

Minutes
Essex County Wetlands Board
109 Cross St., Tappahannock, VA,
Meeting of September 28, 2023
6:00 PM

A meeting of the Essex County Wetlands Board was held on September 28, 2023, in the School Board Meeting Room at 109 Cross St., Tappahannock, Virginia, with the following present:

Present:

Jeff Howeth – Chairman
Nate Parker IV
Kevin Goff
Robbie Howeth
Barry Bates

Absent:

Bunky Davis

Also present:

Kelly McKnight, Planning and Zoning Office Manager
Jay Woodward, VMRC

CALL TO ORDER

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

ROLL CALL

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

AGENDA

Chairman Howeth stated that they only have one public hearing.

APPROVAL OF MINUTES

Chairman Howeth asked if there was a recommendation for approval of the minutes from the August 24, 2023, meeting.

Mr. Parker made a motion to approve the minutes. Mr. Bates seconded the motion. AYES: 5
NAYES: 0 ABSENT: 1

PUBLIC COMMENTS

None

PUBLIC HEARINGS

VMRC # 23-1907 – Gordon Fletcher

Roberto Cazares, 8362 NC HWY 41 W, Richlands, NC, representing Gordon Fletcher. They are proposing to construct two (2) low-profile timber groins, extending a maximum of 48 feet channelward of mean high water.

Chairman Howeth asked the question are you adding new groins, not replacing the groins? Mr. Cazares said “correct” they are adding new groins.

Chairman Howeth asked if his intent was to do the step effect or even line. Mr. Cazares said that it is the even line.

Mr. Woodward stated that he visited the site today and the tides were high but, in the recommendation, he would make sure it says low profile groins.

Chairman Howeth said that neither adjacent property owners objected to the project.

Chairman Howeth said to follow Mr. Woodward's recommendation to say low-profile groin.

Mr. Goff made the motion to approve two (2) low-profile groins.

Mr. Bates seconded it.

AYES: 5 NAYES:0 ABSENT:1

Kelly McKnight

From: Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>
Sent: Friday, August 25, 2023 1:28 PM
To: Roberto Cazares (rcazares07@gmail.com)
Cc: gfletch@aol.com; Kelly McKnight; Jeff Howeth (jlhoweth@msn.com); MRC - jpa Permits
Subject: VMRC #23-1907 Fletcher Groins, Rappahannock River, Essex County

Roberto,

We are in receipt of your application to construct two (2) low-profile timber groins, extending a maximum of 48 feet channelward of mean high water at property on the Rappahannock River at 151 Thornhill Lane in Essex County.

Please be advised that since your drawings indicate the groins will extend no more than 48 feet channelward of mean high water (MHW), are of low-profile design and you included a non-objection from both neighbors, the project will qualify for our VGP #2 general permits for groins once they are approved by the Essex County Wetlands Board.

I do note that the appendix indicates they will extend 72 feet beyond MHW, 57 feet beyond mean low water which contradicts your plan drawing. Please clarify and correct if necessary. The total length of the groins is not critical, but the channelward distance below MHW and MLW is.

Let me know if you have any questions.

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

Virginia Marine Resources Commission
Permit Application 20231907

Printed: Friday August 18, 2023 1:22 PM



Applicant: Gordon Fletcher
151 Thomhill Lane
Tappahannock, VA 22560

Application Number:	20231907	Engineer:	Jay Woodward
Application Date:	August 16, 2023	Locality:	Essex
Permit Type:		Waterway:	
Permit Status:	Pending	Expiration Date:	
Wetlands Board Action:		Public Hearing Date:	

Project Description: 2 Jetties

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
Gordon Fletcher Home () _____
151 Thomhill Lane Work () _____
Tappahannock VA 22560 Fax () _____
Cell (804) 466-2474
e-mail gfletch@aol.com
State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____
State Corporation Commission Name and ID Number (if applicable) _____
3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
Roberto Cazares Home () _____
8362 NC HWY 41 W Work () _____
Richlands, NC 28574 Fax () _____
Cell (252) 229-3862
e-mail rcazares07@gmail.com
State Corporation Commission Name and ID Number (if applicable) _____

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

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

Construction of (2) 48' jetties.

