

Wetlands Board

November 13, 2008

A. Roll Call

B. Minutes -

1. October 8, 2008 – Board Meeting

C. Public Hearings

1. W-10-08 Restoration Hearing for violations at 500 Thompson Lane

2. W-01-09/VMRC-08-1194 Federal Highway Administration - Colonial Parkway bridges

D. Board Considerations

1. Calendar Year 2009 Meeting Schedule

E. Election of Officers for 2009

F. Matters of Special Privilege

G. Adjournment

MEMORANDUM

DATE: November 13, 2008
TO: The Wetlands Board
FROM: Patrick T. Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-01-09 / VMRC 08-1194; National Park Service - Colonial Parkway.

Mr. Kevin S. Rose of the Federal Highway Administration has applied for a Wetlands permit on behalf of the National Park Service, to install fill, geotextile fabric and approximately 3370 square feet of rip rap adjacent to existing bridge abutments at College Creek along the Colonial Parkway to prevent erosion and the eventual undermining of the abutments.

The property is further identified by James City County Real Estate as PIN # 5610100001. The project site in question is located on College Creek, a tributary to the James River. Representatives of the Federal Highway Administration have been advised that attendance at the Wetlands Board meeting is highly recommended.

This project will involve the construction of rip rap revetments adjacent to the NW and SW bridge abutments at College Creek. These revetments are proposed to be constructed using the rip rap equivalent in size and weight to Class 2 armor stone, placed on type IV geotextile fabric over a granular fill material. The project will involve impacts to jurisdictional wetlands and it will also include impacts to subaqueous bottom and upland areas not within the Wetlands Board's jurisdiction. The project as proposed will require the installation of cofferdams within College Creek. Dewatering the cofferdam areas will occur prior to the installation of granular fill to create a 1.5: 1 maximum slope. Following the creation of the slope, geotextile fabric will be installed and Class II rip rap will be installed overtop at a minimum thickness of 2 feet.

Environmental Division staff visited the site on September 9, 2008, along with representatives from VMRC to review the project scope and potential impacts. Proposed inter tidal wetlands impacts for this project are determined to be 185 square feet at the NW abutment, 95 square feet at the SW abutment, for total intertidal impacts of 280 square feet to Type XV Sand/ Mud Flat Mixed Community. Proposed impacts to subaqueous zones would be 1560 square feet for NW abutment and 720 square feet for the SW abutment, total subaqueous impacts are 2280 square feet.

It is the staff's recommendation that the Board approve this application, with the following conditions:

1. An onsite preconstruction meeting will be held between the owner, contractor and county staff.
2. The limits of construction shall be flagged in the field prior to the preconstruction meeting. The location for the proposed toe of the revetment will be staked and delineated along the shoreline.
3. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting and approved by the Environmental Division (Division), prior to any land disturbance.
4. Any impacts to vegetation within the Resource Protection Area buffers may require restoration. An RPA buffer restoration plan detailing the installation of native understory trees, shrubs and ground cover may be required to be submitted to the County. The amount of trees, shrubs and ground cover required shall be determined by the Division. The implementation of the RPA restoration plan shall be guaranteed by surety in a form acceptable to the Division.
5. The armor stone proposed for this revetment is Class 2.
6. Staff reserves the right to require a turbidity curtain for this project if field conditions warrant its use.

7. This permit authorizes Wetlands impacts only at the College Creek crossing as shown on plan sheets R-17 & R18.
8. Any unauthorized impacts to jurisdiction Wetlands including surface waters will be treated as violations.
9. The permit shall expire November 13, 2009. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the expiration date.

MEMORANDUM

DATE: November 13, 2008
TO: JCC Wetlands Board
FROM: Patrick T. Menichino, Wetlands Board Secretary
SUBJECT: Wetlands Restoration Hearing – 500 Thompson Lane
W-11-09

On September 10, 2008 the Board received sworn testimony from Staff that unauthorized impacts to jurisdiction Wetlands had occurred at 500 Thompson Lane, Williamsburg, Virginia. The owner of the property, Mr. Lee Mershon was present at the meeting and was given an opportunity to address the Board on this issue.

Mr. Mershon stated that he agreed with Mr. Menichino's chronology of events and facts in this case. Mr. Mershon told the Board that he would work with the Wetlands Board and complete a Joint Permit Application (JPA), but he would like to wait until anticipated changes in the Dam Safety Regulation occurred on September 28th. Once that occurred, he would be able to determine what work would be required to bring the dam into compliance with the new regulations.

On October 30, 2008, the Division received a JPA from VMRC for proposed Wetlands impacts associated with filling and grading Wetlands adjacent to the dam located at 500 Thomson Lane,

Because this JPA has been submitted later than the application deadline, reports from VMRC, VIMS, and other regulatory agencies are not yet available. Therefore staff cannot at this time offer guidance to the Board concerning this JPA.

Staff believes that the applicant must be prepared to provide the Board with evidence showing that the proposed dam improvements and resulting Wetlands impacts are:

1. Required by the DCR Dam Safety Division
2. That the impacts are unavoidable
3. That the Wetlands impacts are the minimum necessary

In addition, the applicant should be advised that all proposed impacts to vegetated Wetlands will require mitigation or compensation as per County requirements.

In light of the above information Staff recommends that the Board defer action on the Restoration Hearing until December 12, 2008.

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