

Site Selection Criteria Scoring Guidelines

1. Accessibility on foot
2. Availability of the site
3. Convenient access to toilet facilities
4. Does not conflict with others
5. Manageability of the fishery
6. Proximity to productive water
7. Sufficient space for pier
8. Vehicular access and parking
9. Visibility to law enforcement
10. Resistance to flooding or low water conditions

1. **Accessibility on foot** - A person with impaired mobility such as one who walks with a cane, walker or is confined to a wheelchair can safely access the pier from a vehicle drop-off point.
 - a. Inaccessible by able-bodied persons (score 0)
 - b. Difficult to access by able-bodied persons or access by handicapped would not be safe or practical(score 1)
 - c. Might be accessible with modifications or grading (score 2)
 - d. Accessible to all with reasonable care (score 3)
 - e. Easily accessed even by those with impaired mobility (score 4)

2. **Availability of the site** – There are no known intended uses for the site.
 - a. The site is not available because of existing usage or other prohibition (0)
 - b. The site has been allocated for another purpose in the future (1)
 - c. There are others competing for the site for another use (2)
 - d. Some may object to the site being used for the pier (3)
 - e. The site is available and not likely to contend with other currently planned uses and is esthetically pleasing(4)

3. **Convenient access to toilet facilities** – The site is within easy walk to toilet facilities that are handicapped accessible.
 - a. There are no toilet facilities (0)
 - b. There are no toilet facilities but, there is nearby space for one (1)
 - c. There are portable toilet facilities (2)
 - d. There are handicapped accessible toilet facilities (3)
 - e. There are handicapped accessible flush toilet facilities (4)

4. **Does not conflict with others** – There is no potential for conflict with boaters, water skiers, swimmers, golfers or other users of the nearby area.
 - a. The site is dangerous and a pier is certain to conflict with high speed boat traffic or water skiers or golfers or swimmers or high wakes (0)

- b. The site is outside the no wake zone and a pier there is likely to cause a conflict with high speed boat traffic or water skiers and frequent high wakes (1)
 - c. There is some possibility of conflict with boaters, golfers or swimmers and high wakes (2)
 - d. There is very little possibility of conflict with boaters, golfers, swimmers or high wakes (3)
 - e. There is no possibility of conflict with swimmers, golfers, high wakes and very little possibility of conflict with boaters (4)
5. **Manageability of the fishery** – The location is conducive to management of fishing productivity such as fish stocking, artificial habitat, fish feeders
- a. The site cannot be easily managed by LMOA due to jurisdictional issues(0)
 - b. The site can not be easily managed due to size of the body of water (2)
 - c. The site can be reasonably managed though fish stocking and feeding (4)
6. **Proximity to productive water** – The site provides access to water that holds fish. A reasonable cast from a pier on that site can reach deep water (more than 7-8 feet deep), deep water channels or structure likely to attract fish during spring, summer and fall seasons.
- a. Known to be unproductive (0)
 - b. Unknown productivity (1)
 - c. Seldom productive (2)
 - d. Seasonally productive (3)
 - e. Always productive (4)
7. **Sufficient space** – There is enough public land available at the site to permit the construction of a suitable pier that will not conflict with other nearby activities or land usage.
- a. No space available at the location for a pier (0)
 - b. Very little space, might accommodate a small pier (1)
 - c. Cramped space for a suitable sized pier (2)
 - d. A suitable sized pier could be located here with careful planning (3)
 - e. Ample space for a suitable sized pier (4)
8. **Vehicular access and parking** – There is an existing well-maintained asphalt or gravel road or drive way that would permit vehicles to approach close enough to the pier to allow safe and convenient loading and unloading of passengers and special needs equipment. Someone with impaired mobility could easily access the pier from the drop-off point. There is sufficient space to park 3 or 4 vehicles near the site where it is unlikely those spaces would normally be in use for other activities.
- a. There is no suitable access road nor parking at the location (0)
 - b. There is good access by road but, not sufficient parking or there is sufficient parking space but, not suitable road access (1)

- c. There is good access by road but, parking is very limited (2)
- d. There is good access and ample parking but it's not close to the pier (3)
- e. There is good access and ample parking close to the pier (4)

9. **Visibility to law enforcement** – The site can be accessed by emergency vehicles and is easily seen by law enforcement officers on their routine patrols to reduce vandalism and other unintended usage.

- a. The site is not easily visible for a law enforcement officer, even on foot (0)
- b. The site is not easily visible for a law enforcement officer in a vehicle (1)
- c. The site is visible from a vehicle but, it would require modifying normal patrol routes (2)
- d. The site is barely visible by law enforcement officers on normal patrol routes (3)
- e. The site is clearly visible to law enforcement on normal vehicular patrol (4)

10. **Resistance to flooding or low water conditions** – The water at the location is not expected to be subject to extreme variations in level, either flooding or low water conditions under normal weather conditions.

- a. The site is regularly subjected to flooding or low water conditions which could imperil the pier (0)
- b. The site occasionally experiences low water conditions (2)
- c. The site encounters routine water level fluctuations that only have a brief impact on fishing conditions (4)

Location Evaluation Score Sheet
Sheet 1

		Locations														
		1. Main Beach (1)		2. Marina (8)		3. Main Dam (10)		4. Riverside Rivanna River (12)		5. Cherokee Rivanna River (32)		6. Crofton Rivanna River (44)		7. Beach 5 (14)		
Criteria	Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	
1. Availability of the site	5	1		5	0	0	0	0	4	20	4	20	4	20	1	5
2. Sufficient space for pier	5	2		10	1	5	4	20	0	0	0	0	0	2	10	
3. Proximity to productive water	5	3		15	3	15	4	20	1	5	1	5	1	5	3	15
4. Accessibility on foot	4	3		12	1	4	1	4	0	0	0	0	0	3	12	
5. Vehicular access and parking	4	2		8	1	4	1	4	0	0	0	0	0	2	8	
6. Does not conflict with other users	4	2		8	2	8	1	4	4	16	4	16	4	16	2	8
7. Convenient access to toilet facilities	3	4		12	4	12	0	0	0	0	0	0	0	4	12	
8. Manageability of the fishery	3	2		6	2	6	2	6	0	0	0	0	0	2	6	
9. Resistance to flooding or low water conditions	3	4		12	4	12	4	12	0	0	0	0	0	4	12	
10. Visibility to law enforcement	2	4		8	4	8	4	8	0	0	0	0	0	4	8	
Total Weighted Score				96		74		78		41		41		41		96

Location Evaluation Score Sheet
Sheet 2

		Locations														
		1. Beach 2 (18)		2. Wildwood Dr. & Thrush Ct. (19)		3. 18th Hole Pond (24)		4. Jackson Cove (28)		5. Beach 3 (29)		6. Beach 4 (36)		7. Tufton Lake (42)		
Criteria	Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	Score	Score X Weight	
1. Availability of the site	5	3		15	0	0	1	5	0	0	0	0	0	4	20	
2. Sufficient space for pier	5	4		20	0	0	3	15	0	0	0	0	0	4	20	
3. Proximity to productive water	5	4		20	1	5	1	5	0	0	4	20	3	15	3	15
4. Accessibility on foot	4	4		16	1	4	1	4	0	0	4	16	1	4	4	16
5. Vehicular access and parking	4	4		16	0	0	2	8	0	0	4	16	3	12	4	16
6. Does not conflict with other users	4	2		8	0	0	2	8	0	2	8	2	8	4	16	
7. Convenient access to toilet facilities	3	4		12	0	0	0	0	0	4	12	2	6	3	9	
8. Manageability of the fishery	3	4		12	0	0	4	12	0	4	12	4	12	4	12	
9. Resistance to flooding or low water conditions	3	4		12	4	12	2	6	0	4	12	4	12	4	12	
10. Visibility to law enforcement	2	4		8	0	0	1	2	0	4	8	1	2	4	8	
Total Weighted Score				139		21		65		0		104		71		144

Site Evaluation Comments

Sheet 1

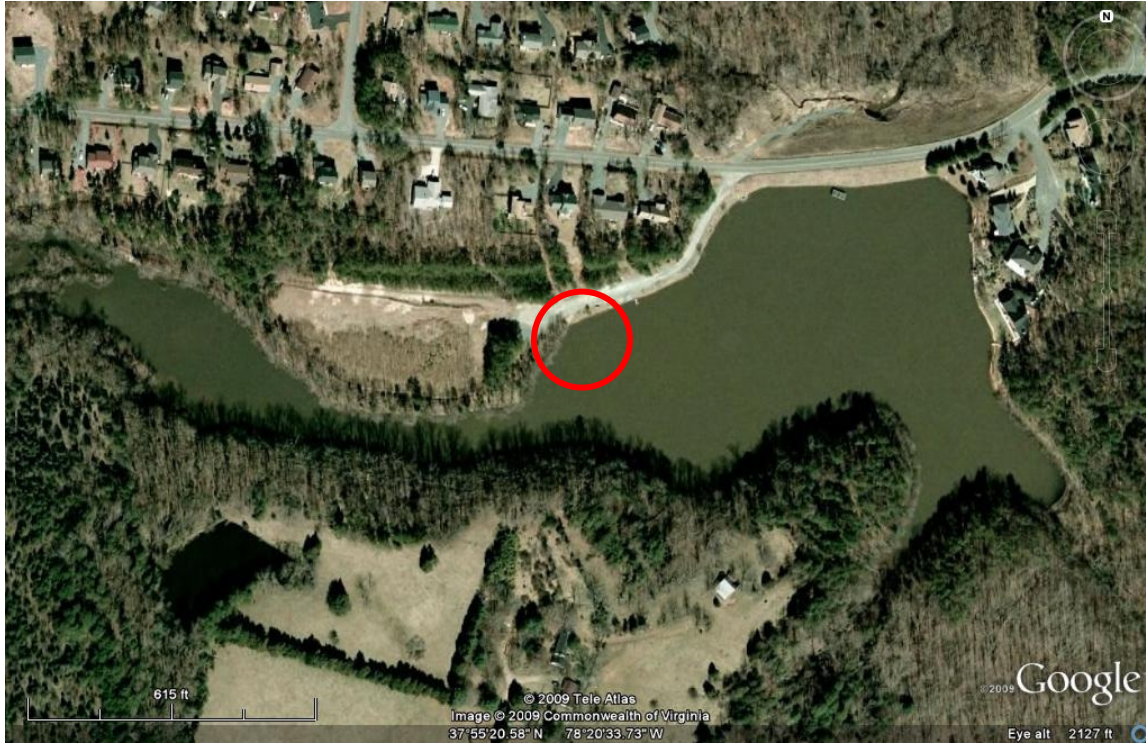
1. **Main Beach** – The main problem is conflict with boaters and swimmers. There is a possibility if the private marine pier could be used as a terminating location for a floating pier that would extend directly into the protected cove. This has a lot of pluses, including easy access, parking, and decent year-round fishing in the main lake. There are toilet facilities at the pool house but that would be some distance for handicapped people. The pier owners would have to grant access.
2. **Marina** – As with the main beach, the primary problem is conflict with other uses. The area is highly trafficked by pleasure boats. The only conceivable fishing area is a short peninsula that shelters the main marina. However, the only access is via the marina walkway which is too narrow for wheelchairs and in a general state of disrepair.
3. **Main Dam** – Prohibitions over building on the dam would seem to rule this location out.
4. **Riverside Rivanna River** – There is a very rough pathway that leads to a bridge over a small stream and then eventually to the river. We could not see the river so, assume that it is some distance from the path entry. The path is nearly impossible for able-bodied people. There are no parking or toilet facilities. The river is seasonally subject to flooding and low water conditions.
5. **Cherokee Rivanna River** - There are actually two LMOA assesses in the Cherokee area. Location 32 is a footpath that (presumably) leads to the Rivanna River. The path may be occasionally be used by service personnel. It is not suitable for able-bodied people and the river is a considerable distance from the path access point. There are no parking or toilet facilities. The other location is at the end of Chickasaw Drive. This is a gravel driveway to what looks like backup generators for Aqua Virginia. The road ends at the generators and there is no path to the river.
6. **Crofton Rivanna River** – We drove around the area several times and could not find road or path access to the river. It looks like LMOA has property on Rt. 600 just before Rt. 618 where heavy vehicles can park but there is no river access.
7. **Beach 5** – There is not much space here. A very steep foot decent leads to the beach with very limited parking. The beach is located on a very narrow portion of the main lake which would likely conflict with boaters.

Sheet 2

1. **Beach 2** - Good scores all around. Drawbacks: Possible location for dredging bulkhead at only location possibility for the pier. That location access a small cove limiting size of the pier.
2. **Wildwood Dr. & Thrush Ct.** – Thrush Ct. access is a steep overgrown decline. Wildwood Dr. is a gravel driveway. Area is wooded and overgrown. It contains three major structures belonging to Aqua Virginia. The property is on a narrow cove. Any pier would interfere with adjacent property owners.
3. **18th Hole Pond** – Possible future site of a new facility. Fairly Steep decline, wooded from parking lot to water. Although there is plenty of parking, all nearby areas are taken by golfers. Toilet facilities are not convenient.
4. **Jackson Cove** – A drive-by. No parking, no access, no toilets, shallow swampy area. Any pier would interfere with property owners.

