

Wetlands Board

Building F - 7 p.m.

Dec. 11, 2013

A. Roll Call

B. Minutes

From November 13, 2013 Board Meeting

C. Public Hearings - None

D. Board Considerations

1. Permit Extension: W-12-09/VMRC 05-2245 – Colonial Pipeline - maintenance
2. Permit Extension: W-04-13/VMRC 12-1213 –Minichiello/Mid-Atlantic/Jordan Marine–133 Branscome - pier

E. Matters of Special Privilege

F. Adjournment

MEMORANDUM

DATE: December 11, 2013
TO: The Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner *MW*
SUBJECT: Case No. W-12-09/VMRC 05-2245; Colonial Pipeline

Ms. Shanna Cahill, Wetlands & Ecological Consultants, LLC, is requesting a final two-year extension of this permit, through December 31, 2015. This date coincides with the original 10-year permit authorization from VMRC. The permit is for required maintenance activities on Colonial Pipeline's infrastructure as it crosses the James River, Halfway Creek, College Creek, and the Chickahominy River within James City County. Colonial Pipeline's project area is multijurisdictional and includes not only James City County, but Charles City County, Isle of Wight County, Surry County, City of Suffolk, and the City of Chesapeake among others. Staff concurs with this request and requests that all previous conditions be continued and the expiration date be set at December 31, 2015.

RESOLUTION

GRANTING A WETLANDS PERMIT EXTENSION ON JCC RE TAX PARCELS 5940100003, 5140100008, 4920100006, 4820100002 and 3430100002

WHEREAS, Wetland and Ecological Consultants, LLC (the "Agent"), on behalf of Colonial Pipeline Company, (the "Applicant") has requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on December 10, 2008. The permit for impacts to wetlands at four potential maintenance areas identified as James River Crossing (Figure 1, Crossing 1) Tax Parcel 5940100003, Halfway Creek Crossing (Figure 2, Crossing 3) Tax Parcels 5140100008 & 4920100006, College Creek Crossing (Figure 2, Crossing 4) Tax Parcels 5140100008 & 4820100002, and Chickahominy River Crossing (Figure 4, Crossing 5) Tax Parcel 3430100002 (the "Properties") as set forth in the application W-12-09 / VMRC 05-2245; and

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

NOW, THEREFORE, having conducted a public hearing on December 10, 2008, and pursuant to the current request for an extension, the Wetlands Board of James City County by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in section 28.2-1308 of the *Code of Virginia*, and the guidelines promulgated pursuant to section 28.2-1301 of the *Code of Virginia*.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or sections 28.2-1300 et. seq. of the *Code of Virginia*.
4. In granting this wetlands permit, the following conditions are hereby imposed:
 - Land disturbing activities will adhere to the standards indicated in the Joint Permit Application, Appendix B.
 - The applicant shall notify James City County's Engineering and Resource Protection Division forty-eight hours prior to the commencement of any land disturbing activity.
 - The applicant shall restore wetlands to the original topographical and vegetative state after completion of land disturbing activities.
 - The placement of rip rap or revetment mats within tidal wetlands is not authorized by this permit.

- A Wetlands Restoration Plan with surety guaranteeing the restoration, in an amount deemed satisfactory by the Engineering and Resource Protection Division Director must be submitted and approved by the Engineering and Resource Protection Division, for any land disturbing activity within jurisdictional wetlands.
- The Colonial Pipeline Company must monitor any areas that have been impacted for a period of two years after completion of any land disturbing activity. Monitoring reports shall be submitted to the Engineering and Resource Protection Division annually. The Engineering and Resource Protection Division will periodically inspect the impacted areas to ensure that proper restoration is achieved.
- The permit will expire on December 31, 2015.
- If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than six weeks prior to expiration date.

 John Hughes
 Chair, Wetlands Board

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

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____ 20__ IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

 NOTARY PUBLIC

MY COMMISSION EXPIRES _____.

MEMORANDUM

DATE: December 11, 2013
TO: The Wetlands Board
FROM: Michael Woolson, Senior Watershed Planner *MW*
SUBJECT: Case No. W-04-13/VMRC 12-1213; 133 Branscome Boulevard

Mrs. Karla Havens, Mid-Atlantic Resources Consulting, is requesting an extension of this permit, through December 11, 2014. The permit is for the construction of a 245 foot long, open-pile pier over vegetated, tidal wetlands on Powhatan Creek. Staff concurs with this request and requests that all previous conditions be continued and the expiration date be set at December 11, 2014.

RESOLUTION

GRANTING A WETLANDS PERMIT EXTENSION ON JCC RE TAX PARCEL NO. 4731000018

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Vittorio Minichiello, (the "Applicant") has requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on December 12, 2012. The permit is to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel No. 4731000018 and further identified as 133 Branscome Boulevard within the Powhatan Shores subdivision (the "Property") as set forth in the application W-04-13/VMRC 12-1213; and

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

NOW, THEREFORE, having conducted a public hearing on December 12, 2012, and pursuant to the current request for an extension, the Wetlands Board of James City County by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in section 28.2-1308 of the *Code of Virginia*, and the guidelines promulgated pursuant to section 28.2-1301 of the *Code of Virginia*.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or sections 28.2-1300 et. seq. of the *Code of Virginia*.
4. In granting this wetlands permit, the following conditions are hereby imposed:
 - 1) The Applicant must obtain all other necessary local, state and/or federal permits required for the project.
 - 2) Prior to construction, a pre-construction meeting will be held on-site.
 - 3) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use.
 - 4) A surety in the amount of \$2,000.00 shall guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney's office.

- 5) A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. James City County Engineering and Resource Protection Division staff (Staff) shall invite representatives of the regulatory agencies dealing with tidal wetlands, VIMS, Applicant, agent, contractor, and Wetlands Board members to this meeting. It will be determined at this meeting what the extent of wetlands impacts are, if any. Staff will make a presentation at the next scheduled Wetland Board meeting regarding the extent of any impacts and make a recommendation to the Board regarding mitigation.
- 6) The wetlands permit for this project shall now expire on December 11, 2014. 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

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

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__ IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____.