

**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**  
**May 13, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from March 11, 2020, Regular Meeting

**D. PUBLIC HEARINGS**

1. Case No. WJPA 20-0005 / VMRC 20-0266 : 541 Neck-O-Land Road
2. Case No. WJPA 20-0008 / VMRC 20-0373 : 1010 Kingsmill Road

**E. BOARD CONSIDERATIONS**

1. Remote Participation Policy

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 5/13/2020

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from March 11, 2020, Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	4/13/2020 - 1:38 PM
Wetlands Group	Small, Toni	Approved	5/5/2020 - 3:12 PM
Publication Management	Burcham, Nan	Approved	5/5/2020 - 3:15 PM
Wetlands Group	Secretary, Wetland	Approved	5/10/2020 - 2:02 PM

**MINUTES**  
**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**

The Wetlands Board meeting for March 11, 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 as to prevent its despoliation.

**B. ROLL CALL**

**Board Members Present:**

William Apperson, Vice Chair  
David Gussman  
Charles Roadley  
Larry Waltrip  
Halle Dunn

**Board Members Absent:**

John Hughes, Chair

**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

**C. MINUTES**

1. Minutes from February 12, 2020, Regular Meeting

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

**D. PUBLIC HEARINGS**

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

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Ms. Karla S. Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. John Whalen, Jr. and Mrs. Susan Whalen, who have applied for a wetlands permit to construct two sections of quarry stone revetments and an open pile pier over non-vegetated tidal wetlands located at 7620 Uncles Neck, within the River's Bend at Uncles Neck Subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Parcel No. 2030200030. The presentation described the current site conditions, proposed construction, and proposed mitigation. Staff recommended approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Apperson opened the Public Hearing.

A. Ms. Karla S. Havens, Mid-Atlantic Resource Consulting, was available to answer any questions from the Board.

Mr. Roadley inquired if the erosion was caused by toe scour or from upland runoff.

A. Ms. Havens explained that it was a combination of upland runoff and the fluctuating water table. She described the dynamics of the erosion.

Mr. Roadley commented that the revetment was fairly low. He inquired if the revetment protected the shoreline from larger wave energy. He further questioned if the wave energy is the source of the erosion.

A. Ms. Havens responded that the boat waves were a contributing factor. It is a combination of things contributing to the erosion.

Mr. Woolson explained the ground elevations verses the adjoining neighboring properties.

A. Ms. Havens answered clarifying the topography variations to the properties on each side.

Mr. Apperson inquired why Ms. Havens decided to specify a named grass variety rather than a native variety. The native varieties are the toughest and longest living ones.

Discussion ensued concerning the use of native switch grass verses a non-native named variety or use of a mix thereof.

Mr. Woolson responded that they would recommend a native switch grass.

Mr. Apperson closed the Public Hearing, as no one else wished to speak.

Mr. Roadley made a motion to Adopt the resolution to grant the permit, with the provision for native species, for Wetlands Board Case No. WJPA 20-0001 / VMRC 20-0051 at 7620 Uncles Neck.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was: AYES: 5   NAYS: 0   ABSTAIN: 0   ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Dunn

Absent: Hughes

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

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Ms. Karla S. Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Steven Rogers and Mrs. Dianna Rogers, who have applied for a wetlands permit to construct a vinyl bulkhead and an open-piled wharf over non-vegetated tidal wetlands located at 8408 Hicks Island Road, lying within the Diascund Creek watershed. The property is further identified as James City County Parcel No. 0910100028. The presentation described the current site conditions, proposed construction, and proposed mitigation. Staff recommended approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Apperson opened the Public Hearing.

A. Ms. Karla S. Havens, Mid-Atlantic Resource Consulting, was available to answer any questions from the Board.

Mr. Apperson closed the Public Hearing, as no one else wished to speak.

Mr. Roadley inquired about the encroachment into the non-vegetated wetlands.

Mr. Long explained that the encroachment is minimal, approximately 5 to 10 feet.

Mr. Gussman made a motion to Adopt the resolution to grant the permit for Wetlands Board Case No. WJPA 20-0002 / VMRC 20-0127 at 8408 Hicks Island Road.

A motion to Approve with Conditions was made by Mr. Gussman.

The motion result was: AYES: 5    NAYS: 0    ABSTAIN: 0    ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Dunn

Absent: Hughes

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

Mr. Michael Woolson, Senior Watershed Planner, presented the permit request submitted by Mr. David Lambey, who has applied for a wetlands permit to construct a riprap sill, a riprap revetment and a living shoreline located at 10006 Sycamore Landing Road, within the York River watershed. The property is further identified as James City County Parcel No. 0720100002. The presentation described the current site conditions, proposed construction, and proposed mitigation. Staff recommended approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Roadley inquired about the estimated net gain in vegetated wetlands.

Mr. Woolson explained the potential gain in wetlands with the additional plantings.

Mr. Roadley inquired if the proposed project would adjoin the adjacent property and be at the same elevations as the the neighboring project at 10010 Sycamore Landing Road.

Mr. Woolson deferred to Mr. David Lambey, property owner, for answer.

Mr. Apperson opened the Public Hearing.

A. Mr. David Lambey, the property owner, was available to answer any questions from the Board. He explained his objections to goose netting as contained in the staff report. He also voiced his objections to the amount of the surety bond. There was timing discussion for work to coincide with the neighbor at 10010 Sycamore Landing Road.

Mr. Apperson closed the Public Hearing, as no one else wished to speak.

Mr. Roadley inquired concerning the outstanding question on the surety.

Mr. Woolson explained that staff does not object to lowering the surety to \$1,000.

Mr. Dunn made a motion to Adopt the resolution to grant the permit with modifications of

\$1,000 for surety and removal of goose netting condition for Wetlands Board Case No. WJPA 19-0048 / VMRC 19-2163 at 10006 Sycamore Landing Road.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was: AYES: 5   NAYS: 0   ABSTAIN: 0   ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Dunn

Absent: Hughes

**E.    BOARD CONSIDERATIONS**

None

**F.    MATTERS OF SPECIAL PRIVILEGE**

1. Mr. Woolson proposed to move the August 2020, Wetlands Board meeting to the Building D Conference Room.

2. Ms. Karla Haven introduced her son, Mr. Cade Haven, working with her at Mid-Atlantic Resource Consulting.

**G.    ADJOURNMENT**

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

The meeting adjourned at 5:42 p.m.

**ITEM SUMMARY**

DATE: 5/13/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 20-0005 / VMRC 20-0266 : 541 Neck-O-Land Road

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The Colonial National Historic Park has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Joint Permit Application	Backup Material
▣	Supplemental Information	Backup Material
▣	Design Memo and Recommendations	Backup Material
▣	Presentation	Presentation
▣	Public Advertisement	Backup Material
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/6/2020 - 10:26 AM
Wetlands Group	Small, Toni	Approved	5/7/2020 - 11:24 AM
Publication Management	Daniel, Martha	Approved	5/7/2020 - 11:32 AM
Wetlands Group	Secretary, Wetland	Approved	5/10/2020 - 2:00 PM

**WETLANDS BOARD CASE No. WJPA 20-0005/VMRC 20-0266. 541 Neck-O-Land Road  
Staff Report for the May 13, 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: Kym Hall, Colonial National Historic Park

Agent: Dorothy Geyer, National Park Service

Location: 541 Neck-O-Land Road

Parcel: Colonial Parkway

Parcel Identification No.: 5610100001

Watershed: College Creek (HUC JL 34)

Floodplain: Zone VE - The special flood hazard area subject to the 1% annual chance flooding with velocity wave hazard; elevation between 10 and 20 feet Mean Sea Level

Proposed Activity: Construction of two sand bag revetments

Wetland Impacts: 0 square feet vegetated wetlands

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

**PROJECT DISCUSSION**

Ms. Dorothy Geyer, National Park Service, has applied for a wetlands permit on behalf of Ms. Kym Hall, Colonial National Historic Park, to construct two sections of sandbag revetments on property located at 541 Neck-O-Land Road, otherwise known as the Colonial Parkway within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5610100001. More specifically, the project is located at and west of the College Creek parking lot located off of the James River.

The eastern part of this project is adjacent to the parking lot. This section is experiencing erosion that is threatening the structural stability of the parking lot. The western part of the project is approximately 500 feet away. This portion of the Colonial Parkway exhibits increased erosion and incision of the slope. It experiences heavy foot traffic and multiple large canopy trees have fallen due to the severity of the erosion. The applicant is proposing to construct 382 linear feet of sandbag revetments in order to armor the bank from future erosion. The revetments are proposed to be constructed in two separate places along the shoreline. The site will be accessed from both barge and the uplands and there are no vegetated impacts proposed with the construction of this project.

**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; 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 Wetlands Permit for this project shall expire on May 13, 2021, if construction has not begun; and
4. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

TAL/md  
WJPA20-5\_VMRC20-266NkOLD

#### Attachment:

1. Joint Permit Application

## **RESOLUTION**

**CASE NO. WJPA 20-0005/VMRC 20-0266. 541 NECK-O-LAND ROAD**

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

WHEREAS, the Colonial National Historic Park (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. 5610100001 and further identified as 541 Neck-O-Land Road (the “Property”) as set forth in the application WJPA 20-0005/VMRC 20-0266; 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 Wetlands Permit for this project shall expire on May 13, 2021, if construction has not begun; and
  - d. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 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 13th day of May, 2020.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA20-3\_VMRC20-266NkOLd-res

Attached is the Park's JPA for emergency temporary repairs to protect a portion of the shoreline adjacent to the Colonial Parkway. We have seen another large amount of erosion at this area this week due to the two day storm. Please contact Timothy McLean (park POC) to organize site visits or Dorothy Geyer for any JPA clarifications.

Thank you.

- ❖ 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 #

## 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 checked="" type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
<b>County or City in which the project is located:</b> James City County				
<b>Waterway at project site:</b> James River				
<b><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></b>				
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
	none			

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:  
Colonial National Historical Park Home ( )  
PO Box 210 Work (757 ) 898-2400  
Yorktown, VA 23690 Fax ( )  
Cell ( )  
e-mail na  
State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_
2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:  
National Park Service/ Colonial National Home ( )  
Historical Park Work (757 ) 898-2400  
PO Box 210 Fax ( )  
Yorktown, VA 23690 Cell ( )  
e-mail \_\_\_\_\_  
State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_
3. Authorized agent name\* and complete mailing address (if applicable): Contact Information:  
Superintendent Kym Hall Home ( )  
PO Box 210 Work (757 ) 898-2401  
Yorktown, VA 23690 Fax ( )  
Cell (757 ) 876-7689  
e-mail Dorothy\_Geyer@nps.gov  
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.

This project proposes to install two temporary revetment structures totaling 382 linear feet using standard 14" x 26" sand bags. The specified fill material is beach sand similar in composition to the existing beach material. The maximum channel encroachment is 14 feet from mean high water. Currently the site around the parking area is grass and the eroded bluffs are devoid of vegetation besides grass. No tree clearing or grading will occur. The bags will be installed on existing elevation along the shoreline in the areas shown on the map. Large branches, trunks or rootballs will be removed only if they are in the way of the construction needs.

Access to work on the shoreline at location 2 will be done by barge. Work at the parking lot, location 1 will occur using a backhoe and smaller construction equipment. Sandbags at this point will be delivered to the parking area for installation from the top.

Total acreage of in construction zone is 0.2 acres.  
MHW = 1.98'  
MLW = 0.16'

## 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:

Blue Construction  
735 Vanderbilt Terrace SE  
Leesburg, VA 20175

Contact Information:

Home ( )  
Work (703) 485-7818  
Fax ( )  
Cell (757) 805-3126  
email keith@blueconstructionservices.com

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:

The 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) Colonial Parkway

Lot/Block/Parcel#

Subdivision

City / County James City County

ZIP Code 23188

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

37.2199509

/ -76.6976792

(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.*

Repair James River Shoreline at James River Parking Area-- the pull-off is part of the Colonial Parkway, located just west of the College Creek Bridge on the northbound lane.

Take Route 31 (Jamestown Road) and follow the signs to Jamestown Settlement in James City County. Make a left at the sign for Jamestown Settlement; follow Route 359 past the parking area until you intersect with the Colonial Parkway. Take a left onto the parkway toward Yorktown. Travel east on the Colonial Parkway for approximately 5 miles or 8 kilometers. The James River Parking pullout will be on your right just before College Creek, right after the K27 marker. An Orientation Map wayside will be there.

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."

The primary purpose of the repairs is to prevent loss of the shoreline and the paved parking lot. A secondary purpose is to retain this pulloff for the benefits of viewing the river and bird monitoring by visitors and volunteers. Ultimately, this area will receive a permanent stabilization structure once the Park has completed its final shoreline protection plan along the Parkway segment of the James River.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
    \_\_\_ Single user (private, non-commercial, residential)  
    x 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.*
- The park has more accurate wetland information than the National Wetlands Survey for this area. Data is based on a vegetation assessment completed by the Virginia Department of Conservation in 2008. (see map attachment). Work is being done strictly along the eroding bluffs, and on the sand banks the erosion has produced. No wetland vegetation exists. However the toe of the slope will be resting on Unconsolidated sand and bottom no wider than 14' from MHW. See Section B for details.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? \_\_\_ Yes x 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.): \$ 418,000  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 363,883
13. Completion date of the proposed work: March 3, 2020 - June 29, 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.

### Adjacent Property Owners

#### 1. JAMES CITY COUNTY BIBLE & AGRICULTURAL TRAINING SC

Mailing Address:  
2006 GEORGIA AVENUE NW  
WASHINGTON, DC 200013027

Property Address:  
1700 TREASURE ISLAND RD  
WMSBURG, VA 23185

#### 2. ESCALANTE KINGSMILL RESORT LLC

Mailing Address:  
2930 BLED SOE ST STE 124  
FORT WORTH, TX 761072942

Property Address:  
300 MOUNTS BAY ROAD  
WILLIAMSBURG, VA 23185

## 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.

**Superintendent Kym Hall**

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

*Kym A. Hall*

Applicant's Signature

(Use if more than one applicant)

*2/12/2020*

Date

**Colonial National Historical Park**

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

(Use if more than one owner)

*Kym A. Hall*

Property Owner's Signature

(Use if more than one owner)

*2/12/2020*

Date

## Part 2 – Signatures (continued)

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

#### CERTIFICATION OF AUTHORIZATION

I (we), \_\_\_\_\_, hereby certify that I (we) have authorized \_\_\_\_\_  
(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.

_____ (Agent's Signature)	_____ (Use if more than one agent)
_____ (Date)	
_____ (Applicant's Signature)	_____ (Use if more than one applicant)
_____ (Date)	

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

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), Kym Hall \_\_\_\_\_, have contracted Blue Construction, LLC  
(Applicant's legal name(s)) (Contractor's name(s))  
to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

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.

**Blue Construction, LLC**

\_\_\_\_\_  
Contractor's name or name of firm

735 Vanderbilt Terrace, SE. Leesburg, VA 20175

\_\_\_\_\_  
Contractor's or firms address

**81-5312089**

\_\_\_\_\_  
Contractor's signature and title

\_\_\_\_\_  
Contractor's License Number

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
(use if more than one applicant)

\_\_\_\_\_  
Date

## Part 2 – Signatures (continued)

### ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), JAMES CITY COUNTY BIBLE & AGRICULTURAL TRAINING SC, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Colonial National Historical Park,  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated \_\_\_\_\_  
(Date)

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

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

I DO NOT OBJECT \_\_\_\_\_ 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)

\_\_\_\_\_  
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), ESCALANTE KINGSMILL RESORT LLC, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Colonial National Historical Park.  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated \_\_\_\_\_  
(Date)

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

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

I DO NOT OBJECT \_\_\_\_\_ 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)

\_\_\_\_\_  
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 (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:

The project consists of two sections of shoreline stabilization.

-Location 1 is adjacent to the James River Parking pull-out. It is 250 feet long and varies in height to match the existing slope erosion (bluff). The Stabilization is to be constructed of standard 14" x 26" sand colored sand bags. The vegetation that has fallen below the bluff is to be removed and placed on top of the finished structure to help blend it into the area. Additional grasses would be planted to cover the entire top of the structure. The height of the bluff is 4.5 feet at the fallen tree to the right of the parking area, has a maximum height of 5.5 feet at the parking area and slopes to zero at the drainage outlet. The structure extends into the water a maximum of 13.75'. The slope of the structure is 1.5:1 or flatter. This structure impacts 2081 square feet.

- Location 2 is approximately 1000' west of the parking area. The stabilization is a pyramid structure offset two feet from the bluff. The maximum height of the structure is five feet. The width of the structure is 12'. This structure is intended to absorb some of the force from waves during storm events protecting the bluff and the historic structure on top. This structure is not easily accessed by the public and no plantings are planned in this location. This structure impacts 1584 square feet

2. What is the maximum encroachment channelward of mean high water? <sup>14</sup> \_\_\_\_\_ feet.  
Channelward of mean low water? <sup>14</sup> \_\_\_\_\_ feet.  
Channelward of the back edge of the dune or beach? <sup>14</sup> \_\_\_\_\_ feet.
3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands \_\_\_\_\_ square feet
  - Non-vegetated wetlands \_\_\_\_\_ square feet
  - Subaqueous bottom 3665 square feet
  - Dune and/or beach \_\_\_\_\_ 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.

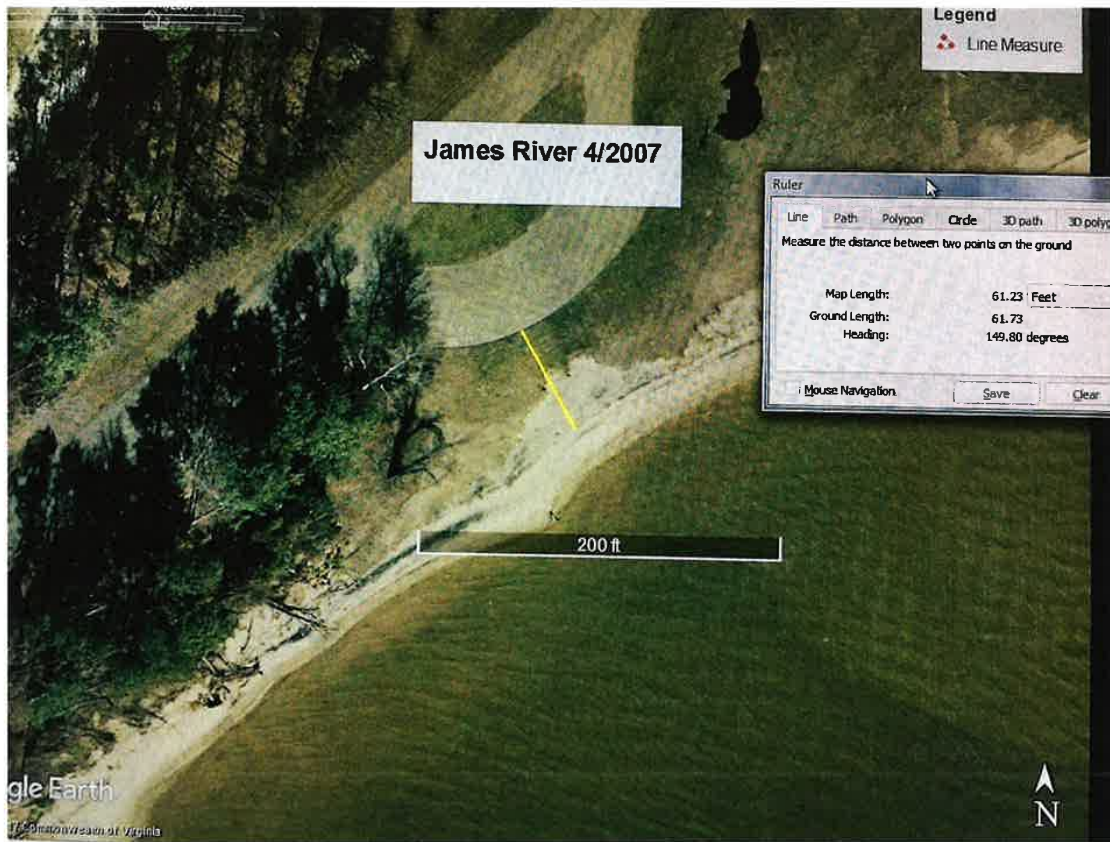
Approximately 45 feet of shore has been eroded in the last nine years bringing the edge of the shoreline to within 21 feet of the parking area. In addition this erosion is threatening the historic structure on the bluff to the west of the parking area. Part of the National Park Service mission is to protect these historic resources. A detailed shoreline protection plan has been completed for this area. Once final approvals and funding are received the permanent protection will be constructed and these temporary structures will be removed.

