

**AGENDA**  
**MARINE RESOURCES COMMISSION**  
**MARCH 31, 2026**

**\*\* APPROVAL OF AGENDA.**

- 1. MINUTES** of previous meeting.
- 2. CONSENT AGENDA ITEMS.**
- 3. CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.**
- 4. PUBLIC COMMENTS**
- 5. PERMITS** (Projects over \$1,000,000 with no objections and with staff recommendation for approval).
- 6. CITY OF VIRGINIA BEACH, VMRC #25-1823,**  
requests authorization for a one-time exemption to the existing special permit condition requiring a time of year restriction to preclude the maintenance dredging of Crab Creek between March 1st - September 30th of any year to minimize adverse impacts on juvenile flounder - adjacent to the City's Lynnhaven Municipal Boat Ramp facility.
- 7. JAMES MISHLER, VMRC #25-2275,**  
requests authorization to construct a 17-foot by 36-foot open-sided boathouse onto an existing statutorily authorized private pier situated along College Creek at 110A Archers Hope Drive in James City County. This project is protested by an adjacent property owner.
- 8. DOCKSIDE CONDO OWNERS ASSOCIATION, NOTICE TO COMPLY #25-05, VMRC #24-1044,**  
Commission consideration of the Dockside Condo Owners Association and their contractor Mr. Charles Duke, II of Waterfront Development Corporation, for failure to comply with the Commission's September 5, 2025, directive to remove unauthorized boat slips, finger piers, mooring piles, floating docks, kayak launch, decking, and float-on boat lifts constructed in excess of VMRC Permit #24-1044 authorization, adjacent to property (Parcel #051/R1/9/A) situated along Sarah Creek at the terminus of Sunset Drive in Gloucester County.
- 9. CHESTERFIELD COUNTY UTILITIES DEPARTMENT, VMRC #25-2436,**  
requests authorization to temporarily install three (3), 3-inch by 300-foot long HDPE water withdrawal pipes including an 8-foot by 8-foot submerged intake structure, four (4), 10-inch hollow steel piles, and one floating warning buoy, situated along the Appomattox River adjacent to the Point of Rocks Water

## **AGENDA**

Treatment Plant temporary testing facility at 1203 Point of Rocks Road in Chesterfield County. This project is protested.

### **10. DISCUSSION**

Discussion on the modification of the 2026 Oyster Replenishment and Restoration Plan (ORP).

### **11. PUBLIC HEARING**

Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

### **12. PUBLIC HEARING**

Proposed amendments to Chapter 4 VAC 20-450-10 et seq., "Pertaining to the Taking of Bluefish" to increase the private and for-hire recreational bag limits.

### **13. REQUEST FOR PUBLIC HEARING**

Proposal to amend Chapter 4 VAC 20-950, "Pertaining to Black Sea Bass," to establish the 2026 recreational management measures for this species.

### **14. EMERGENCY REGULATION**

Proposed Emergency amendments to Chapter 4 VAC 20-720, "Pertaining to Restrictions to Restrictions on Oyster Harvest".

### **15. DISCUSSION**

License Status Requests

# AGENDA

## PAGE 2 ITEMS

### **2A. VIRGINIA AMERICAN WATER, VMRC #23-0449,**

requests authorization to install a new (primary) 40 million gallon per day (MGD) water withdrawal intake structure located at their existing surface water withdrawal facility downstream of the Rt 10 Bridge on the south bank of the Appomattox River, at 915 Riverside Drive in the City of Hopewell, to provide a reliable public water supply for the City of Hopewell projected for the next 50 years. This project requires a VMRC Subaqueous and Wetlands Permit. Staff recommends approval of the project with the following special permit conditions and royalties:

- Time of year restriction for pile driving activities from February 15 through June 30 to protect spawning anadromous fish.
- All instream construction activities to be located within turbidity curtains.
- Steel pile installation will require the use of bubble curtains, cushion blocks, and ramp-up procedures to protect native fish populations.
- Royalty assessment of \$2,055.00 for the encroachment of pipelines over 665 linear feet of state-owned subaqueous bottom at a rate of \$3.00 per linear foot, an encroachment royalty \$1,500.00 for the intake structures installed over 300 square feet state-owned subaqueous bottom at the industrial rate of \$5.00 per square foot, and a dredging royalty of \$1,466.40 for the removal of 2,444 cubic yards of state-owned subaqueous bottom material at a rate of \$0.60 per cubic yard. Total royalty assessment equaling \$5,021.40.
- Permittee agrees to remove the previously existing water intake structures immediately after the new intake is operational.

### **2B. CITY OF NEWPORT NEWS, VMRC #25-2288,**

requests authorization to mechanically dredge up to 4,057 cubic yards of state-owned submerged lands to maintain depths of minus -9 feet mean low water in the Leeward Marina Boat Channel connecting to the James River, with dredged material disposal by barge at the Craney Island DMMA facility. This project requires a VMRC Subaqueous permit.

## MINUTES

## COMMISSION MEETING

February 24, 2026

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:

|                  |                                       |
|------------------|---------------------------------------|
| Joseph Grist     | Acting Commissioner                   |
| Patrick Hand     |                                       |
| Lynn Kellum      |                                       |
| William Bransom  |                                       |
| Jeremy Headley   | Associate Members                     |
| Jeanette Edwards |                                       |
| Thomas Preston   |                                       |
| Preston White    |                                       |
| Kelci Block      | Assistant Attorney General            |
| Jamie Hogge      | Recording Secretary                   |
| Gerald Pitt      | 1 <sup>st</sup> . Sgt., Marine Police |
| Randy Owen       | Chief, Habitat Management             |
| Adam Kenyon      | Chief, Shellfish Management           |

## Virginia Institute of Marine Science (VIMS):

|                 |                  |                    |
|-----------------|------------------|--------------------|
| Lyle Varnell    | Emily Hein       | Melissa Southworth |
| Roger Mann      |                  |                    |
| Others present: |                  |                    |
| Jim Gunn        | James Morgan     | Ariane Carpenter   |
| Kaylene Green   | Bill Turviue     | Nathan Pichett     |
| Revel Walker    | Jeffrey West     | Katherine Chambers |
| Dan Hickey      | Jeanne Hickey    | Jerry Davis        |
| Bob Simon       | Lauren Chartrand | Samuel Dickinson   |
| Tom Hedgpeth    | James Nabb       | John Krebs         |
| Buddy Sylvia    | Linda Deem       | Jeff Deem          |



|                  |                 |                |
|------------------|-----------------|----------------|
| Thom Ennel       | Gregory Puzy    | Robert Lawson  |
| Richard Stark    | Philip Valliant | Alex Eguigureh |
| Scott Krystinick | Beverly Ludford | Shelton Alley  |
| Stuart Fisher    | J.C. Hudgins    | Paul Schmidt   |
| Rebecca Frances  | Brenda Fisher   | Steve Greer    |
| Joshua Webb      | Sean Jessup     | Nathan Everett |
| Sherry Ashe      | Teresa Sanger   | Leland Withrow |
| Carrie Withrow   | Richard Harding | and others.    |

\* \* \* \* \*

**APPROVAL OF AGENDA.** – Acting Commissioner Joseph Grist asked if there were any changes from the Board members or staff.

Adam Kenyon, Chief, Shellfish Management Division, stated that Jennifer Hume was unable to attend the meeting and has requested her license status be added to the March Agenda. His comments are a part of the verbatim record.

**Associate Member Bransom moved to approve the agenda amended. Associate Member Kellum seconded the motion. The motion carried, 7-0.**

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**MINUTES:** Acting Commissioner Grist asked if there were any changes or corrections to be made to the December 2, 2025, Commission Meeting minutes.

**Associate Member Bransom moved to approve the minutes as presented. Associate Member Headley seconded the motion. The motion carried, 6-0-2 Associate Member Headly and Acting Commissioner Grist abstained.**

\* \* \* \* \*

Acting Commissioner Grist swore in the VMRC staff and VIMS staff that would be speaking or presenting testimony during the meeting.

\* \* \* \* \*

Randy Owen, Chief, Habitat Management Division, introduced 2 new employees, Hannah Kieler & Olivia Upton to the Habitat Division. His comments are a part of the verbatim record.

Adam Kenyon, Chief, Shellfish Management Division, introduced the newest employee, Beth Varhola to the Shellfish Management Division. His comments are a part of the verbatim record.

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2. **PERMITS** (Projects over \$500,000.00 with no objections and with staff recommendation for approval).

Justin Worrell, Deputy Chief, Habitat Management, reviewed the Page 2 items 2A through 2F for the Associate Members. Mr. Worrell's comments are a part of the verbatim record.

- 2A **DEPARTMENT OF THE NAVY, VMRC #25-1137**, requests authorization to hydraulically renourish the existing beach within Public Works Cove situated along the Chesapeake Bay within the Joint Expeditionary Base Little Creek - Fort Story in Virginia Beach. Approximately 120,000 cubic yards of sand, dredged per cycle from near shore areas adjacent to Utah Beach, will be placed channelward of mean low water along the shoreline. This project requires a VMRC Subaqueous permit.
- 2B **DEPARTMENT OF WILDLIFE RESOURCES, VMRC #25-2392**, requests authorization to expand and raise the existing riprap breakwaters, previously installed under VMRC permit #24-0055 along the shoreline of the Ragged Island Wildlife Management Area, to include additional landward sand nourishment and wetlands plantings, danger marker piles, and oyster reef defender structures - situated along the James River in Isle of Wight County. This project requires a VMRC Subaqueous Permit.
- 2C **FAIRWINDS LANDING, LLC, VMRC #25-1778**, requests authorization to construct a 200-foot by 17-foot commercial floating dock with an 80-foot aluminum gangway adjacent to property leased from Norfolk Southern (500 Orapax Street) situated along the Main Stem of the Elizabeth River in the City

of Norfolk. Staff recommends approval including a royalty of \$7,200.00 for the encroachment of 3,600 square feet of state-owned submerged lands at a rate of \$2.00 / square foot. This project requires a VMRC Subaqueous Permit.

- 2D**      **DOMINION TERMINAL ASSOCIATES, VMRC #25-0415**, requests authorization to hydraulically or mechanically maintenance dredge up to 80,000 cubic yards of state-owned submerged bottom on an as-needed basis to maintain depths of -57 feet at mean low water as previously authorized by VMRC permit #20-0320, adjacent to Dominion Terminal Associates Pier 11 (600 Harbor Road) along the James River in Newport News. Dredged material will be transported via barge to Craney Island rehandling basin or Shirley Plantation. This project requires a VMRC Subaqueous permit.
- 2E**      **NANCY LONGEST, VMRC #25-2377**, requests authorization to extend an existing timber groin 20 feet landward and to construct an 8-foot spur on the channelward end adjacent to 155 Point Breeze Lane, situated along the Rappahannock River in Essex County. Staff recommends approval with an encroachment royalty of \$8.00 for the encroachment of 8 square feet of state-owned submerged bottom at a rate of \$1.00 per square foot. This project requires a VMRC Subaqueous and Wetlands permit.
- 2F**      **NORFOLK SOUTHERN RAILWAY COMPANY, VMRC #25-2262**, requests authorization to conduct bridge repairs on an existing railroad crossing of the Pamunkey River between New Kent County and King William County by installing 14 Helper Bent structures, as part of the Bridge NSR F-164.50 Rehabilitation Project. Staff recommends approval of the project with a time of year restriction of February 15 through June 30 for the protection of anadromous fish spawning runs, and the use of ramp-up procedures and cushion blocks for piling driving activities to protect native fish populations. This project requires a VMRC Subaqueous and Wetlands Permit.

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

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

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

\* \* \* \* \*

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

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5. **PUBLIC COMMENT:**

**Nathan Everett:**

Mr. Everett asked the Commission for an extension of the period where commercial harvesters are allowed to take striped bass over 28 inches due to the economic impact of ice on the striped bass gill net fishery. Mr. Everett also made a request for commercial striped bass tags to be distributed earlier so the season can start January 1. His comments are a part of the verbatim record.

**J. C. Hudgins:**

He was sworn in and spoke on behalf of the Virginia Waterman's Association in support of the request for the Rockfish extension. His comments are a part of the verbatim record.

The Commission did not make any motions regarding the request.

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6. **RECOMMENDATION:** Recommendation from the Commercial Fishing Advisory Board.

Alicia Nelson, Natural Resource Manager, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Nelson's comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Headly made a motion to approve the funding request for the 2026 Commercial Fisheries Offshore Ocean Planning Coordination project totaling \$175,262 from the Marine Fishing Improvement Fund as presented. Associate Member Preston seconded the motion. The motion carried, 7-0.**

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**7. DISCUSSION: Waterways Maintenance Fund.**

Alicia Nelson, Natural Resource Manager, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Nelson's comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve to adopt the Virginia Waterway Maintenance Fund guidance document as presented. Associate Member Headley seconded the motion. The motion carried, 7-0.**

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**8. DISCUSSION: WMF Application, Emergency Maintenance Dredging of the Little Wicomico River.**

Alicia Nelson, Natural Resource Manager, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Nelson's comments are a part of the verbatim record.

Jerry Davis, agent for the applicant, was sworn in and spoke, providing a presentation for the Commission Members and the public. His comments are a part of the verbatim record.

Sandra Maynard was sworn in and spoke in support of the funding for the project. Her comments are a part of the verbatim record.

Bill Turviue was sworn in and spoke in support of the funding for the project. His comments are a part of the verbatim record.

J. C. Hudgins was sworn in and spoke in support of the funding for the project on behalf of the Commercial Waterman's Association. His comments are a part of the verbatim record.

Daniel Hickey, owner of Smith Point Marina was sworn in and spoke in support of the funding for the project. His comments are a part of the verbatim record.

Richard Harding, owner of Purcell Seafood, was sworn in and spoke in support of the funding for the project. His comments are a part of the verbatim record.

Ariane Carpenter was sworn in and spoke support of the funding for the project. Her comments are a part of the verbatim record.

Kaylene Green was sworn in and spoke in support of the funding for the project. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve to fund the Emergency Maintenance Dredging of the Little Wicomico River for 2.6 million dollars from the Virginia Waterway Maintenance Fund Grant Program as presented. Associate Member Headley seconded the motion. The motion carried, 7-0.**

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9. **ROANOKE CEMENT COMPANY, VMRC #25-1129**, requests authorization to construct a new 55-foot by 4-foot clear-span pedestrian footbridge placed a minimum of three (3) feet above Catawba Creek situated north of Interstate-81 and east of Catawba Road as part of the Roanoke Cement Company - Pedestrian Bridge project in Botetourt County. This project is protested by a nearby property owner.

Tiffany Birge, Environmental Engineer, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Birge's comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve the project as presented. Associate Member Headley seconded the motion. The motion carried, 6-0-1. Associate Member White abstained.**

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- 10. ACCOMACK COUNTY, VMRC #24-2360,** requests authorization to dredge approximately 90,000 cubic yards of sand from a subtidal shoal in Wachapreague Inlet and hydraulically pump the material north for the creation of approximately 205,000 square feet of tidal wetlands as part of a coastal resiliency initiative on Cedar Island, situated along Burtons Bay in Accomack County. This project is protested.

Claire Gorman, Environmental Engineer, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Gorman's comments are a part of the verbatim record.

Chuck Roadley, Agent for the applicant, was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

Jeff Deem was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

Philip Valliant was sworn in and spoke in opposition to the project. His comments are a part of the verbatim record.

Joshua Webb was sworn in and spoke in opposition to the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Edwards moved to approve the project as presented. Associate Member Preston seconded the motion. The motion carried, 5-1-1. Associate Member Hand voted no. Associated Member White abstained.**

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11. **TERESA JEPSON, VMRC #25-1712**, requests authorization to construct a 16-foot by 18-foot open-sided gazebo on a statutorily authorized private pier along the Barn Creek shoreline at 1012 Gum Thicket Road in Mathews County. The project is protested by an adjacent property owner.

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

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

The matter was before the Commission for discussion and action.

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

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12. **SOUTH BAY SHORE, LLC, VMRC #25-1862** requests authorization to construct a 20-foot by 34-foot open-sided boathouse over an existing boat lift, and a 20-foot by 20-foot open-sided gazebo roof adjacent to a previously statutorily authorized private pier serving 1047 South Bay Shore Drive, situated along Little Neck Creek in the City of Virginia Beach. This project is protested by an adjacent property owner.

Tiffany Birge, Environmental Engineer, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Ms. Birge's comments are a part of the verbatim record.

Robert Simon, Agent for the applicant, was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

Gregory Puzy, representing the protestant. was sworn in and spoke in opposition of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.



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

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- 13. STEVEN GREER, VMRC #25-1015**, requests authorization to construct a 17-foot by 37-foot open-sided boathouse on a statutorily authorized private pier situated along Chisman Creek at 202 Cheadle Loop Road in York County. This project is protested by an adjacent property owner.

Brad Reams, Environmental Engineer, Habitat Management, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Ream's comments are a part of the verbatim record.

Scott Krystinick, agent for the applicant, spoke in support of the application. His comments are a part of the verbatim record.

Steve Spencer was sworn in and spoke in opposition to the location of the project but not the boathouse. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve the project as presented. Associate Member White seconded the motion. The motion carried, 7-0.**

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- 14. JOSHUA H. WEBB OYSTER PLANTING GROUND APPLICATION #2021-068**, Requests authorization to lease approximately 12 acres of oyster planting ground within the North Inlet in Accomack County.

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

Joshua Webb, applicant, spoke in support of the application. His comments are a part of the verbatim record.

Paul Schmidt spoke on behalf of J.C. Walker Brothers in opposition to the application. His comments are a part of the verbatim record.

Kenneth Walker was sworn in and spoke in opposition to the project. His comments are a part of the verbatim record.

Rob Lawson was sworn in and spoke in opposition to the project. His comments are a part of the verbatim record.

Revel Walker was sworn in and spoke in opposition to the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Headley moved to uphold approval of the application as presented. Associate Member Bransom seconded the motion. The motion carried, 6-1. Associate Member White voted no.**

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**15. DISCUSSION:** Request for approval of the 2026 Oyster Replenishment and Restoration Plan (ORP) and the associated Procurements Procedures.

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

Before Mr. Button began, Associate Member Kellum recused herself from the discussion. Her comments are a part of the verbatim record.

J. C. Hudgins spoke on behalf of the Virginia Waterman's Association stated that he was in favor of the proposed Replenishment and Restoration plan as presented.

The matter was before the Commission for discussion and action.

**Associate Member Bransom moved to approve the 2026 Oyster Replenishment and Restoration plan (ORP) as presented. Associate Member Headley seconded the motion. The motion carried, 6-0. Associate Member Kellum was not present for the vote.**

**Associate Member Bransom moved to approve the 2026 Oyster Replenishment and Restoration Procurement Procedures as presented. Associate Member Headley seconded the motion. The motion carried, 6-0. Associate Member Kellum was not present for the vote.**

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- 16. EMERGENCY REGULATION:** Proposal to adopt emergency amendments to Chapter 4 VAC 20-720, "Pertaining to Restrictions on Oyster Harvest" to adjust the 2025-2026 public oyster harvest seasons and areas.

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

J. C. Hudgins spoke on behalf of the Virginia Waterman's Association to leave Rappahannock Area 2 open and extend Rappahannock Area 8 for 10 working days.

Nathan Everett spoke in support of an extension. His comments are part of the verbatim record.

The matter was before the Commission for discussion and action.

**Associate Member Bransom made a motion to declare that an emergency exists that requires an emergency regulation. Associate Member Headley seconded the motion. The motion carried, 7-0.**

**Associate Member Headley moved to extend the oyster season by Emergency Regulation in Area 8 in the Rappahannock River and the Pocomoke and Tangier Sounds by two weeks. The closure for both areas will be March 15, 2026, as discussed. Associate Member Preston seconded the motion. The motion carried, 7-0.**

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17. **DISCUSSION:** Update and information on the 2026 speckled trout cold stun event.

Ethan Simpson, Biological Survey Programs Manager, gave the briefing of the information provided in the staff's evaluation, with PowerPoint slides. for the Associate Members. Mr. Simpson's comments are a part of the verbatim record.

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18. **DISCUSSION:** License Status Request.

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

Eric Jenkins was not present.

**Jeffrey West** was sworn in and spoke. He requested to obtain his commercial licenses, and he agreed to pay the back fees for the year that he missed (2025). The commercial licenses that he is requesting are the following: Commercial Fishing License, Oyster User Fee All Gear, and crab pot licenses.

The matter was before the Commission for discussion and action.

**Associate Member White moved to reinstate his commercial licenses as requested so as long as he pays for the year that he did not renew. Associate Member Edwards seconded the motion. The motion carried, 6-1. Associate Member Bransom voted no.**

Kenneth Heath Jr. was not present.

**Leland Withrow** was sworn in and spoke. He requested his Oyster User Fee All Gear be reinstated because he did not purchase it in 2025. His comments are part of a verbatim record.

**Associate Member Preston moved to reinstate his Oyster User Fee All Gear as requested so as long as he pays for the year that he did not renew. Associate Member Bransom seconded the motion. The motion carried, 7-0.**

Steven Ayers was not present.

Brandon Balsor was not present.

**Nathaniel Everett** was sworn in and spoke. He requested the reinstatement of his 2026 Shrimp Trawl License.

**Associate Member Bransom moved to reinstate his 2026 Shrimp Trawl License as requested. Associate Member Preston seconded the motion. The motion carried, 7-0.**

Vivian Fulkerson was not present.

Arthur Elliott was not present.

Michael Shackelford was not present.

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Acting Commissioner Grist asked for Commission Members input on new dates for the March and April Commission Meeting. He announced the new dates for the March and April Commission Meetings as March 31, 2026 (5<sup>th</sup>. Tuesday) and April 21, 2026 (3<sup>rd</sup>. Tuesday).

**Associate Member Headley moved to approve the dates for the March and April Commission Meeting. Associate Member White seconded the motion. The motion carried, 7-0.**

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There being no further business, the meeting was adjourned at approximately 2:46 p.m. The next Commission meeting will be on **Tuesday**, March 31, 2026.

**Commission Meeting**

**19376**  
**February 24, 2026**

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\_\_\_\_\_  
Joseph Grist, Acting Commissioner

\_\_\_\_\_  
Jamie Hogge, Recording Secretary

**City of Virginia Beach**  
**#2025-1823**

1. Habitat Management Evaluation dated March 31, 2026  
(Pages 1-3)
2. Permitted drawings dated received August 8, 2025 and December 1, 2025  
(Pages 4-10)
3. City of Virginia Beach letter requesting exemption of time-of-year restriction  
dated February 27, 2026  
(Pages 11)
4. City of Virginia Beach survey showing proposed reduced footprint dated  
February 27, 2026  
(Pages 12)
5. VMRC response letter dated March 4, 2026  
(Pages 13)
6. City of Virginia Beach request to be placed on March Commission agenda and  
VMRC response dated March 10, 2026, and March 11, 2026  
(Pages 14)
7. Virginia Institute of Marine Science comments dated-received March 12, 2026  
(Page 15)

March 31, 2026

## **HABITAT MANAGEMENT DIVISION EVALUATION**

**CITY OF VIRGINIA BEACH, #2025-1823**, requests authorization for a one-time exemption to the existing special permit condition requiring a time of year restriction to preclude the maintenance dredging of Crab Creek between March 1<sup>st</sup> - September 30<sup>th</sup> of any year to minimize adverse impacts on juvenile summer flounder - adjacent to the City's Lynnhaven Municipal Boat Ramp facility.

### **Narrative**

The Lynnhaven Municipal Boat Ramp facility is located near the mouth of the Lynnhaven River, southwest of the Lesner Bridge and was completed in 2001 in part due to funding from the Virginia Saltwater Recreational Fishing Development Fund. The facility is one of two public ramps with direct access to the Lynnhaven River system and the Chesapeake Bay. There is also a constructed City wharf that supports numerous municipal and private projects as a material loading area, and dredge material transfer and temporary placement site. This area of the Lynnhaven Inlet is very dynamic with consistent shoaling of the sandy bottom material resulting in frequent shallow water conditions. Given the dynamic nature of this area and heavy municipal and recreational use of the boat ramp and wharf, the channel requires annual dredging to maintain adequate navigational access. The City of Virginia Beach has held multiple Commission subaqueous permits allowing for annual maintenance dredging within Crab Creek adjacent to the facility since 1996 (VMRC #1996-0083, #2006-1128, #2015-0549, #2025-1823).

As part of the approved permit conditions, the City agreed to a time-of-year restriction (TOYR) recommended by the Virginia Institute of Marine Science (VIMS) that precludes dredging activities between March 1<sup>st</sup> and September 30<sup>th</sup> of any year, to reduce potential impacts to juvenile summer flounder. In addition to the TOYR, the permittee and contractor are required to contact Commission staff for an on-site meeting prior to the commencement of work to view the staked alignment of the area to be dredged and to review the permit terms and conditions.

The previous subaqueous permit (VMRC #2015-0549) expired at the end of the dredging cycle in 2025. A new application was processed, and a new subaqueous permit (VMRC #2025-1823) was approved by the Commission at the December 2, 2025, meeting as a Page 2 project. The City did not choose to execute the permit until February 4, 2026, citing an internal delay authorizing the requisite permit fee payment, thus leaving a maximum of 24 days to initiate and complete the maintenance dredging.

On February 27, 2026, the City submitted a request for a one-time exemption of the required TOYR stating they were unable to secure a contractor in time for dredging to commence prior to March 1<sup>st</sup>.



## **Issues**

The special conditions included in the approved permit are standard for every dredge permit. These conditions, in addition to the TOYR, have been included in all previous Crab Creek dredging permits since 1996.

While the permit allows for dredging activities to occur between October 1<sup>st</sup> and February 28<sup>th</sup> of any year, the city consistently waits until mid to late January or even early February to begin coordinating the required onsite pre-dredging conference, thereby shrinking the available dredge window. Historically, the annual maintenance dredging has been completed on February 28<sup>th</sup>. There have been a handful of years in which the annual maintenance dredging was allowed to continue a few days or a week into March, due to extreme weather events or other conflicting upland use; however, those requests were to continue/complete limited dredging that had begun in February.

This year, unfortunately, staff was not contacted by the City for a pre-dredge meeting but instead was preemptively contacted by the contractor, Jim Salmons with Salmons, Inc., on February 4, 2026, to initiate the on-site meeting provided the required alignment could be staked out in time. Staff offered to meet with Mr. Salmons and the City on February 9, 2026, but advised that the City had not provided the requisite pre-dredging survey, nor notification that the channel had been staked. On Monday, February 9th, Mr. Salmons advised the area had still not been staked, and the pre-dredge meeting was cancelled.

Staff made multiple attempts to reach out to the City to determine if dredging was proposed this year and to remind them of the permit conditions and TOYR. During a February 9<sup>th</sup> phone call with Ryan Firenze of the City's Department of Public Works, staff reiterated the upcoming dredging TOYR restrictions, but no request for a pre-dredge meeting or extension of time was submitted.

On February 27, 2026, the City requested a one-time exemption of the TOYR. The request included a bathymetric survey highlighting a slightly reduced dredge footprint; however, a modified timeline of proposed dredging nor quantified volume of the reduction was included.

VIMS provided advisory comments in response to the City's extension request and does not recommend granting the TOYR exemption, stating that dredging during the potential April-May time period significantly increases the likelihood of adverse effects to the local juvenile summer flounder stock.

## **Summary and Recommendations**

We are cognizant of the City's responsibility to maintain navigational access within Crab Creek and recognize the importance of maintaining suitable depths given the dynamic nature, frequent shoaling, and heavy use of this area. However, staff also recognizes the importance of Crab Creek and the immediate Lynnhaven Inlet area as vital marine habitat and important nursery area for the local juvenile summer flounder stock.

### **Summary and Recommendations (cont'd)**

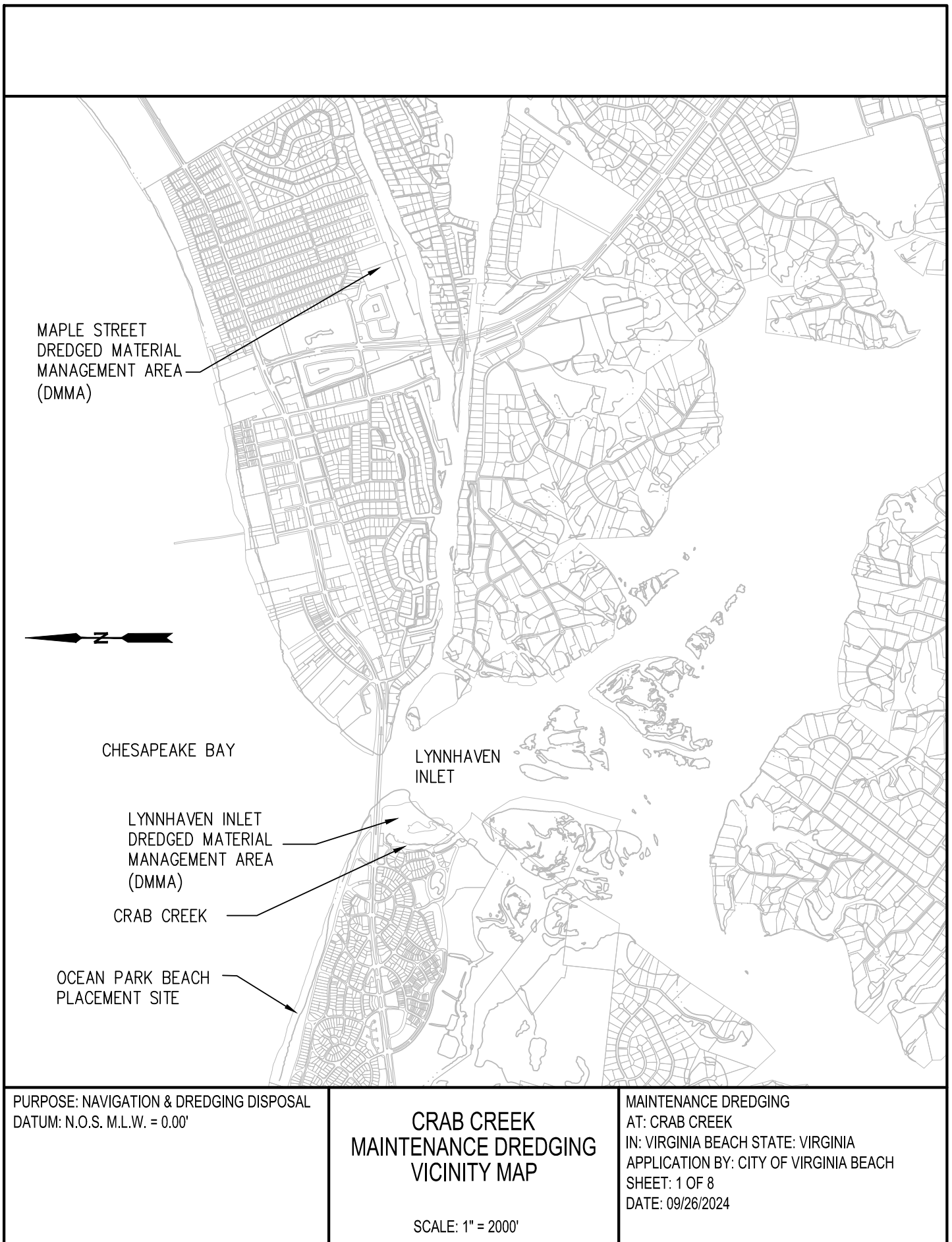
Had the City communicated this TOYR exemption request in January or even early February, staff could have potentially prepared this for Commission consideration prior to this March meeting, which may have allowed dredging earlier in the TOY window (if approved). However, since the exemption request was not submitted until February 27<sup>th</sup>, the day before the TOYR began, the March Commission meeting was the soonest this matter could be prepared for consideration.

It appears that the City has begun treating the Commission special permit conditions as *suggestions*, rather than requirements. It is unclear what steps, if any, were taken by the City to ensure that dredging could occur prior to the TOYR. No attempts were made by the City this year to contact staff for a pre-dredge meeting or to communicate the need to request an exemption of the TOYR permit condition. Staff remains confused as to why this was not communicated on February 4<sup>th</sup> when the permit was executed, or on February 9<sup>th</sup> when staff directly reminded the City of the permit conditions and TOYR.

Staff for several years now have reminded the City of the approaching TOYR permit condition (which the City accepted when executing the permit) only to have to respond to a pattern of emergency requests when the City fails to prepare appropriately. Unfortunately, staff has no recommendation that both protects juvenile summer flounder and/or allows the City to maintenance dredge within the TOYR recommended by VIMS. If no maintenance dredging is allowed until October 1, a very popular City boat ramp/channel could become dangerously shoaled and unusable; however, if maintenance dredging is allowed, the juvenile summer flounder stock within the Lynnhaven Inlet could be damaged.

Poor planning by the City of Virginia Beach has placed the Commission and staff again in the unenviable position of potentially ignoring our scientific advisors' recommendations and special permit conditions. Should the Commission decide to allow maintenance dredging during the TOYR in 2026, the Commission may want to consider:

- restricting dredging to a specific time frame not to exceed 30 days.
- a one-time mitigation payment into the Commission's [Marine Habitat and Waterways Improvement Fund](#), similar to a civil charge for requesting work outside of the permit's recognition of the time vital to recruitment of juvenile summer flounder, or
- a requirement that the city conduct ichthyoplankton and annual bottom trawl surveys, for a minimum of three years, to assess the use of the lower Lynnhaven basin by summer flounder. If required, both surveys should be designed in accordance with VIMS specifications and approval.

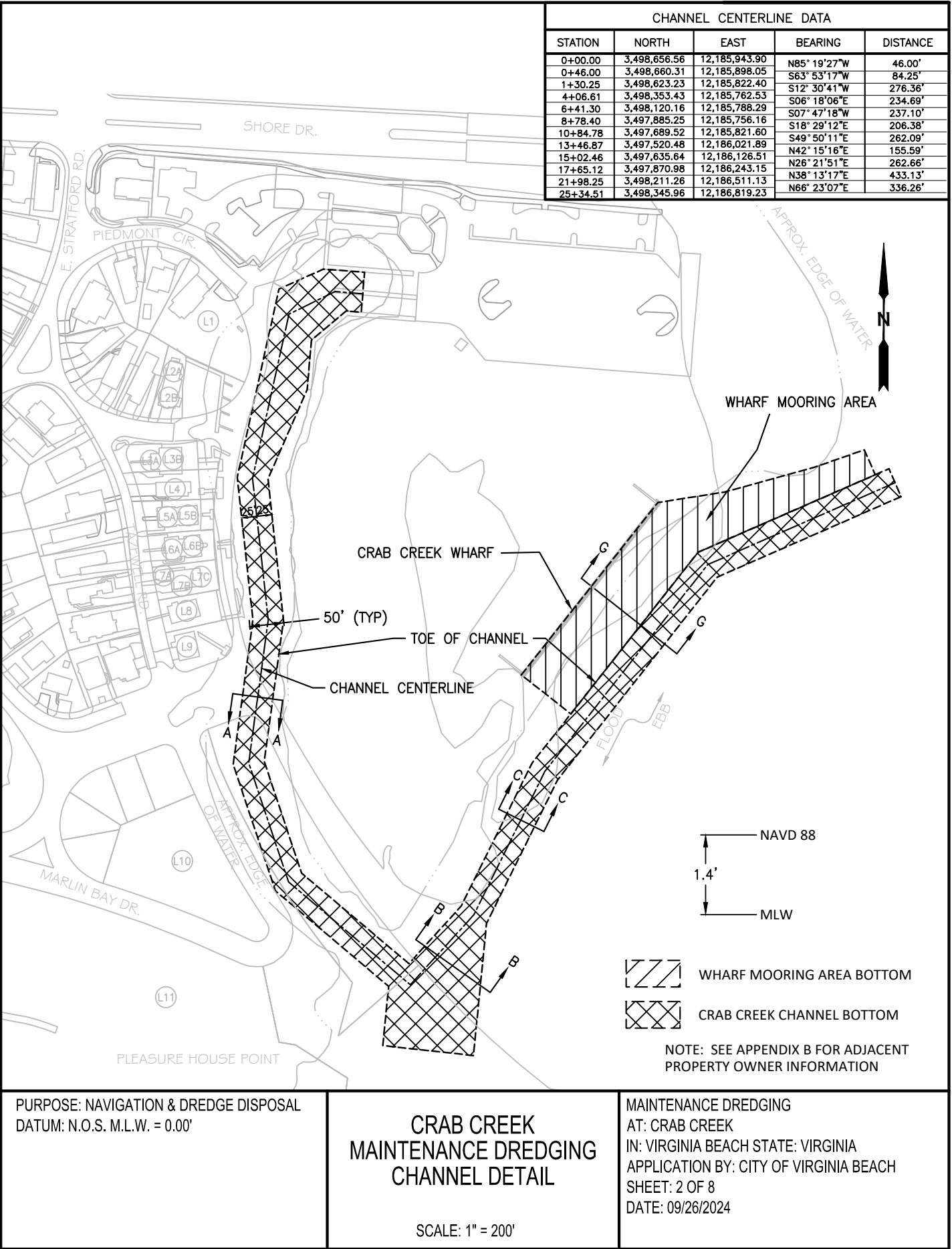


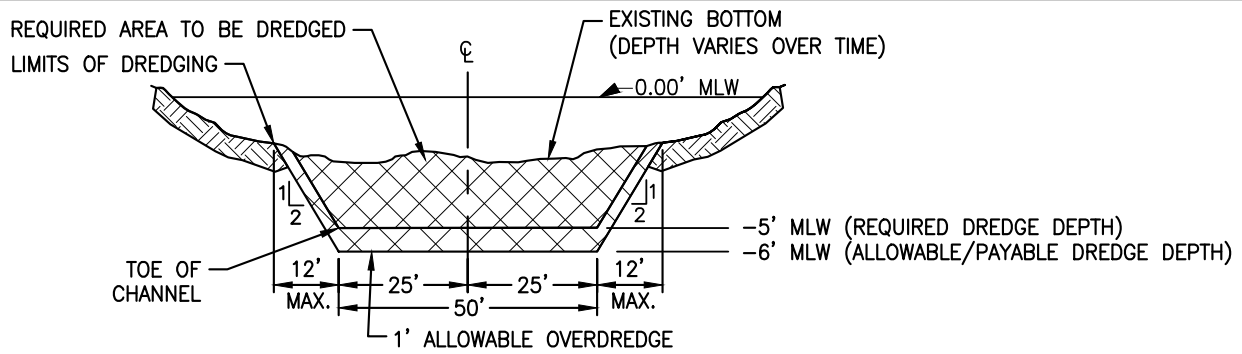
PURPOSE: NAVIGATION & DREDGING DISPOSAL  
DATUM: N.O.S. M.L.W. = 0.00'

### CRAB CREEK MAINTENANCE DREDGING VICINITY MAP

SCALE: 1" = 2000'

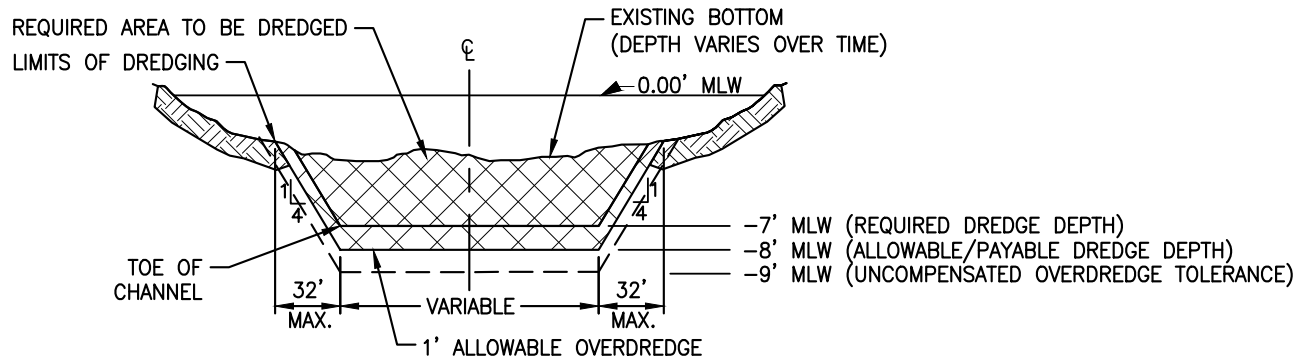
MAINTENANCE DREDGING  
AT: CRAB CREEK  
IN: VIRGINIA BEACH STATE: VIRGINIA  
APPLICATION BY: CITY OF VIRGINIA BEACH  
SHEET: 1 OF 8  
DATE: 09/26/2024





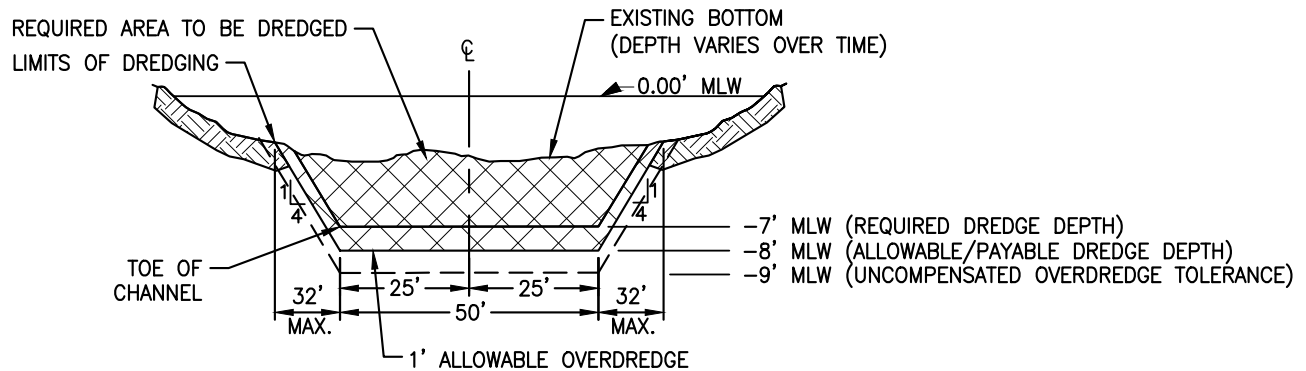
**TYPICAL CHANNEL SECTION A-A**  
FOR STATIONS 0+00 THRU 13+00

N.T.S



**TYPICAL TURNING BASIN SECTION B-B**  
FOR STATIONS 13+00 THRU 15+00

N.T.S



**TYPICAL CHANNEL SECTION C-C**  
FOR STATIONS 15+00 THRU 25+00

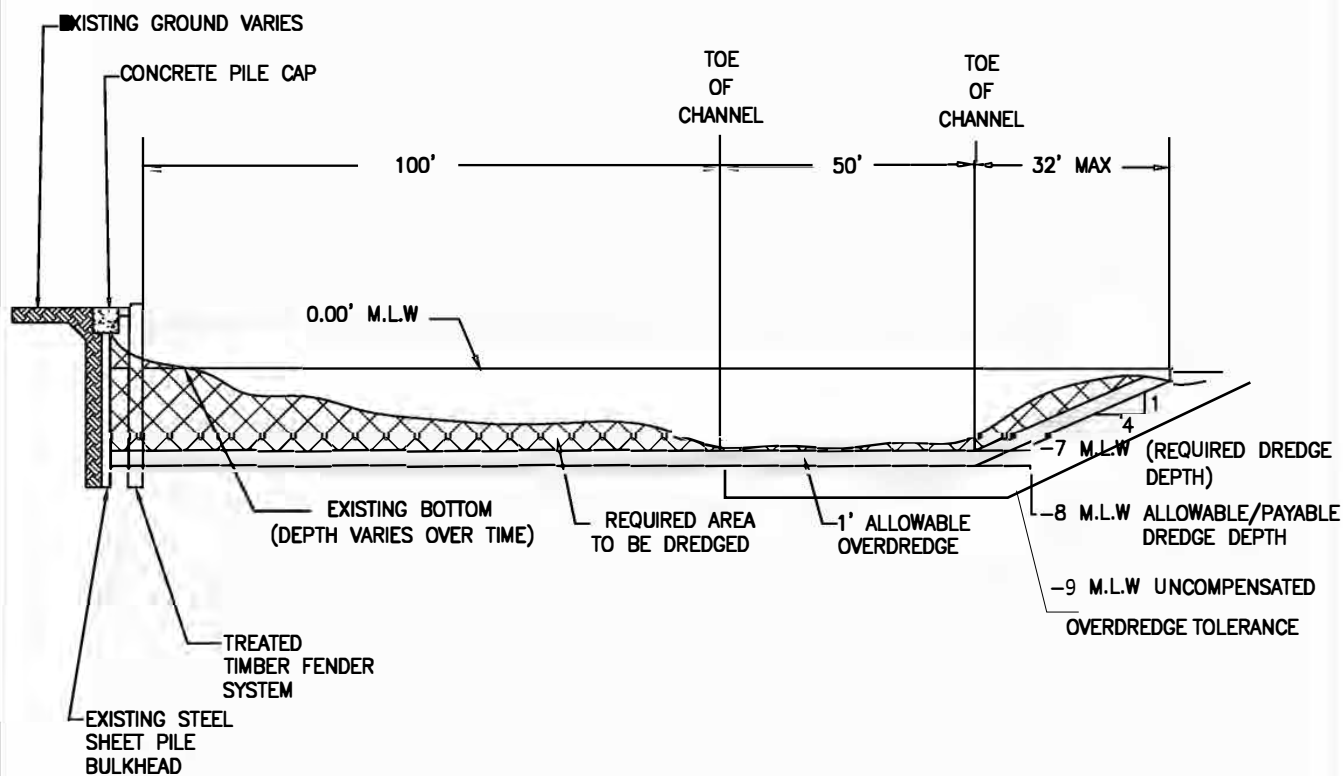
N.T.S

PURPOSE: NAVIGATION & DREDGE DISPOSAL  
DATUM: N.O.S. M.L.W. = 0.00'

**CRAB CREEK  
MAINTENANCE DREDGING  
CHANNEL SECTIONS**

N.T.S.

