

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 12, 2017
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. March 8, 2017 Regular Meeting Minutes

D. PUBLIC HEARINGS

1. W-04-17 / VMRC 16-1341 : 4113 South Riverside Drive
2. W-18-17 / VMRC 17-0133 : William & Mary Sailing Team

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 4/12/2017
TO: Wetlands Board
FROM: Wetlands Board Secretary
SUBJECT: March 8, 2017 Regular Meeting Minutes

ATTACHMENTS:

	Description	Type
□	March 8, 2017 Regular Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	3/23/2017 - 4:16 PM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
March 8, 2017
7:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for March 8, 2017, was Called to Order.

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. ROLL CALL

Board Member Present:

John Hughes - Chair
William Apperson
Charles Roadley
Larry Waltrip
Roger Schmidt - Alternate

Absent:

David Gussman

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)

C. MINUTES

1. November 9, 2016, Regular Meeting Minutes

The minutes were approved as written.

D. PUBLIC HEARINGS

1. Wetlands Board Case No. W-14-15/VMRC 15-0679: 7588 Uncle's Neck

Michael Woolson presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owners, Michael and Maureen O'Brien. The permit request was to create an approximate 445-foot offshore sill and associated beach nourishment for a living shoreline to protect the existing shoreline along the Chickahominy River on the property known as 7588 Uncle's Neck in the River's Bend at Uncle's Neck subdivision, within the Chickahominy River watershed and further identified as James City County Parcel No. 2010200022. The presentation described the size, composition

and location of the proposed sill, the proposed plantings and the current site conditions. Mr. Woolson explained that this permit was previously granted by this Board but expired because construction had not begun. He also noted that the required permit from VMRC was valid until July 31, 2018. Staff determined this project met the required criteria and recommended approval with the conditions outlined in the Resolution.

Mr. Schmidt asked why this structure was located farther out than the structure on the neighboring property.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, explained that the owner wanted to stabilize the shoreline with the least possible impacts and the location of the sill was due to the topography at the site.

Mr. Hughes asked if this project would be done at the same time as the other projects on tonight's agenda since they were all in the same location.

A. Ms. Havens said it could not be determined because the respective property owners could hire different contractors.

Mr. Roadley asked if the deadline of March 8, 2018 proposed by Staff was sufficient time to start the project.

Mr. Woolson suggested the Board change this permit expiration to coincide with the VMRC permit expiration.

Mr. Hughes 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 No. W-14-15/VMRC 15-0679 at 7588 Uncle's Neck with an extended expiration date of July 31, 2018.

The motion was approved: 5-0

Ayes: Schmidt, Roadley, Waltrip, Apperson, Hughes

Nays: None

2. Wetlands Board Case No. W-17-17/VMRC 17-0074: 7596 Uncle's Neck

Michael Woolson presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owners, Shawn and Dawn Lemon. The permit request was to construct a 5-foot by 240-foot non-commercial pier through a bald cypress swamp to open water in the Chickahominy River, on the property known as 7596 Uncle's Neck in the River's Bend at Uncle's Neck subdivision, within the Chickahominy River watershed and further identified as James City County Parcel No. 2010200024. The presentation described the current site conditions and the possible impacts from construction

of the proposed pier. Mr. Woolson explained why Staff was requiring the local permit and how permanent wetlands impacts and mitigation requirements would be determined. Staff recommended approval of the permit request with the conditions outlined in the Resolution.

Mr. Roadley asked what Staff's concerns were regarding wetland impacts.

Mr. Woolson stated it was mainly the impact to the bald cypress knees.

Mr. Hughes opened the Public Hearing.

Mr. Hughes and Mr. Waltrip asked how the construction site would be accessed.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, said the length of the pier was reduced from the original application and the 6 trees to be cut were not in good health. She explained the contractor's construction method was to use the pier for access and he did not use mats that would encroach into areas beside the pier.

Mr. Hughes closed the Public Hearing as no one else wished to speak.

Mr. Apperson appreciated the proposed method of construction and asked how the 5 foot width of the pier was determined.

Mr. Woolson said state law allowed for up to a 6-foot wide pier.

Mr. Apperson made a motion to adopt the Resolution to Grant the Permit for Wetlands Board Case No. W-17-17/VMRC 17-0074 at 7596 Uncle's Neck.

The motion was approved: 5-0

Ayes: Schmidt, Roadley, Waltrip, Apperson, Hughes

Nays: None

3. Wetlands Board Case No. W-19-17/VMRC 17-0176: 7600 Uncle's Neck

Michael Woolson presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owners, Richard and Myra Nuzzo. The permit request was to construct a 147-linear-foot stone revetment on the property known as 7600 Uncle's Neck in the River's Bend at Uncle's Neck subdivision, within the Chickahominy River watershed and further identified as James City County Parcel No. 2010200025. The presentation described the proposed revetment and the current site conditions. Mr. Woolson informed the Board that the bank was previously graded with a Chesapeake Bay Exception, in an attempt to protect the shoreline but it has continued to erode and requires this additional protection. Staff recommended approval of the permit request with the conditions outlined in the Resolution.

Mr. Roadley asked if the applicant had considered a living shoreline.

Mr. Woolson said because there were revetments on both adjacent lots, it was not the owners preferred solution. He had already restored the vegetation from the previous grading and having to further grade for a living shoreline seemed more intrusive.

Mr. Waltrip asked if the photograph of the eroded bank was taken at high or low tide.

Mr. Woolson explained it was mid-tide.

Mr. Schmidt asked where the construction entrance would be located.

Mr. Woolson stated there would be one on either side of the pier but, the applicant's desire was to save as much of the existing vegetation as possible.

Mr. Hughes opened the Public Hearing.

Mr. Roadley asked what size stone would be used in the revetment.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, stated this revetment would tie into the revetments on either side of the property and the application called for Class II armour stone. She also emphasized the erosion from boat wake in the area.

Mr. Hughes closed the Public Hearing as no one else wished to speak.

Mr. Schmidt made a motion to adopt the Resolution to Grant the Permit for Wetlands Board Case No. W-19-17/VMRC 17-0176 at 7600 Uncle's Neck.

The motion was approved: 5-0

Ayes: Schmidt, Roadley, Waltrip, Apperson, Hughes

Nays: None

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

1. W-13-17/VMRC 16-1937: Cranston's Mill Pond Raw Water Supply

Michael Woolson described the application forwarded to the County from VMRC. He explained the application was only for a water withdrawal permit from the Department of Environmental Quality and at this time did not propose any physical structure or water treatment process.

Mr. Hughes asked what permits might be required and what type of impact there might be to wetlands and water quality.

Mr. Woolson stated the Virginia Institute of Marine Science had preliminarily determined water withdrawn from this pond would not adversely affect the downstream wetland ecosystem. However, he believed an application for an intake project could require a wetlands permit and a Chesapeake Bay exception.

Mr. Jeff Corbin, Restoration Systems LLC, explained their anticipated purpose for the project and stated they were at the beginning of the permitting process.

G. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

John Hughes
Wetlands Board Chair

Melanie Davis
Secretary to the Board

ITEM SUMMARY

DATE: 4/12/2017
TO: Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: W-04-17 / VMRC 16-1341 : 4113 South Riverside Drive

Steven Wolf has applied for a permit for the construction of an offshore stone sill with beach nourishment at 4113 South Riverside Drive.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Joint Permit Application	Backup Material
▣	APO Protest	Backup Material
▣	APO Notification and Advertisement	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	4/5/2017 - 2:57 PM
Wetlands Group	Holt, Paul	Approved	4/5/2017 - 4:12 PM
Publication Management	Burcham, Nan	Approved	4/5/2017 - 4:19 PM
Wetlands Group	Secretary, Wetland	Approved	4/5/2017 - 4:26 PM

**WETLAND BOARD CASE No. W-04-17/VMRC 16-1341. 4113 South Riverside Drive
Staff report for the April 12, 2017, 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: Steven D. Wolf

Agent: Karla Havens, Mid-Atlantic Resource Consulting

Location: 4113 South Riverside Drive

Parcel: Lot 6, Section 8, Chickahominy Haven

PIN: 1910900006

Watershed: Chickahominy River (HUC JL 28)

Floodplain: Panel 0082D
Zone AE, base flood elevation 7 MSL

Proposed Activity: Construct a 131-foot quarry stone sill with beach nourishment and sprigging.

Wetland Impacts: 880 square feet of Type XV Sand/Mud Mixed Flat Community (sill)
530 square feet of subaqueous bottom (sill)
2,500 square feet of Type XV Sand/Mud Mixed Flat Community (beach nourishment)

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

PROJECT DISCUSSION

Karla Havens, on behalf of Steven D. Wolf, has applied for a Wetlands Permit to construct an offshore sill approximately 26 feet channel ward of mean high water. The intervening area will be nourished with beach sand and planted with appropriate wetland grasses. The proposed sill will tie back into the mainland in a perpendicular fashion with stone as a continuation of the sill. The property is located at 4113 South Riverside Drive, within the Chickahominy Haven subdivision and the Chickahominy River watershed. The property is further identified as James City County Parcel No. 1910900006.

The sill is comprised of Class II armor stone over top of Class I core stone/concrete rubble. The entire structure will be underlain with filter fabric. The intervening area will be filled with 100% sand from an upland source. The sand fill will be planted with approximately 600 *Spartina alterniflora* plugs on 24-inch centers.

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 finds that this project meets the three criteria outlined above. The applicant is proposing the location of the sill at an appropriate distance from the shoreline to allow for energy dissipation. Furthermore, the applicant is proposing to vegetate the beach nourishment area when none would be required by law, thereby having a net positive effect for vegetated wetlands within the Commonwealth.

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. Prior to construction, a pre-construction meeting will be held on-site; and
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; and
4. A surety in the amount of \$1,000 shall guarantee the vegetative plantings. The surety shall be in a form acceptable to the James City County Attorney's office. The surety will be held a minimum of one year post-planting to guarantee a minimum of 80% planting success; and
5. The wetlands permit for this project shall expire on April 12, 2018, 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.

MDW/nb
W04-17-4113SRvside-Wolf

Attachment:

1. Joint Permit Application

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:
 STEVEN D. WOLF Home () _____
 117 CANVASBACK TRAIL Work () _____
 NEWPORT NEWS, VA 23602-7563 Fax () _____
 Cell/ Pager (757) 435-5382
 e-mail SDW5050@GMAIL.COM

State Corporation Commission ID Number (if applicable) _____

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

State Corporation Commission ID Number (if applicable) _____

3. Authorized agent name* and complete mailing Contact Information:
 address (if applicable): Home () _____
 KARLA S. HAVENS Work (804) 785-2107
 MID-ATLANTIC RESOURCE CONSULTING Fax () _____
 1095 CHERRY ROW LANE Cell/ Pager (804) 366-1768
 PLAINVIEW, VA 23156 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 APPROXIMATLEY 131' QUARRY STONE "BRILL" WITH BEACH NOURISHMENT AND SPRIGGING.

SITE TO BE ACCESSED FROM THE UPLAND.

NO CLEARING AND/OR GRADING REQUIRED.

	RECEIVED	FOR AGENCY USE ONLY
	AUG 17 2016	Notes: _____
	MARINE RESOURCES COMMISSION	JPA # 16-1341

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

VIRGINIA GAZETTE
216 IRONBOUND ROAD
WILLIAMSBURG, VA 23188

(757) _____ 220-1736

7. Give the following project location information:

Street Address (911 address if available) _____ 4113 S. RIVERSIDE DRIVE

Lot/Block/Parcel# _____ LOT 6, SEC 8 - LRSN = 13841

Subdivision _____ CHICKAHOMINY HAVEN

City / County _____ LANEXA / JAMES CITY COUNTY _____ Zipcode 23089-9418

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 MINIMIZE UPLAND 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.

NO CLEARING, GRADING, EXCAVATING REQUIRED.

ALL DENUDED AND SPARSELY VEGETATED AREAS SHALL BE SEEDED AND MULCHED WITH AN APPROPRIATE SEASONAL SEED MIXTURE.

A SILT FENCE SHALL BE INSTALLED AND MAINTAINED ABOVE MEAN HIGH WATER UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED ON THE UPLAND.

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>
ENV. / MIKE WOOLSON	GRADING		SUMMER 2016

(**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.): \$ 14,000
Approximate cost of that portion of the project which is below mean low water: \$ 6,000
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).

(LOT 7)

GARY A. & LYNN ENGEL
4115 S. RIVERSIDE DRIVE
LANEXA, VA 23089-9418

(LOT 5)

OPHELIA J. CARR TRUSTEE
4111 S. RIVERSIDE DRIVE
LANEXA, VA 23089-9418

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.

STEVEN D. WOLF

Applicant's Name (printed/typed)

(Use if more than one applicant)



Applicant's Signature

(Use if more than one applicant)

8-5-16

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

I (we), STEVEN D. WOLF, 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)

8-5-16
(Date)

St D Wolf
(Applicant's Signature)

(Use if more than one applicant)

8-5-16
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

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.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

W-04-17

WOLF
16-1341
11-15-16

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.

- For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 131 linear feet. If applicable, what is the volume of the associated backfill? 167 cubic yards. (NOURISHMENT)
- What is the maximum encroachment channelward of mean high water? 42 feet.
channelward of mean low water? 7 feet.
channelward of the back edge of the dune or beach? N/A feet.
- Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 532 square feet (76' x 7')
 - Subaqueous bottom 522 square feet (76' x 7')
 - Dune and/or beach 0 square feet

} "BRILL" ONLY

X 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.

- 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. 100% SAND FROM AN UPLAND SOURCE. SPARTINA ALTERNIFLORA FROM A REPUTABLE NURSERY.