## VICINITY MAP-- Repair James River Shoreline at James River Parking Area



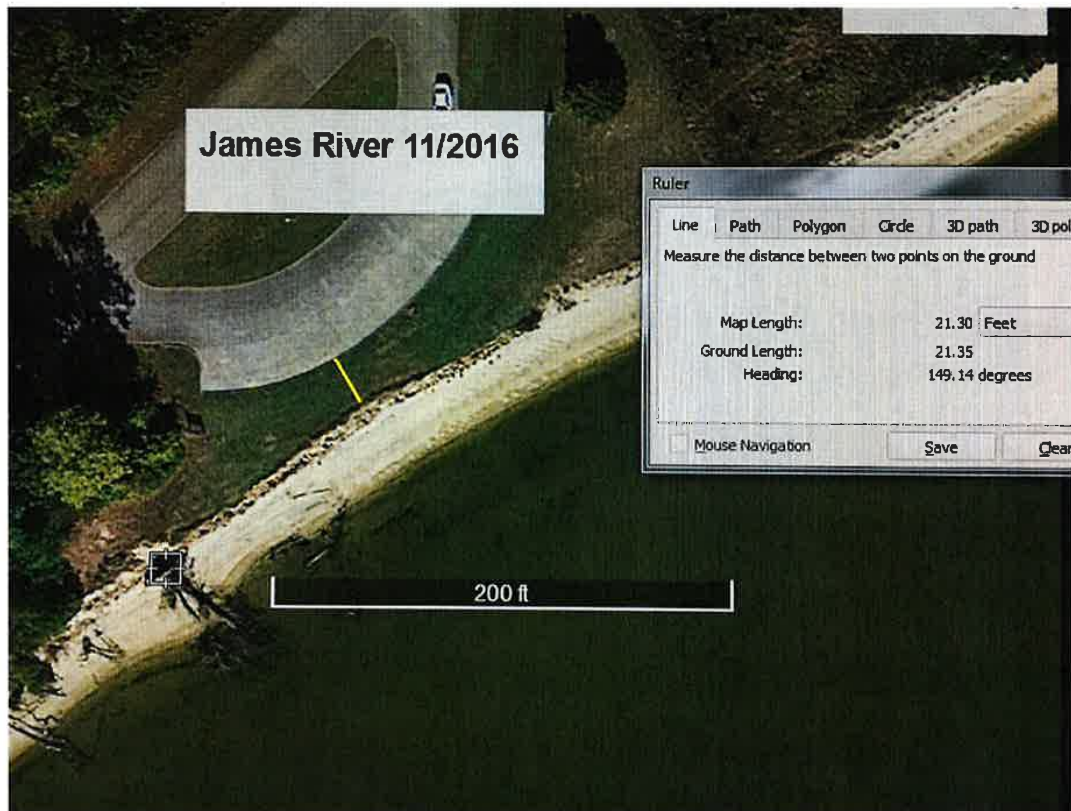
*Vegetation Classification and Mapping Colonial National Historical Park, Virginia.*

## Repair James River Shoreline at James River Parking Area- EXISTING CONDITIONS



*Area 1: Disatance of top of bluff to parking lot in 2007*

Repair James River Shoreline at James River Parking Area



*Area 1: Distance of top of bluff to parking lot in 2016*

Repair James River Shoreline at James River Parking Area



*Area 1: Eroded edge at parking lot 12.25.2017*



*Area 1: Eroded edge at parking lot 7.13.2018*

Repair James River Shoreline at James River Parking Area

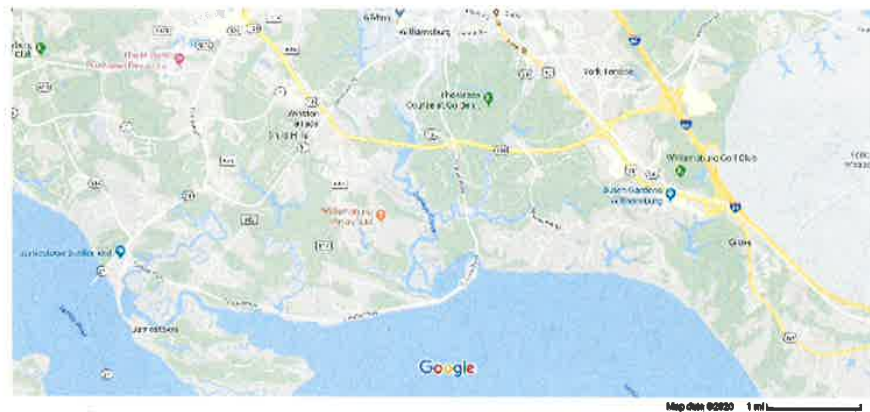


***Area 2: Eroded bluff at wooded area***

Repair James River Shoreline at James River Parking Area

Department of the Interior  
National Park Service  
Colonial National Historical Park  
James City County, VA

Emergency Stabilization and Repair of the James River Shoreline  
PMIS 243969



INDEX

- Cover Sheet
- Project Location
- General Notes
- Plan View Location 1
- Plan View Location 2
- Cross sections

DESCRIPTION OF PROJECT

Temporary shoreline stabilization of James River Shoreline at James River Parking Pullout and the historic structure approximately 1000' to the west. Sandbags shall be placed using USACE sandbag guideline

Project Length: 382 linear foot



Drawing Number:  
333/166676

Department of the Interior  
National Park Service  
Colonial National Historical Park

COVER SHEET

# Emergency Stabilization and Repair of James River Shoreline Colonial Parkway, Virginia

National Park Service  
U.S. Department of the Interior



— Historic Structure

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, Airbus DS, USGS, NSA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NOAA, Geodatasystem, Inc.

©2014 Resources Division/GIS Office  
Data Sources: NPS Park Data, ESRI

Date Saved: 1/14/2020 6:45 AM

Path: C:\Users\DFredenck\Documents\ArcGIS\Projects\Orientation map\Orientation map.aprx

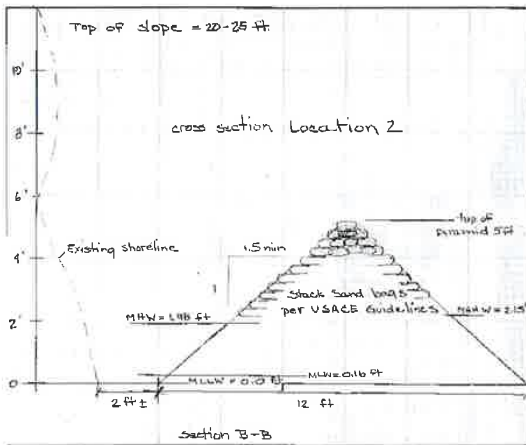
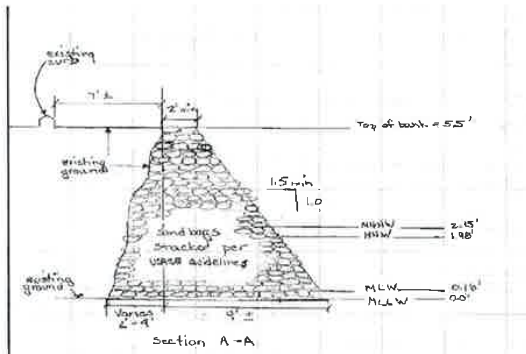
### General Notes

1. The project is located at or near the James River Parking along Colonial Parkway in James City County Virginia.
2. There are two locations where sandbag structures are to be constructed. Sandbags are to be placed directly on top of the existing soil, no excavation has been authorized.
3. All sandbags are to be installed per the USACE sandbag guidelines provided with the contract documents.
4. All sandbags are to be tan/sand colored to blend in with the sandy beach.
5. Sandbags are to be filled with beach sand similar in composition to the sand found at the project site. Fill material shall be free of clay, loam, weeds, trash, and other non-organic materials. If sandbags are purchased filled and sealed at an offsite location, fill material source shall be approved by a designated NPS employee.
6. Location 1 is approximately 250 feet in length and is situated between the drainage outlet and the fallen tree. Work should start near the drainage outfall where the bluff elevation is zero. Continue west for approximately 250 feet tapering the sandbags to end at the fallen tree shown on the location sheet.
7. At location 1 remove the fallen clumps of grassy vegetation and roll back the overhanging vegetation. The top of the sandbag structure shall be approximately 4" below the top of the bluff such that soil and vegetation are level with the existing grass area. Replace the grassy vegetation clumps and the vegetated soil on top of the finished structure. Supplement with top soil and seed. The top soil shall be 4 inches in depth, weed free, and planted with Colonial Parkway Grass seed. Grass seed shall be submitted to Park Staff for final approval.
8. Location 2 is centered on the historic structure at the top of the bluff approximately 1000 feet from the west side of the parking pullout. The start and end of location 2 will be identified by the park archeologist.
9. Location 2 is a total of 132 feet in length. The pyramid shall be offset 2 feet from the base of the bluff and shall be 5 feet high. Height profile is shown on the location 2 plan view.
10. At location 2, the slope of the pyramid shall be 1.5:1 or flatter. There shall be no flat area on the top of the pyramid.
11. The tapered ends of the pyramid shall be angled toward the bluff such that those sections contact the bluff at the ends.
12. There is no requirement to vegetate the pyramid at location 2.
13. The drainage swale from the parking area to the beach shall be restored with Class 3 Rip Rap.

Drawing Number:  
333/166676

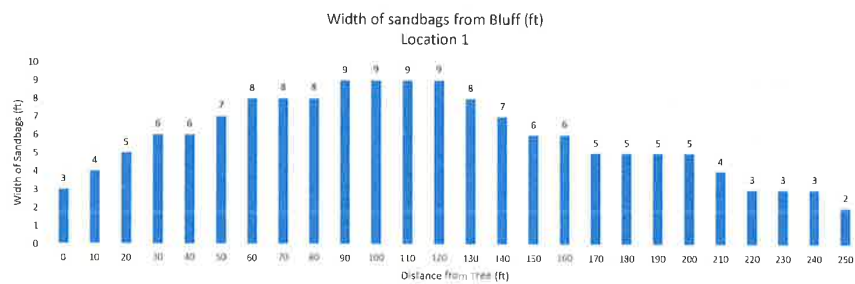
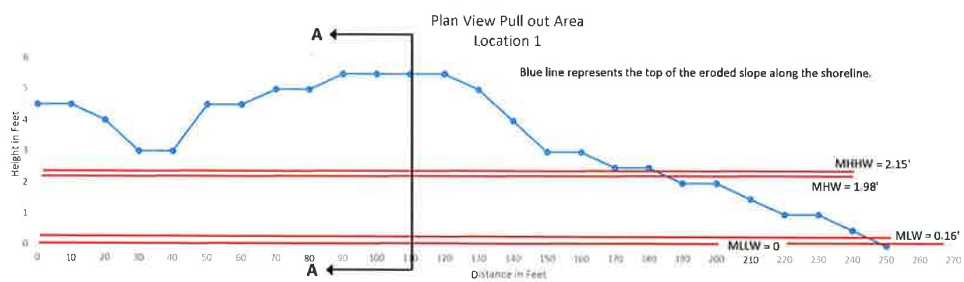
Department of the Interior  
National Park Service  
Colonial National Historical Park

GENERAL NOTES



National Park Service  
Colonial National Historical Park  
Cross Sections (Not to Scale)

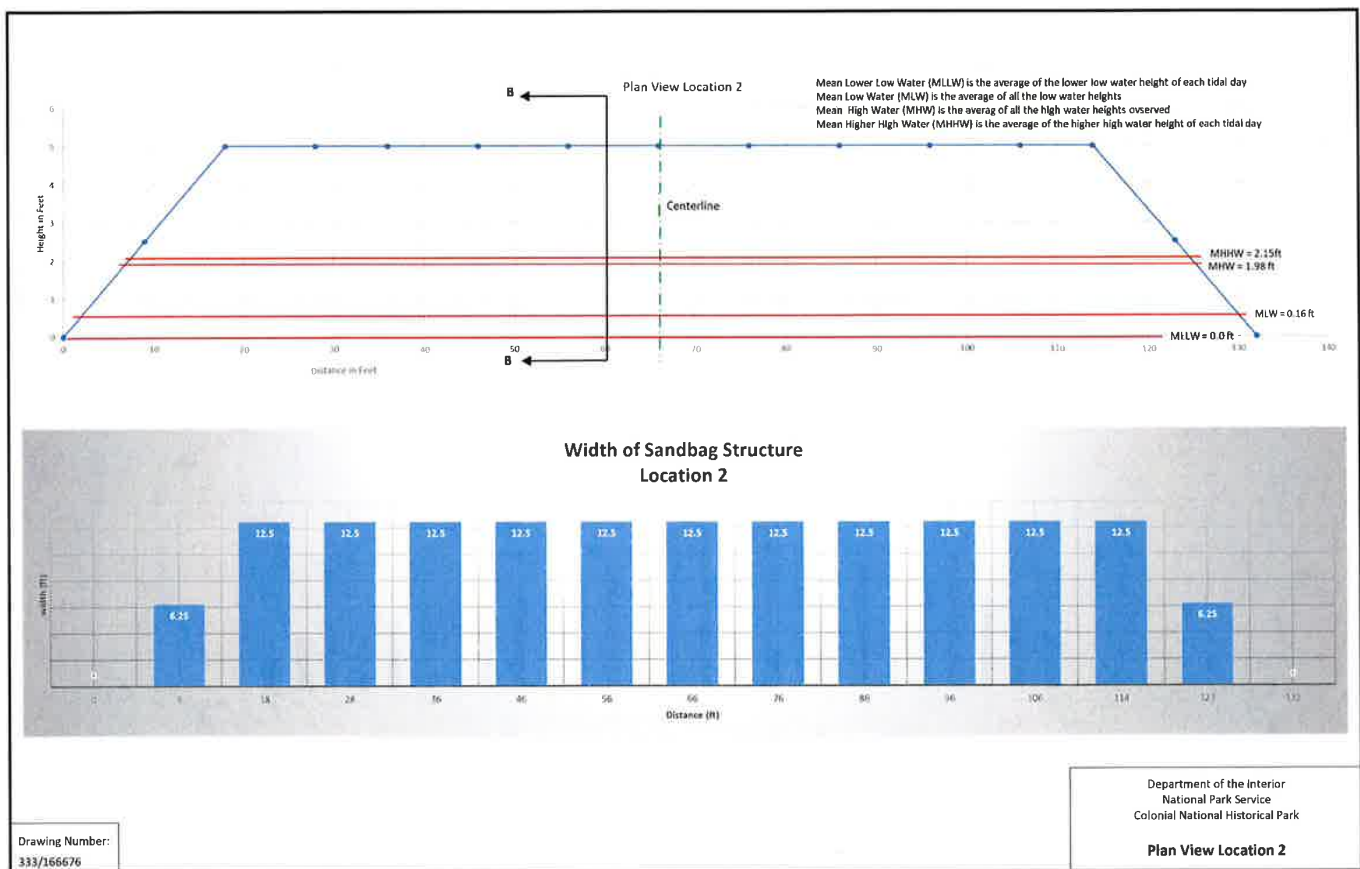
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333/166676



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333/166676

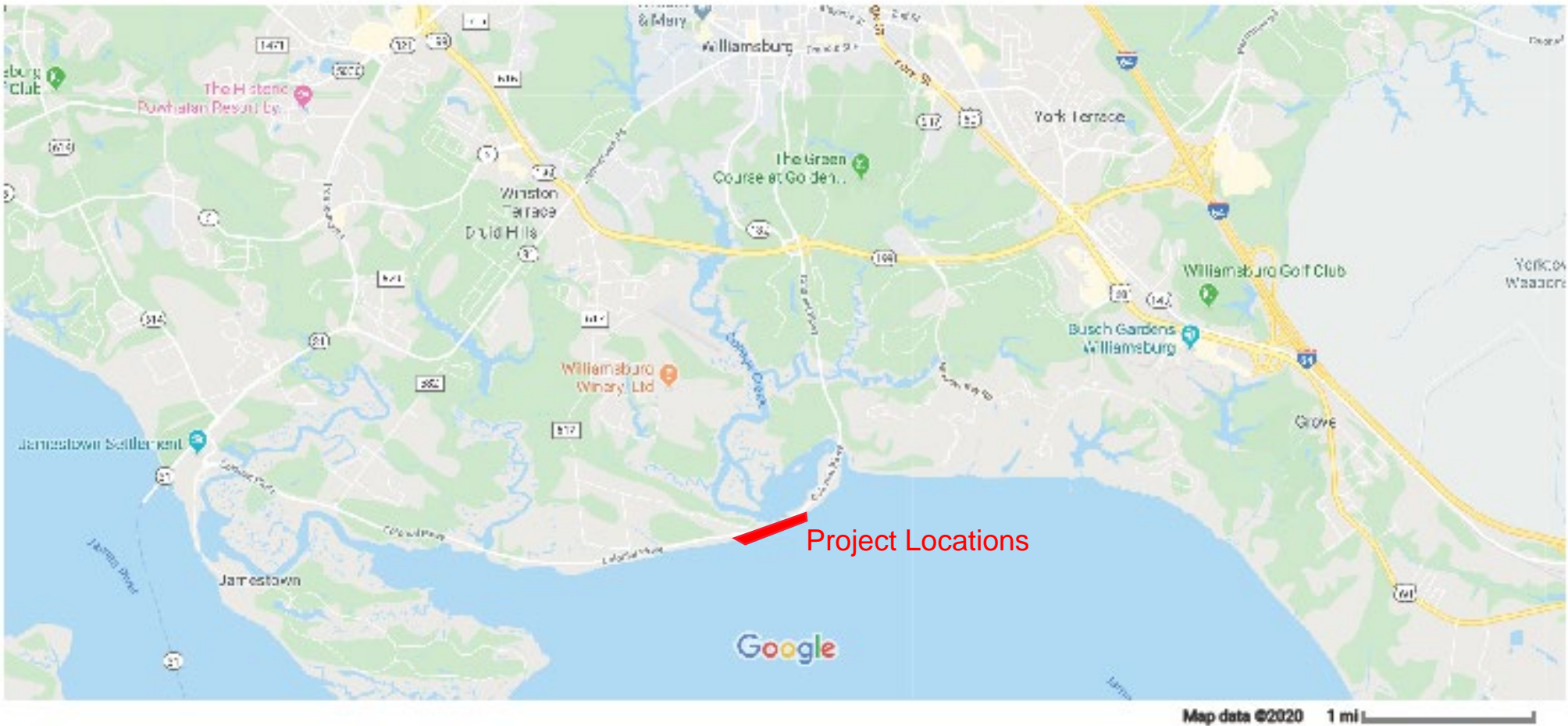
Department of the Interior  
National Park Service  
Colonial National Historical Park

Plan View Location 1



Department of the Interior  
National Park Service  
Colonial National Historical Park  
James City County, VA

Emergency Stabilization and Repair of the James River Shoreline  
PMIS 243969



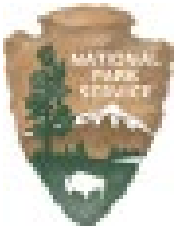
INDEX

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Drawing Number:  
333/166676

Department of the Interior  
National Park Service  
Colonial National Historical Park

COVER SHEET

# Emergency Stabilization and Repair of James River Shoreline

## Colonial Parkway. Virginia

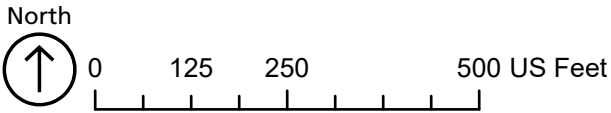
National Park Service  
U.S. Department of the Interior



College Creek

Colonial Parkway

James River



Historic Structure

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,

COLO Resources Division/GIS Office  
Data Sources: NPS Park Data, ESRI



Date Saved: 1/14/2020 6:45 AM

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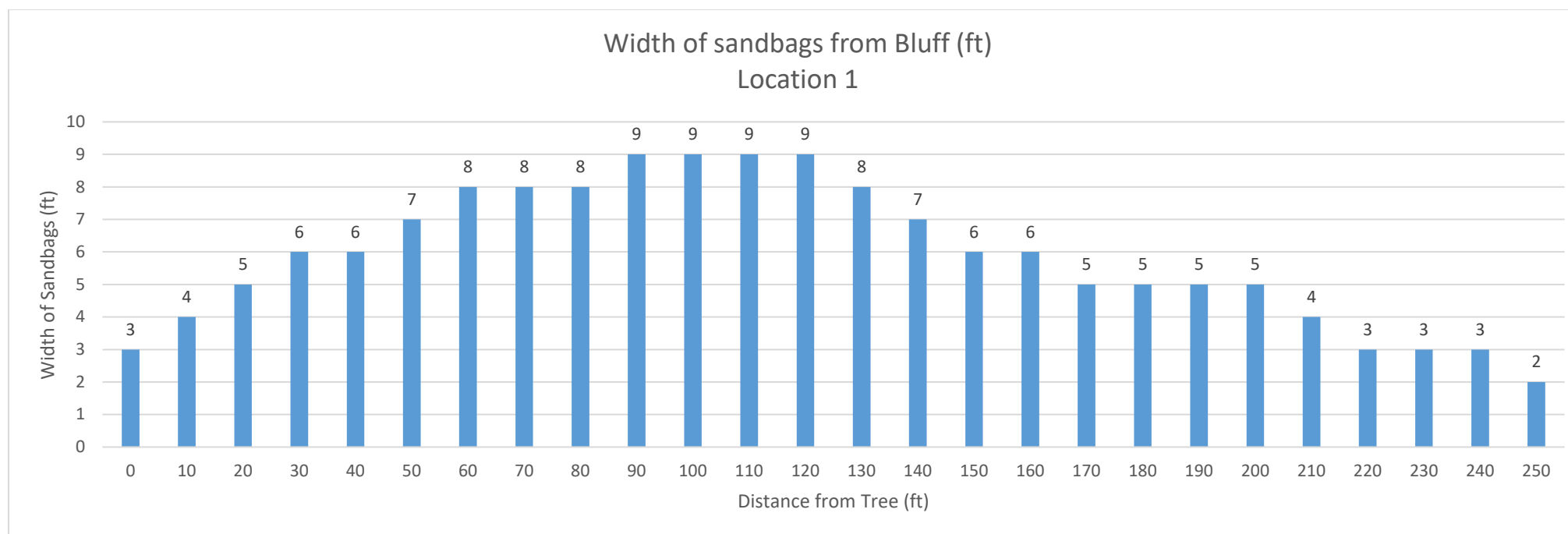
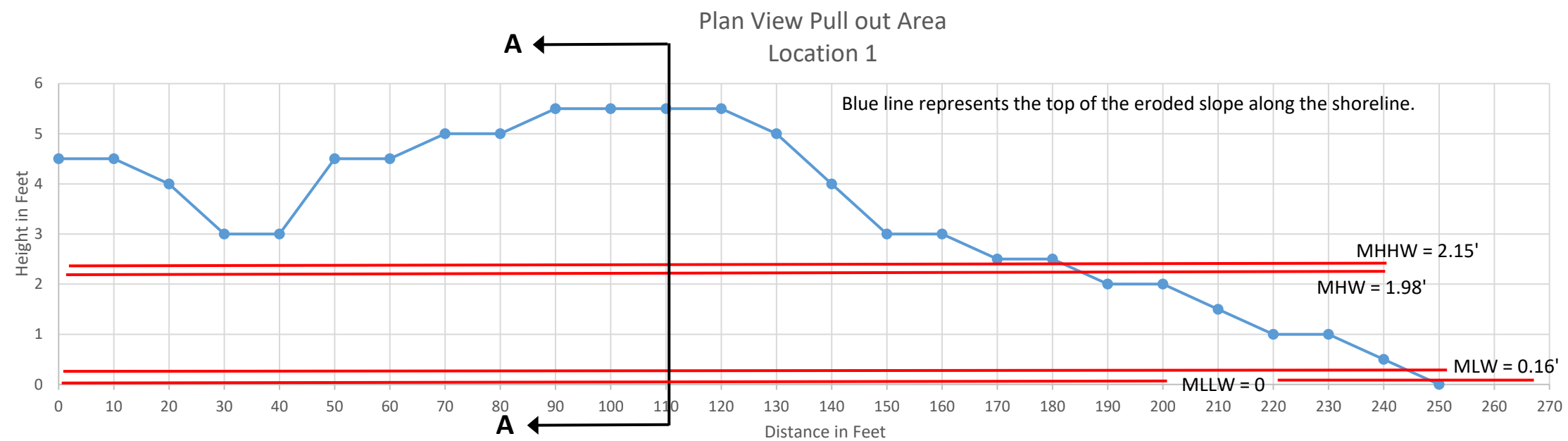
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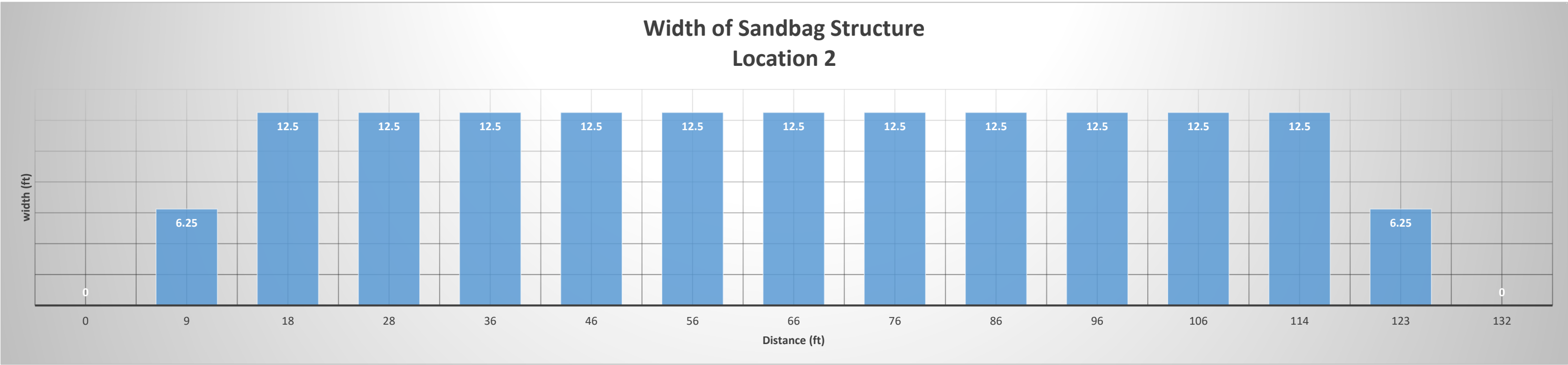
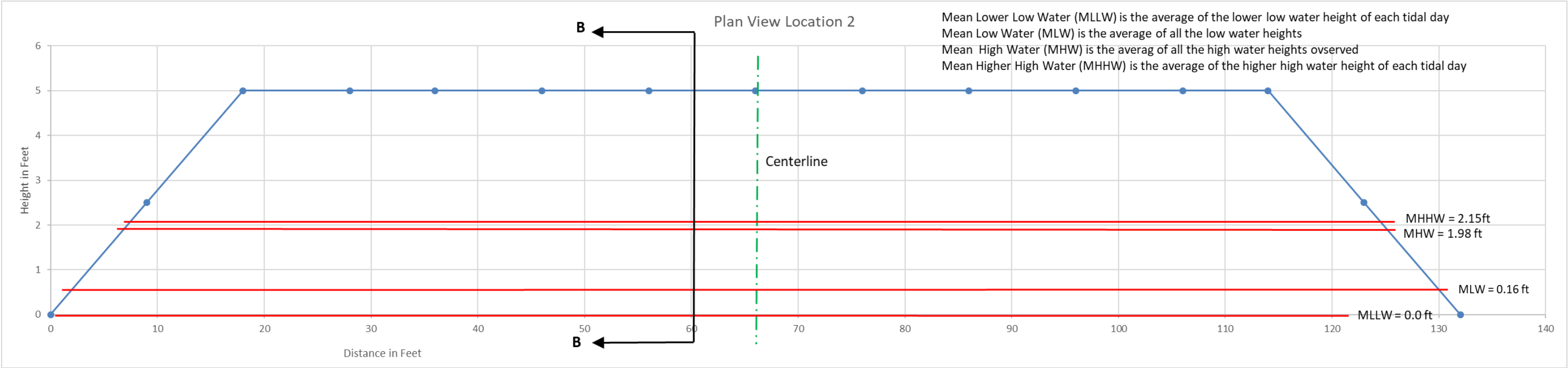
10. At location 2, the slope of the pyramid shall be 1.5:1 or flatter. There shall be no flat area on the top of the pyramid.

