

**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**  
**March 11, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from February 12, 2020, Regular Meeting

**D. PUBLIC HEARINGS**

1. Case No. WJPA 20-0001/VMRC 20-0051 : 7620 Uncles Neck
2. Case No. WJPA 20-0002/VMRC 20-0127 : 8408 Hicks Island Road
3. Case No. WJPA 19-0048/VMRC 19-2163 : 10006 Sycamore Landing Road

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 3/11/2020

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from February 12, 2020, Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	3/3/2020 - 9:47 AM
Wetlands Group	Small, Toni	Approved	3/6/2020 - 5:07 PM
Publication Management	Burcham, Nan	Approved	3/9/2020 - 7:36 AM
Wetlands Group	Secretary, Wetland	Approved	3/10/2020 - 2:18 PM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**February 12, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for February 12, 2020, 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 its despoliation.

**B. ROLL CALL**

**Board Members Present:**

John Hughes, Chair  
Charles Roadley  
William Apperson  
Larry Waltrip  
Halle Dunn

**Board Members Absent:**

David Gussman

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Deirdre Wells, Chief Civil Engineer, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from January 15, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Hughes. The minutes were approved on a voice vote.

**D. PUBLIC HEARINGS**

1. Case No. WJPA 19-0010 / VMRC 19-0182 : 5232 Ivey Lane

Mr. Michael Woolson, Senior Watershed Planner, announced the case has been withdrawn by applicant. No further action is needed on this case.

**E. BOARD CONSIDERATIONS**

None

**F. MATTERS OF SPECIAL PRIVILEGE**

None

**G. ADJOURNMENT**

A motion to Adjourn was made by Mr. Hughes and approved on a voice vote.

The meeting adjourned at 5:01 p.m.



**ITEM SUMMARY**

DATE: 3/11/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 20-0001/VMRC 20-0051 : 7620 Uncles Neck

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John and Susan Whalen have applied for a wetlands permit for a revetment, pier, dock, catwalk and boathouse at 7620 Uncles Neck, JCC Parcel No. 2030200030.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material
☐	Public Advertisement	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	3/7/2020 - 12:23 PM

**WETLANDS BOARD CASE No. WJPA 20-0001/VMRC 20-0051. 7620 Uncles Neck  
Staff Report for the March 11, 2020, Wetlands Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. John and Mrs. Susan Whalen

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

Location: 7620 Uncles Neck

Parcel: Lot 30 Rivers Bend at Uncles Neck

Parcel Identification No.: 2030200030

Watershed: Yarmouth Creek (HUC JL 28)

Floodplain: Zone AE - The special flood hazard area subject to the 1% annual chance flood. Base flood elevation determined, elevation 7 feet.

Proposed Activity: Construction of two quarry stone revetments and an open-pile pier

Wetland Impacts: 0 square feet vegetated wetlands

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

**PROJECT DISCUSSION**

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. John and Mrs. Susan Whalen to construct two sections of quarry stone revetments and an open-pile pier on property located at 7620 Uncles Neck within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2030200030.

Current site conditions for this property include a fully wooded lot and low bank showing signs of erosion. In order to protect the shoreline, the applicants are proposing to construct two 150-foot sections of quarry stone revetment resulting in 0 square feet of vegetated wetland impacts and approximately 1,500 square feet of Type XV Sand/Mud Mixed Flat Community. The site is to be accessed from both the uplands and the water and the applicants are proposing to avoid the degradation of any Bald Cypress (*Taxodium distichum*) knees. The application does not propose whole scale bank grading. Any graded bank areas must be stabilized with Panicum grasses and mulched.

**MITIGATION DISCUSSION**

The Commonwealth of Virginia is committed to achieve a no-net loss of existing wetlands acreage and function in the 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 RECOMMENDATIONS**

Staff's view of this application is that it meets all three criteria presented above and recommends approval of the proposal. Should the Board also find that the permit request meets all three of the criteria above, staff suggests the following conditions be incorporated into the permit approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project. This includes a James City County land disturbing permit and Erosion and Sediment Control plan; and
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
3. All disturbed Resource Protection Area is be restored with *Panicum virgatum* 'Shenandoah', 1-quart pots, planted on 4-foot centers in a triangular pattern and hardwood mulched to a depth of 4 inches; and
4. A surety of \$2,000 in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
5. The Wetlands Permit for this project shall expire on March 11, 2021, if construction has not begun; and
6. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than January 29, 2021, six weeks prior to the expiration date.

TAL/md  
WJPA20-1\_WMRC20-51

### Attachment:

1. Joint Permit Application

## **RESOLUTION**

**CASE NO. WJPA 20-0001/VMRC 20-0051. 7620 UNCLES NECK**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. David and Mrs. Susan Whalen (the “Applicants”), have 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. 2030200030 and further identified as 7620 Uncles Neck (the “Property”) as set forth in the application WJPA 20-0001/VMRC 20-0051; 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 applicants must obtain all other necessary local, state and/or federal permits required for the project. This includes a James City County land disturbing permit and Erosion and Sediment Control plan; and
  - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
  - c. All disturbed Resource Protection Area is be restored with *Panicum virgatum* ‘Shenandoah’, 1-quart pots, planted on 4-foot centers in a triangular pattern, and hardwood mulched to a depth of 4 inches; and
  - d. A surety of \$2,000 in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- e. The surety will be released once a 90% minimum survival rate is achieved at one-year post planting; and
- f. The Wetlands Permit for this project shall expire on March 11, 2021 if construction has not begun; and
- g. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than January 29, 2021, six weeks prior to the expiration date.

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John Hughes  
Chairman, Wetlands Board

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Michael Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 11th day of March, 2020.

WJPA20-1\_VMRC20-51-res

**From:** [Karla Havens](#)  
**To:** [Beth JPA"s](#)  
**Cc:** [wickerpepper@aol.com](mailto:wickerpepper@aol.com)  
**Subject:** Whalen JPA  
**Date:** Friday, January 10, 2020 9:51:17 AM  
**Attachments:** [Whalen JPA.pdf](#)

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Good Morning,  
Attached, please find a JPA for the Whalen project in JCC.  
Please confirm receipt.  
Thanks,  
Karla

Sent from [Mail](#) for Windows 10

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-0051

## APPLICANTS

### Part 1 – General Information

**PLEASE PRINT OR TYPE ALL ANSWERS:** If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/>		Regional Permit 17 (RP-17) <input type="checkbox"/>		
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: JAMES CITY COUNTY				
Waterway at project site: CHICKAHOMINY RIVER				
<b>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK</b> (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/permits/newpermits.html">http://ccrm.vims.edu/permits/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:

JOHN H. JR., & SUSAN WHALEN  
9428 ASHLOCK COURT  
TOANO, VA 23168-9364

Home ( )  
Work (57) 272 6774  
Fax ( )  
Cell (757) 903 8971  
e-mail wickerpepper@aol.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:

Home ( )  
Work ( )  
Fax ( )  
Cell ( )  
e-mail \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

3. Authorized agent name\* and complete mailing address (if applicable):

KARLA S. HAVENS  
MID-ATLANTIC RESOURCE CONSULTING  
1095 CHERRY ROW LANE  
PLAINVIEW, VA 23156

Contact Information:  
Home ( )  
Work (804) 785-2107  
Fax ( )  
Cell (804) 366-1768  
e-mail karlashavens@gmail.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

CONSTRUCTION OF TWO 150' SECTIONS OF QUARRY STONE REVETMENT WITH ASSOCIATED BANK GRADING ACTIVITIES.

CONSTRUCTION OF A 6' x 12' TIMBER, NON-COMMERCIAL, OPEN-PILE PIER WITH A 10' x 35' PLATFORM AND 10' x 10' TRIANGLE, A 15' x 36' OPEN-SIDED BOAT HOUSE WITH LIFT AND 5' x 48' CATWALK, A 5' x 35' FLOATING DOCK WITH A 4' x 10' ACCESS RAMP AND A 16' x 18' ROOF.

46 TIMBER PILES, MAXIMUM 10" DIAMETER, TO BE INSTALLED WITH A VIBRATORY HAMMER.

SITE TO BE ACCESSED FROM THE UPLAND AND THE WATER.

NO TREE CLEARING REQUIRED. NO STONE TO BE PLACED ON CYPRESS KNEES.



## 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:

JOE FOULIS  
WATERFRONT CONSTRUCTION & DESIGN, INC.  
3360 SOUTHERN AVENUE  
WEST POINT, VA 23181

Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( 804 ) 815-8227  
email WCNDI@cox.net

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

\* If multiple contractors, each must be listed and each must sign the applicant signature page.

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:

VIRGINIA GAZETTE  
216 IRONBOUND ROAD  
WILLIAMSBURG, VA 23188

Telephone number

( 757 ) 220-1736

7. Give the following project location information:

Street Address (911 address if available) 7620 UNCLES NECK

Lot/Block/Parcel# LOT 30 PID = 2030200030 LRSN = 31843

Subdivision RIVER'S BEND AT UNCLES NECK

City / County TOANO / JAMES CITY COUNTY ZIP Code 23168

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37°21'18.67" N / - 76°52'3.86" W (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

8. What are the *primary and secondary purposes of and the need for* 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 GAIN ACCESS TO THE WATER.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
☒ Single user (private, non-commercial, residential)  
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and 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 STONE SHALL BE PLACED ON CYPRESS KNEES.
- A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE REVETMENTS UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.
11. 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.
12. Approximate cost of the entire project (materials, labor, etc.): \$ \_\_\_\_\_  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ \_\_\_\_\_
13. Completion date of the proposed work: ASAP ONCE PERMITS ARE ISSUED. - \_\_\_\_\_
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

LOT 29

SUZANNE STETLER MITROVIC TRUSTEE  
7616 UNCLES NECK  
TOANO, VA 23168-8725

LOT 31

MARK G. & KATHRYN L. GILLESPIE  
3035 RIVER REACH  
WILLIAMSBURG, VA 23185-7544

## 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, USACE, 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.

JOHN H. WHALEN, JR.

Applicant's Legal Name (printed/typed)

Applicant's Signature

Date

Property Owner's Legal Name (printed/typed)  
(If different from Applicant)

Property Owner's Signature

Date

SUSAN WHALEN

(Use if more than one applicant)

(Use if more than one applicant)

(Use if more than one owner)

(Use if more than one owner)



## Part 2 – Signatures (continued)

### 2. Applicants having agents (if applicable)

#### CERTIFICATION OF AUTHORIZATION

I (we), J.H. & S. WHALEN, hereby certify that I (we) have authorized KARLA S. HAVENS  
(Applicant's legal 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)

12/18/19  
(Date)

[Signature]  
(Applicant's Signature)

[Signature]  
(Use if more than one applicant)

12/18/19  
(Date)

### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), J.H. & S. WHALEN, have contracted WATERFRONT CONSTRUCTION & DESIGN, INC.  
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated 12/18/19.

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.

JOE FOULIS

Contractor's name or name of firm

3360 SOUTHERN AVENUE

Contractor's or firm's address

WEST POINT, VA 23181

Contractor's signature and title

Contractor's License Number

2705-096470 A

Applicant's signature

(use if more than one applicant)

12/18/19  
Date

[Signature]

## 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: (TWO PAGES) Projects for Access** to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

CONSTRUCTION OF A 6' x 120' TIMBER, NON-COMMERICAL, OPEN-PILE PIER WITH A 10' x 35' PLATFORM AND A 10' x 10' TRIANGLE, A 15' x 36' OPEN-SIDED BOAT HOUSE WITH LIFT AND A 5' x 48' CATWALK, A 5' x 36' FLOATING DOCK WITH A 4' x 10' ACCESS RAMP AND A 16' x 18' OPEN-SIDED PLATFORM ROOF.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ☐ Yes ☒ No

If yes, will it be removed? ☐ Yes ☐ No

Is your lot platted to the mean low water shoreline? ☒ Yes ☐ No

What is the overall length of the proposed structure? 120 feet.

Channelward of Mean High Water? 120 feet.

Channelward of Mean Low Water? 95 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 150 square feet. ( $6' \times 25' = 150 \text{ sf}$ )

Tidal vegetated wetlands 0 square feet.

Submerged lands 1,225 square feet. SEE BELOW

What is the total size of any and all L- or T-head platforms? 400 sq. ft.

For boathouses, what is the overall size of the roof structure? 540 sq. ft. ( $15' \times 36' = 540 \text{ sf}$ )

Will your boathouse have sides? ☐ Yes ☒ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 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 (USACE), (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.

