

Minutes
Essex County Wetlands Board
109 Cross St., Tappahannock, VA,
Meeting of July 27, 2023
6:00 PM

A meeting of the Essex County Wetlands Board was held on July 27, 2023, in the School Board Meeting Room at 109 Cross St., Tappahannock, Virginia, with the following present:

Present:

Barry Bates

Bunky Davis

Kevin Goff

Robbie Howeth

Absent:

Jeff Howeth – Chairman

Nate Parker IV

Also present:

Kelly McKnight, Planning and Zoning Office Manager

Jeff Madden, VMRC

CALL TO ORDER

Vice Chairman Davis called the meeting of the Essex County Wetlands Board to order.

ROLL CALL

Ms. McKnight called the roll. A quorum was met.

AGENDA

Vice Chairman Davis stated that their was a withdraw and so the only case is Jeff Bane, VMRC #23-1170.

APPROVAL OF MINUTES

Vice Chairman Davis asked if there was a recommendation for approval of the minutes from the June 22, 2023 meeting.

Mr. Bates made a motion to approve the minutes. Mr. Howeth seconded the motion. AYES: 4
NAYES: 0 ABSENT: 2

PUBLIC COMMENTS

None

PUBLIC HEARINGS

VMRC # 23-1170 - Jeff Bane

Scott Woolard, 425 Lakeview Dr. Hartfield, VA, representing Mac Bros, LLC permits. They are proposing a 200' revetment of class 2 stone. 6' wide, All the derelict structures will be removed and they will fill in where there is some areas that will to be filled in where there is a concrete walkway. They feel this is the best way to move forward with this. This will be a permanent structure that will not have to be changed. See life will be thriving within the rock.

Vice Chairman Davis stated that a few of the board members have visited the site.

Mr. Goff asked if the application has been modified regarding the stone size?

Mr. Woolard stated that it had for a larger stone size.

Vice Chairman Davis opened up the floor for public hearing.

Donna Lankford, adjacent property owner. She has a lot of concerns about it. She stated that at her end of the wall there are no problems. She is not sure that it even needs to be replaced there. The original that she had was a much smaller stone and now they have decided to go to a bigger stone. She wanted to know why a Rip Rap was chosen instead of a seawall that was already there.

Mr. Woolard stated that it is a permanent and will never have to be replaced. The sea life will be able to thrive within it.

Mrs. Lankford read from a letter from the other adjacent property owner. 'Riprap is not indestructible and maintenance free. It requires supervision and monitoring to catch crack and problems early to make repairs and adjustments. The owner of this property, Mr. Bane, is incapable of doing this. He never comes to check on his property, it is an eyesore and nuisance, and cannot be counted on or trusted to maintain it. I have told him repeatedly to be a good neighbor, replace the seawall and I am fed up cleaning up his property and debris that I must monitor and remove from the river on a regular basis.' This is from Jon and Marylee Querolo.

Mr. Woolard stated that these stones are 500 lbs a piece and are not going to be going anywhere.

Mrs. Lankford asked what kind of impact this would have on their beach?

Mr. Woolard stated that it would protect their property on each end of it. Winds coming from each side pushing wave power it is actually going to help your property.

Mrs. Lankford stated that it is not what they have seen with the other riprap down there. They have seen beaches erode immediately, pretty quickly after that riprap stone. She asked if they were going to go out 6' further than them to do this?

Mr. Goff asked if the concern is that the beach will disappear 6' further out?

Mrs. Lankford stated she is concerned that it is just going to wash that sand out.

Mr. Lankford stated that if he brings that tow out it will wash the sand out. They have sand to the top of the wall 8' out.

Mr. Goff stated that he is been out to the site and there is not a lot of intertidal beach left.

Mr. Lankford showed pictures from their property which is up river. They have put in new groins to catch the sand and they are concerned that Mr. Bane is going to come destroy it. The sand moves one direction and it is going to hit that riprap and go right out. He has to go out 2' to put his tow in.

Vice Chairman Davis stated that the tow is going to be 6' out.

Mr. Lankford stated he has to go down 2' to put the tow in and bring the cloth back up. When he digs that tow out we are going to be washed right out, boat dock and everything.

Vice Chairman Davis stated he is not in a good position on how to proceed with this. He understands the concern.

Mr. Goff stated that the way he understood Jay at the last meeting is that it is part of the application process to notify the adjacent properties.

Mrs. Lankford stated that they didn't. They actually got it from Essex.

Mr. Goff stated that he has read the letter from the adjacent property owners.

Mrs. Lankford stated that it was sent after the fact, after the meeting was already scheduled. They didn't get any notification from Mr. Bane.

Mr. Goff stated that it is a part of the application process. They did receive the email from the Lankfords and the neighbors on the other side objecting it. Mr. Woodward from VMRC explained what it meant when someone objects. He said that the wetlands board can take into consideration the substance and nature of the objections in whether or not we approve but the neighbors can't veto. They will look at the application on its merit but taking into consideration the neighbors objecting to it. He thinks the main thing is the neighbors object to a discontinuation of the seawall they want the continuous seawall.

Mrs. Lankford stated that she does not want their beach destroyed.

Mr. Goff stated that he doesn't understand how riprap is going to cause the removal of sand from either of the properties. He has seen lots of shoreline armoring in his life. Whenever you

put any kind of armor up you deepen the water and often lose the beach and that's what the groins are for. That is as true of a seawall then riprap. If anything riprap dissipates the wave energy a little more gradually because of it's slope than a vertical bulkhead does.

Mrs. Lankford says if you ride down the road and you see where they have put riprap you can see where it has taken out the sand.

Mr. Goff asked on this property that you are talking about with the riprap, where is the sand being removed?

Mrs. Lankford stated that on the road that you come in the state put rock in and now there is no sand there and all of the riprap is out in the water and it is not even useable anymore.

Mr. Goff stated that if this was pristine beach he wouldn't be considering any of it. What we have is a preexisting armoring. Anytime you armor shoreline you are going to lose sand in front of it. The wave energy is going to scour it out.

Mr. Lankford stated that they don't want that.

Mr. Goff stated that it also happens with seawalls.

Mr. Lankford stated that they just put in a seawall 2 years ago and have sand in front of it.

Mr. Goff stated you have sand in front of it because you have groins there.

Mr. Lankford stated that they have sand in front of the seawall.

Mr. Goff stated that they could have a discussion as to if this proposal should include some low profile groins but that is why that sand is there. Generally on big water where there is significant wave energy you have long fetch so you can get pretty good size waves once in a while. If you have a seawall and do not have any type of groin to trap the sand the water will get deeper there.

Mr. Lankford stated a wooden seawall wouldn't be that bad. Its going to hit the side and go right back out. When he puts the riprap out there he is going to take half of our groins out.

Vice Chairman Davis asked if their seawall is more landward?

Mr. Lankford stated that it is even with Mr. Banes but once he goes out the waves will take out the groins.

Vice Chairman Davis stated that normally they have Mr. Jay Woodward from VMRC to speak and he is sure there is a report on this with VMRC's recommendation.

Mr. Lankford stated they have no objection to a wooden wall.

Mr. Bates stated that we established last meeting that VMRC prefers riprap because it absorbs energy, helps the living environment, and water pools.

Mr. Goff stated that we can have the discussion after we finish asking them questions.

Mrs. Lankford asked if this does happen since we never see this person, he never comes to this property. What is our recourse as things get destroyed or as these rocks get out in the water?

Mr. Goff stated this is when we would like to have VMRC here to tell us. He believes that the expectation is that if there is destruction the owner is responsible for removing any debris.

Mr. Woolard stated they are 500 lb rocks he is not sure what is going to move them.

Mr. Goff stated that he agreed they are not going to move.

Mrs. Lankford asked if they are 500 lb rocks what is going to fill in the gaps?

Mr. Woolard said that they will put down the smaller rock and then the bigger rocks go on top of that which is what has been recommended and they have adjusted for that. They wanted to make this a permanent so it doesn't effect anybody.

Mr. Lankford stated if they don't fill the boards up then the stone is going to wash out.

Mr. Woolard stated that it will be filled up.

Mr. Lankford stated that all they had on the paper was #2 riprap you do not have #1's on there. How long have you been doing rip rap?

Mr. Woolard stated that he is not the one doing the job he is representing the company and the permit and what is on here is what was recommended.

Mr. Goff stated that he believes the answer to their question is you would need to ask VMRC what the recourse would be if there is some destruction or debris. For example if you have a seawall and it falls apart he would have to remove the remains of that. That doesn't have anything to do with whether or not we approve it.

Mrs. Lankford is trying to figure out how all of these rocks are going to stay together if that is all that you are putting in.

Mr. Goff stated because they are heavy and that is what they do. They raised the concern at the last meeting when we had been to the site and looked. They raised the concern to the other gentleman about the size of the stone. And they updated the application accordingly. Jay Woodward from VMRC stated they should also be using the heavier stone. He doesn't believe it is going anywhere it is normal for Rip Rap to have that look. He is not sure what the fill is that you are wanting.

Mr. Lankford asked if they would have to get another permit to go down on the groin and put the 'T' on it?

Vice Chairman Davis asked if they were wanting to modify their existing groin?

Mrs. Lankford stated yes once he gets approved.

Mr. Lankford stated that he would like to but a 'T' out there to catch.

Vice Chairman Davis stated like a breakwater.

Mr. Goff stated that's why he was asking questions about their concern for loss of sand. If it is in front of the rip rap.

Mrs. Lankford stated she is not worried about his rip rap she is worried about their own property.

Mr. Goff stated that a groin might be the solution to that.

Vice Chairman Bates stated that they have an existing groin that they put in 4 or 5 years ago.

Mr. Goff asked if they were wanting to put a groin snug up to the property line?

Mr. Lankford asked if they put rip rap in there and he dies or whatever and we bought the property could we put a seawall in front of the rip rap?

Vice Chairman Davis stated he is not sure where that line is?

Mr. Goff stated that everything is in flux, the recommendations change, but in general this board has been amenable to proposals for seawalls, bulkheads, vertical armor when it is being built on or directly in front of the older seawall that is failing. That they have approved. He understands that they are saying if there is rip rap there.

Mr. Lankford stated if they bought the property they would like to take the rip rap out and put a seawall in.

Mr. Goff stated that he is speculating that there is a good chance they would accommodate.

Mrs. Lankford asked if they are saying that once rip rap goes there, it becomes permanent and no one can put a seawall in front of it, in your eyes, because you think rip rap does a better job.

Mr. Goff stated that Mr. Lankford just asked about replacing it and he said there is a good chance they would approve that.

Mrs. Lankford stated that yes they would approve it but earlier you had said that rip rap is a better product.

Mr. Bates stated that is what VMRC recommends.

Mr. Goff stated that what they really prefer is living shoreline but it's not feasible on open river.

Mr. Bates stated that there is a letter attached that talks about the living shoreline and it wouldn't work because it is north facing.

Mr. Goff stated that it seems what they are asking is if we approve this permit and someday you acquire that property would you be able to remove the existing rip rap with permission. All he can say is it is certainly a possibility. It is the distinction of a shoreline that has already been altered in an unnatural way. Rip rap and seawalls are both basically eliminating the natural shoreline and deepening the water. So the position would be similar to that of an existing seawall, if the seawall is failing and someone wants to remove it and replace it in the same footprint we have been ok with that.

Vice Chairman Davis stated that as long as he has been on the board he does not remember that someone has wanted to change the type of the revetment most of the time it is because the old one is failing.

Mr. Bates stated it all depends on how the question is asked. The answer would be no to putting a seawall in front of the rip rap.

Mr. Goff clarified that they asked for removing the rip rap and replacing it with a seawall continuous with yours.

Mrs. Lankford asked so you could not put a seawall in front of the rip rap.

Mr. Bates stated that is correct you cannot put it in front.

Mr. Goff stated that there would be a lot more resistance to that and this is all hypothetical because you have to go through the application process.

Mrs. Lankford stated that is why they showed up to get the questions answered.

Mr. Bates stated if you get into subaqueous bottom if you go 6' or in front of the existing rip rap, past low tide mark.

Mr. Goff stated that then it is not even jurisdictional.

Mrs. Lankford asked if you decide to approve this since all of the pictures in here are not of what kind of shape ours is in. Our end is not in any type of damage. She suggests they take it 40' from theirs and go down.

Mr. Lankford stated from their property line 40' over.

Mr. Goff stated they have noted that.

Mrs. Lankford stated if they are going to approve it for rock Mr. Banes would probably be ok with that because that would be less that he would have to replace.

Mr. Goff stated that they need to understand they will not dictate something like that. They are going to render a decision based on the application that is front of us.

Mrs. Lankford said that the other option would be could they have them put in a groin at the end of the property beside the rip rap.

Mr. Goff stated they would have to go through the application process.

Mrs. Lankford stated that this would not be themselves but Mr. Bane doing this.

Mr. Goff asked so you want a modification to the proposal. They will discuss it and he wishes that VMRC were there.

Mr. Goff asked to see the pictures to see the groin.

Mr. Goff and Mr. Lankford discussed the pictures and the height of the groin that he would like Mr. Bane to put in so that the water doesn't come up over it.

Mr. Woolard asked if this was something that could not be voted on tonight?

Mr. Goff stated that they would vote on it.

Vice Chairman Davis stated that they would discuss and ask questions.

Vice Chairman Davis stated that he and the board are not design experts. They take what is given to us and what falls within the regulations and it seems that VMRC is in favor of it. We are not here to dictate what the landowner can or cannot do. We can steer them right and make suggestions on the information given to them. They are not here to design.

Mr. Bates stated that they have an obligation to protect the tidal wetlands. When they do approve something it is not on them at all to protect neighbor or look at a design that would be harmful to a neighbor? He figures that neighbor question is on there for a reason. He does not have it totally clear why that is on there.

Mr. Goff stated that they could check the minutes but he asked Jay that with what is the significance of having neighbors object to it. What he took him to be saying is that they can take into consideration the substance of what the reasons are but it is just another factor that goes into whether they approve or not. We went to the site ahead of the last meeting and convinced the representative to go back to Mr. Bane and make sure he understood he did not have to do rip rap that he could do seawall. Since we thought he had been given some advice that maybe they wouldn't approve a seawall. We made it clear that we would approve a seawall when it is being built in the same footprint of an existing seawall. We allowed a month for him and he still wants to stick with the plan to put in the rip rap. We allowed the opportunity for him to adjust what he wanted.

Vice Chairman Davis stated that is accurate.

Mr. Goff stated that we have the email as well. He does not see any way in which this Rip rap, if that's what he wants and that's what he puts in there, he doesn't see where that is going to compromise the beaches to either side. If anything having that rip rap is going to act like a small groin and will catch some sand especially on the up river end of everything.

Vice Chairman Davis stated that with VMRC's recommendation they seem to be fine with it and we do want to take into consideration the neighbors. He favors with Mr. Goff on this where he does not think there is anything deliberate or obvious, it is just speculation, as to what is going to happen. But there is nothing obvious that is going to cause destruction. He owns a piece of property that he is trying to catch sand on and on the down river side his neighbor has rip rap, he does not know that it is detrimental to his property.

