

ACCOMACK COUNTY WETLANDS MINUTES OF FEBRUARY 23, 2023

At a meeting of the Accomack County Wetlands Board held on the 23RD day of FEBRUARY 2023 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)

Ms. Claire Gorman, Virginia Marine Resources Commission (VMRC)

Mr. Leander Pambid, Deputy County Administrator for Building, Planning & Economic Development

Mr. Paul Seltzer, Deputy Director for Building, Planning & Economic Development

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. Badger, the Wetlands Board voted to approve the agenda.

3. ELECTION OF THE 2023 WETLANDS BOARD OFFICERS

The Wetlands Board will elect the Chairman and Vice-Chairman for 2023

Ms. Chontese Ridley, Environmental Programs, was sworn in by Chairman Byrd.

Ms. Chontese Ridley opened the floor for nominations for Chairman of the Wetlands Board:

Mr. Badger moved, seconded by Mr. Taylor, to nominate Mr. Byrd as Chairman for 2023. No other nominations were made. Ms. Ridley closed the floor for nominations.

Ms. Ridley called for a vote and the Wetlands Board voted unanimously to elect Mr. Byrd as Chairman of the Wetlands Board for 2023.

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

Mr. Taylor moved, seconded by Mr. Getek, to nominate Mr. Ward as Vice-Chairman for 2023. No other nominations were made. Chairman Byrd closed the floor for nominations.

Mr. Byrd called for a vote and the Wetlands Board voted unanimously to elect Mr. Ward as Vice-Chairman of the Wetlands Board for 2023.

4. MINUTES

A. December 15, 2022

On a motion made by Mr. Getek and seconded by Mr. Badger, the Wetlands Board voted to approve the December 15, 2022 minutes.

4. OLD BUSINESS

A. Blue Marina VA, LLC - VMRC# 2022- 2293

Repair and resurfacing of an existing rip rap, replacement of the existing bulkhead 18 inches channelward to construct a new bulkhead, replacement of (2) timber/vinyl jetties with stone jetties, dredge, fill, and installation of (2) new stormwater outfall pipes.

Mr. Byrd stated this application was heard at the November 2022 meeting. VMRC, at their December 16, 2022 meeting, voted to remand the Wetlands Board's decision.

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

Ms. Nunnally gave an overview of the project stating that it was first approved by the Wetlands Board in November of 2022. After the decision was remanded VMRC instructed the Board to rehear the application, obtain written guidance from VIMS, and to consider alternatives to minimize tidal wetlands losses.

Ms. Nunnally said revisions had been made to the application. She added there would be 574 square feet of impacts to non-vegetated wetlands and 1,081 square feet of impacts to vegetated wetlands with a total fee of \$29,790.00.

Mr. Benjamin Nettleton, Virginia Marine Resources Commission (VMRC), stood before the Wetlands Board and was sworn in by Chairman Byrd.

Mr. John P. Custis stood before the Wetlands Board on behalf of the applicant.

Mr. Custis said from the Blue Marina team present was Mr. John Salm, Mr. Andy Wilkins, Mr. Chris McCabe, and Ms. Jessica Lewis from Blue Water Development, (owner of the project).

Mr. Custis requested that the official record of today's meeting include, not only the meeting minutes from the November 2022 meeting of the Wetlands Board, but all materials that have since been submitted to this board and County regarding this project including, but not limited to:

1. *The updated plans by Mr. John Salm*
2. *All information regarding the measurements of the impacts that have been surveyed since the November meeting*
3. *Letter dated to Mrs. Nunnally dated February 9, 2023 from Mr. McCabe*

4. Purpose and need statement from Mr. McCabe

Mr. Custis stated that nothing had changed with the plans besides the verification of the vegetated and non-vegetated wetlands impacts.

Mr. Custis said if they focus on the specific point of the current hearing it was based on a record that had already been created, and with the Commission's request that the Board re-hear he application specifically when "2" things had happened:

1. *The quantification and location of the proposed wetland impacts were agreed upon with staff*
2. *VIMS providing a written report with suggested guidance on the project*

Mr. Custis stated that both of those conditions had been met, and that their team felt like they had adequately addressed the issues.

