

**AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #8A: MINUTES**

The Minutes of the HRPDC Quarterly Commission meeting of July 19, 2012 are attached.

**RECOMMENDED ACTION:**

The HRPDC staff recommends approval of the minutes.

Attachment 8A-1

**Hampton Roads Planning District Commission**  
**Quarterly Commission Meeting**  
**Minutes of July 19, 2012**

The Quarterly Commission Meeting was called to order at 9:30 a.m. with the following in attendance:

**COMMISSIONERS:**

Thomas G. Shepperd, Jr. Chairman (YK)  
Kenneth Wright, Vice Chairman (PO)\*  
Amar Dwarkanath (CH)  
Dr. Alan P. Krasnoff (CH)\*  
Eric Martin (CH)  
Dr. Ella Ward (CH)  
Barry Cheatham (FR)  
Randy Martin (FR)  
Ashley Chriscoe (GL)  
Brenda Garton (GL)  
W. Douglas Caskey (IW)  
Robert Middaugh (JC)

Mary Jones (JC)  
McKinley Price (NN)  
Neil A. Morgan (NN)\*  
Marcus Jones (NO)  
Thomas Smigiel (NO)  
Kenneth L. Chandler (PO)\*  
Selena Cuffee-Glenn (SU)  
Tyrone W. Franklin (SY)\*  
Harry E. Diezel (VB)  
Barbara M. Henley (VB)  
James Spore (VB)  
Clyde Haulman (WM)

**EXECUTIVE DIRECTOR:**

Dwight L. Farmer

\*Late arrival or early departure.

**ABSENT:**

Mary Bunting (HA), Molly Joseph Ward (HA), Delores Darden (IW), Sharon Scott (NN), Paul D. Fraim (NO), Anthony Burfoot (NO), Angelia Williams (NO), W. Eugene Hunt (PQ), J. Randall Wheeler (PQ), John Seward (SY), Michael W. Johnson (SH), Ronald W. West (SH), Linda T. Johnson (SU), John E. Uhrin (VB), John Moss (VB), Robert M. Dyer (VB), Louis R. Jones (VB), Jackson C. Tuttle II (WM), James O. McReynolds, (YK).

**OTHERS RECORDED ATTENDING:**

John Gergely (Citizen); Cliff Hayes, Sam Sawan (CH); Ron Williams, Jeff Raliski, Bryan Pennington, Chris Whitney (NO); Eric Nielsen, Tyler Wilson (SU); Brian DeProfio (HA); Michael King, Jerri Wilson (NN); Sherri Neil (PO); Eric Nielsen (SU); Robert Matthias, Thomas Leahy (VB); Patrick Wales, VUI; Bob Burnley, SELC; Kay Kemper, Joel Andrus; Kemper Consulting; Hannah Wiegard, Chesapeake Climate Action Network; Larry Atkinson, ODU; Skip Stiles, Wetlands Watch; Nelson DA Cruz, HDR; W. Dewey Harley, Branscome Inc., Ellis W. James, Sierra Club Observer; Edward R. Baird, Jr. Metro Marine; Steve Romine, LeClair Ryan; Ray Taylor, FHR; Mitzi Crystal, VDOT; Angela Bezik, Principle Advantage LTD; Mark Geduldig-Yatrofsky, Portsmouth City Watch Org.; Henry J. Huelsberg, Willcox & Savage; Cathy Aiello – Aiello Enterprises; Staff: John Carlock, Camelia Ravanbakht, Jasmine Amanin, Richard Case, Shernita Bethea, Melton Boyer, Jennifer Coleman, Katie Cullipher, Nancy Collins, Kathlene Grauberger, Greg Grootendorst, Lisa Hardy, Frances Hughey, James Hummer, Whitney Katchmark, Sara Kidd, Mike Kimbrel, Robert Lawrence, Mike Long, Jai McBride, Benjamin McFarlane, Kelli Peterson, Jennifer Tribo, Joe Turner and Chris Vaigneur.

Chairman Shepperd stated because we do not have a quorum for a full Commission meeting, we will open the meeting as an Executive Committee. He also, stated the Commission meeting has a new format they will follow and has also gone electronic.

### **APPROVAL/MODIFICATION OF AGENDA**

Chairman Shepperd asked if there were any modifications or additions/deletions to the agenda. Hearing none he asked for a motion to approve the agenda.

Commissioner Cheatham Moved to approve the agenda; seconded by Commissioner E. Ward. The Motion Carried.

