

ACCOMACK COUNTY WETLANDS MINUTES OF JUNE 23, 2022

At a meeting of the Accomack County Wetlands Board held on the 23RD day of JUNE 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. Earl Frederick, Chairman

Mr. George Ward, Vice Chairman

Mr. Gene Wayne Taylor

Mr. T. Lee Byrd

Mr. Timothy Getek

Others Present:

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

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 Frederick called the meeting to order at 10:00 a.m.

2. ADOPTION OF AGENDA

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to approve the amended to the agenda.

3. MINUTES

A. May 26, 2022

On a motion made by Mr. Getek and seconded by Mr. Ward, the Wetlands Board voted to approve the May 2022 minutes with modifications.

4. OLD BUSINESS

A. Brian Terry VMRC# 2021-1428

Re-construction of an dilapidated commercial aquaculture pier with a 10 feet wide by 80 feet long pier to a 20 feet wide by 30 feet long "T" platform, reinstall in the existing footprint, and a prefabricated boat ramp 12 feet wide by 20 feet long

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

Mr. Guvernator gave some background information on the project, and stated that they were only there to hear about the prefabricated boat ramp.

Mr. Chris McCabe, Coastal Compliance Solutions, appeared on behalf of the applicant and was sworn in by Chairman Frederick.

Mr. McCabe said he was asking for approval from the Board prior to the revision being approved by the CORPS. Mr. McCabe said there had been some confusion, because they originally had a residential application for a pier in one place and another application for a commercial pier, (same applicant, but different property owners). He said the COPRS issued the RP19 for both, and subsequent to that they noticed there was a differentiation.

Mr. Frederick asked Mr. Guvernator if he had any photos. Mr. Guvernator pulled up the site photos.

Mr. Byrd said that vegetation had grown up around the precast and Mr. McCabe confirmed that was correct. Mr. McCabe said it was about 240 square feet that they measured [in total] for vegetated and non-vegetated wetlands.

Mr. Guvernator said the difference between the two needed to be clarified for tracking purposes.

CHAIRMAN FREDERICK OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Frederick asked if there was anyone who wanted to comment on application 2021-1428.

No one made a request to communicate.

CHAIRMAN FREDERICK CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. McCabe said he had an email exchange with Ms. Nunnally and said there was 20 square feet of vegetated wetlands and 220 square feet of non-vegetated wetlands.

Mr. McCabe stated the new precast would be laid in place with an excavator.

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

Mr. Nettleton said VMRC does not consider a pier as a loss of wetlands, because it is standing over the wetlands. He then added that commercial use structures do require a permit, they do not fit the exemption for residential use.

Mr. Frederick asked if the numbers Mr. McCabe quoted were okay. Mr. McCabe said he and Beth verified them together.

Mr. Getek asked if the numbers were similar to what they heard previously. Mr. McCabe said they were exactly the same.

Mr. Frederick if it was staff's opinion that nothing had changed from the original, and Mr. Guvernator confirmed that was correct.

Mrs. Beth Nunnally, Environmental Programs, appeared before the Wetlands Board and was sworn in by Chairman Frederick.

Mrs. Nunnally said there was nothing different, but that McCabe revised the map to show it better.

Mr. Ward asked if any of this was approved when it came before the board 8 or 9 months ago, and Mrs. Nunnally said no.

On a motion made by Mr. Byrd and seconded by Mr. Getek, the Wetlands Board voted to issue a permit (valid for (1) year from today, for Brian Terry VMRC# 2021-1428, proposed prefabricated boat ramp 12 feet wide by 20 feet long with the following conditions:

- 1. Pay \$360.00 into the mitigation fund for 20 square feet of impacts to vegetated wetlands*
- 2. Pay \$3,960.00 into the mitigation fund for 220 square feet of impacts to non-vegetated wetlands*
- 3. Use Best Management Practices for precast*
- 4. Amend application with new drawing*

NEW BUSINESS

A. Captain Dan's Island Tours VMRC# 2022-0789

Removal of approx. 776 cubic yards of material from the mooring basin and also the replacement of approx. 94 linear feet of heavy duty bulkhead

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 Capt. Dan's facility was located behind 4161 Main Street on Chincoteague. She said there had been a history of the "slippage" there for many years. It had been used for landings, commercial seafood, offloading, and some of the buildings had been used as shucking houses. Ms. Grimes also added that he currently, off of the requested replacement bulkhead that's adjacent to the Chincoteague channel, moors several large vessels.

Ms. Grimes said that Capt. Dan's father actually owns the property with someone, however over the years the property has silted in from his father not maintaining it.

Ms. Grimes said Dan, as the applicant, is asking to dredge it out to a useable water depth, (-4).

Ms. Grimes told the Board the reason why they had two sets of drawings was because the first set came out before the need to pay for non-vegetated wetlands. The board members had the old drawings. Ms. Grimes said a revision was sent in on June 20, 2022. Mr. Guvernator said he had not been notified by VMRC that there was a revision. Ms. Grimes said she emailed both Ms. Nunnally and Ms. Beth Howell, (VMRC). Ms. Nunnally confirmed that she received the email from Ms. Grimes. Mr. Guvernator told Ms. Nunnally she needed to make copies to give to the board.

Ms. Grimes moved on to another part of the proposed project, the request to replace the bulkhead, while the copies were being made.

Mr. Frederick asked if staff had any comments and Mr. Guvernator said he needed to for Ms. Nunnally to return first, but believed they were in agreement with the revised plans.

Ms. Grimes said there would be 250 square feet of non-vegetated wetlands dredged out under the pier.

CHAIRMAN FREDERICK OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Frederick asked if there was anyone who wanted to comment on application 2022-0789.

No one made a request to communicate.

CHAIRMAN FREDERICK CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. Guvernator said he had a point of order for the Board to consider. He said it had been confirmed that VMRC received the updated drawing, but it had not been officially stamped in or distributed to the other agencies yet. Mr. Guvernator said from a motion point of view they needed to decide what they wanted to do and gave them some guidance.

Mr. Frederick said they would know once they seen the drawing and asked if there would be a date stamp on it, and they could just reference that.

Mr. Taylor said when he went to the site there was water in both corners on the landward side of the bulkhead underneath the concrete. He said, to him, that would be in the 1 ½ times. Ms. Grimes asked Mr. Taylor if he was trying to say there was non-vegetated wetlands behind the bulkhead and he said yes.

Mr. Frederick asked Mr. Taylor if he had an estimate of square feet. Mr. Taylor said 64 square feet on one end and 20 square feet on the other end. Ms. Grimes said she would submit a revised page 11 to include those numbers.

Mr. Getek wanted to point out that when there is no vegetated wetlands the Board's jurisdiction only goes up to mean high water.

Ms. Grimes then asked if anyone had questions on the plan view drawing with the new revised low tide mark.

Mr. Frederick said he was not clear on what part was marked for dredging. Ms. Grimes said the blue hashing was what was to be dredged. Mr. Fredrick said he did not see where their jurisdiction would start. Ms. Grimes said it started at low water. Mr. Frederick said he understood that, but that he did not see it. Ms. Grimes explained that it was under the middle pier.

Ms. Grimes was asked if she was okay with the numbers, (88 square feet + 250 square feet), discussed and she said she was. Ms. Nunnally said she could go out and verify the numbers and Ms. Grimes declined.

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 Captain Dan's Island Tours VMRC# 2022-0789, proposed removal of approx. 776 cubic yards of material from the mooring basin and also the replacement of approx. 94 linear feet of heavy duty bulkhead with the following conditions:

- 1 .Revise page 11 to include 88 square feet of non-vegetated wetlands*
- 2. Revise page 17 from 3,600 square feet of impacts to non-vegetated wetlands to 250 square feet*
- 3. Ms. Ellen Grimes, agreed on behalf of the applicant, that there was 88 square feet of non-vegetated wetlands behind the bulkhead. Ms. Grimes denied the offer by County Staff to go out and verify this number in the field.*
- 4. Pay \$6,084.00 into the mitigation fund for impacts to non-vegetated impacts to wetlands.*
- 5. Approval and Motion based off drawing submitted by Ms. Ellen Grimes dated 6/20/2022. This drawing has not been stamped or processed by VMRC*

6. *Move all oysters from the dredge area*

The property is located on Chincoteague Island, VA 23336, tax map#(s) 30A5-A-405, 406.

B. Chris & Krystine Hadley- VMRC# 2022-0929

Proposed replacement of the existing bulkhead with a new vinyl bulkhead 2 feet in front of the existing

Mr. Raymond Britton, BIC, Inc.), appeared before the Wetlands Board and was sworn in by Chairman Frederick.

Mr. Britton gave a summary of the project and added that Ms. Nunnally came out and did the measurements for him. Mr. Britton said he was proud of what Accomack County had with Mr. Guvernator and his staff. He said the staff was a pleasure to be around and the best he had dealt with.

Mr. Frederick asked if staff had any comment on this project.

Ms. Nunnally said there was 178 square feet of vegetated, 97 square feet of non-vegetated wetlands, and 836 square feet of subaqueous bottom.

CHAIRMAN FREDERICK OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Frederick asked if there was anyone who wanted to comment on application 2022-0929.

No one made a request to communicate.

CHAIRMAN FREDERICK CLOSED THE FLOOR TO PUBLIC COMMENT

Mr. Byrd said the only way to stop the water here would be a bulkhead and a Living Shoreline would not work. Mr. Taylor agreed.

On a motion made by Mr. Ward and seconded by Mr. Byrd, the Wetlands Board voted to issue a permit (valid for (1) year, for Chris & Krystine Hadley- VMRC# 2022-0929, proposed replacement of the existing bulkhead with a new vinyl bulkhead 2 feet in front of the existing. The property is located in Onancock, VA 23417, tax map#(s) 104-3-A.

5. OTHER BUSINESS

A. Resolution to Consider

Mr. Ward stated that Mr. Frederick was unfortunately leaving.

On a motion made by Mr. Ward seconded by all members, the Wetlands Board voted to honor Mr. Earl Frederick for the service he provided for the Wetlands Board, Accomack County, and the state.

Mr. Ward asked if there was anyone in the audience who wanted to say anything.

Mr. Raymond Britton said he wanted to thank Mr. Frederick and that he thought he was a real special person. Mr. Britton added that he would miss him.

Mr. Frederick said enjoyed all of it and it was never a chore to him.

Mr. Byrd said that Mr. Frederick's photos were worth 1,000 words.

Mr. Ward then presented Mr. Frederick a plaque from the Accomack County Wetlands Board.

6. NEXT MEETING

The next Wetlands Board meeting is scheduled for Thursday, July 21, 2022 at 10:00 a.m. in the Accomack County Board Chambers, Room 104, in Accomac, VA.

7. 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 10:59 a.m.

Earl Frederick, Chairman

Chontese Ridley, Environmental Permit Specialist