STA. 212+50 TO STA 286+00
SCALE: 1" = 100'
0 100 200 Feet

- LEGEND**
- EXISTING 1' CONTOURS
 - MHW EXISTING MEAN HIGH WATER
 - MLW EXISTING MEAN LOW WATER
 - MHW PROPOSED MEAN HIGH WATER
 - MLW PROPOSED MEAN LOW WATER
 - PROPERTY LINE
 - STORM DRAINS

Mark	Description	Date	Appr.
	PERMIT DRAWINGS NOT TO BE USED FOR CONSTRUCTION		

OCEAN VIEW BEACH
NOURISHMENT
CITY OF NORFOLK, VA

WOV PLAN - SHEET 2 OF 2

101 W. MAIN STREET
SUITE 3000
NORFOLK, VA 23510
757-628-8222

PREPARED FOR:
CITY OF NORFOLK
DEPARTMENT OF PUBLIC WORKS

Designed by:
YC

Dwn by:
JT

Rev. by:
BPJ

Submitted by:
MOFFATT & NICHOL

Date:
NOV 2020

Rev.:
0

M&N Project No:
10390-19

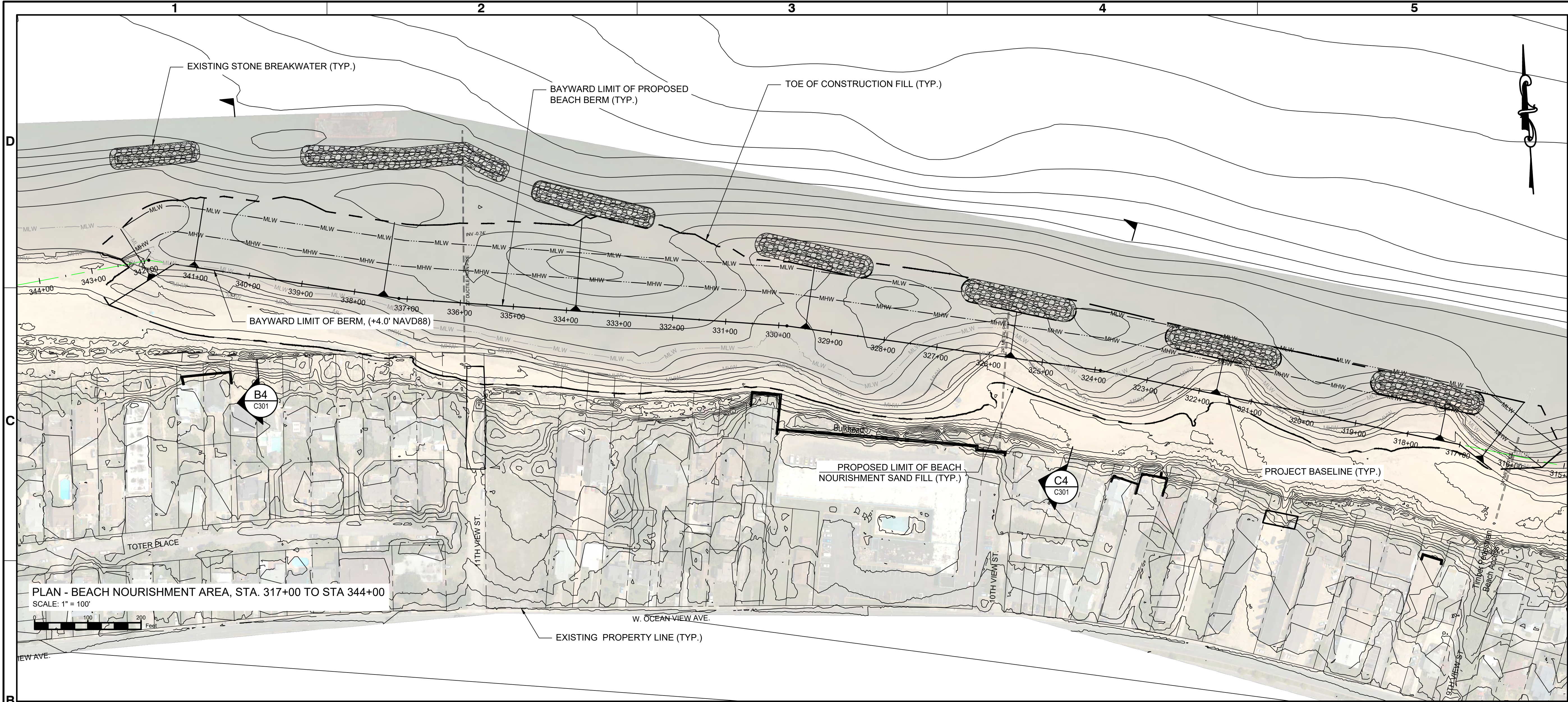
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Drawing Scale:
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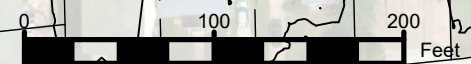
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C104

INDEX: 6 OF 8



PLAN - BEACH NOURISHMENT AREA, STA. 317+00 TO STA 344+00
SCALE: 1" = 100'



- LEGEND**
- EXISTING 1' CONTOURS
 - MHW --- EXISTING MEAN HIGH WATER
 - MLW --- EXISTING MEAN LOW WATER
 - MHW --- PROPOSED MEAN HIGH WATER
 - MLW --- PROPOSED MEAN LOW WATER
 - PROPERTY LINE
 - STORM DRAINS

Mark	Description	Date	Appr.
	PERMIT DRAWINGS NOT TO BE USED FOR CONSTRUCTION		

OCEAN VIEW BEACH NOURISHMENT
CITY OF NORFOLK, VA

TOLER PLACE PLAN

Designed by:	YC	Date:	NOV 2020	Rev:	0
Dwn by:	JT	M&N Project No.	10390-19		
Reviewed by:	BPJ	Drawing code:			
Submitted by:	MOFFATT & NICHOL	Drawing Scale:			

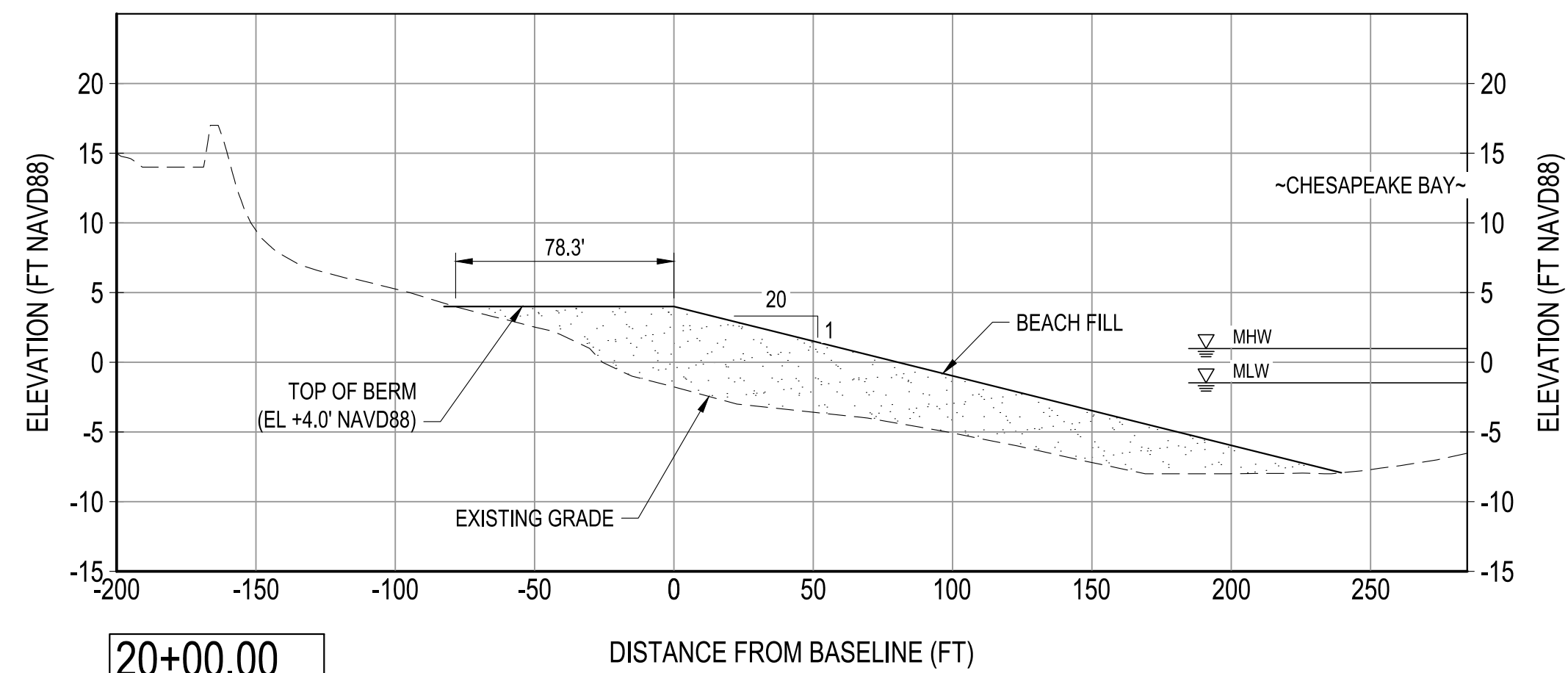
101 W. MAIN STREET
SUITE 3000
NORFOLK, VA 23510
757-628-8222

PREPARED FOR:
CITY OF NORFOLK
DEPARTMENT OF PUBLIC WORKS

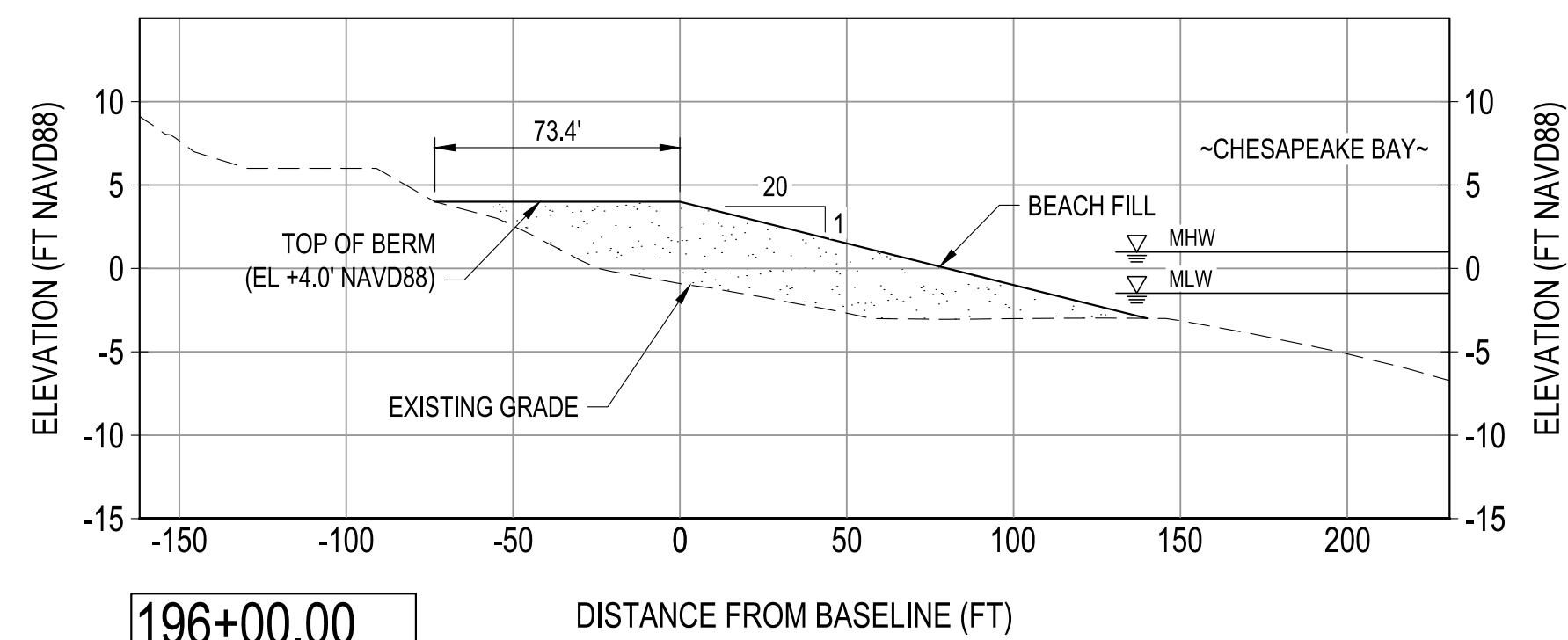
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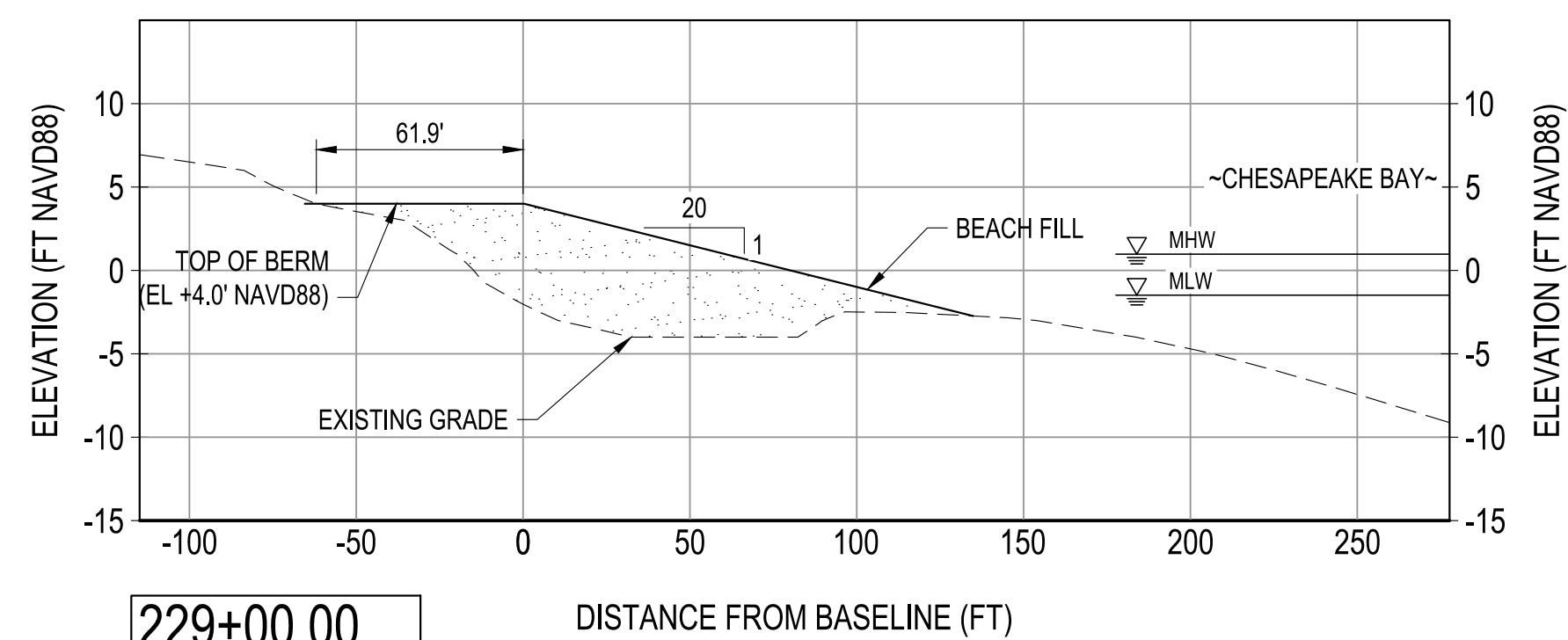
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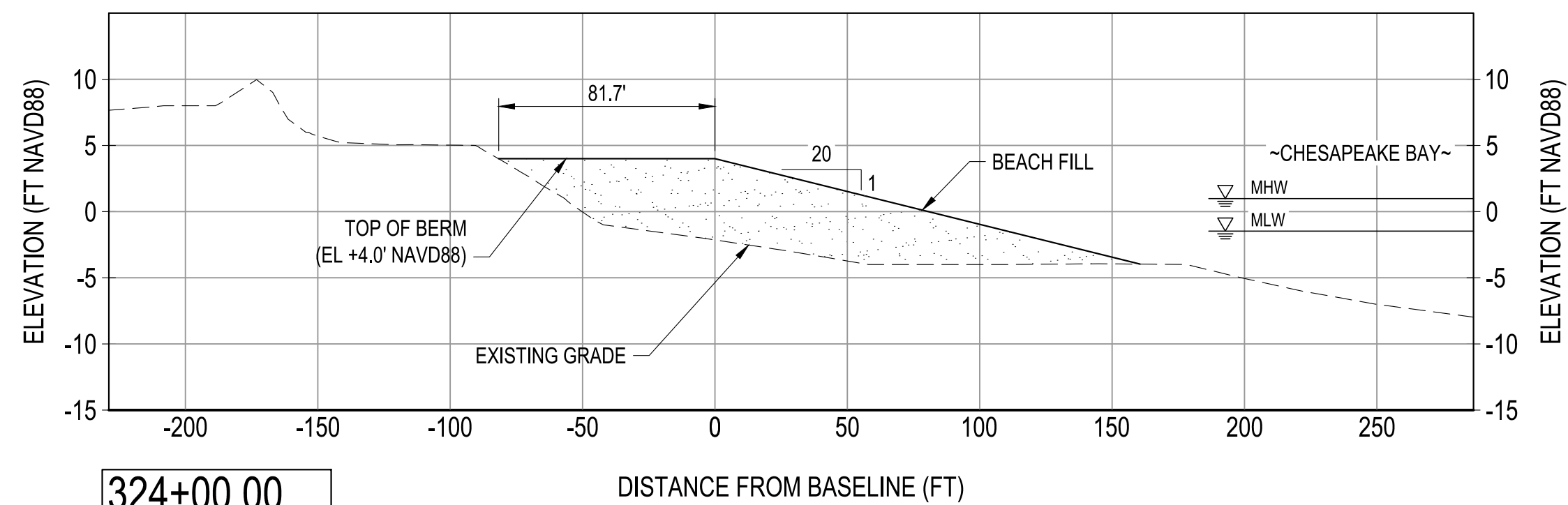
SECTION 1 - EOVS



