

MINUTES

COMMISSION MEETING

September 22, 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

Commissioner

Patrick Hand

Lynn Kellum

A.J. Erskine

William Bransom

Jeremy Headley

Jeanette Edwards

Thomas Preston

Preston White

Associate Members

Kelci Block

Assistant Attorney General via phone

Matt Rogers

Col., Marine Police

Randy Owen

Justin Worrell

Kylie Harris

Jeffrey Madden

Mike Johnson

Tiffany Birge

Claire Gorman

Kirsten Travis

Brad Reams

Olivia Upton

Chief, Habitat Management

Deputy Chief, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Engineer, Habitat Management

Ethan Simpson

Jill Ramsey

Alicia Nelson

Chief, Fisheries Management

Deputy Chief, Fisheries Management

Natural Resource Manager

Adam Kenyon

Andrew Button

Chief, Shellfish Management

Deputy Chief, Shellfish Management

Virginia Institute of Marine Science (VIMS):

Emily Hein Alex Sabo

Others present:

Shari Miller	Chip Neikirk	John Balderson
John Saecker	B. U. Garnett	Jade Garnett
Nathan Everett	Will Harrington	Nathan Reynolds
Samantha Futrell	David Rudders	Stephen Mallon
Rebecca Francese	Daniel Jewell	Jackie Shannon
Craig Palivinski	Karen Hall	Jacob Jewel
Amy McDonald	Sarah Good	Rachael Peabody

and others.

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

Randy Owen, Chief, Habitat Management, requested the removal of Item #8 from the agenda due to the unlawful public notice of the appeal by Northampton County. Mr. Owen’s comments are a part of the verbatim record.

Associate Member Bransom moved to approve the agenda as amended. Associate Member Erskine seconded the motion. The motion carried, 8-0.

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MINUTES: Commissioner Grist asked if there were any changes or corrections to be made to the August 25, 2026 meeting minutes.

Associate Member Headley moved to approve of the minutes as presented. Associate Member Bransom seconded the motion. The motion carried, 5-0-3. Associate Members Hand, Edwards and Preston abstained.

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

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Todd Sperling introduced the newest member of the IT Team, Natalie Holsclaw. She will be the new GIS Analyst. His comments are a part of the verbatim record.

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2. CONSENT AGENDA ITEMS: There were no consent agenda items.

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

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4. PUBLIC COMMENT: No one spoke during public comments.

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5. PERMITS (Projects over \$1,000,000.00 with no objections and with staff recommendation for approval).

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

- 2A. JASON DEYOUNG, VMRC#2026-1502,** requests authorization to construct a 100-foot long rock revetment channelward of an existing bulkhead and two (2) 60-foot sections of rock sill with clean sand backfill and plantings of native wetland vegetation along the Mattaponi River shoreline at 1647 Winona Park Drive in King William County. The project requires a VMRC subaqueous and a wetlands permit.

- 2B. **LINDA MITCHELL, VMRC #2026-1581**, requests authorization to construct and backfill a 533-foot long vinyl bulkhead along the Mattaponi River shoreline at 190 White Marsh Lane in King and Queen County. Staff recommends approval of the project with the purchase of tidal wetland mitigation credits for the fill loss of 266 square feet of non-vegetated wetlands. The project requires a VMRC wetlands permit.

- 2C. **COLONNA SHIPYARD, VMRC #2026-0730**, requests authorization to maintenance dredge a total of 180,000 cubic yards of state-owned submerged lands, on an as-needed basis, to maximum depths ranging from minus 35 feet to minus 55 feet mean low water at the Colonna Shipyard Facility situated along the Elizabeth River in the City of Norfolk. Dredged material will be barged to a transfer area for disposal at Shirley Plantation or other approved upland disposal site. The project requires a VMRC subaqueous permit.

- 2D. **NASA WALLOPS FLIGHT FACILITY, VMRC #2026-0859**, requests authorization to install four (4) 130-foot stone breakwaters and beach nourishment along approximately 15,000 linear feet of shoreline on Wallops Island situated along the Atlantic Ocean in Accomack County. The project requires a VMRC subaqueous permit.

- 2E. **CITY OF HAMPTON, VMRC #2026-1383**, requests authorization to mechanically dredge a maximum of 2,360 cubic yards of state-owned submerged lands to depths of minus 7.5 feet mean low water to restore and maintain navigational depths at the Custom House Marina (700 Settlers Landing Road), including future maintenance dredging cycles as necessary, along the Hampton River in the City of Hampton. Dredged spoils will be offloaded at the Port Tobacco Wharf for truck transport to an upland disposal site. The project requires a VMRC subaqueous permit.

The matter is before the Commission for discussion and action.

Associate Member Erskine moved to approve project 2A through 2 E as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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6. **CARL HERSHNER, JR., VMRC #2026-0160**, requests authorization to construct a 14-foot by 34-foot open-sided boathouse and gazebo roof structure on a statutorily authorized private pier along the Free School Creek shoreline at Tax Map Parcel #41-57 on Deal Lane in Gloucester County. The project is protested by both adjacent property owners and an additional property owner along the creek.

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.

Chip Neikirk, agent for the applicant, was sworn in and spoke. His comments are a part of the verbatim record.

