

**AGENDA**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**September 13, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

**C. ROLL CALL**

**D. MINUTES**

1. Minutes from the August 9, 2023, Wetlands Board Regular Meeting
2. Minutes from the August 22, 2023, Wetlands Board Special Meeting

**E. PUBLIC HEARING(S)**

1. WJPA-23-0024 : 223 Sherwood Forest
2. WJPA-23-0010 : 206 The Maine

**F. BOARD CONSIDERATION(S)**

**G. MATTERS OF SPECIAL PRIVILEGE**

**H. ADJOURNMENT**

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**Government Center Room F**  
**August 9, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for August 9, 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:**

Charles Roadley  
Scott Maye, Vice Chair  
Michael O'Brien  
Leslie Bowie, Alternate

**Board Members Absent:**

Halle Dunn, Chair  
Larry Waltrip

**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

**C. MINUTES**

1. Minutes from the July 12, 2023, Regular Meeting

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

The minutes were Approved on a voice vote.

**D. PUBLIC HEARINGS**

1. WJPA-23-0024 : 223 Sherwood Forest

A motion to Defer was made by Michael O'Brien, the motion result was Passed.

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

Ayes: Bowie, Maye, O'Brien, Roadley

Absent: Dunn, Waltrip

Mr. Trevor Long, Watershed Planner, presented the request for deferral submitted by Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, citing the need for further revision of the site plan. The permit request is for the installation of a revetment. The property is further identified as James City County Real Estate Tax Map Parcel No. 1730200011. Mr. Long also recommended that the Public Hearing should be opened and remain so until the September 13, 2023, Regular Meeting as a matter of procedure.

Mr. Maye opened the Public Hearing.

**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 5:05 p.m.

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**WORK SESSION**  
**County Government Center, Building F**  
**August 22, 2023**  
**2:00 PM**

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**A. CALL TO ORDER**

The Wetlands and Chesapeake Bay Board Work Session for August 22, 2023, was called to order.

**B. ROLL CALL**

**Board Members Present:**

Charles Roadley, Chair  
Scott Maye, Vice Chair  
Leslie Bowie, Alternate

**Board Members Absent:**

Halle Dunn  
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  
Liz Parman, Deputy County Attorney, County Attorney's Office

**C. PRESENTATIONS**

1. Upcoming Ordinance Revisions

Mr. Trevor Long, Watershed Planner, presented information regarding upcoming Ordinance revisions for the Chesapeake Bay Ordinance. Discussion for the clarification of these changes ensued.

2. Amendments to Bylaws

Mr. Trevor Long, Watershed Planner, presented information on potential amendments to the Wetlands and Chesapeake Bay Board Bylaws. Discussion regarding these amendments ensued. The Board proposed changes including adding a public comment period during the meetings and limiting the number of times a case can be heard to one year between submittals unless a significant change has been made to the proposal.

3. Board Considerations/Ordinance Requirements

Mr. Trevor Long, Watershed Planner, presented information regarding the Board considerations and Ordinance requirements for legislative cases. Discussion regarding



clarification of the considerations and requirements, as well as questions regarding possible changes to these requirements followed.

4. Board Member Requests

Mr. Trevor Long, Watershed Planner, responded to Board member requests. Discussion on these requests followed.

**G. ADJOURNMENT**

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

The meeting adjourned at 3:47 p.m.

**WETLANDS BOARD PERMIT No. WJPA-23-0024. 223 Sherwood Forest  
Staff Report for the September 13, 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: Mr. Mark Notley

Agent: Mr. Jordan Clifford, Riverworks, Inc.

Location: 223 Sherwood Forest

Parcel Identification No.: 1730200011

Parcel: Lot 11, Section 3, Blk-E, Pt-2, Riverview Plantation

Watershed: Skimino Creek (YO65)

Floodplain: Zone AE - Base Flood Elevation 9 feet mean sea level  
Zone VE - Base Flood Elevation 10 feet mean sea level

Proposed Activity: Installation of a revetment

Wetland Impacts: 30 square feet, vegetated wetlands

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

**PROJECT DISCUSSION**

Mr. Jordan Clifford, Riverworks, Inc., has applied for a Wetlands permit on behalf of Mr. Mark Notley for the installation of a revetment on property located at 223 Sherwood Forest within the Skimino Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1730200011.

The applicant is proposing to install a revetment along a shoreline scarp landward of an existing marsh toe sill. The existing shoreline is sluffing back towards a deck corner, threatening the integrity of the home. It is for this reason the applicant is proposing to line approximately 200 linear feet (1,760 square feet) of existing shoreline with riprap. Because of the proximity of the deck to the existing marsh, there are approximately 30 square feet of vegetated wetland loss anticipated with the proposed revetment.

**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. Because of this wetland loss, the applicant is proposing approximately 200 square feet of *spartina patens* as mitigation to be planted on-site. If the applicant is not able to mitigate on-site, the applicant would be required to purchase credits from an approved bank.

### **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. If the Applicant is not able to mitigate on-site, the Applicant must provide a receipt for the purchase of 30 square feet of tidal wetland credits from an approved tidal wetlands mitigation bank; and
4. The Wetlands Permit for this project shall expire on September 13, 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 August 2, 2026, six weeks prior to the expiration date.

TAL/ap  
WJPA23-24\_223ShrwdFt

#### **Attachments:**

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. WJPA-23-0024. 223 SHERWOOD FOREST

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on September 13, 2023, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 223 Sherwood Forest (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1730200011, as set forth in the application WJPA-23-0024 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-23-0024, 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 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. If the Applicant is not able to mitigate on-site, the Applicant must provide a receipt for the purchase of 30 square feet of tidal wetland credits from an approved tidal wetlands mitigation bank; and
4. The Wetlands Permit for this project shall expire on September 13, 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 August 2, 2026, 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 13th day of September, 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: \_\_\_\_\_

WJPA23-24\_223ShrwdFtApp-res

**RESOLUTION**

**CASE NO. WJPA-23-0024. 223 SHERWOOD FOREST**

**JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on September 13, 2023, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 223 Sherwood Forest (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1730200011, as set forth in the application WJPA-23-0024 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-23-0024.

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

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

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of September, 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: \_\_\_\_\_

WJPA23-24\_223ShrwdFtDny-res

**From:** [Chartrand, Lauren \(MRC\)](#)  
**To:** [MRC - jpa Permits](#)  
**Subject:** FW: 223 Sherwood Forest, Williamsburg water level measurements/drawings  
**Date:** Thursday, August 3, 2023 9:52:26 AM  
**Attachments:** [223 Sherwood Forest Mac and Veg Vegetation Drawings Final.pdf](#)

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Revisions for 20231504

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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

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**From:** Jordan Clifford <[jordan.d.clifford@gmail.com](mailto:jordan.d.clifford@gmail.com)>  
**Sent:** Tuesday, August 1, 2023 3:48 PM  
**To:** Chartrand, Lauren (MRC) <[Lauren.Chartrand@mrc.virginia.gov](mailto:Lauren.Chartrand@mrc.virginia.gov)>;  
Trevor.Long@jamescitycountyva.gov  
**Subject:** 223 Sherwood Forest, Williamsburg water level measurements/drawings

Lauren, Trevor and I spoke yesterday about me getting some more measurements on the elevations of things and I wanted to send to you a quick update on the water levels measured today.

Attached are the drawings and the measurements that I took today at high tide at 223 Sherwood Forest, Williamsburg VA 23188. My notes are included on the last two pages after the drawings. I took all measurements between 10:30 and 11 a.m, with Cheatham Annex having a high tide at 10:06 and West Point having a high tide at 11:30, the site being about 1/3 of the way between the two.

Today's high tide as per VIMS tidewatch at USCG Yorktown showed that the observed high tide level there was about 3.2' above MLW, with a 2.6' average difference. Winds were coming from the NNE and yesterday's high tide was also above average with similar wind direction. I put the observed high tide mark as a red line on the drawings, a blue mark as the MHW, and the 1.5x tide range as a purple mark. These are the same drawing templates as the other overhead views so everything should match up.

The only place in the riprap revetment that is close to where I calculate the 1.5x tide range to be is the riprap revetment in front of the pool deck where the salt bush impact is, but the toe of the riprap still should not be inside of the area covered by a tide that is 1.5x the average. I checked the elevations on the side view drawings of the riprap revetment and everything appears to still be correct.

The elevation of the 750 s.f. as-needed mitigation area was the one area that I calculated to be 15-16" above MHW (on the lower elevation side of it) and I will need to submit a revised drawing of that. If I calculated 0.5x the 2.6' tide change, I get 15.6". I also don't think that any removal of material or grading is going to be necessary to vegetate any of that area IF it has to be used for mitigation, I think that pruning the trees for sunlight and planting of *Spartina patens* will work.

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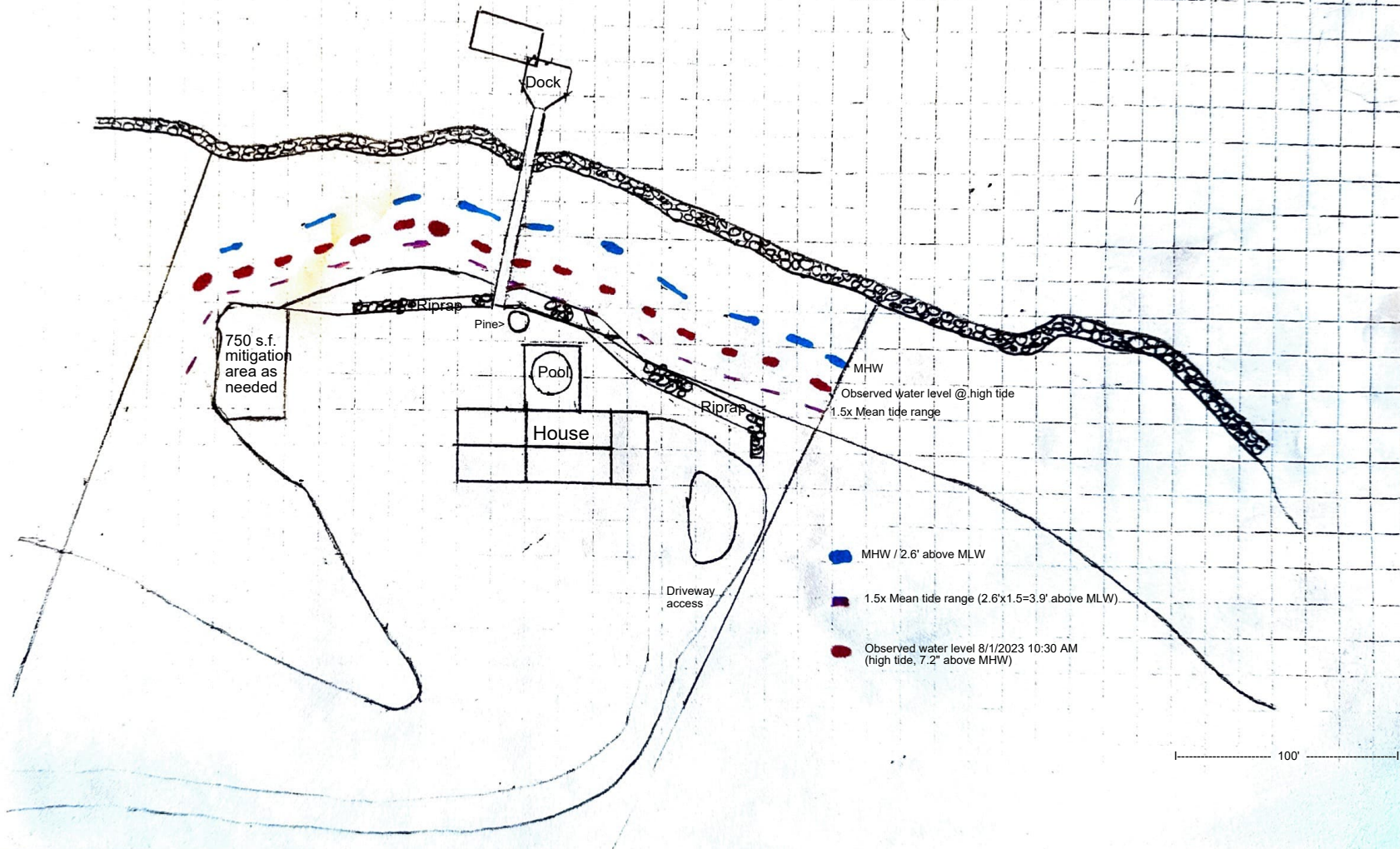
Jordan Clifford  
Riverworks Inc.  
P.O. Box 978, Gloucester Point VA 23062  
757-968-3467



223 Sherwood Forest, Williamsburg VA 23188  
Riverworks, Inc.  
757-968-3467

Observed water levels 08/01/2023 at 10:30-11:00 a.m.

