

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
August 8, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from June 13, 2018, meeting

D. PUBLIC HEARINGS

1. WJPA 18-0030 / VMRC 18-0967 : 3032 North Riverside Drive
2. WJPA 18-0046 / VMRC 18-0763 : 8400 Hicks Island Road

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/8/2018
TO: Wetlands Board
FROM: Wetlands Board Secretary
SUBJECT: Minutes from June 13, 2018, meeting

Minutes from June 13, 2018, meeting

ATTACHMENTS:

	Description	Type
☐	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	8/3/2018 - 2:39 PM
Publication Management	Daniel, Martha	Approved	8/3/2018 - 4:11 PM
Wetlands Group	Secretary, Wetland	Approved	8/3/2018 - 4:11 PM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
June 13, 2018
5:00 PM

VIDEO A. CALL TO ORDER

The Wetlands Board meeting for June 13, 2018 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 their despoliation.

VIDEO B. ROLL CALL

Board Members Present:

Charles Roadley
Larry Waltrip
David Gussman
John Hughes
William Apperson

Board Members Absent:

None

County Staff Present:

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Frances Geissler, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Assistant, Stormwater and Resource Protection

VIDEO C. MINUTES

VIDEO 1. Minutes from May 9, 2018, regular meeting

The minutes from the May 9, 2018, regular meeting were approved as written on a voice vote.

VIDEO D. PUBLIC HEARINGS

VIDEO 1. W-26-18 / VMRC 18-0763 : 8401 Hicks Island Road

Staff has requested a deferral until August 8, 2018 Wetlands Board meeting for the wetland permit applied for by Ms. Karla Havens, Mid-Atlantic Resources Consulting, and submitted on behalf of Stephen and Lori Caudill.

VIDEO **E. BOARD CONSIDERATIONS**

VIDEO 1. W-17-17 / VMRC 17-0074: 7596 Uncles Neck

Mr. Trevor Long presented the findings of the mitigation requirement for W-17-17. Staff recommends the return of the \$1,000 surety held for mitigation purposes. The property is further identified as James City County Parcel No. 2010200024.

Mr. Roadley made a motion to accept the surety release for W- 17-17 at 7596 Uncles Neck.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

VIDEO **F. MATTERS OF SPECIAL PRIVILEGE**

None

VIDEO **G. ADJOURNMENT**

The meeting adjourned at 5:13 p.m.

ITEM SUMMARY

DATE: 8/8/2018

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: WJPA-18-0030 / VMRC 18-0967 : 3032 North Riverside Drive

Ms. Donna Fowler has applied for a wetlands permit to construct a bulkhead at 3032 North Riverside Drive, in the Chickahominy Haven subdivision, JCC Parcel No. 1910200049.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Joint Permit Application	Backup Material
☐	Presentation	Presentation
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	8/2/2018 - 8:40 AM
Wetlands Group	Geissler, Fran	Approved	8/2/2018 - 9:34 AM
Publication Management	Daniel, Martha	Approved	8/2/2018 - 9:44 AM
Wetlands Group	Secretary, Wetland	Approved	8/2/2018 - 10:42 AM

**WETLAND BOARD CASE No. WJPA-18-0030 / VMRC-18-0967. 3032 North Riverside Drive
Staff Report for the August 8, 2018, Wetland Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Donna Fowler
Agent: Karla Havens
Location: 3032 North Riverside Drive
Parcel: Lot 4, Section 1, Chickahominy Haven
PIN: 1910200049
Watershed: Yarmouth Creek (JL 28)
Floodplain: Zone AE - Special Flood Hazard Area subject to 1% annual chance flood
Proposed Activity: To construct a bulkhead
Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Karla Havens has applied for a wetlands permit on behalf of Donna Fowler to construct an 80-linear foot bulkhead pier a maximum of two feet channelward of the existing bulkhead on property located at 3032 North Riverside Drive, within the Chickahominy Haven subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1910200049.

Approximately 24 square feet of Type XII vegetated wetlands are subject to disturbance during the construction of this project. Due to the amount of potential disturbance, staff suggests a surety in the amount of \$350 shall be required to guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. (see below) and shall be in a form acceptable to the James City County Attorney’s office.

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;
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

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

STAFF RECOMMENDATIONS

Staff recommends approval of the application. 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;
2. Wetlands compensation shall be required to be paid to a tidal wetlands bank by the applicant for the proposed 24 square feet of tidal wetland impacts and proof of sale provided to the Division. The surety shall be returned once proof of sale has been provided;
3. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities;
4. The Wetlands Permit for this project shall expire on August 8, 2019, if construction has not begun;
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 six weeks prior to the expiration date.

MDW/nb
WJPA18-30-VMRC18-967

Attachment:

1. Joint Permit Application

RESOLUTION

CASE NO. WJPA-18-0030/VMRC 18-0967. 3032 NORTH RIVERSIDE DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Donna Fowler (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 No. 1910200049 and further identified as 3032 North Riverside Drive in the Chickahominy Haven subdivision (the “Property”) as set forth in the application WJPA-18-0030/VMRC 18-0967; 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 applicants must obtain all other necessary local, state and/or federal permits required for the project;
 - b. A surety in the amount of \$1,000 shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney’s office;
 - c. Wetlands Compensation shall be required to be paid by the applicant for the proposed 24 square feet of impacts to vegetated Wetlands. All surety required shall be held until proof of the Wetlands Compensation payment is submitted and approved by the Stormwater and Resource Protection Division;
 - d. 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;

- e. The Wetlands Permit for this project shall expire on May 9, 2019, if construction has not begun; and
- f. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

John Hughes
Chairman, Wetlands Board

Michael Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of August, 2018.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA18-30-VMRC18-967-res

Beth Howell

From: Karla Havens
Sent: Monday, June 18, 2018 3:58 PM
To: Beth JPA's
Cc: Donald Hicks
Subject: Fowler JPA
Attachments: Fowler JPA.pdf

Hi Beth,
Attached should be a JPA for Ms. Fowler.
Karla



Part 1 – General Information

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

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

<p>1. Applicant's name* and complete mailing address:</p> <p>DONNA G. FOWLER 3032 N. RIVERSIDE DRIVE LANEXA, VA 23089-9403</p>	<p>Contact Information:</p> <p>Home (757) 566-1374 Work () _____ Fax () _____ Cell/ Pager () _____ e-mail _____</p> <p>State Corporation Commission ID Number (if applicable) _____</p>
--	--

<p>2. Property owner(s) name* and complete address, if different from applicant</p>	<p>Contact Information:</p> <p>Home () _____ Work () _____ Fax () _____ Cell/ Pager () _____ e-mail _____</p> <p>State Corporation Commission ID Number (if applicable) _____</p>
---	---

<p>3. Authorized agent name* and complete mailing address (if applicable):</p> <p>KARLA S. HAVENS MID-ATLANTIC RESOURCE CONSULTING 1095 CHERR ROW LANE PLAINVIEW, VA 23156</p>	<p>Contact Information:</p> <p>Home () _____ Work (804) 785-2107 Fax () _____ Cell/ Pager (804) 366-1768 e-mail karlashavens@gmail.com</p> <p>State Corporation Commission ID Number (if applicable) _____</p>
--	--

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

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

CONSTRUCT APPROXIMATELY _____ LINEAR FEET OF VINYL BULKHEAD WITHIN 2' CHANNELWARD OF AN EXISTING FAILING BULKHEAD.

RECEIVED	FOR AGENCY USE ONLY
JUN 18 2018	Notes:
MARINE RESOURCES COMMISSION	JPA # 18-0967

Part 1 - General Information (continued)

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

Contractor's name* and complete mailing address:

DONALD W. HICKS
WATERFRONT PIERS & BULKHEADS, INC.
P. O. BOX 341
LANEXA, VA 23089

Contact Information:

Home () _____
Work (757) 345-1940 _____
Fax () _____
Cell / Pager () _____
email piledriver6131@yahoo.com

State Corporation Commission ID Number (if applicable) _____

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

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

Name and complete mailing address:

VIRGINIA GAZETTE
216 IRONBOUND ROAD
WILLIAMSBURG, VA 23188

Telephone number

(757) 220-1736 _____

7. Give the following project location information:

Street Address (911 address if available) 3032 N. RIVERSIDE DRIVE _____

Lot/Block/Parcel# L-49, S-1 LSRN 20807 PIN 1910200049 _____

Subdivision CHICKAHOMINY HAVEN _____

City / County LANEXA / JAMES CITY Zipcode 23089-9403 _____

Latitude and Longitude at Center of Project Site (Decimal Degrees): 37.21'57.28"N x 76.54'09.22"W

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

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

Part 1 - General Information (continued)

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

PRIMARY PURPOSE IS TO MINIMIZE SHORELINE EROSION.
SECONDARY PURPOSE IS TO MINIMIZE BANK EROSION.

9. Proposed use (check one):

Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)

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

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

NO CLEARING, GRADING, EXCAVATING REQUIRED.

A SILT FENCE SHALL BE INSTALLED AND MAINTAINED UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED ON THE LANDWARD SIDE OF THE PROPOSED BULKHEAD.

ALL DISTURBED AND DENUDED AREAS SHALL BE SEEDED WITH AN APPROPRIATE SEASONAL SEED MIXTURE.

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

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

<u>Agency / Representative</u>	<u>Activity</u>	<u>Permit/Project No.</u>	<u>Action** & Date</u>
--------------------------------	-----------------	---------------------------	----------------------------

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

Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___ Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ 19,750
Approximate cost of that portion of the project which is below mean low water: \$ 0
14. Completion date of the proposed work: ASAP ONCE PERMITS ARE OBTAINED - _____
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).