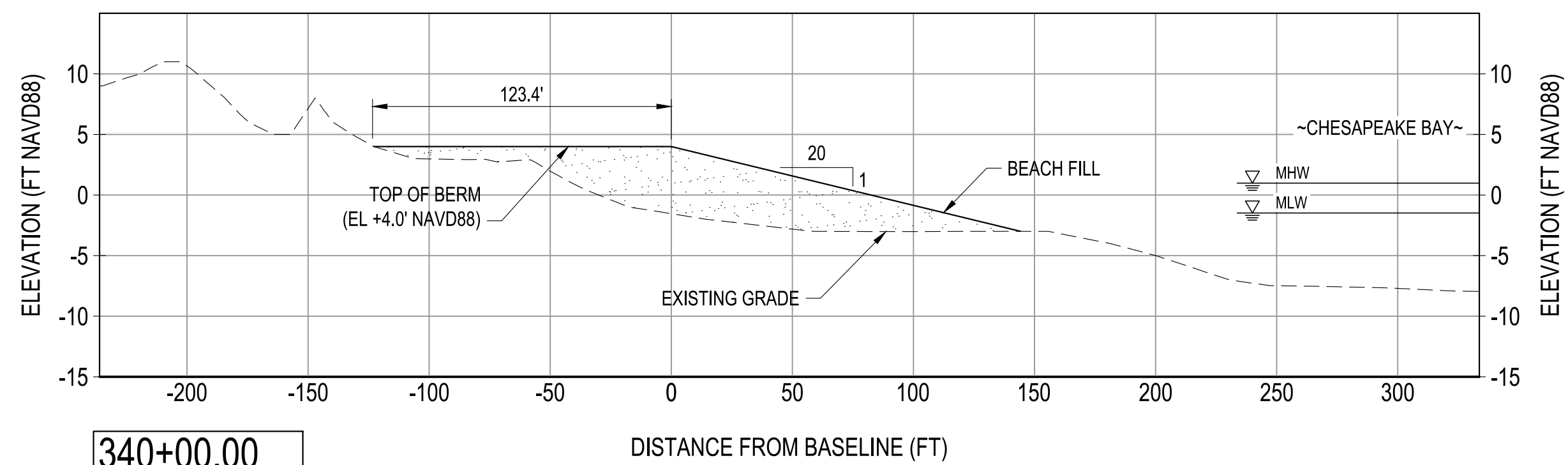
SECTION 2 - COV



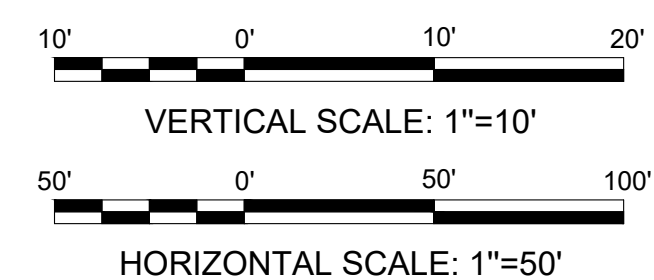
SECTION 3 - WOV



SECTION 4 - TOLER PLACE 1



SECTION 5 - TOLER PLACE 2

[illegible]

**OCEAN VIEW BEACH
NOURISHMENT
CITY OF NORFOLK, VA**

TYPICAL BEACH SECTIONS

B	Designed by:	Date:		Rev.
	YC	NOV 2020		0
	Own by:	Clkd by:	M&N Project No.	
	JT	BPJ	10390-19	
	Reviewed by:	Drawing code:		
	BPJ			
	Submitted by:	Drawing Scale:		
		Sheet scale: 1:1 (N. SUEET)		


Moffatt & Nichol

PREPARED FOR:
CITY OF NORFOLK
DEPARTMENT OF PUBLIC WORKS

SEA

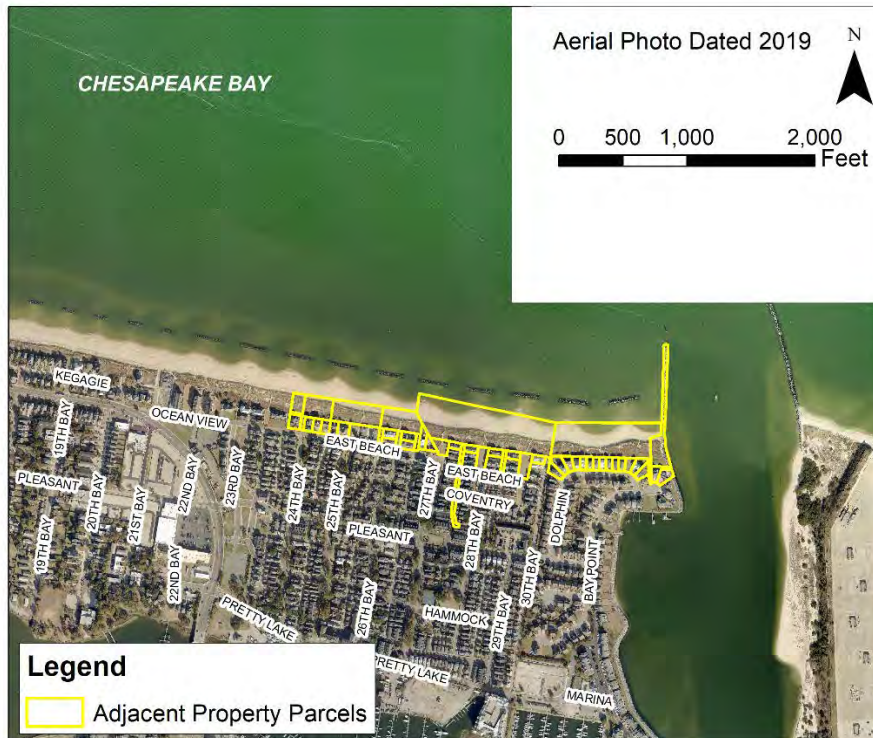
Sheet
Reference No.

C301

INDEX: 8 OF 8

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Attachment 3:
Adjacent Property Owners List