MAINTENANCE DREDGING  
AT: CRAB CREEK  
IN: VIRGINIA BEACH STATE: VIRGINIA  
APPLICATION BY: CITY OF VIRGINIA BEACH  
SHEET: 6 OF 8  
DATE: 09/26/2024



**TYPICAL CRAB CREEK WHARF OFF-LOADING AREA 2 SECTION G-G**  
N.T.S

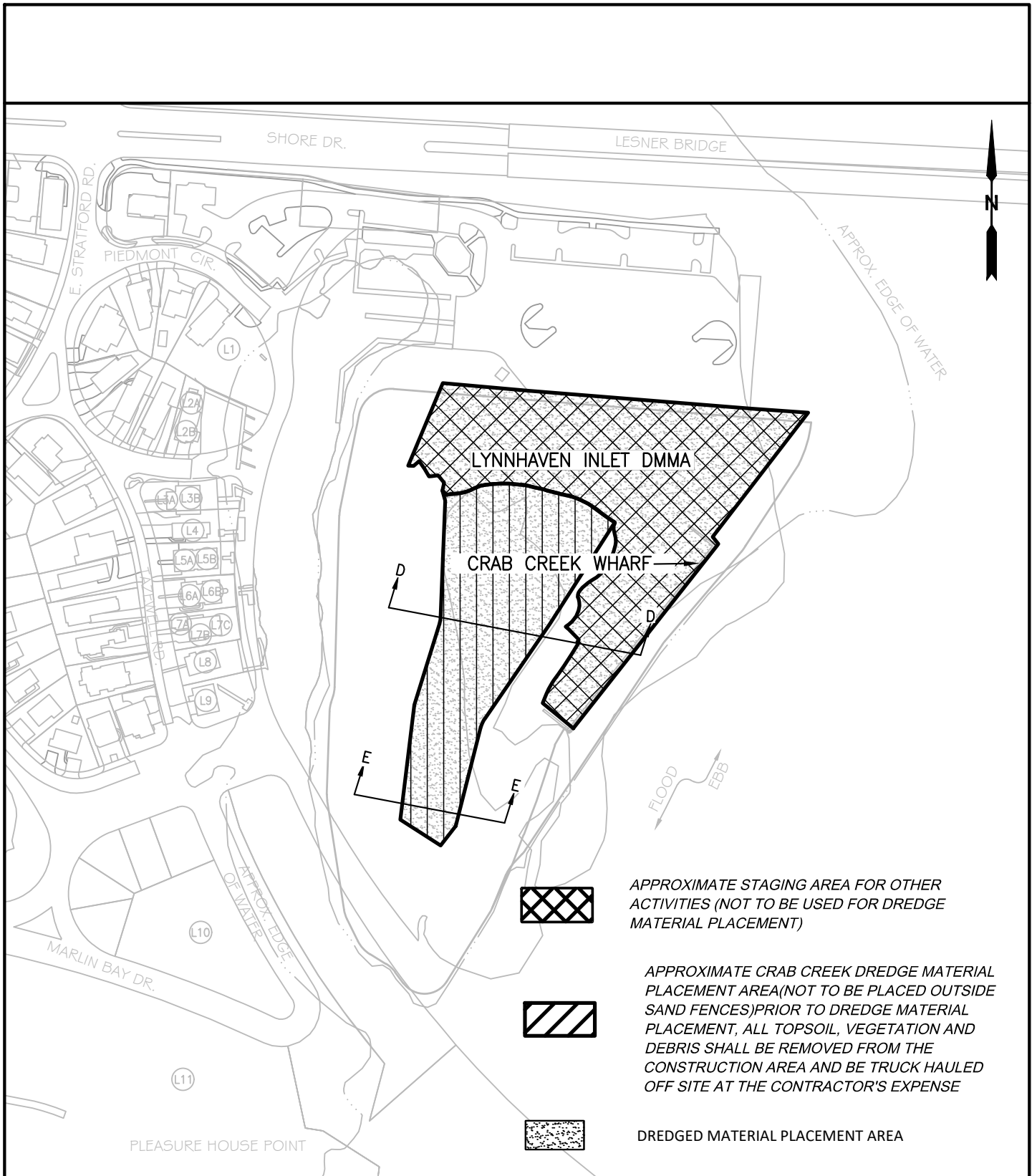
PURPOSE: NAVIGATION & DREDGE DISPOSAL  
DATUM: N.O.S. M.L.W. = 0.00'

**CRAB CREEK  
MAINTENANCE DREDGING  
TYPICAL CRAB CREEK  
WHARF MORRIS  
AREA SECTION**  
N.T.S.

MAINTENANCE DREDGING  
AT: CRAB CREEK  
IN: VIRGINIA BEACH STATE: VIRGINIA  
APPLICATION BY: CITY OF VIRGINIA BEACH  
SHEET: 7A OF 8  
DATE: 12/11/2019

Additional Information/Revision Received Dec 1  
, 2025 map



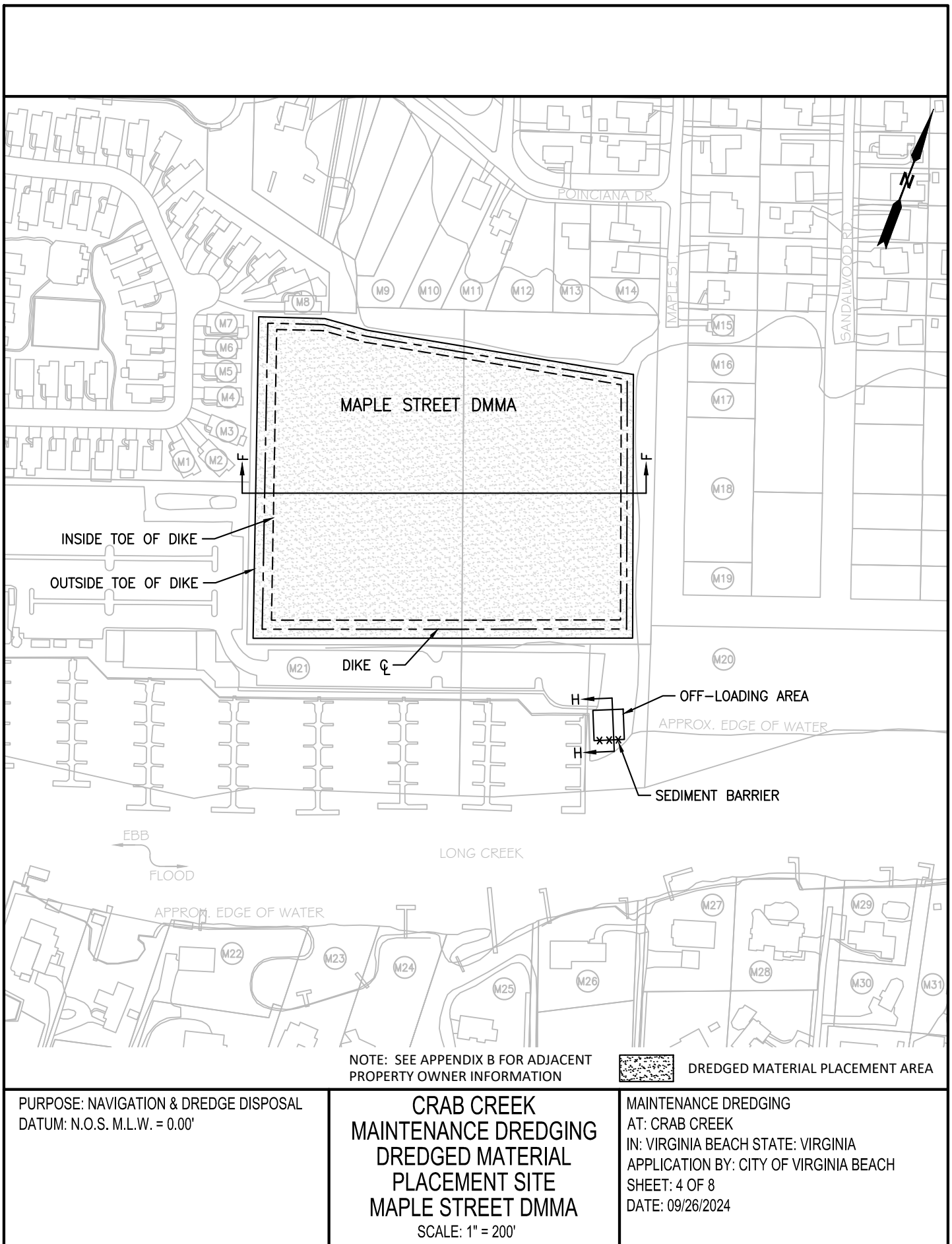


PURPOSE: NAVIGATION & DREDGE DISPOSAL  
 DATUM: N.O.S. M.L.W. = 0.00'

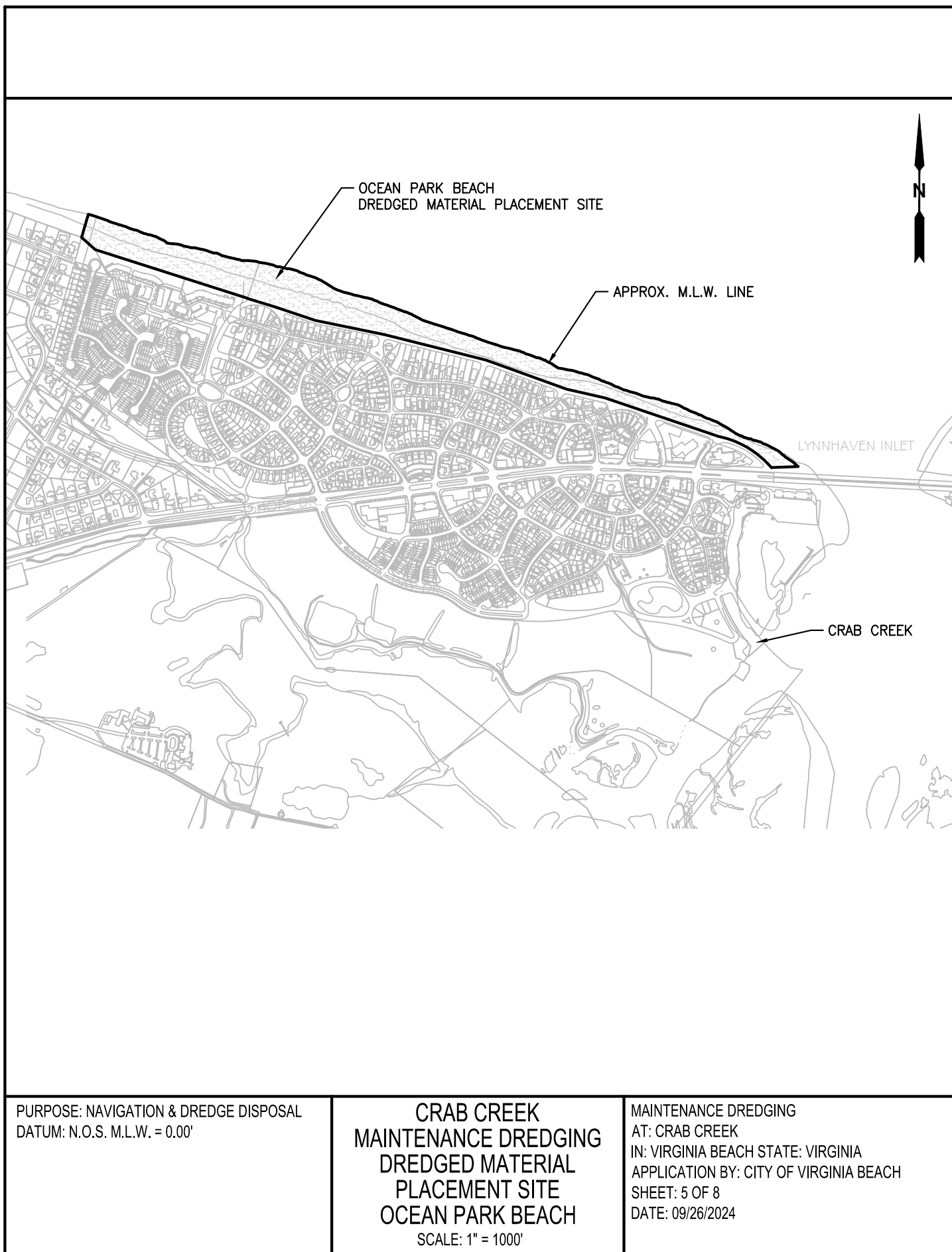
**CRAB CREEK  
 MAINTENANCE DREDGING  
 DREDGED MATERIAL  
 PLACEMENT SITE  
 LYNNHAVEN INLET DMMA**

SCALE: 1" = 200'

MAINTENANCE DREDGING  
 AT: CRAB CREEK  
 IN: VIRGINIA BEACH STATE: VIRGINIA  
 APPLICATION BY: CITY OF VIRGINIA BEACH  
 SHEET: 3 OF 8  
 DATE: 09/26/2024







Received by VMRC August 8, 2025 / Ira

**From:** [Birge, Tiffany \(MRC\)](#)  
**To:** [MRC - jpa Permits](#)  
**Subject:** FW: Crab Creek TOYR request  
**Date:** Thursday, March 5, 2026 9:48:45 AM  
**Attachments:** [Outlook\\_14\\_03\\_2026.png](#)  
[Crab Creek Maintenance Dredging 2025-2026 sketch.pdf](#)

---

Please process the email and attachment as revision for 25-1823, City of Virginia Beach.  
Thanks!

Tiffany Birge  
Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission  
Building 96, 380 Fenwick Road  
Ft. Monroe, VA 23651  
[Tiffany.birge@mrc.virginia.gov](mailto:Tiffany.birge@mrc.virginia.gov), 757-247-2254

**Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission) and to your local wetlands board. To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>**

**If you have questions regarding this permanent change, contact Barry Spence at [barry.lspence@usace.army.mil](mailto:barry.lspence@usace.army.mil).**

---

**From:** Ryan R. Firenze <[rfirenze@vbgov.com](mailto:rfirenze@vbgov.com)>  
**Sent:** Friday, February 27, 2026 4:05 PM  
**To:** Birge, Tiffany (MRC) <[tiffany.birge@mrc.virginia.gov](mailto:tiffany.birge@mrc.virginia.gov)>  
**Cc:** Kelly O. Mills <[KMills@vbgov.com](mailto:KMills@vbgov.com)>  
**Subject:** Crab Creek TOYR request

Good afternoon,

The City of Virginia Beach would like to request a one-time exemption of the TOYR for juvenile flounder. The JPA was originally submitted on 10/24/2024. The JPA could not be reviewed until the previous permit expired on 7/31/2025. The JPA was resubmitted on 8/8/2025 and a permit was issued on 2/4/2026. The City of Virginia Beach could not procure a contractor until the permit had been received.

I have attached a sketch of the proposed reduced dredging footprint.

Thanks

Ryan Firenze  
DEPARTMENT OF PUBLIC WORKS  
Engineer II

**Additional Information/Revision Received by VMRC March 5, 2026 / Ira**



NOTES:

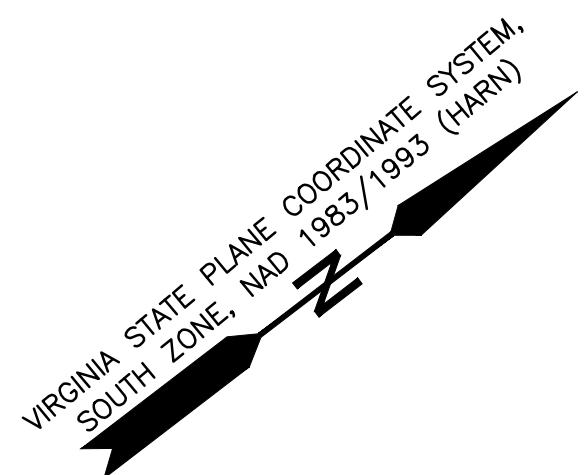
1. THE MERIDIAN SOURCE OF THIS SURVEY IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 1983/1993 (HARN). COORDINATE VALUES ARE BASED ON US SURVEY FOOT.
2. ALL ELEVATIONS SHOWN HERE ARE NEGATIVE VALUES UNLESS OTHERWISE NOTED.
3. ELEVATIONS ARE IN FEET BASED ON NOS MEAN LOW WATER (MLW), 1983-2001 NTDE.
4. TOPOGRAPHIC FEATURES SHOWN ARE FROM GIS MAPPING OF THE CITY OF VIRGINIA BEACH AND ARE NOT FROM SURVEY LOCATION IN THE FIELD.
5. THE ACTUAL LOCATION OF THE NAVIGATION AIDS MAY VARY DUE TO THE DYNAMIC CURRENT AND OTHER FACTORS. IN THIS WATERWAY CHANNEL MARKERS SHOWN HEREON WHERE FIELD LOCATED ON DECEMBER 22, 2025.
6. THIS SURVEY OF CRAB CREEK WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF DAVID R. SMITH, L.S. FROM AN ACTUAL HYDROGRAPHIC SURVEY MADE UNDER HIS SUPERVISION. THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON DECEMBER 22, 2025. THIS MAP DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
7. THESE ELEVATIONS REPRESENT ONLY THE CONDITION AT THIS LOCATION AND ON THE DATE SHOWN AND DOES NOT GUARANTEE THE CONDITIONS AT OTHER AREAS OR DATES SUBSEQUENT TO THIS SURVEY.
8. THE MEAN LOW WATER LINE WAS FIELD LOCATED ON OCTOBER 17, 2019.

NAVD 1988  
1.4'  
(MLW) 1983-2001 NTDE  
CRAB CREEK DATUM CONVERSION

IMPORTANT NOTE:  
NO PAYMENT WILL BE MADE FOR  
MATERIALS REMOVED BEYOND THE  
DREDGING LIMITS SPECIFIED HEREON

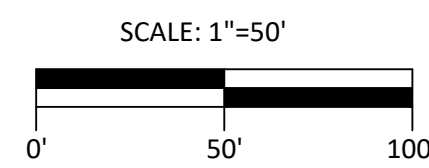
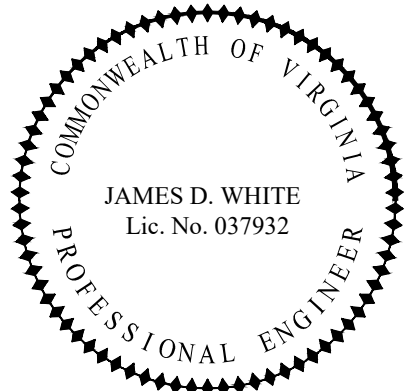
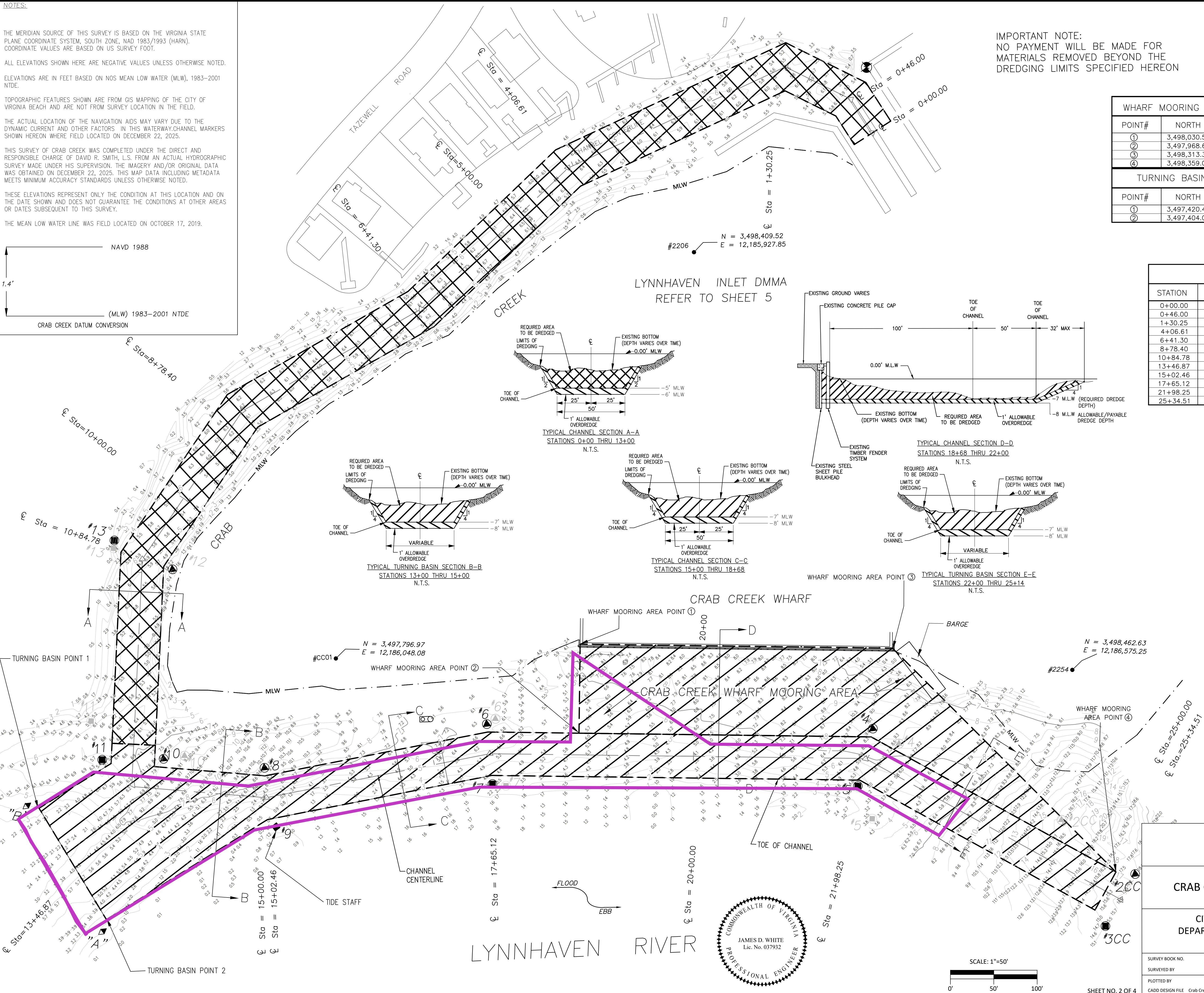
| WHARF MOORING AREA POINTS |              |               | PERMITTED NAVIGATION AIDS |           |            |
|---------------------------|--------------|---------------|---------------------------|-----------|------------|
| POINT#                    | NORTH        | EAST          | NUMBER                    | NORTH     | EAST       |
| ①                         | 3,498,030.55 | 12,186,206.30 | 2CC                       | 3,498,377 | 12,186,806 |
| ②                         | 3,497,968.68 | 12,186,284.86 | 3CC                       | 3,498,313 | 12,186,833 |
| ③                         | 3,498,313.38 | 12,186,429.03 | 4                         | 3,498,239 | 12,186,489 |
| ④                         | 3,498,359.02 | 12,186,786.69 | 5                         | 3,498,185 | 12,186,531 |
| TURNING BASIN POINTS      |              |               | 6                         | 3,497,889 | 12,186,214 |
| POINT#                    | NORTH        | EAST          | 7                         | 3,497,852 | 12,186,273 |
| ①                         | 3,497,420.46 | 12,185,976.71 | 8                         | 3,497,655 | 12,186,098 |
| ②                         | 3,497,404.02 | 12,186,125.81 | 9                         | 3,497,624 | 12,186,160 |
|                           |              |               | 10                        | 3,497,569 | 12,186,019 |
|                           |              |               | 11                        | 3,497,512 | 12,185,977 |
|                           |              |               | 12                        | 3,497,710 | 12,185,852 |
|                           |              |               | 13                        | 3,497,677 | 12,185,785 |
|                           |              |               | A                         | 3,497,392 | 12,186,134 |
|                           |              |               | B                         | 3,497,411 | 12,185,966 |

| CHANNEL CENTERLINE DATA |              |               |              |          |
|-------------------------|--------------|---------------|--------------|----------|
| STATION                 | NORTH        | EAST          | BEARING      | DISTANCE |
| 0+00.00                 | 3,498,656.56 | 12,185,943.90 | N85° 19'27"W | 48.00'   |
| 0+46.00                 | 3,498,660.31 | 12,185,898.05 | S63° 53'17"W | 84.25'   |
| 1+30.25                 | 3,498,623.23 | 12,185,822.40 | S12° 30'41"W | 276.36'  |
| 4+06.61                 | 3,498,353.43 | 12,185,762.53 | S06° 18'06"E | 234.69'  |
| 6+41.30                 | 3,498,120.16 | 12,185,788.29 | S07° 47'18"W | 237.10'  |
| 8+78.40                 | 3,497,885.25 | 12,185,756.16 | S18° 29'12"E | 206.38'  |
| 10+84.78                | 3,497,689.52 | 12,185,821.60 | S49° 50'11"E | 262.09'  |
| 13+46.87                | 3,497,520.48 | 12,186,021.89 | N42° 15'16"E | 155.59'  |
| 15+02.46                | 3,497,635.64 | 12,186,126.51 | N26° 21'51"E | 262.66'  |
| 17+65.12                | 3,497,870.98 | 12,186,243.15 | N38° 13'17"E | 433.13'  |
| 21+98.25                | 3,498,211.26 | 12,186,511.13 | N66° 23'07"E | 336.26'  |
| 25+34.51                | 3,498,345.96 | 12,186,819.23 |              |          |



LEGEND

- AREA TO BE DREDGED TO -5' (+1' OVERDREDGE) WITH 2:1 SIDE SLOPES
- AREA TO BE DREDGED TO -7' (+1' OVERDREDGE) WITH 4:1 SIDE SLOPES
- OVERDREDGE AREA
- PERMITTED GREEN BUOY (ODD #)
- PERMITTED GREEN PILING (ODD #)
- PERMITTED RED BUOY (EVEN #)
- EXISTING GREEN BUOY (ODD #)
- EXISTING GREEN PILING (ODD #)
- EXISTING RED BUOY (EVEN #)
- NO WAKE ZONE BUOY
- PERMITTED BLACK AND WHITE SIGN ON PILING
- EXISTING BLACK AND WHITE SIGN ON PILING
- IRON PIN
- TIDE STAFF
- CHANNEL ANGLE POINT
- CONTOUR



SHEET NO. 2 OF 4

| CRAB CREEK MAINTENANCE DREDGING |                        |                                                                          |                   |
|---------------------------------|------------------------|--------------------------------------------------------------------------|-------------------|
| CRAB CREEK DREDGING PLAN        |                        | CITY OF VIRGINIA BEACH<br>DEPARTMENT OF PUBLIC WORKS<br>COASTAL DIVISION |                   |
| SURVEY BOOK NO.                 | "C" 2025               | DRAWN BY                                                                 | PROJECT ENGINEER  |
| SURVEYED BY                     | D. HUNDLEY             | JCS                                                                      | JDW               |
| PLOTTED BY                      | JCS                    | APPROVED BY                                                              | DATE              |
| CADD DESIGN FILE                | Crab Creek Sheet 2.dwg |                                                                          | DECEMBER 29, 2025 |



**From:** [Birge, Tiffany \(MRC\)](#)  
**To:** [Ryan R. Firenze](#); [Kelly O. Mills](#)  
**Cc:** [Boyd, Teresa \(MRC\)](#); [Owen, Randy \(MRC\)](#); [Worrell, Justin \(MRC\)](#); [James D. White \(jwhite@vbgov.com\)](#); [Rommel B. Tamayo \(rtamayo@vbgov.com\)](#); [Jim Salmons](#); [Waterfront@vbgov.com \(waterfront@vbgov.com\)](#)  
**Subject:** RE: Crab Creek TOYR request  
**Date:** Wednesday, March 4, 2026 1:22:07 PM  
**Attachments:** [!\[\]\(a3ea015cc5581cad732d1eb81613fe7b\_img.jpg\)](#)

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Good afternoon Ryan,

Please accept this correspondence in response to your February 27<sup>th</sup> email and follow-up phone call on March 3<sup>rd</sup> regarding the city's request for a one-time exemption of the time of year restriction associated with the maintenance dredging of Crab Creek (VMRC #2025-1823).

As you know, the permit is conditioned to restrict dredging activities between March 1<sup>st</sup> through September 30<sup>th</sup> of any year to protect juvenile flounder. Per our phone conversation, you requested authorization to dredge within the time of year restriction up to March 20, 2026.

This request has been discussed with the Habitat Management Division Chief and Deputy Chief. Given that this matter was recently heard and approved by the full Commission at the December 2, 2025 Commission meeting, Habitat Management staff is unable to administratively approve your request to waive the time of year permit condition for the 2026 dredging cycle.

If the city needs to dredge this year prior to the next allowable dredging window beginning October 1, 2026, you will need to specifically request authorization from the full Commission. Our next available Commission meeting is scheduled on Tuesday, March 31, 2026. If you would like to present this request to the Commission and be placed on the March agenda, please let us know by **Wednesday, March 11, 2026**. Feel free to reach out with any questions.

Respectfully,

Tiffany Birge

Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission  
Building 96, 380 Fenwick Road  
Ft. Monroe, VA 23651  
[Tiffany.birge@mrc.virginia.gov](mailto:Tiffany.birge@mrc.virginia.gov), 757-247-2254

**Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission) and to your local wetlands board. To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>**

**If you have questions regarding this permanent change, contact Barry Spence at [barry.l.spence@usace.army.mil](mailto:barry.l.spence@usace.army.mil).**

---

**From:** Ryan R. Firenze <rfirenze@vbgov.com>  
**Sent:** Friday, February 27, 2026 4:05 PM  
**To:** Birge, Tiffany (MRC) <tiffany.birge@mrc.virginia.gov>  
**Cc:** Kelly O. Mills <KMills@vbgov.com>  
**Subject:** Crab Creek TOYR request

Good afternoon,

**From:** [Birge, Tiffany \(MRC\)](#)  
**To:** [Ryan R. Firenze](#)  
**Cc:** [Boyd, Teresa \(MRC\)](#); [Owen, Randy \(MRC\)](#); [Kelly O. Mills](#); [Worrell, Justin \(MRC\)](#); [James D. White](#); [jim@salmonsinc.com](#); [Planning Waterfront](#)  
**Subject:** RE: Crab Creek TOYR request  
**Date:** Wednesday, March 11, 2026 12:53:15 PM  
**Attachments:** [image.png](#)

---

Good afternoon Ryan,

Please accept this correspondence as receipt of the City's request to be placed on the March 2026 Commission agenda. You will receive additional information about the meeting details as we get closer to the meeting date.

Feel free to reach out with any questions.

Thanks,

Tiffany Birge

Environmental Specialist II, Habitat Management

Virginia Marine Resources Commission

Building 96, 380 Fenwick Road

Ft. Monroe, VA 23651

[Tiffany.birge@mrc.virginia.gov](mailto:Tiffany.birge@mrc.virginia.gov), 757-247-2254

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**If you have questions regarding this permanent change, contact Barry Spence at [barry.l.spence@usace.army.mil](mailto:barry.l.spence@usace.army.mil).**

---

**From:** Ryan R. Firenze <[rfirenze@vbgov.com](mailto:rfirenze@vbgov.com)>  
**Sent:** Tuesday, March 10, 2026 1:55 PM  
**To:** Birge, Tiffany (MRC) <[tiffany.birge@mrc.virginia.gov](mailto:tiffany.birge@mrc.virginia.gov)>  
**Cc:** Boyd, Teresa (MRC) <[Teresa.Boyd@mrc.virginia.gov](mailto:Teresa.Boyd@mrc.virginia.gov)>; Owen, Randy (MRC) <[Randy.Owen@mrc.virginia.gov](mailto:Randy.Owen@mrc.virginia.gov)>; Kelly O. Mills <[KMills@vbgov.com](mailto:KMills@vbgov.com)>; Worrell, Justin (MRC) <[Justin.Worrell@mrc.virginia.gov](mailto:Justin.Worrell@mrc.virginia.gov)>; James D. White <[jawhite@vbgov.com](mailto:jawhite@vbgov.com)>; [jim@salmonsinc.com](mailto:jim@salmonsinc.com); [Planning Waterfront](mailto:Waterfront@vbgov.com) <[Waterfront@vbgov.com](mailto:Waterfront@vbgov.com)>  
**Subject:** Re: Crab Creek TOYR request

Good afternoon,

We would like this request to be placed the March agenda.

Ryan Firenze

DEPARTMENT OF PUBLIC WORKS

Engineer II

757-385-8985 | [rfirenze@vbgov.com](mailto:rfirenze@vbgov.com)

<https://pw.virginiabeach.gov/>

March 9, 2026

Ms. Tiffany Birge  
Environmental Engineer  
Habitat Management Division  
Virginia Marine Resources Commission  
380 Fenwick Road, Bldg. 96  
Fort Monroe, VA 23651

Dear Ms. Birge:

We have completed your requested assessment of the potential adverse environmental impacts resulting from dredging in the vicinity of Crab Creek, Lynnhaven River during the time-of-year restrictions protective of juvenile summer flounder. Sandy substrates are the preferred habitat of juvenile flounder and the Lynnhaven River system is documented as an important lower Bay nursery habitat. The March 1<sup>st</sup> beginning of the time-of-year restriction was set to accommodate the metamorphosis and settling of pelagic flounder larvae on the river bottom that is known to generally occur in March and April. Although recent low water temperatures may result in some delay to the onset of metamorphosis and settling, which would likely reduce adverse impacts to juvenile flounder if dredging had occurred very early into the restricted period, we understand that dredging would not be allowed to begin until April or May. Dredging during this time significantly increases the likelihood of adverse effects to the local flounder stock. Therefore, a waiver is not recommended.

We add that the project plans that you provided raise the possibility of concurrent dredging by the U.S. Army Corps of Engineers for maintenance of the Lynnhaven Inlet federal channel (Sheet 1 Note #1). If this dredging were also to occur during the time-of-year restriction it would greatly compound our concerns for local flounder resources and create added restrictions to the Lynnhaven watershed's nursery habitat migratory corridor.

Please contact me if you have questions or require further information.

Sincerely,



Lyle Varnell  
Associate Director for Advisory Services

**JAMES MISHLER**  
**#25-2275**

1. Habitat Management Evaluation dated March 31, 2026.  
(Pages 1 and 2)
2. Project drawings dated received on January 8, 2026, and January 27, 2026.  
(Pages 3 through 6)
3. Online protest submissions in Habitat Public Comments from Mr. and Mrs. Manning dated January 22, 2026, January 28, 2026, February 2, 2026, and March 24, 2026, and from Mr. Keith Schumann, dated February 2, 2026.  
(Pages 7 – through 17)

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

## **HABITAT MANAGEMENT DIVISION EVALUATION**

**JAMES MISHLER, VMRC #25-2275**, requests authorization to construct a 17-foot by 36-foot open-sided boathouse adjacent to a statutorily authorized private pier situated along College Creek at 110A Archers Hope Drive in James City County. This project is protested by adjacent property owners.

### **Narrative**

The proposal is located along College Creek, where numerous private piers including gazebos and boathouses, have been authorized and constructed. The applicant plans to purchase a 25-foot center console vessel to be stored in the proposed boathouse.

On October 8, 2025, staff received an application requesting authorization to construct two (2) new finger pier additions to an existing private pier, totaling 98 linear feet and a 612 square foot open-sided boathouse and lift. A partial no permit necessary letter was sent on January 15, 2026, advising Mr. Mishler that a VMRC would not be required for the new catwalks, but that a permit may be required for the boathouse.

James City County notified the applicant that the proposed project did not require a permit from the local wetlands board since the work was proposed outside of the board's jurisdiction.

### **Issues**

Prior to submission of the application, staff received a call from a neighbor on July 31, 2025, regarding the unauthorized construction of the boathouse at the subject property. The contractor, Wilbur Jordan, was ordered to stop work and willingly removed all installed lumber and materials. Staff revisited the property on August 1, 2025, and confirmed that the violation had been completely removed.

Following receipt of the application in October 2025, staff notified the adjoining property owners of the proposal as part of its public interest review. The upstream adjoining property owners, Harvey and Peggy Manning, objected to the boathouse proposal in January 2026. Keith Schumann, a nearby property owner also submitted a protest. \*Although Mr. Schumann is not an adjoining property owner, once the Mannings protested, a Commission permit is now required, thereby opening the proposal up to a full public interest review in which any member of the public can protest.

The Mannings' state that the proposed roof structure adversely affects their viewshed and lowers their property value. They alternatively request that Mr. Mishler build a smaller boathouse or use a boat cover over the existing boat. Mr. Shumann's stated objections include the unauthorized prior construction, material misrepresentations in the application, and the excessive scale of the proposed structure. He would also like to see the applicant use a boat cover rather than constructing a boathouse.



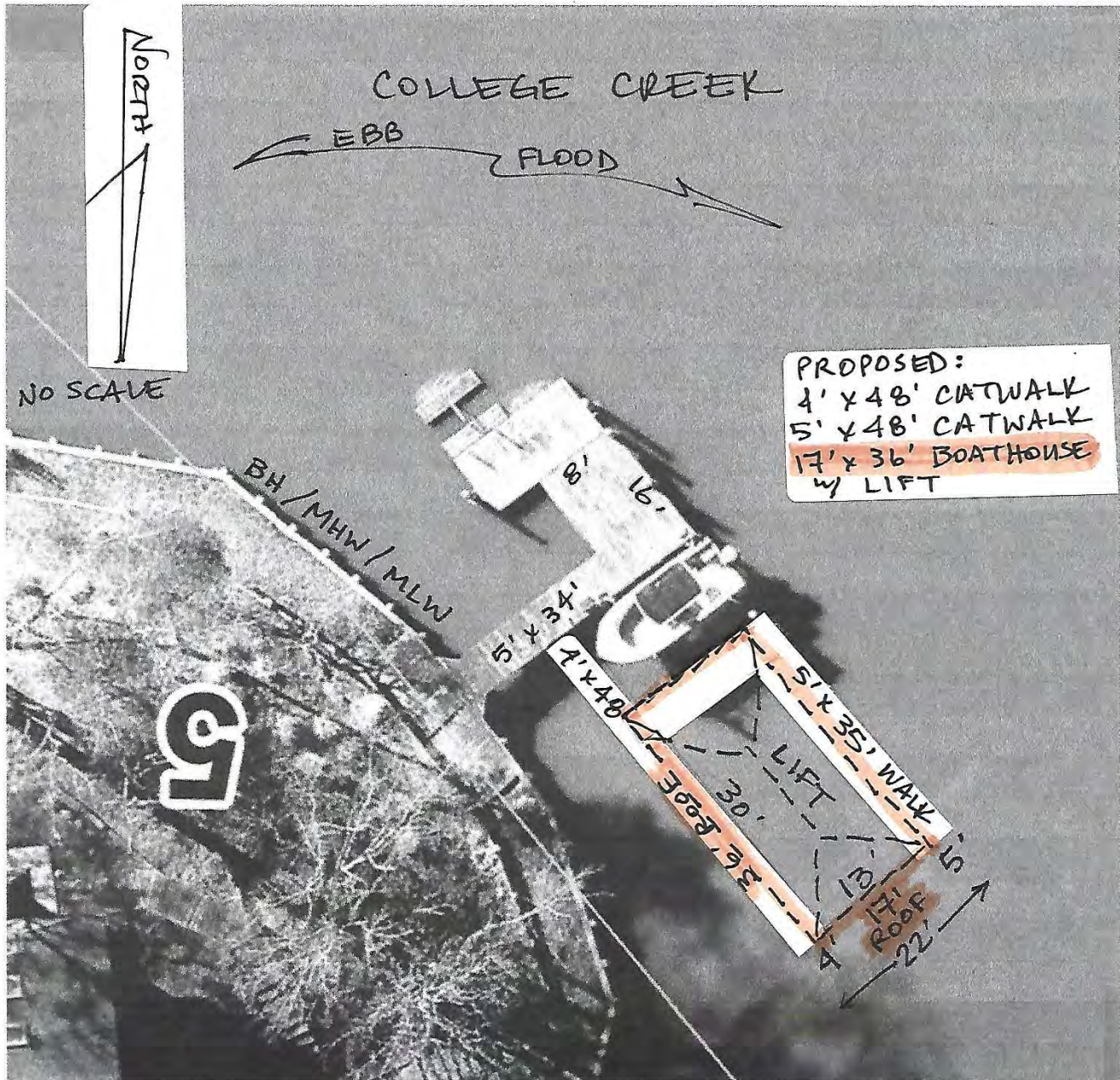
## **Summary and Recommendations**

Had the application for the proposed open-sided boathouse not been protested, it too would have qualified for the statutory authorization provided for open-sided covered lifts pursuant to §28.2-1203A5 of the Code of Virginia. The proposed boathouse is 612 square feet, 88 square feet less than the 700 square feet maximum allowable size provided by statute.

In this case, we believe the open-sided design of the boathouse roof structure only minimally adds to the visual obstruction already presented by Mr. Mishler's statutorily authorized pier and other piers with roof structures in the area. Ultimately, staff believes that the addition of the boathouse is a reasonable use of the applicant's riparian rights for private-use encroachment over state-owned submerged lands.

Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition to the project, and after considering all the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.

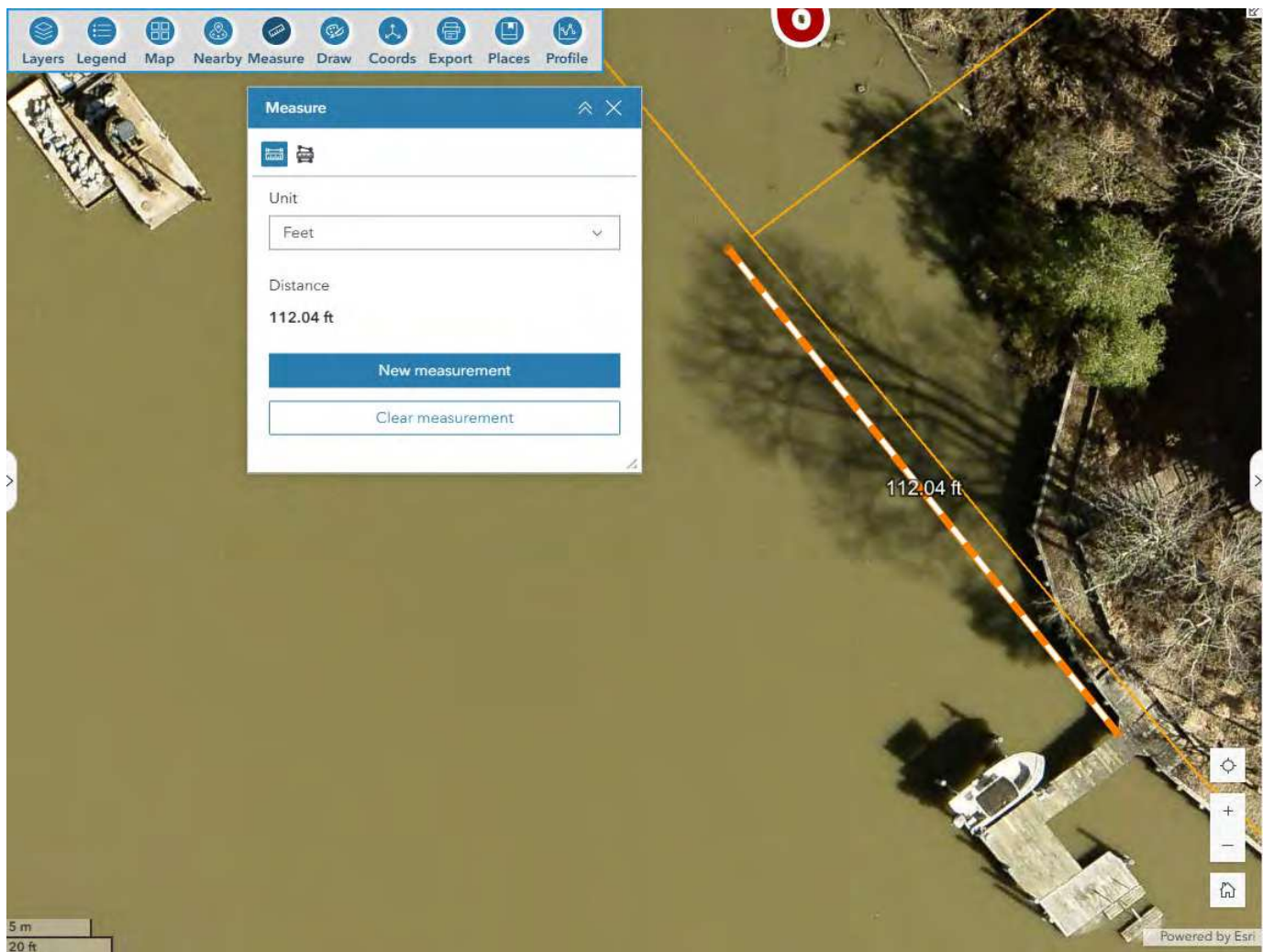
VMRC # 2025-2275 REV. DRAW.



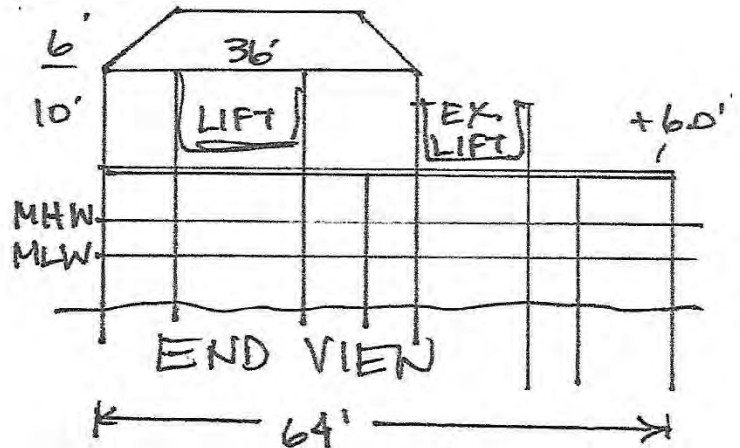
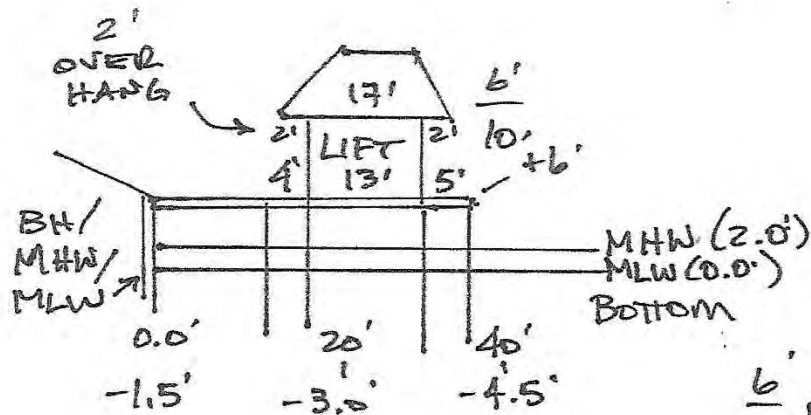
JAMES CITY COUNTY, VA GIS, 2025.

|                                                      |                   |                                        |
|------------------------------------------------------|-------------------|----------------------------------------|
| Adjacent Property Owners                             | SITE PLAN         | JAMES L. MISHLER                       |
| 1. Donald I. Pratt, Jr. & Geraldine O. Pratt Trustee | James City County | 110 A Archers Hope Drive, Williamsburg |
| 2. Harvey D. Manning, Jr. & Peggy A. Manning Trustee | LRSN = 11349      | On College Creek                       |
|                                                      |                   | Date: 8-19-25 Sheet 2 of 3             |

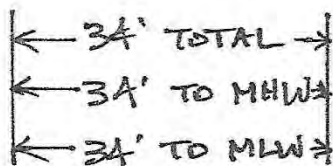
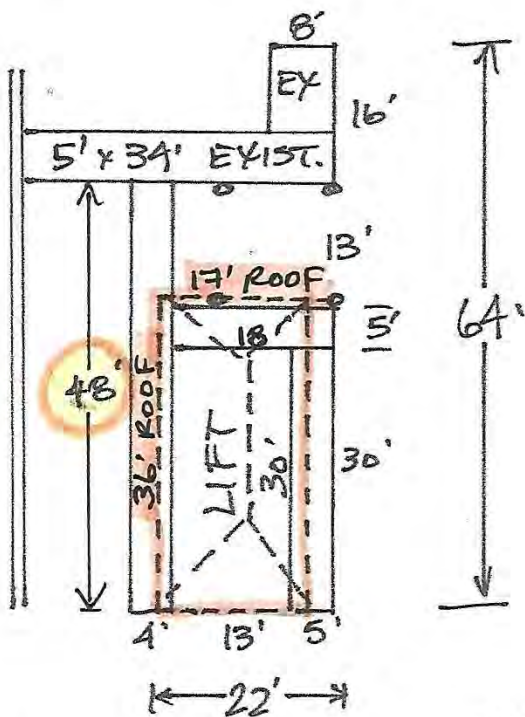




VMRC # 2025-2275 REV. DRAW.



17' x 36' (612 SF)  
OPEN-SIDED BOAT HOUSE  
ROOF = DASHED LINE



BULKHEAD TO MLW ~ 157'  
BULKHEAD TO MARSH ~ 190'

2 x 8 DECKING AND STRINGERS, ALL LUMBER TREATED.

ALL HARDWARE H.D.G.

8 TIMBER PILES, 12" MAXIMUM DIAMETER, LENGTH AS REQUIRED.

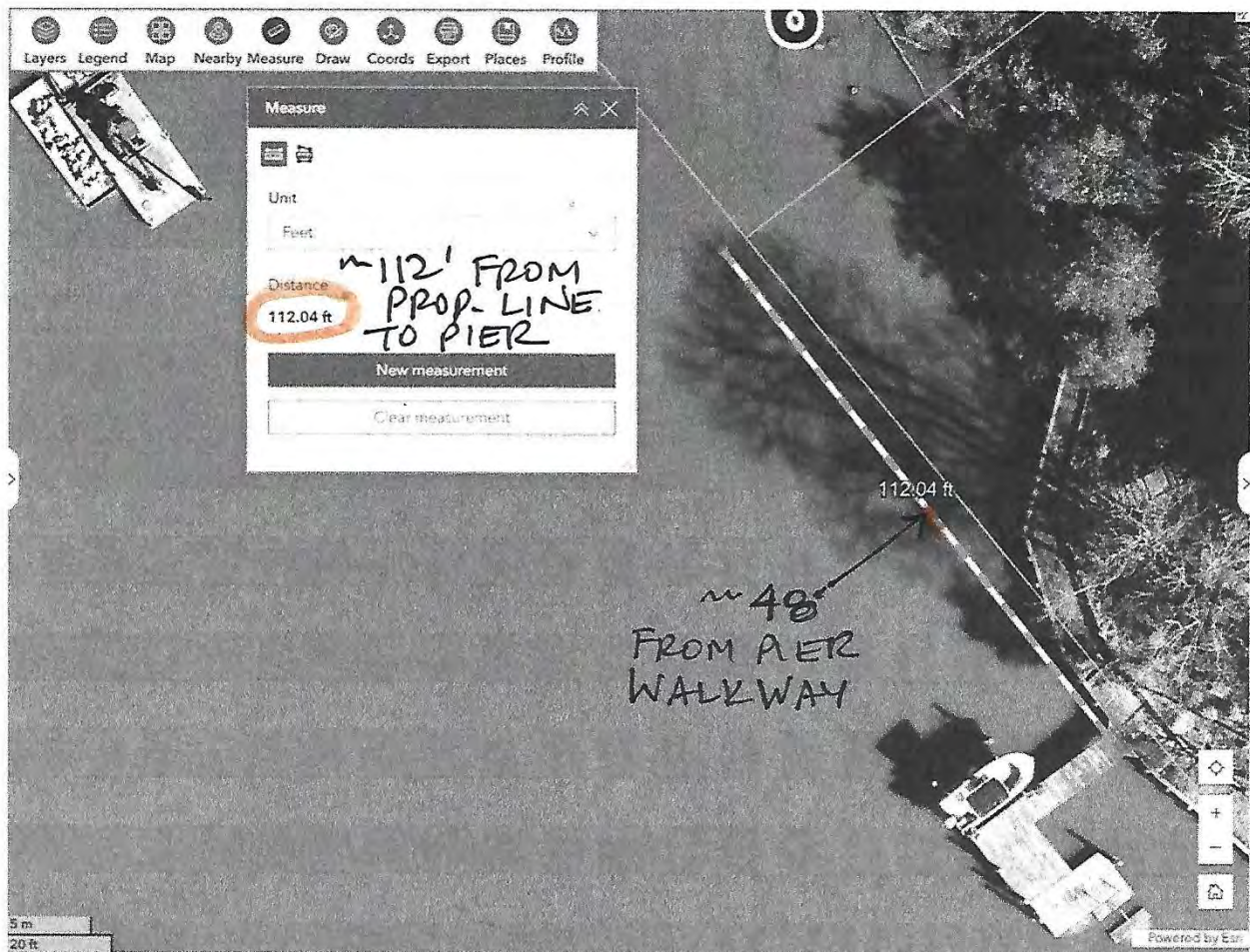
PILES INSTALLED WITH VIBRATORY HAMMER.

1 TEMPORARY CONSTRUCTION VESSEL.

NET INCREASE OF 1 PERMANENT, NON-COMMERCIAL VESSEL.

|                                                      |                   |                                        |
|------------------------------------------------------|-------------------|----------------------------------------|
| Adjacent Property Owners                             | PIER DETAIL       | JAMES L. MISHLER                       |
| 1. Donald I. Pratt, Jr. & Geraldine O. Pratt Trustee | James City County | 110 A Archers Hope Drive, Williamsburg |
| 2. Harvey D. Manning, Jr. & Peggy A. Manning Trustee | LRSN = 11349      | On College Creek                       |
|                                                      |                   | Date: 8-17-25 Sheet 3 of 3             |





JAMES CITY COUNTY, VA GIS, 2026.

# Public Comments for 20252275

[<< Back](#)[Excel Export](#)[PDF Export](#)**Total Comments: 5****Favor: 0****Oppose: 5****No Position: 0****Withdrawn: 0**

Use the "Edit" buttons below to edit the name or the position of the commenter. This can be used to change a comment to "Withdrawn".

*Click on column heading to sort data.*

| No. | Name                                  | Email                | Timestamp                    | Position                    | Comments                                                           |
|-----|---------------------------------------|----------------------|------------------------------|-----------------------------|--------------------------------------------------------------------|
| 1   | PEGGY<br>MANNING <a href="#">Edit</a> | peggymanning@cox.net | 01/22/2026<br>09:09:56<br>AM | OPPOSE <a href="#">Edit</a> | SEE ATTACHED<br><br><b>Supporting Files:</b> <a href="#">PDF 1</a> |

From: [Reams, Brad \(MRC\)](#)  
To: [MRC - jpa Permits](#)  
Subject: protest FW: boathouse application 25-2275  
Date: Wednesday, January 21, 2026 1:38:08 PM

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**From:** Harvey Manning <peggymanning@cox.net>  
**Sent:** Wednesday, January 21, 2026 12:51 PM  
**To:** Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>  
**Subject:** Re: boathouse application 25-2275

Thank you, Mr. Reams

I also want to reiterate, as I said in our conversation that if the proposed large boathouse impacts our view, we cannot approve it. Obviously, it would definitely affect our property value.

A smaller boathouse might be acceptable to us as long as it does not impact our view. Perhaps you might share this with the agent.

Sincerely

Peggy Manning

[Sent from Yahoo Mail for iPad](#)

On Wednesday, January 21, 2026, 10:02 AM, Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov> wrote:

Per our phone conversation, I am requesting the agent provide distances from the shared property lines.

Once I receive a revised drawing, I'll share that with you.

Sincerely



[Bradley Reams](#)

Environmental Engineer

Habitat Management

| No. | Name                                     | Email                | Timestamp                    | Position                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|------------------------------------------|----------------------|------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2   | HARVEY D<br>MANNING <a href="#">Edit</a> | peggymanning@cox.net | 01/28/2026<br>14:52:17<br>PM | OPPOSE <a href="#">Edit</a> | AS APO WE DO NOT APPROVE<br>THE PROPOSED STRUCTURE,<br>WHICH WILL UNFAVORABLY<br>AFFECT THE VIEW FROM OUR<br>PROPERTY. THE SIZE OF THE<br>STRUCTURE, INCLUDING THE<br>DISTANCE FROM THE<br>APPLICANTS PROPERTY INTO<br>COLLEGE CREEK WILL CAUSE<br>OUR VIEW, WHICH IS OF<br>COURS WIDERR THAN OUR<br>PROPERTY PROPERTY<br>LINES.. <br /> <br /> WE ALSO<br>FEEL THAT THE APPLICANT<br>COULD COVER THE EXISTING<br>LIFT ON HIS PROPERTY TO<br>CREATE A BOAT HOUSE IN<br>MORE SUITABLE DIMENSIONS<br>TO COLLEGE CREEK. A<br>LARGE BOAT WOULD NOT BE<br>ABLE TO NAVIGATE UNDER<br>THE PARKWAY TO THE JAMES<br>SO THE PRESENT LIFT AND<br>DOCS COULD BE MADE INTO<br>AN APPROPRIATE SIZED<br>BOATHOUSE, WHICH WOULD<br>NOT AFFECT ANYONE'S VIEW.<br><br /> <br /> HARVEY AND |



| No. | Name                                | Email                        | Timestamp                    | Position                    | Comments                                                           |
|-----|-------------------------------------|------------------------------|------------------------------|-----------------------------|--------------------------------------------------------------------|
|     |                                     |                              |                              |                             | PEGGY MANNING, APO                                                 |
| 3   | KEITH SCHUMANN <a href="#">Edit</a> | keith.schumann@fittedair.com | 02/02/2026<br>10:18:01<br>AM | OPPOSE <a href="#">Edit</a> | SEE ATTACHED<br><br><b>Supporting Files:</b> <a href="#">PDF 1</a> |
| 4   | PEGGY MANNING <a href="#">Edit</a>  | peggymanning@cox.net         | 02/02/2026<br>13:29:46<br>PM | OPPOSE <a href="#">Edit</a> | SEE ATTACHED<br><br><b>Supporting Files:</b> <a href="#">PDF 1</a> |
| 5   | HARVEY MANNING <a href="#">Edit</a> | peggymanning@cox.net         | 03/24/2026<br>16:18:13<br>PM | OPPOSE <a href="#">Edit</a> | SEE ATTACHED<br><br><b>Supporting Files:</b> <a href="#">PDF 1</a> |

From: [Reams, Brad \(MRC\)](#)  
To: [MRC - jpa Permits](#)  
Subject: Protest Fw: Application 2025-2275 — Additional Pier and Boathouse at 110A Archers Hope Road  
Date: Thursday, January 29, 2026 11:05:55 AM  
Attachments: [Image](#)

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objection

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**From:** Keith Schumann <keith.schumann@fittedair.com>  
**Sent:** Wednesday, January 28, 2026 1:41 PM  
**To:** Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>  
**Cc:** Linda Schumann <LSinVA@outlook.com>; peggymanning@cox.net <peggymanning@cox.net>  
**Subject:** Re: Application 2025-2275 — Additional Pier and Boathouse at 110A Archers Hope Road

**Re: Application 2025-2275 — Additional Pier and Boathouse at 110A Archers Hope Road**

Dear Mr. Reams,

I have reviewed the application for an additional pier and boathouse at **110A Archers Hope Road (Application No. 2025-2275)**. Based on the materials submitted and prior activity at the site, I object to approval of this project.

The structure proposed appears to be the same structure that was partially constructed **without a permit in June of last year**, prior to notification of the County. Approval of this application would effectively reward noncompliance with the permitting process and set an unfortunate precedent that dock construction may proceed first and be permitted later without consequence.

The homeowner was aware that Board review was required before construction began. Their family had recently completed another dock in the same neighborhood—just several houses away—which was properly permitted. This demonstrates clear familiarity with the required process.

In addition, the application contains **multiple instances of inaccurate, misleading, or demonstrably false information**, including but not limited to the following:

- **Part 1, Section 4:** The application states that *eight (8) treated timber piles* will be installed. This is inconsistent with the work already completed in June, which included **at least twice that number of newly installed piles**. The submitted diagrams also fail to identify the number or precise locations of pilings.
- **Part 1, Section 5:** The application denies use of a contractor. However, a

contractor was present on site during construction activity in June and July and is currently listed in the application email chain. It is unclear whether the applicant is asserting that no contractor is currently selected, or denying contractor involvement altogether, which would be inaccurate.

- **Part 1, Section 8 (Project Need):** The stated need—“*There currently is no safe way to lift and store a boat on site or gain access to navigable water onsite*”—is false. An **18–20 ft center-console boat** has been safely lifted, stored, and launched from the existing lift for **over 18 years**. This boat remained on site after the property was purchased last summer and continued to be used as intended.

- **Submitted Diagrams:** Several views omit existing structures. The existing boat lift is excluded in multiple diagrams, and the end-view fails to show **two existing floating docks**. With the proposed addition, the end-view length would be approximately **80 feet**, and the total dock footprint would measure roughly **22 feet by 80 feet (1,760 square feet)**.

- **Part 3 (Appendices):** The appendices depict the **existing structure**, rather than the structure being proposed, further obscuring the true scope of the project.

If the applicant believes the existing lift is inadequate for a larger boat, the appropriate solution would be to **modify the existing lift** and add a **boathouse cover** to that structure. A 25-foot boat is rarely, if ever, observed on College Creek due to shallow depths and the height limitations of the Parkway bridge. The combined size of the existing and proposed structures is disproportionate for a private residence and appears **commercial in scale**.

For these reasons—unauthorized prior construction, material misrepresentations in the application, and the excessive scale of the proposed structure—I respectfully request that this application be denied.

Please confirm receipt and addition of this public comment by an adjacent land owner. Will you also notify me by email when a date is set for the board to review this project?

Sincerely,

Keith Schumann  
Homeowner, 114 Archers Hope Rd

Prior dock with lift as seen from our living room.

Construction last summer before removal. This is what is proposed and is massive and unneeded for access.



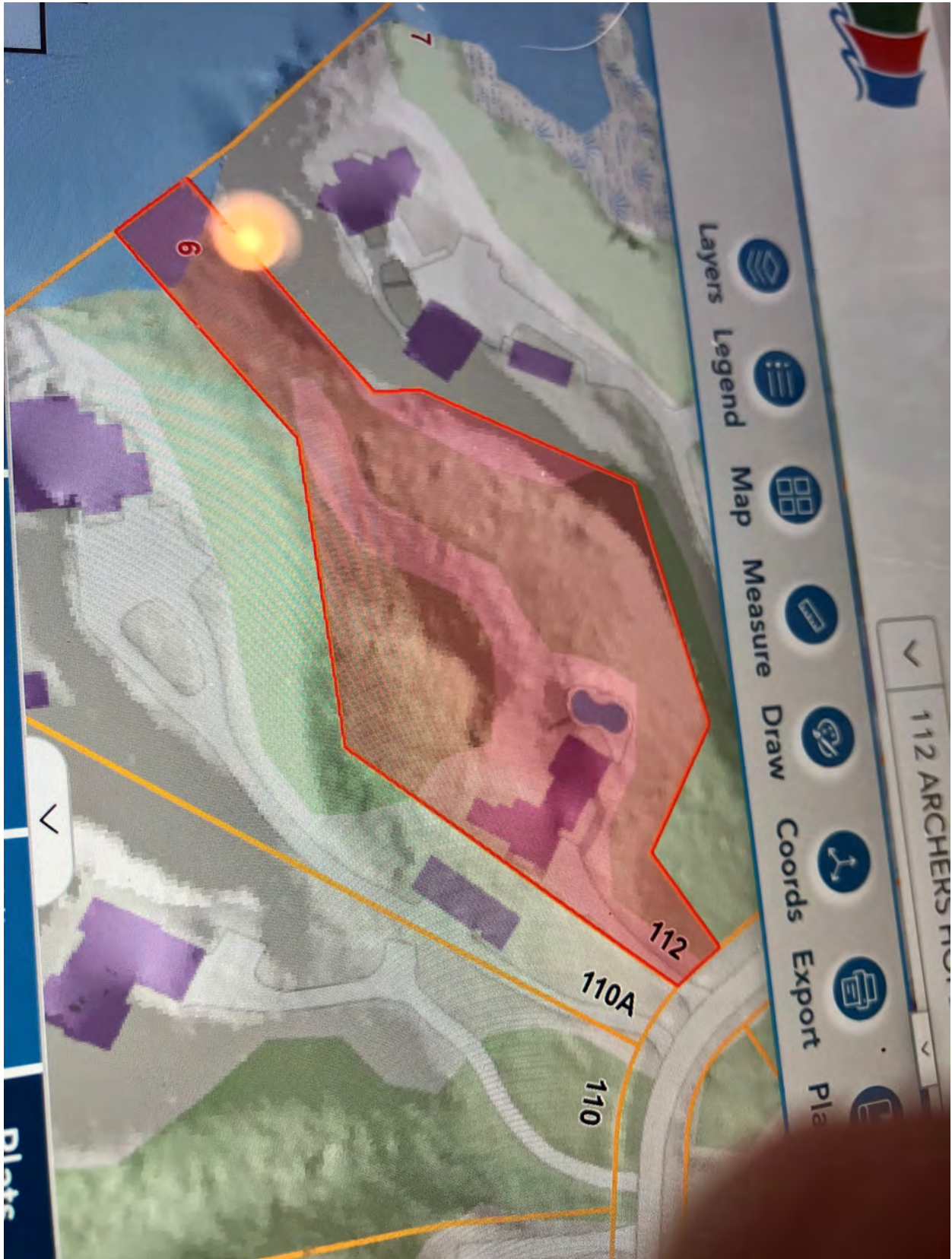
Sent from my iPad





From: Harvey Manning <gammanning@usa.net>  
Sent: Friday, January 30, 2020 3:00 PM  
To: Harris, David <DAR222@usda.com>; gmmanning@usa.net  
Subject: Application 2020-2275

Protestant comments







I am attaching a photo of our view and a photo of our Property plan taken from the JCC website. You will notice that our house is closer to the street and on a hill leading to the water. The view from our house obviously extends way past the side property line at the water, and is more in line with the side property line where our house is built.  
[View from JCC website](#)

From: [Reams, Brad \(MRC\)](#)  
To: [MRC - jpa Permits](#)  
Subject: 25-2275 FW: Application 2025 for a boathouse  
Date: Monday, March 23, 2026 12:42:24 PM

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Apo

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**From:** Harvey Manning <peggymanning@cox.net>  
**Sent:** Monday, March 23, 2026 11:57 AM  
**To:** Reams, Brad (MRC) <brad.reams@mrc.virginia.gov>  
**Subject:** Application 2025 for a boathouse

Mr. Reams,

We received notice of the hearing for application 2025. Unfortunately, due to our ages(83 and 90) and health issues we are unable to attend the hearing.

Basically, we are opposed to this application because we don't see a demonstrated need for such a large boathouse when a large boat would not be able to navigate under the Colonial Parkway. We feel that a large boathouse would intrude into our view and also would interfere with the ability for future owners of our property to build a simple dock, thus reducing the value of our property. We do not want to interfere with the right of our neighbors to build a boat house, but feel that a smaller one or one that utilizes the present boatlift on the premise would be sufficient.

We had previously submitted our opposition to the application in writing as requested.

Peggy and Harvey Manning  
110 Archers Hope Drive  
Williamsburg, Virginia [Sent from Yahoo Mail for iPad](#)

**DOCKSIDE CONDO OWNERS ASSOCIATION**  
**NOTICE TO COMPLY #25-05**  
**VMRC#24-1044**

1. Habitat Management Evaluation dated March 31, 2026.  
(Pages 1-3)
2. VMRC Subaqueous Permit #24-1044 dated August 27, 2024.  
(Pages 4-11)
3. Sworn Complaint #25-05 dated August 29, 2025.  
(Pages 12-13)
4. Notice to Comply #25-05 dated September 5, 2025.  
(Pages 14-15)
5. As built drawings developed by staff dated March 31, 2026.  
(Pages 16-18)

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

## **HABITAT MANAGEMENT DIVISION EVALUATION**

**DOCKSIDE CONDO OWNERS ASSOCIATION, NOTICE TO COMPLY #25-05, VMRC #24-1044**, Commission consideration of the Dockside Condo Owners Association and their contractor Mr. Charles Duke II, of Waterfront Development Corporation, for failure to comply with the Commission's September 5, 2025, directive to remove unauthorized boat slips, finger piers, mooring piles, floating docks, kayak launch, decking, and float-on boat lifts constructed in excess of VMRC Permit #24-1044 authorization, adjacent to property (Parcel #051/R1/9/A) situated along Sarah Creek at the terminus of Sunset Drive in Gloucester County.

### **Narrative**

On August 27, 2024, the Commission issued a permit to Dockside Condo Owners Association to reconstruct three (3) community use access piers following a public hearing at which staff recommended approval as an unprotected Page Two item. The permit included a total of 82 boat slips and a 20-foot by 50-foot floating dock totaling 38,072 square feet of encroachment over state-owned subaqueous bottom.

On June 9, 2025, the contractor and agent for the project, Mr. Charles Duke II, sent an email with as-built drawings requesting staff concurrence that the project construction is in compliance with the issued permit. Upon review of the as-built drawings, staff determined that they were illegible and requested an on-site meeting with the contractor and applicant for a compliance inspection.

On August 27, 2025, VMRC staff met with Mr. Duke and Mr. Peyton Eastwood, President of the Dockside Condo Owners Association, to review project drawings and inspect the final configuration of the constructed piers. During that meeting, it was determined that the replacement community docks, as constructed, were in substantial violation of the issued VMRC permit. Subsequently, staff issued a Sworn Complaint on August 29, 2025, noting the following discrepancies between the permit and the as-built pier configurations:

- 1) A total of 91 slips were constructed when only 82 were permitted.
- 2) A total of eight (8) additional finger piers with associated mooring piles have been constructed that were not part of the permit.
- 3) Total encroachment of the three (3) docks over state-owned subaqueous bottom exceeds the permitted encroachment by 4,660 square feet (as built 42,732 and permitted for 38,072).
- 4) Two (2) floating docks and a kayak launch were installed that were not part of the permit.
- 5) Dock A was constructed 96 feet long measured from mean low water when it was permitted to extend 89 feet long from mean low water.
- 6) Dock D was constructed 87 feet long measured from mean low water when it was permitted to extend 79 feet long from mean low water.
- 7) Dock D was constructed 232 feet wide when it was permitted for only 208 feet.
- 8) There are six (6) float-on docks that have been installed which were not a part of the permit.

On September 5, 2025, Mr. Randal Owen, Chief of Habitat Management and designee for the Commissioner, issued a Notice to Comply to Dockside Condo Owners Association and Mr. Charles Duke ordering the following corrective measures to bring the community access piers into compliance with the issued permit:



### **Narrative (Cont'd)**

- 1) The unauthorized boat slips, finger piers, and associated mooring piles on Docks A and D should be removed.
- 2) The four (4) permitted slips and associated mooring piles on the landward side of Dock A should be reoriented to match permit drawings.
- 3) The unauthorized boat slip, floating platforms, mooring piles and kayak launch on Dock B should be removed.
- 4) All unauthorized float-on docks for vessels/jet-skis/kayaks should be removed from their associated slips.
- 5) The T-head on Dock D should be reduced to its permitted length of 208 feet.

### **Issues**

To date the applicant has not started the work detailed in the Notice to Comply and has indicated to staff they wish to request after-the-fact authorization to retain the piers in their current configuration. Staff has not considered the applicant's request for after-the-fact authorization because the as-built project greatly exceeds the previously authorized encroachment. It is staff policy not to entertain a new application without first addressing substantial violations of the existing Commission's permit.

In their dialogs with staff, the agent and applicant have indicated that there were miscommunications that led to multiple revisions prior to the initiation of construction. These revisions were not submitted to our agency for review. It should be noted that the contractor was also the authorized agent for the project and is very familiar with the VMRC permit process. He should always have a copy of the issued permit on-site during construction. Dockside Condo Owners Association nor Mr. Duke contacted staff during construction to discuss any concerns with the authorized community piers' footprints.

### **Summary/Recommendation**

At issue is the fact that nine (9) additional slips and multiple other structures have been installed which resulted in an encroachment increase of 4,660 square feet beyond what was authorized by this Commission. As such, it is staff's recommendation that the applicant be ordered to conform to the September 5, 2025, VMRC Notice to Comply within 30 days of this hearing.

Staff additionally recommends that the authorized agent and contractor, Mr. Duke, be assessed a civil charge in the amount of \$10,000.00 for the permit violations based upon a major degree of permit non-compliance and significant environmental impact per the Civil Charge Matrix previously adopted by the Commission. Staff also recommends that the contractor be referred to the Virginia Department of Professional and Occupational Regulation for construction activities undertaken without the necessary permits.

While the applicant is complicit in the violation, Dockside Condo Owners Association indicated they were confused due to the miscommunication with Mr. Duke regarding the final design of the permitted structures. Because of this confusion, staff is recommending a reduced civil charge of \$5,000.00 to the Dockside Condo Owners Association given their failure to adhere to the VMRC Notice to Comply.

Should either party not consent to the assessment of the respective civil charges for their role in this violation, staff recommends that the Commission refer the matter to the Office of the Attorney General (OAG) to pursue the appropriate civil penalties pursuant to §28.2-1213 of the Code of Virginia.

**Summary/Recommendation (Cont'd)**

Should the applicant fail to undertake the corrective measures identified in the Notice To Comply by April 30, 2026, staff recommends that the OAG be directed to seek removal in the local circuit court and seek an additional \$1,000.00 civil penalty per day, from the Dockside Condo Owners Association for each day that the unauthorized structures remain over state-owned subaqueous bottom beginning April 1, 2026.



**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION  
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 27th day of August 2024 hereby grants unto:

**Dockside Condo Owners Assoc.  
Post Office Box 1000  
Hayes, VA 23072**

hereinafter referred to as the Permittee, permission to:

  X   Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.

       Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittee is hereby authorized to replace three (3) condominium piers and associated slips for a total of 82 slips: Pier A will be an 8-foot wide by 114-foot long mainstem with an 8-foot wide by 194-foot long L-head with nine (9) finger piers and 21 boat slips; Pier B will be an 8-foot wide by 123-foot long mainstem pier with an 8-foot by 206-foot T-head, a 12-foot by 50-foot floating dock, fifteen (15) finger piers and 30 boat slips; Pier D will be an 8-foot wide by 104-foot long mainstem pier with an 8-foot by 208-foot T-head, sixteen (16) finger piers, and 31 boat slips - situated along Sarah Creek at the terminus of Sunset Drive in Gloucester County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received April 29, 2024, and revised drawings dated received June 14, 2024, and August 7, 2024, which are attached and made a part of this permit.

**This permit is granted subject to the following conditions:**

- (1) The work authorized by this permit is to be completed by **August 31st, 2029**. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit, which are not maintained in good repair, shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts that may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.
- (15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation or maintenance of said project.

**The following special conditions are imposed on this permit:**

- (16) The placard accompanying this permit document must be conspicuously displayed at the work site.
- (17) Permittee agrees to notify the Commission upon the start of the activities authorized by this permit.

| Description of Fees  | Amount   | Unit of Measure | Rate  | Total       | Frequency | After-The-Fact |
|----------------------|----------|-----------------|-------|-------------|-----------|----------------|
| Encroachment Royalty | 34128.00 | Square Feet     | 1.500 | \$51192.00  | One-Time  |                |
| Permit Fee           |          |                 |       | \$600.00    | One-Time  |                |
| Total Permit Fees    |          |                 |       | \$51,792.00 |           |                |

This permit consists of 8 Pages

PERMITTEE(S)

☒ BY CHECKING THIS BOX, I certify that I am the Permittee OR the certified agent acting on behalf of all Permittees, that I have read and understood the permit as drafted and accept all of the terms and conditions herein. I agree and understand that checking the box has the same legal authority as a written signature. The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original Permittee(s). In cases where the Permittee is a corporation, agency or political jurisdiction, I certify I have proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

PERMITTEE OR CERTIFIED AGENT

Charles Duke II President      Certified Agent  
\_\_\_\_\_  
Print Your Name Here

DATE TERMS ACCEPTED

August 28, 2024  
\_\_\_\_\_

PERMITEE

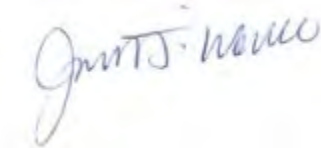
Dockside Condo Owners Assoc.  
Post Office Box 1000  
Hayes, VA 23072

AGENT

Waterfront Development Corp.  
Charles Duke II  
10224 Mary's Lane  
Gloucester, VA 23061

COMMISSION

This permit is executed on behalf of the Commonwealth of Virginia, Marine Resources Commission by the undersigned:



Justin Worrell  
Deputy Chief, Habitat Management Division

DATE SIGNED  
28th day of August 2024

Go Maps 2122 George Washington Memorial Hwy, Hayes, VA 23072 Drive 1.1 miles, 3 min



 via State Rte 641 3 min  
Fastest route 1.1 miles

Explore nearby Sunset Dr

D-Dock

5/25

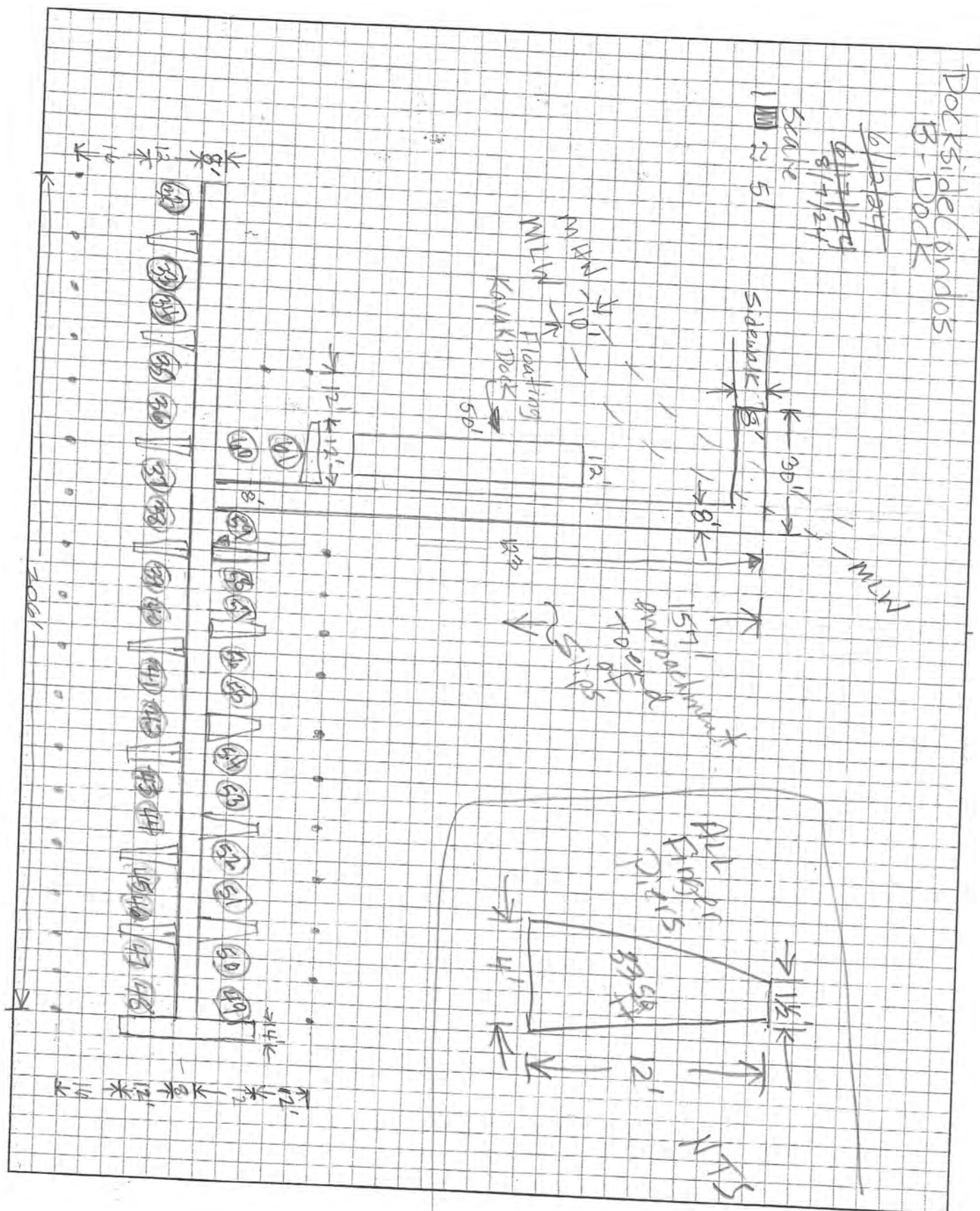




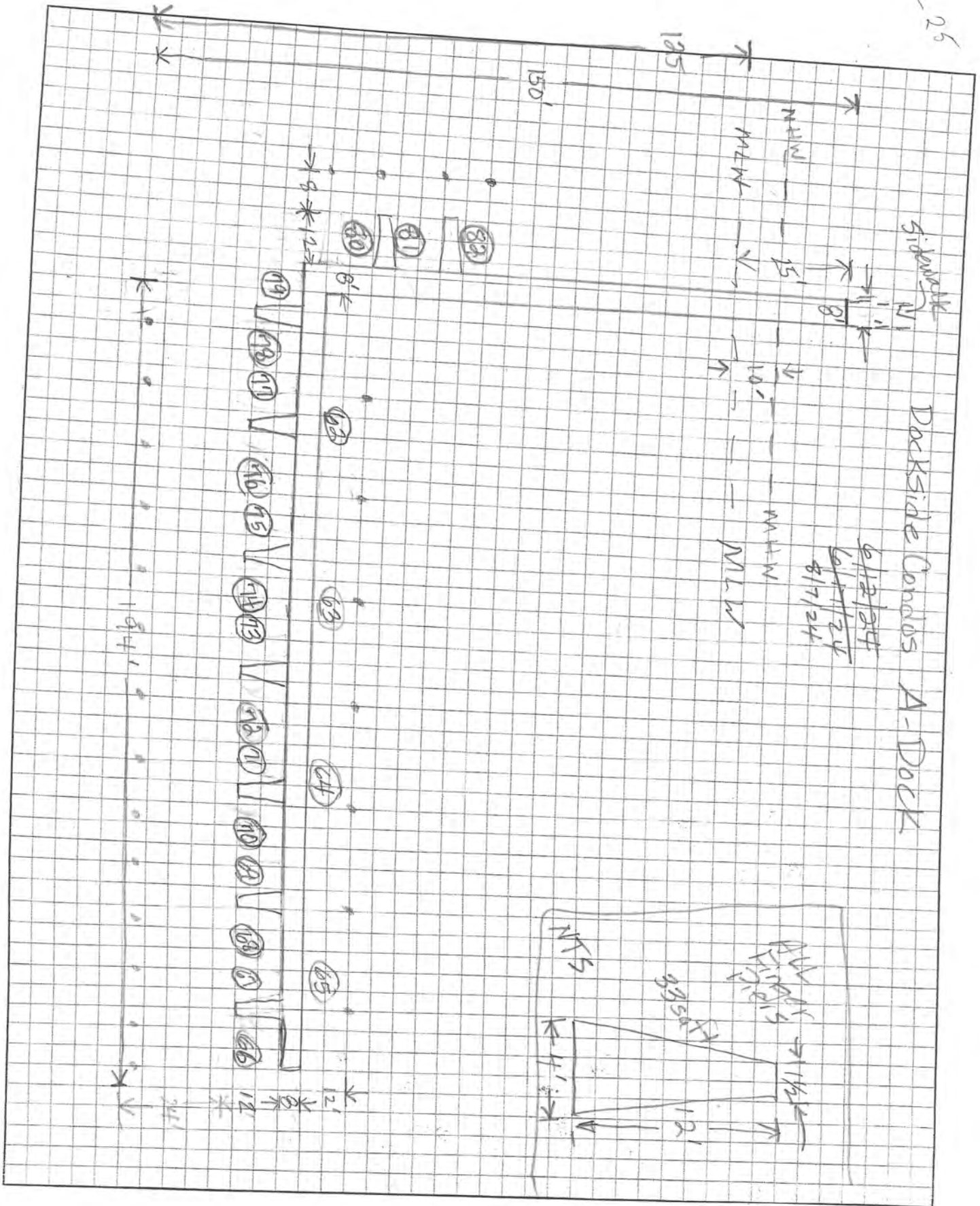
Kidder Bros  
B-Dock

~~6/12/24~~~~6/17/24~~  
8/7/24
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22 51

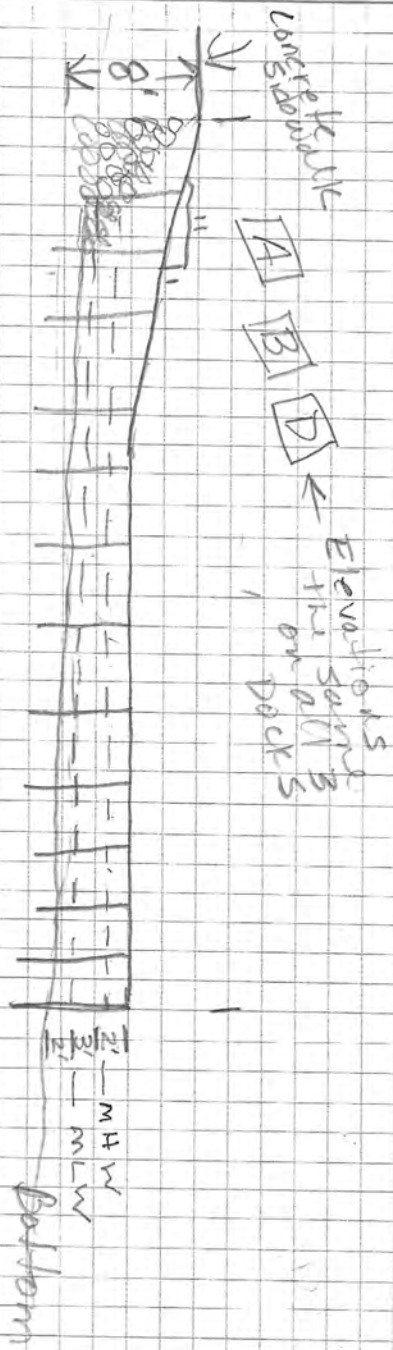






# Elevations for Dockside Cordos

6/12/24



Dockside Condo Assoc.

Haves, VA 23072

4/28/24





# COMMONWEALTH of VIRGINIA

*Marine Resources Commission*

380 Fenwick Road

Building 96

Fort Monroe, Virginia 23651

Stefanie K. Taillon  
Secretary of Natural  
and Historic Resources

Jamie L. Green  
Commissioner

## SWORN COMPLAINT

No. 25-05

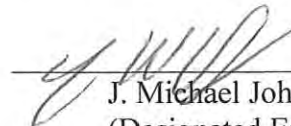
Date: August 29, 2025

Pursuant to section §28.2-1212 of the Code of Virginia, I hereby certify that a substantial violation of Chapter 12 of the Code of Virginia has occurred at the terminus of Sunset Drive in Gloucester County.

I personally inspected the site on August 27, 2025, with the representative for Dockside Condominiums, Peyton Eastwood, and the agent/contractor, Mr. Charles Duke II. During the site visit I noted the following deviations from the Commission Subaqueous Permit (MRC#2024-1044) issued to the applicant on August 27, 2024:

- 1) A total of 91 slips were built when only 82 were permitted.
- 2) A total of eight (8) additional finger piers with associated mooring piles have been constructed that were not part of the permit.
- 3) Total encroachment of the three docks over state-owned subaqueous bottom exceeds the permitted encroachment by 4,660 square feet.
- 4) Two floating docks and a kayak launch were installed that were not part of the original permit.
- 5) A Dock was constructed 96 feet long measured from mean low water when it was permitted to be 89 feet long from mean low water.
- 6) D Dock was permitted to be 87 feet long measured from mean low water when it was permitted to be 79 feet long.
- 7) D Dock was constructed to be 232 feet wide when it was permitted for only 208 feet.
- 8) There are multiple float-on docks that have been installed which were not a part of the permit.

August 29, 2025  
(Date)

  
J. Michael Johnson  
(Designated Enforcement Officer)

COMMONWEALTH OF VIRGINIA  
City of Hampton, to-wit:

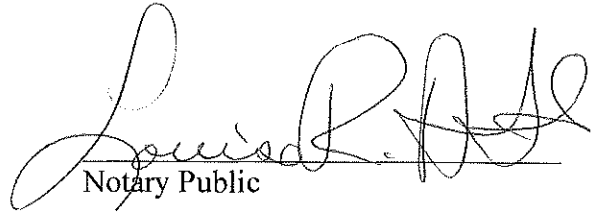
*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

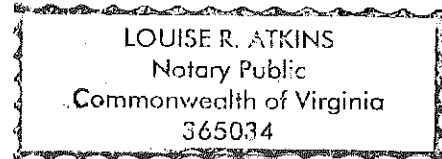
Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

I, Louise R. Atkins, a notary public within and for the City of Hampton, Commonwealth of Virginia, hereby certify that J. Michael Johnson, a Designated Enforcement Officer whose name is assigned to the foregoing, has acknowledged the same before me in the City aforesaid.

Given under my hand this 29<sup>th</sup> day of August 2025

  
Notary Public

My Commission expires on the January day of 31, 2029.





# COMMONWEALTH of VIRGINIA

*Marine Resources Commission*

*380 Fenwick Road*

*Building 96*

*Fort Monroe, Virginia 23651*

Stefanie K. Taillon  
Secretary of Natural  
and Historic Resources

Jamie L. Green  
Commissioner

## NOTICE TO COMPLY

September 5, 2025

### **CERTIFIED MAIL**

Mr. Peyton Eastwood II  
Post Office Box 1000  
Gloucester Point, VA 23062  
[waterfrontdevel@yahoo.com](mailto:waterfrontdevel@yahoo.com)  
[peytoneastwood@gmail.com](mailto:peytoneastwood@gmail.com)

Re: Notice to Comply #25-05  
VMRC Permit #2024-1044

Dear Mr. Eastwood:

Pursuant to §28.2-1212 of the Code of Virginia, J. Michael Johnson, of my staff, conducted a site inspection on August 27, 2025, after your contractor, Mr. Charles Duke II of Waterfront Development provided as built drawings for the above referenced project at Dockside Condominiums in Gloucester, VA that deviated from the issued VMRC Subaqueous Permit (MRC#2024-1044). During the inspection, staff observed the following discrepancies from that permit:

- 1) A total of 91 slips were built when only 82 were permitted.
- 2) A total of eight (8) additional finger piers and associate mooring piles have been constructed that were not part of the permit.
- 3) Total encroachment of the three docks over state-owned subaqueous bottom exceeds the permitted encroachment by 4,660 square feet.
- 4) A Dock was constructed 96 feet long measured from mean low water when it was permitted to be 89 feet long from mean low water.
- 5) D Dock was permitted to be 87 feet long measured from mean low water when it was permitted to be 79 feet long.
- 6) D Dock was constructed to be 232 feet long when it was permitted for only 208 feet long.
- 7) There are multiple float-on docks, kayak racks, floating platforms, and a single kayak launch, that have been installed which were not a part of the permit.

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

The following corrective measures are necessary to bring your community use piers into compliance:

- 1) The unauthorized boat slips, finger piers, and associated mooring piles on A and D Dock should be removed.
- 2) The four permitted slips and associated mooring piles on the landward side of A Dock should be reoriented to match permit drawings.
- 3) The unauthorized boat slip, floating platforms, mooring piles and kayak launch on B Dock should be removed.
- 4) All unauthorized float-on docks for vessels/jet-skis/kayaks should be removed from their associated slips.
- 5) The T-head on Dock D should be reduced to its permitted length of 208 feet.

**Failure to comply with the above corrective measures within 30 days of this Notice will result in this matter being scheduled for a hearing before the Virginia Marine Resources Commission. You and your contractor (Waterfront Development Corporation) will be required to attend this meeting.**

Please be advised that any person who violates or fails to comply with a Commission notice, order, rule, regulation, or permit condition authorized under Chapter 12 of Title 28.2 of the Code of Virginia, may be assessed civil penalties by the appropriate circuit court not to exceed \$25,000.00 for each day of violation.

If you have any questions, please do not hesitate to contact J. Michael Johnson of my staff at (757) 247-2255.

Notice ordered by *Randal D. Owen* on September 5, 2025.

Randal D. Owen  
Chief, Habitat Management Division

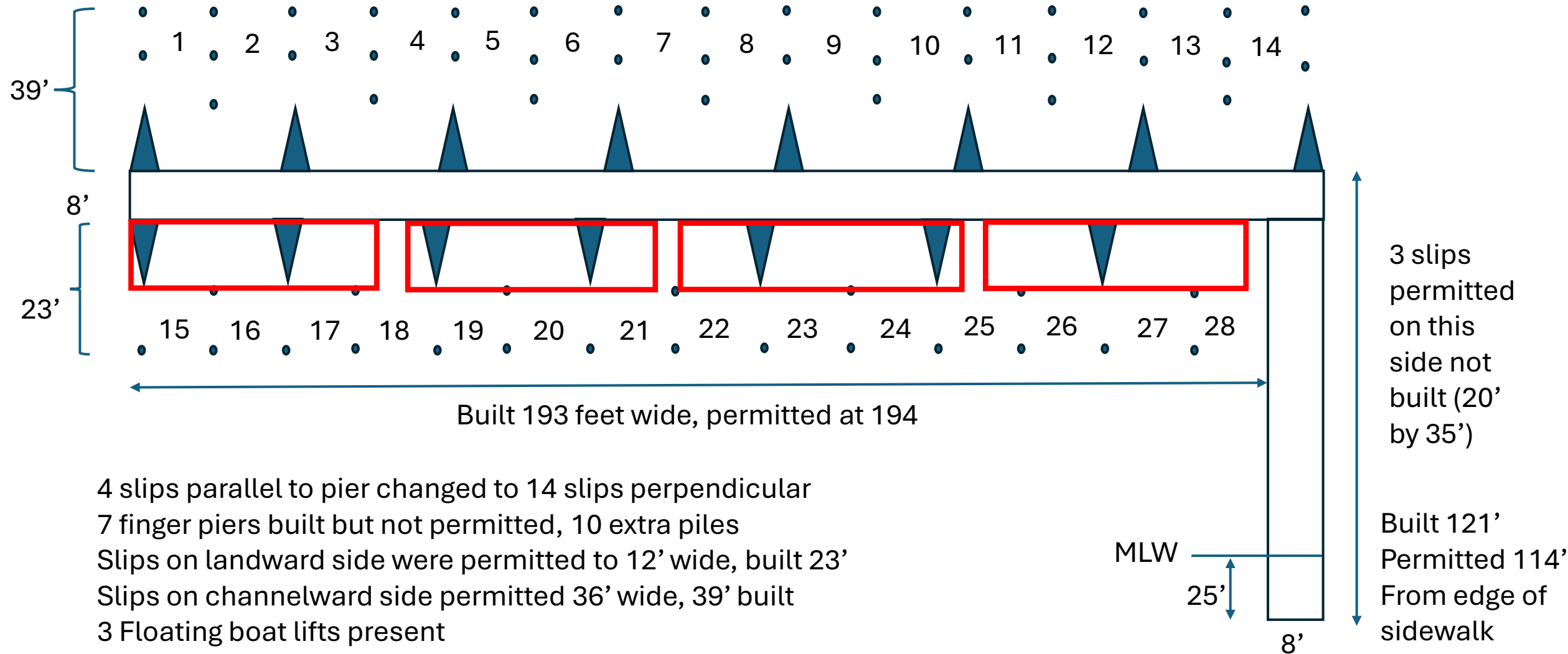
RDO:jmj/pj  
HM

cc: Commissioner, Jamie Green  
Assistant Attorney General Kelci Block  
Gloucester County Local Wetlands Board  
Waterfront Development Corporation



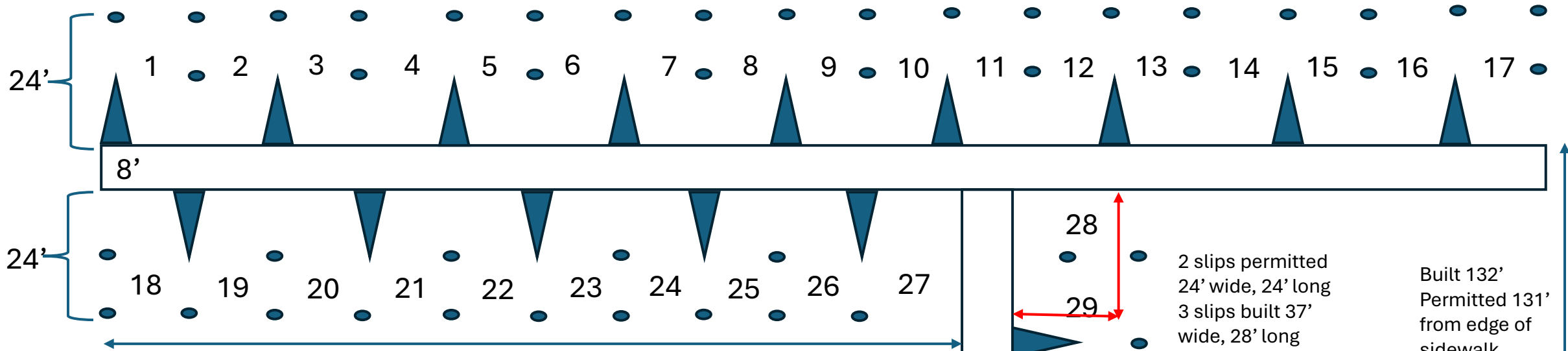
A Dock  
21 slips permitted  
28 slips built

Dockside Condos MRC #24-1044  
(permitted at 82 slips total, built 91, 4,660 extra sq ft)



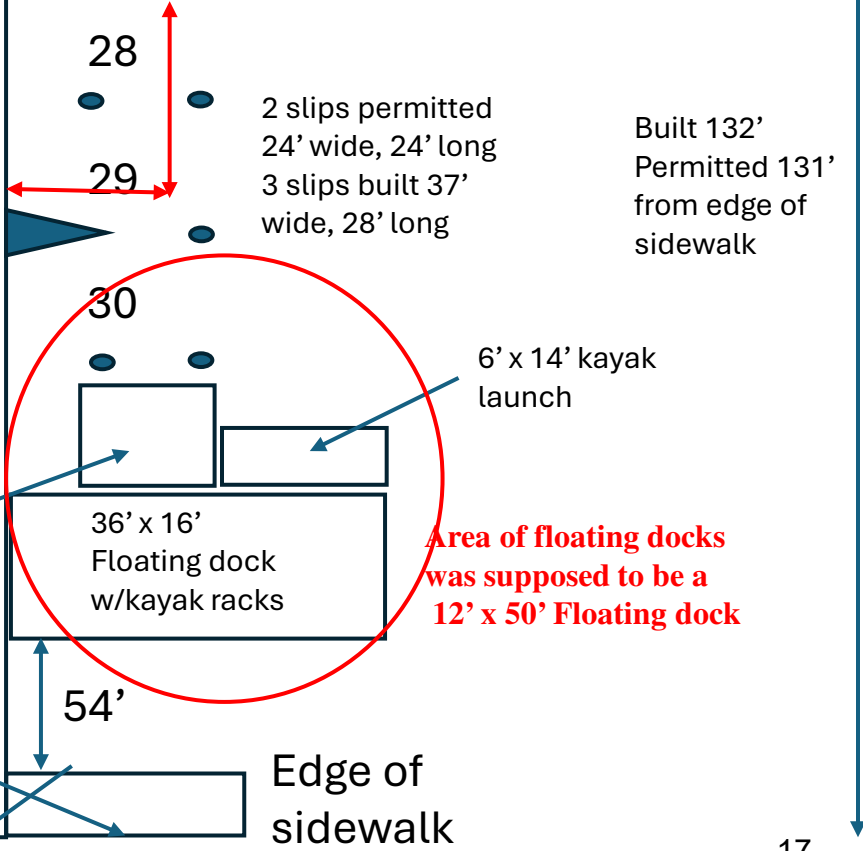
B dock  
Permitted for 30 slips  
30 slips built

Built 210' long; permitted 210'



132'  
11 slips permitted  
10 built

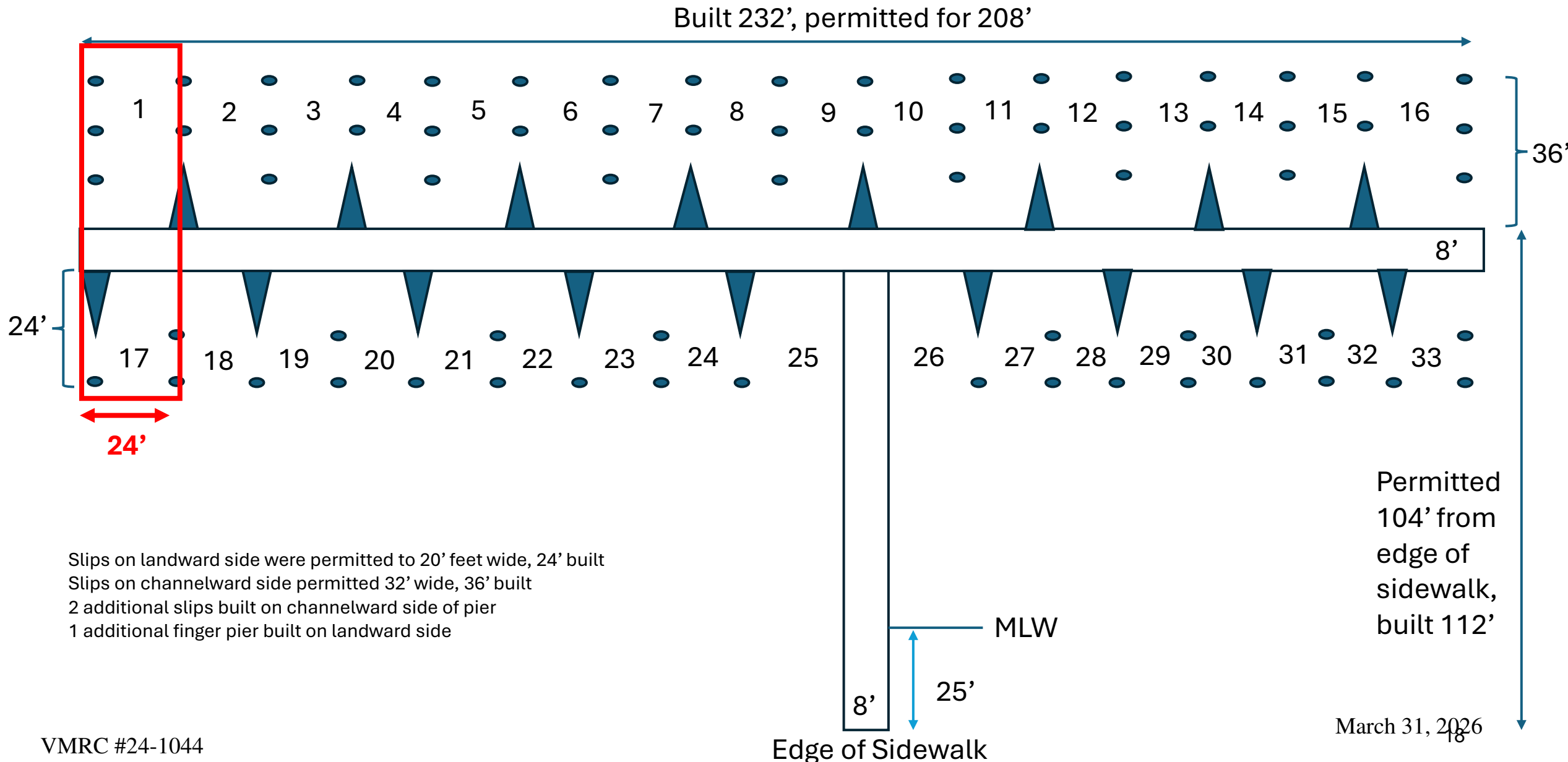
Slips on landward side were permitted to 24' feet wide, 25' built  
Slips on channelward side permitted 28' wide, 24' built  
16 finger piers permitted, 15 built  
Floating boat lift present



Built 132'  
Permitted 131'  
from edge of  
sidewalk

Area of floating docks  
was supposed to be a  
12' x 50' Floating dock

D Dock  
Built 33 slips  
Permitted 31 slips



## **CHESTERFIELD COUNTY UTILITIES, #25-2436**

1. Habitat Management Evaluation March 31, 2026.  
(Pages 1 through 3)
2. Project drawings dated received February 27, 2026  
(Pages 4 through 10)
3. Previously permitted long-term water withdrawal, VMRC #20-0085.  
(Pages 11 through 24)
4. Protestant comments from Kyle Ashley, received December 25, 2025, December 29, 2025, January 9, 2026, January 12, 2026, and March 27, 2026.  
(Pages 25 through 65)
5. Army Corps of Engineers, NWP 5 permit, dated December 5, 2026.  
(Pages 66 through 68)

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

## **HABITAT MANAGEMENT DIVISION EVALUATION**

**CHESTERFIELD COUNTY UTILITIES DEPARTMENT, VMRC # 25-2436**, requests authorization to temporarily install three (3) 3-inch by 300-foot long HDPE water withdrawal pipes, including an 8-foot by 8-foot submerged intake structure, four (4) 10-inch hollow steel piles and one (1) floating warning buoy, situated along the Appomattox River adjacent to the Point of Rocks Water Treatment Plant temporary testing facility at 1203 Point of Rocks Road in Chesterfield County. This project is protested.

### **Narrative**

On February 28, 2023, the Commission approved Chesterfield County's request (VMRC #2020-0085) for a permanent 29.8 million gallon per day (MGD) municipal water intake, located immediately downstream 110 linear feet from this temporary pilot water intake. The larger intake has not been installed.

The smaller temporary intake is deemed necessary to evaluate and inform the design of the future full-scale drinking water treatment plant that is part of the larger municipal water supply project. The proposed water intake will include one (1) millimeter (mm) mesh screens with a maximum intake velocity of 0.25 feet per second. The maximum intake flow is 210 gallons per minute, equivalent to approximately 302,400 gallons per day.

The pilot plant facility testing period is planned for a minimum of one (1) year to evaluate treatment methods under all seasonal conditions. Test results will be evaluated to optimize small-scale drinking water treatment technologies for the Appomattox River. The facility may operate longer to optimize chemical dosages and test additional, alternative technologies, but will ultimately be decommissioned within (3) three years.

### **Issues**

The project is allegedly protested by the Appomattox Resilience Corridor (ARC) Plan Working Group. ARC is a regional initiative led by FOLAR (Friends of the Lower Appomattox River) to develop a 20-plus mile, multi-modal trail and greenway, while conserving natural habitats from Lake Chesdin to City Point in Hopewell, Virginia.

Staff received the protestant's initial objection on December 25, 2025. Filed on behalf of ARC, Mr. Ashley addressed offsite/upriver concerns with the Army Corps of Engineers' maintenance of the Appomattox River federal project channel. The objection included a statement that ARC



## **Issues (cont'd)**

was notifying the Engineer Inspector General of a potential failure to enforce federal navigation and obstruction laws, allowing private infrastructure to degrade a protected federal asset. Mr. Ashley requested a stay of the “Corps’ permit until a comprehensive Navigational and Hydraulic Restoration Study is conducted to address the degraded state of the federal channel.”

Staff considered the initial objection to be unrelated to the temporary intake proposed by Chesterfield County. An email was sent to the protestant on December 29, 2025, attempting to clarify VMRC’s jurisdiction and to ascertain whether or not ARC’s concerns included the proposed temporary intake. Mr. Ashley responded on January 9, 2026, advising that their concerns included: impacts on the ancestral waters and fish passages of the Monacan Indian Nation; threats of impingement and entrainment to sturgeon larvae; and a request that VMRC defer all permitting decisions to the Army Corps of Engineers for a Cumulative Impact Study.

On December 5, 2025, the Army Corps of Engineers issued a Nationwide Permit 5 for the 45 square feet of temporary wetland impacts and for 405 square feet of subaqueous bottom impacts.

After reviewing the application, the Virginia Institute of Marine Science (VIMS) provided comments recommending that the installation of hollow steel piles adhere to a time-of-year restriction (TOYR) from February 15 to June 30 and from August 1 to November 15 to protect anadromous fish species, including Atlantic Sturgeon. VIMS provided no additional comments or concerns for the project.

Comments were provided by the Department of Conservation and Recreation (DCR) on January 13, 2026. Due to the scope of the project, DCR does not anticipate that it will adversely impact potential occurrences of Atlantic sturgeon. The Department of Environmental Quality does not require a permit for a proposed intake with a withdrawal of less than 2 million gallons per day. They do, however, require the applicant to submit monthly withdrawal quantities.

On November 20, 2025, the U.S. Coast Guard (USCG) recommended that a single warning buoy be utilized to mark the location of the intake.

## **Summary and Recommendations**

The collective concerns raised by Mr. Ashley, on behalf of ARC, still appear to address their larger concerns for the Corps’ maintenance of the Appomattox River federal project channel unrelated to the proposal by Chesterfield County. Concerns specific to the current project were

### **Summary and Recommendations (cont'd)**

provided only after staff's attempts to clarify the Commission's limited jurisdiction to the encroachment of the temporary intake over the Commonwealth's state-owned submerged lands.

Had the application for the intake not been protested, staff would have administratively issued a subaqueous permit. As noted, VIMS, DCR and DEQ have no objections to the project. Staff believes that the project will not interfere with the adjacent federal project channel provided it is marked with the buoy in accordance with USCG requirements. The anticipated public and private benefits of the project appear to exceed the anticipated public and private detriments. Accordingly, after evaluating the merits of the project versus the concerns raised by the protestant, and after considering all of the factors contained in §28.2-1205 of the Code of Virginia, staff recommends approval of the project as proposed.





Black & Veatch Corporation  
3412 W Leigh St. Suite 100  
Richmond, Virginia 23230



POINT OF ROCKS  
WATER TREATMENT  
PLANT - TEMPORARY  
PILOT PLANT FACILITIES

PRELIMINARY  
NOT FOR  
CONSTRUCTION

| REVISIONS AND RECORD OF ISSUE |                  |
|-------------------------------|------------------|
| DESIGNED:                     |                  |
| DETAILED:                     |                  |
| CHECKED:                      |                  |
| APPROVED:                     |                  |
| DATE:                         | NOVEMBER 4, 2025 |
| PROJECT NO.:                  | 420900           |

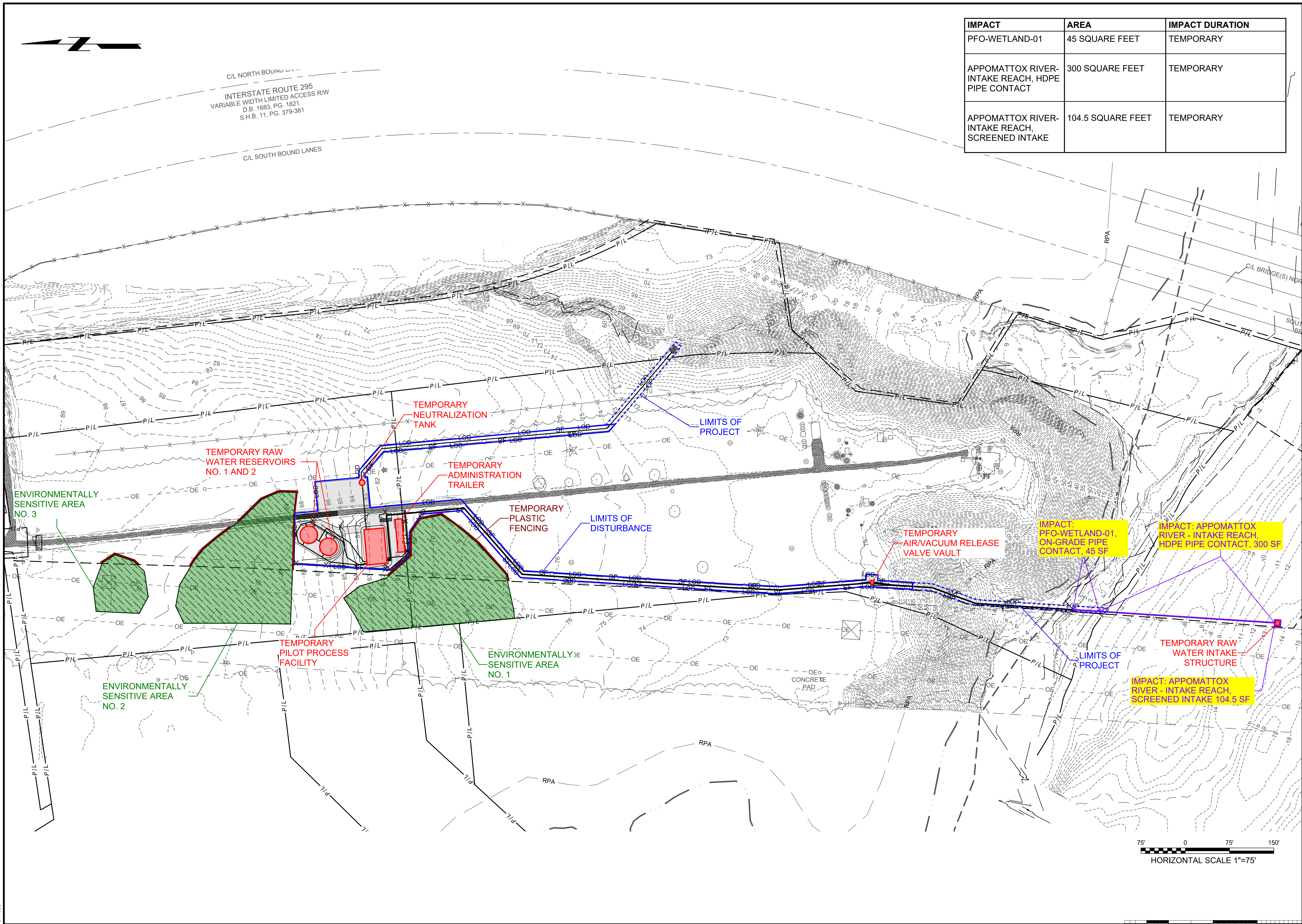
TEMPORARY PILOT PLANT

IMPACT MAP

FIGURE 1

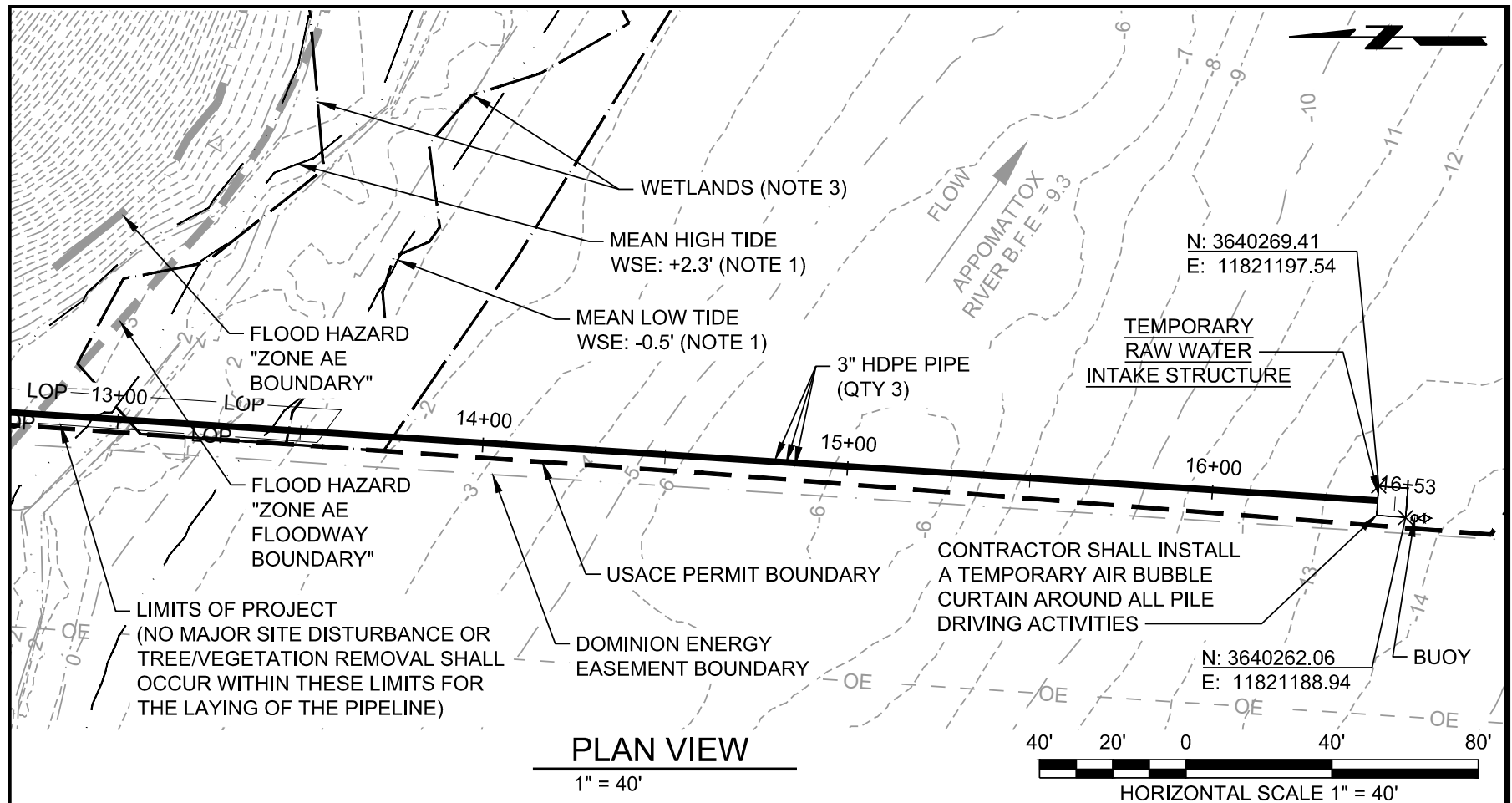
1  
OF  
2

| IMPACT                                                  | AREA              | IMPACT DURATION |
|---------------------------------------------------------|-------------------|-----------------|
| PFO-WETLAND-01                                          | 45 SQUARE FEET    | TEMPORARY       |
| APPOMATTOX RIVER-<br>INTAKE REACH, HDPE<br>PIPE CONTACT | 300 SQUARE FEET   | TEMPORARY       |
| APPOMATTOX RIVER-<br>INTAKE REACH,<br>SCREENED INTAKE   | 104.5 SQUARE FEET | TEMPORARY       |



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1. APPOMATTOX RIVER TIDE, FLOOD, AND APPROXIMATE RIVERBED ELEVATIONS OBTAINED FROM ARCADIS WORKING DRAWINGS DATED OCTOBER 2024.
2. APPOMATTOX RIVER BOTTOM CONTOURS DERIVED FROM BATHYMETRIC SURVEY DATA PROVIDED BY ARCADIS AND COMPLETED BY WATERWAY SURVEYS AND ENGINEERING, LTD. DATED AUGUST 2017.
3. LIMITS OF THE RESOURCE PROTECTION AREA AND WETLANDS WERE OBTAINED FROM ARCADIS.
4. LOCATION OF FUTURE RAW WATER INTAKE/PUMP STATION ACCESS ROADS AND RAW WATER INTAKE STRUCTURE, PIPING CONCRETE ENCASEMENT, VALVE CHAMBER, AND TUNNEL WERE OBTAINED FROM ARCADIS DRAFT WORKING DRAWINGS DATED JUNE 2025. FUTURE WORK TO BE PERFORMED BY OTHERS AS PART OF A SEPARATE PROJECT AND IS SHOWN FOR REFERENCE ONLY. NOT ALL FUTURE WORK (SUCH AS ELECTRICAL AND STORMWATER) IS SHOWN AND THE LOCATION OF ALL FUTURE WORK SHOWN IS APPROXIMATE AND MAY CHANGE.

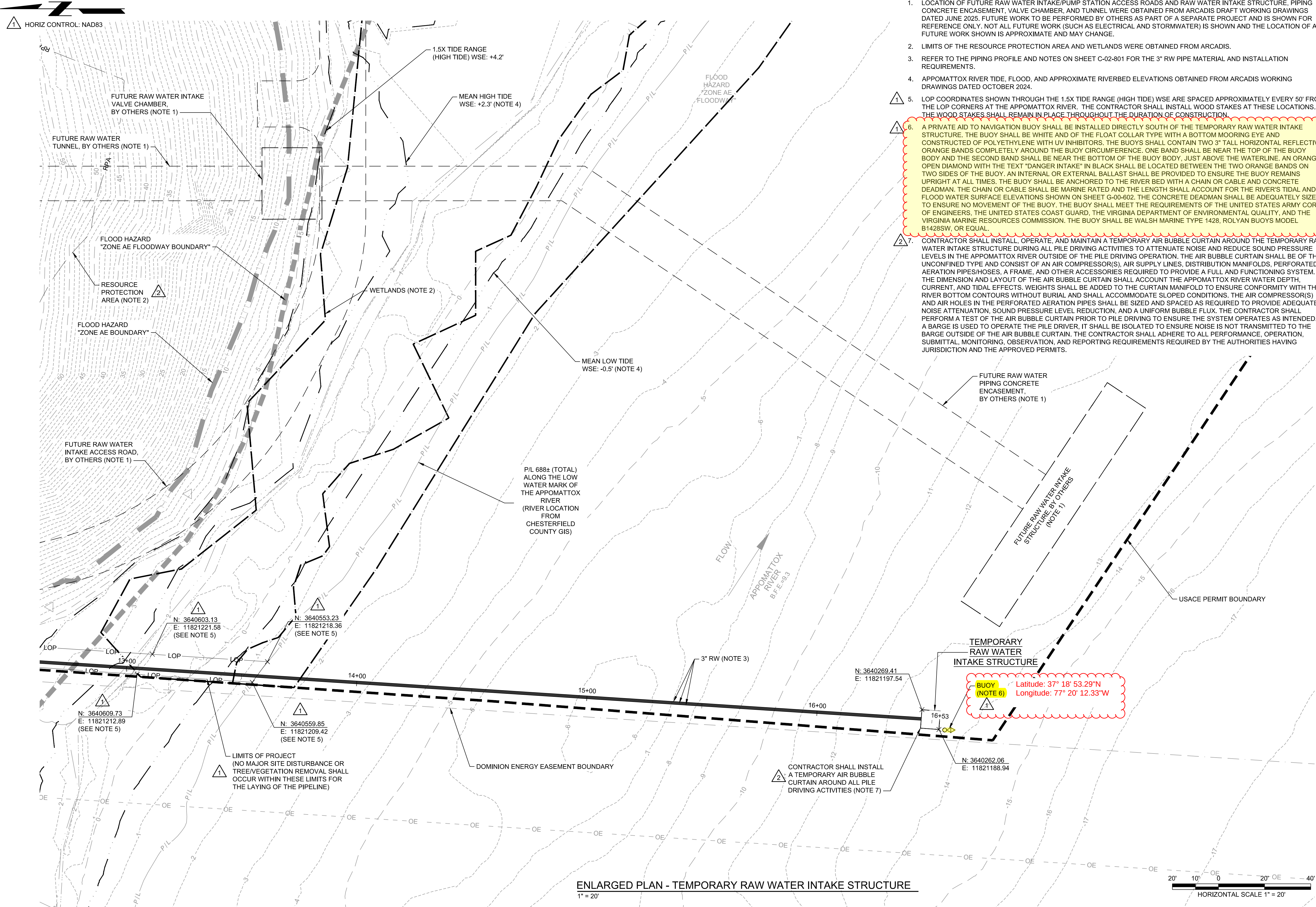
FIGURE 1:

PLAN VIEW OF PIPE IN APPOMATTOX RIVER

PROJECT: POINT OF ROCKS WATER TREATMENT PLANT TEMPORARY PILOT PLANT  
PROJECT NUMBER: 420900  
DATE: MARCH 2026



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 F01000  
 D1000



GENERAL NOTES:

1. LOCATION OF FUTURE RAW WATER INTAKE/PUMP STATION ACCESS ROADS AND RAW WATER INTAKE STRUCTURE, PIPING CONCRETE ENCASEMENT, VALVE CHAMBER, AND TUNNEL WERE OBTAINED FROM ARCADIS DRAFT WORKING DRAWINGS DATED JUNE 2025. FUTURE WORK TO BE PERFORMED BY OTHERS AS PART OF A SEPARATE PROJECT AND IS SHOWN FOR REFERENCE ONLY. NOT ALL FUTURE WORK (SUCH AS ELECTRICAL AND STORMWATER) IS SHOWN AND THE LOCATION OF ALL FUTURE WORK SHOWN IS APPROXIMATE AND MAY CHANGE.
2. LIMITS OF THE RESOURCE PROTECTION AREA AND WETLANDS WERE OBTAINED FROM ARCADIS.
3. REFER TO THE PIPING PROFILE AND NOTES ON SHEET C-02-801 FOR THE 3" RW PIPE MATERIAL AND INSTALLATION REQUIREMENTS.
4. APPOMATTOX RIVER TIDE, FLOOD, AND APPROXIMATE RIVERBED ELEVATIONS OBTAINED FROM ARCADIS WORKING DRAWINGS DATED OCTOBER 2024.
5. LOP COORDINATES SHOWN THROUGH THE 1.5X TIDE RANGE (HIGH TIDE) WSE ARE SPACED APPROXIMATELY EVERY 50' FROM THE LOP CORNERS AT THE APPOMATTOX RIVER. THE CONTRACTOR SHALL INSTALL WOOD STAKES AT THESE LOCATIONS. THE WOOD STAKES SHALL REMAIN IN PLACE THROUGHOUT THE DURATION OF CONSTRUCTION.
6. A PRIVATE AID TO NAVIGATION BUOY SHALL BE INSTALLED DIRECTLY SOUTH OF THE TEMPORARY RAW WATER INTAKE STRUCTURE. THE BUOY SHALL BE WHITE AND OF THE FLOAT COLLAR TYPE WITH A BOTTOM MOORING EYE AND CONSTRUCTED OF POLYETHYLENE WITH UV INHIBITORS. THE BUOYS SHALL CONTAIN TWO 3" TALL HORIZONTAL REFLECTIVE ORANGE BANDS COMPLETELY AROUND THE BUOY CIRCUMFERENCE. ONE BAND SHALL BE NEAR THE TOP OF THE BUOY BODY AND THE SECOND BAND SHALL BE NEAR THE BOTTOM OF THE BUOY BODY, JUST ABOVE THE WATERLINE. AN ORANGE OPEN DIAMOND WITH THE TEXT "DANGER INTAKE" IN BLACK SHALL BE LOCATED BETWEEN THE TWO ORANGE BANDS ON TWO SIDES OF THE BUOY. AN INTERNAL OR EXTERNAL BALLAST SHALL BE PROVIDED TO ENSURE THE BUOY REMAINS UPRIGHT AT ALL TIMES. THE BUOY SHALL BE ANCHORED TO THE RIVER BED WITH A CHAIN OR CABLE AND CONCRETE DEADMAN. THE CHAIN OR CABLE SHALL BE MARINE RATED AND THE LENGTH SHALL ACCOUNT FOR THE RIVER'S TIDAL AND FLOOD WATER SURFACE ELEVATIONS SHOWN ON SHEET G-00-602. THE CONCRETE DEADMAN SHALL BE ADEQUATELY SIZED TO ENSURE NO MOVEMENT OF THE BUOY. THE BUOY SHALL MEET THE REQUIREMENTS OF THE UNITED STATES ARMY CORP OF ENGINEERS, THE UNITED STATES COAST GUARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, AND THE VIRGINIA MARINE RESOURCES COMMISSION. THE BUOY SHALL BE WALSH MARINE TYPE 1428, ROLYAN BUOYS MODEL B1428SW, OR EQUAL.
7. CONTRACTOR SHALL INSTALL, OPERATE, AND MAINTAIN A TEMPORARY AIR BUBBLE CURTAIN AROUND THE TEMPORARY RAW WATER INTAKE STRUCTURE DURING ALL PILE DRIVING ACTIVITIES TO ATTENUATE NOISE AND REDUCE SOUND PRESSURE LEVELS IN THE APPOMATTOX RIVER OUTSIDE OF THE PILE DRIVING OPERATION. THE AIR BUBBLE CURTAIN SHALL BE OF THE UNCONFINED TYPE AND CONSIST OF AN AIR COMPRESSOR(S), AIR SUPPLY LINES, DISTRIBUTION MANIFOLDS, PERFORATED AERATION PIPES/HOSES, A FRAME, AND OTHER ACCESSORIES REQUIRED TO PROVIDE A FULL AND FUNCTIONING SYSTEM. THE DIMENSION AND LAYOUT OF THE AIR BUBBLE CURTAIN SHALL ACCOUNT THE APPOMATTOX RIVER WATER DEPTH, CURRENT, AND TIDAL EFFECTS. WEIGHTS SHALL BE ADDED TO THE CURTAIN MANIFOLD TO ENSURE CONFORMITY WITH THE RIVER BOTTOM CONTOURS WITHOUT BURIAL AND SHALL ACCOMMODATE SLOPED CONDITIONS. THE AIR COMPRESSOR(S) AND AIR HOLES IN THE PERFORATED AERATION PIPES SHALL BE SIZED AND SPACED AS REQUIRED TO PROVIDE ADEQUATE NOISE ATTENUATION, SOUND PRESSURE LEVEL REDUCTION, AND A UNIFORM BUBBLE FLUX. THE CONTRACTOR SHALL PERFORM A TEST OF THE AIR BUBBLE CURTAIN PRIOR TO PILE DRIVING TO ENSURE THE SYSTEM OPERATES AS INTENDED. IF A BARGE IS USED TO OPERATE THE PILE DRIVER, IT SHALL BE ISOLATED TO ENSURE NOISE IS NOT TRANSMITTED TO THE BARGE OUTSIDE OF THE AIR BUBBLE CURTAIN. THE CONTRACTOR SHALL ADHERE TO ALL PERFORMANCE, OPERATION, SUBMITTAL, MONITORING, OBSERVATION, AND REPORTING REQUIREMENTS REQUIRED BY THE AUTHORITIES HAVING JURISDICTION AND THE APPROVED PERMITS.



Black & Veatch Corporation  
3412 W Leigh St, Suite 100  
Richmond, Virginia 23230



POINT OF ROCKS  
WATER TREATMENT  
PLANT - TEMPORARY  
PILOT PLANT FACILITIES

PRELIMINARY  
NOT FOR  
CONSTRUCTION

|                               |                |                        |
|-------------------------------|----------------|------------------------|
| 2                             | 01/05/26       | PERMIT REVISIONS NO. 3 |
| 1                             | 12/05/25       | PERMIT REVISIONS NO. 1 |
| REVISIONS AND RECORD OF ISSUE |                |                        |
| DESIGNED:                     | RWP            |                        |
| DETAILED:                     | KTH            |                        |
| CHECKED:                      | TWD            |                        |
| APPROVED:                     | RDA            |                        |
| DATE:                         | SEPTEMBER 2025 |                        |
| PROJECT NO.:                  | 420900         |                        |

TEMPORARY PILOT PLANT

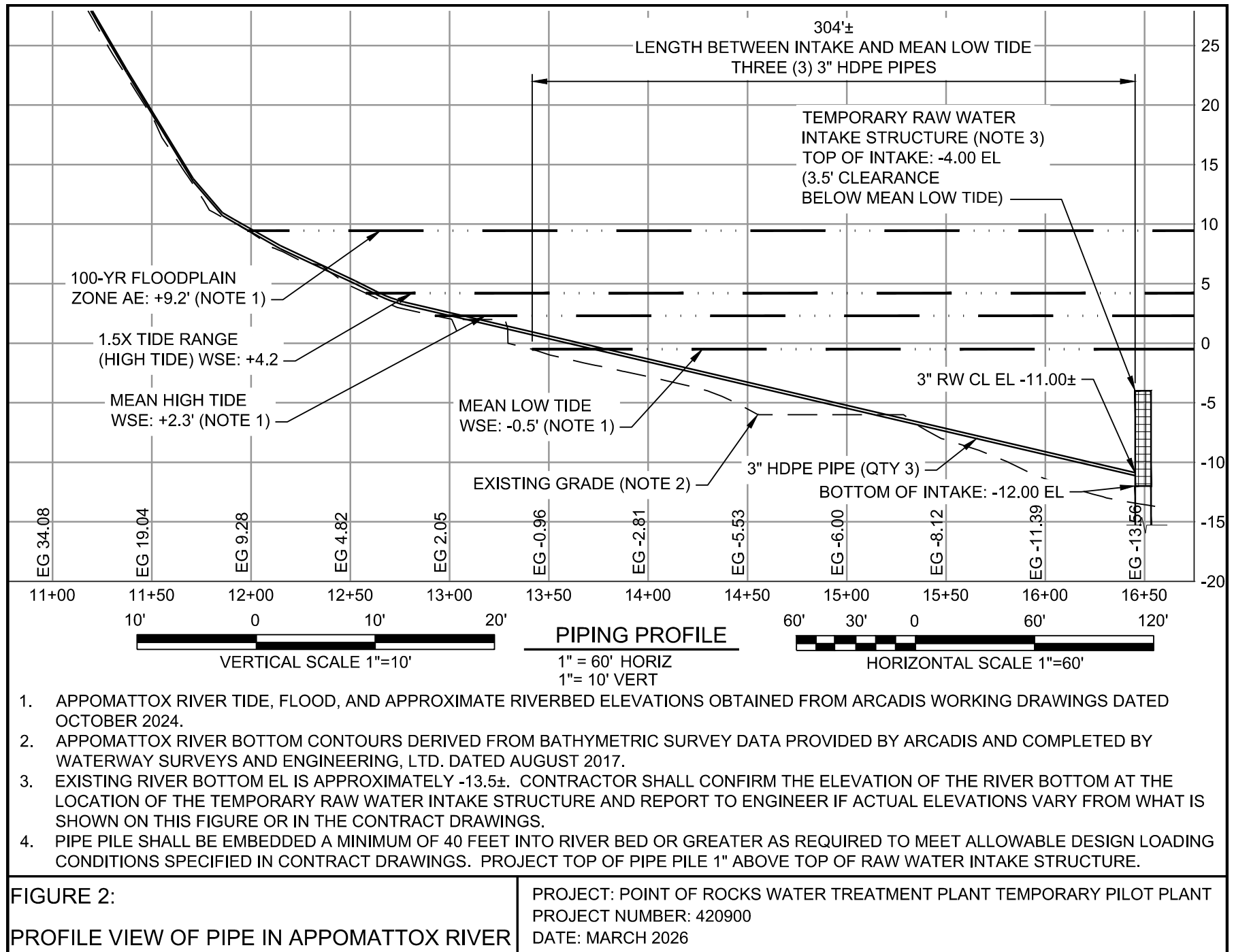
CIVIL

ENLARGED PLAN  
RAW WATER  
INTAKE STRUCTURE

C-02-401

OF

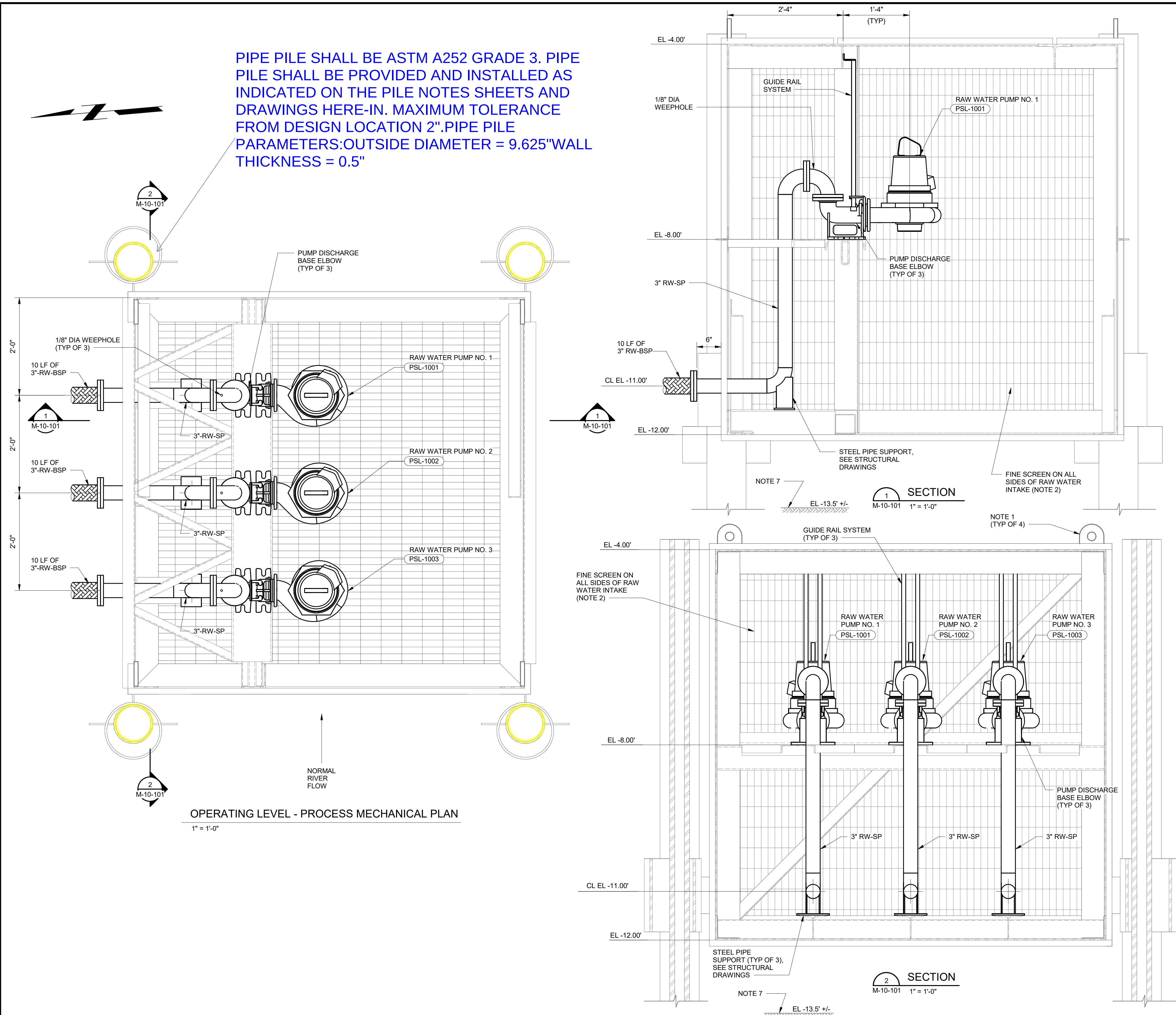




Additional Information/Revision Received by VMRC March 23, 2026 / Ira

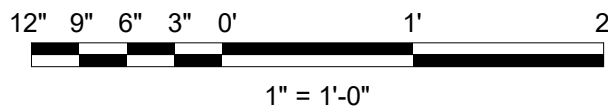


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REVIT VERSION: 2024  
DT1000



## GENERAL NOTES

- CONTRACTOR SHALL INSTALL A BUOY CONNECTED TO EACH OF THE FOUR LIFTING LUGS FOR THE PURPOSES OF IDENTIFYING THE LOCATION OF THE CAGE FROM THE SURFACE OF THE WATER. THE LENGTH AND TYPE OF CABLE ON THE BUOY SHALL ACCOUNT FOR THE TIDAL AND FLOOD ELEVATIONS SHOWN ON DWG G-00-602. THE BUOYS SHALL MEET THE REQUIREMENTS OF THE UNITED STATES ARMY CORP OF ENGINEERS, VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, AND THE VIRGINIA MARINE RESOURCES COMMISSION.
- FINE SCREENS SHALL BE COMPOSED OF TYPE 304 STAINLESS STEEL PERFORATED PLATE AND GRATING REINFORCEMENT. PERFORATED PLATE SHALL HAVE A MAXIMUM OPENING OF 1-MM AND A MINIMUM OPEN AREA OF 28%. SEE STRUCTURAL DRAWINGS FOR DETAILS.
- RAW WATER PUMPS SHALL BE STEADY MODEL 1320S-3X 261 S72 208 OR EQUAL. PUMPS SHALL BE PROVIDED WITH GUIDE RAIL SYSTEMS, DISCHARGE BASE ELBOWS, LIFTING CHAINS, INSTALLATION KITS FOR WETWELLS, AND OTHER NECESSARY ACCESSORIES TO PROVIDE A FULL AND FUNCTIONING SYSTEM. DISCHARGE BASE ELBOW FLANGE DIAMETERS AND DRILLINGS SHALL CONFORM TO ANSI/ASME B.16.5, CLASS 150. GUIDE RAIL SUPPORTS SHALL BE PROVIDED WITH A HOOK FOR LIFTING CHAIN AND COILED ELECTRICAL CABLES. THE RAW WATER PUMPS SHALL MEET THE FOLLOWING TECHNICAL SPECIFICATIONS:  
IMPELLER DIAMETER: 153MM  
DISCHARGE DIAMETER: 3-INCHES  
MOTOR NUMBER K1320.181 18-15-2ZB-W  
MOTOR RATED POWER: 9.5-HP  
MOTOR RATED SPEED: 3510-RPM  
MOTOR RATED VOLTAGE AND PHASE: 208V, 1-PHASE  
MINIMUM MANUFACTURERS CABLE LENGTH: 50-FT
- PROVIDE ONE SPARE RAW WATER PUMP (MEETING THE REQUIREMENTS SPECIFIED IN NOTE 3 OF THIS SHEET) TO BE STORED IN THE TEMPORARY PILOT FACILITY OR THE TEMPORARY ADMINISTRATION TRAILER. SPARE PUMP SHALL BE EQUIPPED WITH ALL PARTS, ACCESSORIES, AND ELECTRICAL COMPONENTS REQUIRED TO FACILITATE THE REPLACEMENT OF AN EXISTING PUMP. PUMPS SHALL BE STORED AND MAINTAINED IN CONFORMANCE WITH THE MANUFACTURERS RECOMMENDATIONS.
- STEEL PIPE SHALL BE ASTM A53/A106, TYPE S, STANDARD WEIGHT, GRADE B, BEVELED ENDS. FITTINGS SHALL BE BUTTWELDED AND CONFORM TO ANSI/ASME B16.9; STANDARD WEIGHT, UNLESS FLANGES ARE SHOWN ON THE MECHANICAL PLANS FOR CONNECTION TO OTHER PIPES OR FITTINGS. FLANGE DIAMETERS AND DRILLINGS SHALL CONFORM TO ANSI/ASME B.16.5, CLASS 150. INSULATING FLANGE, GASKETS, AND KITS (MANUFACTURED BY ADVANCED PRODUCTS OR PIPELINE SEAL AND INSULATOR, INC.) SHALL BE PROVIDED AT CONNECTION POINTS TO DISSIMILAR PIPING. ALL PIPE FITTINGS AND ACCESSORIES SHALL BE SUITABLE FOR SUBMERGENCE IN RAW RIVER WATER.
- CONTRACTOR SHALL FURNISH A 10' CORRUGATED METAL HOSE WITH BRAIDED STEEL SHEAVE FOR CONNECTION OF EACH PUMP DISCHARGE ELBOW INSIDE THE TEMPORARY RAW WATER INTAKE STRUCTURE TO THE HDPE PIPING IN THE APPOMATTOX RIVER. THE CORRUGATED METAL HOSE AND BRAIDED STEEL SHALL BE STAINLESS STEEL AND SHALL BE HOSE MASTER "MASTERFLEX", HYSPAN "SERIES 4500", OR APPROVED EQUAL. THE BRAIDED STEEL HOSE AND JOINTS SHALL BE DESIGNED AND PRESSURE RATED FOR THE MAXIMUM ALLOWABLE WORKING PRESSURE OF 150 PSIG. FLANGE DIAMETERS AND DRILLINGS SHALL CONFORM TO ANSI/ASME B.16.5, CLASS 150. INSULATING FLANGE, GASKETS, AND KITS (MANUFACTURED BY ADVANCED PRODUCTS OR PIPELINE SEAL AND INSULATOR, INC.) SHALL BE PROVIDED AT CONNECTION POINTS BETWEEN DISSIMILAR METAL PIPING. ALL PIPE FITTINGS AND ACCESSORIES SHALL BE SUITABLE FOR SUBMERGENCE IN RAW RIVER WATER.
- EXISTING RIVER BOTTOM EL IS APPROXIMATELY -13.5' +/- . CONTRACTOR SHALL CONFIRM THE ELEVATION OF THE RIVER BOTTOM AT THE LOCATION OF THE TEMPORARY RAW WATER INTAKE STRUCTURE AND REPORT TO ENGINEER IF ACTUAL ELEVATIONS VARY FROM WHAT IS SHOWN ON THIS SHEET.



(SCALE BAR IS 4" AT FULL SCALE)



Black & Veatch Corporation  
3412 W Leigh St. Suite 100  
Richmond, Virginia 23230



POINT OF ROCKS  
WATER TREATMENT  
PLANT - TEMPORARY  
PILOT PLANT FACILITIES

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

## REVISIONS AND RECORD OF ISSUE

|              |                |
|--------------|----------------|
| DESIGNED:    | RWP            |
| DETAILED:    | RSF            |
| CHECKED:     | TWD            |
| APPROVED:    | RDA            |
| DATE:        | SEPTEMBER 2025 |
| PROJECT NO.: | 420900         |

TEMPORARY RAW WATER  
INTAKE STRUCTURE

PROCESS MECHANICAL

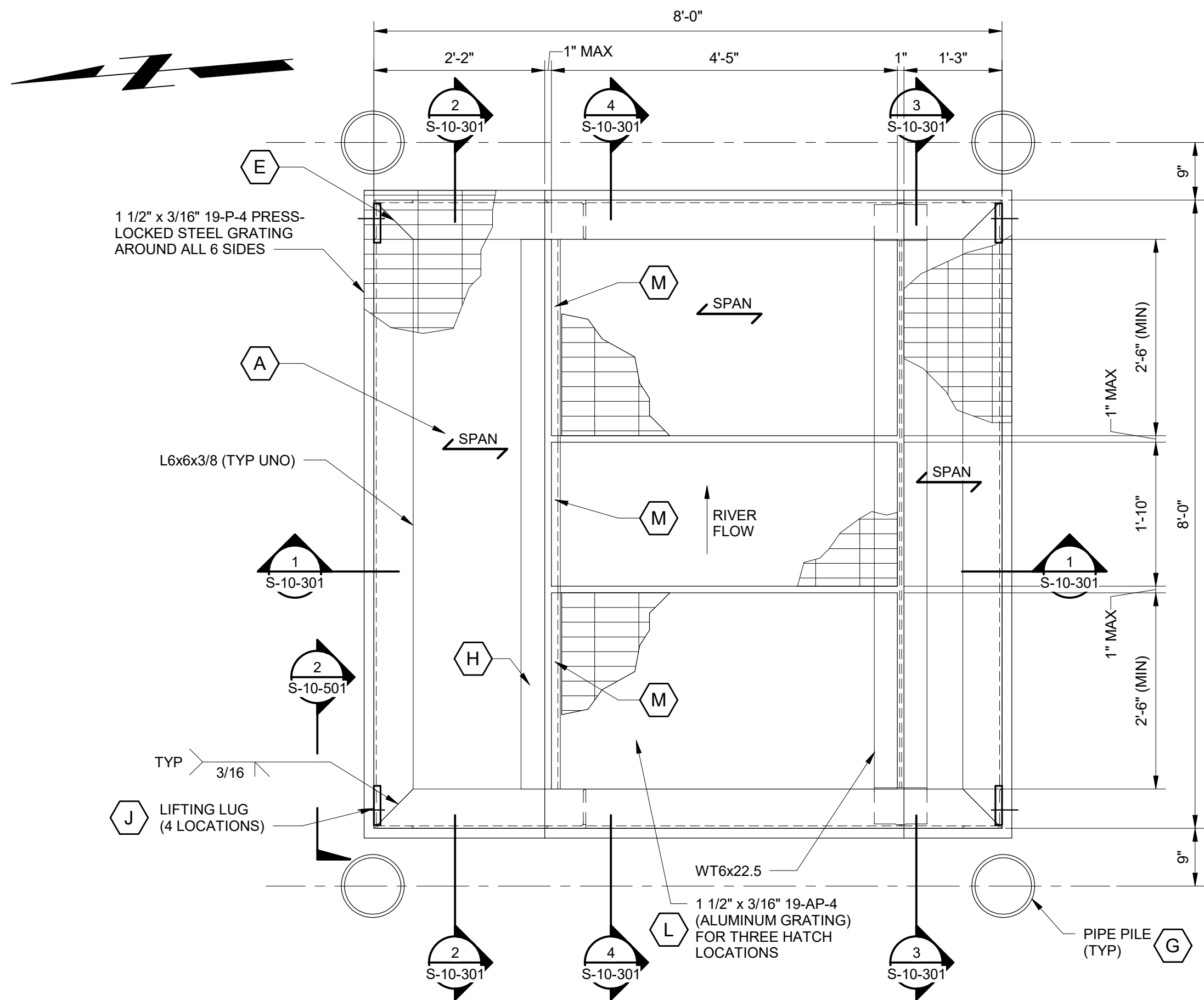
PLAN AND SECTIONS

M-10-101

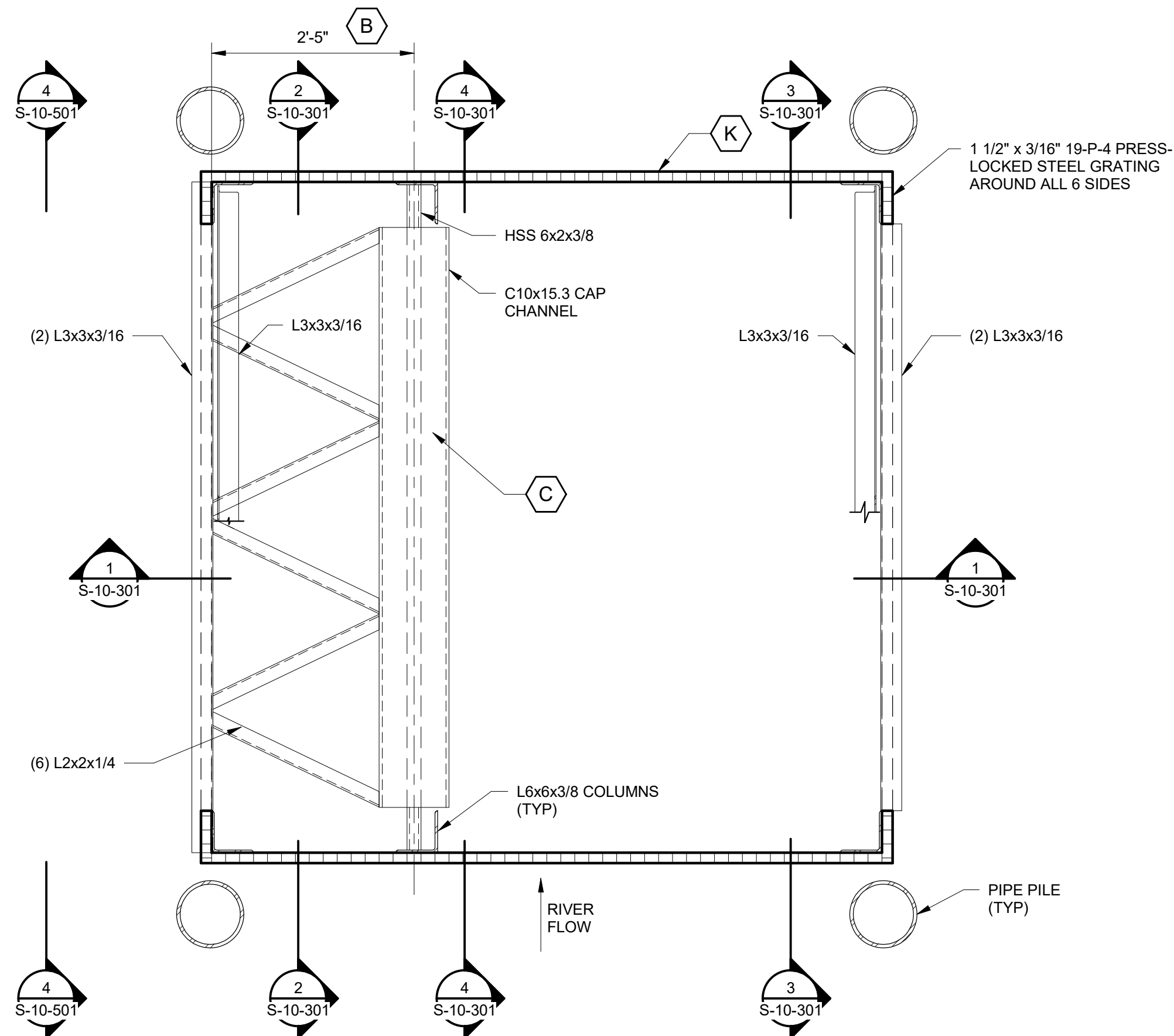
OF



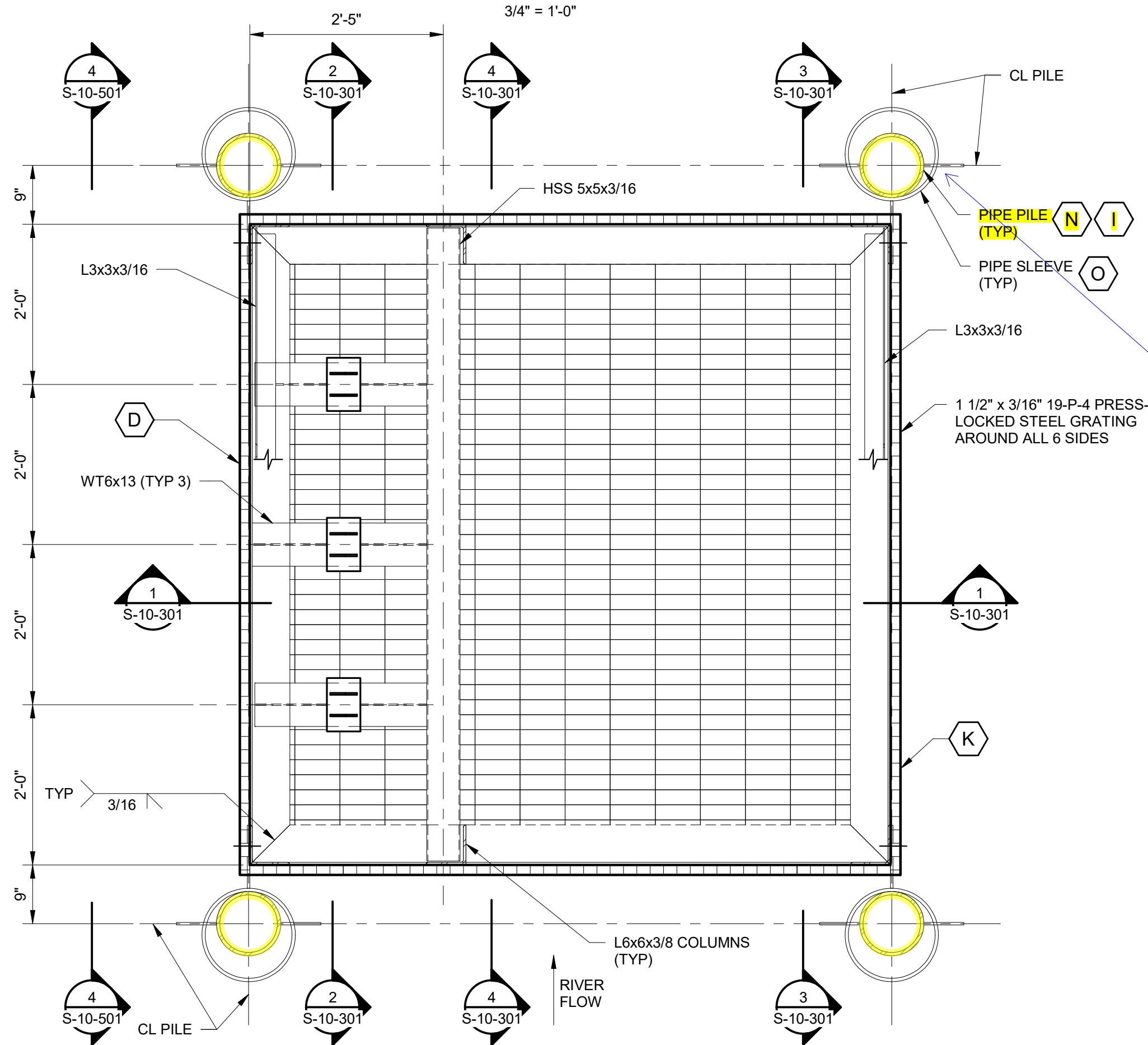
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FILE: Autodesk Docs//202000 - Appomattox River WTP/4.20900-10-RW INTAKE STRUCTURE.rvt  
REVIT VERSION: 2024  
DT1000



TOP PLAN - EL. -4.00'



MIDDLE PLAN - EL. -8.27'



BOTTOM PLAN - EL. -12.00'

PIPE PILE SHALL BE ASTM A252 GRADE 3. PIPE PILE SHALL BE PROVIDED AND INSTALLED AS INDICATED ON THE PILE NOTES SHEETS AND DRAWINGS HERE-IN. MAXIMUM TOLERANCE FROM DESIGN LOCATION 2". PIPE PILE PARAMETERS: OUTSIDE DIAMETER = 9.625" WALL THICKNESS = 0.5"

## SHEET KEYNOTES

- A. TOP AND BOTTOM GRATING SHALL SPAN THE SAME DIRECTION AS INDICATED BY THE TOP PLAN SPAN DIRECTION.
- B. COORDINATE FINAL LOCATION AND ELEVATION OF PUMP SUPPORT FRAMING WITH PUMP LOCATION AND DETAILS.
- C. PROVIDE HOLES FOR PUMP CONNECTION TO CHANNEL. COORDINATE SIZE AND LOCATION WITH THE PUMP MANUFACTURER. COORDINATE LOCATION OF PUMPS WITH MECHANICAL DRAWINGS.
- D. PROVIDE HOLES IN GRATING FOR PIPE DISCHARGE AND ELECTRICAL CABLES. GRATING PANEL EDGE AT PIPE DISCHARGE SHALL RUN DIRECTLY THROUGH THE OPENING.
- E. MITER TOP AND BOTTOM FRAME AT CORNERS. WELD MITERED CONNECTION AS INDICATED.
- F. WELD VERTICAL CORNER MEMBERS TO VERTICAL LEGS OF TOP AND BOTTOM FRAME AS INDICATED. SEE SECTION 3 ON S-10-301.
- G. PIPE PILE SHALL BE EMBEDDED A MINIMUM OF 40 FEET INTO RIVER BED OR GREATER AS REQUIRED TO MEET ALLOWABLE DESIGN LOADING LISTED IN KEY NOTE 'O'. PROJECT TOP OF PIPE PILE 1" ABOVE TOP OF RAW WATER INTAKE STRUCTURE.
- H. LOCATE TOP SUPPORT ANGLE OFFSET FOR PUMP GUIDE BRACKET INSTALLATION.
- I. REFER TO PILE NOTES ON STRUCTURAL NOTES SHEET FOR PILE REQUIREMENTS. PILES SHALL BE DRIVEN WITH SUPPORT TABS WELDED IN PLACE. FIELD VERIFY FINAL ELEVATION OF SUPPORT TAB AND FIELD MODIFY (TRIM) SLEEVE LENGTH TO PROVIDE A LEVEL INTAKE CAGE INSTALLATION. SLEEVE SHALL BE FIELD INSTALLED USING SLOTTED HOLES AND OVERSIZED SLEEVE DIAMETER TO ALLOW FOR INSTALLATION TOLERANCE OF DRIVEN PILES. BOLT TIGHTENING FOR SLEEVE SHALL BE DONE WITH SLEEVE IN CONTACT WITH PILE (AS SHOWN IN THE BOTTOM PLAN VIEW) TO ALLOW WELDING OF SLEEVE TO PILE AS SHOWN IN THE SLEEVE DETAIL.
- J. APPROXIMATE WEIGHT OF INTAKE STRUCTURE INCLUDING PUMPS, PIPING, AND ELECTRICAL IS 8,000-POUNDS. THE CONTRACTOR SHALL USE A DOUBLE LEG BRIDAL EACH SIDE OF THE INTAKE STRUCTURE WITH A SLING ANGLE NOT LESS THAN 45 DEGREES. THE DOUBLE LEG BRIDALS SHALL SLUNG FROM A SPREADER BAR CONNECTED TO THE CRANE TO PREVENT LATERAL PULL ON THE LIFTING LUGS DETAILED IN THESE DRAWINGS. PROVIDE 2" SHACKLES BETWEEN BRIDAL AND LIFTING LUGS.
- K. INSTALL TYPE 304 STAINLESS STEEL PERFORATED METAL TOP, BOTTOM, AND 4 SIDES OUTSIDE OF THE GRATING. PERFORATED METAL SHALL BE 26-GAGE THICK WITH 0.033" ROUND PERFORATIONS WITH 28% OPEN AREA. SECURE PERFORATED METAL TO GRATING AT 16" OC EACH WAY WITH NOT LESS THAN 4 CONNECTIONS PER PANEL.
- L. GRATING SHALL BE CARBON STEEL EXCEPT HATCH PANELS SHALL BE ALUMINUM.
- M. PROVIDE LIFTING HANDLE AND LOCKING DEVICE AT EACH HATCH PANEL.
- N. PIPE PILE SHALL BE ASTM A252 GRADE 3. PIPE PILE SHALL BE PROVIDED AND INSTALLED AS INDICATED ON THE PILE NOTES SHEETS AND DRAWINGS HERE-IN. MAXIMUM TOLERANCE FROM DESIGN LOCATION 2".