SUB-AZ: WALKWAY =  $6 \times 95 = 570$   
PLATFORM =  $10 \times 35 = 350$   
CATWALK =  $5 \times 18 = 90$   
FLOAT =  $5 \times 10 = 50$   
RAMP =  $3 \times 5 = 15$   
1,225 sf

Application Revised: October 2019



### Part 3 – Appendices (continued)

3. **For USACE 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 must be included before the application will be considered complete. For an application to be considered complete:
- The USACE MAY require depth soundings across the waterway at increments designated by the USACE 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.).
  - The applicant MUST provide a 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.
  - The applicant MUST provide 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.
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 #
Open Bow	24	8	30"	JA 1542 CB

- ☒ **For Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:

- Have you obtained approval for sanitary facilities from the Virginia Department of Health? \_\_\_\_\_ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
- Will petroleum products or other hazardous materials be stored or handled at your facility? \_\_\_\_\_.
- Will the facility be equipped to off-load sewage from boats? \_\_\_\_\_.
- How many wet slips are proposed? \_\_\_\_\_. How many are existing? \_\_\_\_\_.
- What is the area of the piers and platforms that will be constructed over  
Tidal non-vegetated wetlands \_\_\_\_\_ square feet  
Tidal vegetated wetlands \_\_\_\_\_ square feet  
Submerged lands \_\_\_\_\_ square feet

- ☒ For **boat ramps**, what is the overall length of the structure? \_\_\_\_\_ 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.**

### 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, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **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](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

CONSTRUCTION OF TWO 150' SECTIONS OF CLASS I QUARRY STONE REVETMENT OVER FILTER CLOTH WITH ASSOCIATED BANK GRADING.

2. What is the maximum encroachment channelward of mean high water? 4 feet.  
Channelward of mean low water? 0 feet.  
Channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:
- |                          |            |             |
|--------------------------|------------|-------------|
| • Vegetated wetlands     | <u>0</u>   | square feet |
| • Non-vegetated wetlands | <u>900</u> | square feet |
| • Subaqueous bottom      | <u>0</u>   | square feet |
| • Dune and/or beach      | <u>N/A</u> | square feet |
- (300' x 3' AVE)

- 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.

### Part 3 – Appendices (continued)

5. 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 I QUARRY STONE CORE AND ARMOR, FILTER CLOTH, SILT FENCE.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

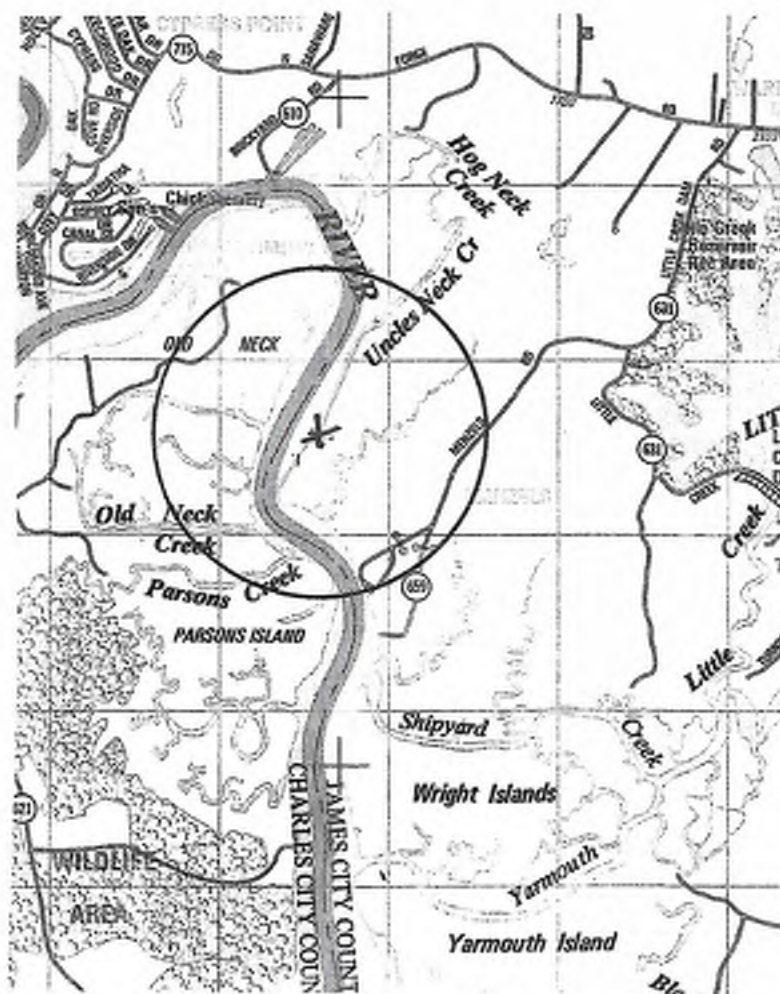
Core (inner layer) material	25	pounds per stone	Class size	1
Armor (outer layer) material	100	pounds per stone	Class size	1

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

- Volume of material
    - \_\_\_\_\_ cubic yards channelward of mean low water
    - \_\_\_\_\_ cubic yards landward of mean low water
    - \_\_\_\_\_ cubic yards channelward of mean high water
    - \_\_\_\_\_ cubic yards landward of mean high water
  - Area to be covered
    - \_\_\_\_\_ square feet channelward of mean low water
    - \_\_\_\_\_ square feet landward of mean low water
    - \_\_\_\_\_ cubic yards channelward of mean high water
    - \_\_\_\_\_ cubic yards landward of mean high water
  - Source of material, composition (e.g. 90% sand, 10% clay): \_\_\_\_\_
  - Method of transportation and placement: \_\_\_\_\_
- 
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:







ADC - Virginia Peninsula, Page 7,  
Map 1, 1996

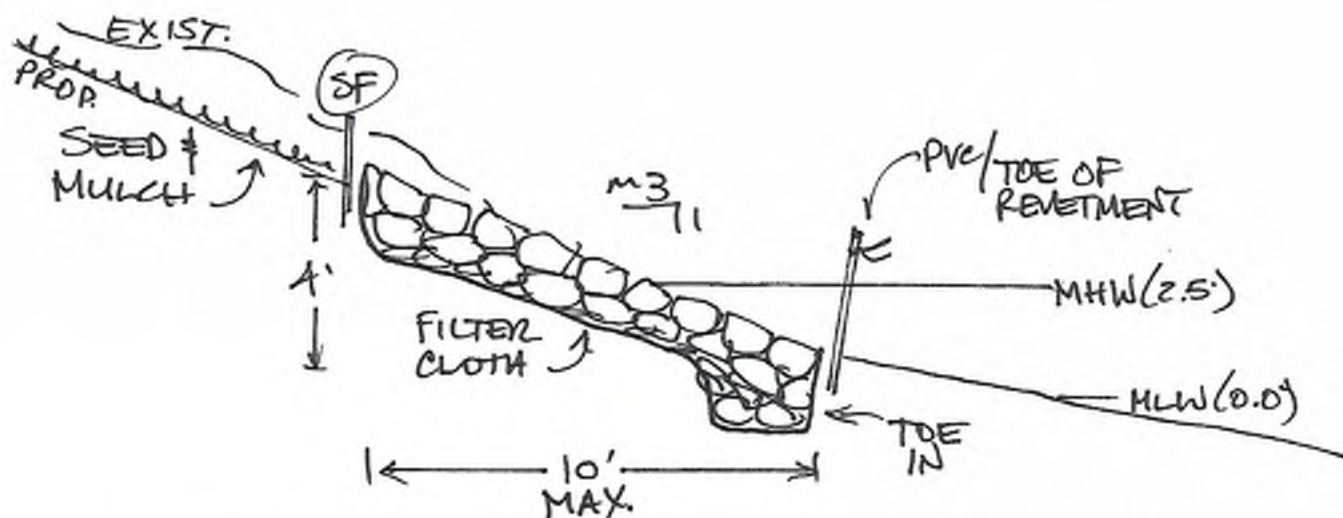
Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	VICINITY MAP	JOHN H., JR. & SUSAN WHALEN
1. Suzanne Stetler Mitrovic Trustee	James City County	7620 Uncles Neck - Toano
2. Mark G. & Kathryn L. Gillespie	PID = 20302000 30	on the Chickahominy River
	LRSN = 31843	Date: 12-13-19 Sheet 1 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlshavens@gmail.com







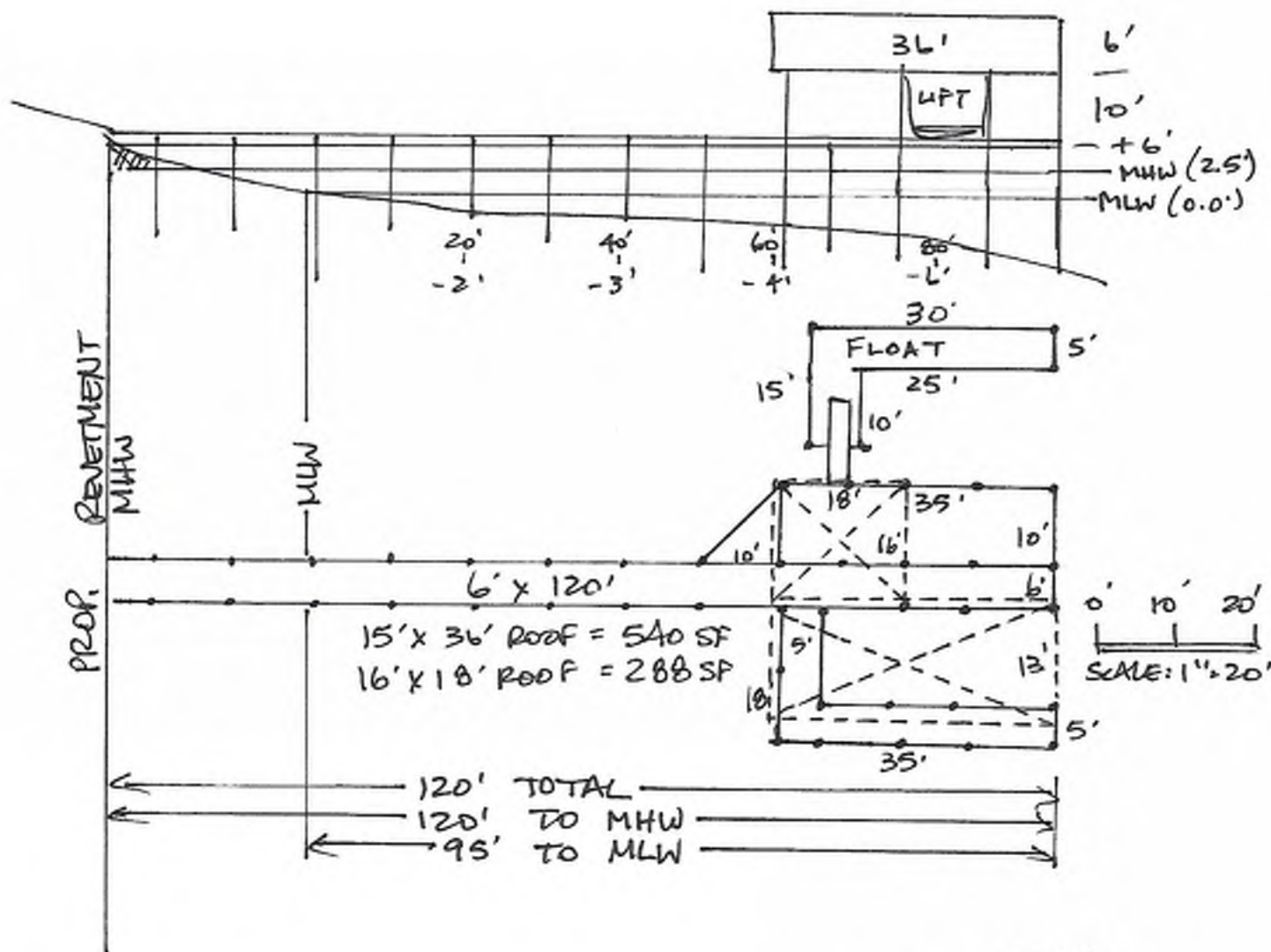
- CLASS I ARMOR STONE OVER
- CLASS I CORE STONE OVER
- FILTER CLOTH
- BURIED TOE
- APPROX. 3:1 SLOPE

0' 2' 4'  
SCALE: 1" = 4'

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	DETAIL	JOHN H., JR. & SUSAN WHALEN 7620 Uncles Neck - Toano on the Chickahominy River
1. Suzanne Stetler Mitrovic Trustee 2. Mark G. & Kathryn L. Gillespie	James City County PID = 20302000 30 LRSN = 31843	Date: 12-13-19 Sheet 3 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlshavens@gmail.com



MHW - MHW > 500'

CHANNEL ~ 300' FROM MHW

2" x 8" DECKING AND STRINGERS, ALL LUMBER TREATED

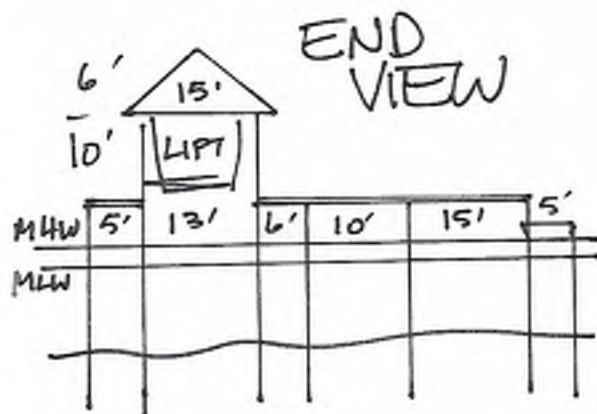
ALL HARDWARE H.D.G.

