

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
April 13, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from December 9, 2015 Board meeting

D. PUBLIC HEARINGS

1. W-13-16 / VMRC 16-0207 : 3112 North Riverside Drive
2. W-11-16 / VMRC 16-0125 : 7608 Uncles Neck
3. W-15-16 / VMRC 16-0314 : 7671 Cypress Drive

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 4/13/2016
TO: Wetlands Board
FROM: Wetlands Board Secretary
SUBJECT: Minutes from December 9, 2015 Board meeting

ATTACHMENTS:

	Description	Type
□	Minutes from December 9, 2015 Board meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Environmental	Secretary, Wetland	Approved	3/17/2016 - 1:03 PM

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
Wednesday December 9, 2015**

A. ROLL CALL

John Hughes - Chair
William Apperson
Charles Roadley
David Gussman
Roger Schmidt - Alternate

ABSENT

Larry Waltrip

OTHERS PRESENT

County Staff (Staff):

Michael Woolson, Senior Watershed Planner

Maxwell Hlavin, Assistant County Attorney

Melanie Davis, Secretary to the Board

Mark Eversole, Virginia Marine Resource Commission (VMRC)

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.

B. MINUTES

The November 12, 2015 Board minutes were approved as written.

C. PUBLIC HEARINGS

1. W-06-16 / VMRC 15-1506: Parsons/Dock Masters – 217 Sherwood Forest

Michael Woolson presented this request for a wetlands permit submitted by Dock Masters on behalf of the property owner, Kenneth Parsons, to install approximately 65 feet of upland riprap revetment and 360 feet of marsh toe revetment to stabilize and prevent further erosion of the marsh and bank at 217 Sherwood Forest in the Riverview Plantation subdivision, JCC Parcel Number 1730200009. Mr. Woolson described the current site conditions and the proposed construction. Staff recommended approval of the permit application with the conditions specified in the Resolution to Grant the permit.

Mr. Gussman asked if there was a previous stabilization project on the upstream property and if the marsh toe on the adjacent property added to the erosion on the current property.

Mr. Woolson said an emergency permit was issued for the upland revetment on the adjacent parcel after Hurricane Isabel. The marsh toe was also installed after the hurricane but he did not know if it added to the erosion on Mr. Parsons' property.

Mr. Hughes said it looked like part of the proposed revetment was on the adjacent property and he asked if permission was required from that owner.

Mr. Woolson agreed that permission from the adjacent owner should be a condition for granting this permit or the project could be amended to stop at the applicant's property line.

Mr. Roadley asked if the displayed photographs were taken at low tide and if staff was comfortable with the proposed alignment of the revetment based on the configuration of the existing vegetation. He also asked if the size of the proposed stone was appropriate.

Mr. Woolson said the photos were taken within a half hour of low tide. It was understood the marsh sand would refill and the vegetation volunteer as the applicant was not proposing to add sand or plantings. He said the proposed stone size matched what was in the existing revetment.

Mr. Roadley said the deflation of the shoreline was obvious.

Mr Hughes opened the public hearing.

A. Mr. Ken Parsons the property owner, thanked the Board for their consideration and stated he was available to answer questions.

Mr. Roadley asked how the revetment would be installed as heavy equipment could cause compression and one purpose of post installation inspections was be to determine if the marsh could come back.

B. Mr. Henry Thorndike, owner of Dock Masters contractor and agent for Mr. Parsons, said his equipment was fairly small with wide tracks and he would use log mats to minimize damage. He felt the impacts would be temporary at most.

Mr Hughes asked if there was a drain field on the property that could be impacted. He also asked if the neighbor had been contacted regarding the work on their property.

A. Mr. Ken Parsons explained the drain field was not in the area of access to the project. He said the adjacent neighbors no longer lived on the property but, he could contact them regarding the portion of the revetment on their property.

Mr. Gussman asked Mr. Thorndike if he thought the marsh toe on the adjacent property caused the scouring on Mr. Parsons property.

B. Mr. Thorndike believed that marsh toe actually deflected some of the wave impact to Mr. Parson's property.

Mr. Hughes closed the public hearing as no one else wished to speak.

Mr. Roadley was somewhat concerned that the proposed revetment did not match the existing toe of vegetation and it might take a while for the area to re-vegetate however, the protection was needed and he said he would support the proposal.

Mr. Hughes said the only additional requirement would be approval from the adjacent property owner.

Mr. Gussman made a motion to adopt the resolution to grant the permit for wetlands board case W-06-16/VMRC 15-1506 at 217 Sherwood Forest, Parcel No 1730200009, with the added condition of written permission from the adjacent property owner.

Mr. Roadley stated the neighbor's permission alone would not be sufficient if there was a violation of the permit on their property. He felt the neighbor needed to be a co-applicant.

Mr. Gussman amended is motion stating that the condition would be adding the adjacent property owner as a co-applicant or the permit would only be approved for the portion of the project on 217 Sherwood Forest.

The motion was approved by a 5-0 vote.

RESOLUTION
GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL 1730200009

WHEREAS, Dock Masters on behalf of Mr. Kenneth Parsons (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 a parcel of property identified as JCC RE Tax Parcel 1730200009 and further identified as 217 Sherwood Forest in the Riverview Plantation subdivision (the “Property”) as set forth in the application W-06-16/VMRC JPA #15-1506; 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 December 9, 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:
 - 1) The applicant must obtain all other necessary local, state, and/or federal permits required for the project and approval from the adjacent parcel owner as a co-applicant for approval of the portion of the project on the adjacent property to have effect.
 - 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 the 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.
2. **W-09-16 / VMRC 15-1567: Greater First Colony /Sandy Bay Marine-marina at 94 Shellbank Dr** Michael Woolson presented this case for the Joint Permit Application (JPA) submitted by Mr Richard Schaffler, on behalf of the Greater First Colony Area Civic Association (GFCACA) 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. Mr. Woolson explained that even though there are no wetland impacts within this Board’s jurisdiction, the commercial nature of the application required consideration by the local wetlands board at a public hearing. Staff recommended approval of the application with the conditions specified in the Resolution to Grant the permit.

Mr. Hughes opened the public hearing.

A. Kevin Vernall with Sandy Bay Marine, contractor and agent for the project stated the project was as described by staff but, he would answer any questions the Board might have.

Mr. Hughs closed the public hearing as no one else wished to speak.

Mr. Roadley made a motion to adopt the Resolution to Grant the permit for wetlands board case W-09-16/VMRC 15-1567 at the First Colony Marina, 94 Shellbank Drive, Parcel No. 4530400001.

The motion was approved by a 5-0 vote.

RESOLUTION
GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL 4530400001

WHEREAS, Mr Richard Schaffler on behalf of the Greater First Colony Area Civic Association(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 a parcel of property identified as JCC RE Tax Parcel 4530400001 and further identified as the Greater First Colony Marina at 94 Shellbank Drive in the Greater First Colony subdivision (the “Property”) as set forth in the application W-09-16/VMRC JPA #15-1567; 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 December 9, 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:
 - 1) The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
 - 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.

D. BOARD CONSIDERATIONS

1. **Permit Extension for W-02-15/VMRC 14-1480: Trolan/Jordan Marine – 4388 Landfall**
2. **Permit Extension for W-05-15/VMRC 14-1646: Swynford/Jordan Marine – 4384 Landfall**

Michael Woolson presented the request submitted by Wilbur Jordan, contractor and agent for wetlands cases W-02-15 and W-05-15. The request was for a one-year extension of these permits through January 11, 2017. The permits are for the construction of a 98 linear foot vinyl bulkhead and 13 linear foot stone revetment on Powhatan Creek at 4388 Landfall and a 52 linear foot vinyl bulkhead and 137 linear foot stone revetment on Powhatan Creek at 4384 Landfall. The current permits will expire on January 14, 2016. Staff concurs with this request with all previous permit conditions continued and the expiration dates set at January 11, 2017.

Mr. Gussman made a motion to adopt the Resolution to Grant the permit extension for wetlands board case W-02-15/VMRC 14-1480 at 4388 Landfall, Parcel No. 4732400082.

The motion was approved by a 5-0 vote.

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL NO. 4732400082

WHEREAS, Mr. Wilbur Jordan on behalf of William and Lori Trolan, (the “Applicant”) has requested an extension of the permit granted by the Wetlands Board of James City County (the “Board”) on January 14, 2015. The permit is to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel No. 4732400082 and further identified as 4388 Landfall Drive in the Landfall at Jamestown subdivision (the “Property”) as set forth in the application W-02-15/VMRC14-1480; 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 January 14, 2015 and pursuant to the current request for an extension, 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:
 - The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
 - Surety of \$1,000 will be required to guarantee stabilization of upland portion of project.
 - Prior to construction, a pre-construction meeting will be held on-site.
 - 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.
 - The wetlands permit for this project shall expire on January 11, 2017. 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.

Mr. Apperson made a motion to adopt the Resolution to Grant the permit extension for wetlands board case W-05-15/VMRC 14-1646 at 4384 Landfall, Parcel No. 4732400081.

The motion was approved by a 5-0 vote.

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL NO. 4732400081

WHEREAS, Mr. Wilbur Jordan on behalf of Mr. Agnew Swynford, (the “Applicant”) has requested an extension of the permit granted by the Wetlands Board of James City County (the “Board”) on January 14, 2015. The permit is to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel No. 4732400081 and further identified as 4384 Landfall Drive in the Landfall at Jamestown subdivision (the “Property”) as set forth in the application W-05-15/VMRC14-1646; 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 January 14, 2015 and pursuant to the current request for an extension, 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:
 - The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
 - Prior to construction, a pre-construction meeting will be held on-site.
 - 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.
 - The wetlands permit for this project shall expire on January 14, 2017. 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.

E. MATTERS OF SPECIAL PRIVILEGE

1. Presentation on Living Shorelines – Mark Eversole, VMRC

Mr. Eversole's presentation included information on the development of the living shoreline general permit. He described the purpose, specific criteria, conditions and application procedures for a "Living Shoreline Group 1 General Permit for Certain Living Shoreline Treatments Involving Tidal Wetlands" as outlined in Chapter 4VAC20-1300 of the Virginia Administrative Code. He explained that upon acceptance of a living shoreline application, local wetlands staff and VMRC would have 21 days to approve or deny this type of permit for any reason by invoking a 'kick out' clause and processing the application through the normal public hearing process.

Mr. Roadley asked what percentage of applications might fall into the acceptable 'living shoreline' category.

Mr. Eversole said so far it was slow to catch on and only 2 of these permits had been issued in the past 3 or 4 months.

Mr. Gussman asked if the Wetlands Board would be notified when these permits are issued and if the projects would be inspected for compliance.

Mr. Eversole said there was nothing in the permit that required compliance inspections however, inspections could be done by the local wetlands staff when the projects are completed and again after the first and second year monitoring reports are submitted.

Mr. Woolson stated that staff would advise the Board when these permits are issued.

F. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

John Hughes
Wetland Board Vice Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 4/13/2016
TO: Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: W-13-16 / VMRC 16-0207 : 3112 North Riverside Drive

The Chickahominy Haven Citizens Association has applied for a wetlands permit for a stone revetment at 3112 North Riverside Drive.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	JPA Application	Backup Material
▣	VIMS Recommendation	Backup Material
▣	VMRC Letter	Backup Material
▣	APO Notice and Advertisement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Environmental	Secretary, Wetland	Approved	4/7/2016 - 9:47 AM
Publication Management	Burcham, Nan	Approved	4/7/2016 - 10:41 AM
Environmental	Secretary, Wetland	Approved	4/7/2016 - 10:46 AM

**WETLAND BOARD CASE No. W-13-16/VMRC 16-0207. 3112 North Riverside Drive
Staff report for the April 13, 2016, 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 AND INFORMATION

Applicant: Mr. George Amory

Agent: Karla Havens, Mid-Atlantic Resource Consulting

Location: 3112 North Riverside Drive

Tax Map/Parcel No.: 1910200009

Watershed: Chickahominy River (HUC Code JL28)

Proposed Activity: Construction of a 132-linear-foot stone revetment in front of an existing, failing wooden bulkhead.

Wetland Impacts: 792-square-foot Type XIV Sand Flat Community

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

PROJECT DISCUSSION

Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. George Amory and the Chickahominy Haven Citizen Association, has applied for a Wetlands Permit to construct a 132-foot-long revetment adjacent to an existing, failing bulkhead on property located at 3112 North Riverside Drive, directly on the Chickahominy River. The property is further identified as James City County Tax Map Parcel No. 1910200009.

The revetment will be constructed of Class II armor stone (150-500 lbs.) over top of Class I core stone (50-150 lbs.), all placed on top of filter cloth. The toe of the revetment will be keyed in the bottom a minimum of one foot below mean low water. The revetment will be placed seaward of the existing, failing wooden bulkhead. The applicant is not proposing to remove the bulkhead, nor plant any wetland vegetation. The applicant is proposing to repair the grade landward of the bulkhead with additional fill and filter fabric adjacent to the bulkhead. The construction access will be from the upland and be required to be graded to a smooth condition and stabilized at the completion of the project. The construction access stabilization will be required to be bonded. Approximate upland disturbance is 1,700 square feet.

The site is appropriately staked in the field and during the site visit, there appeared to be no obstacles to prevent the revetment from being constructed as proposed. There is an existing set of steps to reach the beach at low tide, and the revetment is proposed to abut the steps.

The goal of this revetment is to preserve the Chickahominy Haven Citizen Association property as it currently exists without major upgrades to the bulkhead. The Virginia Institute of Marine Science (VIMS) report strongly suggests that the existing shoreline structure (bulkhead) be removed and the bank regraded to allow for the gentle run-up of waves, along with an off-shore sill and beach nourishment. Staff would allow the applicant to repair the existing bulkhead in place or allow them to build a new bulkhead up to 2-feet seaward of the existing bulkhead. The applicant is proposing a modified living shoreline proposal and, as such, is acceptable.

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-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.

As stated previously, this project will impact 792 square feet of Type XIV Sand Flat Community. This wetland impact is non-vegetative and requires no compensatory mitigation as a permit condition.

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. A pre-construction meeting will be held on-site prior to work commencing; and
3. A surety of \$1,000 shall be submitted in a form acceptable to the County Attorney’s Office, guaranteeing the upland restoration of the construction disturbance. Once the area is stabilized according to the Virginia Erosion and Sediment Control Handbook guidelines, the surety will be released; and
4. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
5. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

MW/nb

W13-16VMRC16-207-NRvrside

Attachments:

1. Joint Permit Application
2. VIMS Report

RESOLUTION

CASE NO. W-1316/VMRC 16-0207 N. RIVERSIDE DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, George Amory and the Chickahominy Haven Citizen Association, (the “Applicant”) have applied to the Wetlands Board of James City County (the “Board”) on April 13, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 1910200009 and further identified as 3112 N Riverside Drive in the Chickahominy Haven subdivision (the “Property”) as set forth in the application W-13-16/VMRC 16-0207; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
 - b. A pre-construction meeting will be held on-site prior to work commencing; and
 - c. A surety of \$1,000 shall be submitted in a form acceptable to the County Attorney’s Office, guaranteeing the upland restoration of the construction disturbance. Once the area is stabilized according to the Virginia Erosion and Sediment Control Handbook guidelines, the surety will be released; and
 - d. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
 - e. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

John Hughes
Chair, Wetlands Board

Michael Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of April,
2016

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: _____

W13-16VMRC16-207-NRvrside-res

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

1. Applicant's name* and complete mailing address: Contact Information:
 Chickahominy Haven Citizen Association
 Attn: Mr. George Amory
 P. O. Box 106
 Toano, VA 23168-0106
 Home (757) 566-3947
 Work () _____
 Fax () _____
 Cell/ Pager (757) 570-8572
 e-mail gmoe57@aol.com
 State Corporation Commission ID Number (if applicable) _____

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

3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
 Karla S. Havens
 Mid-Atlantic Resourced Consulting
 1095 Cherry Row Lane
 Plainview, VA 23156
 Home () _____
 Work (804) 785-2107
 Fax () _____
 Cell/ Pager (804) 366-1768
 e-mail khavens@inna.net
 State Corporation Commission ID Number (if applicable) _____

*** 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.

Construction of 132 linear feet of quarry stone revetment.
 Site to be accessed from the upland.
 No clearing and/or grading required.

