



## STAFFORD COUNTY WETLANDS BOARD

### Meeting Minutes

Monday, December 19, 2022 at 6:00 p.m.

Board Chambers | George L. Gordon Government Center

#### A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Henderson

#### B. Roll Call

Members Present: Sue Henderson (Chair), Mary Rust (Vice-Chair), Anthony Pineau, Dan Adams, Robert Hayden, and Benjamin Rudasill

Members Absent: Jim Riutta

Staff Present: Joe Fiorello, John Saunders, Emily Torrey, and Savannah Carabin

#### C. Determination of a Quorum

A quorum was established with 6 of the 7 members present.

#### D. Approval of Meeting Minutes

##### ➤ July 25<sup>th</sup>, 2022

Mr. Rudasill made a motion to approve the Minutes from July 25<sup>th</sup>, 2022. Mr. Pineau seconded the motion. The motion passed 6-0.

#### E. New Business

Public Hearing – 22154738; Wetlands Permit Application (WB22-03)

Ms. Linda Fellers, applicant, is requesting an after-the-fact wetlands permit under Section 27-19 – Application for Permit of the Stafford County Wetlands Ordinance as well as Section 27-31 – Reporting, monitoring, site inspections, and notice to comply; stop-work orders. The purpose is to stabilize and restore an un-authorized disturbance to a portion of Accokeek Creek shoreline to pre-disturbance conditions on TMP 49C-2-1-4.

Ms. Henderson opened the floor for questions addressed to the engineers on the project. Dylan Leygraaf and J.T. Kelley of Wetlands Study & Solutions, Inc. addressed the board on behalf of Ms. Fellers and clarified they were contracted by Ms. Fellers after the RPA violation was issued to provide consultation services to restore the property to a feasible condition.

Mr. Saunders shared that the site is in a stable condition and that photos provided before the



restoration effort began and that the slope has not eroded or washed out any further than the initial violation.

Ms. Henderson asked if there was a notification sent to adjacent property owners. Upon discussion with Jeff Madden of the Marine Resources Commission, Mr. Fiorello confirmed those were sent and there was no response.

Mr. Hayden requested a clarification on the amount of species that were impacted within 2-miles of the area whereas the submission from Wetlands Study & Solutions noted there was none but the William & Mary letter referenced 22. Mr. Leygraaf proposed the records they referenced may have been referring to endangered or threatened species but was unsure and agreed to review that potential discrepancy.

Mr. Hayden addressed another concern about the compensatory mitigation being that the proposed impacts are only temporary in nature under this request which is opposite of what was said in the William & Mary letter and requested clarification. Mr. Leygraaf stated the intent of the project is to remove everything outside of the jurisdiction and have enough of a compensatory mitigation to alleviate and create a net benefit to the aquatic area that would eliminate any opportunity of future erosion and deposition with the SAV (submerged aquatic vegetation) beds.

Mr. Kelley shared that it was observed that the previously disturbed SAV has begun to emerge.

Ms. Rust asked about the depth of the water in front of the property. Mr. Kelley responded that the depth varies from 6 inches deep to dry depending on the tidal range.

Mr. Hayden asked who was responsible for engaging William & Mary (Virginia Institute of Marine Science (VIMS) at William & Mary) to receive the letter. Mr. Saunders stated that when staff observed the violation, there was a meeting on site with Mr. Madden due to the overlapping areas of jurisdiction. Mr. Saunders clarified that VIMS is not a regulatory body and do not have any authority or jurisdiction to regulate these activities and that is for VMRC, the Wetlands Board, and Stafford County.

Mr. Pineau asked about a timeframe for the remediation of the shoreline. Mr. Kelley cited the time of year and the ability to secure a contractor may make that difficult and requested that there not be an enforceable time of year restriction.



Ms. Henderson requested the staff recommendation. Mr. Fiorello proposed that removal of sediment and fill within the sebaceous lands and intertidal zone above the mean high water and per-existing contours will restore the area to pre-disturbance conditions and the staff recommendation is that the board approve the proposed remediation plan and revetment for Ms. Fellers.

Ms. Henderson opened the floor for board discussion. Mr. Pineau addressed his concern for the timeframe and Mr. Fiorello stated the resolution is good for one year but the board has the option to make that two if they desire. Mr. Saunders stated that he does not see this project taking a year based on the current conditions and the SAV already replenishing.

Mr. Rudasill commented that he wished to remind those who are fortunate enough to live on the water in this manner are stewards of their sections of land.

Mr. Madden requested to bring to the attention of the board drawing #208 to ensure what is approved by the Wetlands Board is consistent with what the drawings are. The drawing in question referred to existing rock and stating the groins would be replenished. Mr. Kelley discussed that they will revise the plans to remove the statement of replenishment of the groins. After discussion, it appears this was removed but did not meet the deadline to be reflected in the Wetlands Meeting packet.

Mr. Rudasill made a motion to adopt Resolution WB22-03 which would approve the permit to conduct remediation of the 2,122 sq. ft of subaqueous lands and tidal wetland impacts along the shoreline of Accokeek Creek; install a 339 linear foot revetment; located on tax map parcel ID 49C-2-1-4. This motion was seconded by Ms. Rust. The motion passed 6-0.

F. Old Business

None

G. Chairman's Report

None

H. Staff Report

Mr. Fiorello shared there have been 21 wetland permit submittals with only 2 permits requiring action from the Wetlands Board.

I. Adjournment

Mr. Pineau asked if there are any items to be discussed at the January 2023 meeting. Mr.



Fiorello shared there were none at this time however there would be the yearly organizational meeting. With no further business to discuss, Mr. Rudasill made a motion to adjourn. The motion was seconded by Mr. Pineau. The Wetlands Board meeting adjourned at 6:49 p.m.