

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
February 8, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the January 5, 2023 Special Meeting
2. Minutes for January 11, 2023 Wetlands Board Meeting

D. PUBLIC HEARINGS

1. WJPA-22-0029 : 213 Southpoint Drive

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 2/8/2023

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: Minutes from the January 5, 2023 Special Meeting

ATTACHMENTS:

	Description	Type
	Minutes from the January 5, 2023 Special Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	2/1/2023 - 4:25 PM
Wetlands Group	Small, Toni	Approved	2/1/2023 - 4:25 PM
Publication Management	Daniel, Martha	Approved	2/1/2023 - 4:28 PM
Wetlands Group	Secretary, Wetland	Approved	2/1/2023 - 4:45 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD/WETLANDS BOARD
WORK SESSION
County Government Center, Building D
January 5, 2023
5:00 PM

A. CALL TO ORDER

The Wetlands and Chesapeake Bay Board Joint Worksession for January 5, 2023 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.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in James City County, which are tributaries of the Chesapeake Bay.

B. ROLL CALL

Board Members Present:

Halle Dunn, Chairman
Charles Roadley, Vice Chair
Scott Maye
Leslie Bowie, Alternate

Board Members Absent:

Larry Waltrip
Michael O'Brien

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

C. PRESENTATIONS

1. Board Procedures

Mr. Joshua Everard, Assistant County Attorney, presented information regarding board procedures for the Wetlands and Chesapeake Bay Boards.

Discussion for the clarification of these processes ensued.

2. Lots Heavily Impacted by RPA

Mr. Trevor Long, Watershed Planner, presented information regarding lots heavily impacted by the Resource Protection Area. Discussion regarding future procedure for these lots followed.

3. Living Shoreline Guidance

Mr. Trevor Long, Watershed Planner, presented the most recent shoreline guidance from The Department of Environmental Quality and the Virginia Marine Resource Commission.

4. Board Powers

Mr. Joshua Everard, Assistant County Attorney, presented information regarding powers of the board.

Discussion regarding how these powers impact procedure ensued.

5. County Staff Powers

Mr. Joshua Everard, Assistant County Attorney, presented information regarding the powers of County staff.

D. ADJOURNMENT

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

The meeting adjourned at 7:17 p.m.

ITEM SUMMARY

DATE: 2/8/2023

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: Minutes for January 11, 2023 Wetlands Board Meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	1/31/2023 - 4:48 PM
Wetlands Group	Small, Toni	Approved	1/31/2023 - 4:49 PM
Publication Management	Daniel, Martha	Approved	1/31/2023 - 4:56 PM
Wetlands Group	Secretary, Wetland	Approved	2/1/2023 - 3:53 PM

MINUTES
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

A. CALL TO ORDER

The Wetlands Board meeting for January 11, 2023, 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:

Halle Dunn, Chair
Charles Roadley
Michael O'Brien
Leslie Bowie, Alternate

Board Members Absent:

Larry Waltrip
Scott Maye, Vice 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

C. MINUTES

1. Minutes from the December 14, 2022 Regular Meeting

A motion to Approve the minutes was made by Mr. Dunn.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. WJPA-22-0029 : 213 Southpoint Drive

A motion to Approve w/ Conditions was made by Michael O'Brien, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the request for deferral of the permit

request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. James and Mrs. Patricia Mishler, citing need for further revision of the site plan. The permit is for the installation of a quarry stone revetment. The property is further identified as James City County Tax Map Parcel No. 1640500010. Ms. Benedict also recommended that the Public Hearing be opened and remain so as a matter of procedure.

Mr. Dunn opened the Public Hearing.

2. WJPA-22-0024: 124 Four Mile Tree

A motion to Defer was made by Halle Dunn, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Mo Bloxom, Southern Landscaping & Construction, Inc., on behalf of Ms. Colleen McMurdo, for the installation of a revetment. The property is further identified as James City County Tax Map Parcel No. 1640500010. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Staff clarified details of the plan for the Board, including a brief summary of a report made by the Virginia Institute of Marine Science (VIMS) that examined the site.

Mr. Dunn opened the Public Hearing.

