

**COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX**

MINUTES OF THE WETLANDS BOARD

DATE: Tuesday, March 30, 2022

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)
John Collins	P	Douglas M. Kleine	P
R. Dean Costello	A	Kim Larkin	P
Bert Cramer	P	Clyde Wilber	P
Deana M. Crumbling	P	At-Large Rep - Vacant	N/A

In Attendance

Katie Hermann

Dept of Planning and Development, Fairfax County

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. Kim Larkin 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, Clyde Wilber 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 and entering the code: 2333 707 0455. The motion was seconded by Kim Larkin and approved unanimously.

Clyde Wilber 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 – Though Dean Costello is absent from this meeting, Katie and Dean have been working together and will have a final draft by the end of April.
- b. Living Shoreline Policy/Application Guide: The draft version of this document is online at the Wetlands Board webpage on the county website. The draft version of this document was also modified based on board comments at the last meeting in February and it also incorporates feedback from Katie Hermann and Marc Gori, who is an attorney in the Office in the County Attorney. We are going to follow the following steps for these documents:
 - The discussion opened by Clyde Wilber asking for comments from the Board members on the current version. Also, at the end of the meeting, the board will take comments from public who have called into this meeting.
 - Clyde Wilber shared a few comments for this document, that included, in summary: add a cover sheet, replace wetlands map, the addition of an appendix, and other edits.
 - Additional discussion included: After the public comments which will be heard at the end of today’s meeting, Clyde Wilber will request a motion from the Board directing Clyde Wilber and a volunteer from the Board to revise these documents as needed in a three-step process as follows:
 - Step 1 – the documents as revised based on today’s comments will be revised and published on-line. After the documents are on-line, Clyde Wilber requests that County Staff notify VMRC, VIMs, The Fairfax County Board of Supervisors, and others as recommended by Staff that these draft policies are available for written comments. We will request comments within 30 days of their notification.
 - Step 2 - At the end of the 30 day comment period, the documents will be revised and republished
 - Step 3- The Board will have a meeting to vote on the adoption of the documents as FCWB policy.
- c. Supplemental information request form/checklist
 - i. Clyde Wilber shared a few comments for this document, which will be included in a future revision.
- d. Outreach brochure
 - i. Will be revised in the future once the other policy/guidance documents are finalized.

3. Update on Joint Permit Applications

Katie Hermann discussed the several applications:

- a. 11191 Gunston Cove – recently had a site visit in March, JPA will be submitted but work will likely be located inland of the Wetlands Board jurisdiction.
- b. 7615 Southdown Rd – recently had a site visit in March, JPA will be submitted but work will likely be located inland of the Wetlands Board jurisdiction.
- c. 5709 River Drive – recently had a site visit in March, JPA will be submitted but work will likely be located inland of the Wetlands Board jurisdiction.
- d. 4001 Belle Rive Terrace – Katie asked for additional information was requested, and the County and VMRC are waiting for feedback from the applicants
- e. 11371 River Rd – Katie asked for additional information was requested, and the County and VMRC are waiting for feedback from the applicants
- f. 10625 Greene Dr – JPA resubmission was provided in February, additional information will be requested by March 30th. If the applicant includes all requested data points in the next resubmission, then the County will be comfortable with scheduling a public hearing for this JPA.
- g. 6061 River Drive – Katie asked for additional information was requested, and the County and VMRC are waiting for feedback from the applicants
- h. Little Hunting Creek (resubmission of a JPA from 2020) – was just resubmitted and Katie and VMRC are reviewing this resubmission.

4. Set date for next Wetlands Board meeting

A proposed meeting date of **Wednesday, June 15, 2022**. Deana Crumbling explained she will likely miss this meeting due to travel out of the country.

5. Meeting Minute Review and Approval

The review and approval of the February 22, 2022 meeting minutes were discussed. Clyde Wilber will send a few minor comments via email. Deana Crumbling presented a motion to approve the February 22, 2022 Wetlands Board meeting minutes, John Collins provided a second to that motion.

6. Public Comment Period

The following people from the public

- Betsy Martin – she supported updating these policy documents and will be sending comments.
- Denise Freeland – had a question about the recent 2020 revision to the State Law, and the 2021 revision to the County Code and asked that considerations be given to property owners that maintain their bulkheads.

- Glenda Booth – Had a question about the previously-presented information about routing JPAs and recommended that the Board continue to support having site visit before projects begin and ensure the policy documents reflect the law.
- Julia Miller – thanked the Board for considering additional information about to maintain existing bulkheads.
- Larry Zaragoza – two civic associations recently passed resolutions that existing structures should be grandfathered, clarify in the documents when grandfathering can be considered, clarify how to ‘increasing wetlands,’ and how construction practices may impact wetlands.
- Paul Sanford – would like to support the grandfathering idea to help maintain boat-related waterways

Other members of the public were present on the call, but had no comments.

Board discussion after the public period closed – Clyde Wilber shared the County Code, to discuss the maintenance of existing structures and when applicants can assume they need a permit, or not. Clyde Wilber showed the list of items in the County Code where this located, Chapter 116, section 1-3.

Clyde Wilber asked for a Board member to help with reviewing the draft policy documents. Kim Larkin volunteered to help. Doug Kline motioned to approve this process, and Deana Crumbling seconded. The motion was approved unanimously.

7. Adjournment

Kim Larkin motioned to close the meeting, and Doug Kline seconded the motion. The vote was approved unanimously.

The meeting adjourned at 8:06pm.