

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
September 11, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from August 14, 2019, Regular Meeting

D. PUBLIC HEARINGS

1. WJPA 19-0036 / VMRC 19-1324 : 105 Shellbank Drive

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 9/11/2019

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from August 14, 2019, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/10/2019 - 9:52 AM
Wetlands Group	Small, Toni	Approved	9/10/2019 - 10:34 AM
Publication Management	Daniel, Martha	Approved	9/10/2019 - 10:38 AM
Wetlands Group	Secretary, Wetland	Approved	9/10/2019 - 11:00 AM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
August 14, 2019
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for August 14, 2019, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent its despoliation.

B. ROLL CALL

Board Members Present:

John Hughes, Chair
William Apperson, Vice Chair
David Gussman
Charles Roadley
Robert Lukens, Alternate

Board Members Absent:

Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from July 10, 2019, Regular Meeting

A motion to Approve the minutes was made by Mr. Hughes. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. WJPA 19-0032 / VMRC 19-1124 : 7612 Uncles Neck

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Ms. Theresa Whelan who has applied for a wetlands permit to construct a stone breakwater with beach nourishment at property located at 7612 Uncles Neck, within the Rivers Bend at Uncles Neck Subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Parcel No. 2030200028. The presentation described the current site conditions, proposed construction and mitigation. Staff recommended approval of the permit

with conditions. The Board deliberated the pros and cons of this permit.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, was available to answer questions from the Board.

Mr. Roadley inquired about the depths of the water offshore.

A. Ms. Havens explained the reasoning of the placement of the breakwater.

Mr. Roadley inquired about the lack of end treatments on the breakwater structure.

A. Ms. Haven stated there were no end treatments proposed.

B. Mr. Jeffrey Madden, Marine Resources Commission, inquired about direct vegetated wetland impacts.

Mr. Long deferred the question to the applicant.

A. Ms. Havens responded that the breakwater was out of the vegetative wetlands.

B. Mr. Madden inquired about the construction access.

A. Ms. Havens stated that construction access would be through the uplands.

Mr. Hughes closed the Public Hearing, as no one else wished to speak.

Mr. Apperson made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 19-0032 / VMRC 19- 1124 at 7612 Uncles Neck.

Mr. Roadley amended the conditions of the Resolution. Staff shall determine actual vegetative impacts during the construction of the breakwater and the reestablishment of vegetated wetlands would be commensurate with the amount of impact.

Mr. Hughes restated that we have a motion to adopt the Resolution as amended.

A motion to Approve with Conditions as amended was made by Mr. Apperson.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

E. BOARD CONSIDERATIONS

1. WJPA 18-0089 : 209 Sherwood Forest

Mr. Trevor Long, Watershed Planner, presented the surety release request by Mr. John F Cox.

Mr. Roadley made a motion to release the surety as requested.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Gussman, Apperson, Hughes, Roadley, Lukens
Absent: Waltrip

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

A motion to adjourn was made by Mr. Gussman. Approved on a voice vote.

The meeting adjourned at 5:29 p.m.

ITEM SUMMARY

DATE: 9/11/2019

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: WJPA 19-0036 / VMRC 19-1324 : 105 Shellbank Drive

WJPA 19-0036/VMRC 19-1324: Mid-Atlantic Resource Consulting, on behalf of Bruce Christman, has applied for a wetlands permit for a revetment and bank grading at 105 Shellbank Drive in the Shellbank subdivision, JCC Parcel No 4530200014.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Presentation	Presentation
▣	Joint Permit Application	Backup Material
▣	Public Advertisement	Backup Material
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/9/2019 - 5:01 PM
Wetlands Group	Small, Toni	Approved	9/9/2019 - 5:24 PM
Publication Management	Burcham, Nan	Approved	9/10/2019 - 7:44 AM
Wetlands Group	Secretary, Wetland	Approved	9/10/2019 - 9:52 AM

**WETLANDS BOARD CASE No. WJPA 19-0036/VMRC 19-1324. 105 Shellbank Drive
Staff Report for the September 11, 2019, Wetlands Board Public Hearing**

This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Wetlands Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Bruce Christman

Agent: Ms. Karla Havens, Mid-Atlantic Resource Consulting

Location: 105 Shellbank Drive

Parcel: Lot 14, Section A, Shellbank

Parcel Identification No.: 4530200014

Watershed: James River (JL30)

Floodplain: VE Zone, El 16 - Coastal flood zone with velocity hazard (wave action); base flood elevation 16 feet Mean Sea Level (MSL)

Proposed Activity: To protect the shoreline by installing a riprap revetment and bank grading

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. Bruce Christman to protect the shoreline by installing a 155-foot stone revetment and associated bank grading on property located at 105 Shellbank Drive, within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4530200014. Construction of a 5-foot by 100-foot timber, non-commercial, open-pile pier with a boat house and lift are also proposed, but outside of the local Wetlands Board jurisdiction.

Current site conditions for this property have a failed bulkhead approximately 15 to 20 feet in front of a 20 to 25-foot vertical cliff. The bulkhead failed in the early 2000's, according to aerial photographs of the site. Both adjacent properties have riprap revetments that are in line with the failed bulkhead. The applicant is proposing a stone revetment that forms a straight line between the two existing revetments and is requesting to fill in the river behind the failed bulkhead with earth, resulting in a permanent loss of 2,325 square feet of the intertidal Type XV Sand/Mud Mixed Flat Community. There are also isolated pockets of pickerel weed and arrow arum that would be lost and staff approximates these areas to be 20 square feet of vegetated wetlands. The height of the revetment is 10 feet MSL.

Staff met with the agent and several contractors on the site at various times and discussed the options available to the homeowner. These included spurs from one or both adjacent revetments, a low-profile offshore sill and breakwater(s), all of which would include sand nourishment and wetland plantings and are considered living shoreline types of solutions. Another solution discussed was to install a revetment at the current toe of slope. All of the solutions were rejected in favor of the proposed alignment.

Due to the loss of vegetated wetlands, Mr. Christman will be required to buy 20 square feet of tidal wetlands from an accredited tidal wetlands bank that services this project area. Staff suggests a surety in the amount

of \$500 be required to guarantee the purchase of these credits and to guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety will be returned once written proof is provided on the purchase of these wetland credits. The Wetlands Board does not have a policy of compensatory mitigation for the loss of intertidal, non-vegetated wetlands and none is proposed with this application or by staff.

MITIGATION DISCUSSION

The Commonwealth of Virginia is committed to achieve a no-net loss of existing wetlands acreage and function in the regulatory programs. In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

STAFF RECOMMENDATIONS

Should the Board find that the application meets all three of the criteria listed above, staff suggests the following conditions be incorporated into the permit:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. A surety in the amount of \$500 shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney’s Office; and
3. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
4. The Wetlands Permit for this project shall expire on September 11, 2020, if construction has not begun; and
5. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 31, 2020, six weeks prior to the expiration date.

MDW/nb
WJPA-105ShlbkDr

Attachment:

1. Joint Permit Application

RESOLUTION

CASE NO. WJPA 19-0036/VMRC 19-1324. 105 SHELLBANK DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Bruce Christman (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 4530200014 and further identified as 105 Shellbank Drive (the “Property”) as set forth in the application WJPA 19-0036/VMRC 19-1324; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
 - b. A surety in the amount of \$500 shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney’s Office; and
 - c. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and
 - d. The Wetlands Permit for this project shall expire on September 11, 2020, if construction has not begun; and

- e. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 31, 2020, six weeks prior to the expiration date.

John Hughes
Chair, Wetlands Board

Michael D. Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 11th day of September, 2019.

WJPA-105ShlbkDr-res



Wetlands Board of James City County, Virginia

September 11, 2019

WJPA 19-0036

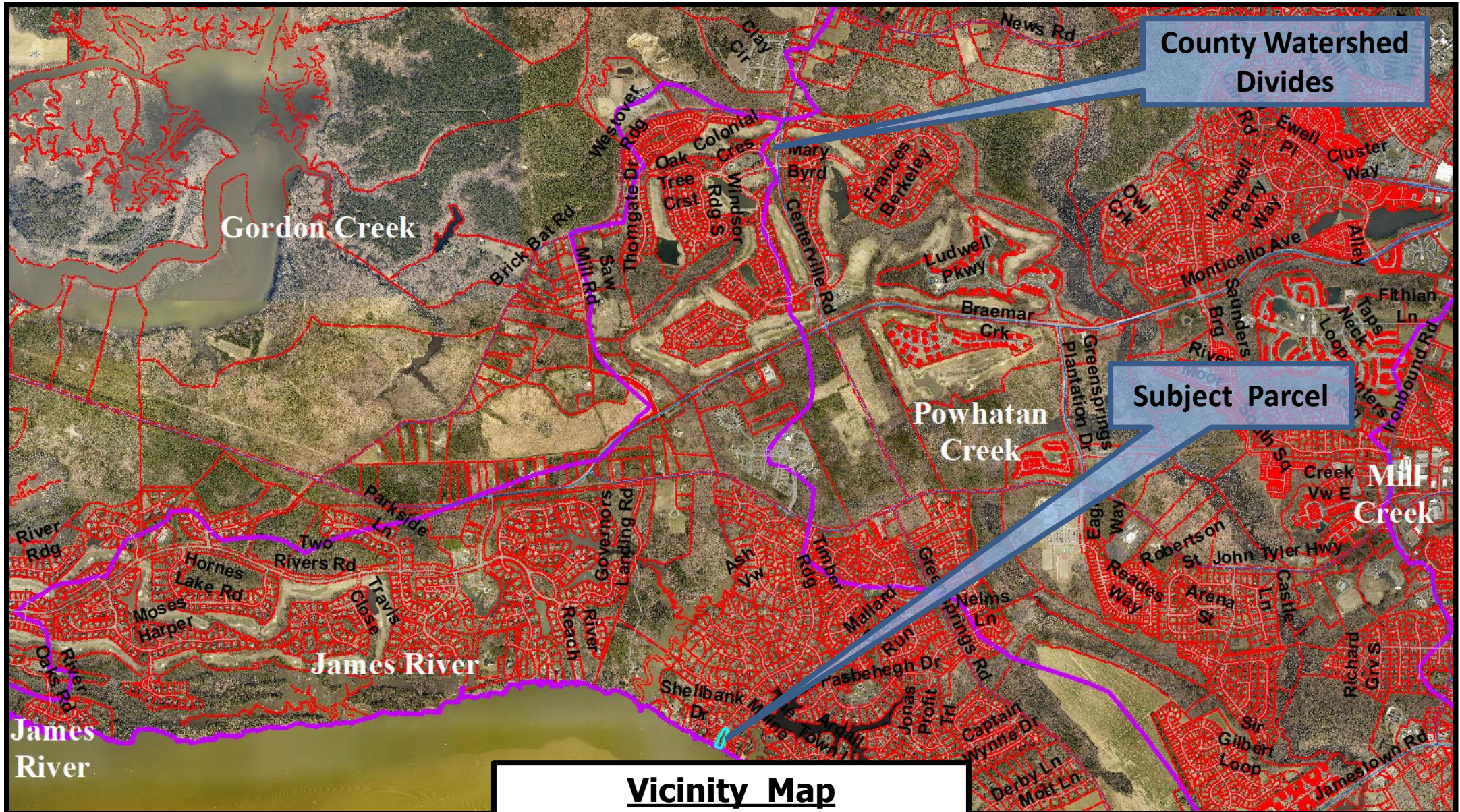
Bruce Christman

105 Shellbank Drive



Applicant Request

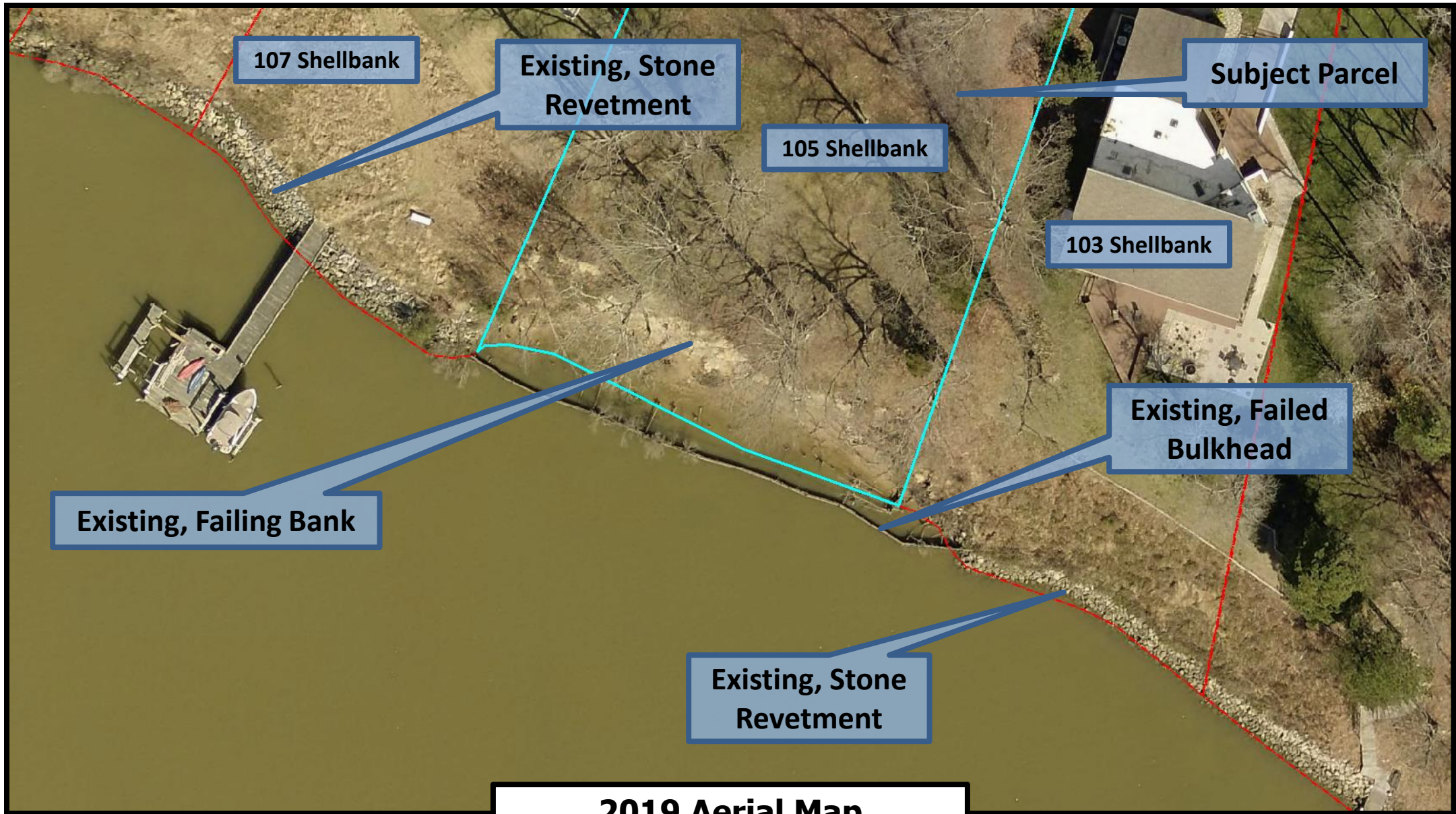
- ✓ Permit Request: To construct a 155 linear foot quarry stone revetment and associated bank grading.
- ✓ Exempt from Wetlands Board Jurisdiction Request: 5 foot x 100 foot open-pile pier with open-sided, roofed boat house and lift.
- ✓ Chesapeake Bay Board Portion: Bank grading and tree removal.



