

STAFFORD COUNTY
WETLANDS BOARD MINUTES
August 17, 2015

The regular monthly meeting of the Stafford County Wetlands Board of August 17, 2015, was called to order at 7:05 p.m. by Wetlands Board Chairman Jim Riutta in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Ben Rudasill

STAFF PRESENT: Amber Forestier and Denise Knighting

GUEST PRESENT: Jeffrey Madden, Virginia Marine Resources Commission

ROLL CALL

Mr. Riutta called roll and it was determined there was a quorum with four members present. He asked if there were any public presentations. With no one coming forward he moved on to the approval of minutes.

PUBLIC PRESENTATIONS

None

APPROVAL OF MEETING MINUTES

1. January 13, 2015

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

Mr. Hess made a motion to approve the minutes.

Mr. Pineau seconded the motion.

The motion passed 4 to 0 (Mr. Ruadsill was absent).

PUBLIC HEARINGS

2. Wetlands Permit WB15-03 – A wetlands permit for Aquia Harbour Property Owners Association, Inc., applicant, to dredge approximately 4,160 square feet of tidal wetlands with Aquia Creek and Aquia Channel.

Mrs. Forestier presented the staff report. She stated the proposed dredging requires a wetlands permit as it is not a permitted use pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled “Permitted Uses”. The purpose of this project is to remove accumulated sediment from navigable waters in order to allow boat access to Aquia Channel and Aquia Creek. She stated in 2006, the Aquia Harbour Property Owners Association applied for dredging permits

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with VMRC 06-0209 and eventually obtained permits from VMRC and the Army Corps of Engineers. The original permit did not include any areas of tidal wetlands impacts, and therefore did not require a Wetlands Board permit. This application includes additional spot dredging of areas within the Creek and Channel which were not included in the original application. There are eight proposed sites for additional dredging with this application, and only five of them have tidal impacts. Staff has included sheets from the dredging plan that show the locations of the five sites, as well as aerial views of each site from 2014. Plan sheet four indicates the locations where dredging in tidal wetlands will occur. These are labelled D2, D3, D4, D5 and D8. The table on the right of the sheet lists the intertidal impacts totaling 4,160 square feet. There has been an ongoing issue with siltation in Aquia Creek and Aquia Channel for at least the last ten years. The silt has created large areas of mud-flats within the tidal zone. The entire area is therefore considered to be tidal wetlands and mitigation must be required for impacts. As this project does not propose any kind of structure, staff has applied the in-lieu fee charge of \$7.44 per square foot of tidal wetlands impacts, which applies to less-environmentally damaging shoreline projects. The application being presented today includes a total of 4,160 square feet of tidal impacts, which results in an in-lieu fee of \$30,950.40. The proposed dredging in tidal wetlands is planned to be completed during the already permitted dredging of the main channels within Aquia Harbour. The Army Corps of Engineers has stated that the proposed additional dredging falls under the original permit and additional permitting from the Corps is not required. A permit from VMRC will be required for the additional portions of the application which proposes dredging of the subaqueous bottom. She stated the following alternatives were available to the Board: Adopt proposed Resolution WB15-03 which approves the request with conditions. Or adopt proposed Resolution WB15-04 which denies the request or take no action at this time and defer it to a later meeting. She stated staff recommends approval of the dredging application as proposed. The amount of dredging within tidal wetlands has been minimized and avoidance has been applied to the greatest extent feasible while allowing for adequate channels for boat passage.

James Irre stated he was the President and sole proprietor of Passage Creek Environmental and he was speaking on behalf of the applicant. He stated he would be happy to answer any questions the Board might have. He stated because of the concise report presented by staff left him with little to say as this was a very simple project. He stated he also had a representative from the Engineers office present as well as the applicant.

Mr. Riutta asked if there were any other comments. Hearing none the public hearing was closed and the matter was brought back to the Board for discussion.

Mr. Hess asked Mr. Irre if he was familiar with the mud and silt that come from the Aquia Hills area a few years ago.

Mr. Irre stated he was not familiar but has been made aware of the situation.

Mr. Hess stated the silt fence failed and it was like a mud slide going into the creek and deposited a lot of silt. He stated he wondered if that was going to be an issue if this application was approved.

Mr. Irre stated part of the reason for dredging these additional areas was an attempt to mitigate the need for more common maintenance dredging. He stated the applicant did not want to dredge as often as they have in the past. He stated it was his understanding most of the work in Aquia Hills was complete, so they were hopeful it would not be as big of a problem in the future.

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Mrs. Forestier stated she could find out if it was stabilized and all the erosion and sediment control measures were in place.

Mr. Riutta asked if the additional area requested to be dredged, which was creating the in-lieu fees were new wetlands.

Mrs. Forestier stated some of it was and some may have been there for a while. She stated the area where Mr. Rogers is located was newer silt from upstream. But within the creek itself, she would have to review the aerials, but was it would be very difficult to prove where it came from.

Mr. Riutta stated his concern was they were being charged \$30,000 for actual wetlands or for silt that came into the...

Mrs. Foresiter stated the definition of Tidal Wetlands was mudflats between mien high and mien low water and we don't have any digression to decide where it came from.

Mrs. Rust stated her concern was once it was dredged there would not be anything stopping an ongoing erosion issue. She asked how that would be addressed.

Mr. Irre stated he did not know that the continual erosion of uplands into state waters could be addressed. He stated it was a problem associated with development and it continues to occur. He stated places like Aquia Harbour have to make allowances and dredge the areas out periodically to maintain navigable channels and to also maintain navigable boat slips

Mrs. Rust stated she understood, but the applicant will have to continue to pay in-lieu fees. It will continue to happen unless the situation is addressed.

Mr. Irre stated it was a matter of trying to do things that will lengthen the period of time between the dredging exercises.

