

**A G E N D A**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building D**  
**September 8, 2021**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from July 14, 2021, Regular Meeting

**D. PUBLIC HEARINGS**

1. WJPA-21-0043/VMRC-2021-1556 : 3475 Westport
2. WJPA-21-0045/VMRC-2021-1575 : 541 Neck - O - Land
3. WJPA-21-0047/VMRC-2021-1609 : 1489 John Tyler Highway

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 9/8/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: Minutes from July 14, 2021, Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/1/2021 - 4:54 PM
Wetlands Group	Small, Toni	Approved	9/1/2021 - 5:11 PM
Publication Management	Pobiak, Amanda	Approved	9/2/2021 - 8:55 AM
Wetlands Group	Secretary, Wetland	Approved	9/2/2021 - 1:08 PM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**July 14, 2021**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for July 14, 2021, 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:**

William Apperson, Chairman  
Halle Dunn  
Charles Roadley  
Larry Waltrip  
Michael O'Brien

**Board Members Absent:**

David Gussman

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Robin Benedict, Watershed Planner, Stormwater and Resource Protection  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from June 9, 2021 Regular Meeting

A motion to Approve the minutes was made by Mr. Apperson.

The minutes were approved on a voice vote.

**D. PUBLIC HEARINGS**

1. Case No. WJPA-21-0027 / VMRC No. 21-1060 : 10016 & 10020 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Daniel Winall, Waters Edge Construction, on behalf of Mr. J. Barry Davidson, Jr. and Mrs. Laura Davidson, and Mr. Richard Costello and Mrs. Nina Costello, who has applied for a wetlands

permit for the method of construction of an offshore sill with beach nourishment and the repair of a rip rap revetment located at 10016 and 10020 Sycamore Landing Road in the Stephen's Tract Subdivision and the York Creek watershed. The property is further identified as James City County Parcel Nos. 0720400004 and 0720400002. The presentation described the current site conditions, proposed construction, and mitigation with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Gussman inquired of the status of this project fitting within the changes in the Wetlands Ordinance that were put in place by the General Assembly and subsequently by the Virginia Marine Resource Commission (VMRC) with adoptions for the revisions to the wetlands guidelines.

Mr. Apperson opened the Public Hearing.

**A.** Mr. Ben Nettleton, VMRC, was available to answer the question from the Board. The new guidelines were adopted at the May 21, 2021, VMRC meeting. The law, which changed July 1, 2020, said the Commonwealth of Virginia should not approve any projects besides living shorelines or erosion control unless the best available science says otherwise. In this case, they would count a sill with plantings as a living shoreline that would meet that criteria and that mandate. The best available science was not supporting a living shoreline, for example, the fetch was too high or structures in place. The order of preference would go to a breakwater, rip rap revetment with the last available option would be a bulkhead preferably. Yes, he would consider this a living shoreline by VMRC definitions.

**B.** Mr. Daniel Woodall, Waters Edge Construction, was available to answer questions from the Board.

Mr. Apperson inquired about the spacing for the *Spartina alterniflora* and *Spartina patens* that will be plugged back in.

**B.** Mr. Woodall replied that the Corps of Engineers offers guidance, generally two foot on center, sometimes 18 inches on center. He further stated that he has not received a Corps Permit for this project yet, however he is sure that the Corps will have that condition in place.

Mr. Roadley inquired about the slumping of the revetment, and if it was losing its toe.

**B.** Mr. Woodall, concurred, that the toe of the revetment is slumping. At elevations up to 9 feet, the revetment is in good shape, but the toe, the existing substrate is eroded in that area, which has caused the toe to fail. The whole revetment will not have to be redone so the plan is to dig the toe out and reinforce it.

Mr. Roadley inquired if the sand fill will match the existing elevation at the toe.

**B.** Mr. Woodall replied that the beach nourishment will be a little higher.

Mr. O'Brien stated that the revetment repair seemed necessary and inquired if it was adequate. He also inquired about the purpose of the sill.

**B.** Mr. Woodall replied that the sill would provide beach nourishment out in front. It has eroded extensively in front of that revetment. He further stated the sill was placed out there with beach nourishment in place so, once the plantings are installed, that area will turn from a non-vegetative to a vegetative tidal area.

Mr. O'Brien inquired if Mr. Woodall was fairly confident that the beach fill would stay in place

and not wash away.

**B.** Mr. Woodall affirmatively replied and stated the sill is three feet above sea level, so it should stay. It is in conjunction with two other projects next door. The total fetch is about 300 feet there, which should lock it in place as the three projects are side-by-side, lateral sills or parallel sills will be used.

Mr. Apperson closed the Public Hearing.

Mr. Roadley made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA-21-0027/VMRC 21 -1060 at 10016 and 10020 Sycamore Landing.

The motion to Approve with Conditions was made by Mr. Roadley, the motion result:

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

Ayes: Dunn, Apperson, Roadley, Waltrip, O'Brien

Nays: None

Absent: Gussman

## **E. BOARD CONSIDERATIONS**

### **1. Open Pile Pier Policy**

Ms. Liz Parman presented the Open Pile Pier Policy, adopted May 13, 2009 for persons wanting to construct a noncommercial open pile pier or structure to come before the Wetlands Board and ask for a permit. The Attorney General opined that pier and other structures are permitted as a matter of right. The Board desired to rescind its Current Policy to align with the Attorney General.

The Wetlands Board of James City County, Virginia rescinded its policy requiring a Wetlands Board Permit for the construction of noncommercial open pile structures in the wetlands and instructed staff to accordingly revise its policies and procedures.

## **F. MATTERS OF SPECIAL PRIVILEGE**

None.

## **G. ADJOURNMENT**

A motion to Adjourn was made by Mr. Apperson and approved on a voice vote.

The meeting adjourned at 5:18 p.m.

**ITEM SUMMARY**

DATE: 9/8/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: WJPA-21-0043/VMRC-2021-1556 : 3475 Westport

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Roth Environmental, LLC, on behalf of Westport Neighborhood Association, Inc., has applied for a wetlands permit for the construction of a kayak and canoe launch and community pier at 3475 Westport, JCC Parcel ID No. 3620500001A.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material
☐	Public Advertising	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/1/2021 - 4:54 PM
Wetlands Group	Small, Toni	Approved	9/2/2021 - 7:47 AM
Publication Management	Pobiak, Amanda	Approved	9/2/2021 - 8:50 AM
Wetlands Group	Secretary, Wetland	Approved	9/2/2021 - 1:08 PM

**WETLANDS BOARD CASE No. WJPA 21-0043. 3475 Westport  
Staff Report for the September 8, 2021, 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Ryan Lee, Westport Neighborhood Association, Inc.

Owner/Agent: Mr. Matthew Roth, Roth Environmental, LLC

Location: 3475 Westport

Parcel: CA/Park S-35 Westport Ford's Colony

Parcel Identification No.: 3620500001A

Watershed: Gordon Creek (HUC JL29)

Floodplain: Zone AE - Base flood elevation is determined to be 7 feet mean sea level

Proposed Activity: Install a kayak/canoe launch and community pier

Wetland Impacts: 500 square feet of vegetated wetlands

Staff Contact: Michael D. Woolson, Section Chief, Resource Protection Phone: 253-6823

**PROJECT DISCUSSION**

Mr. Mathew Roth, Roth Environmental, LLC, has applied for a wetlands permit on behalf of Mr. Ryan Lee, Westport Neighborhood Association, Inc., to install a kayak/canoe launch and community pier on property located at 3475 Westport within the Gordons Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3620500001A.

The applicant is proposing to install a kayak/canoe launch and community pier. The pier shall be constructed along an existing pathway used by residents that is also proposed to be upgraded for residents' safety. Additionally, there will be a gangway and floating dock installed.

There are no permanent impacts to the wetlands; however, emergent freshwater herbaceous species may incur shading impacts as the pier is proposed to be approximately two feet above ground elevation. The impacts to the wetlands are anticipated to be 500 square feet of wetland vegetation. The applicant has already expressed interest in purchasing mitigation credits for the non-tidal wetland impacts and the pier will be installed to avoid impacting the forested vegetation. Based on the current Virginia wetland credit rate, total impacts to vegetated wetlands equates to \$12,500 of wetland credits. Staff requires that a surety of \$12,500 be put in place to guarantee the purchase of the credits or evidence of the credit purchase be provided before construction begins.

**MITIGATION DISCUSSION**

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the

signatories' 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 has reviewed this application and finds that this project meets the three criteria outlined above.

### **STAFF RECOMMENDATIONS**

Staff has reviewed the above application and recommends approval of the application as presented. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. 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
3. A surety of \$12,500 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office to guarantee the no-net wetland loss policy of Virginia or evidence of credit purchase be provided before construction begins; and
4. The Wetlands Permit for this project shall expire on September 8, 2024, 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 28, 2024, six weeks prior to the expiration date.

MDW/md  
WJPA21-43\_3475Wstpt

Attachment:

1. Resolution

## **RESOLUTION**

**CASE NO. WJPA 21-0043. 3475 WESTPORT**

**JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Ryan Lee, Westport Neighborhood Association, Inc. (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 Parcel Number 3620500001A and further identified as 3475 Westport (the “Property”) as set forth in the application WJPA 21-0043; 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. 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
  - c. A surety of \$12,500 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney’s Office to guarantee the no-net wetland loss policy of Virginia or evidence of credit purchase be provided before construction begins; and
  - d. The Wetlands Permit for this project shall expire on September 8, 2024, 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 28, 2024, six weeks prior to the expiration date.

\_\_\_\_\_  
William Apperson  
Chairman, Wetlands Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of September, 2021.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA21-43\_3475Wstpt-res

**From:** Matthew Roth  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Cc:** Ben Nettleton  
**Subject:** Re: STILL AN ISSUE re: Ford's Colony Kayak/Canoe Pier - James City County - RP-18 Submission - Part 1  
**Date:** Tuesday, July 20, 2021 9:15:51 AM  
**Attachments:** 2021.07.16.Ford's Colony Kayak Launch.RP-18 Submission.2.pdf

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Saved it again.....maybe the third time's the charm.

**Matthew Roth, P.W.S.**  
**ROTH ENVIRONMENTAL, LLC**  
700 Prescott Circle  
Newport News, VA 23602

Phone: (757) 814-1048  
Fax: (757) 249-2257  
Email: [rothenv@cox.net](mailto:rothenv@cox.net)

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**From:** JPA Submissions to VMRC <[jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)>  
**Date:** Tuesday, July 20, 2021 at 5:43 AM  
**To:** "Roth Environmental, LLC" <[rothenv@cox.net](mailto:rothenv@cox.net)>  
**Cc:** Ben Nettleton <[Ben.nettleton@mrc.virginia.gov](mailto:Ben.nettleton@mrc.virginia.gov)>  
**Subject:** STILL AN ISSUE re: Ford's Colony Kayak/Canoe Pier - James City County - RP-18 Submission - Part 1

I still can't electronically date stamp this JPA ... I don't know what's going on. If we have any IT folks around this morning, I'll ask them about it.

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**From:** Matthew Roth <[rothenv@cox.net](mailto:rothenv@cox.net)>  
**Sent:** Monday, July 19, 2021 3:14 PM  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Subject:** Re: ISSUES re: Ford's Colony Kayak/Canoe Pier - James City County - RP-18 Submission - Part 1

Hey Beth!