CAROLINE C. HAMER TRUSTEE
3034 N. RIVERSIDE DRIVE
LANEXA, VA 23089

JAMES O. & BETTY M. SMITH
3030 N. RIVERSIDE DRIVE
LANEXA, VA 23089

Part 2 - Signatures

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

NOTE: REQUIRED FOR ALL PROJECTS

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

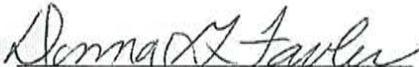
CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises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

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

DONNA G. FOWLER

Applicant's Name (printed/typed)

(Use if more than one applicant)


Applicant's Signature

(Use if more than one applicant)

6-8-2018
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

DONNA G. FOWLER

KARLA S. HAVENS

I (we), _____, hereby certify that I (we) have authorized _____
(Applicant's name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Karla S. Havens

(Agent's Signature)

(Use if more than one agent)

6-8-18

(Date)

Donna G. Fowler

(Applicant's Signature)

(Use if more than one applicant)

6-8-2018

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

DONNA G. FOWLER

DONALD W. HICKS

I (we), _____, have contracted _____
(Applicant's 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.

DONALD W. HICKS

Contractor's name or name of firm

WATERFRONT PIERS & BULKHEADS, INC.

P. O. BOX 341

LANEXA, VA 23089

Contractor's or firms address

2705-100343 A

Contractor's License Number

Contractor's signature and title

Donna G. Fowler

(Applicant's signature)

(use if more than one applicant)

6-8-2018

(Date)

Part 3 – Appendices (continued)

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

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

- For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 80 linear feet. If applicable, what is the volume of the associated backfill? 10 cubic yards. $80' \times 7' = 560' \times 0.5' = 280 / 27 = 10$ cu yds
- What is the maximum encroachment channelward of mean high water? 2 feet.
channelward of mean low water? 0 feet.
channelward of the back edge of the dune or beach? N/A feet.

- Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 160 square feet
 - Subaqueous bottom 0 square feet
 - Dune and/or beach 0 square feet

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

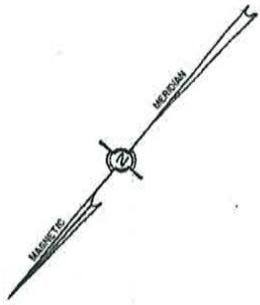
If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

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

- 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.

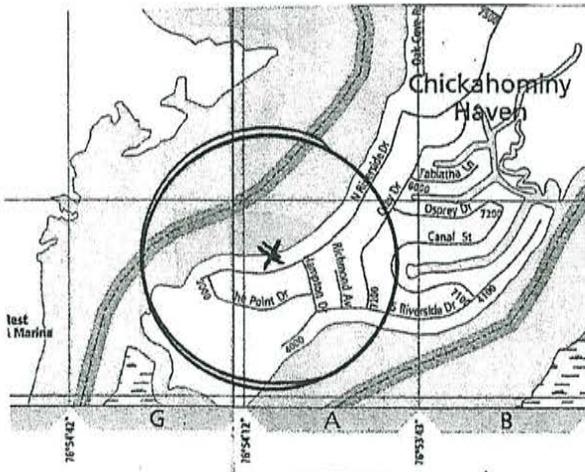
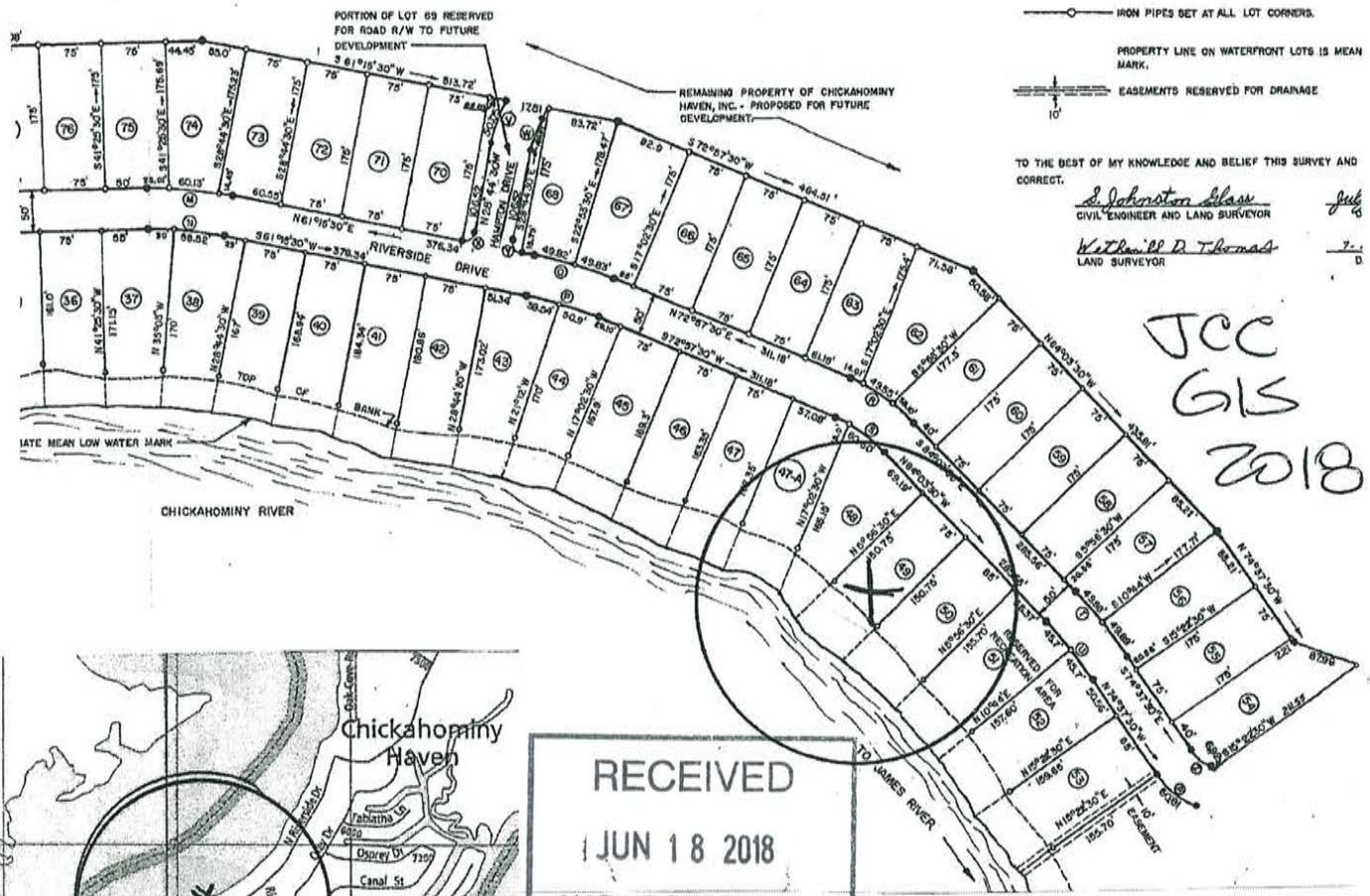
VINYL SHEETING, TREATED TIMBER PILES, TREATED TIMBER STRINGERS, H.D.G. HARDWARE, 100% SAND BACKFILL FROM AN UPLAND SOURCE.

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



CURVE DATA TABLE						
NO.	DELTA	RADIUS	TANGENT	ARC	CHORD	CHD. BEARING
M	12°46'	449.00	80.00	99.59	88.34	N84°05' E
N	12°41'	399.90	44.44	88.82	88.34	N84°05' W
O	11°42'	488.00	80.00	99.65	99.47	N67°06'30" E
P	11°48'	438.00	44.88	89.44	89.28	S87°06'30" W
R	22°59'	245.94	50.00	98.66	97.99	N84°27' E
S	22°59'	195.94	39.83	78.60	78.07	S84°27' W
T	9°33'	296.48	50.00	99.77	99.65	S79°16' E
U	9°33'	296.48	45.81	91.40	91.30	N79°16' W
V	10° 18'	159.37	28.80	37.05	36.28	S10° 05'30" E
W	10° 18'	119.37	20.31	30.21	30.02	N10° 05'30" W
X	90° 00'	12.50	12.50	19.63	17.68	N10° 10' 30" E
Y	90° 00'	12.50	12.50	19.63	17.68	S77° 44' 30" W
Z	34° 11'	52.09	18.02	31.02	30.62	S88° 17' W
A	34° 11'	102.09	31.59	60.81	60.01	N88° 17' E

SUBDIVISION PLAT-SECTION
CHICKAHOMINY H.
 CHICKAHOMINY HAVEN, INC.-OWNERS & DI
 LOCATED ON THE CHICKAHOMINY RIVE
 COUNTY OF JAMES CITY
 VIRGINIA
 SCALE: 1" = 100' JULY
 S. J. GLASS & ASSOCIATES
 ENGINEERS & SURVEYORS - VIRGINIA
 SHEET

