

TENTATIVE AGENDA

MARINE RESOURCES COMMISSION

MARCH 27, 2012

**** APPROVAL OF AGENDA.**

1. **MINUTES** of previous meeting.
2. **PERMITS** (Projects over \$500,000.00 with no objections and with staff recommendation for approval).
3. **CONSENT AGENDA ITEMS.**
4. **CLOSED MEETING FOR CONSULTATION WITH, OR BRIEFING BY, COUNSEL.**
5. **GAMESA ENERGY USA, LLC, #12-0149**, requests authorization to install a single 5-Megawatt offshore wind turbine generator prototype and its supporting infrastructure approximately three miles south west of Cape Charles Harbor in the lower Chesapeake Bay, west of Northampton County.
6. **ELIZABETH RIVER CROSSING OPCO LLC, #11-1116**, requests authorization to install a new Midtown Tunnel under 2,860 linear feet of State-owned subaqueous bottom as part of the Downtown Tunnel/Midtown Tunnel/Martin Luther King Extension Project. This project will require the dredging of 1,278,354 cubic yards of State-owned subaqueous bottom, placement of 737,715 cubic yards of fill, installation of a 315 linear foot bulkhead and backfilling 14,375 square feet of State-owned subaqueous bottom, installation of three H-pile/sheet pile "support of excavation" walls extending 138 linear feet, 335 linear feet and 321 linear beyond mean low water, installation of 50 temporary 36" steel piles along an existing bulkhead/pier, installation of three temporary 37-pile mooring dolphins, and installation of three temporary piers encroaching over 38,680 square feet of State-owned subaqueous bottom along the Elizabeth River in the Cities of Portsmouth and Norfolk.
7. **CITY OF VIRGINIA BEACH, #11-1830**, requests authorization to maintenance dredge (mechanically or hydraulically) approximately 25,000 cubic yards of State-owned bottom on an annual as-needed basis to maintain maximum navigable depths of minus eight (-8) feet mean low water in the Long Creek municipal channel in Virginia Beach. All dredged spoils will be offloaded at either the Maple Street Placement Site or the Lynnhaven Inlet Placement Site and used for future beach nourishment. The proposal is protested by numerous adjoining property owners.

8. **NEABSCO LANDING LC, #12-0201**, requests after-the-fact authorization to retain a previously permitted travel lift and the associated 6-foot 8-inch by 50-foot finger piers (#95-1690) located 23 feet upstream from the permitted alignment and currently positioned approximately six (6) feet from the western property line at their Hampton's Landing Marina situated along Neabsco Creek in Prince William County. An adjacent property owner protests this project.
9. **NEABSCO LANDING LC, #10-0917**, requests authorization to construct a 270-foot long by 6-foot 6-inch wide floating dock system at the channelward end of the upstream travel lift finger pier at their Hampton's Landing Marina situated along Neabsco Creek in Prince William County. An adjacent property owner protests this project.
10. **DISCUSSION:** Habitat Management Advisory Committee (HMAC) recommendation for update of the Civil Charge Matrix and factors to assess the degree of impact and degree of deviation or non-compliance to be used by Commission Staff and the Commission for determining Civil Charges as authorized by Code Section 28.2-1213 for encroachments in, on or over State-owned bottoms without the required permit from the Virginia Marine Resources Commission pursuant to Code Chapter 12 of Title 28.2.
11. **PUBLIC COMMENT.**
12. **PUBLIC HEARING:** Proposed amendments to Regulation 4VAC20-620-10 et seq., "Pertaining to Summer Flounder", to modify the commercial fishery possession limit for summer flounder.
13. **PUBLIC HEARING:** Proposed amendments to Regulation 4VAC20-900-10 et seq., "Pertaining to Horseshoe crabs", to establish time of day and harvest limits for the harvest of horseshoe crabs by gill net.
14. **PUBLIC HEARING:** Proposed amendments to Regulation 4VAC20-950-10 et seq., "Pertaining to Black Sea Bass", to establish the 2012 recreational fishing season.
15. **PUBLIC HEARING:** Proposed amendments to Regulation 4VAC20-1260-10 et seq., "Pertaining to River Herring", to clarify the moratorium on river herring and to make it lawful to import river herring when accompanied by a bill of lading or commercial invoice.
16. **PUBLIC HEARING:** Proposed amendments to Regulation 4VAC20-960-10 et seq., "Pertaining to Tautog", to establish a control date for the future management of the commercial fishery.
17. **PUBLIC HEARING:** Proposed amendments to Regulation 4VAC20-1250-10 et seq., "Pertaining to the Tagging of Shellfish", to clarify tagging requirements for shellfish.

18. **WILLIAM R. DAVENPORT, III:** Request to license and locate a pound net near Dividing Creek.
19. **PHILLIP BLEEKER:** Appeal of decision to deny an exception to the two year waiting period for a Commercial Fisherman Registration License.
20. **CASES CONCERNING FAILURE TO REPORT COMMERCIAL HARVEST.**

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS DUE TO A DISABILITY, PLEASE ADVISE JANE MCCROSKEY (757-247-2215) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.

FISHERY MANAGEMENT ITEMS WILL IMMEDIATELY FOLLOW THE HABITAT MANAGEMENT PROJECTS ON THIS AGENDA.

- 3A. STEPHEN FAWLEY, #11-1800,** requests after-the-fact authorization to retain an 18-foot by 20-foot low-water bridge crossing consisting of five (5) 30-inch culverts and to install a 6-inch concrete cap to make the current crossing permanent over Turley Creek in the Town of Broadway in Rockingham County. Staff recommends approval with triple permit fees in the amount of \$75.00.
- 3B. NANCY WELLS DRURY, #11-0524,** requests after-the-fact authorization to retain one osprey pole which includes a 3-foot by 3-foot nesting platform situated adjacent to her property along the Chesapeake Bay at 4620 Peaceful Shores Drive in the Jamesville area of Northampton County. The applicant has agreed to pay a civil charge in the amount of \$600.00 in lieu of further enforcement action. Staff recommends approval and acceptance of the aforementioned civil charge.