46 TIMBER PILES, 10" MAXIMUM DIAMETER, LENGTH AS REQUIRED  
PILES INSTALLED WITH VIBRATORY HAMMER

TEMPORARY CONSTRUCTION VESSEL

NET INCREASE OF 1 PERMANENT, NON-COMMERCIAL VESSEL

NO LESS THAN 4' BETWEEN DECKING AND WETLAND SUBSTRATE



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	PIER DETAIL	JOHN H., JR. & SUSAN WHALEN 7620 Uncles Neck - Toano on the Chickahominy River
1. Suzanne Stetler Mitrovic Trustee 2. Mark G. & Kathryn L. Gillespie	James City County PID = 20302000 30 LRSN = 31843	Date: 12-13-19 Sheet 4 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlshavens@gmail.com





**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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February 19, 2019

RE: WJPA-20-0001  
7620 Uncles Neck  
Boathouse, Catwalk, Dock, Pier, Revetment

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Ms. Karla Havens, Mid-Atlantic Resource Consulting on behalf of Mr. John Whalen, Jr. and Mrs. Susan Whalen for encroachment into the tidal wetlands associated with construction of a boathouse, catwalk, dock, pier, and revetment. The project is located at 7620 Uncles Neck and further identified as JCC Parcel No. 2030200030.

A complete description, plan and other information are on file in the Stormwater 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, March 11, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6670  
[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)

cc: Mid-Atlantic Resource Consulting  
Attn: Ms. Karla S. Havens

Waterfront Construction and Design, Inc.  
Attn: Mr. Joseph Foulis

MDW: jep



Mailing List for: WJPA-20-0001 – 7620 Uncles Neck – Whalen, John, Jr. & Susan & Rodgers, Alberta – Boathouse, Catwalk, Dock, Pier, Revetment

Applicant: 2030200030 :7620 Uncles Neck

Whalen, John, Jr. & Susan &  
Rodgers, Alberta  
9428 Ashlock Court  
Toano, VA 23168-9364

Contractors:

Mid-Atlantic Resource Consulting  
Attn: Karla S. Havens  
1095 Cherry Row  
Plainview, VA 23156-2027

2030200031: 7624 Uncles Neck

Gillespie, Mark G & Kathryn L  
3035 River Reach  
Williamsburg, VA 23185-7544

Waterfront Construction and Design, Inc.

Attn: Joseph Foulis  
P.O. Box 1553  
West Point, VA 23181-1553

2030200032 : 7628 Uncles Neck

Harding, Patrick & Aimee F  
c/o Williamsburg Neurology  
140 Holly Hills Drive  
Williamsburg, VA 23185-3386

2010200001A : 7400 Uncles Neck

Uncle's Neck Homeowners Association  
c/o United Property Associates  
103 Bulifants Boulevard, Suite A  
Williamsburg, VA 23188-5722

2030200029

Mitrovic, Suzanne Stetler, Trustee  
7616 Uncles Neck  
Toano, VA 23168-8725

Virginia Marine Resource Center

Attn: Allison Norris  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries

P.O Box 90778  
Henrico, VA 23228-0778

VIMS Wetlands Program

Attn: Dawn Fleming  
P.O. Box 1346  
Gloucester Point, VA 23062-1346

State Water Control Board

c/o Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218-1105

VDOT

4451 Ironbound Road  
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers

803 Front Street  
Norfolk, VA 23510-1011





## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY March 11, 2020 AT 5 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:

WJPA 19-0048/VMRC 19-2163: David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

WJPA 20-0001/VMRC 20-0051: Mid-Atlantic Resource Consulting, on behalf of John and Susan Whalen, has applied for a wetlands permit for a revetment, pier, dock, catwalk and boathouse at 7620 Uncles Neck, JCC Parcel No. 2030200030.

WJPA 20-0002/VMRC 20-0127: Mid-Atlantic Resource Consulting, on behalf of Steve and Dianna Rogers, has applied for a wetlands permit for a bulkhead/retaining wall, pier, boathouse and lift at 8408 Hicks Island Road, JCC Parcel No. 0910100028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0003: Walk Wright Construction, on behalf of Ted Kionka, has filed an exception request for encroachments into the RPA buffer for the construction of a single family dwelling 168 Nottinghamshire, in the Ford's Colony subdivision, JCC Parcel No. 3233100017.

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 Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 26 and March 4, 2020.  
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY  
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS

**ITEM SUMMARY**

DATE: 3/11/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 20-0002/VMRC 20-0127 : 8408 Hicks Island Road

---

John and Dianna Rogers have applied for a wetlands permit for a bulkhead / retaining wall, pier, boathouse and lift at 8408 Hicks Island Road, JCC Parcel No. 0910100028.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material
☐	Public Advertisement	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	3/7/2020 - 12:26 PM

**WETLANDS BOARD CASE No. WJPA 20-0002/VMRC 20-0127. 8408 Hicks Island Road  
Report for the March 11, 2020, Wetlands Board Public Hearing**

*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the 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 AND INFORMATION**

Applicants: Mr. Steve and Mrs. Dianna Rogers

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

Location: 8408 Hicks Island Road

Parcel: Point Hicks Island

Parcel Identification No.: 0910100028

Watershed: Diascund Creek (HUC JL 27)

Floodplain: Zone AE - The special flood hazard area subject to the 1% annual chance flood. Base flood elevation determined, elevation 7 feet.

Proposed Activity: Construction of a vinyl bulkhead and open-pile wharf.

Wetland Impacts: 0 square feet vegetated wetlands

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

**PROJECT DISCUSSION**

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. Steve and Mrs. Dianna Rogers to construct a vinyl bulkhead and open-pile wharf on property located at 8408 Hicks Island Road within the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0910100028.

Current site conditions for this property include a steep bank indicating signs of erosion and a failed bulkhead. On two separate occasions in early February, staff accompanied both members of the Virginia Marine Resource Commission and the contractor for a site visit. The applicants are proposing to reconstruct a failed bulkhead with an 87-linear-foot vinyl bulkhead in order to retain as much of the existing bank as possible. This application also includes the construction of an open-piled wharf which falls outside of the Wetlands Board jurisdiction. The majority of the proposed bulkhead is outside of the Wetland Board's jurisdiction, as it is located in the uplands. There is a small corner of the bulkhead that is proposed in the wetland system. The Resource Protection Area (RPA) and wetlands surrounding this site have been compromised with a very aggressive strain of non-native bamboo. It is for this reason that no other alternative for shoreline protection was proposed.

Similar permit requests to construct a bulkhead landward of a failed bulkhead on banks currently experiencing erosion have been brought to the Board and approved in the past. Staff has noticed that projects of this nature have failed in the past, washing away the land channelward of the newly constructed bulkhead into the wetlands. While this has occurred in locations with higher wave velocities, staff does want to note its occurrence in other locations within the County.

## **MITIGATION DISCUSSION**

The Commonwealth of Virginia is committed to achieve a no-net loss of existing wetlands acreage and function in the 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 RECOMMENDATIONS**

Staff's view of this application is that it does meet all three criteria presented above and recommends approval of this application request. Should the Board also find that the permit request meets all three of the criteria above, staff suggests the following conditions be incorporated into the permit approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
3. All disturbed RPA is to be stabilized; and
4. A surety of \$500 in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
5. The Wetlands Permit for this project shall expire on March 11, 2021, if construction has not begun; and
6. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than January 29, 2021, six weeks prior to the expiration date.

TAL/md  
WJPA20-2\_VMRC20-12

### Attachment:

1. Joint Permit Application

## **RESOLUTION**

**CASE NO. WJPA 20-0002/VMRC 20-0127. 8408 HICKS ISLAND ROAD**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. Steve and Mrs. Dianna Rogers (the “Applicants”), have 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. 0910100028 and further identified as 8408 Hicks Island Road (the “Property”) as set forth in the application WJPA 20-0002/VMRC 20-0127; 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. This includes a James City County land disturbing permit and Erosion and Sediment Control plan; and
  - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
  - c. All disturbed Resource Protection Area is to be stabilized; and
  - d. A surety of \$500 in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and
  - e. The Wetlands Permit for this project shall expire on March 11, 2021 if construction has not begun; and

- f. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than January 29, 2021, six weeks prior to the expiration date.

---

John Hughes  
Chairman, Wetlands Board

---

Michael Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 11th day of March, 2020.

WJPA20-2\_VMRC20-127-res

**From:** [Karla Havens](#)  
**To:** [Beth JPA"s](#)  
**Cc:** [Donald Hicks](#); [Dianna Rogers](#)  
**Subject:** JPA  
**Date:** Sunday, January 26, 2020 7:01:46 PM  
**Attachments:** [Rogers JPA.pdf](#)

---

Hi Beth,  
Attached should be a JPA for the Rogers project in JCC.  
Karla

Sent from [Mail](#) for Windows 10



- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-0127

## APPLICANTS

### Part 1 – General Information

**PLEASE PRINT OR TYPE ALL ANSWERS:** If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<b><i>Check all that apply</i></b>				
Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)		Regional Permit 17 (RP-17) <input type="checkbox"/>		
<b>County or City in which the project is located:</b> JAMES CITY COUNTY / LANEXA				
<b>Waterway at project site:</b> BACK CREEK OF DIASCUND CREEK OF THE CHICKAHOMINY RIVER				
<b>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK</b> (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:

STEVE L. & DIANNA B. ROGERS  
15187 ROCKFORD ROAD  
MONTPELIER, VA 23192-2413

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( 804 ) 837-0275  
e-mail burford1@aol.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

3. Authorized agent name\* and complete mailing address (if applicable):

KARLA S. HAVENS  
MID-ATLANTIC RESOURCE CONSULTING  
1095 CHERRY ROW LANE  
PLAINVIEW, VA 23156

Contact Information:  
Home ( ) \_\_\_\_\_  
Work ( 804 ) 785-2107  
Fax ( ) \_\_\_\_\_  
Cell ( 804 ) 366-1768  
e-mail karlashavens@gmail.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

CONSTRUCTION OF AN ~~87'~~<sup>8'</sup> VINYL RETAINING WALL LANDWARD OF MHW WITH ASSOCIATED BANK GRADING. INSTALLATION OF TWO MOORING PILES. CONSTRUCTION OF AN 8' x ~~42'~~<sup>42'</sup> TIMBER, OPEN-PILE WHARF, AN 18' x 28' NON-COMMERCIAL, OPEN-PILE BOAT HOUSE WITH LIFT AND CATWALK.

SITE TO BE ACCESSED FROM THE UPLAND AND THE WATER.

NO TREE CLEARING REQUIRED.

APPROXIMATELY 1,700 SF OF BANK GRADING REQUIRED (85' x 20') LANDWARD OF PROPOSED RETAINING WALL. 1,700 SF = 0.039 Ac.

~~20~~ TIMBER PILES, MAXIMUM 10" DIAMETER, TO BE INSTALLED WITH A VIBRATORY HAMMER.

## 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:

DONALD W. HICKS  
WATERFRONT PIERS & BULKHEADS, INC.  
P. O. BOX 341  
LANEXA, VA 23089

Contact Information:

Home ( )  
Work ( )  
Fax ( )  
Cell ( 757 ) 345-1940  
email piledriver6131@yahoo.co

State Corporation Commission Name and ID Number (if applicable)

**\* If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

VIRGINIA GAZETTE  
216 IRONBOUND ROAD  
WILLIAMSBURG, VA 23188

Telephone number

( 757 ) 220-1736

7. Give the following project location information:

Street Address (911 address if available) 8408 HICKS ISLAND ROAD, LANEXA

Lot/Block/Parcel# PID = 0910100028 LRSN = 1786

Subdivision POWHATAN

City / County LANEXA / JAMES CITY

ZIP Code 23089-9009

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37°23'50.75"N / - 76°53'41.97"W (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

8. What are the *primary and secondary purposes of and the need for* 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 LIFT AND STORE A BOAT.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
☒ Single user (private, non-commercial, residential)  
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and 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.*  
  
GRADING WILL BE LIMITED TO THAT AREA NECESSARY FOR CONSTRUCTION PURPOSES. A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE RETAINING WALL UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED WITHIN THE WORK ZONE.
11. 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.
12. Approximate cost of the entire project (materials, labor, etc.): \$ \_\_\_\_\_  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ \_\_\_\_\_
13. Completion date of the proposed work: ASAP ONCE PERMITS ARE ISSUED.
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

DONALD WEST  
8414 HICKS ISLAND ROAD  
LANEXA, VA 23089-9009

(8400 HICKS ISLAND ROAD)  
STEPHEN W. & LORI T. CAUDILL  
4801 WOOLRIDGE ROAD  
MOSELY, VA 23120-1212



## 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, USACE, 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.

STEVE L. ROGERS

Applicant's Legal Name (printed/typed)

*Steve L. Rogers*

Applicant's Signature

11/5/20

Date

DIANNA  
DIANA B. ROGERS

(Use if more than one applicant)

*Diana B. Rogers*

(Use if more than one applicant)

Property Owner's Legal 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), S.L. & D.B. ROGERS, hereby certify that I (we) have authorized KARLA S. HAVENS  
(Applicant's legal 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)

1/5/20  
(Date)

Steve S Rogers  
(Applicant's Signature)

William B Rogers  
(Use if more than one applicant)

1/5/20  
(Date)

### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), S.L. & D.B. ROGERS, have contracted WATERFRONT PIERS & BULKHEADS, INC.  
(Applicant's legal name(s)) (Contractor's name(s))  
to perform the work described in this Joint Permit Application, signed and dated 1/5/20.

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.

DONALD W. HICKS

Contractor's name or name of firm

P. O. BOX 341 LANEXA, VA 23089

Contractor's or firms address

2705-100343 A

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Steve S Rogers  
Date

William B Rogers



## Part 2 – Signatures (continued)

### ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), STEPHEN CAWILL, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of STEVE L. & DIANA B. ROGERS  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 12-10-19  
(Date)

to be submitted for all necessary federal, state and local permits.

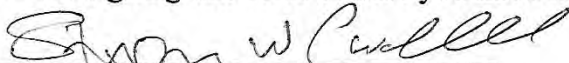
I HAVE NO COMMENT \_\_\_\_\_ ABOUT THE PROJECT.

I DO NOT OBJECT Sw TO THE PROJECT.

I OBJECT \_\_\_\_\_ 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).

  
Adjacent/nearby property owner's signature(s)

12/23/19  
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.**

## Part 2 – Signatures (continued)

### ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Donald West, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of STEVE L. & DIANA B. ROGERS  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 12-10-19  
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT \_\_\_\_\_ ABOUT THE PROJECT.

I DO NOT OBJECT SW TO THE PROJECT.

I OBJECT \_\_\_\_\_ 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).

Donald West  
Adjacent/nearby property owner's signature(s)

12/28/19  
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.**



## 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: (TWO PAGES) Projects for Access** to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

### 1. Briefly describe your proposed project.

INSTALLATION OF TWO MOORING PILES.  
CONSTRUCTION OF AN 8' x 42' TIMBER, OPEN-PILE WHARF, AN 18' x 28'  
NON-COMMERICAL, OPEN-PILE BOATHOUSE WITH LIFT AND CATWALK.

### 2. For private, noncommercial piers:

Do you have an existing pier on your property? ☒ Yes ☐ No

If yes, will it be removed? ☐ Yes ☒ No

Is your lot platted to the mean low water shoreline? ☒ Yes ☐ No

What is the overall length of the proposed structure? 28 feet.

Channelward of Mean High Water? 26 feet.

Channelward of Mean Low Water? 20 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 300 square feet.

Tidal vegetated wetlands 0 square feet.

Submerged lands 520 square feet.

What is the total size of any and all L- or T-head platforms? 0 sq. ft.

For boathouses, what is the overall size of the roof structure? 504 sq. ft.  $18' \times 28' = 504 \text{ SF}$

Will your boathouse have sides? ☐ Yes ☒ No.

$$\begin{aligned} \text{BOATHOUSE} \\ \text{NON-VEG} &= 6 \times 22 = 132 \text{ SF} \\ \text{SUB-AR} &= 20 \times 22 = 440 \text{ SF} \end{aligned}$$

$$\begin{aligned} \text{WHARF} \\ \text{NON-VEG} &= 4 \times 42 = 168 \text{ SF} \\ \text{SUB-AR} &= 4 \times 20 = 80 \text{ SF} \end{aligned}$$

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 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 (USACE), (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.

### Part 3 – Appendices (continued)

3. **For USACE 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 must be included before the application will be considered complete. For an application to be considered complete:
- The USACE MAY require depth soundings across the waterway at increments designated by the USACE 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.).
  - The applicant MUST provide a 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.
  - The applicant MUST provide 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.
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 #
Pontoon	24'	8'	16"	VA 5033 BY

☒ For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:

- Have you obtained approval for sanitary facilities from the Virginia Department of Health? \_\_\_\_\_ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
- Will petroleum products or other hazardous materials be stored or handled at your facility? \_\_\_\_\_.
- Will the facility be equipped to off-load sewage from boats? \_\_\_\_\_.
- How many wet slips are proposed? \_\_\_\_\_. How many are existing? \_\_\_\_\_.
- What is the area of the piers and platforms that will be constructed over  
Tidal non-vegetated wetlands \_\_\_\_\_ square feet  
Tidal vegetated wetlands \_\_\_\_\_ square feet  
Submerged lands \_\_\_\_\_ square feet

☒ For **boat ramps**, what is the overall length of the structure? \_\_\_\_\_ 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.**

### 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, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **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](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

CONSTRUCTION OF AN 85' VINYL RETAINING WALL LANDWARD OF MHW WITH ASSOCIATED BANK GRADING.

2. What is the maximum encroachment channelward of mean high water? 0 feet.  
Channelward of mean low water? 0 feet.  
Channelward of the back edge of the dune or beach? N/A feet.

3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands 0 square feet
  - Non-vegetated wetlands 0 square feet
  - Subaqueous bottom 0 square feet
  - Dune and/or beach N/A square feet

4. 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.

### Part 3 – Appendices (continued)

5. 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.**

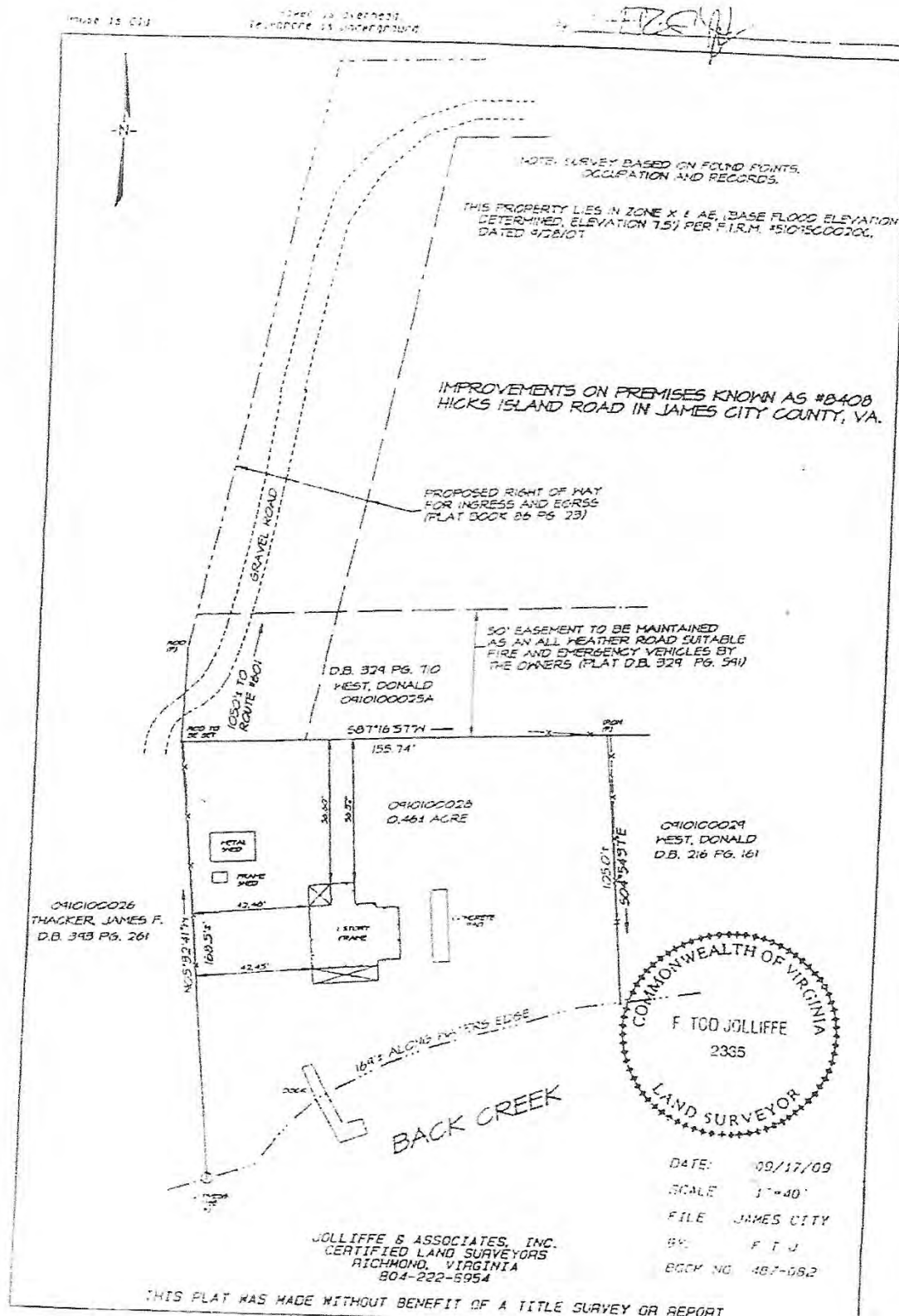
VINYL SHEET-PILE BULKHEAD, TREATED LUMBER AND BUTT PILES, CLEAN BACK FILL FROM ON SITE, H.D.G. HARDWARE, FILTER CLOTH, SILT FENCE.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:
- |                              |                        |            |       |
|------------------------------|------------------------|------------|-------|
| Core (inner layer) material  | _____ pounds per stone | Class size | _____ |
| Armor (outer layer) material | _____ pounds per stone | Class size | _____ |

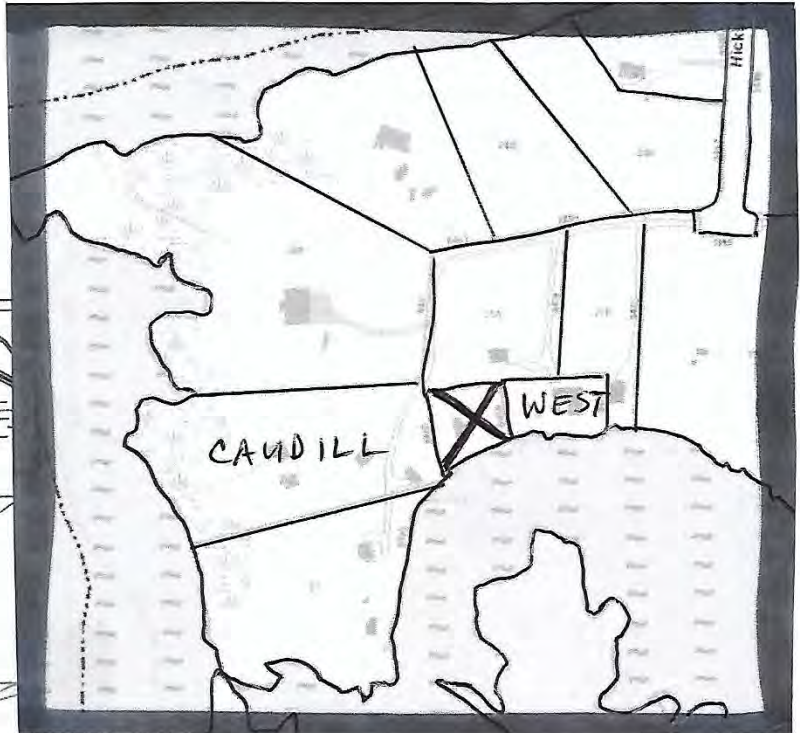
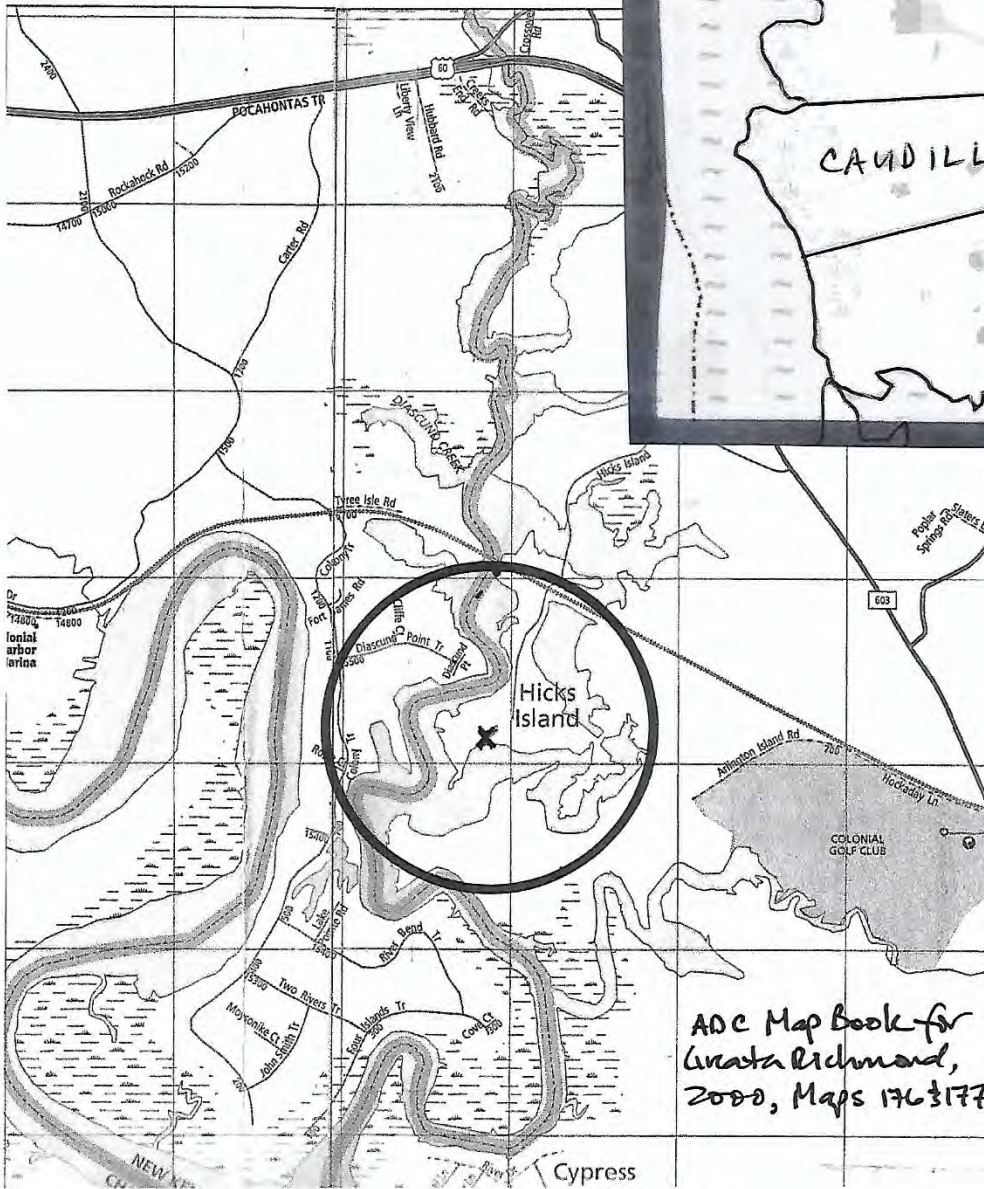
- ~~X~~. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material
    - \_\_\_\_\_ cubic yards channelward of mean low water
    - \_\_\_\_\_ cubic yards landward of mean low water
    - \_\_\_\_\_ cubic yards channelward of mean high water
    - \_\_\_\_\_ cubic yards landward of mean high water
  - Area to be covered
    - \_\_\_\_\_ square feet channelward of mean low water
    - \_\_\_\_\_ square feet landward of mean low water
    - \_\_\_\_\_ cubic yards channelward of mean high water
    - \_\_\_\_\_ cubic yards landward of mean high water
  - Source of material, composition (e.g. 90% sand, 10% clay): \_\_\_\_\_
  - Method of transportation and placement: \_\_\_\_\_
- 
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:





176177



JCC 615.2019.

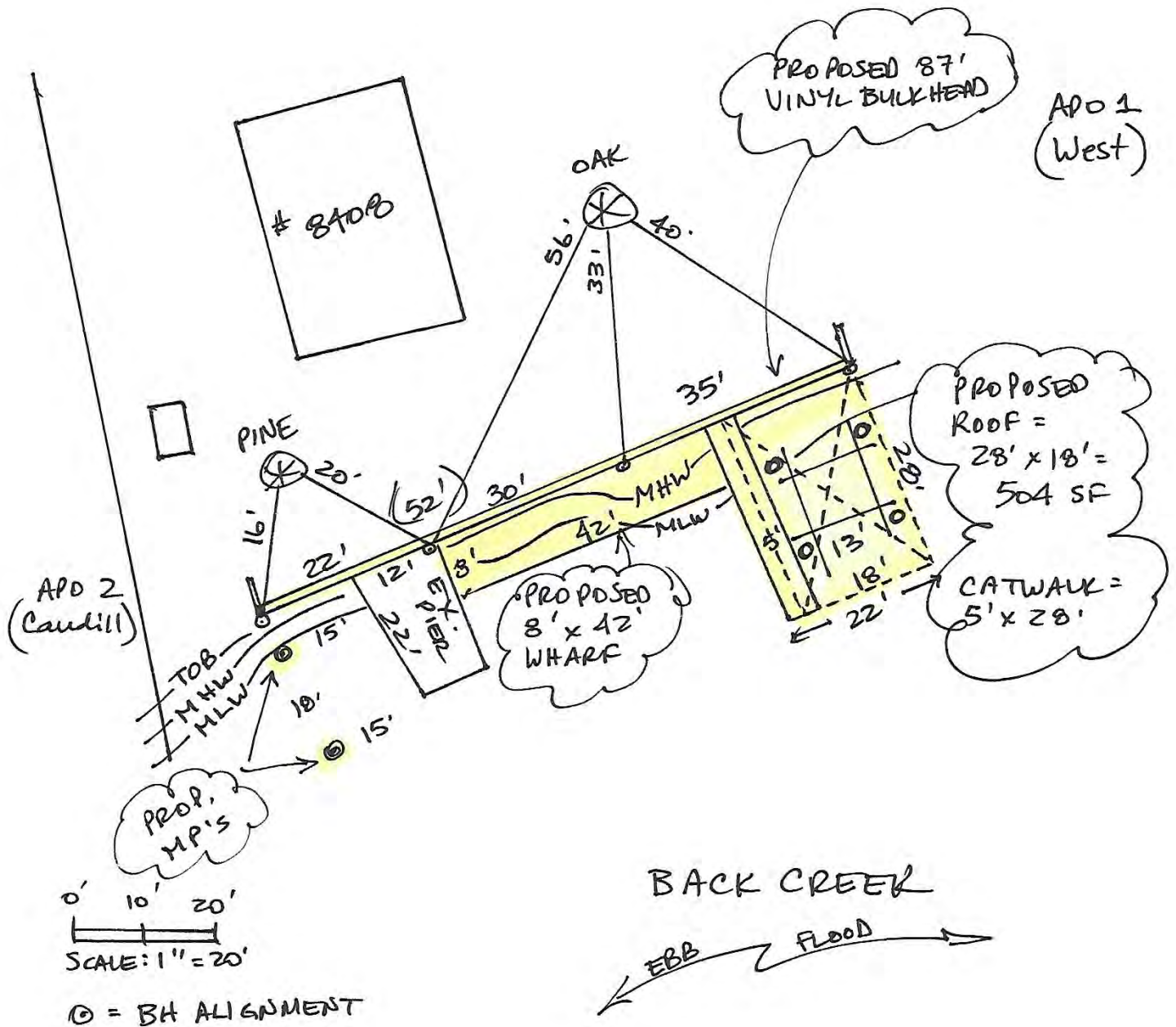
ADC Map Book for  
Anata Richmond,  
2000, Maps 176177.

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

<p>Adjacent Property Owners</p> <ol style="list-style-type: none"> <li>1. Donald West</li> <li>2. Stephen W. &amp; Lori T. Caudill</li> </ol>	<p>VICINITY MAP</p> <p>James City County LRSN = 1786 PID = 0910100028</p>	<p>STEVE L. &amp; DIANA B. ROGERS 8408 Hicks Island Road - Lanexa On Back Creek of Diascund Creek</p> <p>Date: 12-10-19 Sheet 1 of 4</p>
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com



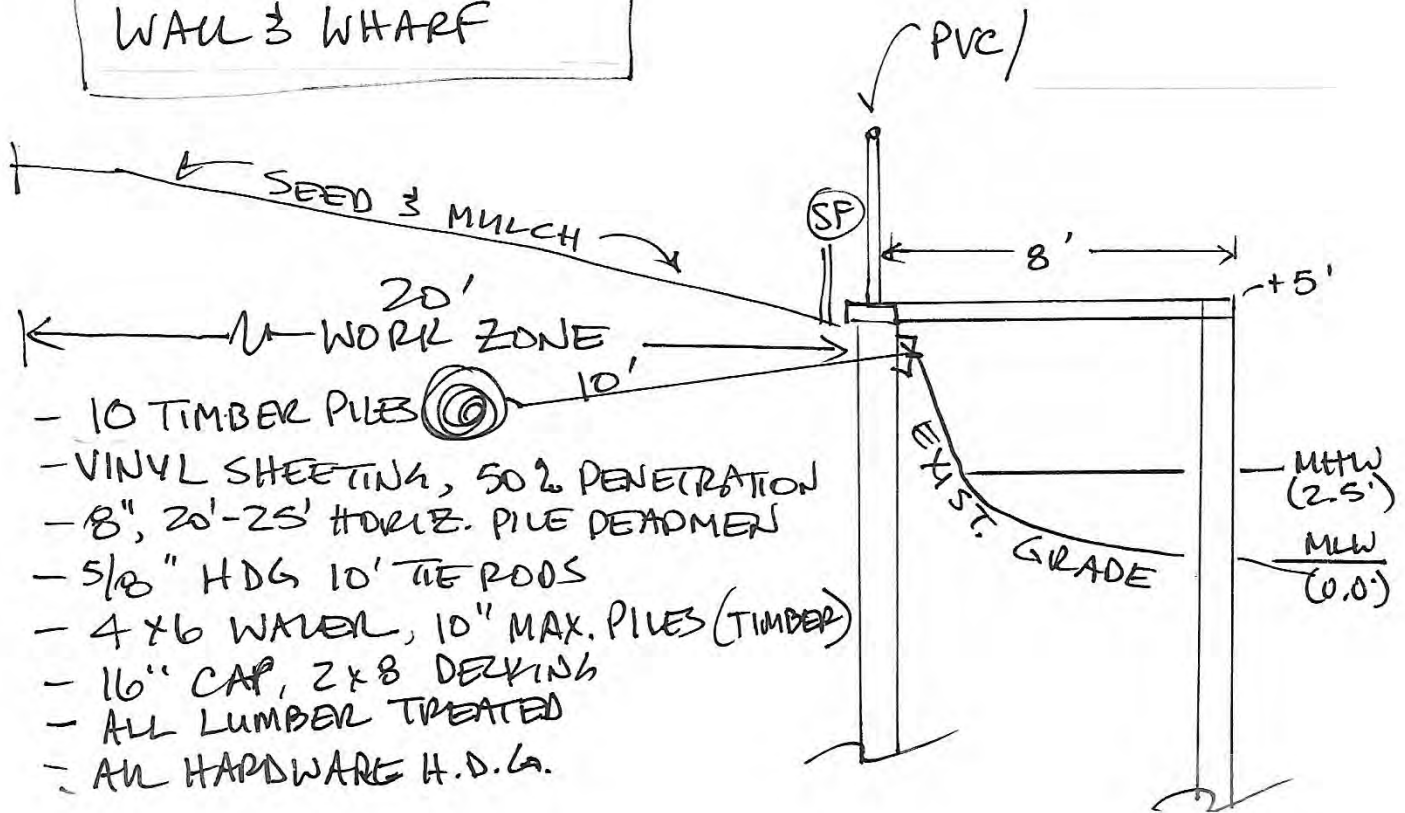


Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	SITE PLAN	STEVE L. & DIANNA B. ROGERS
1. Donald West	James City County	8408 Hicks Island Road - Lanexa
2. Stephen W. & Lori T. Caudill	LRSN = 1786	On Back Creek of Diascund Creek
	PID = 0910100028	Date: 12-10-19 Sheet 2 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com

# PROPOSED RETAINING WALL & WHARF



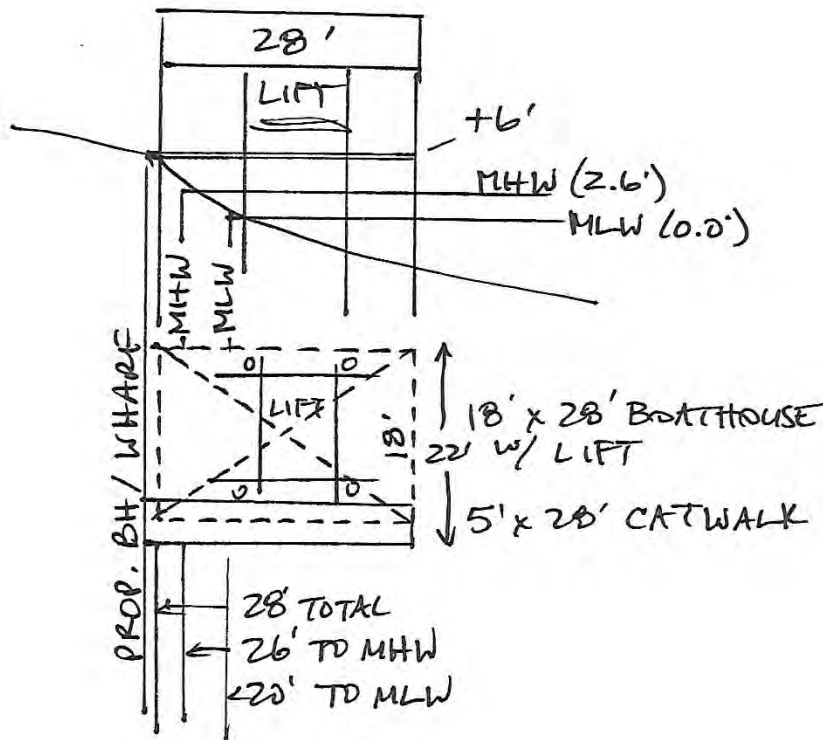
0' 2' 4'  
SCALE: 1" = 4'

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	DETAIL	STEVE L. & DIANA B. ROGERS
1. Donald West	James City County	8408 Hicks Island Road - Lanexa
2. Stephen W. & Lori T. Caudill	LRSN = 1786	On Back Creek of Diascund Creek
	PID = 0910100028	Date: 12-10-19 Sheet 3 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com

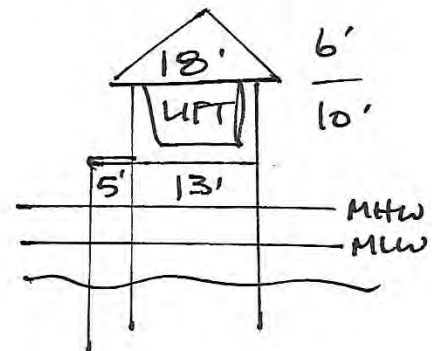




0' 10' 20'

SCALE: 1" = 20'

END VIEW



MHW - MHW > 120'

CHANNEL ~ 50' FROM MHW

2" x 8" DECKING AND STRINGERS, ALL LUMBER TREATED

ALL HARDWARE H.D.G.

20 TIMBER PILES, 10" MAXIMUM DIAMETER, LENGTH AS REQUIRED

PILES INSTALLED WITH VIBRATORY HAMMER

1 TEMPORARY CONSTRUCTION VESSEL

NET INCREASE OF 1 PERMANENT, NON-COMMERCIAL VESSEL

NO LESS THAN 4' BETWEEN DECKING AND WETLAND SUBSTRATE

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	DETAIL	STEVE L. & DIANNA B. ROGERS
1. Donald West	James City County	8408 Hicks Island Road - Lanexa
2. Stephen W. & Lori T. Caudill	LRSN = 1786	On Back Creek of Diascund Creek
	PID = 0910100028	Date: 12-10-19 Sheet 4 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlashavens@gmail.com

Received by VMRC on January 27, 2020 /blh



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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February 19, 2019

RE: WJPA-20-0002  
8408 Hicks Island Road  
Boathouse, Lift, Pier, Grading, Retaining Wall/Bulkhead

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Ms. Karla Havens, Mid-Atlantic Resource Consulting on behalf of Mr. Steven Rogers and Mrs. Dianna Rogers for encroachment into the tidal wetlands associated with construction of a boathouse, lift, pier, grading and retaining wall/bulkhead. The project is located at 8408 Hicks Island Road and further identified as JCC Parcel No. 0910100028.

A complete description, plan and other information are on file in the Stormwater 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, March 11, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6670  
[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)

cc: Mid-Atlantic Resource Consulting  
Attn: Ms. Karla S. Havens

Waterfront Piers and Bulkheads, Inc.  
Attn: Mr. Donald Hicks

MDW: jep



Mailing List for: WJPA-20-0002 – 8408 Hicks Island Road – Rogers, Steven & Dianna–  
Boathouse, Retaining Wall/Bulkhead, Lift, Pier, & Grading

Applicant: 0910100028 Road  
Rogers, Steven L & Dianna B  
8408 Hicks Island Road  
Lanexa, VA 23089-9009

Rogers, Steve L & Dianna B  
15187 Rockford Road  
Montpelier, VA 23192-2413

0910100026: 8400 Hicks Island Road  
Caudill, Stephen W & Lori T  
4801 Woolridge Road  
Mosely, VA 23120-1212

0910100025A: 8438 Hicks Island Road  
0910100029  
West, Donald  
8414 Hicks Island Road  
Lanexa, VA 23089-9009

Virginia Marine Resource Center  
Attn: Allison Norris  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

VIMS Wetlands Program  
Attn: Dawn Fleming  
P.O. Box 1346  
Gloucester Point, VA 23062-1346

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Contractors:  
Mid-Atlantic Resource Consulting  
Attn: Karla S. Havens  
1095 Cherry Row  
Plainview, VA 23156-2027

Waterfront Piers and Bulkheads, Inc.  
Attn: Donald W. Hicks  
P.O. Box 341  
Lanexa, VA 23089-0341

0931100002: 720 Arlington Island Road  
Barker, Debra E & Jeffrey L  
720 Arlington Island Road  
Lanexa, VA 23089-9100

Department of Game and Inland Fisheries  
P.O. Box 90778  
Henrico, VA 23228-0778

State Water Control Board  
c/o Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218-1105

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY March 11, 2020 AT 5 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:

WJPA 19-0048/VMRC 19-2163: David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

WJPA 20-0001/VMRC 20-0051: Mid-Atlantic Resource Consulting, on behalf of John and Susan Whalen, has applied for a wetlands permit for a revetment, pier, dock, catwalk and boathouse at 7620 Uncles Neck, JCC Parcel No. 2030200030.

WJPA 20-0002/VMRC 20-0127: Mid-Atlantic Resource Consulting, on behalf of Steve and Dianna Rogers, has applied for a wetlands permit for a bulkhead/retaining wall, pier, boathouse and lift at 8408 Hicks Island Road, JCC Parcel No. 0910100028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0003: Walk Wright Construction, on behalf of Ted Kionka, has filed an exception request for encroachments into the RPA buffer for the construction of a single family dwelling 168 Nottinghamshire, in the Ford's Colony subdivision, JCC Parcel No. 3233100017.

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 Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 26 and March 4, 2020.  
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING



ASSISTANT COUNTY ATTORNEY  
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS

**ITEM SUMMARY**

DATE: 3/11/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 19-0048/VMRC 19-2163 : 10006 Sycamore Landing Road

---

David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material
☐	Public Advertisement	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	3/7/2020 - 12:15 PM

**WETLANDS BOARD CASE No. WJPA 19-0048/VMRC 19-2163. 10006 Sycamore Landing Road  
Staff Report for the March 11, 2020, Wetlands Board Public Hearing**

*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. David Lambey

Agent: None

Location: 10006 Sycamore Landing Road

Parcel: -----

Parcel Identification No.: 0720100002

Watershed: York River (HUC YO 63)

Floodplain: Zone VE - Coastal flood zone with velocity hazard (wave action). Base flood elevation determined, elevation 17 feet

Proposed Activity: Construction of a marsh toe sill, beach nourishment, and revetment

Wetland Impacts: 30 square feet vegetated wetlands

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

**PROJECT DISCUSSION**

Mr. David Lambey has applied for a wetlands permit to construct a riprap sill, a riprap revetment and a living shoreline on property located at 10006 Sycamore Landing Road within the York River watershed. The property is further identified as James City County Tax Map Parcel No. 0720100002.

Current site conditions for this property include a steep, eroding bank. In January 2020, the Wetlands and Chesapeake Bay Boards heard an application request (CBPA 19-0160 and WJPA 19-0043) for the protection of the shoreline at a neighboring property located at 10010 Sycamore Landing Road. This application request is in sequence with CBPA 19-0160 and WJPA 19-0043. The applicant is proposing an 80-linear-foot riprap sill, a 120-linear-foot riprap revetment, and approximately 300 square feet of planted shoreline. The marsh toe sill is proposed to be constructed at Mean Low Water using Class II armor stone with an anticipated 800 square feet of subaqueous impacts associated with its construction. This portion of the project is outside the Board's jurisdiction. The proposed revetment will extend along the shoreline and return at a 45 degree angle. The living shoreline plantings are to be constructed in between the revetment and the marsh toe sill and is proposed to be planted with an appropriate *Spartina* species. Sand (beach nourishment) will be imported and will match the adjacent property (10010 Sycamore Landing) grades.

**MITIGATION DISCUSSION**

The Commonwealth of Virginia is committed to achieve a no-net loss of existing wetlands acreage and function in the 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 RECOMMENDATIONS**

Staff's view of this application is that it meets all three criteria presented above. Should the Board also find that the permit request meets all three of the criteria above, staff suggests the following conditions be incorporated into the permit approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
3. The beach nourishment area shall be planted with *Spartina patens* and *Spartina alterniflora*, approximately 2,000 square feet in area, with 2-inch plugs on an 18-inch spacing in a triangular pattern. The planted area must also have goose netting installed to prevent predation from waterfowl. The number of plugs shall be 1,100 and may be adjusted based upon final configuration of the beach nourishment area; and
4. A surety in the amount of \$4,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's office, to guarantee plant survival; and
5. The surety will be released once a 90% minimum survival rate is achieved at 1-year post planting; and
6. The Wetlands Permit for this project shall expire on March 11, 2021, if construction has not begun; and
7. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than January 29, 2021, six weeks prior to the expiration date.

TAL/nb

WJPA19-0048VMRC19-2163

#### Attachment:

1. Joint Permit Application

## **RESOLUTION**

**CASE NO. WJPA 19-0048/VMRC 19-2163. 10006 SYCAMORE LANDING ROAD**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. David Lambey (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. 0720400002 and further identified as 10006 Sycamore Landing Road (the “Property”) as set forth in the application WJPA 19-0048/VMRC 19-2163; 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. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
  - c. The beach nourishment area shall be planted with *Spartina patens*, approximately 2,000 square feet in area, with 2-inch plugs on an 18-inch spacing in a triangular pattern. The planted area must also have goose netting installed to prevent predation from waterfowl. The number of plugs shall be 1,100 and may be adjusted based upon final configuration of the beach nourishment area; and
  - d. A surety in the amount of \$4,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s office, to guarantee plant survival; and



- e. The surety will be released once a 90% minimum survival rate is achieved at 1-year post planting; and
- f. The Wetlands Permit for this project shall expire on March 11, 2021, if construction has not begun; and
- g. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than January 29, 2021, six weeks prior to the expiration date.

---

John Hughes  
Chair, Wetlands Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 11th day of March, 2020

WJPA19-0048VMRC19-2163-res

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>RECEIVED</p> <p>1 DEC 27 2019</p> <p>MARINE RESOURCES COMMISSION</p> </div>	Notes:
	JPA # <u>19-2163</u>

## APPLICANTS

### Part 1 – General Information

**PLEASE PRINT OR TYPE ALL ANSWERS:** If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) <input type="checkbox"/>		Regional Permit 17 (RP-17) <input type="checkbox"/>		
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: <u>James City County</u>				
Waterway at project site: <u>York River</u>				
<i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i>				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
DCR	Site visit-Michael Vanl	andingham SEAS#T14008	4-10-14	
CCRM	Site visit- Karen Duhring	No written report	12-06-18	

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:  
 David O. Lambey  
 10006 Sycamore Landing Rd.  
 Williamsburg, VA 23188  
 Home (757) 566-3041  
 Work ( )  
 Fax ( )  
 Cell (757) 784-7988  
 e-mail hidikins@cox.net

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:

David O. Lambey, Trustee  
 Kim C. Lambey, Trustee  
 10006 Sycamore Landing Rd.  
 Williamsburg, VA 23188

Home (757) 566-3041  
 Work ( )  
 Fax ( )  
 Cell ( )  
 e-mail \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

3. Authorized agent name\* and complete mailing address (if applicable): Contact Information:  
 Home ( )  
 Work ( )  
 Fax ( )  
 Cell ( )  
 e-mail \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Construct 80' marsh sill, 10' wide, 4' high with buried toe at MLW by heavy equipment using core stone and Class II armor stone. Backfill with sand to revetment to increase elevation of Spartina planting, planted at appropriate time and elevation. Construct 120 +/- revetment at base of eroding bank behind sill using Class II and III armor stone over core material with micro fiber base at 2:1 slope with a buried toe. Revetment to be 10' high, 20' wide. Backfill and grade to tie into existing bank slope.. Construction by heavy equipment accessed thru neighboring vacant lot during it's shoreline work, or thru proposed project grounds. Material from vacant lot project, if suitable, or from upland pit. All stone quarry product. No tree clearing required.



## Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? Yes\* X 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 ( ) \_\_\_\_\_

email \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

Virginia Gazette  
1430 High St., Unit 504  
Williamsburg, VA 23185

Telephone number

(757) 220-1736

7. Give the following project location information:

Street Address (911 address if available) 10006 Sycamore Landing Rd.

Lot/Block/Parcel# Lots 1 & 2, Block A and Lots 1 & 2, Block B 0720100002

Subdivision County Home Demonstration Club

City / County Williamsburg / James City ZIP Code 23188

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.43930 / - 76.74454 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

I-64, exit 231 B, Route 607 (Croaker Rd.) north to fork with Sycamore Landing Rd/Croaker Landing Rd. Bear left on Sycamore Landing Rd. to 10006 (Right side, next to vacant lot)

8. What are the *primary and secondary purposes of and the need for* 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."

1) Control upland erosion

2) Restore Living Shoreline destroyed by hurricanes Isabel and Irene and subsequent storms and rising sea level.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
☒ Single user (private, non-commercial, residential)  
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and 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.*  
 Re-establishment of Spartina unsuccessful due to fetch, rising water level and erosion. Temporary sand bags used to reduce erosion. Rock revetment and sill is only remaining choice.  
 Use of "best management practices" during and after construction. Properly designed bank drainage and sustainable vegetation.
11. 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.
12. Approximate cost of the entire project (materials, labor, etc.): \$ TBD  
 Approximate cost of that portion of the project that is channelward of mean low water:  
 \$ TBD
13. Completion date of the proposed work: 2020 - \_\_\_\_\_
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.
- John C. Siewers, II  
 Trustee  
 109 Seneca Road  
 Richmond, VA 23226-2331
- Deric C. & Andrea V. Amason  
 6322 South Springs Circle  
 Clifton, VA 20124-2461



## 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, USACE, 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.

**David O. Lambey**

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

*David O. Lambey*

Applicant's Signature

(Use if more than one applicant)

12-26-2019

Date

**David O. Lambey, Trustee**

Property Owner's Legal Name (printed/typed)  
(If different from Applicant)

**Kim C. Lambey, Trustee**

(Use if more than one owner)

*David O. Lambey Trustee*

Property Owner's Signature

*Kim C. Lambey, Trustee*

(Use if more than one owner)

12-26-2019

Date



## 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, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **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](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. Describe each revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Marsh toe: install a 80' long riprap sill at MLW starting on up river side of property using Class II armor stone over core material (4"-12" stone), 4' high, 10' wide at base, with 2:1 slope and buried toe. 800 sq.ft. impact.

