

**TOWN OF WEST POINT
WETLANDS BOARD
MARCH 16, 2021**

I. Call to Order

The West Point Wetlands Board held its regularly scheduled meeting Tuesday, March 16, 2021. Vice-Chairman Evans called the meeting to order.

Members Present: Chase Evans, Vice- Chairman
Stuart Daniel
Garland Jenkins

Members Absent: Charles Redd, III, Chairman
Linda Smith

Also Present: Randy Owens, Virginia Marine Resources Commission
Tiffany Birge, Virginia Marine Resources Commission

Staff Present: Holly N. McGowan, Director of Community Development
Shari Carnell, Recording Aide

II. Review of Agenda

Vice-Chairman Evans asked if there were any changes to the agenda. There were no changes.

III. Citizens Address the Board

Vice-Chairman Evans opened the floor for the Wetlands Board to receive comments on any town related business. There being none, this portion of the meeting was closed.

IV. Public Hearing

Vice-Chairman Evans asked Ms. McGowan to present the application. Ms. McGowan stated that WestRock submitted an application VMRC #2021-0114, to replace a stormwater pipeline inside the West Point Mill along the Pamunkey River located at 1901 Main Street. Ms. McGowan also informed the board that Tom Roberts from WestRock, and an engineer from Langan that were present if the board had any questions.

Vice-Chairman Evans opened the public hearing.

Vice-Chairman Evans asked if anyone from WestRock would like to speak on behalf of the application. Mr. Roberts stated that the project is similar to a project that WestRock did years ago just up the river. WestRock has found the pipe is eroding. The pipe is steel and is rusting along the bottom, pushing erosion up, and working towards a sink hole up stream.

WestRock would like to replace, secure, and improve this stormwater pipeline. The location is approximately $\frac{3}{4}$ of the way up the mill near the chip storage area. There will be some deep excavating done at the bank. WestRock will control the soil and erosion.

Vice- Chairman Evans asked if the impact for wetlands at high tide would be solved with riprap. Mr. Roberts stated it would. Vice-Chairman Evans asked if the board had any other questions for WestRock or the engineer. There were no other questions.

Vice-Chairman Evans closed the Public Hearing.

Mr. Daniel made a motion to accept the application to replace the stormwater pipeline inside WestRock. Mr. Jenkins seconded the motion. Upon roll call, Mr. Daniel, Mr. Evans, and Mr. Jenkins all responded "Aye." Motion carried.

Vice-Chairman Evans stated for clarification purposes he amended the previous motion to state the approval of presentation was based off of the information that was presented in the packet more so that was discussed this evening, and that it impacts tidal wetlands .009 tidal wetlands and that the mill shall present purchasing those credits before a permit is released.

V. Old Business

A. WestRock VMRC#2020-1631

Ms. McGowan stated the Community Development office received the engineered stamped drawings the Wetlands Board requested from Wayne Blake of WestRock for the cofferdam. Ms. McGowan provided each wetland board member present with a engineered stamped copy of the cofferdam drawing.

Mr. Blake stated the plans for project VMRC#2020-1631 were prepared and stamped by Crofton Engineers of Crofton Industries. Mr. Blake stated that if the Wetlands Board needed more information WestRock would provide them with the information.

Vice-Chairman Evans asked if there were any questions for Mr. Blake. There were none.

Vice-Chairman Evans decided not to take any action on this application or submission of plans until more Wetlands Board members were present to discuss the details.

Vice-Chairman Evans made a motion for Ms. McGowan to contact the wetlands board members that were not present and email them a copy of the engineered stamped drawings. If the other wetland board members are in agreement that the drawings are acceptable to move forward this motion is pending the approval of all board members. Mr. Jenkins seconded the motion. Vice-Chairman Evans, Mr. Daniel, and Mr. Jenkins all agree that the engineered stamped drawings were acceptable to them. Ms. McGowan will be emailing Mr. Redd, III and Ms. Smith before moving forward.

VI. VMRC Presentation

Randy Owens of the Virginia Marine Resources Commission presented the Wetlands Board members with a draft of the new proposed Wetland Guidelines that was prepared by the Habitat Management Division with contributions from the Virginia Institute of Marine Science.

Mr. Owens stated he wanted to discuss these changes with the board members to give them a better understanding of the changes and prepare them on how to protect the board in future cases. These new laws will apply once adopted by the state. Mr. Owens cautioned the board to listen carefully motions being made, and to ensure they specifically state everything that the applicant is responsible for doing, and to clarify every detail. Every decision that is made by the board should have a discussion on record. For example, the living shoreline legislation, a living shoreline is a viable solution when science says the use of riprap and bulkhead is found to be unnecessary. Riprap and bulkhead should only be used if the site is not suitable for the living shoreline. This is an example of the type of documented debate that VMRC expects from a Wetlands Board. The motions need to be specific so an applicant knows exactly what is required of them and cannot argue it was not mentioned during the public hearing of their application.

There was nothing improper about the decision that was made this evening. The Board needs to make sure for future meetings that VMRC can verify on record that the Wetlands Board had the correct discussion and debate for what the law now requires. The living shoreline is going to be a critical part of wetland projects. Always discuss the impacts and whether they are avoidable or if there is a better solution. VMRC can make a recommendation based on the law to staff when an applicant submits an application. VIMS can give scientific guidance, but the Wetlands Board still needs to have a discussion as to whether or not it is a suitable solution for the site in question to have a living shoreline or a different solution.

There is a wetlands guideline portal VMRC would like to hear feedback from board members. This draft of the new wetland guidelines will help understand the new law changes that will be going into effect, which will help protect Wetland Boards. VMRC representatives will do the best they can help provide board members with the information they need. When an application comes before the Wetlands Board build your discussion and debate as if a decision is before a judge for an appeal and the board has to defend its decision. The judge would have to look at was the law followed? Was every requirement understood and clarified in the motion? The judge is only going to look at the record. Tonight's case is an example that is straight forward, but there was no discussion, and the motion was not clear and or specific. The Wetlands Board did the same with no discussion without a specific motion on the last project that they required engineered stamped drawings for. Each project should be discussed in that depth. The Wetlands Board and VMRC must be prepared to be able to defend every decision that is made because of major law changes.

Vice-Chairman Evans stated for clarification purposes he amended the previous motion to state the approval of presentation was based off of the information that was presented in the packet more so that was discussed this evening, and that it impacts tidal .009 tidal wetlands and that the mill shall present purchasing those credits before a permit is released.

VMRC will provide all board members and information to educate on the new memorandum and laws coming into effect. These wetland guidelines will help you understand the laws.

VII. Adoption of Minutes

Mr. Jenkins made a motion to adopt the minutes from the February 16, 2021 Wetlands Board meeting. Mr. Daniel seconded the motion. All in favor responded, "Aye." Motion carried.

VIII. Motion to Adjourn

Mr. Jenkins made a motion to adjourn the meeting. Mr. Daniel seconded the motion. All in favor responded, "Aye." Motion carried.



Chase Evans, Vice-Chairman
West Point Wetlands Board

Board Members Term's

Charles T. Redd	804-843-4188	09/30/2024	ctredd@cox.net
Linda Smith	804-843-2144	09/30/2021	lvs3750@cox.net
Stuart Daniel	804-843-3082	09/30/2021	sddaniel4@msn.com
Chase Evans	804-737-9044	09/30/2024	chase@eci-inc.com
Garland E. Jenkins	804-843-2974	09/30/2025	gjenkins559@gmail.com