

POTOMAC YARD METRORAIL STATION

APPENDIX A

# **APPENDIX A**

## **Joint Permit Application**

**FOR AGENCY USE ONLY**

	Notes:
JPA#	

**APPLICANTS**

**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 extra 8 ½ x 11 inch sheets of paper.**

**Check all that apply**

Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)	SPGP <input type="checkbox"/>	DEQ Reapplication <input type="checkbox"/> Existing permit number: _____	Receiving federal funds <input type="checkbox"/> Agency providing funding:
Regional Permit 17 (RP-17) <input type="checkbox"/>			

**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federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)**

Historical information for past permit submittals can be found online with VMRC - <https://webapps.mrc.virginia.gov/public/habitat/> - or VIMS - <http://ccm.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

**1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION**

The applicant(s) is/are the legal entity to which the permit may be issued (see How to Apply at beginning of form). The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is representing the applicant(s). If a company, please also provide the company name that is registered with the State Corporation Commission (SCC), or indicate no registration with the SCC.

Legal Name(s) of Applicant(s)				Agent (if applicable)		
Mailing address				Mailing address		
City	State	ZIP Code		City	State	ZIP Code
Phone number w/area code	Fax			Phone number w/area code	Fax	
Mobile	E-mail			Mobile	E-mail	
State Corporation Commission Name and ID number (if applicable)				State Corporation Commission Name and ID number (if applicable)		

***Certain permits or permit authorizations may be provided via electronic mail. If the applicant wishes to receive their permit via electronic mail, please provide an e-mail address here:*** \_\_\_\_\_

1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION (Continued)					
Property owner(s) legal name, if different from applicant			Contractor, if known		
Mailing address			Mailing address		
City	State	ZIP code	City	State	ZIP code
Phone number w/area code	Fax		Phone number w/area code	Fax	
Mobile	E-mail		Mobile	E-mail	
State Corporation Commission Name and ID number (if applicable)			State Corporation Commission Name ID number (if applicable)		

2. PROJECT LOCATION INFORMATION (Attach a copy of a detailed map, such as a USGS topographic map or street map showing the site location and project boundary, so that it may be located for inspection. Include an arrow indicating the north direction. Include the drainage area if the SPGP box is checked on Page 7.)	
Street Address (911 address if available)	City/County/ZIP Code
Subdivision	Lot/Block/Parcel #
Name of water body(ies) within project boundaries and drainage area (acres or square miles).	
Tributary(ies) to: _____ Basin: _____ Sub-basin: _____ (Example: Basin: <u>James River</u> Sub-basin: <u>Middle James River</u> )	
Special Standards (based on DEQ Water Quality Standards 9VAC25-260 et seq.): _____	
Project type (check one) _____ Single user (private, non-commercial, residential) _____ Multi-user (community, commercial, industrial, government) _____ Surface water withdrawal	
Latitude and longitude at center of project site (decimal degrees): _____ / - _____ (Example: 37.33164/-77.68200)	
USGS topographic map name: _____	
8-digit USGS Hydrologic Unit Code (HUC) for your project site (See <a href="http://cfpub.epa.gov/surf/locate/index.cfm">http://cfpub.epa.gov/surf/locate/index.cfm</a> ): _____ If known, indicate the 10-digit and 12-digit USGS HUCs (see <a href="http://dswcapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm">http://dswcapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm</a> ): _____	
Name of your project (Example: <u>Water Creek driveway crossing</u> ) _____	
Is there an access road to the project? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, check all that apply: <input type="checkbox"/> public <input type="checkbox"/> private <input type="checkbox"/> improved <input type="checkbox"/> unimproved	
Total size of the project area (in acres): _____	

**2. PROJECT LOCATION INFORMATION (Continued)**

Provide driving directions to your site, giving distances from the best and nearest visible landmarks or major intersections:

Does your project site cross boundaries of two or more localities (i.e., cities/counties/towns)?  Yes  No  
If so, name those localities:

**3. DESCRIPTION OF THE PROJECT, PROJECT PRIMARY AND SECONDARY PURPOSES, PROJECT NEED, INTENDED USE(S), AND ALTERNATIVES CONSIDERED (Attach additional sheets if necessary)**

- The purpose and need must include any new development or expansion of an existing land use and/or proposed future use of residual land.
- Describe the physical alteration of surface waters, including the use of pilings (#, materials), vibratory hammers, explosives, and hydraulic dredging, when applicable, and whether or not tree clearing will occur (include the area in square feet and time of year).
- Include a description of alternatives considered and measures taken to avoid or minimize impacts to surface waters, including wetlands, to the maximum extent practicable. Include factors such as, but not limited to, alternative construction technologies, alternative project layout and design, alternative locations, local land use regulations, and existing infrastructure
- For utility crossings, include both alternative routes and alternative construction methodologies considered
- For surface water withdrawals, public surface water supply withdrawals, or projects that will alter in stream flows, include the water supply issues that form the basis of the proposed project.

Date of proposed commencement of work (MM/DD/YYYY)  
\_\_\_\_\_

Date of proposed completion of work (MM/DD/YYYY)  
\_\_\_\_\_

Are you submitting this application at the direction of any state, local, or federal agency?  Yes  No

Has any work commenced or has any portion of the project for which you are seeking a permit been completed?  
 Yes  No

If you answered "yes" to either question above, give details stating when the work was completed and/or when it commenced, who performed the work, and which agency (if any) directed you to submit this application. In addition, you will need to clearly differentiate between completed work and proposed work on your project drawings.

Are you aware of any unresolved violations of environmental law or litigation involving the property?  Yes  No  
(If yes, please explain)

#### 4. PROJECT COSTS

Approximate cost of the entire project, including materials and labor: \$ \_\_\_\_\_  
Approximate cost of only the portion of the project affecting state waters (channelward of mean low water in tidal areas and below ordinary high water mark in nontidal areas): \$ \_\_\_\_\_

#### 5. PUBLIC NOTIFICATION (Attach additional sheets if necessary)

Complete information for all property owners adjacent to the project site and across the waterway, if the waterway is less than 500 feet in width. If your project is located within a cove, you will need to provide names and mailing addresses for all property owners within the cove. 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.**

Property owner's name	Mailing address	City	State	ZIP code

Name of newspaper having general circulation in the area of the project: \_\_\_\_\_  
Address and phone number (including area code) of newspaper \_\_\_\_\_

Have adjacent property owners been notified with forms in Appendix A?  Yes  No (attach copies of distributed forms)

#### 6. THREATENED AND ENDANGERED SPECIES INFORMATION

See Appendix

Please provide any information concerning the potential for your project to impact state and/or federally threatened and endangered species (listed or proposed). Attach correspondence from agencies and/or reference materials that address potential impacts, such as database search results or confirmed waters and wetlands delineation/jurisdictional determination. Include information when applicable regarding the location of the project in Endangered Species Act-designated or -critical habitats. Contact information for the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Virginia Dept. of Game and Inland Fisheries, and the Virginia Dept. of Conservation and Recreation-Division of Natural Heritage can be found in the Permit Support Document.

#### 7. HISTORIC RESOURCES INFORMATION

See Appendix

*Note: Historic properties include but are not limited to archeological sites, battlefields, Civil War earthworks, graveyards, buildings, bridges, canals, etc. Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the USACE from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the USACE, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

Are any historic properties located within or adjacent to the project site?  Yes  No  Uncertain  
If Yes, please provide a map showing the location of the historic property within or adjacent to the project site.

Are there any buildings or structures 50 years old or older located on the project site?  Yes  No  Uncertain  
If Yes, please provide a map showing the location of these buildings or structures on the project site.

Is your project located within a historic district?  Yes  No  Uncertain

If Yes, please indicate which district: \_\_\_\_\_

**7. HISTORIC RESOURCES INFORMATION (Continued)**

Has a survey to locate archeological sites and/or historic structures been carried out on the property?

Yes  No  Uncertain

If Yes, please provide the following information: Date of Survey: \_\_\_\_\_

Name of firm: \_\_\_\_\_

Is there a report on file with the Virginia Department of Historic Resources?  Yes  No  Uncertain

Title of Cultural Resources Management (CRM) report: \_\_\_\_\_

Was any historic property located?  Yes  No  Uncertain

**8. WETLANDS, WATERS, AND DUNES/BEACHES IMPACT INFORMATION**

**Report each impact site in a separate column. If needed, attach additional sheets using a similar table format. Please ensure that the associated project drawings clearly depict the location and footprint of each numbered impact site. For dredging, mining, and excavating projects, use Section 17.**

	Permanent Impact	Temporary Impact			
Impact description (use all that apply): F=fill EX=excavation S=Structure T=tidal NT=non-tidal TE=temporary PE=permanent PR=perennial IN=intermittent SB=subaqueous bottom DB=dune/beach IS=hydrologically isolated V=vegetated NV=non-vegetated MC=Mechanized Clearing of PFO (Example: F, NT, PE, V)					
Latitude / Longitude (in decimal degrees)					
Wetland/waters impact area (square feet / acres)					
Dune/beach impact area (square feet)					
Stream dimensions at impact site (length and average width in linear feet, and area in square feet)					
Volume of fill below Mean High Water or Ordinary High Water (cubic yards)					

**8. WETLANDS/WATERS IMPACT INFORMATION (Continued)**

<p>Cowardin classification of impacted wetland/water or geomorphological classification of stream  <i>Example wetland: PFO;</i>  <i>Example stream: 'C' channel and if tidal, whether vegetated or non-vegetated wetlands per Section 28.2-1300 of the Code of Virginia</i></p>					
<p>Average stream flow at site          (flow rate under normal rainfall conditions in cubic feet per second) and method of deriving it (gage, estimate, etc.)</p>					
<p>Contributing drainage area in acres or square miles (VMRC cannot complete review without this information)</p>					
<p>DEQ classification of impacted resource(s):          Estuarine Class II          Non-tidal waters Class III          Mountainous zone waters Class IV          Stockable trout waters Class V          Natural trout waters Class VI          Wetlands Class VII  <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+9">http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+9</a></p>					
<p><b>For DEQ permitting purposes, also submit as part of this section a wetland and waters boundary delineation map – see (3) in the Footnotes section in the form instructions.</b></p>					
<p><b>For DEQ permitting purposes, also submit as part of this section a written disclosure of all wetlands, open water, or streams that are located within the proposed project or compensation areas that are also under a deed restriction, conservation easement, restrictive covenant, or other land-use protective instrument.</b></p>					

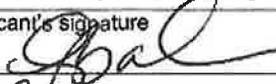
**9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS**

**READ ALL OF THE FOLLOWING CAREFULLY BEFORE SIGNING**

**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 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.

9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS (Continued)		
Is/Are the Applicant(s) and Owner(s) the same? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Legal name & title of Applicant Emily A. Baker, Deputy City Manager	Second applicant's legal name & title, if applicable	
Applicant's signature 	Second applicant's signature	
Date 2-5-2019	Date	
Property owner's legal name, if different from Applicant	Second property owner's legal name, if applicable	
Property owner's signature, if different from Applicant	Second property owner's signature	
Date	Date	
CERTIFICATION OF AUTHORIZATION TO ALLOW AGENT(S) TO ACT ON APPLICANT'S(S)' BEHALF (IF APPLICABLE)		
I (we), <u>Emily A. Baker</u> (and) _____ APPLICANT'S LEGAL NAME(S) – complete the second blank if more than one Applicant		
hereby certify that I (we) have authorized <u>Stantec Consulting Services Inc.</u> (and) _____ AGENT'S NAME(S) – complete the second blank if more than one Agent		
to act on my (our) behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all standard and special conditions attached. I (we) hereby certify that the information submitted in this application is true and accurate to the best of my (our) knowledge.		
Applicant's signature 	Second applicant's signature, if applicable	
Date 2-5-19	Date	
Agent's signature and title <u>Scott Cumming Sr. Reg Analyst</u>	Second agent's signature and title, if applicable	
Date 2-5-19	Date	
CONTRACTOR ACKNOWLEDGEMENT (IF APPLICABLE)		
I (we), _____ (and) _____ APPLICANT'S LEGAL NAME(S) – complete the second blank if more than one Applicant		
have contracted _____ (and) _____ CONTRACTOR'S NAME(S) – complete the second blank if more than one Contractor		
to perform the work described in this Joint Permit Application, signed and dated _____.		
I (we) will read and abide by all conditions as set forth in all federal, state, and local permits as required for this project. I (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, I (we) agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If I (we) fail to provide the applicable permit upon request, I (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 of the terms and conditions.		
Contractor's name or name of firm (printed/typed)	Contractor's or firm's mailing address	
Contractor's signature and title	Contractor's license number	Date
Applicant's signature	Second applicant's signature, if applicable	
Date	Date	

