

STAFFORD COUNTY
Wetlands Board Minutes
August 15, 2011

The regular monthly meeting of the Stafford County Wetlands Board of August 15, 2011, was called to order at 7:00 p.m. by Wetlands Board staff in the ABC Conference Room.

MEMBERS PRESENT: Mary Rust, Ben Rudasill, Andy Pineau and Jim Riutta

MEMBERS ABSENT: Sam Hess

STAFF PRESENT: Amber Forestier, Mike Lott and Aisha Medina

PUBLIC PRESENTATIONS:

Mrs. Rust: Are there any public presentations? Seeing that there are no public presentations, we move to approve these meeting minutes from May 16, 2011.

APPROVAL OF MEETING MINUTES

1. May 16, 2011.

Mr. Pineau: So moved.

Mrs. Rust: Is there a second?

Mr. Rudasill: So moved.

Mrs. Rust: All in favor?

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. Motion carries. The next item on the agenda is the public hearing for Wetlands Permit WB11-09, a wetlands permit for Ben Allen to construct a rip rap revetment approximately 125 feet in length with associated grading on assessor's parcel 49-24A on Potomac River. Would staff present the report please?

PUBLIC HEARINGS

2. Wetlands Permit WB11-09 – A wetlands permit for Ben Allen to construct a riprap revetment approximately 125 feet in length with associated grading on Assessor's Parcel 49-24A, Potomac River.

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Ms. Forestier: The proposed riprap bank protection requires a beaches and dunes permit as it is not a permitted use pursuant to Section 27A-3 of the Stafford County Coastal Primary Sand Dunes Ordinance entitled "Permitted uses and activities on primary dunes." The purpose of this project is to provide improved shoreline erosion control and protection. The Wetlands Board staff visited the site on several occasions to review the proposed project, most recently on July 27, 2011. The property is located east of Marlborough Point Road along the Potomac River. The topography of the parcel is relatively flat and slopes gently towards a bluff along the Potomac River where there is a drop of approximately twenty-four (24) feet down to the river. An existing retaining wall is located at the top of the slope. In addition, there is a sea wall and groin system located along the shoreline on the beach that failed in 2003 during Hurricane Isabel. Continued erosion of the bluff is evident where a portion of the slope near the southern end of the property has collapsed during more recent storms. The location of the proposed riprap revetment and how it would tie into the existing breakwater on the adjacent parcel to the north was reviewed. The proposed riprap revetment would extend approximately 125 feet along the shoreline. The existing bank would be re-graded to a gentler 2:1 slope. In addition, to improve drainage on the property, an upland portion of the property above the bluff will also be re-graded. This includes grading to allow a two level staircase to be built for future pier. Total grading will be approximately 12,000 square feet and will require some permits through the Planning Department for grading. The toe of the riprap revetment will be placed at the upland limit of the beach. A mixture of Class I and II stone will be used for the revetment with the larger material to be used for the toe and the smaller pieces put in behind it. The remnants of the existing sea wall will be broken up and used as core material within the riprap revetment. Filter cloth will be placed underneath the entire revetment. It will extend up the slope to a height of approximately six (6) feet. In the area of the stairs the riprap is proposed to extend further back to protect the pilings, as indicated on the third sheet of the site plan. I believe it is actually the cross section that was shown is actually the section underneath the staircase. So it is a little bit longer of a section instead of the short along the slope. The slope above the riprap revetment, as well as the Resource Protection Area (RPA) located above the bluff, will be replanted with appropriate vegetation according to the replanting schedule included with the plans, which may be changed over time depending on what is available as well when the replanting occurs. The following alternatives are available to the Board; 1) Adopt proposed resolution WB10-09 which approves the request with conditions. 2) Adopt proposed resolution WB10-10 which denies the request. 3) Or take no action at this time and defer to the next meeting for more information or whatever you request. Staff recommends approval of the revetment as proposed. The proposed project will serve a dual purpose by stabilizing the shoreline and decreasing erosion. Shoreline protection is justified in this location given the continuing erosion of the bank. Also, there is quite a large fetch at this point so there are going to be some large waves whether they like it or not. The beach will be protected to the maximum extent possible by placing the toe of the revetment at the landward limit of the beach. Impacts to beach will be limited to approximately 250 square feet. There will be no impacts to tidal wetlands.

Mrs. Rust: The public hearing is now open. Would the Applicant come up and address the Board please.

Applicant: Yes. We've actually been looking forward to this for a long time. We started the whole process last August or so. What going on is we are really losing large chunks of actual dirt falling down to the river and it has just gotten worse over the last three years. I guess the major circumstance which precipitated all of this was Hurricane Isabel and that wiped out the existing dock and pier and everything associated there and the staircase as well. The dock itself is a steel structure, it's still solid and that is going to be a future project but we really want to get the bank stabilized as soon as possible.

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Everything that we've heard from VMRC, from Mike Lott and Amber, who have been very helpful, it seems like we are about ready to go.

Mrs. Rust: Would anyone else like to comment on the application? The public hearing is now closed. The floor is now open for discussion of the application by the Board.

Mr. Rudasill: I have seen that property many, many times through the years and obviously this needs to be done. My only question would be the, talking about right now this phase of the construction is doing all the stone work and the grading and whatnot, not intentions of putting the steps or anything in and do that later? The reason I ask that is because if you look at these pictures, it is hard to drive a piling through rip rap and it's just seems like a wise thing having put them in now even if you're not going to hook everything up.

Applicant: Right and that's going to be taken into consideration. Originally, and of course we are going off of a budget, a dock, pier, the stairway out and the stairway down the bank was going to be a future project. We wanted to get it all in the plans now because it is my understanding that we can... out them in the plans not and have it approved, then we can extend these plans future dated so we can then do the staircase and the dock without having to go through this process again. Now I do know that it would be easier to do the structure, put the poles in first and we are going to look at that. We are going to talk to a contractor and if it fits in the budget right now, we are going to do that. I've been told by multiple people that because we are using the larger side of the class 2, I guess it goes up to 1500 pounds. So we will be using the larger size. I have heard from multiple sources that it could see a problem but it is very feasible to do with the equipment that they have. All of the work that is going to be done is going to be done by barge so it will be... they will have their cranes and whatever they use and I was assured that it really won't be a problem in the long run to do that. I have never done it myself so I can't tell you yes or no.

Mr. Rudasill: Okay.

Mrs. Rust: And I have a question. This is probably more curiosity than anything else because it says that you are going down three feet at the toe, when you're putting your rip rap in, the three feet going down, I mean, that was recommended because of the depth of the water or because... Did they give you a reason for the three foot?

Applicant: It was recommended by the County and b other sources.

Mrs. Rust: Okay, I was just curious. It's going to be there for a while.

Applicant: I would really like it to be there for a long time, yeah.

Mrs. Rust: That's pretty...

Applicant: And it is a very high impact area, like it was mentioned before.

Mrs. Forestier: I think it is also a two to one slope so they are doing it a bit more angled so it's going to make it more stable on the base.

Applicant: Right.

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Mrs. Forestier: Plus the boulders are huge as Dan just pointed out.

Mrs. Rust: Anything else? Is there a motion for approval?

Mr. Rudasill: I make a motion we approve WB11-09.

Mr. Pineau: I second.

Mr. Rust: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. Motion carries. Is there any old business that we need to discuss? Having none, let's continue to new business.

OLD BUSINESS

None

NEW BUSINESS

3. Presentation on Living Shorelines by VMRC

Mrs. Rust: A presentation on living shore lines.

Mr. Bacon: Amber, can I come up there if you don't mind?

Mrs. Forestier: Yes.

Dan Bacon: You guys are the first ones for me to do this, the first ones period for me to do this presentation. What we have here... I figured we would do this tonight since it just rolled off the press last week. Here's what's going on, the living shoreline is a development of a General and Permit and Integrated Guidance pursuant to Senate Bill 964. Senate Bill 964 is a bill to amend and reenact state section 28.2-1100 of the Code of Virginia by adding sections numbered 15.2-2223.2 and 28.2-104.1, relating to Marine Resources Commission; Virginia Institute of Marine Science; coastal resource management. Senate Bill 964 does six important things: 1. Defines Living Shorelines; 2. Requires VMRC to develop a general permit; 3. Encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines; 4. Requires VMRC to develop integrated guidance for the management of tidal shoreline systems; 5. Requires Tidewater localities to incorporate the guidance developed by VIMS into their comprehensive plans starting with the first scheduled review beginning in 2013; and 6. Requires VIMS to develop comprehensive coastal resource management guidance by 12/30/2012. A living shoreline means: a shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. § 28.2-104.1. Living shorelines; development of general permit; guidance under general powers and duties. General permit and guidance will apply to Title 28.2 of the Code of Virginia: Chapter 12 (Submerged Lands), Chapter 13 (Wetlands), and Chapter 14 (Sand Dunes and Beaches). Legislation requires implementation of a General Permit. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia

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Institute of Marine Science, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation. Given the jurisdictions involved in shoreline management, it is easy to understand why DCR (Chesapeake Bay Act) needs to be involved in the development of the general permit and guidance. It is also clear why the general permit and the guidance will need to be consistent with Corps of Engineers regulations and laws if it is going to be useful. Local wetlands boards will clearly be impacted by the general permit and integrated guidance. Therefore we are asking each board for input during the development process. This slide shows what would likely be considered a living shoreline project and you can see how it involved multiple regulatory jurisdictions. Stone sill is on submerged land; fill and vegetative plantings are in the wetlands; grading of the bank involved the Chesapeake Bay Preservation Area, VMRC, Wetlands Board, Corps, and the Chesapeake Bay Preservation Act. There are several issues to consider regarding developing a general permit. Must keep in mind that the permit must provide an incentive. Should be broad enough to be useful but not so broad that it would adversely affect management or become complex to administer. It's possible there could be different general permits or even a tiered general permit process. The placement of some fill to support the planting of wetlands vegetation. The placement of coir logs to control minor undercutting of the bank and to protect the toe of a planted marsh fringe. The coir log will deteriorate over time and the goal is to establish a marsh fringe for erosion control before the log deteriorates. In more exposed locations a riprap can still be used to protect the toe of an eroding marsh fringe. This approach involved the construction of a riprap sill with the placement of sand landward of the sill to support the planting of a wetland fringe. This is similar to the previous approach but also included the grading of the steep bank landward of the wetland area to a manageable and stable slope. The bank grading involved the Chesapeake Bay Preservation area. The largest scale of living shoreline structure involves the construction of near shore riprap breakwaters. As the complexity and scope of a living shoreline project increases from simple vegetative planting to a riprap breakwater system, there is generally a corresponding increase in cost, need for technical assistance, and potential adverse impacts on the environment and neighboring shorelines. The legislation also requires VMRC to develop integrated guidance. The guidance will also be developed in coordination with DCR and with technical assistance from VIMS. The Guidance shall: Support living shoreline approaches as the preferred alternative; Identify preferred shoreline management approaches for a variety of shoreline types; explain the risks and benefits of various shoreline options; Recommend procedures to increase efficiency and effectiveness among the regulatory entities involved in a shoreline management project. For both the general permit and the integrated guidance the legislation states we will cooperate with the Department of Conservation and Recreation and utilize technical assistance provided by VIMS. We will also consult with the Corps of Engineers. We also plan to seek Wetlands Board input and will likely utilize an ad-hoc committee. The general permit will likely be routed through our Habitat Management Committee before we advertise for public comment and take the matter before the Commission at a public hearing.

Mr. Pineau: Did we have new business?

Mrs. Forestier: This was new business.

Mrs. Rust: This was new business.

Mr. Pineau: Oh, okay. You had Paul Scott pier.

Mrs. Forestier: Oh yes, I forgot about those completely.

Mr. Rudasill: Oh that new business.

Mrs. Forestier: Thank you. Well it's not really new business. It is a continuation of new business.

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4. Review of recently submitted applications

VMRC# 11-0559	Stafford County – Poplar Road (non-tidal)
VMRC# 11-0587	Kay Cashman – Driveway (non-tidal)
VMRC# 11-0855	Mine Run, LLC- Hampton Run (non-tidal)
VMRC# 11-0919	Paul Scott- Pier (tidal)

Mrs. Forestier: Reviewing recently submitted applications, not many. We had three non-tidal applications for driveways and basically crossings with roads and one for a pier, which is by right for us but I think it needs a permit through VMRC because of its size. That's all for new business.

ADJOURNMENT

Mrs. Rust: Is there a motion for adjournment?

Mr. Rudasill: I make a motion we adjourn.

Mr. Pineau: I second.

Mrs. Rust: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye

Mrs. Rust: Aye. Motion carries

The meeting adjourned at 7:55 PM.