*(Commissioner K. Chandler Arrives)*

### **REGIONAL CLIMATE CHANGE REPORT – PHASE III FINAL REPORT**

Chairman Shepperd introduced Mr. Benjamin McFarlane to provide an overview of the Regional Climate Change Report.

Mr. McFarlane stated he would be presenting the final report for Phase III of the HRPDC regional climate change project. The report, results, findings and recommendations were described at the June Executive Committee meeting. HRPDC staff have been working on this multi-year grant project since 2008. This effort was funded in part by the Virginia Coastal Zone Management Program which is part of the Virginia Department of Environmental Quality. The first report was released in 2010, the second was released in 2011, and the third one is being discussed today and is focused on sea level rise. It has been discussed for the last several months with the Joint Environmental Committee and now the Commission.

Mr. McFarlane stated this project has three components. The first component was a technical report describing the region's exposure to sea level rise. The second component was community outreach, which consisted of HRPDC staff meetings with the public and other interested parties to present their work and answer questions. The third component consisted of HRPDC staff coordinatinng their efforts on related projects with other organizations, including VIMS, ODU, federal and state agencies, and local governments.

Mr. McFarlane stated the report describes HRPDC climate change efforts for the grant period and includes a discussion of sea level rise trends and projections for Hampton Roads. It describes the GIS analysis of the region's exposure to sea level rise and lays out several findings and recommendations. The report includes four appendices which include descriptions of various outreach and coordination efforts, sample presentations, links to climate adaptation work by other PDCs in Virginia, and a map book showing which areas in the region are exposed to sea level rise. It also contains several findings and recommendations that we have made over the course of the grant and through our discussions with local government staff and others.

HRPDC staff is presently working with several partners to acquire data and acquisition of regional LiDAR data. Sea level rise is expected to be a major issue for many Hampton Roads localities. Therefore, it is recommended that localities begin planning for sea level rise through their comprehensive and other plans. Although various federal and state agencies and Commissions have made recommendations, there is no official state or federal guidance to local governments on how they should comprehensively address sea level rise at the local level. HRPDC staff recommends the Commission and Hampton Roads local governments work with state and federal elected officials to develop and fund guidance and assistance to the affected communities. The U.S. Army Corps of Engineers has developed guidance or incorporated sea level rise projections into infrastructure projects. This guidance is discussed in the report and its associated tools have been demonstrated to the regional Joint Environmental Committee. It was recommended that localities and others in the region consider using this guidance for project planning and design in areas that are potentially vulnerable to sea level rise.

Subsidence is a significant contributor to sea level rise in Hampton Roads but is not very well understood. HRPDC staff recommends the region continue to study the causes and rates of subsidence in Hampton Roads. Effective adaptation strategies that address the sea level will vary based on context, feasibility and popular support. HRPDC staff recommends the region continue studying potential strategies for adapting to sea level rise and other impacts of climate change.

Mr. McFarlane stated the HRPDC staff is working with several other local and regional partners to help the region prepare for and adapt to sea level rise and other climate change impacts. These efforts include partnerships with VIMS, ODU, Virginia Sea Grant, UVA, and others. HRPDC is working on a one year Coastal Zone Management Program grant focused on planning for coastal resiliency, which will include sea level rise adaptation. During the review process, comments were received from several local governments that are stakeholders. These comments were discussed with the regional Joint Environmental Committee and were incorporated under the final report. The final report was presented to the Joint Environmental Committee for its recommendation at its meeting earlier in July. The Committee recommends the HRPDC approve the report for publication and distribution.

Chairman Shepperd asked for questions.

The Chairman asked who put this report together.

Mr. McFarlane stated he did.

Chairman Shepperd commended Mr. McFarlane for a job well done.

*(Commissioner K. Wright arrives)*

Chairman Shepperd stated the public comments will take place under the Action Items Agenda. There is now a quorum for a full Commission meeting.

## **RESOLUTIONS OF APPRECIATION**

Chairman Shepperd stated there were two people receiving Resolutions of Appreciation today, Mr. Ross Kearney who served on the Commission for a number of years is not present and Mr. Cliff Hayes. Chairman Shepperd presented Mr. Hayes with a Resolution of Appreciation for his many years of service and wished him well.

Mr. Hayes stated he enjoyed working as a board member and he appreciates the professionalism, hard work, thoroughness and the expertise that comes from the HRPDC staff.

The Commission and staff recognized with applause.

## **STORMWATER MANAGEMENT REGULATIONS**

Chairman Shepperd introduced Ms. Jennifer Tribo to provide a briefing on the Stormwater Management Regulations.

Ms. Tribo stated she would be providing some background information on stormwater regulation changes, schedule for implementation, and an overview of the actions required of local governments. The revision to the regulation began in 2004 when the General Assembly transferred the Virginia Stormwater Management Program from DEQ to DCR, requiring the Soil and Water Conservation Board to adopt new regulations, and localities to establish local programs. After several years of advisory panel meetings attended by HRPDC and local staffs, DCR released the regulations and received 300 pages of public comments that the Board approved, but suspended the regulations due to uncertainty that there would be compliance with the Chesapeake Bay TMDL.

In 2010, the General Assembly set a new schedule for the regulations, stating they must be established within 280 days of development of the Bay TMDL. The DCR worked with the new advisory panel and developed criteria that protected both local water quality and that the Bay TMDL. The regulations were adopted by the Board and became effective in September of 2011. The regulations will not be implemented until July 1, 2014, in order to coincide with the reissuance of the Construction General Permit.

Ms. Tribo stated there are three main goals of the regulations: 1) require local governments to review and approve construction General Permit Applications giving local government control over permit approvals and improving compliance with regulations. Localities will revise their ordinances in order to adopt local programs, and DCR will still issue the permit and have oversight over local programs; 2) establish statewide criteria to protect water quality and allow new development to occur without adding more nutrients to the Chesapeake Bay; 3) establish a statewide fee schedule for permits. Seventy-two percent of the permit fees will go to local government and 28% of those fees to DCR for local program oversight.

Ms. Tribo stated the process of adopting local programs will be difficult. There are benefits of having local control of the speed and quality of plan review and approval: the ability to control economic development and opportunities to address local concerns earlier in the process; protection of local natural resources through approved regulatory compliance; and less confusion for developers who previously had to get plans reviewed by the locality and state for different requirements. The regulations will not be implemented for two more years and there is a lot of work for local governments and the state to complete during that time. Localities must take local programs to the Soil and Water Conservation Board for review and approval between January and July of 2013. Localities can receive up to a one year extension if they demonstrate adequate progress. Currently, local government staffs should be identifying ordinances that need to be revised and developing funding and staffing plans.

The Board will review local programs consisting of local ordinance changes, policies and procedures for program administration, plan review, inspection and enforcement as well as funding and staffing plans. Most Hampton Roads localities are to review development plans for water quality criteria within the Chesapeake Bay Preservation Act areas but references and requirements will need to be revised within those ordinances and there may be some new ordinances that need to be put in place to cover the complete program. The local government adoption of the state program will require additional review times so localities should determine if they need to make any changes to their current plan review process, and if there will be additional program costs. The regulations set the state fee schedule and it does allow the localities to determine their own fees, but they do need to get these developed and reviewed by the Board for approval.

Ms. Tribo stated the HRPDC staff has been working with the state to help develop guidance materials for the localities and define a program to implement details. HRPDC staff will also be involved with the reissuance of the Construction General Permits being developed that will determine some components of the local programs. HRPDC staff is also working through the HRPDC Stormwater Subcommittee to coordinate any key decisions among the localities regarding the local programs, and working to develop any regional legislative revisions as necessary as issues arise from local governments.

Chairman Shepperd asked for questions.

Chairman Shepperd asked how does this Virginia Stormwater Management Regulation vary from the TMDL effort. Is this the answer to the TMDL?

Ms. Tribo stated this is complimentary to the TMDL process. Implementation of the stormwater criteria will fulfill the new development requirements of the Chesapeake Bay TMDL. The TMDL set nutrient limits and these new developments comply with the water quality criteria and the regulations. They will not be adding more nutrients as we are trying to reduce them.

Chairman Shepperd asked if this is going to be the answer to the TMDL requirements.

Ms. Tribo stated it will help meet the requirements, but these are new development requirements. This keeps the nutrient levels steady and localities will need to reduce them through redevelopment, which requires reductions in the nutrients and through retrofit actions, which was discussed previously that the local governments are developing projects to reduce nutrients from the current development.

Chairman Shepperd stated the report mentions expansion of local programs to meet the state mandated effort which appears to be an unfunded mandate on the localities.