Revetment: Install 120 linear feet +/- of rip rap revetment along shoreline tying in to proposed riprap structure on upriver end and a 45 degree return on down river end. Revetment to be 10' +/- high with a 2:1 slope and a buried toe. Material to include a woven geotextile filter cloth, covered with core material and Class II and III armor stone. 2400 sq. ft. impact of revetment, with approximately 300 sq. ft. of it below MHW. Backfilled above revetment to tie into existing slope.

Living shoreline: Area between marsh sill and revetment to be back filled with sand with 1.5' +/- depth at MLW tapering with a 10:1 slope to revetment, raising planting elevation, tapered on outboard ends and tying in to surrounding elevations. Planted with Spartina. 3000 sq. ft.

2. What is the maximum encroachment channelward of mean high water? 35 feet.  
Channelward of mean low water? 10 feet.  
Channelward of the back edge of the dune or beach? 50 feet.

3. Please calculate the square footage of encroachment over:

• Vegetated wetlands	<u>0</u>	square feet
• Non-vegetated wetlands	<u>2800</u>	square feet
• Subaqueous bottom	<u>800</u>	square feet
• Dune and/or beach	<u>2400</u>	square feet

4. 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.

### Part 3 – Appendices (continued)

5. 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.**

Land based construction using material from adjacent lot if found to be suitable or upland pit material if needed. Micro-fiber cloth with core material and armor stone, Class II and III, all quarry material.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material	<u>1-25</u>	pounds per stone	Class size <u>4"-12"</u>
Armor (outer layer) material	<u>150-1500</u>	pounds per stone	Class size <u>II &amp; III</u>

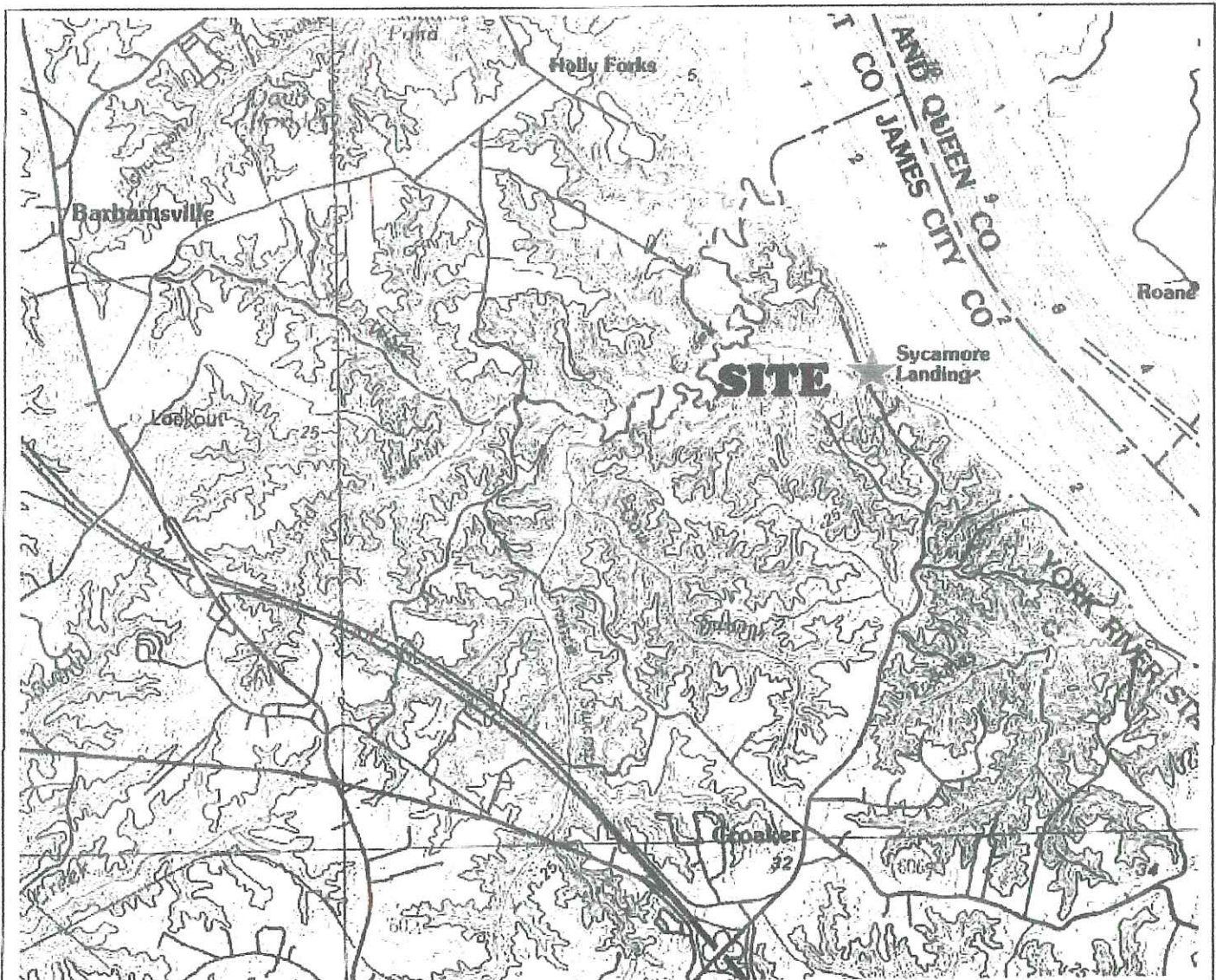
7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material
 

<u>0</u>	cubic yards channelward of mean low water
<u>100</u>	cubic yards landward of mean low water
<u>100</u>	cubic yards channelward of mean high water
<u>0</u>	cubic yards landward of mean high water
  
- Area to be covered
 

<u>0</u>	square feet channelward of mean low water
<u>2500</u>	square feet landward of mean low water
<u>100</u>	cubic yards channelward of mean high water
<u>0</u>	cubic yards landward of mean high water
  
- Source of material, composition (e.g. 90% sand, 10% clay): Adjacent lot or upland pit; 90% sand
- Method of transportation and placement: Truck/Heavy equipment
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:  
Spartina 18" o.c. or closer, at appropriate elevations and planting times (April to late June)





Purpose: Shoreline Protection and  
Living Shoreline

Applicant: DAVID LAMBEY

Waterbody: York River

10006 Sycamore  
Landing Road

USGS Topo Quadrangle  
(Toano/Gressitt)

County: James City

State: Virginia

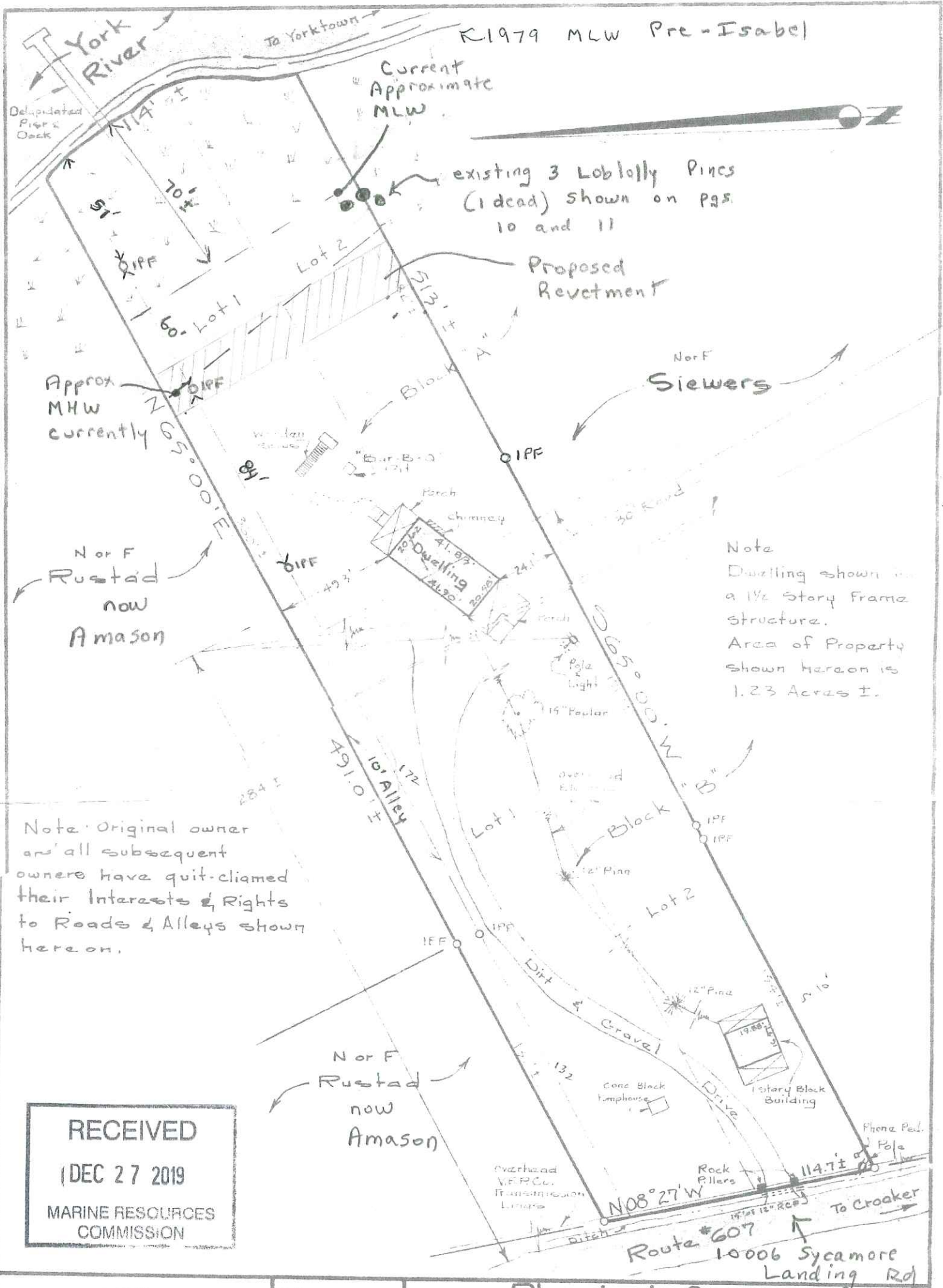
Scale: 1" = 2000'

RECEIVED

DEC 27 2019

MARINE RESOURCES  
COMMISSION





References:

DB 145, P. 126

PB 3, P. 37

PB 4, P. 18

DB 114, P. 577

IPF = Iron Pipe Fd.

IPS = Iron Pipe Set

BSL = Building Set-back Line

Date: Oct. 15, 1979

Scale: 1" = 50'

J.O. 200 F.B. F

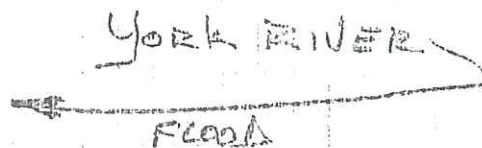
Physical Survey  
of Property to be Conveyed to  
David O. Lambey & Kim C. Lambey  
Being

Lots 1 & 2, Block "A" and Lots 1 & 2, Block "B"  
County Home Demonstration Club  
Located  
James City County, Virginia

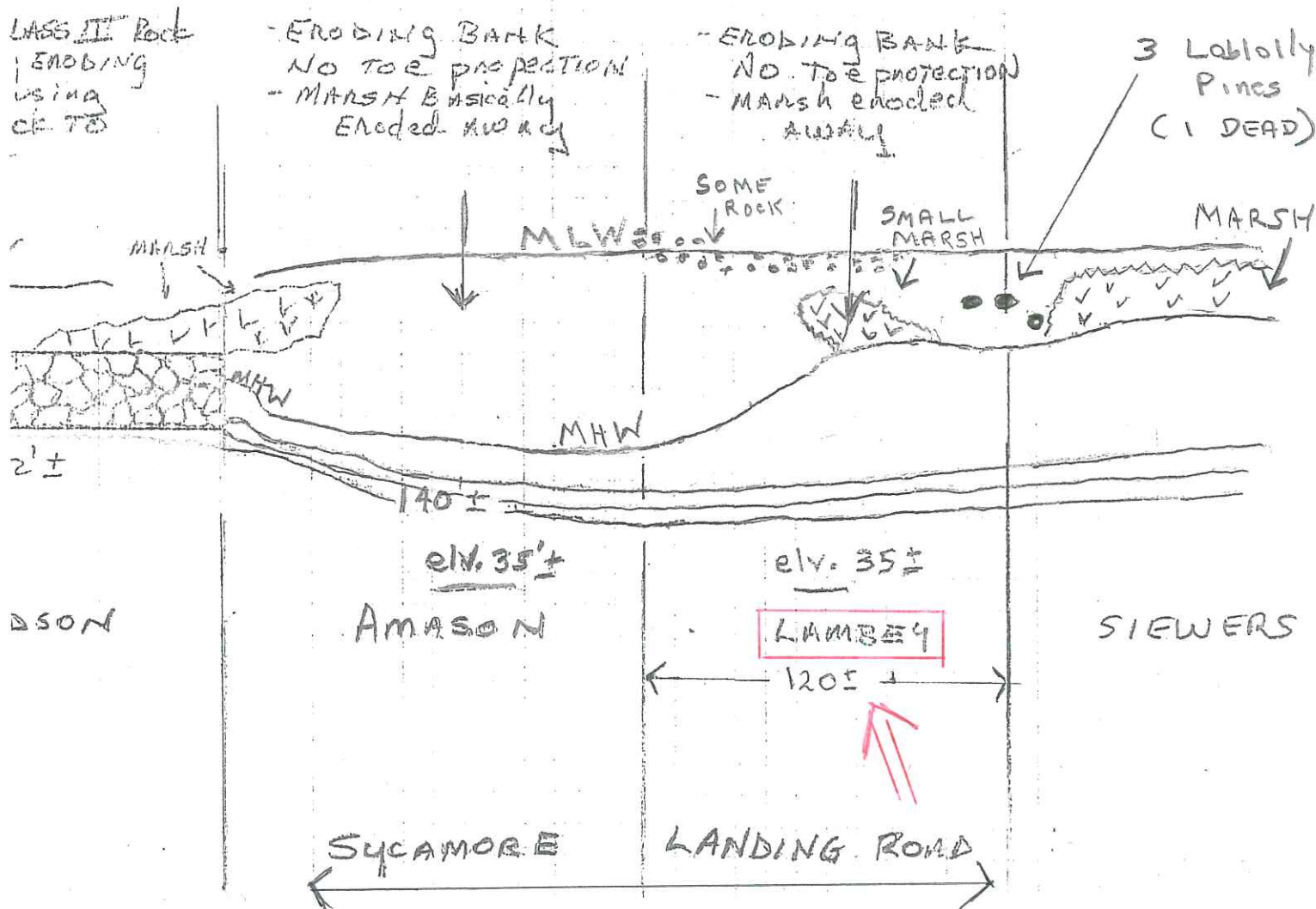
Spearman & Associates, Inc., Land Surveying  
706 Richmond Road Williamsburg, Virginia  
804 - 229 - 3069



# EXISTING PLAN VIEW



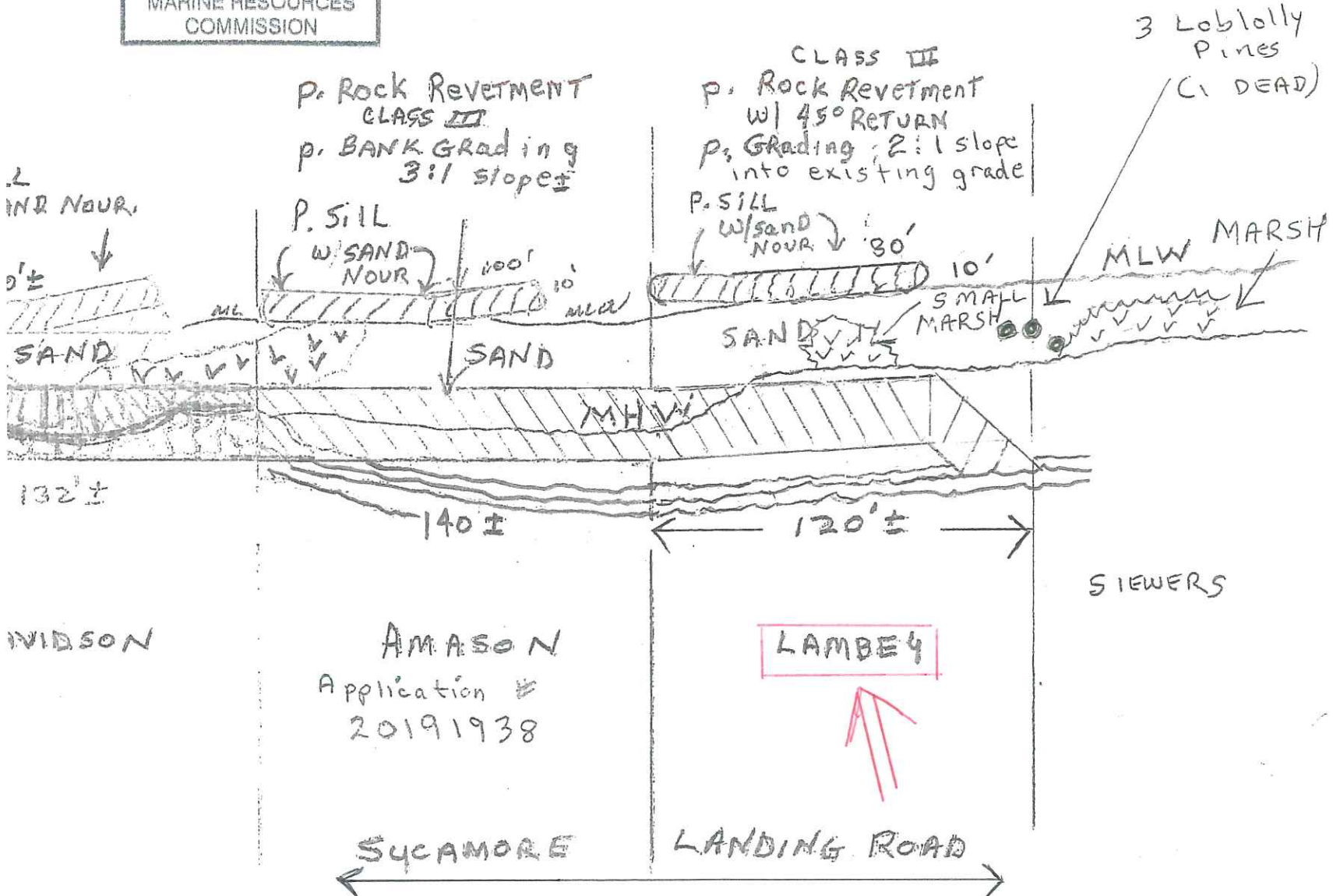
RECEIVED  
DEC 27 2019  
MARINE RESOURCES  
COMMISSION





YORK RIVER  
FLOOD

RECEIVED  
DEC 27 2019  
MARINE RESOURCES  
COMMISSION

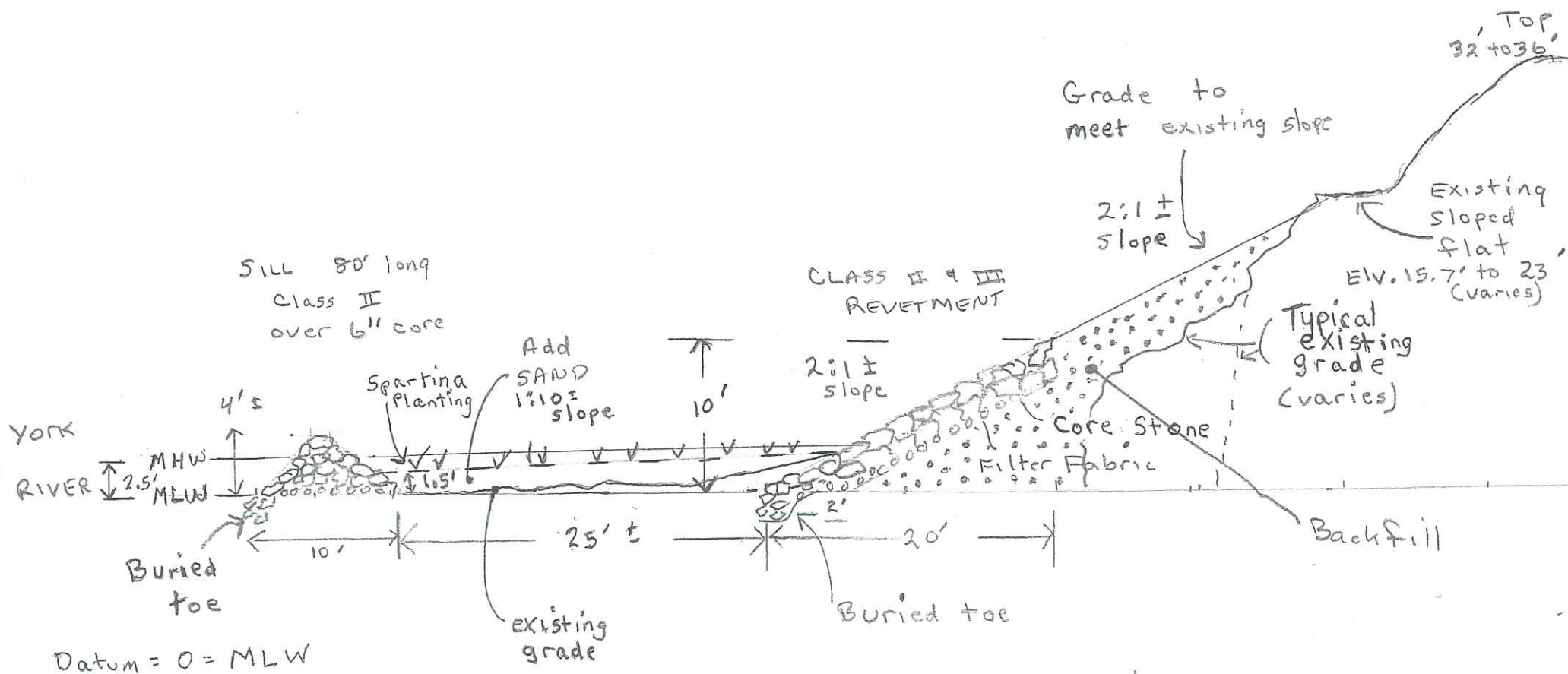




Cross section  
Facing down river



Page 12



Scale: 1" = 10'

Lambey  
10006 Sycamore Landing Rd.



General Services  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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February 19, 2019

RE: WJPA-19-0048  
10006 Sycamore Landing Road  
Marsh Sill, Associated Sand Nourishment & Revetment

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. David Lambey and Mrs. Kim Lambey for encroachment into the tidal wetlands associated with construction of a marsh sill, associated sand nourishment and revetment. The project is located at 10006 Sycamore Landing Road and further identified as JCC Parcel No. 0720100002.

A complete description, plan and other information are on file in the Stormwater 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, March 11, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6670  
michael.woolson@jamescitycountyva.gov

cc: None

MDW: jep

Mailing List for: WJPA-19-0048 – 10006 Sycamore Landing Road – Lambey, David & Kim – Marsh Sill and Associated Sand Nourishment and Revetment

Applicant: 0720100002

Lambey, David O, Trustee & Kim C, Trustee  
10006 Sycamore Landing Road  
Williamsburg, VA 23188-1254

0720400011

Breeden, Harold N, Jr.  
10007 Sycamore Landing Road  
Williamsburg, VA 23188-1255

0720400001-10010 Sycamore Landing Rd

Amason, Deric C & Andrea V  
6322 South Springs Circle  
Clifton, VA 20124-2461

0720500001

Williams, Thomas H, Sr. & Shirley L  
10005 Sycamore Landing Road  
Williamsburg, VA 23188-1255

0720100003-9936 Sycamore Landing Rd

Siewers, John C, II, Trustee  
109 Seneca Road  
Richmond, VA 23226-2331

0720500002

Richards, Russell Lee & Lee Turner  
10001 Sycamore Landing Road  
Williamsburg, VA 23188-1255

Virginia Marine Resource Center  
Attn: Allison Norris  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

VIMS Wetlands Program  
Attn: Dawn Fleming  
P.O. Box 1346  
Gloucester Point, VA 23062-1346

State Water Control Board  
c/o Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218-1105

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY March 11, 2020 AT 5 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:

WJPA 19-0048/VMRC 19-2163: David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

WJPA 20-0001/VMRC 20-0051: Mid-Atlantic Resource Consulting, on behalf of John and Susan Whalen, has applied for a wetlands permit for a revetment, pier, dock, catwalk and boathouse at 7620 Uncles Neck, JCC Parcel No. 2030200030.

WJPA 20-0002/VMRC 20-0127: Mid-Atlantic Resource Consulting, on behalf of Steve and Dianna Rogers, has applied for a wetlands permit for a bulkhead/retaining wall, pier, boathouse and lift at 8408 Hicks Island Road, JCC Parcel No. 0910100028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 20-0003: Walk Wright Construction, on behalf of Ted Kionka, has filed an exception request for encroachments into the RPA buffer for the construction of a single family dwelling 168 Nottinghamshire, in the Ford's Colony subdivision, JCC Parcel No. 3233100017.

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 Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – February 26 and March 4, 2020.  
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY  
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS