

AGENDA
MARINE RESOURCES COMMISSION
OCTOBER 28, 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. RECOMMENDATION**
Funding requests from the Recreational and Commercial License Funds.
- 6. VIRGINIA INSTITUTE OF MARINE SCIENCE, VMRC #25-2014**
requests authorization to construct a 110-foot long stone spur, a 135-foot long stone breakwater, and place clean sand backfill and native wetland plantings along the York River shoreline at Tax Map Parcels #51A(8)-13 and #51A(8)-12 on Spencer Road in Gloucester County. The project is protested by an adjacent property owner.
- 7. LIN JOU PEI, VMRC #25-1857**
requests authorization to construct a 48-foot by 24-foot open-sided boathouse at an existing private pier adjacent to 9437 Ferry Landing Drive, situated along Dogue Creek in Fairfax County. The project is protested by an adjacent property owner.
- 8. WESTBAY HOMEOWNERS ASSOCIATION, VMRC #25-1429**
requests authorization to install eight (8) brackets, secured outboard of the existing pier deck, to support four (4) kayaks at the Association's Pier #1, situated along Bells Creek at the terminus of West Bay Drive in Northumberland County. The project is protested by four (4) members of the Association.
- 9. PUBLIC COMMENTS**
- 10. PUBLIC HEARING**
The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

AGENDA

11. PUBLIC HEARING

The Commission proposes to amend Chapter 4VAC20-650, "Establishment of Oyster Sanctuary Areas" to make non-substantive administrative language updates.

AGENDA

PAGE 2 ITEMS

A. VIRGINIA ELECTRIC & POWER COMPANY, VMRC #25-0465

requests authorization to hydraulically dredge 219,515 cubic yards of state-owned submerged lands, on an as needed basis, in an effort to establish a 6,243-foot long by 120-foot wide by 11-foot deep (mean low water) channel within the James River to access the facility's intake basin located at 5570 Hog Island Road in Surry County. Dredged material will be pumped via a temporary pipeline (previously approved under VMRC permit #19-1433) up Lawnes Creek to an existing and approved disposal site in Surry County. Staff recommends approval with our standard dredging conditions and the following time-of-year-restrictions: February 15 – June 30 to protect native and migrating fishes, July 1 – September 30 to protect shellfish, and August 1 - November 15 to protect Atlantic Sturgeon (unless a written waiver is provided by the Department of Wildlife Resources). Staff also recommends approval with a royalty of \$131,709.00 for the dredging of 219,515 cubic yards at a rate \$0.60 per cubic yard. This proposal requires a VMRC Subaqueous permit.

B. RAPPAHANNOCK RIVER RUN BLUFFS OWNERS ASSOCIATION, VMRC #25-1856

requests authorization to retain and repair an existing 90-foot stone groin and to construct a 32-foot landward extension of the stone groin adjacent to 1646 Mark Haven Beach Road, situated along the Rappahannock River in Essex County. This project requires a VMRC Wetlands and Subaqueous permit.

C. CITY OF PORTSMOUTH, VMRC #25-1557

requests authorization to construct a 99-foot wide by 205-foot long open-pile bridge over a 112-foot wide section of Paradise Creek, and to relocate an existing power line over a 120-foot section of Paradise Creek, a minimum of 35 feet above mean high water, adjacent to Victory Boulevard as part of the Paradise Creek Bridge Replacement Project in Portsmouth. This project requires a VMRC Subaqueous permit.

MINUTES

COMMISSION MEETING

September 23, 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 |
| William Bransom | |
| Jeremy Headley | |
| Jeanette Edwards | |
| Preston White | |
| Kelci Block | Assistant Attorney General
Via phone |
| Joseph Grist | Deputy Commissioner |
| Randy Owen | Chief, Habitat Management |
| Adam Kenyon | Chief, Shellfish Management |

Virginia Institute of Marine Science (VIMS):

- | | | |
|--------------|------------|------------|
| Lyle Varnell | Ellen Rowe | Roger Mann |
|--------------|------------|------------|

Others present:

- | | | |
|--------------------|------------------|------------------|
| Rachel Kellam | Beverly Ludford | Richard Ray |
| Alan Kellebrew | J.C. Hudgins | Montaigne Cree |
| Melissa Southworth | Tony Edwards | Deven Simmerman |
| Jim Wesson | Mike Shackelford | Jordan Krevonick |
| David O'Brien | Chris Ludford | Garrett Ludford |
| and others. | | |

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

Associate Member Erskine moved to approve the agenda as presented. Associate Member Bransom 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 August 26, 2025, Commission Meeting minutes.

Associate Member Bransom moved to approve the minutes as presented. Associate Member Erskine 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 \$1,000,000.00 with no objections and with staff recommendation for approval).

There are no Page 2 agenda items.

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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. SHELLFISH

Montaigne Cree, Oyster Planting Ground Application #2023-051: requests authorization to lease approximately 3 acres of oyster planting ground within the Warehouse Creek in Northampton County.

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

Montaigne Cree, applicant, was sworn in and spoke in support of the application. Her comments are part of the verbatim record.

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

The matter was before the Commission for discussion and action.

Associate Member Bransom moved to deny the project as presented. Associate Member Edwards seconded the motion. The motion carried, 4-1-2. Associate Member Erskine voted no. Associate Members White and Hand abstained.

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6. PUBLIC COMMENTS:

William Newell MRC ID: 2749:

Mr. William Newell came before the Commission to address a striped bass quota overage that occurred in 2024. Mr. Newell asked the Commission for relief on the penalty that is set in Chapter 4VAC-20-252, "Pertaining to Atlantic Striped Bass". Ms. Beverly Ludford spoke in front of the Commission on behalf of Mr. Newell's character and his career as a commercial waterman.

Associate Member Headley moved to remove 599 pounds from Mr. Newell's Chesapeake Bay quota for 2026, with no permanent deduction or suspension from the fishery. Mr. Newell will also be placed on probation for a period of two years 9/23/2025 through 9/23/2027. Associate Member Bransom seconded the motion. The motion carried, 7-0.

Michael Shackelford:

Mr. Michael Shackelford came before the Commission to ask for the ability to participate in the commercial shrimp trawl fishery. The Commission voted to allow Mr. Shackelford and Mr. Jason Smith to be eligible for the commercial shrimp trawl fishery based on their previous participation in the experimental fishery.

Associate Member Headley made a motion to allow Mr. Shackelford and Mr. Jason Smith to be eligible for the commercial shrimp trawl fishery based on their previous participation in the experimental fishery. Associate Member White seconded the motion. The motion carried, 7-0.

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7. **EMERGENCY REGULATION:** Proposal to amend Chapter 4-VAC-20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest season, oyster resource conservation measures, and an oyster user fee transfer exception.

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

J. C. Hudgins, Virginia Waterman's Association, requested the approval of the 2025-2026 public Oyster Harvest Season as recommended by the Shellfish Management Advisory Committee and the approval of mechanical assist hand tongs. His comments are a part of the verbatim record.

Jim Wesson, a member of the Blue-Ribbon Oyster Panel, explained some of the discussions from the Blue-Ribbon Oyster Panel committee. His comments are a part of the verbatim record.

Roger Mann, VIMS, spoke and provided further information about the health of the oysters and discussed the potential rotation of the upper portion of the Rappahannock River. Mr. Mann recommends endorsing a rotation in the upper Rappahannock River. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley moved to adopt emergency amendments effective October 1, 2025, to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measure of mechanically assisted hand tong gear, as presented. Associate Member Bransom seconded the motion. The motion carried, 5-2. Associate Members Erskine and White voted no.

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Commissioner Green announced that there will be a combined November/December Commission Meeting that will be held on December 2, 2025. His comments are a part of the verbatim record.

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There being no further business, the meeting is adjourned at 11:59 a.m. The next Commission meeting will be held on **Tuesday**, October 28, 2025.

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Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary

FISHERIES MANAGEMENT DIVISION EVALUATION, 10/28/25

RECOMMENDATION: Recommendations on applications to the Recreational and Commercial Fishing Advisory Boards.

BACKGROUND

AND ISSUES:

The Recreational license fund, the Virginia Saltwater Recreational Fishing Development (VSRFDF), is comprised of sales of Virginia saltwater fishing licenses. The Recreational Fishing Advisory Board (RFAB) advises the Commission on expenditures from the VSRFDF in accordance with §28.2-302.3.

The RFAB met several times during 2025 to review and recommend projects for the 2025 funding cycle from the VSRFDF. The RFAB reviewed and recommended all the 13 projects, including requests to continue to fund fishing events, research projects, and agency programs. One application requested split funding between the recreational and commercial license funds (marked with an asterisk).

The RFAB voted unanimously to fund all the projects below:

- A-1. 0425-01 2026 Hope House & Oak Grove Nursing Home Fishing Excursions and Clinics. T.B. Butch Pierce; Great Bridge Fisherman's Association. **\$4,402**
- B-1. 0425-02 2026 Norfolk Youth Head Boat Fishing Trip. Ike Eisenhower, Norfolk Anglers Club. **\$1,800.**
- C-1. 0425-03 2026 ESVAC Children's Fishing and Conservation Educational Outings (4 events). Robert Mucha, Eastern Shore of Virginia Anglers Club. **\$3,500.**
- D-1. 0425-04 2026 Kiwanis Club Children's Fishing Clinic and Kiwanis Fishing Clinic. Wesley Brown, Capital District Kiwanis Club. **\$11,000.**
- E-1. 0425-05 2026 Sunshine Program. Steve York, Norfolk Angler's Club. **\$10,500.**
- F-1. 0425-06 2026 Virginia Beach Anglers Club/Seton Youth Shelter Children's Fishing Trip. Shannon Ferguson, Virginia Beach Anglers Club. **\$3,000.**
- G-1. 0425-08 Virginia Rod and Reef Slam. Sarah Cayton, Chesapeake Bay Foundation, Inc. **\$5,000.**

H-1. 0425-09 MLC Public Access Waterfront Enhancement and Community Saltwater Learn to Fish Program (SL2F). Bernadette La Casse, Mathews Land Conservancy. **\$34,140.**

I-1.0425-10 Virginia Game Fish Tagging 2025. S. Musick (VIMS), M. Hargis (VMRC). **\$93,228.**

J-1.0425-11 M Year 2: Use of Pop-Up Satellite Archival Transmitting Tags (PSATS) to evaluate air exposure and handling effects on the survival of red drum (*Scianops ocellastus*) released during Virginia's late summer recreational fishery. Hamish Small, William & Mary's Batten School of Coastal & Marine Sciences & VIMS. **\$87,051.**

K-1. 0425-12 Marine Sportfish Collection Project 2025. Ethan Simpson, VMRC. **\$18,000.**

L-1. 0425-13 *Federal Assistance (Sportfish Restoration) Matching Funds, Federal FY 2026. P. Geer. \$204,822 (**\$153,616 from VSRFDF**, \$51,206 from MFIF).

M-1. 0425-14 Seagrass Habitat Restoration and Monitoring. Christopher J. Patrick, VIMS. **\$99,038.**

The Commercial license fund, the Marine Fishing Improvement Fund (MFIF), is made up of sales of Virginia commercial fishing licenses. The Commercial Fishing Advisory Board (CFAB) advises the Commission on expenditures from the MFIF in accordance with §28.2-208.

The Commercial Fishing Advisory Board (CFAB) met virtually on August 21, 2025 to review funding applications from the MFIF. Because there was no quorum, the board members could not vote on recommendations. However, all the board members present were in favor of all three projects below. There were no objections to any of the projects. The projects reviewed by the CFAB members present are listed below and include two projects supporting annual fisheries surveys and an oyster resource management tool.

A-2. Estimating relative abundance of young-of-year American eel, *Anguilla rostrata*, in the Virginia tributaries of Chesapeake Bay 2026. M. Fabrizio. VIMS. **\$34,480.**

B-2. Federal Assistance (Sportfish Restoration) Matching Funds, FFY2026. J. Grist. VMRC. \$204,822 (\$153,616 from VSRFDF, **\$51,206 from MFIF**).

C-2. A GIS Management Tool for the Oyster Resource in Virginia. R. Mann and M. Southworth, VIMS. **\$60,108.**

RECOMMENDATION:

The Recreational Fishing Advisory Board recommended funding thirteen proposed projects, totaling \$524,275 from the Virginia Saltwater Recreational Fishing Development Fund.

Members of the Commercial Fishing Advisory Board recommended funding by consent (no quorum present) three proposed projects, totaling \$145,794 from the Marine Fishing Improvement Fund.

**Virginia Institute of Marine Science
MRC #25-2014**

1. Habitat Management Evaluation dated October 28, 2025.
(Pages 1 and 2)
2. Project drawings dated received September 3, 2025.
(Pages 3 through 7)
3. Gloucester County comment of support received September 22, 2025.
(Page 8)
4. Letter of protest from Mr. Larry Wilson dated received October 9, 2025.
(Pages 9 and 10)

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

HABITAT MANAGEMENT DIVISION EVALUATION

VIRGINIA INSTITUTE OF MARINE SCIENCE, VMRC#25-2014, requests authorization to construct a 110-foot long stone spur, a 135-foot long stone breakwater, and place clean sand backfill and native wetland plantings along the York River shoreline at Tax Map Parcels #51A(8)-13 and #51A(8)-12 on Spencer Road in Gloucester County. The project is protested by an adjacent property owner.

Narrative

The project is located on the campus of the Virginia Institute of Marine Science (VIMS). The shoreline consists of unconsolidated sandy material with a failing bulkhead at the upland interface. The project area is also located in an established groin field. The fetch for this portion of shoreline is over 25 miles and subject to strong wave action from storms.

The project is protested by the adjacent property owner, Mr. Larry Wilson, who owns the downstream lot and residential house. His property is currently defended only by groins which have established a beach that is approximately 25 feet wide. Mr. Wilson and representatives from VIMS have had several conversations regarding the project, which led to a protest letter being submitted to VMRC on October 9th.

Issues

Mr. Wilson has owned his property for 21 years and has concerns that the project may impact the beach that currently exists, causing erosion. He further adds that his property is currently for sale, and that it would be inappropriate for the project to be approved without the input of any future owners of the property.

The VIMS Office of Advisory Services advises that they and their VIMS Shoreline Studies Program have provided internal input into the application prepared by the Institute and their permit agent and design team, Vanasse Hangen Brustlin, Inc. (VHB). Since VIMS owns the subject property and is part of the College of William and Mary, they are considered a political subdivision of the state and exempt from the Gloucester County Local Wetlands Board's jurisdictional authority per §28.2-1302 (10) of the Code of Virginia. Thus, the applicant was not required to attain a wetlands permit from that board.

The U.S. Army Corp of Engineers have issued a 23-SPGP-PASDO permit for the project.

Summary/Recommendations

Staff notes that the project is a living shoreline design with clean sand fill proposed landward of the rock structures with plantings of native wetland vegetation. This meets the Commonwealth's living shorelines law that establishes this design as the preferred method for shoreline erosion protection where feasible, per §28.2-104.1 D of the Code of Virginia.

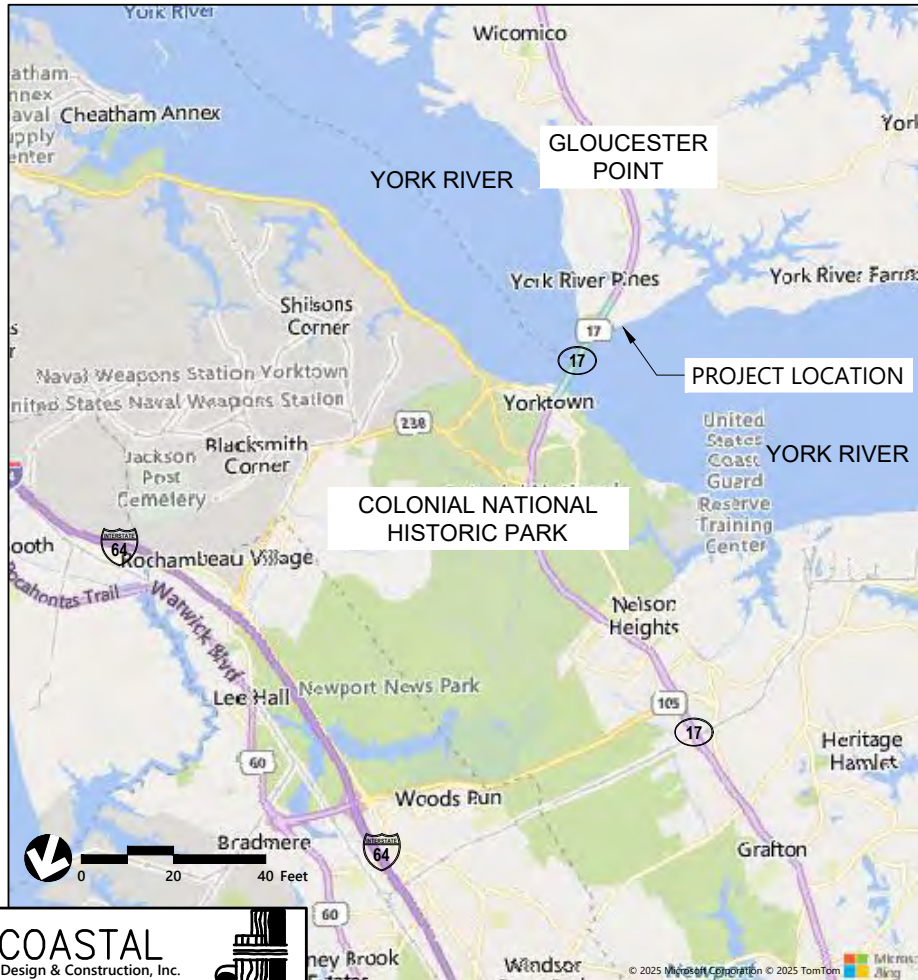
Regarding Mr. Wilson's concerns, staff notes that the groin field protecting his property will not be removed, and the new rock structures will be backfilled with beach quality sand which should

Summary/Recommendations (cont'd)

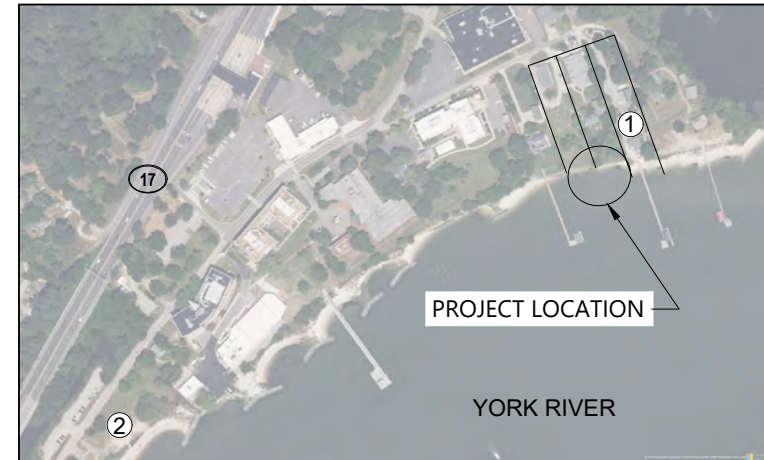
preclude any littoral drift sand starvation of his property. Furthermore, while Mr. Wilson's property is for sale, there is no way to ascertain when and if the property will be sold and what if any concerns may be raised by a new owner.

After careful review of the project, staff believes that it will provide adequate erosion control measures that are consistent with the Commonwealth's living shoreline legislation originally adopted in 2011. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition, and after considering all the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.

LOCATION MAP
1" = 2 MILES



SITE MAP
1" = 600'



NOAA TIDE STATION
YORKTOWN USCG TRAINING
CENTER VA (8637689)

DATUM	ABBREVIATION	ELEV. FT-MLW
MEAN HIGHER-HIGH WATER	MHHW	2.5
MEAN HIGH WATER	MHW	2.3
NORTH AMERICAN VERTICAL DATUM OF 1988	NAVD88	1.4
MEAN LOW WATER	MLW	0.0
MEAN LOWER-LOW WATER	MLLW	-0.1



ADJACENT PROPERTY OWNERS:
1. LARRY D. WILSON
2. GLOUCESTER COUNTY

DATUM: MLW

VIRGINIA INSTITUTE OF MARINE SCIENCE CBNERR LIVING SHORELINE
LOCATION MAP

AT: YORK RIVER

IN: GLOUCESTER COUNTY, VIRGINIA

PURPOSE: SHORE PROTECTION, HABITAT RESTORATION

APPLICATION BY:
VIRGINIA INSTITUTE OF MARINE SCIENCE

REVISION DATE: SEPT. 3, 2025
DATE: AUGUST 29, 2025

SHEET 1 OF 5

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NOTES:

1. AERIAL FROM NEARMAP AND DATED FEB. 2025.
2. ELEVATIONS BASED ON MAR. 2022 SURVEY BY VIMS AND DATUM REFERENCES MEAN LOW WATER (MLW).

YORK RIVER

EBB
FLOOD

EXISTING FIXED
TIMBER PIER

EXISTING FIXED
TIMBER PIER

EXISTING
UNDERWATER
PIPELINE

EXISTING TIMBER
GROIN

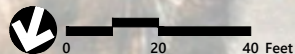
EXISTING TIMBER
GROIN

EXISTING RIP-RAP
REVETMENT

MLW

MHW

APO 1



ADJACENT PROPERTY OWNERS:

1. LARRY D. WILSON
2. GLOUCESTER COUNTY

DATUM: MLW

**VIRGINIA INSTITUTE OF MARINE SCIENCE CBNERR LIVING SHORELINE
EXISTING CONDITIONS**

AT: YORK RIVER

IN: GLOUCESTER COUNTY, VIRGINIA

**PURPOSE: SHORE PROTECTION, HABITAT
RESTORATION**

APPLICATION BY:
VIRGINIA INSTITUTE OF
MARINE SCIENCE

REVISION DATE: SEPT. 3, 2025
DATE: AUGUST 29, 2025

SHEET 2 OF 5

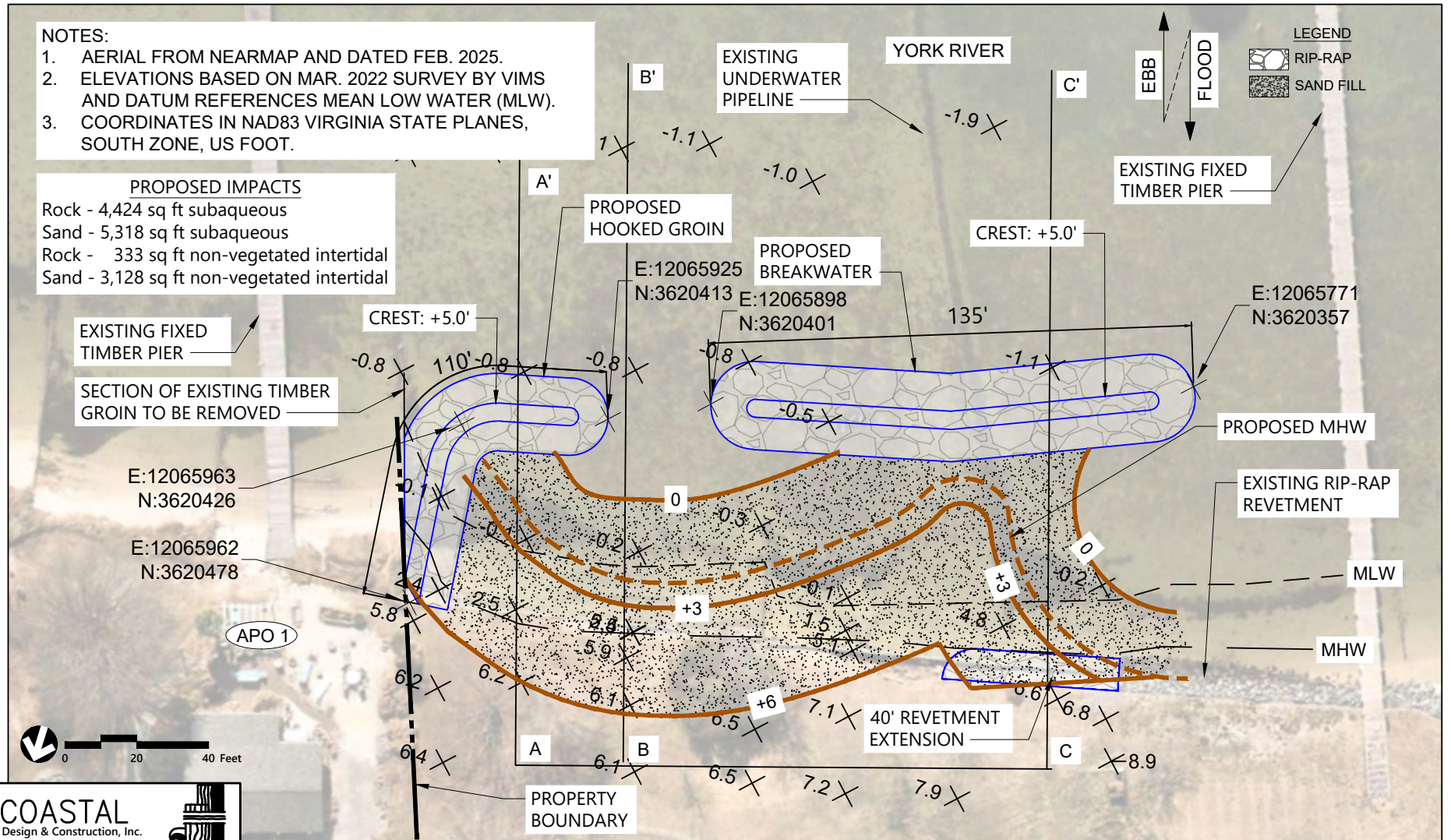
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NOTES:

1. AERIAL FROM NEARMAP AND DATED FEB. 2025.
2. ELEVATIONS BASED ON MAR. 2022 SURVEY BY VIMS AND DATUM REFERENCES MEAN LOW WATER (MLW).
3. COORDINATES IN NAD83 VIRGINIA STATE PLANES, SOUTH ZONE, US FOOT.

PROPOSED IMPACTS

Rock - 4,424 sq ft subaqueous
 Sand - 5,318 sq ft subaqueous
 Rock - 333 sq ft non-vegetated intertidal
 Sand - 3,128 sq ft non-vegetated intertidal



COASTAL
 Design & Construction, Inc.



351 McLaws Circle, Suite 3
 Williamsburg, Virginia 23185
 (757) 220-0500 • Fax: (757) 903-2794

ADJACENT PROPERTY OWNERS:

1. LARRY D. WILSON
2. GLOUCESTER COUNTY

DATUM: MLW

VIRGINIA INSTITUTE OF MARINE SCIENCE CBNERR LIVING SHORELINE
 PROPOSED LIVING SHORELINE SITE PLAN

AT: YORK RIVER

IN: GLOUCESTER COUNTY, VIRGINIA

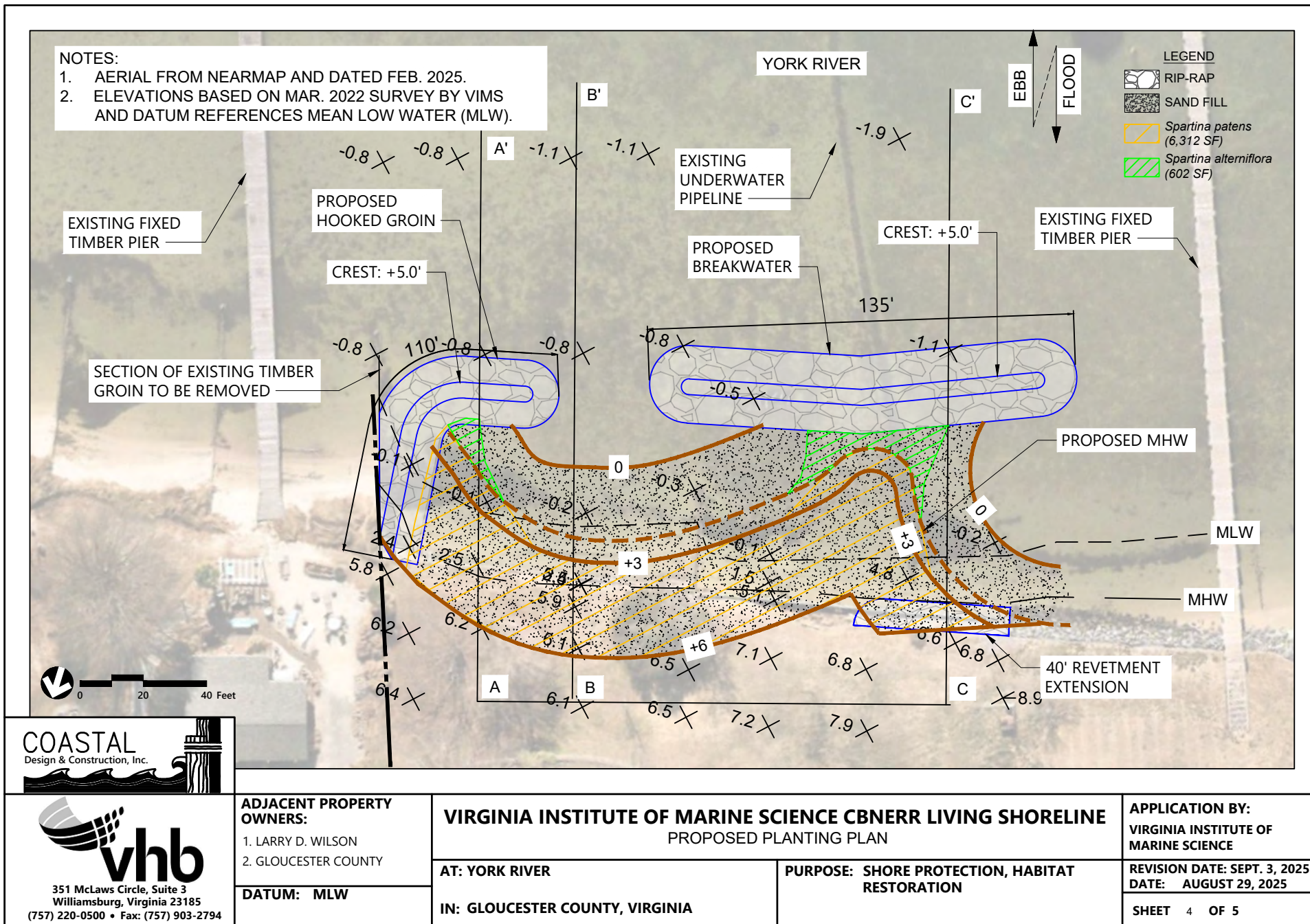
PURPOSE: SHORE PROTECTION, HABITAT RESTORATION

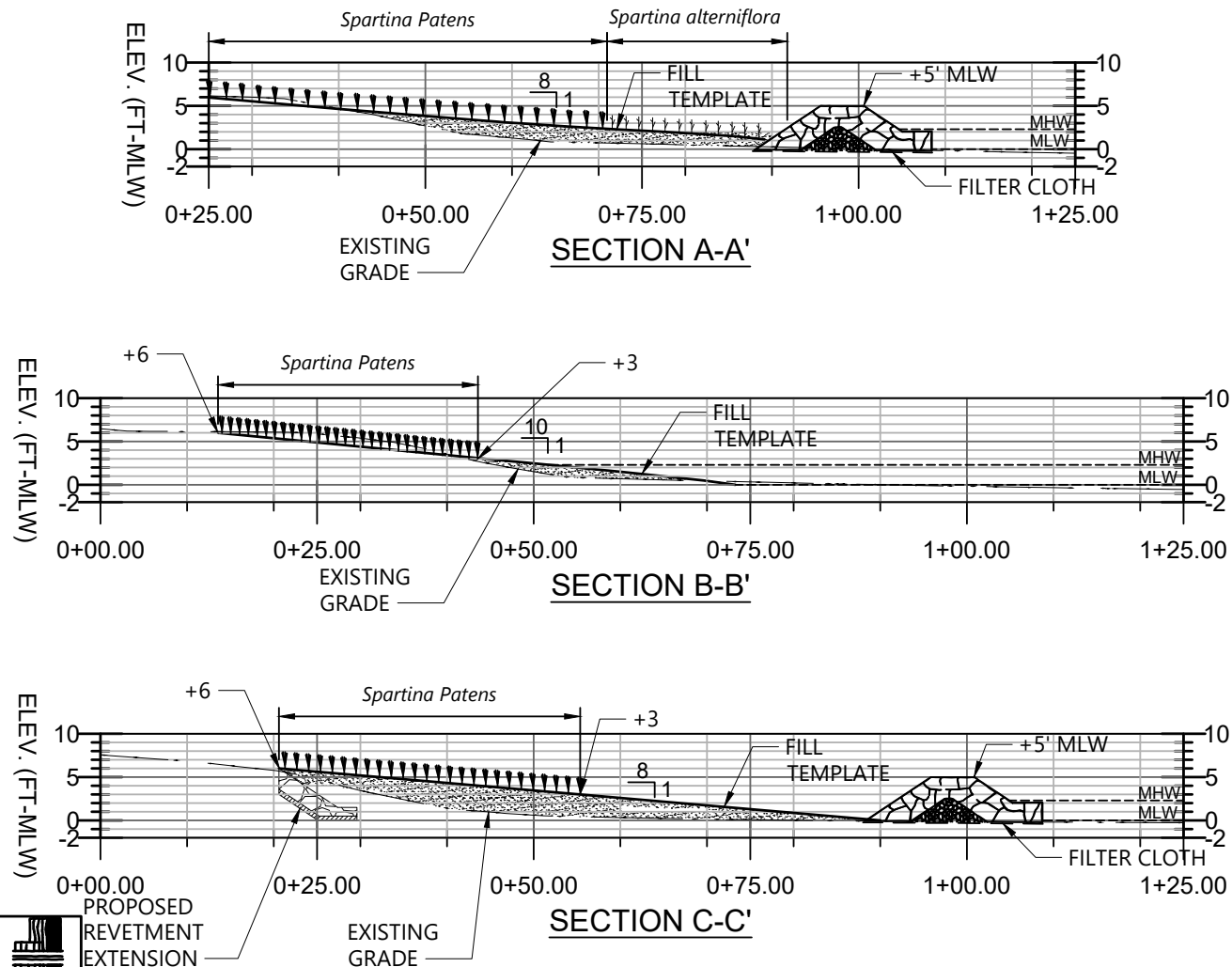
APPLICATION BY:
 VIRGINIA INSTITUTE OF MARINE SCIENCE

REVISION DATE: SEPT. 3, 2025
DATE: AUGUST 29, 2025

SHEET 3 **OF** 5

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ADJACENT PROPERTY OWNERS:

1. LARRY D. WILSON
2. GLOUCESTER COUNTY

DATUM: MLW

**VIRGINIA INSTITUTE OF MARINE SCIENCE CBNERR LIVING SHORELINE
PROPOSED SECTION DETAILS**

AT: YORK RIVER

IN: GLOUCESTER COUNTY, VIRGINIA

**PURPOSE: SHORE PROTECTION, HABITAT
RESTORATION**

APPLICATION BY:
**VIRGINIA INSTITUTE OF
MARINE SCIENCE**

REVISION DATE: SEPT. 3, 2025
DATE: AUGUST 29, 2025

SHEET 5 OF 5

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**Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20252014**

Print Date: Thursday October 23 2025 07:48

Number	Name	Received	Position
1	BRIAN D LEWIS	09/22/2025 17:22:25 PM	FAVOR

GLOUCESTER COUNTY SUPPORTS THIS LIVING SHORELINE PROJECT AND APPRECIATES ALL THE GOOD WORK PERFORMED BY THE STAFF AT VIMS.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20252014

Print Date: Thursday October 23 2025 07:48

Number	Name	Received	Position
2	LARRY WILSON	10/09/2025 14:29:08 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1225

Subject: Concerns Regarding Proposed Living Shoreline Project

Dear Mr. Johnson,

Good morning. I am writing to inform the Marine Resources Commission of our concerns regarding the proposed living shoreline project submitted by the Virginia Institute of Marine Science.

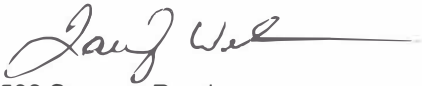
As long-time residents of the affected property, having lived there for 21 years, we have observed firsthand the impact of tidal action on the shoreline. We believe that the proposed project may require adjustments due to the unintended effects it could have on our property.

Additionally, please be advised that the property has been listed for sale as of October 1, 2025. Should this project move forward in the future, we feel it would be inappropriate for the new owner not to be involved in the discussions and planning process.

I am available to discuss this further and can be reached at (757) 342-6101.

Thank you for your time and attention.

Sincerely,
Larry Wilson

A handwritten signature in black ink, appearing to read "Larry Wilson", with a long horizontal flourish extending to the right.

7589 Spencer Road

Gloucester Point, VA 23062

Lin Jou Pei
25-1857

1. Habitat Management Evaluation dated October 28, 2025.
(Pages 1 and 2)
2. Project drawings dated October 17, 2025.
(Pages 3-9)
3. Letter of protest from Mr. Joseph Stivaletti, Jr. received September 19, 2025.
(Page 10)

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

HABITAT MANAGEMENT DIVISION EVALUATION

LIN JOU PEI, VMRC #25-1857, requests authorization to construct a 48-foot by 24-foot open-sided boathouse at an existing private pier adjacent to 9437 Ferry Landing Drive, situated along Dogue Creek in Fairfax County. The project is protested by an adjacent property owner.

Narrative

The project is located along the state-owned submerged lands of Dogue Creek in the Mount Vernon Subdivision of Fairfax County. This area is characterized by single family homes with private piers, many having open-sided roof structures.

Mr. Pei's existing pier (VMRC #23-1330) was determined to be statutorily authorized pursuant to Title 28.2-1203.A.5 of the Code of Virginia. Under this authorization, Mr. Pei was allowed to construct a 32-foot by 21-foot open-sided boathouse, of which the adjacent property owners had no objections at that time. Mr. Pei is now purchasing a larger boat (41'3" in length), thus requiring a new application for the construction of the 48-foot by 24-foot boathouse. Given that the proposed boathouse dimensions exceed 700 square feet, the area allowable pursuant to §28.2-1203.A.5, staff began processing the request for a Commission subaqueous permit. As part of the standard permit process, adjacent riparian property owners were notified, and a newspaper advertisement was published in the Alexandria Times.

Issues

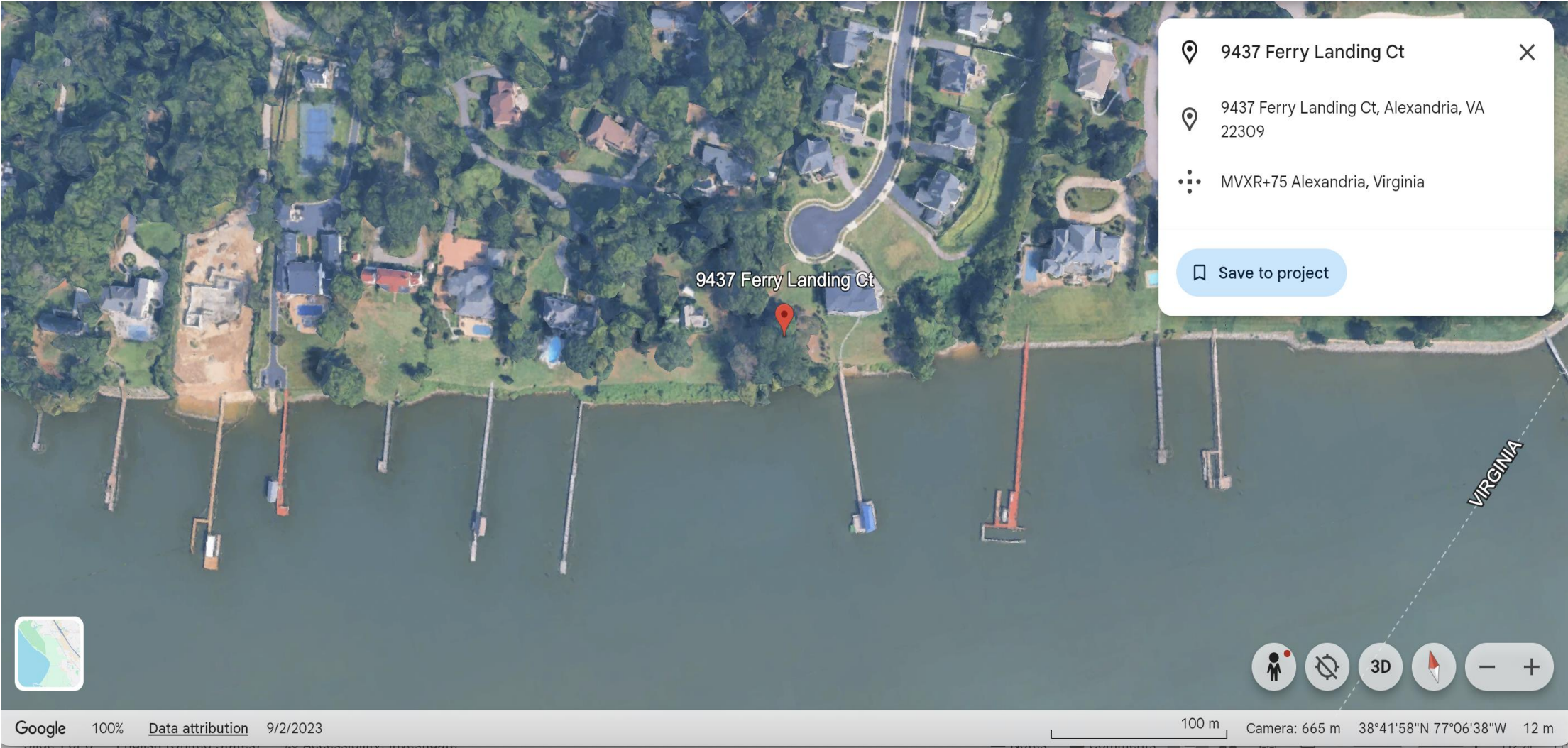
The project is protested by the adjoining property owner to the west, Mr. Joseph Stivaletti, Jr. Staff received a phone call from Mr. Stivaletti on September 15, 2025, in response to the adjacent property owner notification letter. Staff discussed the proposal with him and answered questions regarding the differences between the previous boathouse authorization (VMRC #23-1330) and the current application. We received his formal protest correspondence on September 19, 2025. The adjacent property owner to the east did not respond to the application notification.

Per the submitted protest, Mr. Stivaletti's complaints are as follows: the proposed roof structure will affect his quality of life and enjoyment of the property; it will decrease his property value; the boathouse obstructs the existing viewshed; and the proposal is larger than what is statutorily authorized under §28.2-1203.A.5. Mr. Stivaletti also pointed out that there is a marina approximately one-half mile away that could be utilized.

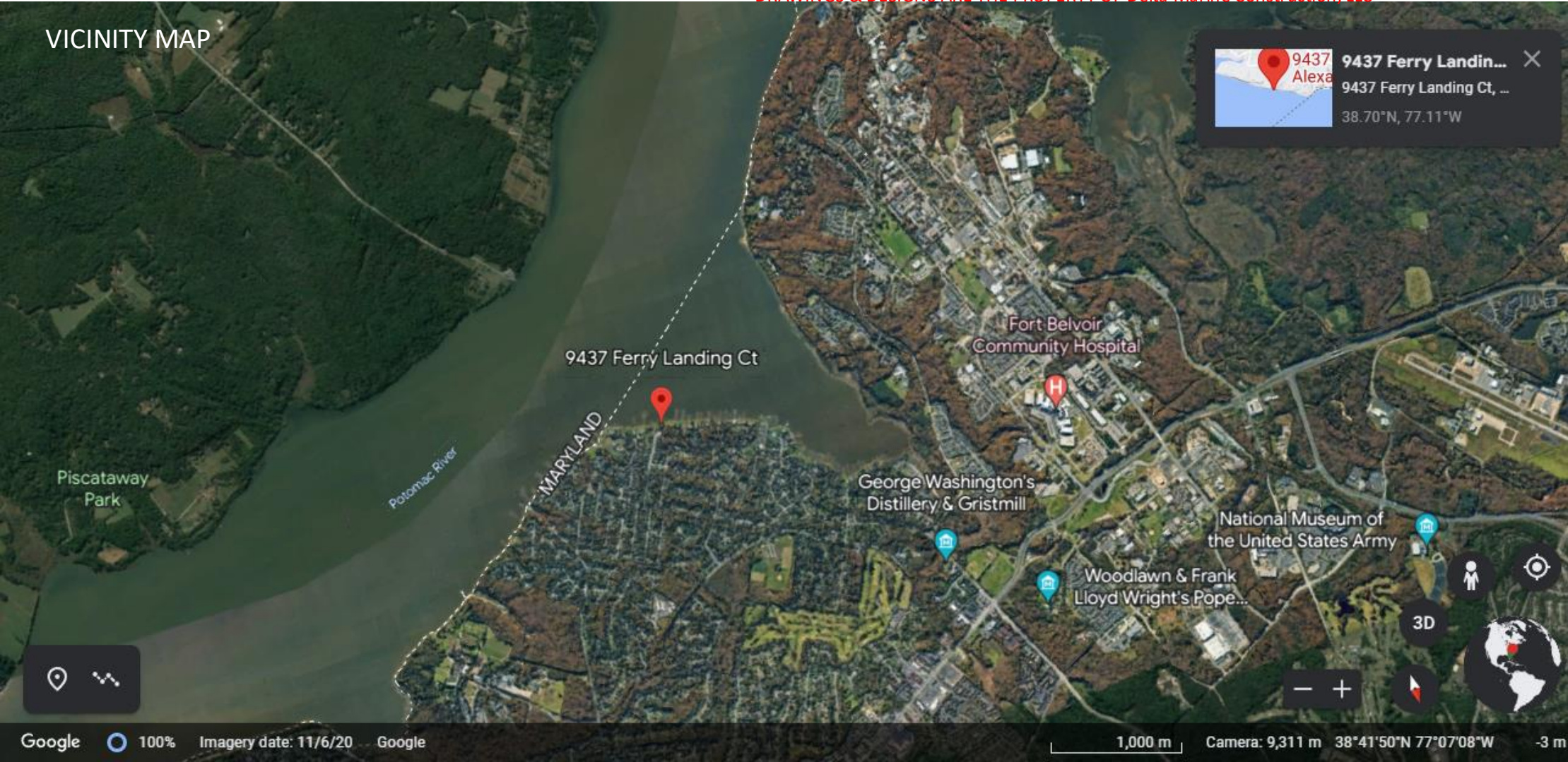
Summary/Recommendations

Many properties within the applicant's community have private piers and open-sided roofed structures. The applicant has provided information to satisfy the vessel requirements for oversized boathouse roof structure requests. Although the size of the boathouse precludes its qualification for the statutory authorization provided for private piers and open-sided roof structures, staff would have administratively approved it had it not been protested by the adjacent riparian property owner.

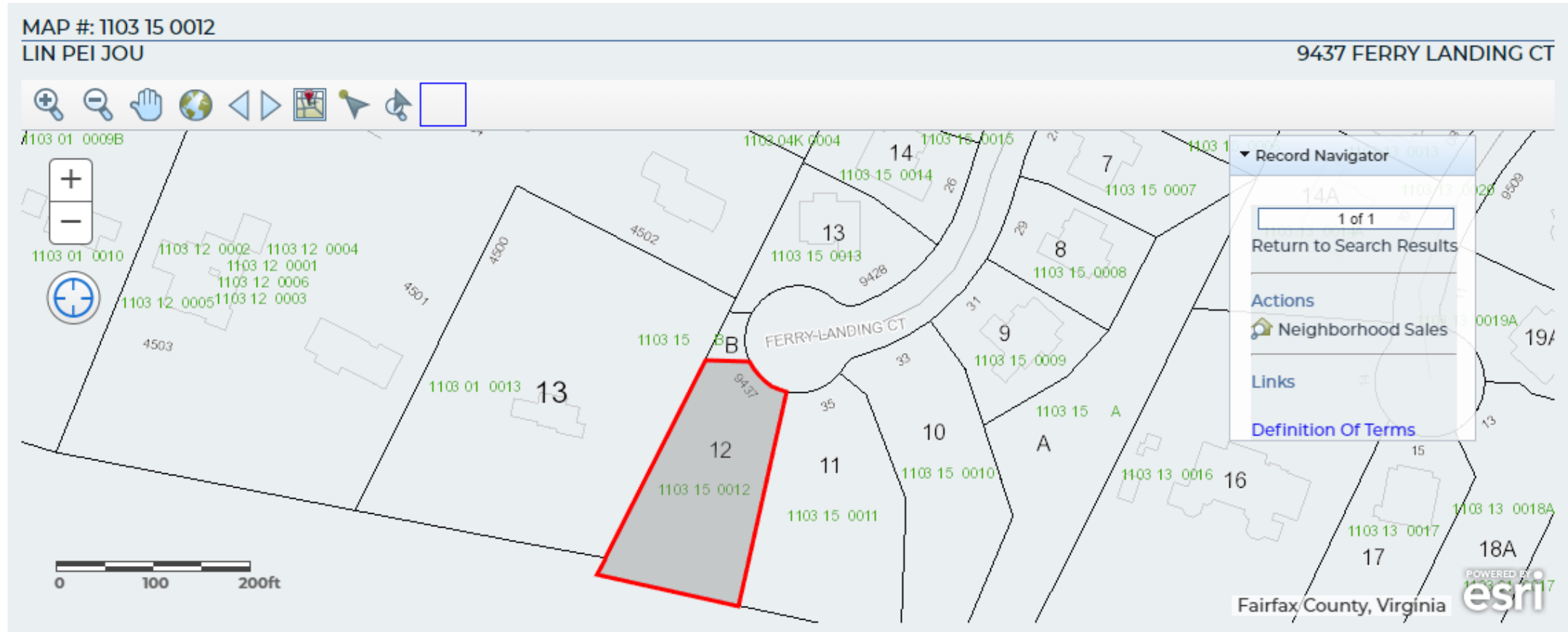
In this case, we believe the open-sided design of the roof structure only minimally adds to the visual obstruction already presented by Mr. Pei's statutorily authorized private pier and boat lift as the proposed structure is located on the east side of Mr. Pei's property. Staff and this Commission have historically agreed that this type of private open-sided roof proposal is an appropriate use of a riparian property owner's rights to access state-owned submerged lands. Accordingly, after evaluating the applicant's request and project drawings, the merits of the project against the concerns expressed by those in opposition, and after considering all factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.



Applicant: LIN PEI JOU Project Address: 9437 FERRY LANDING COURT County: ALEXANDRIA	Proposed: BOATHOUSE, BOAT LIFT Tax Map: 1103 15 0012 Waterway: DOGUE CREEK	Agent: Triple Crown Marine Construction, LLC. Adjacent Property Owners: JOSEPH F STIVALETTI JR, AND NAME WITHHELD Date: August 11, 2025 Page: 1 of 7
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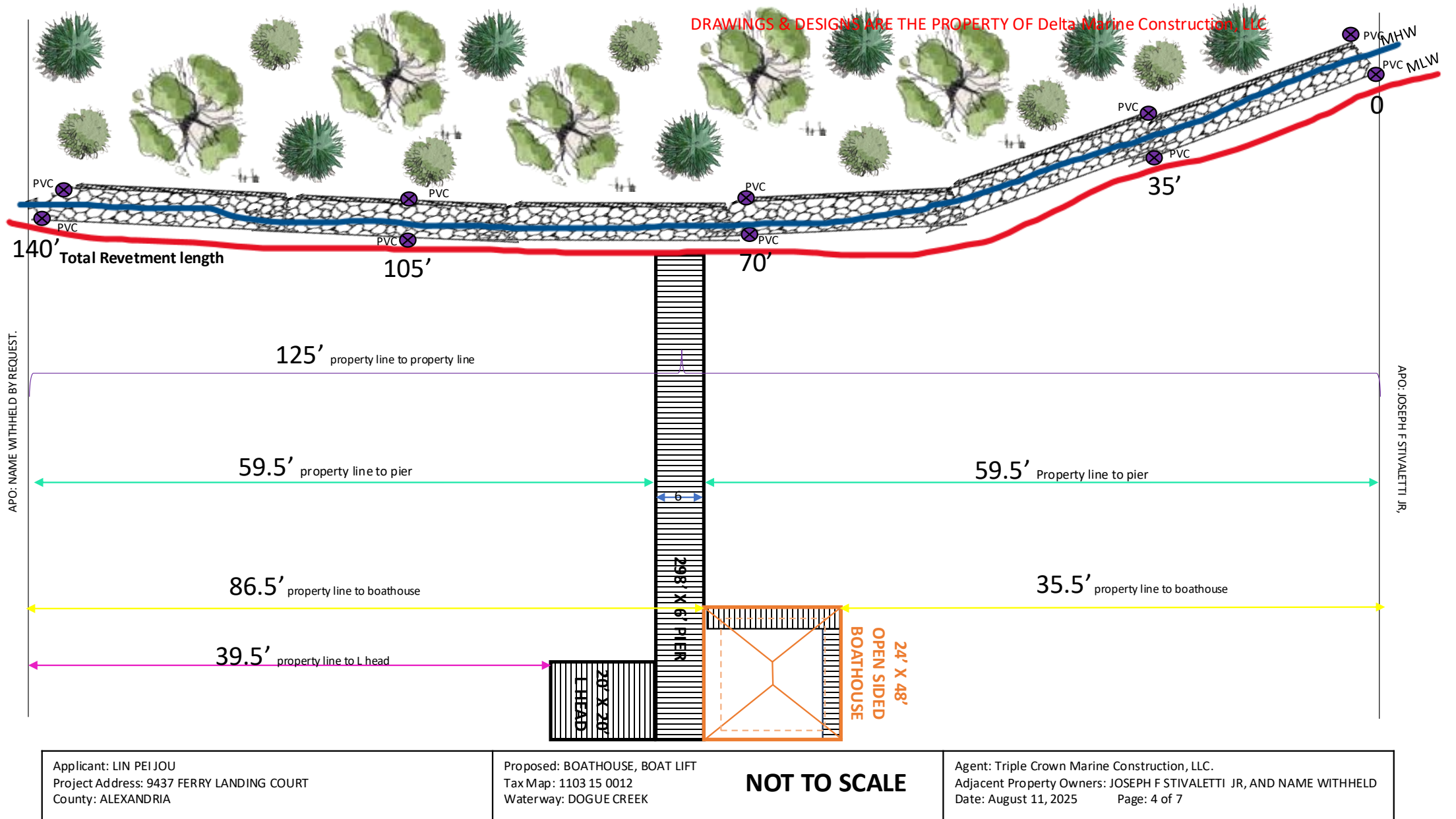
Applicant: LIN PEI JOU Project Address: 9437 FERRY LANDING COURT County: ALEXANDRIA	Proposed: BOATHOUSE, BOAT LIFT Tax Map: 1103 15 0012 Waterway: DOGUE CREEK	Agent: Triple Crown Marine Construction, LLC. Adjacent Property Owners: JOSEPH F STIVALETTI JR, AND NAME WITHHELD Date: August 11, 2025 Page: 2 of 7
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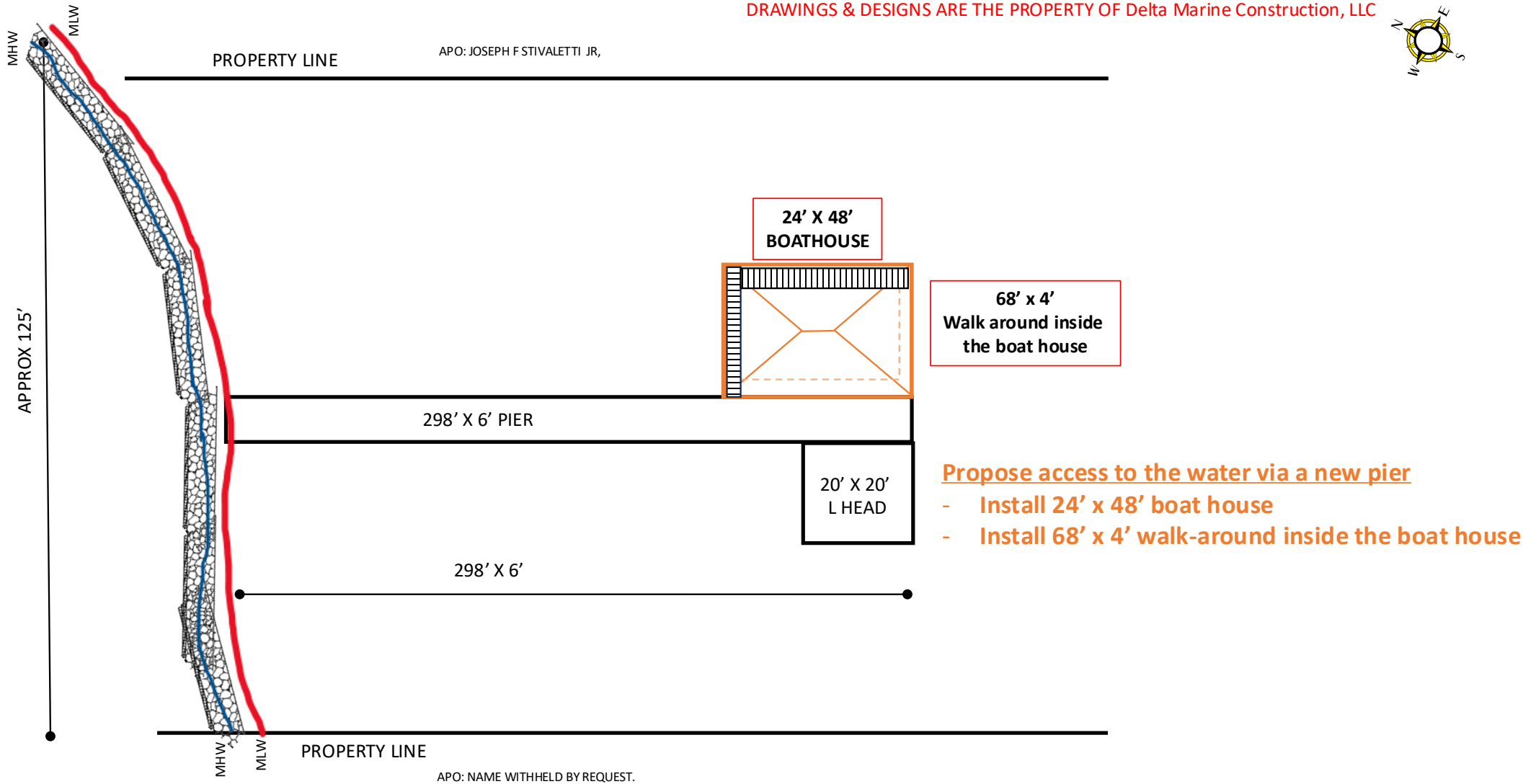
Applicant: LIN PEI JOU
Project Address: 9437 FERRY LANDING COURT
County: ALEXANDRIA

