STAFFORD COUNTY WETLANDS BOARD

Monday, February 23, 2026 at (following the 6pm Chesapeake Bay Board Meeting)
ABC Conference Room | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 7:46pm by Robert Hayden.

B. Roll Call

Members Present:	Robert Hayden, Mary Rust, Jeff Eastland, Sue Henderson, Zachary Martinez, Benjamin Rudasill, Victor Eilenfield, Rachel Rilee
Members Absent:	NONE
Staff Present:	Joe Fiorello, Sam Rotsch, Vicki Sowers, Paul Santay

C. Determination of a Quorum

A quorum was established with all members and alternate members present.

D. Election of Officers

Chair:
Robert Hayden was nominated for Chair by Sue Henderson and seconded by Mary Rust. Mr. Hayden was elected as Chairman with unanimous vote.

Vice-Chairman:
Zacharey Martinez was nominated for Vice-Chair by Ms. Henderson and seconded by Ben Rudasill. Mr. Martinez was elected as Vice-Chair with unanimous vote.

E. Public Presentations

Kristen Maxson addressed the board regarding concerns for sensitive information being included in meeting packets and minutes. She referenced a key to a government building being noted for the public to see. She asks that these packets be reviewed prior to publishing. Jeff Eastland noted that it was Ms. Maxson's birthday and noted her dedication to the county to be there as a public participant on her birthday.

F. Approval of Meeting Minutes: December 15, 2025

Mr. Rudasill made a motion to approve December 15, 2025, Wetlands Board meeting minutes. The motion was second by Ms. Rust. The motion to approve December 15, 2025, meeting minutes were unanimously approved.

G. Old Business

Subcommittees

Mr. Hayden presented four briefings and slide presentations with regard to the subcommittees. (Included with published Agenda Packet)

1.By-Laws:

Recommendations:

1. **Each board member and alternate review the 2017 and updated Bylaws**- Mr. Hayden explained that the purpose of the establishment of the Bylaws committee is to review the bylaws, review bylaws from other localities and to make/vote on changes to bylaws.
2. **Assign a board member to engage with other committees/boards** (Data Center Committee) Identify who the Chairman reports to: Wetlands Board = VMRC, Chesapeake Bay = DEQ – Mr. Hayden said that he has been engaged with the county staff to get this elevated to the legal staff to say who the Chairman of the Board reports to. He explained that as Wetlands Chair, reporting is to VMRC as an extension of their capacity. He expanded explanation that the county residents are able to have a hearing via the county as opposed to going directly to VMRC's Hampton location for a full hearing. He went on to explain that the chairman of the Chesapeake Bay Board reports to DEQ while the Sand Dunes chairman likely reports to the EPA.
3. **Board members convene every six months, regardless of hearings**

Mr. Hayden continued through the slides pointing out that he wants all of the board members engaged and offering suggestions to the by-laws updates. He thanked prior Board members for previous input, along with Ms. Henderson's recent notes. He requested that each board member review the three versions of the by-laws - approved September 2017, proposed in packets from the county, and his updates. He asked that each member send an email with comments, suggestions or even just confirm that they were reviewed. He also requested changes to be made in Track Changes.

Getting participation from all on the Board was again emphasized by Mr. Hayden. He would like to assign board members to engage with other Boards and Committees and offered the county Data Center subcommittee as an example. He asked for a motion to appoint a board member in this capacity. Ms. Henderson motioned to assign a board member to engage with other committees and boards, specifically data center committee, as well as any other committees that seem appropriate as they appear. Ms. Rust seconded the motion which passed unanimously. It was discussed whether to assign someone immediately. Ms. Henderson recommended sending an email to Mr. Hayden if anyone has any interest. He would like to have them engaged prior to the next meeting so reports can be given along with a list of committees that should have representations.

4. **Should the Bylaws committee be ongoing?**
   Mr. Hayden recommended that it does.

