

**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**  
**January 11, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from the December 14, 2022 Regular Meeting

**D. PUBLIC HEARINGS**

1. WJPA-22-0029 : 213 Southpoint Drive
2. WJPA-22-0024: 124 Four Mile Tree

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 1/18/2023

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: Minutes from the November 9, 2022 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	1/4/2023 - 2:54 PM
Wetlands Group	Small, Toni	Approved	1/4/2023 - 2:55 PM
Publication Management	Daniel, Martha	Approved	1/5/2023 - 9:03 AM
Wetlands Group	Secretary, Wetland	Approved	1/6/2023 - 8:28 AM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23188**  
**December 14, 2022**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for December 14, 2022 was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent its despoliation.

**B. ROLL CALL**

**Board Members Present:**

Charles Roadley, Vice Chair  
Larry Waltrip  
Michael O'Brien  
Scott Maye  
Jason Knight, Alternate

**Board Members Absent:**

Halle Dunn, Chair

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection  
Robin Benedict, Watershed Planner, Stormwater and Resource Protection  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Joshua Everard, Assistant County Attorney, County Attorney's Office

Preceding the Approval of the minutes, the Board completed the Board Considerations agenda item as follows.

1. Election of Officers for 2023

A motion to Appoint Individuals to Boards and Commissions was made by Mr. O'Brien, the motion result was passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Knight, O'Brien, Roadley, Waltrip, Maye  
Absent: Dunn

Mr. O'Brien nominated Mr. Dunn as Chair of the Wetlands Board.

A motion to Appoint Individuals to Boards and Commissions was made by Mr. O'Brien, the motion result was Died for Lack of Second.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Knight, O'Brien, Roadley, Waltrip, Maye  
Absent: Dunn

Mr. O'Brien nominated Mr. Waltrip as Vice Chair of the Wetlands Board.

A motion to Appoint Individuals to Boards and Commissions was made by Mr. O'Brien, the motion result was passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Knight, O'Brien, Roadley, Waltrip, Maye  
Absent: Dunn

Mr. O'Brien nominated Mr. Maye as Vice Chair of the Wetlands Board.

A motion to Appoint Individuals to Boards and Commissions was made by Mr. Roadley, the motion result was passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Knight, O'Brien, Roadley, Waltrip, Maye  
Absent: Dunn

Mr. Roadley nominated Mr. Long as Secretary of the Wetlands Board.

## **C. MINUTES**

### **1. Minutes for November 9, 2022 Regular Meeting**

A motion to approve the minutes was made by Mr. Roadley.

The minutes were approved on a voice vote.

## **D. PUBLIC HEARINGS**

None.

## **E. BOARD CONSIDERATIONS**

### **1. Election of Officers for 2023**

The Election of Officers for 2023 agenda item was moved during the meeting and was completed just after the Roll Call agenda item.

## **F. MATTERS OF SPECIAL PRIVILEGE**

None.

## **G. ADJOURNMENT**

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

The meeting adjourned at 5:05 p.m.

**ITEM SUMMARY**

DATE: 1/11/2023

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: WJPA-22-0029 : 213 Southpoint Drive

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WJPA-22-0029: Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied on behalf of Mr. James and Mrs. Patricia Mishler for a wetlands permit for the installation of a quarry stone revetment on property located at 213 Southpoint Dr, JCC Parcel No. 4930270014.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution to Approve	Resolution
▣	Resolution to Deny	Resolution
▣	JPA	Exhibit
▣	Revision	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	1/4/2023 - 2:52 PM
Wetlands Group	Small, Toni	Approved	1/4/2023 - 2:53 PM
Publication Management	Pobiak, Amanda	Approved	1/4/2023 - 3:10 PM
Wetlands Group	Secretary, Wetland	Approved	1/6/2023 - 8:27 AM

**WETLANDS BOARD PERMIT No. WJPA-22-0029. 213 Southpoint Drive  
Staff Report for the January 11, 2023, Wetlands Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. James and Ms. Patricia Mishler

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

Location: 213 Southpoint Drive

Parcel Identification No.: 4930270014

Parcel: Lot 14, Section 7 Kingspoint

Watershed: College Creek (JL34)

Floodplain: Zone AE - Base flood elevation 7 feet

Proposed Activity: Construction of a revetment

Wetland Impacts: 1,575 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. James and Ms. Patricia Mishler for the construction of a revetment on property located at 213 Southpoint Drive within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4930270014.

In June of 2022, the applicants came before the Wetlands Board to request the installation of a kayak launch with two groins and beach nourishment. Additionally, the applicants requested to install a pier and boathouse, both of which are outside the jurisdiction of the local Wetlands Board. The applicants were granted approval for these improvements. The applicants are currently requesting to construct a 225-foot quarry stone revetment along the shoreline to help with shoreline erosion along the property. The applicants have stated that a living shoreline is not possible on this property due to the narrow beach width, bank height, and significant drop-off to the channel.

**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; therefore, no mitigation is required for the proposed development.

### **STAFF RECOMMENDATIONS**

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

1. The applicants must obtain all other necessary 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. All construction of the revetment shall take place from the water; and
4. The Wetlands Permit for this project shall expire on January 11, 2026, 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 November 30, 2025, six weeks prior to the expiration date.

TAL/md  
WJPA22-29\_213SthptDr

#### **Attachments:**

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. WJPA-22-0029. 213 SOUTHPOINT DRIVE

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. James and Ms. Patricia Mishler (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on January 11, 2023, 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. 4930270014 and further identified as 213 Southpoint Drive (the “Property”) as set forth in the application WJPA-22-0029, for the purpose of construction of 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-22-0029, subject to the following conditions:

1. The Applicants 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 January 11, 2026, 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 November 30, 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 11th day of January, 2023.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

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

WJPA22-29\_213SthptDrApp-res

## RESOLUTION

CASE NO. WJPA-22-0029. 213 SOUTHPOINT DRIVE

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. James and Ms. Patricia Mishler (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on January 11, 2023, 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. 4930270014 and further identified as 213 Southpoint Drive (the “Property”) as set forth in the application WJPA-22-0029, for the purpose of construction of 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-22-0029.