2x6-8" Wooden tongue and groove boards will be used for jetty. 3x10' whalers will be used for the project. 10-12" timber pilings will be used and driven at least half of exposed length.

Part 1 - General Information (continued)

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

Contractor's name* and complete mailing address:	Contact Information: Home () _____ Work () _____ Fax () _____ Cell () _____ email _____
State Corporation Commission Name and ID Number (if applicable) _____	

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

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

Name and complete mailing address: Rappahannock Record P.O Box 400 Kilmarnock VA 22482	Telephone number (804) 435-1701 _____
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7. Give the following project location information:

Street Address (911 address if available) 151 Thomhill Lane
 Lot/Block/Parcel# 32C 3 1
 Subdivision _____
 City / County Tappahannock/Essex ZIP Code 22560
 Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.94111 / -76.86926 (Example: 36.41600/-76.30733)

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

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

To protect land from eroding over time.

To help build sand on property.

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.*

Minimal Impact.No grading or clearing will be necessary for project.
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.): \$ 50,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 40,000
13. Completion date of the proposed work: Within 8 weeks after permit approval - _____
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.

32C 1 A
Owner: RIVERHOUSE ENTERPRISES LP
Address: 21 SOXBORO RD
ST LOUIS MISSO, RI 63124

32C 2 2
Owner: MARTIN ELIZABETH J
Co-Owner: MARTIN PATRICK J R/S
Address P O BOX 190
TAPPAHANNOCK, VA 22560

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.

Gordon W. Fletcher, Jr
Applicant's Legal Name (printed/typed)

Hilda A. Fletcher
(Use if more than one applicant)

Gordon W. Fletcher, Jr
Applicant's Signature

Hilda A. Fletcher
(Use if more than one applicant)

July 27, 2023
Date

Gordon W. Fletcher, Jr
Property Owner's Legal Name (printed/typed)
(If different from Applicant)

Hilda A. Fletcher
(Use if more than one owner)

Gordon W. Fletcher, Jr
Property Owner's Signature

Hilda A. Fletcher
(Use if more than one owner)

July 27, 2023
Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we) Boston W. Fletcher hereby certify that I (we) have authorized A. Kelly Construction
(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.

Robert
(Agent's Signature)

(Use if more than one agent)

August 15th 2023

(Date)
Boston W. Fletcher, Jr
(Applicant's Signature)

Boston W. Fletcher
(Use if more than one applicant)

July 29, 2023
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

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

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

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), PATRICK J. MARTIN SR, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Gordon W. Fletcher
(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.

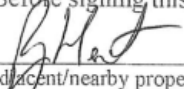
I HAVE NO COMMENT _____ ABOUT THE PROJECT.

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)

7-27-2023
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.

Received by VMRC August 16, 2023 /blh



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


Received by VMRC August 16, 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.


 Signature of Property Owner(s) or Agent

Date July 27, 2023
 Application Revised: October 2019

Proposed work to be located at:

VMRC Number: _____

Received by VMRC August 16, 2023 /blh

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.**

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 #

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:

Construction of (2) 48' jetties.

2x6-8" Wooden tongue and groove boards will be used for jetty. 3x10' whalers will be used for the project. 10-12" timber pilings will be used and driven at least half of exposed length.

*8/27 Update

Previous appendix stated total encroachment for both groins not maximum encroachment.

2. What is the maximum encroachment channelward of mean high water? ³⁸ _____ feet.
Channelward of mean low water? ²⁷ _____ feet.
Channelward of the back edge of the dune or beach? ¹² _____ feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands $\frac{0}{\quad}$ square feet
- Non-vegetated wetlands $\frac{0}{\quad}$ square feet
- Subaqueous bottom $\frac{74}{\quad}$ square feet
- Dune and/or beach $\frac{22}{\quad}$ square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? ____ Yes ^x ____ 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 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.

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

Construction of (2) 48' jetties.