A. Mr. Mo Bloxom, Southern Landscaping & Construction Inc., PO Box 275, Shacklefords, Virginia, cited the findings of the VIMS report in support of the proposed plan.

Mr. Dunn closed the Public Hearing.

Mr. Roadley read the final paragraph of the VIMS report verbatim.

Mr. Dunn expressed appreciation for the cooperative efforts demonstrated by the VIMS representative and the applicant.

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 5:18 p.m.

ITEM SUMMARY

DATE: 1/11/2023

TO: Wetlands Board

FROM: Trevor Long, Wetlands Board Secretary

SUBJECT: WJPA-22-0029 : 213 Southpoint Drive

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
☐	Gazette Ad	Backup Material
☐	APO Letter	Backup Material
☐	APO List	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 February 8, 2023, Wetlands Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

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 9 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. Staff utilized the Center for Coastal Resources Management Shoreline Management Model and found that the recommendation for this property was a traditional revetment approach as proposed.

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 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. Any vegetation removal for the construction of the revetment may take place from the land; and
4. The Wetlands Permit for this project shall expire on February 8, 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 December 28, 2025, six weeks prior to the expiration date.

TAL/md
WJPA22-29_213SouthptDr

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 February 8, 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, as set forth in the application WJPA-22-0029, for the purpose of constructing 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 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. All construction of the revetment shall take place from the water. Any vegetation removal for the construction of the revetment may take place from the land; and
4. The Wetlands Permit for this project will expire on February 8, 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 December 28, 2025, six weeks prior to the expiration date.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of February, 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: _____

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 February 8, 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, as set forth in the application WJPA-22-0029, for the purpose of constructing 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 8th day of February, 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_213SouthptDrDeny-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](#)

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.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 22-2705

APPLICANTS

Part 1 – General Information

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

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

Property Owner's Signature

Date

(Use if more than one owner)

(Use if more than one owner)

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), 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

Armor (outer layer) material 250 pounds per stone Class size 11

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

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

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

- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement: _____

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

Part 3 – Appendices (continued)

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

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

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

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.

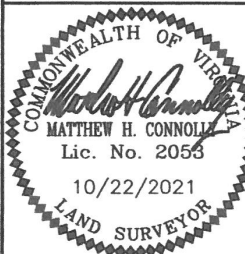
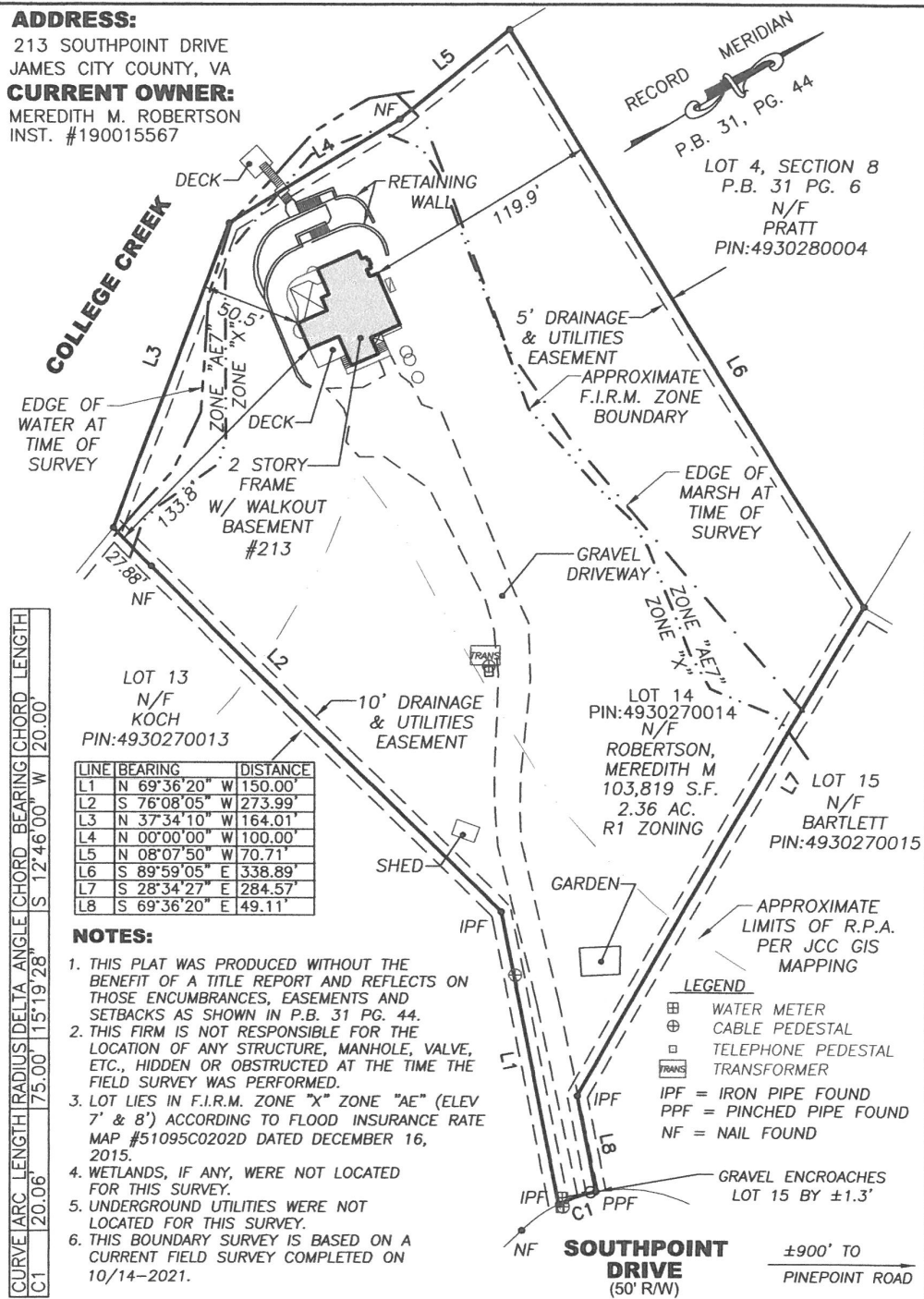
If no, please provide an explanation for the purpose and