

ACCOMACK COUNTY WETLANDS MINUTES OF DECEMBER 17, 2020

At a meeting of the Accomack County Wetlands Board held on the 17TH day of December, 2020 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. **CALL TO ORDER**

1.1 **MEMBERS PRESENT AND ABSENT**

Wetland Board Members Present

Mr. Earl Frederick, Chairman

Mr. George Ward, Vice Chairman

Mr. Timothy Getek

Mr. Gene Wayne Taylor

Mr. T. Lee Byrd

Others Present:

Mr. G. Christian Guvernator IV, PE, Director Environmental Programs Ms.

Ms. Chontese Ridley, Environmental Programs Permit Specialist

Ms. Allison Lay, Virginia Marine Resources Commission (VMRC)

Mr. Netleton, Virginia Marine Resources Commission (VMRC)

1.2 **DETERMINATION OF A QUORUM**

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

2. **ADOPTION OF AGENDA**

Mr. Fredrick said he had one thing to add under "Other Business." One of the presenters, Mr. Davis, wanted to make some comments on the Living Shoreline law change.

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

3. **MINUTES**

3.1 **Draft November 2020 Minutes**

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to approve the October minutes, as corrected.

4. **OLD BUSINESS**

5. **NEW BUSINESS**

5.1 **Harvey Fisher– VMRC# 2020-1759**

3414 & 3418 Main Street

Construction of approximately 175 feet of new vinyl bulkheading

Mr. Frederick ask Mr. Guvernator to come introduce the application. Mr. Guvernator said showed an aerial photo of the project area which included three lots. All rubble channelward of the bulkhead will be removed.

Mr. Chris Guvernator, Environmental Programs, appeared before the Wetlands Board and was sworn in by Chairman Frederick.

This project was previously approved, but that permit has since expired. During the site visit it was discovered that a portion of the project had already been constructed. From approximately where the Raymond project ended to the dock itself. He said the project had been deemed an “After-the-Fact” project/permit and the application fee was doubled.

Ms. Ellen Grimes, Coastal Resource Management, LLC, appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick. Ms. Grimes said this was approved in 2016 and Mr. Fisher never built it. When the Raymond project was being worked on it was extended to the pier. She said she was not sure why, but she was asked to submit revised drawings. Ms. Grimes said they were requesting an after-the-fact permit for that section and the previously proposed work. She also said that there would be no dead men or tiebacks. It is pretty close to Main Street. In some instances there are electric or water that is running across the road. Most of the utilities are on the west side of Main Street.

To make up for no tiebacks or deadmen the sheathings and the pilings by at least 2 feet to give it a little more bottom strength.

Mr. Frederick asked the audience if there was anyone present who wished to speak concerning the Fisher application. No one came forward and the public comment period was closed.

Mr. Ward asked if the project was being built as it was proposed in 2016. Ms. Grimes said no, but did confirm that it was being built in the same footprint.

Mr. Taylor asked if, at not no time, would the bulkhead channelward of the rubble and Ms. Grimes was replied no.

Mr. Frederick said there had been no discussion of a Living Shoreline. Ms. Grimes said it was discussed in the application. Mr. Frederick asked if, for the record, she would like to give a glossing of it so that everyone could hear it. Ms. Grimes said when using the Decision Tree, provided by VIMS, has a section that says, “Is your project adjacent to public utilities, road ways, etc.” If you answer yes, it then says “STOP, seek expert advice.”

A discussion ensued.

Mr. Getek asked if there were any vegetated wetlands disturbed. [For the one already put in] Ms. Grimes said no, it was put in from the uplands. Ms. Grimes said there was some gain from rubble being moved allowing the vegetated wetlands to grow back towards the bulkhead.

Mr. Ward asked when the after-the-fact work was done and Ms. Grimes said it was done in October of this year.

Mr. Getek asked if Ms. Grimes contacted VDOT and she did not. She added that a building permit would be needed and from there the Town could contact VDOT if needed.

Mr. Frederick wanted to bring to everyone’s attention that there are 50 square feet of vegetated impacts in the plan.

Ms. Grimes said they could probably pull the elbow back and continue on. Mr. Byrd asked if the applicants would be willing to do that to stay out of the vegetated wetlands. Ms. Grimes said yes. She said she would redraw and pull it back. Then stated it would be pretty close to the road. Pulling it back did not look possible. Mr. Byrd asked Ms. Grimes what her plan was. Ms. Grimes said she would tell her clients there were 50 square feet of impacts and ask them to pay for it.

Mr. Getek asked Ms. Lay if she had anything to say.

Ms. Allison Lay, (VMRC), appeared before the Wetlands Board and was sworn in by Chairman Frederick.

Mr. Byrd asked if Ms. Lay what did VMRC have to say about the project. Ms. Lay said she wished she had seen the project staked out, but 50 square feet did sound right.

On a motion made by Mr. Taylor and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year) for Harvey Fisher– VMRC# 2020-1759 for construction of approximately 175 feet of new vinyl bulkheading with the following conditions :

- 1. All rubble channelward of the existing and proposed bulkhead be removed*
- 2. Pay for 50 square feet of impacts to vegetated wetlands*

The property is located on Chincoteague Island, VA 23336, Tax Map#(s) 30A3-A-72, 73, &74A.

5.2 Gerald Quinn– VMRC# 2020-1944

35510 Copes Drive

Installation of 310 linear feet of stone sill, 120 linear feet of rip rap marsh toe revetment, 3,200 square feet of beach fill nourishment, approximately 1,500 marsh plantings, and 6-8 10-foot fiber logs staked in place.

Mr. Frederick ask Mr. Guvernator to come introduce the application. Mr. Guvernator went over the project description.

Ms. Ellen Grimes, Coastal Resource Management, LLC, appeared before the Wetlands Board on behalf of the applicant. Ms. Grimes gave a detailed description of the property. She said her mentor told her to work with the marsh headland as you have them and as nature has given them to you.

There would be four sills, one protecting the whole embayment, and riprap protecting the marsh headland. She said she would also be using coir logs and all the sills would be rock.

Ms. Grimes said her hope was that they would plant and fill, the sand would keep moving, and that it would fill behind the sills eventually. She also added that she had to turn in a WQIA, Water Quality Impact Assessment, to the County for impacts of equipment tracking.

Mr. Frederick asked the audience if there was anyone present who wished to speak concerning the Quinn application. No one came forward and the public comment period was closed.

Mr. Guvernator said he wanted to enter a document into the record. An email came in from VIMS related to this project. They do not have any concerns with the portion of the project in the Wetland Board’s jurisdiction. However, they are still reviewing the SAV issue just off shore of the project to see if it will be impacted by the structures.

Mr. Byrd asked if that had anything to do with the Board’s motion. Mr. Guvernator said he did not believe so, but there was a note that says they, (VIMS), always looks at how SAV migrates landward with sea level rise. Mr. Frederick said that had never been addressed before and Mr. Guvernator said it was a VMRC issue.

Mr. Getek asked if there was a drawing showing mean low water and Ms. Grimes said yes, but it was all out beyond mean low water.

Ms. Grimes said the project was also trying to qualify for the VCAP program, which is funding for Living Shorelines.

On a motion made by Mr. Byrd and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year) for Gerald Quinn– VMRC# 2020-1944 for the installation of 310 linear feet of stone sill, 120 linear feet of rip rap marsh toe revetment, 3,200 square feet of beach fill nourishment, approximately 1,500 marsh plantings, and 6-8 10-foot fiber logs staked in place. The property is located in Belle Haven, VA 23306, tax map #(s) 117-A-23.

5.3 Ryan McKinney– VMRC# 2020-1988

35093 Pine Cove Circle

Installation of a 132 linear feet Living Shoreline

Mr. Frederick ask Mr. Guvernator to come introduce the application. Mr. Guvernator went over the project description.

Mr. Guvernator gave a summary of the project. He also had some literature to hand out to the board members.

Mr. Chris Davis, ReadyReef Inc., appeared before the Wetlands Board on behalf of the applicant and was sworn in by Chairman Frederick.

Mr. Davis said this was a combination project. The reefs, back fill and the planting all conform to the best management practices and with the VCAP manual. The site does not have a lot of fetch and is not very exposed, but there has been server undercutting of the bank. Going back 7 feet in some cases.

Mr. Davis said they would not be impacting any marsh grass. He added that the growth bags he planned to use could be stacked and plants could be put between the bags. They are filled with 75% sand and 35% top soil. Even if you do not plant them, plants will find their way in them.

Mr. Frederick asked where the bags would be placed. Mr. Davis referenced the cross section pointing out the bags, (enviro-bags), up against the bank represented by the green line. He also said the bags would be anchored into solid soil. Each bag is 80lbs.

Mr. Frederick asked if Mr. Davis could briefly describe reefs he was going to be putting in since it was new to them. Mr. Davis said they were concrete substrates and they put oyster shells in them as a veneer. The shells are the best surface for recruiting oysters. The bags will be just above mean low water.

Mr. Frederick asked the audience if there was anyone present who wished to speak concerning the McKinney application. No one came forward and the public comment period was closed.

Mr. Getek has a question about jurisdiction and Ms. Lay said it was at mean high water.

A discussion ensued.

Mr. Guvernator had a letter from VIMS that he wanted to read into the record. The letter stated that the low sill proposed is appropriate for this shoreline. Mr. Guvernator added that he believed they were also okay with the enviro-bags.

A discussion ensued.

On a motion made by Mr. Byrd and seconded by Mr. Ward, the Wetlands Board voted to issue a permit (valid for (1) year) for Ryan McKinney– VMRC# 2020-1988 for the installation of a 132 linear feet Living Shoreline. The property is located in Belle Haven, VA 23306, tax map# 118A-6-28.

6. OTHER BUSINESS

6.1 Enviro-bags – Mr. Chris Davis

Mr. Davis said the bags are nonwoven as opposed to a sand bag that is. There are gaps between the threads of a sandbag which can cause it to leak. The enviro-bags do not leak and are tough and strong.

Mr. Byrd asked what the life was on them and Mr. Davis said the manufacture says 200 years.

Mr. Davis said it was really a growth bag. The plants are planted between the seams and are zip tied.

A discussion ensued.

6.2 Living Shoreline Laws – Mr. Chris Davis

Mr. Davis gave his thoughts on the projects that are being done and most of them not being Living Shorelines. He also spoke on how the guidelines have not been given out. He said he believed that it was a staffing issue. He said was begging and hoping that the Wetlands Board here would continue the fight for Living Shorelines.

He continued to speak on why he thought these laws were important and ended with giving the Board some encouraging words.

A discussion ensued, led by a comment Mr. Getek made, on contractors/agents knowing the rules/regulations and making their clients aware of them.

6.3 Extension Request – VMRC# 2019-1639 – Mr. Chris Guvernator

Mr. Guvernator said he was contacted by the applicants about their permit expiring. They have done half of the project and they are requesting a two-year extension. This was a two part project in Harborton.

Mr. Byrd said one year. Mr. Frederick asked if two years was necessary, and Ms. Grimes said the applicants live in New York. Mr. Guvernator said if they go too far past the two year period site conditions could change.

Mr. Frederick asked if anyone on staff had been out. Mr. Guvernator said he could go out and the Board could table this until the January meeting.

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to have Mr. Guvernator, or staff, to check the situation to make sure nothing has changed dramatically, and to report back in January.

6.4 Living Shoreline Decisions & Guidelines – Mr. Chris Guvernator

Mr. Guvernator said Ms. Lay provided him with some information that might be more current then what they have seen before. He mentioned the conversation from last month on tools that could be given to agents, contractors, and property owners to have at their disposal.

Mr. Guvernator showed the board the Decision Tree and a manual on how to use it. Adding that the links could be added to the website for others to use.

He went on to give more info on the decision tree and how it walks you through asking a series of yes or no questions.

6.5 2021 Meeting Dates

The dates for the 2021 meeting schedule were decided.

On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board voted to approve the 2021 meeting schedule with the modification of the December meeting being on December 16th.

7. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, January 28, 2021 at 10:00 a.m. ~~in the Accomack County Board Chambers, Room 104, in Accomac, VA.~~ Meeting will be held electronic.

8. ADJOURNMENT

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

The meeting was adjourned at 12:13 p.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist