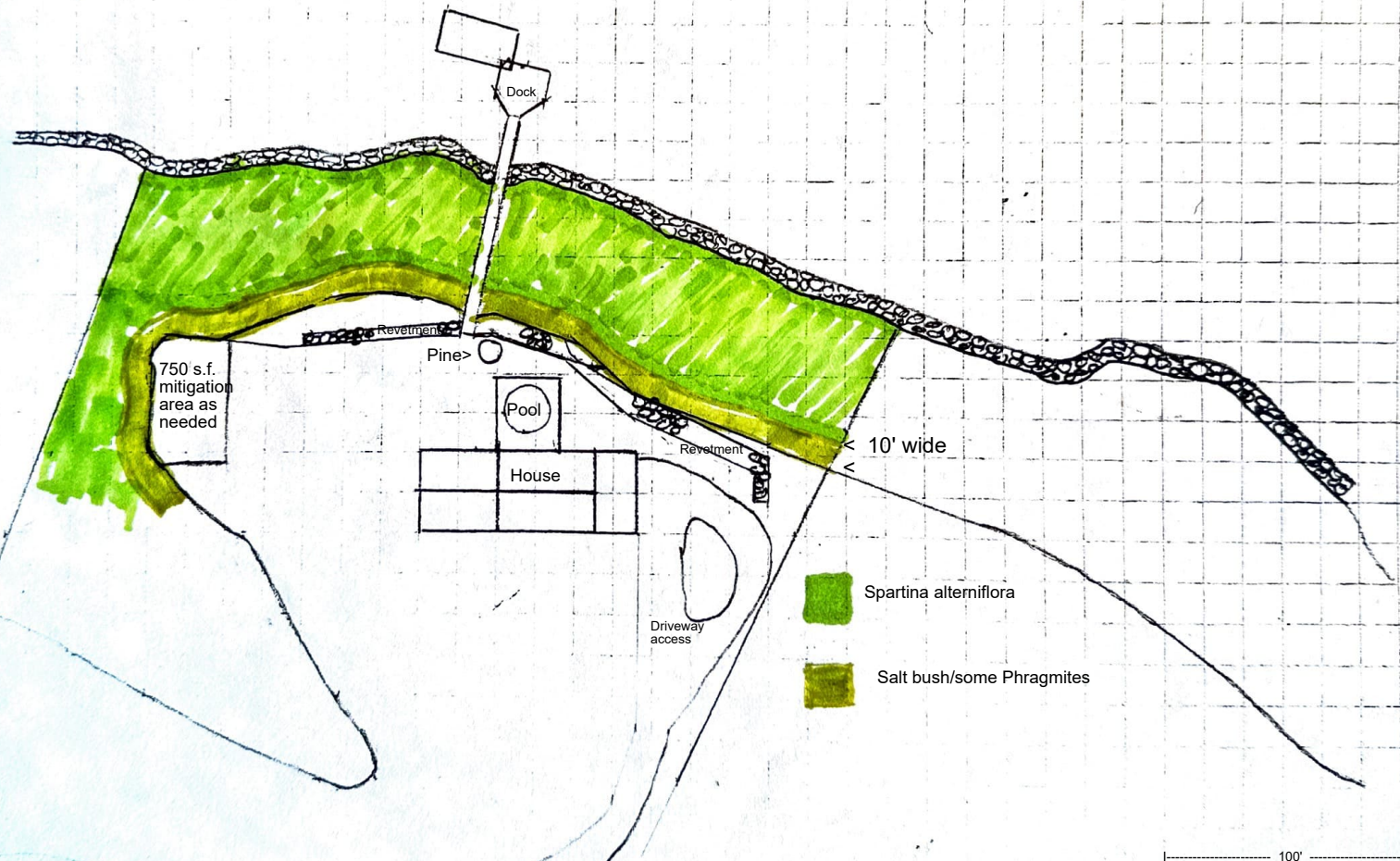
York River  
< Flow Ebb >



223 Sherwood Forest, Williamsburg VA 23188  
Riverworks, Inc.  
757-968-3467

Observed water levels 08/01/2023 at 10:30-11:00 a.m.  
Vegetation drawing

York River  
< Flow Ebb >





Riverworks, Inc.

757-968-3467

8/1/2023

## 223 Sherwood Forest, Williamsburg VA Elevations

Measurements taken 8/1/2023 between 10:30 a.m. and 11 a.m. using a laser transit system

- Weather was calm, with a slight breeze from the NNE of about 5 mph, waves were no larger than 2-3" after crossing through the *Spartina alterniflora* wetlands
- Tide was calculated to be at high tide at the time of measurements, based off Cheatham Annex high tide of 10:06 am
- Tide was observed to be above average high tide, measurements of the water level onsite did not change until a follow up measurement of water level at 11:30, where it had dropped approximately 1.5-2"; constant monitoring of the water mark on the pilings of the dock were also used
- Water level appeared to be 8" above average MHW compared to other site visits at high tide, VIMS Tidewatch shows a measured elevation at Yorktown USCG Center of 3.2' above MLW, MHHW of 2.6', showing that at USCG Yorktown that the tide was 7.2" above MHW
- Measurements from water edge to extents of riprap (toe/top) are made at staked points onsite directly to the water edge, with elevations taken of water height

## Elevations measured-

- Dock height above water level at time of measurement (flat area crossing the wetlands) 3'10"
- Revetment toe @ large pine tree, right of dock 11" above water level
- Yard height @ large pine tree, right of dock 3'10" above water level
- Revetment toe @ eastern corner of pool deck/area of encroachment into salt bush 11" above water level
- Revetment toe @ eastern corner of house 1'8" above water level
- Yard height @ eastern corner of house 2'8" above water level
- Yard height at western extent of riprap 1'2" above water level
- 750 s.f. mitigation area average elevation is 8" above water level

## Notes :

- Measured water edge was 9' from the toe of the riprap next to the dock
- Measured elevation of 7" lower (the approximate MHW mark) is 30-31' from the toe of the riprap next to the dock on east/right side as viewed from house looking towards river
- Measured water edge was 10' from the toe of the riprap in front of the driveway
- Measured elevation of 7" lower (the approximate MHW mark) is 30' from the toe of the riprap in front of the driveway

- A similar distance was observed but not measured between the current toe of the bank to the left of the house at the end of the proposed riprap
- Salt bush fringe is 10' wide on average and immediately transitions to *Spartina alterniflora*



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 9, 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 CASES:

WJPA-23-0024: Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, has applied for a Wetlands Permit for the installation of a revetment on property located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0070: Mr. Candido Aguilar, on behalf of Greensprings Mobile Home Park LLC, has applied for a Chesapeake Bay Exception for the construction of a deck and porch on property located at 17 Clay Circle, JCC Tax Map Parcel No. 3640100001.

CBPA-23-0081: Ms. Carolyn Hill, has applied for a Chesapeake Bay Exception for the construction of a home extension on property located at 196 The Maine, JCC Tax Map Parcel No. 4540200071.

CBPA-23-0084: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Mary Fox, has applied for a Chesapeake Bay Exception for the installation of retaining walls on property located at 2521 Goodrich Durfey, JCC Tax Map Parcel No. 4840200065.

CBPA-23-0085: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Sone Marciano, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 4816 Hickory Signpost Rd, JCC Tax Map Parcel No. 4720100045.

CBPA-23-0094: Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. David Samuels, has applied for a Chesapeake Bay Exception for the installation of a sewer force main on property located at 3426 North Riverside Dr, JCC Tax Map Parcel No. 0940100008K.

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 – July 26, 2023 and August 2, 2023  
ACCOUNT NO. CU00015112



## **PUBLIC HEARING NOTICE**

VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W

## Case Number: WJPA-23-0024

PIN	Last Name	Address Line 1	City	State	Zip Code
1730200014	Avery, Timothy N Trustee	2794 Lynn St	Frederick	MD	21704-8001
	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
1730200010	Iglhaut, William W & Liikkanen, Eija L	221 Sherwood Frst	Williamsburg	VA	23188-6827
1730200013	Keilitz, Ingo & Susan L	224 Sherwood Forest	Williamsburg	VA	23188-6826
	Lauren Chartrand Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
	Mr. Clifford Jordan Riverworks, Inc.	PO Box 978	Gloucester Point	VA	23602
1730200011	Notley, Mark W & Gendron, Katharina T	223 Sherwood Forest	Williamsburg	VA	23188-6827
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
1730200012	Schuster, Michael R & Francine G	116 Shore Rush Dr	Saint Simmons Island	GA	31522-1438
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188



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

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

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

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

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

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

«Last\_Name»  
«Address\_Line\_1»  
«City», «State» «Zip\_Code»

RE: WJPA-23-0024  
223 Sherwood Forest  
Installation of revetment

August 23, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Jordan Clifford, Riverworks, Inc., on behalf of Mr. Mark Notley, for encroachments into the tidal wetlands associated with the installation of a revetment. The project is located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **Wednesday, September 13, 2023, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Trevor Long*

Trevor Long  
Wetlands Board Secretary  
757-253-6789  
[trevor.long@jamescitycountyva.gov](mailto:trevor.long@jamescitycountyva.gov)



