Wetland Board Case W-23-12/VMRC 12-0467: 2035 Bush Neck Road

Staff report for the June 13, 2012 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Wetland 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 & Information

Applicant:	Mary Lou Clark
Agent:	Mid-Atlantic Resource Consulting, Ms. Karla Havens
Location:	2035 Bush Neck Road
Parcel Identification:	3420100008
Watershed:	Chickahominy River (HUC Code JL29)
Proposed Activity:	Construct 120 feet of coir log revetment with sand backfill and wetland vegetation. The site is to be accessed from the upland. No trees are to be removed. No clearing or grading required.

Project Discussion

Ms. Karla Havens, on behalf of Ms. Mary Lou Clark, has applied for a Wetlands Permit to construct a 120 foot long coir log revetment with sand backfill and wetland vegetation located at 3025 Bush Neck Road, directly adjacent to Buzzards Bay off of the Chickahominy River. The coir logs are to be 12-inches in diameter. The property is further identified as JCC Parcel Number 3420100008.

Several site visits were conducted by staff to document and evaluate both the potential scope of the project and the existing conditions. An additional site visit was conducted on April 30, 2012 to discuss the project with Ms. Clark. This case was heard at the May 9, 2012 Wetlands Board meeting and deferred to the July 12, 2012 meeting. The applicant revised the proposal and wanted to readvertise, to have the Wetlands Board hear the case at the June meeting.

The wetlands that are present in the impact zone are Type XI Freshwater Mixed Community wetlands, dominated by bald cypress with the associated vegetation of pickerel weed and marsh hibiscus. These are very valuable marshes and the aim should be to keep them in a natural state and the conservation of this type of marsh should be of highest priority.

The project site has experienced slight erosion along the shoreline creating a scarp of approximately 2 feet. The project has been revised from a stone revetment that required mitigation to a revetment constructed of coir logs, sand backfill, and wetland vegetation. A single row of 12-inch diameter coir

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logs will be staked every 4 feet or less the entire length of the revetment approximately 4 to 6 feet from the face of the scarp. The area behind the logs will be backfilled at a 2:1 or flatter slope and planted with wetland vegetation (marsh hibiscus, pickerel weed, and other similar vegetation that is currently growing on site). By replanting the backfilled area with wetland vegetation, the project is considered self-mitigating. Therefore, no additional mitigation is required.

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 of minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependant 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.

As stated earlier, the project is mitigating the footprint of the impact area with the same wetland vegetation that is impacted. Staff believes that the three criteria outlined above have been met, with the coir log revetment and backfill being a better solution for the shoreline erosion that has been experienced at this site.

Staff Recommendations

Staff recommends **approval** of the application. 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 local, state, and/or federal permits required for the project.
2. Prior to any land disturbing activities, a pre-construction meeting will be held on-site.
3. Coir log installation shall follow the manufacturer's recommendations and any legitimate regulatory reference, publication or guideline (VIMS, CCRM, NOAA, USACOE, etc.) for typical installation procedure in a tidal shoreline environment.
4. No trees shall be removed as part of this project unless approved by the Engineering and Resource Protection Division.
5. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use.

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6. The limits of work shall be flagged in the field prior to the pre-construction meeting.
7. The wetlands permit for this project shall expire on June 13, 2013. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than two weeks prior to the expiration date.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Revised Joint Permit Application

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