

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
June 8, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the April 13, 2022, Regular Meeting

D. PUBLIC HEARINGS

1. WJPA-22-0009 : 213 Sourthpoint Drive
2. WJPA-22-0010 : 3181 Derby Lane

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 6/8/2022

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: Minutes from the April 13, 2022, Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	6/1/2022 - 4:09 PM
Wetlands Group	Small, Toni	Approved	6/1/2022 - 4:10 PM
Publication Management	Pobiak, Amanda	Approved	6/2/2022 - 3:17 PM
Wetlands Group	Secretary, Wetland	Approved	6/2/2022 - 4:10 PM

ITEM SUMMARY

DATE: 6/8/2022

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: WJPA-22-0009 : 213 Sourthpoint Drive

Mrs. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. James and Ms. Patricia Mishler to install kayak launch with groins and beach nourishment on property located at 213 Southpoint Drive, JCC Parcel No. 493270014.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	JPA	Backup Material
☐	Site Plan	Exhibit
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	6/1/2022 - 4:06 PM
Wetlands Group	Small, Toni	Approved	6/1/2022 - 4:06 PM
Publication Management	Pobiak, Amanda	Approved	6/2/2022 - 3:14 PM
Wetlands Group	Secretary, Wetland	Approved	6/2/2022 - 4:10 PM

**WETLANDS BOARD CASE No. WJPA-22-0009. 213 Southpoint Drive
Staff Report for the June 8, 2022, Wetlands Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. James and Mrs. Patricia Mishler

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

Location: 213 Southpoint Drive

Parcel: Lot 14, Section 7 Kingspoint

Parcel Identification No.: 493270014

Watershed: College Creek (HUC JL34)

Floodplain: Zone AE - Base flood elevation is determined to be 9 feet mean sea level

Proposed Activity: Install a kayak launch with two groins and beach nourishment
Install a pier and boathouse (outside the jurisdiction of the local Wetlands Board)

Wetland Impacts: 0 square feet of vegetated wetland impacts
150 square feet of non-vegetated wetland impacts

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Mrs. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. James and Mrs. Patricia Mishler to install a kayak launch with two groins and beach nourishment on property located at 213 Southpoint Drive within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 493270014.

The applicants are proposing to construct a kayak launch area with two 15-foot timber groins and beach nourishment. This area of beach nourishment is proposed to include approximately 10 cubic yards of beach sand and is to be planted with *Spartina Alterniflora* on 24-inch centers. While approximately 150 square feet of non-vegetated wetlands are proposed to be impacted associated with the construction of the groins and beach nourishment, this project does not include any clearing, grading, or impacts to vegetated wetlands. This project is proposed between mean low water and mean high water; therefore, this project must be heard by the Wetlands 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. There are no anticipated vegetated wetland impacts associated with this proposal, therefore, mitigation is not a requirement of this permit.

STAFF RECOMMENDATIONS

Staff has reviewed the above application and recommends approval of the application as presented. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicants 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. The installation of 30 wetlands plants consisting of smooth cordgrass (*Spartina Alterniflora*) to be planted 5 foot on center in the area of beach nourishment; and
4. A surety of \$300 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office to guarantee the beach nourishment plantings; and
5. The Wetlands Permit for this project shall expire on June 8, 2025, if construction has not begun; and
6. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 27, 2025, six weeks prior to the expiration date.

TAL/ap
WJPA22-9_213SpoinDr

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA-22-0009. 213 SOUTHPOINT DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. James and Ms. Patricia Mishler, (the “Applicants”), 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. 493270014 and further identified as 213 Southpoint Drive (the “Property”) as set forth in the application WJPA-22-0009; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicants must obtain all other necessary local, state, and/or federal permits required for the project; 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 approval and permits prior to commencement of such activities; and
 - c. The installation of 30 wetland plants consisting of smooth cordgrass (*Spartina Alterniflora*) to be planted 5 foot on center in the area of beach nourishment; and
 - d. A surety of \$300 be paid and in place prior to commencement of work, in a form acceptable to the James City County Attorney’s Office to guarantee the beach nourishment plantings; and

- e. The Wetlands Permit for this project shall expire on June 8, 2025, if construction has not begun; and
- f. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 27, 2025, six weeks prior to the expiration date.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of June, 2022.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA22-9_213SpointDr-res

From: [Karla Havens](#)
To: [Beth JPA"s](#)
Subject: Mishler JPA
Date: Sunday, April 17, 2022 12:05:06 PM
Attachments: [Mishler JPA.pdf](#)

Happy Easter!

Here is a JPA for the Mishler project in JCC.

Karla

Sent from [Mail](#) for Windows

- ❖ 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.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 22-0903

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

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
- JAMES L. & PATRICIA A. MISHLER
213 SOUTHPOINT DRIVE
WILLIAMSBURG, VA 23185-4439
- Home () _____
Work () _____
Fax () _____
Cell (972) 342 - 2877
e-mail tcmish@aol.com
- State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
- Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____
- State Corporation Commission Name and ID Number (if applicable) _____
3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
- KARLA S. HAVENS
MID-ATLANTIC RESOURCE CONSULTING
1095 CHERRY ROW LANE
SHACKLEFORDS, VA 23156
- Home () _____
Work (804) 785 - 2107
Fax () _____
Cell (804) 366 - 1768
e-mail karlashavens@gmail.com
- State Corporation Commission Name and ID Number (if applicable) _____

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

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

CONSTRUCT A 6' x 60' NON-COMMERCIAL, OPEN-PILE, TREATED-TIMBER PIER WITH A 10' x 23' PLATFORM, AN 8' x 20' FLOAT, A 17' x 33' OPEN-SIDED BOATHOUSE WITH LIFT AND TWO 5' x 31' CATWALKS, 4 MOORING PILES, AND STEPS.

CONSTRUCT A KAYAK LAUNCH AREA WITH TWO 15' TIMBER GROINS AND BEACH NOURISHMENT WITH 10 CUBIC YARDS OF BEACH QUALITY SAND AND SPRIGGING WITH SPARTINA ALTERNIFLORA ON 24-INCH CENTERS.

SITE TO BE ACCESSED FROM THE WATER AND THE UPLAND.

NO TREE CLEARING AND/OR GRADING REQUIRED.

25 TIMBER PILES, NO GREATER THAN 12-INCH DIAMETER, TO BE INSTALLED WITH A VIBRATORY HAMMER.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* ☒ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

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

VIRGINIA GAZETTE

(757) 220 - 1736

1430 HIGH STREET, UNIT 504

WILLIAMSBURG, VA 23188

** DIRECT BILLING TO APPLICANT **

7. Give the following project location information:

Street Address (911 address if available) 213 SOUTHPOINT DRIVE

Lot/Block/Parcel# PID = 4930270014 LRSN = 1780

Subdivision KINGSPPOINT

City / County WILLIAMSBURG / JAMES CITY COUNTY ZIP Code 23185 - 4439

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

37.236478 / - 76.707315 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

PRIMARY PURPOSE IS TO GAIN SAFE ON-SITE ACCESS TO NAVIGABLE WATER.

SECONDARY PURPOSE IS TO MINIMIZE BANK EROSION.

THERE IS NO ON-SITE SAFE BOATING ACCESS TO NAVIGABLE WATER AND THE BANK IS UNDERCUT.

Part 1 - General Information (continued)

9. Proposed use (check one):
☒ Single user (private, non-commercial, residential)
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- NO CLEARING, GRADING, EXCAVATING REQUIRED.
- NO VEGETATED WETLAND IMPACTS.
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.): \$ >\$10,000 AND < \$100,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ SAME
13. Completion date of the proposed work: ASAP ONCE AUTHORIZED.
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.

LRSN 8767

DENISE W. KOCH TRUSTEE
215 SOUTHPOINT DRIVE
WILLIAMSBURG, VA 23185-4439

LRSN 18935

DONALD I. PRATT, JR. & GERALDINE O. PRATT TRUSTEE
110 ARCHERS HOPE DRIVE
WILLIAMSBURG, VA 23185-4406

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.

JAMES L. MISHLER

Applicant's Legal Name (printed/typed)

Applicant's Signature

Date

PATRICIA A. MISHLER

(Use if more than one applicant)

(Use if more than one applicant)

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), JL & PA MISHLER, hereby certify that I (we) have authorized KARLA S. HAVENS
(Applicant's legal name(s)) (Agent's name(s))
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all
standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Karla S. Havens
(Agent's Signature)

(Use if more than one agent)

4/13/22
(Date)

James Mishler
(Applicant's Signature)

James Mishler
(Use if more than one applicant)

4/13/2022
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, 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

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of JAMES L. & PATRICIA A. MISHLER
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 4-7-22
(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).

Denise W Koch
Adjacent/nearby property owner's signature(s)

4/12/2022
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.

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of JAMES L. & PATRICIA A. MISHLER
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 4-7-22
(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).

Don Pratt
Adjacent/nearby property owner's signature(s)

4/15/2022
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.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

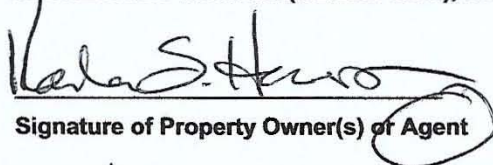
- YES ☒ NO ☐ (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES ☒ NO ☐ (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway 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 ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 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.


Signature of Property Owner(s) or Agent

Date 4-17-22

Proposed work to be located at:
213 SOUTHPOINT DRIVE WMSBG, VA

ON COLLEGE CREEK

VMRC Number: _____

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.

CONSTRUCT A 6' x 60' NON-COMMERCIAL, OPEN-PILE, TREATED-TIMBER PIER WITH A 10' x 23' PLATFORM, AN 8' x 20' FLOAT, A 17' x 33' OPEN-SIDED BOATHOUSE WITH LIFT AND TWO 5' x 31' CATWALKS, 4 MOORING PILES AND STEPS.

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? 60 feet.

Channelward of Mean High Water? 60 feet.

Channelward of Mean Low Water? 45 feet.

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

Tidal non-vegetated wetlands 90 square feet. (15' x 6')

Tidal vegetated wetlands 0 square feet.

Submerged lands 660 square feet.

What is the total size of any and all L- or T-head platforms? 390 sq. ft.

For boathouses, what is the overall size of the roof structure? 561 sq. ft. (17' x 33')

Will your boathouse have sides? ☒ Yes ☐ No.

$$\begin{aligned} \text{WALK} &= 6' \times 45' = 270 \\ \text{PLAT} &= 10' \times 23' = 230 \\ \text{FLOAT} &= 8' \times 20' = 160 \\ &\hline 660 \end{aligned}$$

$$\begin{aligned} \text{PLAT} &= 10' \times 23' = 230 \\ \text{FLOAT} &= 8' \times 20' = 160 \\ &\hline 390 \end{aligned}$$

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
- The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
POWER	26'			TO BE PURCHASED

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

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

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

From Mean High Water? _____ feet.

From Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

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

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

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:

CONSTRUCT A KAYAK LAUNCH AREA WITH TWO 15' TIMBER GROINS AND BEACH NOURISHMENT WITH 10 CUBIC YARDS OF BEACH QUALITY SAND AND SPRIGGING WITH SPARTINA ALTERNIFLORA ON 24-INCH CENTERS.

ALL BEACH NOURISHMENT IS BETWEEN MEAN HIGH WATER AND MEAN LOW WATER.

2. What is the maximum encroachment channelward of mean high water? 15 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Non-vegetated wetlands 150 square feet
 - Subaqueous bottom 0 square feet
 - Dune and/or beach N/A square feet

- ☒ 4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

TREATED TIMBER PILES AND SHEETING, H.D.G. HARDWARE, BEACH QUALITY SAND FROM AN UPLAND SOURCE, SPARTINA ALTERNIFLORA FROM A REPUTABLE NURSERY.

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

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

- Volume of material

_____	0	cubic yards channelward of mean low water
_____	10	cubic yards landward of mean low water
_____	10	cubic yards channelward of mean high water
_____	0	cubic yards landward of mean high water
- Area to be covered

_____	0	square feet channelward of mean low water
_____	150	square feet landward of mean low water
_____	10	cubic yards channelward of mean high water
_____	0	cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): UPLAND SOURCE, 100% SAND
- Method of transportation and placement:
TRUCKED IN AND PLACED WITH A WHEEL BARROW.
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

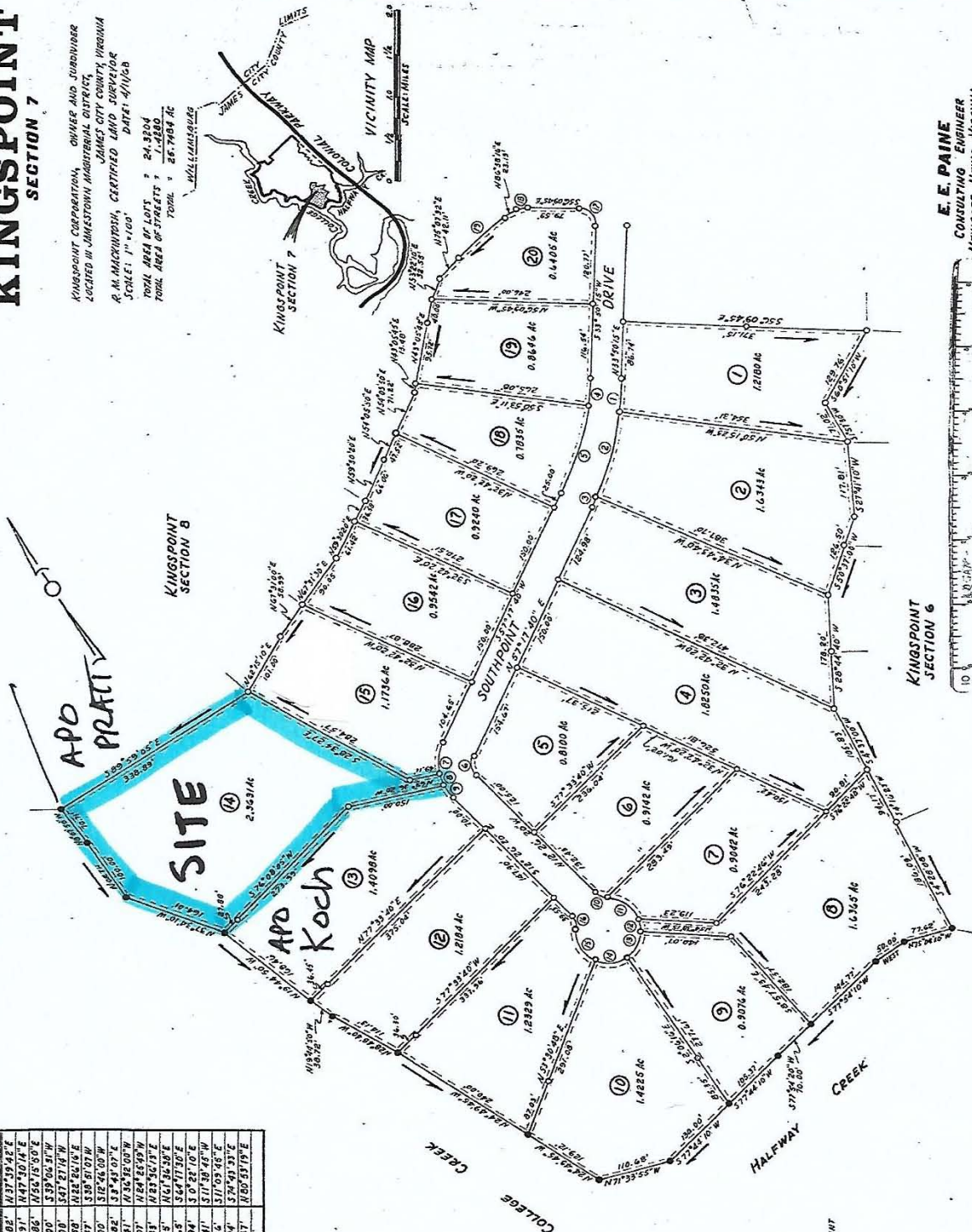
SPARTINA ALTERNIFLORA TO BE SPRIGGED ON ALTERNATING 24-INCH CENTERS DURING THE NEXT APPROPRIATE GROWING SEASON.

