

**COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX**

MINUTES OF THE WETLANDS BOARD

DATE: Tuesday, December 13, 2021

TIME: 7:00 PM – 9:00 PM

LOCATION: Electronic Meeting via WebEx

Wetlands Board Member Attendance

Name	Present (P)/ Absent (A)	Name	Present (P)/ Absent (A)
R. Dean Costello	P	Kim Larkin	P
Bert Cramer	P	Clyde Wilber	P
Deana M. Crumbling	P	Mt. Vernon Rep - Vacant	N/A
Douglas M. Kleine	P	At-Large Rep - Vacant	N/A

In Attendance

Katie Hermann Dept of Planning and Development
Kelly Atkinson Dept of Planning and Development
Mark Eversole Virginia Marine Resources Commission (VMRC)

Community Members in Attendance

Peter Burnett
Larry Zaragoza
David Patterson

The meeting was called to order at approximately 7:00 PM.

1. Covid-19 Pandemic Special Motions

Given that each member of the Wetlands Board was participating in the meeting from a separate location and in order to verify that a quorum of members was participating. Each member was able to confirm that their voice was clear, audible, and at an appropriate volume for all of the other members. Clyde Wilber performed a roll call of members and asked each Wetlands Board member participating in the meeting to state their name. Anita Van Breda moved that each member's voice was adequately heard by each other member of the Wetlands Board. The motion approved unanimously.

After having established that each member's voice could be heard by every other member, he next established the nature of the emergency that compelled these emergency procedures, the fact that the board was meeting electronically, the type of electronic communication that was being used, and how public access to this meeting was arranged. Clyde Wilber moved that the Emergency Declaration caused by the COVID-19 pandemic makes it unsafe for the Wetlands

Board to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, the Freedom of Information Act's (FOIAs) usual procedures, which require the physical assembly of the Wetlands Board and the physical presence of the public, cannot be implemented safely or practically. He further moved that the Wetlands Board may conduct this meeting electronically through a dedicated audio-conferencing line, and that the public could access the meeting by calling 1-844-621-3956, Access code: 2331 177 8025. The motion was seconded by Kim Larkin and approved unanimously.

Clyde Wilbur further moved that each member of the public has three minutes to speak at the end of the meeting. The motion was approved unanimously.

2. Sub-Committee Draft Revisions

Each sub-committee was asked to provide an update on their progress for each of the revisions of the following documents. This effort that may be warranted for the following items:

- a. Board Manual – Dean discussed the following updates:
 - i. Ensure the newly adopted Chapter 116 of County Code should be included
 - ii. Provide the updated State Law for tidal wetlands
 - iii. Provide a reference to 2020 Senate Bill 776
 - iv. **All Board Members Action Item:** Consider updating the Bylaws to discuss living shoreline preferences
 - v. County Mitigation and Compensation Policy – may need updates, such as:
 1. **Dean Costello Action Item:** Add wording to wave Mitigation Fees in exchange for the installation of living shoreline solutions. Kim stated that for the most part, the US Army Corps of Engineers is already doing this.
 2. **Dean Costello Action Item:** Change signature block
 - vi. Supplemental Information Form – **Kim Larkin Action Item:** write up the revisions in two ways, one that requires all of information up-front with an initial JPA application and the other option is to only require the minimum and then based on feedback from County staff and VRMC, additional information may be needed. Kim could consider organizing the requirements by the type of project, new bulkhead vs. riprap repair. Ensure a statement is included that explains that County staff and VMRC may ask for additional information/data.
 - vii. Board Roster – **Katie Hermann Action Item:** update this as appropriate with new members
 - viii. Outreach Brochure – **Bert Cramer & Doug Klein Action Item:** add living shoreline references to this document.
- b. Living Shoreline Policy/Application Guide:
 - i. Kim has reviewed a draft of what Clyde & Deanna revised. Points about bulkhead repairs, reference of legal extent of property to mean low water, etc. Living shoreline permit approval stipulations were discussed related to “best available science” and this Board will use VIMS guidance but there may be other items that the local Wetlands Board can take into consideration. Mark Eversole from VRMC voiced the intent that VMRC

has taken from the 2020 law change, which is to follow the VMRC guidance that was developed and approved by the Commission.