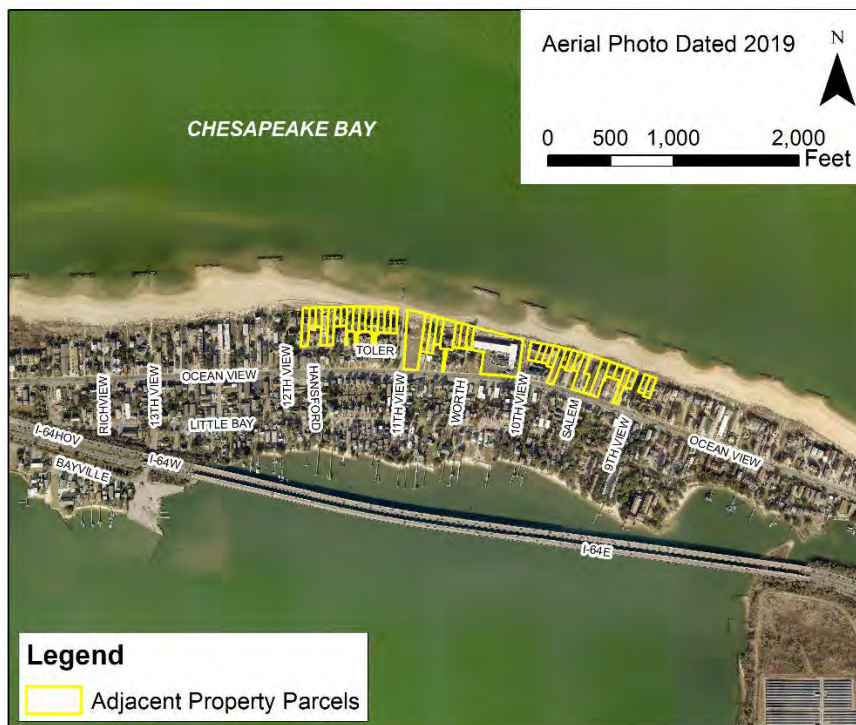
Reach 1 Adjacent Property Owner Parcels



Reach 2 Adjacent Property Owner Parcels



Reach 3 Adjacent Property Owner Parcels



Reach 4 Adjacent Property Owner Parcels

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
810 INVESTMENT, LLC	7851 AZALEA GARDEN RD	NORFOLK	VA	23518-4500
A & G PROPERTIES LLC	PO BOX 12179	NEWPORT NEWS	VA	23612-2179
A & G PROPERTIES LLC	PO BOX 12179	NEWPORT NEWS	VA	23612-2179
A & G PROPERTIES LLC	PO BOX 12179	NEWPORT NEWS	VA	23612-2179
ABIOUNESS, ALFRED E & ASSOCIATES	4410 EAST BEACH AVE #110E	NORFOLK	VA	23518-6007
ALCEDO, BARBARA L ET AL	810 E OCEAN VIEW AVE UNIT 101	NORFOLK	VA	23503-1854
ALLEN, JONATHAN C & SUZANNE D	100 E OCEAN VIEW AVE UNIT 602	NORFOLK	VA	23503-1632
APOSTOLOU, STEFANOS P & EVANGELIA S	100 E OCEAN VIEW AVE UNIT 404	NORFOLK	VA	23503-1631
ARNEMANN, WALTER E & GERALDINE M	1106 TOLER PL	NORFOLK	VA	23503-1213
AUCHEY, JARED D	910 E OCEAN VIEW AVE APT 20	NORFOLK	VA	23503-2011
BAGE, LARRY K & DELFINA C	1042 W OCEAN VIEW AVE	NORFOLK	VA	23503-1322
BAKKER, ANTON	1054 W OCEAN VIEW AVE	NORFOLK	VA	23503-1322
BALINT, KAREN J	100 E OCEAN VIEW AVE UNIT 203	NORFOLK	VA	23503-1630
BANTA, DEAN J	900 E OCEAN VIEW AVE UNIT 11	NORFOLK	VA	23503-1936
BARBOUR, EILEEN P	100 E OCEAN VIEW AVE UNIT 209	NORFOLK	VA	23503-1630
BARFKNECHT, BILL	1150 TOLER PL	NORFOLK	VA	23503-1213
BARNES, CHRISTY E DONISI	810 E OCEAN VIEW AVE UNIT 107	NORFOLK	VA	23503-1855
BARRINEAU, JOHN P JR & BETTY F	100 E OCEAN VIEW AVE UNIT 1008	NORFOLK	VA	23503-1635
BAUMAN, DEBORAH B	1146 TOLER PL UNIT 5	NORFOLK	VA	23503-1258
BAY COTTAGE	5700 HUNTINGTON AVE	NEWPORT NEWS	VA	23607-2054
BEACHSIDE APARTMENTS, LLC	2000 WEST CLUB LN	RICHMOND	VA	23226-2420
BEACHSIDE APARTMENTS, LLC	2000 WEST CLUB LN	RICHMOND	VA	23226-2420
BEAUCAIRE, CHONG HWA	100 E OCEAN VIEW AVE UNIT 211	NORFOLK	VA	23503-1630
BELL, CELESTE A	265 GROVE ST	TEANECK	NJ	07666-3213
BELL-SPENCER, JULIE A	910 E OCEAN VIEW AVE UNIT 6	NORFOLK	VA	23503-1956
BENASSI, KENNETH R REVOCABLE TRS ET AL	4430 EAST BEACH DR	NORFOLK	VA	23518-6013
BENSON, LINDSAY A	PO BOX 8602	NORFOLK	VA	23503-1857
BENSON, LINDSAY S & PAULETTE	PO BOX 8602	NORFOLK	VA	23503-0602
BERNIER, KIMBERLY A	1140 TOLER PL	NORFOLK	VA	23503-1213
BEZDEK, PRISCILLA L LIVING TRUST	2716 COLT RUN RD	OAKTON	VA	22124-0000
BIECH, ELAINE	PO BOX 8249	NORFOLK	VA	23503-0249
BILODEAU, HANA L	910 E OCEAN VIEW AVE APT 12	NORFOLK	VA	23503-1956
BIRDZELL, ROY L JR ET AL	PO BOX 77404	EWING	NJ	08628-6404
BISESE, JOHN H & ANN P	632 W OCEAN VIEW AVE UNIT C	NORFOLK	VA	23503-1428
BLANKENSHIP, H WESLEY	9933 THIRD BRANCH DR	CHESTERFIELD	VA	23832
BOHNERT, JEAN P	144 TRACKER CT	GARNER	NC	27529-6629
BOLEN, RICHARD K ET ALS	958 W OCEAN VIEW AVE	NORFOLK	VA	23503-1314
BOLLING, DWIGHT & CONNIE	100 E OCEAN VIEW AVE UNIT 1112	NORFOLK	VA	23503-1629
BOONE LIVING TRUST	PO BOX 8218	NORFOLK	VA	23503-0218
BOONE LIVING TRUST	809 E OCEAN VIEW AVE	NORFOLK	VA	23503-1822
BOONE, RONALD W JR & LISA S	253 W BALVIEW AVE	NORFOLK	VA	23503-2830
BOONE, RONALD W JR & LISA S	253 W BALVIEW AVE	NORFOLK	VA	23503-2830
BOWEN, MARGARET S	100 E OCEAN VIEW AVE UNIT 606	NORFOLK	VA	23503-1632
BOWLER, PATRICIA ET AL	100 E OCEAN VIEW AVE UNIT 1102	NORFOLK	VA	23503-1635
BOYD, ERICA E & CATHERINE A	100 E OCEAN VIEW AVE UNIT 402	NORFOLK	VA	23503-1631
BREMERMAN, CHARLES V	910 E OCEAN VIEW AVE UNION 16	NORFOLK	VA	23503-1956
BRENT, KAREN	460 W OCEAN VIEW AVE	NORFOLK	VA	23503-1414
BRITT, JENNIFER	1146 TOLER PL UNIT 1	NORFOLK	VA	23503-1259
BROOKS, JACK W & DENISE J	828 E OCEAN VIEW AVE UNIT 10	NORFOLK	VA	23503-1824
BURKE, SEAN E	8155 BAYWOOD DR	NORFOLK	VA	23518-3155
BUSSA, FRANK & MARTA	6127 FOX HAVEN PL	MIDLOTHIAN	VA	23112-6544
CANNAN, RICHARD D	910 E OCEAN VIEW AVE UNIT 15	NORFOLK	VA	23503-1956
CARROW, TERRY J & WILLIAM	900 E OCEAN VIEW AVE UNIT 10	NORFOLK	VA	23503-1936
CASEY, JAMES R & NINA E	9649 DOLPHIN RUN	NORFOLK	VA	23518-2050
CATHRO, JAMES & LINDSAY	910 E OCEAN VIEW AVE APT 26	NORFOLK	VA	23503-1957
CHISHOLM, PHILIP A ET AL	1138 TOLER PL	NORFOLK	VA	23503-1213
CISLO, ROBERT M ET AL	810 E OCEAN VIEW AVE UNIT 205	NORFOLK	VA	23503-1857
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST RM 500	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION STREET RM 500	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION STREET RM 500	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST ROOM 900	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION STREET	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717
CITY OF NORFOLK	810 UNION ST RM 900	NORFOLK	VA	23510-2717
CLAIR, RICHARD L	4700 EAST BEACH DR	NORFOLK	VA	23518-6019
CLARY, BECKY PAULETTE	100 E OCEAN VIEW AVE UNIT 212	NORFOLK	VA	23503-1630
CLIFTON, MICHAEL WAYNE	936 E OCEAN VIEW AVE	NORFOLK	VA	23503-1910
COGGESHALL, JOHN A & ALEEN D	1146 TOLER PL UNIT 4	NORFOLK	VA	23503-1258
COGGESHALL, JOHN A & ALEEN D	1146 TOLER PL UNIT 9	NORFOLK	VA	23503-1258
COHEN, STEVEN G & SHELLY G ET AL	100 E OCEAN VIEW AVE UNIT 202	NORFOLK	VA	23503-1630
COKER, SHANNON G	100 E OCEAN VIEW APT 709	NORFOLK	VA	23503-1633
COLBERT, NINA A	100 E OCEAN VIEW AVE UNIT 410	NORFOLK	VA	23503-1631
COLE, CURTIS II & CAROL THOMPSON	PO BOX 11093	NORFOLK	VA	23517-0093
COLEMAN, B WAYNE & JUDITH A	4610 EAST BEACH DR	NORFOLK	VA	23518-6000
COLLIER, DORIS DOLORES GALLOWAY LIVING TRUST	100 E OCEAN VIEW AVE UNIT 1111	NORFOLK	VA	23503-1635
COLLINS, PATRICK N & ANDREA M	246 W OCEAN VIEW AVE	NORFOLK	VA	23503-1108
CONFINO-REHDER, SHIRLEY	100 E OCEAN AVE 810	NORFOLK	VA	23503-4316
COOKSIE, CAROLYN B	7805 DESIREE ST	ALEXANDRIA	VA	22315
COURNOYER, RAYMOND A & MERRILEE A	100 E OCEAN VIEW AVE UNIT 503	NORFOLK	VA	23503-1631
CRABTREE, LINDA L	9728 SHIP WATCH RD	NORFOLK	VA	23503-1774
CROCKETT, JAMES T & DEBRA DOWDEN-	9733 DOLPHIN RUN	NORFOLK	VA	23518-0000
CROSS, CATHERINE J	810 E OCEAN VIEW AVE UNIT 304	NORFOLK	VA	23503-1858
CROWDER, SANDRA B	100 E OCEAN VIEW AVE UNIT 1110	NORFOLK	VA	23503-1635
CRUTSINGER, LAURENCE F REVOCABLE LIVING TRUST ET AL	PO BOX 8514	NORFOLK	VA	23503-0514
CURRAN, DEREK P	518 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
CUVA, MARK J & MARY LOU	575 FAIRWOOD DR	TALLMADGE	OH	44278-2027
CZERWINSKI, JOSEPH R & RAMONA M	928 E OCEAN VIEW AVE	NORFOLK	VA	23503-1910
DAFFRON, JOAN D DECLARATION OF TRUST	100 E OCEAN VIEW AVE UNIT 1002	NORFOLK	VA	23503-1634
DALLY, DONALDA MARY LIVING TRUST	100 E OCEAN VIEW AVE UNIT 706	NORFOLK	VA	23503-1633
DARG, DAVID S & NAOMI J	494 W OCEAN VIEW AVE	NORFOLK	VA	23503-1414
DAVENPORT, JEAN M & KIM E	1325 RIVER RD	SUFFOLK	VA	23434-2915
DAVIS, DAVID W & SHANNON N	100 E OCEAN VIEW AVE APT 1101	NORFOLK	VA	23503-1635
DEAN, WILLIAM L & MARTHA J	4000 OWL CREEK	WILLIAMSBURG	VA	23188-1897
DECKER, PETER G JR & BESS P	109 E MAIN ST STE 200	NORFOLK	VA	23510-1647
DELONG, NATALIE Y	810 E OCEAN VIEW AVE UNIT 303	NORFOLK	VA	23503-1858
DESALVO, LAURIE L LIVING TRUST	8328 KANTER AVE	NORFOLK	VA	23518-2224
DEVINE, DORIS	752 5TH ST	IMPERIAL BEACH	CA	91932-2011
DH HOTELS, LLC	2802 ATLANTIC AVE	VIRGINIA BEACH	VA	23451
DH HOTELS, LLC	817 VIRGINIA BEACH BLVD STE 102	VIRGINIA BEACH	VA	23451-4208
DIETRICH, ANTHONY S & ANDREANNE W	7350 HERITAGE VILLAGE PLZ UNIT 102	GAINESVILLE	VA	20155
DIONISIO, DAVID S & TERESITA C REVOCABLE TRUST	116 JESSES WAY	FARMVILLE	VA	23901-2157
DIROSA, TERESA	1074 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1322
DIXON, JOHN S & KAREN S	100 E OCEAN VIEW AVE APT 502	NORFOLK	VA	23503-1631
DIXON, MICHAEL W	420 BAY DUNES DR	NORFOLK	VA	23503-1769
DOBYNS, MIKE A	PO BOX 8546	NORFOLK	VA	23503-0546
DOLBY, MARY LOU	828 E OCEAN VIEW AVE UNIT 2	NORFOLK	VA	23503-1836
DONALDSON, KWAME NILES	4281 TALMADGE CIR	CAMP SPRINGS	MD	20746-4391
DOUMAR, ROBERT G & DOROTHY M	600 GRANBY ST	NORFOLK	VA	23510-1915
DOWNS, WILLIAM & DEBORAH	9065 CRUMPS MILL RD	QUINTON	VA	23141-2609
DOWNS, WILLIAM E & DEBORAH H	9065 CRUMPS MILL RD	QUINTON	VA	23141-2609
DRAPER, CHRISTOPHER	418 DUNDEE LN	CHESAPEAKE	VA	23322-7432
DUNNING ENTERPRISES LLC	1909 ROYAL OAK DR	LYNCHBURG	VA	24503-1856
EAST BEACH NEIGHBORHOOD ASSOC INC	4550 EAST BEACH DR	NORFOLK	VA	23518-6009
EAST BEACH NEIGHBORHOOD ASSOC INC	4550 E BEACH DR	NORFOLK	VA	23518-6009
EAST BEACH NEIGHBORHOOD ASSOC INC	4550 E BEACH DR	NORFOLK	VA	23518-6009
EAST BEACH NEIGHBORHOOD ASSOC INC	4550 E BEACH DR	NORFOLK	VA	23518-6009
ECK, JEFFREY A	1074 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1322
ECLL, LLC	4700 EAST BEACH DR	NORFOLK	VA	23518-6019
ELLINGTON, KIMBERLY A	163 DEER RUN	MOYOCK	NC	27958-9259
ELLIOTT, RONALD D & DIANE P	PO BOX 823	BAYSE	VA	22810-0823
ELMILIGUI, ALAA	810 E OCEAN VIEW AVE APT 301	NORFOLK	VA	23503-1858
ERJ'S BAY CONDO LLC	1417 WHITTIER ST NW	WASHINGTON	DC	20012-2839
ESHELMAN, KURT D & TRISHA M	810 E OCEAN VIEW AVE UNIT 110	NORFOLK	VA	23503-1855
ESSENMACHER, ELIZABETH JAI & RICHARD JOSEPH JR	4880 EAST BEACH DR	NORFOLK	VA	23518-2067
ESTEP, JON M ET ALS	904 REDLEAF CIR	CHESAPEAKE	VA	23320
FATICONI, JOHN A & SHELIA B	100 E OCEAN VIEW AVE UNIT 707	NORFOLK	VA	23503-1633
FAULK, JOHN F & ELIZABETH A TRS	264 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
FEE, ERIC C	464 W OCEAN VIEW AVE	NORFOLK	VA	23503-1414
FENTRESS, B DONALD & MARLENE C	100 E OCEAN VIEW AVE UNIT 411	NORFOLK	VA	23503-1631