**Adjacent Property Owner Addresses**

Parcel ID	STREET NAME	OWNER				
		NAME	MAILING ADDRESS	CITY	STATE	ZIP
016.02-01-02	3601 Potomac Avenue	CPYR Theatre LLC c/o the Lionstone Group	100 Waugh Drive; Suite 600	Houston	TX	77007
016.02-02-01	2 George Washington Memorial	Washington Metropolitan Area Transit	600 5th Street NW	Washington	DC	20001
016.02-03-01	3701 Potomac Avenue	City of Alexandria	301 King Street	Alexandria	VA	22314
025.04-01-05	2403 Potomac Avenue	City of Alexandria ATTN: Joanna Anderson	300 King Street Suite 1300	Alexandria	VA	22314
025.04-02-141	1836 Potomac Greens Drive	Potomac Greens Homeowners Association c/o CMS Services Inc.	6395 Little River Turnpike	Alexandria	VA	22312
035.02-01-01	1690 Potomac Greens Drive	Old Town Greens Townhome Owners Association Inc; Board of	1644 Hunting Creek Drive	Alexandria	VA	22314
035.04-02-02	1680 Potomac Greens Drive	Centex Homes ATTN: R K Davis	12150 E Monument Drive; Suite 110	Fairfax	VA	22033
035.04-06-01	1801 Potomac Avenue	City of Alexandria	301 King Street	Alexandria	VA	22314
No Parcel #	George Washington Memorial Parkway	United States of America; National Park Service	700 George Washington Memorial Parkway	McLean	VA	22101
ROW		CSX Transportation Inc.	500 Water Street	Jacksonville	FL	32202

**17. DREDGING, MINING, AND EXCAVATING (Continued)**

*For mining projects:* On separate sheets of paper, explain the operation plans, including: 1) the frequency (e.g., every six weeks), duration (i.e., April through September), and volume (in cubic yards) to be removed per operation; 2) the temporary storage and handling methods of mined material, including the dimensions of the containment berm used for upland disposal of dredged material and the need (or no need) for a liner or impermeable material to prevent the leaching of any identified contaminants into ground water; 3) how equipment will access the mine site; and 4) verification that dredging: a) will not occur in water body segments that are currently on the effective Section 303(d) Total Maximum Daily Load (TMDL) priority list (available at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformation/TMDLs/TMDL/TMDLDevelopment/TMDLProgramPriorities.aspx>) or that have an approved TMDL; b) will not exacerbate any impairment; and c) will be consistent with any waste load allocation/limit/conditions imposed by an approved TMDL (see, "What's in my backyard" or subsequent spatial files at <http://www.deq.virginia.gov/ConnectWithDEQ/VFORS.aspx> to determine the extent of TMDL watersheds and impairment segments).

Have you applied for a permit from the Virginia Department of Mines, Minerals and Energy?  Yes  No If Yes:  
Existing permit number: \_\_\_\_\_ Date permit issued: \_\_\_\_\_

Contributing drainage area: _____ square miles	Average stream flow at site (flow rate under normal rainfall conditions): _____ cfs
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**18. FILL (not associated with backfilled shoreline structures) AND OTHER STRUCTURES (other than piers and boathouses) IN WETLANDS OR WATERS, OR ON DUNES/BEACHES**

Source and composition of fill material (percentage sand, silt, clay, rock):  
\_\_\_\_\_

Provide documentation (i.e., laboratory results or analytical reports) that fill material from off-site locations is free of toxics. If not free of toxics, provide documentation of proper disposal (i.e., bill of lading from commercial supplier or disposal site). Documentation is not necessary for fill material obtained from on-site areas.

Explain the purpose of the filling activity and the type of structure to be constructed over the filled area (if any):  
\_\_\_\_\_

Describe any structure that will be placed in wetlands/waters or on a beach dune and its purpose:  
\_\_\_\_\_

Will the structure be placed on pilings? <input type="checkbox"/> Yes <input type="checkbox"/> No	Total area occupied by any structure. _____ Square Feet
How far will the structure be placed channelward from the back edge of the dune? _____ feet	How far will the structure be placed channelward from the back edge of the beach? _____ feet

**19. NONTIDAL STREAM CHANNEL MODIFICATIONS FOR RESTORATION OR ENHANCEMENT, or TEMPORARY OR PERMANENT RELOCATIONS**

*If proposed activities are being conducted for the purposes of compensatory mitigation, please attach separate sheets of paper providing all information required by the most recent version of the stream assessment methodology approved by the Norfolk District of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality, in lieu of completing the questions below. Required information outlined by the methodology can be found at: <http://www.nao.usace.army.mil/Missions/Regulatory/UnifiedStreamMethodology.aspx> or <http://www.deq.virginia.gov/Programs/Water/WetlandsStreams/Mitigation.aspx>.*

*For all projects proposing stream restoration provide a completed Natural Channel Design Review Checklist and Selected Morphological Characteristics form. These forms and the associated manual can be located at: <https://www.fws.gov/chesapeakebay/StreamReports/NCD%20Review%20Checklist/Natural%20Channel%20Design%20Checklist%20Doc%20V2%20Final%2011-4-11.pdf>*

Has the stream restoration project been designed by a local, state, or federal agency?  Yes  No. If yes, please include the name of the agency here: \_\_\_\_\_.

Is the agency also providing funding for this project?  Yes  No

Stream dimensions at impact site (length and average width in linear feet, and area in square feet):  
L: \_\_\_\_\_ (feet) AW: \_\_\_\_\_ (feet) Area: \_\_\_\_\_ (square feet)

Contributing drainage area: \_\_\_\_\_ acres or \_\_\_\_\_ square miles

## APPENDIX C

### Chesapeake Bay Preservation Act Information

Please answer the following questions to determine if your project is subject to the requirements of the Bay Act Regulations:

1. Is your project located within Tidewater Virginia? \_\_\_ Yes \_\_\_ No (See map on page 31) - If the answer is "no", the Bay Act requirements do not apply; if "yes", then please continue to question #2.
2. Please indicate if the project proposes to impact any of the following Resource Protection Area (RPA) features:
  - \_\_\_ Tidal wetlands,
  - \_\_\_ Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow,
  - \_\_\_ Tidal shores,
  - \_\_\_ Other lands considered by the local government to meet the provisions of subsection A of 9VAC25-830-80 and to be necessary to protect the quality of state waters (contact the local government for specific information),
  - \_\_\_ A buffer area not less than 100 feet in width located adjacent to and landward of the components listed above, and along both sides of any water body with perennial flow.

If the answer to question #1 was "yes" and any of the features listed under question #2 will be impacted, compliance with the Chesapeake Bay Preservation Area Designation and Management Regulations is required. **The Chesapeake Bay Preservation Area Designation and Management Regulations** are enforced through locally adopted ordinances based on the Chesapeake Bay Preservation Act (CBPA) program. Compliance with state and local CBPA requirements mandates the submission of a **Water Quality Impact Assessment (WQIA)** for the review and approval of the local government. Contact the appropriate local government office to determine if a WQIA is required for the proposed activity(ies).

The individual localities, not the DEQ, USACE, or the Local Wetlands Boards, are responsible for enforcing the CBPA requirements and, therefore, local permits for land disturbance are not issued through this JPA process. **Approval of this wetlands permit does not constitute compliance with the CBPA regulations nor does it guarantee that the local government will grant approval for encroachments into the RPA that may result from this project.**

#### **Notes for all projects in RPAs**

Development, redevelopment, construction, land disturbance, or placement of fill within the RPA features listed above requires the approval of the locality and may require an exception or variance from the local Bay Act ordinance. Please contact the appropriate local government to determine the types of development or land uses that are permitted within RPAs.

Pursuant to 9VAC25-830-110, *on-site delineation of the RPA is required for all projects in CBPAs*. Because USGS maps are not always indicative of actual "in-field" conditions, they may not be used to determine the site-specific boundaries of the RPA.

#### **Notes for shoreline erosion control projects in RPAs**

Re-establishment of woody vegetation in the buffer will be required by the locality to mitigate for the removal or disturbance of buffer vegetation associated with your proposed project. Please contact the local government to determine the mitigation requirements for impacts to the 100-foot RPA buffer.

Pursuant to 9VAC25-830-140 5 a (4) of the Virginia Administrative Code, shoreline erosion projects are a permitted modification to RPAs provided that the project is based on the "best technical advice" and complies with applicable permit conditions. In accordance with 9VAC25-830-140 1 of the Virginia Administrative Code, the locality will use the information provided in this Appendix, in the project drawings, in this permit application, and as required by the locality, to make a determination that:

1. Any proposed shoreline erosion control measure is necessary and consistent with the nature of the erosion occurring on the site, and the measures have employed the "best available technical advice"
2. Indigenous vegetation will be preserved to the maximum extent practicable
3. Proposed land disturbance has been minimized
4. Appropriate mitigation plantings will provide the required water quality functions of the buffer (9VAC25-830-140 3)
5. The project is consistent with the locality's comprehensive plan
6. Access to the project will be provided with the minimum disturbance necessary.

# TIDEWATER VIRGINIA

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