Mrs. Lankford asked if he had caught sand with that.

Vice Chairman Davis stated that they installed a groin and there were existing groins upstream already.

Mr. Bates asked if they put the groin in.

Vice Chairman Davis stated that yes they had.

Jeff Madden, with the Marine Resources Commission, apologized for being late he got stuck in traffic. He asked if there was anything he could do to shed light on to this he would be more than happy to. While he can't speak to the merits of the project he can speak to the processes if they have any questions.

Vice Chairman Davis stated he is the Vice Chairman presiding tonight.

Mr. Bates asked since the applicant has to check a box to notify the neighbors, we have an adjoining property owner that is extremely concerned with losing sand that is building up. They have a bulkhead wall and they are concerned about the riprap. Since that is on there do we have any responsibility to protect neighboring properties? How do we get past that if an adjoining property owner has a legitimate concern.

Mr. Madden stated that the Code of Virginia asks that the commission consider the adjacent property owners. It does not go any deeper than that. That is why it is important for the news ads, board, and staff to contact the adjacent property owners. VIMS has told them that when a living shoreline is not possible a revetment is a good fallback. A revetment will break up wave energy. Wave energy is directed across the face of a bulkhead if the wind comes in at an oblique angle the wave force will slide across. With a rip rap revetment it breaks up wave energy so you don't have the flanking effect that occurs in many bulkheads because the waves roll across to the unprotected area. They would most likely break up the wave energy as opposed to transferring to whatever property on either side.

Vice Chairman Davis stated that it is the opinion of the adjacent owner that it is going to cause some type of deterioration of their beach up river. Their beach must be improving since he knows they have put up a seawall there a few years ago. Since you have looked at this case the existing seawall is a failing seawall correct?

Mr. Madden stated yes.

Vice chairman Davis stated that your opinion and knowledge is appreciated on this and what you just stated.

Mr. Madden said it has nothing to do with the specifics of this case and he cannot stress the necessity of him not directing you all to a particular decision. It is the opinion of the Virginia Institute of Marine Science that a rip rap revetment will absorb wave energy rather than reflect it so the net impact would likely be less. The protestant does have an avenue, with the support of additional freeholders they can appeal the decision to the commission but they would need 25 freeholders to do so. An Applicant can appeal a wetlands board decision to the Marine Resources Commission, the commissioner himself can or 25 freeholders.

Mr. Bates asked if they determine freeholders as property owners or just other citizens.

Mr. Madden stated that it is any property owner in the county. Normally what they have gotten is a petition but for it to be considered they have to have an address so they could determine if they own the property or if they rent it. He apologized again for being late to everyone in the audience.

Mrs. Lankford asked what his name was again?

Mr. Madden stated that his name was Jeff Madden and that anyone wishing to speak should come to the podium as these are recorded.

Mr. Goff stated that the matter at hand is that they have a proposal to put rip rap in and we have neighbors objecting to it partly on the belief that they will lose sediment from their shoreline and partly because it is a change. It interrupts the continuous seawall. We did our part to try and accommodate and hear all voices a month ago, go through a cycle of feedback, and gave the applicant the opportunity to switch his proposal back to a seawall from a revetment. He has declined to do so. He does not have any reason to believe that there is going to be any loss of sand other than what is always lost when you armor a shoreline. If anything like Mr. Madden has said there could be less loss or even some accumulation on one side of it. As for the aesthetic part of he gets it but the property owner can decide his property.

Mr. Bates stated and rip rap is an acceptable practice.

Mr. Goff stated for a variety of reasons a revetment is preferred over a bulkhead, ecological reasons, dissipating the wave energy. This is a case where you already have an old armored shoreline and it has become what it is. He is normally the one that would say he doesn't want armament there unless there is a danger to property. He does not have a preference one way or another for seawall or revetment. Maybe slightly more the revetment but it is not for us. The question is he has applied to put in rip rap revetment and we take into consideration what the neighbors say about that. He does not see anything so severe that we should reject the proposal that he has put in rip rap. There is no compelling reason that we should ask the applicant to oblige and add a low profile groin on each end.

Mr. Bates stated he is not sure it is even in our purview.

Mr. Goff stated if up against the groin, he wouldn't expect it on the upriver side, maybe on the down river side, if that happens we would always approve an addition of a groin but he does not think they have substantive reason to oblige the applicant to do so.

Vice Chairman Davis stated that without further discussion they will bring it before the board for a vote.

Mr. Goff asked if they could provisionally allow for the applicant to put in a groin if he chooses to?

Mr. Bates said it is a good question.

Mr. Goff stated that they often ask for amendments to applications and we will vote and approve them with the understanding that those amendments will be added and submitted properly. He is asking if they can ask for an amendment to the application which simply says the construction could include two low-profile groins one on each end if the applicant choose to do it. Then we are putting it in his hands and maybe he would choose to do that as a gesture of goodwill.

Mr. Bates stated if we could do that then he wouldn't have to come back to us for approval for them.

Mr. Madden stated that is a good question. The board can approve a project, the board can deny a project, the board can approve a project in modified form. However, in his personal opinion he would think that the inclusion of a pretty significant structure that would effect the movement of sand along the shoreline would probably require additional notification in case other individuals want to discuss. In order for a groin to work effectively it will block the movement of sand down river.

Mr. Goff stated that they also don't know how close the nearest groins are. He withdraws the thought.

Mr. Bates stated that it is still a good thought.

Vice Chairman Davis stated that he doesn't think anything stronger than a suggestion can go there.

Mr. Goff made the motion to approve the application as presented.

Mr. Bates seconded.

AYES: 4 NAYES: 0 ABSENT: 2

From: bryan.macbros@gmail.com
To: [MRC - Jpa Permits; Woodward, Jay \(MRC\)](mailto:Jay.Woodward@mrc.virginia.gov)
Cc: ["Jeff Howeth"; "Nate"; "Kevin Goff"](mailto:jlhoweth@msn.com)
Subject: RE: Bane project, #23-1170
Date: Thursday, June 29, 2023 11:12:17 AM
Attachments: [image002.png](#)
[BANE LETTER OF EXPOSITION 6-29-23.docx](#)
[JEFF BANE 11d; FORT LOWRY LN, DUMFRIESVILLE, VA 22454_IPA DRAWINGS rev. 6-29-23.pdf](#)
[JEFF BANE IPA APPLICATION REV. 6-29-23.pdf](#)

Good morning Jay,

I was able to speak with Mr. Bane and he would like to move forward with the proposal for the armor stone revetment at this location citing that the armor stone would not need to be replaced in the future such as many bulkheads do. I've included a letter with that and more information about why the revetment was chosen.

I have revised the plan and profile drawings to better reflect the proposal of a class II armor stone or larger along with the revised application where there have been a few changes about details of the proposed project along with the fill area and material behind the walkway being larger than it was from my initial site visit.

Please let me know if any other information is needed at this time.

Thank you again, have a good morning.

