

July 5, 1973

At a regular meeting of the Wetlands Board held in the Courthouse, Williamsburg, Virginia on the fifth day of July, nineteen hundred and seventy-three there were present: Mrs. Cary Fuqua, Chairman; Mr. Leonard Harris, Vice-chairman; Mrs. Margaret Harrison, Mr. Melvin Hazelwood, and Mr. William Snyder comprising a quorum of the Board.

RE: AMENDMENTS

Mrs. Fuqua explained the amendments to the Wetlands Ordinance to the Board stating that Section 1 was required to be in James City County's defray the cost of the Court Reporter.

On a motion by Mrs. Harrison, seconded by Mr. Harris and passed without dissenting vote, the Wetlands Board of James City County hereby recommends to the Board of Supervisors that they adopt the following amendments to the Wetlands Ordinance of James City County:

SECTION 1

SECTION 2 AMENDED

1-1 A second paragraph is added to Section 2, Subsection (e) as follows:

The wetlands of Back Bay and its tributaries shall mean all marshes subject to regular or occasional flooding by tides including wind tides, provided this shall not include hurricane or tropical storm tides, and upon which one or more of the following vegetation species are growing or grow thereon subsequent to the passage of this amendment: saltwater (saltmarsh) cordgrass (*Spartina alterniflora*), saltmeadow has (*Spartina Patens*), black needlerush (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica sp.*), arrow arum (*Peltandra virginica*), pickerel-weed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cut-grass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scripus validus*), spikerush (*Eleocharis sp.*), cattails (*Typha spp.*), threesquares (*Scirpus spp.*), dock (*Rumex sp.*), smartweeds (*Polygonum sp.*), yellow pond lily (*Nuphar spp.*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's ticks (*Bidens sp.*), arrowhead (*sagittaria spp.*), and swithh (*Panicum virgatum*).

1-2 Subsection (g) is added to Section 2 as follows:

(g) "Back Bay and its tributaries" means the following as shown on the U.S. Geological Survey Quadrangel Sheets for Virginia Beach, North Bay, and Knotts Island: Back Bay north of the Virginia-North Carolina State line; Deal creek; Devil creek; Nawney creek; Redhead Bay, Sand Bay, Shipps Bay, North Bay, and the waters connecting them; Beggars Bridge creed; Muddy creek; Ashville Bridge creek; Hells Point creek; Balck Gut; and all coves, ponds and natural waterways adjacent to or connecting with the abovenamed bodies of water.

SECTION 2

SECTION 4 AMENDED

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2-1 Section 4, Subsection (c) is amended and readopted as follows:

(c) A nonrefundable processing fee to cover the cost of processing the application of one hundred dollars shall accompany each application.

RE: STATEMENT

Mrs. Harrison requested the floor before starting the work session to state her feelings that the wetlands were priceless, belonging to everyone and the purpose of the Wetlands Board was to see that this resource would be saved for our children and grandchildren and decisions made by the Board should reflect the public interest in saving and preserving this nursery of the sea.

RE: WORK SESSION

Mrs. Fuqua informed the public that an error had been made in continuing the previous meeting and the Commonwealth's Attorney recommended that an amended application should be submitted and a second public hearing held after being properly advertised and this meeting should just be used as a work session by the Board, Highway Department and VIMS.

Mel Thomas stated the changes that the Highway Department and VIMS had agreed upon including:

- (1) Providing a double 10' by 6' box culvert, giving a twenty foot opening in place of the single 10' x 10' box culvert in the original application.
- (2) A silt barrier constructed of straw bales will be placed across the marsh at the toe of fill which will protect against erosion at the marsh-fill interface.
- (3) Rip-rap will be provided at each end of the double 10' x 6' box culvert to protect against erosion and act as a dissipater of tidal and storm waters.
- (4) The Department in cooperation with VIMS will attempt to protect as many of the clumps of arros-arum (*perlandra virginica*) as possible, by removing such clumps prior to the filling operation, storing in a protected area and after construction placing these clumps adjacent to the fill where possible re-establishment and growth will occur.
- (5) The Environmental Quality Division will monitor the effects of construction throughout the project to determine the best course of action to minimize any unforeseen adverse effects to the Paper Mill Creek Marsh which VIMS and the Department may not be aware of, or cannot predetermine with our present knowledge of Wetlands.

Mr. Harris suggested that by monitoring the adverse effects the adverse effects the Highway Department would be able to keep a record for future use.

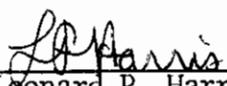
Mr. Dawes of VIMS indicated that these changes had been agreed to by VIMS and that he had no qualms about the quality of the work.

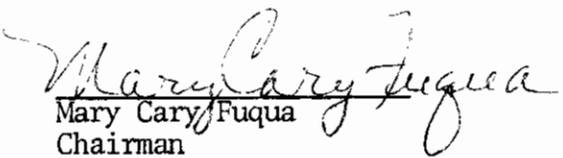
Mrs. Fuqua asked the Highway Department if they would be liable for correction of extensive damage done by this project.

Mr. Thomas stated that the Environmental Quality Division would monitor this project and would try to correct any major disturbances.

Mrs. Fuqua commented that the Highway Department was doing the Wetlands Board a disservice because the Board really couldn't weigh the public benefit or detriment as the Highway Department had not had their public hearing to determine the need and location of the road.

There being no further business to come before the Board, the meeting was adjourned.

  
 Leonard P. Harris  
 Secretary

  
 Mary Cary Fuqua  
 Chairman

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