<div style="border: 2px solid black; padding: 5px; width: fit-content; margin: auto;"> <p style="font-size: 1.2em; margin: 0;">RECEIVED</p> <p style="font-size: 1.2em; margin: 0;">FEB 10 2016</p> <p style="font-size: 0.8em; margin: 0;">REVISIED: March 2014</p> <p style="font-size: 0.8em; margin: 0;">MARINE RESOURCES COMMISSION</p> </div>	<p>FOR AGENCY USE ONLY</p> <p>Notes:</p> <p>JPA # <u>16-0207</u></p>
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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:

Jordan Marine Construction, Inc.
Wilber Jordan
3599 Little Deer Run
Williamsburg, VA 23188

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell / Pager (757) 592-4171
email _____

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) 3112 N. Riverside Drive

Lot/Block/Parcel# Recreation Area I

Subdivision Chickahominy Haven

City / County Lanexa / James City County Zipcode 23089

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

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 it to minimize shoreline 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.

A silt fence shall be installed and maintained at the landward edge of the revetment until a complete vegetative cover is established.

All denuded and sparsely vegetated areas shall be seeded and mulched with an appropriate 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.): \$ _____
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 issued.
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).

(3114 N. Riverside Drive)

Jerry O. & Janic Talton
P. O. Box 604
Williamsburg, VA 23187-0604

Todd A. & Heidi E. Dellert
3110 N. Riverside Drive
Lanexa, VA 23089-9406

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.

George Amory, President

Applicant's Name (printed/typed)

(Use if more than one applicant)



Applicant's Signature

(Use if more than one applicant)

2-5-16

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

George Amory, Pres.

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.


(Agent's Signature)

(Use if more than one agent)

2-5-16

(Date)


(Applicant's Signature)

(Use if more than one applicant)

2-5-16

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

George Amory

Jordan Marine Construction, Inc.

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 2-5-16.

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.

Wilber Jordan

Contractor's name or name of firm

Jordan Marine Construction, Inc.

3599 Little Deer Run

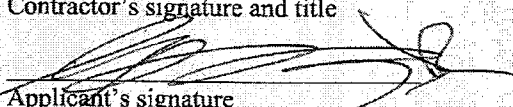
Williamsburg, VA 23188

Contractor's or firms address

2705-107524A

Contractor's License Number

Contractor's signature and title


Applicant's signature

(use if more than one applicant)

2-5-16

(Date)

#16-0207
James City

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

Todd a. & Heidi E. Dellert

I (we), _____, own land next to (across
(Print adjacent/nearby property owner's name)

Chickahominy Haven Citizen Association

the water from/on the same cove as) the land of _____
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 2-9-16
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

*WE LOOK FORWARD TO
THE IMPROVEMENT IN
ORDER TO PREVENT/
REMEDIATE THE
ONGOING SHORE
EROSION!*

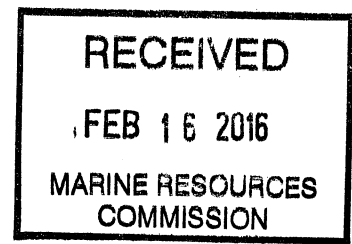
The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

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

Todd A. Dellert
Adjacent/nearby property owner's signature(s)

12 FEB 2016
Date

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



Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches (including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, 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.

1. For **riprap, bulkheads, marsh toe, breakwaters, groins, jetties**: What is the overall length of the structure(s)? 132 linear feet. If applicable, what is the volume of the associated backfill? ∅ cubic yards.
2. What is the maximum encroachment channelward of mean high water? 6' feet.
channelward of mean low water? ∅' feet.
channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands ∅ square feet
 - Nonvegetated wetlands 792 square feet (132 x 6)
 - Subaqueous bottom ∅ square feet
 - Dune and/or beach ∅ 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.

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

CLASS II QUARRY STONE ARMOR OVER CLASS I QUARRY STONE CORE OVER FILTER CLOTH.

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:
Core (inner layer) material 100 pounds per stone Class size I
Armor (outer layer) material 300 pounds per stone Class size II

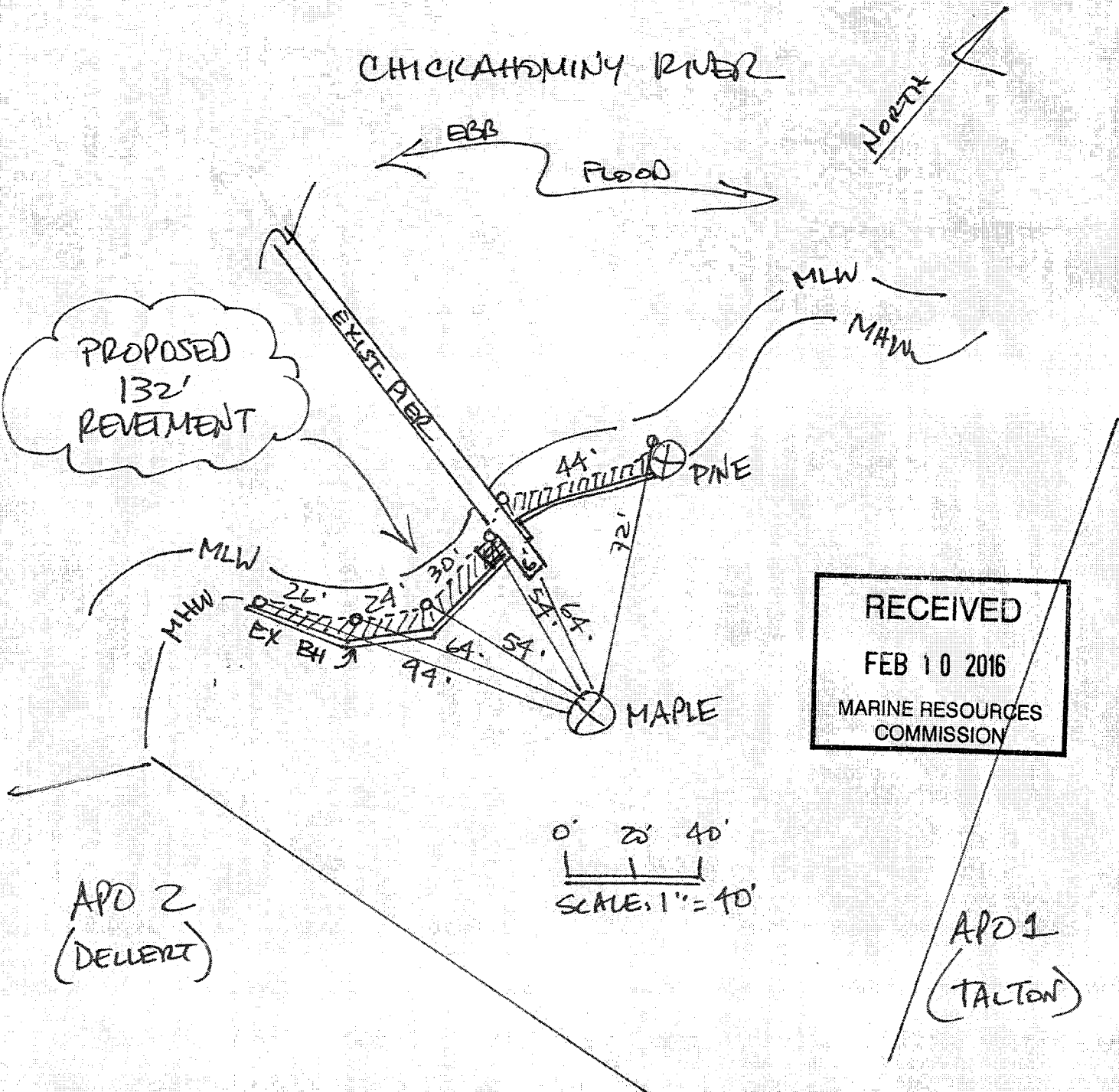


RECEIVED
FEB 10 2016
 MARINE RESOURCES
 COMMISSION

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 associated with the project.

Adjacent Property Owners: 1. Jerry O. & Janic Talton 2. Todd A. & Heidie E. Dellert	VICINITY MAP Recreation Area 1	CHICKAHOMINY HAVEN CITIZEN ASSN. 3112 N. Riverside Drive - James City County on the Chickahominy River Date: <i>2.9.16</i> Sheet <i>11</i> of <i>3</i>
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CHICKAHOMINY RIVER



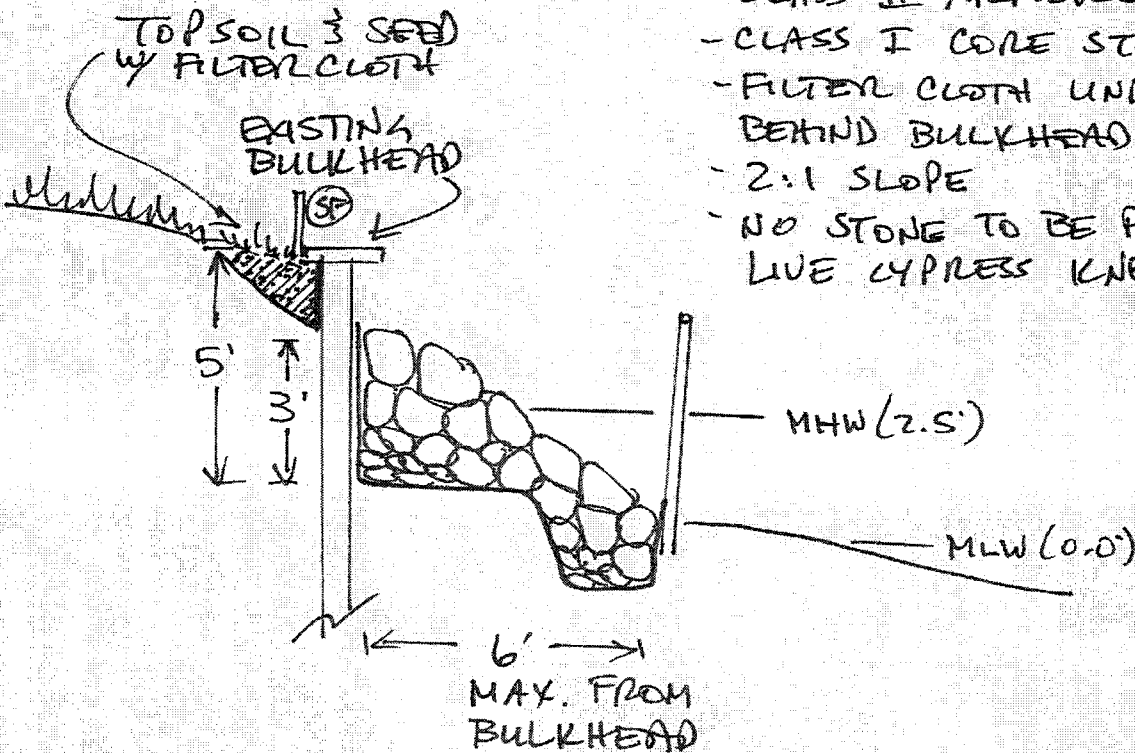
RECEIVED
FEB 10 2016
 MARINE RESOURCES
 COMMISSION

APD 2
(DELLERT)

APD 1
(TALTON)

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 associated with the project.

Adjacent Property Owners: 1. Jerry O. & Janic Talton 2. Todd A. & Heidic E. Dellert	SITE PLAN Recreation Area 1	CHICKAHOMINY HAVEN CITIZEN ASSN. 3112 N. Riverside Drive - James City County on the Chickahominy River Date: 2.9.16 Sheet 2 of 3
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- CLASS II ARMORSTONE
- CLASS I CORE STONE
- FILTER CLOTH UNDER STONE & BEHIND BULKHEAD
- 2:1 SLOPE
- NO STONE TO BE PLACED ON LIVE CYPRESS KNEES

0' 2' 4'
SCALE: 1" = 4'

RECEIVED
FEB 10 2016
MARINE RESOURCES
COMMISSION

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 associated with the project.

Adjacent Property Owners: 1. Jerry O. & Janic Talton 2. Todd A. & Heidie E. Dellert	DETAIL Recreation Area 1	CHICKAHOMINY HAVEN CITIZEN ASSN 3112 N. Riverside Drive - James City County on the Chickahominy River Date: 2-9-16 Sheet 3 of 3
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VIMS Tidal Shoreline Management Recommendation

(VMRC # 16-0207)

Applicant: Chickahominy Haven Citizens Association

Address: 3112 N. Riverside Drive, Lanexa, VA

Waterbody: Chickahominy River

Date: March 18, 2016

Preferred Options for Shoreline Management

The shoreline best management practice(s) recommended in this report reflect(s) the preferred approach for shoreline stabilization from a broad coastal ecosystem viewpoint, and is (are) based on VIMS comprehensive coastal resource management guidance to preserve and maintain tidal wetland ecosystems in the face of coastal development and sea level rise. The goal of the recommended approach is to foster the sustainability of shoreline resources using living shoreline designs where appropriate and applying traditional shoreline hardening only in areas where site conditions make them necessary. These recommendations reflect the Commonwealth's preferred approach for shoreline stabilization using living shoreline treatments whenever adequate erosion control can be achieved.

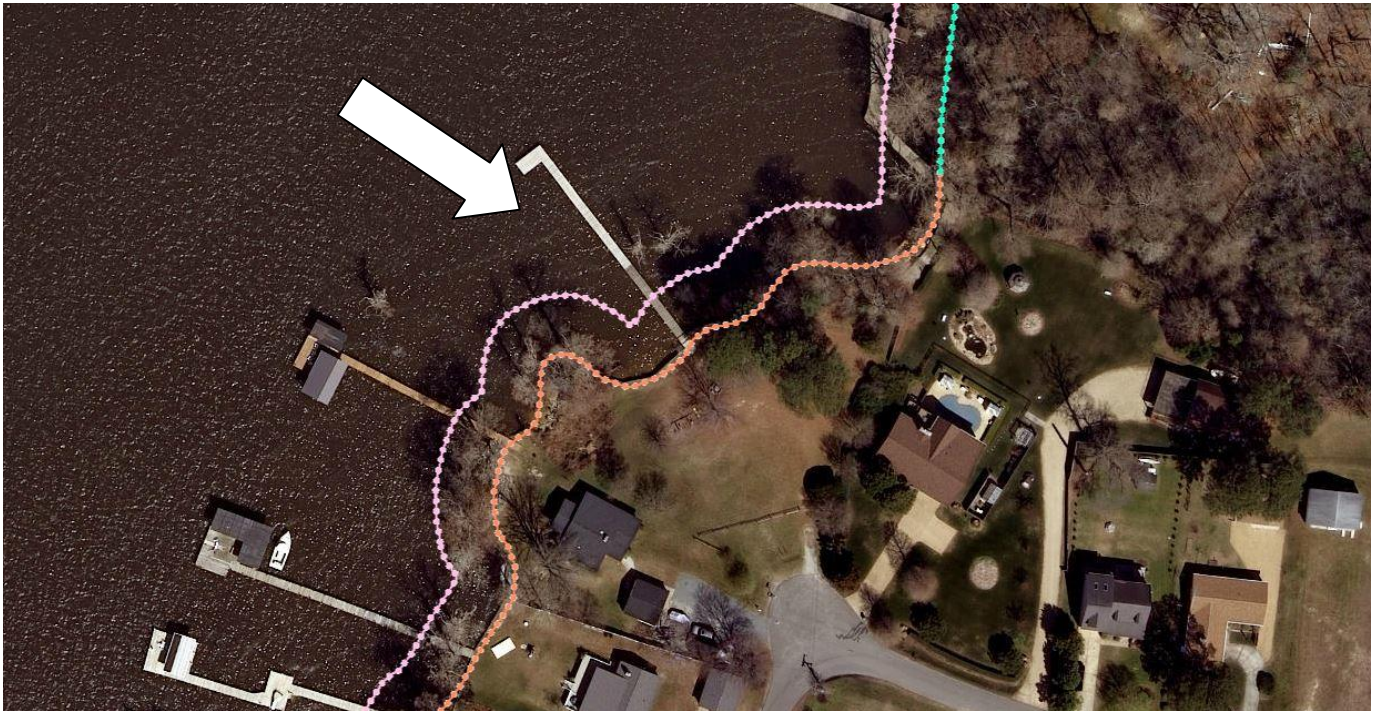
The comprehensive coastal resource management guidance recommendation is based on the natural resources and physical characteristics of the shoreline and is not dependent upon the project being proposed.

