

AGENDA
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
August 14, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the April 10, 2024, Regular Meeting

D. PUBLIC COMMENT

E. MATTERS OF SPECIAL PRIVILEGE

1. Election of Officer : Board Secretary

F. PUBLIC HEARING(S)

1. WJPA-24-0014 : 113 Godspeed Lane
2. WJPA-24-0015 : 114 Godspeed Lane

G. BOARD CONSIDERATION(S)

H. ADJOURNMENT

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 10, 2024
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for April 10, 2024, 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
Larry Waltrip
Scott Maye, Chair
Leslie Bowie

Board Members Absent:

Michael O'Brien, Vice Chair

Other Staff Present:

Michael Woolson, Section Chief, Stormwater and Resource Protection
Toni Small, Director, Stormwater and Resource Protection Division
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Andrew Dean, Assistant County Attorney, County Attorneys Office

C. MINUTES

1. Minutes from the March 13, 2024, Regular Meeting

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

The minutes were approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

A motion to Approve was made by Mr. Waltrip, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Roadley, Waltrip, Bowie, Maye

Absent: O'Brien

1. WJPA-24-0005 : 7224 Canal Street

Ms. Emily Grojean, Watershed Planner, presented the permit request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Ronald and Ms. Joyce Figg, for the replacement of a bulkhead on property located at 7224 Canal Street, Real Estate Tax Map Parcel No. 1910900038. The presentation described the current and proposed site conditions. If the Board approves the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Maye opened for Public Hearings

A. Ms. Karla Havens Mid-atlantic Resource Consulting, 1095 Cherry Row Road, Shackelfords, VA 23156 presented her evaluation as to why the Living Shoreline option was unsuitable. The Board discussed the details of the project.

Mr. Maye closed the Public Hearing

F. BOARD CONSIDERATION(S)

None.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

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

The meeting adjourned at 5:12 p.m.

**WETLANDS BOARD PERMIT No. WJPA-24-0014. 113 Godspeed Lane
Staff Report for the August 14, 2024, Wetlands Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Gary Nester

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

Location: 113 Godspeed Lane

Parcel Identification No.: 4730500033

Parcel: Lot 33, Section 1, Powhatan Shores

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation 7 feet mean sea level

Proposed Activity: Construction of a bulkhead and platform

Wetland Impacts: 90 square feet, vegetated tidal wetland impacts

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

PROJECT DISCUSSION

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a Wetlands permit on behalf of Mr. Gary Nester for the construction of a bulkhead and a 20-foot x 20-foot platform on property located at 113 Godspeed Lane within the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4730500033. Existing conditions of the property include a failed timber bulkhead and platform.

According to the submitted drawings, disturbance within the Resource Protection Area (RPA) for the installation of deadmen and tiebacks is to occur 10 feet landward of the canal; for a total of 1,000 square feet of disturbance within the RPA. The disturbed area will be restabilized after the project is completed. Should the bulkhead construction also take place from the uplands, a revised site plan must be submitted for review and a possible land disturbing permit.

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 90 square feet of vegetated wetland impacts associated with this project. Staff will require the purchase of 90 square feet of tidal wetland mitigation from a qualified tidal wetlands mitigation bank and proof of purchase prior to the start of the project.

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 proof of purchase of 90 square feet of tidal wetlands mitigation for a qualified tidal wetlands mitigation bank prior to the issuance of a building permit; and
4. The Wetlands Permit for this project shall expire on August 14, 2027, 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 July 3, 2027, six weeks prior to the expiration date.

EG/md
WJPA24-14_113Gdspdrev

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-24-0014. 113 GODSPEED LANE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Gary Nester (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on August 14, 2024, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 113 Godspeed Lane (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4730500033, as set forth in the application WJPA-24-0014 for the purpose of the construction of a bulkhead and platform; 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-24-0014, 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 proof of purchase of 90 square feet of tidal wetlands mitigation for a qualified tidal wetlands mitigation bank prior to the issuance of a building permit; and
4. The Wetlands Permit for this project shall expire on August 14, 2027, 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 July 3, 2027, six weeks prior to the expiration date.

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of August, 2024.

WJPA24-14_113GdspdApprev-res

RESOLUTION

CASE NO. WJPA-24-0014. 113 GODSPEED LANE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Gary Nester (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on August 14, 2024, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 113 Godspeed Lane (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4730500033, as set forth in the application WJPA-24-0014 for the purpose of the construction of a bulkhead and platform; 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 Wetlands Board Case No. WJPA-24-0014.

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of August, 2024.

WJPA24-14_113GdspdDnyrev-res

From: [Karla Havens](#)
To: [MRC - jpa Permits](#)
Subject: Nester JPA (113 Godspeed Lane)
Date: Saturday, June 1, 2024 10:34:56 AM
Attachments: [Nester JPA.pdf](#)

Good Morning,

Here is a JPA for the Nester bulkhead and platform project at 113 Godspeed Lane in JCC.

Karla

Sent from [Mail](#) for Windows

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

FOR AGENCY USE ONLY	
	Notes:
	JPA # 24-1327

APPLICANTS

Part 1 – General Information

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

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input checked="" type="checkbox"/>	PASDO – PGP Self Verification <input checked="" type="checkbox"/>			
NWP # <u>3 BULKHEAD</u> <small>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</small>	<small>(Replaces Regional Permit 17 (RP-17) checklist)</small> <u>PLATFORM</u>			
County or City in which the project is located: <u>JAMES CITY COUNTY</u>				
Waterway at project site: <u>MAN-MADE CANAL TO POWHATAN CREEK</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)				
<small>Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html</small>				
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:

GARY E. NESTER
114 GODSPEED LANE
WILLIAMSBURG, VA 23185-3108

Home (757) 229-8156
Work () _____
Fax () _____
Cell (757) 229-8156
e-mail aaron.a.nester@gmail.com (757) 870-2874

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.

CONSTRUCT A 100' VINYL BULKHEAD NO MORE THAN TWO FEET CHANNELWARD OF AN EXISTING TIMBER BULKHEAD, AND INSTALL A 20' x 20' OPEN-PILE PLATFORM.

SITE TO BE ACCESSED FROM THE WATER AND THE UPLAND.

NO TREE CLEARING AND/OR GRADING REQUIRED.

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

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? 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 j_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, SUITE 504
WILLIAMSBURG, VA 23188

Telephone number

(757) 220-1736

7. Give the following project location information:

Street Address (911 address if available) 113 GODSPEED LANE

Lot/Block/Parcel# LOT 33, SEC 1 LRSN 16155

Subdivision POWHATAN SHORES

City / County JAMES CITY COUNTY ZIP Code 23185-3108

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

37.224977 / - 76.763659 (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 EXISTING BULKHEAD HAS FAILED.

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.*

A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE BULKHEAD UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED. ALL DENUDED AND SPARSELY VEGETATED AREAS WITHIN THE CONSTRUCTION AREA SHALL BE SEEDED WITH AN APPROPRIATE SEED MIXTURE AND STRAWED OR MATTED.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): \$ > \$10,000 AND < \$100,000
Approximate cost of that portion of the project that is channelward of mean low water: \$ SAME

13. Completion date of the proposed work: ASAP ONCE AUTHORIZED. - _____

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

LOT 34 LRSN 5662

BRUCE B. PLUMLEY
115 GODSPEED LANE
WILLIAMSBURG, VA 23185 - 3171

LOT 32 LRSN 11880

BONNIE M. BILSKI TRUSTEE
111 GODSPEED LANE
WILLIAMSBURG, VA 23185 - 3171

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.

GARY E. NESTER

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

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), GARY E. NESTER, 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)

5/30/24
(Date)

Gary E Nester
(Applicant's Signature)

(Use if more than one applicant)

5/30/24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), GARY E. NESTER, 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 _____.

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

P.O.BOX 396 LIGHTFOOT, VA 23090

Contractor's or firms address

2705 - 107524A

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of GARY E. NESTER
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5-22-24
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

B.B. Plumley
Adjacent/nearby property owner's signature(s)

5-31-2024
Date

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

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), BONNIE M. BILSKI TRUSTE own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of GARY E. NESTER
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5-22-24
(Date)

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

I HAVE NO COMMENT ABOUT THE PROJECT. I'M VERY HAPPY ABOUT THIS PROJECT
I DO NOT OBJECT TO THE PROJECT.
I OBJECT TO THE PROJECT.

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

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

Bonnie M. Bilski
Adjacent/nearby property owner's signature(s)

5/31/2024
Date

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



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT
23-SPGP-PASDO SELF-VERIFICATION FORM
CATEGORY A PIER STRUCTURES

Expires: August 21, 2028

Please review the 23-SPGP-PASDO before completing this form. This can only be used for proposed **PRIVATE USE** structures that comply with the terms and conditions of the 23-SPGP-PASDO located on the Corps website: <https://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

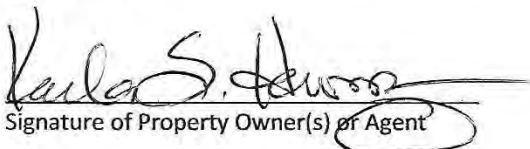
1. Has the permittee reviewed the 23-SPGP-PASDO and verified that the proposed structures are in compliance with all the terms, conditions, and limitations of 23-SPGP-PASDO?
 YES NO
2. Are the proposed structures for private use only?
 YES NO
3. To avoid adverse effects to navigation, do the proposed structures 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
4. If the proposed structures cross wetland vegetation, are they 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
5. Do the proposed structures include no more than two (2) lifts and no more than two (2) boat slips?
 YES NO N/A
6. Is the open-sided roof structure designed to shelter a boat no more than 700 square feet and/or is the open-sided roof structure or gazebo structure designed to shelter a pier no more than 400 square feet?
 YES NO N/A
7. Are all piles associated with the proposed structure non-steel, no more than 12" in diameter, and will there be no more than 25 piles installed channelward of MHW?
 YES NO
8. When operationally feasible, is all work occurring behind cofferdams, turbidity curtains, or other methods used to control turbidity?
 YES NO
9. If the proposed structures are to be located within an anadromous fish use area, will the prospective permittee 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 are fewer 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 are fewer than 384 feet between the most channelward pile and MLW on the opposite shoreline? <https://services.dwr.virginia.gov/fwis/>.
 YES NO N/A
10. 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? <https://mobjack.vims.edu/sav/savwabmap/>
 YES NO
11. Has the permittee ensured the construction of the proposed structures will not affect federally listed threatened or endangered species or designated critical habitat?
NOAA PRD: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region> ; and
US Fish and Wildlife Service: <https://ipac.ecosphere.fws.gov/>
 YES NO