Proposed: BOATHOUSE, BOAT LIFT
Tax Map: 1103 15 0012
Waterway: DOGUE CREEK

Agent: Triple Crown Marine Construction, LLC.
Adjacent Property Owners: JOSEPH F STIVALETTI JR, AND NAME WITHHELD
Date: August 11, 2025
Page: 3 of 7



Additional Information/Revision Received by VMRC October 17, 2025 / Ira



Propose access to the water via a new pier

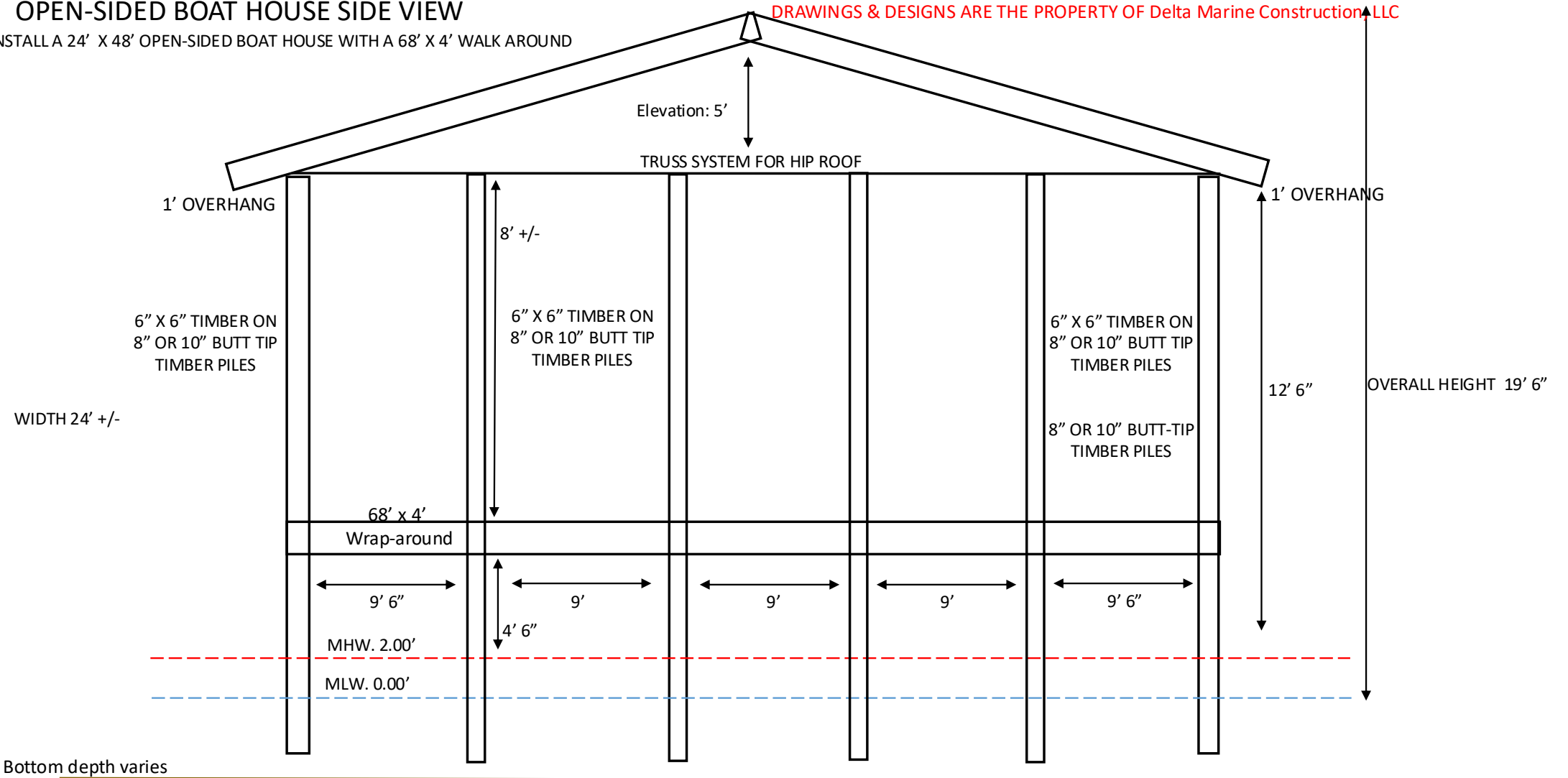
- Install 24' x 48' boat house
- Install 68' x 4' walk-around inside the boat house

Applicant: LIN PEI JOU Project Address: 9437 FERRY LANDING COURT County: ALEXANDRIA	Proposed: BOATHOUSE, BOAT LIFT Tax Map: 1103 15 0012 Waterway: DOGUE CREEK	NOT TO SCALE	Agent: Triple Crown Marine Construction, LLC. Adjacent Property Owners: JOSEPH F STIVALETTI JR, AND NAME WITHHELD Date: August 11, 2025 Page: 5 of 7
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OPEN-SIDED BOAT HOUSE SIDE VIEW

INSTALL A 24' X 48' OPEN-SIDED BOAT HOUSE WITH A 68' X 4' WALK AROUND

DRAWINGS & DESIGNS ARE THE PROPERTY OF Delta Marine Construction LLC



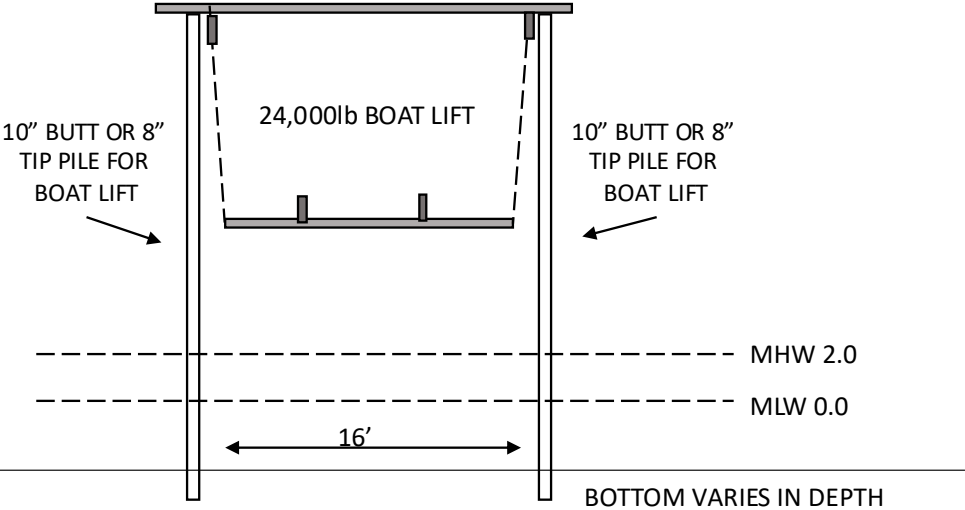
Applicant: LIN PEI JOU
Project Address: 9437 FERRY LANDING COURT
County: ALEXANDRIA

Proposed: BOATHOUSE, BOAT LIFT
Tax Map: 1103 15 0012
Waterway: DOGUE CREEK

NOT TO SCALE

Agent: Triple Crown Marine Construction, LLC.
Adjacent Property Owners: JOSEPH F STIVALETTI JR, AND NAME WITHHELD
Date: August 11, 2025
Page: 6 of 7

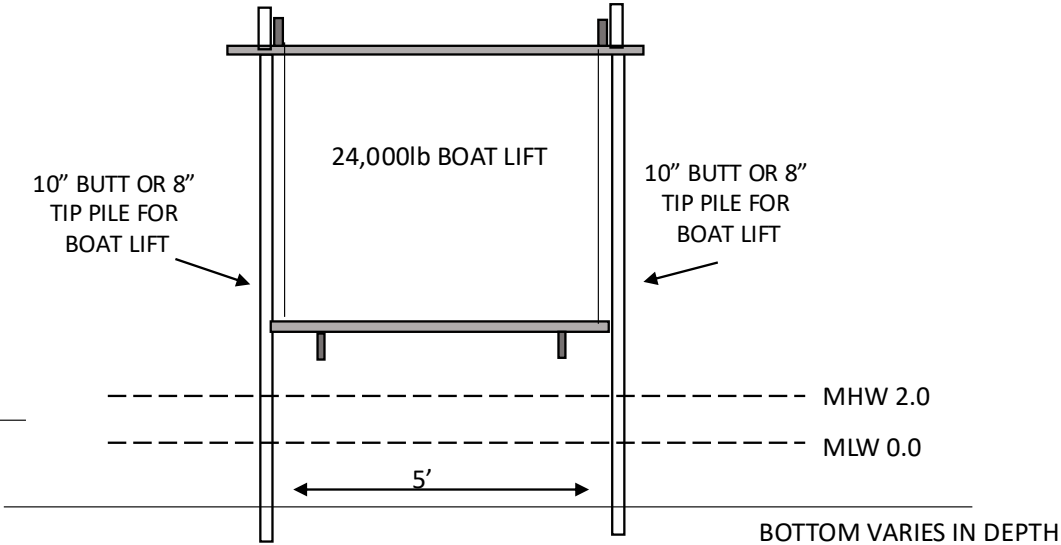
PROPOSED 24,000lb BOAT LIFT (FRONTAL VIEW)



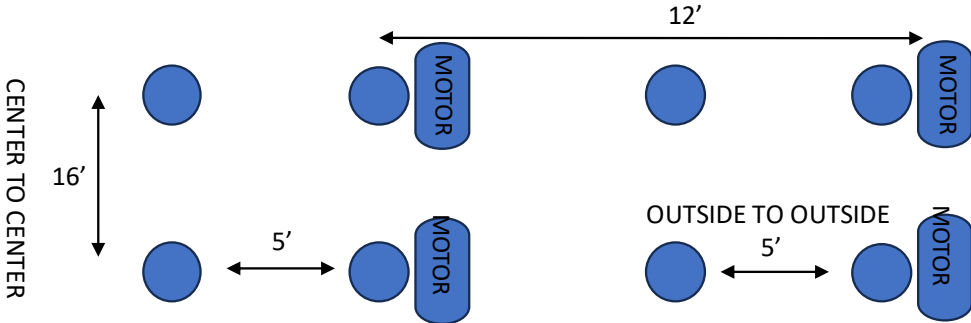
NOTES

- TOP BEAM: (4) 7" x 5' CHANNEL
- BOTTOM BEAM: ALUMINUM 12" HD x 16'
- STAINLESS CABLE: 5/16" x 48' TRIPLE PULL
- DRIVE PIPE WITH 2" ALUMINUM WINDERS: (4) 4000 lb. 7" PULLEY 11.6 IN/MIN
- GALVANIZED FLAT PLATE WINCH MOTOR: 1 HP TENV 115/230 VOLTS 12.2/6.1 AMPS
- E-DRIVES: (4) 4,000lb 8.9IN/MIN TOTALLY ENCLOSED HOUSING
- E-DRIVE C FACED MOTORS: 1 HP TENV 115/230 VOLTS 12.2/6.1 AMPS
- ALUMINUM BUNKS: 3" x 10" x 16' HD WITH UV RESISTANT PADDING
- GUIDE POLES: 2" x 10'
- PILINGS: (8) 8" DIAMETER

PROPOSED 24,000lb BOAT LIFT (SIDE VIEW)



RECOMMENDED SPACING FOR 24,000lb BOAT LIFT, 8 POLES:



Applicant: LIN PEI JOU
Project Address: 9437 FERRY LANDING COURT
County: ALEXANDRIA

Proposed: BOATHOUSE, BOAT LIFT
Tax Map: 1103 15 0012
Waterway: DOGUE CREEK

Agent: Triple Crown Marine Construction, LLC.
Adjacent Property Owners: JOSEPH F STIVALETI JR, AND NAME WITHHELD
Date: August 11, 2025
Page: 7 of 7

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251857

Print Date: Thursday October 23 2025 07:34

Number	Name	Received	Position
1	JOSEPH F STIVALETTI JR.	09/19/2025 10:49:31 AM	OPPOSE

MY FAMILY OWNS THE TWO-ACRE WATERFRONT PROPERTY AT 4500 CARLBY LANE IN MT. VERNON. THIS HOME HAS BEEN IN OUR FAMILY FOR OVER 70 YEARS AND IS VERY SPECIAL TO US.

 I AM WRITING TO YOU REGARDING THE PROPOSED 48'X24' BOATHOUSE AT 9437 FERRY LANDING DRIVE, WHICH IS DIRECTLY NEXT TO MY HOME.

 I OPPOSE THE CONSTRUCTION OF SUCH A BOATHOUSE. I FEEL STRONGLY THAT THE EXISTENCE OF SUCH A STRUCTURE WOULD BE DETRIMENTAL FOR MANY REASONS, AND WOULD SET A TERRIBLE PRECEDENT THAT COULD LEAD TO MULTIPLE LARGE STRUCTURES UP AND DOWN THE POTOMAC RIVER AND ON OTHER WATERWAYS IN FAIRFAX COUNTY.

 I WOULD LIKE TO MAKE THE FOLLOWING POINTS:

 1. A LARGE 48'X24' BOATHOUSE WOULD HAVE A MAJOR NEGATIVE IMPACT ON MY VIEW, WHICH IS A KEY REASON FOR LIVING ON THE WATER.

 2. IN TURN, I BELIEVE THAT SUCH A MASSIVE STRUCTURE WOULD HAVE A NEGATIVE IMPACT ON THE VALUE OF MY PROPERTY.

 3. THE PROPOSED BOATHOUSE IS 1,152 SQUARE FEET, WHICH IS 65% LARGER THAN THE 700 SQUARE FEET LIMIT STATED IN VIRGINIA CODE.

 4. A LARGE STRUCTURE OF THIS SIZE IS NOT A REASONABLE USE OF PUBLIC SPACE BY A RESIDENTIAL HOMEOWNER.

 5. I WOULD PREFER THAT THERE BE NO BOATHOUSE, OF ANY SIZE, AT THIS LOCATION. I OPPOSE ANY SUCH CONSTRUCTION.

 6. THERE IS A LARGE MARINA WITHIN WALKING DISTANCE OF 9437 FERRY LANDING DRIVE. LARGE BOATS BELONG IN A MARINA, NOT ON THE POTOMAC RIVER IN FRONT OF HOMES WHERE THEY WILL NEGATIVELY AFFECT THE VIEW AND THE ENJOYMENT OF NEIGHBORING HOMEOWNERS.

 SINCERELY,

 JOSEPH F. STIVALETTI, JR.

 JOESTIVALETTI@GMAIL.COM

WestBay Home Owners Association
2025-1429

1. Habitat Management Evaluation dated October 28, 2025.
(Page 1)
2. Project drawings dated received, June 24, 2025
(Pages 2 – 6)
3. Virginia Department of Health comments dated received October 20, 2025.
(Pages 7 – 9)
4. Letters of protest
 - a. Mr. Allyn M. Carnam dated received August 1, 2025
 - b. Mr. Allyn M. Carnam Dated received July 30, 2025
 - c. Mr. Allyn M. Carnam Dated received July 28, 2025
 - d. Ms. Dianne Whitten received October 22, 2025
 - e. Mr. Kent Worthington dated received October 21, 2025
 - f. Mr. Matt Creager received October 21, 2025(Pages 10 – 25)
5. Letter of support from Mr. John L. Marshall received October 23, 2025.
(Page 26)

HABITAT MANAGEMENT DIVISION EVALUATION

WESTBAY HOME OWNERS ASSOCIATION, VMRC #25-1429, requests authorization to install eight (8) brackets, secured outboard of the pier deck, to support four (4) kayaks at the associations' Pier #1 situated along Bells Creek at the terminus of West Bay Drive in Northumberland County. The project is protested by four members of the association.

Narrative

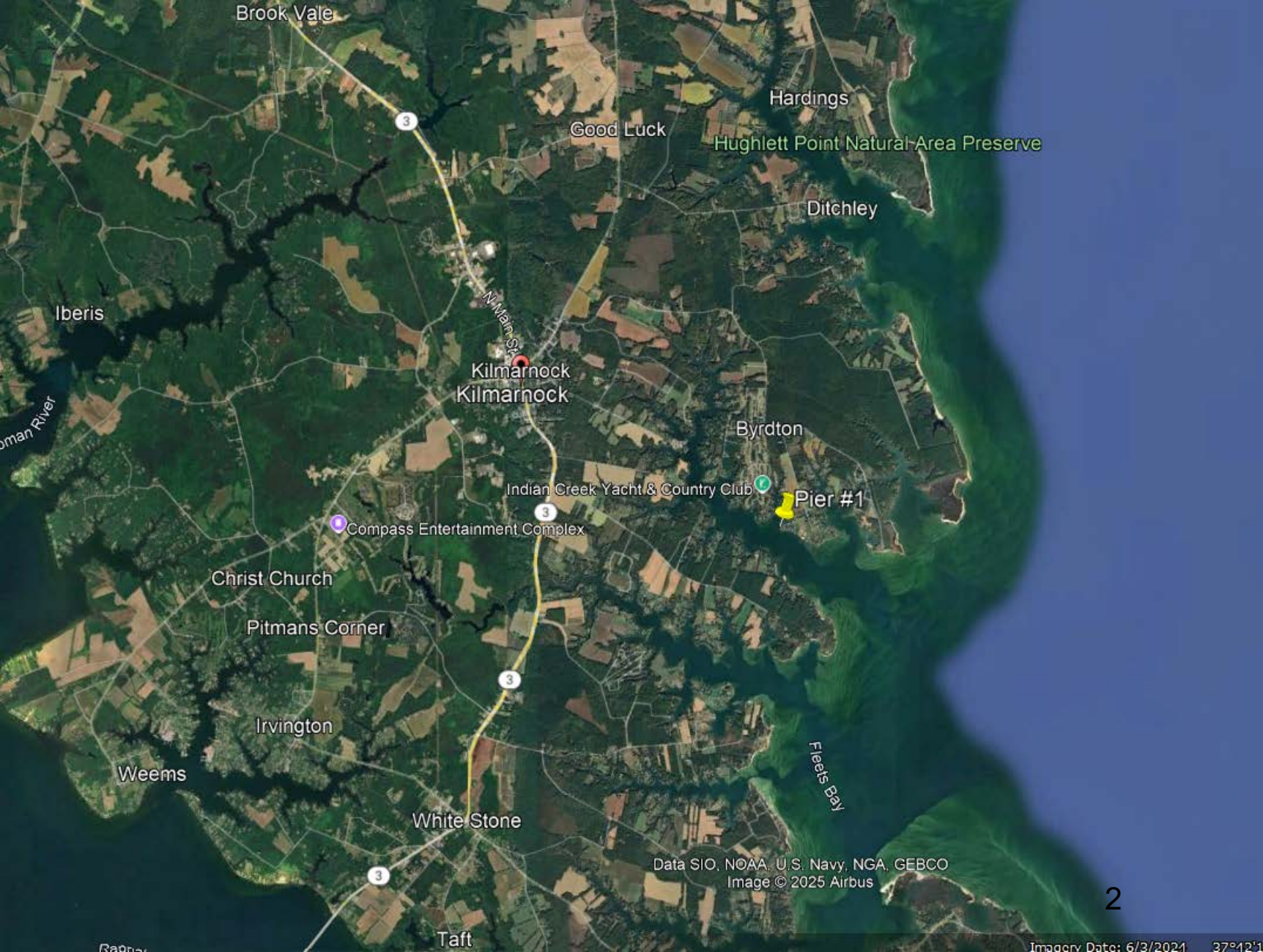
The WestBay development is located at the confluence of Bells Creek and Indian Creek in the Painter Point area of Northumberland County. The association has three (3) community piers that were previously authorized by the Commission. The Association is requesting authorization to install four (4) individual kayak racks on the inshore pilings of Pier #1 for use by their members. The racks, designed to hold a single kayak, will be bolted to the pier outboard of the existing eight-foot-wide pier deck.

Issues

The project is protested by Mr. Allyn Myles Carnam, an attorney representing four (4) homeowners at WestBay, two (2) of whom reside on each side of Pier #1 where the kayak racks are proposed to be located. Their concern is one of safety. According to Mr. Carnam, most of the WestBay residents are elderly and they are concerned that attaching the kayak racks to the main dock presents a potential safety hazard, leading to a possible personal injury. They believe this situation can readily be avoided if the kayak racks are either attached to an individual slip, which was previously considered by the HOA Board, or on a floating dock in an adjacent slip.

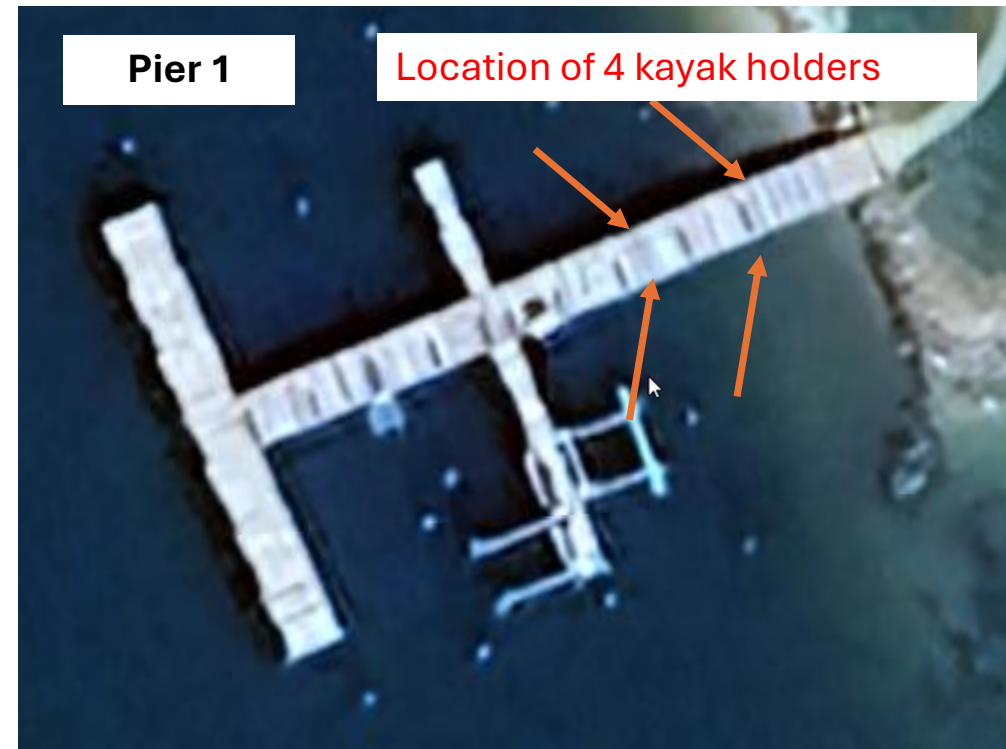
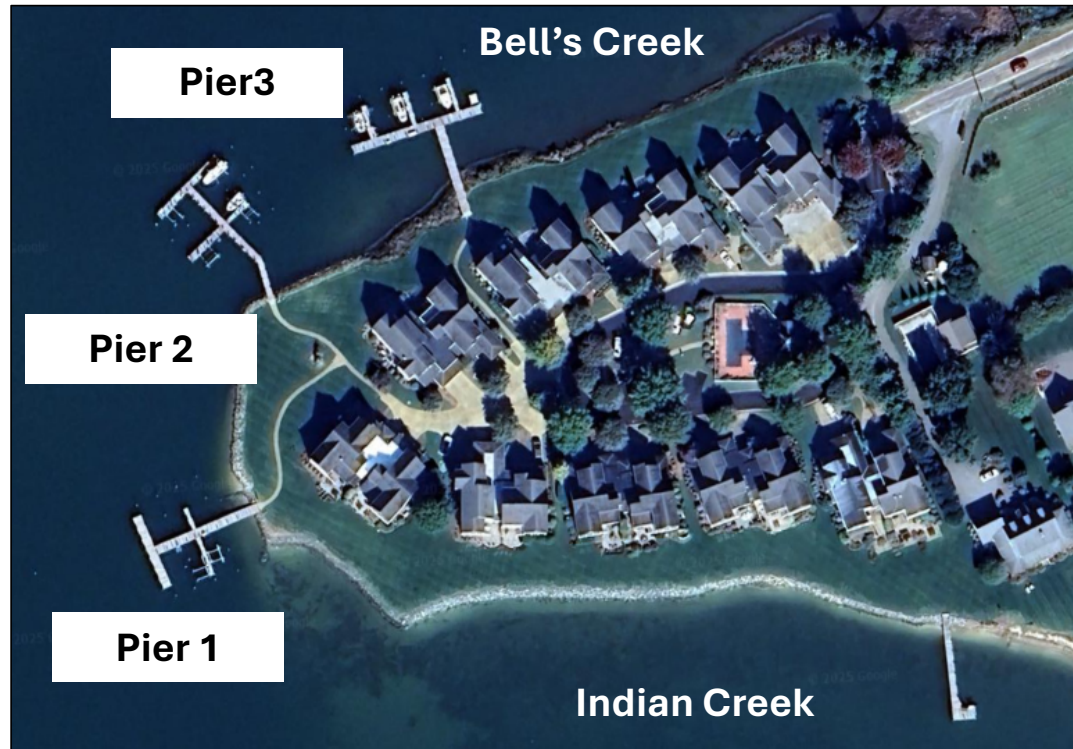
Summary and Recommendation

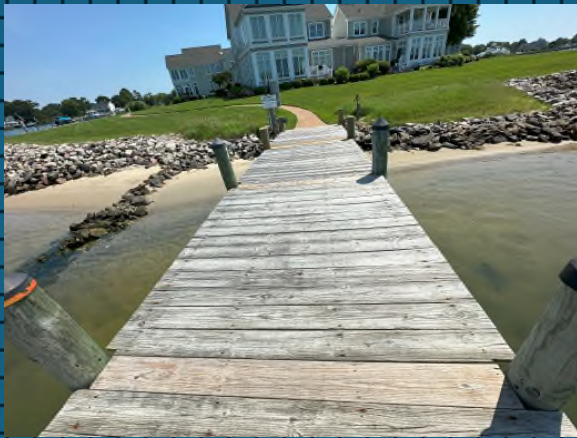
While we are sensitive to the issue of safety raised by the protestants, staff believes that the proposed installation of kayak racks on an existing community pier represent a reasonable request for the use of state-owned submerged land. Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition, and after considering all the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.



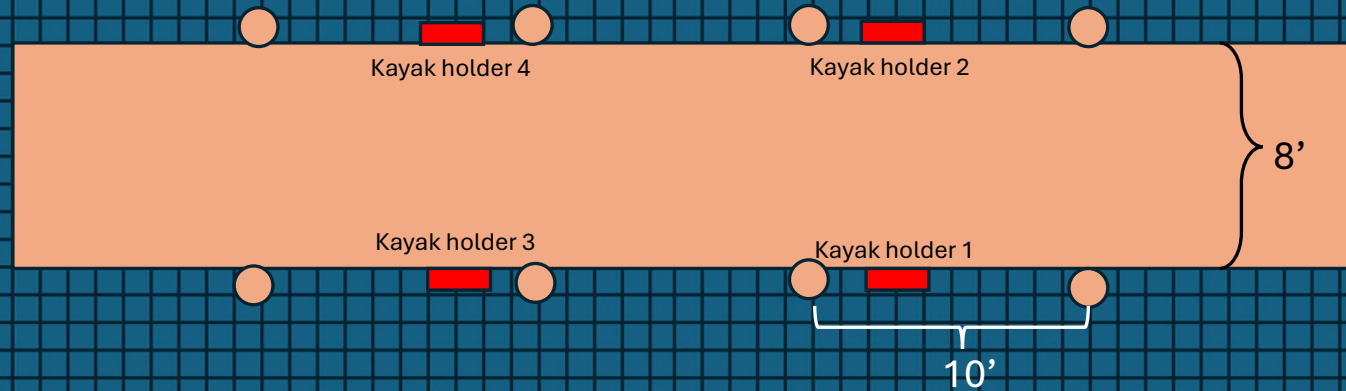
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Image © 2025 Airbus

WestBay Piers and Location of Kayak Holders on Pier 1





Detail of Kayak Holder Placement on Pier 1



**Entrance to
dock**

Kayak & Canoe Dock Rack | Kayak Dock Storage Rack | Suspenz - Suspenz



Over-Water 2-Boat Dock Frame (FRAME ONLY)

32-0634

★★★★☆ 3 reviews

\$299.95

QUANTITY

- 1 +

ADD TO CART

4 interest-free installments, or from **\$27.07/mo** with [shop Pay](#) [Check your purchasing power](#)

☑ Suspenz: Copied by Many Matched by None®

No Deck Space - No Problem! Hold any combination of Kayaks, SUP's, or Canoes over the water to save deck space. Its "L" shape frame attaches under wooden docks - simply add the racks of your choice and your watercraft will be ready and waiting for your next adventure!

- **Highly Compatible**

Mountable to nearly all wooden dock structures

- **Adjustable**

Extends out to 32" over the water to fit wider boats

- **Marine Grade**

Powder-coated steel with stainless steel hardware. **Note:** Steel is the base material, so it will rust in saltwater spray environments.

[Win a FREE Transport Cart](#)

Dock Storage 2.0 - Suspens



Deluxe Rack

11-0111

★★★★★ 47 reviews

\$132.95

CHOOSE FINISH:

Safety Yellow

Marine Grade Black

QUANTITY

- 1 +

Add-Ons



Quick Release W...

\$18.95

Safety Yellow ▾

☐ ADD



Universal Hook

\$16.95

☐ ADD



Paddle Rack

\$21.95

2 Paddle Rack ▾

☐ ADD

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: FW: JPA: APPROVED - 20251429 in Northumberland, Applicant: WestBay Home Owners Association
Date: Friday, October 17, 2025 12:57:02 PM
Attachments: [image002.png](#)

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: marinaprogram (VDH) <marinaprogram@vdh.virginia.gov>
Sent: Thursday, October 9, 2025 10:01 AM
To: Madden, Jeff (MRC) <Jeff.Madden@mrc.virginia.gov>; marinaprogram (VDH) <marinaprogram@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.Wood@vdh.virginia.gov>
Subject: RE: JPA: APPROVED - 20251429 in Northumberland, Applicant: WestBay Home Owners Association

Good morning.

This application request is APPROVED. No impact to the marina program.

r/

Devenius A. Willcox
Environmental Health Associate
Office of Environmental Health Services – Marina Program
Virginia Department of Health
830 Southhampton Ave. #200
Norfolk, VA 23510



From: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Sent: Monday, October 6, 2025 5:37 PM
To: marinaprogram (VDH) <MarinaProgram@vdh.virginia.gov>; Wood, Adam (VDH) <Adam.wood@vdh.virginia.gov>

Subject: JPA: 20251429 in Northumberland, Applicant: WestBay Home Owners Association

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 October 27, 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: 20251429](#)

Applicant: WestBay Home Owners Association

Locality: Northumberland

Project Description: Kayak rack

Date Received: June 24, 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.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
1	ALLYN CARNAM	07/28/2025 12:33:27 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1196

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-1429 (Dunstan) Protest
Date: Monday, July 28, 2025 11:54:32 AM

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

-----Original Message-----

From: Allyn Carnam <allyncarnam@gmail.com>
Sent: Tuesday, July 22, 2025 3:58 PM
To: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Subject: WESTBAY KAYAK STORAGE RACK (KILMARNOCK, VA)

Dear Mr. Madden,

This is further our telephone conversation yesterday regarding the captioned matter, and is being submitted on behalf of 4 Homeowners at WestBay, two of whom reside on each side of the Dock where this kayak rack is proposed to be located, and I believe 2 additional Homeowners are of the view described below except I have not been able to contact them directly.

Our main concern is one of Safety. Most of our residents are elderly and we are concerned that attaching the kayak rack to the main dock vs an individual slip presents a potential safety hazard, leading to a personal injury. However, this situation can readily be avoided if the kayak rack is either attached to an individual slip, or in a floating rack adjacent to a slip.

We appreciate your consideration to the above Request and if you need to discuss the foregoing further, please don't hesitate to reach out to me.

Sincerely,

Allyn Carnam

Allyn Myles Carnam
Attorney at Law
88 WestBay Drive
Kilmarnock, VA 22482

804-497-0410 (C)

Sent from my iPad

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
2	ALLYN M CARNAM	07/30/2025 10:14:03 AM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1197

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-1429 (Dunstan) protest
Date: Wednesday, July 30, 2025 9:45:47 AM

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

-----Original Message-----

From: Allyn Carnam <allyncarnam@gmail.com>
Sent: Wednesday, July 30, 2025 8:03 AM
To: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>
Cc: Robert Dunstan <robertwdunstan@yahoo.com>
Subject: WESTBAY KAYAK STORAGE RACK

Good Morning, Jeff. Please accept this submission as a Supplement to our original filing of July 22, 2025.

I want to supplement Bob Dunstan's 7/28 email to you regarding the captioned matter with a bit more context. Bob is correct that WestBay voted on this issue several weeks ago, but what you may not know is that prior to the vote a much different proposal was discussed; namely, a single, personal kayak storage rack was proposed to be installed on a Slip off of Dock #1. Subsequently this Proposal morphed into what appears to be a two (community) kayak rack to be installed ON Dock#1, although the minutes of the meeting during which this Proposal was discussed have not been published. The subsequent Proposal was then what was voted on by WestBay. Obviously, kayak storage on a Slip vs a Dock presents a much safer user environment for those residents who only want access to the Dock, or to another Slip.

Therefore, what seems to have happened is that WestBay has chosen a LESS safe alternative regarding the installation of the proposed kayak rack. To us, this is a significant difference in light of our age demographic at WestBay and a fact the VMRC would want to consider in determining whether a Permit should issue for a LESS safe alternative, when a safer option is readily available.

Finally, I was not successful in searching for the subject Application on the VMRC website, however, I have been advised, although unable to verify, the foregoing Application is either for 4 kayak racks, or will be followed by subsequent Applications. If this is accurate, such a development underscores the validity of our Safety concerns.

Allyn Myles Carnam
Attorney at Law
88 WestBay Drive
Kilmarnock, VA 22482

804-497-0410 (C)

Sent from my iPad

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
3	ALLYN CARNAM	08/01/2025 12:23:26 PM	OPPOSE

SEE ATTACHED

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1198

From: [Madden, Jeff \(MRC\)](#)
To: [MRC - jpa Permits](#)
Subject: VMRC # 25-1429 (Dunstan) protest
Date: Friday, August 1, 2025 12:13:53 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: Allyn Carnam <allyncarnam@gmail.com>
Sent: Wednesday, July 30, 2025 5:45 PM
To: Robert Dunstan <robertwdunstan@yahoo.com>
Cc: Madden, Jeff (MRC) <jeff.madden@mrc.virginia.gov>; SUEANNE QUINN <quinnsueanne@yahoo.com>; Tim Murphy <tmurf27@yahoo.com>; Tim Grover <wmg.pc@erols.com>; Sarah DUNSTAN <sarahedunstan@aol.com>
Subject: Re: WESTBAY KAYAK STORAGE RACK

Bob, thanks for your email, however, I think it would be helpful if I share a few comments with you.

First, I want to be sure the record is clear that I have been submitting the referenced filings with the VMRC on behalf of three other residents (two of whom are “adjacent landowners” to the proposed project), who share the views I expressed in my submissions, regarding their legitimate concerns about their ability to safely negotiate Dock #1 if we have one (or more) kayak rack(s) installed on the Dock.

Secondly, yes the CCRs read as you state, however, those provisions as well as all of our HOA regulations are subject to Virginia law including the permitting requirements of the VMRC, and as I previously noted, Safety is a very important component of those requirements.

Third, and maybe most importantly, I always thought your method of storing and handling a kayak was by far the most sensible, and frankly, the safest alternative, and also has the advantage of being the least disruptive to the WestBay community. I actually see the approach you adopted as the best and most respectful path forward for us to take as a reasonable compromise to our positions.

I am happy to discuss the foregoing in more detail to see if we can find common ground, but unfortunately tomorrow is my last day here until August 8.

Allyn

Allyn Myles Carnam
Attorney at Law
88 WestBay Drive
Kilmarnock, VA 22482

804-497-0410 (C)

Sent from my iPad

On Jul 30, 2025, at 12:46 PM, Robert Dunstan
<robertwdunstan@yahoo.com> wrote:

Dear Allyn,

I have no problem sharing the application with you (see below).

Know that the CCRs which are registered in the State of Virginia and were approved in writing by you and all the owners of WestBay, state that "each Lot Owner may store up to two (2) kayaks on **WestBay Docks or in the slip assigned** to the Owner provided the kayaks are on storage racks no more than two kayaks high." The vote we had was to specifically change this provision so kayak holders could only be on slips, and this was rejected by the majority of WestBay residents.

I would also counter that putting kayaks on slips without a kayak launcher such that I have on my slip makes it much more difficult to get it in the water without hauling the kayak back down the narrow slip and off the dock. Getting into a kayak directly off a pier is also a safety hazard. Having off-the-water kayak holders closest to the beach is the safest alternative.

Once again, I do hope we do not have to go to a hearing but as President of the HOA, I have to represent the majority opinion.

I will be happy to talk to you about this directly rather than going through with Mr. Madden if this could result in a resolution.

Best,

Bob

P.S. Also forwarding to the WestBay Board of Directors

Robert W. Dunstan, DVM, MS, DACVP

781-825-3245
2243 Callaway Drive, The Villages, FL, 32162 (Nov-April)
68 WestBay Drive, Kilmarnock, VA, 22482 (May-Oct)
robertwdunstan@yahoo.com

On Wednesday, July 30, 2025 at 08:03:29 AM EDT, Allyn Carnam
<allyncarnam@gmail.com> wrote:

Good Morning, Jeff. Please accept this submission as a Supplement to our original filing of July 22, 2025.

I want to supplement Bob Dunstan's 7/28 email to you regarding the captioned matter with a bit more context. Bob is correct that WestBay voted on this issue several weeks ago, but what you may not know is that prior to the vote a much different proposal was discussed; namely, a single, personal kayak storage rack was proposed to be installed on a Slip off of Dock #1. Subsequently this Proposal morphed into what appears to be a two (community) kayak rack to be installed ON Dock#1, although the minutes of the meeting during which this Proposal was discussed have not been published. The subsequent Proposal was then what was voted on by WestBay. Obviously, kayak storage on a Slip vs a Dock presents a much safer user environment for those residents who only want access to the Dock, or to another Slip.

Therefore, what seems to have happened is that WestBay has chosen a LESS safe alternative regarding the installation of the proposed kayak rack. To us, this is a significant difference in light of our age demographic at WestBay and a fact the VMRC would want to consider in determining whether a Permit should issue for a LESS safe alternative, when a safer option is readily available.

Finally, I was not successful in searching for the subject Application on the VMRC website, however, I have been advised, although unable to verify, the foregoing Application is either for 4 kayak racks, or will be followed by subsequent Applications. If this is accurate, such a development underscores the validity of our Safety concerns.

Allyn Myles Carnam
Attorney at Law
88 WestBay Drive
Kilmarnock, VA 22482

804-497-0410 (C)

Sent from my iPad
<JPA Robert W Dunstan 24 Jun 2025.pdf>
<Images for kayak holders on Pier 1 23 Jun 25.pptx>

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
4	ALLYN M CARNAM	10/20/2025 15:48:19 PM	OPPOSE

INSTALLATION OF SEVERAL KAYAK RACKS ADVERSELY IMPACTS THE SAFETY OF WESTBAY RESIDENTS, AND THE SUBMISSION WAS NOT OFFICIALLY APPROVED BY HOMEOWNERS. SEE FURTHER COMMENTS IN THE ATTACHED STATEMENT.

Attachments:

https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1228

This is intended to supplement my in-person appearance at the hearing on 10/28/25 regarding the captioned matter. I, as well as a number of other WestBay (WB) residents, object to VMRC's issuance of the permit requested in WB's application.

As referenced in my previous correspondence with the VMRC, the WB community never voted to submit the subject application for 4 kayak racks on Dock #1; what was voted on was to allow individual homeowners, subject to VMRC approval, to install a single kayak rack either on their slip or the dock to which the slip is attached. That was the clear understanding. However, much to the surprise of many of us, WB submitted the subject application requesting the VMRC approval of 4 kayak racks, capable of holding up to 8 kayaks. In our view, such an installation adversely impacts the direct view of the water for 3 of the WB homeowners but potentially precludes one homeowner from safe access to Dock #1, in part due to his limited mobility as a 97-year-old. In fact, Dock #1 is the only dock this resident can currently access due to his physical condition. Either the foregoing problems were not considered by the Board and were not fully understood prior to deciding to submit the subject application or this failure was the result of the WB Board's not openly discussing the foregoing with the community so that all of our residents would fully appreciate the impact of this substantial change to the environmental architecture surrounding Dock#1. I suspect that if a vote were held about this proposal today, knowing the sincerely held beliefs of all of our residents, this application would not have been submitted. And, just to be clear, the 11 to 7 vote had nothing to do with this permit application, but effectively only allowed WB residents to install individual kayak racks on either a slip or its adjacent dock; while previously HOA rules limited such installations to slips.

Turning to the subject application, please note the following points:

- 1) The application indicates that these 4 kayak racks will be installed along the main walkway of Dock #1. It is unclear how much of an overhang there will be onto the dock, nor is there any mention whether a dock box, typically used to store kayak-related equipment, will be prohibited on the main walkway, thereby affecting residents with mobility issues from safely traversing the dock.
- 2) Question 8 of the permit application references the purpose of the proposed installation is "...to have kayaks in a safer and more accessible location for the residents." In my view, this statement is a bit disingenuous since in my 10 years at WB I have only seen 3 residents use a kayak -one is Bob Dunstan, who has his own kayak launcher, and the other two take their kayaks to the water on wheels for launching. In fact, at least 15 of our residents are 70 years old or older, so I am unsure how much kayaking they will be engaging in. Yes, the demographics of the residents may change as people move out and in, but WB has historically been a "retirement community". If we are being fully transparent with the VMRC,

we have to acknowledge that these kayak racks are really for friends and family of residents and not WB residents themselves. The question needs to be asked whether a permit should issue for the sole benefit of non-residents to the detriment of a substantial number of WB residents?

3) The VMRC supplemental permit application clearly states that it takes into account Federal laws such as the Americans with Disabilities Act (ADA), "...when reviewing dock modification requests." As the Commission is well aware, one of the key provisions of the ADA is to provide a "reasonable accommodation" in order to enhance safety for people with disabilities. In this case, the accommodation requirement is not only obvious, but was the initial modification considered by WB, and then for reasons that have nothing to do with the real needs of WB, the proposed kayak installation selected disregards the issue of accessibility of all WB residents.

4) Section 45.2-1-1637 of the Code of Virginia lists several bases upon which a person may object to the issuance of a permit such as the one sought in this matter, and the third is that "...the permitted work will constitute a hazard to the safety of any person." It seems clear that what has been proposed is less safe for WB residents than alternatives previously discussed which will protect the health and safety of all WB residents.

Finally, I hope that what I have accomplished through my objection is to reflect the real health and safety needs of our community whereas, unfortunately, the permit application does not take into account what actually is best for all of WB's residents.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
5	KENT WORTHINGTON	10/21/2025 11:53:11 AM	OPPOSE

A KAYAK STORED AT A 60 DEGREE TIP ON A RACK WILL EASILY COLLECT RAINWATER, ADDING
AN UNMANAGEABLE WEIGHT TO THE WHOLE WHEN ATTEMPTING TO LAUNCH. THE DANGER SHOULD BE
EXAMINED BEFORE MULTIPLE RACKS ARE INSTALLED. WESTBAY RESIDENTS SHOULD TRY THIS PROCESS
OUT OVER TIME ON A SINGLE RACK.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
6	MATT CREAGER	10/21/2025 14:55:36 PM	OPPOSE

I AM RESPONDING ON BEHALF OF MY PARENTS, MR. & MRS. WILLIAM CREAGER. BOTH ARE ELDERLY AND DO NOT HAVE EMAIL CAPABILITIES. I AM CONVEYING THEIR COMMENTS IN REGARDS TO THE APPLICATION. THEY ARE BOTH OPPOSED TO THE INSTALLATION OF KAYAK RACKS ON THE DOCK FOR THE FOLLOWING REASONS:

 1. SAFETY - THE ADDITION OF THESE RACKS WILL POSE A SAFETY RISK TO PEOPLE WALKING ON THE DOCK.

 2. ACCESS - THE RACKS WILL ALSO DECREASE ACCESS TO BOAT SLIPS.

 3. VIEW - INSTALLATION OF THE RACKS WILL GREATLY DIMINISH THE AESTHETIC VIEWS OF THE BAY AND SURROUNDING WATERWAYS.

 4. UNNECESSARY COSTS - THE RACKS ARE EXPENSIVE AND WILL NOT BE USED BY THE VAST MAJORITY OF RESIDENTS.

Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
7	DIANE WHITTEN	10/22/2025 08:52:45 AM	OPPOSE

MY HUSBAND, HARRISON, WHO IS 98 YEARS OLD AND I HAVE LIVED AT 80 WESTBAY DRIVE FOR OVER 12 YEARS. WE ARE OPPOSED TO THE WESTBAY PERMIT APPLICATION FOR THE FOUR KAYAK RACKS SINCE IT WILL RESTRICT HIS USE OF DOCK 1. BECAUSE OF HIS LIMITED MOBILITY THIS IS THE ONLY DOCK AT WESTBAY HE CAN NAVIGATE. IT IS WIDER THAN DOCK 2, THUS ALLOWING WIDER SPACE TO NAVIGATE IN A SAFE MANOR. ALSO, THESE KAYAK RACKS WILL INTERFERE WITH OUR VIEW OF THE WATER. IN ADDITION, WE DID NOT RECEIVE ANY NOTICE OF THIS PERMIT APPLICATION FROM THE WESTBAY BOARD PRIOR TO ITS SUBMISSION TO VMRC; ONLY SEVERAL WEEKS LATER DID A NEIGHBOR INFORM ME OF THE APPLICATION.

Attachments:

Submitted photos for this comment will begin on next page.



**Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20251429**

Print Date: Thursday October 23 2025 15:46

1761137608.jpg



Virginia Marine Resources Commission Habitat Management Public Comments Application Number 20251429

Print Date: Thursday October 23 2025 15:46

Number	Name	Received	Position
8	JOHN L MARSHALL JR.	10/23/2025 10:09:55 AM	FAVOR

AS A HOMEOWNER AT WESTBAY, I WRITE IN SUPPORT OF THE REQUEST FOR VMRC TO AUTHORIZE THE INSTALLATION OF KAYAK RACKS AT WESTBAY. DOING SO WOULD ALLOW HOMEOWNERS IN THE NEIGHBORHOOD - WHO CHOSE TO DO SO " TO ENJOY THE BAY/NEARBY CREEKS WITH SAFE, ESTABLISHED ACCESS. IT WOULD CAUSE NO NEGATIVE ENVIRONMENTAL IMPACT.

 INSTALLING THE RACKS WOULD NOT CREATE ANY NEW SAFETY ISSUES RELATIVE TO THE STATUS QUO. AND, IMPORTANTLY, FOR THOSE WHO DON&TM T WANT TO USE THE RACKS AND KAYAK IN THE BAY AT ALL (WHICH IS AN INDIVIDUAL CHOICE), THERE ARE NO SAFETY ISSUES AT ALL.

 THANK YOU FOR CONSIDERING THESE COMMENTS.

 JOHN MARSHALL

SHELLFISH MANAGEMENT DIVISION EVALUATION, 10/28/2025

REQUEST:

Proposal to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Proposal to amend Chapter 4VAC20-650, "Establishment of Oyster Sanctuary Areas" to make non-substantive administrative language updates.

ISSUES:

At the September 23, 2025, Commission meeting the board adopted emergency amendments to Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public oyster harvest, public harvest seasons, oyster resource conservation measures. Under §28.2-210, these Emergency amendments shall remain in effect no longer than 30 days unless a public hearing is held.

The Commission adopted the following amendments at the September 23, 2025, Commission meeting:

1. The 2025-2026 areas of public oyster harvest, seasons, and gears as recommended by the Shellfish Management Advisory Committee (SMAC) (Attachment 1).
2. The modification of the current definition of "Hand Tong" to allow this gear to be pulled with "mechanical assistance".

In addition, the following amendments are proposed:

1. Oyster User Fee transfer exception for those unable to fully meet the transfer requirements due to hardship.
2. Modification to the May time of day restriction as requested by SMAC
3. Update non-substantive administrative language updates for Chapters 4VAC20-720 and 4VAC20-650.

§28.2-209 requires a newspaper publication of proposed regulations 15 days prior to the day of a scheduled public hearing. The scheduled advertisement was not published as requested, and by the time the error was identified, there was insufficient time to meet public notification and comment requirements. Due to regulatory timing and the immediate protection of the seafood industry, staff requested emergency adoption of regulatory amendments, which the Commission adopted. All items have been properly advertised in

advance of the October meeting.

Prior to October 1st of each year, the Commission can establish, by regulation, Chapter 4VAC20-720, “Pertaining to Restrictions on Oyster Harvest”, the areas of public oyster harvest, public oyster harvest seasons and oyster resource conservation measures if they choose these to be different from those which are established by §28.2-506 of the Code of Virginia. The Commission has no requirement to change the oyster season established by Code, but may do so, per section §28.2-507 of the Code of Virginia, “in order to protect or promote the growth of oysters”. The Commission may establish methods and seasons of harvest in those areas described in §28.2-524 of the Code of Virginia that “promote the oyster or clam fishery”.

BACKGROUND:

The reported oyster harvest from Virginia waters, on both public and private oyster ground, over the last 20 years has generally tracked upward from record low harvest in the 1990s and early 2000s. Seasonal harvest amounts are directly affected by the length of harvest season, the number of active harvesters, daily bushel limit, market conditions and the condition of the resource.

Preliminary reported harvest numbers for the 2024-2025 season are nearly identical to the previous season, and the reported harvest of ~258,000 bushels is still well above the 20-year average. Information gathered during the annual stock assessment surveys of the public oyster grounds is used in conjunction with the advice and recommendations of the SMAC and the Virginia Institute of Marine Science (VIMS) to develop the proposed public oyster harvest season and recommend management measures each year.

SMAC meetings were held on July 23rd and August 19th, 2025, to discuss and make a recommendation on the 2025-2026 public oyster harvest season (Attachment 1). SMAC also discussed adopting the use of “mechanically assisted” hand tongs. Under current regulation this gear must be operated entirely by hand. SMAC recommended that the Commission adopt regulatory changes that would allow the use of mechanical assistance to aid in raising hand tongs from the water for the harvest of clean cull oysters, while maintaining the prohibition on mechanical assistance for the harvest of seed oysters.

The Blue Ribbon Oyster Panel met on August 27th, 2025, to discuss rotational harvest strategies in the public oyster fishery. The Panel reviewed a recommendation from a Panel subgroup to explore the feasibility and potential benefits of implementing rotational harvest strategies within the public oyster fishery (Attachment 2).

Public comments were received by 30 individuals. Those individuals all supported the recommendation of the SMAC (Attachment 3).

STAFF

RECOMMENDATION: Staff recommends adopting the amendments to Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Staff recommends adopting the amendments Chapter 4VAC20-650, "Establishment of Oyster Sanctuary Areas" to make non-substantive administrative language updates.

ATTACHMENTS:

1. SMAC Recommended Season Chart Draft Regulation
2. Blue Ribbon Oyster Panel Subgroup on Rotational Harvest Strategies
3. Public Comments
4. Draft Regulations

Approved 2025 - 2026 Public Oyster Harvest Season

PLEASE CONSULT VMRC REGULATION 4VAC 20-720 PRIOR TO HARVESTING

Area	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
James								
Clean Cull	HT*	HT	HT	HT	HT	HT	HT	HT
Area 1,2,3	HT* HS*	HS*	HS*	HS*	HS*	HS*	HT	HT
White Shoal	HT*	HS*	HS*	HS*	HS*	HT	HT	HT
Seed Oysters	HT*	HT	HT	HT	HT	HT	HT	HT
York HTA	HT*	HT	HT	HT	HT	HT		
York 1 and 2	HT*	HT	HT	HT	HT	HT		
Mobjack/Piankatank	HT*	HT	HT	HT	HS*	HS*		
Milford Haven			HT	HT	HT			
CBPT Area		PT*	PT*	PT*	PT*	PT*		
Deep Rk		PT*	PT*	PT*	PT*	PT*		
Rappahannock								
Area 2					HS*	HS*		
Area 4	HS*	HS*						
Area 7			HS*					
Area 8				HS*				
Area 9	HT*	HT	HT	HT	HT	HT		
Corrotoman HTA	HT*	HT	HT	HT	HT	HT		
Great Wicomico 1			HS*					
Great Wicomico 2				HS*				
Blackberry Hangs					HS*	HS*		
Little Wicomico	HT*	HT	HT					
Nomini River	HT*	HT	HT					
Indian Creek	HT*	HT	HT	HT	HT	HT		
Poco Area 1			DR*	DR*	DR*			
Tangier Area 1			DR*	DR*	DR*			
Tangier Thorofare		DR*						
Poco Area 10	HT*	HT	HT	HT	HT HS*	HT		
Poco Sound HTAs	HT*	HT	HT	HT	HT	HT		
Seaside ES		By Hand	By Hand	By Hand	By Hand	By Hand		
		HT	HT	HT	HT	HT		
HT	HS		DR			PT		By Hand
Hand Tong	Hand Scrape		Dredge			Patent Tong		
* harvest ends at noon/ 11am in October						Online Mandatory Reporting Codes		
Bushel Limits						HT = OT		
8 bushel limit HS/DR/PT - 16 BU. Vessel limit						HS = OSCR		
14 bushel limit HT/By Hand - 28 BU. Vessel limit						DR = OYDRD		
https://webapps.mrc.virginia.gov/harvest/						PT = PTOYS		
						BY HAND = OYHND		



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 11, 2025

MEMORANDUM

TO: Virginia Blue Ribbon Oyster Panel

FROM: Blue Ribbon Oyster Panel Subgroup on Rotational Harvest Strategies

SUBJECT: RECOMMENDATIONS ON ROTATIOAL HARVEST STRATEGIES

BACKGROUND

At its May 9, 2025 meeting, the Blue Ribbon Oyster Panel (BROP) supported a dedicated subgroup to explore the feasibility and potential benefits of implementing rotational harvest strategies within the public oyster fishery. Panel members Dr. Jim Wesson and Dr. Roger Mann were tasked with leading this effort and reporting their findings and recommendations back to the full Panel.

The subgroup convened on July 9, 2025, with participation from Dr. Wesson, Dr. Mann, and staff from the Virginia Marine Resources Commission (VMRC) and Virginia Institute of Marine Science (VIMS). The discussion focused on the biological, operational, and economic implications of rotational harvest management.

There was broad consensus among the group that a three-year rotational harvest strategy can provide measurable benefits to oyster populations, as evidenced by recent research, including a 2024 VIMS study by Alexandria R. Marquardt [[Link](#)]. The study, along with long-standing observations from Virginia's managed harvest areas, supports the conclusion that rotational strategies improve resource stability, enhance sustainability, and provide predictability for industry stakeholders.

In addition to promoting long-term resource health, this strategy can help buffer the public fishery against episodic environmental events such as freshwater inflow or disease outbreaks that may temporarily impact localized oyster resources.

Adopting a structured three-year rotation within the public fishery will also improve the efficiency of resource planning, shell replenishment, and restoration activities, while offering financial and operational benefits to the fishery as a whole.

RECOMMENDATIONS

Rappahannock River

- Maintain the current three-year rotational harvest strategy for Areas 2 through 6. Each area should remain open to hand scraping for no more than two months during any given harvest season.
- Delay harvest in Area 1 for the 2025–2026 season to allow the area to be maintained and be reintegrated into the rotation alongside Area 6 in the 2026–2027 season.
- Reconfigure Areas 7 and 8, which are not currently managed in rotation, into three distinct management zones to support a new three-year rotational strategy. Each zone should allow no more than two months of harvest per season:
 - A revised Area 8 would be centered around Morattico Bar.
 - A revised Area 7 would include the southern portion of the current Area 7 and part of southern Area 8, encompassing Punch Bowl and extending downriver below Wicks Bars.
 - A new Area 10 would include the northern portions of current Areas 7 and 8, primarily covering Monaskin Bluff.
- Harvest schedule for the restructured areas:
 - Revised Area 7 would open in 2025–2026,
 - New Area 10 in 2026–2027,
 - Revised Area 8 in 2027–2028.

