

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #14: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

SUBJECT:

In response to the November 9, 2011 letter from DCR to localities, the Hampton Roads localities have determined that the best way to meet the State's requirement while protecting the interests of local governments is for the Hampton Roads Planning District Commission to compile Phase II WIP scenarios from localities and submit an aggregate input deck to Virginia as an appendix to local government submittals to DCR.

BACKGROUND:

The director of the Department of Conservation and Recreation (DCR), Mr. David Johnson, sent a letter on November 9, 2011 to local governments identifying the state's data needs for the Chesapeake Bay TMDL Phase II Watershed Implementation Plan. The requests included:

1. Develop a current BMP inventory.
2. Evaluate the land use / land cover information.
3. Review the 2017 and 2025 BMP scenarios as identified in the Phase I WIP and develop preferred local scenarios that provide a similar level of treatment.
4. Develop strategies to implement the preferred BMP scenarios.
5. Identify any resource needs to implement the strategies and BMP scenarios.

To address the State's request, the Hampton Roads Planning District Commission endorsed the following process at its meeting on November 17, 2011:

1. Localities will each submit an individual plan to DCR that focuses on narrative strategies and includes items 1, 2, 4, and 5.
2. HRPDC staff will translate strategies into a report with two regional BMP scenarios of the cumulative local strategies to address item 3. One scenario would address the portion of Hampton Roads in the James River basin and the other would address the York River basin. The regional report will be presented at the HRPDC Quarterly Commission Meeting on January 19, 2012. Following Commission action, it will be provided to the localities for submission to DCR as an appendix to each locality plan.

In order to meet this schedule, localities will need to submit data to HRPDC no later than December 28, 2011. The proposed schedule was discussed with the Chesapeake Bay TMDL Steering Committee at its December 1, 2011 meeting. It has been provided to the Chief Administrative Officer of the participating localities.

Whitney Katchmark, Principal Water Resources Engineer, will provide a presentation reviewing the deliverables that HRPDC and localities need to prepare.

RECOMMENDED ACTION:

Endorse the data submittal process.

Attachment 14: Sample Letter from VA DCR to local governments



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

November 9, 2011

The Honorable Paul Fraim
Mayor, City of Norfolk
810 Union Street, Suite 1001
Norfolk, Virginia 23510

Mr. Marcus Jones
City Manager, City of Norfolk
810 Union Street, Suite 1001
Norfolk, Virginia 23510

Dear Mayor Fraim and Mr. Jones:

As previously communicated, Virginia is in the process of developing a Phase II Watershed Implementation Plan (WIP) to help guide the cleanup efforts for the Chesapeake Bay. The Phase II WIP will be a refinement of the Phase I WIP that was developed to address the Chesapeake Bay TMDL. In our review of the recent revision to the Chesapeake Bay model that EPA is using to estimate nutrient loads to the Bay, we have identified several key problems with the model. Many of these issues stem from the improper representation of nutrient management planning on agricultural lands. We are working diligently with EPA to resolve these concerns.

In light of the above concerns about the Chesapeake Bay watershed model, we are pursuing two concurrent paths. First, we will continue discussions with EPA on how to refine the model to more accurately reflect the real benefits of agricultural nutrient management planning.

Second, as discussions with EPA progress, we will continue with the Phase II WIP planning process. Due to the limitations of the model we are modifying our approach. The most significant change will be a shift in focus away from establishing local reduction goals to BMP implementation levels of effort. Accordingly, we are slightly modifying the information we are asking local governments, Planning District Commissions (PDC) and Soil and Water Conservation Districts to provide in support of the WIP II document (note that most of the information is the same as previously requested):

- Develop a current BMP inventory – this information will be used to update implementation progress data in the Chesapeake Bay model;
- Evaluate the land use / land cover information included in the model and provide more accurate land cover information you may have – this will be of tremendous assistance in ensuring that model revisions made in the future will more accurately reflect land use information in your locality;

The Honorable Paul Fraim
Mr. Marcus Jones
November 9, 2011
Page 2

- Review the 2017 and 2025 BMP scenarios as identified in the Phase I WIP and develop preferred local BMP scenarios that provide a similar level of treatment – identified local BMP scenarios will be aggregated and incorporated into the Phase II WIP;
- Develop strategies to implement the preferred BMP scenarios – strategies will also be aggregated and used in the development of Virginia’s Phase II WIP; and
- Identify any resource needs to implement the strategies and BMP scenarios – this information will be used in drafting Virginia’s Phase II WIP and developing of cost estimates for the implementation of the WIP.

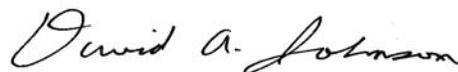
To achieve these objectives, we will provide you with the latest Chesapeake Bay model information for your area, recognizing that the model shortcomings will likely raise questions. We will provide access to an online tool called the Virginia Assessment and Scenario Tool (VAST), which will allow you to develop alternative BMP implementation scenarios and serve as a mechanism for you to report your information to the state. Training to local government staff has taken place on the use of the VAST tool throughout the state and hopefully these sessions have been beneficial. The deadline for submission of local information in support of the Phase II WIP is February 1, 2012. If local information is not provided before that date, the BMP scenarios developed as part of the Phase I WIP process in 2010 will be used as the default information for your locality.

To further assist you, we have provided grant funding for Phase II planning assistance and offered several sources of technical assistance to both PDCs and local governments. Specific information about sources of assistance has been communicated to your staff. Your staff will also be provided with a template for submission of the strategy and resource needs described above.

The approach the Commonwealth is using is one that we believe will result in the development of a plan that contains strategies that are both cost effective and locally appropriate. It is intended to allow flexibility for localities to use local information and existing program capacity to inform the development of Virginia’s Phase II Watershed Implementation Plan. We will continue to work closely with the PDCs, localities, and Soil and Water Conservation Districts to assist and facilitate the process. We hope that you will continue to engage and participate, so that we may work together to achieve our common goals of improving the quality of local streams and the Chesapeake Bay over the next 15 years and into the future.

If you have questions regarding this process, please do not hesitate to contact Joan Salvati at (804) 225-3444.

Sincerely,



David A. Johnson

c: Dwight L. Farmer, Executive Director, Hampton Roads Planning District Commission