

Wetlands Board Building F - 7 p.m.

July 9, 2014

A. Roll Call

B. Minutes

From June 11, 2014 - Board Meeting

C. Public Hearings

1. W 15-14/VMRC14-0707: Stabler/Winall-141 Thomas Dale - Bulkhead, riprap sill & beach fill

D. Board Considerations - None

E. Matters of Special Privilege

F. Adjournment

Wetlands Permit Application W-15-14/VMRC 14-07070: 141 Thomas Dale

Staff report for the July 9, 2014 Wetlands Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the local Wetlands 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: Mr. Scott Stabler
Location: 141 Thomas Dale
Parcel Identification: 5030700026
Lot Size: 0.7 ac +/-
Watershed: James River (HUC JL-34)
Proposed Activity: bulkhead and riprap sill

Proposed Impacts

Vegetated Wetlands: 30 square feet, type VII wetland (arrow arum-pickerel weed community)
Non-Vegetated Wetlands: 20 square feet, type XVI mudflat

Brief Summary and Description of Activities

Daniel Winall, Water's Edge Construction, on behalf of Mr. Scott Stabler has applied for a Wetlands Permit to install 50 linear feet of bulkhead and 75 linear feet of low profile rock sill to provide erosion protection of the property. The combination of bulkhead and rock sill will impact approximately 30 square feet of vegetated wetlands and 20 square feet of non-vegetated wetlands under this Board's jurisdictional purview. The project will also impact approximately 600 square feet of beach/dune wetlands and Mr. Winall must secure a permit from VMRC at a later date to impact this wetland community because James City County does not have a Beach and Dune Ordinance. This application is considered private, non-commercial in nature.

The property is located at 141 Thomas Dale within the Kingsmill on the James subdivision, directly on Halfway Creek, a tributary to the James River. The property is further identified as JCC Parcel Number 5030700026. A pre-application site visit was conducted during the winter of 2014 by staff

to evaluate the scope of the project, discuss alternatives, discuss the existing conditions on-site, and to discuss the potential impacts of all the various alternatives.

The property is situated in a north facing direction and lies along Halfway Creek in James City County. The existing shoreline is currently undefended and experiencing erosion. The upland slope experienced failure during a previous hurricane and was repaired under an emergency permit.

Criteria for Evaluating Alterations of Wetlands

The Virginia legislature established a policy to preserve the wetlands and to prevent their despoliation and destruction and to accommodate necessary economic development in a manner consistent with wetlands preservation. VMRC has developed general and specific criteria to reduce adverse environmental impacts on the shoreline.

It is staff's opinion that the impacts from this project are justified to protect property from significant adverse damage or loss due to erosion or other natural causes and that wetland resources are not unreasonably detrimentally affected by the alteration of the shoreline. The placement of the bulkhead in the current location up against the eroded scarp face prevents unnecessary and excessive grading and engineered solutions in the uplands. The bulkhead structure has been minimized to the greatest extent practicable. The low profile sill structure protects the remaining shoreline while helping to mitigate for the impacts from the bulkhead. All pickerel weed plants to be impacted from the construction of these defensive structures will be transplanted in the backshore fill area of the rock sill. Additional mitigation is provided for the created beach fill area consisting of *spartina patens* and *spartina alterniflora*.

Staff Recommendations

The Joint Permit Application includes a bulkhead and low profile rock sill structure that are private, non-commercial in nature. The issue before the Board is the installation of both defensive structures. Staff has fully reviewed the application and permit request and has determined that the conditions outlined in Section 22-4 (b) have been met. Staff finds that the vegetated and non-vegetated wetland impacts associated with the bulkhead to be minimal. Staff finds that the non-vegetated wetland impacts (beach) associated with the low-profile rock sill are not within the Local Wetland Board's jurisdiction and must be approved by VMRC at a later date. Staff also finds that the mitigation plantings for unavoidable impacts to vegetated wetlands to be adequate.

Therefore, staff recommends approval of this wetlands application with the following conditions:

1. Prior to commencing this project, a preconstruction meeting will be held on-site; and
2. All other federal, state, and local permits required for this project shall be obtained prior to commencing work. Evidence of the securing of these permits must be provided prior to the pre-construction meeting; and
3. No woody vegetation shall be removed as part of this project outside of the scope unless approved by 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 limits of work shall be flagged in the field prior to the pre-construction meeting; and
6. A surety of \$500 will be required to guarantee the mitigation plantings and must be in a form acceptable to the County Attorney's Office; and
7. The wetlands permit for this project shall expire on July 9, 2015. 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.

Consideration by the Wetlands Board

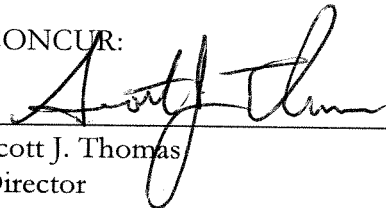
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 22-8 of the County's Wetlands ordinance. The Wetlands Board is to fully consider Wetlands Permit Application W-15-14 as outlined and presented above and review the request for permitting. The Board may grant the permit with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 22 Wetlands Ordinance. Resolutions for granting approval or granting denial of Wetlands Permit Application W-15-14 are included for the Board's use and decision.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas
Director

Attachments: Wetlands Permit Application Package