

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
November 9, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

D. PUBLIC HEARINGS

1. WJPA-22-0021 : 1485 John Tyler Highway
2. WJPA-22-0023 : 7624 Uncles Neck
3. WJPA-22-0024: 124 Four Mile Tree

E. BOARD CONSIDERATIONS

1. Election of Officers for 2023

F. MATTERS OF SPECIAL PRIVILEGE

1. 2023 Calendar

G. ADJOURNMENT

ITEM SUMMARY

DATE: 11/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: WJPA-22-0015 : 1485 John Tyler Highway

WJPA-22-0021: Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Larry & Carla Evans for the installation of two breakwaters and beach nourishment on property located at 1485 John Tyler Hwy, JCC Parcel No. 3430300003.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
☐	JPA	Backup Material
☐	APO Letter	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/2/2022 - 10:21 PM
Wetlands Group	Small, Toni	Approved	11/3/2022 - 8:12 AM
Publication Management	Daniel, Martha	Approved	11/3/2022 - 8:23 AM
Wetlands Group	Secretary, Wetland	Approved	11/3/2022 - 9:51 AM

**WETLANDS BOARD PERMIT No. WJPA-22-0021. 1485 John Tyler Highway
Staff Report for the November 9, 2022, Wetlands Board Public Hearing**

This staff report is prepared by the 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. Larry Evans

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

Location: 1485 John Tyler Highway

Parcel Identification No.: 3430300003

Parcel: Lot 3, Barrett's Ferry Landing

Watershed: Gordon Creek (JL29)

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

Proposed Activity: Installation of two breakwater with beach nourishment and sprigging

Wetland Impacts: 0 square feet of vegetated wetlands impacts
246 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. Larry Evans for the installation of two breakwater with beach nourishment and sprigging on property located at 1485 John Tyler Highway within the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3430300003.

The project site is in the middle of a series of properties along the Chickahominy River that have all received approvals to install a series of breakwater projects on their properties. There is an existing bluff, approximately six feet in height, that has experienced sluffing from the rear of the property to the shoreline. The applicant is proposing to install a 15-foot by 70-foot breakwater and a 15-foot by 80-foot breakwater to mitigate for wave velocity and perform beach nourishment with sprigging. The applicant has also proposed to grade the bank back to a 6:1 slope to ensure stable conditions and match the banks of the surrounding properties. This bank grading equates to approximately 6,000 square feet of grading.

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. While there are no vegetated impacts to wetlands associated with this project, the applicant is proposing to grade approximately 6,000 square feet within the Resource Protection Area. Staff will require this area to be replanted on 4-foot centers and for the proposed beach nourishment to be planted on 1.5-foot centers.

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 federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. A surety of \$2,000 must be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. The Wetlands Permit for this project shall expire on November 9, 2025, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than September 28, 2025, six weeks prior to the expiration date.

TAL/ap
WJPA22-21_1485JohnTyler

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-22-0021. 1485 JOHN TYLER HIGHWAY

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Larry Evans (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on November 9, 2022, to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 3430300003 and further identified as 1485 John Tyler Highway, as set forth in the application WJPA-22-0021, for the purpose of the bank grading and installing two breakwaters with beach nourishment and sprigging; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application meets all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **APPROVES** the request for a wetlands permit in Wetlands Board Case No. WJPA-22-0021, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area must comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. A surety of \$2,000 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. The Wetlands Permit for this project will expire on November 9, 2025, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than September 28, 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 9th day of November, 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: _____

WJPA22-21_1485JohnTylerApp-res

RESOLUTION

CASE NO. WJPA-22-0021. 1485 JOHN TYLER HIGHWAY

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Larry Evans (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on November 9, 2022, to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 3430300003 and further identified as 1485 John Tyler Highway, as set forth in the application WJPA-22-0021, for the purpose of the bank grading and installing two breakwaters with beach nourishment and sprigging; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application does not meet all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **DENIES** the request for a wetlands permit in Wetlands Board Case No. WJPA-22-0021.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of November, 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: _____

WJPA22-21_1485JohnTylerDny-res

From: [Karla Havens](#)
To: [Beth JPA"s](#)
Subject: Evans JPA - JCC
Date: Monday, August 29, 2022 3:21:32 PM
Attachments: [Evans JPA.pdf](#)

Good Afternoon,

Here is a JPA for the Evans' proposed sill and pier project in JCC.
Both APO Forms have been included.

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 # 22-2098

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>JAMES CITY COUNTY</u>				
Waterway at project site: <u>CHICKAHOMINY RIVER</u>				
<i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i>				
Historical information for past permit submittals can be found online with VMRC - 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:
- LARRY & CARLA EVANS
35 MARIAL ROSE DRIVE
PORTSMOUTH, RI 02871-1278
- Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail evansfamilymail@cox.net
- State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
- 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 15' x 70' AND 15' x 80' BREAKWATER WITH ASSOCIATED BEACH NOURISHMENT AND SPRIGGING, AND A 6' x 300' NON-COMMERCIAL, TREATED-TIMBER, OPEN-PILE PIER WITH A 10' x 14' FLOAT AND A 12' x 20' PLATFORM WITH A 14' x 22' OPEN-SIDED ROOF.

SITE TO BE ACCESSED FROM THE UPLAND AND THE WATER.

TREE CLEARING AND BANK GRADING REQUIRED.

85 TREATED-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? X 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:

KEVIN PANKOKE
PMC MARINE CONSTRUCTION, INC.
14 WHITE HOUSE DRIVE
POQUOSON, VA 23662

Contact Information:

Home ()
Work ()
Fax ()
Cell (757) 617 - 4210
email kpmarine1@cox.net

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

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

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

VIRGINIA GAZETTE
1430 HIGH STREET, UNIT 504
WILLIAMSBURG, VA 23188

Telephone number

(757) 220 - 1736

** DIRECT BILLING TO APPLICANT **

7. Give the following project location information:

Street Address (911 address if available) 1485 JOHN TYLER HIGHWAY

Lot/Block/Parcel# PID = 34303000003 LRSN = 31119 LOT 3

Subdivision BARRETT'S FERRY LANDING

City / County WILLIAMSBURG / JAMES CITY COUNTY ZIP Code 23185-7604

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

37.262677 / - 76.870988 (Example: 36.41600/-76.30733)

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

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

PRIMARY PURPOSE IS TO MINIMIZE SHORELINE EROSION.

SECONDARY PURPOSE IS TO BUILD UP A BEACH.

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.*

 TREE REMOVAL AND BANK GRADING WILL BE KEPT TO THE MINIMUM
 NECESSARY TO COMPLETE THE PROJECT.

 ALL DENUDED AND DISTURBED AREAS SHALL BE SEEDED WITH AN
 APPROPRIATE SEASONAL SEED MIXTURE AND MULCHED OR MATTED.
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.

LOT 4 - LRSN 31120

JEFFREY A. & AMY L. VANDESAND
1489 JOHN TYLER HIGHWAY
WILLIAMSBURG, VA 23185-7604

LOT 2 - LRSN 31118

WILLEM L. BLINDENBACH TRUSTEE & FLORIENA PETRONELLA
BLINDENBACH-DRIESSEN
1702 IRVIN STREET
VIENNA, VA 22182-2120

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.

LARRY EVANS

Applicant's Legal Name (printed/typed)

Applicant's Signature

Date

8/21/22

CARLA EVANS

(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), LARRY & CARLA EVANS, 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)

8/21/22
(Date)

[Signature]
(Applicant's Signature)

Carla M Evans
(Use if more than one applicant)

8/21/22
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), LARRY & CARLA EVANS, have contracted PANKOKE MARINE CONSTRUCTION, INC.
(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.

KEVIN PANKOKE

Contractor's name or name of firm

14 WHITE HOUSE DR. POQUOSON, VA 23662

Contractor's or firm's address

Contractor's signature and title

2705 -N 130851 A

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), W L Blunden back, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of LARRY & CARLA EVANS
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 8-20-22
(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).

[Signature]
Adjacent/nearby property owner's signature(s)

8/26/22
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.

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of LARRY & CARLA EVANS
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 8-20-22
(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).

[Signature]
Adjacent/nearby property owner's signature(s)

Date

8/29/22

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

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

1. Briefly describe your proposed project.

CONSTRUCT A 6' x 300' NON-COMMERCIAL, TREATED-TIMBER, OPEN-PILE PIER WITH A 10' x 14' FLOAT AND A 12' x 20' PLATFORM WITH A 14' x 22' OPEN-SIDED ROOF.

2. For private, noncommercial piers:

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

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

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

What is the overall length of the proposed structure? 300 feet.

Channelward of Mean High Water? 300 feet.

Channelward of Mean Low Water? 260 feet.

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

Tidal non-vegetated wetlands 246 square feet. (6' x 41')

Tidal vegetated wetlands 0 square feet.

Submerged lands 1940 square feet.

What is the total size of any and all L- or T-head platforms? 380 sq. ft.

For boathouses, what is the overall size of the roof structure? N/A sq. ft.

Will your boathouse have sides? ☐ Yes ☐ No.

6' x 260' = 1560 Wall
12' x 20' = 240 Plat
10' x 14' = 140 Float
1940 sf

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)

☒ 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 #
Canoes 3	Kayakers			

☒ 5. 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

☒ 6. 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 15' x 70' AND A 15' x 80' CLASS TWO QUARRY STONE BREAKWATER WITH BEACH NOURISHMENT, SPRIGGING AND BANK GRADING.

2. What is the maximum encroachment channelward of mean high water? 50 feet.
Channelward of mean low water? 20 feet.
Channelward of the back edge of the dune or beach? _____ feet.

3. Please calculate the square footage of encroachment over:

• Vegetated wetlands	<u>0</u>	square feet	
• Non-vegetated wetlands	<u>0</u>	square feet	
• Subaqueous bottom	<u>2250</u>	square feet	$15 \times 70 = 1050$
• Dune and/or beach	_____	square feet	$15 \times 80 = 1200$
			<u>2250 sf</u>

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

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

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

Part 3 – Appendices (continued)

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

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

CLASS II QUARRY STONE, FILTER FABRIC, BEACH QUALITY SAND, SPARTINA ALTERNIFLORA, SPARTINA PATENS, 10-10-10 SLOW-RELEASE FERTILIZER, SILT FENCE.

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

Core (inner layer) material	<u>100</u>	pounds per stone	Class size	<u>I</u>
Armor (outer layer) material	<u>400</u>	pounds per stone	Class size	<u>II</u>

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

- Volume of material

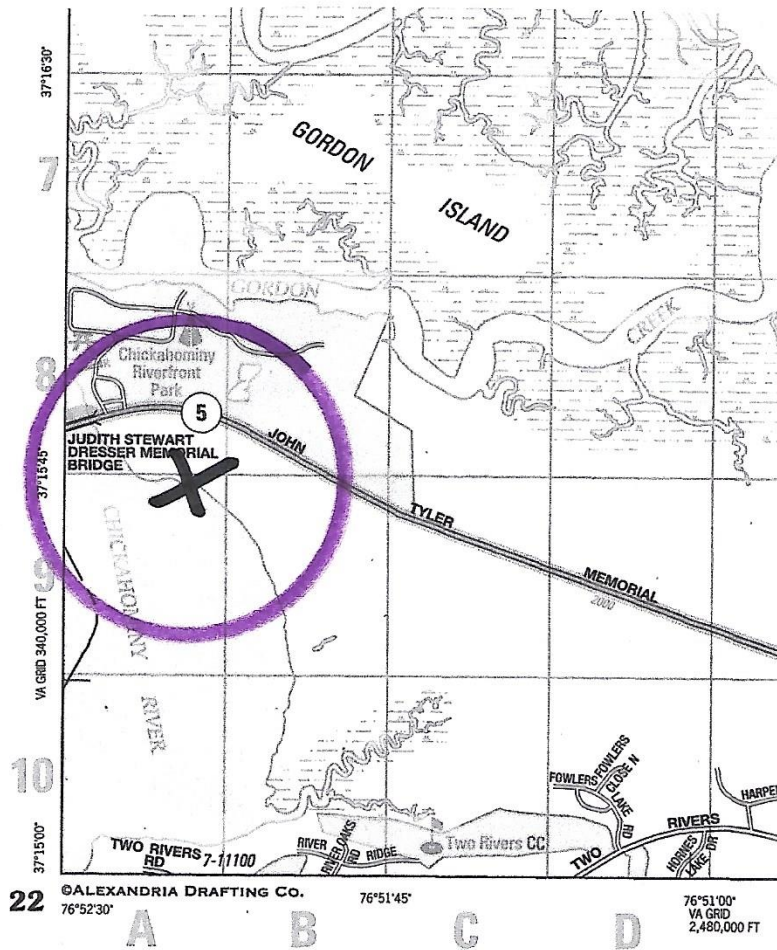
<u>100</u>	cubic yards channelward of mean low water
<u>344</u>	cubic yards landward of mean low water
<u>444</u>	cubic yards channelward of mean high water
<u>0</u>	cubic yards landward of mean high water
- Area to be covered

<u>100</u>	square feet channelward of mean low water
<u>500</u>	square feet landward of mean low water
<u>444</u>	cubic yards channelward of mean high water
<u>0</u>	cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): BEACH QUALITY SAND
- Method of transportation and placement:

TRUCKED IN FROM AN UPLAND SOURCE & PLACED BY A LOADER

- 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>:

SPRIG TWO ROWS EACH OF SP. PATENS & SP. ALTERNIFLORA ON 24-INCH CENTERS. FERTILIZE W/ 1 OZ. 10-10-10 SLOW-RELEASE FERTILIZER AT TIME OF PLANTING. AREAS OF PLANT MORTALITY AFTER ONE YEAR SHALL BE RE-SPRIGGED FOR ONE GROWING SEASON.



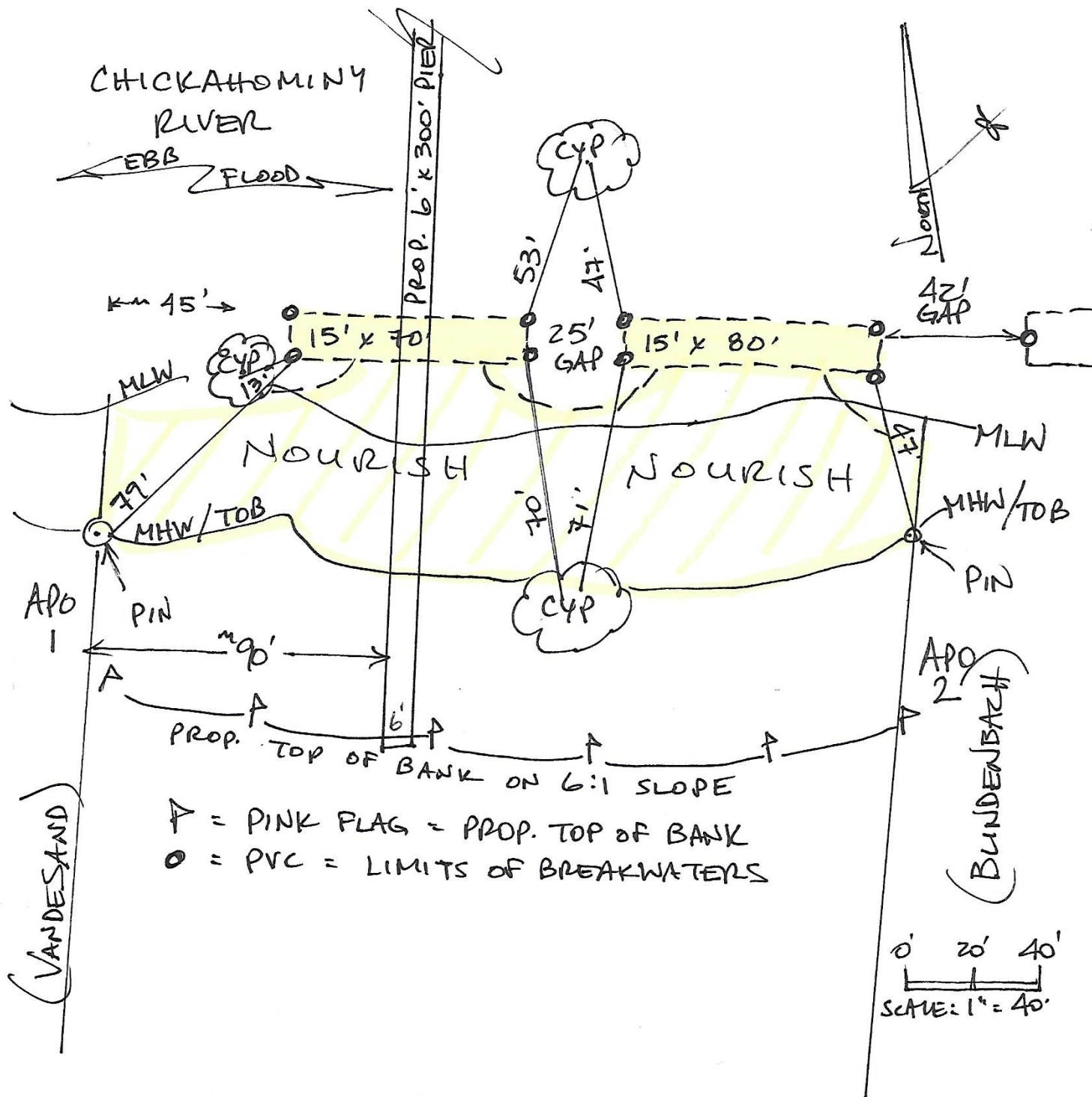
ADC Street Atlas - Virginia Peninsula,
Page 21, Map 8560, 2007.

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	LARRY & CARLA EVANS
1. Jeffrey A. & Amy L. VandeSand	James City County	1485 John Tyler Hwy. - Williamsburg
2. Willem L. Blindenbach Trustee & Floriana Petronella Blindenbach-Driessen	LRSN = 31119	On the Chickahominy River
		Date: 8-20-22 Sheet 1 of 4

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

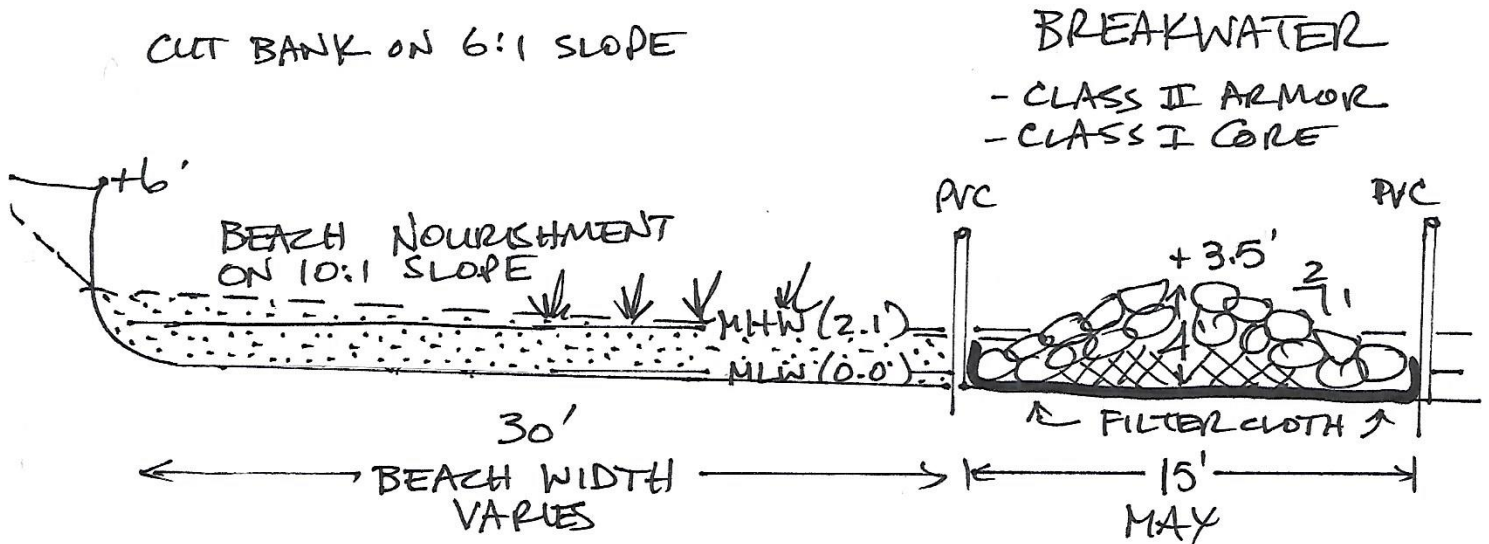
Received by VMRC August 29, 2022 /blh



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	LARRY & CARLA EVANS 1485 John Tyler Hwy. - Williamsburg On the Chickahominy River
1. Jeffrey A. & Amy L. VandeSand 2. Willem L. Blindenbach Trustee & Floriene Petronella Blindenbach-Driessen	James City County LRSN = 31119	Date: 8-20-22 Sheet 2 of 4

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



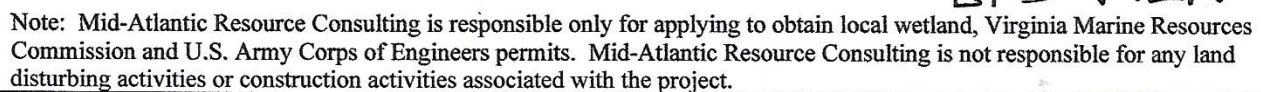
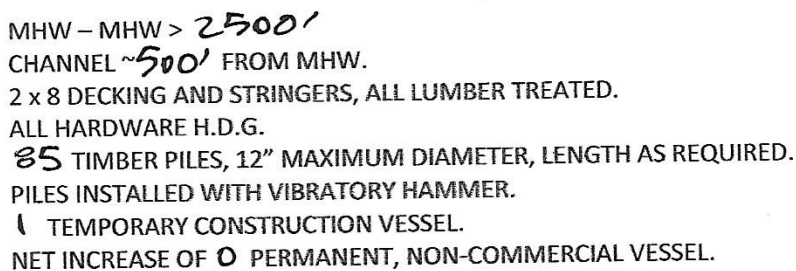
- SPRIG w/ TWO ROWS EACH SP. ALT. $\frac{1}{2}$ SP. PATENS ON 24" CENTERS.
- FERTILIZE w/ 1 OZ. 10-10-10 SLOW-RELEASE FERTILIZER.
- REPLANT AREAS OF MORTALITY AFTER ONE GROWING SEASON.

0' 30' 60'
SCALE: 1"=60'

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:	BREAKWATER DETAIL	LARRY & CARLA EVANS
1. Jeffrey A. & Amy L. VandeSand	James City County	1485 John Tyler Hwy. - Williamsburg
2. Willem L. Blindenbach Trustee & Floriene Petronella Blindenbach-Driessen	LRSN = 31119	On the Chickahominy River
		Date: 8-20-22 Sheet 3 of 4

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



Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, 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

BLINDENBACH, WILLEM L TRUSTEE &
1702 IRVIN ST
VIENNA, VA 22182-2120

RE: WJPA-22-0021
1485 JOHN TYLER HWY
Breakwater/Pier

October 11, 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 KARLA HAVENS, on behalf of Larry & Carla Evans for encroachments into the tidal wetlands associated with the breakwater/pier. The project is located at 1485 JOHN TYLER HWY, JCC Parcel No. 3430300003.

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, 11/9/2022, 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

More bird populations across US reach tipping point

Some of affected species may come as a surprise

By Everett Eaton
Staff Writer

More than half of bird populations are sharply declining across the United States, and dozens have been added as tipping point species — but species like swans and geese are doing fine.

Tipping point species are close to threatened or endangered status because they have lost half or more of their populations in the last 50 years. The State of the Birds Report, by the North American Bird Conservation Initiative, used five different sources of data, including the North American Breeding Bird Survey and the Audubon Christmas Bird Count.

Everyone needs to begin thinking about conserving common species before they become uncommon, said Nick Flanders, an officer at the Cape Henry Audubon Society, a local chapter of the National Audubon Society located in Norfolk. Part of this is looking at if they need a specific habitat to flourish and protecting that space because building populations back is more difficult than maintaining them.

"It is a little bit harder to get people excited about protecting a rare species of grass to help that habitat for a bird species," Flanders said. "So if you are interested in protecting that bird species people are interested in, that works a lot better."

Maintaining bird populations also helps preserve other plants and animal populations in the different ecosystems and keep those environments healthy. One way to do this is by protecting the other parts of the ecosystem, not just the birds.

Some of the birds on the list may come as a surprise. A trip to the beach comes with a myriad of sounds, including the relentless squawk of seagulls and their seemingly endless invasions to steal snacks from beachgoers.

The Herring gull, a species within the broader seagull group, has lost half its population over the last 50 years and is on track to lose another half of its remaining population over the coming 50 years.

Issues like habitat decline and an increasingly limited food supply from natural sources add to the dramatic population loss of the gulls. According to the report, more than 60% of seabird species were found to have eaten plastic, and 40% have been tangled up in the waste such as spent fishing nets.

Other seabirds, including two different kinds of albatross, petrels and the red-faced cormorant, made the tipping point list. The report also lists many wetland birds.



A great blue heron takes flight from a rock it was sharing with a great black-backed gull on a misty morning on Great Salt Bay in Newcastle, Maine. ROBERT F. BUKATY/AP

Flanders said factors like sea-level rise will create conservation challenges in helping the different species.

"The marsh only has a small threshold before flooding, and especially when there is a development behind it, like houses, the birds don't really have anywhere to go," Flanders said.

Species like the salt marsh sparrow that lay their eggs in the marshes are vulnerable and have lost about 9% of their population per year since the 1990s. The population could collapse in the next 50 years if nothing is done, according to the Atlantic Coast Joint Venture, a conservation organization.

Frequent and more intense nest flooding due to sea level rise is currently the greatest threat to this species.

Although there are significant losses, it is not all doom-and-gloom.

The decline of Eastern forest birds has slowed over the last decade, according to

the report. The cerulean warbler and the wood thrush showed about a 60% decline since 1970, but their populations are not dwindling as fast. The wood thrush population even recently saw a slight increase of a little over a half percent.

The Appalachian Mountains Joint Venture, a partnership of over 50 federal, state and nonprofit organizations, has made large contributions in habitat restoration. In 2020, AMJV restored more than 8,700 acres of habitat on private land between West Virginia, Maryland and Pennsylvania.

Some of the largest population increases came from these improved areas. Some of the forested species listed in the report appear to be doing well in Hampton Roads, such as the prairie warbler, Flanders said. The Great Dismal Swamp, among other preserves, is a haven for the warblers, and they are common during the breeding season — which is why Flanders

was initially surprised upon reading their name on the list.

"But, if you think about the areas away from these protected areas, with the development and loss of forested area, some of these declines do make more sense," he said.

Waterfowl like geese, which are seeing record high populations, have adapted from habitat loss and began to use areas like farmland to live.

There have also been local and federal conservation efforts to protect waterfowl populations. The North American Wetlands Conservation Act and U.S. Farm Bill conservation programs are two examples that provide incentives for farmers to improve habitats, like wetlands, on their property.

Everett Eaton, 262-902-7896, everett.eaton@virginiamedia.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, NOVEMBER 9, 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-22-0023: Daniel Winal, Waters Edge Construction, has applied for a wetlands permit on behalf of Mark Gillespie for the installation of a riprap revetment on property located at 7624 Uncles Neck, JCC Parcel No. 2030200031.

WJPA-22-0021: Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Larry & Carla Evans for the installation of two breakwaters and beach nourishment on property located at 1485 John Tyler Hwy, JCC Parcel No. 3430300003.

WJPA-22-0024: Mo Bloxom, Southern Landscaping LLC, has applied for a wetlands permit on behalf of Taylor & Colleen McMurdo for the installation of a stone revetment on property located at 124 Four Mile Tree, JCC Parcel No. 1640500010.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0132: Timothy Jones Two Rivers Built, has applied for a Chesapeake Bay Exception on behalf of Christopher Tucker for encroachments into the Resource Protection Area (RPA) buffer for a proposed deck on property located at 103 Cove Road, JCC Parcel No. 4910240005.

CBPA-22-0086: Emily Salkind, Balzer & Associates has applied for a Chesapeake Bay Exception on behalf of Stephen & Holly Garrow for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 9208 Candle Light Court, JCC Parcel No. 3303000051.

CBPA-22-0135: Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Alan Hochberg for encroachments into the RPA buffer for the development of a single-family dwelling in the RPA buffer on property located at 134 Swinley Forest, JCC Parcel No. 3130400072.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 2800 Durleys Mill Road, JCC Parcel No. 4741000008.

CBPA-22-0141: Charlie Hippie, has applied for a Chesapeake Bay Exception on behalf of Michael & Mary Hippie for encroachments into the RPA buffer for an accessory structure on property located at 821 Arlington Island Road, JCC Parcel No. 9401000003.

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.



The Stryker Center in Williamsburg. KIM O'BRIEN ROOT/STAFF

Commission gives OK to subdivision request at Quarterpath Development

By Sian Wilkerson
Staff Writer

WILLIAMSBURG — The Williamsburg Planning Commission voted to approve a request to subdivide an 86-acre parcel along Battery Boulevard for the Quarterpath at Williamsburg Development.

Quarterpath, which has been in development for nearly two decades, is a large, mixed-use development project at the intersection of Route 199 and Route 60. In 2004, Riverside acquired 380 acres of land for a site for a new hospital, which opened in 2013.

The property owner is subdividing the 86 acres into seven lots to sell to developers to complete an approved master plan that includes multifamily residences, townhomes, retail and medical-related office buildings to create a medical campus.

Calling the application "straightforward," the commission approved it unanimously.

In other business, the commission voted

to approve a request to amend the zoning ordinance to allow a family entertainment center on Richmond Road in the Corridor Business District.

The request included the adaptive reuse and conversion of the 65,000-square-foot single use building that formerly housed the Yankee Candle store on 2200 Richmond Road. The center will include arcades, billiards, bowling and more.

One resident, Todd Krause, expressed concern that an entertainment center might cause prohibitive noise. "I'm a little worried about the impact that this is going to have for me and my neighbors," said Krause, who lives in the neighborhood behind the property.

The commission cited the city's noise ordinance that already exists, which would keep the new center within allowable noise levels.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616

ITEM SUMMARY

DATE: 11/9/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: WJPA-22-0023 : 7624 Uncles Neck

WJPA-22-0023: Daniel Winall, Waters Edge Construction, has applied for a wetlands permit on behalf of Mark Gillespie for the installation of a riprap revetment on property located at 7624 Uncles Neck, JCC Parcel No. 2030200031.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution to Approve	Resolution
▣	Resolution to Deny	Resolution
▣	JPA	Backup Material
▣	Email from Applicant	Backup Material
▣	APO Letter	Backup Material
▣	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/2/2022 - 10:22 PM
Wetlands Group	Small, Toni	Approved	11/3/2022 - 8:13 AM
Publication Management	Daniel, Martha	Approved	11/3/2022 - 8:26 AM
Wetlands Group	Secretary, Wetland	Approved	11/3/2022 - 9:51 AM

**WETLANDS BOARD PERMIT No. WJPA-22-0023. 7624 Uncles Neck
Staff Report for the November 9, 2022, Wetlands Board Public Hearing**

This staff report is prepared by the 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. Mark Gillespie

Agent: Mr. Daniel Winall, Waters Edge Construction

Location: 7624 Uncles Neck

Parcel Identification No.: 2030200031

Parcel: Lot 31, River's Bend at Uncles Neck

Watershed: Yarmouth Creek (JL28)

Floodplain: Zone AE - Base flood elevation is determined to be 7 feet mean sea level

Proposed Activity: Installation of two riprap revetments

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

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

PROJECT DISCUSSION

Mr. Daniel Winall, Waters Edge Construction, has applied for a wetlands permit on behalf of Mr. Mark Gillespie for the installation of two riprap revetments on property located at 7624 Uncles Neck within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2030200031.

Existing conditions of the property include two rock sills, one on either side of an area of beach nourishment. On May 9, 2018, an application appeared before the Wetlands Board for the construction of two rock sills and beach nourishment to mitigate for shoreline erosion. The rock sills were approved and constructed, but areas on either side of the sills are beginning to deteriorate due to unforeseen circumstances. The applicant is proposing a 50-foot by 12-foot revetment on the downriver side and a 25-foot by 13-foot revetment on the upriver side of the existing sill. The downriver revetment crest will sit at elevation +5.0 and follow a 2:1 slope. The upriver revetment crest will sit at elevation +6.5 and follow a 2:1 slope. 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.

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 federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. The Wetlands Permit for this project shall expire on November 9, 2025, if construction has not already begun; and
4. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than September 28, 2025, six weeks prior to the expiration date.

TAL/ap
WJPA22-23_7624UnclesNk

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-22-0023. 7624 UNCLES NECK

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Daniel Winall, Waters Edge Construction, on behalf of Mr. Mark Gillespie (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on November 9, 2022, to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 2030200031 and further identified as 7624 Uncles Neck, as set forth in the application WJPA-22-0023, for the purpose of installing of two riprap revetments; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application meets all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **APPROVES** the request for a wetlands permit in Wetlands Board Case No. WJPA-22-0023, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area must comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. The Wetlands Permit for this project will expire on November 9, 2025, if construction has not already begun; and
4. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than September 28, 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 9th day of November, 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: _____

WJPA22-23_7624UnclesNkApp-res

RESOLUTION

CASE NO. WJPA-22-0023. 7624 UNCLES NECK

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Daniel Winall, Waters Edge Construction, on behalf of Mr. Mark Gillespie, has applied to the Wetlands Board of James City County (the “Board”) on November 9, 2024, to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 2030200031 and further identified as 7624 Uncles Neck, as set forth in the application WJPA-22-0023, for the purpose of installing two riprap revetments; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application does not meet all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **DENIES** the request for a wetlands permit in Wetlands Board Case No. WJPA-22-0023.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of November, 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: _____

WJPA22-23_7624UnclesNkDny-res

From: [Daniel Winall](#)
To: Jpa.Permits@mrc.virginia.gov
Subject: 7624 Uncles Neck Road James City
Date: Monday, September 12, 2022 11:43:24 AM
Attachments: [Gillespie Rev. Sept 2022.pdf](#)

Thanks,

Daniel R. Winall
President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: dwinall@wecmarine.com

www.wecmarine.com

Part 1 – General Information

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

County or City in which the project is located: James City County

Waterway at project site: Chickahominy River

1. Applicant's name* and complete mailing address:

Mark & Kathryn Gillespie
3035 River Reach
Williamsburg, Virginia 23185

Contact Information:

Home ()

Work ()

Fax ()

Cell/ Pager ()

e-mail

State Corporation Commission ID Number (if applicable)

2. Property owner(s) name* and complete address, if different from applicant

Contact Information:

Home ()

Work ()

Fax ()

Cell/ Pager ()

e-mail

State Corporation Commission ID Number (if applicable)

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

DANIEL R. WINALL
P. O. BOX 352
TOANO, VA 23168

Contact Information:

Home ()

Work (757) 566-0149

Fax ()

Cell/ Pager ()

e-mail dwinall@wecmarine.com

State Corporation Commission ID Number (if applicable) 0322616-4

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

4. Provide a detailed description of the project in the space below. If additional space is needed, provide a separate sheet of paper with the project description. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.
Install a 50'-0" long riprap revetment on downriver side of existing downriver riprap sill. Install a 25'-0" long riprap revetment on upriver side of existing upriver riprap sill

FOR AGENCY USE ONLY	
	Notes:
	JPA # 22-2170

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:

DANIEL R. WINALL INC.
P. O. BOX 352
TOANO, VA 23168

Contact Information:

Home () _____
Work (757) _____ 566-0149
Fax () _____
Cell / Pager () _____
email dwinall@wecmarine.com

State Corporation Commission ID Number (if applicable) 0322616-4

*** If multiple contractors, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

VIRGINIA GAZETTE
216 IRONBOUND ROAD
WILLIAMSBURG, VA 23185

Telephone number

(757) _____ 220-1736

7. Give the following project location information:

Street Address (911 address if available) 7624 Uncles Neck Road Toano, Virginia

Lot/Block/Parcel# Lot 31 River's Bend @Uncles Neck A-1 PARCEL # 2030200031

Subdivision River's Bend @Uncles Neck

City / County James City County Zipcode 23168

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

If the project is located in a rural area, please provide driving directions.

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.

Part 1 - General Information (continued)

8. What is the primary and secondary purpose of 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 of project is to mitigate erosion along shoreline of property. . Secondary purpose is to stabilize existing riprap sills against further erosion adjacent to upland end of each sill.

9. Proposed use (check one):

☒ Single user (private, non-commercial, residential)

☐ Multi-user (community, commercial, industrial, government)

10. Describe 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.

Timber mats placed in sensitive areas. Project can be completed from uplands out of intertidal area.

11. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?

☐ Yes* ☒ No * If you answered "Yes", provide the following information:

<u>Agency / Representative</u>	<u>Activity</u>	<u>Permit/Project No.</u>	<u>Action** & Date</u>
--------------------------------	-----------------	---------------------------	----------------------------

(**Issued, Denied, Withdrawn, or Site Visit)

Part 1 - General Information (continued)

12. 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.
13. Approximate cost of the entire project (materials, labor, etc.): \$ 20,000.00
Approximate cost of that portion of the project which is below mean low water: \$ 0
14. Completion date of the proposed work: 2023 - _____
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).
- Uncles Neck Homeowner's Association
103 Bulifants Blvd-STE-A
Williamsburg, Virginia 23188
- John Whalen & Susan Rodgers
7620 Uncles Neck Road
Toano, Virginia 23168

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.

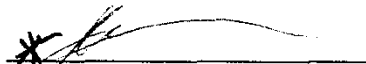
CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises 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.

Mark Gillespie

Applicant's Name (printed/typed)

(Use if more than one applicant)



Applicant's Signature

(Use if more than one applicant)

8.9.22

Date

Property Owner's 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), Mark Gillespie, hereby certify that I (we) have authorized Daniel R. Winall
(Applicant's 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.