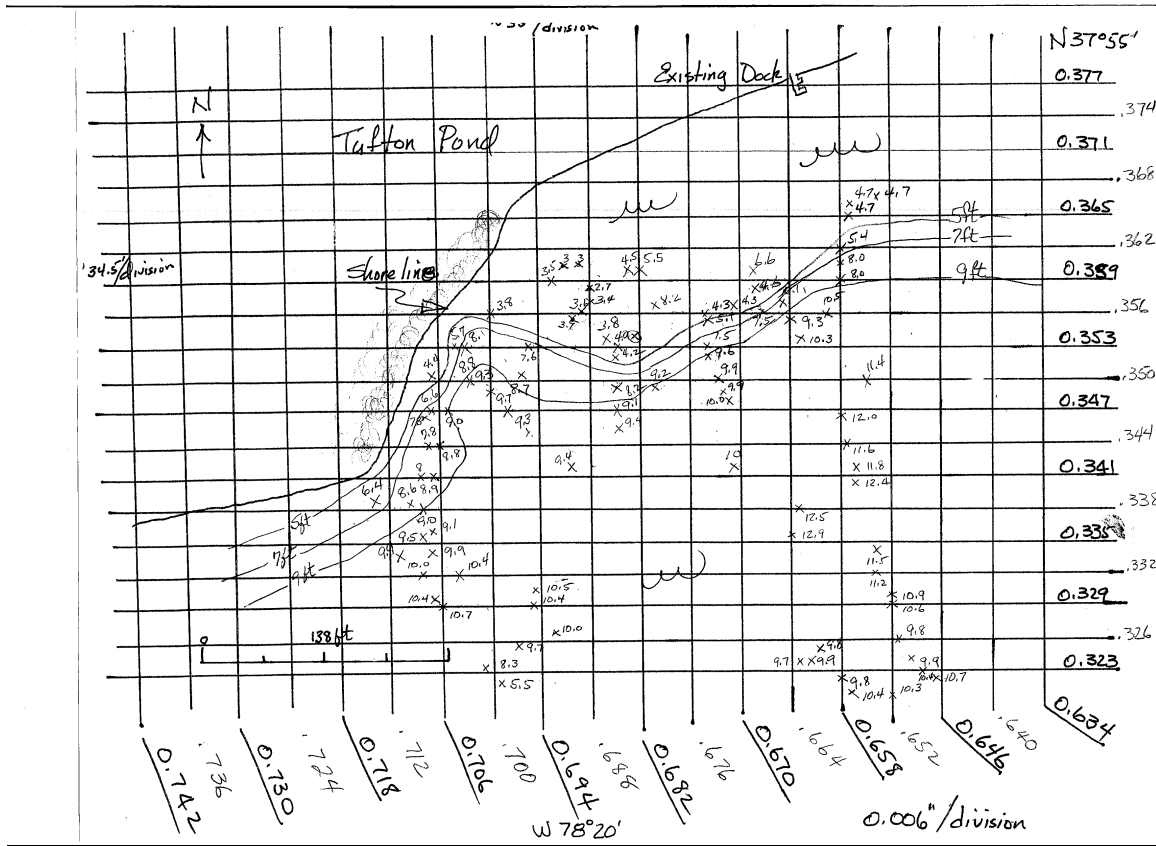
- 5.
6. **Beach 3** – Really no place that a pier would not interfere with something.
7. **Beach 4** – Beach is in the middle. Floating docks to the left; fixed docks to the right. A pier to the right of fixed docks would interfere with property owners.
8. **Tufton Lake** – Would need to move existing porta-john or add a second one on level ground. Seems like adequate shore area for both spoils bulkhead and pier bulkhead. Maybe just one long continuous bulkhead for both. Al Lechak, property owner who would view the pier thinks it's a great idea. Between dumpsters and compost area, there is enough traffic that help would be available in emergency. Would rate this #1 choice followed by Beach 2.

Satellite View of Tufton Lake



This satellite photograph of Tufton Lake shows the proposed location for the fishing pier circled in red. The road extending across the top of the photo is Jefferson Drive. The empty space to the left of the circle is the current leaf disposal site.

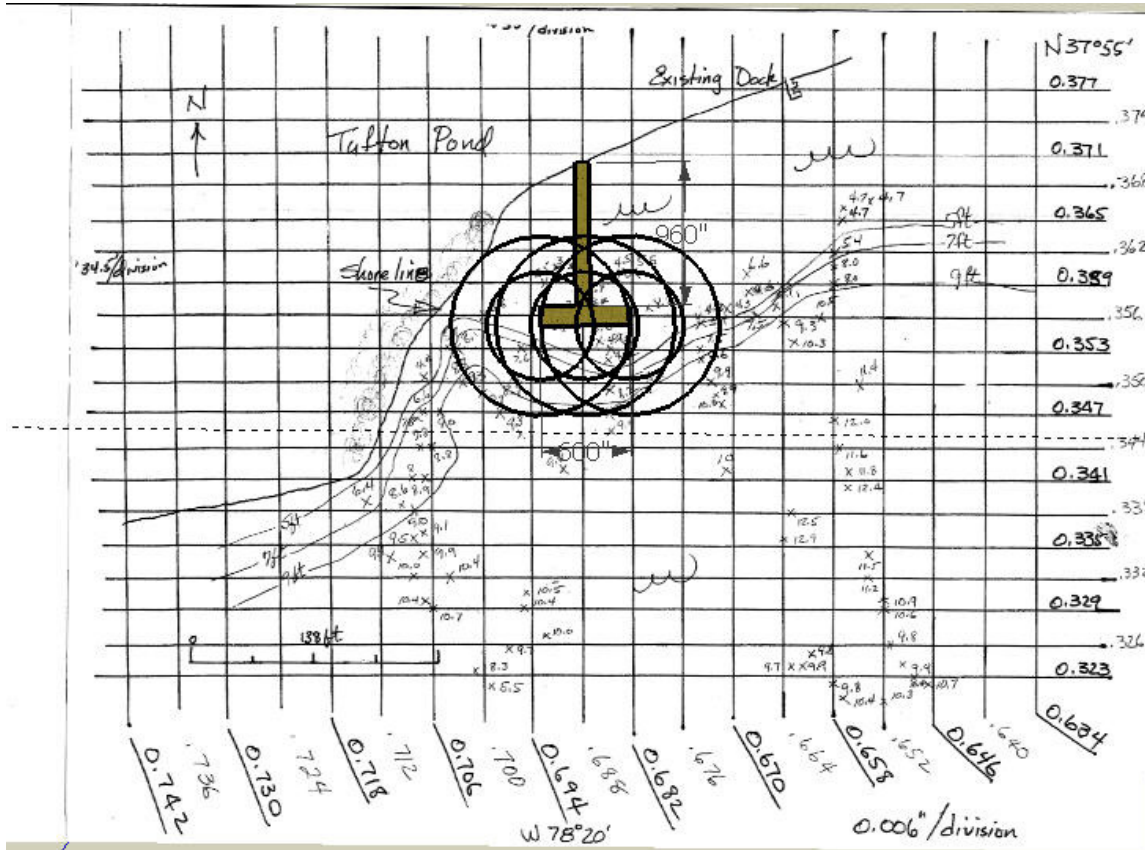
Topographic Map of Tufton lake



This sketch shows the bottom contour of Tufton Lake in the vicinity of the proposed pier location. The contour lines represent the transition from relatively shallow water, less than 5 feet deep, to deeper water, over 9 feet deep. This transition area is commonly called the drop off.

