AGENDA

MARINE RESOURCES COMMISSION

OCTOBER 27, 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. REQUEST FOR RECONSIDERATION.

6. PERMITS (Projects exceeding $1,000,000.00 in cost with no objections and tidal wetlands/beach projects in localities without Wetlands Boards with no objections, with staff recommendation for approval).

7. JSC FAMILY, LLC, VMRC #2026-1534,
requests authorization to install a 12-foot wide by 60-foot long concrete boat ramp adjacent to Peake Road (Tax Map 27-56A), situated along Taylor Creek in Lancaster County. This project is protested by nearby property owners.

8. FRANCISCO TLAPA-GALINDO, VMRC #2026-1158,
requests authorization to install a non-riparian mooring buoy for a 22-foot private vessel, at N37-23.5833 and W76-27.5666, along the Ware River near Hockley Wharf in Gloucester County. The project is protested.

9. VULCAN CONSTRUCTION MATERIALS, LLC, VMRC #2026-0860,
requests authorization to construct an industrial pier including an enclosed workers shelter, install two (2) steel piles for a retractable conveyor system, and set eight (8) timber dolphin clusters or steel piles to provide access for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated at the terminus of Black Marsh Road along the Rappahannock River in Caroline County. The project is protested and also requires a VMRC Wetlands permit.

10. MATTHEW HAND, VMRC #2026-0679,
requests authorization to modify an existing 28-foot by 12-foot open-sided boathouse by raising a 19-foot section 3 feet in height, situated along Chisman Creek at 421 Crockett Road in York County. The project is protested by an adjacent property owner.

AGENDA

11. LICENSE STATUS REQUEST.

AGENDA

PAGE 2 ITEMS

A. METRO MACHINE CORPORATION, VMRC #2025-2338,
requests authorization to mechanically or hydraulically dredge up to 213,775 cubic yards of state-owned submerged lands to depths of minus 38 feet mean low water around Pier 1 and Pier 2, including necessary maintenance dredging on an as-needed basis, to maintain depths at the NASSCO Harper facility located along the Western Brach of the Elizabeth River at 2 Harper Avenue in the City of Portsmouth. The dredge material will be transported by barge to Shirley Plantation for disposal. Staff recommends approval, including a royalty of $91,060.00 for the new dredging of 113,825 cubic yards of state-owned submerged bottom material at a rate of $0.80 per cubic yard. This project requires a VMRC Subaqueous permit.

B. CITY OF VIRGINIA BEACH, VMRC #2025-2226,
requests authorization to construct a tide gate and riprap scour protection across London Bridge Creek, mechanically dredge approximately 3,600 cubic yards of state-owned submerged lands to maintain a maximum depth of minus four (-4) feet mean low water, and to install a temporary steel trestle, cofferdam, and turbidity curtain for construction access to support an associated stormwater pump station constructed in adjacent city upland property landward of mean low water at the North London Bridge Creek site, as part of the larger Princess Anne Plaza & The Lakes Drainage Improvements project adjacent to South Lynnhaven Road and Sabre Street in Virginia Beach. Dredged material will be offloaded and dewatered on-site and then truck-hauled to either the Whitehurst or Oceana Dredge Material Management Areas in Virginia Beach. This project requires a VMRC Subaqueous permit. Staff recommends approval of the project with the standard dredge conditions.

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	Associate Members
Jeremy Headley	
Jeanette Edwards	
Thomas Preston	
Preston White	
Kelci Block	Assistant Attorney General via phone
Matt Rogers	Col., Marine Police
Randy Owen	Chief, Habitat Management
Justin Worrell	Deputy Chief, Habitat Management
Kylie Harris	Engineer, Habitat Management
Jeffrey Madden	Engineer, Habitat Management
Mike Johnson	Engineer, Habitat Management
Tiffany Birge	Engineer, Habitat Management
Claire Gorman	Engineer, Habitat Management
Kirsten Travis	Engineer, Habitat Management
Brad Reams	Engineer, Habitat Management
Olivia Upton	Engineer, Habitat Management
Ethan Simpson	Chief, Fisheries Management
Jill Ramsey	Deputy Chief, Fisheries Management
Alicia Nelson	Natural Resource Manager
Adam Kenyon	Chief, Shellfish Management
Andrew Button	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.		

* * * * * * * * * *

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.

* * * * * * * * *

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.

* * * * * * * * * *

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

* * * * * * * * * *

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.

* * * * * * * * * *

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

* * * * * * * * * *

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

* * * * * * * * * *

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

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

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.

* * * * * * * * * *

_____
Joseph Grist, Commissioner

_____
Jamie Hogge, Recording Secretary

William Bransom
Associate Member
Virginia Marine Resources Commission
380 Fenwick Rd
Ft Monroe, VA 23651
October 21, 2026

Commissioner Joseph Grist
Virginia Marine Resources Commission
380 Fenwick Rd
Ft Monroe, VA 23651

Dear Commissioner Grist,

I am writing to request a Commission Agenda item be added to the October 27, 2026 meeting for discussion and a vote for reconsideration on the Commercial Fishing Advisory Board Item A-2, Virginia Beach Working Waterfront Revitalization Project, a grant in the amount of $25,000 previously considered on September 22, 2026.

After speaking with two concerned business owners and reviewing the video record of our meeting it's evident that the applicants before the Commission made materially false statements under oath. Specifically, Mr. Everett made statements that "other sites were out of compliance" and "no other place in Rudee to offload seafood" eluding that they were not zoned to perform that commercial function.

I have reviewed the City of Virginia Beach Zoning District Open Data Portal after discussing the issue with local business owners and finding that the current businesses and the applicant's proposed business operation are in the exact same zoning classification. Combined with a fact that these other businesses have been operating for a substantial period of time, with routine regulatory inspections while servicing our Commercial Watermen in Rudee gives cause to add this to our meeting agenda and if approved by the majority of members be reconsidered at the December Commission meeting.

Sincerely,

W A Bransom

W.A Bransom
Associate Member of the Commission

JSC Family, LLC

VMRC #2026-1534

1. Habitat Management Evaluation dated October 27, 2026 (Pages 1-2)

2. Plan drawings dated received July 6, 2026 (Pages 3-5)

3. Letters of Protest
    a. Richard Wineland submissions dated received August 25, 2026, and August 27, 2026 (Pages 6-7)
    b. Rebecca J Easby submission dated received August 26, 2026 (Page 8)
    c. Anthony Ennis submission dated received August 27, 2026 (Page 9)
    d. Lisa G Seifert submission dated received August 28, 2026 (Page 10)
    e. Steven M Hailey submission dated received September 2, 2026 (Page 11)

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

October 27, 2026

HABITAT MANAGEMENT DIVISION EVALUATION

JSC FAMILY, LLC, VMRC #2026-1534, requests authorization to install a 12-foot wide by 60-foot long concrete boat ramp adjacent to Peake Road (Tax Map 27-56A), situated along Taylor Creek in Lancaster County. This project is protested by nearby property owners.

Narrative

The project is located along Taylor Creek, tributary to the Corrotoman River, within the Weems area of Lancaster County. On July 6, 2026, JSC Family, LLC, submitted an application requesting authorization to install a living shoreline, riprap revetment, private pier, and private use concrete boat ramp. The proposed living shoreline and revetment are situated landward of mean low water, therefore outside of the Commission's jurisdiction. The private pier, as designed, is statutorily authorized under Section 28.2-1203(A)5 of the Code of Virginia. The concrete boat ramp extends channelward of mean low water over state-owned subaqueous land, therefore requiring a subaqueous permit from the Commission.

The proposal will not impact existing shellfish leases nor existing submerged aquatic vegetation (SAV).

The Lancaster County Wetlands Board heard and approved this project's proposed impacts to tidal wetlands on August 13, 2026. No objections were raised by the public at this hearing.

Issues

As the project requires a Commission subaqueous permit, notification of adjoining property owners and a public notice in the local newspaper of circulation is required. The adjoining property owners did not respond; however, the public notice solicited opposition to the boat ramp installation, submitted by five (5) nearby property owners. The public comments cited concerns regarding development of the shoreline with an impervious structure, alternative boat ramp options, increase of boat traffic and associated navigation hazards.

There are two public Department of Wildlife Resources boat ramps in Lancaster County. One of the ramps is approximately 14 miles from the proposed project site, while the other has been deemed non-navigable by the US Coast Guard due to shoaling conditions. Other boat ramps, such as the commercial ramps located in Irvington, require a fee to launch and retrieve vessels.

The Virginia Institute of Marine Science (VIMS) verbally advised that they have no concerns regarding the proposed boat ramp impacts.

Summary/Recommendation

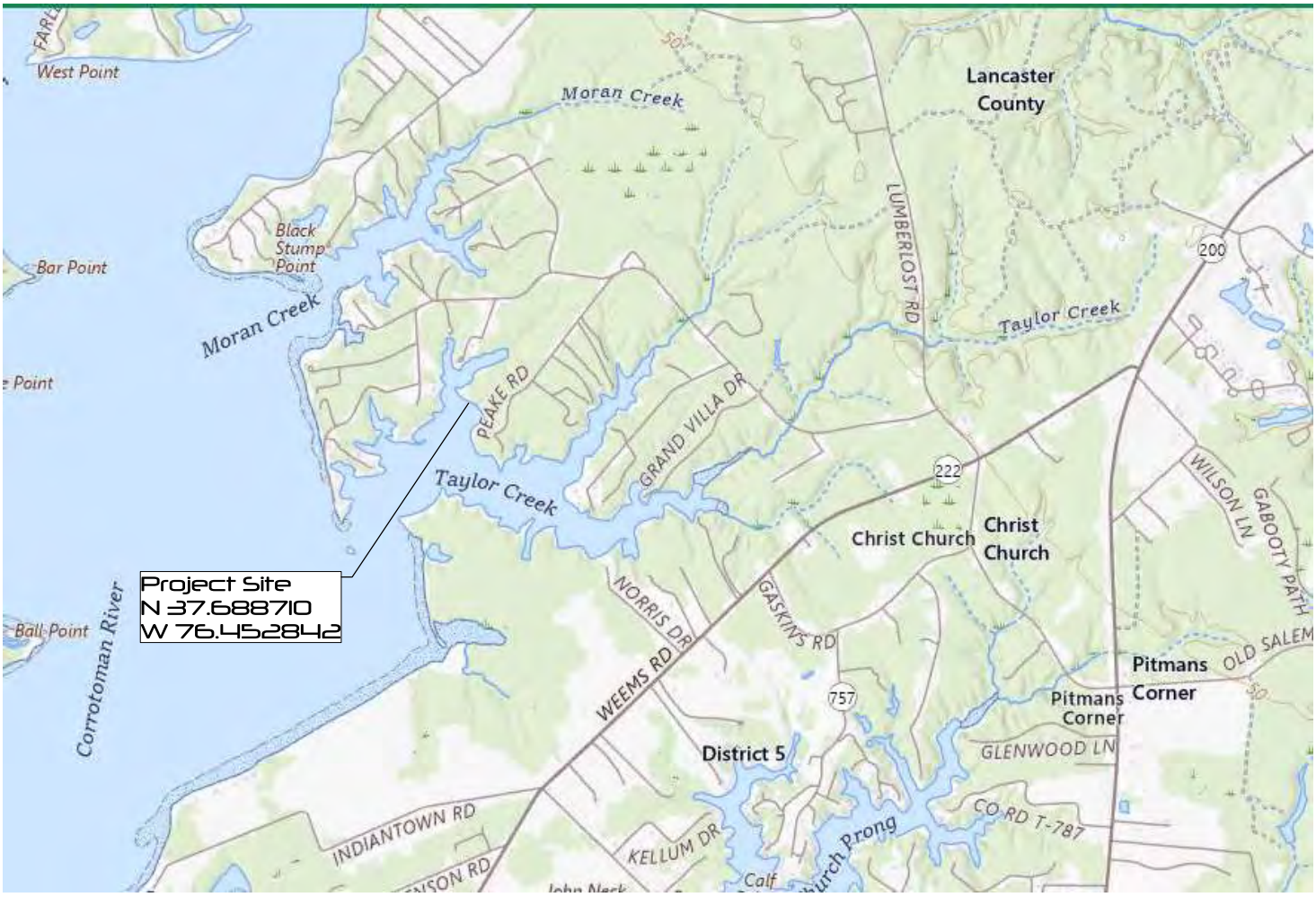
A properly designed private boat ramp is not an unusual feature for private riparian property, especially for a property that is not in close proximity to a public ramp. The construction of a

Summary/Recommendation (cont'd)

boat ramp would allow the applicant to further enjoy their riparian rights by launching and retrieving their vessel(s) directly adjacent to their authorized pier. Staff does not agree with the protestants that the ramp construction will adversely affect the shoreline and marine resources in the immediate vicinity, nor will it significantly add to boat traffic within the creek. Furthermore, per the application drawings, the authorized private pier extends beyond the terminus of the proposed boat ramp, which would negate any navigation concerns.

If not for the protests, staff would have administratively approved this private boat ramp proposal. Therefore, 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(A) of the Code of Virginia, staff recommends approval of the private concrete boat ramp with a royalty of $192.00 for the encroachment of the proposed boat ramp over 384 square feet of state-owned submerged lands at a rate of $0.50 per square foot.

JSC Family LLC
Marine Construction Project

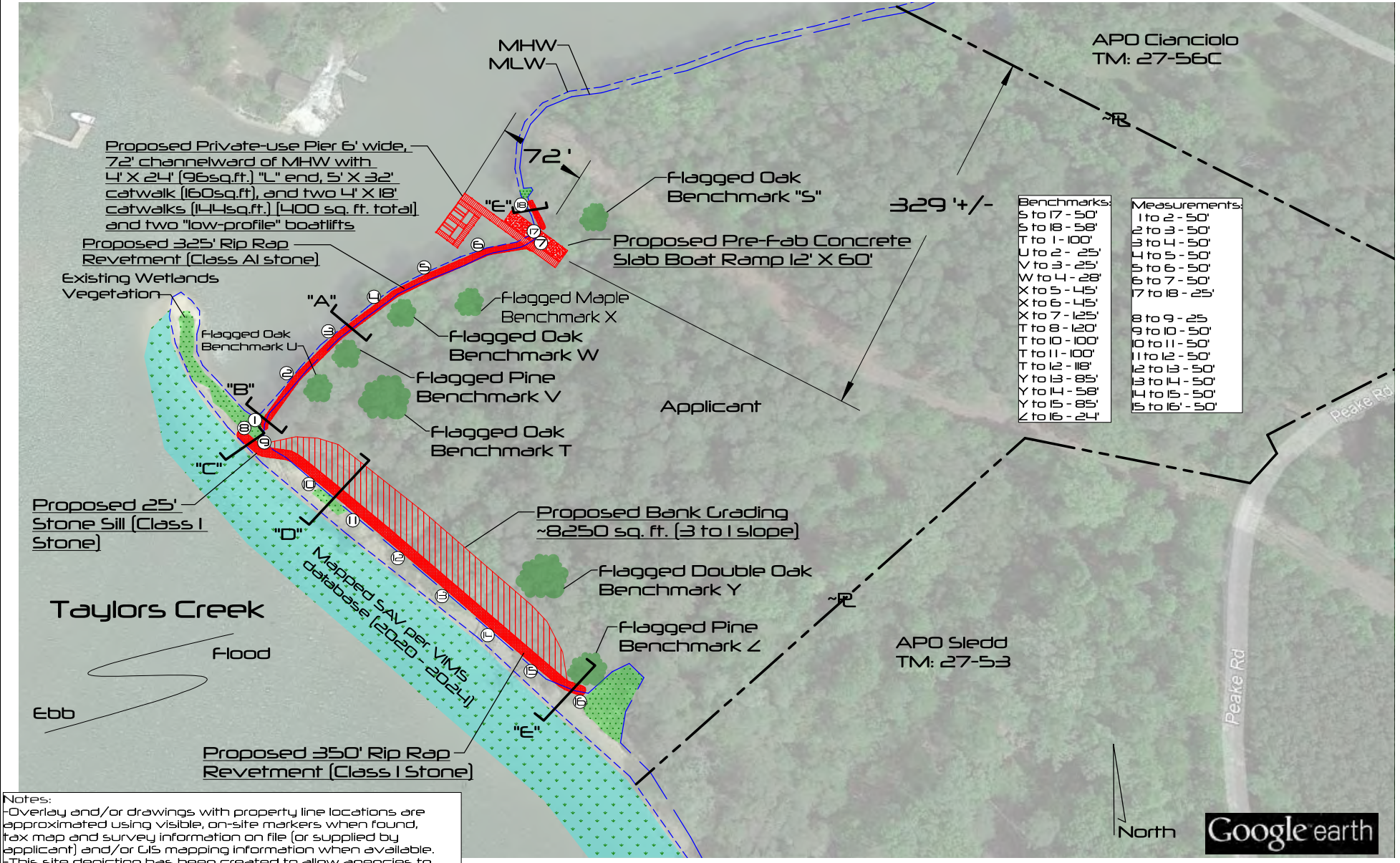


©2026 SalTerra Solutions, LLC

SalTerra Solutions, LLC
P.O. Box 1744
Kilmarnock, VA 22482

Title: Site Map Proposed Marine Construction for JSC Family LLC	
County & Tax Map #: Lancaster Co. 27-56A	Waterway: Taylors Creek
Site Street Address: Peake Road Weems, VA 22576	Scale: N/A
Date: 5/4/2026	Revision Date:
	Sheet: 1 of 6

Additional Info Received by VMRC July 6, 2026 / Ira



©2026 SalTerra Solutions, LLC

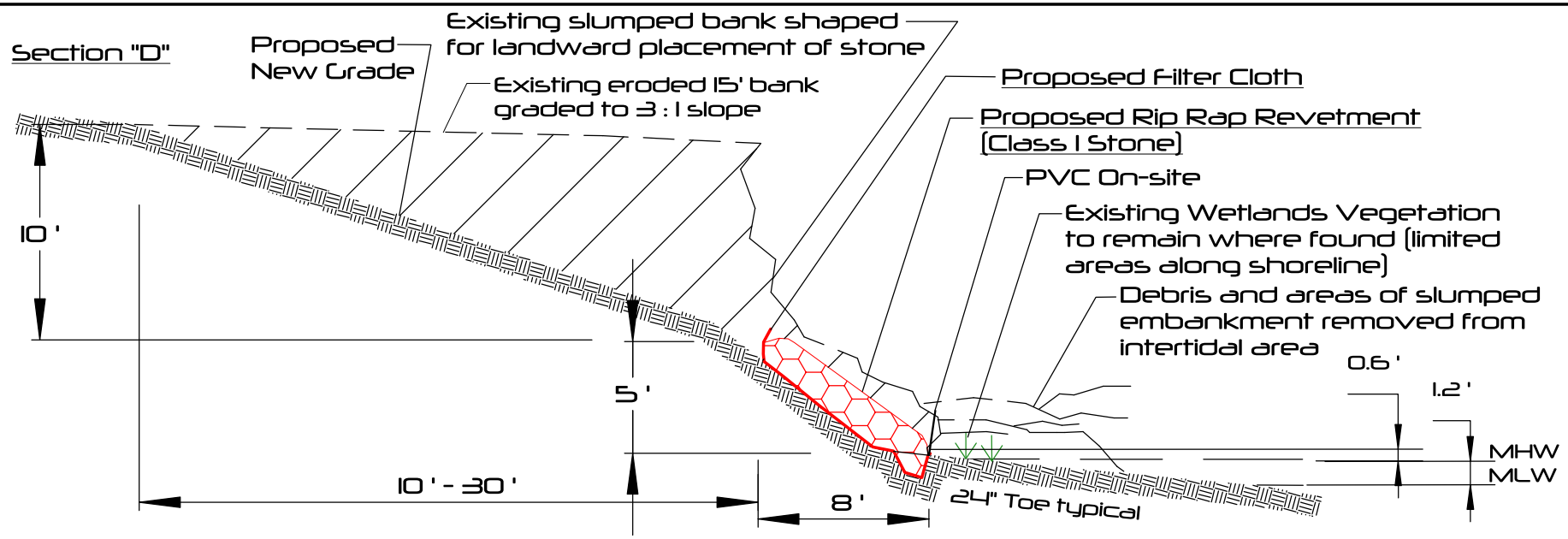
Notes:
-Overlay and/or drawings with property line locations are approximated using visible, on-site markers when found, tax map and survey information on file (or supplied by applicant) and/or GIS mapping information when available.
-This site depiction has been created to allow agencies to assess the environmental impact of the proposed project.
-Though as accurate as practically possible for this process, these drawings are not intended for use as a site survey.
- Drawings/overlay are not intended as an engineering or design plan, but a proposal to deploy shoreline BMP's.
- MHW & MLW are determined on-site using biological benchmarks of nearby structures or visible natural occurrences and contours
- Any denuded access areas will be appropriately stabilized with seeding and temporary straw matting within 7 days of of impact.
- If silt fence is required by County E&S, silt fence will need to be installed as directed by County E&S enforcement officer.
- Any WQIA plantings will need to be planted within timeframe as noted in WQIA Agreement

SalTerra Solutions, LLC
P.O. Box 1744
Kilmarnock, VA 22482

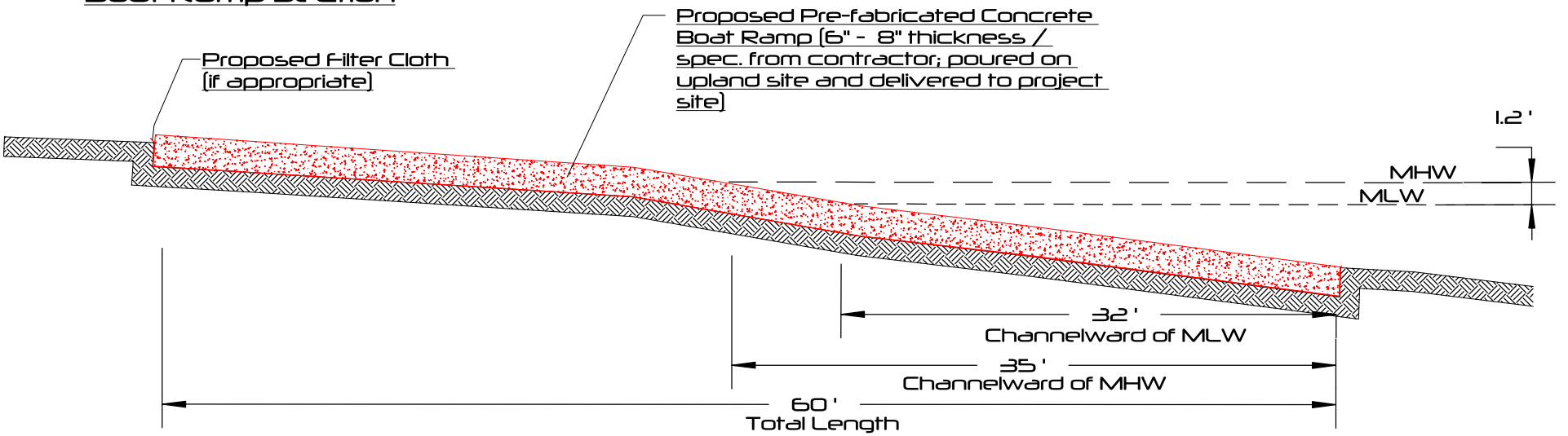
Title: Plan View Proposed Marine Construction for JSC Family LLC

County & Tax Map #: Lancaster Co. 27-56A	Waterway: Taylors Creek
Site Street Address: Peake Road Weems, VA 22576	Scale: 1" = 120'
Date: 5/14/2026	Revision Date:
Sheet: 2 of 6	

Additional Info/Revision Received by VMRC July 6, 2026 / ra



Boat Ramp Section



©2026 SalTerra Solutions, LLC

Title: Plan View Proposed Marine Construction for JSC Family LLC	
County & Tax Map #: Lancaster Co. 27-56A	Waterway: Taylors Creek
Site Street Address: Peake Road Weems, VA 22576	Scale: 1" = 8'
Date: 5/14/2026	Revision Date	Sheet 5 of 6

SalTerra Solutions, LLC
P.O. Box 1744
Kilmarnock, VA 22482

Additional Info/Revision Received by VMRC July 6, 2026 / lra

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261534

Print Date: Tuesday October 20 2026 15:43

Number	Name	Received	Position
1	RICHARD WINELAND	08/25/2026 15:08:18 PM	OPPOSE

THOUGH I WILL NOT DIRECTLY OPPOSE THE PLACEMENT OF A BOAT RAMP ON TAYLOR CREEK, I AM NOT IN FAVOR OF A CONCRETE RAMP ON THE SHORELINE. I FEEL THERE ARE ADEQUATE ALTERNATIVES TO LAUNCHING ONE'S BOAT LOCALLY. WE HAVE HAD NO MAJOR ISSUES IN THE 53 YEARS WE'VE BEEN ON THE CREEK. TAYLOR CREEK IS BEING DRASTICALLY CHANGED AS I WRITE WITH SIGNIFICANT SHORELINE ALTERATIONS AS MORE AND MORE HOUSES ARE ADDED. PRECEDENT IS BEING SET TO ALLOW POTENTIALLY MANY MORE BOAT RAMPS. ALSO, LANCASTER COUNTY IS VYING FOR THE "SCENIC RIVER" DESIGNATION OF THE CORROTTOMAN RIVER AND ITS TRIBUTARIES. I FEEL MORE CONCRETE IN THE WATER WILL UNDERMINE THIS GOAL. THAT BEING SAID, I FEEL THE CAMETAS FAMILY ARE WONDERFUL INDIVIDUALS. SINCERELY, RICHARD WINELAND, M.D.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261534

Print Date: Tuesday October 20 2026 15:43

Number	Name	Received	Position
5	RICHARD WINELAND	08/27/2026 15:39:41 PM	OPPOSE

"THIS IS AN ADDENDUM TO THE PREVIOUS STATEMENT OF OPPOSITION I SENT EARLIER: IN ADDITION TO THE CONCRETE SLABS OF A BOAT RAMP BEING PLACED ON THE SHORELINE AND STATE BOTTOM AND THE FACT THERE IS A COMMITTEE TRYING TO ESTABLISH THE CORROTTOMAN RIVER (AND ITâ€™S TRIBUTARIES LIKE TAYLOR CREEK) AS A STATE OF VIRGINIA â€œSCENIC RIVERâ€•, I AM CONCERNED ABOUT INCREASED MOTOR BOATING TRAFFIC. I KNOW THIS WILL BE DESIGNATED AS A PRIVATE RAMP BUT I WORRY THAT IT WILL GREATLY INCREASE LOCAL MOTOR BOAT ACCESS TO THE CREEK. ALL THIS AT A TIME WHEN LANCASTER IS FINISHING UP A COUNTY KAYAKING PARK ON THE CREEK. EVEN WITH THE CURRENT POWERBOAT TRAFFIC BEING SOMEWHAT LIMITED, I HAVE WITNESSED SMALL PADDLE CRAFT ALMOST UPENDED BY POWER BOATS OUR SMALL CREEK. NOW THAT WE ARE INCREASING THE NUMBER OF KAYAKERS AND PADDLE BOARDERS WITH THIS OPENING OF THE PARK, I FEEL THAT ADDING A POWER BOAT LAUNCH IS NOT A GOOD COMBINATION. I HAVE HAD MULTIPLE POWER BOATS ON THE CREEK. I LAUNCH THEM IN IRVINGTON AND IN 15 MINUTES Iâ€™M HOME AT MY DOCK. I RESPECTFULLY REQUEST THAT THE BOARD DENY THE RAMP. SINCERELY, RICHARD WINELAND, M.D.â€•

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261534

Print Date: Tuesday October 20 2026 15:43

Number	Name	Received	Position
2	REBECCA J EASBY	08/26/2026 07:47:54 AM	OPPOSE

MY OPPOSITION IS TO THE CONCRETE BOAT RAMP DESCRIBED AS 60 FEET LONG. WHILE THE RIP RAP REQUESTED IS CERTAINLY NECESSARY TO THE DEVELOPMENT OF THIS PROPERTY, THE BOAT RAMP IS CAUSE FOR CONCERN. FIRSTLY, THERE IS NO INFORMATION ABOUT WHERE THE BOAT RAMP WOULD BE PLACED. THE BOAT CHANNEL THROUGH THAT PART OF TAYLOR'S CREEK IS NARROW AND SHALLOW. WILL THIS IMPACT THE RIGHT OF WAY OUT TO THE RIVER FOR OTHER PROPERTIES IN THE CREEK? THERE ARE ALSO HAS SIGNIFICANT WETLANDS AROUND THE PROPERTY'S SHORELINE AND WHILE THE APPROPRIATE TYPE OF RIP RAP WILL NOT NECESSARILY CAUSE PERMANENT HARM TO THESE WETLANDS, A SOLID CONCRETE RAMP OF THAT SIZE IS A CAUSE FOR CONCERN FOR THE CONTINUATION OF THE NATURAL HABITAT.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261534

Print Date: Tuesday October 20 2026 15:43

Number	Name	Received	Position
3	ANTHONY ENNIS	08/27/2026 10:45:11 AM	OPPOSE

WE HAVE A BEAUTIFUL NATURAL CREEK WHICH IS IN TODAY'S TERMS RELATIVELY UNDEVELOPED. IT HAS BEEN SELECTED BY THE COUNTY TO BE A PUBLIC PARK FOR CANOEISTS. IT IS SUFFERING FROM SOIL EROSION. EVERY YEAR CRAB FISHERMAN TRY THE CREEK AND GIVE UP BECAUSE THE HARVEST IS SO SMALL. WE HAVE DANGERS FROM BOATS TRAVELING FAST IN A CONFINED SPACE AND CONSTANTLY RUNNING AGROUND. WHY DOES THE COUNTY WANT TO INCREASE LARGE MOTOR BOAT TRAFFIC BY ALLOWING THE CONSTRUCTION OF A CONCRETE RAMP? I AM CONFUSED BY THE COUNTIES OBJECTIVES. IS IT TO PROMOTE THE PRESERVATION OF THE ENVIRONMENT AND THE CANOEISTS OR INCREASE REVENUES BY PROMOTING DEVELOPMENT OF THE SHORELINE.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261534

Print Date: Tuesday October 20 2026 15:43

Number	Name	Received	Position
4	LISA G SEIFERT	08/28/2026 20:19:27 PM	OPPOSE

THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THIS APPLICATION. WE ARE OPPOSED TO THE INCLUSION OF A BOAT RAMP SINCE BOAT RAMPS ARE AVAILABLE NEARBY, INCLUDING A NEW RAMP AT THE CARTER COVE PARK SCHEDULED FOR COMPLETION IN 2027. WE HAVE HAD BOATS ON TAYLORS CREEK FOR SEVERAL YEARS AND HAVE NEVER HAD A PROBLEM WITH ACCESS TO A BOAT RAMP. PERMITTING THIS RAMP WILL CREATE A PRECEDENT THAT MAY ENCOURAGE MANY OTHER WATERFRONT PROPERTY OWNERS TO WANT PRIVATE RAMPS OF THEIR OWN, WHICH WOULD CAUSE SIGNIFICANT DAMAGE TO THE SHORELINE AND WATER QUALITY OF THE CREEK. TAYLORS CREEK HAS SEEN A SIGNIFICANT INCREASE IN SITE WORK AND NEW HOME CONSTRUCTION OVER THE LAST FEW YEARS. MANY CREEKSIDE TREES AND VEGETATION WHICH WOULD HAVE REDUCED EROSION AND RUNOFF HAVE BEEN LOST AS A RESULT. THIS CONSTRUCTION HAS INCREASED SEDIMENTATION AND TURBIDITY IN THE CREEK AND DEGRADED WATER QUALITY. ADDING AN IMPERVIOUS CONCRETE RAMP WILL PROVIDE A PERMANENT PATH FOR ONGOING SEDIMENTATION IN THE CREEK. WATER QUALITY IS IMPORTANT FOR CRABBING AS WELL FOR ALL OF THE RESIDENTS WHO ENJOY BEING ON THE CREEK. THE NEW USERS OF THE PARK AT THE EASTERN END OF THE CREEK DESERVE OUR ONGOING ATTENTION TO PRESERVING THIS PRECIOUS RESOURCE.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261534

Print Date: Tuesday October 20 2026 15:43

Number	Name	Received	Position
6	STEVEN M HAILEY	09/02/2026 12:18:48 PM	OPPOSE

MY WIFE AND I HAVE LIVED ON TAYLOR CREEK FOR MORE THAN A DECADE AND WE HAVE APPRECIATED THE NEAR PRISTINE NATURE OF OUR WATERWAY. MOST OF US LIVING ON THE CREEK HAVE VOLUNTARILY AGREED TO LIMIT OUR BOAT SPEED IN ORDER TO LIMIT THE SHORELINE EROSION THAT HAS ACCELERATED WITH INCREASED HIGH SPEED BOAT TRAFFIC IN RECENT YEARS. WE ARE CONCERNED THAT THE ADDITIONAL BOAT TRAFFIC THAT WILL LIKELY RESULT FROM THE PROPOSED BOAT RAMP MAY INCREASE THE RATE OF SHORELINE EROSION AND THEREBY THREATEN THE HEALTH OF THE CREEK. ADDITIONALLY, THE PENDING OPENING OF THE CANOE AND KAYAK LAUNCH ON THE EASTERN FINGER OF THE CREEK WILL LIKELY INCREASE THE CANOE AND KAYAK TRAFFIC. WHEN COUPLED WITH THE LIKELY INCREASE IN POWERBOAT TRAFFIC RESULTING FROM THE CONCRETE BOAT RAMP, THE POTENTIAL FOR ON-THE-WATER COLLISIONS WILL INCREASE. FOR THESE REASONS AS WELL AS OTHERS NOTED BY OUR NEIGHBORS ON THE CREEK, WE OPPOSE THE INSTALLATION OF THE NEW CONCRETE BOAT RAMP AND WE HOPE THAT THE PERMIT FOR ITS CONSTRUCTION WILL BE DENIED.