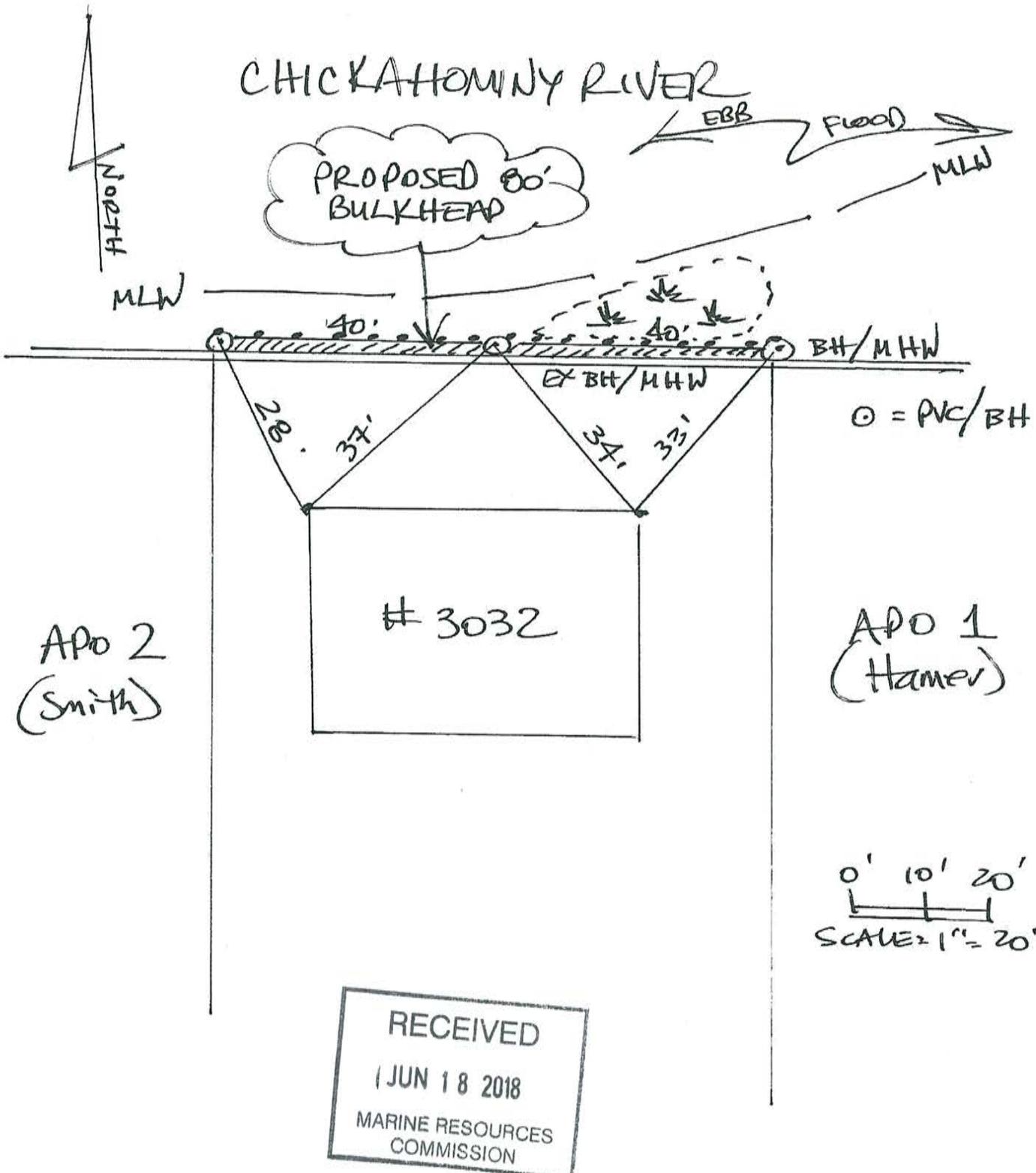


RECEIVED
 JUN 18 2018
 MARINE RESOURCES
 COMMISSION

Rand McNally, Greater Richmond, VA
 2009, pages 176 & 177

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 1. Caroline C. Hamer Trustee 2. James O. & Betty M. Smith	VICINITY MAP James City County LOT 49, SEC 1	DONNA G. FOWLER 3032 N. Riverside Drive on the Chickahominy River Date: 6-15-18 Sheet 1 of 3
--	--	---



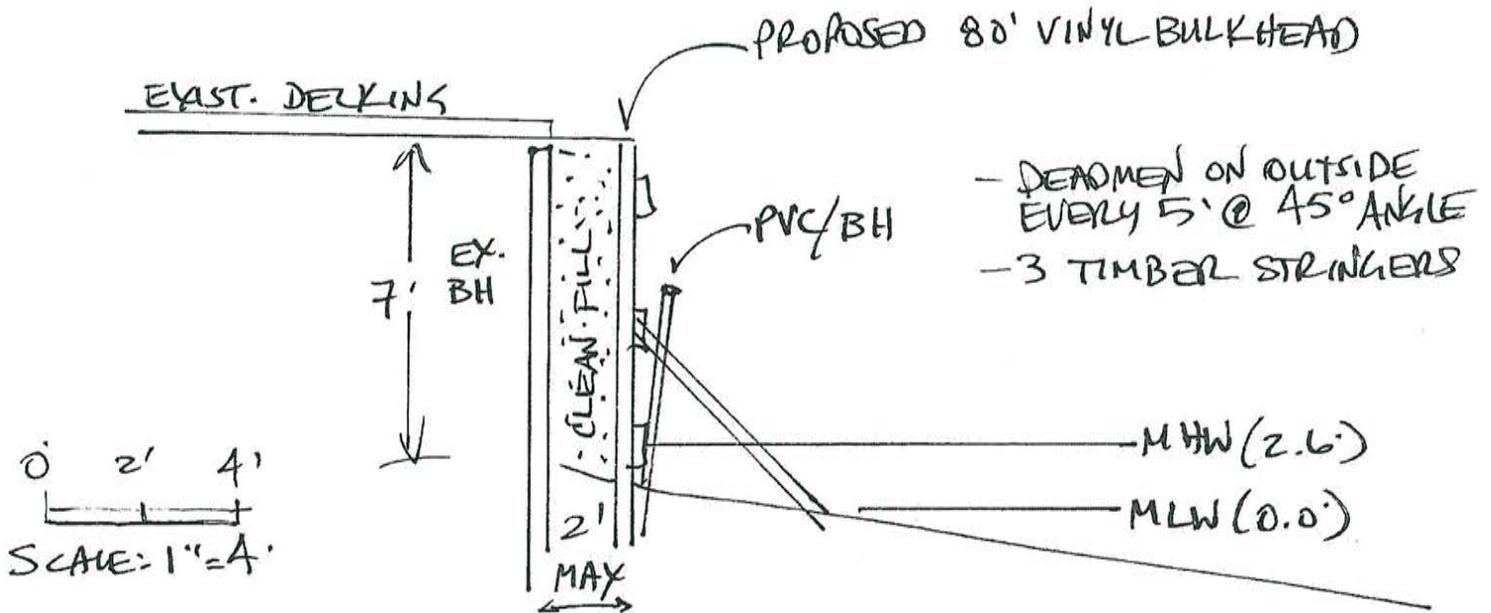
Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated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

<p>Adjacent Property Owners</p> <ol style="list-style-type: none"> 1. Caroline C. Hamer Trustee 2. James O. & Betty M. Smith 	<p>SITE PLAN</p> <p>James City County LOT 49, SEC 1</p>	<p>DONNA G. FOWLER 3032 N. Riverside Drive on the Chickahominy River</p> <p>Date: 6-15-18 Sheet 2 of 3</p>
--	---	--

RECEIVED
 JUN 18 2018
 MARINE RESOURCES
 COMMISSION

BACKFILL

$$80' \times 7' = 560' \times 0.5' = 280 / 27 = 10 \text{ cu yds}$$



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 1. Caroline C. Hamer Trustee 2. James O. & Betty M. Smith	DETAIL James City County LOT 49, SEC 1	DONNA G. FOWLER 3032 N. Riverside Drive on the Chickahominy River Date: 6-15-18 Sheet 3 of 3
--	--	---



Wetlands Board of James City County, Virginia

August 8, 2018

WJPA-18-0030

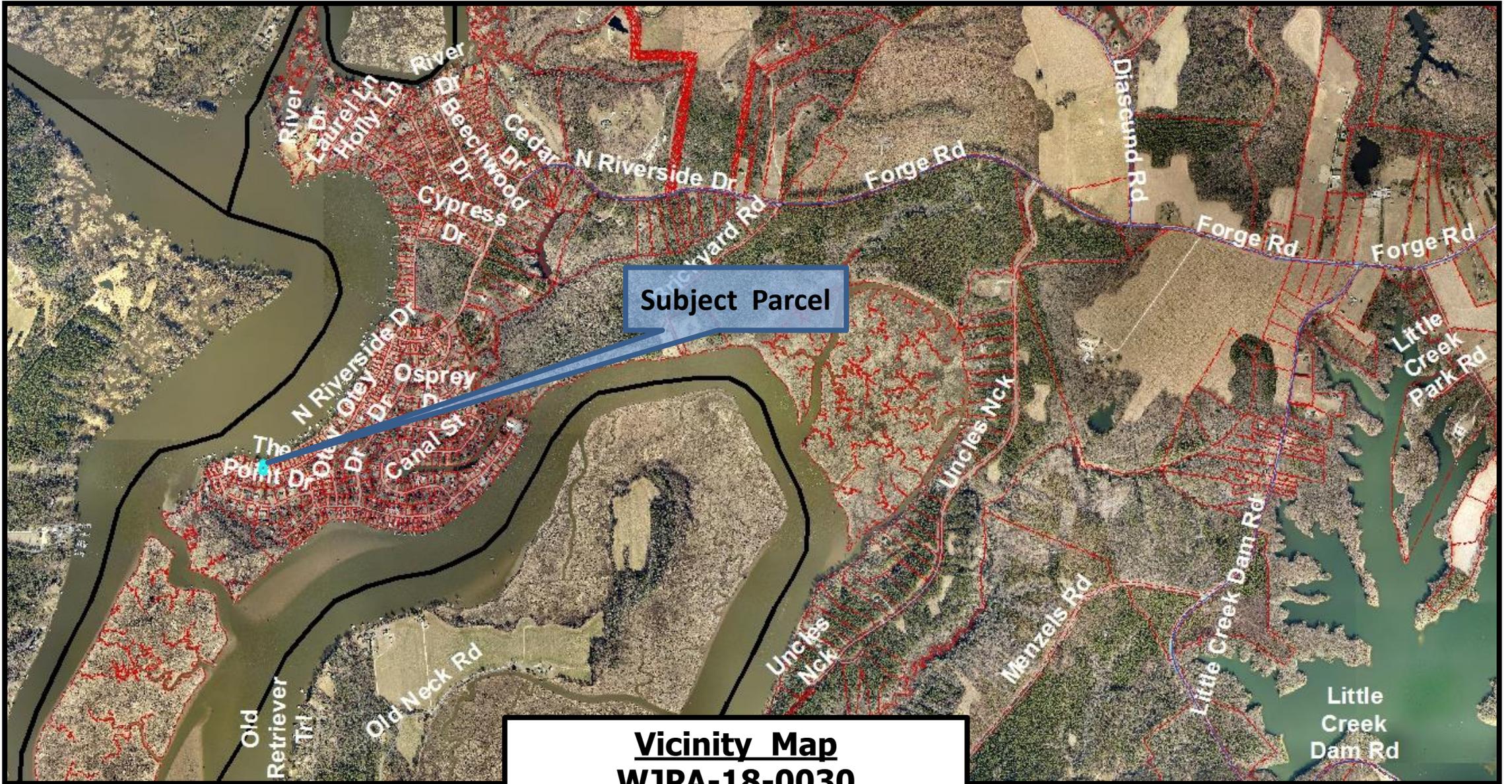
Donna Fowler

3032 N Riverside Dr.



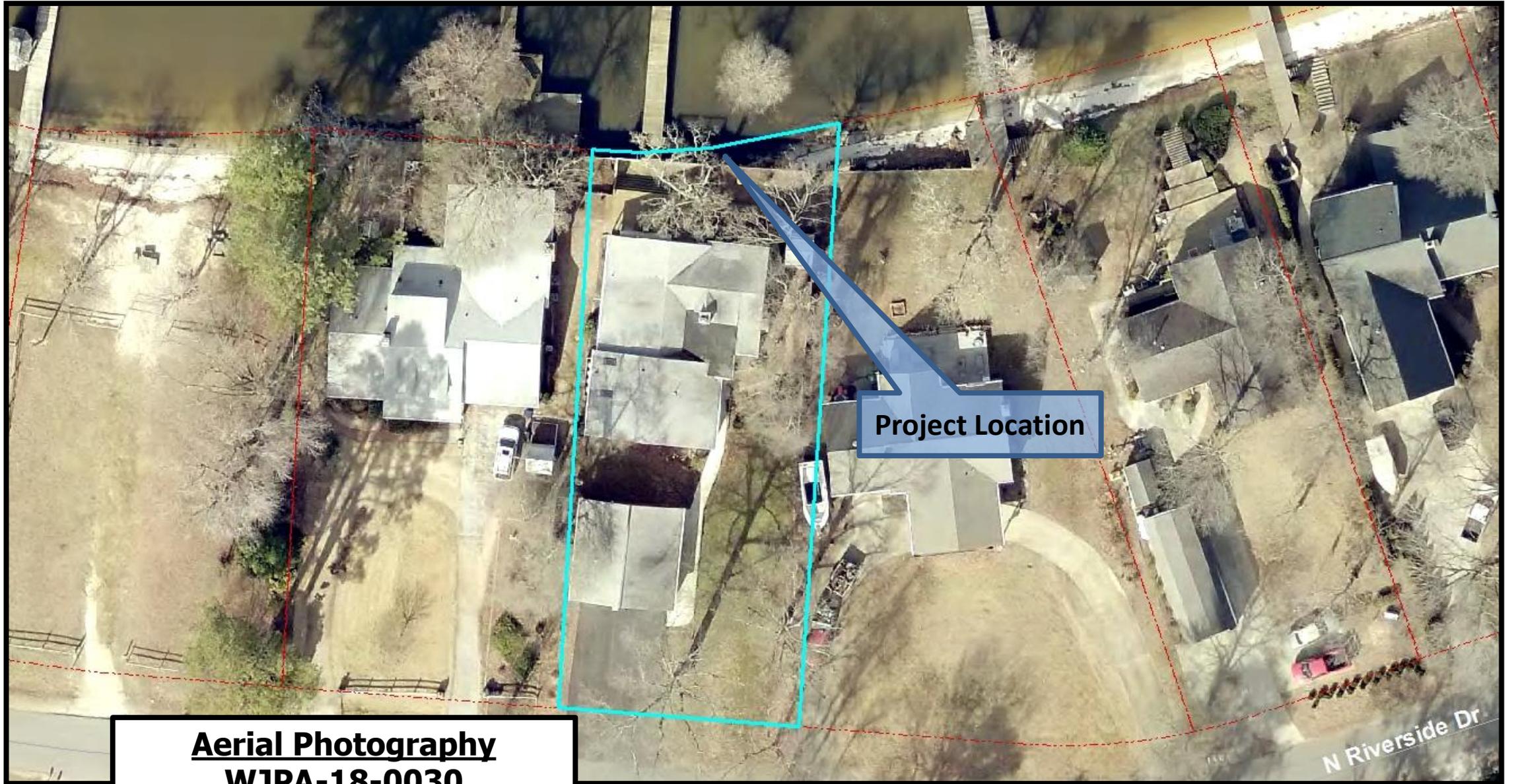
Applicant Request

- ✓ To construct a bulkhead.



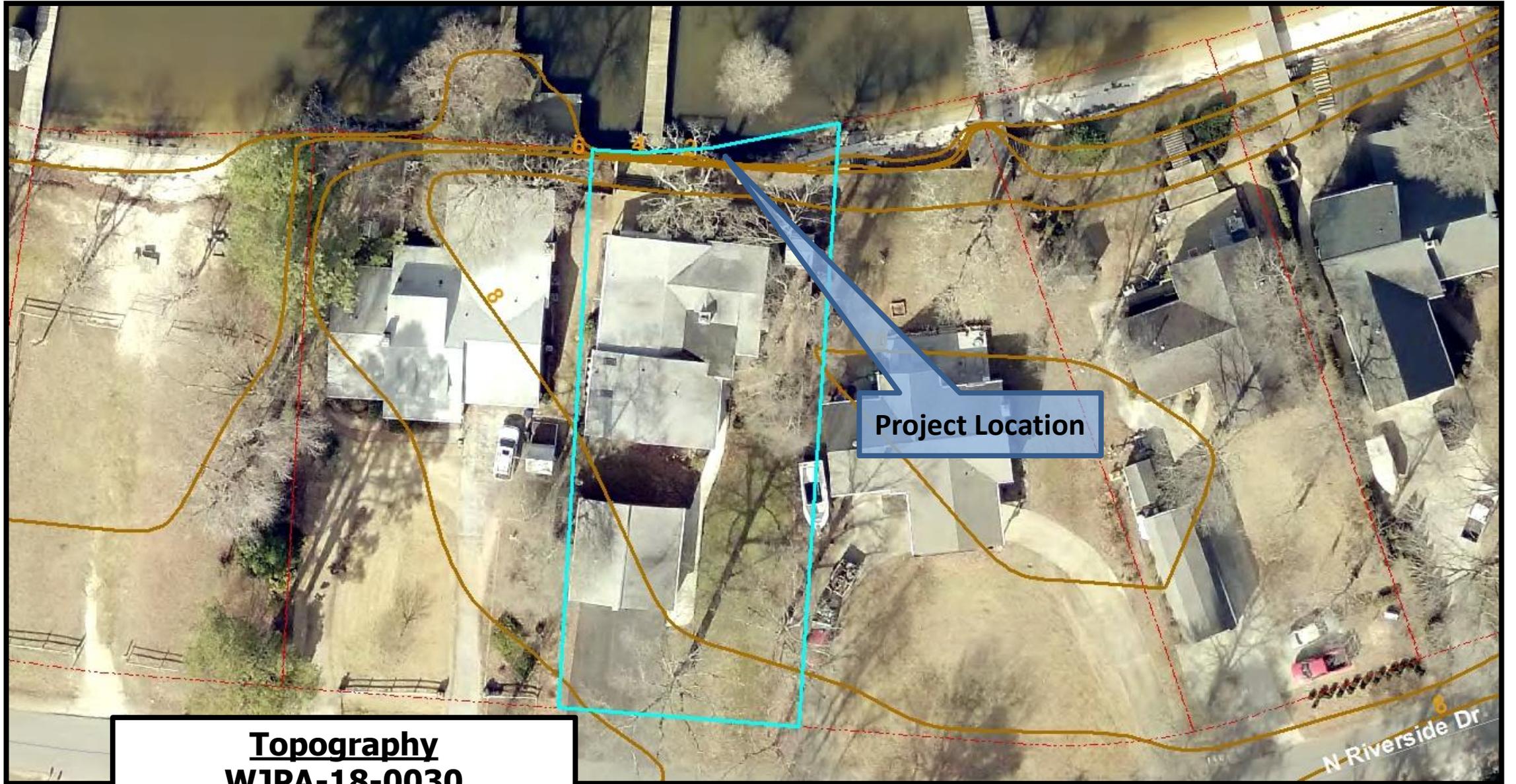
Subject Parcel

Vicinity Map
WJPA-18-0030
3032 N Riverside Dr.

