

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, FEBRUARY 21, 2019**

PRESENT: James R. Hart, Commissioner At-Large, Chairman
Mary Cortina, Commissioner At-Large, Vice Chair
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
Walter C. Clarke, Mount Vernon District

ABSENT: Timothy J. Sargeant, Commissioner At-Large
Donté Tanner, Sully District

OTHERS: John Carter, Hunter Mill District
Phillip Niedzielski-Eichner, Providence District
Peter F. Murphy, Springfield District
Noel Kaplan, Planning Division (PD), Department of Planning and
Zoning (DPZ)
Michelle Stahlhut, PD, DPZ
Denise James, PD, DPZ
John Bell, PD, DPZ
Joe Gorney, PD, DPZ
Teresa Wang, Senior Deputy Clerk, Planning Commission
Sara Sivers, Water Quality Planning, Northern Regional Office, Virginia
Department of Environmental Quality (DEQ)
Brian Thomas, Water Quality Planning, Northern Regional Office, Virginia
Department of Environmental Quality (DEQ)
Matt Elliott, Manager, Wetland Studies and Solutions

ATTACHMENTS:

- A. Salt Management Strategy (SaMS) Development Presentation
- B. Salt Management Strategy (SaMS) – Fact Sheet
- C. Staff Report for Plan Amendment 2013-CW-9CP, Draft
- D. Fairfax Wetlands Board letter, dated January 22, 2019

//

Chairman Peter F. Murphy called the meeting to order at 7:32 p.m. in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, 22035, pursuant to Section 4-102 of the Commission's Bylaws & Procedures. He indicated that the first order of business was to elect a Committee Chairperson.

Commissioner Ulfelder MOVED TO NOMINATE JAMES R. HART AS CHAIRMAN OF THE 2019 ENVIRONMENT COMMITTEE.

Commissioner Hurley seconded the motion which carried by a vote of 5-0.

Chairman Hart MOVED TO NOMINATE COMMISSIONER MARY CORTINA AS VICE CHAIRMAN OF THE 2019 ENVIRONMENT COMMITTEE.

Commissioner Hurley seconded the motion which carried by a vote of 5-0.

//

Sara Sivers, Water Quality Planning, Northern Regional Office, Virginia Department of Environmental Quality (DEQ), gave a presentation, which is included in Attachment A, on the development of a Salt Management Strategy (SaMS) for the Northern Virginia area.

Ms. Sivers, DEQ; Brian Thomas, DEQ; and Noel Kaplan, Planning Division (PD), Department of Planning and Zoning (DPZ), discussed with multiple committee members the following issues:

- The effect on the water supply after salt mixtures had been applied to the roadways;
- The types of de-icing applications used by other jurisdictions;
- The regulations for the Accotink Creek watershed and how higher salt levels affected the environment;
- The methods utilized for outreach to local landscape businesses for education on best method practices;
- The results from a DEQ 2016 winter storm study conducted on Accotink Creek;
- The pretreatment of roads with brine;
- The Virginia Department of Transportation participation in SaMS; and
- The development of best method practices for homeowner associations with private roads located near environmentally sensitive areas, such as wetlands.

//

Noel Kaplan, PD, DPZ, announced the next Environment Committee meeting would be on March 21, 2019, regarding the Policy Plan amendment for natural landscaping at County facilities.

//

Noel Kaplan, PD, DPZ, provided an overview of the draft Policy Plan amendment addressing coastal resource management guidance, which is included with Attachment C. Mr. Kaplan; Denise James, PD, DPZ; and John Bell, PD, DPZ, discussed with several committee members minor revisions to the draft staff report and staff's next steps.

//

The meeting was adjourned at 8:59 p.m.
James R. Hart, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

Minutes by: Teresa Wang

Approved: September 26, 2019

Jacob Caporaletti

Jacob Caporaletti, Clerk to the
Fairfax County Planning Commission



Teresa Marie Wang

Attachment A

Salt Management Strategy (SaMS) Development

Sarah Sivors
Virginia Department of Environmental Quality

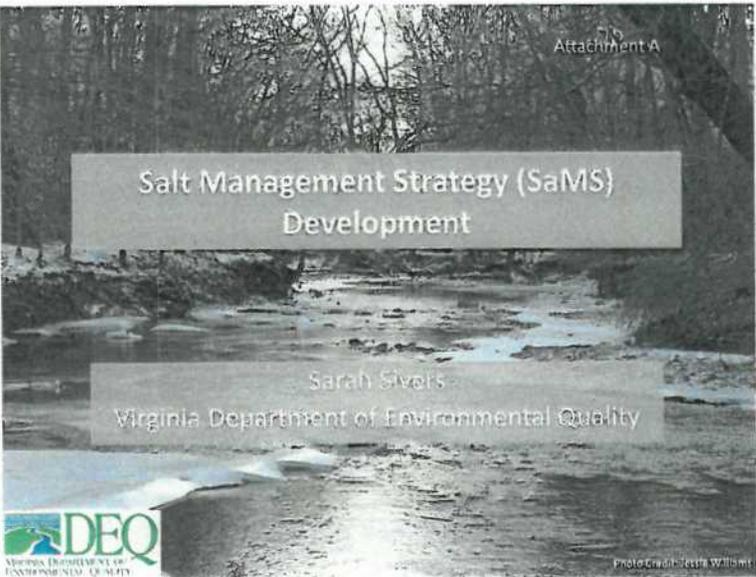


Photo Credit: Jeff Williams

1

Presentation Overview

- **Project Overview**
 - Scope
 - Framework
- **Current Progress / Status**
- **Overview of Developing Recommendations**



2

Winter Salt Application, why it matters...

- **Benefits:**
 - Slip and fall reduction
 - Crash reduction (88-95% reduction)^{1, 2}
 - Maintaining access during winter
 - Businesses and governments remain open
 - Workers can get to work, especially important for hourly workers
- **Negative impacts:**
 - Toxic to fish and bugs
 - Corrosive to infrastructure
 - Affects public health



¹University of Waterloo: http://www.saltinstitute.org/wp-content/uploads/2014/01/Final_Report-1-Eu-Tammur.pdf
²Marquette University: <http://www.trc.marquette.edu/publications/iceControl/ice-control-1992.pdf>

3

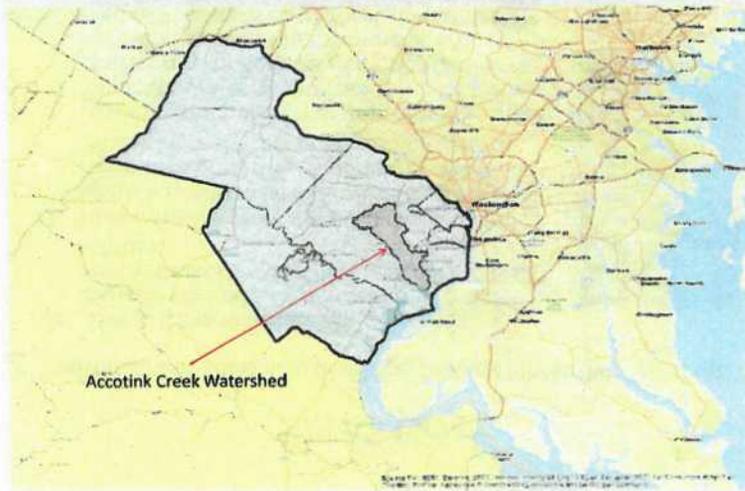
Salt Management Strategy (SaMS)

- A strategy to reduce negative impacts of winter salts & maintain public safety
- Recommendations will include:
 - Best practices that promote efficient and effective winter salt use
 - Options to raise awareness of impacts and ways people can make a difference
 - A monitoring & research program to inform adaptive implementation
- Stakeholder-driven process



4

SaMS Project Area: Northern Virginia



5

What is the SaMS?

A broad strategy, primarily voluntary*

- Proactive application in the Northern Virginia region
 - Absent a Total Maximum Daily Load (TMDL), no regulatory requirement
 - If voluntarily adopted (in part or whole), potential to defer/avoid additional TMDLs in other watersheds
- Potential cost-savings a key incentive to adopt recommendations
- Broad education and outreach to promote awareness and voluntary adoption

*Exception: regulated sources in the Accotink Creek TMDL Watershed

- Addresses permitted sources
- Resource for permittees in preparing plans to meet permit requirements

6

SaMS Goals

The aim of this effort is to develop a strategy for Northern VA, that:

1. Uses a **stakeholder-driven** process to **proactively** address salt loads in the **region** and address the Accotink Creek chloride (salt) TMDLs.
2. Generates **increased public awareness** that leads to **positive behavior changes**, and **long-term support** for the continual improvement of deicing/anti-icing practices and actions.
3. Ensures continued protection of **public safety**, improves **water quality** and terrestrial habitat, and **lessens the effects** of deicing/anti-icing salts on drinking water resources, property and road infrastructure through **information sharing** and **implementation of best practices** over time.



Bridge corrosion
photo by Jim Palmer.

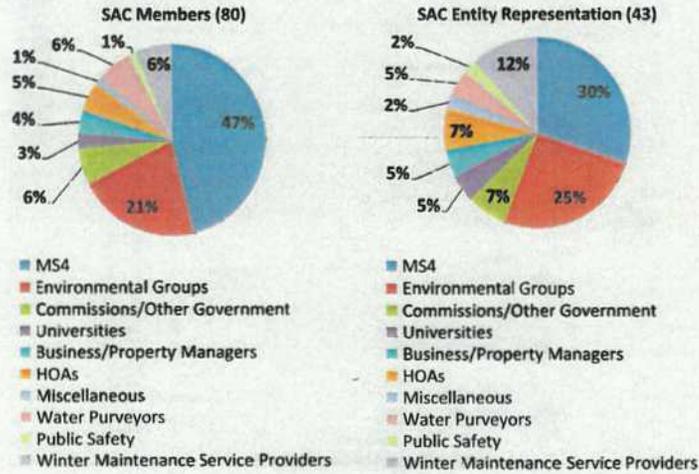
7

Objectives of SaMS Effort

1. **Comprehensively describe the effects** of deicing/anti-icing salt use and identify and **summarize the costs and benefits** of winter storm operations.
2. Collaboratively develop a **suite of best practices** to minimize the negative effects of deicing/anti-icing salts.
3. Develop a comprehensive **education and outreach plan** to **increase awareness** of the benefits and impacts of winter salt use for both the public and political leaders to **promote positive behavioral changes**.
4. Explore **funding opportunities**, operational **cost savings**, and broader **incentives**, such as certification requirements/tort reform, to **support implementation**.
5. Develop recommendations for a **monitoring and research program** to better understand water quality patterns and impacts related to salt application throughout Northern Virginia.
6. Develop options to **assess effectiveness** and **methods to track and report** salt usage.

8

Stakeholder Advisory Committee (SAC)

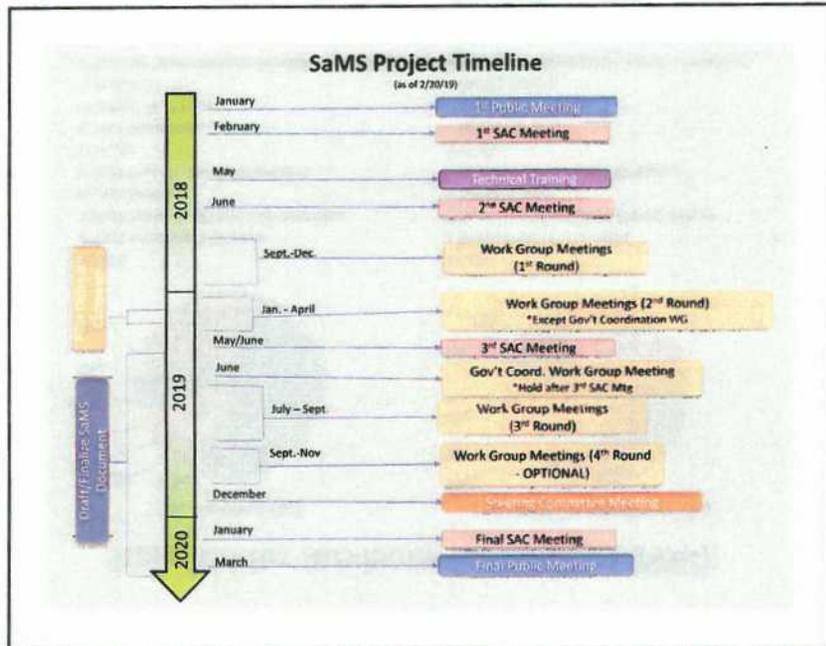


SaMS Development Framework

- Stakeholder Advisory Committee (SAC)
 - Large stakeholder body
 - 4 meetings
- Workgroups
 - 6 groups, comprised of SAC members
 - 3-4 meetings each
- Steering Committee
 - 1-2 representatives from each workgroup
 - 1-2 meetings
 - Provide, at a minimum, assistance reviewing final recommendations (in form of a report)

SaMS Workgroups:

1. Traditional Best Management Practices
2. Non-Traditional Best Practices
3. Education & Outreach
4. Water Quality Monitoring & Research
5. Salt Tracking & Reporting
6. Government Coordination



11

Progress to Date



Stakeholder Advisory Group

- Developed:
 - Goals and Objectives
 - Participation Guidelines
- Formed 6 workgroups

Workgroups

- Scope established
- Identified potential recommendations
- Working on action items
- Prep for 3rd SAC meeting



12

Potential Recommendations

- **Education & Outreach**
 - Outreach campaign and materials/social media toolkit
 - Pilot outreach campaign (March-April 2019)
- **Traditional Best Management Practices (BMP)**
 - Target application rates
 - List of BMPs and their pros & cons
- **Non-Traditional BMPs**
 - Evaluation of non-traditional deicing compounds
 - Contracting best practices
 - Certification programs
 - Societal best practices (e.g., teleworking, pre-storm messages)

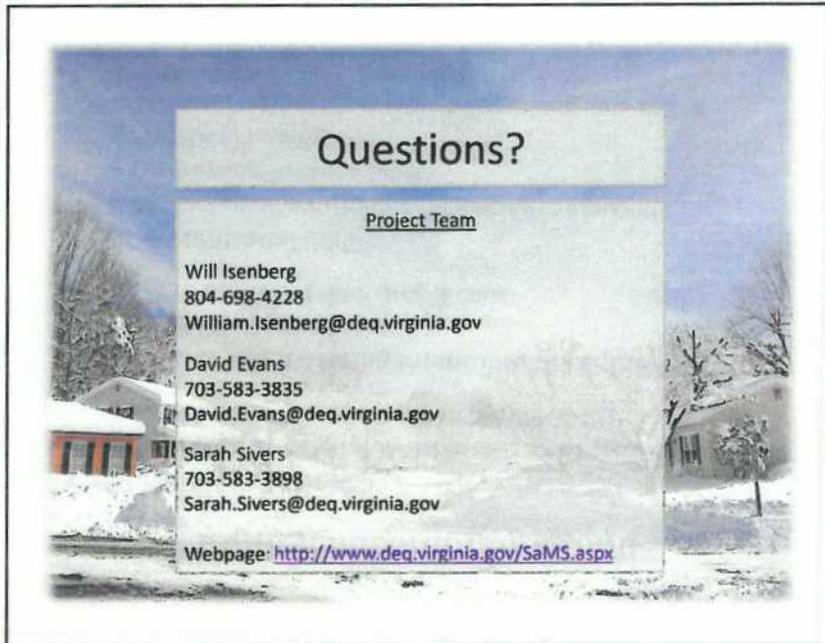
13

Potential Recommendations (continued)

- **Salt Tracking & Reporting**
 - Metrics/forms to report salt use and BMP implementation
- **Water Quality Monitoring & Research**
 - Survey to inventory existing ion monitoring (completed)
 - Plan to monitor impact of improved practices on water quality
 - Strategy to improve understanding of salt origin, fate and transport
 - Reporting standards for data comparability
- **Government Coordination**
 - Opportunities to support SaMS and provide more consistency in the region



14



Questions?

Project Team

Will Isenberg
804-698-4228
William.Isenberg@deq.virginia.gov

David Evans
703-583-3835
David.Evans@deq.virginia.gov

Sarah Sivers
703-583-3898
Sarah.Sivers@deq.virginia.gov

Webpage: <http://www.deq.virginia.gov/SaMS.aspx>



Salt Management Strategy (SaMS) – Fact Sheet

Background

The Accotink Creek chloride Total Maximum Daily Load (TMDL), located in Fairfax County, was the first time the Virginia Department of Environmental Quality (DEQ) identified chloride (salt) associated with winter storm activities as contributing to a water quality impairment, and developed a pollutant reduction plan (the TMDL) to address it. The TMDL was developed with the understanding that its implementation will focus on best management practices, such as training programs and improved salt application equipment and practices. Given that existing snow and ice management practices are not limited to watershed boundaries and the urban/suburban nature of the Northern Virginia region, the issues identified in the Accotink Creek chloride TMDL are not likely isolated to this urban watershed. As a result, the Salt Management Strategy (SaMS) is being developed by a broad coalition of stakeholders with the entire region in mind.

What is SaMS?

While salt (chloride) products used during winter storm events help to keep us safe during winter storms, they have a number of harmful impacts to the environment, water quality, infrastructure and public health. SaMS is a proactive, largely non-regulatory, approach to address this emerging issue in Northern Virginia. It will also serve as a framework for implementing the Accotink Creek chloride TMDL. The term “strategy” is intentional. It aims to identify a variety of issues that stem from winter salt use in our urban and suburban watersheds. This strategy will include recommendations to citizens, businesses, governmental agencies and non-governmental organizations for improving winter practices that promote an efficient and effective use of salt. Recommendations will also be developed for raising awareness of these impacts, ways individuals can make a difference, and for monitoring and research activities to advance adaptive implementation of the SaMS by stakeholders across the Northern Virginia region.

A SaMS Stakeholder Advisory Committee (SAC), made up of state and local government agencies, water maintenance providers, homeowners, citizens and other associations, was formed to develop this strategy and recommendations.

SaMS Goals and Objectives

1. Use a stakeholder-driven process to proactively address salt loads in the region and address the Accotink Creek chloride (salt) TMDLs.
2. Generate increased public awareness that leads to positive behavior changes, and long-term support for the continual improvement of deicing/anti-icing practices and actions.
3. Ensure continued protection of public safety, improves water quality and terrestrial habitat, and lessens the effects of deicing/anti-icing salts on drinking water resources, property and road infrastructure through information sharing and implementation of best practices over time.

To accomplish the above [goals](#), a document is under development that will outline all aspects of the issue (environment, public safety, infrastructure, health and cost) and will provide recommendations and resources that meet the following SAC approved [objectives](#):

1. Comprehensively describe the effects of deicing/anti-icing salt use and identify and summarize the costs and benefits of winter storm operations.
2. Collaboratively develop a suite of best practices to minimize the negative effects of deicing/anti-icing salts.
3. Develop a comprehensive education and outreach plan to increase awareness of the benefits and impacts of winter salt use for both the public and political leaders to promote positive behavioral changes.
4. Explore funding opportunities, operational cost savings, and broader incentives, such as certification requirements/tort reform, to support implementation.
5. Develop recommendations for a monitoring and research program to better understand water quality patterns and impacts related to salt application throughout Northern Virginia.
6. Develop options to assess effectiveness and methods to track and report salt usage.

Stakeholder Involvement:

SaMS uses a stakeholder-driven approach to foster collaboration among all stakeholder groups involved in or impacted by snow and ice management. This approach encourages long-term support for improved practices that protect public safety and lessen environmental, infrastructure and public health effects. A large and diverse (see Figure 1 below) 80-member SAC, facilitated by DEQ, is working to collaboratively develop recommendations for SaMS to meet SAC developed and approved goals and objectives.

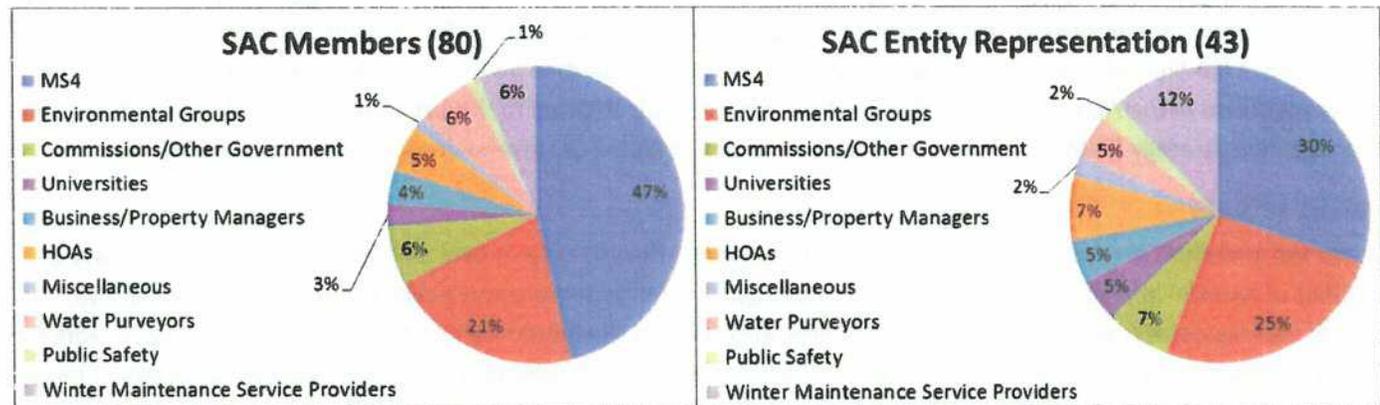


Figure 1. SAC membership and organization representation presented as stakeholder categories (as of Jan. 30, 2019).

Development Approach:

In order to facilitate stakeholder input and support future funding for implementation of the Accotink Creek TMDL, development of SaMS follows DEQ public participation processes and guidelines consistent with TMDL Implementation Plan development. This includes a public meeting and comment period at the onset of the project, various workgroup and SAC meetings throughout the development process, and concluding with a public meeting and comment period to present the draft SaMS document.

Six workgroups were formed and are tasked with developing recommendations that address various SAC approved objectives. Collectively, the recommendations from each workgroup will achieve the SAC approved goals for SaMS. Because this is the first time a strategy is being developed to address salts used in snow and ice management practices, and because of the wealth of knowledge and perspective that exists in the stakeholder community, there is a large reliance on stakeholder input for this project. Each workgroup is collaboratively developing recommendations (scope as of 12/3/18) for review by the SAC that will ultimately comprise the content in the SaMS document.

SaMS Workgroups:

1. Traditional Best Management Practices
2. Non-Traditional Best Practices
3. Education & Outreach
4. Water Quality Monitoring & Research
5. Salt Tracking & Reporting
6. Government Coordination

Project Timeline:

The project kicked off with a public meeting in January 2018 and will wrap-up in mid-2020 with a final public meeting. To date, there have been two SAC meetings (February and June 2018), one training event (May 2018) and the first round of meetings for each of the six workgroups (September to December 2018). The second round of workgroup meetings is currently underway (January to April 2019). (Click [here](#) for a timeline.)

Additional Information:

For more information, visit: <https://www.deq.virginia.gov/SaMS.aspx>

STAFF REPORT FOR PLAN AMENDMENT PA 2013-CW-9CP

BACKGROUND

- Authorized through adoption of Work Plan on July 9, 2013.

This proposed Plan amendment would add guidance to the 2017 Edition of the Policy Plan volume of the Comprehensive Plan to satisfy a requirement of the Code of Virginia for inclusion within the Comprehensive Plan of state-developed guidance on coastal resource management.

In 2011, the Virginia General Assembly passed legislation to, among other things, add section §15.2-2223.2, to codify a new directive for shoreline management in Tidewater Virginia. §15.2-2223.2 establishes the following:

Beginning in 2013, any locality in Tidewater Virginia, as defined in § 62.1-44.15:68, shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to subdivision 9 of § 28.2-1100 into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request.

As Fairfax County is identified in §62.1-44.15:68 as a locality in Tidewater Virginia, it is subject to this requirement. In support of this effort, and as required by subdivision 9 of §28.2-1100, the Virginia Institute of Marine Science has developed a Comprehensive Coastal Resource Management Portal (CCRMP) for Fairfax County that contains a wealth of information relating to shoreline conditions and management.

Included within the CCRMP is model language for the Comprehensive Plan requirement; this guidance establishes that living shorelines are the preferred alternative for stabilizing eroding shorelines. The term “living shoreline” has been defined by § 28.2-104.1 of the Code of Virginia and is included by the Virginia Marine Resources Commission (VMRC) in its Living Shorelines General Permits as follows:

A shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials.

PROPOSED PLAN AMENDMENT

PA 2013-CW-9CP proposes to update the guidance within the Environment section of the Policy Plan to reference the Comprehensive Coastal Resource Management Portal, developed for Fairfax County by the Virginia Institute of Marine Science (VIMS). Specifically, Objective 3, Policy c of the Environment section would be modified to reference VIMS guidance and support living

shoreline approaches to shoreline stabilization. In addition, Appendix 1 of the Environment Section, Guidelines for Tidal Shoreline Erosion Control Measures, would be modified to reference the portal and to endorse its use, along with the other relevant guiding documents from the state that are currently referenced. Finally, a definition of “living shoreline” would be added to the Plan glossary, applying the State Code and VMRC definition for living shoreline practices.

ANALYSIS

In 2004, the Board of Supervisors adopted an amendment to the Policy Plan volume of the Comprehensive Plan to bring the Plan into compliance with comprehensive plan requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations (established pursuant to Virginia’s Chesapeake Bay Preservation Act). As part of that amendment, an appendix was added to the Environment section of the Policy Plan entitled “Guidelines for Tidal Shoreline Erosion Control Measures.” These guidelines, which support the Fairfax County Wetlands Board in its permitting decisions relating to shoreline erosion control practices, emphasize living shoreline approaches to tidal shoreline erosion control. As such, the county has had Comprehensive Plan guidance consistent with the 2011 state requirement since 2004.