FERTILIZE EACH SPRIG WITH ONE OUNCE OF 10-10-10 SLOW-RELEASE FERTILIZER AT TIME OF PLANTING.

REPLANT AREAS OF PLANT MORTALITY AFTER ONE GROWING SEASON FOR A PERIOD OF ONE YEAR.

KINGSPOINT CORPORATION, OWNER AND SUBDIVIDER
 LOCATED IN JAMESTOWN INDUSTRIAL DISTRICT,
 JAMES CITY COUNTY, VIRGINIA
 R. M. MACKINPUSH, CERTIFIED LAND SURVEYOR
 SCALE: 1" = 100'
 DATE: 4/11/06

TOTAL AREA OF LOTS	=	24.3204
TOTAL AREA OF STREETS	=	1.4280
TOTAL	=	25.7484 AC

[illegible]

E. E. PAINE
CONSULTING ENGINEER
NEWPORT NEWS, VIRGINIA
J. E. PAINE

CERTIFICATE OF APPROVAL

THIS SUBDIVISION, KNOWN AS KINGSPOINT SUBDIVISION IS APPROVED BY THE UNDERSIGNEE IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

[illegible]

SOURCE OF TITLE PAGE 95
D&B BOOK 149

THIS SUBDIVISION IS WITH THE FREE CON-
SENT AND IN ACCORDANCE WITH THE
DESIGNATED OFFICERS AND WINNERS OF THE UNDER-
DESIGNED OWNERS & PROPRIETORS,
KINSPOINT CORPORATION
Kinspoint Corporation 1-7-74
TECHNICAL SERVICES - 2-7-74
DATE 04/8

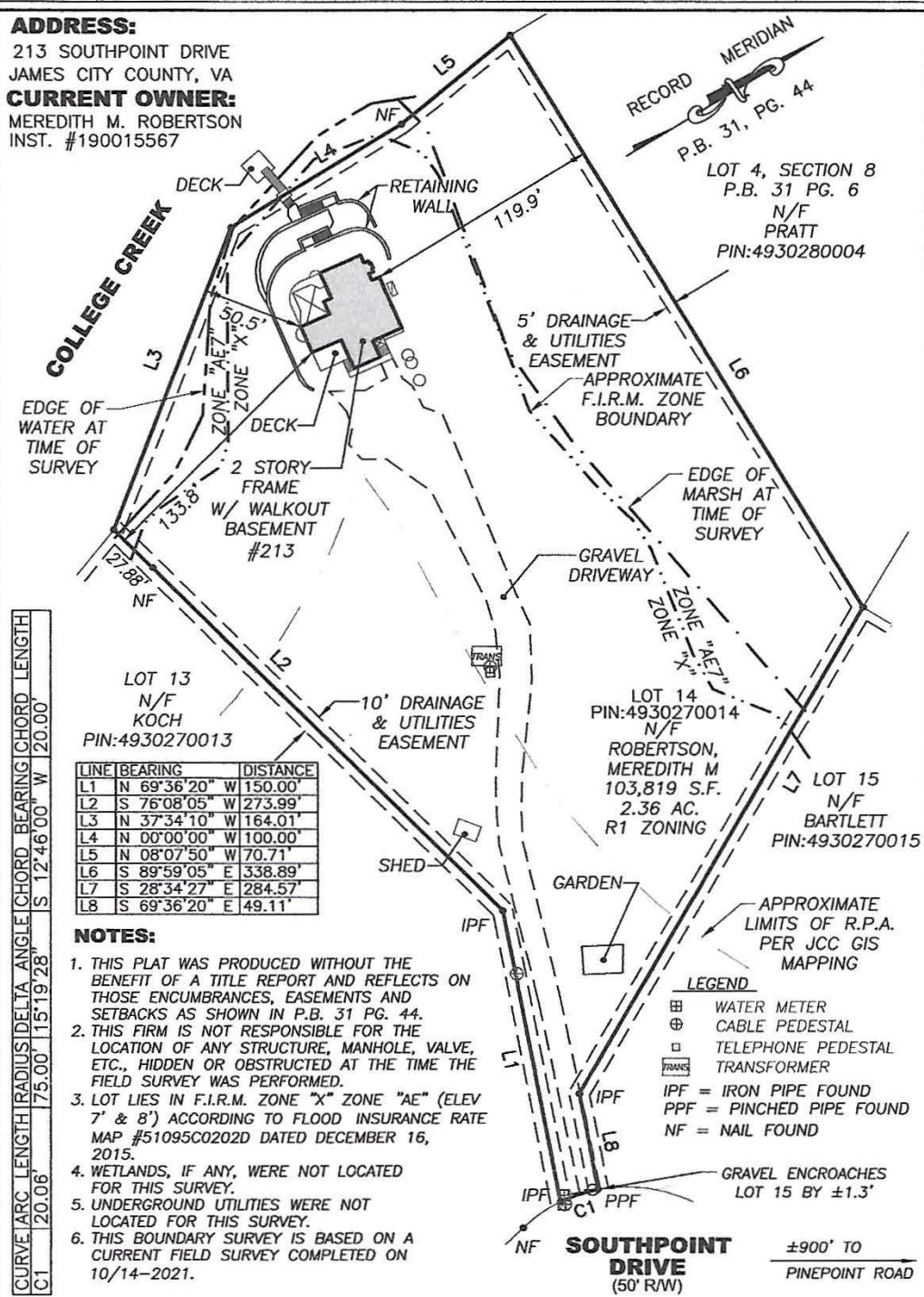
I HEREBY CERTIFY THAT TO THE BEST OF
 MY KNOWLEDGE AND BELIEF, ALL OF THE
 MEMBERS OF THE BOARD OF SURVEY-
 ORS AND COMMISSIONERS FOR THE COUNTY
 OF HANCOCK, VIRGINIA, REGARDING
 THE RELATING OF SUBDIVISIONS WITHIN
 SAID COUNTY HAVE BEEN COMPLIED WITH
 BY ME UNDER MY HAND THIS 11TH
 DAY OF APRIL, 1930.
 J. H. McEachern,
 M. HANCOCK CO., VIRG. LAND SURVEYOR

ADDRESS:

213 SOUTHPPOINT DRIVE
JAMES CITY COUNTY, VA

CURRENT OWNER:

MEREDITH M. ROBERTSON
INST. #190015567



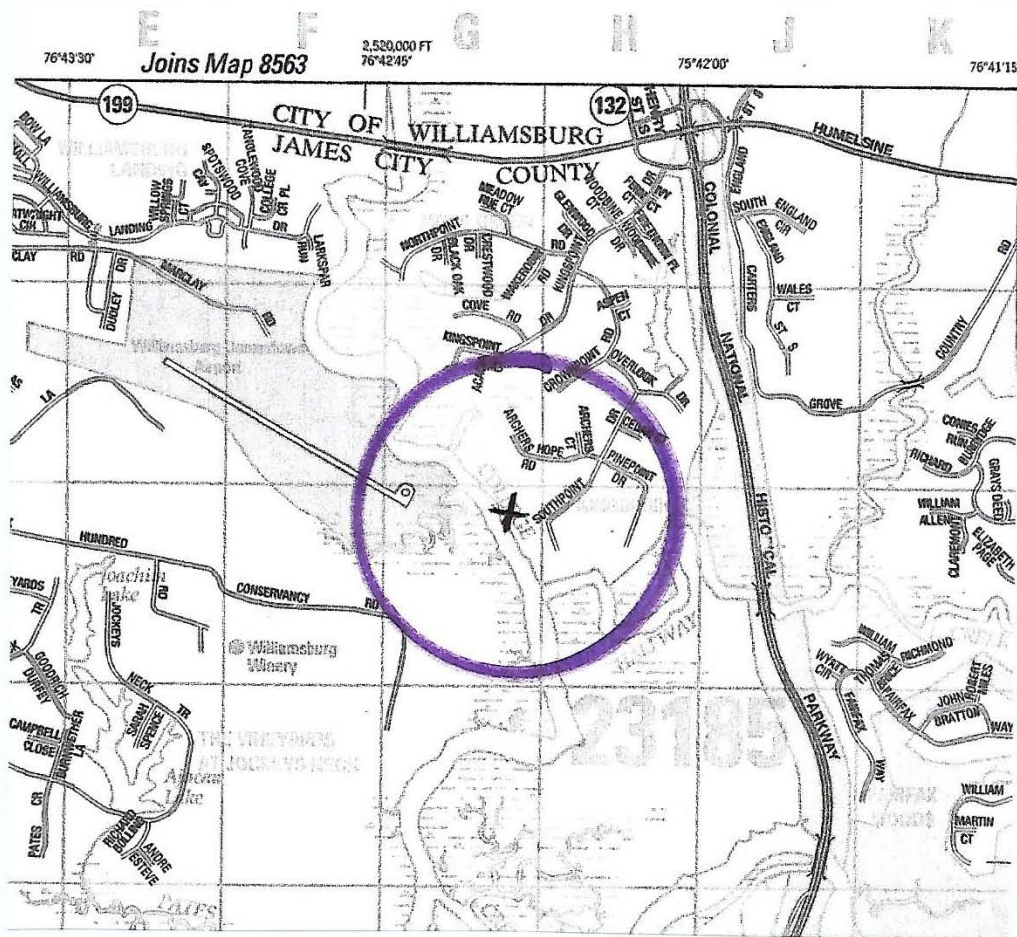
REFERENCES:

P.B. 31
PG. 44

DATE: 10/22/21
SCALE: 1"=60'
JOB# 21-376
CAD File
21-376.dwg

BOUNDARY SURVEY OF LOT 14, SECTION 7
KINGSPPOINT
For:
JAMIE BLEND
JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

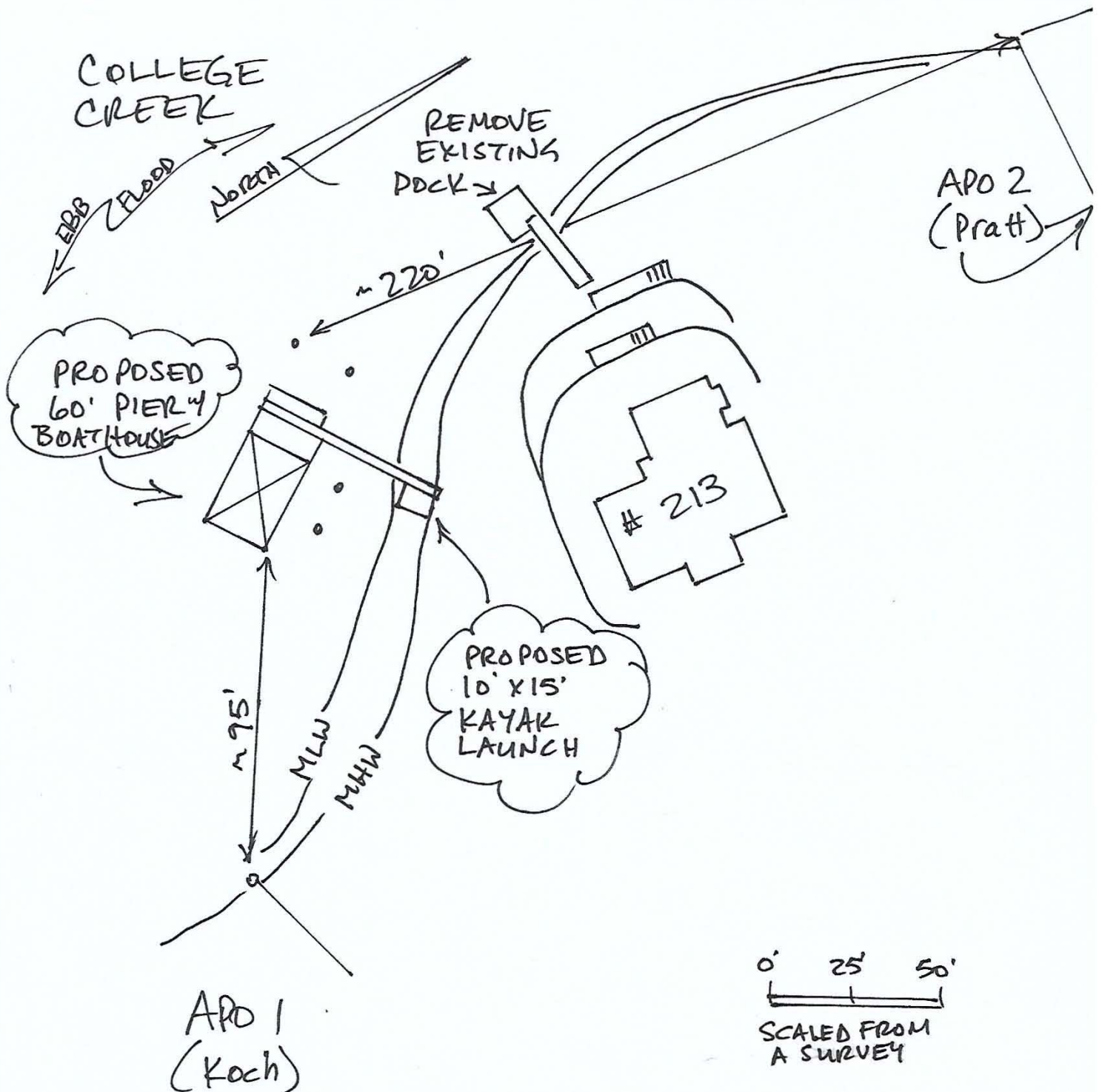
LandTech Resources, Inc.
Engineering and Surveying Consultants
205 E Bulifants Blvd., Williamsburg, Virginia 23188
Telephone: 757-565-1677 Fax: 757-565-0782
Web: landtechresources.com



ADC Street Atlas - Virginia Peninsula ,
Map # B675, Page 30, 2007.