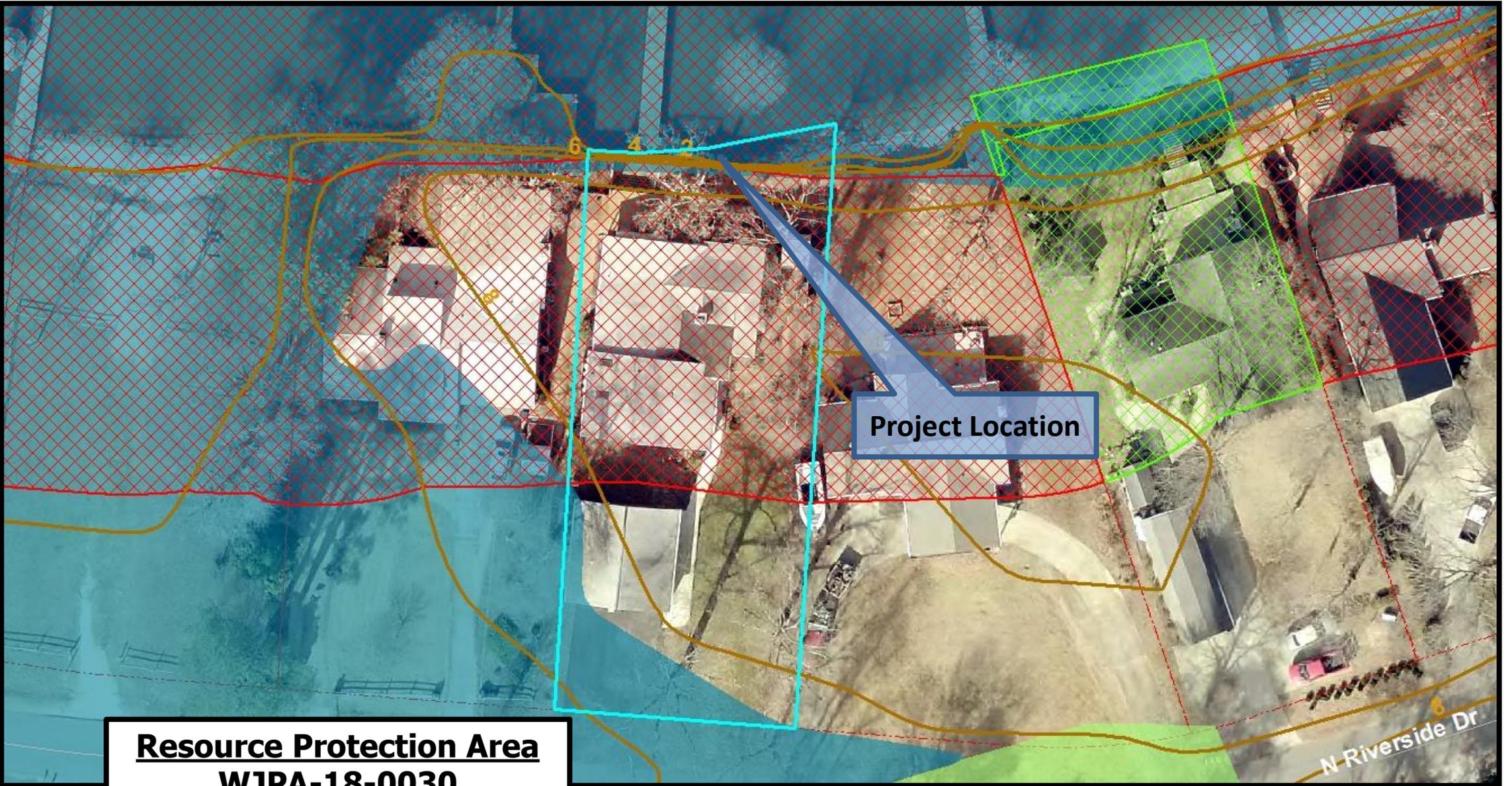


Project Location

Aerial Photography
WJPA-18-0030
3032 N Riverside Dr.



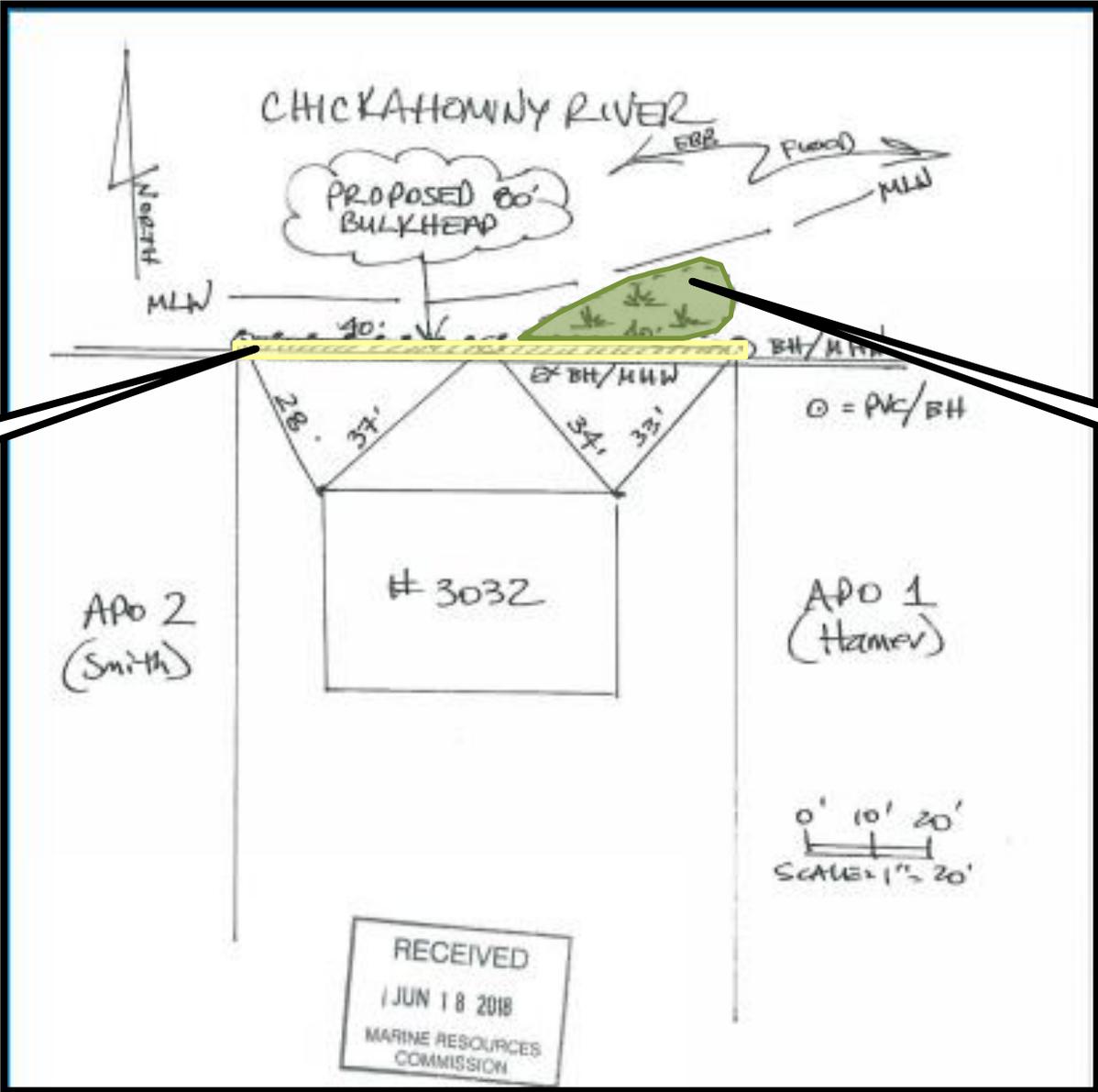
Topography
WJPA-18-0030
3032 N Riverside Dr.



Resource Protection Area
WJPA-18-0030
3032 N Riverside Dr.

Project Location

N Riverside Dr

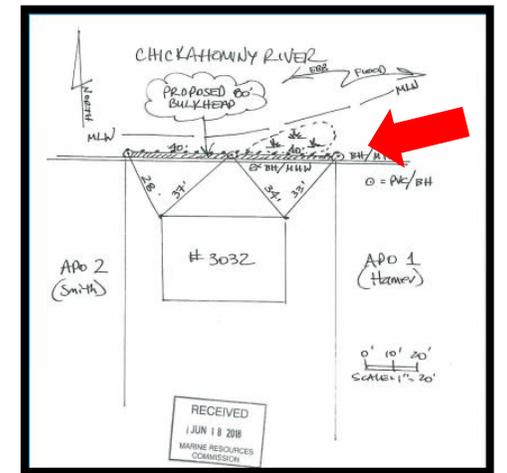


Proposed Bulkhead

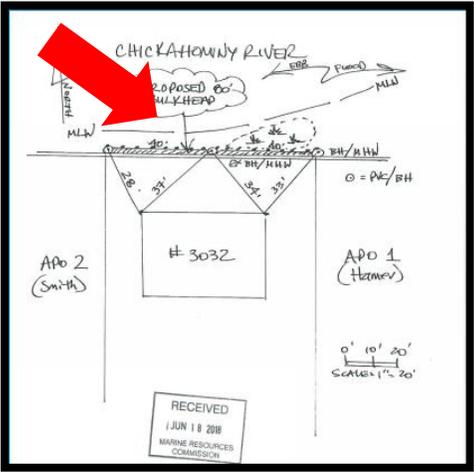
Vegetated Wetlands

Site Plan showing proposed improvements, received June 18, 2018. For representative use only for presentation of case # WJPA-18-0030/ VMRC-2018-0967.

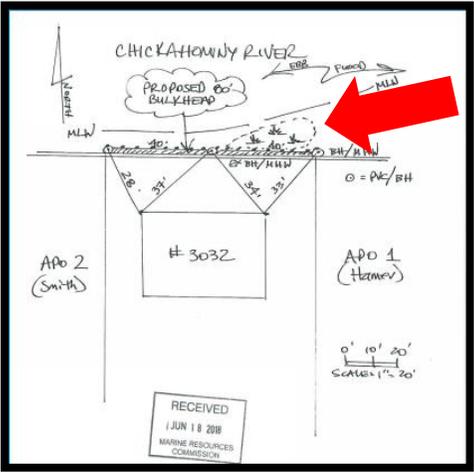
Site Plan – WJPA-18-0030
3032 N Riverside Dr.



