

**WETLANDS BOARD**

**MINUTES**

**FEBRUARY 13, 1990**

**A. ROLL CALL**

Present:

Henry Lindsey  
John Hughes  
Carolyn Lowe  
David Gussman  
Ralph Cobb

**OTHERS PRESENT:**

Bernard M. Farmer, Jr. Secretary to the Board  
John C. Patton, Code Compliance Officer  
Jay Lipscomb, VMRC Representative  
Peter McClintock, Emerald Forest Consulting

**B. MINUTES**

The minutes of the December 13, 1990, meeting were approved as corrected and the January 9, 1991, meetings were approved as presented.

**C. OLD BUSINESS**

Case No. W-22-90. James T. Wood

Mr. Hughes moved to accept the Civil Charge Order presented by Mr. Farmer.

The vote for approval was unanimous.

**D. NEW BUSINESS**

W-1-91 Governor's Land

Mr. Farmer presented the staff report stating that The Williamsburg Environmental Group Inc., on behalf of the Governor's Land Associates, had applied for a wetlands permit to construct an open-pile timber golf cart bridge across tidal wetlands. The proposed bridge, 160 feet long by 12 feet wide, between holes #17 and #18 would cross a tidal vegetated wetlands area consisting primarily of mature cypress trees and cypress knees. The applicant proposes to construct the bridge with a minimum of disturbance to the vegetation by not cutting any trees and driving pilings with equipment on top of the bridge.

The proposal calls for the only impact to be approximately 10 square feet of vegetated wetlands (cypress knees) to be disturbed where the piles are actually placed.

Since this is an open pile structure from upland to upland the Army Corps considers it a bridge and does not issue a permit. Bridges fall within the Coast Guard's jurisdiction but they only require permits if navigable waters are involved. Thus there is little guidance from other regulatory bodies as to appropriate criteria to be used in evaluating the project. Open pile structures are generally considered to have minor environmental consequence and the only guidance normally provided by the Army Corps is that no structure should be less than 4 feet above the substrate and for piers over 4 feet wide the height should be at least 1 foot greater than the width. This criteria is used to provide adequate sunlight to filter under the structure to support marsh vegetation. This would require that the bridge be 13 feet above the substrate of the cypress swamp in this case. This would seem to be excessive for this project. It would appear that a reasonable approach would be to build a level bridge from an upland point that would provide a minimum of 5 feet above the substrate to provide circulation and preclude cutting any cypress knees.

It is the staff recommendation that a permit be granted to construct an open-pile timber bridge 160 feet long and 12 feet wide with the following conditions:

1. The bridge be constructed without the cutting of any cypress trees and at an elevation 7 feet above mean low water to preclude damaging or cutting wetlands vegetation other than that necessary for the driving of pilings.
2. All equipment shall be kept out of the wetlands and that pile driving equipment is only permitted on uplands and the bridge itself.
3. The contractor shall provide surety in the amount of \$3000 to be held to restore any wetlands vegetation destroyed or damaged during construction. Surety to be posted prior to issuance of a building permit.
4. A building permit must be obtained prior to beginning any construction.
5. This permit shall expire February 13, 1992.

Mr. Lindsey opened the public hearing.

Mr. Mike Kelly addressed the Board and offered to answer any questions concerning this permit application.

Mr. Lindsey closed the public hearing.

After a brief discussion, Mr. Hughes moved to grant the permit as recommended with conditions.

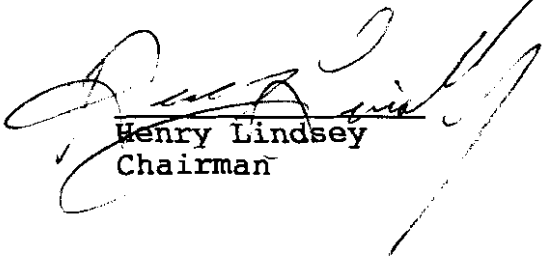
The vote for approval of the permit with conditions was unanimous.

**E. MATTERS OF SPECIAL PRIVILEGE**

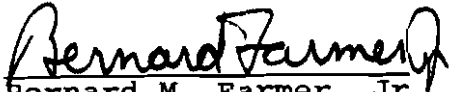
The Board found the Monitoring Plan submitted by Emerald Forest Consulting on behalf of James T. Wood, acceptable.

**F. ADJOURNMENT**

The meeting was adjourned at 7:45 P.M.



Henry Lindsey  
Chairman



Bernard M. Farmer, Jr.  
Secretary