I've resaved it and attached the documents. Will resend the wetland delineation and historic resources shortly....

Please let me know if these can be date stamped.

**Matthew Roth, P.W.S.**  
**ROTH ENVIRONMENTAL, LLC**  
700 Prescott Circle

Newport News, VA 23602

Phone: (757) 814-1048

Fax: (757) 249-2257

Email: [rothenv@cox.net](mailto:rothenv@cox.net)

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**From:** JPA Submissions to VMRC <[jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)>

**Date:** Monday, July 19, 2021 at 2:38 PM

**To:** "Roth Environmental, LLC" <[rothenv@cox.net](mailto:rothenv@cox.net)>

**Subject:** ISSUES re: Ford's Colony Kayak/Canoe Pier - James City County - RP-18 Submission - Part 1

This document won't allow me to electronically date stamp it – please re-send all parts.

Thanks.

Beth

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**From:** Matthew Roth <[rothenv@cox.net](mailto:rothenv@cox.net)>

**Sent:** Friday, July 16, 2021 2:45 PM

**To:** JPA Submissions to VMRC <[jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)>

**Subject:** Ford's Colony Kayak/Canoe Pier - James City County - RP-18 Submission - Part 1

Good afternoon!

Attached please find our permit application for a small pier Ford's Colony is proposing to access Gordon Creek with kayaks and canoes.

Due to the size of the documents, I will be submitting them in three emails.

Thanks and have a great weekend!

Matt

**Matthew Roth, P.W.S.**

**ROTH ENVIRONMENTAL, LLC**

700 Prescott Circle

Newport News, VA 23602

Phone: (757) 814-1048

Fax: (757) 249-2257

Email: [rothenv@cox.net](mailto:rothenv@cox.net)



## ROTH ENVIRONMENTAL, LLC

July 16, 2021

Ben Nettleton  
Virginia Marine Resources Commission  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651

RE: Ford's Colony Kayak/Canoe Launch Pier  
3475 Westport, Williamsburg, VA  
Permit Application for RP-18  
RE Project #20-198  
USACE Project #NAO-2020-2090

Dear Mr. Nettleton:

Roth Environmental, LLC is providing you with the Joint Permit Application for wetland conversation impacts associated with the kayak/canoe pier Ford's Colony is proposing on the site.

The project involves the installation of a wooden pier that will extend to Gordon's Creek. The wooden pier will be entirely over wetlands. A plastic/PVC gangway and floating pier is proposed to be over/in the creek.

The wetlands will not be permanently impacted (converted to uplands) but the emergent freshwater herbaceous species may incur shading impacts as the pier is proposed to be approximately two feet above the ground elevation. This has been designed for safety of the residents that will be carrying their watercraft to the floating portion of the pier.

The remaining forested and sapling vegetative strata will not be impacted. The pier will be installed to avoid these trees.

The conversion impacts to wetlands is anticipated to be 0.01 acres of freshwater emergent wetland vegetation. The forested designation of the wetland system will remain the same. The design/permit drawings and descriptions of the proposed pier have been included with this package.

Please contact me should you have any questions with the submitted information.

Sincerely,  
ROTH ENVIRONMENTAL, LLC

Matthew Roth, P.W.S.  
President

cc: Ford's Colony Homeowner's Association – Ryan Lee  
/Users/Roth/Documents/Roth Environmental, LLC/Projects/2020/20-198.3475 Westport.Kayak Launch/2021 PCN/2021.07.16.Ford's Colony Kayak Launch.RP-18 Submission.docx

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700 PRESCOTT CIRCLE • NEWPORT NEWS, VIRGINIA 23602  
PHONE (757) 814-1048 • FAX (757) 249-2257  
EMAIL: rothenv@cox.net

FOR AGENCY USE ONLY	
	Notes:
JPA# 21-1556	

## APPLICANTS

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

<u>Check all that apply</u>			
Pre-Construction Notification (PCN) <input type="checkbox"/>	SPGP <input type="checkbox"/>	DEQ Reapplication <input type="checkbox"/> Existing permit number: _____	Receiving federal funds <input type="checkbox"/> Agency providing funding: _____
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)			
Regional Permit 17 (RP-17) <input type="checkbox"/>			

PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
USACE	PJD	NAO-2020-2090	7 January 2021	

1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION					
The applicant(s) is/are the legal entity to which the permit may be issued (see How to Apply at beginning of form). The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is representing the applicant(s). If a company, please also provide the company name that is registered with the State Corporation Commission (SCC), or indicate no registration with the SCC.					
Legal Name(s) of Applicant(s) Ford's Colony at Williamsburg Homeowners Association			Agent (if applicable) Roth Environmental, LLC		
Mailing address 100 Manchester Drive			Mailing address 700 Prescott Circle		
City Williamsburg	State VA	ZIP Code 23188	City Newport News	State VA	ZIP Code 23602
Phone number w/area code 757-565-1090	Fax		Phone number w/area code 757-814-1048	Fax	
Mobile	E-mail rlee@fchoa.net		Mobile	E-mail rothenv@cox.net	
State Corporation Commission Name and ID number (if applicable) O2895530			State Corporation Commission Name and ID number (if applicable) S1029807		
Certain permits or permit authorizations may be provided via electronic mail. If the applicant wishes to receive their permit via electronic mail, please provide an e-mail address here: rothenv@cox.net					

1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION (Continued)					
Property owner(s) legal name, if different from applicant SAME			Contractor, if known Unknown		
Mailing address			Mailing address		
City	State	ZIP code	City	State	ZIP code
Phone number w/area code	Fax		Phone number w/area code	Fax	
Mobile	E-mail		Mobile	E-mail	
State Corporation Commission Name and ID number (if applicable)			State Corporation Commission Name ID number (if applicable)		

2. PROJECT LOCATION INFORMATION (Attach a copy of a detailed map, such as a USGS topographic map or street map showing the site location and project boundary, so that it may be located for inspection. Include an arrow indicating the north direction. Include the drainage area if the SGP box is checked on Page 7.)	
Street Address (911 address if available) 3475 Westport	City/County/ZIP Code Williamsburg, VA 23188
Subdivision Ford's Colony	Lot/Block/Parcel #
Name of water body(ies) within project boundaries and drainage area (acres or square miles). Unnamed Tributary of Longhill Swamp	
Tributary(ies) to: <u>Gordon Creek</u> Basin: <u>James River</u> Sub-basin: <u>Lower James River</u> (Example: Basin: <u>James River</u> Sub-basin: <u>Middle James River</u> )	
Special Standards (based on DEQ Water Quality Standards 9VAC25-260 et seq.): _____	
Project type (check one) <input checked="" type="checkbox"/> Single user (private, non-commercial, residential) <input type="checkbox"/> Multi-user (community, commercial, industrial, government) <input type="checkbox"/> Surface water withdrawal	
Latitude and longitude at center of project site (decimal degrees): <u>37.29185</u> / <u>-76.81550</u> (Example: 37.33164/-77.68200)	
USGS topographic map name: <u>Norge, VA</u>	
8-digit USGS Hydrologic Unit Code (HUC) for your project site (See <a href="http://cfpub.epa.gov/surf/locate/index.cfm">http://cfpub.epa.gov/surf/locate/index.cfm</a> ): _____ If known, indicate the 10-digit and 12-digit USGS HUCs (see <a href="http://dswcapps.dcr.virginia.gov/htdocs/maps/HUEXplorer.htm">http://dswcapps.dcr.virginia.gov/htdocs/maps/HUEXplorer.htm</a> ): <u>02080206</u>	
Name of your project (Example: Water Creek driveway crossing) <u>Ford's Colony Kayak/Canoe Launch Site, Gordon Creek, Westport</u>	
Is there an access road to the project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If yes, check all that apply: <input checked="" type="checkbox"/> public <input type="checkbox"/> private <input checked="" type="checkbox"/> improved <input type="checkbox"/> unimproved	
Total size of the project area (in acres): <u>0.1</u>	

## 2. PROJECT LOCATION INFORMATION (Continued)

Provide driving directions to your site, giving distances from the best and nearest visible landmarks or major intersections:  
From the intersection of Centerville Road and Westport, proceed west on Westport to the cul-de-sac. The community lot is on the southwest corner of the cul-de-sac.

Does your project site cross boundaries of two or more localities (i.e., cities/counties/towns)? ☐ Yes ☒ No  
If so, name those localities: \_\_\_\_\_

## 3. DESCRIPTION OF THE PROJECT, PROJECT PRIMARY AND SECONDARY PURPOSES, PROJECT NEED, INTENDED USE(S), AND ALTERNATIVES CONSIDERED (Attach additional sheets if necessary)

- The purpose and need must include any new development or expansion of an existing land use and/or proposed future use of residual land.
- Describe the physical alteration of surface waters, including the use of pilings (#, materials), vibratory hammers, explosives, and hydraulic dredging, when applicable, and *whether or not tree clearing will occur* (include the area in square feet and time of year).
- Include a description of alternatives considered and measures taken to avoid or minimize impacts to surface waters, including wetlands, to the maximum extent practicable. Include factors such as, but not limited to, alternative construction technologies, alternative project layout and design, alternative locations, local land use regulations, and existing infrastructure.
- For utility crossings, include both alternative routes and alternative construction methodologies considered.
- For surface water withdrawals, public surface water supply withdrawals, or projects that will alter in stream flows, include the water supply issues that form the basis of the proposed project.

See Project Description

Date of proposed commencement of work (MM/DD/YYYY) 09/01/2021	Date of proposed completion of work (MM/DD/YYYY) 09/01/2021
Are you submitting this application at the direction of any state, local, or federal agency? ____ Yes <input checked="" type="checkbox"/> No	Has any work commenced or has any portion of the project for which you are seeking a permit been completed? ____ Yes <input checked="" type="checkbox"/> No
If you answered "yes" to either question above, give details stating when the work was completed and/or when it commenced, who performed the work, and which agency (if any) directed you to submit this application. In addition, you will need to clearly differentiate between completed work and proposed work on your project drawings.	

Are you aware of any unresolved violations of environmental law or litigation involving the property? \_\_\_\_ Yes ☒ No  
(If yes, please explain)

#### 4. PROJECT COSTS

Approximate cost of the entire project, including materials and labor: \$ 30,000  
Approximate cost of only the portion of the project affecting state waters (channelward of mean low water in tidal areas and below ordinary high water mark in nontidal areas): \$ 10,000

#### 5. PUBLIC NOTIFICATION (Attach additional sheets if necessary)

Complete information for all property owners adjacent to the project site and across the waterway, if the waterway is less than 500 feet in width. If your project is located within a cove, you will need to provide names and mailing addresses for all property owners within the cove. If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.

**Failure to provide this information may result in a delay in the processing of your application by VMRC.**

Property owner's name	Mailing address	City	State	ZIP code

Name of newspaper having general circulation in the area of the project: The Williamsburg Gazette  
Address and phone number (including area code) of newspaper: 1430 High Street, Williamsburg, VA 23188 - 757-220-1736

Have adjacent property owners been notified with forms in Appendix A? ☐ Yes ☒ No (attach copies of distributed forms)

#### 6. THREATENED AND ENDANGERED SPECIES INFORMATION

Please provide any information concerning the potential for your project to impact state and/or federally threatened and endangered species (listed or proposed). Attach correspondence from agencies and/or reference materials that address potential impacts, such as database search results or confirmed waters and wetlands delineation/jurisdictional determination. Include information when applicable regarding the location of the project in Endangered Species Act-designated or -critical habitats. Contact information for the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Virginia Dept. of Game and Inland Fisheries, and the Virginia Dept. of Conservation and Recreation-Division of Natural Heritage can be found on page 4 of this package.

#### 7. HISTORIC RESOURCES INFORMATION

*Note: Historic properties include but are not limited to archeological sites, battlefields, Civil War earthworks, graveyards, buildings, bridges, canals, etc. Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the USACE from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the USACE, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

Are any historic properties located within or adjacent to the project site? ☐ Yes ☒ No ☐ Uncertain  
If Yes, please provide a map showing the location of the historic property within or adjacent to the project site.

Are there any buildings or structures 50 years old or older located on the project site? ☐ Yes ☒ No ☐ Uncertain  
If Yes, please provide a map showing the location of these buildings or structures on the project site.

Is your project located within a historic district? ☐ Yes ☒ No ☐ Uncertain

If Yes, please indicate which district: \_\_\_\_\_

# 7. HISTORIC RESOURCES INFORMATION (Continued)

Has a survey to locate archeological sites and/or historic structures been carried out on the property?  
☒ Yes ☐ No ☐ Uncertain

If Yes, please provide the following information: Date of Survey: October 2004  
 Name of firm: James River Institute for Archaeology, Inc.

Is there a report on file with the Virginia Department of Historic Resources? ☒ Yes ☐ No ☐ Uncertain

Title of Cultural Resources Management (CRM) report: Phase I Archaeological Survey of Approximately 100 Acres, James City County, Virginia

Was any historic property located? ☒ Yes ☐ No ☐ Uncertain

No archaeological resources were found on the subject lot or any nearby lots.

# 8. WETLANDS, WATERS, AND DUNES/BEACHES IMPACT INFORMATION

Report each impact site in a separate column. If needed, attach additional sheets using a similar table format. Please ensure that the associated project drawings clearly depict the location and footprint of each numbered impact site. For dredging, mining, and excavating projects, use Section 17.

	Impact site number 1	Impact site number 2	Impact site number 3	Impact site number 4	Impact site number 5
Impact description (use all that apply): F=fill EX=excavation S=Structure T=tidal NT=non-tidal TE=temporary PE=permanent PR=perennial IN=intermittent SB=subaqueous bottom DB=dune/beach IS=hydrologically isolated V=vegetated NV=non-vegetated MC=Mechanized Clearing of PFO (Example: F, NT, PE, V)	S, PE, V				
Latitude / Longitude (in decimal degrees)	37.2915/-76.8162				
Wetland/waters impact area (square feet / acres)	464 square feet				
Dune/beach impact area (square feet)	N/A				
Stream dimensions at impact site (length and average width in linear feet, and area in square feet)	N/A				
Volume of fill below Mean High Water or Ordinary High Water (cubic yards)	N/A				

**8. WETLANDS/WATERS IMPACT INFORMATION (Continued)**

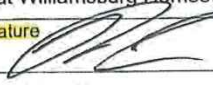
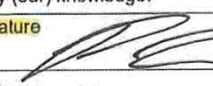
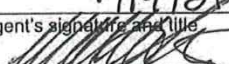
Cowardin classification of impacted wetland/water or geomorphological classification of stream <i>Example wetland: PFO; Example stream: 'C' channel and if tidal, whether vegetated or non-vegetated wetlands per Section 28.2- 1300 of the Code of Virginia</i>	PFO				
Average stream flow at site (flow rate under normal rainfall conditions in cubic feet per second) and method of deriving it (gage, estimate, etc.)	>50 cfs				
Contributing drainage area in acres or square miles (VMRC cannot complete review without this information)	3,000+ ac				
DEQ classification of impacted resource(s): Estuarine Class II Non-tidal waters Class III Mountainous zone waters Class IV Stockable trout waters Class V Natural trout waters Class VI Wetlands Class VII <a href="http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+9">http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+9</a>	Wetlands Class VII				
For DEQ permitting purposes, also submit as part of this section a wetland and waters boundary delineation map – see (3) in the Footnotes section in the form instructions.					
For DEQ permitting purposes, also submit as part of this section a written disclosure of all wetlands, open water, or streams that are located within the proposed project or compensation areas that are also under a deed restriction, conservation easement, restrictive covenant, or other land-use protective instrument.					

**9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS****READ ALL OF THE FOLLOWING CAREFULLY BEFORE SIGNING**

**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 permits typically issued by the DEQ, VMRC, USACE, 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.

9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS (Continued)		
Is/Are the Applicant(s) and Owner(s) the same? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Legal name & title of Applicant Ford's Colony at Williamsburg Homeowners Association	Second applicant's legal name & title, if applicable	
Applicant's signature 	Second applicant's signature	
Date 7/14/21	Date	
Property owner's legal name, if different from Applicant	Second property owner's legal name, if applicable	
Property owner's signature, if different from Applicant	Second property owner's signature	
Date	Date	
<b>CERTIFICATION OF AUTHORIZATION TO ALLOW AGENT(S) TO ACT ON APPLICANT'S(S)' BEHALF (IF APPLICABLE)</b>		
I (we), Ford's Colony at Williamsburg HOA (and) _____ APPLICANT'S LEGAL NAME(S) – complete the second blank if more than one Applicant		
hereby certify that I (we) have authorized Roth Environmental, LLC (and) Matthew Roth AGENT'S NAME(S) – complete the second blank if more than one Agent		
to act on my (our) behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all standard and special conditions attached. I (we) hereby certify that the information submitted in this application is true and accurate to the best of my (our) knowledge.		
Applicant's signature 	Second applicant's signature, if applicable	
Date 7/14/21	Date	
Agent's signature and title  PRESIDENT - ROTH ENVIRONMENTAL	Second agent's signature and title, if applicable	
Date 7/14/21	Date	
<b>CONTRACTOR ACKNOWLEDGEMENT (IF APPLICABLE)</b>		
I (we), Unknown (and) _____ APPLICANT'S LEGAL NAME(S) – complete the second blank if more than one Applicant		
have contracted _____ (and) _____ CONTRACTOR'S NAME(S) – complete the second blank if more than one Contractor		
to perform the work described in this Joint Permit Application, signed and dated _____		
I (we) will read and abide by all conditions as set forth in all federal, state, and local permits as required for this project. I (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, I (we) agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If I (we) fail to provide the applicable permit upon request, I (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 of the terms and conditions.		
Contractor's name or name of firm (printed/typed)	Contractor's or firm's mailing address	
Contractor's signature and title	Contractor's license number	Date
Applicant's signature	Second applicant's signature, if applicable	
Date	Date	

**12. MARINAS AND COMMERCIAL, GOVERNMENTAL, AND COMMUNITY PIERS**

Have you obtained the Virginia Department of Health's approval for sanitary facilities? \_\_\_\_ Yes ☒ No  
 You will need to obtain this authorization or a variance before a VMRC permit will be issued.

Will petroleum products or other hazardous materials be stored or handled at the facility? \_\_\_\_ Yes ☒ No  
 If your answer is yes, please attach your spill contingency plan.

Will the facility be equipped to off-load sewage from boats? \_\_\_\_ Yes ☒ No

EXISTING: wet slips: 0 dry storage: 0 PROPOSED: wet slips: 0 dry storage: 0

**13. FREE STANDING MOORING PILES, OSPREY NESTING POLES, MOORING BUOYS, AND DOLPHINS (not associated with piers)**

Number of vessels to be moored: \_\_\_\_\_ Type and number of mooring(s) proposed: \_\_\_\_\_

In the spaces provided below, give the type (e.g., sail, power, skiff, etc.), size, and registration number of the vessel(s) to be moored

TYPE	LENGTH	WIDTH	DRAFT	REGISTRATION #

Give the name and complete mailing address(es) of the owner(s) of the vessel(s) if not owned by applicant (attach extra sheets if needed):

Do you plan to reach the mooring from your own upland property? \_\_\_\_ Yes \_\_\_\_ No  
 If "no," explain how you intend to access the mooring.

**14. BOAT RAMPS**

Will excavation be required to construct the boat ramp? \_\_\_\_ Yes \_\_\_\_ No. If "yes," will any of the excavation occur below the plane of the ordinary high water mark/mean high water line or in wetlands? \_\_\_\_ Yes \_\_\_\_ No. If "yes," you will need to fill out Section 17 for this excavation.

Where will you dispose of the excavated material?

What type of design and materials will be used to construct the ramp (open pile design with salt treated lumber, concrete slab on gravel bedding, etc.)?

Location of nearest public boat ramp

Driving distance to that public ramp \_\_\_\_\_ miles

Will other structures be constructed concurrent with the boat ramp installation? \_\_\_\_ Yes \_\_\_\_ No  
 If "yes," please fill out the appropriate sections of this application associated with those other activities.



**Chesapeake Wetland Mitigation Bank  
Statement of Availability July 16, 2021**

**Applicant:** Ford's Colony Homeowner's Association

**Agent:** Matthew Roth, P.W.S.  
Roth Environmental, LLC

**Re Project: Ford's Colony Kayak and Canoe Launch Pier**

This document confirms that Ford's Colony Homeowner's Association (Applicant) has expressed an interest to utilize up to 0.01 acres of non-tidal wetland mitigation credits for Ford's Colony Kayak and Canoe Launch Pier from the Chesapeake Wetland Mitigation Bank located in HUC 02080208 and also able to service the southern half of HUC 02080206. The impact site is located in the HUC 02080206. As the Official Bank Sponsor representative, RES attests to the fact that 0.01 acres of non-tidal wetland mitigation credits are available for consumption at the time of this document.

These mitigation credits are not considered secured, and consequently are eligible to be used for alternate purposes by the Bank Sponsor, until payment in full is received from the Applicant resulting in the issuance of a Sales Affidavit by the bank acknowledging that the Applicant has fully secured credits from the bank and the Banker has accepted full responsibility for the mitigation obligation requiring the credits/units.

The Bank Sponsor will issue the Sales Affidavit within three (3) days of receipt of the purchase price. Banker shall provide to Applicant a copy of the Sales Affidavit and a documented copy of the debit of credits from the Bank Official Credit Ledger(s), indicating the permit number and the resource type secured by the applicant. A copy of the Sales Affidavit, with an updated Official Credit Ledger will also be sent to regulatory agencies showing the proper documentation.

If any questions need to be answered, please contact me at 919-209-1075 or [cparker@res.us](mailto:cparker@res.us).

Sincerely,

A handwritten signature in black ink that reads "Caitlan B. Parker".

**Caitlan B. Parker**  
Resource Environmental Solutions  
701 E. Bay Street, Suite 306  
Charleston, SC 29403



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Virginia Ecological Services Field Office  
6669 Short Lane  
Gloucester, VA 23061-4410  
Phone: (804) 693-6694 Fax: (804) 693-9032  
<http://www.fws.gov/northeast/virginiafield/>



July 16, 2021

In Reply Refer To:  
Consultation Code: 05E2VA00-2021-SLI-4749  
Event Code: 05E2VA00-2021-E-13713  
Project Name: Ford's Colony Kayak/Canoe Launch

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html).