Francisco Tlapa-Galindo
VMRC#2026-1158

1. Habitat Management Evaluation dated October 27, 2026.
   (Page 1-2)

2. Plan drawings dated August 24, 2026, and September 8, 2026.
   (Pages 3-4)

3. Letters of Protest
   A. Richard B. Griffin submissions dated received July 13, 2026, and July 23, 2026.
   (Pages 5-8)
   B. George Pfeil submission dated received July 14, 2026.
   (Page 9)
   C. William E. Bahre submission dated received July 19, 2026.
   (Page 10)
   D. Whitfield Fitzpatrick submissions dated received July 28, 2026, and August 17, 2026.
   (Pages 11-14)
   E. Evan Smith Submission received August 4, 2026
   (Pages 15-19)

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

October 27, 2026

HABITAT MANAGEMENT DIVISION EVALUATION

FRANCISCO TLAPA-GALINDO, VMRC #2026-1158, requests authorization to install a non-riparian mooring buoy for a 22-foot private vessel, at N37-23.5833 and W76-27.5666, along the Ware River near Hockley Wharf in Gloucester County. The project is protested.

Narrative

Mr. Galindo owns a parcel of land in the Hockley Wharf area of Gloucester County but is not a riparian property owner along the Ware River. His property is along a section of an unnamed creek, which is a tributary of the Ware River, but does not have navigable water depths directly offshore of his property.

The location chosen for the mooring buoy is approximately 7 to 9 feet deep depending on tidal levels, not within a marked channel, and is intended for a 22-foot sailing vessel. The mooring anchor is proposed to be located approximately 700 feet from shore and 370 feet from the closest private pier, owned by Mr. Richard Griffin Jr., serving 8620 Marshfield Lane. The mooring system will incorporate a helical anchor and galvanized chain attached to a standard mooring buoy. The proposed swing radius for the vessel is 112 feet which would allow the vessel to swing as close as 260 feet to the nearest private pier.

The mooring anchor is proposed to encroach on a commercial oyster lease owned by Gene Brown II and George Marshall, who have provided written approval to encroach upon their lease.

Issues

The project is protested by four riparian property owners along this section of the river: Richard Griffin, Jr. at 8230 Marshfield Lane, George Pfeil at 6599 Hockley Wharf Road, William Bahre at 6102 Ware Neck Road, and William Fitzpatrick at 6598 Hockley Wharf Lane. Each property's viewshed includes the location of the proposed mooring buoy and vessel. Their concerns center on the potential impacts to their viewshed, navigation, safe recreational use of the area, and property values. The project is also protested by a fifth riparian property owner, Mr. Evan Smith, at 5597 Paynes Point Road, along Wilson Creek, approximately two (2) miles away.

Summary/Recommendations

The applicant is not a riparian property owner along the Ware River, and staff understands the concerns of the riparian property owners that do own waterfront property along this section of the river. While navigation impacts are expected to be minimal where the mooring buoy is proposed, relative to the marked channel for the Ware River, the use and enjoyment of the area by these riparian property owners and the public will be impacted by the facility's 112-foot swing radius. Additionally, the vessel will be visible from the homes of the protestants, and should the vessel break free of the mooring could impact the property of the protestants, other

Summary/Recommendations (cont'd)

adjacent riparian owners, or vessels operating in the area. Therefore, staff are reluctant to set a precedent to approve non-riparian mooring buoys along residential shorelines that have not historically provided such mooring availability to the public.

Accordingly, after evaluating the merits of the project and considering all the factors contained in Code §28.2-1205, staff believe that the anticipated public and private detriments of the proposed mooring facility exceed the anticipated public and private benefits and recommend denial of the project. Staff also note that there are marinas along the Severn River and North River, approximately 30 minutes from the applicant's property where he could safely moor his sailing vessel.

Should the Commission, however, decide to approve the project, staff recommends a royalty of $100.00 for a non-riparian mooring buoy be assessed, and that the following special permit conditions for mooring buoys be included in the subaqueous permit:

1) The mooring buoy shall be marked in accordance with the "Uniform State Waterway Marking System" which requires the mooring to be white with a blue stripe around the middle. Additionally, the Permittee shall affix the VMRC permit number to the buoy for identification purposes.

2) The Permittee shall remove the buoy within 90 days of receiving written notification from the Commission.

3) The Permittee shall notify the Commission within 30 days of any changes in the information submitted in the application. This includes, but shall not be limited to, changes in the Permittee's domicile, vessel type, vessel registration, or intent to vacate the buoy.

4) The Permittee shall notify the Commission annually of their intent to continue to occupy the mooring.

Illustrative Aerial Exhibit – Proposed Private Mooring Location

Ware River / Hockley Area, Gloucester County, Virginia

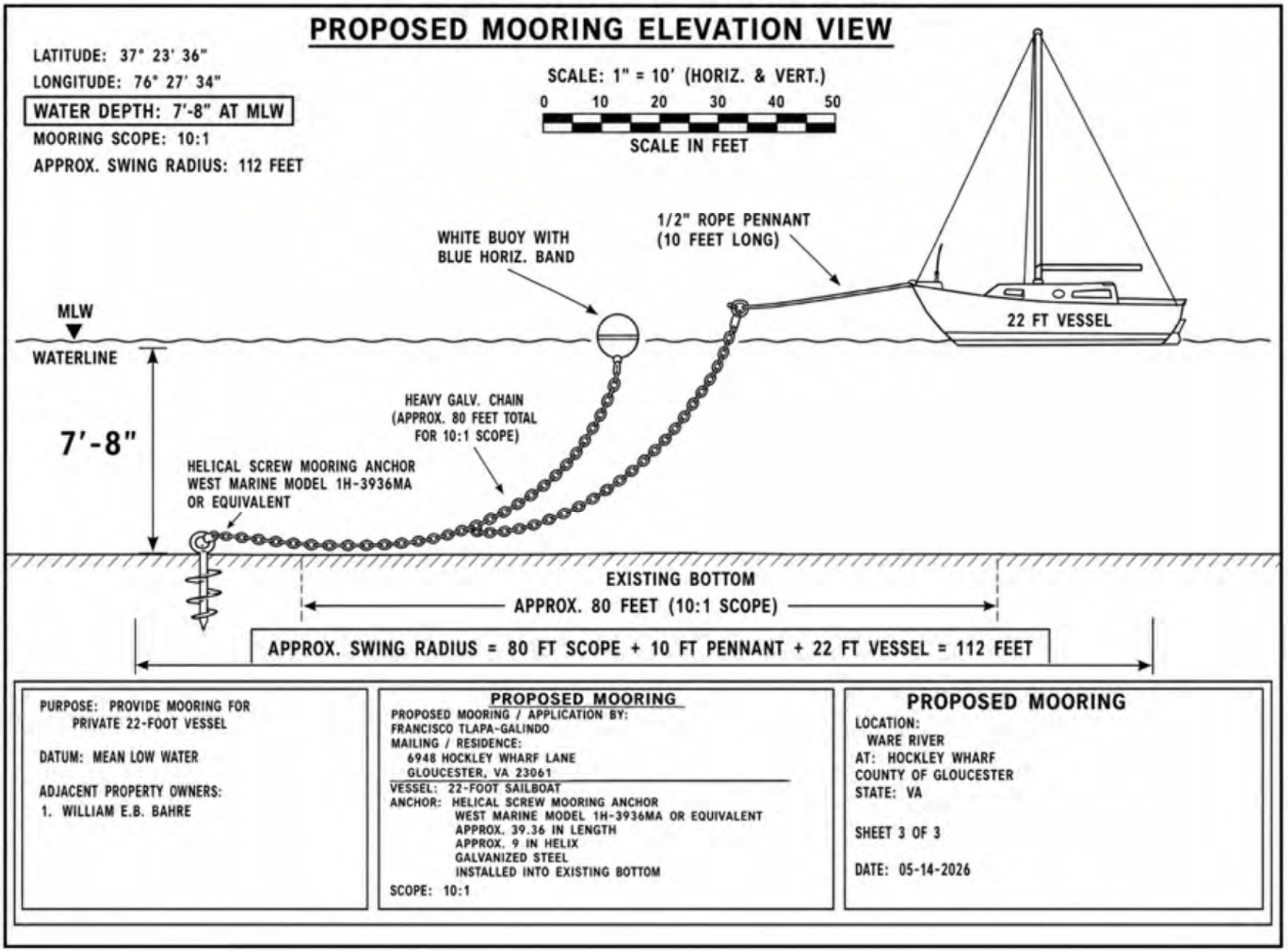
37°23'35.0"N, 76°27'34.0"W

37.393056, -76.459444



Screenshot-based visual exhibit. Not a survey.
Blue-circle property location identified by applicant.

PROPOSED MOORING ELEVATION VIEW



PURPOSE: PROVIDE MOORING FOR PRIVATE 22-FOOT VESSEL

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:
1. WILLIAM E.B. BAHRE

PROPOSED MOORING

PROPOSED MOORING / APPLICATION BY:
FRANCISCO TLAPA-GALINDO
MAILING / RESIDENCE:
6948 HOCKLEY WHARF LANE
GLOUCESTER, VA 23061

VESSEL: 22-FOOT SAILBOAT
ANCHOR: HELICAL SCREW MOORING ANCHOR
WEST MARINE MODEL 1H-3936MA OR EQUIVALENT
APPROX. 39.36 IN LENGTH
APPROX. 9 IN HELIX
GALVANIZED STEEL
INSTALLED INTO EXISTING BOTTOM
SCOPE: 10:1

PROPOSED MOORING

LOCATION:
WARE RIVER
AT: HOCKLEY WHARF
COUNTY OF GLOUCESTER
STATE: VA

SHEET 3 OF 3

DATE: 05-14-2026

Additional Information/ Revision Recieved by VMRC September 8, 2026 / ks

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
1	RICHARD B GRIFFIN JR.	07/13/2026 20:32:30 PM	OPPOSE

I AM OPPOSED TO THIS PROJECT FOR SEVERAL REASONS. I BELIEVE THE PROPOSED MOORING BUOY IS WITHIN MY FIVE-ACRE OYSTER LEASE AND I OBJECT ON THAT BASIS. IN ADDITION, IT IS AN UNWELCOME AND, POSSIBLY UNSIGHTLY DISTRACTION TO OUR WATERFRONT VIEW. THE VIEW IS WHAT ATTRACTED MY WIFE AND I TO OUR CURRENT HOME AND IT IS A FEATURE THAT WE TREASURE. A BOAT MOORED IN THAT AREA WOULD DISRUPT OUR SIGHT LINES AND DISTRACT FROM THE BEAUTY OF THE WATER VIEW, FROM OUR HOME AND FROM THE END OF MY PIER. ALSO, THERE ARE NO MOORING BUOYS ANYWHERE ON THE WARE RIVER AND APPROVAL OF THIS PROJECT WOULD SET AN UNWELCOME PRECEDENT; ONE THAT COULD POSSIBLY AFFECT PROPERTY VALUES. IN ADDITION, IN THE EVENT OF A SEVERE STORM A MOORED BOAT COULD BREAK FREE OF ITS MOORING AND CRASH INTO MY ALMOST NEW, 400 FEET LONG PIER. I STRONGLY OPPOSE THIS PROJECT AND SO DOES MY NEIGHBOR WILLIAM BAHRE.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
4	RICHARD B GRIFFIN JR.	07/23/2026 11:26:46 AM	OPPOSE

SEE ATTACHED

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1392

8620 Marshfield Lane
Gloucester, Virginia 23061
July 17, 2026

J. Michael Johnson
Environmental Engineer
Habitat Management Division
Virginia Marine Resources Commission
Building 96
380 Fenwick Road
Fort Monroe, Virginia 23651

RE: Mr. Francisco J. Tlapa-Galinda
VMRC #26-1158

Dear Mr. Johnson:

I am responding to Francisco J. Tlapa-Galinda's application (VMRC #26-1158) for authorization to install a mooring buoy along the Ware River near Hockley Wharf in Gloucester County. I am opposed to this application for several reasons. First, when positioned in the proposed location the mooring buoy and its attached vessel could pose safety issues for recreational boaters. The location in question is a popular stretch of the Ware River which has considerable boat traffic, especially during boating season. Most of the boats that traverse the river are launched from one of Gloucester's few public boat ramps, several miles upriver at the end of Warehouse Road. The recreational boaters not only fish, but they also tow wakeboarders, water skiers and other towable watersport equipment. The Ware River is relatively narrow at the proposed mooring buoy location and that location is also in the channel, which boaters generally follow.

As for recreational fishermen, they are usually in a hurry to get out of the Ware River and into the Mobjack and Chesapeake Bays, so they are often traveling at a relatively fast rate of speed. Most power boaters are probably maintaining speeds of at least 20 knots or more, and many are moving much faster. Jet skis also frequently use this part of the river and they, of course, travel even faster. To further compound the problem, recreational fisherman who have been out fishing all day are often returning to the boat ramp in the early evening and sometimes at night. Navigational concerns are obviously magnified at night, especially when boaters are tired, in a hurry to return to the boat ramp and are dealing with reduced nighttime visibility. The vessel attached to the mooring will not be permanently lit at night.

On a personal note, I am also concerned about having a moored vessel in the proposed location very close to my pier. It could pose a serious problem for me if the moored vessel broke away from its mooring and crashed into my pier, especially during a storm. I have a new, 400-foot-long pier and would have obvious concerns if my pier was damaged in such an event. In a similar vein, I am also concerned about the possibility of a moored vessel sinking near my pier. I am aware that the owner of the sunken vessel is ultimately responsible for its removal, and if the owner does not remove the sunken vessel, the state will have it removed and bill the owner for the expense of the removal. However, a lengthy delay in the removal of sunken vessels is not unheard of and such a delay would obviously pose a very, serious navigational hazard in a heavily used section of the Ware River.

While not as important as safety issues, another concern for me is this - if VMRC approves this mooring buoy application it would set an unnecessary and unwelcome precedent in allowing mooring buoys in the

Ware River. I am not aware that any moorings currently exist. As a lifelong sailor, it is my opinion that keel boats (sailboats that draw more than three or four feet of water) are best kept and maintained at homeowners' piers or in private or public marinas. The possible proliferation of mooring buoys in the Ware River would detract from the river's character and charm and diminish its inherent overall appeal, as well as potentially reduce waterfront property values.

On a more personal note, the most captivating feature of living where we live is our view of the Ware River. Whether my wife, Gail, and I are in our home, in our yard or on our pier, the river view is a feature of our property that we value tremendously. Regardless of the type of moored vessel or the condition it is in, if it is moored right off our property, it obscures our view and detracts from the natural beauty of the river. But even worse, it also has the potential to become an absolute eyesore if the vessel is unsightly to begin with and/or is not properly maintained. There is no way to control or prevent either of those possibilities. For the reasons noted above, I oppose this application and ask the VMRC to deny it's approval. Thank you for allowing me to voice my concerns.

Sincerely,



Richard B. Griffin, Jr.

(757) 810-1299

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
2	GEORGE R PFEIL	07/14/2026 13:50:33 PM	OPPOSE

I HAVE REVIEWED THE PROPOSAL AND ADVISED MR.TLAPA-GALINDO THAT I COULD NOT SUPPORT HIS PROJECT SINCE WE USE THE AREA FOR SWIMMING AND BOATING AND HAVE A SAFETY CONCERN FOR PEOPLE IN THE WATER. IN ADDITION WE BOUGHT OUR HOME FOR THE PEACE AND QUIET THAT OUR LOT AFFORDS US AND I AM CONCERNED THAT A MOORING BUOY WITH BOATS ATTACHED COULD DISRUPT THAT.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
3	WILLIAM E BAHRE	07/19/2026 22:27:00 PM	OPPOSE

THE PROPOSED MOORING BUOY BY MR. TLAPA-GALINDO, NUMBER 20261158, IN THE WARE RIVER, IS JUST OFF OUR DOCK. THE 22 FOOT BOAT HE'S PROPOSING TO TIE THERE WILL BE A DANGER TO BOATERS, KAYAKERS, WAKE BOARDERS, AND SWIMMERS. IT WOULD BE IN THE DIRECT WAY OF US USING OUR BOATS EGRESS AND INGRESS. A 22 FOOT LONG BOAT WILL SWING IN A WIDE, AT LEAST 30 FOOT ARC DURING HEAVY WINDS, FROM THE BUOY AND CAUSE DAMAGE TO ANY NUMBER OF THINGS NEARBY IF IT BREAKS LOOSE. MR. TLAPA-GALINDO CAME TO OUR HOME A FEW MONTHS AGO TELLING US THAT HE WANTED TO PUT A BUOY IN THE SPOT PROPOSED. HE SAID THAT IT WAS TO BE PLACE TO INTERMITTENTLY TIE UP HIS BOAT. HE MISCONSTRUED THE REALITY IN THAT HE DIDN'T SAY IT WAS TO BE HIS PERMANENT DOCKING SPOT. I FEEL COMPLETELY MISLED AND WISH TO REVOKE MY SIGNATURE ON THE PAPER THAT HE PRESENTED TO ME GIVING PERMISSION FOR THE BUOY. THERE IS A LARGE AMOUNT OF RIVER TRAFFIC IN THE AREA, INCLUDING WATERMEN COLLECTING THEIR CATCH FROM THE CRAB TRAPS, THOSE FISHING ALONG THE EDGES OF THE RIVER, AND THOSE ENTERING & EXITING THE CREEK IMMEDIATELY NEXT TO US. ALSO, THERE IS A LARGE AMOUNT OF RECREATIONAL BOATERS ON THE WARE RIVER, AND IT'S NOT A WIDE RIVER TO BEGIN WITH. IT IS VERY CLOSE TO THE TWO DOCKS CURRENTLY BEING USED BY OUR HOME AND OUR NEIGHBORS, GAIL & RICHARD GRIFFIN. THE CHANCE OF IT BECOMING UNMOORED AND DRIFTING INTO EITHER OF THESE DOCKS IS TOO HIGH A DANGER. LEAVING AN UNMANNED BOAT TIED UP DURING A STORM COULD BE A GRAVE DANGER OF SINKING IF THE PUMP BATTERIES GO DEAD. WE HAVE HAD MANY BOATS TIED UP OFF OUR DOCK SEEKING SHELTER FROM STORMS AT SEA. THESE BOATS OFTEN STAY FOR AN WEEK OR MORE WITH NO DAMAGE TO ANYONE. THESE ARE OCCUPIED BOATS IN NO DANGER OF DRIFTING OR CAUSING DAMAGE. A MOORED BOAT TIED UP OFF OUR DOCKS WILL ALSO BE A DANGER TO OUR GUESTS COMING IN AFTER DARK AS HE WILL HAVE NO LIGHTS OR ELECTRIC ON THIS BUOY. IT SEEMS TO ME THAT IT WOULD MAKE MORE SENSE FOR MR. TLAPA-GALINDO TO GET A SLIP IN A LOCAL MARINA OR BUILD A DOCK AT HIS NEW PROPERTY THAT HE PURCHASED. IT WILL ALSO BLOCK OUR VIEW OF THE RIVER, THAT WE ENJOY ALL DAY LONG, AS WE ARE RETIRED. AS YOU MAY BE AWARE, THE PROPERTIES HERE ARE VERY EXPENSIVE AND THE VIEW IS PART OF THAT EXPENSE. TO START SETTING A PRECEDENT OF MOORED BOATS ALONG FRONT OF OUR PROPERTIES WILL TAKE AWAY FROM OUR ENJOYMENT OF THE VIEW WE PURCHASED AT GREAT EXPENSE. I HOPE THAT YOUR DECISION IS TO DENY THE REQUEST OF MR. TLAPA-GALINDO, NUMBER 2026-1158 TO ADD THIS MOORING BUOY. I FEEL THAT THIS WILL BE A MAJOR SAFETY ISSUE IF PERMISSION IS GRANTED. THANK YOU VERY MUCH FOR YOUR CONSIDERATION OF THIS LETTER. SINCERELY, WILLIAM E. BAHRE 703-254-6602

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
5	W. FITZPATRICK	07/28/2026 09:56:31 AM	OPPOSE

SEE ATTACHED

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1397

J. Michael Johnson
Environmental Engineer
Habitat Management Division
Building 96, 380 Fenwick Rd.
Fort Monroe, Va. 23657

22 July 2026

Eastover on the Ware
JEAN AND WHIT FITZPATRICK

Re: VMRC #26-1158

Dear Sir,

My wife and I have been the entire month of July in Chapel Hill, North Carolina until now and have no record of receiving your 9 July 2026 letter requesting comments about File VMRC #26-1158. Our neighbors were kind enough to provide us with a copy of their letter only today.

I have thoroughly read the written comments of Richard B. Griffin (and by extension his neighbor William Bahne) together with the written comments of George R. Pfeil. In particular, I note the following references: possible invasion of the space of an existing oyster lease; disruption of existing attractive views for all commenting neighbors, thereby negatively affecting adjacent neighbors' property values; potential safety concerns to others for boating and swimming; a potentially dangerous precedent inasmuch as there are no (known to me and others) existing mooring buoys on the Ware River.

In addition, as a retired Virginia attorney, I note no reference to potential environmental concerns; nor any contact with the appropriate State environmental or water traffic control authorities; nor any reference to ownership or oversight control; nor any reference to restrictions on use. If any contact with any State and/or county authorities are contemplated or already have been, or are being, made other than yourself, each adjacent neighbor has the right to copies of all such correspondence whether written, electronic, telephonic or other without limitation.

On the basis of all the above, I enthusiastically support all of the comments by Messrs Griffin (and by extention Bahne) and Pfeil, and I hereby add my active opposition.

Sincerely,

W. Fitzpatrick

cc: Joseph D. Grist, Commissioner
David L. Bulova, Natural & Historic Resrces Secretary

6598 Morley Wharf Lane, Ware Neck, Virginia 23178

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
7	WHITFIELD FITZPATRICK	08/17/2026 14:54:11 PM	OPPOSE

SEE ATTACHED

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1413

J. Michael Johnson
Environmental Engineer
Habitat Management Division
Building 4-6, 380 Emrich Rd.
Fort Monroe, Va. 23651

Eastover on the Ware
JEAN AND WHIT FITZPATRICK

10 august 2026

Re: VMRC #26-1158

Dear Mr. Johnson,

I wish to confirm my telephone conversation with you of several minutes ago concerning your 29 July letter to me in which you said in your last sentence: "If VMRC does not receive the requested information (which I sent you in my 22 July 2026 letter of objection) we will consider your objection withdrawn and process the permit for issuance.". You confirmed to me that this quoted sentence should not have appeared in your 29 July letter and should be disregarded.

As promised, I enclose my business card with alternate addresses and contact information to this address, in anticipation of the applicants' insistence on a public hearing, probably to be scheduled toward the end of this year.

If business or health issues conflict with the as yet unscheduled public hearing date, it is my present intention to be physically represented by a member of the Cingles law firm.

For the sake of clarity, I reiterate my firm objection to applicants' request for a mooring buoy for the reasons stated in my 22 July letter and completely adopt the objections expressed by Messrs. Pfeil and Griffin.

Sincerely,

W. Fitzpatrick

6598 HOCKLEY WHARF LANE, WARE NECK, VIRGINIA 23178

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

Number	Name	Received	Position
6	EVAN M SMITH	08/04/2026 09:04:14 AM	OPPOSE

RE: OPPOSITION TO VMRC PERMIT APPLICATION #2026-1158 PROPOSED PRIVATE MOORING BUOY NEAR HOCKLEY WHARF, WARE RIVER TO THE VIRGINIA MARINE RESOURCES COMMISSION: I LIVE ON WILSON CREEK, IMMEDIATELY OFF THE WARE RIVER, AND REGULARLY USE AND OBSERVE THIS WATERWAY. I AM WRITING TO OPPOSE VMRC PERMIT APPLICATION #2026-1158 FOR THE INSTALLATION OF A PERMANENT MOORING BUOY FOR A 22-FOOT PRIVATE VESSEL NEAR HOCKLEY WHARF. THIS APPLICATION SEEKS AUTHORIZATION FOR PRIVATE USE OF STATE-OWNED SUBMERGED LANDS. THE RELEVANT QUESTION IS THEREFORE NOT SIMPLY WHETHER A BUOY CAN PHYSICALLY BE PLACED AT THE LISTED COORDINATE, BUT WHETHER RESERVING THE SURROUNDING AREA FOR THE LONG-TERM STORAGE OF ONE PERSONâ€™S PRIVATE VESSEL IS A REASONABLE USE OF PUBLIC BOTTOMLAND AT THIS PARTICULAR LOCATION. MY PRINCIPAL CONCERN IS THAT THE PROPOSAL IS NOT MERELY A REQUEST TO PLACE A SMALL BUOY AT ONE FIXED POINT. IN PRACTICAL TERMS, IT WOULD CREATE A SUBSTANTIALLY LARGER AREA OF PUBLIC WATER THAT OTHER BOATERS AND WATERMEN WOULD BE UNABLE TO USE SAFELY. A MOORED VESSEL MOVES WITH CHANGES IN WIND, TIDE, AND CURRENT. RECREATIONAL BOATERS, COMMERCIAL WATERMEN, AND OTHER MEMBERS OF THE PUBLIC CANNOT REASONABLY NAVIGATE WITHIN ITS SWING AREA BECAUSE THE VESSELâ€™S POSITION IS NOT FIXED OR ENTIRELY PREDICTABLE. THE EFFECTIVE AREA REMOVED FROM PRACTICAL PUBLIC USE THEREFORE INCLUDES THE VESSELâ€™S ENTIRE 360-DEGREE SWING CIRCLE, NOT MERELY THE FOOTPRINT OF THE BUOY OR ANCHOR. THE PROPOSED AUTHORIZATION WOULD CONFER A SUBSTANTIAL PRIVATE BENEFIT WHILE IMPOSING THE PRACTICAL BURDEN ON THE PUBLIC. THE APPLICANT WOULD RECEIVE LONG-TERM VESSEL-STORAGE SPACE AT A HIGHLY DESIRABLE WATERFRONT LOCATION, WHILE OTHER RIVER USERS WOULD LOSE THE SAFE AND PRACTICAL USE OF THE SURROUNDING SWING AREA. NO CORRESPONDING PUBLIC BENEFIT HAS BEEN IDENTIFIED. THIS IS ESPECIALLY CONCERNING AT THE PROPOSED LOCATION. HOCKLEY WHARF IS ONE OF THE MOST BEAUTIFUL, HISTORIC, AND RECOGNIZABLE PROPERTIES ALONG THE WARE RIVER. THE SURROUNDING AREA IS CLOSELY ASSOCIATED WITH THE MARITIME AND CHESAPEAKE BAY STEAMBOAT HISTORY OF GLOUCESTER COUNTY. IT IS A PROMINENT AND VISUALLY SENSITIVE LOCATION THAT SHOULD NOT BECOME A PERMANENT PRIVATE VESSEL-STORAGE AREA. THE NAVIGATIONAL SETTING ALSO DESERVES CAREFUL SCRUTINY. THE WARE RIVER IS RELATIVELY NARROW IN THIS VICINITY, THE COMMONLY TRAVELED NAVIGATIONAL ROUTE CHANGES DIRECTION NEAR HOCKLEY WHARF, AND SHOAL WATER LIMITS THE ROOM AVAILABLE OUTSIDE THE DEEPER CORRIDOR. THE RIVER IS REGULARLY USED BY RECREATIONAL BOATERS, COMMERCIAL WATERMEN, AND VESSELS LAUNCHED FROM ONE OF GLOUCESTER COUNTYâ€™S LIMITED PUBLICLY ACCESSIBLE BOAT RAMPS. IN A NARROW AND TURNING SECTION OF THE RIVER, EVEN A MODEST REDUCTION IN USABLE WATER CAN HAVE A MEANINGFUL EFFECT. A MOORED VESSEL MAY REQUIRE PASSING BOATS TO ALTER COURSE, REDUCE SEPARATION BETWEEN OPPOSING VESSELS, OR TRAVEL CLOSER TO SHALLOW WATER. THOSE CONCERNS BECOME MORE SIGNIFICANT DURING DARKNESS, POOR VISIBILITY, STRONG WINDS, ELEVATED TIDES, OR PERIODS OF HEAVIER TRAFFIC. IN EVALUATING THIS APPLICATION, I RESPECTFULLY REQUEST THAT VMRC CONSIDER THE FULL PRACTICAL AREA OCCUPIED BY THE MOORINGâ€”NOT MERELY THE BUOYâ€™S FIXED COORDINATE. THAT REVIEW SHOULD INCLUDE THE APPROVED VESSEL LENGTH, WATER DEPTH, GROUND-TACKLE AND PENDANT LENGTHS, MAXIMUM 360-DEGREE SWING RADIUS, AND MINIMUM CLEARANCE FROM THE MARKED AND COMMONLY TRAVELED NAVIGATIONAL CORRIDOR. EVEN IF THE VESSELâ€™S SWING AREA REMAINS OUTSIDE THE MARKED CHANNEL, IT MAY STILL EXCLUDE

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20261158

Print Date: Wednesday October 21 2026 06:50

RECREATIONAL BOATERS AND COMMERCIAL WATERMEN FROM A SUBSTANTIAL PORTION OF THE USABLE RIVER. IF THE APPLICATION MATERIALS ALREADY ADDRESS THESE MATTERS, I ASK THAT VMRC CAREFULLY CONSIDER WHETHER THE RESULTING PRIVATE EXCLUSION AREA IS REASONABLE AT THIS NARROW, PROMINENT, AND HIGHLY VALUED LOCATION. THE APPLICANT HAS ALSO NOT DEMONSTRATED WHY A PERMANENT MOORING AT THIS SPECIFIC PUBLIC LOCATION IS NECESSARY. A 22-FOOT RECREATIONAL VESSEL CAN ORDINARILY BE TRAILERED, STORED ASHORE, OR ACCOMMODATED AT AN ESTABLISHED MARINA. PRIVATE CONVENIENCE ALONE SHOULD NOT JUSTIFY GRANTING ONE INDIVIDUAL PREFERENTIAL LONG-TERM USE OF A VALUABLE PORTION OF A PUBLIC RIVER. I AM ALSO CONCERNED ABOUT THE PRECEDENT THIS APPROVAL COULD ESTABLISH. IF INDIVIDUALS ARE PERMITTED TO RESERVE PORTIONS OF THE WARE RIVER FOR PERMANENT PRIVATE VESSEL STORAGE, SIMILAR APPLICANTS MAY REASONABLY EXPECT COMPARABLE TREATMENT. THE CUMULATIVE RESULT COULD BE A SERIES OF PRIVATE EXCLUSION AREAS THROUGHOUT A RIVER THAT HAS HISTORICALLY REMAINED OPEN, NAVIGABLE, AND VISUALLY UNSPOILED. PERMANENT MOORINGS ALSO CREATE A FORESEEABLE LONG-TERM RISK OF NEGLECTED, DISABLED, OR ABANDONED VESSELS, PARTICULARLY WHERE PERMIT CONDITIONS CONCERNING INSPECTION, CONTINUED OPERABILITY, OWNERSHIP CHANGES, AND PROMPT REMOVAL ARE UNCLEAR. THESE ISSUES SHOULD BE ADDRESSED BEFORE AUTHORIZATION IS GRANTED, NOT AFTER A VESSEL BECOMES A NAVIGATIONAL HAZARD, ENVIRONMENTAL CONCERN, OR PUBLIC NUISANCE. APPROVAL SHOULD NOT BE BASED ON THE APPARENT FOOTPRINT OF ONE BUOY. IT SHOULD BE BASED ON THE FULL AREA OF PUBLIC WATER EFFECTIVELY RESERVED, THE RESULTING LOSS OF PRACTICAL NAVIGATION, THE AVAILABILITY OF REASONABLE ALTERNATIVES, AND WHETHER THE SUBSTANTIAL PRIVATE BENEFIT JUSTIFIES THE LONG-TERM ENCUMBRANCE OF A NARROW, HISTORIC, AND PUBLICLY USED RIVER. FOR THESE REASONS, I RESPECTFULLY REQUEST THAT VMRC DENY PERMIT APPLICATION #2026-1158, AS IT WOULD CREATE A PRIVATE EXCLUSION AREA WITHIN A CONSTRAINED AND HEAVILY USED PORTION OF THE WARE RIVER. THANK YOU FOR CONSIDERING THESE COMMENTS AND FOR PROTECTING THE PUBLICâ€™S CONTINUED USE OF THE WARE RIVER. SINCERELY, EVAN SMITH WILSON CREEK RESIDENT AND WARE RIVER BOATER 5597 PAYNES POINT RD. GLOUCESTER, VA 23061 SMITHEVAN676@GMAIL.COM 804-824-0025

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1404

Re: Opposition to VMRC Permit Application #2026-1158
Proposed Private Mooring Buoy near Hockley Wharf, Ware River

To the Virginia Marine Resources Commission:

I live on Wilson Creek, immediately off the Ware River, and regularly use and observe this waterway. I am writing to oppose VMRC Permit Application #2026-1158 for the installation of a permanent mooring buoy for a 22-foot private vessel near Hockley Wharf.

This application seeks authorization for private use of state-owned submerged lands. The relevant question is therefore not simply whether a buoy can physically be placed at the listed coordinate, but whether reserving the surrounding area for the long-term storage of one person's private vessel is a reasonable use of public bottomland at this particular location.

My principal concern is that the proposal is not merely a request to place a small buoy at one fixed point. In practical terms, it would create a substantially larger area of public water that other boaters and watermen would be unable to use safely.

A moored vessel moves with changes in wind, tide, and current. Recreational boaters, commercial watermen, and other members of the public cannot reasonably navigate within its swing area because the vessel's position is not fixed or entirely predictable. The effective area removed from practical public use therefore includes the vessel's entire 360-degree swing circle, not merely the footprint of the buoy or anchor.

The proposed authorization would confer a substantial private benefit while imposing the practical burden on the public. The applicant would receive long-term vessel-storage space at a highly desirable waterfront location, while other river users would lose the safe and practical use of the surrounding swing area. No corresponding public benefit has been identified.

This is especially concerning at the proposed location. Hockley Wharf is one of the most beautiful, historic, and recognizable properties along the Ware River. The surrounding area is closely associated with the maritime and Chesapeake Bay steamboat history of Gloucester County. It is a prominent and visually sensitive location that should not become a permanent private vessel-storage area.

The navigational setting also deserves careful scrutiny. The Ware River is relatively narrow in this vicinity, the commonly traveled navigational route changes direction near Hockley Wharf, and shoal water limits the room available outside the deeper corridor. The river is regularly used by recreational boaters, commercial watermen, and vessels launched from one of Gloucester County's limited publicly accessible boat ramps.

In a narrow and turning section of the river, even a modest reduction in usable water can have a meaningful effect. A moored vessel may require passing boats to alter course, reduce

separation between opposing vessels, or travel closer to shallow water. Those concerns become more significant during darkness, poor visibility, strong winds, elevated tides, or periods of heavier traffic.

In evaluating this application, I respectfully request that VMRC consider the full practical area occupied by the mooring—not merely the buoy's fixed coordinate. That review should include the approved vessel length, water depth, ground-tackle and pendant lengths, maximum 360-degree swing radius, and minimum clearance from the marked and commonly traveled navigational corridor.

Even if the vessel's swing area remains outside the marked channel, it may still exclude recreational boaters and commercial watermen from a substantial portion of the usable river. If the application materials already address these matters, I ask that VMRC carefully consider whether the resulting private exclusion area is reasonable at this narrow, prominent, and highly valued location.

The applicant has also not demonstrated why a permanent mooring at this specific public location is necessary. A 22-foot recreational vessel can ordinarily be trailered, stored ashore, or accommodated at an established marina. Private convenience alone should not justify granting one individual preferential long-term use of a valuable portion of a public river.

I am also concerned about the precedent this approval could establish. If individuals are permitted to reserve portions of the Ware River for permanent private vessel storage, similar applicants may reasonably expect comparable treatment. The cumulative result could be a series of private exclusion areas throughout a river that has historically remained open, navigable, and visually unspoiled.

Permanent moorings also create a foreseeable long-term risk of neglected, disabled, or abandoned vessels, particularly where permit conditions concerning inspection, continued operability, ownership changes, and prompt removal are unclear. These issues should be addressed before authorization is granted, not after a vessel becomes a navigational hazard, environmental concern, or public nuisance.

Approval should not be based on the apparent footprint of one buoy. It should be based on the full area of public water effectively reserved, the resulting loss of practical navigation, the availability of reasonable alternatives, and whether the substantial private benefit justifies the long-term encumbrance of a narrow, historic, and publicly used river.

For these reasons, I respectfully request that VMRC deny Permit Application #2026-1158, as it would create a private exclusion area within a constrained and heavily used portion of the Ware River.

Thank you for considering these comments and for protecting the public's continued use of the Ware River.

Sincerely,



Evan Smith
Wilson Creek Resident and Ware River Boater

5597 Paynes Point Rd.
Gloucester, VA 23061

smithevan676@gmail.com
804-824-0025

Vulcan Construction Materials, LLC
VMRC #2026-0860

1. Habitat Management Evaluation dated October 27, 2026
   (Pages 1-3)

2. Application plan view and cross section drawings dated received June 22, 2026, October 1, 2026, and October 6, 2026
   (Pages 4-12)

3. Virginia Institute of Marine Science comments dated received August 31, 2026, and October 15, 2026
   (Pages 13-27)

4. Department of Wildlife Resources comments dated received June 18, 2026, and October 22, 2026
   (Pages 28-36)

5. Letter of protest from Ms. Jane Raines Kizer received August 6, 2026
   (Page 37)

6. Public Comments received through October 22, 2026
   (Pages 38-61)

7. Permit documents and drawings for VMRC #2014-1413 dated October 30, 2015
   (Pages 62-74)

8. Most recent permit extension letter for VMRC #2014-1413 dated October 31, 2023
   (Page 75)

October 27, 2026

HABITAT MANAGEMENT DIVISION EVALUATION

VULCAN CONSTRUCTION MATERIALS, LLC, VMRC #2026-0860, requests authorization to construct an industrial pier including an enclosed workers shelter, install two (2) steel piles for a retractable conveyor system, and set eight (8) timber dolphin clusters or steel piles to provide access for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated at the terminus of Black Marsh Road along the Rappahannock River in Caroline County.

Narrative

The project is located on Black Marsh Farm, approximately nine miles upstream of the Town of Port Royal in the Skinkers Neck area of Caroline County. Black Marsh Farm is approximately 541 acres in size, with 372 acres of the farm's agricultural land proposed for the development of a sand and gravel mining facility. At the proposed pier site, the Rappahannock River is approximately 880 feet wide with controlling depths of -14 feet mean low water. The channel deepens to approximately -26 feet mean low water immediately offshore.

On April 14, 2026, Vulcan Construction Materials, LLC (Vulcan) submitted an application for the renewal of the previously issued VMRC permit #2014-1413. This permit was issued on December 9, 2014, and set to expire on December 9, 2017. The permit was extended a total of four times over the course of 12 years with the final extension request being granted on October 31, 2023. This permit is still active until December 31, 2028. Vulcan is seeking an additional permit approval to ensure the site is viable for future development, and as such, requests that this new application be permitted prior to the current #2014-1413 permit's expiration.

The project proposes construction of a 4-foot wide by 75-foot long industrial pier with a 4-foot wide by 350-foot long T-head for the loading of sand and gravel barges at the facility. The T-head will also include three (3) finger piers and a 400 square-foot enclosed workers' shelter. Two (2) 8-foot diameter steel piles will be installed to support a retractable conveyor belt originating from the upland. Additionally, eight (8) 21-pile timber dolphins or 8-foot diameter steel piles will be set for the mooring of barges. A winch system will be located on one of the proposed pilings.

The project, as proposed, will result in the shading of approximately 60 square feet of non-vegetated wetlands (sand/mud mixed flat community). The proposed pier and loading area will encroach upon 39,252 square feet of state-owned subaqueous land.

The average barge will be 200 feet long and 35 feet wide, drawing a maximum of 10 feet when fully loaded. Vulcan advises that they anticipate moving one (1) to two (2) barges per day for an average of five (5) barges a week. Material will be moved downriver to either their facility in Woodbridge or south to Norfolk. Sand and gravel may also be moved on smaller barges to their New Post Ready-Mix Plant, approximately 16 miles upstream near Fredericksburg.

Narrative (cont'd)

The Commission is acting as the local wetlands board for the proposal since Caroline County has not adopted the model wetlands ordinance identified in Chapter 13 of Title 28.2 of the Code of Virginia (Code). Pursuant to Chapter 12 of Title 28.2 of the Code, the Commission is also considering the project's impacts to state-owned submerged lands.

Issues

As part of the requisite subaqueous and tidal wetlands public interest review, staff notified both adjoining property owners, and advertisements were placed in the Free Lance-Star. The adjoining property owner immediately to the south, Ms. Jane Raines Kizer, protested the proposal. Ms. Kizer expressed concerns regarding the potential obstruction/danger to recreational waterway traffic the pier could pose. She also specifically noted the proposed pier, and facility will create excess noise and dust that will be detrimental to the surrounding environment.

Additional opposition was received from Mr. Brent Hunsinger with the Friends of the Rappahannock, and Ms. Alana Hutka representing the Rappahannock Tribe of Virginia. Their protests centered on the potential effects the proposed industrial facility and increased barge traffic could have on Atlantic Sturgeon and anadromous fish species. Multiple members of the public have also submitted comments of opposition through VMRC's public database noting that the increased barge traffic in this area will put Atlantic Sturgeon at risk as vessel strikes are a leading cause of mortality. Many protestants noted that permit consideration at this time feels premature given that further research of Atlantic Sturgeon is planned for 2027 and that Vulcan's current permit remains valid for two more years.

Regarding potential navigational concerns presented, staff requested comments from both the U.S. Coast Guard and the Army Corps of Engineers. Both agencies advised that the project is acceptable.

Staff also requested comments from the Virginia Institute of Marine Science (VIMS) and the Department of Wildlife Resources (DWR). VIMS provided general comments for hollow steel pile driving which noted various mitigation strategies that should be utilized to minimize impacts to finfishes, such as air bubble curtains and ramp-up/soft start. Both VIMS and DWR recommend an in-stream time-of-year restriction of February 15 through June 30, and August 1 through November 15 for any pile driving or other in-stream work for the protection of Atlantic Sturgeon and other anadromous fish species (river herring, striped bass, shad, etc.) which utilize the Rappahannock River.

Summary/Recommendation

According to the applicant, the project is necessary to ensure continued supply of sand and gravel throughout Tidewater Virginia. Caroline County precludes the use of area roadways for the transport of materials from this site, and as such access is only feasible via the waterway. Even though there is a current VMRC permit authorizing the facility's construction along the

Summary/Recommendation (cont'd)

river through 2028, staff understands Vulcan's new application request for a new and longer permit due to their long-term planning for the site and operations.

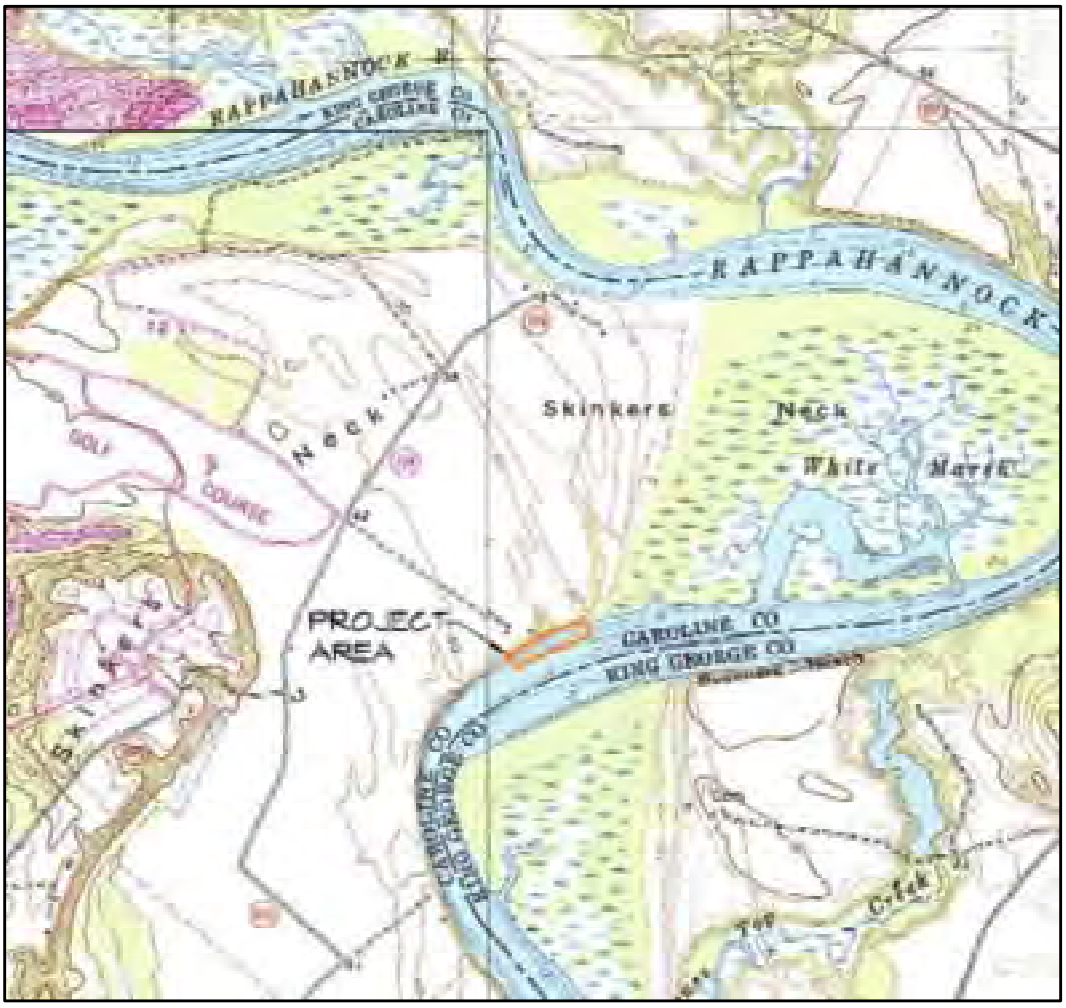
The proposed barge loading facility, as designed, appears to be consistent with sand mines that have operated up and downstream of the proposed project. The open-pile design of the pier and retractable conveyor belt represent minimal shading of jurisdictional non-vegetated tidal wetlands. Updated bathymetry data confirms the facility site maintains water depths to accommodate Vulcan's barge drafts, therefore dredging of subaqueous bottom is not needed. The river width at the site also allows the barges to be turned, if necessary, without damaging either shoreline. This coupled with a maximum of two (2) barges operating each day should minimize adverse impacts to this reach of the upper Rappahannock.

While staff is sensitive to the concerns raised by the protestants, the navigation of the river is primarily governed by the Coast Guard and the Corps. The Commission's primary authority over this project is the proposed structural and barge encroachments over state-owned submerged land and adjacent tidal wetlands.

Accordingly, after evaluating the merits of the project against the concerns expressed by those in opposition and after considering all of the factors contained in §28.2-1302 and §28.2-1205 of the Code, staff recommends approval of the project as proposed, finding that the anticipated public and private benefits exceed the anticipated public and private detriments. If Commission approval is granted, the former permit VMRC #2014-1413 will be deactivated and the new authorization granted will serve as the only active permit. The previous permit (#2014-1413) included the conditions of an instream work time-of-year restriction of February 15 to June 30 to protect anadromous fish, as well as the use of a bubble curtain during the installation of any approved steel, monopile structures. Staff recommends maintaining these previous conditions and adding an additional time-of-year restriction from August 1 through November 15 to protect all anadromous fish species during both the spring and fall seasons as advised by both VIMS and DWR.

Previously, a royalty of $4,421.40 was assessed and paid by the applicant for the encroachment over 2,210.70 square feet of state-owned subaqueous land at a rate of $2.00 per square foot. This royalty did not include the square footage of the conveyor belt and the enclosed workers shelter, nor did it utilize the bold outline method currently used by Habitat staff when calculating the total encroachment area of an industrial/commercial project. To account for the previous royalty, 2,210.70 square feet have been subtracted from the total square footage resulting in an updated encroachment of 37,041.30 square feet. Staff recommends a one-time royalty assessment of $74,082.60 for the encroachment of the proposed industrial pier and barge loading area over 37,041.30 square feet of state-owned subaqueous land at a rate of $2.00 per square foot.

Ultimately, the Commission may choose to approve the new proposal with the aforementioned conditions and royalty, which will be valid for a period of five years from today's date. If the new proposal is not approved, the existing VMRC permit #2014-1413 will remain valid until its expiration on December 31, 2028.



U.S.G.S. 7.5 MINUTE SERIES QUADRANGLES
PASSAPANTANZY, 1966, PHOTOREVISED 1979, PHOTOINSPECTED 1982
KING GEORGE, 1968, PHOTO REVISED 1978, PHOTOINSPECTED 1982
RAPPAHANNOCK ACADEMY, 1966, PHOTOREVISED 1984
PORT ROYAL, 1968, PHOTO INSPECTED 1981
SCALE: 1" = 2,000'



Project Area
38.234188°N
-77.247449°W

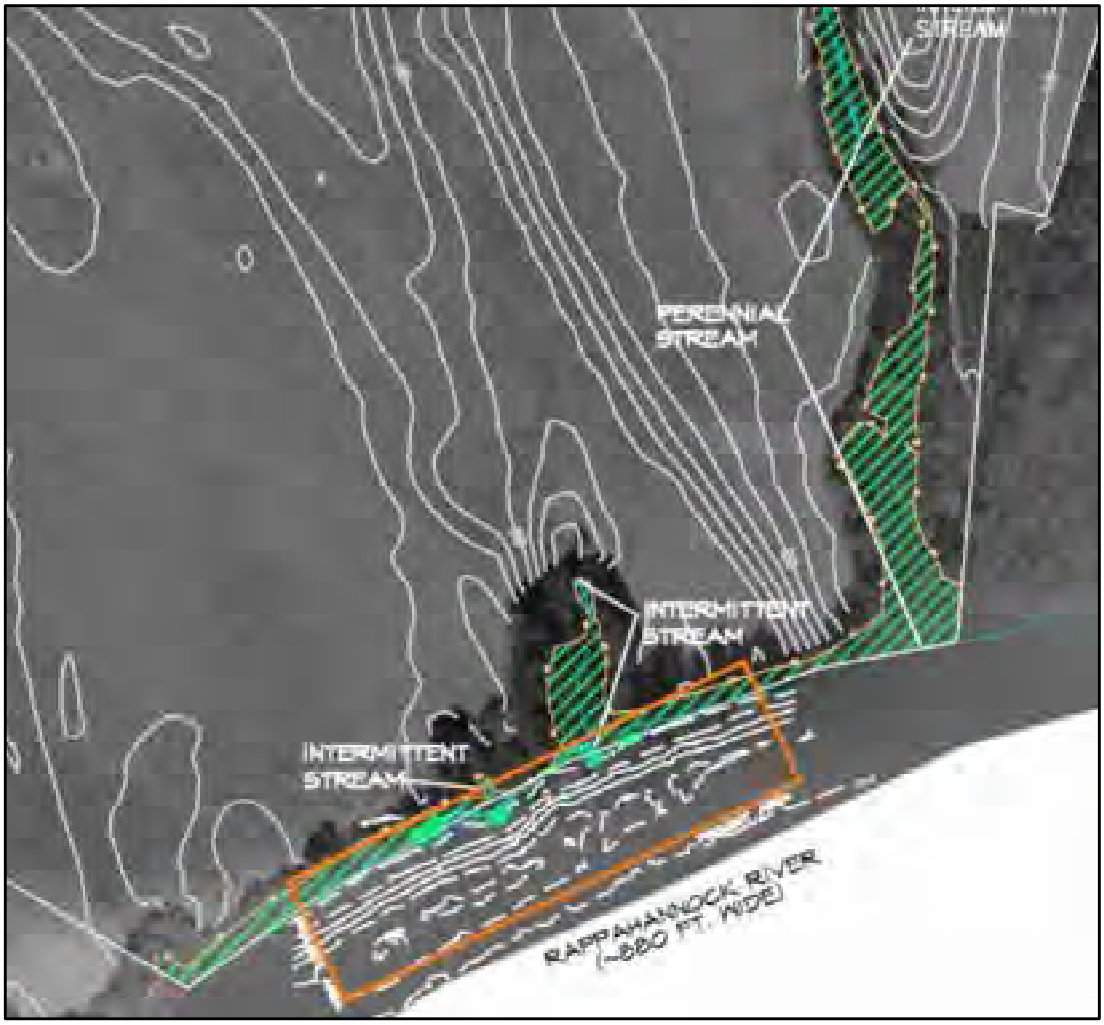
NOTE: ALL LOCATIONS ARE APPROXIMATE.

Figure 1: Site Location and Topography Map
Black Marsh Project
Tax Map #: 5-1-4A
1224 Black Marsh Drive
Caroline County, Virginia 22538

Townes SITE ENGINEERING

Project #: 20220361	Date: 06/12/2026	Scale: 1" = 2,000'

Additional Information/Revision Received by VMRC June 22, 2026 / llu



LEGEND

- PROJECT AREA (AREA OF POTENTIAL EFFECT)
- EXISTING CONTOURS (PRINTS WHITE)
- PFO FORESTED WETLAND/RAPPAHANNOCK RIVER (SURVEYED LOCATED)
- INTERMITTENT STREAM
- PERENNIAL STREAM
- TIDAL VEGETATED WETLANDS
- VMRC LIMITS OF JURISDICTION (MSL)



TIDE ELEVATIONS (STATION ID. 8635150, MLLW)

MHW	=	1.77 FEET
MLW	=	0.14 FEET
MLLW	=	0.00 FEET

Project Area
38.234188°N
-77.247449°W

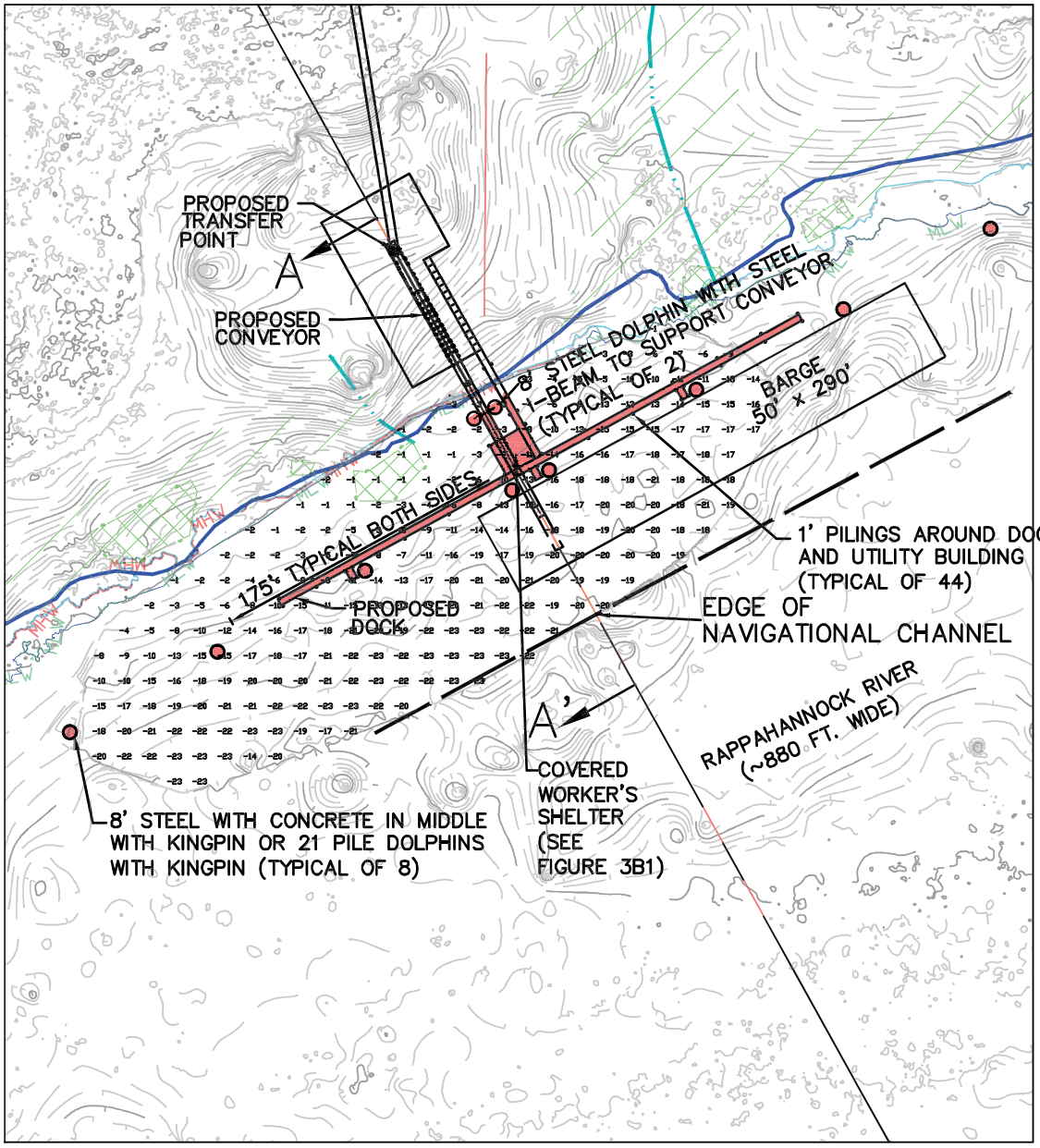
NOTE: ALL LOCATIONS ARE APPROXIMATE.

Figure 2 : Existing Conditions Map
Black Marsh Project
Tax Map #: 5-1-4A
1224 Black Marsh Drive
Caroline County, Virginia 22538

Townes SITE ENGINEERING

Project #: 20220361	Date: 06/12/2026	Scale: 1" = 100'

Additional Information/Revision Received by VMRC June 22, 2026 / llu



LEGEND

- PROJECT AREA (AREA OF POTENTIAL EFFECT)
- 50 EXISTING CONTOURS (PRINTS WHITE)
- PFO FORESTED WETLAND/RAPPAHANNOCK RIVER (SURVEYED LOCATED)
- INTERMITTENT STREAM
- PERENNIAL STREAM
- TIDAL VEGETATED WETLANDS
- 2.4 VMRC LIMITS OF JURISDICTION (MSL)

GRAPHIC SCALE

100 0 50 100 200

(IN FEET)

1 inch = 100 ft.

Townes SITE ENGINEERING
1 Park West Circle
Suite 108
Midlothian, Virginia 23114
Phone:(804) 748-9011
Fax:(804) 748-2590
www.cctownes.com

BLACK MARSH
CAROLINE COUNTY, VA

FIGURE 3A– PLAN VIEW OF SITE AND NAVIGATIONAL CHANNEL

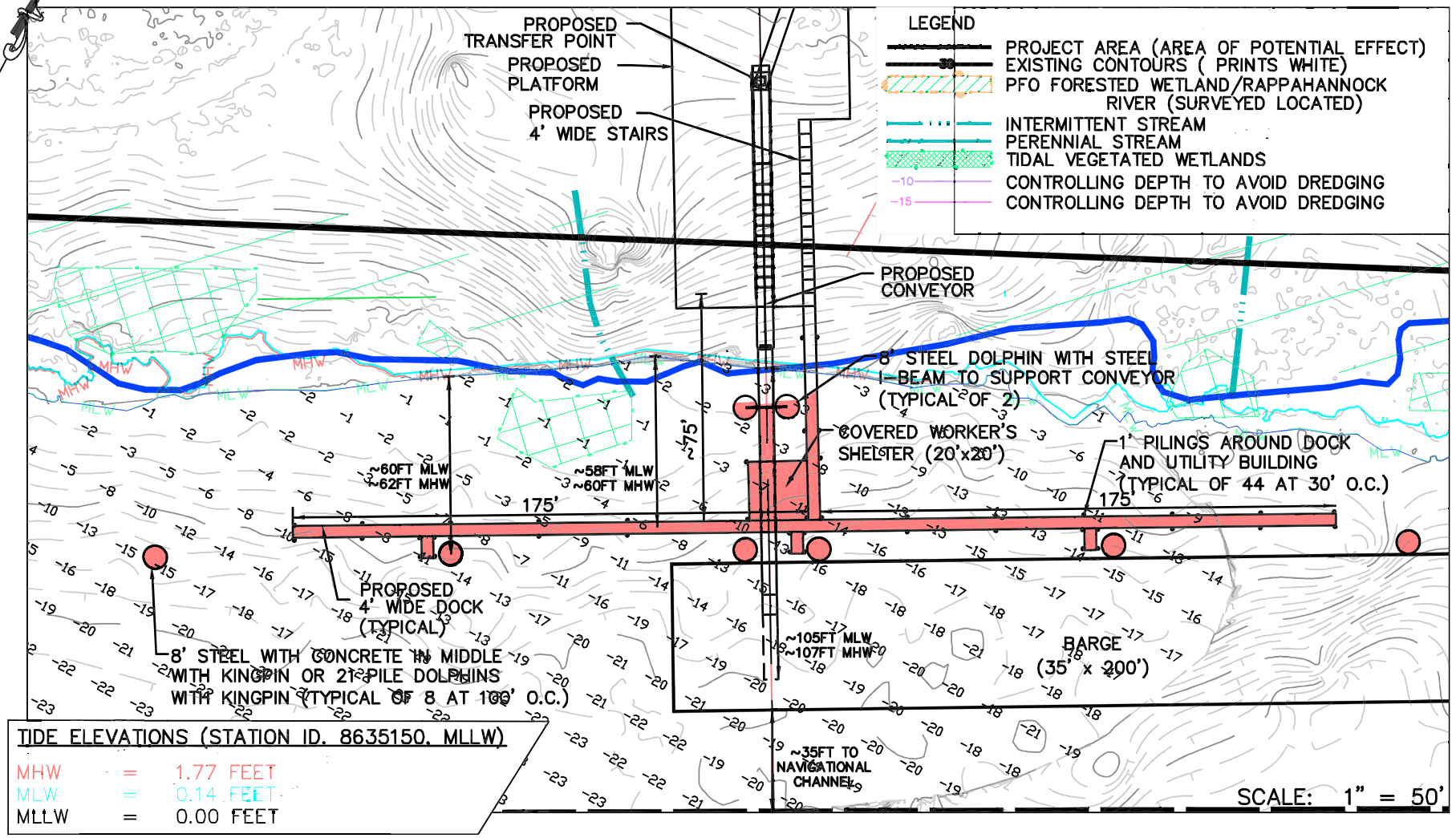
TIDE ELEVATIONS (STATION ID. 8635150, MLLW)

MHW = 1.77 FEET
MLW = 0.14 FEET
MLLW = 0.00 FEET

PROJECT #: 20220361 DATE: 09/30/2026 SCALE: 1" = 100'

Additional Information/ Revision Recieved by VMRC October 6, 2026 ks

Z:\Shared\J Drive\SDSKPROJ\20220361\Drawings\Wetland Drawings\20220361_WETLAND IMPACT FIGURES.dwg Plotted: Oct 05, 2026–4:10pm



Townes SITE ENGINEERING
1 Park West Circle
Suite 108
Midlothian, Virginia 23114
Phone:(804) 748-9011
Fax:(804) 748-2590
www.cctownes.com

PROJECT #: 20220361 DATE: 09/30/2026

ENLARGEMENT OF DOCK
BLACK MARSH PROPERTY
CAROLINE COUNTY, VA

FIGURE 3C

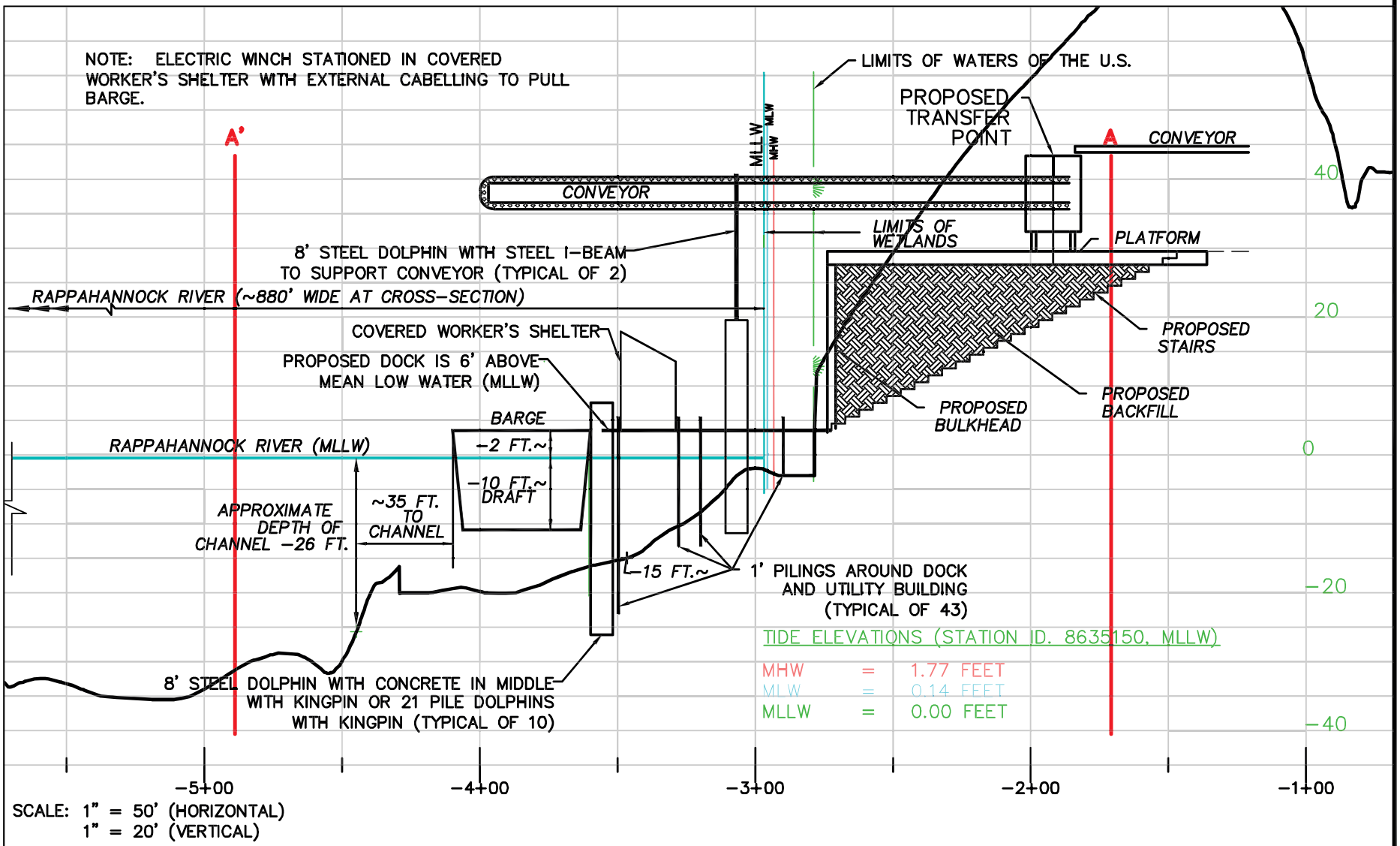
SCALE: 1" = 50'