\_\_\_\_\_  
Halle Dunn  
Chairman, Wetlands Board

\_\_\_\_\_  
Trevor A. Long  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 11th day of January, 2023.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

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

WJPA22-29\_213SthptDrDeny-res

**From:** [Karla Havens](#)  
**To:** [MRC - jpa Permits](#)  
**Subject:** Mishler JPA  
**Date:** Wednesday, November 30, 2022 11:13:11 AM  
**Attachments:** [SKM-C15022-0011370.pdf](#)

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Hi Beth,

I'm sending the Mishler JPA again because the previously scanned copy was fuzzy. This is the same JPA that was sent this morning for 213 Southpoint Drive in JCC.

Karla

Sent from my iPhone

jpa.permits@mrc.virginia.gov

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

FOR AGENCY USE ONLY	
	Notes:
	JPA # <b>22-2705</b>

## APPLICANTS

### Part 1 – General Information

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

<b><u>Check all that apply</u></b>				
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>COWEE CREEK OF JAMES RIVER</u>				
<b>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK</b> (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/permits/newpermits.html">http://ccrm.vims.edu/permits/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
WB, VMRC	PIER, 2 GROINS W/ NOURISH	#2022-0903	6/2022	APPROVED
CORPS				

## Part 1 - General Information (continued)

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

JAMES L. & PATRICIA A. MISHLER  
213 SOUTHPOINT DRIVE  
WILLIAMSBURG, VA 23185-4439

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
~~Fax~~ (972) 313 - 5277 Pat  
Cell (972) 342 - 2877 Jim  
e-mail tcmish@aol.com

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

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

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

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

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

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

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

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

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

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

CONSTRUCTION OF A 225' QUARRY STONE REVETMENT.

SITE TO BE ACCESSED FROM THE WATER AND THE UPLAND.

LEANING AND UNDERCUT TREES TO BE REMOVED WITHIN CONSTRUCTION FOOTPRINT.

MINIMAL BANK GRADING REQUIRED AT TOP OF PROPOSED REVETMENT.

## 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:

WILBER JORDAN  
JORDAN MARINE CONSTRUCTION, INC.  
P. O. BOX 396  
LIGHTFOOT, VA 23090

Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( 757 ) 592 - 4171  
email i\_m\_c\_i@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) 213 SOUTHPOINT DRIVE

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

Subdivision KINGSPPOINT

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

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

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

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

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

PRIMARY PURPOSE IS TO MINIMIZE SHORELINE EROSION.

SECONDARY PURPOSE IS TO MINIMIZE UPLAND EROSION.

THE NEED IS THE BANK IS ERODING AND HAS A HEAVY TREE CANOPY.

IT IS NOT POSSIBLE TO CONSTRUCT A LIVING SHORELINE DUE TO THE NARROW BEACH WIDTH, BANK HEIGHT, AND DROP OFF TO THE CHANNEL.

## 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.*  
**CONSIDERED A BULKHEAD AND A LIVING SHORELINE.  
CLEARING AND GRADING WILL BE HELD TO THE MINIMUM REQUIRED TO  
COMPLETE THE PROJECT.  
NO VEGETATED WETLAND IMPACTS.**
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ > \$10,000 AND < \$100,000  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 0
13. Completion date of the proposed work: ASAP ONCE AUTHORIZED. -
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

LRSN 8767

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

LRSN 18935

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

## Part 2 - Signatures

### 1. Applicants and property owners (if different from applicant).

**NOTE: REQUIRED FOR ALL PROJECTS**

**PRIVACY ACT STATEMENT:** The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

JAMES L. MISHLER

Applicant's Legal Name (printed/typed)

Applicant's Signature

Date

PATRICIA A. MISHLER

(Use if more than one applicant)

(Use if more than one applicant)

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

## Part 2 – Signatures (continued)

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

#### CERTIFICATION OF AUTHORIZATION

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

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

Karla S. Havens  
(Agent's Signature)

(Use if more than one agent)

11/30/22  
(Date)

James Mishler  
(Applicant's Signature)

Patricia A. Mishler  
(Use if more than one applicant)

11/30/2022  
(Date)

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

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), JL & PA MISHLER, have contracted JORDAN 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 11-30-22.

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.

WILBER JORDAN

Contractor's name or name of firm

PO BOX 396 LIGHTFOOT, VA 23090

Contractor's or firms address

2705 - 107524 A

Contractor's signature and title

Contractor's License Number

James Mishler  
Applicant's signature

Patricia A. Mishler  
(use if more than one applicant)

11/30/2022  
Date

### Part 3 – Appendices (continued)

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

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

CLASS I CORE STONE OVER FILTER CLOTH, CLASS II ARMOR STONE, SILT FENCE.

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

Core (inner layer) material	75	pounds per stone	Class size	I
Armor (outer layer) material	250	pounds per stone	Class size	II

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

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

### Part 3 – Appendices (continued)

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

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

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

CONSTRUCTION OF A 225' QUARRY STONE REVETMENT AND ASSOCIATED BANK GRADING.

2. What is the maximum encroachment channelward of mean high water? 10 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 1575 square feet
  - Subaqueous bottom 0 square feet
  - Dune and/or beach N/A square feet

- X 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.

