

**WETLANDS BOARD
MINUTES**

JANUARY 14, 1998 - 7:00PM

A. ROLL CALL **ABSENT**

Henry Lindsey	Larry Waltrip
John Hughes	
James Jones	
David Gussman	

OTHERS PRESENT

Darryl E. Cook, Environmental Engineer
Environmental Staff
Tony Watkins, VMRC

B. MINUTES

Approval of the December 10, 1997 minutes were approved as presented.

C. OLD BUSINESS - None

D. NEW BUSINESS

1. W-38-97 Governor's Land Inland Basin Marina, Governor's Land Subdivision

David Meador presented the case stating that Governor's Land Management Company has applied for a wetlands permit to modify an existing jetty at the western-most entrance of the marina, to construct a previously permitted pier with modifications and to modify the private individual slips within the marina in the Governor's Land subdivision. The property is further identified as parcel (1-16) found on James City County Real Estate Tax Map (44-2).

The applicant proposes to lengthen the western-most entrance jetty by 250 feet in order to lessen the height of the waves entering the marina. An assessment of the Wave Climate within the Marina as conducted by VIMS, indicates that lengthening this jetty will reduce the wave heights within the basin. The proposed jetty will impact approximately 92 square feet of existing intertidal rubble habitat and approximately 9250 square feet of subtidal bottom. The applicant also intends to construct the middle pier with 34 boat slips. This pier was previously permitted in 1993 (W-31-93) with 28 boat slips. In addition, 13 private boat

slips will be modified along the basin's perimeter to include marginal walkways. These walkways will be 20-22 feet long by 2.5 feet wide and will require the placement of three pylons and the relocation of the two existing outer pylons at each of the individual slips. (Mr. Meador inserted that new information received revealed that the two existing outer pylons would not be relocated.) While the permit previously issued for the marina authorized the construction of the pier and the walkways, the designs for these structures have been modified. The total number of slips in the marina, however, has not increased.

It is the staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. Prior to any construction, a preconstruction meeting will be held on-site with the Environmental Division personnel.
2. No disturbance will be allowed in the Resource Protection Area (RPA).
3. A building permit must be obtained for the pier and the walkways.
4. The permit shall expire on January 14, 1999.

Mr. Lindsey opened the public hearing.

Mr. Michael Kelly, Williamsburg Environmental Group, Inc. and applicant's agent, informed the Board that he concurred with staff's recommendations and that he was available to answer questions. He also introduced Mr. Ray Keeney, Governor's Land Management Company, Mr. Charles Harvey, Governor's Land Marina Harbor Master and residents residing on the marina.

Mr. Lindsey closed the public hearing.

Mr. Jones inquired if the number of boat slips had remained the same from the previously permitted permit.

Mr. Meador responded that the number of boat slips had remained the same.

Mr. Lindsey stated his concern had been flushing of the marina; however based on the receipt of a report from Julie Bradshaw, VIMS, he felt his concerns had been properly addressed.

Mr. Hughes moved that case W-38-97 be approved with staff's recommendations.

The motion was approved by a 4-0 vote..

E. MATTERS OF SPECIAL PRIVILEGE

As the Board is interested in establishing a wetland mitigation policy Mr. Watkins presented a general overview of the State of Virginia's Mitigation process. He stated that the new policy became effective on January 1, 1998. In response to a question from Mr. Cook, Mr. Watkins stated that it costs approximately \$10,000 to \$20,000 per acre for wetlands creation.

Mr. Lindsey and Mr. Hughes stated their concerns that a developer of one project initially requests a permit to impact a small amount of wetlands but then comes back at a later date and asks for additional permits, which over the life of the project can amount to a considerable amount of impacted wetlands.

Mr. Hughes also stated his concern regarding whether the Virginia Marine Resource Commission would support the decision of the local Wetlands Boards. He further stated he had questions on how the Resource Protection Areas would be treated.

Mr. Gussman stated that he feels large wetland banks that are bonded would be the only workable method to achieve mitigation or compensation for lost wetlands.

Mr. Cook inquired if it would be defensible to make corporations compensate for lost wetlands, but not private individuals.

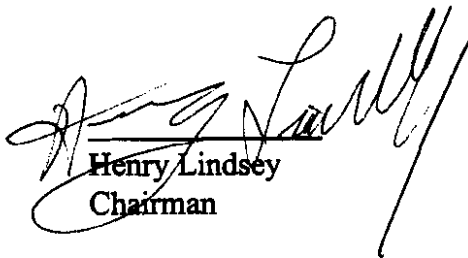
Mr. Watkins stated it would be defensible.

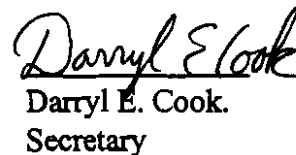
The Board thanked Mr. Watkins for his information.

Mr. Lindsey requested the Board members consider the Wetlands Symposium being offered on February 7, 1998. He then requested the Board to read over the Mitigation package and they would discuss it at their next meeting.

F. ADJOURNMENT

The meeting was adjourned at 7:50 P.M.


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary