



STAFFORD COUNTY WETLANDS BOARD
DECEMBER 19, 2022 MEETING PACKAGE



STAFFORD COUNTY WETLANDS BOARD

Agenda

Monday, December 19, 2022 at 6:00 pm
Board Chambers of the George L. Gordon, Jr. Government
Center

- A. Call to Order
- B. Roll Call of Members
- C. Determination of a Quorum
- D. Approval of Meeting Minutes – July 25, 2022
- E. New Business

Public Hearing - 22154738; Wetlands Permit Application WB22-03 – Ms. Linda Fellers, applicant, is requesting an after-the-fact wetlands permit under Section 27-19 – Application for Permit of the Stafford County Wetlands Ordinance as well as Section 27-31 – Reporting, monitoring, site inspections, and notice to comply; stop-work orders. The purpose is to stabilize and restore an un-authorized disturbance to a portion of Accokeek Creek shoreline to pre-disturbance conditions on TMP 49C-2-1-4.

- F. Old Business
- G. Chairman's Report
- H. Staff Report

This year there have been 21 wetland permit submittals with only 2 requiring Wetlands Board action.

- I. Adjournment

ROLL CALL



STAFFORD COUNTY WETLANDS BOARD

Roll Call

Monday, December 19, 2022 at 6:00 pm
Board Chambers of the George L. Gordon, Jr. Government
Center

CTO: _____ p.m.

<u>Members:</u>	Present	Absent
Anthony Pineau	_____	_____
Dan Adams	_____	_____
Jim Riutta	_____	_____
Mary Rust	_____	_____
Robert Hayden	_____	_____
Sue Henderson	_____	_____
Benjamin Rudasill	_____	_____

Determination of a quorum:

(At minimum, 4 members are required to be present to have a quorum).

___ YES ___ No (If no the meeting is canceled)

<u>Staff:</u>	Present
Joe Fiorello	_____
John Saunders	_____
Emily Torrey	_____
Savannah Carabin	_____
_____	_____

Adjourn: _____ p.m.

WETLANDS BOARD
JULY 25, 2022 MEETING MINUTES



Stafford County Wetlands Board

Meeting Minutes

Monday, July 25, 2022 at 6:00 pm
Board Chambers of the George L. Gordon, Jr. Government Center

A. Call to Order

Anthony Pineau called the meeting to order at 6:30 pm.

B. Roll Call

Members Present: Anthony Pineau, Ben Rudasill, Dan Adams, Mary Rust,
Sue Henderson, Robert Hayden

Members Absent: Jim Riutta

Staff Present: John Saunders, Joe Fiorello, Emily Torrey

Applicant/Representative: Steve Lovejoy/Jim Beck, Engineer

State Agencies: Jeff Madden, VMRC

C. Determination of a Quorum

A quorum was established with 6 of the 7 members present.

D. Election of Officers

- Election of Chairman
Mary Rust nominated Sue Henderson for Chairman, which was seconded by Ben Rudasill. Ms. Henderson was elected as Chairman with a total of 6 votes.
- Election of Vice-Chairman
Ben Rudasill nominated Mary Rust for Vice-Chairman, which was seconded by Sue Henderson. Ms. Rust was elected as Vice-Chairman with a total of 6 votes.

E. Approval of Meeting Minutes

- March 15, 2021
Ben Rudasill made a motion to approve the minutes, which was seconded by Anthony Pineau. The motion passed 6-0.



F. Public Hearings

Wetlands Permit WB22-1; Steve Lovejoy 77 Woodrow Drive repair and reinforce timber bulkhead.

Joe Fiorello, environmental planner for Stafford County Department of Development Services, presented information to the Board to consider the bulkhead permit application (#20221297) submitted by Steve Lovejoy to repair and reinforce 130 linear feet of existing timber bulkhead using vinyl sheet piling. Mr. Fiorello presented the guidelines that the board is to use in deciding whether to grant, grant in modification, or deny the permit. The Lovejoy bulkhead, is located at 77 Woodrow Drive (tax map number 41 B-1-21), within the Griffis-Widewater election district. The current condition is described as failed timber bulkhead and an actively eroding bank. The proposed condition would be to reinforce and replace the bulkhead with 130 linear feet of vinyl sheet piling. The loss of intertidal wetlands equals 67 square feet. The installation of 140 square feet of living shoreline seaward of the proposed bulkhead is proposed. Core logs will be used. Sandy planting area will be 90% Sand, 10% organic material and planted with pickerel weed. The living shoreline will convert an intertidal wetland with a mud/unconsolidated bottom to a vegetated intertidal wetland. Mr. Lovejoy is requesting that the board consider the 140 square feet of living shoreline intertidal wetland, conversion at more than a two to one ratio, as compensation for the loss of the 67 square feet of intertidal wetlands and in place of the in-lieu fee for the 67 square feet. (In the resolution, condition number two addresses this request and can be removed or edited from the resolution). Proposed wetland impacts are the minimum necessary to afford relief to replace the existing failed bulkhead. The proposed vinyl bulkhead will mitigate bank erosion. The conversion of 140 square feet of intertidal wetland with a mud/unconsolidated bottom to a vegetated intertidal wetland shoreline will enhance and protect the shoreline and the proposed bulkhead. The proposed condition is in conformance with section 28.2 - 1308 of the Code of Virginia.

Mr. Beck reiterated they are not replacing the existing bulkhead. They are reinforcing and repairing the existing bulkhead. The intent is to use a corrugated vinyl sheet piling placed directly against the existing wall for support and to prevent further decay of the wood. The sheet piling product is nine inches from the back to the front. The impacts were determined to be 9-inches times 130 linear feet divided by two, to account for the corrugation. On the western wall of the existing bulkhead, there is a drainage pipe that penetrates the existing bulkhead. The project proposes to extend the drainage pipe and backfill the 120-square foot area to reduce the existing drainage issue.

Robert Hayden questioned discrepancies in Mr. Beck's numbers and the numbers provided in the information packet. The difference was due to a revision submitted on July 14. Mr. Beck's calculations are correct.

Ms. Rust expressed concern over the lean of the tree in one of the pictures in the information packet. Mr. Lovejoy hopes to salvage the tree.

Ms. Rust stated core logs' life span is approximately three to five years. She asked at what point is it revisited to see if the planting is successful. Mr. Beck stated that typically, the resolution will say that a year after completion county staff will come out and inspect the area to verify the vegetation has been established.



Mr. Pineau asked Mr. Fiorello if the conditions he mentioned in his opening are stipulated in what has been written or if they are yet to be written. Mr. Fiorello explained the conditions are currently written in the resolution. They're typically crafted for the project at hand. But they can be changed at any time, even at this stage. The resolutions are working documents. They are presented with the most conditions that would apply to the project, but at any time the board could add additional conditions, and change or edit any of the conditions that are there.

Mr. Rudasill motioned to adopt resolution WB22-1 as written. Dan Adams seconded. Motion passed 6-0.

G. Old Business

None

H. New Business

None

I. Chairman's Report

None

J. Staff Report

John Saunders thanked everyone for their patience with the technical difficulties, Ms. Kendall for helping with the meeting, and Mr. Pineau for his service as Chairman for the previous year. He also welcomed Mr. Hayden as the newest board member.

Ms. Rust requested training for the entire Board. Mr. Saunders said training is in the works but is being held up by DEQ.

K. Adjournment

Mr. Pineau made a motion to adjourn. Mr. Rudasill seconded the motion. With no further business to discuss the Wetlands Board meeting adjourned at 7:01 pm.

**NEW BUISNESS
FELLERS AFTER-THE-FACT WETLANDS PERMIT STAFF
REPORT**



MEMORANDUM TO: Stafford County Wetlands Board

FROM: Joseph Fiorello
Environmental Planner

SUBJECT: **AP# 22154738; ATF Wetland Permit Application; WB22-03;
Ms. Linda Fellers Shoreline Revetment and Stabilization**

1. Vicinity Map
2. Aerial Imagery
3. Historical Imagery
4. Wetlands Joint Permit Application
5. Site Photos
6. Proposed Resolutions

The hearing is to approve or deny the request for an after-the-fact permit for a project which involves the restoration of a 339 linear foot portion of the Accokeek Creek Shoreline to pre-disturbance conditions and includes an armored rock revetment and native vegetation plantings. Unauthorized impacts of 2,122 square feet (0.05 acre) were made to submerged aquatic vegetation which will be restored in its entirety as a result of approving the requested permit application.

The property is located at 192 Indian Point Road (TM#: 49C-2-14) within the Aquia Election District. On August 1st, 2021, County Staff was alerted, about unauthorized shoreline work at 192 Indian Point Road. A site visit was conducted on August 4th, 2022 by Staff. During the site visit Staff observed a graded slope involving greater than 2500 sq. ft. of land disturbance which included loose fill placed along the shoreline and embankment of the Potomac Creek, and soil and rock stockpiling on the property.



A notice to comply was sent to the property owner on August 19th, 2021 for an unpermitted land-disturbing activity. Multiple on-site meetings were conducted to evaluate slope stability, erosion and sediment control measures and impacts to tidal wetlands, by County Staff, Virginia Marine Resources Commission (VMRC) Staff, and Virginia Institute for Marine Science (VIMS) Staff. County Staff, VMRC, and VIMS have also met and worked in tandem with the applicant/owner and their engineer to discuss impacts and develop a remediation plan.

Site Conditions Prior to Land Disturbing Activity:

Prior to the unauthorized land-disturbing activity, the shoreline consisted of non-vegetated wetlands with a 175-foot bulkhead and 80 feet of a rip-rap revetment along the shoreline to protect the banks from erosive wave action. The existing bulkhead was inspected by the Virginia Department of Conservation Resources (DCR)'s Shoreline Erosion Advisory Service (SEAS) department in 2010 and again in 2017 during which time the bulkhead was determined to be compromised. The seaward side of both revetment measures consists of sandy soil and non-vegetated wetland.

Aerial Imagery and Historical Imagery of the property and bulkhead conditions are provided in Appendix 2, 3, and 5.

Impacts:

The land-disturbing activity has temporarily impacted tidal wetlands and vegetated subaqueous land. A portion of the western slope has been cleared and fill material placed upon it. The fill was pushed downslope past the existing bulkhead, and into an area of submerged aquatic vegetation (SAV) causing 2,122 sq. ft. of impact. VIMS's Staff expects the impacted area to recolonize naturally without additional intervention.

Proposed Conditions:

The applicant proposes restoring the subaqueous and wetland areas to their original contours up to the mean highwater mark; i.e. previously existing bulkhead and rip-rap revetment location. A turbidity curtain will be used to minimize further impact to the subaqueous lands. Landward of the mean high water, the applicant proposes to install approximately 339 linear feet of stone revetment. This is consistent with the recommendation provided by VIMS and best available science, as constructing a living shoreline would require further impact to the SAV. This recommendation can be found in Appendix 4. Up-slope of the stone revetment, the applicant proposes a planting plan to restore the disturbed portion of the Chesapeake Bay Resource Protection Area buffer. The engineer has worked closely with County Staff to propose buffer mitigation which is consistent with the Riparian Buffers Manual. The applicant's engineer also recommends a time of year restriction for activities within the SAV areas from April to October of any year to protect the SAV seed bank during the growing season.



The proposed conditions will result in no net loss of existing wetlands acreage and function. Since SAV near the project area appears to be dense and persistent, it is expected that the SAV will recolonize naturally without additional intervention. Therefore, no compensatory mitigation is proposed.

Role of the Board:

The board may decide to grant, grant in modified form, or deny an after-the-fact permit. A decision requires a weighing and balancing of all beneficial and detrimental factors relevant to a proposal, leading to a permit decision that reflects the outcome of that balancing process, known as a public interest review. The local wetlands board has the power to modify an application so that the approved permit meets the purpose of the Wetlands Act. In making this determination, the local wetlands board must consider:

1. The testimony of any person in support of or in opposition to the permit;
2. The impact of the proposed development on public health, safety, and welfare; and
3. Whether the proposed development conforms with standards prescribed in § 28.2-1308 and guidelines passed pursuant to § 28.2-1301. See Laws & Regulations.

The board must grant the permit if:

1. The anticipated public and private benefit of the proposed activity is greater than its anticipated public and private detriment;
2. Wetlands of primary ecological significance are not altered in such a way that the ecological systems in those wetlands are unreasonably disturbed;
3. The development is concentrated in wetlands of lesser ecological significance, in vegetated wetlands which have been irreversibly disturbed before July 1, 1972, in non-vegetated wetlands which have been irreversibly disturbed prior to January 1, 1983, or in areas of Virginia outside of wetlands; and
4. The proposed activity does not violate the purpose and intent of the Wetlands Act.

If all the criteria above are not met, the board shall deny the application. Specific criteria for a proposed action to destroy wetlands and provide compensation require meeting the three criteria below. If one or more criteria are not met, the activity shall be denied. [4 Virginia Administrative Code § 20-390-40]

1. All reasonable mitigative actions, including alternate siting, which would eliminate or minimize wetlands loss or disturbance shall be incorporated in the proposal.
2. The proposal shall clearly be water-dependent in nature.
3. The proposal shall demonstrate clearly its need to be in the wetlands and its overwhelming



public and private benefits.

