

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
September 26, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the August 8, 2018, regular meeting

D. PUBLIC HEARINGS

1. WJPA 18-0070 : William & Mary Sailing Team

E. BOARD CONSIDERATIONS

1. W-04-16 / VMRC 15-1211 : Colonial Pipeline

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 9/26/2018

TO: Wetlands Board

FROM: Wetlands Board Secretary

SUBJECT: Minutes from the August 8, 2018, regular meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	8/28/2018 - 2:57 PM
Wetlands Group	Geissler, Fran	Approved	8/28/2018 - 7:20 PM
Publication Management	Burcham, Nan	Approved	8/29/2018 - 7:36 AM
Wetlands Group	Secretary, Wetland	Approved	9/6/2018 - 7:13 AM

M I N U T E S
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

The Wetlands Board meeting for August 8, 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 its despoliation.

B. ROLL CALL

Board Members Present:

John Hughes - Chair
William Apperson - Vice Chair
Larry Waltrip

Board Members Absent:

David Gussman
Charles Roadley
Louis Bott

County Staff Present:

Michael Woolson, Secretary to the Board, 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
Mark Eversole, Virginia Marine Resource Commission (VMRC)
Allison Norris, VMRC

C. MINUTES

1. Minutes from June 13, 2018, meeting

The minutes from the June 13, 2018, regular meeting were approved as written.

D. PUBLIC HEARINGS

Prior to starting the public hearings, Staff formally reminded the Board, all applicants and the public that three affirmative votes are required for approvals.

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

Ms. Karla Havens, Mid-Atlantic Resources Consulting, on behalf of Ms. Donna Fowler, has applied for a wetlands permit for the removal and replacement of a 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. 0910200049. The presentation described the current site conditions of the proposed project. Staff recommends approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Hughes questioned why the bulkhead needed replacement.

Mr. Long responded that the bulkhead was failing and boards were rotting with the possibility of failure.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens of Mid-Atlantic Resource Consulting addressed the Board and answered further questions.

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

Mr. Waltrip made a motion to adopt the permit for Wetlands Board Case No. WJPA-18-0030/VMRC 18-0967 at 3032 North Riverside Drive.

The motion was approved: 3-0

Ayes: Waltrip, Apperson, Hughes

Nays: None

Absent: Gussman, Roadley, Bott

2. WJPA 18-0046 / VMRC 18-0763 : 8400 Hicks Island Road

Ms. Karla Havens, Mid-Atlantic Resources Consulting, has submitted on behalf of Stephen and Lori Caudill a wetland permit to remove and replace a pier with the use of mats through the wetlands at 8400 Hicks Island Road, within Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0910100026. The presentation described the current site conditions and the proposed project. Staff recommends approval for this permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Hughes questioned if a Chesapeake Bay Permit would be required.

Mr. Woolson responded that one would not be required for this project.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens of Mid-Atlantic Resource Consulting addressed the Board and answered further questions.

Mr. Hughes asked if the work would be limited to the mat area.

A. Ms. Havens responded that Donald Hicks of Waterfront Piers & Bulkheads, Inc. would be doing the work.

Mr. Hughes asked when the project would be finished.

Mr. Waltrip asked if the contractor would be starting at the shoreline and work out, removing the old pier and use that area where he is working on the mats to build, taking mats up as he

comes back out.

Mr. Apperson commented with concern for the tree vegetation and cypress knees, stressing that the work be straight in and straight out.

A. Ms. Havens responded to the questions.

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

Mr. Waltrip made a motion to grant the permit for Wetlands Board Case No. WJPA-18 0046/VMRC 18-0763 at 8400 Hicks Island Road.

The motion was approved: 3-0
Ayes: Waltrip, Apperson, Hughes
Nays: None
Absent: Gussman, Roadley, Bott

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Woolson explained that this would be Mr. Mark Eversole's last night as the Virginia Marine Resource Commission (VMRC) representative for James City County.

Ms. Allison Norris, Environmental Engineer with VMRC, was introduced to the Wetlands Board as the new VMRC representative for James City County.

G. ADJOURNMENT

The meeting adjourned at 5:23 p.m.

ITEM SUMMARY

DATE: 9/26/2018

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: WJPA 18-0070 : William & Mary Sailing Team

William & Mary Sailing Club has applied for a wetland permit to construct a floating dock at the Kingsmill Marina, 1010 Kingsmill Road in the Kingsmill on the James subdivision, JCC Parcel No. 5040100002C.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Exhibit
☐	Presentation	Presentation
☐	Public Hearing Notice	Backup Material
☐	Public Hearing Notice #2	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Geissler, Fran	Approved	9/5/2018 - 3:58 PM
Wetlands Group	Geissler, Fran	Approved	9/5/2018 - 3:58 PM
Publication Management	Burcham, Nan	Approved	9/5/2018 - 4:06 PM
Wetlands Group	Secretary, Wetland	Approved	9/6/2018 - 7:13 AM

**WETLAND BOARD CASE No. WJPA-18-0070/VMRC-18-0133. 1010 Kingsmill Road
Staff Report for the September 26, 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: The College of William & Mary Sailing Team

Owner/Agent: Mr. Kevin Dry, Kingsmill Resort

Location: 1010 Kingsmill Road, Kingsmill Marina

Parcel: Parcel R-2C2 Kingsmill Resort (Kingsmill Marina)

PIN: 5040100002C

Watershed: James River (HUC JL35)

Floodplain: Zone VE - Coastal flood zone with wave action, base flood elevation determined to be 12 feet mean sea level.