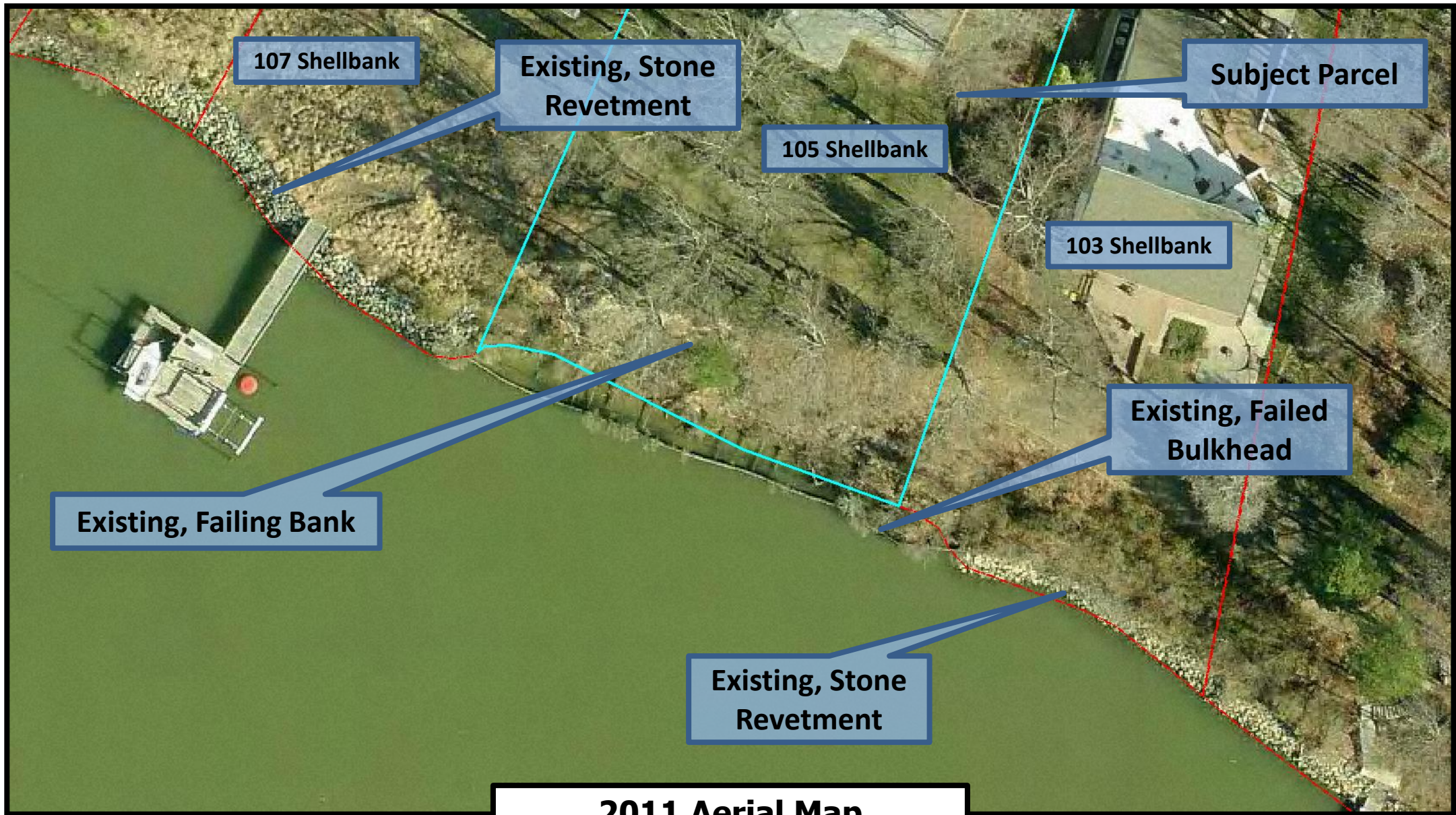
County Watershed
Divides

Subject Parcel

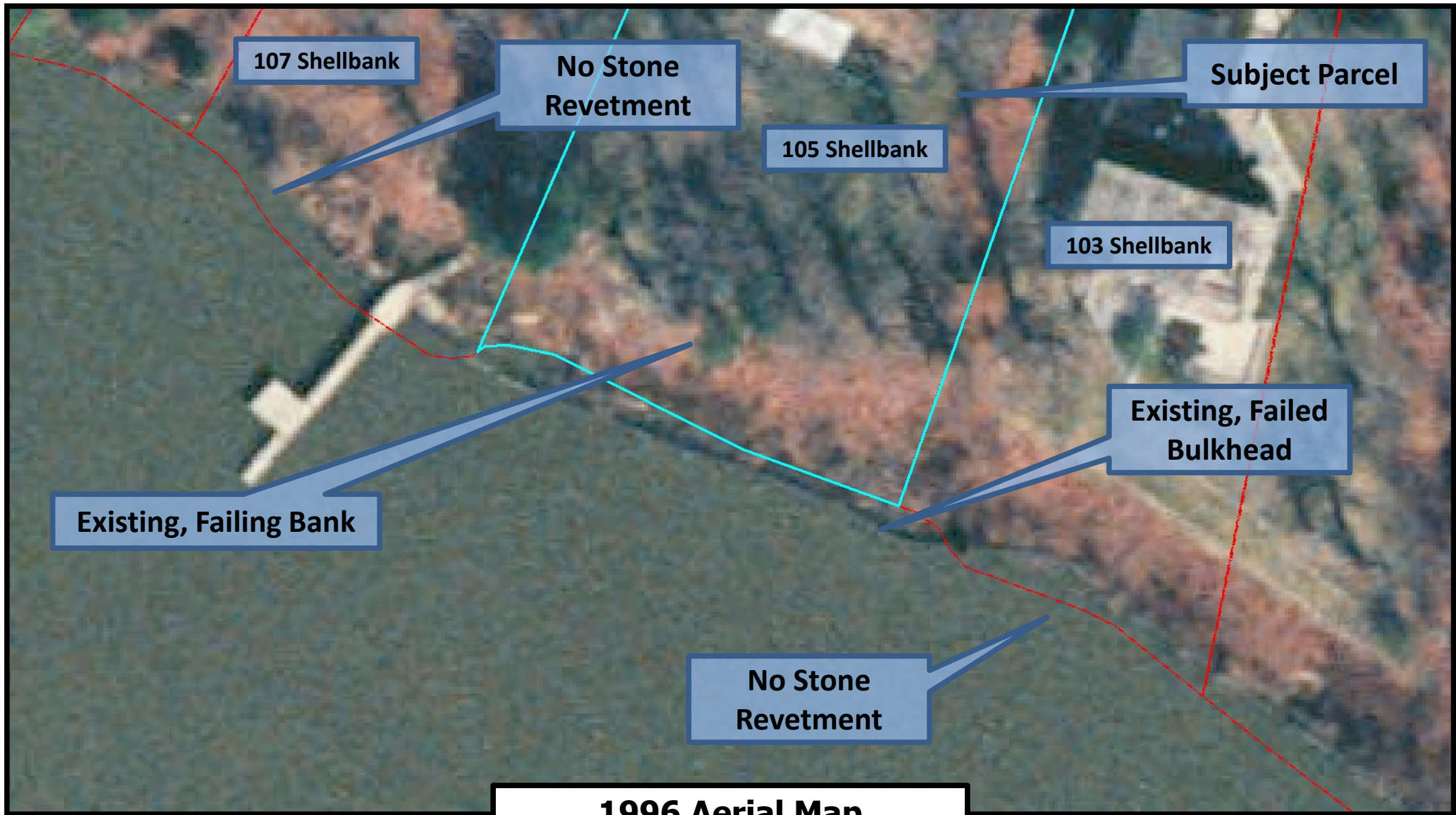
Vicinity Map
WJPA 19-0036
105 Shellbank Drive



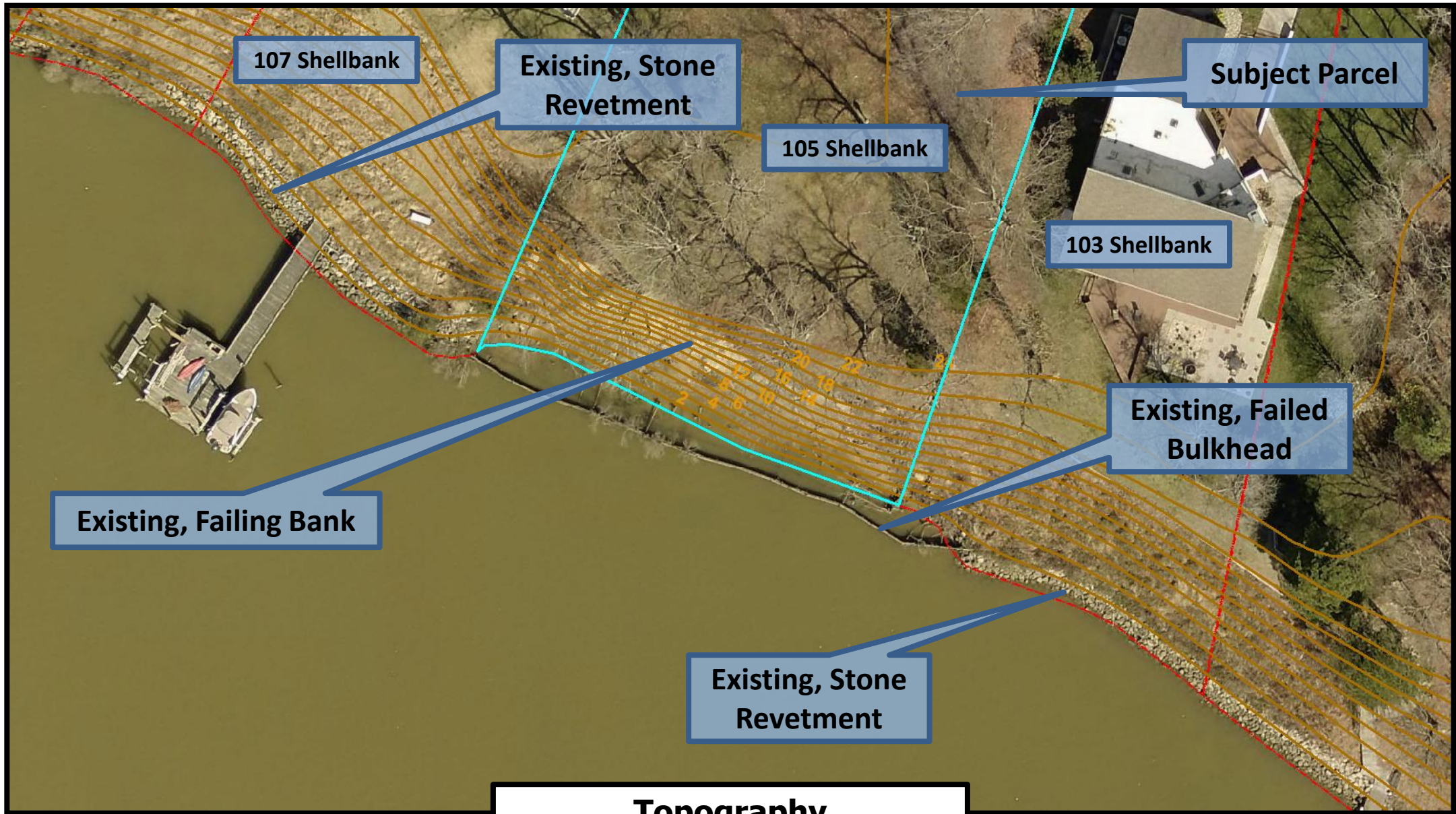
2019 Aerial Map
WJPA 19-0036
105 Shellbank Drive



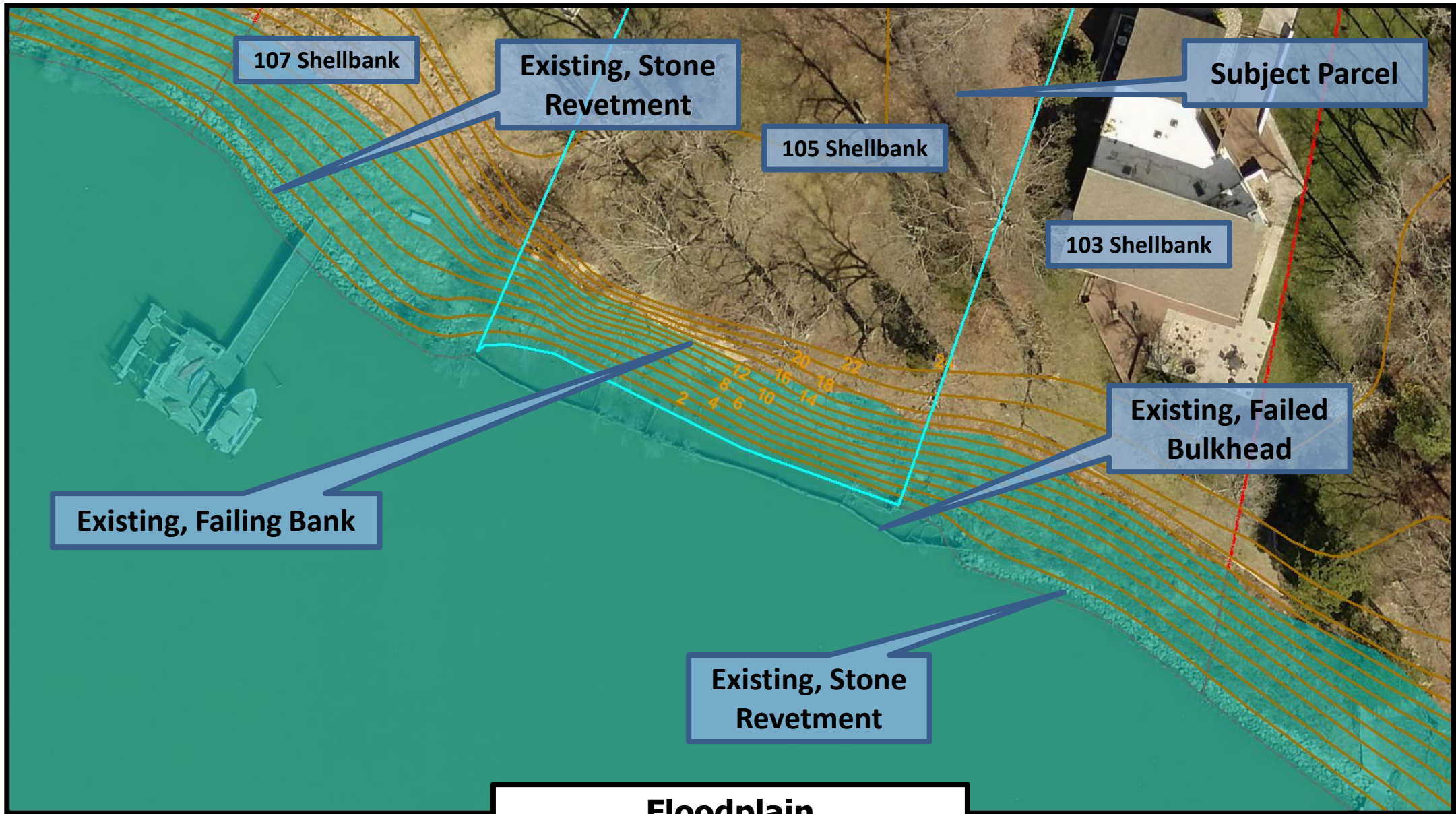
**2011 Aerial Map
WJPA 19-0036
105 Shellbank Drive**