**Site Photograph #2 – WJPA-18-0030
3032 N Riverside Dr.**



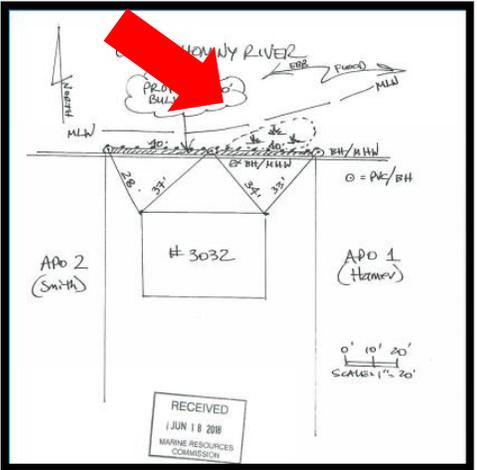
**Site Photograph #3 – WJPA-18-0030
3032 N Riverside Dr.**



**Site Photograph #4 – WJPA-18-0030
3032 N Riverside Dr.**



**Site Photograph #5 – WJPA-18-0030
3032 N Riverside Dr.**



Permit Conditions



Staff Recommendation - Approval

- ✓ All other necessary federal, state, and local permits as required for project
- ✓ 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
- ✓ Wetlands compensation be required for the 24 square feet of tidal wetland disturbance

Permit Conditions



Staff Recommendation - Approval

- ✓ The wetlands permit for this project shall expire August 8, 2019 if construction has not begun
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



General Services
Stormwater and Resource
Protection Division
P.O. Box 8784
Williamsburg, VA 23187-8784
757-253-6670

Resource.Protection@jamescitycountyva.gov

July 18, 2018

Re: 3032 N Riverside Drive
WJPA-18-0030/VMRC 18-0967
Bulkhead

Dear Adjacent Property Owner:

In accordance with State and County Codes this letter is to notify you that a permit request has been filed with the James City County Wetlands Board by Karla S Havens of Mid-Atlantic Resource Consulting on behalf of Donna G Fowler for construction of a bulkhead on the property located at 3032 N Riverside Drive in the Chickahominy Haven subdivision. The property is further identified by James City County Real Estate, as Parcel No. 1910200049.

The Joint Permit Application (JPA), a complete description of the project 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 advertised public hearing on **Wednesday, August 8, 2018 at 5 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Fowler, Donna G
Mid-Atlantic Resource Consulting
Attn: Karla S Havens
Waterfront Piers & Bulkheads, Inc.
Attn: Donald W. Hicks

Mailing List for: WJPA-18-0030/18-0967 – 3032 N Riverside Drive – Fowler/Mid-Atlantic Resource Consulting/Waterfront Piers and Bulkheads Inc – Bulkhead

Owner: 1910200049

Fowler, Donna G
3032 N Riverside Drive
Lanexa, VA 23089-9403

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

Waterfront Piers & Bulkheads, Inc
Attn: Donald W Hicks
P.O. Box 341
Lanexa, VA 23089-0341

1910200048

Hamer, Caroline C, Trustee
3034 N Riverside Drive
Lanexa, VA 23089-9403

1910200050

Smith, James O & Betty M
3030 N Riverside Drive
Lanexa, VA 23089-9403

1910200059

Gilley, Glenn Roy & Monica T
3031 N Riverside Drive
Lanexa, VA 23089-9404

1910200060-3033 N Riverside Drive

Gilley, Glenn Roy & Monica T
3031 N Riverside Drive
Lanexa, VA 23089-9404

VMRC

Attn: Allison Norris
2600 Washington Ave, 4th Floor
Newport News, VA 23607-4356

VIMS Wetlands Program

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

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621

Dept of Game and Inland Fisheries

Box 90778
Henrico, VA 23228-0778

State Water Control Board

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

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011

ITEM SUMMARY

DATE: 8/8/2018
TO: Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: WJPA 18-0046 / VMRC 18-0763 : 8400 Hicks Island Road

Steve and Lori Caudill have applied for a wetlands permit to construct a pier at 8400 Hicks Island Road, JCC Parcel No. 0910100026.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Joint Permit Application	Backup Material
☐	Presentation	Presentation
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	8/2/2018 - 10:29 AM
Wetlands Group	Geissler, Fran	Approved	8/2/2018 - 2:05 PM
Publication Management	Daniel, Martha	Approved	8/2/2018 - 2:26 PM
Wetlands Group	Secretary, Wetland	Approved	8/2/2018 - 4:35 PM

**WETLAND BOARD CASE No. WJPA-18-0046/VMRC 18-0763. 8400 Hicks Island Road
Staff Report for the August 8, 2018, Wetland Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Stephen and Lori Caudill

Agent: Karla Havens, Mid-Atlantic Resources Consulting

Location: 8400 Hicks Island Road

Parcel: Hicks Island

PIN: 0910100026

Watershed: Diascund Creek (HUC JL27)

Floodplain: Zone AE - The special flood hazard area subject to the 1% annual chance flood.
Base Flood Elevation = 7.0 Mean Sea Level

Proposed Activity: Remove and replace pier with the use of mats through the wetlands

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

PROJECT DISCUSSION

Karla Havens, Mid-Atlantic Resources Consulting, has applied for a wetlands permit on behalf of Stephen and Lori Caudill to remove and replace a pier with the use of mats through the wetlands on property located at 8400 Hicks Island Road, within the Hicks Island subdivision and the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0910100026.

A special committee of the Wetland Board met and unanimously adopted the following recommendation to the Wetlands Board. The Special Committee of the James City County Wetlands Board unanimously recommends to the full Wetlands Board that a Wetlands Permit be required for the construction of open pile structures proposed in vegetated tidal wetlands of the County, in those cases where staff has valid reasons to anticipate that the construction of such a structure may result in the alteration of the natural wetland contours or the unreasonable obstruction of tidal flow. The Wetland Board considered this matter at its regular meeting on May 13, 2009, and adopted the recommendation from the special committee.

The issue before the Board is not the pier, as it is a non-commercial open pile structure exempt from needing a wetlands permit, but the manner of constructing the pier and any wetland impacts that may occur from the construction. The pier will extend approximately 270 feet through the vegetated tidal wetlands.

Due to the unknown quantity of wetland impacts that may occur, staff suggests a surety in the amount of \$2,000 be required to guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. (see below) and shall be in a form acceptable to the James City County Attorney's office. Similar to other such cases, the surety shall be set aside for one year after construction and that the wetland impact issue be revisited by staff and other interested parties to determine the extent of any permanent vegetated wetland impacts. At that point in time, mitigation could be required or the surety returned to the property owner if there are no permanent impacts.

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 against the mitigation policy and finds that this project meets the three criteria outlined in the policy.

STAFF RECOMMENDATIONS

Staff recommends approval of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicants must obtain all other necessary local, state and/or federal permits required for the project;
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 approvals and permits prior to commencement of such activities;
3. A surety in the amount of \$2,000, in a form acceptable to the James City County Attorney’s office, shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq;
4. A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. Stormwater and Resource Protection Division staff may invite representatives of the regulatory agencies dealing with tidal wetlands: Virginia Institute of Marine Science, Applicants, agent, contractor and/or Wetlands Board members to this meeting. It will be determined at this meeting what the extent of wetlands impacts are, if any. If there are permanent wetlands impacts, the Applicants shall purchase from an approved tidal wetlands mitigation bank an equal number square footage credits to offset these unanticipated impacts. Once proof of the wetland credits has been provided the surety shall be returned;
5. The Wetlands Permit for this project shall expire on August 8, 2019, if construction has not begun;
6. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/nb
WJPA18-46-VMRC18-0763

Attachment:

1. Joint Permit Application

RESOLUTION

CASE NO. WJPA-18-0046/VMRC 18-0763. 8400 HICKS ISLAND ROAD

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Stephen and Lori Caudill (the “Applicants”), have 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 No. 0910100026 and further identified as 8400 Hicks Island Road (the “Property”) as set forth in the application WJPA-18-0046/VMRC 18-0763; 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 applicants must obtain all other necessary local, state and/or federal permits required for the project;
 - 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;
 - c. A surety in the amount of \$2,000 shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney’s office;
 - d. A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. Stormwater and Resource Protection Division staff may invite representatives of the regulatory agencies dealing with tidal wetlands: Virginia Institute of Marine Science, Applicants, agent, contractor and/or Wetlands Board members to this meeting. It will be

determined at this meeting what the extent of wetlands impacts are if any. If there are permanent wetlands impacts, the Applicants shall purchase from an approved tidal wetlands mitigation bank an equal number square footage credits to offset these unanticipated impacts. Once proof of the wetland credits has been provided the surety shall be returned;

- e. The Applicants shall pay the \$100 application fee;
- f. The Wetlands Permit for this project shall expire on August 8, 2019, if construction has not begun;
- g. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

 John Hughes
 Chairman, Wetlands Board

 Michael Woolson
 Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA18-46-VMRC18-0763-res

From: VMRC JPA <beth.howell@mrc.virginia.gov>
Sent: Monday, May 14, 2018 2:50 PM
To: Janice Petty; Michael Woolson; Stormwater and Resource Protection Division
Subject: JPA: 20180763 in James City, Applicant: Steve Caudill

New Joint Permit Application Notice

Virginia Marine Resources Commission, Habitat Management Division, would like to notify you the following new permit application:

Please click the link below for full application details.

[Application: 20180763](#)

Applicant: Steve Caudill
Locality: James City
Project Description: Pier
Date Received: May 14, 2018
Engineer: Mark Eversole

After reviewing the application, please reply to this email and indicate one of the following:

Does not involve wetlands. A letter will be forwarded to the applicant advising that no permit will be required from this Board.

Does involve wetlands and a permit will be required. A public hearing has been tentatively scheduled for June 13, 2018 at 5pm.

Does involve wetlands but a permit will not be required because

Site inspection conducted on _____.

No site inspection conducted.

