



## AGENDA

### PORTSMOUTH WETLANDS BOARD PUBLIC HEARING

WEDNESDAY, JULY 1, 2020 AT 3:30 P.M.

MICROSOFT TEAMS VIRTUAL MEETING

1-804-294-1932

Conference ID: 702 806 970#

1. CALL TO ORDER
2. ATTENDANCE
3. APPROVAL OF THE MINUTES FROM MARCH 4, 2020
4. PUBLIC HEARING ITEMS

**VMRC#20-0272:** Bay Environmental, on behalf of Diamond Custom Homes, requests a wetlands permit to construct a stormwater outfall in support of a new subdivision on Tax Parcel 07340201 - 3604 Cardinal Lane. The property is located along Lily Creek, a tributary of the Western Branch of the Elizabeth River.

**VMRC#20-0310:** Arcadis Design and Consultancy, on behalf of the United States Coast Guard (USCG), requests a wetlands permit to construct a stormwater outfall for the USCG Base Portsmouth on Tax Parcel 07190100 – 4000 Coast Guard Boulevard. The property is located along the Western Branch of the Elizabeth River.

5. NEW BUSINESS

Nomination and voting on Chair and Vice-Chair

6. ITEMS FROM BOARD MEMBERS
7. NON-AGENDA SPEAKERS/ITEMS
8. ADJOURNMENT

**In The Matter Of:**  
*Portsmouth Wetlands Board*  
*Transcript of Public Hearing*

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*Transcript of Proceedings*  
*March 4, 2020*

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*Original File 030420kw-wetlands.txt*

*Min-U-Script®*

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PORTSMOUTH WETLANDS BOARD

TRANSCRIPT OF PUBLIC HEARING

WEDNESDAY, MARCH 4, 2020, 3:30 P.M.

CITY MANAGER'S CONFERENCE ROOM, SIXTH FLOOR, CITY HALL

\*\*\*\*\*

MEMBERS PRESENT: Don Smith, Vice Chairman  
Jennifer Monument  
Patrick Goold  
Doug Union  
Rich Calvert  
Ellen Comstock

MEMBERS ABSENT: Steve Baum, Chairman

STAFF PRESENT: Stacy Porter, Senior Planner  
Kelsey Swieringa, Asst. City Attorney  
Jeffrey S. Miller, Asst. City Attorney

ALSO PRESENT: Rachel Peabody, VMRC

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I N D E X

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1 (Call to order at 3:30 p.m.)

2 MR. SMITH: It's 3:30. Let's go ahead and  
call the meeting to order.

3 MS. PORTER: Good afternoon, everyone. I'm  
4 going to go ahead and take attendance. If you can  
indicate your attendance when I call your name.

5 (Roll call)

6 MR. SMITH: You all should have received a  
7 copy of the minutes. Does anybody have any additions  
or corrections to the minutes?

8 All right. I would like to have a motion to  
approve the minutes.

9 MS. MONUMENT: Motion.

MR. GOOLD: Second.

10 MR. SMITH: All those voting in favor of  
approving the minutes, please raise your right hand.

11 (Vote)

12 MR. SMITH: Six and nobody opposed. Minutes  
13 have been approved with a vote of six to zero.  
Staff, please present our public hearing  
14 items.

15 MS. PORTER: Good afternoon. We do want to  
16 mention that this is the first for the board. Never  
had on the board, I think, one is our applicant, one is  
our agent. That is a first in 20 years. Wonderful.

17 VMRC#19-1784:

18 MS. PORTER: Our only public hearing item  
19 this afternoon is VMRC#19-1784. Calvert Marine, on  
20 behalf of E. Hudgins, R. Loomis, and D. Union, requests  
a wetlands permit to construction 217 linear feet of  
21 riprap revetment along Swimming Point Walk in front of  
the properties known as 100 Swimming Point Walk, 200  
Swimming Point Walk, and 500 Craford Place. The  
properties are located along Craford Bay, a tributary  
of the Elizabeth River.

22 This was provided by the agent. This is a  
plan view showing the area where the riprap will go in  
23 front of the three homes that I mentioned. In your  
packets, I did include an aerial map. And the yellow  
24 line is the approximate location of the new riprap  
revetment.

25 The applicant, one of the applicants, was so  
kind to offer the photos so that you could see exactly

1 the existing conditions, and you can see the wall there  
2 and Point Walk wall. There with some rubble right in  
3 front.

4 Here's a couple more photos to show the  
5 project area. Basically, they'll be ending here.

6 The existing cobblestone concrete bulkhead  
7 is between 5 to 6 feet in height, and it's formerly  
8 known as Swimming Point Walk. This wall is aged and in  
9 need of support.

10 The three contiguous properties that we saw  
11 from the photos will -- they have jointly applied for  
12 the riprap revetment to support their portion of the  
13 wall.

14 So just to make it clear, I don't know  
15 exactly the point where it's actually starting here,  
16 but basically from somewhere here up, that portion of  
17 the Swimming Point Walk wall will not receive the  
18 riprap.

19 Now, according to the agent for the project,  
20 the wall stabilization with riprap is the preferred  
21 option as opposed to repairing the wall itself. Then  
22 also there was some mention in the joint permit  
23 application about this not being an ideal location for  
24 a living shoreline. Of course, the State has, of  
25 course, mandated us to consider living shorelines  
first. This is not an ideal location for a living  
shoreline. I wanted to make that point.

MR. GOOLD: Could you say why?

MS. PORTER: The agent, when he comes forth,  
I'm going to let him explain it for us.

Let me show the cross-sectional view  
drawing. Now, the proposed riprap I mentioned was 217  
linear feet, composed of Class-1 size riprap, which is  
50 to 150 pounds per stone. That will be granite  
placed at a slope of 1 to 1.5. It's going to be a  
standard structure as you can see here with the toe  
below the subaqueous bottom. Then, of course, we'll  
have the standard core stone -- filter fabric, core  
stone, and armor stone.

According to the joint permit application,  
the cost will be approximately \$45,000.

According to our AMC analysis, because I  
always do that for you all, the project is going to  
impact about 740 square feet of non-vegetative  
wetlands. Staff does find that they have minimized  
their wetland impacts. And as your policy goes, the  
applicant will not need to do any offset mitigation or  
pay into a mitigation bank being that they're not  
affecting any vegetative wetlands.

1 We are recommending approval.  
 2 MS. MONUMENT: What about the rats? Where  
 are they going to live?  
 3 MS. PORTER: Let's ask our agent.  
 MS. MONUMENT: For the record, that was a  
 4 joke.  
 MS. PORTER: Staff recommends the approval  
 5 of the project.  
 That concludes my presentation.  
 6 MR. SMITH: Well, you had mentioned that  
 we're going to get the contractor up there. Do we want  
 the applicant first or either way?  
 7 MS. PORTER: Sure. Either way.  
 MR. SMITH: Does the applicant want to  
 8 speak, or should we refer all questions to the  
 contractor?  
 9 MR. UNION: I'm sure he's got all the  
 answers.  
 10 MR. CALVERT: I'll go first. He may want to  
 elaborate, and he can certainly do that.  
 11 MR. UNION: The only thing I would like to  
 say is, looking at this picture right here, what we're  
 12 doing is a continuation of the riprap that starts in  
 front of the Naval Hospital and runs the length of that  
 13 area there. We wanted to make uniform to connect to  
 that and keep going.  
 14 At first, there were eight applicants that  
 wanted to get on our permit. But some were having  
 15 difficulty preparing rights. So at a later date, they  
 may add on and go all the way to Crawford Parkway.  
 16 MR. CALVERT: Once I was out there onsite  
 and they saw me, they got very interested. They saw it  
 17 was coming to fruition. And I told them first thing  
 they've got to do is go get their riparian rights.  
 18 Because the City of Portsmouth owns that riparian area  
 in front of the rest of the project that we're not  
 19 doing.  
 So basically this is an old stone bulkhead.  
 20 We took a look at what we could do to rehabilitate  
 this. The age of it is really getting up there. First  
 21 off, we eliminated a new bulkhead just because it's not  
 really necessary. It's cost prohibitive, and the State  
 22 doesn't like us to do that anymore.  
 So the next solution would be doing riprap.  
 23 Riprap is an excellent choice for an application like  
 this. We use it a lot against old existing bulkheads  
 24 that you don't want to mess with them, because it can  
 create more problems coming in and trying to do things  
 25 behind that wall.

1           Now, as they come up, there are some voids  
2 in there, as we know, in some areas. So what we  
3 recommended, and I think it's a good idea, is to fill  
4 those voids with 1- to 2-inch stone as they come up and  
5 just fill the voids up. So that way you're creating a  
6 solid mass even behind that if you find the small void.

7           It's 217 linear feet. All of the applicants  
8 have the riparian rights to this area. We did do a toe  
9 out front to stabilize the bottom of it so there will  
10 be no scour in the future. There's 1490 square feet of  
11 subaqueous impacts. So I believe we're going to need a  
12 VMRC permit. And there's 740 square feet of  
13 non-vegetative wetlands. So we're actually putting  
14 riprap back on a non-vegetated wetlands. So there  
15 shouldn't be a fee for that, as well, hopefully.

16           The reason we didn't do a living shoreline  
17 is because that's a very high energy area out there  
18 with waves. And also VIMS has recognized, too, that  
19 boat traffic is a culprit for living shorelines as  
20 well, more so than what we thought in the past. So in  
21 this area, you've got a lot of boating activity out  
22 there. I just don't think a living shoreline would  
23 hold up very long out there. It would be constant  
24 repair. So for that choice, we decided that riprap was  
25 probably the best alternative for this project.

          Now, we did also put a note on the drawings  
that, if there's any oysters that they uncover that are  
live during construction, they're supposed to relocate  
them to an area to keep them alive and then put them  
back once the construction is done. That's the thing  
all the cities are doing now. I think it's a pretty  
good idea.

          Other than that, I think it's pretty  
straightforward. I mean, we're just right in front of  
the wall rock, and it goes down beyond that point, and  
we're going to tie into the existing riprap to the  
property on the other side of Ms. Hudgins. I believe  
Columbia Gas owns that.

          Other than that, if you guys have any  
questions, I'd be more than happy to answer them for  
you. But it's a pretty straightforward project.

MR. SMITH: I can see where you're filling  
the voids on the water side of the project. How about  
on the other side of the existing seawall bulkhead?  
There's some voids on the backside, as well, that have  
washed out.

MR. CALVERT: I don't think that you want to  
open that up, to be honest with you. I don't think you  
want to start digging behind that wall.

1 MR. SMITH: I don't think you need to dig.  
I mean, there's some voids there.

2 MR. CALVERT: They can certainly fill the  
3 voids from behind the wall with stones, you know, while  
4 they're coming up if there is a sinkhole that's created  
5 because it's washed out. Well, when they first put  
6 that in as they go up, obviously we can use some filter  
7 cloth to try and put that in there, as well, to work  
8 with it.

9 And I believe the contractor they've chosen  
10 is a very reputable contractor too. Comes highly  
11 recommended. So that's another good thing in our favor  
12 for this project.

13 Doug, did you want to elaborate on the holes  
14 behind the existing bulkhead?

15 MR. UNION: I did talk to one of the  
16 contractors that came in, the one that is, hopefully,  
17 going to do the job. He said he could fill the holes  
18 in the backside. Which that makes sense because it  
19 keeps the water from washing in the back.

20 MR. GOOLD: Who is the contractor?

21 MR. CALVERT: McGee Contracting.

22 Other than that, I think it's pretty  
23 straightforward. Once they're finished, they're going  
24 to have to make sure all the turf is restored. We have  
25 a note on the drawings that any vegetation that's  
damaged or denuded has to be restored. At least that  
way you will have, you know, EC-2 down or something  
when they leave.

MR. SMITH: What is EC-2?

MR. CALVERT: Erosion control fabric. And  
we found that it really works a whole lot better than  
hay. You can put down your seed and everything, and  
you roll it out and stake it down, and it doesn't blow  
up and go all over the place. We call it "magic  
carpet," because once you pull it back up, it's just  
beautiful underneath. It really does a great job. For  
the price of it, I don't know why everybody doesn't use  
it. \$20 a roll.

MS. MONUMENT: Would you mind going back to  
one of the previous pictures? You see where they have  
this -- I don't know if it's the City or the State  
utility. Someone's put in a drain there. So how will  
that be --

MR. CALVERT: We don't know who put it in.  
I'm not really sure what we're supposed to do with it.

MS. PORTER: I don't think the City has  
claimed that.

MR. CALVERT: The City just kind of went

1 like this --

MS. PORTER: Yeah.

2 MS. MONUMENT: Like, It's there. Really?

3 MR. CALVERT: My recommendation is we put a  
4 piece of PVC in there to extend it just to keep the  
5 water off the wall and then work the rocks around it.  
6 I'm not going to try and reinvent the wheel. I just  
7 don't want it spilling at the base of the new  
8 revetment. That's all.

MS. MONUMENT: I guess that was my concern.  
6 I didn't see it in any of the drawings.

MR. CALVERT: It looked like it was kind of  
7 done very nicely too. Whoever did it did a pretty good  
8 job. That's why I didn't think that it was a handyman  
9 job. There's some concrete work up at the curb  
10 involved that takes you beyond your backyard guy.

MS. MONUMENT: Yeah. To me, it looks like a  
French drain. It looks like it extends all the way  
10 back to the thing.

MR. CALVERT: Because right here there's an  
11 existing curb for the street. So if you have a  
12 torrential rain storm, it's going to go over the curb  
13 if this thing gets backed up. So it's not like it's  
14 taking a whole lot of volume. But I think it's helpful  
15 to keep the standing water off of that street.

MS. MONUMENT: So you're proposing that they  
14 extend --

MR. CALVERT: Yeah. Whatever size we can  
15 buy stock that fits in there off the counter, we'll use  
16 that whether it goes on the outside or the inside. And  
17 then go ahead and glue it together.

Yeah. That was kind of like the City and us  
17 went back and forth for a few weeks on that. No big  
18 deal. We can fix it.

MR. SMITH: What about the impact where the  
18 riprap ends? What is the impact on those owners and  
19 the seawall that are unprotected?

MR. CALVERT: I don't know that it's going  
20 to really have any impacts. I know that sometimes when  
21 you do a jetty, you can have water that goes around it  
22 and creates some weird patterns and scour. I don't  
23 know that you're going to have that because it is two  
24 to one and pretty flat as it goes out. But I  
25 recommend -- I mean, there's not a whole lot they can  
really do. The other homeowners either need to move  
forward with this, you know, because the wall is going  
to go sooner or later, and it's going to really be --  
you don't want it to go.

MS. COMSTOCK: How old is the wall?

1 MR. CALVERT: I don't know.  
 2 MR. SMITH: Different segments are different  
 3 ages.  
 4 MR. CALVERT: I think the Mayflower tied up  
 5 to it. But if that wall goes after the fact, not only  
 6 will the price double, now you have more wetland  
 7 impacts too. You don't want to do that.  
 8 I talked to Mr. Cook that lives on the other  
 9 side of Mr. Loomis, and he seems interested. But you  
 10 got to go.  
 11 MR. SMITH: But his hands are tied, and the  
 12 other owners' are tied because they don't own the  
 13 riparian rights.  
 14 MR. CALVERT: They couldn't do it if they  
 15 wanted to.  
 16 MR. SMITH: And the City is --  
 17 MR. UNION: They can purchase rights.  
 18 MR. SMITH: From the City or from a private  
 19 owner?  
 20 MR. UNION: The City.  
 21 MR. CALVERT: I don't know anything about  
 22 that, the price. I would defer to Doug since they did  
 23 it for theirs.  
 24 MR. UNION: The problem is, when people  
 25 purchase riparian rights from the City, you pay taxes  
 on that property. It's just as high as regular land  
 taxes.  
 MR. CALVERT: Doesn't make it very friendly  
 for homeowners to move to that option unfortunately.  
 And the City has determined, too, just for record that  
 that's not their wall. So it's not going to be under  
 their purvey if it does fail.  
 MS. MONUMENT: Stacy, I don't mean to put  
 you on the spot, but when the wall was redone along  
 Crawford Parkway, was riprap added to that wall?  
 MS. PORTER: I don't know.  
 MR. CALVERT: I don't think that was the  
 scope of that project at all. You're talking about the  
 big job --  
 MS. MONUMENT: So looking at this, if you're  
 looking at it this way, it's the wall perpendicular to  
 this one.  
 MR. CALVERT: I think they might have done  
 something in the corner to tie the two together. I  
 don't think any improvements went down that line. That  
 really shored up down there. There's a sandbar up  
 against the wall there.  
 MS. MONUMENT: That goes back to your  
 question --

1 MR. SMITH: I think that was -- that sand  
came from the remediation --

2 MR. CALVERT: From the project probably.

3 MR. SMITH: -- the project done four years  
ago or so. They took out a bunch of spoiled sand, and  
4 then they brought in good stuff, and I think some of  
that has shifted down there.

5 So the riprap, when you're working  
underneath Mr. Union's pier, that's not an impediment?

6 MR. CALVERT: There will be guys down there  
in hip-waders throwing rock. They can put it down with  
the excavator. Then they'll sling rock up there.  
7 They'll do everything they can do with the equipment  
first. Believe me.

8 MR. SMITH: Stacy, you said at one of the  
last meetings you were going to try to contact somebody  
9 in the City. This is a weird situation. If that wall  
was to fail, it would be harmful to the city to have  
10 it, because Swimming Point is one of those scenic  
areas. People come to Olde Towne and have lunch and  
11 dinner and take the Swimming Point Walk. If that was  
to start to deteriorate, what a harmful impact it would  
12 be to the city, not to mention the homeowners and the  
property values. There needs to be a discussion.

13 MS. PORTER: Really it was taking place more  
in Engineering. When I went to ask about the ownership  
14 of the wall, Rich said it correct, the City isn't  
claiming the ownership.

15 MR. CALVERT: I would recommend that maybe  
you get the homeowners and go in front of Council or  
16 somebody and let them know what your situation is.  
Maybe they can work a deal with you on the riparian  
17 rights. That would make it more favorable --

18 MS. PORTER: And do riprap for the whole --

19 MR. CALVERT: If they could find a way to  
convey that to them or at a reduced price in some  
20 fashion, maybe it would entice them to do more with the  
riprap. If you buy that riparian rights and do the  
rock, it's expensive.

21 MR. GOOLD: It seems unfair to me that this  
is all on the homeowners there where this is clearly a  
public benefit to stabilize that.

22 MS. MONUMENT: So if it washes away, do they  
get 2 square feet off of their property taxes? Is that  
23 how that works?

24 MR. CALVERT: If that wall goes right now,  
they would have to put riprap at the base of the wall  
and go back up toward their house. They don't have the  
25 right to go out that way right now. That would be a

1 nightmare. They would lose 15 or 16 feet of yard and  
 2 the sidewalk and everything. But it could be done.  
 2 You could do that.

3 MR. SMITH: Any idea on the price of buying  
 3 riparian rights?

4 MR. CALVERT: No. You would have to talk  
 4 with Doug before that.

5 MR. SMITH: Because the City should still be  
 5 willing to consider the long-term tax payments on the  
 6 rights and give the property away. And then we're not  
 6 in limbo. Then Mr. Cook and there's two new owners,  
 7 two of those big houses have sold in the last year, and  
 7 those younger couples may be willing to buy that. We  
 need to talk to the City at some point.

8 MS. PORTER: Rich has a great idea going  
 8 before Council as a non-agenda speaker.

9 MR. CALVERT: Take your fight to them and  
 9 explain it. Maybe if they realize what's going on,  
 10 then, hey, this doesn't seem like a great idea.

11 Anything else on the project I can answer  
 11 for you guys at this time?

All right. Well, thank you.

12 MS. PORTER: I had a comment, Mr. Vice  
 12 Chairman.

13 Thank you, Rich, so much.

14 MR. CALVERT: Thank you for your help on  
 14 this, too, Stacy.

15 MS. PORTER: Based on a couple of things  
 15 that Rich brought up -- I don't know if you want to add  
 16 these as conditions. Since I've not proposed them  
 16 initially, you all can certainly when you vote add  
 17 these things in if you thought it was appropriate. He  
 17 mentioned extending that outfall since it's in the  
 18 project area, extend the existing outfall out from  
 18 riprap. I don't know how you want to word that. Also  
 19 he mentioned temporary relocation of any live oysters  
 19 and I guess replacing them in the project area upon  
 completion of the project, or something like that.

20 MR. CALVERT: That's actually on the  
 20 drawing.

21 MS. PORTER: Okay. Perfect. We're covered.  
 21 Great, great, great. That's all I had to say.

22 MR. SMITH: Is there anybody from the public  
 22 that would like to speak on this matter?

23 I don't see anybody.

24 Are there any other questions for Staff or  
 24 the applicant?

25 Seeing that there are none, can I have a  
 25 motion to vote on this matter?

1 MR. GOOLD: I move we approve this  
 application.  
 2 MR. SMITH: Further discussion on this?  
 MR. CALVERT: I will be recusing myself from  
 3 voting, as being the agent on this project.  
 MR. SMITH: With that, do we have a second  
 4 for this motion.  
 MS. MONUMENT: I will second the motion.  
 5 MR. SMITH: All of those voting in favor --  
 MR. MILLER: Sorry. Mr. Union, if you're  
 6 the applicant, you need to recuse yourself.  
 MR. UNION: I'm declining to vote.  
 7 MR. SMITH: All those in favor, please raise  
 your right hand.  
 8  
 (Vote)  
 9  
 MR. SMITH: I see four votes, and there  
 10 would be none opposed.  
 This application has been approved by a vote  
 11 of four to zero.  
 MS. PORTER: Rich, here is your letter  
 12 stating the approval was given. And we're going to  
 work out your Chesapeake Bay ordinance information. In  
 13 fact, we're going to have a meeting right after this  
 with Engineering.  
 14 MR. CALVERT: I also wanted you guys to know  
 the City really helped us out on this project, because  
 15 the CBPA wanted us to do the water quality assessment.  
 I barked and whined a little bit and said, Why can't  
 16 the City do it? And they did. So kudos to them, and I  
 really do appreciate them doing that on my applicant's  
 17 behalf.  
 18 NEW BUSINESS:  
 MR. SMITH: Staff, is there any new business  
 19 to discuss?  
 MS. PORTER: Yes, there is today. We're  
 20 going to actually hear from Kelsey Swieringa, Assistant  
 City Attorney.  
 21 This is what I was thinking. I want to make  
 sure you all are always informed about things that  
 22 involve your board membership. The Freedom of  
 Information Act is really a good thing for you to  
 23 understand how it affects you. For example, let's say  
 after the meeting you want to get something to drink, a  
 24 few of you all want to talk about some business, things  
 related to the board, is that okay? Or let's say that  
 25 you miss the site visit -- let's say you miss the

1 scheduled site visit. Is it okay to go out to the site  
2 with a couple of board members? Is that okay? She's  
3 going to go over a few things like that so you  
understand what is the right thing to do, what's not  
right.

This is Kelsey.

4 MS. SWIERINGA: So some FOIA basics. Here,  
5 because we're in Virginia, we follow the Virginia  
6 Freedom of Information Act, not the Federal Freedom of  
7 Information Act. So if you hear about regulations that  
have to do with Federal FOIA, that has nothing to do  
with the City and your position here as board members.  
It's just the Virginia FOIA laws.

8 So really that comes down to two components.  
9 Virginia FOIA says you need to have open meetings and  
10 open public records. So for meetings, meetings have to  
11 be open to the public. They have to be noticed, legal  
12 notice or provide a notice somewhere, at least three  
13 working days prior, and they need to be memorialized  
14 with minutes. So unless you have those three things,  
15 that meeting was an illegal meeting according to FOIA.  
16 So even though it might satisfy your bylaw  
17 requirements, that doesn't mean it satisfies FOIA  
18 requirements.

19 So the big question is, what is a meeting?  
20 Obviously, here today this is a meeting. But just  
21 because you don't have a quorum doesn't mean that  
22 you're not in a meeting according to FOIA. FOIA says  
23 that, if there are more than two members that are  
24 talking about your public business, in this case  
25 Wetlands Board business, that is a meeting. So  
technically if three of you get in an elevator, and on  
the way down in the elevator you're discussing what  
happened in the Wetlands Board, that's an illegal  
meeting. That just means that you do have to be  
careful. Like Stacy said, if you see each other in an  
event, you don't have to avoid groups larger than two.  
You just can't discuss public business there. That's  
all.

21 Sometimes people ask about email exchanges  
22 or group chats, things of that nature. Is that a  
23 meeting? And the answer is, the classic lawyer, it  
24 depends. This is usually why everything goes through  
25 Stacy when it comes out through email so that you're  
not all emailing each other simultaneously. If you do  
that, it's looking more like a meeting. But if you  
just send a notice to everybody in a group email,  
that's not a meeting. If we have a bunch of replies  
going back and forth, that's a problem, which is why

1 everything goes through Stacy.

2 Open meetings are why also you don't just  
3 want to go to an unscheduled site visit when there are  
4 more than two of you. That's why she has legal  
5 notices, so that if it's a meeting, it can meet those  
6 requirements.

7 Any questions about meetings?

8 MR. GOOLD: What if I talk to one other  
9 person, that's two of us, and add Siri --

10 THE WITNESS: Technically, no. But the more  
11 you're doing that in quick succession, somebody could  
12 make the argument that's a meeting.

13 MS. MONUMENT: Visits then? Are we supposed  
14 to be approving minutes from site visits, or is that  
15 included in your presentation?

16 MS. PORTER: That's a good question.

17 MS. MONUMENT: Since site visits are usually  
18 more than --

19 MS. PORTER: It's a meeting. I guess that  
20 is a meeting. So what should we do about site visits?

21 MS. SWIERINGA: Minutes don't necessarily --  
22 you could approve them if you want. Here again, we  
23 have a different definition for what FOIA says and what  
24 your bylaws say. Your bylaws I think say you have to  
25 approve minutes after they happen. To fulfill the  
obligation of minutes for a site visit, you might not  
have to have approval of them. You can if you want,  
but it's probably not a huge issue as long as you have  
some record of who came, when it was, where it was, and  
what happened.

MS. PORTER: I could that.

MS. MONUMENT: As part of the minutes to  
approve for here?

MS. PORTER: We can, we can. I could  
certainly -- our last site visit was canceled because  
of snow. I'm sorry. I pushed it to the last minute.  
Ellen and I were at a workshop. It was snowing. I'm  
sorry. I waited until the last minute. But I  
certainly can do quick minutes for a site visit.

MR. SMITH: There would be a distinction  
between a called meeting and a site visit. They're  
different purposes. There must be a distinction.

MS. MONUMENT: It depends. Because if it's  
a called thing and it's given notice, it seems to have  
all the other two elements except for the minutes.

MS. PORTER: I could maybe do attendance.

MS. SWIERINGA: It's really about are there  
more than two board members at the site visit. If so,  
then we're in FOIA meeting territory, and you do need

1 minutes. The minutes don't have to have a  
2 stenographer. It's a summary of who was there, where  
it was, when it was, and a general description of what  
happened.

3 MS. PORTER: I'll use as an example I was  
4 investigating a violation, potential Wetlands  
violation.

5 Doug, was it you and Steve out there? It  
was Carney Street.

6 So that would not have been a meeting.

MS. SWIERINGA: Because there was one  
7 person.

MS. PORTER: Me and Doug and Steve. It was  
8 three of us.

MS. SWIERINGA: You aren't part of the --  
9 one of the board members. So you don't make the third  
person that would make it into a meeting.

10 MS. PORTER: And I would haven't had to --  
okay. Question. Let's say a third board member showed  
11 up, we shouldn't do that? Tell them to get in their  
car and go home?

12 MR. CALVERT: What if we do violate the law?  
Do we get fired? Do we get fined? What is the  
penalty?

13 MR. UNION: Are you saying the public has a  
need to know that we're having a meeting, and they  
14 should know what is going on in that meeting?

15 MS. SWIERINGA: Right. And to give them an  
opportunity to attend the meeting.

16 MS. PORTER: If I'm investigating a  
violation, do I do a legal ad for that --

17 MS. SWIERINGA: If it's just one or  
two people, no need.

18 MR. SMITH: The public is not invited to the  
site visit.

19 MS. SWIERINGA: That should really just be  
two or fewer people. Then we get rid of this whole  
mess. You do two or fewer people at a time.

20 MS. PORTER: Well, let me tell you how I do  
my legal ads. January of every year, I do one legal ad  
21 to cover you all for the whole year. The Wetlands  
Board has a designated site visit day, the third  
22 Thursday of the month at 4 p.m. That's how I do it so  
we don't keep paying for that legal ad all the time.  
23 If you missed a day, I'm just like, We missed it, like  
we did this time because of snow.

24 MR. UNION: If we do have a scheduled site  
visit, it will be on that day that you put --

25 MS. PORTER: Yes, on that legal ad. That

1 was to save money.

2 MS. MONUMENT: And the legal ad has all the  
3 contact information on it. So the public can  
4 hypothetically come out and see, you know, Joe's yard.

5 MS. PORTER: Right. If they want.

6 MS. MONUMENT: That's never happened. But  
7 it is out there as public record?

8 MS. PORTER: It is. I do it in January of  
9 every year.

10 MS. SWIERINGA: You don't have to notice in  
11 the newspaper either. You can use the website and post  
12 notice also on the fourth floor, multiple places.

13 MR. SMITH: How about social media?

14 MR. CALVERT: You never did answer me.

15 MS. SWIERINGA: What are the enforcement  
16 mechanisms?

17 MR. CALVERT: Yes.

18 MS. SWIERINGA: Well, against you  
19 personally, if you have intentionally violated FOIA,  
20 you can be fined -- now I don't remember exactly what  
21 it is offhand. \$500 to \$1,000 for each violation.  
22 Then it will increase if you have multiple violations.  
23 So if you knowingly violate. So if you unknowingly  
24 violate, you're not going to have those fines against  
25 you.

MR. CALVERT: Who enforces that? Who are  
the FOIA police?

MS. SWIERINGA: The public.

MR. CALVERT: So the general public can  
bring charges against you because you had a meeting  
with three people in a back yard?

MS. SWIERINGA: In theory, yes.

MR. CALVERT: Well, that doesn't make this  
very enticing to sit on the board.

MS. SWIERINGA: This is why we have knowing  
violations. It's not a case where you were trying to  
follow the law, and you did something that in hindsight  
you violated.

MR. CALVERT: I've met some 50-year-old guys  
in their back yard who will fight you in court for six  
months to prove a point. I have.

MS. SWIERINGA: If somebody came after you  
for your job, for doing your job on the board, in  
theory that would be something that I think that the  
City would defend.

MR. MILLER: I think you have to look at it  
realistically. Robert's Rules. Theoretically, we're  
all supposed to follow Robert's Rules. What is the  
point of Robert's Rules? Is it to be an expert on

1 Robert's Rules? No. It's to conduct an efficient  
2 meeting. I think FOIA to a certain extent works the  
3 same way. You just want to avoid egregious violations  
4 of the public's right to know what's going on. I think  
5 that's the overall. I've never seen anybody take a  
6 citizen board to court. I think it's highly unlikely.

7 MR. CALVERT: Not yet.

8 MS. SWIERINGA: It's largely done so that  
9 you're not discussing ahead of time this public hearing  
10 item and all coming to an agreement that, We're going  
11 to pass this. That's the big idea about it.

12 MR. CALVERT: I'm amazed that something like  
13 this got passed into a law.

14 MS. SWIERINGA: It's based on the federal  
15 one.

16 MR. SMITH: So we could leave here and go to  
17 a coffee shop and discuss decision trees but nothing  
18 specific to a case or an applicant?

19 MS. SWIERINGA: To the Wetlands Board  
20 business, yes.

21 MS. PORTER: So that would be Wetlands Board  
22 business like he mentioned in the Virginia Institute of  
23 Marine Science decision tree?

24 MS. SWIERINGA: Oh. That's the decision  
25 tree? It's looking more like board business. But two  
of you can meet and discuss decision tree.

MR. SMITH: What the four of us met and only  
two of us talked?

MS. MONUMENT: I think it's timely that  
we're having this discussion because of this particular  
business today. It will probably never happen again.

MS. PORTER: Probably not.

MS. MONUMENT: It's timely.

So what else can't we do, Kelsey?

MS. SWIERINGA: So that's open meetings.

The other is public records, which is a  
little bit less of a big deal for you all as board  
members, but it does still implicate you a bit. So  
public records generally state that all records that  
are about the transaction of public business are open  
and available if a citizen requests them unless they  
happen to be subject to an exemption. And that  
includes emails that are sent to you because of you  
being on the Wetlands Board. It includes emails that  
you send, that you're sending as being a representative  
of the Wetlands Board even if it is your personal email  
account. So even if it's from your personal email  
account, if the City was to get a FOIA request for all  
emails that the Wetlands Board has sent in the past

1 month, we'd have to reach out to you, and you'd have to  
2 provide those to us from your account that you're using  
for the Wetlands Board.

3 MR. SMITH: You would have our copy. You  
wouldn't have to go into my machine. If I respond to  
4 Stacy, now she has that response.

5 MS. SWIERINGA: As long as all your Wetlands  
business comes through our servers, yes. But if you  
6 had something that you sent directly to an applicant or  
something to that effect, you need to send that email  
to us.

7 MR. GOOLD: I think that's a good argument  
for all of our communications to go through Stacy.

8 MS. SWIERINGA: That's a great way to do it.  
It would happen less I think for this board. Some of  
9 the other boards might create a different email account  
solely for that body's business. It's up to you. I  
10 think it's somewhat unlikely to happen for this board.  
But everything -- having everything go through Stacy is  
the way to deal with that.

11 MS. PORTER: Kelsey, I was thinking of years  
ago. I have had board members to contact applicants  
12 directly and sometimes give a different message than  
Staff gives. That's real bad. So is that more ethics  
13 concern? That's not a FOIA concern, right?

14 MS. SWIERINGA: What, having board  
members --

15 MS. PORTER: To contact the applicant  
themselves or go out and meet with the applicant on  
16 their property and talk about the project aside from  
the board being with them?

17 MR. CALVERT: I know Wetlands Boards that go  
out in groups and look at projects together. They go  
18 out in a car, six or seven of them, and all get out and  
look at the project, and they talk about it and go back  
home.

19 MS. PORTER: I'm thinking that's better --

20 MR. CALVERT: Norfolk does that.

MR. MILLER: That's the same as --

21 MS. PORTER: That's a site visit.

MS. MONUMENT: I think that is the kind of  
22 thing that, if we choose to do that, if it's posted and  
we keep minutes of it and approve the minutes the next  
23 time we have a formal meeting at City Hall, that  
shouldn't be a problem. To your point, it's just doing  
24 the job of the board. But maybe just like the missing  
piece, those few bullet-pointed minutes.

25 MS. PORTER: Yeah. I don't mind that at  
all.

1 MR. MILLER: It's important to remember that  
 2 no one of you is the Wetlands Board. So when you're  
 3 speaking to someone, be careful not to give the  
 4 perception that you are speaking on behalf of the board  
 5 when you're really just speaking on behalf of yourself.

6 MR. SMITH: Let me pose this scenario.  
 7 Stacy sends us up to VIMS or some seminar. There's  
 8 three or four of us. We're going up there for  
 9 educational training purposes. Is that a meeting and  
 10 do we take minutes?

11 MS. PORTER: That's a good question.

12 MS. SWIERINGA: Usually not. When that's  
 13 happened in the past, if there's more than two of you,  
 14 just don't all sit together.

15 MR. SMITH: It's tough on the car ride up.

16 MS. SWIERINGA: Well, in the car ride up,  
 17 don't discuss public business, and it's not a public  
 18 meeting. Find other things to talk about.

19 MR. MILLER: Your mere presence together is  
 20 not a violation. Or if you went to the State of the  
 21 City or something and got a table, it's not a  
 22 violation. I think there's an exception for that type  
 23 of thing. What you can't do at the conference is sit  
 24 down for lunch and start talking about what you're  
 25 going to do as the Wetlands Board.

MR. UNION: Stacy, when I joined this as a  
 volunteer, you gave us a packet of instructions on what  
 the board members do and not do. This was in that  
 packet.

MR. CALVERT: Yes, it was.

MS. PORTER: Wonderful.

MS. SWIERINGA: Anything else?

MR. CALVERT: Well, that was uplifting.

MS. SWIERINGA: When lawyers talk, it tends  
 to be.

MR. CALVERT: I'm an agent and on the board,  
 and there could be a lot of stuff that I could be doing  
 that I probably shouldn't be doing. So I just have to  
 watch myself I guess.

MR. SMITH: Kelsey, anything else?

MS. SWIERINGA: That's it.

MR. SMITH: Is there any other new business?

MS. PORTER: Well, I just wanted to let you  
 all know.

Patrick, you brought this up to us a couple  
 of meetings ago. You asked about whether there was a  
 manual, like a Wetlands Board manual or instruction  
 guidance manual.

Thankfully, someone has created a manual,

1 but it's not ready yet. It's kind of in its infancy  
2 stage. They have a beta website going on. They have a  
3 committee looking at that to see if it's going to work.  
4 So it's coming.

5 MR. GOOLD: Excellent.

6 MS. PORTER: It's going to be in the website  
7 format. We used to have a big manual. You don't want  
8 that anymore.

9 MR. GOOLD: I was particularly interested in  
10 our charge. How the charge of the board is described  
11 and whether it's beyond passing on applications that  
12 are presented to us. We had a charge to create policy  
13 or consider things that should be considered in future  
14 applications.

15 MS. PEABODY: You can find that in the Code  
16 of Virginia, which is also in your city ordinance,  
17 which is -- gosh. Do you remember?

18 MS. PORTER: For us it's Chapter 39.

19 MS. PEABODY: The Wetlands Act gives you  
20 your charge and outlines.

21 MR. CALVERT: Do you know the status of the  
22 new Wetlands law?

23 MS. PEABODY: It passed is my understanding.

24 MR. CALVERT: I knew it made it through the  
25 Senate. So it's gone through everything?

MS. PEABODY: Uh-huh. There is a new law  
that's going to give more strength to the Wetlands  
Boards to require living shoreline designs in places  
where it says best available science says that it can  
be placed there. When I get more updates, I'll give  
you more updates.

MR. CALVERT: There's a copy of the draft  
available. I'll email it to you guys.

MS. MONUMENT: Copy Stacy.

MS. PORTER: Yes, please.

MR. CALVERT: It's pretty brutal. I'm not  
trying to pin this on VMRC, but it's their policy right  
now anyway. Basically, it's turning their policy into  
law is what it is, the way I look at it. This is what  
they're trying to do anyway. Now they have the teeth  
to do it. That's going to be a big impact. That's  
going to making a big change.

MS. PORTER: The only other thing I wanted  
to add, as I get information about any workshops or  
trainings, I'm going to continue to pass them on to  
you.

Ellen, I don't know if you made the one  
today.

MS. COMSTOCK: I did.

1 MS. PORTER: Oh, I wanted to go so badly.  
It was more hands-on approach to living shorelines.

2 MS. COMSTOCK: It was a design workshop.  
For me, I'm catching on to all of the jargon. But how  
3 to design it and getting information on the design, I  
didn't get to go to the site visit that they were doing  
4 because I came here instead. But they were out at  
Windsor Castle Park looking at what they're doing there  
5 in terms of the design. Very, very interesting, and I  
learned a lot. I'm glad to have gone and glad you  
6 suggested that.

7 MR. SMITH: Is there a digital presentation  
available?

8 MS. COMSTOCK: It may be. If it is, it's  
going to be on the James River Association website. I  
know they posted -- I went also with Stacy to the  
9 Living Shoreline Collaboration that they sponsored. I  
understand their slides and Power Points are on that  
10 website. But it was well worth the day to go.

11 MS. PORTER: Completely free of charge.

12 MS. COMSTOCK: And lunch.

13 MS. PORTER: Yes. That's all I have.

14 MR. SMITH: Being there's no more new  
business, I will adjourn this meeting. Thank you.

15 (Meeting adjourned at 4:21 p.m.)

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to-wit:

2

3 I, Kimberly A. Watrous, Registered Professional  
4 Reporter, a Notary Public for the Commonwealth of  
5 Virginia at Large, of qualification in the Circuit  
6 Court of the City of Norfolk, Virginia, do hereby  
7 certify that this proceeding was recorded in Stenotype  
8 by me and reduced to computer printout under my  
9 direction; and that the foregoing constitutes a true,  
10 accurate, and complete transcript of such proceedings.

11 I further certify that I am not related to nor  
12 otherwise associated with any counsel or party to this  
13 proceeding nor otherwise interested in the event  
14 thereof.

15 Given under my hand and notarial seal on March 16,  
16 2020, at Norfolk, Virginia.

17

18



19

Kimberly A. Watrous, RPR  
Notary Reg. No. 195088  
My commission Expires 09-30-22

20

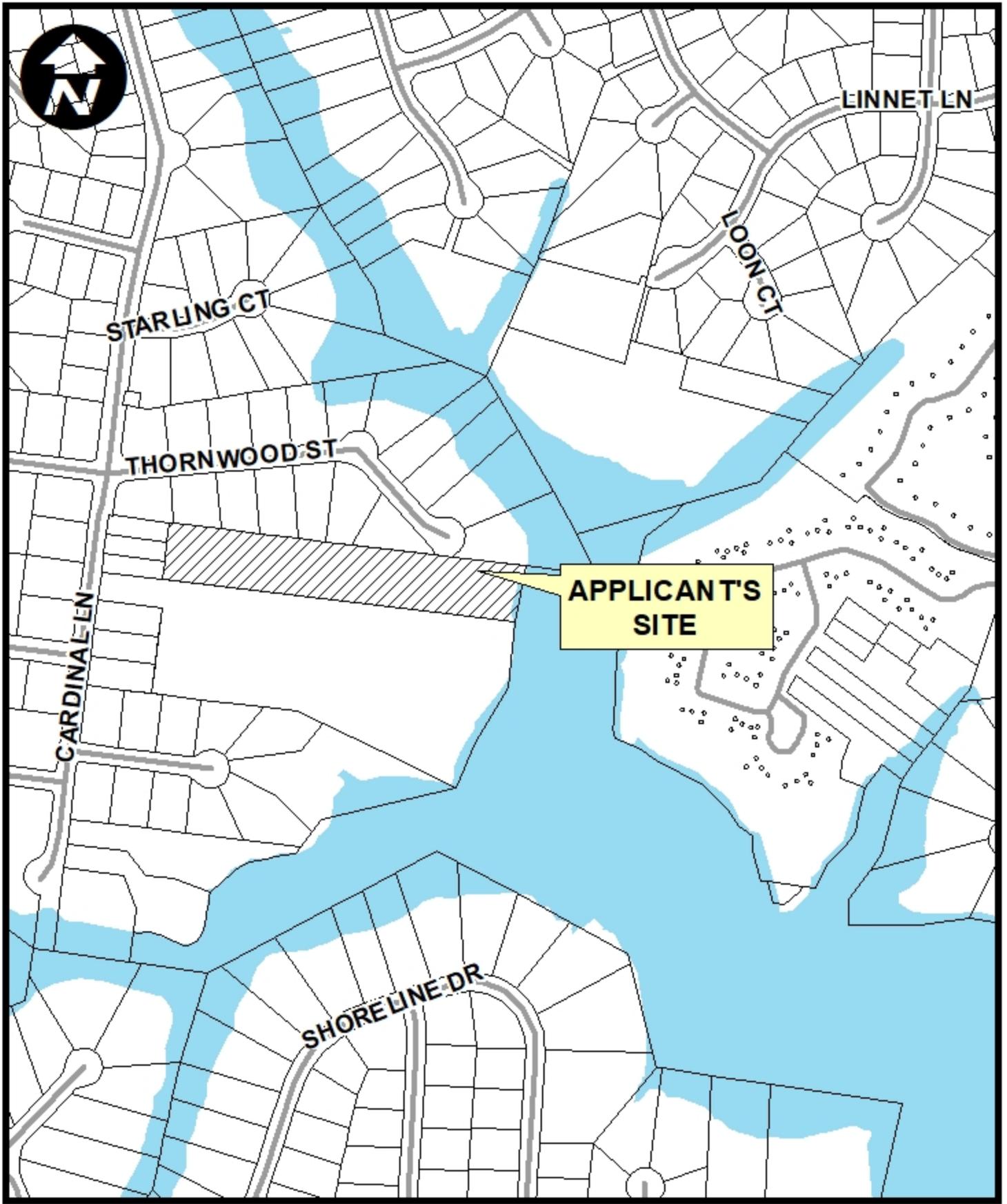
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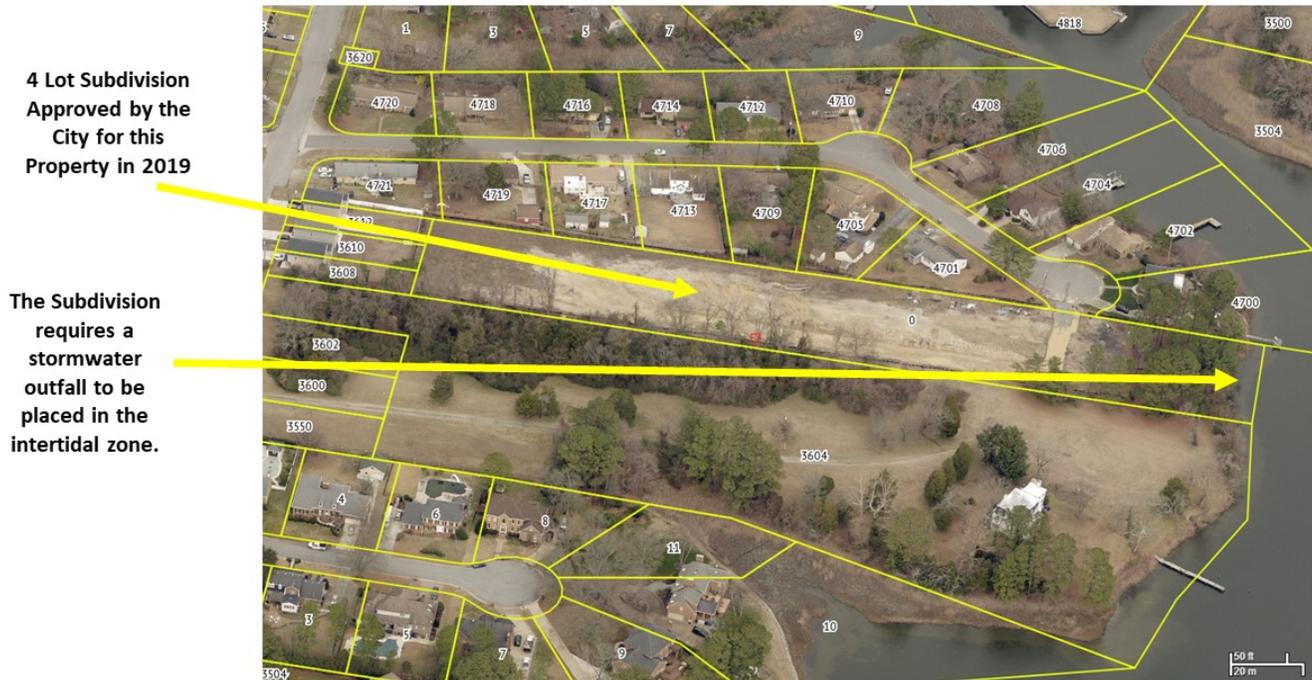
**VMRC#20-0272 (3604 Cardinal Lane)**

**APPLICATION:** VMRC#20-0272

**ADDRESS:** 3604 Cardinal Lane

**APPLICANT:** Kim Eung, Diamond Custom Homes

**AGENT:** Bay Environmental (Katie Mageland and Amy Conley)



**The project agent with Bay Environmental will provide a PowerPoint presentation during the meeting. A hard copy of the presentation is enclosed.**

### **PROJECT DESCRIPTION**

- The project site is approximately 3.5 acres in size and is located along *Lily Creek*, a tributary of the Western Branch of the Elizabeth River.
- The applicant is proposing stormwater features (pipe/outfall reinforced by riprap) in the intertidal zone.
- According to the applicant, the stormwater features have been sized to appropriately service the adjacent subdivision and must encroach into the intertidal zone.
- The proposed stormwater pipe will tie into the adjacent right-of-way and will be composed of a 36 inch reinforced concrete pipe (RCP) leading to shoreline riprap.
- The proposed riprap will be a size VDOT Class I stone (50 to 200 pounds/stone).
- SEE SITE PLAN/PLAN VIEW DRAWING ON PAGE 2

**FYI – Stormwater Management issued a Chesapeake Bay Ordinance violation for this property several months prior. Since then, the applicant has submitted a plan of which has been approved for the planting of approximately 90 trees in the Resource Protection Area’s 100-foot buffer. These trees cannot be planted until the stormwater feature has been established.**

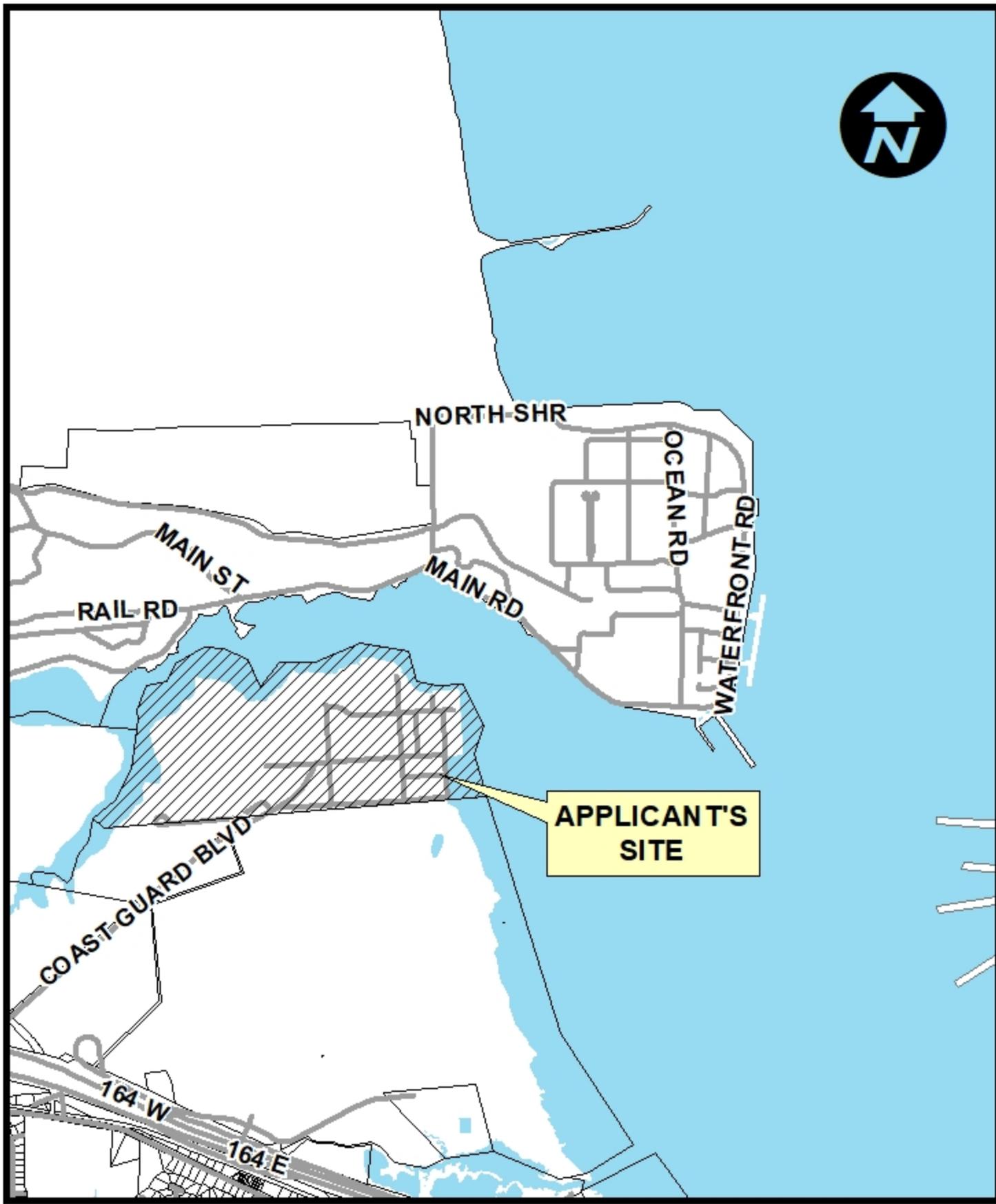


## STAFF RECOMMENDATION

Planning Staff recommends the **APPROVAL** of the applicant's request for a **Stormwater Outfall** with the following conditions:

### PROPOSED PERMIT CONDITIONS

1. The permit shall expire two (2) years after the date of issuance.
2. The project shall comply with the plans approved by the Portsmouth Wetlands Board, which will be attached to the issued permit.
- 3. The applicant shall purchase 68 tidal mitigation credits and provide proof of such purchase to Planning Staff prior to the issuance of the Wetlands Permit.**
4. The project shall be constructed in accordance with the State of Virginia Erosion and Sediment Control Manual standards including the use of an appropriate erosion and sediment control barrier during construction.
5. A duly authorized agent of the Wetlands Board shall have the right to enter upon the premises, at a reasonable time, for the purpose of inspecting the work being done pursuant to this permit.
6. The permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon natural resources of the Commonwealth.
7. The permittee shall comply with all applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or authority required for the project.
8. This permit may be revoked at any time by the Board upon the failure of the permittee to comply with any of the terms and conditions listed herein.



**VMRC#20-0310 (4000 Coast Guard Boulevard)**

**APPLICATION:** VMRC#20-0310

**ADDRESS:** 4000 Coast Guard Boulevard

**APPLICANT:** United States Coast Guard Base

**AGENT:** Arcadis Design and Consultancy (Elliot Parker, Alex Carlson, and Noelle Slater)



The project agent with Arcadis Design and Consultancy will provide a PowerPoint presentation during the meeting. A hard copy of the presentation is enclosed.

### PROJECT DESCRIPTION

- The project site is located on the southeast portion of the U.S. Coast Guard Base in Portsmouth along *Craney Island Creek*, a tributary of the Western Branch of the Elizabeth River.
- Portions of the project encroach into the intertidal zone.
- The project involves the replacement of an existing 18-inch diameter stormwater pipe that is failing. The project objective is to alleviate extreme flooding on the USCG Base during rain events.
- The proposal includes the installation of a 54-inch diameter stormwater pipe with a backflow preventer check valve. The pipe system includes a riprap protection feature within the intertidal zone.
- The contractor will perform upland asphalt and concrete pavement patching upon the completion of the project.



## AMC ANALYSIS

**Avoidance** – The proposed stormwater outfall and riprap protection location was unavoidable and has been located and designed to effectively alleviate the extreme flooding issues experienced at the U.S. Coast Guard Base.

**Minimization** – In the original Joint Permit Application the project agent reported 1,272 square feet of permanent vegetated wetland impacts. Upon further reconsideration of the impacts as well as a significant reduction in the amount of proposed riprap, the project now permanently affects 112 square feet of vegetated wetlands.

**Compensation** – The project involves permanent impacts to approximately 1,178 square feet of non-vegetated tidal wetlands and permanent impacts to 112 square feet of vegetated tidal wetlands.

As is the policy of the Portsmouth Wetlands Board, the applicant will be required to mitigate for the 112 square feet of vegetated tidal wetlands to be permanently impacted by the project. The applicant stated that they will create a vegetated tidal wetland area from an upland area on the U.S. Coast Guard site. Staff recommends to the Board that the applicant/agent submit their mitigation plan to Planning Staff for their records.

## STAFF RECOMMENDATION

Planning Staff recommends the **APPROVAL** of the applicant's request for a **Stormwater Outfall** with the following conditions:

### PROPOSED PERMIT CONDITIONS

1. The permit shall expire two (2) years after the date of issuance.
2. The project shall comply with the plans approved by the Portsmouth Wetlands Board, which will be attached to the issued permit.
- 3. The applicant shall provide a copy of the tidal wetland mitigation planting plan for Planning Staff records.**
4. The project shall be constructed in accordance with the State of Virginia Erosion and Sediment Control Manual standards including the use of an appropriate erosion and sediment control barrier during construction.
5. A duly authorized agent of the Wetlands Board shall have the right to enter upon the premises, at a reasonable time, for the purpose of inspecting the work being done pursuant to this permit.
6. The permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon natural resources of the Commonwealth.

7. The permittee shall comply with all applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or authority required for the project.
8. This permit may be revoked at any time by the Board upon the failure of the permittee to comply with any of the terms and conditions listed herein.



**PORTSMOUTH  
WETLANDS BOARD  
MEETING**

**Wednesday, July 1, 2020**

**3:30 p.m.**



**CALL TO ORDER  
&  
ROLL CALL**



**APPROVAL OF MARCH 4, 2020 MINUTES**



**PUBLIC HEARING ITEM – Stormwater Outfall**

**VMRC#20-0272:** Bay Environmental, on behalf of Diamond Custom Homes, requests a wetlands permit to construct a stormwater outfall in support of a new subdivision on Tax Parcel 07340201 - 3604 Cardinal Lane. The property is located along Lily Creek, a tributary of the Western Branch of the Elizabeth River.



**Cardinal Lane  
Portsmouth, Virginia 23703**

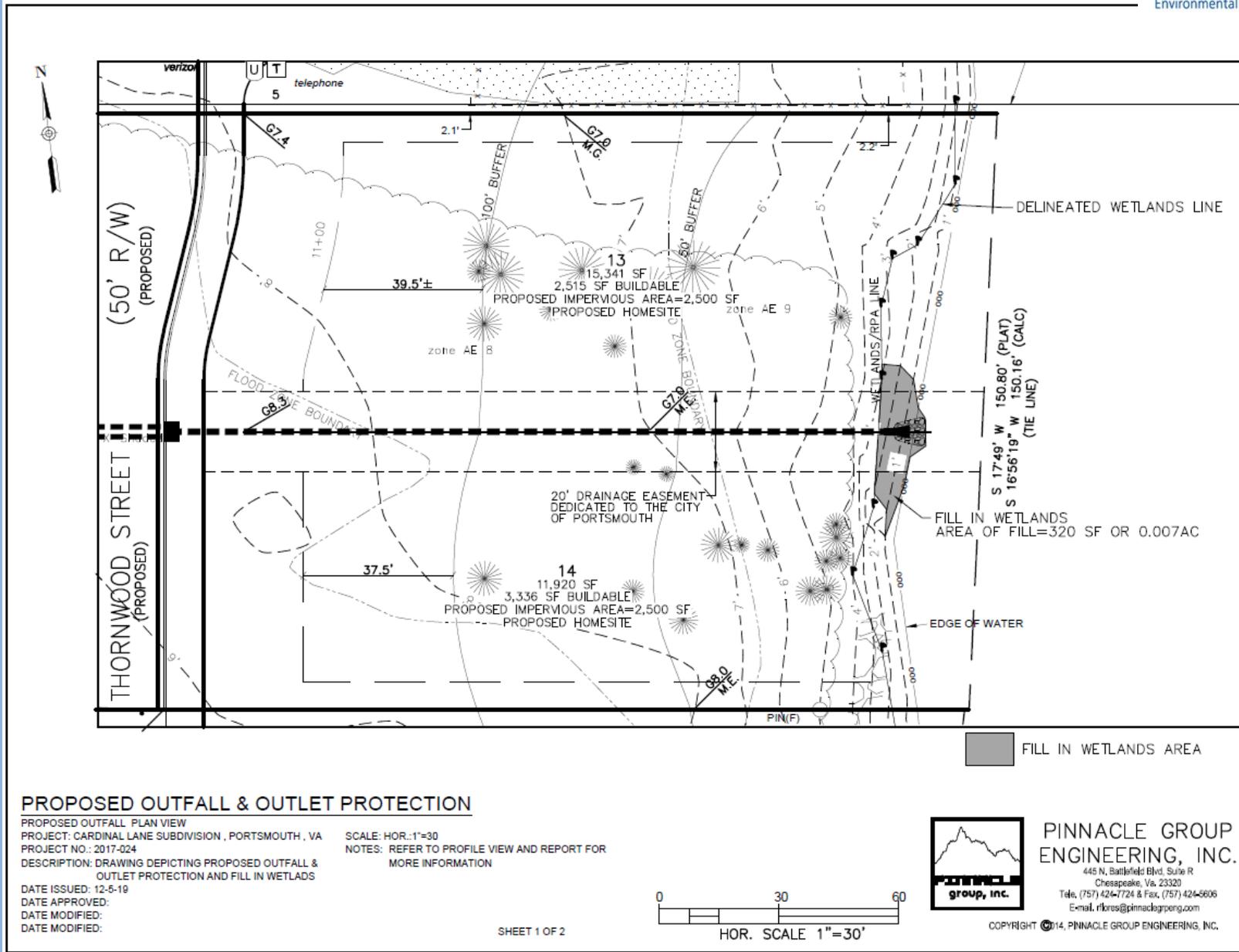
Diamond Custom Homes  
NAO-1992-2178  
VMRC #20-0271

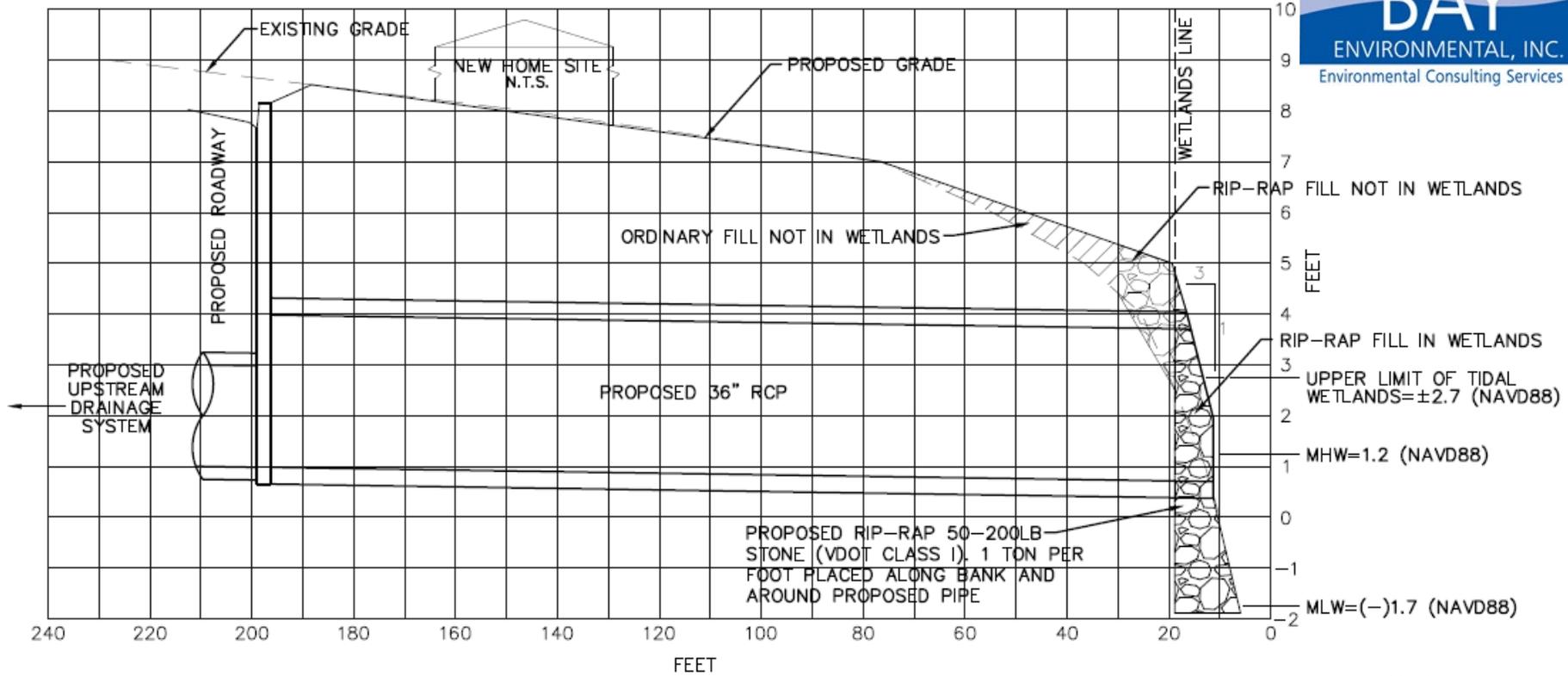
Cardinal Lane  
Diamond Custom Homes  
NAO-1992-2178  
VMRC #20-0271



City of Portsmouth Tax  
Parcel # 073402019291

**Impacts ~ 0.007 acres (320 square feet) of tidal emergent wetlands with the installation of an outfall and associated riprap apron.**



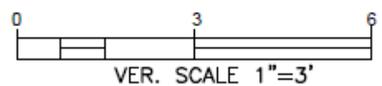
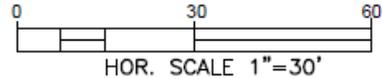


***16.84 cubic yards of fill  
 below high tide line***

**PROPOSED OUTFALL & OUTLET PROTECTION**

PROPOSED OUTFALL PROFILE VIEW  
 PROJECT: CARDINAL LANE SUBDIVISION, PORTSMOUTH, VA  
 PROJECT NO.: 2017-024  
 DESCRIPTION: DRAWING DEPICTING PROPOSED OUTFALL & OUTLET PROTECTION AND FILL IN WETLANDS  
 DATE ISSUED: 6-22-2020  
 DATE APPROVED:  
 DATE MODIFIED:  
 DATE MODIFIED:

SCALE: HOR.: 1"=30', VER.: 1"=3'  
 NOTES: REFER TO PLAN VIEW AND REPORT FOR MORE INFORMATION



**PINNACLE GROUP  
 ENGINEERING, INC.**  
 445 N. Battlefield Blvd, Suite R  
 Chesapeake, Va. 23320  
 Tele: (757) 424-7724 & Fax: (757) 424-5606  
 E-mail: rlores@pinnaclegrpeng.com



Representative view of the Impact Area facing north



Representative view of the Impact Area facing east



Representative view of the Impact Area facing south

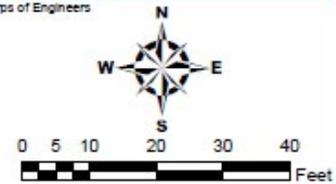
252.8 square feet  
of un-vegetated  
tidal wetlands



**Legend**

NOTE: This map is preliminary and has not been reviewed by the U.S. Army Corps of Engineers

-  Study Area ~ 4.08 acres
-  Estimated Impact Area ~ 320 Square feet
-  Vegetated Wetlands ~ 67.2 square feet



Source: State of Virginia 2013 Orthophotographs; Vegetated wetlands Marked by Trimble GeoXT

Scale: 1 in = 20 ft  
Bay #: 17-514-01  
Date: 6/15/2020  
Prepared by: KMM  
Reviewed by: AJLC  
VA PWD #34020001113

Vegetated Wetlands Impacts Map  
Wetland Delineation  
Cardinal Lane  
Portsmouth, Virginia

# Mitigation:

Permittee will purchase 68 square feet of credits (1:1) to mitigate for impacts to vegetated tidal wetlands (not un-vegetated wetlands) at the Chesapeake Land Development, LLC mitigation bank.

\$30/square foot = \$2,040

## Vegetated Impact Areas (2)



Area 1 - ~ 6.2 square feet

**TOTAL = ~ 67.2 square feet**

*Spartina alterniflora*

*Iva frutescens*

Area 2 - ~ 61 square feet





# **STAFF RECOMMENDATION**



# **PUBLIC COMMENT**



# **WETLANDS BOARD VOTE**



## **PUBLIC HEARING ITEM – Stormwater Outfall**

**VMRC#20-0310:** Arcadis Design and Consultancy, on behalf of the United States Coast Guard (USCG), requests a wetlands permit to construct a stormwater outfall for the USCG Base Portsmouth on Tax Parcel 07190100 – 4000 Coast Guard Boulevard. The property is located along the Western Branch of the Elizabeth River.

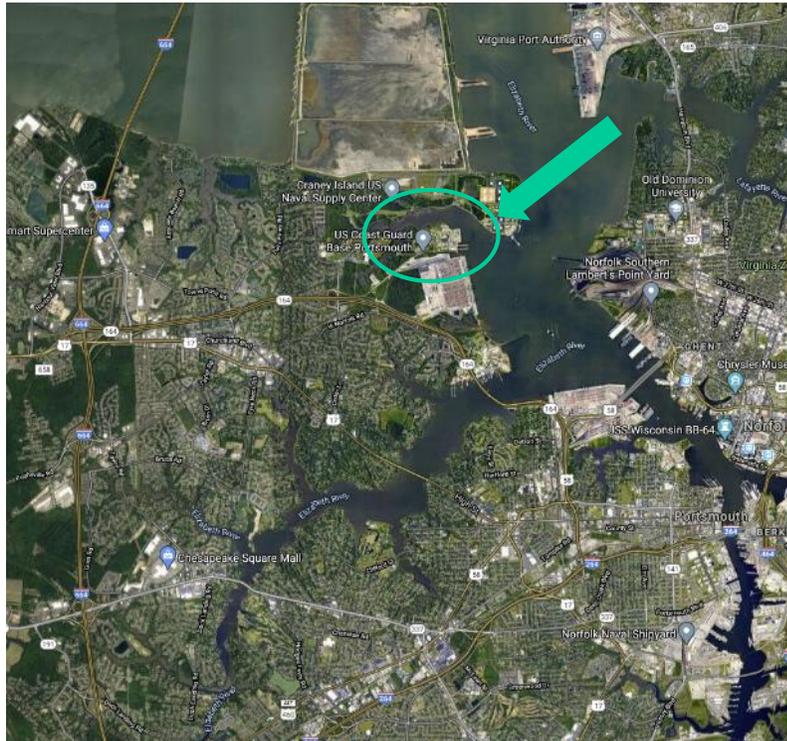


## USCG BASE PORTSMOUTH STORM SEWER REPAIRS

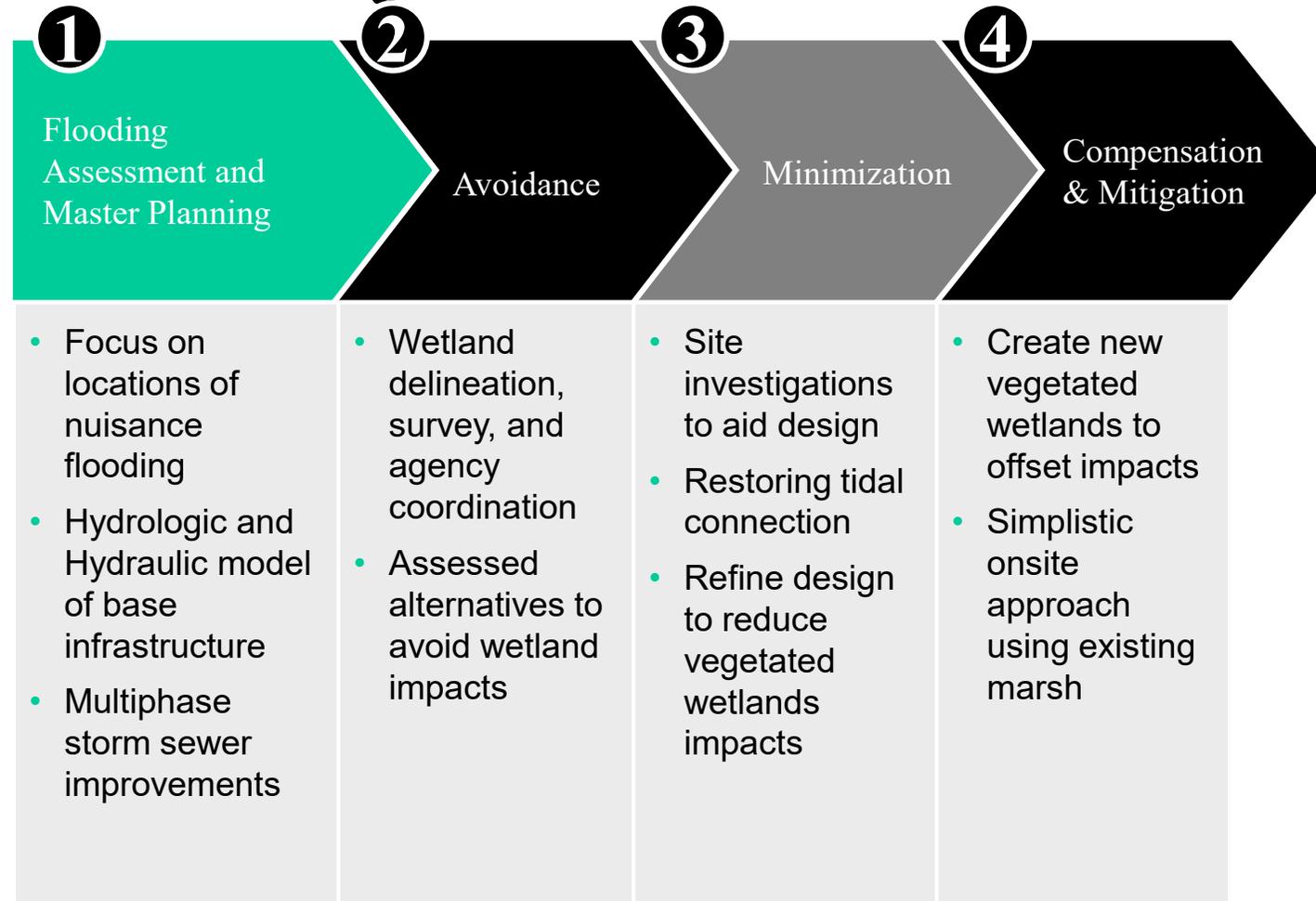
City of Portsmouth Wetlands Board, July Hearing



# Project Location



# Project Workflow



# Flooding Assessment and Master Planning

## Base Wide Storm Sewer Inventory and Flood Modeling

- Focused on assessing capacity of existing storm pipes and inlets on base.
- Collected storm sewer data and reports of historic flooding locations on base.
- Developed conceptual alternatives to address flooding on base and located areas of potential future installation of stormwater quality improvements.



**System Capacity and Flooding Issues Discovered**

# Overall Planned Stormwater Improvements

- An existing 18” storm truck line which runs along the southern border of the base and outfalls to the Elizabeth River was found to be undersized and is currently causing flooding issues on base.
- A multiphase approach for replacing and upsizing the entire existing undersized 18” trunk line was developed in order to mitigate the current flooding due to rainfall.
- Phase 1 includes replacing undersized parking lot drains and the outfall pipe with a properly sized 54” pipe to allow for future upstream drainage improvements to be constructed.
- Future Phases include the construction of a stormwater retention pond to help alleviate flooding, decrease required pipe sizes, and treat stormwater before it discharges to the Elizabeth River. No impacts to wetlands are planned or anticipated in the future phases.



# Avoidance – Outfall Location



An alternative outfall location at the existing pier bulkhead was investigated.

Existing large utility banks and lines running along the bulkhead area near the piers limited the feasibility of installing the outfall thru the existing bulkhead.

# Avoidance – Onsite Pond or Detention



Constructing a large-scale stormwater detention area within the current phase project area was found to be unfeasible due to existing conflicting utilities and loss of required parking lots

An existing grassed area to the west was found to be more applicable for the installation of stormwater detention on base during future phases.

# Minimization – Tidal Connection



The existing outfall pipe has formed a tidal channel connecting the wetland area to south to the River

The existing pipe blocks tidal connection at low tide but allows high tide from the river to flow into wetlands

Replacing the entire existing pipe with a properly sized 54" pipe down to the river would cut off the tidal flow into the wetland

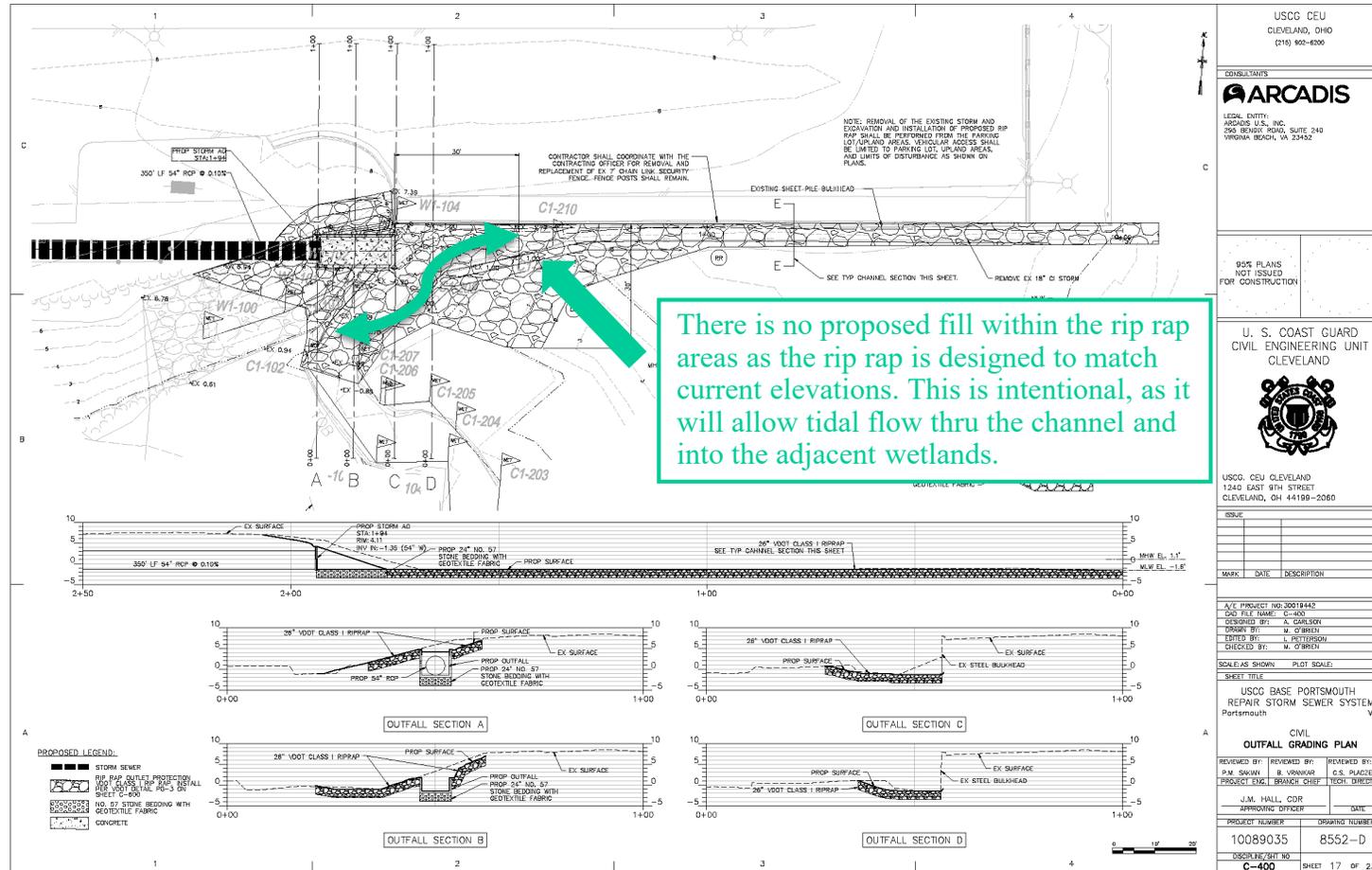
# Minimization – Tidal Connection



- Redlines below represent the outline of a larger outfall pipe in place of existing pipe which would cut off all tidal flow to wetlands.
- Instead of replacing the pipe, the proposed outfall was terminated at the existing rip rap shoreline and a rip rap channel with outlet protection was designed to maintain and improve the tidal connection to the wetland. Work can be performed from upland areas with limited temporary impacts to wetlands.



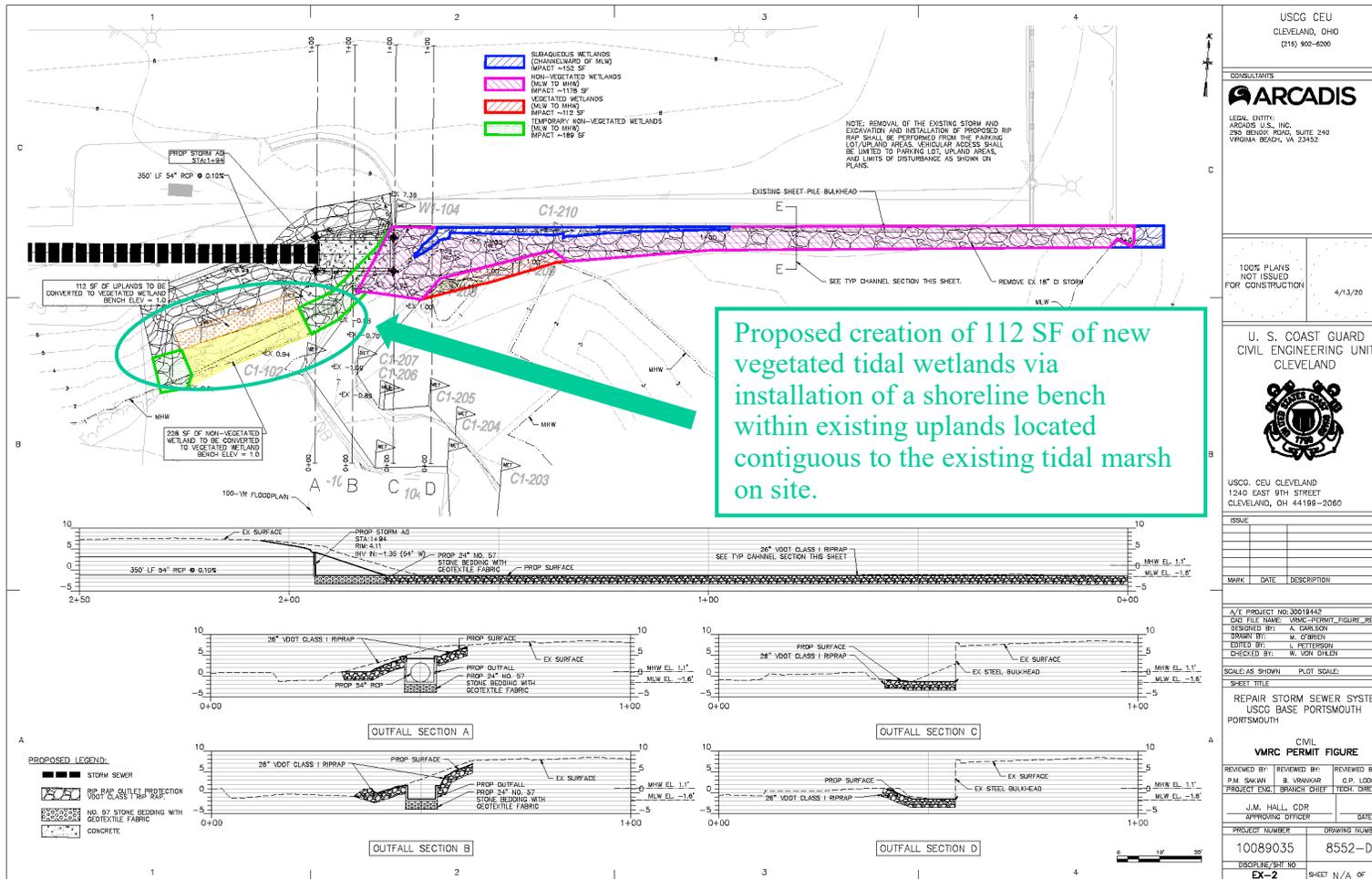
# Minimization – Tidal Connection



There is no proposed fill within the rip rap areas as the rip rap is designed to match current elevations. This is intentional, as it will allow tidal flow thru the channel and into the adjacent wetlands.



# Compensation/Mitigation



USCG CEU  
CLEVELAND, OHIO  
(216) 992-6200

**ARCADIS**

LEGAL ENTITY:  
ARCADIS U.S., INC.  
250 BROAD ROAD, SUITE 200  
VIRGINIA BEACH, VA 23452

100% PLANS  
NOT ISSUED  
FOR CONSTRUCTION 4/13/20

U. S. COAST GUARD  
CIVIL ENGINEERING UNIT  
CLEVELAND

USCG: CEU CLEVELAND  
1240 EAST 9TH STREET  
CLEVELAND, OH 44199-2060

ISSUE	DATE	DESCRIPTION

A/E PROJECT NO. 20014442  
CADD FILE NAME: VMRC PERMIT FIGURE REV. 07-2019

DESIGNED BY: A. CARLSON  
DRAWN BY: M. O'BRIEN  
EDITED BY: L. PETERSON  
CHECKED BY: W. VON OHLEN

SCALE AS SHOWN PLOT SCALE:

SHEET TITLE:  
REPAIR STORM SEWER SYSTEM  
USCG BASE PORTSMOUTH VA

CIVIL  
**VMRC PERMIT FIGURE**

REVIEWED BY: P.M. SAWYER  
PROJECT ENG. & BRANCH CHIEF

REVIEWED BY: R. KRANAB  
TECH. DIRECTOR

J.M. HALL, CDR  
APPROVING OFFICER

DATE: \_\_\_\_\_

PROJECT NUMBER: 10089035 DRAWING NUMBER: 8552-D

DISCIPLINE/SHT NO: EX-2 SHEET N/A OF 23

# Compensation/Mitigation



# Questions/Discussion



# Thank you!

## **NOELLE SLATER**

Senior Environmental Engineer

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e [Noelle.Slater@arcadis.com](mailto:Noelle.Slater@arcadis.com)

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## **GREGORY CARPENTER**

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o 216-902-6219

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# **STAFF RECOMMENDATION**



# **PUBLIC COMMENT**



# **WETLANDS BOARD VOTE**



## **NEW BUSINESS**

- **Nomination and Voting on Chair and Vice-Chair**



**NEW BUSINESS**

- Phragmites Eradication Policy (Amendment)



**ITEMS FROM BOARD MEMBERS  
NON-AGENDA SPEAKERS/ITEMS**



**ADJOURNMENT**