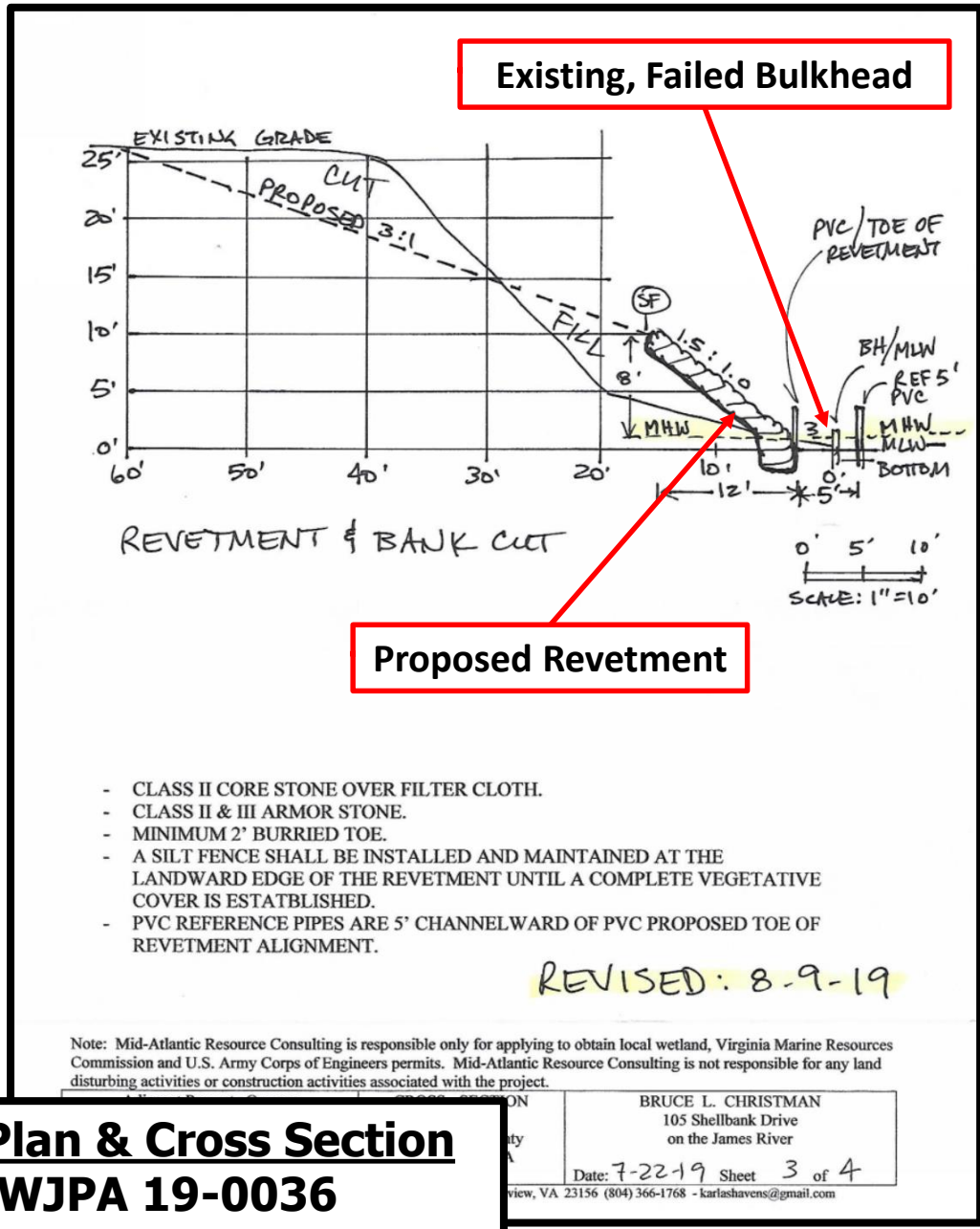
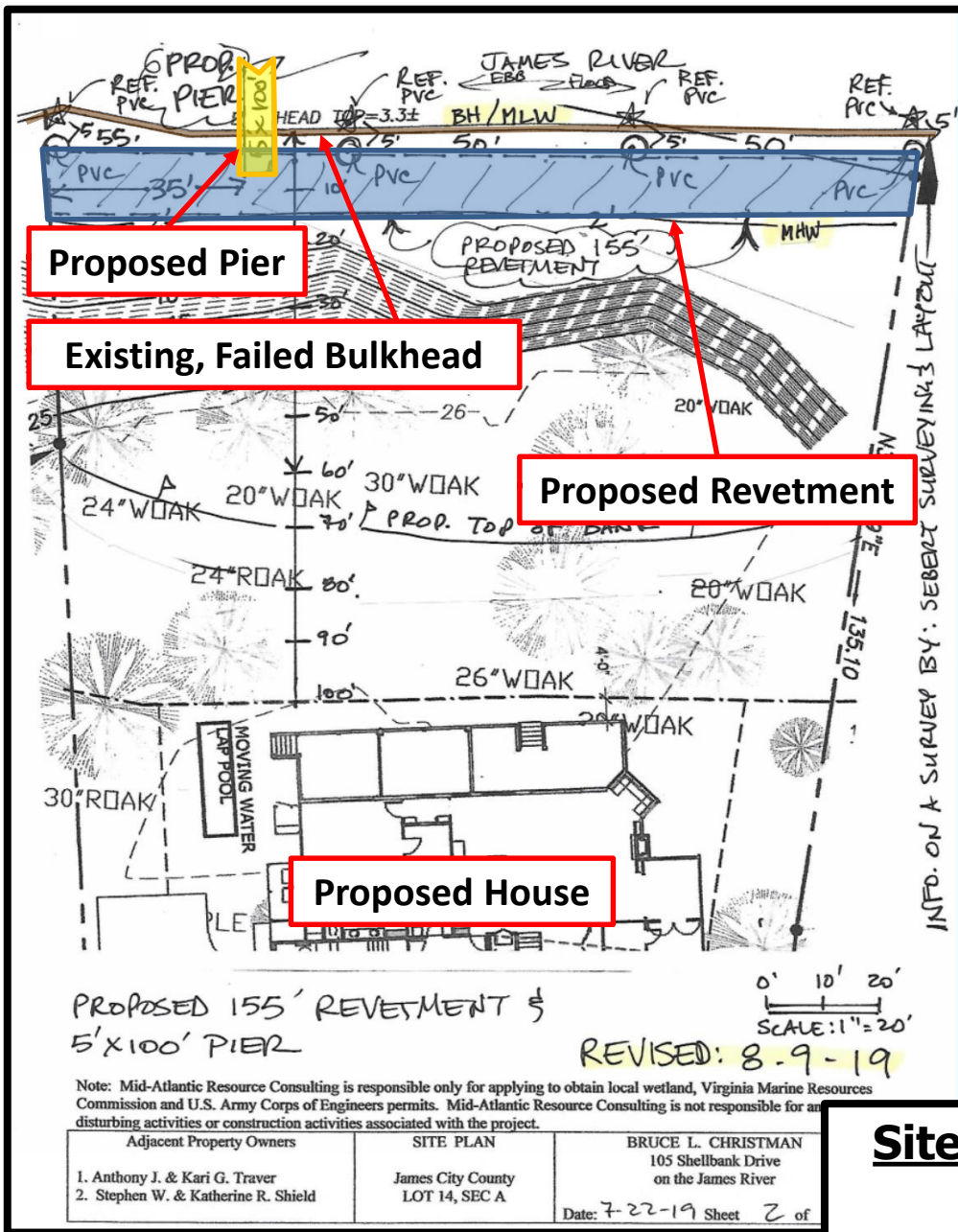
1996 Aerial Map
WJPA 19-0036
105 Shellbank Drive



Topography
WJPA 19-0036
105 Shellbank Drive

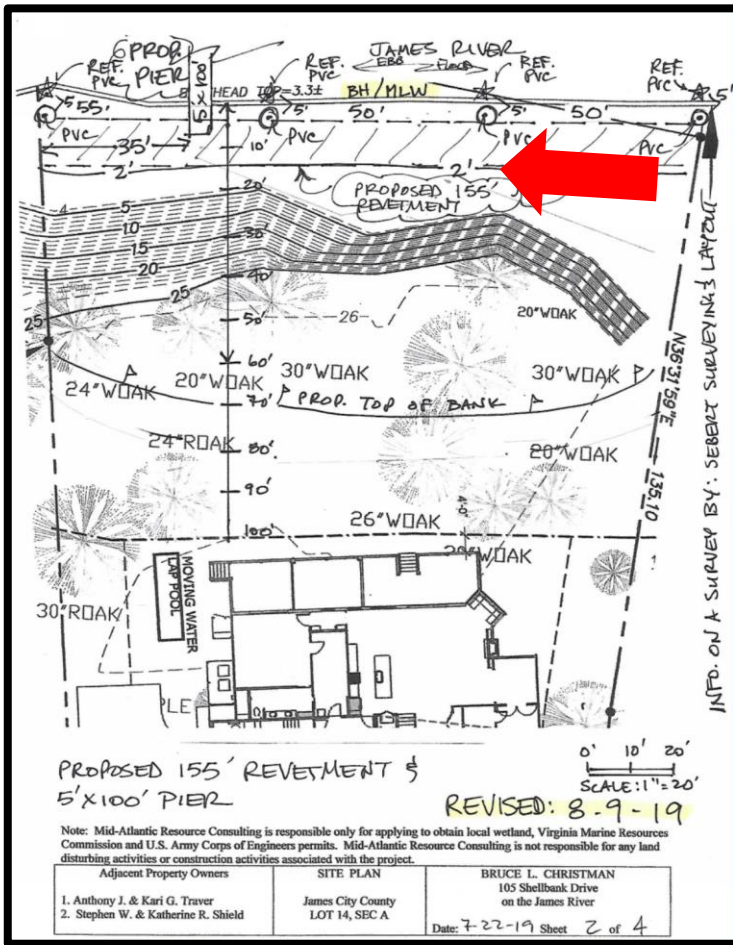


Floodplain
WJPA 19-0036
105 Shellbank Drive

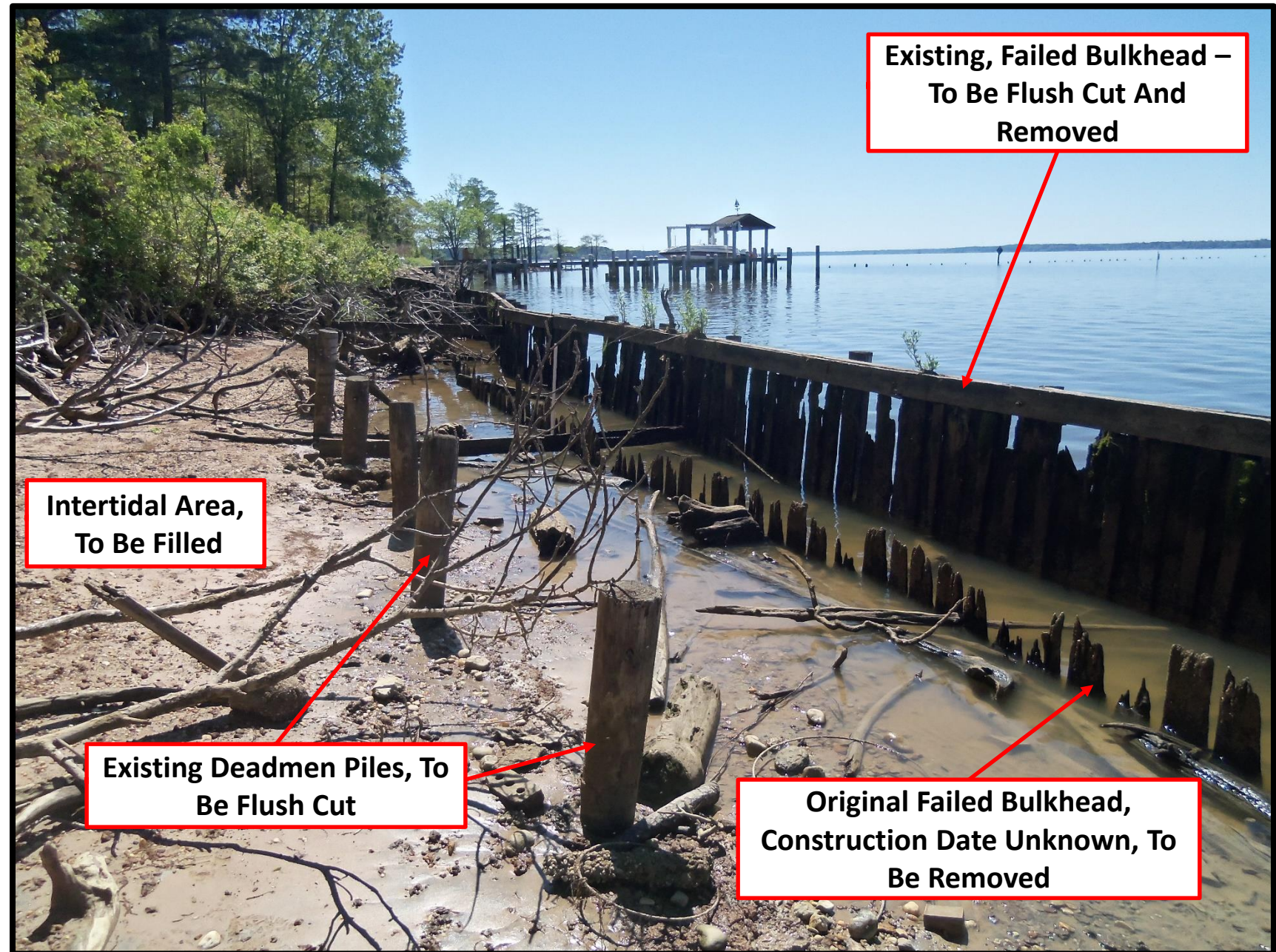


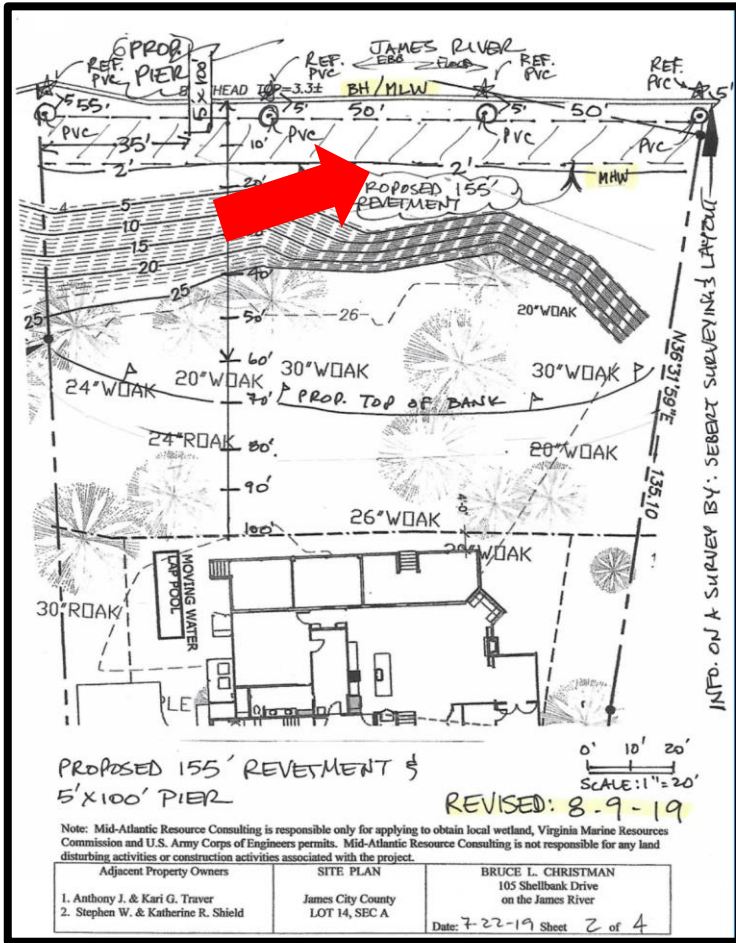
Site Plan showing proposed improvements, submitted August 9, 2019. For representative use only for presentation of case #WJPA 19-0036.

Site Plan & Cross Section **WJPA 19-0036** **105 Shellbank Drive**

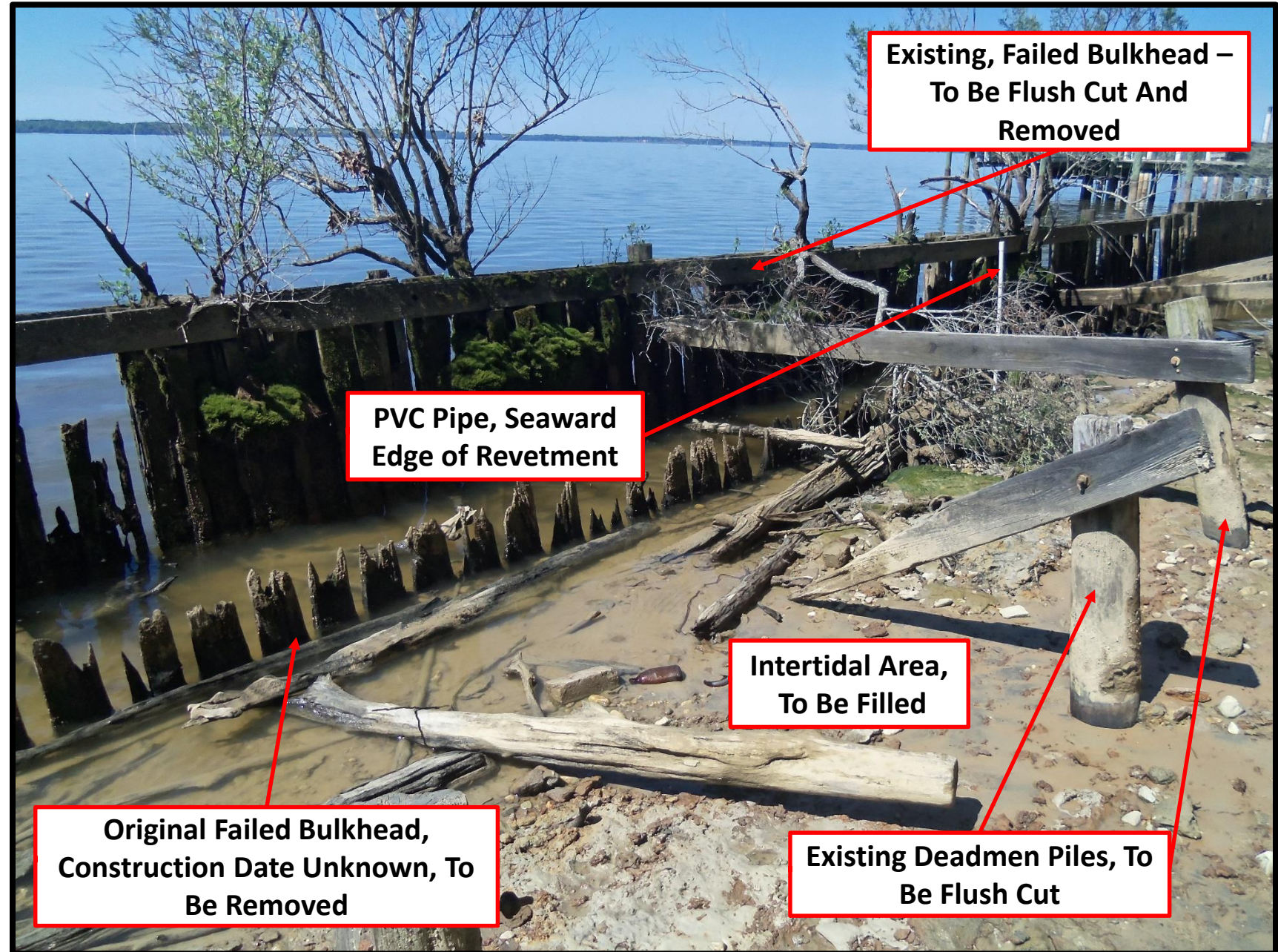


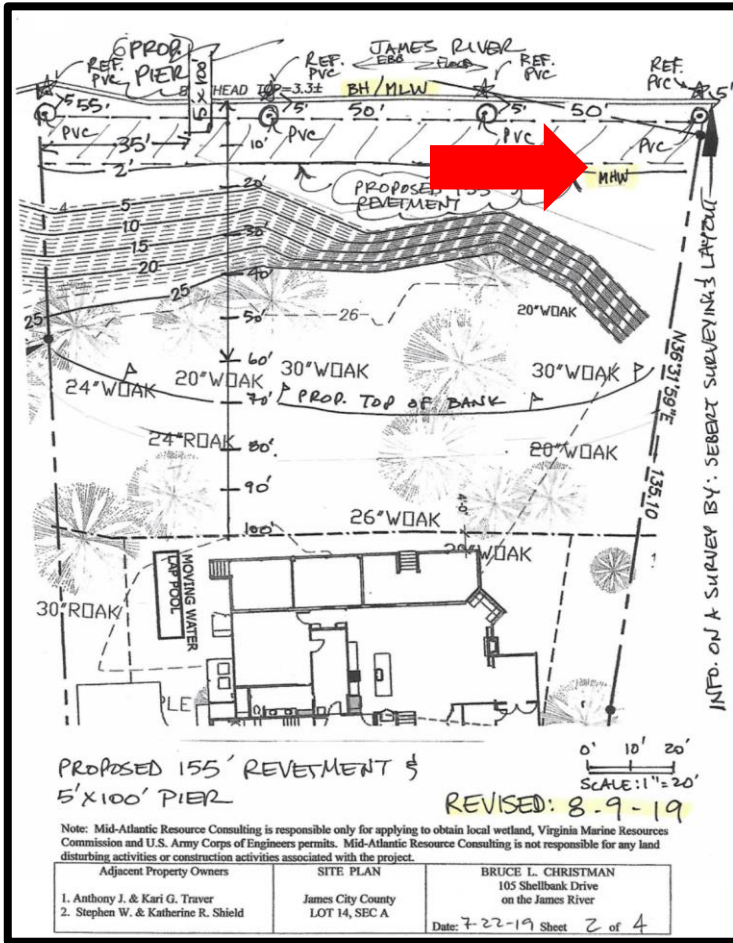
Site Photo #1
WJPA 19-0036
105 Shellbank Drive