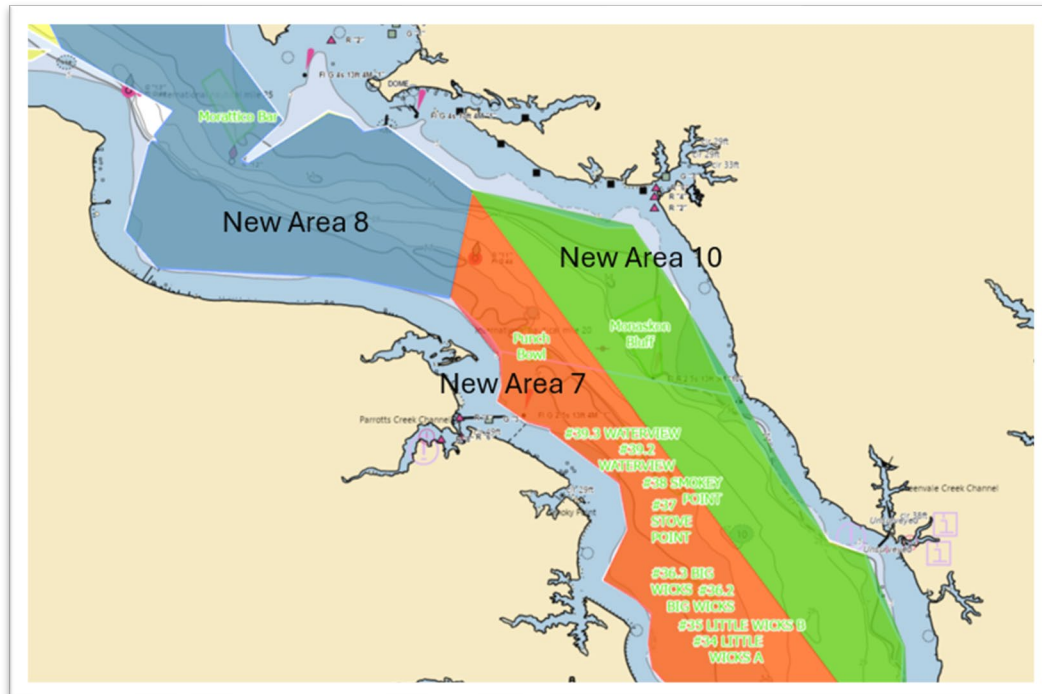


Figure 1. New rotational areas in upper Rappahannock

York River and Mobjack Bay

- Implement a three-year rotation strategy involving:
 - York River Area 1 (Pages),
 - York River Area 2 (Timberneck), and
 - Existing and newly designated areas in Mobjack Bay (including Pultz and Tow Stake).
- Add at least one new management area to Mobjack Bay to bring rotational parity with the two York River areas. This would include potential areas inside of Piankatank River or areas inside the Expanded Patent Tong Area described below.
- Limit harvest in each area to no more than two months per season.
- Harvest schedule:
 - York River Area 2 (Timberneck), to open in 2025–2026,
 - York River Area 1 (Pages), to open in 2026-2027,
 - Mobjack Bay areas (including any additions) to open in 2027-2028.

Great Wicomico River

- Return to a 2-year rotation. The upriver area (Area 1) should be open for the 2025-2026 season, with Area 2 open for the following season.
- Consider a 3-year rotational management approach if additional areas in the vicinity of Blackberry Hangs can be replenished to create areas comparable to current Area 1 and Area 2.

James River

- No changes to current management are recommended. The area appears to self-regulate based on where replenishment has occurred and market conditions.

Pocomoke and Tangier Sound

- Maintain the current 2-year rotation in the Pocomoke and Tangier Sound management areas.
- Pocomoke areas should be open for no more than three months.
- Any season extension into November or March should only occur in the areas scheduled to be open in the current rotation in Tangier Sound.
- Areas 9 and 10 in the Pocomoke should only be open to hand tong for the 2025-2026 season.

Patent Tong Area

- There was a consensus that it would be appropriate to open considerably more area to harvest, both north and south of the Deep Rock area.
- Harvest activity in the new area should be observed and documented. If harvesters can identify suitable areas, future replenishment and survey efforts should be expanded.

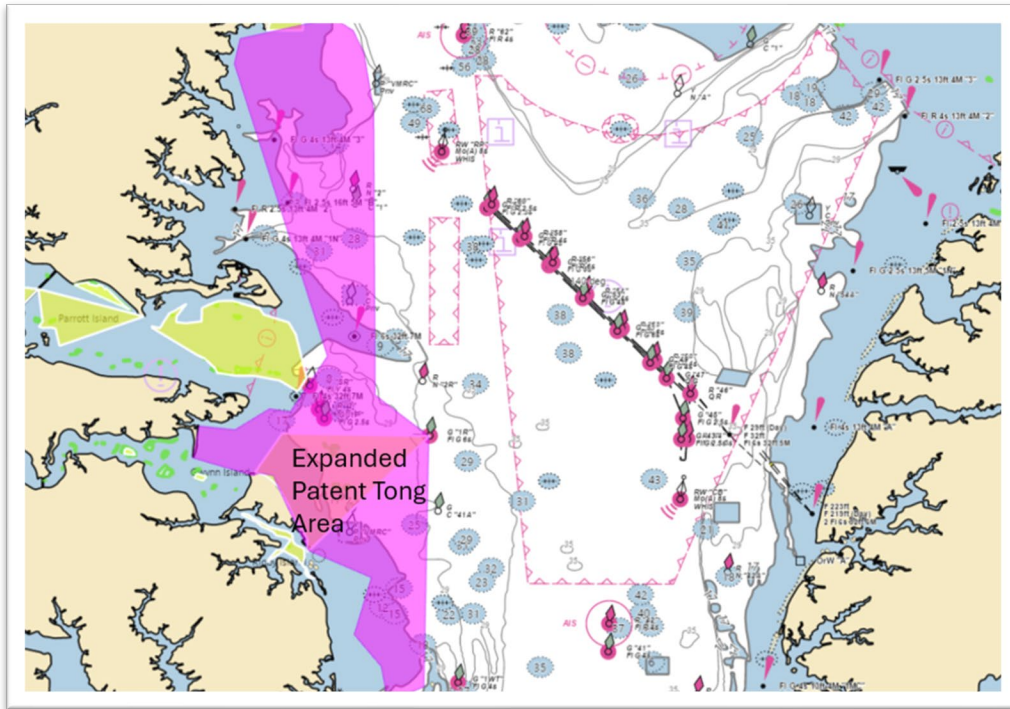


Figure 2. Expanded Patent Tong Area

Additional Considerations and Recommendations for Rotational Management

- Areas should not be opened outside of their scheduled rotation.
- Rotational management is effective when consistently supported by post-harvest replenishment.
- Reduced spat set or a reduction replenishment resource may have negative long-term impacts on the fishery.
- Vessel monitoring could be used to enhance the ability to target replenishment efforts and maximize returns on replenishment investments while providing fisheries managers with additional valuable information.

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
1	MONICA SCHENEMANN	10/19/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON OYSTER PANELS RECOMMENDATION PROPOSAL THE REASON IS BECAUSE IT WILL NOT SUSTAIN THE AMOUNT OF BOATS I SUPPORT SMACS SEASON PROPOSAL

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
2	JEFFREY SCHENEMANN	10/19/2025	OPPOSE

I AM IN SUPPORT OF SMAC RECOMMENDATION I AM NOT IN SUPPORT OF THE BLUE RIBBON OYSTER PANEL RECOMMENDATION !!

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
3	JASON P CLARK	10/19/2025	FAVOR

I WOULD LIKE TO SEE ALL PUBLIC BAYLOR GROUNDS OPENED UP FOR NOMINI KING COPSICO BAR AND STARVATION ROCK BOTH AREAS SHOULD BE OPEN SINCE NOMINI IS OPEN

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
4	ROBERT MATTHEWS	10/19/2025	OPPOSE

I DO NOT SUPPORT BLUE RIBBON OYSTER PANEL RECOMMENDATIONS I FEEL LIKE THERE IS NOT ENOUGH AREA FOR THE PROPOSED CHANGE TO SUPPORT THE OYSTER FLEET THE CATCH HAS BEEN GOOD THE WAY IT HAS BEEN FOR A FEW YEARS AND SE NO REASON IN CHANGING I SUPPORT SMAC PROPOSAL THANK YOU

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
5	IRVIN L DEIHL IV IV	10/19/2025	OPPOSE

AS A MEMBER OF THE SHELLFISH MANAGEMENT ADVISORY COMMITTEE WATERMEN AND INDUSTRY MEMBER I AM NOT IN FAVOR OF THE BLUE RIBBON OYSTER PANELS RECOMMENDATION FOR THE UPPER RAPPAHANNOCK RIVER I FEEL THAT CREATING AN AREA 10 WILL NOT NOT GIVE SUFFICIENT AREA TO BE A VIABLE RESOURCE I FEEL THAT THERE WILL BE SOME SAFETY CONCERNS WITH VESSELS WORKING IN A VERY SMALL AREA I ALSO BELIEVE THAT WORKING ANY OF THESE AREAS FOR TWO MONTHS WILL NOT BE SUSTAINABLE I THINK THE REPLENISHMENT COSTS WILL OUT WEIGHT THE SUSTAINABILITY OF THE ROTATION I THINK THE RECORD WILL SHOW THAT I AM VERY MUCH FOR CONSERVATION AND SUSTAINABILITY OF THE RESOURCE BUT I DON'T THINK THIS IS THE PROPER MANAGEMENT PRACTICE I HOPE THAT THE BLUE RIBBON PANEL AND SMAC CAN COME TO THE TABLE TOGETHER TO FIND A MORE PRACTICAL ANSWER

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
6	MICHAEL BROOKOVER	10/19/2025	OPPOSE

I DO NOT SUPPORT BLUE RIBBON OYSTER PANEL RECOMMENDATIONS THERE IS NOT ENOUGH AREA FOR THE PROPOSED CHANGE TO SUPPORT THE OYSTER FLEET I ALSO DO NOT SUPPORT THE HOOPS WE HAVE TO JUMP THROUGH TO MAKE A PUBLIC COMMENT

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
7	AARON T WEST	10/19/2025	OPPOSE

I DON'T THINK THEY NEED TO SPLIT IT UP IT'S BEEN FINE THE WAY IT IS

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
8	DUSTIN A WESTMAN	10/20/2025	OPPOSE

I AM NOT IN SUPPORT OF THE BLUE RIBBON OYSTER PANEL RECOMMENDATION! I AM IN SUPPORT OF THE SMAC RECOMMENDATION!

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
9	SHANNON B WESTMAN	10/20/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON PANEL RECOMMENDATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
10	ROBERT J WITTMAN JR. JR.	10/20/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON OYSTER PANEL PROPOSAL THERE IS NOT ENOUGH VIABLE GROUND ON "AREA 10" TO SUPPORT THE RAPPAHANNOCK OYSTER FLEET WHICH IN RETURN WOULD PUT UNNECESSARY PRESSURE ON OTHER CONCURRENT OPEN GROUNDS FURTHERMORE PUTTING THESE GROUNDS ON A 2 MONTH ROTATION I BELIEVE WOULD RESULT IN THE DEGRADATION OF OTHERWISE PROVEN SUSTAINABLE GROUNDS UNDER THE CURRENT 1 MONTH ROTATION I AM IN FULL SUPPORT OF THE CURRENT SMAC PROPOSAL I BELIEVE IT IS MADE WITH THE WATERMAN AND SUSTAINABILITY OF THE RESOURCE IN MIND

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
11	WILLIAM BLACKWELL	10/20/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON PANEL RECOMMENDATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
12	KEVIN SALMON	10/20/2025	OPPOSE

I'M IN FAVOR OF SMACS RECOMMENDATION NOT THE BLUE RIBBONS RECOMMENDATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
13	DANIEL KNOTT	10/21/2025	OPPOSE

I DO NOT OPPOSE THE SMAC SEASON PROPOSAL...I DO OPPOSE ANY ADJUSTMENT TO THE SEASON BASED ON THE BLUE RIBBON OYSTER RECOMMENDATION WE HAVE TO SUPPORT OUR ADVISORY COMMITTEE'S RECOMMENDATIONS AND UTILIZE THAT AVENUE TO DISCUSS THINGS LIKE THIS THIS ENSURES THE INPUT FROM ALL REALMS ARE CONSIDERED AND HOPEFULLY AVOIDS SINGULAR POLITICAL ENTITY INFLUENCE THAT DOESN'T NECESSARILY SUPPORT THE WHOLE

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
14	ADAM CROCKETT	10/21/2025	OPPOSE

I AM OPPOSED TO THIS REGULATION BECAUSE THE PROPOSED AREA 10 CANNOT SUPPORT A FLEET OF BOATS THERE ARE NOT ENOUGH GROUNDS HOLDING OYSTERS IN THAT SECTION ON THE NORTH SIDE OF THE RIVER TO JUSTIFY A NEW AREA

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
15	STEPHEN C DAMERON	10/21/2025	OPPOSE

I DO NOT THINK THAT THE AREA 7 8 CAN BE SPLIT TO FORM A SEPARATE ROCK AREA 10 I DON'T THINK THERE IS ENOUGH GROUNDS WITH RESOURCES TO JUSTIFY A FLEET OF BOATS TRYING TO MAKE A DAYS WORK ON THE PROPOSED AREA 10

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
16	DAVID PARKS	10/21/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON PANEL PROPOSAL I SUPPORT THE SMAC PROPOSAL SMAC AND VMRC STAFF WORK WELL TOGETHER WHAT THEY HAVE COLLECTIVELY BEEN DOING FOR MANY YEARS NOW HAS BEEN WORKING BLUE RIBBONS PROPOSAL IS NOT SUSTAINABLE IT WILL ALSO PUT OUR SAFETY AT RISK

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
17	JOHN Z HALL	10/22/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON PANEL RECOMMENDATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
18	ANGELA N MATTHEWS	10/22/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON OYSTER PANEL RECOMMENDATIONS I DO NOT FEEL LIKE THAT AREA 10 WILL BE BIG ENOUGH TO SUPPORT THE OYSTER FLEET AREA 7 AND 8 HAVE BEEN DOING WELL THE WAY IT HAS BEEN FOR THE LAST FEW YEARS I FULLY SUPPORT THE SMAC RECOMMENDATIONS

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
19	EMERSON E STEVENS	10/23/2025	OPPOSE

TOO MANY BOATS IN A SMALL AREA CERY CONCERNING FOR SAFETY

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
20	ALICE A HARDING	10/23/2025	OPPOSE

I OPPOSE THE BLUE RIBBON RECOMMENDATIONS THERE ISN'T ENOUGH ROOM FOR THE BOATS
HOWEVER I AM IN FAVOR OF THE SMAC RECOMMENATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
21	RICHARD DAVIS	10/23/2025	OPPOSE

I DO NOT SUPPORT THE BLUE RIBBON OYSTER PANEL'S PROPOSAL

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
22	ARTHUR L LOVING	10/23/2025	OPPOSE

THIS MAKES NO SENSE! IF YOU WANT TO DO SOMETHING WORTHWHILE OPEN UP AREA 9 AND THEN YOU CAN ROTATE 7 & 8 OUT EACH YEAR

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
23	JUSTIN M JENKINS	10/23/2025	OPPOSE

I OPPOSE THE BLUE RIBBON OYSTER PANEL IF AREA 7 8 WERE SPLIT TO FORM "AREA 10" THERE WOULDN'T BE ENOUGH WORKING ROOM FOR ALL THE BOATS OUT THERE I DO SUPPORT THE SMAC RECOMMENDATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
24	WELFORD C ASHBURN SR. SR	10/23/2025	OPPOSE

I OPPOSE THIS REGULATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
25	WELFORD C ASHBURN SR. SR	10/23/2025	OPPOSE

I OPPOSE THE REGULATION

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
26	CHEREE BROOKOVER	10/23/2025	OPPOSE

I OPPOSE THE DIVIDING OF THE AREAS THE AREAS WILL NOT HANDLE THE FLEET THE AREAS AND ROTATION THAT IS IN PLACE NOW HAS BEEN WORKING FINE WHY DO WE NEED TO MESS WITH IT?

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
27	JESSICA GALLAGHER	10/23/2025	OPPOSE

I OPPOSE THE PROPOSAL TO CREATE SECTION 10 UNDER CHAPTER 4VAC20 720 WHILE THE STATED GOAL IS SUSTAINABILITY THIS MEASURE WOULD FURTHER LIMIT ALREADY RESTRICTED PUBLIC HARVEST AREAS THE PROPOSED CLOSURES AND ROTATIONAL PLANS WOULD REDUCE AVAILABLE BOTTOM TO THE POINT THAT THERE WILL NOT BE ENOUGH ROOM TO SUPPORT VIRGINIA'S PUBLIC OYSTER FLEET THE WORKING WATERMEN WHO RELY ON THESE GROUNDS ARE ALREADY FACING LIMITED ACCESS AND SHORTER SEASONS ADDITIONAL RESTRICTIONS WILL PUSH MANY OUT OF THE FISHERY ALTOGETHER SUSTAINABLE MANAGEMENT MUST ALSO SUSTAIN THE PEOPLE AND COMMUNITIES WHO DEPEND ON IT I DO SUPPORT THE SMAC SEASON PROPOSAL WHICH PROVIDES A MORE BALANCED AND REALISTIC APPROACH THAT ALLOWS FOR CONTINUED PUBLIC HARVEST WHILE STILL PROMOTING RESOURCE CONSERVATION FOR THESE REASONS I RESPECTFULLY URGE THE COMMISSION TO REJECT THE ADOPTION OF CREATING SECTION 10 UNTIL A PLAN THAT SUPPORTS BOTH THE RESOURCE AND THE FLEET CAN BE DEVELOPED WITH DIRECT INPUT FROM WORKING WATERMEN

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
28	SHAWN ROSE	10/23/2025	OPPOSE

I DO NOT SUPPORT THE PROPOSAL BY THE BLUE RIBBON OYSTER PANEL THE PROPOSED NEW AREA 10 IS NOT NEARLY LARGE ENOUGH TO SUPPORT OR SUSTAIN THE OYSTER FLEET THIS PROPOSAL WOULD SERIOUSLY DAMAGE THE OYSTER GROUNDS BY FORCING MORE BOATS INTO SMALLER AREAS AND SUBSEQUENTLY EITHER RUIN THE GROUNDS OR PUT WATERMEN OUT OF BUSINESS IF THERE IS A PERCEIVED NEED TO CHANGE THE ROTATIONAL PLAN THEN IT SHOULD GO BEFORE THE SMAC WHERE THE MERITS OF A PLAN CAN BE DEBATED BY THE PEOPLE WHO IT WILL ACTUALLY IMPACT I DON'T FEEL THAT SEVERAL POLITICIANS AND A FEW SCIENTISTS ARE IN A POSITION TO MAKE MAJOR CHANGES THAT WOULD NEGATIVELY IMPACT AN ENTIRE INDUSTRY ESPECIALLY WHEN THE REGULATIONS AND PLANS THAT HAVE ALREADY BEEN PUT IN PLACE SEEM TO BE ACCOMPLISHING THE GOALS THEY WERE CREATED TO ACCOMPLISH I FAIL TO SEE ANY MERIT TO THIS PROPOSAL AND FEEL IT SHOULD BE REJECTED

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

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Number	Name	Received	Position
29	KAREN S TOWNSEND	10/23/2025	OPPOSE

DON'T THINK THE ROCK WOULD LAST AS MANY BOATS WOULD BE ON IT!! IT SEEMS TO ME THAT AS LONG AS RAPP IS OPEN THE BUYER PUSH THE WATERMAN TO WORK IN RAPP THAN ANY OTHER WATERS!! THINGS HAS BEEN WORKING JUST FINE THE WAY THEY ARE

Virginia Marine Resources Commission

Public Comments

Agenda Item: The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

Print Date: Friday October 24 2025 08:43

Number	Name	Received	Position
30	LINDSAY ROSE	10/23/2025	OPPOSE

I OPPOSE THE PROPOSAL BY THE BLUE RIBBON OYSTER PANEL THE PANELS WISH TO CREATE AN AREA 10 BY BASICALLY SHRINKING OTHER AREAS IS A HUGE MISTAKE THIS ACTION WOULD CAUSE POSSIBLE DESTRUCTION OF THE ROCKS AS IT WOULD FORCE TOO MANY BOATS INTO TOO SMALL AREAS THEY JUST WOULD NOT BE ABLE TO WITHSTAND THE PROPOSED ROTATION THE CURRENT PLAN CREATED BY SMAC WAS CREATED WITH THE INPUT OF ACTUAL WORKING WATERMEN AND WITH THE SUSTAINABILITY OF THE RESOURCE IN MIND THE SAME CANNOT BE SAID FOR THE PANELS PROPOSAL



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, VA 23651

Stefanie K. Taillon
Secretary of Natural
and Historic Resources

Jamie L. Green
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By October 9, 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, October 28, 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, October 23, 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 Shellfish Management Division items as early as 9:30 a.m.

I. Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest"

The Commission proposes to amend Chapter 4VAC20-720, "Pertaining to Restrictions on Oyster Harvest" to establish the 2025-2026 areas of public harvest, public oyster harvest seasons, oyster resource conservation measures, and an oyster user fee transfer exception.

In accordance with Section 28.2-203, 28.2-506, and 28.2-524 of the Code of Virginia, the purpose of these amendments is to manage the Virginia public oyster fishery for sustainable harvest and to prevent overfishing.

II. Chapter 4VAC20-650, "Establishment of Oyster Sanctuary Areas"

The Commission proposes to amend Chapter 4VAC20-650, "Establishment of Oyster Sanctuary Areas" to make non-substantive administrative language updates.

In accordance with Section 28.2-203, 28.2-506, and 28.2-524 of the Code of Virginia, the purpose of these amendments is to ensure regulatory language remains accurate and consistent with current agency structure as outlined in the Code of Virginia.

**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 WORKDAYS PRIOR TO THE MEETING DATE AND
IDENTIFY YOUR NEEDS.**

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.****PREAMBLE**

This chapter establishes times of closure and other restrictions, for conservation purposes, on the harvest of oysters from all oyster grounds in the tidal waters of the Commonwealth. This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-720-10 et seq., which was adopted ~~January 23, 2024~~ August 27, 2024, and made effective ~~January 26, 2024~~ October 1, 2024. The effective date of this chapter, as amended, is ~~October 1, 2024~~ October 31, 2025.

4VAC20-720-10. Purpose.

The purpose of this chapter is to conserve Virginia's oyster resources, especially oyster broodstock.

4VAC20-720-15. Control Date, License Moratorium, Transferability, and Agents.

A. The Marine Resources Commission (commission) hereby establishes July 1, 2014, as the control date for management of all public oyster fisheries in Virginia. Participation by any individual in any public oyster fishery after the control date may not be considered in the calculation or distribution of oyster fishing rights should entry limitations be established. Any individual entering the public oyster fishery after the control date will forfeit any right to future participation in the public oyster fishery should further entry limitations be established by the Commission.

B. Only individuals who paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia in any year, from 2013 through 2016, may pay that fee in 2017, for harvest of oysters from public ground in 2017. In any year following 2017, eligibility to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia shall be limited to those individuals who paid the oyster resource user fee for harvest of oysters from public ground in the previous year.

C. Should the number of people eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia in any given year fall below 600, a random drawing shall be held to award eligibility to pay that oyster resource user fee to individuals who were not previously eligible until the number of persons eligible to pay the fee reaches 600. Any Commercial Fisherman Registration Licensees may apply for the random drawing.

D. Any person eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia, or such person's legal representative, may transfer the eligibility to pay such user fee to:

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

CHAPTER 4 VAC 20-720-10 ET SEQ.

1. A transferee who is the transferor's spouse, sibling, parent, child, grandparent, or grandchild and who possesses a current Commercial Fisherman Registration License and intends to participate in the public oyster fishery.
2. A transferee other than a person described in subdivision 1 of this subsection if the transferor has paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia for the previous five consecutive calendar years and has satisfied one of the following conditions:
 - a. Has oyster harvest documented by Marine Resources Commission’s mandatory harvest reporting system and buyers’ reports in a minimum of three of the previous five calendar years; or
 - b. Has a Commissioner of the Marine Resources-approved documented medical hardship, active military service, or is deceased.

The Commissioner of Marine Resources, or designee, may grant exceptions to this subsection for individuals eligible for the oyster resource user fee that are unable to fully meet the transfer requirements due to hardship.

All transfers under this subsection shall be documented on a form provided by the Marine Resources Commission.

E. Exceptions to subsection B of this section shall only apply to those individuals who previously paid the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia and shall be based on documented medical hardships or active military ~~leave~~ service that prevented the fisherman from fully satisfying the requirements of subsection B of the section. The Commissioner of the Marine Resources, in consultation with the Shellfish Management Division, shall have final authority of approval or denial concerning such medical hardship or active military ~~leave~~ service exception requests.

F. No person shall serve as an agent for any public oyster gear licensee.

4VAC20-720-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.**

“Aid to navigation” means any public or private day beacon, lighted channel marker, channel buoy, lighted channel buoy, or lighthouse that may be at, or adjacent to, any Latitude and Longitude used in area descriptions.

"Beasley Bay Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Pocomoke Sound east of a line that begins at a point, located off the north end of Russell Island at Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence northerly to an end at Long Point at Latitude 37° 53.8568300' N., Longitude 75° 45.3632100' W.

"California Rock Area" means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Tangier Sound south of a line that begins at a point located approximately 1.6 miles east of East Point Marsh at Latitude 37° 50.4093779' N., Longitude 75° 56.5165564' W.; thence due east to an end at a point at Latitude 37° 50.4093779' N., Longitude 75° 53.6926361' W.

“Chesapeake Bay Patent Tong Area” means all public grounds and unassigned grounds, in that area of the Chesapeake Bay, including the Deep Rock Area, bounded by a line, beginning at the southeastern corner of the Upper Chesapeake Bay - Blackberry Hangs Area, at point, located at Latitude 37° 49.4231463’N ., Longitude 76° 13.1972058’ W.; thence southerly to the northeastern most corner of the Deep Rock Area, at a point, located at Latitude 37° 32.2712826’ N., Longitude 76° 11.4813655’ W.; thence southerly to the southeastern-most point at the corner of Public Ground 6 of Mathews Counts, located at Latitude 37° 23.2914687’ N., Longitude 76° 11.7129870’ W.; thence southerly to Plum Tree Point, located at Latitude 37° 07.634478’ N., Longitude 76° 17.4847488’ W.; thence northwesterly, following the western boundaries of public grounds in and in the vicinity of the Poquoson Flats, Poquoson River, Chisman Creek, and Back River, to Tue Point, at the mouth of the York River, located at Latitude 37° 13.7353263’ N., Longitude 76° 23.1214137’ W.; thence northeasterly to New Point Comfort Light, located at a point, at Latitude 37° 18.0444793’ N., Longitude 76° 16.5883654’ W.; thence northerly, following the inshore western boundary of public clam ground 906 and 905 in Mathews County to a point, located at Latitude 37° 22.8921535’ N., Longitude 76° 14.8393041’ W.; thence northerly to the south western most corner of the Deep Rock Area, located at Latitude 37° 28.1475258’ N., Longitude 76° 15.8185669’ W.; thence northerly following the boundary of the Deep Rock Area to Cherry Point, located at Latitude 37° 30.9790359’ N., Longitude 76° 17.6755365’ W.; thence westerly to Stove Point, located at Latitude 37°

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.**

31.4971000’ N., Longitude 76° 19.8766986’ W.; thence following the shoreline north and north easterly to Stingray Point, located at Latitude 37° 33.5324634’ N., Longitude 76° 17.8232983’ W.; thence north easterly to the eastern most corner of Rappahannock Rotation Area 1, located at Latitude 37° 34.329127’ N., Longitude 76° 15.8396537’ W.; thence northerly to a point east of Windmill Point, located at Latitude 37° 36.9479925’ N., Longitude 76° 16.5064757’ W.; thence northerly to Hughlett Point, located at Latitude 37° 43.7775644’ N., Longitude 76° 18.0814988’ W.; thence northerly to the north eastern corner of public ground 28 of Northumberland County, located at Latitude 37° 46.38727361’ N., Longitude 76° 18.235200’ W.; thence easterly to the southeastern corner of Great Wicomico Rotation Area 2, located at Latitude 37° 46.6609063’ N., Longitude 76° 15.9799327’ W.; thence north to boundary line between Great Wicomico Rotation Area 1 and 2, located at Latitude 37° 48.2078168’ N., Longitude 76° 15.9799324’ W.; thence northerly to the south western corner of Upper Chesapeake Bay - Blackberry Hangs Area, located at Latitude 37° 50.0560555’ N., Longitude 76° 15.0023233’ W.; thence easterly to the southeastern corner of the Upper Chesapeake Bay - Blackberry Hangs Area, at point, located at Latitude 37° 49.4231463’ N., Longitude 76° 13.1972058’ W., said point being the point of beginning.

“Clean culled oyster” means any oyster taken from natural public beds, rocks, or shoals that is three inches or greater in shell length.

