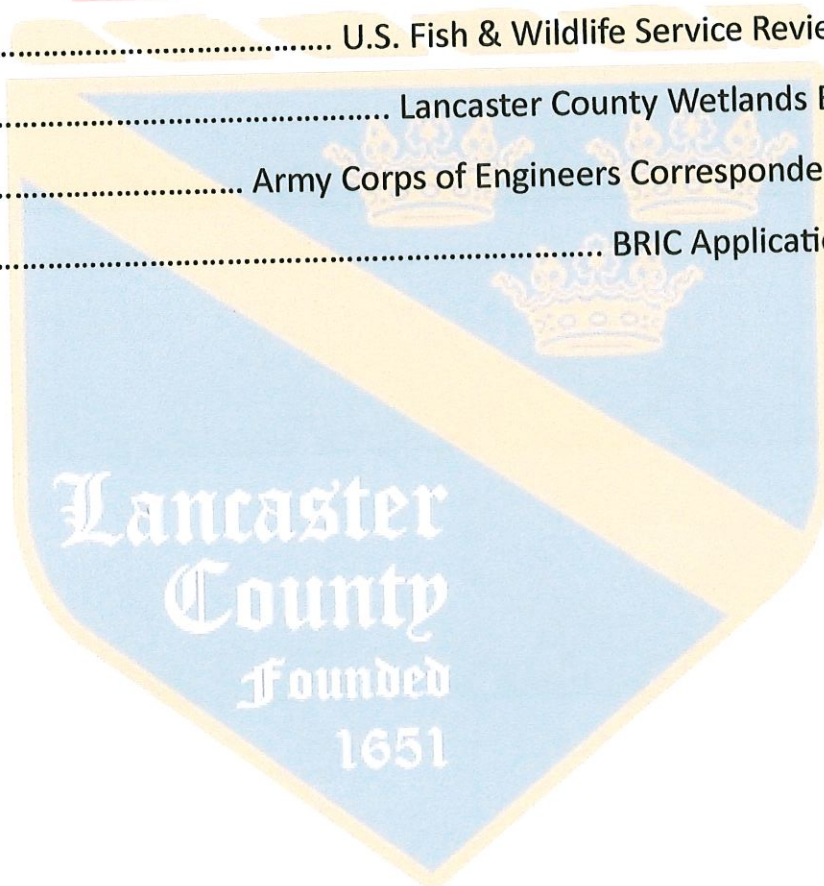


# WESTLAND BEACH – WINDMILL POINT SHORELINE STABILIZATION PROJECT

## Appendices

Appendix A .....	Project Background Narrative
Appendix B .....	Lancaster County FY 2025 APPROVED Budget
Appendix C .....	County Award of Bid Memo and Bid/Contractor's Estimate & BOS Meeting Minutes where project funding was approved/awarded
Appendix D .....	U.S. Fish & Wildlife Service Review of Project
Appendix E .....	Lancaster County Wetlands Board Permit
Appendix F .....	Army Corps of Engineers Correspondence & Permit
Appendix G .....	BRIC Application Evaluation



**APPENDIX A**

**PROJECT BACKGROUND NARRATIVE**



# Project Background Narrative

Westland Beach at Windmill Point was once home to a public beach and fishing pier, a vibrant hotel and restaurant, and the only marina with direct access to the Chesapeake Bay. Having experienced significant erosion at increasing rates in the decades since, the public beach, fishing pier, hotel, and restaurant have all disappeared into the Chesapeake Bay. The shoreline erosion at Westland Beach has been a subject of study at the Virginia Institute of Marine Science in past years. As early as the year 2000 Lancaster County resolved to stabilize and restore the shoreline to protect public infrastructure, the marina, and The Landings condominiums. In 2020, Lancaster County participated in the Resilience Adaptation Feasibility Tool (RAFT) organized by the Northern Neck

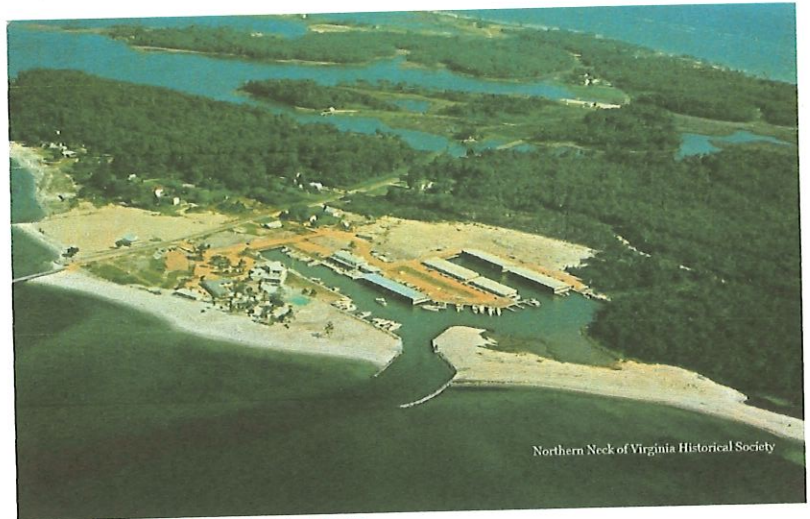


Figure 1 Westland Beach Point 1965

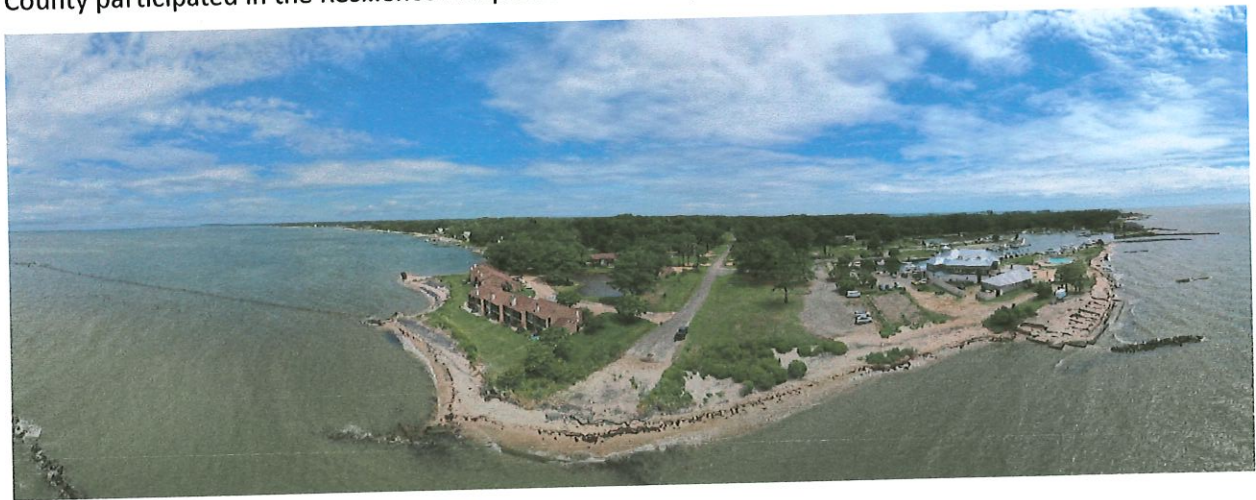


Figure 2 Westland Beach at Windmill Point 2022

Planning District Commission and conducted by the Universities of Virginia, Old Dominion, and William and Mary. During this resilience planning effort the County identified the project in its resilience action checklist. The actions/projects identified in the RAFT were incorporated as hazard mitigation actions in the 2023 Northern Neck Regional Hazard Mitigation Plan (HMP). As part of an effort funded through the Community Flood Preparedness Fund (CFPF), the Northern Neck Planning District Commission and Lancaster County worked with DCR to incorporate resilience elements into the HMP that led to its approval and subsequent adoption as the County's Resilience Plan in October of 2023. Concurrently, Lancaster County incorporated the project in its comprehensive and strategic plans and in 2022 prioritized the project in its capital improvement plans. Years of carefully organized and executed planning efforts have led to the project's readiness for implementation and eligibility for CFPF funding. Previous applications to FEMA's Building Resilience Infrastructure and Communities (BRIC) and the CFPF



in Round 4 were unsuccessful. Lancaster County is reapplying to CFPF in an effort to finally see this much needed project come to fruition. The County believes that the project and the planning processes that brought about its inception exemplify the objectives and goals of the Virginia Coastal Resilience Master Plan and the purpose of the Community Flood Preparedness Fund.



*Figure 3 Westland Beach at Windmill Point 2022*

**APPENDIX B**

**LANCASTER COUNTY FY 2025 APPROVED BUDGET**

Lancaster County, Virginia  
FY 25 ADOPTED Budget  
Capital Improvements

	Approved FY23	Actual FY23	Adopted FY24	Requested FY 25	Change	Local Funds	State Funds	Federal Funds	Other Funds
--	------------------	----------------	-----------------	--------------------	--------	----------------	----------------	------------------	----------------

94500 - School Capital Improvements

0020 LMS-Replace HVAC		-	-	62,500	-	-	-	-	-
0023 School Security Grant Matching Funds	62,500	-	62,500	62,500	-	-	-	-	-
0025 Replace HVAC system at LMS	-	-	-	-	-	-	-	-	-
0026 Voice over IP System all schools	-	113,000	271,000	135,500	(135,500)	-	-	-	-
0028 School Bus Replacements	113,000	-	-	-	-	-	-	-	-
0030 Replace Bus Garage Roof	-	-	-	-	-	-	-	-	-
0033 Purchase & Renovate Library	-	-	-	-	-	-	-	-	-
0034 School Improvement & Construction Study	-	-	-	-	-	-	-	-	-
0035 Replace Air Handler 7 at LHS	8,000,000	3,498,567	24,000,000	35,025,000	11,025,000	-	-	-	-
0036 New MS/HS School	7,534,207	7,812,059	-	-	-	-	-	-	-
0037 - Middle School Renovation	15,709,707	11,423,626	24,333,500	35,223,000	10,889,500	-	-	-	-
Total - School Capital Improvements									

94501 - County Capital Improvements

0004 Courthouse Access Control System	-	-	-	30,820	30,820	-	-	-	-
0011 Administration Building Boiler Replacement	60,000	10,781	-	-	-	-	-	-	-
0012 Sheriff's Office Server Room Project	16,335	11,416	-	-	-	-	-	-	-
0014 EMS Quick Response Vehicle	-	-	80,000	120,000	40,000	-	-	-	-
0018 Refuse Department Vehicle Replacement	48,000	38,108	60,000	-	(60,000)	-	-	-	-
0019 Public Access and Use Sites	500,000	168,415	5,000,000	4,365,720	(634,280)	-	-	-	-
0022 Replace Emergency Radio System & Equipment	3,200,000	34,500	1,000,000	16,715	(1,000,000)	-	-	-	-
0023 Sheriff's Office Jail Griddle Replacement	-	-	-	-	-	-	-	-	-
0024 Expansion of Kilmarnock Convenience Center	678,990	3,200	-	-	-	-	-	-	-
0025 Replace HVAC in Courthouse	-	25,416	-	-	-	-	-	-	-
0026 Nuttsville Convenience Center - Attendant Buildi	16,225	6,214	-	-	-	-	-	-	-
0027 Sheriff's Office Building Expansion	-	-	-	11,000	11,000	-	-	-	-
0028 Upgrade 911 Call Handling Equipment	-	-	-	75,000	75,000	-	-	-	-
0029 Health Dept/Soc Services Furniture Replacemer	-	-	-	52,000	52,000	-	-	-	-
0030 Social Services Parking Lot Sealing/Striping	-	-	-	85,000	85,000	-	-	-	-
0031 Commissioner of Revenue CAMRA Software Upgrade	-	-	59,826	(59,826)	(59,826)	-	-	-	-
0032 BRIGHT System AS 400 Server Replacement	-	-	45,498	(45,498)	(45,498)	-	-	-	-
0033 Sheriff's Office Tasers	-	-	42,000	45,000	3,000	-	-	-	-
0034 Sheriff's Office Patrol Vehicle	38,000	37,686	42,000	(60,000)	(60,000)	-	-	-	-
0035 EMS Ambulance to Serve Upper Lancaster Volu	310,000	33,784	15,947	33,788	17,841	-	-	-	-
0036 Sheriff's Office HVAC Replacement	26,175	-	43,510	(43,510)	(43,510)	-	-	-	-
0037 Sheriff's Office Patrol Vehicles Laptops	-	-	-	-	-	-	-	-	-



**APPENDIX C**

**COUNTY AWARD OF BID MEMO &  
BID/CONTRACTOR'S ESTIMATE**

## Lancaster County, Virginia



### MEMORANDUM

**Date:** October 23, 2023  
**To:** Lancaster County Board of Supervisors  
**From:** Don G. Gill, County Administrator  
**Subject:** Award of Bid for the Windmill Point Marine Improvements Project  
**Docket:** October 26, 2023 - Consideration Item #2

---

**Issue:** Consideration of Awarding the Bid for the Windmill Point Marine Improvements Project.

**Recommendation:** Award the bid in the Not to Exceed amount of \$3,606,379 to Docks of the Bay, LLC contingent upon the recordation of all associated perpetual deeds of easement and permit approvals by local, state and federal agencies.

**Discussion:** On September 14, 2023, an Invitation to Bid was issued requesting bids from qualified firms for the construction of the Windmill Point Marine Improvements Project. Bids were due by October 20, 2023 at 2 pm. As evidenced in the attached Bid Tabulation from Bay Design Group, Docks of the Bay was the lowest responsible bidder.

The project bid included the original length pier which is part of a yet-to-be-approved Joint Permit Application with the Virginia Marine Resources Commission, the Army Corps of Engineers and the Virginia Department of Environmental Quality. A shorter pier is being considered which would result in a lower overall price, so the recommendation is to approve the bid amount as "Not-to-Exceed" with the pending agency approvals and recordation of the necessary Deeds of Perpetual Easements as contingencies.

October 23, 2023

Mr. Don Gill  
Lancaster County Administrator  
8311 Mary Ball Rd.  
Lancaster, Virginia 22503



Engineering, Surveying & Land Planning

Re: **Windmill Point Marine Improvements—Option B**

Dear Mr. Gill,

Although there were sixteen (16) registered plan holders and eight (8) potential bidders at the Pre-Bid meeting, we only received a bid for the subject project on Friday, October 20, 2023 from one (1) experienced general contractors: Docks of the Bay LLC, White Stone, VA. The bid contained the Addendum #1 and #2 acknowledgement, the required bid bond, and the appropriate data regarding contractor licensing and experienced subcontractor identification. We do note that Docks of the Bay does have Earth Resources, Inc as a sub-contractor and both had attended the Pre-Bid meeting. A tabulation of the bid is attached.

After review of the provided bids, **the low bidder is Docks of the Bay, LLC (DOTB) with a Bid Grand Total of \$3,606,379.00**

There were no arithmetic errors in the DOTB bid, and the individual item bid prices were balanced. The bid package was properly completed/signed and it included the required bid bond/attachments. Thus, the DOTB bid is considered acceptable. Also, there were no conditions placed on the bid. Thus, the bid has been determined to be responsive and the bidder is a responsible, qualified contractor suitable to perform the construction work necessary for the project. In addition, the project's various Joint Permit Applications (JPA) have been approved (breakwaters and beach nourishment) or have been submitted for review/approval (pier and dredge) by the County, VMRC, and related agencies.

Accordingly, it is our recommendation that the County award the project to Docks of the Bay, LLC and begin preparation of the required formal Agreement based on the Bid Grand Total amount of \$3,606,379.00 in anticipation that the Agreement be finalized in coordination with the final JPA (pier and dredge) approval.

Upon full execution of the Agreement by the County and DOTB, a Notice to Proceed will be issued and the appropriate mobilization meetings scheduled. Assuming the Notice to Proceed is issued December 1, 2023 (i.e., the estimated NTP date in the Project Manual) the project should be finished in the designated 336-day contract period by October 31, 2024. However, it should be noted that completion of the contract and actual project start could be delayed for extended final JPA (pier and dredge) review actions by VMRC and related agencies

We look forward to hearing that the Board of Supervisors has acted positively on this issue.

Sincerely,

*Wayne Savage*

Wayne A. Savage, PE  
Senior Engineer

40 Cross Street  
Suite 100  
P.O. Box 51  
Urbanna, VA 23175





# TABULATION OF BIDS

Bids Received: October 20, 2023

Project #:

Date: 10/23/2023

Project

Windmill Point Marine Improvements: Option B

By:

Bay Design Group

Checked by: WAS

Page 1 of 1

SCOPE OF WORK						Docks of the Bay			
ITEM	DESCRIPTION	Unit	QUANTITY	UNIT PRICE	ITEM COST	UNIT PRICE	ITEM COST	UNIT PRICE	ITEM COST
1	Mobilization and Permitting	LS	1	\$170,000.00	\$170,000.00				
2	Demolition & Clearing								
2a	Rip Rap Groin Removal (at and West of Windmill Pnt Rd)	LS	1	\$31,590.00	\$31,590.00				
2b	Rip Rap Groin Removal (East of Windmill Pnt Rd)	LS	1	\$26,910.00	\$26,910.00				
2c	Concrete Removal w/ Stock Pile Disposal @ Marina Site	LS	1	\$46,000.00	\$46,000.00				
3	Breakwater Installation								
3a	Breakwaters (at and West of Windmill Pnt Rd)	LS	1	\$194,335.00	\$194,335.00				
3b	Breakwaters (East of Windmill Pnt Rd)	LS	1	\$615,790.00	\$615,790.00				
4	Dredging								
4a	Channel Markers (12" x 40' FRP Super Pile)	Ea	2	\$5,000.00	\$10,000.00				
4b	Marina Channel Mechanical Dredge	CY	10,700	\$45.00	\$481,500.00				
4c	Dredge Mat'l Dewatering Area w/ SSF-Install, Maintain & Remove	LS	1	\$25,000.00	\$25,000.00				
4d	Supplemental Dredge Area Markers	N/A	N/A	N/A	N/A				
4e	Supplemental Area Mechanical Dredge	N/A	N/A	N/A	N/A				
5	Beach Improvements								
5a	Beach Nourishment w/ Dredge Materials	CY	10,700	\$7.00	\$74,900.00				
5b	Beach Nourishment w/ Imported Materials	CY	7,400	\$77.45	\$573,130.00				
5c	Beach Re-Vegetation	Ac	0.97	72.128	\$69,964.00				
6	Fishing Pier								
6a	Test Piles A, B, and C	Ea	3	\$2,500.00	\$7,500.00				
6b	Fishing Pier and Ramp	LF	570	\$1,400.00	\$798,000.00				
6c	Fishing Pier T-Head	LF	152	\$1,600.00	\$243,200.00				
6d	Pier & Tee Head- Polyforce Railing	LF	1454	\$140.00	\$203,560.00				
7	Acceptance and Demobilization	LS	1	\$35,000.00	\$35,000.00				
Windmill Point Marine Improvements: Option B (Items 1-7)					\$3,606,379.00				



Ducks of the Bay

PO Box 1160

White Star, VT 05578

County of Lancaster

c/o Don Gill

County Administrator

3311 Mary Ball Rd

Lancaster, VA 22503

vt-Marine Twpresident

packet

Rec'd 10/20/23 @ 1:45pm



## ARTICLE 1 – BID RECIPIENT, DATE, AND EVALUATION

- 1.01 The Bid for Windmill Point—Marine Improvements project is to be submitted to the Owner:

County of Lancaster, c/o Don Gill, County Administrator, 8311 Mary Ball Road, Lancaster, VA., 22503.

All questions about the meaning or intent of the Plans or Bid Documents shall be submitted to the Engineer (Wayne A. Savage, PE. c/o Bay Design Group, 40 Cross Street, PO Box 51 Urbanna, VA, 23175; 804-693-2933; wsavage@baydesigngroup.com) in writing no later than 8 days prior to the date set for receipt of bids. Any interpretation of questions so raised, which in the opinion of the Engineer require modification of the Bid Documents, will be issued by Addendum to the registered bidders not later than 3 days prior to the date set for receipt of bids. The Engineer and Owner will not be responsible for oral interpretations or clarifications made on their behalf.

- 1.02 A Pre-Bid Conference will be held at 11:00 AM on Wednesday, October 4, 2023 at the project site at the terminus of Windmill Point Road, State Route 695. Attendance at the Pre-Bid conference is not mandatory but is highly recommended. It is also recommended that bidders visit the site to familiarize themselves with the project area conditions. Oral statements or interpretations made during such visits made by any party may not be relied upon and will not be binding or legally effective
- 1.03 The Bid will be received at the Owner's office until 2:00 PM, local time, on Friday, October 20, 2023 and then publicly opened, read aloud, and further considered by the Owner. Any bid received after the aforementioned date and time will be returned unopened.
- 1.04 If within two (2) business days after the bid opening, any Bidder may file a written request accompanied by the Bidder's original work papers with the Owner requesting withdrawal of the good faith bid. The request and papers must demonstrate that the bid to be withdrawn was substantially lower than the other bids due solely to a good faith, unintentional clerical error as opposed to a judgement mistake and, in any event, consistent with VAC 2.2-4330. The Owner will notify the Bidder of its decision within five (5) business days. If withdrawal is allowed, the Bid Security may be retained. Thereafter, if the work is rebid or a Contract awarded, that Bidder will be disqualified from further bidding, supply of material, or performance as a subcontractor on the work.
- 1.05 The Owner reserves the right to reject any or all bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional bids. The Owner will reject the bid of any Bidder that the Owner finds, after reasonable inquiry and evaluation, to not be responsible. If the Owner awards a contract hereunder, such award shall be to the responsible Bidder submitting the lowest responsive bid.
- 1.06 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement (form and content to be determined) with Owner to perform all Work as specified or indicated for the prices and within the times indicated in this Bid.

## ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

- 2.01 This Bid will remain subject to acceptance for 90 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

### ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bid Form, and any data and reference items identified therein, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>Oct. 5, 2023</u>
<u>2</u>	<u>Oct. 13, 2023</u>

- B. Bidder has visited the Site, conducted a thorough, alert, visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and specific Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all permits, descriptions and drawings of physical conditions relating to existing surface or subsurface structures at the Site as supplied by the County.
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bid Form; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.
- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required.
- G. Bidder is aware of the general nature of work to be performed by the Owner and others at the Site that relates to the Work as indicated in the Bid Form.
- H. Bidder has given Owner and the Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bid Form, and confirms that the written resolution thereof by Owner and Engineer is acceptable to Bidder.
- I. The Bid Form is generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.



## ARTICLE 4 – BIDDER'S CERTIFICATION

### 4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
  - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of an official in the bidding process;
  - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
  - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

## ARTICLE 5 – BASIS OF BID AND BID FORMS

### 5.01 General

The Windmill Point-Marine Improvements project is being developed by Lancaster County and generally consists of approximately 0.25 miles of beach expansion, revegetation, and stabilization with groin removal and breakwater installation, channel dredging, and fishing pier construction east and west of the terminus of Windmill Point Road, State Route 695. The construction shall be in accordance with the various approved and pending VMRC and Corps of Engineer permits for the marine improvements as shown in the Project Manual Appendices A, B, and C.

### 5.02 Form of the Contract

The form and content of the contract is to be determined.

### 5.03 Bonds and Insurance

If your bid for the project exceeds \$250,000, then a Bid Bond (by Surety legally authorized to do business in Virginia, or a cashier's check, or certified check made payable to Lancaster County) in the amount of 5% of the Bid for that project shall be submitted with each Bid. The Bid Bond of the apparent successful Bidder(s) will be retained until the Owner awards the Contract(s) and Contract Documents are successfully executed.



When the successful Bidder delivers the completed agreements to Owner, it shall be accompanied by the following required bonds and insurance documentation.

**A. Performance and Payment Bonds:** If the Contract Award exceeds \$250,000, then the following will be required:

1. Contractor shall furnish a performance bond and a payment bond, each in an amount at least equal to the Contract Price, as security for the faithful performance and payment of all of Contractor's obligations under the Contract. These bonds shall remain in effect until one year after the date when final payment becomes due.
2. All bonds shall be in the form prescribed by the Contract except as provided otherwise by Laws or Regulations, and shall be executed by such sureties as are named in "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in Circular 570 (as amended and supplemented) by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury.
3. Contractor shall obtain the required bonds from surety companies that are duly licensed or authorized in the jurisdiction in which the Project is located to issue bonds in the required amounts.
4. If the surety on a bond furnished by Contractor is declared bankrupt or becomes insolvent, or its right to do business is terminated in the jurisdiction where the Project is located, or the surety ceases to meet the requirements above, then Contractor shall promptly notify Owner and Engineer and shall, within 20 days after the event giving rise to such notification, provide another bond and surety, both of which shall comply with the bond and surety requirements above.

**B. Insurance:** Contractor shall obtain and maintain insurance coverage throughout the life of the contract and provide evidence for not less than the following amounts:

1. Worker's Compensation
 

a. State	Statutory
b. Federal	Statutory
c. Employer's Liability:	
1) Bodily Injury, each accident	\$100,000
2) Bodily injury by disease, each employee	\$100,000
3) Bodily injury/disease aggregate	\$100,000
2. Commercial General Liability
 

a. Each Occurrence	\$1,000,000
b. General Aggregate	\$2,000,000
3. Automobile Liability
 

a. Each Occurrence	\$1,000,000
b. General Aggregate	\$2,000,000
4. Excess or Umbrella Liability
 

a. Each Occurrence	\$1,000,000
--------------------	-------------

- |                                     |                    |
|-------------------------------------|--------------------|
| b. General Aggregate                | \$2,000,000        |
| c. Contractor's Pollution Liability |                    |
| d. Each Occurrence                  | \$1,000,000        |
| e. General Aggregate                | \$1,000,000        |
| 5. Additional Insured               | Owner and Engineer |

5.04 Basis of Bid

Owner reserves the right to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids. Owner also reserves the right to waive all minor informalities not involving price, time, or changes in the Work. If Owner awards the contract for the Work, such award shall be to the responsible Bidder submitting the lowest responsive Bid.

5.05 Evaluation of Bid

In evaluating Bids, Owner will consider whether or not the Bids comply with the prescribed requirements, and such additive alternates, unit prices, and other data as may be requested in the Bid Form or prior to the Notice of Award. The award may be made to the Bidder on its Base Bid and any combination of its additive alternate Bids for which Owner determines funds will be available at the time of award.

5.06 Sales and Use Taxes

Owner is exempt from Federal and Virginia state sales and use taxes on materials and equipment to be incorporated in the Work. The Lancaster County Exemption Number will be provided to the Successful Bidder. Said taxes shall not be included in the Bids.

5.07 Schedule

The selected contractor will work cooperatively with the Lancaster County to complete the work in a timely fashion in accordance with the following generally expected schedule in order to meet infrastructure development commitments for the facilities:

- October 20, 2023 Receipt and Public Opening of Bids
- October 26, 2023 Owner review and award of contract
- November, 2023 Contract preparation/execution and pre-construction meeting
- December, 2023 Anticipated VMRC and Corps of Engineers approval of pending Joint Permit Application for Dredging and Fishing Pier
- December 1, 2023 Notice to Proceed with Contractor mobilization to begin work (336 day construction period)
- Dec 1, 2023--May 15, 2024 167 day construction period prior to "Tiger Beetle pause of any beach work" per Corps permit
- May 15-Oct 1, 2024 138 day "Tiger Beetle pause of any beach work" limits dredge material placement, but pier construction may proceed
- October 1-15, 2024 15 day construction period to Substantial Completion
- October 16-31, 2024 16 day construction period to Full Completion



**I. Windmill Point-Marine Improvements: Option 2 (Beach Nourishment by Combination of Dredge and Imported Material)—permits and plans as include in Appendices A, B, and C**

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price
1	Mobilization & Permitting	LS	1		170,000
2	Demolition & Clearing				
2a	Rip-Rap Groin Removal (at and West of Windmill Point Road)	LS	1		31,590
2b	Rip-Rap Groin Removal (East of Windmill Point Road)	LS	1		24,910
2c	Concrete Removal with Stock Pile Disposal at Marina Site (within 1,000')	LS	1		46,000
3	Breakwater Installation				
3a	Breakwaters (at and West of Windmill Point Road)	LS	1		194,335
3b	Breakwaters (East of Windmill Point Road)	LS	1		615,790
4	Dredging				
4a	Channel Markers (12" x 40' FRP Super Pile)	Ea	2	5000	10,000
4b	Marina Channel Mechanical Dredge	CY	10,700	45	481,500
4c	Dredge Mat'l Dewatering Areas w/ SSF—Install, Maintain, and Remove	LS	1		25,000
4d	Supplemental Dredge Area Markers	N/A	N/A	N/A	N/A
4e	Supplemental Area Mechanical Dredge	N/A	N/A	N/A	N/A
5	Beach Improvements				
5a	Beach Nourishment w/ Dredge Materials	CY	10,700	7	74,900
5b	Beach Nourishment w/ Imported Materials	CY	7,400	77.45	573,130
5b	Beach Re-Vegetation	Ac	0.97	72.128	69,964
6	Fishing Pier				
6a	Test Piles A, B and C	Ea	3	2500	7500
6b	Fishing Pier and Ramp	LF	570	1400	798,000
6c	Fishing Pier T-Head	LF	152	1600	243,200
6d	Pier & Tee Head-Polyforce Railing	LF	1454	140	203,560
7	Acceptance and Demobilization	LS	1		35,000
Windmill Point—Marine Improvements: Option 2 (Beach Nourishment by Combination of Dredge and Imported Material) Base Bid (Items 1-7)					\$ 3,606,379

Bidder acknowledges that (1) each Bid Unit Price includes an amount considered by Bidder to be adequate to cover all other unlisted incidental elements necessary for the project completion and for Contractor's overhead and profit for each separately identified item, and (2) estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and (3) final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Agreement.

#### ARTICLE 6 -- TIME OF COMPLETION

- 6.01 Bidder agrees that all Work for the project will be completed and ready for final payment within a 336 calendar day contract period (generally estimated as December 1, 2023 to October 31, 2024) unless schedule extensions are mutually agreed to by the Owner and Bidder.
- 6.02 Bidder acknowledges the Owner's intent and contract condition to impose a charge for liquidated damage of \$250 per day for every day that work goes beyond the final completion date.

#### ARTICLE 7 -- ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Bid Security—none required unless a project bid exceeds \$100,000
  - B. List of Proposed Subcontractors;
  - C. List of Proposed Suppliers;
  - D. Contractor's License No.: 2705084312
  - E. Proposed Subcontractor's License No(s): 2701029544

#### ARTICLE 8 -- DEFINED TERMS

- 8.01 The terms used in this Bid have the meanings stated in the Agreement

(The remainder of this page is blank)



ARTICLE 9 -- BID SUBMITTAL AND SIGNATURES

BIDDER: (Indicate correct name of bidding entity)

Docks of the Bay, LLC

By:

[Signature]



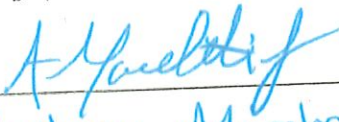
[Printed name]

Kevin Scott George

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.) attached

Attest:

[Signature]



[Printed name]

Anthony Marchetti

Title:

Manager

Submittal Date:

Oct 10th 2023

Address for giving notices:

PO Box 1160 White Stone, VA 22578

Telephone Number:

804. 438. 9200 (c)

804. 989. 2453 (c)

Fax Number:

Contact Name and e-mail address:

Anthony Marchetti

info@docks-of-the-bay.com

Bidder's License No.:

2705084312

(where applicable)



October 20th, 2023

**RE: Windmill Point – Marine Improvements**

Article 7: 7.01

A. Bid Security

- attached

B. List of Proposed Subcontractors

- Earth Resources

C. List of Proposed Suppliers

- Creative Composite Group

- Tangent Sustainable Lumber

- U.S. Supply Company

- Martin Marietta Corporation

D. Contractors liscen No: 2705084312

- copy of license attached

E. Proposed Subcontractor's License No: 2701029544

- copy of license attached

Respectfully,

Kevin George

President

info@docksofthebay.com

**BID BOND**

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

**BIDDER (Name and Address):** Docks of the Bay, LLC  
PO Box 1160  
White Stone, VA 22578

**SURETY (Name, and Address of Principal Place of Business):** Employers Mutual Casualty Company  
PO Box 712  
Des Moines, IA 50306-0712

**OWNER (Name and Address):** County of Lancaster  
8311 Mary Ball Road  
Lancaster, VA 22503

**BID**

**Bid Due Date:** October 20, 2023  
**Description (Project Name— Include Location):** Windmill Point - Marine Improvements

**BOND**

**Bond Number:** Bid Bond 763210

**Date:** October 20, 2023

**Penal sum** Five Percent of Base Bid and all Additives \$ 5% of Bid  
(Words) (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

**BIDDER**

Docks of the Bay, LLC  
Bidder's Name and Corporate Seal

**SURETY**

Employers Mutual Casualty Company  
Surety's Name and Corporate Seal

By:

Signature

Kevin S. George

Print Name

Managing Member, Docks of the Bay, LLC

Title

Attest:

Signature

Title Anthony Marchetti, Accounting

By:

Signature (Attach Power of Attorney)

Matthew L. Wilson

Print Name

Attorney-in-Fact, Employers Mutual Casualty Company

Title

Attest:

Signature

Title Melissa Tillet, Accounting

**Note:** Addresses are to be used for giving any required notice.

Provide execution by any additional parties, such as joint venturers, if necessary.



1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
  - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
  - 3.2 All Bids are rejected by Owner, or
  - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.



Bid Bond #763210

P.O. Box 712 • Des Moines, Iowa 50306-0712



## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation

4. Illinois EMCASCO Insurance Company, an Iowa Corporation
5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

**Matthew L. Wilson**

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute the Bid Bond

Any and All Bonds

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

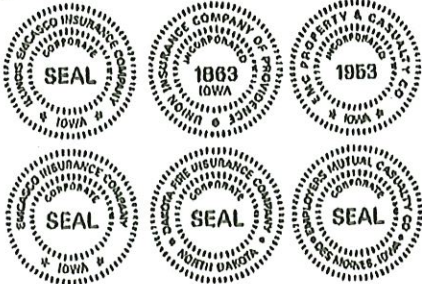
## AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at the first regularly scheduled meeting of each company duly called and held in 1999:

**RESOLVED:** The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS THEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 22nd day of September, 2022.

Seals



*Scott R. Jean*  
Scott R. Jean, President & CEO  
of Company 1; Chairman, President  
& CEO of Companies 2, 3, 4, 5 & 6

*Todd Strother*  
Todd Strother, Executive Vice President  
Chief Legal Officer & Secretary of  
Companies 1, 2, 3, 4, 5 & 6

On this 22nd day of September, 2022 before me a Notary Public in and for the State of Iowa, personally appeared Scott R. Jean and Todd Strother, who, being by me duly sworn, did say that they are, and are known to me to be the CEO, Chairman, President, Executive Vice President, Chief Legal Officer and/or Secretary, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Scott R. Jean and Todd Strother, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed, and the voluntary act and deed of each of the Companies.

My Commission Expires October 10, 2025.

*Kathy Lovridge*  
Notary Public in and for the State of Iowa

## CERTIFICATE

I, Ryan J. Springer, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on 22nd day of September, 2022, are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 20th day of October, 2023.

*Ryan J. Springer*  
Vice President



# COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400, Richmond, VA 23233  
Telephone: (804) 367-8500

EXPIRES ON  
11-30-2024

NUMBER  
2705084312

BOARD FOR CONTRACTORS  
CLASS A CONTRACTOR  
\*CLASSIFICATIONS\* CBC MCC RBC



DOCKS OF THE BAY LLC  
PO BOX 1160  
WHITE STONE, VA 22578

DPOR

*Dorothy J. Mello*  
Dorothy J. Mello, Director

Status can be verified at <http://www.dpor.virginia.gov>

(SEE REVERSE SIDE FOR PRIVILEGES AND INSTRUCTIONS)

DPOR-LIC (02/2017)  
(DETACH HERE)

 COMMONWEALTH of VIRGINIA  
Department of Professional and Occupational Regulation

CLASS A BOARD FOR CONTRACTORS  
CONTRACTOR

\*CLASSIFICATIONS\* CBC MCC RBC  
NUMBER: 2705084312 EXPIRES: 11-30-2024

DOCKS OF THE BAY LLC  
PO BOX 1160  
WHITE STONE, VA 22578



(FOLD)

Status can be verified at <http://www.dpor.virginia.gov>

DPOR-PC (02/2017)



EXPIRES ON  
04-30-2025

Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400, Richmond, VA 23233  
Telephone: (804) 367-8500

NUMBER  
2701029544



BOARD FOR CONTRACTORS  
CLASS A CONTRACTOR  
\*CLASSIFICATIONS\* ADS CBC H/H RBC

EARTH RESOURCES INC  
PO BOX 520  
LANCASTER, VA 22503

DPOR

*Deborah M. Davis*  
Deborah J. Davis, DPOR

Status can be verified at <http://www.dpor.virginia.gov>

DPOR-LIC (02

(SEE REVERSE SIDE FOR PRIVILEGES AND INSTRUCTIONS)

THIS CERTIFICATE MUST BE PUBLICLY DISPLAYED AS PROVIDED BY LAW



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TAXATION

CERTIFICATE OF REGISTRATION FOR THE COLLECTION OF THE

VIRGINIA SALES TAX

NAME AND ADDRESS

THE NAMED DEALER IS HEREBY AUTHORIZED AND EMPOWERED TO COLLECT  
THE SALES OR USE TAX FOR THE COMMONWEALTH OF VIRGINIA

EARTH RESOURCES INC  
P.O. BOX 520  
LANCASTER

VA 22503-0520

REGISTRATION NUMBER

0003089215

REFER TO THIS  
NUMBER IN ALL  
CORRESPONDENCE

BEGINNING LIABILITY DATE

LOCATION

COUNTY OF  
LANCASTER

DATE ISSUED

MONTH

DAY

YEAR

C O R R E C T E D

BUS CLAS 83  
LOC-A 151  
LOC-B





# County of Lancaster, Virginia

## Minutes

Board of Supervisors Meeting

Thursday, October 26, 2023

7:00 PM

Board/Commission Meeting Room

---

**PRESENT:** Ernest Palin, Chairman District 2 Supervisor  
Jason Bellows, Vice-Chairman District 3 Supervisor  
Bill Lee District 4 Supervisor  
Bill Smith District 5 Supervisor  
Craig Giese District 1 Supervisor

**STAFF PRESENT:** Don Gill County Administrator  
James Cornwell County Attorney  
Glenn Rowe I.T. Director  
Crystal Whay Clerk  
Olivia Hall Director of Planning and Land Use

**ABSENT:**

**1 CALL TO ORDER**

Mr. Palin called the meeting to order at 7:00 p.m.  
Pledge of Allegiance

Mr. Palin led everyone in the Pledge of Allegiance.

**2 PUBLIC INPUT SESSION**

There was no public input.

**3 VIRGINIA DEPARTMENT OF TRANSPORTATION**

VDOT Report

David Beale, the VDOT Resident Engineer, stated that they have been cleaning ditches, patching potholes, cutting brush and they removed litter at the Norris Bridge and appreciate the County's assistance there. He stated that they have also been preparing for the upcoming winter and snow season. He stated that mowing and litter removal is underway and should be completed by the middle of November. He stated that paving on Davis Mill Road is expected to happen before the end of the year.

Mr. Beale stated that they had talked about meeting with the Board of Supervisors to discuss the plans about the Norris Bridge replacement. He stated that, currently, there is a consultant doing a site assessment with an anticipated completion time at the end of the year. He stated that they would like to meet with the Board concerning the bridge in January or February of next year.

Mr. Palin thanked Mr. Beale and his staff for what they had been doing down at the Norris Bridge as far as cleanup. He stated that he would like for the message to get out that everyone needs to clean up after themselves.

Mr. Bellows asked if there were no littering signs there.

Mr. Gill replied that they have installed no littering signs and a trash can at the site and the refuse staff will be visiting it once a week.

## **4 PRESENTATIONS**

### **a) Broadband Authority Report**

Kevin Bean, a member of the Broadband Authority, referred to public communications and stated that the majority of information requests from the public are via the website and public meetings. He stated that their At-Large Director, Keith Kidd, manages the responses to website contacts.

Mr. Bean stated that All Points Broadband (APB) gave the Broadband Authority a report in September and told them that Dominion Energy is finished with the middle mile fiber deployment. He stated that APB says that they are still on track for the March 2024 lighting of the network in Lancaster County and May 2024 customer installations.

Mr. Bean stated that Breezeline intends to seek additional VATI funding through the 2024 program to help them, in part, pick up customers who have long driveways and try to finish serving the potential customers in their region.

Mr. Bean stated that Broadband Telecom Services (BTS) continues to provide internet fixed wireless service. He stated that BTS also provides broadband service to the County's smart poles that provide free wireless internet access service in the area around the poles. He stated that the pole in Nuttsville is not operational due to tree coverage.

Mr. Gill stated that the County owns the Nuttsville property where that pole is located, so they could possibly cut down some trees so a signal can be achieved there.

### **b) School Renovation - Construction and Activity Update**

Superintendent Jessica Davis stated that the Elementary School is almost finished. She stated that all of the rooms are open and active, but there are still



some HVAC work going on. She stated that new security measures are in place as well. She stated that there will be an open house for the community on Thursday, November 9th from 5:00 to 6:30 p.m.

c) 2024 General Reassessment Update

Mr. Gill stated that the County was currently under a general reassessment that will take effect January 1, 2024. He stated that they went through a procurement process last year and the Board of Supervisors selected Cowan Services, LLC and Jason Cowan was here to address the Board to give some updates and explain the process. He stated that the new notices will be going out in November.

Jason Cowan, the owner of Cowan Services, LLC, mentioned his education and credentials. He stated that between 40 to 60 percent of local government budgets come from real estate taxes, so it is important to consider. He explained some of the things he does during assessments and field observations to determine a property's value. He stated that most properties are assessed using the cost approach and some properties are assessed using the income approach such as commercial buildings. He explained the types of depreciation that are also considered in the values.

Mr. Smith asked Mr. Cowan if he considered if someone had a neighbor that did not keep their property maintained as well as they did being a factor in the value of that person's property.

Mr. Cowan replied that it could. He stated that it might be in cases where the neighbor has a lot of junk cars and debris in their yard.

Mr. Smith asked Mr. Cowan if he saw some cases like that in this County.

Mr. Cowan replied yes. He stated that he did see some properties that had a lot of stuff in the yard.

Mr. Smith stated that it was a shame for responsible property owners to be affected by irresponsible property owners living next to them.

Mr. Cowan stated that there have been market increases since the last reassessment of 2019 and the housing price index shows an increase of 50 percent in values since the last reassessment. He stated that his conclusion was that, since the last reassessment, residential property values have increased between 30 and 60 percent with an average of 44 percent.

Mr. Bellows asked what contributed to the increase in vacant land.

Mr. Cowan replied that the large acreage tracts had not been increased significantly since 2008 and because of good sales across the region, he set the values where he thought they needed to be. He stated that just about all types of properties increased except for smaller acreage lots.



Mr. Cowan stated that the reassessment notices will be mailed on November 17th and informal appeals will begin December 4th and continue until the end of the year. He stated that the second step would be to have a hearing with the Board of Equalization and those results are final. He stated that those hearings could last until next spring depending on the volume of citizens wanting a hearing on their values. He gave some facts about the Board of Equalization.

Mr. Cowan discussed some non-revenue reasons for considering annual or more frequent reassessments in the future such as avoiding huge increases or decreases in property values.

Mr. Palin thanked Mr. Cowan for a very informative presentation.

## **5 PUBLIC HEARINGS**

- a) Approval of the Master Concept Plans for Carter Cove Park, Taylor Creek Park and the Westland Beach Park at Windmill Point

Mr. Gill stated that the Board of Supervisors has held three work sessions with its contracted architectural and engineering firms to develop master concept plans. He stated that these plans were not fully detailed site plans. He stated that Chris Basic with LPDA was present and his firm has been collaborating with Guernsey Tingle and Bay Design Group. He stated that Mr. Basic was going to present the final versions of the concept master plans.

Mr. Gill stated that it was not required that the Board of Supervisors hold a public hearing on this, but for transparency sake, the Board wanted to hold a public hearing and that was the purpose of this at tonight's meeting as well as to clearly define these areas as parks when it comes time to make a motion.

Bruce Julian stated that he was the Chair of the Access to Public Waters Workgroup and a resident in Bill Smith's District. He stated that, about three years ago, he and Supervisor Bill Lee started a journey with the goal of implementing Chapter 5 of the County's Comprehensive Plan and a major portion of the Strategic Plan of this Board. He stated that, tonight, a major milestone has been reached to consider approval of the Master Plans for three County Parks. He stated that they are at this milestone because of the help and encouragement of many, many people. He stated that he wanted to express his deep appreciation to the following: this Board for providing the necessary resources and input to get to this point, Don Gill and the County staff for their work and rapid responses to requests, the workgroup that he chairs including Claudette Henderson and Albert Pollard, Jr., Jim Cornwell for the required legal documents, the many citizens and community leaders in the County that have provided input and cheered on the planning process, the firms the County has on retainer: Guernsey Tingle Architects, LPDA Landscape Architecture Land Planning and Bay Design Group, who are all represented this evening by Chris Basic and Jackie Nunnery of the Rappahannock Record for getting the news out to the community of these great projects.

Mr. Julian stated that, while the completion of the Master Plans including the



Board's approval this evening is the good news, the bad news is the real heavy lifting and real work of implementation now begins. He stated that, collectively, they must go faster and the community expects it. He stated that requires faster delivery of designs, bids and contracting to install the works of improvement on these parks. He stated that means hard schedules for the firms working on this and it also means increasing County staff support which means more staff. He stated that an old statement on the farm says "when mowing lots of hay, one needs lots of hay balers or the hay gets wet". He stated that he stood ready to help the County go as fast as it can.

Mr. Julian stated that he wanted to share some testimony that he had received from Reverend Judy Thomson of White Stone who fully supports these Master Plans. He read her comments, in part, "I am strongly supportive of the master plans for these three parks. They will greatly enhance Lancaster County's overall appeal, which in turn will positively influence the local economy. I have heard several anecdotes about people considering moving to this area, seeing the beautiful water view from the Norris Bridge, noting all the rivers and coves on the map and then learning there is relatively little access to the water unless one owns waterfront property. My husband and I will use these parks. These parks will go far in enhancing the overall quality of life in Lancaster County."

Chris Basic of LPDA stated that, on behalf of his design partners, Guernsey Tingle and Bay Design Group, they appreciated the opportunity to submit these master plans. He stated that he was going to show some slides and conceptual drawings of the three sites.

Mr. Basic referred to his slides of Carter Cove Park and stated that they have been discussing what amenities would be wanted at each park for the last year or so and have come to some final decisions. He stated that the plans have been modified over time and the design group has had three work sessions with the Board of Supervisors over the summer. He referred to the Carter Cove Park and stated that they have relocated the entrance for improved safety, which will also be a better buffer for the neighbors. He stated that they have relocated the restrooms further away from the water. He stated that a newer addition to the site was a small beach area for kayak/canoe launches. He showed the boat ramp, piers, nature trail and a rendering of the oyster house replica on the site.

Mr. Basic referred to his slides on Taylors Creek Park and stated that there will be some challenges to access the water at this site. He stated that the potential amenities at this site will include limited parking spaces because of a limitation in the deed of gift, nature trails, a restroom facility, a maintenance facility, pier, ADA accessibility to the water, scenic overlook, picnic pavilion and a small beach area for kayak/canoe launches. He stated that, because of the steepness of the parcel, where the pier will be located and access to get there will be better determined in the engineering phase.

Mr. Basic referred to his slides on the Windmill Point Beach site and showed slides of how much this site has eroded over the years. He stated that this erosion has made the public beach there very small. He stated that their plan includes being able to access the parking area two ways to minimize people using private driveways to turn around. He stated that the bathhouse has been



moved closer to the fishing pier and parking. He stated that the site will include a fishing pier, small shade structures and a much larger beach area. He stated that the current beach area is approximately 2,000 square feet and that will increase to 47,000 square feet once the project is completed.

Mr. Bellows asked about next steps.

Mr. Gill replied that the next steps are, assuming the Board approves these master plans tonight, the engineering and architectural teams will come up with construction estimates for the bidding process. He stated that he has been told that those estimates may be ready for presentation at the Board's next meeting on November 16th. He stated that there was a meeting with Bay Design Group last Friday and some timelines were set then. He stated that they were looking at going out to bid on the road for the Taylors Creek Park in January. He stated that he had been told that the park that has the most significant construction and is going to take the most planning and engineering is Carter Cove Park, so they were looking at possibly an April timeframe to go out to bid on that site. He referred to Taylors Creek Park and stated that site will have two requests for proposals. He stated that the first one was for the road and the second one was for the amenities such as the trails, pier and picnic shelter. He referred to the Carter Cove Park and stated that will have one request for proposals for the entire project. He referred to the Windmill Point Beach project and stated that has two requests for proposals. He stated that the first (which is being considered tonight) was the shoreline restoration, dredging of the inlet channel and the pier. He stated that the second request for proposals that will be done in the future will be for the parking lot, bathhouse and whatever needs to be done at the end of Windmill Point Road.

Mr. Palin opened the public hearing.

Fulton Sensabaugh stated that he was a property owner at The Landing at Windmill Point and he wanted the Board to know that he appreciated their efforts and they have his support.

Mr. Palin closed the public hearing.

***District 4 Supervisor Bill Lee moved to approve the Master Concept Plans as presented subject to final design and construction in accordance with local, state or federal regulations, for the Carter Cove Park on land owned by Lancaster County and located on tax map parcel #33-164; the Taylor Creek Park on land owned by Lancaster County and located on tax map parcel #27G-1-19; and, the Westland Beach/Windmill Point Park located on tax map parcels #40D-1-2, 41-40 and 41-4 and to declare the location of these parks are in conformity with the applicable provisions of the Lancaster County Comprehensive Plan, Section 15.2-2232 of the Code of Virginia and Article 2 of Chapter 18 of Title 15.2 of the Code of Virginia.***

***District 2 Supervisor Ernest Palin,     Aye***  
***Chairman***



<b>District 3 Supervisor Jason Bellows, Vice-Chairman</b>	<b>Aye</b>
<b>District 4 Supervisor Bill Lee</b>	<b>Aye</b>
<b>District 5 Supervisor Bill Smith</b>	<b>Aye</b>
<b>District 1 Supervisor Craig Giese</b>	<b>Aye</b>

Vote: 5 to 0. 0 Abstained. Motion Carried.

- b) Application for Formal Bay Act Appeal of Notice of Violation - Sanders

Mr. Gill stated that the applicants have requested that this application be tabled until the Board's November 16th meeting. He stated that, since this was advertised as a public hearing, he would suggest that if anyone wants to speak on this matter, that they be allowed to do so.

Mr. Palin asked if anyone in the audience or online wanted to comment on this application.

There was no comment.

***District 5 Supervisor Bill Smith moved to table the application for a Formal Bay Act Appeal of notice of violation until the November Board meeting at the request of the applicant.***

<b>District 2 Supervisor Ernest Palin, Chairman</b>	<b>Aye</b>
<b>District 3 Supervisor Jason Bellows, Vice-Chairman</b>	<b>Aye</b>
<b>District 4 Supervisor Bill Lee</b>	<b>Aye</b>
<b>District 5 Supervisor Bill Smith</b>	<b>Aye</b>
<b>District 1 Supervisor Craig Giese</b>	<b>Aye</b>

Vote: 5 to 0. 0 Abstained. Motion Carried.

## 6 **CONSENSUS DOCKET**

- a) Minutes for the September 28, 2023 Regular Meeting
- b) Minutes for the October 2, 2023 Special Called Joint Meeting with the School Board

***District 3 Supervisor Jason Bellows, Vice-Chairman moved to approve the Consensus Docket.***

<b>District 2 Supervisor Ernest Palin, Chairman</b>	<b>Aye</b>
<b>District 3 Supervisor Jason</b>	<b>Aye</b>

**Bellows, Vice-Chairman**  
**District 4 Supervisor Bill Lee**      **Aye**  
**District 5 Supervisor Bill Smith**      **Aye**  
**District 1 Supervisor Craig Giese**      **Aye**

Vote: 5 to 0. 0 Abstained. Motion Carried.

## **7 CONSIDERATION DOCKET**

### **a) Salaries and Invoices - October**

**District 3 Supervisor Jason Bellows, Vice-Chairman moved to approve the invoice listings for October 2023 in the amount of \$1,430,883.77 and the salaries for October 2023 in the amount of \$416,259.93. He stated that, of the invoice listings, \$768,105.67 was for capital improvements and \$75.58 was for ARPA expenses.**

**District 2 Supervisor Ernest Palin,      Aye**  
**Chairman**  
**District 3 Supervisor Jason      Aye**  
**Bellows, Vice-Chairman**  
**District 4 Supervisor Bill Lee      Aye**  
**District 5 Supervisor Bill Smith      Aye**  
**District 1 Supervisor Craig Giese      Aye**

Vote: 5 to 0. 0 Abstained. Motion Carried.

### **b) Award of Bid for the Windmill Point Marine Improvements Project**

Mr. Gill stated that on September 14th an Invitation to Bid was issued requesting bids from qualified firms for the construction of the Windmill Point Marine Improvements Project. He stated that this involves the shoreline restoration, sand nourishment and breakwaters as well as a supplemental joint permit application submitted for dredging of the inlet to the marina basin and a fishing pier. He stated that this bid included the original pier length that was over 600 feet long, but the pier will now be reduced in length, so the overall total cost will be decreased. He stated that was why in the staff recommendation there was a "not to exceed amount". He stated that the lowest responsible bidder was Docks of the Bay, LLC. He stated that Bay Design Group provided a recommendation and did a bid tabulation and verified that the bid was qualified and responsible.

Mr. Cornwell stated that he had prepared and Mr. Gill has reviewed and approved a deed from Windmill Point for the perpetual easement and that had been circulated to the owner of the Windmill Point Marina and, to date, they have not heard anything from him. He stated that they were still waiting on the title report and hoped to receive it within the next week.

Mr. Bellows stated that he would like for them to work with the contractor, so they



can have a ribbon cutting when they break ground.

Mr. Gill stated that the contractors can only work between October 1st and May 1st because of the tiger beetle. He stated that once the notice to proceed is given with this award tonight, the contract will be circulated for signatures and he thought the contractors would want to begin as soon as possible.

***District 3 Supervisor Jason Bellows, Vice-Chairman moved to approve the award of bid for the Windmill Point Marine Improvements Project to Docks of the Bay, LLC in the not to exceed amount of \$3,606,379 contingent upon the recordation of all associated perpetual deeds of easement and permit approvals by local, state and federal agencies.***

<b><i>District 2 Supervisor Ernest Palin,</i></b>	<b><i>Aye</i></b>
<b><i>Chairman</i></b>	
<b><i>District 3 Supervisor Jason</i></b>	<b><i>Aye</i></b>
<b><i>Bellows, Vice-Chairman</i></b>	
<b><i>District 4 Supervisor Bill Lee</i></b>	<b><i>Aye</i></b>
<b><i>District 5 Supervisor Bill Smith</i></b>	<b><i>Aye</i></b>
<b><i>District 1 Supervisor Craig Giese</i></b>	<b><i>Aye</i></b>

***Vote: 5 to 0. 0 Abstained. Motion Carried.***

## **8 BOARD REPORTS**

Mr. Bellows referred to an advertisement about the local school system in the Rappahannock Record this week and stated that the Board of Supervisors and the School Board have been working hard together. He stated that some plans were presented in the advertisement, but he did not see any actionable items. He stated that they have been working with the school district to develop a strategic plan. He stated that, overall, the piece is saying that they should say that the local schools are failing based on SOL scores. He stated that SOL scores are probably one of the least productive means of measuring education and it is a fact that the focus on test scores is the reason that they are in the boat that they are in. He stated that the focus should be on how to teach kids and paying teachers professional salaries. He stated that, if they continue to waste money on testing and data, they will never get to the point where they can pay teachers professional wages. He stated that they needed to push back on the bureaucracy that has come down from the federal government and a lot of this is nothing but unfunded mandates.

Mr. Palin stated that he agreed. He stated that in his experience he had seen how mandates and changes can affect how teachers have to teach and it is not always beneficial for the school system and can tie teachers' and administrators' hands.

Mr. Bellows referred to the piece in the local paper regarding schools and stated that it was easy to make recommendations, but it is more difficult to put actionable items behind those recommendations and assign people to carry out those actions and bring those plans to fruition.

## Appointments

***District 4 Supervisor Bill Lee moved to reappoint Roy Carter and Samuel Rice to the Lancaster County Economic Development Authority.***

***District 2 Supervisor Ernest Palin, Aye  
Chairman***

***District 3 Supervisor Jason Bellows, Vice-Chairman Aye***

***District 4 Supervisor Bill Lee Aye***

***District 5 Supervisor Bill Smith Aye***

***District 1 Supervisor Craig Giese Aye***

Vote: 5 to 0. 0 Abstained. Motion Carried.

## 9 COUNTY ADMINISTRATOR REPORT

Mr. Gill stated that the regular November Board of Supervisors meeting will be held on Thursday, November 16th due to the Thanksgiving holiday.

Mr. Gill stated that, from November 12th to November 14th, the entire Board of Supervisors will be attending the Virginia Association of Counties (VACo) annual conference at The Homestead in Bath County. He stated that Mr. Bellows is the VACo President this year and he will be presiding over the conference. He stated that public business matters may be discussed while there, but no action will be taken and no decisions will be made.

## 10 CLOSED MEETING

- a) Per Sections §2.2-3711.A.1 (Personnel), §2.2-3711.A.3 (Acquisition/Disposition of Real Property) and §2.2-3711.A.8 (Legal Matters) of the Code of Virginia, 1950, as amended.