12. Will the proposed structures be located outside of the following waterbodies: Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
 YES NO
13. Is your project located outside of the Section 408 Review Area boundaries for civil works projects (e.g. federal navigation channels, flood risk management projects, or aquatic ecosystem restoration projects) as depicted on the "Norfolk District Section 408 Review Layer" in the Norfolk District Section 408 Map? <https://www.nao.usace.army.mil/408Review/>
 YES NO
14. Is your project located outside of any federal property? Federal property can be located on the "NAO Real Estate Data – CWLDM Land Parcel Area" layer on the Norfolk District Section 408 Map? <https://www.nao.usace.army.mil/408Review/> .
 YES NO
15. Will the proposed structures be located outside of any Designated Trout Waters?
<https://services.dwr.virginia.gov/fwis/>
 YES NO
16. If the proposed structures include floatation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
 YES NO N/A
17. Does the permittee recognize this form does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals or any other structures will be approved by the Corps?
 YES NO

If you have answered "NO" to any of the questions above, then the Category A Self-Verification of the 23-SPGP-PASDO does NOT apply, and you are required to obtain written authorization from the Corps prior to performing the work.

If you answered "YES" (or "N/A, where applicable) to all of the questions above, you are in compliance with the Category A Self-Verification of the 23-SPGP-PASDO. Please sign below and submit this self-verification form with your completed Joint Permit Application (JPA). This signed form 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.

By signing below, I certify that I have read and understand all conditions of the Army Corps of Engineers Norfolk District Regulatory Branch 23-SPGP-PASDO, dated August 22, 2023. I accept all of the terms and conditions of the permit, including the limits of federal liability contained in the 23-SPGP-PASDO enclosure. I acknowledge that structures authorized under this permit may be exposed to waves caused by passing vessels. The permittee is solely responsible for the integrity of the permitted structures and any resulting wave damage to such structures or moored vessels. I accept that the United States is not liable in any way for such damage and that the permittee will not seek to involve the United States in any actions or claims regarding such damage.


 Signature of Property Owner(s) or Agent

5-30-24

 Date

Proposed work location:
 113 GODSPEED LANE WILLIAMSBURG

 MAN-MADE CANAL TO POWHATAN CK

 VMRC Number

Part 3 – Appendices

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

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

1. **Briefly describe your proposed project.**

CONSTRUCT A 20' x 20' NON-COMMERCIAL, TREATED-TIMBER, OPEN-PILE PLATFORM OFF OF A BULKHEAD.

2. **For private, noncommercial piers:**

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

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

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

What is the overall length of the proposed structure? 20 feet.

Channelward of Mean High Water? 20 feet.

Channelward of Mean Low Water? 20 feet.

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

Tidal non-vegetated wetlands 0 square feet.

Tidal vegetated wetlands 0 square feet.

Submerged lands 400 square feet.

What is the total size of any and all L- or T-head platforms? 400 sq. ft.

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

Will your boathouse have sides? ___ Yes ___ No.

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

Part 3 – Appendices (continued)

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

Type	Length	Width	Draft	Registration #

- ~~5.~~ For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
 - C) Will the facility be equipped to off-load sewage from boats? _____.
 - D) How many wet slips are proposed? _____. How many are existing? _____.
 - E) What is the area of the piers and platforms that will be constructed over
 - Tidal non-vegetated wetlands _____ square feet
 - Tidal vegetated wetlands _____ square feet
 - Submerged lands _____ square feet

- ~~6.~~ For **boat ramps**, what is the overall length of the structure? _____ feet.
- From Mean High Water? _____ feet.
- From Mean Low Water? _____ feet.

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

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

Part 3 – Appendices (continued)

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

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

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

CONSTRUCT A 100' VINYL BULKHEAD NO MORE THAN TWO FOOT CHANNELWARD OF AN EXISTING FAILING TIMBER BULKHEAD.

2. What is the maximum encroachment channelward of mean high water? 2 feet.
Channelward of mean low water? 2 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 80 square feet (2' x 40')
 - Non-vegetated wetlands 120 square feet (2' x 60')
 - Subaqueous bottom 0 square feet
 - Dune and/or beach 0 square feet

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

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

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

Part 3 – Appendices (continued)

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

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

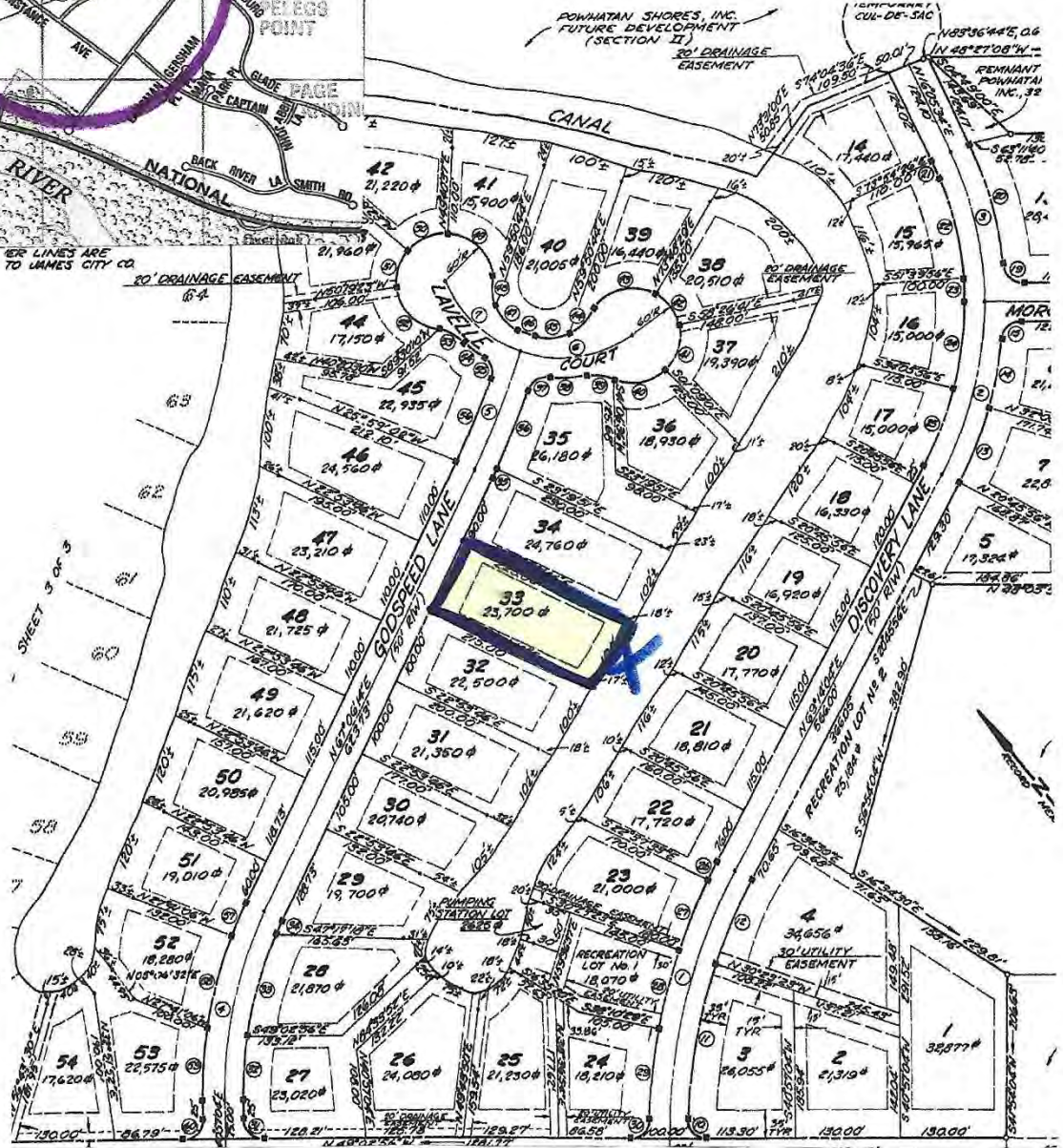
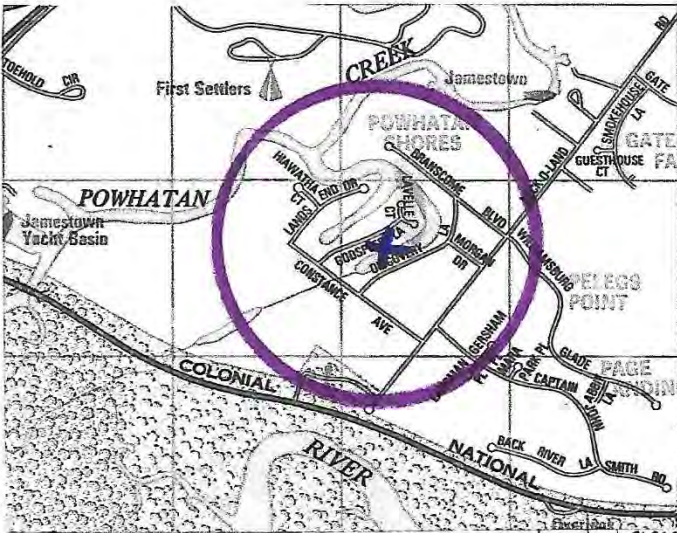
VINYL SHEETING AND TREATED TIMBER PILES WITH MINIMUM 50% PENETRATION, ALL LUMBER TREATED, ALL HARDWARE H.D.G., FILTER CLOTH, WASHED STONE OR CLEAN SAND BETWEEN STRUCTURES, SILT FENCE.

- ~~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
_____ square feet channelward of mean high water
_____ square feet 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>:

ADC STREET MAP BOOK-VIRGINIA PENINSULA, MAP 9, PAGE 15, 1976.



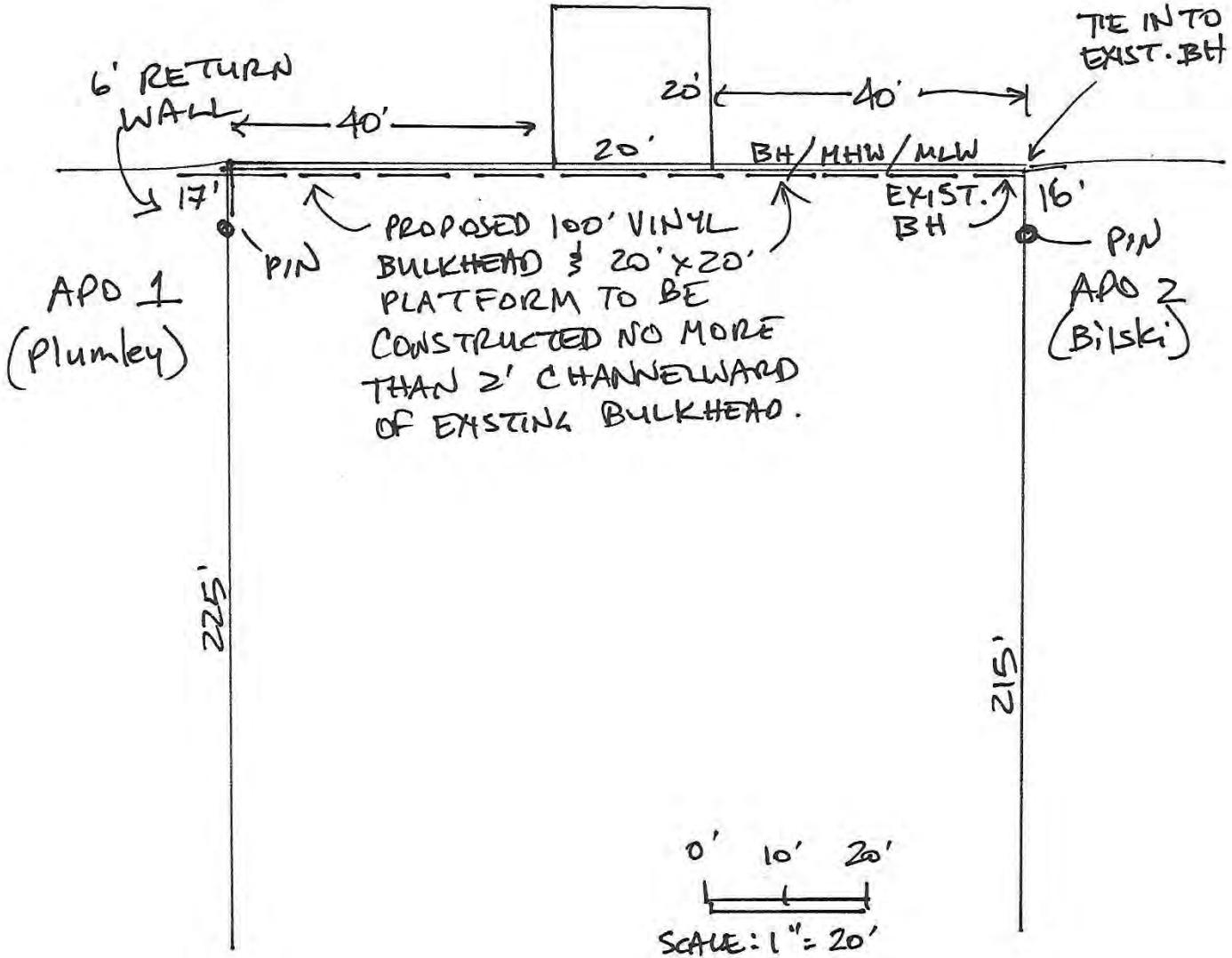
PLAT OF POWHATAN SHORES NOV. 1975 DEWARD M. MARTIN & ASSOC.

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

Adjacent Property Owners: 1. Bruce B. Plumley 2. Bonnie M. Bilski Trustee	VICINITY MAP James City County LRSN 16155	GARY E. NESTER 113 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek Date: 5-22-24 Sheet 1 of 4
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

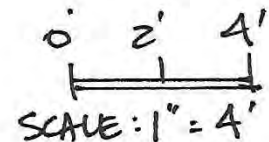
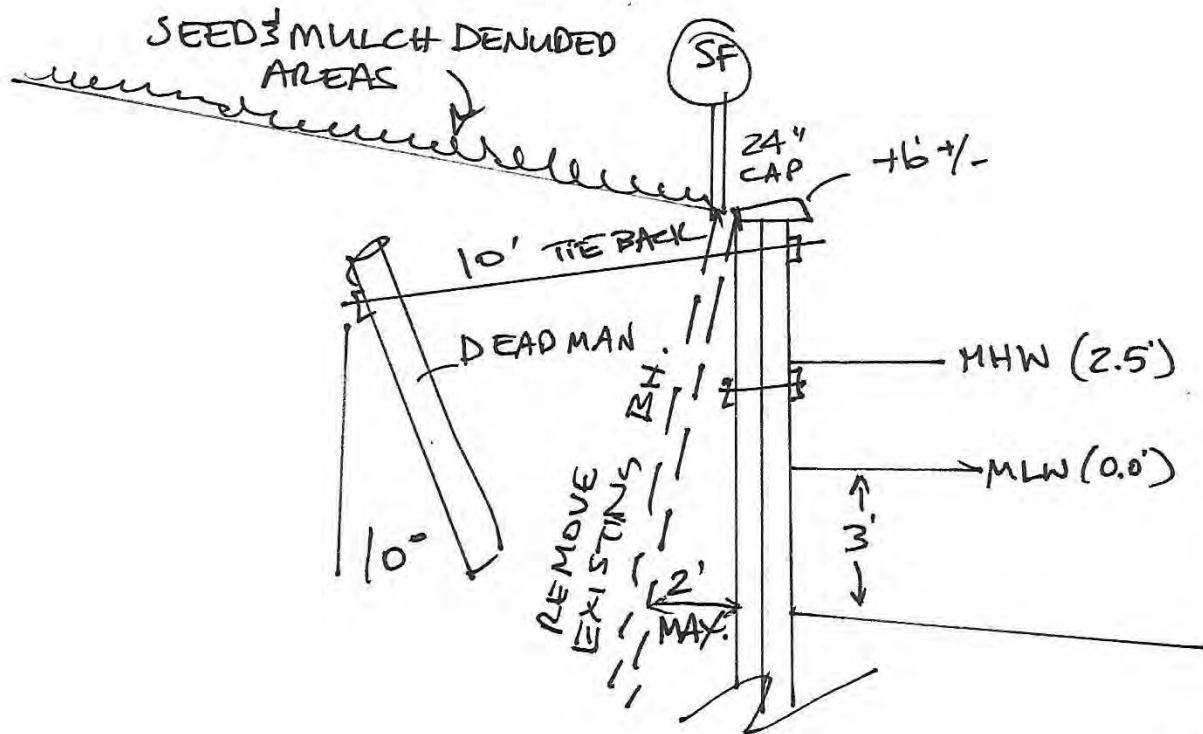
MAN-MADE CANAL TO POWHATAN CREEK



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"> Bruce B. Plumley Bonnie M. Bilski Trustee 	<p>SITE PLAN</p> <p>James City County LRSN 16155</p>	<p>GARY E. NESTER 113 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek</p> <p>Date: 5-22-24 Sheet 2 of 4</p>
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

