

## CLEANING UP THE ELIZABETH

WITH SHIPS that once cluttered a portion of the waterway gone, work begins to breathe new life into the shoreline of the Elizabeth River's Eastern Branch.



KRISTEN ZEIS | THE VIRGINIAN-PILOT

Carmelo Gomez, left center at the water's edge, who owns property across the river, speaks with attorney James Lang Saturday as volunteers remove a large rope. The two men were instrumental in clearing the waterway of decrepit ships.

By Dave Mayfield | The Virginian-Pilot

### NORFOLK

TWO WOMEN, three men and four Boy Scouts sized up the long, thick rope looped this way and that along a mudflat. Straightened out, it would easily stretch 60 feet.

"All right, everybody grab a piece," someone yelled. Falling into line, they heaved the rope uphill to a dumpster jammed with scrap metal, tires and rotting wood.

The junk was collected Saturday morning by more than 50 volunteers along the shore of Riverside Memorial Park, a city-owned cemetery near the Campostella Bridge.

More than two dozen heavily weathered ships, barges and other vessels once crammed this unnamed cove of the Elizabeth River's Eastern Branch.

Some vessels had been on shore and tied to trees by ropes now getting the heave-ho.

Saturday was a celebration for the law firm that fought the case to clear out the ships and the start of a plan to bring the battered shoreline back to life.

It was a long, twisting journey, and at the center of it was a lawyer named James Lang.

A veteran of the Navy's Judge



VIRGINIA MARINE RESOURCES COMMISSION

Vessels cram the cove alongside Riverside Memorial Park in this image from 2013.

## SHORELINE | Lawsuit argued several vessels clogging waterway were pollutants, violating Clean Water Act

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Advocate General's Corps, he now practices with the firm of Pender & Coward. His focus is environmental issues.

On Saturday, Lang looked ready for action in a safari hat and hip waders, but he didn't get down in the muck as much as some of his partners and associates.

Still, there was no doubt who'd turned the stones needed to reach this point.

"Jim led the charge all the way through," said a mud-splattered Charles Robison III, chair of the Norfolk Wetlands Board, during a break. "I give him the credit for spearheading it and sticking with it. He's why we're here today."

Lang got involved back in 2013 when he was contacted by Florida resident Carmelo Gomez, who owns about 7 acres on the cove's opposite shore.

Gomez leases parts of his waterfront to a shipyard and a marine contractor. He wanted something done about the many vessels that stretched from just off his property to the cemetery shore.

"I mean, you couldn't even look up that waterway," Lang said. "It was that blocked."

Parts of his client's land were "devalued to nothing" because the cove was so cluttered, he said.

Lang's first step was to contact Timothy Mullane, who owns a 1-acre parcel next to Gomez's property.

Through various companies, Mullane owned or controlled much of the vessel collection. He has made a business of turning decrepit ships into artificial reefs out in the ocean, and some of those he kept in the cove were awaiting that fate.

Lang said he asked Mullane to remove the ships. When that didn't happen, he contacted local TV stations, which aired news stories. He also reached out to city, state and federal agen-

cies, some of which had previously penalized Mullane for water pollution and wetlands violations in the cove.

Some of the vessels eventually went away, but most were still there in May 2015, when Gomez's company – 307 Campostella LLC – filed what's known as a citizens' environmental lawsuit in U.S. District Court in Norfolk against Mullane and several businesses affiliated with him.

Key theories behind the suit were untested.

Lang argued that several vessels, because they were aground or frequently touching bottom, were unpermitted pollutants in violation of the Clean Water Act. He based the theory on a federal regulation that defines fill material in a waterway as something that changes the elevation of the bottom.

Anything that fits that bill – and these vessels did, he contended – needs a permit.

Lang's client also alleged that Mullane was violating the Resource Conservation and Recovery Act, arguing that he was using an abandoned barge as an unlicensed trash dump.

Senior U.S. District Judge Henry Coke Morgan Jr. ruled last October that the case could go to trial based on the claims made. At some point after that, the two sides began negotiating a settlement.

It was finalized in February, with a permanent injunction restricting any of the remaining vessels under Mullane's control to the water only that's directly in front of his property.

Now, all that's left of the ships and barges that were once strung out from shore to shore are a few in a tight row along Mullane's narrow stretch of waterfront. Among them is the Tamara.

It earned fame as the Coast Guard cutter whose rescue operation was portrayed in the book and film



SOURCES: ESRI, Tele Atlas VP

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"The Perfect Storm."

Lang said he's prohibited from discussing any matters related to the settlement that aren't in the court record.

Mullane said last week that he also is barred from discussing the settlement, but said some of the vessels he was accused of misusing didn't belong to him. He said five of the vessels that were in the cove in 2013 have become offshore reefs.

"That's what I do," he said. "I create beneficial marine habitat."

Mullane said that he was surprised to hear of the shoreline restoration plan for the opposite shore and that he had made a similar proposal to the city nearly a year ago.

"It's a great place for it," he said.

Joe Rieger, deputy director of restoration for the Elizabeth River Project, said the nonprofit group plans to follow up on Saturday's cleanup

with a test planting of several hundred marsh grass plants on Aug. 27. He said the Elizabeth River Project would like to team next year with the city of Norfolk for a restoration of as much as 700 feet of the cemetery shore – part of a larger push by the group to improve the river's Eastern Branch.

The Elizabeth River Project took no position in the dispute over the ships, and Rieger said Mullane and other property owners in the cove will have a chance to comment before a larger-scale project proceeds.

On Saturday, Boy Scout Troop 1, from Trinity Presbyterian Church in Norfolk, lent the youngest helping hands.

Gregory Kobzar, 13, and Liam Wickersham, 11, teamed up to lug a small anchor across a stretch as long as two football fields. Later, they took turns shoveling deep into the mud to dig out a long steel rod.

"That was kind of fun," Gregory said.

The cleanup's scheduled two hours weren't enough to remove everything that must go. Some steel cables are still wrapped around trees, and there are scraps of junk, both large and small, here and there. The city will take care of the rest.

Close to noon, one of Lang's partners, Bill Lascara, called for help carrying a couple of remaining trash bags up from shore.

"I need two of the best-rested guys. Who's the best-rested?" he yelled.

"Find the cleanest shirts!" blurted a Pender & Coward associate, Alysha Allen, who was smudged from head to foot.

A few minutes later, with the work all done, Lang sat down alone in the grass on the cemetery's edge.

He looked exhausted yet pleased – and ready finally to savor the moment.

"Good stuff," he said.

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