

# 1995 SESSION

ENROLLED

## HOUSE JOINT RESOLUTION NO. 577

*Memorializing the United States Army Corps of Engineers to allow the Virginia Department of Transportation flexibility to conduct wetland mitigation.*

Agreed to by the House of Delegates, February 7, 1995

Agreed to by the Senate, February 21, 1995

WHEREAS, the transportation needs of the Commonwealth at times lead to the need to construct roads through wetlands; and

WHEREAS, Virginia has enacted effective laws to protect vegetated and unvegetated wetlands; and

WHEREAS, federal and state laws regulate impacts on wetlands and require, in most situations, that wetlands impacts be either avoided or mitigated with avoidance being preferred; and

WHEREAS, the placement of roads through a wetland is at times the most practical and desirable way to minimize the impact of a road on residential communities but creates a conflict between wetlands protection and the protection of the community; and

WHEREAS, examples of this conflict can be found in the Commonwealth, an example being the construction of Route 199 near the Mews residential community in James City County where a choice has to be made between placing the road through a wetland or placing the road in proximity to the Mews, disrupting the nature of the community; and

WHEREAS, wetlands are important to the surface and ground water quality of the Commonwealth by slowing flood waters, filtering pollutants and capturing silt; and

WHEREAS, wetlands are important to terrestrial and aquatic life by providing valuable and unique habitat, breeding areas and sanctuary; and

WHEREAS, wetlands impacts in situations such as that described relative to the Mews community are required to be mitigated through the construction of new wetlands areas; and

WHEREAS, the placement of roads through wetlands is dependent on authorization from the United States Army Corps of Engineers and the Corps has some flexibility in determining whether wetlands impact must be avoided or to allow the wetland impact, provided mitigation is conducted; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the United States Army Corps of Engineers be urged to allow the Virginia Department of Transportation flexibility to conduct wetland mitigation. The United States Army Corps of Engineers shall be flexible in its determinations of whether wetlands should be avoided or mitigated when road development projects must either disrupt a wetland community or a community of citizens of the Commonwealth as highlighted by the situation described for the Mews community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare and transmit a copy of this resolution to the district engineer of the Norfolk District of the United States Army Corps of Engineers so that the Corps may be apprised of the sense of the General Assembly of Virginia.

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