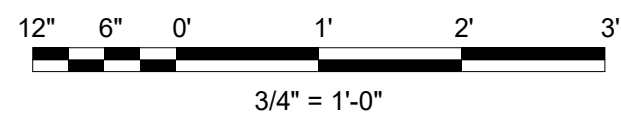
PIPE PILE PARAMETERS:  
OUTSIDE DIAMETER = 9.625"  
WALL THICKNESS = 0.5"

| ALLOWABLE DESIGN LOADING       | PINNED |
|--------------------------------|--------|
| AXIAL FORCE COMPRESSION (KIPS) | 5.0    |
| MAX BENDING MOMENT (IN-KIPS)   | 695    |
| MAX SHEAR FORCES (KIPS)        | 7.5    |
| AXIAL FORCE TENSION (KIPS)     | 1.0    |

- O. PIPE SLEEVE SHALL BE ASSTM A252 GRADE 3.
- PIPE SLEEVE PARAMETERS:  
OUTSIDE DIAMETER = 14" MIN, 16" MAX  
WALL THICKNESS = 0.5"

## GENERAL NOTES

- A. STEEL PLATE, CHANNEL, AND ANGLE MEMBERS SHALL BE ASTM A36.
- B. STEEL WT MEMBERS SHALL BE ASTM A992.



(SCALE BAR IS 4" AT FULL SCALE)



Black & Veatch Corporation  
3412 W Leigh St. Suite 100  
Richmond, Virginia 23230



POINT OF ROCKS  
WATER TREATMENT  
PLANT - TEMPORARY  
PILOT PLANT FACILITIES

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

| REVISIONS AND RECORD OF ISSUE |                |
|-------------------------------|----------------|
| DESIGNED:                     | ASN            |
| DETAILED:                     | ERB            |
| CHECKED:                      | YY             |
| APPROVED:                     | RDA            |
| DATE:                         | SEPTEMBER 2025 |
| PROJECT NO.:                  | 420900         |

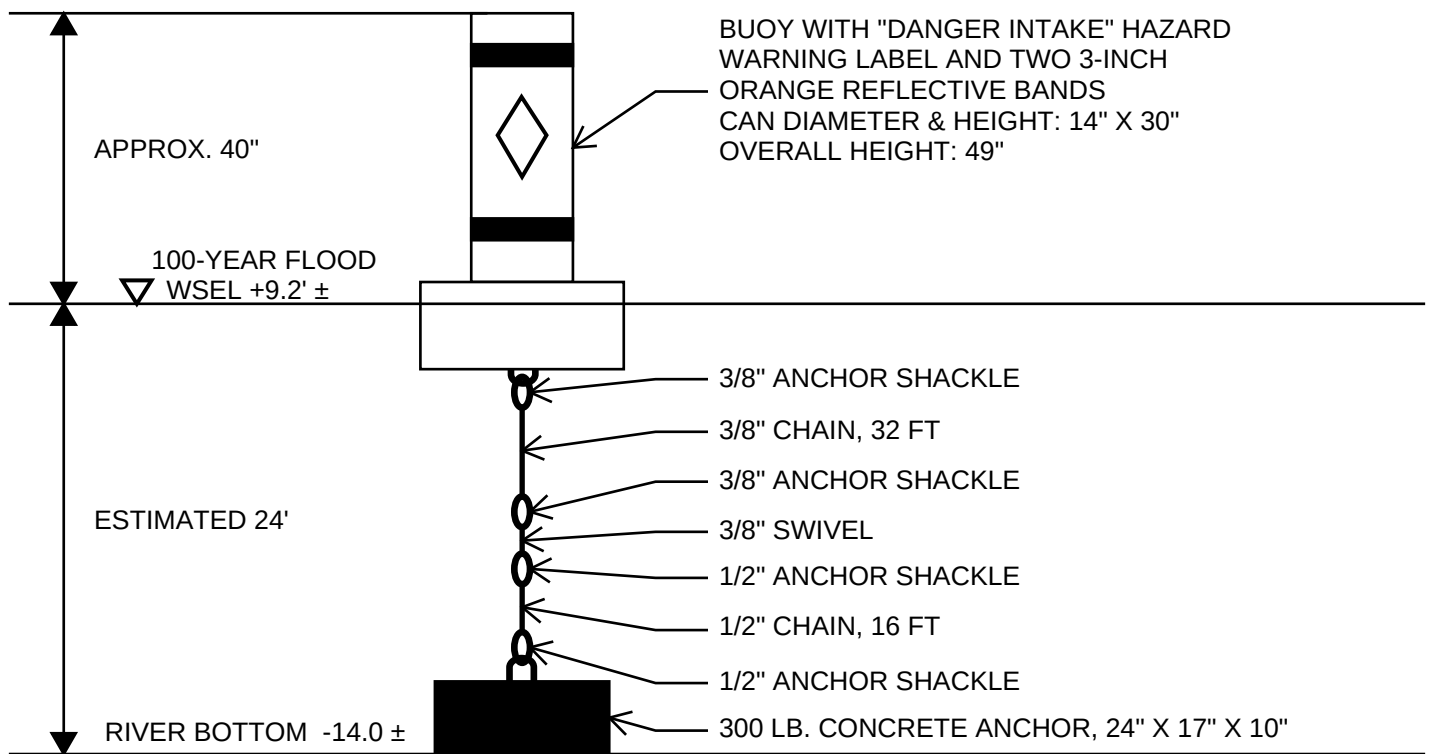
TEMPORARY RAW WATER  
INTAKE STRUCTURE

STRUCTURAL

PLANS

S-10-101

OF



BUOY AND ANCHOR FIGURE  
N.T.S.

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION  
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 28th day of February 2023 hereby grants unto:

**Chesterfield County Department of Utilities  
Post Office Box 608  
Chesterfield County, VA 23832**

hereinafter referred to as the Permittee, permission to:

  X   Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.

       Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittee is hereby authorized to install a 29.8 MGD municipal raw water intake structure, with one millimeter screen slots and a maximum through-slot velocity of 0.25 feet per second, at N37-31541, W-77-33619 in the Appomattox River, extending channelward from the northern bank of the river immediately upstream of the Interstate 295 bridge crossing in Chesterfield County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received January 16, 2020 and revised drawings dated received January 4, 2022, which are attached and made a part of this permit.

**This permit is granted subject to the following conditions:**

- (1) The work authorized by this permit is to be completed by **February 29th, 2028**. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit, which are not maintained in good repair, shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts that may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.
- (15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation or maintenance of said project.

**The following special conditions are imposed on this permit:**

- (16) The placard accompanying this permit document must be conspicuously displayed at the work site.
- (17) Permittee agrees to notify the Commission upon the start of the activities authorized by this permit.
- (18) All area of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into State waters.
- (19) The instream construction activities shall be accomplished within cofferdams constructed of non-erodible materials as detailed in the current edition of the Virginia Erosion and Sediment Control Handbook.
- (20) Permittee shall adhere to an instream work time-of-year-restriction (TOYR) of February 15 to June 30 to protect anadromous fishes, as well as an additional August 1 to November 15 TOYR to protect Atlantic Sturgeon.
- (21) Permittee shall adhere to a TOYR of April 15 through June 30 and August 15 through September 30, protective of the Green Floater mussel. A mussel survey and relocation effort shall also be performed. These protective measures may be waived upon DWR acceptance of the results of a land-based review of habitat suitability at the project site.
- (22) Prior to upland waterline construction activities near Ashton Creek, the permittee shall submit for VMRC staff review and approval, construction drawings detailing the location and installation techniques for the transmission pipe crossing of Ashton Creek, including erosion and sediment control plans. These plans should indicate whether the pipe will cross tidal wetlands associated with Ashton Creek.



| Description of Fees      | Amount | Unit of Measure | Rate | Total           | Frequency | After-The-Fact |
|--------------------------|--------|-----------------|------|-----------------|-----------|----------------|
| Permit Fee               |        |                 |      | \$600.00        | One-Time  |                |
| <b>Total Permit Fees</b> |        |                 |      | <b>\$600.00</b> |           |                |

This permit consists of 14 Pages

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**PERMITTEE(S)**

☒ BY CHECKING THIS BOX, I certify that I am the Permittee OR the certified agent acting on behalf of all Permittees, that I have read and understood the permit as drafted and accept all of the terms and conditions herein. I agree and understand that checking the box has the same legal authority as a written signature. The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original Permittee(s). In cases where the Permittee is a corporation, agency or political jurisdiction, I certify I have proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

**PERMITTEE OR CERTIFIED AGENT****DATE TERMS ACCEPTED**

Mr. George Hayes, P.E., Director of Utilities, Chesterfield County  
Print Your Name Here

April 18, 2023

**PERMITEE**

Chesterfield County Department of Utilities  
Post Office Box 608  
Chesterfield County, VA 23832

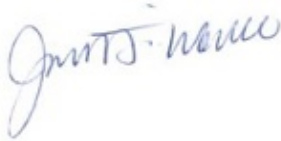
**AGENT**

Arcadis, U.S., Inc.  
Paul Peterson  
9954 Mayland Drive, Suite 2400  
Richmond, VA 23233

---

**COMMISSION**

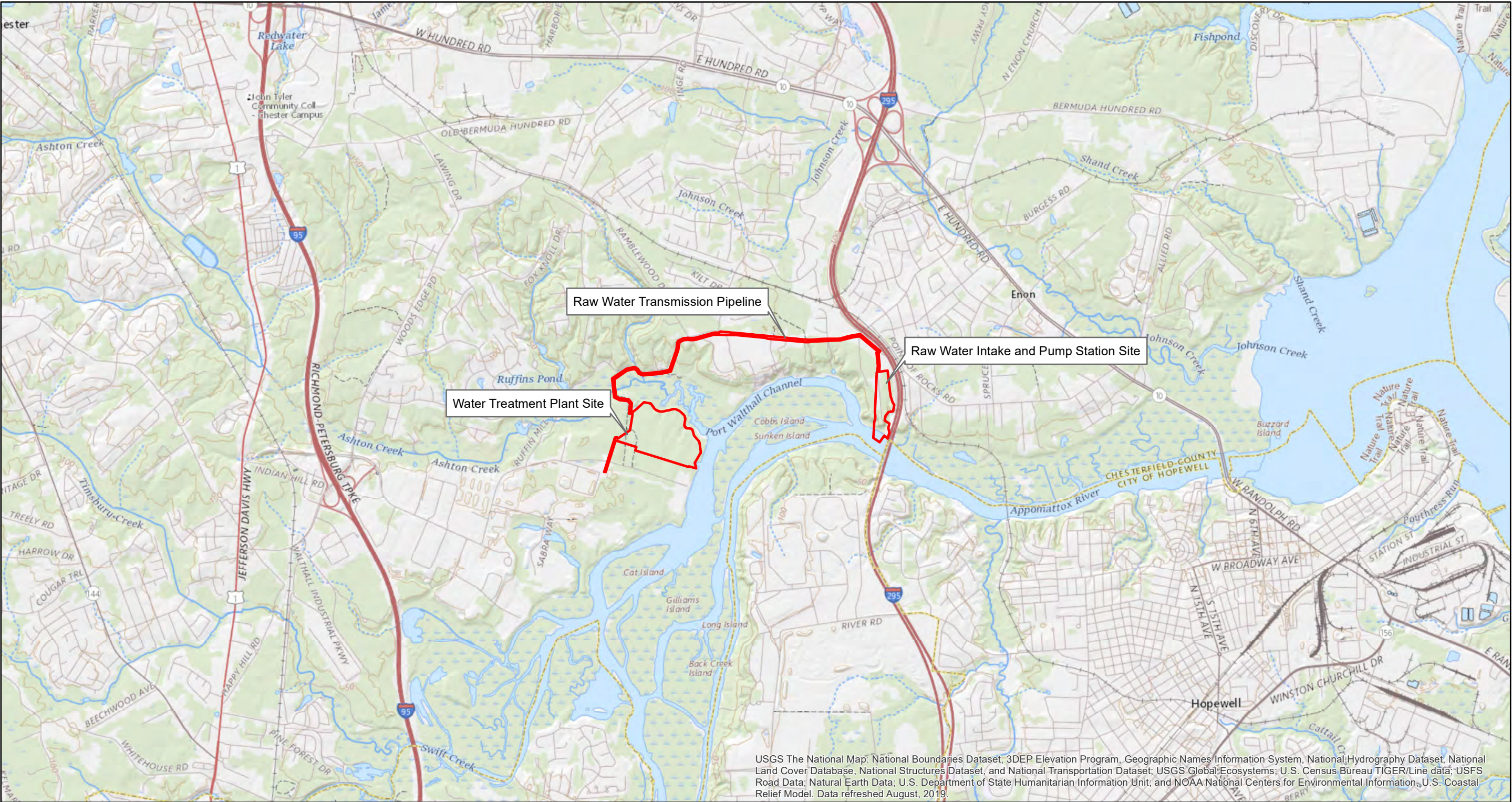
This permit is executed on behalf of the Commonwealth of Virginia, Marine Resources Commission by the undersigned:



Justin Worrell  
Deputy Chief, Habitat Management Division

DATE SIGNED  
18th day of April 2023





|                        |  |                                                                                                                                                  |                                                     |
|------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|                        |  | <p><b>Legend</b></p> <p><span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span> Limits of Disturbance</p> | <p><b>APPOMATTOX RIVER WATER SUPPLY PROJECT</b></p> |
| <p>0 0.5 1 2 Miles</p> |  |                                                                                                                                                  | <p><b>Figure A-1 - Topography Map</b></p>           |





**ARCADIS**



**Legend**

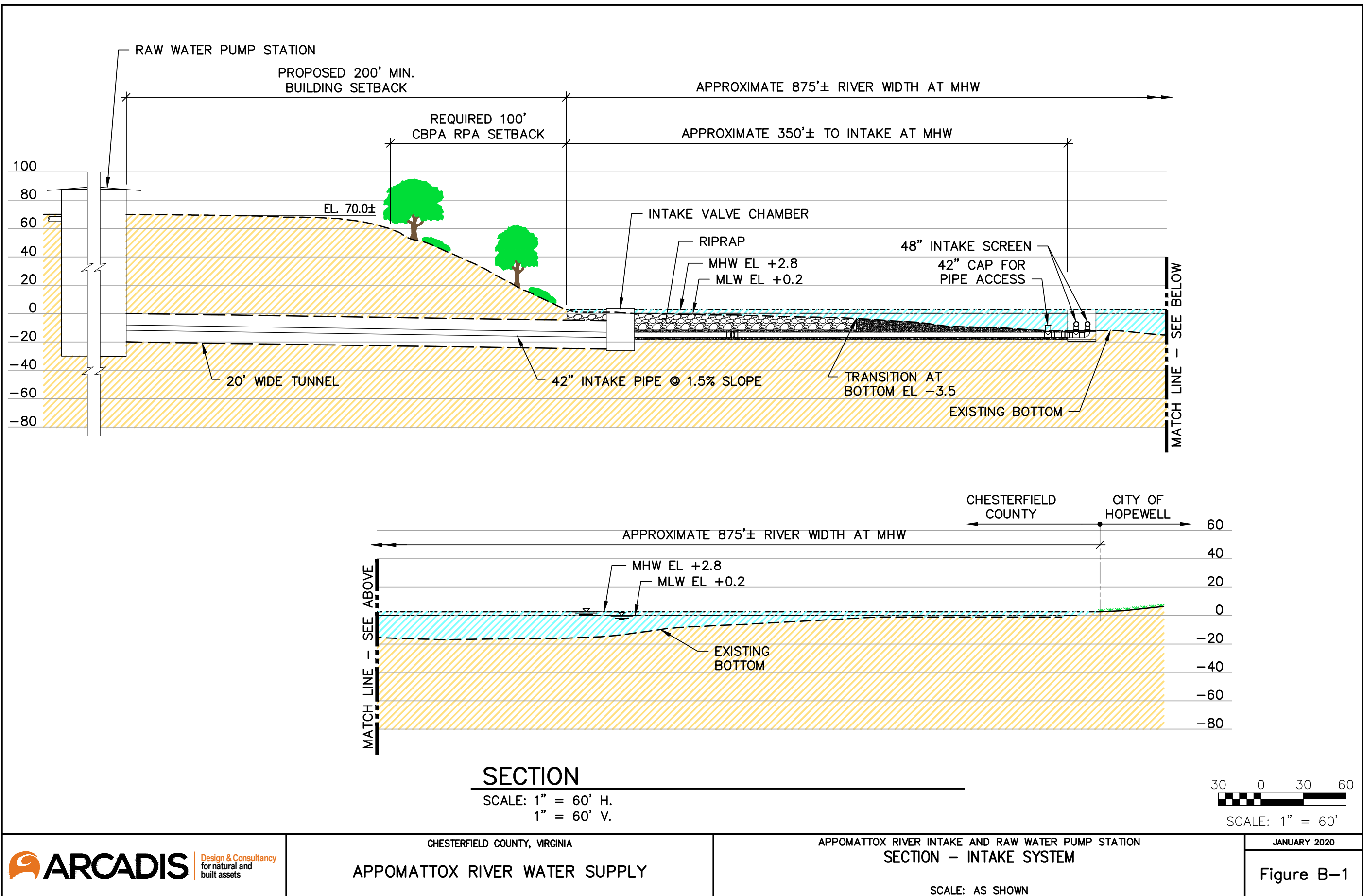
Limits of Disturbance

0 750 1,500 3,000 Feet

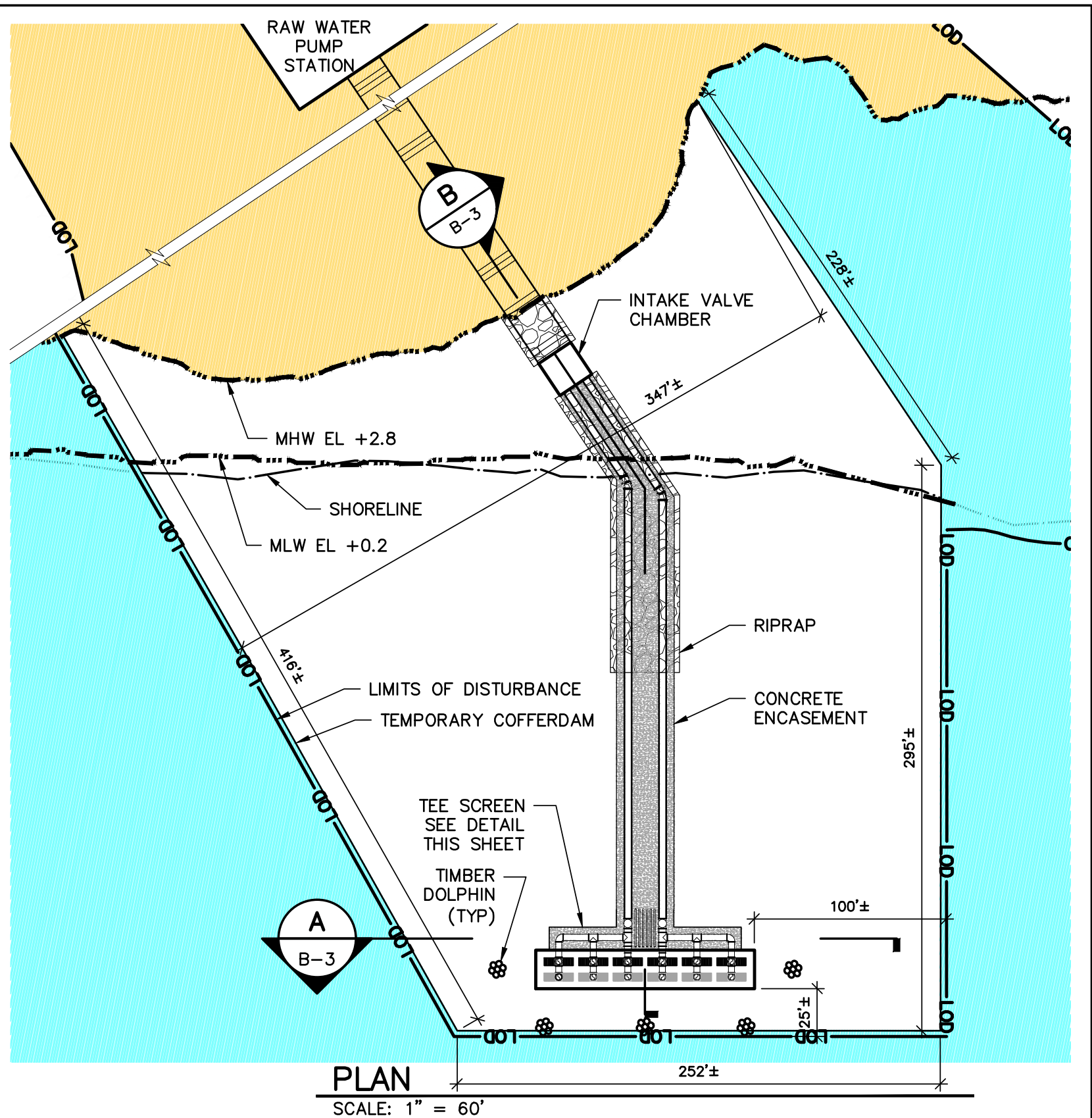
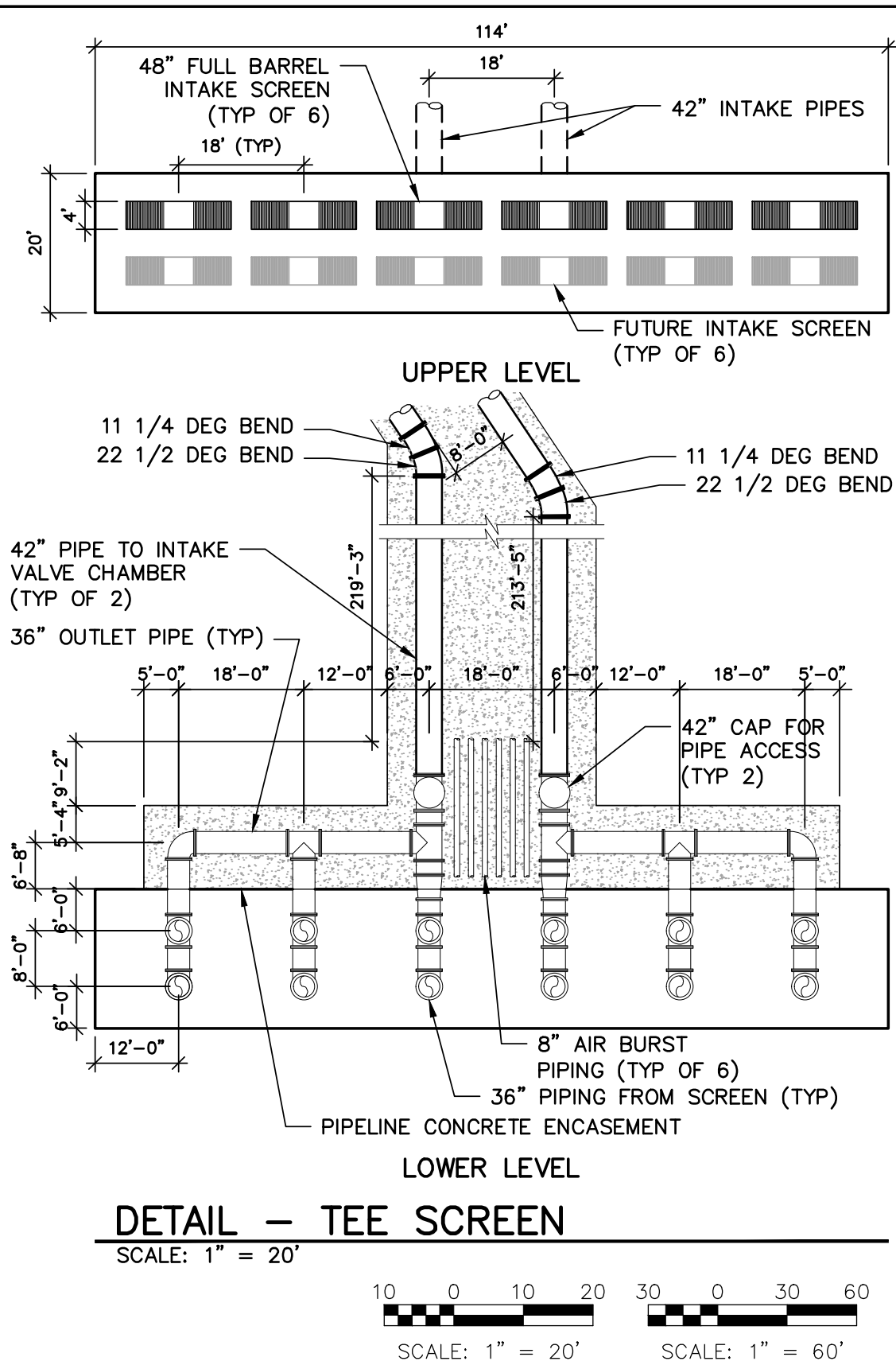
**APPOMATTOX RIVER WATER SUPPLY PROJECT**  
**Figure A-2 - Aerial Map**



User: SHRESTHA Spec: AUS-NCSMOD File: I:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\IPA FIGURES\FIGURE B-1.DWG SavedDate: 1/15/2020 Time: 10:07  
 Plot Date: Shrestha, Anjana; 1/15/2020



User: SHRESTHA Spec: AUS-NCSMOD File: i:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\FIGURE B-2.DWG SavedDate: 12/23/2019 Time: 11:27  
Plot Date: Shrestha, Anjana; 1/15/2020



CHESTERFIELD COUNTY, VIRGINIA  
APPOMATTOX RIVER WATER SUPPLY

APPOMATTOX RIVER INTAKE AND RAW WATER PUMP STATION  
PLAN - INTAKE SYSTEM

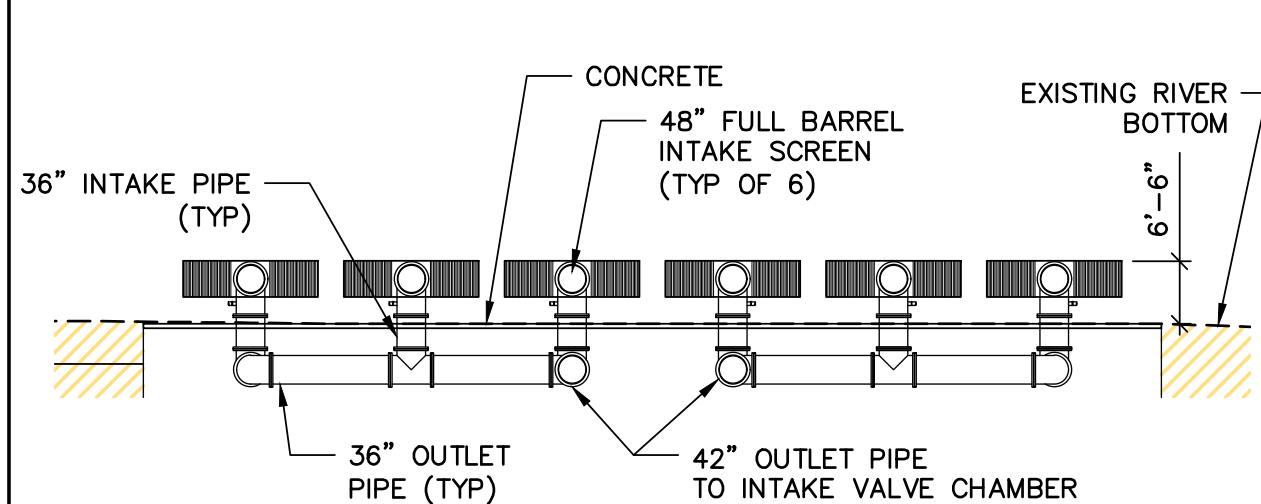
SCALE: AS SHOWN

JANUARY 2020

Figure B-2



User: SHRESTHA Spec-AUS-NCSMOD File: i:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\FIGURE B-3.DWG SavedDate: 1/3/2022 Time: 10:55  
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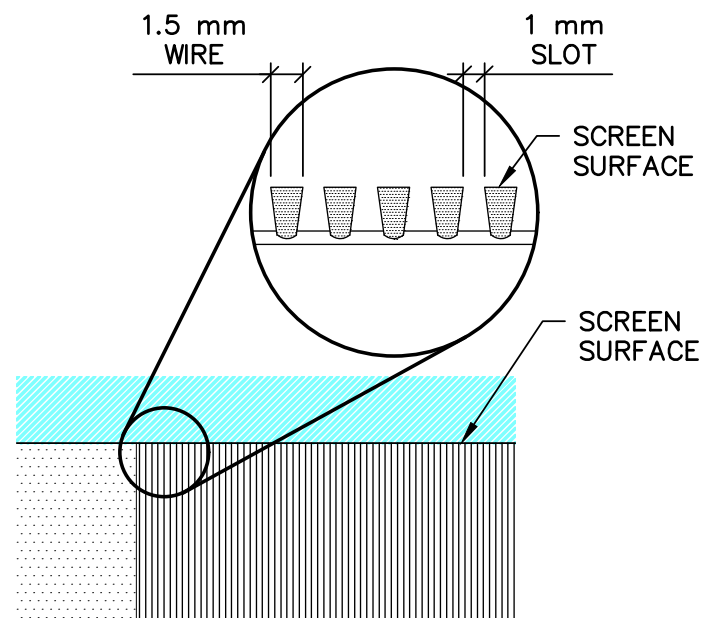


### DETAIL - INTAKE SCREEN

NOT TO SCALE

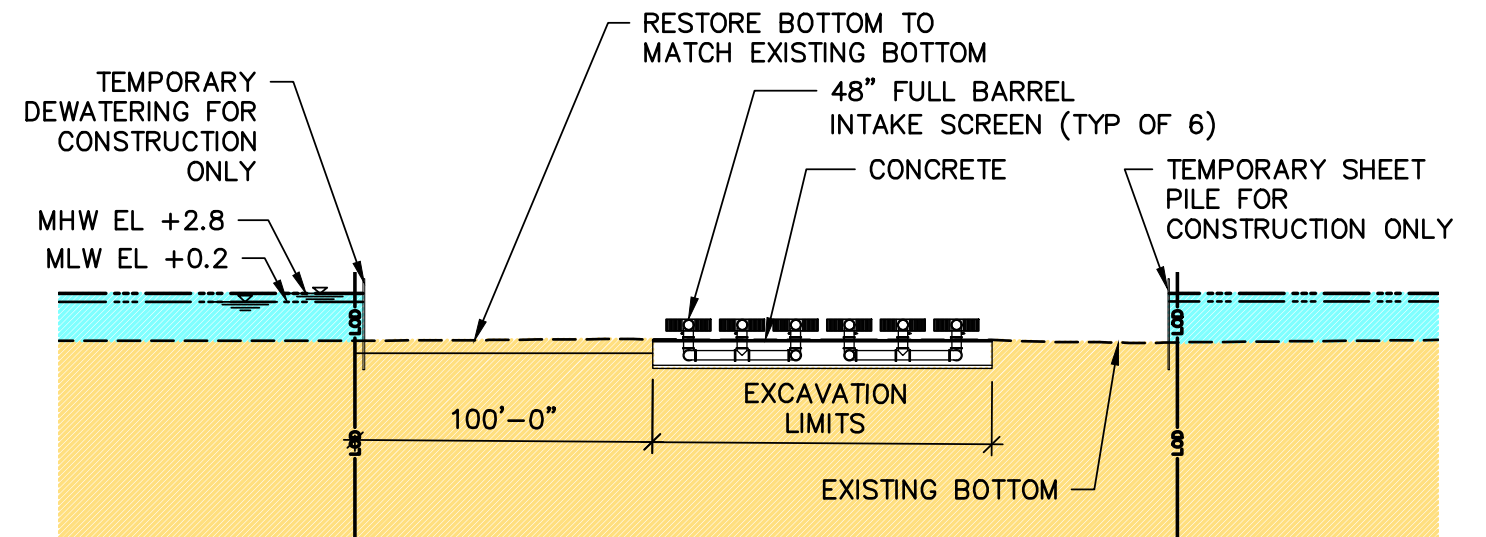
#### GENERAL NOTE:

1. WATER DEPTH AT INTAKE IS ESTIMATED TO BE AT LEAST 12 FEET AT MEAN LOW WATER.



### DETAIL - SCREEN SLOT

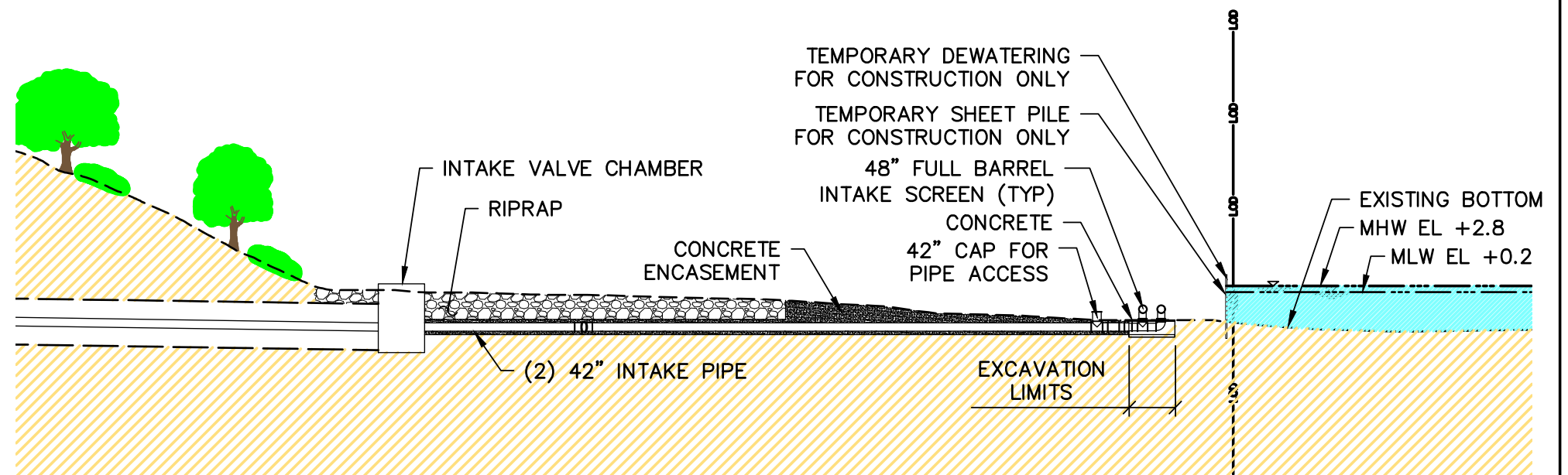
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### A SECTION

B-2

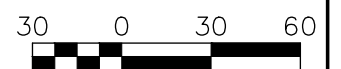
SCALE: 1" = 60'



### B SECTION

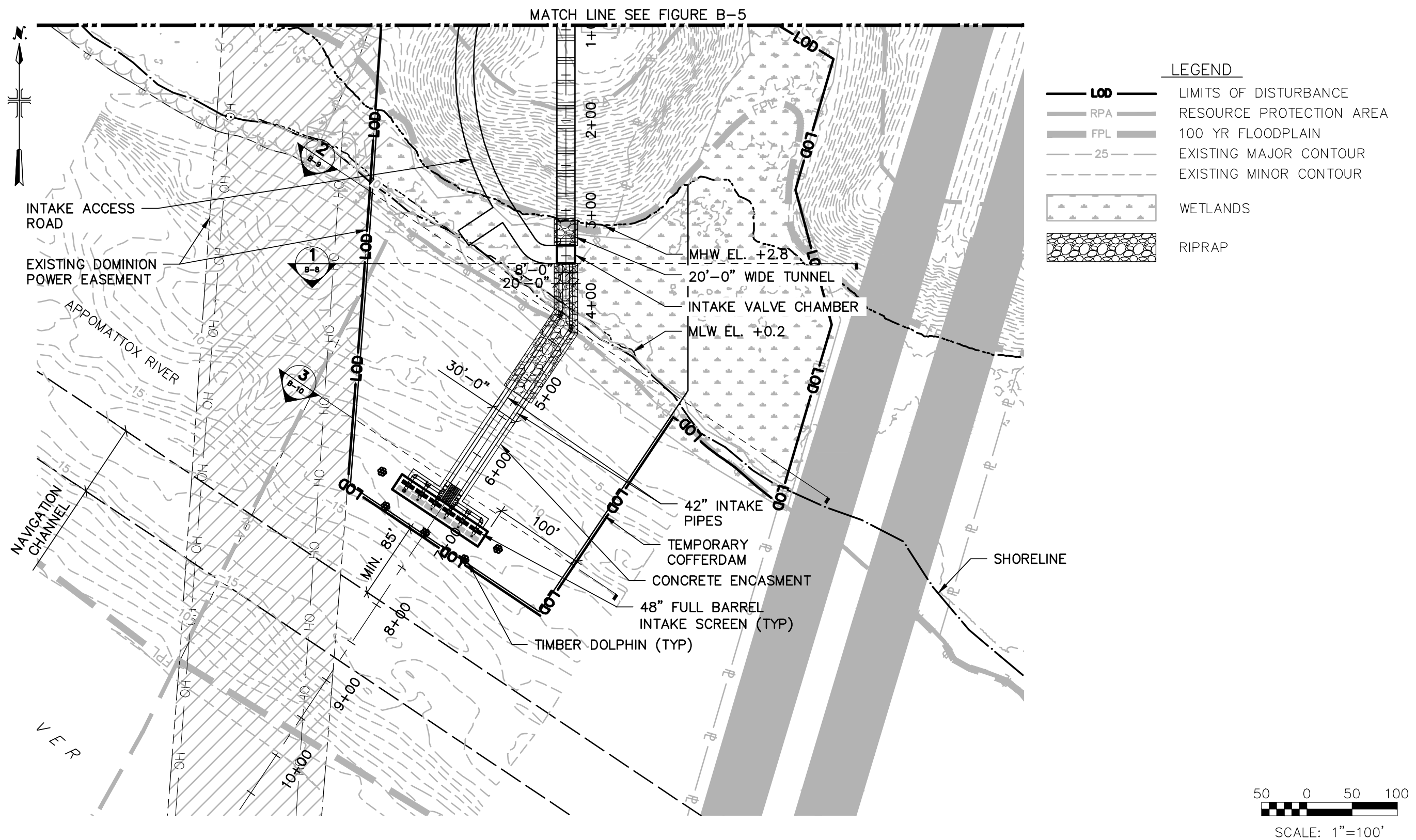
B-2

SCALE: 1" = 60'

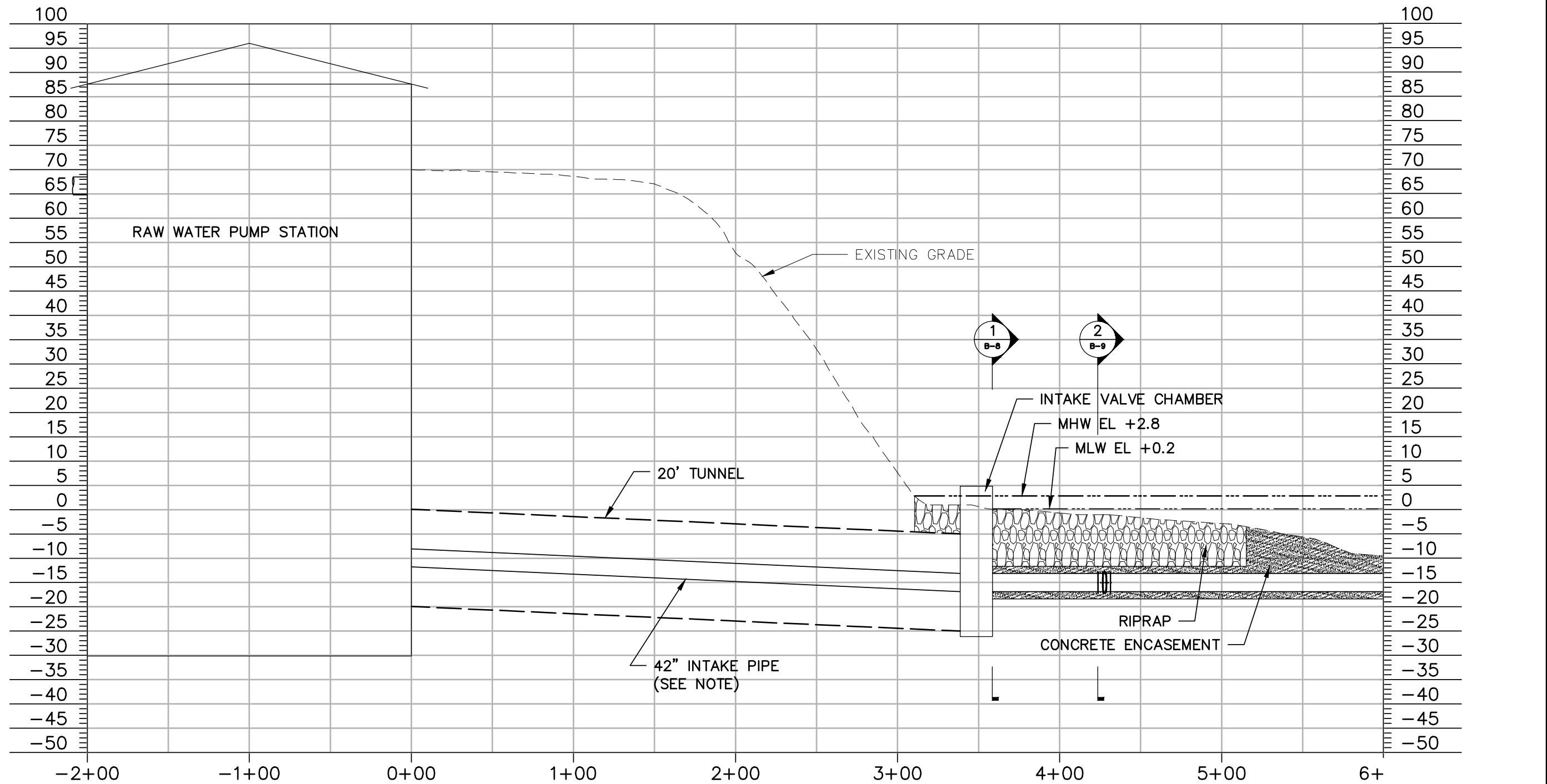


SCALE: 1" = 60'

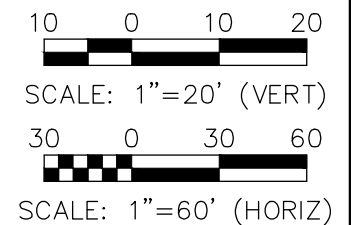
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Plot Date: Shrestha, Anjana; 1/15/2020



User: SHRESTHA Spec: AUS-NCSMOD File: i:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\FIGURE B-6 THRU B-10 (PROFILES, SECTIONS).DWG Saved Date: 12/23/2019 Time: 11:21  
Plot Date: Shrestha, Anjana; 1/15/2020



NOTE:  
INTAKE PIPE SLOPE TO  
INTAKE VALVE CHAMBER  
AS REQUIRED TO BE  
DETERMINED IN DETAILED  
PHASE DESIGN.