Bryan McDearmon
Mac Bros, LLC
Cell: 804-517-6753
Email: bryan.macbros@gmail.com



From: Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>
Sent: Wednesday, June 21, 2023 8:33 AM
To: Bryan McDearmon (bryan.macbros@gmail.com) <bryan.macbros@gmail.com>
Cc: Jeff Howeth (jlhoweth@msn.com) <jlhoweth@msn.com>; Nate (nate_parker@hotmail.com) <nate_parker@hotmail.com>; Kevin Goff (kevinum@hotmail.com) <kevinum@hotmail.com>
Subject: Bane project, #23-1170

Bryan,

This is to let you know that BOTH adjacent property owners are protesting the proposed riprap at the Bane property. One of the concerns is that the stone is too small and I agree. On the open river

ADDITIONAL INFORMATION/REVISIONS Received by VMRC June 29, 2023 /bilh

like that site Class 1 at least is needed if you hope it to stay in place. I would get with your client and consider repairing the groins and going back with another bulkhead, like is the norm along that reach, or be prepared to defend the proposal as is. Since it needs both wetlands and VMRC approval it will be an uphill battle to get a revetment approved there. In any event, ALL of the derelict structures, old pier, groins, etc., will need to come out of river regardless of what is ultimately approved by the regulatory authorities, as they represent a public safety hazard that is on State bottom.

I will be at the meeting Thursday night and am planning to look at the site again with some board members beforehand (430ish) if you'd like to join us.

Thanks

Jay

Jay Woodward
Environmental Engineer, Sr.
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
Office (757) 247-8032
Mobile (757) 504-7009
jay.woodward@mrc.virginia.gov
Website www.mrc.virginia.gov

WATER IS LIFE



388 Scoggins Creek Trail
Hartfield, VA 23071
(804) 517-6753

6-28-2023

VIRGINIA MARINE RESOURCES COMMISSION
HABITAT MANAGEMENT DIVISION
JAY WOODWARD
ENVIRONMENTAL ENGINEER, SR.
380 FENWICK RD.
FT. MONROE, VA 23651

RE: 23-1170 Bane Proposed Armor Stone Revetment Project at 1142 Fort Lowry Ln. Dunnsville, VA

Dear Mr. Woodward,

For the proposed armor stone revetment at 1142 Fort Lowry Ln. Dunnsville, VA, an armor stone revetment was chosen for this project in order to provide a structure that will not need to be replaced in the future as so many bulkheads need to be. The proposed revetment would be comprised of larger stones weighing up to 500 pounds each. The structure should have no adverse effects on the neighboring properties, and if anything should provide protection from wave energy heading in either direction at those points. In addition, the revetment provides crevices and crannies for certain marine life to thrive in and creates safe habitat for said marine life.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan McDearmon', with a horizontal line extending to the right.

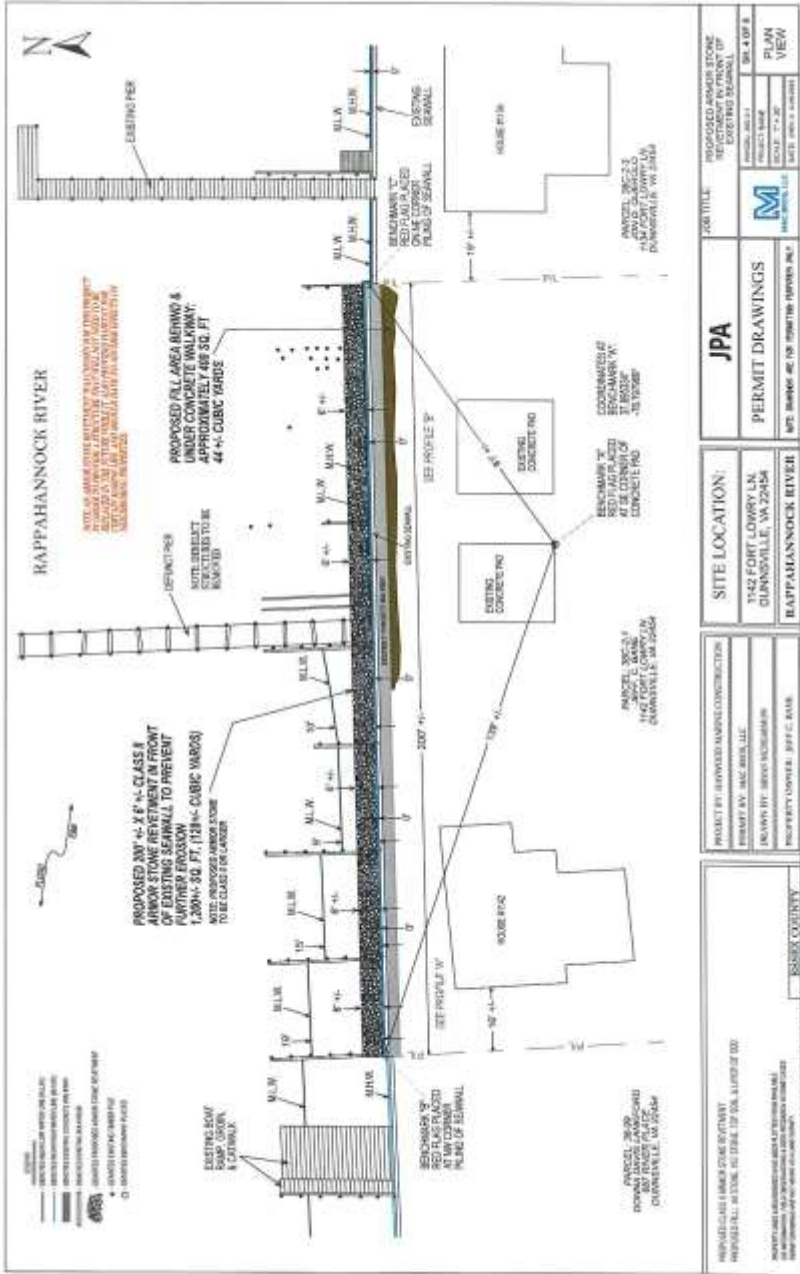
Bryan McDearmon
Mac Bros, LLC
388 Scoggins Creek Trail
Hartfield, VA 23071
bryan.macbros@gmail.com

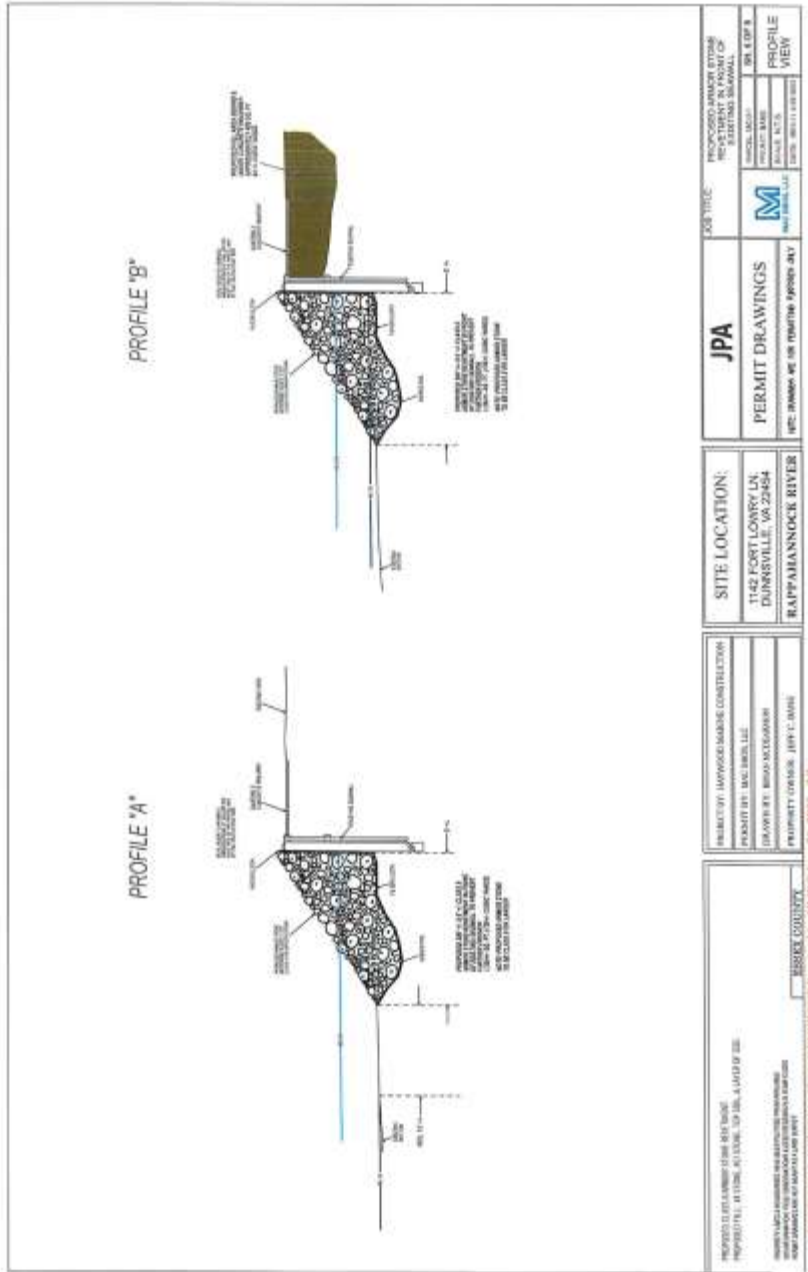
ADDITIONAL INFORMATION/REVISIONS Received by VMRC June 29, 2023 /blh



<p>PROJECT: 1142 FORT LOWMY LN, DUNNSVILLE, VA 22834</p> <p>PROJECT NO: 1142 FORT LOWMY LN, DUNNSVILLE, VA 22834</p> <p>PROJECT NAME: 1142 FORT LOWMY LN, DUNNSVILLE, VA 22834</p> <p>PROJECT OWNER: JPA</p> <p>PROJECT CONTACT: JERRY C. BOSE</p> <p>PROJECT ADDRESS: 1142 FORT LOWMY LN, DUNNSVILLE, VA 22834</p> <p>PROJECT PHONE: 540-226-1142</p> <p>PROJECT FAX: 540-226-1142</p> <p>PROJECT EMAIL: JERRY.C.BOSE@JPA.COM</p> <p>PROJECT WEBSITE: WWW.JPA.COM</p>	<p>PROJECT BY: HANWOOD ENGINEERING GROUP</p> <p>PROJECT NO: HANWOOD ENGINEERING GROUP</p> <p>PROJECT NAME: HANWOOD ENGINEERING GROUP</p> <p>PROJECT ADDRESS: HANWOOD ENGINEERING GROUP</p> <p>PROJECT PHONE: HANWOOD ENGINEERING GROUP</p> <p>PROJECT FAX: HANWOOD ENGINEERING GROUP</p> <p>PROJECT EMAIL: HANWOOD ENGINEERING GROUP</p> <p>PROJECT WEBSITE: HANWOOD ENGINEERING GROUP</p>	<p>PROJECT BY: HANWOOD ENGINEERING GROUP</p> <p>PROJECT NO: HANWOOD ENGINEERING GROUP</p> <p>PROJECT NAME: HANWOOD ENGINEERING GROUP</p> <p>PROJECT ADDRESS: HANWOOD ENGINEERING GROUP</p> <p>PROJECT PHONE: HANWOOD ENGINEERING GROUP</p> <p>PROJECT FAX: HANWOOD ENGINEERING GROUP</p> <p>PROJECT EMAIL: HANWOOD ENGINEERING GROUP</p> <p>PROJECT WEBSITE: HANWOOD ENGINEERING GROUP</p>	<p>PROJECT BY: HANWOOD ENGINEERING GROUP</p> <p>PROJECT NO: HANWOOD ENGINEERING GROUP</p> <p>PROJECT NAME: HANWOOD ENGINEERING GROUP</p> <p>PROJECT ADDRESS: HANWOOD ENGINEERING GROUP</p> <p>PROJECT PHONE: HANWOOD ENGINEERING GROUP</p> <p>PROJECT FAX: HANWOOD ENGINEERING GROUP</p> <p>PROJECT EMAIL: HANWOOD ENGINEERING GROUP</p> <p>PROJECT WEBSITE: HANWOOD ENGINEERING GROUP</p>
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ADDITIONAL INFORMATION/REVISIONS Received by VMRC, June 29, 2023. 156





ADDITIONAL INFORMATION/REVISIONS Received by VIMRC June 29, 2023 (6)

<p>PROPOSED BRIDGE OVER THE RIVER PROPERTY: WYWOOD MARINE CONSTRUCTION PERMIT BY: MICHIGAN LLC DRAWN BY: BRUCE KILGOREN PROPERTY OWNER: JPA CONSULTANTS</p>	<p>JPA</p> <p>PERMIT DRAWINGS</p> <p>1142 FORT LOWRY LN, DUNSMVILLE, VA 22654</p> <p>RAPPAHANNOCK RIVER</p>	<p>PROPOSED BRIDGE OVER THE RIVER PROPERTY: WYWOOD MARINE CONSTRUCTION PERMIT BY: MICHIGAN LLC DRAWN BY: BRUCE KILGOREN PROPERTY OWNER: JPA CONSULTANTS</p>
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- ❖ 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 # 23-1170

APPLICANTS
Part 1 – General Information

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

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ- VWP permit writer will be assigned)</i>				
County or City in which the project is located: <u>DUNNVILLE</u> <small>WATERWAYS BOARD</small>				
Waterway at project site: _____				
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/hib.html - or VIMS - http://ccrm.vims.edu/permits/newpermits.htm				
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:
 Jeff C. Bane Home () _____
 8220 Windmill Watch Dr. Suite 200 Work (804) 996-1943 _____
 Mechanicsville, VA 23116 Fax () _____
 Cell () _____
 e-mail 804 512-8218 _____
 State Corporation Commission Name and ID Number (if applicable) www.scc.state.va.us _____

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:
 Mac Bros, LLC Home () _____
 388 Scoggins Creek Trail Work () _____
 Hartfield, VA 23071 Fax () _____
 Cell (804) 617-6763 _____
 e-mail bryan.macbros@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.

Proposed armor stone revetment in front of existing seawall: 200' X 6' Size Class II or larger with a smaller inner layer and filter cloth underneath = 1,200+/- Sq. Ft. (128+/- cubic yards)

Proposed fill: 400+/- Sq. Ft. (44+/- Cubic Yards) of #4 stone, #57 stone and covered with a layer of top soil and grass seed planted on the top.

Project will be accessed by land using a dump truck through the yard and an excavator to place the stone.