"Coan River Area" means the Public Grounds within the Coan River consisting of Public Grounds 77 and 78 of Northumberland County described as:

Public Ground 77 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 2,300 feet northeast of Honest Point and 1,300 feet southwest of Travis Point, said point being Corner 1, located at Latitude 37° 59.5257207’ N., Longitude 76° 27.8810639’ W.; thence southwesterly to Corner 2, Latitude 37° 59.3710259’ N., Longitude 76° 27.9962148’ W.; thence southwesterly to Corner 3, Latitude 37° 59.2953830’ N., Longitude 76° 28.0468953’ W.; thence northwesterly to Corner 4, Latitude 37° 59.3350863’ N., Longitude 76° 28.0968837’ W.; thence northeasterly to Corner 5, Latitude 37° 59.3965161’ N., Longitude 76° 28.0287342’ W.; thence northwesterly to Corner 6, Latitude 37° 59.4758507’ N., Longitude 76° 28.1112280’ W.; thence north-northwesterly to Corner 7, Latitude 37° 59.5079401’ N., Longitude 76° 28.1230058’ W.; thence

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**CHAPTER 4 VAC 20-720-10 ET SEQ.**

northeasterly to Corner 8, Latitude 37° 59.5579153' N., Longitude 76° 27.9889429' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

Public Ground 78 of Northumberland County is located near the mouth of the Coan River, beginning at a point approximately 3,420 feet southeast of Travis Point and 3,260 feet northwest of Great Point, said point being Corner 1, located at Latitude 37° 59.4822275' N., Longitude 76° 27.1878637' W.; thence southeasterly to Corner 2, Latitude 37° 59.3824046' N., Longitude 76° 27.1088650' W.; thence southwesterly to Corner 3, Latitude 37° 59.2283287' N., Longitude 76° 27.8632901' W.; thence northeasterly to Corner 4, Latitude 37° 59.4368502' N., Longitude 76° 27.6868001' W.; thence continuing northeasterly to Corner 5, Latitude 37° 59.5949216' N., Longitude 76° 27.5399436' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

"Corrotoman Hand Tong Area" means all public grounds in that area of the Corrotoman River and its tributaries north of a line beginning at Bar Point at Latitude 37° 41.65256000' N., Longitude 76° 28.66195000' W.; thence easterly to Black Stump Point at Latitude 37° 41.7360900' N., Longitude 76° 28.1212200' W.

"Deep Rock Area" means all public grounds and unassigned grounds, in that area of the Chesapeake Bay near Gwynn Island, beginning at Cherry Point at the western-most point of the eastern headland of Kibble Pond located at Latitude 37° 30.9802148' N., Longitude 76° 17.6764393' W.; thence northeasterly to the Piankatank River, Flashing Green Channel Light "3", Latitude 37° 32.3671325' N., Longitude 76° 16.7038334' W.; thence east-southeasterly to the Rappahannock River Entrance Lighted Buoy G"1R", Latitude 37° 32.2712833' N., Longitude 76° 11.4813666' W.; thence southwesterly to the southern-most point of Sandy Point, the northern headland of "The Hole in the Wall", Latitude 37° 28.1475258' N., Longitude 76° 15.8185670' W.; thence northwesterly along the Chesapeake Bay mean low water line of the barrier islands of Milford Haven, connecting headland to headland at their eastern-most points, and of Gwynn Island to the western-most point of the eastern headland of Kibble Pond on Cherry Point, said point being the point of beginning.

"Deep Water Shoal State Replenishment Seed Area" or "DWS" means that area in the James River near Mulberry Island, beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1, located at Latitude 37° 08.9433287' N., Longitude 76° 38.3213007' W.; thence southeasterly to Corner 2, Latitude 37° 09.5734380' N., Longitude 76° 37.8300582' W.; thence southwesterly to Corner 3, Latitude 37° 08.9265524' N., Longitude 76° 37.0574269' W.; thence westerly to Corner 4, Latitude 37° 08.4466039' N., Longitude 76° 37.4523346' W.; thence northwesterly to Corner 5, Latitude 37° 08.4491489' N., Longitude 76° 38.0215553' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

"Great Wicomico River Hand Tong Area" means that area of the Great Wicomico River known as Haynie Point, Sandy Point, and Shell Bar.

Haynie Point consists of the area bounded by a line beginning at a point located at Latitude 37° 49.7907323' N., Longitude 76° 18.6294277' W.; thence northeasterly to a point located at Latitude 37° 49.8578592' N., Longitude 76° 18.5570328' W.; thence southeasterly to a point located at Latitude 37° 49.7892242' N., Longitude 76° 18.5140118' W.; thence southwesterly to a point located at Latitude 37° 49.7380000' N., Longitude 76° 18.5672041' W.; thence northwesterly to a point located at Latitude 37° 49.7907323' N., Longitude 76° 18.6294277' W., being the point of beginning, containing 4.64 acres.

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Sandy Point consists of the area bounded by a line beginning at a point located at Latitude 37° 49.2576829' N., Longitude 76° 18.7547649' W.; thence northeasterly to a point located at Latitude 37° 49.2832242' N., Longitude 76° 18.6559957' W.; thence northeasterly to a point located at Latitude 37° 49.3541620' N., Longitude 76° 18.4765658' W.; thence southerly to a point located at Latitude 37° 49.2917724' N., Longitude 76° 18.4583880' W.; thence southwesterly to a point located at Latitude 37° 49.2335757' N., Longitude 76° 18.6003145' W.; thence southwesterly to a point located at Latitude 37° 49.2166701' N., Longitude 76° 18.7332435' W.; thence northwesterly to a point located at Latitude 37° 49.2576829' N., Longitude 76° 18.7547649' W., being the point of beginning, containing 11.71 acres.

Shell Bar consists of the area bounded by a line beginning at a point located at Latitude 37° 49.4334037' N., Longitude 76° 18.9831193' W.; thence northeasterly to a point located at Latitude 37° 49.5165040' N., Longitude 76° 18.9165237' W.; thence southeasterly to a point located at Latitude 37° 49.3666408' N., Longitude 76° 18.7164965' W.; thence southwesterly to a point located at Latitude 37° 49.3169571' N., Longitude 76° 18.8165540' W.; thence northwesterly to a point located at Latitude 37° 49.3499945' N., Longitude 76° 18.9166098' W.; thence northwesterly to a point located at Latitude 37° 49.4334037' N., Longitude 76° 18.9831193' W., being the point of beginning, containing 17.67 acres.

“Great Wicomico River Rotation Area 1” means all Public Grounds and unassigned grounds in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay beginning at a point on Sandy Point, Latitude 37° 49.3269652' N., Longitude 76° 18.3821766' W.; thence easterly to the southern-most point of Cockrell Point, Latitude 37° 49.2664838' N., Longitude 76° 17.3454434' W.; thence easterly following the mean low water line of Cockrell Point to a point on the boundary of Public Ground 115 at Cash Point, Latitude 37° 49.2695619' N., Longitude 76° 17.2804046' W.; thence southeasterly to the gazebo on the pier head at Fleeton Point, Latitude 37° 48.7855824' N., Longitude 76° 16.9609311' W.; thence southeasterly to the Great Wicomico River Light; Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W.; thence westerly to a point on the offshore end of the southern jetty at the entrance to Towles Creek, Latitude 37° 48.3743771' N., Longitude 76° 17.9600320' W.; thence northerly crossing the entrance to Towles Creek at the offshore ends of the jetties and continuing along the mean low water line to Bussel Point, Latitude 37° 48.6879208' N., Longitude 76° 18.4670860' W.; thence northwesterly to the northern headland of Cranes Creek, Latitude 37° 48.8329168' N., Longitude 76° 18.7308073' W.; thence following the mean low water line northerly to a point on Sandy Point, Latitude 37° 49.3269652' N., Longitude 76° 18.3821766' W., said point being the point of beginning.

“Great Wicomico River Rotation Area 2” means all public grounds and unassigned grounds in that area of the Great Wicomico River, Ingram Bay, and the Chesapeake Bay beginning at a point on Great Wicomico River Light, Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W.; thence due south to a point due east of the southern-most point of Dameron Marsh, Latitude 37° 46.6610003' N., Longitude 76° 16.0570007' W.; thence due west to the southern-most point of Dameron Marsh, Latitude 37° 46.6609070' N., Longitude 76° 17.2670707' W.; thence along the mean low water line of Dameron Marsh, north and west to Garden Point, Latitude 37° 47.2519872' N., Longitude 76° 18.4028142' W.; thence northwesterly to Windmill Point, Latitude 37° 47.5194547' N., Longitude 76° 18.7132194' W.; thence northerly along the mean low water to the western headland of Harveys Creek, Latitude 37° 47.7923573' N., Longitude 76° 18.6881450' W.; thence east-southeasterly to the eastern headland of Harveys Creek, Latitude 37° 47.7826936' N., Longitude 76° 18.5469879' W.; thence northerly along the mean low water line to a point on the offshore end of the southern jetty at the

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entrance to Towles Creek, Latitude 37° 48.3743771' N., Longitude 76° 17.9600320 W., thence easterly to Great Wicomico River Light, Latitude 37° 48.2078167' N., Longitude 76° 15.9799333' W , said point being the point of beginning.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

“Hand tong” or “ordinary tong” means any pincers, nippers, tongs, or similar device used in catching oysters, which consist of two shafts or handles attached to opposable and complementary pincers, baskets or containers ~~operated entirely by hand, from the surface of the water and has no external or internal power source.~~

“Hurleys Rock Area” means that portion of Pocomoke and Tangier Sound Rotation Area 1 in the Tangier Sound north of a line beginning at a point on the Maryland-Virginia state line, located at Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W., thence due west to an end at a point at Latitude 37° 54.6136000' N., Longitude 76° 00.0687800' W.

"Indian Creek Area" means all public grounds and unassigned grounds in that area of Indian Creek and its tributaries in Northumberland and Lancaster Counties between a line beginning at a point on the shore on the south side of the creek located at Latitude 37° 041.4021100' N., Longitude 76° 20.7493600' W.; thence in a straight line to a point on shore on the north side of the creek located at Latitude 37° 041.4999200' N., Longitude 76° 20.5974400' W.; thence southeasterly to a line beginning on the south shore of the mouth of the creek located at Latitude 37° 041.2975900' N., Longitude 76° 19.5082500' W.; thence in a straight line to a point on shore on the north side of the mouth of the creek located at Latitude 37° 041.0934000' N., Longitude 76° 18.7589400' W.

“James River Area 1” means all Public Grounds and unassigned grounds in that area of the James River, excluding White Shoal, beginning at the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833' N., Longitude 76° 32.7785333' W.; thence southeasterly to the Flashing Green Channel Light #3, located at Latitude 37° 01.7124500' N., Longitude 76° 31.8210667' W.; thence southeasterly to the Flashing Green Channel Light #1, located at Latitude 37° 00.7666667' N., Longitude 76° 29.9083333' W.; thence southeasterly to the northeast corner of the western draw span pier of the James River Bridge (U.S. Route 17), Latitude 37° 00.1524824' N., Longitude 76° 28.1581984' W.; thence southwesterly along the upstream side of the James River Bridge to the mean low water line; thence northwesterly along the mean low water line, crossing Kings Creek at

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the headlands and continuing along the mean low water line to a point on the shore at Rainbow Farm Point in line with VMRC Markers “STH” and “SMT”, located at Latitude 37° 00.1965862’ N., Longitude 76° 34.0712010’ W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328 N., Longitude 76° 33.5955842’ W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160’ N., Longitude 76° 33.3887351’ W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833’ N., Longitude 76° 32.7785333’ W., said point being the point of beginning.

“James River Area 2” means all Public Grounds and unassigned grounds in that area of the James River beginning at the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833’ N., Longitude 76° 32.7785333’ W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540’ N., Longitude 76° 32.0960864’ W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055’ N., Longitude 76° 31.4231211’ W.; thence to a point on the north shore of the river at Blunt (Blount) Point, said point being in line with VMRC Markers “NMT” and “NTH” and located at Latitude 37° 03.3805862’ N., Longitude 76° 31.1444562’ W.; thence southeasterly along the mean low water line to the upstream side of the James River Bridge (U.S. Route 17); thence westerly along the James River Bridge to the northeast corner of the western draw span pier, Latitude 37° 00.1524824’ N., Longitude 76° 28.1581984’ W.; thence northwesterly to the Flashing Green Channel Light #1, located at Latitude 37° 00.7666667’ N., Longitude 76° 29.9083333’ W.; thence northwesterly to the Flashing Green Channel Light #3, located at Latitude 37° 01.7124500’ N., Longitude 76° 31.8210667’ W.; thence northwesterly to the Flashing Green Channel Light #5, located at Latitude 37° 02.3528833’ N., Longitude 76° 32.7785333’ W. said point being the point of beginning

“James River Area 3” means those Public Grounds of Isle of Wight County and Nansemond County (City of Suffolk) located in the James River and Nansemond River west of the Monitor Merrimac Memorial Bridge Tunnel (Route I-664), northeast of the Mills E. Godwin, Jr. Bridge (U.S. Route 17) on the Nansemond River, and south of the James River Bridge (U.S. Route 17).

“James River Seed Area” means all public grounds and unassigned grounds in that area of the James River and its tributaries with a southeastern boundary beginning at a point on the shore on the south side of the river at Rainbow Farm Point in Isle of Wight County located at Latitude 37° 00.1965862’ N., Longitude 76° 34.0712010’ W.; thence north-northeasterly to a VMRC Marker “STH”, Latitude 37° 00.9815328 N., Longitude 76° 33.5955842’ W.; thence to a VMRC Marker “SMT”, at Latitude 37° 01.3228160’ N., Longitude 76° 33.3887351’ W.; thence to the Flashing Green Channel Light #5, at Latitude 37° 02.3528833’ N., Longitude 76° 32.7785333’ W.; thence northeasterly to a VMRC Marker “NMT”, Latitude 37° 02.7740540’ N., Longitude 76° 32.0960864’ W.; thence to a VMRC Marker “NTH” located at Latitude 37° 03.2030055’ N., Longitude 76° 31.4231211’ W.; thence to a point on the north shore of the river at Blunt (Blount) Point, in the City of Newport News, located at Latitude 37° 03.3805862’ N., Longitude 76° 31.1444562’ W.; the northern boundary, being a straight line, beginning at a point on the shore on the east side of the river in the City of Newport News, at Latitude 37° 08.4458787’ N., Longitude 76° 37.2855533’ W., thence westerly to the southeast corner of the Deep Water Shoal

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State Replenishment Seed Area, Latitude 37° 08.4466039' N., Longitude 76° 37.4523346' W.; thence westerly to the southwest corner of the Deep Water Shoal State Replenishment Seed Area, Latitude 37° 08.4490472' N., Longitude 76° 38.0215554' W.; thence westerly to a point on the shore on the west side of the river at the mouth of Lawnes Creek in Isle of Wight County, Latitude 37° 08.4582990' N., Longitude 76° 40.2816023' W.

"Larsons Bay Area" means all public grounds in that area of Larsons Bay in the Rappahannock River, beginning at Cherry Point at Latitude 37° 37.6554400' N., Longitude 76° 24.1203200' W.; thence south east to the southern-most corner of the house on Mosquito Point at Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence following the Ordinary Mean Low Water line in a northwesterly direction to Cherry Point, said point being the point of beginning.

"Latitude and Longitude" means values that are based upon a geodetic reference system of the North American Datum of 1983 (NAD83). When Latitude and Longitude are used in any area description, in conjunction with any physical landmark, to include aids to navigation, the Latitude and Longitude value is the legal point defining the boundary.

"Little Wicomico River" means that area of the Little Wicomico River inside of Public Ground 43 of Northumberland County, located in the Little Wicomico River near Bridge Creek, beginning at a point approximately 150 feet north of Peachtree Point, said point being Corner 1, located at Latitude 37° 53.2910650' N., Longitude 76° 16.7312926' W.; thence southwesterly to Corner 2, Latitude 37° 53.2601877' N., Longitude 76° 16.8662408' W.; thence northwesterly to Corner 3, Latitude 37° 53.2678470' N., Longitude 76° 16.8902408' W.; thence northeasterly to Corner 4, Latitude 37° 53.3113148' N., Longitude 76° 16.8211543' W.; thence southeasterly to Corner 1, said corner being the point of beginning.

"Middle Ground" means all public grounds in the area of the Corrotoman River between a line beginning at Ball Point at Latitude 37° 40.65133000' N., Longitude 76° 28.4440000' W.; thence easterly to a point at the western side of the mouth of Taylor Creek at Latitude 37° 40.97331000' N., Longitude 76° 27.59471000' W.; upstream to a line from Bar Point at Latitude 37° 41.65256000' N., Longitude 76° 28.66195000' W.; thence easterly to Black Stump Point, at Latitude 37° 41.7360900' N., Longitude 76° 28.1212200' W.

"Milford Haven" means all public grounds and unassigned grounds in that area of Milford Haven and its tributaries bound on the west by a line from a point on the southernmost point of land of the north shore of Milford Haven being near the end of State Route 634, Latitude 37° 29.5971' N., Longitude 76° 18.1822' W.; thence south-southeasterly to a point on the northeast corner of the pier head of the long pier being on the south shore of Milford Haven immediately west of the Sea Farms Inc. facility, Latitude 37° 29.3546' N., Longitude 76° 18.1323' W.; thence following the east side of the pier to the shore and bound on the east by a line from a point on the shore at the western headland of the wash formerly Hills Creek, Latitude 37° 29.0278' N., Longitude 76° 16.3834' W.; thence easterly to a point on the north shore of Sandy Point near Latitude 37° 29.0017' N., Longitude 76° 16.1640' W.; thence following the shore of the east side of Sandy Point to a point on the shoreline at Latitude 37° 28.6233' N., Longitude 76° 15.8605' W.; thence in a line south-southeasterly to a point on the breakwater at Haven Beach, Latitude 37° 26.2006' N., Longitude 76° 15.1257' W.

"Mobjack Bay Area" means that area of Mobjack Bay consisting of Public Ground 2 of Mathews County (Pultz Bar) and Public Ground 25 of Gloucester County (Tow Stake) described as:

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Public Ground 2 of Mathews County, known as Pultz Bar, is located in Mobjack Bay, beginning at a point approximately 5,420 feet south of Minter Point, said point being Corner 1, located at Latitude 37° 21.2500000' N., Longitude 76° 21.3700000' W.; thence easterly to Corner 2, Latitude 37° 21.2700000' N., Longitude 76° 20.9600000' W.; thence southerly to Corner 3, Latitude 37° 21.0200000' N., Longitude 76° 20.9400000' W.; thence westerly to Corner 4, Latitude 37° 21.0500000' N., Longitude 76° 21.3300000' W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 25 of Gloucester County, known as Tow Stake, is located in Mobjack Bay, near the mouth of the Severn River, beginning at a point approximately 2,880 feet east-northeast of Tow Stake Point, said point being Corner 1, located at Latitude 37° 20.3883888' N., Longitude 76° 23.5883836' W.; thence northeasterly to Corner 2, Latitude 37° 30.5910482' N., Longitude 76° 23.2372184' W.; thence southeasterly to Corner 3, Latitude 37° 20.3786971' N., Longitude 76° 22.7241180' W.; thence southwesterly to Corner 4, Latitude 37° 19.8616759' N., Longitude 76° 23.5914937' W.; thence northwesterly to Corner 5, Latitude 37° 20.0284019' N., Longitude 76° 23.7717423' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

“Nomini Creek Area” means that area of Nomini Creek inside of Public Grounds 26 and 28 of Westmoreland County.

Public Ground 26 of Westmoreland County is located in Nomini Creek, north of Beales Wharf and east of Barnes Point, beginning at a point approximately 1,400 feet north of Barnes Point, said point being Corner 1, located at Latitude 38° 07.2690219' N., Longitude 76° 42.6784210' W.; thence southeasterly to Corner 2, Latitude 38° 07.0924060' N., Longitude 76° 42.4745767' W.; thence southwesterly to Corner 3, Latitude 38° 06.8394053' N., Longitude 76° 42.6704025' W.; thence northwesterly to Corner 4, Latitude 38° 06.8743004' N., Longitude 76° 42.7552151' W.; thence northeasterly to Corner 5, Latitude 38° 07.0569717' N., Longitude 76° 42.5603535' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 28 of Westmoreland County is located at the mouth of Nomini Creek, beginning at a point approximately 50 feet west of White Oak Point, said point being Corner 1, located at Latitude 38° 07.6429987' N., Longitude 76° 43.0337082' W.; thence south-southeasterly to Corner 2, Latitude 38° 07.2987193' N., Longitude 76° 43.1101420' W.; thence northwesterly to Corner 3, Latitude 38° 07.7029267' N., Longitude 76° 43.3337762' W.; thence west to the mean low water line, Latitude 38° 07.7031535' N., Longitude 76° 43.3378345' W.; thence northerly and westerly along the mean low water line of Nomini Creek to a point southwest of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence northeasterly to a point on the mean low water line at the southern-most point of Cedar Island, Latitude 38° 07.8986449' N., Longitude 76° 43.6329097' W.; thence following the mean low water line of the southern and eastern sides of Cedar Island to a point, Latitude 38° 08.0164430' N., Longitude 76° 43.4773169' W.; thence northeasterly to Corner 4, Latitude 38° 08.0712849' N., Longitude 76° 43.4416606' W.; thence northeasterly to a point on the northern headland of Nomini Creek at the mean low water line, said point being Corner 5, Latitude 38° 08.2729626' N., Longitude 76° 43.3105315' W.; thence following the mean low water line of White Point to a point northwest of Snake Island, Corner 6, Latitude 38° 08.4066960' N., Longitude 76° 42.9105565' W.; thence southeast, crossing the mouth of Buckner Creek, to a point on the mean low water line of Snake Island, Corner 7, Latitude 38° 08.3698254' N., Longitude 76° 42.8939656' W.; thence southeasterly following the mean low water

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line of Snake Island to Corner 8, Latitude 38° 08.2333798' N., Longitude 76° 42.7778877' W.; thence south-southwesterly, crossing the mouth of Buckner Creek, to Corner 9, Latitude 38° 08.2134371' N., Longitude 76° 42.7886409' W.; thence southeasterly to a point on the mean low water line of the southern headland of Buckner Creek, Corner 10, Latitude 38° 08.1956281' N., Longitude 76° 42.7679625' W.; thence southwesterly following the mean low water line of Nomini Creek, crossing the mouth of an un-named cove at the narrowest point between the headlands and continuing to follow the mean low water line to a point on White Oak Point, Latitude 38° 07.6428228' N., Longitude 76° 43.0233530' W.; thence west to Corner 1, said point being the point of beginning.

“Oyster” means any shellfish of the species *Crassostrea virginica*.

"Oyster dredge" means any device having a maximum weight of 150 pounds with attachments, maximum width of 50 inches, and maximum tooth length of four inches.

"Oyster patent tong" means any patent tong not exceeding 100 pounds in gross weight, including any attachment other than rope and with the teeth not to exceed four inches in length.

"Oyster resource user fee" means a fee that must be paid each calendar year by anyone who grows, harvests, shucks, packs or ships oysters, for commercial purposes.

"Piankatank River Area" means ~~that area~~ those areas in the Piankatank River known as Bland Point, Burton Point ~~bounded by a line beginning at a point located at Latitude 37° 30.8149992' N., Longitude 76° 19.8179990' W.; thence northeasterly to a point located at Latitude 37° 30.9333442' N., Longitude 76° 19.7333318' W.; thence southeasterly to a point located at Latitude 37° 30.8832475' N., Longitude 76° 19.5827984' W.; thence southeasterly to a point located at Latitude 37° 30.8335420' N., Longitude 76° 19.3835660' W.; thence southwesterly to a point located at Latitude 37° 30.6867440' N., Longitude 76° 19.5250181' W.; thence northwesterly to a point located at Latitude 37° 30.7700556' N., Longitude 76° 19.7721907' W.; thence northwesterly to a point located at Latitude 37° 30.8149992' N., Longitude 76° 19.8179990' W., being the point of beginning, containing 38.99 acres, and Cape Tune.~~

Bland Point means that area in the Piankatank River bounded by a line beginning at a point located at Latitude 37° 31.7504466' N., Longitude 76° 21.3243911' W.; thence westerly to a point located at Latitude 37° 31.7928543' N., Longitude 76° 21.5539642' W.; thence northerly to a point located at Latitude 37°

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31.9666666' N., Longitude 76° 21.4833333' W.; thence easterly to a point located at Latitude 37° 31.9166666' N., Longitude 76° 21.2666666' W.; thence southerly to a point located at Latitude 37° 31.7504466' N., Longitude 76° 21.3243911' W., being the point of beginning.

Burton Point means that area in the Piankatank River bounded by a line beginning at a point located at Latitude 37° 30.8149992' N., Longitude 76° 19.8179990' W.; thence northeasterly to a point located at Latitude 37° 30.9333442' N., Longitude 76° 19.7333318' W.; thence southeasterly to a point located at Latitude 37° 30.8832475' N., Longitude 76° 19.5827984' W.; thence southeasterly to a point located at Latitude 37° 30.8335420' N., Longitude 76° 19.3835660' W.; thence southwesterly to a point located at Latitude 37° 30.6867440' N., Longitude 76° 19.5250181' W.; thence northwesterly to a point located at Latitude 37° 30.7700556' N., Longitude 76° 19.7721907' W.; thence northwesterly to a point located at Latitude 37° 30.8149992' N., Longitude 76° 19.8179990' W., being the point of beginning.

Cape Tune means that area in the Piankatank River bounded by a line beginning at a point located at Latitude 37° 31.1154576' N., Longitude 76° 20.8133418' W.; thence easterly to a point located at Latitude 37° 31.0500000 ' N., Longitude 76° 20.6333333 ' W.; thence southerly to a point located at Latitude 37° 30.8250970 ' N., Longitude 76° 20.7108568 ' W.; thence westerly to a point located at Latitude 37° 30.8350000' N., Longitude 76° 20.9683333' W.; thence northerly to a point located at Latitude 37° 31.1154576' N., Longitude 76° 20.8133418' W., being the point of beginning.

"Piankatank River Hand Tong Area" means that area in the Piankatank River known as Palace Bar bounded by a line beginning at a point located at Latitude 37° 31.6366756' N., Longitude 76° 22.2999953' W.; thence northly to a point located at Latitude 37° 31.7574943' N., Longitude 76° 22.2966779' W.; thence northeasterly to a point located at Latitude 37° 31.8291757' N., Longitude 76° 22.2483355' W.; thence southeasterly to a point located at Latitude 37° 31.8166854' N., Longitude 76° 22.1433377' W.; thence southeasterly to a point located at Latitude 37° 31.7500276' N., Longitude 76° 22.0166809' W.; thence southeasterly to a point located at Latitude 37° 31.6000121' N., Longitude 76° 21.9166733' W.; thence westerly to a point located at Latitude 37°

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31.6199872' N., Longitude 76° 22.1500353' W.; thence westerly to a point located at Latitude 37° 31.6366756' N., Longitude 76° 22.2999953' W., being the point of beginning, containing 38.53 acres.

“Pocomoke Sound Area” means that area of Pocomoke Sound inside of Public Ground 44 10 of Accomack County.

~~Public Ground 11 of Accomack County consists of the area bounded by a line beginning at a point located at Latitude 37° 54.2242247' N., Longitude 75° 46.8458531' W.; thence northeasterly to a point located at Latitude 37° 54.7717652' N., Longitude 75° 46.2306934' W.; thence southeasterly to a point located at Latitude 37° 54.7655487' N., Longitude 75° 46.2246266' W.; thence northeasterly to a point located at Latitude 37° 55.1625018' N., Longitude 75° 45.7462838' W.; thence northwesterly to a point located at Latitude 37° 55.1713750' N., Longitude 75° 45.7562587' W.; thence northeasterly to a point located at Latitude 37° 55.4058815' N., Longitude 75° 45.4541658' W.; thence northeasterly to a point located at Latitude 37° 55.5742129' N., Longitude 75° 44.8291700' W.; thence northeasterly to a point located at Latitude 37° 55.5923356' N., Longitude 75° 44.7851143' W.; thence northeasterly to a point located at Latitude 37° 55.6009795' N., Longitude 75° 44.7641422' W.; thence southeasterly to a point located at Latitude 37° 55.5842236' N., 75° 44.7554991' W.; thence southeasterly to a point located at Latitude 37° 55.5265366' N., Longitude 75° 44.6897855' W.; thence northeasterly to a point located at Latitude 37° 55.6926202' N., Longitude 75° 44.3730212' W.; thence northwesterly to a point located at Latitude 37° 55.7414951' N., Longitude 75° 44.4228784' W.; thence northeasterly to a point located at Latitude 37° 55.8075338' N., Longitude 75° 44.2624885' W.; thence southernly to a point located at Latitude 37° 55.6345499' N., Longitude 75° 44.2772024' W.; thence southwesterly to a point located at Latitude 37° 55.5620352' N., Longitude 75° 44.4066645' W.; thence southeasterly to a point located at Latitude 37° 55.4972479' N., Longitude 75° 44.3397091' W.; thence northeasterly to a point located at Latitude 37°~~

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~~55.5576916' N., Longitude 75° 44.2459142' W.; thence southeasterly to a point located at Latitude 37° 55.4242118' N., Longitude 75° 44.1791595' W.; thence southeasterly to a point located at Latitude 37° 55.3575442' N., Longitude 75° 43.9958019' W.; thence southwesterly to a point located at Latitude 37° 54.8742193' N., Longitude 75° 44.7625058' W.; thence southernly to a point located at Latitude 37° 54.4075648' N., Longitude 75° 44.5291567' W.; thence southeasterly to a point located at Latitude 37° 54.0909029' N., Longitude 75° 44.2291560' W.; thence southwesterly to a point located at Latitude 37° 54.0075735' N., Longitude 75° 44.4791578' W.; thence northwesterly to a point located at Latitude 37° 54.1075697' N., Longitude 75° 44.5958138' W.; thence westerly to a point located at Latitude 37° 54.0909049' N., Longitude 75° 45.1291836' W.; thence northwesterly to a point located at Latitude 37° 54.1909062' N., Longitude 75° 45.2291611' W.; thence northwesterly to a point located at Latitude 37° 54.3242309' N., Longitude 75° 45.6624951' W.; thence southwesterly to a point located at Latitude 37° 54.3075702' N., Longitude 75° 45.7458522' W.; thence southwesterly to a point located at Latitude 37° 53.8075670' N., Longitude 75° 46.7292265' W.; thence northernly to a point located at Latitude 37° 54.2242247' N., Longitude 75° 46.8458531' W., being the point of beginning, containing 1650.39 acres.~~

Public Ground 10 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 2.3 nautical miles westerly of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 56.4741881' N., Longitude 75° 45.7051676' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 56.9261140' N., Longitude 75° 43.7679786' W.; thence south-southwesterly to Corner 3, Latitude 37° 56.1241948' N., Longitude 75° 44.3624962' W. ; thence west-southwesterly to Corner 4, Latitude 37° 56.0820561' N., Longitude 75° 44.5826292' W.; thence northerly to Corner 5, Latitude 37° 56.1377309' N., Longitude 75° 44.5817745' W.; thence west-southwesterly to Corner 6, Latitude 37°

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56.1259751’ N., Longitude 75° 44.6226859’ W.; thence southwesterly to Corner 7, Latitude 37° 56.1039335’ N., Longitude 75° 44.6692334’ W.; thence southerly to Corner 8, Latitude 37° 56.0643616’ N., Longitude 75° 44.6750106’ W.; thence west-southwesterly to Corner 9, Latitude 37° 55.9742005’ N., Longitude 75° 45.1458109’ W.; thence west-northwesterly to Corner 10, Latitude 37° 56.0741973’ N., Longitude 75° 45.8958329’ W.; thence north-northwesterly to Corner 11, Latitude 37° 56.2565760’ N., Longitude 75° 46.0000557’ W.; thence northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.

“Pocomoke Sound Hand Tong Area” means that area of Pocomoke Sound inside of Public Ground 9 ~~and Public Ground 10~~ of Accomack County.

Public Ground 9 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 1.06 nautical miles north-northeast of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 57.2711566’ N., Longitude 75° 42.2870790’ W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 57.2896577’ N., Longitude 75° 41.9790727’ W.; thence southerly to Corner 3, Latitude 37° 57.2574850’ N., Longitude 75° 41.9790730’ W.; thence southwesterly to Corner 4, Latitude 37° 57.2288700’ N., Longitude 75° 42.0077287’ W.; thence west-southwesterly to Corner 5, Latitude 37° 57.2034533’ N., Longitude 75° 42.1511250’ W.; thence south-southwesterly to Corner 6, Latitude 37° 57.0940590’ N., Longitude 75° 42.1935214’ W.; thence south-southeasterly to Corner 7, Latitude 37° 57.0551726’ N., Longitude 75° 42.1814457’ W.; thence southwesterly to Corner 8, Latitude 37° 56.9408327’ N., Longitude 75° 42.2957912’ W.; thence south-southwesterly to Corner 9, Latitude 37° 56.6574947’ N., Longitude 75° 42.3790819’ W.; thence southwesterly to Corner 10, Latitude 37°

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56.5790952' N., Longitude 75° 42.5228752' W.; thence west-southwesterly to Corner 11, Latitude 37° 56.5712564' N., Longitude 75° 42.5915437' W.; thence south-southeasterly to Corner 12, Latitude 37° 56.5441067' N., Longitude 75° 42.5869894' W.; thence southwesterly to Corner 13, Latitude 37° 56.4575045' N., Longitude 75° 42.7458050' W.; thence west-southwesterly to Corner 14, Latitude 37° 56.2575123' N., Longitude 75° 43.3791097' W.; thence southwesterly to Corner 15, Latitude 37° 55.7408688' N., Longitude 75° 43.7957804' W.; thence westerly to Corner 16, Latitude 37° 55.7575327' N., Longitude 75° 43.9458298' W.; thence northwesterly to Corner 17, Latitude 37° 55.8908661' N., Longitude 75° 44.1291309' W.; thence north-northeasterly to Corner 18, Latitude 37° 55.9908639' N., Longitude 75° 44.0791266' W.; thence northeasterly to Corner 19, Latitude 37° 56.1241858' N., Longitude 75° 43.8791328' W.; thence north- northeasterly to Corner 20, Latitude 37° 56.4075136' N., Longitude 75° 43.7291361' W.; thence northeasterly to Corner 21, Latitude 37° 56.8241664' N., Longitude 75° 43.2624601' W.; thence north-northeasterly to Corner 22, Latitude 37° 57.0706006' N., Longitude 75° 43.1480402' W.; thence east-northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.

~~Public Ground 10 of Accomack County is located in the Pocomoke Sound, beginning at a corner on the Maryland-Virginia state line, located in the Pocomoke Sound approximately 2.3 nautical miles westerly of the northern-most point of North End Point, said point being Corner 1, located at Latitude 37° 56.4741881' N., Longitude 75° 45.7051676' W. (NAD83); thence east-northeasterly along the Maryland-Virginia state line to Corner 2, Latitude 37° 56.9261140' N., Longitude 75° 43.7679786' W.; thence south-southwesterly to Corner 3, Latitude 37° 56.1241948' N., Longitude 75° 44.3624962' W.; thence west-southwesterly to Corner 4, Latitude 37° 56.0820561' N., Longitude 75° 44.5826292' W.; thence northerly to Corner 5, Latitude 37° 56.1377309' N., Longitude 75° 44.5817745' W.; thence west-southwesterly to Corner 6, Latitude 37°~~

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~~56.1259751' N., Longitude 75° 44.6226859' W.; thence southwesterly to Corner 7, Latitude 37° 56.1039335' N., Longitude 75° 44.6692334' W.; thence southerly to Corner 8, Latitude 37° 56.0643616' N., Longitude 75° 44.6750106' W.; thence west-southwesterly to Corner 9, Latitude 37° 55.9742005' N., Longitude 75° 45.1458109' W.; thence west-northwesterly to Corner 10, Latitude 37° 56.0741973' N., Longitude 75° 45.8958329' W.; thence north-northwesterly to Corner 11, Latitude 37° 56.2565760' N., Longitude 75° 46.0000557' W.; thence northeasterly along the Maryland-Virginia state line to Corner 1, said corner being the point of beginning.~~

"Pocomoke and Tangier Sounds Management Area" or "PTSMA" means the area as defined in §28.2-524 of the Code of Virginia.

"Pocomoke and Tangier Sounds Rotation Area 1" means all public grounds and unassigned grounds within an area of the PTSMA in Pocomoke and Tangier Sounds, bounded by a line beginning at a point on the Maryland-Virginia state line, located at Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W.; thence south to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence westerly to a point, Latitude 37° 53.3633500' N., Longitude 75° 56.5589600' W.; thence south to a point, Latitude 37° 48.4429100' N., Longitude 75° 56.4883600' W.; thence easterly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence northerly to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southeasterly to Pocomoke Sound Shoal Flashing Light Red "8", Latitude 37° 52.4583300' N., Longitude 75° 49.4000000' W.; thence southeasterly to Messongo Creek Entrance Buoy Green Can "1", Latitude 37° 52.1000000' N., Longitude 75° 47.8083300' W.; thence southeast to Guilford Flats Junction Light Flashing 2+1 Red "GF", Latitude 37° 50.9533300' N., Longitude 75° 46.6416700' W.; thence southerly to a point on a line from Guilford Flats Junction Light to the northern-most point of Russell Island, where said line intersects the PTSMA boundary, Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence clockwise following the PTSMA boundary to a point on the Maryland-Virginia state line, said point being the point of beginning.

"Pocomoke and Tangier Sounds Rotation Area 2" means all public grounds and unassigned grounds within an area of the PTSMA in Pocomoke and Tangier Sounds, bounded by a line beginning at the house on Great Fox Island, located at Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence southerly to the north end of Watts Island, Latitude 37° 48.7757800' N., Longitude 75° 53.5994100' W.; thence westerly to a point, Latitude 37° 48.4429100' N., Longitude 75° 56.4883600' W.; thence northerly to a point, Latitude 37° 53.3633500' N., Longitude 75° 56.5589600' W.; thence easterly to the house on Great Fox Island, said house being the point of beginning. Also, Pocomoke and Tangier Sounds Rotation Area 2 shall include all Public Grounds and unassigned grounds in the PTSMA in Pocomoke Sound bounded by a line beginning at a point on the Maryland-Virginia state line, Latitude 37° 54.6136000' N., Longitude 75° 53.9739600' W.; thence following the PTSMA boundary clockwise to a point on the line from the northern-most point of Russell Island to Guilford Flats Junction Light

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Flashing 2+1 Red "GF", where said line intersects the PTSMA boundary, Latitude 37° 48.4715943' N., Longitude 75° 46.9955932' W.; thence northerly to Guilford Flats Junction Light Flashing 2+1 Red "GF", Latitude 37° 50.9533300' N., Longitude 75° 46.6416700' W.; thence northwesterly to Messongo Creek Entrance Buoy Green Can "1", Latitude 37° 52.1000000' N., Longitude 75° 47.8083300' W.; thence northwesterly to Pocomoke Sound Shoal Flashing Light Red "8", Latitude 37° 52.4583300' N., Longitude 75° 49.4000000' W.; thence northwesterly to the house on Great Fox Island, Latitude 37° 53.6946500' N., Longitude 75° 53.8898800' W.; thence northerly to a point on the Maryland-Virginia state line, said point being the point of beginning.

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia or by any other acts of the General Assembly pertaining to those grounds, all those grounds set aside by court order, and all those grounds set aside by order of the Marine Resources Commission, and may be redefined by any of these legal authorities.

“Rappahannock River Area 7” means all public grounds in that area of the Rappahannock River bounded downstream by a line from Rogue Point, located at Latitude 37° 40.0400000' N., Longitude 76° 32.2530000' W.; thence west-northwesterly to Flashing Red Buoy “8”, Latitude 37° 40.1580000' N., Longitude 76° 32.9390000' W.; thence southwesterly to Balls Point, Latitude 37° 39.3550000' N., Longitude 76° 34.4440000' W.; and bounded upstream by a line from Punchbowl Point, Latitude 37° 44.6750000' N., Longitude 76° 37.3250000' W.; thence southeasterly to Monaskon Point, Latitude 37° 44.0630000' N., Longitude 76° 34.1080000' W.

“Rappahannock River Area 8” means all public grounds in that area of the Rappahannock River bounded downstream by a line from Monaskon Point, located at Latitude 37° 44.0630000' N., Longitude 76° 34.1080000' W.; thence northwesterly to Punchbowl Point, Latitude 37° 44.6750000' N., Longitude 76° 37.3250000' W.; and bounded upstream by a line from Jones Point, Latitude 37° 46.7860000' N., Longitude 76° 40.8350000' W.; thence north-northwesterly to Sharps Point, Latitude 37° 49.3640000' N., Longitude 76° 42.0870000' W.

“Rappahannock River Area 9” means all public grounds in that area of the Rappahannock River bounded downstream by a line from Sharps Point, located at Latitude 37° 49.3640000' N., Longitude 76° 42.0870000' W.; thence south-southeasterly to Jones Point, Latitude 37° 46.7860000' N., Longitude 76° 40.8350000' W.; and bounded upstream by the Thomas J. Downing Bridge (U.S. Route 360).

“Rappahannock River Rotation Area 1” means all public grounds in that area of the Rappahannock River and Chesapeake Bay bounded by a line offshore and across the mouth of the Rappahannock River from a point on the mean low water line of Windmill Point, located at Latitude 37° 36.8200000' N., Longitude 76° 16.9460000' W.; thence southeast to Windmill Point Light, Latitude 37° 35.7930000' N., Longitude 76° 14.1800000' W.; thence southwesterly to Stingray Point Light, Latitude 37° 33.6730000' N., Longitude 76° 16.3620000' W.; thence westerly to a point on the mean low water line of Stingray Point, Latitude 37° 33.6920000' N., Longitude 76° 17.9860000' W.; and bounded upstream by a line from the mean low water line west of Broad Creek, Latitude 37° 33.9520000' N., Longitude 76° 19.3090000' W.; thence northeasterly to a VMRC Buoy on the Baylor line, Latitude 37° 34.5310000' N., Longitude 76° 19.1430000' W.; thence northeasterly to a VMRC Buoy, Latitude 37° 34.6830000' N., Longitude 76° 19.1000000' W.; thence northwesterly to a VMRC Buoy, Latitude 37° 35.0170000' N., Longitude 76° 19.4500000' W.; thence northwesterly to Sturgeon Bar Light “7R”, Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence continuing northwesterly to Mosquito Point Light “8R”,

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Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence northwesterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

“Rappahannock River Rotation Area 2” means all public grounds in that area of the Rappahannock River bounded downstream by a line from the southern-most corner of the house on Mosquito Point, located at Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southeast to Mosquito Point Light "8R", Latitude 37° 36.1000000' N., Longitude 76° 21.3000000' W.; thence continuing southeasterly to Sturgeon Bar Beacon "7R", Latitude 37° 35.1500000' N., Longitude 76° 19.7330000' W.; thence west-southwesterly to a VMRC Buoy, Latitude 37° 34.9330000' N., Longitude 76° 21.0500000' W.; thence southwesterly to a VMRC Buoy, Latitude 37° 34.8830000' N., Longitude 76° 21.1000000' W.; thence southwesterly to a pier west of Hunting Creek at Grinels, Latitude 37° 34.4360000' N., Longitude 76° 26.2880000' W.; and bounded on the upstream by a line from Mill Creek Channel Marker "4", Latitude 37° 35.0830000' N., Longitude 76° 26.9500000' W.; thence northeasterly to Mill Creek Channel Marker "2", Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence northeasterly to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.

“Rappahannock River Rotation Area 3” means all public grounds in that area of the Rappahannock River beginning from the north channel fender at the Robert O. Norris, Jr. Bridge, located at Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence southeast to the southern-most corner of the house on Mosquito Point, Latitude 37° 36.5230000' N., Longitude 76° 21.5950000' W.; thence southwest to Mill Creek Channel Marker "2", Latitude 37° 35.4830000' N., Longitude 76° 24.5670000' W.; thence southwesterly to Mill Creek Channel Marker "4", Latitude 37° 35.0830000' N., Longitude 76° 24.9500000' W.; thence northeasterly to Parrotts Creek Channel Marker "1", Latitude 37° 36.0330000' N., Longitude 76° 25.4170000' W.; thence northerly to VMRC Buoy, Latitude 37° 36.3330000' N., Longitude 76° 25.2000000' W.; thence northerly to the north channel fender of the Robert O. Norris, Jr. Bridge, said point being the point of beginning.

“Rappahannock River Rotation Area 4” means all public grounds in that area of the Rappahannock River, Corrotoman River, and Carter Creek, beginning at the White Stone end of the Robert O. Norris, Jr. Bridge (State Route 3), located at Latitude 37° 38.1290000' N., Longitude 76° 24.7220000' W.; thence along said Bridge to the north channel fender, Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence westerly to the VMRC Buoy “5-4”, Latitude 37° 38.0050000' N., Longitude 76° 30.0280000' W.; thence northerly to Old House Point, Latitude 37° 39.1390000' N., Longitude 76° 29.6850000' W.; thence northeasterly to Ball Point, Latitude 37° 41.6600000' N., Longitude 76° 28.6320000' W.; thence southeasterly to VMRC reef marker “Ferry Bar – North”, Latitude 37° 40.3000000' N., Longitude 76° 28.5000000' W.; thence southwesterly to VMRC reef marker “Ferry Bar – South”, Latitude 37° 40.1670000' N., Longitude 76° 28.5830000' W.; thence southeasterly to a duck blind west of Corrotoman Point, Latitude 37° 39.8760000' N., Longitude 76° 28.4200000' W.; thence southerly to VMRC Buoy “543”, Latitude 37° 39.2670000' N., Longitude 76° 27.8500000' W.; thence southerly to VMRC Buoy “Drumming-West”, Latitude 37° 38.8830000' N., Longitude 76° 27.6830000' W.; thence southerly to VMRC Buoy “Drumming-East”, Latitude 37° 38.8330000' N., Longitude 76° 27.5670000' W.; thence northeasterly to Orchard Point, Latitude 37° 38.9240000' N., Longitude 76° 27.1260000' W.

“Rappahannock River Rotation Area 5” means all public grounds in that area of the Rappahannock River beginning at the Greys Point end of the Robert O. Norris, Jr. Bridge (State Route 3), located at Latitude 37° 36.8330000' N., Longitude 76° 25.9990000' W.; thence northeasterly along the bridge to the north channel fender,

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Latitude 37° 37.4830000' N., Longitude 76° 25.3450000' W.; thence west-northwesterly to VMRC Buoy “5-4”, Latitude 37° 38.0050000' N., Longitude 76° 30.0280000' W.; thence westerly to Buoy “R6”, Latitude 37° 38.0330000' N., Longitude 76° 30.2830000' W.; thence south to the eastern headland of Whiting Creek, Latitude 37° 36.6580000' N., Longitude 76° 30.3120000' W.

“Rappahannock River Rotation Area 6” means all public grounds in that area of the Rappahannock River beginning on the eastern headland of Whiting Creek, located at Latitude 37° 36.6580000' N., Longitude 76° 30.3120000' W.; thence north to Buoy “R6”, Latitude 37° 38.0330000' N., Longitude 76° 30.2830000' W.; thence northwesterly to VMRC White House Sanctuary Buoy, Latitude 37° 38.1500000' N., Longitude 76° 30.5330000' W.; thence northwesterly to VMRC Towles Point Area Buoy, Latitude 37° 38.8330000' N., Longitude 76° 31.5360000' W.; thence northwesterly to Flashing Red Buoy “8” off Rogue Point, Latitude 37° 40.1580000' N., Longitude 76° 32.9390000' W.; thence southwesterly to Balls Point, Latitude 37° 39.3550000' N., Longitude 76° 34.4440000' W.

“Seed Oyster” means any oyster taken by any person from natural beds, rocks, or shoals that is more than 30 days from harvest for human consumption.

“Thorofare” means that portion of Pocomoke and Tangier Sound Rotation Area 2 in the Tangier Sound north of a line beginning at a point, located at Latitude 37° 51.3670743' N., Longitude 75° 53.7526426' W., thence west to an end at a point at Latitude 37° 51.3505943' N., Longitude 75° 56.5300708' W.

“Unassigned ground” means all grounds either not assigned pursuant to §28.2-600 through §28.2-633 of the Code of Virginia, established pursuant to §28.2-551 of the Code of Virginia, set aside by court order, or those grounds set aside by declarations or regulation by the Marine Resources Commission, and as may be redefined by any of these legal authorities.

“Upper Chesapeake Bay - Blackberry Hangs Area” means all public grounds and unassigned grounds in that area of the Chesapeake Bay bounded by a line, beginning at a point approximately 300 feet east of the mean low water line of the Chesapeake Bay and approximately 1230 feet southwest of the end of the southern-most stone jetty at the mouth of the Little Wicomico River, said point being Corner 1, Latitude 37° 53.1811193' N., Longitude 76° 14.1740146' W.; thence east-southeasterly to Corner 2, Latitude 37° 52.9050025' N., Longitude 76° 11.9357257' W.; thence easterly to Corner 3, Latitude 37° 52.9076552' N., Longitude 76° 11.6098145' W.; thence southwesterly to Corner 4, Latitude 37° 52.8684955' N., Longitude 76° 11.6402444' W.; thence east-southeasterly to Corner 5, Latitude 37° 52.7924853' N., Longitude 76° 11.0253352' W.; thence southwesterly to Corner 6, Latitude 37° 49.4327736' N., Longitude 76° 13.2409959' W.; thence northwesterly to Corner 7, Latitude 37° 50.0560555' N., Longitude 76° 15.0023234' W.; thence north-northeasterly to Corner 8, Latitude 37° 50.5581183' N., Longitude 76° 14.8772805' W.; thence north-northeasterly to Corner 9, Latitude 37° 52.0260950' N., Longitude 76° 14.5768550' W.; thence northeasterly to Corner 1, said corner being the point of beginning.

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“White Shoal” means all Public Grounds and unassigned grounds in that area of the James River, bounded by a line, beginning at a point, Corner 1, located at Latitude 37° 01.2430528’ N., Longitude 76° 31.8484099’ W.; thence northwesterly to Corner 2, Latitude 37° 01.6296514’ N., Longitude 76° 32.3400073’ W.; thence northwesterly to Corner 3, Latitude 37° 01.9737472’ N., Longitude 76° 33.0234175’ W.; thence westerly to Corner 4, Latitude 37° 02.3528838’ N., Longitude 76° 32.7785342’ W.; thence southeasterly to Corner 5, Latitude 37° 01.7124499’ N., Longitude 76° 31.8210668’ W.; thence southeasterly to Corner 6, Latitude 37° 01.3285092’ N., Longitude 76° 31.0444525’ W.; thence westerly to Corner 1, said corner being the point of beginning.

“Yeocomico River Area” means that area of the North West Yeocomico River, inside Public Ground 8 of Westmoreland County, and those areas of the South Yeocomico River inside Public Grounds 100, 102, 104, 107, and 112 of Northumberland County described as:

Public Ground 8 of Westmoreland County is located in the North West Yeocomico River, beginning at a point approximately 1455 feet northeast of Crow Bar and 1850 feet northwest of White Point, said point being Corner 1, located at Latitude 38° 02.7468214’ N., Longitude 76° 33.0775726’ W.; thence southeasterly to Corner 2, Latitude 38° 02.7397202’ N., Longitude 76° 33.0186286’ W.; thence southerly to Corner 3, Latitude 38° 02.6021644’ N., Longitude 76° 33.0234175’ W.; thence westerly to Corner 4, Latitude 38° 02.6006669’ N., Longitude 76° 33.0824799’ W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 100 of Northumberland County is located in the South Yeocomico River, beginning at said point being Corner 1, located at Latitude 38° 00.2292779’ N., Longitude 76° 32.2244222’ W.; thence southwesterly to Corner 2, Latitude 38° 00.2183904’ N., Longitude 76° 32.2488009’ W.; thence westerly to Corner 3, Latitude 38° 00.2156893’ N., Longitude 76° 32.3156220’ W.; thence northwesterly to Corner 4, Latitude 38° 00.4024997’ N., Longitude 76° 32.3338888’ W.; thence continuing northeasterly to Corner 5, Latitude 38° 00.5806170’ N., Longitude 76° 32.1957546’ W.; thence continuing easterly to Corner 6, Latitude 38° 00.5798424’ N., Longitude 76° 31.9506788’ W.; thence continuing southeasterly to Corner 7, Latitude 38° 00.5076459’ N., Longitude 76° 31.9387425’ W. thence heading along the mean low water southwesterly to Corner 1, said corner being the point of beginning.

Public Ground 102 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 630 feet south of Mundy Point and 1745 feet southwest of Tom Jones Point, said point being Corner 1, located at Latitude 38° 01.2138059’ N., Longitude 76° 32.5577201’ W.; thence east-northeasterly to Corner 2, Latitude 38° 01.2268644’ N., Longitude 76° 32.4497849’ W.; thence

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southwesterly to Corner 3, Latitude 38° 01.1091209' N., Longitude 76° 32.5591101' W.; thence northerly to Corner 1, said corner being the point of beginning.

Public Ground 104 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 670 feet north of Walker Point and 1900 feet northwest of Palmer Point, said point being Corner 1, located at Latitude 38° 00.8841841' N., Longitude 76° 32.6106215' W.; thence southeasterly to Corner 2, Latitude 38° 00.8609163' N., Longitude 76° 32.5296302' W.; thence southeasterly to Corner 3, Latitude 38° 00.6693092' N., Longitude 76° 32.4161866' W.; thence southwesterly to Corner 4, Latitude 38° 00.6418466' N., Longitude 76° 32.5394849' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 107 of Northumberland County is located in the South Yeocomico River, beginning at a point approximately 1000 feet southwest of Barn Point and 1300 feet northwest of Tom Jones Point, said point being Corner 1, located at Longitude 38° 01.1389367' N., Latitude 76° 32.3425617' W.; thence east-southeasterly to Corner 2, Latitude 38° 01.4106421' N., Longitude 76° 32.1077962' W.; thence southwesterly to Corner 3, Latitude 38° 01.2717197' N., Longitude 76° 32.2917989' W.; thence north-northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 112 of Northumberland County is located in the Yeocomico River, beginning at said point being Corner 1, located at Latitude 38° 01.8449428' N., Longitude 76° 32.2191877' W.; thence northeasterly to Corner 2, Latitude 38° 01.8783929' N., Longitude 76° 31.9970988' W.; thence southeasterly to Corner 3, Latitude 38° 01.7997003' N., 76° 31.9569302' W.; thence continuing southeasterly to Corner 4, 38° 01.6848729' N., Longitude 76° 31.5931801' W.; thence southerly to Corner 5, Latitude 38° 01.5760153' N., 76° 31.5931801' W.; thence westerly to Corner 6, Latitude 38° 01.6860521' N., Longitude 76° 32.2820100' W., thence northerly to Corner 1, said corner being the point of beginning.

“York River Hand Tong Area” means that area of the York River consisting of a portion of Public Ground 31 of Gloucester County (Aberdeen Rock), Public Ground 901 of Gloucester and King and Queen County and that portion of Public Ground 4 of King and Queen County that is in waters approved by the Virginia Department of Health for the harvest of Shellfish (Bell Rock) described as:

Public Ground 31 of Gloucester County, known as Aberdeen Rock, is that portion of Public Ground between a line from Upper York River Green Channel Marker 9, Latitude 37° 19.35986' N., Longitude 76° 35.99789' W.; thence northeasterly to Gum Point, Latitude 37° 19.74276' N., Longitude 76° 35.49063' W.; upstream to a line from the Flashing Yellow VIMS Data Buoy “CB”, Latitude 37° 20.4670000' N., Longitude 76° 37.4830000' W.; thence northeasterly to the inshore end of the wharf at Clay Bank.

Public Ground 901 of Gloucester and King and Queen County is located in the York River at the mouth of the Propotank River, beginning at said point being Corner 1, located at Latitude 37° 26.0291178' N., Longitude 76° 42.4769473' W.; thence northwesterly to Corner 2, Latitude 37° 26.1502199' N., Longitude 76° 42.5504403' W.; thence continuing northwesterly to Corner 3, Latitude 37° 26.2593188' N., 76° 42.5639668' W.; thence southeasterly to Corner 4, 37° 26.0537949' N., Longitude 76° 42.3217587' W.;

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thence southwesterly to Corner 5, Latitude 37° 26.0023548' N., 76° 42.4076221' W.; thence northwesterly to Corner 1, said corner being the point of beginning.

Public Ground 4 of King and Queen County, known as Bell Rock, is located in the York River, beginning at said point being Corner 1, located at Latitude 37° 29.1377467' N., Longitude 76° 45.0390139' W.; thence southerly to Corner 2, Latitude 37° 29.0456979 ' N., Longitude 76° 45.0642131 ' W.; thence northwesterly to Corner 3, Latitude 37° 29.5582048 ' N., 76° 45.8484481 ' W.; thence continuing northwesterly to Corner 4, 37° 29.8480848' N., Longitude 76° 46.5362330' W.; thence northeasterly to Corner 5, Latitude 37° 30.0087805' N., 76° 46.3513889' W.; thence continue southeasterly to Corner 6, Latitude 37° 29.6554103' N., Longitude 76° 45.5620462' W., thence continuing southeasterly to Corner 7, Latitude 37° 29.1838193' N., 76° 44.8908342' W., thence continue southeasterly to Corner 8, Latitude 37° 29.1094227' N., 76° 44.7985114' W., thence continue southeasterly to Corner 9, Latitude 37° 28.9796379' N., 76° 44.6726329' W., thence continue southeasterly to Corner 10, Latitude 37° 28.7771294' N., 76° 44.5058580' W., thence continue southeasterly to Corner 11, Latitude 37° 28.6286905' N., 76° 44.4140389' W., thence continue southeasterly to Corner 12, Latitude 37° 28.4745509' N., 76° 44.3267558' W., thence continue southeasterly to Corner 13, Latitude 37° 28.4379124' N., 76° 44.2964890' W., thence continue southeasterly to Corner 14, Latitude 37° 28.3255929' N., 76° 44.2037875' W., thence continue southeasterly to Corner 15, Latitude 37° 28.2389865' N., 76° 44.1706101' W., thence continue southeasterly to Corner 16, Latitude 37° 28.2157560' N., 76° 44.1552324' W., thence westerly to Corner 17, Latitude 37° 28.1396622' N., 76° 44.3698473' W., thence northerly to Corner 18, Latitude 37° 28.7398061' N., 76° 44.7807027' W., thence continue northerly to Corner 19, Latitude 37° 28.8838652' N., 76° 44.8818391' W., thence easterly to Corner 20, Latitude 37° 28.9140411' N., 76° 44.8163514' W thence northwesterly to Corner 1, said corner being the point of beginning.

“York River Rotation Area 1” means all public grounds in the York River, within Gloucester County, between a line from Upper York River Flashing Red Channel Marker “8”, Latitude 37° 17.8863666' N., Longitude 76° 34.6534166' W.; thence northeasterly to Red Day Marker “2” at the mouth of Cedar Bush Creek, Latitude 37° 18.6422166' N., Longitude 76° 33.8216000' W.; upstream to a line from the Upper York River Green Channel Marker 9, Latitude 37° 19.35986' N., Longitude 76° 35.99789' W.; thence northeasterly to Gum Point, Latitude 37° 19.7427600' N., Longitude 76° 35.4906300' W.

“York River Rotation Area 2” means all public grounds in the York River, within Gloucester County, from the George P. Coleman Memorial Bridge (U.S. Route 17), upstream to a line from Upper York River Flashing Red Channel Marker “8”, Latitude 37° 17.8863666' N., Longitude 76° 34.6534166' W.; thence northeasterly to Red Day Marker “2” at the mouth of Cedar Bush Creek, Latitude 37° 18.6422166' N., Longitude 76° 33.8216000' W.

4VAC20-720-30. Standing stock criteria.

Any public oyster ground or unassigned ground may be closed to harvest by the Commissioner of Marine Resources, when it is determined by the ~~Oyster Replenishment Department~~ that the standing stock of oysters has

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been depleted by 50% or more. The initial estimate of standing stock for each area shall be the volume of oysters as of October 1 of the current year as determined by the ~~Oyster Replenishment Department~~ Marine Resources Commission.

4VAC20-720-35. Public oyster ground harvest season.

The Marine Resources Commission shall be authorized to extend the public oyster harvest season in the James River Seed Area, including the Deep Water Shoal State Replenishment Area, but the extension shall not be established to go beyond June 30.

4VAC20-720-40. Open oyster harvest season, harvest areas, and harvest limits.

A. It shall be unlawful for any person to harvest oysters from public and unassigned grounds, except within the dates and areas and with the harvest gears set forth in this section.

B. It shall be unlawful to harvest clean cull oysters from the public oyster grounds and unassigned grounds, except within the seasons and areas and with the harvest gears as described in Table 1 in this subsection.

It shall be unlawful to exceed the daily individual bushel harvest limit or the daily vessel bushel limit of clean cull oysters in Table 1 in this subsection.

Table 1. Clean Cull Oyster Harvest Area, Harvest Dates, Harvest Gear, and Daily Bushel Limits				
Harvest Area	Harvest Dates	Harvest Gear	Daily Individual Bushel Limit	Daily Vessel Bushel Limit
Great Wicomico River Rotation Area 1	January December 1, 2025, through January December 31, 2025	Hand Scrape	8	16
Great Wicomico River Rotation Area 2	December January 1, 2024 2026, through December January 31, 2024 2026	Hand Scrape	8	16
James River Area 1, 2, and 3	October 16 15, 2024 2025, through March 31, 2025 2026	Hand Scrape	8	16

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Middle Ground	March 1, 2025, through March 14, 2025	Hand Scrape	8	16
Mobjack Bay Area	February 1, 2025 2026 , through February 28, 2025 March 15, 2026	Hand Scrape	8	16
Piankatank River Area	March 1, 2025 February 1, 2026, through March 14 15, 2025 2026	Hand Scrape	8	16
Pocomoke Sound Area Public Ground 44 10	November 1, 2024, through November 15, 2024 and February 1, 2025, through February 14, 2025 February 16, 2026, through February 28, 2026	Hand Scrape	8	16
Rappahannock River Area 7	December 1, 2024 2025 , through December 31, 2024 2025	Hand Scrape	8	16
Rappahannock River Area 8	January 1, 2025 2026 , through January 31, 2025 2026	Hand Scrape	8	16
Rappahannock River Rotation Area 32	February 1, 2025 2026 , through March 14 15, 2025 2026	Hand Scrape	8	16
Rappahannock River Rotation Area 54	October 16 15, 2024 2025 , through November 30, 2024 2025	Hand Scrape	8	16
Upper Chesapeake Bay - Blackberry Hangs Area	February 1, 2025 2026 , through March 14 15, 2025 2026	Hand Scrape	8	16
White Shoal	<u>November 1, 2025, through February 28, 2026</u>	<u>Hand Scrape</u>	<u>8</u>	<u>16</u>
York River Rotation Area 1	January 1, 2025, through January 31, 2025	Hand Scrape	8	16
York River Rotation Area 2	February 1, 2025, through March 14, 2025	Hand Scrape	8	16
Coan River Area	October 1, 2024, through December 31, 2024	Hand Tong	14	28
Corrotoman Hand Tong Area	October 1, 2024 2025 , through March 31, 2025 2026	Hand Tong	14	28

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Indian Creek	October 1, 2024 2025 , through March 31, 2025 <u>2026</u>	Hand Tong	14	28
Great Wicomico River Hand Tong Area	October 1, 2024, through December 31, 2024	Hand Tong	14	28
James River Seed Area, including the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2024 2025 , through May 30 <u>31</u> , 2025 <u>2026</u>	Hand Tong	14	28
<u>James River Areas 1, 2, and 3</u>	<u>October 1, 2025, through October 14, 2025, and April 1, 2026, through May 31, 2026</u>	<u>Hand Tong</u>	<u>14</u>	<u>28</u>
Little Wicomico River	October 1, 2024 2025 , through December 31, 2024 <u>2025</u>	Hand Tong	14	28
Milford Haven	December 1, 2024 2025 , through February 28, 2025 <u>2026</u>	Hand Tong	14	28
<u>Mobjack Bay Area</u>	<u>October 1, 2025, through January 31, 2026</u>	<u>Hand Tong</u>	<u>14</u>	<u>28</u>
Nomini Creek Area	October 1, 2024 2025 , through December 31, 2024 <u>2025</u>	Hand Tong	14	28
Piankatank River Hand Tong Area	March <u>October</u> 1, 2025, through March 14, 2025 <u>January 31, 2026</u>	Hand Tong	14	28
Pocomoke Sound Area Public Ground 44 <u>10</u>	November 16, 2024, through January 31, 2025, and February 15, 2025, through March 31, 2025 <u>October 1, 2025, through February 15, 2026, and March 1, 2026, through March 31, 2026</u>	Hand Tong	14	28
Pocomoke Sound Hand Tong Area Public Ground 9 and 10	November <u>October</u> 1, 2024 2025 , through March 31, 2025 <u>2026</u>	Hand Tong	14	28

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Rappahannock River Area 7	October 1, 2024, through November 30, 2024, and January 1, 2025, through March 31, 2025	Hand Tong	14	28
Rappahannock River Area 8	October 1, 2024, through December 31, 2024, and February 1, 2025, through March 31, 2025	Hand Tong	14	28
Rappahannock River Area 9	October 1, 2024 2025 , through March 31, 2025 <u>2026</u>	Hand Tong	14	28
Yeocomico River Area	October 1, 2024, through December 31, 2024	Hand Tong	14	28
<u>White Shoal</u>	<u>October 1, 2025, through October 31, 2025, and March 1, 2026, through May 31, 2026</u>	<u>Hand Tong</u>	<u>14</u>	<u>28</u>
York River Hand Tong Area	October 16 <u>1</u> , 2024 2025 , through March 14 <u>15</u> , 2025 <u>2026</u>	Hand Tong	14	28
York River Rotation Area <u>Areas 1 and 2</u>	November 1, 2024, through December 31, 2024, and February October 1, 2025, through March 31 <u>15</u> , 2025 <u>2026</u>	Hand Tong	14	28
York River Rotation Area 2	November 1, 2024, through January 31, 2025	Hand Tong	14	28
Hurleys Rock Area	March 1, 2025, through March 14, 2025	Oyster Dredge	8	16
Pocomoke Sound Rotation Area 2	November 16, 2024, through February 14, 2025	Oyster Dredge	8	16
<u>Pocomoke and Tangier Sound Rotation Area 2</u> <u>1</u>	December 1, 2024 2025 , through February 28, 2025 <u>2026</u>	Oyster Dredge	8	16
<u>Thorofare</u>	<u>November 15, 2025, through November 30, 2025</u>	<u>Oyster Dredge</u>	<u>8</u>	<u>16</u>
Larsons Bay Area	October 1, 2024, through December 31, 2024	Patent Tong	8	16

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Deep Rock Area <u>and</u> <u>Chesapeake Bay Patent</u> <u>Tong Area</u>	November 1, 2024 <u>2025</u> , through March 31, 2025 <u>2026</u>	Patent Tong	8	16
Rappahannock River Rotation Area 1	October 1, 2024, through December 31, 2024	Patent Tong	8	16
Seaside Eastern Shore	November 1, 2024 <u>2025</u> , through April 30, 2025 <u>March 31, 2026</u>	By Hand or Hand Tong	14	28

C. It shall be unlawful to harvest seed oysters from the public oyster grounds or unassigned grounds, except within the dates and areas and with the harvest gears described in Table 2 in this subsection.

Table 2. Seed Oyster Harvest Area, Harvest Dates, and Harvest Gear		
Harvest Area	Harvest Dates	Harvest Gear
James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area	October 1, 2024 <u>2025</u> , through May 31, 2025 <u>2026</u>	Hand Tong

D. In the Pocomoke and Tangier Sounds Rotation Areas, it shall be unlawful to possess on board any vessel more than 250 hard clams.

E. It shall be unlawful to possess any blue crabs on board any vessel with an oyster scrape or oyster dredge.

F. It shall be unlawful for any person or vessel to harvest clean cull oysters with more than one gear type in any single day from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia.

4VAC20-720-50. Repealed.

4VAC20-720-60. Day and time limit.

A. It shall be unlawful to take, catch, or possess oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, for commercial purposes, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand or ordinary tong for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest.

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B. It shall be unlawful to do any of the following from the harvest areas described in Table 1 or Table 2 of 4VAC20-720-40:

1. Harvest or attempt to harvest oysters prior to sunrise or after sunset.
2. For any vessel to leave the dock until one hour before sunrise or return to the dock after sunset if the vessel has an oyster dredge or hand scrape aboard.
3. From October 1 through October 31, for any person to harvest or attempt to harvest clean cull oysters after 11 a.m. and from May 1, through May 30, to harvest or attempt to harvest clean cull oysters after 10 a.m.
4. Beginning November 1, for any person to harvest or attempt to harvest clean cull oysters after noon with patent tongs, hand scrapes, or oyster dredges.
5. For any person to harvest or attempt to harvest oysters after 2 p.m. with hand tongs.

~~In addition, it shall be unlawful for any vessel to leave the dock until one hour before sunrise or return to the dock after sunset if the vessel has an oyster dredge or hand scrape aboard.~~

4VAC20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters in the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area except by hand tong. It shall be unlawful for any person to have a hand scrape or oyster dredge on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong. When used in catching of seed oysters, hand tongs shall be operated entirely by hand, from the surface of the water and have no external or internal power source. When used in catching clean cull oysters, hand tongs may use power to assist lifting the tongs with a single lifting cable or rope attached at only a single point on 1 shaft of the tongs.

B. It shall be unlawful to harvest oysters by any gear from the seaside of the Eastern Shore except by hand or hand tong. It shall be unlawful to harvest oysters that are not submerged at mean low water by any gear other than by hand.

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C. It shall be unlawful for any person to have more than one hand scrape on board their vessel while he is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to have a hand tong on board his vessel while he is harvesting or attempting to harvest oysters from public grounds by hand scrape.

4VAC20-720-75. Gear license.

It shall be unlawful for any vessel or individual to harvest shellfish for commercial purposes from the public oyster grounds as described in 4VAC20-720-40 unless the individual or an individual on board the harvesting vessel has been issued a valid commercial fisherman's registration license, a valid gear license required for the harvest area, and has paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes.

4VAC20-720-80. (Repealed).**4VAC20-720-85. James River Seed Quota and Monitoring.**

A. An oyster seed harvest quota of 90,000 bushels of seed is established for the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area. Once it has been projected and announced that the quota of seed has been attained, it shall be unlawful for any person to harvest seed oysters from these areas.

B. Of the 90,000-bushel seed quota described in subsection A of this section, no more than 30,000 bushels of this quota may be harvested from October 1 through December 31. However, if it is projected and announced that 30,000 bushels of seed have been harvested before December 31, it shall be unlawful for any person to harvest seed oysters from that date forward until January 1.

C. Of the 90,000-bushel seed quota described in subsection A of this section, no more than 60,000 bushels of this quota may be harvested from January 1 through May 31.

D. It shall be unlawful for any person harvesting seed oysters from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, to fail to provide daily harvest records accurately quantifying and legibly describing that day's seed harvest from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area. All records shall be submitted within 24 hours of harvest or landing through the Online Mandatory Harvest Reporting Program Web Application and shall provide that person's name, Commercial Fisherman Registration License number, date, daily number of bushels of seed oysters harvested, harvest rock location, planting location (any lease numbers), buyer name, and any other harvest reporting information required by law.

4VAC20-720-90. Harvest permit required for the James River Areas.

A permit is required for the James River Areas 1, 2, and 3. It shall be unlawful for any person to harvest, or attempt to harvest, oysters from the James River Areas without first obtaining a harvest permit from the Marine Resources Commission as required by §28.2-518 of the Code of Virginia.

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4VAC20-720-91. Harvest Permit required for the James River Seed Area, including the Deep Water Shoal State Replenishment Area.

A. A harvest permit shall be required for the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, for the harvesting of seed oysters. It shall be unlawful for any person to harvest or attempt to harvest seed oysters from the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, without first obtaining and having on board a harvest permit.

B. The Commissioner may cease granting permits required by § 28.2-535 or 28.2-546 of the Code of Virginia, when he determines that the seed areas currently open to harvest are becoming depleted and the additional granting of such permits could seriously injure the seed areas.

4VAC20-720-95. Repealed.

4VAC20-720-100. Seed oyster planting procedures.

A. The marine police officer at the point of seed harvest may require that a marine police officer be present during the seed planting. When this is required, it will be specified on the seed transfer permit. If a marine police officer is required to be present at planting, the planter shall notify the marine police officer in the area prior to planting. It shall be unlawful for the permittee or planter to plant the oysters without a marine police officer being present.

B. The planting of seed oysters shall consist of spreading the oysters loosely on the bottom of the planting area. It shall be unlawful to plant seed oysters in any manner except by spreading the oysters loosely on the bottom.

C. Seed oysters shall be placed on a designated and marked area of the private ground from which said oysters are not to be removed until after December 31 if placed prior to December 31. Any seed oysters placed January 1 through May 31 are not to be removed until after May 31. It shall be unlawful to remove these seed oysters within 30 days of being placed on private ground.

4VAC20-720-105. [Repealed.]

4VAC20-720-106. [Repealed.]

4VAC20-720-110. Penalty.

A. 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.

“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

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B. In addition to the penalty prescribed by law, any person violating any provision of this chapter shall destroy, in the presence of a marine police officer, all shellfish in his possession, or, at the direction of the marine police officer, shall place the shellfish overboard on the nearest oyster sanctuary or closed shellfish area, and shall cease harvesting on that day. All harvesting apparatus may be subject to seizure, and, pursuant to § 28.2-232 of the Code of Virginia, all licenses and permits may be subject to revocation following a hearing before the Virginia Marine Resources Commission.

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, 28.2-507, and 28.2-518, of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Hampton, Virginia, ~~August 27, 2024~~ October 28, 2025.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2024-2025.

Notary Public

“ESTABLISHMENT OF OYSTER SANCTUARY AREAS”**CHAPTER 4VAC20-650-10 ET SEQ.****PREAMBLE**

This chapter establishes Oyster Sanctuary Areas in the Chesapeake Bay and its tributaries, Potomac tributaries of Virginia, and on the Seaside of Eastern Shore. This chapter is promulgated pursuant to authority contained in §§28.2-201 and 28.2-507 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4VAC20-650-10 et seq., which was adopted ~~September 28, 2010~~ September 27, 2016 and made effective on ~~October 1, 2010~~ October 1, 2016. The effective date of this chapter, as amended, is ~~October 1, 2016~~ October 1, 2025.

4VAC20-650-10. PURPOSE.

The purpose of this chapter is to protect and promote the oyster resources within the designated sanctuary areas and to protect oyster replenishment efforts.

4VAC20-650-20. Oyster sanctuary areas.**The following oyster sanctuary areas are established:**

1. The Wreck Shoals-James River Oyster Sanctuary Area consisting of all public oyster grounds, with a boundary defined as beginning at James River Channel Marker 6; thence westerly to James River Channel Marker 10A; thence northeasterly to a point at Lat. 37° 04' 24" N. Long. 76° 34' 39" W; thence southeasterly to a point at Lat. 37° 04' 02" N. Long. 76° 34' 06" W; thence southeasterly to James River Channel Marker 6, the point of beginning.
2. Smith Island Sanctuary – Beginning at a point in Smith Island Bay near the western shore of Smith Island, said point being approximately 9,900 feet north-northwest of the Cape Charles Light House and the northern most point on Ballard Fish and Oyster Co., Inc. oyster lease, plat 16613, said point being corner 85, having NAD 83 Geographic Coordinates of 37° 08.3987390' N, 75° 54.0094551'W; thence in a northeasterly direction along the inshore oyster lease line of Thomas J. O'Conner, III, plat 17720, to corner 106, 37° 08.5079488'N, 75° 53.9121013'W; thence northeasterly to corner 107, 37° 08.5406502'N, 75° 53.8494541'W; thence east-northeasterly to corner 207, 37° 08.5420829'N, 75° 53.8281776'W; thence east-northeasterly along the inshore oyster lease line of Mark R. Heath, plat 17721, to corner 108, 37° 08.5446005'

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N, 75° 53.7907806'W; thence north-northeasterly to corner 109, 37° 08.5895883'N, 75° 53.7864524'W; thence northeasterly to corner 110, 37° 08.6921483'N, 75° 53.6226465'W; thence northeasterly to corner 111, 37° 08.7546771'N, 75° 53.4568175'W; thence northeasterly to corner 112, 37° 08.7754748'N, 75° 53.3619827'W; thence southeasterly along the inshore oyster lease line of H. M. Terry Co., Inc. to corner 18, 37° 08.7544364'N, 75° 53.3207742'W; thence southeasterly to corner 17, 37° 08.7306590'N, 75° 53.2980718'W; thence southeasterly to corner 16, 37° 08.6251318'N, 75° 53.1579039'W; thence easterly to corner 15, 37° 08.6225028'N, 75° 53.1025432'W; thence north-northeasterly to corner 14, 37° 08.6626612'N, 75° 53.0854858'W; thence northwesterly to corner 153, 37° 08.6768312'N, 75° 53.1394736'W; thence along the inshore oyster lease line of Daniel Scott Long, plat 16802, northeasterly to corner 152, 37° 08.7156785'N, 75° 53.0819599'W; thence northeasterly to corner 151, 37° 08.8330482'N, 75° 52.7283538'W; thence, south-southeasterly onto Smith Island to corner 1, 37° 08.4630004'N, 75° 52.6679990'W; thence, southwesterly to corner 2, 37° 07.9690002'N, 75° 53.0919992'W; thence southwesterly to corner 3, 37° 07.9080005'N, 75° 53.4390002'W; thence southwesterly to corner 4, 37° 07.7800009'N, 75° 53.6839996'W; thence southwesterly to corner 5, 37° 07.6540002'N, 75° 54.3200009'W; thence southwesterly to corner 6, 37° 07.3169996'N, 75° 54.6700007'W.; thence northwesterly, off shore, to corner 170 of Mark R. Heath's oyster lease, plat 17456, 37° 07.3524313'N, 75° 54.6976587'W; thence along the inshore line of said parcel, northwesterly to corner 169, 37° 07.3528695'N, 75° 54.7176135'W; thence north-northeasterly to corner 168, 37° 07.4495084'N, 75° 54.7100342'W; thence northeasterly to corner 92, 37° 07.5477653'N, 75° 54.5615711'W; thence northeasterly along the inshore oyster lease line of Ballard Fish and Oyster Co., Inc., plat 16613, to corner 91, 37° 07.6416382'N, 75° 54.4402745'W; thence northeasterly to corner 90, 37° 07.6890220'N, 75° 54.3527929'W; thence northeasterly to corner 89, 37° 07.7661702'N, 75° 54.0839677'W; thence northeasterly along the inshore oyster lease line of Henry S. Jones, Jr., plat 19450, to corner 254, 37° 07.7879690'N, 75° 53.9324560'W; thence northerly to corner 253, 37° 07.8109207'N, 75° 53.9343385'W; thence westerly to corner 252, 37° 07.8094111'N, 75° 53.9916726'W; thence north-northwesterly to corner 251, 37° 07.8582020'N, 75° 53.9962243'W; thence west-southwesterly to corner 250, 37° 07.8535649'N, 75° 54.0512576'W; thence northwesterly to corner 249, 37° 07.9116397'N, 75° 54.0935389'W; thence westerly to corner 248, 37° 07.9113922'N, 75° 54.0976427'W; thence north-northwesterly along the inshore oyster lease line of Ballard Fish and Oyster Co., Inc., plat 16613, to corner 88, 37° 08.0660474'N, 75° 54.1122194'W; thence northeasterly to corner 87, 37° 08.1821017'N, 75° 54.0516546'W; thence north-northeasterly to corner 86, 37° 08.2555945'N, 75° 54.0483544'W; thence north-northeasterly to corner 85, 37° 08.3987390'N, 75° 54.0094551'W, said point being the point of beginning.

3. Cobb Island Oyster Sanctuary - Beginning at a point in Cobb Bay, near the western shore of Cobb Island and being the southernmost point of the oyster lease of John R. Mariner, plat 16866, corner 355, said corner having NAD 83 Geographic Coordinates of 37° 19.3528688'N, 75° 45.9182774'W; thence northeasterly along the inshore line of said oyster lease to corner 354, 37° 19.4051876'N, 75° 45.8386060'W; thence northeasterly to corner 353, 37° 19.5182900'N, 75° 45.6662561'W; thence northeasterly to corner 352, 37° 19.6443229'N, 75° 45.5201098'W;

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thence southeasterly to a point on Cobb Island, corner 5, 37° 19.2960000'N, 75° 45.3319992'W; thence southwesterly to corner 6, 37° 19.2109998'N, 75° 45.4150006'W; thence southwesterly to a point west of Cobb Island, corner 7, 37° 18.9289998'N, 75° 45.5570001'W; thence southwesterly to corner 8, 37° 18.8050003'N, 75° 45.7710008'W; thence southwesterly to corner 9, 37° 18.2650004'N, 75° 46.3249991'W; thence southwesterly to corner 10, 37° 18.1689997'N, 75° 46.6559996'W; thence northerly to corner 11, 37° 18.6160000'N, 75° 46.6279994'W; thence northeasterly to corner 12, 37° 18.7500009'N, 75° 46.5019997'W; thence northeasterly to the western most point of the oyster lease of J. Steve McCready, plat 16371, corner 90, 37° 18.8870550'N, 75° 46.1567968'W; thence southeasterly along the lease line to corner 89, 37° 18.8653681'N, 75° 46.1241425'W; thence southeasterly along the oyster lease line of R&C Seafood, plat 16986 to corner 374, 37° 18.7448511'N, 75° 46.0512077'W; thence northeasterly to corner 373, 37° 18.9339657'N, 75° 45.7191531'W; thence northeasterly to corner 372, 37° 18.9858220'N, 75° 45.6864128'W; thence northwesterly to corner 355, 37° 19.3528688'N, 75° 45.9182774'W, said point being the point of beginning.

4. Boxtree Oyster Sanctuary - Beginning at a point in Boxtree Creek, said point being the eastern most point on the oyster lease of Edwin E. Brady and Marion Brady, Jr., plat 16344, corner 7, said corner having NAD 83 Geographic Coordinates of 37° 23.7990757'N, 75° 51.5561984'W; thence southeasterly to corner 2, 37° 23.6849997'N, 75° 51.4280006'W; thence southerly to a point in Ramshorn Bay, corner 3, 37° 23.5570008'N, 75° 51.4309991'W; thence southeasterly to corner 4, 37° 23.5009994'N, 75° 51.3100008'W; thence southeasterly to corner 5, 37° 23.4050000'N, 75° 51.2529994'W; thence southwesterly to corner 6, 37° 22.8749994'N, 75° 51.5500012'W; thence westerly to a point on shore, corner 8, 37° 22.9039994'N, 75° 52.3000000'W; thence northeasterly to corner 7, 37° 23.7990757'N, 75° 51.5561984'W, said point being the point of beginning.

5. Parramore Island Sanctuary - Beginning at a point, corner 1, in Swash Bay, near the western shore of Parramore Island, being approximately 1,550 feet northeast of the northern most point of the oyster lease of John Barr, plat 19331, said corner having NAD 83 Geographic Coordinates of 37° 32.7759991'N, 75° 39.1639995'W; thence in a east-southeasterly direction, onto Parramore Island, to corner 2, 37° 32.7529993'N, 75° 39.0129998'W; thence south-southeasterly to, a point on shore, corner 3, 37° 32.2970002'N, 75° 39.0090007'W; thence northwesterly, off shore, to corner 4, 37° 32.3579996'N, 75° 39.1610007'W; thence north-northwesterly to corner 1, 37° 32.7759991'N, 75° 39.1639995'W, said point being the point of beginning.

6. Hillcrest Oyster Sanctuary - Beginning at a point in Brockenberry Bay, on the south side of the entrance channel to Oyster Slip and approximately 139 feet south-southwest of Day Marker 14, said point being corner 1, having NAD 83 Geographic Coordinates of 37° 17.3320003'N, 75° 55.1269999'W; thence southeasterly to corner 2, 37° 17.2680001'N, 75° 54.8050006'W; thence east-northeasterly to corner 3, 37° 17.3050000'N, 75° 54.5899996'W; thence northeasterly to corner 4, 37° 17.4090006'N, 75° 54.5039998'W; thence northeasterly to corner 5, 37°

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17.5909997°N, 75° 54.4389995°W; thence northeasterly to corner 6, 37° 17.7330004°N, 75° 54.2999997°W; thence south-southeasterly to corner 7, 37° 17.5039998°N, 75° 54.0680001°W; thence south-southeasterly to corner 8, 37° 17.3660002°N, 75° 53.9980006°W; thence south-southeasterly to corner 9, 37° 16.8299992°N, 75° 53.9940006°W; thence south-southwesterly to corner 10, 37° 16.4400007°N, 75° 54.0729995°W; thence northwesterly to corner 11, 37° 16.6400008°N, 75° 54.3490009°W; thence west-northwesterly to corner 12, 37° 16.7200007°N, 75° 54.5290004°W; thence west-southwesterly to corner 13, 37° 16.7550008°N, 75° 55.1040003°W; thence west-southwesterly to corner 14, 37° 16.7039996°N, 75° 55.6450007°W; thence northeasterly to corner 15, 37° 17.0609995°N, 75° 55.0360003°W; thence northeasterly to corner 16, 37° 17.1370004°N, 75° 54.9509998°W; thence northwesterly to corner 17, 37° 17.2660006°N, 75° 55.0820004°W; thence west-southwesterly to corner 18, 37° 17.2610009°N, 75° 55.2330009°W; thence northerly to corner 19, 37° 17.2979996°N, 75° 55.2310007°W; thence northeasterly to corner 1, 37° 17.3320003°N, 75° 55.1269999°W, said point being the point of beginning.

7. All constructed oyster reef sanctuary areas marked by a "no harvesting" sign provided by the

~~Conservation and Replenishment Department~~ Marine Resources Commission.

4VAC20-650-30. Closure of sanctuary areas.

A. All Oyster Sanctuary Areas shall be closed to the harvest of oysters, except that Seaside of the Eastern Shore Oyster Sanctuary Areas shall be closed to the harvest of all shellfish. Any person harvesting oysters or shellfish from the specified areas shall be guilty of a violation of this chapter.

B. It shall be unlawful for any person to possess any hand scrape, dredge or patent tong gear that could be used to harvest shellfish on public or unassigned oyster grounds within 100 feet any oyster sanctuary area, and such possession shall be considered as prima facie evidence of a violation of this chapter.

4VAC20-650-40. Penalty.

A. 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.

“ESTABLISHMENT OF OYSTER SANCTUARY AREAS”

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B. In addition to the penalty prescribed by law, any person violating any provision of this chapter shall destroy, in the presence of a marine police officer, all shellfish in his possession, or, at the direction of the marine police officer, shall place the shellfish overboard on the nearest oyster sanctuary or closed shellfish area, and shall cease harvesting on that day. All harvesting apparatus may be subject to seizure, and, pursuant to §28.2-232 of the Code of Virginia, all licenses and permits may be subject to revocation, following a hearing before the Virginia Marine Resources Commission.

* * * * *

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 and 28.2-507 of the Code of Virginia, as amended, duly advertised according to statute, recorded in the Commission minutes book, at its meeting held in Newport News, Virginia, on September 23, 2025.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me on this _____ day of _____, 2025.

Notary Public