Information on the natural resources and physical characteristics of a shoreline is collected during the VIMS shoreline inventory conducted as part of the development of each locality's Coastal Comprehensive Resource Management Portal (CCRMP). The VIMS shoreline inventory includes data such as: bank condition, nearshore depth, fetch, bank height, presence of beach and/or wetlands, location of primary structures, existing shoreline structures, and bank cover. The data is collected via observations made from a small vessel on the water or remotely at the desktop using high resolution imagery. Every attempt has been made to ensure that these data are reliable and accurate. However limitations such as inability to access a shoreline, tide stage, image quality, as well as changes to shorelines occurring post inventory, affect the data accuracy.

A geo-spatial model that is based on the comprehensive coastal resource management guidance is used to determine the preferred shoreline management recommendations. An interactive Comprehensive Map Viewer delineating the preferred approaches for your locality can be accessed at <http://ccrm.vims.edu/ccrmp/index.html>.

The ecosystem scale of the model is not specifically detailed to individual parcels. In some instances, conditions of a parcel such as the presence of existing erosion control structures, narrow lot size, and proximity of primary buildings to the shoreline may cause the larger scale ecosystem based approach to be difficult to achieve. In these cases, the shoreline management recommendation derived from the CCRM Decision Tree Tools may be an alternative option and if so will be provided at the end of the report. To access the Coastal Management Decision Tree Tools go to: <http://ccrm.vims.edu/decisiontree/>.

Coastal Ecosystem Based Recommendation Details (16-0207)



If active erosion is occurring along this shoreline, ***the preferred approach for erosion control to preserve and maintain tidal wetland ecosystems is to:***

**Grade Bank
Plant Marsh with Sill**

●●●●● Grade Bank

It would be beneficial to the tidal shoreline ecosystem to remove existing shoreline structures and restore the connection between the upland and intertidal area; allowing the complex interactions and processes between the terrestrial and aquatic systems to occur.

If portions of the existing upland bank are eroding or vertical edges exist, it is recommended to grade the bank to reduce the steepness of the slope and achieve a maintainable slope that will provide for gentle wave run-up and sustain the growth of vegetation on the face of the bank. Densely plant the bank with a variety of deep-rooted woody shrubs and perennial grasses at appropriate elevations.

Grading should **ONLY** be conducted as necessary, where essential, and done as minimally as possible to achieve the necessary slope.

We recommend planting an integrated riparian and marsh buffer extending from mid-tide to 100 feet inland from the top of bank.

Enhance the riparian buffer (a minimum 100 feet landward from top of bank) with a variety of native, deep-rooted vegetation to provide erosion control and water quality benefits to this shoreline.

- Minimize the amount of waterfront lawn area in the riparian area;
- Reduce the amount of routine mowing in the riparian buffer;
- Selectively remove dead, dying and severely leaning trees at top of bank;
- Prune branches with weight bearing load over the water and top of bank.

●●●●● Plant Marsh with Sill

Increase the ability to slow down wave energy along this shoreline by planting marsh fringe along the shoreline. Construct a properly sized rock sill placed offshore from the marsh edge. The site-specific suitability for the sill must be determined, including bottom hardness, navigation conflicts, construction access limitations, orientation and available sunlight for marsh plants.

- Planting new marsh may require the placement of sand fill to raise the elevation to what is necessary to support wetland vegetation
- Periodically monitor marsh for signs of damage and dead plants, especially after a storm and after installation.

Note: Submerged Aquatic Vegetation (SAV)

According to the VIMS Submerged Aquatic Vegetation (SAV) Survey, SAV habitat is currently or has been mapped in the vicinity along the project shoreline. SAV beds are highly productive ecosystems which provide food and habitat for several fisheries species and help improve water quality by stabilizing sediments and reducing turbidity. The range of SAV beds in the Chesapeake Bay watershed has been greatly reduced from the range in the 1930s, which makes these beds of prime concern for conservation. SAV impacts should be avoided.



COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue

Third Floor

Newport News, Virginia 23607

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

February 25, 2016

Chickahominy Haven Citizen Association
Attn: Mr. George Amory
c/o Mid-Atlantic Resource Consulting
1095 Cherry Row Lane
Plainveiw, VA 23156

Re: VMRC #16-0207

Dear Mr. Amory:

We have received your application requesting authorization to install 132 linear feet of rip rap revetment, a maximum six (6) feet channelward of an existing timber bulkhead, but landward of the mean low water line, adjacent to riparian property at 3112 North Riverside Drive in James City County.

Provided your proposal does not extend channelward of the mean low water mark and will not involve State-owned submerged lands, no authorization is required from the Marine Resources Commission. For your information you may need authorization from your local wetlands board and/or the U.S. Army Corps of Engineers prior to commencing your project. Your application has been forwarded to these agencies.

If I may be of further assistance, please contact me at (757) 247-8028.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Eversole".

Mark C. Eversole
Environmental Engineer

MCE/lra
HM

cc: Army Corps of Engineers #6
James City County Wetlands Board
Applicant

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



**Development Management
Engineering and Resource
Protection Division**
P.O. Box 8784
Williamsburg, VA 23187-8784

Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

March 23, 2015

Re: W-13-16/VMRC 16-0207 3112 N Riverside Drive
Revetment

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 the Chickahominy Haven Citizens Association, for construction of a quarry stone revetment at 3112 N Riverside Drive in the Chickahominy Haven subdivision. The property is further identified by James City County Real Estate, as Parcel No. 1910200009.

The joint permit application (JPA), a complete description, and other information are on file in the Engineering 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 **Wednesday, April 13, 2016 at 7 p.m.** in the Board Room of Building F located at 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Wetlands Board Secretary
757-253-6866

cc: Mr. George Amory, Chickahominy Haven Citizen Association
Mid-Atlantic Resource Consulting
Jordan Marine Construction, Inc.

Mailing List for: W-13-16/16-0207– 3112 N Riverside – Riprap

1910200009- owner/applicant
Chickahominy Haven Citizen Association
Attn: Mr. George Amony
P.O. Box 106
Toana, VA 23168-0106

Karla S. Havens
Mid-Atlantic Resourced Consulting
1095 Cherry Row Lane
Plainview, VA 23168-23156

Jordan Marine Construction, Inc.
Wilber Jordan
3599 Little Deer Run
Williamsburg, VA 23188

1910100021-7501 Oak Cove Rd.
Jerry O & Janice Talton
PO Box 604
Williamsburg, VA 23187-0604

19102000010
Todd & Heidi E. Dellert
3110 N. Riverside Drive
Lanexa, VA 23089-9409

1910200008-3114 N Riverside Drive
Jerry O. Janice Talton
PO Box 604
Williamsburg, VA 231870604

1910200102
Sean Paul Kelly
3115 N. Riverside Drive
Lanexa, VA 23089-9407

Mark Eversole
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 11104
Richmond, VA 23230

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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY APRIL 13, 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-11-16/VMRC 16-0125 – Patrick and Lee Holder have applied for a wetlands permit to construct a stone revetment at 7608 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200027.

W-13-16/VMRC 16-0207 – Chickahominy Haven Citizen Association has applied for a wetlands permit to construct a stone revetment at 3112 N Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910200009.

W-15-16/VMRC 16-0314 – Brian Harriss has applied for a wetlands permit to construct two breakwaters and beach nourishment on his property at 7671 Cypress Drive in the Cypress Point subdivision, JCC Parcel No 0930100007.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASECBE:

CBE-16-074 – Patrick and Lee Holder have filed an exception request for encroachment into the RPA buffer for bank grading associated with construction of the revetment at 7608 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200027.

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 Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – March 30, and April 6, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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

ITEM SUMMARY

DATE: 4/13/2016
TO: Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: W-11-16 / VMRC 16-0125 : 7608 Uncles Neck

Patrick and Lee Holder have applied for a wetlands permit for a stone revetment at 7608 Uncles Neck associated with CBE-16-074.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Resolution	Resolution
▣	VIMS Recommendation	Backup Material
▣	JPA Application	Backup Material
▣	VMRC Letter	Backup Material
▣	APO Notice and Advertisement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Environmental	Secretary, Wetland	Approved	4/7/2016 - 9:47 AM
Publication Management	Burcham, Nan	Approved	4/7/2016 - 10:10 AM
Environmental	Secretary, Wetland	Approved	4/7/2016 - 10:32 AM

**WETLAND BOARD CASE No. W-11-16/VMRC 16-0125. 7608 Uncles Neck
Staff report for the April 13, 2016, 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 AND INFORMATION

Applicant: Patrick and Lee Holder

Agent: Karla Havens, Mid-Atlantic Resource Consulting

Location: 7608 Uncles Neck

Tax Map/Parcel No.: 2030200027

Watershed: Chickahominy River (HUC Code JL28)

Proposed Activity: Construction of a 200-linear-foot stone revetment and associated bank grading

Wetland Impacts: 600-square-foot Type XV Sand/Mud Mixed Flat Community

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

PROJECT DISCUSSION

Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Patrick and Lee Holder, has applied for a Wetlands Permit to construct a 200-linear-foot revetment along the shoreline on property located at 7608 Uncles Neck, directly on the Chickahominy River. The property is further identified as James City County Tax Map Parcel No. 2030200027.

The revetment will be constructed of Class II armor stone (150-500 lbs.) and Class III armor stone (500-1,500 lbs.) over top of Class I core stone (50-150 lbs.) and Class II core stone (150-500 lbs), all placed on top of filter cloth. The toe of the revetment will be keyed in the bottom a minimum of one foot below mean low water. The revetment will be placed at the toe of the existing, failing bank. There are no vegetated wetlands in the area of the revetment. The vegetated wetlands are seaward of the revetment and will not be disturbed by the construction. Construction access for the revetment will be through the uplands. The bank grading aspect of this case (CBE-16-074) will be heard and approved/denied by the Chesapeake Bay Board. All upland stabilization and bonding will be addressed with CBE-16-074. The revetment will not be allowed to start until all associated bonding is in place for the Chesapeake Bay case.

The site is appropriately staked in the field, and during the site visit, it was noted that there are many fallen and downed trees, as well as some man-made debris, that will be removed. Staff notes that the property and the shoreline lend itself to an offshore sill type design, but that this would impact approximately 1,600-square-foot Type XII Brackish Water Mixed Community. The Virginia Institute of Marine Science (VIMS) report strongly suggests that a sill with beach nourishment and plantings is the most appropriate solution for protecting the shoreline at this location.

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-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.

As stated previously, this project will impact 600-square-foot Type XV Sand/Mud Mixed Flat Community. This wetland impact is non-vegetative and requires no compensatory mitigation as a permit condition.

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. A pre-construction meeting will be held on-site prior to work commencing; and
3. All surety associated with CBE-16-074 be in place prior to commencing this project; and
4. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
5. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

MW/nb
W11-16VMRCUnclesNk

Attachments:

1. Joint Permit Application
2. VIMS Report

RESOLUTION

CASE NO. W-11-16/VMRC 16-0125. 7608 UNCLES NECK

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Patrick and Lee Holder, (the “Applicant”) have applied to the Wetlands Board of James City County (the “Board”) on April 13, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 2030200027 and further identified as 7608 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the “Property”) as set forth in the application W-11-16/VMRC 16-0125; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
 - b. A pre-construction meeting will be held on-site prior to work commencing; and
 - c. All surety associated with CBE-16-074 be in place prior to commencing this project; and
 - d. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
 - e. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

John Hughes
Chair, Wetlands Board

Michael Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of April,
2016

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: _____

11-16VMRCUnclesNeck-res

VIMS Tidal Shoreline Management Recommendation

(VMRC # 16-0125)

Applicant: Patrick Holder

Address: 7608 Uncles Neck Road, Toano, VA

Waterbody: Chickahominy River

Date: March 19, 2016

Preferred Options for Shoreline Management

The shoreline best management practice(s) recommended in this report reflect(s) the preferred approach for shoreline stabilization from a broad coastal ecosystem viewpoint, and is (are) based on VIMS comprehensive coastal resource management guidance to preserve and maintain tidal wetland ecosystems in the face of coastal development and sea level rise. The goal of the recommended approach is to foster the sustainability of shoreline resources using living shoreline designs where appropriate and applying traditional shoreline hardening only in areas where site conditions make them necessary. These recommendations reflect the Commonwealth's preferred approach for shoreline stabilization using living shoreline treatments whenever adequate erosion control can be achieved.

The comprehensive coastal resource management guidance recommendation is based on the natural resources and physical characteristics of the shoreline and is not dependent upon the project being proposed.

Information on the natural resources and physical characteristics of a shoreline is collected during the VIMS shoreline inventory conducted as part of the development of each locality's Coastal Comprehensive Resource Management Portal (CCRMP). The VIMS shoreline inventory includes data such as: bank condition, nearshore depth, fetch, bank height, presence of beach and/or wetlands, location of primary structures, existing shoreline structures, and bank cover. The data is collected via observations made from a small vessel on the water or remotely at the desktop using high resolution imagery. Every attempt has been made to ensure that these data are reliable and accurate. However limitations such as inability to access a shoreline, tide stage, image quality, as well as changes to shorelines occurring post inventory, affect the data accuracy.

A geo-spatial model that is based on the comprehensive coastal resource management guidance is used to determine the preferred shoreline management recommendations. An interactive Comprehensive Map Viewer delineating the preferred approaches for your locality can be accessed at <http://ccrm.vims.edu/ccrmp/index.html>.

The ecosystem scale of the model is not specifically detailed to individual parcels. In some instances, conditions of a parcel such as the presence of existing erosion control structures, narrow lot size, and proximity of primary buildings to the shoreline may cause the larger scale ecosystem based approach to be difficult to achieve. In these cases, the shoreline management recommendation derived from the CCRM Decision Tree Tools may be an alternative option and if so will be provided at the end of the report. To access the Coastal Management Decision Tree Tools go to: <http://ccrm.vims.edu/decisiontree/>.

Coastal Ecosystem Based Recommendation Details (16-0125)



If active erosion is occurring along this shoreline, ***the preferred approach for erosion control to preserve and maintain tidal wetland ecosystems is to:***



The Bank

It may be necessary to grade select areas of the bank to reduce the steepness of the slope along some sections of shoreline or bank to allow for the gentle run-up of waves and to improve growing conditions in order to sustain vegetation on the bank. Grading should only be conducted where essential and done as minimally as possible to achieve the necessary slope. Banks that are graded should be stabilized with a variety of native plants placed at appropriate elevations.

