

STAFFORD COUNTY
Wetlands Board Minutes
June 17, 2013

The regular monthly meeting of the Stafford County Wetlands Board of June 17, 2013, was called to order at 7:00 p.m. by Wetlands Board Chairman, Jim Riutta, in the Board Chambers of the County Administration Center.

MEMBERS PRESENT: Jim Riutta, Mary Rust, Sam Hess, and Andy Pineau

MEMBERS ABSENT: Ben Rudasill

STAFF PRESENT: Amber Forestier and Stacie Stinnette

A. Call to Order

Chairman Riutta called the meeting to order at 7:00 p.m.

B. Roll Call

C. Determination of a Quorum

Mr. Riutta stated there were four members in attendance which was a quorum.

D. Public Presentations

Mr. Riutta opened the public presentations. With no one coming forward to speak, the public presentations were closed.

E. **APPROVAL OF MEETING MINUTES**

Mr. Riutta stated as there were no meeting minutes to approve, they would begin the public hearing.

F. **PUBLIC HEARINGS**

1. Wetlands Permit WB13-03 - A wetlands permit for Todd Rogers and the Aquia Harbour Property Owners Association, applicants, to dredge approximately 1350 square feet of tidal wetlands adjacent to Assessor's Parcel 21B-2286, Aquia Channel.

Mrs. Forestier stated this was discussed at the last two meetings. Mr. Rogers lived right off the channel and it was an area where there was a creek that came in and had a lot of silt basically. The proposed dredging required a wetlands permit as it was not a permitted use. She stated the purpose of this project was to allow homeowner access to Aquia Channel and to slow further siltation of the channel. Mrs. Forestier stated the Wetlands Board staff visited the site to review the proposed project. The Rodgers property was located in Aquia Harbour at the end of Foresail Court, which was already in the floodplain because it was very low out there. She stated the access to the shoreline was along an approximately 150-foot long boardwalk and, in the aerial views, the area to be dredged was to the right of Mr. Rodgers' pier. A creek ran near the property line within a parcel owned by the Aquia Property Owners Association. Mrs. Forestier stated that over the last 10 years or so a massive amount of silt had been deposited along the shoreline in front of this creek, impeding Mr. Rogers' access to the water, as well as possibly narrowing the existing channel for other boaters. The aerials also showed that, along with the silt being

Wetlands Board Minutes
June 17, 2013

deposited, the creek channel outlet had moved over the 10 year period as well. She stated that the silt had created a large area of mud-flats within the tidal zone, and some vegetation was visible on the spit. The entire area was considered to be tidal wetlands and mitigation must be required for impacts. She stated that as this project did not propose a structure, staff had applied the in-lieu fee charge of \$7.30 per square foot of tidal wetlands impacts, which applied to less-environmentally damaging shoreline projects. Mrs. Forestier stated that the original application for dredging was for over 4,000 square feet of impacts, so staff worked with the applicants and VMRC to try and minimize the impacts and cost, while maximizing the results. The application being presented today included only 1,350 square feet of tidal impacts, which resulted in an in-lieu fee of \$9,855. She stated that the proposed dredging was planned to be completed during the already permitted dredging of the main channels within Aquia Harbour. The Army Corps of Engineers had suggested that the applicants try to control the silt with a sediment basin in the uplands, before it gets to the channel. She stated a permit from VMRC would be required for the portion of the application which proposed dredging of the subaqueous bottom. She stated she did not believe that they had completed that portion yet. Mrs. Forestier stated the following alternatives were available to the Board: adopt proposed Resolution WB13-03 which approved the request with conditions; adopt proposed Resolution WB13-04 which denied the request; or take no action at this time. She stated that staff recommended approval of the dredging application as proposed. The amount of dredging proposed was the minimum necessary to allow for safe access and to limit siltation of the channel.

Mr. Riutta opened the public hearing. He asked if the applicant or the contract would like to address the Board. Mrs. Forestier stated that Mr. Rogers was supposed to make it but he was in another meeting and did not know if he would make it in time. Mr. Riutta asked if anyone else would like to comment on the application. With no one coming forward, Mr. Riutta closed the public hearing. He stated the floor was now open for discussion of the application by the Board.

Mr. Hess asked if Mr. Rogers was up to paying the \$9,850. Mrs. Forestier stated the Aquia Property Owners Association voted to cover that for him because they were co-applicants. Technically the silt was coming from their property.

Ms. Rust stated she knew the Corps had already brought it up about addressing the silt, she asked if there were any recommendations as to how that would be addressed.

Mrs. Forestier stated he was already talking to them about that because they do not want to pay this again. The main problem with the siltation was that most of it, they believed, was caused by a violation that happened way upstream, behind the harbor where there was a big car storage lot/junk yard and at some point they actually cleared a whole area to put more cars in but did not put in any erosion and sediment control. She stated they sent someone out and they made the junk yard put up all the erosion and sediment control back in 2004 or 2005. She stated she thought the majority of that was from that; it had changed a little over time but nowhere near as bad.

Mr. Hess stated they recommended some more things and asked what they were. He stated it said the Army Corps of Engineers suggested the applicant try to control the silt and asked if that had been done. Mrs. Forestier stated no but Mr. Rogers was discussing it with the Property Owners Association. Apparently there was a new manager. Mr. Riutta asked if that would need to come before the Board as well. Mrs. Forestier stated no, that would be the Army Corps of Engineers and DEQ. Mr. Hess stated so the Harbour was going to take care of that. Mrs. Forestier stated they should. They had a permit for dredging the channels and was not sure how long it would last for. Mr. Hess stated they had maintenance dredging. Mrs. Forestier agreed. She stated he wanted to do a lot more further back towards the shoreline but they limited it so that he could get to his dock. It did not impede the travel because it was on a curve.

Wetlands Board Minutes
June 17, 2013

Ms. Rust asked what would happen to the boat traffic when they start dredging? Mr. Hess stated nothing. Mrs. Forestier stated they would just bucket it up and put it on a barge. They had an approved off-loading site and an approved storage area as well. Mr. Riutta asked if that would be paid before any dredging would take place. Mrs. Forestier stated the payment would be made before the permit would be issued. And then they might have enough money in their in lieu fee fund to do something. Mr. Hess asked how much was in that fund. Mrs. Forestier stated she could not remember; she thought it was under \$1,000. She stated you could only use it for tidal wetlands mitigation projects. Ms. Rust stated they could use it to educate people. Mrs. Forestier stated she would have to discuss that. Ms. Creed stated it was designed to replace inkind mitigation. She stated it was kind of a gray area. The intent was to create wetlands taken away. But, you could justify how you would want to use it but that was sort of a risk factor. Mr. Hess asked if it had to stay in that pot, if it could be diverted to something else in the County. Mrs. Forestier stated no, that it was in its own fund. She stated they could probably do something educational in the sense that maybe they find a spot where they could try and create vegetated wetlands and have people come out and help do it so that they could learn how to do it. Mr. Hess suggested somewhere around Government Island. Mrs. Forestier stated they could look and see if they could find some spots.

Mr. Riutta asked if there was any further discussion needed. Hearing none, he asked if there was a motion for approval. Mr. Pineau made the motion to approve, Ms. Rust seconded. The motion passed 4-0.

G. OLD BUSINESS

Mr. Riutta asked if there was any old business to discuss. Hearing none, he moved on to new business and asked staff to present their report.

H. NEW BUSINESS

2. Wetlands Permit WB13-05 - An extension of wetlands permit WB12-05 for Jeffrey Scott to construct a bulkhead with a riprap toe approximately 128 feet in length on Assessor's Parcel 49-37E, Potomac Creek.

Mrs. Forestier stated it was a very short report. Basically they had an email request from the applicant dated February 15, 2013, requesting an extension. They requested the extension prior to the expiration date; we did not have a meeting last month so it went past that date. She stated they approved the application on May 21, 2012, and Wetlands Board Permit Number 12-05 was approved after two tries. She stated they were just recommending that they get an extension for this. She thought they did two years on it just in case because she thought there might be some issues about how it was built. Mrs. Forestier stated she took a look at it today and would have to go out and take another look at it and measure things. She stated they needed to have a permit in play that she could refer to for that situation as well. They received an email today from Mr. Scott asking that they approve the extension for the permit, that they were not quite done yet on the project. The applicant still had an active building permit.

Mr. Riutta opened the floor for discussion of the request by the Board. Ms. Rust asked if it was 70% complete. Mrs. Forestier stated there was not adequate rip-rap in front of it at all yet and she thought it was probably 70% complete. She stated they had not stabilized the soil fill behind it. Ms. Rust asked if the plan was to leave all the rubble that was existing in place. Mrs. Forestier stated he took that out and it was supposed to leave more space for the plants to grow. She stated it was actually pretty vegetated out there again, that it seemed to have filled in quite nicely. There had not been any big storms yet so she did not know what the bulkhead would do when the storms would come in with the waves. Ms. Rust asked if there was action from the water that was coming off of the property. Mrs. Forestier stated what they did

***Wetlands Board Minutes
June 17, 2013***

was hit a spring when they were putting in their well, and they could not stop it from flowing. When she went out there a few times there was water flowing across the yard, but they got that to stop somehow. Mr. Riutta asked if there were any repercussions if they did not build to what was originally permitted. Mrs. Forestier stated yes, that it was a violation of a permit. They would have to go out and look at it and see. She stated she was not called for inspections before the tiebacks were filled in and she still had to get them to dig that out and look at it also. That had happened on almost every bulkhead. Mr. Riutta thought they would increase their mitigation fund. Mrs. Forestier stated that was a different matter; violations were different and there were possible civil charges that they could place on violations. Ms. Rust asked Mrs. Forestier if, when she went out, would the contractor be there, the same contractor that was at the meeting. Mrs. Forestier stated it was not being built by him, that it was built by a gentleman named Dameron out of Fredericksburg.

Mr. Riutta asked if any further discussion was needed. Hearing none, he asked if there was a motion for approval. Mr. Hess made a motion to approve and Mr. Pineau seconded. The motion passed 3-0 with Ms. Rust abstaining.

3. Review of recently submitted applications.

VMRC# 13-0227	Celebrate VA Corporate Campus I (non-tidal)
VMRC# 13-0228	Celebrate VA Corporate Campus II (non-tidal)
VMRC# 13-0229	Del Webb (non-tidal)
VMRC# 13-0230	Silver Celebrate VA Golf (non-tidal)
VMRC# 13-0248	Summit Infrastructure Group (non-tidal)
VMRC# 13-0363	Poplar Estates Sec 1 (bifurcation)
VMRC# 13-0397	Preston Hummer (boat lift and roof)
VMRC# 13-0640	Barry Johnson (pier)
VMRC# 13-0641	Decatur Estates (non-tidal)
VMRC# 13-0775	Garrisonville Landing (non-tidal)
VMRC# 13-0822	McLane Freezer Expansion (non-tidal)
VMRC# 13-0836	Stafford Co. Mountain View Road Phase II (non-tidal)

Mrs. Forestier briefly went through the recently submitted applications.

I. CHAIRMAN'S REPORT

Mr. Riutta stated he had no report.

J. STAFF REPORT

Mrs. Forestier stated she had nothing to report.

K. ADJOURNMENT

Mr. Hess made a motion to adjourn, seconded by Ms. Rust. The motion passed 4-0.

With no further business to discuss, the meeting was adjourned at 7:20 p.m.