***District 3 Supervisor Jason Bellows, Vice-Chairman moved to enter into a closed meeting to discuss Personnel, §2.2-3711.A.1 of the Code of Virginia, 1950, as amended, for the discussion and consideration of the assignment, appointment, promotion, performance or salaries of specific public officers, appointees or employees of the public body, Acquisition/Disposition of Real Property, §2.2-3711.A.3 of the Code of Virginia, 1950, as amended, for the discussion or consideration of the acquisition/disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and Legal Matters, §2.2-3711.A.8 of the Code of Virginia, 1950, as amended, for the consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.***

***District 2 Supervisor Ernest Palin, Aye***



<b>Chairman</b>	
<b>District 3 Supervisor Jason Bellows, Vice-Chairman</b>	<b>Aye</b>
<b>District 4 Supervisor Bill Lee</b>	<b>Aye</b>
<b>District 5 Supervisor Bill Smith</b>	<b>Aye</b>
<b>District 1 Supervisor Craig Giese</b>	<b>Aye</b>

Vote: 5 to 0. 0 Abstained. Motion Carried.

- b) Reconvene to Open Meeting

**District 2 Supervisor Ernest Palin, Chairman moved to convene the open meeting.**

<b>District 2 Supervisor Ernest Palin, Chairman</b>	<b>Aye</b>
<b>District 3 Supervisor Jason Bellows, Vice-Chairman</b>	<b>Aye</b>
<b>District 4 Supervisor Bill Lee</b>	<b>Aye</b>
<b>District 5 Supervisor Bill Smith</b>	<b>Aye</b>
<b>District 1 Supervisor Craig Giese</b>	<b>Aye</b>

Vote: 5 to 0. 0 Abstained. Motion Carried.

- c) Certification of Closed Meeting

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on October 26, 2023 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel, Acquisition/Disposition of Real Property and Legal Matters, in accordance with Sections §2.2-3711.A.1, 2.2-3711.A.3 and 2.2-3711.A.8 of the Virginia Freedom of Information Act;

WHEREAS, Section §2.2-3712 (D) of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

**District 2 Supervisor Ernest Palin, Chairman moved to certify the closed meeting.**

***Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment. Hearing no further comment, Mr. Palin called the question.***

<b><i>District 2 Supervisor Ernest Palin,</i></b>	<b><i>Aye</i></b>
<b><i>Chairman</i></b>	
<b><i>District 3 Supervisor Jason</i></b>	<b><i>Aye</i></b>
<b><i>Bellows, Vice-Chairman</i></b>	
<b><i>District 4 Supervisor Bill Lee</i></b>	<b><i>Aye</i></b>
<b><i>District 5 Supervisor Bill Smith</i></b>	<b><i>Aye</i></b>
<b><i>District 1 Supervisor Craig Giese</i></b>	<b><i>Aye</i></b>

Vote: 5 to 0. 0 Abstained. Motion Carried.

This certification resolution is adopted.

County Attorney Jim Cornwell referenced a proposal from the Northern Neck Partners for Pets to assume overall operational management and specific fiscal responsibility for the Lancaster County Animal Control Shelter. He stated that, due to issues of safety of staff and visitors and potential liability issues for the County, he could not recommend the County entering into this agreement.

d) Action taken:

***District 2 Supervisor Ernest Palin, Chairman moved to reject the proposal from Northern Neck Partners for Pets.***

<b><i>District 2 Supervisor Ernest Palin,</i></b>	<b><i>Aye</i></b>
<b><i>Chairman</i></b>	
<b><i>District 3 Supervisor Jason</i></b>	<b><i>Aye</i></b>
<b><i>Bellows, Vice-Chairman</i></b>	
<b><i>District 4 Supervisor Bill Lee</i></b>	<b><i>Aye</i></b>
<b><i>District 5 Supervisor Bill Smith</i></b>	<b><i>Aye</i></b>
<b><i>District 1 Supervisor Craig Giese</i></b>	<b><i>Aye</i></b>

Vote: 5 to 0. 0 Abstained. Motion Carried.

## **11 ADJOURN**

***District 2 Supervisor Ernest Palin, Chairman moved to adjourn the meeting.***

<b><i>District 2 Supervisor Ernest Palin,</i></b>	<b><i>Aye</i></b>
---------------------------------------------------	-------------------



**Chairman**

**District 3 Supervisor Jason Aye**

**Bellows, Vice-Chairman**

**District 4 Supervisor Bill Lee Aye**

**District 5 Supervisor Bill Smith Aye**

**District 1 Supervisor Craig Giese Aye**

Vote: 5 to 0. 0 Abstained. Motion Carried.



---

Don G. Gill, County Administrator

## **APPENDIX D**

# **U.S. FISH & WILDLIFE SERVICE REVIEW OF PROJECT**





## 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



October 14, 2022

In Reply Refer To:  
Project Code: 2022-0063054  
Project Name: Windmill Point Road Pre-application

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



10/14/2022

3

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: 2022-0063054

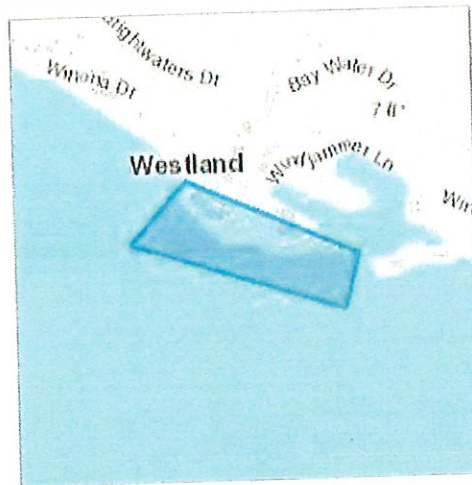
Project Name: Windmill Point Road Pre-application

Project Type: Beach nourishment

Project Description: Breakwaters and Beach Nourishment

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.615448400000005,-76.29330951491603,14z>



Counties: Lancaster County, Virginia

## Endangered Species Act Species

There is a total of 2 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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Insects

NAME	STATUS
Northeastern Beach Tiger Beetle <i>Habroscelimorpha dorsalis dorsalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8105">https://ecos.fws.gov/ecp/species/8105</a>	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 Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

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
<b>American Oystercatcher <i>Haematopus palliatus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8935">https://ecos.fws.gov/ecp/species/8935</a>	Breeds Apr 15 to Aug 31
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> 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.	Breeds Oct 15 to Aug 31



NAME	BREEDING SEASON
<b>Black Skimmer <i>Rynchops niger</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/5234">https://ecos.fws.gov/ecp/species/5234</a>	Breeds May 20 to Sep 15
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Eastern Whip-poor-will <i>Antrostomus vociferus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
<b>Gull-billed Tern <i>Gelochelidon nilotica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9501">https://ecos.fws.gov/ecp/species/9501</a>	Breeds May 1 to Jul 31
<b>Prairie Warbler <i>Dendroica discolor</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Ruddy Turnstone <i>Arenaria interpres morinella</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Short-billed Dowitcher <i>Limnodromus griseus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere
<b>Willet <i>Tringa semipalmata</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5
<b>Wood Thrush <i>Hylocichla mustelina</i></b> 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.

---

■ probability of presence   ■ breeding season   | survey effort   — no data





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-incidental-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**

Agency: Army Corps of Engineers  
Name: Nancy Davis  
Address: 803 Front Street  
City: Norfolk  
State: VA  
Zip: 23510  
Email: nancy.p.davis@usace.army.mil  
Phone: 7572017044

# Species Conclusions Table

Project Manager: Nancy Davis		Project Name: Windmill Point (Westland Beach) Breakwaters and Beach Nourishment	
Date: 11/2/2022		Project Number: NAO-2019-01193 (22-V2229)	
Project Description: The applicant proposes to remove concrete debris and portions of existing stone groins; construct five armor stone breakwaters, two armor stone spurs, beach nourishment; and add new plantings. The project would result in the loss of 0.57 acre of subaqueous bottom and 0.02 acre of tidal non-vegetated wetlands (covering existing stone groins). In addition, the ecological restoration would include 2.81 acres of beach nourishment and 0.96 acre of new beach and dune plantings.			

Species Under the Jurisdiction of FWS:				
Species/Resource Name	Habitat/Species Presence in Action Area	ESA Section 7 Determination	Sources of Info	Project Elements that Support Determination
Northern long-eared bat (Myotis septentrionalis)	No suitable habitat present	No effect	"Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.  During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds."	No trees or other suitable habitat present



# Species Conclusions Table

Date: 11/2/2022

Project Number: NAO-2019-01193 (22-V2229)

Northeastern beach tiger beetle (Cicindela dorsalis dorsalis)	Suitable habitat present, species not present	Not likely to adversely affect	"Historically, the northeastern beach tiger beetle was common on coastal beaches from Massachusetts to central New Jersey, and along the Chesapeake Bay in Maryland and Virginia. Currently, the only populations known to exist along the Atlantic Coast are in New Jersey and southeastern Massachusetts. The majority of populations occur in the Chesapeake Bay." "Adult and larval tiger beetles are found on long, wide, dynamic beaches that have little human and vehicular activity, fine sand-particle size, and a high degree of exposure to tidal action."	The following comments were provided by FMS on 8/19/2021 for this site under VMRC#21-1029: "Based on the 2021 survey results provided by Barry Kinsley to the Service via email on August 16, 2021, no adults and no apparent habitat have been found in the action area or areas directly adjacent to the action area. Adults have been documented within 1-mile of the action area. Because adult tiger beetles can fly more than a mile to colonize a beach, a time-of-year restriction (May 15-October 1) is recommended. The applicant has agreed to adhere to this time-of-year restriction, therefore, we believe any effects of the project on the northeastern beach tiger beetle will be insignificant and discountable, and that the project, as proposed, is not likely to adversely affect this species." The TOYR restriction will be added to the permit letter as a special condition.
Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus)	No critical habitat present	Not likely to adversely affect	Atlantic sturgeon are "anadromous"; adults spawn in freshwater in the spring and early summer and migrate into "estuarine" and marine waters where they spend most of their lives. In some southern rivers a fall spawning migration may also occur. They spawn in moderately flowing water (46-76	A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
Shortnose sturgeon (Acipenser brevirostrum)	No critical habitat present	Not likely to adversely affect	All life stages; shortnose sturgeon occur in large coastal rivers of eastern North America, from New Brunswick to Florida (Dadswell et al. 1984). In the Gulf of Maine important numbers of shortnose	A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
Green Sea Turtle (Chelonia mydas)	No critical habitat present	Not likely to adversely affect	Adult females migrate from foraging areas to mainland or island nesting beaches and may travel hundreds or thousands of kilometers each way. After emerging from the nest, hatchlings swim to offshore areas, where they are believed to live for several years, feeding close to the surface on a	A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
Loggerhead Sea Turtle (Caretta caretta)	No critical habitat present	Not likely to adversely affect	Loggerheads nest on ocean beaches, generally preferring high energy, relatively narrow, steeply sloped, coarse-grained beaches. Immediately after hatchlings emerge from the nest, they begin a period of frenzied activity. During this active period, hatchlings move from their nest to the surf,	A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.



# Species Conclusions Table

Date: 11/2/2022

Project Number: NAO-2019-01193 (22-V2229)

Leatherback Sea Turtle ( <i>Dermochelys coriacea</i> )	No critical habitat present	Not likely to adversely affect	The Eastern Pacific Leatherback subpopulation nests along the Pacific coast of the Americas from Mexico to Ecuador, and marine habitats extend from the coastline westward to approximately 130°W and south to approximately 40°S. This subpopulation is genetically distinct from all other Leatherback subpopulations, despite having some areas of overlap with the Western Pacific subpopulation (Dutton et al. 1999). In the Atlantic nesting female leatherbacks tagged in French Guiana have been found along the east tracked, using satellite transmitters, to the west coast of North America as far north as Newfoundland. Atlantic Canada supports one of the largest seasonal foraging populations of leatherbacks in the Atlantic. Leatherbacks have also been tagged with satellite transmitters at sea off Nova Scotia (James et al. 2005). Adult leatherbacks are capable of tolerating a wide range of water temperatures and have been sighted along the entire continental east coast of the United States as far north as the Gulf of Maine and south to Puerto Rico, the U.S. Virgin Islands, and into the Gulf of Mexico.	A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
Kemp's Ridley Sea Turtle ( <i>Lepidochelys kempi</i> )	No critical habitat present	Not likely to adversely affect	Adult Kemp's primarily occupy "neritic" habitats. Neritic zones typically contain muddy or sandy bottoms where prey can be found. Their diet consists mainly of swimming crabs, but may also include fish, jellyfish, and an array of mollusks.	A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
<b>NOAA Fisheries</b>				
Essential Fish Habitat	Present	Not likely to adversely affect	Little Skate, Atlantic Herring, Red Hake, Winter Hake, Clearnose Skate, Windwardpane Flounder, Sandbar Shark, Bluefish, Summer Flounder	The waterway width of the Rappahannock River is approximately four miles at the project site and should allow safe passage. A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.



## Date: 11/2/2022

Project Number: NAO-2019-01193 (22-V2229)

Anadromous Fish Use Area	Present	Not likely to adversely affect	Identified as an anadromous fish use area on the Regulatory Report	The waterway width of the Rappahannock River is approximately four miles at the project site and should allow safe passage. A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
SAV Beds	Present	Not likely to adversely affect	VIMS SAV website	The five-year composite from the Virginia Institute of Marine Science submerged aquatic vegetation website indicates that the project will be outside of intermittent submerged aquatic vegetation on the west end and within intermittent submerged aquatic vegetation on the east end, however, these beds have not been observed since the 2018 survey. A turbidity curtain will be installed and maintained throughout the construction process to minimize any sedimentation and bottom disturbance outside of the construction area.
Other (species not listed above)				

Copyright © 2014 NatureServe, 4800 N. Fairfax Dr., 10 Floor, Arlington Virginia 22203, U.S.A. All Rights Reserved. Local conservation action plan document. The following citation should be used in any published materials which reference the web site.

## **APPENDIX E**

# **LANCASTER COUNTY WETLANDS BOARD PERMIT**





# COUNTY OF LANCASTER

FOUNDED 1651 IN VIRGINIA

LANCASTER COURTHOUSE  
8311 MARY BALL ROAD  
LANCASTER, VIRGINIA 22503

804-462-5129  
804-462-0031 (FAX)  
www.lancova.com

Don G. Gill  
County Administrator

## BOARD OF SUPERVISORS

Craig H. Glass, 1st District  
Ernest W. Pallin, Jr., 2nd District  
Jason D. Bellows, 3rd District  
William R. Lee, 4th District  
William C. Smith, 5th District

## WETLANDS BOARD COUNTY OF LANCASTER, VIRGINIA WETLANDS PERMIT

Pursuant to chapter 2.1 of the Code of Virginia (1950) as amended, the Commonwealth of Virginia, Lancaster County Wetlands Board, hereinafter referred to as the Board, hereby authorizes the construction project described below.

1. Permittee, Project, Special Conditions, And Board-Required Revisions Bearing the Date of September 20, 2022: Lancaster County Board of Supervisors et Al. c/o Craig Palubinski, 9 Steamboat Landing, Kinsale, VA 22488; requests permission to install five armor stone breakwaters (180', 240', 220', 90', & 110'), two armor stone spurs (60' & 50'), and 18,000 cubic yards of beach nourishment with 42,000 square feet of beach and dune vegetation plantings along the shoreline of the Rappahannock River. Located off VSH 695 (Windmill Point Road) at the end of Windmill Point Road. Tax Map #41-4-0, 40D-1-2 & 40-39. VMRC #22-2229.

*Approved as submitted.*

2. The official and complete description of this project is contained in the permittee's application for wetlands permit as approved by this Board on this date and is made a part hereof.
3. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or authority required for the project.
4. DATES: The project shall not be started before October 24, 2022, and must be completed prior to October 24, 2025.  
NOTE: No extensions shall be granted beyond these dates without application for extension, in writing, to the wetlands board prior to the permit expiration date.
5. GENERAL CONDITIONS: This Permit Is Granted Subject To The Following Terms And Conditions:
  - a. Except as hereinafter provided, all phases of the project shall conform in all particulars to the permittee's application for wetlands permit. The duly authorized agents of the Board shall have the right to enter the premises at any reasonable time for the purpose of inspecting the work being done pursuant to this permit.
  - b. The permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth. (Such other terms and conditions peculiarly applicable to the particular project being permitted in order to promote to the greatest extent possible the public policy expressed in the Act and to minimize the impact of the project upon the rights and property of others and upon the ability of the local government to provide governmental services.)
  - c. This permit shall not be transferred without the prior written approval of the Board.
  - d. Permittee shall comply with all applicable laws, ordinances, rules and regulations affecting the conduct of this project.
  - e. Permittee shall adhere to proper E & S controls during wetlands construction and acquire the necessary county E & S permits for work landward of mean high water.
  - f. This permit shall be revoked at any time by the Board upon failure of the permittee to comply with any of the terms and conditions hereof.

IN WITNESS, WHEREOF, the County of Lancaster, Virginia, Wetlands Board has caused these presents to be executed in its behalf by the Chairman, whose signature is affixed hereto as evidence of his acceptance of the terms and conditions hereof.

Commonwealth of Virginia  
County of Lancaster  
Wetlands Board:

By Elna Renee  
Board Chairman  
Affirmed before me this 26<sup>th</sup> day of October, 2022  
By the Chairman, Lancaster Co. Wetlands Board

Cyril Lynn Whay  
Notary Public  
My commission expires 11/30/23  
Notary #: 7362746

Permittee: Don G. Gill

City/County of Lancaster  
Commonwealth of Virginia  
The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of October, 2022

By Don G. Gill  
Cyril Lynn Whay  
Notary Public (authentication & seal)  
My commission expires 11/30/23  
Notary #: 7362746

CYRIL LYNN WHAY  
Notary Public  
Commonwealth of Virginia  
Registration Number 7362746  
COMM. EXPIRES: NOVEMBER 30, 2023

CYRIL LYNN WHAY  
Notary Public  
Commonwealth of Virginia  
Registration Number 7362746  
COMM. EXPIRES: NOVEMBER 30, 2023

---

**APPENDIX F**

**ARMY CORPS OF ENGINEERS CORRESPONDENCE &  
PERMIT**





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

March 31, 2023

Northern Virginia Regulatory Section  
NAO-2019-01193 / VMRC# 22-V2229 (Rappahannock River)

Don G. Gill, County Administrator - Lancaster County Board of Supervisors;  
Peter D. Anzo, Manager - RL PROP. 2011 Investments, LLC; and  
David J. Simons, Member - The Landing Owners Association  
c/o Craig Palubinski - Bayshore Design, LLC  
9 Steamboat Landing  
Kinsale, VA 22488

Dear Sirs:

Enclosed is an electronic copy of a Department of the Army permit authorizing you to perform certain work in waters of the United States. The permit must be signed by the applicants in the spaces provided for the permittees signatures and returned to the address below or emailed to [nancy.p.davis@usace.army.mil](mailto:nancy.p.davis@usace.army.mil), If returned electronically. Upon receipt, the district engineer or his authorized representative will sign the permit and return it to you. **The permit is not valid until signed by both parties.**

This letter contains an initial proffered permit for your proposed project. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the Norfolk District Office at the following address: United States Army Corps of Engineers, CENAO-WR-R, Andrew Beaudet, Acting Chief, Regulatory Branch, 803 Front Street, Norfolk, VA 23510-1011.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within **60 days** from the date of this letter. It is not necessary to submit an RFA form to the District office if you do not object to the decision in this letter.

Please take note of project specific special conditions and general conditions incorporated in this permit. Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.

If any material change in the plan of the work is found necessary, revised plans must be submitted and approved before any work is begun.

If you have any questions, you may call Nancy Davis at (757) 677-6298 or [nancy.p.davis@usace.army.mil](mailto:nancy.p.davis@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "M Tucker Smith".

Tucker Smith  
Chief, Northern Virginia  
Regulatory Section

Enclosure(s)





U.S. Army Corps  
Of Engineers  
Norfolk District

Fort Norfolk, 803 Front Street  
Norfolk, Virginia 23510-1096

## DEPARTMENT OF THE ARMY PERMIT

### Permittees:

- 1) Don G. Gill, County Administrator - Lancaster County Board of Supervisors;
- 2) Peter D. Anzo, Manager - RL PROP. 2011 Investments, LLC; and
- 3) David J. Simons, Member - The Landing Owners Association

Permit No.: NAO-2019-01193 / VMRC# 22-V2229

Issuing Office: U.S. Army Corps of Engineers Norfolk District Regulatory Branch  
(CENAO-WR-R)

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

### Project Description:

The permittees are hereby authorized to restore approximately 1,324 linear feet of eroding shoreline and construct five (5) armor stone breakwaters, two (2) armor stone spurs, and 2.80 acres of beach nourishment with 0.96 acre of new dune plantings. All work will be performed on the Rappahannock River at Westland Beach, Windmill Point Marina, and the Landing Owners Association at the end of Windmill Point Road, in Lancaster County, Virginia as described above and depicted on the attached drawings titled, "**Proposed Shoreline Stabilization Project, Windmill Point Marina and Westland Beach, Windmill Point-Fleets Island, Lancaster County, Virginia**" prepared by Bayshore Design, LLC and stamped as received by this office on September 20, 2022, October 11, 2022, and January 9, 2023.

**Project Location:** The project is located on the Rappahannock River at Westland Beach, Windmill Point Marina, and the Landing Owners Association at the end of Windmill Point Road, in Lancaster County, Virginia.  
Latitude 37.6157°, Longitude -76.2935°

**Project Specific Special Conditions:**

1. Prior to the commencement of any work authorized by this permit, you shall advise the project manager, Nancy Davis, at [nancy.p.davis@usace.army.mil](mailto:nancy.p.davis@usace.army.mil), at least two weeks in advance of starting work authorized by this permit. Alert the project manager of the anticipated start date of the authorized activity and the name and telephone number of all contractors or other persons performing the work. A copy of this permit and drawings must be provided to the contractor and kept on site at all times, available to any regulatory representative during an inspection of the project site.
2. The time limit for completing the work authorized ends on **March 31, 2028**. Should you be unable to complete the authorized activity in the time limit provided, you must submit your request for a time extension to this office for consideration at least one month before the permit expiration date.
3. Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.
4. In compliance with the Endangered Species Act, work may not take place on the beach from May 15 to October 1 of any given year to protect the Northeastern beach tiger beetle (*Habroscelimorpha dorsalis dorsalis*).
5. The material used for beach nourishment and wetlands planting shall be of similar type and composition as the existing sand present along the shoreline with an average grain size of 0.5mm to 0.7mm.
6. Existing concrete debris and rubble will be removed and disposed of in an approved upland location. Only clean broken concrete, free of any rebar and wire mesh, may be used as part of the core base for the breakwaters. The existing failed stone groins will be removed and the stone will also be reused as part of the core base for the breakwaters.
7. **MONITORING REQUIREMENTS:** The applicant will provide a written monitoring report at the end of the first full growing season following planting, and after the second year of establishment. The monitoring should be undertaken between June and September of each year and should include at a minimum: the project location, the Corps project number, representative photos of the site, and a brief statement on the success of the project.



8. The permittee shall use appropriate erosion and sediment controls, including the use of turbidity curtains during construction.
9. Destruction or alteration of waters of the U.S. (including wetlands) other than those impacts authorized under this permit are prohibited.
10. If a project specific condition of this permit cannot be met, then you must apply for a permit modification. Any proposed permit modification will be coordinated with the Virginia Department of Environmental Quality, NOAA, USFWS, Lancaster County, and the Environmental Protection Agency Region III.

**General Conditions:**

1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
2. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
6. No discharge of dredged or fill material may consist of unsuitable material (e.g.: trash, debris, car bodies, asphalt etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

8. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
9. The construction or work authorized by this permit will be conducted in a manner so as to minimize any degradation of water quality and/or damage to aquatic life. Also, you will employ measures to prevent or control spills of fuels or lubricants from entering the waterway.
10. Any heavy equipment working in wetlands other than those permitted for permanent impact must be placed on mats or other measures must be taken to minimize soil disturbance.
11. Failure to comply with the terms and conditions of this permit can result in enforcement actions against the permittee and/or contractor.
12. In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.
13. All dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water which tend to degrade water quality and damage aquatic life.
14. Your use of the permitted activity must not interfere with the public's right to reasonable navigation on all navigable waters of the United States.
15. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required upon due notice from the Corps of Engineers to remove, relocate, or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alternation.

**Further Information:**

1. Limits of this authorization:
  - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.



- c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions: Project Specific Condition #2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Dredging authorization shall not exceed 10 years (33 CFR 325.6(e)) and further authorization would require a new application.

Your signatures below, as the permittees, indicate that you accept and agree to comply with the terms and conditions of this permit.



Don G. Gill (Permittee)  
County Administrator - Lancaster County Board of Supervisors

7/24/23

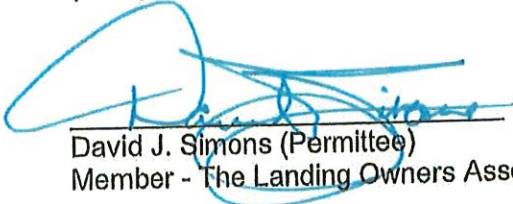
(Date)



Peter D. Anzo (Permittee)  
Manager - RL PROP. 2011 Investments, LLC

7/24/23

(Date)




David J. Simons (Permittee)  
Member - The Landing Owners Association

7/24/23

(Date)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



For Brian P. Hallberg, PMP  
Colonel, U.S. Army  
Commanding

July 25, 2023

(Date)

NAO-2019-01193 / VMRC #22-2229 IP



When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(Transferee)

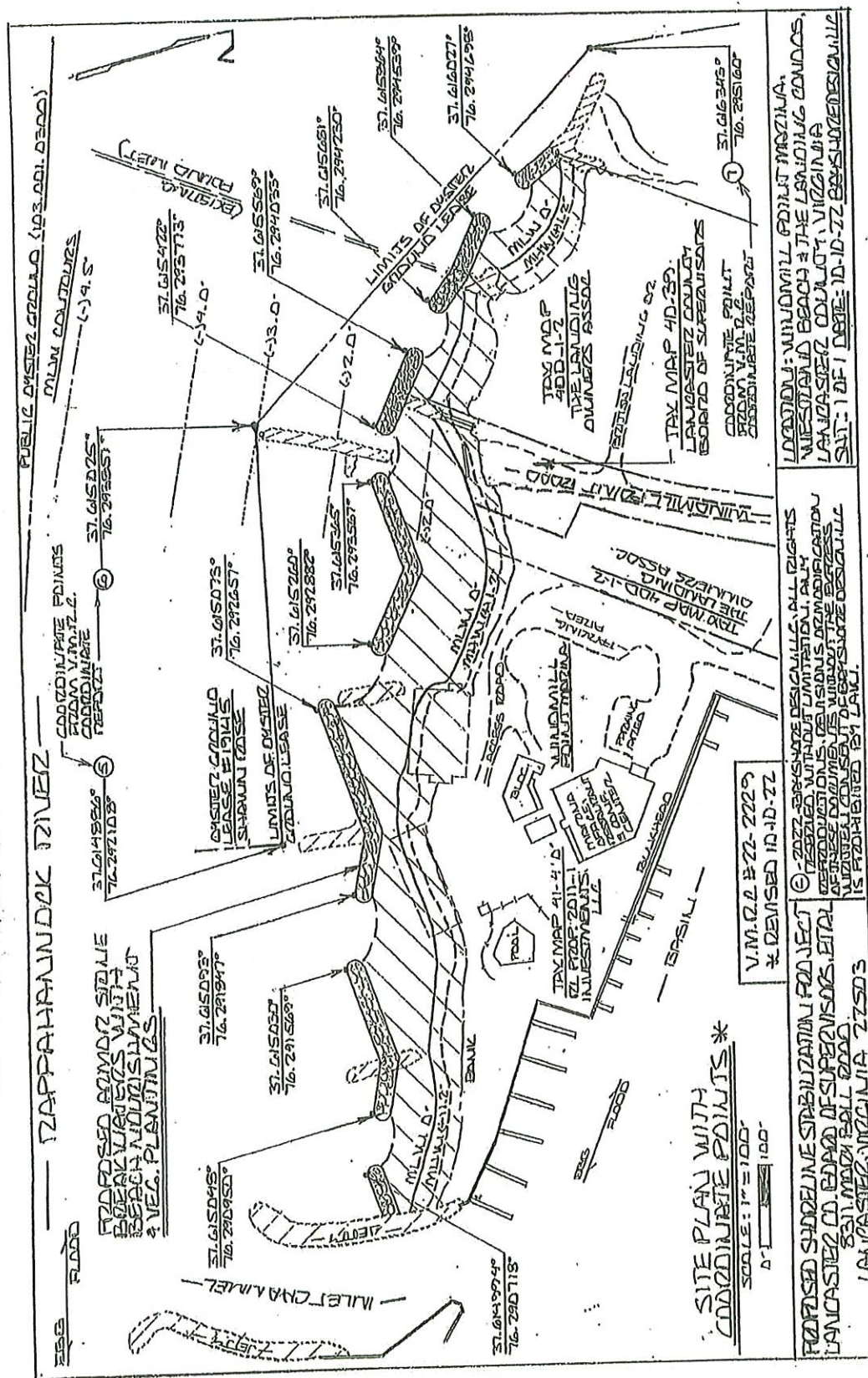
\_\_\_\_\_  
(Date)



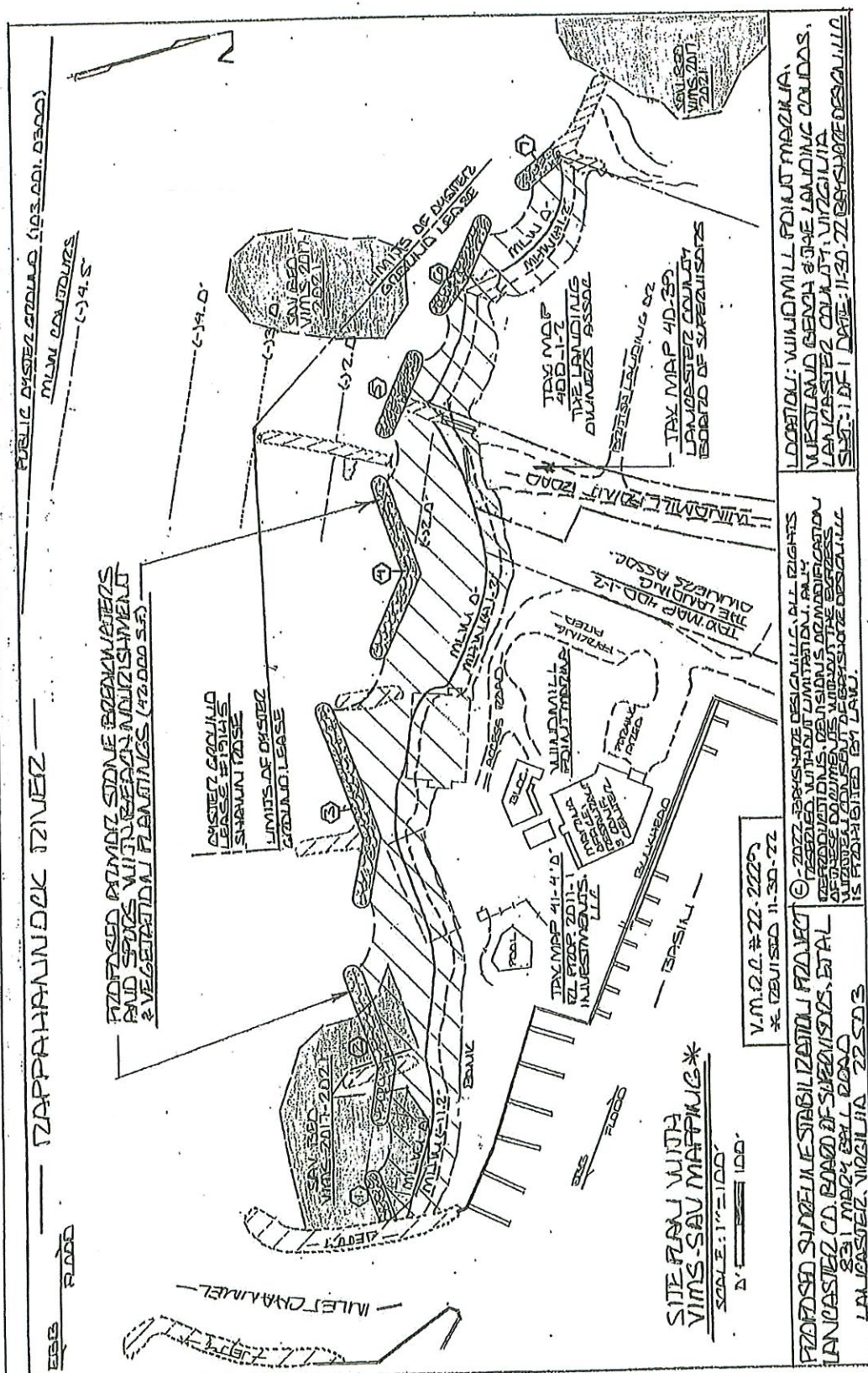














U.S. Army Corps  
Of Engineers  
Norfolk District

**CERTIFICATE OF COMPLIANCE  
WITH  
ARMY CORPS OF ENGINEERS PERMIT**

Permit Number: NAO-2019-01193 / VMRC# 22-V2229

Corps Contact: Nancy P. Davis

Name of Permittees: Don G. Gill, County Administrator - Lancaster County Board of Supervisors; Peter D. Anzo, Manager - RL PROP. 2011 Investments, LLC; and David J. Simons, Member - The Landing Owners Association

Date of Issuance: March 31, 2023

Permit Type: Individual Permit

**Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:**

US Army Corps of Engineers - Norfolk District  
CENAO-WR-R  
Attn: Nancy P. Davis  
803 Front Street  
Norfolk, VA 23510-1096

Or scan and send via email to [nancy.p.davis@usace.army.mil](mailto:nancy.p.davis@usace.army.mil)

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation has been completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION  
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 24th day of January 2023 hereby grants unto:

**Lancaster County Board of Supervisors, et al. Anzo**  
**8311 Mary Ball Road**  
**Lancaster, VA 22503**

**40 Windjammer Lane**  
**White Stone, VA 22578**

**David J. Simmons**  
**1181 Venter Road**  
**Aylett, VA 23009**

hereinafter referred to as the Permittee, permission to:

- ☒ Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.
- ☐ Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittees are hereby authorized to construct five (5) stone breakwaters and two (2) stone spurs, with associated clean sand beach nourishment and wetland plantings to create a public beach and living shoreline at end of State Route 695, Windmill Point Road in Lancaster County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received September 20, 2022, and revised drawings dated received October 1, 2022, which are attached and made a part of this permit.

This permit is granted subject to the following conditions:

- (1) The work authorized by this permit is to be completed by January 24th, 2028. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit, which are not maintained in good repair, shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts that may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.
- (15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation or maintenance of said project.

The following special conditions are imposed on this permit:

- (16) The placard accompanying this permit document must be conspicuously displayed at the work site.
- (17) Permittee agrees to notify the Commission upon the start of the activities authorized by this permit.
- (18) The material used for beach nourishment and wetlands planting fill shall be comprised of at least 90% sand.
- (19) The nourished area landward of the breakwater/sill shall be planted with appropriate wetland vegetation in conformance with the attached planting plan and schedule.



Description of Fees	Amount	Unit of Measure	Rate	Total	Frequency	After-The-Fact
Permit Fee				\$600.00	One-Time	
<b>Total Permit Fees</b>				<b>\$600.00</b>		

This permit consists of 7 Pages

**PERMITTEE(S)**

☒ BY CHECKING THIS BOX, I certify that I am the Permittee OR the certified agent acting on behalf of all Permittees, that I have read and understood the permit as drafted and accept all of the terms and conditions herein. I agree and understand that checking the box has the same legal authority as a written signature. The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original Permittee(s). In cases where the Permittee is a corporation, agency or political jurisdiction, I certify I have proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

**PERMITTEE OR CERTIFIED AGENT****DATE TERMS ACCEPTED**

Craig Palubinski - Agent

January 26, 2023

Print Your Name Here

**PERMITTEE**

Lancaster County Board of Supervisors, et al

8311 Mary Ball Road

Lancaster, VA 22503

**PERMITTEE 2**

Peter D. Anzo

40 Windjammer Lane

White Stone, VA 22578

**PERMITTEE 3**

David J. Simmons

1181 Venter Road

Aylett, VA 23009

**AGENT**

Bayshore Design

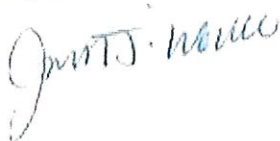
Craig Palubinski

Post Office Box 339

Kinsale, VA 22488

**COMMISSION**

This permit is executed on behalf of the Commonwealth of Virginia, Marine Resources Commission by the undersigned:



Justin Worrell

Deputy Chief, Habitat Management Division

DATE SIGNED

9th day of February 2023

**From:** [Woodward, Jay \(MRC\)](#)  
**To:** [MRC - JPA Permits](#)  
**Subject:** FW: Notification of No Permit Required: JPA 22-2229 Windmill Point Marina Breakwaters and Beach Nourishment  
**Date:** Monday, December 19, 2022 8:26:03 AM  
**Attachments:** [20221216\\_22-001763\\_VWP NPR Letter.pdf](#)

---

DEQ comments,  
thx

Jay Woodward  
Environmental Engineer, Sr.  
Habitat Management Division  
Virginia Marine Resources Commission  
380 Fenwick Road  
Fort Monroe, VA 23651  
Office (757) 247-8032  
Mobile (757) 504-7009  
[jay.woodward@mrc.virginia.gov](mailto:jay.woodward@mrc.virginia.gov)  
Website [www.mrc.virginia.gov](http://www.mrc.virginia.gov)

WATER IS LIFE

**From:** Jones, Bryan <bryan.jones@deq.virginia.gov>  
**Sent:** Friday, December 16, 2022 4:24 PM  
**To:** Don Gill <dgill@lancova.com>  
**Cc:** craigp@bayshoredesign.com; Davis, Nancy P CIV USARMY CENAO (USA) <Nancy.P.Davis@usace.army.mil>; Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>  
**Subject:** Notification of No Permit Required: JPA 22-2229 Windmill Point Marina Breakwaters and Beach Nourishment

Dear Mr. Gill,

Please find the attached notification regarding the Windmill Point Marina Breakwaters and Beach Nourishment project in Lancaster County, VA.

Feel free to contact me if you have any questions or concerns.