Riparian Buffer

Maintaining vegetation in the riparian buffer area, (extending 100 feet back from the top of bank) will help to provide stabilization to this shoreline.

- Manage the existing forest cover and its erosion control benefits by selectively removing and/or pruning dead, dying, and severely leaning trees as necessary;
- Preserve existing trees in the buffer;
- Prune limbs with weight bearing load over the water;
- Plant small native trees and shrubs in the buffer;
- Minimize waterfront lawn area;
- Minimize routine mowing in the riparian buffer
- Manage the upland for stormwater runoff. Divert runoff from overtopping the bank.

The Tidal Shoreline

●●●●● Plant Marsh with Sill

Reduce wave energy along this shoreline by planting and preserving marsh vegetation at appropriate elevations. The planting area for marsh vegetation should extend from mid-tide to an elevation 1.5 times the tide range above mean low water (the upper limit of which may be observed by the presence of upland vegetation).

- Maintain or widen existing marsh; and/or
- Plant new marsh which may require the placement of sand fill to provide the appropriate elevation necessary for marsh plants to grow;
 - Encourage both high and low marsh areas
 - Periodically monitor marsh for signs of damage and dead plants, especially after installation and after a storm event.
- Trim tree limbs along the shoreline to allow sunlight to reach marsh plants

Construct a rock sill placed offshore from the existing or created marsh. The site-specific suitability for a sill must be determined, including bottom hardness, navigation conflicts, construction access limitations, orientation and available sunlight for marsh plants.

Revetments sever the connection between the upland and the intertidal area interrupting the natural water/land continuum to the detriment of natural shoreline ecosystems and processes.

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: <u>James City County</u> Waterway at project site: <u>Chickahominy River</u>

1. Applicant's name* and complete mailing address: Contact Information:
 Patrick M. & Lee S. Holder
 272 Sir Thomas Lunsford Drive
 Williamsburg, VA 23185-3387
 Home () _____
 Work () _____
 Fax () _____
 Cell/ Pager (757) 814-5588
 e-mail holderpl@cox.net
 State Corporation Commission ID Number (if applicable) _____

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

3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
 Karla S. Havens
 Mid-Atlantic Resourced Consulting
 1095 Cherry Row Lane
 Plainview, VA 23156
 Home () _____
 Work (804) 785-2107
 Fax () _____
 Cell/ Pager (804) 366-1768
 e-mail khavens@inna.net
 State Corporation Commission ID Number (if applicable) _____

*** 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.

Construction of 200 linear feet of quarry stone revetment and associated bank grading.

Construction of a 5 x 100 linear foot non-commercial, open-pile pier with platform and boathouse.

Site to be accessed from the upland and the water.

Clearing and/or grading required.

<div style="border: 2px solid black; padding: 5px; margin-bottom: 5px;"> <p style="font-size: 1.2em; margin: 0;">RECEIVED</p> <p style="font-size: 1.2em; margin: 0;">JAN 26 2016</p> <p style="margin: 0;">MARINE RESOURCES COMMISSION</p> </div>	<p>FOR AGENCY USE ONLY</p>
	Notes: _____ JPA # <u>16-0125</u>

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:

Contact Information:

Home () _____

Work () _____

Fax () _____

Cell / Pager _____

email _____

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:

Telephone number

(757) 220-1736

Virginia Gazette
216 Ironbound Road
Williamsburg, VA 23188

PLEASE BILL CLIENT DIRECTLY FOR
ANY PUBLIC NOTICE.

7. Give the following project location information:

Street Address (911 address if available) 7608 Uncles Neck Road

Lot/Block/Parcel# Lot 27

Subdivision River's Bend at Uncles Neck

City / County Toano / James City County Zipcode 23168

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

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 gain access to the water.

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.

A silt fence shall be installed and maintained at the landward edge of the revetment until a complete vegetative cover is established.

All denuded and sparsely vegetated areas shall be seeded and mulched with an appropriate seed mixture.

All land disturbing activities shall be in accordance and conformance with JCC procedures and policies.

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>
JCC / Mike Woolson	site visit		

(**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.): \$ _____
Approximate cost of that portion of the project which is below mean low water: \$ _____
14. Completion date of the proposed work: ASAP once permits are issued. - _____
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).

(7612 Uncles Neck Road)

Southeastern Virginia Properties at Uncles Neck, LLC
6001 Harbour View Boulevard
Suffolk, VA 23435-2767

(7604 Uncles Neck Road)

Jeffrey H. & Kathleen K. Fisher
88740 Merry Oaks Lane
Toano, VA 23168-9403

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.

Patrick M. Holder

Lee S. Holder

Applicant's Name (printed/typed)

(Use if more than one applicant)

Patrick M. Holder

Lee S. Holder

Applicant's Signature

(Use if more than one applicant)

1/25/16

Date

Patrick M. Holder

Lee S. Holder

Property Owner's Name (printed/typed)

(Use if more than one owner)

(If different from Applicant)

Patrick M. Holder

Lee S. Holder

Property Owner's Signature

(Use if more than one owner)

1/25/16

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

Patrick M. & L.S. Holder

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.

[Handwritten Signature]
(Agent's Signature)

(Use if more than one agent)

1/25/16
(Date)

[Handwritten Signature]
(Applicant's Signature)

[Handwritten Signature]
(Use if more than one applicant)

1/25/16
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

Patrick M. & L. S. Holder

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.

Wilber Jordan

Contractor's name or name of firm

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER’S ACKNOWLEDGEMENT FORM

Jeffrey H. & Kathleen K. Fisher
I (we), JEFF + MISSIE FISHER, own land next to (across
(Print adjacent/nearby property owner’s name)

Patrick M. & Lee S. Holder
the water from/on the same cove as) the land of _____
(Print applicant’s name(s))

I have reviewed the applicant’s project drawings dated 1-25-16
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

[Signature]
Adjacent/nearby property owner’s signature(s)

1/29/16
Date

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

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

Appendix A: Projects for Access to the water (private and community piers, boathouses, marinas, moorings, boat ramps, aquaculture facilities, etc). Answer all questions that apply.

1. Briefly describe your proposed project.

Construction of a 5' x 100' non-commercial, open-pile pier w/ 20' x 20' platform, 16' x 48' 3/4 6' x 10' roof, 4' x 22' ramp to a 6' x 12' float.

2. For private, noncommercial piers:

What is the overall length of the structure? 100 feet.

channelward of Mean High Water? 100 feet.

channelward of Mean Low Water? 80 feet

What is the total size of any and all L- or T-head platforms? 20 sq. ft.

For boathouses, what is the overall size of the roof structure? 700 sq. ft.

Will your boathouse have sides? Yes No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by VMRC, however, pursuant to § 28.2-1203(5) of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

3. For Corps permits, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information should be included:

- a. Written justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands
- b. Written justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
- c. Depth soundings across the waterway at increments designated by the Corps project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.). Inclusion of depth sounding data is recommended in order to expedite permit evaluation.

Part 3 – Appendices (continued)

4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration
POWER	TO BE PURCHASED			

- X For **Marinas, Commercial Piers, Community Piers and other non-private piers**, provide the following information:

- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205C of the Code of Virginia).
- B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
- C) Will the facility be equipped to off-load sewage from boats? _____.
- D) How many wet slips are proposed? _____. How many are existing? _____.
- E) What is the area of the piers and platforms that will be constructed over
Tidal wetlands _____ square feet
Submerged lands _____ square feet

- X For **boat ramps**, what is the overall length of the structure? _____ feet.
from Mean High Water? _____ feet.
from Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

- X For **aquaculture-related structures**:

Will the activity be commercial? ____ Yes ____ No

Will the proposed structures be attached to an existing pier or other structure? ____ Yes ____ No

What is the maximum area (square feet) of submerged land that will be occupied by the proposed structures? _____ square feet.

Describe the activity from time of acquisition of seed or other source material to the time of harvest, the source of the animals/plants, and clearly show distance to all proposed and existing structures and shellfish lease boundaries (if applicable) in your drawings. Include bathymetry (depths), relative to mean low water in your plan view drawing and show the location of any Submerged Aquatic Vegetation (SAV) in the project vicinity. (NOTE: the presence or absence of SAV will be field verified during the project review).

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.

1. For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 200 linear feet. If applicable, what is the volume of the associated backfill? N/A cubic yards.
2. 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? 0 feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 200 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.

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Class I $\frac{1}{2}$ II quarry stone core w/ Class II $\frac{1}{2}$ III armor stone over filter cloth.

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

Core (inner layer) material 150 pounds per stone Class size I $\frac{1}{2}$ II
Armor (outer layer) material 600 pounds per stone Class size II $\frac{1}{2}$ III

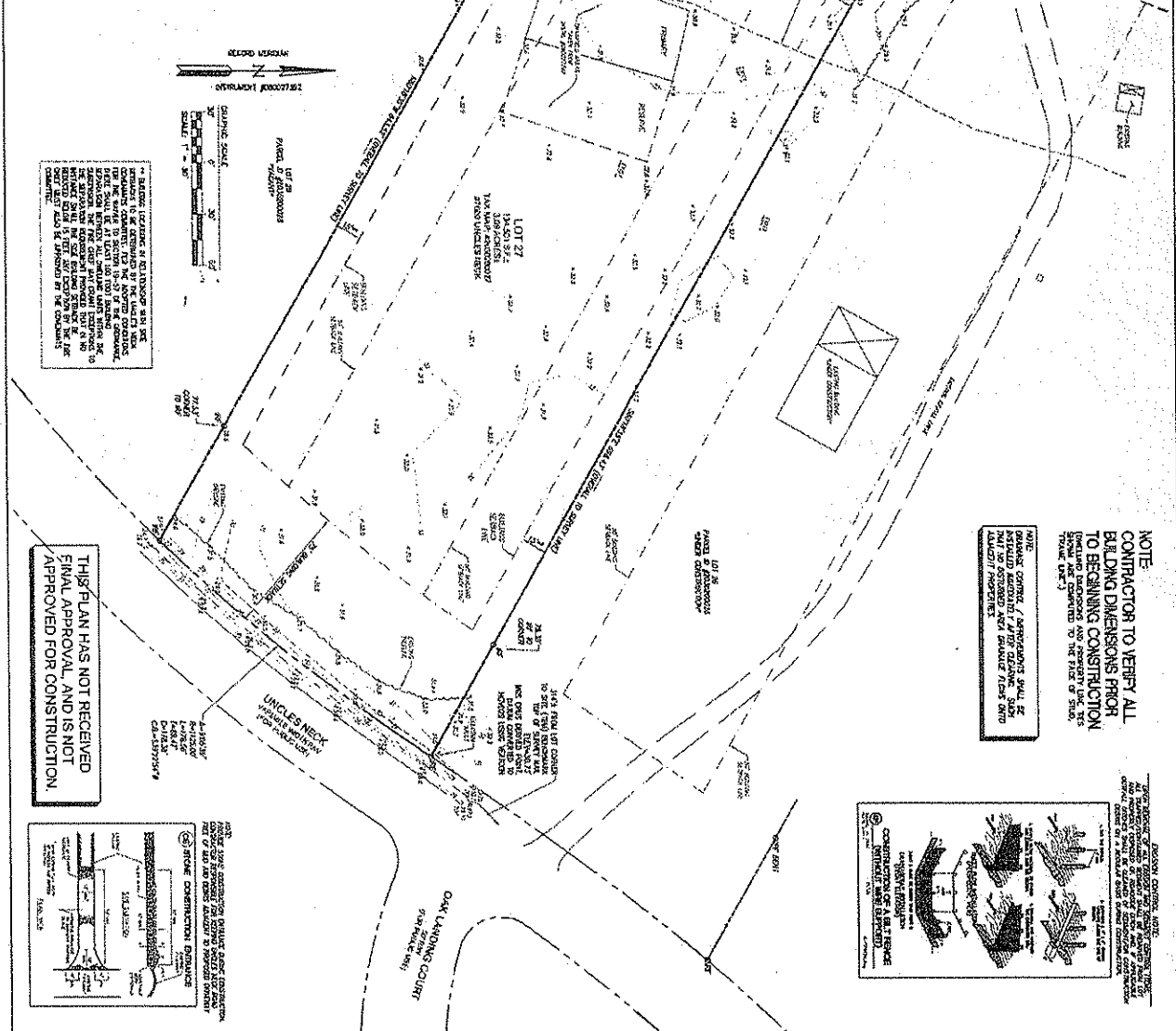
I = 50 - 150 #, 60% > 100 #

II = 150 - 500 #, 50% > 300 #

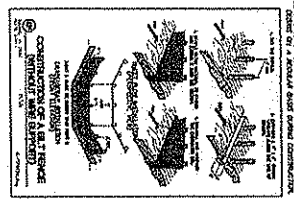
III = 500 - 1500 #, 50% > 900 #

RECEIVED
JAN 26 2016
MARINE RESOURCES
COMMISSION

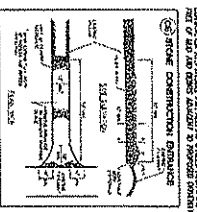
- GENERAL NOTES**
1. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 2. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 3. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 4. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 5. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
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 9. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 10. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 11. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 12. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 13. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 14. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 15. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.
 16. PROPERTY IS UNDEVELOPED ZONE. NO DRAINAGE, CONDUIT, ETC.



NOTE
 CONTRACTOR TO VERIFY ALL BUILDING DIMENSIONS PRIOR TO BEGINNING CONSTRUCTION. (INCLUDING DIMENSIONS AND PROPERTY LINE, ETC.) SHALL BE COMPARED TO THE FILED SURVEY.



THIS PLAN HAS NOT RECEIVED FINAL APPROVAL AND IS NOT APPROVED FOR CONSTRUCTION.