Should you have any questions regarding this permit application, please do not hesitate to contact Mark Eversole at (757) 247-8028 or Mark.Eversole@mrc.virginia.gov

Beth Howell
Virginia Marine Resources Commission
Phone: (757) 247-2252
Email: beth.howell@mrc.virginia.gov



Wetlands Board of James City County, Virginia

August 8, 2018

WJPA-18-0046

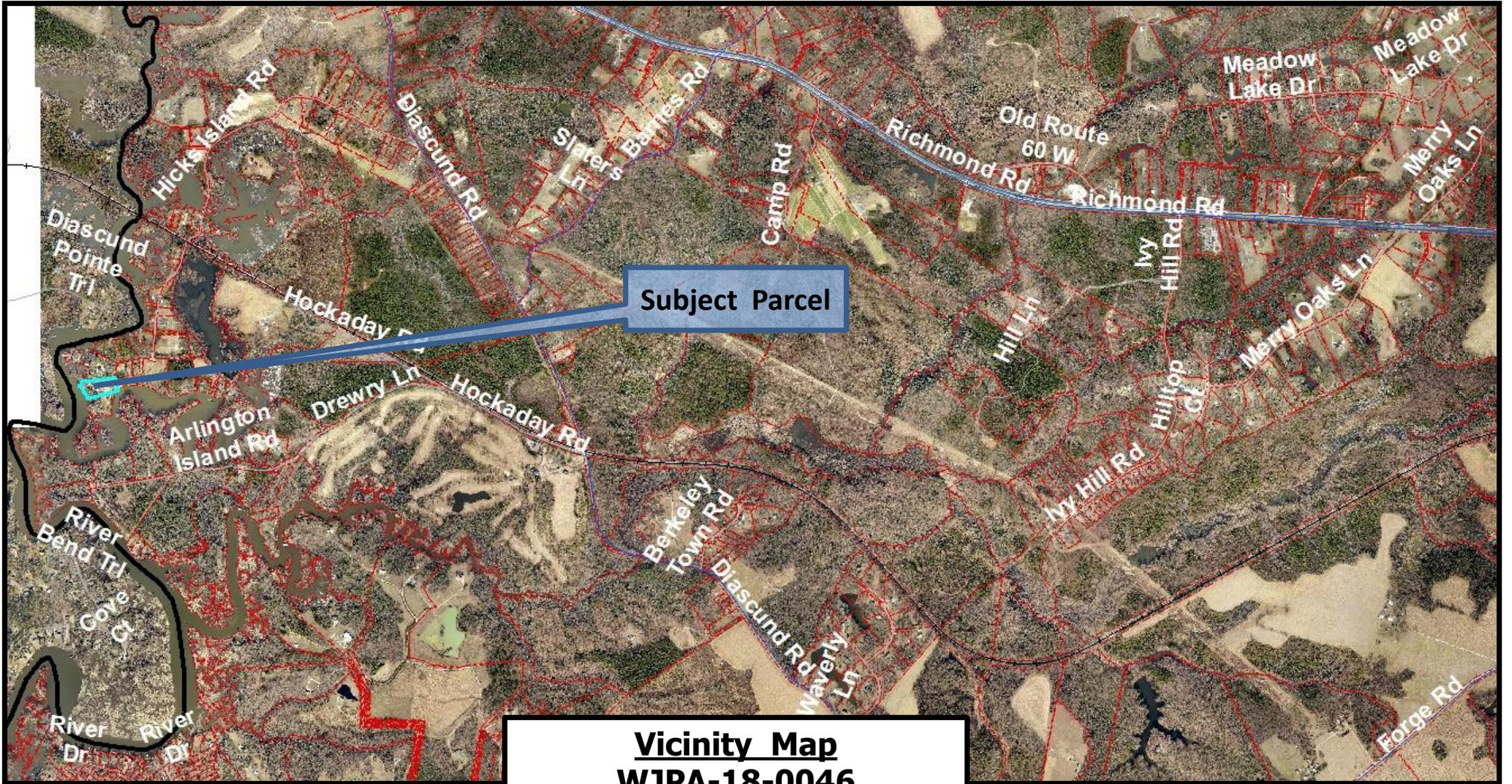
Stephen & Lori Caudill

8400 Hicks Island Rd.



Applicant Request

- ✓ Remove and replace pier with the use of mats through the wetlands.