Ms. Tribo stated currently, all local governments in Hampton Roads review development plans for local approval, and the state looks at those plans for compliance with the Construction General Permit, and there are some changes to the permit requirements and also the local governments. When reviewing the development plans they will be reviewing the plans for local compliance, as well as compliance with the state requirements.

Chairman Shepperd stated one of the things localities need to do is find out if they have adequate staff to be able to comply with the state mandate. Localities will have to put more staff on an unfunded mandate and localities are going to pay for it because they have to find the money to be able to include adding personnel, engineers, or whoever is needed to make this happen. In addition, the state is getting 28%. Is that something new?

Ms. Tribo stated no it was in the original General Assembly action, and it has been in the regulations. It is a little confusing, the regulations set the statewide fee, but it allows localities to vary their fees. The state will receive 28% of the fees stated in the regulations, but localities can charge more.

Chairman Shepperd asked what the state is using the 28% for.

Ms. Tribo stated the 28% is being used for program oversight and to review local programs. The state is developing an online database to receive the permit applications and issue the permit numbers.

Chairman Shepperd thanked Ms. Tribo.

## **URANIUM MINING**

Chairman Shepperd introduced Mr. Tom Leahy, Virginia Beach Director of Public Works who will brief the Commission on Uranium Mining.

Mr. Leahy stated Virginia Beach commissioned a computer model of the potential water quality impacts in Lake Gaston if an above-grade uranium mine tailing cell were breached by a catastrophic storm such as the storm that struck Nelson County in 1969, it dropped 30 inches of rainfall in six to eight hours. He stated he will show the Commissioners a worst-case scenario for a single above-grade cell failure on the Banister River. He pointed out that it is a misunderstanding of our work to say that they modeled a failure of a disposal cell that was on the Banister River. Looking at the Nelson County storm, as well as other

tailings cells disposal failures over the years, it's clear that Virginia's hydrology could move these tailings to the waterway. We did not model a failure on the river, but the modelers did have to pick a point on the river at which the tailings would enter the river. This is a hypothetical event, it is a very unlikely event and it is something that technology and regulations should prevent. There are two model scenarios; the first was assuming after the catastrophe there was a two-year period of relatively wet weather and then we modeled a two-year period of relatively dry weather. The Lake Gaston pump station did not operate during that time. We looked at three contaminants: radium, thorium, and uranium. With respect to the results not in the reservoir beds but in the water column, that would be of most interest to water suppliers, the biggest problem was radium coming down stream. The model indicated that after this hypothetical catastrophe, radium radioactivity would remain above legal levels for several months during the wet years and six to sixteen months during dry years.

Mr. Leahy showed a video of the results for radium with dry year with a red background and the results showing twenty picocuries per liter, which is about four times the legal limit. The blue background which would be less than one picocurie per liter, and the legal limit is five. One thing noticed in the video was without any driving force, you did not see much intrusion of contamination into the tributaries until flood control operations, which are actually pushing some of the contamination up into the tributaries. The Kerr Dam provides 93% of Lake Gaston's inflow.

Chairman Shepperd asked Mr. Leahy to explain the color change.

Mr. Leahy stated the color is changing as fresh water and inflow is diluting the uranium and flushing it down stream. Right after the event is the very high concentration, and as water moves through Kerr Reservoir, it is diluting and some of it is settling out and some of it is washing downstream.

Mr. Leahy stated Lake Gaston results are very similar to Kerr Reservoir with one exception. Lake Gaston is not operated for flood control, and you will not see intrusion into these tributaries. The largest tributary on Lake Gaston is Pea Hill Creek, where the Virginia Beach Chesapeake water intake is located at the confluence of this sub-tributary within the main body. As you can see in the absence of operating the project, there would be no intrusion into the Creek. However, the inflow from Pea Hill Creek is very small. In a drought, it is probably nonexistent even less in the evaporation from the Creek. When Virginia Beach operates the project, we reverse flow into Pea Hill Creek. There is about 60 to 90 days of storage between the Virginia Beach intake and the main body. When operating the project under normal conditions, it would take about 60 to 90 days to move those contaminants up into Pea Hill Creek and into Virginia Beach intake. Radium, which was the worst actor after two year scenario, is pretty much removed from the water column. Only about 10% to 20% of the radioactivity ends up in the water column. Eighty to 90% settles out in the river and reservoir beds.