While the Comprehensive Plan already includes guidance consistent with the 2011 state requirement, it does not reference the wealth of resource information and guidance that has been provided by the CCRMP. This portal provides comprehensive guidance on shoreline conditions and recommended shoreline erosion control best management practices; staff therefore feels that it should be referenced along with other such guidance documents in the Plan. Further, staff feels that, consistent with the 2011 state requirement, text should be added to the Policy Plan that explicitly supports the application of living shoreline approaches as preferred approaches to stabilizing eroding shorelines. A definition of “living shorelines” should also be added to the Plan glossary.

CONCLUSION

The amendment reinforces long-established policy support for living shoreline approaches of shoreline stabilization while referencing the VIMS Comprehensive Coastal Resource Management Portal, consistent with a requirement of the Code of Virginia. Staff from the Virginia Marine Resources Commission has advised county staff that this amendment appropriately identifies procedures for assessment and review of shoreline erosion control structures.

RECOMMENDATION

Staff recommends the following modifications as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strike through~~. Text shown to be replaced is noted as such.

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, as amended through March 14, 2017, pages 10-11:

A *Chesapeake Bay Supplement* has been prepared to address a range of issues related to water quality protection and is incorporated by this reference as part of the Comprehensive Plan. This Supplement includes a map of the county's Chesapeake Bay Preservation Area components as well as discussions and analyses of water quality issues as they relate to pollution sources, infill development, redevelopment, shoreline erosion control, and shoreline access.

Objective 3: **Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the county's Chesapeake Bay Preservation Ordinance, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors as generally depicted in Figure 5 of the *Chesapeake Bay Supplement* to the Comprehensive Plan, as may be amended by the Board of Supervisors.

Policy b. Support the analysis and recommendations contained in the *Chesapeake Bay Supplement* to the Comprehensive Plan.

Policy c. Where tidal shoreline erosion control measures are needed, apply techniques that are consistent with the "Guidelines for Tidal Shoreline Erosion Control Measures" in the Environment Appendix. Consistent with this guidance and with guidance developed by the Virginia Institute of Marine Science pursuant to §15.2-2223.2 of the Code of Virginia, support the application of living shoreline approaches as preferred approaches for stabilizing eroding shorelines.

Policy d. Boating and other tidal shoreline access structures should be sited, designed, and constructed in a manner that minimizes adverse environmental impacts. Where county approval of tidal shoreline access structures is needed, the following guidelines should be consulted and considered in the decision-making process: the Chesapeake Bay Program's document entitled "Chesapeake Bay Area Public Access Technical Assistance Report;" and the following guidelines issued by the Virginia Marine Resources Commission; "Shoreline Development BMPs," "Wetlands Guidelines," and "Subaqueous Guidelines."

Policy e. Support efforts to mitigate or compensate for losses of wetlands near the area(s) of impact.

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, as amended through March 14, 2017, pages 23-24:

APPENDIX 1

GUIDELINES FOR TIDAL SHORELINE EROSION CONTROL MEASURES

Measures to control erosion along the county's tidal shoreline are often pursued in order to protect adjacent property. Where county approval of tidal shoreline erosion control measures is needed, the following guidelines issued by the Virginia Marine Resources Commission should be consulted and considered in the decision-making process: "Shoreline Development BMPs," "Wetlands Guidelines," and "Subaqueous Guidelines." Consistent with these documents, shoreline protection structures should only be pursued where there is active, detrimental shoreline erosion which cannot be otherwise controlled, and such structures should be constructed in a manner that minimizes adverse wetlands impacts.

Living shoreline approaches to shoreline stabilization (approaches that apply biological techniques, using native plant species) have been identified by the Commonwealth of Virginia as the preferred stabilization methods for tidal shorelines. Such approaches are preferred where they such approaches are consistent with the best available technical guidance, which may include guidance provided by the Virginia Marine Resources Commission, the Virginia Institute of Marine Science (including guidance within its Comprehensive Coastal Resource Management Portal), and the Shoreline Erosion Advisory Service. Unless otherwise advised through such guidance, the following preferences, as refined from guidance developed by the Hampton Roads Planning District Commission and subsequently recommended for broader application in tidal areas by the Division of Chesapeake Bay Local Assistance of the Virginia Department of Conservation and Recreation (formerly the Chesapeake Bay Local Assistance Department), should be applied, where feasible, in determining the appropriate approaches to shoreline stabilization (with practices listed in decreasing order of preference):

**Areas with Low Erosion Rates (< 1 ft/yr.)
(low energy shorelines with an average fetch exposure of <1
nautical mile)**

1. Vegetative stabilization with or without bank re-grading
2. Revetments
3. Bulkheads

**Areas with Moderate Erosion Rates (1- 3 ft/yr.)
(medium energy shorelines with an average fetch exposure of 1-5
nautical miles)**

1. Vegetative stabilization with/or without bank grading
2. Revetments
3. Breakwaters
4. Groins*
5. Bulkheads

**Areas with Severe Erosion Rates (> 3 ft/yr.)
(high energy shorelines with an average fetch exposure of > 5
nautical miles)**

1. Relocation (of threatened structures)
2. Revetments
3. Breakwaters
4. Groins*
5. Seawalls

*Groins may not be appropriate in riverine conditions or where they may impede navigation.

ADD: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Glossary, as amended through March 20, 2018, page 10:

LIVING SHORELINE: A shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic material.

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

COUNTYWIDE TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.

From: CW [mailto:cw@clydewilberllc.com]
Sent: Tuesday, January 22, 2019 11:45 AM
To: Kaplan, Noel <Noel.Kaplan@fairfaxcounty.gov>
Cc: James, Denise <Denise.James@fairfaxcounty.gov>; Haley, Erin M. <Erin.Haley@fairfaxcounty.gov>; Anita Van Breda <avanbreda5@gmail.com>; Pelto, Pamela K. <Pamela.Pelto@fairfaxcounty.gov>
Subject: FW: Coastal Resource Management Plan Amendment - VIMS WETLANDS GUIDANCE
Importance: High

Dear Noel,

Please proceed to provide your report to the PC environment committee.

As we discussed, it would be helpful to solicit comments from the Wetlands Board before adoption. Until that can be arranged, I ask that you communicative the following concerns of mine to the PCEC and to the County Attorney.

- **First, it is my understanding from our discussion that the changes to the comprehensive plan are required in Virginia Code. By all means, I support meeting the requirements of the State code.**

In adopting this change to the Comprehensive plan, please make clear that the Fairfax Wetlands Board Responsibility is to balance environmental preservation and necessary economic development under the Fairfax Wetlands Zoning Ordinance as follows:

In fulfilling its responsibilities under this Ordinance, the Board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction

While

accommodating necessary economic development consistent with wetlands preservation

VIMS guidance is helpful in addressing the responsibility of preserving wetlands. Accommodating necessary economic development is a judgement the Wetlands Board is required to make on each matter that comes before the Board.

- **The language of the Virginia Code indicates (as your amendment does) that the VIMS role is providing guidance. Guidance is not regulation or**

law. My understanding of guidance under the revisions your propose is that VIMS guidance is generally to be followed unless a specific reason is provided to not follow the guidance and such reason is approved by the Wetlands Board and not overturned by VMRC. Restated, my understanding is that the judgement of when guidance should be followed is up to the Wetlands board subject to the approval of VMRC and not VIMS.

- **I ask that you confirm this interpretation of the code modification you propose with the County Attorney.**
- **VIMS is not a state regulatory agency. It is a marine research and education center. I am unable to find anything on the VIMS website to indicated that guidance has been issued pursuant to the State Code you reference. There are many pages of education material, but not anything that I could find that refers to the State Code Guidance. You may want to ask VIMS what they consider VIMS guidance under the Code of Virginia. Typically guidance documents in the Commonwealth go through the Town Hall process. Under that process, the County would have the opportunity to comment. However, the Town Hall process is for State Regulatory Agency Guidance. VIMS is not a State of Virginia Regulator. When and if VIMS develops guidance under the Code of Virginia, Fairfax should be given the opportunity to comment.**
- **VIMS has been very helpful to the Fairfax Wetlands Board in the past. Recently their resources have been limited and their participation and assistance has been curtailed. They are very knowledgeable and helpful when they are available, and I hope that they will be able to assist the Fairfax Wetlands Board in making good decisions going forward.**

Please also pass these issues on to the Wetlands Board Members and at the appropriate time request formal comments.

**Clyde Wilber
Fairfax Wetlands Board Chairman.**