2. In-Lieu Fees

Ms. Rust asked for more discussion regarding education as is noted by VMRC due to changes. She recommends hearing their input. Mr. Hayden explained that these changes resulted in the in-lieu fees going away – monetarily – funds will no longer be added to the existing $195,000 that is in the county account. Conversations ensued regarding what the funds can be used for. Mr. Fiorella suggested possible use with the Purchase of Development Rights (PDR) program if the funds have to be used for RPA on county property. Ms. Henderson said she had reached out to Parks and Recreation for years to get information on possible Capital projects as it relates to wetlands and RPA. Mr. Santay offered clarity on the funds and how they can be used. He explained that the Board of Supervisors would have to approve and appropriate the funds as they deem fit. He said they would likely take recommendations from this board as has been discussed with the chairman in the past.

Mr. Hayden explained his proposal to put the responsibility of (delete) ~~overseeing these funds on~~ (add) advising on these funds as the chairman of the Wetlands Board. He said, according to county staff, the board currently does not have any access, visuals or authority. Jesse Adams (public) spoke about the utilization of the fees to assist with erosion issues at Crows Nest along Boykin Landing Rd. He said there are quite a few areas around the county that could benefit from these funds.

Moving on to additional slides, Mr. Hayden presented information regarding DEQ's own in-lieu fees program. He said they are paying for FTEs and have appropriated $500,000 in 2026. He said getting to something like this would require a paradigm shift in the way the board is run. He wants to be forward-facing by actively engaging with the community and working to find projects that fit within the legal requirements of the fees. He requested buy-in and participation from all on the board to assist with new responsibilities involved. Mr. Hayden displayed multiple graphs and visuals regarding other localities. He offered an example in Virginia Beach where placards are used to identify and display what a living shoreline is. He said there are opportunities to do this within the county to show options and examples to landowners of what can be done. He said there is funding available and opportunity by the board to make a difference. Mr. Hayden suggested the best approach would be to change the by-laws giving some degree of authority to the chairman of the board.

Recommendations:

1. **Initiate active engagement with Widewater State Park Manager** – as shown with the October 2025 event, Mr. Hayden said this is an incredible source that has developed into

a good working relationship and offers forward facing opportunities.

2. **Initiate active engagement with HOAs with shorelines in disrepair on the title Potomac and Rappahannock.**
   Mr. Hayden recommended partial pay for permit and in-lieu fees to establish living shorelines and annual planting of native plants in wetlands.
   In addition, he proposed the following considerations to utilize the in-lieu fees 1. (delete) ~~Reappropriation to include training~~ 2. Partial funding HOAs 3. Land procurement
3. **Reevaluate the status of obligation/expense of in-lieu fees at a semiannual Wetlands board meeting, regardless of application needs**. Mr. Hayden said he wants the board to have two mandatory meetings a year.
4. **Develop a plan for the $195,000 in-lieu fees**. He said developing a plan of action is within the purview of the board.
5. **Wetland board members discuss and determine if the chair should evaluate these proposed changes of the Tidal wetlands fund -27-35 language to the Board of Supervisors.** He advised all to review his proposed by-law updates that give a degree of responsibility to the chairman of all three boards to have oversight and offer recommendations to the Board of Supervisors regarding the execution of the funds.
6. **Should the in-lieu committee be on-going?** Mr. Hayden's recommendation is yes. He said as long as there are funds available. He said the committee has the opportunity to meet on a more regular basis than the board. He discussed who would be part of the committee (delete) ~~with possibilities of opening it to the public~~.

<u>3. Training</u>

Mr. Hayden pulled up this slide to explain that the county currently does not offer any training for the board members or residents about wetlands, Chesapeake Bay or Sand Dunes and asked the board members if the scope of the boards responsibilities should shift to engage the community as part of the paradigm shift. He said it is important to think about 5 years from now and beyond in terms of possible lost land and lost money. Events like October 2025, should that be done again? Mr. Hayden explained that the previous event was privately funded and would likely be done again (add).(delete) ~~as~~ He has approached County Administration and there is no interest in offering this board a budget (add) for training.

Recommendations:

1. **Create a training roster with all board members, alternates, and County Staff. At each meeting, have a 10–20-minute presentation on a Wetland related topic. Continue rotation through the training roster. Members are welcome to work together for presentations.** Mr. Hayden wants to consider annual training for board members.
2. **All board members and alternates create an account with DEQ** – Free training.
3. **Create an annual schedule for Orgs to provide training to board members and County residents.** Mr. Hayden said that VMRC VIMS as well as DEQ all said they would be willing to offer free training.

4. **Continue pursuing a training budget**
5. **Board convenes at minimum January and July (consider quarterly)**
6. **Consider a 2026 Wetland Event**
7. **(add) Recommend All board members (delete) ~~required~~ to be part of a committee**. Mr. Hayden explained that he would like for each board member to serve on at least one of these subcommittees (delete) ~~as a requirement~~.
8. **Should the committee continue?** Mr. Hayden recommends yes.

5. Website

Recommendations:

~~1.~~ **Vote to have County Staff redesign Website to mirror Fairfax Website** – (delete) ~~Mr. Hayden expressed concern and frustration regarding the existing website. He would like to see it include property and hearing information.~~
2. **Have website as a topic during each board meeting**
3. **Vote to have County Staff have all approved minutes and resolutions published to the website.**
4. **Should the website committee be an ongoing committee** – recommends yes.

Mr. Hayden requested a motion for a vote to have county staff update the website. Ms. Henderson offered the motion to have county staff update the website to mirror the Fairfax website. Mr. Santay spoke up to advise that staff are not the gatekeepers of the site and Community Engagement would need to be involved with a redesign and certain aspects of this request. Mr. Santay agreed that these recommendations could be brought to them and also explained that they are currently involved with a revamp project for the entire county site. Mr. Hayden asked for a second on the motion on the floor. Mr. Martinez seconded and the motion passed unanimously for staff to update the website to mirror Fairfax County's website.

H. New Business

Mr. Hayden requested a vote from the board to attend an event on Saturday, March 21st to serve and represent the board as the chairman at the Jubilee state park event. Mr. Hayden motioned the request, Ms. Rust seconded. The request was approved with unanimous approval. Mr. Martinez made a motion to approve all board members able to attend, not as a meeting, as a gathering. (Second could not be heard). The motion passed with unanimous vote.

I. Chairman's Report

None

J. Staff Report

Approval of 2026 Meeting Calendar

The draft meeting calendar for 2026 was approved with a motion from Ms. Henderson, seconded by Mr. Rudasill. Approved with unanimous vote – no changes.

Mr. Eastland passed out a few handouts (3 pages, 2 maps). He offered concerns regarding data centers and said, "we are under existential threat, the likes of which Stafford County has never seen with the data center industry". The maps presented showed the location of all proposed and approved data centers. Mr. Eastland pointed out that all are within watershed areas and discussed his concern for the wetlands.

Mr. Hayden asked Mr. Eastland if he would welcome a motion to (add) have Mr. Eastland serve as a liaison to (delete) ~~represent the Wetlands Board on~~ the Data Center subcommittee if it is allowed. Mr. Eastland accepted. Mr. Hayden made the motion to appoint Mr. Eastland as the Wetlands Board representative to the Data Center Subcommittee meetings. Ms. Henderson seconded. Motion was approved unanimously. Mr. Eastland announced that he is associated with the Protect Stafford group, a non-profit citizens group and has attended many of the meetings regarding the data centers. He said they have educated citizens, the Planning Commission and the Board of Supervisors regarding the hazards of data centers.

K. Adjournment

With no further business to discuss, Mr. Rudasill made a motion to adjourn. The motion was seconded by Ms. Henderson. The Wetlands Board meeting adjourned at 8:52pm.

STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, February 23, 2026 at 6:00 p.m.
ABC Conference Room | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 6pm by Robert Hayden.

B. Roll Call

Members Present:	Robert Hayden, Mary Rust, Jeff Eastland, Sue Henderson, Zachary Martinez, Benjamin Rudasill, Victor Eilenfield, Rachel Rilee
Members Absent:	NONE
Staff Present:	Joe Fiorello, Sam Rotsch, Vicki Sowers, Paul Santay

C. Determination of a Quorum

A quorum was established with all members and alternate members present.

D. Election of Officers

Chair:
Robert Hayden was nominated for Chair by Ben Rudasill and seconded by Sue Henderson. Mr. Hayden was elected as Chairman with unanimous vote.

Vice-Chairman:
Zacharey Martinez was nominated for Vice-Chair by Mary Rust and seconded by Sue Henderson. Mr. Martinez was elected as Vice-Chair with unanimous vote.

E. Public Presentations

Paul Santay opened a discussion regarding time of public presentations with reference to the Board of Supervisor meetings with an established time of three minutes and that establishing a time limit offers all participants equal time to speak. Mr. Hayden said they would consider this for future meetings with updates to the by-laws.
Kristen Maxson spoke regarding several concerns and issues (note – audio not working until end of her communication).

F. Approval of Meeting Minutes: December 15, 2025

Mr. Hayden had a question about the monitoring or calculations that have been done regarding Potomac Run Road. Ms. Henderson asked for Ms. Maxson's question about a portion of the meeting minutes not meant to be public be addressed. Mr. Hayden confirmed that he reviewed and checked his notes. He said he did not see any record of this and thanked Ms. Maxson for her review.

Mr. Rudasill made a motion to approve December 15, 2025, Chesapeake Bay Board meeting minutes. The motion was second by Mr. Martinez. The motion to approve December 15, 2025, meeting minutes were unanimously approved.

G. Public Hearings:

AP26156936; CHESAPEAKE BAY SPECIAL EXCEPTION CBB26-01 – GREEN BLUFF, LLC, APPLICANT, IS REQUESTING A SPECIAL EXCEPTION, UNDER SEC. 27B-17 OF THE STAFFORD COUNTY CHESAPEAKE BAY PRESERVATION AREA ORDINANCE (CHAPTER 27B), FROM THE REQUIREMENTS OF SEC. 27B-9(B) "DEVELOPMENT CRITERIA FOR RESOURCE PROTECTION AREAS" TO CONSTRUCT A PATHWAY, RETAINING WALL, AND LANDING PAD STRUCTURE WITHIN A PORTION OF THE CHESAPEAKE BAY RESOURCE PROTECTION AREA (CRPA) BUFFER LOCATED ALONG THE POTOMAC RIVER (TAX MAP NUMBER 49-17E)

Mr. Fiorello read through his presentation offering full details of the request and application. He noted that the building currently being constructed on the parcel has an approved building permit and is not being constructed within the RPA. He explained that the resident intends to build a private boat pier for personal/residential use and has submitted wetlands permit applications to the MRC Virginia Resources Commission and the United States Army Corps of Engineers. He also explained that the proposed pier is exempt from the requirements of Chapter 27 – county wetlands ordinance and if VMRC determines that the mean high and low water elevations are the same, there would be no intertidal zone, and the Stafford County Wetlands Board would have no jurisdiction over the wetlands impacts. Mr. Fiorello went on to explain that the applicant is requesting permission to clear, grade and construct an impervious pathway, retaining wall and landing pad.

Mr. Fiorello presented the Board with details, maps and pictures regarding these plans and offered concerns regarding the immediate area of the shoreline at the mean high-water elevation due to historical erosion. He acknowledged that it is not required but recommended a resiliency adaptive measure be incorporated in order to mitigate possible erosion which could cause the cliff to collapse. He went on to reiterate that IF it is determined that there IS an intertidal zone, then the applicant will have to get approval from the Wetlands Board for the proposed revetment.

Following the presentation, Mr. Hayden asked if any of the existing shorelines are failing. He asked if it is a problem now trying to fix or potentially creating a problem. Mr. Fiorello acknowledged that he is not aware of any active erosion occurring.

Mr. Rudasill spoke regarding the erosion and details of the soft rock noting that he lives down the street. He explained how the rock freezes and falls out. He said over time, he has lost about 20 feet of his yard and confirmed that it is eroding. He recommended putting in the revetment first to stop the potential of erosion. Greg Kearly, applicant engineer, acknowledged that the applicant is planning to have the rip rap done, as is suggested, before the dock or pier is constructed.

Mr. Hayden turned question back to staff where Mr. Fiorello acknowledged Mr. Rudasill's concerns. He advised the Board that they have the option of adding a condition to the proposed resolution CBD26-01 where a rip rap revetment be incorporated – it can become a condition of the approval.

Mr. Hayden brought up jurisdictional concerns and recommended that the application not move forward until that question is resolved. In addition, he asked if the application complied with erosion and sediment control criteria. Mr. Fiorello confirmed to his knowledge it does comply and said that before any construction or building, the applicant has to go through additional reviews including the approval of a grading permit.

Ms. Henderson asked for clarification regarding the fact that there are three potential actions, but the Board is only addressing one – stairs and pier, pathway and rip rap revetment. With discussion, Mr. Fiorello explained that the joint pier and staircase application has been submitted to the VMRC for approval because at this time there is no county jurisdiction regarding wetlands impacts. There was confusion about the stairs not being within RPA review area. Joe explained that the staircase is channel ward and is only within VMRCs jurisdiction unless at some point during the permitting process it is determined that there will be additional wetlands impacts. He advised, at this time, it is only the pathway that is requiring a Chesapeake Bay Board review and approval.

Jeff Harvey, Legacy Engineering, offered a detailed presentation as representative for the applicant. He introduced others with him that are working on the project as well – Greg Kearly, Engineer; Daniel Lynch, Legacy, and the 2 applicants were present. Mr. Harvey explained that the applicant is conscious of the environment and is willing to do what they can to minimize the impacts – to include retaining walls in order to minimize erosion and grade. He detailed the concrete landing pad that will be put in for the bridge structure. He said there will be a six-foot-wide bridge structure to walk across in order to get to a staircase that will go down to the pier. He explained the reason there is no impact to the RPA is due to the bridge being over top of the RPA with elevation 52 feet above sea level. He continued going through the full presentation to include the removal of seven trees along the pathway that will be mitigated to offset the impacts. This will include 15 tree placements and proposed shrubs and ornamentals along the path. He and Joe also explained the shape of the pathway being implanted to avoid concentrated flows and channels from rain that could cause additional erosion.

Mr. Harvey noted that this application is the first resiliency assessment as part of an RPA encroachment application since the code was passed in December, requiring all Chesapeake Bay jurisdictions submit a resiliency assessment with the application. He reassured that due to the cliff face (no shoreline), there is no impact to the pathway due to flooding or sea level rise. Mr. Harvey said the applicants are proposing an armored rip rap at the base of the cliff and near the pier structure. More discussion ensued regarding the concept and being able to picture the full project. Pictures were shown and drawn to offer more clarity.

Mr. Harvey summarized that the applicant meets the standards for the Chesapeake Bay Board to grant the special exception and noted the surrounding properties with like pathways to their piers and reiterated the steps taken to minimize the impacts to the RPA. Also in closing, Mr. Kearly said that the rip rap contingency would be fine with the applicant has every intention, with application filed, to put in the rip rap reinforcement.

Mr. Hayden brought up concern about concrete along the pathway and possible runoff. Mr. Kearly corrected in saying that the path will not be concrete. It will be an impervious path, like gravel, so water can go through. Mr. Hayden questioned if concrete equipment will be brought that could compact the area soil and asked what is being taken into consideration to stop the water at the end of the concrete slab from creating a fall. Mr. Kearly explained that the proposed plan minimizes the pooling of water at a certain point by using the gravel, contoured path and allowing water to roll over the retaining wall.

Mr. Fiorello proceeded to read into record a letter that was sent from an adjacent property owner at 401 Marlborough Point Road. The letter requests, due to the unique situation regarding the pathway descending a high bluff within the RPA, for the Board to consider that all buffer protections are fully maintained and for all disturbance to be strictly limited, properly mitigated and consistent with Stafford County's Chesapeake Bay board ordinance.

Discussion ensued regarding the scheduling and order of projects. <u>Mr. Rudasill made an initial motion to approve with condition of rip rap revetment. Ms. Henderson made an amendment to the motion. She motioned to approve the application, conditional to the approval of VMRC's approval of the pier, stairs and revetment permits. Mr. Martinez seconded.</u>

Prior to voting, Mr. Hayden asked about the construction of the concrete wall or blocks regarding how the weight would be hauled down the path. He asked if it would be poured concrete or blocks. Mr. Kearly advised that it would not be a concrete truck and blocks could be a contingency. <u>Vote on Ms. Henderson's motion was approved with a vote of 5-2 with Mr. Hayden and Mr. Eastland opposing.</u> Mr. Hayden thanked the applicants and participants.

H. <u>Old Business</u>

<u>Subcommittees</u>

Mr. Hayden passed over subcommittees to be talked about during the Wetlands Board meeting.

Bylaws

Ms. Henderson noted that the Wetlands and Chesapeake Bay by-laws should be the same. She noted several differences and questions and suggested adding what constitutes members – 7 members/2 alternates into the Chesapeake Bay by-laws to match what is noted in the Wetlands by-laws. In addition, there was a discussion regarding officer terms/successive terms noting inconsistencies in the by-laws. She also pointed out an inconsistency with two sections contradictions – by-laws may be amended 1, with a two third vote of full members AND in another section, with a majority vote of appointed members. She reiterated that whatever is decided, they should be comparable and the same for all of the boards (Chesapeake Bay, Wetlands, Sand Dunes). Mr. Hayden said comments would be noted but wants to table a vote until the Wetlands by-laws subcommittee gives their overview.

I. New Business

Mr. Rudasill made a motion requesting that the board chairman send a letter to the Board of Supervisors regarding concerns about the recent pipe burst causing 240 million gallons of waste in the Potomac River. Mr. Rudasill would like for the Board of Supervisors to reach out to local congressman with a letter of concern. Ms. Rust seconded. Motion approved unanimously. Mr. Hayden said he would draft the letter.

J. Chairman's Report

Mr. Hayden waived the Chesapeake Bay Chair report to be discussed during the Wetlands Board meeting.

K. Staff Report

Approval of 2026 Meeting Calendar

The draft meeting calendar for 2026 was approved with a motion from Ms. Henderson, seconded by Mr. Martinez. The 2026 meeting calendar was approved with unanimous vote – no changes.

BACC Legal Information/Procedures/Roberts Rules

Vicki Sowers presented the legal BACC information review, procedures, FOIA and Roberts Rules to the board.

Mr. Santay recommended that the Chesapeake Bay Board establish subcommittees that are consistent (even same members) with that of the Wetlands Committee. Mr. Hayden put out a motion on the floor that all the subcommittees that serve currently as the wetlands boards, to serve in three capacities for the subcommittee for the wetlands board, Chesapeake Bay board and Sand dunes board. Mr. Martinez seconded. The motion passed unanimously.

A quick discussion ensued regarding who and how subcommittee members would be decided. Mr. Hayden advised that it would be determined and discussed during the Wetlands meeting.

L. Adjournment

With no further business to discuss, Jeff Eastland made a motion to adjourn. The motion seconded by Ms. Rust. The Chesapeake Bay Board meeting adjourned at 7:45pm.

STAFFORD COUNTY COSTAL PRIMARY SAND DUNES BOARD

Meeting Minutes

Monday, February 23, 2026 (following scheduled Wetlands Board Meeting)
ABC Conference Room | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 8:52PM by Robert Hayden.

B. Roll Call

Members Present:	Robert Hayden, Mary Rust, Jeff Eastland, Sue Henderson, Zachary Martinez, Benjamin Rudasill, Victor Eilenfield, Rachel Rilee
Members Absent:	NONE
Staff Present:	Joe Fiorello, Vicki Sowers, Paul Santay

C. Determination of a Quorum

A quorum was established with all members and alternate members present.

D. Election of Officers

Chair:
Robert Hayden was nominated for Chair by Sue Henderson and seconded by Zachery Martinez. Mr. Hayden was elected as Chairman with unanimous vote.

Vice-Chairman:
Zacharey Martinez was nominated for Vice-Chair by Ben Rudasill and seconded by Sue Henderson. Mr. Martinez was elected as Vice-Chair with unanimous vote.

E. Public Presentations

None

F. Approval of Meeting Minutes: March 17, 2025

Ms. Henderson made a motion to approve March 17, 2025, Coastal Primary Sand Dunes meeting minutes. The motion was second by Ms. Rust. The motion to approve March 17, 2025, meeting minutes were unanimously approved.

G. Old Business

None

H. New Business

None

I. Chairman's Report

None

J. Staff Report

Approval of 2026 Meeting Calendar

The draft meeting calendar for 2026 was approved with a motion from Mr. Martinez, seconded by Mr. Rudasill. Approved with unanimous vote – no changes.

K. Adjournment

With no further business to discuss, Mr. Rudasill made a motion to adjourn. The motion was seconded by Ms. Henderson. The Coastal Primary Sand Dunes Board meeting adjourned at 8:56pm.