Respectfully,

Bryan Jones  
Virginia Water Protection Program Manager  
Department of Environmental Quality | Piedmont Region  
4949-A Cox Road | Glen Allen, VA 23060  
P: (804) 712-4001 | F: (804) 698-4178\* | E: [Bryan.Jones@deq.virginia.gov](mailto:Bryan.Jones@deq.virginia.gov)  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

\*Please note that all faxes must contain the following information:

Received by VMRC December 19, 2022 / Ira



DEQ recipient's first and last name

- Sender's name
- Sender's contact phone number



*Commonwealth of Virginia*  
**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

PIEDMONT REGIONAL OFFICE  
4949-A Cox Road, Glen Allen, Virginia 23060  
(804) 527-5020 FAX (804) 698-4178  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

Jerome A. Brooks  
Regional Director

December 16, 2022

**SENT VIA E-MAIL: [dgill@lancova.com](mailto:dgill@lancova.com)**

Re: Notification that a Virginia Water Protection (VWP) Individual Permit or General Permit Coverage is Not Required  
NP No. 22-001763 / JPA No. 22-2229  
Windmill Point Marina Breakwaters and Beach Nourishment

The Virginia Department of Environmental Quality (DEQ) has received your JPA, PCN, and/or project notification. Based on the information provided, the project meets one of the following criteria, and therefore, will not require a VWP individual permit or general permit coverage:

- ☐ The project is not proposing impacts to surface waters.
- ☐ The project qualifies for an exclusion from the permitting requirements per 9VAC25-210-60 and/or the provisions noted:
  - ☐ Discharges of dredged or fill material into state waters, except wetlands, which are addressed under a U.S. Army Corps of Engineers (USACE) Regional, General or Nationwide Permit, and for which no § 401 Water Quality Certificate is required.
  - ☐ Any stormwater discharge from municipal separate storm sewer systems or land disturbing activities authorized by 9VAC25-870, or discharges authorized by a Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9VAC25-31 or a Virginia Pollution Abatement (VPA) permit in accordance with 9VAC25-32.
  - ☐ Any activity in a wetland governed under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, unless state certification is required by § 401 of the Clean Water Act. Even where such certification is required due to a pending USACE permit action, such certification is waived if the activity meets the provisions of subdivision 10.a of 9VAC25-210-60 - see below. (§ 62.1-44.15:21.G; 9VAC25-210-220.C)

Received by VMRC December 19, 2022 / Ira



Notification that a VWP Individual Permit or General Permit Coverage is Not Required  
Page 2 of 3

- (9VAC25-210-60.10.a) Construction or maintenance of farm ponds or impoundments, stock ponds or impoundments, or irrigation ditches that are operated for normal agricultural or silvicultural purposes, and are less than 25 feet in height or create a maximum impoundment capacity smaller than 100 acre-feet.
- ☐ Normal residential gardening and lawn and landscape maintenance in a wetland. (§ 62.1-44.15:21.G)
  - ☐ Maintenance of currently serviceable structures.
  - ☐ Impacts to open waters that do not have a detrimental effect on public health, animal life, or aquatic life or to the designated uses of such waters.
  - ☐ Flooding or back-flooding impacts to surface waters resulting from the construction of temporary sedimentation basins on a construction site.
  - ☐ Normal agriculture and silviculture activities in a wetland. (§ 62.1-44.15:21.G)
  - ☐ Construction or maintenance of farm ponds or impoundments, stock ponds or impoundments, or irrigation ditches, or the maintenance (but not construction) of drainage ditches, provided the following:
    - no surface water withdrawal is proposed;
    - the final dimensions of the maintained ditch do not exceed the average dimensions of the original ditch; and,
    - the farm or stock pond or impoundment does not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§ 10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities. (§ 62.1-44.15:21.H)
  - ☐ Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment.
  - ☐ Wetland and open water impacts to a stormwater management facility that was created on dry land for the purpose of conveying, treating, or storing stormwater. (§ 62.1-44.15:21.I)
  - ☐ The activities cause impacts to an isolated wetland of minimal ecological value as defined in 9VAC25-210-10 (§ 62.1-44.15:21.D; 9VAC25-210-220.A).
  - ☒ The activity does not impact instream flows; qualifies for a permit issued by the USACE; and receives a permit from the Virginia Marine Resources Commission or wetlands boards, pursuant to Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia (9VAC25-210-220.B).
  - ☐ Provided that the project is authorized by the USACE under a Regional permit and meets any applicable § 401 Certification Conditions, a VWP individual permit or general permit coverage will not be required for this project.

Notification that a VWP Individual Permit or General Permit Coverage is Not Required  
Page 3 of 3

- ☐ Provided that the project is authorized by the USACE under a Nationwide permit and the applicant has certified that the project complies or will comply with all of VDEQ's General § 401 Water Quality Certification Conditions (A.1-A.12 listed in Appendix A - Norfolk District's Final Regional Conditions for the 2021 Nationwide permits, issued February 25, 2022) and any NWP-specific, General § 401 Water Quality Certification Conditions, if applicable, a VWP individual permit or general permit coverage will not be required for this project.

DEQ waives the issuance of a Virginia Water Protection (VWP) individual permit or general permit coverage for one or more of the reasons listed above. This letter also serves as a waiver of individual § 401 water quality certification for purposes of the USACE Nationwide Permits, when applicable.

Should the size or scope of the project change, a VWP individual permit or general permit coverage may be required.

If unauthorized impacts occur, you **must** contact DEQ at [pro.vwpcompliance@deq.virginia.gov](mailto:pro.vwpcompliance@deq.virginia.gov) or 804-527-5020 (PRO) or fax 804-698-4178 within 24 hours of discovery. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at 804-527-5020 (PRO). If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons and that reaches, or that is expected to reach, land only is not reportable, if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up.

Please contact DEQ at [pro.vwpcompliance@deq.virginia.gov](mailto:pro.vwpcompliance@deq.virginia.gov) or 804-527-5020 (PRO) if you have any questions.

Respectfully,



Bryan Jones  
Regional VWPP Program Manager

cc: Authorized Agent(s)  
U.S. Army Corps of Engineers  
Virginia Marine Resources Commission



**From:** Woodward, Jay (MRC)  
**To:** Davis, Nancy P CIV USARMY CENAO (USA); Craig Palubinski  
**Cc:** ohall@lancova.com; MRC - jpa Permits; Emily A. Hein  
**Subject:** Re: Lancaster County/Windmill Point Marina/Landing HOA, breakwaters; NAO-2019-01193 / #22-V2229  
**Date:** Thursday, December 1, 2022 8:54:58 AM

---

Nancy, VIMS notes SAV near the eastern end, recommends compensation. We will likely not require it as this is a living shoreline and good design. Similar to Carneal and Crutchfield a few years ago. Comments are in our database. Hope to have this on the January Commission agenda, protested by Oyster leaseholder and over \$500k.  
Just fyi...

Get [Outlook for iOS](#)

---

**From:** Davis, Nancy P CIV USARMY CENAO (USA) <Nancy.P.Davis@usace.army.mil>  
**Sent:** Thursday, December 1, 2022 6:25:08 AM  
**To:** Craig Palubinski <craigp@bayshoredesign.com>  
**Cc:** Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>; ohall@lancova.com  
<ohall@lancova.com>; MRC - jpa Permits <jpa.permits@mrc.virginia.gov>; Emily A. Hein  
<eahein@vims.edu>  
**Subject:** Lancaster County/Windmill Point Marina/Landing HOA, breakwaters; NAO-2019-01193 / #22-V2229

Good morning, Craig:

Please see NOAA Fisheries Service comments below. Dave is not recommending any design changes so no action required at this point. I am still waiting for comments from other reviewing agencies and will keep you posted as I receive them.

Regards,

Nancy P. Davis  
Environmental Scientist  
U.S. Army Corps of Engineers  
803 Front Street, Norfolk, VA 23518  
Office: (757)201-7044  
**Email:** [Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)  
**Website:** <http://www.nao.usace.army.mil/Missions/Regulatory.aspx>

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, please complete our Customer Satisfaction Survey at:  
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

**From:** David OBrien - NOAA Federal <david.l.obrien@noaa.gov>  
**Sent:** Wednesday, November 30, 2022 2:45 PM

Received by VMRC December 1, 2022 / Ira

**To:** Davis, Nancy P CIV USARMY CENAO (USA) <Nancy.P.Davis@usace.army.mil>

**Subject:** [URL Verdict: Neutral][Non-DoD Source] Lancaster County/Windmill Point Marina/Landing HOA, breakwaters; NAO-2019-01193 / #22-V2229

Hello Nancy,

I have reviewed the coordination materials you sent regarding the proposed breakwater project located along the Rappahannock River in Lancaster Count, Virginia. As you know, the Rappahannock River is designated as essential fish habitat (EFH) for 7 federally managed species and is also designated an anadromous fish use area by the Virginia Department of Wildlife Resources (DWR). Submerged aquatic vegetation (SAV) has also been documented in the immediate vicinity of the project by the VIMS SAV monitoring and restoration program. A small area of very sparse density (0-10% cover) SAV was mapped in the 2018 survey in the vicinity of proposed breakwater 6; the only year in the last five (5) years of available data (VIMS, 2017-2021 data).

The project includes removing several existing stone spurs to be incorporated as stone base material for the construction of new Class III stone offshore breakwaters and beach nourishment resulting in the loss of 0.57 acre of subaqueous bottom and 0.02 acre of tidal non-vegetated wetlands that cover the existing stone groins. The purpose of the project is to stabilize approximately 1.324 linear ft. of eroding shoreline, beach and dune habitats. The upper portions of the sand nourishment will be planted 18-inches on-center with various native high marsh species. The high energy shoreline has a fetch of >40 miles to the south-southeast across Chesapeake Bay and has experienced approximately 110 ft. of landward shoreline erosion over the past 10-yr. period (as stated per JPA and PN).

NOAA Fisheries Service concurs with your determination that the proposed breakwater and beach nourishment project will not substantially adversely affect essential fish habitat (EFH) or SAV and is of the opinion given the scope of the construction, a time of year restriction to help protect the migration and spawning of anadromous fish is not warranted.

Please note this EFH determination does not address threatened and endangered species under the purview of NOAA Fisheries Service. Therefore, please complete the GARFO ESA Section 7: 2017 NLAA Program Verification Form or contact Mr. Brian Hopper, NOAA Protected Resources Division ([brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov)) to discuss your project regarding federally listed shortnose and Atlantic sturgeon.

Thank you for the opportunity to comment on this project. Please feel free to contact me if you have any questions. If this project is authorized, I would appreciate a copy of your permit for my files.

Regards,  
Dave

David L. O'Brien  
Fisheries Biologist  
NOAA Fisheries Service  
P.O. Box 1346  
1370 Greate Rd.

Received by VMRC December 1, 2022 / Ira



Gloucester Point, VA 23062  
804-684-7828  
[david.l.obrien@noaa.gov](mailto:david.l.obrien@noaa.gov)

On Mon, Nov 28, 2022 at 2:18 PM Davis, Nancy P CIV USARMY CENAO (USA)  
<[Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)> wrote:

Hey, Dave,

I wanted to make sure you saw these comments from VIMS. The public notice for this project can be accessed here: <https://www.nao.usace.army.mil/Media/Public-Notices/Article/3212722/nao-2019-01193/>

I have also attached the species conclusion table (also available on the public notice) and SAV snapshots I pulled earlier.

Thanks!  
Nancy

Nancy P. Davis  
Environmental Scientist  
U.S. Army Corps of Engineers  
803 Front Street, Norfolk, VA 23518  
Office: (757)201-7044  
Email: [Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)  
Website: <http://www.nao.usace.army.mil/Missions/Regulatory.aspx>

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, please complete our Customer Satisfaction Survey at:  
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

**From:** Emily A. Hein <[eahein@vims.edu](mailto:eahein@vims.edu)>  
**Sent:** Monday, November 28, 2022 1:59 PM  
**To:** Jay Woodward <[jay.woodward@mrc.virginia.gov](mailto:jay.woodward@mrc.virginia.gov)>  
**Cc:** Advisory <[advisory@vims.edu](mailto:advisory@vims.edu)>; [Beth.Howell@mrc.virginia.gov](mailto:Beth.Howell@mrc.virginia.gov); Davis, Nancy P CIV USARMY CENAO (USA) <[Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)>  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Lancaster Board of Supervisors 22-2229

Good afternoon, Jay,

Attached are our comments for the Lancaster Board of Supervisors et al. project in Lancaster

Received by VMRC December 1, 2022 / Ira

County (VMRC #22-2229). Please let me know if you have any additional questions.

Best,

Emily

**Upcoming out of office dates:**  
**19 December – 9 January**

**Emily Hein**

Pronouns: she/her

Assistant Director for Advisory Services

VIMS Research and Advisory Services

[eahein@vims.edu](mailto:eahein@vims.edu), 804-684-7482





**From:** [Davis, Nancy P CIV USARMY CENAO \(USA\)](#)  
**To:** [Craig Palubinski](#)  
**Cc:** [Woodward, Jay \(MRC\)](#); [ohall@lancova.com](mailto:ohall@lancova.com); [MRC - ipa Permits](#); [Emily A. Hein](#)  
**Subject:** Lancaster County/Windmill Point Marina/Landing HOA, breakwaters; NAO-2019-01193 / #22-V2229  
**Date:** Thursday, December 1, 2022 6:25:41 AM

---

Good morning, Craig:

Please see NOAA Fisheries Service comments below. Dave is not recommending any design changes so no action required at this point. I am still waiting for comments from other reviewing agencies and will keep you posted as I receive them.

Regards,

Nancy P. Davis  
Environmental Scientist  
U.S. Army Corps of Engineers  
803 Front Street, Norfolk, VA 23518  
Office: (757)201-7044  
**Email:** [Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)  
**Website:** <http://www.nao.usace.army.mil/Missions/Regulatory.aspx>

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, please complete our Customer Satisfaction Survey at:  
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

**From:** David OBrien - NOAA Federal <david.l.obrien@noaa.gov>  
**Sent:** Wednesday, November 30, 2022 2:45 PM  
**To:** Davis, Nancy P CIV USARMY CENAO (USA) <Nancy.P.Davis@usace.army.mil>  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Lancaster County/Windmill Point Marina/Landing HOA, breakwaters; NAO-2019-01193 / #22-V2229

Hello Nancy,

I have reviewed the coordination materials you sent regarding the proposed breakwater project located along the Rappahannock River in Lancaster Count, Virginia. As you know, the Rappahannock River is designated as essential fish habitat (EFH) for 7 federally managed species and is also designated an anadromous fish use area by the Virginia Department of Wildlife Resources (DWR). Submerged aquatic vegetation (SAV) has also been documented in the immediate vicinity of the project by the VIMS SAV monitoring and restoration program. A small area of very sparse density (0-10% cover) SAV was mapped in the 2018 survey in the vicinity of proposed breakwater 6; the only year in the last five (5) years of available data (VIMS, 2017-2021 data).

The project includes removing several existing stone spurs to be incorporated as stone

Received by VMRC December 1, 2022 / Ira

base material for the construction of new Class III stone offshore breakwaters and beach nourishment resulting in the loss of 0.57 acre of subaqueous bottom and 0.02 acre of tidal non-vegetated wetlands that cover the existing stone groins. The purpose of the project is to stabilize approximately 1.324 linear ft. of eroding shoreline, beach and dune habitats. The upper portions of the sand nourishment will be planted 18-inches on-center with various native high marsh species. The high energy shoreline has a fetch of >40 miles to the south-southeast across Chesapeake Bay and has experienced approximately 110 ft. of landward shoreline erosion over the past 10-yr. period (as stated per JPA and PN).

NOAA Fisheries Service concurs with your determination that the proposed breakwater and beach nourishment project will not substantially adversely affect essential fish habitat (EFH) or SAV and is of the opinion given the scope of the construction, a time of year restriction to help protect the migration and spawning of anadromous fish is not warranted.

Please note this EFH determination does not address threatened and endangered species under the purview of NOAA Fisheries Service. Therefore, please complete the GARFO ESA Section 7: 2017 NLAA Program Verification Form or contact Mr. Brian Hopper, NOAA Protected Resources Division ([brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov)) to discuss your project regarding federally listed shortnose and Atlantic sturgeon.

Thank you for the opportunity to comment on this project. Please feel free to contact me if you have any questions. If this project is authorized, I would appreciate a copy of your permit for my files.

Regards,  
Dave

David L. O'Brien  
Fisheries Biologist  
NOAA Fisheries Service  
P.O. Box 1346  
1370 Greate Rd.  
Gloucester Point, VA 23062  
804-684-7828  
[david.l.obrien@noaa.gov](mailto:david.l.obrien@noaa.gov)

On Mon, Nov 28, 2022 at 2:18 PM Davis, Nancy P CIV USARMY CENAO (USA)  
<[Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)> wrote:

Hey, Dave,

I wanted to make sure you saw these comments from VIMS. The public notice for this project can be accessed here: <https://www.nao.usace.army.mil/Media/Public-Notices/Article/3212722/nao-2019-01193/>

I have also attached the species conclusion table (also available on the public notice) and SAV

Received by VMRC December 1, 2022 / Ira



snapshots I pulled earlier.

Thanks!

Nancy

Nancy P. Davis

Environmental Scientist

U.S. Army Corps of Engineers

803 Front Street, Norfolk, VA 23518

Office: (757)201-7044

**Email:** [Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)

**Website:** <http://www.nao.usace.army.mil/Missions/Regulatory.aspx>

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, please complete our Customer Satisfaction Survey at:

<https://regulatory.ops.usace.army.mil/customer-service-survey/>

**From:** Emily A. Hein <[eahein@vims.edu](mailto:eahein@vims.edu)>

**Sent:** Monday, November 28, 2022 1:59 PM

**To:** Jay Woodward <[jay.woodward@mrc.virginia.gov](mailto:jay.woodward@mrc.virginia.gov)>

**Cc:** Advisory <[advisory@vims.edu](mailto:advisory@vims.edu)>; [Beth.Howell@mrc.virginia.gov](mailto:Beth.Howell@mrc.virginia.gov); Davis, Nancy P CIV USARMY CENAO (USA) <[Nancy.P.Davis@usace.army.mil](mailto:Nancy.P.Davis@usace.army.mil)>

**Subject:** [URL Verdict: Neutral][Non-DoD Source] Lancaster Board of Supervisors 22-2229

Good afternoon, Jay,

Attached are our comments for the Lancaster Board of Supervisors et al. project in Lancaster County (VMRC #22-2229). Please let me know if you have any additional questions.

Best,

Emily

**Upcoming out of office dates:**

**19 December – 9 January**

**Emily Hein**

Pronouns: she/her

Assistant Director for Advisory Services

VIMS Research and Advisory Services

[eahein@vims.edu](mailto:eahein@vims.edu), 804-684-7482





---

**APPENDIX G**

**BRIC APPLICATION EVALUATION**

# Building Resilient Infrastructure and Communities: Qualitative Evaluation Criteria Application



## **Name of Your Community:**

Lancaster County

## **Description of the Project and Issue to Be Solved:**

Westland Beach-Windmill Point has lost 110 feet of beach shoreline in the past decade. This public/private partnership between the County of Lancaster and the Windmill Point Marina owner will provide the marina with a stabilized shoreline, protecting the marina infrastructure and buildings while also providing public access by expanding and protecting the County's only public beach. The Marina tenants and guests will benefit from this shoreline stabilization project through its protection against erosion of the beach and the protection of Marina infrastructure against property damage related to erosion and storm damage. This project will also include shoreline protection for the neighboring community, The Landing Townhomes at Windmill Point. There are eight townhomes adjacent to this project that will benefit from stabilization of their shoreline. In addition to protection of the private infrastructures (including critical infrastructure (the Windmill Point Marina)), the shoreline (including public beach access and private beach), and VDOT infrastructure (Windmill Point Road) will also be better protected from storm damage, continued erosion and the subsequent migration of mean high water.

The Westland Beach-Windmill Point Shoreline Stabilization project will use a multi-faceted approach of armor stone breakwaters, armor spurs and nature-based solutions, including beach nourishment and beach and dune vegetation planting to stabilize 1,324 feet or eroding shoreline along the Rappahannock River. The project will include the construction of five armor stone breakwaters (180', 240', 220', 90', and 110'), two armor spurs (60' and 50'), and the installation of 18,000 cubic yards of beach nourishment with 42,000 square feet of beach and dune vegetation plantings. All existing concrete debris and stone groins (located channel ward of breakwaters) will be removed to allow for restoration of the beach and a more comprehensive approach to stabilization of the eroded shoreline. In the past, individualized approaches using hardening structures only have failed to stabilize this shoreline.

Lancaster County historically had only 50 feet of beach area suitable for swimming in the total 330 miles of waterfront, and that 50 feet of beach has been mostly lost due to erosion. In addition to the Westland beach area at the end of Windmill Point Road, Belle Isle State Park is the only publicly owned land that has area available for the development of beach and swimming areas. Due to the limited area for beach development, Belle Isle State Park Master Plan indicates development of a swimming area away from the waterfront. The vast majority of land suitable for public beaches is in private ownership.



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



This situation has severely limited the options for public beaches in Lancaster County and will only become worse with each passing year.

### Upload Image:

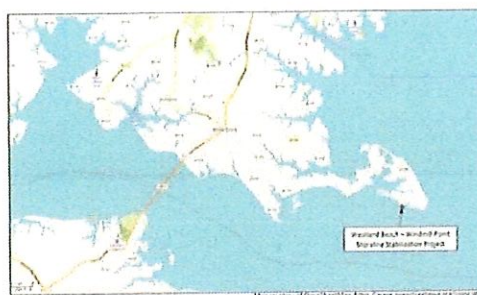
Westland Beach - Windmill Point Aerial 2022



### Upload Map:



WESTLAND BEACH - WINDMILL POINT SHORELINE STABILIZATION PROJECT LOCATION MAP



Check the appropriate box(es) of applicable Federal Emergency Management Agency Community Lifelines this project will support:



X



X



☐



☐



☐



☐

## Qualitative Evaluation Criterion 1: Risk Reduction/Resilience Effectiveness (35 possible points)

### Reducing Risk

*The subapplication should detail how the project will reduce risk. The details should identify the risk being reduced and state what action will reduce the identified risk. FEMA encourages alternative explanations of risk reduction here. How will the proposed project reduce risk(s), and to what level?*

If no action is taken, the Westland Beach - Windmill Point project area will continue to erode at an alarming rate, facing the risk of ongoing erosion of the shoreline and vulnerability to unbridled wave action and destructive wave energy. Both public and private property and infrastructure will be at risk of loss and damage. Continued erosion of the shoreline will eventually result in total loss of the 50' public beach access, which is the only public beach access in Lancaster County. Continued erosion will also result in the loss of



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



private beaches and dunes (both at the Windmill Point Marina and at The Landing Owners Association property). Windmill Point Road (VDOT infrastructure) will continue to be damaged. Continued erosion of the shoreline will put Windmill Point Marina infrastructure at risk, including critical infrastructure.

Furthermore, continued loss of the beach area will result in the potential sedimentation of the nearby oyster beds and underwater habitats of the Rappahannock River, causing habitat loss both on land and underwater. Without the breakwater structures, there will be no improvement in habitat functions and values, supporting local ecosystems through the creation and improvement of near shore and coastal habitat.

Breakwaters are elongate structures, typically of stone, built just seaward of the shoreline to be protected. They work by disrupting waves before they reach land and are capable of significantly reducing wave action. Based on the documented research by VIMS scientists, we believe this breakwater system and nature-based solution will be effective in reducing the risk of continued erosion, loss of property and damage to property. In "A brief history of headland breakwaters for shore protection in Chesapeake Bay, USA", written by C. Scott Hardaway Jr., Coastal Geologist, Virginia Institute of Marine Science & James R. Gunn, President, Coastal Design and Construction, Inc., they concluded the following: "The documented, long-term performance of headland breakwater systems in Chesapeake Bay is testimony to the predictable durability of these systems. Through numerous storm events, these systems have remained intact with no significant shore erosion or changes in shore planform over time, some for as long as 25 years." This paper is attached to the application as supporting documentation. Stabilizing this shoreline will reduce the risk of erosion due to storm surge and wave action which ultimately protects against the loss of property. Habitat will be provided on land through the beach/dune areas and vegetative plantings. The breakwaters will also provide habitat for aquatic organisms. Stabilization of the shoreline will help prevent sedimentation of the Rappahannock River in this area and the nearby oyster beds and aquatic ecosystem, thus improving water quality. A stabilized shoreline will be more resilient against the 100-year storm and will be better equipped to weather the changing climate, including resilience to increased storm frequency, increased high tide flood events and rising sea levels.

### Increase Resilience

*The subapplication should indicate how the proposed project will improve resilience. Resilience refers to the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruption. The details should identify the aspects of resilience being increased and state what action will increase the identified resilience.*

This breakwater system will provide a more comprehensive solution to the erosion of the shoreline which has not been successfully mitigated by previous attempts utilizing only hardening structures. Mean low and high water will be moved further channelward, the beach nourished and 42,000 sq ft of vegetation plantings will be installed on the beach and



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



dune areas. Based on the success of other breakwater systems, in the Chesapeake Bay, it is our hope that this approach will provide a more long-term solution for shoreline stabilization. In "A brief history of headland breakwaters for shore protection in Chesapeake Bay, USA", written by C. Scott Hardaway Jr., Coastal Geologist, Virginia Institute of Marine Science & James R. Gunn, President, Coastal Design and Construction, Inc., they concluded the following: "The documented, long-term performance of headland breakwater systems in Chesapeake Bay is testimony to the predictable durability of these systems. Through numerous storm events, these systems have remained intact with no significant shore erosion or changes in shore planform over time, some for as long as 25 years." This document is attached to the application.

Habitat will be provided on land through the beach/dune areas and vegetative plantings. The breakwaters will also provide habitat for aquatic organisms. Stabilization of the shoreline will help prevent sedimentation of the Rappahannock River in this area and the nearby oyster beds and aquatic ecosystem, thus improving water quality. A stabilized shoreline will be more resilient against the 100-year storm and will be better equipped to weather the changing climate, including resilience to increased storm frequency, increased high tide flood events and rising sea levels.

### Ancillary Benefits

*Ancillary benefits are benefits related to water/air quality, habitat creation, energy efficiency, economic opportunity, reduced social vulnerability, reduced carbon emissions, cybersecurity, cultural resources, public health, mental health, mission areas of non-governmental organizations (NGOs), community-based groups, other partners, and so on. Subapplicants should consider the following questions: What ancillary benefits will the project provide, and how? Does the project consider multiple hazards (e.g., wind/storm surge, wildfire/mudslides) to address risks beyond the proposal's primary risk reduction objective? Ancillary benefits should include how a project will lead to equitable outcomes and provide the greatest support to those with greatest need. Ancillary benefits could also address climate-related benefits.*

Ancillary benefit to this project includes the potential for improved public health, (both mental and physical) as 100% of Lancaster County's population will benefit from County's only public beach access. Calmer waters resulting from the breakwaters will provide opportunities for the community to fish, view the waterfront, wade, swim, nature bathe (eco therapy based on Shinrin-Yoku), paddle, baptize, and perform other beach and water activities. This public access will include a fishing pier. The fishing pier will provide a place for residents and visitors to catch fish either recreationally or to supplement their diets. Lancaster County plans to obtain a fishing license for the pier to maximize equitability of use and access.



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



The County also has plans to purchase the adjacent existing oyster lease with the intent to establish a legacy oyster bed for the cultivation and restoration of oysters for environmental and educational purposes.

Breakwater structures will also enhance habitat functions and values, supporting local ecosystems through the creation and improvement of near shore and coastal habitat. Habitat will be provided on land through the beach/dune areas and vegetative plantings. The breakwaters will also provide habitat for aquatic organisms. Stabilization of the shoreline will help prevent sedimentation of the Rappahannock River in this area and the nearby oyster beds and aquatic ecosystem, thus improving water quality. A stabilized shoreline will be more resilient against the 100-year storm and will be better equipped to weather the changing climate, including resilience to increased storm frequency, increased high tide flood events and rising sea levels.

### Leveraging Innovation

*How does the project leverage or demonstrate innovation for the community? What new ideas or approaches does the project incorporate? Does the project leverage collaborations and resources with NGOs, community-based groups, and other partners? The details should be clear and reasonable.*

Individualized past attempts to stabilize the shoreline with hardening measures have failed. Leveraging the cooperation and support of the marina, townhomes, and the local government will provide an innovative comprehensive response to the continued erosion of the coastline. The Westland Beach-Windmill Point Shoreline Stabilization Project will combine armor breakwaters and spurs with nature-based solutions such as beaches and dunes as effective storm buffers, helping to protect critical infrastructure from risk of erosion, damage, and loss. Structures will also enhance habitat functions and values, supporting local ecosystems through the creation and improvement of near shore and coastal habitat.

## Qualitative Evaluation Criterion 2: Climate Change and Other Future Conditions (20 possible points)

---

### Anticipated Future Conditions

*Examples of future conditions include, but are not limited to, the following: expected population changes, land use and development shifts, aging population, shifts in income or employment, changes in housing needs, increasing temperatures, increased wildfire risk, sea level rise, more frequent high tide flooding, more intense rainfall events, increasing storm frequency, persistent and prolonged droughts, and changing groundwater tables.*



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



We anticipate that sea levels will continue to rise, more frequent high tide flooding, more intense rainfall events, increasing storm frequency, persistent and prolonged droughts, and changing groundwater tables. This project is a nature-based solution intended to address the impacts to the eroded coastline which are directly related to climate change impacts.

This breakwater system will provide a more comprehensive solution to the erosion of the shoreline which has not been successfully mitigated by previous attempts utilizing only hardening structures. Mean low and high water will be moved further channel ward, the beach nourished and 42,000 sq ft of vegetation plantings will be installed on the beach and dune areas. Based on the success of other breakwater systems, in the Chesapeake Bay, it is our hope that this approach will provide a more long-term solution for shoreline stabilization.

### Responsive to Anticipated Changes

*How is the project responsive to any identified anticipated changes? Does the project integrate the consideration of future conditions into design, planning, and operations workflows?*

The Northern Neck region is subject to changes to our coastline and community infrastructure due to sea level rise, increased storm frequency, and other factors related to climate change. Sea level rise remains a serious concern. Based on sea level rise, it may be necessary, in the future, to increase the height of the breakwaters to prolong their functionality. This project is a nature-based solution intended to address the impacts to the eroded coastline which are directly related to climate change impacts.

### Informed by Planning Efforts

*How was the project informed by, or connected to, plans and planning efforts and the assessment of future conditions? Relevant plans may include Hazard Mitigation Plans, Comprehensive Plans, Climate Adaptation Plans, Long-Range Transportation Plans, Small Area Plans, Coastal Zone Management Plans, Capital Improvement Plans, and so on.*

In assessing access to the water in Lancaster County it is evident that the supply of access is also in transition. In the past, much of the general public was able to access state waters through informal arrangement. That is no longer the case. Access has become very limited for non-waterfront residents, and the rest of the general public (visitors). These people can dine near the water, charter boats, or keep their own boat at a marina, but their options are limited by a lack of variety and financial constraints. Future opportunities to expand the variety and number of public access sites in Lancaster County are jeopardized by the expanding use of shoreline for residential purposes, and could very well become nonexistent in the near future.



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



The Lancaster County Comprehensive plan includes three goals related to shoreline protection: (1) Actively encourage shoreline protection measures that are equal to the erosion potential at a particular site; (2) Encourage vegetative enhancement of Resource Protection Area (RPA) sections; and (3) Encourage coordinated shoreline protection efforts in existing waterfront communities and in new subdivisions. The County's Comprehensive Plan encourages setting aside open space for conservation purposes. The Westland Beach - Windmill Point Shoreline Stabilization Project will protect the eroding shoreline, add vegetation plantings, and set an example of a coordinated shoreline protection strategy through a public/private partnership.

In 2002 a Citizens Advisory Group was formed to address the need for public access to state waters in Lancaster County. Their report contained specific recommendations for expansion of public access to the state waters while acknowledging obstacles. In 2005, the Virginia General Assembly enabled the formation of the Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA). On September 12, 2006, three counties in the Northern Neck - Lancaster, Northumberland and Westmoreland executed the operating agreement to form the Northern Neck Chesapeake Bay Public Access Authority to enhance public access within their jurisdictions. There are seven duties that the authority is charged with undertaking: 1. Identify land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site, 2. Research and determine ownership of all identified sites, 3. Determine appropriate public use level of identified access sites, 4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority, 5. Develop appropriate acquisition and site management plans for public access usage, 6. Determine which holdings should be sold to advance the mission of the Authority, 7. Perform other duties required to fulfill the mission of the Northern Neck Chesapeake Bay Access Authority. In October 2007 at the seventh meeting of the Northern Neck Chesapeake Bay Public Access Authority, Lancaster County representatives requested funding from the NNCBPAA to conduct environmental studies on a potential access site on a tributary to the Chesapeake Bay within Lancaster County. The NNCBPAA granted this request for funding to be used by Lancaster County in assessing the suitability of the parcel for public water access. This assessment determined the need for public access sites with the following types of access: natural area access, beaches and swimming access, and pier fishing access. This project is directly in-line with the access deemed needed by the Lancaster County's Comprehensive Plan and provides these three access types and also accomplishes the Comprehensive Plan goals for shoreline stabilization.

Lancaster County participated in creating the 2017 Northern Neck Hazard Mitigation Plan. One of the County's goals associated with the Hazard Mitigation Plan is to support Mitigation projects that will result in the protection of public or private property from natural hazards. The Westland Beach - Windmill Point Shoreline Stabilization project will protect critical infrastructure, including public and private property from natural hazards.



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



According to the findings of the 2018 Virginia Outdoors Plan, Lancaster experiences disparities specific to outdoor recreation. Its per capita spending is only 9 to 10% of the state average, according to the 2018 Virginia Outdoors Plan (attached (page 13.103)). Only 50% of its people say they have adequate access to outdoor physical activity, compared to 81% statewide (2018 VOP page 13.104). This project will help to address these Environmental Justice concerns, bringing more opportunities for outdoor recreation and physical activity to the community.

### Data Sources

*What data sources and assumptions are used to guide the project? For example, when citing a sea level rise projection, what time period and what scenario of sea level rise are assumed?*

This project provides protection against the 100-year (1%) storm event.

This breakwater system will provide a more comprehensive solution to the erosion of the shoreline which has not been successfully mitigated by previous attempts utilizing only hardening structures. Mean low and high water will be moved further channel ward, the beach nourished and 42,000 sq ft of vegetation plantings will be installed on the beach and dune areas. Based on the success of other breakwater systems, in the Chesapeake Bay, it is our hope that this approach will provide a more long-term solution for shoreline stabilization. In "A brief history of headland breakwaters for shore protection in Chesapeake Bay, USA", written by C. Scott Hardaway Jr., Coastal Geologist, Virginia Institute of Marine Science & James R. Gunn, President, Coastal Design and Construction, Inc., they concluded the following: "The documented, long-term performance of headland breakwater systems in Chesapeake Bay is testimony to the predictable durability of these systems. Through numerous storm events, these systems have remained intact with no significant shore erosion or changes in shore planform over time, some for as long as 25 years." This study is attached to the application. We anticipate this solution lasting 50 years. Breakwater height will be raised in the future, when deemed necessary by rising sea levels.



## Qualitative Evaluation Criterion 3: Implementation Measures (15 possible points)

---

### Challenges

*What potential implementation challenges and obstacles are identified (e.g., technical, political, financial, public support, environmental/permitting, constructability), and what implementation solutions are proposed to address these challenges?*

Currently the project has one public comment of opposition from community member and oysterman, Mr. Shawn Rose. The County has worked diligently to address Mr. Rose's concerns. Mr. Rose owns an oyster lease adjacent to this project and he is concerned that the construction might negatively affect his oyster grounds. The county is actively working to address the concerns of Mr. Shawn Rose regarding his adjacent oyster lease, and hopes to purchase this lease from Mr. Rose to remove the risk that construction may pose to his livelihood as an oysterman. The county hopes to turn this potential negative impact into a positive for Mr. Rose (through purchase of the lease) and the entire community and ecosystem through the addition of a legacy oyster bed. A legacy oyster bed will provide habitat, learning opportunities for the community, and water quality improvement through the filtering benefits that oysters can provide.

The Joint Permit Application Process is going well, agency comments regarding the project are attached to the permit application. There are currently no known permitting or constructability challenges.

### Costs/Schedule

*Are the proposed project costs and schedule realistic? How do project cost estimates and the schedule identify and address potential challenges and obstacles?*

Lancaster County feels our cost estimates are realistic; however, we understand that the cost of construction materials is rising. Based on the potential for this trend to continue, we are exploring the possibility of using a more affordable manufactured stone product as a substitute to granite rip rap for the breakwater structures. This innovative product is hurricane tested and currently in use in the United States (including Maryland, North Carolina and Louisiana).

### Monitoring Strategies

*What pre- and post-implementation monitoring strategies are proposed for the project? What specific evaluation elements are proposed to measure progress and ensure the project is executed as designed?*

The county plans to use third party inspections to ensure protection of the environment during construction and obtain as-built certifications to ensure the project is properly



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



constructed as engineered/designed. County staff will also regularly inspect the project for environmental compliance. Management costs of 5% are included in this grant to account for the potential need for additional assistance in grant management and implementation.

### Resources

*What technical and managerial staff and resources are available to successfully implement the project? How will anticipated staff and resource gaps be filled?*

*Are strong labor standards incorporated? For example, the use of project labor agreements (PLAs), requiring workers to be paid wages at or above the prevailing rate; use of local hire provisions; use of a directly employed workforce (as opposed to a subcontracted workforce); use of an appropriately skilled workforce (e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded); and use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant preexisting occupational training, certification, and licensure).*

The county plans to use third party inspections to ensure protection of the environment during construction and obtain as-built certifications to ensure the project is properly constructed as engineered/designed. County staff will also regularly inspect the project for environmental compliance. Management costs of 5% are included in this grant to account for the potential need for additional assistance in grant management and implementation.

Lancaster County is an equal opportunity employer. We celebrate diversity and are committed to creating an inclusive environment for all employees. The selection of the requested services shall be made per the competitive negotiation process under the Virginia Public Procurement Act. The preference to use local skilled labor is always communicated to successful bidders when contracts are awarded.