- 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 250 pounds per stone Class size II

Engineering & Resource Protection
NOV 18 2016
RECEIVED

ADDITIONAL INFO
REVISION

Part 3 – Appendices (continued)

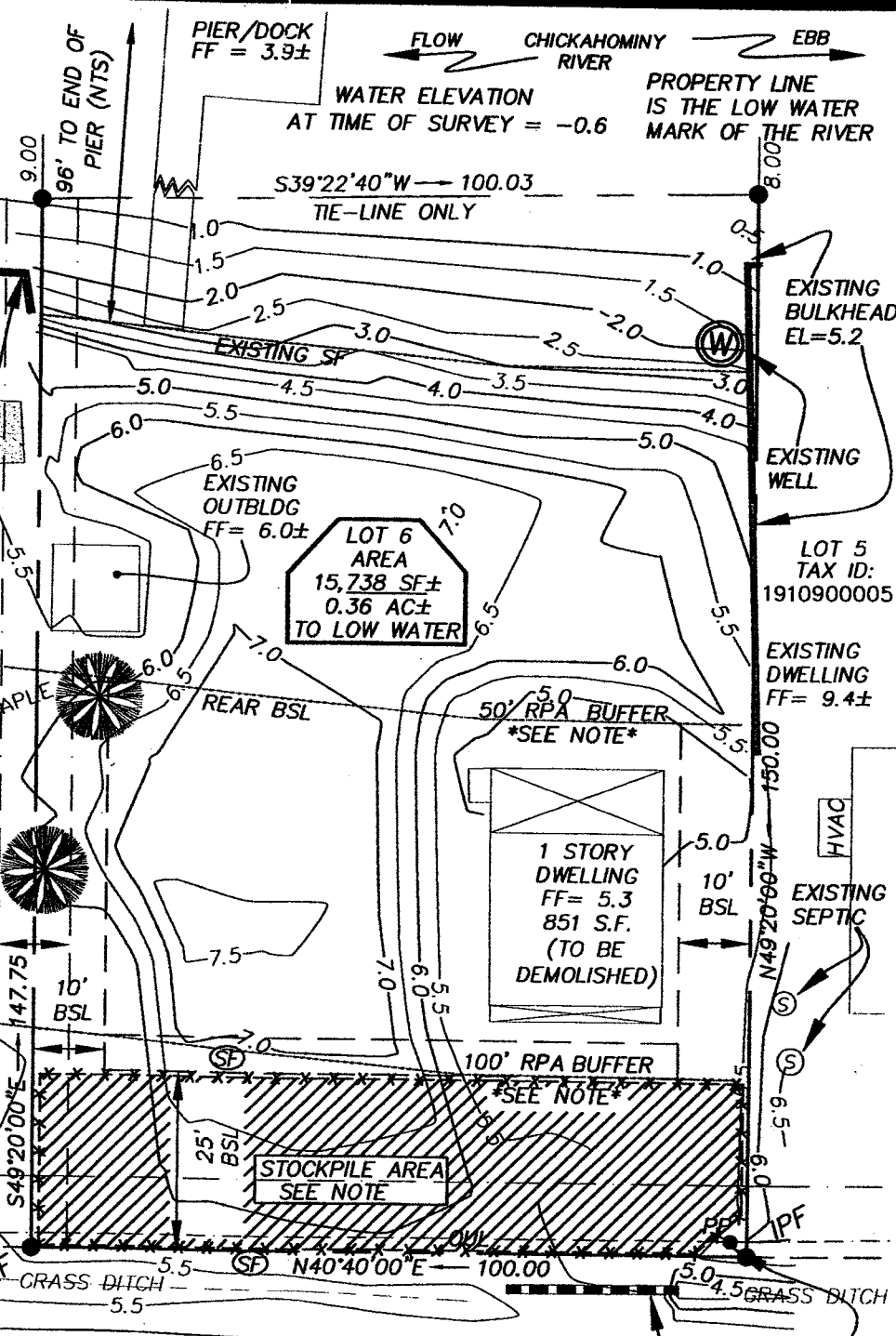
7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material 0 cubic yards channelward of mean low water
167 cubic yards landward of mean low water
- Area to be covered 0 square feet channelward of mean low water
4500 square feet landward of mean low water
- Source of material, composition (e.g. 90% sand, 10% clay): 100% BEACH QUALITY SAND
- Method of transportation and placement: FROM AN UPLAND SOURCE, TRUCKED IN AND PLACED WITH A LOADER.
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc.:
SPARTINA ALTERNIFLORA SPRIGGED ON 24-INCH CENTERS AND FERTILIZED WITH SLOW-RELEASE FERTILIZER AT TIME OF PLANTING. AREAS OF PLANT MORTALITY TO BE REPLACED FOR TWO (2) GROWING SEASONS.

$$\begin{array}{r}
 90' \times 25' = 2250 \\
 \times 2' \text{ DEEP} \\
 \hline
 4500 / 27 = 167 \text{ cu yds}
 \end{array}$$

EROSION & SEDIMENT CONTROL MEASURES:

1. APPROXIMATELY 230 C.F. OF MATERIAL THAT WAS ADDED TO SITE WILL BE EXCAVATED AND STOCKPILED IN STOCKPILE AREA TO A DEPTH OF APPROXIMATELY 2'.
2. STOCKPILE AREA WILL SURROUNDED BY SILTFENCE (SF)
3. STOCKPILE SIDES WILL BE A MAXIMUM OF 2:1 SLOPE.
4. SILTFENCE WILL BE CONSTRUCTED ON THE DOWNSLOPE SIDE OF ALL DISTURBED AREAS. (SF)
5. STOCKPILE AND ALL DISTURBED AREAS WILL BE GRADED, STABILIZED AND SEEDDED PRIOR TO FURTHER CONSTRUCTION.
6. THE SURVEYOR SHALL NOT BE CONSIDERED AS THE "RESPONSIBLE LAND DISTURBER".



LOT 7
TAX ID:
1910900007

LOT 5
TAX ID:
1910900005

ELEVATIONS SHOWN HEREON
ARE REFERENCED TO NAVD
1988.



RECEIVED
AUG 17 2016
MARINE RESOURCES
COMMISSION

NO DRAINFIELD LOCATED
ON LOT 6.

RPA BUFFERS ARE MEASURED FROM
EXISTING SILTFENCE WHICH APPEARS
TO BE APPROXIMATELY THE HIGH
WATER MARK.

NOTE:
REAR SETBACK LINE IS
SHOWN AS THE 50' RPA
BUFFER LINE. SUBJECT TO
APPROVAL BY JCC.

BUILDING SETBACK LIMITS
FOR ZONE R2
FRONT= 25'
SIDE= 10'
REAR= 35' *SEE NOTE*

THIS PROPERTY APPEARS TO LIE
ENTIRELY WITHIN FLOODZONE AE
(BFE DETERMINED TO BE 7). PER
F.I.R.M. # 51095C0082D3.
EFFECTIVE DATE 12/16/15.