Daniel R. Winall
(Agent's Signature)

(Use if more than one agent)

8/9/2022
(Date)

* [Signature]
(Applicant's Signature)

(Use if more than one applicant)

4-9-22
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Mark Gillespie, have contracted Daniel R. Winall
(Applicant's 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.

DANIEL R. WINALL, INC.

Contractor's name or name of firm

P. O. BOX 352
TOANO, VA 23168

Daniel R. Winall, president
Contractor's signature and title

Contractor's or firms address
2705 029454A CLASS A

* [Signature]
Applicant's signature

Contractor's License Number

(use if more than one applicant)

Date

Part 3 – Appendices (continued)

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

NOTE: 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. For **riprap, bulkheads, marsh toe, breakwaters, groins, jetties**: What is the overall length of the structure(s)? 75 linear feet. If applicable, what is the volume of the associated backfill? 0 cubic yards.

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

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands square feet
- Nonvegetated wetlands 150 square feet
- Subaqueous bottom 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.

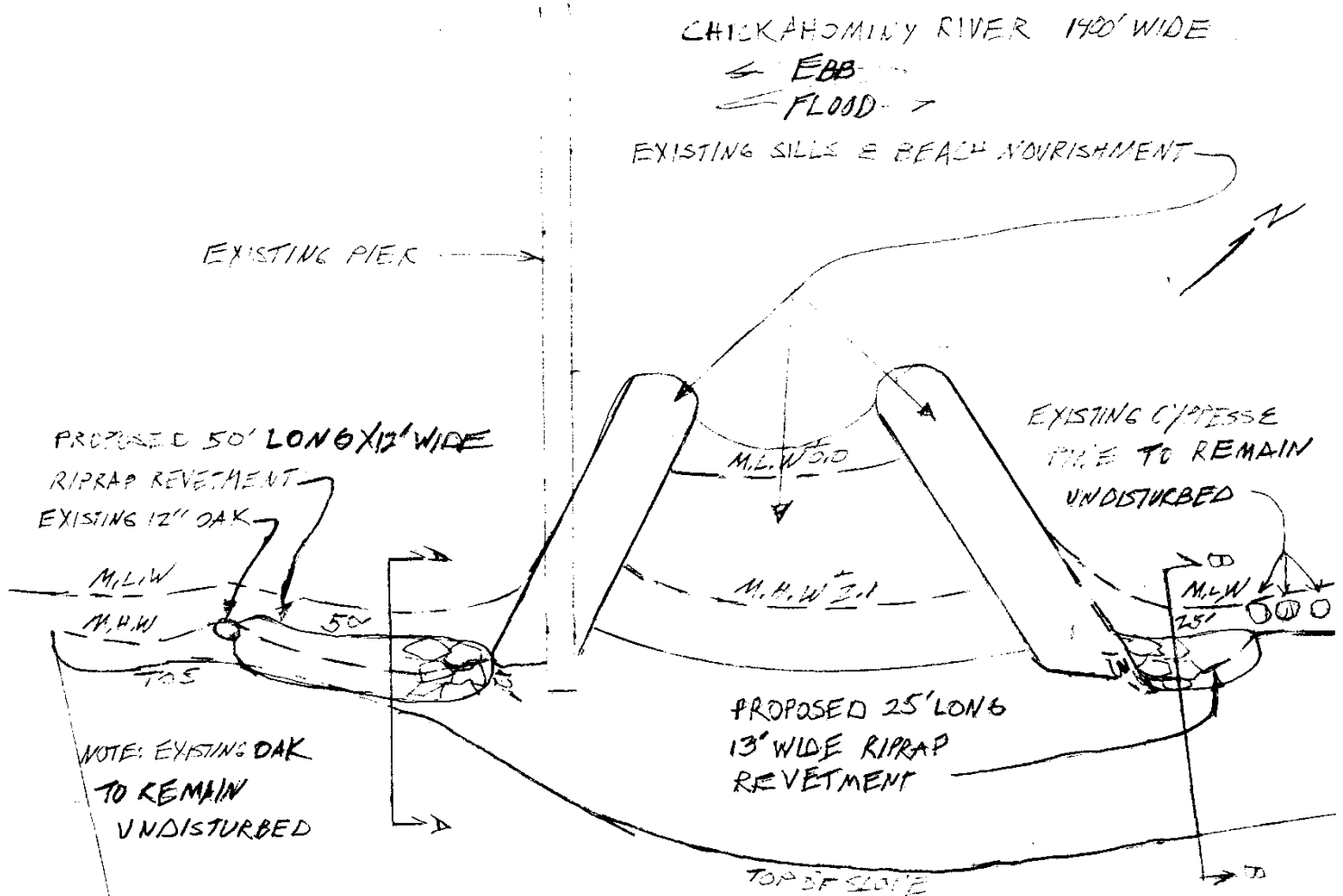
If no, please provide an explanation for the purpose and need for the additional encroachment.

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.

VDOT #1 Bedding stone, Class 1 armor stone and geotextile fabric.

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:
- | | | | | |
|------------------------------|------------|------------------|------------|---------------|
| Core (inner layer) material | <u>3</u> | pounds per stone | Class size | <u>VDOT#1</u> |
| Armor (outer layer) material | <u>100</u> | pounds per stone | Class size | <u>I</u> |



7624 UNCLES NECK ROAD
MARK & KATHRYN GILLESPIE
LOT 31 8.32 AC

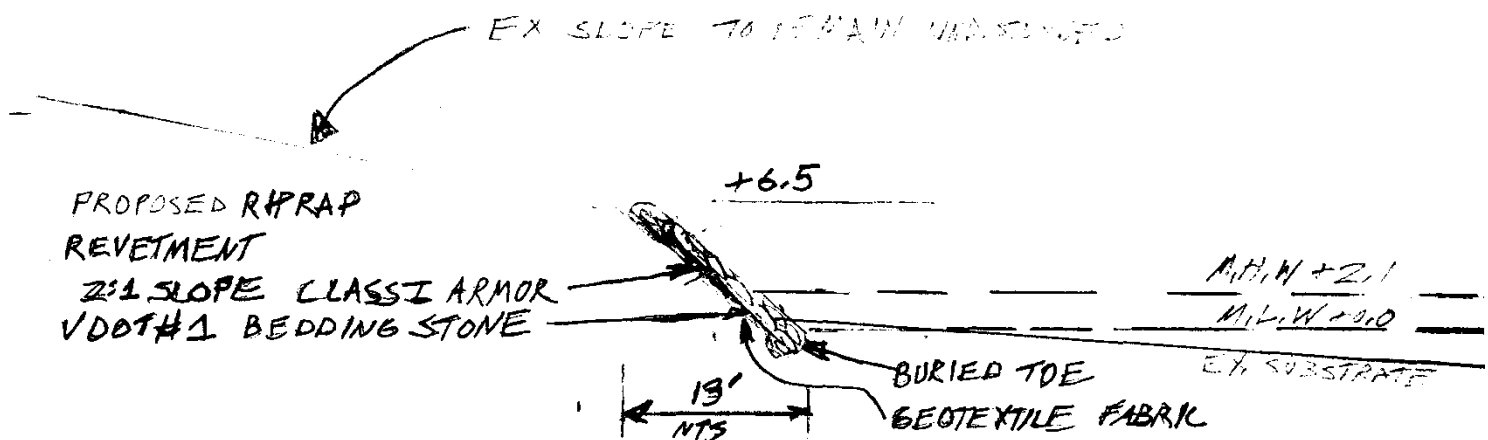
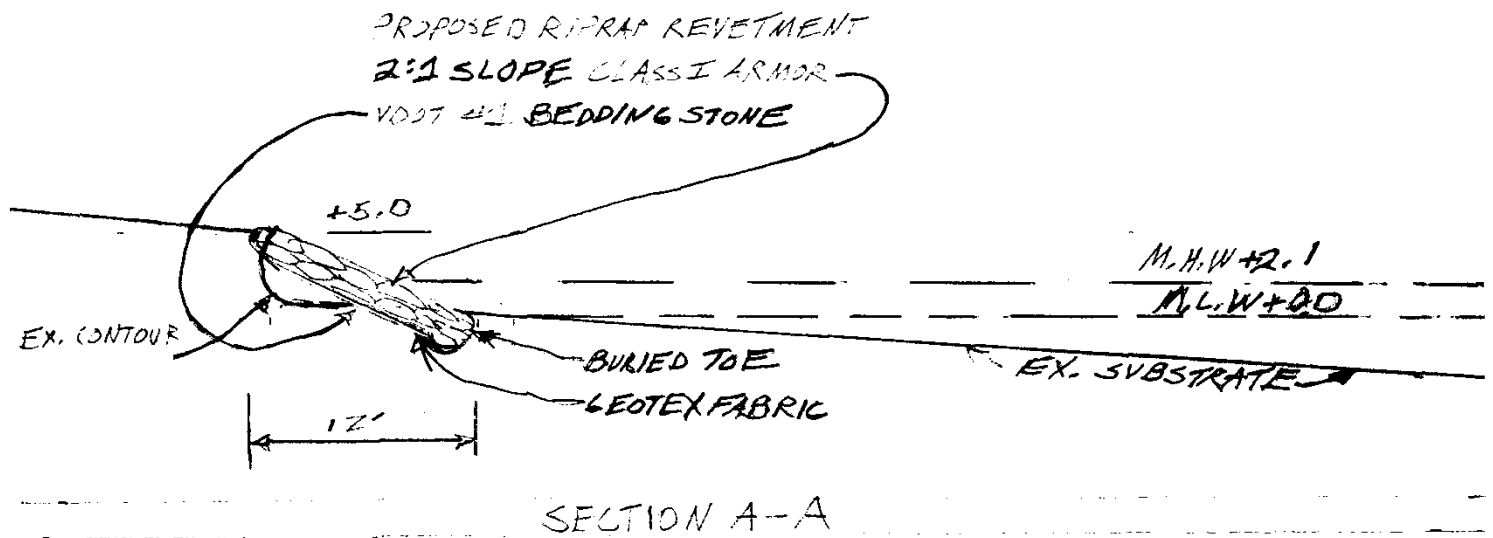
1

2

APD #1
UNHA 7400 UNCLES NECK RD
APD #2
WHALEN/RODGERS 7614 UNCLES NECK

SITE PLAN
TWO (2) RIPRAP REVETMENTS
7624 UNCLES NECK ROAD

9/12/2022 PL 1 OF 2
APL BY DRW
SCALE 1" = 30'-0"
DATUM: M.L.W.



#1 VNHA,
WHALEN & RODGERS

SECTION B-B
SECTION VIEWS
RIPRAP REVETMENTS
7624 UNCLES NECK RD.

9/12/2012 P6 ZOF2
APL. BY DRW
SCALE 2"=10'-0"
CAPM MLW

Trevor Long

From: Daniel Winall <dwinall@wecmarine.com>
Sent: Wednesday, November 2, 2022 10:55 AM
To: Lauren Chartrand
Cc: Trevor Long; Robin Benedict; Brittany Foster
Subject: [External]RE: 22-2170, Information needed prior to WB hearing

Proposed stabilization is at inboard end of existing living shoreline installed in 2019. An additional living shoreline adjacent to existing living shoreline would conflict with intent of existing living shoreline. The proposed revetment that ties into existing living shoreline will resolve the erosion issues with the least impact.

Thanks,

Daniel R. Winall
President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: dwinall@wecmarine.com

www.wecmarine.com

From: Lauren Chartrand <lauren.chartrand@mrc.virginia.gov>
Sent: Tuesday, November 1, 2022 3:54 PM
To: Daniel Winall <dwinall@wecmarine.com>
Cc: Trevor Long <Trevor.Long@jamescitycountyva.gov>; Robin Benedict <Robin.Benedict@jamescitycountyva.gov>; Brittany Foster <brittany.foster@mrc.virginia.gov>
Subject: 22-2170, Information needed prior to WB hearing

Hi Danny,

Just a reminder we need a written statement of why a living shoreline cannot be used here prior to the wetlands board hearing. Thanks!

Lauren

Lauren Chartrand
Environmental Engineer, Habitat Management

Virginia Marine Resources Commission
Building 96, 380 Fenwick Road
Ft. Monroe, VA 23651

Lauren.Chartrand@mrc.virginia.gov, 757-247-2250



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

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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

Center for Coastal Resources Management
PO Box 1346
Gloucester Point, VA 23062

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 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 DANIEL WINALL, on behalf of MARK GILLESPIE for encroachments into the tidal wetlands associated with the riprap revetment installation. The project is located at 7624 UNCLES NCK, JCC Parcel No. 2030200031.

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, 11/9/2022, 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



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Williamsburg, VA 23188
757-259-4080

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1204 Jolly Pond Road
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757-565-0971

Daniel Winall
PO BOX 352
TOANO, VA 23168-0352

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 2022

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Department of Wildlife Resources
PO Box 11104
Richmond, VA 23230

RE: WJPA-22-0023
7624 UNCLES NCK
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October 11, 2022

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DEQ TRO VWP
5636 Souther Boulevard
Virginia Beach, VA 23462

RE: WJPA-22-0023
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GILLESPIE, MARK G & KATHRYN L
3035 RIVER REACH
WILLIAMSBURG, VA 23185-7544

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 2022

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HARDING, PATRICK & AIMEE F
140 HOLLY HILLS DR
WILLIAMSBURG, VA 23185-3386

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 2022

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Karla Havens
Mid-Atlantic Resource Consulting
1095 Cherry Row
Plainview, VA 23156-2027

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 2022

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757-565-0971

Lauren Chartrand
Virginia Marine Resources Commission
380 Fenwick Rd
Fort Monroe, VA 23651

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 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 DANIEL WINALL, on behalf of MARK GILLESPIE for encroachments into the tidal wetlands associated with the riprap revetment installation. The project is located at 7624 UNCLES NCK, JCC Parcel No. 2030200031.

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, 11/9/2022, 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



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

Regulatory Branch US Army Corps of Engineers
803 Front Street
Norfolk, VA 23508

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 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 DANIEL WINALL, on behalf of MARK GILLESPIE for encroachments into the tidal wetlands associated with the riprap revetment installation. The project is located at 7624 UNCLES NCK, JCC Parcel No. 2030200031.

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**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

Virginia Department of Transportation
4451 Ironbound Road
Williamsburg, VA 23188

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 2022

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Sincerely,

Trevor Long

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



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Williamsburg, VA 23188
757-259-4080

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

WHALEN, JOHN JR & SUSAN & RODGERS,
7620 UNCLES NECK
TOANO, VA 23168-8725

RE: WJPA-22-0023
7624 UNCLES NCK
Riprap revetment installation

October 11, 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 DANIEL WINALL, on behalf of MARK GILLESPIE for encroachments into the tidal wetlands associated with the riprap revetment installation. The project is located at 7624 UNCLES NCK, JCC Parcel No. 2030200031.

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Sincerely,

Trevor Long

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

More bird populations across US reach tipping point

Some of affected species may come as a surprise

By Everett Eaton
Staff Writer

More than half of bird populations are sharply declining across the United States, and dozens have been added as tipping point species — but species like swans and geese are doing fine.

Tipping point species are close to threatened or endangered status because they have lost half or more of their populations in the last 50 years. The State of the Birds Report, by the North American Bird Conservation Initiative, used five different sources of data, including the North American Breeding Bird Survey and the Audubon Christmas Bird Count.

Everyone needs to begin thinking about conserving common species before they become uncommon, said Nick Flanders, an officer at the Cape Henry Audubon Society, a local chapter of the National Audubon Society located in Norfolk. Part of this is looking at if they need a specific habitat to flourish and protecting that space because building populations back is more difficult than maintaining them.

"It is a little bit harder to get people excited about protecting a rare species of grass to help that habitat for a bird species," Flanders said. "So if you are interested in protecting that bird species people are interested in, that works a lot better."

Maintaining bird populations also helps preserve other plants and animal populations in the different ecosystems and keep those environments healthy. One way to do this is by protecting the other parts of the ecosystem, not just the birds.

Some of the birds on the list may come as a surprise. A trip to the beach comes with a myriad of sounds, including the relentless squawk of seagulls and their seemingly endless invasions to steal snacks from beachgoers.

The Herring gull, a species within the broader seagull group, has lost half its population over the last 50 years and is on track to lose another half of its remaining population over the coming 50 years.

Issues like habitat decline and an increasingly limited food supply from natural sources add to the dramatic population loss of the gulls. According to the report, more than 60% of seabird species were found to have eaten plastic, and 40% have been tangled up in the waste such as spent fishing nets.

Other seabirds, including two different kinds of albatross, petrels and the red-faced cormorant, made the tipping point list. The report also lists many wetland birds.



A great blue heron takes flight from a rock it was sharing with a great black-backed gull on a misty morning on Great Salt Bay in Newcastle, Maine. ROBERT F. BUKATY/AP

Flanders said factors like sea-level rise will create conservation challenges in helping the different species.

"The marsh only has a small threshold before flooding, and especially when there is a development behind it, like houses, the birds don't really have anywhere to go," Flanders said.

Species like the salt marsh sparrow that lay their eggs in the marshes are vulnerable and have lost about 9% of their population per year since the 1990s. The population could collapse in the next 50 years if nothing is done, according to the Atlantic Coast Joint Venture, a conservation organization.

Frequent and more intense nest flooding due to sea level rise is currently the greatest threat to this species.

Although there are significant losses, it is not all doom-and-gloom.

The decline of Eastern forest birds has slowed over the last decade, according to

the report. The cerulean warbler and the wood thrush showed about a 60% decline since 1970, but their populations are not dwindling as fast. The wood thrush population even recently saw a slight increase of a little over a half percent.

The Appalachian Mountains Joint Venture, a partnership of over 50 federal, state and nonprofit organizations, has made large contributions in habitat restoration. In 2020, AMJV restored more than 8,700 acres of habitat on private land between West Virginia, Maryland and Pennsylvania. Some of the largest population increases came from these improved areas.

Some of the forested species listed in the report appear to be doing well in Hampton Roads, such as the prairie warbler, Flanders said. The Great Dismal Swamp, among other preserves, is a haven for the warblers, and they are common during the breeding season — which is why Flanders

was initially surprised upon reading their name on the list.

"But, if you think about the areas away from these protected areas, with the development and loss of forested area, some of these declines do make more sense," he said.

Waterfowl like geese, which are seeing record high populations, have adapted from habitat loss and began to use areas like farmland to live.

There have also been local and federal conservation efforts to protect waterfowl populations. The North American Wetlands Conservation Act and U.S. Farm Bill conservation programs are two examples that provide incentives for farmers to improve habitats, like wetlands, on their property.

Everett Eaton, 262-902-7896, everett.eaton@virginiamedia.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, NOVEMBER 9, 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-22-0023: Daniel Winal, Waters Edge Construction, has applied for a wetlands permit on behalf of Mark Gillespie for the installation of a riprap revetment on property located at 7624 Uncles Neck, JCC Parcel No. 2030200031.

WJPA-22-0021: Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Larry & Carla Evans for the installation of two breakwaters and beach nourishment on property located at 1485 John Tyler Hwy, JCC Parcel No. 3430300003.

WJPA-22-0024: Mo Bloxom, Southern Landscaping LLC, has applied for a wetlands permit on behalf of Taylor & Colleen McMurdo for the installation of a stone revetment on property located at 124 Four Mile Tree, JCC Parcel No. 1640500010.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0132: Timothy Jones Two Rivers Built, has applied for a Chesapeake Bay Exception on behalf of Christopher Tucker for encroachments into the Resource Protection Area (RPA) buffer for a proposed deck on property located at 103 Cove Road, JCC Parcel No. 4910240005.

CBPA-22-0086: Emily Salkind, Balzer & Associates has applied for a Chesapeake Bay Exception on behalf of Stephen & Holly Garrow for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 9208 Candle Light Court, JCC Parcel No. 3303000051.

CBPA-22-0135: Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Alan Hochberg for encroachments into the RPA buffer for the development of a single-family dwelling in the RPA buffer on property located at 134 Swinley Forest, JCC Parcel No. 3130400072.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 2800 Durfleys Mill Road, JCC Parcel No. 4741000008.

CBPA-22-0141: Charlie Hippie, has applied for a Chesapeake Bay Exception on behalf of Michael & Mary Hippie for encroachments into the RPA buffer for an accessory structure on property located at 821 Arlington Island Road, JCC Parcel No. 9401000003.

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.



The Stryker Center in Williamsburg. KIM O'BRIEN ROOT/STAFF

Commission gives OK to subdivision request at Quarterpath Development

By Sian Wilkerson
Staff Writer

WILLIAMSBURG — The Williamsburg Planning Commission voted to approve a request to subdivide an 86-acre parcel along Battery Boulevard for the Quarterpath at Williamsburg Development.

Quarterpath, which has been in development for nearly two decades, is a large, mixed-use development project at the intersection of Route 199 and Route 60. In 2004, Riverside acquired 380 acres of land for a site for a new hospital, which opened in 2013.

The property owner is subdividing the 86 acres into seven lots to sell to developers to complete an approved master plan that includes multifamily residences, townhomes, retail and medical-related office buildings to create a medical campus.

Calling the application "straightforward," the commission approved it unanimously.

In other business, the commission voted

to approve a request to amend the zoning ordinance to allow a family entertainment center on Richmond Road in the Corridor Business District.

The request included the adaptive reuse and conversion of the 65,000-square-foot single use building that formerly housed the Yankee Candle store on 2200 Richmond Road. The center will include arcades, billiards, bowling and more.

One resident, Todd Krause, expressed concern that an entertainment center might cause prohibitive noise. "I'm a little worried about the impact that this is going to have for me and my neighbors," said Krause, who lives in the neighborhood behind the property.

The commission cited the city's noise ordinance that already exists, which would keep the new center within allowable noise levels.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616

ITEM SUMMARY

DATE: 11/9/2022

TO: Wetlands Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: WJPA-22-0024: 124 Four Mile Tree

WJPA-22-0024: Mo Bloxom, Southern Landscaping LLC, has applied for a wetlands permit on behalf of Taylor & Colleen McMurdo for the installation of a stone revetment on property located at 124 Four Mile Tree, JCC Parcel No. 1640500010

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/2/2022 - 10:32 PM
Wetlands Group	Small, Toni	Approved	11/3/2022 - 8:12 AM
Publication Management	Pobiak, Amanda	Approved	11/3/2022 - 8:37 AM
Wetlands Group	Secretary, Wetland	Approved	11/3/2022 - 9:51 AM

**WETLANDS BOARD PERMIT No. WJPA-22-0024. 124 Four Mile Tree
Staff Report for the November 9, 2022, Wetlands Board Public Hearing**

This staff report is prepared by the 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: Ms. Colleen McMurdo

Agent: Mr. Mo Bloxom, Southern Landscaping & Construction, Inc.

Location: 124 Four Mile Tree

Parcel Identification No.: 1640500010

Parcel: Lot 10 and Part of Lot 11, Section 1 Block A Riverview Plantation

Watershed: Skimino Creek (YO65)

Floodplain: Zone AE - Base flood elevation 9 feet mean sea level

Proposed Activity: Installation of a revetment

Wetland Impacts: 200 linear feet non-vegetated wetland impacts

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

PROJECT DISCUSSION

Mr. Mo Bloxom, Southern Landscaping & Construction, Inc., has applied for a Wetlands permit on behalf of Ms. Colleen McMurdo, for the installation of a revetment on property located at 124 Four Mile Tree within the Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640500010.

Existing conditions of the property include an approximately 2-3-foot sluffing bluff along the shoreline. Adjacent to either side of this bluff are two wetland marshes surrounding a small beach area where the majority of the sluffing is occurring. The applicant is proposing to install approximately 200 linear feet of a riprap revetment over top of 1,200 square feet of non-vegetated wetlands along the toe of the slope to mitigate shoreline erosion occurring because of wave velocity. The proposed revetment also wraps around an existing tree in order to attempt to save the integrity of the tree. Staff suggests the revetment in this location be straightened and follow the vegetation as the revetment goes past the tree towards the south as currently staked in the field.

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 proposed vegetated wetland impacts associated with this project therefore, no mitigation is required as a result of this wetland 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 federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. Revised revetment location as staked in the field; and
4. The Wetlands Permit for this project shall expire on November 9, 2025, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than September 28, 2025, six weeks prior to the expiration date.

