

Wetlands Board Building F - 7 p.m.

Sept. 10, 2014

A. Roll Call

B. Minutes

From July 9, 2014 - Board Meeting

C. Public Hearings

1. W-01-15/VMRC14-1128–Hill. Buchanan, Reily/Waters
Edge–196, 198 & 200 The Maine

D. Board Considerations - None

E. Matters of Special Privilege

F. Adjournment

Wetlands Permit Application W-01-15/VMRC 14-1128: 196, 198, and 200 The Maine

Staff report for the September 10, 2014 Wetlands Board Public Hearing

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

Existing Site Data & Information

Applicant: 196 The Maine
C. Debra Hill and Camilla Buchannan
198 The Maine
Paul and Karen Reilly
200 The Maine
Paul and Karen Reilly

Location: 196, 198 and 200 The Maine

Parcel Identification: 4540200071 – 196 The Maine
4540200072 – 198 The Maine
4540200073 – 200 The Maine

Lot Size: 0.585 ac +/- (196 The Maine)
0.691 ac +/- (198 The Maine)
0.682 ac +/- (200 The Maine)

Watershed: James River (HUC JL-34)

Proposed Activity: 196 The Maine – Install riprap revetment in front (seaward) of existing bulkhead, minimal upland fill as required to repair washout/slope erosion
198 The Maine – Install riprap revetment and upland fill to repair washout/upland erosion.
200 The Maine – Overlay armor stone riprap on existing revetment, repair upland erosion

Proposed Impacts

Vegetated Wetlands: 350 square feet, type VII wetland (arrow arum-pickerel weed community), sparsely vegetated, reestablishing behind existing damaged bulkhead, almost entirely at 198 The Maine.

Brief Summary and Description of Activities

Daniel Winall, Water's Edge Construction, on behalf of the property owners at 196, 198, and 200 The Maine has applied for a Wetlands Permit to install approximately 290 linear feet of riprap revetment and associated upland fill to provide erosion protection of the property. The combination of riprap revetment and upland fill will impact approximately 150 square feet of vegetated wetlands under this Board's jurisdiction and 2,400 square feet of sub-aqueous bottom under the jurisdiction of VMRC.

The properties are located at 196, 198, and 200 The Maine in the First Colony subdivision, directly on the James River. The properties are further identified as JCC Parcel Number 4540200071 (196 The Maine), 4540200072 (198 The Maine), and 4540200073 (200 The Maine). Several site visits were conducted between members of VMRC, County staff and the owners representatives over the past 12 months to discuss the project, project impacts, and mitigation requirements.

The initial failure occurred in 2006 and has been progressing with each succeeding major storm event. Over time, the area behind the bulkhead has started to revegetate tidal wetlands as the elevation behind the bulkhead became lower and more in line with the normal tide range of the James River.

The construction access for this project will be overland, down the existing slope. Upland disturbance will be minimized to the greatest extent practicable, grading of the entire slope is not warranted. Mitigation requirements for this project will be to purchase tidal wetland credits equal to the square footage of impacted tidal wetlands from an approved tidal wetlands mitigation bank and to reestablish a riparian upland buffer a minimum of 10 feet landward of the proposed riprap revetment. This upland buffer mitigation shall consist of native shrubs and small trees, on 5 ft on-center spacing, mulched, and temporarily irrigated with drip irrigation if the owners so desire. Access through this planted buffer to the existing dock may be maintained.

Criteria for Evaluating Alterations of Wetlands

The Virginia legislature established a policy to preserve the wetlands and to prevent their despoliation and destruction and to accommodate necessary economic development in a manner consistent with wetlands preservation. VMRC has developed general and specific criteria to reduce adverse environmental impacts on the shoreline.

It is staff's opinion that the impacts from this project are justified to protect property from significant adverse damage or loss due to erosion and that wetland resources are not unreasonably detrimentally affected by the alteration of the shoreline. The placement of the riprap revetment seaward of the existing bulkhead and the riprap overlay in the current location prevents unnecessary and excessive grading and engineered solutions in the uplands.

Staff Recommendations

The Joint Permit Application includes a riprap revetment, riprap overlay and associated upland fill and these activities are private and non-commercial in nature. The issue before the Board is the

installation of the defensive structure and upland fill, filling the tidal wetlands that have formed since the original bulkhead failure. Staff has fully reviewed the application and permit request and has determined that the conditions outlined in Section 22-4 (b) have been met. Staff finds that the vegetated wetland impacts associated with the bulkhead to be minimal. Staff finds that the sub-aqueous wetland impacts associated with the defensive structure are not within the Local Wetland Board's jurisdiction and will be handled by VMRC. Staff also finds that the mitigation purchase and upland plantings for unavoidable impacts to vegetated wetlands and upland buffers to be adequate.


Therefore, staff recommends approval of this wetlands application with the following conditions:

1. Prior to commencing this project, a preconstruction meeting will be held on-site; and
2. All other federal, state, and local permits required for this project shall be obtained prior to commencing work. Evidence of the securing of these permits must be provided prior to the pre-construction meeting; and
3. Evidence of the purchase of tidal wetland credits or a surety of \$3000 to guarantee the purchase of tidal wetland credits shall be provided prior to commencement of work; and
4. No woody vegetation shall be removed as part of this project outside of the scope unless approved by the Engineering and Resource Protection Division; and
5. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use; and
6. A surety of \$3,000 will be required to guarantee the upland mitigation plantings and shall be provided prior to the commencement of work. All surety must be in a form acceptable to the County Attorney's Office; and
7. The wetlands permit for this project shall expire on September 10, 2015. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Consideration by the Wetlands Board

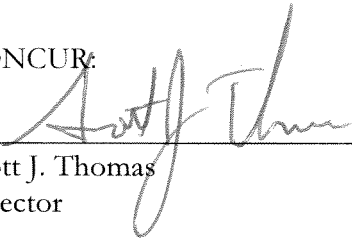
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 22-8 of the County's Wetlands ordinance. The Wetlands Board is to fully consider Wetlands Permit Application W-01-15 as outlined and presented above and review the request for permitting. The Board may grant the permit with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 22 Wetlands Ordinance. Resolutions for granting approval or granting denial of Wetlands Permit Application W-01-15 are included for the Board's use and decision.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas
Director

Attachments: Wetlands Permit Application Package