ALTERNATIVES:

The following alternatives are available to the Board:

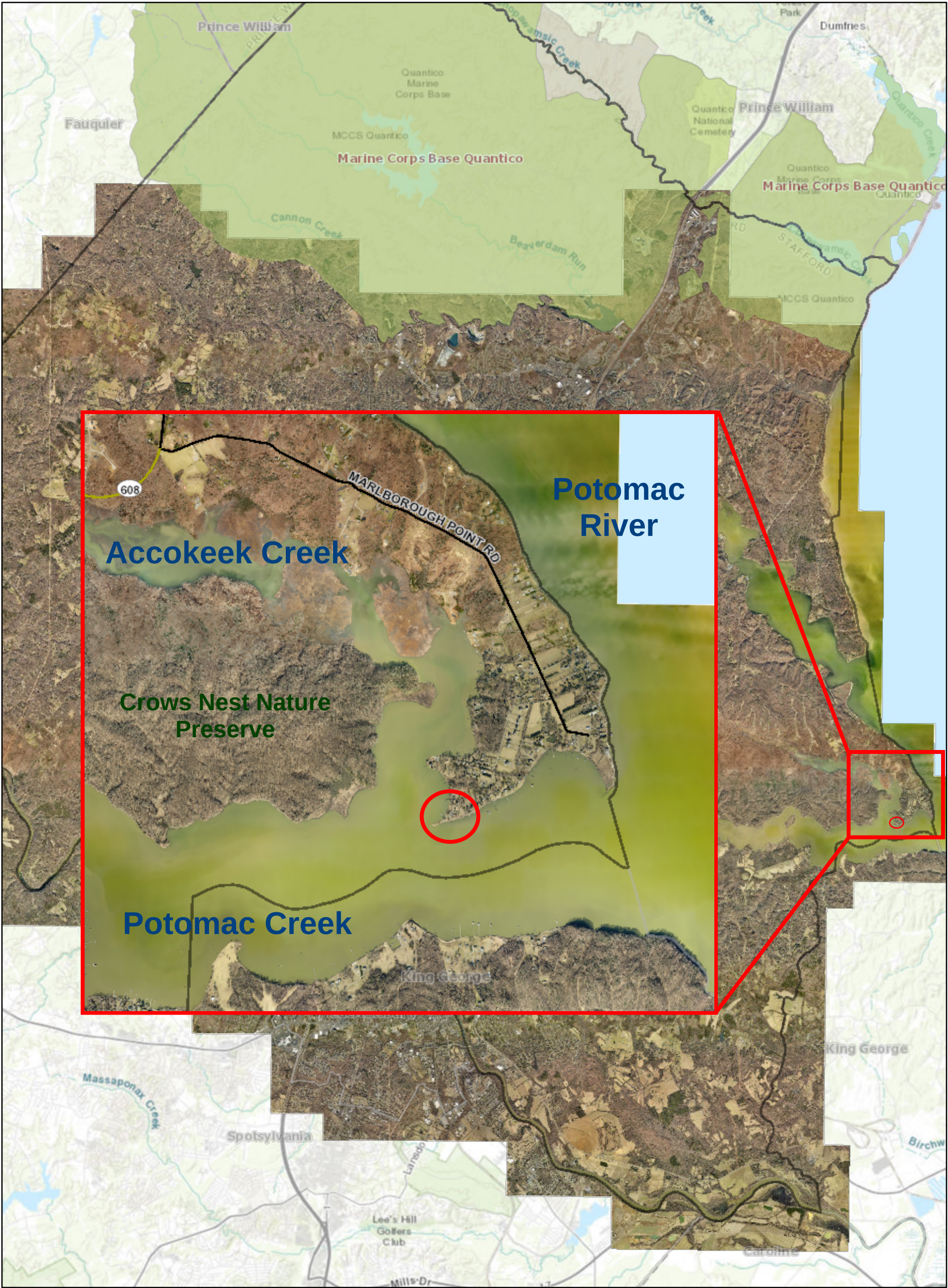
1. Adopt proposed Resolution WB22-03 which approves the request for a wetland permit.
2. Adopt proposed Resolution WB22-04 which denies the request.
3. Take no action at this time.

RECOMMENDATION:

Staff recommends the approval of WB22-03 which approves the remediation of the shoreline as described above. Staff believes the removal of sediment within the subaqueous will restore wetlands and SAV areas while the revetment will armor the banks and the plantings will safe guard against erosion.

ATTACHMENT 1
VICINTIY MAP

Vicinity Map



12/12/2022, 5:39:32 PM

MCB Quantico

Neighboring Jurisdictions

Stafford County

VASTAF21_11772552E6804600N.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF21_11772552E6780840N.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF21_11727672E6831000N.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF21_11769912E6780840N.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF21_11772552E6780840N.sid

Red: Band_1

Green: Band_2

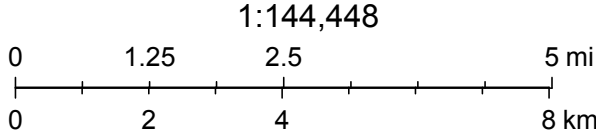
Blue: Band_3

VASTAF21_11727672E6831000N.sid

Red: Band_1

Green: Band_2

Blue: Band_3



Stafford County GIS Office, VITA, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

ATTACHMENT 2
2022 AERIAL IMAGERY

192 Indian Point (2022)



12/9/2022, 2:45:55 PM

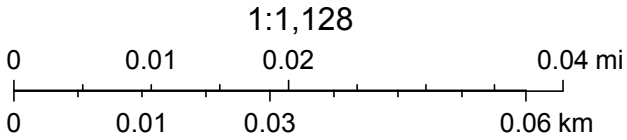
- | | | |
|-----------------|-----------------------|---------------------|
| Structures | VA Primary (Business) | Interstate |
| Quantico Roads | VA Primary | Urban Services Area |
| Secondary Minor | US Route (Business) | Red: Band_1 |
| Secondary | US Route | Green: Band_2 |
| Secondary Major | Interstate Ramps | Blue: Band_3 |

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|--------------------------------|
| VASTAF21_11772552E6831000N.sid |
| Red: Band_1 |
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| Blue: Band_3 |

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| Red: Band_1 |
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| Blue: Band_3 |

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| VASTAF21_11769912E6780840N.sid |
| Red: Band_1 |
| Green: Band_2 |
| Blue: Band_3 |



Stafford County GIS Office, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

192 Indian Point 2022 (1)



© All EagleView Technology Corporation

02/08/2022

192 Indian Point (2)



© All EagleView Technology Corporation

192 Indian Point (3)



© All EagleView Technology Corporation

192 Indian Point (4)

CURRENT CONDITIONS



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ATTACHMENT 3
HISTORICAL AERIAL IMAGERY

192 Indian Point (2020)



12/9/2022, 2:07:58 PM

Structures

Quantico Roads

Secondary Minor

Secondary

Secondary Major

VA Primary (Business)

VA Primary

US Route (Business)

US Route

Interstate Ramps

Interstate

Urban Services Area

VASTAF015006.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF014012.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF014003.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF006005.sid

Red: Band_1

Green: Band_2

Blue: Band_3

VASTAF006007.sid

Red: Band_1

Green: Band_2

Blue: Band_3

1:1,128

00.010.020.04 mi

00.010.030.06 km

Stafford County GIS Office, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

Stafford County

Stafford County GIS Office, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | Virginia Geographic Information Network (VGIN) |

192 Indian Point 2020

EXISTING CONDITIONS



ATTACHMENT 4
WETLANDS JOINT PERMIT APPLICATION

Indian Point Rd

Stafford County, Virginia

WSSI #31817.01

Joint Permit Application VMRC Permit and Stafford County Wetlands Board Approval

October 24, 2022; Revised December 6, 2022

Prepared by:



5300 Wellington Branch Drive, Suite 100

Gainesville, Virginia 20155

Tel: 703-679-5600 Email: contactus@wetlands.com

www.wetlands.com



October 24, 2022; Revised December 6, 2022

Mr. Jeff Madden
Commonwealth of Virginia
Marine Resources Commission
380 Fenwick Road
Fort Monroe, Virginia 23651

Via VITASHARE

Ms. Emily Torrey
Department of Development Services
P.O. Box 339
Stafford, Virginia 22555

Via WSSI's FTP Site

Re: VMRC Permit Request
Indian Point Road (± 0.5 acres)
Stafford County, Virginia
WSSI #31817.01

Dear Mr. Madden and Ms. Torrey:

The Applicant, Linda Fellers, proposes the stabilization of a portion of Accokeek Creek shoreline within the parcel at 192 Indian Point Road, in Stafford County, Virginia. The primary purpose of this project is to restore the shoreline to pre-disturbed conditions and include armoring with a rock revetment and native vegetative plantings. The secondary purpose of this effort is to address the Notice of Comply received by the Applicant on August 4, 2021 from Stafford County Department of Public Works. Since the proposed restoration work is within Virginia Marine Resources Commission (VMRC) and Stafford County Wetlands Board (SCWB) jurisdiction, we request that the proposed project outlined herein be authorized by VMRC, as well as approved by SCWB. **This JPA has been revised to include updated plan sheets within Exhibit 5.**

The following information will allow you to process this request:

Applicant

Linda Fellers
192 Indian Point Rd
Stafford, Virginia 22554
Email: indianp@hotmail.com

Agent

Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155
Attn: Dylan Leygraaf
Phone: (703) 679-5663
Email: dleygraaf@wetlands.com

Project Location and Site Description

The proposed project is located along the shoreline of the parcel at 192 Indian Point Road in Stafford County, Virginia, owned by the Applicant. A vicinity map of the location and boundary of the proposed project area is enclosed within Exhibit 2. The topography is depicted on the Passapatanzy, VA 1979 USGS Topographic Quadrangle Map, an excerpt of which is

5300 Wellington Branch Drive • Suite 100 • Gainesville, VA 20155 • Phone 703.679.5600 • Fax 703.679.5601

contactus@wetlands.com • www.wetlands.com

provided in Exhibit 3. The centroid location of the proposed project is located approximately at latitude 38.350276 N and longitude -77.300554 W. A map of adjacent property owners of the proposed project area is enclosed within Exhibit 10.

Project Description

The proposed project includes the stabilization of a portion of Accokeek Creek shoreline within the parcel at 192 Indian Point Road including armoring with a rock revetment and vegetative plantings. In August 2021, the Applicant received a Notice to Comply from Stafford County Department of Public Works due to conducting land disturbance without the required permit, fill within the Accokeek Creek, and to the unauthorized removal of vegetation from within the Resource Protection Area (RPA). These violations were associated with the replacement of a bulkhead and the regrading of the slope for which the Applicant had previously initiated the work.

In order to finalize this Notice to Comply and bring the property to compliance, Wetland Studies and Solutions, Inc (WSSI) has designed a shoreline stabilization plan that will remove the fill accumulated within the limits of the creek and subaquatic vegetation bed (SAV) to restore the shoreline to its original contours, while also armoring the bank to prevent future erosion. Armoring will be installed along the entire length of the impacted shoreline within the parcel to provide long-lasting and adequate protection against erosion and will stabilize approximately 339 linear feet of existing shoreline. The RPA buffer will be re-vegetated with native trees, shrubs, and groundcover upon completion of grading. Provided within Exhibit 5 is the design details of the proposed work. This plan aligns with the recommendations that Stafford County, VMRC, and the Virginia Institute of Marine Science (VIMS) have provided. A copy of the VIMS recommendation letter is provided within Exhibit 6.

Also provided within Exhibit 5 is a map of the encroachment area with an aerial image overlaid depicting the limits of the impacts to the SAV and the mapped SAV boundaries for the last 5 years. Note that the latest mapped SAV boundary data publicly available corresponds to 2020. As a consequence of the unauthorized work, 2,122 square feet (0.05 acre) of SAV bed was impacted. In order to avoid additional SAV impacts, VIMS did not recommend constructing a living shoreline and recommended the use of a stone revetment. In addition, and since the SAV bed is persistent and dense, the VIMS expects the impacted area to recolonize naturally without additional intervention. In addition, since only temporary impacts to Waters of the United States (WOTUS) have occurred and no permanent impacts are proposed to the shoreline or SAV bed, no mitigation is proposed for this project.

Other Related Issues

Endangered and Threatened Species

WSSI conducted a search of the Virginia Department of Wildlife Resources (DWR) Fish and Wildlife Information Service (FWIS) database on September 12, 2022 and determine that DWR has no records of any endangered or threatened species (ETS) within a 2-mile radius of the referenced project area. A copy of this is provided within Exhibit 7A.

In addition, WSSI reviewed the U.S. Fish and Wildlife Service (FWS) Information Planning and Conservation (IPaC) system report on September 12, 2022 for potential federally-listed ETS within the project area. The FWS IPaC system indicates that the federally-threatened northern long-eared bat (*Myotis septentrionalis*) could potentially occur within the project vicinity. A copy of the FWS IPaC database search is also enclosed within Exhibit 7B.

While suitable habitat is present for the northern long-eared bat, the DWR database does not confirm the presence of any hibernacula or maternity roost trees. Therefore, while the project may affect the northern long-eared bat, this project meets the conservation measures set forth in the Final 4(d) Rule for the Northern Long-Eared Bat and the January 5, 2016 Programmatic Biological Opinion for the Final 4(d) Rule on the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions. Thus, the Section 7 responsibilities for this species have been met. Enclosed within Exhibit 7C is the project review certification letter and species conclusion table for the northern long-eared bat. Clearing activities are not proposed with this project.

Thus, to the best of our knowledge, the proposed project complies with both the federal and state Endangered Species Acts, and no state or federally listed species (or species proposed for state or federal listing) are expected to be adversely impacted by the proposed project.

Floodplain

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map was reviewed to determine if any filling within the 1% annual chance floodplain will occur. An examination of this map reveals that FEMA 1% annual chance floodplain is present within the project site (Exhibit 8).

Resource Protection Area

An excerpt of the Stafford County Resource Protection Area (RPA) Map is provided herein (Exhibit 9). An examination of this map shows that RPA is present within the project area. However, this project is necessary to re-grade and re-vegetate the impacted area, which must be done to achieve compliance.

Conclusion

The Indian Point Road project proposes the stabilization of 339 linear feet of shoreline along Accokeek Creek by regrading and armoring the bank with a rock revetment and vegetative plantings. This work is necessary in order to bring the site into compliance in accordance with Stafford County Ordinances and proposes only temporary impacts for the stabilization activities. It is WSSI's opinion that the proposed work is the least environmentally damaging option to stabilize the impacted shoreline at this location and requests that the proposed project outlined herein be authorized by VMRC and SCWB. Because the proposed impacts are only temporary in nature, under this request, no compensatory mitigation is proposed.

On behalf of the Applicant, Linda Fellers, we request that the proposed project be authorized by VMRC and SWCB. Please contact me at ametcalf@wetlands.com; (703) 679-5778 or Dylan Leygraaf at dleygraaf@wetlands.com; (703) 679-5663 if you have any questions or require additional information to complete your review of this request for authorization. Thank you in advance for your attention to this matter.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



Amanda Metcalf
Senior Regulatory Specialist



Dylan Leygraaf
Senior Regulatory Specialist

Enclosures:

Jeff Madden, VMRC (w/enc.) via Vitashare (1 digital copy)
Emily Torrey, Stafford County (w/enc.) via WSSI's FTP Site (1 digital copy)

cc: Christoph Quasney, DEQ (w/enc.) via Vitashare (1 digital copy)
Silvia Gazzera, COE (w/enc) via WSSI's FTP Site)
Linda Fellers (Via WSSI's FTP Site)



Indian Point Road

Stafford County, Virginia

Joint Permit Application General Permit Request

INDEX TO ATTACHMENTS

- 1 *Applicable JPA Sections*
- 2 *Vicinity Map*
- 3 *USGS Topographic Quadrangle Map*
- 4 *Aerial Map*
- 5 *Plans and Cross-Sections as Applicable*
- 6 *VIMS Recommendation Letter dated September 30th, 2021*
- 7 *Endangered and Threatened Species Information*
- 8 *FEMA Flood Insurance Rate Map*
- 9 *Resource Protection Area Map*
- 10 *Adjacent Property Owner Information*

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- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA #

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) ☐ NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</i>	Regional Permit 17 (RP-17) ☐			
County or City in which the project is located: <u>Stafford County</u>				
Waterway at project site: <u>Accokeek Creek</u>				
<i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i>				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

Linda Fellers
192 Indian Point Road
Stafford, Virginia 22554

Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail indianp@hotmail.com

State Corporation Commission Name and ID Number (if applicable) N/A

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Same as Applicant

Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):

Dylan Leygraaf - Wetland Studies and Solutions, Inc.
5300 Wellington Branch Dr, Suite 100
Gainesville, Virginia 20155

Contact Information:

Home () _____
Work (703) 679-5663
Fax () _____
Cell () _____
e-mail dleygraaf@wetlands.com

State Corporation Commission Name and ID Number (if applicable) 038622

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Please refer to transmittal letter.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ____ Yes* ☒ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Contact Information:

Home (____) _____

Work (____) _____

Fax (____) _____

Cell (____) _____

email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

N/A

(____) _____

7. Give the following project location information:

Street Address (911 address if available) Terminus of Indian Point Road.

Lot/Block/Parcel# _____

Subdivision _____

City / County Stafford County ZIP Code 22554

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

38.350276 / - 77.300554 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

The proposed project is located along the shoreline of the parcel at 192 Indian Point Road in Stafford County, Virginia.

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

Please refer to the transmittal letter.

Part 1 - General Information (continued)

9. Proposed use (check one):

☒ Single user (private, non-commercial, residential)

☐ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*

Please refer to the transmittal letter.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☒ Yes ☐ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): \$ 125,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 2,000

13. Completion date of the proposed work: N/A - _____

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Please refer to Exhibit 10.

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Linda Fellers

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

Date

Same as Applicant

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Linda Fellers, hereby certify that I (we) have authorized WSSI - Dylan Leygraaf
(Applicant's legal name(s)) (Agent's name(s))

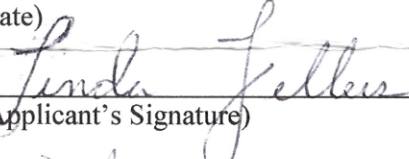
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.


(Agent's Signature)

(Use if more than one agent)

10/24/2022
(Date)


(Applicant's Signature)

(Use if more than one applicant)

Oct 10, 2022
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of _____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____.
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Please refer to transmittal letter & Exhibit 6.

2. What is the maximum encroachment channelward of mean high water? N/A feet.
Channelward of mean low water? N/A feet.
Channelward of the back edge of the dune or beach? N/A feet.

3. Please calculate the square footage of encroachment over:

• Vegetated wetlands	<u>N/A</u>	square feet
• Non-vegetated wetlands	<u>N/A</u>	square feet
• Subaqueous bottom	<u>2,122</u>	square feet
• Dune and/or beach	<u>N/A</u>	square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes X No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes X No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

This additional encroachment is necessary to install rock armoring within uplands, not within the channelward boundary, to stabilize the shoreline and prevent future erosion.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Please refer to transmittal letter & Exhibit 5.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material	N/A	pounds per stone	Class size	N/A
-----------------------------	-----	------------------	------------	-----

Armor (outer layer) material	150-500	pounds per stone	Class size	II
------------------------------	---------	------------------	------------	----

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
- _____ cubic yards landward of mean low water
- _____ cubic yards channelward of mean high water
- _____ cubic yards landward of mean high water

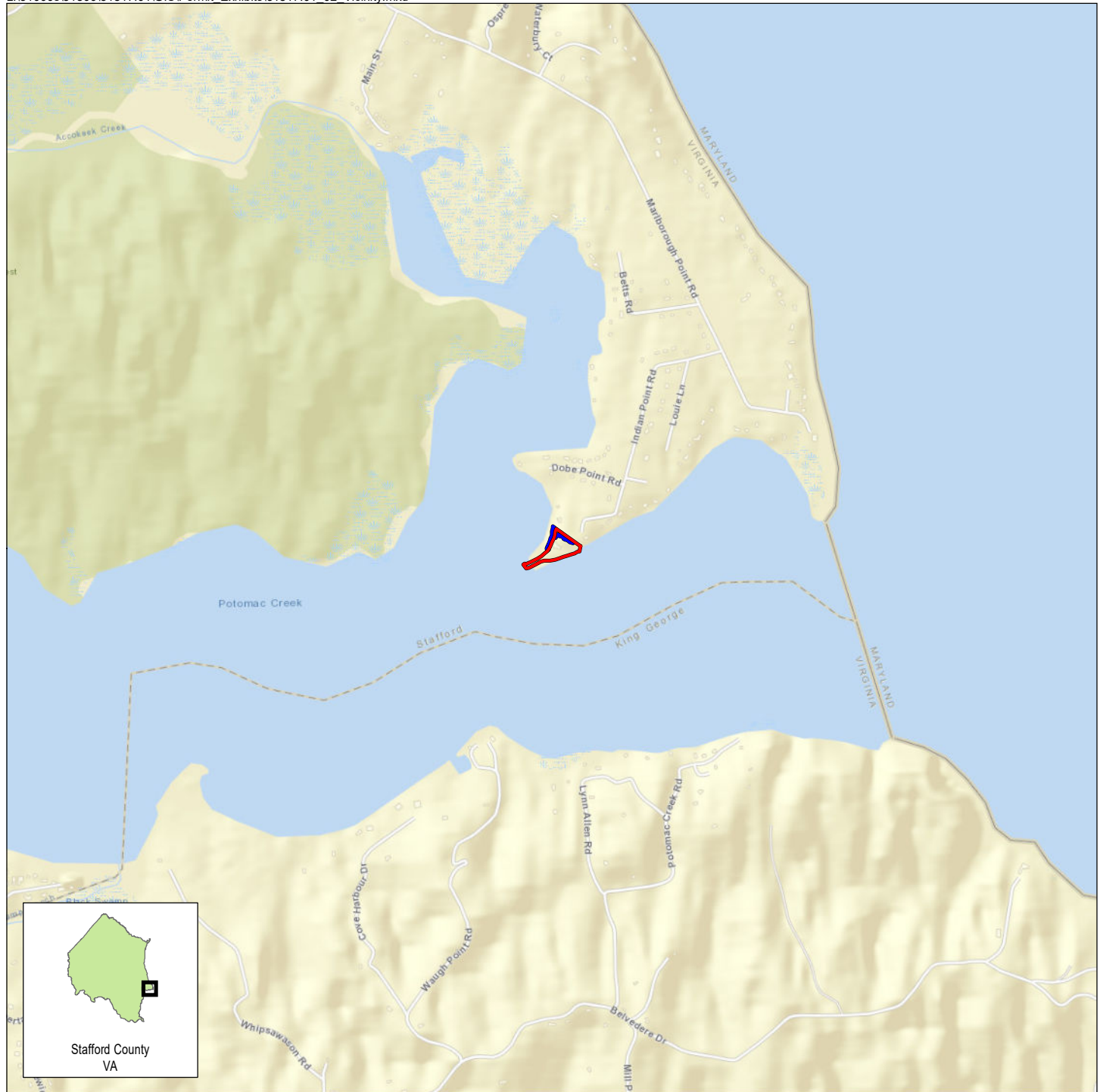
- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): N/A
- Method of transportation and placement:

N/A

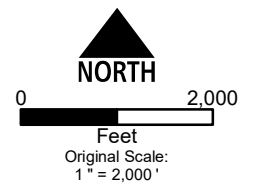
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

N/A



- Site
- LOD

Vicinity Map
Indian Point Road
WSSI #31817.01

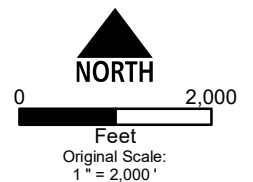


Source: World Street Map - ESRI



- Site
- LOD

USGS 7.5' Quadrangle Map
Indian Point Road
WSSI #31817.01

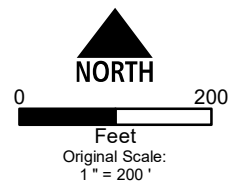


Passapatanzy, VA 1979
 Latitude: 38°21'1"N (38.350716)
 Longitude: 77°18'2"W (-77.300759)
 Hydrologic Unit Code (HUC): 020700110204; 020700110206
 HUC12 Name: Accokeek Creek; Beaverdam Creek-Potomac Creek
 COE Region: Atlantic and Gulf Coastal Plain



- Site
- LOD

**Fall 2018 Natural Color Imagery
Indian Point Road
WSSI #31817.01**



Source: National Agriculture Imagery Program (NAIP)

INDIAN POINT ROAD

EXHIBIT 5

PLANS, PROFILES, AND CROSS SECTIONS AS APPLICABLE TO IMPACTS TO WATERS OF THE U.S.

The following plans, with profiles and cross-sections (as applicable), depict all of the Waters of the U.S. impact areas included in this permit application.

GENERAL NOTES, AS APPLICABLE

1. These conceptual plans and artist's renderings are being submitted to the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality for Section 404 and 401 Permit Application purposes only. Building(s) and other improvement(s) types, sizes, layouts, and proposed uses may vary without affecting such permits as long as the nature and scope of the impacts to Jurisdictional Wetlands and other Waters of the U.S. are not changed.
2. The Ordinary High Water mark in non-tidal streams (as noted on the impact exhibits) is typically coincident with the top of the stream channel scar. The Ordinary Low Water line is not depicted on these plans, as this line typically extends laterally to, or nearly to, the ordinary high water mark along the narrow, somewhat incised streams present on the project site.
3. Average water depths are not shown on these plans because standing water is typically not present in the groundwater-supported wetlands on the site, and water depth in the small intermittent streams on the site varies with time of year, time since last rainfall, and location within the channel.
4. Material resulting from trench excavation may be temporarily sidecast (up to 30 days per COE Norfolk District Regional Conditions) into Waters of the United States provided that the material is not placed in such a manner that it is dispersed by currents or other forces. If the excavated material is placed within a wetland area as delineated herein, it must be placed on filter fabric and protected in accordance with the latest edition of the Virginia Erosion and Sediment Control Handbook.
5. The area of Waters of the United States that are disturbed by trench excavation must be limited to the minimum necessary to construct the utility line. In wetlands, the top 6" to 12" of the trench shall be backfilled with top soil from the trench, in such a manner, as to restore the ground surface to the preexisting contours. Excess material must be removed to upland area immediately upon completion of construction.
6. Utility trench gravel backfill must include clay blocks where the trench enters and leaves wetlands and other Waters of the U.S. to prevent drainage of water from these areas.
7. Crossing of streams consisting of pipes and culverts must be installed to maintain low flow conditions and shall be countersunk at both inlet and outlet ends of the pipe or culvert, unless otherwise specifically approved by DEQ on a case-by-case basis, and as follows: The requirement to countersink does not apply to extensions or maintenance of existing pipes and culverts that are not countersunk, floodplain pipes and culverts being placed above ordinary high water, pipes and culverts being placed on bedrock, or pipes and culverts required to be on slopes of 5.0% or greater. Pipes and culverts 24 inches less in diameter shall be countersunk three inches below the natural stream bed elevations. Pipes and culverts greater than 24 inches shall be countersunk at least six inches below the natural stream bed elevations. Hydraulic capacity shall be determined based on the reduced capacity due to the countersunk position. In all stream crossings, appropriate measures shall be implemented to minimize any disruption of the movement of aquatic life.