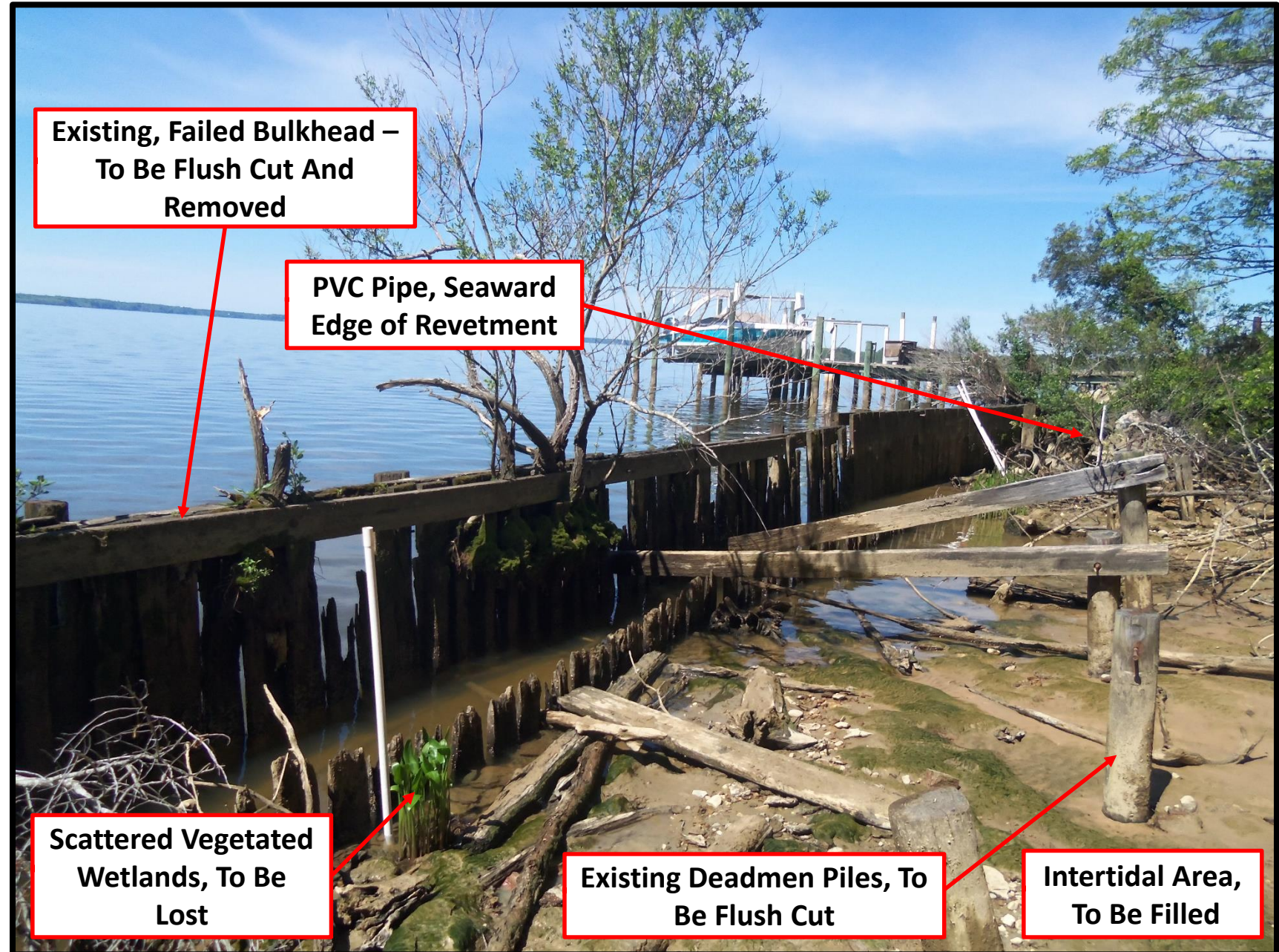


Site Photo #2
WJPA 19-0036
105 Shellbank Drive





Site Photo #4
WJPA 19-0036
105 Shellbank Drive



Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project;
- ✓ A surety in the amount of \$500 shall guarantee the 'no-net loss' wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorneys office;
- ✓ All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities;

Permit Conditions



Staff Recommended Conditions, continued

- ✓ The Wetlands Permit shall expire on September 11, 2020, if construction has not begun;
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 31, 2020, six weeks prior to the expiration date.

Louise Atkins

From: Karla Havens
Sent: Sunday, July 28, 2019 1:55 PM
To: Beth JPA's
Cc: Bruce Christman; Mike Woolson; rogerguernsey@gmail.com
Subject: Christman JPA
Attachments: Christman JPA.pdf

Hi Beth,
Attached, please find a JPA for the Christman project in JCC.
Please confirm receipt.
Thanks,
Karla

Sent from [Mail](#) for Windows 10

Part 1 – General Information

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

County or City in which the project is located: JAMES CITY COUNTY
Waterway at project site: JAMES RIVER

1. Applicant's name* and complete mailing address:

BRUCE L. CHRISTMAN TRUSTEE
13601 FLINTWOOD PLACE
HERNDON, VA 20171-3331

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell/ Pager (202) 295-7602
e-mail _____

State Corporation Commission ID Number (if applicable) _____

2. Property owner(s) name* and complete address,
if different from applicant

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell/ Pager () _____
e-mail _____

State Corporation Commission ID Number (if applicable) _____

3. Authorized agent name* and complete mailing
address (if applicable):

KARLA S. HAVENS
MID-ATLANTIC RESOURCE CONSULTING
1095 CHERRY ROW LANE
PLAINVIEW, VA 23156

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell/ Pager (804) 366-1768
e-mail karlashavens@gmail.com

State Corporation Commission ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

4. Provide a detailed description of the project in the space below. If additional space is needed, provide a separate sheet of paper with the project description. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.

CONSTRUCTION OF A 155' QUARRY STONE REVETMENT AND ASSOCIATED BANK GRADING ACTIVITIES.

CONSTRUCTION OF A 5' x 100' TIMBER, NON-COMMERCIAL, OPEN-PILE PIER WITH A 5' x 32' PLATFORM, A 32' CATWALK, A 10' x 27' OPEN-SIDED BOAT HOUSE WITH LIFT, AND A 10' x 12' OPEN-SIDED ROOF.

BANK GRADING AND TREE REMOVAL REQUIRED. ACCESS FROM THE UPLAND AND THE WATER.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 19-1324

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ Yes* ☒ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

JEFF BROWN
EARTH RESOURCES, INC.
P. O. BOX 520
LANCASTER, VA 23503

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell / Pager (804) 436-6269
email jeff@earthresourcesinc.com

State Corporation Commission ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

VIRGINIA GAZETTE
216 IRONBOUND ROAD
WILLIAMSBURG, VA 23188

Telephone number

(757) 220-1736

* DIRECT PUBLIC NOTICE INVOICE TO APPLICANT *

7. Give the following project location information:

Street Address (911 address if available) 105 SHELLBANK DRIVE

Lot/Block/Parcel# #4530400014 NEW LOT 14, S-A

Subdivision SHELLBANK

City / County JAMES CITY COUNTY Zipcode 23185-1420

Latitude and Longitude at Center of Project Site (Decimal Degrees): 76°48'46.48"W - 37°14'23.93"N

If the project is located in a rural area, please provide driving directions.

Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.

Part 1 - General Information (continued)

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

PRIMARY PURPOSE IS TO MINIMIZE SHORELINE EROSION.

SECONDARY PURPOSE IS TO GAIN ACCESS TO THE WATER.

9. Proposed use (check one):

☒ Single user (private, non-commercial, residential)

☐ Multi-user (community, commercial, industrial, government)

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

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

A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE REVETMENT UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.

PERMITTEE SHALL COMPLY WITH ALL JCC CBPA REQUIREMENTS.

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

☒ Yes* ☐ No * If you answered "Yes", provide the following information:

<u>Agency / Representative</u>	<u>Activity</u>	<u>Permit/Project No.</u>	<u>Action** & Date</u>
JCC / WOOLSON & LONG	RR & BANK GRADING		SITE VISIT 4-15-19

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

Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___ Yes X No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ _____
Approximate cost of that portion of the project which is below mean low water: \$ 0
14. Completion date of the proposed work: ASAP ONCE PERMITS ARE ISSUED - _____
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).

ANTHONY J. & KARI G. TRAVER
103 SHELLBANK DRIVE
WILLIAMSBURG, VA 23185-1420

STEPHEN W. & KATHERINE R. SHIELD
107 SHELLBANK DRIVE
WILLIAMSBURG, VA 23185-1420

Part 2 - Signatures

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

NOTE: REQUIRED FOR ALL PROJECTS

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

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

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

BRUCE L. CHRISTMAN, *TRUSTEE*

Applicant's Name (printed/typed)

(Use if more than one applicant)

Bruce L. Christman, Trustee
Applicant's Signature

(Use if more than one applicant)

7/15/19
Date

Property Owner's Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), BRUCE L. CHRISTMAN, hereby certify that I (we) have authorized KARLA S. HAVENS
(Applicant's name(s)) (Agent's name(s))
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and
any and all standard and special conditions attached.
We hereby certify that the information submitted in this application is true and accurate to the best of our
knowledge.

