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Secretary of Natural Resources

Clyde E. Cristman
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Deputy Director of Operations

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

January 17, 2019

Via Email (kbburch@kaufcan.com)

Kristan B. Burch
Kaufman & Canoles, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510

Re: Request pursuant to Va. Code §15.2-4313

Dear Ms. Burch:

We have received your letter of January 10, 2019, in which you request, on behalf of the landowner, that the Director of the Department of Conservation and Recreation ("DCR") advise James City County in accordance with Va. Code §15.2-4313. That Code section provides that a landowner within an Agricultural and Forestal District that will be directly affected by a proposal of land acquisition or construction may request that DCR advise the local governing body concerning issues listed in the statute, as you have done on behalf of Carter's Grove LLC.

Our staff have been researching the attributes of the property through our Biotics Data System, and we have identified a number of potential natural resources of concern. According to information currently in our files, the Grove Creek Conservation Site is located within the proposed project site. Conservation sites represent key areas of the landscape that warrant further review because of the natural heritage resources and habitat they support. 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. Conservation sites are given a biodiversity significance ranking on a scale of 1 to 5 with 1 being most significant, based on the rarity, quality, and number of resources they contain. The Grove Creek Conservation Site has a biodiversity significance ranking of B2, representing a site of very high significance.

Our records show historical occurrences of two rare plant species and three types of forest and swamp communities on the site. In order to be able to advise James City County, our scientists will need to make a field survey on the site to confirm what our historical records show. We hope you can help us get permission from the landowner to make that visit fairly soon, since the 90-day time period for a response set by the statute is already one-third elapsed.

Please contact us as soon as possible to let us know how we can arrange a site visit. The best contact for that is the Director of our Division of Natural Heritage, Jason Bulluck, at (804) 786-8377.

Sincerely,

A handwritten signature in blue ink that reads "Clyde E. Cristman".

Clyde Cristman

Cc: Via Email (paul.holt@jamescitycountyva.gov)

Paul Holt, Director of Community Development/Planning for James City County

Cc: Via Email (ehenifin@hrsdc.com)

Ted Henifin, General Manager, Hampton Roads Sanitation District