

Virginia: At a meeting of the Accomack County Wetlands Board, held in the chambers of the Board of Supervisors on the 24th day of March, 2011, A.D.

Members present:

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

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

Alternate Members Present:

Mr. Mikel Patti (**ABSENT**)
Mr. Gene Wayne Taylor (**ABSENT**)

Others present:

Mr. Hank Badger, VMRC (**ABSENT**)
Mr. Robert H. Cole, USACE (**ABSENT**)

The meeting was called to order by Chairman George T. Parker, 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, **January 27, 2011** meeting as corrected. Ms. Merrill seconded the motion. Ayes: Mr. Parker, Ms. Merrill, Mr. Davis, Mr. Frederick, Mr. Ward.

Mr. Davis made a motion to approve the minutes of the Thursday, **February 24, 2011** meeting as submitted. Mr. Frederick seconded the motion. Ayes: Mr. Parker, Ms. Merrill, Mr. Davis, Mr. Frederick, Mr. Ward.

2). **NEW BUSINESS**

1). An application from Mr. George B. Sterling, Jr., VMRC #11-0224, to construct a bulkhead along the shoreline, thereby impacting wetlands at Craddock Creek, 10089 Ellis Drive, Craddockville, Virginia. TM #108-A-17F

At the request of Mr. Sterling, Mr. Frederick made a motion to continue this application until the April 2011 meeting. Mr. Davis seconded the motion. Ayes: Mr. Parker, Ms. Merrill, Mr. Davis, Mr. Frederick, Mr. Ward.

2). An application from Trails End Campground Association, VMRC #11-0192, to replace the existing crabbing pier in same footprint and add 6' X 50' to T-Head thereby impacting wetlands at Trails End Campground, 5360 Wallops Road, Mosquito Creek, Horntown, VA TM #29-A-2

Mr. Raymond Britton, of BIC, Inc., appeared before the Board to represent this application. Mr. Britton advised the new pier would be replaced in the same footprint as the existing pier, but constructed 2' higher and constructing an additional 50' in length.

A discussion ensued regarding the jurisdiction of the T-Head and the authority the Wetlands Board has regarding community piers.

At this time, Mr. Fluhart read a portion of the VIMS Report into the record which stated, ***“RECOMMENDATIONS SUMMARY: Construct pier replacement as proposed; Stage all construction materials and equipment in upland area; Properly dispose of demolition debris; Avoid disturbance to adjacent tidal marsh.”***

The board discussed the proposed height of the pier. Mr. Britton advised the proposal is to replace the pier in the same footprint and the existing grasses have not been shaded in the past and are getting the sunlight needed to grow. Mr. Britton further advised if the pier was constructed at 6' wide, the requirement would be 6' in height and the pier would then have to be constructed at a longer angle which would make the ramp further into the upland and parking area. Mr. Davis advised, in his opinion, the existing pier is not shading enough now to impede growth and the height proposed should be adequate.

After a brief discussion, Mr. Davis made a motion to approve this application as presented. Ms. Merrill seconded the motion. Ayes: Mr. Parker, Ms. Merrill, Mr. Davis, Mr. Frederick, Mr. Ward.

3). **OTHER BUSINESS**

1). **Wetlands Mitigation**

The Board discussed at length the monies within the Accomack County Wetlands Mitigation Fund and how to possibly distribute those funds to assist other agencies in the creation or restoration of tidal wetlands.

Mr. Parker advised with his understanding of the **Resolution Establishing the Wetlands Mitigation Account**, it gives the Wetlands Board the authority to spend the funds collected. Mr. Parker read a portion of the resolution, which stated, ***“NOW, THEREFORE, BE IT RESOLVED BY THE ACCOMACK COUNTY BOARD OF SUPERVISORS:***

2. The Wetlands Mitigation Account funds will be utilized for expenses associated for wetlands compensation projects; said expenses include administrative costs, land acquisition costs, site improvement costs, and monitoring costs; and . . . ”

Mr. Parker further read, *“5. The Wetlands Mitigation Account funds will be expended by authorization from the Wetlands Board with the exception that land acquisition associated with any wetlands compensation project must receive prior approval of the Board of Supervisors.”*

A discussion ensued regarding agencies and areas to possibly fund projects. Mr. Fluhart advised possible restoration at County Boat Ramps, where appliances and debris have been abandoned and have damaged the wetlands. Mr. Parker added he has spoken with Mr. Steve Parker regarding sending some funds to aid in projects the Nature Conservancy may have to create wetlands.

After a clarification, Mr. Parker advised the balance in the Wetlands Mitigation Fund at the present time is \$5,652.00 plus a little interest and there are three projects with outstanding fees totaling \$3,744.00.

Mr. Parker added, in reviewing comments from CCRM (Center for Coastal Resources Management), a wetlands online forum posted in 2005, reading a portion of comments from Amy Walker in regard to Phragmites as a wetlands, which stated, *“In response to David Fluhart, I asked about Phragmites in two different respects. Are impacts to Phragmites considered the same as impacts to Spartina marshes in terms of mitigation and could the elimination of Phragmites and the planting of a more native marsh count as on-site mitigation. The answer from Mr. Pruitt and Mr. Grabb was that Phragmites is considered on the same level as other vegetated wetlands and that*

converting a Phrag stand to a more native and functioning marsh (depends on your view) will not constitute mitigation.” Mr. Fluhart advised at the time of this post, in 2005, Mr. Pruitt was the Commissioner of VMRC and Mr. Bob Grabb was the head of the Habitat Management Division of VMRC.

Mr. Fluhart added that he had been contacted by someone who would possibly donate an area of uplands that is adjacent to tidal wetlands for the County to mitigate. Mr. Fluhart advised the Board should not be in a position to administrate and manage the creation of wetlands within the county and that possibly contributing the funds to assist other agencies would be the better route.

A discussion ensued regarding areas that have previously been mitigated and successful, locating an agency to create wetlands and assist financially with the purchase of plants, or grant monies to a bonafide project within Accomack County for the restoration/creation of tidal wetlands.

Mr. Fluhart advised he would contact Mr. Stewart Hall, Public Works Director for Accomack County to seek out boat ramp areas within Accomack County which need to be restored as the result of debris and appliances dropped on tidal wetlands that possibly could be removed and the wetlands restored.

Mr. Fluhart further advised he would contact the County Attorney regarding the authority the Wetlands Board has in spending the monies from the Mitigation Fund and their limits.

Mr. Parker advised he would contact Mr. Steve Parker, of the Nature Conservancy regarding projects to create wetlands within Accomack County. He further advised, reading from the *Resolution Establishing the Wetlands Mitigation Account*,

and reading into the record, “2. . . . *said expenses include administrative costs, land acquisition costs, site improvement costs . . .*”

Mr. Fluhart advised he would post on the CCRM message board to see if other localities have spent any of their mitigation monies and on what types of projects were created as a result.

A discussion ensued regarding Phragmites and the role this vegetation plays in regard to a functioning wetland. Mr. Parker requested Wetlands Mitigation be placed back on the agenda for the April 28th meeting for further discussion.

ADJOURNMENT

Mr. Davis made a motion to adjourn the meeting at 10:42 AM. Ms. Merrill seconded the motion. Ayes: Mr. Parker, Ms. Merrill, Mr. Davis, Mr. Frederick, Mr. Ward.

Mr. George T. Parker, Chairman