Beverly Garnett was sworn in and spoke in opposition to the project. Her comments are a part of the verbatim record.

There was no rebuttal from the applicants' agent. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Preston moved to approve the project as presented. Associate Member Edwards seconded the motion. The motion carried, 7-1. Associate Member Hand opposed the proposed project.

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7. **GREAT HERON LODGE, LLC, VMRC #2026-0675**, requests authorization to install a 30-foot long armor stone spur and a 40-foot long armor stone sill, and place approximately 200 cubic yards of beach nourishment, adjacent to property situated along Hull Creek at 1194 Candy Point Road in Northumberland County. The project is protested by nearby property owners.

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

Craig Palivinski from Bayshore Design, representative for the applicant, was sworn in and spoke in support of the project. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve the application as presented. Associate Member Kellum seconded the motion. The motion carried, 8-0.

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Removed from the agenda at the beginning of the meeting.

8. **JOSEPH MERCER, VMRC #2025-2593**, Commission review on freeholder appeal of the Northampton County August 20, 2026, Wetlands Board decision to approve a request to install 46 linear feet of new vinyl bulkhead at 1870 Sand Hill Drive, situated along the Chesapeake Bay in Northampton County.

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9. **LICENSE STATUS REQUEST.**

Adam Kenyon, Chief, Shellfish Division, gave the briefing of the background 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.

Andy Ralston (#010266) – Requested to have his Commercial Card and 85 Crab Pot license reinstated. His comments are a part of the verbatim record.

Associate Preston moved to reinstate his Commercial Card and 85 Crab Pot License. Associate Member Bransom seconded the motion. The motion carried, 8-0.

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10. **PUBLIC HEARING:** Proposed amendments to Chapter 4VAC20-1250, "Pertaining to the Tagging of Shellfish" to modify the method of identifying harvested shellfish.

Andrew Button, Deputy Chief, Shellfish Management, gave the briefing on 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.

Col. Rogers spoke on the enforcement of the shellfish tagging regulation. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Headley moved to table the agenda item until there is further clarity to the proposed regulation changes. Associate Member Edwards seconded the motion. The motion carried, 8-0.

Associate Member moved to approve the staff recommendations to modify the method of identifying harvested shellfish as presented. Associate Member seconded the motion. The motion carried, 5-0.

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

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.

Recreational application proposals A1 – G1:

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve of the recreational applications A1 – G1 as presented. Associate Member Bransom seconded the motion. The motion carried, 8-0.

Commercial application proposal A2:

Paul Bayer, City of Virginia Beach Development Authority, spoke on behalf of the Virginia Beach Working Revitalization Project. His comments are a part of the verbatim record.

Nathan Everett and Will Harrington spoke in support of the proposed application. Their comments are a part of the verbatim record.

Rachel Peabody, Executive Director of the Marine Products Board, was sworn in and spoke on behalf of the proposed application. Her comments are a part of the verbatim record.

Nathan Reynolds was sworn in and spoke in support of the application. His comments are a part of the verbatim record.

John Balerson was sworn in and spoke in support of the application. His comments are a part of the verbatim record.

Jacob Jewel was sworn in and spoke in support of the application. His comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Erskine moved to approve of the commercial application A2 as presented. Associate Member Hand seconded the motion. The motion carried, 8-0.

Applications B2 and C2 pertaining to Diamondback Terrapin Habitat and Derelict Crab Pot Removal in Important Terrapin Habitat Proposals:

David Rudders, VIMS representative, spoke in support of the applications. His comments are a part of the verbatim record.

Nathan Reynolds was previously sworn in and spoke in opposition to the applications. His comments are a part of the verbatim record.

Jackie Shannon, Chesapeake Bay Foundation, spoke in support of the applications. Her comments are a part of the verbatim record.

Jacob Jewel, previously sworn in, spoke in opposition to the applications. His comments are a part of the verbatim record.

Amy McDonald was sworn in and spoke in opposition to the applications. Her comments are a part of the verbatim record.

The matter was before the Commission for discussion and action.

Associate Member Edwards moved to approve of the Diamondback Terrapin Habitat Mapping B2 as presented. Associate Member Bransom seconded the motion. The motion carried, 8-1. Associate Member Headley opposed the motion.

Associate Member Headley moved to deny the removal of derelict crab pots. Associate Member Preston seconded the motion. The motion carried, 5-4. Chair voted yes. Associate Member Kellum, Erskine, Bransom and White opposed the motion.

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12. DISCUSSION: Winter Commission Meeting scheduling.

Proposed winter Commission Meeting schedules for November/December 2026 and January through March 2027:

December 8th, 2026 - (combined November/December)
January 12, 2027 (second Tuesday)
February 25, 2027 (4th. Thursday)
March 30th, 2027 (5th. Tuesday)

The matter was before the Commission for discussion and action.

Associate Member Headley moved to approve the winter Commission Meeting schedules as discussed. Associate Member Edwards seconded the motion. The motion carried, 8-0.

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Commission Meeting

**19435
September 22, 2026**

There being no further business, the meeting was adjourned at approximately 12:20 p.m.
The next Commission meeting will be on **Tuesday**, October 27, 2026.

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Joseph Grist, Commissioner

Jamie Hogge, Recording Secretary