



**WETLANDS/BEACHES AND CHESAPEAKE BAY BOARD
COUNTY OF NEW KENT**

June 6, 2013

**OLD COURTROOM, HISTORIC COURTHOUSE BUILDING
MINUTES**

A MEETING OF THE NEW KENT COUNTY CHESAPEAKE BAY PRESERVATION BOARD WAS HELD ON THE 6TH DAY OF JUNE IN THE YEAR TWO THOUSAND THIRTEEN OF OUR LORD IN THE OLD NEW KENT COUNTY COURTHOUSE COURTROOM AT 6:00 P.M.

IN RE: ROLL CALL

Attendance:

Mr. John Bragg	Absent
Ms. Jean Street	Present
Mr. Douglas Dill	Present
Mr. Paul Davis	Absent
Mr. Lyle Gleason	Present
Dr. Alan Neumann	Present

Also attending:

Mr. Matt Venable, Acting Environmental Planning Manager
Mr. Kyle Flanders, Recording Secretary
Ms. Michelle Gowdy, County Attorney

The meeting was called to order at 6:00 PM and a quorum was established.

IN RE: DECLARATION OF POLICY FROM THE LAWS OF VIRGINIA

Vice-Chairman Gleason read the declaration of policy from the laws of Virginia relating to the Marine Resources of Virginia and the New Kent County Code relating to Chesapeake Bay regulations.

IN RE: APPROVAL OF MINUTES

A motion was made by Mr. Dill and seconded by Ms. Street to approve the minutes of the February 7, 2013 meeting.

The members were polled:

Mr. John Bragg	Absent
Mr. Paul Davis	Absent
Mr. Douglas Dill	Aye
Ms. Jean Street	Aye
Mr. Lyle Gleason	Aye
Dr. Alan Neumann	Aye

The motion carried 4:0:2.

IN RE: CHESAPEAKE BAY PRESERVATION BOARD

VMRC# 2013-0448 submitted by Verizon Virginia, LLC to install fiber optic communications cable from New Kent County to King William County crossing Eltham Marsh and the Pamunkey River.

Mr. Gleason asked that the project be presented by staff prior to the public hearing period.

Staff presented the application stating that the project would have a very low impact on the property. Work would be initiated on the Eltham side of the crossing by way of an upland terminal site. Embedment plowing would be done sub-surfacely with divers. Low impact marsh vehicles will be utilized for the project for all vehicles within wetland areas; all areas will be seeded and strawed at completion of work. VIMS report was not available. Staff stated that proposed project has been designed to cause the least amount of impact to the existing marsh and the majority of the work will be done by floating barge with minimal disturbance expected; staff recommends approval of this application, VMRC#2013-0448 as submitted.

Dr. Neumann asked how long it takes to run the cable.

Mr. Crofton (Jay Crofton) replied that it is a short period, probably a day or two days going across the marsh, then several days going across the waterway. Referenced project done for Dominion (included in *PRESENTATION TO; WETLANDS BOARD HEARING JUNE 6, 2013*) crossing 1,800 ft. of marsh that goes back to its natural state using low ground pressure equipment. Referenced images in *PRESENTATION* which show plow that will be used with this project. Narrow blade pushes down marsh and it comes right back up.

Mr. Gleason asked if there was any expected damage to the vegetation.

Mr. Crofton said there was no expected damage to the vegetation. His company has used this piece of equipment before, used to inspect Dominion towers. It is a unique piece of equipment to use in the marsh areas.

Mr. Gleason asked if once the river was reached, the project would work by barge.

Mr. Crofton said that was correct. The reason this is being done is that previous cables were damaged by an anchor and the cable was cut in two. The cable has been out of redundancy for some time so now the other cable must be put in. The cable will be put in by a hydro-plow and that has been approved by Virginia VMRC.

Mr. Gleason asked why there was no report from VIMS.

Mr. Venable said that he emailed VIMS. Staff will follow-up with VIMS.

Mr. Gleason asked if tonight's meeting had been properly advertised according to the Laws of the Commonwealth.

Mr. Venable stated that the meeting has been properly advertised.

Mr. Gleason asked board members for comments.

Dr. Neumann mentioned VIMS' criticism of boards in regards to acting on reports; he mentioned that it is difficult to act on reports when they are not provided by VIMS.

Mr. Crofton stated that VIMS usually follows up and does provide a response. Mr. Crofton stated his name, Jay Crofton, with Crofton Diving Corporation out of Portsmouth, Virginia. Crofton Diving Corporation is the agent and contractor for Verizon on VMRC# 2013-0448 and the associated project.

Mr. Dill asked if the Board could act without a VIMS report.