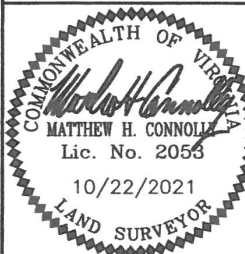
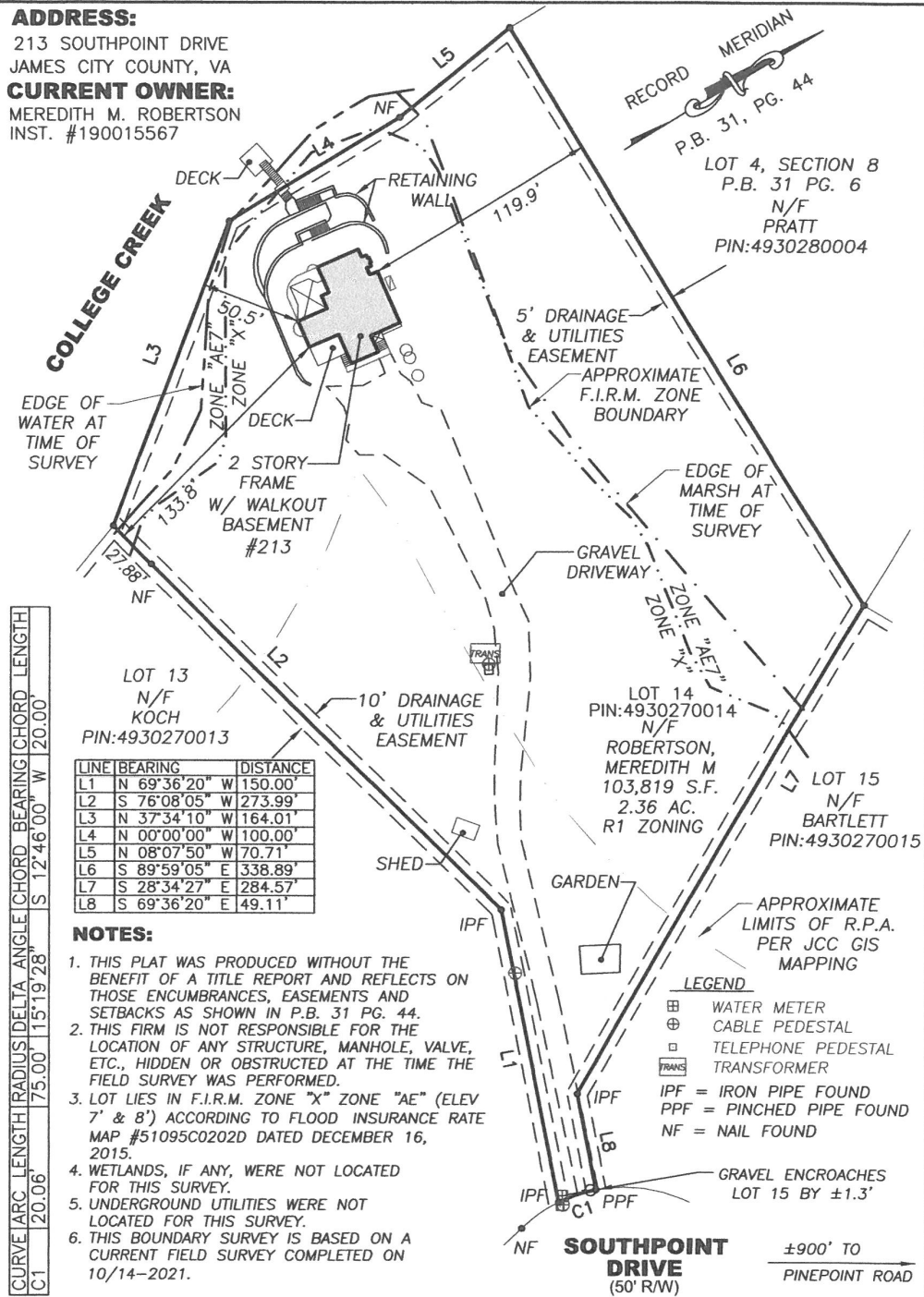
If no, please provide an explanation for the purpose and need for the additional encroachment.

**ADDRESS:**

213 SOUTHPPOINT DRIVE  
JAMES CITY COUNTY, VA

**CURRENT OWNER:**

MEREDITH M. ROBERTSON  
INST. #190015567

**REFERENCES:**

P.B. 31  
PG. 44

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

**BOUNDARY SURVEY OF LOT 14, SECTION 7****KINGSPPOINT**

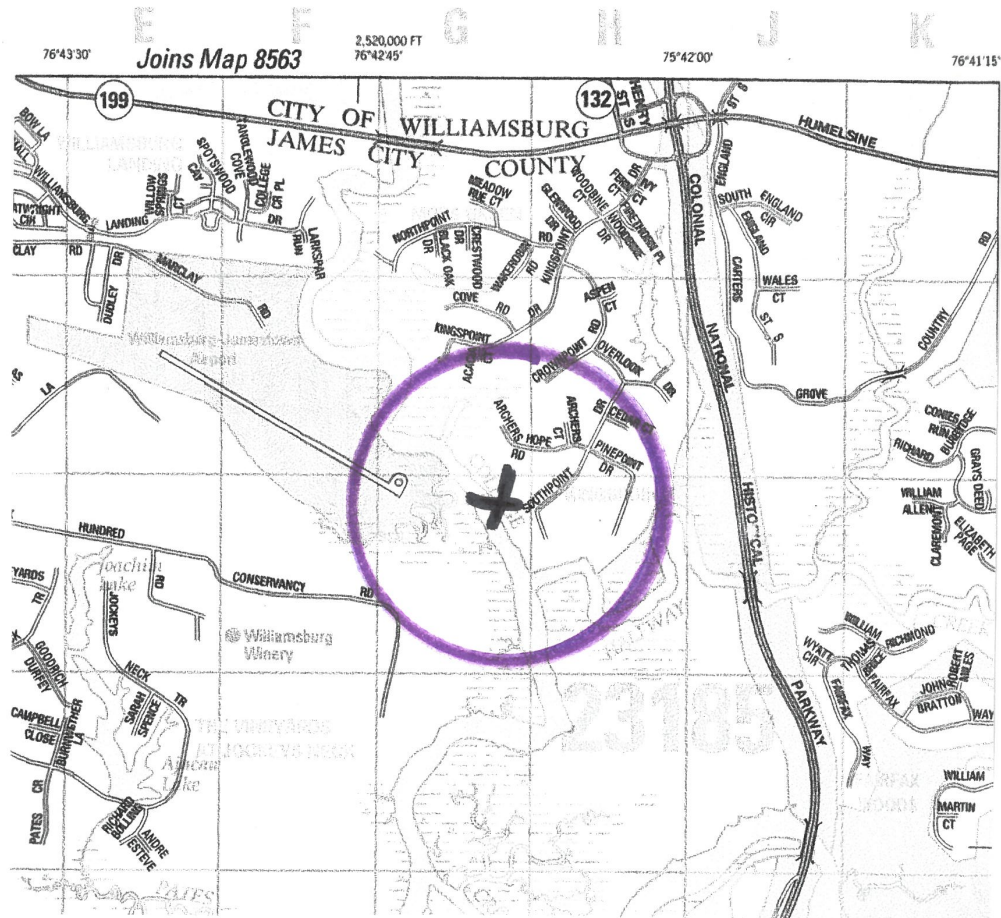
For:

**JAMIE BLEND**

JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

**LandTech Resources, Inc.**

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

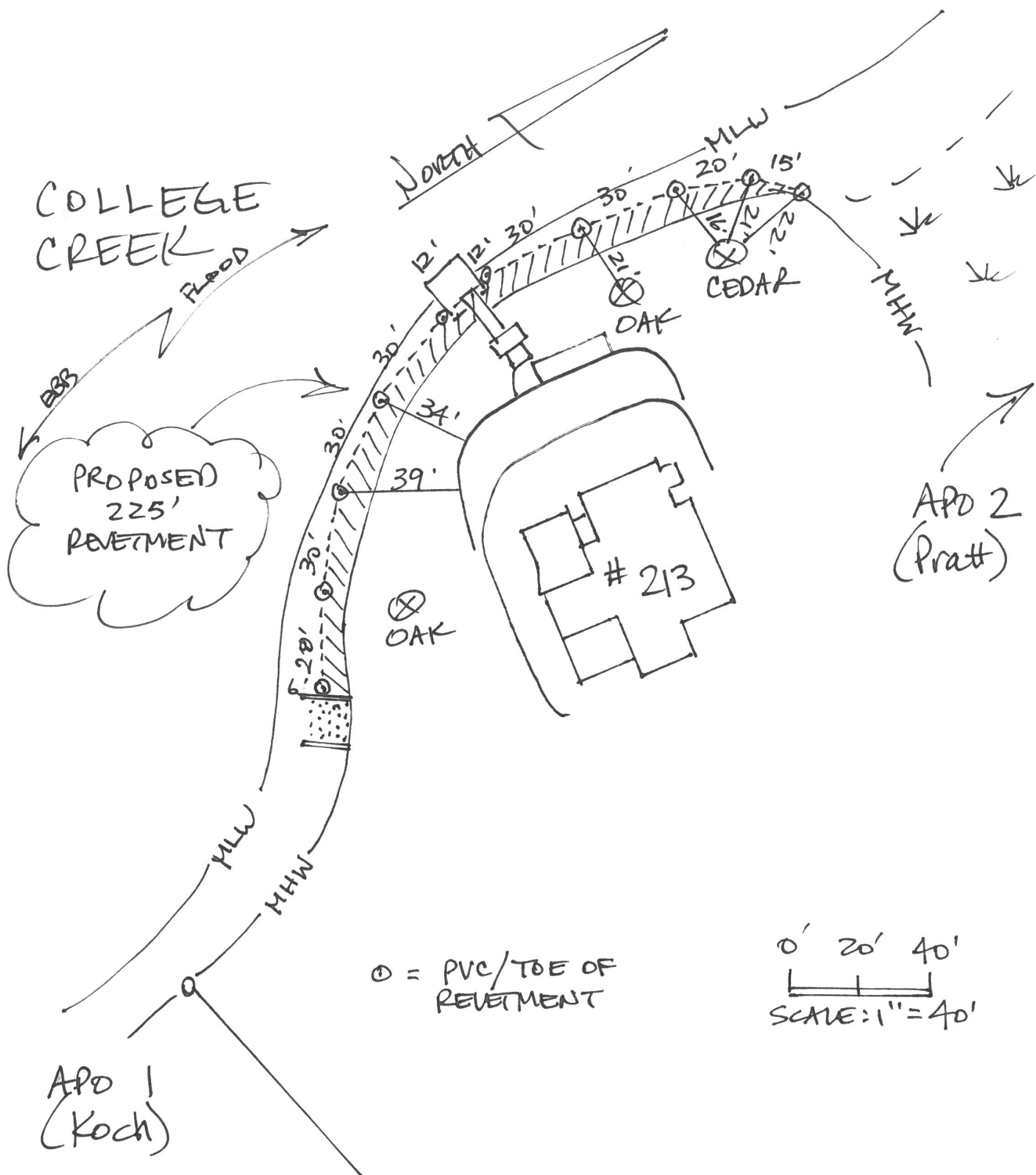


AOC Street Atlas- Virginia Peninsula, Map# 8675, Page 30, 2007.

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

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> <li>1. Denise W. Koch Trustee</li> <li>2. Donald I. Pratt, Jr. &amp; Geraldine Pratt Trustee</li> </ol>	<p>VICINITY MAP James City County L-14 S-7 Kingspoint</p>	<p>JAMES L &amp; PATRICIA A. MISHLER 213 Southpoint Drive on College Creek Date: 11-29-22 Sheet 1 of 3</p>
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

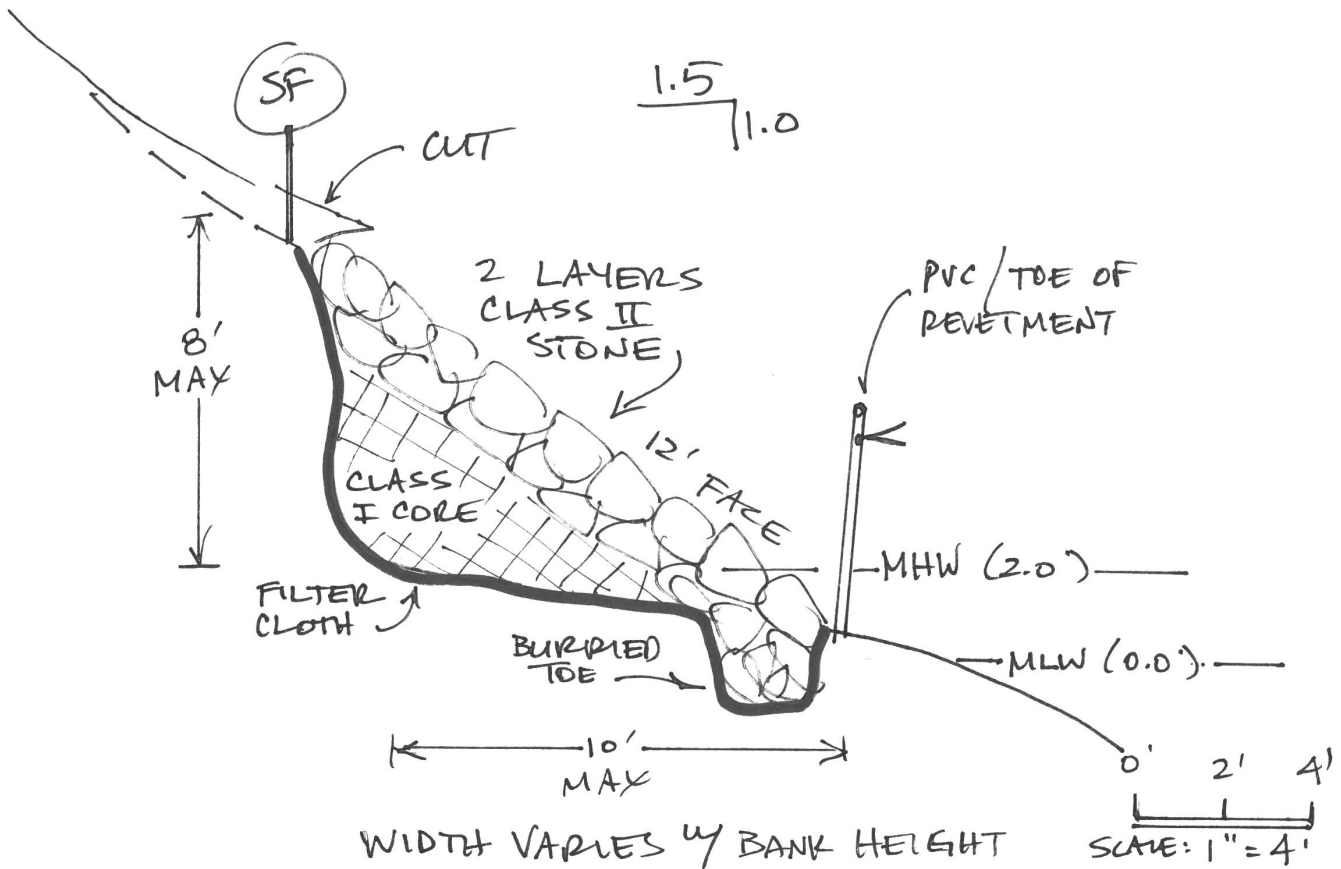


Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated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

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> <li>1. Denise W. Koch Trustee</li> <li>2. Donald I. Pratt, Jr. &amp; Geraldine Pratt Trustee</li> </ol>	<p>SITE PLAN James City County L-14 S-7 Kingspoint</p>	<p>JAMES L &amp; PATRICIA A. MISHLER 213 Southpoint Drive on College Creek Date: 11-29-22 Sheet 2 of 3</p>
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 kariashavens@gmail.com

- CLASS I CORE STONE OVER FILTER CLOTH.
- CLASS II ARMOR STONE.



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

Adjacent Property Owners:	DETAIL James City County L-14 S-7 Kingspoint	JAMES L & PATRICIA A. MISHLER 213 Southpoint Drive on College Creek
1. Denise W. Koch Trustee 2. Donald I. Pratt, Jr. & Geraldine Pratt Trustee		Date: 11-29-22 Sheet 3 of 3

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

**From:** [Chartrand, Lauren \(MRC\)](#)  
**To:** [MRC - jpa Permits](#)  
**Subject:** FW: 22-2705, Additional information needed  
**Date:** Friday, December 30, 2022 8:14:15 AM

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Revision for the file

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**From:** Karla Havens <karlashavens@gmail.com>  
**Sent:** Thursday, December 29, 2022 2:18 PM  
**To:** Chartrand, Lauren (MRC) <Lauren.Chartrand@mrc.virginia.gov>  
**Subject:** Re: 22-2705, Additional information needed

Hi

I'm out of the office. I presume this is the Mishler project?

The incredibly steep slopes and narrow inter-tidal area are why a living shoreline won't work.

I'll prepare an updated cross section when I get back as Trevor requested.

The encroachment varies with a maximum of 10'.

Take your photos at a really low tide from the existing platform!

Happy 2023.

K

Sent from my iPhone

On Dec 29, 2022, at 11:43 AM, Chartrand, Lauren (MRC)  
<Lauren.Chartrand@mrc.virginia.gov> wrote:

Hi Karla,

I hope you had a nice holiday! Can you please address why a living shoreline cannot be used at the property? I just want to clarify your encroachment numbers don't match a 10-foot wide by 225-foot long revetment. Is some of that width above MHW? It's unclear from the plan view. I plan to visit the site to try to get some bank shots next Wednesday a little before 5 pm. Let me know if you have any questions. 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](mailto:Lauren.Chartrand@mrc.virginia.gov), 757-247-2250



**ITEM SUMMARY**

DATE: 11/9/2022

TO: Wetlands Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

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

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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
▣	JPA	Backup Material
▣	VIMS Comment Letter	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 January 11, 2023, Wetlands Board Public Hearing**

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*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.*

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**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 bluff along the shoreline. Adjacent to either side of this bluff are two wetland marshes surrounding a small beach area. The applicant is proposing to install approximately 200 linear feet of riprap revetment over top of 1,200 square feet of non-vegetated wetlands along the toe of the bluff to mitigate shoreline erosion occurring because of wave impacts. The proposed revetment also wraps around an existing tree in an attempt to save the integrity of the tree. This permit request appeared before the Wetlands Board during the November public hearing. During that time, the Board requested that the Virginia Institute of Marine Science (VIMS) perform a site visit and report for the project to ensure the suitability of the proposal. VIMS conducted a site visit on November 18 and provided a subsequent report concurring with the proposed project.

**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. A preconstruction meeting shall take place to confirm the staking of the project in the field; and
4. All upland disturbance shall be stabilized upon completion of the project; and
5. The Wetlands Permit for this project shall expire on January 11, 2025, if construction has not already begun; and
6. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than November 30, 2025, six weeks prior to the expiration date.

TAL/ap  
WJPA-22-24\_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 January 11, 2023, 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. A preconstruction meeting shall take place to confirm the staking of the project in the field; and
4. All upland disturbance shall be stabilized upon completion of the project; and
5. The Wetlands Permit for this project will expire on January 11, 2026, if construction has not already begun; and
6. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than November 30, 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 11th day of January, 2023.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

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

WJPA-22-24\_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 (“Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on January 11, 2023, 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 11th day of January, 2023.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

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

WJPA-22-24\_124FourMiTreeDny-res

**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:**

[image001.pdf](#)  
[image002.pdf](#)  
[image003.pdf](#)  
[image004.pdf](#)  
[image005.pdf](#)  
[image006.pdf](#)  
[image007.pdf](#)  
[image008.pdf](#)  
[image009.pdf](#)  
[image010.pdf](#)  
[image011.pdf](#)  
[image012.pdf](#)  
[image013.pdf](#)  
[image014.pdf](#)  
[image015.pdf](#)  
[image016.pdf](#)  
[image017.pdf](#)  
[image018.pdf](#)  
[image019.pdf](#)  
[image020.pdf](#)  
[image021.pdf](#)

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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](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA # <b>22-2276</b>

## 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>York River</u>				
<b>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)</b>				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/permits/newpermits.html">http://ccrm.vims.edu/permits/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

## Part 1 - General Information (continued)

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](mailto: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 [slandconinc@gmail.com](mailto:slandconinc@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 Southern Landscaping & Const., Inc. (Mo Bloxom)  
(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.

Mo Bloxom  
(Agent's Signature)

(Use if more than one agent)

9/27/22  
(Date)

Taylor McMurdy  
(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 Southern Landscaping & Const., Inc. (Mo Bloxom)  
(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

Mo Bloxom PRES  
Contractor's signature and title

2701 034-192A  
Contractor's License Number

Taylor McMurdy  
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.

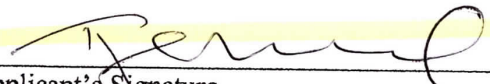
**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project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

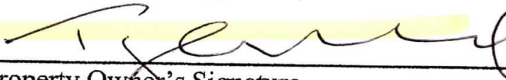
  
Applicant's Signature

(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  $\leq 700$  square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier  $\leq 400$  square feet?
- YES ☐ NO ☐ N/A ☒ (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?
- YES ☐ NO ☐ N/A ☒ (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES ☐ NO ☐ N/A ☒ (10) If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.
- YES ☒ NO ☐ (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES ☒ NO ☐ (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES ☐ NO ☐ (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES ☒ NO ☐ (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

## 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](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](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](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](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](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

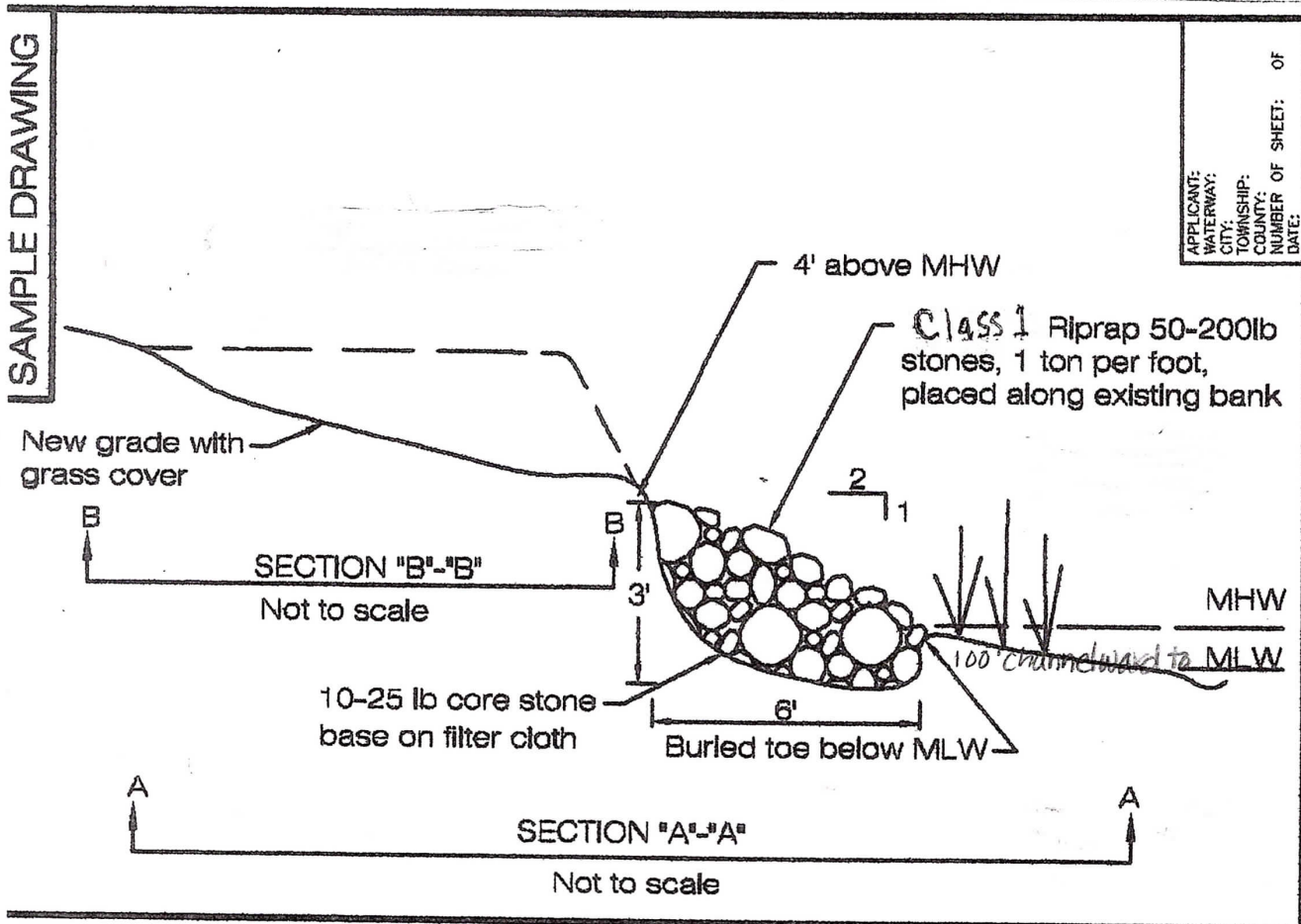
**SOUTHERN  
 LANDSCAPING &  
 CONSTRUCTION INC.**



**MO BLOXOM**  
 President

P.O. Box 275, Rt. 33 & 14  
 Shacklefords, VA 23156  
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 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  
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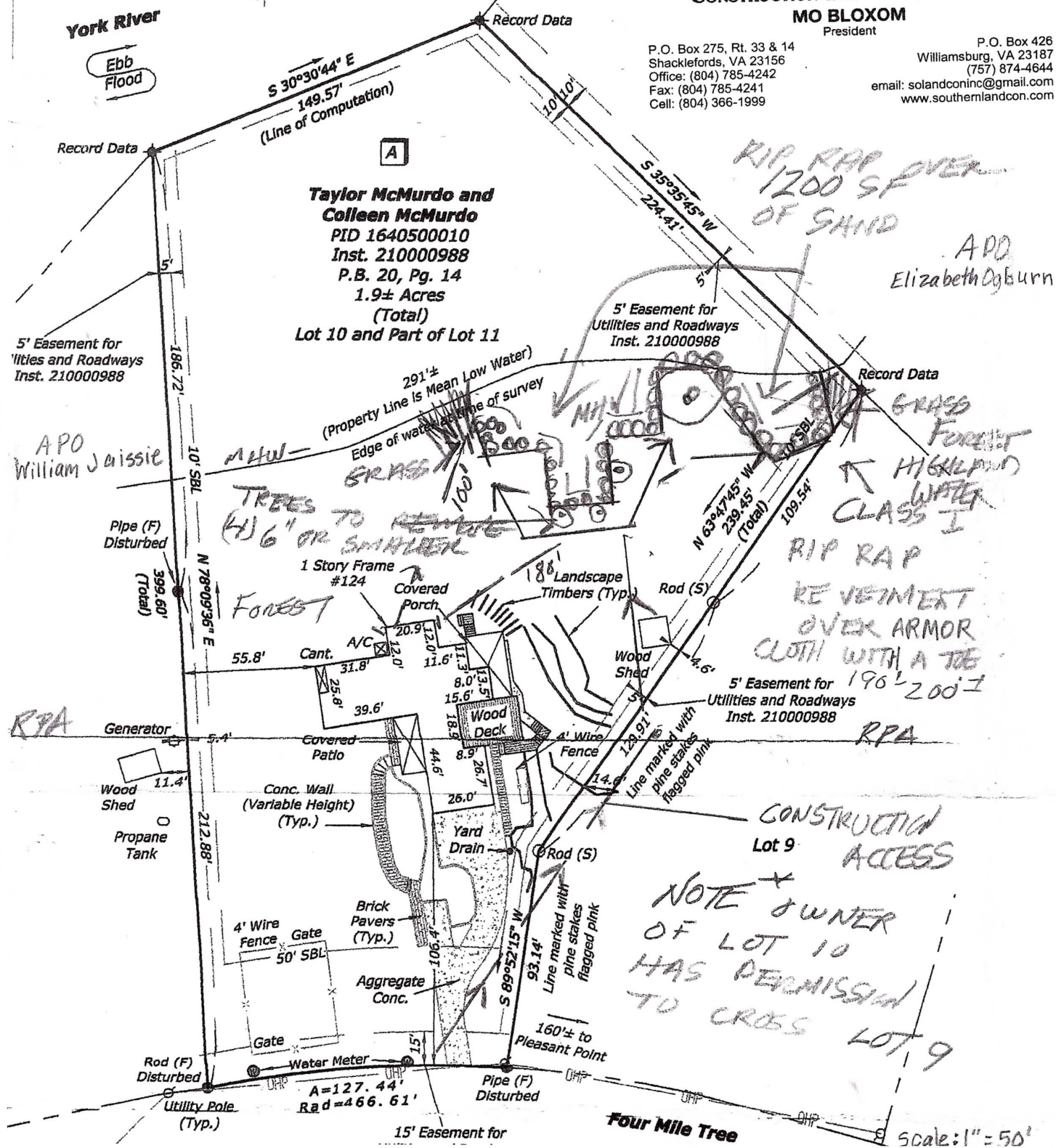
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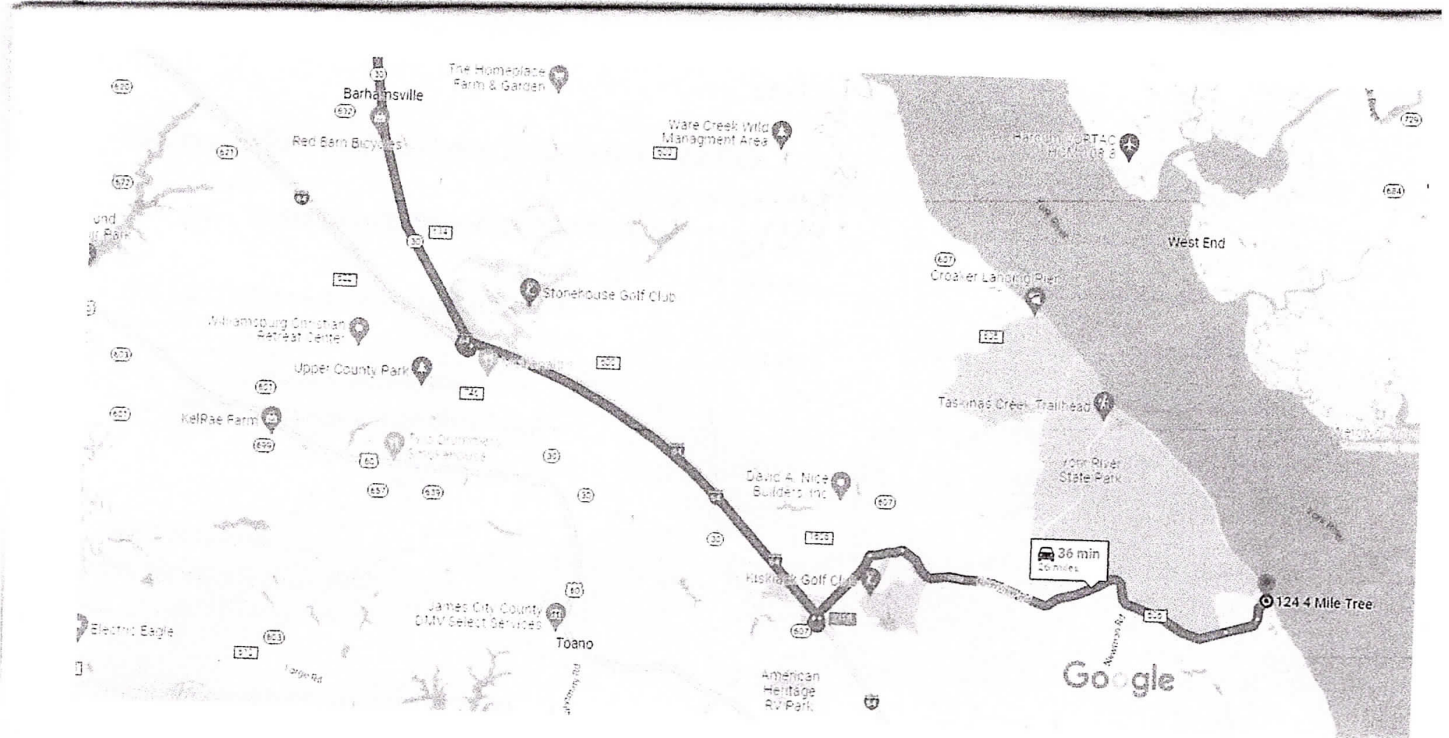