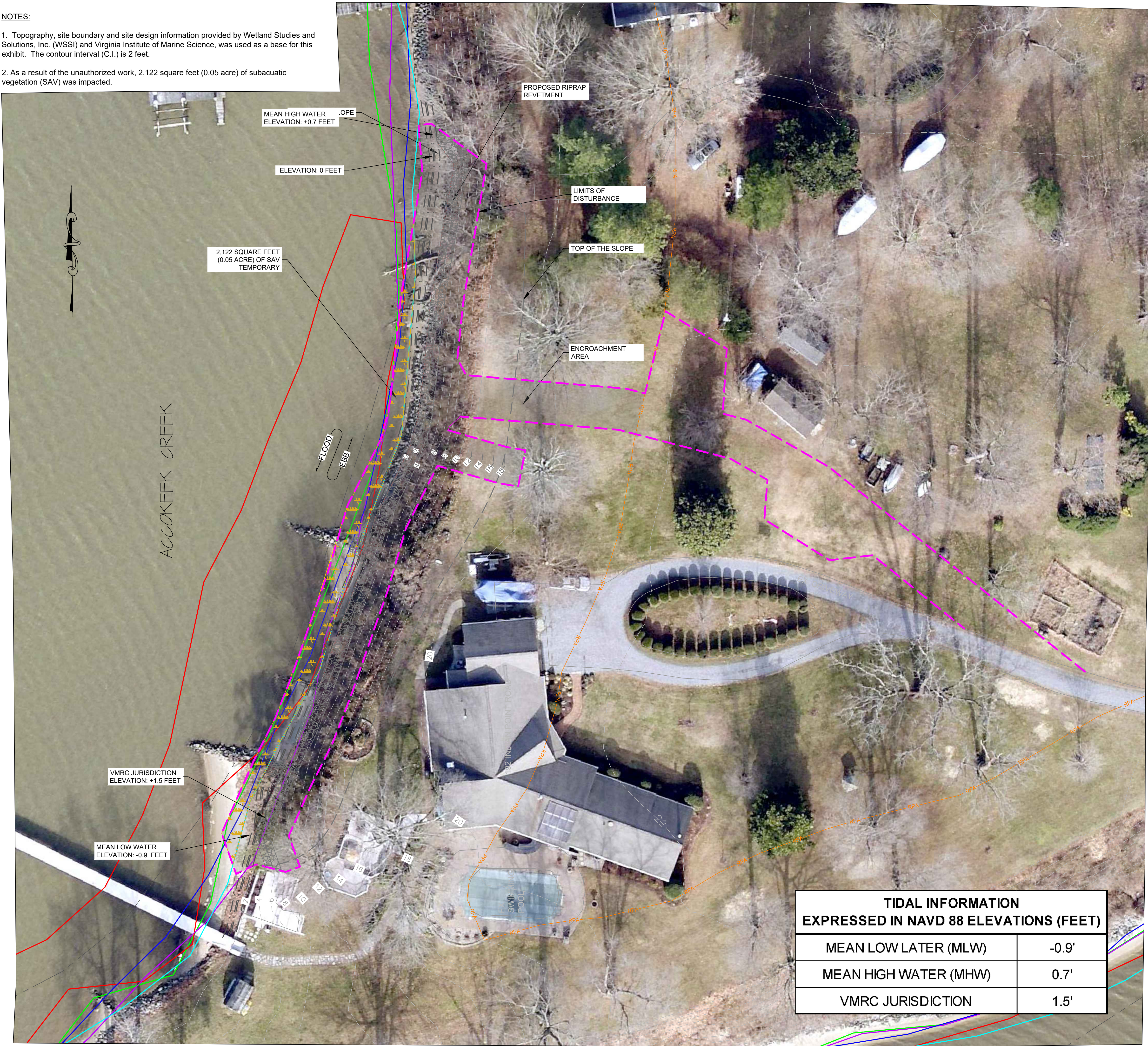
PERMIT PLAN SHEET INDEX

1. GENERAL NOTES AND SHEET INDEX
2. ACCOKEEK CREEK SHORELINE ANALYSIS
3. GRADING PLAN (SHEET 2 OF 8)
4. EROSION AND SEDIMENT CONTROL PLAN (SHEET 4 OF 8)
5. PLANTING PLAN (SHEET 6 OF 8)
6. PLANTING NOTES AND DETAILS (Sheet 7 OF 8)

Applicant: Linda Fellers 192 Indian Point Rd Stafford, Virginia	INDIAN POINT ROAD Proposed Impacts to Nontidal Waters of the U.S. Stafford County, Virginia	GENERAL NOTES AND PERMIT PLAN SHEET INDEX	
Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, VA 20155 (Phone) 703-679-5600 (Fax) 703-679-5601		Date: September 2022	Scale: N/A Sheet: 1 of 6

NOTES:

1. Topography, site boundary and site design information provided by Wetland Studies and Solutions, Inc. (WSSI) and Virginia Institute of Marine Science, was used as a base for this exhibit. The contour interval (C.I.) is 2 feet.
2. As a result of the unauthorized work, 2,122 square feet (0.05 acre) of subaquatic vegetation (SAV) was impacted.



LEGEND

- LIMITS OF CLEARING AND GRADING
- ENCROACHMENT AREA
- AREA OF DEPOSITION WITHIN SAV BOUNDARY
- VIMS-MAPPED SAV BOUNDARY (2016)
- VIMS-MAPPED SAV BOUNDARY (2017)
- VIMS-MAPPED SAV BOUNDARY (2018)
- VIMS-MAPPED SAV BOUNDARY (2019)
- VIMS-MAPPED SAV BOUNDARY (2020)
- RIVERINE TIDAL STREAM (NWI)
- COUNTY MAPPED RESOURCE PROTECTION AREA BOUNDARY

COWARDIN CLASSIFICATION

R1 RIVERINE TIDAL

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

Exhibit 5:
Accokeek Creek Shoreline Analysis

Prepared For: Linda Fellers

Indian Point Rd Shoreline Stabilization
Stafford County, Virginia

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REVISIONS		
No.	Date	Description

Horizontal Datum: VCS NAD 83

Vertical Datum: NAVD 88

Boundary and Topo Source: Wetland Studies and Solutions, Inc. Virginia Institute of Marine Science

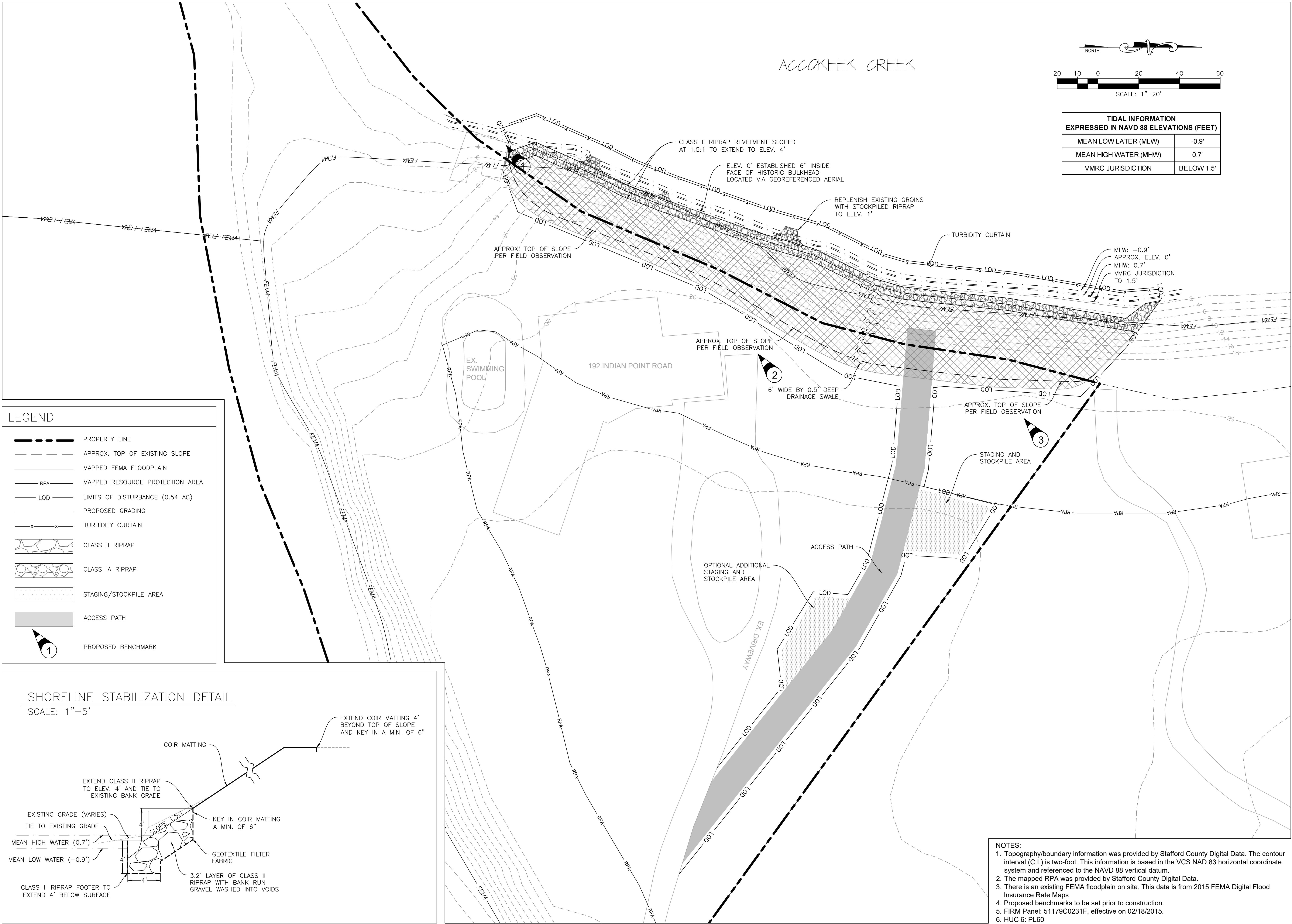
Design	Draft	Approved
DC	AM	CB

Sheet #
2 of 6

Computer File Name: \\slavery-02c.com\WSSI\Projects\10063\10063\1017\101 CAD\DP4-REGS Analysis Map_2022-09-16.dwg

Wetland Studies and Solutions, Inc.
a DAWEY company

5500 Wellington Branch Drive • Suite 100
Gainesville, Virginia 20155
Phone: 703-679-5600 • Fax: 703-679-5601
www.wetlands.com



Wetland
Studies and Solutions, Inc.
a DAVEY company

5500 Wellington Branch Drive • Suite 100
Gainesville, Virginia 20155
Phone: 703-679-5600 • Fax: 703-679-5601
www.wetlands.com

192 Indian Point Road
Shoreline Stabilization Plan
Stafford County, Virginia

Grading Plan

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COMMONWEALTH OF VIRGINIA
ENGINEER
JOHN T. KELLEY, JR.
Lic. No. 035786
12/01/2022

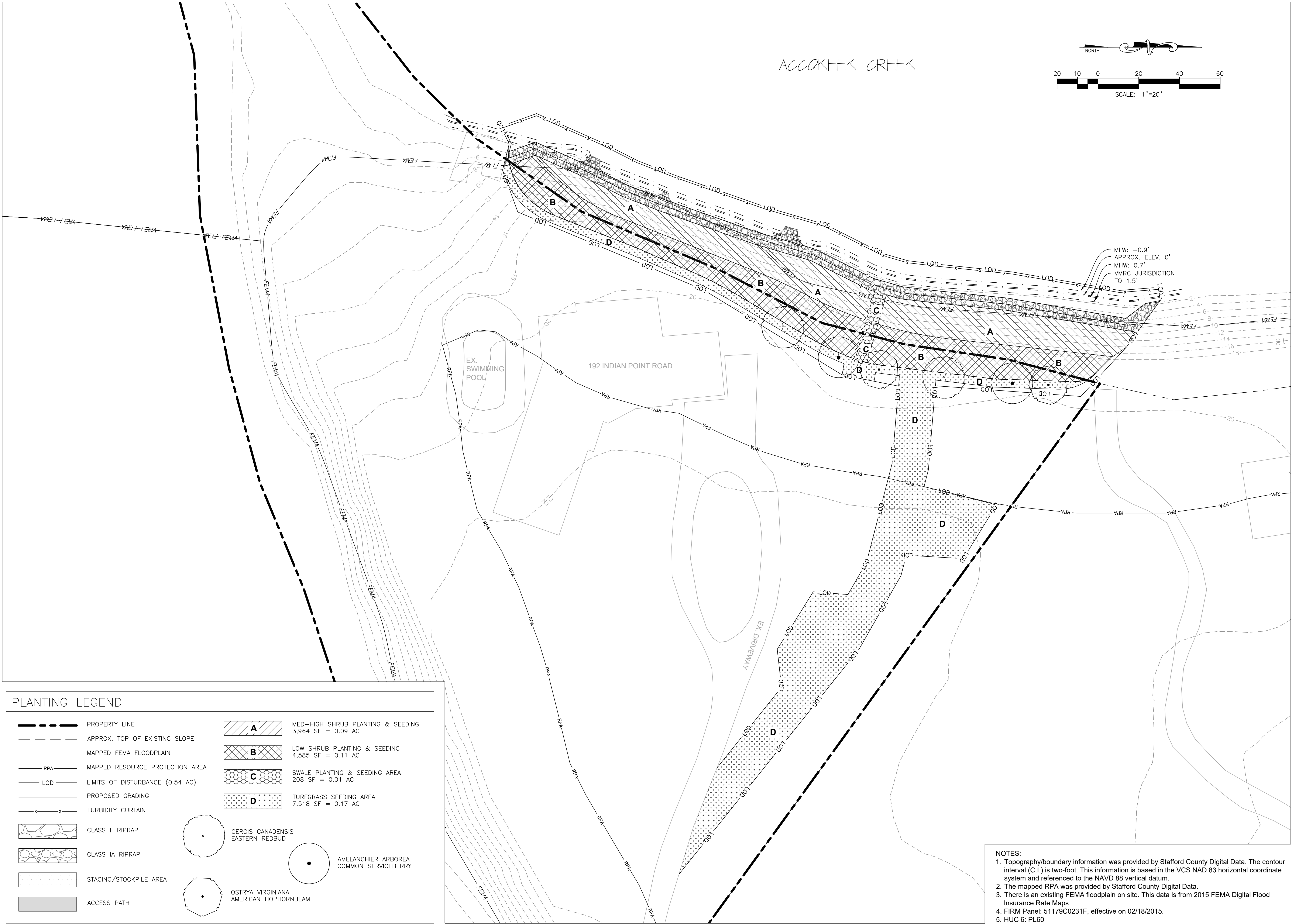
REVISIONS		DATE: DECEMBER 2022		SCALE: 1"=20'	
No.	Description	Rev. By	App. By		