<http://>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Virginia Ecological Services Field Office**  
6669 Short Lane  
Gloucester, VA 23061-4410  
(804) 693-6694

## Project Summary

Consultation Code: 05E2VA00-2021-SLI-4749

Event Code: 05E2VA00-2021-E-13713

Project Name: Ford's Colony Kayak/Canoe Launch

Project Type: RECREATION CONSTRUCTION / MAINTENANCE

Project Description: The proposed project is to construct a small pier for a community kayak/canoe launch onto Gordon Creek. The pathway for the pier is along an existing pathway that the residents are currently using to access the creek. The new pier will provide a much more safe access point for the residents of Ford's Colony.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.2917094,-76.81624823900472,14z>



Counties: James City County, Virginia

## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Flowering Plants

NAME	STATUS
Sensitive Joint-vetch <i>Aeschynomene virginica</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/855">https://ecos.fws.gov/ecp/species/855</a>	Threatened
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

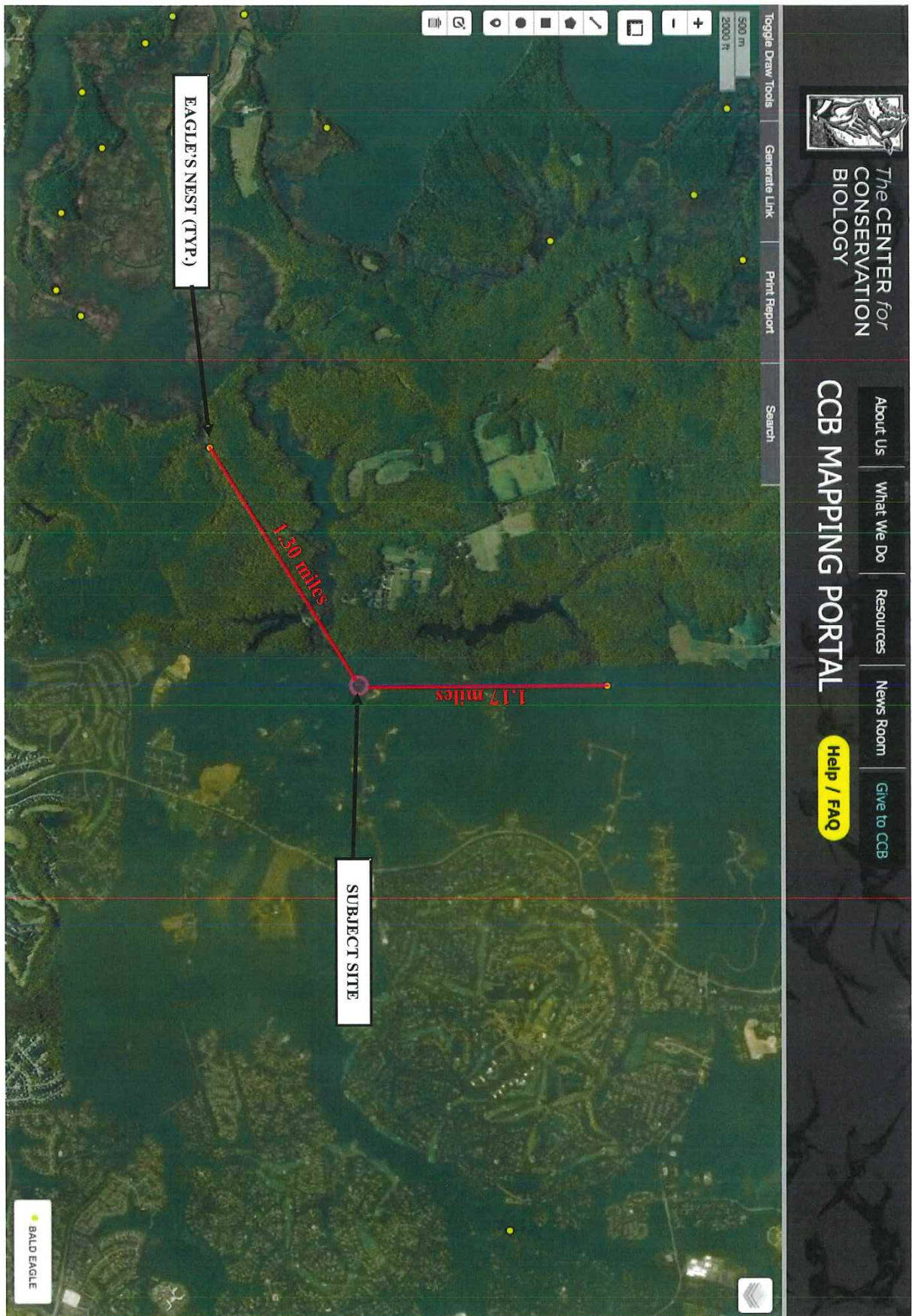
## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

## **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

January 7, 2021

**PRELIMINARY JURISDICTIONAL DETERMINATION**

Southern Virginia Regulatory Section  
NAO-2020-2090 (Gordon Creek)

Ford's Colony Homeowner's Association  
Attn: Ryan Lee  
100 Manchester Drive  
Williamsburg, VA 23188

Dear Mr. Lee:

This letter is in regard to your request for a preliminary jurisdictional determination verification for waters of the U.S. (including wetlands) on an approximately 3.93 acre study area located on the property known as 3475 Westport in Williamsburg, Virginia.

The map, entitled "Wetland Delineation, 3475 Westport, Williamsburg, Virginia" prepared by Roth Environmental, LLC (*copy enclosed*), provides the approximate location(s) of waters and/or wetlands within the study area on the subject property listed above. Approximately 2.0 acres of vegetated wetlands, 0.15 acres of tidal waters, and 0.4 acres of other waters have been identified on the property. The basis for this delineation includes application of the Corps' 1987 *Wetland Delineation Manual* and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* as well as the presence of positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. This letter is not confirming the Cowardin classifications of these aquatic resources.

The Norfolk District has relied on the information and data provided by the applicant or agent. If such information and data subsequently prove to be materially false or materially incomplete, this verification may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

Discharges of dredged or fill material, including those associated with mechanized land-clearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps preliminary jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This is a preliminary jurisdictional determination and is therefore not a legally binding determination regarding whether Corps jurisdiction applies to the waters or wetlands in question. Accordingly, you may either consent to jurisdiction as set out in this preliminary jurisdictional determination and the attachments hereto if you agree with the determination, or you may request and obtain an approved jurisdictional determination.

Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to Ms. Sayward McLaughlin either via email, [sayward.a.mclaughlin@usace.army.mil](mailto:sayward.a.mclaughlin@usace.army.mil), or via standard mail to US Army Corps of Engineers, Regulatory Office, and ATTN: Sayward McLaughlin, 803 Front Street Norfolk, Virginia 23510 within 30 days of receipt and keep one for your records. This delineation of waters and/or wetlands can be relied upon for no more than five years from the date of this letter, however, new information may warrant revision.

If you have any questions, please contact Ms. Sayward McLaughlin, either via telephone at (757) 201-7580 or via email at [sayward.a.mclaughlin@usace.army.mil](mailto:sayward.a.mclaughlin@usace.army.mil).

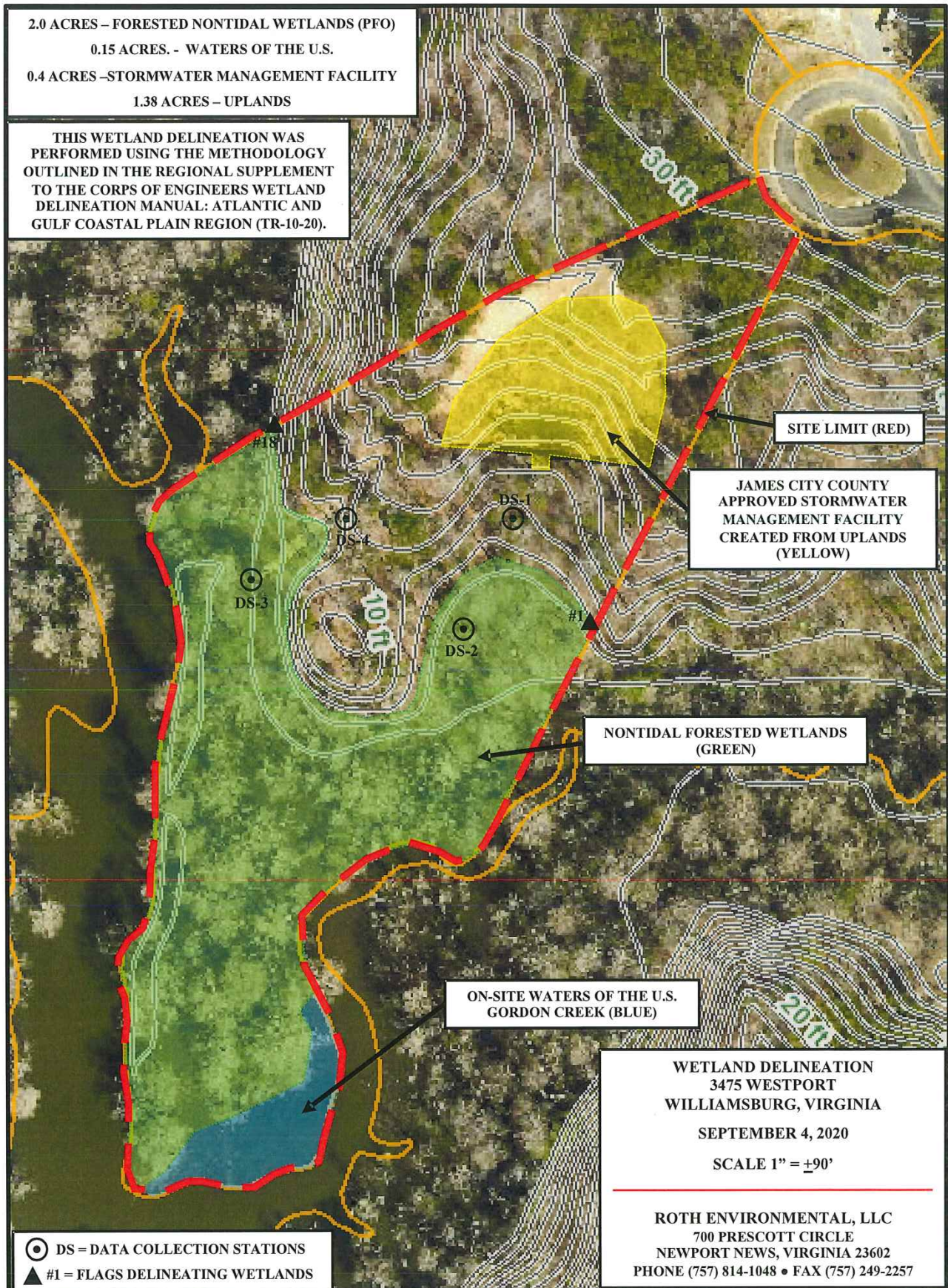
Sincerely,



Sayward McLaughlin  
Project Manager, Southern Virginia  
Regulatory Section

Enclosure(s):  
Appeals Form  
Delineation Map  
Preliminary Jurisdictional Determination Form  
Supplemental Preapplication Form

Cc: Virginia Department of Environmental Quality  
Locality  
FILE





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

January 7, 2021

**Supplemental Preapplication Information**

Project Number: NAO-2020-2090

1. A search of the Virginia Department of Historic Resources data revealed the following:

- ☒ No known historic properties are located on the property.
- ☒ Tribal consultation may be required.
- ☐ The following known architectural resources are located on the property:
- ☐ The following known archaeological resources are located on the property:
- ☐ The following known historic resources are located in the vicinity of the property (potential for effects to these resources from future development):