Mr. Leahy stated the National Academy of Science has concluded the necessary regulatory framework is not in place today to safely mine uranium in Virginia. They indicated there were steep hurdles, to overcome before it would be. Although it is very unlikely, the Academy did indicate that extreme natural events intersecting with human error or human mismanagement could result in tailings released from above-grade disposal cells. There are arguments from the proponents of uranium mining that all these tailing cells will be built below grade. There is no law or regulation that requires that today, although the federal laws and regulations do favor below grade disposal. The National Academy of Science has specifically dismissed this automatic presumption, pointing out that the only mine licensed in the last 30 years allowed above-grade disposal cells even though below disposal cells were the technically preferred option. Also 30 years ago, the Marline Company prepared an engineering report and indicated that because of high water tables, below grade impoundments and below grade storage disposal cells would not work. At this time, there are no laws and regulations that would mandate below grade disposal. If there was a breach of an above-grade cell caused by a catastrophic event it would probably force the City to shut down the Gaston project for maybe a period of months if it was wet weather, and maybe over a year if it was dry weather. The probability of this is very small but the consequences are great.

Chairman Shepperd asked what is above-grade and below grade?

Mr. Leahy stated Mount Trashmore would be an above-grade impoundment. A below grade impoundment would be if you excavated a large pit below grade and then stored it all below grade and covered it.

Chairman Shepperd stated the concern here is that the above-grade storage of this uranium would end up in the reservoirs?

Mr. Leahy stated yes, if all the tailings were disposed of below grade that would dramatically, if not completely eliminate, the likelihood of released surface waters. It becomes a risk to ground water and whether or not that is going to be allowed is unknown. Someone can say they intend to put them below grade, but five or six years from now if the environmental groundwater conditions do not support it that may not be the option to pursue.

Chairman Shepperd asked if Virginia Beach's concern is that the filings are at such concentration that it would cause seepage into the groundwater.

Mr. Leahy stated it is below groundwater and surface water contamination is the issue. It is a naturally occurring element but it naturally occurs as solid rock hundreds of feet below the ground. It is ground up into sand and clay like particles and it is capable of being moved by air and water, but if the disposal cells were placed below grade, it reduces the likelihood of releasing into the surface environment and increased risk of releasing to the groundwater environment.

Chairman Shepperd stated the concern from Virginia Beach is a percent of your water source coming out of Lake Gaston and Kerr Reservoir and if it is polluted that is going to shut down the source for multiple of years, and Virginia Beach has no alternative source.

Mr. Leahy stated it is a little more complicated because the Cities of Chesapeake, Norfolk and Virginia Beach water supplies are interconnected both physically and contractually. On the average, Lake Gaston provides about a third of the water for Norfolk, Virginia Beach and Chesapeake and depending on the weather it can be more or less. Lake Gaston is actually discharged into Norfolk's reservoirs, and from there, Norfolk provides water to the Cities of Norfolk, Virginia Beach, and to portions of Chesapeake.

Chairman Shepperd stated there are multiple cities involved. Virginia Beach is the one that is bringing forward the issue.

Mr. Leahy stated Virginia Beach is taking the lead because they are the project manager of Lake Gaston.

Commissioner Smigiel stated Norfolk City Council will be considering a similar resolution at its meeting next week. Norfolk is moving forward with supporting Virginia Beach.

Commissioner E. Ward stated City of Chesapeake brought the resolution forward at it's last meeting. The City is looking at the alternative sources, but is supporting the resolution also. The City of Virginia Beach and Chesapeake stands to be highly impacted by the uranium mining project if these materials are released, they could eventually get into the reservoir and impact our water supply tremendously.

Mr. Farmer stated HRPDC staff anticipates having a resolution at the September meeting.

Chairman Shepperd stated at the September meeting there will be a uranium resolution that will be presented to Commission for consideration of the Hampton Roads PDC support. It is the same concern that Virginia Beach and the other cities have.

Chairman Shepperd stated the Commissioners are here because they represent elected bodies of various municipalities, and to come together and talk to each other. This is not a forum in which every organization can come and express its concerns. To express their concerns people are allowed three minutes. In addition, the public can write to the various boards and the Commissions and express their concerns that way. This is where the localities come together and discuss their concerns. This is why there is control with the agenda. If there are oppositions and concerns to the briefing, the public will get their three minutes and they can also bring it to Mr. Farmer's attention with input and it will be read and addressed appropriately.