Proposed Activity: Install a floating dock.

Wetland Impacts: Zero vegetated or non-vegetated wetlands subject to the Local Wetlands Board jurisdiction.

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

PROJECT DISCUSSION

Kingsmill Resort has applied for a wetlands permit on behalf of The College of William & Mary sailing team, to install a floating dock on property located at 1010 Kingsmill Road within the Kingsmill on the James subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 5040100002C.

On April 12, 2017, the James City County Wetlands Board granted W-04-17 to allow the relocation of a floating dock from the First Colony Marina to the Kingsmill Marina. The purpose of the proposed installation is to add an additional 8-foot by 18-foot floating dock on to the existing floating dock granted under W-04-17.

Even though there are no wetland impacts within this Board's jurisdiction, the commercial nature of the application is not a permitted use. Therefore, an application for a permit must be submitted through the Virginia Marine Resources Commission and processed by the local Wetlands Board. It is for this reason Case No. WJPA-18-0070 appears before the 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. As there are no vegetated wetland impacts, no mitigation is required.

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. 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.
3. A site plan will be required to be submitted to the Planning Division due to the commercial nature of the marina.
4. The Wetlands Permit for this project shall expire on September 26, 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
WJPA18-70-VMRC18-133

Attachments:

1. Resolution
2. Joint Permit Application

RESOLUTION

CASE NO. WJPA-18-0070/VMRC 18-0133. 1010 KINGSMILL ROAD

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, The College of William & Mary Sailing Team (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on September 26, 2018 to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 5040100002C and further identified as 1010 Kingsmill Road in the Kingsmill on the James subdivision (the “Property”) as set forth in the application WJPA-18-0070/VMRC 18-0133; 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.
 - 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.
 - c. A site plan will be required to be submitted to the Planning Division due to the commercial nature of the marina.
 - d. The Wetlands Permit for this project shall expire on September 26, 2019, if construction has not begun.

- 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 six weeks prior to the expiration date.

John Hughes
Chairman, Wetlands Board

Michael D. Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 26th day of September, 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: _____