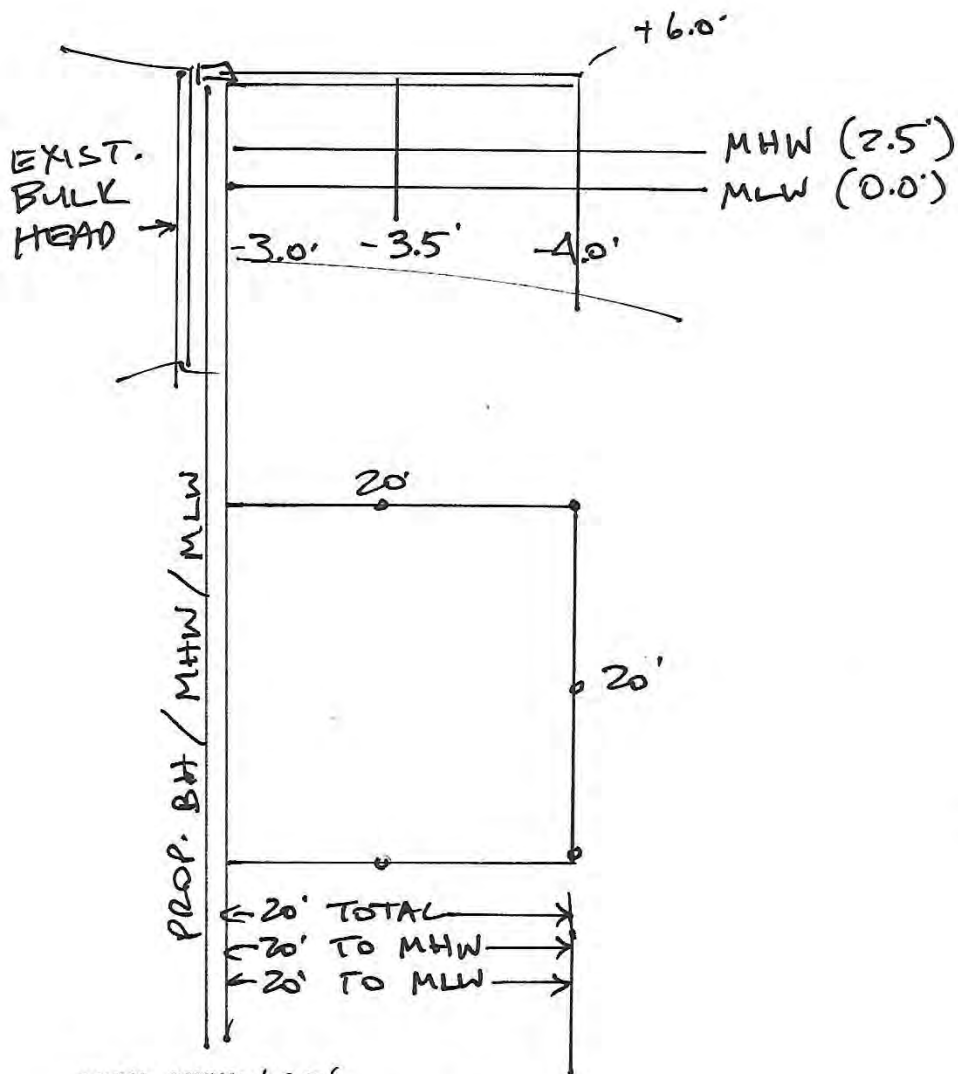


1. REMOVE EXISTING BULKHEAD AND DISPOSE OF IN A LEGAL MANNER.
2. PROPOSED BULKHEAD TO BE CONSTRUCTED NO MORE THAN 2' CHANNELWARD OF THE EXISTING BULKHEAD TO BE REMOVED.
3. 10' TIE-BACKS EVERY 5' WITH 8' TIMBER DEADMEN.
4. TIMBER PILES AND SHEETING MINIMUM 50% PENETRATION.
5. ALL HARDWARE H.D.G.
6. ALL LUMBER TREATED.
7. DENUDED AREAS TO BE SEEDED WITH SEASONAL SEED MIX AND STRAWED.
8. SILT FENCE TO BE INSTALLED AND MAINTAINED UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.

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

Adjacent Property Owners: 1. Bruce B. Plumley 2. Bonnie M. Bilski Trustee	DETAIL James City County LRSN 16155	GARY E. NESTER 113 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek Date: 5-22-24 Sheet 3 of 4
---	---	--

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



- MHW - MHW > 100'
- CHANNEL ~ 30' FROM MHW.
- 2 x 8 DECKING AND STRINGERS, ALL LUMBER TREATED.
- ALL HARDWARE H.D.G.
- 25 TIMBER PILES, 12" MAXIMUM DIAMETER, LENGTH AS REQUIRED.
- PILES INSTALLED WITH VIBRATORY HAMMER.
- TEMPORARY CONSTRUCTION VESSEL.
- NET INCREASE OF PERMANENT, NON-COMMERCIAL VESSEL.
- NO LESS THAN 4' BETWEEN DECKING AND WETLAND SUBSTRATE.

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

Adjacent Property Owners: 1. Bruce B. Plumley 2. Bonnie M. Bilski Trustee	DETAIL James City County LRSN 16155	GARY E. NESTER 113 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek Date: 5-22-24 Sheet 4 of 4
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

From: [Karla Havens](#)
To: [Emily Grojean](#); [MRC - jpa Permits](#); [Johnson, Mike \(MRC\)](#); [Steffey, Randy L CIV USARMY CENAO \(USA\)](#)
Cc: aaron.a.nester@gmail.com
Subject: Re: [External]Nester and Nester
Date: Wednesday, July 24, 2024 4:02:07 PM
Attachments: [Outline - jpa.j](#)
[Nester - rev.pdf](#)
[Nester - rev.pdf](#)

Hi Emily,
Here you go.
Please let me know if you need additional information.
See you August 14th at 5:00 p.m.
Karla

From: Karla Havens <karlashavens@gmail.com>
Sent: Wednesday, July 24, 2024 8:49 AM
To: Emily Grojean <Emily.Grojean@jamescitycountyva.gov>
Subject: Re: [External]Nester and Nester

Thanks Emily.
I'll get the additional info ASAP.
K

From: Emily Grojean <Emily.Grojean@jamescitycountyva.gov>
Sent: Tuesday, July 23, 2024 7:48 AM
To: Karla Havens <karlashavens@gmail.com>
Cc: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Subject: Re: [External]Nester and Nester

Hi Karla,

Currently my work cell is out of commission, so that's the reason you were/are unable to leave a voicemail at present.

Yes, both cases are scheduled for the August 14th meeting. Mike and I went out to both properties on Friday afternoon where we spoke with Mr. Nester and informed him we would be reaching out to you for a few additional items. The items are as follows:

WJPA-24-0014 (113 Godspeed Ln)

1. 90 square-feet of vegetated wetland impacts were identified in the field, a revision is required that accounts for this amount. Wetland credits will need to be purchased, which will be made a condition of approval.

WJPA-24-0015 (114 Godspeed Ln)

1. Please revise the submission to include 10 square-feet of tidal vegetation.

Again, wetland credits will need to be purchased, which will be made a condition of approval.

2. Existing walkway/sidewalk needs to be addressed indicating that it will be raised to match final grade. This can be addressed with a note on the plan.

Aside from the above items that need to be addressed, both cases are good to go for the August meeting.

Thank you,

Emily Grojean
Watershed Planner



Stormwater and Resource Protection Division
General Services Department
101-E Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6789
C: 757-645-5442

Emily.Grojean@jamescitycountyva.gov

Most permit requests and inquiries can now be handled online.

Visit *JCC Permitlink*: <http://www.jamescitycountyva.gov/permitlink>

From: Karla Havens <karlashavens@gmail.com>
Sent: Monday, July 22, 2024 12:07 PM
To: Emily Grojean <Emily.Grojean@jamescitycountyva.gov>
Subject: [External]Nester and Nester

Hi Emily,

Please confirm both Nester projects (#24-1330 and #24-1327) will be on the August 14th wetland board agenda.

Also, do you know your voice mail box is not set up so no one can leave you a voice message.

Karla

114 GODSPEED LN. NESTER # 24-1327 JCC

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.**

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

CONSTRUCT A 100' VINYL BULKHEAD NO MORE THAN TWO FOOT CHANNELWARD OF AN EXISTING FAILING TIMBER BULKHEAD.

- What is the maximum encroachment channelward of mean high water? 2 feet.
Channelward of mean low water? 2 feet.
Channelward of the back edge of the dune or beach? N/A feet.

- Please calculate the square footage of encroachment over:

- Vegetated wetlands 90 square feet (2' x 45')
- Non-vegetated wetlands 120 square feet (2' x 60')
- Subaqueous bottom 0 square feet
- Dune and/or beach 0 square feet

REV 7-24-24

- 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.



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-24-0014
113 Godspeed Lane
Construction of bulkhead

July 26, 2024

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 Ms. Karla S. Havens, Mid-Atlantic Resources Consulting, on behalf of Mr. Gary E. Nester, for encroachments into the tidal wetlands associated with the construction of a bulkhead. The project is located at 113 Godspeed Lane, JCC Tax Map Parcel No. 4730500033.

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, August 14, 2024, 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,

Michael Woolson

Michael Woolson
Wetlands Board Secretary
757-253-6823
Michael.Woolson@jamescitycountyva.gov

Adjacent Property Owner Mailing List for Case Number: WJPA-24-0014

PIN	Last Name	Address Line 1	City	State	Zip Code
4730500048	BEALL, JAMES A TRUSTEE &	112 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
4730500032	BILSKI, BONNIE M TRUSTEE	111 GODSPEED LN	WILLIAMSBURG	VA	23185-3171
4730500021	BOYER, FRANK L & LISA M	110 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105
	Center for Coastal Resources Management	PO Box 1346	Gloucester Point	VA	23062
4730500045	CHANTRY, STEPHEN J & DONNA D	118 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Department of Wildlife Resources	PO Box 11104	Richmond	VA	23230
	DEQ TRO VWP	5636 Southern Boulevard	Virginia Beach	VA	23462
4730500031	FLYNN, FRANCIS MARION II TRUSTEE &	109 GODSPEED LN	WILLIAMSBURG	VA	23185-3171
4730500035	GILLIHAN, KEVIN WILLIAM &	117 GODSPEED LN	WILLIAMSBURG	VA	23185-3171
4730500019	HERNANDEZ, JAMES L & EILEEN R	114 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105
4730500049	HULL, CAROL W	110 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Lauren Chartrand Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
4730500046	LUCAS, ALBERT S JR	116 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Ms. Karla Havens Mid-Atlantic Resource Consulting	1095 Cherry Row	Plainview	VA	23156
4730500033	NESTER, GARY E	114 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
4730500034	PLUMLEY, BRUCE B	115 GODSPEED LN	WILLIAMSBURG	VA	23185-3171
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
4730500022	SAMPSON, WILLIAM & RACHAEL	108 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188
4730500020	WARREN, APRIL ANN	112 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 14, 2024 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-24-0014: Ms. Karla S. Havens, Mid-Atlantic Resources Consulting, on behalf of Mr. Gary E. Nester, has applied for a Wetlands Permit for the construction of a bulkhead on property located at 113 Godspeed Lane, JCC Real Estate Tax Map Parcel No. 4730500033.

WJPA-24-0015: Ms. Karla S. Havens, Mid-Atlantic Resources Consulting, on behalf of Mr. Gary E. and Ms. Cathy L. Nester, has applied for a Wetlands Permit for the construction of a bulkhead on property located at 114 Godspeed Lane, JCC Real Estate Tax Map Parcel No. 4730500047.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0018: Mr. Schuyler Doughtie, ARM Group, on behalf of Mr. Joe Sanders, Stonehouse 2.0, LLC, has applied for a Chesapeake Bay Exception for the construction of a patio and retaining wall on property located at 9700 Mill Pond Run, JCC Tax Map Parcel No. 530100004.

CBPA-24-0074: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Governor's Land Foundation, has applied for a Chesapeake Bay Exception for the dredging material management on property located at 1697 River Oaks Road, JCC Tax Map Parcel No. 4320100011.

CBPA-24-0078: Mr. Jeff Huentelman, Land Planning Solutions, Inc., on behalf of MCP Stonehouse, LLC, has applied for a Chesapeake Bay Exception for the installation of sanitary sewer trunk line and BMPs on property located at 9250 Six Mount Zion Road, JCC Tax Map Parcel No. 540100011.

CBPA-24-0089: Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. William and Ms. Karen Hescox, have applied for a Chesapeake Bay Exception for the construction of a retaining wall, patio and walkway on property located at 112 N. Turnberry Drive, JCC Tax Map Parcel No. 3721200004.

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 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 31, 2024 and August 7, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**WETLANDS BOARD PERMIT No. WJPA-24-0015. 114 Godspeed Lane
Staff Report for the August 14, 2024, 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. Gary and Ms. Cathy Nester

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

Location: 114 Godspeed Lane

Parcel Identification No.: 4730500047

Parcel: Lot 47, Section 1, Powhatan Shores

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation 7 feet mean sea level

Proposed Activity: Construction of a bulkhead, a platform, two catwalks, and a boatlift

Wetland Impacts: 10 square feet, vegetated tidal wetland impacts

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

PROJECT DISCUSSION

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a Wetlands permit on behalf of Mr. Gary and Ms. Cathy Nester for the construction of a bulkhead, a 20-foot x 20-foot platform, two 5-foot x 30-foot catwalks, and a boatlift on property located at 114 Godspeed Lane within the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4730500047. Existing conditions of the property include a failed bulkhead and platform.

According to the submitted drawings, disturbance within the Resource Protection Area (RPA) for the installation of deadmen and tiebacks is to occur 10 feet landward of the canal; for a total of 1,100 square feet of disturbance within the RPA. The disturbed area will be restabilized after the project is completed. Should the bulkhead construction also take place from the uplands, a revised site plan must be submitted for review and a possible land disturbing permit.

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 10 square feet of vegetated wetland impacts associated with this project. Staff will require the purchase of 10 square feet of tidal wetland mitigation from a qualified tidal wetlands mitigation bank and proof of purchase prior to the start of the project.

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. The Applicants must submit proof of purchase of 10 square feet of tidal wetlands mitigation for a qualified tidal wetlands mitigation bank prior to the issuance of a building permit; and
4. The Wetlands Permit for this project shall expire on August 14, 2027, 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 July 3, 2027, six weeks prior to the expiration date.

EG/md
WJPA24-15_114Gdspdrev

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-24-0015. 114 GODSPEED LANE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Gary and Ms. Cathy Nester (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on August 14, 2024, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 114 Godspeed Lane (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4730500047, as set forth in the application WJPA-24-0015 for the purpose of construction of a bulkhead, platform, two catwalks, and a boatlift; 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-24-0015, subject to the following conditions:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. The Applicants must submit proof of purchase of 10 square feet of tidal wetlands mitigation for a qualified tidal wetlands mitigation bank prior to the issuance of a building permit; and
4. The Wetlands Permit for this project shall expire on August 14, 2027, 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 July 3, 2027, six weeks prior to the expiration date.

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of August 2024.

RESOLUTION

CASE NO. WJPA-24-0015. 114 GODSPEED LANE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Gary and Ms. Cathy Nester (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on August 14, 2024, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 114 Godspeed Lane (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4730500047, as set forth in the application WJPA-24-0015 for the purpose of construction of a bulkhead, platform, two catwalks, and a boatlift; 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 Wetlands Board Case No. WJPA-24-0015:

Scott Maye
Chair, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of August 2024.

WJPA24-15_114GdSpdDnyrev- res

From: [Karla Havens](#)
To: [MRC - jpa Permits](#)
Subject: Nester JPA - 114 Godspeed Lane JCC
Date: Saturday, June 1, 2024 10:47:03 AM
Attachments: [Nester JPA.pdf](#)

Good Morning,

Here is a [different](#) JPA for the Nester bulkhead, pier and lift project at [114](#) Godspeed Lane.
Both APO Forms are included.

Karla

Sent from [Mail](#) for Windows

GARY & CATHY NESTER / 11A

- ❖ 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 # 24-1330

APPLICANTS

Part 1 – General Information

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

Check all that apply				
Pre-Construction Notification (PCN) <input checked="" type="checkbox"/>	NWP # <u>3 BULKHEAD</u> <i>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</i>		PASDO -- PGP Self Verification <input checked="" type="checkbox"/> <i>(Replaces Regional Permit 17 (RP-17) checklist) FOR PIER PLATFORM</i>	
County or City in which the project is located: <u>JAMES CITY COUNTY</u>				
Waterway at project site: <u>MAN-MADE CANAL TO POWHATAN CREEK</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/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
GARY E. & CATHY L. NESTER
114 GODSPEED LANE
WILLIAMSBURG, VA 23185-3108
Home () _____
Work () _____
Fax () _____
Cell (757) 229 - 8156
e-mail aaron.a.nester@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): Contact Information:
KARLA S. HAVENS
MID-ATLANTIC RESOURCE CONSULTING
1095 CHERRY ROW LANE
SHACKLEFORDS, VA 23156
Home () _____
Work (804) 785-2107
Fax () _____
Cell (804) 366-1768
e-mail karlashavens@gmail.com
State Corporation Commission Name and ID Number (if applicable) _____

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

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

CONSTRUCT A 110' VINYL BULKHEAD NO MORE THAN TWO FEET CHANNELWARD OF AN EXISTING TIMBER BULKHEAD, AND INSTALL A 20' x 20' NON-COMMERCIAL, OPEN-PILE PLATFORM WITH TWO 5' X 30' CATWALKS AND A BOAT LIFT.

SITE TO BE ACCESSED FROM THE WATER AND THE UPLAND.

NO TREE CLEARING AND/OR GRADING REQUIRED.

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

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? 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 j_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, SUITE 504
WILLIAMSBURG, VA 23188

Telephone number

(757) 220-1736

7. Give the following project location information:

Street Address (911 address if available) 114 GODSPEED LANE

Lot/Block/Parcel# LOT 47, SEC 1 LRSN 9210

Subdivision POWHATAN SHORES

City / County JAMES CITY COUNTY ZIP Code 23185-3108

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

37.226117 / - 76.764511 (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 AND UPLAND EROSION.
SECONDARY PURPOSE IS TO GAIN BOATING ACCESS TO NAVIGABLE WATER.
THE NEED IS THE EXISTING BULKHEAD HAS FAILED AND THERE IS NO SAFE ACCESS TO NAVIGABLE WATER.

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.*
A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE BULKHEAD UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED. ALL DENUDED AND SPARSELY VEGETATED AREAS WITHIN THE CONSTRUCTION AREA SHALL BE SEEDED WITH AN APPROPRIATE SEED MIXTURE AND STRAWED OR MATTED.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ > \$10,000 AND < \$100,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ SAME
13. Completion date of the proposed work: ASAP ONCE AUTHORIZED.
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

LOT 48 LRSN 17172

JAMES A. BEALL TRUSTEE & JEAN A. BEALL TRUSTEE
112 GODSPEED LANE
WILLIAMSBURG, VA 23185 - 3108

LOT 46 LRSN 9699

ALBERT S. LUCAS, JR.
116 GODSPEED LANE
WILLIAMSBURG, VA 23185 - 3108

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.

GARY E. NESTER

Applicant's Legal Name (printed/typed)



Applicant's Signature

5/31/24

Date

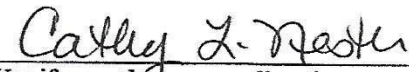
Property Owner's Legal Name (printed/typed)
(If different from Applicant)

Property Owner's Signature

Date

CATHY L. NESTER

(Use if more than one applicant)



(Use if more than one applicant)

(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), G.E. & C.L. NESTER, 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)

5/31/24
(Date)

G.E. Nester
(Applicant's Signature)

Cathy S Nester
(Use if more than one applicant)

5/31/24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), G.E. & C.L. NESTER, 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 _____.

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

P.O.BOX 396 LIGHTFOOT, VA 23090

Contractor's signature and title

Contractor's or firms address

2705 - 107524A

Applicant's signature

Contractor's License Number

(use if more than one applicant)

Date

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

JAMES A. BEALL TRUSTEE

I (we), JEAN A. BEALL TRUSTEE, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of GARY E. & CATHY L. NESTER
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5-22-24
(Date)

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

I HAVE NO COMMENT ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT TO THE PROJECT.

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

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

[Signature]
Adjacent/nearby property owner's signature(s)
May 31, 2024
Date

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

JCC

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), ALBERT S. LUCAS, JR., own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of GARY E. & CATHY L. NESTER
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5-22-24
(Date)

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

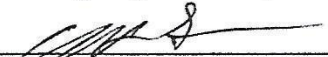
I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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


Adjacent/nearby property owner's signature(s)

May 31 2024
Date

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



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT
23-SPGP-PASDO SELF-VERIFICATION FORM
CATEGORY A PIER STRUCTURES

Expires: August 21, 2028

Please review the 23-SPGP-PASDO before completing this form. This can only be used for proposed PRIVATE USE structures that comply with the terms and conditions of the 23-SPGP-PASDO located on the Corps website: <https://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.


