



CITY OF VIRGINIA BEACH REQUESTED CODE CHANGES

10. CLARIFICATION OF LOCAL WETLANDS BOARD JURISDICTION

Co-SPONSORED BY VICE MAYOR LOUIS R. JONES
AND COUNCIL MEMBER JAMES L. WOOD

Background Information:

This request is for a minor tweak to the local wetlands board's jurisdictional limitations as defined in State Code. City projects are considered 'public projects' in the State Code and are therefore currently exempt from local wetlands board jurisdiction. However, that exemption in State Code is limited to projects on property that is 'owned or leased' by the City. This limitation has put the City in the position of having to obtain a local wetlands board permit in addition to obtaining a Virginia Marine Resources Commission (VMRC) permit. In addition, our local wetlands board has adopted an in-lieu fee mitigation program for impacts to non-vegetated wetlands, mudflats, at the rate of \$12.50 per square foot. However, this in-lieu fee program has not been accepted by Department of Environmental Quality (DEQ) and the Corps of Engineers, such that any mitigation payments to the local wetlands board for such impacts will not be honored by the state and the federal government, potentially creating a circumstance where impacts will be required to be mitigated twice.

Request:

In that the local wetlands board is exercising identical and delegated jurisdiction from VMRC, the extra step of being subjected to local wetlands board review is both redundant and creates a significant financial impact as well as a detrimental double standard whereby taxpayers (the source of funding) may have to fund mitigation costs twice. Our request would be to strike or modify the 'owned or leased' clause to clarify that all City projects are exempt from local, Council-appointed, board review ([28.2-1302](#), section 3, item 10), regardless of whether the City has full title or a lease for all of the lands involved in the project.