## **STAFF PERFORMANCE COMPENSATION**

Chairman Shepperd stated this item was brought up at the June meeting. The Personnel and Budget Committee met and their recommendation was to approve the increase. The Commissioners thought they needed more time to process the information and asked Mr. Farmer for additional information because there were gaps in the information from some of the municipalities. Mr. Farmer was asked to create an additional chart.

Mr. Farmer stated he would explain how the Commission went through the process. HRPDC staff put together a budget in March and presented it to the Commission in April for approval with a recommendation for a 2% performance based compensation adjustment. The Personnel and Budget Committee then recommended 1.5%. HRPDC staff included in the agenda packet a chart which showed what had been done from localities' perspectives and also included two other regional entities during the past five years which the Personnel and Budget Committee requested. HRPDC staff went through several methodologies to try to compare what permanent raises, percent bonus, dollar bonus, step increases, and general wage increases the localities had given out.

HRPDC staff looked at a hypothetical situation for a \$50,000 per year employee to see at the end of FY 13, what that hypothetical salary would be. If a 1.5% is awarded to the PDC staff, it would be a \$52,852 in FY 13. If there was no award, the range drops down to fourth or fifth at the bottom of the salary to \$52,071. What we did there was we looked at the average percent raise awarded to that hypothetical employee per year for five years and again if no increase is awarded. We would be at the .83%, and fourth from the bottom, and if we are awarded the 1.5%, the HRPDC staff would average 1.14% for the five years, which again puts us roughly in the middle of what the localities are doing. The HRPDC staff understands the economic conditions, the budget constraints and conditions the localities are working in.

Chairman Shepperd asked for questions or comments. Chairman Shepperd stated this is a consent item for approval and he was taking it out of consent just in case there was discussion because he did want anybody say they did not know about this.

Commissioner Haulman asked Mr. Farmer to tell the Commissioners about the HRPDC staffing over the time period since 2009. Most localities have cut back their staffing. Localities are asking fewer people to do the same jobs. How does HRPDC staffing compare to what happened?

Mr. Farmer stated HRPDC staff is down about 5%. We started at roughly 50 and we are more like the mid-40s. The HRPDC staff who support this facility is down 25% an employee.

Commissioner Haulman stated the HRPDC staffing is much in line with what happened in his locality.

Mr. Farmer stated yes, and from request of the leadership from Newport News, he had talked with Mr. Morgan and HRPDC has cut the FY 13 budget local contribution rate by 2.5% and worked a flat budget. HRPDC federal dollars, which constitute the bulk of it, and state dollars are down as well as our local dollars.

Commissioner Haulman thanked Mr. Farmer.

Chairman Shepperd asked for any other comments or questions.

*(Commissioner Franklin departed)*

## **PUBLIC COMMENTS**

Chairman Shepperd stated there are four people requesting to address the Hampton Roads Planning District Commission. Each speaker has three minutes. The meeting is now in Executive Committee session.

### ***Patrick Wales***

*Thank you, Mr. Chairman and Members of the Commission, my name is Patrick Wales. I am a project vendor geologist with Virginia Uranium Incorporated. We own the uranium deposits located in Pittsylvania County. Just to give you a little bit about my background, I have a bachelor and master's degree in geology, and over the last seven years have worked in the fields of environmental and exploration geology. I have traveled a great distance to be with you today to emphasize we are very serious about addressing the concerns raised by Mr. Leahy in the City of Virginia Beach. With modern mining technology and regulation, our project represents a unique opportunity for national energy independence, statewide benefit and of a potential economic life line for an area of the Commonwealth that desperately needs jobs and economic activity. However, let me be clear. None of that should ever come at the risk of health and safety of our community or your community. Mr. Leahy articulated the position of the City of Virginia Beach and in largely what their concerns are. Two things that we would like to point out about the Baker Study that in our opinion it relies fundamentally on two flawed assumptions. The first is that the tailings would be above-grade, and I think we had some discussion on that. Second, that once the tailings would be released in the catastrophic situation, they directly enter into the waterway. Neither of these assumptions is considered industry best practice, nor are they likely to be approved by the federal regulators. I provided a copy of along with my comments of the Virginia Beach resolution, I encourage you to read lines 48 through 52, which clearly state that the Baker study model assumes we would store tailings above-grade. The resolution goes on to state that if Virginia Uranium were to locate below-grade tailings storage, the risks would be, quote, significantly reduced. This view that below grade tailings storage would address the concerns of the City of Virginia Beach has been articulated by Mr. Leahy here today and numerous other city officials in the past. I've also included a letter with my remarks that were recently sent from our chairman and CEO to the City of Virginia Beach in which VUI commits to storing tailings below grade. Absent a determination that is more stringent and more protective tailings disposal methods are available as determined by the Nuclear Regulatory Commission. Our company believes that is the best tailings management method to address the concerns of your community and to protect our community and we are clear on this point. As you may know, the governor has impaneled a work group from various state agencies to develop a regulatory structure to*

*present to the public and General Assembly this fall. It is anticipated the work group will present a strict regulatory framework that will address a wide range of issues and concerns. It is our hope that your body will further examine the commitments that our company has made on important health and safety issues and will look to the recommendations that come out of the governor's work group. So again, I thank you for your time and I thank you for the opportunity to address the Planning District Commission.*

**Skip Stiles**

*Good morning. My name is Skip Stiles. I am a resident of Norfolk. I am also Executive Director of Wetlands Watch. It is an environmental group based in Norfolk. We have been working throughout Virginia for much of the last six years with tidal localities helping them adapt to sea level work from the Northern Neck into this region all the way through Accomack. I was also a member of the 2008 Virginia Climate Change Commission, and in that Commission we developed a set of recommendations for adapting to climate change impacts like sea level rise, none which have been implemented. We are left, as I testified to Congress in 2009, essentially alone and blind stumbling across an increasingly dangerous landscape. The actions before you today on the LiDAR mapping and the climate change report will change that. Those were the two highest recommendations consensus recommendations of the Climate Change Commission. The LiDAR mapping is a significant investment of money but it is also going to provide returns to all of these localities very quickly. It also provides the basis for private sector value added products that will generate revenue. That data that is going to be flown here and Mr. McFarlane will explain in excruciating detail shortly, will actually be flown close to mean low water, which will allow us to precisely set where the shoreline is and help all of your localities plan for sea level rise. It is also the piece of a data set that encompasses all of tidal Virginia, the U.S. Geologic Survey flew the western shore of the bay with a half million dollars stimulus package a couple years ago, the Nature Conservancy mapped the entire Eastern Shore on its own dime little while ago. All of this data will be consistent. The second piece is the study that you are looking at, the third year study, and this is a critical piece. Again, without state leadership, we're all being left on our own to solve this problem. When I do federal agency visits and I have met with federal agency staff over the last couple years, to try to bring money into this region, the first thing they ask me is where is my state partner, we do not have one. Then they say what is going on with your region because I am not going from city council to county board to find a partner. So, this study helps the region step up. It is a sobering study. It is difficult to embrace, but I think, as with a twelve step analogy, if we do not admit we have a problem, we are not going to get help. The other critical piece of this is that there are other regions in the country in the same fix we are, who are either equal to or ahead of us in their progress. Southwestern -- southeastern Florida, the four counties down there around Miami Dade, six million people have a regional compact that is moving aggressively ahead on this issue. San Diego Bay just finished a study. San Francisco Bay, Delaware Coastal Bay and the coastline have been working on this for the last year and a half. Western Long Island Sound, including New York City is very active on this. All of these people are going to go to that same federal doorway looking for money, and if we can get there ahead of them, then we are going to have the advantage over them as the region and the localities seek funding to deal with this issue. So I commend these two actions to you and I thank you for taking them.*

**Bob Burnley**

*Thank you, Mr. Chairman. My name is Bob Burnley. I am an Environmental Scientist and a former Director of the Virginia Department of Environmental Quality, and I am here today on behalf of the Southern Environmental Law Center. I want to talk for just a few minutes about the National Academy of Sciences report that Mr. Leahy referred to in his presentation. Just a*