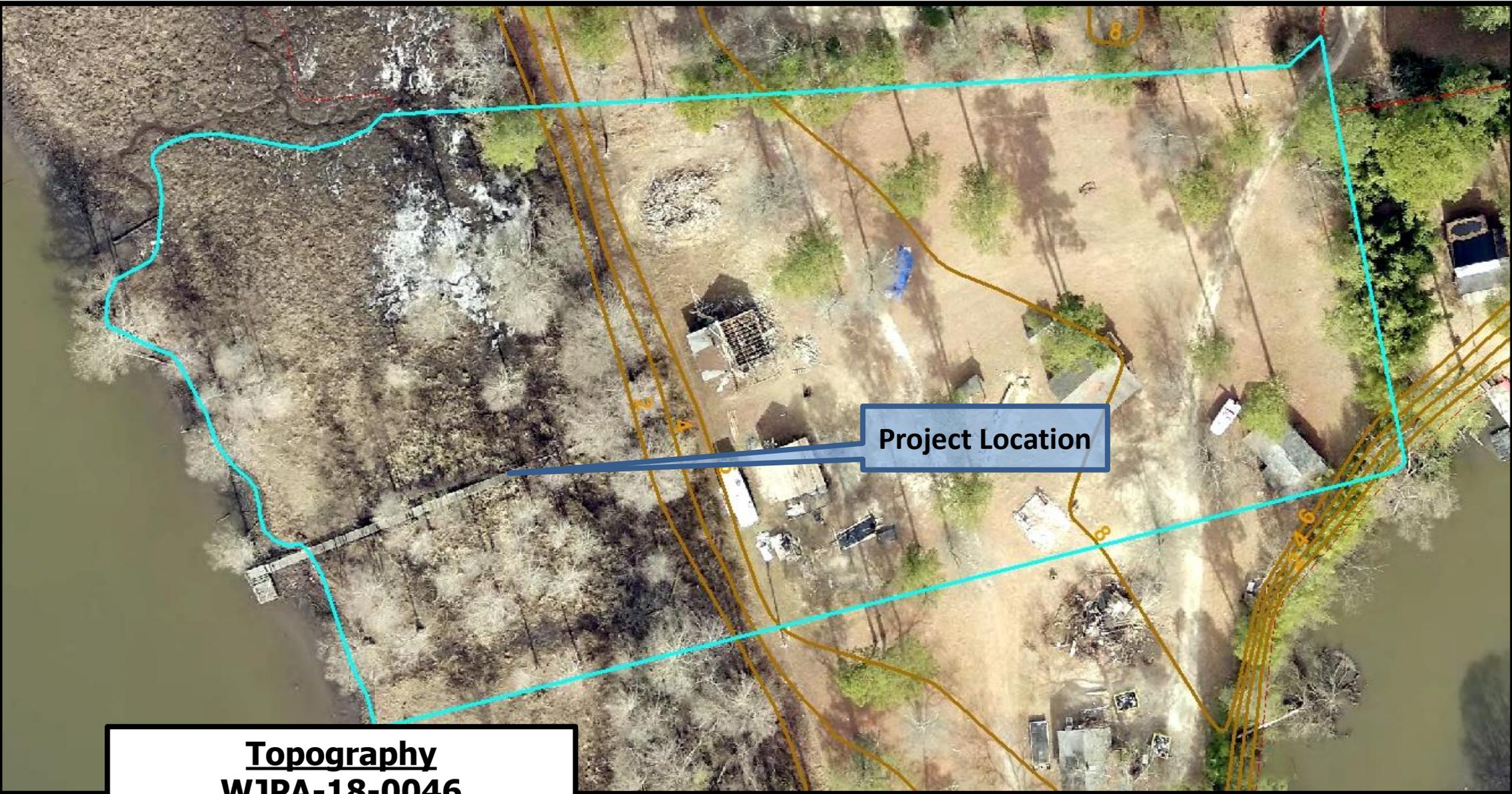
Subject Parcel

Vicinity Map
WJPA-18-0046
8400 Hicks Island Rd



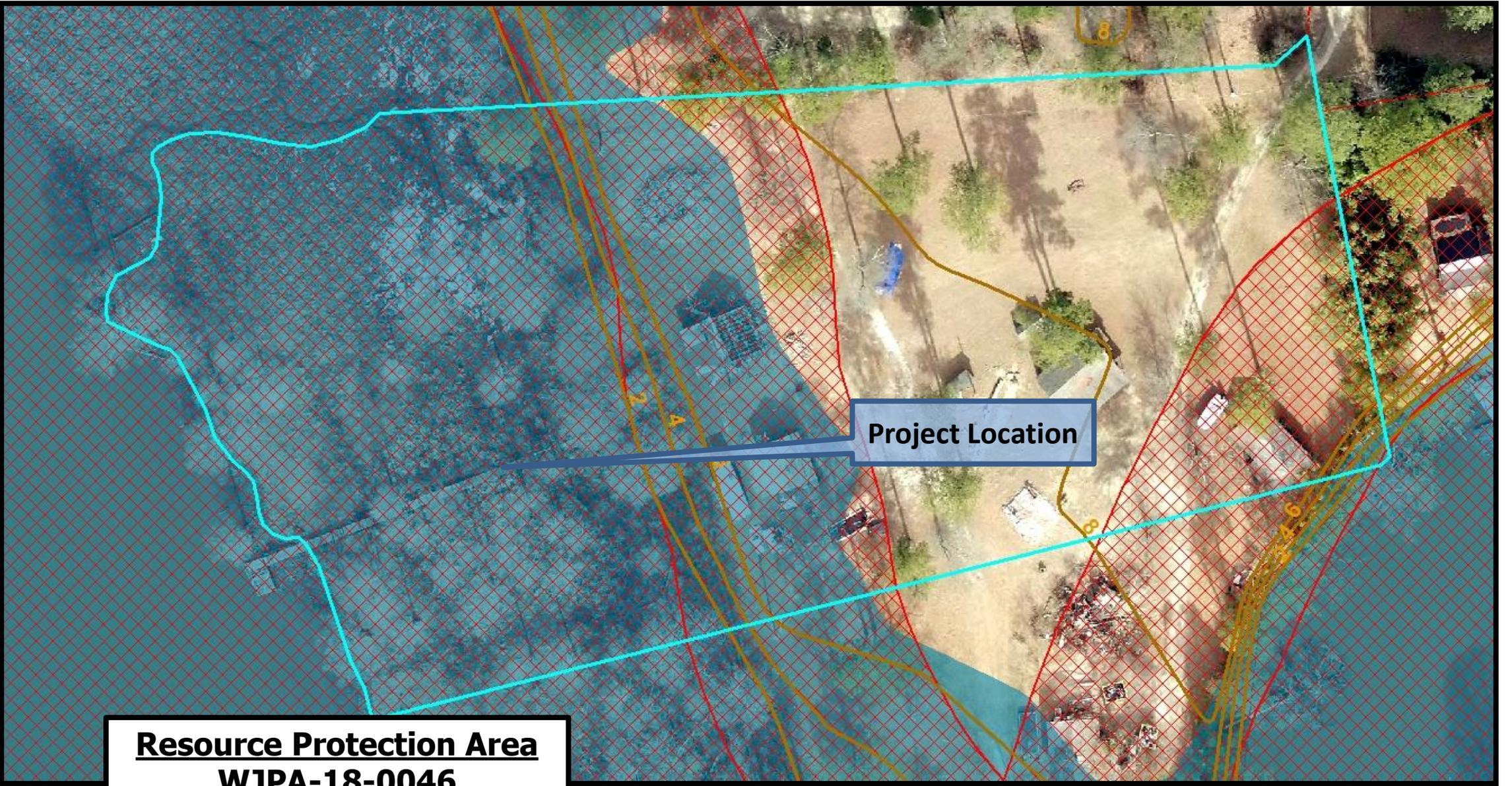
Project Location

Aerial Photography
WJPA-18-0046
8400 Hicks Island Rd



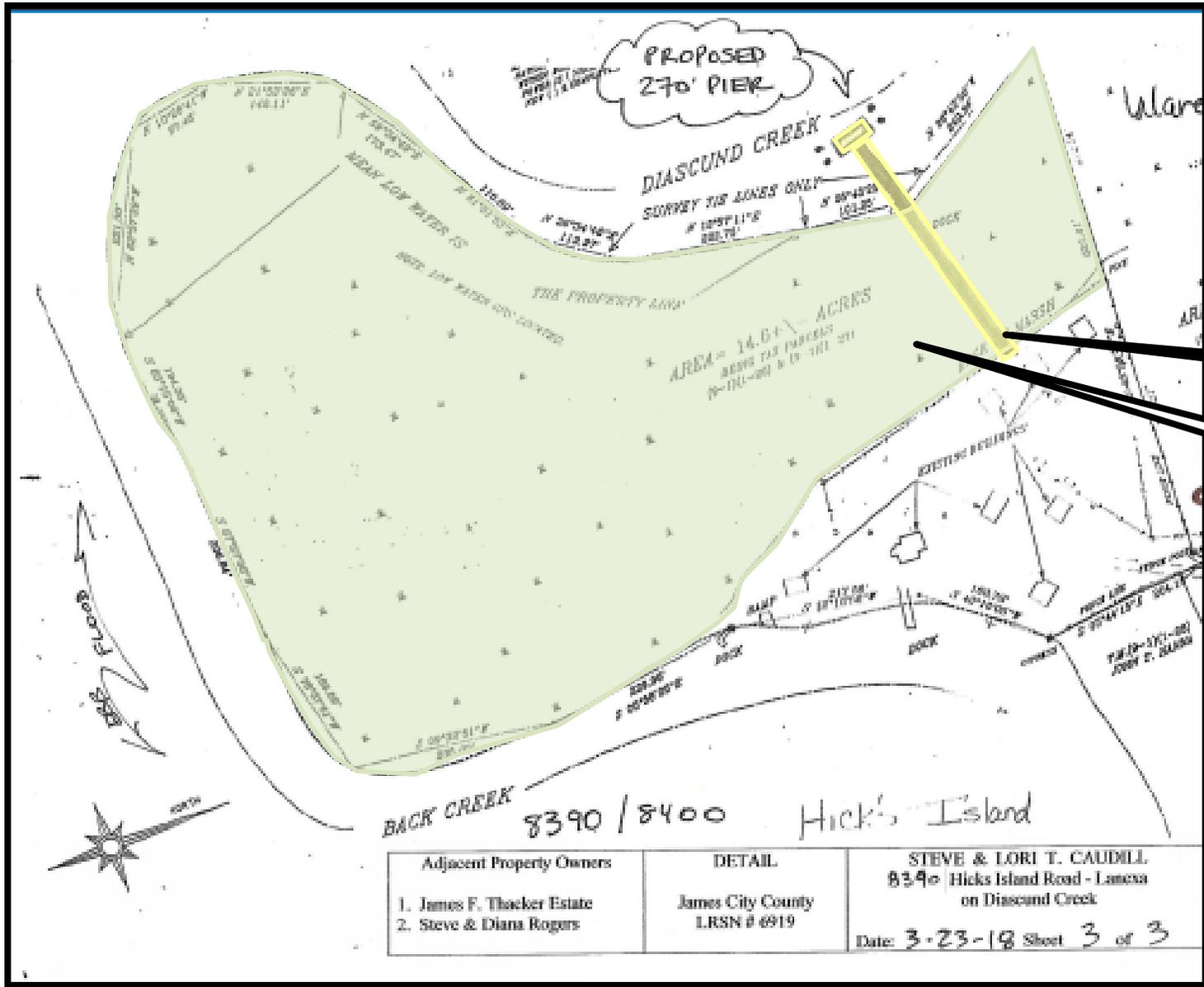
Project Location

Topography
WJPA-18-0046
8400 Hicks Island Rd



Project Location

Resource Protection Area
WJPA-18-0046
8400 Hicks Island Rd



Site Plan showing proposed improvements, received June 18, 2018. For representative use only for presentation of case # WJPA-18-0046/ VMRC-2018-0763.

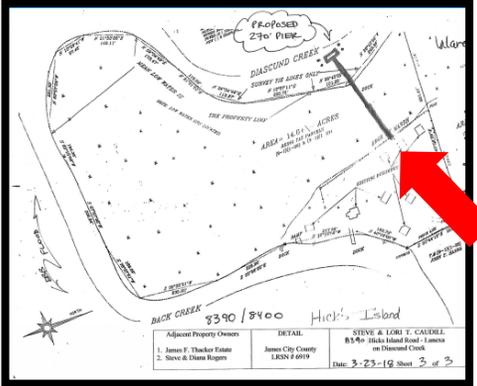
Proposed Pier

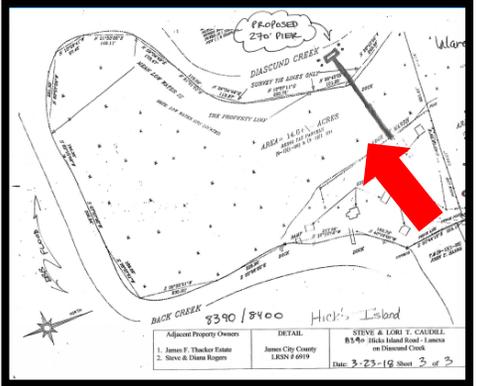
Vegetated Wetlands

**Site Plan – WJPA-18-0046
8400 Hicks Island Rd**



**Site Photograph #1 – WJPA-18-0046
8400 Hicks Island Rd**





**Site Photograph #4 – WJPA-18-0046
8400 Hicks Island Rd**

Permit Conditions



Staff Recommendation - Approval

- ✓ All other necessary federal, state, and local permits as required for project
- ✓ 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
- ✓ Surety in the amount of \$2,000 in a form acceptable to the County Attorney's Office

Permit Conditions



Staff Recommendation - Approval

- ✓ Meeting to take place 1 year post-construction to determine extent, if any, of wetland impacts.
- ✓ The wetlands permit for this project shall expire August 8, 2019 if construction has not begun
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



General Services
Stormwater and Resource
Protection Division
P.O. Box 8784
Williamsburg, VA 23187-8784
757-253-6670
Resource.Protection@jamescitycountyva.gov

July 18, 2018

Re: 8400 Hicks Island Road
WJPA-18-0046/VMRC 18-0763
Remove & Replace Pier

Dear Adjacent Property Owner:

In accordance with State and County Codes this letter is to notify you that a permit request has been filed with the James City County Wetlands Board by Karla S. Havens of Mid-Atlantic Resource Consulting on behalf of Stephen W. and Lori T. Caudill for removing and replacement of the pier located at 8400 Hicks Island Road in the Miller subdivision. The property is further identified by James City County Real Estate, as Parcel No. 0910100026.

The Joint Permit Application (JPA), a complete description of the project 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 advertised public hearing on **Wednesday, August 8, 2018 at 5 p.m.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Caudill, Stephen W and Lori T
Mid-Atlantic Resource Consulting
Attn: Karla S. Havens
Waterfront Piers and Bulkheads Inc.
Attn: Donald W Hicks

Mailing List for: WJPA-18-0046/18-0763 – 8400 Hicks Island Road – Mid-Atlantic Resource Consulting-Pier

Owner: 0910100026 – 8400 Hicks Island Road
0910100027 for 8390 Hicks Island Road

Caudill, Stephen W & Lori T
4801 Woolridge Road
Mosely, VA 23120-1212

Caudill, Steve & Lori T
8401 Hicks Island Road
Lanexa, VA 23089-9010

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

Waterfront Piers & Bulkheads, Inc.
Attn: Donald W. Hicks
P.O. Box 341
Lanexa, VA 23089

0910100024A for 8401 Hicks Island Road
Thacker, Paulanne H; Caudill, Lori T; SunTrust
Bank c/o PHI Dept (NOR5003)
P.O. Box 2600
Norfolk, VA 23501-2600

0910100028 for 8408 Hicks Island Road
Rogers, Steve & Diana
15187 Rockford Road
Montpelier, VA 23192-2413

0910100025A for 8438 Hicks Island Road
West, Donald
8414 Hicks Island Road
Lanexa, VA 23089-9009

VMRC
Attn: Allison Norris
2600 Washington Ave, 3rd Floor
Newport News, VA 23607-4356

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

VDOT
4451 Ironbound Road
Williamsburg, VA 23188-2621

Dept of Game and Inland Fisheries
Box 90778
Henrico, VA 23228-0778

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

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