

STAFFORD COUNTY WETLANDS BOARD MINUTES
March 21, 2016

The monthly meeting of the Stafford County Wetlands Board of March 21, 2016, was called to order at 6:00 p.m. by Wetlands Board Chairman Mary Rust in the Board of Supervisors Chambers in the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Jim Riutta

STAFF PRESENT: Amber Forestier, Joseph Fiorello, Rishi Baral, and Denise Knighting

GUEST: Mark Eversole, Virginia Marine Resources Commission
Jonathon Allen, AMAC representing CSX
Ricky Woody, RK & K

ROLL CALL

Mrs. Rust called roll and it was determined there was a quorum with four members present. She asked if there were any public presentations. With no one coming forward she moved on the approval of minutes.

PUBLIC PRESENTATIONS

None

APPROVAL OF MEETING MINUTES

September 21, 2015

Mr. Pineau made a motion to approve the September 21, 2015 minutes.

Mr. Rudasill seconded.

The motion passed 4 – 0 (Mr. Riutta was absent).

January 11, 2016

Mr. Hess made a motion to approve the January 11, 2016 minutes.

Mr. Pineau seconded.

The motion passed 4 – 0 (Mr. Riutta was absent).

PUBLIC HEARINGS

1. 1000285 - Wetlands Permit WB16-01 - A modification to Wetlands Permit WB14-09 for CSX Transportation, Inc., applicant, to impact additional tidal wetlands with the construction of two new sections of riprap revetment along the Potomac River within the CSX Right-of-Way.

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Mrs. Forestier stated the Board was here to consider the modified application of CSX Transportation, Inc., to construct a 50-foot long section of riprap revetment to protect Retaining Wall 5 and a new riprap revetment approximately 700 feet long to protect the third rail along the Potomac River with additional impacts to tidal wetlands, within and along 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 and to protect it from erosion in the future. The CSX right-of-way encompasses existing rail lines passing all through Stafford County. In 2010, the original joint permit application was submitted by the Virginia Railway Express for the wetlands impacts associated with the construction of this third rail through Prince William and Stafford counties, up to the Arkendale. It was a State project originally and in 2014 CXS Transportation took over the permit and was required to get permits in retrospect from the 2010 application. So, our Wetlands Board had to permit the original impacts on January 13, 2015 and the current proposed impacts will be in addition to the original permitted impacts on Resolution WB15-01, which started at 14-09, because they changed it in the middle. There are two letters in your packages explaining the requests, along with drawings, with specific descriptions of the proposed additional impacts. The requests are: (1) the installation of a riprap revetment 50 feet long adjacent to Retaining Wall 5 (Area "A") on the aerials; see Attachment 3. In order to install the riprap a temporary access road will be constructed and then removed. This road will temporarily impact 2,843 square feet of tidal wetlands. But as they will be temporary, we aren't charging any in-lieu fees on it. The riprap revetment will permanently impact 142 square feet of tidal wetlands. 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 plans, dated January 4, 2016 and that an in-lieu fee in the amount of \$1,056.48 shall be paid prior to issuance of this permit. Staff has included the requirement for a final site inspection in the resolution. (2) The installation of a riprap revetment 700 feet long adjacent to the third rail in Area "B", which is just to the north of Area "A". In order to install the riprap a temporary access road will also be used. This road will temporarily impact 868.2 square feet of tidal wetlands, but no in-lieu fees will be required because it is temporary impact. The riprap revetment will permanently impact 4,334.5 square feet of tidal wetlands. 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 February 5, 2016 and that an in-lieu fee in the amount of \$32,248.68 shall be paid prior to issuance of this permit. Staff has included a final site inspection as a part of the resolution as well. The application for Area A did not need a VMRC permit as there are no impacts below Mean Low Water (MLW). The application for Area B will require a permit from VMRC and has not been approved to date, as I understand.

Mr. Eversole stated that was correct.

Mrs. Forestier stated the Army Corps of Engineers has stated that this activity is covered under Nationwide Permit # 13 for Shoreline Stabilization. The Virginia Institute of Marine Science (VIMS) has commented on the plans and concluded that because the infrastructure is already in place so close to the river and on a high sandy bank that a riprap revetment is an acceptable alternative to maintaining a beach or they could build breakwaters, which would be kind of an issue on the Potomac River. Proposed conditions, if the Board is inclined to approve the request as submitted, staff recommends the following conditions which were read already. Basically they have to pay the in-lieu fees and have the staff conduct the final inspections on both sites. The following alternatives are available to the Board; you can adopt proposed Resolution WB16-01 which approves the request with conditions. You can adopt proposed Resolution WB16-02 which denies the request, or you can take no action at this time and

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defer to a later date, if you require more information. Staff recommends approval of the riprap revetments associated with stabilization of Retaining Wall 5 and Area B as proposed. The applicant has ensured that the impacts in the Potomac River are minimized by using riprap on the existing slopes to protect the rail line from additional erosion.

Mrs. Rust opened the public hearing. With no one coming forward to speak, she closed the public hearing and opened the floor for the Board to discuss the application.

Mr. Rudasill asked if they were actually installing a 3rd rail.

Mrs. Forestier stated they were already building it.

Mr. Hess asked about the comment concerning the road temporarily impacting 862.2 square feet of tidal wetlands. He asked how wetlands could be temporarily impacted.

Mrs. Forestier stated they were not vegetative wetlands.

Johnathon Allen, with AMAC representing CSX, stated this area was a sandy beach along the Potomac and they would be putting down geo-textile fabric with rock on top to construct an access road, which would be removed.

Mr. Hess asked if it was just sand.

Mr. Allen stated yes, just sand.

Mrs. Forestier stated it was between Mean High and Mean Low water, so it was just a sandy bank.

Mr. Allen stated they have informally been referring to it as an intertidal zone, because there is not wetland vegetation there, just a sandy beach area.

Mrs. Rust stated because of the nature of what was being constructed, would a semi-permanent road be required for maintenance.

Mr. Allen stated Mr. Woody works more with the design, but it was his understanding once it was placed it would be a permanent feature that would not require any regular maintenance.

Ricky Woody stated he works with RK & K and he was representing Keywick Corman Construction. He stated the riprap was Class 3, which was a larger size, approximately half the size of a Volkswagen. Once they are in place and once the road is removed any of the maintenance for anything that grows can be conducted from the upside as well. It will be placed on a 1 and a half to 1 slope, which allows for maintenance. It will also be carried up the bank to allow for storm surge so it will not erode and would require limited maintenance.

Mrs. Rust asked if there was any further discussion. Hearing none she asked if there was a motion.

Mr. Hess made a motion to accept the modification to the wetlands permit.

Mr. Rudasill seconded.

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The motion passed 4 – 0 (Mr. Riutta was absent).

OLD BUSINESS

None

NEW BUSINESS

None

CHAIRMAN'S REPORT

None

STAFF REPORT

Mrs. Forestier stated this would be her last Wetlands Board meeting, as she would be leaving in April. She stated she would like to say it has been a pleasure being staff to the Board and she really enjoyed the last 10 years learning with the Board. She stated she wished everyone well.

Mr. Hess asked who would be here replacement.

Mrs. Forestier stated Mr. Fiorello was already here and they would be hiring a replacement soon.

Mr. Pineau stated he would like to thank Mrs. Forester for all she has done.

ADJOURNMENT

Mr. Hess made a motion to adjourn.

Mr. Pineau seconded.

The motion passed 4 – 0 (Mr. Riutta was absent).

With no further business to discuss, the meeting was adjourned at 6:15 p.m.