Mrs. Forestier stated the channels were all relatively narrow, so they are between a rock and a hard place as to how much of a side slope you can have. She stated it does flood through there as well, so that will bring silt down from other areas. She stated they are trying to make it longer between maintenance.

Mrs. Rust asked where the dredged material will be dumped.

Mr. Irre stated there was a disposal site located on the property, which was a big basin. He explained the dredge material would be deposited in the basin and allowed to naturally dewater through evaporation.

Mrs. Forestier stated they currently have a grading application in the Planning Department which is under review by the engineers.

Mr. Irre stated the material would be removed from the water and placed in sealed containers on a barge and brought back to the transfer location and then scooped from the barge to a sealed dump truck and taken to the disposal site and dumped there. He stated the sealed containers prevent discharge onto the ground surface and re-entry into state waters.

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Mr. Riutta asked if there was any further discussion. Hearing none he stated he was looking for a motion.

Mr. Hess made a motion to approve WB15-03 with conditions.

Mrs. Forestier read the conditions, stating the tidal wetlands impacts of approximately 4,160 square feet shall be mitigated through the payment of an in-lieu fee in the amount of \$30,950.40. Payment is due prior to the commencement of the dredging or within three months of the approval of this permit, whatever is sooner. Nonpayment within the required timeframe will result in the permit being null and void. The applicant shall notify Wetlands Board staff to conduct the final inspection to make sure that everything was done within the parameters as shown.

Mrs. Rust seconded.

The motion passed 4 to 0 (Mr. Ruadsill was absent).

Mr. Riutta asked if there was any old business to discuss. Hearing none he moved on to new business.

OLD BUSINESS

None

NEW BUSINESS

3. Update to the Wetlands Board by-laws

Mrs. Forestier stated the by-laws were last approved in 1989 and did not refer to the correct code sections. She stated as time permitted she worked on rewriting them and since two additional Boards have been developed, she felt the same by-laws should apply to all three Boards. She stated there would be another meeting next month as well as a Chesapeake Bay application. She asked the Board members to review the draft by-laws and if they had no changes they could vote on them at the next meeting.

Mr. Hess asked if they would be voting on anything involving the Chesapeake Bay.

Mr. Riutta stated they would now.

Mrs. Forestier stated it was anything that was not allowed in the one hundred foot buffer that is on all the creeks and streams. She stated the first one was a gentleman who wants a garage in his back yard. She stated the Board would have to look at each of the five things and see if they meet the criteria.

Mrs. Rust stated she read about the low cost loans for living shore lines.

Mrs. Forestier stated one of the things that would be done with the in-lieu fee funds would be to use it as matching funds.

Mr. Riutta asked who would decide how the in-lieu fees are spent.

Mrs. Forestier stated the Wetlands Board would have to approve the plan, but she will find out if a Resolution from the Board of Supervisors was required or not and find out all the requirements because it can only be used for restoration and mitigation.

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Mr. Riutta asked staff to review the recently submitted applications.

4. Review of recently submitted applications

VMRC 15-0163 Forest View (non-tidal)
VMRC 15-0418 Reserve at Woodstock Lane (non-tidal)
VMRC 15-0462 Cannon Run Lot 1 (non-tidal)
VMRC 15-0492 Barth hydrilla removal (subaqueous)
VMRC 15-0492 Keitwert Pier re-build (subaqueous)
VMRC 15-0530 Quantico - Lunga Reservoir maintenance (non-tidal)
VMRC 15-0723 Stafford DPW pond retrofits (non-tidal)
VMRC 15-0749 Stafford Village Center (non-tidal)
VMRC 15-0861 Aquia Harbour POA dredging (tidal - current application)
VMRC 15-0997 Mt Pleasant Est South (non-tidal)
VMRC 15-1016 Frederick, Lynn & Moore riprap (tidal)
VMRC 15-1074 Girl Scouts hydrilla removal (subaqueous)

Mrs. Forestier read through the list. She stated the hydrilla permits were something new through the State.

Mr. Madden stated there was a gentleman in Aquia Harbour that has a harvester that chops it up. He stated that was allowed as long as they leave a foot and it is not considered dredging it is considered harvesting. He stated the only problem was if you cut hydrilla it becomes denser.

Mr. Riutta stated he was reading an article about using herbicides.

Mr. Hess stated that was being done at Lake Anna.

Mrs. Forestier stated the State regulations for pesticides are you have to be a pesticide handler and have training. She stated pesticide application was a big thing with the Total Maximum Daily Load with the Chesapeake Bay.

Mr. Riutta asked if there was anything behind the harvesting permit.

Mrs. Forestier stated no, but we won't see them because they are all below tidal areas.

Mr. Madden asked the Board if it was their collective opinion that the sedimentation into the creek was so significant that this was absolutely necessary to allow navigation up into these areas.

Mrs. Forestier stated in some areas it was and some of the areas are in channels where you don't have jurisdiction and we do. She stated the siltation was really bad in some areas and has gotten worse over the last ten years.

Mr. Madden stated he wanted to congratulate the staff and the Board in their attempts to infuse the record with avoidance minimization as a last resort.

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Mrs. Forestier continued reviewing the recently submitted applications. She stated Stafford Village Center would be coming before the Chesapeake Bay Board in the next few months. She stated there was a riprap application from Frederick, Lynn and Moore. There are two different properties next to each other that will be coming before the Board next month.

CHAIRMAN'S REPORT

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

STAFF REPORT

Mrs. Forestier stated she had no further comments.

ADJOURNMENT

Mr. Pineau made a motion to adjourn.

Mrs. Rust seconded.

The motion passed 4 to 0 (Mr. Ruadsill was absent).

With no further business to discuss, the meeting was adjourned at 7:37 p.m.