## RESOLUTION

CASE NO. WJPA-23-0010. 206 THE MAINE

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Mr. James Ducker (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on September 13, 2023, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 206 The Maine (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4540200076, as set forth in the application WJPA-23-0010 for the purpose of a replacement bulkhead; 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-23-0010, 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 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 Applicant must submit a Land Disturbing Permit if the fill landward of the proposed bulkhead should exceed 2,500 square feet; and
4. If the Applicant is not able to mitigate on-site, the Applicant must provide a receipt for the purchase of 30 square feet of tidal wetland credits from an approved wetlands mitigation bank; and
5. The Wetlands Permit for this project shall expire on September 13, 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 August 2, 2026, 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 13th day of September, 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: \_\_\_\_\_

WJPA23-10\_206TheMaineApp-res

**WETLANDS BOARD PERMIT No. WJPA-23-0010. 206 The Maine  
Staff Report for the September 13, 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: Mr. James Ducker

Agent: Mr. Randolph Carnell, Living Shorelines, LLC

Location: 206 The Maine

Parcel Identification No.: 4540200076

Parcel: Lot 76, Section 3, First Colony

Watershed: James River (JL30)

Floodplain: Zone VE - Base flood elevation 10 feet mean sea level

Proposed Activity: Replacement of a bulkhead

Wetland Impacts: 30 square feet, vegetated wetland impacts

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

**PROJECT DISCUSSION**

Mr. Randolph Carnell, Living Shorelines, LLC, has applied for a Wetlands permit on behalf of Mr. James Ducker for the replacement of a bulkhead on property located at 206 The Maine within the James River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4540200076.

Existing conditions of the property include a timber bulkhead that is failing in multiple areas. The applicant is proposing to replace the existing 300-linear-foot bulkhead with a vinyl bulkhead. The new bulkhead will be installed in the place of the existing structure along the peninsula, and directly in front of the existing structure where severe erosion has not yet occurred. The applicant has stated that a living shoreline is not appropriate for this property due to the significant grading that would be required and the loss of existing vegetation landward of the shoreline. Because of the failing nature of the bulkhead, vegetated wetlands now exist landward of the failed bulkhead. By performing the proposed bulkhead replacement, approximately 30 square feet of vegetated wetland impacts are anticipated.

**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. Because there are proposed vegetated wetland impacts associated with the bulkhead replacement, the applicant intends to mitigate on-site for the proposed impacts. If the applicant is not able to mitigate on-site, the applicant would be required to purchase credits from an approved bank.

### **STAFF RECOMMENDATIONS**

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

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. The Applicant must submit a Land Disturbing Permit if the fill landward of the proposed bulkhead should exceed 2,500 square feet; and
4. If the Applicant is not able to mitigate on-site, the Applicant must provide a receipt for the purchase of 30 square feet of tidal wetland credits from an approved wetlands mitigation bank; and
5. The Wetlands Permit for this project shall expire on September 13, 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 August 2, 2026, six weeks prior to the expiration date.

TAL/ap  
WJPA23-10\_206TheMaine

#### **Attachments:**

1. Resolution
2. Site Plan

**RESOLUTION**

CASE NO. WJPA-23-0010. 206 THE MAINE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Mr. James Ducker (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on September 13, 2023, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 206 The Maine (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4540200076 as set forth in the application WJPA-23-0010 for the purpose of a replacement bulkhead; 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 exception request for Chesapeake Bay Board Case No. WJPA-23-0010.

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

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

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of September, 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: \_\_\_\_\_

WJPA23-10\_206TheMaineDny-res

**From:** [Living Shorelines LLC](#)  
**To:** [Robin.Benedict@jamescitycountyva.gov](mailto:Robin.Benedict@jamescitycountyva.gov); [Sean.Seid@jamescitycountyva.gov](mailto:Sean.Seid@jamescitycountyva.gov)  
[<Sean.Seid@jamescitycountyva.gov>](mailto:Sean.Seid@jamescitycountyva.gov); [Chartrand, Lauren \(MRC\)](#); [MRC - jpa Permits](#); [Howell, Beth \(MRC\)](#)  
**Cc:** [James Ducker](#); [tideshowproperties@gmail.com](mailto:tideshowproperties@gmail.com)  
**Subject:** JPA | 206 The Maine - James City - Bulkhead Replacement  
**Date:** Saturday, April 1, 2023 8:18:48 AM  
**Attachments:** [206 The Maine - Bulkhead Replacement - JPA - 21MAR2023.pdf](#)  
[206 The Maine - Photos.pdf](#)  
[206 The Maine - JPA - 21MAR2023.pdf](#)  
[206 The Maine - JPA - 21MAR2023.pdf](#)  
[33.0 - JPA.pdf](#)  
[C25B5F5F8DEBB - JPA - 21MAR2023 - 13905371.png](#)

Good Morning,

Please find the attached JPA for a proposed bulkhead replacement at 206 The Maine in James City County

Kind Regards,

## Randy Carnell

*President, BSME*

**757.620.9530 (NEW)**



- ❖ 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>23-0785</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.

<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-WWP permit writer will be assigned)				
County or City in which the project is located: JAMES CITY COUNTY				
Waterway at project site: JAMES RIVER				
<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)

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

DUCKER, JAMES KEITH

Home ( ) \_\_\_\_\_

Work ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell (415 ) 5136695

e-mail jkducker@gmail.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):

LIVING SHORELINES LLC

RANDOLPH W CARNELL

513 DANDY LOOP ROAD

YORKTOWN, VA 23692

Contact Information:

Home ( ) \_\_\_\_\_

Work ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell (757 ) 620-9530

e-mail LivingShorelinesLLC@gmail.com

State Corporation Commission Name and ID Number (if applicable) 11328394

**\* 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.

BULKHEAD REPLACEMENT - APPROXIMATELY 300LF

LEAVE EXISTING FAILING WOODEN BULKHEAD IN PLACE. NO CLEARING OR GRADING OF EXISTING SHORELINE BUSHES

REPLACE existing failing bulkhead. The bulkhead repair will be 1.5ft channel ward of the existing bulkhead and 1ft higher. The repair will be the installation of naval style double waler vinyl sheet pile bulkhead.

EVERLAST Vinyl ESP 3.1 Sheet Piles - 50 Year Manufacturer Warranty

Weep holes installed per manufacturer specs

8in Tip Long 2.5 CCA Butt Pilings installed in Front of Vinyl Bulkhead driven to refusal at 6' spacing

2x8 2.5 CCA Pressure Treated Top & Mid Wailers

Install New Wooden Deadman Landward of bulkhead

3/4" Stainless Steel Tiebacks

20in wide 2x6in Treated Top Cap

Backfill with clean fill dirt, grade and seed

Access via land. Pilings driven with vibratory earth compacting hammer on excavator.



## Part 1 - General Information (continued)

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

Contractor's name\* and complete mailing address:

Contact Information:

Home ( ) \_\_\_\_\_

Work ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell ( ) \_\_\_\_\_

email \_\_\_\_\_

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

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

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

Name and complete mailing address:

Telephone number

( ) \_\_\_\_\_

7. Give the following project location information:

Street Address (911 address if available) 206 THE MAINE

Lot/Block/Parcel# 4540200076

Subdivision FIRST COLONY

City / County JAMES CITY

ZIP Code 23185

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

37°14'16.77"N

/ - 76°48'28.42"W

(Example: 36.41600/-76.30733)

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

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."