need for the additional encroachment.

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**

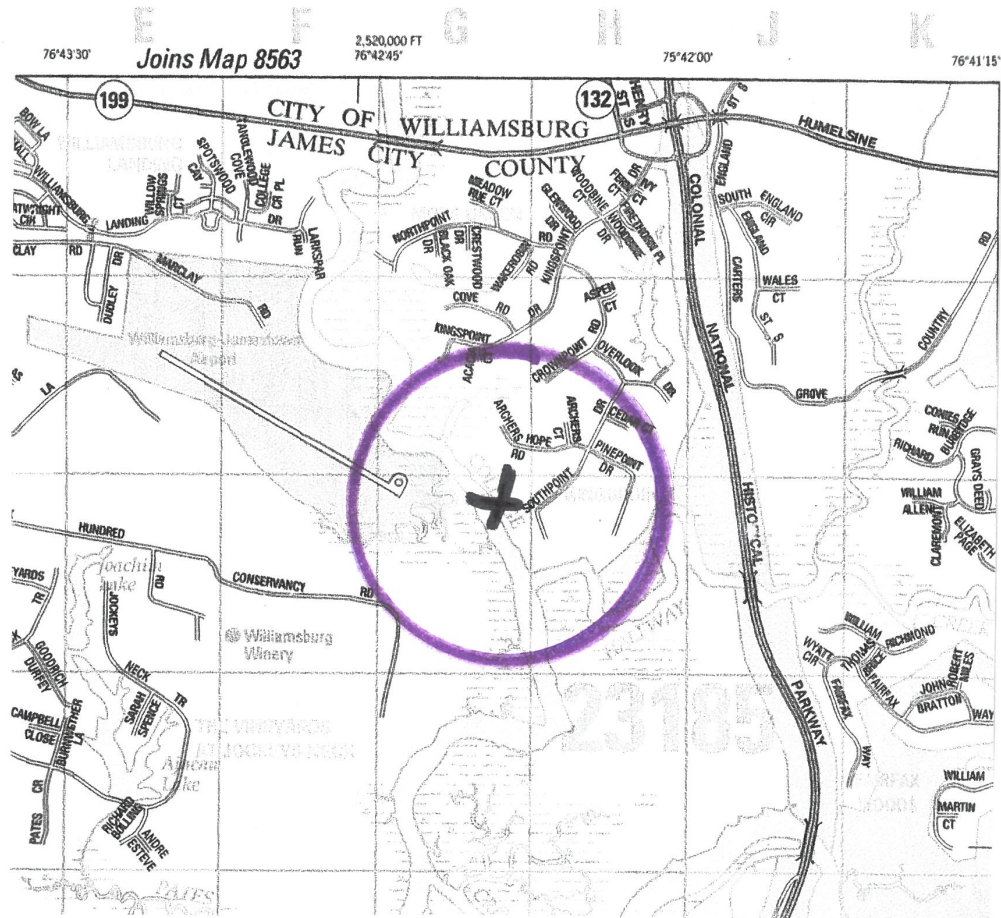
For:

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

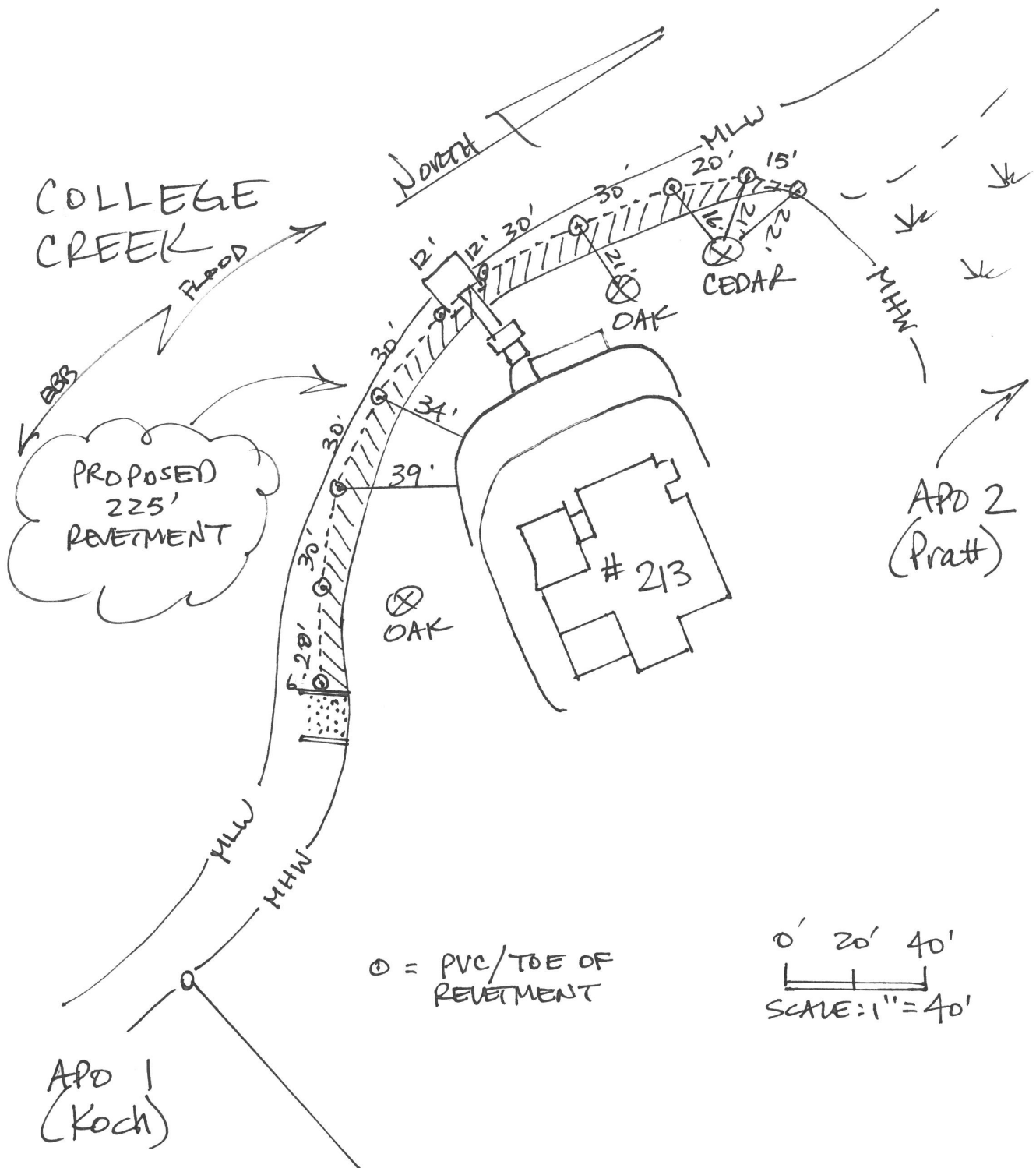


AOC Street Atlas- Virginia Peninsula, Map# 8675.
Page 30, 2007.

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"> 1. Denise W. Koch Trustee 2. Donald I. Pratt, Jr. & Geraldine Pratt Trustee 	<p>VICINITY MAP James City County L-14 S-7 Kingspoint</p>	<p>JAMES L & 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

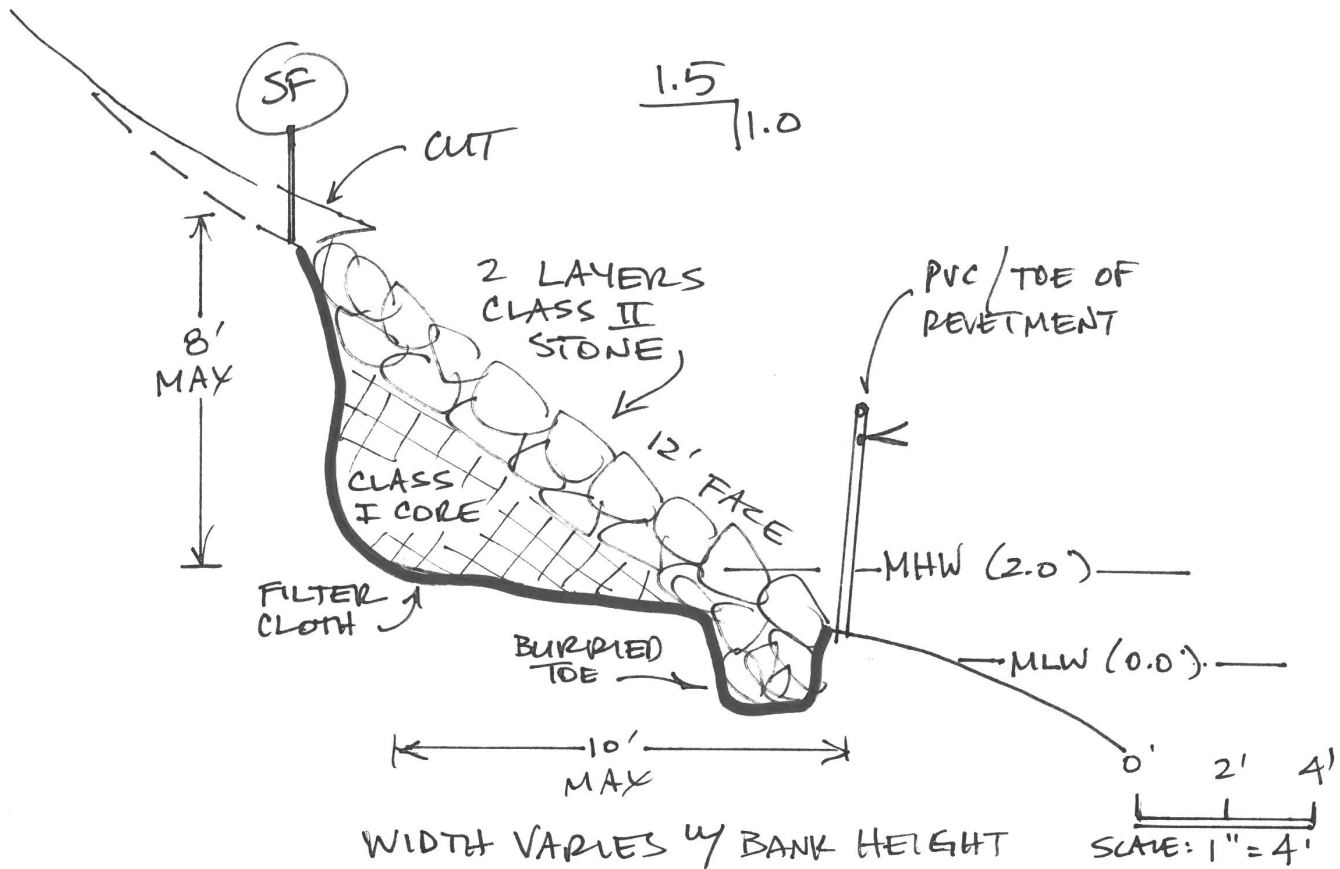


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<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. Denise W. Koch Trustee 2. Donald I. Pratt, Jr. & Geraldine Pratt Trustee 	<p>SITE PLAN</p> <p>James City County</p> <p>L-14 S-7 Kingspoint</p>	<p>JAMES L & PATRICIA A. MISHLER</p> <p>213 Southpoint Drive on College Creek</p> <p>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.



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

Revision for the file

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, 757-247-2250



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JANUARY 11, 2023 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

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.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0119: Mr. Jeff Huentelman, Land Planning Solutions, has applied for a Chesapeake Bay Exception on behalf of MCP Stonehouse, LLC c/o Mandrake Capital Partners for encroachments into the Resource Protection Area (RPA) buffer for site grading associated with the development of Stonehouse Tract 10A on property located at 9101 Six Mount Zion Rd, JCC Parcel No. 0540100002.

CBPA-22-0151: Mr. Carl Story, Williamsburg Landing, Inc., has applied for a Chesapeake Bay Exception on behalf of Williamsburg Landing, Inc. for encroachments into the RPA buffer for the replacement and expansion of a deck on property located at 3011 Willow Spring Ct, JCC Parcel No. 4820100002.

CBPA-22-0154: Mr. Daniel Gasink has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio and installation of a hot tub on property located at 130 Jameswood, JCC Parcel No. 4510400082.

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – Dec 28, 2022 and Jan 4, 2023.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x6648

Case Number: WJPA-22-0029

PIN	Last Name	Address Line 1	City	State	Zip Code
4.93E+09	BARTLETT, GILBERT A TRUSTEE &	211 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4439
	Center for Coastal Resources Management	PO Box 1346	Gloucester Point	VA	23062
	Department of Wildlife Resources	PO Box 11104	Richmond	VA	23230
	DEQ TRO VWP	5636 Souther Boulevard	Virginia Beach	VA	23462
	Karla Havens				
	Mid-Atlantic Resource Consulting	1095 Cherry Row	Plainview	VA	23156-2027
4.93E+09	KOCH, DENISE W TRUSTEE	215 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4439
	Lauren Chartrand				
	Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
4.93E+09	LERBERG, SCOTT B &	212 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4440
4.93E+09	MCGHEE, DOUGLAS B & GABER, VICKI L	6401 CONSERVANCY	WILLIAMSBURG	VA	23185-8068
4.93E+09	MISHLER, JAMES L & PATRICIA A	213 SOUTHPOINT DR	WILLIAMSBURG	VA	23185-4439
4.93E+09	PRATT, DONALD I JR TRUSTEE &	110 ARCHERS HOPE DR	WILLIAMSBURG	VA	23185-4406
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
4.93E+09	SWEANEY, ROBERT D & TERESA C	6405 CONSERVANCY	WILLIAMSBURG	VA	23185-8068
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188
4.93E+09	YOUNG, PAMELA J	108 ARCHERS HOPE DR	WILLIAMSBURG	VA	23185-4406

Case Number: WJPA-22-0029

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