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## Norfolk Virginian-Pilot

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### **DEVELOPER FINED \$10,000 FOR LONG PIER**

Author: Cyril T. Zaneski, Staff writer

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#### Article Text:

Gale M. Levine, developer of The Marina at Marina Shores in Virginia Beach, was fined \$10,000 on Tuesday by the Virginia Marine Resources Commission for building a pier and bulkhead that restrict a congested boating channel.

Levine violated her state marine permit by building a bulkhead and pier 30 feet too far into the boating channel on Long Creek, the commission staff said.

The commission also directed Levine to prohibit boats from docking at the end of the pier.

The fine was the largest that the commission can levy under a state law that took effect in July. It is only the third time the commission has fined a developer for violating a permit.

The violation was the second for the marina project, the staff said. The commission last June ordered Levine to remove and realign a portion of the bulkhead and pier to keep a minimum 110-foot channel in the creek, which links Broad Bay and Chesapeake Bay.

Levine said a surveying error caused the latest violation. The commission staff says that the pier does not accommodate any additional boat slips, nor does it cause additional environmental harm.

Although she could appeal the fine to Virginia Beach Circuit Court, Levine said she does not plan to do so. "The only people who make out in court are lawyers," she said.

Among Levine's options is removing the edge of the pier that violates the permit and not pay the

fine.

``If it's cheaper than 10 grand, I'll remove it," she said.

But she said in an interview that removing the floating pier would not add more than 5 feet to the channel because she could install mooring piles channelward of the pier.

In other action, the Army Corps of Engineers was given permission to dump 25,000 cubic yards of dredged mud into the James River near Isle of Wight County, despite protests of some watermen who feared it would hurt oyster beds.

The commission's decision allows the corps to maintain the Tylers Beach channel, the entrance to a harbor used by watermen. The disposal site is a trough in the river bottom, about 700 feet from productive oyster beds; the corps said its studies indicate all material would stay in the trough.

Caption:

Graphic

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\$10,000 rule. The fine was the largest that the Virginia Marine Resources Commission can levy.

Rare fine. It is only the third time the commission has fined a developer for violating a permit.

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