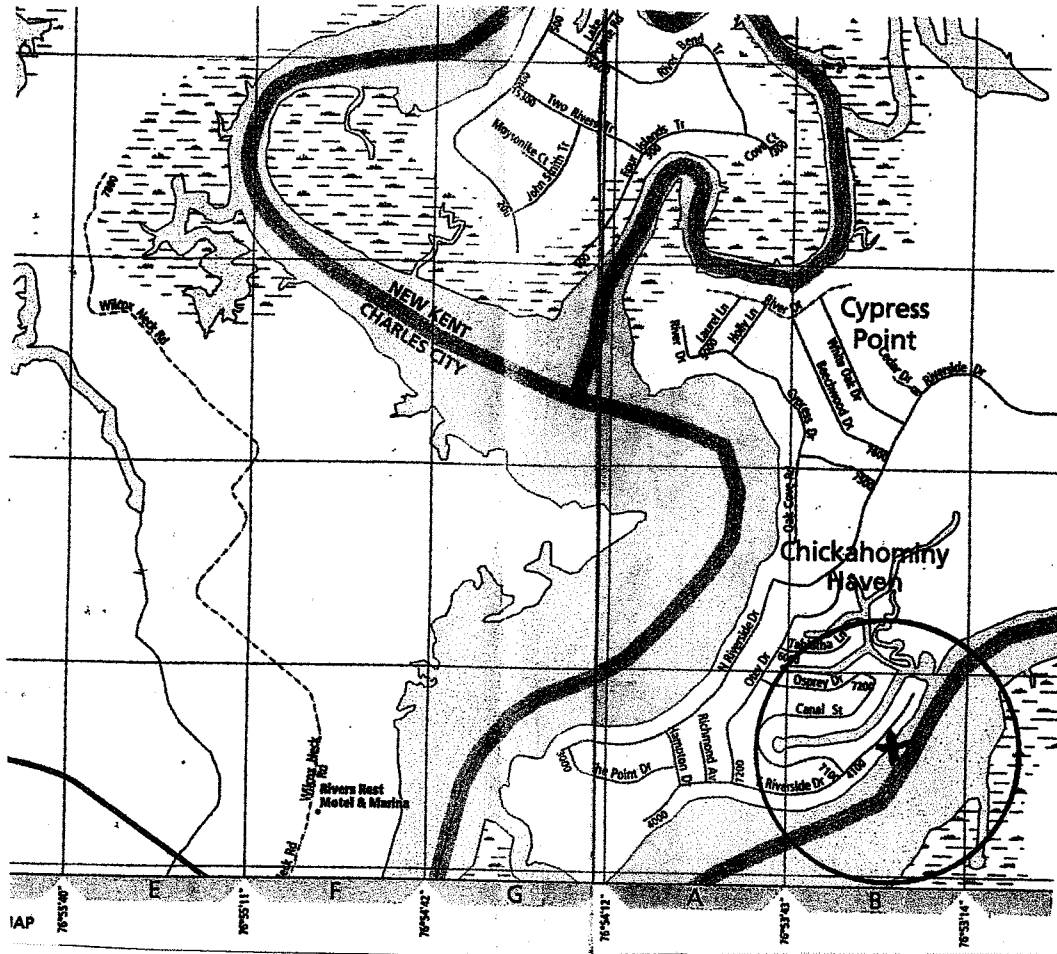
LEGEND

NS	NAIL SET
IRF	IRON ROD FOUND
IRS	IRON ROD SET
IPF	IRON PIPE FOUND
CATV	CABLE TELEVISION
PED	PEDESTAL
SCO	SANITARY CLEANOUT
EP	EDGE PAVEMENT
OUL	OVERHEAD UTILITY LINE
BSL	BUILDING SETBACK LINE
(SF)	SILTFENCE
NTS	NOT TO SCALE
0.00 X	EXISTING GRADE

SURVEY BY: A.D. SEBERT 02/29/2016

1" = 25'

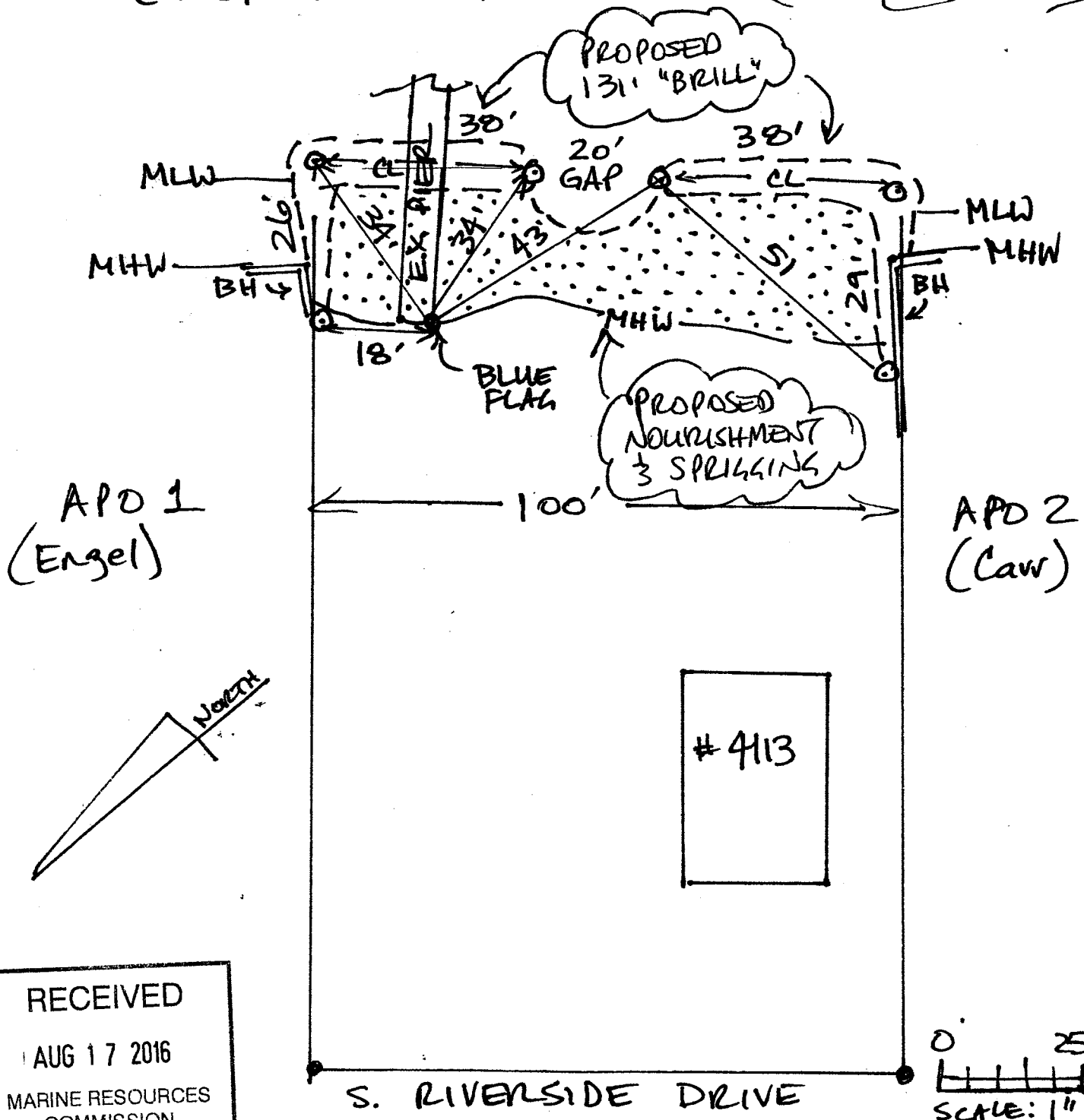
RECEIVED
 AUG 17 2016
 MARINE RESOURCES
 COMMISSION



Rand McNally - Greater Richmond, 2009
 pages 176 & 177.

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> Gary A. & Lynn Engel Ophelia J. Carr Trustee 	<p>VICINITY MAP</p> <p>Lot 6, Sec 8</p>	<p>STEVEN D. WOLF</p> <p>4113 S. Riverside Drive - James City County on the Chickahominy River</p> <p>Date: 8.1.16 Sheet 1 of 3</p>
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CHICKAHOMINY RIVER ← FLOW → EBB →

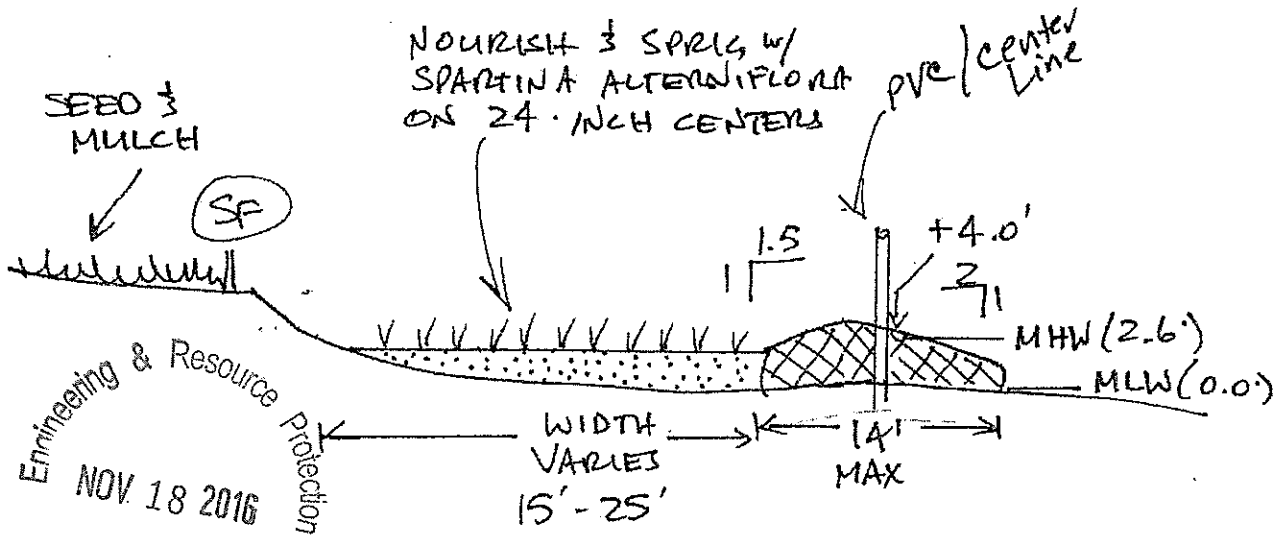


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 AUG 17 2016
 MARINE RESOURCES
 COMMISSION

Adjacent Property Owners: 1. Gary A. & Lynn Engel 2. Ophelia J. Carr Trustee	SITE PLAN Lot 6, Sec 8	STEVEN D. WOLF 4113 S. Riverside Drive - James City County on the Chickahominy River Date: 8.1.16 Sheet 2 of 3
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W-04-17

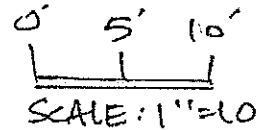
WOLF
16-1341
11-15-16



Engineering & Resource Protection
NOV. 18 2016

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NOV 15 2016
MARINE RESOURCES
COMMISSION

ADDITIONAL INFO
REVISION



REVISED

Adjacent Property Owners: 1. Gary A. & Lynn Engel 2. Ophelia J. Carr Trustee	DETAIL Lot 6, Sec 8	STEVEN D. WOLF 4113 S. Riverside Drive - James City County on the Chickahominy River Date: 11-15-16 Sheet 3 of 3
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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

August 29, 2016

Lynn Engel
4115 South Riverside Drive
Lanexa, VA 23089-9418

Re: VMRC #16-1341

Dear Ms. Engel:

This will acknowledge receipt of your protest correspondence dated received August 22, 2016, in which you are protesting the above-referenced project.

Your objection has been made a part of the official record of this proposed project. In the event that objections cannot be resolved, a public hearing will be scheduled before the full Commission to weigh all the evidence and make a determination. You will be informed of the date of such a hearing in the event you may wish to be present. By copy of this letter, we are advising the applicant of your concerns.

Sincerely,

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

Mark Eversole
Environmental Engineer

ME/lra

HM

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

An Agency of the Natural Resources Secretariat

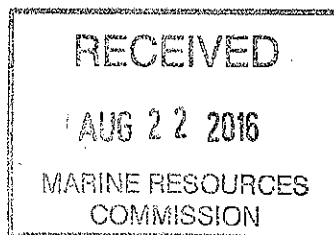
www.mrc.virginia.gov

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

VMRC

I object to the
project if it is
rip rap. You know this
causes snakes. I worry
about my grandson playing
outside. I do not object
to bulkheading. It is
much needed.

Thank you
Lynne E. J.



PROTEST

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

the water from/on the same cove as) the land of STEVEN D. WOLF
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 8.1.16
(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.

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)

10-17-16
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.

PROTEST





**Community Development
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 22, 2017

Re: W-04-17/VMRC 16-1341: 4113 S Riverside Drive
Stone sill 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. Steven Wolf, for construction of a stone sill with beach nourishment on his property at 4113 S Riverside Drive in the Chickahominy Haven subdivision. The property is further identified by James City County Real Estate, as Parcel No. 1910900006.

The joint permit application, 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 on **Wednesday April 12, 2017 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: Steven Wolf
Mid-Atlantic Resource Consulting

Mailing List for W-04-17: VMRC 16-1341 –4113 S Riverside - stone sill w/beach nourishment

1910900006 - 4113 S Riverside

Steven and Denise Wolf
117 Canvasback Trail
Newport News, VA 23602-7563

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

1910900007

Gary and Lynn Engel
4115 S Riverside Drive
Lanexa, VA 23089-9418

1910900005

Ophelia Carr
4111 S Riverside Drive
Lanexa, VA 23089-9418

1910900017

Phyliss and Matthew Wooten
4112 S Riverside Drive
Lanexa, VA 23089-9417

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 90778
Henrico, VA 23228-0778

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 12, 2017 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-04-17/VMRC 16-1341: Steven Wolf has applied for a wetlands permit for installation of a stone sill with associated beach nourishment at 4113 S Riverside Dr. in the Chickahominy Haven subdivision, JCC Parcel No 1910900006.

W-18-17/VMRC 17-0133: The William & Mary Sailing Team and Kingsmill Resort have applied for a wetlands permit to install a floating dock at the Kingsmill Marina at 1060 Kingsmill Rd, JCC Parcel No 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-052: The William & Mary Sailing Team and Kingsmill Resort have filed an exception request for encroachment into the RPA buffer for the installation of two storage sheds at the Kingsmill Marina, 1060 Kingsmill Rd, JCC Parcel No 5040100002C.

CBE-17-058: Richard Dohmen has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 2809 Blue Lake Court in the Lake Powell Pointe subdivision, JCC Parcel No 4830700048.

CBE-17-062: James and Helene Noonan have filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and sidewalk at 104 Abigail Lane, JCC Parcel No 5030400086.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – March 29, and April 5, 2017.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS
BOARD OF SUPERVISORS - for CBV-17-062

*MDW
3/21/17*

RESOLUTION

CASE NO. W-04-17/VMRC 16-1341. 4113 SOUTH RIVERSIDE DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Karla Havens with Mid-Atlantic Resource Consulting, on behalf of Steven D. Wolf (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 property identified as James City County Real Estate Tax Parcel No. 1910900006 and further identified as 4113 South Riverside Drive in the Chickahominy Haven subdivision (the "Property") as set forth in the application W-04-17/VMRC 16-1341: 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. Prior to construction, a pre-construction meeting will be held on-site; and
 - c. 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
 - d. A surety in the amount of \$1,000, in a form acceptable to the James City County Attorney's office, shall guarantee the vegetative plantings. The surety will be held a minimum of one year post-planting to guarantee a minimum 80% planting success; and
 - e. The Wetlands Permit for this project shall expire on April 12, 2018, 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.

John Hughes
Chair, Wetlands Board

Michael Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of April, 2017.

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: _____

W04-17-4113Rvside-Wolf-res

ITEM SUMMARY

DATE: 4/12/2017
TO: Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: W-18-17 / VMRC 17-0133 : William & Mary Sailing Team

Patrick Firth, on behalf of the William and Mary Sailing Team, has applied for a permit for the movement of a floating dock from the First Colony marina to property owned by Escalante Kingsmill LLC at the Kingsmill Marina.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Joint Permit Application	Backup Material
▣	APO Notification and Advertisement	Backup Material
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	4/5/2017 - 2:58 PM
Wetlands Group	Holt, Paul	Approved	4/5/2017 - 4:14 PM
Publication Management	Trautman, Gayle	Approved	4/5/2017 - 4:25 PM
Wetlands Group	Secretary, Wetland	Approved	4/5/2017 - 4:27 PM

**WETLAND BOARD CASE No. W-18-17/VMRC 17-0133. Kingsmill Marina
Staff report for the April 12, 2017 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: The William & Mary Sailing Team

Agent: Kingsmill Resort, Mark Phinney

Location: 1060 Kingsmill Road

Parcel: Parcel R-2C, Kingsmill Resort (Kingsmill Marina)

PIN: 5040100002C

Watershed: James River (HUC JL 35)

Floodplain: Panel 0206D
Zone VE, coastal flood zone with wave action, elevation 12.0 feet Mean Sea Level

Proposed Activity: Relocate an existing floating dock from First Colony Marina to the Kingsmill Marina.

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

Staff Contact: Ashley Tatge, Environmental Inspector Phone: 253-6683

PROJECT DISCUSSION

The William & Mary Sailing Team has applied for a Wetlands Permit to relocate an existing floating dock from First Colony Marina to the Kingsmill Marina. The relocated structure will provide a storage area for small watercraft when not in use within the safety of the existing Kingsmill Marina. The Kingsmill Marina is located within the James River and subject to tidal influences. The work will be performed by the Kingsmill Resort maintenance personnel and no new construction is proposed.

Even though there are no wetland impacts within this Board’s jurisdiction, the commercial nature of the application is not a permitted use. Therefore, an application for a permit must be submitted through the Virginia Marine Resources Commission and processed by the local Wetlands Board.

MITIGATION DISCUSSION

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

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

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

Staff has reviewed this application and finds that this project meets the three criteria outlined above. As there are no vegetated wetland impacts, no mitigation is required.

STAFF RECOMMENDATIONS

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

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. The Wetlands Permit for this project shall expire on April 12, 2018, if construction has not begun; and
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.

AT/nb
W18-17WMSailingClb

Attachment:

1. Joint Permit Application

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>James River</u>

<p>1. Applicant's name* and complete mailing address:</p> <p>The William & Mary Sailing Team (Patrick L. Firth)</p> <p>400 Brooks Street Williamsburg, VA 23185</p> <p style="text-align: center;">State Corporation Commission ID Number (if applicable) _____</p>	<p>Contact Information:</p> <p>Home (410) <u>476-7386</u></p> <p>Work () _____</p> <p>Fax () _____</p> <p>Cell/ Pager () <u>plfirth@email.wm.edu</u></p> <p>e-mail <u>williamandmarysailing@gmail.com</u></p>
---	--

<p>2. Property owner(s) name* and complete address, if different from applicant</p> <p>Kingsmill Resort 1010 Kingsmill Road Williamsburg, VA 23185</p> <p style="text-align: center;">State Corporation Commission ID Number (if applicable) _____</p>	<p>Contact Information:</p> <p>Home () _____</p> <p>Work (757) <u>564-5345</u></p> <p>Fax () _____</p> <p>Cell/ Pager () _____</p> <p>e-mail <u>kevin.kolda@kingsmill.com</u></p>
--	--

mark.phinney@Kingsmill.com

<p>3. Authorized agent name* and complete mailing address (if applicable):</p> <p>Kevin Kolda - VP Maintenance & Engineering</p> <p>1010 Kingsmill Road Williamsburg, VA 23185</p> <p style="text-align: center;">State Corporation Commission ID Number (if applicable) _____</p>	<p>Contact Information:</p> <p>Home () _____</p> <p>Work (757) <u>564-5345</u></p> <p>Fax () _____</p> <p>Cell/ Pager () _____</p> <p>e-mail <u>kevin.kolda@kingsmill.com</u></p>
--	--

mark.phinney@Kingsmill.com

* 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.

Project is to move 8ft x ~70ft floating dock from First Colony Marina to Kingsmill Marina on the James River and attach the structure to the current floating dock. The section will serve as the main dock for the W&M Sailing Team, which is relocating from First Colony to Kingsmill Resort.

RECEIVED	
(JAN 26 2017) MARINE RESOURCES COMMISSION	FOR AGENCY USE ONLY Notes: JPA # <u>17-0133</u>

REVISED 2014
December 2008 Revision

W-18-17

RECEIVED

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:

Self Performed

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

7. Give the following project location information:

Street Address (911 address if available) 1060 Kingsmill Road

Lot/Block/Parcel# 504010002C

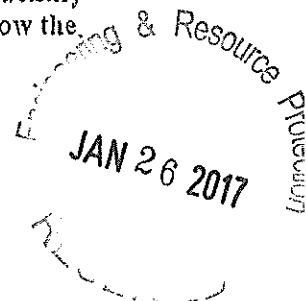
Subdivision Kingsmill Resort - Kingsmill on the James River

City / County Williamsburg/ James City 23185

If the project is located in a rural area, please provide driving directions.

Project is located within the Kingsmill Resort Marina on the James River

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 - provide main dock space for use by the William & Mary Sailing Team

Secondary - specifically, the dock space will hold 12 FJs (Flying Juniors), which are small, one-design sailboat dinghies.

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.**

During relocation, docks will be slid into the water at the Kingsmill Marina boat ramp and floated into its space. No disturbance expected.

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:

Agency / Representative Activity Permit/Project No. Action** & Date

VMRC - pier, gazebo, boardwalk - VMRC #13-1345 - 12/12/13 - Issued Partial

USACOE - pier, gazebo, boardwalk - VMRC #13-1345 - 05/24/13 - Issued

Ches Bay & Wetlands - pier, gazebo, boardwalk - W-03-14 - 11/13/13 - Issued

(**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.): \$ 0-1000, cost only to tow dock structure
Approximate cost of that portion of the project which is below mean low water: \$ 0

14. Completion date of the proposed work: ASAP (August, at the latest) - 2017

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).