2x6-8" Wooden tongue and groove boards will be used for jetty. 3x10' whalers will be used for the project. 10-12" timber pilings will be used and driven at least half of exposed length.

2. What is the maximum encroachment channelward of mean high water? ⁷⁴_____ feet.
Channelward of mean low water? ⁵⁷_____ feet.
Channelward of the back edge of the dune or beach? ²²_____ feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands $\frac{0}{\quad}$ square feet
- Non-vegetated wetlands $\frac{0}{\quad}$ square feet
- Subaqueous bottom $\frac{74}{\quad}$ square feet
- Dune and/or beach $\frac{22}{\quad}$ 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?

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://mrc.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? _____.

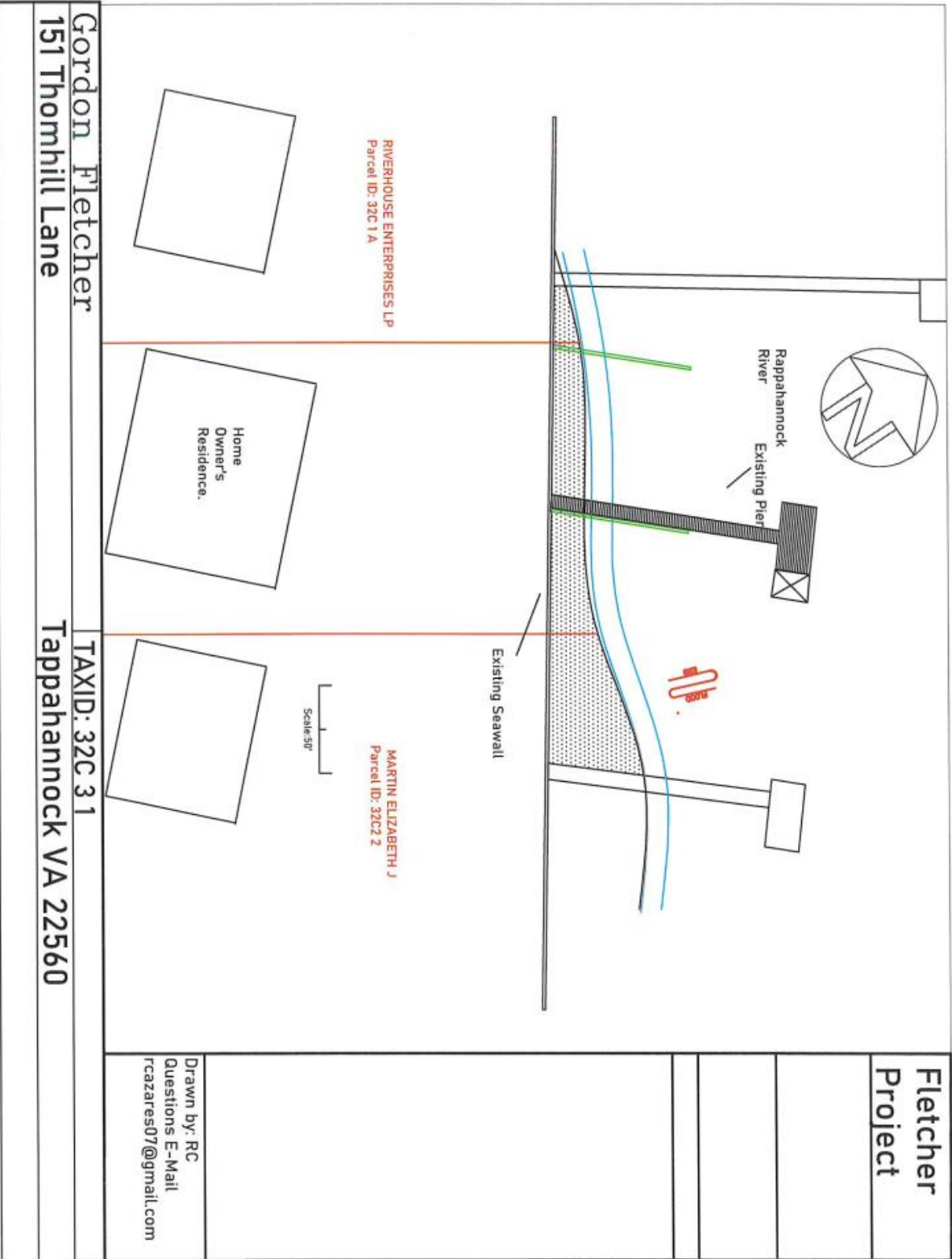
Part 3 – Appendices (continued)

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.

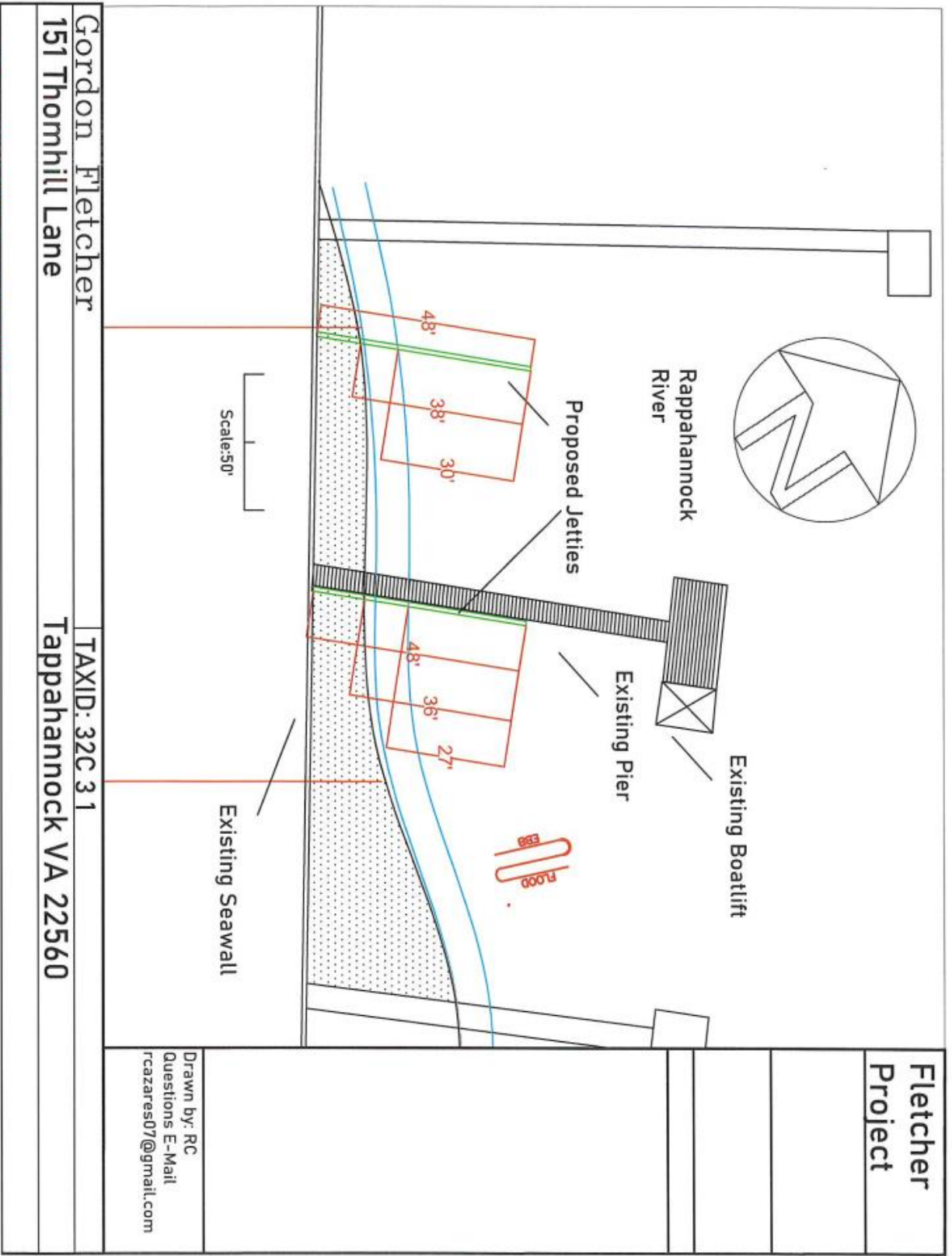
11. Proof that the applicant holds a current oyster or clam aquaculture product owners permit, and verification that the applicant is in compliance with Mandatory Harvest Reporting requirements, and verification that the current years oyster ground rent is paid, if structures are proposed on an oyster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



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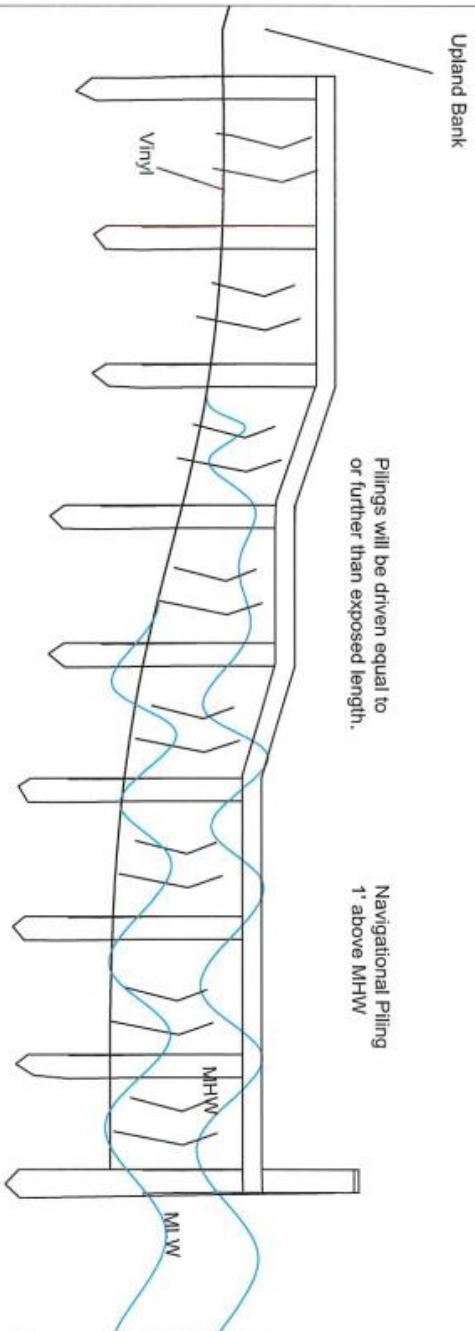
Gordon Fletcher
151 Thomhill Lane

TAXID: 32C 31
Tappahannock VA 22560

Fletcher
Project

Drawn by: RC
Questions E-Mail
rcazares07@gmail.com

**Fletcher
Project**



Drawn by: RC
Questions E-Mail
rcazaras07@gmail.com

Gordon Fletcher
151 Thomhill Lane

TAXID: 32C 3 1
Tappahannock VA 22560



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Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of Gordon + Hilda Fletcher.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated JUL 27, 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)

JUL 27 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.

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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 # 23-1907

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

Kelly McKnight

From: Woodward, Jay (MRC) <Jay.Woodward@mrc.virginia.gov>
Sent: Friday, August 18, 2023 10:47 AM
To: Roberto Cazares (rcazares07@gmail.com)
Cc: Kelly McKnight; Jeff Howeth (jlhoweth@msn.com)
Subject: VMRC #23-1907 Fletcher groins ("jetties")

Roberto,
Drawings show 48 feet long from mean high water but appendix says 74 feet? In order to get the free, fast general permit they can't be any longer than 48' MHW. **Please clarify and correct as needed.**
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

From: [Roberto Cazares](#)
To: [MRC - Ipa Permits](#)
Subject: Gordon Fletcher Tappahannock Essex County
Date: Wednesday, August 16, 2023 6:59:19 AM
Attachments: [Gordon FletcherSubmission.pdf](#)

Submitting proposal for 2 48' jetty groins in Tappahannock on behalf of Gordon Fletcher.

-Roberto Cazares

NEW BUSINESS

There will not be a meeting in November due to the Thanksgiving Holiday. The next meeting will be on December 7, 2023. After that the next meeting will be in January at the regular date and time.

OLD BUSINESS

VMRC #23-1509 – Sherry Bryant

Chairman Howeth said that where we left off at the last meeting was with more than one question. The questions were we in limits of jurisdiction because the drawings didn't say where

we were and second question, how far out in front of the concrete culvert? Some of the board members have either gone out to the site or have seen pictures. Chairman Howeth said that with the 36" old style well size culvert, one needs disrepair unless there is something under the pier that we can't see, and the little ones are missing entirely and one or two are busted up. Chairman Howeth said that the discussion led to where we would like to see the vinyl seawall tucked in to as tight as it can be to what is there.

Chairman Howeth stated that Roberto Cazares did this one as well.

Roberto Cazares said that he updated the drawings a lot and apologized for not being at the previous meeting. He said that he was in Texas and was trying to do this over the phone. Some of the board members visited the site even though he was not there. Roberto said that tidal waters always touched the culvert. Roberto had notes but he wasn't aware of the culvert in front of the main ones, so he didn't include them in the previous drawings. The updated drawings do include them. Roberto said that the contractor is planning on removing them, so they won't even be in the equation. The contractor will use a sledge hammer and remove them from the water. The vinyl seawall will go directly in front of it. Roberto said that in the notes and drawings he stated 2 feet, but it is actually not going to be that. It is going to be immediately in front.

Chairman Howeth said he thinks 12 inches would be reasonable and that would make everyone happy, and it doesn't matter if you show all the little ones or not. He said you can write typ for typical on the drawings.

Chairman Howeth asked the board if there was anything else.

Mr. Goff asked the question of the discussion of the fill, and it is sand fill. He also said he was making the case that we have the authority that 2 feet or less doesn't affect jurisdiction.

Chairman Howeth stated that we got what we wanted and has asserted jurisdiction.

Jay Woodward (inaudible)

Mr. Goff made a motion to approve the revisions of the drawings to show the secondary culvert structures that are dilapidated will be removed. The new vinyl sea wall will be no more than a foot in front of the primary culvert structures that are there and will be back filled with sand.

Mr. Parker seconded.

AYES: 5 NAYES:0 Absent 1

VMRC #23-1001 – Kim Southerland

Chairman Howeth said that the application was approved based on Bunky making a motion and all voted on the revised drawings. There was a discrepancy statement made to allow purchase of wetlands credits from some other place and if you recall the story was there was a drainfield

line was 10 feet behind the old bulkhead. Chairman Howeth went to look at it and it was under a foot and half of water, so he sent it to Ernie Sadler to a Safe, Adequate, and proper and sent that to the health department for their review. When the health department went down there it turned out that there was no drainfield there.

Mr. Woodward visited the site.

Chairman Howeth said that Ms. Havens has done what she was asked to do.

Chairman Howeth said Ms. Havens has raised a good question as to whether we should have a discussion if we should have that type of mitigation. The story in the past tried to minimize as much and then use as little square footage and make it on the site. Chairman Howeth said that the world has changed and there are credits out there and you should plan on this, and I don't think that we will get to it until January but maybe do a little research on it ourselves and we should have a thoughtful conversation in the coming months where someone can actually buy tidal credits.

Mr. Goff said here is my first question ...Where is the pressure coming from to even raise the question of mitigation? Was there any real wetland here? It's a plant or two not anything remotely to high quality wetlands as defined in the regulations. Mr. Goff states that he is a spirit of the law not a letter of the law. Why are we getting into mitigation in the first place unless there is something that we are genuinely concerned with.

Jay Woodward (inaudible not at the microphone)

Mr. Woodward said that most boards such as Middlesex charge a fee of 50 cents per sq foot, and some boards do not charge anything. Mr. Woodward said it's up to the board whether they want to charge.