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
FITZPATRICK, RORY D & ROBIN S	910 E OCEAN VIEW AVE UNIT 8	NORFOLK	VA	23503-1956
FORBES, JOHN F & BARBARA G	606 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1418
FOREHAND, VICKI LYNN	P.O. BOX 8674	NORFOLK	VA	23503-0674
FORREST, CLIFTON T & LAURIE A	9711 CHESAPEAKE ST UNIT F	NORFOLK	VA	23503-1941
FOSTER, DAVID W & ELIZABETH A	926 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1397
FOSTER, KEVIN D & ANDREA B	308 BAY DUNES DR	NORFOLK	VA	23503-1767
FOSTER, KEVIN D ET AL	100 E OCEAN VIEW AVE UNIT 703	NORFOLK	VA	23503-1633
FOSTER, MICHAEL	582 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1416
FOWLER, CAROL G	1032 FAIRHAVEN RD	CHESAPEAKE	VA	23322
FREDE, PETER T & PATRICE M	260 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
GAINES, KRISTOPHER L	910 E OCEAN VIEW AVE UNIT 11	NORFOLK	VA	23503-1956
GALLISHAW, WILLIAM	100 E OCEAN VIEW AVE UNIT 612	NORFOLK	VA	23503-1632
GARDNER, KATHERINE A ET AL	100 E OCEAN VIEW AVE UNIT 206	NORFOLK	VA	23503-1630
GARRASI, STEPHEN M	600 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1490
GASPAR, JOHN W & SHELBY T	PO BOX 3069	HAMPTON	VA	23663-0069
GATEWOOD, EDWIN E III ET AL	1110 TOLER PL	NORFOLK	VA	23503-1213
GAY, GEORGE N	1146 TOLER PL APT 6	NORFOLK	VA	23503-1250
GIBBS, DAVID W & DONNA K	100 E OCEAN VIEW AVE UNIT 301	NORFOLK	VA	23503-1630
GILLIHAN, PHILLIP M	PO BOX 809	SMITHFIELD	VA	23431-0809
GOLDMAN, CHARLES M & CAMILLA E	256 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
GONZALEZ, MISAE	600 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1490
GRAHAM, MARY BETH	810 E OCEAN VIEW AVE UNIT 103	NORFOLK	VA	23503-1854
GRAU, CHARLES V ET ALS	910 E OCEAN VIEW AVE UNIT 17	NORFOLK	VA	23503-1957
GRAY, ROBERT L JR & LOUISE LYN	910 E OCEAN VIEW AVE UNIT 18	NORFOLK	VA	23503-1925
GREIF, JEANNE R & CONRAD A	100 E OCEAN VIEW AVE UNIT 1106	NORFOLK	VA	23503-1635
GRIMES, ROBERT V & JEANNETTE J	6520 WINDHAM AVE	ALEXANDRIA	VA	22315-3419
GRIMES, ROBERT V & JEANNETTE J	6520 WINDHAM AVE	ALEXANDRIA	VA	22315-3419
GRIMES, ROBERT V & JEANNETTE J	6520 WINDHAM AVE	ALEXANDRIA	VA	22315-3419
GRIMES, ROBERT V & JEANNETTE J	6520 WINDHAM AVE	ALEXANDRIA	VA	22315-3419
GRINDROD, ANDREW W & MARGARET C	1048 W OCEAN VIEW AVE	NORFOLK	VA	23503-1322
HACKNEY, NORMA L ET AL	455 DOG WALK RD	ANNA	IL	62906-3205
HAHN, CHERYL A REHL ET AL	222 W OCEAN VIEW AVE	NORFOLK	VA	23503-1554
HAHNE, ROBERT & LINDA FAMILY TRUST	312 BAY DUNES DR	NORFOLK	VA	23503-1767
HALEY, DANIEL T	528 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
HALL, CYNTHIA L ET AL	PO BOX 8536	NORFOLK	VA	23503-0536
HALL, EDWARD ALLAN	828 E OCEAN VIEW AVE APT 1	NORFOLK	VA	23503-1836
HAMILTON, RICHARD T & MICHELLE	910 E OCEAN VIEW AVE UNIT 14	NORFOLK	VA	23503-1956
HANCOCK, FREDERICK J JR	910 E OCEAN VIEW AVE UNIT 22	NORFOLK	VA	23503-1957
HANSEN, JOEL & DEBORAH	998 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-6308
HARDIN, PAULETTE J	100 E OCEAN VIEW AVE UNIT 201	NORFOLK	VA	23503-1630
HAUNGS, MICHAEL J	992 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-6307
HAYNIE, COLLIN M & JUSTIN F	100 E OCEAN VIEW AVE UNIT 312	NORFOLK	VA	23503-1631
HEDGEPEATH, JEAN P REVOCABLE TRUST	100 E OCEAN VIEW AVE UNIT 306	NORFOLK	VA	23503-1630
HEIDE, ROBERT K & SUZANNE M	5109 STUDELEY AVE	NORFOLK	VA	23508-1742
HENDERSON, DAVID T & MARGARET	618 W OCEAN VIEW AVE	NORFOLK	VA	23503-1418
HICKS, RONALD F & CHERYL A	238 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1505
HIGH, MELVIN C & BRENDA C	408 BAY DUNES DR	NORFOLK	VA	23503-1769
HOFF, KENNETH L & DOREEN A	9575 BAY POINT DR	NORFOLK	VA	23518-2033
HOLDER, FRANCOIS E ET AL	1300 BAECHE LN	NORFOLK	VA	23509-1229
HOLDREN, RICHARD J	274 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
HOLLAND, STEVEN C	46720 FLOWERS RIDGE RD UNIT 73	BUXTON	NC	27920-0073
HOLLORAN, WILLIAM J JR & THERESA W	900 E OCEAN VIEW AVE UNIT 12	NORFOLK	VA	23503-1944
HOLT FAMILY TRUST	100 E OCEAN VIEW AVE APT 1103	NORFOLK	VA	23503-1635
HONG, TOM A & CHERYL L	932 E OCEAN VIEW AVE	NORFOLK	VA	23503-1947
HOWE, LOUIS P & CHRISTINE K	9654 WELLS PKWY	NORFOLK	VA	23503-1720
HOY, THOMAS E ET AL	636 SUNRISE AVE	HARRISONBURG	VA	22801
HUBBARD, MARY Y	5276 SHENSTONE CIR	VIRGINIA BEACH	VA	23455-3214
HUBER, THOMAS F & MARCIA C REV LIV TRST	107 ALALA RD	KAILUA	HI	96734-3126
HUDGINS, SYLVIA C	910 E OCEAN VIEW AVE UNIT 24	NORFOLK	VA	23503-1957
HULL, FREIDA S ET AL	100 E OCEAN VIEW AVE UNIT 407	NORFOLK	VA	23503-1631
HUNT, CHERYL ANN	100 E OCEAN VIEW AVE UNIT 412	NORFOLK	VA	23503-1631
HUNTER, CYNTHIA A	608 W OCEAN VIEW AVE APT 2	NORFOLK	VA	23503-1418
IANNELLO, CARMEN & SHENDA L	9661 DOLPHIN RUN	NORFOLK	VA	23518-2020
INGRAM, RILEY E & MARY A	3302 OAKLAWN BLVD	HOPEWELL	VA	23860-4704
JACKSON, JOSHUA M	910 E OCEAN VIEW AVE UNIT 21	NORFOLK	VA	23503-1957
JACKSON, LOUISE K ET AL	828 E OCEAN VIEW AVE APT 5	NORFOLK	VA	23503-1825
JACOBS, ARTHUR W & SUSAN C	3535 HEUTTE DR	NORFOLK	VA	23518

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
JAMES, JOHN H JR & SHARON C	4570 EAST BEACH DR	NORFOLK	VA	23518
JARVIS, WILLIAM H & JULIE M	100 E OCEAN VIEW AVE APT 601	NORFOLK	VA	23503-1632
JENNINGS, MARY ANN	100 E OCEAN VIEW AVE APT 1005	NORFOLK	VA	23503-1635
JOHNSON, GEORGE H TRUST	100 E OCEAN AVE UNIT 308	NORFOLK	VA	23503-1629
JONES, CHARLES E & ROSE-MARIE B	810 E OCEAN VIEW AVE APT 308	NORFOLK	VA	23503-1859
KACER, PAT & CAROL	900 E OCEAN VIEW AVE APT 9	NORFOLK	VA	23503-1944
KACER, TIMOTHY R	900 E OCEAN VIEW AVE APT 1	NORFOLK	VA	23503-1947
KANTER, GERALD THEOBALD	1313 MURRAY DR	CHESAPEAKE	VA	23322-1835
KARMANNA PROPERTIES, LLC	405 WOODCLIFF ARCH	CHESAPEAKE	VA	23320-3255
KARNES, LANIS REVOCABLE LIVING TRUST	2273 N HIGHLAND AVE STE A	JACKSON	TN	38305-4909
KASPER, DAVID M & GISELE L	#16 MICAH CT	STAUNTON	VA	24401-6549
KEILTY, FREDERICK P & PATRICIA J	100 E OCEAN VIEW AVE UNIT 1009	NORFOLK	VA	23503-1635
KELLY, COLIN M & TAMMY R	9653 DOLPHIN RUN	NORFOLK	VA	23518-2050
KELLY, PENELOPE E	810 E OCEAN VIEW AVE APT 102	NORFOLK	VA	23503-1854
KENNEDY FAMILY TRUST	7703 CARLTON PL	MCLEAN	VA	22102-2150
KIM, ASA D	900 ARMY NAVY DR APT 1506	ARLINGTON	VA	22202-4933
KING, CAROLE L REVOCABLE TRUST ET AL	100 E OCEAN VIEW AVE UNIT 705	NORFOLK	VA	23503-1633
KING, GWENDOLYN C	100 E OCEAN VIEW AVE APT 307	NORFOLK	VA	23503-1630
KIRBY, MARIETTA E	626 W OCEAN VIEW AVE APT B	NORFOLK	VA	23503-1418
KIRCHNER, DONALD B & FRANCES B	9750 28TH BAY ST	NORFOLK	VA	23518-2067
KIRCHNER, MARCELLUS C & THERESA A	721 COLONIAL AVE	NORFOLK	VA	23507-1807
KIRSCH, DONNA C & CHRISTIAN W TRS	4357 N WITCHDUCK RD	VIRGINIA BEACH	VA	23455-6109
KNAPP, BARRY J II ET AL	2265 SOUVERAIN LN	VIRGINIA BEACH	VA	23454-7403
KNIGHT FAMILY REVOCABLE LIVING TRUST	100 E OCEAN VIEW AVE APT 609	NORFOLK	VA	23503-1632
KOCH, ROBERT J & JACQUELINE H	100 E OCEAN VIEW AVE APT 607	NORFOLK	VA	23503-1632
KOTARIDES, ODYSSEUS P ET AL	1128 INDEPENDENCE BLVD STE 200	VIRGINIA BEACH	VA	23455-5505
KRAMER, EDWARD G ET AL	PO BOX 2179	VIRGINIA BEACH	VA	23450-2179
KRIESCH, PENNY ET AL	2702 MUSKOGEE ST	ADELPHI	MD	20783-1427
KRUMICH, ERIC C & AIMEE L	810 E OCEAN VIEW AVE APT 207	NORFOLK	VA	23503-1857
KRZYZANIAK, RAYMOND L	3740 FAIRWAY DR	CUMMING	GA	30041-6675
LALLEY, JOSEPH A & DORIS J	100 E OCEAN VIEW AVE APT 603	NORFOLK	VA	23503-1632
LAPETINA, JOANNE E	100 E OCEAN VIEW AVE UNIT 806	NORFOLK	VA	23503-1633
LAROCCA, RONALD	922 W OCEAN VIEW AVE UNIT C	NORFOLK	VA	23503-1380
LATIMER, ROBERT M & ERLE MARIE REVOC TRUST	1120 TOLER PL	NORFOLK	VA	23503-1213
LAU, LEEMAN	100 E OCEAN VIEW AVE UNIT 904	NORFOLK	VA	23503-1634
LAWS, JEREMY R & ASHLEY C	608 N JUANITA AVE	REDONDO BEACH	CA	90277-2934
LEARY, KEVIN J & BRENDA F	100 E OCEAN VIEW AVE UNIT 409	NORFOLK	VA	23503-1631
LEBON, BENNY M & DOLORES P	490 W OCEAN VIEW AVE	NORFOLK	VA	23503-1414
LEE, MILLIE	9705 DOLPHIN RUN	NORFOLK	VA	23518-2021
LEE, SOO-HOON ET AL	100 E OCEAN VIEW AVE UNIT 807	NORFOLK	VA	23503-1633
LIPSCOMB, MICHAEL & DANA	900 E OCEAN VIEW AVE UNIT 3	NORFOLK	VA	23503-1947
LLUY, MARGARET A	9251 BUCKMAN AVE	NORFOLK	VA	23503-4203
LONG, EARNEST ANDREW & TONIA L MOORE	9711 CHESAPEAKE ST APT D	NORFOLK	VA	23503-1941
LOVE, AMY L	100 E OCEAN VIEW AVE APT 310	NORFOLK	VA	23503-1631
LOVELACE LIVING TRUST ET AL	36 WARREN ST	BLOOMFIELD	NJ	07003-2718
LOWE, MARVIN D	100 E OCEAN VIEW AVE APT 1104	NORFOLK	VA	23503-1635
LOWERY, ANTHONY W & MARGUERITE S	238 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503
LUU, TONY	910 E OCEAN VIEW AVE UNIT 2	NORFOLK	VA	23503-1956
MANHARPA, AJAY & RADHIKA A	4440 EAST BEACH DR	NORFOLK	VA	23518
MARKS, WILLIAM & SANDRA R ET ALS	86 COURT ST	WEST BABYLON	NY	11704-2124
MARTIN, SAMUEL P & SHERRY W	880 W OCEAN VIEW AVE	NORFOLK	VA	23503-1312
MARTINS, LINDA G	254 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
MC LAUGHLIN, EDWARD J & M JEAN	1621 ETON WAY	CROFTON	MD	21114-1512
MCCARTHY, ROSELLA REVOCABLE TRUST	100 E OCEAN VIEW AVE APT 508	NORFOLK	VA	23503-1632
MCCOY, CAROLE C	100 E OCEAN VIEW AVE APT 1105	NORFOLK	VA	23503-1635
MCLEAN, J RONALD III & KATHERINE R	1112 TOLER PL	NORFOLK	VA	23503-1213
MCLEAN, WILLIAM RICHARD & SALLY ANN	100 E OCEAN VIEW AVE UNIT 907	NORFOLK	VA	23503-1629
MEAD LIVING TRUST	998 W OCEAN VIEW AVE APT B	NORFOLK	VA	23503-6308
MEADE, JOY	21513 PERDUE AVE	PETERSBURG	VA	23803-0000
MEEHAN, MATHEW J & KELLY M	1326 W OCEAN VIEW AVE	NORFOLK	VA	23503-1146
MELVIN, KENNETH R & SYLVIA ET AL	14 ELEANOR CT N	PORTSMOUTH	VA	23701-3600
MEREDITH, MIRIAM B REVOCABLE LIVING	100 E OCEAN VIEW AVE APT 507	NORFOLK	VA	23503-1632
MERRELL, JOYCE B	100 E OCEAN VIEW AVE APT 712	NORFOLK	VA	23503-1633
MID-ATLANTIC PROPERTY HOLDINGS, LLC	2048 INLET POINT RD	NORFOLK	VA	23503-3245
MILLER, SCOTT & ANDREA	240 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503
MOLSBERRY, DARRELL C & LISA G	100 E OCEAN VIEW AVE UNIT 805	NORFOLK	VA	23503-1633
MOORE, GLYNN R SR & ROSLYN F	468 W OCEAN VIEW AVE	NORFOLK	VA	23503-1414

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
MOORE, NATHANIEL	404 BAY DUNES DR	NORFOLK	VA	23503-1769
MORGAN, JOSEPH N & NANCY J	100 E OCEAN VIEW AVE APT 803	NORFOLK	VA	23503-1633
MORGAN, MICHAEL J, TRUST	810 E OCEAN VIEW AVE APT 210	NORFOLK	VA	23503-1857
MORSE, JEFFREY H ET AL	5442 TIDEWATER DR	NORFOLK	VA	23509-1437
MORTON, GARLAND WAYNE REVOCABLE TRUST AGREEMENT OF 2003	1010 BATEMAN DR	ELIZABETH CITY	NC	27909-2938
MUENCH, FRANCIS	303 ELBERON CT	CHESAPEAKE	VA	23322
MULLENIX, THOMAS H JR & DONNA M	882 W OCEAN VIEW AVE	NORFOLK	VA	23503-1312
MURINIGO, LUCIA	828 E OCEAN VIEW AVE APT 7	NORFOLK	VA	23503-1825
MYERS, JONATHAN D & NANCY A	926 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1397
NAIR, VASANT DAMODARAN & VASUDHA VASANT	810 E OCEAN VIEW AVE UNIT 307	NORFOLK	VA	23503-1854
NEWBY, JENNIFER T	2122 GREEN WATCH WAY UNIT 100	RESTON	VA	20191-2428
NEWTON, JOHN P JR & JENETTE JUNE	910 E OCEAN VIEW AVE UNIT 29	NORFOLK	VA	23503-1957
NO PIER PRESSURE, LLC	809 E OCEAN VIEW AV	NORFOLK	VA	23503-1822
NORTON, JAMES DAVID REVOCABLE TRUST	100 E OCEAN VIEW AVE UNIT 908	NORFOLK	VA	23503-1629
NOWLAND, FRANCIS & DORIS	100 E OCEAN VIEW AVE APT 804	NORFOLK	VA	23503-1633
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
NRHA	PO BOX 968	NORFOLK	VA	23501-0968
O'BRIEN, DENNIS C	810 E OCEAN VIEW AVE APT 302	NORFOLK	VA	23503-1858
OCEAN20 LLC	705 RIVERSIDE DR	NEWPORT NEWS	VA	23606-3627
OCEANSIDE BUILDERS, INC	276 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
OH, BEN ET AL	1005 BELWOOD CT	VIRGINIA BEACH	VA	23455-6639
OHAHNA SHORES, LLC	8076 LYNNBROOK DR	NORFOLK	VA	23518-3340
OLSEN, RAYMOND P	910 E OCEAN VIEW AVE UNIT 25	NORFOLK	VA	23503-1957
ORANGE, PATRICIA G	922 W OCEAN VIEW AVE APT D	NORFOLK	VA	23503-1380
OSMUNDSON, GARY & ILENE	4001 HEUTTE DR	NORFOLK	VA	23518-4628
OWEN, BETTY M	100 E OCEAN VIEW AVE UNIT 701	NORFOLK	VA	23503-1633
PAPARONE, CARRIE	9301 BANFF CT	CHESTERFIELD	VA	23838-5240
PARIS, H SCOTT & MAUREEN J	9513 9TH BAY ST	NORFOLK	VA	23518-1209
PARIS, JEFFREY C & CARRIE H	910 E OCEAN VIEW AVE UNIT 5	NORFOLK	VA	23503-1956
PARKER, HARRY E ET AL	228 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
PATTON, JOHN A ET AL	262 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
PEELE, LARRY L & SHIRLEY B	9719 BAY POINT DR	NORFOLK	VA	23518-2050
PEERY, JOHN S & BARBARA L	100 E OCEAN VIEW AVE UNIT 506	NORFOLK	VA	23503-1632
PENNY, CHRISTOPHER & LYNNE	1126 TOLER PL	NORFOLK	VA	23503-1213
PENTA, MASSIMO	828 E OCEAN VIEW AVE UNIT 8	NORFOLK	VA	23503-1825
PERKINS, FREDERICK P ET AL	PO BOX 5865	VIRGINIA BEACH	VA	23471-0865
PESCHKE, BARBARA	810 E OCEAN VIEW AVE UNIT 106	NORFOLK	VA	23503-1855
PIETROCOLA, GREGORY P & GAYE D LIVG	524 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
PILAND, ROBERT S III & CHRISTINE	100 E OCEAN VIEW AVE UNIT 408	NORFOLK	VA	23503-1631
PITTMAN, ANDREW B & JESSICA W	100 E OCEAN VIEW AVE UNIT 1109	NORFOLK	VA	23503-1635
POON, NORMAN DAVID & ANN MARIE	922 W OCEAN VIEW AVE	NORFOLK	VA	23503-1380
POSEIDON PROPERTIES, LLC	PO BOX 8099	NORFOLK	VA	23503-0099
POWELL, PETER J & DORIS M	100 E OCEAN VIEW AVE UNIT 512	NORFOLK	VA	23503-1632
PRICE, RALPH E TRUST	910 E OCEAN VIEW AVE UNIT 27	NORFOLK	VA	23503-1957
PRICE, RALPH E TRUST	910 E OCEAN VIEW AVE UNIT 27	NORFOLK	VA	23503-1957
PRIER, JEFFREY S & MARY E	526 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
PUCKETT, EDWARD L & JANET S	885 FRESHWATER COVE LN	LOVINGSTON	VA	22949-2008
PUPO, JOSEPH J & MARIE Q	100 E OCEAN VIEW AVE UNIT 906	NORFOLK	VA	23503-1634
PUTMAN, GUY H	100 E OCEAN VIEW AVE UNIT 403	NORFOLK	VA	23503-1631
QUATTRUCCI, LEE	810 E OCEAN VIEW AVE APT 203	NORFOLK	VA	23503-1856
RALPH, J ROBERT	100 E OCEAN VIEW AVE UNIT 605	NORFOLK	VA	23503-1632
RAY, JAMES C	100 E OCEAN VIEW AVE UNIT 704	NORFOLK	VA	23503-1633
RICE, PATRICIA EVELYN REVOC TRUST	100 E OCEAN VIEW AVE UNIT 808	NORFOLK	VA	23503-1633
RIGNEY, ROBERT B & DIANE C	9725 DOLPHIN RUN	NORFOLK	VA	23518-2050
RILEY, KYLE L	9629 BAY POINT DR	NORFOLK	VA	23518-2025
RIVERA, MILDRED ET AL	100 E OCEAN VIEW AVE APT 710	NORFOLK	VA	23503-1633
ROETHEL, RICHARD & PAMELA	1146 TOLER PL UNIT 8	NORFOLK	VA	23503-1258
ROHMAN, MALIK W & R JULIA	2806 N KENSINGTON ST	ARLINGTON	VA	22207
ROSS, MARY G	272 W OCEAN VIEW AVE	NORFOLK	VA	23503-1505
ROWE, DANIEL G & CATHRYNE L	1404 MARIAN WAY	MOUNT AIRY	MD	21771-5872

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
RUFFINO, JEFFERY	910 E OCEAN VIEW AVE 3	NORFOLK	VA	23503-1956
SAUNDERS, JOHN III	480 W OCEAN VIEW AVE	NORFOLK	VA	23503-1414
SAVAGE, WENDY M & JAMES R	4580 EAST BEACH DR	NORFOLK	VA	23518-6009
SAYLES, SHANNON M	540 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1416
SCHLITTER, JOSIE LYNN	810 E OCEAN VIEW AVE APT 201	NORFOLK	VA	23505-1854
SCHMID, RALPH J & VICTORIA A	926 W OCEAN VIEW AVE UNIT C	NORFOLK	VA	23503-1397
SCHULHOFF, GERALD & EVELYN	8903 ALENDALE RD	RICHMOND	VA	23229-7701
SEA ISLE WEST, LLC	809 E OCEAN VIEW AV	NORFOLK	VA	23503-1822
SEA MIST LLC	819 BLUECRAB RD	NEWPORT NEWS	VA	23606-4220
SELLERS, SUSAN WILSON REVOCABLE TRUST	502 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
SHACKELFORD, BRUCE C	8420 LAUREL GROVE RD	MECHANICSVILLE	VA	23116-0000
SHAILEY ENTERPRISES LC	1010 W OCEAN VIEW AVE	NORFOLK	VA	23503-1316
SHAREK, WILLIAM & ELENA	813 VINE ST	CROWNSVILLE	MD	21032-1340
SHAW, JAMES E	100 E OCEAN VIEW AVE UNIT 903	NORFOLK	VA	23503-1634
SHAW, MICHAEL H ET AL	100 E OCEAN VIEW AVE UNIT 902	NORFOLK	VA	23503-1634
SHEALEY, JOSEPH E & LYNN R	100 E OCEAN VIEW AVE UNIT 207	NORFOLK	VA	23503-1630
SILKETT, CHARLES R TR	11600 AIR VIEW LN	GREAT FALLS	VA	22066-1101
SIMON, SONJA M ET AL	504 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
SINGER, CLIFFORD S & MICHAEL ANN	14406 SAVAGE VIEW PL	MIDLOTHIAN	VA	23112-4388
SINOR, BAKHTI	590 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
SMITH, JOSCELYN E III & CHERYL A	412 BAY DUNES DR	NORFOLK	VA	23503-1769
SMITH, MICHAEL E	1132 TOLER PL	NORFOLK	VA	23503-1213
SMITH, ROY M & SHAWN L	3008 GLASGOW DR	ARLINGTON	TX	76015-2227
SMITH, VALERIE K	258 W OCEAN VIEW AVE	NORFOLK	VA	23503-1543
SPEIGHT, JEANETTE M REVOC LIVING TRUST	100 E OCEAN VIEW AVE APT 702	NORFOLK	VA	23503-1633
SPICER, TIMOTHY & PHYLLIS	320 W COUNTY DR	SOMERVILLE	NJ	08876-3760
SPINAZZOLO, DAVID & MORIN, MARY DECLARATION OF TRS	400 BAY DUNES DR	NORFOLK	VA	23503-1769
STAMBLECK, MARGO A	100 E OCEAN VIEW AVE UNIT 1011	NORFOLK	VA	23503-1635
STARKE, HORACE C & JULIE	100 E OCEAN VIEW APT 205	NORFOLK	VA	23503-1630
STEELE, CAROL BAUM IRREVOCABLE TRUST	9711 CHESAPEAKE ST UNIT A	NORFOLK	VA	23503-1941
STEELE, JOSEPH H	100 E OCEAN VIEW AVE UNIT 210	NORFOLK	VA	23503-1629
STERLING, TODD LEE	100 E OCEAN VIEW AVE APT 304	NORFOLK	VA	23503-1630
STEWART, WARREN A	100 E OCEAN VIEW AVE UNIT 604	NORFOLK	VA	23503-1632
STRATHMANN, BARRY E	4518 EAST BEACH DR	NORFOLK	VA	23518-6009
STUBBS, CAROLYN H	1611 BEAUMONT CT	NORFOLK	VA	23503
SULLIVAN, CHARLES D & VICTORIA H	13568 CHERRY CYN	HELOTES	TX	78023-2848
SURPRENANT, PETER L ET AL	5410 NW 3RD TER	BOCA RATON	FL	33487-4314
SWIDER, GREGORY & SASKIA	600 W OCEAN VIEW AVE UNIT C	NORFOLK	VA	23503-1490
TAKALLU, MOHAMMAD ET AL	PO BOX 8401	NORFOLK	VA	23503-0401
TAYLOR, CHARLES F & NATALIE A	100 E OCEAN VIEW AVE UNIT 406	NORFOLK	VA	23503-1629
TAYLOR, ROBERT L & GAYLIA F	810 E OCEAN VIEW AVE UNIT 109	NORFOLK	VA	23503-1855
TEAGUE, KENDYL ET AL	9529 4TH BAY ST	NORFOLK	VA	23518-1009
TENKEAN, ONKA	2475 VIRGINIA AVE NW # 818	WASHINGTON	DC	20037-2639
THOMAS, KATHY	PO BOX 1552	GLOUCESTER	VA	23061-1552
THOMAS, MINERVA G	900 E OCEAN VIEW UNIT 7	NORFOLK	VA	23503-1945
THOMPSON, CHRISTINE L & TERRENCE J	100 E OCEAN VIEW AVE APT 204	NORFOLK	VA	23503-1630
THOMPSON, RICHARD & KAYE	252 W OCEAN VIEW AVE	NORFOLK	VA	23503-1543
THORNTON, ALLAN F JR	9740 27TH BAY ST	NORFOLK	VA	23518-1906
THORNTON, GLORIA B	9646 GRANBY ST	NORFOLK	VA	23503-1608
THORNTON, GLORIA B	9646 GRANBY ST	NORFOLK	VA	23503-1608
TOWNSEND, GUY	100 E OCEAN VIEW AVE UNIT 405	NORFOLK	VA	23503-1629
TRAN, AN T	8300 PATTERSON AVE	RICHMOND	VA	23229-6506
TRAWEEK, DOROTHY LEIGH	100 E OCEAN VIEW AVE UNIT 1003	NORFOLK	VA	23503-1634
TRAYLOR, JAMES R & SOPHIA Z	PO BOX 283	HOPEWELL	VA	23860-0283
TROUTMAN, WILLIAM H ET AL	9713 DOLPHIN RUN	NORFOLK	VA	23518-2021
TUPPER, ROBERT D & KAREN L	632 W OCEAN VIEW AVE UNIT D	NORFOLK	VA	23503-1428
TYNES, RICHARD W JR & GAIL F	300 BAY DUNES DR	NORFOLK	VA	23503-1767
U S A	NAV FAC ENG COMM-R E DIV	NORFOLK	VA	23511-0000
UV STRATEGIES, LLC	304 BAY DUNES DR	NORFOLK	VA	23503-1767
VALLE, CHRISTOPHER R & MARY M	626 W OCEAN VIEW AVE UNIT A	NORFOLK	VA	23503-1498
VAN DAVELAAR, PETER C & RUTH A	626 W OCEAN VIEW AVE APT C	NORFOLK	VA	23503-1498
VERBA, WILLIAM S JR & ALDA D	100 E OCEAN VIEW AVE UNIT 510	NORFOLK	VA	23503-1632
VIEW VENTURES, LLC	586 W OCEAN VIEW AVE	NORFOLK	VA	23503-1416
VINCIULLA, CHARLES J JR	55 TERRY AVE	AMITYVILLE	NY	11701-3339
VOR PROPERTIES, LLC	1114 TOLER PL	NORFOLK	VA	23503-1213
WAGONER, SCOTT A & DEBORAH S	632 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1428
WAGUESPACK, JEFFERY & MARIE	100 E OCEAN VIEW AVE UNIT 610	NORFOLK	VA	23503-1632

