

# MARINA POSES RISK TO WATER AND WILDLIFE, GROUPS SAY

By Scott Harper **The Virginian-Pilot**

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The Army Corps of Engineers intends to approve a marina on Back Bay, a project environmentalists say will harm the southern Virginia Beach estuary and a neighboring national wildlife refuge.

The Norfolk district of the Army Corps has told the U.S. Fish and Wildlife Service of its intention to allow the 76-slip marina, which Virginia Beach businessman Doug Wilkins proposed three years ago.

"It was really a surprise," Kimberly Smith, a Fish and Wildlife Service biologist, said Friday. "We had not heard from the corps on this in over a year. "

The Back Bay facility would include finger piers, floating docks, a concrete boat ramp and shoreline bulkheading, according to plans, and would serve residents of a nearby condominium complex in Sandbridge.

Numerous environmental groups, including some from as far away as Alaska, have opposed the project.

Virginia Beach Mayor Meyera Oberndorf has voiced concerns about it. And the Fish and Wildlife Service has said such a boating center would damage sensitive habitat in Back Bay and conflict with the decades-old mission of the national wildlife refuge there – to protect migratory birds and waterfowl.

"As far as the environment goes, this is a complete disaster," said Cheryl Petticrew, who has lived in Sandbridge for 30 years and is active with Friends of Back Bay, a conservation group.

Attempts to contact the developer, his consulting engineer and his attorney were unsuccessful Friday.

Most recently, Wilkins was rebuffed by the city Board of Zoning Appeals, which last year rejected arguments that the marina should go forward "by right" because of existing zoning and because it would be a private facility.

The board was not swayed and voted against the argument, saying Wilkins would be required to first obtain a conditional use permit.

To gain such approval, the project would have to be considered by the Planning Commission and voted on by the City Council.

Wilkins appealed the board's ruling to Virginia Beach Circuit Court.

But no hearing has been held or scheduled, said Kay Wilson, an assistant city attorney handling the case.

If a corps permit is issued, the developer still needs a city permit as well as approvals from the Virginia Department of Environmental Quality and the Virginia Marine Resources Commission.

John Bull, a state marine commission spokesman, said his agency received an application from Wilkins in 2004. But commission staff "had many, many questions" about the proposal, sent back their comments and questions, and have not heard anything in reply since then, he said this week.

"We have serious concerns that Back Bay is a body of water that could handle that kind of boat traffic and activity," Bull said. "We have considerable questions that have not been addressed."

Pam Painter, an environmental scientist with the Army Corps in Norfolk, who is overseeing the marina project, said Wilkins deactivated his federal permit request about a year ago in order to seek state and local permits.

Then, a month or two ago, "they asked us to go ahead and finish our review of the project," Painter said. The corps did so. And in recent weeks, the corps contacted the Fish and Wildlife Service of its intention to issue the permit, with several environmental precautions and safeguards, officials said.

The service has told the corps that it will likely "elevate" any such permit to its regional leadership, a move intended to give an additional, closer review of the matter by higher-ups outside of Virginia.

Jared Brandwein, manager of the Back Bay National Wildlife Refuge, was irked by the corps' recommendation.

"I find it ironic that our sister federal agency is ready to issue a permit when the state and city have all kinds of questions about this thing," Brandwein said.

