

## ACCOMACK COUNTY WETLANDS MINUTES OF January 25, 2018

At a meeting of the Accomack County Wetlands Board held on the 25TH day of January 2018 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

### 1. CALL TO ORDER

#### **MEMBERS PRESENT AND ABSENT**

Wetland Board Members Present

Mr. Earl Frederick, Chairman

Mr. George H. Ward, Jr., Vice Chairman

Mr. Gene Wayne Taylor

Mr. T. Lee Byrd

Mr. Timothy Getek

#### **Others Present:**

Mr. G. Christian Governator IV, PE, Director Environmental Programs

Mr. Tyrone Upshur, Environmental Programs Inspector

Ms. Chontese Ridley, Environmental Programs Permit Specialist

#### **DETERMINATION OF A QUORUM**

There being a quorum, Chairman Frederick called the meeting to order at 10:00 a.m.

### 2. ELECTION OF 2018 WETLAND BOARD OFFICERS

The Wetlands Board will elect the Chairman and Vice-Chairman for 2018

Mr. Governator opened the floor for nominations for Chairman of the Wetlands Board:

Mr. Taylor moved, seconded by Byrd, to nominate Mr. Frederick as Chairman for 2018. No other nominations were made. Mr. Governator closed the floor for nominations.

**Mr. Governator called for a vote and the Wetlands Board voted unanimously to elect Mr. Frederick as Chairman of the Wetlands Board for 2018.**

Mr. Governator opened the floor for nominations for Vice-Chairman of the Wetlands Board:

Mr. Getek moved, seconded by Mr. Frederick, to nominate Mr. Ward as Vice-Chairman for 2018. No other nominations were made. Mr. Governator closed the floor for nominations.

**Mr. Governator called for a vote and the Wetlands Board voted unanimously to elect Mr. Ward as Vice-Chairman of the Wetlands Board for 2018.**

**On a motion made by Mr. Taylor and seconded by Mr. Byrd, the Wetlands Board voted to close the floor for all nominations.**

### 3. ADOPTION OF AGENDA

The Wetlands Board unanimously adopted the Agenda with the addition of "Election of 2018 Wetland Board Officers."

#### 4. MINUTES

##### A. **December 14, 2017**

**On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board voted to approve the minutes of the December 14, 2017 meeting.**

#### 5. NEW BUSINESS

##### A. **Geoffrey Hawthorne– VMRC# 2017-1721**

###### **29220 Creeks End Drive**

The construction a vinyl bulkhead 1-2 feet channel-ward of existing failing bulkhead, make necessary repairs to the existing (failing) 30 feet groyne, and to also construct a 50 feet dock with a 8 feet by 8 feet L-Head adjacent to the groyne. The property is located in Painter, VA 23420, Tax Map # 99-A-11.

Chris Guvernator was sworn in by Chairman Frederick. Mr. Guvernator stated that he received a late revision to the application that revises the application to replace in place in the same footprint, and that the agent was there to explain. Mr. Byrd asked if they would be pulling it and putting it back and Mr. Guvernator confirmed that was correct. Mr. Taylor asked if that would change the vegetative wetlands and Mr. Guvernator confirmed that also.

Nathan Iseman, Iseman Marine, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Mr. Iseman said they just want to put it in the same footprint, (taking a sheet out and putting a sheet back in). He also said they were going to put in new pilings adjacent to the old bulkhead. He stated there are two places on the left and right where there are vegetative wetlands behind the old bulkhead; however, he wants to go around them. He will follow the soil to the other side. Mr. Byrd asked if that meant that there are not vegetative wetlands involved. Mr. Iseman confirmed he was correct. Mr. Frederick then pointed out that in the application it still states that there is 104 square feet of vegetative wetlands and wanted to know how this would change that number. Mr. Iseman said if he follows the same footprint he would not be impacting very much vegetative wetlands. With that being said, Mr. Ward asked if going behind on the left and the right would that eliminate all wetlands, and Mr. Iseman responded yes.

Mr. Getek wanted to know if the Army Corps was aware of this change and Mr. Iseman confirmed saying yes. Mr. Iseman said that the changes had been posted to the VMRC website, however, he had not received a letter from the Corps yet. Due to being sick Mr. Hank Badger was not able to attend the meeting. Mr. Guvernator stated that Mr. Badger had walked the site and that if Mr. Iseman pulled back and stayed out of the wetlands that he would not have any concerns. Mr. Frederick asked about the grasses around the ramp and wanted to know what Mr. Iseman had plans on doing with that area. Mr. Iseman said the ramp was not part of his job. Mr. Guvernator stated from Hank that if they, (the applicant), planned on dredging or changing the surface to launch and retrieve that it would be separate.

Mr. Byrd asked if the motion could be amended so show to zero vegetative wetlands and to have new drawings cutting off the vegetative. Mr. Guvernator said yes and that Environmental Programs would work with Mr. Iseman to create the drawings based on the board's motion.

Mr. Iseman restated that there would be new pilings going in. 10in pilings will be going in every 12 feet were it is shallow. He also stated that there will be no tiebacks due to the walls being too short. Mr. Frederick asked if the pilings would impact any vegetative wetlands and Mr. Guvernator informed him that there are already pilings placed there. Some of the board members had questions on the difference in impact with using larger pilings. It was explained that even though Mr. Iseman was going to be using larger pilings, he would be using less pilings than what was currently being used.

Mr. Iseman would be putting in 8 new pilings replacing the 25 pilings that are there now. The board members agreed that doing this would be less impactful. Mr. Guvernator chimed in to say that Environmental Programs would be observing the site while under construction, and that when he gets his building permit the CBPA will also be managed by Environmental Programs. Mr. Ward added that the land owner needs to be notified that he cannot do any work to the ramp without getting another permit, and that this permit does not cover the ramp. Mr. Iseman let the board that the applicant had been informed.

**On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) to Geoffrey Hawthorne– VMRC# 2017-1721, The construction a vinyl bulkhead 1-2 feet channel-ward of existing failing bulkhead, make necessary repairs to the existing (failing) 30 feet groyne, and to also construct a 50 feet dock with a 8 feet by 8 feet L-Head adjacent to the groyne with the additional changes:**

1. **Change “1-2 feet channel-ward” to “in the same footprint”**
2. **No work can be done on the ramp area within this permit. It will require an additional application and permit.**
3. **Correct application to say 0 impacts to vegetative wetlands and supply new drawings prior to starting work.**

**The property is located in Painter, VA 23420, and Tax Map # 99-A-11.**

## **6. OTHER BUSINESS**

### **A. Judd Brook Properties LLC VMRC# 2017-2021**

**Near the confluence of Frogstool Branch and the Machipongo River  
Site Visit**

Mr. Guvernator stood before the board to give an update on this project. Over 1 mile of earthen dike that will be constructed on the west side of the Machipongo River and wraps into Frogstool Branch. There are tidal wetlands reconstruction projects planned, but the application has been deemed incomplete and additional information has been requested. Mr. Guvernator then went on to talk about a field visit that was made to the site before Christmas. He also stated that he believes it is going to take the applicant awhile to supply the appropriate information and VIMS is also doing a study on the project. Mr. Guvernator also mentioned that a publicly advertised meeting might need to be scheduled.

Mr. Taylor has questions on the reasoning and placement of the ponds and Mr. Guvernator went further in detail. According to the application the reasoning is to project from saltwater intrusion that's killing loblolly pines, and to protect against sea level rise. Mr. Taylor chimed in to say that you cannot use wetlands as mitigation for wetlands. A discussion ensued and Mr. Guvernator asked the board members to send him any questions they might have so that he could add them to the list of this the applicant needed to have. He also said this would probably be a 2 meeting project where they come in to present, the board will discuss, go out to do a field visit, and then come back to discuss some more.

Mr. Guvernator, using GIS System, stated there's an estimated 20-40 acres of potential impact. A discussion followed about the lay of the site, location of the loblolly pines and the berm. This site visit was done at low tide and Mr. Guvernator said that it needs to be done at high tide. Mr. Ward said that he was told the area used to be farmed 80 – 100 years ago. Mr. Taylor agreed that it could have been possibility looking at the high land.

Mr. Guvernator while in the field it was hard to tell was how much of the vegetative area is covered at high tide. He also said he has asked the applicant to stake out ½ times high tide and to show where it is in the field, which would lead to the number. Mr. Frederick asked if the applicant had made any determination about the size of the site listed “Site 1 Mitigation?” Mr. Frederick assumed that they would cut the trees from there and lower the elevation so it becomes tidal wetlands, (if it was mitigation for work they were doing). Mr. Frederick wanted to know if that was the plan. Mr. Taylor said they would have to get a permit from DEQ, no mitigation bank, and the cost would be \$2.35 per square foot. This would have to be paid first.

Mr. Guvernator said he was not sure, but he believes “Site 1” was created for the US Army Corps of Engineer’s impacts. He does not think the applicant has addressed any impacts to county wetlands. Applicant has 43,000 square feet of impacts in the board’s jurisdiction, but that’s just for the impact of the berm. Mr. Guvernator asked Mr. David Montgomery, Wetland’s Board Alternate, if he would like to add anything else about the site visit.

David Montgomery was sworn in by Chairman Frederick. Mr. Montgomery said the application was basically a duck hunting project. He referenced a duck hunting area on Lake Mattamuskeet in Hyde County, North Carolina that he hunted for 15 years that’s similar. A discussing ensued about the cost for the project and possible mitigation cost. Just one acre would cost \$516,000.00. Mr. Guvernator said that he spoke with the County Administrator, and they are looking for a site to spend some of the money that has been taken in for wetland impacts. These funds would go towards creating tidal wetlands. Mr. Taylor asked if the funds could be used for fixing up boat ramps, and Mr. Guvernator said it could be possible. He also said if we are looking at an impact with a significant payment to offset the impacts, as a county we need to be careful to take in a large sum without having a project in hand. To recreate 20acres between low and 1 ½ times high tide somewhere in the county is going to be a difficult proposition.

A discussion ensued on ways the money could be used and for what types of projects. Mr. Frederick added that the county used to reimburse county employees for cleanup projects around boat ramps, but he did not think that it ever happened. Mr. Taylor said photos (before and after) to show the progress.

Mr. Guvernator showed the board the nine things that he is asking from the applicant and that he would like schedule a field visit with the applicant/agent and the board. He also asked the board members to read the 250 page application when they get a chance.

## **7. FINANCIAL DISCLOSERS**

Due by February 1, 2018 or a fee of \$250.00 will be owed.

## **8. NEXT MEETING**

The next Wetlands Board meeting is scheduled for Thursday, February 22, 2018 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac.

## **9. ADJOURNMENT**

On a motion made by Mr. Ward and seconded by Mr. Getek, the Wetlands Board voted to adjourn the meeting.

The meeting was adjourned at 10:49 a.m

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Earl Frederick, Chairman

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Chontese Ridley, Environmental Permit Specialist