Karla S. Havens
(Agent's Signature) (Use if more than one agent)

7-15-19
(Date)

Bruce L. Christman, Trustee
(Applicant's Signature) (Use if more than one applicant)

7/15/19
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), BRUCE L. CHRISTMAN, have contracted JEFF BROWN / EARTH RESOURCES, INC.
(Applicant's Name(s)) (Contractor's Name(s))
to perform the work described in this Joint Permit Application, signed and dated 7/15/19.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this
project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable
Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these
statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the
project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that
the representative will have the option of stopping our operation until it has been determined that we have a
properly signed and executed permit and are in full compliance with all terms and conditions.

JEFF BROWN
Contractor's name or name of firm

EARTH RESOURCES, INC.
P. O. BOX 520
LANCASTER, VA 23503
Contractor's or firms address

Contractor's signature and title
Bruce L. Christman, Trustee
Applicant's signature

2701-029544 A
Contractor's License Number

7/15/19
Date

(use if more than one applicant)

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

Appendix A: Projects for Access to the water (private and community piers, boathouses, marinas, moorings, boat ramps, aquaculture facilities, etc). Answer all questions that apply.

1. Briefly describe your proposed project.

CONSTRUCTION OF A 5' x 100' TIMBER, NON-COMMERCIAL, OPEN-PILE PIER WITH A 5' x 32' PLATFORM, A 32' CATWALK, A 10' x 27' OPEN-SIDED BOAT HOUSE WITH LIFT, AND A 10' x 12' OPEN-SIDED ROOF.

2. For private, noncommercial piers:

What is the overall length of the structure? 100 feet.

channelward of Mean High Water? 95 feet.

channelward of Mean Low Water? 90 feet

What is the total size of any and all L- or T-head platforms? 160 sq. ft.

For boathouses, what is the overall size of the roof structure? 390 sq. ft.

Will your boathouse have sides? Yes X No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by VMRC, however, pursuant to § 28.2-1203(5) of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

3. For Corps permits, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information should be included:

- a. Written justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands
- b. Written justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
- c. Depth soundings across the waterway at increments designated by the Corps project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.). Inclusion of depth sounding data is recommended in order to expedite permit evaluation.

Part 3 – Appendices (continued)

4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration
<i>To be purchased.</i>				

- ☒ 5. For **Marinas, Commercial Piers, Community Piers and other non-private piers**, provide the following information:

- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205C of the Code of Virginia).
- B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
- C) Will the facility be equipped to off-load sewage from boats? _____.
- D) How many wet slips are proposed? _____. How many are existing? _____.
- E) What is the area of the piers and platforms that will be constructed over
 - Tidal wetlands _____ square feet
 - Submerged lands _____ square feet

- ☒ 6. For **boat ramps**, what is the overall length of the structure? _____ feet.
- from Mean High Water? _____ feet.
- from Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

- ☒ 7. For **aquaculture-related structures**:
- Will the activity be commercial? ____ Yes ____ No

Will the proposed structures be attached to an existing pier or other structure? ____ Yes ____ No

What is the maximum area (square feet) of submerged land that will be occupied by the proposed structures? _____ square feet.

Describe the activity from time of acquisition of seed or other source material to the time of harvest, the source of the animals/plants, and clearly show distance to all proposed and existing structures and shellfish lease boundaries (if applicable) in your drawings. Include bathymetry (depths), relative to mean low water in your plan view drawing and show the location of any Submerged Aquatic Vegetation (SAV) in the project vicinity. **(NOTE: the presence or absence of SAV will be field verified during the project review).**

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches (including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, etc). Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service.

NOTE: Information on non-structural, vegetative alternatives (i.e. Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.

1. For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 155 linear feet. If applicable, what is the volume of the associated backfill? AS NEEDED cubic yards.
w/ BANK CUT
2. What is the maximum encroachment channelward of mean high water? 15 feet.
channelward of mean low water? 0 feet.
channelward of the back edge of the dune or beach? 0 feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 2,325 square feet
 - Subaqueous bottom 0 square feet
 - Dune and/or beach 0 square feet

X For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

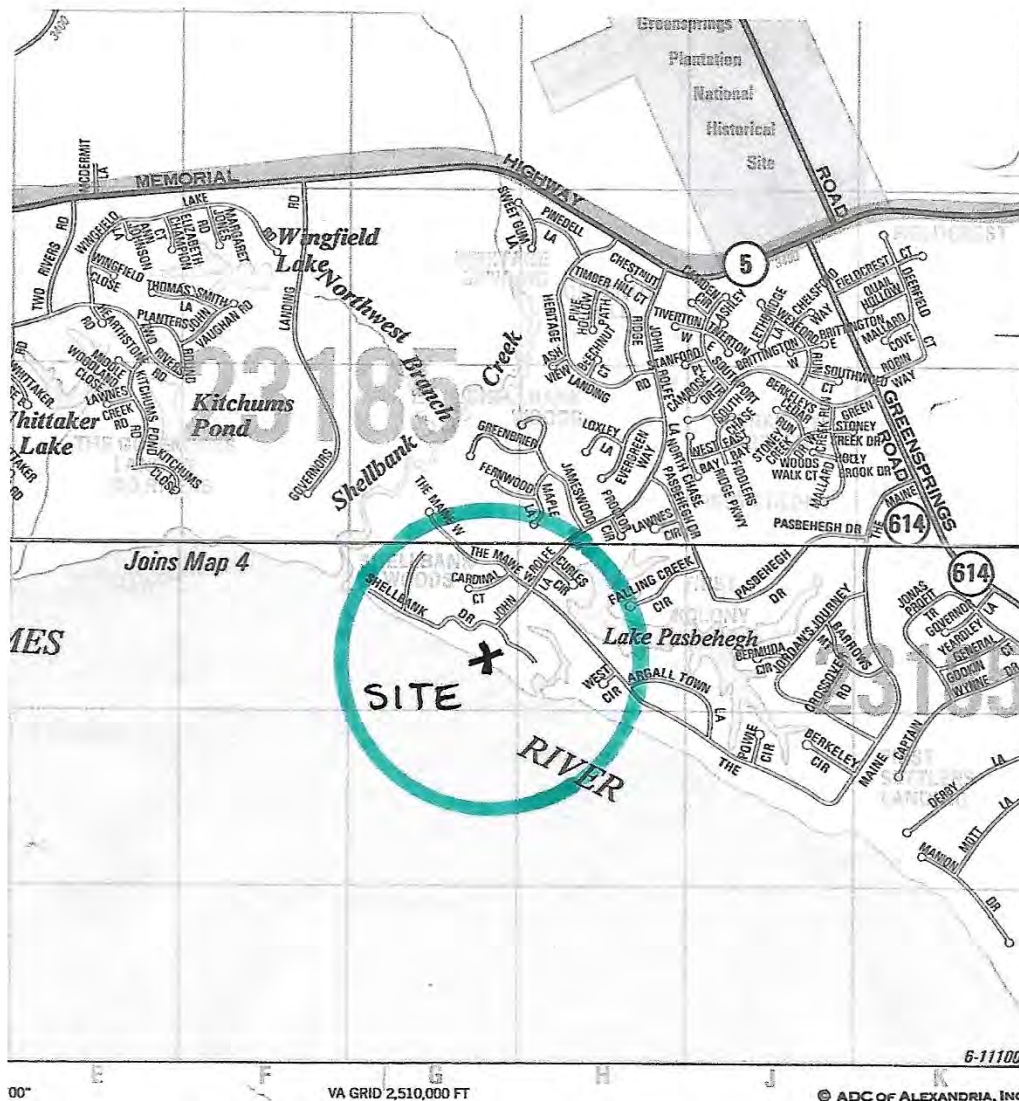
If no, please provide an explanation for the purpose and need for the additional encroachment.

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

CLASS II CORE STONE, CLASS II & CLASS III ARMOR STONE
FILTER CLOTH, SILT FENCE
BACK FILL FROM EXISTING EMBANKMENT

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:
Core (inner layer) material 200 pounds per stone Class size II
Armor (outer layer) material 400 - 900 pounds per stone Class size II & III



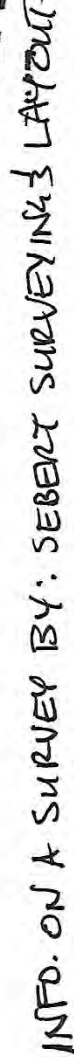
ADC Map Book - Virginia Peninsula, Maps 4 & 9, 1996.

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	VICINITY MAP	BRUCE L. CHRISTMAN
1. Anthony J. & Kari G. Traver	James City County	105 Shellbank Drive
2. Stephen W. & Katherine R. Shield	LOT 14, SEC A	on the James River
		Date: 7-22-19 Sheet 1 of 4