- c. Supplemental information request form/checklist
 - i. Kim provided an overview of her proposed changes/updates to the existing checklist. She included a few items that were communicated to the Wetlands Board. Clyde provided new additions of ‘supplemental information’ with a mention of damage, work done without a permit, detraction of use of property, etc. A discussion of a JPA in Hampton, VA (#21-1396) related if the Wetlands Board in this jurisdiction should consider cost. Another discussion about a JPA that came in front of this Wetlands Board, that included SAV plantings in front of a proposed repair to the bulkhead.
 - ii. Consider a point about how property owners can successfully work with a contractor/agent to ensure a proposed project is planned in compliance.
- d. Outreach brochure
 - i. Doug and Bert drafted proposed revisions, Kim also reviewed this and provided additional edits. **Bert Cramer & Doug Klein Action Item:** Clyde suggested that this be paired down to one page and therefore the references to floodplains and other items that are not related to tidal wetlands. A VIMS brochure on living shorelines may be another good resource to mail to property owners, along with this Brochure. **Kim Larkin Action Item:** will work on revising this Brochure based on this discussion.

Clyde’s Final Thoughts: All Board members should continue to review all proposed revised document and that a process to reduce the redundancies. The Board should consider the Outreach Brochure is the most important because it’s the first notification of tidal wetlands aspects. That should hopefully promote property owners to contact the county. Then County Staff will introduce them to the “Applicant Guide,” then if a property owner intends to submit a JPA the “Supplemental information request form/checklist.” The Board Manual is for Board members only.

Clyde Wilber and Deana M. Crumbling Action Item: they will tackle the “merging” of documents and concepts.

3. Update on Routing Joint Permit Applications, including violations

Katie Hermann provided an update with related graphics. An overall graphic was provided with a map that showed the location of routing JPAs or violations. Summaries were provided for the following locations:

- 4001 Belle Rive Terrace, Alexandria (Potomac River) – JPA# 19-0427 – potential violation, Status: JPA submitted, County and VMRC are calculating mitigation fee.
- 11371 River Road, Lorton (Potomac River) – JPA# 20-0401 – potential violation, Status: JPA submitted, County and VMRC are calculating mitigation fee.
- 5709 River Drive, Lorton (Potomac River), JPA# N/A – potential violation, Status: JPA in development

- 10625 Greene Drive, Lorton (Massey Creek) – JPA# 21-1648 – potential violation, Status: A JPA was submitted a few weeks ago and a formal “additional information request” letter was sent back to the applicant on December 10, 2021.

4. Set date for next Wetlands Board meeting

A proposed meeting date of **Tuesday, February 22, 2022**. **All Board Members Action Item**: Clyde asked that members email all revisions to the documents discussed tonight to Katie so that she can distribute them to all other members. This should aim to be done by January 24th.

5. Meeting Minute Review and Approval

The review and approval of the August and October 2021 meeting minutes were discussed. Deana presented a motion to approve both the August and October 2021 Wetlands Board meeting minutes, Dean provided a second to that motion.

6. Board Member Time

Property owners near a project near Little Hunting Creek that is a main sewer line replacement. Clyde proposed that he work with County staff in DPWES to discuss the project and how it address construction concerns.

7. Public Comment Period

- David Patterson – spoke at the Planning Commission about the Living Shoreline implications for Chapter 116 and appreciated being able to listen to this meeting.
- Larry Zaragoza – asked that the Living Shoreline Policy/Application Guide and the Supplementary document are cohesive and framed to work together.
- Peter Burnett – Mount Vernon Civic Association appreciated being able to listen to this meeting. Requested copies of the final materials.

8. Adjournment

Deanna Crumbling motioned to close the meeting, and Dean Costello seconded the motion. The vote was approved unanimously.

The meeting adjourned at 9:10pm.