CHESTERFIELD COUNTY, VIRGINIA  
APPOMATTOX RIVER WATER SUPPLY

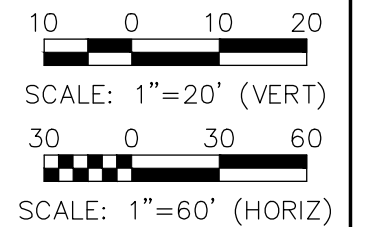
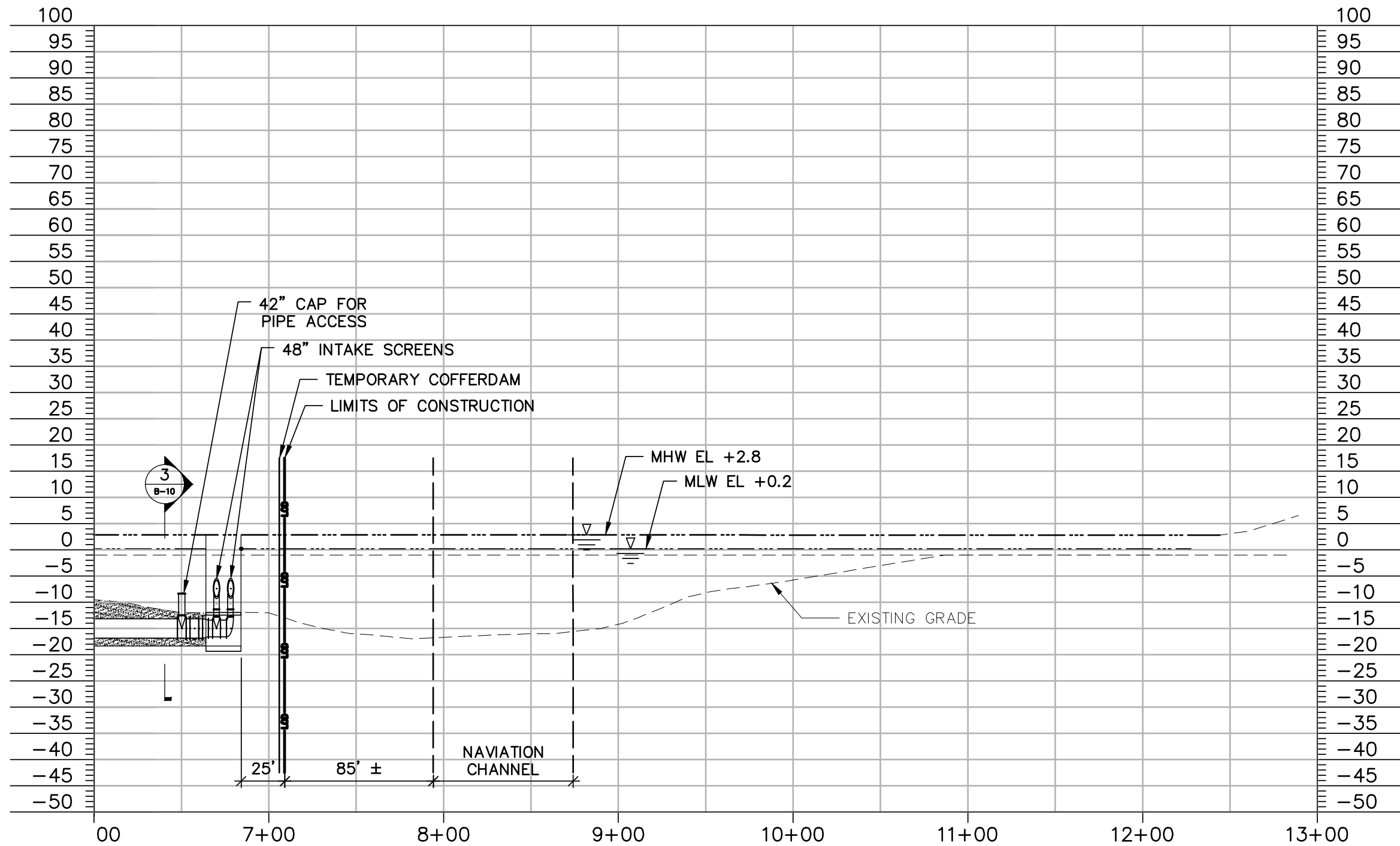
APPOMATTOX RIVER INTAKE AND RAW WATER PUMP STATION  
PROFILE - INTAKE SYSTEM  
SHEET 1  
SCALE: AS SHOWN

JANUARY 2020

Figure B-6

Received by VMRC  
January 16, 2020 /lra

User: SHRESTHA Spec: AUS-NCSMOD File: I:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\FIGURE B-6 THRU B-10 (PROFILES, SECTIONS).DWG Saved Date: 12/23/2019 Time: 11:21  
Plot Date: Shrestha, Anjana; 1/15/2020



CHESTERFIELD COUNTY, VIRGINIA  
APPOMATTOX RIVER WATER SUPPLY

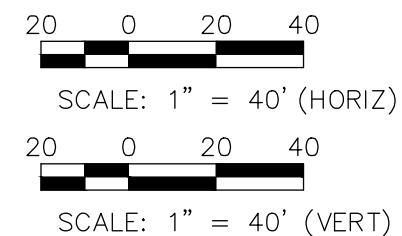
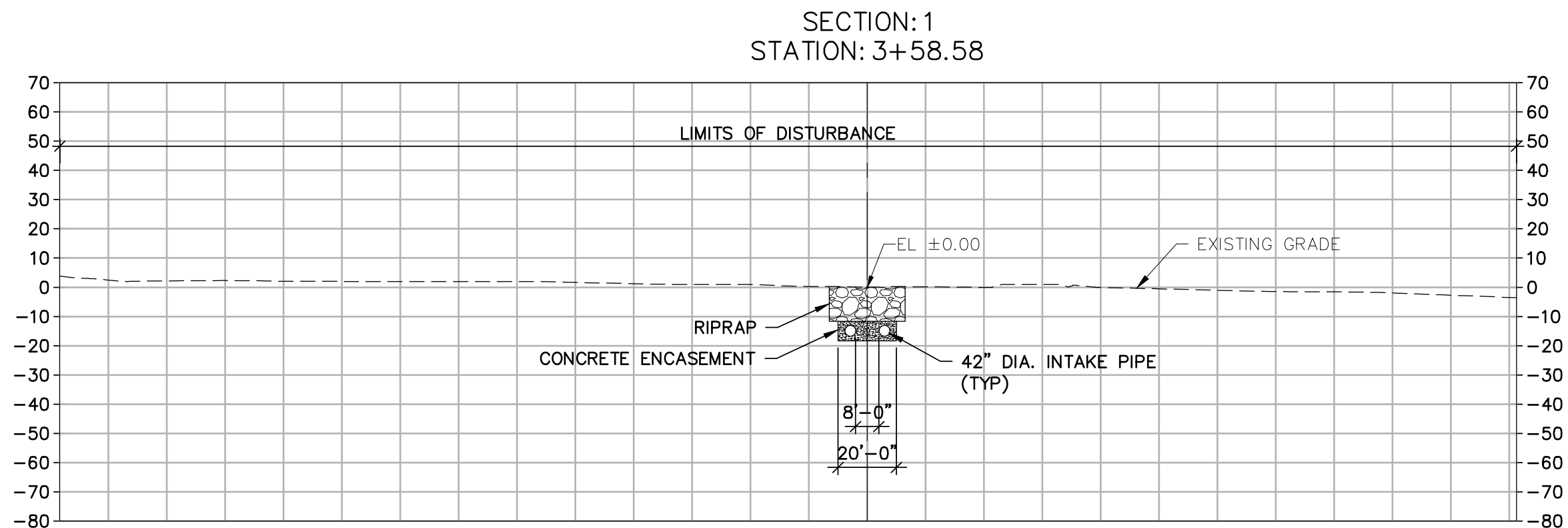
APPOMATTOX RIVER INTAKE AND RAW WATER PUMP STATION  
PROFILE - INTAKE SYSTEM  
SHEET 2  
SCALE: AS SHOWN

JANUARY 2020  
Figure B-7

Received by VMRC  
January 16, 2020 /lra



User: SHRESTHA Spec: AUS-NCSMOD File: i:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\FIGURE B-6 THRU B-10 (PROFILES, SECTIONS).DWG SavedDate: 12/23/2019 Time: 11:21  
Plot Date: Shrestha, Anjana; 1/15/2020



CHESTERFIELD COUNTY, VIRGINIA  
APPOMATTOX RIVER WATER SUPPLY

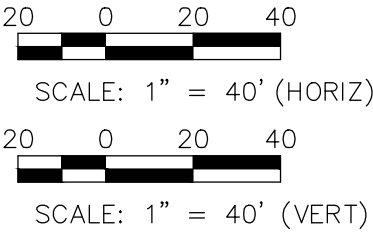
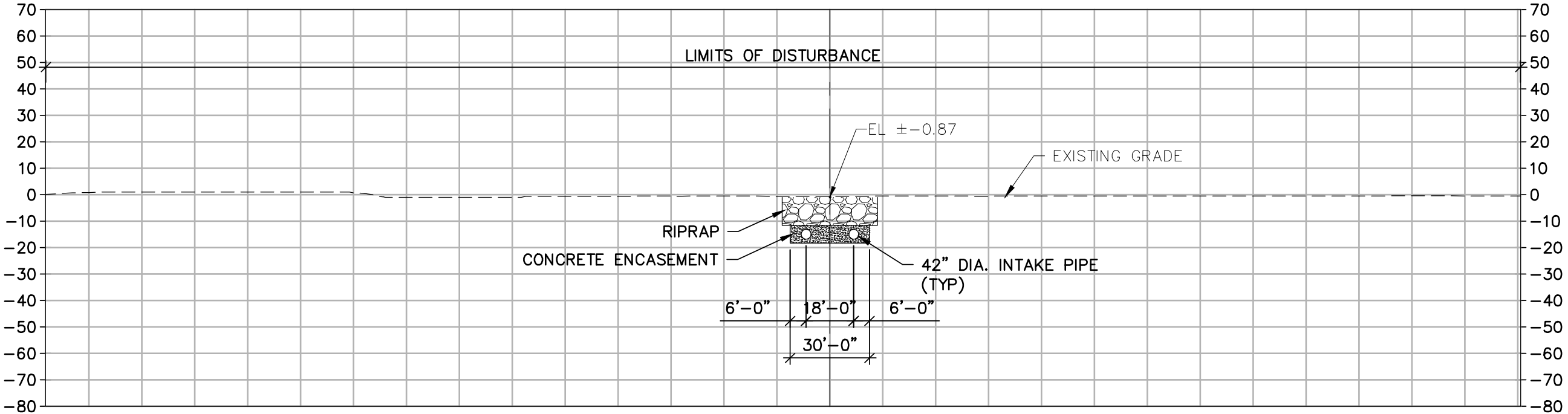
APPOMATTOX RIVER INTAKE AND RAW WATER PUMP STATION  
INTAKE SYSTEM  
SECTION - SHEET 1  
SCALE: AS SHOWN

JANUARY 2020  
Figure B-8

Received by VMRC  
January 16, 2020 /lra

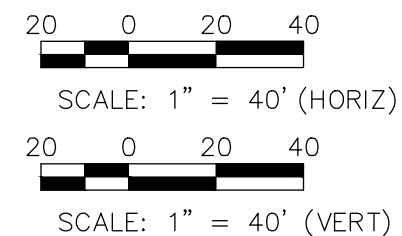
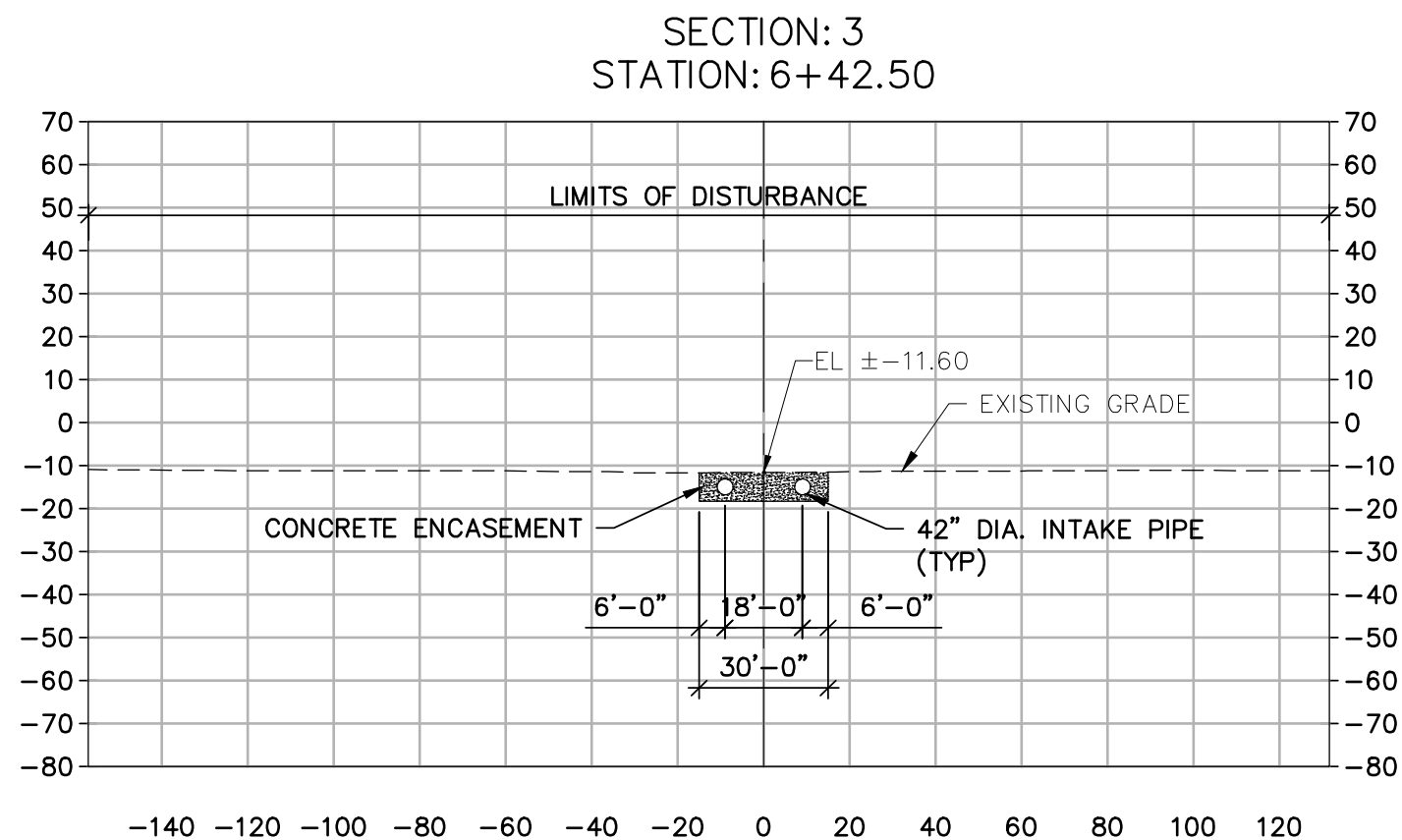
User: SHRESTHA Spec: AUS-NCSMOD File: I:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\FIGURE B-9 THRU B-10 (PROFILES, SECTIONS).DWG SavedDate: 12/23/2019 Time: 11:21  
Plot Date: Shrestha, Anjana; 1/15/2020

SECTION: 2  
STATION: 4+23.59



Received by VMRC  
January 16, 2020 /lra

User: SHRESTHA Spec: AUS-NCSMOD File: I:\ACAD\PROJ\0640 - CHESTERFIELD COUNTY\152 - WATER SUPPLY STUDY\FIGURES\IPA FIGURES\FIGURE B-6 THRU B-10 (PROFILES\SECTIONS).DWG SavedDate: 12/23/2019 Time: 11:21  
Plot Date: Shrestha, Anjana; 1/15/2020



CHESTERFIELD COUNTY, VIRGINIA  
APPOMATTOX RIVER WATER SUPPLY

APPOMATTOX RIVER INTAKE AND RAW WATER PUMP STATION  
INTAKE SYSTEM  
SECTION - SHEET 3  
SCALE: AS SHOWN

JANUARY 2020  
Figure B-10

Received by VMRC  
January 16, 2020 /lra

# Public Comments for 20252436

[<< Back](#)[Excel Export](#)[PDF Export](#)**Total Comments: 2****Favor: 0****Oppose: 2****No Position: 0****Withdrawn: 0**

Use the "Edit" buttons below to edit the name or the position of the commenter. This can be used to change a comment to "Withdrawn".

*Click on column heading to sort data.*

| No. | Name                                  | Email                      | Timestamp                 | Position                    | Comments                                                                              |
|-----|---------------------------------------|----------------------------|---------------------------|-----------------------------|---------------------------------------------------------------------------------------|
| 1   | KYLE A<br>ASHLEY <a href="#">Edit</a> | projectearth2025@gmail.com | 01/15/2026 14:05:27<br>PM | OPPOSE <a href="#">Edit</a> | SEE ATTACHED<br><br><b>Supporting Files:</b> <a href="#">PDF</a><br><a href="#">1</a> |
| 2   | KYLE<br>ASHLEY <a href="#">Edit</a>   | projectearth2025@gmail.com | 03/27/2026 09:37:55<br>AM | OPPOSE <a href="#">Edit</a> | SEE ATTACHED<br><br><b>Supporting Files:</b> <a href="#">PDF</a><br><a href="#">1</a> |



**From:** [Kyle](#)  
**To:** [CEIG](#); [Miller, Todd M CIV USARMY CENAO \(USA\)](#); [catherine.mcghee@vdot.virginia.gov](#); [CENAO-REG ROD](#)  
**Cc:** [stephen.brich@vdot.virginia.gov](#); [H.A.Pitts@uscg.mil](#); [NS.Coordinator@railpros.com](#); [kimberly.pryor@vdot.virginia.gov](#); [marshall.herman@vdot.virginia.gov](#)  
**Subject:** [Non-DoD Source] the Appomattox River Water Supply Project (NAO-2022-01998)  
**Date:** Thursday, December 25, 2025 6:18:47 PM  
**Attachments:** [IMC](#); [fig](#)  
[IMC](#); [fig](#)  
[IMC](#); [fig](#)  
[IMC](#); [fig](#)  
[IMC](#); [fig](#)  
[IMC](#); [fig](#)  
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[IMC](#); [fig](#)  
[IMC](#); [fig](#)  
[IMC](#); [fig](#)

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Dear District Commander, Inspector General, and Parties in Receipt,

I am filing this formal objection on behalf of the Appomattox Resilience Corridor (ARC) regarding the Appomattox River Water Supply Project (NAO-2022-01998). This permit must be stayed until a comprehensive Navigational and Hydraulic Restoration Study is conducted to address the degraded state of the federal channel.

### I. Hydraulic Baseline and Upstream Storage Requirements

The current proposal to withdraw 40 million gallons daily (MGD) downstream is predicated on a flawed hydraulic model. By failing to account for the loss of upstream storage capacity, the applicant is ignoring the river's inability to sustain such withdrawals during low-flow periods without catastrophic impacts on the ecosystem.

- The Requirement: Any withdrawal permit must be contingent upon the restoration of the Seven Locks system in Farmville. Restoring these historic pools is the only viable method to provide the necessary upstream storage to stabilize river levels for industrial use while protecting the downstream habitat.

### II. Legal Baseline: Federal Navigational Servitude

The Appomattox River was designated a public highway for commerce under the Virginia General Assembly Acts of 1787 and 1795. Under 33 CFR § 329.9, a waterbody that was navigable in its natural or improved state retains its character as "navigable in law" in perpetuity. No administrative order, period of disuse, or railroad charter has legally terminated the federal jurisdiction or the public's right of navigation on this corridor from Hopewell to the head of navigation at Farmville.

### III. Unreasonable Obstructions to Navigation (Norfolk Southern & VDOT)

Norfolk Southern and VDOT currently maintain multiple low-chord trestles and bridges that constitute unreasonable obstructions to navigation under the Truman-Hobbs Act (33 U.S.C. § 512). \* These structures lack a documented federal "Navigational Window" and interfere with the federal navigation prism.

- The bridge piers trap significant historic debris—including masonry from the 1864 Rohoic Creek Aqueduct—creating hydraulic choke points that physically prevent the Atlantic

Sturgeon (a federally protected species) from reaching historic spawning grounds.

- Notice to CEIG: We are notifying the Engineer Inspector General of a potential failure to enforce federal navigation and obstruction laws, allowing private infrastructure to degrade a protected federal asset.

#### IV. Formal Demand for Permit Conditions

We demand that any permit issued under NAO-2022-01998 include the following non-negotiable mitigation requirements:

1. A Vertical Clearance Survey: To identify all rail and road structures requiring conversion to Arched Designs to restore the federal navigation fairway.
2. Removal of 1864 Debris: Complete physical clearing of the federal channel to restore natural hydraulic flow and Atlantic sturgeon fish passage.
3. Heritage Mitigation: Direct funding for the Sovereign Tribal Museums and the Enslaved Navigators Museum to restore the cultural integrity of the waterway.

Respectfully,

Kyle Anderson Ashley

Founder, Appomattox Resilience Corridor (ARC)





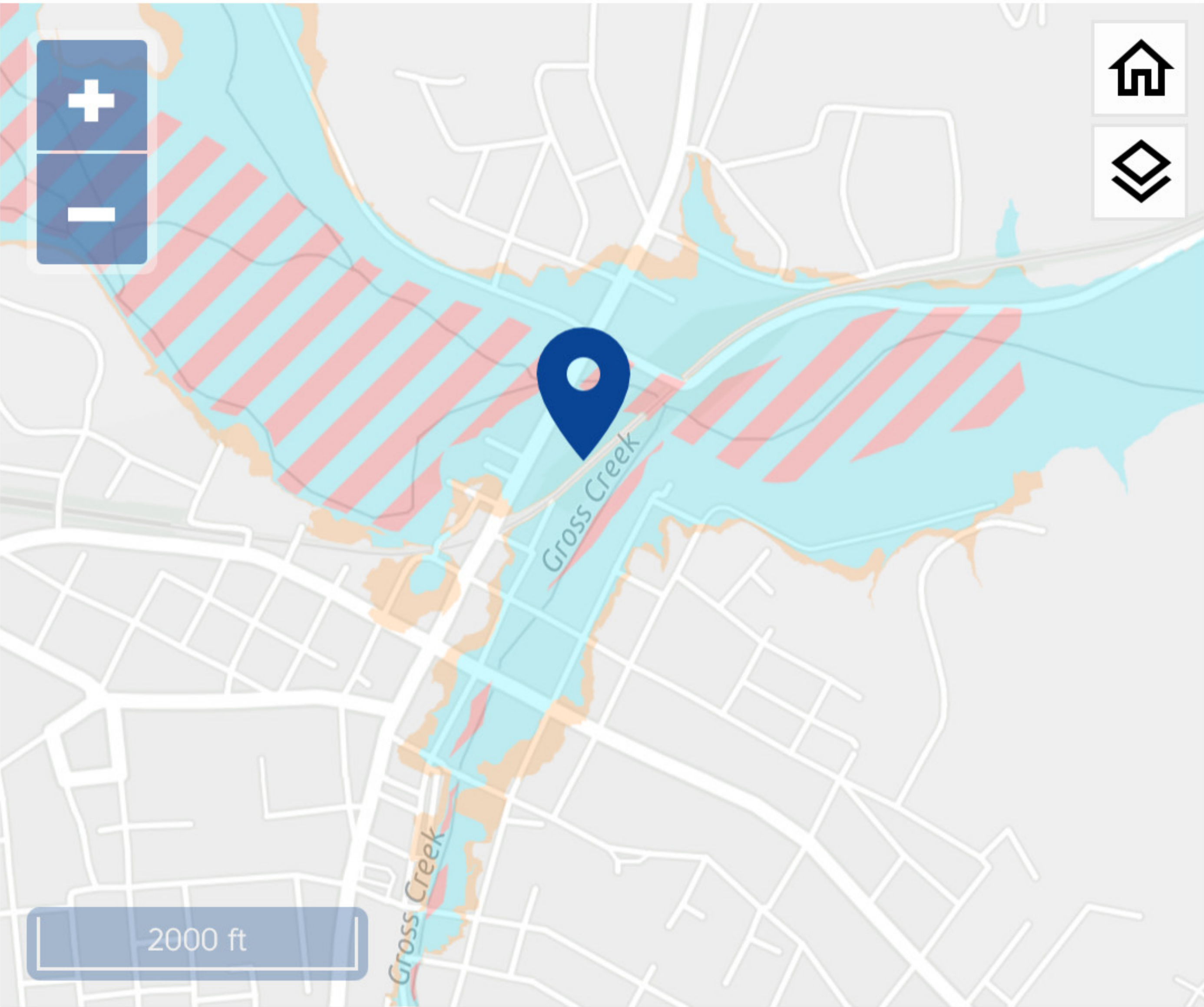
**FISH PASSAGE &  
INVASIVE SPECIES MANAGEMENT**

Native Species:  
Protected

Invasive Species  
Removal Zone



# Gauge Location



- ☒ Display FRMV2 marker
  - ☒ Display FEMA's National Flood Hazard Layers
- FEMA Layer Current Opacity is : 65 %



-  1% Annual Chance Flood Hazard
-  Regulatory Floodway
-  Special Floodway
-  Area of Undetermined Flood Hazard
-  0.2% Annual Chance Flood Hazard
-  Future Conditions 1% Annual Chance Flood Hazard
-  Area with Reduced Risk Due to Levee





# Appomattox River, VA

## Appomattox River, VA: Appomattox



2

of 2



Search this screen

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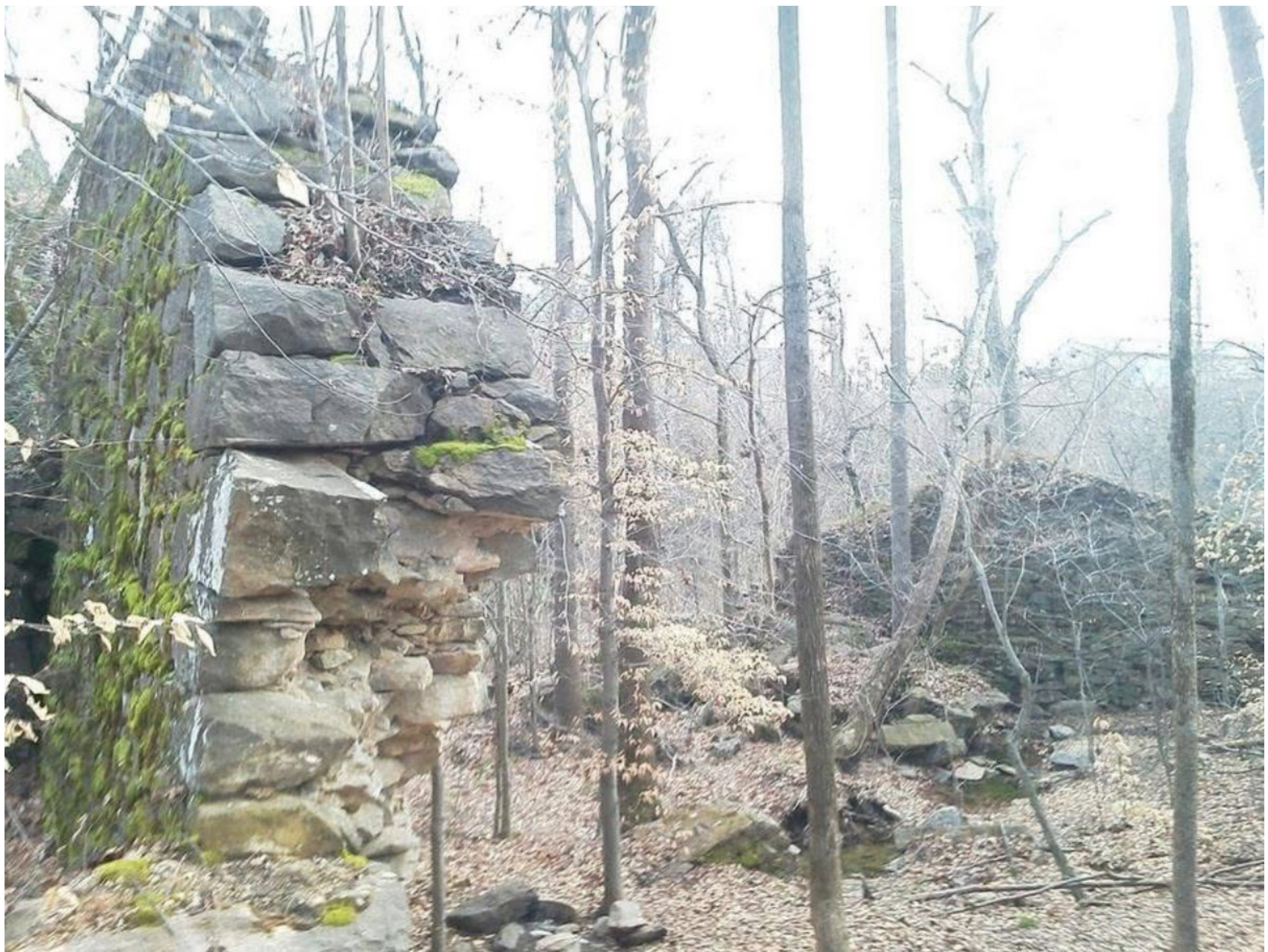


2020 © Virginia Preparedness









**Here are one side of the wingwalls of the Aqueduct ruins as seen today. These are what is left of the Eastern most wingwalls of the Indian Town Creek Aqueduct. Both walls are at least 40 feet tall, which gives some scale as to the size of the stones used in this structure.**



 **Like**

 **Comment**

1 comment





**From:** [Reams, Brad \(MRC\)](#)  
**To:** [Worrell, Justin \(MRC\)](#)  
**Cc:** [MRC - jpa Permits](#)  
**Subject:** FW: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998  
**Date:** Monday, December 29, 2025 4:46:12 PM

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**From:** Kyle <projectearth2025@gmail.com>  
**Sent:** Monday, December 29, 2025 4:42 PM  
**To:** Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>; CGD5waterways@uscg.mil;  
kimberly.a.prisco-baggett@usace.army.mil  
**Subject:** Re: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998

Dear Mr. Reams,

Thank you for confirming that as of September 1, 2025, the USACE is the central authority for this permit. This federal mandate reinforces my assertion that the Appomattox River must be evaluated under Section 10 Jurisdiction and the Daniel Ball (1870) precedent.

Regarding your points:

1. Structural Integrity: You state the intake structure is landward of the channel. However, the attached evidence of the sidewalk puncture in Farmville proves that the "State-owned bottomlands" in this reach are structurally failing due to the suppression of 1795 federal vaults.
2. Navigation Safety: I will be providing the USCG District 5 with the photos of this collapse. I believe their prior approval was based on an assumption of stable bottomlands—an assumption that is physically refuted by the current sinkholes.
3. Tribal Stewardship: This project directly impacts the Monacan Nation's ancestral rights. Under the new federal permitting mandate, a full tribal consultation is required to address the heavy metal loading and the restoration of fish passages.

I look forward to the Army Corps' formal review of these "Cumulative Impacts" as required by federal law.

Respectfully,

Kyle Anderson Ashley

Founder, ARC

On Mon, Dec 29, 2025 at 3:45 PM Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)> wrote:

| Hello Kyle,

In response to your objection submitted to the Army Corps of Engineers, received on 12/25/25, I'd like to clarify certain details of this project (#25-2436) relative to the previously issued VMRC permit #2020-0085 for a permanent water withdrawal. The existing permit (#20-0085) authorized a 29.8 million-gallon-per-day intake withdrawal, and that structure will be located 25 feet landward of the federal channel. That intake has not been installed – if you would like further information regarding the permit details, please contact me.

To elaborate, at VMRC, we regulate the use of State-owned subaqueous bottomlands that are outside the limits of the Federal channel. Having said that, your comments appear to apply to the Federal portion of the Appomattox River.

1. This application VMRC #2025-2436 is for a temporary test pilot plant (per application details – to be removed within 3 years) and is a much smaller withdrawal rate at only 40 gallons per minute, equaling approximately 302,400 gallons per day.
2. This intake will not encroach on the federal navigation channel and will be located 300 feet from mean low water and end approximately 25-50 feet landward of the channel. The Army Corps of Engineers would review any issues raised within the federal channel. Furthermore, the USCG has approved the intake with the required warning buoys.
3. The issues you raise about nearby bridges and trestles are not within the scope of the project. Such issues can be addressed to the Army Corps of Engineers.

If you have any questions or concerns with the proposed encroachment of the intake structure that will be installed on the State-owned bottomlands, please contact me directly by Monday, January 5th.

Respectfully,



**Bradley Reams**

Environmental Engineer  
Habitat Management  
(757) 262-6448

**NOTE:** Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the Virginia

Marine Resources Commission) and to your local wetlands board.

To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>

If you have questions regarding this permanent change, contact Kimberly Prisco-Baggett at 757-647-3282 or [Kimberly.A.Prisco-Baggett@usace.army.mil](mailto:Kimberly.A.Prisco-Baggett@usace.army.mil)







**From:** [Kyle](#)  
**To:** [Reams, Brad \(MRC\)](#)  
**Subject:** Re: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998  
**Date:** Friday, January 9, 2026 7:01:31 PM

---

Dear Mr. Reams,

Thank you for confirming that my concerns have been shared with the U.S. Army Corps of Engineers (USACE). To ensure the public record is accurate before your January 12th deadline, I am formally correcting your "assumptions" regarding the scope and jurisdiction of this project.

1. Jurisdictional Mandate (The Daniel Ball Precedent):

The Appomattox River is "navigable in fact" and constitutes a highway for commerce. Under the Daniel Ball (1870) Supreme Court precedent, this river is subject to permanent Federal jurisdiction. Your attempt to categorize my concerns as "restricted to Farmville" ignores the fact that the navigation architecture constitutes a single, continuous Federal infrastructure asset. VMRC cannot administratively "de-couple" the Chesterfield intake from the upstream structural failures.

2. Omission of the 80-Structure Navigation Footprint:

To create the "slack water" navigation system over this 100-mile corridor, a total of 80 distinct hydraulic structures. This includes:

- 17 Primary Lift Locks: The industrial anchors of the system.
- Dozens of Wing Dams & Guard Locks: Used to force currents and protect side-cuts.
- The 1795 Federal Vaults: The foundational masonry currently being suppressed by state-level development.

This density of infrastructure (one structure every 1.25 miles) proves the river is a Federal Highway of Commerce. Any administrative decision that ignores these 80 points of impact—and the hazardous hydrocarbon discharges currently being trapped behind them—is a violation of the National Environmental Policy Act (NEPA).

3. Endangered Species Act (Atlantic Sturgeon):

Your response completely omits the impact on the Atlantic Sturgeon, a federally protected species. The proposed intake in Chesterfield poses a direct threat of impingement and entrainment for sturgeon larvae. As the 80-structure system upstream fails—evidenced by the sinkholes and masonry collapses in Farmville—the resulting sediment plumes and heavy metal loading directly degrade the critical spawning habitat at the Point of Rocks site.

4. Tribal Stewardship & Sovereignty:

This project impacts the ancestral waters and fish passages of the Monacan Nation. Under current federal mandates, a "Pilot Plant" permit cannot be finalized without meaningful Tribal Consultation.

## 5. Request for Deferral:

The sinkholes in Farmville prove that the "stable bottomlands" assumption for the Chesterfield intake is physically refuted. I am formally requesting that VMRC defer all permitting decisions to the USACE for a Cumulative Impact Study under Section 10 Jurisdiction. The Appomattox is one machine; you cannot permit the "bottom" while the "top" is structurally discharging toxins.

Respectfully,

Kyle Ashley Founder, ARC (Appomattox Resilience Corridor LLC)

On Fri, Jan 9, 2026 at 1:13 PM Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)> wrote:

Hello Mr. Ashley,

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Thank you again for your emails.

Should you have any further questions regarding the proposed temporary impact, please contact me by email by Monday, January 12, 2025.

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Environmental Engineer

Habitat Management

(757) 262-6448



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At this time, the RRS portal does not accept revisions or correspondence. Please include in your email the Corps' NAO processing number and the VMRC number if known.

If you have questions regarding the shift to RRS please contact Barry Spence at [barry.l.spence@usace.army.mil](mailto:barry.l.spence@usace.army.mil)

---

**From:** Kyle <[projectearth2025@gmail.com](mailto:projectearth2025@gmail.com)>

**Sent:** Monday, December 29, 2025 4:42 PM

**To:** Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)>; [CGD5waterways@uscg.mil](mailto:CGD5waterways@uscg.mil); [kimberly.a.prisco-baggett@usace.army.mil](mailto:kimberly.a.prisco-baggett@usace.army.mil)

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Habitat Management

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**From:** [Kyle](#)  
**To:** [Durbin, Taylor \(Warner\)](#); [Reams, Brad \(MRC\)](#)  
**Subject:** Fwd: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998  
**Date:** Friday, January 9, 2026 7:05:50 PM

---

Hi Taylor,

I have just served the VMRC with a formal technical rebuttal regarding the Chesterfield intake (Permit #20252436

The state is attempting to bypass federal law by ignoring the 80-structure navigation footprint of the Appomattox and the Atlantic Sturgeon habitat. I have invoked the Daniel Ball (1870) precedent, which places this entire corridor under Section 10 Federal Jurisdiction.

The VMRC Environmental Engineer (Bradley Reams) has been notified that this is a Cumulative Impact issue. We need the WRDA 2026 study to provide the neutral, high-resolution mapping of these 80 structures to prevent a massive environmental and legal violation. Please ensure the Army Corps looks for my formal objection in their shared record with VMRC.

Best,

Kyle Ashley

ARC

----- Forwarded message -----

**From:** Kyle <[projectearth2025@gmail.com](mailto:projectearth2025@gmail.com)>  
**Date:** Fri, Jan 9, 2026 at 7:00 PM  
**Subject:** Re: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998  
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Habitat Management

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[CENAO.REG\\_ROD@usace.army.mil](mailto:CENAO.REG_ROD@usace.army.mil)

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If you have questions regarding the shift to RRS please contact Barry Spence at [barry.l.spence@usace.army.mil](mailto:barry.l.spence@usace.army.mil)

---

**From:** Kyle <[projectearth2025@gmail.com](mailto:projectearth2025@gmail.com)>

**Sent:** Monday, December 29, 2025 4:42 PM

**To:** Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)>; [CGD5waterways@uscg.mil](mailto:CGD5waterways@uscg.mil); [kimberly.a.prisco-baggett@usace.army.mil](mailto:kimberly.a.prisco-baggett@usace.army.mil)

**Subject:** Re: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998



Dear Mr. Reams,

Thank you for confirming that as of September 1, 2025, the USACE is the central authority for this permit. This federal mandate reinforces my assertion that the Appomattox River must be evaluated under Section 10 Jurisdiction and the Daniel Ball (1870) precedent.

Regarding your points:

1. Structural Integrity: You state the intake structure is landward of the channel. However, the attached evidence of the sidewalk puncture in Farmville proves that the "State-owned bottomlands" in this reach are structurally failing due to the suppression of 1795 federal vaults.
2. Navigation Safety: I will be providing the USCG District 5 with the photos of this collapse. I believe their prior approval was based on an assumption of stable bottomlands—an assumption that is physically refuted by the current sinkholes.
3. Tribal Stewardship: This project directly impacts the Monacan Nation's ancestral rights. Under the new federal permitting mandate, a full tribal consultation is required to address the heavy metal loading and the restoration of fish passages.

I look forward to the Army Corps' formal review of these "Cumulative Impacts" as required by federal law.

Respectfully,

Kyle Anderson Ashley

Founder, ARC

On Mon, Dec 29, 2025 at 3:45 PM Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)> wrote:

Hello Kyle,

In response to your objection submitted to the Army Corps of Engineers, received on 12/25/25, I'd like to clarify certain details of this project (#25-2436) relative to the previously issued VMRC permit #2020-0085 for a permanent water withdrawal. The existing permit (#20-0085) authorized a 29.8 million-gallon-per-day intake withdrawal, and that structure will be located 25 feet landward of the federal channel. That intake has not been installed – if you would like further information regarding the permit details, please contact me.

To elaborate, at VMRC, we regulate the use of State-owned subaqueous bottomlands that are outside the limits of the Federal channel. Having said that, your comments appear to apply to the Federal portion of the Appomattox River.

1. This application VMRC #2025-2436 is for a temporary test pilot plant (per application details – to be removed within 3 years) and is a much smaller withdrawal rate at only 40 gallons per minute, equaling approximately 302,400 gallons per day.

2. This intake will not encroach on the federal navigation channel and will be located 300 feet from mean low water and end approximately 25-50 feet landward of the channel.

The Army Corps of Engineers would review any issues raised within the federal channel. Furthermore, the USCG has approved the intake with the required warning buoys.

3. The issues you raise about nearby bridges and trestles are not within the scope of the project. Such issues can be addressed to the Army Corps of Engineers.

If you have any questions or concerns with the proposed encroachment of the intake structure that will be installed on the State-owned bottomlands, please contact me directly by Monday, January 5th.

Respectfully,



**Bradley Reams**

Environmental Engineer

Habitat Management

(757) 262-6448

**NOTE:** Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the



Virginia Marine Resources Commission) and to your local wetlands board.

To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>

If you have questions regarding this permanent change, contact Kimberly Prisco-Baggett at 757-647-3282 or [Kimberly.A.Prisco-Baggett@usace.army.mil](mailto:Kimberly.A.Prisco-Baggett@usace.army.mil)

**From:** [Reams, Brad \(MRC\)](#)  
**To:** [Worrell, Justin \(MRC\)](#); [Owen, Randy \(MRC\)](#)  
**Cc:** [MRC - jpa Permits](#)  
**Subject:** Appomattox Intake Fw: Regarding the proposed intake (VMRC 20252436 / NAO-2025-02890-PB), I am formally submitting this final rebuttal before the January 12th deadline.  
**Date:** Monday, January 12, 2026 9:18:43 AM

---

Protest

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---

**From:** Kyle <projectearth2025@gmail.com>  
**Sent:** Friday, January 9, 2026 7:45:43 PM  
**To:** barry.l.spence@usace.army.mil <barry.l.spence@usace.army.mil>; Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>; CENAO.REG\_ROD@usace.army.mil <CENAO.REG\_ROD@usace.army.mil>  
**Subject:** Regarding the proposed intake (VMRC 20252436 / NAO-2025-02890-PB), I am formally submitting this final rebuttal before the January 12th deadline.

Regarding the proposed intake (VMRC 20252436 / NAO-2025-02890-PB), I am formally submitting this final rebuttal before the January 12th deadline.

1. Title VI Civil Rights Violation:

I am formally filing a Title VI complaint regarding the exclusion of the Monacan Nation from the consultation process. The VMRC's attempt to "restrict" the scope of my concerns to Farmville constitutes an administrative erasure of Indigenous ancestral rights and environmental justice protections along the 100-mile 1795 Federal Vault corridor.

2. Jurisdictional Mandate (Section 10 & Daniel Ball):

The Appomattox River is a Federal Highway of Commerce under the Daniel Ball (1870) precedent. My reconstruction of the 1896 footprint identifies 80 submerged hydraulic structures that create a continuous federal infrastructure asset. The failure of these structures (evidenced by sinkholes in Farmville) releases legacy toxins that directly impact the proposed intake site.

3. ESA Violation (Atlantic Sturgeon):

The omission of the Atlantic Sturgeon habitat in the VMRC assessment is a violation of the Endangered Species Act. The "Pilot Plant" intake poses a direct threat of entrainment that has not been mitigated by an Incidental Take Statement.

I request that the USACE stay all state-level permitting until a Cumulative Impact Study and a Formal Tribal Consultation are completed.

7 is a my lucky number ,thanks for focusing on that .



Respectfully,

Kyle Ashley

Founder, ARC (Appomattox Resilience Corridor LLC)

**From:** [NoReplyTo@mail.mil](mailto:NoReplyTo@mail.mil)  
**To:** [MRC - jpa Permits](#)  
**Subject:** [DoD SAFE] DURAN.DELILAH.L has dropped off files for you  
**Date:** Monday, January 12, 2026 8:34:40 AM

---

\*\*\* DO NOT FORWARD \*\*\*

This is an automated message sent to you by the DoD SAFE service.

DURAN.DELILAH.L <[delilah.l.duran@usace.army.mil](mailto:delilah.l.duran@usace.army.mil)> has dropped off 6 files for you.

**IF YOU TRUST THE SENDER** and are expecting to receive a file from them, you may choose to retrieve the drop-off by clicking the following link (or copying and pasting it into your web browser):  
<https://safe.apps.mil/pickup.php?claimID=CaCK8j0RYMAJP8rk&recipCode=CihPqP>

You will be required to enter the claim passcode, which is:  
**DUUAYUD4E7mmTcVH**

You have 7 days to retrieve the drop-off; after that the link above will expire. If you wish to contact the sender, just reply to this email.

The sender has left you a note:

Jan 12 Additional Information - Supplemental - If not needed- delete...

Full information about the drop-off:

Claim ID: CaCK8j0RYMAJP8rk  
Recipient Code: CihPqP  
Claim Passcode: DUUAYUD4E7mmTcVH  
Drop-off Submitted: 2026-01-12 13:34:05 UTC  
Drop-off Completed: 2026-01-12 13:34:18 UTC

— Sender —

Name: DURAN.DELILAH.L  
Organization: USA  
Email Address: [delilah.l.duran@usace.army.mil](mailto:delilah.l.duran@usace.army.mil)

— Files —

Name: NAO-2021-02562-RDR (21-V1989\_ 23-V1130\_ 23-V1131\_ 25-V1467) (Torrey Breeden\_ Deck\_ 2005 Cove Rd\_ Virginia Beach )Breedon Revised.msg  
Size: 2908160  
SHA-256 Checksum: 73BE1A4D72346429F7F284F63B56BFF9FE4086D2C727D1F58D4F633CE44B6542  
Content Type: application/octet-stream

Name: NAO 2025-02868 Smith Review Pack.msg  
Size: 3707392  
SHA-256 Checksum: 83A2E72074AB8E9F185E16225917D38B0B70F90FBB3201589750D8017C8257F8  
Content Type: application/octet-stream

Name: \_Non-DoD Source\_ RE\_ SSWD-000595 Oldhams Solar.msg  
Size: 4256256



SHA-256  
Checksum: CAA479010492D63A1C6F575C4FB41C41ECE55EDCA30762E4551BBCE5C36A7EA2  
Content  
Type: application/octet-stream

Name: NAO-2022-01998 The 1795 Federal Vaults.msg  
Size: 107008  
SHA-256  
Checksum: 3ED531E6C357C973F482E63A93FFEC408E635C87C92F62CA8F73121202566ADB  
Content  
Type: application/octet-stream

Name: NAO-2022-01998 The Daniel Ball Precedent.msg  
Size: 97792  
SHA-256  
Checksum: 918604CB1916AC681C703E892E8BD5E8B0E8346EFC7761FA44B40B729D561954  
Content  
Type: application/octet-stream

Name: NAO 2026-00060 Application Revision.msg  
Size: 2908160  
SHA-256  
Checksum: B94F8DDD6620F877A25A37EB7D191067EF19325ACB8C26AAF4239A47AD3B4584  
Content  
Type: application/octet-stream

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Thank you.

**From:** [Kyle](#)  
**To:** [CENAO-REG ROD](#)  
**Cc:** [michael\\_odom@fws.gov](mailto:michael_odom@fws.gov); [Miller, Todd M CIV USARMY CENAO \(USA\)](#); [Seavey, Eric \(DEQ\)](#); [Reams, Brad \(MRC\)](#)  
**Subject:** NAO-2022-01998 The 1795 Federal Vaults  
**Date:** Monday, January 12, 2026 5:31:14 AM

---

Thank you for confirming that my concerns have been shared with the U.S. Army Corps of Engineers (USACE). To ensure the public record is accurate before your January 12th deadline, I am formally correcting your "assumptions" regarding the scope and jurisdiction of this project.

1. Jurisdictional Mandate (The Daniel Ball Precedent):

The Appomattox River is "navigable in fact" and constitutes a highway for commerce. Under the Daniel Ball (1870) Supreme Court precedent, this river is subject to permanent Federal jurisdiction. Your attempt to categorize my concerns as "restricted to Farmville" ignores the fact that the navigation architecture constitutes a single, continuous Federal infrastructure asset. VMRC cannot administratively "de-couple" the Chesterfield intake from the upstream structural failures.

2. Omission of the 80-Structure Navigation Footprint:

To create the "slack water" navigation system over this 100-mile corridor, a total of 80 distinct hydraulic structures. This includes:

- 17 Primary Lift Locks: The industrial anchors of the system.
- Dozens of Wing Dams & Guard Locks: Used to force currents and protect side-cuts.
- The 1795 Federal Vaults: The foundational masonry currently being suppressed by state-level development.

This density of infrastructure (one structure every 1.25 miles) proves the river is a Federal Highway of Commerce. Any administrative decision that ignores these 80 points of impact—and the hazardous hydrocarbon discharges currently being trapped behind them—is a violation of the National Environmental Policy Act (NEPA).

3. Endangered Species Act (Atlantic Sturgeon):

Your response completely omits the impact on the Atlantic Sturgeon, a federally protected species. The proposed intake in Chesterfield poses a direct threat of impingement and entrainment for sturgeon larvae. As the 80-structure system upstream fails—evidenced by the sinkholes and masonry collapses in Farmville—the resulting sediment plumes and heavy metal loading directly degrade the critical spawning habitat at the Point of Rocks site.

4. Tribal Stewardship & Sovereignty:

This project impacts the ancestral waters and fish passages of the Monacan Nation. Under current federal mandates, a "Pilot Plant" permit cannot be finalized without meaningful Tribal Consultation.



5. Request for Deferral:

The sinkholes in Farmville prove that the "stable bottomlands" assumption for the Chesterfield intake is physically refuted. I am formally requesting that VMRC defer all permitting decisions to the USACE for a Cumulative Impact Study under Section 10 Jurisdiction. The Appomattox is one machine; you cannot permit the "bottom" while the "top" is structurally discharging toxins.

Respectfully,

Kyle Ashley

Founder, ARC (Appomattox Resilience Corridor LLC)

**From:** [Kyle](#)  
**To:** [Reams, Brad \(MRC\)](#)  
**Subject:** Re: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998  
**Date:** Monday, January 12, 2026 5:20:26 AM

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Thank you for your response. To clarify the record before your Monday deadline: my previous reference to "Seven Locks" was a localized example. The project's technical scope encompasses the entire 17-lock navigation system that spans from Farmville to the Point of Rocks area Petersburg

The "different location" you cite is hydraulically connected to these upstream masonry structures. These 17 locks act as the primary Sediment Anchors for the river's Legacy Soot Stratum.

I formally object to the 'Assumption' that these concerns are restricted to Farmville. Any temporary intake in Chesterfield that lacks a Bathymetric Sonar Survey of the upstream 17-lock debris field is a risk to public health and industrial water security.

I request a VMRC Public Hearing to present the 1896 geospatial data that links these "17 Points of Failure" to the Chesterfield intake.

Respectfully,

Kyle Anderson Ashley

ARC LLC

System Architect

On Fri, Jan 9, 2026 at 1:13 PM Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)> wrote:

Hello Mr. Ashley,

Thank you for your emails regarding your concerns regarding the Seven Locks system in Farmville. As I previously pointed out, the temporary intake proposed by the applicant is located in a different location of the Appomattox River. As such, we will assume that your concerns are restricted to the issues surrounding the aforementioned locks. We have shared your concerns with the Corps.

Thank you again for your emails.

Should you have any further questions regarding the proposed temporary impact, please contact me by email by Monday, January 12, 2025.



Respectfully,



**Bradley Reams**

Environmental Engineer

Habitat Management

(757) 262-6448

**NOTE:**

**Effective September 1, 2025, the U.S. Army Corps of Engineers (USACE) became the clearinghouse and central point of receipt for all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) for submission of the Commonwealth's Joint Permit Application (JPA) or submission of their new national online application portal and management platform called the Regulatory Request System (RRS). RRS allows users to apply for individual and general permits from the Corps, DEQ, VMRC and the local wetland boards using online forms in lieu of the JPA. The system is designed to decrease permit processing time and is the Corps' preferred permit application process over the historical use of the JPA.**

You may apply online to RRS at the following link:

<https://rrs.usace.army.mil/rrs>

**There is no link to the JPA in RRS.** The RRS application process REPLACES the need for the JPA. You must login to RRS in order to submit a request.

Alternatively, you may submit a JPA once completed as a pdf to :

[CENAO.REG\\_ROD@usace.army.mil](mailto:CENAO.REG_ROD@usace.army.mil)

The Corps will discontinue the JPA eventually, and you will be required to utilize RRS solely.

Any revisions or correspondence for existing or future applications should be emailed to the address below:

[CENAO.REG\\_ROD@usace.army.mil](mailto:CENAO.REG_ROD@usace.army.mil)

At this time, the RRS portal does not accept revisions or correspondence. Please include in your email the Corps' NAO processing number and the VMRC number if known.

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**From:** Kyle <[projectearth2025@gmail.com](mailto:projectearth2025@gmail.com)>

**Sent:** Monday, December 29, 2025 4:42 PM

**To:** Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)>; [CGD5waterways@uscg.mil](mailto:CGD5waterways@uscg.mil); [kimberly.a.prisco-baggett@usace.army.mil](mailto:kimberly.a.prisco-baggett@usace.army.mil)

**Subject:** Re: VMRC #25-2436 Chesterfield Co. #NAO-2022-01998

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Regarding your points:

1. Structural Integrity: You state the intake structure is landward of the channel. However, the attached evidence of the sidewalk puncture in Farmville proves that the "State-owned bottomlands" in this reach are structurally failing due to the suppression of 1795 federal vaults.



2. Navigation Safety: I will be providing the USCG District 5 with the photos of this collapse. I believe their prior approval was based on an assumption of stable bottomlands—an assumption that is physically refuted by the current sinkholes.

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Respectfully,

Kyle Anderson Ashley

Founder, ARC

On Mon, Dec 29, 2025 at 3:45 PM Reams, Brad (MRC) <[Brad.Reams@mrc.virginia.gov](mailto:Brad.Reams@mrc.virginia.gov)> wrote:

Hello Kyle,

In response to your objection submitted to the Army Corps of Engineers, received on 12/25/25, I'd like to clarify certain details of this project (#25-2436) relative to the previously issued VMRC permit #2020-0085 for a permanent water withdrawal. The existing permit (#20-0085) authorized a 29.8 million-gallon-per-day intake withdrawal, and that structure will be located 25 feet landward of the federal channel. That intake has not been installed – if you would like further information regarding the permit details, please contact me.

To elaborate, at VMRC, we regulate the use of State-owned subaqueous bottomlands that are outside the limits of the Federal channel. Having said that, your comments appear to apply to the Federal portion of the Appomattox River.

1. This application VMRC #2025-2436 is for a temporary test pilot plant (per application details – to be removed within 3 years) and is a much smaller withdrawal rate at only 40 gallons per minute, equaling approximately 302,400 gallons per day.

2. This intake will not encroach on the federal navigation channel and will be located 300 feet from mean low water and end approximately 25-50 feet landward of the channel.

The Army Corps of Engineers would review any issues raised within the federal channel.

Furthermore, the USCG has approved the intake with the required warning buoys.

3. The issues you raise about nearby bridges and trestles are not within the scope of the project. Such issues can be addressed to the Army Corps of Engineers.

If you have any questions or concerns with the proposed encroachment of the intake structure that will be installed on the State-owned bottomlands, please contact me directly by Monday, January 5th.

Respectfully,



**Bradley Reams**

Environmental Engineer

Habitat Management

(757) 262-6448

**NOTE:** Effective September 1, 2025, the US Army Corps of Engineers (USACE) will become the central point of receipt of all requests in the Commonwealth of Virginia (instead of the Virginia Marine Resources Commission) as the result of a federal mandate. Regulatory Request System (RRS) will be the only way to submit your application and any revisions to all 3 of the permitting agencies (USACE, Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission) and to your local wetlands board.

To access the RRS, visit this link: <https://rrs.usace.army.mil/rrs>

If you have questions regarding this permanent change, contact Kimberly Prisco-Baggett at 757-647-3282 or [Kimberly.A.Prisco-Baggett@usace.army.mil](mailto:Kimberly.A.Prisco-Baggett@usace.army.mil)





From: [Reams, Brad \(MRC\)](#)  
To: [MRC - jpa Permits](#)  
Subject: Chesterfield 25-2436 FW: Coordination Opportunity: 1874 Federal Baseline & Appomattox River Infrastructure (Project NAO-2026-00213)  
Date: Friday, March 27, 2026 9:25:16 AM

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**From:** Kyle <projectearth2025@gmail.com>  
**Sent:** Thursday, March 26, 2026 12:02 PM  
**To:** brianth@google.com  
**Cc:** Kate Brandt <katebrandt@google.com>; Reams, Brad (MRC) <Brad.Reams@mrc.virginia.gov>  
**Subject:** Fwd: Coordination Opportunity: 1874 Federal Baseline & Appomattox River Infrastructure (Project NAO-2026-00213)

Kate/Brian, I wanted to ensure you saw the technical coordination I initiated with Amber and the USACE regarding Project NAO-2026-00213. We've identified a 'Granite vs. Soot' baseline conflict that impacts the long-term reliability of the Chesterfield intake. We want to ensure Google's infrastructure is built on the 1874 Federal Ground Truth.

Dear Mr. Reams,

Please see the attached coordination between ARC LLC (Project Sponsor), the U.S. Army Corps of Engineers (Jennifer Serafin), and Google (Amber Tillman) regarding the Chesterfield County Water Intake permit scheduled for the March 31st hearing.

We are formally submitting the 1874 Crystalline Granite Baseline data for the Commission's review. As noted in the attached, this data is currently the subject of an Active Congressional Inquiry and a Federal Audit to determine the "Ground Truth" of the 1830 Navigation Prism.