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Taylor & Colleen McMurdo  
124 Four Mile Tree  
Wmstg, VA 23188  
"Vicinity Map"



November 28, 2022

Trevor Long  
Stormwater & Resource Protection  
James City County, General Services  
101-E Mounts Bay Road  
Williamsburg VA 23187-8784

Dear Mr. Long:

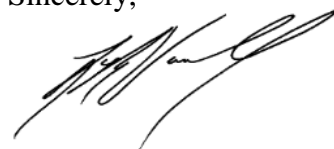
A site visit was conducted on 18 November at the request of the James City County Wetlands Board regarding a shoreline stabilization strategy along the James River (Colleen McMurdo, VMRC #22-2276). The proposed project is a combination of stone marsh sills on either side of a stone revetment along the upland scarp, and at question is the suitability of this shoreline situation for a living shoreline approach. The parcel consists of vegetated tidal wetlands along the project's upriver (saltmarsh cordgrass) and downriver (common reed) boundaries. Between these wetlands a sandy nonvegetated tidal wetland fronts a scarped upland and trees with exposed roots. The height of the upland scarp is approximately 3–4 feet, and the upland elevates to approximately 20 feet near the residence. The fetch exposure of this shoreline parcel ranges from approximately 2–3 miles along a northeast-to-southeast arc.

A living shoreline approach would require construction of a “brill” (the common term for a breakwater-sill hybrid structure) parallel to the shoreline and placed near the mean low water line partially between the marsh headlands at the project boundaries. Placement of sand in the intertidal area and sprigging with cordgrass and saltmeadow hay would be recommended if this approach is considered, but sand placement would be problematic since the trees with exposed roots are not planned for removal. This approach would provide effective wave attenuation for most storm events but would not prevent storm surge from reaching the upland scarp. Also, the elevation of the upland would not allow future migration of tidal wetlands. Although providing a minimal increase in environmental enhancement, the construction and maintenance of this living shoreline approach would not be sustainable over time and would not increase erosion control function.

The agent/contractor provided clarity on sill and revetment design, and construction access during the site visit. Based on these explanations and the shoreline situation, the proposed project will function well to protect the upland and tidal wetlands, and will have minimal adverse impacts on the adjacent nonvegetated tidal wetland.

Please contact me if you have questions or require further information.

Sincerely,



Lyle Varnell  
Associate Director for Advisory Services