TAL/ap
WJPA22-24_124FourMiTree

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-22-0024, 124 FOUR MILE TREE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Mo Bloxom, Southern Landscaping & Construction, Inc., on behalf of Ms. Colleen McMurdo (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on November 9, 2022, to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 1640500010, and further identified as 124 Four Mile Tree, as set forth in the application WJPA-22-0024, for the purpose of installing a revetment; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application meets all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **APPROVES** the request for a wetlands permit in Wetlands Board Case No. WJPA-22-0024, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area must comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. Revised revetment location as staked in the field; and
4. The Wetlands Permit for this project will expire on November 9, 2025, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than September 28, 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 9th day of November, 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: _____

WJPA22-24_124FourMiTreeApp-res

RESOLUTION

CASE NO. WJPA-22-0024. 124 FOUR MILE TREE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Mo Bloxom, Southern Landscaping & Construction, Inc., on behalf of Ms. Colleen McMurdo, has applied to the Wetlands Board of James City County (the “Board”) on November 9, 2022, to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 1640500010 and further identified as 124 Four Mile Tree, as set forth in the application WJPA-22-0024, for the purpose of installing a revetment; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application does not meet all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **DENIES** the request for a wetlands permit in Wetlands Board Case No. WJPA-22-0024.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of November, 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: _____

WJPA22-24_124FourMiTreeDny-res

9/28/22
"Site Plan"

Boundary Survey

w/Location of Physical Improvements

Lot 10 and Part of Lot 11

Riverview Plantation, Section One, Block A

P.B. 20, Pg. 14

James City County, Virginia

modified
10/31/22
11/2/22

Taylor & Colleen McMurdo
124 Four Mile Tree
James City County, VA

Landscaping & Construction
Class A Contractors License #2701 034192A
Residential • Industrial • Commercial
Licensed & Insured

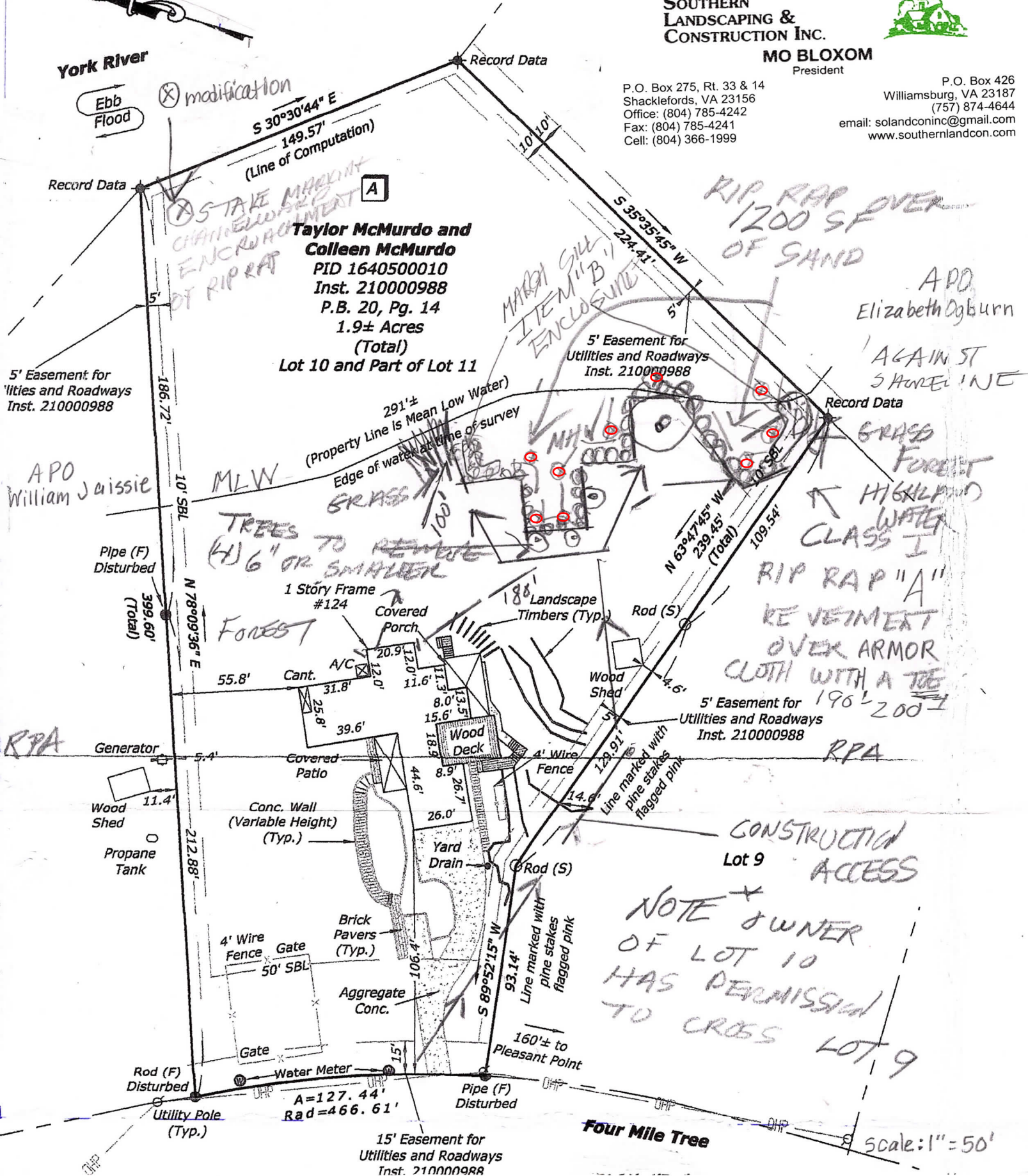
**SOUTHERN
LANDSCAPING &
CONSTRUCTION INC.**



MO BLOXOM
President

P.O. Box 275, Rt. 33 & 14
Shacklefords, VA 23156
Office: (804) 785-4242
Fax: (804) 785-4241
Cell: (804) 366-1999

P.O. Box 426
Williamsburg, VA 23187
(757) 874-4644
email: solandconinc@gmail.com
www.southernlandcon.com



From: [Southern Landscaping and Construction Inc.](#)
To: [MRC - jpa Permits](#)
Subject: McMurdo- 124 Four Mile Tree, JCC- JPA
Date: Wednesday, September 28, 2022 3:11:21 PM
Attachments:

[img001.pdf](#)
[img002.pdf](#)
[img003.pdf](#)
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[img015.pdf](#)
[img016.pdf](#)
[img017.pdf](#)
[img018.pdf](#)
[img019.pdf](#)
[img020.pdf](#)
[img021.pdf](#)

Beth,

Enclosed please find the JPA package (21) sheets for Taylor & Colleen McMurdo at 124 Four Mile Tree, J.C.C., Williamsburg, 23188 for posting today, please attach a # to this package today, please and thank you.

Thank you,
Linda Small
Office Manager
SLC, Inc.
804-785-4242

McMurdo

- ❖ 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 # 22-2276

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.

Check all that apply				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: <u>James City County</u>				
Waterway at project site: <u>York River</u>				
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)				
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/permits/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)

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.*
Silt fence, straw bales and permanent seeding
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.): \$ 58,750.00
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 0
13. Completion date of the proposed work: December 30 - 2022
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.

1. Elizabeth R. Ogburn (on right) From Street
120 Four Mile Tree
Mailing: 7565 Melissa Lane
Williamsburg, VA 23188

2. William & Marilyn Jaisse (on left)
126 Four Mile Tree
Williamsburg, VA 23188

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
Colleen McMurdo
124 Four Mile Tree
Williamsburg, VA 23188
Home () _____
Work () _____
Fax () _____
Cell (751) 870-2488
e-mail ~~+~~ KMcem124@gmail.com
State Corporation Commission Name and ID Number (if applicable) N/A
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
same as #1
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:
Southern Landscaping & Const., Inc.
Mo Bloxam
PO Box 275
Shackelfords, VA 23156
Home () _____
Work (804) 785-4242
Fax (804) 785-4241
Cell (804) 366-1999
e-mail solandconinc@gmail.com
State Corporation Commission Name and ID Number (if applicable) 0281948-0

* 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.

Class I Rip Rap Marsh Toe 198-200 LF to be located on non vegetated wetlands, Removal of (4) trees 15' from shoreline to allow access for mini excavator to set stone, Access by land as detailed on drawing.

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Taylor McMurdy, hereby certify that I (we) have authorized (Mo Bloxom) Southern Landscaping & Const., Inc.
(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)

9/27/22
(Date)

(Applicant's Signature)

(Use if more than one applicant)

26 Sep 2022
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), TAYLOR McMurdy, have contracted (Mo Bloxom) Southern Landscaping & Const., Inc.
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated 9/28/22.

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.

Southern Landscaping & Const., Inc.
Mo Bloxom

Contractor's name or name of firm

PO Box 275, Shackelford, VA 23156
Contractor's or firms address

(Signature) PRES
Contractor's signature and title

2701 034-192 A
Contractor's License Number

(Signature)
Applicant's signature

(use if more than one applicant)

26 Sep 2022
Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of Taylor & Colleen McMurdo
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 9/28/22
(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).

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.

2. William & Marilyn Laisie (on left)
126 Four Mile Tree

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.

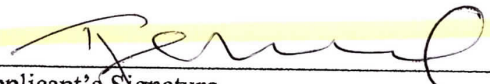
CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site 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.

TAYLOR McMurdo

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

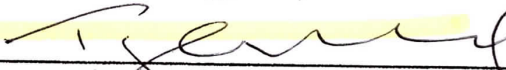

Applicant's Signature

(Use if more than one applicant)

26 Sep 2022
Date

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)

26 Sep 2022
Date



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?

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of Taylor & Colleen McMurdo.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 9/28/22
(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).

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.

1. Elizabeth Ogburn (on right)
120 Four Mile Tree

Grave to H/O

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.

M. B. K. M.
Signature of Property Owner(s) or Agent

Date 9/27/22

Application Revised: October 2019

Proposed work to be located at:

124 Four Mile Tree
Wmsbg., VA 23188

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.

N/A

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.

N/A

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.

N/A

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 #
N/A				

5. 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

6. 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)

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

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

Class 1 Armor stone over filter cloth.

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

Core (inner layer) material 50 pounds per stone Class size A1
Armor (outer layer) material 200 pounds per stone Class size Class 1

Armor (outer layer) material 200 pounds per stone Class size Class

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

N/A

- Volume of material
 - _____ cubic yards channelward of mean low water
 - _____ cubic yards landward of mean low water
 - _____ cubic yards channelward of mean high water
 - _____ cubic yards landward of mean high water

 - Area to be covered
 - _____ square feet channelward of mean low water
 - _____ square feet landward of mean low water
 - _____ cubic yards channelward of mean high water
 - _____ cubic yards landward of mean high water

 - Source of material, composition (e.g. 90% sand, 10% clay): _____
 - Method of transportation and placement: _____
-
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

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:

198-200 LF total amount of impact 1200 SF, of nonvegetated wetlands.

A Living shoreline was considered but the wave action would destroy any vegetation attempt and the erosion is already massive and has displaced all native sea grasses, therefore, with a consultation w/ VMRC & J.C.C. a Class I RipRap structure was chosen.

2. What is the maximum encroachment channelward of mean high water? 6 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 1200 square feet
 - Subaqueous bottom 0 square feet
 - Dune and/or beach 0 square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? N/A 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)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

N/A 1. What is the purpose and method of installation of the crossing?

N/A 2. What is the width of the waterway and/or wetlands to be crossed
from mean high water to mean high water (tidal waters)? _____ feet.
from mean low water to mean low water (tidal waters)? _____ feet.
from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.

N/A 3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? _____ square feet.

N/A 4. For overhead crossings:

- N/A a. What will be the height above mean high water? _____ feet.
b. If there are other overhead crossings in the area, what is the minimum height? _____ feet.
c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

N/A 5. For buried crossings, what will be the depth below the substrate? _____ feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____ Yes _____ No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? _____ Yes _____ No.

If yes, please provide the following:

- N/A a. Amount of excavation in wetlands _____ cubic yards
_____ square feet
b. Amount of excavation in submerged land _____ cubic yards
_____ square feet
c. Amount of excavation in dune/beach _____ cubic yards
_____ square feet
d. Amount of fill in wetlands _____ cubic yards
_____ square feet
e. Amount of fill in submerged lands _____ cubic yards
_____ square feet
f. Amount of fill in dune/beach _____ cubic yards
_____ square feet

Part 3 – Appendices (continued)

Appendix D: Aquaculture Related Structures such as cages and floats. Before completing this appendix, please review the aquaculture requirements summary at:
http://mrc.virginia.gov/Shellfish_Aquaculture.shtm.

1. Will the activity be for commercial purposes? ____ Yes ____ No.

N/A If Yes and structures will be placed upon an oyster ground lease, you may qualify for the VMRC General Permit #4 for Temporary Protective Enclosures for Shellfish. For more info see:
http://www.mrc.virginia.gov/regulations/MRC_Scanned_Regs/Shellfish_Mix/fr1130_12-0107.pdf. If you qualify for the General Permit #4, or if such structures are proposed that are not on an oyster planting ground lease, or for floating structures of any kind, complete this Joint Permit Application and include the necessary information requested below in question 2 through 11.

If No, you may qualify for the VMRC General Permit #3, for Noncommercial Riparian Shellfish Growing (i.e. "Gardening") For more information see:
http://www.mrc.virginia.gov/forms/VGP3_Aquaculture.doc.pdf. If you qualify for this general permit use the Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures available at https://mrc.virginia.gov/forms/2019/VGP3_Aquaculture_form_2019.pdf *do not use this Joint Permit Application.*

- N/A 2. Will aquaculture structures be attached to an existing pier or other structure? ____ Yes ____ No.