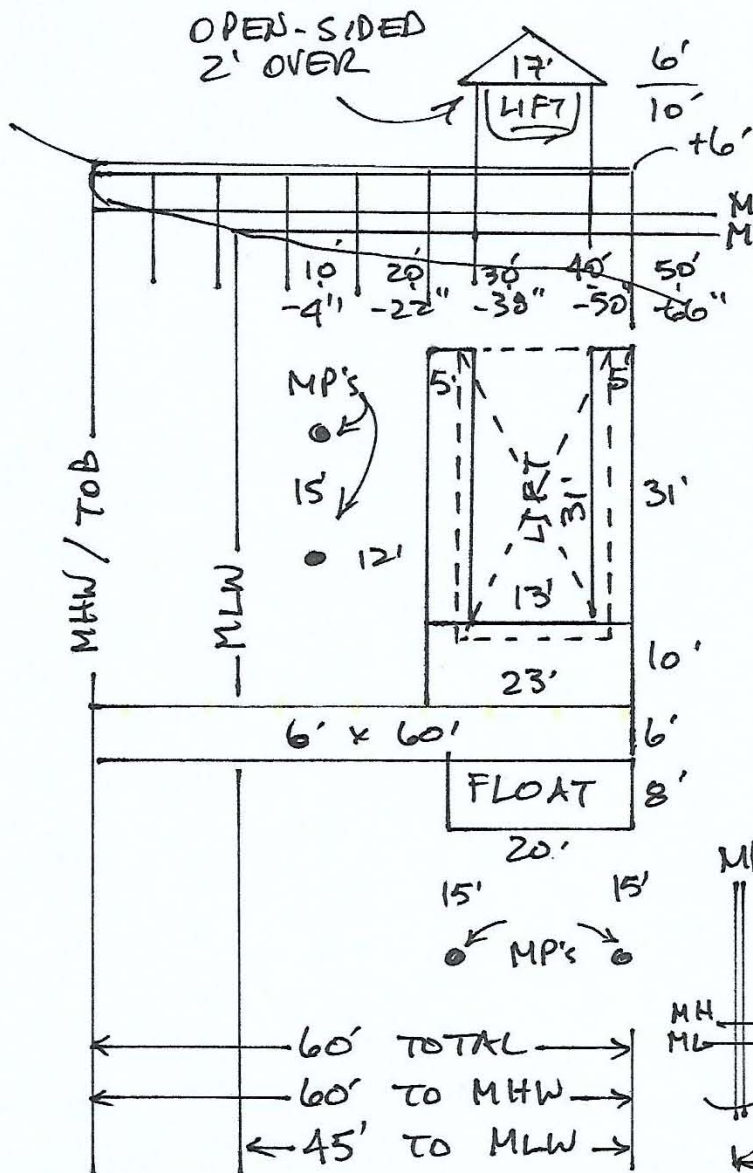
Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated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

Adjacent Property Owners:	VICINITY MAP	JAMES L & PATRICIA A. MISHLER 213 Southpoint Drive on College Creek
1. Denise W. Koch Trustee 2. Donald I. Pratt, Jr. & Geraldine Pratt Trustee	James City County L-14 S-7 Kingspoint	Date: 4-7-22 Sheet 1 of 4
Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com		



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

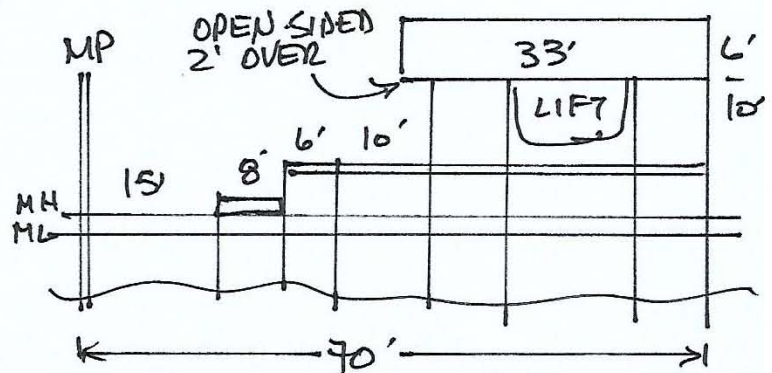
Adjacent Property Owners:	SITE PLAN	JAMES L & PATRICIA A. MISHLER 213 Southpoint Drive on College Creek
1. Denise W. Koch Trustee	James City County	Date: 4-7-22 Sheet 2 of 4
2. Donald I. Pratt, Jr. & Geraldine Pratt Trustee	L-14 S-7 Kingspoint	
Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com		



BOATHOUSE
17' x 33' = 561 SF

DECK 10' x 23' = 230
FLOAT 8' x 20' = 160
390 SF

END VIEW



MHW - MARSH EDGE ~ 250'

CHANNEL ~ 70' FROM MHW.

2 x 8 DECKING AND STRINGERS, ALL LUMBER TREATED.

ALL HARDWARE H.D.G.

25 TIMBER PILES, 12" MAXIMUM DIAMETER, LENGTH AS REQUIRED.

PILES INSTALLED WITH VIBRATORY HAMMER.

TEMPORARY CONSTRUCTION VESSEL.

NET INCREASE OF 1 PERMANENT, NON-COMMERCIAL VESSEL.