**NOTE:**

- 1) *The information above is for planning purposes only. In most cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA).*
- 2) *Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

2. A search of the data supplied by the U.S. Fish & Wildlife Service, the Virginia Department of Conservation and Recreation and the Virginia Department of Game and Inland Fisheries revealed the following:

- ☐ No known populations of threatened or endangered species are located on or within the vicinity of the subject property.
- ☒ The following federally-listed species may occur within the vicinity of the subject property: Northern Long-eared Bat (*Myotis septentrionalis*), Sensitive Joint-vetch (*aeschynomene virginica*), and Small Whorled Pogonia (*Isotria medeoloides*)
- ☐ The following state-listed (or other) species may occur within the vicinity of the subject property:

*Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data.*

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:** January 7, 2021

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Ford's Colony Homeowner's Association-Attn: Ryan Lee, 100 Manchester Drive, Williamsburg VA

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

NAO-2020-2090; 3475 Westport

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR  
AQUATIC RESOURCES AT DIFFERENT SITES)

State: Virginia County/parish/borough: City: Williamsburg

Center coordinates of site (lat/long in degree decimal format): 37.29185, -76.81550

Lat.: xx.xxx° Long.: yy.yyy°

Universal Transverse Mercator:

Name of nearest waterbody: Gordon Creek

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: January 7, 2021

☐ Field Determination. Date(s):

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY  
JURISDICTION.**

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
non-tidal			2.0 acres	wetlands	404
tidal			1.5 acres	non-wetland waters	10/404
other			0.4 acres	non-wetland waters	404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: "WETLAND DELINEATION, 3457 WESTPORT, V."
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor:  
☐ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_
- ☐ Data sheets prepared by the Corps: \_\_\_\_\_
- ☐ Corps navigable waters' study: \_\_\_\_\_
- ☒ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_  
☐ USGS NHD data.  
☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Norge
- ☐ Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_
- ☒ National wetlands inventory map(s). Cite name: CorpsMap
- ☐ State/local wetland inventory map(s): \_\_\_\_\_
- ☐ FEMA/FIRM maps: \_\_\_\_\_
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): 2017 IR, 2013 IR, 2011 IR, and 2009 IR  
or ☒ Other (Name & Date): LiDAR
- ☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_
- ☐ Other information (please specify): \_\_\_\_\_

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

*Sayward A. McLaughlin*

Sayward A.  
McLaughlin

Signature and date of  
Regulatory staff member  
completing PJD

Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



**General Services**

107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080

General.Services@jamescitycountyva.gov

[jamescitycountyva.gov](http://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 18, 2021

RE: WJPA 21-0043  
3475 Westport  
Construction of a kayak and canoe launch and community pier.

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 Board by Mr. Matthew Roth, Roth Environmental, LLC on behalf of Westport Neighborhood Association, Inc., for encroachment into the tidal wetlands associated with the construction of a kayak and canoe launch and community pier. The project is located at 3475 Westport and further identified as JCC Parcel Number 3620500001A.

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 Wetlands Board will hold an advertised public hearing on **September 8, 2021 at 5:00 p.m.**, in the Board Room of Building D, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6823  
[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)

cc: Roth Environmental, LLC  
Attn: Mr. Matthew Roth

MDW: jep

Mailing List for: WJPA-21-0043 – 3475 Westport– Construction of a kayak and canoe launch and community pier.

Owner: 3620500001A-3475 Westport  
Westport Neighborhood Association, Inc.  
Attn: Mr. Ryan Lee  
100 Manchester Drive  
Williamsburg, VA 23188-7404

3610200024-3464 Westport  
Vaughn, Wade Douglas & Pamela Jean  
1509 Dedham Circle  
Virginia Beach, VA 23456-5030

3610200023-3468 Westport  
Keys, Michael B & Susan P  
414 First Flight Run, #783  
Kitty Hawk, NC 27949-9253

3610100003 – 2691 Jolly Pond Road  
Carswell, Scott Arthur & Carswell, Robert  
Anson  
3921 Leaf Lawn Lane  
Woodbridge, VA 22192-4901

Virginia Marine Resource Center  
Attn: Mr. Ben Nettleton  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

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

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Contractor:  
Roth Environmental, LLC  
Attn: Mr. Matthew Roth  
700 Prescott  
Newport News, VA 23602-7019

3610200022 – 3471 Westport  
Irwin, Craig L & Cynthia E  
2612 Town Creek Drive  
Williamsburg, VA 23188

3610200022  
Irwin, Craig L & Cynthia E  
3471 Westport  
Williamsburg, VA 23188-1736

3610100006  
Hitchens, Thomas L, Trustee & Victoria R,  
Trustee  
350 Thompson Lane  
Williamsburg, VA 23188-1375

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

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

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 8, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-21-0043/VMRC-2021-1556: Roth Environmental, LLC, on behalf of Westport Neighborhood Association, Inc., has applied for a wetlands permit for the construction of a kayak and canoe launch and community pier at 3475 Westport, JCC Parcel ID No. 3620500001A.

WJPA-21-0045/VMRC-2021-1575: Vanasse Hangen Brustlin, Inc., on behalf of James River Association, has applied for a wetlands permit for the construction of a dock, kayak and canoe launch, landing and gangway at 541 Neck-O-Land, JCC Parcel ID No. 5610100001.

WJPA-21-0047/VMRC-2021-1609: Mid-Atlantic Resource Consulting, on behalf of Mr. Jeffrey and Ms. Amy VandeSand, has applied for a wetlands permit for the construction of a sill, beach nourishment and bank grading at 1489 John Tyler Highway, JCC Parcel ID No. 3430300004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA-21-0128: The Structures Group, Inc., on behalf of Kingsmill Community Services Association has filed an exception request for encroachments into the RPA buffer for construction of a retaining wall at 155 Wareham's Point, JCC Parcel ID No. 5041900001B.

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

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 25, 2021 and SEPTEMBER 1, 2021.  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W  
CARD # x9941

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

**ITEM SUMMARY**

DATE: 9/8/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: WJPA-21-0045/VMRC-2021-1575 : 541 Neck - O - Land

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Vanasse Hangen Brustlin, Inc., on behalf of James River Association, has applied for a wetlands permit for the construction of a dock, kayak and canoe launch, landing and gangway at 541 Neck-O-Land, JCC Parcel ID No. 5610100001.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material
▣	Public Advertising	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/1/2021 - 4:54 PM
Wetlands Group	Small, Toni	Approved	9/2/2021 - 7:47 AM
Publication Management	Pobiak, Amanda	Approved	9/2/2021 - 8:40 AM
Wetlands Group	Secretary, Wetland	Approved	9/2/2021 - 1:08 PM

**WETLANDS BOARD CASE No. WJPA 21-0045. 541 Neck-O-Land Road  
Staff Report for the September 8, 2021, 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Justin Doyle, James River Association  
National Park Service/Colonial National Historic Park

Owner/Agent: Mr. Tim Davis, Vanasse Hangen Brustlin, Inc. (VHB)

Location: 541 Neck-O-Land Road

Parcel: Colonial Parkway

Parcel Identification  
No.: 5610100001

Watershed: Mill Creek (HUC JL33)

Floodplain: Zone AE - Base flood elevation is determined to be 8 feet mean sea level

Proposed Activity: Install a Dock, Kayak and Canoe Launch, and a Landing and Gangway

Wetland Impacts: 1,310 square feet of temporary vegetated impacts  
493 square feet of permanent impacts

Staff Contact: Michael D. Woolson, Section Chief, Resource Protection Phone: 253-6823

**PROJECT DISCUSSION**

Mr. Tim Davis, VHB, Inc., has applied for a wetlands permit on behalf of Mr. Justin Doyle, James River Association and the National Park Services for the installation of a dock, kayak, and canoe launch and landing on property located at 541 Neck-O-Land Road within the Mill Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 5610100001.

Existing on the property is a gravel pathway that is proposed to be paved which will lead to the proposed kayak launch. In addition to the proposed kayak launch, the applicants are proposing to construct an 8-foot by 63-foot fixed pier attached to a 60-foot by 40-foot gangway. An 8-foot by 8-foot floating landing and a 16-foot by 60-foot floating dock are also proposed associated with this project. A 4-foot-wide soft kayak launch is associated with this project and will require approximately 2 inches of excavation and 4 inches of backfill material in order to reach the mean low water line.

There are approximately 1,310 square feet of temporary vegetated impacts and approximately 493 square feet of permanent impacts associated with this project. The project will require 391.5 square feet of tidal freshwater mitigation credits as described above. The applicants have proposed the restoration of an existing wetland marsh area, consisting of eastern red cedar (*Juniperus virginiana*), groundsel tree (*Baccharis holimifolia*), and various grasses. This area is currently filled in with gravel and was once likely used as a boat launch. The applicants have indicated that the proposed mitigation site can provide up to 3,000 square feet of tidal freshwater emergent credits, as needed.

## MITIGATION DISCUSSION

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ 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 has reviewed this application and finds that this project meets the three criteria outlined above.

## STAFF RECOMMENDATIONS

Staff has reviewed the above application and recommends approval of the application as presented. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. 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
3. The Wetlands Permit for this project shall expire on September 8, 2024, if construction has not begun; and
4. 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 28, 2024, six weeks prior to the expiration date.

MW/ap  
WJPA21-45-541NckOLdRd

Attachment:

1. Resolution

## **RESOLUTION**

**CASE NO. WJPA 21-0045. 541 NECK-O-LAND ROAD**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. Tim Davis, Vanasse Hangen Brustlin, Inc. (VHB) on behalf of Mr. Justin Doyle, James River Association and the National Park Service and Colonial National Historic Park (the “Applicants”), 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 Parcel Number 5610100001 and further identified as 541 Neck-O-Land Road (the “Property”) as set forth in the application WJPA 21-0045; 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. 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
  - c. The Wetlands Permit for this project shall expire on September 8, 2024, if construction has not begun; and

- d. 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 28, 2024, six weeks prior to the expiration date.

\_\_\_\_\_  
William Apperson  
Chairman, Wetlands Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of September, 2021.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA21-45-541NckOLdRd-res



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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August 18, 2021

RE: WJPA 21-0045  
541 Neck-O-Land  
Construction of a dock, kayak and canoe launch, landing and gangway.

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 Board by Mr. R. Timothy Davis, Vanasse Hangen Brustlin, Inc., on behalf of James River Association and the National Park Service/Colonial National Historic Park and the United States of America, for encroachment into the tidal wetlands associated with the construction of a dock, kayak and canoe launch, landing and gangway. The project is located at 541 Neck-O-Land and further identified as JCC Parcel Number 5610100001.

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 Wetlands Board will hold an advertised public hearing on **September 8, 2021 at 5:00 p.m.**, in the Board Room of Building D, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6823  
[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)

cc: Vanasse Hangen Brustlin, Inc.  
Attn: Mr. R. Timothy Davis

MDW: jep

Mailing List for: WJPA-21-0045 – 541 Neck-O-Land– Construction of a dock, kayak and canoe launch, landing and gangway.

Applicant:

James River Association  
Attn: Mr. J Doyle  
211 Rocketts Way #200  
Richmond, VA 23231

Contractor:

Vanasse Hangen Brustlin, Inc.  
Attn: Mr. R. Timothy Davis, PWS  
351 McLaws Circle, Suite 3  
Williamsburg, VA 23185-5797

Owner: 5610100001-541 Neck-O-Land Road

United States of America  
1849 C Street, NW, Rm 2444  
Washington, DC 20240-0002

4732500002

Burris, Bryan D & Barbara R  
115 Constance Avenue  
Williamsburg, VA 23185-3102

Owner:

National Park Service/Colonial National  
Historic Park  
Attn: Mr. Doyle Sapp  
P.O. Box 210  
Yorktown, VA 23690-0210

4732500003

Papas, Constantine T, Trustee & Toby  
119 Constance Avenue  
Williamsburg, VA 23185-3102

Virginia Marine Resource Center  
Attn: Mr. Ben Nettleton  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

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

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

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 8, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-21-0043/VMRC-2021-1556: Roth Environmental, LLC, on behalf of Westport Neighborhood Association, Inc., has applied for a wetlands permit for the construction of a kayak and canoe launch and community pier at 3475 Westport, JCC Parcel ID No. 3620500001A.

WJPA-21-0045/VMRC-2021-1575: Vanasse Hangen Brustlin, Inc., on behalf of James River Association, has applied for a wetlands permit for the construction of a dock, kayak and canoe launch, landing and gangway at 541 Neck-O-Land, JCC Parcel ID No. 5610100001.

WJPA-21-0047/VMRC-2021-1609: Mid-Atlantic Resource Consulting, on behalf of Mr. Jeffrey and Ms. Amy VandeSand, has applied for a wetlands permit for the construction of a sill, beach nourishment and bank grading at 1489 John Tyler Highway, JCC Parcel ID No. 3430300004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA-21-0128: The Structures Group, Inc., on behalf of Kingsmill Community Services Association has filed an exception request for encroachments into the RPA buffer for construction of a retaining wall at 155 Wareham's Point, JCC Parcel ID No. 5041900001B.

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

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 25, 2021 and SEPTEMBER 1, 2021.  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W  
CARD # x9941

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

**ITEM SUMMARY**

DATE: 9/8/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: WJPA-21-0047/VMRC-2021-1609 : 1489 John Tyler Highway

---

Mid-Atlantic Resource Consulting, on behalf of Mr. Jeffrey and Ms. Amy VandeSand, has applied for a wetlands permit for the construction of a sill, beach nourishment and bank grading at 1489 John Tyler Highway, JCC Parcel ID No. 3430300004.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material
☐	Public Advertising	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/1/2021 - 4:54 PM
Wetlands Group	Small, Toni	Approved	9/2/2021 - 7:48 AM
Publication Management	Pobiak, Amanda	Approved	9/2/2021 - 8:31 AM
Wetlands Group	Secretary, Wetland	Approved	9/2/2021 - 1:08 PM

**WETLANDS BOARD CASE No. WJPA 21-0047. 1489 John Tyler Highway  
Staff Report for the September 8, 2021, 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mrs. Amy and Mr. Jeffrey VandeSand

Owner/Agent: Mrs. Karla Havens, Mid-Atlantic Resource Consulting

Location: 1489 John Tyler Highway

Parcel: Lot 4 Barrett's Ferry Landing

Parcel Identification No.: 3430300004

Watershed: Gordon Creek (HUC JL29)

Floodplain: Zone VE - Base flood elevation is determined to be 9 feet mean sea level

Proposed Activity: Install a sill, beach nourishment, and bank grading

Wetland Impacts: No vegetated wetland impacts

Staff Contact: Michael D. Woolson, Section Chief, Resource Protection Phone: 253-6823

**PROJECT DISCUSSION**

Mrs. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. Jeffrey and Mrs. Amy VandeSand to install an offshore sill with beach nourishment and bank grading on property located at 1489 John Tyler Highway within the Gordon Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3430300004.

The applicants are proposing to construct a 152-linear-foot stone sill with beach nourishment to mitigate shoreline erosion occurring on the property. The area landward of the sill is proposed to be planted to install beach nourishment and the existing bank is proposed to be graded at a 5:1 slope. Impacts from the proposed grading should be revegetated as mitigation. The applicants are proposing to access the site from the uplands and there are no vegetated wetland impacts anticipated with this project. This project is proposed between mean low water and mean high water; therefore, this project must be heard by the Wetlands Board.

**MITIGATION DISCUSSION**

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the signatories' 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 has reviewed this application and finds that this project meets the three criteria outlined above. There are no anticipated vegetated wetland impacts associated with the proposed project. Even though there are no vegetated wetland impacts, the applicants are proposing approximately 1,216 square feet of wetland planting in the form of Common Three Square (*Schoenoplectus pungens*) and Soft-stem Bulrush (*Schoenoplectus tabernaemontani*) because this project is coinciding with a living shoreline. Additionally, the applicants are required to restore 3,000 square feet of Resource Protection Area buffer with Switchgrass (*Panicum virgatum*) due to the proposed bank grading.

#### **STAFF RECOMMENDATIONS**

Staff has reviewed the above application and recommends approval of the application as presented. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. 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
3. A surety of \$1,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office to guarantee the revegetation of the bank; and
4. The Wetlands Permit for this project shall expire on September 8, 2024, 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 28, 2024, six weeks prior to the expiration date.

MDW/ap  
WJPA21-47-1489JTHwy

Attachment:

1. Resolution

## **RESOLUTION**

**CASE NO. WJPA 21-0047. 1489 JOHN TYLER HIGHWAY**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mrs. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Jeffrey A. VandeSand and Mrs. Amy L. VandeSand (the “Applicants”), 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 Parcel Number 3430300004 and further identified as 1489 John Tyler Highway (the “Property”) as set forth in the application WJPA 21-0047; 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. 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
  - c. A surety of \$1,000 be paid and in place prior to commencement of work, in a form acceptable to the James City County Attorney’s Office to guarantee the revegetation of the bank; and
  - d. The Wetlands Permit for this project shall expire on September 8, 2024, 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 28, 2024, six weeks prior to the expiration date.

\_\_\_\_\_  
William Apperson  
Chairman, Wetlands Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of September, 2021.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA21-47-1489JTHwy-res

**From:** [Karla Havens](#)  
**To:** [Beth JPA"s](#)  
**Cc:** [Jeffrey VandeSand](#)  
**Subject:** VandeSand JPA -JCC  
**Date:** Tuesday, July 27, 2021 10:59:48 AM  
**Attachments:** [VandeSand JPA.pdf](#)

---

Good Morning,

Here is a JPA for the VandeSand shoreline stabilization project is JCC. Please note this is the second JPA recently submitted for them. The first JPA was for a pier.

Karla

Sent from [Mail](#) for Windows 10

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA #

## APPLICANTS

### Part 1 – General Information

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

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: <u>JAMES CITY COUNTY</u>				
Waterway at project site: <u>CHICKAHOMINY RIVER</u>				
<i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i>				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
WB, VMRC Corps	Pier	# 21-1246	2021	

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:

JEFFREY A. & AMY L. VANDESAND  
4012 AMBASSADOR CIRCLE  
WILLIAMSBURG, VA 23188-1449

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( 804 ) 615 - 0822  
e-mail jvandesand@gmail.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

State Corporation Commission Name and 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  
SHACKLEFORDS, VA 23156

Contact Information:  
Home ( ) \_\_\_\_\_  
Work ( 804 ) 785 - 2107  
Fax ( ) \_\_\_\_\_  
Cell ( 804 ) 366 - 1768  
e-mail karlashavens@gmail.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

CONSTRUCTION OF A 152' QUARRY STONE SILL WITH ASSOCIATED BEACH  
NOURISHMENT AND BANK GRADING (152' x 20' = 3,040 SF = 0.06 ACRES). ALL  
CONSTRUCTION SHALL TAKE PLACE LANDWARD OF MEAN LOW WATER.

SITE TO BE ACCESSED FROM THE UPLAND.

TWO UNDERCUT/LEANING OAKS TO BE REMOVED FROM THE EDGE OF  
EMBANKMENT.

## Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? \_\_\_ Yes\* X 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:

Contact Information:

Home ( ) \_\_\_\_\_

Work ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell ( ) \_\_\_\_\_

email \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

\* If multiple contractors, each must be listed and each must sign the applicant signature page.

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:

Telephone number

VIRGINIA GAZETTE

( 757 ) 220 - 1736

1430 HIGH STREET, UNIT 504

WILLIAMSBURG, VA 23188

\* DIRECT BILLING TO APPLICANT \*

7. Give the following project location information:

Street Address (911 address if available) 1489 JOHN TYLER HIGHWAY

Lot/Block/Parcel# GPIN = 3430300004 LRSN = 31120

Subdivision BARRETT'S FERRY LANDING

City / County WILLIAMSBURG / JAMES CITY

ZIP Code 23185

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.262503 / - 76.870002 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

8. What are the *primary and secondary purposes of and the need for* 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 MINIMIZE UPLAND EROSION.

THE NEED IS THAT THE SHORELINE EMBANKMENT IS ERODING.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
☒ Single user (private, non-commercial, residential)  
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and 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.*  
CONSIDERED DOING NOTHING AND CONSIDERED A REVETMENT.  
  
TWO UNDERCUT/LEANING OAK TREES TO BE REMOVED FROM THE EDGE OF THE EMBANKMENT. BANK GRADING TO BE KEPT TO A MINIMUM TO MINIMIZE IMPACTS TO THE CBPA BUFFER.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 30,400  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 0
13. Completion date of the proposed work: ASAP ONCE PERMITS ARE OBTAINED.
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

3430300005 / 31121

RICHARD J. & YESENIA P. BUSINELLE  
1493 JOHN TYLER HIGHWAY  
WILLIAMSBURG, VA 23185 - 7604

3430300003 / 31119 (1485 JOHN TYLER HIGHWAY)

LARRY & CARLA EVANS  
35 MARIAL ROSE DRIVE  
PORTSMOUTH, RI 02871 - 1278

## 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, USACE, 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.

JEFFREY A. VANDESAND

Applicant's Legal Name (printed/typed)

✓   
Applicant's Signature

✓ 7/22/21  
Date

AMY L. VANDESAND

(Use if more than one applicant)

✓   
(Use if more than one applicant)

Property Owner's Legal 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), JA & AL VANDESAND, hereby certify that I (we) have authorized KARLA S. HAVENS  
(Applicant's legal 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)

7/22/21  
(Date)

[Signature]  
(Applicant's Signature)

[Signature]  
(Use if more than one applicant)

7/22/21  
(Date)

### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), \_\_\_\_\_, have contracted \_\_\_\_\_  
(Applicant's legal name(s)) (Contractor's name(s))  
to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

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.

\_\_\_\_\_  
Contractor's name or name of firm

\_\_\_\_\_  
Contractor's or firms address

\_\_\_\_\_  
Contractor's signature and title

\_\_\_\_\_  
Contractor's License Number

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
(use if more than one applicant)

\_\_\_\_\_  
Date

JCC

**Part 2 – Signatures (continued)**

**ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM**

I (we), Larry and Carla Evans, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of JEFFREY A. & AMY L. VANDESAND  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 7-20-21  
(Date)

to be submitted for all necessary federal, state and local permits.

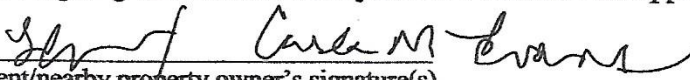
I HAVE NO COMMENT \_\_\_\_\_ ABOUT THE PROJECT.

