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To : Fairfax County Board of Supervisors
From : Dan Storck, Supervisor
Mount Vernon District
Subject: BOARD MATTERS for November 20, 2018

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For your consideration, I submit the following Board Matters accompanied by a brief explanation. Your support will be appreciated.

- 1. Request for the State Board of Game and Inland Fisheries to Adopt a Regulation Forbidding the Placement of Blinds and Hunting Migratory Waterfowl Within Little Hunting Creek**

1. Request for the State Board of Game and Inland Fisheries to Adopt a Regulation Forbidding the Placement of Blinds and Hunting Migratory Waterfowl Within Little Hunting Creek

Background

One month ago, I was contacted by residents who live along Little Hunting Creek very concerned about hunters who were discharging weapons in the creek and ultimately returned and built a duck blind to prepare for the commencement of hunting season beginning tomorrow, November 21. Hunting with firearms in such a heavily populated area creates a danger to the residents and other recreational users of the Creek and has created enforcement questions among the various organizations. As a result, we have assembled a team who has been working to ensure the blind is removed and firearms are not discharged; this team includes the Office of the County Attorney, the Fairfax County Police, the Mount Vernon Police Station, the Virginia Department of Game and Inland Fisheries (VDGIF), the National Park Service, the National Park Police, and the impacted neighborhood residents. Thanks to everyone's diligence, the duck blind was removed yesterday.

Virginia Code § 15.2-1209 authorizes counties to prohibit the outdoor shooting of firearms and certain other weapons in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof. In 1993, this Board adopted Fairfax County Code Section 6-1-2(a), which makes it unlawful to shoot a firearm in any area of the County that the Board has designated in Appendix J to the Fairfax County Code, subject to exceptions required by state law. The areas that the Board designated in Appendix J as "no-shooting areas" include, among other places, the area of the County that contains Little Hunting Creek.

It has been determined that VDGIF is empowered to enact regulations restricting hunting and restricting the issuance of duck blind licenses. There are at least two examples of similar regulations applicable in Fairfax County: 4VAC15-260-110, applicable to Mason Neck State Park, and 4VAC15-260-150, applicable to Great Hunting Creek and Dyke Marsh.

Proposed Action

Therefore, I move that the Board of Supervisors authorize that the County Executive to petition the State Board of Game and Inland Fisheries to adopt a similar regulation forbidding the placement of blinds, whether stationary or floating, within Little Hunting Creek and forbidding hunting migratory waterfowl within Little Hunting Creek.

**OUTLINE OF DGIF REGULATORY PROCEDURE
with projected dates**

Projected date	Action
November 20, 2018	Board of Supervisors authorizes County Executive to petition DGIF for new regulation.
Late November 2018	County submits request to DGIF.
December 2018- January 2019	DGIF staff reviews and develops a recommendation to the Board.
January 24, 2019	Board of Game and Inland Fisheries holds first meeting of 2019 and conducts a preliminary review of the issues with DGIF staff.
January 27, 2019	Duck hunting season ends until October 2019.
December 2018- March 2019	DGIF staff conducts reviews.
March 21, 2019	Board of Game and Inland Fisheries holds second meeting of 2019. Board hears public comment on pending proposals and decides whether to kill a proposed regulation or to proceed with publication of notice in the Virginia Register announcing that the Board will accept public comment on proposed regulations.
April 1, 2019- May 15, 2019	Public comment period; public may submit written comments on pending proposals.
May 29, 2019	Board of Game and Inland Fisheries' Wildlife, Board, and Law Enforcement Committee meeting. Committee will consider certain regulation proposals, get staff final recommendations, and hear public comment.
May 30, 2019	Board of Game and Inland Fisheries holds third meeting of 2019; staff summarizes public comments and makes final recommendation to Board, Board hears oral public comments, then deliberates and, "if desired," votes on whether to adopt new or amended regulations.
August 1, 2019	Effective date for regulation amendments adopted by the Board.

Board Matter
Authorization of a Policy Plan Amendment to Support Natural
Landscaping at County Facilities
November 20, 2018

Background:

At the October 2 Environmental Committee meeting, staff provided an overview of natural landscaping on county property. One of the recommended “next steps” from that presentation was the Board’s authorization of an amendment to the Policy Plan volume of the Comprehensive Plan in support of natural landscaping at county facilities, and the committee endorsed this action.

Within the materials provided for the October 2 briefing was a handout identifying draft Plan language that was developed during a review of natural landscaping issues in 2007, as well as alternative Plan text that was developed more recently by county staff. The Environmental Committee focused its review on the more recent staff alternative and requested that a number of changes be made to this alternative. The Committee endorsed Board authorization of a Comprehensive Plan amendment consistent with the alternative as revised. The handout dated November 20 includes the alternative text as revised per the Environmental Committee’s discussion. We note that this language places natural landscaping within a broader context of environmentally-sensitive techniques for public facilities and sites.

Motion:

Therefore, I move that the Board authorize consideration of a Plan Amendment to incorporate support within the Policy Plan for natural landscaping at county facilities, with the related handout from November 20 to guide, but not necessarily limit, this consideration. This may include the incorporation of the natural landscaping concept within the broader context of environmentally-sensitive public facilities and sites.

Draft Policy Plan Amendment Text—Natural Landscaping—Public Facilities
November 20, 2018

Introduction

A group of county staff members, led by the Urban Forest Management Division, developed recommendations in 2007 for a number of efforts to implement natural landscaping at county facilities (both for new projects and existing facilities), including the addition of a new Policy Plan objective (and related policies) to address natural landscaping for county facilities. At the Board of Supervisors Environmental Committee meeting on October 2, 2018, an alternative approach was presented by staff. The Environmental Committee focused its review on the more recent staff alternative and requested that a number of changes be made to this alternative. The draft text provided below presents the recent staff alternative as revised per the Environmental Committee review.

The draft amendment would add a new Objective 6 and related policies to the Public Facilities section of the Policy Plan, within the countywide objectives and policies, as the concept is broadly applicable to all public facilities and not limited to any particular category of facility. The objective statement would focus broadly and succinctly on environmentally-sensitive public facility design, retrofits and maintenance, recognizing within a supporting policy that natural landscaping would be one component of such an approach (along with green building design and low impact development practices). There would also be the addition of a definition of “natural landscaping.” It is noted that there are already Policy Plan definitions for green building and low impact development. Finally, because Policy Plan text is intended to inform land use decisions about the built and natural environment and the extent to which the location, character and extent of a proposed public facility would be substantially in accord with the comprehensive plan, policies supporting programmatic efforts relating to education and outreach are not suggested (such suggestions had been made in the draft text presented in 2007).

ADD: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Public Facilities, as amended through July 25, 2017, page 4:

Objective 6: Design, retrofit and maintain public facilities and sites in an environmentally-sensitive manner.

Policy a. Apply, within the design of public facilities and their associated sites, and in consideration of the broader context of facility and site needs (e.g., recreational uses), low impact development (LID) practices and natural landscaping methods where feasible to minimize resource consumption, reduce stormwater runoff and decrease life-cycle maintenance requirements.

Policy b. Consider retrofitting and maintaining existing facilities and sites with natural landscaping and LID methods/practices.

Policy c. Ensure that natural landscaping and LID practices are monitored and maintained such that they will remain viable over time.

Policy d. Apply green building practices within the design of public facilities.

ADD: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Glossary, as amended through March 20, 2018, page 11:

NATURAL LANDSCAPING: A landscaping approach through which the aesthetic and ecological functions of landscapes installed in the built environment can be improved, and through which natural areas can be restored, by preserving and recreating land and water features and native plant communities. Sustainable landscapes are formed which protect and restore natural ecosystem components, maximize the use of native plants, remove invasive plant species, reduce turf grass and chemical inputs, improve soils and retain stormwater on-site. In natural areas only locally native plant species are used to provide the greatest possible ecological benefits. In built landscapes, most of the plant cover should be composed of native plant species that support wildlife and improve environmental conditions, although non-invasive non-native exotic plants may be used where appropriate.