LOT 27
RIVER'S BEND @
UNCLE'S NECK
 HOLDER RESERVE
 PREPARED FOR PATRICK M. HOLDER

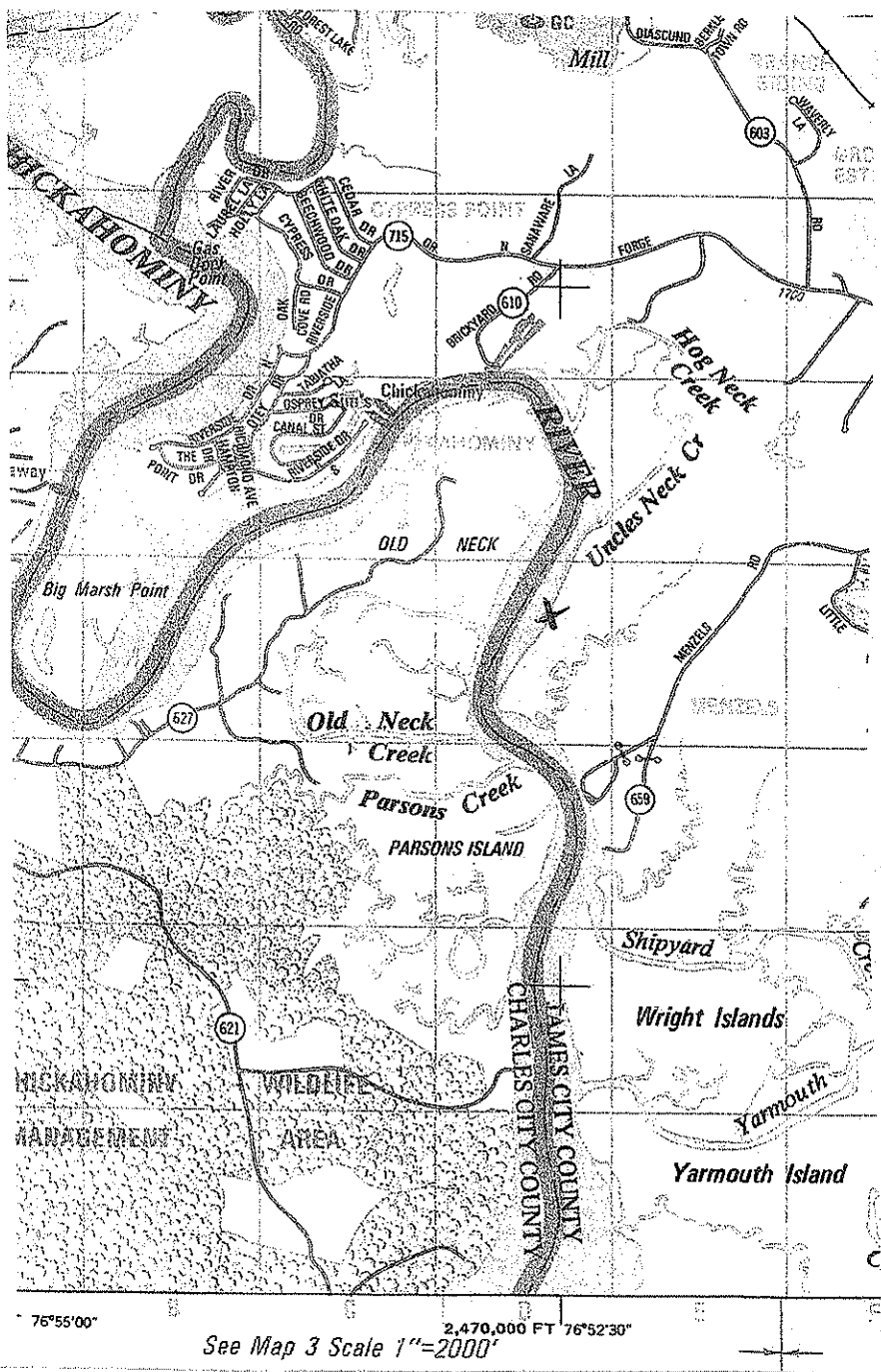
AES
 CONSULTING ENGINEERS

PRELIMINARY

NO.	REVISION	DATE
1		
2		
3		
4		
5		

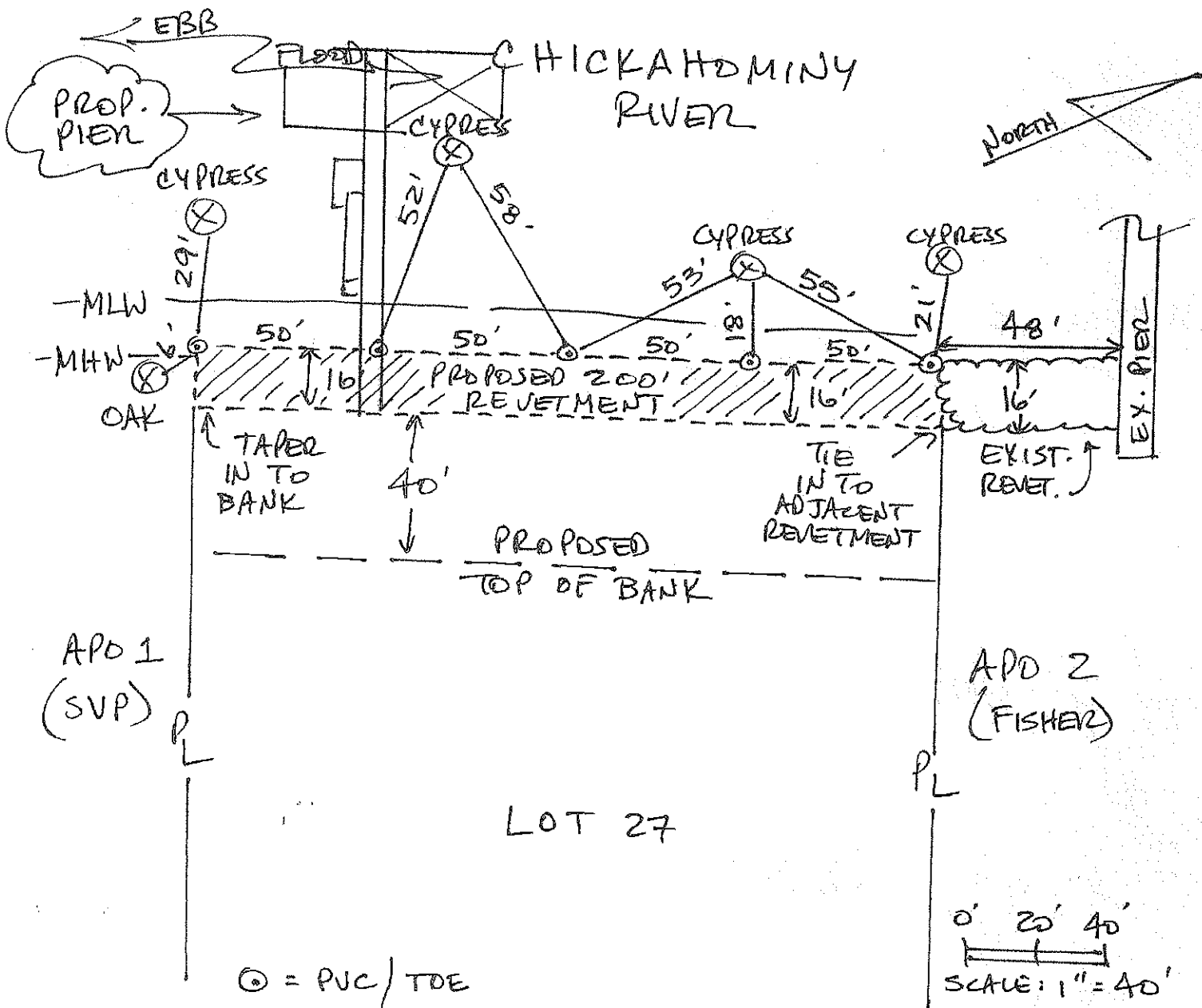
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 COMMISSION

ADC Virginia
 Peninsula Map,
 1996, page 7,
 map 1.



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 associated with the project.

Adjacent Property Owners: 1. Southeastern Virginia Properties at Uncles Neck, LLC 2. Jeffrey H. & Kathleen K. Fisher	VICINITY MAP Lot 27 Uncles Neck	PATRICK M. & LEE S. HOLDER 7608 Uncles Neck Drive - James City County on the Chickahominy River Date: 1-25-16 Sheet 1 of 4
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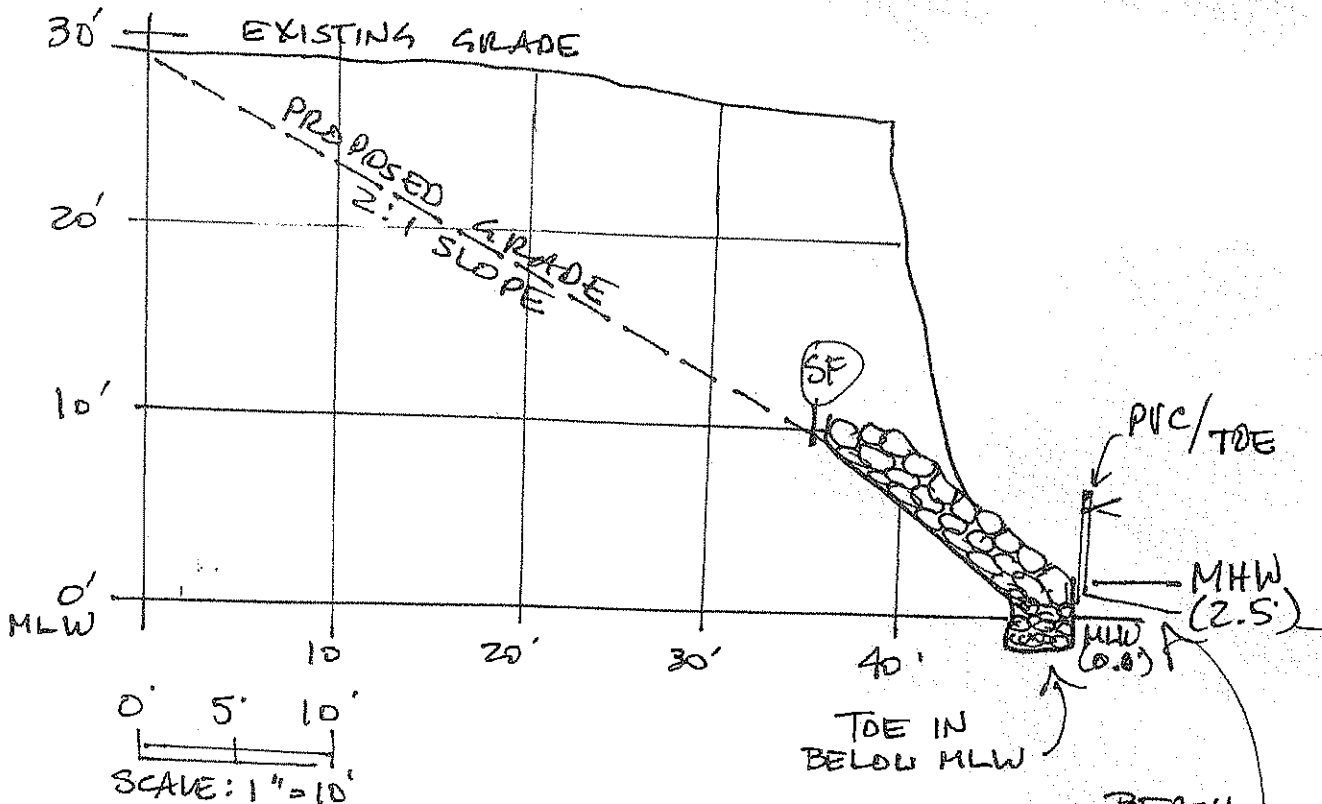


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Adjacent Property Owners: 1. Southeastern Virginia Properties at Uncles Neck, LLC 2. Jeffrey H. & Kathleen K. Fisher	SITE PLAN Lot 27 Uncles Neck	PATRICK M. & LEE S. HOLDER 7608 Uncles Neck Drive - James City County on the Chickahominy River Date: 1-25-16 Sheet 2 of 4
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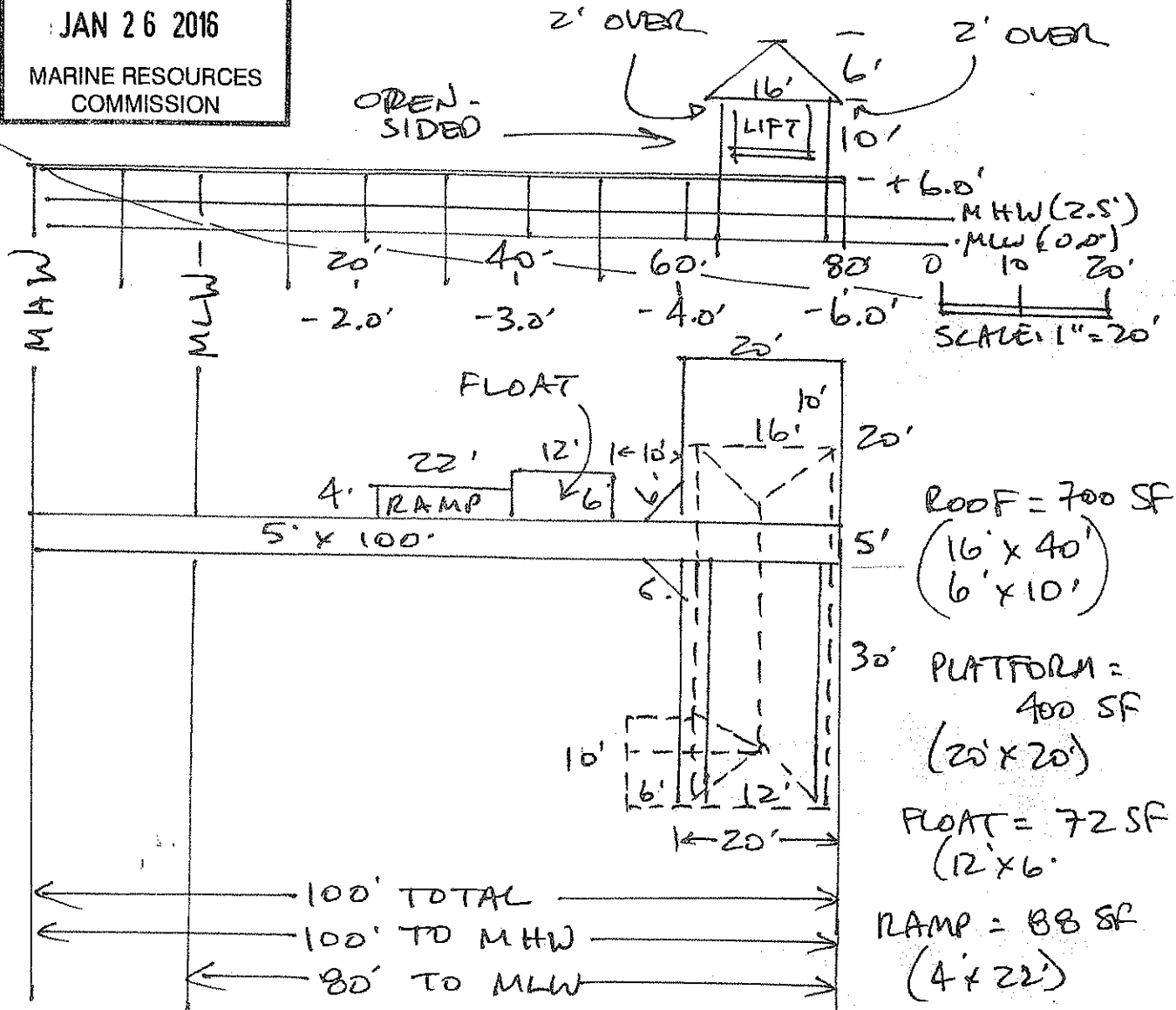


- REVETMENT TO BE CONSTRUCTED LANDWARD OF WETLAND VEGETATION
- CLASS II & III QUARRY STONE OVER CLASS I & II CORE STONE OVER FILTER CLOTH
- ALL DENUDED & SPARSELY VEGETATED AREAS TO BE RE-VEGETATED & STABILIZED IN ACCORDANCE W/ A JCC WQIA & RPA BUFFER MODIFICATION PLAN.

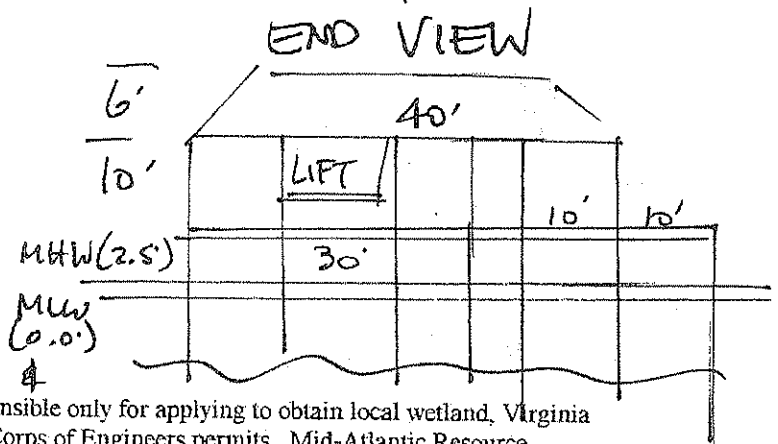
Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U. S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities associated with the project.

