

Newport News Wetlands Board

What are wetlands? Do I have tidal wetlands on my property? The area between mean low water and an elevation above mean low water of 1.5 times the average tidal range make up tidal wetlands. These wetlands may be vegetated or bare—both are protected under Virginia and Newport News laws. If you have any questions about whether your project will impact tidal wetlands, please contact the City of Newport News, 933-2311.

Why protect wetlands? Wetlands are unique landscapes that provide valuable services for the entire City including storing water to mitigate flooding, filtering water of pollutants, and providing habitat for wildlife. Wetlands are economically important in Virginia because they provide shelter and protection for young fish and crabs.

What is a Wetlands Permit? A Wetlands Permit is issued by the City of Newport News Wetlands Board and grants permission to impact tidal wetlands. The goal of the permitting process is to limit the destruction of wetlands while accommodating necessary economic development.

Do I need a Wetlands Board permit? If you are doing work that will impact wetlands, you may need a permit from the City of Newport News Wetlands Board. Certain activities are exempt from the Wetland Board permitting requirements, but still require you to submit a permit application and obtain permits from other agencies.

How do I apply for a permit? You must submit a Joint Permit Application (JPA) to the Virginia Marine Resources Commission (VMRC) prior to commencing any project that will impact tidal or non-tidal waters, tidal or non-tidal wetlands, and/or dune/beach resources, including, but not limited to, construction, dredging, filling, or excavation.

The VMRC will distribute your application the Newport News Wetlands Board, Virginia Department of Environmental Quality, and the U.S. Army Corps of Engineers. Each agency will review your application and will contact you if additional actions are required.

The Joint Permit application is available online at: <http://www.nao.usace.army.mil/Missions/Regulatory/JPA.aspx> and may be submitted electronically or by mail to the VMRC.

What happens if my project requires a permit? If Newport News staff determines that your application requires a permit from the Wetlands Board, you will be notified by mail. Board meetings are held on the third Monday of the month at City Hall at 5:30 p.m. and are open to the public. Prior to being scheduled for a hearing, you must pay the \$200 application fee and consent to a public notice in the newspaper at your expense. A hearing must be held no later than sixty (60) days after receipt of your complete application, including payment.

Note: As of July 1, 2020, all applications must include a statement indicating whether a living shoreline is suitable for shoreline management, including reasons for such determination.

What happens at a Wetlands Board hearing?

At the hearing, staff will prepare a report on the application and present comments made by other state or federal agencies. The applicant or a designated agent will have the opportunity to present their application and answer any questions from Board members. Testimony from persons in support or opposition to the project may also be heard.

Note: As of July 1, 2020, the VMRC and the Wetlands Board are required to permit only living shoreline approaches to shoreline management, unless the best available science shows that a living shoreline isn't suitable for the site.

After reviewing all the evidence at the public hearing, the Board may:

- Grant the permit as requested, in modified form, or with a reasonable bond;
- Deny the permit with or without prejudice;
- Request additional information from the applicant;
- Defer the decision for up to thirty days.

How does the board make a decision?

In deciding the case, the board must consider the testimony of persons in support or opposition to the application; the impact on public health, safety and welfare; and conformance with legal standards and guidelines. In order to grant the permit, the following criteria must be met:

- The anticipated public and private benefit of proposal exceeds its public and private detriment.
- The proposal conforms to the standards and guidelines. The proposal does not

violate the spirit and intent of Title 28.2 of the Virginia Code and the Newport News Wetlands Ordinance.

If any of the criteria are not met, the application must be denied by the Board.

Approval of an application requires affirmative votes from four of the seven board members. If not enough votes, the application is denied but can be resubmitted in a modified form.

Can I appeal the decision of the wetlands board? You may appeal the decision of the Wetlands Board within ten calendar days of the Board's decision to the VMRC.

What other permits do I need from the City? Depending on the size and location of your project, you may require a zoning permit, construction general permit, stormwater permit, erosion and sediment control plan, and/or a Chesapeake Bay Preservation Area approval.

How long does the permitting process take? If your project requires a Wetlands Board permit, it must be heard within 60 days of receiving your complete application. After a hearing there is a ten day waiting period before the permit may be issued. To expedite the process, please ensure your permit application includes all required information and provide contact information where staff can reach you if questions arise.

What is the penalty if I act in a wetland without a permit?

Any person who knowingly, intentionally, negligently, or continually violates any order, rule, or regulation of the Wetlands Board or the City of Newport News Code shall be guilty of a Class 1 misdemeanor and subject to civil and criminal penalties.

What should I do if I see a violation of the Wetland Ordinance? Who can I call if I have additional questions?

Questions regarding wetlands on your property, the permitting process, or to report a violation, please use the City Customer Service Center, which is available on the City website, www.nnva.com, by phone, 757-933-2311, or by email, 311@nnva.gov.

Additional Resources: Shoreline Erosion Advisory Service (SEAS) is a free program through the Department of Conservation and Recreation that provides technical assistance to property owners experiencing erosion. SEAS is available to visit your property and provide written recommendations, review plans, and provide additional information. For more information, contact: Mike Vanlandingham, Shoreline Engineer, mike.vanlandingham@dcr.virginia.gov, 804-443-1494.

The Shoreline Management Handbook (https://www.vims.edu/ccrm/wetlands_mgmt/handbook/index.php) is maintained by Center for Coastal Resources Management and provides information on laws/jurisdictions, permitting, and project design decision tools.