

Attachment 1
Letter From Paul W. Hurley, Mayor, City of Bristol, Virginia, to
Frank Edmondson (TVA), dated March 15, 2005

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CITY OF BRISTOL VIRGINIA

OFFICE OF THE MAYOR

March 15, 2005

Mr. Frank Edmondson
Tennessee Valley Authority
4105 Ft. Henry Drive
Kingsport, TN 37663

Dear Mr. Edmondson:

As you are aware, in 1994, the TVA deeded an 80-acre tract of land adjacent to Sugar Hollow Park to the City of Bristol, Virginia. This tract of land (Tract No. XBBCR-1) is now only accessible by a unimproved dirt road along the western boundary of a portion of Sugar Hollow Park (Tract No. XBBCR-2E) that fronts U.S. Route 11. Enclosed you will find detailed maps of these areas.

The City of Bristol, Virginia, because of a near total lack of developable land within its City limits and a state prohibition of any annexation of adjacent property to the City, has wanted to make use of this valuable site as a business/technology park for several years. Bristol has already installed an operational high-speed fiber optic network throughout the City that is used by businesses that need and want high-speed broadband telecommunications services. This proposed park would be ideally located for these and other future technology related businesses.

However, a total lack of any type of access to the site has prohibited such an endeavor from being accomplished. Previous requests for an amendment to the recreational easement along the western boundary of Sugar Hollow Park on which the City could then build a suitable access road have been met with denial and essentially no study or fruitful discussion. Attempts to gain access from adjoining property owners have also been unsuccessful and are largely impossible due to geography and steep terrain. The City has exhausted all means to date to gain access to this property, which of course is absolutely essential to the economic development of the site.

As background, there is virtually no land left in Bristol that is either suitable or available for economic development other than this site. Being flanked by Bristol, Tennessee on the south, surrounded by Washington County on all other sides, and faced with stringent state regulations against annexation, Bristol is landlocked without avenues for further economic development.

Mr. Frank Edmondson
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March 15, 2005

The I-81/Exit 7 area of the City has become one of the region's greatest commercial growth corridors in Southwest Virginia. However, with our lack of available land for economic development, several firms have recently chosen to locate elsewhere, including out of state, because of very limited site selection. In the past five years, the following large businesses have either left Bristol, Virginia, or decided not to locate in Bristol:

1. Universal Company - distributor of pool and spa supplies; was in Bristol, VA but relocated to Washington County, VA in order to have land for expansion.
2. AFG - Glass coating project; needed larger site than Bristol, VA had to offer; located elsewhere.
3. COFAP - Brazilian company; manufacturer of aftermarket shock absorbers; site in Bristol, VA was too small; located elsewhere.
4. Verizon Wireless - Bristol, VA does not have a site large enough to accommodate a 160,000 square foot building and parking for 1200 employees; located elsewhere.
5. York International - looked at Bristol, VA for a warehouse but could not find a site large enough; located in Washington County at Bristol Compressors site.

It is the City's desire to develop this property as a business/technology park with integrated recreational features. Our plan for this new technology park would include the following features, as noted on the enclosed map:

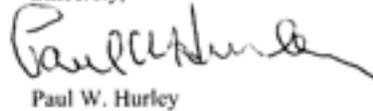
- In order to separate recreation and business traffic, the City would close the present entrance to Sugar Hollow Park and relocate it adjacent to the eastern boundary of the park. We would then construct a cul de sac near the old entrance.
- Construct a new entrance for the business/technology park just west of the old entrance, and build a road to the business/technology park along the western boundary of the park, skirting the old slave cemetery. Required utilities would follow the roadbed.
- Install a high-speed fiber optic network in the business/technology park.
- Install traffic signals at both the business entrance and the Sugar Hollow Park entrance.
- Develop a wetlands area to hold and filter drainage from the property. Create a dry creek to channel filtered water into Beaver Creek.
- Construct hiking and/or bike trails throughout the property, integrating them with the existing trails in Sugar Hollow Park.
- Construct a barrier, either fence or shrubbery, between the road to the business/technology park and Sugar Hollow Park.
- Protect steep slopes from development.

Mr. Frank Edmondson
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The City of Bristol is willing to bear the costs of all of the above improvements.

The City strongly feels that an amendment to the recreational easement would NOT adversely affect the use of Sugar Hollow Park. Sugar Hollow Park is the City's greatest recreational assets – one that will be protected and improved – not harmed. The City is simply requesting TVA's permission to construct a usable road where only a dirt road now already exists.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul W. Hurley", with a long, sweeping underline that extends to the right.

Paul W. Hurley
Mayor

Enclosure

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Attachment 2
July 18, 1994, Virginia State Historic Preservation Officer Letter and
Final Minutes - Joint Meeting of the State Review Board and the Historic
Resources Board, June 1, 2005

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COMMONWEALTH of VIRGINIA

H. Alexander Wise, Jr., Director

Department of Historic Resources

221 Governor Street
Richmond, Virginia 23219

18 July 1994

Danny E. Olinger
Resource Management
Tennessee Valley Authority
17 Ridgeway Road
Norris, Tennessee 37828-0920

Re: Sale of Land on the Clear Creek Flood Control Project
Washington County, Virginia
VDHR File No. 94-0785-F
Sale of Land on the Beaver Creek Flood Control Project
Washington County, Virginia
VDHR File No. 94-0786-F

Dear Mr. Olinger:

Thank you for preparing the Phase I cultural resources surveys and the Final Environmental Assessments for the Clear Creek and Beaver Creek reservoir tracts. We have received also the revised Memorandum of Agreement for the proposed transfer of these properties.

We agree that none of the structures that may be affected by development of the Clear Creek Lake tract are eligible for listing on the National Register of Historic Places.

One of the properties in the vicinity of the Beaver Creek Lake tract, #95-22, is an older farm complex with agricultural outbuildings. The building may be eligible for listing on the National Register of Historic Places, and it is possible that development of the Beaver Creek Lake tract could have an effect on this property.

The measures stipulated in the revised Memorandum of Agreement to protect these structures and sites from potential adverse effects are appropriate.

We enclose the Memorandum of Agreement with our signature.

Thank you for the opportunity to comment on this project. Please contact Ethel Eaton

TELEPHONE: (804) 786-3143 TDD: (804) 786-1934 FAX: (804) 225-4261

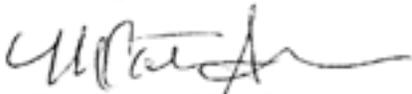
An Equal Opportunity Agency

Mr. Olinger
VDHR project no. 94-0785, 94-0786

18 July 1994
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or John Wells at this office if you have any questions concerning our review of the undertaking,
or if we can provide additional assistance.

Sincerely,



H. Alexander Wise, Jr.
State Historic Preservation Officer

Enclosures

cc: Martha Catlin, Advisory Council on Historic Preservation
Jane Powell, Virginia Department of Environmental Quality

FINAL MINUTES

JOINT MEETING of the STATE REVIEW BOARD and HISTORIC RESOURCES BOARD

June 1, 2005, 10:00 a.m.

Reading Room, Jefferson Library at Monticello
Off State Route 53, Thomas Jefferson Parkway, Charlottesville, Virginia 22902

State Review Board Members Present

Warren Hofstra, Chair
Ann Alexander
Barbara Heath
Michael Newbill
Madison Spencer

Historic Resources Board Members Present

Addison Thompson, Chair
Patrick Butler, Vice-Chair
Rachel Flynn
Ora McCoy
Carter McNeely
Helen Murphy

Department of Historic Resources Staff Present

Kathleen Kilpatrick, Director
Ann Andrus
Scott Arnold
Camille Bowman
Bob Carter
Dee DeRoche

David Edwards
Joni Evans
Randy Jones
Caldor Loth
Jean McRae
Marc Wagner

JOINT SESSION

State Review Board (SRB)

Chair Hofstra called the State Review Board meeting to order shortly after 10 a.m. and welcomed everyone in attendance. He explained the role of the board then asked the members to introduce themselves.

The minutes from the March 16th, 2005 meeting were approved with a motion from Ms. Heath and a second from Ms. Alexander, with the condition that Chair Hofstra's PIF comments be included on the final minutes posted on the web site. Under old business, there was discussion of a training workshop for the Board members on August 10, 2005. It was decided that date would work and emails over the next couple of weeks would go out to confirm everyone's schedule. Under new business, Chair Hofstra asked that a letter of testimonial for Wendy Price be done for the SRB to approve at the September meeting.

Historic Resources Board (HRB)

Chair Thompson called the Historic Resources Board meeting to order and welcomed everyone in attendance. He explained the role of the board then asked each member to introduce themselves.

The minutes from the March 16th, 2005 meeting were approved with a motion from Ms. Murphy and a second from Mr. Butler. There was neither old nor new business to discuss.

Department of Historic Resources, Director's Report

Director Kilpatrick welcomed everyone in attendance and gave a special thanks to Dan Jordan for hosting the meeting and to Kat Imhoff and Elizabeth Carey for their preparations for the meeting held at the Jefferson Library. She mentioned the tour of Monticello following the morning session, then said goodbye to Board members Wendy Price and Carter McNeely. She welcomed new DHR staff members Carole "Dee" DeRoche taking over the Chief Curator position; Randy Jones taking over the Public Relations position; and Camille Bowman filling the Tidewater Region Office Architectural Historian and CLG Coordinator position. Director Kilpatrick then turned her discussion to pending policy issues easements, Section 106 review, the White House of the Confederacy and special initiatives including Capitol Square restoration and the assessment of 8th and 9th Street Buildings. She expressed the SHPO's continued focus on recognizing state-owned resources and diversity issues by noting nominations, easements and markers on the agenda reflecting these themes as well as other highlights of the agenda.

Presentation of Register Nominations

Ms. Andrus presented the following nominations for the Capital Region:

- Appomattox River Bridge, Appomattox County, #006-0048 (Criteria A and C)
- Fifth Avenue Historic District, Town of Kenbridge, Lunenburg County, #247-0001 (Criterion C)
- Jackson Ward Historic District, Boundary Increase, City of Richmond, #127-0237 (Criteria A and C)
- Oak Hill, Cumberland County, #024-0087 (Criteria A and C)
- Scotts' Addition Historic District, City of Richmond, #127-6136 (Criteria A and C)
- Shoemaker Slip Historic District, 2005 Boundary Increase, City of Richmond, #127-0219 (Criteria A and C)
- Trenton, Cumberland County, #024-0001 (Criteria A and C)

Mr. Loth presented the Virginia State Library (Q16), City of Richmond, #127-0188 (Criterion C)

Chair Hofstra asked for comments, then suggested the SRB approval for the nominations be contingent on the statements of significance being made stronger for both the Jackson Ward and Shoemaker Slip Boundary Increases. All eight nominations from the Capital Region were approved with a motion from Mr. Spencer and a second from Ms. Heath. The HRB approved the nominations for the Virginia Landmarks Register with a motion from Ms. Murphy and a second from Mr. Butler.

Mr. Edwards presented the following nominations for the Tidewater Region:

- Elva C Deck Boat, Northumberland County, #066-5048 (Criteria A and C)
- Newport News Public Library, City of Newport News, #121-0080 (Criteria A and C)
- Norfolk Azalea Gardens, City of Norfolk, #122-1007 (Criteria A, B and C)
- Upper Ridge Site, Mockhorn Island, Northampton County, #065-5013 (Criterion D)

Chair Hofstra asked for comments. Ms. Murphy thanked Mr. Haynie of the Reedville Fisherman's Museum for another boat nomination and their efforts to restore and preserve unique resources in the state. With a motion from Mr. Newbill and a second from Ms. Alexander the first three nominations were approved by the SRB. Director Kilpatrick noted that the BHR's consideration for listing of the Upper Ridge Site was subject to approval by the board of the Department of Game and Inland Fisheries at their subsequent board meeting. Further, Kilpatrick noted that while the SRB was asked to recommend eligibility for the Upper Ridge Site, by agreement with DOI staff, no nomination would be sent forward to the keeper without prior approval by the Game Department board. With a comment to document thoroughly the archaeology at the Upper Ridge Site, Ms. Heath motioned the nomination be approved by the SRB contingent on the approval of Game and Inland Fisheries, and Mr. Newbill seconded. The HRB approved the listing of the first three nominations of the Tidewater office with a motion from Ms. McNulty and a second from Ms. McCoy. Then with a motion from Ms. Murphy and a second from Ms. McCoy, they approved the listing of the Upper Ridge Site contingent upon the approval of Game and Inland Fisheries.

Mr. Wagner presented the following State Park and Roanoke Region nominations:

- Seaboard State Park (First Landing), City of Virginia Beach, #134-0099 (Criteria A and C)
- Westmoreland State Park, Westmoreland County, #096-0089 (Criteria A and C)
- Haven Howe House at Claytor Lake State Park, Pulaski County, #077-0047 (Criterion B and C)
- Odd Fellows Hall, Town of Blacksburg, Montgomery County, #150-0087 (Criterion A)
- Pre-move approval issue of the previously listed Walnut Grove, Washington County, #095-0022

Chair Hofstra suggested voting on the first four, and then separately on the pre-move issue. The SRB approved the first four nominations with a motion from Mr. Newbill and a second from Ms. Alexander. The HRB approved the listings of the first four nominations with a motion from Ms. Murphy and a second from Mr. Butler.

Discussion regarding the pre-move approval issue included the following comments: Mr. Wagner spoke of the need for action as Walnut Grove was threatened at its current site. He explained the move would happen with the house intact except for the chimneys, which would be taken apart and rebuilt at the new site. He also explained the new site was only 2200 feet from the current site, thus maintaining Walnut Grove's eligibility under both Criterion A and C. He expressed the only concern was that of maintaining the eligibility of the log cabin, currently a contributing secondary resource on the property. Ms. Heath inquired about the archaeology of the current site and the slave cemetery on the property, and asked that a report of such be sent for her later review. Director Kilpatrick assured the boards that the City intended to preserve the cemetery intact as they developed the property around it. Chair Thompson asked if there was a time concern and whether this pre-approval was the alternative to the property's demolition. Mr. Wagner stated that yes, there was an issue of time in the owners need to begin development of the

property. Chair Hofstra clarified that the pre-approval would keep the resource registered as is on both the Virginia Landmarks Register and the National Register of Historic Places. With a motion from Ms. Alexander and a second from Mr. Spencer, the pre-move was approved by the SRB. With a motion from Ms. McNeely and a second from Ms. Murphy the HRB also approved the move.

Mr. Edwards presented the following nominations for the Winchester Region:

- Clermont, Clarke County, #021-0019 (Criteria A and C)
- Dakota, Fauquier County, #030-0300 (Criterion C)
- Loog Meadows, Frederick County, #034-0011 (Criteria A and C)
- Redwell-Isabella Furnace Historic District, Page County, #069-5252 (Criteria A and C)
- Spring Hill Farm, Loudoun County, #053-5546 (Criterion C)

Chair Hofstra asked for comments and Mr. Heath asked about archaeology in the Redwell-Isabella Furnace Historic District nomination. Mr. Edwards said the writer did not feel comfortable writing about the archaeology, but that they would note the potential for it in the nomination. Kilpatrick stated that the Department would work with the locality to guide the identification and treatment of the archaeological resources as the site is developed into a park. Chair Hofstra asked about the African-American connection in the Clermont nomination and Mr. Edwards explained the Josephine School (a previous nomination) really represents that theme for the town of Berryville. Mr. Graves and Mr. Davis representing the Redwell-Isabella Furnace nomination spoke passionately of their thanks and desire to be good stewards of the area. With a motion from Mr. Newbill and a second from Ms. Alexander, the Winchester Region nominations were approved by the SRB. The HRB approved all five nominations with a motion from Ms. McCoy and a second from Ms. McNeely.

Chair Hofstra adjourned the morning session and suggested the Boards regroup around 1:45 p.m. after the tour of Monticello and lunch.

HISTORIC RESOURCES BOARD

Chair Thompson brought the HRB to order around 2 p.m. in the Berkeley Room of the Jefferson Library.

Mr. Arnold presented the Crooked Road Virginia Music Heritage Music Trail for approval by the Board, and then the following Highway Markers:

New historical Highway Markers paid for by sponsors:

- Action at Osborne's, Henrico County
- Battle of Cold Harbor—Flag of Truce, Hanover County
- Adams-Van Lew House, City of Richmond
- Bianche Kelso Brann, Prince Edward County
- Patty Cline: County Music Singer, City of Winchester
- Lebanon Church, City of Newport News
- William Moore-Tidewater Musician, Essex County
- The 1936 Virginia Prison Recordings, Goochland County
- Francis Gary Fowers-U2 Pilot, Wise County
- Safe Haven in Lynchburg: Project Y, City of Lynchburg
- Southwest Mountains Rural Historic District (two markers), Albemarle County

Marker Diversity Initiative Project markers in joint sponsorship with the DHR and Virginia Historical Society:

- Gilmore Cabin, Orange County
- Virginia State University, Chesterfield County

With a motion from Mr. Butler and a second from Ms. Murphy the trail and Highway Markers were approved by the HRB.

Mr. Lotz then presented the following under the easement program:

- Easements Received since the March 2005 meeting:
 - Argyhill, Cumberland County
 - Lee-Fendall House garden, City of Alexandria
 - 402 South Laurel Street, Oregon Hill, City of Richmond

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Attachment 3
Other Agency Permits and Correspondence

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U.S. Army Corps of Engineers
Norfolk District, Western VA
Clinch Valley Regulatory Office
POB 338
Abingdon, Virginia 24212-0338

Regulatory Section

January 27, 2006

Project Number: 05-V2670

Waterway: Beaver Creek

1. Participant:
City of Bristol
300 Lee Street
Bristol, VA 24201

2. Authorized Agent:
Schwartz & Associates, Inc.
7331 Timberlake Road
Lynchburg, VA 24502

3. Address of Job Site:
Sugar Hollow Business Complex at 3600 Lee Highway

4. Project Description:
Clear span bridge crossing

5. Findings

This is in reference to your application for a Department of the Army permit to perform the work as described in part 4 above.

As proposed the work does not involve a discharge of dredged or fill material into waters of the United States. Therefore, this work does not fall within the Corps of Engineers' jurisdiction. No permit will be required from this office. Please note that you should obtain all required State and local authorizations before you proceed with the project.

6. Corps Contact: Annette Poore (276) 623-5259

Michael A. Schwinn
Chief, Western Virginia Regulatory Section

7L13 REVISED 10/01/90

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L. Preston Bryant, Jr.
Secretary of Natural
Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 326
Richmond, Virginia 23219-2010
(804) 786-2556 FAX (804) 371-7899

MEMORANDUM

DATE: February 7, 2006
TO: Randal Owen, Environmental Engineer
Virginia Marine Resources Commission
FROM: Robert Munson, Planning Bureau Manager
Virginia Department of Conservation and Recreation
SUBJECT: MRC-05-City of Bristol – Utility Road, Bridge and Underground Utility
Construction

After review of the above referenced project, the Department of Conservation and Recreation's (DCR) Division of Planning and Recreation Resources has determined that the above-mentioned project is acceptable as proposed.

The Department of Conservation and Recreation (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, natural heritage resources have not been documented in the project area. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, which may contain information not documented in this letter. Their database may be accessed from http://www.dgif.virginia.gov/wildlife/info_map/index.html, or contact Shirl Dressler at (804) 367-6913.

DCR's Division of Flood Plain Management has reviewed the above referenced project and offers the following comments.

1. On what appears to be page 8-A the third statement is "The bridge and roadway will not alter the surface waters as the 65' length bridge will span the channel of Beaver Creek as well as the full length of its regulated floodway." However, the diagram provided as page 20-A does not appear to support this. While the bridge appears to span the creek, the abutment on the left of the drawing does not span the regulated floodway.
2. If the drawing is incorrect a correct one needs to be submitted.
3. If the drawing is correct and the bridge does not span the regulated floodway, the City is required to submit a Conditional Letter of Map Revision based on Fill (CLOMR-F) to the Federal Emergency Management Agency (FEMA).
4. The application states that a hydraulic analysis has been completed. The City will need to provide this information with the CLOMR-F. While the project may not result in an increase in the elevation of surface water during a flood event, it appears that fill material for the abutment will be placed within the regulatory floodway.
5. The City will need to affirm if their floodplain management ordinance prohibits all encroachments into the floodway or not. If it does, they will be non-compliant with their own ordinance.

Thank you for the opportunity to comment on this project.

Sincerely,



Robert S. Munson
Planning Bureau Manager



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

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

William A. Pruitt
Commissioner

April 6, 2006

City of Bristol
C/o Swartz and Associates
7331 Timberlake Road
Lynchburg, VA 24502

VMRC # 05-2670

Dear Sir or Madam:

Enclosed is the Marine Resources Commission permit authorizing you to install 12 linear feet of submerged water line beneath, and construct a 65-foot long by 34-foot wide clearspan bridge across Beaver Creek, to facilitate vehicular access and private utilities installation to the Sagar Hollow Business Complex in the City of Bristol.

A yellow placard is also enclosed. This placard reflects the authorized activities for inspection purposes and must be conspicuously displayed at the work site throughout the construction phase. Failure to properly post the placard in a prominent location will be considered a violation of your permit conditions.

YOU ARE REMINDED THAT ANY DEVIATION FROM THE PERMIT OR ATTACHED DRAWINGS REQUIRES PRIOR AUTHORIZATION FROM THE MARINE RESOURCES COMMISSION. FAILURE TO OBTAIN THE NECESSARY MODIFICATION WILL BE CONSIDERED A VIOLATION AND COULD SUBJECT YOU TO CIVIL CHARGES IN AMOUNTS NOT TO EXCEED \$10,000 PER VIOLATION.

The work authorized by this permit is to be completed by February 28, 2009. Please note that in conformance with Special Condition 17 of your permit you are to notify the Commission 15 days prior to commencement of your permitted project. The enclosed self-addressed, stamped, post card is to be used for this purpose. All other conditions of the permit will remain in effect.

An Agency of the Natural Resources Secretariat
Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4848 V/TDD

City of Bristol
VMRC # 05-2670

April 6, 2006
Page 2

Please be advised that you may also require issuance of a U. S. Army Corps of Engineers permit before you begin work on this project. You may wish to contact them directly to verify any permitting requirements.

Sincerely,



Robert W. Grabb
Chief, Habitat Management

RWG /moj
HM
Enclosure
Cc: Applicant

ME C 36-317

VMRC# 05-2670
Applicant: City of Bristol

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 24th day of February 2006, hereby grants unto: **City of Bristol**
300 Lee Street
Bristol, Virginia 24201

hereinafter referred to as the Permittee, permission to:

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

Permittee is hereby authorized to install 12 linear feet of submerged water line beneath, and construct a 65-foot long by 34-foot wide clearspan bridge across Beaver Creek, to facilitate vehicular access and private utilities installation to the Sugar Hollow Business Complex in the City of Bristol. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received 11/8/05 and/or revised 2/24/06, which are attached and made a part of this permit.

This permit is granted subject to the following conditions:

- (1) The work authorized by this permit shall be completed by February 28, 2009. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Bayker Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit which are not maintained in good repair shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.
- (15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation or maintenance of said project.

The following special conditions are imposed on this permit:

- (16) The yellow placard accompanying this permit document must be conspicuously displayed at the work site throughout the construction phase of the authorized activity.
- (17) Permittee agrees to notify the Commission a minimum of 15 days prior to the start of the construction activities authorized by this permit.
- (18) The Permittee agrees to the following standard in-stream work conditions:
 - (a) The instream construction activities authorized herein shall be accomplished within cofferdams constructed of non-erodible materials in such a manner that no more than half the width of the waterway shall be obstructed at any point in time.
 - (b) The cofferdams and any excess material will be removed to approved upland areas upon completion of construction, and that the streambed shall be restored to its pre-existing contours and conditions.
 - (c) The construction should be performed during low-flow conditions to the greatest extent possible.
 - (d) The Virginia Erosion and Sediment Control Handbook (3rd Edition, 1992) will be followed throughout construction.
 - (e) That if blasting to create a trench is necessary, the Department of Game and Inland Fisheries shall be notified a week prior to the blasting to permit representatives of that agency to observe the operation.

VMRC #05-2670

A permit issuing fee of: \$100.00
 and a royalty of: N/A
 for a total of \$100.00 This permit consists of 10 sheets.

PERMITTEE

Permittee's signature is affixed hereto as evidence of acceptance of all of the terms and conditions herein.

In cases where the Permittee is a corporation, agency or political jurisdiction, please assure that the individual who signs for the Permittee has proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

PERMITTEE

Accepted for City of Bristol

30th day of March, 2006
By Paul Spangler

(Name)

City Manager
(Title)

State of Virginia
City of Bristol, to-wit:

I, Patricia Henderson a Notary Public in and for said City (or County) and State hereby certify that Paul Spangler, Permittee, whose name is signed to the foregoing, has acknowledged the same before me in my City (or County) and State aforesaid.

Given under my hand this 30th day of March, 2006

My Commission Expires: 4/30/07

Notary Public Patricia Henderson

COMMISSION

IN WITNESS WHEREOF, the Commonwealth of Virginia, Marine Resources Commission has caused these presents to be executed in its behalf by ROBERT W. GRABB, CHIEF, HABITAT MANAGEMENT
(Name) (Title) Marine Resources Commission

6TH day of APRIL, 2006 by [Signature]

State of Virginia
City of Newport News, to wit:

I, MOLLY O. JEFFERSX a Notary Public within and for said City, State of Virginia, hereby certify that ROBERT W. GRABB, whose name is signed to the foregoing, bearing the 24th day of February 2006, has acknowledged the same before me in City aforesaid.

Given under my hand this 6TH day of APRIL, 2006

My Commission Expires: JULY 31, 2007

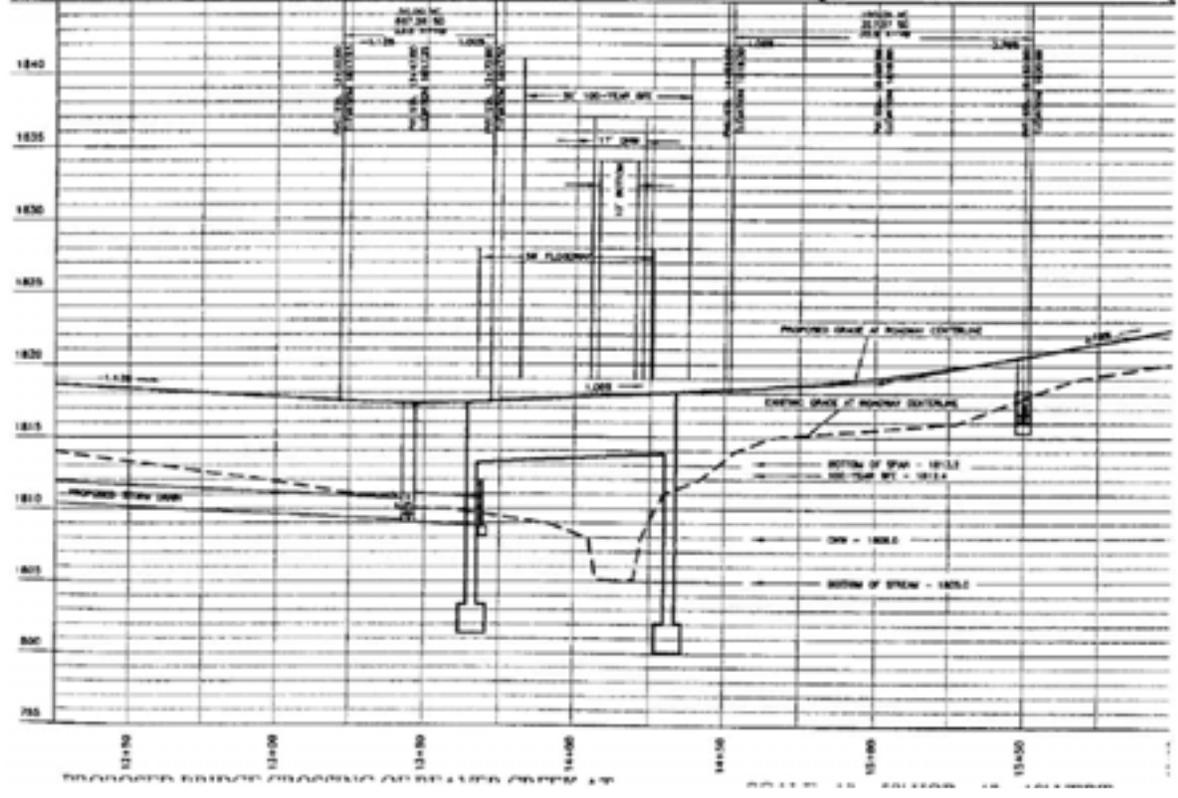
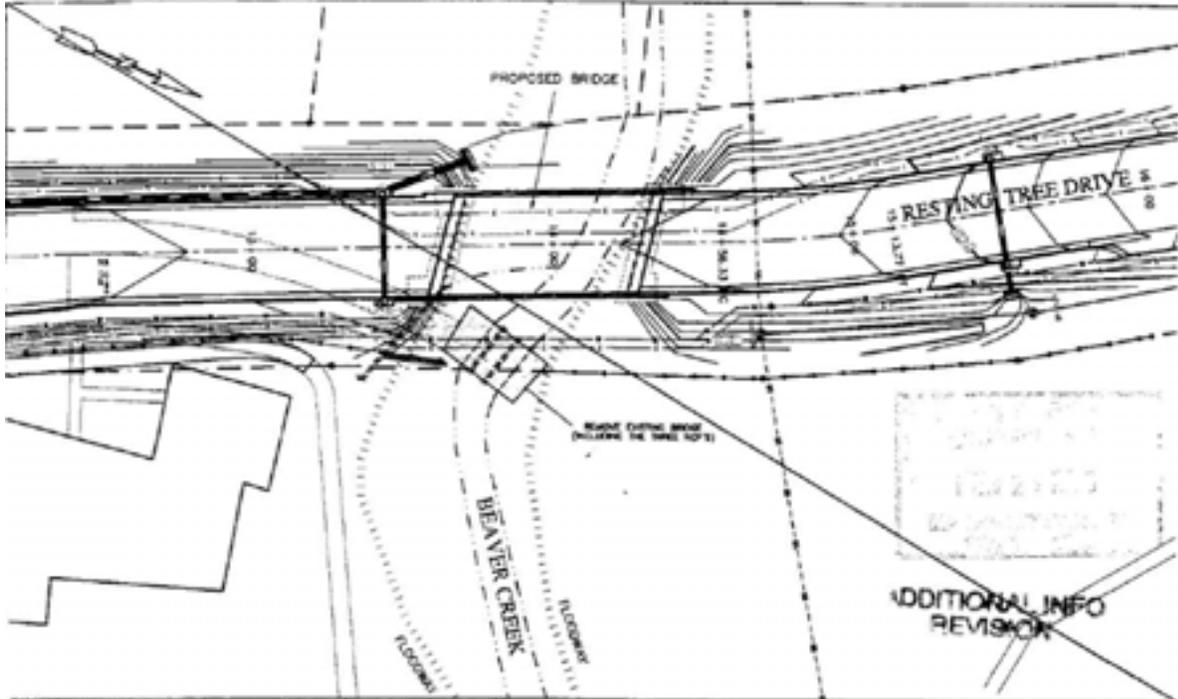
Notary Public [Signature]

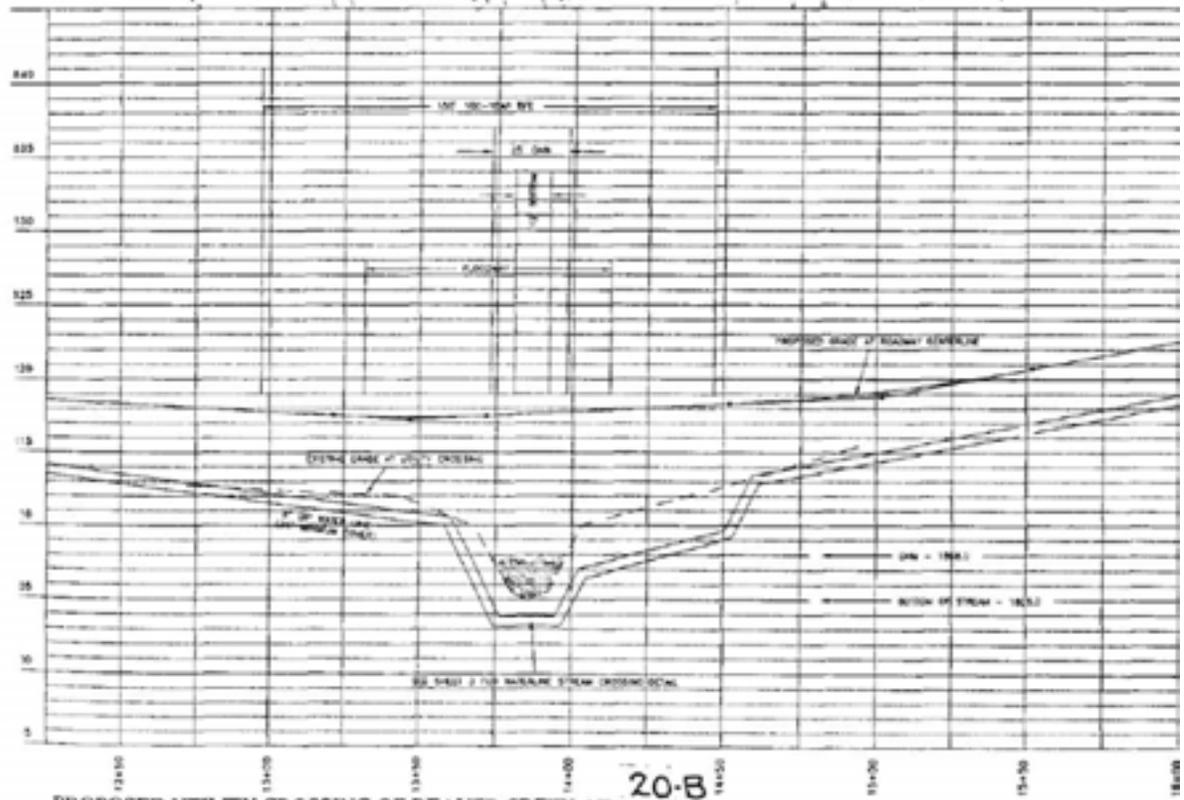
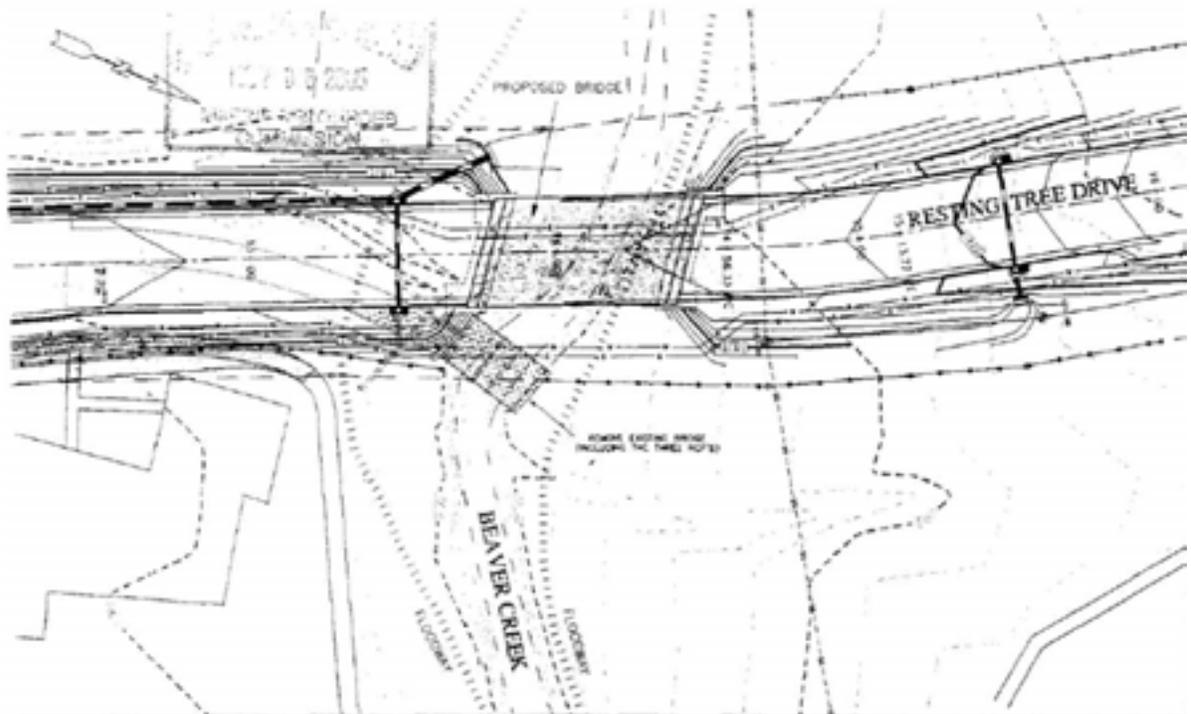
Sugar Hollow Business Complex Easement





Sugar Hollow Business Complex Easement

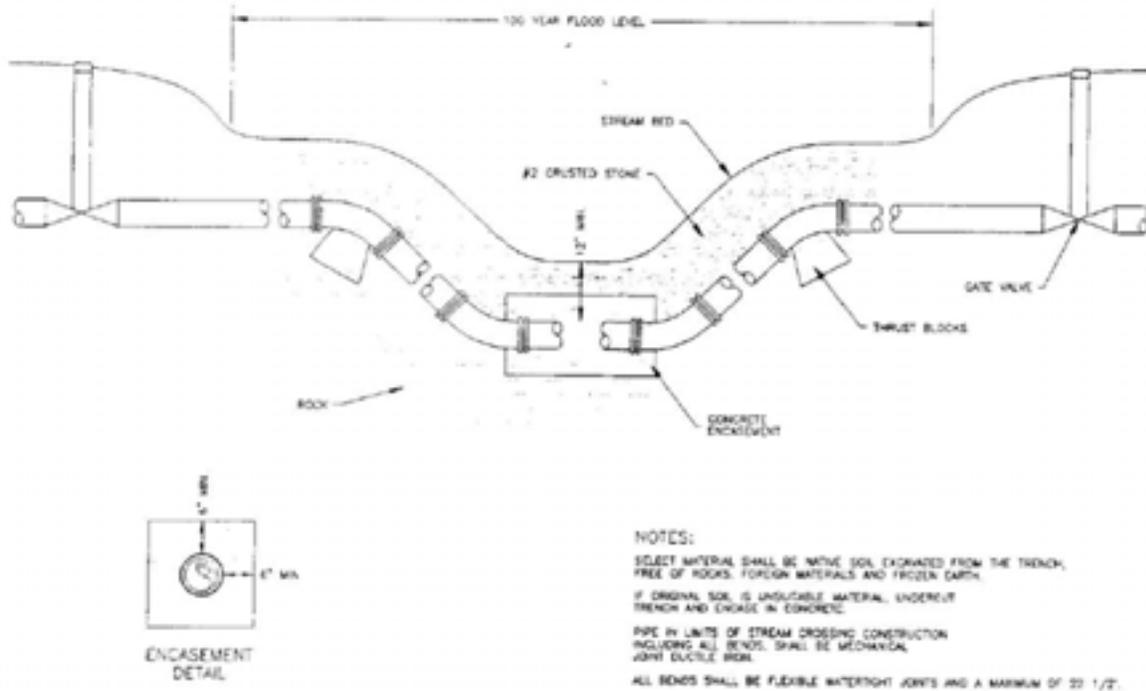
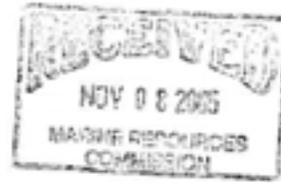




PROPOSED UTILITY CROSSING OF BEAVER CREEK AT SUGAR HOLLOW BUSINESS COMPLEX

20-B

SCALE: 1" = 50' HOR. 1" = 10' VERT.



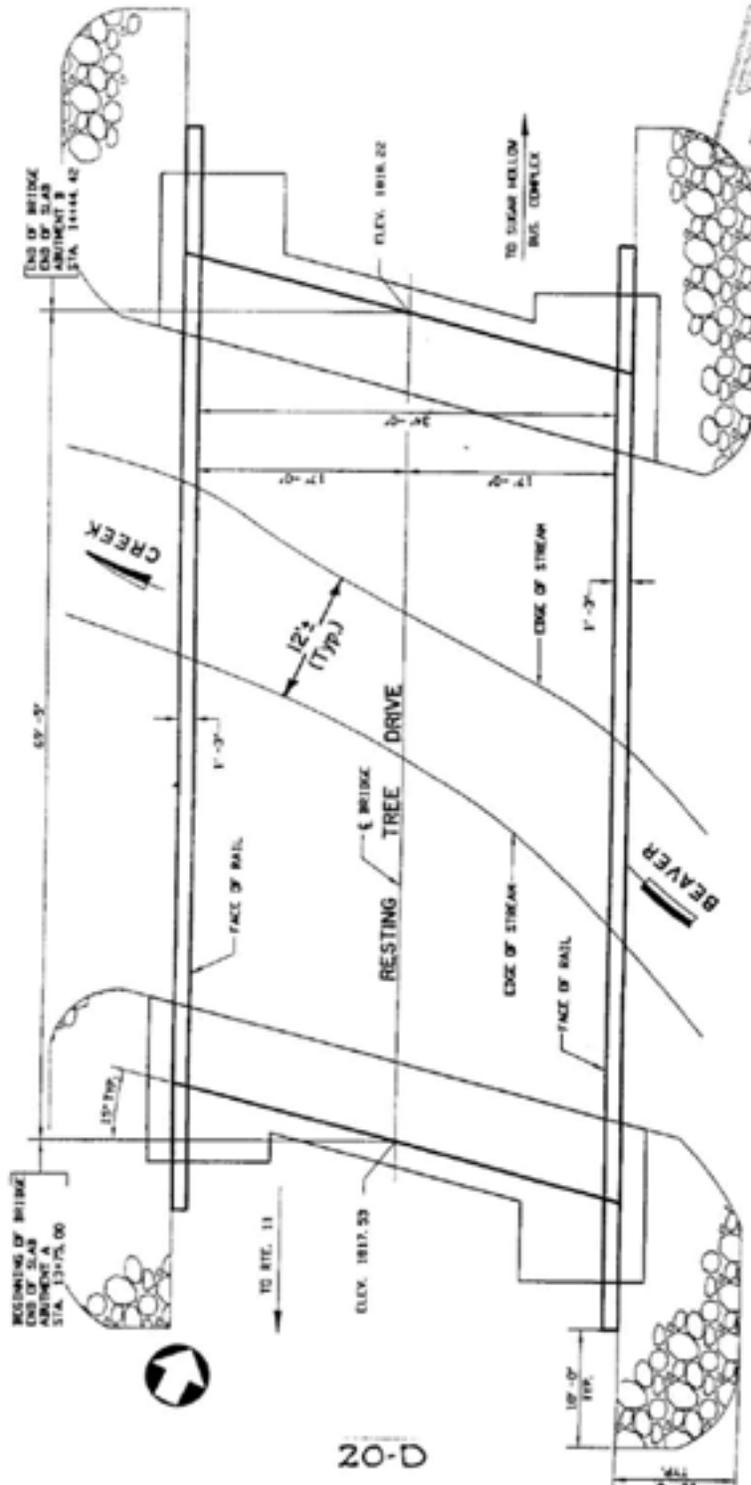
WATERLINE STREAM CROSSING DETAIL

PROPOSED BRIDGE CROSSING OF BEAVER CREEK AT
SUGAR HOLLOW BUSINESS COMPLEX

20-C

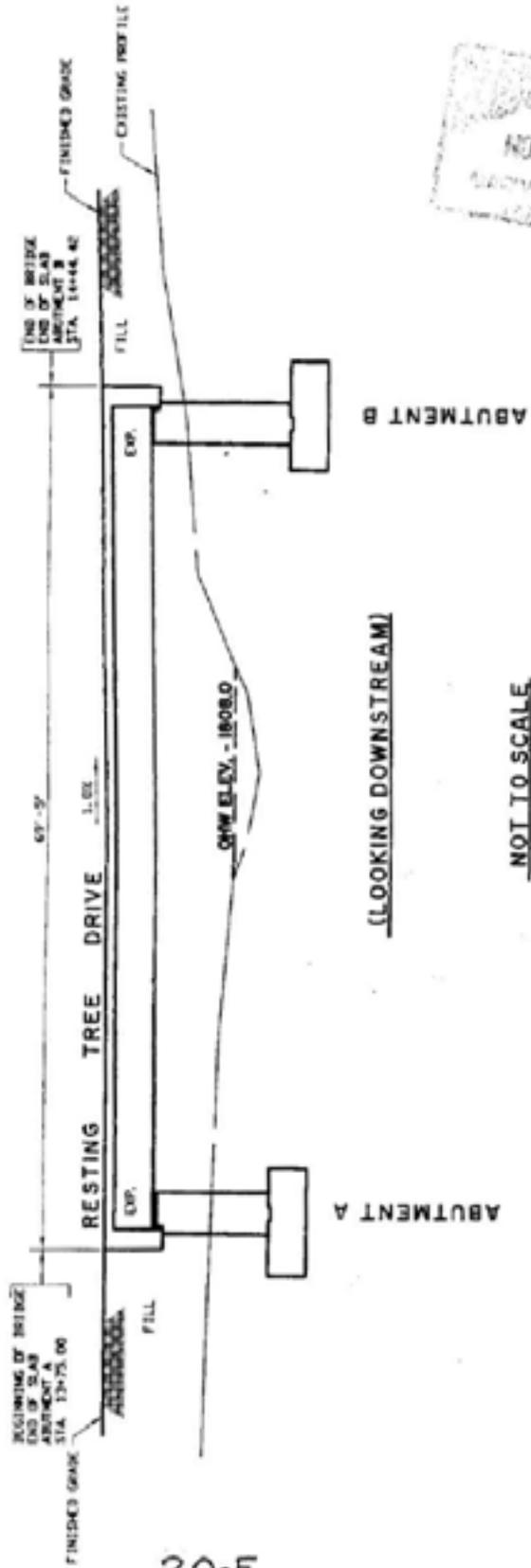
SUGAR HOLLOW BUSINESS COMPLEX

PLAN



SUGAR HOLLOW BUSINESS COMPLEX

PROFILE



NOV 08 2005
SUGAR HOLLOW BUSINESS COMPLEX
EASEMENT

20-E

Permit # 05-2670



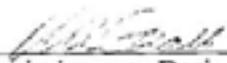
Commonwealth of Virginia
Marine Resources Commission
Authorization

A Permit has been issued to:

The Permittee is hereby authorized to:
City of Bristol
300 Lee Street
Bristol, VA 24201

To install 12 linear feet of submerged water line beneath and construct a 65-foot long by 34-foot wide clearspan bridge across Beaver Creek to facilitate vehicular access and private utilities installation to the Sugar Hollow Business Complex in the City of Bristol.

Issuance Date: February 24, 2006 Expiration Date: February 28, 2009



Commissioner or Designee

This Notice Must Be Conspicuously Displayed At Site Of Work

Page intentionally blank

060127 comments fr Game and Inland Fisheries.txt
To: Andrew Zadnik
Subject: RE: 05-2670_ESSLOG 21821_Bristol road and bridge_Beaver Creek

-----Original Message-----
From: Andrew Zadnik [mailto:Andrew.Zadnik@dgif.virginia.gov]
Sent: Friday, January 27, 2006 1:19 PM
To: Randy.Owen@mrc.virginia.gov
Cc: George Palmer; ProjectReview.Richmond_PO.DGIF@dgif.virginia.gov
Subject: 05-2670_ESSLOG 21821_Bristol road and bridge_Beaver Creek

This project involves construction of a 0.62-mile road and a single span bridge across Beaver Creek, just down from Beaver Creek Lake, Bristol. Also, a waterline will be open-trenched across Beaver Creek.

Beaver Creek is a Class VI stockable trout stream. To minimize potential angler/stocking conflicts, we recommend further coordination with District Fisheries Biologist George Palmer (276-783-4860).

we appreciate construction of a clear-span bridge. If applicable, we recommend installing floodplain culverts to carry bankfull discharges. We recommend consideration of installing the waterline via directional drilling. If this is not possible, we recommend conducting all instream activities during low-flow conditions, using non-erodible cofferdams to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.

Thank you,

Andrew K. Zadnik
Environmental Services Section Biologist
Department of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230

(804) 367-2733
(804) 367-2427 (fax)

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The following are the agenda items from the Commission's regular February meeting held February 28, 2005 at Commission headquarters. The Commission's action is in bold. Linked audio files are in the MP3 format and require an installed player such as Windows Media Player or Real Player (individual files MP3 files are relatively large and may take 1 to 10 minutes to download dependent on your internet connection).

1. MINUTES of previous meeting. **The Commission voted, 4-0, to approve the minutes.**

2. PERMITS (Projects over \$50,000 with no objections and with staff recommendation for approval). **The Commission voted, 4-0, to approve the Page Two Permits with staff recommendations.** [AUDIO Items 1-3]

3. CLOSED MEETING FOR CONSULTATION WITH OR BRIEFING BY COUNSEL. **The Commission held a brief closed meeting to address the recent Court of Appeals oral arguments in the case of Palmer v. MRC.**

4. NAVAL MEDICAL CENTER, #05-2225. Commission review of a decision by the staff of the Portsmouth Wetlands Board to decline to exert jurisdiction over a project to install two marsh sills, grade, backfill and plant to convert a disturbed and filled wetland area into a vegetated wetland area on their property situated along Scotts Creek in Portsmouth. **The Commission voted, 4-0, to return the case to the Portsmouth Wetlands Board.** [AUDIO]

5. MARINE HYDRAULICS INCORPORATED, #04-2481, requests authorization to install a 200-foot long bulkhead up to 15-foot channelward of mean low water, fill approximately 2,185 square feet of State-owned submerged lands, install two (2) 100-foot long by 8-foot wide travel lifts, and to dredge 23,000 cubic yards of State-owned submerged lands to achieve maximum depths of -17 feet below mean low water to create a 285-foot long by 80-foot wide access channel and a 197-foot by 273-foot turning basin adjacent to their property situated along the Eastern Branch of the Elizabeth River in Norfolk. All dredged materials will be transported to and disposed within the Craney Island Dredged Material Management Area. **The Commission voted, 5-0, to approve the permit with staff recommendations, but excluding the requirement to remove the derelict barge.** [AUDIO]

6. MARINE HYDRAULICS INCORPORATED, #04-1984, requests authorization to install a 1,032-foot long by 33-foot wide trestle to support a mobile crane, three (3) mooring dolphins, dredge 491,000 cubic yards of State-owned submerged lands from a 990-foot by 232-foot wide basin to create depths of -65 feet below mean low water for the installation of a drydock with an associated 250-foot long by 230-foot wide access channel to -40 feet below mean low water to connect with the adjacent Federal Navigation Channel, construct a 193-foot long new bulkhead with 1,202 square feet of associated fill of State-owned submerged lands, and install a 26-foot long by 24-foot wide bridge to access the dry-dock at their property situated along the Elizabeth River in Norfolk. All dredged materials will be transported to and disposed within the Craney Island Dredged Material Management Area. Several residents in the vicinity protest the project. **The Commission voted, 5-0, to approve the permit with staff recommendations, but excluding the**

requirement to remove the derelict barge at the Eastern Branch Elizabeth River parcel.
[AUDIO]

7. MR. & MRS. MILTON CONRAD, #05-2880, request authorization to install a submersible pump, a 2-inch diameter PVC raw water intake pipeline, and a 4-inch PVC discharge pipeline on an existing private pier, and to change the use of that pier from private to commercial use, in association with a proposed crab shedding facility to be constructed on their property along a cove of Greenvale Creek on Rocky Neck in Lancaster County. Two adjoining property owners protest the project. **The Commission voted, 5-0, to approve the permit with staff recommendations.**
[AUDIO]

8. NORMAN MALO, #05-2798, requests authorization to extend an existing pier 25 feet channelward, reconfigure and enlarge the associated decking to a total of 1932 square feet and to construct a 66-foot by 42-foot open-sided boathouse designed to house two (2) boats and a personal watercraft adjacent to his property situated along the Piankatank River in Gloucester County. An adjoining property owner protests the project. **The Commission voted, 5-0, to approve the permit with staff recommendations.** [AUDIO]

9. ROBERT A. BADENOCH, #04-1523, requests after-the-fact authorization to retain a 15-foot long by 18-foot 6-inch wide roof extension, the timber siding used to enclose the boathouse, and a 132 square foot deck addition to a previously permitted boathouse adjacent to his property situated along a cove of Bridgemans Back Creek in Northumberland County. **The Commission voted, 5-0, to approve the after-the-fact permit with staff recommendations and a \$1,000 civil charge in lieu of other enforcement action.** [AUDIO]

10. JOSEPH F. KRUSHINSKI, #05-2707, requests after-the-fact authorization to retain deck railings and a three-foot wide stairway constructed as part of a flat-roof, open-sided boathouse, adjacent to his property situated along Aquia Creek in Stafford County. **The Commission voted, 5-1, to approve the after-the-fact permit with a \$1,200 civil charge in lieu of other enforcement action and triple permit fees.** [AUDIO]

11. TOWN OF CHINCOTEAGUE, ET AL, #05-3032, requests after the fact authorization to retain and continue to install approximately 20,000 feet of slip-lining inside the existing 16-inch waterline from the mainland to the new waterline west of the Black Narrows Channel. Twenty-six (26) access pits along the existing waterline will be excavated to allow for maintenance and repair access. The project is to repair and maintain the existing waterline to the Town of Chincoteague. A State Wetlands permit is required. **The Commission voted, 6-0, to approve the after-the-fact permit with staff recommendations including triple permit fees.** [AUDIO]

12. DELMARVA POWER, #05-2986, requests authorization to relocate the main (69 KV) overhead transmission line from the north side of the Black Narrows Bridge to the south side of the bridge in the Town of Chincoteague, Accomack County. The installation of three of the six new poles will impact either State-owned wetlands or State-owned subaqueous bottom. Both wetlands and subaqueous permits will be required. Two Marsh Island residents protest the project. **The Commission voted, 6-0, to approve the permit with staff recommendations.** [AUDIO]

13. PUBLIC COMMENTS: Two watermen discussed several issues. [AUDIO]

14. THE 2006 AMERICAN SHAD BYCATCH FISHERY: **The Commission voted, 4-2, in an emergency regulation to establish a limited-entry fishery for the upriver (spawning sanctuary) areas of the James, Mattaponi, Pamunkey and Rappahannock Rivers within the American Shad Bycatch Fishery that was established last month. Only those persons who have fished five of the past 10 years qualify and they will be restricted to a bycatch of only**

five fish. A public hearing on the permanent regulation will be held at the Commission's March 28th meeting.

[AUDIO part 1][AUDIO part 2]

15. PUBLIC HEARING: Proposed amendments to Regulation 4VAC 20-252, " Pertaining to the Taking of Striped Bass" to establish the 2006 commercial and recreational harvest quotas at 1,554,302 pounds each. The Commission voted, 6-0, to approve the quota per staff recommendation. [AUDIO]

16. PUBLIC HEARING: Virginia Seafood Council proposal, " Reexamination of Feasibility Study On One-Year Grow-Out of Triploid Crassostrea ariakensis." A public hearing was held on the Council's request and the Commissioner is expected to make a decision after 30 days from Feb. 28 and before 60 days has elapsed. [AUDIO]

17. BOB ORTH, VIMS: Update of status of Submerged Aquatic Vegetation. The presentation was deferred until the Commission's March 28th meeting.

18. JIM KIRKLEY, VIMS: Presentation of Economic Contributions of Virginia's Commercial Seafood and Recreational Fishing Industries. The Commission heard the presentation. [AUDIO]

19. BONNIE-LEIGH JONES: Request Commission review of the licensing and compliance with special conditions of Mr. Ernest L. George's pound net at Windmill Point. Mr. George agreed to remove his pound net from his current Windmill Point location and will apply for a new location within the agency's existing rules. [AUDIO]

20. FISHERIES MANAGEMENT DIVISION: Request permission to construct two artificial fishing reefs; Poquoson Reef, to be located near the mouth of the Poquoson River and Mobjack Bay Reef, to be located on the western side of the channel in Mobjack Bay. The Commission decided to postpone consideration of this request until its March 28th meeting. [AUDIO]

21. THE 2006 OYSTER RESTORATION PROGRAM & PROCUREMENT PLANS: The Commission voted, 5-0-1 with Mr. Robins abstaining, to approve the advertised oyster restoration program procurement plans. It also voted, 4-3, to approve the transfer of 30,000 bushels of seed oysters this year. [AUDIO]

THE NEXT MEETING WILL BE HELD ON TUESDAY, MARCH 28, 2006

PAGE 2 ITEMS (Projects over \$50,000 with no objections and with staff recommendation for approval; Approved in Item 2)

2A. TOWN OF BLACKSBURG, #05-1083, requests authorization to cross Toms Creek in two (2) locations with 12-foot wide, timber, clear span bridges for pedestrian and bicycle use in Heritage Park in Blacksburg. There will be no structures or construction activity within the creek bed. Recommend approval with proper erosion and sediment control measures during construction of the associated upland abutments and wing walls.

2B. TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY, #06-0028, requests authorization to install two (2) aerial and six (6) submerged sewer line stream crossings of Laurel Fork and its tributaries and construct one (1) 0.5 MGD outfall to facilitate replacement of the Town of Pocahontas' Wastewater Treatment Plant in Tazewell County. Recommend approval with the

inclusion of our standard instream permit conditions.

2C. CITY OF BRISTOL, #05-2670, requests authorization to install 12 linear feet of submerged water line beneath and construct a 65-foot long by 34-foot wide clearspan bridge across Beaver Creek to facilitate vehicular access and private utilities installation to the Sugar Hollow Business Complex in the City of Bristol. Recommend approval with the inclusion of our standard instream permit conditions. ←

2D. NAVAL FACILITIES ENGINEERING COMMAND, #05-2628, requests authorization to install a 325-foot by 52-foot T-head at Pier 11 at Norfolk Naval Base situated along the Elizabeth River in Norfolk.

2E. U. S. FISH AND WILDLIFE SERVICE, CHINCOTEAGUE NATIONAL WILDLIFE REFUGE, #05-1130, requests authorization to construct an 80-foot long by 12-foot wide concrete boat ramp; a 60-foot long by 6-foot wide open-pile pier with a 36-foot long by 6-foot wide floating dock; a 110-foot long breakwater and mechanically dredge an 80-foot by 20-foot area channelward of the proposed boat ramp to minus four and one half (74.5) feet at mean low water, adjacent to their property situated along Assateague Channel on Assateague Island in Accomack County.

2F. NORVIEW MARINA, #05-2159, requests authorization to remove a 20-slip floating pier and to install a new 185-foot long floating pier providing eight (8) larger wet-slips adjacent to their marina facility situated along Broad Creek in Middlesex County.

2G. GLOUCESTER COUNTY DEPARTMENT OF UTILITIES, #05-2942, requests authorization to cross approximately 80 linear feet of Fox Mill Run, adjacent to the Route 17 crossing, with a submerged 16-inch diameter waterline within an existing utility easement in Gloucester County. Recommend approval with our standard in-stream construction conditions.

2H. WILL DRENNAN , ET AL, #04-0321, requests authorization to dredge, by clamshell method, 4,022 cubic yards of State-owned submerged lands to achieve maximum depths of minus four and a half (-4.5) feet below mean low water to create a 786-foot long by 20-foot wide access channel and seven (7) associated homeowner boat basins adjacent to property situated along Broad Creek in Norfolk. All dredged materials will be transported to and disposed within the Craney Island Dredged Material Management Area. Staff recommends a royalty of \$1,786.05 for the dredging of 3,969 cubic yards of material at \$0.45 per cubic yard.

2I. LANGLEY AIR FORCE BASE, #05-1935, requests authorization to install and backfill 1,200 linear feet of bulkhead, construct a 63-foot long by 16-foot wide boat ramp with a 50-foot by 13-foot service pier, a 96-foot long by 12-foot wide temporary emergency access pier for security and rescue activities, and to maintenance dredge, using either clam shell or hydraulic, 25,000 cubic yards of State-owned submerged lands to reach maximum depths of -8 feet below mean low water at their marina facility situated along the Southwest Branch of Back River in Hampton. Dredged materials will be disposed of at an off-site upland disposal facility. Staff recommends a pre-dredge conference to include inspection of the disposal area, submission of a post-dredge bathymetric survey, that the contractor provide an observer at the dredge material containment area within radio contact with the dredge operator while the dredge is operating to prevent overflow of the containment area and that a minimum of two (2) feet of freeboard be maintained between the height of the dredged material and the top of the containment berm.

2J. LANGLEY AIR FORCE BASE, #05-2839, requests authorization to install five (5) floating piers ranging in length from 320 feet to 150-feet and all 8-feet wide, and 41 20-foot long by 3-foot wide finger piers to create 75 wet slips replace marina structures destroyed by Hurricane Isabel adjacent to their property situated along the Southwest Branch of Back River in Hampton.

2K. VIRGINIA COMMONWEALTH UNIVERSITY, #04-2266, requests a permit modification to reduce in size and relocate a previously authorized 12-foot wide by 24-foot long (288 square feet) floating research platform to the downstream side of the VCU Rice Center River Pier Facility situated along the James River in Charles City County. The new platform will measure 10-foot wide by 28-foot long (280 square feet).

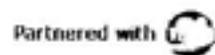
2L. DEPARTMENT OF THE NAVY, #05-2544, requests authorization to replace 52 existing sensors, to install 37 new sensors and install associated new and replacement cables across 2,000 linear feet of State-owned submerged lands, using trenching to reach cable depths of minus three (-3) feet below the substrate, and to place 17,000 cubic yards of protective gravel over the sensors and cable trench, between Naval Station Norfolk and the Sewells Point Degaussing Station, located within Hampton Roads Norfolk Harbor in Norfolk.

2M. THOMAS SHUTTLEWORTH, #05-1190, requests authorization to install 865 linear feet of VDOT Class II, stone riprap, the toe of which may extend a maximum of six (6) feet channelward of an existing concrete apron, for shoreline protection adjacent to his property along Linkhorn Bay in the Linlier subdivision in Virginia Beach.

2N. TANNER'S LANDING ASSOCIATES, LLC, #05-0480, requests a modification to a Commission-approved project substituting the assessment of an annual royalty for a one-time royalty of in the amount of \$14,577.00 for the encroachment over 9,718 square feet of State-owned submerged lands at a rate of \$1.50 per square foot in association with a project located adjacent to property situated along the Lafayette River in Norfolk.

2O. DEPARTMENT OF THE NAVY, #05-3064, requests authorization to construct a 30-foot wide by 227-foot long by 9-foot tall (extending five (5) feet vertically above mean low water) stone breakwater, approximately 175 feet channelward of mean low water, to decrease wave energy and provide shoreline protection adjacent to the Normandy Beach training area in the Naval Amphibious Base, Little Creek, situated along the Chesapeake Bay in Virginia Beach.

2P. VIRGINIA JACOBS, #04-2794, requests authorization to modify her previously issued permit to increase the number of wet slips from 48 to 53 and to install uncovered lifts within all 53 slips at Pelican's Nest Marina which is situated along Little Creek in Norfolk.



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[View our Privacy Policy](#)

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