

Wetlands Board

Building F
May 13, 2015 - 7 p.m.

A. Roll Call

B. Minutes

From April 8, 2015 - Board Meeting

C. Public Hearings

1. W-11-15/VMRC15-0500. Linkenauer – 4101 S Riverside – bulkhead replacement

D. Board Considerations

1. Housekeeping issues on old Wetlands Board meeting minutes

E. Matters of Special Privilege

F. Adjournment

Wetland Board Case W-11-15/VMRC 15-0500: 4101 South Riverside Drive

Staff report for the May 13, 2015 Wetland Board Public Hearing

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

Existing Site Data & Information

Applicant: Deborah Linkenauger

Agent: same

Location: 4101 South Riverside Drive

Parcel Identification: 1910500034

Watershed: Chickahominy River (HUC Code JL28)

Proposed Activity: Replace a failing cinderblock bulkhead with a wooden bulkhead in same location.

Wetland Impacts: No tidal wetland impact proposed

Project Discussion

Mrs. Deborah Linkenauger has applied for a Wetlands Permit to replace a failing cinderblock bulkhead at 4101 South Riverside Drive. The original structure failed during Hurricane Isabel (September 2003) and temporary repairs were done at that time. Due to the age of the original structure, no permits were required for the installation. Due to the amount of time that has passed since the failure (12 years) staff is requiring that the new structure obtain a permit as a new structure. The new bulkhead will be constructed of wood and have appropriate tiebacks.

It is proposed that the old bulkhead be removed in its entirety and replaced with a new wooden one in the same exact location. The height of the bulkhead will be between 3 and 4 feet with an approximate 7 foot wide beach in front at mean low water. The mean high water mark will be at the bulkhead. There are no tidal wetland impacts proposed with this application.

Mitigation Discussion

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the

signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependant in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

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

It is staff's assertion that this project meets the three criteria outlined above. Furthermore, even though the original structure was not granted a wetlands permit, the impacts for this structure do not include any vegetated or non-vegetated wetlands. Therefore, it is staff recommendation that no wetland mitigation be required for this project.

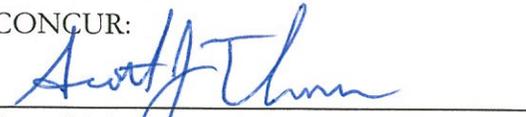
Staff Recommendations

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

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
2. Prior to construction, a pre-construction meeting will be held on-site.
3. 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.
4. The wetlands permit for this project shall expire on May 13, 2016. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Staff Report prepared by:


Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Joint Permit Application