

# Wetlands Board

November 12, 2015

**A. Roll Call**

**B. Minutes**

From September 9, 2015 Board Meeting

**C. Public Hearings**

1. W-21-15/VMRC15-0873: Reece – 258 Sandy Bay Rd – continued from 9/9/15
2. W-04-16/VMRC15-1121: Colonial Pipeline – maintenance at various crossings

**D. Board Considerations**

1. Calendar Year 2016 Schedule
2. Election of Officers for 2016

**E. Matters of Special Privilege**

**F. Adjournment**

# Wetland Board Case W-21-15/VMRC 15-0873: 258 Sandy Bay Road

Staff report for the November 12, 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: John Reece

Owner: John Reece

Location: 258 Sandy Bay Road

Parcel: Portion of Neck-O-Land

PIN: 4730100012

Watershed: Powhatan Creek, tidal main stem (HUC JL 31)

Proposed Activity:

1. Install 80 feet of coir logs on Powhatan Creek
2. Install 40 foot long section of coir logs between the wetland/upland interface.
3. Boat ramp.
4. Open pile pier with boathouse

Wetland Impacts: 80 sq. ft. vegetated impacts, Type VII, Arrow Arum-Pickerel Weed Community (20 sq. ft. – Item 1; 40 sq. ft. – Item 2; 20 sq. ft. – Item 3)  
160 sq. ft. subaqueous bottom

## Project Discussion

Mr. John Reece has applied for a Wetlands Permit to place 80 feet of coir logs along Powhatan Creek, place 40 feet of coir logs adjacent to a marsh and a boat ramp at his residence, 258 Sandy Bay Road. Mr. Reece bought the property in 2012, remodeled the house in 2013, submitted a conceptual plan to subdivide the property into 3 lots in 2013, and was granted approval on a Soil and Water Quality Conservation Plan for pasture for horses on the property in 2014.

Along Powhatan Creek, even though the bank is vertical and somewhat undercut, according to the aerial photography, it has been in a stable condition since the home was built in 1969. Using the VIMS-CCRM Coastal Management Decision Tree for Undefined Shorelines, the appropriate shoreline protection structure is either a marsh with fiber log or a riprap revetment, depending upon the nearshore depth of water.

For Proposed Activity Item #1, Mr. Reece proposes to stabilize 80 feet of shoreline on Powhatan Creek main stem with coir logs. Mr. Reece will place the coir logs against the bank, staked in according to standard installation practices. He is proposing no grading activities with this installation. All pickerel weed that will be impacted will be dug up and transplanted into the coir log.

For Proposed Activity Item #2, Mr. Reece proposes to place coir logs to prevent erosion along the wetland/upland interface.

For Proposed Activity Item #3, there are several commercial boat ramps in the vicinity. One is the James City County owned and operated James City County Marina (Jamestown Yacht Basin) and the other is a commercial ramp located at 297 Neck-O-Land Road, across from Gatehouse Farms. In addition, the canoe ramp on the north side of the Jamestown Road bridge is also owned and operated by James City County Parks and Recreation (Powhatan Creek Park). However, Mr. Reece has changed the material type from concrete to a concrete geo paver material (articulated concrete revetment block) and the size from 16 ft. x 14 ft. to 8 ft. x 14 ft. All pickerel weed proposed to be impacted in this area will be transplanted into the coir logs adjacent to Powhatan Creek.

For Proposed Activity item #4, these structures are exempt from the Local Wetlands Board jurisdiction because of the construction type and will be addressed through future action taken by the Virginia Marine Resource Commission.

### **Mitigation Discussion**

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

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

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

Staff has reviewed this application and has determined that this proposal now meets condition #1 above. For Item #1, it is still staff’s opinion that the shoreline has experienced no erosion over the past 40+ years. However, the placement of the coir logs against the existing bank will certainly provide for erosion protection of the bank and as this has the least amount of impact because no grading is proposed, staff has found the request to be satisfactory. However, it should be noted

though that although coir log installation is an acceptable method for natural stream and lake shoreline erosion control (bioengineering technique) and well suited for toe and bank stabilization and for establishing herbaceous plant materials, they are typically used on sites with low stress levels and only have a useful life of about 7 to 10 years.

### **Staff Recommendations**

Staff recommends **approval** of the three items in this application that are under the Local Wetlands Board jurisdiction. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

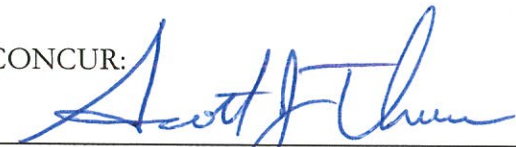
1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. Coir (coconut fiber) log installation shall follow manufacturer recommendations and an acceptable regulatory publication for installation such as the *Virginia Stream Restoration & Stabilization Best Management Practice Guide*; or alternatively, an equivalent and acceptable published and agreed upon standard for coir log installation. Final installation information for the practice shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation; and
3. Prior to construction, the limits of the work shall be staked in the field and approved by a representative of the Engineering and Resource Protection Division; and
4. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use; and
5. The wetlands permit for this project shall expire on November 12, 2016 if construction has not begun. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Staff Report prepared by:



Michael D. Woolson, LA  
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Joint Permit Application

# Wetland Board Case W-04-16/VMRC 15-1211: Colonial Pipeline

Staff report for the November 12, 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: Shanna Cahill, Senior Ecologist, Corblu Ecology Group, LLC

Owner: Colonial Pipeline Company

Location: multiple locations

PIN: 5940100003 – James River (Crossing 12)  
4920100006 – Halfway Creek (Crossing 13)  
4910230001A – College Creek (Crossing 14)  
49103A0002A – College Creek (Crossing 14)  
4610100008 – Powhatan Creek (Crossing 15)  
3430100002 – Chickahominy River (Crossing 16)

Watersheds: Chickahominy River (HUC JL-29)  
Powhatan Creek, tidal main stem (HUC JL 31)  
College Creek (HUC JL 34)  
James River (HUC JL 35)

Proposed Activity: Proposed maintenance activities along the Colonial Pipeline Company corridor.

Wetland Impacts: Unknown but temporary

## Project Discussion

Ms. Shanna Cahill of Corblu Ecology Group, LLC, on behalf of Mr. Stanley Carpenter of the Colonial Pipeline Company, has applied for a Wetlands Permit to allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The impacts would come about through the repair of anomalies found through routine inspection and the required inspection and maintenance of the pipeline as regulated by the US DOT.

The four potential maintenance areas are identified as the James River Crossing (Figure 3f, Crossing 12), Halfway Creek Crossing (Figure 3g, Crossing 13), College Creek Crossing (Figure 3g, Crossing 14) and the Chickahominy River Crossing (Figure 3i, Crossing 16). A fifth crossing of Powhatan Creek (figure 3h, Crossing 15) is non-tidal and outside of the Local Wetland Board's jurisdiction.

The specific maintenance activities required for each found anomaly will not be known until the internal pipeline inspection program has been completed. The timeline to have the pipeline repairs completed once discovered varies on the type of the anomaly found and can vary. The anomalies are classified as immediate emergency repair, 60-day conditions, 180-day conditions and 365-day conditions. Colonial Pipeline Company will submit an 'Awareness Letter' to VMRC and the USACE for any maintenance activities discovered in the identified crossings. Colonial Pipeline Company proposes to mitigate for any wetland impacts by returning the disturbed areas back to their pre-disturbed condition contours and stabilizing with an appropriate herbaceous wetland plant seed mixtures.

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

Staff has fully reviewed this application and has determined that this project is maintenance related and does not require any additional mitigation outside of restoring the disturbed areas as outlined above and meets the stated no-net loss policy.

### **Staff Recommendations**

Staff recommends **approval** of the crossings within this application that are under the Local Wetlands Board jurisdiction. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant shall copy the Engineering and Resource Protection Division of all 'Awareness Letters' submitted to VMRC and/or the USACE that are within the County; and
2. The applicant shall inform the Engineering and Resource Protection Division Director of all emergency repairs performed within the County and when work on these areas within the County are to commence; and

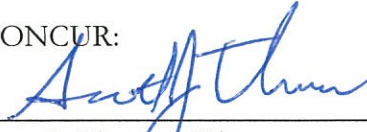
3. The applicant shall monitor any impact area for a period of two years post-repair to ensure that the areas have achieved adequate stabilization (90% aerial coverage). If inadequately stabilized after two years, a restoration plan must be submitted and approved by the Engineering and Resource Protection Division; and
4. The wetlands permit for this project shall expire on December 31, 2018.
5. Upon written request and formal Wetland Board approval, this permit may be extended to December 31, 2025. That written request shall be submitted no later than six weeks prior to the expiration date.

Staff Report prepared by:



Michael D. Woolson, LA  
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Joint Permit Application