A fish finder and hand-held GPS were used to collect these data. While collecting the data, the fish finder indicated collections of fish along the deep side of the drop off. The survey was performed in early June, 2009.

Topographic Sketch of Tufton Lake with Proposed Pier



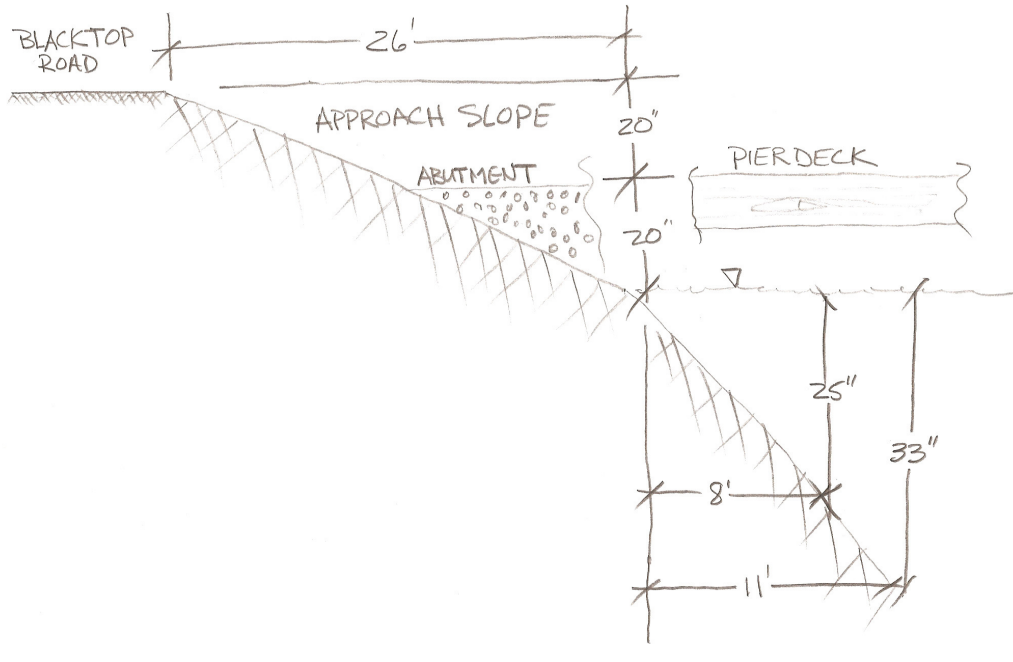
This sketch shows the proposed pier design superimposed on the topographic map of Tufton Lake. The inverted T-shaped pier has a base that measures 8 ft. wide and extends 80 feet from shore. This permits non-boating anglers to reach deeper water on foot. The cross piece is 11 feet wide and 50 feet long. This can accommodate six anglers at the outside cross piece rail with a spacing of 10 feet between people. More could fish from the inside rail and along the base.

Each circle represents the casting radius for anglers on the pier. The smaller circles have a 30 foot radius. This is thought to be a reasonable cast for small children and anglers with impaired casting ability.

The larger circles have a 50 foot radius. Able bodied adults should be able to cast at least this far.

The area inside the circles represents the accessible water from the outside rail of the cross piece. Note that both sets of circles permit anglers to reach at least some portion of the drop off.

Tufton Lake Waterfront Section



This sketch shows a section of the Tufton Lake shoreline at the proposed site. The road between Jefferson Drive and the leaf disposal site is shown on the left. The lake is on the right with the pier deck shown above it. The concrete abutment to which the pier will be attached is shown in the center.

The slope from the blacktop road to the surface of the pier deck is 20" in 26', or 1" in 15.6". This is well within the ADA requirements of not steeper than 1" in 12". An access ramp to the pier will be installed along this 26' slope. It will include guardrails. This will permit disabled anglers to be dropped off from vehicles at the ramp. The Fluvanna County Site Inspector informs us that a ramp of up to 30' can be used here without the need for an intermediate landing.

LMOA Member Questionnaire: Community Fishing Pier

LMOA's Community Fishing Pier Work Group is looking into the possibility of constructing a Community Fishing Pier that would be designed to comply with ADA (Americans with Disabilities Act) recommendations for accessibility. The purpose of the project is to provide a safe, convenient and productive fishing facility to benefit all residents of Lake Monticello and their guests, especially non-boating anglers, children, elderly and handicapped persons. Several possible locations are being considered.



The plan is to construct the pier with volunteer labor and fund the project mostly by voluntary contributions from individuals and possibly from local businesses, government agencies and other organizations.

