

POISON IVY PATCH POISONS RESTON-COUNTY TIES

By William Nicoson

“Look: a patch of poison ivy.” “Well, you know what to do. Get rid of it. It’s our job to protect Nature Center visitors from harm.”

Thus began the great poison ivy war between Fairfax County and Reston Association and between two factions of RA directors. For adherence to unimpeachable RA objectives, protecting its members from harm, RA has been cited by Fairfax County for environmental delinquency. Even more astonishing, some RA directors have encouraged and reveled in this result, risking questions concerning breach of their fiduciary obligation to support rather than attack RA in its dealings with third parties.

Pursuant to line-items of RA’s biennial budget designed to alleviate erosion of stream banks, the RA staff created a rain-garden and holding-pond for run-off in the Nature Center. Such a pond permits the velocity of stream water caused by impervious surfaces inherent in the development process to be absorbed over time rather than to erode stream banks.

This procedure occupied too small a space (less than 2,500 sq. ft.) to require county approval under its regulations. But the whack at poison ivy (involving an additional 1,300 sq. ft.) is said to have extended the effort into the county’s regulatory realm. And since RA had not sought approval by the county for either procedure, the county has turned environmental protection on its head by requiring RA to reverse measures taken to prevent stream erosion in the Nature Center. The cost of returning to the status quo ante is estimated at \$4,000, excluding the significant costs of soil destabilization and erosion expected to result from this ruling by the county’s environmental police.

The RA Board should consider whether to oppose the county’s high-handed ruling by court action. Any reasonable judge would conclude that eliminating the danger of poison ivy to Nature Center visitors was an activity in support of safety, wholly distinct from the creation of a holding pond for environmental purposes, and that no approval from the county was required either to eliminate poison ivy or to combat erosion since neither procedure involved more than 2,500 sq. ft.

The county’s intransigence is mysterious until you talk to Kambiz Agazi, the County Executive’s Environmental Coordinator. Agazi, with the arrogance of a government-empowered expert, dislikes the design of the rain-garden prepared by a well-credentialed consultant of RA. He was less confident on the question of his jurisdiction to eliminate RA’s project, referring me to a subordinate who was unable to identify on what legal basis the county had jurisdiction over a project of less than 2,500 sq. ft. Legal issues aside, experts from the county and from RA should work through desirable design changes rather than dismantle the project.

But if RA insists on accepting the county's mandate I'm willing to help. I've got a large patch of poison ivy in my backyard which I'll be happy to contribute to the cause of restoring the embattled Nature Center site.

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