



COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Douglas W. Domenech
Secretary of Natural Resources

Steven G. Bowman
Commissioner

NOTICE TO COMPLY

June 1, 2011

Certified Mail

Potomac Westmoreland Shores Civic Corp.
C/o Mr. Thomas R. Mann
6102 Chesterfield Meadows Drive
Chesterfield, VA 23832

No. 11-08
Re: VMRC #11-0264

Dear Mr. Mann:

On May 2, 2011, Mr. Jeffrey Madden of my staff conducted a site inspection of your proposed community swim area situated along the Potomac River in Westmoreland County. I understand that in addition to yourself, Ms. Patricia Leino, Mr. Tom O'Neil and Mr. Jim McClanahan were also present at this prearranged meeting.

During the inspection the following discrepancy was noted: **approximately 20 undocumented mooring balls were deployed adjacent to the community beach. Since we find no record of the Association having requested a community mooring field, each of the individual mooring balls constitutes an unauthorized encroachment over State-owned submerged lands. These unauthorized moorings constitute a violation of Chapter 12 of Title 28.2 of the Code of Virginia.**

The following corrective measure is necessary to bring you into compliance: **Completely remove all of the unauthorized mooring balls along the community shoreline within 45 days.**

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

In the alternative to removal of the mooring balls, we are willing to consider reviewing a plan for the permitted establishment of a mooring field for personal water craft. You may elect to submit an after-the-fact modification requesting authorization to create a community mooring field. Such a request should include: the GPS coordinate for each mooring; a detailed, scaled planview drawing depicting the mooring field; the swing radii of each mooring balls; and a drawing of a typical mooring ball including anchor and rigging. This information must be submitted within 30 days of your receipt of this Notice. Please be advised that acceptance of your after-the-fact revision is no guarantee that the Commission will approve your after-the-fact request.

In addition, since we now have a pending violation, we are unable to continue the review of your pending application (VMRC # 11-0264) to create a swim area until the above-mentioned violation is resolved. Once all of the mooring balls are removed and staff has verified such or upon receipt of the above-mentioned after-the-fact request, we will continue processing your pending application for a swim area.

Should the Commission elect to approve your application in modified form, such approval may be conditioned on your agreement to pay a civil charge of up to \$10,000 per violation in lieu of further enforcement actions. You should also be aware that any person who violates or fails to obey any Commission notice authorized under §28.2-1212 of the Code of Virginia may be assessed civil penalties not to exceed \$25,000.00 for each day of violation.

If you have any questions, please do not hesitate to contact Mr. Jeffrey Madden of my staff at (757) 247-2276.

Notice ordered by



on June 1, 2011.

Tony Watkinson
Chief, Habitat Management Division

TW/jpm:mos
HM

cc: Mr. Steven G. Bowman, Commissioner
U.S. Army Corps of Engineers 11
Westmoreland County Wetlands Board