WJPA18-70-VMRC18-133-res

Verity VMA

cmf

inside

insider

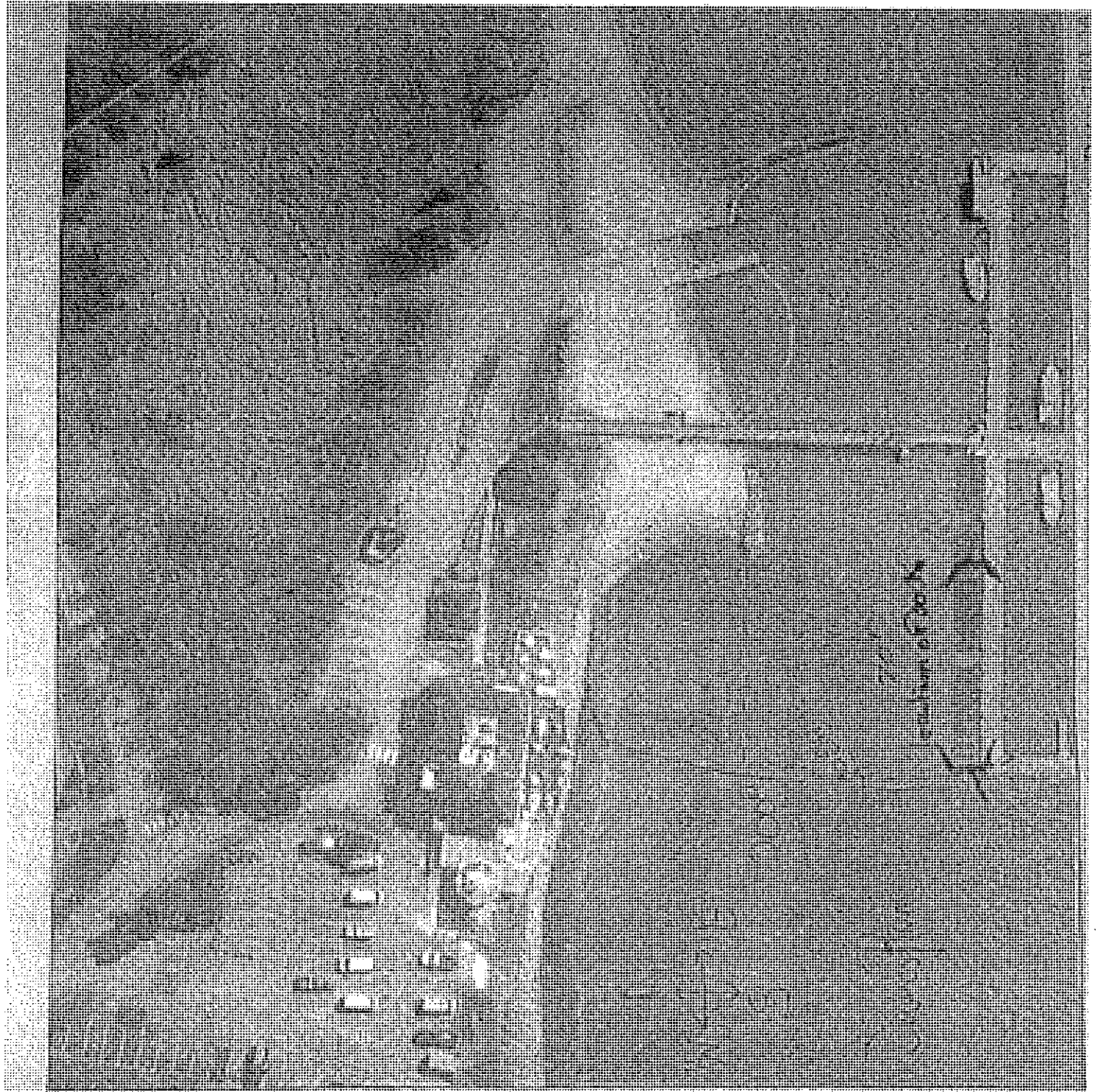
Rest

Floating

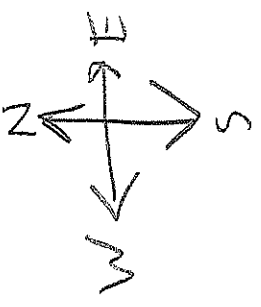
Deck

App.

RECEIVED
JAN 21 2017
PERMITTING DIVISION



Plan View Drawing



RECEIVED
JAN 26 2017
MARINE RESOURCES
COMMISSION

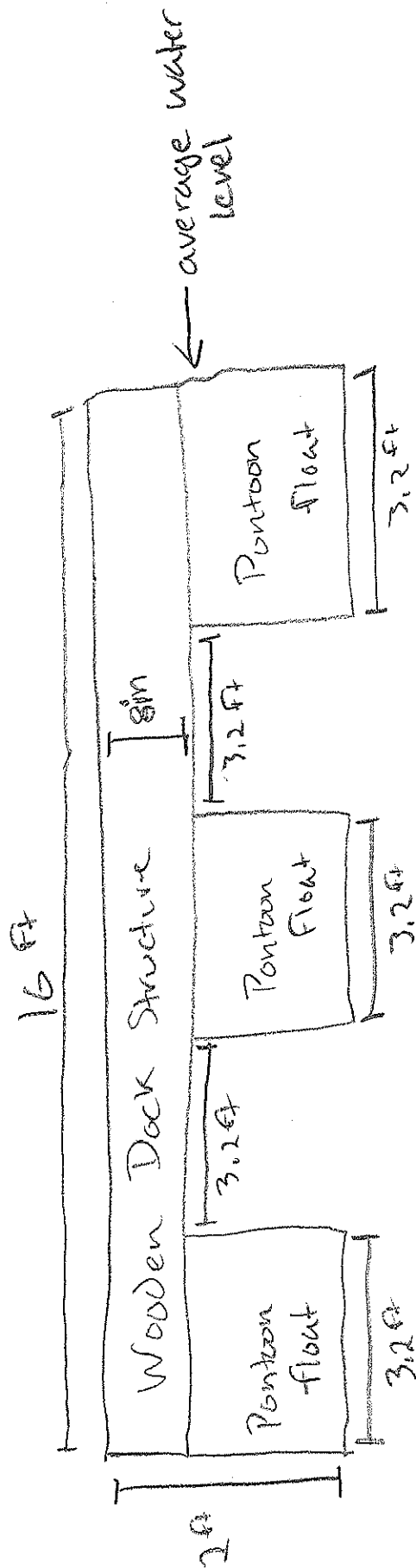
Existing Docks

70 ft

floating Dock Addition
to existing dock

Existing Dock

Side View



RECEIVED

JAN 26 2017

MARINE RESOURCES
COMMISSION



Wetlands Board of James City County, Virginia

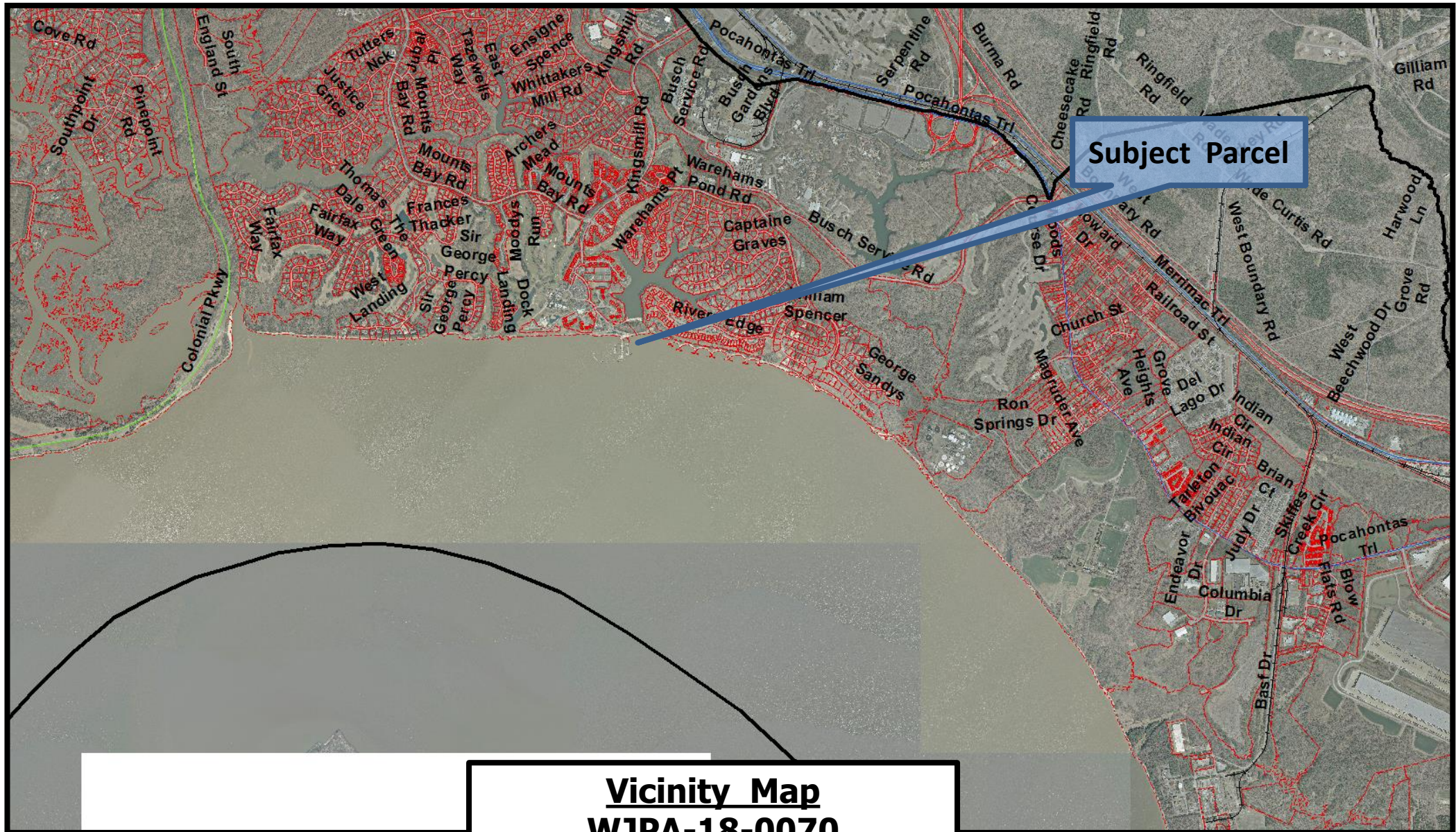
September 26, 2018

WJPA-18-0070

**The College of William & Mary Sailing Team
1010 Kingsmill Road, Kingsmill Marina**

Applicant Request

- ✓ Install a floating dock.



