

Wetlands Board

December 9, 2015

A. Roll Call

B. Minutes

From November 12, 2015 Board Meeting

C. Public Hearings

1. W-06-16/VMRC15-1506: Parsons/Dock Masters-217 Sherwood Forest-rip rap
revetment
2. W-09-16/VMRC15-1567: First Colony/Sandy Bay Marine-94 Shellbank-pier
extension

D. Board Considerations

1. W-02-15/VMRC14-1480: Trolan/Jordan Marine-4388 Landfall-permit extension
2. W-05-15/VMRC14-1646: Swynford/Jordan Marine-4384 Landfall-permit
extension

E. Matters of Special Privilege

1. Presentation on Living Shorelines – Mark Eversole, VMRC

F. Adjournment

Wetland Board Case W-06-16/VMRC 15-1506: 217 Sherwood Forest

Staff report for the December 9, 2015 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering 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 & Information

Applicant: Kenneth Parsons

Agent: Dock Masters

Location: 217 Sherwood Forest, Riverview Plantation

Parcel Identification: 1730200009

Watershed: York River (HUC Code YO65)

Proposed Activity: Install 65 feet \pm of upland riprap revetment and 395 feet \pm of marsh toe revetment stabilization to prevent further erosion of the marsh and bank at 217 Sherwood Forest.

Wetland Impacts: 260 sq. ft. non-vegetated impacts, Type XIII, Intertidal Beaches
4,750 sq. ft. subaqueous bottom

Project Discussion

Dock Masters, on behalf of Mr. Kenneth Parsons, has applied for a Wetlands Permit to construct 65 feet \pm of upland riprap revetment and 360 feet \pm of marsh toe revetment stabilization on property located at 217 Sherwood Forest, directly on the York River. The property is further identified as JCC Parcel Number 1730200009. The upland revetment is proposed around and near the existing pier. Eighty-three feet \pm of marsh toe revetment is proposed between the adjacent marsh toe revetment and the northern end of the proposed upland revetment with the remaining marsh toe revetment extending southward from the southern end of the proposed upland revetment.

The marsh toe revetment is a linear rock structure that follows shoreline contours, placed against the eroding channelward edge of a tidal marsh in the intertidal or subtidal zone. A marsh sill is a similar type rock structure as a marsh toe revetment but is free standing and offset from the channelward marsh edge. It may be combined with marsh creation by adding sand and tidal wetland plants. An upland revetment is a linear rock defensive structure placed against the eroding upland bank landward from tidal marsh or non-vegetated sand or mud flats.

Due to the nature of the shoreline, this project is a combination of marsh toe revetment/marsh sill and

upland revetment. The height of the marsh toe shall be equal to the adjacent marsh toe revetment to the north. The structure shall have 2:1 side slopes, and where it transitions to a marsh sill, the bottom width shall be variable depending upon water depth. The entire structure shall be underlain with filter cloth. Where the structure is a marsh toe revetment, the revetment shall have a buried toe, 1 foot minimum below existing grade.

The upland revetment shall have a buried toe placed a minimum of 1 foot below existing grade, the height of the structure shall be at existing upland grade. The structure shall also have 2:1 side slopes and filter cloth shall underlie the entire structure. The stone size for the entire project shall be between 50 and 150 lb stones.

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 destroy 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 dependant 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.

As stated earlier, this project will impact approximately 260 sq. ft. non-vegetated impacts, Type XIII, Intertidal Beach Community wetland and approximately 4,750 sq. ft. of subaqueous bottom. Staff believes that the three criteria outlined above have been met and that no vegetative wetland mitigation should be 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. Prior to any land disturbing activities, a pre-construction meeting will be held on-site.
3. The limits of work shall be flagged in the field prior to the pre-construction meeting.
4. A surety of \$500 shall be submitted in a form acceptable to the County Attorney’s office

- guaranteeing the stabilization of all upland disturbance areas.
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.
 6. The wetlands permit for this project shall expire on December 9, 2016. 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.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Joint Permit Application

Wetland Board Case W-09-16/VMRC 15-1567: First Colony Marina

Staff report for the December 9, 2015 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering 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 & Information

Applicant: Richard Schaffler, Chair, Beach and Marina Committee, Board of Directors, Greater First Colony Area Civic Association

Owner: Greater First Colony Area Civic Association

Location: 94 Shellbank Drive

PIN: 4530400001

Watershed: James River (HUC JL 35)

Proposed Activity: Replace existing finger piers with new finger piers. Replace and extend an 'L' shaped pier by 7 feet within the existing First Colony marina

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

Project Discussion

Mr. Richard Schaffler, on behalf of the Greater First Colony Area Civic Association, has applied for a Wetlands Permit to replace up to eight existing finger piers within the same footprint within the First Colony marina and to replace and extend by 7 feet an existing 'L'-shaped pier within the marina. The marina is located within an unnamed tidal gut adjacent to the James River, downstream of Lake Pasbeigh and is subject to tidal influences.

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.

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 fully reviewed this application and declares that this project does not have any vegetative wetland impacts and therefore there is no mitigation component.

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; and
2. The wetlands permit for this project shall expire on December 9, 2016.
3. 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.

Staff Report prepared by:



Michael D. Woolson, LA
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Joint Permit Application

MEMORANDUM

DATE: December 9, 2015
TO: The Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner *MW*
SUBJECT: Case No. W-02-15/VMRC 14-1480; 4388 Landfall

Mr. Wilbur Jordan, the contractor for case W-02-15, is requesting a one-year extension of this permit through January 11, 2017. The permit is for the construction of 98 linear foot vinyl bulkhead and 13 linear foot stone revetment on Powhatan Creek. The current permit will expire on January 14, 2016. Staff concurs with this request and requests that all previous conditions be continued and the expiration date be set at January 11, 2017.

MEMORANDUM

DATE: December 9, 2015
TO: The Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner *MW*
SUBJECT: Case No. W-05-15/VMRC 14-1646; 4384 Landfall

Mr. Wilbur Jordan, the contractor for case W-05-15, is requesting a one-year extension of this permit through January 11, 2017. The permit is for the construction of 52 linear foot vinyl bulkhead and 137 linear foot stone revetment on Powhatan Creek. The current permit will expire on January 14, 2016. Staff concurs with this request and requests that all previous conditions be continued and the expiration date be set at January 11, 2017.