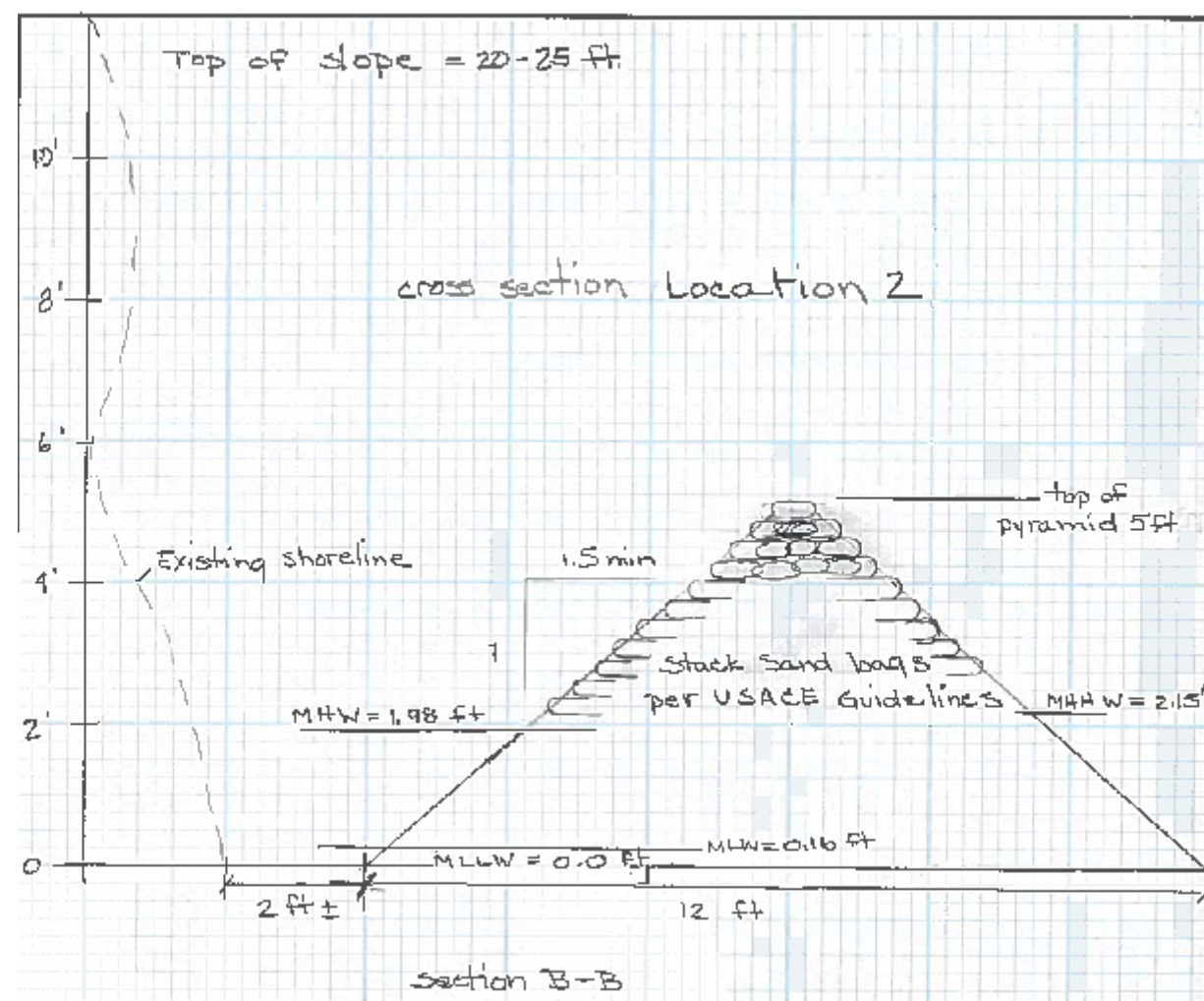
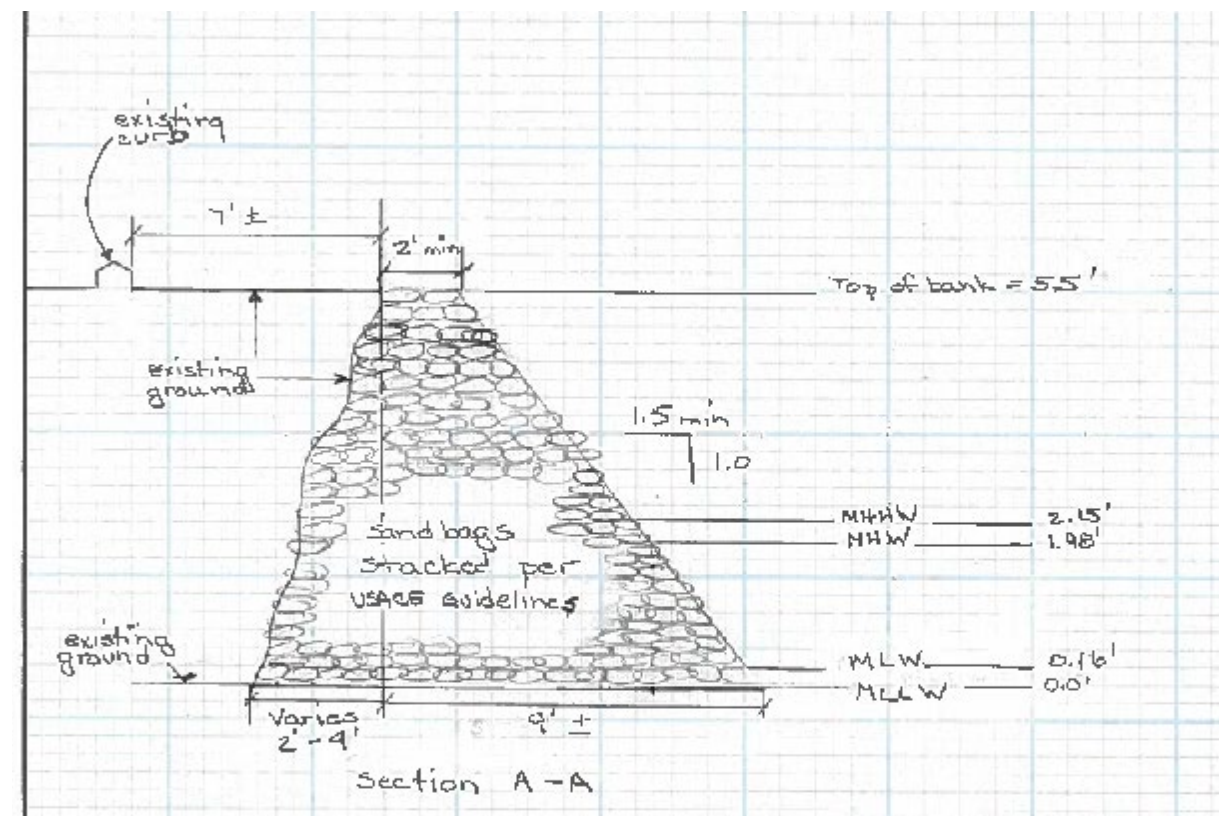
11. The tapered ends of the pyramid shall be angled toward the bluff such that those sections contact the bluff at the ends.

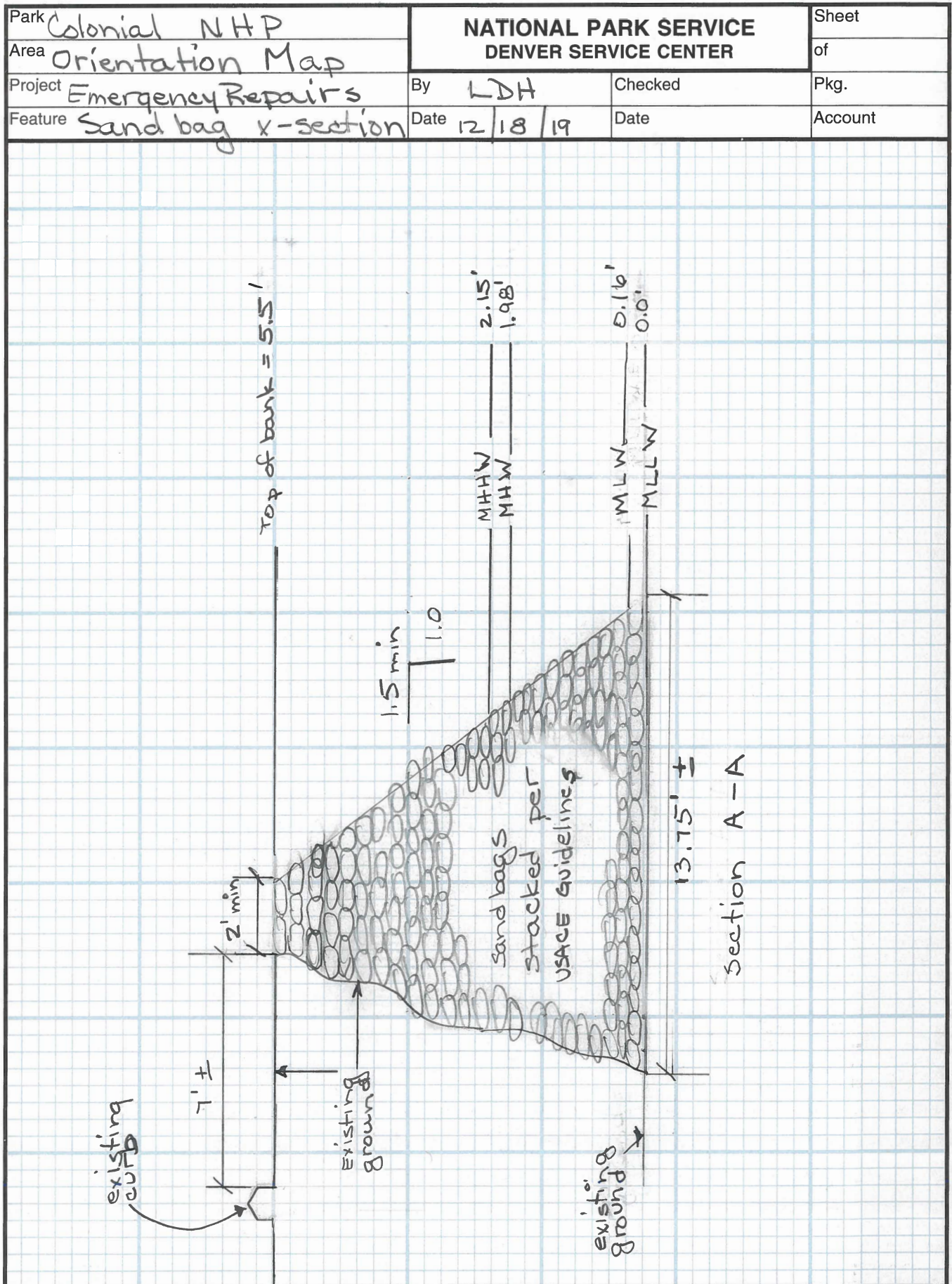
12. There is no requirement to vegetate the pyramid at location 2.

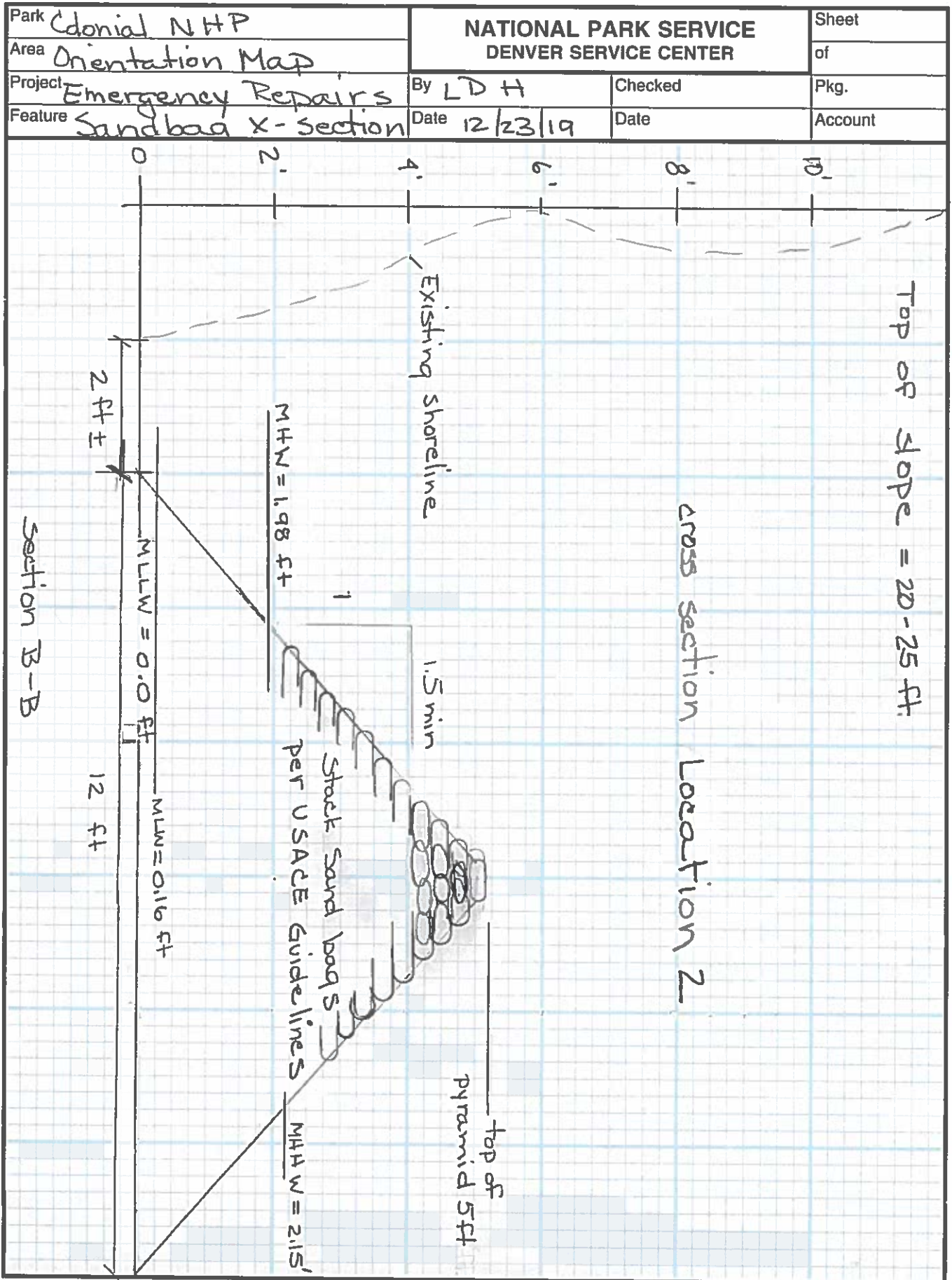
13. The drainage swale from the parking area to the beach shall be restored with Class 3 Rip Rap.











# **DESIGN MEMORADUM & RECOMMENDATIONS**

FOR

National Park Services (NPS)  
Colonial Parkway  
Emergency Stabilization and Repair of James River Shoreline

Prepared by:

Engineering Branch

United States Army Corps of Engineers  
Norfolk District  
803 Front Street  
Norfolk, VA 23510-1096



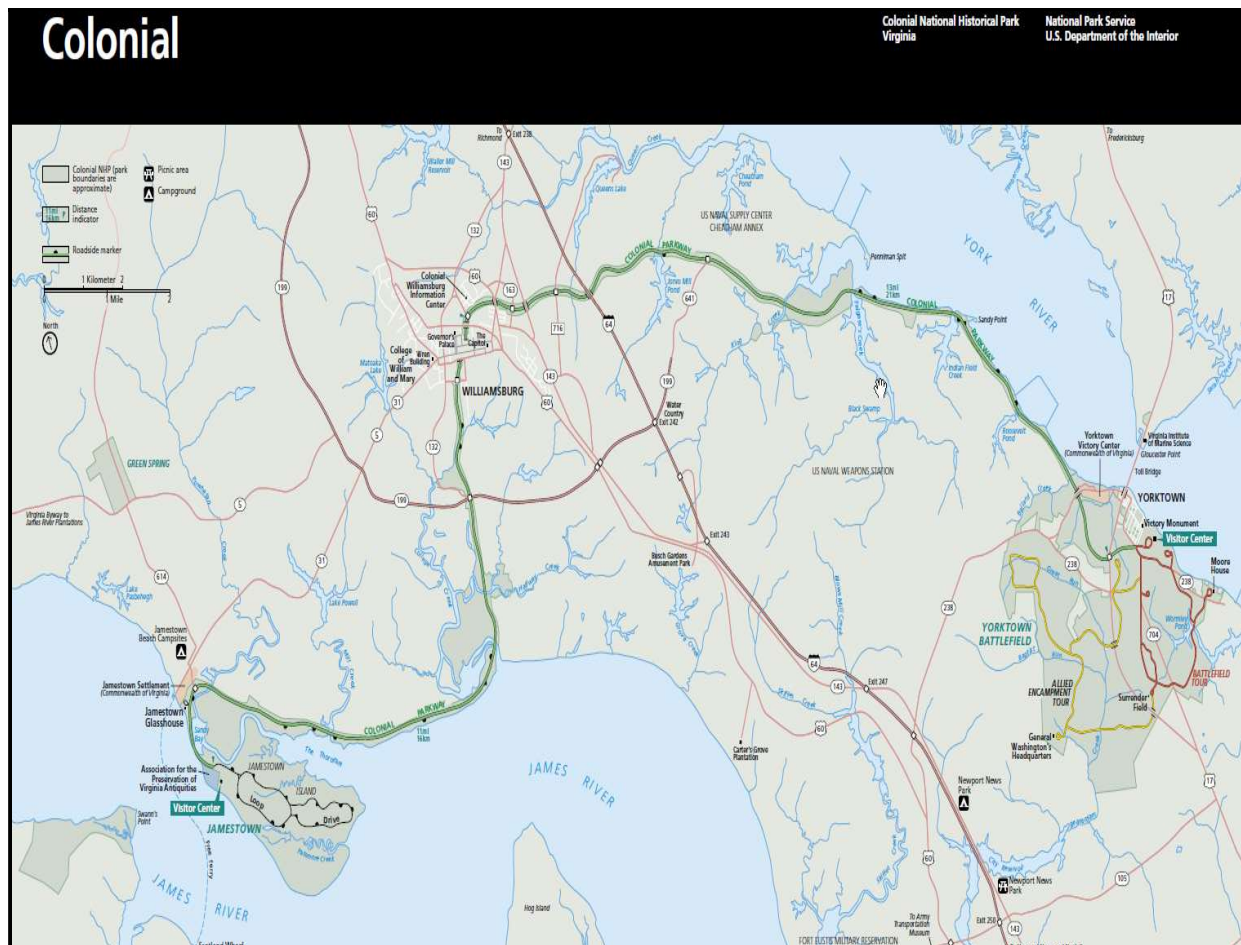
September 2018

## **Table of Contents**

<b>1.0. PROJECT BACKGROUND &amp; PURPOSE.....</b>	<b>3</b>
<b>2.0. DEFINITIONS .....</b>	<b>7</b>
<b>3.0. ASSESTMENT OF THE EROSION.....</b>	<b>8</b>
<b>4.0. EMERGENCY REPAIRS RECOMMENDATIONS .....</b>	<b>11</b>
<b>5.0. PERMANENT REPAIRS RECOMMENDATIONS .....</b>	<b>17</b>
<b>6.0. PERMIT REQUIREMENTS.....</b>	<b>21</b>
<b>7.0. REFERENCES.....</b>	<b>24</b>

## 1.0. PROJECT BACKGROUND & PURPOSE

Colonial National Historical Park is located in the southern Tidewater region of the Commonwealth of Virginia, on the peninsula between the James and York Rivers (shown in **Figure 1-1**). The park measures 10,221 acres in size and includes a 23-mile long drive and is connected to the colonial sites of Jamestown and Williamsburg. The parkway is designated as an “All-American Road” and is used by park visitors, local recreationists, and commuters. For roughly 4.2 miles, the parkway lies in close proximity to the York River. The National Park Service (NPS) owns and maintains the parkway surface, including a minimum 500-foot wide right-of-way outside the limits of the Jamestown and Yorktown units of the park. As such, the NPS is responsible for all maintenance of the roadway, vegetation and other natural and cultural resources within this right-of-way.