Adjacent Property Owners: 1. Southeastern Virginia Properties at Uncles Neck, LLC 2. Jeffrey H. & Kathleen K. Fisher	DETAIL Lot 27 Uncles Neck	PATRICK M. & LEE S. HOLDER 7608 Uncles Neck Drive - James City County on the Chickahominy River Date: 1-25-16 Sheet 3 of 4
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- MHW TO MHW > 500'
- MLW TO MLW > 500'
- 2x8 DECKING & STRINGERS
- 8-10" MIN. DIAM. PILES
- PILE LENGTH AS REQUIRED
- ALL LUMBER TREATED
- ALL HARDWARE H.D.L.
- NO LESS THAN 4' BETWEEN DECKING & WETLAND SUBSTRATE



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 associated with the project.

Adjacent Property Owners: 1. Southeastern Virginia Properties at Uncles Neck, LLC 2. Jeffrey H. & Kathleen K. Fisher	PIER Lot 27 Uncles Neck	PATRICK M. & LEE S. HOLDER 7608 Uncles Neck Drive - James City County on the Chickahominy River Date: 1-25-16 Sheet 4 of 4
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COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue

Third Floor

Newport News, Virginia 23607

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

February 25, 2016

Mr. Patrick Holder
c/o Mid-Atlantic Resource Consulting
Attn: Ms. Karla Havens
1095 Cherry Row Lane
Plainview, VA 23156

Re: VMRC #16-0125

Dear Mr. Holder:

This will acknowledge receipt of your application to construct 200 linear feet of riprap revetment, landward of the mean low water line, and a private, open-pile, non-commercial, timber pier 100 feet in length and extending 80 feet channelward of mean low water, with a 20-foot by 20-foot L-head, a 4-foot by 22-foot ramp leading to a 12-foot by 6-foot floating platform, a 700 square foot open-sided boat house and two 5-foot by 30-foot finger piers, in the Chickahominy River, adjacent to riparian property located at 7608 Uncles Neck Road in James City County. Your application has been forwarded to the James City County Wetlands Board and the U. S. Army Corps of Engineers for their independent review and action, as appropriate.

Please be advised that **a permit will not be required** from the Virginia Marine Resources Commission for the proposed riprap revetment provided it is installed entirely landward of the mean low water line. A wetlands permit may be required for this portion of the project.

A permit will be required from this agency for the pier, as submitted, since the L-head platform, floating dock and access ramp exceed, in the aggregate, 400 square feet. In order to qualify for the private pier exemption provided in the Code of Virginia, a reduction in the sizes of those structures is required, so that their combined footprint does not exceed 400 square feet.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

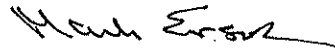
Mr. Patrick Holder
Page Two

February 25, 2016
VMRC #16-0125

If you choose to pursue the pier as currently proposed, a full public interest review will be required. Based on the outcome of that review, your proposal may be presented at one of the regularly scheduled meetings of the Marine Resources Commission for their permitting consideration. We will place your application in our inactive file, pending revised drawings showing a reduction in the footprint of the pier, or confirmation that you wish to pursue a permit for the pier, as originally submitted.

Please feel free to call me, at 757-247-8028, if you have any questions or concerns.

Sincerely,



Mark Eversole
Environmental Engineer

MCE/lra
HM

cc: James City County Wetlands Board
U. S. Army Corps of Engineers 6
Applicant



**Development Management
Engineering and Resource
Protection Division**
P.O. Box 8784
Williamsburg, VA 23187-8784

Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

March 23, 2015

Re: W-11-16/VMRC 16-0125 7608 Uncles Neck
CBE-16-074 Revetment with associated bank grading

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 and Chesapeake Bay Boards by Patrick and Lee Holder, for construction of a stone revetment and associated bank grading on their property at 7608 Uncles Neck in the Uncles Neck subdivision. The property is further identified by James City County Real Estate, as Parcel No. 2030200027.

The joint permit application (JPA), a complete description, and other information are on file in the Engineering 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 **Wednesday, April 13, 2016 at 7 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,

Melanie Davis

Melanie Davis
Wetlands Board Secretary

cc: Patrick and Lee Holder
Mid-Atlantic Resource Consulting

Mailing List for: W-11-16/16-0125 – 7608 Uncles Neck – Revetment/ bank grading

20302000027 - owner/applicant

Patrick M. & Lee S. Holder
272 Sir Thomas Lunsford Holder
Williamsburg, VA 23188

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

2030200002-7612 Uncles Neck

Southeastern Virginia Properties at Uncles Neck LLC
6001 Harbour View Blvd
Suffolk, VA 23435-2767

2030200026-7604 Uncle's Neck

Jeffrey H. & Kathleen K. Fisher
8740 Merry Oaks Lane
Toana, VA 23168-9403

2010200001A-7400 Uncles Neck

Uncle's Neck Homeowners Association
PO Box 18 Parkview Station
Newport News, VA 23605-0018

Mark Eversole
VMRC
2600 Washington Ave, 3rd Floor
Newport News, VA 23607

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

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

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

VDOT
4451 Ironbound Road
Williamsburg, VA 23188

Dept of Game and Inland Fisheries
Box 11104
Richmond, VA 23230



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY APRIL 13, 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-11-16/VMRC 16-0125 – Patrick and Lee Holder have applied for a wetlands permit to construct a stone revetment at 7608 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200027.

W-13-16/VMRC 16-0207 – Chickahominy Haven Citizen Association has applied for a wetlands permit to construct a stone revetment at 3112 N Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910200009.

W-15-16/VMRC 16-0314 – Brian Harriss has applied for a wetlands permit to construct two breakwaters and beach nourishment on his property at 7671 Cypress Drive in the Cypress Point subdivision, JCC Parcel No 0930100007.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASECBE:

CBE-16-074 – Patrick and Lee Holder have filed an exception request for encroachment into the RPA buffer for bank grading associated with construction of the revetment at 7608 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200027.

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 Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – March 30, and April 6, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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

ITEM SUMMARY

DATE: 4/13/2016
TO: Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: W-15-16 / VMRC 16-0314 : 7671 Cypress Drive

Brian Harriss has applied for a wetlands permit for 2 stone breakwaters and beach nourishment at 7671 Cypress Drive. This is a living shoreline application.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Resolution	Resolution
▣	JPA Application	Backup Material
▣	Revision to JPA	Backup Material
▣	VIMS Recommendation	Backup Material
▣	VMRC Letter	Backup Material
▣	APO Notice and Advertisement	Backup Material
▣	APO Protest	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Environmental	Woolson, Michael	Approved	4/4/2016 - 2:16 PM
Environmental	Thomas, Scott	Approved	4/6/2016 - 12:45 PM
Publication Management	Boles, Amy	Approved	4/6/2016 - 1:10 PM
Environmental	Secretary, Wetland	Approved	4/7/2016 - 10:33 AM

**WETLAND BOARD CASE No. W-15-16/VMRC 16-0314. 7671 Cypress Drive
Staff report for the April 13, 2016, 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 AND INFORMATION

Applicant: Brian R. Harriss

Agent: Karla Havens, Mid-Atlantic Resource Consulting

Location: 7671 Cypress Drive

Tax Map/Parcel No.: 0930100007

Watershed: Chickahominy River (HUC Code JL28)

Proposed Activity: Install two 45-linear-foot stone breakwaters with beach nourishment and planting with appropriate wetlands vegetation.

Wetland Impacts: 1,350-square-feet subaqueous bottom from breakwaters
1,725-square-feet subaqueous bottom from beach nourishment
1,150-square-feet of Type XV, Sand/Mud Mixed Flat Community from beach nourishment

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

PROJECT DISCUSSION

Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Brian Harriss, has applied for a Wetlands Permit to construct two 45-foot long breakwaters with beach nourishment on property located at 7671 Cypress Drive, directly on the Chickahominy River. The property is further identified as James City County Tax Map Parcel No. 0930100007.

The breakwaters are to be constructed with Class II armor stone (150-500 lbs) overtop of Class I core stone (50-150 lbs), all placed on top of filter cloth. The two breakwaters will be constructed 22 feet channelward of mean low water and the intervening area between the breakwaters and the shoreline scarp backfilled with an approved upland source of sand fill and planted with spartina.

The breakwater structures will be placed on either side of an existing pier. The breakwaters will be constructed from the water and the sand fill trucked to the site. The spartina will be planted on 24-inch centers in the early spring following construction of the beach nourishment area. There will be a requirement for the plantings to be bonded and the bond may be released the year after planting.

When conducting a field visit with the VMRC, it was observed that the staking for the breakwater structures were not as the drawings indicate, but were closer to shore. It was also observed that there were several cut cypress stumps in proximity to the project and some floatable debris in the project area. The cross section drawing also indicates a flat beach fill area stopping at the shoreline scarp. In order for the project to have the intended effect, the sand fill should slope up gradually to the top of the shoreline scarp to allow for wave run-up and energy dissipation.

Therefore, staff suggests that the sand fill begin at an elevation equal to mean low water at the breakwater and gradually slope to reach the top of the shoreline scarp that has formed over time and that the newly created beach nourishment area will be planted with *Spartina alterniflora* and *Spartina patens*. There will be approximately 400 *Spartina alterniflora* planted in the low marsh area (mean low water to mid-tide range) and approximately 300 *Spartina patens* planted in the high marsh area (mid-tide to mean high tide).

The goals of the breakwater structures and beach nourishment areas are to prevent any further erosion of the shoreline and to protect the remaining bald cypress trees that are currently protecting the shoreline. A living shoreline project addresses long-term protection, restoration and/or enhancement of vegetated shorelines through the strategic placement of plants, stone, fill and other structural and organic materials, and they do not sever the natural connections between riparian, intertidal and aquatic areas. This project is considered a living shoreline project. It does not fall under the newly created general permit overseen by the VMRC, because the project does not utilize fiber logs or shell bags to create the structure.

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-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.

As stated previously, this project will impact 1,350 square feet of subaqueous bottom from breakwaters (VMRC jurisdiction); 1,725 square feet of subaqueous bottom from beach nourishment (VMRC jurisdiction); and 1,150 square feet of Sand/Mud Mixed Flat Community, Type XV from beach nourishment (James City County Jurisdiction). All of these wetland impacts, both under the VMRC and James City County jurisdictions, are non-vegetative and require no compensatory mitigation as a permit condition.

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. A pre-construction meeting will be held on-site prior to work commencing; and
3. The centerlines for the two breakwaters shall be re-staked to match the permit drawings; and
4. The sand fill shall gradually slope from an elevation of mean low water at the breakwaters to the upper edge of the shoreline scarp; and
5. No removal of the cut cypress stumps is allowed. The project must work around these features; and

6. A surety of \$1,000 shall be submitted in a form acceptable to the County Attorney's Office, guaranteeing the planting of spartina. One-half of the surety may be released upon completion of initial plantings and the remaining may be released one year post-planting if a 90% survival rate of the planted material has been achieved; and
7. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
8. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

MW/ab
W15-16VMRCCypressDr

Attachments:

1. Joint Permit Application
2. VIMS Report

RESOLUTION

CASE NO. W-15-16/VMRC 16-0314. 7671 CYPRESS DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Brian Harriss (the “Applicant”) has applied to the Wetlands Board of James City County (the “Board”) on April 13, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 0930100007 and further identified as 7671 Cypress Drive in the Cypress Point subdivision (the “Property”) as set forth in the application W-15-16/VMRC 16-0314; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
 - b. A pre-construction meeting will be held on-site prior to work commencing; and
 - c. The centerlines for the two breakwaters shall be re-staked to match the permit drawings; and
 - d. The sand fill shall gradually slope from an elevation of mean low water at the breakwaters to the upper edge of the shoreline scarp; and
 - e. No removal of the cut cypress stumps is allowed. The project must work around these features; and
 - f. A surety of \$1,000 shall be submitted in a form acceptable to the County Attorney’s Office, guaranteeing the planting of spartina. One half of the surety may be released upon completion of initial plantings and the remaining may be released one year post planting if a 90% survival rate of the planted material has been achieved; and
 - g. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and

- h. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

John Hughes
Chair, Wetlands Board

Michael Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this ___ day of _____, 20__

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: _____

15-16VMRCCypressDr-res

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

1. Applicant’s name* and complete mailing address:
Brian R. Harriss
4028 S. Riverside Drive
Lanexa, VA 23089

Contact Information:
Home () _____
Work () _____
Fax () _____
Cell/ Pager (757) 592-5067
e-mail brhrrss@gmail.com

State Corporation Commission ID Number (if applicable) _____

2. Property owner(s) name* and complete address, if different from applicant

Contact Information:
Home () _____
Work () _____
Fax () _____
Cell/ Pager () _____
e-mail _____

State Corporation Commission ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):
Karla S. Havens
Mid-Atlantic Resource Consulting
1095 Cherry Row Lane
Plainview, VA 23156

Contact Information:
Home () _____
Work (804) 785-2107
Fax () _____
Cell/ Pager (804) 366-1768
e-mail khavens@inna.net

State Corporation Commission ID Number (if applicable) _____

*** 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.

Construction of two 45' stone breakwaters, beach nourishment and associated sprigging with wetland vegetation.

Site to be accessed from the upland and the water. No clearing and/or grading required.

FOR AGENCY USE ONLY	
RECEIVED MAR 02 2016 MARINE RESOURCES COMMISSION	Notes:
	JPA # 16-0314

REVISED: March 2014

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:

Danny R. Winall
Water's Edge Construction
P. O. Box 352
Toano, VA 23168

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell / Pager (757) _____ 566-0149
email dwinall@wecmarine.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) 7671 Cypress Drive

Lot/Block/Parcel# Cypress Pt. Parcel A

Subdivision Cypress Point

City / County Lanexa / James City County Zipcode 23089-9320

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

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 establish a stable beach.

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, or excavating is required.

Wetland vegetation will be used to stabilize the beach.

All denuded and sparsely vegetated areas shall be seeded and mulched with an appropriate seasonal seed mixture and mulched.

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.): \$ _____
Approximate cost of that portion of the project which is below mean low water: \$ _____
14. Completion date of the proposed work: ASAP once permits are received. - _____
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).

W. Walker Ware, IV
5004 River Drive
Lanexa, VA 23089-9309

Terry E. & Paula O. Shiver Trustee
7669 Cypress Drive
Lanexa, VA 23089-9320

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.

Brian R. Harriss

Applicant's Name (printed/typed)

(Use if more than one applicant)

B. R. Harriss

Applicant's Signature

(Use if more than one applicant)

3/1/16

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

I (we) Brian R. Harriss, hereby certify that I (we) have authorized Karla S. Havens
(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)

(Date)
B.R. Harriss
(Applicant's Signature) (Use if more than one applicant)

3/1/16
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we) Brian R. Harriss, have contracted Danny R. Winall
(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.

Danny R. Winall
Contractor's name or name of firm Water's Edge Construction
P. O. Box 352
Toano, VA 23168
Contractor's or firms address
2705-029454 A

Contractor's signature and title D.R. Winall
Contractor's License Number _____
(use if more than one applicant)

Applicant's signature
B.R. Harriss
Date
3/1/16

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.

1. For **riprap, bulkheads, marsh toe, breakwaters, groins, jetties**: What is the overall length of the structure(s)? 2 @ 45' linear feet. If applicable, what is the volume of the associated backfill? 213 cubic yards.
2. What is the maximum encroachment channelward of mean high water? 40 feet.
channelward of mean low water? 30 feet.
channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 0 square feet
 - Subaqueous bottom 1,350 square feet ($2 @ 45' = 90' \times 15' = 1,350$)
 - 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.