Mr. Goff said there was a case about four years ago that he was supposed to be taking a stand on and a guy bought a piece of property that a sea wall had failed and then the plants started growing. VMRCs position vegetative or not we have a wall that has failed and water behind it and a wetland was created. Whether it is vegetative or not we have an obligation to ask for mitigation.

Jay Woodward (inaudible not at the microphone)

Mr. Goff asked the question so the only option for mitigation is mitigation bank? If a seawall failed and wasn't repaired in any timely manner resulted suddenly a new jurisdiction tract and if a wall is put up then there is a loss, so we have to demand compensation for that loss.

Mr. Woodward said that there are a lot of nontidal mitigation banks.

Jay Woodward (inaudible not at the microphone)

Mr. Howeth said the case that Bud Allen had a boat ramp a month ago showed where he showed pictures of, and it may come back before the board again. Some days we never get to zero in the past we have gotten it down to 10 square feet and if it didn't, we would dig up 10 square feet from the bank and produce its elevation down, stick some plants in it and we will never look at it again. All I am suggesting is that we don't change our methodology in how we review theses just to add one more plug in the bag of golf clubs that says if somebody can't physically dig it down, they need 10 square feet would we consider it. Right now, we don't allow considering it.

Mr. Goff said that we have never considered it so in the guidelines ideally its onsite if not ones right within the local watershed we can. The last resort is to go to the mitigation bank which is a really good thing and I think the right answer is we are willing to entertain that if that's the only option. The Southerland case is called for and we should be requiring some kind of mitigation. I'm ok with the mitigation bank.

Chairman Howeth said that we have never done this before in the past. We were asked many years ago by Randy to create the mitigation fund and the county administrator then which I think was Gary Allen or it could have been someone else, but they said no. It just dies right there, and I never agreed with that. Now we have different administration and thinking of the board. We may want to revisit that as an option. This is not a discussion we will solve tonight. This discussion will take six months between us to try to figure it out because you asked a very good question and if we get it, we will have to plan it in pecking order on how we would have to utilize it. Chairman Howeth says he agrees that it needs to be the last choice. Just because you can go in that river system to see where these banks around where you can buy credit on the Eastern Shore doesn't do us any good.

Mr. Goff said that he thought the banks already existed.

Chairman Howeth said that Nate has a spot underneath the bridge that he can turn into a wetland bank. I said this is when the county was thinking about buying that piece of land and we could have half a million. We could make a little bit of money if the county turned it into a bank.

Jay Woodward (inaudible)

Jay Woodward said that the Southerland's after seeing the revised drawings they are at zero wetland impact. It is really out of your jurisdiction.

Chairman Howeth said that it was in our jurisdiction but its not. Southerland was pushing the issue of just buying credits in the bank and filling it all the way out to the bulkhead and we didn't agree with everything that was said to what was there, but the thought of a bank is a good thought. It wasn't my opinion only. It wasn't a good application. We said to revise the drawing to zero. The thought was I'm going to buy credits somewhere else. I'm going to fill all

this in. It is what we have never done before. The applicant has revised, and we have already approved it. They revised it to zero.

Jat Woodward (inaudible)

Mr. Goff asked the question, "Are we having a conversation?"

Mr. Parker said that this is a long conversation we have had but much needed. Mr. Parker said that he appreciated what Kevin said and he agrees with what everyone has said, and Mr. Parker also agrees it is the last option.

Chairman Howeth said that there are two more meetings this year, one the end of October and the other December 7 and that is it until the end of January. Chairman Howeth said that as of the meeting tonight the documents have not been received from Flournoy and that if not received within the next five hours, he has missed the deadline. Chairman Howeth said that there is an active violation, and we will take that up in October. The board has done everything they can do. We need to do all we can for the citizens. We have to do what we are supposed to do. Chairman Howeth said that he is putting the board on notice that he is taking it up in October. Chairman Howeth also said by the end of January or February he wants the board to take time to do research on mitigation banks.

ADJOURN

Having no further business, Mr. Bates made a motion to adjourn. Mr. Parker seconded the motion. AYES: 5 NAYES: 0 ABSENT: 1

Jeffrey Howeth, Chairman