

**SUFFOLK WETLANDS BOARD
AGENDA FOR
AUGUST 20, 2020**



PREPARED BY THE CITY OF SUFFOLK
DEPARTMENT OF PLANNING

A MEETING WILL BE HELD AT 6:00 P.M.
IN THE SUFFOLK CITY COUNCIL CHAMBERS IN
SUFFOLK CITY HALL

PLEASE CALL TO CONFIRM YOUR ATTENDANCE
THE PLANNING DEPARTMENT
AT 514-4060
PRIOR TO
12:00 NOON ON WEDNESDAY, AUGUST 19, 2020

GEOFFREY HINSHELWOOD
CHAIRMAN

Suffolk
VIRGINIA
It's a good time to be in Suffolk



AGENDA SUFFOLK WETLANDS BOARD

August 20, 2020
6:00 P.M.

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - July 16, 2020
- IV. Public Hearings - None
- V. Restoration Hearings
 - 6766 Burbage Landing Circle. Pursuant to Section 28.2-1317 of the Code of Virginia, a substantial violation of Chapter 13, Article 4 of the Code of Virginia has occurred at 6766 Burbage Landing Circle. Specifically, attempted shoreline hardening, to include the placement of concrete and debris, that has been constructed within the tidal wetland along the shoreline of the property.
- VI. Permit Extensions
 - VMRC05-2245, submitted by Shanna Cahill of Corblu Ecology Group, LLC, applicant, on behalf of Colonial Pipeline Company, owner, for a five-year extension to a previously approved permit for the maintenance of an existing 16-inch diameter underground petroleum pipeline with associated tidal wetland impacts to the Nansemond River, Chuckatuck Creek, Bennett's Creek, and their tributaries.
- VII. Old Business - None
- VIII. New Business - None
- IX. Compliance and Inspections – None
- X. Adjournment



MINUTES

SUFFOLK WETLANDS BOARD

July 16, 2020

6:00 P.M.

The meeting of the Suffolk Wetlands Board was held on Thursday, July 16, 2020, at 6:00 p.m., in the City Council Chambers of the City Hall Building, 442 West Washington Street, Suffolk, Virginia.

MEMBERS:

Geoffrey Hinshelwood, Chariman
Darius Davenport, Vice-Chairman
Brad L. O'Berry
Richard Vroman
James Winters

STAFF:

Karla Carter, Assistant City Attorney III
Kevin M. Wyne, Current Planning Manager
Amy Thurston, Principal Planner
Holly Steele, Planner I
Grace Braziel, Planner I

ROLL CALL:

The meeting was called to order by Chairman Hinshelwood. The roll was then called by Mr. Wyne and Chairman Hinshelwood was informed that a quorum was present.

APPROVAL OF THE MINUTES:

The Chairman called for the approval of the minutes. The minutes of the November 19, 2020 meeting were approved as presented.

PERMIT EXTENSIONS:

- VMRC17-0108, submitted by Bob Simon of Waterfront Consulting Inc., agent, on behalf of Jitendra and Aruna Swarup, property owners, to install 112 linear feet of a stone marsh sill (breakwater) along the James River. The property is located at 4005 River Park Drive; further identified as Zoning Parcel

6E*RF*HH*30, zoned PD, Planned Development Zoning District.

Mr. Wyne presented a brief overview of the extension request and provided the history in regard the original request. Mr. Bob Simon, Waterfront Consulting Inc., spoke on behalf of the extension request and indicated that the applicant is requesting a one-year permit extension. There were no other speakers. After brief discussion, Board Member Vroman made a motion to approve the extension request with the previously approved conditions. Board Member O'Berry seconded the motion. The request was called to a vote and the extension was granted by a vote of 5-0.

- VMRC17-0110, submitted by Bob Simon of Waterfront Consulting, Inc., agent, on behalf of Robert and Kim Lewis, property owners and applicants, for a permit extension to install approximately 220 linear feet of riprap marsh toe backed by coconut coir logs to stabilize existing fringe marsh; to convert approximately 800 square feet of non-vegetated wetlands to tidal marsh; installation of 118 linear feet of Flexamat for upland bank stabilization; and the construction of a 5-foot by 287-foot open-pile pier with a 20-foot by 24-foot L-head and boat lift. This property is located at 4117 River Park Drive along the Nansemond River; further identified as Zoning Parcel 6E*RF*FF*120, zoned PD, Planned Development Zoning District.

Chairman Hinshelwood asked Mr. Bob Simon, Waterfront Consulting Inc., to provide the board with an overview of the extension request and he indicated that the applicant is requesting a one-year permit extension. There were no other speakers. After brief discussion, Vice-Chairman Davenport made a motion to approve the extension request with the previously approved conditions. Board

Member Winters seconded the motion. The request was called to a vote and the extension was granted by a vote of 5-0.

COMPLIANCE AND INSPECTIONS:

Initially on the agenda was discussion regarding a potential violation at 6766 Burbage Landing Circle. Mr. Wyne informed the board, that after discussions with Karla Carter, Assistant City Attorney III, that formal discussion of this violation should be deferred to a future meeting. As such, discussion of this item was removed from the agenda, and this time was utilized by Ms. Carter to provide the board with an overview of procedures for handling potential violations that fall within their jurisdiction. The board had an in depth discussion regarding these procedures, and Ms. Rachael Peabody, Virginia Marine Resources Commission, also shared her thoughts. The board discussed issuing a stop work order and a sworn complaint in regard to the potential violation at 6766 Burbage Landing Circle.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:00 p.m.

SUFFOLK WETLANDS BOARD



July 16, 2020

MT: Vroman

2ND: O'Berry

TO: Approve w/conditions

MT: Davenport

2ND: Winters

TO: Approve w/conditions

ATTENDANCE

VMRC#17-0108 (Extension)

VMRC#17-0110 (Extension)

VOTE: 5-0

VOTE: 5-0

BOARD MEMBERS

PRESENT

ABSENT

YES

NO

YES

NO

Hinshelwood, Geoffrey, Chairman

X

X

X

Davenport, Darius, Vice-Chairman

X

X

X

Hazelwood, Sidney

X

O'Berry, Brad

X

X

X

Vroman, Richard

X

X

X

Walker, Barbara

X

Winters, James

X

X

X



CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

Memorandum

To: Suffolk Wetlands Board

From: Kevin M. Wyne, AICP, Current Planning Manager

RE: **Restoration Hearing – 6766 Burbage Landing Circle – Xuan Thi and Kim Phun Nguyen, property owners. The property is further identified as Zoning Parcel 7K*JP*8, zoned PD, Planned Development Zoning District.**

Date: August 20, 2020

On April 21, 2020, the City of Suffolk received a complaint about a potential violation at 6766 Burbage Landing Circle. The complaint noted that work had been conducted, possibly within the Wetlands Board jurisdictional wetlands, and included shoreline hardening and potentially a boat ramp.

Following the complaint, staff conducted two site inspections in April. Specifically, staff conducted an inspection from the neighboring property owner's pier and a follow up inspection, with the consent of the property owner at the site in question, on April 30, 2020. These inspections revealed that disturbance, to include the destruction of wetlands within the Board's jurisdiction had occurred. Specifically, the placement of concrete material within the tidal portion of the bank was observed.

On May 26, 2020, City of Suffolk staff along with Chairman Hinshelwood, and with the permission of the property owner, conducted an additional site visit to observe the violation. The site inspection revealed that previously observed violation remained unabated.

On July 16, 2020, this violation was slated for discussion at the Wetlands Board's regular July meeting; however, specific discussion of the violation was deemed premature, and as such Ms. Karla Carter, Assistant City Attorney III, presented the board with procedures as it relates to the handling of potential wetlands violations within its jurisdiction.

On July 20, 2020, Mr. Kevin Wyne, Board Secretary, served the property owner with a Sworn

Complaint (attached) and a Stop Work Order (attached). These documents formally advised the property owners of the observed violation and that the continued work on the project must cease immediately. Additionally, the Stop Work Order notified the property owners that a restoration hearing will occur at the Wetlands Board's August 20, 2020 meeting.

The inspection of the site has revealed that natural wetlands areas have been altered in a manner not consistent with the guidance outlined in the "Wetland Guidelines" established by the Virginia Institute of Marine Science (VIMS) and in association with the Virginia Marine Resources Commission (VMRC). As such, staff recommends that the impacted areas be restored to their previous natural state.

It is important to note that as the Wetlands Board, and in accordance with Section 28.2, Chapter 13, Article 4 of the Code of Virginia, you may order that the affected site be restored to pre-development conditions if you find that restoration is necessary to recover lost resources or to prevent further damage to resource through an order issued through the Board. This order shall specify the restoration necessary and establish a reasonable time for its completion. The order shall be issued only after a hearing with at least thirty days' notice to the affected person of the hearing's time, place, and purpose, and shall become effective immediately upon issuance by the Board. You shall require any scientific monitoring plan they believe necessary to ensure the successful reestablishment of wetlands within your jurisdiction and may require that a prepaid contract acceptable to the Board be in effect for the purpose of carrying out the scientific monitoring plan. The Board may also require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it securing to the Commonwealth compliance with the conditions set forth in the restoration order. The appropriate court, upon petition by the Board, may enforce any such restoration order by injunction, mandamus, or other appropriate remedy. Failure to complete the required restoration is a violation of Chapter 13 of the Code of Virginia and appropriate penalties may imposed when deemed necessary.

ATTACHMENTS

- Photos of the Site 4/30/2020
- Sworn Complaint July 20, 2020
- Stop Work Order July 20, 2020



2020/04/30
11:38



2020/04/30
11:38



2020/04/30
11:38



2020/04/30
11:39



2020/04/30
11:39



2020/04/30
11:39



DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

Division of Planning

CITY OF SUFFOLK

442 W WASHINGTON ST, POST OFFICE BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

SWORN COMPLAINT

Xuan Thi and Kim Phung Nguyen
6766 Burbage Landing Circle
Suffolk, Virginia 23435

Location: 6766 Burbage Landing Circle, Suffolk, VA 23435

Date: July 20, 2020

Pursuant to Section 28.2-1317 of the Code of Virginia, I hereby certify that a substantial violation of Chapter 13, Article 4 of the Code of Virginia has occurred at 6766 Burbage Landing Circle, Suffolk, VA 23435 (Location).

I have personally inspected the site and noted the following unauthorized activity:

Attempted shoreline hardening, to include the placement of concrete and debris, that has been constructed within a tidal wetland along the shoreline of the property.

July 20, 2020
Date



Designated Enforcement Officer
City of Suffolk Wetlands Board

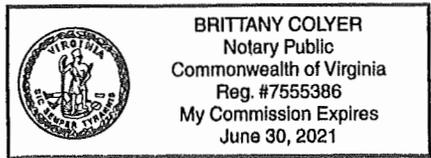
STATE OF VIRGINIA

CITY OF Suffolk, to wit:

I, Brittany Colyer, a Notary Public in and for the
City and state aforesaid, do hereby certify that Kevin Wyne a designated
enforcement officer whose name is signed to the foregoing, has acknowledged the same before me
in my City and State aforesaid. He/She is personally known to me and/or has provided
Drivers License identification.

GIVEN under my hand this 20th day of July, 2020.

[Signature] My Commission Expires: 6/30/21





DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

CITY OF SUFFOLK

442 W WASHINGTON ST, POST OFFICE BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

STOP WORK ORDER UNPERMITTED ACTIVITY

Xuan Thi and Kim Phung Nguyen
6766 Burbage Landing Circle
Suffolk, Virginia 23435

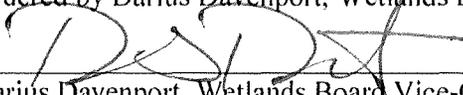
Location: 6766 Burbage Landing Circle, Suffolk, VA

Date: July 20, 2020

Pursuant to Section 28.2-1317 (C) of the Code of Virginia, having received a Sworn Complaint from my designated enforcement office (copy attached), that a substantial violation of Chapter 13, Article 4 of the Virginia Wetlands Act exists as noted on the attached, you are hereby notified that further work at **6766 Burbage Landing Circle, Suffolk, VA 23435**, must be **IMMEDIATELY DISCONTINUED.**

You are required to appear before the Suffolk Wetlands Board for a restoration hearing which will be held on (August 20, 2020, 6:00 p.m., at 442 W. Washington Street, Suffolk, VA 23434 City Council Chambers) to discuss a plan to re-establish and restore the affected resources. You will also be required to show cause as to why these unauthorized activities are not in violation of the Wetlands Act.