I DO NOT OBJECT ✓ TO THE PROJECT.

I OBJECT \_\_\_\_\_ TO THE PROJECT.

**The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.**

(Before signing this form be sure you have checked the appropriate option above).

  
Adjacent/nearby property owner's signature(s)

7/26/21  
Date

**Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.**

JCC

Part 2 - Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Richard & Yesenia Busmelle, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of JEFFREY A. & AMY L. VANDESAND  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 7-20-21  
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT \_\_\_\_\_ ABOUT THE PROJECT.

I DO NOT OBJECT VB TO THE PROJECT.

I OBJECT \_\_\_\_\_ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Richard Busmelle  
Adjacent/nearby property owner's signature(s)

07/27/21  
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

### 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, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **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](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

CONSTRUCTION OF A 152' QUARRY STONE SILL WITH BEACH NOURISHMENT AND ASSOCIATED BANK GRADING.

ALL CONSTRUCTION IS LANDWARD OF MEAN LOW WATER.

2. What is the maximum encroachment channelward of mean high water? 16 feet.  
Channelward of mean low water? 0 feet.  
Channelward of the back edge of the dune or beach?      feet.
3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands 0 square feet
  - Non-vegetated wetlands 1216 square feet
  - Subaqueous bottom 0 square feet
  - Dune and/or beach      square feet

*SILL = 152' x 8' = 1216*

☒ 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.

### Part 3 – Appendices (continued)

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 I AND II QUARRY STONE, FILTER CLOTH, 100% BEACH QUALITY SAND FROM AN UPLAND SOURCE, SILT FENCE, APPROPRIATE UPLAND SEASONAL SEED MIXTURE.

REWORK EXISTING CONCRETE RUBBLE IN TO THE CORE OF THE PROPOSED STONE SILL.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 100 pounds per stone Class size I  
 Armor (outer layer) material 300 pounds per stone Class size II

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material

<u>0</u>	cubic yards channelward of mean low water
<u>50</u>	cubic yards landward of mean low water
<u>50</u>	cubic yards channelward of mean high water
<u>0</u>	cubic yards landward of mean high water

$$\begin{array}{r} 912 \\ \times 1.5 \text{ Ave.} \\ \hline 1368 / 27 = 50 \end{array}$$

- Area to be covered

<u>0</u>	square feet channelward of mean low water
<u>912</u>	square feet landward of mean low water
<u>50</u>	cubic yards channelward of mean high water
<u>0</u>	cubic yards landward of mean high water

$$(152 \times 6)$$

- Source of material, composition (e.g. 90% sand, 10% clay): 100% BEACH QUALITY SAND
- Method of transportation and placement:  
TRUCKED IN FROM AN UPLAND SOURCE AND SPREAD WITH A MINI-LOADER AND/OR EXCAVATOR.
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at  
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

# **GENERAL NOTES**

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE DERIVED FROM THE 1985 DATUM.
2. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. PARCELS IN E.I.R.M. ZONE "NEB" & "X" ACCORDING TO COMMUNITY PANEL #510502013D, DATED DECEMBER 16, 2015.
5. LOT SERVED BY PRIVATE WATER AND SEWER. (DESIGN BY OTHERS)
6. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
7. SURVEY DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
8. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
9. ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDINGS.

## **EROSION & SEDIMENT CONTROL NOTES**

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

## **SITE INFORMATION**

TOTAL AREA: 214,411± S.F. / 4.92± AC.

IMPERVIOUS AREA: 15,000± S.F. / 0.34± AC.

DISTURBED AREA: 56,500± S.F. / 1.3± AC.

PARCEL ID: 3430300004

ZONING DISTRICT: A1

PROPERTY IS LOCATED IN AN RMA & RPA

EXISTING SITE IS CLEARED AS SHOWN

## **BUILDING SETBACK (SBL)**

FRONT: 75'

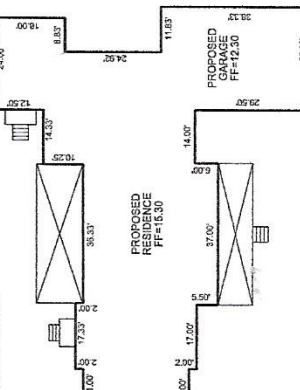
REAR: 100' RPA

SIDE: 15'

## **EXISTING ADDRESS:**

1483 JOHN TYLER HIGHWAY  
JAMES CITY COUNTY, VIRGINIA

## **HOUSE DETAIL**



SCALE: 1"=20'



DATE: 01/21/2021  
DRAWN BY: CG

PROJECT No. 20-416  
FILE NAME: 20-416.DWG

REFERENCES:  
INST. #070025795

PLOT PLAN OF  
LOT 4,  
"BARRETT'S FERRY LANDING"  
FOR  
BLACKROCK BUILDERS

JAMES CITY COUNTY

VIRGINIA

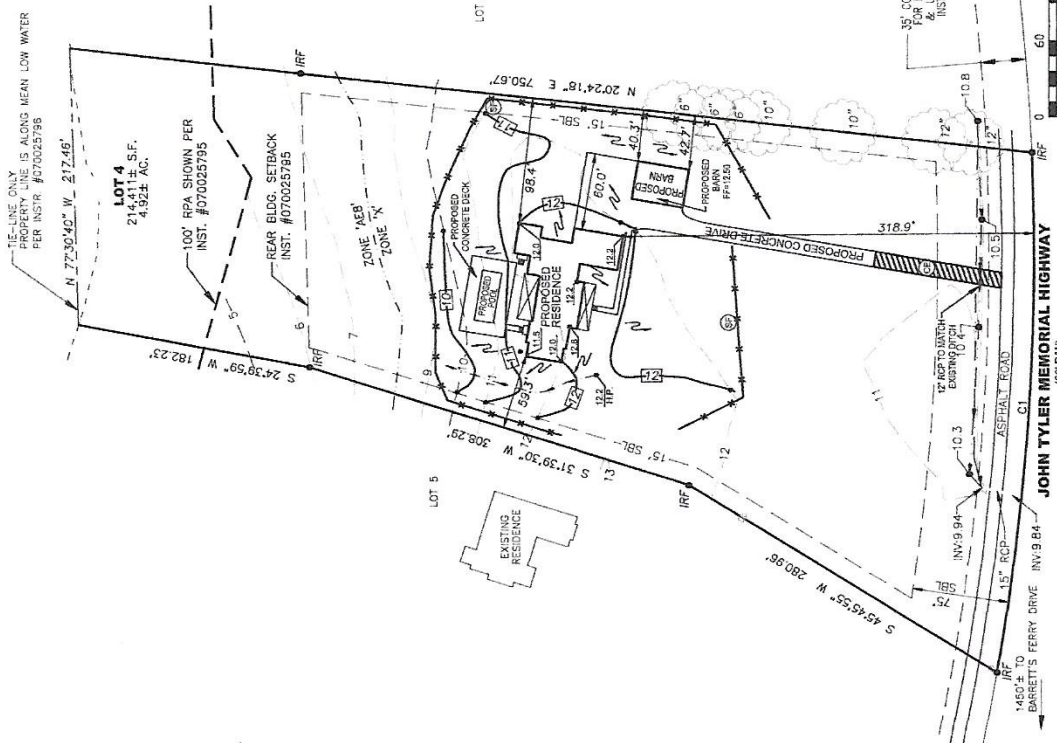
NO. DATE REVISION / COMMENT / NOTE

CURSET POINTS (ARC LENGTH) CHORD LENGTH CHORD BEARING (DECA. ANGLE)
C1 1877.00' 410.62' 409.79' N 72°03'31" W 1232.02'

IRF = IRON ROD FOUND

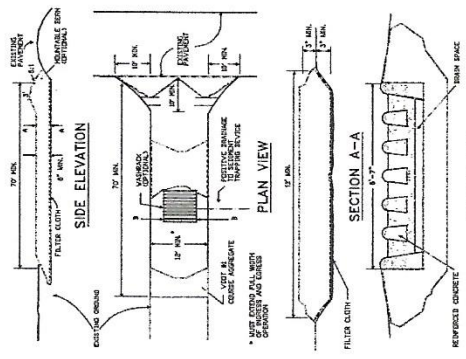
CHICKAHOMINY RIVER

RECORD MERIDIAN  
INST. #070025795



SCALE: 1"=60'

# **STONE CONSTRUCTION ENTRANCE**



## **CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)**

1. SET THE STAKES.

2. EXCAVATE ALONG THE LINE OF STAKES.

3. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

5. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

6. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

7. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

8. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

9. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

10. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

11. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

12. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

13. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

14. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

15. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

16. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

17. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

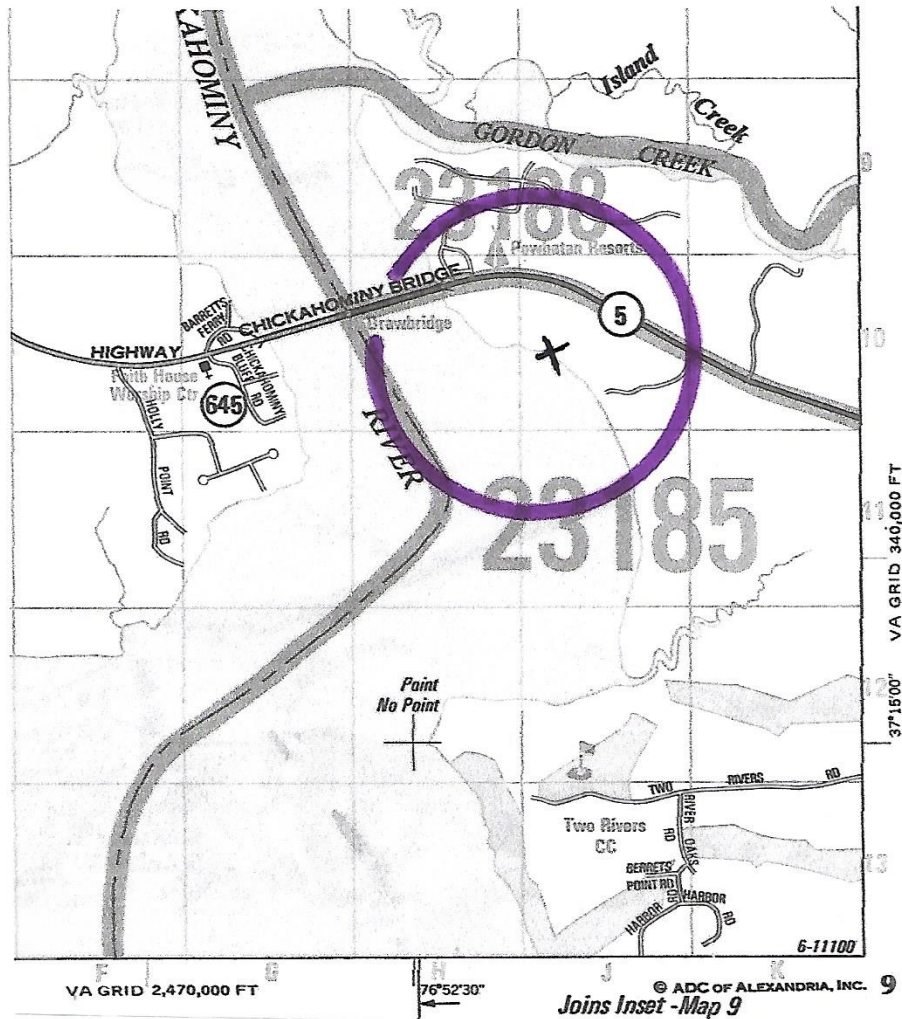
18. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

19. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

20. STAPLE FILTER MATERIAL TO INSURE AND EXTEND TO THE FULL DEPTH OF THE EXCAVATION.

**LRI**  
**LANDTECH**  
**RESOURCES, INC.**  
ENGINEERING & SURVEYING CONSULTANTS  
245 N. 10TH ST., SUITE 100  
JAMES CITY, VA 22024  
TEL: (703) 565-1877 FAX: (703) 565-0742  
web: landtechresources.com

800% Applied from Installation of Stone and Stone Filter Barriers for Sediment Control, LRI, INC.  
160 Severn Mill Way

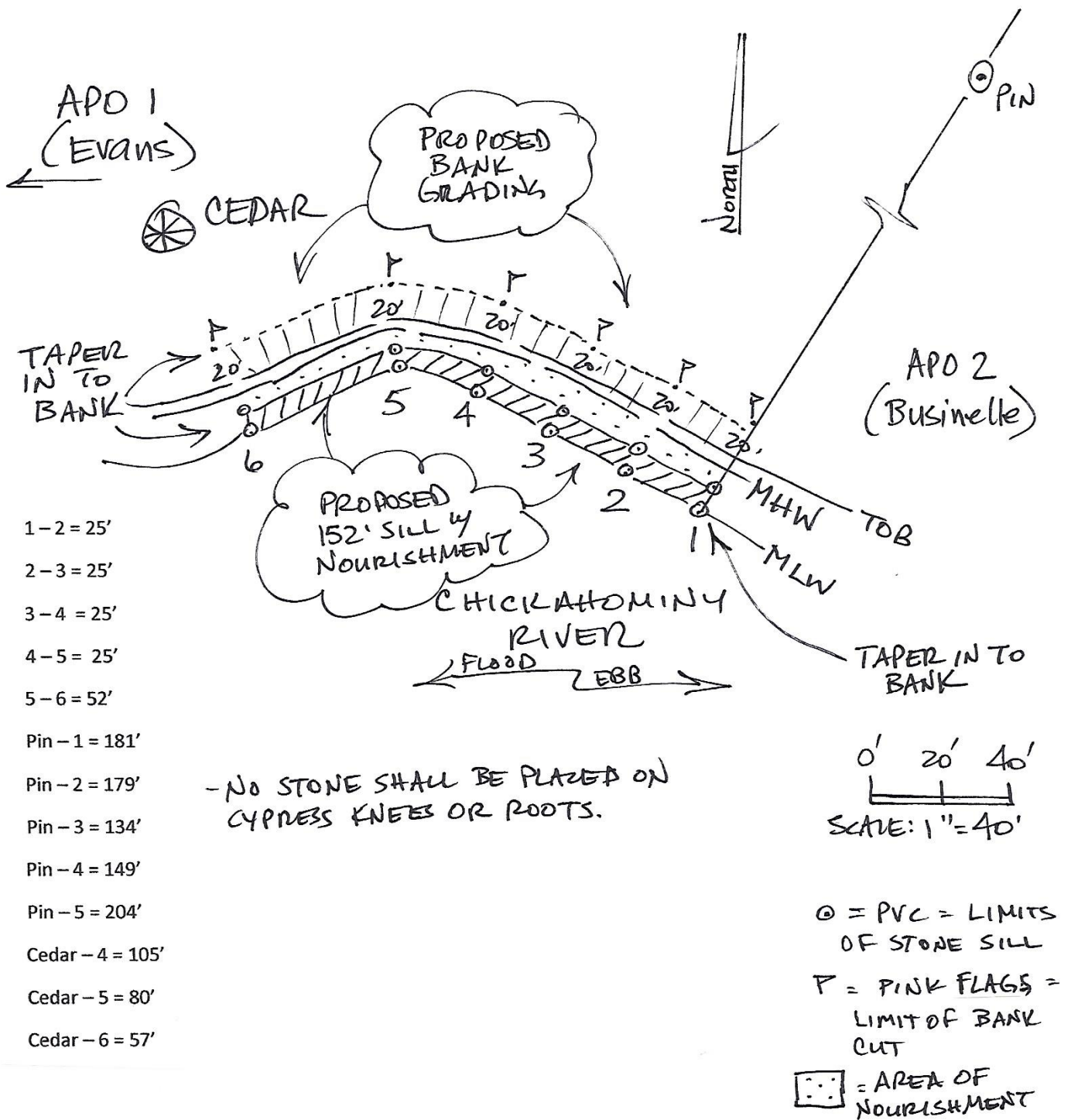


ADC Street Map Book - Virginia Peninsula,  
Map 3, Page 9, 1996

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.

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> <li>1. Larry &amp; Carla Evans</li> <li>2. Richard J. &amp; Yesenia P. Businelle</li> </ol>	<p>VICINITY MAP</p> <p>James City County</p> <p>LRSN = 31120</p>	<p>JEFFREY A. &amp; AMY L. VANDESAND</p> <p>1489 John Tyler Hwy. - Williamsburg</p> <p>On the Chickahominy River</p> <p>Date: 7-20-21 Sheet 1 of 3</p>
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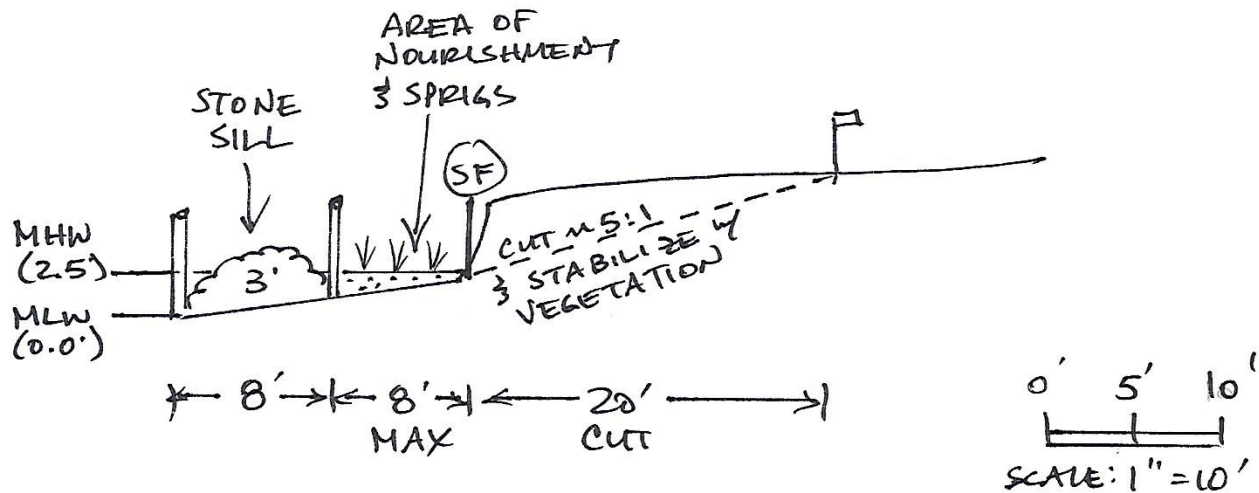
Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com



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:	SITE PLAN	JEFFREY A. & AMY L. VANDESAND
1. Larry & Carla Evans	James City County	1489 John Tyler Hwy. - Williamsburg
2. Richard J. & Yesenia P. Businelle	LRSN = 31120	On the Chickahominy River
		Date: 7-20-21 Sheet 2 of 3

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com



Class I core stone & Class II armor stone over filter cloth with 2:1 slope face.

No stone to be placed on Cypress knees or roots.

Existing concrete rubble to be worked in to core of sill and/or disposed of in a legal manner.

Nourish area between sill and toe of bank with beach quality sand trucked in from an upland source.

Sprig area of nourishment with common three-square and soft-stem bullrush on 24-inch centers.

Cut back existing bank 20' (to pink flagging) on ~ 5:1 slope and stabilize with deep-rooted native grasses.

A silt fence shall be installed and maintained at the toe of the bank cut (above mean high water) until a complete vegetative cover is established.

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	JEFFREY A. & AMY L. VANDESAND
1. Larry & Carla Evans	James City County	1489 John Tyler Hwy. - Williamsburg
2. Richard J. & Yesenia P. Businelle	LRSN = 31120	On the Chickahominy River
		Date: 7-20-21 Sheet 3 of 3

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com



**General Services**

107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080

General.Services@jamescitycountyva.gov

[jamescitycountyva.gov](http://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 18, 2021

RE: WJPA 21-0047  
1489 John Tyler Highway  
Construction of a dock, kayak and canoe launch, landing and gangway.

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 Board by Ms. Karla S. Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Jeffrey and Ms. Amy VandeSand, for encroachment into the tidal wetlands associated with the construction of a sill, beach nourishment and bank grading. The project is located at 1489 John Tyler Highway and further identified as JCC Parcel Number 3430300004.

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 Wetlands Board will hold an advertised public hearing on **September 8, 2021 at 5:00 p.m.**, in the Board Room of Building D, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6823  
[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)

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

MDW: jep

Mailing List for: WJPA-21-0047 – 1489 John Tyler Highway– Construction of a sill, beach nourishment and bank grading.

Owner: 3430300004 – 1489 John Tyler Highway

VandeSand, Jeffrey A & Amy L  
4012 Ambassador Circle  
Williamsburg, VA 23188-1449

Contractor:

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

3430300003 – 1485 John Tyler Highway

Evans, Larry & Carla  
35 Marial Rose Drive  
Portsmouth, RI 02871-1278

3430100002 – 1350 John Tyler Highway

James City County  
Attn: Ms. Grace Boone  
P.O. Box 8784  
Williamsburg, VA 23187-8784

3430300005

Businelle, Richard J & Yesenia P  
1493 John Tyler Highway  
Williamsburg, VA 23185-7604

Virginia Marine Resource Center  
Attn: Mr. Ben Nettleton  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

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

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

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 8, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING D, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-21-0043/VMRC-2021-1556: Roth Environmental, LLC, on behalf of Westport Neighborhood Association, Inc., has applied for a wetlands permit for the construction of a kayak and canoe launch and community pier at 3475 Westport, JCC Parcel ID No. 3620500001A.

WJPA-21-0045/VMRC-2021-1575: Vanasse Hangen Brustlin, Inc., on behalf of James River Association, has applied for a wetlands permit for the construction of a dock, kayak and canoe launch, landing and gangway at 541 Neck-O-Land, JCC Parcel ID No. 5610100001.

WJPA-21-0047/VMRC-2021-1609: Mid-Atlantic Resource Consulting, on behalf of Mr. Jeffrey and Ms. Amy VandeSand, has applied for a wetlands permit for the construction of a sill, beach nourishment and bank grading at 1489 John Tyler Highway, JCC Parcel ID No. 3430300004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA-21-0128: The Structures Group, Inc., on behalf of Kingsmill Community Services Association has filed an exception request for encroachments into the RPA buffer for construction of a retaining wall at 155 Wareham's Point, JCC Parcel ID No. 5041900001B.

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

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 25, 2021 and SEPTEMBER 1, 2021.  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W  
CARD # x9941

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