Part 1 - General Information (continued)

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

Contractor's name* and complete mailing address:	Contact Information:
Haywood Marine Construction 16841 General Puller Hwy. Deltaville, VA 23043	Home () _____ Work () _____ Fax () _____ Cell () _____ email <u>va@hmarhaywood@yahoo.com</u>
State Corporation Commission Name and ID Number (if applicable) <u>00000000</u>	

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

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

Name and complete mailing address:	Telephone number
The Rappahannock Times 622 Charlotte ST Tappahannock, VA 22560	(804) 443-2200
***Please direct all billing to the applicant	

7. Give the following project location information:
- Street Address (911 address if available) 1142 Fort Lowry Ln.
- Lot/Block/Parcel# 38C-2-1
- Subdivision _____
- City / County Dumville (Essex County) ZIP Cod22454
- Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.886334° / -76.797969° (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.*

From Essex County Courthouse

Head southwest on Pines St toward N Church Ln/Tappahannock Blvd/Tidewater Trail

Turn left at the 1st cross street onto US-360 W/ Hwy 17 S/N Church Ln/Tappahannock Blvd/Tidewater Trail

Keep left to continue on Hwy 17 S

Turn left onto State Rte 61E

Turn right onto State Rte 64E

Destination will be on the right - 1142 Fort Lowry Ln Dumville, VA 22454

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

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.*
- There should be very little, if any grading required for the proposed project and no wetlands vegetation shall be impacted. Proposed access would be provided through the back of the lot using a dump truck and an excavator to place the stone with foot traffic being held to a minimum as well. All efforts to be made to cause as little disturbance to land as possible.
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.): \$25,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 17,000
13. Completion date of the proposed work: November 2024
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.
- JON & MARYLEE QUEROLO
MAILING: 2522 HEATH PLACE, RESTON, VA 20191-4224
PHYSICAL: 1134 FORT LOWRY LANE
38C/ 2/ 3
- DONNA DAVIS LANKFORD
MAILING: 4196 SPRING RUN RD, MECHANICSVILLE, VA 23116
PHYSICAL: 687 RIVER PLACE
38/ 99

Part 2 - Signatures

I. 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.

Jeff C. Bane

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)


Applicant's Signature

(Use if more than one applicant)

5/16/23
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Jeff C. Bane, hereby certify that I (we) have authorized Mac Bros, LLC
(Applicant's legal name(s)) (Agent's name(s))

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

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

[Signature]
(Agent's Signature) (Use if more than one agent)

5-9-23
(Date)

[Signature]
(Applicant's Signature) (Use if more than one applicant)

5/16/23
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Jeff C. Bane, have contracted Haywood Marine Construction
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated _____.

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

Contractor's name or name of firm 18841 General Puller Hwy. Dallas, VA 23043

Contractor's or firm's address 2705 130137

Contractor's License Number _____

(use if more than one applicant)

[Signature]
Applicant's signature

5/16/23
Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), JON & MARYLEE QUEROLO, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Jeff C. Bane
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

Adjacent/nearby property owner's signature(s)

Date

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

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), DONNA DAVIS LANKEFORD, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Jeff C. Bane
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

Adjacent/nearby property owner's signature(s)

Date

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



U.S. Army Corps
Of Engineers
Norfolk District

APPENDIX B

REGIONAL PERMIT 17 CHECKLIST

Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

- YES NO (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES NO (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
- YES NO (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?
- YES NO N/A (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?
- YES NO N/A (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES NO N/A (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?
- YES NO N/A (7) Is the open-sided roof structure designed to shelter a boat \leq 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier \leq 400 square feet?
- YES NO N/A (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12' in diameter, and will less than or equal to 25 piles be installed channelward of MHW?
- YES NO N/A (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES NO N/A (10) If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.
- YES NO (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES NO (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES NO (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES NO (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

Application Revised: October 2019

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ADDITIONAL INFORMATION/REVISIONS Received by VMRC June 29, 2023 /blh

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

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

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

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

Proposed work to be located at:

Signature of Property Owner(s) or Agent

Date _____

VMRC Number: _____

Application Revised: October 2019

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Part 3 – Appendices

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

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

1. Briefly describe your proposed project.

N/A

2. For private, noncommercial piers:

- Do you have an existing pier on your property? ___ Yes ___ No
If yes, will it be removed? ___ Yes ___ No
Is your lot platted to the mean low water shoreline? ___ Yes ___ No
What is the overall length of the proposed structure? _____ feet.
Channelward of Mean High Water? _____ feet.
Channelward of Mean Low Water? _____ feet.
What is the area of the piers and platforms that will be constructed over
Tidal non-vegetated wetlands _____ square feet.
Tidal vegetated wetlands _____ square feet.
Submerged lands _____ square feet.
What is the total size of any and all L- or T-head platforms? _____ sq. ft.
For boathouses, what is the overall size of the roof structure? _____ sq. ft.
Will your boathouse have sides? ___ Yes ___ No.

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 #
NA				

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:

The proposed impact area is approximately 0.03 acres.

Proposed armor stone revetment in front of existing seawall: 200' X 6' Size Class II or larger with a smaller inner layer and filter cloth underneath = 1,200+/- Sq. Ft. (128+/- cubic yards)

Proposed fill: 400+/- Sq. Ft. (44+/- Cubic Yards) of #4 stone, #57 stone and covered with a layer of top soil and grass seed planted on the top.

Project will be accessed by land using a dump truck through the yard and an excavator to place the stone.

A living shoreline was considered at this location, however the bank is facing to the north and there is a substantial amount of fetch with the wide-open footprint creating harsh conditions that would make it hard for the living shoreline to survive here.

2. What is the maximum encroachment channelward of mean high water?^A _____ feet.
Channelward of mean low water?^B _____ feet.
Channelward of the back edge of the dune or beach? _____ feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands _____ square feet
- Non-vegetated wetlands ⁸³⁸ _____ square feet
- Subaqueous bottom ³⁶⁴ _____ square feet
- Dune and/or beach _____ 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)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

N/A
2. What is the width of the waterway and/or wetlands to be crossed
from mean high water to mean high water (tidal waters)? _____ feet.
from mean low water to mean low water (tidal waters)? _____ feet.
from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.
3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? _____ square feet.
4. For overhead crossings:
 - a. What will be the height above mean high water? _____ feet.
 - b. If there are other overhead crossings in the area, what is the minimum height? _____ feet.
 - c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____
5. For buried crossings, what will be the depth below the substrate? _____ feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? ____ Yes ____ No.
6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____ Yes ____ No.

If yes, please provide the following:

- | | |
|---|-------------------|
| a. Amount of excavation in wetlands | _____ cubic yards |
| | _____ square feet |
| b. Amount of excavation in submerged land | _____ cubic yards |
| | _____ square feet |
| c. Amount of excavation in dune/beach | _____ cubic yards |
| | _____ square feet |
| d. Amount of fill in wetlands | _____ cubic yards |
| | _____ square feet |
| e. Amount of fill in submerged lands | _____ cubic yards |
| | _____ square feet |
| f. Amount of fill in dune/beach | _____ cubic yards |
| | _____ square feet |

Part 3 – Appendices (continued)

Appendix D: Aquaculture Related Structures such as cages and floats. Before completing this appendix, please review the aquaculture requirements summary at: http://mrs.virginia.gov/Shellfish_Aquaculture.shtm.

1. Will the activity be for commercial purposes? Yes No.

If Yes and structures will be placed upon an oyster ground lease, you may qualify for the VMRC General Permit #4 for Temporary Protective Enclosures for Shellfish. For more info see: http://www.mrc.virginia.gov/regulations/MRC_Scanned_Regs/Shellfish_Mix/fr1130_12-0107.pdf. If you qualify for the General Permit #4, or if such structures are proposed that are not on an oyster planting ground lease, or for floating structures of any kind, complete this Joint Permit Application and include the necessary information requested below in question 2 through 11.