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

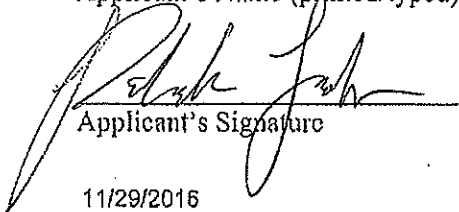
PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that 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 L Firth

Applicant's Name (printed/typed)



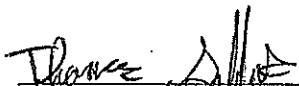
Applicant's Signature

11/29/2016

Date

Thomas Griffiths

(Use if more than one applicant)



(Use if more than one applicant)

Kingsmill Resort - ~~Kevin Kotela~~ - ~~VP~~ ~~md~~ ~~F~~

MARK PHINNEY

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)

12/14/16

Date

3-2-17

Engineering & Resource
JAN 26 2017
REC-



U.S. Army Corps
Of Engineers
Norfolk District

Regional Permit 17 Certificate of Compliance Form

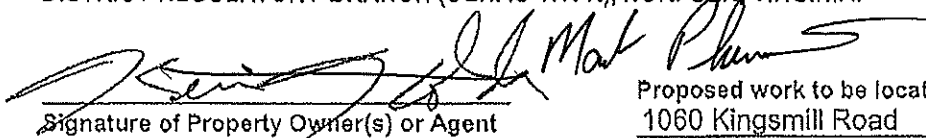
Please obtain and read a copy of the 13-RP-17 prior to completion of this form. Copies can be obtained by contacting the U.S. Army Corps of Engineers Regulatory Branch (Corps) at (757) 201-7652 or on our website at: <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional.aspx>.

- YES NO Is the proposed pier for private use ONLY?
- YES NO Does the proposed pier extend LESS than 1/4 the width of the waterway as measured from MHW to MHW or OHW to OHW (including channelward wetlands) based on the narrowest distance across the waterway regardless of the orientation of the proposed pier (MHW = mean high water line; OHW = ordinary high water line)?
- YES NO Does the proposed pier and/or mooring structure(s) extend LESS than 300 feet from the mean high water line or ordinary high water line?
- YES NO N/A If the proposed structure crosses wetland vegetation, is it of an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES NO N/A If the proposed pier is to include an attached open-sided roof designed to provide shelter, is the cumulative roof square footage less than 700 square feet?
- YES NO N/A Is the total number of boat slips on the property less than or equal to two boat slips?
- YES NO Have you confirmed that the proposed construction will not take place in one of the reaches which serve as habitat for federally threatened and endangered species, Federal Navigation Channels, and/or does not meet any of the requirements listed in the "V. NOTIFICATION REQUIREMENTS #1-7" section of this permit?
- YES NO N/A If the proposed work is in portions of any waterways listed in Special Condition 6, have you obtained an easement to cross government property from the Army Corps of Engineers Real Estate Office?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, THE REGIONAL PERMIT 17 WILL NOT APPLY AND YOU WILL NEED TO SUBMIT A JOINT PERMIT APPLICATION AND OBTAIN A SEPARATE PERMIT FROM THE CORPS BEFORE COMMENCING CONSTRUCTION.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH THE REGIONAL PERMIT 17. PLEASE SIGN BELOW, ATTACH, AND SUBMIT WITH YOUR COMPLETED JOINT PERMIT APPLICATION. THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS. HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

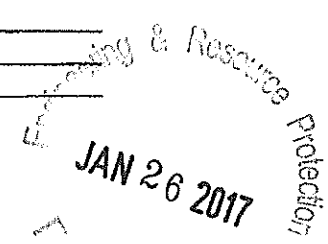
I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (13-RP-17), DATED AUGUST 14 2013, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WR-R), NORFOLK, VIRGINIA.


Signature of Property Owner(s) or Agent

Proposed work to be located at:
1060 Kingsmill Road
Williamsburg, VA 23185
Inside Kingsmill Resort

Date 12/14/16

Revised Date: August 2013 3-2-17



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.

Project is to move 8ft x ~70ft floating dock from First Colony Marina to Kingsmill Marina on the James River and attach the structure to the current floating dock. The section will serve as the main dock for the W&M Sailing Team, which is relocating from First Colony to Kingsmill Resort.

2. For private, noncommercial piers:

What is the overall length of the structure? 70 feet.

channelward of Mean High Water? _____ feet.

channelward of Mean Low Water? _____ feet

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

For boathouses, what is the overall size of the roof structure? N/A sq. ft.

Will your boathouse have sides? _____ Yes N/A 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
Flying Junior -	13.25ft -	5ft -	None -	N/A
Twelve of these boats				

5. 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? N/A (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? N/A.
- C) Will the facility be equipped to off-load sewage from boats? N/A.
- D) How many wet slips are proposed? N/A. How many are existing? N/A.
- E) What is the area of the piers and platforms that will be constructed over
 - Tidal wetlands N/A square feet
 - Submerged lands N/A square feet

6. For boat ramps, what is the overall length of the structure? N/A 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.

7. For aquaculture-related structures:

Will the activity be commercial? Yes No

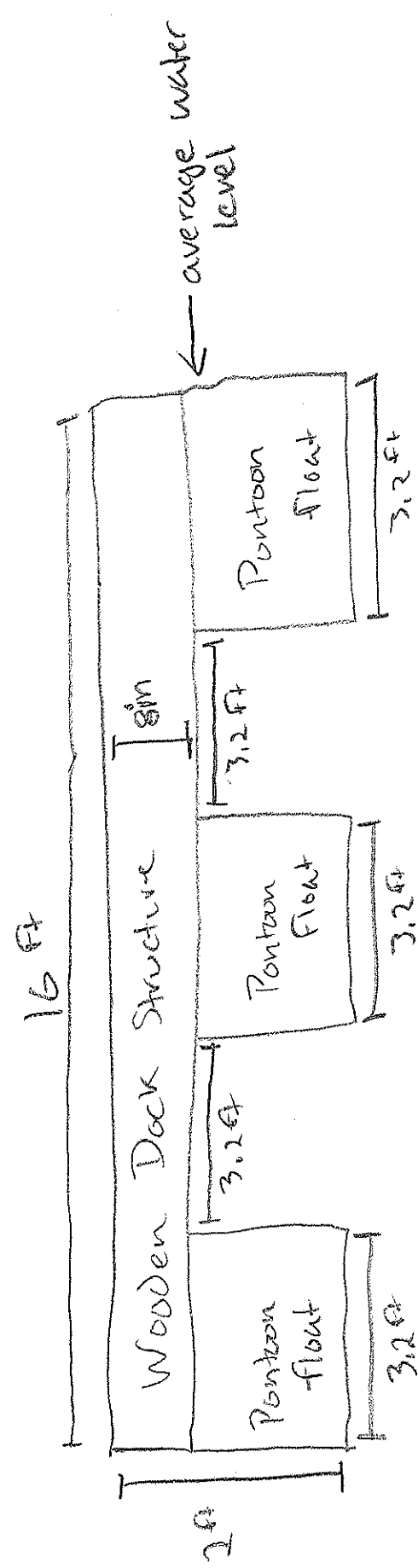
Will the proposed structures be attached to an existing pier or other structure? Yes No

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).

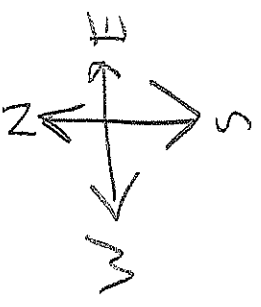


Side View



RECEIVED
JAN 26 2017
MARINE RESOURCES
COMMISSION

Plan View Drawing

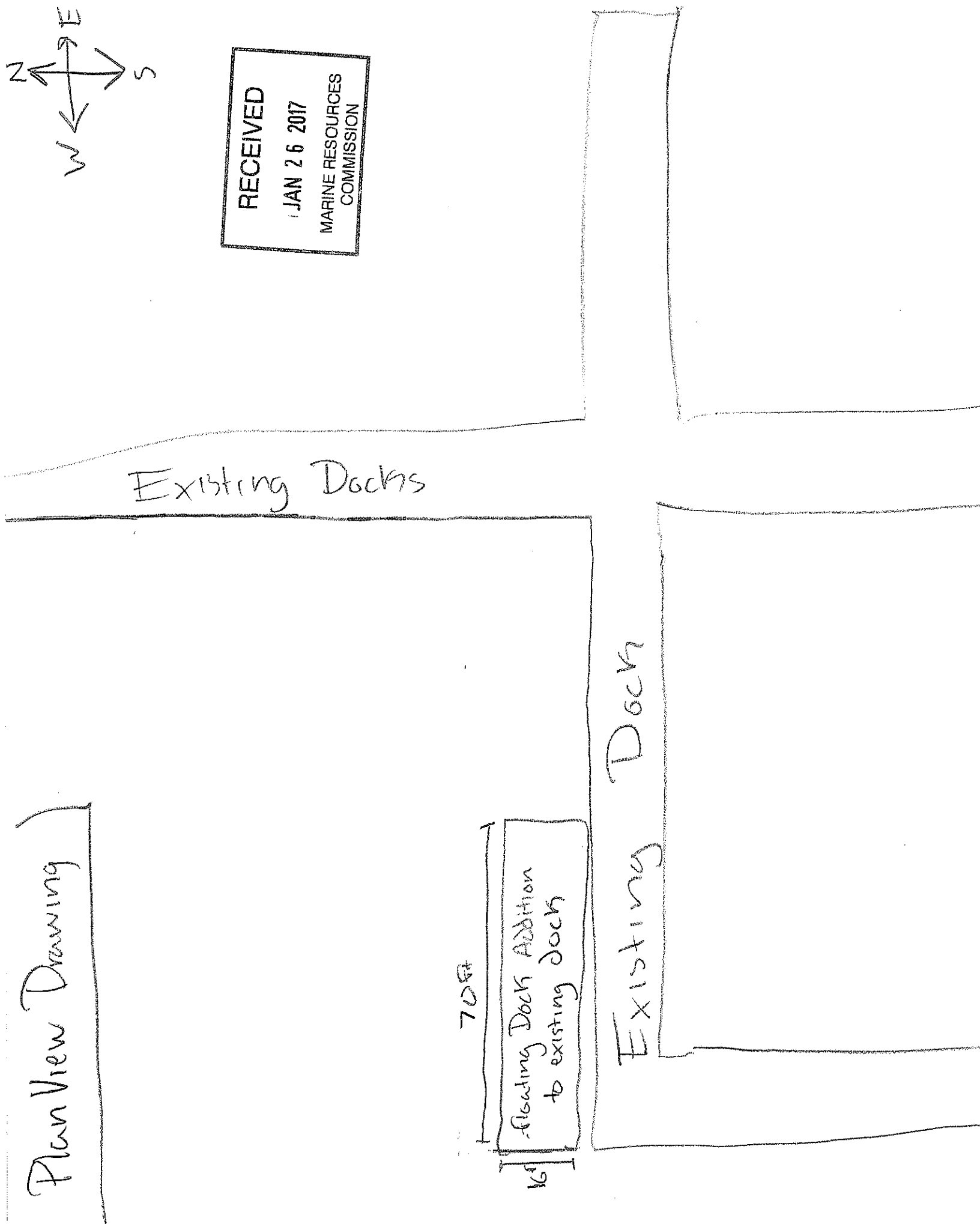


RECEIVED
JAN 26 2017
MARINE RESOURCES
COMMISSION

Existing Docks

70ft
floating Dock Addition
to existing dock

Existing Dock



Wendy Wain

STRA
UNION

Wendy Wain

Resort

Floors

Deck

App.

RECEIVED
JAN 17 2017
HARRIS COUNTY
COMMISSION

Wendy Wain

Resort
Floors
Deck
App.

Wendy Wain

Resort
Floors
Deck
App.



Community Development
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 22, 2017

Re: W-18-17/VMRC 17-0133 Floating dock at Kingsmill Marina
CBE-17-052 Two storage sheds 1060 Kingsmill Road

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 Kingsmill Resort, on behalf of the William & Mary Sailing Team, for installation a floating dock and two storage sheds at the Kingsmill Marina, 1060 Kingsmill Road in the Kingsmill on the James subdivision. The property is further identified by James City County Real Estate, as Parcel No. 5040100002C.

The joint permit application, sensitive area activity application, 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 and Chesapeake Bay Boards will hold advertised public hearings on **Wednesday, April 12, 2017 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: William & Mary Sailing Team
Escalante Kingsmill, LLC

Mailing List for W-18-17: VMRC 17-0133 – Kingsmill Marina - floating dock

Applicant

William & Mary Sailing Team

Attn: Patrick L Firth

400 Brooks Street

Williamsburg, VA 23185

plfirth@email.wm.edu

williamandmarysailing@gmail.com

Owner - 1060 Kingsmill Rd

Escalante Kingsmill, LLC

Attn: Mark Phinney

1010 Kingsmill Road

Williamsburg, VA 23185

5040100007 - Warehams Pond

130 Warehams Pond Rd

Escalante Kingsmill, LLC

2930 Bledsoe St, Ste 124

Fort Worth, TX 76107-2942

5040100004 - 1047 Kingsmill Rd

James City Service Authority

119 Tewning Rd

Williamsburg, VA 23188-2639

Kingsmill Community Services Association

P O Box 348

Williamsburg, VA 23187-0348

5041300001 Graves Ordinary, Pettuss Ordinary and

Richmonds Ordinary

Conference Center Condominiums

Unit Owners Association

One Busch Place

Saint Lois, MO 63118-1849

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 90778

Henrico, VA 23228-0778

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 12, 2017 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-04-17/VMRC 16-1341: Steven Wolf has applied for a wetlands permit for installation of a stone sill with associated beach nourishment at 4113 S Riverside Dr. in the Chickahominy Haven subdivision, JCC Parcel No 1910900006.

W-18-17/VMRC 17-0133: The William & Mary Sailing Team and Kingsmill Resort have applied for a wetlands permit to install a floating dock at the Kingsmill Marina at 1060 Kingsmill Rd, JCC Parcel No 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-052: The William & Mary Sailing Team and Kingsmill Resort have filed an exception request for encroachment into the RPA buffer for the installation of two storage sheds at the Kingsmill Marina, 1060 Kingsmill Rd, JCC Parcel No 5040100002C.

CBE-17-058: Richard Dohmen has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 2809 Blue Lake Court in the Lake Powell Pointe subdivision, JCC Parcel No 4830700048.

CBE-17-062: James and Helene Noonan have filed an exception request for encroachment into the RPA buffer for construction of a retaining wall and sidewalk at 104 Abigail Lane, JCC Parcel No 5030400086.

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 Mounts Bay Road, Bldg E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – March 29, and April 5, 2017.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS
BOARD OF SUPERVISORS - for CBV-17-062

*MDW
3/21/17*

RESOLUTION

CASE NO. W-18-17/VMRC 17-0133. KINGSMILL MARINA

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, the William & Mary Sailing Team (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 property identified as James City County Real Estate Tax Parcel No. 5040100002C and further identified as 1060 Kingsmill Road in the Kingsmill on the James subdivision (the “Property”) as set forth in the application W-18-17/VMRC 17-0133; 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. The Wetlands Permit for this project shall expire on April 12, 2018, if construction has not begun; and
 - c. 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 12th day of April, 2017.

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: _____

W18-17-WMSailingClb-res