Because the current permit application relies on a "Soot-Layer" baseline (industrial sediment) rather than the permanent federal bedrock, we are requesting a Formal Deferral of the Commission's decision. Proceeding on an incomplete record—while the USACE is evaluating a superior restoration standard—creates a significant "Inverse Condemnation" risk and a conflict with Federal Navigational Servitude.

Please ensure this coordination is included in the Board's briefing materials for Tuesday's hearing.

Kyle Ashley  
Lead Sponsor, ARC LLC



----- Forwarded message -----

From: Kyle <[projectearth2025@gmail.com](mailto:projectearth2025@gmail.com)>

Date: Thu, Mar 26, 2026 at 11:49 AM

Subject: Coordination Opportunity: 1874 Federal Baseline & Appomattox River Infrastructure (Project NAO-2026-00213)

To: <[amberjesse@google.com](mailto:amberjesse@google.com)>

CC: Serafin, Jennifer M CIV USARMY CENAO (USA)  
<[jennifer.m.serafin@usace.army.mil](mailto:jennifer.m.serafin@usace.army.mil)>

Coordination Opportunity: 1874 Federal Baseline & Appomattox River Infrastructure (Project NAO-2026-00213)

Dear Ms. Tillman,

I am writing to you as the Lead Sponsor for the Appomattox Resilience Corridor (ARC LLC) and Federal Project NAO-2026-00213. As Google continues its significant investment in the Chesterfield County data center and the Meadowville Technology Park, I wanted to bring to your attention a critical technical and regulatory development regarding the river's infrastructure that directly impacts long-term water security and logistics in the region.

Our firm is currently working with the U.S. Army Corps of Engineers (USACE) and Congressman John McGuire's office on a forensic restoration of the 1874 Crystalline Granite Baseline and the 1830 Navigation Prism. This data represents the true legal and hydraulic "ground truth" of the Appomattox River.

We have identified that current local permitting efforts, specifically for upcoming water intake projects (VMRC #25-2436 / NAO-2022-01998), are predicated on a "Soot Baseline"—utilizing 150 years of industrial sediment rather than the stable granite bedrock documented in federal records.

For a partner like Google, which prioritizes responsible water stewardship and infrastructure resilience, we believe the 1874 Granite Baseline offers a "Smarter Path":

- Enhanced Reliability: Designing intakes and cooling systems based on a permanent bedrock foundation rather than shifting industrial byproduct.
- Autonomous Logistics: Our Prime Aqua model (Project NAO-2026-00213) provides the framework for a 100-mile autonomous maritime corridor, potentially connecting the Meadowville Technology Park directly to global logistics hubs.
- Sustainability Leadership: Aligning Google's local operations with a Tier 1 Federal Restoration project that restores ancestral fish passages and improves overall watershed health.

The USACE is currently studying our 1874 survey data to determine its potential for providing compensatory mitigation. We believe it is in Google's best interest to ensure that its contractors, such as Black & Veatch, are coordinating with this federal data to prevent future regulatory conflicts or design deficiencies.

I would welcome the opportunity to provide your technical team with a brief on the 1874 Federal Baseline and how it secures the future of the Chesterfield corridor.

Respectfully,

Kyle Ashley

Lead Sponsor, ARC LLC

[Projectearth2025@gmail.com](mailto:Projectearth2025@gmail.com)

(804) 801-8483





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

December 3, 2025

Southern Virginia Regulatory Section  
NAO-2022-01998 / VMRC#25-V2436 (Appomattox River)

Matt Rembold  
Chesterfield County Utilities Department  
9840 Government Center Parkway  
Chesterfield, VA 23832

Dear Matt Rembold:

This is regarding your Department of the Army permit application number NAO-2022-01998 (VMRC #25-2436) to impact approximately 45 square feet of wetlands and 405 square feet of subaqueous bottom. The proposed work includes installation of a pilot study intake on four steel piles in the Appomattox River and associated infrastructure for scientific study. The work will occur at 1203 Point of Rocks Road (37.3161, -77.3357), Chesterfield County, Virginia. These impacts are detailed on the enclosed drawings entitled "Point of Rocks Water Treatment Plant – Temporary Pilot Plant Facilities," Figure 1, prepared and submitted on behalf of the applicant by Black and Veatch and dated November 4, 2025, and date stamped as received by this office on November 4, 2025.

Your proposed work as outlined above satisfies the criteria contained in the Corps Nationwide Permit (s) (5), attached. Certain Corps Nationwide Permits were published in the December 27, 2021, Federal Register notice (86 FR 73522) and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.

This nationwide permit verification is contingent upon the following project specific conditions:

SPECIAL CONDITIONS:

1. You must follow the plan entitled "Avoidance and Unanticipated Discovers Work Plan Site 44CF0052, Appomattox River Water Supply Project, Chesterfield County, Virginia" prepared on behalf of the applicant by Chronical Heritage dated October 15, 2025, and Corps date stamped as received October 22, 2025, to protect historic properties.

2. You must follow a time of year restriction prohibiting any work in waters from February 15<sup>th</sup> to June 30<sup>th</sup> of any year to protect anadromous fish use waters.
3. The project area is mapped as supporting habitat for the federally proposed endangered Tricolored Bat (*Permyotis subflavus*). As a conservation measure for the species, no tree clearing associated with the authorized activities will be conducted from May 15<sup>th</sup> to July 31<sup>st</sup> of any year, should the species become federally listed.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Provided the project specific conditions (above), Regional Conditions, and the Nationwide Permit General Conditions (enclosed) are met, an individual Department of the Army Permit will not be required. To assist in your compliance with NWP General Condition #30, enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required compensatory mitigation.

Please be aware that a permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification may not be valid until you obtain their approval, if necessary. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

This verification is valid until the Nationwide Permit is modified, reissued, or revoked. This Nationwide Permit(s) 5 is scheduled to be modified, reissued, or revoked prior to March 14, 2026.

It is incumbent upon you to remain informed of changes to the Nationwide Permits. We will issue a public notice when the Nationwide Permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the Nationwide Permit to complete the activity under the present terms and conditions of this Nationwide Permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project



specific conditions listed in this letter continue to remain in effect after the Nationwide Permit verification expires unless the district engineer removes those conditions. Activities completed under the authorization of a Nationwide Permit which was in effect at the time the activity was completed continue to be authorized by that Nationwide Permit.

In granting an authorization pursuant to this permit, we relied on the information and data provided by the permittee. If we determine that this information is false or incomplete, we may suspend or revoke, in whole or in part, this authorization and institute appropriate legal proceeding.

If you have additional questions or concerns about this permit authorization, please contact the office by telephone at (804) 436-4725 or by email at [julie.s.hamilton@usace.army.mil](mailto:julie.s.hamilton@usace.army.mil).

Sincerely,

A handwritten signature in cursive script that reads "Julie S. Hamilton".

Julie S. Hamilton  
Environmental Scientist  
Southern Virginia Regulatory Section

Enclosure(s)

cc:  
Black and Veatch  
Chesterfield County

## **SHELLFISH MANAGEMENT DIVISION EVALUATION, 3/31/2026**

### **DISCUSSION:**

Modification of the 2026 Oyster Replenishment and Restoration Plan (ORP).

### **ISSUES:**

The Commission unanimously approved the 2026 ORP at the February Commission meeting. A significant portion of the plan, as approved, included proposals to plant between 600,000 and 800,000 bushels of shell from a variety of sources. For many decades, the largest available source of shell has been deposits in the James River, where shell is extracted by a highly specialized hydraulic dredge and sorting apparatus. Approximately 85% of the shell planted over the last several decades has come from this single source. On March 6, 2026, Commission staff received notification from the company that owns this equipment that, due to a marine incident (grounding and subsequent damage), the dredge will not be available to perform this work in 2026.

### **BACKGROUND:**

Current harvest levels are dependent on continued public investment in replenishment efforts, such as shell planting, seed planting, and other substrates. Recent studies and VIMS-VMRC annual stock assessment (Patent Tong Survey) data continue to show that areas open to harvest by dredge or scrape require significantly more replenishment than areas open to less impactful harvest gears. Dredges and scrapes are currently the dominant gear types in the public oyster fishery.

Prior to the adoption of the 2026 ORP, public oyster resources were in relatively stable or good condition in most areas. Harvest reached a record high in the 2022–2023 season; however, the 2023–2024 and 2024–2025 harvests saw modest declines toward a longer-term average of approximately 250,000 bushels from public oyster grounds. Preliminary estimates for the 2025–2026 season indicate a further decrease in reported harvest related to poor market conditions and reduced access to the resource to do freezing temperatures.

With the resource stable and harvest pressure depressed, the approved ORP included proposals for planting "new" locations that have received limited replenishment in recent decades. It also targeted existing harvest areas identified as most in need of replenishment by the VIMS-VMRC annual stock assessment (Patent Tong Survey). Approximately 85% of the shell required to implement the ORP was intended to come from James River deposits, which required the specialized dredge that is no longer available.

As a result of losing this shell source, the ORP must be modified to focus replenishment on the areas in greatest need. Efforts will still utilize the largest quantity of comparable shells available at the lowest per-unit price; however, the total volume of available shell will likely be considerably lower, and per-unit costs may increase in some locations. Consequently, the overall scale of the ORP, in both budget and material volume, will likely be lower than initially approved.



**Non-Federal Funding Sources and total dollar amounts available for replenishment and restoration in 2026.**

| <b>NON-FEDERAL FUNDING SOURCES</b>                | <b>AMOUNT</b>   |
|---------------------------------------------------|-----------------|
| General Funds Replenishment (GF)                  | \$2,500,000     |
| General Funds Restoration (GF)                    | \$1,500,000     |
| Non-General Funds (NGF) Oyster Resource User Fees | \$300,000       |
| Other Non-General Funds                           | Up to \$500,000 |
| Total                                             | \$4,800,000     |

**Federal Funding Sources and total dollar amounts available restoration in 2026.**

| <b>FEDERAL FUNDING SOURCES</b> | <b>AMOUNT</b>   |
|--------------------------------|-----------------|
| NOAA                           | Up to \$700,000 |
| Total                          | \$700,000       |

## **2026 OYSTER REPLENISHMENT AND RESTORATION PLAN**

### **SEED TRANSFER:**

#### **James River**

After receiving input from the Shellfish Management Advisory Committee (SMAC), the Shellfish Management Division (SMD) has established an additional area suitable for seed removal by dredge. This follows a successful shell planting in a new location in the Jail Island area of the James River, which received a very good spat set and is now available as a "new" seed source.

Following extensive discussion with SMAC, the committee recommended, and the Commission approved, an ORP that initially limited seed transport to just one of the Potomac tributaries. Two areas in the Coan River were selected for seed transplanting, with the seed originating from the new shell plant at Jail Island. This modification to the ORP will increase proposed seed transporting and planting to levels similar to previous years.

The SMD may contract to harvest and transport seed taken from hand tong areas, the existing seed removal site in the lower James River, and the newly established Jail Island seed area. These will be moved to up to four areas that do not consistently receive high spat sets from shell planting alone. The areas suitable for planting include the Potomac River tributaries, Areas 7 and 8 in the Rappahannock River, a portion of the Pocomoke Sound, and the York River hand tong areas.

Areas planted with seed may not be opened for immediate harvest; staff will evaluate these areas prior to opening them. The cost for each bushel of seed to be harvested by dredge, transported, and planted will be at least \$7.00 per bushel. Additionally, a notice to transport seed oysters from hand tong areas may be issued to solicit individuals willing to conduct this work at the offered price. The cost to harvest, transport, and plant hand tong seed shall not exceed \$15.50 per bushel.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Proposed Project | Up to 20,000 bushels of seed oysters \$7.00-\$15.50/bu. |
| Estimated Cost   | \$300,000                                               |
| Funding Sources  | GF (Replenishment)                                      |

### **SHELL PLANTING:**

#### **Bay and Tributaries:**

This year's modified shell replenishment effort will focus on adding new shell to areas in the greatest need and those recently opened to public oyster harvest. The objective is to maintain a minimum shell volume, as observed in the fall survey, of 5 liters per square meter where practical, with a target goal of 10 liters per square meter or more.



Table 1 lists all areas and acreages of oyster beds that the VIMS-VMRC survey indicates are in need of shell for 2026. In total, more than 6,000 acres of bottom require replenishment based on current shell volume. However, a considerable portion of the locations most in need are in the upper James River and are not currently practical or feasible to replenish on a large scale. These areas will continue to be monitored to assess their decline.

The SMD will seek to plant the largest quantity of comparable shells for the lowest area-dependent per-unit price. This will likely involve a combination of house and dredged shells. The estimated cost ranges from \$2.50 to \$6.50 per bushel planted; final costs may vary depending on specific location and contract sizes.

|                  |                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------|
| Proposed Project | 100 – 250 acres of oyster shell restoration<br>@ 750-1,000 bushels/acre @ \$3.50 - \$6.50/bushel |
| Estimated Cost   | \$750,000-\$1,500,000                                                                            |
| Funding Sources  | GF                                                                                               |

### **Eastern Shore:**

Naturally occurring shallow shell deposits are located in several areas on the Seaside of the Eastern Shore. These shells can be harvested with oyster dredges, similar to those used in the fishery but considerably larger, and have been successfully used for replenishment projects on the Eastern Shore.

Up to 30 acres of replenishment is currently planned as part of the ORP, utilizing approximately 40,000 bushels of shell. An additional 30,000 to 60,000 bushels could be harvested and planted in 2026 from this local source. Shell from this area could likely be economically planted in locations near Saxis Harbor that were previously slated for replenishment with reef or “fossil” shell. Furthermore, an additional 30,000 to 60,000 bushels could be harvested and stockpiled over the fall and winter for planting in 2027.

The estimated cost range is \$2.50–\$6.50 per bushel for planting and \$2.00–\$3.50 per bushel for harvest and stockpiling. Costs may vary depending on individual locations and contract size.

|                  |                                                                                                                             |
|------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Proposed Project | 60-90 acres @ 750-10,000 bushels/acre @ \$2.50 - \$6.50/bushel and 30-60,000 bushels stockpiled<br>@ \$2.00 - \$3.50/bushel |
| Estimated Cost   | Up to \$700,000                                                                                                             |
| Funding Sources  | NGF and GF (restoration)                                                                                                    |

### **ALTERNATIVE CULTCH PROJECTS:**

The supply of shell for restoration, replenishment, and aquaculture will be significantly limited in 2026. In most years, the demand for shell already exceeds the supply, leading to rising prices.

For over a decade, the SMD and its restoration partners have utilized alternative substrates in certain areas. Non-harvest locations have been planted with larger-sized substrates, while harvest areas have been planted with smaller-sized materials. However, not all areas are suitable for stone or concrete; the bottom must be firmer than areas typically planted with shell.

The SMD has identified several locations with suitable bottom types for alternative cultch plantings. These areas typically feature sandier bottoms and low oyster densities. VMRC holds existing Joint Permit Applications (JPAs) for several sites, including the Deep Rock area, multiple locations in the Rappahannock River, the lower James River near Nansemond Ridge, and the lower Pocomoke Sound adjacent to Onancock Rock. Only a small portion of the permitted areas will be planted at any given time. Due to shell acquisition challenges, these sites will be utilized based on resource conditions and bottom type. This year, previously permitted areas in the lower Rappahannock that were planted with stone will be utilized, and additional areas will be evaluated for future placement.

In addition to these harvest areas, VMRC, in partnership with NOAA, USACE, and various NGOs, will continue alternative cultch projects focused primarily on non-harvest restoration. Current efforts are centered in Mobjack Bay but may expand to include the Rappahannock River and the Pocomoke and Tangier Sounds. The SMD will continue to carefully select locations for alternative substrate planting to minimize potential user conflict. The intent is to create “new oyster reefs” that provide multiple benefits to adjacent areas through improved water quality, increased fish habitat, and oyster larval transport to both public and private grounds.

The estimated cost range is \$50.00 to \$90.00 per ton planted; costs may vary depending on specific locations and contract sizes.

|                  |                                                                                              |
|------------------|----------------------------------------------------------------------------------------------|
| Proposed Project | 25-100 acres @80-250 tons/acre @ \$50.00-\$90.00/ton<br>Up to 100 acres @ 250-1000 tons/acre |
| Estimated Cost   | \$750,000-\$2,000,000                                                                        |
| Funding Sources  | GF Restoration and Replenishment, Federal, Non- General Fund                                 |

#### **Summary of proposed projects and costs for oyster replenishment and restoration for 2026.**

| <b>Proposed Project</b>                                                                       | <b>Estimated Cost</b> | <b>Funding Sources</b>                       |
|-----------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------|
| Seed Oysters - Up to 20,000 bushels @ \$7.00-\$15.50/bu.                                      | \$300,000             | NGF and GF (Replenishment)                   |
| 100 – 250 acres of oyster shell restoration @ 750-1,000 bushels/acre @ \$3.50 - \$6.50/bushel | \$750,000-\$1,500,000 | GF Replenishment                             |
| Eastern Shore Shell Planting                                                                  | \$700,000             | GF Restoration and TNC                       |
| 25-100 acres @80-250 tons/acre @ \$50.00-\$90.00/ton Up to 100 acres @ 250-1000 tons/acre     | \$750,000-\$2,000,000 | GF Restoration and Replenishment and Federal |



**Attachments:**

1. Table 1 Summary of existing potential areas in need of oyster replenishment and restoration activity.
2. Table 2 List of all areas surveyed in 2025 and summary information.
3. Table 3 Summary of “new” areas for proposed restoration and replenishment projects.

**Table 1. Summary of potential areas of oyster replenishment and**

|                                                                 | <b>Acreage</b> | <b>Bushels<br/>Needed<br/>(1,000)</b> | <b>Cost Estimate<br/>(\$4/bu)</b> |
|-----------------------------------------------------------------|----------------|---------------------------------------|-----------------------------------|
| Total Most in Need of Replenishment (Shell Volume less than 5L) | 3,969          | 3,969,000                             | \$ 15,876,000                     |
| Total in Need of Replenishment (Shell volume less than 10L)     | 6,639          | 6,639,000                             | \$ 26,556,000                     |
| <b>Total Targeted*</b>                                          | <b>417</b>     | <b>417,000</b>                        | <b>\$ 1,668,000</b>               |
| *Cost based on Shell Only                                       |                |                                       |                                   |
| *Does not include total acreage for Wreck or Offshore Jail      |                |                                       |                                   |

| <b>COLOR LEGEND</b>    |                               |
|------------------------|-------------------------------|
| Most in need           | Shell volume less than 5L     |
| In need                | Shell volume less than 10L    |
| unless open to harvest | Shell volume greater than 10L |
| New Area               |                               |

**Table 2. Areas available for oyster replenishment and restoration activity for the 2026 Oyster Replenishment Plan.****Notes:**

- The cost estimate is based on average estimated price of \$4 per bushel for shell
- These are average prices based on a range of work that has been conducted in the past, the price paid will vary depending on location and the size of the project.
- The average markets and Brown Shell Volume are derived from the annual VIMS/VMRC Joint oyster assessment survey.
- Areas are targeted based on criteria outlined in the ORP that include brown shell volume and open harvest status, this incorporates the input of SMAC and the Commission.



| Area Name                 | Average Number of Markets | Average Brown Shell Volume (L) | Acreage | Minium Bushels Needed (750 bu/acre) | Maximum Bushels Needed (1,000 bu/ac) | Cost Estimate | Notes<br>(S=Sanctuary,<br>H=Harvest Area,<br>O=Open Area<br>25/26, T=Target for<br>2026 planting, |
|---------------------------|---------------------------|--------------------------------|---------|-------------------------------------|--------------------------------------|---------------|---------------------------------------------------------------------------------------------------|
| <b>James River</b>        |                           |                                |         |                                     |                                      |               |                                                                                                   |
| UPPER JAIL ISLAND         | 1.2                       | 0.9                            | 612     | 459,000                             | 612,000                              | \$2,448,000   | H,O                                                                                               |
| LOWER JAIL ISLAND         | 4.4                       | 1.4                            | 150     | 112,500                             | 150,000                              | \$600,000     | H,O                                                                                               |
| OFFSHORE SWASH            | 1.3                       | 1.6                            | 641     | 480,750                             | 641,000                              | \$2,564,000   | H,O                                                                                               |
| SWASH MUD SLOUGH          | 2.6                       | 1.8                            | 1,230   | 922,500                             | 1,230,000                            | \$4,920,000   | H,O                                                                                               |
| OFFSHORE JAIL ISLAND      | 5.3                       | 3.5                            | 1,017   | 762,750                             | 1,017,000                            | \$4,068,000   | H,O,T                                                                                             |
| MULBERRY POINT            | 2.3                       | 4.4                            | 48      | 36,000                              | 48,000                               | \$192,000     | H,O                                                                                               |
| WRECK INSHORE             | 11.8                      | 5.7                            | 585     | 438,750                             | 585,000                              | \$2,340,000   | S,O,T                                                                                             |
| SWASH                     | 4.8                       | 5.8                            | 201     | 150,750                             | 201,000                              | \$804,000     | H,O                                                                                               |
| DAYS POINT                | 3.1                       | 6.3                            | 275     | 206,250                             | 275,000                              | \$1,100,000   | H,O                                                                                               |
| NANSEMOND RIDGE           | 9.6                       | 8.4                            | 100     | 75,000                              | 100,000                              | \$400,000     | H,O                                                                                               |
| DOG SHOAL UPPER           | 14.0                      | 8.7                            | 35      | 26,250                              | 35,000                               | \$140,000     | H,O                                                                                               |
| LONG ROCK also Cross Rock | 8.0                       | 9.4                            | 41      | 30,750                              | 41,000                               | \$164,000     | H,O                                                                                               |
| THOMAS ROCK UPPER         | 22.0                      | 9.5                            | 93      | 69,750                              | 93,000                               | \$372,000     | H,O                                                                                               |
| HOTEL ROCK                | 6.3                       | 9.8                            | 14      | 10,500                              | 14,000                               | \$56,000      | H,O                                                                                               |
| BALLARD'S MARSH           | 18.0                      | 10.0                           | 78      | 58,500                              | 78,000                               | \$312,000     | H,O                                                                                               |
| DOG SHOAL LOWER           | 21.0                      | 10.6                           | 35      | 26,250                              | 35,000                               | \$140,000     | H,O                                                                                               |
| Upper Brown Shoal         | 23.0                      | 11.6                           | 23      | 17,250                              | 23,000                               | \$92,000      | H,O                                                                                               |
| SHANTY ROCK               | 16.0                      | 12.0                           | 3       | 2,250                               | 3,000                                | \$12,000      | H,O                                                                                               |
| THOMAS ROCK LOWER         | 19.4                      | 12.0                           | 93      | 69,750                              | 93,000                               | \$372,000     | H,O                                                                                               |
| HIGH SHOAL                | 16.6                      | 14.0                           | 44      | 33,000                              | 44,000                               | \$176,000     | H,O                                                                                               |
| V-ROCK                    | 19.1                      | 14.0                           | 76      | 57,000                              | 76,000                               | \$304,000     | H,O                                                                                               |
| Lower Brown Shoal         | 24.1                      | 14.1                           | 82      | 61,500                              | 82,000                               | \$328,000     | H,O                                                                                               |
| MIDDLE HORSEHEAD          | 43.5                      | 15.1                           | 44      | 33,000                              | 44,000                               | \$176,000     | H,O                                                                                               |
| DRY LUMPS                 | 34.0                      | 15.3                           | 6       | 4,500                               | 6,000                                | \$24,000      | H,O                                                                                               |
| CRUISER'S SHOAL           | 16.0                      | 15.7                           | 55      | 41,250                              | 55,000                               | \$220,000     | H,O                                                                                               |

|                        |      |      |     |         |         |             |     |
|------------------------|------|------|-----|---------|---------|-------------|-----|
| POINT OF SHOALS        | 40.0 | 15.8 | 155 | 116,250 | 155,000 | \$620,000   | H,O |
| LOWER HORSEHEAD        | 12.4 | 15.8 | 21  | 15,750  | 21,000  | \$84,000    | H,O |
| LOWER DEEP WATER SHOAL | 37.5 | 16.3 | 20  | 15,000  | 20,000  | \$80,000    | H,O |
| SNYDER'S ROCK          | 16.0 | 16.7 | 9   | 6,750   | 9,000   | \$36,000    | H,O |
| UPPER DEEP WATER SHOAL | 71.9 | 16.7 | 313 | 234,750 | 313,000 | \$1,252,000 | H,O |
| White Shoal            | 32.6 | 17.4 | 26  | 19,500  | 26,000  | \$104,000   | H,O |
| TRIANGLE ROCK          | 39.3 | 18.0 | 7   | 5,250   | 7,000   | \$28,000    | H,O |
| MOON ROCK              | 23.3 | 20.0 | 3   | 2,250   | 3,000   | \$12,000    | H,O |
| UPPER HORSEHEAD        | 36.3 | 26.3 | 5   | 3,750   | 5,000   | \$20,000    | H,O |

| Area Name               | Average<br>Number of<br>Markets | Average<br>Brown Shell<br>Volume (L) | Acreage | Minium<br>Bushels<br>Needed (750<br>bu/acre) | Maximum<br>Bushels<br>Needed<br>(1,000 bu/ac) | Cost Estimate | Notes<br>(S=Sanctuary,<br>H=Harvest Area,<br>O=Open Area<br>25/26, T=Target for<br>2026 planting, |
|-------------------------|---------------------------------|--------------------------------------|---------|----------------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|
| <b>York and Mobjack</b> |                                 |                                      |         |                                              |                                               |               |                                                                                                   |
| Sarah's Creek 2         | 4.2                             | 2.0                                  | 14      | 10,500                                       | 14,000                                        | \$56,000      | H,O                                                                                               |
| Tow Stake West          | 2.0                             | 2.0                                  | 3       | 2,250                                        | 3,000                                         | \$12,000      | H,O,T                                                                                             |
| Tow Stake East          | 3.0                             | 2.8                                  | 6       | 4,500                                        | 6,000                                         | \$24,000      | H,O,T                                                                                             |
| Timberneck              | 3.8                             | 5.6                                  | 47      | 35,250                                       | 47,000                                        | \$188,000     | H,O                                                                                               |
| PULTZ BAR               | 11.3                            | 5.8                                  | 14      | 10,500                                       | 14,000                                        | \$56,000      | H,O,T                                                                                             |
| Brown's Bay #1          | 12.6                            | 5.9                                  | 83      | 62,250                                       | 83,000                                        | \$332,000     | S                                                                                                 |
| Sarah's Creek 1         | 9.2                             | 6.8                                  | 9       | 6,750                                        | 9,000                                         | \$36,000      | S                                                                                                 |
| Aberdeen Rock           | 10.0                            | 7.8                                  | 45      | 33,750                                       | 45,000                                        | \$180,000     | H,O,T                                                                                             |
| Pages Rock              | 7.4                             | 9.6                                  | 116     | 87,000                                       | 116,000                                       | \$464,000     | H,O                                                                                               |
| Brown's Bay #2          | 8.5                             | 10.3                                 | 22      | 16,500                                       | 22,000                                        | \$88,000      | S                                                                                                 |
| Indian Field PG 2       | 11.8                            | 10.5                                 | 1       | 750                                          | 1,000                                         | \$4,000       | S                                                                                                 |
| Cheatham PG 1           | 7.5                             | 12.3                                 | 2       | 1,500                                        | 2,000                                         | \$8,000       | S                                                                                                 |



| Area Name                     | Average<br>Number of<br>Markets | Average<br>Brown Shell<br>Volume (L) | Acreage | Minium<br>Bushels<br>Needed (750<br>bu/acre) | Maximum<br>Bushels<br>Needed<br>(1,000 bu/ac) | Cost Estimate | Notes<br>(S=Sanctuary,<br>H=Harvest Area,<br>O=Open Area<br>25/26, T=Target for<br>2026 planting, |
|-------------------------------|---------------------------------|--------------------------------------|---------|----------------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|
| <b>Piankatank/Deep Rock</b>   |                                 |                                      |         |                                              |                                               |               |                                                                                                   |
| DOCS VIEW                     | 0.0                             | 0.2                                  | 1       | 750                                          | 1,000                                         | \$4,000       | S                                                                                                 |
| THOMPSONS                     | 1.0                             | 0.3                                  | 1       | 750                                          | 1,000                                         | \$4,000       | S                                                                                                 |
| PALACE BAR B also PALACE BA   | 1.7                             | 1.4                                  | 7       | 5,250                                        | 7,000                                         | \$28,000      | S                                                                                                 |
| SHIPLEYS EDGE                 | 1.0                             | 2.2                                  | 1       | 750                                          | 1,000                                         | \$4,000       | S                                                                                                 |
| Iron Point Reef - TNC         | 1.8                             | 2.4                                  | 4       | 3,000                                        | 4,000                                         | \$16,000      | S                                                                                                 |
| Fishing Point                 | 4.7                             | 3.1                                  | 2       | 1,500                                        | 2,000                                         | \$8,000       | S                                                                                                 |
| STOVE POINT                   | 5.8                             | 3.8                                  | 5       | 3,750                                        | 5,000                                         | \$20,000      | S                                                                                                 |
| Heron Rock NOAA Stone Plant   | 7.5                             | 4.1                                  | 13      | 9,750                                        | 13,000                                        | \$52,000      | S                                                                                                 |
| COBBS CREEK                   | 3.7                             | 5.0                                  | 4       | 3,000                                        | 4,000                                         | \$16,000      | S                                                                                                 |
| HERON ROCK                    | 7.4                             | 6.4                                  | 13      | 9,750                                        | 13,000                                        | \$52,000      | S                                                                                                 |
| BLAND POINT                   | 5.4                             | 6.6                                  | 11      | 8,250                                        | 11,000                                        | \$44,000      | H,O                                                                                               |
| Bland Point NOAA Stone Plant  | 6.5                             | 7.8                                  | 11      | 8,250                                        | 11,000                                        | \$44,000      | S                                                                                                 |
| GINNEY POINT                  | 8.8                             | 7.9                                  | 4       | 3,000                                        | 4,000                                         | \$16,000      | H,O                                                                                               |
| Palace Bar NOAA Stone Plant   | 5.7                             | 8.1                                  | 9       | 6,750                                        | 9,000                                         | \$36,000      | S                                                                                                 |
| HILLS BAY                     | 1.5                             | 9.1                                  | 5       | 3,750                                        | 5,000                                         | \$20,000      | S                                                                                                 |
| DEEP ROCK 4                   | 16.2                            | 9.1                                  | 8       | 6,000                                        | 8,000                                         | \$32,000      | S                                                                                                 |
| PALACE BAR also PALACE BAR    | 6.6                             | 9.7                                  | 38      | 28,500                                       | 38,000                                        | \$152,000     | H                                                                                                 |
| BURTON POINT B                | 24.3                            | 10.0                                 | 8       | 6,000                                        | 8,000                                         | \$32,000      | S                                                                                                 |
| Stove Point NOAA Stone Plant  | 12.0                            | 10.1                                 | 9       | 6,750                                        | 9,000                                         | \$36,000      | S                                                                                                 |
| Ginney Point NOAA Stone Plant | 16.6                            | 10.7                                 | 6       | 4,500                                        | 6,000                                         | \$24,000      | S                                                                                                 |
| BEVERLYS 4                    | 18.0                            | 11.0                                 | 15      | 11,250                                       | 15,000                                        | \$60,000      | S                                                                                                 |
| BEVERLYS 1                    | 18.0                            | 11.0                                 | 14      | 10,500                                       | 14,000                                        | \$56,000      | S                                                                                                 |
| Cape Toon NOAA Stone Plant    | 13.7                            | 11.2                                 | 5       | 3,750                                        | 5,000                                         | \$20,000      | S                                                                                                 |
| CAPE TUNE                     | 3.8                             | 11.8                                 | 41      | 30,750                                       | 41,000                                        | \$164,000     | H,O                                                                                               |
| ISLAND BAR                    | 8.7                             | 13.3                                 | 5       | 3,750                                        | 5,000                                         | \$20,000      | S                                                                                                 |
| Island Bar NOAA Stone Plant   | 14.3                            | 13.7                                 | 2       | 1,500                                        | 2,000                                         | \$8,000       | S                                                                                                 |

|                               |      |      |    |        |        |           |     |
|-------------------------------|------|------|----|--------|--------|-----------|-----|
| BURTON POINT                  | 10.9 | 14.7 | 39 | 29,250 | 39,000 | \$156,000 | H,O |
| THREE BRANCHES                | 25.0 | 16.0 | 1  | 750    | 1,000  | \$4,000   | H   |
| Burton Point NOAA Stone Plant | 22.3 | 17.8 | 16 | 12,000 | 16,000 | \$64,000  | H   |
| DEEP ROCK                     | 34.0 | 18.0 | 38 | 28,500 | 38,000 | \$152,000 | S   |
| MILFORD HAVEN                 | 50.0 | 18.7 | 1  | 750    | 1,000  | \$4,000   | H   |
| BEVERLYS 2                    | 35.0 | 19.8 | 7  | 5,250  | 7,000  | \$28,000  | H   |
| BEVERLYS 3                    | 52.0 | 21.3 | 7  | 5,250  | 7,000  | \$28,000  | H   |

| Area Name | Average<br>Number of<br>Markets | Average<br>Brown Shell<br>Volume (L) | Acreage | Minium<br>Bushels<br>Needed (750<br>bu/acre) | Maximum<br>Bushels<br>Needed<br>(1,000 bu/ac) | Cost Estimate | Notes<br>(S=Sanctuary,<br>H=Harvest Area,<br>O=Open Area<br>25/26, T=Target for<br>2026 planting, |
|-----------|---------------------------------|--------------------------------------|---------|----------------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|
|-----------|---------------------------------|--------------------------------------|---------|----------------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|

**Rappahannock River**

|                              |      |     |    |        |        |           |       |
|------------------------------|------|-----|----|--------|--------|-----------|-------|
| Drumming Ground sanctuary 2  | 2.5  | 2.5 | 3  | 2,250  | 3,000  | \$12,000  | S,T   |
| Larson's Upper sanctuary     | 7.5  | 3.8 | 4  | 3,000  | 4,000  | \$32,000  | S,T   |
| Corrotoman sanctuary         | 13.3 | 5.3 | 9  | 6,750  | 9,000  | \$72,000  | S,T   |
| Temple Bay 2 (S.P. 136)      | 8.5  | 5.5 | 6  | 4,500  | 6,000  | \$24,000  | H     |
| Mill Creek sanctuary         | 18.5 | 5.9 | 4  | 3,000  | 4,000  | \$16,000  | S,T   |
| Mosquito Island              | 19.3 | 6.2 | 2  | 1,500  | 2,000  | \$16,000  | H     |
| Bush Park                    | 10.0 | 6.3 | 4  | 3,000  | 4,000  | \$16,000  | H,O,T |
| Parrot Rock sanctuary        | 12.0 | 6.7 | 10 | 7,500  | 10,000 | \$40,000  | H     |
| Larsons Bay                  | 10.7 | 7.0 | 2  | 1,500  | 2,000  | \$8,000   | S     |
| Corrotoman Point C-2         | 11.6 | 7.2 | 9  | 6,750  | 9,000  | \$36,000  | H,O,T |
| Temple Bay sanctuary         | 13.7 | 7.7 | 9  | 6,750  | 9,000  | \$36,000  | S     |
| Middle Ground                | 11.4 | 7.8 | 5  | 3,750  | 5,000  | \$20,000  | H,O,T |
| Little Wicks A               | 6.7  | 8.3 | 6  | 4,500  | 6,000  | \$24,000  | H,O   |
| Butler's Hole West           | 11.0 | 8.6 | 7  | 5,250  | 7,000  | \$28,000  | H     |
| Sturgeon Bar East (S.P. 551) | 19.8 | 8.8 | 11 | 8,250  | 11,000 | \$44,000  | H,O,T |
| Punch Bowl                   | 13.0 | 8.9 | 45 | 33,750 | 45,000 | \$180,000 | H,O   |
| Parrot's Rock West           | 14.0 | 9.0 | 9  | 6,750  | 9,000  | \$36,000  | H     |
| Parrot's Rock East           | 17.0 | 9.2 | 11 | 8,250  | 11,000 | \$44,000  | H,O   |

|                               |      |      |     |         |         |           |       |
|-------------------------------|------|------|-----|---------|---------|-----------|-------|
| Broad Creek                   | 10.0 | 9.3  | 16  | 12,000  | 16,000  | \$64,000  | H     |
| Larson's Lower sanctuary      | 22.7 | 9.3  | 3   | 2,250   | 3,000   | \$12,000  | HS    |
| North End S.P. 553            | 16.8 | 9.3  | 10  | 7,500   | 10,000  | \$40,000  | H     |
| MORATTICO BAR                 | 19.0 | 9.5  | 121 | 90,750  | 121,000 | \$484,000 | H,O   |
| Sturgeon Bar West (S.P. 552)  | 17.7 | 9.7  | 8   | 6,000   | 8,000   | \$32,000  | H,O,T |
| Little Wicks B                | 15.8 | 9.8  | 7   | 5,250   | 7,000   | \$28,000  | H,O   |
| Bush Park 2018 (Stone)        | 8.9  | 10.0 | 6   | 4,500   | 6,000   | \$24,000  | H     |
| Temple Bay 4                  | 13.3 | 10.0 | 12  | 9,000   | 12,000  | \$48,000  | H     |
| Corrotoman Point C-1          | 14.0 | 10.2 | 8   | 6,000   | 8,000   | \$32,000  | H,O,T |
| Drumming Ground Inshore       | 18.5 | 11.0 | 29  | 21,750  | 29,000  | \$116,000 | H,O,T |
| Broad Creek Inshore           | 16.3 | 11.1 | 8   | 6,000   | 8,000   | \$32,000  | H     |
| Corrotoman Point C-3          | 16.2 | 11.4 | 10  | 7,500   | 10,000  | \$40,000  | H,O,T |
| STOVE POINT                   | 25.5 | 11.5 | 30  | 22,500  | 30,000  | \$120,000 | H,O   |
| Lower Edge Broad Creek Middle | 9.8  | 11.8 | 14  | 10,500  | 14,000  | \$56,000  | H     |
| Butler's Hole gravel plant    | 13.2 | 12.0 | 5   | 3,750   | 5,000   | \$20,000  | H     |
| Temple Bay 3                  | 14.5 | 12.0 | 5   | 3,750   | 5,000   | \$20,000  | H     |
| Spike                         | 18.0 | 12.2 | 7   | 5,250   | 7,000   | \$28,000  | H     |
| Whiting Creek                 | 21.3 | 12.8 | 13  | 9,750   | 13,000  | \$52,000  | H     |
| Butler's Hole East            | 17.4 | 13.0 | 6   | 4,500   | 6,000   | \$24,000  | H     |
| Smokey Point                  | 28.4 | 13.0 | 26  | 19,500  | 26,000  | \$104,000 | H,O   |
| Monaskin Bluff                | 19.8 | 13.3 | 162 | 121,500 | 162,000 | \$648,000 | H,O   |
| Drumming Ground sanctuary 1   | 24.8 | 13.5 | 7   | 5,250   | 7,000   | \$28,000  | S     |
| Big Wicks B                   | 32.3 | 13.8 | 24  | 18,000  | 24,000  | \$96,000  | H,O   |
| Temple Bay 1 (S.P. 138)       | 23.0 | 13.8 | 6   | 4,500   | 6,000   | \$24,000  | H     |
| Big Wicks C                   | 24.8 | 14.0 | 24  | 18,000  | 24,000  | \$96,000  | H,O   |
| Ferry Rock                    | 30.3 | 14.3 | 4   | 3,000   | 4,000   | \$16,000  | H,O,T |
| Lower Edge Broad Creek East   | 19.9 | 14.3 | 18  | 13,500  | 18,000  | \$72,000  | H     |
| Drumming Ground Offshore Ad   | 41.4 | 14.6 | 7   | 5,250   | 7,000   | \$28,000  | H,O   |
| Hog House Offshore            | 30.5 | 15.0 | 6   | 4,500   | 6,000   | \$24,000  | H     |
| Spike A                       | 31.0 | 15.0 | 2   | 1,500   | 2,000   | \$8,000   | H     |
| Spike B offshore              | 17.0 | 15.0 | 6   | 4,500   | 6,000   | \$24,000  | H     |
| Waterview B                   | 33.5 | 15.0 | 20  | 15,000  | 20,000  | \$80,000  | H,O   |
| Waterview C                   | 36.8 | 15.0 | 20  | 15,000  | 20,000  | \$80,000  | H,O   |



|                                   |                                          |                                               |                |                                                        |                                                         |                      |                                                                                                               |
|-----------------------------------|------------------------------------------|-----------------------------------------------|----------------|--------------------------------------------------------|---------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------|
| Drumming Ground Offshore          | 36.8                                     | 15.1                                          | 28             | 21,000                                                 | 28,000                                                  | \$112,000            | H,O                                                                                                           |
| Temple Bay 5                      | 23.3                                     | 15.5                                          | 18             | 13,500                                                 | 18,000                                                  | \$72,000             | H                                                                                                             |
| Lower Sturgeon sanctuary          | 39.0                                     | 15.7                                          | 1              | 750                                                    | 1,000                                                   | \$4,000              | S                                                                                                             |
| Lower Edge Broad Creek West       | 26.1                                     | 15.8                                          | 22             | 16,500                                                 | 22,000                                                  | \$264,000            | H                                                                                                             |
| Upper Sturgeon sanctuary          | 30.0                                     | 16.0                                          | 5              | 3,750                                                  | 5,000                                                   | \$60,000             | S                                                                                                             |
| Broad Creek sanctuary             | 33.3                                     | 16.8                                          | 8              | 6,000                                                  | 8,000                                                   | \$32,000             | S                                                                                                             |
| Whitehouse West                   | 31.6                                     | 17.6                                          | 14             | 10,500                                                 | 14,000                                                  | \$56,000             | S                                                                                                             |
| Whitehouse East                   | 48.8                                     | 18.4                                          | 13             | 9,750                                                  | 13,000                                                  | \$52,000             | S                                                                                                             |
| Butler's Hole sanctuary           | 62.0                                     | 23.0                                          | 2              | 1,500                                                  | 2,000                                                   | \$8,000              | S                                                                                                             |
| Hog House Inshore                 | 70.5                                     | 26.8                                          | 4              | 3,000                                                  | 4,000                                                   | \$16,000             | H                                                                                                             |
| <b>Area Name</b>                  | <b>Average<br/>Number of<br/>Markets</b> | <b>Average<br/>Brown Shell<br/>Volume (L)</b> | <b>Acreage</b> | <b>Minium<br/>Bushels<br/>Needed (750<br/>bu/acre)</b> | <b>Maximum<br/>Bushels<br/>Needed<br/>(1,000 bu/ac)</b> | <b>Cost Estimate</b> | <b>Notes<br/>(S=Sanctuary,<br/>H=Harvest Area,<br/>O=Open Area<br/>25/26, T=Target for<br/>2026 planting,</b> |
| <b>Great Wicomico/Black Berry</b> |                                          |                                               |                |                                                        |                                                         |                      |                                                                                                               |
| VMRC 12/GW Corps 17               | 0.0                                      | 0.1                                           | 2              | 1,500                                                  | 2,000                                                   | \$8,000              | S                                                                                                             |
| Mill Creek East                   | 1.0                                      | 0.5                                           | 2              | 1,500                                                  | 2,000                                                   | \$8,000              | H,O                                                                                                           |
| VMRC 10/GW Corps 12, 13           | 1.7                                      | 0.7                                           | 5              | 3,750                                                  | 5,000                                                   | \$20,000             | S                                                                                                             |
| VMRC 15/GW Corps 21               | 4.8                                      | 2.1                                           | 3              | 2,250                                                  | 3,000                                                   | \$12,000             | S                                                                                                             |
| VMRC 9/GW Corps 10                | 4.0                                      | 2.3                                           | 7              | 5,250                                                  | 7,000                                                   | \$28,000             | S                                                                                                             |
| VMRC 8/GW Corps 9                 | 4.4                                      | 2.3                                           | 14             | 10,500                                                 | 14,000                                                  | \$56,000             | S                                                                                                             |
| ROGUE POINT                       | 4.0                                      | 4.5                                           | 3              | 2,250                                                  | 3,000                                                   | \$12,000             | S                                                                                                             |
| VMRC 11/GW Corps 14,15 & 16       | 5.0                                      | 4.6                                           | 14             | 10,500                                                 | 14,000                                                  | \$56,000             | S                                                                                                             |
| Cockrell Creek Expansion Ston     | 11.5                                     | 4.8                                           | 10             | 7,500                                                  | 10,000                                                  | \$40,000             | S                                                                                                             |
| SHELL BAR                         | 9.3                                      | 6.5                                           | 18             | 13,500                                                 | 18,000                                                  | \$72,000             | H                                                                                                             |
| VMRC 4/GW Corps 5                 | 6.0                                      | 7.1                                           | 3              | 2,250                                                  | 3,000                                                   | \$12,000             | S                                                                                                             |
| Rogue Point Expansion Stone 2     | 17.5                                     | 7.2                                           | 5              | 3,750                                                  | 5,000                                                   | \$20,000             | S                                                                                                             |
| HARCUM FLATS                      | 12.0                                     | 7.3                                           | 6              | 4,500                                                  | 6,000                                                   | \$24,000             | S                                                                                                             |
| Dameron Marsh East                | 17.0                                     | 8.0                                           | 15             | 11,250                                                 | 15,000                                                  | \$60,000             | H,O                                                                                                           |
| HAYNIE POINT                      | 9.6                                      | 8.2                                           | 5              | 3,750                                                  | 5,000                                                   | \$20,000             | S                                                                                                             |
| HILLY WASH                        | 18.0                                     | 8.5                                           | 3              | 2,250                                                  | 3,000                                                   | \$12,000             | S                                                                                                             |

|                                  |      |      |    |        |        |          |     |
|----------------------------------|------|------|----|--------|--------|----------|-----|
| SANDY POINT                      | 12.4 | 8.7  | 12 | 9,000  | 12,000 | \$48,000 | H   |
| FLEET POINT                      | 22.2 | 9.0  | 15 | 11,250 | 15,000 | \$60,000 | H,O |
| VMRC 1/GW Corps 1&2              | 13.0 | 9.8  | 6  | 4,500  | 6,000  | \$24,000 | S   |
| Cockrell Creek                   | 30.0 | 11.7 | 4  | 3,000  | 4,000  | \$16,000 | H,O |
| INGRAM'S Bay North               | 16.6 | 11.8 | 22 | 16,500 | 22,000 | \$88,000 | H,O |
| VMRC 16/GW Corps 22, 23 & 24     | 14.8 | 11.8 | 7  | 5,250  | 7,000  | \$28,000 | S   |
| VMRC 13/GW Corps 18 & 19         | 9.5  | 12.0 | 6  | 4,500  | 6,000  | \$24,000 | S   |
| VMRC 3/GW Corps 4                | 21.7 | 13.0 | 3  | 2,250  | 3,000  | \$12,000 | S   |
| CRANES CREEK also WHALEYS        | 22.0 | 14.0 | 13 | 9,750  | 13,000 | \$52,000 | H,O |
| INGRAM'S Bay South               | 18.0 | 14.0 | 15 | 11,250 | 15,000 | \$60,000 | H,O |
| BLACKBERRY HANG                  | 36.3 | 14.8 | 11 | 8,250  | 11,000 | \$44,000 | H,O |
| Back Yard Stone 2021             | 8.3  | 14.8 | 5  | 3,750  | 5,000  | \$20,000 | S   |
| Shell Creek Expansion Stone 2021 | 13.3 | 15.1 | 5  | 3,750  | 5,000  | \$20,000 | S   |

| Area Name | Average<br>Number of<br>Markets | Average<br>Brown Shell<br>Volume (L) | Acreage | Minium<br>Bushels<br>Needed (750<br>bu/acre) | Maximum<br>Bushels<br>Needed<br>(1,000 bu/ac) | Cost Estimate | Notes<br>(S=Sanctuary,<br>H=Harvest Area,<br>O=Open Area<br>25/26, T=Target for<br>2026 planting, |
|-----------|---------------------------------|--------------------------------------|---------|----------------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|
|-----------|---------------------------------|--------------------------------------|---------|----------------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------|

**Tangier/Pocomoke**

|                         |      |     |    |        |        |           |       |
|-------------------------|------|-----|----|--------|--------|-----------|-------|
| Public Ground #10 H-2   | 1.8  | 0.6 | 21 | 15,750 | 21,000 | \$84,000  | H,O,T |
| Public Ground #10 H-1   | 6.3  | 4.0 | 70 | 52,500 | 70,000 | \$280,000 | H,O,T |
| PG13 H-5                | 4.4  | 4.2 | 19 | 14,250 | 19,000 | \$76,000  | H     |
| Public Ground 11-1      | 4.8  | 4.3 | 37 | 27,750 | 37,000 | \$24,000  | H     |
| PG17 Parker's Rock A    | 4.2  | 5.0 | 34 | 25,500 | 34,000 | \$136,000 | H,O   |
| PG13 H-3                | 6.8  | 5.2 | 24 | 18,000 | 24,000 | \$96,000  | H     |
| PG08-H3 California Rock | 6.5  | 6.5 | 24 | 18,000 | 24,000 | \$96,000  | H     |
| PG13 H-2                | 5.9  | 6.5 | 40 | 30,000 | 40,000 | \$160,000 | H     |
| Public Ground #9 H-1    | 12.8 | 6.8 | 21 | 15,750 | 21,000 | \$24,000  | H,O   |
| Upper Dogfish           | 6.5  | 6.8 | 24 | 18,000 | 24,000 | \$96,000  | H     |
| PG07 H-3 Thoroughfare   | 13.0 | 7.0 | 26 | 19,500 | 26,000 | \$104,000 | H,O   |
| PG07 H-5 Thoroughfare   | 13.5 | 7.0 | 9  | 6,750  | 9,000  | \$36,000  | H,O   |

|                          |      |      |    |        |        |           |     |
|--------------------------|------|------|----|--------|--------|-----------|-----|
| PG04 Johnson's Rock      | 13.3 | 7.7  | 41 | 30,750 | 41,000 | \$164,000 | H,O |
| Cod Harbour              | 26.8 | 8.0  | 5  | 3,750  | 5,000  | \$20,000  | S   |
| PG08-H1 California Rock  | 24.8 | 8.0  | 9  | 6,750  | 9,000  | \$36,000  | H   |
| PG08-H2 California Rock  | 9.5  | 8.0  | 9  | 6,750  | 9,000  | \$36,000  | H   |
| PG07 H-2 Thoroughfare    | 22.0 | 8.4  | 15 | 11,250 | 15,000 | \$104,000 | H,O |
| Public Ground #9 H-2     | 19.0 | 8.5  | 32 | 24,000 | 32,000 | \$128,000 | H,O |
| Island Rock              | 22.4 | 8.9  | 48 | 36,000 | 48,000 | \$192,000 | H,O |
| Lower Dogfish            | 1.7  | 9.0  | 51 | 38,250 | 51,000 | \$204,000 | H   |
| PG01 Hurley's            | 21.3 | 9.0  | 7  | 5,250  | 7,000  | \$28,000  | H,O |
| PG05 H-1 Fox Island Rock | 27.3 | 9.0  | 6  | 4,500  | 6,000  | \$24,000  | H,O |
| PG08-H4 California Rock  | 27.2 | 9.6  | 4  | 3,000  | 4,000  | \$16,000  | H   |
| PG07 H-1 Thoroughfare    | 27.4 | 10.0 | 14 | 10,500 | 14,000 | \$56,000  | H,O |
| PG13 H-1                 | 13.1 | 10.0 | 31 | 23,250 | 31,000 | \$124,000 | H   |
| Byrd Rock                | 6.8  | 10.5 | 13 | 9,750  | 13,000 | \$52,000  | H,O |
| PG18 Onancock Rock A     | 15.0 | 10.8 | 10 | 7,500  | 10,000 | \$40,000  | H,O |
| PG07 H-4 Thoroughfare    | 30.3 | 12.7 | 4  | 3,000  | 4,000  | \$16,000  | H,O |



**Table 3. Additional areas with planned replenishment and restoration activity for the 2026 Oyster Replenishment Plan.**

Note:

These are new areas that are not currently surveyed as part of the VIMS/VMRC survey.

