

STAFFORD COUNTY WETLANDS BOARD MINUTES
January 13, 2015

The regular monthly meeting of the Stafford County Wetlands Board of January 13, 2015 was called to order at 7:00 p.m. by Environmental Planner, Amber Forestier in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT:

STAFF PRESENT: Amber Forestier and Denise Knighting

GUEST PRESENT: Mark Eversole, Virginia Marine Resources Commission

ROLL CALL

Mrs. Forestier did roll call and all members were present. She asked if there were any public presentations. With no one coming forward she moved on to the election of officers. She asked for nominations for Chairman.

PUBLIC PRESENTATIONS

None

ELECTION OF OFFICERS

- a. Election of Chairman

Mr. Hess made a motion to nominate Mr. Riutta as Chairman.

Mr. Rudasill seconded.

With no other nominations, Mrs. Forestier called for the vote. The motion passed 5 to 0.

- b. Election of Vice Chairman

Mr. Riutta opened the floor for nominations for Vice Chairman.

Mr. Rudasill nominated Andy Pineau.

Mrs. Rust seconded.

With no other nominations, Mr. Riutta called for the vote. The motion passed 5 to 0.

APPROVAL OF MEETING MINUTES

November 17, 2014

Mr. Riutta asked if there were any comments on the minutes as presented. Hearing none he asked for a motion.

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Mr. Pineau made a motion to approve the minutes.

Mr. Rudasill seconded the motion.

The motion passed 5 to 0.

PUBLIC HEARINGS

1. Wetlands Permit WB14-09(WB15-01) – A wetlands permit for CSX Transportation, Inc., applicant, to impact tidal wetlands with the construction of a 550 foot long section of a riprap revetment within the Potomac River and a new railway bridge spanning Chopawamsic Creek, within the CSX Right of Way.

Mrs. Forestier presented the staff report and stated the Board was to consider the updated application of CSX Transportation, Inc., applicant, to construct a 550 foot long section of a riprap revetment within the Potomac River with impacts to tidal wetlands and a section of a riprap revetment associated with a new railway bridge spanning Chopawamsic Creek, within the CSX Right of Way. The riprap revetments require a wetlands permit as they are not permitted uses pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled “Permitted Uses”. The stated purpose of this project is to construct a third rail from Arkendale to Powell’s Creek. A public hearing on this application was previously scheduled to be held on December 15th, 2014. However the applicant supplied additional information on the Chopawamsic Bridge crossing prior to the hearing that required that the application be re-advertised. As this is a new hearing, staff will present the entire project again. The CSX right of way encompasses the existing rail lines passing through Stafford County. In 2010, a joint permit application was submitted by the Virginia Railway Express for the wetlands impacts associated with the construction of a third rail through Prince William and Stafford counties, up to the Arkendale area of Widewater. As a State project exempt from local review, the impacts were subsequently permitted in 2011 at the State and Federal level. The permit was transferred from Virginia Railway Express to CSX Transportation, Inc. on March 5, 2014. The State Attorney General’s office made the determination that the project was no longer classified as a State project and needed additional approval at the local level. In addition, they determined that the Stafford and Prince William County Wetlands Boards had jurisdiction over tidal wetlands on the Quantico Marine Corps Base. Actually there are two letters explaining the request, including a specific description of the project was provided by CSX and is included as attachment 2. The request includes two parts: 1) the construction of a 550 foot long section of a riprap revetment within the Potomac River with impacts to 2,751 square feet of tidal wetlands. The plan shows that a temporary cause way will be constructed within the same footprint to allow for construction of the third rail and a retaining wall. The causeway will be removed after construction and the permanent riprap revetment will be put in place. This portion of the project will require the payment of in-lieu fees in the amount of \$7.44 per square foot of impacts. The proposed resolution contains the condition that the riprap revetment shall be constructed in the location shown on the approved plans, dated November 11, 2014 and that an in-lieu fee in the amount of \$20,467.44 shall be paid prior to issuance of this permit. As the riprap revetment will only be complete after all other construction associated with the third rail is complete, staff has only included a final inspection to the resolution. 2) A new railway bridge spanning Chopawamsic Creek within the Quantico Marine Corps base which will have impacts to 225 square feet of tidal wetlands, with the construction of riprap revetments below the new bridge abutments. The proposed resolution contains the condition that the riprap revetment shall be constructed in the location shown on the approved plans, dated December 5, 2014 and that an in-lieu fee in the amount of \$1,674.00 shall be paid prior to issuance of this permit. As the riprap revetment will only be complete after all other construction

