

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #1: MINUTES OF MAY 21, 2008

Minutes of the May 21, 2008, meeting are attached.

Attachment

RECOMMENDED ACTION:

Approval.

HAMPTON ROADS PLANNING DISTRICT COMMISSION
EXECUTIVE COMMITTEE MEETING – MAY 21, 2008

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 10:38 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Paul D. Fraim, Chairman (NO)	Joe S. Frank (NN)
Bruce Goodson, Vice Chairman (JC)	Douglas L. Smith (PO)
James O. McReynolds, Treasurer (YK)	Tyrone W. Franklin (SY)
Clifton E. Hayes, Jr. (CH)	Louis R. Jones (VB)
Randall A. Gilliland (HA)	Jackson C. Tuttle II (WM)

COMMISSIONERS:

Rebecca C.W. Adams (CH)	Kenneth L. Chandler (PO)
Amar Dwarkanath (CH)	John M. Seward (SY)
William E. Harrell (CH)	Harry E. Diezel (VB)
Jesse T. Wallace, Jr. (HA)	Robert M. Dyer (VB)*
Sanford B. Wanner (JC)	James K. Spore (VB)
Randy W. Hildebrandt (NN)	Jeanne Zeidler (WM)
Regina V. K.Williams (NO)	Thomas G. Shepperd, Jr. (YK)

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

Earl Sorey - Chesapeake; Keith Cannady, Charlie Sapp, Elizabeth Kersey - Hampton; Patrick Small - Isle of Wight County; Jeff Raliski, Ron Williams - Norfolk; Sherri Neil, Paul Holt, George Brisbin - Portsmouth; Joe Howell - Suffolk; Bob Matthias - Virginia Beach; Angie Bezick - Vectre; Karen McPherson - Kimley-Horn; Doris McLeod, Tom Ballou, Sonya Lewis-Cheatham - VDEQ; William Stiles - Wetlands Watch; Michael Townes - HRT; Chris Voigt, Dennis Heuer, Eric Stringfield, Irene Shuman - VDOT; Richard Drumwright - WAT; Ivan Rucker, Unwanna Dabney - FHWA; Vince Thomas - FHR; W. Dewey Hurley - Branscome, Inc.; Chuck Cayton - HNTB; Jay Bernas - HRSD; Rick Clawson - DRPT; Jeff Bergenthal, Thomas F. Thaler, John Dannon, Kevin Geier - Lockheed Martin; Theresa Boothe - Private Citizen; Peter Huber - Willcox & Savage; Andrew Sinclair - HRP; Ellis W. James, Eileen Levandoski - Sierra Club Observer; Tom Holden - The Virginian-Pilot; Cathy Aiello - Biggs & Fleet; Staff: Dwight Farmer, Jessica Banks, John Carlock, Rick Case, Robert Case, James Clary, Nancy Collins, Richard Flannery, Marla Frye, Greg Grootendorst, Frances Hughey, Jim Hummer, Rob Jacobs, Brett Kerns, Sara Kidd, Mike Kimbrel, Robert Lawrence, Joe Paulus, Kelli Peterson, Camelia Ravanbakht, Dale Stith, Laura Surface, Joe Turner, Chris Vaigneur and Eric Walberg.

CLOSED MEETING – PERSONNEL

Chairman Fraim Moved for a closed meeting in accordance with Virginia Code, § 2.2-3711.A.1, for the purpose of discussing personnel issues; seconded by Vice Chairman Goodson. A roll-call vote was taken with the following responding in the affirmative: Comrs. Goodson, Hayes, Smith, McReynolds, Frank, Jones, Fraim, Gilliland, Franklin, Tuttle.

(CLOSED MEETING)

Upon completion of the closed meeting, Chairman Fraim Moved that the Hampton Roads Planning District Commission's Executive Committee hereby certifies that, to the best of each member's knowledge: (i) that only public business matters lawfully exempted from open meeting requirements under this chapter; and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body; seconded by Mayor Frank. A roll-call vote was taken with the following responding in the affirmative: Comrs. Goodson, Hayes, Smith, McReynolds, Frank, Jones, Fraim, Gilliland, Franklin, Tuttle.

Chairman Fraim stated that the purpose of the closed meeting was to discuss the appointment of a new HRPDC Executive Director. A committee comprised of Mayor Frank, Comr. Jones, Comr. McReynolds and Chairman Fraim conducted final interviews and unanimously recommend that Dwight Farmer be appointed as the Executive Director. He Moved that Mr. Farmer be appointed Interim Executive Director pending ratification by the full Commission; seconded by Comr. Jones.

Mayor Frank commented that the interview process was successful and well done with an initial list of 30 applicants. This number was narrowed to four, then to two final applicants. The committee conducted two interviews with the final two and felt that Mr. Farmer clearly emerged better prepared and more thoughtful in his discussions. The Bylaws permit the Executive Committee to hire the Executive Director, but the Executive Committee felt it appropriate to have these actions ratified and confirmed by the entire Commission to give everybody an opportunity for input in the process.

Comr. Jones added there were four great candidates who were interviewed, but he felt Mr. Farmer was the best candidate in his presentation and depth of background he exhibited throughout the process in answering the questions presented to him.

Chairman Fraim added that he was impressed with the thought Mr. Farmer had given to how the MPO should be distinguished from the PDC in responding to concerns raised by the Federal Highway Administration, which separated him from the other candidate in the final interview process.

Chairman Fraim stated that the compensation package discussed with Mr. Farmer includes an annual salary of \$157,000 with deferred compensation of \$12,000 and a travel allowance of \$7,200. He added that the details of an employment contract are being discussed with the initial term being for three years and a review at the end of six months. Within 60 days of the six-month period, a review process will be held to discuss whether Mr. Farmer is meeting the PDC's expectations. At that time, he can either be let

go without cause or his salary may be adjusted at that point. The contract will be available for the full Commission meeting on July 16, 2008.

The Motion Carried.

Mr. Farmer stated that he is extremely excited about the opportunity and has an open door policy for the Board and staff members. He noted his appreciation for this opportunity.

CONSENT AGENDA

The Consent Agenda contained the following items:

Minutes of April 16, 2008

Treasurer's Report

Regional Reviews

A. PNRS Items (Initial Review)

FY 2008 State Revolving Fund Capitalization Grant (POS:155)
(Virginia Department of Environmental Quality)

Virginia Wetlands Monitoring and Assessment (ENV:43)
(Virginia Department of Environmental Quality)

Chesapeake Bay Point Source and Toxics Data Management (POW:198)
(Virginia Polytechnic Institute and State University)

B. Environmental Impact Assessment/Statement Review

Cascade Apartments; HUD; Virginia Beach

Routine & Frequent Maritime Regulations, General National Consistency Determination; DHS/US Coast Guard; HRPDC

Marina Improvements at the LAG Marina at Naval Station Norfolk; DOD/Navy; Norfolk

Baker Street Office Building, Norfolk International Terminals; Virginia Port Authority; Norfolk

Renovation of the Running Track, Relocation of Lacrosse/Hockey; Christopher Newport University; Newport News

Hampton Roads Historic Resources Project

Mayor Frank Moved to approve the Consent Agenda; seconded by Comr. Jones.

Comr. Jones commented for the benefit of the Commissioners that the Environmental Impact Review for Cascade Apartments is simply a federal review process that is procedurally mandated and has no bearing on what a city or body might do.

Mr. Farmer added that this is a review process that the PDC has been doing for 35 years and is just to make everyone fully aware of applications that come through the PDC.

The Motion Carried.

FY 2008 MAY BUDGET AMENDMENT SUMMARY

Mr. Farmer stated that budget amendments are typically done twice a year and are generally housekeeping items to reflect changes in funding and expenses.

Vice Chairman Goodson Moved to approve the budget amendment; seconded by Treasurer McReynolds. The Motion Carried.

VIRGINIA ENERGY PLAN

Senior Advisor to the Governor for Energy Policy, Mr. Steve Walz, was present to brief the Commission on the Virginia Energy Plan.

Mr. Walz stated the Virginia Energy Plan was mandated under legislation enacted in 2006 that sets out the state energy policy in a coordinated fashion. Title 67 of the Code of Virginia mandated that a state energy plan be put in place that looked forward for ten years to flush out more details behind the energy policy, statements and objectives that were set.

The plan has four primary goals consistent with the general policy statements and objectives set out in the Virginia Code. The first goal is to increase energy independence in the Commonwealth by reducing the rate of energy growth by 40% and increasing in-state energy production by 20%. More needs to be done to increase the production of cleaner energy sources in the state. The second goal in the energy plan is to increase the level of education. The third goal deals with climate change and the Governor has set a goal that the Commonwealth should reduce greenhouse gas emissions by 30% by the year 2025. The fourth goal is to look at energy research and development and its ties to economic development.

Mr. Walz explained that Virginia is a net importer for all energy sources except coal. He then reviewed a chart displaying energy use by sector and explained that the largest energy consuming sector in Virginia is transportation. Transportation has been growing much faster than other types of energy use for some time.

Since the State should be leading by example, a number of things are being done to reduce energy use at the state level. The localities also now have the authority to provide real estate property tax breaks for energy efficient buildings. A number of tools at the state level are available to localities. An electrical service provider was hired to help reduce the amount of electricity the state uses at peak times to be paid back from Virginia Power from the large group that runs the electrical transmission system. That is available to localities with larger facilities currently and will be available for smaller facilities as it is developed. Different tools are also being used to purchase natural gas supplies and the state is in discussions with the Virginia Resources Authority to offer some type of financing mechanism to prepay and lock in natural gas supply costs for a fiscal year. The same is true for fuel oils for facilities.

Energy education is another goal the Commonwealth is working on. The Corporation Commission will set up an energy education program over the next year.

Another issue is energy infrastructure which will not support all the energy use over time. A number of recommendations were provided such as expansion of the Yorktown refinery, high voltage electric transmission line underground pilots, Norfolk Light Rail, etc.

Energy and the environment is another area talked about in the plan with climate change being important and minimizing the environmental footprint of energy development. Research and development are also part of the plan. Climate change is a major area of concern and a goal was set to drop greenhouse gas emissions by 30% from the business as usual projection. The state believes that energy efficiency is reasonably easy to achieve and increased renewables that have been called for in the electrical sector and through biofuels will only get halfway to the goal. In order to do more, the Governor established the Commission on Climate Change by Executive Order 59. This group has been charged with developing an action plan by December 15, 2008, to determine what else can be done in the Commonwealth. The five different charges given to the Commission include looking at the state's greenhouse gas footprint, the effects on the state, addressing the needs to prepare for likely consequences, actions in other states and regions as well as in Virginia to meet the goal.

There are 43 members on the Commission. They include representatives from Arlington, Blacksburg, Fairfax, Hampton Roads Transit, Thomas Jefferson PDC and the Greater Washington Council of Government. He encouraged the PDC Commissioners to work through the members to provide them information. Ideas can also be submitted directly through the website tied to the Department of Environmental Quality website.

The Governor's Energy Policy Advisory Council was put in place last year. The Advisory Council will be used as a sounding board for the energy plan. Over the next three months or so, the Energy Policy Advisory Council will look at the types of additional work that can be recommended for efficiency and for development of renewables.

Mr. Walz indicated this was high level review since time is limited and offered to answer questions.

Mayor Frank referred to the local government options such as property tax incentives. He commented that he believes a better incentive would be an income tax incentive, which is something the state would bear instead of local government. He urged the state to reconsider the new burdens this would place on local government.

Mr. Walz agreed that further review needs to be done to determine what can be done at the state level. He added that a minor first step is putting in place the sales tax holiday on Energy Star equipment in October that is being expanded this year to Water Sense equipment as well.

GOVERNOR'S COMMISSION ON CLIMATE CHANGE: LOCKHEED MARTIN DEMONSTRATION

Mr. Farmer stated that Comr. Gilliland had requested to have Lockheed Martin provide a demonstration similar to what was given to the Governor's Commission on Climate

Change. He introduced Mr. Jeff Burgenthal, Director of Technology for Lockheed Martin, to provide a demonstration.

Mr. Burgenthal stated his presentation would cover three areas, the first being a three-dimensional model of Hampton Roads and the data that is the source of that model; then from that model, the potential effects of a rise in sea level either from storms and/or from climate change; and finally, how the model can be turned into a predictive tool to be used within individual communities.

He explained that the three-dimensional digital model of the Hampton Roads area is made up of two primary components, medium resolution digital terrain elevation data and very high resolution LIDAR data that provides the representations for all the building structures in the model. The locations, footprints and heights of the buildings are all within a 15-centimeter resolution.

A view of downtown Norfolk was displayed to show the effects of the November 2006 northeaster when the sea level was about 5.25 feet above mean sea level, which shows the waterfront area being totally flooded and water coming into the downtown areas. Looking at that situation in the year 2108 where it is projected that the mean sea level will rise about 2 feet due to climate change, the rise would be 7.25 feet above sea level. The inundation of the water in downtown Norfolk would be much more significant.

(Comr. Dyer departed.)

Mr. Burgenthal displayed other scenarios to include the baseball stadium with the same effects that occurred during Hurricane Isabel, the Hague area with similar effects that occurred in 1933 from the Chesapeake-Potomac Hurricane and the significant effects of just a 4-foot rise at the Fort Monroe area.

He explained that in order to turn these potential effects into a predictive tool, high resolution models and more accurate terrain data are needed. He displayed an example of high resolution LIDAR data captured in a business park. If data like this were available, an accurate representation of potential flooding could be created.

Mr. Burgenthal then displayed sample data captured with a LIDAR camera by one of their engineers while in his boat in the harbor. He added that separate data from different companies or communities could be pieced together if available, but it would be more efficient to have one large data gathering to work from when creating the predictive models. He offered to answer any questions.

STORMWATER MANAGEMENT PROGRAM

Chairman Fraim asked Mr. John Carlock, Deputy Executive Director, Physical Planning, to provide an update on the Stormwater Management Program.

Mr. Carlock stated that a letter was included as a draft in the agenda package, but was later finalized and presented to the Board of Soil and Water. He reviewed a map of the communities that have stormwater permits as well as the goals the Commission adopted a number of years ago to guide how the PDC staff and the localities work together on the stormwater program. He then referred to key issues involved in the large community

stormwater permits as well as the small community permits just approved last week with the key being that the stormwater quantity and quality are to be managed to the maximum extent practical. This becomes an issue when reviewing some comments received by the state. The Phase I large community permits were approved by the Board of Soil and Water Conservation in November 2007. The Board approved the Phase II permits last week for the six small communities in the region: Poquoson, Williamsburg, Suffolk, Isle of Wight, James City County and York County.

The Board received extensive comments from the environmental communities as well as a response from the Secretary of Natural Resources, comments from a number of localities, the PDC, two counties, the State Stormwater Association and the Virginia Association of Counties.

The environmental community wanted specific numbers incorporated into the permits; that once a TMDL (total maximum daily load) implementation plan is prepared, the Chesapeake Bay Program would complete its work and the numbers would be in the permit and localities would be responsible for achieving those numbers. The Secretary of Natural Resources responded that they are inappropriate at this point and are not attainable or enforceable.

Based on the actions by the Board, the Phase II permits will go to the Virginia Register next month and will become effective in July, assuming there is no litigation that intervenes. The Phase I permits will be submitted to EPA for formal review in the next 60 days. At the same time, the state's technical advisory committees will continue to work on the details of what this program needs to achieve. He concluded by offering to answer questions.

PROJECT STATUS REPORT

No questions or comments were noted.

FOR YOUR INFORMATION

Mr. Farmer noted that as of July 1, 2008, hard copies of the agenda packet will only be sent to the Commission members. An electronic file will be available on the PDC website for download.

OLD/NEW BUSINESS

The Chairman noted that one item of new business was a recommendation by Mr. Farmer that starting in June, the MPO meeting will begin first at 10:00 a.m. and the PDC meeting will be set for 11:00 a.m. There is also no need for the PDC to ratify the actions of the MPO.

Comr. Goodson recommended separating the MPO agenda from the PDC agenda.

Mr. Farmer agreed that two separate agendas will be prepared.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 11:57 a.m.

Dwight L. Farmer
Executive Director/Secretary

Paul D. Frain
Chairman

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #2: TREASURER'S REPORT

Expenditure activity for May 31, 2008, totaled \$766,476. Grant and Contract expenditures exclusive of HRMMRS totaled \$315,631 (or 42%). HRMMRS grant and contract activity totaled \$271,997 (35%). Locally funded Water Programs totaled 80,028 (10%) and all other local activity totaled \$98,820 (13%).

Attachment

RECOMMENDED ACTION:

Accept the Treasurer's Report.

MONTHLY FINANCIAL REPORTS
FISCAL YEAR 2008
May 31, 2008

BANKING TRANSACTIONS

	<u>Beginning Balance</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Balance</u>
Checking	\$272,304	\$1,651,377	(\$1,820,693)	\$102,988
Invest/Savings	\$2,136,654	\$954,168	\$0	\$3,090,821
Flex Benefit	\$9,208	<u>\$5,600</u>	<u>(\$6,083)</u>	<u>\$8,724</u>
TOTAL	\$2,418,165	\$2,611,145	(\$1,826,777)	\$3,202,533

CONTRIBUTIONS

	<u>Fiscal Year Budget</u>	<u>Received YTD</u>
VDHCD Grant	\$279,295	\$256,428
Local Jurisdictions	<u>\$1,338,740</u>	<u>\$990,639</u>
TOTAL	\$1,618,035	\$1,247,067

BUDGET SUMMARY

	<u>Annual Budget</u>	<u>Budgeted YTD</u>	<u>Expenses YTD</u>
Personnel	\$4,086,297	\$3,745,772	\$3,327,912
Contractual	\$196,015	\$179,680	\$186,093
Spec. Contracts	\$6,539,798	\$5,994,815	\$2,896,361
Operations	\$828,381	\$759,349	\$358,552
Capital Assets	<u>\$254,500</u>	<u>\$233,292</u>	<u>\$4,791</u>
TOTAL	\$11,904,991	\$10,912,908	\$6,773,709

GRANT REVENUE

<u>Anticipated Grant Revenues</u>	<u>Earned Revenues</u>	<u>Revenues Received</u>	<u>Receivables</u>
\$3,256,691	\$2,138,288	\$1,954,424	\$183,864

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #3: REGIONAL REVIEWS

A. PNRS Items (Initial Review)

As of June 11, 2008, there were no outstanding issues or problems to be resolved.

RECOMMENDED ACTION:

Approval.

B. Environmental Impact Assessment/Statement Review

The HRPDC staff is routinely involved in the review of environmental impact assessments and statements for projects involving federal funding or permits as well as state development projects. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Attached is a listing and summary of projects that are presently under review.

Attachments

RECOMMENDED ACTION:

None required.

HRPDC REVIEWS

Commission Action: June 2008

Title: Anadromous Fish Restoration – State of Virginia Fish Passage Coordination and Monitoring

Applicant: Virginia Department of Game and Inland Fisheries

CH#: VA080514-2223760 **St./Fed. Program:** EPA – Chesapeake Bay Program

Staff Contact: Claire Jones **Type of Impact:** Chesapeake Bay watershed

Funding:	<u>\$67,000</u>	<u>\$0</u>	<u>\$67,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$134,000</u>
	Federal	Applicant	State	Local	Other	Program Income	Total

Project Description: This grant will provide necessary coordination and assistance to complete several fish passage projects. It includes funding for the Fish Passage Coordinator position with DGIF as well as supplies and other costs associated with the Fish Restoration project.

HRPDC REVIEWS

Commission Action: June 2008

Title: Virginia's Coastal Zone Management Program – 23rd Year Implementation Grant

Applicant: Virginia Department of Environmental Quality

CH#: VA080521-2323760 **St./Fed. Program:** NOAA – Coastal Program Grants

Staff Contact: Claire Jones **Type of Impact:** Chesapeake Bay watershed

Funding:	<u>\$2,571,000</u>	<u>\$768,311</u>	<u>\$655,790</u>	<u>\$610,899</u>	<u>\$0</u>	<u>\$0</u>	<u>\$4,606,000</u>
	Federal	Applicant	State	Local	Other	Program Income	Total

Project Description: This grant will allow the Commonwealth to continue funding activities of Virginia state agencies and local governments to improve the management and protection of Virginia's coastal resources. It includes funding for technical assistance from planning district commissions to their local government members and special projects such as the first year of a new focal area: Sustainable Community Planning.

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HRPDC REVIEWS

Commission Action: June 2008

Title: Virginia Naturally Mini-Grants to Support Chesapeake Bay B-Wet Program

Applicant: Virginia Department of Environmental Quality

CH#: VA080530-3023760 St./Fed. Program: NOAA – Chesapeake Bay Studies

Staff Contact: Claire Jones Type of Impact: Chesapeake Bay watershed

Funding:	<u>\$135,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$135,000</u>
	Federal	Applicant	State	Local	Other	Program Income	Total

Project Description: This project will result in the funding of 10 to 15 meaningful watershed experience projects in Virginia per year for three years. The NOAA B-WET mini-grant funds will be administered through the existing Virginia Naturally mini-grant program housed at DEQ.

Environmental Impact Reviews

Date Received

Number

Name

Sponsor

Description

The College of William and Mary proposes to install sanitary sewer, water, and hot and chilled water lines to the new School of Business building on the campus in the City of Williamsburg. Approximately 840 feet of new 12-inch sanitary sewer line and 975 feet of 4-inch force main would be installed for connection to the business school building. The existing hot and chilled water lines loop would be extended from the existing hot and chilled water plant to the new business school by routing across a grassed area between Jones and Morton Halls, and then run under Ukrop Way to the business school. Three-hundred feet of 8-inch water line and 805 feet of hot/cold return lines would be installed. Demolition and reconstruction of 715 linear feet of Ukrop Way would be required for the utilities installation.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Department of Correction proposes to construct Phase II improvements at the Deerfield Correctional Center in Southampton County. Phase II construction would include: a new 8,210 square foot maintenance building with a 3,880 square foot covered area and 22 vehicle parking lot (0.27-acres total footprint); a 1-acre softball field, two volleyball courts, two horseshoe courts, a restroom facility; a new fence perimeter road; the expansion of an existing parking lot by 40 feet (51 spaces); and approximately 1,434 feet of new security fence.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

Christopher Newport University proposes to construct an addition to the Freeman Center located between University Place and Warwick Boulevard on the campus in Newport News. The addition would be a two-story brick structure of approximately 65,000 square feet. Part of the existing Freeman Center would be demolished to allow for the planned addition. Portions of the addition would be constructed on parcels currently owned by the Virginia Department of Transportation. However, in an agreement between CNU and VDOT, VDOT will return the parcels to CNU following the completion of road improvements to Warwick Boulevard. Construction of the addition would not occur until the parcels are returned to CNU.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Navy at Naval Amphibious Base Little Creek, Virginia Beach, proposes to perform testing of Integrated Swimmer Defense (ISD) User Operational Evaluation Systems (UOES). The UOES are made up of multiple components including high-frequency sonar, surface and underwater loud hailers, and a non-lethal diver deterrent (NLDD) air gun. These systems would be utilized in the context of scripted scenarios using Navy divers simulating potential swimmer and diver threats. Testing would occur on and around Pier 4 within Little Creek Harbor and would begin in August 2008 and occur periodically over a five year period. Divers would enter the water at a specified distance from Pier 4 and would be instructed to covertly approach the Pier, or a designated high value asset, while test operators utilize the suite of UOES components to detect and interdict the threat.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Chesapeake Regional Airport proposes to construct a fire suppression system including a water storage tank and a pump station. The tank will be 250,000 gallons and will be connected to the existing 12-inch water line serving the t-hangar area and terminal building. The water line will be extended 300 linear feet to reach the hangar northeast of the existing terminal. The FAA has submitted a Federal Consistency Certification which finds the proposed action consistent with the enforceable policies of the Virginia Coastal Resources Management Program.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Army Corps of Engineers (Corps), Norfolk District is currently in the process of revising and reissuing six existing Regional Permits (RP-15, RP-17, RP-18, RP-19, RP-22, RP-40) and two Letters of Permission (LOP-01 and LOP 02). All of these permits are currently in effect, but will expire on August 14, 2008. A brief description of each RP and LOP is as follows:

RP-15: for maintenance of existing drainage ditches and mosquito control ditches;
 RP-17: for private open-pile piers, mooring piles, certain covered boathouses and devices associated with shellfish gardening;
 RP-18: for private piers that exceed the limits of Regional Permit 17, but have minimal individual and cumulative navigational and environmental impacts;
 RP-19: for 15 activities over which the Virginia Marine Resources Commission and/or the local wetlands board have regulatory authority;
 RP-22: for construction of boat docks, boat ramps, and boathouses, excavation of boat slips and channels, construction and backfilling of bulkheads and placement of riprap for shoreline stabilization, and installation of submerged utility and aerial transmission lines in the Virginia Portion of Lake Gaston;
 RP-40: for maintenance dredging and/or excavation of non-tidal waters for sediment and debris removal associated with flooding and/or erosion;
 LOP-01: for certain Virginia Department of Transportation activities; and
 LOP-02: for certain navigationally-related recreational and commercial dredging projects.

The Norfolk District seeks water quality certification (WQC) under Section 401 of the Clean Water Act for those RPs and LOPs that will result in a discharge within the Commonwealth of Virginia. Furthermore, the Corps public notice is its determination of Coastal Zone Management Act (CZMA) federal consistency, pursuant to Section 307©(1) of the CZMA for activities within or affecting the Commonwealth's coastal zone.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Coast Guard proposes to revise the list of permanent safety zones established for fireworks displays. Safety zones are established to protect life and property of the maritime public from the hazards posed by fireworks displays. In Virginia, 7 new safety zones will be established, including along the Appomattox River, the John H. Kerr Reservoir, Chesapeake Bay in Hampton, Virginia Beach (2), the Nansemond River and the James River in Williamsburg. The enforcement period for the safety zones is from 5:30 pm to 1:00 am. Vessels may enter, remain in or transit through the safety zones during these times if authorized by USCG personnel. The safety zones would be enforced 2-3 times during the year.

Affected Localities

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #4: COOPERATIVE GROUND WATER PROGRAM – USGS CONTRACTS

A. USGS Contracts

Since 1986, the HRPDC has participated in a Cooperative Regional Ground Water Study Program with the U.S. Geological Survey. This program includes a number of routine components addressing ground water quantity and quality. It also incorporates special studies, including development and refinement of the Coastal Plain Ground Water Model, development of technical information and analyses to support the localities, region and state in ground water management and many of the studies of the Chesapeake Bay Impact Crater. Funding to support these efforts is provided by the Directors of Utilities Committee through the Regional Water Program.

In cooperation with the Directors of Utilities Committee and HRPDC staff, USGS has developed a series of projects for FY 08-09 for funding through this program. They include:

- Coastal Plain Ground Water Data – Water Level Monitoring
- Chloride Monitoring
- Chloride Data Analysis
- Piney Point Aquifer Study
- Update Ground Water Pumpage Data
- Modeling Scenarios

Funding to support these projects is included in the HRPDC Budget. The Directors of Utilities Committee has approved the specific projects and scopes of work.

The HRPDC staff and the Directors of Utilities Committee recommend that the Executive Director be authorized to execute these contracts with USGS.

RECOMMENDED ACTION:

Concur with staff recommendation.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #5: COASTAL AND ESTUARINE CONSERVATION LANDS PROGRAM – APPLICATION

The National Oceanic and Atmospheric Administration has requested proposals for projects to be funded through the Coastal and Estuarine Conservation Lands Program (CELCP). Proposals are submitted through the Virginia Department of Environmental Quality (Virginia Coastal Zone Management Program). Proposals that are accepted are included in NOAA's submission to Congress. All projects are funded through Congressional earmarks. Historically, Virginia has received funding for projects in the Potomac Gorge (Northern Virginia), Dragon Run (Middle Peninsula), Eastern Shore and Jamestown.

In Spring 2005, the Joint Land Use Study Policy Committee (cities of Chesapeake, Norfolk and Virginia Beach and U.S. Navy) submitted a request to the Hampton Roads Congressional Delegation for funding through this program. That proposal was unsuccessful due, at least in part, to timing and it was not submitted through the state. Since that time, the HRPDC staff has continued to work with staff from the cities of Chesapeake and Virginia Beach and the Navy to refine the process for selecting sites in the areas around NAS Oceana and ALF Fentress that might be eligible for funding through this program.

At its December 2005 Executive Committee meeting, the HRPDC authorized the HRPDC staff to submit a project-specific formal proposal for funding. That proposal was submitted and survived the NOAA approval process. However, it did not make the final funding list following Congressional Committee markup. Again, in November 2006, the HRPDC Executive Committee authorized the HRPDC staff to submit a refined project-specific proposal for funding. Although the project moved up the NOAA priority list, it did not make the cut for funding.

NOAA and the Virginia Coastal Zone Management Program are now working on the next round of projects, which would be included in the FY 09 federal budget. The HRPDC staff has worked with staff from the cities of Chesapeake and Virginia Beach and the Virginia CZM Program to develop a refined project proposal.

On May 22, 2008, the HRPDC received notice from the Virginia CZM Program staff requesting submittal of proposals by June 4, 2008. At the request of the HRPDC staff and others, the state extended the proposal deadline to June 9, 2008. In the interim, the HRPDC staff requested input from the localities through the HRPDC Joint Environmental Committee, Directors of Planning and Directors of Parks and Recreation. Because of time constraints and the need to develop extensive project documentation on potential projects that meet the program's criteria, only one project concept was proposed.

The cities of Chesapeake and Virginia Beach recommended that the SWAMP/JLUS project noted above be resubmitted because this project already met the program criteria, was located in a priority area according to the state's plan and could be repackaged quickly. The concept was discussed with the Joint Environmental Committee at its meeting on June 5, 2008. There was general agreement with this approach given the time constraint. The proposal was submitted on behalf of the two cities by the state's deadline of noon on June 9, 2008.

This project will assist the two cities in meeting Navy and BRAC expectations for protection of NAS Oceana and ALF Fentress. It will preserve environmentally sensitive lands, providing both environmental benefits and future recreation and education benefits. It is consistent with the Southern Watershed Area Management Program (SWAMP) and its Multiple Benefits Conservation Program and the Comprehensive Plans of the two cities.

Concurrently, the Joint Environmental Committee agreed with an HRPDC staff recommendation that an intensive effort be undertaken to develop a regional conservation corridor/conservation lands plan, which includes specific project proposals and funding priority criteria. The HRPDC staff and Committee believe that this approach will enable the entire region to compete for grant funding in a more effective and equitable manner. This approach will also address concerns expressed by Commissioners at the April 2008 Quarterly Commission Meeting. Funding to support this effort is included in a grant from the Virginia CZM Program, which should be available in October.

In order to move this project forward, the HRPDC staff recommends that the HRPDC:

1. Authorize the Executive Director to submit a proposal for funding under the Coastal and Estuarine Lands Conservation Program on behalf of the cities of Chesapeake and Virginia Beach.
2. Accept a grant when it is offered in accordance with administrative procedures to be developed in cooperation with the two cities.
3. Endorse the project as being consistent with local and regional plans for purposes of completing the Regional Reviews of PNRS Items.
4. Endorse the concept of developing a regional conservation corridor/conservation lands plan to include specific projects, funding criteria and funding priorities.

RECOMMENDED ACTION:

Concur with staff recommendations.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #6: MARKING OF SEWER LATERALS

At the November 2007 Executive Committee Meeting, the HRPDC approved positions on several potential legislative proposals for 2008. One of these items was the possibility that legislation would be introduced during the 2008 Session of the General Assembly that would require local government utilities – water, sewer and stormwater – to mark water distribution and wastewater collection lines on private property from the property line to the structure. There are a number of issues associated with any such proposal.

- The water distribution lines and wastewater collection laterals are generally owned by the private property owner. Locality has no right of entry.
- These lines are generally made of clay or PVC and there is no technologically feasible means of marking such lines.
- There are significant implications to the locality in terms of cost and application of drinking water quality standards if the locality were to mark such lines.
- The proposal, in effect, transfers liability from gas, electric and other utilities or the private property owner to local governments.

At that time, the HRPDC accepted recommendations from the Directors of Utilities and Regional Stormwater Management Committees to oppose any proposal to require marking of water, sewer and stormwater lines on private property. This position was communicated via letter to the Governor and the Hampton Roads General Assembly Delegation. No proposed legislation was submitted to the General Assembly for the 2008 Session.

The State Corporation Commission (SCC) has continued consideration of requirements that local utilities mark private sewer laterals. The SCC believes that existing statute provides it with the authority to implement such a requirement. The Directors of Utilities Committee has continued to review developments with these regulations and is monitoring the activities of several state organizations of municipalities and utilities. At its meetings on May 14 and June 4, 2008, the Committee considered the attached letter for submission to the SCC expressing the region's concerns about and opposition to these requirements.

The HRPDC staff and HRPDC Directors of Utilities Committee recommend that the letter be approved and that the Chairman be authorized to submit the letter to the SCC.

HRPDC Deputy Executive Director, Physical Planning, John Carlock will be available to address any questions.

Attachment

RECOMMENDED ACTION:

Concur with HRPDC staff and committee recommendation.



DRAFT

PAUL D. FRAIM, CHAIRMAN • BRUCE C. GOODSON, VICE CHAIRMAN • JAMES O. McREYNOLDS, TREASURER
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June 18, 2008

Mr. Massoud Tahamtani, Director
Division of Utility and Railroad Safety
State Corporation Commission
1300 E. Main Street
Richmond, VA 23219

Re: Private Sewer Laterals

Dear Mr. Tahamtani:

The Hampton Roads Planning District Commission (HRPDC) understands that, in implementing the Underground Utility Damage Prevention Act, the State Corporation Commission is considering a staff interpretation of requirements applicable to the marking of private sewer laterals by local utilities and may consider proposing that local utility departments and water and sewer authorities be required to mark private sewer laterals. This proposal, as we understand it, covers private laterals both within the public right of way and on the adjacent private property.

At its Executive Committee Meeting of June 18, 2008, the Hampton Roads Planning District Commission acted to express its significant concern and opposition to this proposal. The HRPDC previously expressed its opposition to this requirement at its November 21, 2007, Executive Committee Meeting. This action reflects the following:

1. The wastewater collection (sewer) laterals and water distribution lines are generally owned by the private property owner, not the locality or other public utility. These lines are installed by the private property owner and are owned and maintained by the owner. The locality has no right of entry to mark these lines on private property.
2. A requirement to mark sewer and water lines on private property exposes the locality or other utility to substantial liability as well as increased costs. In effect, the proposal would transfer liability from gas, electric and other utilities or the private property owner to the local government or other public water and sewer authority.

Mr. Massoud Tahamtani, Director
June 18, 2008
Page 2

3. Sewer laterals and water service lines are generally made of clay or PVC material and there is no technologically feasible means of marking such lines. In addition, available mapping frequently does not provide an accurate location for such lines.

The HRPDC understands that you and other SCC staff anticipate meeting with representatives of the water and wastewater industries to discuss this requirement and industry concerns with the proposal. The HRPDC requests that representatives of the HRPDC Directors of Utilities Committee be included in this discussion to support development of a reasonable proposal.

The Hampton Roads Planning District Commission appreciates the opportunity to comment on this proposal and looks forward to working with you and your staff to address its concerns. If you have any questions on the position of the HRPDC in this matter, please contact John Carlock of the HRPDC staff.

Sincerely,

Paul D. Fraim
Chairman

PDF/mkf

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #7: 2008 HAMPTON ROADS DATA BOOK

The Hampton Roads Data Book is an annual publication. The Data Book is a source for current and historical data on the region's population, income and earnings, employment, labor force, retail sales, building permits, real estate, lodging, ports, vehicle registrations, and local tax collections. Sections of the Data Book will be made available online via the website at www.hrpdcva.gov.

Mr. Greg Grootendorst, Deputy Executive Director, Economics, will provide a brief overview of this publication.

Enclosure - Separate - Commissioners Only

RECOMMENDED ACTION:

Approve for distribution.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8: REGIONAL GROUND WATER MITIGATION PROGRAM

In August 1994, the region's localities and the HRPDC executed a Memorandum of Agreement establishing the Regional Ground Water Mitigation Program. The MOA was renewed in May 2000 and July 2006.

Through this program, the HRPDC staff analyzes the impacts of municipal ground water withdrawals on other well owners. In the normal course of business and as a condition of their ground water withdrawal permits from the state, the localities operate mitigation programs, which provide financial assistance to well owners whose wells are adversely impacted by the operation of the municipal withdrawal. The HRPDC staff evaluates mitigation claims and develops recommendations on the proportionate responsibility of the localities for these claims.

Over the past several months, the HRPDC staff has completed a number of evaluations on behalf of the localities. The staff works closely with the Directors of Utilities Committee in this effort.

HRPDC Deputy Executive Director, Physical Planning, John Carlock will provide a brief overview of the program.

Enclosure – Separate – Commissioners Only

RECOMMENDED ACTION:

No action required.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #9: HURRICANE PREPAREDNESS POLL

The HRPDC Emergency Management staff has reviewed a recent poll regarding the apathy towards hurricane preparedness in the Gulf and Atlantic coastal states. The results from this poll could be an indicator of what to look forward to from residents in Hampton Roads in the event of a hurricane.

On the heels of two mild storm seasons, Americans are still complacent and unprepared for hurricanes according to a new Mason-Dixon poll released in May 2008. The poll shows some residents of hurricane-vulnerable states will not evacuate and prefer to weather storms at home. Many residents lack disaster plans, and many are still misinformed about how to protect themselves and their families during a storm. The Mason-Dixon poll was commissioned by American Initiatives which has since launched the 2008 National Hurricane Survival Initiative. The initiative aims to not only educate residents living in hurricane-vulnerable states like Virginia about the risks they face and the steps they must take to protect themselves and minimize damage, but also serves as a reminder that we must continue to educate residents through local initiatives as well.

Mr. Rich Flannery, Regional Emergency Management Planner, will provide a brief overview of these findings.

RECOMMENDED ACTION:

None required.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #10: PROJECT STATUS REPORT

A. Joint Environmental Committees

The Regional Stormwater Management Committee (RSMC) and Hampton Roads Chesapeake Bay Committee (HRCBC) met on June 5, 2008.

The Committee received briefings on the following issues:

- DEQ – Virginia Environmental Excellence Program
- VML – Go Green Challenge
- Private Consultant, on behalf of Virginia Beach – Wetlands Training Program
- HRPDC staff –Virginia Energy Plan, Coastal and Estuarine Conservation Land Program, Plastic Bag Recycling, Bacteria Monitoring Proposal

The Committee also received updates on a number of state, regional and local program activities.

Committee members indicated considerable interest in the Go Green Challenge and believe that it would be a good idea for all of the region's VML members to participate. This would provide a new marketing opportunity for the region: Hampton Roads: America's First Green Region.

The RSMC will hold a special meeting on June 19, 2008. This will be an intensive workshop with the consultant on the developing Permit Administration and Reporting System (PARS). It will also include discussion of the recently approved Phase II Stormwater General Regulation and Permit, the pending submittal by the state of the Phase I Stormwater Permits to EPA and the ongoing development by the state of the various components of the State Stormwater Management Regulations.

The HRPDC staff continues to work with the RSMC on a number of activities including:

- The draft MS4 Stormwater Permits for the region's six Phase I localities - the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach - remain on hold, pending discussions between DCR and EPA. The Board of Soil and Water Conservation approved these permits for submittal to EPA in November. It is presently expected that the first of these permits will be submitted to EPA for review by mid-July.
- At its meeting on May 15, 2008, the Board of Soil and Water Conservation approved the Phase II MS4 General Permit Regulation and Permits. The HRPDC staff briefed the HRPDC Executive Committee on this Regulation at its meeting on May 21, 2008. The HRPDC staff and the Phase II Subcommittee

will discuss the new permits and immediate steps that are required to comply with the permits at the Subcommittee Meeting on June 19, 2008.

- The Notice of Intended Regulatory Action for revising the state's Stormwater Management Regulations was reissued in February. The Technical Advisory Committee (TAC), established by DCR to assist it in developing the new Stormwater Management Program Regulations that will govern development activities and the Construction General Permit, is scheduled to hold the first of four planned meetings on June 10, 2008. The region continues to have two local government representatives on this committee. The TAC also includes representatives of several engineering consultants from Hampton Roads. This TAC is addressing technical criteria for stormwater management, stormwater permit fees and requirements for local program development and approval.
- To support the work of the TAC, DCR has established several other work groups and advisory committees, which are addressing development of new criteria for stormwater quantity management, a web-based Best Management Practices Clearinghouse and revisions to the state stormwater management handbook. Hampton Roads localities are represented on all of these groups. Through the RSMC, these individuals brief the other localities and receive input from them.
- DCR has issued a Notice of Intended Regulatory Action that it will amend the General Permit Regulation applicable to Construction Activities. Because of the importance of this regulation to implementation of local stormwater and erosion and sediment control programs, and the MS4 Permits, the HRPDC staff, on behalf of the RSMC, submitted comments on this regulation. A TAC will be convened by DCR to assist in the process of revising this permit.

B. Directors of Utilities Committee

The Directors of Utilities Committee met on May 14 and June 4, 2008, and is scheduled to meet on June 11, 2008. At the May 14th meeting, the Committee received a briefing on the Virginia WARN (Water and Wastewater Agency Response Network) and discussed a variety of water and wastewater issues. The June 4, 2008, meeting was the committee's semiannual Joint Meeting with the Directors of Health. The committee received briefings on the Hampton Roads Public Works Academy and state drinking water regulations. The Directors of Utilities and Health had a wide ranging discussion of evolving regulations affecting drinking water and various issues associated with water supply and public health. The June 11th Special Meeting will include a briefing on the Cooperative Water Resource Management Program of the Interstate Commission on the Potomac River Basin and reports on the Sanitary Sewer Overflow (SSO) Consent Order efforts.

The Capacity Team Subcommittee continues to meet weekly. The Legal Team, supporting the SSO Consent Order process, continues to meet as necessary, generally through conference calls.

All participants in the Regional SSO Consent Order continue to meet all deadlines under the Order. In addition, the localities continue to support HRSD in its efforts to comply with the EPA Administrative Order, which was issued by EPA in August 2007.

On June 3, 2008, a regional training session on the topics of wastewater system modeling and rainfall derived infiltration and inflow was held. Total attendance at the seminar, which was directed at local government staff and their consultants, was approximately 70 people.

Local government and HRPDC staff are developing a model ordinance on management of fats, oils and grease and associated educational materials and programs. This group is operating as HR FOG and is a subcommittee of the Directors of Utilities.

Work continues on various aspects of the Regional Water Supply Plan. A model water conservation ordinance and associated commentary was discussed with the Committee in April. Copies of the model ordinance, which is consistent with the state's drought response framework, are being distributed to the localities for consideration. Staff from the HRPDC and several of the region's localities participated in the Governor's Drought Forum on June 2, 2008. They will also be participating in a DEQ-sponsored workshop on June 16, 2008, on the drought, water conservation and demand management components of the regional water supply planning process.

Work on the grit and grease-drying facilities for the Peninsula and the Southside is continuing. The Peninsula Subcommittee is finalizing a contract governing design, construction and operation of a facility as well as the formula for allocating costs among the participating localities. Contract approval by the participating localities is expected to occur during the next month. Work on the design of the Southside facility is continuing through an HRSD contract. The Southside Subcommittee met on June 4, 2008. Subcommittee members are continuing to review the design and construction cost estimates developed by HRSD and its consultant. It is expected that the Peninsula Subcommittee will meet in the next month to discuss the status of these efforts.

C. Conservation Corridors – Land Acquisition Opportunities

At the April 21, 2008, Quarterly Commission Meeting, the HRPDC approved a letter to Governor Kaine supporting a request for financial support for a land acquisition project in the city of Virginia Beach. Following up on that approval, staff from the city of Virginia Beach and the HRPDC met with Virginia Deputy Secretary of Natural Resources Nikki Rovner and representatives of the Conservation Fund on April 25, 2008, to discuss the proposal for a partnership between the state and the city to protect conservation lands in the Lynnhaven and Elizabeth River watersheds. The discussion included an overview of the Hampton Roads conservation corridor network and the role of strategic conservation planning in the development of the proposal. Ms. Rovner expressed interest in the project and asked that the city supply additional information on opportunities for coordination

between the city and state agencies in the accomplishment of mutual land management and programmatic goals.

A meeting was held between representatives from the Virginia Department of Conservation and Recreation, the cities of Chesapeake and Virginia Beach and the HRPDC on May 19, 2008, to discuss partnership opportunities. This discussion focused on land conservation acquisition opportunities in the Southern Watersheds of the two cities. It addressed issues associated with the earlier Coastal and Estuarine Lands Conservation proposal and the acquisition of conservation lands associated with the Hampton Roads Joint Land Use Study. Based on the May 19, 2008, meeting and subsequent discussions among the state agencies, two localities and HRPSD staff, the 2007 proposal for the Coastal and Estuarine Lands Conservation Program has been refined and resubmitted.

The next step in the Hampton Roads Conservation Corridor effort, which has received funding from the Virginia CZM Program, includes further refinement of the Corridor System throughout the region. This effort will involve development of a formal plan, including development of discrete project proposals and a regional priority setting process. The importance of this effort has been underscored by recent experience with state and private grant initiatives with extremely tight deadlines. For the region and its localities to compete successfully for these funds, it will be necessary to have a set of priority projects "on the shelf" and ready for submittal.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: FOR YOUR INFORMATION

As of July 1, 2008, hard copies of the PDC agenda packet will be sent to Commissioners only. All others currently receiving the packet will receive an email notifying them it is available on the HRPDC website, www.hrpdcva.gov. A link will be provided in the email each month.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #12: OLD/NEW BUSINESS