

Wetlands Board

Building F
April 8, 2015 - 7 p.m.

A. Roll Call

B. Minutes

From January 14, 2015 - Board Meeting

C. Public Hearings

1. W-06-15/VMRC15-0246. Rauchwarg/Mid-Atlantic 7592 Uncles Neck – sill, revetment and beach nourishment

2. W-07-15/VMRC15-0251. Mitrovic/Mid-Atlantic 7616 Uncles Neck – sill, revetment and beach nourishment

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

Wetland Board Case W-06-15/VMRC 15-0246: 7592 Uncle's Neck

Staff report for the April 8, 2015 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Glenn and Michele Rauchwarg

Agent: Mid-Atlantic Resource Consulting, Ms. Karla Havens

Location: 7592 Uncle's Neck

Parcel: Lot 23, River's Bend at Uncle's Neck Subdivision

PIN: 2010200023

Watershed: Chickahominy River (HUC JL 28)

Proposed Activity: Construct a 335 foot stone revetment and an 80 foot stone sill

Wetland Impacts: Approximately 100 square feet of Type XI, Freshwater Mixed Community;
Approximately 100 square feet of Type XV, Sand/Mud Mixed Flat Community;
Approximately 800 square feet of subaqueous bottom land

Project Discussion

Ms. Karla Havens, on behalf of Glenn and Michele Rauchwarg, has applied for a Wetlands Permit to construct a combination stone revetment and sill. The overall project also includes grading the bank to a stable configuration. The grading portion of the proposal will be heard by the Chesapeake Bay Board as case CBE-15-073. The revetment is proposed to be Class II quarry stone underlain with filter fabric and a buried toe. The revetment is proposed to begin at elevation 2.5 ft which equates to mean high water at the property. The revetment will be built at a 1.5:1 slope, meaning for every one foot in elevation, it will extend 1.5 feet horizontally. The revetment is proposed to be 8 feet tall, ending at an elevation 10.5 feet above mean low water. The exposed portion of the bank will start at this elevation at continue landward at a 1.5:1 gradient until the top of the bank is reached. This varies along the shoreline but averages 20 feet with one area approaching 30 feet landward.

The stone sill is proposed to be 80 feet in length, starts at the mean low water elevation and is three feet high so that 0.5 foot of the sill is above mean high water. The seaward side of the sill shall have

a 2:1 slope on the stone face and the landward side shall have a 1:1 slope on the stone face. In no case shall the existing cypress knees be removed for the placement of this sill. The area between the sill and the bank shall be backfilled with beach quality sand starting at an elevation of 2 feet (0.5 feet below mean high water) and continue at a 30:1 slope until it reaches the bank. This newly created backshore beach area will be planted with appropriate wetland vegetation, such as arrow arum, pickerel weed, three-square, salt meadow hay, saltmarsh cordgrass and black needlerush. The quantity of plants is approximately 600. Wetland vegetation that will be impacted with the creation of this project may be transplanted into this area and will count towards the required mitigation if they survive one growing season post transplanting.

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 fully reviewed this application and declares that this project meets the three criteria outlined above. Furthermore, the backshore beach area will create additional vegetated wetlands than the revetment will impact, providing for a net increase in vegetated wetlands.

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 wetland planting plan and list be provided to staff for review and approval; and
3. Prior to construction, a \$1,250 surety for the wetland plantings shall be submitted in a form acceptable to the County Attorney’s Office; and
4. The surety will be held for a minimum of one growing season after planting; and


5. There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of original quantity prior to surety release; and
6. Prior to construction, the limits of the sill and revetment shall be restaked in the field if necessary; and
7. Prior to construction, a pre-construction meeting will be held on-site; and
8. 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
9. The wetlands permit for this project shall expire on April 8, 2016 if construction has not begun. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Staff Report prepared by:



Michael D. Woolson, LA
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Joint Permit Application

Wetland Board Case W-07-15/VMRC 15-0251: 7616 Uncle's Neck

Staff report for the April 8, 2015 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Suzanne Mitrovic

Agent: Mid-Atlantic Resource Consulting, Ms. Karla Havens

Location: 7616 Uncle's Neck

Parcel: Lot 29, River's Bend at Uncle's Neck Subdivision

PIN: 2030200029

Watershed: Chickahominy River (HUC JL 28)

Proposed Activity: Construct a 295 foot stone revetment and an 85 foot stone sill

Wetland Impacts: Approximately 125 square feet of Type XI, Freshwater Mixed Community;
Approximately 150 square feet of Type XV, Sand/Mud Mixed Flat Community;
Approximately 900 square feet of subaqueous bottom land

Project Discussion

Ms. Karla Havens, on behalf of Suzanne Mitrovic, has applied for a Wetlands Permit to construct a combination stone revetment and sill. The overall project also includes grading the bank to a stable configuration. The grading portion of the proposal will be heard by the Chesapeake Bay Board as case CBE-15-074. The revetment is proposed to be Class II quarry stone underlain with filter fabric and a buried toe. The revetment is proposed to begin at elevation 2.5 ft which equates to mean high water at the property. The revetment will be built at a 1.5:1 slope, meaning for every one foot in elevation, it will extend 1.5 feet horizontally. The revetment is proposed to be 8 feet tall, ending at an elevation 10.5 feet above mean low water. The exposed portion of the bank will start at this elevation and continue landward at a 1.5:1 gradient until the top of the bank is reached. This varies along the shoreline but averages 20 feet with one area approaching 30 feet landward.

The stone sill is proposed to be 85 feet in length, starts at the mean low water elevation and is three feet high so that 0.5 foot of the sill is above mean high water. The seaward side of the sill shall have a 2:1 slope on the stone face and the landward side shall have a 1:1 slope on the stone face. In no

case shall the existing cypress knees be removed for the placement of this sill. The area between the sill and the bank shall be backfilled with beach quality sand starting at an elevation of 2 feet (0.5 feet below mean high water) and continue at a 30:1 slope until it reaches the bank. This newly created backshore beach area will be planted with appropriate wetland vegetation, such as arrow arum, pickerel weed, three-square, salt meadow hay, saltmarsh cordgrass and black needlerush. The quantity of plants is approximately 640. Wetland vegetation that will be impacted with the creation of this project may be transplanted into this area and will count towards the required mitigation if they survive one growing season post transplanting.

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