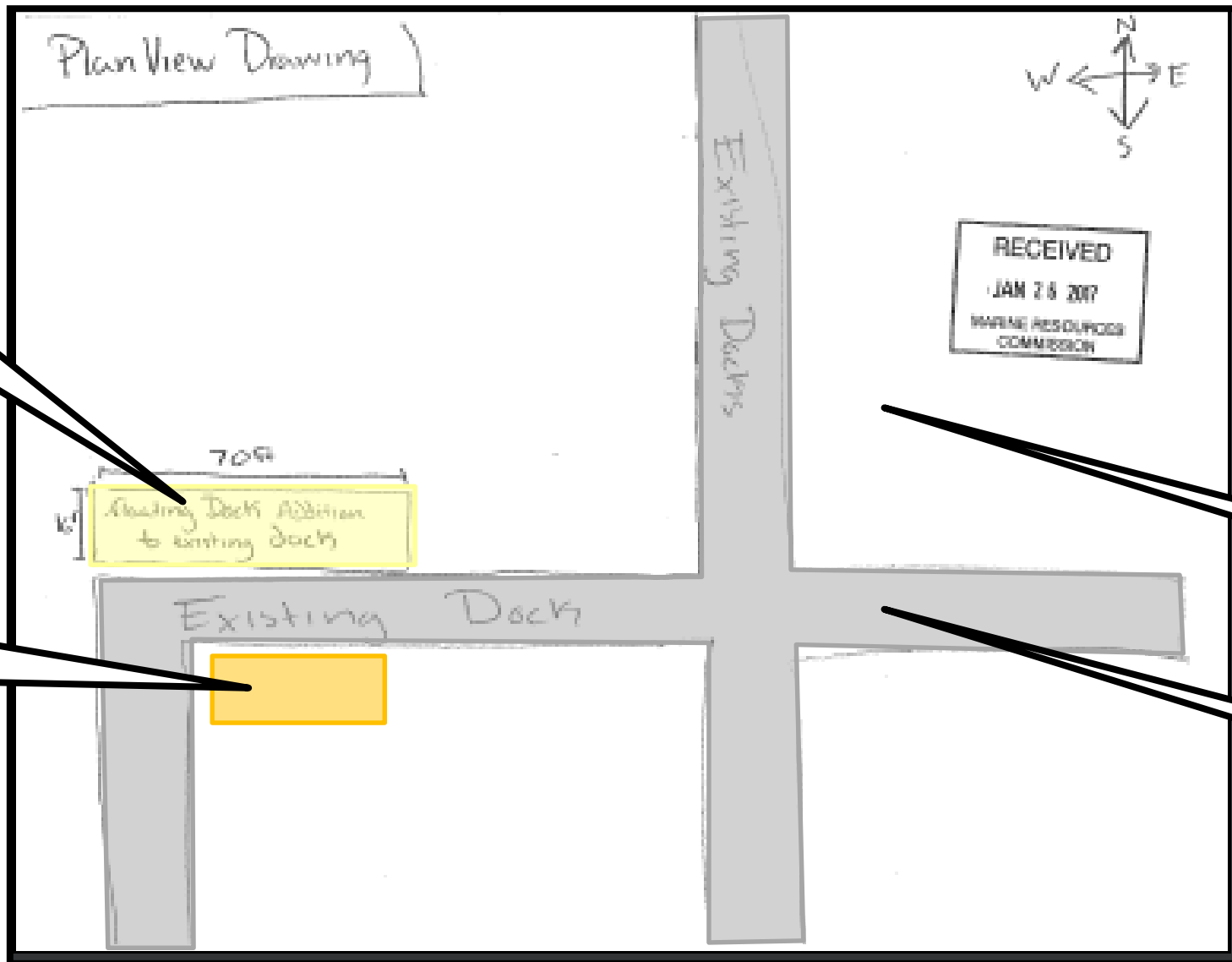
Subject Parcel

Vicinity Map
WJPA-18-0070
1010 Kingsmill Rd



Subject Parcel

Aerial Photography
WJPA-18-0070
1010 Kingsmill Rd



Previous
Dock
Addition

Proposed
Dock
Addition

Site Plan showing
proposed improvements,
received July 16, 2018.
For representative use
only for presentation of
case # WJPA-18-0070/
VMRC-17-0133.

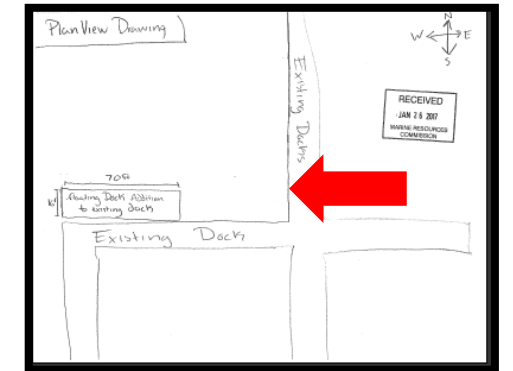
Kingsmill Marina

Existing Dock

Site Plan – WJPA-18-0070
1010 Kingsmill Rd

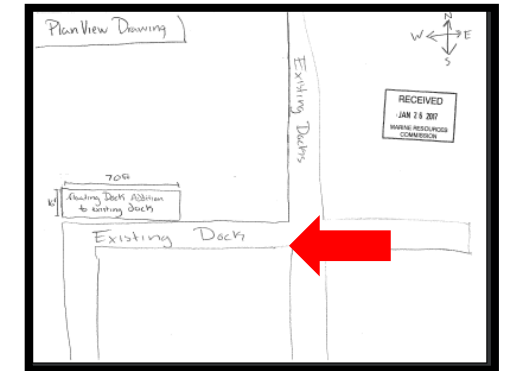


Site Photograph #1 – WJPA-18-0070
1010 Kingsmill Rd



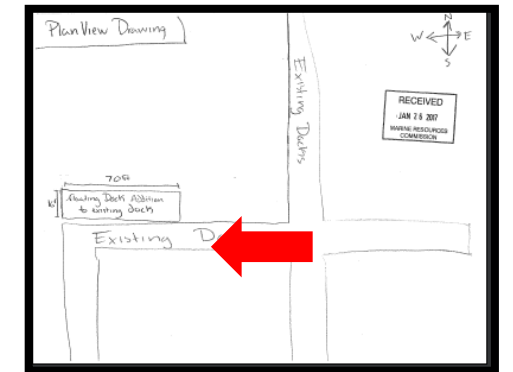


Site Photograph #2 – WJPA-18-0070
1010 Kingsmill Rd





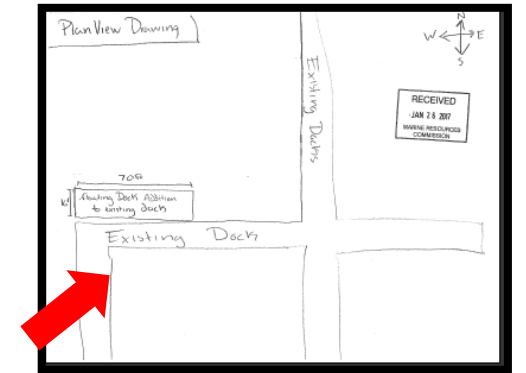
Site Photograph #4 – WJPA-18-0070
1010 Kingsmill Rd





Site Photograph #5 – WJPA-18-0070
1010 Kingsmill Rd





**Site Photograph #6 – WJPA-18-0070
1010 Kingsmill 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
- ✓ A site plan will be required to be submitted to the Planning Division due to the commercial nature of the Marina

Permit Conditions



Staff Recommendation - Approval

- ✓ The wetlands permit for this project shall expire September 26, 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.



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, SEPTEMBER 12, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 18-0070/VMRC 17-0133: William & Mary Sailing Club has applied for a wetland permit to construct a floating dock at the Kingsmill Marina, 1010 Kingsmill Road in the Kingsmill on the James subdivision, JCC Parcel No. 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 18-0129: Mr. Jeff Davis has filed an exception request for encroachment into the RPA buffer for the construction of a shed at 343 Neck-O-Land Road in the Berkeley District, JCC Parcel No 4730100055.

CBPA 18-0134: Mr. and Mrs. N. Ross and Amy Thompson have filed an exception request for encroachment into the RPA buffer for the construction of a single family dwelling, deck, patio, retaining walls and a barn addition at 500 Thompson Lane in the Powhatan District, JCC Parcel No. 3610100005.