If No, you may qualify for the VMRC General Permit #3, for Noncommercial Riparian Shellfish Growing (i.e. "Gardening") For more information see: http://www.mrc.virginia.gov/forms/VGP3_Aquaculture.doc.pdf. If you qualify for this general permit use the Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures available at https://mrc.virginia.gov/forms/2019/VGP3_Aquaculture_form_2019.pdf **do not use this Joint Permit Application.**

2. Will aquaculture structures be attached to an existing pier or other structure? Yes No.
3. The plat file # if proposed upon oyster planting ground lease(s). _____
4. The maximum area where enclosures are proposed. _____ square feet
5. The maximum number of enclosures being proposed to be deployed. _____
6. The species of shellfish to be cultured. _____
7. A detailed description of the enclosures to include width, length and height.
8. In addition to the requirements itemized in Part 4 Project Drawings, the following additional information must be included on your project drawings: A general description of the area within 500 feet of deployment area. Provide a drawing that depicts existing marine resources such as SAV, shellfish beds, fixed fishing devices, public grounds, piers, water depths at mean low water, tide range, and the minimum clearance at mean low tide over the enclosures.
9. Provide the date enclosures are proposed to be deployed _____. How will the structures be secured? _____

Part 3 – Appendices (continued)

10. List of all riparian land owners within 500 feet of the area where enclosures are proposed along with a map (tax map or other suitable map) depicting the locations of such parcels or riparian property owner acknowledgement forms signed by the riparian land owner with any comments concerning the enclosures deployment request.

N/A

11. Proof that the applicant holds a current oyster or clam aquaculture product owners permit, and verification that the applicant is in compliance with Mandatory Harvest Reporting requirements, and verification that the current years oyster ground rent is paid, if structures are proposed on an oyster ground lease.

Part 4 - Project Drawings

Plan view and cross-sectional view drawings are required for all projects. Application drawings do not need to be prepared by a professional draftsman, but they must be clear, accurate, and should be to an appropriate scale. If a scale is not used, all dimensions must be clearly depicted in the drawings. If available, a plat of the property should be included, with the existing and proposed structures clearly indicated. Distances from the proposed structure(s) to fixed points of reference (benchmarks) and to the adjacent property lines must be shown. A vicinity map (County road map, USGS Topographic map, etc.) must also be provided to show the location of the property. **NOTE:** The sample drawings have been included at the end of this section to provide guidance on the information required for different types of projects. Clear and accurate drawings are essential for project review and compliance determination. Incomplete or unclear drawings may cause delays in the processing of your application.

The following items must be included on ALL project drawings: (plan and cross-sectional, as appropriate)

- **name of project**
- **north arrow**
- **scale**
- **waterway name**
- **existing and proposed structures, labeled as such**
- **dimensions of proposed structures**
- **mean high water and mean low water lines**
- **all delineated wetlands and all surface waters on the site, including the Cowardin classification (i.e., emergent, scrub-shrub, or forested) for those surface waters (if applicable)**
- **limits of proposed impacts to surface waters, such as fill areas, riprap scour protection placement, and dredged areas, and the amount of such impacts in square feet and acres**
- **ebb/flood direction**
- **adjacent property lines and owner's name**
- **distances from proposed structures to fixed points of reference (benchmarks) and adjacent property lines**

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), JON & MARYLEE QUEROLO, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same curve as) the land of Jeff C. Bane
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 5/9/2023
(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)

6/6/2023
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.

* see attached letter!

Friday June 16, 2023

To whom it may concern:

Application to put rip rap at the Bane property/Ft. Lowry Lane, Dunnsville, VA

We are the adjacent owner to the south.

We object to the application for multiple reasons. We have asked Mr. Bane for years to repair, and now replace, the seawall as it is beyond help – and not put rip rap in. This property has been abandoned since hurricane Isabel and he has done nothing to maintain the property ever. The seawall is collapsing into the river, we now have an enormous sinkhole where our properties meet washing all the fill into the river. Debris from the seawalls (there are two), pier and jetties (plus from an abandoned/run down house) have been losing boards and debris for years into the water which is a hazard to boaters and bathers.

I have spoken to multiple contractors about rip rap at this location and it does not work:

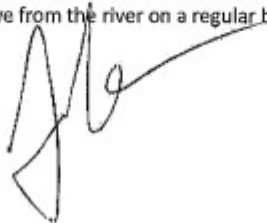
#1 "If your seawall is sagging, dipping, or bowing outward there's a good chance the seawall needs to be replaced. If you see indentations, pits or holes forming near the seawall, a breach in the wall may be allowing soil to drain through and into the water and the wall needs repair or replacement" – YES TO ALL!

#2 "Rip rap doesn't do much for adjacent flooding and may just be shifting the problem to adjacent properties."

#3 "Rip rap is most effective in areas with high velocity waters...if you live on a calmer body of water, a different type of seawall may be preferable."

#4 And finally, most importantly...rip rap is not indestructible and maintenance free. It requires supervision and monitoring to catch cracks and problems early to make repairs and adjustments. The owner of this property, Mr. Bane, is incapable of doing this. He never comes to check on his property, it is an eyesore and nuisance, and he cannot be counted on or trusted to maintain it. I have told him repeatedly to be a good neighbor, replace the seawall and I am fed up cleaning up his property and debris that I must monitor and remove from the river on a regular basis.

Jon & Marylee Querolo
1134 Fort Lowry Lane
703-585-4900



Kelly McKnight

From: Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>
Sent: Friday, June 16, 2023 9:21 AM
To: Donna Lankford
Cc: JON QUEROLO; Kelly McKnight; Jeff Howeth (jhoweth@msn.com)
Subject: RE: Application 20231170 Adjacent Property Owner

Donna,

Yes, we did receive your email, will consider it opposition to the request, am hereby forwarding it to the Essex County Wetlands Board. The neighbor on the other side, Mr. Querolo also has concerns, I sent him a link to the application and expect a written protest from him as well.

I will be asking the agent for more information in an attempt to resolve the concerns expressed.

Thank you,

Jay

Jay Woodward
Environmental Engineer, Sr.
Habitat Management Division
Virginia Marine Resources Commission
380 Fenwick Road
Fort Monroe, VA 23651
Office (757) 247-8032
Mobile (757) 504-7009
Jay.woodward@mrc.virginia.gov
Website www.mrc.virginia.gov

WATER IS LIFE

From: Donna Lankford <DLankford@VALOTTERY.COM>
Sent: Friday, June 16, 2023 8:24 AM
To: Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>
Subject: FW: Application 20231170 Adjacent Property Owner

I want to verify that you received my email from 6/14/23. I have not received anything saying it did not go through.

Thanks

Donna

From: Donna Lankford
Sent: Wednesday, June 14, 2023 1:48 PM
To: jay.woodward@mrc.virginia.gov
Subject: Application 20231170 Adjacent Property Owner

20231170 BANE, JEFF 05/18/2023 Paid Application Fees Revetment
Riprap Maintenance: 200 Linear |

I am an adjacent property owner of this application 20231170. First of all I was not notified by the submitter about this application. I did receive a letter from the Essex County Wetland Board saying they were holding a meeting to Approve this application on June 22, 2023 which I am unable to attend because I am out of town on vacation that week. I do object to this project of using Rip-Rap. The way this plan is designed it will erode my sand beach and the small rocks will not stay in place and will be all out in the water. Also, the plan calls for 6 foot out in the water in front of the existing seawall which will have a major impact on the shoreline of my property and will change the direction of the sand movement which will cause erosion to my beach. I would prefer a seawall of wood or vinyl for many reasons. It would be better to replace with the same existing type of seawall material, since it has proven to not destroy the shoreline, jetties, and sand movement. If the Rip-Rap is approved, it will destroy our beach and there will be rock everywhere in the water which will make it unusable without shoes. Also, the size of rocks that is propose in the application is too small to stay in place. The corner on our property will be destroyed since there is no way to wrap the corner with Rip-Rap. In addition, I do not like Rip-Rap because it draws snakes and increases the snakes population around the rock area. Also there is no Rip-Rap on any of the other properties that are near this property. The wall part next to our property is currently in decent shape. There is no evidence of leaking or eroding.