SHORELINE EROSION MITIGATION - A LIVING SHORELINE WAS CONSIDERED HOWEVER EXTENSIVE GRADING TO THE SHORELINE AND REMOVAL OF MANY TREES/BUSHES WOULD BE REQUIRED FOR PROPER SLOPE.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
☒ Single user (private, non-commercial, residential)  
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- NO CLEARING OR GRADING OF EXISTING NON-TIDAL SHORELINE BUSHES/TREES
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.): \$ TBD  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ \_\_\_\_\_
13. Completion date of the proposed work: SUMMER 2023 - \_\_\_\_\_
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.

COLLINS, ROLLIN E & MARLENE E  
208 THE MAINE  
WILLIAMSBURG, VA 231851425

ALEXANDER, DONALD L TRUSTEE & ALICE  
204 THE MAINE  
WILLIAMSBURG, VA 231851425

## 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.

**KEITH DUCKER**

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

3/31/23

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)

Date



## Part 2 – Signatures (continued)


2. *Applicants having agents (if applicable)*

### CERTIFICATION OF AUTHORIZATION

I (we), KEITH J. DUCKER, hereby certify that I (we) have authorized LIVING SHORELINES LLC  
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

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

  
(Agent's Signature)

(Use if more than one agent)

3/31/23

(Date)

(Applicant's Signature)

(Use if more than one applicant)

(Date)

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

### CONTRACTOR ACKNOWLEDGEMENT

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

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date \_\_\_\_\_



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?

Application Revised: October 2019

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

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

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

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

  
Signature of Property Owner(s) or Agent

Date 3/31/23

Application Revised: October 2019

Proposed work to be located at:

206 THE MAINE

JAMES CITY COUNTY

VMRC Number: \_\_\_\_\_

### 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:

BULKHEAD REPLACEMENT - APPROXIMATELY 300LF

LEAVE EXISTING FAILING WOODEN BULKHEAD IN PLACE. NO CLEARING OR GRADING OF EXISTING SHORELINE BUSHES

REPLACE existing failing bulkhead. The bulkhead repair will be 1.5ft channel ward of the existing bulkhead and 1ft higher. The repair will be the installation of naval style double waler vinyl sheet pile bulkhead.

EVERLAST Vinyl ESP 3.1 Sheet Piles - 50 Year Manufacturer Warranty

Weep holes installed per manufacturer specs

8in Tip Long 2.5 CCA Butt Pilings installed in Front of Vinyl Bulkhead driven to refusal at 6' spacing

2x8 2.5 CCA Pressure Treated Top & Mid Wailers

Install New Wooden Deadman Landward of bulkhead

3/4" Stainless Steel Tiebacks

20in wide 2x6in Treated Top Cap

Backfill with clean fill dirt, grade and seed

Access via land. Pilings driven with vibratory earth compacting hammer on excavator.

2. What is the maximum encroachment channelward of mean high water? 1.5 feet.  
Channelward of mean low water? 1.5 feet.  
Channelward of the back edge of the dune or beach? 0 feet.

3. Please calculate the square footage of encroachment over:

- |                          |            |             |
|--------------------------|------------|-------------|
| • Vegetated wetlands     | <u>0</u>   | square feet |
| • Non-vegetated wetlands | <u>0</u>   | square feet |
| • Subaqueous bottom      | <u>450</u> | square feet |
| • Dune and/or beach      | <u>0</u>   | square feet |

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

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

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



### Part 3 – Appendices (continued)

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

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

SEE ATTACHED DRAWINGS

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

Core (inner layer) material \_\_\_\_\_ pounds per stone      Class size \_\_\_\_\_

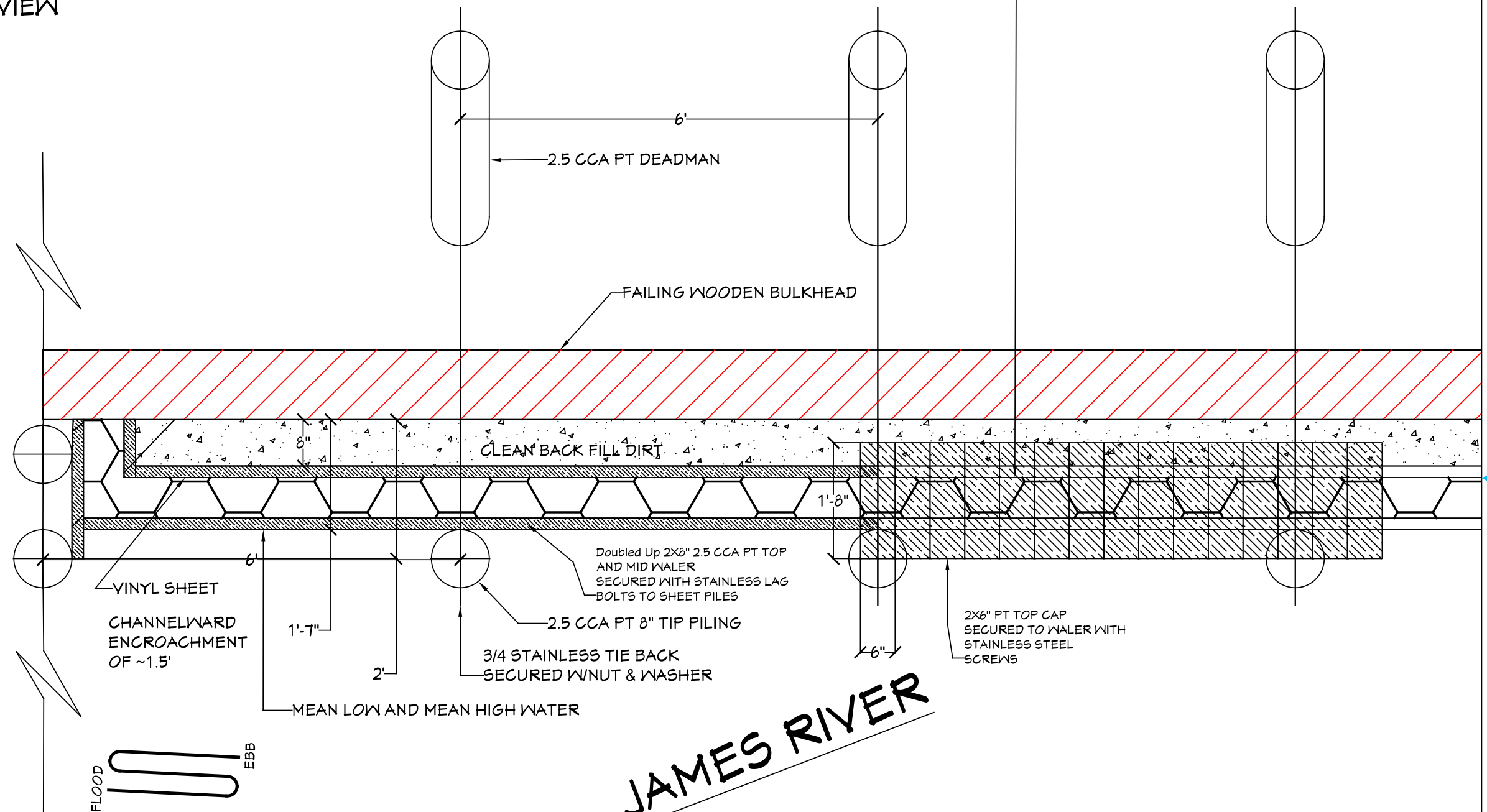
Armor (outer layer) material \_\_\_\_\_ pounds per stone Class size \_\_\_\_\_

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

- Volume of material
    - \_\_\_\_\_ 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>:



206 THE MAINE, WILLIAMSBURG - JAMES RIVER | BULKHEAD REPLACEMENT  
TOP VIEW



JAMES RIVER



**LIVING SHORELINES**  
Waterfront Design & Permitting

PROPERTY OWNER: MR. KEITH DUCKER

PROJECT ADDRESS: 206 THE MAINE, WILLIAMSBURG

BODY OF WATER: JAMES RIVER

PROJECT LOCATION: 31°14'16.77"N 76°48'28.42"W

JPA AGENT: RANDY CARNELL

PROJECT TYPE: BULKHEAD REPLACEMENT

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EPD. No.:  
Invoice No.:  
Drawn Date: 2/25/23  
Drawn By: Randy Carnell  
Check Date:  
Checked By:  
Approved By:  
Sent Date:  
Sent By:

BULKHEAD DESIGN TOP VIEW

**206 THE MAINE**  
JAMES CITY COUNTY

Size: B	Drawing No.: LS03312023B	Number: Layout Plan	Revision: A
Scale:	Weight:	Page:	



# LIVING SHORELINES

*Waterfront Design & Permitting*

---

## JPA TYPE: BULKHEAD REPLACEMENT

**KEITH J DUCKER**

206 THE MAINE

WILLIAMSBURG

**JAMES RIVER**

37°14'16.77"N

76°48'28.42"W

**AGENT**

Randy Carnell

---

SCC ID: 11328394  
Class A Marine Builder DPOR: 2705185355

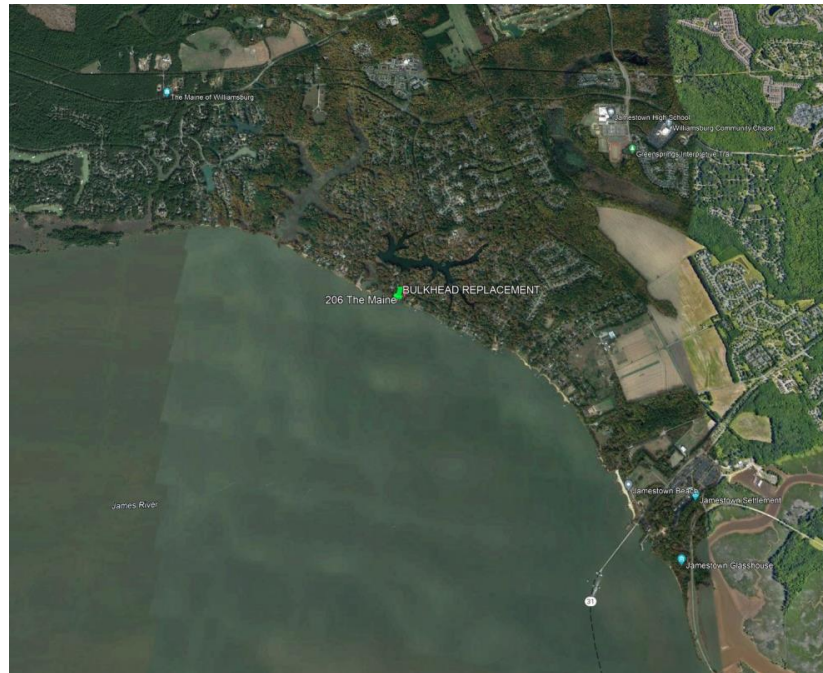
Living Shorelines LLC 2023  
757.620.9530  
LivingShorelinesLLC@gmail.com  
4/1/2023

Received by VMRC April 3, 2023 /blh

# PROJECT LOCATION



## VICINITY



## LOCATION



SCC ID: 11328394  
Class A Marine Builder DPOR: 2705185355

**KEITH J DUCKER**

206 THE MAINE

WILLIAMSBURG

**JAMES RIVER**

37°14'16.77"N

76°48'28.42"W

**AGENT**

Randy Carnell

**Living Shorelines LLC 2023**

**757.620.9530**

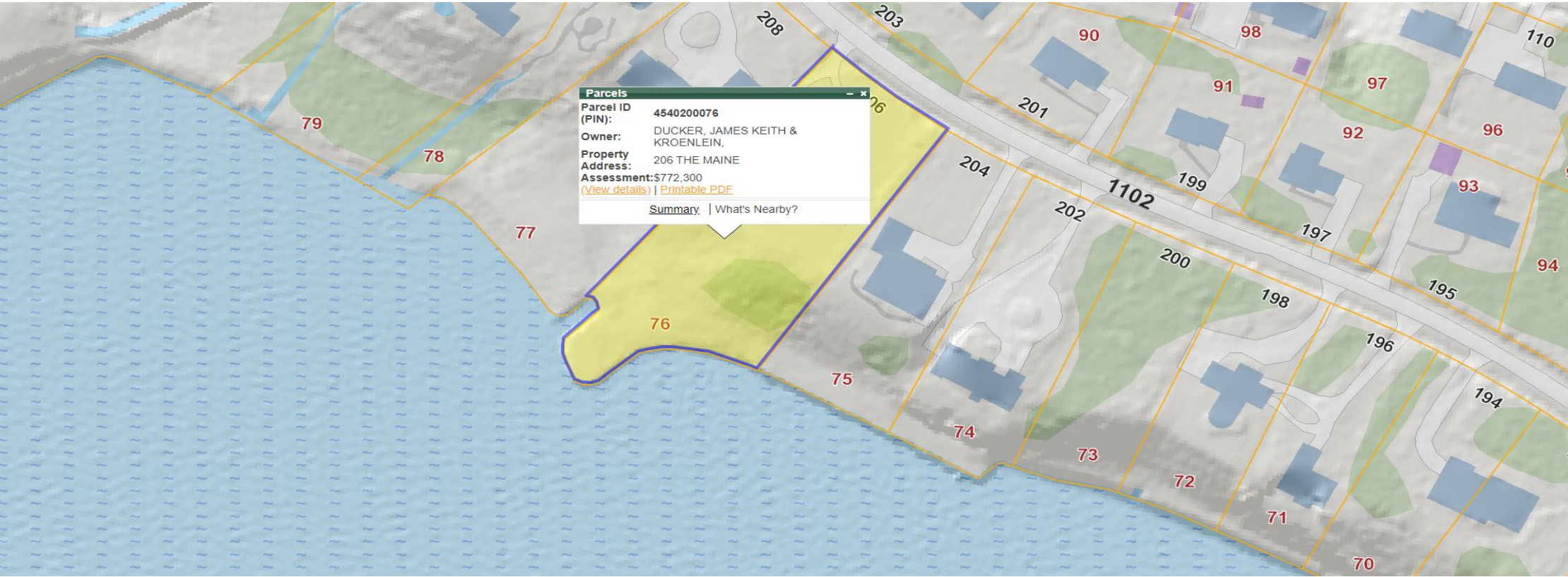
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4/1/2023

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# BOARDWALK REPLACEMENT



SCC ID: 11328394  
Class A Marine Builder DPOR: 2705185355

**KEITH J DUCKER**  
206 THE MAINE  
WILLIAMSBURG

**JAMES RIVER**  
37°14'16.77"N  
76°48'28.42"W

**AGENT**  
Randy Carnell

Living Shorelines LLC 2023  
757.620.9530  
LivingShorelinesLLC@gmail.com  
4/1/2023



# BOARDWALK REPLACEMENT



SCC ID: 11328394  
Class A Marine Builder DPOR: 2705185355

**KEITH J DUCKER**  
206 THE MAINE  
WILLIAMSBURG

**JAMES RIVER**  
37°14'16.77"N  
76°48'28.42"W

**AGENT**  
Randy Carnell

Living Shorelines LLC 2023  
757.620.9530  
LivingShorelinesLLC@gmail.com  
4/1/2023



# AERIAL PHOTOS



SCC ID: 11328394  
Class A Marine Builder DPOR: 2705185355

**KEITH J DUCKER**

206 THE MAINE

WILLIAMSBURG

**JAMES RIVER**

37°14'16.77"N

76°48'28.42"W

**AGENT**

Randy Carnell

**Living Shorelines LLC 2023**

**757.620.9530**

LivingShorelinesLLC@gmail.com

4/1/2023

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# AERIAL PHOTOS



SCC ID: 11328394  
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**AGENT**

Randy Carnell

**Living Shorelines LLC 2023**

**757.620.9530**

LivingShorelinesLLC@gmail.com

4/1/2023

Received by VMRC April 3, 2023 /blh



# AERIAL PHOTOS



SCC ID: 11328394  
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Randy Carnell

**Living Shorelines LLC 2023**

**757.620.9530**

LivingShorelinesLLC@gmail.com

4/1/2023

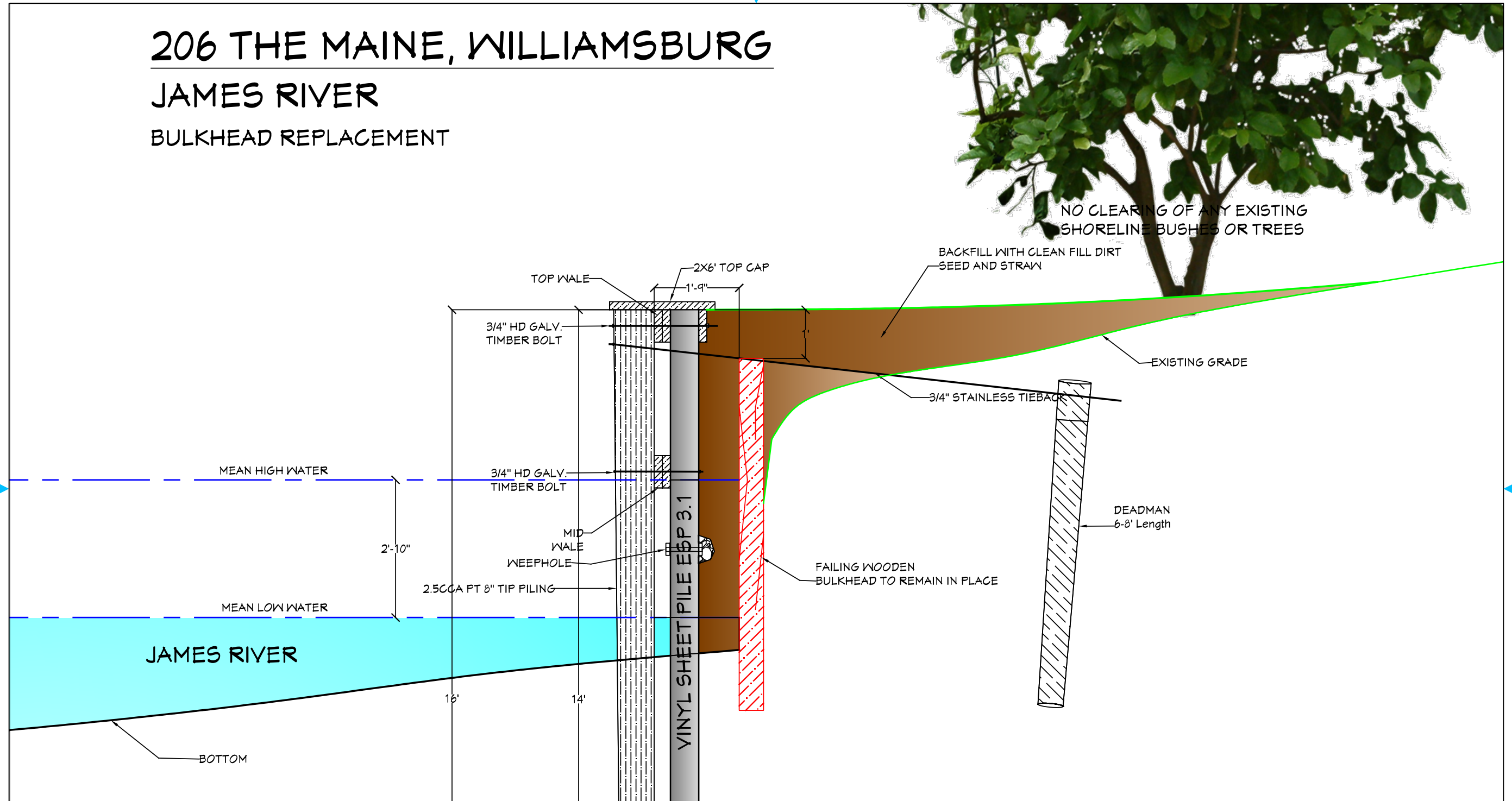
Received by VMRC April 3, 2023 /blh



# 206 THE MAINE, WILLIAMSBURG

## JAMES RIVER

### BULKHEAD REPLACEMENT



PROPERTY OWNER: MR. KEITH DUCKER
PROJECT ADDRESS: 206 THE MAINE, WILLIAMSBURG
BODY OF WATER: JAMES RIVER
PROJECT LOCATION: 37°14'16.77"N 76°48'28.42"W
JPA AGENT: RANDY CARNELL
PROJECT TYPE: BULKHEAD REPLACEMENT

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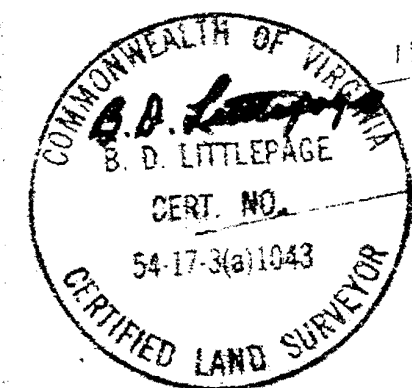
EPD. No.:	
Invoice No.:	
Drawn Date:	2/15/23
Drawn By:	Randy Carnell
Check Date:	
Checked By:	
Approved By:	
Sent Date:	
Sent By:	

206 THE MAINE			
JAMES CITY COUNTY			
Size: B	Drawing No.: LS03312023	Number: Layout Plan	Revision: A
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LIVING SHORELINES LLC 2023 - LIVINGSHORELINESLLC@GMAIL.COM

LIVING SHORELINES LLC 2023 - LIVINGSHORELINESLLC@GMAIL.COM

D. B. No. 167, pages 157  
*Michael E. DePina*, Clerk



ENGINEERS & SURVEYORS, P. O. BOX 633

WILLIAMSBURG, VIRGINIA 23185

LEGEND ○ = IP = IRON PIN, □ = MON = MONUMENT, ——— PROPERTY LINE, - - - CENTERLINE, - - - EASEMENT LINE

RESUBDIVISION OF LOTS 75 & 76, SECTION 3, FIRST COLONY

BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA

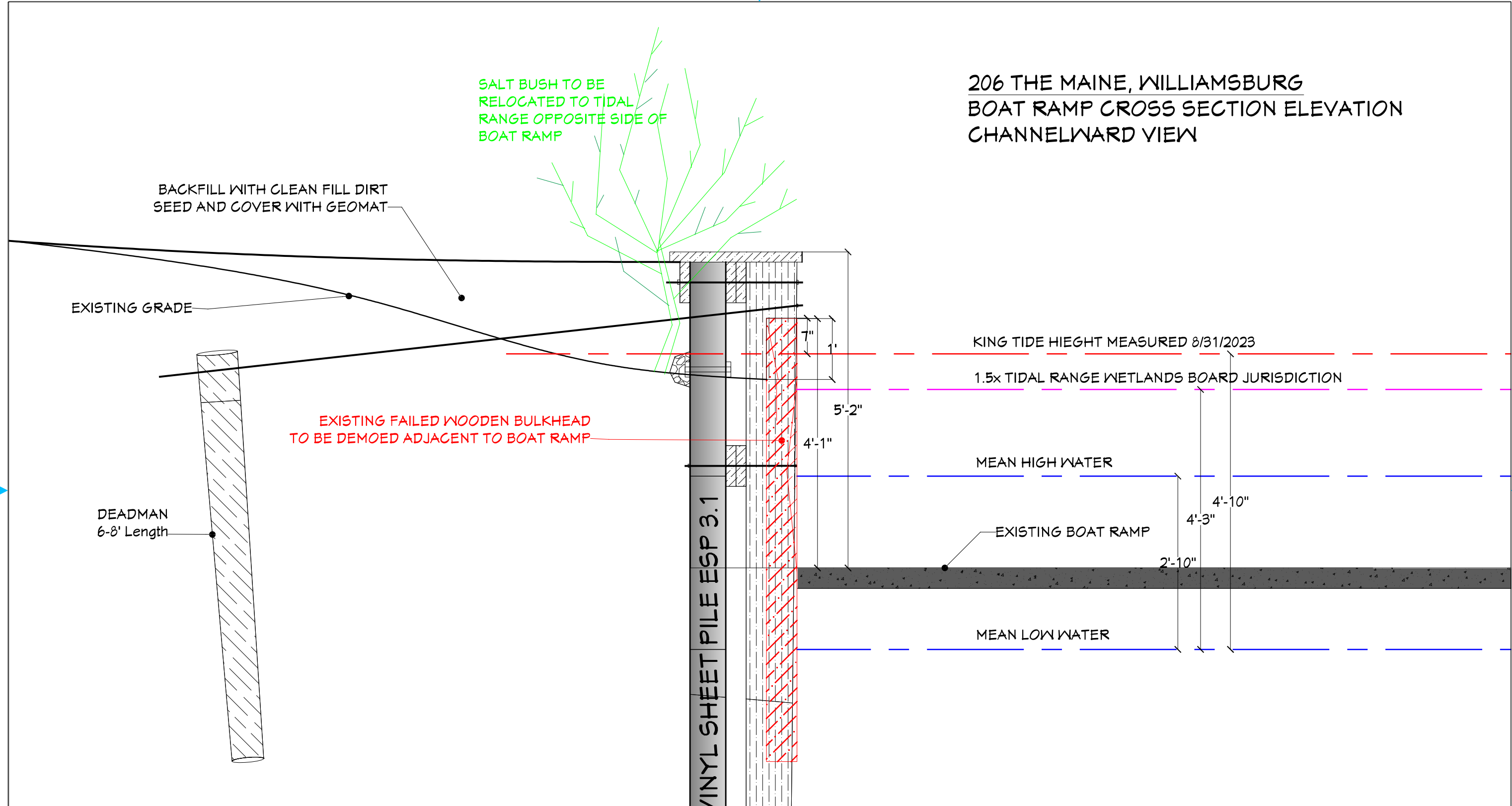
REF: PB 21/9

CLOSURE

J. O. 996

DATE 5/20/72

AREA 2.12 AC



**LIVING SHORELINES**  
Waterfront Design & Permitting

PROPERTY OWNER: MR. KEITH DUCKER  
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EPD. No.:  
Invoice No.:  
Drawn Date: 09/01/2023  
Drawn By: Randy Carnell  
Check Date:  
Checked By:  
Approved By:  
Sent Date:  
Sent By:

BOAT RAMP CROSS SECTION

**206 THE MAINE**  
JAMES CITY COUNTY

Size: B	Drawing No.: LS09012023A	Number: Layout Plan	Revision: A
Scale:	Weight:	Page:	



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, SEPTEMBER 13, 2023 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-23-0010: Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Ms. Johanna M. Kroenlein and Mr. James Keith Ducker, has applied for a Wetlands Permit for the replacement of a bulkhead on property located at 206 The Maine, JCC Tax Map Parcel No. 4540200076.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0087: Mr. Joseph Krallinger, The Structures Group, on behalf of Ms. Jeannie S. and Mr. Lee Scott Trainum, has applied for a Chesapeake Bay Exception for the installation of a retaining wall on property located at 105 Ambrose Hill, JCC Tax Map Parcel No. 5030400077.

CBPA-23-0089: Mr. Sean Thompson, Total Home Improvements, on behalf of Ms. Jacqueline E. and Mr. Geoffrey A. Stephan, has applied for a Chesapeake Bay Exception for the construction of deck on property located at 3096 North Riverside Drive, JCC Tax Map Parcel No. 1910200017.

CBPA-23-0098: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Hillary Brown and Mr. Darnell Lamont Covil, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Tax Map Parcel No. 3810300033.

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 – August 30, 2023 and September 6, 2023  
ACCOUNT NO. CU00015112  
VIRGINIA GAZETTE  
1/8 PAGE, VERTICAL, B/W



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

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

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

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

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

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

«Last\_Name»  
«Address\_Line\_1»  
«City», «State» «Zip\_Code»

RE: WJPA-23-0010  
206 The Maine  
Replacement of bulkhead

August 23, 2023

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Ms. Johanna M. Kroenlein and Mr. James Keith Ducker, for encroachments into the tidal wetlands associated with the replacement of a bulkhead. The project is located at 206 The Maine, JCC Tax Map Parcel No. 4540200076.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **Wednesday, September 13, 2023, at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Trevor Long*

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

Case Number: WJPA-23-0010

PIN	Last Name	Address Line 1	City	State	Zip Code
4540200075	ALEXANDER, DONALD L TRUSTEE & ALICE	9808 LAKE MEADOW PL	HENRICO	VA	23238
	Center for Coastal Resources Management	PO Box 1346	Gloucester Point	VA	23062
4540200077	COLLINS, ROLLIN E & MARLENE E	208 THE MAINE	WILLIAMSBURG	VA	23185-1425
	Department of Wildlife Resources	PO Box 11104	Richmond	VA	23230
	DEQ TRO VWP	5636 Souther Boulevard	Virginia Beach	VA	23462
4540200076	DUCKER, JAMES KEITH & KROENLEIN,	490 17 MILE DR	PACIFIC GROVE	CA	93950-3839
4540200089	HUDGINS, BARBARA KENT TRUSTEE &	203 THE MAINE	WILLIAMSBURG	VA	23188-1458
	Lauren Chartrand				
	Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
	Randolph Carnell				
	Living Shorelines, LLC	513 Dandy Loop Road	Yorktown	VA	23692
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188