**Figure 1-1.** Map of Colonial National Historical Park.

It was recently discovered that the James River shoreline has areas of experiencing extreme erosion, which are closing the gap between the James River Orientation Map Parking Lot (**Figure 1-2**) along the Colonial Parkway and the James River itself. In just under 10 years, 40 feet of shoreline has been lost from erosion, decreasing the distance from the parking lot to shoreline from 61.2 feet to 21.3 for a 65% loss.



**Figure 1-2.** Vicinity Map of the Orientation Map Parking Lot.

**Figures 1-3 and 1-4** show some of the erosion occurring at and near the parking lot. The image also shows the edge of the parking lot (see truck parked to end of the parking lot in **Figure 1-3**) and its vicinity to the eroded shoreline. The James River is a tributary of the Chesapeake Bay and, as such, experiences several storms, such as nor-easter's, and hurricane activity throughout each year. If not stabilized, the parking lot will eventually break off into the river. The Colonial Parkway is adjacent to the parking lot and will eventually be in peril if the shoreline is not stabilized. Confederate Fort and earthworks are located just north of the parking area and have also suffered loss of shoreline. The purpose of this memo is to evaluate the erosion and to provide recommendations for emergency repairs of the Orientation Map parking lot and provide a recommended solution for permanent “fix” of the Orientation Map parking lot shoreline.



**Figure 1-3.** Shows erosion at the Orientation Parking Lot facing the West.



**Figure 1-4.** Shows erosion at the Orientation Parking Lot facing the East.

## 2.0. DEFINITIONS

Below are definitions to words that are used in this design memo.

- **Mean Higher High Water (MHHW)** is the average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch. **See Tidal Datum Diagram in Figure 2-1.**
- **Mean High Water (MHW)** is the average of all the high water heights observed over the National Tidal Datum Epoch. **See Tidal Datum Diagram in Figure 2-1.**
- **Mean Low Water (MLW)** is the average of all the low water heights observed over the National Tidal Datum Epoch. **See Tidal Datum Diagram in Figure 2-1.**
- **Mean Lower Low Water (MLLW)** is the average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch. **See Tidal Datum Diagram in Figure 2-1.**

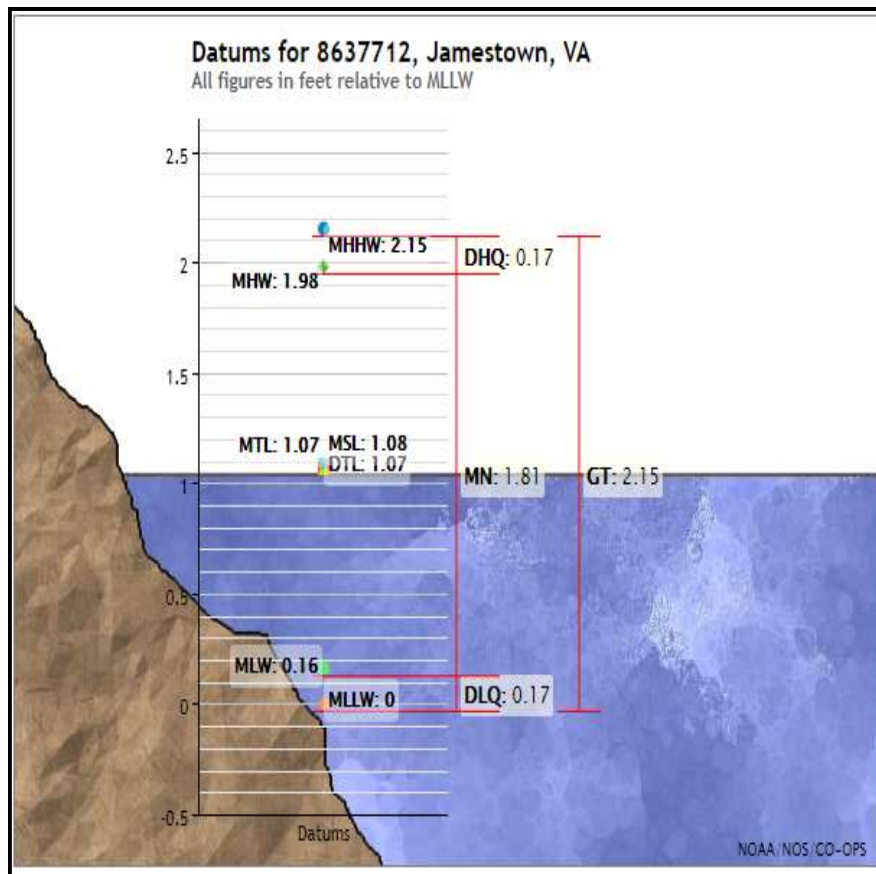


Figure 2-1. Tidal Datum Diagram for Project Area.

### 3.0. ASSESTMENT OF THE EROSION

This section will briefly describe some of the physical conditions leading to the erosion of shoreline along orientation map. The processes at work (coastal erosion) include winds, waves, tides and currents which shape and modify the shoreline by eroding, transporting and depositing sediments.

**Winds and Waves.** Waves play a significant role in building up and breaking down shorelines. Waves transport sand onto and off of beaches, and transport sand along beaches and along the shore. The largest waves form when the wind is very strong, blows steadily for a long time, and blows over a long distance. The winds speeds observed and their frequencies recorded at Norfolk International Airport is the best representation of the wind speed and wind direction at the Orientation Map location. **Table 3.1** summarizes those wind conditions. Winds from the north and south have the largest frequency of occurrence, but the north and northeast have the highest occurrence of large winds that will generate large waves. Boats waking can also produce waves that could impact shorelines.

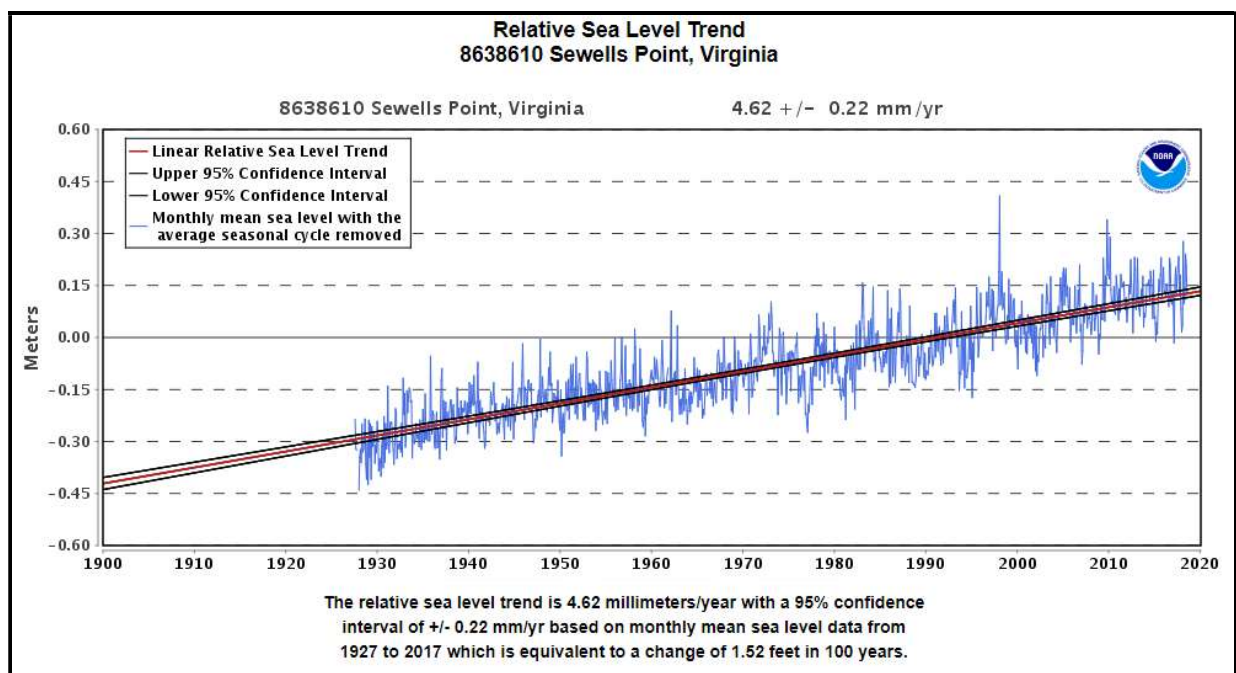
**Table 3.1.** Summary wind conditions at Norfolk International Airport 1960-1990 (VIMS 1999).

Wind Speed (mph)	Mid Range (mph)	WIND DIRECTION								Total
		South	South west	West	North west	North	North east	East	South east	
< 5	3	5497*	3316	2156	1221	35748	2050	3611	2995	56594
		2.12 <sup>+</sup>	1.28	0.83	0.47	13.78	0.79	1.39	1.15	21.81
5-11	8	21083	15229	9260	6432	11019	13139	9957	9195	95314
		8.13	5.87	3.57	2.48	4.25	5.06	3.84	3.54	36.74
11-21	16	14790	17834	1096	8404	21816	16736	5720	4306	10057
		5.70	6.87	6	3.24	8.41	6.45	2.20	1.66	2
21-31	26			4.23						38.77
		594	994	896	751	1941	1103	148	60	6487
31-41	36	0.23	0.38	0.35	0.29	0.75	0.43	0.06	0.02	2.5
		25	73	46	25	162	101	10	8	450
41-51	46	0.01	0.03	0.02	0.01	0.06	0.04	0.00	0.00	0.17
		0	0	0	1	4	4	1	0	10
Total		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		41989	37446	2332	16834	70690	33133	1944	16564	25942
		16.19	14.43	4	6.49	27.25	12.77	7	6.38	7
				8.99				7.50		100.00

\*Number of occurrences      <sup>+</sup>Percent

**Tides.** Orientation Map is also experiencing tidal erosion. Tidal erosion is the combination of both upland erosion (land above tidal water, often call shoreline erosion) and nearshore erosion (the shallow water close to an eroding shoreline). It is believed that Orientation Map is experiencing both. The tide ranges vary along the James City County shoreline, with the mean tide range at Jamestown Island (closest tide measurement near Orientation Map) at 1.81 feet (see **Figure 2-1**).

**Sea Level Rise.** Hampton Roads experiences both Sea Level Rise (SLR) and Land Subsidence. Sea Level Rise is an increase in the volume of water in the world's ocean, resulting in an increase in sea level called global sea level rise. The sea level rise local to a specific area is called relative sea level rise. Sea level rise at specific locations (relative sea level rise) may be more or less than the global average (global sea level rise). Sea level rise is attributed to global climate change by the added water from melting ice sheets and glaciers. Melting of floating ice shelves or icebergs at sea raises sea levels only slightly. Local factors such as subsidence of the land also impact local communities. Subsidence is the motion of the land surface as it shifts downward relative to a vertical datum. Relative Sea Level Rise (RSLR) is predicted to continue in the future as the global climate changes. According to National Oceanographic and Atmospheric Administration (NOAA), RSLR for Norfolk averages 0.0151 feet per year (4.61 mm/yr.) for the Sewell's Point tide Gage (**Figure 3-1**).



**Figure 3-1.** NOAA Sea Level Trend at Sewell's Point.

**Shoreline Erosion and Accretion.** Shoreline erosion results from the combined impacts of waves, sea level rise, and tidal currents and, in some cases, boat wakes and shoreline hardening. **Figure 3-2** shows an image from the year 1937 and the 1998 shoreline (in red). It shows areas where the shoreline has eroded and where the shoreline has accreted from 1937 to 1998.



**Figure 3-2.** Shoreline change image from 1937 to 1999.

#### **4.0. EMERGENCY REPAIRS RECOMMENDATIONS**

For the emergency fix, it was understood early on that anything placed below the MHW line would require a permit. Norfolk District Regulatory and Survey personnel surveyed the site and staked the MHW and the Regulatory MHW mark. As of 20 September one mark is still in place. The MHW line is shown in the drawing in Attachment 1. A CAD drawing will also be provided to NPS. The emergency repairs will likely qualify for a General Permit, since the MHW is close to the top of the bank and may not allow for a stable sandbag slope. See Section 6.0 for more permitting information.

Initial discussion with the NPS on a temporary stabilization measure focused on placing bulk sandbags up against the eroded slope. The NPS later advised that sandbags must be either sand (preferred) or green (alternate) colored – white sandbags will not be allowed. Discussion with several bulk bag suppliers revealed bags are only manufactured in white; different colors require special ordering with a large minimum quantity requirement.

Three options were evaluated for a temporary (1-2 year) stabilization of the eroded slope at the Orientation Map parking area:

- Geobags
- Bulk sandbags
- Geotubes

A discussion of each option follows.

**Geobags.** Standard sandbags used for flood control are typically 14”x 26”, although other sizes are available. For shoreline protection, larger bags (typically 5’ x 10’, although other sizes are available), called geobags or geocontainers, have been used for a number of years. Geobags are made of high-strength geotextile with a filling port. UV stabilization is standard and some manufacturers offer different colors. **Table 4-1** shows the advantages and disadvantages of geobags for use at the Orientation Map Site. **Figure 4-1** shows geobags being used for slope stabilization.

**Table 4-1.** Advantages and Disadvantages of Geobags.

<b>Advantages</b>	<b>Disadvantages</b>
Available in sand color with UV stabilizers	Few US suppliers
Good performance history in similar applications	May be undermined over time
May be stacked to accommodate a varying slope height	
May be covered with soil and planted	



**Figure 4-1.** Geobag slope protection.

**Bulk Sandbags.** Bulk bags, also known as Flexible Intermediate Bulk Containers (FIBC), are large, generally square-shaped bags made of flexible fabric (typically polypropylene) that are designed for storing and transporting dry, flowable products such as cement, produce, and sand. FIBCs are made in varying shapes and sizes and may be stacked on top of each other when filled. **Table 4-2** shows the advantages and disadvantages of FIBCs for use at the Orientation Map Site. **Figure 4-2** shows bulk sandbags being used for erosion control

**Table 4-2.** Advantages and Disadvantages of FIBCs.

<b>Advantages</b>	<b>Disadvantages</b>
Readily available from numerous suppliers	Only manufactured in white – different colors require special ordering with a large minimum quantity
Multiple options available (size, shape, top cover, bottom release for unloading)	Not manufactured with UV stabilization to prevent degradation – addition of UV stabilizers requires special ordering with a large minimum quantity
Easy to fill and remove	Little documented performance history for this application
May be stacked to accommodate a varying slope height	May be undermined over time
May be covered by sand and vegetation	



**Figure 4-2.** Bulk sandbags for erosion control

**Geotubes.** Geotubes are sleeves made of high-strength geotextile fabric with spaced filling ports. The geotube is placed parallel to the shore against the erosion scarp and filled with sand. The tube is frequently covered with sand and natural vegetation to hide it. **Table 4-3** shows the advantages and disadvantages of geotubes for use at the Orientation Map site. **Figure 4-3** shows a geotube after filling and before sand covering.

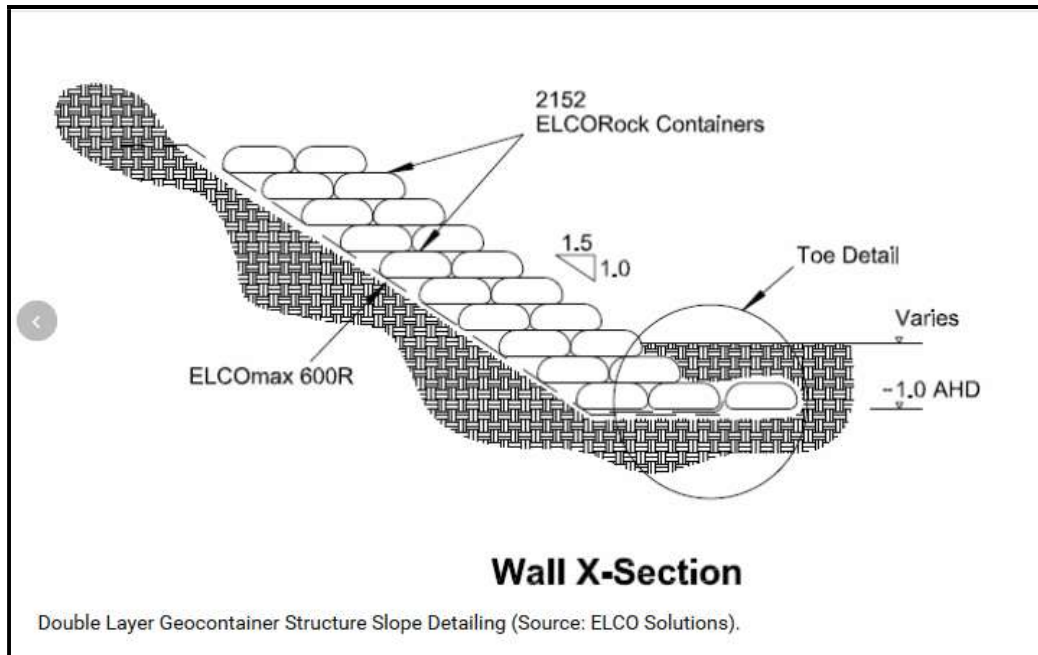
**Table 4-3.** Advantages and Disadvantages of Geotubes.

<b>Advantages</b>	<b>Disadvantages</b>
30 year performance history in this application	Fewer suppliers than FIBCs
Multiple sizes and colors (including both sand (tan) and green) available without special ordering	More difficult to fill and remove than FIBCs
UV stabilization of geotextile is standard	May be undermined over time
May be covered by sand and natural vegetation	Large width required (width is twice the height)



**Figure 4-3.** Geotube for beach erosion.

**Geobag Discussion.** There appear to be few US geobag manufacturers and suppliers. Sand-colored geobags are available from US Fabrics ([www.usfabricsinc.com/](http://www.usfabricsinc.com/) product US 3300 Sandbag) and TenCate Geosynthetics America ([www.tencategeo.us/](http://www.tencategeo.us/) product Geocontainer). The Norfolk District does not endorse any one supplier. Check with the geobag supplier for a recommended gradation of the geobag fill materials, as some geobags have a larger weave that will allow sand to flow through and require pea gravel for filling. Geobags are typically hydraulically-filled but may be hand-filled as well. For best results, geobags should be installed on and against a relatively smooth surface. The bags should be installed with the long dimension parallel to the shoreline and each vertical layer should overlap the underlying layer by about one-half the bag width, similar to brick construction. Geobags may be placed adjacent to each other or slightly overlapping on the short ends. Do not have the final stacked slope steeper than 1.5H:1V unless the geobag supplier recommends it. If ground stabilization is required a stabilization geotextile may be used under the geobag revetment as shown on **Figure 4-4**, but geotextiles must be installed on relatively smooth surfaces to avoid tearing. **Figure 4-4** shows a typical geobag slope stabilization detail, although the installation at the Orientation Map site will be wider at the bottom because the eroded slope is essentially vertical. The geobag supplier may provide additional installation recommendations. Once installed, geobags may be covered over with soil and planted.



**Figure 4-4.** Typical Geobag Slope Protection Detail.

**Large Sandbag Discussion.** The main disadvantages with large sandbags (white color and lack of UV stabilization) may be overcome by covering them with a colored UV-stabilized tarp and/or sand. A tarp would have to be securely anchored down on all edges and would have to be placed loosely over the large bags to prevent tearing due to wave action and/or overlying sand placement. Large storm events may remove the sand and/or tarp covering, exposing the white sandbags. The NPS would have to check the installation periodically and replace the tarp and/or overlying sand if necessary. One FIBC supplier estimated bags would be too deteriorated to hold the weight of the enclosed sand when lifted after one year if they are not covered. FIBC suppliers include One Ton Bag, National Bulk Bag, Global-Pak, Big Bags USA, and Halsted Bag. Big Bags USA has developed a flood barrier system that consists of five attached 3'x3'x3' bags with UV stabilizers standard which may be attached to other units horizontally and stacked vertically for taller slopes. Other FIBC suppliers are available and the Norfolk district does not endorse any one supplier over any other supplier. If the NPS elects to use large sandbags, it is recommended that square, 3'x3'x3' bags with 4 lifting loops and covers be used. The ground surface where the bags will be placed should be cleared of sand slough and sharp rocks/sticks before bag placement. Bags may be filled on or off-site. It is recommended that bags be filled with fine to medium grained sand with no more than 15% of the material finer than the #200 sieve when tested in accordance with ASTM C136. If bags are stacked for taller slopes, each row of bags should be offset parallel to the slope one-half a bag width from the row beneath it. Two rows of bags may be stacked on top of each other. If three or more rows of bags are needed, the bottom width will have to be increased by creating a half-pyramid cross section.