LEGEND
PROJECT AREA
EXISTING TOPOGRAPHY
MEAN HIGH WATER
MEAN LOW WATER

AERIAL IMAGERY PROVIDED BY MICROSOFT BING/AUTODESK

Additional Information/ Revision Recieved by VMRC October 6, 2026 / ks

7



Townes SITE ENGINEERING
1 Park West Circle
Suite 108
Midlothian, Virginia 23114
Phone:(804) 748-9011
Fax:(804) 748-2590
www.cctownes.com

PROJECT #: 20220361 DATE: 09/30/2026

CROSS SECTION A-A'
BLACK MARSH PROPERTY
CAROLINE COUNTY, VA

FIGURE 3B

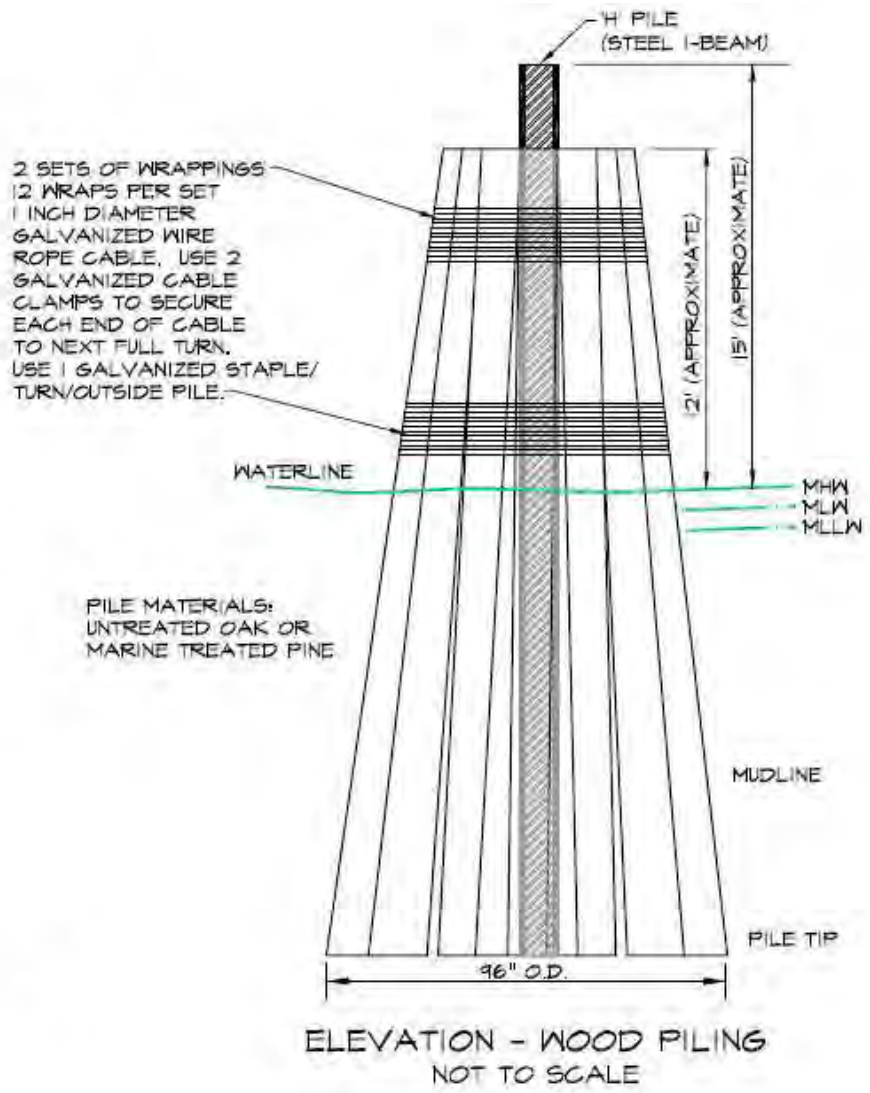
SCALE: 1" = 50'

LEGEND

LOT LINE
EXISTING TOPOGRAPHY
MEAN HIGH WATER
MEAN LOW WATER

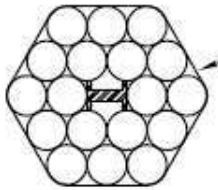
AERIAL IMAGERY PROVIDED BY MICROSOFT BING/AUTODESK

Additional Information/ Revision Recieved by VMRC October 1, 2026 / ks



ELEVATION - WOOD PILING
NOT TO SCALE

Project Area
38.234188°N
-77.247449°W



PLAN VIEW - WOOD PILING
NOT TO SCALE



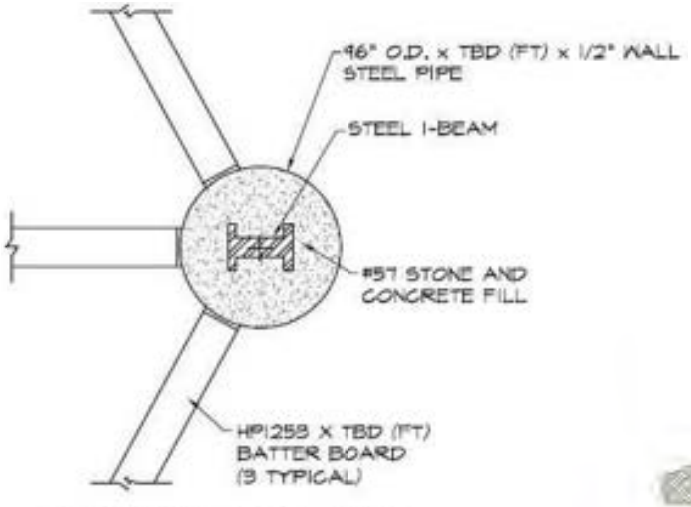
NOTE: THE INFORMATION PROVIDED HEREON IS FOR CONCEPTUAL PURPOSES ONLY.

Figure 4B: Proposed Option 'B' Wood Piling Detail
Black Marsh Project
Tax Map #: 5-1-4A
1224 Black Marsh Drive
Caroline County, Virginia 22538

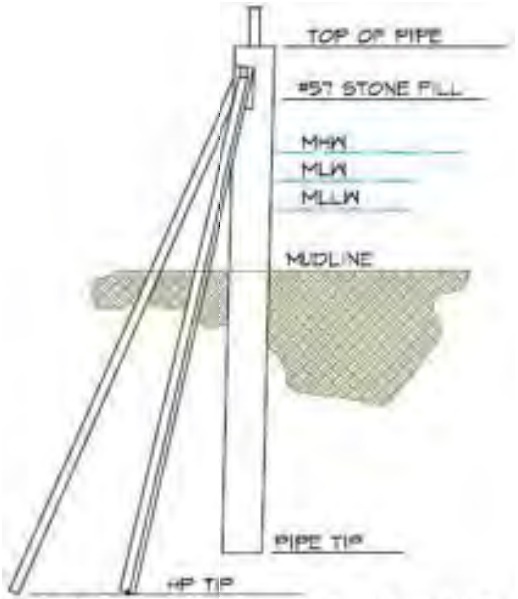
Townes SITE ENGINEERING

Project #: 2022156	Date: 06/27/2026	Scale: N.T.S.

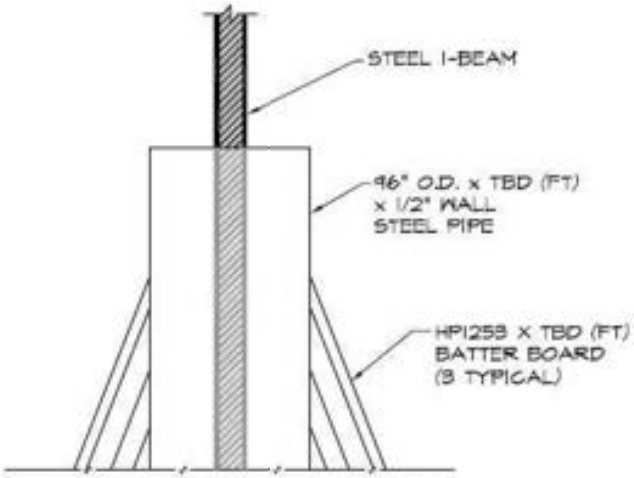
Additional Information/Revision Received by VMRC June 22, 2026 / llu



PLAN VIEW - STEEL PILING
NOT TO SCALE



ELEVATION - STEEL SUPPORT PILING
NOT TO SCALE



DETAIL VIEW - STEEL PILING
NOT TO SCALE

Project Area
38.234188°N
-77.247449°W



NOTE: THE INFORMATION PROVIDED HEREON IS FOR CONCEPTUAL PURPOSES ONLY.

Figure 4C: Steel Support Piling Detail
Black Marsh Project
Tax Map #: 5-1-4A
1224 Black Marsh Drive
Caroline County, Virginia 22538

Townes SITE ENGINEERING

Project #: 2022156	Date: 06/22/2026	Scale: N.T.S.

Additional Information/Revision Received by VMRC June 22, 2026 / llu

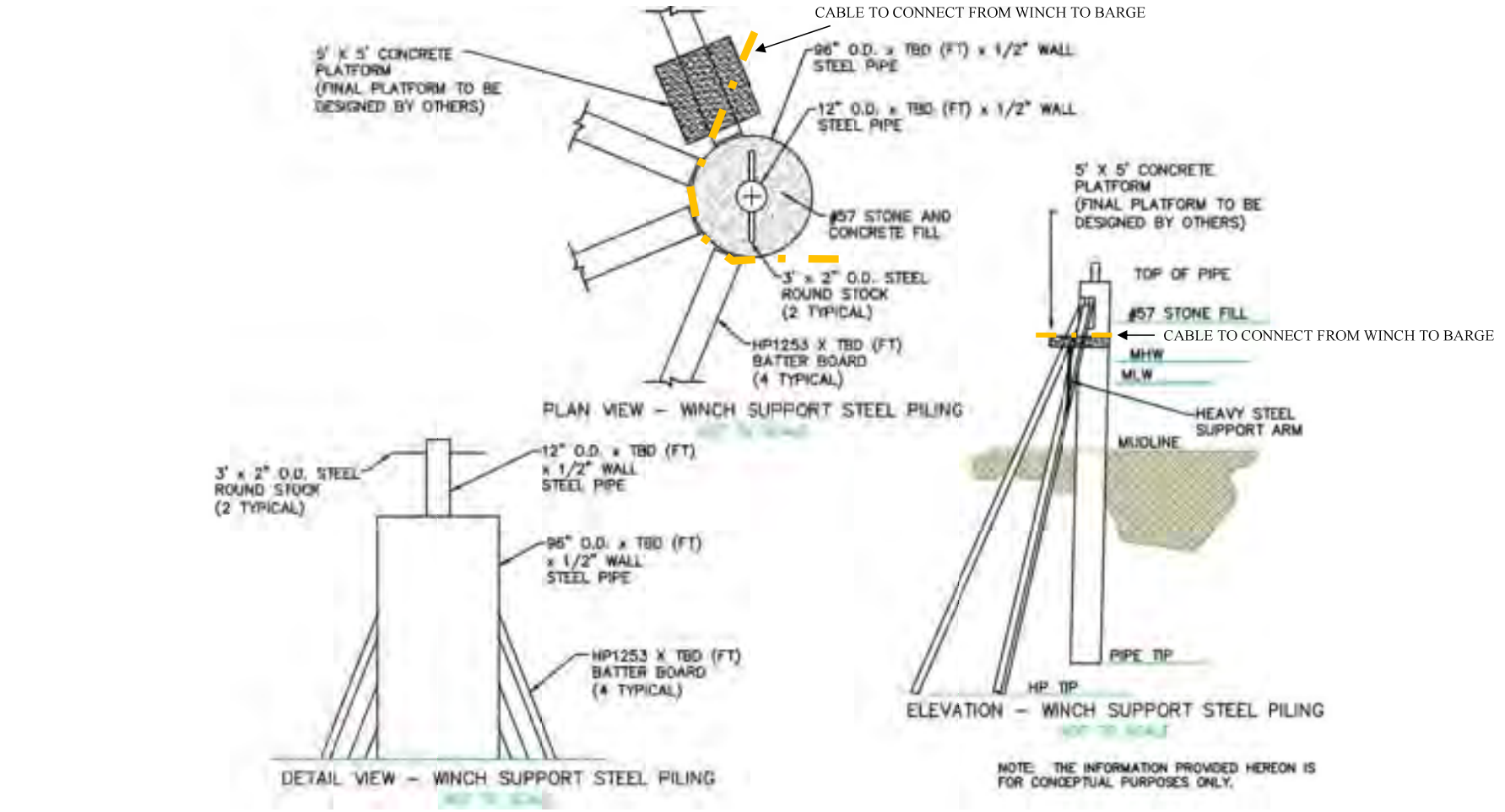
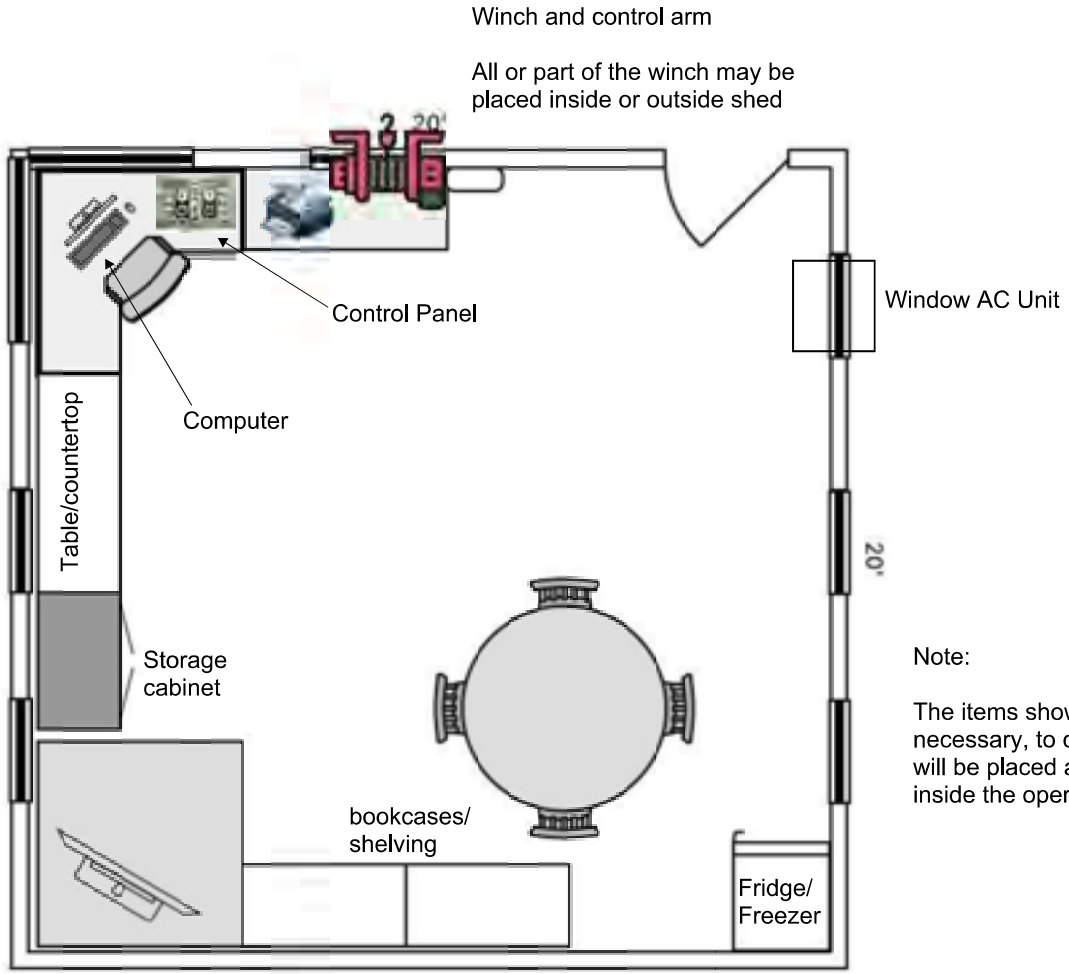


Figure 4D: Winch Piling Detail
Black Marsh Project
Tax Map #: 5-1-4A
1224 Black Marsh Drive
Caroline County, Virginia 22538

Townes SITE ENGINEERING

Project #: 2022056 | **Date:** 06/12/2026 | **Scale:** N.T.S.

Additional Information/Revision Received by VMRC June 22, 2026 / llu



NOTE: THE INFORMATION PROVIDED HEREON IS FOR CONCEPTUAL PURPOSES ONLY.

Figure 5B: Proposed Worker's Shed Interior
Black Marsh Project
Tax Map #: 5-1-4A
1224 Black Marsh Drive
Caroline County, Virginia 22538

Townes SITE ENGINEERING

Project #: 2022050	Date: 06/22/2026	Scale: N.T.S.

Additional Information/Revision Received by VMRC June 22, 2026 / llu

From:	Upton, Olivia (MRC)
To:	MRC - jpa Permits
Subject:	Fw: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments
Date:	Monday, August 31, 2026 11:14:37 AM
Attachments:	Outlook-4xv14tnx.png Hollow Steel Piles_v2.pdf

Please process message and attachment as VIMS comments for 26-0860. Thank you!

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

From: Emily A. Hein <eahein@vims.edu>
Sent: Thursday, April 23, 2026 3:16 PM
To: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>; Advisory <Advisory@vims.edu>
Cc: Lyle M. Varnell <lyle@vims.edu>
Subject: Re: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

Hi Olivia,

I've attached our general comments for hollow steel pile driving. These recommendations are appropriate for this project. Once you have a chance to go through it, let me know if you'd like to chat.

Best,

Emily

Recieved by VMRC August 31, 2026 / ks

Emily Hein
Assistant Director for Advisory Services
VIMS Research and Advisory Services
Virginia Institute of Marine Science
William & Mary
www.vims.edu/oras
eahein@vims.edu
804-684-7482

Book time to meet with me

From: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Sent: Thursday, April 23, 2026 2:11 PM
To: Advisory <Advisory@vims.edu>
Cc: Emily A. Hein <eahein@vims.edu>; Lyle M. Varnell <lyle@vims.edu>
Subject: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

[EXTERNAL to VIMS received message]

Good afternoon,

I am reaching out to request VIMS comments for VMRC #2026-0860. The project proposes to construct a 4-foot wide by 75-foot long commercial pier with a 4-foot wide by 354-foot long T-head, three (3) finger piers, and a 400 square foot covered workers shelter, and to install two (2) 8-foot diameter steel pile supports for a retractable conveyor and set eight (8) 21-pile timber dolphins or eight (8) 8-foot diameter steel pile dolphins with batterboards to provide access for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated at the terminus of Black Marsh Road along the Rappahannock River in Caroline County.

The application is a resubmittal for a previous permit that will soon expire (VMRC #2014-1413). I am looking for insight regarding the installation of the steel pilings and what, if any, permit conditions should be in place. The previous permit (attached) requires a time-of-year restriction for anadromous fishes and the use of a bubble curtain during installation.

Your feedback is greatly appreciated. Thank you in advance and I look forward to hearing from you!

Sincerely,
Olivia Upton

Recieved by VMRC August 31, 2026 / ks

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

Recieved by VMRC August 31, 2026 / ks

11 April 2024

Mr. Randy Owen
Chief, Habitat Management
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

Dear Mr. Owen and the Habitat Management Division:

Hollow steel piles (also called pipe piles) of various sizes have been utilized with increasing frequency for permanent and temporary structures throughout the waters of the Commonwealth. Our recommendations to mitigate the impacts to finfishes of installing these piles are generally consistent across projects, so we present here an overview of concerns and mitigation strategies. Appended is a selected annotated bibliography for additional in-depth information on hydroacoustics, fish physiology and barotrauma (including sound thresholds), mitigation strategies, etc. Office of Research and Advisory Services and fisheries scientists contributed to this report. Note that other marine and coastal animals are also impacted by sound and only finfishes are discussed here. For more information regarding hydroacoustic impacts on marine mammals and sea turtles we recommend consulting with NOAA National Marine Fisheries Service.

Hollow steel piles used in Virginia waters typically range in diameter from 12 to 60 inches, with those used for the Coastal Virginia Offshore Wind turbines at the extreme end of the size spectrum at 31 feet. They are used for their strength in permanent installations (e.g. commercial wharfs) and relative ease of removal and reuse for temporary structures (e.g. work trestles). Piles can be installed via vibratory and/or impact hammer with the latter typically used when piles are driven to depths great enough that there is significant friction between the pile and sediment and when the subaqueous sedimentary structure is such that vibratory methods are ineffective. It is the noise generated from installation via impact hammer that is of particular concern as it can harm fishes in the form of masked communication, altered behavior, injury, and death in certain fishes and life stages; particularly those fishes with swim bladders and those that utilize acoustics (such as shad). Fishes without swim bladders are less likely to experience mortality as a direct result of the sound pressure wave; however, their behavior (as well as that of fishes with swim bladders) can be altered sufficiently such that they become disoriented and vulnerable to higher likelihood of predation. Sound thresholds that cause behavioral changes are not well understood for many species, particularly for juveniles and smaller forage species (e.g. Bay anchovy), though it is suspected juvenile and smaller forage species may prove more susceptible to harm or behavioral changes from lower sound levels than larger fishes. Smaller fishes are also more likely to utilize shallow water so impacts to fishes from hollow steel pile driving should be considered for projects in all water depths. Additionally, sound from pile driving is transmitted through the sediment as well as the water column making the identification of appropriate mitigation strategies more challenging in shallow environments.

Underwater noise generated by projects located in unconfined waters (e.g. near an open-ocean coast) are both simpler to model and cause less concern as fishes are not trapped between shallow/shoreline features and the sound source. It is possible to estimate the ensonification of a waterway from pile driving; however, we recognize that doing so is often not practical, particularly for smaller projects. Such sound modeling is complicated by the irregular shapes of waterways such as rivers, coves, and harbors where

Recieved by VMRC August 31, 2026 / ks

sound waves interact with the shoreline and bathymetry as well as anthropogenic structures, creating interference. It is those projects located in confined waters (e.g. the Bay, its tributaries, Seaside lagoons) and for which detailed hydroacoustic modeling is not conducted that we recommend the following strategies to minimize and mitigate for underwater noise generated by impact driving of hollow steel piles.

Minimization and Mitigation Strategies

1. **Minimize size and number of piles:** To reduce the impacts of driving hollow steel piles it is necessary to consider the structural engineering aspects of a project and use piles with the narrowest diameter possible as noise generated from driving narrow piles is less than that of those with larger diameters. Cumulative noise from the number of hammer strikes needed to drive each pile also contributes to impacts, so reducing the total piles needed for a project is also a minimization consideration. Consequently, it is necessary to balance the size and number of piles needed for a project.
2. **Reduce concurrent pile driving:** For those projects where driving two or more piles concurrently is planned, we recommend further analysis and potentially hydroacoustic modeling of the ensonified area to ensure there is adequate "quiet" water for fish passage (e.g. that most of a river's width is not ensonified).
3. **Minimize impact driving:** To further minimize the cumulative noise from hammer strikes, each pile should be driven as deep as practicable using vibratory or other alternative techniques before switching to use of an impact hammer.
4. **Isolation from the water column:** Air greatly reduces sound transmission, so isolating a pile from the water column with air is an effective technique. This can be accomplished most effectively by driving piles inside a dewatered cofferdam. If that is not feasible, the next most effective method of isolation is a steel casing lined with 2 inches of closed-cell foam; however, we recognize that such liners are not readily available and are expensive so understand they may only rarely be utilized. Slightly less effective, a double-walled isolation casing which has an annular gap between the two walls and is slightly larger than the pile to be drilled can be employed. The least effective method of isolation is a single steel casing, which must be dewatered to be effective.
5. **Air bubble curtains:** Bubble curtains also disrupt underwater noise propagation with air by creating a screen of bubbles surrounding the piling. Bubble curtains must be designed properly to ensure the integrity of the screen remains intact. In deeper waters, this could entail stacking multiple bubble-producing rings and/or concentric rings of bubbles. In waters where currents are likely to sweep bubbles from around the pile, it is necessary to use a casing (hard or soft) to maintain the integrity of the bubble curtain.
6. **Wooden cushion blocks:** Sound produced from impact driving can be reduced through the use of a cushion block. Wood is the most effective material and should be used whenever possible. For large pile sizes where wood is impracticable, polymer or nylon cushion blocks offer some sound reduction as compared with no cap but at a lesser efficacy than wood.
7. **Ramp-up/soft-start:** Gradually increasing the timing and force of hammer strikes is intended to drive fishes (and other animals) away from pile driving when sound is below the threshold for harm. There is some nascent research that indicates the effectiveness of soft-start procedures may

Recieved by VMRC August 31, 2026 / ks

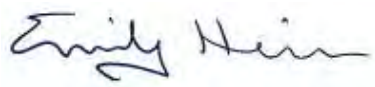
be species dependent and may habituate some fishes to the noise rather than drive them away. Currently, the scientific evidence indicating that adhering to soft-start procedures is harmful to fishes is slim, so we continue to recommend such methods for impact driving of hollow steel piles. As with all of these recommendations, we will update our guidance whenever new scientific information becomes available.

8. **Time-of-year restrictions:** We recommend using all the techniques listed above whenever driving hollow steel piles; however, it remains necessary to implement a time-of-year restriction on hollow steel pile driving in areas frequented by anadromous fishes. These fishes are particularly susceptible to barotrauma and include protected and managed species (e.g. Atlantic sturgeon). Time-of-year restrictions may not correspond with only the timing of the adult spawning run, but also include juvenile staging and outmigration time periods. We remain available to provide recommendations for the implementation of time-of-year restrictions for specific projects.

The effects of underwater noise on fishes and other marine animals remains an understudied topic, with few comparable direct field studies or experiments. In the absence of additional published studies, the recommendations presented here represent the best scientific information available at this time. We look forward to updating them based on new research in the future.

Please let me know if you have any questions or require additional information.

Sincerely,



Emily Hein
Assistant Director for Advisory Services

Appendix: Annotated Bibliography of Selected Works

Comprehensive Overview and Detailed Regulatory Considerations

Molnar, M., Buehler, D., Oestman, R., Reyff, J., Pommerenck, K., and Mitchell, B. (2020). *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish*. California Department of Transportation. 533pp. https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/hydroacoustic-manual-a11y.pdf

Updated version of comprehensive overview and guidance document. Contains background information, recommendations, pile driving sound data, procedures for measuring pile driving sound, and tools for preparing a biological assessment. Pile driving typically produces sounds ranging from 157–188 dB and sound movement in the aquatic environment is dependent on local geology. According to field studies in California, dry cofferdams provide the best sound mitigation; other methods to protect fishes include time of year restrictions, bubble curtains, limiting the number of piles needed and using smaller piles. Preliminary guidelines for protection of fishes during pile driving are 206 dB peak sound exposure level (SEL) and 187 dB SEL_{cum} (cummulative sound exposure level) for fish > 2 g, and 206 dB peak SEL and 183 dB SEL_{cum} for fish < 2 g.

Recieved by VMRC August 31, 2026 / ks

Selected bibliography (in alphabetical order)

Casper, B. M., Halvorsen, M. B., Matthews, F., Carlson, T. J., & Popper, A. N. (2013). Recovery of Barotrauma Injuries Resulting from Exposure to Pile Driving Sound in Two Sizes of Hybrid Striped Bass. *PLOS One*, *8*(9). https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0073844

This lab study finds that larger striped bass (over 2 g) are more prone to sound exposure injuries than smaller fish, contrary to previous hypotheses. The study also finds that fish with greater ability to change the volume of gas in the swim bladder appear less prone to sound exposure injury. Importantly, the threshold sound exposure level that causes injury to studied fishes is above the interim management criteria for sound exposure (187 dB re 1 uPa^2/s SEL_{cum} for fishes > 2 g and 183 dB re 1 uPa^2/s SEL_{cum} for fishes < 2 g).

Hawkins, A. D., Johnson, C., & Popper, A. N. (2020). How to set sound exposure criteria for fishes. *Journal of the Acoustical Society of America*, *147*(3), 1762–1777. https://doi.org/10.1121/10.0000907

The attributes of sound relevant to fish exposure criteria development include sound propagation in the environment; the type of sound emitted (sound pressure vs particle motion, continuous vs intermittent, etc.); attributes of the sound exposure; the sensitivity of exposed fishes to sound; and the biological significance of sound exposure. Additionally, research design needs to be improved to develop successful management criteria, including standardized use of terms; intentional selection of species for research; attention to acoustic conditions of study sites; and consideration of extrapolation from enclosed studies to open-water systems.

Laughlin, J. (2007). *Underwater Sound Levels Associated with Driving Steel and Concrete Piles Near the Mukilteo Ferry Terminal* (pp. 1–67) [Technical Report]. Washington State Department of Transportation. https://cdn.cocodoc.com/cocodoc-form-pdf/pdf/287090593--Mukilteo-Test-Pile-Project-Report-Mukilteo-Ferry-Terminal-Test-Pile-Report-wadot-wa-.pdf

All mitigation measures tested in this field study (bubble curtain, hollow double-walled steel pile casing, and steel casing with 2 inches of closed cell foam liner) helped with sound attenuation from pile driving, with the steel casing with a 2-in closed cell foam liner being the most effective casing, reducing noise nearly as much as bubble curtains. Under all scenarios, fish kills were only seen within 10 m from the pile driving site.

MacGillivray, A., Warner, G., Racca, R., & O'Neill, C. (2011). *Tappan Zee Bridge Construction Hydroacoustic Noise Modeling* (Final Report No. P001116-001). JASCO Applied Sciences. https://www.newnybridge.com/documents/feis/vol2/f-4a-tzb-construction-hydroacoustic-noise-modeling.pdf

This report covers an extensive background on acoustics and modeling options for predicting sound propagation in the underwater environment. The results are based on pile driving activities, which were expected to produce the highest sound pressures for the Tappan Zee Bridge Project over the Hudson River, New York. A confined bubble curtain was determined to be the most effective mitigation method for sound exposure in a high-current river environment.

Recieved by VMRC August 31 , 2026 / ks

Neo, Y. Y., Hubert, J., Bolle, L., Winter, H. V., ten Cate, C., & Slabbekoorn, H. (2016). Sound exposure changes European seabass behaviour in a large outdoor floating pen: Effects of temporal structure and a ramp-up procedure. *Environmental Pollution*, *214*, 26–34. http://dx.doi.org/10.1016/j.envpol.2016.03.075

This study is one of the only outdoor, unconfined experiments done on fish response to sound exposure. The results show that ramp-up procedures may allow fishes to acclimate to sound rather than encouraging them to swim away from the source. Additionally, sound intermittency and interval regularity did not influence fish response or recovery to sound exposure in this experiment.

Popper, A. N., & Fay, R. R. (2011). Rethinking sound detection by fishes. *Hearing Research*, *273*, 25–36. https://doi.org/10.1016/j.heares.2009.12.023

This literature review finds that the terms "hearing specialist" and "hearing generalist" are too arbitrary, and that fish hearing exists on more of a continuum. Behavioral audiograms appear to be the best way to understand comparative hearing in fishes, and particle motion is likely much more important to fish hearing than sound pressure level.

Popper, A. N., Hawkins, A. D., Fay, R. R., Mann, D. A., Bartol, S., Carlson, T. J., Coombs, S., Ellison, W. T., Gentry, R. L., Halvorsen, M. B., Løkkeborg, S., Rogers, P. H., Southall, B. L., Zeddies, D. G., & Tavolga, W. N. (2014). *Sound Exposure Guidelines for Fishes and Sea Turtles* (Technical Report ASA S3/SC1.4 TR-2014). ANSI. https://link.springer.com/content/pdf/10.1007%2F978-3-319-06659-2.pdf

The authors of this technical report divide species into five categories for proposed sound exposure criteria to avoid mortality and mortal injury: (1) fishes with no swim bladder or other gas chamber – 219 dB SEL_{cum} or 213 dB peak), (2) fishes with swim bladders not related to hearing mechanisms – 210 dB SEL_{cum} or 207 dB peak, (3) fishes with swim bladders related to hearing mechanisms – 207 dB SEL_{cum} or 207 dB peak, (4) sea turtles – 210 dB SEL_{cum} or 207 dB peak, and (5) fish eggs and larvae – 210 db SEL_{cum} or 207 dB peak.

Popper, A. N., & Hawkins, A. D. (2019). An overview of fish bioacoustics and the impacts of anthropogenic sounds on fishes. *Journal of Fish Biology*, *94*, 692–713. https://doi.org/10.1111/jfb.13948

This literature review asks for more research on fish population effects rather than individual fish effects of sound exposure based on the masking effects of increased background noise. Additionally, the paper states that fish hearing and health are more impacted by the particle motion of sound rather than sound pressure.

Simpson, S. D., Purser, J., & Radford, A. N. (2015). Anthropogenic noise compromises antipredator behaviour in European eels. *Global Change Biology*, *21*, 586–593. https://doi.org/10.1111/gcb.12685

Anthropogenic sound that disrupts the acoustic scene is detrimental to antipredator behavior by masking crucial acoustic cues and signals, according to these studies in both the lab and field.

Recieved by VMRC August 31, 2026 / ks

Stokes, A., Cockrell, K., Wilson, J., Davis, D., & Warwick, D. (2010). *Mitigation of Underwater Pile Driving Noise During Offshore Construction: Final Report* (Final Report M09P00019-8). Applied Physical Sciences Corp. https://tethys.pnnl.gov/sites/default/files/publications/Stokes-et-al-2010.pdf

This modeling project found that the most effective mitigation measure for attenuating pile driving sound is a dewatered cofferdam of thick steel. Sound mitigation attained was about 20 dB. This mitigation is effective at attenuating sound movement through the water, but sound movement through the seabed is much more difficult to attenuate.

Recieved by VMRC August 31, 2026 / ks

From:	Upton, Olivia (MRC)
To:	MRC - jpa Permits
Subject:	Fw: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments
Date:	Thursday, October 15, 2026 8:15:04 AM
Attachments:	Outlook-4xv14tnx.png image.png image.png

Please process as VIMS comments for 26-0860. Thank you!

Sincerely,
Olivia Upton

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

From: Emily A. Hein <eahein@vims.edu>
Sent: Tuesday, October 13, 2026 4:58 PM
To: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Cc: Advisory <Advisory@vims.edu>
Subject: Re: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

Hi Olivia,

Thanks for your patience as I catch up after fieldwork! We agree with DWR and also recommend both the spring and fall TOYRs. As discussed in the hollow steel pile driving document I provided earlier, we recommend use of all mitigative measures (bubble curtains, ramp-up, wooden cushion blocks) during all other times. As far as the issue raised

Received by VMRC, October 15, 2026 / dd

in public comments of increased vessel traffic causing increased vessel strikes, that is likely correct (provided the number of vessels transiting the area will be increasing), though there are not mitigative measures we can recommend to reduce that possibility.

Please let me know if you have any other questions.

Best,

Emily

Upcoming out of office dates:
November 2–30 (medical leave)

Emily Hein

Assistant Director for Advisory Services
VIMS Research and Advisory Services
Virginia Institute of Marine Science
William & Mary
eahein@vims.edu
804-684-7482

Book time to meet with me

From: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Sent: Tuesday, October 13, 2026 4:41 PM
To: Emily A. Hein <eahein@vims.edu>
Subject: Re: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

[EXTERNAL to VIMS received message]

Hey Emily,

Just reaching out again to see if VIMS has any additional comments on this request.
Thank you!

Sincerely,
Olivia Upton

Olivia Upton
Environmental Engineer - Habitat Management Division

Received by VMRC, October 15, 2026 / dd

Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

From: Emily A. Hein <eahein@vims.edu>
Sent: Sunday, October 4, 2026 12:00 PM
To: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Subject: Re: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

Hi Olivia,

Let me chat with some fisheries folks and get back to you about the increased commercial traffic.

--Emily

Assistant Director for Advisory Services
VIMS Research and Advisory Services
Virginia Institute of Marine Science
William & Mary
eahein@vims.edu
804-684-7482

Book time to meet with me

From: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Sent: Thursday, October 1, 2026 3:41 PM
To: Emily A. Hein <eahein@vims.edu>; Advisory <Advisory@vims.edu>
Cc: Lyle M. Varnell <lyle@vims.edu>
Subject: Re: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

Received by VMRC, October 15, 2026 / dd

[EXTERNAL to VIMS received message]

Hi Emily,

I am circling back to your comments now as I just recently received revised information for this project and am currently working to prepare a presentation for the next Commission meeting.

A majority of the Public Comments received by VMRC so far reference the potential effects this project could have on Atlantic Sturgeon and anadromous fish species. I wanted to ask if VIMS had any specific concerns/comments regarding what is proposed and how that may affect these species. I know the previous permit (#2014-1413) includes a condition for a time of year restriction for in-stream work from February 15 to June 30 to protect anadromous fish. Additionally, the comments received from DWR also recommend a TOYR from Feb 15 to June 30 and Aug 1 to Nov 15 for any piledriving/in-stream work to protect Atlantic Sturgeon and anadromous fish.

Please let me know if VIMS has any additional comments regarding how this project may affect these fish species. Thank you!

Sincerely,
Olivia Upton

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

Received by VMRC, October 15, 2026 / dd

From: Emily A. Hein <eahein@vims.edu>
Sent: Thursday, April 23, 2026 3:16 PM
To: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>; Advisory <Advisory@vims.edu>
Cc: Lyle M. Varnell <lyle@vims.edu>
Subject: Re: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

Hi Olivia,

I've attached our general comments for hollow steel pile driving. These recommendations are appropriate for this project. Once you have a chance to go through it, let me know if you'd like to chat.

Best,

Emily

Emily Hein
Assistant Director for Advisory Services
VIMS Research and Advisory Services
Virginia Institute of Marine Science
William & Mary
www.vims.edu/oras
eahein@vims.edu
804-684-7482

Book time to meet with me

From: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Sent: Thursday, April 23, 2026 2:11 PM
To: Advisory <Advisory@vims.edu>
Cc: Emily A. Hein <eahein@vims.edu>; Lyle M. Varnell <lyle@vims.edu>
Subject: VMRC #2026-0860, Vulcan Construction Materials, LLC - Request for VIMS Comments

[EXTERNAL to VIMS received message]

Good afternoon,

I am reaching out to request VIMS comments for VMRC #2026-0860. The project proposes to construct a 4-foot wide by 75-foot long commercial pier with a 4-foot wide by 354-foot long T-head, three (3) finger piers, and a 400 square foot covered workers shelter, and to install two (2) 8-foot diameter steel pile supports for a retractable

Received by VMRC, October 15, 2026 / dd

conveyor and set eight (8) 21-pile timber dolphins or eight (8) 8-foot diameter steel pile dolphins with batterboards to provide access for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated at the terminus of Black Marsh Road along the Rappahannock River in Caroline County.

The application is a resubmittal for a previous permit that will soon expire (VMRC #2014-1413). I am looking for insight regarding the installation of the steel pilings and what, if any, permit conditions should be in place. The previous permit (attached) requires a time-of-year restriction for anadromous fishes and the use of a bubble curtain during installation.

Your feedback is greatly appreciated. Thank you in advance and I look forward to hearing from you!

Sincerely,
Olivia Upton

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

Received by VMRC, October 15, 2026 / dd

From:	Upton, Olivia (MRC)
To:	MRC - jpa Permits
Subject:	Fw: ESSLog #35208_MRC NAO-2010-00235, 20260860_Black Marsh Sand Gravel Facility_Caroline_DWR_TMD20260618
Date:	Thursday, June 18, 2026 11:37:47 AM
Attachments:	Outlook-DWR-shield.png

Please process as DWR comment for 26-0860. Thank you!

Sincerely,
Olivia Upton

Olivia Upton
Environmental Engineer - Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road, Building 96
Fort Monroe, VA 23651
(757) 247-8028

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 the shift to RRS, please contact Barry Spence at barry.l.spence@usace.army.mil.

From: Doucette, Tamara (DWR) <Tamara.Doucette@dwr.virginia.gov>
Sent: Thursday, June 18, 2026 9:56 AM
To: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Cc: Strawderman, Nicole (DWR) <Nicole.Strawderman@dwr.virginia.gov>; Schul, Hannah (DWR) <Hannah.Schul@dwr.virginia.gov>
Subject: ESSLog #35208_MRC NAO-2010-00235, 20260860_Black Marsh Sand Gravel Facility_Caroline_DWR_TMD20260618

Olivia,

I apologize these comments are late. We are down an ESS biologist for a few weeks and have a significant backlog.

Received by VMRC June 18, 2026 / llu

We have reviewed the Black Marsh Sand and Gravel Facility project. The Rappahannock River at the project location is a designated Threatened and Endangered Water due to the presence of Atlantic Sturgeon, as well as an Anadromous Fish Use Stream known to support six species of anadromous fish. We recommend an in-stream TOYR of Feb 15 through June 30 and August 1 through November 15 for any pile driving or other in-stream work, protective of these fish species.

We document numerous historic waterbird colonies from the project area. To best protect Colonial Waterbirds from harm associated with nearby construction activities, we recommend performing a visual assessment throughout the project area and adjacent lands to determine if rookeries are present within the project site or adjacent to it. We also recommend checking the CCB Mapping Portal for the newest (2018) data on the locations of Colonial Waterbird Colonies in the Commonwealth. Noisy machinery is known to flush adults off of nests that have eggs and young which may be unable to thermoregulate, and therefore be susceptible to harm if not attended by an adult. We recommend a time of year restriction on any heavy machinery use – producing noise louder than that typical of the area (ambient noise) – within .25 miles from a colony from February 15 through August 15 of any year and that a naturally vegetated buffer of at least 500 ft be maintained on the colony.

This project site is located within close proximity of historic bald eagle nests. To ensure protection of bald eagles in compliance with the Bald and Golden Eagle Act, we recommend using the Center for Conservation Biology (CCB) Eagle Nest Locator to determine if any active eagle nests are known from the project area. We also we recommend performing a visual assessment throughout the project area and adjacent lands to determine if any nests are present within the project site or adjacent to it. If active bald eagle nests have been documented from the project area, we recommend that the project proceed in a manner consistent with state and federal guidelines for protection of bald eagles; including coordination, if indicated, with the U.S. Fish and Wildlife Service regarding possible impacts upon bald eagles or the need for a federal bald eagle take permit.

The project site is located in the known/consultation range of Federally Proposed State Endangered Tri-Colored Bats (TCB). If this project has a federal connection (nexus), the applicant should coordinate with the U.S. Fish and Wildlife Service (FWS) in Virginia to ensure protection of listed species and/or that a take provision is provided. The FWS utilizes an online project review process to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended, which enables users to: 1) follow step-by-step guidance; 2) access information to identify threatened and

Received by VMRC June 18, 2026 / llu

endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. This review process — including specific guidance for Northern Long-eared Bats and Tri-colored Bats — can be accessed at https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process. You may also need to coordinate with the appropriate federal agency that is authorizing, funding, or carrying out the proposed activity. We recommend inputting your project to view known occurrences and regulatory buffers of these listed bat species at: https://experience.arcgis.com/experience/12e379514c034d3cb8a7e5c361aec533. If alternate guidance is provided by the USFWS, we recommend adherence to that guidance instead of or in addition to the protective recommendations included below in OPTION 1 OR follow instructions to complete a survey as depicted in OPTION 2 below.

OPTION 1:

For tree removal and timbering in the known/consultation range, we recommend a Time of Year Restriction (TOYR) from May 15 – July 31 (pup season) of any year protective of Tri-colored bat.

For any lighting located within 1000' of suitable habitat:

- When installing new, or replacing existing permanent lights – must use downward-facing, full cut-off lens lights with same intensity or less than existing, if replacement.
- If using the Blacklight, Uplight, Glare (BUG) system, all three ratings should be as close to zero as possible, with priority being to a rating of zero for Uplight.
- All temporary lighting should be directed away from suitable habitat.

For any existing culverts that may be impacted by the proposed work:

- If presence of bats unknown, we recommend any culverts greater than 4.5 ft tall and 23 feet in length are assessed for bat presence. Assessment protocols are found in Appendix K of the FWS Survey guidance. If suitable, apply conservation measures based on activity or coordinate with Service.

OPTION 2:

Hire a consultant to perform a survey, in adherence to Service protocols, throughout the project site and coordinate the results of that survey with the Service and DWR.

U.S. Fish & Wildlife Service Survey Protocols are available here:

Received by VMRC June 18, 2026 / llu

https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines.

Coordinate with DWR: Rick Reynolds, DWR Mammologist, at 540-248-9360 or Rick.Reynolds@dwr.virginia.gov and with DWR's Environmental Services Section at 804-968-8546 or ESSProjects@dwr.virginia.gov . Upon review of the survey results, the DWR will make final comments regarding the protection of NLEB and TCB.

Thank you,

Tamara

Tamara Doucette
Environmental Services Biologist
P 804.367.8364
Virginia Department of Wildlife Resources
CONSERVE. CONNECT. PROTECT.
A 7870 Villa Park Dr., P.O. Box 90778, Henrico, VA 23228-0778
www.virginiawildlife.gov

Received by VMRC June 18, 2026 / llu

From:	Upton, Olivia (MRC)
To:	MRC - jpa Permits
Subject:	Fw: DWR Additional Information - Rappahannock Atlantic Sturgeon Fall 2026 (ESSLog #35208_VMRC 20260860_Black Marsh Sand Gravel Facility)
Date:	Thursday, October 22, 2026 10:56:21 AM
Attachments:	Outlook-k2sphdcq.png ESSLog# 35208_VMRC 20260860_DWR Additional Information - Rappahannock River Atlantic Sturgeon_Fall 2026_Whitmore 10-22-2026.pdf ESSLog# 35208_VMRC 20260860_DWR Additional Information - Rappahannock River Atlantic Sturgeon_Fall 2026_Whitmore 10-22-2026.docx ESSLog #35208_MRC NAO-2010-00235, 20260860_Black Marsh Sand Gravel 2026-06-18.pdf

Please process as DWR comments for 26-0860. Thank you!

Sincerely,
Olivia Upton

From: Schul, Hannah (DWR) <Hannah.Schul@dwr.virginia.gov>
Sent: Thursday, October 22, 2026 10:20 AM
To: Upton, Olivia (MRC) <Olivia.Upton@mrc.virginia.gov>
Cc: Owen, Randy (MRC) <Randy.Owen@mrc.virginia.gov>; Strawderman, Nicole (DWR) <Nicole.Strawderman@dwr.virginia.gov>; Whitmore, Margaret (DWR) <Margaret.Whitmore@dwr.virginia.gov>; Birge, Tiffany (MRC) <Tiffany.Birge@mrc.virginia.gov>
Subject: DWR Additional Information - Rappahannock Atlantic Sturgeon Fall 2026 (ESSLog #35208_VMRC 20260860_Black Marsh Sand Gravel Facility)

Hi Olivia,

Please find attached additional information for the Black Marsh Sand and Gravel Facility project (MRC 20260860) located in Caroline County. Margi Whitmore, DWR Tidal Rivers Fisheries Biologist, provided a summary of DWR's fall 2026 sturgeon sampling efforts in the Rappahannock River. The sampling included the stretch of river in the project area. As we provided VMRC our comments in June 2026 prior to sampling, we wanted to provide these supplementary data for consideration.

Our attached June 18, 2026, comments remain valid. Regarding Atlantic sturgeon, we continue to recommend an in-stream TOYR of Feb 15 through June 30 and August 1 through November 15 for any pile driving or other in-stream work, protective of these fish species. We note that the TOYRs protect migrating adults. To protect young-of-year (yoy) and juvenile sturgeon, we advise conservation measures for any instream activities outside of TOYRs, including turbidity management and immediate stoppage of work if breaching of yoy/juveniles are observed. If Atlantic sturgeon are encountered during project construction, please coordinate with Margi Whitmore, DWR Tidal Rivers Fisheries Biologist, at Margaret.Whitmore@dwr.virginia.gov or (804) 829-6580.

Received by VMRC, October 22, 2026 / dd

I've attached both Word and PDF documents for the summary in case you'd like to lift figures.

Thank you and VMRC staff for your patience and consideration of this additional information. Please let me know if you have any questions.

Have a great day!



Hannah Schul
Environmental Services Program Manager
(804) 968-8546

Virginia Department of Wildlife Resources
7870 Villa Park Drive
P.O. Box 90778
Henrico, VA 23228

https://dwr.virginia.gov/wies/environmental-services/

Received by VMRC, October 22, 2026 / dd

Rappahannock River Fall 2026 Sturgeon Sampling Summary
Margaret Whitmore, VDWR Tidal Rivers Fisheries Biologist

The Rappahannock River has long been suspected of supporting a spawning population of Atlantic sturgeon, but it has received very little research attention. Past sampling efforts have documented Atlantic sturgeon occurrence throughout the river but have been unable to capture fish in freshwater or confirm spawning activity. In 2017, Chesapeake Scientific detected acoustically tagged adult Atlantic sturgeon on receiver stations deployed from Hicks Landing near Port Royal up to Little Falls, just downstream of Fredericksburg; detections occurred from September to October while water temperatures were suitable for spawning (Hager, personal communication, Kahn et al. 2019). Exploratory sampling by the Virginia Institute of Marine Science in 2018 resulted in the capture of males expressing milt and two age 0-1 juvenile sturgeon, both <300 mm in fork length, in oligohaline reaches (Greenlee et al. 2019). While male Atlantic sturgeon have been observed expressing milt in marine environments, capture of early juveniles <400 mm in fork length in freshwater or low salinity water meets the criteria for "Near Certain" likelihood of a spawning population; capturing a female actively releasing eggs or a recently spawned female in freshwater is the highest standard for confirming spawning (Kahn et al. 2019).

Preliminary sampling for Atlantic sturgeon took place on 11 days from September 17 to October 8, 2026, in the tidal freshwater reaches of the Rappahannock River, above Port Royal. This preliminary sampling was the first step in establishing an annual mark-recapture sampling effort, with the goal of understanding habitat use (e.g. spawning, foraging, straying) and estimating abundance. Sampling was done with anchored gill nets ranging from 12- to 14-inch mesh and between 100-300 feet in length, for a total soak time of 80.32 hours over 11 days. A total of five fish were captured, four were confirmed as males and one was unknown, but determined to be likely female (Table 1). The likely female determination was based on external characteristics most commonly associated with female sturgeon (e.g. size, belly shape and girth, urogenittal opening); however, these are not conclusive and sex can only be confirmed genetically or by manually expressing gametes (Wheeler et al. 2018). Genetic samples were collected from all five fish; results will confirm sex determination and provide insight into their population assignment.

Table 1. Summary of adult Atlantic sturgeon captured in fall 2026.

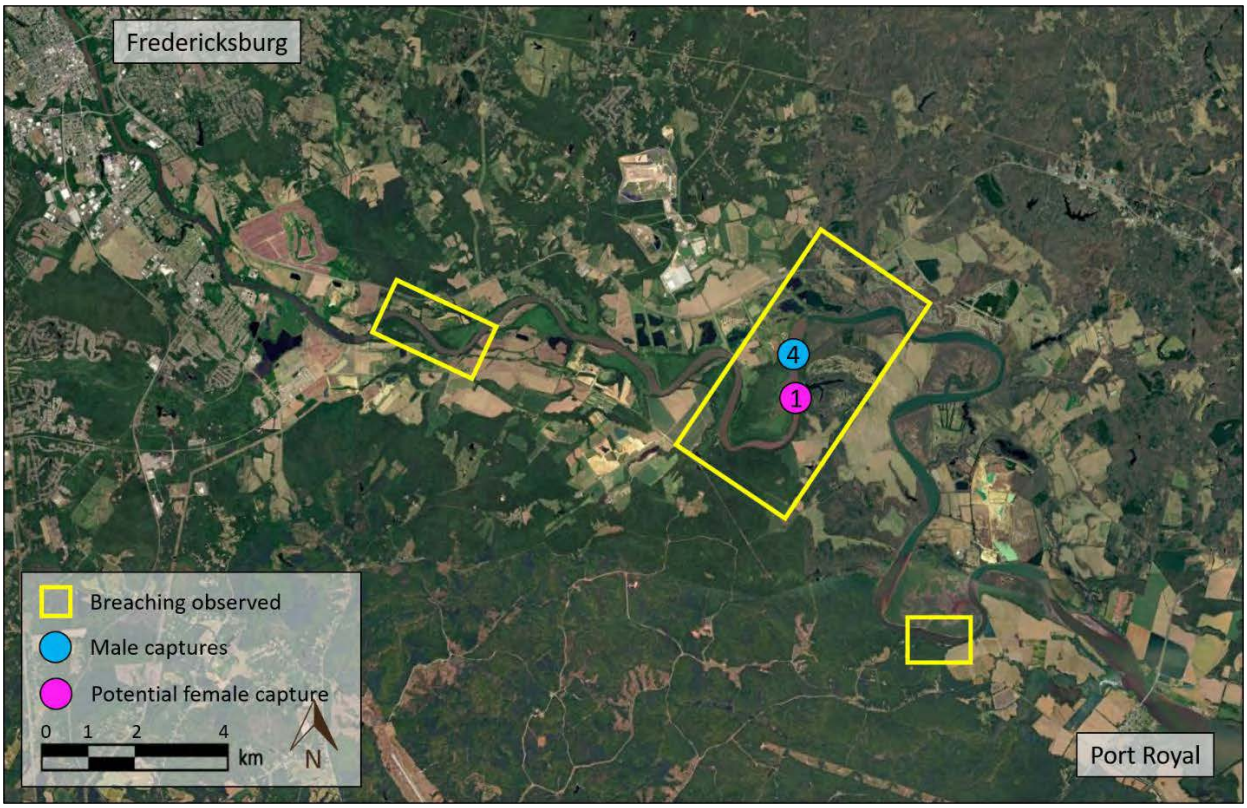
Date	Location	Sex	Sex Condition	Total length (mm)	Total length (ft)
Sept 17	Corbins Neck	Unknown	N/A	2085	6.84
Sept 28	Corbins Neck	Male	No milt	1970	6.46
Oct 2	Corbins Neck	Male	Milt expressed	1555	5.10
Oct 2	Corbins Neck	Male	Milt expressed	1716	5.63
Oct 8	Corbins Neck	Male	Milt expressed	1734	5.69

Habitat surveys were conducted with side-scan sonar when water temperatures were above the thermal maximum for safe capture and handling of adult sturgeon (28 C, Kahn and Mohead 2010). Both adult and juvenile sturgeon were observed breaching during these surveys and in transit between sampling locations (Figure 1). Sturgeon have a heterocercal caudal fin shape that is unique to sturgeon in tidal rivers, which can be identified by side-scan sonar from the shadow cast on the river bottom (Flowers and Hightower 2013). Given the unit's resolution and high occurrence of longnose gar, sturgeon could not be confidently identified in most areas surveyed; however, potential sturgeon were identified in several shallow areas where depth was <10 feet and the size and shape of the fish strongly matched that of an adult Atlantic

Received by VMRC, October 22, 2026 / dd

sturgeon. Areas where breaching behavior and potential side-scan observations were seen are highlighted in yellow on the map below.

Figure 1. Map showing capture locations and areas where breaching was observed; numbers indicate how many fish captured at each location.



Preliminary sampling efforts strongly suggest a small spawning population of Atlantic sturgeon remains in the Rappahannock River. Despite a convergence of evidence, survey data were insufficient to unequivocally confirm a spawning population based on the standard outlined in Kahn et al. (2019). Regardless, the capture data and breaching observations provide substantive evidence of habitat use within the tidal fresh river reaches of the Rappahannock River. Future work will focus on fall sampling of adult sturgeon and opportunistic spring sampling for young-of-year (YOY) and juvenile sturgeon. Data from acoustic and PIT tags, along with genetic samples, will add clarity to habitat use and stock structure.

Received by VMRC, October 22, 2026 / dd

References

Flowers, H.J. and J.E. Hightower (2013) A novel approach to surveying sturgeon using side-scan sonar and occupancy modeling. Marine and Coastal Fisheries, 5(1): 211–223.

Greenlee, R., M. Balazik, A. Bunch, M.T. Fisher, G.C. Garman, E.J. Hilton, P. McGrath, S. McIninch, and K.C. Weng (2019) Assessment of critical habitats for recovering the Chesapeake Bay Atlantic Sturgeon Distinct Population Segment- Phase II: A collaborative approach in support of management. Grant #: NA16NMF4720067, Award period: July 1, 2016 – June 30, 2019, Final Report. VDGIF, Charles City, VA.

Kahn, J. and M. Mohead (2010) A protocol for use of shortnose, Atlantic, Gulf, and green sturgeon. US Department of Commerce, National Oceanic and Atmospheric Administration Technical Memorandum NMFS-OPR-45. 62p.

Kahn, J.E., C. Hager, J.C. Watterson, N. Mathies, and K.J. Hartman (2019) Comparing abundance estimates from closed population mark-recapture models of endangered adult Atlantic sturgeon. Endangered Species Research, 39: 63-76.

Wheeler, C.R., A.J. Novak, G.S. Wippelhauser, and J.A. Sulikowski (2018) Validity of an external sex determination method in Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus). Journal of Applied Ichthyology, 35(1): 187-191.

Received by VMRC, October 22, 2026 / dd

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
2	JANE R KIZER	08/06/2026 10:37:51 AM	OPPOSE

I AM AN ADJACENT PROPERTY OWNER AND AM OPPOSED TO HAVING A SAND AND GRAVEL OPERATION IN THIS PROPOSED LOCATION. I AM OPPOSED FOR MANY REASONS BUT SPECIFICALLY RELATED TO THE PIER CONSTRUCTION AND OPERATION - (1) THE PIER ITSELF IS SO BIG AND THE RIVER IS SO NARROW AND WINDING THAT IT WILL OBSTRUCT TRAFFIC OF PLEASURE BOATS IN THAT AREA AND CREATE DANGEROUS CONDITIONS. (2) BOTH THE CONSTRUCTION AND OPERATION WILL CREATE HUGE UNWANTED AMOUNTS OF NOISE AND DUST DETRIMENTAL TO PLANTS, ANIMALS, AND OCCUPANTS OF THE HOUSE ON MY FARM. (3) IT WILL LOWER MY PROPERTY VALUE. (4) I WILL BE PERSONALLY NEGATIVELY AFFECTED.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
1	BRENT HUNSINGER	08/04/2026 10:01:59 AM	OPPOSE

PLEASE ACCEPT THESE COMMENTS REGARDING VULCAN CONSTRUCTION MATERIALS, LLC (VMRC #20260860) REQUEST FOR A PERMIT TO CONSTRUCT INFRASTRUCTURE TO PROVIDE ACCESS FOR THE LOADING OF SAND AND GRAVEL BARGES AT THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY ALONG THE RAPPAHANNOCK RIVER IN CAROLINE COUNTY. FRIENDS OF THE RAPPAHANNOCK (FOR) IS CONCERNED THAT THIS PROJECT APPLICATION HAS NOT FULLY ADDRESSED POTENTIAL IMPACTS TO ATLANTIC STURGEON, A FEDERALLY DESIGNATED ENDANGERED SPECIES, AND THAT NO CONSIDERATION HAS BEEN GIVEN TO POTENTIAL IMPACTS TO ADULT STURGEON FROM THE RESUMPTION OF BARGE TRAFFIC. THE NATIONAL MARINE FISHERIES SERVICE (NMFS), A PART OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) HAS DESIGNATED THE RAPPAHANNOCK RIVER MAIN STEM FROM THE U.S. HIGHWAY 1 BRIDGE, TO WHERE THE RIVER DISCHARGES AT ITS MOUTH INTO THE CHESAPEAKE BAY AS CRITICAL HABITAT FOR ATLANTIC STURGEON. NO INFORMATION IS AVAILABLE THAT INDICATES VULCAN HAS CONSULTED WITH NMFS/ NOAA REGARDING THE POTENTIAL IMPACTS OF INSTALLING A COMMERCIAL PIER WITH A T-HEAD, THREE (3) FINGER PIERS AND AN ENCLOSED WORKERS SHELTER, INSTALL TWO (2) STEEL PILES FOR A RETRACTABLE CONVEYOR SYSTEM AND SET EIGHT (8) DOLPHINS WITH BATTER BOARDS AND WINCH. BEFORE ANY PUBLIC HEARING OCCURS THE PROJECT APPLICANT SHOULD OFFICIALLY CONSULT WITH NMFS/NOAA TO DETERMINE WHAT EFFECTS THE CONSTRUCTION OF THE PROPOSED INFRASTRUCTURE MAY HAVE. THIS PROJECT APPLICATION PROPOSES TO RESUME BARGE TRAFFIC ON THE RAPPAHANNOCK RIVER ABOVE PORT ROYAL. WHILE BARGES HAVE OPERATED IN THE PAST ABOVE PORT ROYAL THE EFFECTS OF BARGE TRAFFIC RESTARTING DUE TO THIS PROJECT HAVE NOT BEEN ADDRESSED IN THIS PERMIT APPLICATION OR IN THE VIRGINIA DEPARTMENT OF WILDLIFE RESOURCESâ€™ (DWR) COMMENTS ON THE APPLICATION. DWR STATES â€œTHE RAPPAHANNOCK RIVER AT THE PROJECT LOCATION IS A DESIGNATED THREATENED AND ENDANGERED WATER DUE TO THE PRESENCE OF ATLANTIC STURGEON, AS WELL AS AN ANADROMOUS FISH USE STREAM KNOWN TO SUPPORT SIX SPECIES OF ANADROMOUS FISH. WE RECOMMEND AN IN-STREAM TOYR OF FEB 15 THROUGH JUNE 30 AND AUGUST 1 THROUGH NOVEMBER 15 FOR ANY PILE DRIVING OR OTHER INSTREAM WORK, PROTECTIVE OF THESE FISH SPECIES.â€• WHILE THIS ADDRESSES ANY WORK ON CONSTRUCTION OF THE INFRASTRUCTURE TO PROVIDE LOADING ACCESS IT FAILS TO ADDRESS THE IMPACTS TO ADULT STURGEON FROM VESSEL STRIKES. IN A NOAA FISHERIES ARTICLE PUBLISHED ON DECEMBER 19TH, 2023 DR. JASON KAHN, FROM NOAA FISHERIESâ€™ OFFICE OF PROTECTED RESOURCES DISCUSSES THE EFFECTS VESSEL STRIKES HAVE ON STURGEON. ACCORDING TO DR. KAHN â€œTHE CHESAPEAKE BAY AND ITS RIVERS SEE A LOT OF SHIPPING TRAFFIC, INCLUDING VERY LARGE SHIPS THAT REACH ALMOST TO THE BOTTOM OF THE WATERS THEY TRANSIT. EVEN IF A STURGEON ISNâ€™T DIRECTLY IN THE PATH OF A SHIP, THEY CAN STILL FACE DANGER. WHEN A PROPELLER IS MOVING TO PULL A BOAT OF THAT SIZE, IT IS REALLY MOVING A LOT OF WATER. EVEN IF FISH ARENâ€™T RIGHT IN THE SHIPPING CHANNEL, THEYâ€™RE STILL GETTING PULLED THROUGH THE PROPELLER. UNFORTUNATELY, ITâ€™S THE LARGER FISH THAT ARE MORE LIKELY TO BE AFFECTED BY SHIP STRIKES. WHAT WE SEE IS THE FISH WEâ€™RE PICKING UP THAT HAVE BEEN HIT ARE DISPROPORTIONATELY ADULT FEMALES, AND FROM A RECOVERY STANDPOINT, THATâ€™S JUST A CATASTROPHE. IF WE WANT TO FOCUS ON RECOVERY, REDUCING VESSEL STRIKES IS THE FIRST THING WE NEED TO FOCUS ON.â€• DWR AND NOAA SHOULD ASSESS THE IMPACTS TO STURGEON POPULATIONS FROM VESSEL STRIKES RELATED TO RESUMING BARGE TRAFFIC FOR THIS PROJECT APPLICATION. WHILE MUCH WORK NEEDS TO BE DONE TO FURTHER UNDERSTAND

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

THE EXTENT OF ATLANTIC STURGEON SPAWNING IN THE RAPPAHANNOCK RIVER WE KNOW THAT MANY STURGEON HAVE BEEN DOCUMENTED IN THE MIDDLE SECTION OF THE RIVER BY COMMERCIAL WATERMEN ESPECIALLY BETWEEN TAPPAHANNOCK AND PORT ROYAL. A DWR REPORT FROM 2019 DOCUMENTS THE CAPTURE OF MANY ADULT AND SUB-ADULT STURGEON AND THAT â€œTHERE WAS SUCCESSFUL SPAWNING IN BOTH THE RAPPAHANNOCK AND PAMUNKEY IN THE FALL OF 2018.â€• BARGES HAULING SAND AND GRAVEL FROM THIS PROJECT WOULD TRANSIT THIS SECTION OF RIVER DAILY. WITH ACTIVE USACE AND VMRC PERMITS THAT HAVE EXPIRATION DATES OF SEPTEMBER 4, 2028 AND DECEMBER 31, 2028 AND ATLANTIC STURGEON SURVEYS PLANNED FOR FALL 2026 FOR BELIEVES THAT ANY PUBLIC HEARING CAN BE DELAYED UNTIL NOAA IS CONSULTED AND AGENCIES ASSESS THE IMPACTS TO ATLANTIC STURGEON FROM BARGE TRAFFIC RESUMING. RESPECTFULLY SUBMITTED, BRENT HUNSINGER ADVOCACY DIRECTOR, FRIENDS OF THE RAPPAHANNOCK

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
3	ALANA HUTKA	08/10/2026 15:16:45 PM	OPPOSE

PLEASE SEE THE EMAIL SENT TO RANDY OWEN ON AUGUST 7, 2026 FROM AHUTKA@RAPPAHANNOCKTRIBE.ORG FOR THE SIGNED LETTER FROM CHIEF ANNE RICHARDSON. THE CONTENT IS AS FOLLOWS: TO WHOM IT MAY CONCERN, THE RAPPAHANNOCK TRIBE IS PROVIDING COMMENT TO THE VIRGINIA MARINE RESOURCES COMMISSION (VMRC) REGARDING PERMIT #20260860 FOR VULCAN CONSTRUCTION MATERIALS, LLC. THE APPLICATION IS FOR AN EXTENSION ON A PERMIT TO INSTALL INFRASTRUCTURE FOR THE BLACK MARSH SAND AND GRAVEL FACILITY SITED ALONG THE RAPPAHANNOCK RIVER. THE RAPPAHANNOCK TRIBE IS RECOGNIZED AS A SOVEREIGN NATION BY THE UNITED STATES AND THE COMMONWEALTH OF VIRGINIA. THE TRIBE IS LOCATED WITHIN THE RAPPAHANNOCK RIVER BASIN. THE BLACK MARSH SAND AND GRAVEL FACILITY WOULD INCLUDE FINGER PIERS, A WORKERS SHELTER, A CONVEYOR SYSTEM, A COMMERCIAL PIER, AND EIGHT DOLPHINS WITH BATTERBOARDS AND WINCHES. THERE ARE NO INFRASTRUCTURAL CONSIDERATIONS MADE FOR THE FEDERALLY PROTECTED ATLANTIC STURGEON OR ANADROMOUS FISH SPECIES. THE RAPPAHANNOCK TRIBE IS CONCERNED ABOUT THIS PROJECTâ€™S EFFECTS ON ATLANTIC STURGEON AND ANADROMOUS FISH SPECIES. IN REVIEWING THE APPLICATION, THERE IS NO INDICATION THAT THE APPLICANT HAS CONSULTED WITH THE NATIONAL MARINE FISHERIES SERVICE (NMFS) OR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA), WHICH HAS DESIGNATED THIS AREA OF THE RIVER AS CRITICAL HABITAT FOR STURGEON. INCREASING BARGE TRAFFIC ON THE RAPPAHANNOCK RIVER WILL INCREASE COLLISIONS BETWEEN PROPELLERS AND FISH, WHICH WILL FURTHER IMPEDE THE RECOVERY OF THE STURGEON. BEFORE THIS PERMIT IS ISSUED, AND BEFORE A PUBLIC HEARING IS HELD, THE APPLICANT MUST WORK WITH NOAA AND NMFS TO MITIGATE IMPACTS TO VIRGINIAâ€™S FISHERIES. THERE IS A WEALTH OF DOCUMENTATION OF STURGEON IN THIS AREA OF THE RIVER BY WATERMEN AND BY THE DEPARTMENT OF WILDLIFE RESOURCES. THERE ARE FURTHER STUDIES, SUCH AS THE ATLANTIC STURGEON SURVEY THAT WILL AID IN MITIGATION. IT IS CRITICAL THAT VMRC NOT ALLOW THIS PERMIT TO CONTINUE BEFORE THE PROPER CONSIDERATIONS FOR STURGEON HAVE BEEN MADE. SINCERELY, G. ANNE RICHARDSON CHIEF, RAPPAHANNOCK TRIBE OF VIRGINIA

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
4	ROBIN C DIDLAKE	10/19/2026 18:56:39 PM	OPPOSE

I WOULD LIKE A PAUSE PLACED ON THE VULCAN RIVERFRONT PERMIT IN CAROLINE COUNTY SO THAT FURTHER SCIENTIFIC STUDY CAN BE DONE ON THE IMPACT OF THE BARGES ON THE STURGEON MIGRATION IN THE RAPPAHANNOCK RIVER.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
5	KATHARINA C BERGDOLL	10/19/2026 19:03:22 PM	OPPOSE

ATLANTIC STURGEON ARE A FEDERALLY DESIGNATED ENDANGERED SPECIES. THEIR POPULATIONS HAVE DRASTICALLY DECLINED DUE TO OVERFISHING, POLLUTION, DAM CONSTRUCTION, AND HABITAT DEGRADATION. ATLANTIC STURGEON HAVE RECENTLY BEEN DOCUMENTED IN THE RAPPAHANNOCK RIVER. MANY SIGHTINGS OCCURRED NEAR THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY AND IN AREAS WHERE VESSEL TRAFFIC COULD RESUME. INCREASED BARGE TRAFFIC COULD PUT STURGEON AT RISK. VESSEL STRIKES ARE A LEADING CAUSE OF MORTALITY FOR ADULT ATLANTIC STURGEON, AND THIS PROJECT COULD INCREASE VESSEL TRAFFIC ON THE RAPPAHANNOCK RIVER. MORE RESEARCH IS NEEDED. ADDITIONAL RESEARCH IS PLANNED FOR 2027 TO CONTINUE STUDYING ATLANTIC STURGEON PRESENCE AND POTENTIAL SPAWNING ACTIVITIES. THERE IS NO NEED TO RUSH THIS PERMIT APPLICATION. VULCANâ€™S CURRENT PERMIT REMAINS VALID FOR TWO MORE YEARS, GIVING MORE TIME TO GATHER INFORMATION AND ESTABLISH PROTECTIONS FOR ATLANTIC STURGEON.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
6	ROBERT T BUTTERWORTH	10/19/2026 19:04:53 PM	OPPOSE

THERE IS A NEED FOR DEEPER STUDY INTO THIS ISSUE. THE POTENTIAL FOR IRREVERSIBLE DAMAGE TO THIS FINITE RESOURCE WOULD HAVE A NEGATIVE IMPACT ON CURRENT AND FUTURE GENERATIONS. TO MOVE FORWARD WITHOUT FURTHER STUDY COULD BE DISASTROUS.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
7	EMILY CARTER	10/19/2026 19:09:59 PM	OPPOSE

ATLANTIC STURGEON ARE A FEDERALLY DESIGNATED ENDANGERED SPECIES. THEIR POPULATIONS HAVE DRASTICALLY DECLINED DUE TO OVERFISHING, POLLUTION, DAM CONSTRUCTION, AND HABITAT DEGRADATION. ATLANTIC STURGEON HAVE RECENTLY BEEN DOCUMENTED IN THE RAPPAHANNOCK RIVER. MANY SIGHTINGS OCCURRED NEAR THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY AND IN AREAS WHERE VESSEL TRAFFIC COULD RESUME. INCREASED BARGE TRAFFIC COULD PUT STURGEON AT RISK. VESSEL STRIKES ARE A LEADING CAUSE OF MORTALITY FOR ADULT ATLANTIC STURGEON, AND THIS PROJECT COULD INCREASE VESSEL TRAFFIC ON THE RAPPAHANNOCK RIVER. MORE RESEARCH IS NEEDED. ADDITIONAL RESEARCH IS PLANNED FOR 2027 TO CONTINUE STUDYING ATLANTIC STURGEON PRESENCE AND POTENTIAL SPAWNING ACTIVITIES. THERE IS NO NEED TO RUSH THIS PERMIT APPLICATION. VULCANâ€™S CURRENT PERMIT REMAINS VALID FOR TWO MORE YEARS, GIVING MORE TIME TO GATHER INFORMATION AND ESTABLISH PROTECTIONS FOR ATLANTIC STURGEON.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
8	ERIN ANTHONY	10/19/2026 19:22:19 PM	OPPOSE

I AM SUBMITTING COMMENTS TO REQUEST THAT VMRC REMOVE THIS PERMIT APPLICATION FROM THE AGENDA UNTIL MORE INFORMATION IS AVAILABLE AND RESTRICTIONS ARE ENACTED TO PROTECT ATLANTIC STURGEON FROM VESSEL STRIKES. ATLANTIC STURGEON HAVE RECENTLY BEEN DOCUMENTED IN THE RAPPAHANNOCK RIVER. MANY SIGHTINGS OCCURRED NEAR THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY AND IN AREAS WHERE VESSEL TRAFFIC COULD RESUME. ATLANTIC STURGEON ARE A FEDERALLY DESIGNATED ENDANGERED SPECIES. THEIR POPULATIONS HAVE DRASTICALLY DECLINED DUE TO OVERFISHING, POLLUTION, DAM CONSTRUCTION, AND HABITAT DEGRADATION. INCREASED BARGE TRAFFIC COULD PUT STURGEON AT RISK. VESSEL STRIKES ARE A LEADING CAUSE OF MORTALITY FOR ADULT ATLANTIC STURGEON, AND THIS PROJECT COULD INCREASE VESSEL TRAFFIC ON THE RAPPAHANNOCK RIVER. MORE RESEARCH IS NEEDED. ADDITIONAL RESEARCH IS PLANNED FOR 2027 TO CONTINUE STUDYING ATLANTIC STURGEON PRESENCE AND POTENTIAL SPAWNING ACTIVITIES. THERE IS NO NEED TO RUSH THIS PERMIT APPLICATION. VULCANâ€™S CURRENT PERMIT REMAINS VALID FOR TWO MORE YEARS, GIVING MORE TIME TO GATHER INFORMATION AND ESTABLISH PROTECTIONS FOR ATLANTIC STURGEON.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
9	TRACY HOUCK H HARRIS MD	10/19/2026 19:37:08 PM	NO POSITION

MORE TIME IS NEEDED FOR DILIGENCE. I AM REQUESTING THAT VMRC REMOVE THIS PERMIT APPLICATION FROM THE AGENDA UNTIL MORE INFORMATION IS AVAILABLE AND RESTRICTIONS ARE ENACTED TO PROTECT ATLANTIC STURGEON FROM VESSEL STRIKES.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
10	TRACI L MANNINO-CANTRELL	10/19/2026 20:07:14 PM	OPPOSE

ATLANTIC STURGEON ARE A FEDERALLY DESIGNATED ENDANGERED SPECIES. THEIR POPULATIONS HAVE DRASTICALLY DECLINED DUE TO OVERFISHING, POLLUTION, DAM CONSTRUCTION, AND HABITAT DEGRADATION. ATLANTIC STURGEON HAVE RECENTLY BEEN DOCUMENTED IN THE RAPPAHANNOCK RIVER. MANY SIGHTINGS OCCURRED NEAR THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY AND IN AREAS WHERE VESSEL TRAFFIC COULD RESUME. INCREASED BARGE TRAFFIC COULD PUT STURGEON AT RISK. VESSEL STRIKES ARE A LEADING CAUSE OF MORTALITY FOR ADULT ATLANTIC STURGEON, AND THIS PROJECT COULD INCREASE VESSEL TRAFFIC ON THE RAPPAHANNOCK RIVER. MORE RESEARCH IS NEEDED. ADDITIONAL RESEARCH IS PLANNED FOR 2027 TO CONTINUE STUDYING ATLANTIC STURGEON PRESENCE AND POTENTIAL SPAWNING ACTIVITIES. THERE IS NO NEED TO RUSH THIS PERMIT APPLICATION. VULCANâ€™S CURRENT PERMIT REMAINS VALID FOR TWO MORE YEARS, GIVING MORE TIME TO GATHER INFORMATION AND ESTABLISH PROTECTIONS FOR ATLANTIC STURGEON.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
11	ROBERT G KORMAN	10/20/2026 09:00:08 AM	OPPOSE

RESPECTFULLY SUBMITTED, I M ASKING THE BOARD TO CONSIDER PAUSING THIS PERMIT UNTIL FURTHER STUDY ON THE IMPACT THIS WOULD HAVE ON THE ATLANTIC STURGEON WHICH USE THE RAPPAHANNOCK RIVER AS A SPAWNING GROUNDS. THE VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES HAS VERIFIED IN THE LAST MONTH THAT THE STURGEON ARE IN DEED MOVING UP THE RIVER. THE BIGGEST CONCERN IS THE ADDIONAL BARGE TRAFFIC AS BOAT STRIKES OF ADULT ATLANTIC STURGEON IS A LEADING CAUSE OF DEATH FOR THIS FEDERALLY PROTECTED ENDANGERED SPECIES. SINCE VULCAN'S CURRENT PERMIT IS GOOD FOR 2 YEARS I IMPLORE YOU TO PUT THIS PERMIT ON HOLD UNTIL FURTHER STUDY CAN BE DONE ON THE IMPACT OF THIS ENDANGERED SPECIES. RESPECTFULLY SUBMITTED, ROBERT KORMAN JR

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
12	MAUREEN D HAMM	10/20/2026 09:00:30 AM	OPPOSE

I REQUEST YOU DELAY CONSIDERATION OF THIS PROJECT UNTIL MORE INFORMATION IS KNOWN ABOUT THE IMPACT ON ATLANTIC STURGEON, AN ENDANGERED SPECIES. THE RECENT UPSURGE IN ATLANTIC STURGEON POPULATION IN THE RAPPAHANNOCK RIVER, PARTICULARLY AT THE BLACK MARSH SAND AND GRAVEL FACILITY, DEMONSTRATES AN IMPROVEMENT IN CHEASAPEAKE BAY AND RAPPAHANNOCK RIVER ENVIRONMENTS FOR THIS ANCIENT FISH. AN INCREASE IN BOAT TRAFFIC HAS HIGH POTENTIAL TO INCREASE VESSEL STRIKES. ONCE THE BIOLOGY OF THE FISH IN THE RAPPAHANNOCK IS STUDIED, APPROPRIATE ACCOMMODATIONS FOR THE STURGEON CAN BE MADE TO PROTECT THE SPECIES.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
13	LISSAH MICHALSKI	10/20/2026 10:13:11 AM	NO POSITION

DEAR MEMBERS OF THE VIRGINIA MARINE RESOURCES COMMISSION, I AM WRITING TO RESPECTFULLY REQUEST THAT VMRC REMOVE VULCAN CONSTRUCTION MATERIALS, LLCâ€™S PERMIT APPLICATION (#2026-0860) FROM ITS OCTOBER 27, 2026 AGENDA AND DEFER CONSIDERATION UNTIL ADDITIONAL ENVIRONMENTAL RESEARCH HAS BEEN CONDUCTED AND APPROPRIATE PROTECTIVE MEASURES HAVE BEEN ESTABLISHED. THE RECENTLY REPORTED DOCUMENTATION OF ATLANTIC STURGEON IN THE RAPPAHANNOCK RIVER, PARTICULARLY NEAR THE PROPOSED BLACK MARSH FACILITY, RAISES SIGNIFICANT CONCERNS REGARDING THE POTENTIAL IMPACTS OF INCREASED COMMERCIAL BARGE TRAFFIC ON THIS FEDERALLY ENDANGERED SPECIES. GIVEN THAT FURTHER RESEARCH IS PLANNED FOR 2027, I BELIEVE PROCEEDING WITH PERMIT CONSIDERATION BEFORE THESE FINDINGS ARE AVAILABLE WOULD BE PREMATURE. THE POTENTIAL FOR VESSEL STRIKES, PARTICULARLY DURING SPAWNING MIGRATIONS, WARRANTS CAREFUL EXAMINATION AND THE ESTABLISHMENT OF ENFORCEABLE SAFEGUARDS. GIVEN THAT VULCANâ€™S EXISTING PERMIT REPORTEDLY REMAINS VALID FOR APPROXIMATELY TWO MORE YEARS, I RESPECTFULLY SUBMIT THAT THERE IS NO IMMEDIATE NECESSITY TO ADVANCE THIS APPLICATION BEFORE ADDITIONAL SCIENTIFIC FINDINGS BECOME AVAILABLE. THE RAPPAHANNOCK RIVER IS AN INVALUABLE ECOLOGICAL AND COMMUNITY RESOURCE. DECISIONS AFFECTING ITS LONG-TERM HEALTH SHOULD REFLECT THE BEST AVAILABLE SCIENCE AND A COMMITMENT TO PROTECTING ENDANGERED SPECIES. I RESPECTFULLY ASK THAT THESE COMMENTS BE ENTERED INTO THE PUBLIC RECORD AND THAT VMRC DEFER CONSIDERATION OF THIS APPLICATION UNTIL THE POTENTIAL IMPACTS ON ATLANTIC STURGEON HAVE BEEN ADEQUATELY EVALUATED AND APPROPRIATE PROTECTIONS ESTABLISHED. THANK YOU FOR YOUR CONSIDERATION AND YOUR STEWARDSHIP OF VIRGINIAâ€™S WATERWAYS. SINCERELY, LISSAH MICHALSKI FREDERICKSBURG, VIRGINIA

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
14	BARBARA A RILEY	10/20/2026 10:22:11 AM	OPPOSE

I AM REQUESTING THAT VMRC REMOVE THIS PERMIT APPLICATION FROM THE AGENDA UNTIL MORE INFORMATION IS AVAILABLE AND RESTRICTIONS ARE ENACTED TO PROTECT ATLANTIC STURGEON FROM VESSEL STRIKES.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
15	KAREN A GREENAWAY	10/20/2026 12:30:21 PM	OPPOSE

THE PROPOSED PERMIT IS PREMATURE AND HAS NOT PROVIDE A THOROUGH ECONOMIC AND ENVIRONMENTAL REVIEW FOR THIS PROJECT. THE RAPPAHANNOCK RIVER IS VALUED BY 10S OF THOUSANDS OF VIRGINIANS ANNUALLY FOR IT FISHING, WILDLIFE VIEWING, AND HUNTING OPPORTUNITIES. THESE VALUES ARE NOT JUST FOR RECREATION. COUNTY RESIDENTS AND VIRGINIA CITIZENS RELY ON THE RIVER AS A CLEAN SOURCE OF WATER AND FOOD TO FEED THEIR FAMILIES. ESPECIALLY WHEN THE ECONOMY IS SQUEEZING WORKING FAMILIES, DESTROYING A LIFELINE FOR THEIR SURVIVAL IS WRONG. WE HAVE ENOUGH PROJECTS AND COMPANIES, BETWEEN DATA CENTERS AND PROPOSED WATER WITHDRAWALS, THAT ARE TAKING CAROLINE COUNTY'S RESOURCES, MY COUNTY'S RESOURCES, AND GIVING US NOTHING IN RETURN. YOU CANNOT EAT TAX REVENUES, IF THEY EVEN PAY TAXES. THEY PROVIDE FEW JOBS TO CAROLINE RESIDENTS, AND NOW, THEY WANT TO DESTROY OUR WILDLIFE RESOURCES, ESPECIALLY THE ATLANTIC STURGEON THAT WE RECENTLY DISCOVERED IN THE RIVER, FOR PROFIT. THIS PERMIT IS NOT JUST ABOUT BUILDING A COMMERCIAL DOCK. IT WILL FUNDAMENTLY ALTER THE ENVIORNMENTAL QUALITY OF THIS RIVER. SPEAKING AS A RESIDENT OF CAROLINE COUNTY WHO LIVES ON THE RIVER, I DO NOT WANT THE DERITUS, TRASH, AND DIESEL AFFLUENCE DESTROYING OUR QUALITY OF LIFE. IT WILL TAKE AWAY MY RECREATIONAL ENJOYMENT AND THE ENJOYMENT OF MY NEIGHBORS. IT WILL PERMANENTLY DAMAGE THE BEAUTY OF THE RIVER. I WOULD ALSO ADD THAT THEY WANT TO PUT THIS DOCK RIGHT ACROSS FROM HOPYARD FARM IN KING GEORGE COUNTY WHICH HAS A THOUSAND HOMES WITH FAMILIES AND CHILDREN, PLAYING FIELDS RIGHT ON THE RIVER, A WATERFRONT DOCK, AND HIKING AND BIKING TRAILS USED BY ADULTS AND CHILDREN ALIKE. THEN THERE ARE MY FARMER NEIGHBORS WHO RELY ON THE RIVER AS THEIR ONLY SOURCE OF IRRIGATION. IF THE RIVER IS POLLUTED WITH A DIESEL SPILL OR DEAD FISH, THEY CANNOT USE THE WATER AND THEIR CROPS WILL FAIL AS THEY NEARLY DID IN THE PAST YEAR. I URGE YOU TO DENY THIS PERMIT UNTIL THIS COMPANY CAN PROVE THAT THEY WILL PUT ADEQUATE ENVIRONMENT SAFEGUARDS TO PREVENT DIESEL SPILLAGE, DAMAGE TO OUR ECOSYSTEM, AND POLLUTION OF THIS BEAUTIFUL RIVER. NO PROFIT FOR THIS COMPANY IS WORTH THE PERMANENT DESTRUCTION OF THIS RIVER.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
16	JOHN W MITCHELL	10/20/2026 13:27:23 PM	OPPOSE

I AM THE MANAGING PARTNER OF WHITE MARSH WATERFOWL, LLC, WHICH OWNS APPROXIMATELY 386 ACRES DIRECTLY ADJOINING VULCAN'S PROPOSED BLACK MARSH FACILITY. WE FORMALLY OPPOSE THIS APPLICATION AND REQUEST DENIAL OF THE PROPOSED LONG-TERM DOCK AND BARGE-LOADING AUTHORIZATION, OR DEFERRAL PENDING FURTHER REVIEW. OUR PROPERTY IS PROTECTED BY A PERPETUAL CONSERVATION EASEMENT HELD BY THE VIRGINIA OUTDOORS FOUNDATION, SUPPORTED BY FEDERAL CONSERVATION FUNDING (FISH AND WILDLIFE SERVICE), AND CONTAINS SIGNIFICANT WETLANDS, WATERFOWL HABITAT, AND RECREATIONAL FISHING AREAS. WE ALSO POSSESS HISTORICALLY RECORDED RIGHTS OF ACCESS ACROSS BLACK MARSH FARM AND RIGHTS INVOLVING A SHARED RIVERFRONT LANDING. THE APPLICATION DOES NOT ADEQUATELY DEMONSTRATE THE POTENTIAL EFFECTS OF THE PROPOSED INDUSTRIAL OPERATIONS ON OUR ADJOINING CONSERVATION PROPERTY, EXISTING PROPERTY RIGHTS, FISHERIES, WATER QUALITY, SHORELINE STABILITY, AND RECREATIONAL USES. WE REQUEST THAT VULCAN BE REQUIRED TO SUBSTANTIATE ITS ENVIRONMENTAL AND OPERATIONAL IMPACT ASSESSMENTS BEFORE ANY NEW LONG-TERM AUTHORIZATION IS APPROVED. PLEASE INCLUDE THIS COMMENT AND OUR ATTACHED FORMAL OPPOSITION IN THE ADMINISTRATIVE RECORD FOR THE OCTOBER 27, 2026, HEARING. WE ALSO REQUEST CONFIRMATION OF WHETHER ADDITIONAL SUPPORTING EVIDENCE IS NEEDED FROM WHITE MARSH WATERFOWL, LLC.

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1446

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
17	WARREN T VEAZEY	10/20/2026 13:41:30 PM	OPPOSE

LAST WEEK I WAS KAYAKING THE RAPPAHANNOCK RIVER JUST BELOW THE PROJECT SITE AT THE LAGRANGE TURN AND WITNESSED A 4 TO 5' LONG STURGEON BREACH JUMP. I BELIEVE THIS AREA NEEDS TO BE RESEARCHED FURTHER TO ENSURE THE CONSTRUCTION AND OPERATIONAL IMPACTS OF THIS PROJECT WOULD NOT STOP THE RETURN OF THESE FISH ATTEMPTING TO REACH THEIR SPAWNING GROUNDS ALONG THE ROCKY RIVER BOTTOMS.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
18	JOHN W MITCHELL	10/20/2026 13:52:11 PM	OPPOSE

SEE ATTACHED

Attachments:
https://webapps.mrc.virginia.gov/public/habitat/pc_pdfGet.php?id=1447

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
19	ANGEL BALL	10/20/2026 16:43:21 PM	OPPOSE

ATLANTIC STURGEON ARE A FEDERALLY DESIGNATED ENDANGERED SPECIES. THEIR POPULATIONS HAVE DRASTICALLY DECLINED DUE TO OVERFISHING, POLLUTION, DAM CONSTRUCTION, AND HABITAT DEGRADATION.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
20	LAURA G RYAN	10/20/2026 19:58:08 PM	OPPOSE

I AM WRITING TO PROTECT THE ATLANTIC STURGEON AND THE RAPPAHANNOCK RIVER AND REQUESTING THAT VMRC REMOVE THIS PERMIT APPLICATION FROM THE AGENDA UNTIL MORE INFORMATION IS AVAILABLE AND RESTRICTIONS ARE ENACTED TO PROTECT ATLANTIC STURGEON FROM VESSEL STRIKES. ATLANTIC STURGEON HAVE RECENTLY BEEN DOCUMENTED IN THE RAPPAHANNOCK AND ARE A FEDERALLY DESIGNATED ENDANGERED SPECIES. THEIR POPULATIONS HAVE DRASTICALLY DECLINED DUE TO OVERFISHING, POLLUTION, DAM CONSTRUCTION, AND HABITAT DEGRADATION. MANY SIGHTINGS OCCURRED NEAR THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY AND IN AREAS WHERE VESSEL TRAFFIC COULD RESUME. INCREASED BARGE TRAFFIC COULD PUT STURGEON AT RISK. VESSEL STRIKES ARE A LEADING CAUSE OF MORTALITY FOR ADULT ATLANTIC STURGEON, AND THIS PROJECT COULD INCREASE VESSEL TRAFFIC ON THE RAPPAHANNOCK RIVER. THERE IS NO NEED TO RUSH THIS PERMIT APPLICATION. VULCANâ€™S CURRENT PERMIT REMAINS VALID FOR TWO MORE YEARS, GIVING MORE TIME TO GATHER INFORMATION AND ESTABLISH PROTECTIONS FOR ATLANTIC STURGEON.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
21	MARCI ZACHERL	10/21/2026 16:34:34 PM	OPPOSE

THIS PROJECTâ€™S PERMIT REISSUANCE APPLICATION HAS NOT FULLY ADDRESSED POTENTIAL IMPACTS ON ATLANTIC STURGEON, A FEDERALLY DESIGNATED ENDANGERED SPECIES, AND HAS NOT CONSIDERED POTENTIAL IMPACTS ON ADULT STURGEON FROM THE RESUMPTION OF BARGE TRAFFIC. PLEASE REMOVE THIS PERMIT APPLICATION FROM THE AGENDA UNTIL MORE INFORMATION IS AVAILABLE AND RESTRICTIONS ARE ENACTED TO PROTECT ATLANTIC STURGEON FROM VESSEL STRIKES.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

Number	Name	Received	Position
22	BRENT HUNSINGER	10/22/2026 08:43:10 AM	OPPOSE

PLEASE ACCEPT THIS UPDATE TO COMMENTS PREVIOUSLY SUBMITTED REGARDING VULCAN CONSTRUCTION MATERIALS, LLC (VMRC #20260860) REQUEST FOR A PERMIT TO CONSTRUCT INFRASTRUCTURE TO PROVIDE ACCESS FOR THE LOADING OF SAND AND GRAVEL BARGES AT THE PROPOSED BLACK MARSH SAND AND GRAVEL FACILITY ALONG THE RAPPAHANNOCK RIVER IN CAROLINE COUNTY. FRIENDS OF THE RAPPAHANNOCK (FOR) CONTINUES TO BE CONCERNED THAT THIS PROJECT APPLICATION HAS NOT FULLY ADDRESSED POTENTIAL IMPACTS TO ATLANTIC STURGEON, A FEDERALLY DESIGNATED ENDANGERED SPECIES, AND THAT NO CONSIDERATION HAS BEEN GIVEN TO POTENTIAL IMPACTS TO ADULT STURGEON FROM THE RESUMPTION OF BARGE TRAFFIC. THIS IS ESPECIALLY URGENT NOW THAT THE VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES HAS OFFICIALLY DOCUMENTED ADULT ATLANTIC STURGEON IN THE RAPPAHANNOCK RIVER INCLUDING NEAR THE PROPOSED PROJECT SITE AND WHERE BARGE TRAFFIC COULD RESUME. IN EMAIL COMMUNICATIONS ABOUT THE PROPOSED PROJECT THE VIRGINIA INSTITUTE OF MARINE SCIENCE ADMITS THAT â€œAS FAR AS THE ISSUE RAISED IN PUBLIC COMMENTS OF INCREASED VESSEL TRAFFIC CAUSING INCREASED VESSEL STRIKES, THAT IS LIKELY CORRECT (PROVIDED THE NUMBER OF VESSELS TRANSITING THE AREA WILL BE INCREASING).â€• GIVEN THAT VULCANâ€™S CURRENT PERMIT IS VALID FOR ANOTHER TWO YEARS AND MORE RESEARCH IS PLANNED BY DWR FOR 2027 TO CONTINUE STUDYING ATLANTIC STURGEON PRESENCE AND POTENTIAL SPAWNING ACTIVITIES IN THE RAPPAHANNOCK THERE IS NO REASON THIS PERMIT APPLICATION NEEDS TO MOVE FORWARD FOR CONSIDERATION AT VMRC ON OCTOBER 27TH. ADDITIONALLY THERE ARE QUESTIONS REGARDING THE VALIDITY OF A SPECIAL EXCEPTION REQUEST (SPEX-03-2010) THAT WAS APPROVED BY CAROLINE COUNTY IN 2011 FOR THE PROPOSED SAND AND GRAVEL FACILITY. ACCORDING TO EMAIL COMMUNICATIONS WITH THE COUNTY THERE ARE CONCERNS REGARDING THE VALIDITY OF THE SITE PLAN (APPROVED IN 2016) AND THE SPECIAL EXCEPTION. THE APPROVED SPECIAL EXCEPTION HAS CONDITIONS THAT INCLUDE REQUIRED ACTIONS TO BE ACCOMPLISHED WITHIN DEFINED TIME PERIODS. ADDITIONALLY THE CAROLINE COUNTY ZONING ORDINANCE HAS SPECIFIC TIME THRESHOLDS FOR APPROVED SPECIAL USE APPLICATIONS THAT REQUIRE ACTION BY APPLICANTS FOR THE APPROVED USE. SINCE 2016 THEN NO FURTHER DOCUMENTATION HAS BEEN RECEIVED. GIVEN THE PREVIOUS COMMENTS AND THESE ADDITIONAL FACTS FRIENDS OF THE RAPPAHANNOCK REQUESTS THAT VULCAN CONSTRUCTION MATERIALS, LLC (VMRC #20260860) REQUEST FOR A PERMIT BE REMOVED FROM THE VMRC OCTOBER 27, 2026 MEETING AGENDA UNTIL THE RESEARCH FROM DWR IS COMPLETED AND PROPER SAFEGUARDS FOR ATLANTIC STURGEON ARE ENACTED.

Attachments:
Submitted photos for this comment will begin on next page.

Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

1792673022.jpg



1792673022.jpg



Virginia Marine Resources Commission
Habitat Management Public Comments
Application Number 20260860

Print Date: Thursday October 22 2026 09:18

1792673023.jpg



COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

October 30, 2015

Vulcan Construction Materials, LLC
Attn: Walter Beck
c/o Resource International
9560 Kings Charter Drive
Ashland, VA 23005

RE: VMRC #14-1413

Dear Mr. Beck:

Enclosed is the Marine Resources Commission permit authorizing you to construct a 4-foot wide by 75-foot long commercial pier with a 4-foot wide by 354-foot long T-head with three (3) finger piers, a 400 square foot covered workers shelter, install two 8-foot diameter steel pile supports for a retractable conveyor and set eight (8) 21-pile timber dolphins or eight (8) 8-foot diameter steel pile dolphins with batterboards to provide for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated at the terminus of Black Marsh Road along the Rappahannock River in Caroline County.

A yellow placard is also enclosed. This placard reflects the authorized activities for inspection purposes and must be conspicuously displayed at the work site throughout the construction phase. Failure to properly post the placard in a prominent location will be considered a violation of your permit conditions.

YOU ARE REMINDED THAT ANY DEVIATION FROM THE PERMIT OR ATTACHED DRAWINGS REQUIRES PRIOR AUTHORIZATION FROM THE MARINE RESOURCES COMMISSION. FAILURE TO OBTAIN THE NECESSARY MODIFICATION WILL BE CONSIDERED A VIOLATION AND COULD SUBJECT YOU TO CIVIL CHARGES IN AMOUNTS NOT TO EXCEED $10,000 PER VIOLATION.

The work authorized by this permit is to be completed by October 31, 2018. Please note that in conformance with Special Condition 17 of your permit you are to notify the Commission 15 days prior to commencement of your permitted project. The enclosed self-addressed, stamped, postcard is to be used for this purpose. All other conditions of the permit will remain in effect.

Please be advised that you may also require issuance of a U. S. Army Corps of Engineers permit before you begin work on this project. You may wish to contact them directly to verify any permitting requirements.

Sincerely,

Tony Watkinson
Chief, Habitat Management

TW/mos
HM
Enclosure
Cc: Applicant

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
PERMIT

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 9th day of December 2014 hereby grants unto:

Vulcan Construction Materials, LLC
5601 Ironbridge Parkway, Suite 201
Chester, VA 23831

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.

X 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 construct a 4-foot wide by 75-foot long commercial pier with a 4-foot wide by 354-foot long T-head with three finger piers, a 400 square foot covered workers shelter, install two 8-foot diameter steel pile supports for a retractable conveyor and set eight (8) 21-pile timber dolphins or eight (8) 8-foot diameter steel pile dolphins with batterboards to provide for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated at the terminus of Black Marsh Road along the Rappahannock River in Caroline County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received September 22, 2014, and revised drawings dated received September 29, 2014, October 27, 2014, November 17, 2014, and December 2, 2014, 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 **December 9th, 2017**. 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 yellow placard accompanying this permit document must be conspicuously displayed at the work site.

(17) Permittee agrees to notify the Commission a minimum of 15 days prior to the start of the activities authorized by this permit.

(18) Permittee agrees to an instream work time-of-year restriction of February 15 to June 30 to protect anadromous fishes.

(19) Permittee agrees to use a bubble curtain during the installation of any approved steel, hollow monopile structures.

Description of Fees	Amount	Unit of Measure	Rate	Total	Frequency	After-The-Fact
Encroachment Royalty	2210.70	Square Feet	2.000	$4421.40	One-Time	
Permit Fee				$100.00	One-Time	
Total Permit Fees				**$4,521.40**		

This permit consists of 11 Pages

PERMITTEE

Permittee's signature is affixed hereto as evidence of acceptance of all of the terms and conditions herein.

In cases where the Permittee is a corporation, agency or political jurisdiction, please assure that the individual who signs for the Permittee has proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

PERMITTEE
Accepted for Vulcan Construction Materials, LLC

13 day of October, 2015

By Walter C. Beck III Environmental Engineer
(Name) (Title)

State of Virginia
City (or County) of Chesterfield, to-wit:

I, Brooke Marie Snyder a Notary Public in and for said City (or County) and State hereby certify that Walter C. Beck III, Permittee, whose name is signed to the foregoing, has acknowledged the same before me in my City (or County) and State aforesaid.

Given under my hand this 13th day of October, 2015
My Commission Expires: August 31, 2019

Notary Public Brooke Marie Snyder
Notary Registration # 7147447

BROOKE MARIE SNYDER
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7147447
NOTARY PUBLIC

COMMISSION

IN WITNESS WHEREOF, the Commonwealth of Virginia, Marine Resources Commission has caused these presents to be executed in its behalf by TONY WATKINSON, CHIEF, HABITAT MANAGEMENT
(Name) (Title) Marine Resources Commission

30TH day of OCTOBER, 20 15

By Tony Watkinson

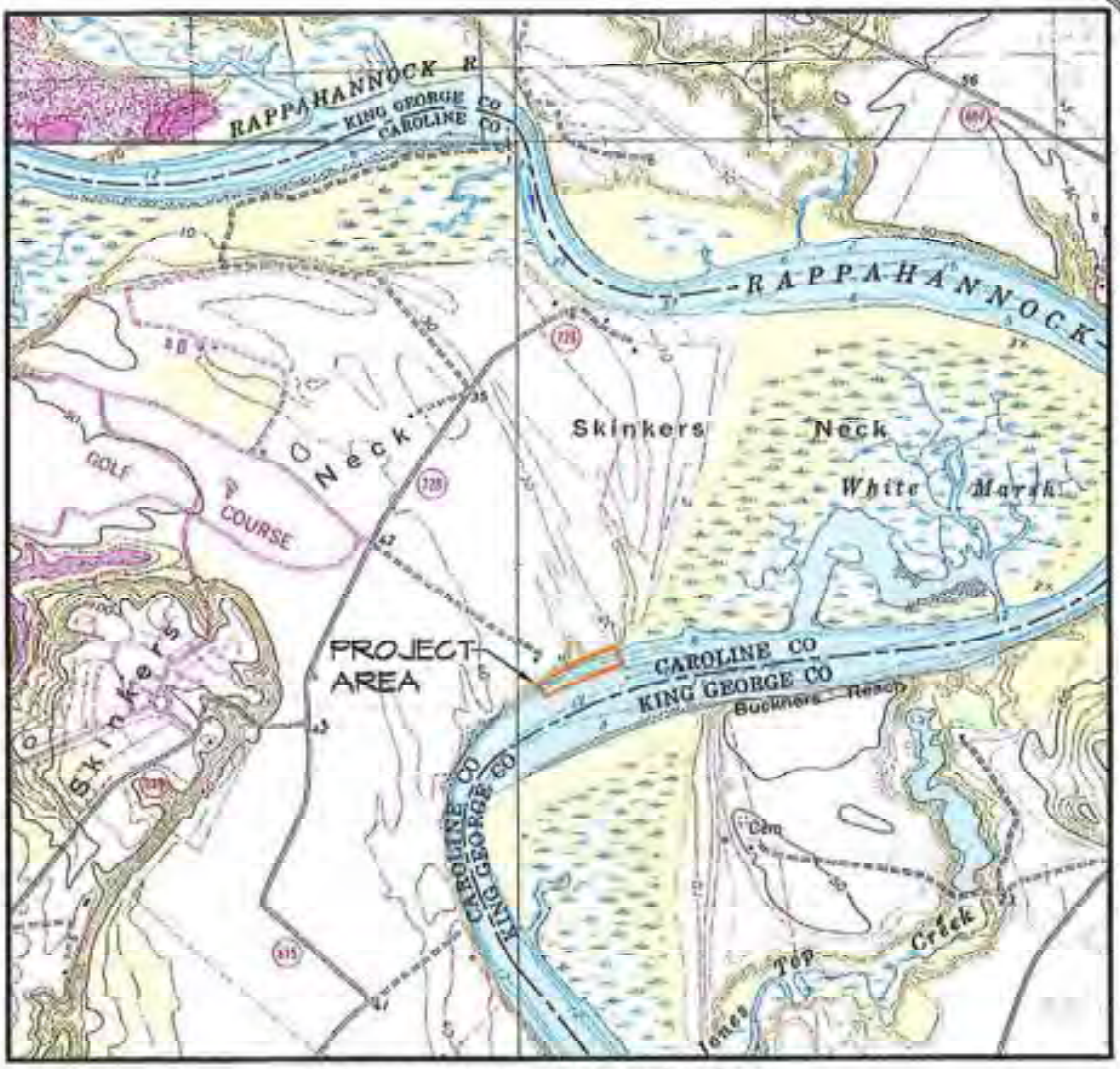
State of Virginia
City of Newport News, to-wit:

I, MOLLY O. SHACKELFORD, a Notary Public within and for said City, State of Virginia, hereby certify that TONY WATKINSON, whose name is signed to the foregoing, bearing the 9th day of December 2014, has acknowledged the same before me in City aforesaid.

Given under my hand this 30TH day of OCTOBER, 20 15
My Commission Expires: JULY 31, 2019

Notary Public Molly O. Shackelford

MOLLY O. SHACKELFORD
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #234864
My Commission Expires 7-31-19



U.S.G.S. 7.5 MINUTE SERIES QUADRANGLES
PASSAPANTANZY, 1966, PHOTOREVISED 1979, PHOTOINSPECTED 1982
KING GEORGE, 1968, PHOTO REVISED 1978, PHOTOINSPECTED 1982
RAPPAHANNOCK ACADEMY, 1966, PHOTOREVISED 1984
PORT ROYAL, 1968, PHOTO INSPECTED 1981
SCALE: 1" = 2,000'



NOTE: ALL LOCATIONS ARE APPROXIMATE.

FIGURE 1
SITE LOCATION AND TOPOGRAPHY MAP
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
SEPTEMBER 5, 2014

RESOURCE INTERNATIONAL, LTD.
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
P.O. BOX 8160 • 15160 KINGS CHARTER DRIVE • ASHLAND, VA 23005
(804) 550-0300 • FAX (804) 550-0050

RECEIVED
By Virginia Marine Resources Commission at 9:16 am, Sep 22, 2014

S:\Planning\ACTIVE - Projects\95082.84 - Black Marsh\Drawings\PA Figures\RLE_BM_PA_Figures_1_4A_4B_4C_7_Sept_2014.dwg Plotted: Sep 18, 2014 - 8:34am



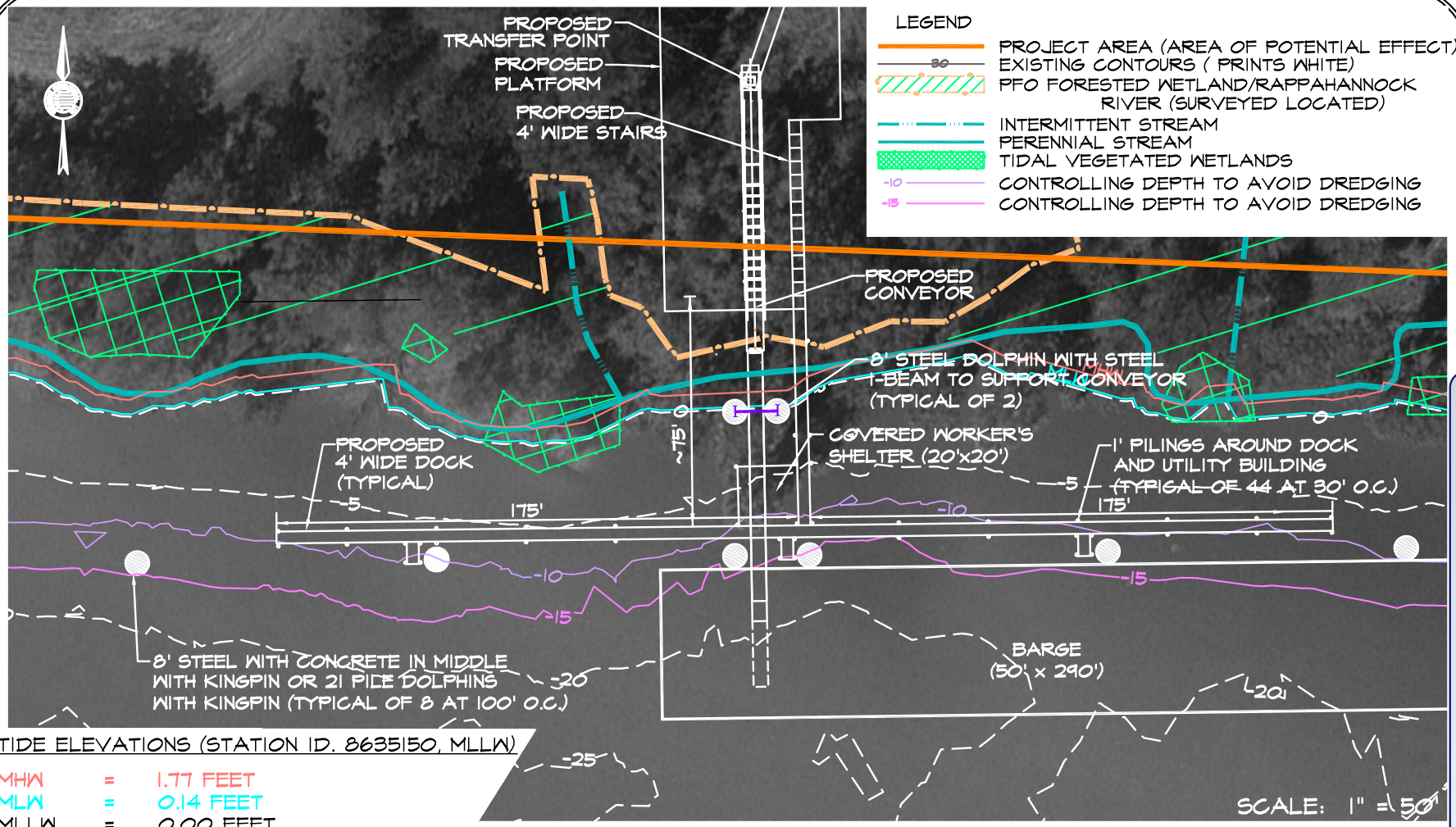
FIGURE 5
POTENTIAL SUBAQUEOUS BOTTOMLAND
ENCROACHMENT AREAS
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
OCTOBER 2, 2014

NOTE: ALL LOCATIONS ARE APPROXIMATE.

RESOURCE INTERNATIONAL, LTD.

RECEIVED
OCT 7 20
MARINE RESOURCES COMMISSION
ADDITIONAL INFO
REVISION

Add'l Info/Revisions



TIDE ELEVATIONS (STATION ID. 8635150, MLLW)

MHW	=	1.77 FEET
MLW	=	0.14 FEET
MLLW	=	0.00 FEET

FIGURE 3C
ENLARGEMENT OF DOCK
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
SEPTEMBER 5, 2014
REVISED SEPTEMBER 26, 2014

RESOURCE INTERNATIONAL, LTD.
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
P.O. BOX 6160 • 9560 KINGS CHARTER DRIVE • ASHLAND, VA 23005
(504) 550-9200 FAX (804) 550-9259

RECEIVED
By Virginia Marine Resources Commission at 7:07 am, Sep 29, 2014

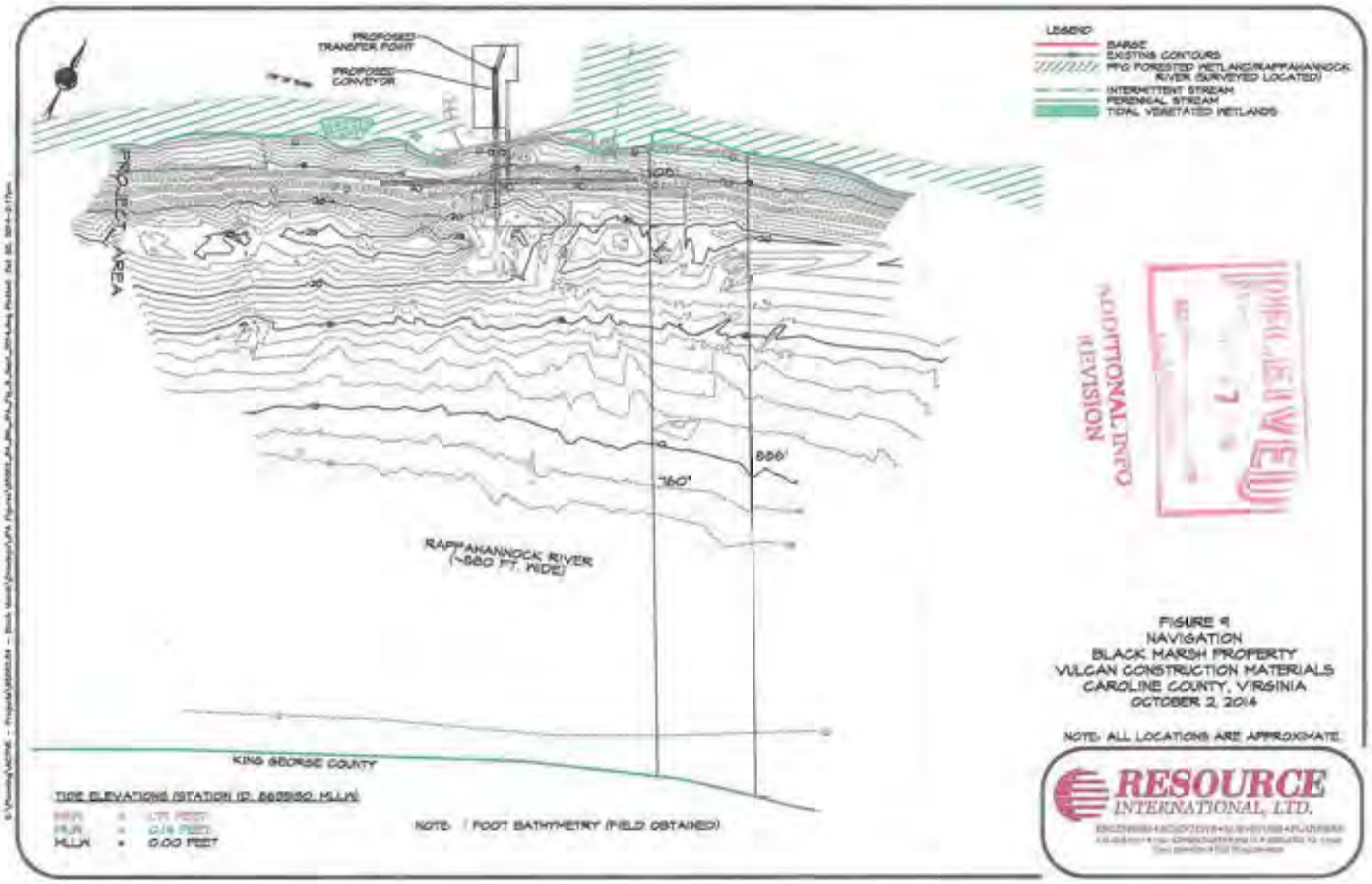
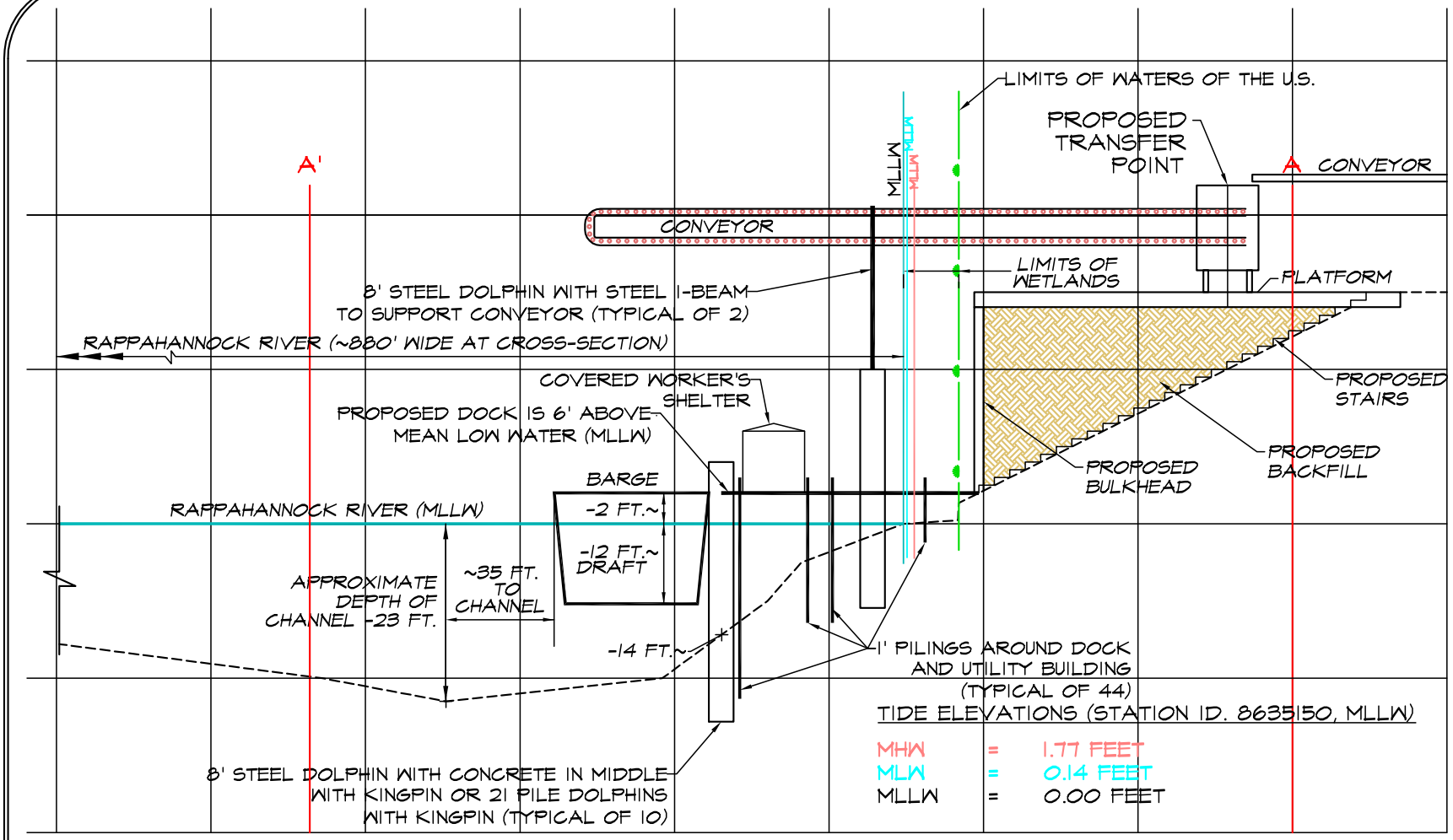


FIGURE 4
NAVIGATION
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
OCTOBER 2, 2014

NOTE: ALL LOCATIONS ARE APPROXIMATE.

RESOURCE INTERNATIONAL, LTD.



TIDE ELEVATIONS (STATION ID. 8635150, MLLW)

MHW	=	1.77 FEET
MLW	=	0.14 FEET
MLLW	=	0.00 FEET

SCALE: 1" = 50' (HORIZONTAL)
1" = 20' (VERTICAL)

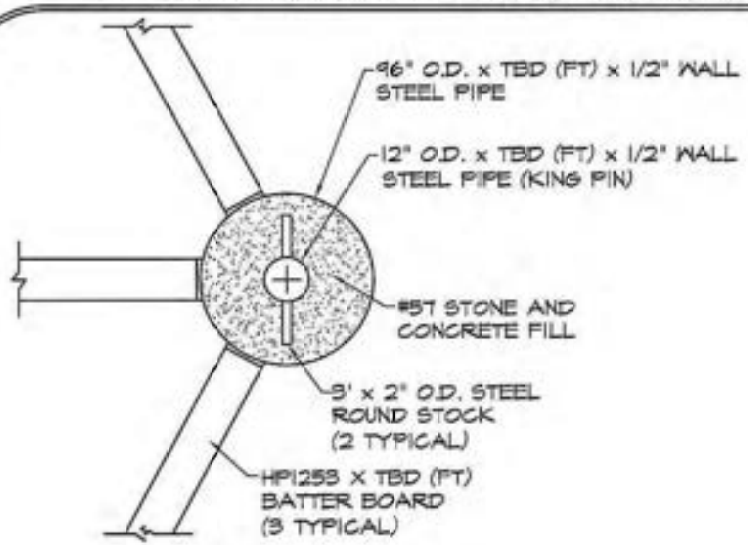
FIGURE 3B
CROSS-SECTION A - A'
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
SEPTEMBER 5, 2014
REVISED SEPTEMBER 26, 2014
REVISED NOVEMBER 14, 2014

RESOURCE INTERNATIONAL, LTD.
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
P.O. BOX 6160 • 9560 KINGS CHARTER DRIVE • ASHLAND, VA 23005
(504) 550-9200 FAX (804) 550-9259

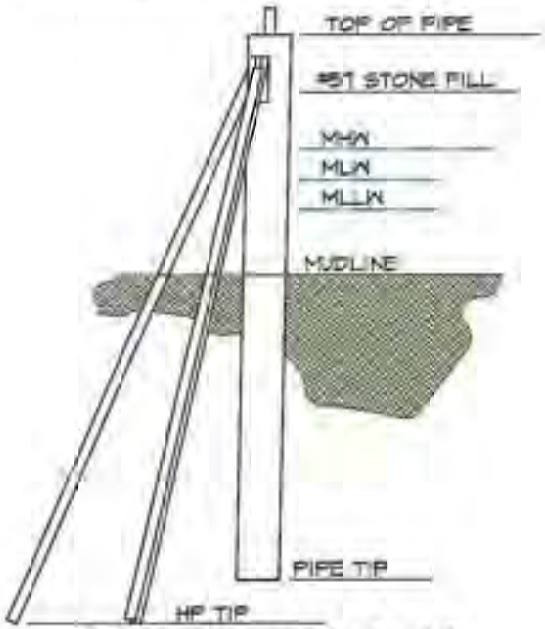
RECEIVED
By Virginia Marine Resources Commission at 7:09 am, Nov 17, 2014

Add'l Info/Revisions

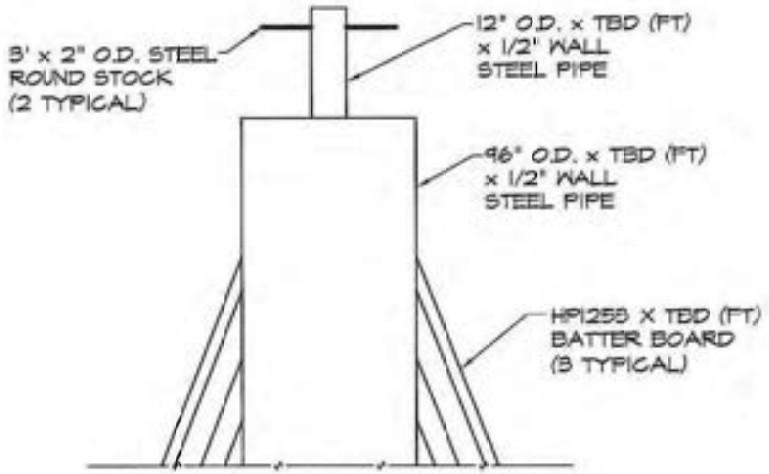
S:\Planning\ACTIVE – Projects\95062.84 – Black Marsh\Drawings\JPA Figures\RLE_BM_JPA_Figures_1_4A_4B_4C_7_Sept_2014.dwg Plotted: Sep 18, 2014 – 8:35am



PLAN VIEW - STEEL PILING
NOT TO SCALE



ELEVATION - STEEL PILING
NOT TO SCALE



DETAIL VIEW - STEEL PILING
NOT TO SCALE

NOTE: THE INFORMATION PROVIDED HEREON IS FOR CONCEPTUAL PURPOSES ONLY.

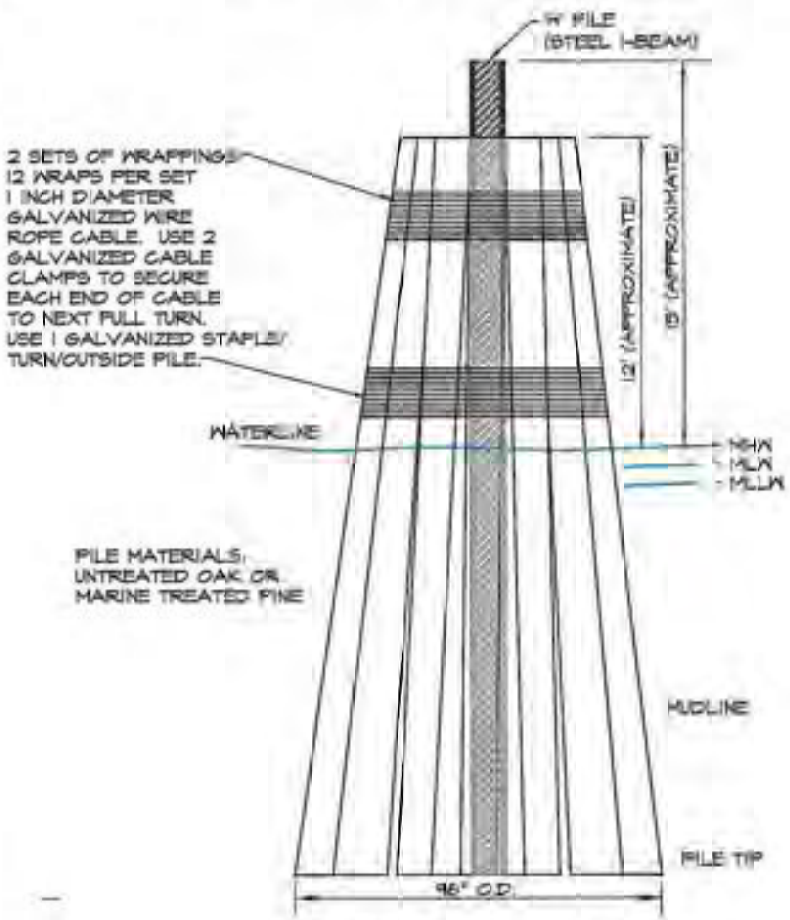
FIGURE 4A
PROPOSED OPTION 'A'
STEEL PILING DETAIL
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
APPROXIMATE 401+/- ACRES
CAROLINE COUNTY, VIRGINIA
SEPTEMBER 5, 2014

RESOURCE INTERNATIONAL, LTD.
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
[illegible] • [illegible] • [illegible] • [illegible]

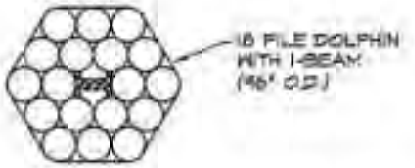
RECEIVED
By Virginia Marine Resources Commission at 9:16 am, Sep 22, 2014

RECEIVED
By Virginia Marine Resources Commission at 9:16 am, Sep 22, 2014

S:\Planning\ACTIVE - Projects\05062.04 - Black Marsh\Drawings\JPA Figures\RLE_BM_JPA_Figures_1_4A_4B_4C_7_Sept_2014.dwg Plotted: Sep 18, 2014 - 2:38pm



ELEVATION - WOOD PILING
NOT TO SCALE



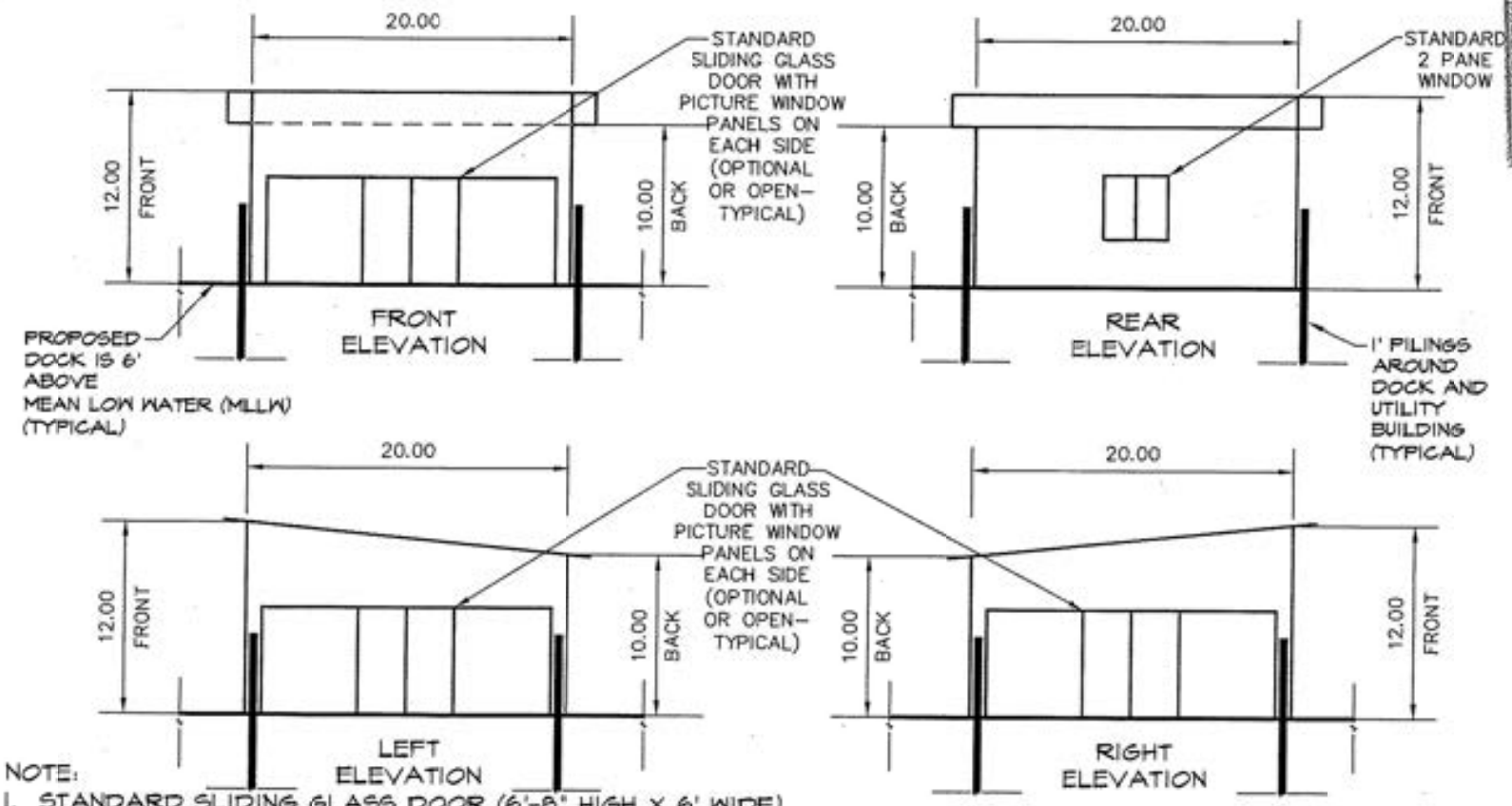
PLAN VIEW - WOOD PILING
NOT TO SCALE

FIGURE 4B
PROPOSED OPTION 'B'
WOOD PILING DETAIL
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
SEPTEMBER 5, 2014

NOTE: THE INFORMATION PROVIDED HEREON IS FOR CONCEPTUAL PURPOSES ONLY.