CBPA 18-0148: SeaWorld Parks and Entertainment has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Festa Italia section of Busch Gardens Williamsburg at 7851 Pocahontas Trail, JCC Parcel No. 55140100009.

CBPA 18-0149: Ms. Meredith Robertson has filed an exception request for encroachment into the RPA buffer for the construction of two retaining walls at 213 Southpoint Drive in the Kingspoint subdivision, JCC Parcel No. 4930270014.

CBPA 18-0126: Mr. John Hyland has filed an exception request for encroachment into the RPA buffer for the construction of a detached workshop at 3936 Vass Lane in the Vass Meadows subdivision, JCC Parcel No. 3842100009.

CBPA 18-0131: Ms. Jean Walker has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall at 113 Wareham's Point in the Kingsmill on the James subdivision, JCC Parcel No. 5041900113.

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

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

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – August 29, 2018 and September 5, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
 GENERAL SERVICES
 ASSISTANT COUNTY ATTORNEY
 WETLAND/CHESAPEAKE BAY BOARD MEMBERS



James City County General Services Division Stormwater & Resources Protection

Public Notice

The Wetlands and Chesapeake Bay Boards of James City County, Virginia have scheduled a meeting on **WEDNESDAY, SEPTEMBER 26, 2018, AT 5 P.M.** in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 18-0070/VMRC 17-0133: William & Mary Sailing Club has applied for a wetland permit to construct a floating dock at the Kingsmill Marina, 1010 Kingsmill Road in the Kingsmill on the James subdivision, JCC Parcel No. 5040100002C.

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



General Services
Stormwater and Resource
Protection Division
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6790
Resource.Protection@jamescitycountyva.gov

August 17, 2018

Re: WJPA-18-0070/VMRC 17-0133
Floating dock at Kingsmill Marina

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 Kingsmill Resort, on behalf of the William & Mary Sailing Team, for the installation of a floating dock at the Kingsmill Marina, 1010 Kingsmill Road, in the Kingsmill on the James subdivision. The property is further identified as JCC Parcel No. 5040100002C.

The joint permit application, description 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 **Wednesday, October 10, 2018 at 5 p.m.**, in the Board Room of Building F, 101-F, 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: William & Mary Sailing Team
Escalante Kingsmill, Development, LLC

Mailing List for WJPA-18-0070: VMRC 17-0133 – Kingsmill Marina - floating dock

Applicant

William & Mary Sailing Team

Attn: Patrick L Firth

400 Brooks Street

Williamsburg, VA 23185

plfirth@email.wm.edu

williamandmarysailing@gmail.com

Owner - 1060 Kingsmill Rd

Escalante Kingsmill Development, LLC

Attn: Mark Phinney

1010 Kingsmill Road

Williamsburg, VA 23185

5040100007 - Warehams Pond

130 Warehams Pond Rd

Escalante Kingsmill Development, LLC

2930 Bledsoe Street, Suite 124

Fort Worth, TX 76107-2942

5040100004 - 1047 Kingsmill Rd

James City Service Authority

119 Tewning Rd

Williamsburg, VA 23188-2639

Kingsmill Community Services Association

P O Box 348

Williamsburg, VA 23187-0348

5041300001 Graves Ordinary, Pettuss Ordinary and
Richmonds Ordinary

Conference Center Condominiums

Unit Owners Association

One Busch Place

Saint Louis, MO 63118-1849

Allison Norris

VMRC

2600 Washington Ave, 3rd Floor

Newport News, VA 23607

Dawn Fleming

VIMS Wetlands Program

P.O. Box 1346

Gloucester Point, VA 23062

VDOT

4451 Ironbound Road

Williamsburg, VA 23188

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

Regulatory Branch Army Corps of Engineers

803 Front Street

Norfolk, VA 23510

ITEM SUMMARY

DATE: 9/26/2018

TO: Wetlands Board

FROM: Michael Woolson, Secretary to the Board

SUBJECT: W-04-16 / VMRC 15-1211 : Colonial Pipeline

To allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The crossings are identified as the James River Parcel #5940100003, Halfway Creek Parcel #4920100006, College Creek Parcels #4910230001A and #49103A0002A, Powhatan Creek Parcel #4610100008 and the Chickahominy River Parcel #3430100002.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution - 2021	Resolution
☐	Resolution - 2025	Resolution
☐	Extension Request	Backup Material
☐	Approved Wetlands Permit	Backup Material
☐	Case Decision - November 12, 2015	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/24/2018 - 2:32 PM
Wetlands Group	Geissler, Fran	Approved	9/25/2018 - 9:54 AM
Publication Management	Burcham, Nan	Approved	9/25/2018 - 10:07 AM
Wetlands Group	Secretary, Wetland	Approved	9/25/2018 - 11:34 AM

MEMORANDUM

DATE: September 26, 2018

TO: The Wetlands Board

FROM: Michael D. Woolson, Secretary to the Board

SUBJECT: Case No. W-04-16/VMRC No. 15-1211; Colonial Pipeline Extension

Ms. Shanna Cahill and Mr. Neil Blackman, Corblu Ecology Group, LLC, are requesting an extension of this permit. The permit was originally issued on November 12, 2015, for a period of three years. The permit is for the ongoing preventative maintenance of the pipeline at the following parcels: James River Parcel ID No. 5940100003; Halfway Creek Parcel ID No. 4920100006; College Creek Parcels ID No. 4910230001A and ID No. 49103A0002A; Powhatan Creek Parcel ID No. 4610100008; and the Chickahominy River Parcel ID No. 3430100002.