Mr. Custis asked Mr. Andy Wilkins to come speak.

Mr. Andy Wilkins, Wilkins Noble LLC Land Surveying, stood before the Wetlands Board and was sworn in by Chairman Byrd.

Mr. Wilkins stated that he had been a partner in the firm for 17 years, was a licensed surveyor in the state of Virginia for 15 years, and was experienced in surveying in Accomack County.

Mr. Custis asked the board to recognize Mr. Wilkins as an expert in the field of surveying in Virginia.

Mr. Custis then asked Mr. Wilkins a series of questions.

Mr. Wilkins said he was familiar with the site in question and that he established the mean high and low water line.

Mr. Custis asked Mr. Wilkins to explain how he did that.

Mr. Wilkins said he found the nearest local benchmark, (U421), and the nearest tidal benchmarks, (harbor refuge & coast guard station), and correlated those to establish the onsite benchmark related to the mean high and low water line. From there Mr. Wilkins said he was able to topo the land to find those two lines.

Mr. Custis asked Mr. Wilkins if he had seen the calculations for the square footage of wetlands impacts and if he agreed with them. Mr. Wilkins responded yes to both questions.

Mr. Custis also asked Mr. Wilkins, based on his 20 plus years of experience, if the areas of impact could be avoided.

Mr. Wilkins said they were unavoidable.

Mr. Badger asked Mr. Wilkins what made those areas unavoidable.

Mr. Wilkins said in order to riprap, (or any other shoreline work), in the area would have to be disturbed, in his opinion, and did not think there was a way around it.

Mr. Badger, asked to confirm, that in order to do the project the way they, (the applicant), prefer to do it, those impacts were not avoidable? Mr. Wilkins said that was correct.

Mr. Badger asked if they wanted to change the project if the areas would be avoidable if they pulled everything back.

Mr. Wilkins said potentially, but the project would totally change and he was not sure if it could be engineered.

Mr. Custis said that would economically impact the project to a great extent which might make it not feasible.

Mr. Chris McCabe, Coastal Compliance Solutions, stood before the Wetlands Board and was sworn in by Chairman Byrd.

Mr. Custis then asked Mr. McCabe a series of questions.

Mr. McCabe said he owned his company for 11 years, he is the President of it and responsibilities were his. Prior to starting his company he was the Natural Resources Administrator for Worcester Co. Government.

Mr. Custis asked the board to recognize Mr. McCabe as an expert in the field of environment consulting, specifically in the field of wetlands mitigation.

Mr. McCabe said the he presented this application to the board at the initial hearing in November 2022 and that he had read the VMRC remand letter.

Mr. McCabe said that he did not agree with their findings that there was not an avenue to provide for compensation for the impact.

Mr. Custis asked Mr. McCabe to tell the board what steps he took to address the outstanding issues with VMRC.

Mr. McCabe said they engaged Mr. Wilkins's services further by having him come back out and reconfirm the mean and low high water marks.

Mr. McCabe added that they met on site, (himself, Mr. John Salm, Mr. Nettleton, and Ms. Nunnally), and verified in the field, after the mean high and low water lines had been staked, the areas seen on the plans.

Mr. McCabe also confirmed that that there was an area with a significant amount of erosion that was off to the side of their property that was not part of the application.

Mr. McCabe stated that the numbers on page 8 were reflective of the agreement of the non-vegetated and vegetated tidal wetlands impacts in the area north of the marina entrance channel and along the south side of the marina basin.

Mr. McCabe said they also met with Ms. Emily Hein, (VIMS), who evaluated the site and the VIMS report was produced. (Also a requirement of VMRC)

Mr. McCabe said they worked with Mr. John Salm to create the January 23, 2023 plan set, provided an updated purpose and needs statement, (January 8, 2023), and produced the VIMS evaluation letter response, (February 9, 2023).

Mr. Custis wanted to confirm and make it clear, (for the record), that Mr. McCabe, VMRC staff, and Accomack Co. staff agreed, on site, to the area and amount of vegetated and non-vegetated wetlands impacts. Mr. McCabe said that was correct.

Mr. Custis asked Mr. McCabe if he agreed with the recommendations from VIMS and Mr. McCabe said no.

