

Wetlands Board Minutes – August 14th, 2019

Board Members Present: Paulson, Strickland, Brassington, Burton, Ballard, Wilson, Laws, Slagle
Board Members Absent: King
Alternate board member(s) designated to vote: Slagle
VMRC attending: Rachael Peabody
Norfolk Staff: Seamus McCarthy, Nathan Bowman, Margaret Kelly
Meeting start time: 1300
Meeting end time: 1443

July 2019 Minutes Approval: Motion by Mr. Strickland, seconded by Ms. Burton, passed unanimously

1. Catherine Rothman et al. Dredging Project #16-0937: Dredging project to impact non-vegetated wetlands adjacent to Regent Road on the Lafayette River

Civic League: Belvedere

This application is a revision of Rothman et al dredging project approved by Norfolk Wetlands Board in February 2018 to impact non-vegetated wetlands in the Lafayette River. This project consists of 11 property owners with 8 properties on Regent Road, 1 on West Severn and 2 on W Arden applying to dredge boat basins to tie into City Dredging project JPA # 16-0042 which is a 1525 linear foot main channel and has been approved by all regulatory agencies. Dredge depth is proposed to maximum depth of -3.5 MLW which includes a 0.5 ft over dredge allowance. Staff has had multiple meetings on site with VMRC Rachael Peabody and agent Bob Simon and one walk through with the USACE August 2nd, 2017 with the most recent meeting on July 25th of this year to discuss project revisions and review impacts. Each of the proposed 11 proposed boat basins are unique and designed based on existing shoreline conditions, existing and proposed piers, boatlifts, boat size and relation of the channel to the property. Shown in the drawings in red there are 2 new piers proposed and three additions which will be permitted under separate JPAs.

Impact Calculations: 5726 SF of non-vegetated wetlands are proposed to be dredged or fall within the 2x buffer slumping zone. 8 of the 11 basins have non-vegetated wetland impacts which consist of type 16 mudflat community. Important to note that no vegetated wetlands will be impacted by this project or fall with 4x buffer. Outside the board's jurisdiction 14,676 sq. ft. of subaqueous bottom will be impacted.

Representing project: Agent: Robert Simon Waterfront Consulting Inc.

VIMS Assessment: These projects are similar to the Special Service District (SSD) projects by the City of Virginia Beach, and our comments of June 17, 2015 in reference to the Shadowlawn SSD (15-0448) are also applicable here. Pursuant to those comments, it is worth reiterating the high ecological value of non-vegetated wetlands and adjacent shallow subaqueous habitats. We recognize that the Commonwealth does not require mitigation for dredging of non-vegetated wetlands, but that the applicant is currently working with the Army Corps to pursue options for mitigation. We welcome the opportunity to comment and/or collaborate on those options at an appropriate time.

Staff Assessment: Staffs opinion is that three existing stormwater outfalls that flow into this section of the Lafayette river have caused the river bottom to silt in overtime with fine sediments affecting overall health of mudflats and navigability of the waterway. Staff and VMRC has worked with Mr. Simon to minimize dredging and insure there will be no impact to existing vegetated wetlands.

Project was originally submitted in 2016 with 12 basins and 8315 sf of non-vegetative wetland impacts and has been reduced by 1 basin and 2589 sf of NV impacts. From previous board approval in Feb 2018 project has been reduced by 1326 SF of impacts. If project is deemed approvable by the board mudflat impacts will be assessed at \$5.50/ sf to be utilized for City of Norfolk mitigation project which is designed for mitigation for both City channels and private tie ins. This mitigation project was just completed in June.

Though there is a 5726 SF of mudflat loss proposed with this application the mitigation project will include over a 10,000-sf conversion of subaqueous bottom to shellfish reef and rock sill. And a 6135-sf conversion of subaqueous to vegetated wetland and a 9850-sf conversion of a non veg wetland to a vegetated wetland. Once completed this mitigation project will greatly enhance the overall water quality of the Lafayette River.

Staff Recommendation: Staff believes this project meets the standards for permit issuance with compensation for the 5726 SF of non -vegetated wetland impact @ \$5.50 a sq. ft. which is \$31,493. Also, to be consistent with VMRC permit for dredging staff recommends the following special conditions:

1. If dredging inside time of year restriction (June 1- Sept 30th Basins should only be dredged on incoming tide and
2. Environmental bucket is required to be utilized during time of year restriction
3. Pre-dredge conference is required prior to commencement of dredging which shall include inspection of dredge material containment area and inspection of staked dredge area.
4. Post dredge bathometric survey should be completed within 30 days of completion of dredging.