Owner_Name	Owner_St	Owner_City	Owner_State	Owner_Zip
WALDROP, BARBARA M TRUST	606 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1418
WALTERS, ELIZABETH A	910 E OCEAN VIEW AVE APT 19	NORFOLK	VA	23503-1957
WARDLOW, CURTIS & JERILYN	100 E OCEAN VIEW AVE UNIT 1012	NORFOLK	VA	23503-1629
WARREN, STEVE A & JUNG O	100 E OCEAN VIEW AVE APT 911	NORFOLK	VA	23503-1634
WEAVER, BRIAN S & JESSICA R	818 E OCEAN VIEW AVE	NORFOLK	VA	23503-1823
WEIRICH, THOMAS F	100 E OCEAN VIEW AVE APT 302	NORFOLK	VA	23503-1630
WENDLING, ROBERT M & MARIANNE	6510 PARK VIEW CT	SPRINGFIELD	VA	22152-2822
WENTWORTH, JEFFREY M & HEATHER Y	332 BAY DUNES DR	NORFOLK	VA	23503-1767
WETHERINGTON, RALPH L JR & CHERYL S	9709 DOLPHIN RUN	NORFOLK	VA	23518-2050
WHITE, EDITH D ET AL	100 E OCEAN VIEW AVE UNIT 1004	NORFOLK	VA	23503-1634
WICH, ROBERT J ET AL	1114 TOLER PL	NORFOLK	VA	23503-1213
WICKER, DRU C & JOHN W	5117 PARK LAKE CT	VIRGINIA BEACH	VA	23464-7317
WILKINSON, JOSEPH E & GAIL M	7212 GALVESTON BLVD	NORFOLK	VA	23505-4254
WILLIFORD, GARY F & NONA P	2715 WYOMING AVE	NORFOLK	VA	23513-4439
WILSON, SUSANNE F REVOCABLE LIVING TRUST	5557 STEWART DR	VIRGINIA BEACH	VA	23464-7114
WILSON, VEASEY W & VALERIE SEAY REVOCABLE LIVING TRUST	9737 DOLPHIN RUN	NORFOLK	VA	23518-2050
WINGATE, CHEYENNE NICOLE	582 W OCEAN VIEW AVE UNIT B	NORFOLK	VA	23503-1515
WISNEVSKY, ALENE B TRUST	632 W OCEAN VIEW AVE APT A	NORFOLK	VA	23503-1428
WOLFF, BEVERLEY B	100 E OCEAN VIEW AVE UNIT 611	NORFOLK	VA	23503-1632
WOODRUFF, JAMES M	100 E OCEAN VIEW AVE UNIT 901	NORFOLK	VA	23503-1634
WOODY, MICHAEL A & DJARIS A	4519 BRIARWICK DR	RICHMOND	VA	23236
YECKEL, JOSEPH D	810 E OCEAN VIEW AVE UNIT 104	NORFOLK	VA	23503-1854
ZEMEDKUN, WOLDEGEBRIEL LIVING TRUST ET AL	9657 DOLPHIN RUN	NORFOLK	VA	23518-2020

Virginia Marine Resources Commission

Shellfish Management Public Comments

Application Number 2021016

Print Date: Tuesday June 17 2025 15:11

Number	Name	Received	Position
1	ROBERT S PRUHS 757-201-7130 robert.s.pruhs@usace.army.mil	03/31/2025 12:18:53 PM	OPPOSE

ON BEHALF OF THE USACE-NORFOLK DISTRICT I AM SUBMITTING COMMENT OPPOSING THE PROPOSED LEASE 2021016 . AS PROPOSED, THE LEASE WILL ALTER AND IMPAIR THE ADJACENT CONGRESSIONALLY AUTHORIZED CIVIL WORKS PROJECT, "WILLOUGHBY SPIT VICINITY BEACH RENOURISHMENT PROJECT". ANY ACTION THAT MAY "ALTER" OR "IMPAIR" THE CIVIL WORKS PROJECT MUST RECEIVE PERMISSION FROM THE USACE THROUGH SECTION 408 OF THE RIVERS AND HARBORS ACT, A USACE AUTHORITY. SPECIFICALLY, THE PROPOSED LEASE WILL IMPACT THE USACE'S ABILITY TO CONSTRUCT AND MAINTAIN THE PROJECT. BEACH NOURISHMENT PROJECTS OFTEN UTILIZE HOPPER DREDGES TO BORROW SAND FROM DISTANT SAND SOURCES AND TRANSPORT THE SANDS TO A PUMP-OUT LOCATION AND CONVEY TO THE BEACH SITE. HYDRAULIC OFFLOADING OF THE SANDS TYPICALLY REQUIRES A "SCOTT BUOY" AND SUBMERGED PIPELINES TO CONVEY SANDS FROM THE HOPPER DREDGE TO THE BEACH SITE. BEACH NOURISHMENT PROJECTS TYPICALLY REQUIRE MULTIPLE SUBLINES TO CONVEY SANDS TO BEACH SITE WITHIN PUMP LIMITATIONS. THE PROPOSED LEASE MAY HAVE ADDITIONAL IMPACTS TO THE PROJECT THAT THE USACE WILL EVALUATE AS NECESSARY. THE PROPOSED LEASE WILL CONSTRAIN THE CIVIL WORKS PROJECT AND CONFLICT WITH THE CONSTRUCTION AND MAINTENANCE OF THE AUTHORIZED PROJECT AND REQUIRES RHA SECTION 408 PERMISSION. THE USACE-NORFOLK DISTRICT RESPECTFULLY REQUESTS CONSIDERATION OF THE APPARENT IMPACTS TO THE CIVIL WORKS PROJECT.

**PROTEST****Stagg, Robert** <ben.stagg@mrc.virginia.gov>**Objection to oyster lease application #2021016**

7 messages

Lena Lecklider <llecklider@cox.net>
To: ben.stagg@mrc.virginia.gov

Mon, Aug 9, 2021 at 1:56 PM

Good Afternoon,

Meeting with neighbors this weekend I had learned about the application for an oyster lease #2021016 by Mark Johnson which would lay directly west of the Ocean View Fishing Pier and could potentially encroach to 9th view. This is concerning on multiple levels. We are a heavily occupied beachfront community. Meaning families frequent our neighborhood shore that live here and vacation here. Many of whom fish, crab, boat, sail, jet ski, paddle-board and even Navy Seals that live directly waterfront and swim/train. There is very real concern for our safety if this lease goes forward.

The amount of storms and nor'easters pose a potential danger if beds were to be disrupted and contents are blown on the shoreline. That would create a huge safety hazard to our community. The little oysters we have on the rocks of our jetties are already a danger when stepped on. I, personally, have cut my foot on oyster shells and my daughter had to go to the ER for a cut so deep she required multiple stitches and was placed on antibiotics because of the bacteria on the shell that can cause infection. We have so many children in the area that frolic these waters I would hate for our experience to become a trend.

In addition, while Norfolk is attempting, using for example AirBnB websites, to re-establish itself as a beachfront vacation destination, encumbering direct access to water activities would only significantly disrupt this effort. I cannot begin to estimate the lost tax revenue from vacationers choosing not to share water access with oyster beds. The people and investment companies that have spent time and money into the properties surrounding this potential lease had no idea this would be a possibility when investing and will be opposed to the risks that their customers would encounter when taking a swim, exercising, using personal watercraft, or even taking a stroll at sunset. There would be no way to safely navigate watercraft to our shoreline without damage to property or to person.

In early summer we have multiple fisheries that have hundreds of crab pots scattered in this small area. This would also negatively impact multiple already struggling small businesses if they no longer have access to crab.

There is a near infinite shoreline of the James River and Elizabeth River along with creeks and tributaries within Hampton Roads that would be ideal areas for oyster farming and would have zero direct impact on local and vibrant communities. This is not one of them. The direct negative impact to our tiny community would be huge if this lease is approved and therefore I can not support it and will be alerting our civic league and neighborhood forums to the issue to protest to the application. In an informal poll of neighbors up and down the beach, not one is in favor of this project and will do everything in their power to prevent its approval.

Please feel free to contact me with any developments. We are obviously very concerned on the matter.

Thank you,

Lena Lecklider
780 w Ocean View Ave
Norfolk Va 23503
(757)403-9070

Stagg, Robert <ben.stagg@mrc.virginia.gov>
To: Lena Lecklider <llecklider@cox.net>

Tue, Aug 10, 2021 at 8:15 AM

Lena Lecklider:

G-20-25

To who it might concern, I
Mark Johnson give up all rights
to oyster ground Lease 2021016
when ever needed. There will be
no growing cages floating or on the
bottom.

Mark Johnson

Mark Johnson

Notary: Alexandra K Rose
Expiration: March 31, 2027





COMMONWEALTH of VIRGINIA

Marine Resources Commission

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Building 96
380 Fenwick Road
Fort Monroe, VA 23651

Jamie L. Green
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By July 3, 2025, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, July 22, 2025, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the proposals below or on items not on the agenda must be provided by 11:59 p.m., Thursday, July 17, 2025. Comments should be made at the following link: https://webapps.mrc.virginia.gov/public/fisheries/search_publiccomments.php or addressed to Public Comments, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651.

The Commission may review Fisheries Management Division items as early as 9:30 a.m.

I. Chapter 4VAC20-1390-10, "Pertaining to Shrimp"

The Commission proposes amendments to Chapter 4VAC20-1390-10, "Pertaining to Shrimp," to 1) Expand the number of limited entry shrimp trawl licenses; 2) Establish an Eastern Shore Shrimp Trawl Harvest Area; 3) Extend the start of the season into September; 4) Modify the maximum dimensions of the shrimp trawl gear; and 5) Amend methods for reporting bycatch.

The purpose of these amendments is to promote and enhance the shrimp trawl fishery in an ecologically conservative manner.

II. Chapter 4VAC20-490-10, "Pertaining to Sharks"

The Commission proposes to amend Chapter 4VAC20-490, "Pertaining to Sharks" to clarify language regarding the prohibition of overnight soaks for Virginia spiny dogfish permit holders using gill net mesh size equal to or greater than 5.25-inches and less than 10-inches in the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area or the Virginia Atlantic Sturgeon Bycatch Reduction Area between 8:00 pm through 5:00 am the following day from November 1 through March 31.

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

The purpose of these amendments is to comply with Addendum VII of the Atlantic States Marine Fisheries Commission's Spiny Dogfish Fishery Management Plan and the Spiny Dogfish Framework Adjustment 6 from the Mid-Atlantic Fisheries Management Council.

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS BECAUSE OF A DISABILITY, PLEASE ADVISE MICHELE GUILFORD (757-247-2206) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.

FISHERIES MANAGEMENT DIVISION EVALUATION, 7/22/2025

PUBLIC HEARING: Proposal to amend Chapter 4VAC20-490, “Pertaining to Sharks” to provide clarifying language regarding the prohibition of overnight soaks for Virginia spiny dogfish permit holders on gillnets with 5.25-to-10-inch mesh from November through March in specified areas in Virginia coastal waters to meet implementation mandates by ASMFC and NOAA Fisheries.

ISSUES: In April 2025, staff brought forward an amendment to prohibit overnight soaks for Virginia spiny dogfish permit holders with 5.25-to-10-inches gill nets in specific areas designated by NOAA Fisheries, to reduce incidental takes of Atlantic sturgeon which have been under a moratorium in both state and federal waters since 1998 due to endangered/threatened status. The Atlantic States Marine Fisheries Commission and NOAA Fisheries believe the amended language in VMRC’s regulation allowed a loophole for spiny dogfish permit holders to target other species in those areas and times with the identified sized gill nets and still keep spiny dogfish captured incidentally. ASMFC will not approve Virginia’s implementation plan to adopt the measures in their Addendum VII of the Spiny Dogfish FMP to remain consistent with the federal Spiny Dogfish Framework Adjustment 6 until this language change is addressed. Virginia risks the potential of a non-compliance finding if this is not corrected.

BACKGROUND: Background information is available in the April 2025, evaluation (see Attachment 1).

RECOMMENDATION: Staff recommends the Commission amend Chapter 4VAC20-490, “Pertaining to Sharks” to modify language to comply with ASMFC’s Addendum VII to the Spiny Dogfish FMP to remain consistent with the federal Spiny Dogfish Framework Adjustment 6.

"PERTAINING TO SHARKS"

CHAPTER 4 VAC 20-490-10 ET SEQ.

PREAMBLE

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 and of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4 VAC 20-490-10 et seq. which was promulgated ~~August 27, 2024~~ April 22, 2025, and made effective on ~~September 3, 2024~~ May 1, 2025. The effective date of this chapter, as amended, is ~~May 1, 2025~~ August 1, 2025.

4 VAC 20-490-10. Purpose.

The purpose of this chapter is to ensure the conservation of shark resources, by preventing overfishing by commercial and recreational fisheries, and to control the practice of finning.

4 VAC 20-490-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman’s gear or sell that commercial fisherman’s harvest.

“Annual quota” means Virginia’s 10.795% share of the annual coastwide commercial spiny dogfish quota managed by the Atlantic States Marine Fisheries Commission.

“Carcass length” means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“Circle Hook” means a non-offset, non-stainless steel hook with the point turned sharply and straight back toward the shank.

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“COLREGS line” means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

“Commercial shark fisherman” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“Commercially permitted aggregated large coastal shark” means any of the following species:

Blacktip, *Carcharhinus limbatus*
Bull, *Carcharhinus leucas*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Silky, *Carcharhinus falciformis*
Spinner, *Carcharhinus brevipinna*
Tiger, *Galeocerdo cuvier*

“Commercially permitted hammerhead shark” means any of the following species:

Great hammerhead, *Sphyrna mokarran*
Scalloped hammerhead, *Sphyrna lewini*
Smooth hammerhead, *Sphyrna zygaena*

“Commercially permitted nonblacknose small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*
Porbeagle, *Lamna nasus*
Thresher, *Alopias vulpinus*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*

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Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Blacknose, *Carcharhinus acronotus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Oceanic whitetip, *Carcharhinus longimanus*
Sand tiger, *Carcharias taurus*
Sevengill, *Heptranchias perlo*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*
Shortfin mako, *Isurus oxyrinchus*

"Control rule" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"Dressed weight" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"Finning" means removing the fins and returning the remainder of the shark to the sea.

"Fork length" means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the fork of the tail along the midline, using a straight-line measure, not measured over the curve of the body.

"Large mesh gill net" means any gill net with a stretched mesh of greater than five inches.

"Longline" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

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“Movable gill net” means any gill net other than a staked gill net.

“Permitted commercial gear” means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

“Recreational shore angler” means a person neither fishing from a vessel nor transported to or from a fishing location by a vessel.

“Recreational vessel angler” means a person fishing from a vessel or transported to or from a fishing location by a vessel.

“Recreationally permitted shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Blacktip, *Carcharhinus limbatus*
Blue, *Prionace glauca*
Bonnethead, *Sphyrna tiburo*
Bull, *Carcharhinus leucas*
Finetooth, *Carcharhinus isodon*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Porbeagle, *Lamna nasus*
Scalloped hammerhead, *Sphyrna lewini*
Smooth Dogfish, *Mustelus canis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Thresher, *Alopias vulpinus*
Tiger, *Galeocerdo cuvier*

“Recreationally prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*

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Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Oceanic whitetip, *Carcharhinus longimanus*
Sand tiger, *Carcharias taurus*
Sandbar, *Carcharhinus plumbeus*
Sevengill, *Heptranchias perlo*
Silky, *Carcharhinus falciformis*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*
Shortfin mako, *Isurus oxyrinchus*

"Research only shark" means any of the following species:

Sandbar, *Carcharhinus plumbeus*

"Shark shortline" means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

"Small mesh gill net" means any gill net with a stretched mesh of equal to or less than five inches.

"Smooth Dogfish" means any shark of the species *Mustelus canis*. Smooth dogfish are also known as "smoothhound shark."

"Snout" means the most forward projection from a fish's head that includes the upper and lower jaw.

"Spiny dogfish" means any shark of the species *Squalus acanthias*.

"Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area" means all tidal waters of the Atlantic that are bounded by a line beginning at a point at, Latitude 38° 27.00' N, Longitude

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75° 06.00' W; thence south easterly to a point at, Latitude 38° 21.00' N, Longitude 74° 48.00' W; thence southerly to a point at Latitude 37° 30.00' N, Longitude 75° 12.00' W; thence north westerly to a point at Latitude 37° 48.00' N, Longitude 75° 30.00' W; thence north easterly to a point at Latitude 38° 27.00' N, Longitude 75° 06.00' W, said point being the point of beginning.

“Virginia Atlantic Sturgeon Bycatch Reduction Area” means all tidal waters of the Atlantic that are bounded by a line beginning at a point at, Latitude 37° 18.00' N, Longitude 75° 54.00' W; thence south easterly to a point at, Latitude 36° 48.00' N, Longitude 75° 36.00' W; thence south westerly to a point at Latitude 36° 33.00' N, Longitude 75° 51.00' W; thence north westerly to a point at Latitude 36° 54.00' N, Longitude 76° 06.00' W; thence north easterly to a point at Latitude 37° 18.00' N, Longitude 75° 54.00' W, said point being the point of beginning.

4 VAC 20-490-30. Commercial gear restrictions.

A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.

B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.

C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.

D. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.

E. Any person fishing commercially for sharks shall check all large mesh gill nets at least once every two hours.

4 VAC 20-490-35. [Repealed]**4 VAC 20-490-40. Recreational harvest limitations and gear restrictions.**

A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board

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the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.

C. It shall be unlawful for any person to possess any recreationally prohibited shark.

D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational harvest limitations described in this section that is less than 54 inches in fork length except as described in subdivisions 1, 2 and 3 of this subsection:

1. It shall be unlawful for any person to possess any recreationally caught great hammerhead, scalloped hammerhead, or smooth hammerhead shark that is less than 78 inches in fork length.

2. Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish sharks are exempt from the recreational size limit described in this subsection.

E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.

F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

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G. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.

H. Any person fishing recreationally for sharks shall use non-offset, corrodible, non-stainless steel circle hooks except when fishing with flies or artificial lures.

4 VAC 20-490-41. Commercial harvest limitations.

A. Beginning January 1 of any given year it shall be unlawful for any person to possess on board a vessel or to land in Virginia more than a combined total of 36 commercially permitted aggregated large coastal sharks and commercially permitted hammerhead sharks in one twenty-four hour period, unless the Commission has posted notice of any change to possession limits on its website at <http://mrc.virginia.gov/Regulations/VA-commercial-shark-possession-limits.shtm>. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.

B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.

C. Virginia licensed commercial fishermen may completely process smooth dogfish at sea prior to landing when the harvest of smooth dogfish comprises at least 25%, by weight, of the total retained harvest except that it shall be unlawful for anyone to land or possess on board any vessel any amount of processed smooth dogfish whereby the total weight of fins exceeds 12 percent of the total dressed weight of any smooth dogfish.

D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.

E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted non-blacknose species.

F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:

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1. The vessel does not engage in fishing, in Virginia waters, while possessing the species listed in this subsection; and

2. All fishing gear aboard the vessel is stowed and not available for immediate use.

G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.

H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.

I. The commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

4 VAC 20-490-42. Spiny dogfish commercial quota and harvest limitations.

A. The fishing year for spiny dogfish shall be from May 1 of the current calendar year through April 30 of the following calendar year. For the fishing year, the commercial spiny dogfish landings quota shall be limited to the annual quota except as specified in subsection B of this section.

B. If a quota transfer occurs between Virginia and another state or region participating in the Interstate Fishery Management Plan for spiny dogfish, Virginia's annual quota for the fishing year shall be limited to the annual quota amount as adjusted for transfers.

C. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

D. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia more than 7,500 pounds of spiny dogfish per day for commercial purposes.

E. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish for commercial purposes after the annual quota specified in subsections A and B of this section has been landed and announced as such.

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F. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.

G. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or annual quota described in this section has been landed and announced as such.

H. It shall be unlawful for any person ~~fishing for spiny dogfish with~~ possessing a Virginia Spiny Dogfish Permit to leave any gill net gear with a mesh size equal to or greater than 5.25-inches and less than 10-inches in the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area or the Virginia Atlantic Sturgeon Bycatch Reduction Area between 8:00 pm through 5:00 am the following day from November 1 through March 31.

4 VAC 20-490-43. Limited access control rule.

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

4 VAC 20-490-44. Spiny dogfish limited entry fishery permit and permit transfers.

A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the criteria described in subdivision 1 or 2 of this subsection:

1. Shall have documentation of (i) harvest from a movable gill net for an average of at least 60 days from 2006 through 2008, (ii) a minimum harvest of one pound of spiny dogfish at

"PERTAINING TO SHARKS"**CHAPTER 4 VAC 20-490-10 ET SEQ.**

any time from 2006 through 2008, and (iii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.

2. Shall have documentation of (i) harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008, and (ii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.

B. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February 2006 through 2008 shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions A 1 and A 2 of this section.

C. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.

D. The use of agents in the spiny dogfish fishery is prohibited.

E. The commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection C of this section to any individual who meets any of the following criteria:

1. Demonstrates a significant hardship on the basis of health and provides the commissioner documentation, by an attending Physician, of the medical condition.
2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the commissioner an explanation, in writing, and copy of the military orders for active duty.
3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

4VAC20-490-45. [Repealed]

"PERTAINING TO SHARKS"**CHAPTER 4 VAC 20-490-10 ET SEQ.****4VAC20-490-46. Spiny dogfish monitoring requirements.**

When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the exact weight of spiny dogfish received or purchased, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

4VAC20-490-47. Control date.

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

4VAC20-490-48. Smooth dogfish commercial quota and harvest limitations.

A. During each calendar year, total allowable commercial landings of smooth dogfish shall be limited to a quota in dressed weight calculated pursuant to the Interstate Coastal Sharks Fishery Management Plan.

B. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any smooth dogfish harvested from federal waters once NOAA Fisheries has determined and announced that 80% of the smooth dogfish coastwide quota has been harvested.

C. It shall be unlawful for any person to harvest or to land in Virginia any smooth dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.

D. Any smooth dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.

E. It shall be unlawful for any buyer of seafood to receive any smooth dogfish harvested from federal waters once NOAA Fisheries has determined and announced that 80% of the smooth dogfish coastwide quota has been harvested.

F. It shall be unlawful for any buyer of seafood to receive any smooth dogfish after the commercial quota specified in subsection A of this section has been attained and announced as

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such.

4VAC20-490-50. Finning.

It shall be unlawful for any person to engage in finning.

4VAC20-490-60. [Repealed]

4VAC20-490-70. Penalty.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia, on ~~April 22, 2025~~ July 22, 2025.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2025.

VIRGINIA MARINE RESOURCES COMMISSION
"PERTAINING TO SHARKS"
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Notary Public

FISHERIES MANAGEMENT DIVISION EVALUATION, 7/22/2025

PUBLIC HEARING: Proposal to amend Chapter 4 VAC 20-1390-10 et seq., "Pertaining to Shrimp," to expand participation, fishing areas, and season for the Virginia shrimp trawl fishery, modify gear dimensions and bycatch reporting methods.

ISSUES: In July 2021, the Commission established a regulated shrimp fishery after four years of experimental assessment. The regulated limited entry fishery (12 licensees) was established in a defined area of the coastal waters off Virginia Beach from October 1 through January 31st, with specific gear, licensing, and bycatch reporting requirements. Due to lack of information at the time, an experimental permitted fishery remained in the coastal waters of Eastern Shore. Due to the success in the Virginia Beach area, there have been a number of inquiries regarding additional participation in this fishery since the regulation was first established for the 2021-22 season. This will be the first amendment to this regulation to consider expanding the fishery.

BACKGROUND: The abundance of penaeid shrimp (mostly white shrimp) has increased in the Bay and coastal waters of Virginia during the past ten years to support a viable commercial fishery. White shrimp are short-lived and highly fecund. Annual abundance can vary significantly from year to year and is driven primarily by environmental factors. Since Virginia began regulating the species in 2021, annual harvest in the Virginia Beach Shrimp Trawl Harvest Area has ranged from 40,564 lbs (2022) to 120,463 lbs (2023), with effort ranging from 149 (2022) to 218 (2023) trips. The dockside value of these shrimp ranges from \$2.50 - \$7.00 per lb (heads-on) dependent on the size of the shrimp (count-size) and whether the product is sold through a buyer or independently.

This fishery has provided additional opportunities and revenue to a limited number of recipients since its inception. There have been as many as 100 individuals apply for the permits (when still experimental) and licenses when the regulation was established. Maintaining limited entry but increasing the number of available licenses will grow the fishery but still provide protection from over capitalization and impacts due to potential bycatch. The proposed regulatory changes will make all individuals with an experimental shrimp trawl permit between 2022 and 2024 eligible for a shrimp trawl harvest license (N=14). This represents a potential 117% increase in participants, with an estimated increase in annual harvest (150,000 lbs), and revenue of \$700,000, based on average harvest per fisher between 2022 and 2024 (Table 1).

The area permitted for trawling on the Eastern Shore under the

experimental shrimp trawl permits will need to be defined in regulation. The Eastern Shore Shrimp Trawl Harvest Area will extend from the Cape Charles Light, east to the 3-mile line, and then north to the Maryland/Virginia border. This area is approximately 277 square miles, increasing the total allowable area for shrimp trawl 2.53 times (386 sq. miles). All licensees will be permitted to harvest shrimp from this area as well as the previously defined Virginia Beach Shrimp Trawl Harvest Area (Figure 1).

§ 28.2-315 of the Code of Virginia restricted when and where trawling could take place within the three-mile limit of the Virginia Atlantic shoreline. This section of code prohibited trawling on the Eastern Shore coastal water in September and October - the peak time shrimp are migrating from the creeks, lagoons and bays to the offshore waters in that area (Table 2). These trawling restrictions were developed in the 1980's and early 1990's to protect offshore migrations of summer flounder. However, those flounder trawl fisheries no longer exist off the coast of Virginia with most of the Virginia flounder boats now fishing off New Jersey and New York. During the 2025 General Assembly session, HB1697 and SB933 amended § 28.2-315 to allow exceptions to these seasonal and area closures for the shrimp and horseshoe crab fisheries. The Governor signed both bills effective July 1, 2025. This code section was a strong impediment to shrimp trawl participation on the Eastern Shore. It is believed interest in this fishery will increase with the removal of the legislative time of year restrictions in both the Eastern Shore and Virginia Beach Coastal waters. As such, a 15-day extension to the start of the season is recommended which will primarily benefit shrimping on Eastern Shore. The new recommended season will be September 15 to January 31 in all approved shrimp trawl harvest areas.

During a May 7, 2024, meeting of licensees, permittees, and other interest parties, a recommendation was made to increase the maximum permissible height of the beam trawl from four to five feet. This would increase the dimensional area of the mouth of the net from 64 sq. ft (4 x 16 ft) to 80 sq. ft (5 x 16 ft). This 25% increase in net mouth area will sweep a larger volume of water per standard tow time. White shrimp tend to be higher in the water column than other penaeid species (browns and pink) so a taller net may result in a higher catch rate.

The final recommended amendment to the regulation is regard the method bycatch is reported to the agency. Since the inception of the experimental shrimp trawl permits in 2017, participants have been required to call, text, or email agency staff after each trip to report their daily estimates of shrimp harvest and bycatch. This information allowed staff to track this emerging fishery real-time and gather cursory information on shrimp to bycatch ratios. This bycatch information,

along with observer trips conducted by staff have allowed the development of reliable bycatch estimates that are much lower than those observed in the Southern and Gulf shrimp fisheries. Staff are recommending licensees begin reporting their bycatch on the same mandatory reporting trip tickets as their harvest. This will reduce report burden to licensees, additional data entry by staff, and locate all information in the agency's primary harvest data system.

Chapter 4 VAC 20-1390-10 et seq., "Pertaining to Shrimp" and the Public Notice are attached to this evaluation. Staff has received XX public comments at this time.

STAFF

RECOMMENDATION: Staff recommends the Commission approve amendments to Chapter 4 VAC 20-1390-10 et seq., "Pertaining to Shrimp," to include: 1) Expanding the number of limited entry shrimp trawl licenses; 2) Establish an Eastern Shore Shrimp Trawl Harvest Area; 3) Extend the start of the season into September; 4) Modify the maximum dimensions of the shrimp trawl gear; and 5) Amend methods for reporting bycatch.

