

MINUTES

COMMISSION MEETING

June 24, 2025

The meeting of the Marine Resources Commission was held at the Marine Resources Commission main office at 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia with the following present:

Jamie L. Green

Commissioner

Patrick Hand

Lynn Kellum

A.J. Erskine

Associate Members

Jeremy Headley

Jeanette Edwards

Thomas Preston

Preston White

Kelci Block

Assistant Attorney General

Joseph Grist

Deputy Commissioner

Randy Owen

Chief, Habitat Management

Adam Kenyon

Chief, Shellfish Management

Pat Geer

Chief, Fisheries Management

Virginia Institute of Marine Science (VIMS):

Alex Sabo

Mark Luckenbach

Others present:

Willem Roosenburg

Kim Husky

J. C. Hudgins

Monica Schenemann

Emory Rice

Daniel Knott

Douglas Jenkins

Nathan Everette

Mark Sanford

Rachael Mathews

Sydney Gustafson

Mark Johnson

Randy Chambers

John Dameron

Dana Noone

Brett Noone

George Verlander

Dylan Mason

Elizabeth Collins

Ron Collins

Sherry Ashe

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

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

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

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

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

Associate Member Erskine moved to approve the minutes as presented. Associate Member Headley seconded the motion. The motion carried, 6-0-1. Associate Member Hand abstained.

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

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

Randy Owen, Chief, Habitat Management, reviewed Page 2 items 2A through 2E for the Associate Members. Mr. Owen's comments are a part of the verbatim record.

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

No one spoke in support or opposition of the projects.

The matter was before the Commission for discussion and action.

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

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

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

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- 5. PETITION**

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

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

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

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

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

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

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

The matter was before the Commission for discussion and action.

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

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

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6. DISCUSSION

CVOW-C Fisheries Compensatory Mitigation Program update.

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

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

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

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

adjacent property owner.

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

No one spoke in opposition to the project.

The matter was before the Commission for discussion and action.

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

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

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

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

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

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

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

The matter was before the Commission for discussion and action.

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

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

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

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

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

The matter was before the Commission for discussion and action.

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

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

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

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11. PUBLIC COMMENTS

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

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

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

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12. SHELLFISH

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

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

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

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

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

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

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

The matter was before the Commission for discussion and action.

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

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13. PUBLIC HEARING

Proposal to amend Chapter 4 VAC 20-270-10 et seq., "Pertaining to Blue Crab Fishery", to establish management measures, including season and bushel limits, for the 2025-2026 commercial blue crab fisheries and to close the 2025-2026 winter commercial crab dredge fishing season.

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

The matter was before the Commission for discussion and action.

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

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

Commission Meeting

19329
June 24, 2025

Jamie L. Green, Commissioner

Jamie Hogge, Recording Secretary