

Virginia: At a meeting of the Accomack County Wetlands Board, held in the chambers of the Board of Supervisors on the 24th day of September, 2009, A.D.

Members present:

Mrs. Lee L. Merrill
Mr. George H. Ward, Jr., Vice-Chairman
Mr. C. Lee Davis
Mr. Earl B. Frederick
Mr. George T. Parker (ABSENT)

Mr. David Fluhart, Secretary
Mrs. Marie E. Fox, Recording Secretary

Alternate Members Present:

(None at present time)

Others present:

Mr. Hank Badger, VMRC

The meeting was called to order by Chairman Lee L. Merrill, and opened to a public hearing at 10 AM. All applications are approved for a one year period from the date of this hearing, unless specifically noted. All applicants, speakers and representatives are sworn in before the Board on the following wetlands applications:

This Board is aware of and complies as closely as possible to the objectives of the Virginia Marine Resource Commission's Wetlands Policy of No Net Loss.

1). **MINUTES**

Mr. Davis made a motion to approve the minutes of the **Thursday, April 30, 2009, Thursday, May 28, 2009, Thursday, June 25, 2009** and **Thursday, August 27, 2009** with the correction to delete Mr. Jack Bonniwell as Chairman and add Mrs. Lee L. Merrill in place. Mr. Ward seconded the motion.
Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, and Mr. Frederick.

2). **NEW BUSINESS**

1). **An application from Shoreland Investments LLC, VMRC #09-0272, for the installation of a 6-foot by 413-foot timber breakwater and a 2-foot X 142-foot bulkhead, thereby impacting wetlands on property located on Corbin Hall Lane, Corbin Hall, near Horntown, Virginia. TM #14-3-87.**

Mr. George E. Young, III, Surveyor, appeared before the board and was sworn in to represent this application as well as Mr. Bill Davis of Shoreland Investments. Mr. Young advised the installation of the bulkhead will disturb some tidal and nontidal wetlands and the breakwater is mostly out of the jurisdiction of the board. He further stated they have received approval from the USCOE and DEQ.

At this time, Mr. Fluhart read a portion of the VIMS Report, which stated, *“From a marine environmental viewpoint, the original location and placement of a boat ramp and basin in a sandy soil, wetlands are such as this site is not preferred and has not created a need for the proposed timber breakwater (jetty). The jetty would trap sand and help prevent or slow down the rate of sand deposition of sand in the entrance channel to the ramp and thereby reduce future required maintenance dredging at this time.”*

“The proposed bulkhead appears to be proposed in uplands, however proper best management practices should be used during construction of the bulkhead and excavation for expansion of the basin to prevent material from entering the waterway and adjacent wetlands.”

“RECOMMENDATION SUMMARY” *Construct timber breakwater (jetty) as proposed; *Use best management practices to prevent impact to marine resources during bulkhead construction and basin expansion.”

Mr. Young advised the bulkhead will be placed in upland and will be creating more surface area of water after the bulkhead is installed. Mr. Young also presented photographs of the boat ramp area and area further away and one closer to the water indicating the flat land and wetlands disturbance area. He further advised there will be minimal impacts to the wetlands.

Mr. Fluhart questioned if there was a resolution to the protest of the Wessells. Mr. Young advised he had spoken with Mr. Wessells and advised him of the proposal. Mr. Young further clarified the amount of wetlands being disturbed in the area.

Ms. Merrill questioned the audience if there was anyone who would like to comment on this application. There was no response.

A discussion ensued with regard to the Board charged with protecting wetlands and the mitigation process. Mr. Fluhart advised the first step would be to revise the project to eliminate the wetlands disturbance, the second step would be to create wetlands on the same property and the third step would be to create wetlands within the same watershed or purchase into a wetlands mitigation bank or if the board finds the proposal necessary, the applicant can pay into the Accomack County Wetlands Mitigation Fund for the establishment or creation of wetlands. Mr. Fluhart advised the minimum for mitigation is 1:1 and discussed the possibility of the applicant providing a plan to mitigate on their property. Mr. Young advised mitigation on site is possible.

After a lengthy discussion, Mr. Davis made a motion to approve this application as presented with the stipulation that a minimum of 300 square feet be created at Corbin Hall to offset the 300 square feet being disturbed and the applicant will provide a revised drawing with the elevations/grasses to make a workable wetlands bank. Mr. Ward seconded the motion. Ayes: Ms. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick

2). An application from Captain's Cove Group, LLC, VMRC #09-1124, for the construction of a 53-foot bulkhead structure as protection for an existing embankment, thereby impacting wetlands, at Captain's Cove, Section 3, Lot 1302, Blackbeard Road, near Greenbackville, Virginia. TM #5A3-1-1302.

Mr. Raymond Britton, of BIC, Inc., appeared before the board to represent this application and described his proposal.

At this time, Mr. Fluhart read a portion of the VIMS Report, which stated, *“The Preferred approach from an integrated marine environmental viewpoint: While there is a need for shoreline protection at this site, it is our opinion from a marine environmental viewpoint that a bulkhead is not the appropriate treatment along this high-energy shoreline. The preferred approach would be to place a defensive breakwater system along the entire reach. However, given the existing bulkheads constructed on adjacent properties, this does not seem to be a viable option at this time. In the absence of this alternative, we would recommend the placement of a revetment along this shoreline aligned landward of wetland impacts. The lot fill should be placed first with a channelward slope and the revetment placed on this slope, over filter cloth to contain the fill, with a toe buried below MLW. Any vegetated impacts resulting from this project would need to require compensation under the VMRC policy.”*

“Incorporating native, deep-rooted grass and woody shrub plantings in the upland riparian zone and stopping the routine mowing of vegetation up to the shoreline edge are recommended in order to enhance the ability of the shoreline to provide water quality improvement and erosion control benefits.”

No one from the audience spoke in regard to this application.

A discussion ensued regarding the proposal and grasses on the property and the wetlands disturbance of approximately 2 square feet for this project.

Mr. Fluhart advised that due to the wetlands disturbance and the inability to create wetlands on-site, or within the watershed, the applicant will need to pay into the Wetlands Mitigation Fund for a total of \$24.00.

At this time, Mr. Ward made a motion to approve this application as presented with the addition of a \$24.00 payment for lost wetlands. Mr. Frederick seconded the motion. Ayes: Ms. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick.

3). An application from Barbara Fusco, VMRC #09-1169, for the installation of a 29-foot replacement bulkhead within two feet of an existing deteriorating bulkhead along Chincoteague Channel, thereby impacting wetlands, across from 3280 Main St., Chincoteague, Virginia. TM #30A2-A-4.

Mr. Raymond Britton, of BIC, Inc., appeared before the board to represent this application. Mr. Britton advised this proposal is to replace a deteriorating existing bulkhead and the adjacent neighbor will be submitting an application to bulkhead so that the structures can be installed at the same time.

A discussion ensued regarding the location of the existing bulkhead and the location of the pier.

At this time, Mr. Fluhart read a portion of the VIMS Report, which stated, . . . ***“If the existing shed is too close of a proximity to the revetment alignment, we would recommend a bulkhead toe structure be constructed channelward of the existing failing bulkhead. Although a bulkhead toe may cover more square footage than a replacement bulkhead, they have less adverse effect on nearshore wave dynamics than bulkheads because they dissipate wave energy, as opposed to reflecting wave energy as bulkheads do. Also revetments provide some habitat opportunities where bulkheads destroy habitat, and if constructed properly riprap structures generally last much longer than bulkheads.”***

“The existing upland (riparian area) is currently in grass vegetation. Incorporating deep-rooted native grass and woody shrub plantings in the upland riparian zone and stopping the routine of mowing of vegetation up to the shoreline edge are recommended in order to enhance the ability of the shoreline to provide water and quality improvement and erosion control benefits.”

At this time, Mr. Davis made a motion to approve this application as presented. Mr. Frederick seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick.

4). An application from Gail Miller, VMRC #09-0997, to install 150’ of bulkhead connecting in a straight alignment, thereby impacting wetlands on Pine Drive, near Assateague Channel, Chincoteague, Virginia. TM #31A-3-14A.

Mr. Raymond Britton, Jr., of BIC, Inc., appeared before the board to represent this application. Mr. Britton explained this proposal in detail and advised the impacts would be 600 square feet of nonvegetated wetlands and 15 square feet of subaqueous.

Mr. Davis advised he had read the VIMS Report and stated the proposal is the proper structure to install in this area. Mr. Frederick wanted to reinforce that the Corps of Engineers advised no dredging of plant material and also advised Mr. Britton in the future, to flag the alignment, so the board members perceive the alignment.

Mr. Davis made a motion to approve this application as presented. Mr. Ward seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick.

OTHER BUSINESS

Mr. Fluhart notified the board the Town of Chincoteague may seek their own Wetlands Board. He further advised it would take an act of the General Assembly and it would only take 1/3 of our existing wetlands work. A discussion ensued regarding the Mitigation Fund and Mr. Fluhart advised the monies in this fund cannot be forwarded to Chincoteague and at present time there is approximately \$3,000.00 in the fund.

ADJOURNMENT

Mr. Ward made a motion to adjourn the meeting at 11:15 AM. Mr. Davis seconded the motion. Ayes: Mrs. Merrill, Mr. Ward, Mr. Davis, Mr. Frederick.

Mrs. Lee L. Merrill, Chairman