1. Pull the rip-rap back into the site
 - Mr. McCabe said he was not an engineer, but to pull the rip-rap back to get the kind of slope needed to deflect the wave energy there did not seem feasible. (In his professional opinion)
2. Request for offshore stone breakwaters
 - There would be an order of magnitude of impact to shallow water impact much higher than impacting the non-vegetated and vegetated tidal wetlands.

Mr. McCabe said there was a huge push by both the EPA/National Marine Fisheries to avoid offshore stone breakwaters, because of the shallow water habitat impacts of the footprints of those breakwaters.

Mr. McCabe explained that adding breakwaters offshore is not feasible due to the fact resource offset is much greater of an impact than what they were asking for.

Mr. Custis asked Mr. McCabe if he had done a rough estimate of what that impact would be, and Mr. McCabe said, generically, yes. The impact would be 2-2.5 acres of impact to the bottom to get the trapezoidal shape of the breakwaters.

Mr. Custis asked Mr. McCabe with all respect to the impacts that he had seen, based on his professional experience, knowledge and information on this project, if the current impacts currently shown on the plan avoidable?

Mr. McCabe said he did not think they were avoidable to provide the impact necessary economic viability of the proposed project. He added that the statute did not differentiate between low and high value vegetated or non-vegetated wetlands, but the area was a low value wetland that was established out of an upland sometime over the last fifteen years.

Mr. Badger asked if there was any SAV offshore.

Mr. McCabe said, according to the VIMS report, no.

Mr. Getek asked if the offshore sills would impact navigation or any utilities.

Mr. McCabe said he believed they would impact navigation, but the Army Corps Navigation Division would review it.

Mr. John W. Salm, III, (J.W. Salm Engineering, Inc.), appeared before the Wetlands Board and was sworn in by Chairman Byrd.

Mr. Salm said he had been President of J.W. Salm for going on 27 years, and that he had been a licensed Engineer in the Commonwealth since 1992. He added that he was experienced in working in Accomack County, VA and also on waterfront properties.

Mr. Custis asked that the board recognize Mr. Salm as an expert in the field of engineering based on his knowledge, skill and experience in Engineering.

Mr. Salm said he was familiar with the site and said he agreed with the locations and amounts of impacts to vegetated and non-vegetated wetlands previously stated by Mr. Wilkins and Mr. McCabe.

Mr. Custis asked Mr. Salm, with his 30 plus years of experience, if he thought those areas were avoidable.

Mr. Salm said he did not believe they could avoid those areas primarily due to economic hardship to the project which would make it undoable. The fast land that was there was in a straight line and having a meandering riprap would be difficult to design and construct.

Mr. Custis then asked Mr. Salm did he agree with Mr. McCabe's assessment of the VIMS letter.

Mr. Salm said he agreed. He pointed out the comment Mr. McCabe made stating that there was an order of magnitude difference. An order of magnitude difference was ten times difference and this was greater than two orders of magnitudes. Mr. Salm said this was more than 100 times difference.

Mr. Badger said there used to be oyster grounds off shore, but did not know if they were still there.

Mr. McCabe said he was not sure if the lease was renewed, but they were there two years ago.

Mr. Getek asked in regards to the issue of the property owners, where they talking about concerns of the parking spaces, an actual building, or utility lines.

Mr. Salm said it was the rentable trailer space would be the main concern.

Mr. Badger said if everything was pulled back, as VIMS suggested, the trailers along the front would not be viable. Mr. Salm said that was correct.

Mr. Badger asked if they trailers were not viable, would the project be viable.

Mr. Salm said he could not speak to that, but from what he had been told by the owner is that it would not be viable.

Mr. Ward asked how far channelward was the breakwater that VIMS wanted. Mr. Salm answered that in this location, with the level of exposure and size of the breakwaters, about 50 – 70 feet. (Mr. Salm did state that he had not done calculations for this particular site, but with his experience this was his presumption).

Mr. Custis respectfully requested that the Board reapprove the application as submitted as the applicant had addressed the VMRC requirements, and thanked the members for their time.

CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Byrd asked if there was anyone who wanted to comment on application 2022-2293.

No one made a request to speak.

CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. Getek said that he was concerned about the SAV and asked Mr. Nettleton what he knowledge of it was at that particular site.

Mr. Nettleton said there was none currently documented at the site. It was likely that it could be supported there, but it would probably require someone planting it there for it to get there.

Mr. Taylor asked Mr. Nettleton if the current bulkhead, by right, could be put back in place.

Mr. Nettleton said no, it was never by right. Mr. Taylor mentioned allowing applicants to go no more than 2 feet channelward, and Mr. Nettleton said only if there were no impacts behind the bulkhead.

Mr. Nettleton said that they, (VMRC), agreed that the applicant had met their requirements and also agreed with the impacts.

Mr. Badger said that VMRC was concerned that they did not have the impacts nailed down and the justification for them. Now they have the impacts and needed to make sure the impacts were justified.

Mr. Nettleton said part of the Commission's recommendation was to consider alternatives and that had been done.

Mr. Getek asked, for clarification, if the numbers they have now were similar to the amounts from before.

Mr. Nettleton said the impacts inside the bulkhead, as far as he was aware, have remained unchanged. The issue before was that they did not have a survey of mean high water in the riprap area so the numbers were unknown.

Mr. Getek asked if they ever had similar situations where they were going to vote in regards to the concerns of the development of a property.

Mr. Taylor said the Town of Chincoteague would handle all of that.

Mr. Byrd said that was out of the Wetlands Board's jurisdiction and that they were only voting on what had been heard.

Mr. Getek said he was still concerned. It seemed like it was decided not to pull the project back was due the design being impacted, and he did not know if that was reasonable.

Mr. Badger said part of the [Virginia] code section: 28.2-1303.B1 states:

- ***The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.***

Mr. Badger said that was the reasoning for their decision and Mr. Getek thanked him for the explanation.

On a motion made by Mr. Taylor and seconded by Mr. Badger, the Wetlands Board voted to issue a permit (valid for (1) year, for Blue Marina VA, LLC. - VMRC# 2022- 2293, for the resurfacing of an existing rip rap, replacement of the existing bulkhead 18 inches channelward to construct a new bulkhead, replacement of (2) timber/vinyl jetties with stone jetties, dredge, fill, and installation of (2) new stormwater outfall pipes with the following conditions:

1. *Pay a total of \$29,790.00 into the mitigation fund for 574 square feet of impacts to non-vegetated wetlands and 1,081 square feet of impacts to vegetated wetlands.*

The property is located on Chincoteague Island, VA 23336, tax map#(s) 45-A-20, 30A1-1-20, 42, 44, 46, 48, and 52.

5. NEW BUSINESS

A. Richard Davis- VMRC# 2023- 0031

Replacement of the existing bulkhead with a new vinyl bulkhead 1 foot in front of the existing bulkhead

Ms. Nunnally gave a synopsis of the project pointing out it there was 47 square feet of impacts to non-vegetated wetlands.

Mr. David Higgins appeared before the wetlands board, on behalf of the applicant, and was sworn in by Chairman Byrd.

Mr. Higgins said he was approached by the owner concerning issues with the bulkhead. There was over washing going on signs of deterioration, and the applicant wanted to do preventative work to lessen impacts.

Mr. Higgins added they were not requesting to go 2 feet channelward and was only requesting what was necessary to mechanically build the bulkhead.

Mr. Higgins also said that they agreed with the impacts to vegetated wetlands.

Mr. Byrd asked Mr. Higgins to explain the line that was staked going across to the adjoining property.

Mr. Higgins stated that the adjoining property owner wanted to see what his options were for putting in a bulkhead. It had nothing to do with this JPA.

CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Byrd asked if there was anyone who wanted to comment on application 2023-0031.

No one stood to speak or make comment.

CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. Badger said he was looking at the cross section drawing, submitted January 4th, 2023, that showed a bulkhead two feet channelward. Ms. Nunnally said it was revised. Mr. Higgins now only wanted to go 1 foot channelward.

Mr. Badger said he did not see it as a problem on the left side, but did not see how he would get across the submerged area.

Mr. Higgins thought the 1 foot started at the back side of the whaler, and Mr. Badger told him that it started at the actual bulkhead.

Mr. Byrd told Mr. Higgins that he needed to ask for what he needed now.

Mr. Higgins requested to go with 2 feet channelward.

Mr. Ward asked, to confirm, if the existing bulkhead would remain and if backfill would be placed in between. Mr. Higgins confirmed that was correct.

Mr. Badger said that it appeared that the bulkhead was going to be higher and asked how much higher.

Mr. Higgins said probably 1 foot.

Mr. Getek asked if they thought about putting in weep holes to help the water get out at the bottom.

Mr. Higgins said possibly, and typically with vinyl weep holes could be put in, but their main concern was doing preventive work to keep the bulkhead from failing.

Mr. Getek also requested that any shellfish be relocated prior to beginning work.

Mr. Higgins asked if he could remove some of the debris such as only center blocks and concrete.

Mr. Badger said as long as they were not dredging it and Mr. Higgins said it would be done by hand.

Mr. Badger asked if anyone had addressed possible mitigation on site for the 47 square feet of impacts. He did not see how it could be done without getting permission from someone else leaving the in lieu fee as the only option.

Mr. Byrd confirmed there was nowhere on site to mitigate, and Mr. Ward mentioned that Mr. Higgins was in agreeance with the impact amount and with paying the fee.

Mr. Getek pointed out that a Living Shoreline would not work either.

A short discussion ensued, led by Mr. Byrd, on this topic giving some background of the area.

The board members decided that a Living Shoreline would not be a good idea for this site.

Mr. Byrd asked Mr. Nettleton if he had anything to add.

Mr. Nettleton said to make it clear in the motion that they were only permitting 1 foot channelward for their jurisdiction.

On a motion made by Mr. Getek and seconded by Mr. Badger, the Wetlands Board voted to issue a permit (valid for (1) year, for Richard Davis- VMRC# 2023- 0031, for the proposed replacement of the existing bulkhead with a new vinyl bulkhead 1 foot in front of the existing bulkhead with the following conditions:

1. Pay \$846.00 into the mitigation fund for 47 square feet of impacts to non-vegetated wetlands.

2. 1 foot channelward for the 40 square feet section on south side with the continued 7 square feet, and the 8 feet on the north side will be placed in kind/in line

The property is located in Onancock, VA 23417, tax map#(s) 85A1-4-6.

On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to take a 5 minute recess.

Meeting reconvened at 11:28 AM

B. Dale Holland- VMRC# 2023- 0166

Installation of 82 feet of new vinyl bulkhead along a man-made canal parallel to the existing bulkheads on the adjoining properties

Ms. Nunnally gave a summary of the project adding there was 246 square feet of impacts to non-vegetated wetlands.

Mr. Charles Ward, (Starboard Environmental), appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Byrd.

Mr. C. Ward stated that this property was purchased by the applicant about 6 months ago. The previous owner had been contacted by Captain's Cove several times to bulkhead the property, but decided to sale the home instead. About one month after Mr. Holland's purchase of the property he contacted Mr. C. Ward to move forward with getting the property bulkheaded.

Mr. C. Ward said the soil there collapses a lot and is very loose. He said Mr. Holland would like to move forward with this as quickly as possible to get that secured.

CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Byrd asked if there was anyone who wanted to comment on application 2023-0166.

No one stood to speak or make comment.

CHAIRMAN BYRD CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. Getek said he was concerned when visiting the site seeing there had already been some disturbance. He then asked if that had caused any impact to vegetated or non-vegetated wetlands.

Mr. C. Ward said he could not explain why exactly why the ground looked that way. He added that Mr. Holland mentioned some offloading of barges at the property. Contractors had

contacted Mr. Holland about the possibility of offloading equipment from barges there, and maybe that was what occurred.

Mr. C. Ward stated there was a significant collapse on the bank sometime around the time of the property exchange, but did not know exactly when. He added that the vegetation was hand chopped by him due to make it easier to see things during site visits. Ms. Nunnally/Mr. Nettleton had issues in the past not being able to see certain things so Mr. C. Ward said he cut the frag back some to make the bank visible.

Mr. C. Ward said the 90 square feet that was originally requested was revised at the request of one of the board members and VMRC.

Mr. C. Ward said the property owner was in agreeance with the 246 square feet of impacts.

Mr. Getek asked Mr. Nettleton and Ms. Nunnally, to confirm, if they were also in agreement with the 246 square feet of impacts. They answered yes.

Mr. Getek also asked how much backfill would be used.

Mr. C. Ward said it would probably bring in about 80-100 cubic yards.

Mr. Getek wanted to point out that this would not be a good area for a Living Shoreline due to navigational issues and it being on a manmade canal.

On a motion made by Mr. Getek and seconded by Mr. Taylor, the Wetlands Board voted to issue a permit (valid for (1) year, for Dale Holland- VMRC# 2023- 0166, for the proposed installation of 82 feet of new vinyl bulkhead along a man-made canal parallel to the existing bulkheads on the adjoining properties with the following conditions:

- 1. Pay \$4,428.00 into the mitigation fund for 246 square feet of impacts to non-vegetated wetlands.*

The property is located in Greenbackville, VA 23356, tax map#(s) 5A3-1-1418.

6. OTHER BUSINESS

A. Planning Commission Meeting - Update

Discussion on Wetlands Mitigation Bank construction in Accomack County.

Mr. Byrd stated that the Planning Commission had a meeting and a portion of it was on Mitigation Banks. He said Mr. Getek attended the meeting and asked if he would give a synopsis of what went on, and how it stands as far as the Wetlands Board was concerned.

Mr. Getek said on February 8, 2023 the Planning Commission discussed how to use mitigation banks in the different zoned areas in Accomack County. Criteria for approval would be on a case by case basis depending on the zoning in a particular area.

Mr. Getek said there was some discussion on residential zoned areas. He said Mr. Hickman asked if it was a good idea. What if someone wanted to make a bank next door to someone's residential property, to what degree would a potential mosquito infestation impact have on the area.

Mr. Getek said someone who was developing wetlands bank said that if this particular zoning was implemented earlier that he could have saved a good amount of time and expense.

Mr. Getek said the he also spoke and make it clear in regards to some of the things they need to consider when they do the wetlands bank mitigation. Informing them that needed to have certain information to make a clear decision about what was being done. For example, an uplands area is converted to a wetlands area and knowing exactly what the delineation is was critical.

Mr. Getek also said there was some concern that there would be a loss of agricultural land for this purpose.

Mr. Getek said the board chair approved it so that any places zoned residential, business, rural, etc. could be approved on a case by case basis.

Mr. Getek added that one good thing that came out of it was that they wanted to have a checklist/guideline to make sure what they do cogent with what the wetlands delineation was and everything else that might have been involved in terms of ownership.

CHAIRMAN BYRD OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Paul Seltzer, Deputy Director for Building, Planning & Economic Development, appeared before the Wetlands Board and was sworn in by Chairman Byrd.

Mr. Seltzer said the Planning Commission did have a public hearing, it was advertised as needed, and was voted on to send to the Board of Supervisors for a Conditional Use Permit. It will not be approved on a case by case basis.

Mr. Seltzer stated that anyone applying for any off site compensatory mitigation banks would apply for a Conditional Use Permit that will have to go before the Board of Supervisors for approval. This was not a factor for onsite mitigation.

Mr. Badger asked if that would be for tidal and non-tidal and Mr. Seltzer that yes. Mr. Seltzer said they did not differentiate between the two.

Mr. Seltzer also said they were working on a list of standards to give to the Board of Supervisors.

A discussion ensued.

B. New VMRC Representative Introduction

Mr. Nettleton will introduce Ms. Claire Gorman as the new VMRC Representative

Mr. Nettleton informed the board that he would be leaving VMRC on March 7, 2023, and had accepted a new role with The Nature Conservancy.

Mr. Nettleton then introduced the board to Claire Gorman would be replacing him, and she said she would be at March meeting.

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, March 23, 2023 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac, VA.

8. ADJOURNMENT

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

The meeting was adjourned at 12:17 p.m.

T. Lee Byrd, Chairman

Chontese Ridley, Environmental Permit Specialist