3. The plat file # if proposed upon oyster planting ground lease(s). _____

4. The maximum area where enclosures are proposed. _____ square feet

5. The maximum number of enclosures being proposed to be deployed. _____

6. The species of shellfish to be cultured. _____

7. A detailed description of the enclosures to include width, length and height.

- N/A 8. In addition to the requirements itemized in Part 4 Project Drawings, the following additional information must be included on your project drawings: A general description of the area within 500 feet of deployment area. Provide a drawing that depicts existing marine resources such as SAV, shellfish beds, fixed fishing devices, public grounds, piers, water depths at mean low water, tide range, and the minimum clearance at mean low tide over the enclosures.

- N/A 9. Provide the date enclosures are proposed to be deployed _____. How will the structures be secured? _____

Part 3 – Appendices (continued)

10. List of all riparian land owners within 500 feet of the area where enclosures are proposed along with a map (tax map or other suitable map) depicting the locations of such parcels or riparian property owner acknowledgement forms signed by the riparian land owner with any comments concerning the enclosures deployment request.

N/A

11. Proof that the applicant holds a current oyster or clam aquaculture product owners permit, and verification that the applicant is in compliance with Mandatory Harvest Reporting requirements, and verification that the current years oyster ground rent is paid, if structures are proposed on an oyster ground lease.

N/A

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:

Southern Landscaping & Const., Inc.
Mo Bloxom
PO Box 275
Shacklefords, VA 23156

Contact Information:

Home ()

Work (804) 785-4242

Fax (804) 785-4241

Cell (804) 366-1999

email solandconinc@gmail.com

State Corporation Commission Name and ID Number (if applicable) 0281948-0

* 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 Virginia Gazette/The Virginian
703 Mariners Row
Newport News, VA 23606

(757) 446-2000 / 757-247-4600

7. Give the following project location information:

Street Address (911 address if available) 124 Four Mile Tree

Lot/Block/Parcel# Lot 10 & Pt of Lot 11 / Block A / Parcel #1640500010

Subdivision Riverview Plantation

City / County Williamsburg / J.C.C. ZIP Code 23188

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

/ - (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.*

1-64 East, take exit 231B, Merge onto Rt. 607-
Croaker Road, turn right onto Moss Side Lane,
Turn right onto Riverview Rd., Turn left onto
Pleasant Point, turn left onto 4 Mile Tree
address will be on right.

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."

To stop erosion and to allow stabilization
of the property.



9/28/22 Date

Title: McMurdo 124 Four Mile Tree

Taylor & Colleen McMurdo
124 Four Mile Tree
JCC, VA 23188
9/28/22
"Cross Section"

Landscaping & Construction
Class A Contractors License #2701 034192A
Residential • Industrial • Commercial
Licensed & Insured

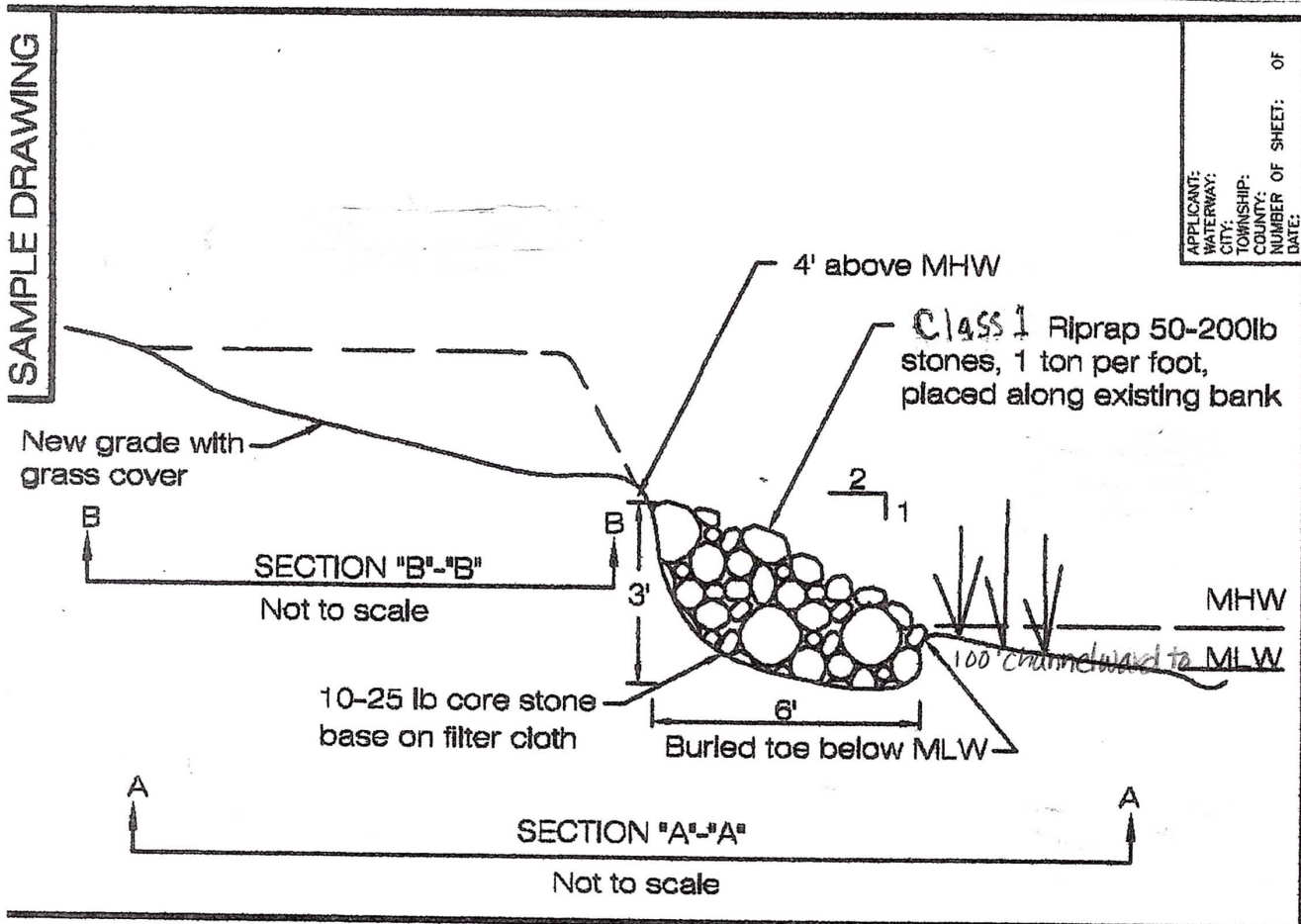
**SOUTHERN
LANDSCAPING &
CONSTRUCTION INC.**



MO BLOXOM
President

P.O. Box 275, Rt. 33 & 14
Shacklefords, VA 23156
Office: (804) 785-4242
Fax: (804) 785-4241
Cell: (804) 366-1999

P.O. Box 426
Williamsburg, VA 23187
(757) 874-4644
Email: solandconinc@gmail.com
www.solandcon.com



9/28/22
"Site Plan"

Boundary Survey

w/Location of Physical Improvements

Lot 10 and Part of Lot 11

Riverview Plantation, Section One, Block A

P.B. 20, Pg. 14

James City County, Virginia

Taylor & Colleen McMurdo
124 Four Mile Tree
James City County, VA

Landscaping & Construction
Class A Contractors License #2701 034192A
Residential • Industrial • Commercial
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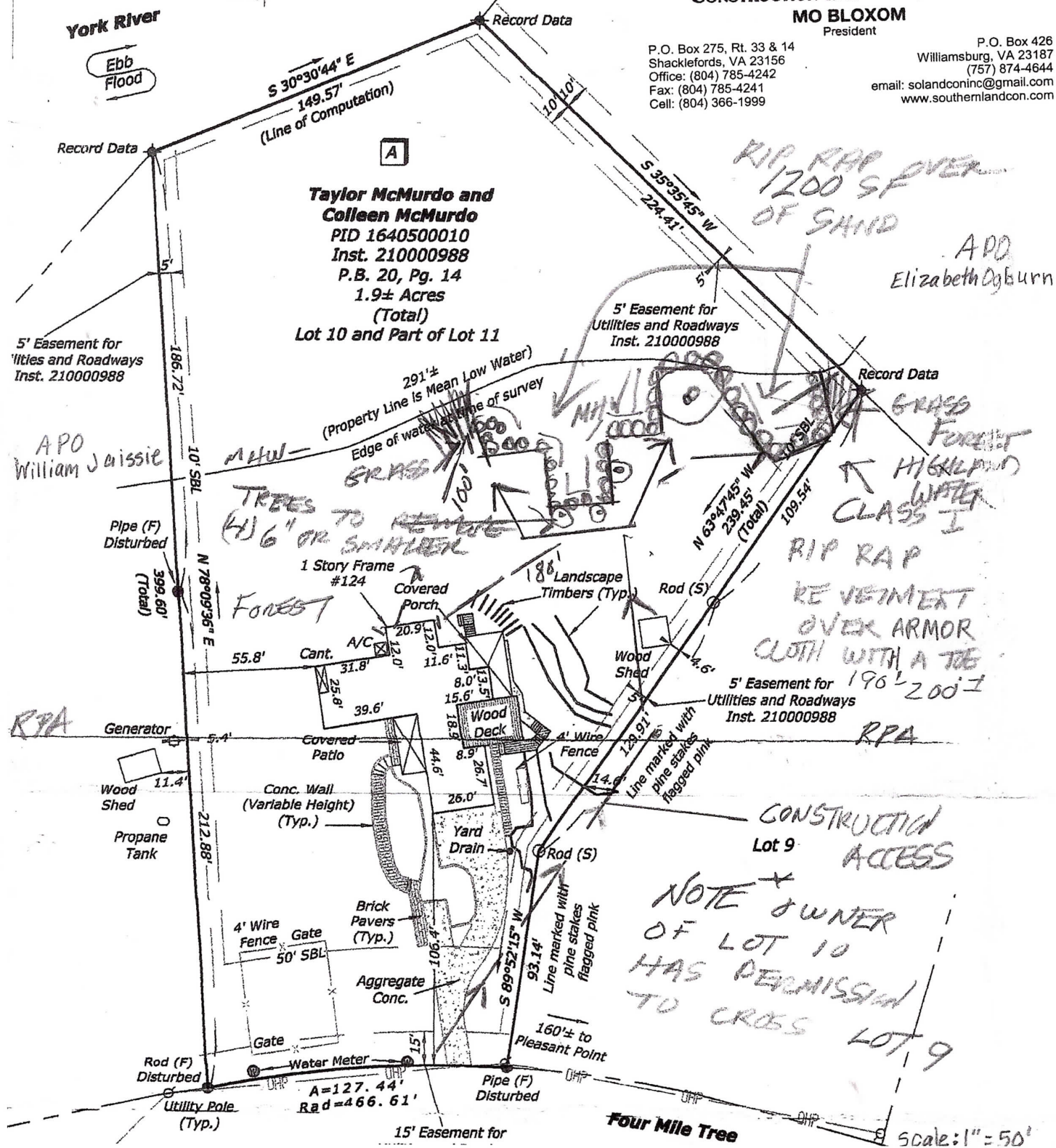
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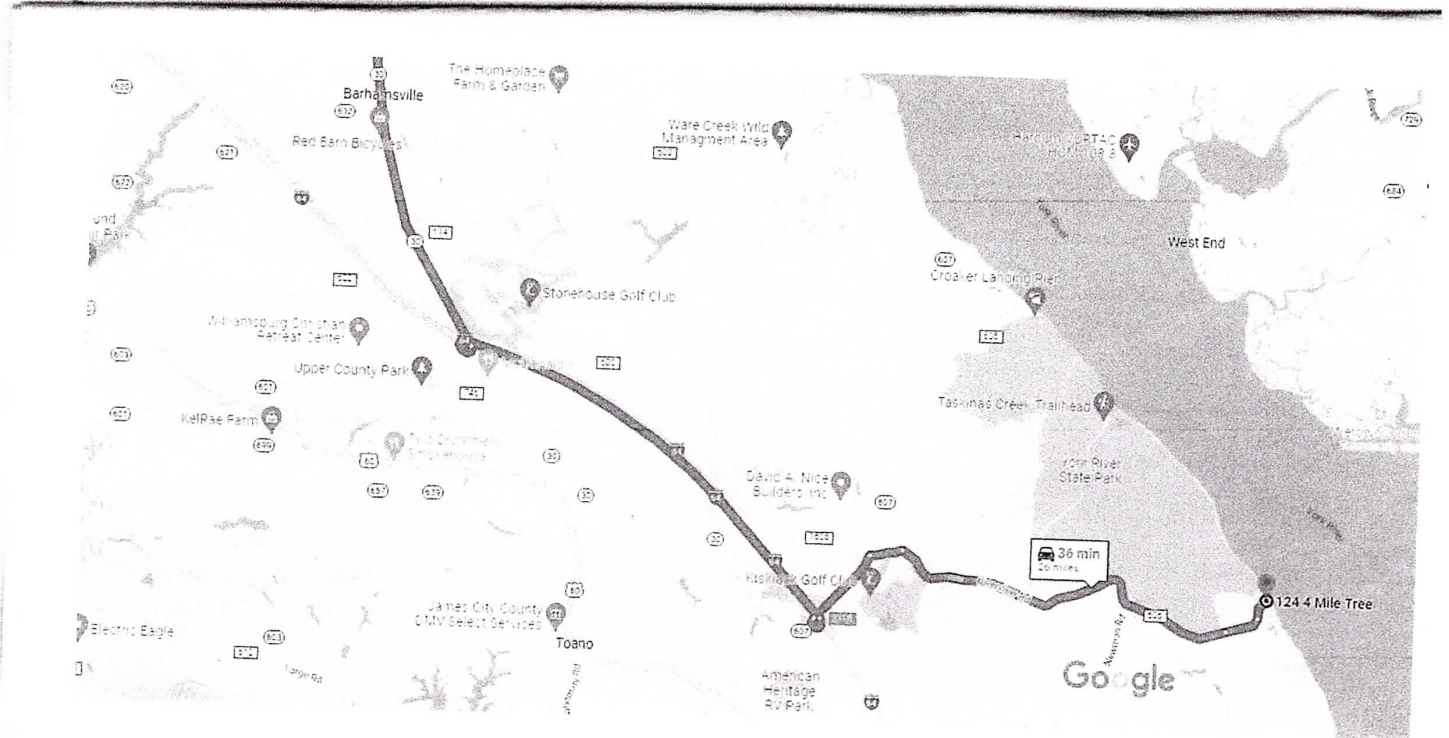


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Taylor & Colleen McMurdo
124 Four Mile Tree
Wmstg, VA 23188
"Vicinity Map"





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
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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

BOVEJA, RAJINDER K SR & BOVEJA, RAJI
10419 SNOWPOINT DR
BETHESDA, MD 20814-2159

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 2022

Dear Adjacent Property Owner:

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Sincerely,

Trevor Long

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



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107 Tewning Road
Williamsburg, VA 23188
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Center for Coastal Resources Management
PO Box 1346
Gloucester Point, VA 23062

RE: WJPA-22-0024
124 FOUR MILE TREE
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Williamsburg, VA 23188
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Department of Wildlife Resources
PO Box 11104
Richmond, VA 23230

RE: WJPA-22-0024
124 FOUR MILE TREE
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October 11, 2022

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

DEQ TRO VWP
5636 Souther Boulevard
Virginia Beach, VA 23462

RE: WJPA-22-0024
124 FOUR MILE TREE
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October 11, 2022

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757-565-0971

FORREST, RONALD FELTON TRUSTEE
123 FOUR MILE TREE
WILLIAMSBURG, VA 23188-6835

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 2022

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RE: WJPA-22-0024
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757-565-0971

JAISSE, WILLIAM F & MARILYN L M
126 FOUR MILE TREE
WILLIAMSBURG, VA 23188-6833

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 2022

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Karla Havens
Mid-Atlantic Resource Consulting
1095 Cherry Row
Plainview, VA 23156-2027

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 2022

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Williamsburg, VA 23188
757-565-0971

Lauren Chartrand
Virginia Marine Resources Commission
380 Fenwick Rd
Fort Monroe, VA 23651

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 2022

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trevor.long@jamescitycountyva.gov



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Williamsburg, VA 23188
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MCMURDO, TAYLOR & COLLEEN
124 FOUR MILE TREE
WILLIAMSBURG, VA 23188-6833

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 2022

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MO BLOXOM
SOUTHER LANDSCAPING
PO BOX 275
SHACKKLEFORDS, VA 23156

RE: WJPA-22-0024
124 FOUR MILE TREE
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OGBURN, ELIZABETH R TRUSTEE
7565 MELISSA LN
WILLIAMSBURG, VA 23188-9320

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124 FOUR MILE TREE
Revetment

October 11, 2022

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Regulatory Branch US Army Corps of Engineers
803 Front Street
Norfolk, VA 23508

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The Wetlands Board will hold an advertised public hearing on **Wednesday, 11/9/2022, 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



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

Virginia Department of Transportation
4451 Ironbound Road
Williamsburg, VA 23188

RE: WJPA-22-0024
124 FOUR MILE TREE
Revetment

October 11, 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 Mo Bloxom, on behalf of Taylor & Colleen McMurdo for encroachments into the tidal wetlands associated with the revetment. The project is located at 124 FOUR MILE TREE, JCC Parcel No. 1640500010.

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Wetlands Board Secretary
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More bird populations across US reach tipping point

Some of affected species may come as a surprise

By Everett Eaton
Staff Writer

More than half of bird populations are sharply declining across the United States, and dozens have been added as tipping point species — but species like swans and geese are doing fine.

Tipping point species are close to threatened or endangered status because they have lost half or more of their populations in the last 50 years. The State of the Birds Report, by the North American Bird Conservation Initiative, used five different sources of data, including the North American Breeding Bird Survey and the Audubon Christmas Bird Count.

Everyone needs to begin thinking about conserving common species before they become uncommon, said Nick Flanders, an officer at the Cape Henry Audubon Society, a local chapter of the National Audubon Society located in Norfolk. Part of this is looking at if they need a specific habitat to flourish and protecting that space because building populations back is more difficult than maintaining them.

"It is a little bit harder to get people excited about protecting a rare species of grass to help that habitat for a bird species," Flanders said. "So if you are interested in protecting that bird species people are interested in, that works a lot better."

Maintaining bird populations also helps preserve other plants and animal populations in the different ecosystems and keep those environments healthy. One way to do this is by protecting the other parts of the ecosystem, not just the birds.

Some of the birds on the list may come as a surprise. A trip to the beach comes with a myriad of sounds, including the relentless squawk of seagulls and their seemingly endless invasions to steal snacks from beachgoers.

The Herring gull, a species within the broader seagull group, has lost half its population over the last 50 years and is on track to lose another half of its remaining population over the coming 50 years.

Issues like habitat decline and an increasingly limited food supply from natural sources add to the dramatic population loss of the gulls. According to the report, more than 60% of seabird species were found to have eaten plastic, and 40% have been tangled up in the waste such as spent fishing nets.

Other seabirds, including two different kinds of albatross, petrels and the red-faced cormorant, made the tipping point list. The report also lists many wetland birds.



A great blue heron takes flight from a rock it was sharing with a great black-backed gull on a misty morning on Great Salt Bay in Newcastle, Maine. ROBERT F. BUKATY/AP

Flanders said factors like sea-level rise will create conservation challenges in helping the different species.

"The marsh only has a small threshold before flooding, and especially when there is a development behind it, like houses, the birds don't really have anywhere to go," Flanders said.

Species like the salt marsh sparrow that lay their eggs in the marshes are vulnerable and have lost about 9% of their population per year since the 1990s. The population could collapse in the next 50 years if nothing is done, according to the Atlantic Coast Joint Venture, a conservation organization.

Frequent and more intense nest flooding due to sea level rise is currently the greatest threat to this species.

Although there are significant losses, it is not all doom-and-gloom.

The decline of Eastern forest birds has slowed over the last decade, according to

the report. The cerulean warbler and the wood thrush showed about a 60% decline since 1970, but their populations are not dwindling as fast. The wood thrush population even recently saw a slight increase of a little over a half percent.

The Appalachian Mountains Joint Venture, a partnership of over 50 federal, state and nonprofit organizations, has made large contributions in habitat restoration. In 2020, AMJV restored more than 8,700 acres of habitat on private land between West Virginia, Maryland and Pennsylvania. Some of the largest population increases came from these improved areas.

Some of the forested species listed in the report appear to be doing well in Hampton Roads, such as the prairie warbler, Flanders said. The Great Dismal Swamp, among other preserves, is a haven for the warblers, and they are common during the breeding season — which is why Flanders

was initially surprised upon reading their name on the list.

"But, if you think about the areas away from these protected areas, with the development and loss of forested area, some of these declines do make more sense," he said.

Waterfowl like geese, which are seeing record high populations, have adapted from habitat loss and began to use areas like farmland to live.

There have also been local and federal conservation efforts to protect waterfowl populations. The North American Wetlands Conservation Act and U.S. Farm Bill conservation programs are two examples that provide incentives for farmers to improve habitats, like wetlands, on their property.

Everett Eaton, 262-902-7896, everett.eaton@virginiamedia.com



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, NOVEMBER 9, 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-22-0023: Daniel Winal, Waters Edge Construction, has applied for a wetlands permit on behalf of Mark Gillespie for the installation of a riprap revetment on property located at 7624 Uncles Neck, JCC Parcel No. 2030200031.

WJPA-22-0021: Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Larry & Carla Evans for the installation of two breakwaters and beach nourishment on property located at 1485 John Tyler Hwy, JCC Parcel No. 3430300003.

WJPA-22-0024: Mo Bloxom, Southern Landscaping LLC, has applied for a wetlands permit on behalf of Taylor & Colleen McMurdo for the installation of a stone revetment on property located at 124 Four Mile Tree, JCC Parcel No. 1640500010.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0132: Timothy Jones Two Rivers Built, has applied for a Chesapeake Bay Exception on behalf of Christopher Tucker for encroachments into the Resource Protection Area (RPA) buffer for a proposed deck on property located at 103 Cove Road, JCC Parcel No. 4910240005.

CBPA-22-0086: Emily Salkind, Balzer & Associates has applied for a Chesapeake Bay Exception on behalf of Stephen & Holly Garrow for encroachments into the RPA buffer for the construction of a new single-family dwelling on property located at 9208 Candle Light Court, JCC Parcel No. 3303000051.

CBPA-22-0135: Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Alan Hochberg for encroachments into the RPA buffer for the development of a single-family dwelling in the RPA buffer on property located at 134 Swinley Forest, JCC Parcel No. 3130400072.

CBPA-22-0139: Ryan Stephenson, AES Consulting Engineers, has applied for a Chesapeake Bay Exception on behalf of Boyd Corporation for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 2800 Durleys Mill Road, JCC Parcel No. 4741000008.

CBPA-22-0141: Charlie Hippie, has applied for a Chesapeake Bay Exception on behalf of Michael & Mary Hippie for encroachments into the RPA buffer for an accessory structure on property located at 821 Arlington Island Road, JCC Parcel No. 9401000003.

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.



The Stryker Center in Williamsburg. KIM O'BRIEN ROOT/STAFF

Commission gives OK to subdivision request at Quarterpath Development

By Sian Wilkerson
Staff Writer

WILLIAMSBURG — The Williamsburg Planning Commission voted to approve a request to subdivide an 86-acre parcel along Battery Boulevard for the Quarterpath at Williamsburg Development.

Quarterpath, which has been in development for nearly two decades, is a large, mixed-use development project at the intersection of Route 199 and Route 60. In 2004, Riverside acquired 380 acres of land for a site for a new hospital, which opened in 2013.

The property owner is subdividing the 86 acres into seven lots to sell to developers to complete an approved master plan that includes multifamily residences, townhomes, retail and medical-related office buildings to create a medical campus.

Calling the application "straightforward," the commission approved it unanimously.

In other business, the commission voted

to approve a request to amend the zoning ordinance to allow a family entertainment center on Richmond Road in the Corridor Business District.

The request included the adaptive reuse and conversion of the 65,000-square-foot single use building that formerly housed the Yankee Candle store on 2200 Richmond Road. The center will include arcades, billiards, bowling and more.

One resident, Todd Krause, expressed concern that an entertainment center might cause prohibitive noise.

"I'm a little worried about the impact that this is going to have for me and my neighbors," said Krause, who lives in the neighborhood behind the property.

The commission cited the city's noise ordinance that already exists, which would keep the new center within allowable noise levels.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616

ITEM SUMMARY

DATE: 11/9/2022

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: Election of Officers for 2023

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/2/2022 - 10:15 PM
Wetlands Group	Small, Toni	Approved	11/3/2022 - 8:14 AM
Publication Management	Pobiak, Amanda	Approved	11/3/2022 - 8:43 AM
Wetlands Group	Secretary, Wetland	Approved	11/3/2022 - 9:50 AM

ITEM SUMMARY

DATE: 11/9/2022

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: 2023 Calendar

ATTACHMENTS:

	Description	Type
	Calendar	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/2/2022 - 10:14 PM
Wetlands Group	Small, Toni	Approved	11/3/2022 - 8:09 AM
Publication Management	Pobiak, Amanda	Approved	11/3/2022 - 8:14 AM
Wetlands Group	Secretary, Wetland	Approved	11/3/2022 - 9:50 AM

James City County Wetlands & Chesapeake Bay Boards

2023 Meeting Dates

Quarter 1

January

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Quarter 2

April

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Quarter 3

July

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Quarter 4

October

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						