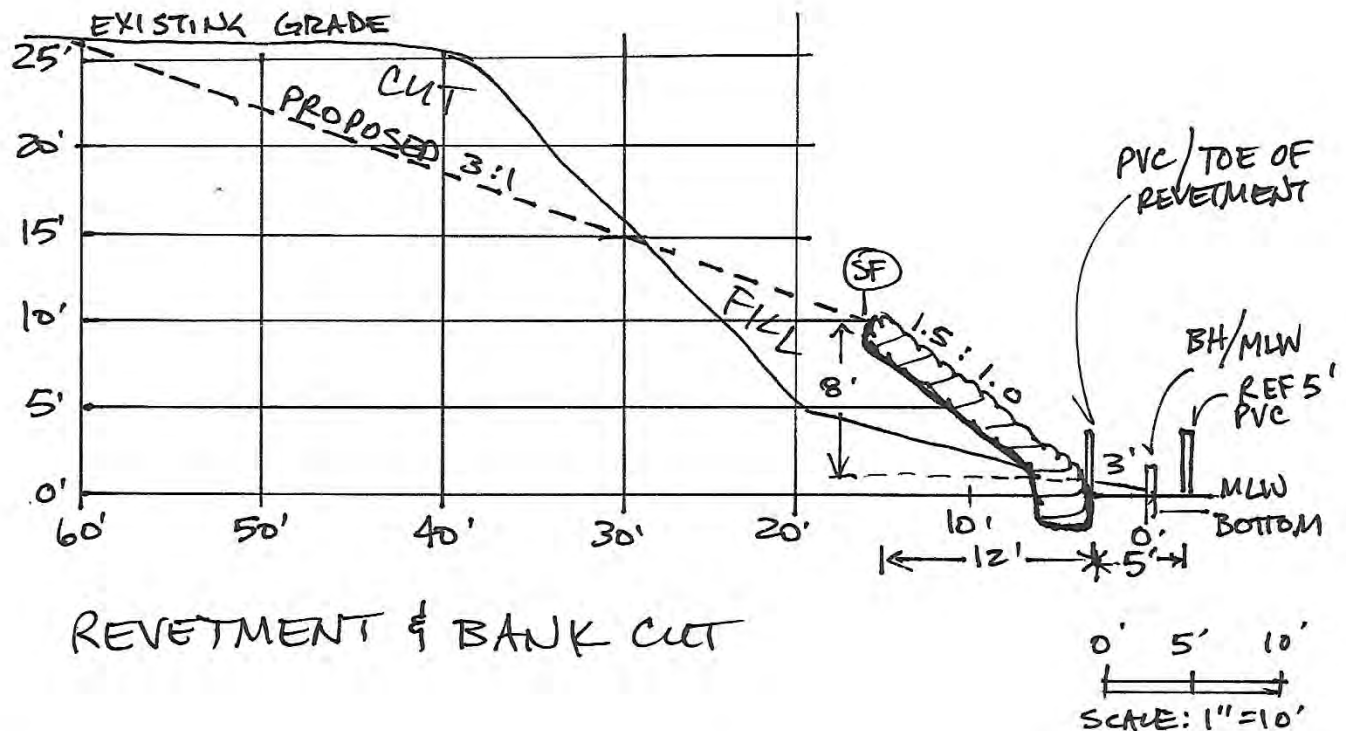
Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 366-1768 - karlashavens@gmail.com

Received by VMRC
July 29, 2019 /Ira



0' 10' 20'
SCALE: 1" = 20'

Adjacent Property Owners	SITE PLAN	BRUCE L. CHRISTMAN 105 Shellbank Drive on the James River
1. Anthony J. & Kari G. Traver 2. Stephen W. & Katherine R. Shield	James City County LOT 14, SEC A	Date: 7-22-19 Sheet 2 of 4

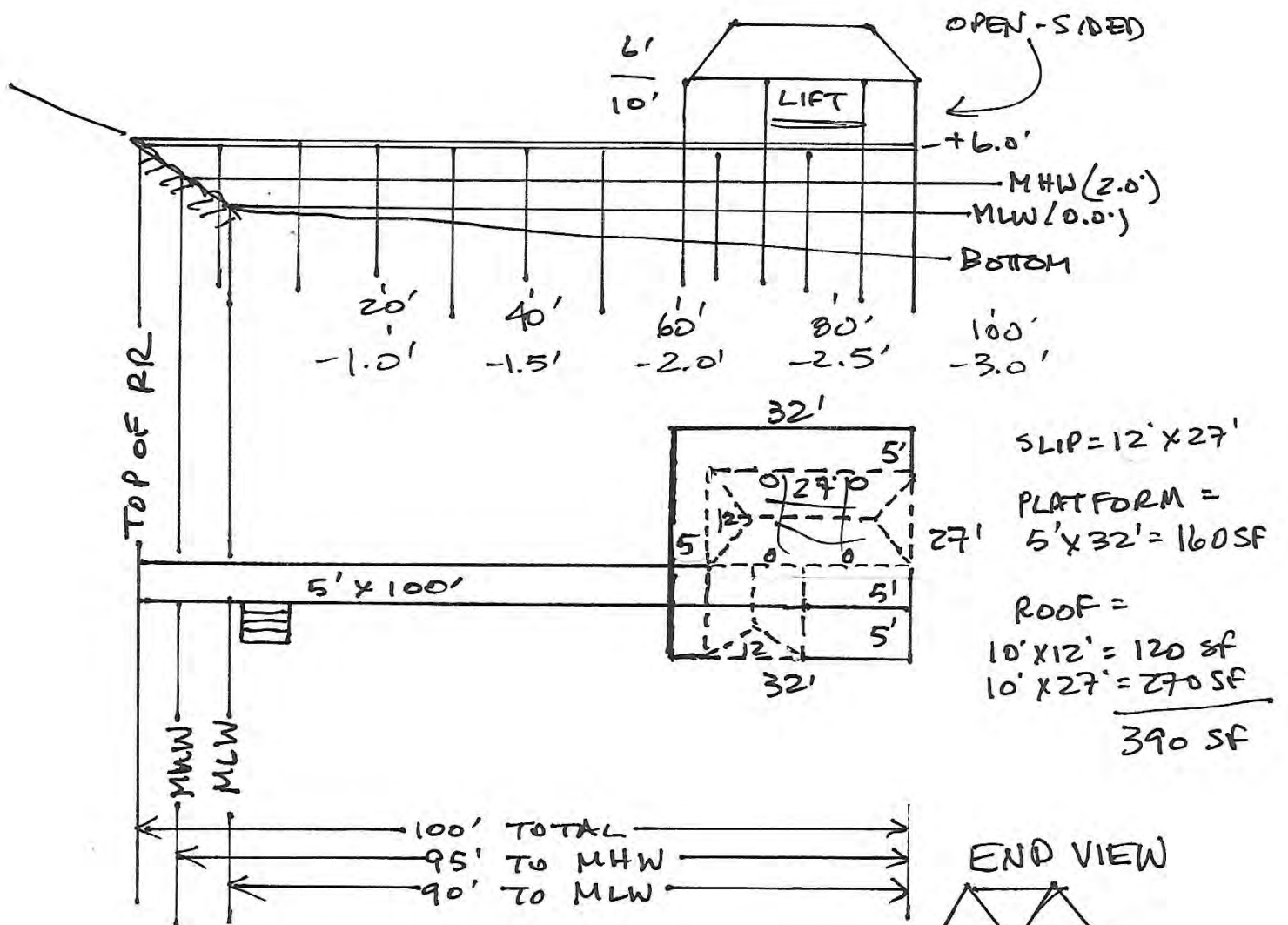


- CLASS II CORE STONE OVER FILTER CLOTH.
- CLASS II & III ARMOR STONE.
- MINIMUM 2' BURIED TOE.
- A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE REVETMENT UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.
- PVC REFERENCE PIPES ARE 5' CHANNELWARD OF PVC PROPOSED TOE OF REVETMENT ALIGNMENT.

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	CROSS - SECTION	BRUCE L. CHRISTMAN
1. Anthony J. & Kari G. Traver	James City County	105 Shellbank Drive
2. Stephen W. & Katherine R. Shield	LOT 14, SEC A	on the James River
		Date: 7-22-19 Sheet 3 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 366-1768 - karlashavens@gmail.com



MHW - MHW >
CHANNEL ~ FROM MHW
2" x 8" DECKING AND STRINGERS, ALL LUMBER TREATED
ALL HARDWARE H.D.G.
TIMBER PILES, 10" MINIMUM DIAMETER, LENGTH AS REQUIRED
PILES INSTALLED WITH VIBRATORY HAMMER
TEMPORARY CONSTRUCTION VESSELS
NET INCREASE OF PERMANENT, NON-COMMERCIAL VESSEL
NO LESS THAN 4' BETWEEN DECKING AND WETLAND SUBSTRATE

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	DETAIL	BRUCE L. CHRISTMAN 105 Shellbank Drive on the James River
1. Anthony J. & Kari G. Traver 2. Stephen W. & Katherine R. Shield	James City County LOT 14, SEC A	Date: 7-22-19 Sheet 4 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 366-1768 - karlashavens@gmail.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY SEPTEMBER 11, 2019 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 19-0036/VMRC 19-1324: Mid-Atlantic Resource Consulting, on behalf of Bruce Christman, has applied for a wetlands permit for a revetment and bank grading at 105 Shellbank Drive in the Shellbank subdivision, JCC Parcel No 4530200014.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 19-0088: Mid-Atlantic Resource Consulting, on behalf of Bruce Christman, has filed an exception request for encroachments into the RPA buffer for bank grading at 105 Shellbank Drive in the Shellbank subdivision, JCC Parcel No 4530200014.

CBPA 19-0091: Sakthivel Anbananthan has filed an exception request for encroachments into the RPA buffer for the construction of a driveway at 3884 Fox Run in the Fox Run subdivision, JCC Parcel 3110800050.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – August 28 and September 4, 2019.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING
 ASSISTANT COUNTY ATTORNEY
 WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
---	--	--	---	--

August 21, 2019

RE: WJPA-19-0036 and CBPA-19-0088
105 Shellbank Drive
Revetment, Pier, Boathouse, Lift, Catwalk and Bank Grading

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands and Chesapeake Bay Boards by Karla Havens of Mid-Atlantic Resource Consulting on behalf of Bruce Christman for encroachment into the Resource Protection Area (RPA) buffer associated with construction of a revetment, pier, boathouse, lift, catwalk and bank grading. The project is located at 105 Shellbank Drive and further identified as JCC Parcel No. 4530200014.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, September 11, 2019 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant
757-253-6790
janice.petty@jamescitycountyva.gov

cc: Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens

Earth Resources, Inc.
Attn: Mr. Jeff Brown

Mailing List for: WJPA 19-0036 & CBPA-19-0088 – 105 Shellbank Drive -Bank Grading

Owner: 4530200014-105 Shellbank Drive

Christman, Bruce L, Trustee
13610 Flintwood Place
Herndon, VA 20171-3331

Contractors:

Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens
1095 Cherry Row
Plainview, VA 23156-2027

4530200013

Shield, Stephen W & Katherine R
107 Shellbank Drive
Williamsburg, VA 23185-1420

Earth Resources, Inc.

Attn: Mr. Jeff Brown
P.O. Box 520
Lancaster, VA 22503-0520

4530200015

Traver, Anthony J & Kari G
103 Shellbank Drive
Williamsburg, VA 23185-1420

4510200007A

Bodett, Robert C & Karen A
106 Shellbank Drive
Williamsburg, VA 23185-1421

4530300275-100 Shellbank Drive

Dillingham, Daniel R & Diane L
120 Argall Town Lane
Williamsburg, VA 23185-1402

Department of Game and Inland Fisheries

P.O Box 90778
Henrico, VA 23228-0778

Virginia Marine Resource Center
Attn: Allison Norris
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

State Water Control Board

c/o Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218-1105

VIMS Wetlands Program
Attn: Dawn Fleming
P.O. Box 1346
Gloucester Point, VA 23062-1346

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621