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Class II armor stone over class I core stone over filter cloth. 100% sand from an upland source. Spartina alterniflora from a reputable vendor

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:
Core (inner layer) material 75 pounds per stone Class size I
Armor (outer layer) material 300 pounds per stone Class size II

Part 3 – Appendices (continued)

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

- Volume of material $\frac{128}{85}$ cubic yards channelward of mean low water
cubic yards landward of mean low water
- Area to be covered $\frac{1,725}{1,150}$ square feet channelward of mean low water
square feet landward of mean low water
- Source of material, composition (e.g. 90% sand, 10% clay): upland source, 100% sand
- Method of transportation and placement: truck to site & place by front-end loader
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc.:
Sp. alt. to be sprigged on 24-inch centers at ends of nourishment. Areas to be resprigged where plant mortality occurs during next growing season for one (1) year.

Nourishment:

Area $115' \times 15'$ channelward MLW = $\boxed{1,725 \text{ sf}}$
 $115' \times 10'$ landward MLW = $\boxed{1,150 \text{ sf}}$

Volume $1,725$ channelward MLW
 $\times 2$
 $\frac{3,450}{27} = \boxed{128 \text{ cu yds}}$

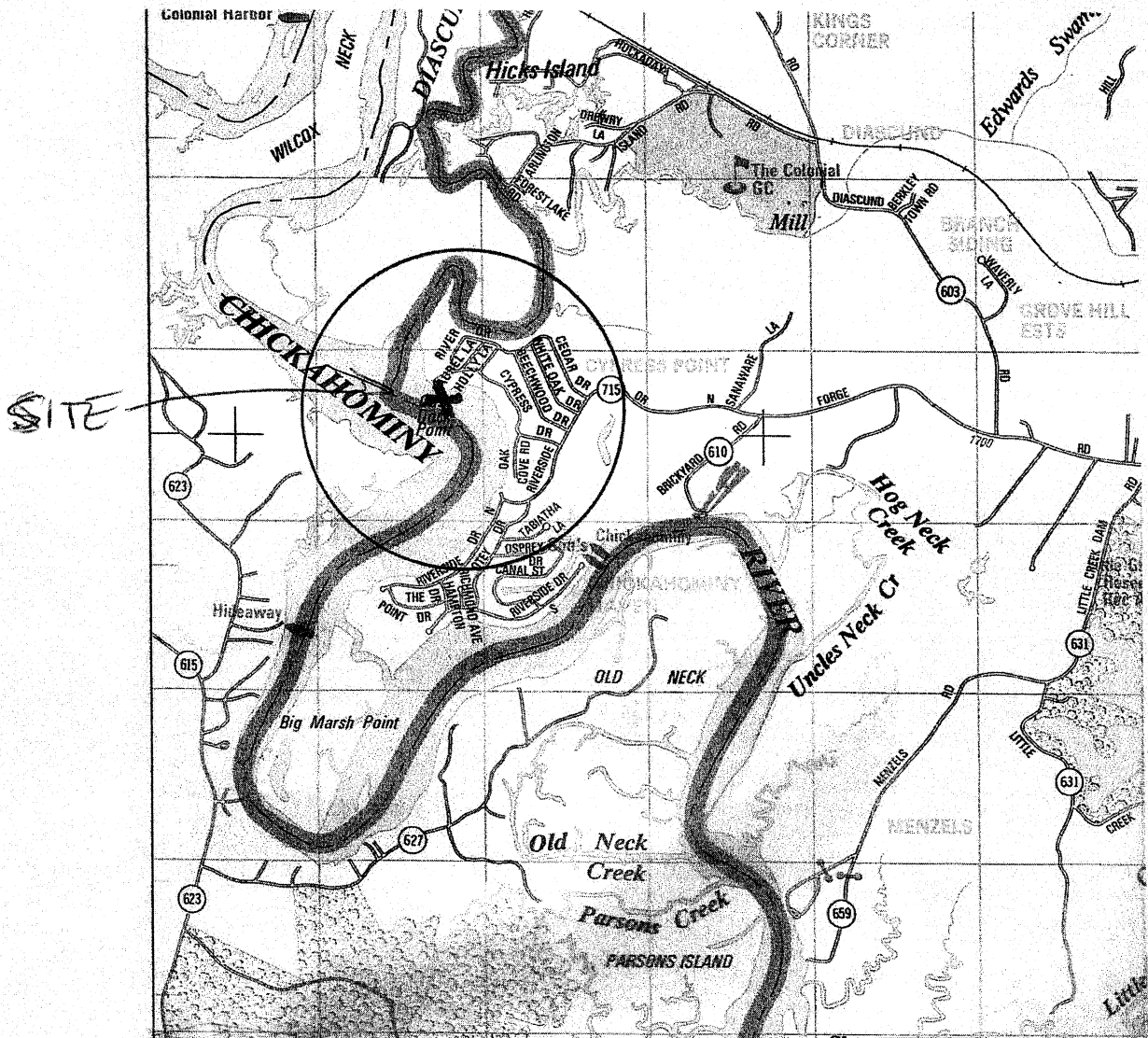
$1,150$ landward MLW
 $\times 2$
 $\frac{2,300}{27} = \boxed{85 \text{ cu yds}}$

Sill: $2 @ 45' = 90' \times 15' = \boxed{1,350 \text{ sf}}$

RECEIVED

MAR 02 2016

MARINE RESOURCES
COMMISSION



ADC Virginia Peninsula, 1996, pg 1.

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 associated with the project.

Adjacent Property Owners:

1. W. Walker Ware, IV
2. Terry E. & Paula O. Shiver Trustee

VICINITY MAP

BRIAN R. HARRIS
7671 Cypress Drive - James City County
on the Chickahominy River

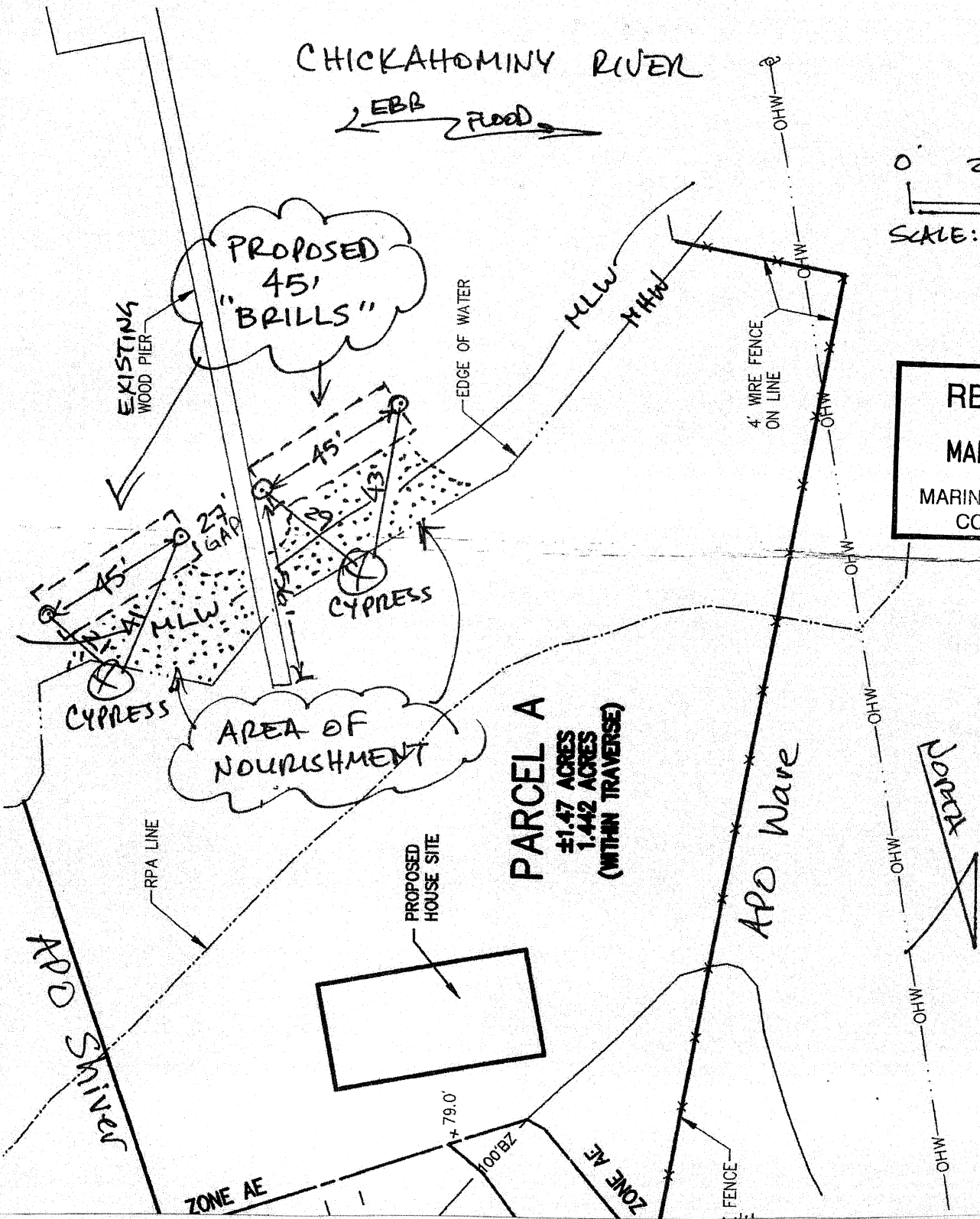
Date: 3-1-16 Sheet 1 of 3

CHICKAHOMINY RIVER

EBB FLOOD

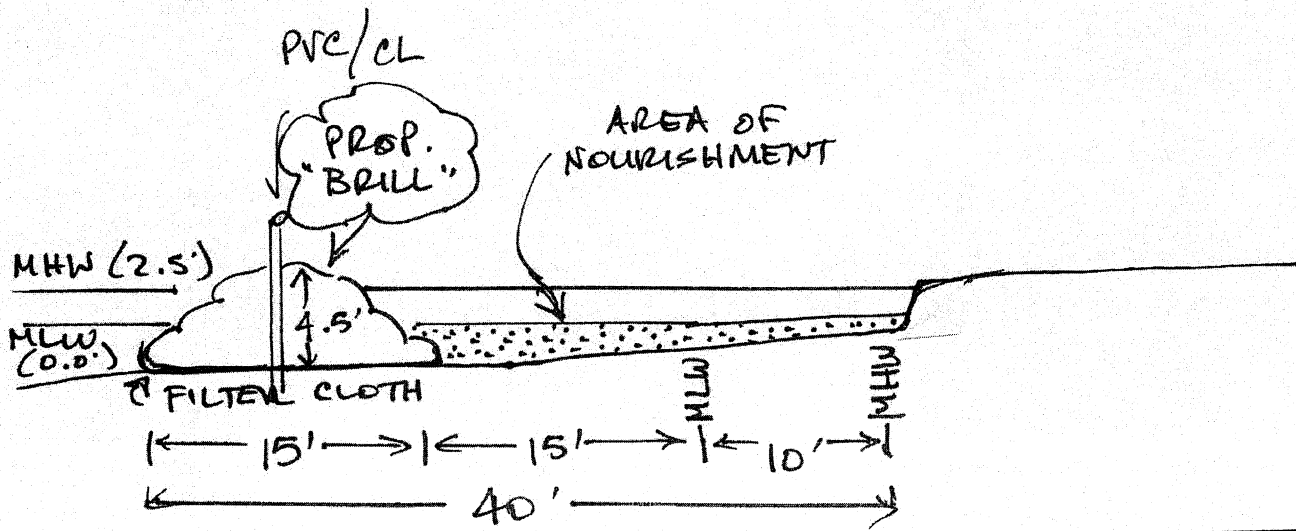
0' 20' 40'
SCALE: 1" = 40'

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MAR 02 2016
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COMMISSION



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<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. W. Walker Ware, IV 2. Terry E. & Paula O. Shiver Trustee 	<p>SITE PLAN</p>	<p>BRIAN R. HARRISS 7671 Cypress Drive - James City County on the Chickahominy River Date: 3-1-16 Sheet 2 of 3</p>
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MAR 02 2016
MARINE RESOURCES
COMMISSION

0' 5' 10'
SCALE: 1"=10'

- 2:1 SLOPE ON BRILL'S CHANNELWARD SIDE
- 1.5:1 SLOPE ON BRILL'S LANDWARD SIDE
- CLASS II QUARRY STONE ARMOR OVER CLASS I QUARRY STONE CORE OVER FILTER CLOTH
- REMOVE ANY INAPPROPRIATE MATERIALS FROM SHORELINE $\frac{1}{3}$ RIVER
- NOURISH AREA BETWEEN BRILLS $\frac{1}{3}$ MHW
- PLANT BOTH ENDS OF NOURISHED AREA BY SP. ALT. ON $\frac{3}{4}$ 24-INCH CENTERS

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 associated with the project.

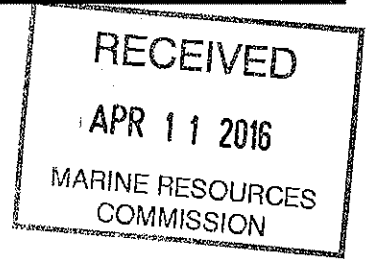
Adjacent Property Owners: 1. W. Walker Ware, IV 2. Terry E. & Paula O. Shiver Trustee	DETAIL	BRIAN R. HARRISS 7671 Cypress Drive - James City County on the Chickahominy River Date: 3-1-16 Sheet 3 of 3
---	--------	--

Atkins, Lou (MRC)

ADDITIONAL INFO
REVISION

16-0314

From: Karla Havens [khavens@inna.net]
Sent: Monday, April 11, 2016 12:11 PM
To: MRC - jpa Permits; melanie.davis@jamescitycounty.gov
Subject: Harriss Revisions
Attachments: Harriss Rev. Draw.pdf



Hi All,

Attached should be two revised drawings for Brian Harriss.

Please confirm receipt.