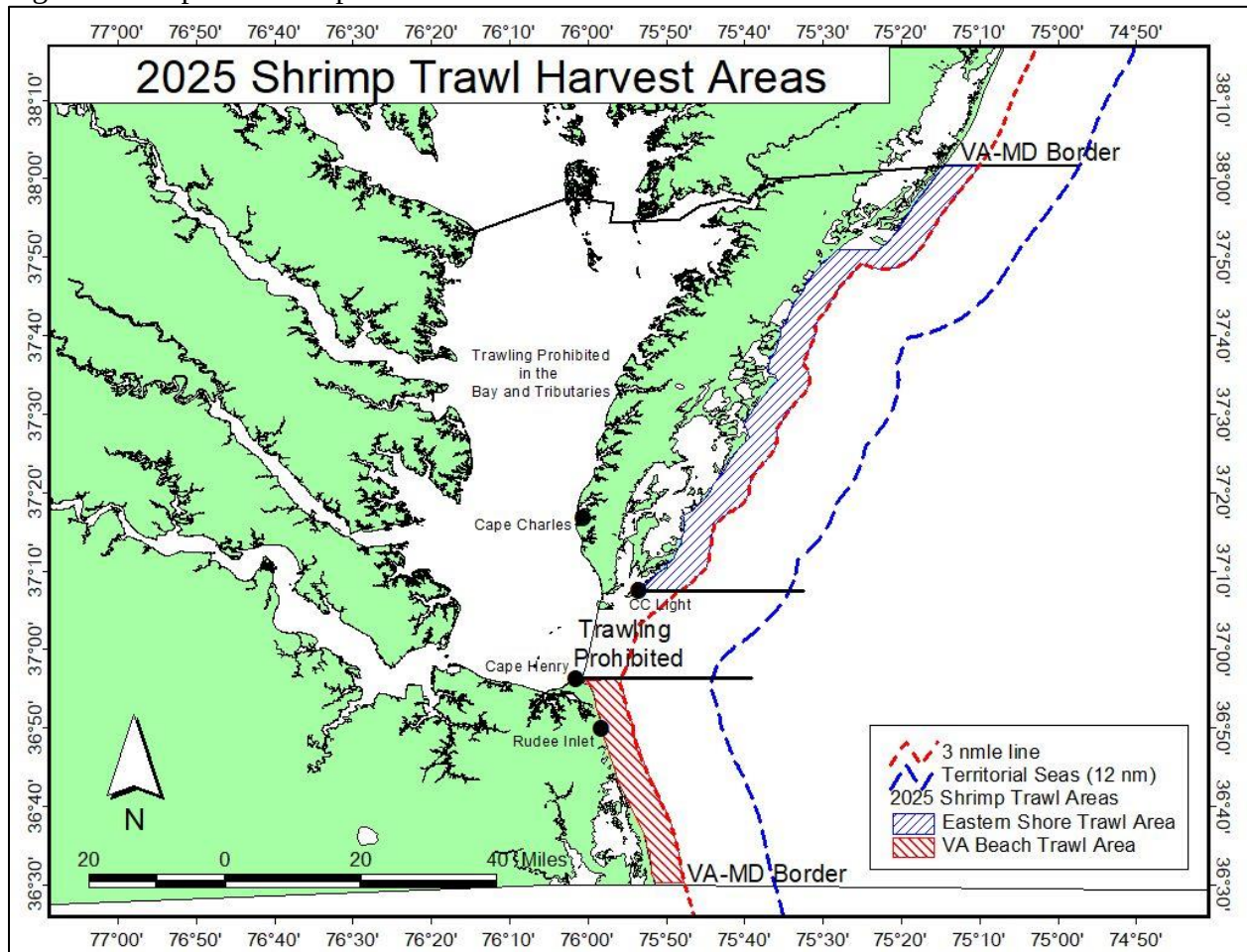
Table 1: 2022-2024 Shrimp Trawl Participation, Harvest, Effort, and Value

	Avg	Min	Max
Licenses Issued	12	12	12
Licensees Reporting Activity	9	7	11
Total Harvest	93,661	40,564	120,463
Total Dockside Value*	\$468,307	\$202,820	\$602,315
Total Trips	116.7	149	218
lbs per Fisher	10,715	4,056	10,951
Revenue per Active Fisher	\$50,176	\$20,282	\$85,684
Expanded Value (+14 fishers)	\$702,460		
Est. 2025 Value (N=26 Fishers)	\$1,170,767		
Pct Increase in Revenue with Expansion	150.00%		
*: Value based on \$5 per lbs head-on			

Table 2. Eastern Shore experimental shrimp trawl permit history and potential eligibility for a shrimp trawl license under proposed regulatory amendments.

Eastern Shore Experimental Shrimp Trawl Permits	2022	2023	2024	Total
Individual Permits Issued	9	8	11	19
Individuals Reporting Harvest	2	1	3	5
Total Reported Trips	10	2	6	18
Total Harvest (lbs) *				< 2000
Individuals Permitted all 3-years				5
Individuals Permitted for 2-years				3
Individuals Permitted for 1-year				6
Total Individuals Permitted since 2019				19
Total Permits Issued since 2019				38
Permittees with Gear Inspected & Approved				7
Not Eligible				5
Eligible for License with Proposed Amendments				14
* Confidential				

Figure 1: Proposed shrimp trawl harvest areas.



"PERTAINING TO SHRIMP"**CHAPTER 4VAC20-1390-10 ET SEQ.****PREAMBLE**

This chapter establishes a limited entry shrimp trawl gear license and associated lottery, gear restrictions, seasons, possession limits and reporting requirements for the commercial and recreational shrimp fishery. The use of trawls or similar devices is prohibited in all the waters under Virginia's jurisdiction by §28.2-314 of the Code of Virginia; however, §28.2-315 of the Code of Virginia grants the Marine Resources Commission authority to permit trawling and control the area, manner, method, size and season of catch during certain times in certain areas of Virginia's portion of the Territorial Sea.

This chapter is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-315 of the Code of Virginia and amends and re-adopts, as amended, previous Chapter 4 VAC20-1390-10 et seq. which was promulgated ~~July 27, 2021~~ May 26, 2022 and made effective on ~~August 1, 2021~~. June 1, 2022 The effective date of this chapter is ~~June 1, 2022~~ August 1, 2025.

4 VAC 20-1390-10. Purpose.

The purpose of this regulation is to sustainably develop and manage shrimp fisheries in an ecologically conservative manner in the waters of Virginia.

4 VAC 20-1390-20. Definitions.

The following term when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

“Agent” means an individual who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of any registered commercial fisherman in order to fish that commercial fisherman’s gear or sell that commercial fisherman’s harvest.

"Commission" means the Virginia Marine Resources Commission.

"PERTAINING TO SHRIMP"**CHAPTER 4VAC20-1390-10 ET SEQ.**

“Eastern Shore Shrimp Trawl Harvest Area” means all tidal waters of the Atlantic Ocean exclude all inlets, creeks, bays, and sounds that are bounded by a line east of the Cape Charles Lighthouse, Latitude 37° 7.3983601 N., Longitude 75° 0.9066941 W.; thence east to the Three Nautical Mile Limit Latitude 37° 7.3983601' N., Longitude 75° 0.8047301' W.; thence northerly following the Three Nautical Mile Limit to an intersection point on the Virginia – Maryland State Line, Latitude 38° 1.6746001' N., Longitude 75° 0.1678531' W.; thence westerly along the Virginia – Maryland State Line to the mean low waterline at a point on Assateague Island, Latitude 38° 1.6312201' W., Longitude 75° 0.2421391' W.; thence southernly along the mean low water line to a point on Smith Island, Latitude 37° 7.3983601' W., Longitude 75° 0.8894911' N.; thence easterly to a point on the Three Nautical Mile Limit, Latitude 37° 7.3983601' N., Longitude 75° 0.8047301' W.; said point being the point of beginning.

“Fishing year” means the time period from ~~October 1~~ September 15 of the current calendar year through January 31 of the following calendar year.

“Heads-on” means any shrimp possessed, landed, or sold with the head (carapace) intact.

“Shrimp” means any native penaeid shrimp species including white shrimp (*Penaeus setiferus*), brown shrimp (*Penaeus aztecus*), pink shrimp (*Penaeus duorarum*) or the nonnative tiger shrimp (*Penaeus monodon*).

“Tails” means any shrimp possessed, landed, or sold with the head (carapace) removed.

“Virginia Beach Shrimp Trawl Harvest Area” means all tidal waters of the Atlantic Ocean that are bounded by a line beginning at a point on the Three Nautical Mile Limit, Latitude 36° 55.5436667' N., Longitude 75° 55.9015000' W.; thence southerly following the Three Nautical Mile Limit to an intersection point on the Virginia — North Carolina State Line, Latitude 36° 33.0224955' N., Longitude 75° 48.2662043' W.; thence westerly to a point along the Virginia — North Carolina

"PERTAINING TO SHRIMP"**CHAPTER 4VAC20-1390-10 ET SEQ.**

State Line at its intersection with the mean low water line, Latitude 36° 33.0224003' N., Longitude 75° 52.0510498' W.; thence northerly, following the mean low water line to the Rudee Inlet weir; thence easterly along the weir to the stone breakwater; thence following the stone breakwater to its northernmost point; thence northerly to the mean low water line at the most northeastern point of the northern stone jetty; thence westerly along the mean low water line of said stone jetty to the mean low water line along the shore; thence northerly following the mean low water line to a point, Latitude 36° 55.5781102' N., Longitude 76° 00.1530758' W., said point being the intersection of the mean low water line with the line from Cape Henry Lighthouse easterly to a point on the Three Nautical Mile Limit, Latitude 36° 55.5436667' N., Longitude 75° 55.9015000' W., said point being the point of beginning.

4 VAC 20-1390-30. Recreational fishing: general.

A. It shall be unlawful for any person fishing recreationally to take, attempt to take, catch, harvest, land, or possess shrimp by any gear or method not authorized for recreational use or without a recreational fishing license as described in §§ 28.2-302.1 and 28.2-226.1 of the Code of Virginia.

B. The daily recreational possession limit for shrimp shall be 20 quarts of shrimp with heads-on or 15 quarts of tails of shrimp per person or vessel whichever is more restrictive.

4 VAC 20-1390-40. Commercial fishing: general.

A. It shall be unlawful for any person to harvest or possess shrimp for commercial purposes without possessing a valid Commercial Fisherman Registration License and any necessary gear licenses or permits as required by Title 28.2 of the Code of Virginia.

B. It shall be unlawful for any commercial fisherman registration licensee to take, catch, harvest, land, or possess greater than 20 quarts of shrimp with heads-on or 15 quarts of tails of shrimp per person or vessel per day by any gear other than trawl or cast net.

C. Registered commercial fishermen, seafood landing licensees, and licensed seafood buyers shall allow those authorized by the commission to observe shrimp fishing or to sample harvest and seafood products associated with shrimp fishing aboard a vessel or at the place of landing to obtain biological information for scientific and management purposes.

4 VAC 20-1390-50. Shrimp trawl licensing and entry requirements.

A. The maximum number of Commercial Shrimp Trawl Licenses issued in any fishing year shall be ~~12~~ 26.

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~~B. Any individual who meets all of the following criteria shall be eligible for a Commercial Shrimp Trawl License:~~

~~1. The individual shall possess a valid Commercial Fisherman Registration License.~~

~~2. The individual shall have possessed a Commercial Shrimp Trawl License and reported harvest of at least 500 pounds by shrimp trawl gear to the Marine Resources Commission's Mandatory Harvest Reporting Program in at least one of the previous two fishing years. An individual shall be exempt from this requirement if they have been eligible for the Commercial Shrimp Trawl License for fewer than two fishing years.~~

B. An individual shall be eligible for a Commercial Shrimp Trawl License if they possess a valid Commercial Fishing Registration License and meets either of the following criteria:

1. The individual shall have possessed a Commercial Shrimp Trawl License and reported harvest of at least 500 pounds by shrimp trawl gear to the Marine Resources Commission's Mandatory Harvest Reporting Program in at least one of the previous two fishing years.

2. Shall have possessed an Experimental Fishing Permit for shrimp trawling in years 2022, 2023, or 2024.

C. If the number of individuals eligible for a Commercial Shrimp Trawl License pursuant to subsection B of this section is fewer than ~~42~~ 26 by July 1 in the current calendar year, a lottery will be conducted including any individual who meets all of the following criteria:

1. The individual shall possess a valid Commercial Fisherman Registration License.

2. The individual shall complete and submit a Commercial Shrimp Trawl Application that must be received by the Marine Resources Commission by the advertised deadline of the current calendar year.

"PERTAINING TO SHRIMP"**CHAPTER 4VAC20-1390-10 ET SEQ.**

3. The individual shall have reported harvest to the Marine Resources Commission's Mandatory Harvest Reporting Program of at least 1,000 pounds of harvest per year in at least three of the previous five calendar years.

D. Any individual selected under subsection C of this section who fails to return a completed Commercial Shrimp Trawl License Acceptance Form provided by the Marine Resources Commission indicating their acceptance within 14 days of selection shall forfeit their eligibility for the current fishing year and another individual shall be selected from the list of eligible individuals pursuant to subsection C of this section.

E. The commission shall approve all shrimp trawl gear as referenced in 4VAC20-1390-60 prior to the issuance of a Commercial Shrimp Trawl License.

F. Transfers of any Commercial Shrimp Trawl License shall be prohibited without written request to the Marine Resources Commission, and approval by the commissioner of the Marine Resources Commission or the commissioner's designee. Exceptions to transfers shall only be granted due to death, medical hardships, or military service.

G. The use of agents shall be prohibited for any Commercial Shrimp Trawl Licensee without written request to the Marine Resources Commission and approval by the commissioner or the commissioner's designee. Exceptions to the use of agents shall only be granted due to death, medical hardships, or military service. The use of agents shall only be approved for a consecutive two-week period during any fishing season.

H. Each Commercial Shrimp Trawl Licensee shall report to the Marine Resources Commission Commission's Mandatory Harvest Reporting Program ~~Fisheries Management Staff~~ the harvest of ~~shrimp in pounds~~, an estimate of total bycatch in pounds, ~~and interactions with any protected or endangered species within 24 hours of landing of~~ for each fishing trip.

I. Each Commercial Shrimp Trawl Licensee shall report to the Marine Resources Commission Fisheries Management Staff interactions with any protected or endangered species within 24 hours of each trip.

4 VAC 20-1390-60. Shrimp trawl gear restrictions.

A. Any shrimp trawl placed, set, or used for fishing in Virginia shall be constructed as follows:

"PERTAINING TO SHRIMP"**CHAPTER 4VAC20-1390-10 ET SEQ.**

1. With a beam or fixed frame opening no larger than ~~4.0~~ 5.0 feet in height and 16 feet in width.
2. With a minimum net mesh of 1.5 inches and maximum net mesh of 2.0 inches stretched mesh.
3. With a properly installed National Marine Fisheries Service or North Carolina Division of Marine Fisheries approved bycatch reduction device.

B. It shall be unlawful for any shrimp trawl tow to exceed 30 minutes in duration.

4 VAC 20-1390-70. Commercial shrimp trawl harvest limits, seasons, and areas.

A. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest or land any Virginia quota managed species (Black Drum, Black Sea Bass, Bluefish, Atlantic Horseshoe Crab, Atlantic Menhaden, Scup, Speckled Sea Trout, Spiny and Smooth Dogfishes, Striped Bass, and Summer Flounder) caught by shrimp trawl.

B. It shall be unlawful to trawl for shrimp outside of the Virginia Beach Shrimp Trawl Harvest Area or the Eastern Shore Shrimp Trawl Harvest Area.

C. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest shrimp by shrimp trawl from February 1 through September ~~30~~ 14 of each calendar year.

D. It shall be unlawful to trawl for shrimp more than 30 minutes before sunrise or 30 minutes after sunset.

E. It shall be unlawful to trawl for shrimp within 100 yards of any marked commercial fishing gear.

F. It shall be unlawful to trawl for shrimp within 300 yards of any navigable inlet, public boat ramp, fishing pier, or beach.

4 VAC 20-1390-80. Penalty.

"PERTAINING TO SHRIMP"**CHAPTER 4VAC20-1390-10 ET SEQ.**

As set forth in § 28.2-903 of the Code of Virginia, any individual violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same individual within 12 months of a prior violation is a Class 1 misdemeanor.

4 VAC 20-1390-90. Sanctions.

Any individual found guilty of violating any provision of this chapter may have his Commercial Shrimp Trawl License revoked at any time upon review by the commission as provided for in § 28.2-232 of the Code of Virginia.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on ~~May 24, 2022~~ July 22, 2025.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____

**Jamie L. Green
Commissioner**

Subscribed and sworn to before me this _____ day of _____ 2025.

Notary Public