*little background. In 2008, after plans were announced to mine uranium and dispose of the radioactive waste in state, the Virginia Coal and Energy Commission contracted with the National Academy of Sciences to conduct a rigorous unbiased analysis of uranium mining. Following the release of that report, just last December, the National Academy conducted public outreach sessions to answer questions and to explain the results of their analysis. Those sessions have just recently concluded with one in Virginia Beach a few weeks ago. Let me be real clear on this. The NAS report represents the gold standard that is why they were selected to do this. It is the only independent peer reviewed study that had been conducted or will be conducted on the wider issues of uranium mining processing and waste disposal. This report validates the core concerns of local and downstream localities and confirms that Virginia's wet climate and vulnerability to extreme natural event presents in their words steep challenges to mining. Let me just quote for a minute from the report from page 145, significant potential environmental risks are associated with extreme natural events and failures to management practices. Extreme natural events like hurricanes, earthquakes, and intense rainfall events have the potential to lead to the release of contaminants of facilities that are not designed and constructed to withstand an event or failed to perform as they were designed. In a hydrological active environment such as Virginia, with relatively frequent tropical and conductive storms producing intense rainfall, it is questionable whether currently engineered tailings repository could be expected to prevent erosion and water contamination for a thousand years, which is what they are expected to do under the Nuclear Regulatory Commission rules. On page 103 because thorium 230 and radium 226 are present in mine tailings, these radial nuclearize decay products can, if not controlled adequately, contaminate the local environment under certain conditions and particular water resources. This, in turn, can lead to the risk of cancer from drinking water and just one more. The decay products of uranium provide a constant source of radiation and uranium tailings for thousands of years. I know you are going to see a resolution coming from your staff in the next couple weeks, and I would urge you or next couple months, I would urge you to consider that a very strong resolution against uranium mining.*

*(Mayor Krasnoff arrives)*

Chairman Shepperd stated The Executive Committee portion is closed and a Quarterly Commission meeting is now in session.

***Ellis W. James***

Thank you, Chairman Shepperd, members of the Commission my name is Ellis W. James. I am a lifelong resident of Norfolk, Virginia. Thanks to all the communities for paying attention to the heat. The heat has exacerbated greatly the question of water usage and it has been referenced in the remarks that I want to fully endorse that have been made by Mr. Stiles and Mr. Burnley. The question before us as communities is a simple one: Do we do uranium mining in the Commonwealth of Virginia or do we not do it? The proponents are seeking a lifting of the moratorium which will let loose the dogs. We are not talking about just Cole's Hill. We are talking about lifting of the moratorium protecting the citizens in the Commonwealth of Virginia against potential risk and contamination of our water supply. And the great irony for me personally is that this comes at a moment when the drought is deepening and the question of water usage should be on everybody's mind because we are going to get hammered in my opinion if we don't pay close attention to what projects we allow to go forward. Now, Mr. Chairman, let me suggest to the Commission, I do not wish to hammer our friends who are in desperate need of jobs in Surry County. I have a lot of

friends in Surry County. The question more importantly is if we allow this project to go forward, do we do great harm and injury to the drinking water supply of a large number of communities throughout the Commonwealth? And I would submit to you that the existence of a 125 organizations, groups, counties, and local boards opposing lifting the moratorium is no accident, and by the way, the effort has now spilled down the Roanoke Valley and over into North Carolina where there is great concern. I would hope that this Commission would pay close attention in its resolution to the absence in the Commonwealth of Virginia of any significant meaningful way to regulate and model to pay close monitoring attention to the activities that are being proposed. The state of Virginia pays less than 1% of its budget to help with moderation and monitoring. That is disaster waiting to happen. Thank you Mr. Chairman.

## **APPROVAL OF CONSENT ITEMS**

The Consent Agenda contained the following items:

Minutes of June 21, 2012 Meeting

Treasurer's Report

Regional Reviews

A. PNRS Items Review

FY 2012 Drinking Water State Revolving Fund Program – Safe Water Drinking Act – Virginia Department of Health

B. Environmental Impact Assessment/Statement Review

Princess Anne WMA – Canal Maintenance Dredge and Wave Screen – Virginia Beach

Modified EIR for Master Plan Parking Lots and Acquisition – Christopher Newport University

Project CH12 POD-005, Columbus Gas Transmission – DOE/Federal Energy Commission

Regional Climate Change Project – Phase III Final Report

Regional LiDAR Acquisition

Staff Performance Compensation

Chairman Shepperd stated he was not removing the staff Performance Compensation unless anybody specifically wants to remove it for more discussion; being none, he asked for a motion for approval of the consent agenda.

Commissioner Garton Moved to approve the Consent Agenda; seconded by Commissioner Diezel. The Motion Carried

### **THREE-MONTH TENTATIVE SCHEDULE**

Chairman Shepperd stated the HRPDC meeting for the month of August has been canceled.

### **PROJECT STATUS REPORTS**

No questions or comments noted.

### **CORRESPONDENCE OF INTEREST**

No questions or comments noted.

### **OLD/NEW BUSINESS**

No questions or comments noted.

### **ADJOURNMENT**

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:31 a.m.

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Thomas G. Shepperd, Jr.  
Chairman

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Dwight L. Farmer  
Executive Director/Secretary