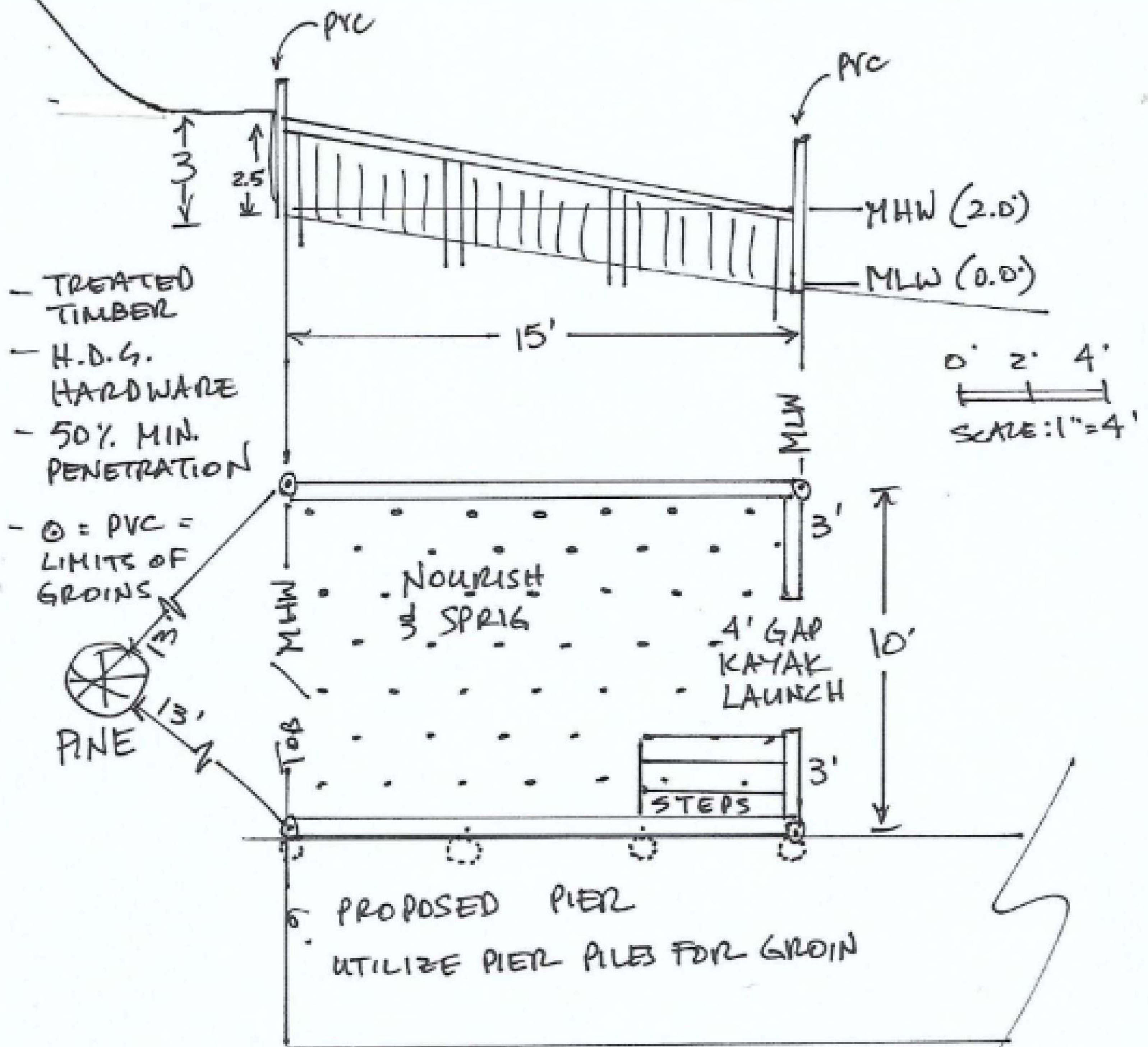
NO LESS THAN 4' BETWEEN DECKING AND WETLAND SUBSTRATE.

0 10' 20'
SCALE: 1" = 20'

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

Adjacent Property Owners:	PIER DETAIL	JAMES L & PATRICIA A. MISHLER 213 Southpoint Drive on College Creek
1. Denise W. Koch Trustee	James City County	Date: 4-7-22 Sheet 4 of 4
2. Donald I. Pratt, Jr. & Geraldine Pratt Trustee	L-14 S-7 Kingspoint	

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com





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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: WJPA-22-0009
213 Southpoint Drive
Pier and Boathouse Construction

June 1, 2022

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 Mrs. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mrs. Patricia and Mr. James Mishler for encroachments into the tidal wetlands associated with the installation of an offshore sill to include beach nourishment and sprigging. The project is located 213 Southpoint Drive, JCC Parcel No. 4930270014.

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, June 8, 2022, 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,

Trevor Long

Trevor Long
Wetlands Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
4930280003	YOUNG, PAMELA J	108 ARCHERS HOPE DR	WILLIAMSBURG	VA	23185-4406
4930280004	PRATT, DONALD I JR TRUSTEE &	110 ARCHERS HOPE DR	WILLIAMSBURG	VA	23185-4406
4930270005	LERBERG, SCOTT B &	212 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4440
4930270013	KOCH, DENISE W TRUSTEE	215 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4439
4930270015	BARTLETT, GILBERT A TRUSTEE &	211 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4439
4930270014	MISHLER, JAMES L & PATRICIA A	213 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4439
	Mid-Atlantic Resource Consulting Karla Havens	1095 Cherry Row	Plainview	VA	2315-62027



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **Wednesday, June 8, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-22-0009: Mrs. Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Mrs. Patricia and Mr. James Mishler for a wetlands permit for the installation of an offshore sill with beach nourishment and sprigging on property located at 213 Southpoint Dr, James City County (JCC) Parcel No.4930270014.

WJPA-22-0010: Mrs. Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Mr. Glenn Horner for a wetlands permit for the construction of a stone and concrete revetment on property located at 3181 Derby Lane, James City County (JCC) Parcel No.4540300008.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0053: Ms. Bettyann and Mr. Robert Thompson have applied for a Chesapeake Bay Exception for encroachments into the Resource Protection Area (RPA) buffer for the construction of a seating wall on property located at 1568 Harbor Road, James City County (JCC) Parcel No.43510200016.

CBPA-22-0057: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Linda and Mr. Peter Brownell for encroachments into the RPA buffer for the construction of a deck on property located at 729 East Tazewells Way, James City County (JCC) Parcel No.5030400103.

CBPA-22-0060: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mrs. and Mr. Sone Marciano for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Road, James City County (JCC) Parcel No.4720100045.

CBPA-22-0063: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. Shelley and Mr. Matthew Triola for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 112 North Knob Hill, James City County (JCC) Parcel No.3131400006.

CBPA-22-0066: Mr. Michael Mann has applied for a Chesapeake Bay Exception for encroachments

into the RPA buffer for the construction of a retaining wall on property located at 4756 Bristol Circle, James City County (JCC) Parcel No.471070030.

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

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 – Wednesday, May 25, 2022, and Wednesday, June 1, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

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

ITEM SUMMARY

DATE: 6/8/2022

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: WJPA-22-0010 : 3181 Derby Lane

Mrs. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. Glenn Horner to construct a stone and concrete revetment on property located at 3181 Derby Lane, JCC Parcel No. 4540300008.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	JPA	Backup Material
▣	Site Plan	Exhibit
▣	APO Letter	Backup Material
▣	APO List	Backup Material
▣	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	6/1/2022 - 4:04 PM
Wetlands Group	Small, Toni	Approved	6/1/2022 - 4:06 PM
Publication Management	Pobiak, Amanda	Approved	6/2/2022 - 3:10 PM
Wetlands Group	Secretary, Wetland	Approved	6/2/2022 - 4:11 PM

**WETLANDS BOARD CASE No. WJPA-22-0010. 3181 Derby Lane
Staff Report for the June 8, 2022, Wetlands Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Glenn Horner

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

Location: 3181 Derby Lane

Parcel: Lot 8, Drummonds Quarters on James

Parcel Identification No.: 4540300008

Watershed: James River (HUC JL30)

Floodplain: Zone VE - Base flood elevation is determined to be 10 feet mean sea level
Zone Coastal AE - Base flood elevation is determined to be 10 feet mean sea level

Proposed Activity: Wetlands Board Jurisdiction: Construction of a stone revetment, a breakwater, and beach nourishment
Outside of Wetlands Board Jurisdiction: Construction of a pier

Wetland Impacts: 0 square feet of vegetated wetland impacts
1,260 square feet of non-vegetated wetland impacts

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

PROJECT DISCUSSION

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. Glenn Horner to construct a stone revetment and breakwater with beach nourishment on property located at 3181 Derby Lane within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4540300008.

Existing conditions of the property include a series of breakwaters, a highly eroded beach area that has been diminishing over the past five years, a failed bulkhead, and a concrete wall adjacent to an existing patio area. On June 10, 2020, an application appeared before the Wetlands Board for the construction of a bulkhead at this property to mitigate for some of this beach and shoreline erosion. This bulkhead was approved and constructed; however, it has since begun to fail. The applicant is proposing to remove the existing vinyl bulkhead and construct a 6-foot by 210-foot quarry stone and concrete rubble revetment with filter cloth against the existing concrete wall landward of the bulkhead to mitigate for upland erosion. Also existing on the property is a series of offshore breakwaters. The applicant is proposing an additional 12-foot by 55-foot breakwater landward of the most northern two breakwaters that will include approximately 3,600 square feet of beach nourishment. This project is proposed between mean low water and mean high water; therefore, this project must be heard by the Wetlands 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. There are no anticipated vegetated wetland impacts associated with this proposal, therefore, mitigation is not a requirement of this permit.

STAFF RECOMMENDATIONS

Staff has reviewed the above application and recommends approval of the application as presented. 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. The Wetlands Permit for this project shall expire on June 8, 2025, 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 27, 2025, six weeks prior to the expiration date.

TAL/md
WJPA22-10_3181DerbyLn

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA-22-0010. 3181 DERBY LANE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Glenn Horner, (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. 4540300008 and further identified as 3181 Derby Lane (the “Property”) as set forth in the application WJPA-22-0010; 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 approval and permits prior to commencement of such activities; and
 - c. The Wetlands Permit for this project shall expire on June 8, 2025, 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 27, 2025, six weeks prior to the expiration date.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of June, 2022.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA22-10_3181DerbyLn-res

From: [Karla Havens](#)
To: [Beth JPA's](#); [Lauren Chartrand](#); [Trevor Long](#); [Robin Benedict](#)
Subject: Horner Revised Site Plan and APO Forms
Date: Friday, May 27, 2022 10:43:09 AM
Attachments: [Horner APO Forms.pdf](#)

Hi All,

Thank you for your participation at the on site meeting yesterday.

Here are the APO Forms and the revised site plan that the APO's agreed to yesterday.

Karla

Sent from [Mail](#) for Windows

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of HORNER FAMILY LIVING TRUST
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated REVISED: 5-26-22 (SHEET 2 OF 4)
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT X 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).

Ann Ewell
Adjacent/nearby property owner's signature(s)

5/26/22
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), Merle Powell, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of HORNER FAMILY LIVING TRUST
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated REVISED: 5-26-22
(Date)

(SHEET
2 OF 4)

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.

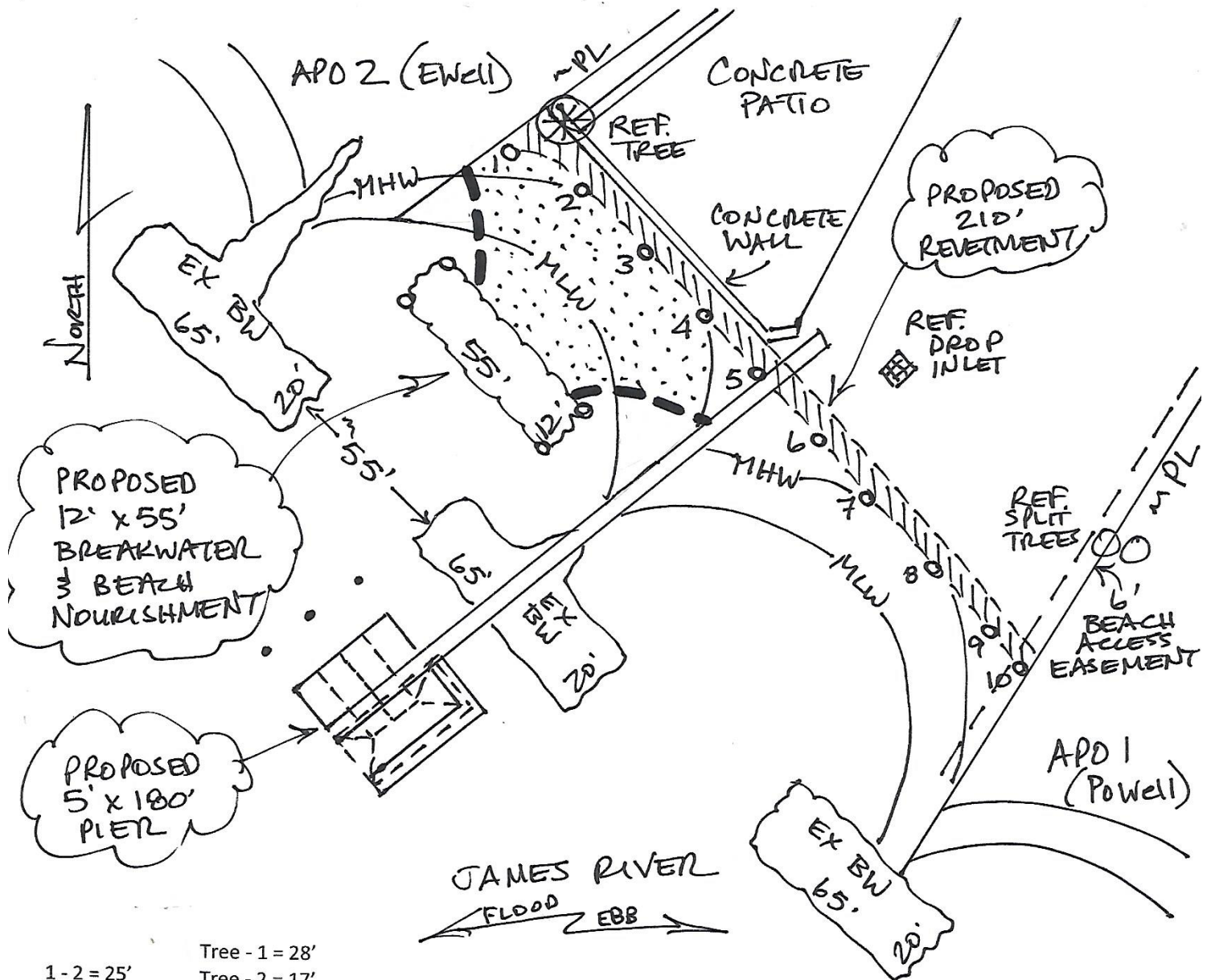
The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Merle Powell
Adjacent/nearby property owner's signature(s)

5/26/22
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.