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associated with the third rail is complete, staff has only included a final inspection to this part of the resolution as well. The following alternatives are available to the Board: Adopt proposed Resolution WB14-09 renumbered WB15-01, as we are in another year, which approves the request with conditions. Or adopt proposed Resolution WB14-10, now WB15-02, which denies the request. Or take no action at this time and defer this case to a future meeting. Staff recommends approval of the riprap revetments associated with the proposed bridge and retaining wall as proposed. The application has already received permits from all the other relevant agencies and has ensured that all of the impacts in the Potomac River are minimized by constructing a retaining wall to support the third rail and using a section of riprap to protect it from erosion.

Mr. Riutta opened the public hearing. With no one coming forward to speak the public hearing was closed and brought back to the Board for discussion.

Mr. Hess asked if this Board was the only approval left.

Mrs. Forestier stated they miscalculated their impacts and had to resubmit drawings. She stated she thought impacts were increased with the Virginia Marine Resources Commission, so they have to modify some of the permits. She stated she was not sure about the Army Corps of Engineers.

Mr. Hess asked if Prince William County Wetlands Board had approved the project.

Mr. Eversole stated they did before Christmas.

Mr. Riutta stated he would assume placing the third rail towards the water was the most cost effective.

Mrs. Forestier stated she believed that had more to do with the location of the CSX existing right-of-way and the location of the other two rail lines.

Mr. Rudasill made a motion to approve with conditions.

Mr. Hess seconded.

The motion passes 5 to 0.

OLD BUSINESS

None

NEW BUSINESS

2. Review of recently submitted applications:

VMRC 14-1668

Shelton Knolls

Mrs. Forestier stated only one application had been submitted which was VMRC 14-1668 for Shelton Knolls Subdivision. She stated it had impacts to non-tidal wetlands and the Board did not have jurisdiction over it.

CHAIRMAN'S REPORT

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Mr. Riutta stated he had no report and asked staff to present their report.

STAFF REPORT

Mrs. Forestier stated because the regular February meeting date was on a county holiday the Board would have to set a date for the February meeting. She stated she did not think any Wetlands Board applications would be ready, but they may have to meet at the Chesapeake Bay Board for a training session with someone from the State. She stated it was approved by the Board of Supervisors and this Board was now officially the Chesapeake Bay Board, the Beaches and Dune Board and the Wetlands Board. She stated changes would need to be done to some of the guidelines also. She spoke with Daniel Moore, the representative with DEQ, about some basic training on the Chesapeake Bay Regulations. She stated that could be as part of a meeting or a special training session.

Mr. Riutta asked how long the training session might be.

Mrs. Forestier stated a few hours and the training session could also be held on a weekend if that would work with the Board and Mr. Moore.

Mr. Pineau asked if that would be in lieu of the President's Day Monday.

Mrs. Forestier stated a date should be set on the calendar if a meeting was required. She suggested setting the meeting date for the next Wetlands Board meeting as Tuesday, February 17, 2015.

Ms. Knighting stated that was a Board of Supervisors meeting date and the Board Chambers would not be available.

Mrs. Forestier stated she would look at the availability of the ABC conference room for February 17, 2015 for an evening training.

ADJOURNMENT

Mr. Pineau made a motion to adjourn.

Mr. Hess seconded.

The motion passed 5 to 0.

With no further business to discuss, the meeting was adjourned at 7:17 p.m.