Comments &/or Special Conditions by Board:

Mr. Strickland inquired if the channel has been dredged before and therefore maintenance dredging. The reply from property owners was yes, back in the late 1960's

Mr. Simons clarified that the dredging was taking non-vegetated mudflat to shallow water habitat.

Mrs. Peabody answered the question about no wake zones being the responsibility of DGIF via the City Council.

Ms. Craddock had concerns about dredging for recreational use, dredging to cause increased flooding, bulkheads to cause increased flooding, jet skis causing pollution, unknown hydrology effects, noise from watercraft, loss of waterfowl, habitat degradation, and not being properly informed about the scope of the project.

Staff informed the board that notices were sent to her P.O. Box as required for each project in question.

ACTION TAKEN: Motion by Mr. Strickland, seconded by Mr. Ballard and passed unanimously with the special conditions 1-4 as presented by staff and a payment for wetland impact of \$31,493.00.

2. Elizabeth Skrobisewski #19-1057: Construction of a 134 LF rip rap revetment to impact non-vegetated wetlands at 1330 Harmott Ave on the Lafayette River.

Civic League: Lakewood

Staff met on site with agent Richard Calvert on June 27th and again with VMRC Rachael Peabody on July 25th of this year to review the application for installation of a 134 LF rip rap revetment. Site consists of a failing stacked concrete bulkhead that is leaning seaward in sections and experiencing minor soil loss. The elevation of yard is high enough that no wetland vegetation has been

established behind the bulkhead and 3' wharf/ deck structure. The applicant is proposing removing the wharf and top 16" of concrete bulkhead grading back into the yard approximate 2.5 ft to establish the rip rap revetment at a 1.5 to 1 slope with the toe of the rip rap going 5' on the west side and 4.5 on the east side. All rip rap is Class 1 granite stone with filter cloth utilized with the toe of the rip rap buried. As water quality component the applicant is proposing planting two rows Spartina Alterniflora on 12" centers just beyond the proposed structure. Also included in this application is an 8 LF timber return wall going to keep the stone in place and 10'x 12 fixed pier and an 8x10 floating dock.

Impact Calculations: 372 sq. ft. of non veg wetlands will be converted to non-vegetated rock habitat and 26 SF of non-vegetated wetlands will be created from upland by removing top of bulkhead excavating upland and placing rip rap on 1.5 to 1 slope. Additionally, 90 sq. ft. of non veg wetland mudflat will be converted to a vegetated wetland by placing sand to proper elevation and planting Alterniflora at toe of revetment.

Representing project: Agent: Richard Calvert - Calvert Marine

VIMS Assessment: From VIMS comprehensive map viewer – Remove existing structure if present, grade bank if necessary and install non-structural living shoreline which may include riparian buffer planting along bank and or marsh plants, coir logs, or oyster reefs along the shoreline. Best choice for low energy environments

Staff Assessment: Staffs opinion is that existing concrete wall is failing and experiencing erosion. This application will protect the shoreline and stop the sediment loss and create a 90 SF vegetated planting area where mudflat will be converted to vegetated wetlands. Staff looked at the feasibility of a living shoreline but the location of the trees adjacent to the bulkhead, the proximity of the house and the adjacent outfall made the revetment the right choice for this location. All existing shellfish are required to be relocated to new rip rap and all wetland special conditions are included in the application.

Staff Recommendation: Staff believes this project meets the standards for permit issuance.

Comments &/or Special Conditions by Board:

Ms. Wilson inquired if there will be enough sun (close proximity of large canopy tree) for the proposed *alterniflora*. Mr. McCarthy replied in the affirmative with photo evidence.

Mr. Strickland was wondering about the removal of structure if present (vims assessment). Mr. Calvert said only the top would be removed as the bottom of the structure would be incorporated into the new revetment and save homeowners cost for disposal.

ACTION TAKEN: Motion by Mr. Ballard, seconded by Ms. Burton and passed unanimously as submitted.

3. Request for funding for Green Reader Program: Norfolk Environmental Commission

ACTION TAKEN: Motion by Mr. Strickland, seconded by Mr. Ballard and passed unanimously with the one-time disbursement of \$5000.00 and a 1:1 match of up to \$2500.00 to the Norfolk Environmental Commission.