While Corblu is requesting a three-year extension to December 31, 2021, Condition No. 5 of the original wetlands permit stated the permit may be extended out to December 31, 2025, upon the Wetlands Board discretion. Condition No. 2 stated that the Applicant notify James City County whenever emergency repairs were to occur and Condition No. 3 states that the Applicant monitor any impact areas for a period of two years post-repair.

Staff is agreeable with either extension date with the stipulation that all previous Conditions No. 4(1)-4(3) be continued and that Condition No. 4(4) have a new expiration date of either December 31, 2021, or December 31, 2025, depending upon the Board's direction.

MW/md
W04-16ColPipeext-mem

Attachment

RESOLUTION

GRANTING A WETLANDS PERMIT EXTENSION ON JAMES CITY COUNTY

REAL ESTATE TAX PARCELS

ID NOs. 5940100003, 4920100006, 4910230001A, 49103A0002A, 4610100008, 3430100002

WHEREAS, Ms. Shanna Cahill and Mr. Neil Blackman of Corblu Ecology Group, LLC, on behalf of Mr. Stanley Carpenter of the Colonial Pipeline Company (the "Applicant"), have requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on November 12, 2015. The permit is to allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The crossings are identified as the James River Parcel ID No. 5940100003, Halfway Creek Parcel ID No. 4920100006, College Creek Parcels ID No. 4910230001A and ID No. 49103A0002A, Powhatan Creek Parcel ID No. 4610100008 and the Chickahominy River Parcel ID No. 3430100002 (the "Property") as set forth in the application W-04-16/VMRC No. 15-1211; and

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

NOW, THEREFORE, having conducted a public hearing on November 12, 2015, and pursuant to the current request for an extension, the Wetlands Board of James City County, Virginia, 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 shall inform the Stormwater and Resource Protection Division on all 'Awareness Letters' submitted to Virginia Marine Resources Commission and/or the United States Army Corps of Engineers that are within James City County.
 - b) The Applicant shall inform the Stormwater and Resource Protection Division of all emergency repairs performed within James City County and when the work in these areas of James City County are to commence.

- c) The Applicant shall monitor any impact area for a period of two years post-repair to ensure that the areas have achieved adequate stabilization (90% aerial coverage). If inadequately stabilized after two years, a restoration plan must be submitted and approved by the Stormwater and Resource Protection Division.
- d) The wetlands permit for this project shall expire on December 31, 2021.
- e) Upon written request and formal Wetland Board approval, this permit may be extended to December 31, 2025. The written request shall be submitted no later than six weeks prior to the permit expiration date.

John Hughes
Chair, Wetlands Board

Michael D. Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 26th day of September 2018.

THE FORGOING 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 _____
20__

W04-16ColPipeext21-res

RESOLUTION

GRANTING A WETLANDS PERMIT EXTENSION ON JAMES CITY COUNTY

REAL ESTATE TAX PARCELS

ID NOs. 5940100003, 4920100006, 4910230001A, 49103A0002A, 4610100008, 3430100002

WHEREAS, Ms. Shanna Cahill and Mr. Neil Blackman of Corblu Ecology Group, LLC, on behalf of Mr. Stanley Carpenter of the Colonial Pipeline Company (the “Applicant”), have requested an extension of the permit granted by the Wetlands Board of James City County (the “Board”) on November 12, 2015. The permit is to allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The crossings are identified as the James River Parcel ID No. 5940100003, Halfway Creek Parcel ID No. 4920100006, College Creek Parcels ID No. 4910230001A and ID No. 49103A0002A, Powhatan Creek Parcel ID No. 4610100008 and the Chickahominy River Parcel ID No. 3430100002 (the “Property”) as set forth in the application W-04-16/VMRC No. 15-1211; and

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- d) The wetlands permit for this project shall expire on December 31, 2025.

John Hughes
Chair, Wetlands Board

Michael D. Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 26th day of September 2018.

THE FORGOING 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 _____

W04-16ColPipeext25-res



September 19, 2018



Mr. John Hughes
James City County Wetlands Board
5320 Palmer La., Suite 2A
Williamsburg, VA 23188

VIA E-MAIL

**Subject: James City County Permit Extension
W-04-16/VMRC Permit Number 15-1211
Tidal Wetlands and State-Owned Bottoms
Colonial Pipeline Company Maintenance
James City County, Virginia
Corblu Project No. 02-041901-01 – Line 27, 2018**

Dear Mr. Hughes:

On behalf of our client, Colonial Pipeline Company (CPC), Corblu Ecology Group, LLC (Corblu), is pleased to submit this request for a 3-year extension of the existing James City County Permit (W-04-16/VMRC Permit Number 15-1211) initially issued on November 12, 2015 to Mr. Stanley Carpenter of CPC (Appendix A), for ongoing preventative pipeline maintenance. The permit is currently scheduled to expire on December 31, 2018.

Since required maintenance activities on CPC's petroleum pipelines are perpetual, we respectfully request a 3-year extension through December 31, 2021, of the above-referenced Permit. We understand that this request is for a permit time frame extension and does not otherwise change the existing permit issued by the James City County Wetlands Board.


We request that you issue the extension to the authorized person of contact:

Mr. Stan Carpenter
NE District Environmental Manager
Colonial Pipeline Company
1089 Kings Highway
W. Deptford, NJ 08066

Corblu appreciates your continued coordination and assistance with this project. If you have any questions or comments, please contact the undersigned at (770) 591-9990.

Sincerely,

CORBLU ECOLOGY GROUP, LLC



Shanna E. Cahill
Senior Ecologist



Neil E. Blackman, CWB
Principal

Attachments: Appendix A – W-04-16/VMRC Permit JPA Number 15-1211; December 31, 2018

c: Mr. Stanley Carpenter, CPC Environmental Project Manager-NED, via email
Mr. Matt Wyant, CPC Environmental Specialist, via email

APPENDIX A

W-04-16/VMRC PERMIT JPA NUMBER 15-1211; DECEMBER 31, 2018

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCELS 5940100003, 4920100006, 4910230001A, 49103A0002A, 4610100008, 3430100002

WHEREAS, Ms. Shanna Cahill of Corblu Ecology Group, LLC on behalf of Mr. Stanley Carpenter of the Colonial Pipeline Company (the "Applicant"), has applied to the Wetlands Board of James City County (the "Board") to request a permit to allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The crossings are identified as the James River-Parcel #5940100003, Halfway Creek-Parcel #4920100006, College Creek-Parcels #4910230001A and #49103A0002A, Powhatan Creek-Parcel #4610100008 and the Chickahominy River-Parcel #3430100002 (the "Property") as set forth in the application W-04-16/VMRC JPA #15-1211; and

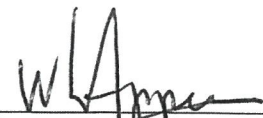
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing on November 12, 2015, the Wetlands Board of James City County 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:
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 - 2) The Applicant shall inform the Engineering and Resource Protection Division of all emergency repairs performed within James City County and when the work in these areas of James City County are to commence.
 - 3) The Applicant shall monitor any impact area for a period of two years post-repair to ensure that the areas have achieved adequate stabilization (90% aerial coverage). If inadequately stabilized after two years, a restoration plan must be submitted and approved by the Engineering and Resource Protection Division.
 - 4) The wetlands permit for this project shall expire on December 31, 2018.

- 5) Upon written request and formal Wetland Board approval, this permit may be extended to December 31, 2025. The written request shall be submitted no later than six weeks prior to the permit expiration date.

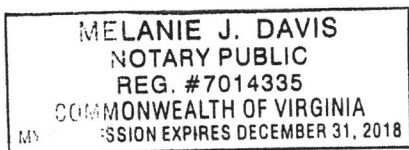

Michael Woolson
Senior Watershed Planner


John Hughes William Apperson
Vice Wetlands Board
Chair

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of November 2015

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF November 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.


NOTARY PUBLIC



MY COMMISSION EXPIRES 12/31/18.

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCELS 5940100003, 4920100006, 4910230001A, 49103A0002A, 4610100008, 3430100002

WHEREAS, Ms. Shanna Cahill of Corblu Ecology Group, LLC on behalf of Mr. Stanley Carpenter of the Colonial Pipeline Company (the "Applicant"), has applied to the Wetlands Board of James City County (the "Board") to request a permit to allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The crossings are identified as the James River-Parcel #5940100003, Halfway Creek-Parcel #4920100006, College Creek-Parcels #4910230001A and #49103A0002A, Powhatan Creek-Parcel #4610100008 and the Chickahominy River-Parcel #3430100002 (the "Property") as set forth in the application W-04-16/VMRC JPA #15-1211; and

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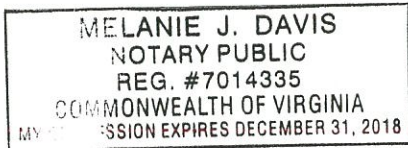

Michael Woolson
Senior Watershed Planner


John Hughes William Apperson
Vice Wetlands Board
Chair

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of November 2015

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF November 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.


NOTARY PUBLIC



MY COMMISSION EXPIRES 12/31/18.



JAMES CITY COUNTY WETLANDS BOARD

PUBLIC HEARING

November 12, 2015

CASE DECISION WORK SHEET

CASE NO: W-04-16 / VMRC 15-1211: Colonial Pipeline
OWNER/AGENT: Corblu Ecology Group, LLC and Colonial Pipeline Company
PERMIT REQUESTED: Wetland Permit

RESOLUTION: permit for potential impacts to tidal wetlands along and within the existing Colonial Pipeline easement that come about through repairs and maintenance.

Granted with following conditions:

VOTE	AYE	NAY	ABSTAIN	ABSENT
<u>Louis Bott</u>	<u>X</u>	_____	_____	_____
<u>Roger Schmidt</u>	<u>X</u>	_____	_____	_____
<u>Larry Waltrip</u>	_____	_____	_____	<u>X</u>
<u>William Apperson</u>	<u>X</u>	_____	_____	_____
<u>John Hughes</u>	_____	_____	_____	<u>X</u>

DATE OF DECISION: November 12, 2015

DATE FILED IN OFFICE: November 13, 2015

WETLANDS BOARD SECRETARY: _____


Melanie Davis

Resolution to grant the James City County Wetlands Board Permit will be issued in 10 days pending any appeals.