### Past Project Performances

*Are examples of successfully completed projects included to demonstrate effective implementation measures?*

Lancaster County completed the installation of a Public Boat Ramp at Windmill Point in 2016. This project was funded in part with a "Large Power Boating Access Grant" in the amount of \$150,000.00 through the Virginia Department of Game and Inland Fisheries. Initial planning for the project began in 2014 and originally the County was up against opposition from the community, as there were concerns regarding access to the ramp using an existing community access road. The county worked with the local community to resolve this concern. Ultimately, the County installed a separate and improved access road for the community, thus removing their opposition to the project. A joint permit application was submitted to the Virginia Marine Resources Commission, the Virginia Department of Environmental Quality, and the Army Corps of Engineers for review. All permitting



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



requirements were met (including nonpoint nutrient offset credit and phragmites eradication plan) and approved February 2016. Final site plans were prepared March 2016 and requests for bid and award of base bid occurred in April of 2016. Change orders totaled \$91,555.00 for a final construction cost of \$413,962.00. Construction began May 16, 2016 and was completed on time and under the Capital Improvement budgeted amount. VDGIF approved final construction and authorized \$150,000.00 in grant reimbursement on September 19, 2016. This boat ramp and courtesy pier were named in honor of Frederick H. Ajootian, past chairman of the Lancaster County Wetlands Board, who was a lifelong advocate for public access in Lancaster County. This public access to the Rappahannock River continues to be well used and loved by the community and in addition to recreational and commercial boating, the ramp serves as a launching spot for marine emergency services.

#### Qualitative Evaluation Criterion 4: Population Impacted (25 possible points) Community-Wide Benefits

*Community size, scale, and definition can look very different in different local contexts. Explain what "community-wide" means in the context of the proposed project. A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and/or underemployment, racial and/or ethnic segregation, linguistic isolation, high housing cost burden and/or substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental burden and/or high cumulative impacts, limited water/sanitation access and/or affordability, disproportionate climate impacts, high energy cost burden and/or low energy access, and all geographic areas within tribal jurisdictions.*

This project provides community-wide benefits for all Lancaster County residents and the countless visitors that will enjoy the restored and expanded public beach access.

According to the CDC, the 2018 overall social vulnerability index for the area including the Westland Beach-Windmill Point Shoreline Stabilization Project was 0.431, which is a low to moderate level of vulnerability. However, this index does not apply to all of Lancaster County. There are areas of the County with a social vulnerability index of 0.6168, which is a moderate to high level of vulnerability (see attached 2018 Social Vulnerability Index Map for Lancaster County). According to the US Census Bureau, compared to Virginia averages, Lancaster's population is notably older (36.7% versus 16.3% aged 65+), in poorer health (11.4% versus 8.0% of people under 65 having a disability), less connected to modern amenities (80.2% versus 92.3% with a home computer), and lower in median household income (\$59,736 versus \$76,398, only 78% of the statewide average). The Virginia Department of Health ranks Lancaster County with a low overall health opportunity index: 96 out of 134 localities (see attached VDH Health Opportunity Index Map). Of Lancaster County's elementary school aged children, 75% qualify for free or reduced-price lunch at school (VDOE documentation attached). Lancaster also experiences disparities specific to



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



outdoor recreation. Its per capita spending is only 9 to 10% of the state average, according to the 2018 Virginia Outdoors Plan (attached (page 13.103)). Only 50% of its people say they have adequate access to outdoor physical activity, compared to 81% statewide (2018 VOP page 13.104). VOP document is attached to application.

### Percent of Population

*Describe what quantity (e.g., percentage) of the population will directly benefit from the project (i.e., experience direct community-wide benefits) and how the estimate was calculated. The subapplication should include percentages of the community's population that will directly and indirectly benefit from the project.*

100% of Lancaster County's population, which the US Census Bureau estimates is 10,928 people, and countless visitors will benefit from this project because the project will expand public access from 50 feet to over 410 feet while protecting the County's only public beach.

This public/private partnership between the County of Lancaster and the Windmill Point Marina owner will provide the marina with a stabilized shoreline, protecting the marina infrastructure and buildings while also providing public access by expanding and protecting the County's only public beach. The Marina tenants and guests will benefit from this shoreline stabilization project through its protection against erosion of the beach and the protection of Marina infrastructure against property damage related to erosion and storm damage. This project will also include shoreline protection for the neighboring community, The Landing Townhomes at Windmill Point. There are eight townhomes adjacent to this project that will benefit from stabilization of their shoreline. In addition to protection of the private infrastructures (including critical infrastructure (the Windmill Point Marina)), the shoreline (including public beach access and private beach), and VDOT infrastructure (Windmill Point Road) will also be better protected from storm damage, continued erosion and the subsequent migration of mean high water.





## Maximize Positive Impacts and Minimize Negative Impacts

*Who are the most vulnerable community members where the project is proposed, and how will the project maximize positive impacts and minimize negative impacts to disadvantaged members of the community?*

In assessing access to the water in Lancaster County it is evident that the supply of access is also in transition. In the past, much of the general public was able to access state waters through informal arrangement. That is no longer the case. Access has become very limited for non-waterfront residents, and the rest of the general public (visitors). These people can dine near the water, charter boats, or keep their own boat at a marina, but their options are limited by a lack of variety and financial constraints. Future opportunities to expand the variety and number of public access sites in Lancaster County are jeopardized by the expanding use of shoreline for residential purposes, and could very well become nonexistent in the near future.

Of Lancaster County's elementary school aged children, 75% qualify for free or reduced-price lunch at school (VDOE documentation attached); which means food insecurity is a community concern. Lancaster also experiences disparities specific to outdoor recreation. Its per capita spending is only 9 to 10% of the state average, according to the 2018 Virginia Outdoors Plan (attached (page 13.103)). Only 50% of its people say they have adequate access to outdoor physical activity, compared to 81% statewide (2018 VOP page 13.104).

The fishing pier will provide a place for residents and visitors to catch fish either recreationally or to supplement their diets to address the problem of food insecurity. Lancaster County plans to obtain a fishing license for the pier to maximize equitability of use and access.

The beach and natural area will provide public access (with no fee) to the waterfront for community members and visitors.

Stabilization of the eroded shoreline will benefit 100% of Lancaster County members, the adjacent townhome community, the marina community and countless visitors.

The county is actively working to address the concerns of Mr. Shawn Rose regarding his adjacent oyster lease, and hopes to purchase this lease from Mr. Rose to remove the risk that construction may pose to his livelihood as an oysterman. The county hopes to turn this potential negative impact into a positive for Mr. Rose (through purchase of the lease) and the entire community and ecosystem through the addition of a legacy oyster bed. A legacy oyster bed will provide habitat, learning opportunities for the community, and water quality improvement through the filtering benefits that oysters can provide.

## Impacts to Disadvantaged Communities

*Explain whether the project will maximize positive impacts to disadvantaged members of the community, as indicated below. Impacts can be directly related to the risk reduction activity, or indirectly related, such as with ancillary impacts (i.e., social, environmental, and economic*



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



*impacts). Subapplicants are encouraged to document their designation as an Economically Disadvantaged Rural Community (as referenced in 42 U.S.C. § 5133(a) as a small impoverished community) and indicate if their community has a [Centers for Disease Control and Prevention Social Vulnerability Index \(SVI\)](#) of 0.6 or higher.*

According to the CDC, the 2018 overall social vulnerability index for the area including the Westland Beach-Windmill Point Shoreline Stabilization Project was 0.431, which is a low to moderate level of vulnerability. However, this index does not apply to all of Lancaster County. There are areas of the County with a social vulnerability index of 0.6168, which is a moderate to high level of vulnerability (see attached 2018 Social Vulnerability Index Map for Lancaster County). According to the US Census Bureau, compared to Virginia averages, Lancaster's population is notably older (36.7% versus 16.3% aged 65+), in poorer health (11.4% versus 8.0% of people under 65 having a disability), less connected to modern amenities (80.2% versus 92.3% with a home computer), and lower in median household income (\$59,736 versus \$76,398, only 78% of the statewide average). The Virginia Department of Health ranks Lancaster County with a low overall health opportunity index: 96 out of 134 localities (see attached VDH Health Opportunity Index Map). Of Lancaster County's elementary school aged children, 75% qualify for free or reduced-price lunch at school (VDOE documentation attached). Lancaster also experiences disparities specific to outdoor recreation. Its per capita spending is only 9 to 10% of the state average, according to the 2018 Virginia Outdoors Plan (attached (page 13.103)). Only 50% of its people say they have adequate access to outdoor physical activity, compared to 81% statewide (2018 VOP page 13.104). The VOP report is attached to the application.

## Qualitative Evaluation Criterion 5: Community Engagement and Other Outreach Activities (5 possible points)

---

### Outreach Strategy to Advance Hazard Mitigation

*What activities were conducted to advance the hazard mitigation outreach program to stakeholders during blue skies and during disasters?*

Lancaster County is currently participating in the Northern Neck Hazard Mitigation Plan update. Lancaster County Emergency Services maintains an informational website for the public called [Ready Lancaster](#). Lancaster County Emergency Services was established in 2004 to provide emergency medical services (EMS) staffing to support the county's two volunteer rescue squads; this remains the core of our mission today. Our staff of EMTs and Paramedics work closely with [Kilmarnock-Lancaster County Volunteer Rescue Squad](#) and [Upper Lancaster Volunteer Rescue Squad](#) to ensure that Lancaster County has 24/7 coverage. The department is also responsible for coordinating emergency management activities for Lancaster County. These activities require collaboration with the



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



volunteer fire departments, volunteer rescue squads, the Lancaster County Sheriff's Office, county departments and community groups. Lancaster County Emergency Services is responsible for maintaining the county's emergency operations plan, hazardous materials response plan and working with the Northern Neck Planning District Commission to maintain the regional hazard mitigation plan. Additionally, the department has appointed two hazardous materials officers to manage incidents in which hazardous materials present a threat to the environment or public health and safety. The department manages several community programs, including: the [Community Emergency Response Team \(C.E.R.T.\)](#), the [Community Animal Response Team \(C.A.R.T.\)](#), the [Lancaster Amateur Radio Emergency Services \(ARES\) Group](#), and work with the [Lancaster County Sheriff's Office](#) and the Lancaster County TRIAD to provide the [Yellow Dot program](#). These programs support the efforts of first responders and local officials in managing emergencies.

Lancaster County has contracted with Emergency Communications Network to provide emergency alerts to its citizens in the form of recorded telephone messages through a product known as CodeRED. The system was put in place prior to Hurricane Irene and was used to provide evacuation and shelter information during the event.

The CodeRED database used during Irene consisted of published telephone numbers only. Efforts to improve the CodeRED database to include unlisted numbers and cell phone numbers are ongoing. Lancaster County citizens can assist this endeavor by navigating to the [CodeRED web site](#) and reviewing/updating their contact information.

Lancaster County utilizes the following media outlets to release public information pertaining to hurricanes and other severe weather threats:

#### Radio Stations

- WKWI - 101.7 FM Kilmarnock
- WIGO - 104.9 FM Kilmarnock
- WRAR - 105.5 FM Tappahannock
- WNNT - 107.5 FM Warsaw
- WCNV - 98.1 FM Richmond/Heathsville

#### Television Stations

- WTVR - Channel 6 Richmond
- WRIC - Channel 8 Richmond
- WWBT - Channel 12 Richmond
- Metrocast Cable - Channel 7 Saluda



## Building Resilient Infrastructure and Communities Qualitative Evaluation Criteria Application



Lancaster County Department of Emergency Services operates a program geared towards preparing the county's senior population for safety and preparedness.

The program is designed as a follow-up with citizens who are 65 years and older and have received transport by the county rescue squads.

The department's staff will cover such topics as home safety, driving safety, and disaster preparedness. In addition, county emergency services staff members will check smoke detectors and give information on the programs available throughout the county.

### Types of Community Planning Processes Leveraged

*What planning processes were leveraged during the development of the project proposal to advance mitigation? How did the project planning process ensure that the disadvantaged in the community were involved in the planning and decision-making processes?*

The County's Comprehensive Plan and the Northern Neck Hazard Mitigation Plan both informed and guided the development of this project. The County's Workgroup for Access to Public Waters, which is made up of a diverse group of stakeholders, was also instrumental in the development of this project. The purpose of the County's Workgroup for Access to Public Waters is to provide equitable access to Lancaster County's coastal resources for all community members, especially those who are economically disadvantaged and unable to pay for access.

In 2002 a Citizens Advisory Group was formed to address the need for public access to state waters in Lancaster County. Their report contained specific recommendations for expansion of public access to the state waters while acknowledging obstacles. In 2005, the Virginia General Assembly enabled the formation of the Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA). On September 12, 2006, three counties in the Northern Neck - Lancaster, Northumberland and Westmoreland executed the operating agreement to form the Northern Neck Chesapeake Bay Public Access Authority to enhance public access within their jurisdictions. There are seven duties that the authority is charged with undertaking: 1. Identify land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site, 2. Research and determine ownership of all identified sites, 3. Determine appropriate public use level of identified access sites, 4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority, 5. Develop appropriate acquisition and site management plans for public access usage, 6. Determine which holdings should be sold to advance the mission of the Authority, 7. Perform other duties required to fulfill the mission of the Northern Neck Chesapeake Bay Access Authority. In October 2007 at the seventh meeting of the Northern Neck Chesapeake Bay Public Access Authority, Lancaster County representatives requested funding from the NNCBPAA to conduct environmental studies on a potential access site on a tributary to the Chesapeake Bay within Lancaster County. The NNCBPAA granted this request for funding to be used by Lancaster County in



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



assessing the suitability of the parcel for public water access. This assessment determined the need for public access sites with the following types of access: natural area access, beaches and swimming access, and pier fishing access. This project is directly in-line with the access deemed needed by the Lancaster County's Comprehensive Plan and provides these three access types and also accomplishes the Comprehensive Plan goals for shoreline stabilization.

## Project Conception and Design Input from a Diverse Range of Stakeholders

*To what extent did stakeholders and/or stakeholder groups contribute to this project? What stakeholder collaboration activities occurred? What information regarding outreach has been included in the subapplication?*

In 2002 a Citizens Advisory Group was formed to address the need for public access to state waters in Lancaster County. Their report contained specific recommendations for expansion of public access to the state waters while acknowledging obstacles. In 2005, the Virginia General Assembly enabled the formation of the Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA). On September 12, 2006, three counties in the Northern Neck - Lancaster, Northumberland and Westmoreland executed the operating agreement to form the Northern Neck Chesapeake Bay Public Access Authority to enhance public access within their jurisdictions. In October 2007 at the seventh meeting of the Northern Neck Chesapeake Bay Public Access Authority, Lancaster County representatives requested funding from the NNCBPAA to conduct environmental studies on a potential access site on a tributary to the Chesapeake Bay within Lancaster County. The NNCBPAA granted this request for funding to be used by Lancaster County in assessing the suitability of the parcel for public water access. This assessment determined the need for public access sites with the following types of access: natural area access, beaches and swimming access, and pier fishing access. This project is directly in-line with the access deemed needed by the Lancaster County's Comprehensive Plan and provides these three access types and also accomplishes the Comprehensive Plan goals for shoreline stabilization.

This project was heard at the October 13, 2022 Public Hearing of the Lancaster County Wetlands Board (meeting minutes attached). There are 25 public comments regarding the project (24 in favor and 1 opposition) and these are included in the application. The Wetlands Board voted unanimously to permit the project. The wetland permit application is also attached to the application. The October Public Hearing was advertised in the local newspaper, The Rappahannock Record, and notifications were sent out to adjacent property owners prior to the Public Hearing. These notices generated many of the attached 25 public comments.





## Community Planning and Stakeholder Input Directs Project Execution

*What information (e.g., resilience goals and outcomes, partnership opportunities, project implementation progress) will be shared with the public? What public outreach and engagement strategies will be used to disseminate project information to and gather feedback from stakeholders and members of the community?*

This project was presented to the public at the October 13, 2022 Public Hearing of the Lancaster County Wetlands Board. Adjacent property owners were notified of the hearing with letters and the general public was notified of the hearing with a notice in the local newspaper, The Rappahannock Record. This outreach produced a public response of 25 public comments, 24 in favor and 1 in opposition. As mentioned above, the County is diligently working to equitably address the opposition.

The County plans to develop a webpage for Public Access which will provide regular updates on the status of this project and all other pertinent information.

## Qualitative Evaluation Criterion 6: Leveraging Partners (15 possible points)

---

### Partnerships Ensuring the Project Meets Community Needs

*What partners were involved in the project design? How did partners contribute to the application? What partners will contribute to the implementation of the project? Partnerships can take many different forms. For example, partners may contribute financially, support and promote the proposed project, help generate community-wide awareness of the risks the proposal is designed to address, and so on.*

Lancaster County hopes to partner with the Friends of the Rappahannock for the installation of the vegetative plantings associated with this project. We also plan to partner with either the Virginia Commonwealth University Oyster Shell Recycling program or the Friends of the Rappahannock on the establishment and maintenance of the planned legacy oyster bed.

This shoreline stabilization project is a public/private partnership between multiple community partners, which include: Lancaster County, the Windmill Point Marina, and the Landing Townhomes at Windmill Point. This project also involves countless stakeholders, including all Lancaster County residents and visitors, who all stand to gain additional public access in the form of beach access, natural area access and fishing pier access.

As mentioned above, 24 public comments were made in favor of this project. The lone public comment in opposition has generated a response from the County which will benefit all stakeholders. The County's Workgroup for Access to Public Waters will continue to



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



support this project in any way they can to ensure that this project meets the communities need for public access.

### How These Partnerships Benefit Disadvantaged Communities

*To what extent were non-governmental organizations—including those organizations that represent disadvantaged groups, universities, or other government entities—consulted for advice or assistance? How has collaboration with surrounding jurisdictions supported project development?*

It is our goal to work with both the Virginia Commonwealth Oyster Shell Recycling Program for establishment of a legacy oyster bed and the Friends of the Rappahannock on the vegetative plantings for this project.

This project will allow public access to our waterways for our disadvantaged communities. Including a no-fee public beach and nature access use area and a fishing pier. The fishing pier will provide a place for residents and visitors to catch fish either recreationally or to supplement their diets. Lancaster County plans to obtain a fishing license for the pier to maximize equitability of use and access.

Project implementation includes submittal of a Joint Permit Application to VMRC, AOCE, VDEQ, NOAA and VIMS for review. This application has been submitted and is currently under review. Some of these agencies have already filed comments on the project and those are attached to the application. These organizations input, advice and assistance are invaluable and will be used to guide and inform this project.

The Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA) has supported the development of public access from its inception and this project implements recommendations developed from an assessment paid for by the NNCBPAA. The assessment determined the need for public access sites with the following types of access: natural area access, beaches and swimming access, and pier fishing access. This project is directly in-line with the access deemed needed by the Lancaster County's Comprehensive Plan and provides these three access types and also accomplishes the Comprehensive Plan goals for shoreline stabilization.

### Anticipated Outcome from Partnerships

*How have partnerships been used to increase community resilience? What community groups will participate in this project? What potential exists for partnerships to continue beyond implementation of the project?*

*To what extent have other federal programs or funding sources been leveraged for the project? To what extent have partners provided funding that increases the non-federal cost share?*

It is our goal to work with both the Virginia Commonwealth University's Oyster Shell Recycling Program for establishment of a legacy oyster bed and the Friends of the Rappahannock on the vegetative plantings for this project. Both of these activities will be



Building Resilient Infrastructure and Communities  
Qualitative Evaluation Criteria Application



maintained as necessary and it is our hope to partner and utilize the expertise of these groups to assist us in maintaining a healthy legacy oyster bed in the water and healthy vegetative plantings on land.

NNPDC continues to work tirelessly to assist us in identifying potential funding sources for regional public access goals. We continue to pursue partnerships and potential funding sources.