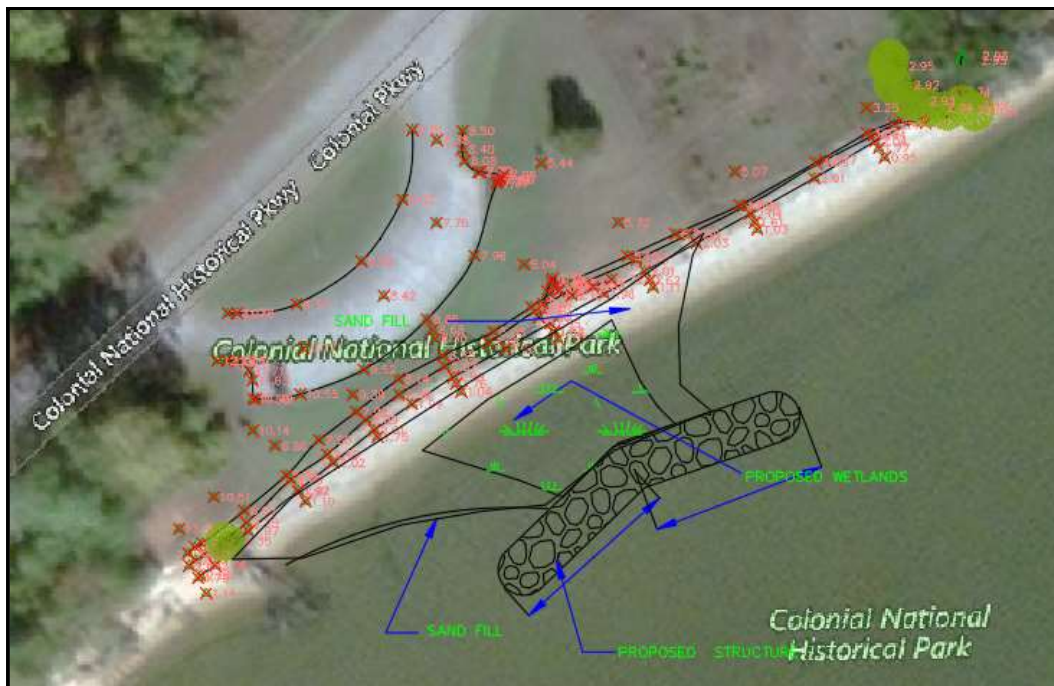
**Geotube Discussion.** If the NPS elects to use geotubes for the correct color and standard UV stabilization, it is recommended that smaller length sleeves be used for ease of installation. Prior to installation the ground surface should be cleared of sand slough and sharp rocks/sticks. Geotubes are filled in-place on-site, usually by pumping in a slurry of sand and water; the water flows out through the geotextile fabric and the sand remains inside. They may also be filled with

dry sand using a hopper similar to a large funnel. It is recommended that geotubes be filled with fine to medium grained sand with no more than 15% of the material finer than the #200 sieve when tested in accordance with ASTM C136. During and after filling the geotubes should be held in place with wooden stakes placed along the waterside edge. The height to width ratio of the filled tube should not exceed 0.5 for stability. After filling, the fill ports are closed by typing, sewing, or gluing. Known suppliers of sand-colored geotubes are GEI Works (formerly Granite Environmental) and TenCate. Other suppliers may be available and the Norfolk District does not endorse any one supplier over any other supplier. When given the dimensions of the site the geotube supplier will work with the buyer to determine the correct size of tube and may provide additional installation guidance. For permanent applications a scour apron is recommended to prevent undermining, but for a temporary application it is not necessary.

**Recommendation.** It is recommended that the NPS use geobags for temporary erosion control at the Orientation Map site. Geobags have fewer disadvantages than the other evaluated options. For ease of installation, it is recommended that the smallest geobags (10 ft. long dimension) be used. Note that all of the erosion control methods evaluated may be undermined over time. If project funding does not allow a permanent repair to be constructed in a timely manner, the sandbag revetment could be undercut by erosion.

## 5.0. PERMANENT REPAIRS RECOMMENDATIONS

For a Permanent Fix, it is recommended that one attached breakwater be constructed along the shoreline (in front of the Orientation Parking Lot shoreline), with sandy beach fill material and planting of *Spartina Patens*. **Figure 5-1** shows a sketch of a proposed location of breakwater structure for a permanent fix. Over the last 50-60 years, shoreline hardening has been the most common and effective management solution to shoreline erosion in the Hampton Roads area. Also see Attachment 1 for a zoom image of the drawings with elevations.





**Figure 5-1.** Image of barge transporting stone.



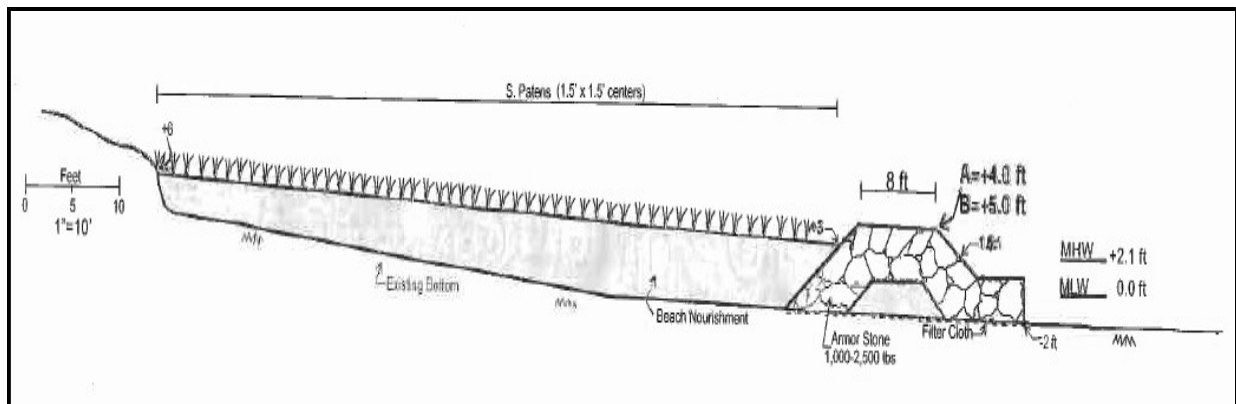
**Figure 5-2.** Image showing an excavator/crane moving stone around.

The beach fill material is an essential part of the offshore breakwater system. Clean, coarse-grained sand should be used. The sand fill will jumpstart the process of creating stable pocket beaches and provides equipment access for breakwater installation. The beach fill also will restore the shoreline that has eroded overtime. Beach fill material can also be brought in by barge or truck hauling to the project site (**Figure 5-3**).



**Figure 5-3.** Image shows sandy beach fill material being brought in by truck haul.

Saltmeadow hay (*Spartina patens*) is the most common grass planted at offshore breakwater projects. This beach plant can grow in sand and tolerate occasional over-wash and sand burial. After 2-3 years of establishment, a dense underground root and rhizome system will help stabilize the beach sand, furthermore reducing incoming wave energy. **Figure 5-4** show a typical cross-section of a breakwater with beach fill and *Spartina patens* planting. **Figure 5-5** shows an image of the proposed breakwater with established/flourishing *Spartina patens* a few years after it was constructed.



**Figure 5-4.** Proposed Typical Cross Section.



**Figure 5-5.** Image of breakwater with successful breakwater with established wetlands (VIMS 1999).

The impacts of RSLR should be taken into consideration when designing the structure, to ensure that the breakwater crest is at the appropriate width and elevation. Also, geotechnical investigations should be performed for the purpose of the breakwaters so that settlement can be calculated. It is also recommended that the National Park Service consider constructing a series of breakwaters along the James River shoreline, to the east and west (adjacent) to the Orientation Map shoreline, which is also experiencing severe erosion. This was recommended by VIMS in their October 1999 Shoreline Management Plan.

**Time of Year Restrictions.** There may be several time of year restrictions that have to be kept in mind when performing construction. These restrictions should be known, for construction may not be able to occur during the restricted time period.

## **6.0. PERMIT REQUIREMENTS**

If a Regulatory Section 10 and/or Section 404 permit is required, then the NPS will likely be designated as the lead federal agency responsible for fulfilling the collective Federal responsibilities under Section 106 of the National Historic Preservation Act of 1966, including any required tribal coordination, for Section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) concerning potential effects to Federally-listed threatened and endangered species, and for consultation with NMFS for Essential Fish Habitat, as required under Section 305(b)(2) of the Magnuson Stevens Fishery Conservation and Management Act. As for process, once an application is submitted to the US Army Corps of Engineers (USACE) Norfolk District Regulatory office for the project, the Corps will issue a letter designating NPS as the lead federal agency and authorizing them to conduct the coordination's on the project's behalf. If the Corps intends to conduct the coordination's on the NPS behalf as part of the project delivery, then USACE Regulatory office will need something in writing from the NPS stating concurrence with the coordination's. The Corps will need a copy of the final determinations and any agreements made with the other agencies regarding the coordination for our file, it will help to have these in advance of the application submittal to prevent processing delays. Processing times can vary based on the scope of the work and current workload, but USACE Regulatory office typically try to have projects that meet the terms and conditions of a General Permit out within 60 days, and within 120 days for Individual Permits. The emergency repairs will likely qualify for a General Permit.

**Background on Permitting Process.** The Regulatory Branch of the U.S. Army Corps of Engineers (Norfolk District) issues permits under the authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 for regulated activities throughout Virginia. The regulated areas include tidal marshes, rivers, bays and streams. Similar to the local and state permit process, this agency is responsible for protecting aquatic resources while allowing reasonable and necessary development to occur.

The U.S. Fish and Wildlife Service serves as an advisory agency in the federal permit process. This agency is responsible for assisting the U.S. Army Corps of Engineers with enforcing the Endangered Species Act. For living shorelines projects, this may include special considerations for the northeastern beach tiger beetle, sea turtles and marine mammals and other protected species.

The U.S. Army Corps of Engineers must also consider the presence of historic and cultural resources. The Virginia Department of Historic Resources has an Environmental Review process to help determine if a project will impact properties on the National Register of Historic Places and other designated resources. Potential issues that arise with living shorelines projects are the presence of artifacts that cannot be excavated with bank grading and historic cemeteries that cannot be disturbed.

The most common type of permit issued by the U.S. Army Corps of Engineers for living shorelines projects is a Regional Permit. This is a general permit that lists specific individual activities that are authorized with general and specific conditions to protect the public interest. No public notice or public hearing is required. For living shorelines projects, Regional Permit 08-RP- 19 authorizes activities over which the VA Marine Resources Commission and/or the

local wetlands board have regulatory authority, including submerged sills and associated beach nourishment, low breakwaters and associated beach nourishment, and bioengineering projects to prevent erosion (among others).

In order for this RP-19 to be valid, the applicant must obtain state and/or local approvals prior to commencement of such work in waters of the United States. The activities that qualify for this RP meet the requirements of DEQ Virginia Water Protection Permit Regulation provided that the permittee abides by the conditions of RP-19.

Permittees should ensure that their projects are designed and constructed in a manner consistent with all state and local requirements pursuant to the Chesapeake Bay Preservation Act (Virginia Code 10.1-2100 et seq.) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.). Activities do not qualify for this regional permit unless they satisfy ALL of the special and general conditions listed for each individual activity. For living shoreline type projects, important conditions to note include but are not limited to:

1. The total amount of vegetated wetlands which may be filled, in square feet, may not exceed the length of the activity along the shoreline in linear feet (e.g. 100 square feet maximum for a 100-foot long marsh sill).
2. For projects where bioengineering is to be utilized in lieu of bulkheading or riprap, grading or excavating wetlands shall be limited to one square foot of vegetated wetlands per linear foot of shoreline.
3. Only clean, non-metallic, non-organic, non-floatable fill obtained from an upland source may be used as backfill material
4. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevation (e.g. staging and stockpile areas, access roads)
5. Submerged sills may be constructed of riprap, gabion baskets, or concrete. Alternative materials may be considered for use during the permit review process. The materials should be of sufficient weight or adequately anchored to prevent their being dislodged and carried by wave action. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of sills.
6. Submerged sills and breakwaters may not be connected to the upland or constructed in conjunction with groins or other erosion control structures. Such structures will require individual Department of the Army review.
7. Beach nourishment is allowed landward of sills and breakwaters provided the nourishment is for erosion control (and not solely recreational activities). Planting of vegetation to stabilize the nourishment area may be required. The maximum beach nourishment area within waters of the United States that can be authorized under this Regional Permit is one acre.
8. All beach nourishment material must be of grain size comparable with the existing beach. All material will be obtained from either an upland source, a borrow pit, or a dredging project approved by the Corps.
9. The beach nourishment material will not be placed in or affect any vegetated wetlands, submerged aquatic vegetation, or shellfish beds.
10. Beach nourishment may result in the creation of suitable habitat for various federally listed threatened or endangered species. If this occurs and the applicant proposes to either add to or replenish the area, the Corps will consult with the Fish and Wildlife Service to

ensure the work does not adversely affect or jeopardize a federally listed or proposed threatened or endangered species.

11. Low breakwaters constructed close to shore for the purpose of erosion protection are authorized by this RP. This permit does not include high breakwaters constructed for the purpose of creating quiet water for the protection of a boat harbor.

**Erosion and Sediment Control and Virginia Stormwater Management Program (VSMP) Ordinance Requirements.** Before the site can be cleared, graded, excavated, transported and filled, a stormwater pollution prevention control plan (SWPPP) which may include, as applicable, a site erosion and sediment control (E&SC) plan, a site stormwater management (SWM) plan, and a site pollution prevention plan (PPP) or in some cases an Agreement-in-Lieu of a Stormwater Management Plan, will need to be prepared. The project may also be required to obtain a local Land Disturbing (VESCP) or Stormwater Construction (VSMP) Permit and/or receive coverage under the General VPDES Permit for the Discharge of Stormwater from Construction Activities (Construction General Permit, VAR10) in accordance with the requirements of the Commonwealth's Virginia Stormwater Management Act, VSMP and VPDES Construction General Permit Regulations and Chapter 8 ordinance requirements. The County is designated as a Virginia Erosion and Sediment Control Program (VESCP) and Virginia Stormwater Management Program (VSMP) authority. In general, if the project plans to disturb an area in excess of 2,500 square feet (an area 50 feet by 50 feet), and this land disturbing activity (LDA) is for development or redevelopment purposes, preparation of a SWPPP and registration for and obtaining coverage for a construction general permit (CGP) and/or a local VESCP and/or VSMP permit is required. In order to obtain proper exemptions for agricultural or forestry activities, the project must be properly registered and follow the requirements of those agencies which administer those programs in accordance with County Chesapeake Bay Preservation Area (CBPA) requirements. To determine if the project will need to register Land Disturbing Activity (LDA) with the County and obtain construction general permit (CGP) coverage through the State Water Control Board and Virginia DEQ, contact: James City County, Virginia Department of Community Development Division of Engineering and Resource Protection 101-E Mounts Bay Road P.O. Box 8784 Williamsburg, VA 23187-8784 Attention: Administrator, VSMP Authority General Phone No.: 757-253-6670 Fax No.: 757-259-4032. Attachment 2 goes more into the E&SC Plan and SWM Plan requirements.

## **7.0. REFERENCES**

1. Hardaway, C.S., Jr., D.A. Milligan, C.H. Hobbs, III, and C.A. Wilcox, 1999. Colonial National Historic Park. Shoreline Management Plan: Phase II York River Shoreline and Swanns Point, James River Shoreline. Virginia Institute of Marine Science, College of William & Mary, Prince George Point, Virginia.
2. Hardaway, C.S., Jr., D.A. Milligan, C.H. Hobbs, III, C.A. Wilcox, G.R. Thomas, R.C.H. Brindley, S. Dewing, M.H. Hudgins. 1999. Colonial National Historic Park. Shoreline Management Plan for Jamestown Island. Powhatan Creek, Sandy Bay, back River, The Thorofare, and James River Shorelines. Virginia Institute of Marine Science, College of William & Mary, Prince George Point, Virginia and U.S. Army Corps of Engineering Norfolk District, Norfolk Virginia.

**ATTACHMENT 1**

**PROPOSED PERMANENT FIX DRAWING**

COLONIAL PARKWAY  
MEAN HIGH WATER SURVEY  
RTK SURVEY AUGUST 2018  
C3D PROCESSED AUGUST 2018

ELEVATIONS ARE REFERRED TO  
NAVD 88.

The Yellow Line is the Bottom of the bank. The Line south of the Yellow line is the USACE Regulatory MHW, and the line to the north of the Yellow line is the Top toe of the bank.

The National Ocean Service Mean High Water is 1.0' to 1.2' elevation.

Colonial National  
Historical Park

COLONIAL PARKWAY  
MEAN HIGH WATER SURVEY  
RTK SURVEY AUGUST 2018  
C3D PROCESSED AUGUST 2018

This image shows a proposed sketch of the placement of the proposed breakwater structure.

SAND FILL

PROPOSED WETLANDS

SAND FILL

PROPOSED STRUCTURE

Colonial National  
Historical Park

Colonial Parkway  
Colonial National Historical Pkwy

**ATTACHMENT 2**  
**Erosion and Sediment Control and Virginia**  
**Stormwater**  
**Management Program (VSMP) Ordinance**  
**Requirements**



## **Erosion and Sediment Control and Virginia Stormwater Management Program (VSMP) Ordinance Requirements**

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Before you clear, grade, excavate, transport and fill land in James City County, you may need to prepare a stormwater pollution prevention control plan (SWPPP) which may include, as applicable, a site erosion and sediment control (E&SC) plan, a site stormwater management (SWM) plan, and a site pollution prevention plan (PPP) or in some cases an Agreement-in-Lieu of a Stormwater Management Plan. You may also be required to obtain a local Land Disturbing (VESCP) or Stormwater Construction (VSMP) Permit and/or receive coverage under the General VPDES Permit for the Discharge of Stormwater from Construction Activities (Construction General Permit, VAR10) in accordance with the requirements of the Commonwealth's Virginia Stormwater Management Act, VSMP and VPDES Construction General Permit Regulations and Chapter 8 ordinance requirements. The County is designated as a Virginia Erosion and Sediment Control Program (VESCP) and Virginia Stormwater Management Program (VSMP) authority.

In general, if you plan to disturb an area in excess of 2,500 square feet (an area 50 feet by 50 feet), and this land disturbing activity (LDA) is for development or redevelopment purposes, preparation of a SWPPP and registration for and obtaining coverage for a construction general permit (CGP) and/or a local VESCP and/or VSMP permit is required. In order to obtain proper exemptions for agricultural or silvicultural (forestry) activities, you must be properly registered and follow the requirements of those agencies which administer those programs in accordance with County Chesapeake Bay Preservation Area (CBPA) requirements.

To determine if you will need to register your Land Disturbing Activity (LDA) with the County and obtain construction general permit (CGP) coverage through the State Water Control Board and Virginia DEQ, contact:

**James City County, Virginia  
Department of Community Development  
Division of Engineering and Resource  
Protection 101-E Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784  
Attention: Administrator, VSMP Authority  
General Phone No.: 757-253-6670  
Fax No.: 757-259-4032**

Also, visit the following local and state program website where additional information can be found about these important nonpoint source pollution control programs:

James City County, Engineering and Resource Protection Division  
[www.jamescitycountyva.gov/resourceprotection](http://www.jamescitycountyva.gov/resourceprotection)

Virginia Department of Environmental Quality (DEQ):  
<http://www.deq.state.va.us/Programs/Water/StormwaterManagement.aspx>

In the case of construction of single-family residences, a Land-Disturbing Permit is not required. However, a Building Permit application must be submitted and Zoning and Engineering and Resource Protection approval must be obtained before a lot can be cleared. This also includes completing Agreement(s) in Lieu of a Plan for erosion and sediment control and stormwater management purposes. For information about the Building Permit process, call Building Safety and Permits at (757) 253-6626.

If a local land disturbing or stormwater construction authorization permit and/or construction general permit coverage is required for your project, the following items must be prepared, submitted, reviewed, approved or obtained:

1. The project must obtain **Preliminary Approval**, if applicable.
2. An approved **Erosion and Sediment Control (E&SC) Plan**, as part of a Stormwater Pollution Prevention Plan (SWPPP), is required. This plan details, in narrative and plan format, the measures, methods and techniques to be implemented to control erosion and sedimentation prior to, during, and after land-disturbing activities. This plan must be prepared in accordance with the provisions of the Virginia Erosion and Sediment Control Handbook (VESCH) and Chapter 8 of the Code of James City County. The plan also must include the James City County, Engineering and Resource Protection Division, Stormwater Pollution Prevention Plan, Design Plan Checklist and the Standard County Stormwater Pollution Prevention Plan Notes.
3. An approved **Stormwater Management (SWM) Plan**, as part of a Stormwater Pollution Prevention Plan (SWPPP), or an agreement in lieu of a stormwater management plan (as applicable), is required.
4. An approved **Pollution Prevention Plan (P2 plan or PPP)**, as part of a Stormwater Pollution Prevention Plan (SWPPP) is required (as applicable). This component may not be required in those areas defined as Chesapeake Bay Preservation Act land disturbing (9VAC25-870-51 and 9VAC25-870-103).
5. A **Soil Stockpile Operations Plan**, if required for the project, in accordance with Section 24-46 of the Zoning ordinance. The County has a simplified Stockpile Operation Plan worksheet available to assist with presentation of information required to meet ordinance requirements.
6. Evidence of registration for coverage under a General VPDES Permit for the Discharge of Stormwater from Construction Activities (VAR10) in accordance with the Virginia Stormwater Management Act and Regulations, the General VPDES Permit for the Discharge of Stormwater from Construction Activities, and Chapter 8 of the County Code, is required.
7. A completed **Land Disturbing and Stormwater Construction Permit Application** is required. Following approval of required plan(s), this application must be completed by the landowner or operator, not the contractor, or other third party. Dates for expiration of the plan and completion of the project will be supplied by the Engineering and Resource Protection Division.

*Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.*

8. Responsible Land-Disturber Notification is required. The applicant must provide the name of an individual holding a valid Responsible Land Disturber (RLD) certificate of competence who will be responsible for the land-disturbing or stormwater construction activity prior to engaging in the land disturbing activity (LDA). This will be necessary prior to issuance of a land disturbing or stormwater construction permit for the project, not during the plan(s) approval process. It is required that the designated RLD attend the preconstruction conference for the project. Visit the Virginia Department of Environmental Quality website at <http://www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification/RLDGeneralInformation.aspx>
9. A Siltation Agreement with the required surety must be completed, submitted and approved. If a bond is utilized for the surety, complete and submit the appropriate County form. If a letter of credit is utilized for the surety it must be in an approved format. If cash surety is to be provided, it must be either a certified or cashier's check made payable to Treasurer, James City County. The surety amount is computed by the County after plan(s) approval and is based on the specific approved measures required for the project. The surety will now include site pollution prevention plan (P2 or PPP) components if required for the project. The Siltation Agreement and surety document must be approved as to form by the County Attorney's Office prior to scheduling the onsite preconstruction meeting.
10. Payment of the Erosion and Sediment Control Plan Review and Inspection Fee, in accordance with Article I of the County's Chapter 8 ordinance is required. The permit fee is based on the amount of disturbed area for a site plan and/or the number of lots within a subdivision. For a non-residential site plan, the fee is \$600 per acre of disturbance for the first 15 acres plus \$400 per acre for each additional acre over 15. For a residential site plan, the fee is \$840 per acre of disturbance for the first 15 acres plus \$560 per acre for each additional acre over 15. The fee is prorated for disturbed acreages less than an acre. If it is a residential subdivision, the fee is \$70 per lot. Fees are due at time of submission of the Erosion and Sediment Control plan. There is no maximum fee.
11. Completion of a Stormwater Facilities Data Sheet, if applicable to the project, and payment of stormwater facility inspection fees, in accordance with the County's Subdivision and Zoning ordinances, may apply.
12. Payment of VSMP fees for registration/coverage, modification or transfer, or annual permit maintenance (as applicable), in accordance with Article II of the County's Chapter 8 ordinance, may apply.
13. An executed Declaration of Covenants - Inspection/Maintenance of Drainage System is required for any runoff control facility and conveyance system including any stormwater management/Best Management Practice (BMP) or drainage facilities that control or convey stormwater runoff. This document is must be approved as to form by the County Attorney's Office and recorded in the County Land Records.

### **Before Land Disturbing or Stormwater Construction Activity Can Begin**

No local VESCP or VSMP authority permit can be issued and land disturbing activities cannot commence until evidence of VPDES construction general permit registration and/or construction general permit (CGP) coverage, as applicable, is obtained. This can be done prior to or during the preconstruction meeting. Following successful demonstration of the above items, an onsite preconstruction meeting must be held. The purpose and content of the meeting are fully described in the County Engineering and Resource Protection **Policies for Preconstruction Meetings**. Prior to the meeting, the contractor must submit any proposed changes or deviations from the approved plan(s), pollution prevention plan (P2 plan or PPP), and a **Sequence of Construction** to the Division for approval.

After this meeting and following proper notifications to the Engineering and Resource Protection Division, the VESCP and/or the VSMP authority permit will be released and construction activities can begin for the land disturbing activity (LDA).

At completion of the project and prior to release of surety, the following items must be provided:

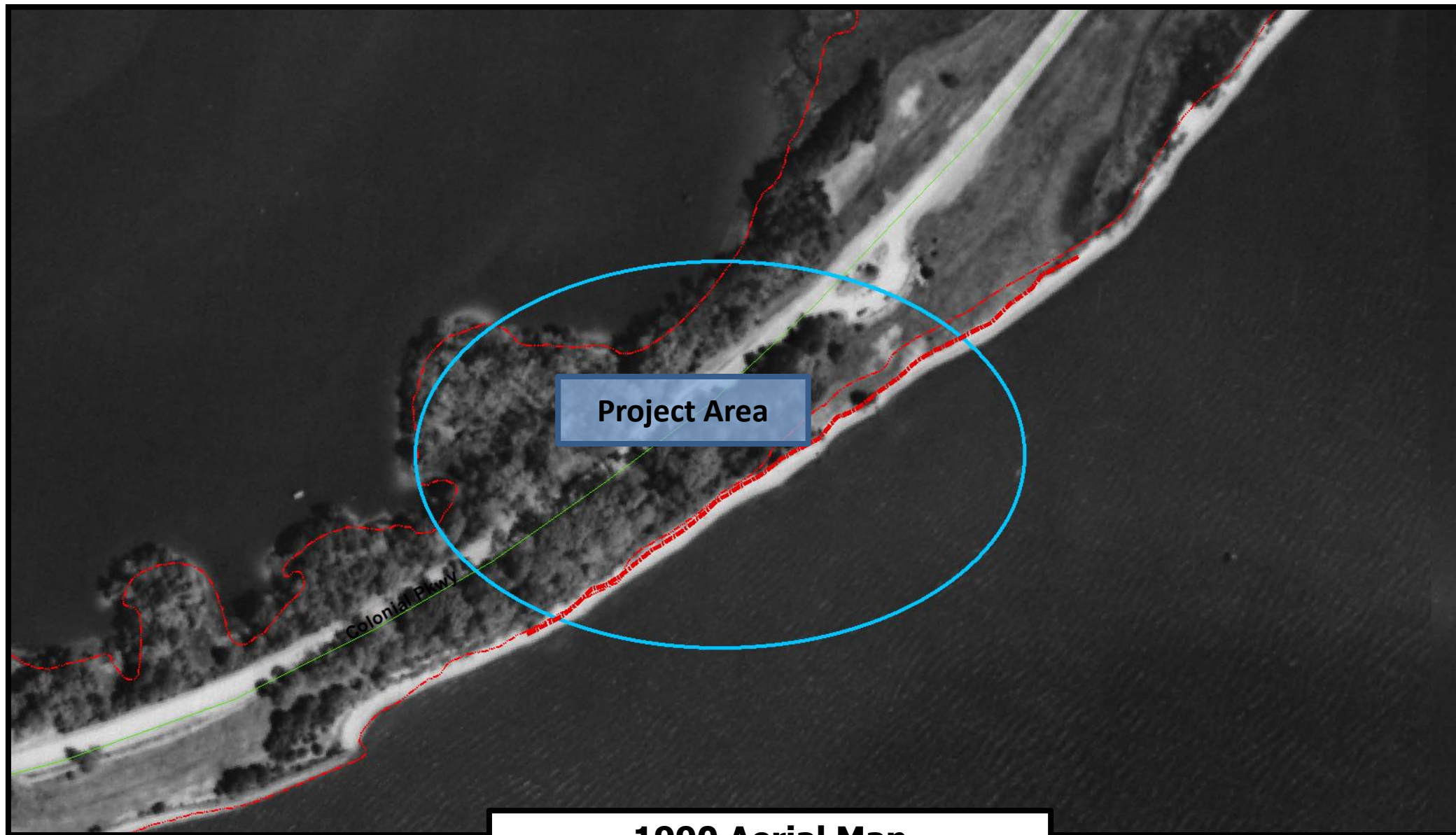
1. Record Drawings and Construction Certifications are required for all stormwater facilities including stormwater management/BMP facilities and storm drainage conveyance systems. Record drawings and construction certifications must meet established program requirements of the County Engineering and Resource Protection and Stormwater Divisions, including provisions for an internal closed circuit television (CCTV) post installation inspection performed by the operator. For additional information, refer to Engineering and Resource Protection Division requirements in the ***Stormwater Management/BMP Facilities, Record Drawing and Construction Certification, Standard Forms and Instructions*** and County Stormwater Division requirements in the ***Stormwater Facilities Inspection Fee Program***.
2. Siltation surety will be released at the completion of the land-disturbing activity, upon approval of record drawings and construction certifications, and in accordance with applicable ordinance requirements. This includes adequate vegetative stabilization of all disturbed site work areas, the removal of all temporary erosion and sediment control measures, and the stabilization of areas disturbed by BMP conversions, demobilization and temporary erosion and sediment control measure removal operations.
3. (Reserved)

# Applicant Request

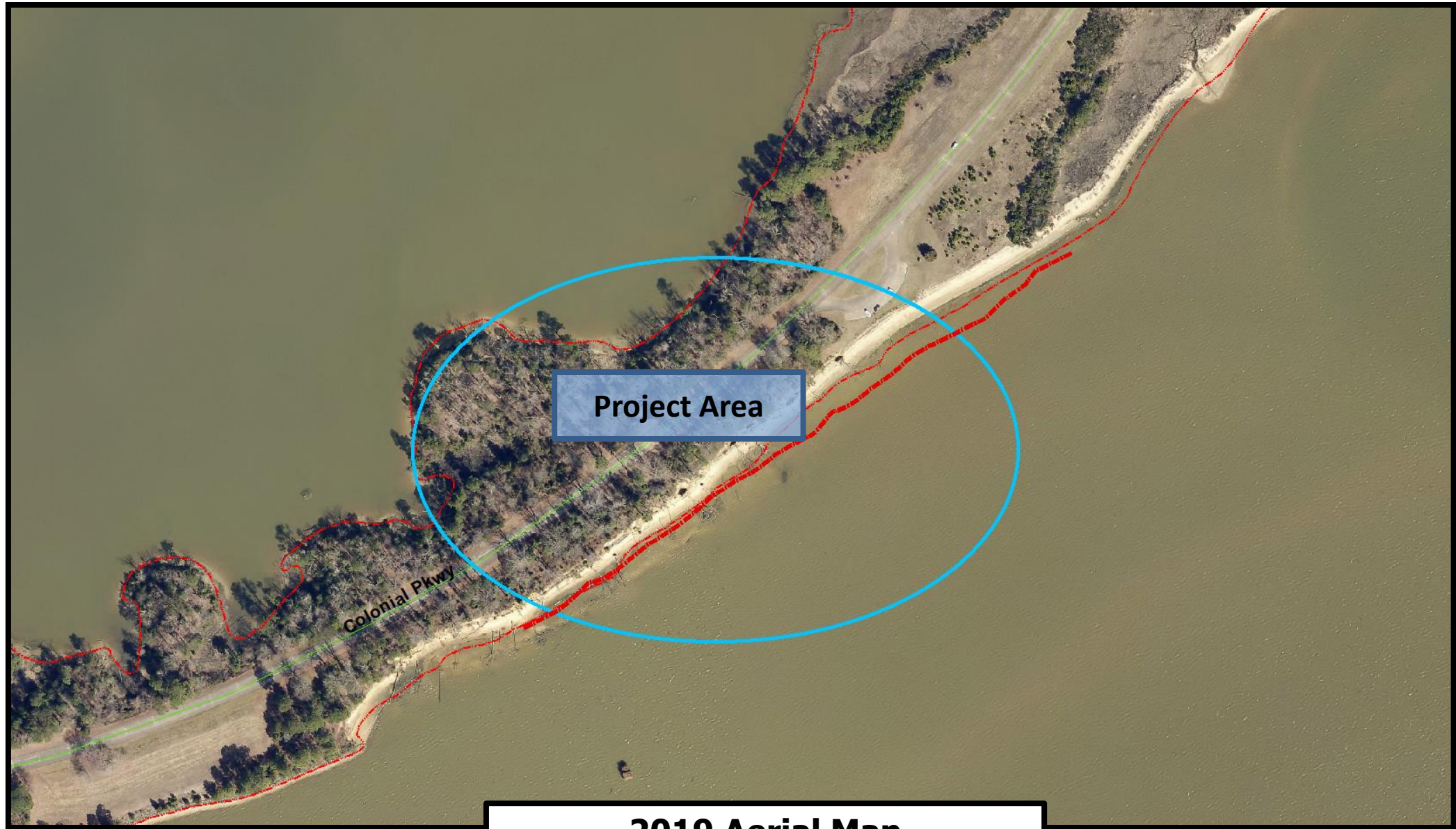
- ✓ To construct two sand bag revetments.



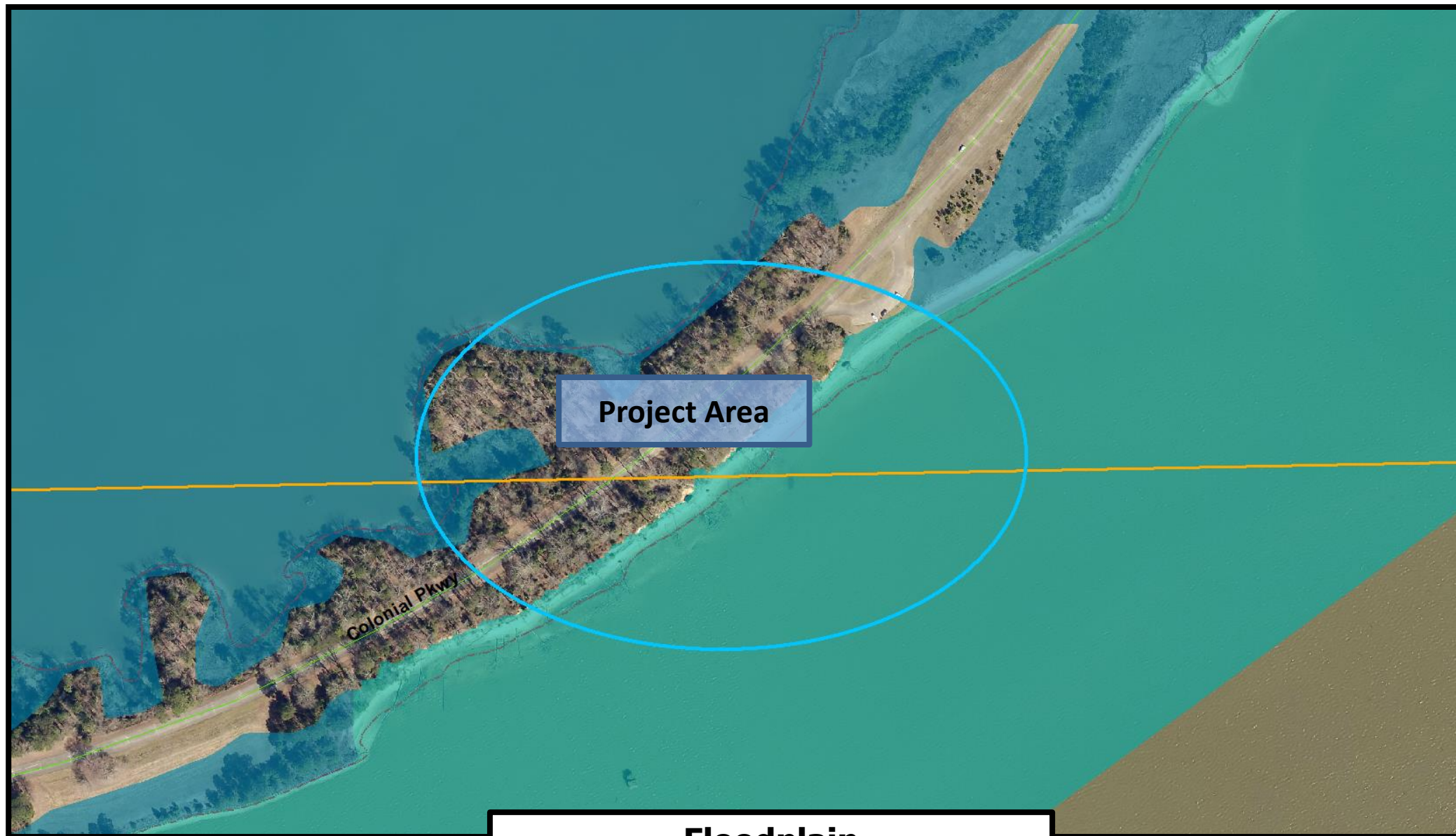
**Vicinity Map**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**



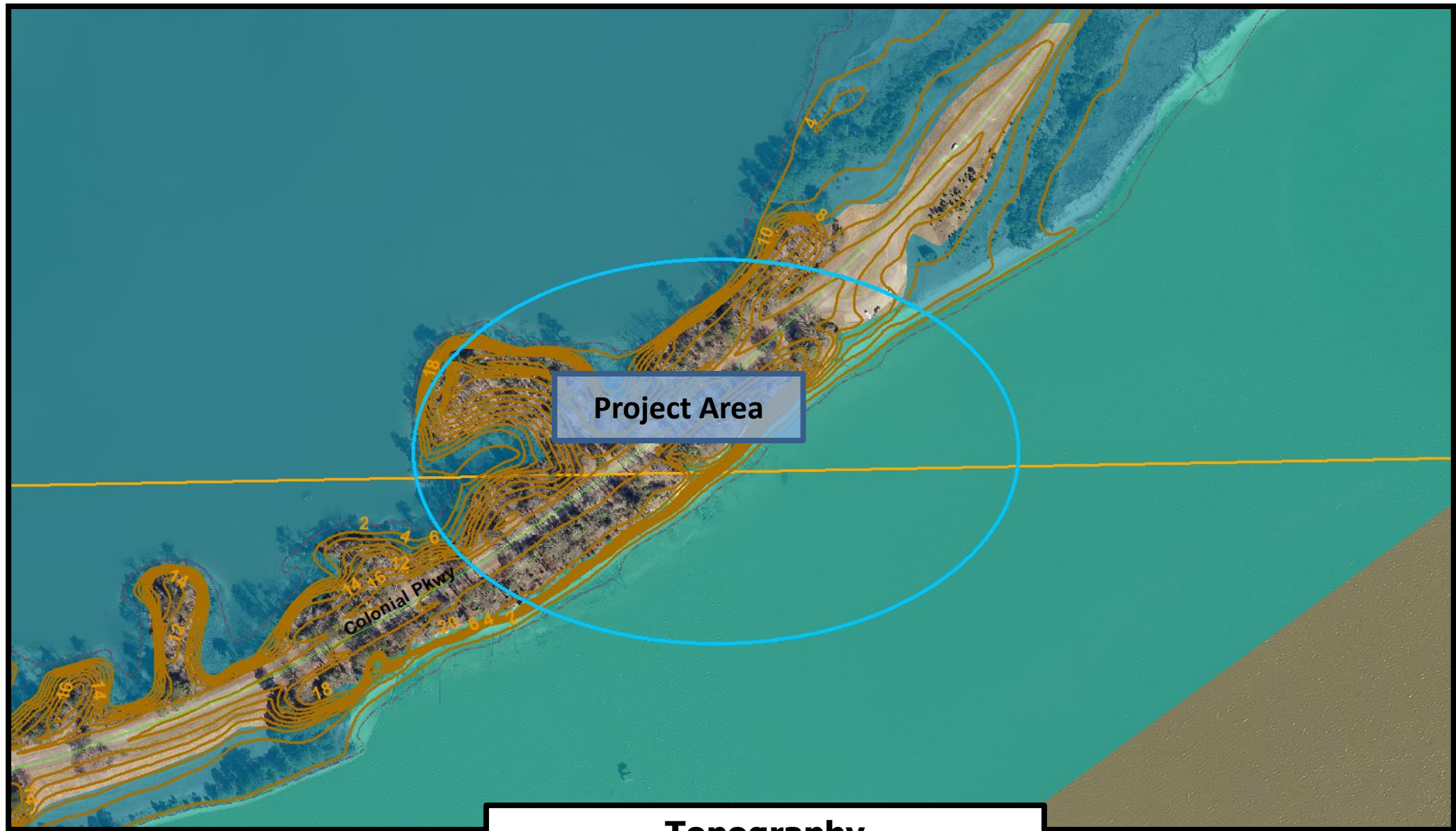
**1990 Aerial Map**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**



**2019 Aerial Map**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**



**Floodplain**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

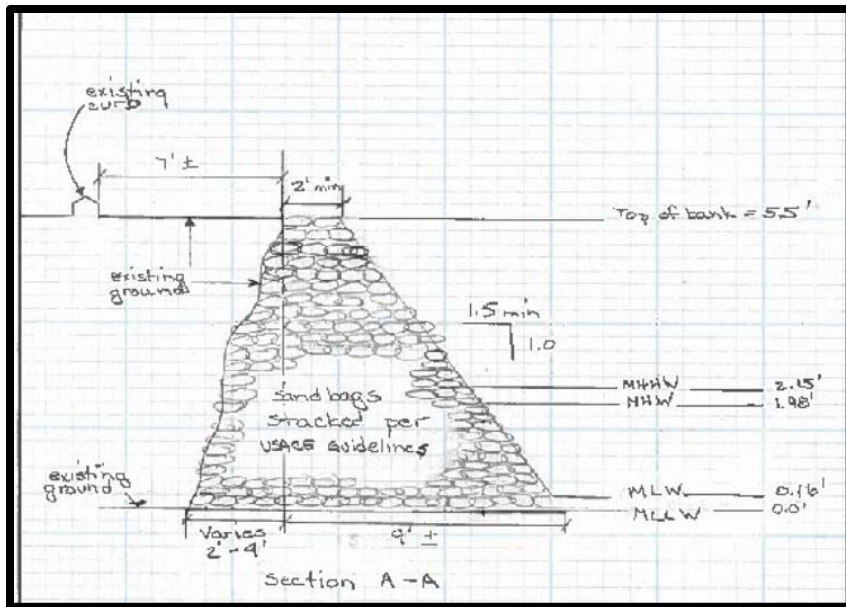


**Topography**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

Site Plan showing proposed improvements, submitted March 31, 2020. For representative use only for presentation of case #WJPA 20-0005.



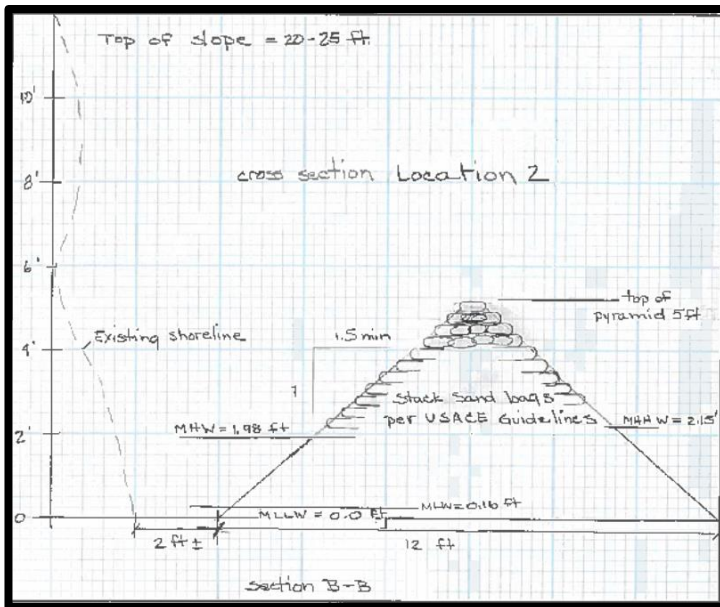
**Site Plan**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**



Site Plan showing proposed improvements, submitted March 31, 2020. For representative use only for presentation of case #WJPA 20-0005.



**Location 1: Site Plan**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**



Site Plan showing proposed improvements, submitted March 31, 2020. For representative use only for presentation of case #WJPA 20-0005.



**Location 2: Site Plan**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**



**Site Photo #1**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #2**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #3**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #4**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #5**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #7**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #6**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020



**Site Photo #7**  
**WJPA 20-0005**  
**541 Neck-O-Land Road**

February 14, 2020

# Permit Conditions



## Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project;
- ✓ 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 approval and permits prior to commencement of such activities;

# Permit Conditions



## Staff Recommended Conditions, continued

- ✓ The Wetlands Permit shall expire on May 13, 2021, if construction has not begun;
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY May 13, 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 20-0005/VMRC 20-0266: Timothy McLean, on behalf of The Colonial National Historic Park, has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001.

WJPA 20-0008/VMRC 20-0373: John Wandling, on behalf of the Williamsburg Sailing Foundation, has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

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

CBPA 20-0009: Kevin Whitt of Whitt Corporation, on behalf of David Chin, has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

CBPA 20-0011: Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

CBPA 20-0027: Mathew Roth of Roth Environmental, on behalf of Song Kuk and Hi-Sung Lim Kang, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046.

CBPA 20-0028: Edward Podish of Edward Podish Custom Builder, on behalf of Amber Martens, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. There is also a call-in option for the

public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

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 – April 29 and May 6, 2020.  
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



**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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April 22, 2020

RE: WJPA-20-0005  
541 Neck-O-Land Road  
Emergency Repairs of shoreline

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. Timothy McLean of Colonial National Historic Park for encroachment into the tidal wetlands associated with construction of emergency repairs to the shoreline near the College Creek Bridge. The project is located near 541 Neck-O-Land and further identified as JCC Parcel No. 5610100001.

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, May 13, 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: Blue Construction Services  
Attn: September Blue

MDW: jep

Mailing List for: WJPA-20-0005 – James River Shoreline-College Creek Bridge – Colonial National Historical Park – Emergency Repairs of shoreline

Applicant:

National Park Service/Colonial National  
Historical Park  
Attn: Superintendent Kym Hall  
P.O. Box 210  
Yorktown, VA 23690-0210

Colonial National Historical Park  
Attn: Mr. Timothy McLean  
P.O. Box 210  
Yorktown, VA 23690-0210

5620100001 : 1700 Treasure Island Road  
James City County Bible &  
Agricultural Training SC  
2006 Georgia Avenue, NW  
Washington, DC 20001-3027

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

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

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Contractors:

Blue Construction Services, LLC  
Attn: September Blue  
735 Vanderbilt Terrace, SE  
Leesburg, VA 20175-4085

Owner: 5610100001 – 541 Neck-O-Land  
Road-Colonial Parkway  
4930100001 – 6450 Conservancy  
United States of America  
1849 C Street, NW, Room 2444  
Washington, DC 20240-0002

5030100001 – 300 Mounts Bay Road  
Escalante Kingsmill Resort, LLC  
2930 Bledsoe Street, Suite 124  
Fort Worth, TX 76107-2942

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

**ITEM SUMMARY**

DATE: 5/13/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 20-0008 / VMRC 20-0373 : 1010 Kingsmill Road

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The Williamsburg Sailing Foundation has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Joint Permit Application	Backup Material
▣	Revision	Backup Material
▣	Presentation	Presentation
▣	Public Advertisement	Backup Material
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	5/7/2020 - 11:23 AM
Wetlands Group	Small, Toni	Approved	5/7/2020 - 11:24 AM
Publication Management	Daniel, Martha	Approved	5/7/2020 - 11:31 AM
Wetlands Group	Secretary, Wetland	Approved	5/10/2020 - 2:15 PM

**WETLANDS BOARD CASE No. WJPA 20-0008/VMRC 20-0373. 1010 Kingsmill Road  
Staff Report for the May 13, 2020, Wetlands Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. John Wandling, Williamsburg Sailing Foundation

Owner/Agent: Mr. Kevin Dry, Kingsmill Resort

Location: 1010 Kingsmill Road, Kingsmill Marina

Parcel: Parcel R-2C2 Kingsmill Resort (Kingsmill Marina)

Parcel Identification No.: 5040100002C

Watershed: James River (HUC JL35)

Floodplain: Zone VE - Coastal flood zone with wave action, base flood elevation determined to be 12 feet mean sea level

Proposed Activity: Install a floating dock

Wetland Impacts: Zero vegetated or non-vegetated wetlands subject to the local Wetlands Board jurisdiction

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**PROJECT DISCUSSION**

Mr. John Wandling, Williamsburg Sailing Foundation, has applied for a wetlands permit to construct a floating dock on property located at 1010 Kingsmill Road at the Kingsmill Resort Marina within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 5040100002C.

The Williamsburg Sailing Foundation leases a slip at the Kingsmill Resort Marina where there is an existing 8-foot x 50-foot floating dock. The applicant proposes to add an additional 8-foot x 35-foot floating dock. There are no vegetated impacts associated with the proposed construction.

Even though there are no wetland impacts within this Board's jurisdiction, the commercial nature of the application is not a permitted, by-right use. Therefore, an application for a permit must be submitted through the Virginia Marine Resources Commission and processed by the local Wetlands Board. It is for this reason WJPA-20-0008 appears before the Board.

**MITIGATION DISCUSSION**

As published in the *Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. As there are no vegetated wetland impacts, no mitigation is required.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. 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 approval and permits prior to commencement of such activities; and
3. A site plan will be required to be submitted to the Planning Division due to the commercial nature of the marina; and
4. The Wetlands Permit for this project shall expire on May 13, 2021, if construction has not begun; and
5. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.

MDW/nb  
WJPA20-08VMRC20-373-1010KMRd

#### Attachments:

1. Resolution
2. Joint Permit Application

## **RESOLUTION**

CASE NO. WJPA 20-0008/VMRC 20-0373. 1010 KINGSMILL ROAD

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

WHEREAS, the Williamsburg Sailing Foundation (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. 504010002C and further identified as 1010 Kingsmill Road, Kingsmill Marina (the "Property") as set forth in the application WJPA 20-0008/VMRC 20-0373; 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 Wetlands Permit for this project shall expire on May 13, 2021, if construction has not begun; and
  - d. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 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 13th day of May, 2020.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA20-08VMRC20-373-1010KMRd-res

**From:** [John Wandling](#)  
**To:** [JPA.permits@mrc.virginia.gov](mailto:JPA.permits@mrc.virginia.gov)  
**Cc:** [Bill Hamner](#); [NC Randy Stokes](#); [Kevin Dry](#)  
**Subject:** Attached JPA  
**Date:** Tuesday, March 3, 2020 11:06:07 AM  
**Attachments:** [Applied to JPA.docx.pdf](#)

---

Please find our Joint Permit Application attached. We are applying to add an 8x35 foot addition to an existing 8x50 floating dock at the Kingsmill Resort Marina, Williamsburg, Virginia. The dock will be moored to the existing dock and to a piling already in place. There will be nothing attached to the bottom.

The dock will be used to store up to six dinghies for use by High School Sailing teams in the Williamsburg area.

The dinghies are 420's with an LOA of about 14' and a beam of about 5', and a weight of about 200 lbs.

We would greatly appreciate expeditions handling of this application as high school sailing begins this week.

Please contact me regarding fees required or a need for any additional information. Thank you.

Sincerely,

John J Wandling - Williamsburg Sailing Foundation

email: [wandling42@gmail.com](mailto:wandling42@gmail.com)

cell: 757 615 7979

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[wandling42@gmail.com](mailto:wandling42@gmail.com)

- ❖ 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 # 20-0373

## 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: <u>Williamsburg, Virginia</u>				
Waterway at project site: <u>James River</u>				
<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
	None			

## Part 1 - General Information (continued)

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

Williamsburg Sailing Foundation, Inc.  
c/o Hamner Development Company  
PO Box 120068  
Newport News, VA 23612

Home ( )  
Work (757) 615 7979  
Fax ( )  
Cell (757) 615 7979  
e-mail

State Corporation Commission Name and ID Number (if applicable) Pending

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

Kingsmill Resort (Kevin Dry)  
1010 Kingsmill Rd #5576  
Williamsburg, VA 23185

Home ( )  
Work (800) 832 5665  
Fax ( )  
Cell ( )  
e-mail Kevin.Dry@kingsmill.com

State Corporation Commission Name and ID Number (if applicable) S6508669

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

Escalante Kingsmill  
1010 Kingsmill Rd  
Williamsburg, VA 23185

Home ( )  
Work (800) 832 5665  
Fax ( )  
Cell ( )  
e-mail

State Corporation Commission Name and ID Number (if applicable) S6508669

\* 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.

The Williamsburg Sailing Foundation is leasing a slip and floating dock from Kingsmill Resort Marina. The existing floating dock is moored between two pilings in the corner between a main floating dock and a finger pier. The existing floating dock is 8'x50'. We propose to moor a new floating dock adjacent to the existing dock. The added dock will be 8'x35' and be moored lengthwise to the existing dock, between the inside piling and the main floating dock. Nothing will be attached to the river bottom. The new dock will add 280 sq feet to the existing 400 sq foot dock. Together, these docks will be used for docking small sailboats used by the Williamsburg Sailing Foundation to provide sailing opportunities and training for local High School sailing teams. Please see attached pictures.

## Part 1 - General Information (continued)

5. Have you obtained a contractor for the project?      Yes\* xxx 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:

Telephone number

The Daily Press and Virginia Gazette  
1430 Hight St, nit 504  
Williamsburg, Va 23188

(757 ) 220 1736

7. Give the following project location information:

Street Address (911 address if available) 1010 Kingsmill Rd

Lot/Block/Parcel#

Subdivision Kingsmill Resort

City / County Williamsburg, Va

ZIP Code 23185

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

37.22204 N / -76.67662 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.*

N/A

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 provide dock space for dinghys to be used by Williamsburg Area High School sailing teams. Secondary purpose is to store those boats when not in 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.*  
  
Alternative considered would be to leave boats in water at all times, would require antifouling paint more detrimental to environment, and would occupy approximately the same amount of surface water. Impact to wetlands, surface waters, submerged land and buffer areas minimal. Project will float on surface only, and is not adjacent to buffer area or any otherland.
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.): \$ 1500.00  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 1500.00
13. Completion date of the proposed work: April 30, 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.

Kingsmill Resort  
1010 Kingsmill Rd #5576  
Williamsburg, VA 23185

## 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.

WILLIAMSBURG SAILING FOUNDATION

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

John J Wandling

Digitally signed by John J Wandling  
Date: 2020.02.15 13:04:00 -0500

Applicant's Signature

(Use if more than one applicant)

John J Wandling

Date

2/15/2020

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), Williamsburg Sailing Foundation, hereby certify that I (we) have authorized John J Wandling  
(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.

John J Wandling Digitally signed by John J Wandling  
Date: 2020.02.15 13:42:12 -0500

(Agent's Signature)

2/15/2020

(Date)

John J Wandling Digitally signed by John J Wandling  
Date: 2020.02.17 14:42:57 -0500

(Applicant's Signature)

2/17/2020

(Date)

(Use if more than one agent)

William W. Hamner, Jr.

William W. Hamner, Jr. Foundation  
(Use if more than one applicant) Organizer

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

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), N/A, have contracted \_\_\_\_\_  
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

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.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

## Part 2 – Signatures (continued)

### ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of Leased Dock of Williamsburg Sailing Foundation  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 2/15/2020  
(Date)

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

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

I DO NOT OBJECT XX 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).

K. J. J.  
Adjacent/nearby property owner's signature(s)

3/3/20  
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.**



U.S. Army Corps  
Of Engineers  
Norfolk District

## APPENDIX B

### REGIONAL PERMIT 17 CHECKLIST

Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nso.usace.army.mil/Missions/Regulatory/RBregional/>.

- YES ☐ NO ☐ (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES ☐ NO ☐ (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
- YES ☐ NO ☐ (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?
- YES ☐ NO ☐ N/A ☐ (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?
- YES ☐ NO ☐ N/A ☐ (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES ☐ NO ☐ N/A ☐ (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?
- YES ☐ NO ☐ N/A ☐ (7) Is the open-sided roof structure designed to shelter a boat  $\leq$  700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier  $\leq$  400 square feet?
- YES ☐ NO ☐ N/A ☐ (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?
- YES ☐ NO ☐ N/A ☐ (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES ☐ NO ☐ N/A ☐ (10) If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.
- YES ☐ NO ☐ (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES ☐ NO ☐ (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES ☐ NO ☐ (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES ☐ NO ☐ (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

- YES ☒ NO ☐ (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES ☒ NO ☐ (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES ☒ NO ☐ N/A ☐ (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES ☒ NO ☐ N/A ☐ (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES ☒ NO ☐ (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES ☒ NO ☐ (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES ☐ NO ☐ N/A ☒ (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES ☐ NO ☐ N/A ☒ (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?
- YES ☒ NO ☐ (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES ☒ NO ☐ (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

**IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.**

**IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.**

**I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.**

John J  
Wandling

Digitally signed by John J  
Wandling  
Date: 2020.02.17 14:54:44  
-0500

Proposed work to be located at:

Signature of Property Owner(s) or Agent

Date John J Wandling

VMRC Number:

Regional Permit 18-RP-17  
1010 Kingsport Rd #5376  
Virginia Beach, VA 23166

## 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.**

Adding 8'x35' floating dock to existing 8'x50' floating dock for use by local High School Sailing teams.

**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? \_\_\_\_\_ feet.

Channelward of Mean High Water? \_\_\_\_\_ feet.

Channelward of Mean Low Water? \_\_\_\_\_ feet.

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.

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

For boathouses, what is the overall size of the roof structure? \_\_\_\_\_ sq. ft.

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.

### 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:
  - a. 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.).
  - b. 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.
  - c. 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 #
------	--------	-------	-------	----------------

(5) 420 dingys each 14 ft length, 5 ft beam, 6 inch draft not registered				
--	--	--	--	--

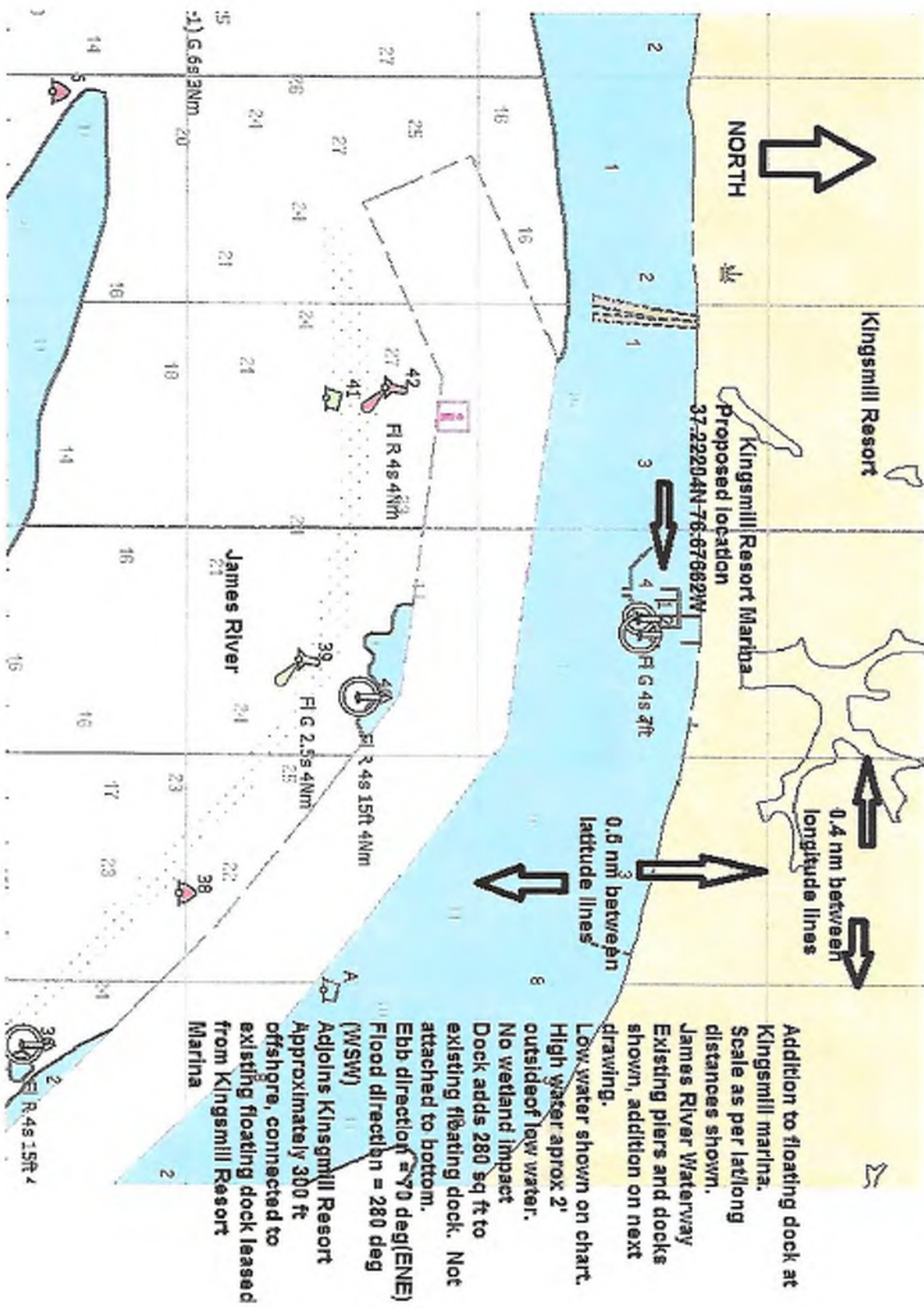
(1) sunfish sailboat 14 ft length, 3.5 ft beam, 6 inch draft not registered				
---	--	--	--	--

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
  - A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? N/A (required pursuant to Section 28.2-1205 C of the Code of Virginia).
  - B) Will petroleum products or other hazardous materials be stored or handled at your facility? N/A
  - C) Will the facility be equipped to off-load sewage from boats? N/A
  - D) How many wet slips are proposed? N/A. How many are existing? \_\_\_\_\_
  - E) What is the area of the piers and platforms that will be constructed over
    - Tidal non-vegetated wetlands <sup>0</sup> \_\_\_\_\_ square feet
    - Tidal vegetated wetlands <sup>0</sup> \_\_\_\_\_ square feet
    - Submerged lands <sup>280</sup> \_\_\_\_\_ square feet

6. For **boat ramps**, what is the overall length of the structure? N/A 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.

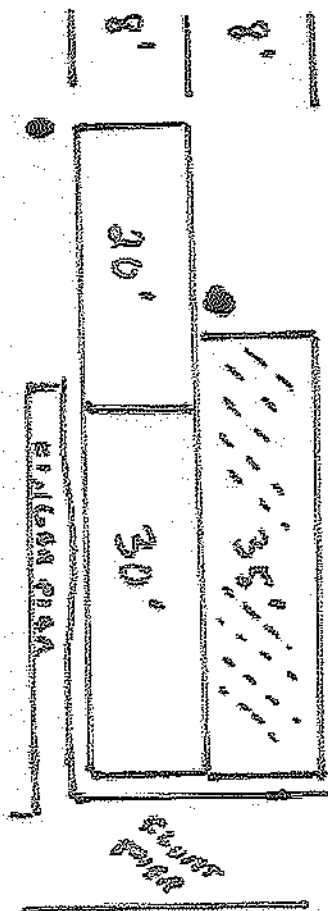
**Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.**



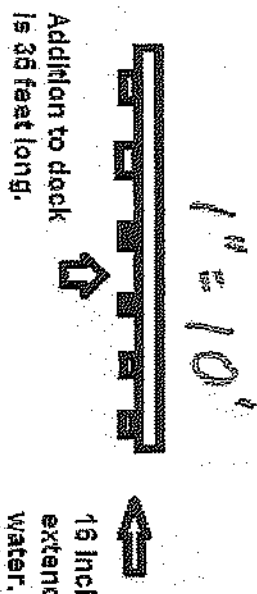
Plan for modification to dock at Kingsmill Marina.  
 Scale (if printed on 8.5x11 sheet) 1" = approx 5'

Top view

to shore



Side View:



Note(s):  
 Existing floating dock (clear) is two sections, 20' and 30' bolted together, moored between existing pilings shown, pier, and finger pier. Dock to be added (cross hatch) is ... two sections total 35'. Both existing and new docks are 8' wide and 16" above the water. new section will be bolted to existing sections and moored to pier and innermost finger pier.

16 inches above water, floats extend about 4 inches under water.

**From:** [Lay, Allison](#)  
**To:** [rr MRC - jpa Permits](#)  
**Subject:** 20-0373 add info  
**Date:** Thursday, April 2, 2020 3:44:51 PM  
**Attachments:** [2020-03-27 Rev1.pdf](#)

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Allison Lay  
Environmental Engineer  
Virginia Marine Resources Commission

380 Fenwick Road, Bldg. 96

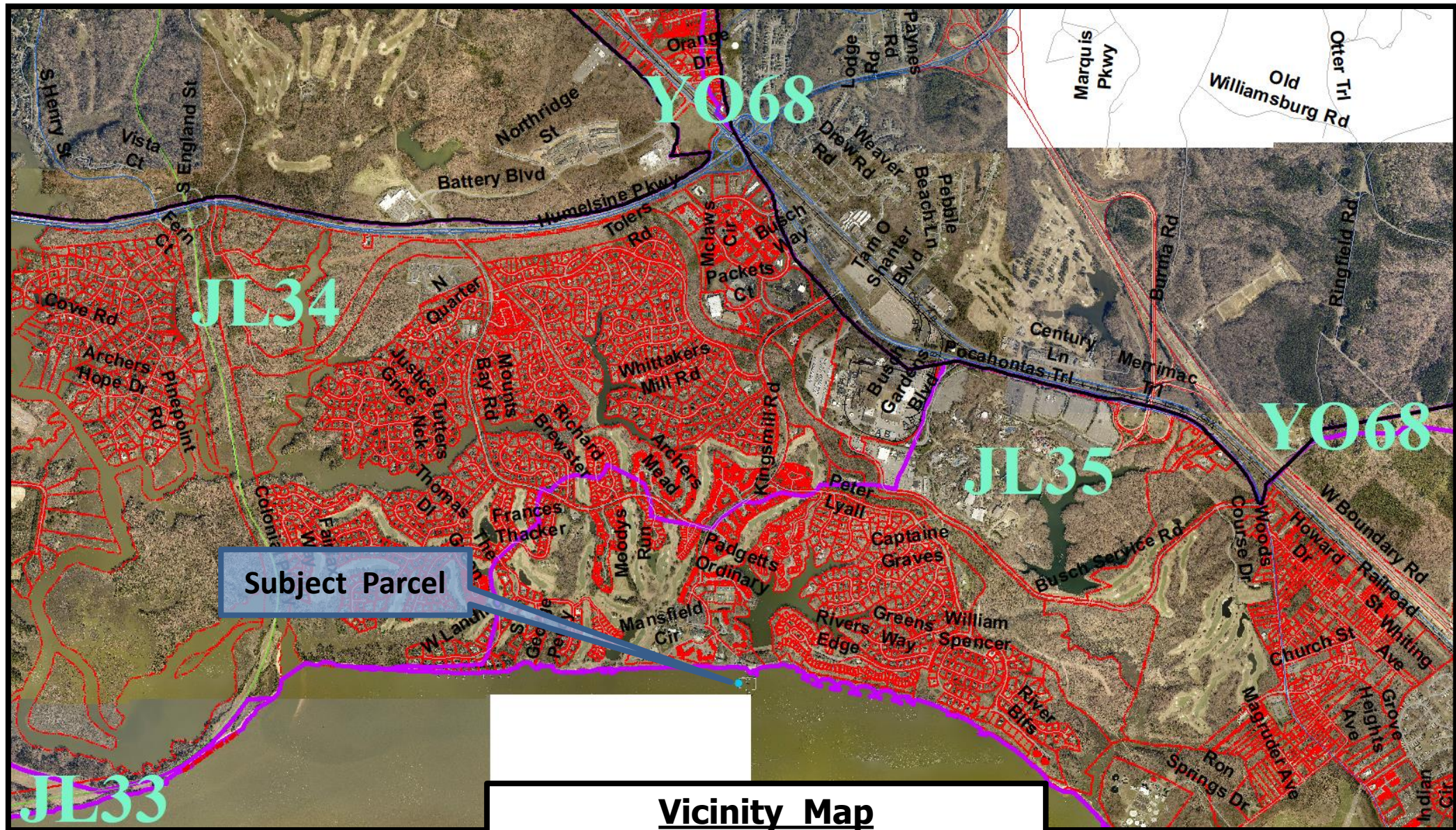
Fort Monroe, Virginia 23651

757-247-2254

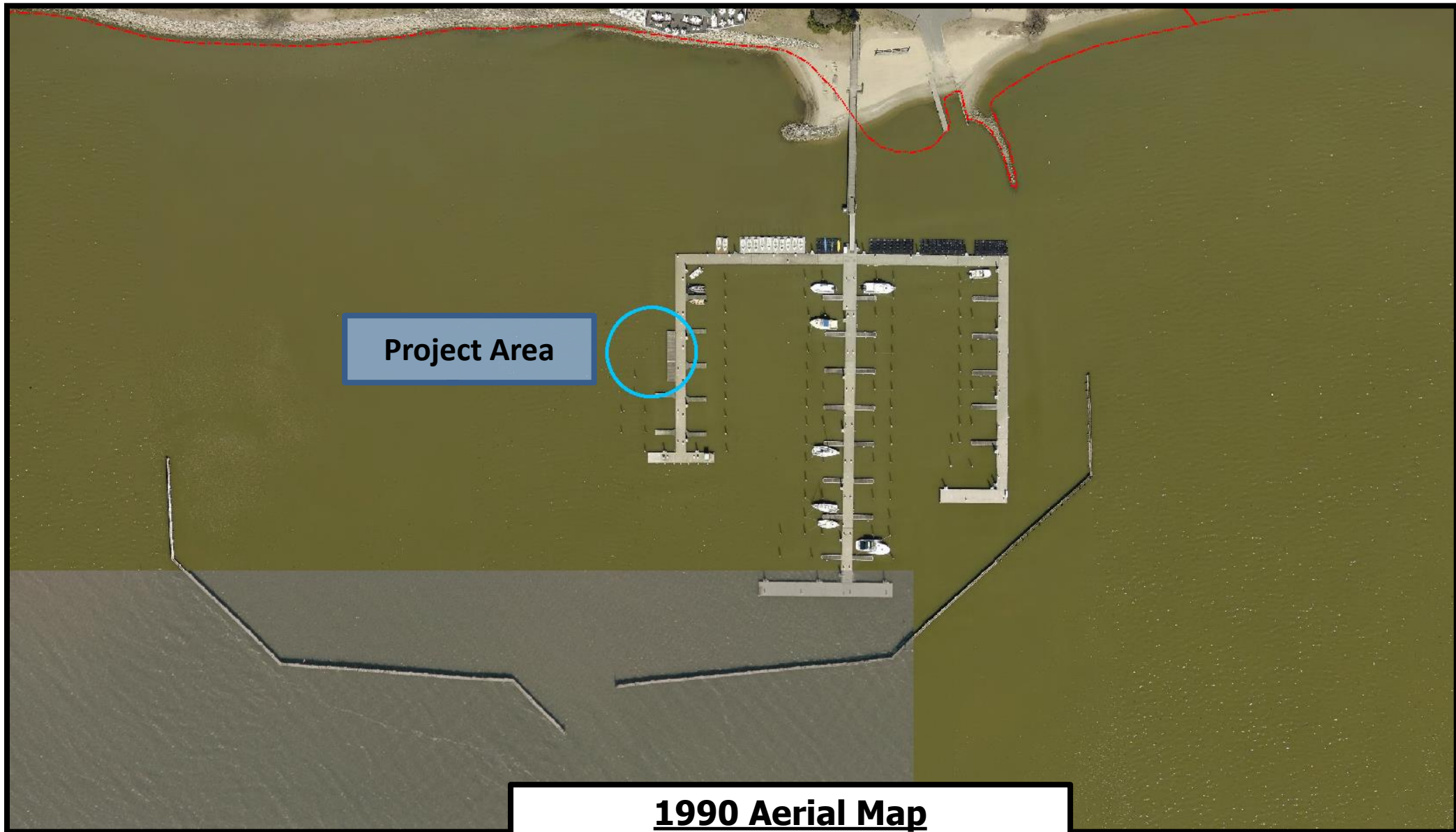


# Applicant Request

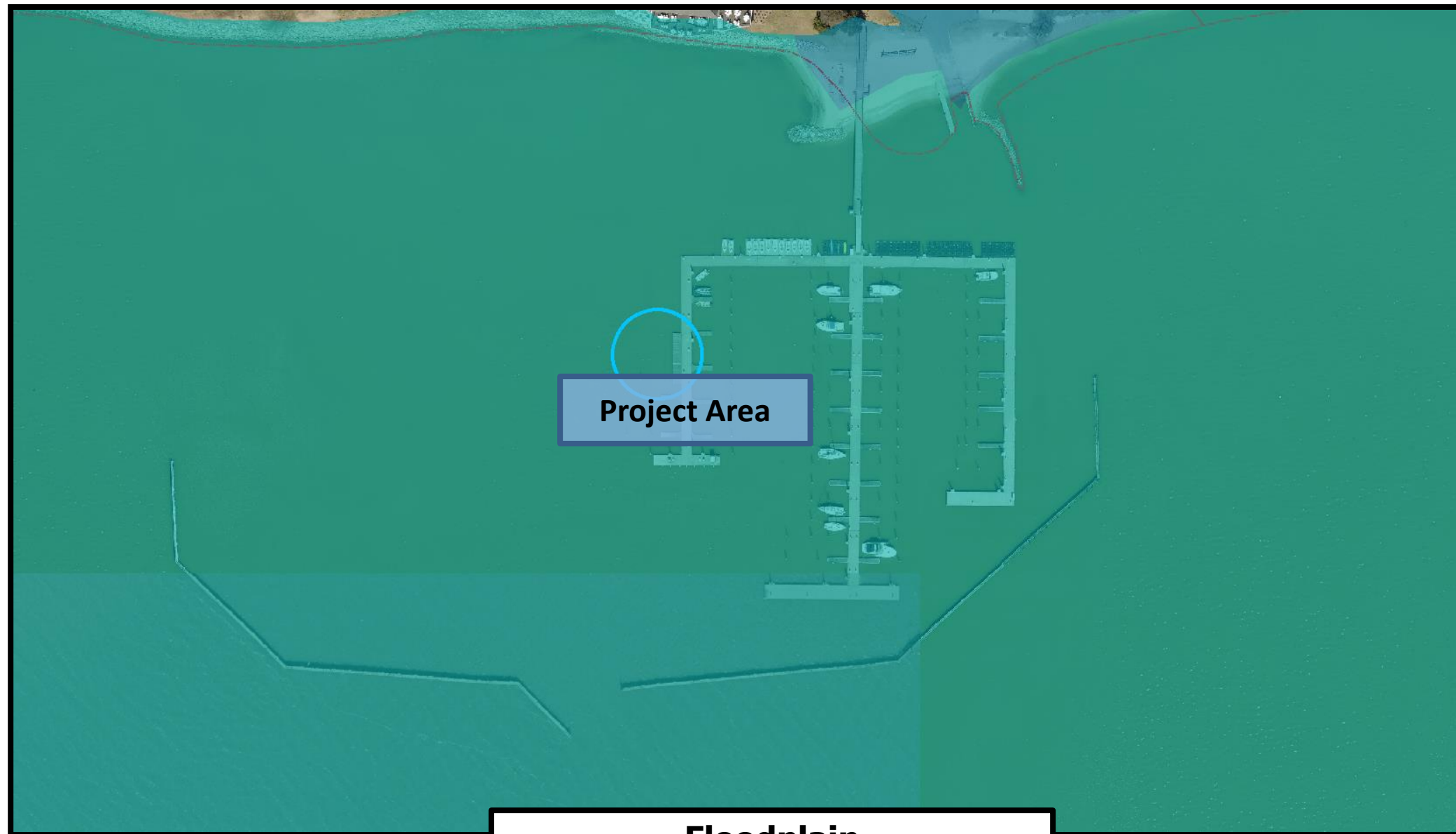
- ✓ To construct a floating dock.



**Vicinity Map**  
**WJPA 20-0008**  
**1010 Kingsmill Road**

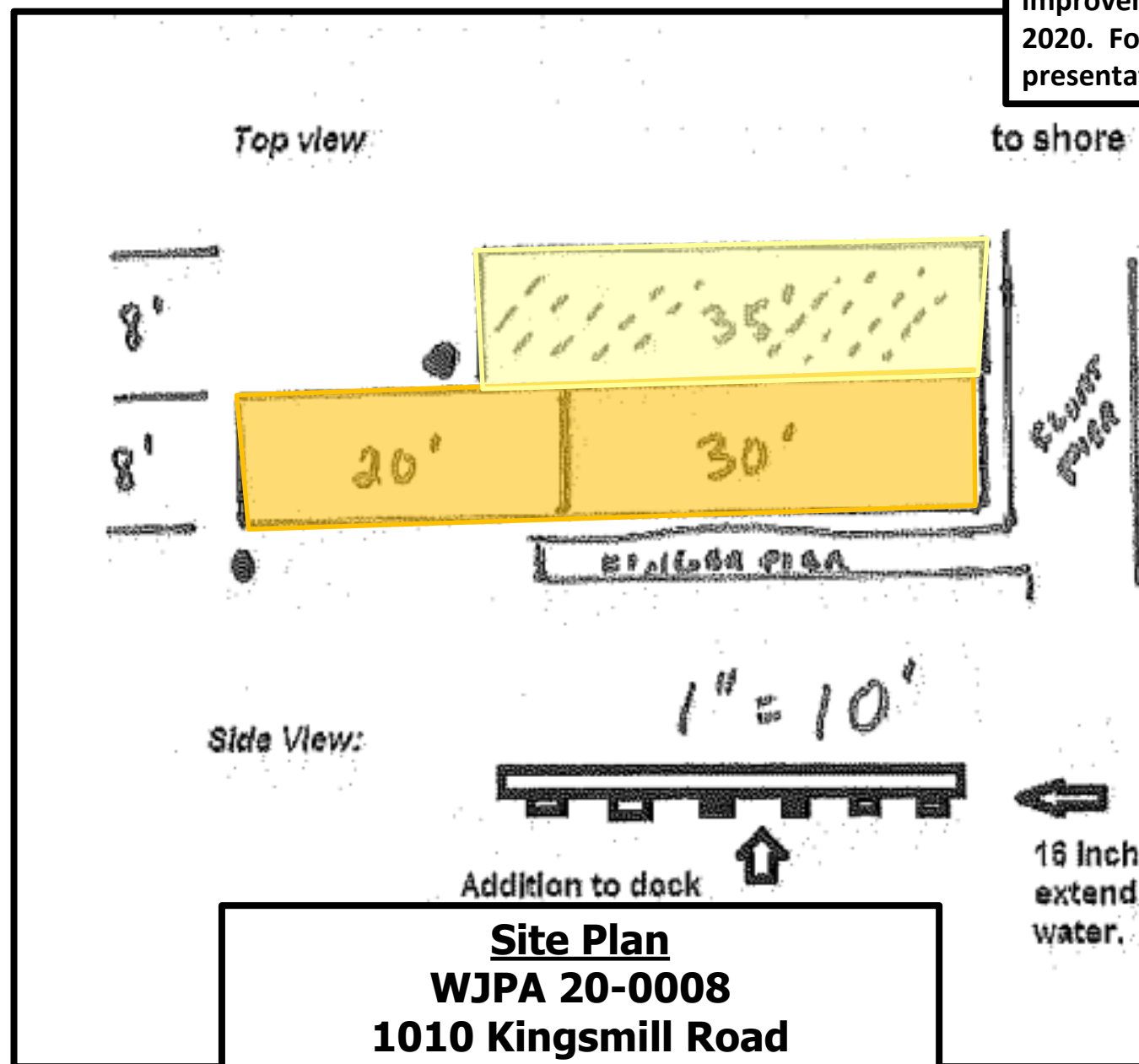


**1990 Aerial Map**  
**WJPA 20-0008**  
**1010 Kingsmill Road**

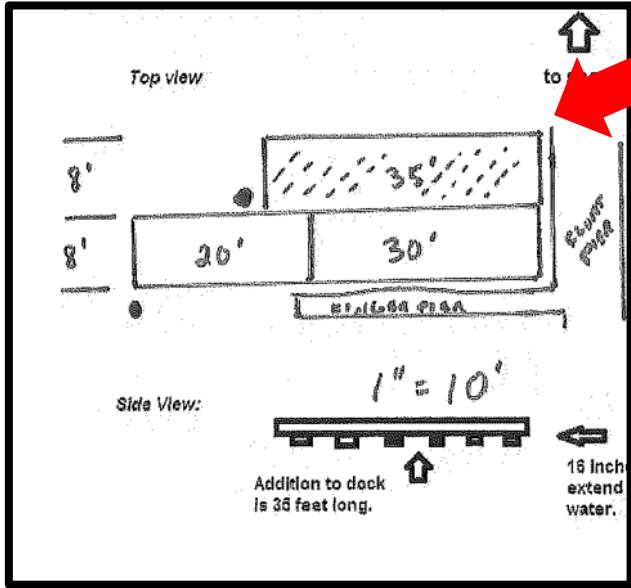


**Floodplain**  
**WJPA 20-0008**  
**1010 Kingsmill Road**

Site Plan showing proposed improvements, submitted March 21, 2020. For representative use only for presentation of case #WJPA 20-0005.

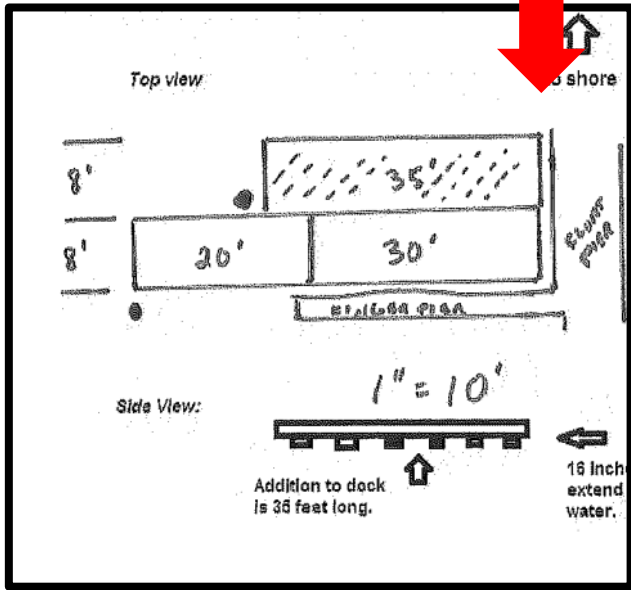


**Site Plan**  
**WJPA 20-0008**  
**1010 Kingsmill Road**



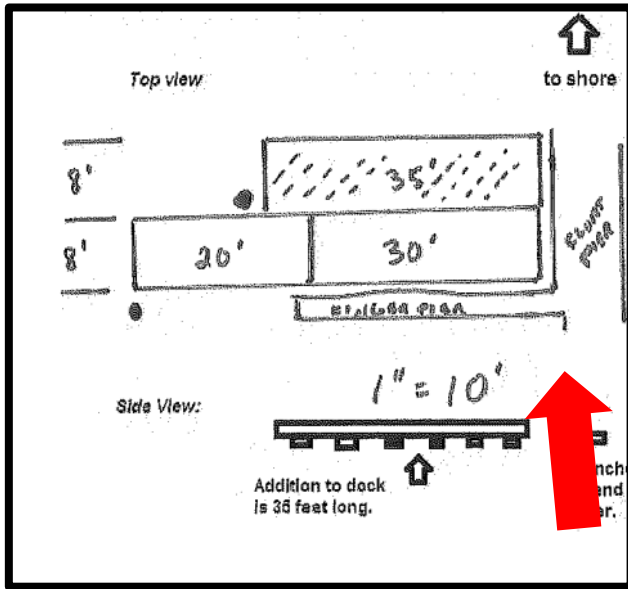
**Site Photo #1**  
**WJPA 20-0008**  
**1010 Kingsmill Road**





**Site Photo #2**  
**WJPA 20-0008**  
**1010 Kingsmill Road**





**Site Photo #3**  
**WJPA 20-0008**  
**1010 Kingsmill Road**



# Permit Conditions



## Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project;
- ✓ 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 approval and permits prior to commencement of such activities;

# Permit Conditions



## Staff Recommended Conditions, continued

- ✓ A site plan will be required to be submitted to the Planning Division due to the commercial nature of the marina
- ✓ The Wetlands Permit shall expire on May 13, 2021, if construction has not begun;
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 1, 2021, six weeks prior to the expiration date.



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY May 13, 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 20-0005/VMRC 20-0266: Timothy McLean, on behalf of The Colonial National Historic Park, has applied for a wetlands permit for emergency repairs of the shoreline near the College Creek bridge of the Colonial Parkway, JCC Parcel No. 5610100001.

WJPA 20-0008/VMRC 20-0373: John Wandling, on behalf of the Williamsburg Sailing Foundation, has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina at 1010 Kingsmill Road, JCC Parcel No. 5040100002C.

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

CBPA 20-0009: Kevin Whitt of Whitt Corporation, on behalf of David Chin, has filed an exception request for encroachments into the RPA buffer for the construction of a deck and screened porch at 108 Godspeed Lane, in the Powhatan Shores subdivision, JCC Parcel No. 4730500050.

CBPA 20-0011: Curtis Lemley has filed an exception request for encroachments into the RPA buffer for the construction of a home expansion at 204 Riverview Plantation Drive, in the Riverview Plantation subdivision, JCC Parcel No. 1640600029.

CBPA 20-0027: Mathew Roth of Roth Environmental, on behalf of Song Kuk and Hi-Sung Lim Kang, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall and patio at 2 Staples Road, in the Kingsmill subdivision, JCC Parcel No. 5021100046.

CBPA 20-0028: Edward Podish of Edward Podish Custom Builder, on behalf of Amber Martens, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 105 Abigail Lane, in the Kingsmill subdivision, JCC Parcel No. 5030400083.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. There is also a call-in option for the

public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

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 – April 29 and May 6, 2020.  
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamestownva.gov  
[jamestownva.gov](http://jamestownva.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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April 22, 2020

RE: WJPA-20-0008  
1010 Kingsmill Road  
Addition to floating dock

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. John J. Wandling of Williamsburg Sailing Foundation for encroachment into the tidal wetlands associated with construction of an additional floating dock attached to an existing floating dock at the Kingsmill Marina. The project is located at 1010 Kingsmill Road and further identified as JCC Parcel No. 5040100002C.

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, May 13, 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@jamestownva.gov](mailto:michael.woolson@jamestownva.gov)

cc: Williamsburg Sailing Foundation, Inc.  
Attn: Mr. William W. Hamner, Jr.

MDW: jep

Mailing List for: WJPA-20-0008 – Williamsburg Sailing Foundation, Inc. – Escalante Kingsmill – Addition to an existing floating dock

Applicant:

Williamsburg Sailing Foundation, Inc.  
Attn: Mr. John Wandling  
118 Linden Avenue  
Hampton, VA 23669-4130

Kingsmill Resort  
Attn: Mr. Kevin Dry  
1010 Kingsmill Road, Suite 5576  
Williamsburg, VA 23185-5576

Williamsburg Sailing Foundation, Inc.  
Attn: Hamner Development Company  
P.O. Box 120068  
Newport News, VA 23612-0068

5040100002C  
5040100007 – 130Wareham's Pond Rd  
Escalante Kingsmill Resort, LLC  
2930 Bledsoe Street, Suite 124  
Fort Worth, TX 76107-2942

Williamsburg Sailing Foundation, Inc.  
Attn: Mr. William W. Hamner, Jr.  
703 Thimble Shoals Boulevard, Suite A-1  
Newport News, VA 23606-4536

Virginia Marine Resource Center  
Attn: Ms. 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: Ms. 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

**ITEM SUMMARY**

DATE: 5/13/2020

TO: The Wetlands Board

FROM: Liz Parman, Assistant County Attorney

SUBJECT: Remote Participation Policy

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**ATTACHMENTS:**

	Description	Type
	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	5/5/2020 - 3:13 PM
Wetlands Group	Small, Toni	Approved	5/7/2020 - 11:23 AM
Publication Management	Daniel, Martha	Approved	5/7/2020 - 11:29 AM
Wetlands Group	Secretary, Wetland	Approved	5/10/2020 - 2:00 PM

## **RESOLUTION**

### **JAMES CITY COUNTY WETLANDS BOARD**

#### **ADOPTION OF A POLICY FOR REMOTE PARTICIPATION IN MEETINGS**

WHEREAS, Virginia Code Section 2.2-3708.2 permits remote participation in meetings by members of a public body upon adoption of a policy governing such participation; and

WHEREAS, the Wetlands Board of James City County, Virginia, desires to adopt a policy in conformance with the requirements of Virginia Code Section 2.2-3708.2.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, does hereby adopt the following policy for remote participation in meetings:

Pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Wetlands Board meetings due to:

1. A personal matter
  - a. On or before the day of a meeting, the member shall notify the chair of the James City County Board of Supervisors (the "Board") that the member is unable to attend the meeting due to a personal matter. The member must identify with specificity the nature of the personal matter and the public body holding the meeting must record in its minutes the specific nature of the personal matter and the remote location from which the member is participating.
  - b. A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members must approve the participation by a majority vote. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk of the Board of Supervisors shall record in the Board's minutes the specific nature of the personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.
  - c. Participation by the absent member due to a personal matter shall be limited in each calendar year to two (2) meetings.
2. A temporary or permanent disability
  - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.

- b. A quorum of the Board must be physically assembled at the primary or central meeting location. The Clerk of the Board shall record in the Board's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
3. For any remote participation, the Board shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

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Chairman, Wetlands Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of May, 2020.

RemotePartic-Wtlds-res