Your response to the questionnaire will help the Work Group determine community interest, attitudes and potential for use. It also will gauge community willingness to participate in the funding and construction effort that will make this project possible. Please check your answers to the following questions and provide your comments below.

1. Assuming that sufficient funds could be raised, what do you think of the idea of building a fishing pier to serve all members of the community, especially non-boating anglers, children, elderly and handicapped persons?
 - Excellent idea
 - Good idea
 - Not a good idea
 - No opinion
2. If LMOA were to build a Community Fishing Pier in an area where fishing has been enhanced, how likely is it that you, members of your household or your guests would use it?
 - Very likely
 - Somewhat likely
 - Not likely
 - Never
3. How would you describe the members of your household or your guests who would use the pier? Check all that apply.
 - Children
 - Elderly
 - Handicapped
 - Anglers who don't have a boat
 - Others _____
 - Not applicable
4. If LMOA were to ask for volunteers to help construct the pier using basic carpentry skills, how likely are you to participate in the construction effort?
 - Very likely
 - Somewhat likely
 - Not likely
 - No
 - No, but I'd be willing to help in some other capacity. Please specify: _____

5. If LMOA were to ask for volunteers to help lead construction of the pier, do you have professional construction skills, and would you be willing to help?
- Yes, I have considerable construction leadership experience and will help.
 - Yes, I have some construction leadership experience and will help.
 - Yes, I have a little construction leadership experience and will help.
 - No, I don't have construction leadership experience but am willing to help.
 - I'm not interested

If yes, please describe: _____

6. If the Community Fishing Pier were financed through voluntary contributions, would you be likely to contribute?
- Yes, up to \$25
 - Yes, up to \$50
 - Yes, up to \$100
 - Yes, more than \$100
 - No

If you would like to actively participate in this project, please provide your contact information:

Name: _____

Phone number: _____ Email _____

How would you like to participate? _____

Comments: _____

Thank you for your assistance. Please return the completed questionnaire
no later than **May 22, 2009** to

Lake Monticello Owners' Association

41 Ashlawn Boulevard, Lake Monticello, VA 22963
(434) 589-8263; fax: (434) 589-5695; website: www.lmoa.org

Tabular Results - Community Fishing Pier Survey

Tabulated by Dick Bucci and Chuck Westrater

Q1 Agree with idea

	Dick	Chuck	Total	%
Excellent	63	42	105	45.3%
Good	35	30	65	28.0%
Not good	22	22	44	19.0%
No opinion	12	6	18	7.8%
Totals	132	100	232	100.0%

Q 2 - How likely to use

	Dick	Chuck	Total	%
Very Likely	44	25	69	29.7%
Somewhat likely	24	30	54	23.3%
Not likely	48	20	68	29.3%
Never	16	25	41	17.7%
Totals	132	100	232	100.0%

Q 3 - who would use it

	Dick	Chuck	Total	%
Children	51	37	88	25.4%
Elderly	28	27	55	15.9%
Handicapped	11	10	21	6.1%
Anglers w/o boat	40	31	71	20.5%
Others	15	12	27	7.8%
NA	48	37	85	24.5%
Totals	193	154	347	100.0%

Q4 - How likely to help with construction?

	Dick	Chuck	Total	%
Very Likely	18	11	29	12.5%
Somewhat likely	19	18	37	15.9%
Not likely	36	30	66	28.4%
No	51	35	86	37.1%
No, but may in other ways	7	7	14	6.0%
Totals	131	101	232	100.0%

Q5 - Willing to help supervise?

	Dick	Chuck	Total	%
Yes - Considerable experience	4	1	5	2.2%
Yes, some experience	3	1	4	1.8%
Yes, a little experience	4	1	5	2.2%
No	37	37	74	32.9%
Not interested	78	59	137	60.9%
Totals	126	99	225	100.0%

Q6 - Would you contribute?

	Dick	Chuck	Total	%
Yes, up to \$25	48	40	88	38.6%
Yes, up to \$50	19	8	27	11.8%
Yes, up to \$100	9	10	19	8.3%
Yes, more than \$100	1	3	4	1.8%
No	52	38	90	39.5%
Totals	129	99	228	100.0%

	Dick	Chuck	Total
Provided contact info	36	36	72
Provided comment	43	40	83

Total replies	232
Est' total sent	3800
Response rate	6.1%

VDGIF Assessment of Tufton Lake

8-May-2009

Ted Makrancy
Lake Monticello Home Owners Association
17 Vine Ridge Drive
Palmyra, Virginia 22963

Dear Mr. Makrancy:

On April 16th, 2009 the fish community of Tufton Pond was sampled with boat electrofishing gear by VDGIF personnel as requested. The lake contained a typical fish community for Central Virginia with seven different fish species collected (Table 1, attached). Largemouth bass was by far the most abundant species collected, followed by bluegill, black crappie, and redear sunfish (Table 1, attached). Largemouth bass was the primary predator species collected and is most likely the most sought after species by anglers. The bass catch rate of 261 fish/hour electrofishing was extremely high, with small bass (< 15 inches) comprising the majority of total bass catch (Figure 1, attached). Nearly 89 percent of the bass collected in our survey were less than 13 inches; only two bass greater than 14 inches were collected. Additionally, all bass collected appeared to be very skinny indicating competition for food between bass. The catch data indicates that the largemouth bass population is showing signs of overcrowding and stockpiling of bass < 15 inches.

Catch rates for sunfish (redear and bluegill) were much lower than expected, and are probably a response to the abundance of predator fish (i.e. small bass). Most sunfish collected were very large (8-12 inches) with an apparent accelerated growth due to low population size. Sunfish populations could potentially benefit from a supplemental stocking if the largemouth bass population is reduced. To maintain high growth rates for sunfish after stocking a supplemental feeding program could be established, especially in high pressure fishing areas (i.e. community fishing piers). Supplemental feeding will also help concentrate sunfish for kids, seniors, and disabled anglers.

A small numbers of black crappie and no channel catfish were collected, but our electrofishing gear is not effective for collecting these species. Black crappies collected were all impressive in size (between 10 and 12 inches) and looked very healthy. Although the average crappie was large, crappie populations typically overpopulate small impoundments. In the future, I would not recommend stocking or any type of harvest regulations for black crappie. No channel catfish were collected and in most small impoundments (≤ 300 acres) channel catfish have to be stocked to maintain populations. Channel catfish offer a great fishery for anglers of all ages and these fish are easy to catch from bank and pier locations

Mr. Ted Makranczy
May 8, 2009
Page 2

Tufton pond offers a great location for a community fishing pier, but the current lake management strategies could be adjusted to potentially maximize the fisheries within the lake. The pond has an overabundance of small bass and low numbers of sunfish. For this reason my recommendations are as follows:

- Encourage the harvest of small the intermediate sized (6-12 inches) bass in Tufton pond. I would suggest harvesting a very high number of fish the first year, then maintaining a smaller harvest in flowing years. At this point anglers should harvest between 300-500 bass the first year and maintain an annual harvest of 50-100 bass.
- Change the largemouth bass regulation to allow for harvest of smaller largemouth bass but limit the harvest of large bass. I would suggest a one bass over 16 inches per angler per day creel limit. This would allow for a first time angler to keep one large fish, and would allow/encourage angler harvest of the overabundant smaller bass (<16 inches).
- After the bass population has been drastically reduced, stock bluegill and redear sunfish to supplement the depleted populations. I would suggest stocking approximately 350 bluegill and 150 redear fingerlings per acre.
- If funds are available, install an automatic fish feeder at the proposed pier location to improve sunfish growth and concentrate fish. Set timers to release floating feed throughout the peak fishing season (typically May-August) and only allow the release of feed that sunfish will consume immediately. Automatic feeders can be purchased at major outdoor vendors (i.e. Cabelas, Bass Pro).
- Install fish habitat structures around the proposed pier location. You can install nature structures (i.e. Christmas trees anchored with cinderblock) or any of the manufactured fish structures on the market (i.e. porcupines, Berkeley fish habitats). These structures should be placed in water between 6-10 ft deep and within casting distance of anglers.
- Stock channel catfish every other year to maintain a fishable population. The typical stocking rate would be 15 fish/per surface acre. Stocked channel catfish should be no less than 8 inches to avoid predation by bass and other species.
- Educate residents and guest the danger of releasing non-resident fish into Lake Louisa. Gizzard shad were found in the pond and were most likely introduced by anglers for forage. In the future, fish should not be released into the lake without proper justification and the approval of the lake association.

If you have any questions, please feel free to contact me. My contact number is listed below. Good luck fishing!!!

Sincerely,

Johnathan Harris – VDGIF Fisheries Biologist
Phone: 804-367-6764

Enclosures

Table 1. Species account and abundance of fish collected from Tufton Pond April 2009.

Species	CPUE (fish/hour electrofishing)	Percentage of Total Catch
Black Crappie	25	7.1
Bluegill	36	10.3
Chain Pickerel	2	0.6
Creek Chubsucker	5	1.3
Gizzard Shad	2	0.6
Largemouth Bass	261	73.7
Redear Sunfish	23	6.4



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096
July 6, 2009

REPLY TO
ATTENTION OF:

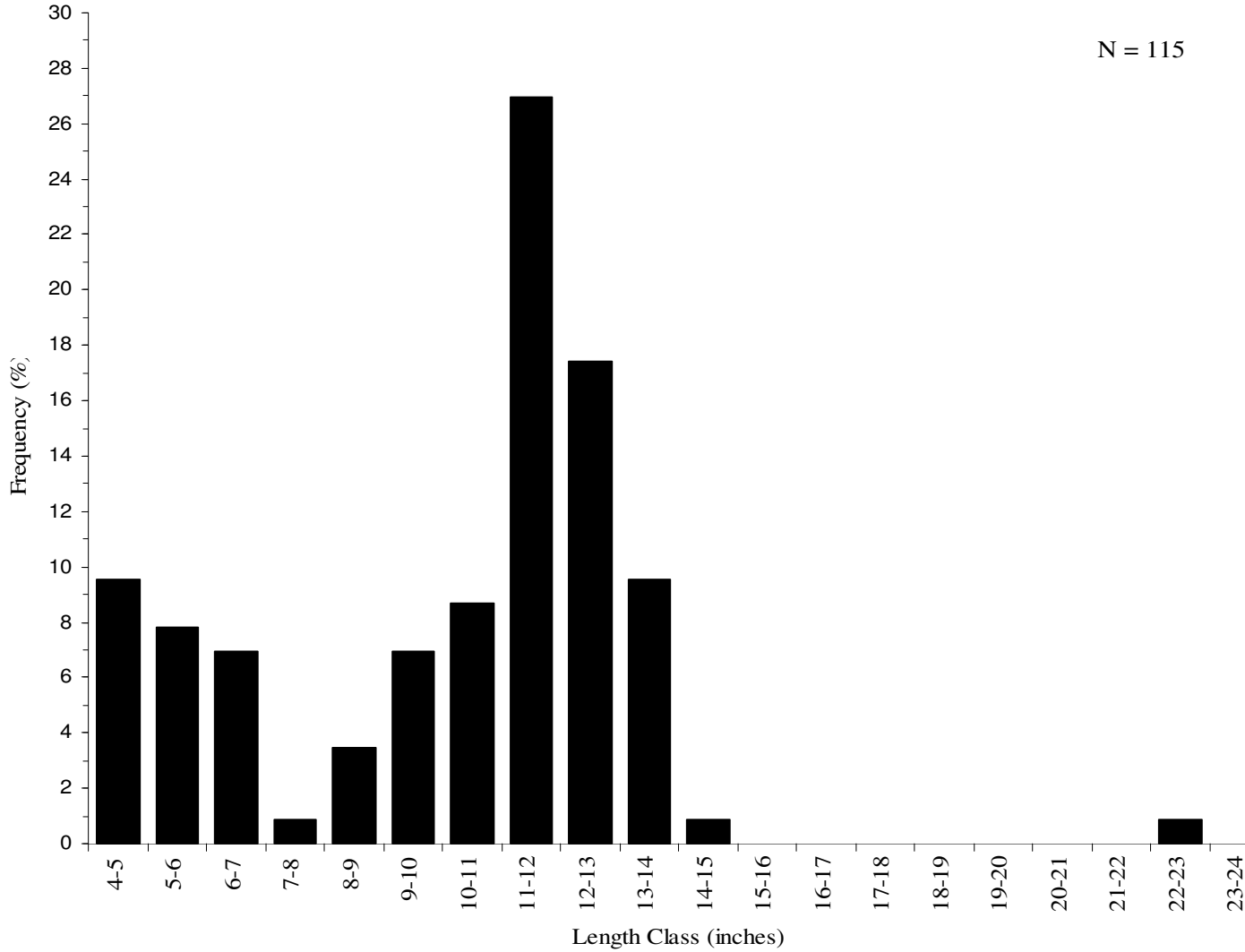


Figure 1. Size Distribution of largemouth bass collected from Tufton Pond April 2009.



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096
July 6, 2009

REPLY TO
ATTENTION OF:

CENAO-REG
Western Virginia Regulatory Section
Central Virginia Regulatory Field Office
444 Abby Lane
Howardsville, Virginia 24523

RE: Corps Project Number NAO 2009-01620 (Lake Monticello Settlement Pond)

Location: At the Lake Monticello Settlement Pond in the Lake Monticello Community in Fluvanna County, Virginia

Project Description: Construct a floating, modular, T-shaped pier. The base of the T will be approximately 80' x 8' and the access of the T will be approximately 50' x 11'. The pier will attach to a concrete abutment formed on the shoreline with an ADA compliant entry ramp.

Lake Monticello Owners' Association
c/o: Marty DeCarlo
41 Ashlawn Boulevard
Lake Monticello, Virginia 22963-3330

Dear Mr. DeCarlo:

This is in reference to your request for a permit to construct a pier at properties as described above in a manmade lake/pond.

Activities, within waters of the U. S. including wetlands, that are regulated under Section 404 of the Clean Water Act are subject to needing a Department of the Army permit if the project includes the discharge of dredged or fill material. Structures such as piers, docks, open pile walkways, etc. in manmade lakes do not normally require a permit as long as the construction does not include the placement of fill material into waters of the U. S. and pilings and structures are not constructed so the placement of the structure in waters constitutes a discharge of fill material (see 33 CFR 323.3©(1)). The aforementioned regulations list examples of activities that would have the effect of fill and include but are not limited to:

- projects where the pilings are so closely spaced that sedimentation rates would be increased to fill the waterbody;
- projects in which the pilings themselves effectively would replace the bottom of a waterbody; and
- projects involving the placement of pilings which would result in the adverse alteration or elimination of aquatic functions.

As long as no fill material is placed in the waterbody (including wetlands) and the deck of the pier is elevated over any wetlands and does not serve the purpose of or act as fill material, no permit is required from this office.

If you have any questions please contact Nora Iseli at 434/263-8247 or nora.m.iseli@usace.army.mil.

For Richard Henderson, Deputy Chief and Chief, Western Virginia Regulatory Section:

Sincerely,

A handwritten signature in cursive script that reads "Nora Iseli". The signature is written in black ink on a light-colored background.

Nora Iseli, P.W.D.
Central Virginia Regulatory Field Office