

ACCOMACK COUNTY WETLANDS MINUTES OF AUGUST 25, 2022

At a meeting of the Accomack County Wetlands Board held on the 25TH day of AUGUST 2022 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. T. Lee Byrd, Chairman

Mr. George Ward, Vice Chairman

Mr. Gene Wayne Taylor

Mr. Timothy Getek

Mr. George H. Badger

Others Present:

Ms. Chontese Ridley, Environmental Programs Permit Specialist

Mrs. Beth Nunnally, Environmental Planner II

Mr. Benjamin Nettleton, Virginia Marine Resources Commission (VMRC)

DETERMINATION OF A QUORUM

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

2. ADOPTION OF AGENDA

On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to approve the agenda.

3. MINUTES

A. July 21, 2022

On a motion made by Mr. Taylor and seconded by Mr. Badger, the Wetlands Board voted to approve the June 2022 minutes.

Mr. George Ward, Vice Chairman, abstained due to not being in attendance at the July 21, 2022 meeting.

NEW BUSINESS

A. Bernard & Lisa Russell, Jr. - VMRC# 2022- 1230

Installation of a series of sills along the shoreline. Approx. 170 linear feet of rock sill will have sand placed behind it and approx. 75 linear feet of rip rap revetment will be installed at the base of the embankment.

Ms. Beth Nunnally, (Environmental Programs), stood before the Wetlands Board and was sworn in by Chairman Byrd.

Ms. Nunnally gave a synopsis of the project adding that there would 25 square feet of impacts to SAV and 1,812 square feet of impacts to non-vegetated wetlands. However, there would 3,500 square feet of vegetated wetlands created, a gain of 1,688 of vegetated wetlands.

Ms. Grimes, Coastal Resource Management, LLC, appeared before the Wetlands Board on behalf of the applicant, and was sworn in by Chairman Byrd.

Ms. Grimes stated the applicant's property was very dynamic and they wanted to create, according to regulation, a living shoreline while protecting the upland there. In order to do that they designed a sill plant scenario.

Ms. Grimes said there would be a marsh toe, sill, a revetment, and the fill and plant. Ms. Grimes then went on to explain the thoughts behind the design.

Ms. Grimes said she was aware of the VIMS comments, she was not too sure on the full meaning, but believed they were asking for the sill to be moved in and not to mess with the SAV. To put fill material in behind there to create a beach, and not a vegetated wetland. Ms. Grimes said, in her opinion that would blow a Living Shoreline out of the water.

Ms. Grimes said she had done something like that before, designed something too close to the bank, and the bank sustained more erosion than it did before.

Ms. Grimes stated that she respectfully disagreed with the VIMS recommendation that it be moved landward. She did not feel it could be affective for what it needed to do moving anymore landward.

Ms. Grimes was confused to why VIMS thought there was SAV on the landward side of low water and thought Mr. Nettleton, (VMRC), could explain it.

Mr. Badger said, on the drawing, it looked like the proposed sill was going into the existing riprap.

Ms. Grimes said it was a miss draw, but noted that the design was not set in stone.

CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Byrd asked if there was anyone who wanted to comment on application 2022-1230.

No one made a request to communicate.

CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. Byrd asked Mr. Badger, with his experience, if he would speak on the high points in the VIMS letter.

Mr. Badger said the letter was broken down into two sections:

1. Northwest to the old revetment
2. Northeast and the rest of the project

Mr. Badger said most of what VIMS talked about was offshore. The SAV was not growing above low water so it was not in the Board's jurisdiction.

Mr. Badger stated, (from the VIMS letter), that they wanted the revetment to be close to above low water. He said to his knowledge and what he seen on site that the revetment was in the correct location. The only issue Mr. Badger said he seen was that VIMS recommended the sill be 1 foot above high water.

Mr. Badger said he could not find it on the cross section drawing. Ms. Grimes said she would look into it.

Mr. Badger agreed that 1 foot above high water made sense. There would be less wave action coming across. He then added that he did not think SAV was being impacted at that location. As far as the two stone revetments, the Board had to take into consideration that damage to structures that may be nearby.

Mr. Badger said, in his opinion, having something up there was warranted.

Mr. Badger said going into the Northeast side he understood why they would want it smoothed out a little, but they might involve going into the SAV. (Which is not in the Wetlands Board's jurisdiction)

Mr. Badger said the section was almost a 90 degree angle and wave action would put a lot of force on the corner. Since there was only a 5 foot gap, VIMS did not want the revetment there, but on the high land.

Mr. Badger also mentioned that VIMS wanted the area to be left natural with a little backfill added, and the 18 inches of embankment smoothed out. VIMS suggested some nourishment and planting of some spartina patens as well which was not far from what Ms. Grimes had already proposed.

Mr. Badger said that Accomack County did not have a Dune/Beach Ordinance. If this project was going to be considered a beach it would not be in the Wetlands Board's jurisdiction. The VIMS report called it a Beach.

Mr. Benjamin Nettleton, (VMRC), appeared before the Wetlands Board and was sworn in by Chairman Byrd.

Mr. Byrd asked Mr. Nettleton if he could speak on Mr. Badger's comment.

Mr. Nettleton said he never thought about calling it a beach until seeing the VIMS report/comments. He look at it as a beachy marsh. VMRC did not ask VIMS for an official determination on whether it was a beach or not, but Mr. Nettleton was not comfortable calling it a beach.

Mr. Nettleton said to him it was a beachy marsh versus being a marshy beach. The sand was only there due to the upland erosion, but there was still a presence of marsh peat on the high bank and vegetation.

Mr. Byrd chimed in to say that, in his lifetime, he had seen beach there before, but he had also been completely gone. He then asked Mr. Nettleton if they, (VMRC), would have to make that determination.

Mr. Nettleton said they would had made that determination early on. They would have held a separate hearing to determine that, but at this point they were not planning on doing that. VMRC sees it all as being under the Wetlands Board's jurisdiction.

Mr. Getek asked if the applicant was planning on trying to save the pine trees on the embankment or were they going to be cut down. Ms. Grimes said the applicant would like to save them, and that was why they were doing the rip rap revetment up against the one in front of the house.

Mr. Taylor said that he agreed with Ms. Grimes. If you put fill there with no vegetation, mitigation has to be paid. He added that he thought they all would decide that vegetation was more important. Mr. Taylor said adding vegetation was smart.

Mr. Byrd asked to confirm that there would be a gain of 1,688 square feet of vegetated wetlands. That was correct.

Mr. Taylor said he did not think the plants would make it, but they were trying.

Mr. Byrd shared Mr. Taylor's concern about the plants not making it, but compared to what was currently there, why not let them try. There is no down side.

Ms. Grimes chimed in to say that 100% of the plants would not make it, but that some of it would.

Mr. Ward also agreed that there was no downside in planting.

Mr. Byrd asked Ms. Grimes if the better quality coir logs would have a better chance at making it with a wraparound tide as opposed to the cheaper ones.

Ms. Grimes said the quality and how they are installed made a big difference. In her opinion they should be staked on either side and strung across the top with twine.

Mr. Byrd said the use of high density logs should be in the motion.

Ms. Grimes said she wanted to address one of VIMS's questions that was mentioned by Mr. Badger, (the height of the sill in front of the revetment). Ms. Grimes explained there was a revetment behind it so she did not feel a huge need to put a very tall sill there.

Ms. Grimes asked them to look on page 3 of 5, (bottom left corner), and there was a picture of the sill in front of the revetment that states height 2-2 ½ feet. She said if they transferred that up to the sills that were at the northeast they were 2 feet tall with 12 inch freeboard at the top. Ms. Grimes said there was not much difference, but that they could add 6 inches to the one in front of the revetment with no problem.

Mr. Byrd asked if anyone had any other questions.

Mr. Getek asked Ms. Grimes if she thought about putting a revetment against the beachy area with the fetch and the energy to protect property. Ms. Grimes said it was considered, but due to the regulations for a Living Shoreline it was nixed.

On a motion made by Mr. Badger and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year, for Bernard & Lisa Russell, Jr. - VMRC# 2022- 1230, for the proposed installation of a series of sills along the shoreline. Approx. 170 linear feet

of rock sill will have sand placed behind it and approx. 75 linear feet of rip rap revetment will be installed at the base of the embankment with the following conditions:

- 1. *Submit 3 year planting plan***
 - a. *Plant 1 foot from the center***
- 2. *Use high density coir logs***
- 3. *Removal of drip sill***
- 4. *Modify drawing showing the Northwest still 1 foot above high water***

The property is located in Onancock, VA 23417, tax map#(s) 83B-A-1.

6. OTHER BUSINESS

A. Meeting Date Change

Mr. Byrd asked for consideration to move the Thursday, October 27, 2022 meeting up one week to Thursday, October 20, 2022.

Mr. Getek asked staff if they were okay with changing the meeting date.

On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board voted change the October 27, 2022 meeting to October 20, 2022.

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, September 22, 2022 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac, VA.

8. ADJOURNMENT

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

The meeting was adjourned at 11:01 a.m.

T. Lee Byrd, Chairman

Chontese Ridley, Environmental Permit Specialist