

**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX**

**MINUTES OF THE WETLANDS BOARD**

**DATE: Wednesday, August 31, 2022**

**TIME: 7:00 PM – 9:00 PM**

**LOCATION: Electronic Meeting via WebEx and In-Person at  
Mount Vernon Magisterial District Office  
2511 Parkers Ln, Alexandria, VA 22306,  
Community Rooms 2 and 3**

**Wetlands Board Member Attendance**

<b>Name</b>	<b>Present (P)/ Absent (A)</b>	<b>Name</b>	<b>Present (P)/ Absent (A)</b>
John Collins	P*	Aurali Dade	P*
R. Dean Costello	P	Douglas M. Kleine	P*
Bert Cramer	P	Kim Larkin	P
Deana M. Crumbling	A	Clyde Wilber	P

*\*Participated remotely*

**In Attendance**

Katie Hermann	Dept of Planning and Development, Fairfax County
Sophia Fisher	Dept of Planning and Development, Fairfax County
Mark Eversole	Virginia Marine Resources Commission
Marc Gori	Office of the County Attorney, Fairfax County

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

The Board immediately called the meeting into Closed Session, the following motions were read by the Chair and Vice Chair and each vote was approved unanimously.

**CLOSED SESSION MOTION:**

I move that the Fairfax County Wetlands Board go into Closed Session with an attorney from the County Attorney's Office to discuss specific legal matters requiring the provision of legal advice relating to the property more particularly described as Fairfax County Tax Map No. Tax Map Reference 113-4 ((1)) parcel 28A, and specifically regarding the authority granted to the Wetlands Board by the Board of Supervisors under the Wetlands Zoning Ordinance, Chapter 116 of the Fairfax County Code, and Va. Code § 28.1-1316, and as set forth in its Bylaws, all as permitted by Virginia Code Section 2.2-3711(A)(8).

**MOTION COMING OUT OF CLOSED SESSION:**

In accordance with Virginia Code Section 2.2-3712, I move that the Fairfax County Wetlands Board members certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of

Information Act and only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered in Closed Session.

## **1. Covid-19 Pandemic Special Motions**

Given that some members of the Wetlands Board were participating in the meeting from separate locations 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 all of 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 Policy Revisions**

Updates were provided on the progress for each of the revisions of the following documents. The following is a summary of the discussion:

- a. Board Manual – Katie will coordinate with Dean on the questions he sent to her.
- b. Living Shoreline Policy/Application Guide: The draft version of this document was recently updated with feedback from three (3) members from the public. Changes since the Board's last discussion includes:
  - i. Provisions to require a P.E. sealed submission, in which staff can allow for a waiver to this. A decision about if a waiver is needed, can be made by Katie, in consult with any Board members that visit a site and review an application. Mark Eversole can also provide input, and VIMS can be asked to provide an opinion. A Board Member asked about any liability that could be opened to the county related to staff reviewing PE-sealed

documents. Katie explained that the County's Land Services Dept, who provides permits on all other projects across the county, do not require all staff members to have PEs when reviewing permit applications. But that there are other PEs on staff to oversee and guide the reviewers. Clyde also followed up with the feedback that the risk is on PE to assume any/all risk.

- ii. A few other edits were briefly discussed amongst Board members: adding Creek Names to a map and adding a Wetlands Board jurisdiction definition.
  - iii. Board members agreed that additional considerations that were requested by Supervisor Storck in a previous Board matter (i.e. the additional consideration of septic tanks, trees, etc.) can be taken into consideration in a permit application.
  - iv. Board members agreed to approaches related to definition checklist items, what a complete application is.
- c. Supplemental information request form/checklist
- i. Clyde Wilber reminded the Board members that this checklist will be provided to applicants and can be used as a guide. Katie will use to this document to also help confirm that applications are 'complete' ahead of any Board hearings.
- d. Clyde asked the Board to authorize the existing subcommittee (Clyde & Kim) to revise and publish the discussed policy documents. Bert proposed a motion to allow the subcommittee to finalize these documents as discussed during this meeting, and post them online. Dean seconded it. The motion was approved unanimously.

### **3. Update on Joint Permit Applications**

Katie Hermann discussed the several applications:

- a. 11191 Gunston Cove – Katie has provided feedback on the initial concept plan, waiting for additional information/resubmission.
- b. 6045 River Drive – Katie asked for additional information, and the County and VMRC are waiting for feedback from the applicants. USACE also had concerns with the proposed/initial designed.

### **4. Set date for next Wetlands Board meeting**

A proposed meeting date of **Tuesday, November 29, 2022**. Katie explained that she would like to have time at the next Board meeting the topic related to a bylaws change. Katie will distribute this information, so that the Board can meet, vote and approve the bylaw items. This is related to new laws that began on July 1, 2022.

### **5. Meeting Minute Review and Approval**

Katie will send the March 31, 2022 draft meeting meetings, when these meeting minutes are distributed.

**6. Public Comment Period**

No members from the public were present online or in-person.

**7. Member Time**

Board welcomed Aurali Dade. She explained that she's an administrative faculty member at George Mason University, in the Environmental Science and Policy Dept. She is currently on a one-year rotation with the National Science Foundation.

**8. Adjournment**

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

The meeting adjourned at 9:02pm.