1. Has the permittee reviewed the 23-SPGP-PASDO and verified that the proposed structures are in compliance with all the terms, conditions, and limitations of 23-SPGP-PASDO?
 YES NO
2. Are the proposed structures for private use only?
 YES NO
3. To avoid adverse effects to navigation, do the proposed structures 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
4. If the proposed structures cross wetland vegetation, are they 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
5. Do the proposed structures include no more than two (2) lifts and no more than two (2) boat slips?
 YES NO N/A
6. Is the open-sided roof structure designed to shelter a boat no more than 700 square feet and/or is the open-sided roof structure or gazebo structure designed to shelter a pier no more than 400 square feet?
 YES NO N/A
7. Are all piles associated with the proposed structure non-steel, no more than 12" in diameter, and will there be no more than 25 piles installed channelward of MHW?
 YES NO
8. When operationally feasible, is all work occurring behind cofferdams, turbidity curtains, or other methods used to control turbidity?
 YES NO
9. If the proposed structures are to be located within an anadromous fish use area, will the prospective permittee 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 are fewer 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 are fewer than 384 feet between the most channelward pile and MLW on the opposite shoreline? <https://services.dwr.virginia.gov/fwis/> .
 YES NO N/A
10. 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?
<https://mobjack.vims.edu/sav/savwabmap/>
 YES NO
11. Has the permittee ensured the construction of the proposed structures will not affect federally listed threatened or endangered species or designated critical habitat?
NOAA PRD: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region> ; and
US Fish and Wildlife Service: <https://ipac.ecosphere.fws.gov/>
 YES NO

12. Will the proposed structures be located outside of the following waterbodies: Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
 YES NO
13. Is your project located outside of the Section 408 Review Area boundaries for civil works projects (e.g. federal navigation channels, flood risk management projects, or aquatic ecosystem restoration projects) as depicted on the "Norfolk District Section 408 Review Layer" in the Norfolk District Section 408 Map? <https://www.nao.usace.army.mil/408Review/>
 YES NO
14. Is your project located outside of any federal property? Federal property can be located on the "NAO Real Estate Data – CWLDM Land Parcel Area" layer on the Norfolk District Section 408 Map? <https://www.nao.usace.army.mil/408Review/> .
 YES NO
15. Will the proposed structures be located outside of any Designated Trout Waters?
<https://services.dwr.virginia.gov/fwis/>
 YES NO
16. If the proposed structures include floatation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
 YES NO N/A
17. Does the permittee recognize this form does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals or any other structures will be approved by the Corps?
 YES NO

If you have answered "NO" to any of the questions above, then the Category A Self-Verification of the 23-SPGP-PASDO does NOT apply, and you are required to obtain written authorization from the Corps prior to performing the work.

If you answered "YES" (or "N/A, where applicable) to all of the questions above, you are in compliance with the Category A Self-Verification of the 23-SPGP-PASDO. Please sign below and submit this self-verification form with your completed Joint Permit Application (JPA). This signed form 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.

By signing below, I certify that I have read and understand all conditions of the Army Corps of Engineers Norfolk District Regulatory Branch 23-SPGP-PASDO, dated August 22, 2023. I accept all of the terms and conditions of the permit, including the limits of federal liability contained in the 23-SPGP-PASDO enclosure. I acknowledge that structures authorized under this permit may be exposed to waves caused by passing vessels. The permittee is solely responsible for the integrity of the permitted structures and any resulting wave damage to such structures or moored vessels. I accept that the United States is not liable in any way for such damage and that the permittee will not seek to involve the United States in any actions or claims regarding such damage.


 Signature of Property Owner(s) or Agent

5-22-24

 Date

Proposed work location:
 114 GODSPEED LN. WILLIAMSBURG,

 MAN-MADE CANAL TO POWHATAN CK

 VMRC Number

Part 3 – Appendices

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

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

1. **Briefly describe your proposed project.**

CONSTRUCT A 20' x 20' NON-COMMERCIAL, TREATED-TIMBER, OPEN-PILE PLATFORM OFF OF A BULKHEAD WITH TWO 5' x 30' CATWALKS AND A BOAT LIFT.

2. **For private, noncommercial piers:**

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

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

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

What is the overall length of the proposed structure? 20 feet.

Channelward of Mean High Water? 20 feet.

Channelward of Mean Low Water? 20 feet.

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

Tidal non-vegetated wetlands square feet.

Tidal vegetated wetlands square feet.

Submerged lands 700 square feet.

What is the total size of any and all L- or T-head platforms? 400 sq. ft.

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

Will your boathouse have sides? ___ Yes ___ No.

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

Part 3 – Appendices (continued)

3. For USACE permits, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:

- a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
- b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
- c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.

4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #

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

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

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

From Mean High Water? _____ feet.

From Mean Low Water? _____ feet.

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

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

Part 3 – Appendices (continued)

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

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

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

CONSTRUCT A 110' VINYL BULKHEAD NO MORE THAN TWO FOOT CHANNELWARD OF AN EXISTING FAILING TIMBER BULKHEAD.

2. What is the maximum encroachment channelward of mean high water? 2 feet.
Channelward of mean low water? 2 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 0 square feet
 - Subaqueous bottom 220 square feet
 - Dune and/or beach 0 square feet

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

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

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

Part 3 – Appendices (continued)

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

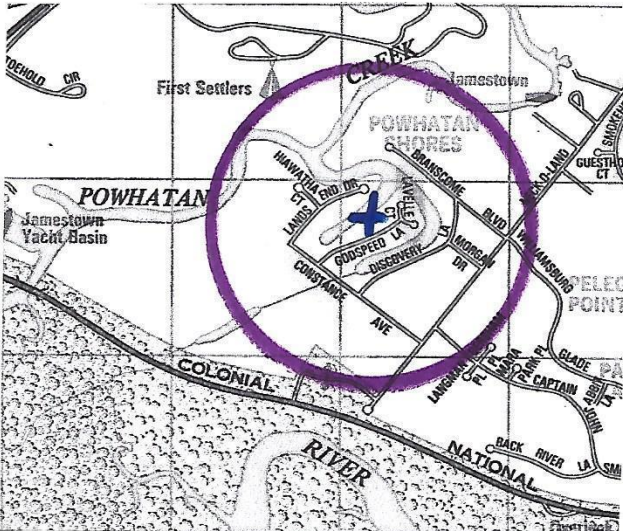
VINYL SHEETING AND TREATED TIMBER PILES WITH MINIMUM 50% PENETRATION, ALL LUMBER TREATED, ALL HARDWARE H.D.G., FILTER CLOTH, WASHED STONE OR CLEAN SAND BETWEEN STRUCTURES, SILT FENCE.

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
 _____ square feet channelward of mean high water
 _____ square feet 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>:

ADC STREET MAP BOOK - VIRGINIA
PENINSULA, MAP 9, PAGE 15, 1996.



ALL EASEMENTS
PER LINES ARE
TO JAMES CITY CO.



PLAT OF
POWHATAN SHORES
NOV. 1975

DEWARD. M.
MARTIN & ASSOC.

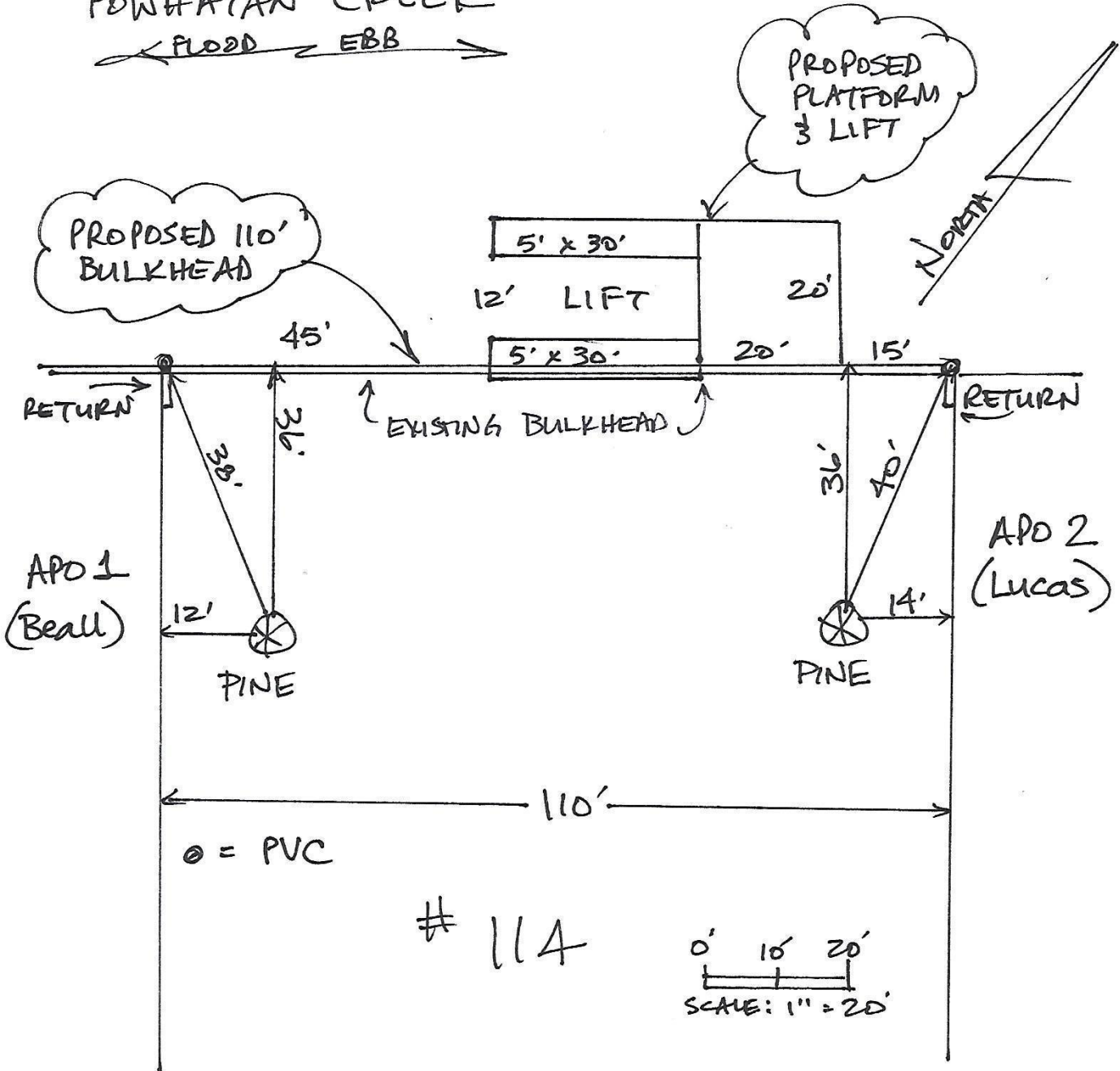
Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated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

Adjacent Property Owners: 1. James A. Beall Trustee & Jean A. Beall Trustee 2. Albert S. Lucas, Jr.	VICINITY MAP James City County LRSN 9210	GARY E. & CATHY L. NESTER 114 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek Date: 5-28-24 Sheet 1 of 4
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

MAN-MADE CANAL OF POWHATAN CREEK

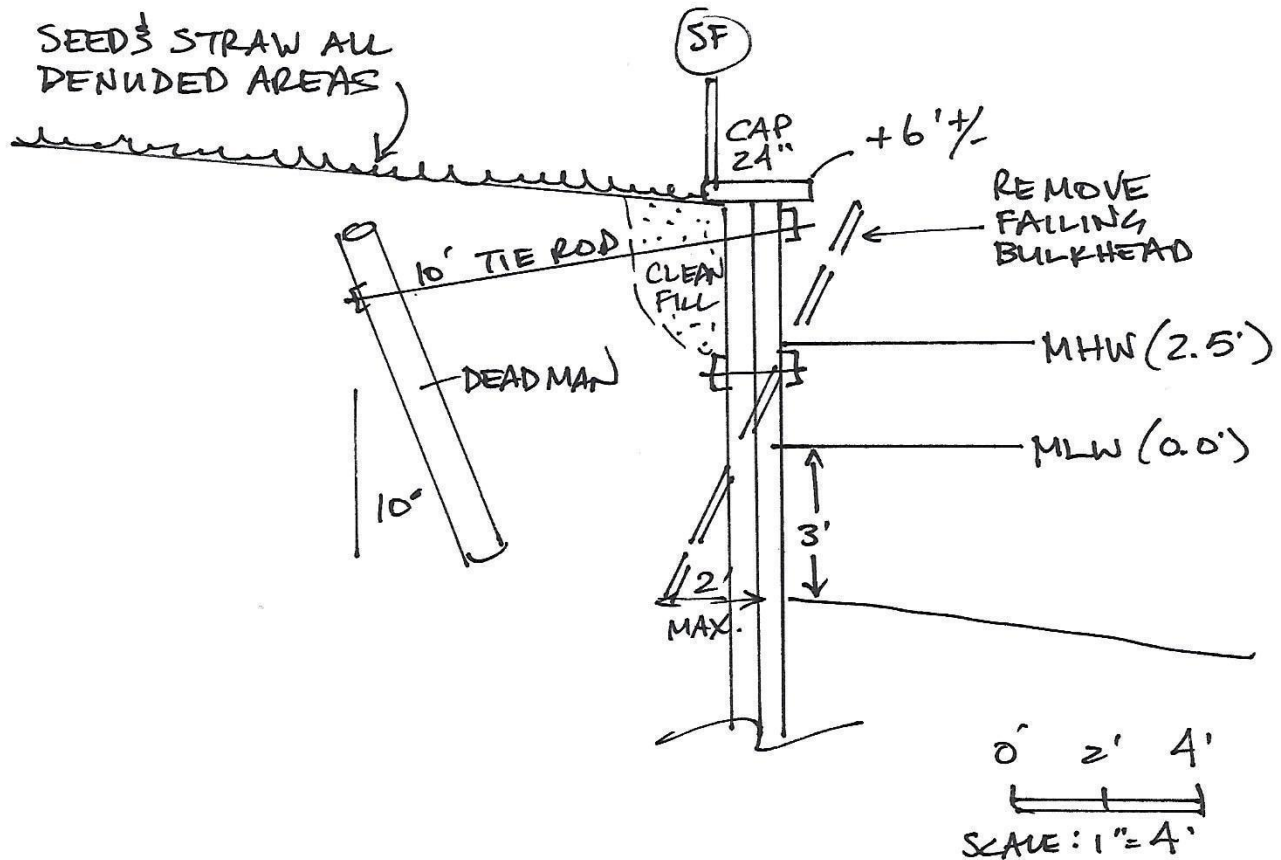
← FLOOD → EBB →



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<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> James A. Beall Trustee & Jean A. Beall Trustee Albert S. Lucas, Jr. 	<p>SITE PLAN</p> <p>James City County LRSN 9210</p>	<p>GARY E. & CATHY L. NESTER 114 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek</p> <p>Date: 5-28-24 Sheet 2 of 4</p>
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

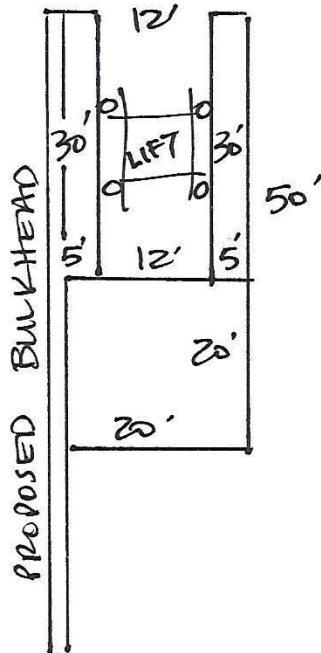
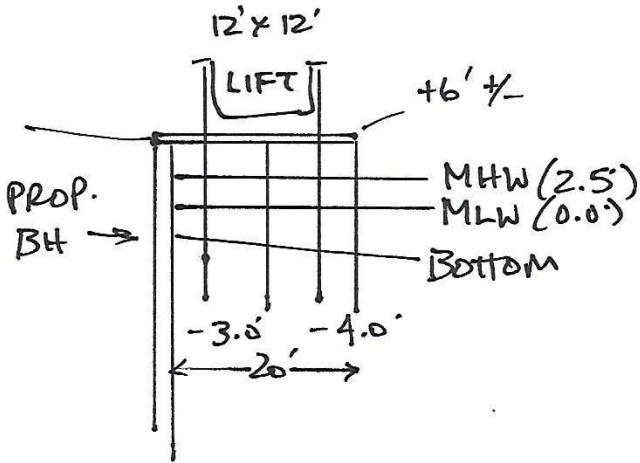


1. REMOVE EXISTING BULKHEAD AND DISPOSE OF IN A LEGAL MANNER.
2. PROPOSED BULKHEAD TO BE CONSTRUCTED NO MORE THAN 2' CHANNELWARD OF THE EXISTING BULKHEAD TO BE REMOVED.
3. 10' TIE-BACKS EVERY 5' WITH 8' TIMBER DEADMEN.
4. TIMBER PILES AND SHEETING MINIMUM 50% PENETRATION.
5. ALL HARDWARE H.D.G.
6. ALL LUMBER TREATED.
7. DENUDED AREAS TO BE SEEDED WITH SEASONAL SEED MIX AND STRAWED.
8. SILT FENCE TO BE INSTALLED AND MAINTAINED UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.

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

Adjacent Property Owners: 1. James A. Beall Trustee & Jean A. Beall Trustee 2. Albert S. Lucas, Jr.	DETAIL James City County LRSN 9210	GARY E. & CATHY L. NESTER 114 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek Date: 5-28-24 Sheet 3 of 4
---	--	---

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



20' TOTAL FROM BULKHEAD
 20' TO MHW
 20' TO MLW

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

- MHW - MHW > 100'
- CHANNEL ~ 30' FROM MHW.
- 2 x 8 DECKING AND STRINGERS, ALL LUMBER TREATED.
- ALL HARDWARE H.D.G.
- 39 TIMBER PILES, 12" MAXIMUM DIAMETER, LENGTH AS REQUIRED.
- PILES INSTALLED WITH VIBRATORY HAMMER.
- 1 TEMPORARY CONSTRUCTION VESSEL.
- NET INCREASE OF 1 PERMANENT, NON-COMMERCIAL VESSEL.
- NO LESS THAN 4' BETWEEN DECKING AND WETLAND SUBSTRATE.

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Adjacent Property Owners: 1. James A. Beall Trustee & Jean A. Beall Trustee 2. Albert S. Lucas, Jr.	DETAIL James City County LRSN 9210	GARY E. & CATHY L. NESTER 114 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek Date: 5-28-24 Sheet 4 of 4
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Shacklefords, VA 23156 (804) 366-1768 karlashavens@gmail.com

From: [Karla Havens](#)
To: [Emily Grojean](#); [MRC - jpa Permits](#); [Johnson, Mike \(MRC\)](#); [Steffey, Randy L CIV USARMY CENAO \(USA\)](#)
Cc: aaron.a.nester@gmail.com
Subject: Re: [External]Nester and Nester
Date: Wednesday, July 24, 2024 4:02:07 PM
Attachments: [Outline - 8/14/24 - j](#)
[Nester - 8/14/24 - pdf](#)
[Nester - 8/14/24 - pdf](#)

Hi Emily,
Here you go.
Please let me know if you need additional information.
See you August 14th at 5:00 p.m.
Karla

From: Karla Havens <karlashavens@gmail.com>
Sent: Wednesday, July 24, 2024 8:49 AM
To: Emily Grojean <Emily.Grojean@jamescitycountyva.gov>
Subject: Re: [External]Nester and Nester

Thanks Emily.
I'll get the additional info ASAP.
K

From: Emily Grojean <Emily.Grojean@jamescitycountyva.gov>
Sent: Tuesday, July 23, 2024 7:48 AM
To: Karla Havens <karlashavens@gmail.com>
Cc: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Subject: Re: [External]Nester and Nester

Hi Karla,

Currently my work cell is out of commission, so that's the reason you were/are unable to leave a voicemail at present.

Yes, both cases are scheduled for the August 14th meeting. Mike and I went out to both properties on Friday afternoon where we spoke with Mr. Nester and informed him we would be reaching out to you for a few additional items. The items are as follows:

WJPA-24-0014 (113 Godspeed Ln)

1. 90 square-feet of vegetated wetland impacts were identified in the field, a revision is required that accounts for this amount. Wetland credits will need to be purchased, which will be made a condition of approval.

WJPA-24-0015 (114 Godspeed Ln)

1. Please revise the submission to include 10 square-feet of tidal vegetation.

Again, wetland credits will need to be purchased, which will be made a condition of approval.

2. Existing walkway/sidewalk needs to be addressed indicating that it will be raised to match final grade. This can be addressed with a note on the plan.

Aside from the above items that need to be addressed, both cases are good to go for the August meeting.

Thank you,

Emily Grojean
Watershed Planner



Stormwater and Resource Protection Division
General Services Department
101-E Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6789
C: 757-645-5442

Emily.Grojean@jamescitycountyva.gov

Most permit requests and inquiries can now be handled online.

Visit *JCC Permitlink*: <http://www.jamescitycountyva.gov/permitlink>

From: Karla Havens <karlashavens@gmail.com>
Sent: Monday, July 22, 2024 12:07 PM
To: Emily Grojean <Emily.Grojean@jamescitycountyva.gov>
Subject: [External]Nester and Nester

Hi Emily,

Please confirm both Nester projects (#24-1330 and #24-1327) will be on the August 14th wetland board agenda.

Also, do you know your voice mail box is not set up so no one can leave you a voice message.

Karla

REV. INFO #24-1330 NESTER

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.**

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

CONSTRUCT A 110' VINYL BULKHEAD NO MORE THAN TWO FOOT CHANNELWARD OF AN EXISTING FAILING TIMBER BULKHEAD.

- What is the maximum encroachment channelward of mean high water? 2 feet.
Channelward of mean low water? 2 feet.
Channelward of the back edge of the dune or beach? N/A feet.

- Please calculate the square footage of encroachment over:
 - Vegetated wetlands 10 square feet
 - Non-vegetated wetlands 0 square feet
 - Subaqueous bottom 220 square feet
 - Dune and/or beach 0 square feet

REV 7-24-24

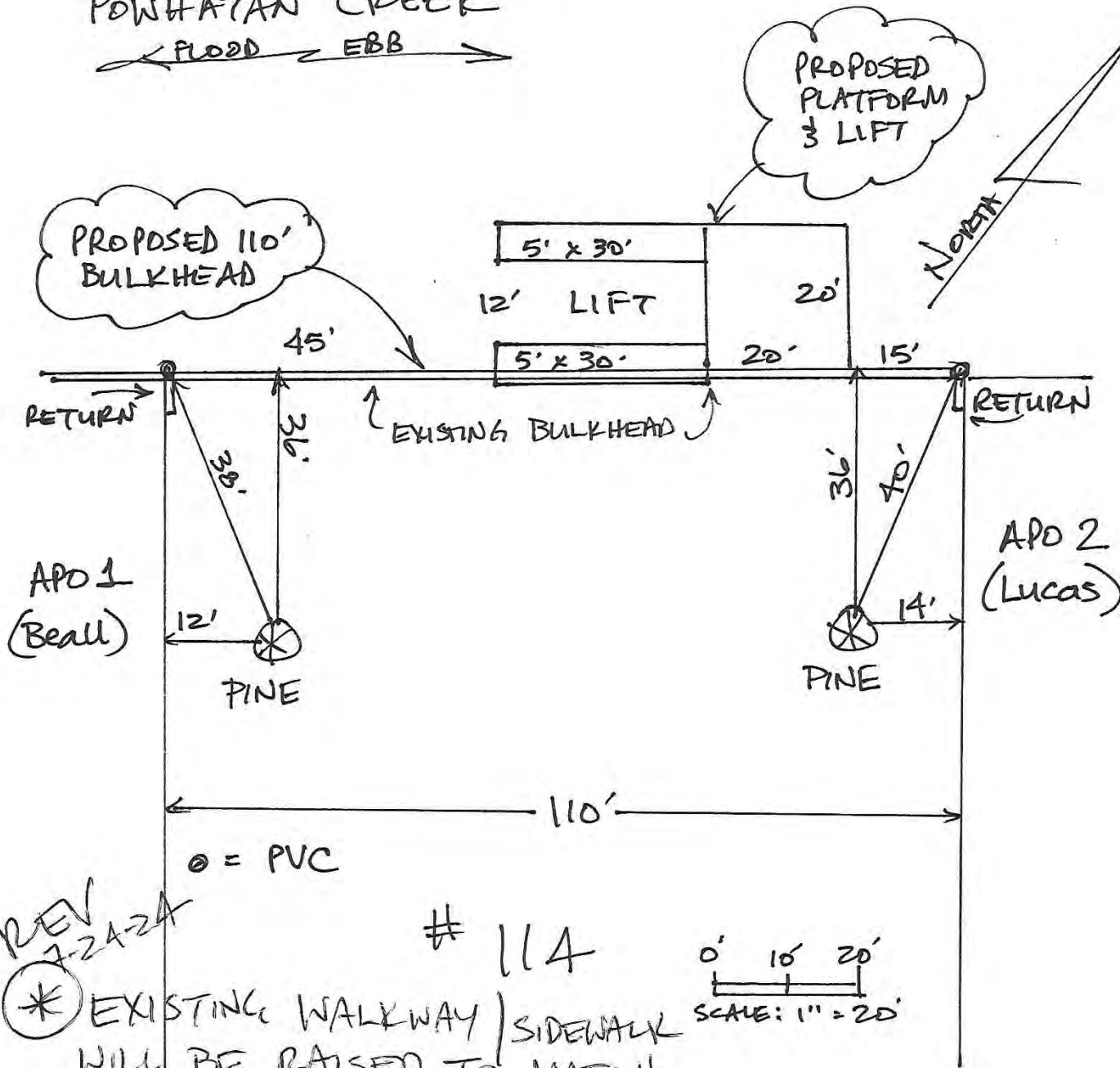
- For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

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.

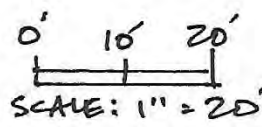
MAN-MADE CANAL OF POWHATAN CREEK

REV. INFO # 24-1330



REV 2-24-24

114



* EXISTING WALKWAY / SIDEWALK WILL BE RAISED TO MATCH FINAL GRADE.

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

Adjacent Property Owners:	SITE PLAN	GARY E. & CATHY L. NESTER 114 Godspeed Lane, Williamsburg On a man-made canal of Powhatan Creek
1. James A. Beall Trustee & Jean A. Beall Trustee	James City County LRSN 9210	Date: 5-28-24 Sheet 2 of A
2. Albert S. Lucas, Jr.		

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



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

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

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

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

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

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

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

RE: WJPA-24-0015
114 Godspeed Lane
Construction of bulkhead

July 26, 2024

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 Ms. Karla S. Havens, Mid-Atlantic Resources Consulting, on behalf of Mr. Gary E. and Ms. Cathy L. Nester, for encroachments into the tidal wetlands associated with the construction of a bulkhead. The project is located at 114 Godspeed Lane, JCC Tax Map Parcel No. 4730500047.

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, August 14, 2024, 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,

Michael Woolson

Michael Woolson
Wetlands Board Secretary
757-253-6823
Michael.Woolson@jamescitycountyva.gov

Adjacent Property Owner Mailing List for Case Number: WJPA-24-0015

PIN	Last Name	Address Line 1	City	State	Zip Code
4730500062	ADCOCK, DANNY & MICHELLE	115 LANDS END DR	WILLIAMSBURG	VA	23185-3125
4730500048	BEALL, JAMES A TRUSTEE &	112 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Center for Coastal Resources Management	PO Box 1346	Gloucester Point	VA	23062
4730500045	CHANTRY, STEPHEN J & DONNA D	118 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Department of Wildlife Resources	PO Box 11104	Richmond	VA	23230
	DEQ TRO VWP	5636 Southern Boulevard	Virginia Beach	VA	23462
4730500063	HONEYCUTT, JOHN BRANDON	117 LANDS END DR	WILLIAMSBURG	VA	23185-3125
4730500061	IANNUZZI, MARK P TRUSTEE	113 LANDS END DR	WILLIAMSBURG	VA	23185-3125
	Lauren Chartrand Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
4730500046	LUCAS, ALBERT S JR	116 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Ms. Karla Havens Mid-Atlantic Resource Consulting	1095 Cherry Row	Plainview	VA	23156
4730500047	NESTER, GARY E & CATHY L	114 GODSPEED LN	WILLIAMSBURG	VA	23185-3108
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, AUGUST 14, 2024 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-24-0014: Ms. Karla S. Havens, Mid-Atlantic Resources Consulting, on behalf of Mr. Gary E. Nester, has applied for a Wetlands Permit for the construction of a bulkhead on property located at 113 Godspeed Lane, JCC Real Estate Tax Map Parcel No. 4730500033.

WJPA-24-0015: Ms. Karla S. Havens, Mid-Atlantic Resources Consulting, on behalf of Mr. Gary E. and Ms. Cathy L. Nester, has applied for a Wetlands Permit for the construction of a bulkhead on property located at 114 Godspeed Lane, JCC Real Estate Tax Map Parcel No. 4730500047.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0018: Mr. Schuyler Doughtie, ARM Group, on behalf of Mr. Joe Sanders, Stonehouse 2.0, LLC, has applied for a Chesapeake Bay Exception for the construction of a patio and retaining wall on property located at 9700 Mill Pond Run, JCC Tax Map Parcel No. 530100004.

CBPA-24-0074: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Governor's Land Foundation, has applied for a Chesapeake Bay Exception for the dredging material management on property located at 1697 River Oaks Road, JCC Tax Map Parcel No. 4320100011.

CBPA-24-0078: Mr. Jeff Huentelman, Land Planning Solutions, Inc., on behalf of MCP Stonehouse, LLC, has applied for a Chesapeake Bay Exception for the installation of sanitary sewer trunk line and BMPs on property located at 9250 Six Mount Zion Road, JCC Tax Map Parcel No. 540100011.

CBPA-24-0089: Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. William and Ms. Karen Hescox, have applied for a Chesapeake Bay Exception for the construction of a retaining wall, patio and walkway on property located at 112 N. Turnberry Drive, JCC Tax Map Parcel No. 3721200004.

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 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 31, 2024 and August 7, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W