My contact information is:

Donna Lankford
804-240-4962
dlankford@valottery.com

Thanks for your help concerning this matter.
Donna Lankford

Donna Lankford | Business Applications Manager | Virginia Lottery
600 East Main Street, Richmond, VA 23219
PH: +1 804-692-7311
dlankford@valottery.com

From: bryan.machros@gmail.com
To: [MBC - Va Permits](#)
Cc: ["Sabrina Conway"](#)
Subject: JPA application package for Jeff Bane at 1142 Fort Lowry Ln., Dunnsville, VA 22454
Date: Thursday, May 18, 2023 8:08:37 AM
Attachments: [JEFF BANE 1142 FORT LOWRY LN, DUNNSVILLE, VA 22454 JPA DRAWINGS 5-9-23.pdf](#)
[JEFF BANE SIGNED JPA 5-16-23.pdf](#)
[Living Shoreline Letter Bane Project at 1142 Fort Lowry Ln.docx](#)

Good morning,

I have attached an application package for Jeff Bane at 1142 Fort Lowry Ln., Dunnsville, VA 22454

This site is on the Rappahannock River in Essex County.

The request is to place a proposed 200' +/- X 6' rip-rap revetment in front of the existing seawall to prevent further erosion and to fill in behind an area that is approximately 150 Sq. Ft. on the east side of the property to also prevent further erosion.

The coordinates at this location are 37.895334° and -76.797969°

****Please direct all billing or fees to the applicant (Jeff Bane at 8220 Windmill Watch Dr. Suite 200, Mechanicsville, VA 23116)***

Please let me know if anything else is needed or that may be helpful for this one.

Thank you, have a good morning.



388 Scoggins Creek Trail
Hartfield, VA 23071
(804) 517-6753

5-8-2023

VIRGINIA MARINE RESOURCES COMMISSION
HABITAT MANAGEMENT DIVISION
JAY WOODWARD
ENVIRONMENTAL ENGINEER, SR.
380 FENWICK RD.
FT. MONROE, VA 23651

RE: Bane project located at 1142 Fort Lowry Ln., Dunnsville, VA 22454

Dear Mr. Woodward,

In regards to the proposed shoreline project at 1142 Fort Lowry Ln., Dunnsville, VA 22454, a living shoreline was considered at this location, however the bank is facing north and there is approximately 1.5 miles of fetch to the closest river bank with the wide-open footprint creating such harsh conditions that would make it hard for the living shoreline to survive here. The proposed project proposes a new rip-rap revetment placed in front of the existing seawall with a small amount of fill behind the existing concrete walkway on the east side of the lot to prevent further erosion.

Thank you, please let me know if any additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan McDearmon', is written over a horizontal line.

Bryan McDearmon
Mac Bros, LLC
388 Scoggins Creek Trail
Hartfield, VA 23071
bryan.machtos@gmail.com

Received by VMRC May 18, 2023 /blh

Part I - General Information (continued)

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

Contractor's name* and complete mailing address:	Contact Information:
Haywood Marine Construction	Home () _____
16841 General Puller Hwy.	Work () _____
Deltaville, VA 23043	Fax () _____
	Cell (804) 815-3008
	email: maj@haywood9@yahoo.com

State Corporation Commission Name and ID Number (if applicable) 59826703

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

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

Name and complete mailing address:	Telephone number
The Rappahannock Times	(804) 643-2392
622 Charlotte ST	
Tappahannock, VA 22960	***Please direct all billing to the applicant

7. Give the following project location information:
- Street Address (911 address if available) 1142 Fort Loney Ln _____
- Lot/Block/Parcel# 38C-2-1 _____
- Subdivision _____
- City / County Kennettville (Essex County) ZIP Code 22494
- Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.693334° / -76.737068° (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.

From Essex County Courthouse
 Head southeast on Police St toward Ft Church Ln/Tappahannock Blvd/Tillemore Trail
 Turn left at the 1st cross street onto US-301 W/Hwy TT 5th Church Ln/Tappahannock Blvd/Tillemore Trail
 Keep left to continue on Hwy 17 S
 Turn left onto State Rte 616
 Turn right onto State Rte 646
 Destination will be on the right - 1142 Fort Loney Ln Deltaville, VA 23043

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

To protect property from further erosion and to fill in behind concrete walkway to prevent further erosion.

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.*
- There should be very little, if any grading required for the proposed project and no wetlands vegetation shall be impacted. Proposed access would be provided through the back of the lot using a small dump truck and a small to mid-size excavator to place the stone with foot traffic being held to a minimum as well. All efforts to be made to cause as little disturbance to land as possible.
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.): \$ 20,000
Approximate cost of that portion of the project that is channelward of mean low water: \$ 15,000
13. Completion date of the proposed work: 2000 - 2004
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.

JON & MARYLEE QUEROLO
MAILING: 2522 HEATH PLACE, RESTON, VA 20191-4224
PHYSICAL: 1134 FORT LOWRY LANE
38C/ 2/ 3

DONNA DAVIS LANKFORD
MAILING: 4196 SPRING RUN RD, MECHANICSVILLE, VA 23116
PHYSICAL: 687 RIVER PLACE
38/ 99

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.

Jeff C. Bane

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)


Applicant's Signature

(Use if more than one applicant)

5/16/23
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. *Applicants having agents (if applicable)*

CERTIFICATION OF AUTHORIZATION

I (we), Jeff C. Bone, hereby certify that I (we) have authorized Mac Bros, LLC
(Applicant's legal name(s)) (Agent's name(s))

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

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

[Signature] (Agent's Signature) (Use if more than one agent)

5-9-23 (Date)

[Signature] (Applicant's Signature) (Use if more than one applicant)

5/16/23 (Date)

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

CONTRACTOR ACKNOWLEDGEMENT

I (we), Jeff C. Bone, have contracted Haywood Marine Construction
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated _____.

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

Contractor's name or name of firm 16841 General Pullar Hwy, Delaville, VA 23043

Contractor's or firm's address 2705 130137

Contractor's signature and title _____ Contractor's License Number _____

[Signature] Applicant's signature (use if more than one applicant)

5/16/23 Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), DONNA DAVIS LANKFORD, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Jeff C. Bane,
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

Adjacent/nearby property owner's signature(s)

Date

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



388 Scoggins Creek Trail
Hartfield, VA 23071
(804) 517-6753

5-8-2023

VIRGINIA MARINE RESOURCES COMMISSION
HABITAT MANAGEMENT DIVISION
JAY WOODWARD
ENVIRONMENTAL ENGINEER, SR.
380 FENWICK RD.
FT. MONROE, VA 23651

RE: Bane project located at 1142 Fort Lowry Ln., Dunnsville, VA 22454

Dear Mr. Woodward,

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Thank you, please let me know if any additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan McDearmon', is written over a horizontal line.

Bryan McDearmon
Mac Bros, LLC
388 Scoggins Creek Trail
Hartfield, VA 23071
bryan.macbros@gmail.com

VMRC #23-1194 – Grant Ancarrow

Gina Vaughan

From: Bud Allen <allenwm@prodigy.net>
Sent: Tuesday, July 25, 2023 8:19 PM
To: Kelly McKnight
Cc: Grant Ancarrow
Subject: VMRC #23-1194 Ancarrow Boat Ramp

Dear Kelly McKnight,

Please advise the Essex County Wetlands Board that Mr. Grant Ancarrow wishes to withdraw his application to construct a boat ramp and launching pier on Haile Road along the Piscataway Creek at this time.

Thank you,

Bud Allen

Agent for Grant Ancarrow

NEW BUSINESS

None

OLD BUSINESS

None

ADJOURN

Having no further business, Vice Chairman Davis entertained a motion to adjourn. AYES: 4
NAYES: 0 ABSENT: 2

Vice Chairman – Bunky Davis