Mr. Venable replied that the Board could act without a VIMS report and stated that with minimal disturbed area, this may be why VIMS did not provide a report.

IN RE: NEW BUSINESS

As the next meeting falls on the July 4th Holiday Mr. Gleason asked members when an appropriate day to reschedule the meeting might be, Dr. Neumann suggested the following Thursday, July 11th.

A motion was made by Mr. Dill and seconded by Ms. Street to move the July Wetlands Board meeting from Thursday July 4th to Thursday July 11th.

The members were polled:

Mr. John Bragg	Absent
Mr. Paul Davis	Absent
Mr. Douglas Dill	Aye
Ms. Jean Street	Aye
Mr. Lyle Gleason	Aye
Dr. Alan Neumann	Aye

The motion carried 4:0:2.

Mr. Gleason asked if there were any additional comments or questions regarding VMRC# 2013-0448.

IN RE: CHESAPEAKE PRESERVATION BOARD PUBLIC HEARING MRC# 2013-0448

VMRC# 2013-0448 submitted by Verizon Virginia, LLC to install fiber optic communications cable from New Kent County to King William County crossing Eltham Marsh and the Pamunkey River.

Mr. Gleason opened the public hearing and asked if there were any adjacent property owners present. None were present and Mr. Gleason opened the floor to Mr. Crofton.

Mr. Crofton expressed that in addition to his previous comments, Verizon needs to lay a new cable for redundancy purposes as the previous cable was cut. The process for laying the cable will be the same as before; the equipment used in the wetlands will be low ground pressure equipment.

Mr. Gleason wanted the record to show that Mr. Crofton was speaking again.

Mr. Crofton said the equipment to be used would cause little push down on the marsh which is what can injure wetlands. This information has been included in *PRESENTATION*. After a short period you will see the marsh as it is now. The marsh will be crossed with a plow with a very narrow wedge into the wetlands.

Mr. Gleason asked how wide the plow is.

Mr. Crofton responded that the plow is about 4 inches wide and once in the river a different plow will be used that buries the cable 6 feet deep. This has been approved by the Army Corps of Engineers. This is a totally different process than used in the marsh. On the Eltham Marsh they have taken the bridge out so they will go under that area.

Mr. Dill asked how deep the plow goes into the marsh. Mr. Crofton said the plow goes 2 feet into the marsh and 6 feet into the channel.

Mr. Dill asked if they had ever had an instance where the cable came out of the marsh or broke loose. Mr. Crofton replied that there had not been instances of the cable breaking or coming out of the marsh. In the river a ballast cable is attached to the cable as fiber optic cable is very light. The fiber optic cable will cause even less impact than previous cables.

Mr. Gleason asked for clarification that impact site #2 in the application (VMRC# 2013-0448) is Eltham Marsh. This is listed as disturbing 2,080 feet of wetlands. Is this based on the 4 inches in depth? Mr. Crofton said that this plow has a very small footprint.

Mr. Gleason asked if there were any questions from the Board. There were none.

Mr. Crofton asked if the board was satisfied that there was enough information to make a decision on this application.

A motion was made by Mr. Dill and seconded by Dr. Neumann to approve application VMRC# 2013-0448 as recommended by staff; the project as proposed has been designed to cause the least amount of impact to the existing marsh, the majority of the work will be done by floating barges, therefore, minimal disturbance is expected.

The members were polled:

Mr. John Bragg	Absent
Mr. Paul Davis	Absent
Mr. Douglas Dill	Aye
Ms. Jean Street	Aye
Mr. Lyle Gleason	Aye
Dr. Alan Neumann	Aye

The motion carried 4:0:2.

Mr. Gleason asked if County staff could be present when the cable was put into the marsh, and wanted staff on hand to observe vehicle in the marsh and to know how this project will work for the future. Mr. Crofton said that staff presence was encouraged, and Mr. Venable said he would arrange to be present when the cable is put into the marsh.

IN RE: OLD BUSINESS

Mr. Gleason asked if there was any old business.

Mr. Dill asked what the status was for hiring a new Environmental Planning Manager.

Mr. Venable stated that he was the Acting Environmental Planning Manager. The position has been advertised and interviews are scheduled.

IN RE: ADJOURNMENT

A motion to adjourn was made by Ms. Street and seconded by Dr. Newman at 6:23 PM.

Mr. John Bragg	Absent
Mr. Paul Davis	Absent
Mr. Douglas Dill	Aye
Ms. Jean Street	Aye
Mr. Lyle Gleason	Aye
Dr. Alan Neumann	Aye

Respectfully submitted:

Kyle T. Flanders, Recording Secretary