Thanks, Karla

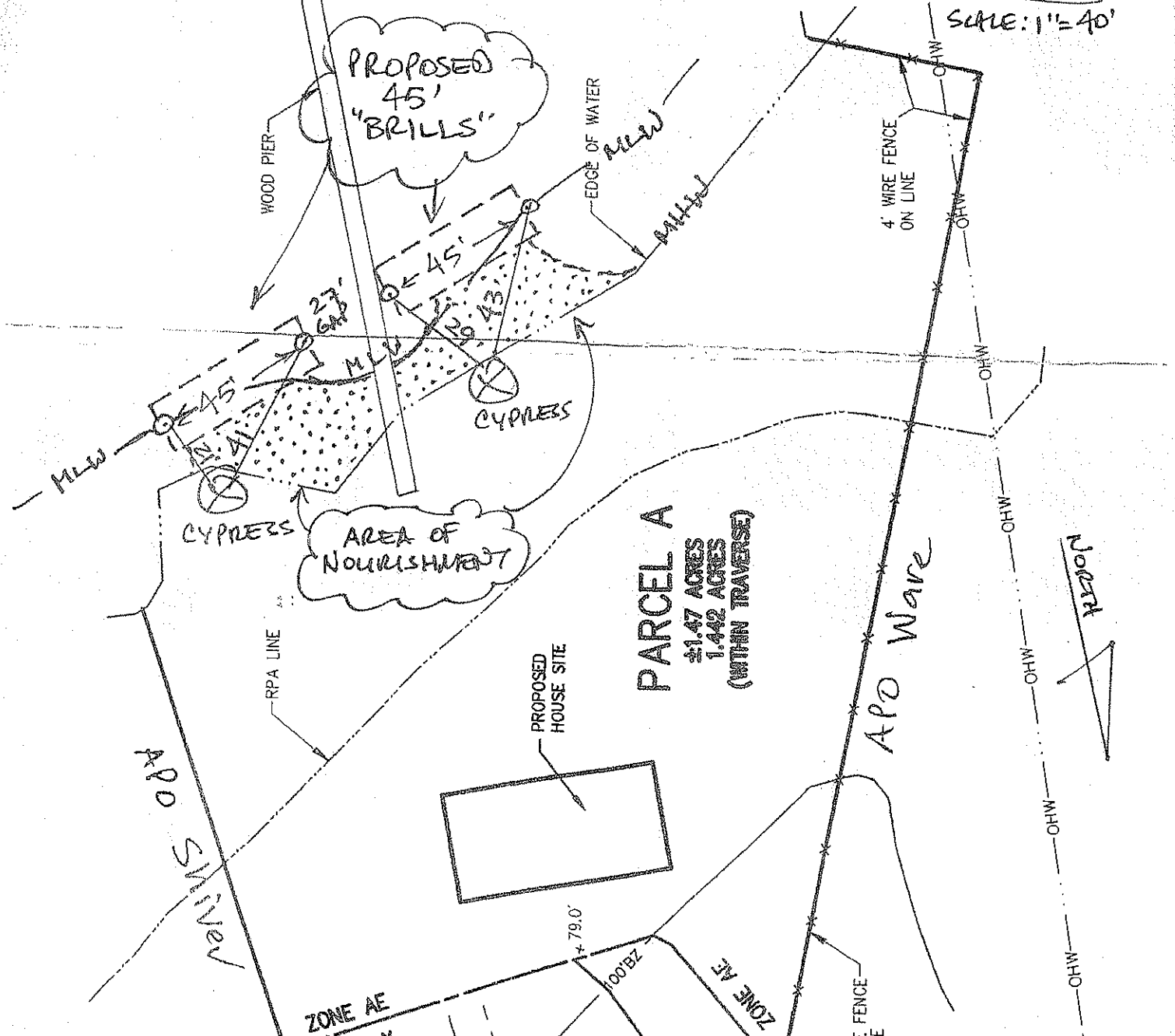
CHICKAHOMINY RIVER

← EBB FLOOD →

RECEIVED
 APR 11 2016
 MARINE RESOURCES COMMISSION

ADDITIONAL INFO REVISION

0' 20' 40'
 SCALE: 1"=40'



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 associated with the project.

Adjacent Property Owners:	SITE PLAN	BRIAN R. HARRISS
1. W. Walker Warc, IV		7671 Cypress Drive - James City County
2. Terry E. & Paula O. Shiver Trustee		on the Chickahominy River
		Date: 4-11-16 Sheet 2 of 3

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane, Plainview, VA 23156 - (804) 785-2107 khavens@inna.net

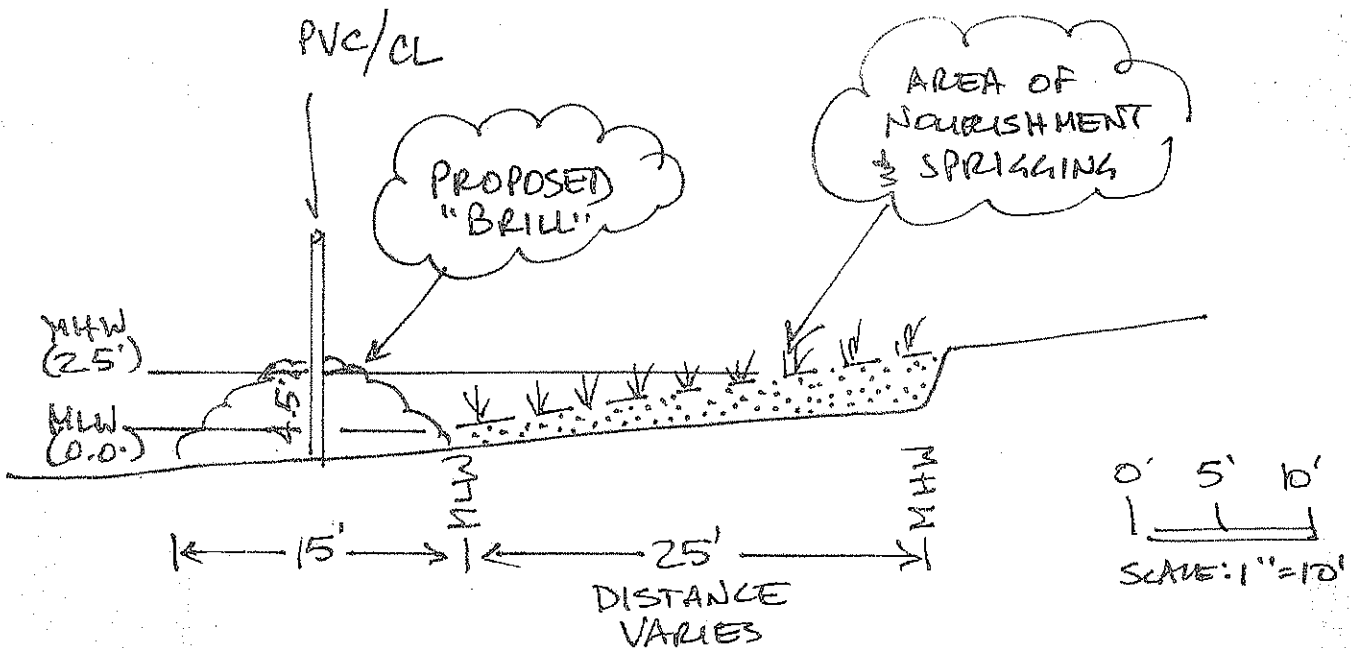
REVISED DRAWING

RECEIVED

APR 11 2016

MARINE RESOURCES
COMMISSION

ADDITIONAL INFO
REVISION



- 2:1 SLOPE ON BRILL'S CHANNELWARD SIDE.
- 1.5 : 1.0 SLOPE ON BRILL'S LANDWARD SIDE.
- CLASS II QUARRY STONE ARMOR OVER CLASS I QUARRY STONE CORE OVER FILTER CLOTH.
- REMOVE INAPPROPRIATE MATERIALS FROM SHORELINE & CONSTRUCTION FOOTPRINT.
- NOURISH AREA BETWEEN BRILL & TOP OF BANK.
- PLANT BOTH ENDS OF NOURISHED AREA BY SPARTINA ALTERNIFLORA ON 24-INCH CENTERS.

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 associated with the project.

Adjacent Property Owners:

1. W. Walker Ware, IV
2. Terry E. & Paula O. Shiver Trustee

DETAIL

BRIAN R. HARRISS

7671 Cypress Drive - James City County
on the Chickahominy River

Date: 4-11-16

Sheet 3 of 3

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane, Plainview, VA 23156 - (804) 785-2107 khavens@anna.net

REVISED DRAWING

VIMS Tidal Shoreline Management Recommendation

(VMRC # 16-0314)

Applicant: Brian R. Harriss
Address: 7671 Cypress Drive, Lanexa, VA
Waterbody: Chickahominy River
Date: March 21, 2016

Preferred Options for Shoreline Management

The shoreline best management practice(s) recommended in this report reflect(s) the preferred approach for shoreline stabilization from a broad coastal ecosystem viewpoint, and is (are) based on VIMS comprehensive coastal resource management guidance to preserve and maintain tidal wetland ecosystems in the face of coastal development and sea level rise. The goal of the recommended approach is to foster the sustainability of shoreline resources using living shoreline designs where appropriate and applying traditional shoreline hardening only in areas where site conditions make them necessary. These recommendations reflect the Commonwealth's preferred approach for shoreline stabilization using living shoreline treatments whenever adequate erosion control can be achieved.

The comprehensive coastal resource management guidance recommendation is based on the natural resources and physical characteristics of the shoreline and is not dependent upon the project being proposed.

Information on the natural resources and physical characteristics of a shoreline is collected during the VIMS shoreline inventory conducted as part of the development of each locality's Coastal Comprehensive Resource Management Portal (CCRMP). The VIMS shoreline inventory includes data such as: bank condition, nearshore depth, fetch, bank height, presence of beach and/or wetlands, location of primary structures, existing shoreline structures, and bank cover. The data is collected via observations made from a small vessel on the water or remotely at the desktop using high resolution imagery. Every attempt has been made to ensure that these data are reliable and accurate. However limitations such as inability to access a shoreline, tide stage, image quality, as well as changes to shorelines occurring post inventory, affect the data accuracy.

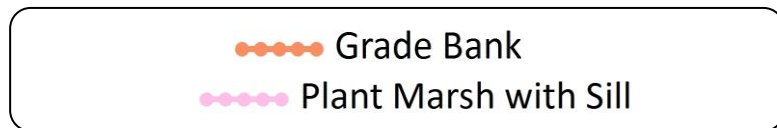
A geo-spatial model that is based on the comprehensive coastal resource management guidance is used to determine the preferred shoreline management recommendations. An interactive Comprehensive Map Viewer delineating the preferred approaches for your locality can be accessed at <http://ccrm.vims.edu/ccrmp/index.html>.

The ecosystem scale of the model is not specifically detailed to individual parcels. In some instances, conditions of a parcel such as the presence of existing erosion control structures, narrow lot size, and proximity of primary buildings to the shoreline may cause the larger scale ecosystem based approach to be difficult to achieve. In these cases, the shoreline management recommendation derived from the CCRM Decision Tree Tools may be an alternative option and if so will be provided at the end of the report. To access the Coastal Management Decision Tree Tools go to: <http://ccrm.vims.edu/decisiontree/>.

Coastal Ecosystem Based Recommendation Details (16-0314)



If active erosion is occurring along this shoreline, ***the preferred approach for erosion control to preserve and maintain tidal wetland ecosystems is to:***



The Bank

It may be necessary along some sections of the shoreline to grade select areas of the bank to reduce the steepness of the bank slope to allow for the gentle run-up of waves and to improve growing conditions in order to sustain vegetation on the bank. Grading should only be conducted where essential and done as minimally as possible to achieve the necessary slope. Banks that are graded should be stabilized with a variety of native plants placed at appropriate elevations.

Riparian Buffer

Maintaining vegetation in the riparian buffer area, (extending 100 feet back from the top of bank) will help to provide stabilization to this shoreline.

- Manage the existing trees by selectively removing and/or pruning dead, dying, and severely leaning trees as necessary;
- Preserve existing trees in the buffer;
- Prune limbs with weight bearing load over the water;
- Plant small native trees and shrubs in the buffer;
- Minimize waterfront lawn area;
- Minimize routine mowing in the riparian buffer

The Tidal Shoreline

●●●●● Plant Marsh with Sill

Reduce wave energy along this shoreline by planting and preserving marsh vegetation at appropriate elevations. The planting area for marsh vegetation should extend from mid-tide to an elevation 1.5 times the tide range above mean low water (the upper limit of which may be observed by the presence of upland vegetation).

- Maintain or widen existing marsh; and/or
- Plant new marsh which may require the placement of sand fill to provide the appropriate elevation necessary for marsh plants to grow;
 - Encourage both high and low marsh areas
 - Periodically monitor marsh for signs of damage and dead plants, especially after installation and after a storm event.
- Trim tree limbs along the shoreline to allow sunlight to reach marsh plants

Construct a rock sill placed offshore from the existing or created marsh. The site-specific suitability for a sill must be determined, including bottom hardness, navigation conflicts, construction access limitations, orientation and available sunlight for marsh plants.



COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue

Third Floor

Newport News, Virginia 23607

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

March 15, 2016

Brian R. Harriss
c/o Mid-Atlantic Resource Consulting
1095 Cherry Row Lane
Plainview, VA 23156

Re: VMRC #16-0314

Dear Mr. Harriss:

I am writing to acknowledge receipt of your application describing a project that will require a permit from the Marine Resources Commission.

Prior to commencing your project, you may also need authorization from the U. S. Army Corps of Engineers and/or your local wetlands board. Your application has been forwarded to these agencies.

If I may be of further assistance, please do not hesitate to call on me at (757) 247-8028.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Eversole".

Mark C. Eversole
Environmental Engineer

MCE/lra
HM
Enclosure

cc: U. S. Army Corps of Engineers #10
James City County Wetlands Board
Applicant

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



**Development Management
Engineering and Resource
Protection Division**
P.O. Box 8784
Williamsburg, VA 23187-8784

Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

March 23, 2015

Re: W-15-16/VMRC 16-0314 7671 Cypress Drive
Breakwaters and beach nourishment

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 Mr. Brian R Harriss, for construction of two stone breakwaters and beach nourishment on his property at 7671 Cypress Drive in the Cypress Point subdivision. The property is further identified by James City County Real Estate, as Parcel No. 0930100007.

The joint permit application (JPA), a complete description, and other information are on file in the Engineering 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 **Wednesday, April 13, 2016 at 7 p.m.** in the Board Room of Building F located at 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Melanie Davis

Melanie Davis
Wetlands Board Secretary
757-253-6866

cc: Brian R Harriss
Mid-Atlantic Resource Consulting
Water's Edge Construction

Mailing List for: W-15-16/16-0314- 7671 Cypress Drive –Breakwaters/beach nourishment

0930100007- owner/applicant

Brian R. Harriss
4028 S. Riverside Drive
Lanexa, VA 23089

Karla S. Havens
Mid-Atlantic Resourced Consulting
1095 Cherry Row Lane
Plainview, VA 23168-23156

Danny R. Winall
Water's Edge Construction
P.O. Box 352
Toana, VA 23168

0930100008

Terry E. Trustee & Paula Shiver
7669 Cypress Drive
Lanexa, VA 23089-9320

0930100006 - 5004 River Drive

W. Walker Ware IV
15300 Pocahontas Trail
Lanexa, VA 23089-5706

0930200018 – 5001 River Drive

Harry W. & Nancy C. Wainwright
7216 Hampton Drive
Lanexa, VA 23089-9419

Mark Eversole
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 11104
Richmond, VA 23230

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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY APRIL 13, 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-11-16/VMRC 16-0125 – Patrick and Lee Holder have applied for a wetlands permit to construct a stone revetment at 7608 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200027.

W-13-16/VMRC 16-0207 – Chickahominy Haven Citizen Association has applied for a wetlands permit to construct a stone revetment at 3112 N Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910200009.

W-15-16/VMRC 16-0314 – Brian Harriss has applied for a wetlands permit to construct two breakwaters and beach nourishment on his property at 7671 Cypress Drive in the Cypress Point subdivision, JCC Parcel No 0930100007.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASECBE:

CBE-16-074 – Patrick and Lee Holder have filed an exception request for encroachment into the RPA buffer for bank grading associated with construction of the revetment at 7608 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200027.

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 Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – March 30, and April 6, 2016.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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

Part 2 – Signatures (continued)

JCC
#16-0314

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), TERRY E. Paula O. SHWER, own/land next to (across
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Brian R. Harriss
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 3/1/16
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT X TO THE PROJECT.

PROTEST
RECEIVED
MAR 29 2016
MARINE RESOURCES
COMMISSION

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

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

Terry E. Shwer
Adjacent/nearby property owner's signature(s)

03/16/2016
Date

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

Give us proof our shoreline will not be washed out due to Harris project. We have lived at the Haven & here since 1970 (Haven) and 1985 (at 7667) And witnessed the continuous washing out of natural shorelines with the introduction of quarry stone.
Thank you.