RESOURCE INTERNATIONAL, LTD.
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
P.O. BOX [illegible] • [illegible] KINGS GLACIER DRIVE • ASHLAND, VA [illegible]
[illegible] 7[illegible] (804) [illegible]

S:\Planning\ACTIVE - Projects\95062.84 - Black Marsh\Drawings\JPA Figures\95062_84_BM_JPA_Figs_2_3_3A_3B_5A_Sept_2014.dwg Plotted: Dec 02, 2014-12:20pm



NOTE:
1. STANDARD SLIDING GLASS DOOR (6'-8" HIGH X 6' WIDE)
2. STANDARD GLASS WINDOW - 2 PANES (48" HIGH X 48" WIDE.

SCALE: 1" = 10'

RECEIVED
DEC 02 2014
MARINE RESOURCES COMMISSION

ADDITIONAL INFO
REVISION

FIGURE 3B1
COVERED WORKER'S SHELTER ELEVATIONS
BLACK MARSH PROPERTY
VULCAN CONSTRUCTION MATERIALS
CAROLINE COUNTY, VIRGINIA
NOVEMBER 18, 2014

RESOURCE INTERNATIONAL, LTD.
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
P.O. BOX 6160 • 9560 KINGS CHARTER DRIVE • ASHLAND, VA 23005
(804) 550-9200 FAX (804) 550-9259

COMMONWEALTH of VIRGINIA

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

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

October 31, 2023

Vulcan Construction Materials, LLC
Attn: Mr. Walter Beck
c/o Townes Site Engineering, P.C.
1 Park West Circle, Suite 108
Midlothian, VA 23114
tkraska@cctownes.com
beckw@vmcmail.com

Re: VMRC #2014-1413

Dear Mr. Beck:

In response to your request dated October 18, 2023, this is to authorize an extension to the above-referenced permit. The new expiration date of your permit is now December 31, 2028. The permit was originally issued on October 30, 2015, authorizing the construction of a commercial pier and to set eight (8) dolphins to provide for the loading of sand and gravel barges at the proposed Black Marsh Sand and Gravel Facility at property situated along the Rappahannock River in Caroline County.

No additional work is proposed at this time and all other terms, conditions, and modifications set forth in the original permit still apply. Please attach this letter to the previously issued permit as evidence of the authorization contained herein. Please be advised that this is the last extension that will be authorized for this permit and that a new application will be required after its December 31, 2028, expiration.

Please be advised you may also need to request an extension from the U.S. Army Corps of Engineers and the Department of Environmental Quality (DEQ).

Should you have any questions regarding this matter, please do not hesitate to contact Mr. Mike Johnson of my staff at (757) 247-2255 or mike.johnson@mrc.virginia.gov.

Sincerely,

Randal D. Owens

Randal D. Owens
Chief, Habitat Management

RDO/jmj:lra
HM
cc: U.S. Army Corp of Engineers
Department of Environmental Quality #4

MATTHEW HAND
VMRC #2026-0679

1. Habitat Management Evaluation dated October 27, 2026.
   (Page 1 and 2)

2. Project drawings dated received on March 26, 2026, and May 20, 2026.
   (Pages 3 through 5)

3. Online protest submission in Habitat Public Comments from Mr. Craig Steineke, dated June 1, 2026.
   (Page 6)

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

HABITAT MANAGEMENT DIVISION EVALUATION

MATTHEW HAND, VMRC #2026-0679, requests authorization to modify an existing 28-foot by 12-foot open-sided boathouse by raising a 19-foot section 3 feet in height, situated along Chisman Creek at 421 Crockett Road in York County. The project is protested by an adjacent property owner.

Narrative

The proposal is located along Chisman Creek where numerous private piers, including gazebos and boathouses, have been authorized and constructed.

On October 16, 2026, a partial "no permit necessary" letter was issued for the current application request to replace a 160-foot by 6-foot private pier, a 20-foot by 12-foot L-head platform, and a 12-foot by 12-foot floating dock with two (2) mooring piles. The letter advised that a VMRC subaqueous permit was not required for the pier portion of the project since it qualified for the statutory authorization provide in §28.2-1203(A)5 of the Code of Virginia (Code). York County notified the applicant that the proposed project did not require a permit from the local wetlands board.

The applicant constructed the existing boathouse in 1993 pursuant to VMRC permit #93-1077. An existing 19-foot by 12-foot roof section was recently removed to accommodate the total height of the applicant's new vessel. A 9-foot roof section of the original roof remains and will not require modification.

Issues

Following receipt of the application, staff notified the adjoining property owners of the proposal as required by the Code for proposed pier roof structures. The downstream adjoining property owner, Craig Steineke, objected to the pier and boathouse proposal in June 2026.

Mr. Steineke stated in his written objection that he had to pay his neighbor when he built his private boathouse, and Mr. Hand should reimburse him for constructing his boathouse over the perceived extended riparian property boundary.

Summary and Recommendations

Had the application for the proposed open-sided boathouse modification not been protested, it would have qualified for the statutory authorization for open-sided roof structures under §28.2-1203(A)5 of the Code of Virginia. The requested boathouse roof addition totals 228 square feet. If approved, the total square footage of the modified roof proposal including the unaltered section is 336 square feet, less than half of the 700 square-foot maximum allowable size provided by statute.

Summary and Recommendations (cont'd)

The protestant's objection appears to be related to a previous monetary dispute regarding circumstances under which his boathouse was constructed. For the record, staff is not aware of those circumstances related to that particular boathouse construction.

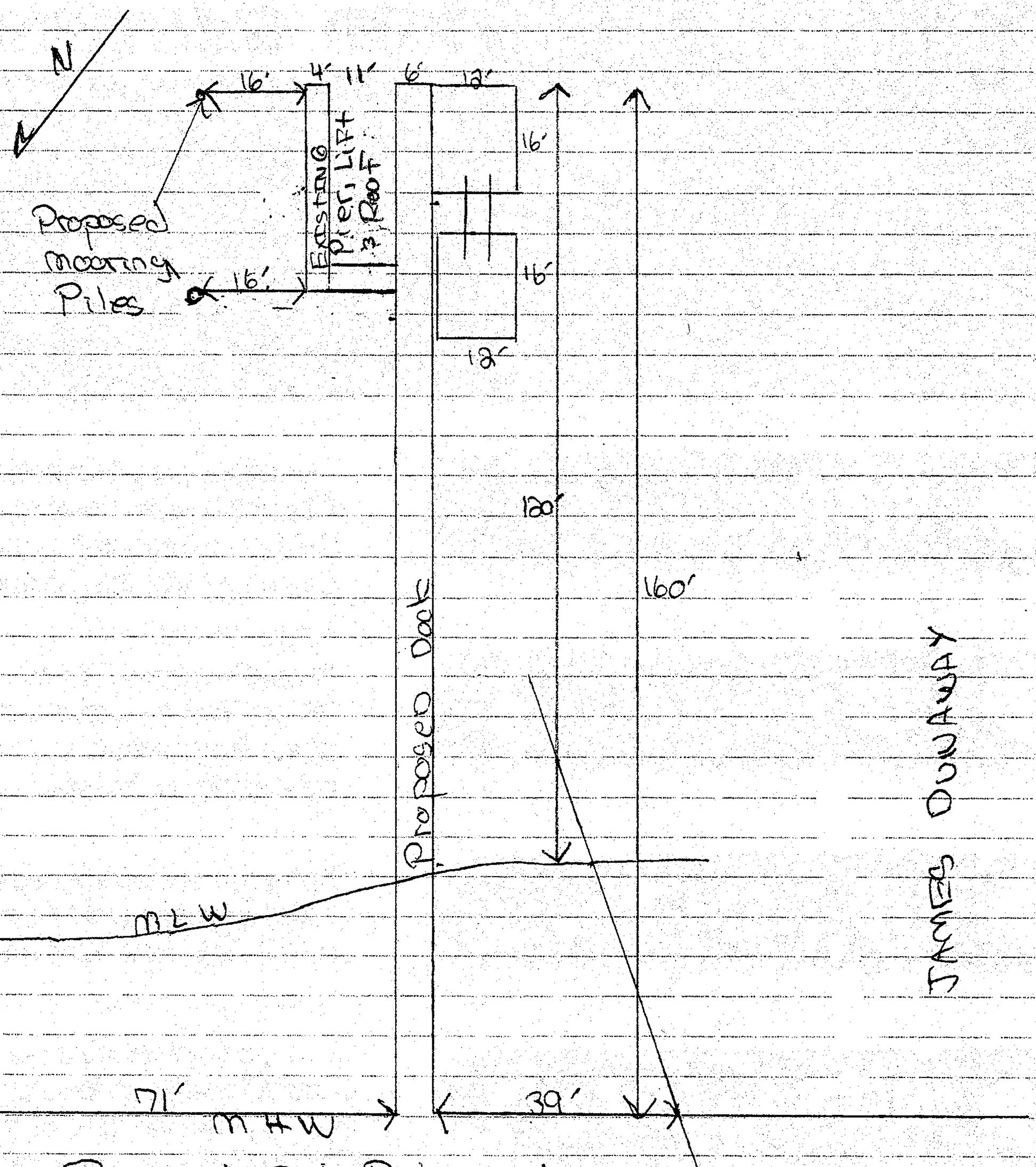
Staff believes that the proposed modification of the open-sided boathouse is a reasonable use of the applicant's riparian rights for private-use encroachment over state-owned submerged lands. In this case, we believe the open-sided design of the modified roof structure only minimally adds to the visual obstruction currently presented by the applicant's statutorily authorized private pier and existing boathouse. Staff and this Commission have historically agreed that this type of private open-sided roof proposal is an appropriate use of a riparian property owner's rights to access state-owned submerged lands. Accordingly, after evaluating the project drawings and the merits of the project against the concerns expressed by the protestant, and after considering all factors contained in §28.2-1205 of the Code, staff recommends approval of the project as proposed.

By. R. Holloway
March 12, 2026

EBB

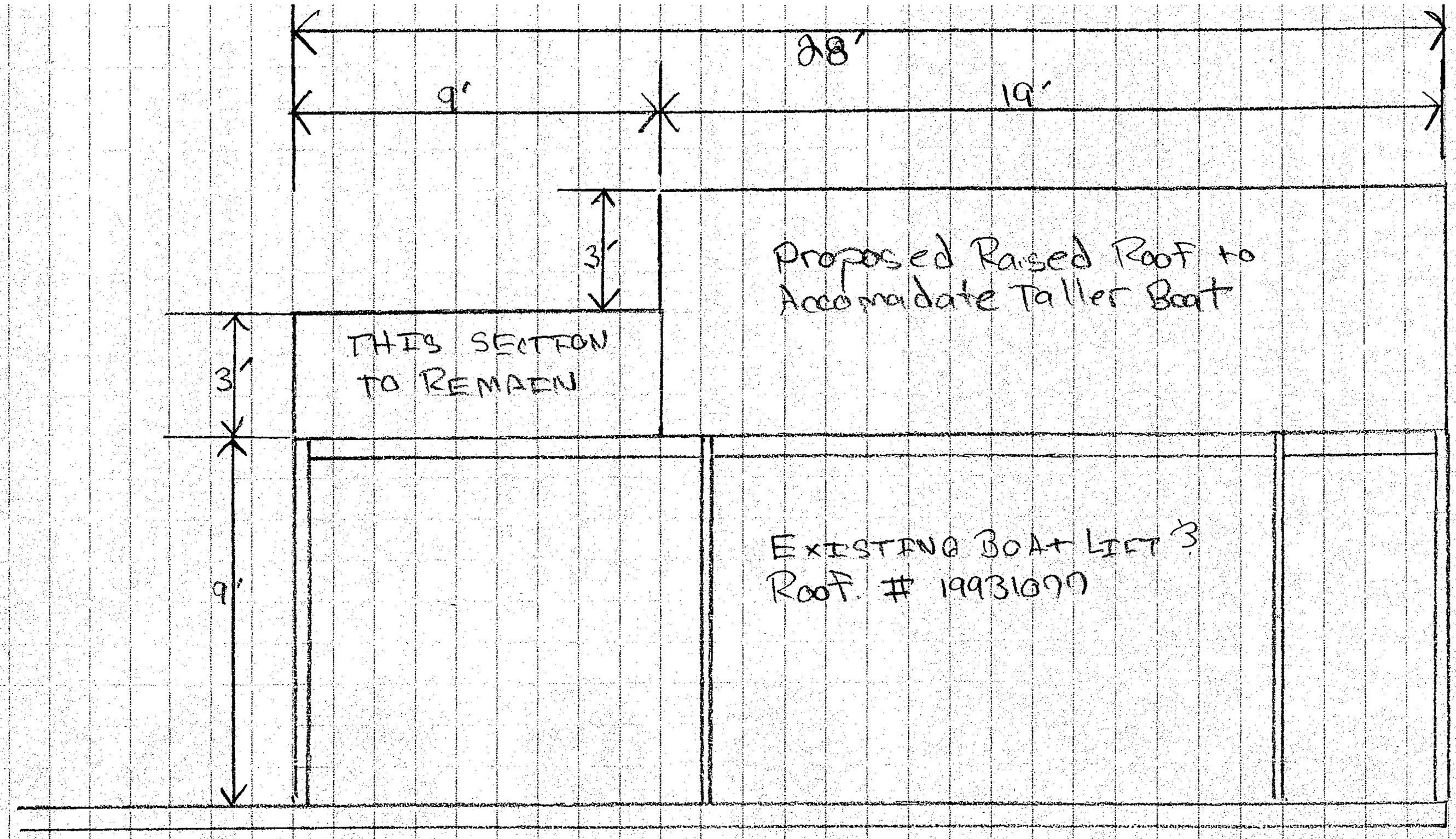
FLOOD

PLAN VIEW
1" = 25'



Received by VMRC March 26, 2026 / Ira

Received by VMRC March 26, 2026 /tra



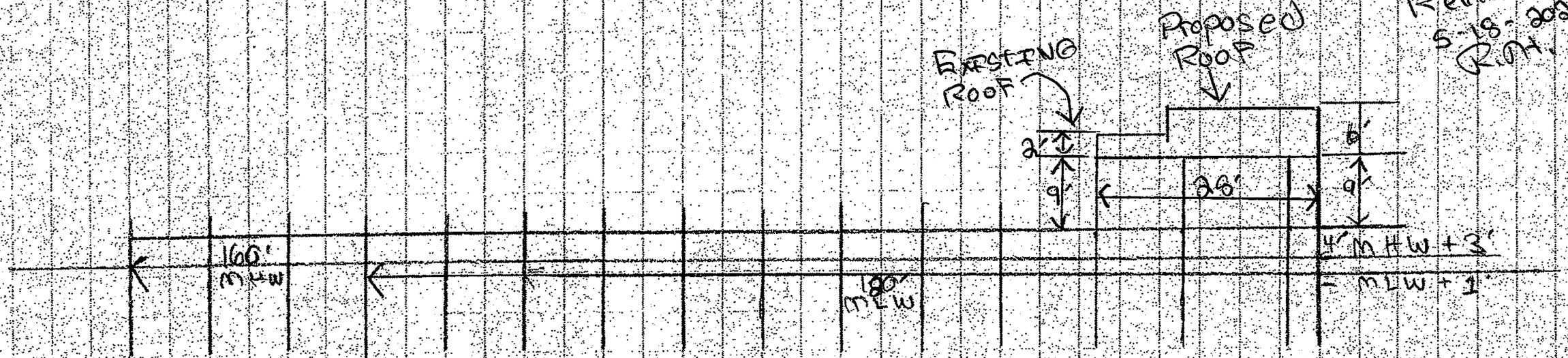
Proposed Roof
For Matt Hand
421 Crockett Rd.
Seaford, Va.
Chisman Creek

SIDE VIEW
By R. Holloway
1/4" = 1'
March 12, 2026

Proposed Pier Replacement
Fo Chesman Creek
For Matt Hand
421 Crockett Rd.
Seaford
original Pmt # 19690224

SIDE VIEW
By R. Holloway
Mar. 12, 2026
1" = 20'

Revised
5-18-2026
R.H.



Standard construction
Poles 8" 10' o.c. 2.5 cm
X-ties 3 Stringers - 2x8 Full-cut 2.5 cm
Decking - 2x6 treated for grd. contact
Fasteners - S.S. 3 HDG.

Roof Frame is treated lumber
Roof cover will be metal

Additional Information/Revision Recieved May 20, 2026 map

Public Comments for 20260679

<< Back | Excel Export | PDF Export

Total Comments: 1 **Favor: 0** **Oppose: 1** **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	CRAIG S STEINEKE Edit	steinbrew@aol.com	06/01/2026 20:02:25 PM	OPPOSE Edit	I HAD TO PAY MY NEIGHBOR WHEN I BUILT MY HOUSE FOR MY PIER,, IF MATT WANTS TO PAY ME BACK TO COME OVER THE LINE THAN FINE $12000.00

LICENSE STATUS REQUEST, 10/27/2026

Discussion: Mr. Daniel Mariano, Jr. (7552) requests the Commission grant exception to the two-year delay to obtain his Commercial Fisherman Registration License. Mr. Mariano held a Commercial Fisherman Registration License in 2025 but missed the April 30th deadline to purchase his 2026 license. He has completed and returned a two-year exception form, that has been denied.

Issues: Mr. Mariano does not meet any of the requirements for exception to the two-year delay as stated in regulation 610.

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
- Summons History – Attachment 3

Attachment 1
Daniel Mariano, Jr.
License History

Virginia Marine Resources Commission
License History Report

DANIEL M MARIANO JR
PO BOX 8
TANGIER, VA 23440-0008
MRC ID: 7552

Phone: 267-984-1918
Eyes: GREEN
Hair: BLACK
Weight: 240
Birth: 6/26/76

License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL525849-001		379	USER FEE OYSTER ALL GEAR	2025-11-25	2025	29A04	SOLD
OL525849-002		103	OYSTER DREDGE PUBLIC GROUND	2025-11-25	2025	29A04	SOLD
OL525849-003		106	OYSTERS BY HAND SCRAPE	2025-11-25	2025	29A04	SOLD
OL633632-001		500	COMMERCIAL REGISTRATION	2025-04-25	2025	KGUIL	SOLD
OL524819-001		379	USER FEE OYSTER ALL GEAR	2024-01-03	2024	29A04	SOLD
OL524819-002		103	OYSTER DREDGE PUBLIC GROUND	2024-01-03	2024	29A04	SOLD
OL628798-001		500	COMMERCIAL REGISTRATION	2023-12-29	2024	WEB	SOLD
OL524518-001	13752	388	FISH POT-100 OR LESS	2023-06-13	2023	29A04	SOLD
OL524518-002	12013	211	CRAB POT-85 OR LESS	2023-06-13	2023	29A04	SOLD
OL523845-001		379	USER FEE OYSTER ALL GEAR	2022-12-26	2023	29A04	SOLD
OL523845-002		103	OYSTER DREDGE PUBLIC GROUND	2022-12-26	2023	29A04	SOLD
OL523845-003		106	OYSTERS BY HAND SCRAPE	2022-12-26	2023	29A04	SOLD
OL398969-001		500	COMMERCIAL REGISTRATION	2022-12-07	2023	WEB	SOLD
OL510615-001		379	USER FEE OYSTER ALL GEAR	2022-01-04	2022	TNA03	SOLD
OL510615-002		103	OYSTER DREDGE PUBLIC GROUND	2022-01-04	2022	TNA03	SOLD
OL510615-003		106	OYSTERS BY HAND SCRAPE	2022-01-04	2022	TNA03	SOLD
OL388736-001		500	COMMERCIAL REGISTRATION	2021-12-10	2022	WEB	SOLD
OL510542-001	10442	211	CRAB POT-85 OR LESS	2021-05-03	2021	TNA03	SOLD
OL510450-001		379	USER FEE OYSTER ALL GEAR	2020-12-28	2021	TNA03	SOLD
OL510450-002		103	OYSTER DREDGE PUBLIC GROUND	2020-12-28	2021	TNA03	SOLD
OL510450-003		106	OYSTERS BY HAND SCRAPE	2020-12-28	2021	TNA03	SOLD
OL378424-001		500	COMMERCIAL REGISTRATION	2020-12-21	2021	50050	SOLD
OL510398-001	10445	211	CRAB POT-85 OR LESS	2020-05-27	2020	TNA03	SOLD
OL367598-001		500	COMMERCIAL REGISTRATION	2019-12-30	2020	50050	SOLD
OL367598-002		379	USER FEE OYSTER ALL GEAR	2019-12-30	2020	50050	SOLD
OL367598-003		103	OYSTER DREDGE PUBLIC GROUND	2019-12-30	2020	50050	SOLD
OL367598-004		106	OYSTERS BY HAND SCRAPE	2019-12-30	2020	50050	SOLD
OL510288-001	10759	388	FISH POT-100 OR LESS	2019-05-21	2019	TNA03	SOLD
OL510259-001	10450	211	CRAB POT-85 OR LESS	2019-03-25	2019	TNA03	SOLD

Virginia Marine Resources Commission
License History Report

License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL510205-001		106	OYSTERS BY HAND SCRAPE	2019-01-29	2019	TNA03	SOLD
OL510183-001		379	USER FEE OYSTER ALL GEAR	2018-12-29	2019	TNA03	SOLD
OL510183-002		103	OYSTER DREDGE PUBLIC GROUND	2018-12-29	2019	TNA03	SOLD
OL356209-001		500	COMMERCIAL REGISTRATION	2018-12-21	2019	50050	SOLD
OL510161-001		106	OYSTERS BY HAND SCRAPE	2018-09-26	2018	TNA03	SOLD
OL510102-001	10420	211	CRAB POT-85 OR LESS	2018-03-28	2018	TNA03	SOLD
OL510046-001		379	USER FEE OYSTER ALL GEAR	2017-12-29	2018	TNA03	SOLD
OL510046-002		103	OYSTER DREDGE PUBLIC GROUND	2017-12-29	2018	TNA03	SOLD
OL289406-001		500	COMMERCIAL REGISTRATION	2017-12-20	2018	50050	SOLD
OL510008-001		106	OYSTERS BY HAND SCRAPE	2017-09-29	2017	TNA03	SOLD
OL091083-001	11178	211	CRAB POT-85 OR LESS	2017-03-03	2017	TNA02	SOLD
OL091046-001	SH1804	134	SHELLFISH HARVESTER TAG	2017-02-01	2017	TNA02	SOLD
OL091032-001		379	USER FEE OYSTER ALL GEAR	2016-12-28	2017	TNA02	SOLD
OL091032-002		103	OYSTER DREDGE PUBLIC GROUND	2016-12-28	2017	TNA02	SOLD
OL219137-001		500	COMMERCIAL REGISTRATION	2016-12-27	2017	tshor	SOLD
OL090994-001		106	OYSTERS BY HAND SCRAPE	2016-10-01	2016	TNA02	SOLD
OL090917-001	10339	211	CRAB POT-85 OR LESS	2016-03-16	2016	TNA02	SOLD
OL090844-001		379	USER FEE OYSTER ALL GEAR	2015-12-30	2016	TNA02	SOLD
OL090844-002		103	OYSTER DREDGE PUBLIC GROUND	2015-12-30	2016	TNA02	SOLD
OL116979-001		500	COMMERCIAL REGISTRATION	2015-12-22	2016	tshor	SOLD
OL090743-001		106	OYSTERS BY HAND SCRAPE	2015-09-23	2015	TNA02	SOLD
OL090645-001	10735	211	CRAB POT-85 OR LESS	2015-03-17	2015	TNA02	SOLD
OL090585-001		379	USER FEE OYSTER ALL GEAR	2014-12-27	2015	TNA02	SOLD
OL090585-002		103	OYSTER DREDGE PUBLIC GROUND	2014-12-27	2015	TNA02	SOLD
OL110720-001		500	COMMERCIAL REGISTRATION	2014-12-15	2015	50050	SOLD
OL090535-001		103	OYSTER DREDGE PUBLIC GROUND	2014-11-29	2014	TNA02	SOLD
OL090536-001		103	OYSTER DREDGE PUBLIC GROUND	2014-11-29	2014	TNA02	SOLD
OL070990-001		106	OYSTERS BY HAND SCRAPE	2014-10-23	2014	04A05	SOLD
OL090407-001	12123	211	CRAB POT-85 OR LESS	2014-04-03	2014	TNA02	SOLD
OL090351-001		379	USER FEE OYSTER ALL GEAR	2013-12-30	2014	TNA02	SOLD
OL102433-001		500	COMMERCIAL REGISTRATION	2013-12-18	2014	50050	SOLD
OL090266-001		379	USER FEE OYSTER ALL GEAR	2013-11-16	2013	TNA02	SOLD
OL090159-001	CA0067	211	CRAB POT-85 OR LESS	2013-03-16	2013	TNA02	SOLD
OL090159-002	PP0157	717	TRANSFERRED PEELER POT	2013-03-16	2013	TNA02	TRAN
OL099367-001		500	COMMERCIAL REGISTRATION	2012-12-28	2013	tshor	SOLD
OL090023-001	CA0059	211	CRAB POT-85 OR LESS	2012-03-17	2012	TNA02	SOLD
OL077660-001		500	COMMERCIAL REGISTRATION	2012-01-06	2012	dspar	SOLD

Virginia Marine Resources Commission
License History Report

License	Tag No.	Gear	Description	Date Sold	Year	Agent	Status
OL002880-001	PP0166	217	CRAB PEELER POT-210 OR LESS	2011-05-03	2011	TNA02	SOLD
OL002845-001	CA0059	211	CRAB POT-85 OR LESS	2011-03-28	2011	TNA02	SOLD
OL002759-001		103	OYSTER DREDGE PUBLIC GROUND	2010-12-31	2011	TNA02	SOLD
OL074359-001		500	COMMERCIAL REGISTRATION	2010-12-28	2011	tshor	SOLD
OL002620-001	CA0331	211	CRAB POT-85 OR LESS	2010-03-10	2010	TNA02	SOLD
OL002620-002	PP0401	217	CRAB PEELER POT-210 OR LESS	2010-03-10	2010	TNA02	SOLD
OL025423-001		500	COMMERCIAL REGISTRATION	2010-01-06	2010	50050	SOLD
OL002489-001	CA0300	211	CRAB POT-85 OR LESS	2009-04-10	2009	TNA02	SOLD
OL002489-002	PP0477	217	CRAB PEELER POT-210 OR LESS	2009-04-10	2009	TNA02	SOLD
OL002422-001		103	OYSTER DREDGE PUBLIC GROUND	2009-01-06	2009	TNA02	SOLD
OL047367-001		500	COMMERCIAL REGISTRATION	2008-12-23	2009	dspar	SOLD
OL002267-001	CA0190	211	CRAB POT-85 OR LESS	2008-03-31	2008	TNA02	SOLD
OL002267-002	PP0321	217	CRAB PEELER POT-210 OR LESS	2008-03-31	2008	TNA02	SOLD
OL024894-001		500	COMMERCIAL REGISTRATION	2008-01-03	2008	dspar	SOLD
OL002148-001	CA0428	211	CRAB POT-85 OR LESS	2007-05-23	2007	TNA02	SOLD
OL002148-002	PP0686	217	CRAB PEELER POT-210 OR LESS	2007-05-23	2007	TNA02	SOLD
OL020127-001		500	COMMERCIAL REGISTRATION	2006-12-27	2007	dspar	SOLD
AB4939A	PP0118	217	CRAB PEELER POT-210 OR LESS	2006-10-04	2006	TNA02	SOLD
AB4804A	CA0032	211	CRAB POT-85 OR LESS	2006-03-31	2006	TNA02	SOLD
067552A		500	COMMERCIAL REGISTRATION	2005-12-28	2006	50050	SOLD
YY8561A	CA0456	211	CRAB POT-85 OR LESS	2005-11-11	2005	TNA02	SOLD
YY8561B	PP0744	217	CRAB PEELER POT-210 OR LESS	2005-11-11	2005	TNA02	SOLD
057552A		500	COMMERCIAL REGISTRATION	2004-12-28	2005	50050	SOLD
047552A		500	COMMERCIAL REGISTRATION	2004-02-10	2004	50050	SOLD
037552A		502	COMM REG TRANSFD FROM DELAY	2003-03-13	2003	50050	SOLD
037552B		510	DELAYED ENTRY-COMM REG.	2003-02-28	2003	50050	SOLD

Attachment 2
Daniel Mariano, Jr.
Exception Form

VIRGINIA MARINE RESOURCES COMMISSION

FISHERIES MANAGEMENT DIVISION

380 FENWICK ROAD, BUILDING 96

FORT MONROE, VA 23651

EXCEPTION TO DELAYED COMMERCIAL REGISTRATION FORM

(REGULATION 4 VAC 20-610-10 SECTION 30, G)

FAILURE TO PROVIDE ALL INFORMATION WILL DELAY YOUR APPLICATION

FULL NAME: Daniel M. Mariano Jr.

DMV ID (customer) NUMBER: 7552

MAILING ADDRESS: 9293 Marsh Market Rd Temperanceville, VA 23442

PHYSICAL ADDRESS:

DATE OF BIRTH: 6-26-76 **TELEPHONE:** 757-666-7880

HEIGHT: 6"2 **WEIGHT:** 210 **EYE COLOR:** Green **HAIR COLOR:** Black

REASON FOR CONSIDERATION OF AN EXCEPTION OF THE 2 YEAR DELAY: (SEE ATTACHED EXCERPT FROM REGULATION 4 VAC 20-610-10)

I missed renewing in 2026, was incarcerated from January 2026 through June 2026.
I have worked on the water all my life. This is my only source of income.

PLEASE ATTACH ANY ADDITIONAL DOCUMENTS

SEP 22 2025

9/22/2026
DATE

Daniel Mariano Jr
SIGNATURE OF APPLICANT

OFFICE USE ONLY

_____**APPROVED** _____**DENIED**

VIRGINIA MARINE RESOURCES COMMISSIONER OR DEIGNEE **DATE**

Rev: 02/19

Attachment 3
Daniel Mariano, Jr.
Summons History

Virginia Marine Resources Commission
Summons History by Name

Print Date: Monday October 05 2026

This report identifies summons based on first initial and last name. It is possible that all summons listed are not for the same individual. Please check birth date and middle initial where available.

DMARIANO

Summons	Issued	Name	Address		D.O.B.
129563	2016-07-20	Mariano Jr., Daniel M	PO BOX 8, TANGIER, VA, 23440		1976-06-26
Category: Crabs		Statute: 28.2-708	Reg No.:	Ruling: Guilty	Fine: $75
Detail: POSSESSION UNCULLED CRABS					

Summons	Issued	Name	Address		D.O.B.
117728	2014-10-23	Mariano Jr, Daniel M	4416 CHAMBERS LANE, PO BOX 8, TANGIER, VA, 23440		1976-06-26
Category: Oysters		Statute:	Reg No.: 4 VAC 20-720-75	Ruling: Guilty	Fine: $100
Detail: HAND SCRAPING WITHOUT A LICENSE (OYSTERING)					

Summons	Issued	Name	Address		D.O.B.
113046	2013-08-10	Mariano Jr, Daniel M	BOX 8, TANGIER, VA, 23440		1976-06-26
Category: Crabs		Statute: 4 VAC 20-700-26A	Reg No.:	Ruling: Guilty	Fine: $100
Detail: OBSTRUCTED CULL RINGS					

Summons	Issued	Name	Address		D.O.B.
114903	2010-05-05	Mariano Jr., Daniel M.	BOX 8, TANGIER, VA, 23440		1976-06-26
Category: Crabs		Statute: 28.2-712	Reg No.:	Ruling: Complied with Law	Fine: $0
Detail: NO IDENTIFICATION NUMBER ON CRAB FLOAT BUOY					

Summons	Issued	Name	Address	D.O.B.

Virginia Marine Resources Commission
Summons History by Name

Print Date: Monday October 05 2026

114902	2010-05-05	Mariano Jr, Daniel M	BOX 8, TANGIER, VA, 23440		1976-06-26
Category: Crabs		Statute: 4 VAC 20-752.3	Reg No.:	Ruling: Dismissed	Fine: $0
Detail: CRAB POTS IN BLUE CRAB SANCTUARY AFTER MAY 1, 2010					

Summons	Issued	Name	Address		D.O.B.
107566	2008-07-18	Mariano Jr, Daniel M	BOX 8, TANGIER, VA, 23440		1976-06-26
Category: Crabs		Statute: 4 VAC 20-700-20-A	Reg No.:	Ruling: Guilty	Fine: $100
Detail: DID OBSTRUCT OR CLOSE CULL RINGS					

Summons	Issued	Name	Address		D.O.B.
107605	2008-05-23	Mariano Jr., Daniel	4416 CHAMBERS LANE, TANGIER, VA, 23440		1976-06-26
Category: Crabs		Statute: 4 vac 20-270-10	Reg No.:	Ruling: Guilty	Fine: $50
Detail: crabbing over the daily time limit --50 minutes over time limit					

Summons	Issued	Name	Address		D.O.B.
078722	2002-10-17	Mariano Jr., Daniel Melcado	PO BOX 8, TANGIER, VA, 23440		1976-06-26
Category: SW Recreational Lice		Statute: 282-302.1	Reg No.:	Ruling: Complied with Law	Fine: $0
Detail: 28.2-302.1					