1 - 2 = 25'	Tree - 1 = 28'
2 - 3 = 25'	Tree - 2 = 17'
3 - 4 = 25'	Drop Inlet - 5 = 35'
4 - 5 = 25'	Drop Inlet - 6 = 26'
5 - 6 = 25'	Drop Inlet - 7 = 38'
6 - 7 = 25'	Drop Inlet - 8 = 59'
7 - 8 = 25'	Drop Inlet - 9 = 82'
8 - 9 = 25'	Drop Inlet - 10 = 89'
9 - 10 = 10'	Split Tree - 8 = 44'
TOTAL = 210'	Split Tree - 9 = 34'
	Split Tree - 10 = 44'

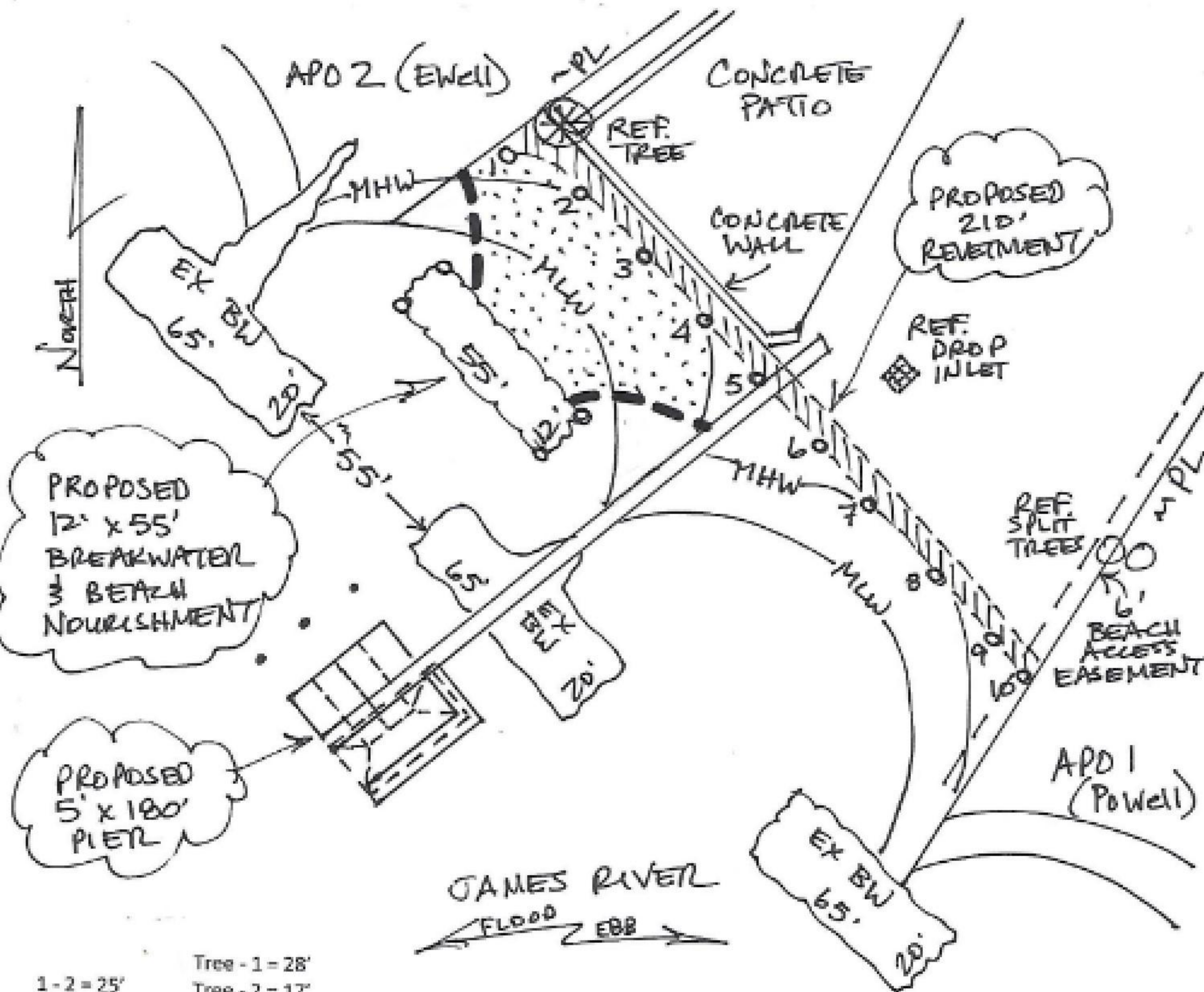
Wrap both ends of revetment in to existing bank.
 South end of revetment stone to be placed in a
 6' wide stair-step for beach access easement.
 Concrete wall to remain.
 Remove vinyl bulkhead.
 Remove drain pipe.

0' 20' 40'
 SCALE: 1" = 40'
 0 = PVC / TOE OF PROP. REVETMENT

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

Adjacent Property Owners:	SITE PLAN	HORNER FAMILY LIVING TRUST c/o Mark Kaisand 3181 Derby Lane, Williamsburg On the James River
1. Samuel T. & Merle M. Powell 2. Steve D. & GrayAnn G. Ewell	James City County PID 4540300008	REVISED: Date: 5.26.22 Sheet 2 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com



1-2 = 25'
2-3 = 25'
3-4 = 25'

Tree - 1 = 28'
Tree - 2 = 17'
Drop Inlet - 5 = 35'
Drop Inlet - 6 = 26'



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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: WJPA-22-0010
3181 Derby Ln
Revetment Construction

June 1, 2022

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 Mrs. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Glenn Horner for encroachments into the tidal wetlands associated with the construction of a stone and concrete revetment, breakwater, and beach nourishment. The project is located 3181 Derby Ln, JCC Parcel No. 4540300008 .

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, June 8, 2022, 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,

Trevor Long

Trevor Long
Wetlands Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
4540300008	HORNER FAMILY LIVING TRUST	3181 DERBY LN	WILLIAMSBURG	VA	23185-1498
4540300010	EWELL, STEVE D & GRAY ANN G	3201 DERBY LN	WILLIAMSBURG	VA	23185-1464
4540300007	RUGGLES, STEPHEN L TRUSTEE &	3189 DERBY LN	WILLIAMSBURG	VA	23185-1464
4540300009	POWELL, SAMUEL T & MERLE M	3200 DERBY LN	WILLIAMSBURG	VA	23185-1463
	Mid-Atlantic Consulting Attn: Karla Havens	1095 Cherry Row`	Plainview	VA	23156-2027



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **Wednesday, June 8, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-22-0009: Mrs. Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Mrs. Patricia and Mr. James Mishler for a wetlands permit for the installation of an offshore sill with beach nourishment and sprigging on property located at 213 Southpoint Dr, James City County (JCC) Parcel No.4930270014.

WJPA-22-0010: Mrs. Karla Havens, Mid-Atlantic Resource Consulting has applied on behalf of Mr. Glenn Horner for a wetlands permit for the construction of a stone and concrete revetment on property located at 3181 Derby Lane, James City County (JCC) Parcel No.4540300008.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0053: Ms. Bettyann and Mr. Robert Thompson have applied for a Chesapeake Bay Exception for encroachments into the Resource Protection Area (RPA) buffer for the construction of a seating wall on property located at 1568 Harbor Road, James City County (JCC) Parcel No.43510200016.

CBPA-22-0057: Mr. Mark Adam, Black Tip Associates, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Linda and Mr. Peter Brownell for encroachments into the RPA buffer for the construction of a deck on property located at 729 East Tazewells Way, James City County (JCC) Parcel No.5030400103.

CBPA-22-0060: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mrs. and Mr. Sone Marciano for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Road, James City County (JCC) Parcel No.4720100045.

CBPA-22-0063: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. Shelley and Mr. Matthew Triola for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 112 North Knob Hill, James City County (JCC) Parcel No.3131400006.

CBPA-22-0066: Mr. Michael Mann has applied for a Chesapeake Bay Exception for encroachments

into the RPA buffer for the construction of a retaining wall on property located at 4756 Bristol Circle, James City County (JCC) Parcel No.471070030.

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

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 – Wednesday, May 25, 2022, and Wednesday, June 1, 2022.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

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