Horizontal Datum: VCS NAD 83
Vertical Datum: NAVD 88
Boundary and Topo Source: Stafford County Digital Data

Design	Draft	Approved
DMC	DMC	JTK

Sheet #
2 of 8
JPA SHEET 3 OF 6

Computer File Name:
\\adobe-crc.com\SSS\PROJECTS\10006\10006101\01\CA2D04-250-10\planets\GRADING PLAN & TROUBLESHOOTING

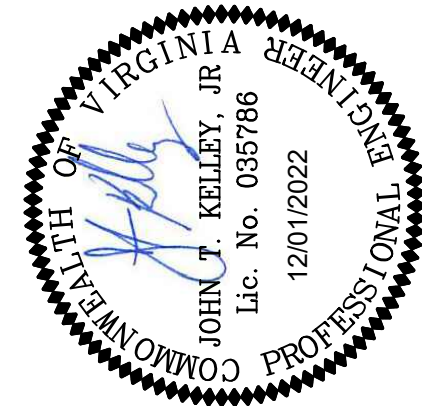


192 Indian Point Road
Shoreline Stabilization Plan

Stafford County, Virginia

Planting Plan

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REVISIONS			DATE: DECEMBER 2022		SCALE: 1"=20'	
No.	Date	Description	Rev. By	App. By		

Horizontal Datum: VCS NAD 83

Vertical Datum: NAVD 88

Boundary and Topo Source:
Stafford County Digital Data

Design	Draft	Approved
DMC	SEH	JTK

Sheet #

6 of 8

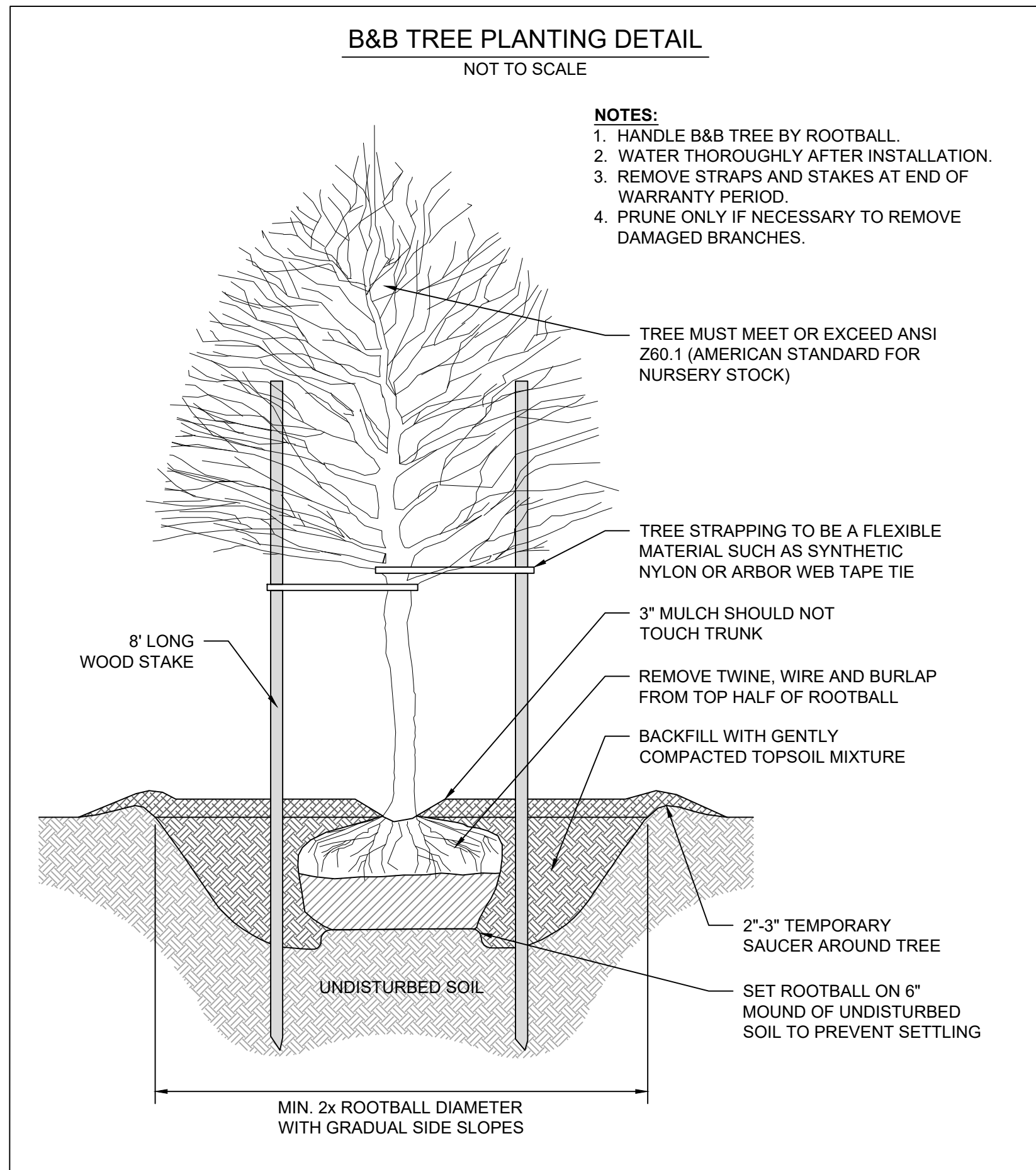
JPA SHEET 5 OF 6

Computer File Name:
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¹ All seeding rates are expressed in pounds of pure live seed (PLS).

VEGETATION SCHEDULE				
BOTANICAL NAME	COMMON NAME	STOCK TYPE	SPACING	QTY
UNDERSTORY TREES (SHOWN ON PLAN)				
AMELANCHIER ARBOREA ¹	COMMON SERVICEBERRY	B&B 0.75-1.5" CAL.	PER PLAN	2
CERCIS CANADENSIS	EASTERN REDBUD			2
OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM			2
TOTAL:				6
AREA A - MED-HIGH SHRUB PLANTING AREA (3,964 SF)				
ARONIA ARBUTIFOLIA	RED CHOKEBERRY	SEEDLINGS/ TUBELINGS	6' O.C.	14
CLETHRA ALNIFOLIA	SWEET PEPPERBUSH			14
CORNUS AMOMUM	SILKY DOGWOOD			14
ILEX VERTICILLATA	WINTERBERRY HOLLY			14
PHYSCARPUS OPULIFOLIUS	NINEBARK			14
RHUS GLABRA	SMOOTH SUMAC			13
SAMBUCUS CANADENSIS	ELDERBERRY			14
VIBURNUM DENTATUM	ARROWWOOD VIBURNUM			14
TOTAL:				111
AREA B - LOW SHRUB PLANTING AREA (4,585 SF)				
ARONIA MELANOCARPA	BLACK CHOKEBERRY	SEEDLINGS/ TUBELINGS	4' O.C.	41
CEANOTHUS AMERICANUS	NEW JERSEY TEA			41
HYPERICUM PROLIFICUM	SHRUBBY ST. JOHN'S WORT			41
ITEA VIRGINICA	VIRGINIA SWEETSPIRE			41
RHUS AROMATICA 'GRO-LO'	FRAGRANT SUMAC			41
ROSA CAROLINA	CAROLINA ROSE			41
VIBURNUM ACERIFOLIUM	MAPLE LEAF VIBURNUM			41
TOTAL:				287
AREA C - SWALE PLANTING AREA (208 SF)				
ELYMUS VIRGINICUS	VIRGINIA WILD RYE	PLUGS	18" O.C.	31
PANICUM ANCEPS	BEAKED PANICGRASS			31
SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM			31
TOTAL:				93

¹ Multi-stem equivalent to a 0.75-1.5" caliper plant.



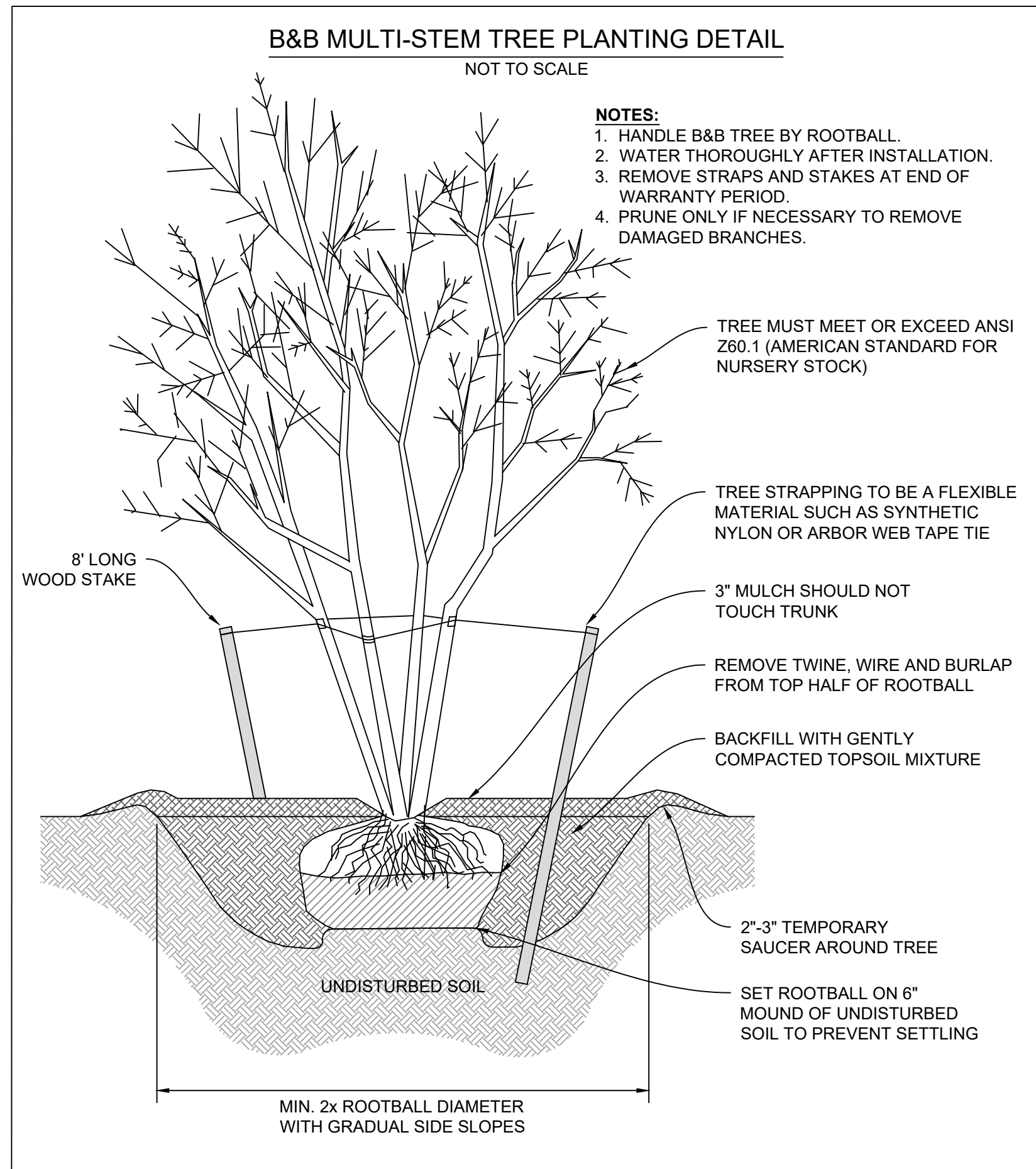
PLANTING & SEEDING NOTES AND SPECIFICATIONS

SITE STABILIZATION

1. FOR ANY DISTURBED LAND, ANY DENUDED SOIL MUST BE SEEDED PER THE SEEDING SCHEDULE OR MULCHED TO ACHIEVE THE DESIRED VEGETATIVE COVER.
2. IF DURING THE COURSE OF CONSTRUCTION ANY PORTION OF THE DISTURBED SITE IS LEFT DENUDED FOR MORE THAN 7 DAYS, A SEED MIX MUST BE APPLIED IN ACCORDANCE WITH THE PERMANENT SEEDING NOTES AND SPECIFICATIONS SECTION PROVIDED BELOW.
3. CONSTRUCTION ACTIVITIES SHALL ONLY DISTURB AS MUCH AREA THAT CAN BE STABILIZED AT THE END OF EACH DAY. ANY DENUDED AREAS THAT ARE NOT SEEDED AND MULCHED AT THE END OF EACH WORK DAY SHALL BE STABILIZED WITH EROSION CONTROL MATTING.

PLANTING

1. ALL NURSERY STOCK SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1.
2. ALL PLANTS SHALL BE SET STRAIGHT, OR PLUMB.
3. NO PLANTING SHALL OCCUR WHEN GROUND IS FROZEN.
4. PLANTING SHALL OCCUR AFTER INSTALLATION OF COIR MATTING. PLANTING HOLES FOR PROPOSED PLANTS SHALL BE THE MINIMUM SIZE NECESSARY FOR THE PROPER PLANTING OF SEEDLING STOCK SIZE TO MAINTAIN EFFECTIVENESS OF COIR MATTING.
5. BACKFILL THE PLANTING HOLES WITH THE IN-SITU SOIL MATERIALS REMOVED FOR PLANTING AFTER REMOVING ALL STONES, ROOTS, AND OTHER DEBRIS GREATER THAN 1-1/2" IN DIAMETER.
6. FOLLOWING THE BACKFILLING, WATER TO THE POINT OF SOIL SATURATION AND TAMP TO COMPACT THE BACKFILL MIXTURE. ADD EXISTING SOIL TO BRING THE FINAL GRADE IN THE PLANTING HOLE TO THE SURROUNDING SOIL SURFACE. RAKE THE UNUSED EXISTING SOIL OUTSIDE THE PLANTING HOLES, TAKING CARE NOT TO MOUND THE SOIL OR TO SIGNIFICANTLY ALTER THE EXISTING GRADES AND THEN PLACE MULCH (MIN. 2" THICK) ATOP ENTIRE PLANTING HOLE.
7. DO NOT REMOVE PLANTS FROM CONTAINERS UNTIL IMMEDIATELY BEFORE PLANTING. EXAMINE THE ROOTS TO SEE IF THEY ARE POT BOUND. CAREFULLY SEPARATE ANY POT BOUND OR CRAMPED ROOTS AND SPREAD THEM OUT WHEN PLACING THE PLANT SO THAT THE ROOTS CAN GROW WITHOUT FURTHER CONSTRICTION OF THE ROOT BALL.
8. REFER TO APPLICABLE DETAILS WITHIN THIS PLAN SET FOR ADDITIONAL GUIDANCE ON PLANTING REQUIREMENTS.



SEEDING

1. THE CONTRACTOR SHALL PREPARE THE SOIL FOR SEEDING BY ENSURING THERE IS AT LEAST 3 INCHES OF TOPSOIL PROVIDED IN ALL GRADED AREAS REQUIRING SEED. IN ALL OTHER AREAS WHERE SEEDING IS PROPOSED (REFERENCE PLANTING PLAN) EXISTING VEGETATION SHALL BE MOWED CLOSELY AND THEN THE SEEDING AREA SHALL BE SCARIFIED USING A HAND RAKE. REMOVE ANY TRASH OR DEBRIS THAT WOULD PRESENT DETRIMENTAL CONDITIONS TO THE SUCCESS OF SEED. BROADCAST THE SEED MIX BY HAND AT THE SPECIFIED RATE INSURING UNIFORM SEED COVERAGE. THEN INSTALL THE COIR MATTING ON THE SLOPE PER THE MANUFACTURER'S RECOMMENDATION.
2. APPLY MULCH TO TURF GRASS SEEDING AREA AT THE TOP OF THE SLOPE WHERE NO COIR MATTING IS INSTALLED. MULCH SHALL BE STRAW AND APPLIED AT A RATE SPECIFIED BY THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, 3RD EDITION, 1992.

PRODUCT HANDLING, STORAGE, AND DELIVERY

1. HANDLE AND STORE PLANTS AT ALL TIMES SO THAT ROOTS OR BALLS ARE ADEQUATELY PROTECTED FROM BREAKAGE OF BALLS, FROM SUN AND DRYING WINDS. PLANTS WITH DRIED OUT TOPS OR ROOTS SHALL BE REJECTED.
2. PLANT MATERIAL WILL BE TRANSPORTED FROM THE NURSERY TO THE PLANTING AREAS BY SUCH MEANS AS TO AVOID WIND DAMAGE, OVER-CROWDING, OR OTHER MECHANISMS BY WHICH PHYSICAL DAMAGE MAY RESULT TO THE PLANTS.
3. PLANT MATERIAL MAY BE RANDOMLY INSPECTED BY THE OWNER UPON ARRIVAL AT EACH PLANTING AREA AND DURING PLANTING ACTIVITIES. MATERIAL FOUND TO BE UNACCEPTABLE WILL BE REJECTED AND THE CONTRACTOR WILL BE REQUIRED TO SUPPLY REPLACEMENT MATERIAL WITHIN A REASONABLE TIME FRAME (I.E. 1-WEEK). UNACCEPTABLE MATERIAL IS TO BE DEFINED AS THE FOLLOWING:
 - (A) PLANTS WITH BENT TRUNKS OR MULTIPLE LEADERS, UNLESS CHARACTERISTIC FOR THE SPECIES;
 - (B) PLANTS WITH DISEASED TRUNKS, STEMS, OR LEAVES;
 - (C) PLANTS WITH PEST-INFESTED TRUNKS, STEMS, OR LEAVES;
 - (D) PLANTS OF INSUFFICIENT SIZE (LESS THAN A SPECIFIED HEIGHT OR CALIPER);
 - (E) PLANTS OF THE WRONG SPECIES/SUB-SPECIES;
 - (F) PLANTS HAVING ROOT GIRDLING IN THE CONTAINER

192 Indian Point Road
Shoreline Stabilization Plan

Planting Notes and Details



REVISIONS			
No.	Date	Description	Rev. App. By
DATE: DECEMBER 2022		SCALE: N/A	

Horizontal Datum: N/A

Vertical Datum: N/A

Boundary and Topo Source:	N/A
---------------------------	-----

Design	Draft	Approved
DMC	SEH	JTK

Sheet #

7 of 8

Computer File Name:

PLANTING PLAN.dwg

30 September 2021

Mr. Jeff Madden
Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

Mr. Joseph Fiorello
Environmental Planner
Dept. of Development Services
County of Stafford
PO Box 339
Stafford, VA 22555

Dear Messrs. Madden and Fiorello:

We have reviewed the violation at 192 Indian Point Road in Stafford County on Accokeek Creek. Scientists from the Biological Sciences Department and Office of Research and Advisory Services contributed to this report. The steep, high bank on the west side of the property was graded into the creek, with sediment extending into a bed of submerged aquatic vegetation (SAV). The landward side of the SAV bed reaches approximately mean low water (MLW) and during the current five-year period (2016–2020), was mapped as dense each year (density class 4, 70–100% cover). This bed has also been mapped each year since 2005 at this dense level for all but one year (2009 was mapped as sparse, density class 2, 10–40% cover).

At a site visit on 9 September 2021, there were two parallel silt fences near the channelward edge of the graded slope. These were placed after the grading was complete and do not appear to have been installed properly as there were visible plumes of sediment extending into the SAV. We recommend that erosion and sediment controls be improved as soon as possible to reduce the continued impacts to the SAV bed.

We recommend that that subaqueous and wetland areas be restored to their original contours and that the base of the bank is then stabilized with a stone revetment. Such a structure will dissipate wave energy more effectively than a bulkhead and result in less reflected wave energy into the SAV bed. Constructing a living shoreline would necessitate additional SAV impacts and therefore we do not consider that approach appropriate for this location. Removing the sediment is expected to cause additional turbidity in the creek, so we recommend that the work be done within a turbidity curtain. Additionally, we recommend a time of year restriction on regrading activities from April through October of any year to protect the SAV seed set and growing season. As the SAV bed is persistent and dense, we expect the impacted area to recolonize naturally without additional intervention. We suggest that the upland bank above the revetment is planted with native riparian vegetation, possibly in conjunction with additional slope stabilization strategies.

Should the Board and Commission authorize the current upland slope and shoreline configuration, we recommend consideration of compensatory mitigation for the direct impacts to the SAV bed.

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

Sincerely,

A handwritten signature in blue ink that reads "Emily Hein". The signature is fluid and cursive, with the first name "Emily" and the last name "Hein" clearly distinguishable.

Emily Hein
Assistant Director for Advisory Services

**INDIAN POINT ROAD
EXHIBIT 7
ENDANGERED AND THREATENED SPECIES INFORMATION**

INDEX

- A Virginia Department of Wildlife Resources (DWR) Fish and Wildlife Information Service (FWIS) Project Review Report, dated September 12, 2022.*
- B U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) official species list, dated September 12, 2022.*
- C U.S. Fish and Wildlife Service (USFWS) Project Review Certification Letter and Species Conclusion Table, dated September 16, 2022*

VaFWIS Initial Project Assessment Report Compiled on 9/12/2022,[Help](#)

5:24:04 PM

Known or likely to occur within a **2 mile radius around point 38.3507620 -77.3007488**
in **099 King George County, 179 Stafford County, VA**

[View Map of
Site Location](#)

527 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 22) (22 species with Status* or Tier I** or Tier II**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
010031	FESE	Ia	Sturgeon, shortnose	Acipenser brevirostrum		Habitat
060003	FESE	Ia	Wedgemussel, dwarf	Alasmidonta heterodon		BOVA
010032	FESE	Ib	Sturgeon, Atlantic	Acipenser oxyrinchus		BOVA
040110	FTSE	Ia	Rail, eastern black	Laterallus jamaicensis jamaicensis		BOVA,Habitat
050022	FTST	Ia	Bat, northern long-eared	Myotis septentrionalis		BOVA
050020	SE	Ia	Bat, little brown	Myotis lucifugus		BOVA
050027	SE	Ia	Bat, tri-colored	Perimyotis subflavus		BOVA
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus		BOVA
040379	ST	Ia	Sparrow, Henslow's	Centronyx henslowii		Habitat
060081	ST	IIa	Floater, green	Lasmigona subviridis		BOVA
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans		BOVA
030063	CC	IIIa	Turtle, spotted	Clemmys guttata		BOVA
010077		Ia	Shiner, bridle	Notropis bifrenatus		BOVA
100248		Ia	Fritillary, regal	Speyeria idalia idalia		BOVA
040213		Ic	Owl, northern saw-whet	Aegolius acadicus		BOVA
040052		IIa	Duck, American black	Anas rubripes		BOVA
040036		IIa	Night-heron, yellow-crowned	Nyctanassa violacea violacea		BOVA
040181		IIa	Tern, common	Sterna hirundo		BOVA
040320		IIa	Warbler, cerulean	Setophaga cerulea		BOVA
040140		IIa	Woodcock, American	Scolopax minor		BOVA
040203		IIB	Cuckoo, black-billed	Coccyzus erythrophthalmus		BOVA
040105		IIB	Rail, king	Rallus elegans		BOVA,Habitat

To view **All 527 species** [View 527](#)

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed;
FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need;
 III=VA Wildlife Action Plan - Tier III - High Conservation Need;
 IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need
 Virginia Wildlife Action Plan Conservation Opportunity Ranking:
 a - On the ground management strategies/actions exist and can be feasibly implemented.;
 b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
 c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

[View Map of All Query Results from All Observation Tables](#)

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams (3 records)

[View Map of All Anadromous Fish Use Streams](#)

Stream ID	Stream Name	Reach Status	Anadromous Fish Species			View Map
			Different Species	Highest TE *	Highest Tier **	
C1	Accokeek creek	Confirmed	1			Yes
C63	Potomac creek	Confirmed	5		IV	Yes
C64	Potomac river	Confirmed	6		IV	Yes

Impediments to Fish Passage

N/A

Colonial Water Bird Survey

N/A

Threatened and Endangered Waters

N/A

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

are present. [View Map of Bald Eagle Concentration Areas and Roosts](#)

(6 records)

BECAR ID	Observation Year	Authority	Type	Comments	View Map

53	2006 - 2007	VDGIF, Center for Conservation Biology	Summer Concentration Area	Eagle_use High	Yes
54	2006 - 2007	VDGIF, Center for Conservation Biology	Summer Concentration Area	Eagle_use Low	Yes
55	2006 - 2007	VDGIF, Center for Conservation Biology	Summer Concentration Area	Eagle_use Moderate	Yes
56	2006 - 2007	VDGIF, Center for Conservation Biology	Winter Concentration Area	Eagle_use High	Yes
57	2006 - 2007	VDGIF, Center for Conservation Biology	Winter Concentration Area	Eagle_use Low	Yes
58	2006 - 2007	VDGIF, Center for Conservation Biology	Winter Concentration Area	Eagle_use Moderate	Yes

Bald Eagle Nests (13 records)

[View Map of All Query Results](#)
[Bald Eagle Nests](#)

Nest	N Obs	Latest Date	DGIF Nest Status	View Map
KG0402	5	Apr 29 2006	HISTORIC	Yes
KG0806	2	Apr 24 2008	HISTORIC	Yes
KG0811	2	Apr 24 2008	Unknown	Yes
KG8004	3	May 28 1982	HISTORIC	Yes
KG9304	15	Apr 27 2000	HISTORIC	Yes
KG9804	8	Jan 1 2003	HISTORIC	Yes
ST0403	3	Jan 1 2005	HISTORIC	Yes
ST0503	8	Apr 24 2008	Unknown	Yes
ST0601	7	Apr 24 2008	UNKNOWN	Yes
ST7501	4	May 19 1980	HISTORIC	Yes
ST8202	2	Jan 1 1983	HISTORIC	Yes
ST8501	19	Apr 27 2000	HISTORIC	Yes
ST9603	20	Apr 24 2008	Unknown	Yes

Displayed 13 Bald Eagle Nests

Habitat Predicted for Aquatic WAP Tier I & II Species (1 Reach)

[View Map Combined Reaches from Below of Habitat Predicted for WAP Tier I & II Aquatic Species](#)

Stream Name	Tier Species						View Map
	Highest TE *	BOVA Code, Status *, Tier **, Common & Scientific Name					
tributary (20700112)	FESE	010031	FESE	Ia	Sturgeon, shortnose	Acipenser brevirostrum	Yes

Habitat Predicted for Terrestrial WAP Tier I & II Species (5 Species)

[View Map of Combined Terrestrial Habitat Predicted for 5 WAP Tier I & II Species Listed Below](#)

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
040110	FTSE	Ia	Rail, eastern black	Laterallus jamaicensis jamaicensis	Yes
040379	ST	Ia	Sparrow, Henslow's	Centronyx henslowii	Yes
040105		IIb	Rail, king	Rallus elegans	Yes
040038			Bittern, American	Botaurus lentiginosus	Yes
040093			Eagle, bald	Haliaeetus leucocephalus	Yes

Public Holdings:

N/A

Compiled on 9/12/2022, 5:24:04 PM I1407212.0 report=IPA searchType= R dist= 3218 poi= 38.3507620 -77.3007488

PixelSize=64; Anadromous=0.023232; BECAR=0.029025; Bats=0.018278; Buffer=0.060476; County=0.059833; Impediments=0.019358; Init=0.089429; PublicLands=0.02308; SppObs=0.265942; TEWaters=0.020798; TierReaches=0.044278; TierTerrestrial=0.040588; Total=0.866074; Tracking_BOVA=0.206461; Trout=0.021473



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032



In Reply Refer To:
Project Code: 2022-0084615
Project Name: Indian Point Road

September 12, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Project Code in the header of this

letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

Project Summary

Project Code: 2022-0084615

Project Name: Indian Point Road

Project Type: Restoration / Enhancement of Waterbody

Project Description: Shore stabilization project in Stafford County, VA

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.35052915,-77.30012162039509,14z>



Counties: Stafford County, Virginia

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 29 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project

activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

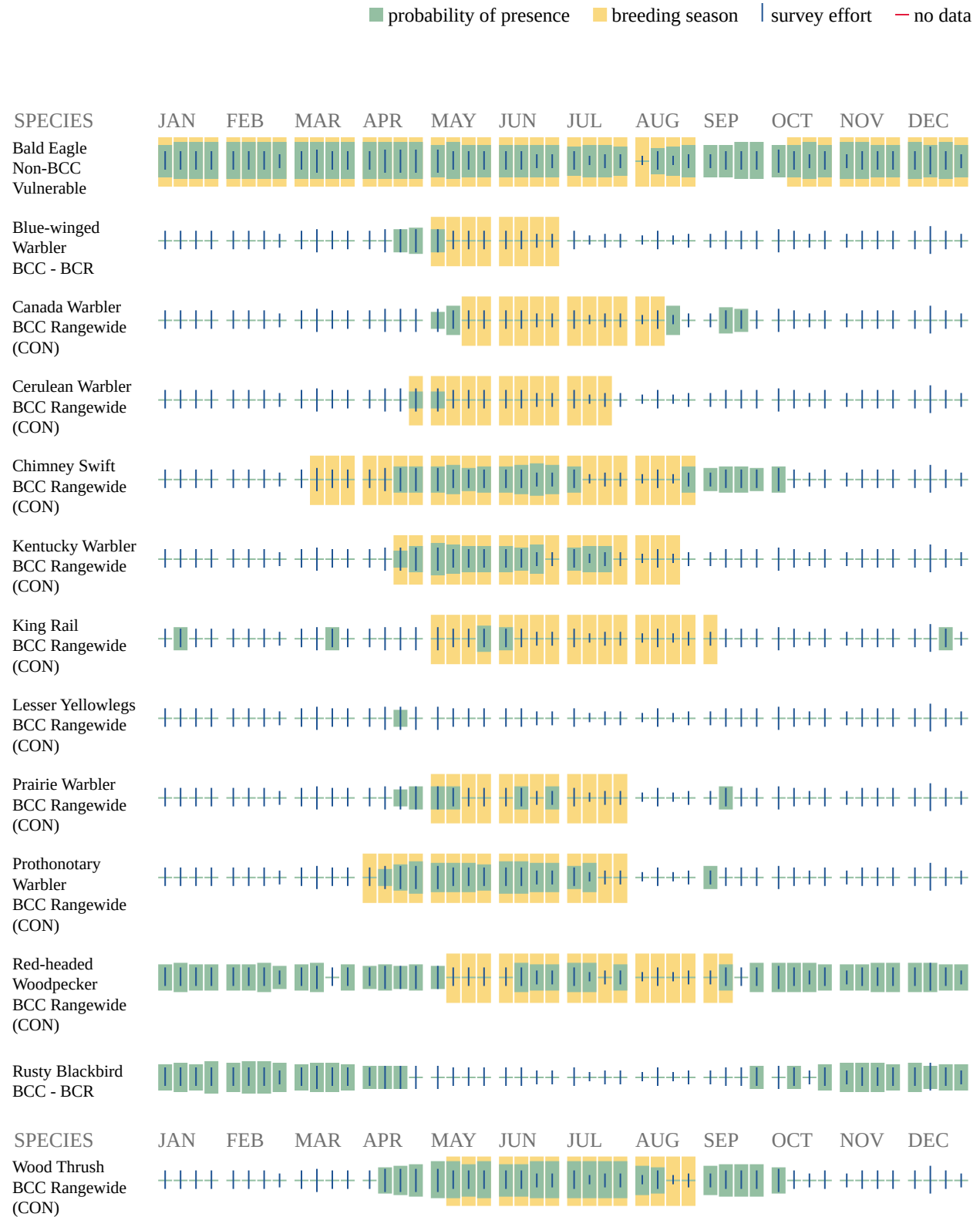
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and

how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

IPaC User Contact Information

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Name: Amanda Metcalf
Address: 5300 Wellington Branch Drive
Address Line 2: Suite 100
City: Gainesville
State: VA
Zip: 20155
Email: ametcalf@wetlands.com
Phone: 7036795600



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date: 9/16/2022

Self-Certification Letter

Project Name: Indian Point Road

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA conclusions. These conclusions resulted in:

- “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR § 17.40(o) [as determined through the Information, Planning, and Consultation System (IPaC) northern long-eared bat assisted determination key]; and/or
- “may affect, not likely to adversely affect” determinations for proposed/listed species and/or proposed/designated critical habitat.

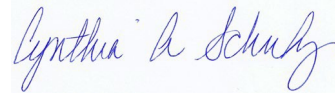
We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the determinations described above for proposed and listed species and proposed and designated critical habitat. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat becomes available, this determination may be reconsidered. This certification letter is valid for 1 year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia A. Schulz". The signature is written in a cursive style and is positioned above the printed name.

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package

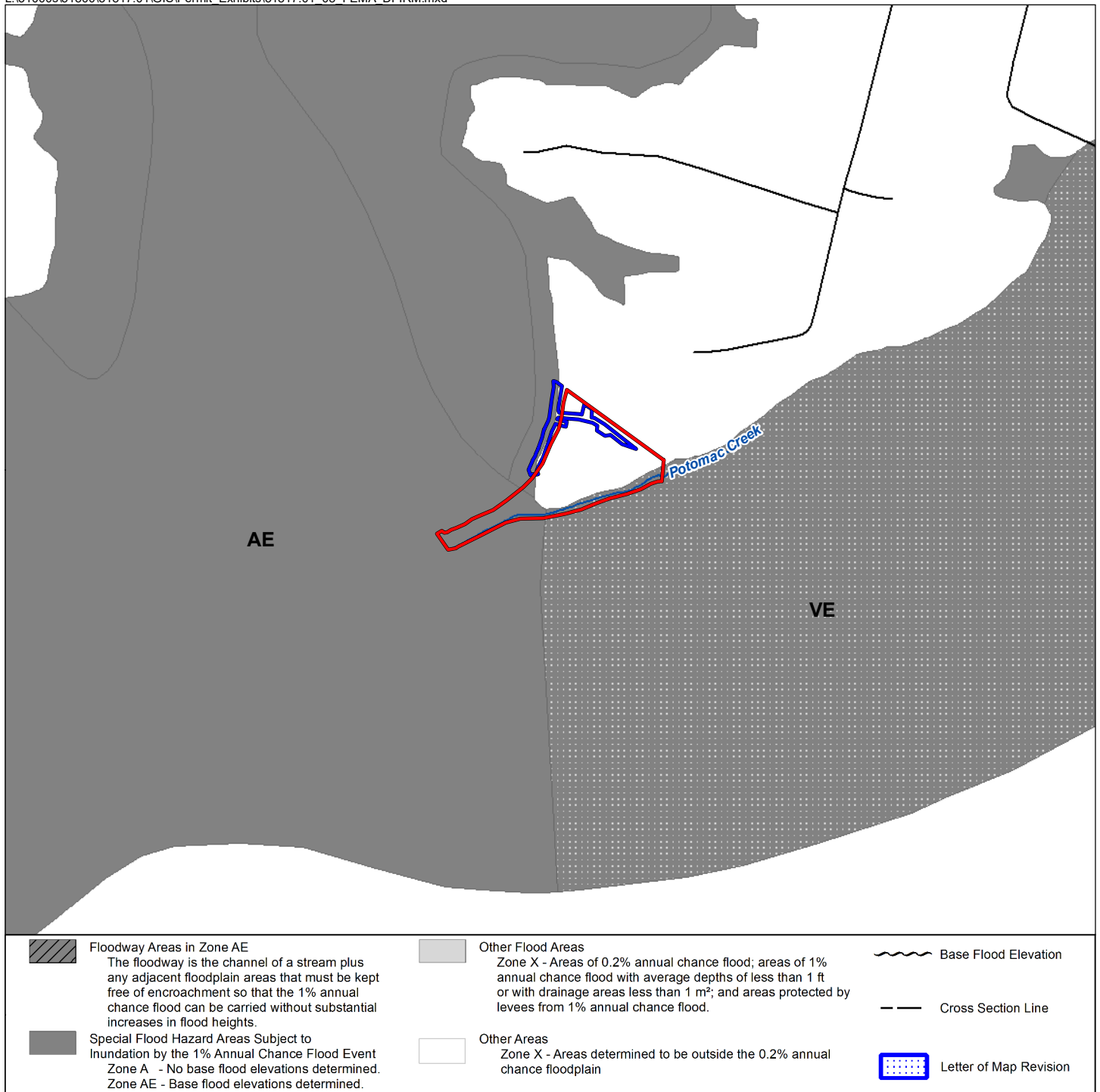
Endangered Species Act (ESA) Section 7 Determination Table

Project Name: Indian Point Road

Date: 09/16/2022

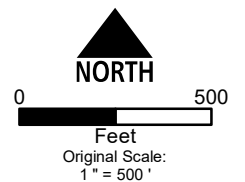
Project Code: 2022-0084615

Species / Resource Name	Habitat/Species Presence in Action Area	Sources of Info	ESA Section 7 Determination	Project Elements that Support Determination
Northern Long-eared Bat	No critical habitat present	FWS IPAC – Official Species List	May affect	Relying upon the findings of the 1/15/2016 Programmatic Biological Opinion for Final 4(d) Rule on the Northern Long-eared Bat and Activities Excepted from Take Prohibitions to fulfill our project specific Section 7 responsibilities.
Critical Habitat	No critical habitat present	FWS IPAC – Official Species List	No effect	IPaC Report states no critical habitat present

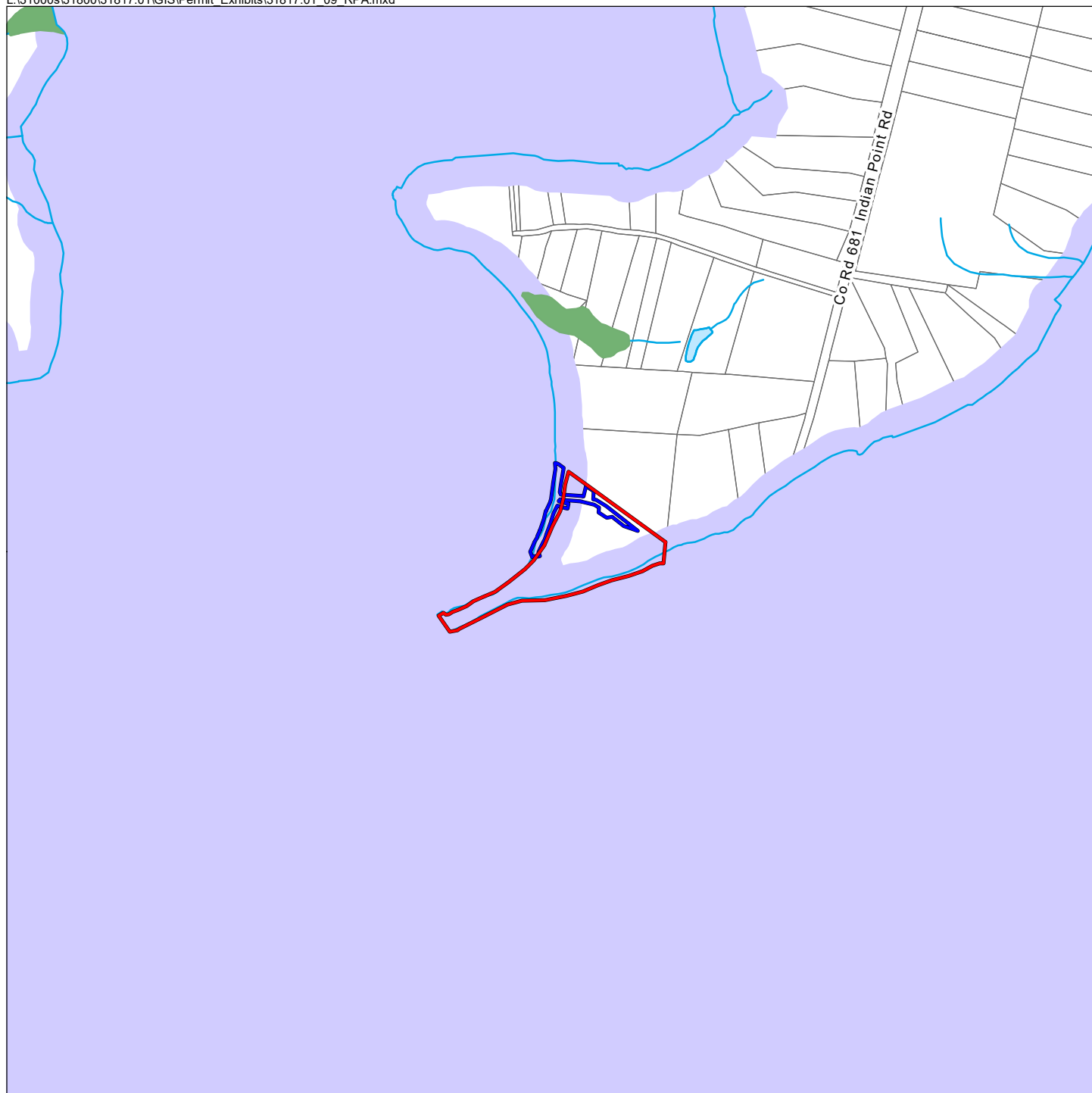


Site
 LOD

FEMA Digital Flood Insurance Rate Map
Indian Point Road
WSSI #31817.01

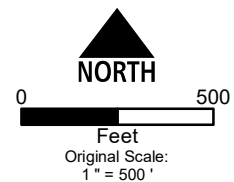


Panel: 51179C0231F, Effective: 02/18/2015

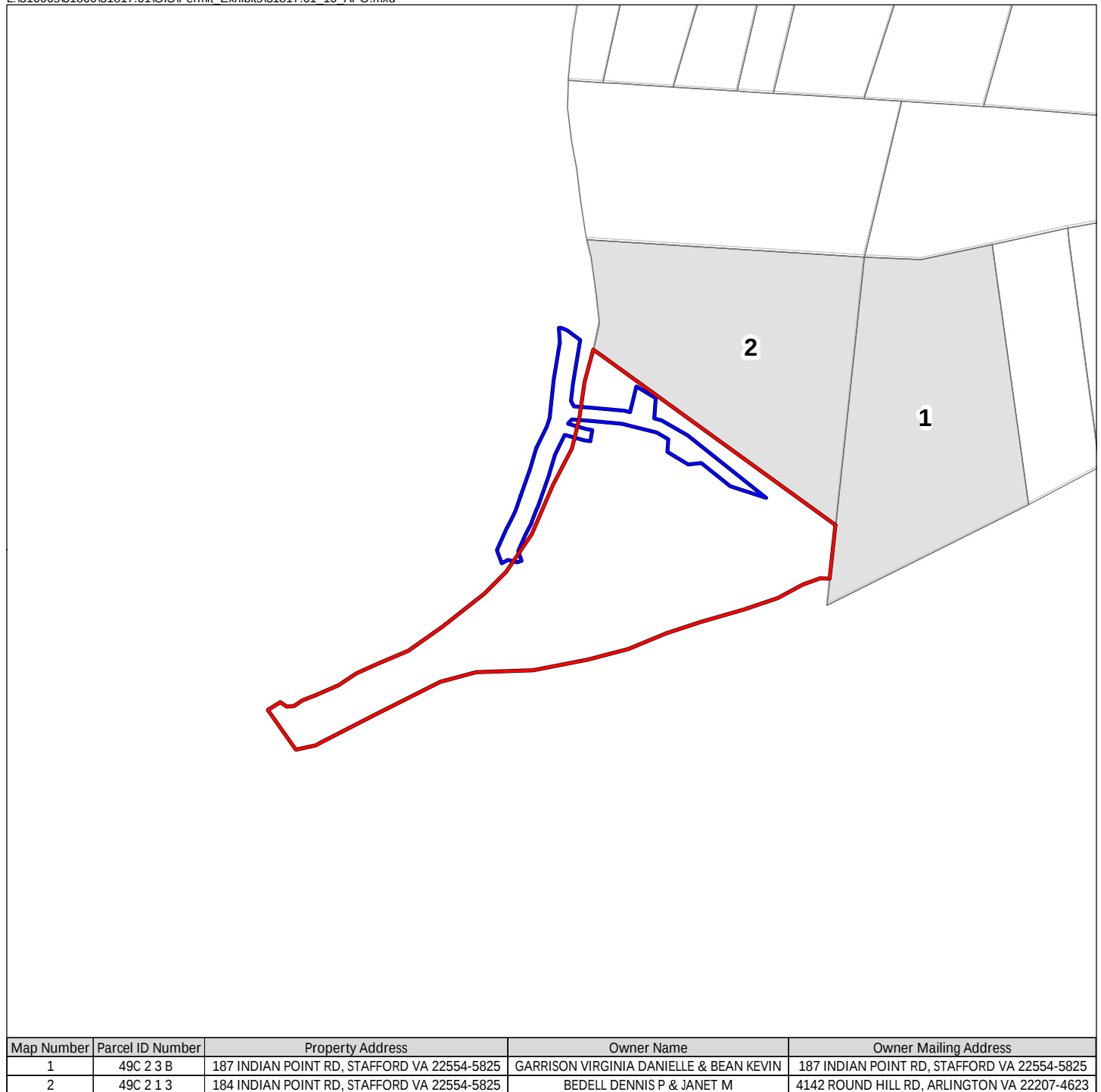


- Site
- LOD
- County Mapped Wetland
- County Mapped RPA

**Resource Protection Area Map
Indian Point Road
WSSI #31817.01**

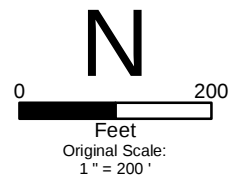


Source: Stafford County Digital Data



- Site
- LOD
- APO

Adjacent Property Ownership Map
Indian Point Road
WSSI #31817.01



Source: Stafford County Digital Data

ATTACHMENT 5
SITE PHOTOGRAPHS



Photograph was taken facing south showing the western shore of Accokeek Creek after placement of fill and grading; August 4, 2021.



Photograph was taken facing north showing the western shoreline impact of Accokeek Creek and impact to submerged aquatic vegetation (SAV); August 4, 2021



Photograph was taken facing south showing the shoreline impact of Accokeek Creek and impact to SAV; August 4, 2021.



Photograph was taken facing south showing the installation of silt fence, August 9, 2021.



Photograph was taken facing north showing the installation of silt fence August 9, 2021.



Photograph was taken facing north showing the filled and graded slope, and silt fence installation along the shoreline of Accokeek Creek; August 9, 2021.



Photograph was taken facing north showing the filled and graded slope along the shore of Accokeek Creek, August, 4 2021.



Photograph was taken facing northeast showing the shoreline of Accokeek Creek at 192 Indian Point Road, August 4, 2021.



Panoramic view of the shoreline of Accokeek Creek at 192 Indian Point Road, August 12, 2021.



Historical photograph taken facing south showing a failing slope that was slumping; October 10, 2010.



Historical photograph taken facing south showing a failing slope that was slumping; October 10, 2010.



Historical photograph taken facing north showing a failing slope that was slumping and a failing bulkhead; April 5, 2017.



Historical photograph taken facing west showing a failing slope that was slumping and a failing bulkhead; April 5, 2017.

ATTACHMENT 6
PROPOSED RESOLUTIONS

WETLANDS BOARD
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Wetlands Board held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 19th day of December 2022:

MEMBERS:	<u>VOTE:</u>
Anthony Pineau	_____
Benjamin Rudasill	_____
Sue Henderson, Chairwoman	_____
Dan Adams	_____
Jim Riutta	_____
Robert Hayden	_____
Mary Rust, Vice-Chairwoman	_____

On the motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted:

A RESOLUTION WHICH APPROVES A WETLANDS PERMIT TO CONDUCT REMEDIATION OF 2,122 SQ FT. OF SUBAQUEOUS LANDS AND TIDAL WETLAND IMPACTS ALONG THE SHORELINE OF ACCOKEEK CREEK; INSTALL A 339 LINEAR FOOT REVETMENT; LOCATED ON TAX MAP PARCEL ID 49C-2-1-4.

WHEREAS, the Stafford County Wetlands Board has received a request from Mrs. Fellers for a permit for wetlands activities within Parcel ID 49C-2-1-4 and

WHEREAS, the Stafford County Wetlands Board has authority under Section 28.2-1302 of the Code of Virginia (1950), as amended, and under Section 27 of the Stafford County Code (Wetlands Zoning Ordinance) to issue a permit for the use or development of activities in a wetlands area; and

WHEREAS, the Stafford County Wetlands Board has given proper notice as required by the Code of Virginia (1950), as amended, and the Stafford County Code; and

WHEREAS, the Stafford County Wetlands Board finds the public and private benefit of the activity exceeds the anticipated public and private detriment; and

WHEREAS, the Stafford County Wetlands Board, upon careful consideration of all comments made at its public hearing, if any, and the staff report, desires to grant a wetland permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Wetlands Board on this the 19th day of December 2022, that the request of Ms. Linda Fellers, applicant, for remediation of 2,122 sq. ft. of subaqueous lands and tidal wetland impacts; installation of 339 linear feet of revetment; referenced as VMRC#20222464, for wetlands activities adjacent to and within the Parcel ID 49C-2-1-4, Accokeek Creek be and hereby is approved with the following conditions:

1. All site work shall be constructed in general conformance with the specifications and the location shown on the plans submitted as part of this permit application. The applicant shall notify the Wetlands Board staff to conduct a final inspection.
2. The remediation of 2,122 sq. ft. of subaqueous lands, the construction of a 339 linear foot revetment, and partial restoration of the CRPA will resolve previous, un-authorized impacts to subaqueous lands, tidal wetlands, and the CRPA.
3. A project monitoring report shall be completed and submitted to Stafford County Wetlands Board staff upon the end of the first full growing season and second full growing season after date of project completion. The monitoring reports shall include a narrative describing the overall success of the project; demonstrate that site has stabilized and erosion minimized to the extent possible; show that all plantings have survived; demonstrate that a minimum of 2,122 sq. ft. of subaqueous lands and tidal wetlands remain and are established; plans to remedy any deficiencies if needed; and include photographs. Site visits will be required upon receipt of each monitoring report.

BE IT FURTHER RESOLVED that this permit for wetlands activities shall expire on December 20, 2023.

Ms. Sue Henderson
Wetlands Board Chairwoman

WETLANDS BOARD
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Wetlands Board held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 19th day of December 2022:

MEMBERS:

Anthony Pineau
Benjamin Rudasill
Sue Henderson, Chairwoman
Dan Adams
Jim Riutta
Robert Hayden
Mary Rust, Vice-Chairwoman

VOTE:

On the motion of _____, seconded by _____, which carried by a vote of ____, the following was adopted:

A RESOLUTION WHICH DENIES A WETLANDS PERMIT TO CONDUCT REMEDIATION OF 2,122 SQ FT. OF SUBAQUEOUS LANDS AND TIDAL WETLAND IMPACTS ALONG THE SHORELINE OF ACCOKEEK CREEK; INSTALL A 339 LINEAR FOOT REVETMENT ON TAX MAP PARCEL ID 49C-2-1-4.

WHEREAS, the Stafford County Wetlands Board has received a request from Mrs. Fellers for a permit for wetlands activities within and adjacent to the Parcel ID 49C-2-1-4; and

WHEREAS, the Stafford County Wetlands Board has authority under Section 28.2-1302 of the Code of Virginia (1950), as amended, and under Section 27 of the Stafford County Code (Wetlands Zoning Ordinance) to issue a permit for the use or development of activities in a wetlands area; and

WHEREAS, the Stafford County Wetlands Board has given proper notice as required by the Code of Virginia (1950), as amended, and the Stafford County Code; and

WHEREAS, the Stafford County Wetlands Board finds the public and private detriment of the activity exceeds the anticipated public and private benefit; and

WHEREAS, the Stafford County Wetlands Board, upon careful consideration of all comments made at its public hearing, if any, and the staff report, desires to deny a wetland permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Wetlands Board on this the 19th day of December, 2022, that the request of Mrs. Fellers, applicant, for a for remediation of 2,122 sq. ft. of subaqueous lands and tidal wetland impacts; installation of 339 linear feet of revetment; referenced as VMRC#20222464, for wetlands activities adjacent to and within the Parcel ID 49C-2-1-4, on Accokeek Creek be and it hereby is denied.

Ms. Sue Henderson
Wetlands Board Chairwoman

JPF:EAT

OLD BUISNESS: NONE

CHAIRMAN'S REPORT:

STAFF REPORT: NONE

ADJOURNMENT