The size is estimated based on past work. Adjustments may be made in the field by Division staff

| Area Name             | Acreage  | Cost Estimate | Funding Source (GF = General Funds, NGF =Non General Funds, F =Federal) | Substrate Type (SH=Shell, A= Alternative Substrate/ Rocks, SD =Seed) |
|-----------------------|----------|---------------|-------------------------------------------------------------------------|----------------------------------------------------------------------|
| Upper Rappahannock    | up tp 80 | \$ 320,000.00 | GF                                                                      | SH                                                                   |
| Eastern Shore Seaside | ~15      | \$ 200,000.00 | NGF/GF                                                                  | SH                                                                   |
| Eastern Shore Bayside | ~15      | \$ 225,000.00 | NGF/GF                                                                  | SH                                                                   |
| Mobjack Bay           | ~20      | \$ 750,000.00 | F/GF                                                                    | A                                                                    |
| Pocomoke              | ~40      | \$ 160,000.00 | GF                                                                      | SH                                                                   |
| Black Berry Hangs     | ~10      | \$ 24,000.00  | GF/NGF                                                                  | SH                                                                   |

## **FISHERIES MANAGEMENT DIVISION EVALUATION, 3/31/2026**

**PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-280-10 et seq., "Pertaining to Speckled Trout", to revise the recreational size and possession limits to include a seasonal closure for the species to protect the spawning population after the 2026 cold stun mortality event.

**ISSUES:** Beginning in early February 2026 and continuing through the following two weeks individuals from the public began contacting VMRC staff with reports of dead and stunned speckled trout in Virginia tidal waters. A majority of the reports involved the Lynnhaven River complex and Rudee Inlet, but reports were also received from tributaries in the Mobjack Bay region and Piankatank River. On February 10<sup>th</sup>, 2026, the Commission received a letter from the Virginia Saltwater Sportfishing Association (VSSA) citing concerns from their members regarding observed mortality of speckled trout and sub-adult red drum in the tidal waters of Virginia. The position of VSSA is to support a closure of the recreational and commercial speckled trout fisheries and take a non-specific action to protect red drum. On February 4, 2026, North Carolina Division of Marine Fisheries announced a closure of their commercial and recreational fisheries effective 4 pm February 6, 2026. Effective 6pm February 12, 2026, Virginia will close its directed commercial speckled trout fishery based on reports from dealers and harvesters that the 51,104 pound quota has been met.

**BACKGROUND:** Speckled trout are managed by the Atlantic States Marine Fisheries Commission (ASMFC). A fishery management plan (FMP) was established in 1984 and in 2011 there was an Omnibus Amendment to update the management measures. The Amendment includes recommended measures to protect the spawning stock, as well as a required coastwide minimum size of 12 inches.

Chapter 4VAC20-280-10 et seq. "Pertaining to Speckled Trout" establishes a 14 inch minimum size (established in 1992) for both commercial and recreational gears. Additionally following the cold stun event in 2014, recreational anglers and commercial hook and line fishermen are limited to a possession limit of five fish with only one fish allowed over 24 inches. The commercial fishery (commercial H & L and all other commercial gears) is managed under a seasonal quota, which runs from September 1 through August 31 of the following year. The commercial quota is set at 51,104 pounds annually. The commercial quota also represents the

average of the 1993 and 1994 commercial landings for speckled trout, plus 25 percent of the average. Chapter 4VAC20-280-10 et seq. "Pertaining to Speckled Trout" also establishes an incidental catch limit following the closure of the commercial fishery (established 2021). This incidental catch limit allows harvesters to retain up to 50lbs of speckled trout per license holder not to exceed 100lbs per vessel. For the current season, which runs through August 31, 2026, the commercial fishery was notified on February 10, 2026 that the quota was expected to be met by February 12, 2026 and at that time the fishery would go incidental catch only.

Mass mortality events in North Carolina from cold stuns have been a historical occurrence and have occurred as recently as the winters of 2000, 2002, 2004, 2009, 2010, 2011, 2014, 2015, 2018, and 2024. (NC Report—Internal Guidelines for Adaptive Management for Cold Stun Closures). From the same report “rebounds in the population have been observed as early as the following year after a cold stun event where no closure was instituted and regulations were less strict than today.” Additionally, NC notes it is difficult to determine if a closure significantly affects recruitment, per the 2022 stock assessment. Notable cold stun mortality events in Virginia occurred in 2014, 2015, the winter of 2017 into 2018, and 2025.

Dr. Mark Luckenbach, Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Sciences (VIMS) provided their opinion for management of speckled trout in a memorandum dated February 18, 2014. The memorandum notes that VIMS is “aware of the recent occurrences of localized mortality of speckled trout and other species.” It goes on to note the size and health of the speckled trout population is unknown and a lack of information to quantify the magnitude of the kill or its impact on the stock. It is not possible then for VIMS to provide “reasonable science-based guidance to inform possible management responses”. Finally the memorandum states that although there is no scientific justification for a closure of the fishery, it can be a precautionary measure that will “reduce total mortality”. Since February 2014 VMRC has not received any additional input from VIMS for possible regulatory action.

Speckled trout are “batch spawners” meaning spawning occurs as a portion of the egg mass matures but a number of spawning events occur over a period of time. In Virginia that period is believed to be late April through August. Fifty percent of females are mature at 11.5 inches and the average length of an age 1 trout is 15.75 inches. Observations and anecdotal accounts indicate larger speckled trout appear more susceptible to cold water shock. This



fact is corroborated by field sampling by VMRC biological sampling staff, who collected stunned fish from the 2018, 2025, and 2026 cold stun events in Virginia. Nearly all observations of the cold stun event speckled trout are 12 inches or larger (typically much larger). In Virginia, most YOY speckled trout are 8 to 12.5 inches by late fall. Not all large mature speckled trout remain in the Bay system through the winter. In 2025, the Agency did receive comments from concerned anglers following a documented cold stun event that spanned January into February of 2025. The issue was not brought before the Commission but was discussed during “Other Business” at the FMAC meeting in March 2025. After the 2018 cold stun event, FMAC met in February of 2018, at the direction of the Commission, to discuss a request from a group of recreational anglers to close the speckled trout fishery as soon as possible and keep the season closed through the end of July 2018. At that time, FMAC did not endorse a closure of the fishery based on a lack of empirical evidence and no regulatory actions were taken by the commission. A similar request by a group of concerned recreational anglers was made following a cold stun event in late January 2014 involving hundreds of speckled trout. That request resulted in the Commission taking action to close the fishery through July 2014.

Following this year’s cold stun event, the issue was brought before the Finfish Management Advisory Committee (FMAC) on March 10<sup>th</sup>, 2026. By majority vote, the committee did not support a closure of either the recreational fishery or incidental commercial landings for speckled trout. The portion of the committee that did support a recreational closure did so explicitly to protect spawning fish from further mortality. The committee did task staff with defining an actionable cold stun event for future reference. To the end staff have identified several avenue to collect temperature and mortality data for future consideration. Staff received seven public comments on this item. Six comments were in favor of a recreational closure, citing the need to protect the spawning stock of fish from fishing pressure. One comment did not support the proposed language, citing that as-written, it would prohibit the catch and release of the species including participation in the VA Gamefish Tagging Program.

**STAFF**

**RECOMMENDATION:**

Staff recommends the Commission consider amendments to Chapter 4 VAC 20-280-10 et seq., "Pertaining to Speckled Trout", to establish a closed recreational season from April 1 through June 30.



# COMMONWEALTH of VIRGINIA

## *Marine Resources Commission*

David L. Bulova  
Secretary of Natural  
and Historic Resources

380 Fenwick Road  
Building 96  
Fort Monroe, VA 23651

Joseph D. Grist  
Acting Commissioner

## NOTICE

The Virginia Marine Resources Commission invites public comments on proposed amendments to regulations, as shown below. By March 12, 2026, 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, March 31, 2026, 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, March 26, 2026. Comments should be made at the following link: [https://webapps.mrc.virginia.gov/public/fisheries/search\\_publiccomments.php](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 these items as early as 9:30 a.m.

---

### **I. Chapter 4VAC20-280, "Pertaining to Speckled Trout"**

The Commission proposes to amend Chapter 4VAC20-280, "Pertaining to Speckled Trout" to establish a closed season for the recreational harvest of speckled trout in 2026.

The purpose of this amendment is to best manage stocks of speckled trout throughout Virginia waters and adjacent areas by protecting the spawning stock following the 2026 cold stun mortality event.

### **II. Chapter 4VAC20-450, "Pertaining to the Taking of Bluefish"**

The Commission proposes to amend Chapter 4VAC20-450, "Pertaining to the Taking of Bluefish" to increase the private and for-hire recreational bag limits.

The purpose of this amendment is to implement a potential management option under the Interstate Fisheries Management Plan for bluefish.

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*An Agency of the Natural and Historic Resources Secretariat*

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**VIRGINIA MARINE RESOURCES COMMISSION**  
**"PERTAINING TO SPECKLED TROUT"**  
**CHAPTER 4VAC20-280**

**PAGE 1 OF 3**

**PREAMBLE**

This chapter establishes minimum size limits for the taking or possession of speckled trout by commercial and recreational fishermen. The minimum size limits will protect the spawning stocks and increase yield in the fishery. This chapter is designed to assure that Virginia is consistent with all federal and interstate management measures for speckled trout. In addition, this chapter establishes a commercial landings quota for speckled trout. The goal of these management measures is to perpetuate the speckled trout resource in fishable abundance throughout their range and generate the greatest possible economic and social benefits from their harvest and utilization over time.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4VAC20-280-10 ~~et seq.~~, which was adopted ~~July 28, 2020~~ July 27, 2021, and effective ~~August 1, 2020~~ September 1, 2021. The effective date of this chapter, as amended, is ~~September 1, 2021~~ April 1, 2026.

**4VAC20-280-10. Purpose.**

The purpose of this chapter is to protect and rebuild the spawning stocks of speckled trout, minimizing the possibility of recruitment failure, and to increase yield in their fisheries.

**4VAC20-280-20. Definitions.**

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

“Fishing year” means the time period from September 1 of the current calendar year through August 31 of the following calendar year.

“Snout” means the most forward projection from a fish’s head that includes the upper and lower jaw.

"Speckled trout" means any fish of the species *Cynoscion nebulosus*.

“Total length” means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.



**VIRGINIA MARINE RESOURCES COMMISSION**  
**"PERTAINING TO SPECKLED TROUT"**  
**CHAPTER 4VAC20-280**

**PAGE 2 OF 3**

**4VAC20-280-30. Size and possession limits; and seasonal closure.**

A. It shall be unlawful for any person to take, catch, or possess any speckled trout less than 14 inches in total length, except that the catch of speckled trout by pound net or haul seine may consist of up to 5.0%, by weight, of speckled trout less than 14 inches in total length.

B. It shall be unlawful for any person fishing commercially with commercial hook-and-line gear, or fishing recreationally with any gear type to possess more than one speckled trout 24 inches or greater in any one day.

C. It shall be unlawful for any person fishing commercially with commercial hook-and-line gear or recreationally with any gear type to possess more than five speckled trout in any one day.

D. It shall be unlawful for any person fishing recreationally to take, catch, or possess any speckled trout from April 1, 2026, through June 30, 2026.

**4VAC20-280-40. (Repealed.)**

**4VAC20-280-50. Directed commercial landings quota and daily incidental catch limit.**

A. For each fishing year the directed commercial landings quota of speckled trout shall be limited to 51,104 pounds.

B. When the commission announces that the directed commercial landings quota has been reached, it shall be unlawful for any commercial fisherman registration licensee to take, harvest, land, or possess more than the daily incidental catch limit for the remainder of the fishing year. The daily incidental catch limit shall be 50 pounds of speckled trout per licensee aboard the vessel, not to exceed 100 pounds per vessel.

**4VAC20-280-55. Seafood Buyer Reporting Requirements.**

Any licensed seafood buyer who purchases speckled trout shall report daily purchases in pounds using the commission's interactive voice recording system on the day of purchase from August 1 to November

**VIRGINIA MARINE RESOURCES COMMISSION**  
**"PERTAINING TO SPECKLED TROUT"**  
**CHAPTER 4VAC20-280**

**PAGE 3 OF 3**

30, except when the commission announces that the directed commercial landings quota has been reached for the current fishing year.

**4VAC20-280-60. Penalty.**

Pursuant to §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

\*\*\*\*\*

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on March 31, 2026.

**COMMONWEALTH OF VIRGINIA**  
**MARINE RESOURCES COMMISSION**

BY: \_\_\_\_\_  
**Joseph D. Grist**  
**Acting Commissioner**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
**Notary Public**

# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name                 | Received   | Position |
|--------|----------------------|------------|----------|
| 1      | CHRISTOPHER D MALGEE | 03/18/2026 | FAVOR    |

I APPLAUD THE VMRC FOR TAKING STEPS TOWARDS PROTECTING THE REMAINING SPECKLED TROUT AFTER THIS YEAR'S COLD STUN HAVING A CLOSURE TO THE HARVEST PROTECTS THE FUTURE OF OUR FISHERY AND WITH THE COMMERCIAL SEASON ALREADY CLOSED MATCHES THE WILL OF THE RECREATIONAL ANGLER COMMUNITY IN ADDITION TO THE PROPOSED REGULATION IT IS CRITICAL THAT TRIGGERS ARE PUT IN PLACE TO ALLEVIATE THE COMMITTEE OF THE RESPONSIBILITY OF MAKING THIS DETERMINATION ANNUALLY PLEASE MOVE FORWARD WITH THIS INITIATIVE IN RESPONSE TO THE COLD KILL EVENT AND SET UP A TRIGGER TO HELP PROTECT FUTURE STOCKS IMMEDIATELY UPON ITS ACTIVATION



# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name           | Received   | Position |
|--------|----------------|------------|----------|
| 2      | CHARLIE CHURCH | 03/18/2026 | FAVOR    |

IT'S IMPORTANT WE PROTECT WHAT'S LEFT OF OUR SPAWNING BIOMASS OF SPECKLED TROUT THE FASTER THEY RECOVER THE BETTER WE SHOULD ALSO FOLLOW NORTH CAROLINAS LEAD AND SETUP A WAY TO TRIGGER SHUTDOWNS GOING FORWARD IT SHOULD BE POSSIBLE TO COLLECT THE DATA AND THEN SET UP AN ALERT FOR WHEN THE WATER TEMPS HAVE BEEN AT FATAL LEVELS FOR TOO LONG

# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name        | Received   | Position |
|--------|-------------|------------|----------|
| 3      | WILL POSTON | 03/19/2026 | FAVOR    |

CLOSING SPECKLED TROUT HARVEST THROUGH JUNE TO PROTECT THE SPAWNING STOCK IS A CRITICAL ACTION AFTER TWO CONSECUTIVE WINTER KILLS THE PROPOSED REGULATION CHANGE IS A SIMPLE COMMON SENSE MEASURE TO ALLOW THE REMAINING SPAWNING STOCK THE OPPORTUNITY TO REPRODUCE AND RECOVER VIRGINIA SHOULD FOLLOW THE LEAD OF NORTH CAROLINA AND ADOPT THESE PRECAUTIONARY MEASURES TO PROTECT ITS INCREDIBLE SPECKLED TROUT FISHERY ADDITIONALLY MRC SHOULD CONSIDER IMPLEMENTING A TRIGGER SYSTEM TO MORE EFFICIENTLY RESPOND TO THESE NATURAL MORTALITY EVENTS I STRONGLY SUPPORT THE PROPOSED SEASONAL CLOSURE

# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name             | Received   | Position |
|--------|------------------|------------|----------|
| 4      | CAMERON TRAYWICK | 03/19/2026 | FAVOR    |

I STRONGLY SUPPORT THE PROPOSAL TO CLOSE THE RECREATIONAL HARVEST OF SPECKLED TROUT IN 2026 AFTER TWO CONSECUTIVE WINTER FISH KILLS AND THE SIGNIFICANT COLD STUN MORTALITY DOCUMENTED BY VMRC IT IS CLEAR THAT OUR REMAINING SPAWNING STOCK NEEDS IMMEDIATE PROTECTION A TEMPORARY HARVEST CLOSURE IS A MEASURE THAT WILL GIVE THE REMAINING POPULATION THE OPPORTUNITY TO REBOUND AND PROTECT THE FUTURE OF THIS FISHERY



# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name               | Received   | Position |
|--------|--------------------|------------|----------|
| 5      | ZACHARY WILLIAMSON | 03/20/2026 | FAVOR    |

I SUPPORT THIS PROPOSAL TO CLOSE THE RECREATIONAL HARVEST OF SPECKLED TROUT IT IS IMPORTANT FOR THE FUTURE OF OUR FISHERY

# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name                  | Received   | Position |
|--------|-----------------------|------------|----------|
| 6      | JOHN E COWCER JR. JR. | 03/21/2026 | FAVOR    |

I AM IN FAVOR OF THE PROPOSAL TO HAVE A CLOSED SEASON FOR SPECKLED TROUT TO GIVE THE FISH AN OPPORTUNITY TO SPAWN AND RECOVER THESE FISH EXPERIENCED A SIGNIFICANT WINTER KILL THIS WINTER DUE THE PROLONGED COLD TEMPERATURES

# Virginia Marine Resources Commission

## Public Comments

Agenda Item: Proposal to amend Chapter 4 VAC 20-280, "Pertaining to Speckled Trout", to establish a closed season for the recreational harvest of speckled trout in 2026, to protect the spawning stock following the 2026 cold stun mortality event.

*Print Date: Friday March 27 2026 08:12*

| Number | Name         | Received   | Position |
|--------|--------------|------------|----------|
| 7      | PAUL VERBYLA | 03/25/2026 | OPPOSE   |

THE WORDING OF THE SPECKLED TROUT CLOSURE IS PROBLEMATIC IT STATES A RECREATIONAL ANGLER COULD NOT TAKE CATCH OR POSSESS ANY SPECKLED TROUT FROM APRIL 1 TO JUNE 30 SO IF I AM FISHING FOR PUPPY DRUM OR ROCKFISH AND HAPPEN TO CATCH A SPECKLED TROUT I AM IN VIOLATION OF THE LAW I AM IN THE TAGGING PROGRAM AND WOULD NOT BE ABLE TO TAG ANY SPECKLED TROUT UNDER THIS WORDING UNTIL JULY 1 WORDING SHOULD STATE A RECREATIONAL ANGLER COULD NOT KILL ANY SPECKLED TROUT FROM APRIL 1 TO JUNE 30 ALSO IF YOU ARE SERIOUS ABOUT PROTECTING THE SPECKLED TROUT STOCK RECREATIONAL GILL NETTING SHOULD BE PROHIBITED APRIL 1 TO JUNE 30 ONCE A SPECKLED TROUT IS CAUGHT IN A GILL NET IT RARELY SURVIVES



## **FISHERIES MANAGEMENT DIVISION EVALUATION, 1/27/2026**

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public Hearing:</b> | Proposal to amend Chapter 4VAC20-450, "Pertaining to the Taking of Bluefish," to increase the private and for-hire recreational bag limits as a management option under the Interstate Fisheries Management Plan for bluefish.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Issues:</b>         | Based on the 2025 Management Track Assessment and rebuilding plan projections, the Atlantic States Marine Fisheries Commission Bluefish Management Board and Mid-Atlantic Fishery Management Council established specifications for the 2026 and 2027 fishing seasons, which included liberalization for the recreational fishery. As an approved management option, bluefish recreational bag limits for both the 2026 and 2027 fishing seasons can increase to five fish for anglers on private vessels and shore-based anglers and seven fish for anglers on for-hire vessels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Background:</b>     | <p>A 2021 operational stock assessment found the bluefish stock to be overfished, with no overfishing occurring at that time. The assessment identified a decade long decline in SSB coinciding with an increasing trend in fishing mortality. In response to these findings, in June 2021, the Board and Council jointly approved Amendment 2, the Bluefish Allocation and Rebuilding Amendment, to the Interstate Fishery Management Plan (FMP) for Bluefish. Amendment 2 updated the FMP's goals and objectives, implemented a 7-year rebuilding plan, revised allocations between the recreational and commercial sectors, established new state-specific commercial allocations, modified quota transfer procedures between sectors, and updated how management uncertainty is addressed.</p> <p>The bluefish stock entered the 7-year rebuilding plan in 2022, enacting management measures designed to rebuild the stock to the biomass target of 86,627 mt by 2028.</p> <p>The 2025 Management Track Assessment concluded that bluefish were not overfished and overfishing did not occur in 2024, with spawning stock biomass at 89% of the target after increasing over the past five years as fishing mortality declined. The projections indicated the stock is expected to be rebuilt in 2025 ahead of the 2028 deadline, to be confirmed in the 2027 assessment.</p> |

Under Amendment 2, 86% of the bluefish resource is allocated to the recreational sector and 14% to the commercial sector, as bluefish is predominantly a recreational fishery. The recreational sector is then managed with sector separation, in which the private and for-hire components of the recreational fishery are managed as separate sectors. This management framework allows measures to be tailored to the needs and characteristics of each sector. Sector separation has been previously implemented in Commission-managed fisheries; blueline tilefish is also managed under a sector-separated framework, demonstrating that this approach is an established and previously applied management strategy.

Since 2020, recreational management measures have included a coastwide three-fish bag limit for anglers on private vessels and shore-based anglers and a five-fish bag limit for anglers on for-hire vessels. As a result of the increased Recreational Harvest Limit for 2026 and 2027, As an approved management option, recreational bag limits for both the 2026 and 2027 fishing seasons can increase to five fish for anglers on private vessels and shore-based anglers and seven fish for anglers on for-hire vessels.

No public comments have been received at this time.

**Staff Recommendation:**

Staff recommend the Commission consider amendments to Chapter 4VAC20-450, "Pertaining to the taking of Bluefish," to increase the private and for-hire recreational bag limits as a management option under the Interstate Fisheries Management Plan for bluefish.



# COMMONWEALTH of VIRGINIA

## *Marine Resources Commission*

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Secretary of Natural  
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Joseph D. Grist  
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The Commission may review these items as early as 9:30 a.m.

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The purpose of this amendment is to implement a potential management option under the Interstate Fisheries Management Plan for bluefish.

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**VIRGINIA MARINE RESOURCES COMMISSION**  
**"PERTAINING TO THE TAKING OF BLUEFISH"**  
**CHAPTER 4 VAC 20-450**

**PAGE 1 OF 3**

**PREAMBLE**

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-450-10 et seq., which was adopted ~~June 23, 2020~~ February 22, 2022 and effective ~~July 1, 2020~~ March 1, 2022. The effective date of this chapter is ~~March 1, 2022~~ April 1, 2026.

**4 VAC 20-450-10. Purpose.**

The purposes of this chapter are to manage the recreational harvest of bluefish and to establish a commercial quota system for Virginia bluefish landings, in cooperation with the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, to prevent overfishing.

**4 VAC 20-450-15. Definitions.**

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

“Bluefish” means any fish of the species *Pomatomus saltatrix*.

“Captain” means the person licensed by the U. S. Coast Guard to carry passengers for hire who operates the charter boat or head boat.

“Charter vessel” or “for-hire vessel” means a vessel operating with a captain who possesses either a Class A Fishing Guide License, Class B Fishing Guide License, or Fishing Guide Reciprocity Permit.

**4 VAC 20-450-20. Recreational bluefish possession limits.**

A. It shall be unlawful for any person fishing recreationally to harvest or possess more than ~~three~~ five bluefish, except as described in subsection B of this section. Any bluefish taken after the possession limit has been reached shall be returned to the water immediately.

**"PERTAINING TO THE TAKING OF BLUEFISH"**

**CHAPTER 4 VAC 20-450**

B. It shall be unlawful for any person fishing from a charter or for-hire vessel to harvest or possess more than ~~five~~ seven bluefish. Any bluefish taken after the possession limit has been reached shall be returned to the water immediately.

C. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board that are legally eligible to fish multiplied by the personal possession limits as described in subsections A and B of this section. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

**4 VAC 20-450-30. Commercial landings quota.**

A. The commercial landings of bluefish shall be limited to the annual quota pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Bluefish Fishery Management Plan, except as specified in subsection B of this section.

B. If a quota transfer occurs between Virginia and another state participating in the Interstate Fishery Management Plan for bluefish, Virginia's annual quota for the current calendar year shall be limited to the annual quota amount as adjusted for transfers.

C. When it is projected that 95% of the commercial landings quota has been realized, a notice will be posted to close commercial harvest and landings from the bluefish fishery within five days of posting.

D. It shall be unlawful for any person to harvest or land bluefish for commercial purposes after the closure date set forth in the notice described in subsection C of this section.

**4 VAC 20-450-40. Penalty.**

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

\* \* \* \* \*

**"PERTAINING TO THE TAKING OF BLUEFISH"**

**CHAPTER 4 VAC 20-450**

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia and recorded in the Commission's minute book, at its meeting held in Hampton, Virginia on March 31, 2026.

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION**

**BY:** \_\_\_\_\_  
**Joseph D. Grist**  
**Acting Commissioner**

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Notary Public



## FISHERIES MANAGEMENT DIVISION EVALUATION, 3/31/2026

### REQUEST FOR

#### PUBLIC HEARING:

Proposal to amend Chapter 4VAC 20-950, "Pertaining to Black Sea Bass," to establish the recreational management measures for black sea bass.

#### ISSUES:

##### *Recreational Harvest Measures*

In December 2025, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Board (Board) approved coastwide liberalization for black sea bass regulations. The Board has approved two potential options for a regular season for Virginia.

##### *Special February Recreational Season*

The Board also granted Virginia approval to conduct a 2026 February recreational fishery on the condition that any additional landings occurring during that season would result in a deduction of fishing days from the regular open season. During the February 2025 recreational black sea bass season, Virginia anglers landed an estimated 33,532 pounds of black sea bass. The National Marine Fisheries Service requires any February landings to be paid back, so the 2026 regular recreational season will need to be shortened accordingly.

#### BACKGROUND:

##### *Recreational Harvest Measures*

In December 2025, the Board and Council voted to allow a 20% liberalization to the coastwide recreational black sea bass fishery. The Board later clarified liberalizations by region to address perceived inequity in regulations and the southern region (Delaware to North Carolina, north of Cape Hatteras) was granted a 16.5% liberalization.

The states within the southern region worked together to identify a combination of management measures which would increase recreational harvest across the region by no more than 16.5%. Using the Recreational Demand Model, which models fish availability, catch rates and angler decisions based on selected regulations, two options were identified for the southern region that would achieve this harvest increase. One option, which Delaware and Maryland chose, was an open season from May 1 through December 31, a minimum size limit of 12.5 inches, and a 15 fish bag limit. Another option was an open season from April 1 through December 31, a minimum size limit of 13 inches, and a 15 fish bag limit. The current season is May 15 through July 15 and July 27 through December 31 with a minimum size limit of 13 inches and a 15 fish bag limit.

Staff presented both options to the Finfish Management Advisory Committee (FMAC) at their March 10, 2026, meeting. The committee voted 8-1-2 to support the May 1 through December 31 option with the 12.5" minimum size limit. Committee members were in favor of the lower size limit and having matching regulations with Maryland, while one member noted that the regulations would be amended too late to take advantage of an April 1 start this year, though the season would then start April 1 in 2027.

#### *Special February Recreational Season*

Since 2018, the National Marine Fisheries Service has agreed to open federal waters for a February recreational black sea bass season for any state with an approved fishery. A condition of this approval is an agreement for the state to pay back any February landings during the regular open season, which takes place between May and December.

Virginia participated in this special February recreational season from 2018 through 2021 and from 2023 to 2026. Permit holders (the captain or operator of the vessel) were required to report to the commission the number of trips they took, the number of anglers on board, and the number of black sea bass they landed and released. Permit holders were also required to call the Marine Police Operations Stations before each trip so VMRC staff could arrange to sample a subset of trips for fish lengths and weights. From these reports, staff were able to calculate total landings in February and close as many days as necessary from the regular season to account for the February landings.

In February 2026, 284 recreational black sea bass permits were issued to anglers and for-hire captains. Of those, 76 permittees took 151 trips and landing 14,883 black sea bass. Using the average weight of 2.25 pounds per fish sampled by MRIP staff in 2026, staff calculated that 33,532 pounds of black sea bass were landed during the 2026 February fishery.

Season adjustments to the 2026 season are based on average daily landings rates by wave from the most recent two years (2024-2025) of MRIP landings. The average daily landings rate for each wave (a two month period) was calculated using 2024-25 MRIP harvest data, by dividing the total weight by wave by the number of days the wave was open. This methodology has previously been approved by the ASMFC Summer Flounder, Scup, and Black Sea Bass Technical Committee. A closure of ten days in May-June, nine days in July-August, or five days in September-October are all expected to result in savings of at least 33,532 pounds. In 2024 and 2025, the February payback was added to the July 16-26 midseason closure of the regular season. Prior to that, payback was usually taken starting June 1 at the recommendation of FMAC.

Once a payback option is selected, Virginia will notify ASMFC and the National Marine Fisheries Service of the chosen option and certify that the intended closure will fully account for all February landings.

At their March 10, 2026, meeting, FMAC unanimously approved a motion that Virginia should start payback May 1. Committee members expressed support for an earlier closure, lack of mid-season closure, and closing black sea bass at a time when blueline tilefish, which is often caught with it, is also closed.

**STAFF**

**RECOMMENDATION:** Staff requests the Commission approve advertising for an April public hearing to amend Chapter 4VAC 20-950, "Pertaining to Black Sea Bass," to establish the recreational management measures for black sea bass.



## **SHELLFISH MANAGEMENT DIVISION EVALUATION, 03/31/2026**

**PUBLIC HEARING:** Proposal to adopt emergency amendments to adjust the 2025-2026 public oyster harvest seasons and areas.

**ISSUE:** In accordance with § 28.2-210 of the Code of Virginia, the Commission can adopt an emergency regulation if it “*is necessary for the immediate preservation of the public peace, health, safety, and welfare, or the protection of the seafood industry, natural resources or marine organisms.*” The emergency amendments would sunset 30 days from adoption, unless the Commission takes further action to permanently adopt the amendments.

The Shellfish Management Advisory Committee (SMAC) requested that the Commission take emergency action to extend the public oyster harvest season in the hand tong harvest area, Area 9, in the upper Rappahannock River. This request is in response to lower-than-anticipated harvest effort resulting from poor market conditions, inclement weather (ice) and after SMAC and Commission Staff received comments from harvesters who utilize this location.

### **BACKGROUND:**

At the February Commission meeting, the Commission adopted emergency regulations to extend the public oyster harvest season in the Pocomoke and Tangier Sounds, and reopened Area 8 in the upper Rappahannock River. No other changes to the season were made at that time.

SMAC met on March 24, 2026, and approved a motion for a public oyster harvest season extension for Area 9 in the upper Rappahannock River. There was additional discussion on extensions in the James River and for other gear types; however, no other changes were proposed by SMAC.

The factors limiting harvest in Area 9 are the same as those factors that impacted harvest in the areas that were extended at the February Commission meeting, primarily a colder-than-average winter and a lower demand for market oysters from oyster buyers.

Area 9 has only been open to harvest by hand tongs, which are the least impactful to the oyster resource, and has had fewer than 12 vessels consistently working in the area this season.

**STAFF**

**RECOMMENDATION:** 1) The Commission determines under § 28.2-210 if an emergency exists that requires the adoption of emergency regulation.

2) That if it is determined that emergency regulation is warranted, then the Commission consider adopting changes to the 2025-2026 public oyster harvest seasons and areas to address the emergency.

**Attachments**

1. Draft emergency regulation
2. Chart of current public oyster harvest season





# Emergency 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*     |         | 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*     | DR*                              |     |         |
| Tangier Area 1                                                                                    |             |         | DR*     | 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                       |     |         |
| <a href="https://webapps.mrc.virginia.gov/harvest/">https://webapps.mrc.virginia.gov/harvest/</a> |             |         |         |         |         | PT = PTOYS                       |     |         |
|                                                                                                   |             |         |         |         |         | BY HAND = OYHND                  |     |         |

Approved by the Commission on February 24, 2026

PREAMBLE

This emergency 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 emergency chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, 28.2-210, and 28.2-518 of the Code of Virginia. This emergency chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-720-10 et seq., which was adopted October 28, 2025, and made effective October 31, 2025. The effective date of this emergency chapter, as amended, is ~~March~~ April 1, 2026.

4VAC20-720-10. Purpose.

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

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.<br>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 |

## “PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

EMERGENCY CHAPTER 4 VAC 20-720-10 ET SEQ.

|                                                             |                                                 |             |    |    |
|-------------------------------------------------------------|-------------------------------------------------|-------------|----|----|
| Great Wicomico River<br>Rotation Area 1                     | December 1, 2025, through<br>December 31, 2025  | Hand Scrape | 8  | 16 |
| Great Wicomico River<br>Rotation Area 2                     | January 1, 2026, through January<br>31, 2026    | Hand Scrape | 8  | 16 |
| James River Area 1, 2,<br>and 3                             | October 15, 2025, through March<br>31, 2026     | Hand Scrape | 8  | 16 |
| Mobjack Bay Area                                            | February 1, 2026, through March<br>15, 2026     | Hand Scrape | 8  | 16 |
| Piankatank River Area                                       | February 1, 2026, through March<br>15, 2026     | Hand Scrape | 8  | 16 |
| Pocomoke Sound Area<br>Public Ground 10                     | February 16, 2026, through<br>February 28, 2026 | Hand Scrape | 8  | 16 |
| Rappahannock River<br>Area 7                                | December 1, 2025, through<br>December 31, 2025  | Hand Scrape | 8  | 16 |
| Rappahannock River<br>Area 8                                | March 1, 2026, through March 15,<br>2026        | Hand Scrape | 8  | 16 |
| Rappahannock River<br>Rotation Area 2                       | February 1, 2026, through March<br>15, 2026     | Hand Scrape | 8  | 16 |
| Rappahannock River<br>Rotation Area 4                       | October 15, 2025, through<br>November 30, 2025  | Hand Scrape | 8  | 16 |
| Upper Chesapeake Bay<br>- Blackberry Hangs<br>Area          | February 1, 2026, through March<br>15, 2026     | Hand Scrape | 8  | 16 |
| White Shoal                                                 | November 1, 2025, through<br>February 28, 2026  | Hand Scrape | 8  | 16 |
| Corrotoman Hand<br>Tong Area                                | October 1, 2025, through March<br>31, 2026      | Hand Tong   | 14 | 28 |
| Indian Creek                                                | October 1, 2025, through March<br>31, 2026      | Hand Tong   | 14 | 28 |
| James River Seed<br>Area, including the<br>Deep Water Shoal | October 1, 2025, through May 31,<br>2026        | Hand Tong   | 14 | 28 |



## “PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

EMERGENCY CHAPTER 4 VAC 20-720-10 ET SEQ.

|                                            |                                                                                       |               |    |    |
|--------------------------------------------|---------------------------------------------------------------------------------------|---------------|----|----|
| State Replenishment Seed Area              |                                                                                       |               |    |    |
| James River Areas 1, 2, and 3              | October 1, 2025, through October 14, 2025, and April 1, 2026, through May 31, 2026    | Hand Tong     | 14 | 28 |
| Little Wicomico River                      | October 1, 2025, through December 31, 2025                                            | Hand Tong     | 14 | 28 |
| Milford Haven                              | December 1, 2025, through February 28, 2026                                           | Hand Tong     | 14 | 28 |
| Mobjack Bay Area                           | October 1, 2025, through January 31, 2026                                             | Hand Tong     | 14 | 28 |
| Nomini Creek Area                          | October 1, 2025, through December 31, 2025                                            | Hand Tong     | 14 | 28 |
| Piankatank River Area                      | October 1, 2025, through January 31, 2026                                             | Hand Tong     | 14 | 28 |
| Pocomoke Sound Area Public Ground 10       | October 1, 2025, through February 15, 2026, and March 1, 2026, through March 31, 2026 | Hand Tong     | 14 | 28 |
| Pocomoke Sound Hand Tong Area              | October 1, 2025, through March 31, 2026                                               | Hand Tong     | 14 | 28 |
| Rappahannock River Area 9                  | October 1, 2025, through March 31, 2026                                               | Hand Tong     | 14 | 28 |
| White Shoal                                | October 1, 2025, through October 31, 2025, and March 1, 2026, through May 31, 2026    | Hand Tong     | 14 | 28 |
| York River Hand Tong Area                  | October 1, 2025, through March 15, 2026                                               | Hand Tong     | 14 | 28 |
| York River Rotation Areas 1 and 2          | October 1, 2025, through March 15, 2026                                               | Hand Tong     | 14 | 28 |
| Pocomoke and Tangier Sound Rotation Area 1 | December 1, 2025, through March 15, 2026                                              | Oyster Dredge | 8  | 16 |

## “PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”

**EMERGENCY CHAPTER 4 VAC 20-720-10 ET SEQ.**

|                                                          |                                                 |                         |    |    |
|----------------------------------------------------------|-------------------------------------------------|-------------------------|----|----|
| Thorofare                                                | November 15, 2025, through<br>November 30, 2025 | Oyster Dredge           | 8  | 16 |
| Deep Rock Area and<br>Chesapeake Bay Patent<br>Tong Area | November 1, 2025, through March<br>31, 2026     | Patent Tong             | 8  | 16 |
| Seaside Eastern Shore                                    | November 1, 2025, through March<br>31, 2026     | By Hand or<br>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.<br>Seed Oyster Harvest Area, Harvest Dates, and Harvest Gear                  |                                          |              |
|----------------------------------------------------------------------------------------|------------------------------------------|--------------|
| Harvest Area                                                                           | Harvest Dates                            | Harvest Gear |
| James River Seed Area, including the Deep Water<br>Shoal State Replenishment Seed Area | October 1, 2025, through May<br>31, 2026 | 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.

\*\*\*\*\*

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, 28.2-210, 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, ~~October 28, 2025~~ ~~February 24, 2026~~ March 31, 2026.

**VIRGINIA MARINE RESOURCES COMMISSION**

**PAGE 5 OF 5**

**“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”**

**EMERGENCY CHAPTER 4 VAC 20-720-10 ET SEQ.**

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION**

BY: \_\_\_\_\_

**Joseph D. Grist  
Acting  
Commissioner**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Notary Public



## LICENSE STATUS REQUEST, 3/31/2026

### Discussion:

Mrs. Jennifer Hume (008997) requests the Commission grant exception to the two-year delay to obtain a Commercial Fisherman Registration License and reinstate her Commercial Striped Bass Bay Permit and allocated quota.

### Issues:

Mrs. Hume does not meet any of the requirements for exception to the two-year delay as stated in regulation 610. Possession of a Commercial Fisherman Registration License is a prerequisite for purchasing a Commercial Striped Bass Bay Permit. There is no regulation that specifically addresses reinstatement of the Commercial Striped Bass Bay Permit at this time.

*4VAC20-610-30. Commercial Fisherman Registration License; exceptions and requirements of authorized agents.*

*G. Exceptions to the two-year delay described in 4 VAC 20-610-30 F may be granted by the commissioner or his designee, if any of the following criteria are met:*

- 1. The applicant is purchasing another fisherman's Commercial Fisherman Registration License, and the seller holds a valid, current Commercial Fisherman Registration License and surrenders that license to the commission at the time the license is sold.*
- 2. An immediate member of the applicant's family, who holds a current Commercial Fisherman Registration License, has died or is*

*retiring from the commercial fishery and the applicant intends to participate in the fishery.*

*3. The applicant purchased a valid Commercial Fisherman Registration License during the preceding year, did not transfer that Commercial Fisherman Registration License, and can demonstrate a significant hardship, on the basis of health or active military duty, as described in 4 VAC 20-610-30 G.4.*

*4. Any exceptions based on a health condition shall only be granted by the Commissioner or his designee only after receipt of an attending physician's description of the medical condition. Any exception based on active military duty shall only be granted by the Commissioner or his designee after receipt of those military orders.*

**Background:**

- License history – Attachment 1
- Exception Form – Attachment 2
- Exception Letters – Attachment 3
- Summons History – No Summons History

# Attachment 1

## Jennifer Hume

### License History

## Virginia Marine Resources Commission License History Report



JENNIFER W HUME  
7401 LONG POINT ROAD  
EXMORE, VA 23350  
MRC ID: 008997

Phone: 757-442-7460  
Eyes: BROWN  
Hair: BROWN  
Weight: 200  
Birth: 6/28/57

| License      | Tag No. | Gear | Description             | Date Sold  | Year | Agent  | Status |
|--------------|---------|------|-------------------------|------------|------|--------|--------|
| OL926772-001 |         | 352  | SB BAY TAG TRANSFER     | 2025-12-29 | 2025 | JRAMS  | SOLD   |
| OL926544-001 |         | 349  | SB BAY PERMIT           | 2025-11-05 | 2026 | JRAMS  | SOLD   |
| OL794999-001 |         | 352  | SB BAY TAG TRANSFER     | 2024-12-26 | 2024 | JRAMS  | SOLD   |
| OL794940-001 |         | 349  | SB BAY PERMIT           | 2024-12-17 | 2025 | SSMOTS | SOLD   |
| OL792959-001 |         | 349  | SB BAY PERMIT           | 2023-12-14 | 2024 | SSMOTS | SOLD   |
| OL791715-001 |         | 352  | SB BAY TAG TRANSFER     | 2023-04-19 | 2023 | JMCGI  | SOLD   |
| OL790905-001 |         | 352  | SB BAY TAG TRANSFER     | 2022-12-02 | 2022 | JRAMS  | SOLD   |
| OL790861-001 |         | 349  | SB BAY PERMIT           | 2022-11-22 | 2023 | AKENY  | SOLD   |
| OL624575-001 |         | 352  | SB BAY TAG TRANSFER     | 2021-12-03 | 2021 | JRAMS  | SOLD   |
| OL624533-001 |         | 349  | SB BAY PERMIT           | 2021-11-19 | 2022 | AKENY  | SOLD   |
| OL381815-001 |         | 500  | COMMERCIAL REGISTRATION | 2021-04-15 | 2021 | 50050  | SOLD   |
| OL623136-001 |         | 349  | SB BAY PERMIT           | 2020-12-15 | 2021 | AKENY  | SOLD   |
| OL622064-001 |         | 352  | SB BAY TAG TRANSFER     | 2020-03-05 | 2020 | JRAMS  | SOLD   |
| OL369445-001 |         | 500  | COMMERCIAL REGISTRATION | 2020-03-03 | 2020 | 50050  | SOLD   |
| OL622049-001 |         | 352  | SB BAY TAG TRANSFER     | 2020-03-03 | 2019 | JRAMS  | SOLD   |
| OL621375-001 |         | 349  | SB BAY PERMIT           | 2019-12-02 | 2020 | AKENY  | SOLD   |
| OL189217-001 |         | 352  | SB BAY TAG TRANSFER     | 2019-03-04 | 2019 | JRAMS  | SOLD   |
| OL189227-001 |         | 352  | SB BAY TAG TRANSFER     | 2019-03-04 | 2019 | JRAMS  | SOLD   |
| OL189229-001 |         | 352  | SB BAY TAG TRANSFER     | 2019-03-04 | 2019 | JRAMS  | SOLD   |
| OL357926-001 |         | 500  | COMMERCIAL REGISTRATION | 2019-02-19 | 2019 | LVEDD  | SOLD   |
| OL188653-001 |         | 352  | SB BAY TAG TRANSFER     | 2018-12-12 | 2018 | JRAMS  | SOLD   |
| OL188560-001 |         | 349  | SB BAY PERMIT           | 2018-11-26 | 2019 | AKENY  | SOLD   |
| OL186647-001 |         | 352  | SB BAY TAG TRANSFER     | 2018-03-22 | 2018 | JRAMS  | SOLD   |
| OL186649-001 |         | 352  | SB BAY TAG TRANSFER     | 2018-03-22 | 2018 | JRAMS  | SOLD   |
| OL186645-001 |         | 352  | SB BAY TAG TRANSFER     | 2018-03-21 | 2018 | JRAMS  | SOLD   |
| OL291898-001 |         | 500  | COMMERCIAL REGISTRATION | 2018-03-21 | 2018 | 50050  | SOLD   |
| OL186052-001 |         | 352  | SB BAY TAG TRANSFER     | 2018-01-08 | 2017 | JRAMS  | SOLD   |
| OL185755-001 |         | 349  | SB BAY PERMIT           | 2017-11-06 | 2018 | JRAMS  | SOLD   |
| OL218029-001 |         | 500  | COMMERCIAL REGISTRATION | 2016-12-07 | 2017 | LVEDD  | SOLD   |



# Virginia Marine Resources Commission License History Report



| License      | Tag No. | Gear | Description             | Date Sold  | Year | Agent  | Status |
|--------------|---------|------|-------------------------|------------|------|--------|--------|
| OL183983-001 |         | 349  | SB BAY PERMIT           | 2016-11-10 | 2017 | JRAMS  | SOLD   |
| OL118565-001 |         | 500  | COMMERCIAL REGISTRATION | 2016-02-22 | 2016 | dspar  | SOLD   |
| OL183087-001 |         | 352  | SB BAY TAG TRANSFER     | 2016-02-22 | 2016 | JRAMS  | SOLD   |
| OL182401-001 |         | 349  | SB BAY PERMIT           | 2015-11-12 | 2016 | JRAMS  | SOLD   |
| OL107439-001 | 17448   | 303  | GILL NETS-600 OR LESS   | 2015-05-16 | 2015 | 29A04  | SOLD   |
| OL107439-002 | 17449   | 303  | GILL NETS-600 OR LESS   | 2015-05-16 | 2015 | 29A04  | SOLD   |
| OL107439-003 |         | 370  | CLASS A GILL NET PERMIT | 2015-05-16 | 2015 | 29A04  | SOLD   |
| OL181567-001 |         | 352  | SB BAY TAG TRANSFER     | 2015-03-25 | 2015 | AEHLE  | SOLD   |
| OL113318-001 |         | 500  | COMMERCIAL REGISTRATION | 2015-03-23 | 2015 | 50050  | SOLD   |
| OL180786-001 |         | 349  | SB BAY PERMIT           | 2014-12-12 | 2015 | AEHLE  | SOLD   |
| OL106203-001 | GN1836  | 303  | GILL NETS-600 OR LESS   | 2014-05-02 | 2014 | 29A04  | SOLD   |
| OL106203-002 | GN1837  | 303  | GILL NETS-600 OR LESS   | 2014-05-02 | 2014 | 29A04  | SOLD   |
| OL106203-003 |         | 370  | CLASS A GILL NET PERMIT | 2014-05-02 | 2014 | 29A04  | SOLD   |
| OL098896-001 |         | 352  | SB BAY TAG TRANSFER     | 2014-03-10 | 2014 | AEHLE  | SOLD   |
| OL104006-001 |         | 500  | COMMERCIAL REGISTRATION | 2014-02-19 | 2014 | 50050  | SOLD   |
| OL098289-001 |         | 352  | SB BAY TAG TRANSFER     | 2013-12-11 | 2013 | AEHLE  | SOLD   |
| OL098162-001 |         | 349  | SB BAY PERMIT           | 2013-11-19 | 2014 | AKENY  | SOLD   |
| OL097685-001 |         | 352  | SB BAY TAG TRANSFER     | 2013-06-10 | 2013 | SROMAS | SOLD   |
| OL105043-001 | GN1699  | 303  | GILL NETS-600 OR LESS   | 2013-03-28 | 2013 | 29A04  | SOLD   |
| OL105043-002 | GN1700  | 303  | GILL NETS-600 OR LESS   | 2013-03-28 | 2013 | 29A04  | SOLD   |
| OL105043-003 |         | 370  | CLASS A GILL NET PERMIT | 2013-03-28 | 2013 | 29A04  | SOLD   |
| OL099875-001 |         | 500  | COMMERCIAL REGISTRATION | 2013-01-09 | 2013 | 50050  | SOLD   |

## Exception Form

Rev: 02/19

## Attachment 3

Jennifer Hume, Hannah Darby  
Exception Letters

My name is Jennifer Hume and I was born and raised on Virginia's Eastern Shore and returned to live here after college. I became the first female patrol officer in the history of the VMRC and worked there from 1980-1992. My family has lived here since the 1920s my daughter and sons still live here with their families.

I accidentally missed the deadline to renew my commercial fishing license in 2022. I was out of town during the deadline and didn't see the information until well after I was home. Before the time frame I didn't have anyone interested in fishing my rockfish tags early in the season and wasn't ready to set gill nets. I was trying to be conscious of bay resources and never fish unnecessarily so had not completed the paperwork necessary.

As soon as I returned home from my out of state trip I personally drove to the office in early May to see if there was any possibility of a grace time period that I could renew the expired license. The front desk staff told me no, my only hope was to re-enter the system and apply for delayed entry. They told me it was a very long wait and all gear and rockfish tags would be surrendered and the situation seemed hopeless. I also spoke with Jill Ramsey later that year and my understanding from that was there was nothing further to be done to help the situation. I truly did not understand what to do to fix the situation, even after reading the outside information I could find. My daughter and I have spoken with her recently and she sent us this paperwork which was also in my 2022 notes.

I truly do not remember her sharing it with me and I really thought the situation was hopeless at the time. If the past few years I've had both a number and email change and have lost access to a large amount of pertinent information. I thought I had accidentally delayed so much all the gear and rockfish tags would still be lost. The shame and embarrassment over the situation have kept me from sharing that I no longer had my Dad's license, gear and rockfish tags. My daughter and the rest of my family have only just found out and are helping me to try and find a solution if there is one to be found.

If I had thought there was any way it could be fixed at the time I would have. This license has been in my family for generations and has helped feed and clothe them. I am so very sorry. I can only ask you to please consider reinstating my license. I know so much time has past but this is a generational gift I would love to leave for my children to have along with the legacy of responsible and sustainable fishing and caring for the bay where we were all raised and continue to live.



## **To Whom It May Concern,**

My name is Hannah H Darby, daughter of Jennifer Hume and I live on the Eastern Shore of Virginia. I had a pretty wonderful childhood, my grandfather and uncle were commercial watermen. Their hard work not only put food on the table and clothes in my closet but also laid a foundation of integrity, hard work and joy of the water. My grandfather picked me up every day after school and we would go work the water. From pound netting, crab potting, eels, gill nets and rockfish I spent hours on the water learning and experiencing the deep satisfaction that working the Chesapeake Bay offers.

My grandfather- Charles "Pete" West was a WWII veteran. While in Europe, in a cold fox hole he prayed that if he made it home to the Shore, there he'd stay and work hard to make a good life. He kept his word, and I and my family reaped the benefits.

The commercial fishing licenses that my family have held for generations is not only just a financial security, it's a source of pride and an ode to family who came before me and dedicated their lives to the water. People like my grandfather who worked hard so that I had a safe childhood and a solid start in life as a young adult. Crabs? They paid for my college education, rockfish? They helped me buy my first house right out of college.

I fully understand there has been a lapse in my Family's commercial license, this has only just now come to my attention and I'm doing everything in my power to rectify this immediately. There has been some confusion about renewals and deadlines not met. I apologize on behalf of my family and hope that you'll reconsider reinstating the license. It would be an honor for it be passed on to me one day.

Sincerely,  
Hannah Darby