Ordered by Darius Davenport, Wetlands Board Vice-Chairman on July 20, 2020.

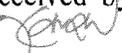


Darius Davenport, Wetlands Board Vice-Chairman

OFFICE USE ONLY:

Method of Service:

Certified Mail, Return Receipt Requested _____

Delivered in person at the site of the permitted activities and received by the permittee or authorized designee 7.20/20 by Kevin Wynn 

7 17 20



CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

Memorandum

To: Suffolk Wetlands Board

From: Kevin M. Wyne, AICP, Current Planning Manager

RE: **Permit Extension Request – VMRC05-2245, submitted by Shanna Cahill of Corblu Ecology Group, LLC, applicant, on behalf of Colonial Pipeline Company, owner, for a five-year extension to a previously approved permit for the maintenance of an existing 16-inch diameter underground petroleum pipeline with associated tidal wetland impacts to the Nansemond River, Chuckatuck Creek, Bennett’s Creek, and their tributaries.**

Date: August 20, 2020

The applicant, Shanna Cahill, on behalf of Colonial Pipeline Company, owner, is requesting a permit extension request for VMRC05-2245. This project involves the maintenance of an existing 16-inch diameter underground petroleum pipeline with associated tidal wetland impacts to the Nansemond River, Chuckatuck Creek, Bennett’s Creek, and their tributaries.

This application which was originally submitted in September 2005, has received two previous extensions. The first extension was for two years and was granted in November 2013. with completion required on or before November 21, 2015. A second extension was granted on November 19, 2015, which allowed for a five-year extension, permitting maintenance activities until November 19, 2020.

The applicant is requesting another five-year extension, which would permit work through August 20, 2025.

Attached, please find the original Joint Permit Application, Original Approval Addendum, and Extension Approval from November 2015 that detail the specifics of the project in its entirety.



July 2, 2020

Mr. David Parks
City of Suffolk Wetlands Board
441 Market Street
P.O. Box 1858
Suffolk, Virginia 23439-1858

VIA E-MAIL

**Subject: VMRC Permit No. 2015-1211
City of Suffolk Wetlands Permit VMRC#05-2245
Wetlands Permit Extension
Encroachment Upon State-Owned Bottoms and Tidal Wetlands
City of Suffolk County, Virginia
Colonial Pipeline Company Maintenance Project
Corblu Project No. 02-041901-01 – Line 27, 2020**

Dear Mr. Parks:

On behalf of our client, Colonial Pipeline Company (CPC), Corblu Ecology Group, LLC (Corblu), is pleased to submit this request for a 5-year extension of CPC's existing City of Suffolk Wetland Permit VMRC#05-2245 for Line 27. The City of Suffolk Wetlands Board approved the permit on November 19, 2015 (Appendix A), which is scheduled to expire on November 19, 2020. CPC's required preventative maintenance activities on their petroleum pipeline are ongoing and perpetual; however, since the 2015 issuance of the Permit, one maintenance activity, the Nansemond River project has occurred within City of Suffolk which was covered by the above mentioned Permit.

We request that you issue the extension to the authorized person of contact:

Mr. Stan Carpenter
NE District Environmental Manager
Colonial Pipeline Company
1089 Kings Highway
W. Deptford, NJ 08086

Corblu appreciates your continued coordination and assistance with this project. If you have any questions or comments, please contact the undersigned at (770) 591-9990.

Sincerely,

CORBLU ECOLOGY GROUP, LLC



Shanna E. Cahill, CE
Principal Ecologist



Richard W. Whiteside, PhD, CWB, CSE
President

Attachments: Appendix A – City of Suffolk Wetlands Permit VMRC#05-2245; Nov. 19, 2015
Appendix B – VMRC Permit No. 2015-1211 Extension; Oct. 18, 2018

c: Mr. Stanley Carpenter, CPC Environmental Project Manager-NED, via email
Mr. Matt Wyant, CPC Environmental Specialist, via email
Ms. Rachel Peabody, VMRC Environmental Engineer, via email

APPENDIX A

CITY OF SUFFOLK WETLANDS PERMIT VMRC#05-2245; NOV. 19, 2015



CITY OF SUFFOLK

442 W. WASHINGTON ST., P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 539-7693

RECEIVED

DEC 21 2015

BY: _____

DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT -
DIVISION OF PLANNING

December 16, 2015

Shanna Cahill
Senior Ecologist
Corblu Ecology Group, LLC
3225 S. Cherokee Lane, Bldg. 800
Woodstock, GA 30188

RE: VMRC #05-2245 – permit extension for the maintenance of an existing 16-inch diameter underground petroleum pipeline with associated tidal wetland impacts to the Nansemond River, Chuckatuck Creek, Bennett's Creek, and their tributaries.

Dear Ms. Cahill,

Please be advised that the Suffolk Wetlands Board, at their meeting on Thursday, November 19, 2015, voted to approve your request for an extension to the existing permit. This permit is for maintenance of an existing 16-inch diameter underground petroleum pipeline with associated tidal wetland impacts to the Nansemond River, Chuckatuck Creek, Bennett's Creek, and their tributaries. Enclosed you will find a copy of the wetlands permit for this project. This permit is valid for a period of five (5) years from the date of permit approval (November 19, 2015).

Please be advised that additional permits may be required from the U.S. Army Corps of Engineers as well as the Virginia Marine Resources Commission prior to commencing the project. Should you have any additional questions, please do not hesitate to contact me at 514-4066.

Sincerely,

David Parks
Principal Planner

\dwp
Attachments
cc:

Mark Eversole, VMRC
U.S. Army Corp of Engineers
File

CITY OF SUFFOLK
WETLANDS BOARD

Wetlands Permit

Granted - Thursday, November 19, 2015

Pursuant to Chapter 13 of Title 28.2 of the Code of Virginia (1950, as amended) and the City of Suffolk Wetlands Ordinance, the City of Suffolk Wetlands Board, hereinafter referred to as the Board, hereby grants unto

Ms. Shanna Cahill, Colonial Pipeline Company

hereinafter referred to as the permittee, permission to undertake the following described project.

Location: **Nansemond River, Chuckatuck Creek, Bennett's Creek, and their tributaries.**

Description of Project: **VMRC#05-2245 – to permit the maintenance of an existing 16-inch diameter underground petroleum pipeline with associated tidal wetland impacts to the Nansemond River, Chuckatuck Creek, Bennett's Creek, and their tributaries.**

1. 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 upon the premises at any reasonable time for the purposes of inspecting the work being done pursuant to this permit.
2. Permittee shall comply with all applicable laws, ordinances, rules and regulations effecting 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 required for the project.
3. The permittee shall, to the greatest extent practical, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
4. This permit shall not be transferred without the prior written approval of the Board.
5. The project shall be completed on or before **November 19, 2020** for the maintenance of the underground petroleum pipeline, after which time this permit shall be void; provided, however, that upon proper application to the Board, the time for the completion of the project may be extended by the Board at its discretion. Any such application for extension of time shall be in writing prior to the expiration date hereof and shall specify the reasons for such extension and the expected date of completion of the project.

Wetlands Permit – VMRC #05-2245

November 19, 2015

6. This permit may be revoked at any time by the Board upon the failure of the permittee to comply with any of the terms and conditions hereof.
7. Specific additional conditions attached to the project by the City of Suffolk Wetlands Board:
 - 1) Colonial Pipeline Company shall notify the Suffolk Wetlands Board in writing of all proposed pipeline maintenance locations with a repair schedule and restoration/monitoring plans prior to commencement of the maintenance activities.

CITY OF SUFFOLK
WETLANDS BOARD

By:  _____

designee - Secretary
(Chairman or designee)

APPENDIX B

VMRC PERMIT NO. 2015-1211 EXTENSION; OCT. 18, 2018



RECEIVED

OCT 22 2018

BY: _____

COMMONWEALTH of VIRGINIA

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Matthew J. Strickler
Secretary of Natural Resources

Steven G. Bowman
Commissioner

October 18, 2018

Colonial Pipeline Company
c/o Corblu Ecology
Attn: Ms. Shanna Cahill
3225 South Cherokee Lane, Bldg. 800
Woodstock, GA 30188

Re: VMRC #15-1211

Dear Ms. Cahill:

This is to inform you that the above-referenced permit has been extended, and the new completion date shall be December 8, 2021. The permit authorizes you to replace or repair petroleum pipeline (Line 27) segments at multiple waterway and tidal wetlands crossings, as needed in Cumberland, Henrico, Powhatan, Chesterfield, Charles City, James City, Surry, and Isle of Wight Counties and the Cities of Richmond, Suffolk, and Chesapeake.

Please attach this letter to the previously issued permit as evidence of the authorization contained herein. All other conditions of the original permit shall remain in effect.

Please contact the U.S. Army Corps of Engineers, Norfolk District for information on obtaining an up-to-date permit for this project.

Should you have any questions regarding this matter, or if we can be of further assistance, please do not hesitate to contact Ms. Rachael Peabody of my staff at (757) 247-8027.

Sincerely,

Tony Watkinson
Chief, Habitat Management

TW/rlp:ldf
HM
cc: Applicant

An Agency of the Natural Resources Secretariat
www.mrc.virginia.gov

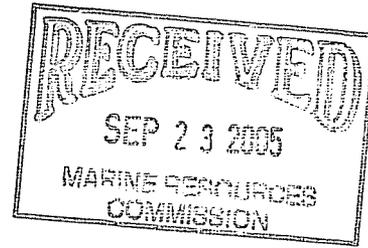
Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



WETLAND & ECOLOGICAL CONSULTANTS, LLC

September 20, 2005

Mr. Randy Owen
Virginia Marine Resources Commission
Habitat Management Division
2600 Washington Avenue, 3rd Floor
Newport News, Virginia 23607



**Subject: Joint Permit Application
Encroachment upon Tidal Wetlands and State-owned Bottoms
Colonial Pipeline Company Maintenance Project
11 Counties in Central and Eastern Virginia
WEC Project No. 02-041901-01-Line 27**

Dear Mr. Owen:

Wetland & Ecological Consultants (WEC) is pleased to submit the attached Joint Permit Application (JPA) (Appendix A) for possible encroachments upon tidal wetlands and State-owned Stream Bottoms on behalf of our client, Colonial Pipeline Company (CPC). The proposed project consists of required maintenance of CPC's existing Line 27, a 16-inch-diameter underground petroleum pipeline. Line 27 is located in a single right-of-way (ROW), which traverses a corridor from CPC's Mitchell Junction in western Cumberland County, Virginia to CPC's Norfolk Delivery Station in Chesapeake City, Virginia (Figures 1 and 2a-2b).

As we have discussed, the exact locations of the proposed maintenance activities along the project corridor have yet to be determined, and will not be known until early to mid 2006. However, based on our past experience, we anticipate that some of the maintenance locations will require temporary disturbance to tidal wetlands and/or streambeds, and that some of these streams may have an upstream watershed of greater than five square-miles (mi²) in size.

The proposed maintenance activities will be located within CPC's existing, maintained Line 27 ROW. This ROW crosses 27 jurisdictional waters which are either tidal or have an upstream watershed greater than five mi² (Figures 3a-3r). We understand that

disturbances to tidal wetlands or to State-owned Bottoms with an upstream watershed of greater than five mi² are subject to the JPA process.

As indicated above, the actual maintenance locations are not known at this time; however, once the maintenance locations are determined, it is possible that some of the maintenance locations will need to be repaired immediately upon discovery (see description below). Therefore, we are submitting this JPA to permit disturbances to all 27 wetlands/streams crossed by the project corridor that are tidal or have an upstream watershed greater than five mi² in size (Figures 2a and 2b; and Table 1). The actual number of tidal wetlands/State-owned Bottoms to be disturbed by the maintenance activities may be less than the 27 crossings identified in this JPA. When the actual locations and extent of disturbance to tidal wetlands and/or State-owned stream Bottoms has been determined, an **“Awareness Letter”** will be submitted to the Virginia Marine Resources Commission (VMRC) describing the proposed maintenance technique and the actual extent of the disturbance.

Background

CPC is committed to operating in a manner that protects the safety of the public, the environment, and its workforce. The proposed pipeline maintenance is part of CPC's Integrity Management Program (IMP). The IMP provides an important means of achieving spill-free, error-free operations. The purpose of the IMP is to improve the integrity of CPC's system, including pipelines, facilities, and equipment, tanks, and delivery lines.

CPC's IMP also meets the requirements of 49 CFR Part 195 - “Pipeline Safety: Pipeline Integrity in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipeline); Final Rule.” § § 195.450 and 195.452 as administered by the U.S. Department of Transportation (USDOT). This new regulation represents a significant change in the federal requirements governing pipeline integrity management. Federal Code requires an integrity management plan, includes prescriptive requirements for inspection of pipeline systems, and requires excavation and inspection of certain defects according to specific schedules. It should be noted that USDOT has completed an

Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) concerning repairs an operator would have to make to its pipeline following an integrity assessment. The EA and corresponding Finding of No Significant Impact (FONSI) concluded that these actions would not significantly affect the quality of the human environment (Docket No. RSPA-00-6355).

In accordance with 49 CFR Part 195, CPC's IMP includes a Baseline Assessment Plan. Under the specifications of this plan, CPC will perform a baseline assessment of "Line 27" from Mitchell Junction (western Cumberland County) to the Norfolk Delivery Station (Chesapeake County). The baseline assessment is initiated with the running of internal line inspection (ILI) tools, continues with analysis of the ILI results and other line information, and ends with "discovery" of defects on the line and the issuance of an anomaly remediation list.

As stated in 49 CFR Part 195.452, the requirements of the baseline assessment and timeline between discovery and repair are established, depending on the severity of the anomaly, the maintenance will need to be conducted immediately, or within 60 days, 180 days, or 1 year from the date of discovery. The timeline for required repair depends on the kind of anomaly and its location compared to High Consequence Areas (HCA's).

The remediation method for each anomaly can be different, depending on the type. In the majority of circumstances all work is conducted within CPC's maintained ROW, which is typically 45-feet in width. All sedimentation and erosion controls outlined in CPC's Soil Erosion and Sediment Control BMPs (Appendix B) will be followed and meet standards set by the Virginia Sedimentation and Erosion Control Handbook. For a significant portion of the anomalies, the best remediation method is excavation of the pipeline, analysis of the anomaly and repair where necessary. Unless multiple anomalies are in a small area, the area of disturbance is typically limited to 30 feet by 60 feet plus an area for temporary soil storage, and can be completed within 24 - 72 hours. Maintenance conducted within streams with highly erodable soils/substrates will often require the use of concrete revetment mats placed on the streambed and/or stream banks (Appendix C; Photograph Nos. 1-2) to prevent scouring and pipeline exposure.

Proposed Activities within State-owned Bottoms

As indicated above, CPC will excavate an area approximately 30 feet by 60 feet at each discovered anomaly location, inspect the pipeline, and repair the pipeline if necessary. The proposed maintenance will result in a minimum, temporary disturbance to State-owned Bottoms if the anomaly location is within or very near a stream. The construction method to be used will depend on the size of the stream and the location of the dig. In all cases, excavated materials will be temporarily stored on adjacent upland areas and the stream segments located upstream and downstream of the dig location site will not be impacted.

In smaller streams (less than 15 feet wide), to minimize stream sedimentation at a maintenance location, temporary dams (constructed with sandbags, steel plates or water-inflatable plastic dams) will be constructed at each end of the maintenance areas and the stream flow will be pumped around the maintenance area. The pumps will be installed upstream of the temporary dam with the discharge line routed through the maintenance area, discharging immediately downstream of the downstream dam (Appendix B, Figures: Typical Dam and Pump Maintenance Dig).

In larger streams (15 to 50 feet wide) or as an alternative method to using a pump, CPC will use a steel pipe flume or flumes to convey the stream flow through the reach of stream to be disturbed. The flume will be used to maintain flow to the downstream side of the maintenance area, and the trench excavation will be carried out under the flume (Appendix B, Figures: Typical Dry Flume Maintenance Dig). Both techniques allow the maintenance activity to take place without contact to flowing water, thus reducing downstream stream sedimentation.

In situations where the anomaly location is located adjacent to a stream, only a small portion of the excavation area may encroach into the stream bottom. In these situations, a coffer dam (constructed of steel sheet pile, water-inflatable plastic dams, or concrete barriers) will be used to isolate the excavation area from the stream flow. The excavation area will be dewatered with a pump, and the water will be filtered before it is returned to the stream (Appendix B, Figures: Maintenance Dig at Streambank Cofferdam)

Approach). Regardless of maintenance technique, upon completion of the maintenance activity, the stream channel will be returned to its pre-maintenance conditions and contours and stream flow will be restored (e.g., removal of dams).

When maintenance is conducted in streams with highly erodible substrates, there is commonly a need for scour protection to prevent excessive erosion and sedimentation after maintenance completion and temporary dam removal. To ensure that the backfilled substrate is not washed downstream, thus exposing the buried pipeline, CPC will install either rip-rap or concrete revetment matting at grade level on the streambed and/or stream banks where the stream was disturbed (Appendix C). These revetment mats are placed in the stream at grade level and “keyed” into the banks and “toed” into the streambed. The mats allow for the growth of plants between the concrete blocks and prevent scouring of the streambed and banks while providing a riffle-like habitat along the length of matted stream (Photograph Nos. 1 and 2). This type of scour protection is not always necessary for maintenance activities within streams. The VMRC will be notified of CPC’s intention to use revetment mats in the “awareness letter” that will be submitted for any maintenance activities discovered within the 27 identified crossings.

In the event that the maintenance activity is located within an identified tidal wetland, CPC will operate all equipment off of mats to prevent disturbance to the soils. All excavated soils will be stored on adjacent uplands when practicable, or on geotextile fabric. Once the maintenance is complete, the excavated soils will be returned to the excavated area and the disturbed areas will be reseeded with an appropriate herbaceous wetland plant mix (Appendix B, Figures: Typical Wetland Maintenance Dig).

As indicated above, with all methods the impacts are considered temporary, as all disturbed areas will be protected from erosion and sedimentation and all pre-construction contours will be restored. Excavated material will be returned to the trench and all streambed/wetland substrates will be replaced during the restoration efforts. The excavation, inspection, and maintenance activity (if necessary) can typically be completed within two to three days, and stabilization will be conducted immediately following completion of the maintenance activity.

Federal and State Permit Compliance

The disturbance to waters of the U.S. associated with the described activity are authorized under the U.S. Army Corps of Engineers' (USACE) Nationwide Permit 3 (NWP 3), and do not require that a pre-construction notification (PCN) be submitted to the USACE. The NWP General Conditions as specified in the Federal Register (Vol. 67, No. 10, page 2078, dated January 10, 2002) will be upheld, and the proposed maintenance activities meet all of the NWP Regional Conditions set forth by the USACE, Norfolk District. The Virginia Department of Environmental Quality (DEQ) provided an unconditional Section 401 Water Quality Certification (except for trout streams and jurisdictional areas containing protected species, which are not expected to be germane to this project) for use of NWP 3 in Virginia on March 29, 2002. Therefore, because the activities are covered by NWP 3, the disturbances to surface waters are authorized by the Virginia Water Protection (VWP) Permit Program.

WEC has contacted Virginia Department of Game and Inland Fisheries (VDGIF) to obtain a preliminary review of potential protected species concerns for each of the 27 identified tidal wetland/State-owned Bottom crossings. Based on this review (VDGIF letter dated August 23, 2005), and as requested, we will address the protected species issues at each of these individual tidal wetland/State-owned Bottoms crossings if and when an actual maintenance activity is found to be located at the identified crossings with protected species concerns. This approach has been used previously for a similar project permitted under VMRC Permit No. 04-1899. Once the exact maintenance locations are discovered, and before the maintenance activity is performed, CPC will coordinate with VDGIF and Virginia Department of Conservation and Recreation (DCR) to ensure that the maintenance activities do not cause significant adverse effects to protected species. The result of this effort will be provided to you in the "awareness letter" which will be submitted in the event that one of the 27 identified crossings must be disturbed for maintenance.

Joint Permit Application Required Information Summary

The proposed project may require temporary disturbance to tidal wetlands and/or streams with a watershed greater than five mi² in size. As instructed in the JPA flow chart, Parts 1, 2, and 3 are attached. A discussion of the required forms is provided below.

Part 1 – General Information

1. Applicant's name and complete mailing address:

Provided on JPA form

2. Property Owner's name and complete mailing address:

CPC owns an easement which encompasses the proposed project site. Adjacent property owner information is provided in Table 2.

3. Authorized agent's name and complete mailing address:

Wetland & Ecological Consultants, LLC
3225 South Cherokee Lane, Building 800
Woodstock, GA 30188
(770) 591-9990

4. Provide a detailed description of the project:

Refer to the Proposed Activities within State-owned Bottoms section of this letter; also provided on JPA Forms.

5. Contractor Information:

Central Virginia Maintenance
PO Box 300
Buckingham, VA 23921
(434) 969-1779

Responsible Land Disturber Certification No. 18754

6. Name address, and telephone number of the newspaper having general circulation in the area of the project:

As CPC's authorized agent, WEC would like to correspond with the VMRC regarding this manner and review any public notice before it is submitted to a local newspaper. Since the project corridor spans numerous cities and counties, we have included three regional newspapers that provide circulation throughout the project area.

Richmond Times & Dispatch
300 E. Franklin Street
Richmond, VA 23219
(804) 649-6000

Virginian-Pilot
150 West Brambleton Avenue
Norfolk, VA 23510
(757) 446-2000

Daily Press
7505 Warwick Boulevard
PO Box 746
Newport News, VA 23607
(757) 247-4678

7. a) Project location:

Refer to the maps provided as Figures 1-2b

- b) Rural area driving directions:

Refer to the maps provided as Figures 3a-3r

- c) List the waterbodies within the project boundaries:

All waterbodies with an upstream watershed greater than five mi² in size as well as all tidal waters crossed by the project corridor are provided in Table 1.

8. What is the primary and secondary purpose of the project:

Refer to 'Background' section of this letter provided above.

9. Proposed use:

Multi-user as indicated on JPA form

10. Describe the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction:

Refer to the 'Proposed Activities within State-owned Bottoms' section of this letter and to CPC's Soil Erosion and Sedimentation Control: Best Management Practices for Pipeline Maintenance Activities, which is included as Appendix B. Also, maintenance activities will only be performed at pipeline anomaly locations as required by federal regulations.

11. Have you previously had a site visit, applied to, or obtained a permit from any agency for any portion of the project described in this application or any other project site?

No

12. Is this application being submitted for after-the-fact authorization for work which has already begun or has been completed?

No

13. Approximate cost of the entire project and cost of only that portion of the project below mean low water level (MLW):

CPC estimates that each maintenance location will cost approximately \$10,000. The number and locations of the maintenance sites has not yet been determined, and the number of digs that will actually disturb State-owned Bottoms and tidal areas has not yet been determined. Therefore, the cost below MLW of each maintenance location is unknown at this time as well.

14. List the name and complete mailing address of each adjacent property owner to the project:

Included in Table 2.

Part 2 – Signatures

Included in JPA Forms

Part 3 – Appendix C – Crossings

1. What is the purpose and method of installation of the crossing:

The proposed activities consist of maintenance of an existing structure (i.e., pipeline), not installation. Purposes and methods are provided on JPA forms and discussed in the Proposed Activities within State-owned Bottoms section of this letter.

2. What is the width of the waterway and/or wetland to be crossed?

Unknown until the location of pipeline anomalies has been determined.

3. Not applicable

- 4a. Not applicable

- 4b. For buried crossings, what will the depth below the substrate be?

Each crossing differs, but average depth of the existing pipeline ranges from 8-12 feet.

5. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned Bottom or tidal wetlands? If yes, how much fill is proposed in submerged lands?

Yes, approximately 1,800 square-feet (30 feet x 60 feet) of temporary excavation is proposed at the 27 identified locations in the event that the pipeline at each of these locations is discovered to be in need of inspection and/or repair. No fill in State-owned Bottoms or tidal wetlands is proposed.

Plan View Drawing

Plan view drawings of typical construction methods used in streams and wetlands are included in CPC's Soil Erosion and Sedimentation Control Best Management Practices for Pipeline Maintenance Activities (Appendix B).

Cross-Sectional Drawing

Conceptual Cross-Sectional Drawings can be included with the "awareness letter" which will be submitted in the event that maintenance activities are confirmed at any of the 27 identified tidal wetland/State-owned Bottom crossings.

Part 5 – Chesapeake Bay Preservation Act Information

For waters and Resource Protection Areas (RPA) within the Chesapeake Bay watershed, protection is afforded through the Chesapeake Bay Preservation Act (CBPA). The CBPA gives localities within Tidewater Virginia the authority to pass regulations aimed at defining and protecting Chesapeake Bay Preservation Areas as defined in the CBPA. The maintenance activities proposed have been given exemption (Sec. 9 VAC 10-20-150 B) from the local CBPA RPA permitting process.

Further Comments

CPC has not conducted an archeological survey for this project as all of the maintenance activities will be conducted in the existing and maintained ROW which has been previously disturbed for the installation of the pipeline. Furthermore, all excavated materials will be returned to the point of excavation and the maintenance site will be returned to pre-existing conditions. However, CPC and its contractors are fully aware of the federal and state regulations concerning the protection of cultural resources, and if during the course of construction, potential cultural resources are observed, the activities will be temporarily stopped, and the appropriate actions will be taken as described on Page 12 of Appendix B.

The proposed maintenance in jurisdictional waters and within the FEMA 100-year floodplain does not include the installation of new structures and thus will not result in additional fill within the 100-year floodplain.

Conclusion

Based on this submittal, WEC respectfully requests a permit for encroachment upon the 27 above referenced tidal wetlands and State-owned stream Bottoms for the described pipeline maintenance activity. We look forward to corresponding with the VMRC prior to placement of a public notice in the three area newspapers. If you have any questions or comments, please contact the undersigned at (770) 591-9990.

Sincerely,

WETLAND & ECOLOGICAL CONSULTANTS, LLC



Dan Phillips
Staff Ecologist



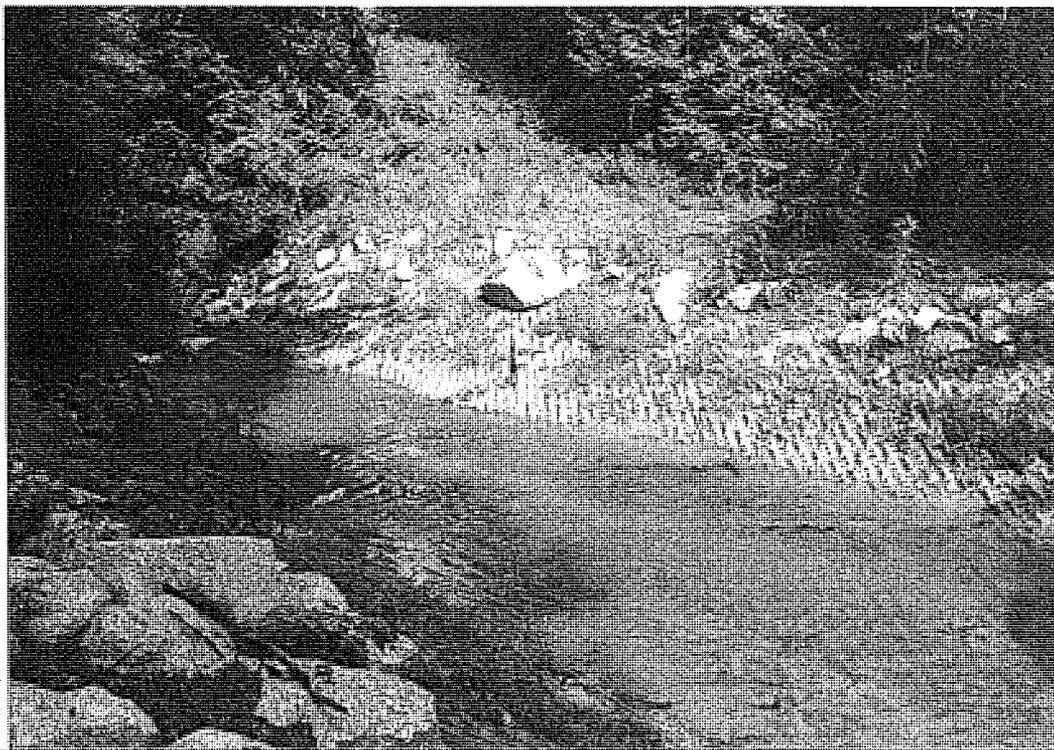
Richard W. Whiteside, Ph.D., C.W.B.
Managing Member

Enclosures: Figure 1 – Pipeline Corridor Map
Figures 2a-2b – Region Maps
Figures 3a-3r – Individual Crossing Quadrangle Maps
Table 1 – Identified Line 27 Stream Crossings in Virginia with a Greater than Five mi² Watershed and/or Tidal Wetlands/Streams
Table 2 – Property Owner's List
Photographs (2)
Appendix A – Joint Public Application Forms
Appendix B – CPC's Soil Erosion and Sedimentation Control Best Management Practices for Pipeline Maintenance Activities
Appendix C – Typical Revetment Mat Drawing

c: Mr. Daniel T. Rafferty, Environmental Project Manager, CPC, Permittee
Mr. Paul Senger, Project Manager, CPC
19 Copies included for distribution to: USACE, Norfolk District; US Fish and Wildlife (USFWS); Virginia DGIF; Virginia DCR; Virginia Department of Environmental Quality (DEQ); Virginia Department of Health (VDH); and the Tidewater Virginia Wetlands Boards (Includes a few extra copies for distribution to necessary agencies not listed above.)



Photograph No. 1: View of newly installed concrete revetment matting on CPC's ROW in a small perennial stream in Georgia. Concrete sections of the revetment mats are linked by cables or nylon cord. Note the riffle habitat created by the matting on the streambed.



Photograph No. 2: View of recently installed revetment matting in a large perennial stream located in Atlanta, Georgia. Note the vegetation growing through the matting and riffles caused by the matting on the streambed. Large boulders on banks installed to prevent matting from sliding down into the stream.

Part 1 – General Information

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

County or City in which the project is located: Multiple Counties and Municipalities
Waterway at project site: See Table 1 of the attached Cover Letter

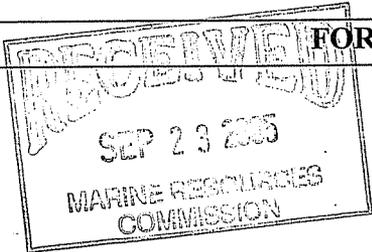
1. Applicant's name and complete mailing address: Contact Information:
 Home () _____
 (If multiple applicants, each must sign the applicant signature page) Work (410) 569-6202
 Daniel T. Rafferty Fax (410) 569-6509
 Colonial Pipeline Company (CPC) Cell/ Pager () 443-243-3049
 2014 South Tollgate Road, Suite 211 e-mail DRaffert@colpipe.com
 Bel Air, Maryland 21015

2. Property owner(s) name and complete address, if different from applicant Contact Information:
 Home () _____
 Project corridor passes through many properties, Work () _____
 Property Owner information is provided under Table 2 of Fax () _____
 the attached Cover Letter Cell/ Pager () _____
e-mail _____

3. Authorized agent name and complete mailing address (if applicable): Contact Information:
 Home () _____
 Wetland & Ecological Consultants, LLC Work (770) 591-9990
 3225 South Cherokee Lane, Building 800 Fax () 770-591-9993
 Woodstock, Georgia 30188 Cell/ Pager (770) 778-9864
e-mail rwwhiteside@wet-eco.com

4. Provide a detailed description, in the space below, of the project. For example, a description may be "construction of a timber bulkhead, 125 linear feet long, 6 feet high etc". Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.

The proposed project consists of required maintenance to an existing, 16" diameter underground petroleum pipeline. This pipeline, Line 27, is owned and operated by CPC. The US Department of Transportation (USDOT) requires that CPC monitor and maintain their pipelines to ensure safe, clean transport of their petroleum product around the country. CPC plans on running an internal pipeline inspection tool (Smart PIG) on Line 27 in early 2006. The inspection will result in a remediation list of "anomalies" which must be inspected and repaired according to a specific schedule based on the severity of the "anomaly." In order to inspect and repair the "anomalies," the area surrounding the "anomaly" must be excavated. The area required for excavation is normally on the order of 60 linear feet of pipe by 30 feet wide unless multiple "anomalies" are found adjacent to one another. The location for an "anomaly" may occur anywhere along the pipeline corridor, including under a State Owned Bottom or Tidal Wetland. Line 27 crosses under 27 identified locations which are either tidal or have a watershed of greater than five square-miles (Table 1). Please see the attached Cover Letter for further explanation of the proposed project.

FOR AGENCY USE ONLY	
	Notes: <hr/> JPA #

Part 1 - General Information (continued)

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

The Primary purpose for the proposed project is to maintain/repair an existing petroleum pipeline as required by the US Department of Transportation as specified in 49 CFR Part 195-"Pipeline Safety; Pipeline Integrity in High Consequence Areas."

The Secondary purpose is to ensure that the pipeline continues to transport petroleum products needed by the general public for transportation, heating, etc. in a safe, reliable manner, that prevents spills and leaks, and ensures operation without significant interruption.

9. Proposed use (check one):

- Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)

10. Describe the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction.

Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.

In order to minimize sedimentation during maintenance activities, cofferdams will be used when possible. When cofferdams are not practicable, stream flow will be temporarily dammed (dams constructed with sandbags, steel plates, or water-inflatable plastic dams) and the stream flow will be flumed or pumped around the maintenance area. Wetland work will be conducted using equipment mats and soils will be stored on uplands when possible or on geotextile fabric. Stabilization and revegetation activities will be conducted immediately following the maintenance. CPC's Best Management Practices (BMP's) and Sedimentation & Erosion guidelines are outlined in the attached Appendix B.

11. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?

Yes* No * if you answered "Yes", provide the following information:

<u>Agency / Representative</u>	<u>Activity</u>	<u>Application No.</u>	<u>Action** & Date</u>
--------------------------------	-----------------	------------------------	----------------------------

(**Issued, Denied, Withdrawn, or Site Visit)

Part 1 - General Information (continued)

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

13. Approximate cost of the entire project (materials, labor, etc.): \$ 10,000 per anomaly local
Approximate cost of that portion of the project which is below mean low water: \$ Unknown

14. List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/ applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).

All maintenance activities will be conducted within CPC's ROW which traverses many properties. The Property Owner information for properties adjacent to streams with a greater than five square-mile watershed and tidal wetlands/waterbodies (27 identified waters) is provided as Table 2 of the attached Cover Letter.

Part 2 - Signatures

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

NOTE: REQUIRED FOR ALL PROJECTS

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

I hereby apply for all necessary permits for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions.

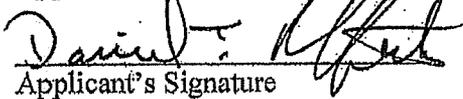
In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons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

Daniel T. Rafferty

N/A

Applicant's Name (printed/typed)

(use if more than one applicant)



Applicant's Signature

(use if more than one applicant)

Date

19 Sept. 05

CPC's permanent easment

Property owner's name (if different)

(use if more than one owner)

Property owner's signature

(use if more than one owner)

Date

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I, Daniel T. Rafferty, hereby certify that I have authorized Wetland & Ecological Consultants, LLC
(Applicant's name) (Agent's name)

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

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

Richard W. Whiteside
(Agent's Signature)

9/15/05
(Date)

Daniel T. Rafferty
(Applicant's Signature)

(Use if more than one applicant)

19 Sept. 05
(Date)

Part 2 - Signatures (continued)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I, Daniel T. Rafferty, have contracted Central Virginia Maintenance, INC

to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, State and Local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes.

In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Central Virginia Maintenance, Inc.

PQ Box 300

Contractor's name or name of firm
(Printed/typed)

Buckingham, VA 23021

Responsible Land Disturber Cert. No. 18754

Contractor's or firms address

Contractor's license number

D.T. Rafferty OWNER
Contractor's signature and title

2701034304A
Contractor's license number

Daniel T. Rafferty
Applicant's Signature

19 Sept 05
Date

Part 3 – Appendices (continued)

Appendix C: Crossings over, under, or on tidal wetlands and/or waters (including bridges, walkways, utility lines).

1) What is the purpose and method of installation of the crossing?

The proposed project involves maintenance/repair to an EXISTING, underground petroleum pipeline only; no new utility installation is proposed. The Primary purpose for the proposed project is to excavate and repair structural anomalies (dents, corrosion, etc...) along an existing, maintained underground pipeline. The method proposed will require that identified anomalies along the pipeline be excavated, inspected, repaired, backfilled, and stabilized. The area of excavation will usually be approximately 60 feet x 30 feet at each anomaly identified for inspection and repair. CPC's BMPs are included in this submittal as Appendix B under the attached coverletter.

Actual maintenance location details will be given in the "Awareness Letter" to be submitted to the VMRC once each maintenance location is identified. Please see the attached coverletter for further explanation.

2) What is the width of the waterway and/or wetlands to be crossed?

from mean high water to mean high water? UNK feet.

from mean low water to mean low water? UNK feet.

3) For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands and/or submerged lands? N/A square feet.

4a) For overhead crossings, what will be the height above mean high water? N/A feet.

If there are other overhead crossings in the area, what is the minimum height? N/A feet.

4b) For buried crossings, what will be the depth below the substrate? 8-12 feet.

5) Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned bottom or tidal wetlands? Yes No.

a) If yes, please give the amount of excavation in wetlands Unknown cubic yards
up to 1,800 square feet

Amount of excavation in submerged land Unknown cubic yards
up to 1,800 square feet.

b) Amount of fill in wetlands None cubic yards
None square feet

Amount of fill in submerged lands None cubic yards
None square feet.

**SOIL EROSION AND SEDIMENT
CONTROL
BEST MANAGEMENT PRACTICES
FOR
PIPELINE MAINTENANCE ACTIVITIES**

**Version 1.1
June 7, 2004**

Colonial Pipeline Company

TABLE OF CONTENTS

List of Figures	1
Introduction	1
Typical Projects Requiring Soil Erosion and Sediment Controls	1
Inspection	2
Soil Erosion and Sediment Control	3
Best Management Practices	3
Site Preparation	3
Topsoil Segregation	3
Temporary or Permanent Slope Breakers	3
Temporary Sediment Control Barriers	4
Silt Fence Installation and Maintenance	4
Hay/Straw Bale Installation and Maintenance	4
Trench Dewatering	5
Trench Breakers	5
Backfilling	5
Restoration and Revegetation	5
Temporary Stabilization	6
Permanent Restoration Measures	6
Revegetation and Seeding	6
Mulching	7
Matting/Netting/Erosion Control Fabric	7
Access to Work Locations	7
Specialized Work Areas	8
Wetlands	8
General Requirements	8
Cleanup/Restoration	9
Waterbodies	9
Equipment Crossings of Streams	9
General Requirements	10
Schedule	10
Additional Work Space Areas	10
Spoil Pile Placement/Control	10
Cleanup/Restoration	10
Specific In-Stream Work Methods	11
Unanticipated Discovery – Archaeological and Cultural Resources	12
Figures	

LIST OF FIGURES

- Figure 1 – TYPICAL PERMANENT SLOPE BREAKERS
- Figure 2 – SILT FENCE BARRIER
- Figure 3 – STRAW BALE BARRIER
- Figure 4 – TYPICAL FILTER BAG DEWATERING
- Figure 5 – STRAW BALE DEWATERING STRUCTURE
- Figure 6 – PERMANENT TRENCH BREAKERS
- Figure 7 – EROSION CONTROL FABRIC: TYPICAL SLOPE
INSTALLATION
- Figure 8 – CHANNEL LINER INSTALLATION
- Figure 9 – RIP-RAP LINING
- TYPICAL WETLAND MAINTENANCE DIG
- TYPICAL DRY FLUME MAINTENANCE DIG
- TYPICAL DAM AND PUMP MAINTENANCE DIG
- MAINTENANCE DIG AT STREAM BANK COFFER DAM APPROACH
- DRY FLUME W/ WATERSTRUCTURES MAINTENANCE DIG
- DAM AND PUMP W/ WATERSTRUCTURES MAINTENANCE DIG
- MAINTENANCE DIG AT STREAM BANK COFFER DAM APPROACH
WITH WATERSTRUCTURES
- TYPICAL RAILCAR BRIDGE CROSSING
- TYPICAL MAT CROSSING

Introduction

This plan describes the basic environmental construction techniques and best management practices that Colonial and its Contractors will implement during maintenance activities on Colonial's right of way. The purpose of this plan is to protect the environment by minimizing the potential effects of maintenance related soil disturbance activities in uplands and within jurisdictional waters (streams, rivers, wetlands, etc.) and other sensitive areas.

The plan has been tailored to meet the requirements of the Storm Water Pollution Prevention Plan required under the U.S. Environmental Protection Agency (EPA) storm water permit, US Army Corps of Engineers maintenance related Nationwide Permits and associated general and regional conditions, and state wetland and waterbody permits and conditions for maintenance work.

This plan must be amended and modified prior to the implementation of any project to include additional requirements that may be imposed by any federal, state, or local agency.

Typical Projects Requiring Soil Erosion and Sediment Controls

Pipeline maintenance activities are primarily limited to the established and maintained right of way. Soil disturbing activities associated with maintenance work primarily involve excavation of the existing pipeline and the utilization of access roads. Typical projects include pipeline pig digs, recoating, stream bank stabilization, and exposed pipe repair. Corrosion related work may occur on newly established right of way outside of the currently maintained right of way. Corrosion work may also involve trenching to install electrical cables and anodes.

Inspection

Colonial will insure that Project Inspectors receive appropriate training to carry out their duties as described in this document and that construction activities will be in compliance with applicable federal, state and local environmental permits and approvals.

Colonial will also require certain Contractor's field employees to be made aware of the relevant environmental issues in order that they may identify and address issues during maintenance activities. Accordingly, Colonial will conduct training to ensure that BMP's are properly installed and maintained.

The Project Inspector will review all Project documents (permits, alignment sheets, and relevant plans) prior to performing work. During work, the inspector is responsible for:

- inspecting activities daily to verify and document that Contractors are complying with this plan, mitigation measures, and applicable federal, state and local permit requirements;
- ensuring that all activities occur within authorized work areas;

- photo-documenting sensitive areas and workspaces before, during, and after construction;
- identifying areas that require stabilization;
- identifying potential problems and initiating appropriate actions;
- ensuring erosion and sedimentation control devices are installed and maintained properly;
- ensuring the timely repair of ineffective erosion control measures;
- monitoring restoration and revegetation of upland areas, waterbodies and wetlands;
- ensuring the appropriate wetland and waterbody methods are utilized at the actual time of work as stipulated in the appropriate permit.
- locating dewatering structures and slope breakers to ensure they will not direct water into sensitive areas;
- ensuring that trench-dewatering activities do not result in the deposition of sand, silt, and/or sediment into a wetland or waterbody.
- providing notification of maintenance activities to Colonial Environmental Manager;
- working with Colonial Environmental Manager to assure that this plan is properly implemented;
- coordinating and/or performing updated environmental training as newly contracted personnel begin working on construction;
- educating construction personnel and other inspectors on project environmental concerns and plans.

The inspector will correct and report compliance problems and have "stop-work" authority on activities that violate the environmental conditions of any permit.

Soil Erosion and Sediment Control

It is Colonial's objective to minimize the potential for erosion and sedimentation during pipeline maintenance activities and to effectively restore and revegetate the ROW. Colonial will meet this objective by employing the erosion and sediment control measures contained in this section. These erosion and sediment control measures will serve as minimum standards during maintenance work. The measures are designed to mitigate erosion and sedimentation by:

- minimizing the amount and duration of soil exposure;
- reducing the velocity of runoff;
- redirecting runoff from sensitive areas;
- installing and maintaining erosion and sediment control measures during construction;
- establishing revegetation as soon as possible following final clean-up; and
- inspecting the ROW and maintaining erosion and sediment controls as necessary until final revegetation is achieved.

Project inspectors have the primary responsibility for ensuring that contractors implement and maintain erosion and sediment control measures.

Project inspectors are responsible to regularly inspect and assess the condition of the erosion and sediment control devices employed during maintenance work. Most maintenance activities will disturb relatively small areas (less than 1 acre) and will not require NPDES Stormwater permits or other land disturbing permits. *However, land disturbing permits may be required by local or state agencies for smaller areas of disturbances or for disturbances within stream buffer areas depending upon location.* These permits have specific requirements related to the installation, maintenance, and inspection of soil erosion and sediment control Best Management Practices (BMP's). All work should be conducted in accordance with specific permit conditions if a permit is required.

Best Management Practices

Site Preparation

Right of Way boundaries, sensitive features, and jurisdictional waters (streams, wetlands, etc.) must be identified and clearly delineated before beginning work. *Anticipated work space requirements must also be identified and silt fence and other erosion control measures be installed prior to any soil disturbance.*

Topsoil Segregation

Topsoil segregation is required in all dry wetlands, residential areas, annually cultivated or rotated agricultural lands (except pasture), hayfields and other areas at the landowner request. Topsoil segregation is preferred in all areas if possible. In wetland areas, where minimization of disturbance is required, the topsoil segregation is limited to the ditch line only. In all other locations the ditch line and spoil storage area will require topsoil removal. Other requirements are listed below.

- Topsoil should be segregated prior to excavation and stockpiled separately from subsoil.
- Topsoil should be removed to its actual depth or to a maximum depth of 12 inches
- In residential areas the importation of approved topsoil is an acceptable alternative to topsoil segregation.
- Under no circumstances shall topsoil be used for padding, backfill or trench breakers.

Temporary or Permanent Slope Breakers

- Slope Breakers (water bars) shall be installed or replaced at an outslope of 2 to 8 degrees across the ROW on slopes to control erosion by reducing and shortening the length and concentration of runoff.
- Temporary slope breakers can be used uphill of work areas to divert stormwater away from disturbed areas and open trenches
- For the construction of permanent slope breakers, soil should be slightly excavated and compacted to form a temporary channel with an adjacent down slope berm or ridge of compacted soil. (See Figure 1 – TYPICAL PERMANENT SLOPE BREAKERS).
- The slope breaker shall permit traffic to move over it safely without easily destroying it.

- Slope breakers shall divert water to a well-vegetated area. If a vegetated area is unavailable, erosion control barriers shall be installed to filter the runoff just off of the ROW at the outlet of the water bar.

Temporary Sediment Control Barriers

Hay/straw bales and silt fences are interchangeable, unless noted below. *Temporary sediment control barriers are required prior to the initial disturbance of the soil, and shall be:*

- Located at the outlet of a water bar when vegetation is not adequate to control erosion.
- Located along banks of waterbodies between the worksite and waterbody.
- Positioned down-slope of any stockpiled soil in the vicinity of waterbodies and wetlands.
- Put at the base of slopes adjacent to road crossings until disturbed vegetation has been reestablished.
- Located at side-slope and down-slope boundaries of the disturbed area where runoff is not otherwise directed by a water bar/terrace.
- Maintained throughout construction and remain in place until permanent revegetation has been judged successful. Upon successful revegetation, they will be removed (hay bales may be unbound and spread on the ROW in upland areas only).
- Placed between wetlands and adjacent disturbed upland areas.
- Installed as necessary to prevent siltation of ponds, wetlands, or other waterbodies adjacent to/down-slope of the ROW.
- Located at the edge of the ROW or work area as needed to contain spoil and sediment.
- Inspected on a daily basis in areas of active construction or equipment operation and on a bi-weekly basis and after significant storm events in areas that have been temporarily stabilized. Inspection and maintenance must continue until the disturbed area is permanently revegetated. Site specific conditions or permit requirements may require more frequent inspection intervals.

Silt Fence Installation and Maintenance

- Silt fence shall be installed per manufacturer's recommendations or as indicated in the detailed design. (See Figure 2 -SILT FENCE BARRIER.)
- Accumulated sediment shall be removed and the fence inspected to ensure it remains imbedded.
- A sufficient stockpile of silt fence shall be maintained on site for emergency use.

Hay/Straw Bale Installation and Maintenance

- Hay/Straw Bales shall not be installed inside Wetland Boundaries.
- Bales shall be installed with the bindings parallel to the ground surface.
- Each bale should be anchored in place with two appropriately sized stakes. (See Figure 3 - STRAW BALE BARRIER.)
- Bales shall be repaired or replaced if damaged, if water is channeling underneath or around bales.
- A sufficient supply of bales shall be maintained on site for emergency use.
- Bales with baling wire shall not be used.

Trench Dewatering

- Hose intakes **must** be elevated off of the ditch bottom.
- Dewatering locations will be approved by the Company Inspector.
- If the discharge location is greater than 150 feet from a wetland or stream bank, the discharge will be directed into a well vegetated area.
- The discharge should be diffused into vegetation and not cause channeling of the water flow in any form
- If no well-vegetated area is available or the discharge point is less than 150 feet from a wetland or stream bank, the discharge will be directed through a filter bag and/or into areas contained by erosion control barriers. (See Figure 4 – TYPICAL FILTER BAG DEWATERING and Figure 5 – STRAW BALE DEWATERING STRUCTURE.)

Under no circumstances will trench water or other forms of turbid water be directly discharged onto exposed soil or into any wetland or waterbody. Any water pumped or flowing from construction activities to waterbodies must be as clear as the receiving waters.

Trench Breakers

- Consist of, cement, sand, earth-filled sacks, foam or other approved materials permanently installed in the ditch prior to backfilling. (See Figure 6 –PERMANENT TRENCH BREAKERS)
- Topsoil shall not be used to fill the sacks.
- Must be a minimum of 2 sacks wide.
- Installed as required on slopes, the base of slopes, adjacent to waterbodies and/or wetlands and in agricultural fields and residential areas to control channeling along the pipeline.
- Installed at the same spacing and immediately up slope of, permanent slope breakers unless otherwise determined by the Colonial inspector.

Backfilling

- Backfill material and methods will be approved by the Colonial inspector.
- To minimize settling, heavy equipment may be used to compact the backfilled ditch, or a crown of soil will be put over the pipeline to compensate for future soil settling. Openings shall be left in the crown to allow for lateral surface drainage.

Restoration and Revegetation

Restoration and revegetation of the ROW incorporates permanent erosion and sediment control measures. However, in the event that final restoration cannot occur in a timely manner due to weather or soil conditions, temporary erosion and sediment control measures will be maintained until the weather is suitable for final cleanup and revegetation.

Temporary Stabilization

- Stabilization measures shall be initiated as soon as practical on portions of the ROW where activities have temporarily or permanently ceased.
- If work is completed more than 30 calendar days before the perennial vegetation seeding season, work areas shall be mulched with 3 tons/acre of straw, or its equivalent.
- Temporary plantings will be fertilized in accordance with the recommendations of the local Natural Resources Conservation Service (NRCS) office(s) or other soil conservation authority.

Permanent Restoration Measures

- Final grading and installation of permanent erosion control structures shall be completed within 7 working days after backfilling. If this schedule cannot be met due to weather conditions, work must be completed as soon as possible.
- Construction debris shall be removed from the ROW and the ROW shall be graded so that the soil is left in the proper condition for planting.
- Where trench compaction has not been done, the ROW shall be graded to pre-construction contours, as practical, with a small crown of soil left over the ditch to compensate for settling, but not to interfere with natural drainage.
- Where topsoil has been segregated, the topsoil shall be uniformly spread back along the ROW.

Revegetation and Seeding

- The Company Inspector, in conjunction with the local NRCS and/or landowner, will determine the specific revegetation requirements. All upland portions of the ROW shall be limed, fertilized, seeded, and mulched in accordance with these specific requirements. If seeding cannot be done within the recommended seeding dates, temporary erosion and sediment controls shall be used and seeding of permanent cover shall be done at the beginning of the next seeding season.
- Wetlands will be revegetated in accordance with permit requirements. Lime, fertilizer and mulch are not to be applied inside wetland boundaries.
- The ROW will be seeded within 7 working days of final grading in accordance with recommended seeding dates, weather and soil conditions permitting.
- Turf, ornamental shrubs and other landscaping materials shall be restored in accordance with landowner agreements.
- Where broadcast or hydro-seeding is to be done, the seedbed will be scarified to ensure sites for seeds to lodge and germinate.
- The seedbed will be prepared to depth of 4 inches using appropriate equipment to provide a firm, smooth seedbed, free of debris, and where possible, lime and fertilizer will be incorporated into the top 2 inches of soil.
- Weather permitting, slopes steeper than 3:1 shall be seeded and mulched immediately after final grading, in accordance with recommended seeding dates.
- Seed shall be purchased in accordance with the Pure Live Seed (PLS) specifications for seed mixes and used within 12 months of testing.
- Legume seed will be treated with a species specific inoculant per manufacturer's specifications.

- The seed shall be applied and covered uniformly per local soil conservation authorities' recommendations, depending on seed size. Where broadcast seeding is used, the seedbed shall be firmed after seeding.
- Other alternative seed mixes specifically requested by the landowner or land-managing agency may be used.

Mulching

- After seeding, mulch will be applied at a rate of approximately 2 tons per acre.
- If construction or restoration activity is interrupted for extended periods, mulch will be applied in lieu of seeding at that time.
- If mulching before seeding, mulch application will be increased on all slopes within 100 feet of waterbodies and wetlands to a rate of 3 tons/acre.
- If a mulch blower is used, the strands of the mulching material shall be at least 8 inches long to allow anchoring.
- Mulch shall be anchored immediately after placement on steep slopes and stream banks.
- When mechanically anchoring mulch, a mulch anchoring tool or tracked equipment will be used to crimp the mulch to a depth of 2 to 3 inches.
- When anchoring with liquid mulch binders, use rates recommended by the manufacturer. Liquid mulch binders will not be used within 100 feet of wetlands or waterbodies.

Matting/Netting/Erosion Control Fabric

- Matting or netting consists of jute, wood excelsior, or similar materials, and is used to hold the seed and stabilize the surface of the soil during the critical period of vegetative establishment.
- Matting or netting will be applied as specified by the Colonial Inspector to critical, sensitive areas (e.g., steep slopes, banks of waterbodies, bar ditches, etc.). The Inspector will consult with the Environmental Manager if needed on where to install matting or netting (See Figure 7 –EROSION CONTROL FABRIC – TYPICAL SLOPE INSTALLATION.)
- Matting or netting will be anchored with pegs or staples.

Access to Work Locations

Colonial will maintain safe conditions at all access road and right of way ingress/egress points. Plywood or crushed stone access pads may be utilized to limit rutting and tracking of mud or debris onto roadways. If crushed stone access pads are used, Colonial will place the stone on synthetic fabric to facilitate removal.

- *Soil tracked onto roads must be removed immediately*
- Temporary access across a waterbody must use an approved crossing method. Equipment crossings will be maintained to prevent soil from entering the waterbody.

- Where necessary for stabilization and/or rutting protection on the right of way or access roads, corduroy paths or additional base materials underlain by a geotextile fabric may be necessary. These materials will be removed during clean up.
- Access roads will be restored to pre-construction conditions unless specified by the landowner and approved by applicable permits.
- Sediment control barriers will be installed and maintained at the edge of access roads where necessary to prevent siltation of ponds, wetlands, or other adjacent or down-slope waterbodies.

Specialized Work Areas

Colonial intends to use specialized construction techniques in certain areas. Although pre-determined, the method most suitable for a given location may be dependent upon site conditions at the time of construction.

Wetlands

Colonial will protect and minimize potential adverse impacts to wetlands by:

- expediting construction in and around wetlands, and, to reduce disturbances of wetland soils, limiting the amount of equipment and activities within wetlands;
- restoring wetlands to the original contours and flow regimes to the greatest extent practical;
- permanently stabilizing upland areas near wetlands as soon as possible after backfilling; and
- inspecting the ROW periodically during and after construction and repairing any erosion control or restoration features until permanent revegetation is successful.
- Wetlands should be avoided (or the area minimized) to obtain access to maintenance work areas. In the event wetlands must be crossed for access to work areas, all equipment must cross on mats.

General Requirements

The size of workspace areas within wetlands must be minimized to the extent practical. Where topographical conditions permit, additional workspace areas for staging, pipe make-up, etc. will be located at least 50 feet from the edge of the wetland. Where site conditions do not allow a 50-foot setback, a minimum 10-foot setback will be maintained. The wetlands and setbacks will be clearly marked prior to the start of construction. Spoil will be temporarily placed immediately adjacent to the trench line; in non-saturated wetlands topsoil from over the ditch line will be segregated.

Colonial will follow the spill prevention measures described in SPCC Plan. Hazardous materials, chemicals, fuels or lubricating oils will not be stored within 100 feet of a wetland boundary.

The following is a list of conditions generally applicable for all wetland work.

- No rubber-tired equipment will be allowed to work in wetlands unless it will not damage the root systems and its use is approved by the Environmental Manager.
- Topsoil will be segregated and returned in a uniform layer to all graded areas.

- All equipment must work from mats.
- Spoil will be contained with silt fences as necessary, to prevent spoil materials from flowing into waterbodies or off of the workspace area.
- The trench will be backfilled with subsoil first. After the subsoil has been rough graded, topsoil will be replaced in a uniform layer.
- Permanent trench plugs shall be installed at both ends of the wetland to prevent drainage of the wetland along the pipeline trench (providing the excavation is at the wetland boundary).

Cleanup/Restoration

- All construction debris shall be removed following backfilling of the pipeline.
- Once backfilling is complete, Colonial will restore the original contours and flow regimes to the extent practical, with the exceptions of unnatural features and unstable grades.
- Disturbed wetland areas will be allowed to naturally revegetate or in accordance with specific regulatory guidelines. However, the ROW may be seeded with an annual species of wetland seed mixture (upon approval of Environmental Manager), per NRCS guidelines (40 pounds/acre, unless standing water is present) to stabilize the area until indigenous wetland species can re-establish themselves. If the wetland is within an active agricultural parcel, reseedling will be performed according to appropriate land management or state agency permits and/or landowner agreements.
- No fertilizer or lime shall be used in wetlands unless specified by the NRCS.

Waterbodies

Equipment Crossings of Streams

Every attempt should be made to avoid crossing streams or wetlands to access work locations. In the event no other alternative is practical, streams must be crossed using a suitable bridge. Bridges typically consist of mats, rail car frames, etc. *Disturbance to the stream bottom and banks should be avoided.* Adequate support should be provided at each end of the crossing structure to prevent settlement and bank damage. No fill (temporary or otherwise) should be used within the stream to facilitate equipment crossing. See typical crossing structure figures and notes within this document for crossing construction details and materials.

Colonial shall protect and minimize potential adverse impacts to waterbodies by:

- expediting construction and limiting the amount of equipment and activities in waterbodies;
- reducing clearing, leaving in place riparian vegetation on stream banks to the extent practical;
- maintaining ambient downstream flow rates;
- removing all construction material and structures from the waterbody after construction;
- restoring stream channels, bottoms, and banks to their preconstruction contours or better;

- permanently stabilizing stream banks and adjacent upland areas after construction; and
- inspecting work area periodically during and after construction and repairing any erosion controls and/or performing restoration, as needed, in a timely manner;
- notifying the environmental manager prior to beginning any in-stream activity.

General Requirements

The following is a list of conditions generally applicable to all waterbody work. Other measures, as found under the specific waterbody work procedures may be substituted for or in addition to these general conditions.

Schedule

In-stream maintenance work should be scheduled during periods of lower flows based upon weather forecasts and actual conditions. Colonial anticipates (weather permitting) completing pipe excavation, inspection, repair and backfilling of maintenance projects in waterbodies within 24 to 36 hours. *All required materials and equipment for the project must be on-site and staged prior to beginning in-stream work.* Colonial and the contractor must ensure that work within waterbodies is completed in the shortest amount of time possible to minimize the duration of potential adverse impacts.

Additional Work Space Areas

Staging areas for waterbody crossings will be minimized. Workspace areas will be located a minimum of 25 feet from the waterbody banks to the extent practical.

Colonial will follow the spill prevention measures described within the SPCC Section of this document. Hazardous materials, chemicals, fuels or lubricating oils will not be stored within 100 feet of a stream bank.

Spoil Pile Placement/Control

Where possible, spoil will be stored at least 10 feet from stream banks at waterbody crossings. Spoil placed up-gradient of stream banks will be contained with sediment control devices to prevent spoil materials from flowing into waterbodies or off of the ROW.

Cleanup/Restoration

- During restoration, flume pipes, sand bags and other material will be removed and the stream will be restored to preconstruction contours. The restored grade will not exceed preconstruction contours and will not impede or restrict flow.
- Stabilization of waterbody banks and installation of temporary sediment barriers will occur within 24 hours of completing in-stream work.
- Rock rip-rap, jute thatching, curlex, or other erosion control material will be used to stabilize stream banks as necessary. Rip-rap or other stabilization materials will not be installed above preconstruction contours of the stream bank or bottom (See Figure 8 – CHANNEL LINER INSTALLATION and Figure 9 – RIP-RAP LINING.)
- For slopes greater than 15% within 100 feet of a waterbody jute netting will be used over seed and straw mulch as necessary.

Specific In-Stream Work Methods

Work within any stream or waterbody will require diversion, fluming, or pumping of water around the excavated pipe. Specific work methods for fluming, dam and pump, coffer dams, and the use of inflatable dams are detailed and illustrated within the following figures included within this document:

- Typical Dry Flume Maintenance Dig
- Typical Dam and Pump Maintenance Dig
- Maintenance Dig at Stream Bank Cofferdam Approach
- Dry Flume w/Waterstructures Maintenance Dig
- Dam and Pump w/Waterstructures Maintenance Dig
- Maintenance Dig at Stream Bank – Cofferdam Approach w/Waterstructures

Unanticipated Discovery – Archaeological and Cultural Resources

Most maintenance activities are conducted in previously disturbed areas (i.e. the existing pipeline ditchline). It is unlikely that cultural resources or archaeological remains will be encountered during maintenance activities. To ensure that Colonial maintains full and complete compliance with all federal and state regulations concerning the protection of cultural resources, an Unanticipated Discovery Plan has been prepared for the Project.

All parties including contractor personnel have the responsibility to monitor the construction sites for potential archaeological remains throughout construction. If, during the course of construction, potential cultural resource remains are identified, the contractor will immediately stop tasks in the vicinity of the potential find and contact the Environmental Manager. Should stop-work authority be deemed necessary, Colonial will notify the appropriate State Historic Preservation Office (SHPO) and the appropriate regulatory agency, and will hire a state-approved archaeological consultant who will survey the site and provide an immediate verbal report to Colonial and the SHPO. Colonial will notify the appropriate regulatory agency of the report and continue to consult with the appropriate SHPO office as per the requirements of Section 106 of the National Historic Preservation Act.

If the unanticipated discovery is determined to be ineligible for inclusion in the National Register, Colonial will proceed with the work following written concurrence from the SHPO and approval from the appropriate regulatory agency. If the site is determined to be potentially eligible for inclusion in the National Register, additional work such as a Determination of Eligibility or Data Recovery, will be performed as required/approved by the SHPO and the appropriate regulatory agency. Further work at the site will be suspended until all criteria of Section 106 of the National Historic Preservation Act and other related federal and state requirements have been successfully met.

In the event that human remains are discovered during construction, work will immediately halt at the site and the local law enforcement agency, the medical examiner, and the appropriate SHPO will be notified. If the remains are found not to be of recent origin, Colonial Pipeline Company will ensure that all provisions of the appropriate state and federal regulations are followed.

If the unanticipated discovery of human remains is determined by the SHPO and the appropriate regulatory agency to be ineligible for inclusion in the National Register, Colonial will proceed with coordinating the proper removal of the remains through cooperation from the local police, medical examiner, SHPO, and the appropriate regulatory agency. Only after the human remains have been properly removed from the site should work in the site area be resumed. Under no circumstances should human remains be removed from the site without completing all appropriate coordination processes with the local police, the medical examiner, the SHPO, Native American representatives, and other regulatory authorities. Further work at the site will be suspended until all criteria of Section 106 of the National Historic Preservation Act and other related state and Federal requirements have been successfully met.

September 23, 2005

Date

MEMORANDUM

TO: Charles City County, Chesapeake, Hampton, Isle of Wight County, James City County, Norfolk, Suffolk, Surry County, Williamsburg, York County

FROM: Virginia Marine Resources Commission, Habitat Management

SUBJECT: VMRC #05-2245 Colonial Pipeline Company

Attached may involve wetlands. The Environmental Engineer responsible for your area has not yet seen this application and no determination has been made regarding its completeness. Please advise us of your determination in this matter and when a public hearing is scheduled if, in your judgment, wetlands are involved. You may also want to forward a copy of your response to the U.S. Army Corps of Engineers, Norfolk District, to advise them of your findings concerning this project.

Beth Howell

Division Office Manager

/blh
Attachment

Date

MEMORANDUM

TO: Virginia Marine Resources Commission, Habitat Management Division

FROM: Wetlands Board Staff

Review of the above-referenced application indicates this project:

- Does not involve wetlands. A letter will be forwarded to the applicant advising that no permit will be required from this Board.
- Does involve wetlands and a permit will be required. A public hearing has been tentatively scheduled for _____ at _____.
- Does involve wetlands but a permit will not be required because _____.
- Site inspection conducted on _____.
- No site inspection conducted.

Wetlands Board Staff Contact

Table 2: Property Owners List

This List depicts the known property owners on either side of the referenced Crossings where CPC's ROW exists. List compiled from Colonial Pipeline Company's Strip Map of Line 27

City or County	Stream Crossing	West Side Tract No. and Property Owner	East Side Tract No. and Property Owner
Chesapeake City	1. Jones Creek	171- Parcel: 1440000000021/ 18QC, 1440, 1380 2A ALBERT SHOTMEYER 1 VALLEY ST HAWTHORN, NJ 07506	172A-Parcel:1380000000040/ 18QC 1380 4 KAREN SHEELEY AND OTHERS 506 BARNES RD CHESAPEAKE, VA 23321
Chesapeake City	2. Gilligan Creek	170- Parcel: 1440000000020/ 1440, 18QC 2 ALLIED TERMINALS INC 500 EAST INDIAN RIVER RD NORFOLK, VA 23523	170A- Parcel: 1440000000020/ 1440, 18QC 2 Same As Tract 170
Chesapeake City	3. South Branch Elizabeth River	151- Parcel: 0260000000120/ 26Q 12 IMTT-CHESAPEAKE 2801 MILITARY HWY S CHESAPEAKE, LA 23323 (Work) (757) 485-3000	152- Parcel: 1630000000020/ 26QA 26QD 1630 1560 2 ERT HOLDING CO INC 500 DALLAS ST HUSTON, TX 77002 153- Parcel: 1570000000050/ 26Q, 1630, 1560, 1570 5 ELIZABETH RIVER TERMINALS, INC. PO BOX 5484 4100 BUELL ST CHESAPEAKE, VA 23324 (Work) (757) 543-0335
Chesapeake City	4. Deep Creek Canal	147- Parcel: 0254031000120/ 25Q 12 M E RHODES 733 META POINTE DR CHESAPEAKE, VA 23323-5818 (757) 487-1822	148- Parcel: 0261001000060/ 25Q 6 GARY W & LEILA FRIEDL 1512 SHELL RD CHESAPEAKE, VA 23321
Chesapeake City	5. West Branch Elizabeth River	116- Parcel: 160000000430/ 16Q 43 QUINTRELL MCCREARY 4105 5TH ST CHESAPEAKE, VA 23324	118AA-Parcel: 160000000260/ 16Q 26 RDHJ LLC 2010 OLD BRAND BRIER RD CHESAPEAKE, VA 23320

Chesapeake City	6. Bailey Creek	108A- Parcel: 15000001330 / 15Q 133 BAUM LIFE ESTATE, ETHEL FRANCES 4613 PEEK TRL CHESAPEAKE, VA 23321-2146	108PC- Parcel: 15000001231/ 15Q 137 MILFORD H & MACEL B MEARS 4500 WOODLAND DR CHESAPEAKE, VA 23321 109-Parcel: 15000001230/ 15Q 123 Same Owner as 108PC above: 110- Parcel: 0156003000650 ANGEL & GENIFER CAMUSAAARANDA 4404 ANCHOR BEND CT CHESAPEAKE, VA 23321
Suffolk City	7. Bennett Creek	090B- Parcel: 12K*C *A Russell Development Corp. No new Owner information: Open/Green Space for Creekview Subdivision	091- Parcel: 12*24H BARBARA W WINSLOW 5000 BOB WHITE LN SUFFOLK, VA 23435
Suffolk City	8. Nansemond River	087- Parcel: 11*17 LANDMARK INDUSTRIES LLC 1072 LASKIN RD SUITE 10 VIRGINIA BEACH, VA 23451 088-Parcel:11*26 NICHOLAS C JR WRIGHT ET ALS 1072 LASKIN RD SUITE 104 VIRGINIA BEACH, VA 23451	089-Parcel:11D*22 WILLIAM A JR & PATRICIA M TODD 2752 WINDJAMMER RD SUFFOLK, VA 23435 (Home) (757) 484-8350 089A-Parcel: 11D*21 CECIL THOMAS & LINDA S CHAPMAN 2754 WINDJAMMER RD SUFFOLK, VA 23435
Suffolk City	9. Chuckatuck Swamp & Cypress Creek	081A- Parcel: 3*8 RODNEY W & SUSAN SMITH SAVAGE 6801 CROWELL GAP RD ROANOKE, VA 24014	082, 082B, 082C- As above
Suffolk City	10. Chuckatuck Swamp Marsh	081- Parcel: 3*6 JOSEPH H & M T FAM TRUST BARLOW 8204 LONGVUE CIR SUFFOLK, VA 23436	082- Parcel: 3*10 LEONA P JONES PO BOX 2241 SUFFOLK, VA 23432 082B- Parcel: 3*10A ROBERT F & ELIZABETH MARKLAND PO BOX 2217 SUFFOLK, VA 23432 082C- Parcel: 3*10B*10C Same owner as 82B
Isle of Wight	11. Champion Swamp	061A- Parcel: 31 -01 - 098 FRANK J & KOZAK WARREN SANTORO 355 CRAWFORD PKWY STE 700 PORTSMOUTH, VA 23704	062- Parcel: 32 -02 - 004 BARLOW BROS FARM PARTNERSHIP 17461 SCOTTS FACTORY RD SMITHFIELD, VA 23430

James City / Surry	12. James River	005- Parcel: 5940100003 BASF CORPORATION 3000 CONTINENTAL DR N BUDD LAKE, NJ 078281234	006- Parcel: 31-22A VA POWER & ELECTRIC COMPANY 006A- Parcel: 1B JT & DR DREWRY TRUSTEES 110 COMMONAGE DR GREAT FALLS, VA 22066
James City	13. Trib to Halfway Creek	162-Parcel: 4920300003 JAQUELINE PASCHKE TRUSTEE WELSH PO BOX 3513 WILLIAMSBURG, VA 231873513 162B-Parcel: 4920300002 PATRICIA B GRUNKEMEYER TRUSTEE 800 SOUTH ENGLAND CIR WILLIAMSBURG , VA 231855150	163- Parcel: 4920100006 COLONIAL WILLIAMSBURG PO BOX 1776 WILLIAMSBURG, VA 231871776
James City	14. College Creek	156- 4820100003 WILLIAMSBURG LANDING INC 5700 WILLIAMSBURG LANDING DR WILLIAMSBURG VA 231853775	157- Parcel:4910230001A KINGSPPOINT CLUB INC PO BOX 365 WILLIAMSBURG, VA 231870365 157PC-Parcel: 49103A0002 ROBERT F & SARA M BOYD 1405 NATIONS BANK CENTER NORFOLK, VA 23510
James City	15. Powhatan Creek	142G- Parcel: 3730100009 MONTICELLO WOODS ACTIVE ADULT LLC 213 INGRAM ROAD WILLIAMSBURG, VA 231882416 142E- Parcel: 4610100008 GREENSPRINGS ASSOCIATES 6000 EASTER CIRCLE WILLIAMSBURG, VA 231881414	143- Parcel: 3740100010 MONTICELLO WOODS ACTIVE ADULT LLC 213 INGRAM ROAD WILLIAMSBURG, VA 231882416
Charles City / James City	16. Chickahominy River	134- Parcel: 78-12 ARTHUR N JR & ELIZABETH H & JOHN E HOFMEYER 17000 HOLLY POINT RD WILLIAMSBURG, VA 23185	135- Parcel: 3430100002 JAMES CITY COUNTY PO BOX 8784 WILLIAMSBURG, VA 231878784
Charles City	17. East Run	085- Parcel: 25-66 MARGARET HAMPTON C/O J BROWN 7347 CHURCH LN CHARLES CITY, VA 23030 Kenneth Hampton 85A- Parcel: 25-65 RENARD A & CYNTHIA CHARITY 1460 BATTERY HILL DR RICHMOND, VA 23231	Same
Charles City	18. West Run	076- Parcel: 13-19 OLLIE M & WINDEL MARSH JR MARSH 4801 CATTAIL RD CHARLES CITY, VA 23030	Same

City of Richmond/ Henrico	19. James River	002- Parcel: S0071042008 008 VULCAN LANDS INC 1200 URBAN CENTER DR BIRMINGHAM, AL 35242	003- Parcel: 797-706-5048 MARY B ISLES FURGERSON 2855 OAK POINT LN RICHMOND, VA 23233-1781
City of Richmond	20. Goode Creek	218B- Parcel: S0080572004 004 TIDEWATER QUARRIES INC RO BOX 42070 RICHMOND, VA 2322400000	Same
Chesterfield	21. Falling Creek	206- Parcel: 788687888800000 COUNTY OF CHESTERFIELD. CHFLD CTHS 4800 LITTLE CREEK LN. CHESTERFIELD, VA 23832	Same
Chesterfield	22. Swift Creek	110- Parcel: 702698420100000 M K & J F BRANDON III 2000 MT HERMON RD MIDLOTHIAN, VA 23112	Same
Powhatan	23. Sallee Creek	043- Parcel: 024 27B COMMONWEALTH OF VIRGINIA dgifweb@dgif.virginia.gov COMMISSION OF GAME & INLAND FISHERIES 4010 WEST BROAD STREET RICHMOND, VA 23230	044- Parcel: 025 8 Same
Powhatan	24. Deep Creek	038- Parcel: 024 5 AMY JOSEPHINE TAYLOR 4304 THREE BRIDGE RD POWHATAN, VA 23139	039, 041- Parcel: 024 28 MASON LLC 5200 ANDERSON HWY POWHATAN, VA 23139
Powhatan	25. Muddy Creek	023- Parcel: 031-A-1 AMERICAN TIMBERLAND LLC 260 PEACHTREE ST SUITE 1800 ATLANTA, GA 30303	024- Parcel: 011 02 AMERICAN TIMBERLAND / WACHOVIA 191 PEACHTREE ST N E 24TH FLOOR G - 31241 ATLANTA, GA 03030
Cumberland	26. Davis Creek	018- Parcel: 031-A-1 AMERICAN TIMBERLAND LLC 260 PEACHTREE ST SUITE 1800 ATLANTA, GA 30303	Same
Cumberland	27. Willis River	005- Parcel: 021-A-22 PATRICK R & BONNIE V SMOOK 477 TRICES LAKE RD COLUMBIA, VA 23038 005A - Parcel: WEST VA PULP & PAPER CO PO BOX WV APPOMATTOX, VA 24522	006- Parcel: 022-A-1 022-A-1A ELDRIDGE W SANDERSON 968 CARTERSVILLE RD CARTERSVILLE, VA 23027

Virginia Marine Resources Commission
Permit Application 20052245

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Applicant: Colonial Pipeline Company
2014 South Tollgate Road, Suite 211
Bel Air, MD 21015

Application Number:	20052245	Engineer:	Justine Woodward
Application Date:	September 23, 2005	Locality:	Multiple Counties
Permit Type:	VMRC Subaqueous	Waterway:	Multiple Waterways
Permit Status:	Issued	Expiration Date:	December 31, 2013
Wetlands Board Action:	Approved as Proposed	Public Hearing Date:	February 25, 2014

Project Description: Utility Xings

Virginia Marine Resources Commission Photos for Permit Application 20052245

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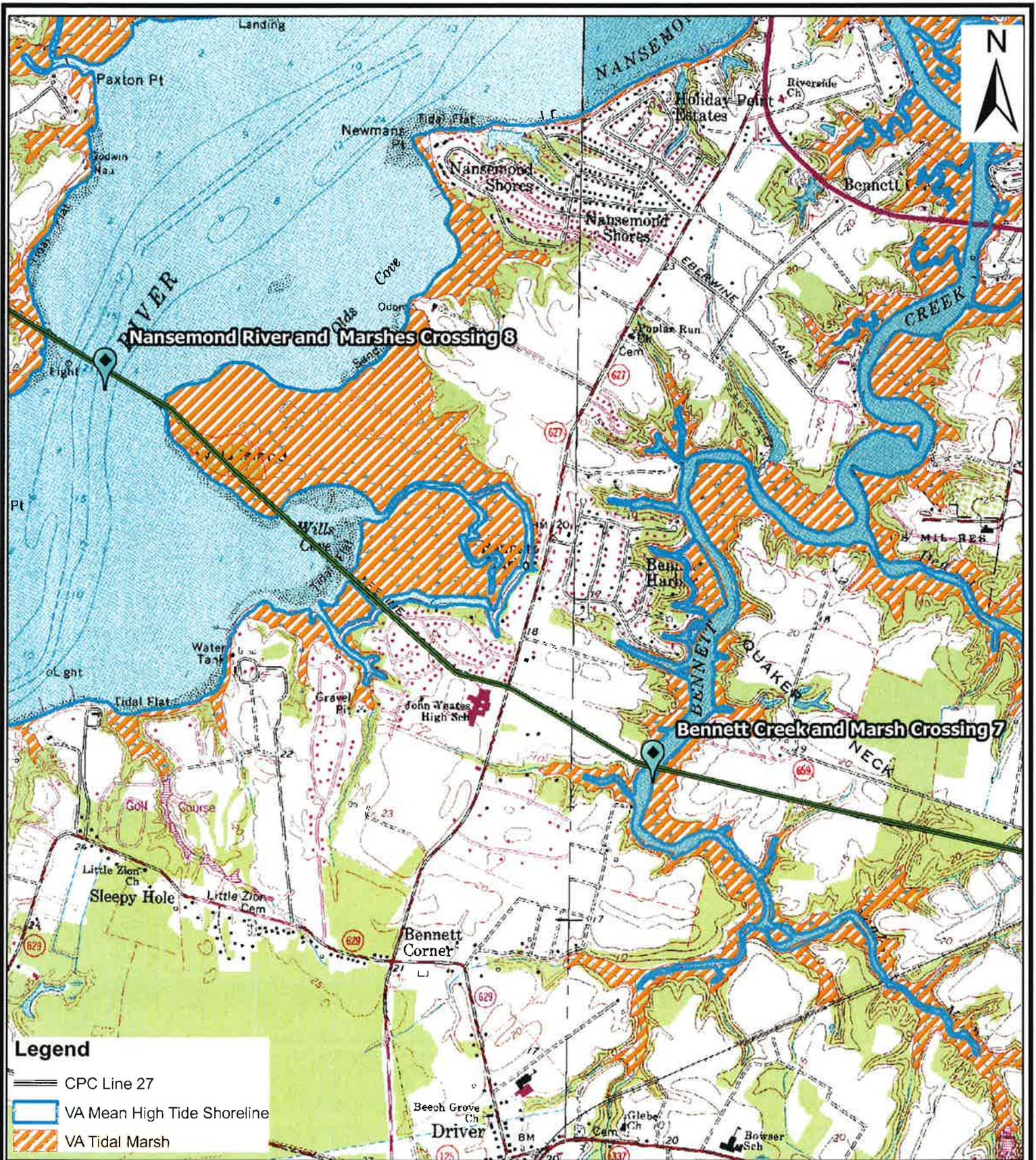
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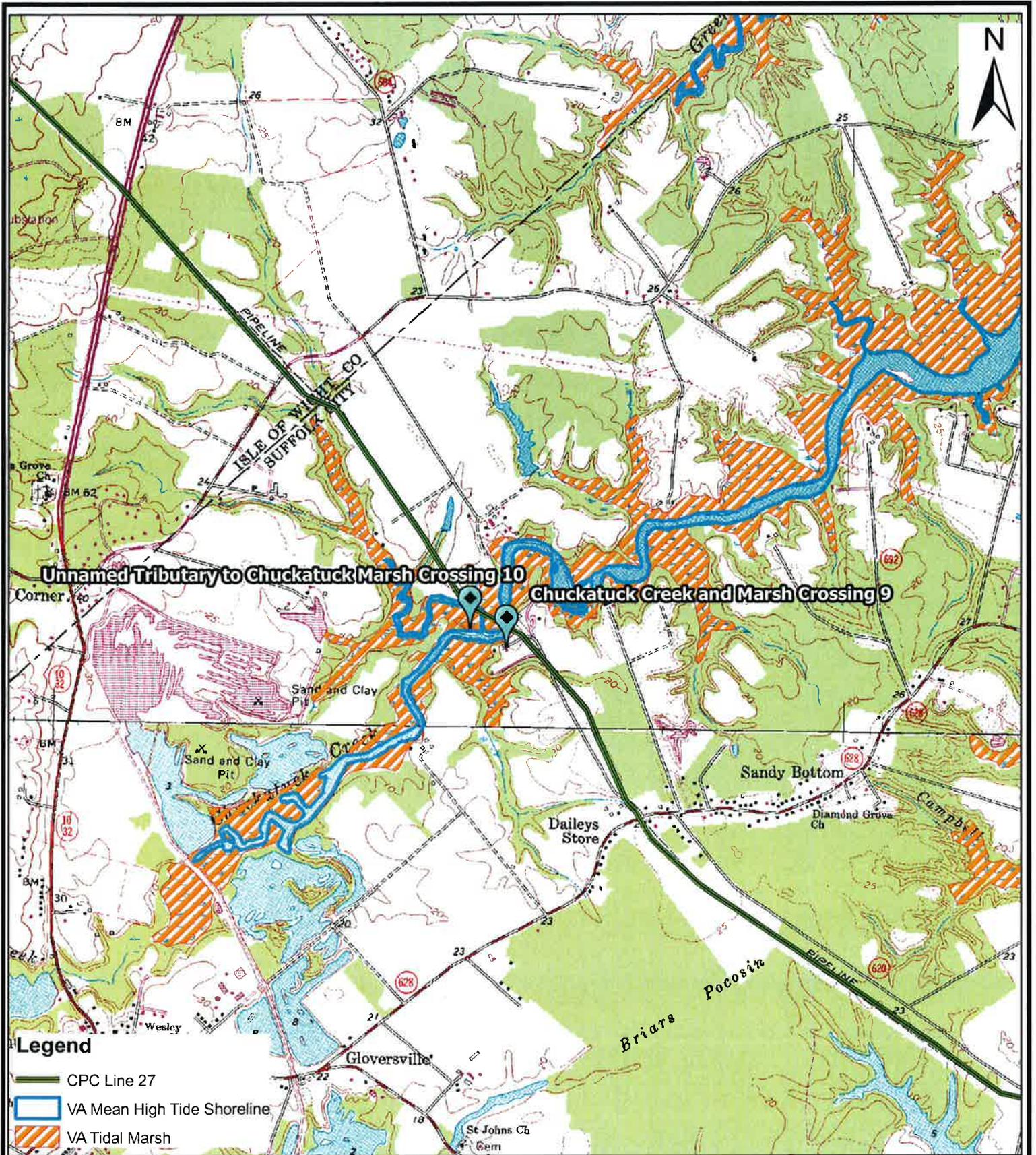
Base map source: 7.5 Minute USGS Topographic Quadrangles;
 Bowers Hill and Chuckatuck, Virginia.
 Mean High Tide Shoreline and Tidal Marsh polygons from CCI

1:24,000

Colonial Pipeline Company
 Line 27 JPA
 Suffolk, Virginia



Figure 3c
 Crossings 7 and 8
 Corblu Project No. 02-041901-01



Base map source: 7.5 Minute USGS Topographic Quadrangles;
 Benns Church and Smithfield, Virginia.
 Mean High Tide Shoreline and Tidal Marsh polygons from CCI

1:24,000

Colonial Pipeline Company
 Line 27 JPA
 Suffolk, Virginia



Figure 3d
 Crossings 9 and 10
 Corblu Project No. 02-041901-01