

ATTACHMENT 1A
THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
June 2, 2011

1. Summary of the May 5, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the May 5, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Chesapeake Bay Phase II Watershed Implementation Plan (WIP) Update

Ms. Whitney Katchmark, HRPDC, summarized a presentation given at the Commission's May meeting. The presentation included the concerns over the WIP that were included in the Commission's letter to EPA. The Phase II WIP process requires localities to submit spreadsheets documenting BMPs and other data as well as a list of implementation strategies. HRPDC's proposed approach to the WIP includes a regional tier and a local tier, which would consist of multidisciplinary teams in each locality working together.

3. Stormwater Subcommittee Update

Ms. Katchmark updated the Committee on the results of the last Stormwater Subcommittee meeting. The Subcommittee discussed the regional approach to implementing the WIP and the issues that were conveyed to EPA through the Commission's letter.

4. Regional Stormwater Indicators Report Update

Ms. Jenny Tribo, HRPDC, summarized the Regional Stormwater Indicators Report for FY 2010. The report aggregates data on BMPs and other information from across the region. The Committee had no comments on the report and recommended its approval by the Commission at its June meeting.

5. Proposed Wetlands Delineations Guidance Regulations Update

Mr. Benjamin McFarlane, HRPDC, summarized proposed guidance from EPA and the U.S. Army Corps of Engineers on determining which waters and wetlands qualify as "waters of the United States" for purposes of regulation and permitting. The proposed guidance was developed to implement two recent Supreme Court cases,

Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers and *Rapanos v. United States*. Two tests, from the plurality opinion and a concurring opinion in *Rapanos*, are proposed for determining waters of the United States. The first test designates waters that are “relatively permanent, standing or flowing bodies of water” and wetlands with a “continuous surface connection” as waters of the United States. The second test designates wetlands and other waters that have a “significant nexus” to traditional navigable waters as waters of the United States. A significant nexus is defined as one that affects the chemical, physical, and biological integrity of other covered waters.

The Committee expressed several concerns regarding the proposed guidance. The proposed guidance seems to indicate that more waters and wetlands may qualify as waters of the United States than previously, and that this may require more permits. The Committee expressed interest in having a representative from the Norfolk District of the U.S. Army Corps of Engineers give a presentation on the implications of the proposed guidance.

Comments on the proposed guidance are due July 1, 2011.

6. National Fish and Wildlife Foundation (NFWF) Grant

Ms. Tribo briefed the Committee on a grant opportunity available from the National Fish and Wildlife Foundation (NFWF). HRPDC staff proposes to apply for this grant to support a regional steering committee for the Chesapeake Bay TMDL WIP process and to aid in the development of two tools. The first tool would be a BMP decision support matrix, and the second tool would be a BMP suitability map. Submissions require a 25% match and are due June 3, 2011. Notification to recipients would be made in September at the earliest.

7. University of Virginia Transportation Climate Change Presentation

Dr. Andres Clarens, UVA, and Mr. G. Michael Fitch, VDOT, gave a presentation to the Committee on a study analyzing the vulnerability of transportation infrastructure in Hampton Roads to climate change. The study is one of several pilot projects funded by the Federal Highway Administration to test out a conceptual risk assessment model developed by FHWA. The Hampton Roads project is looking at assets (infrastructure, policies, and communities) and climate scenarios (impacts such as sea level rise, increased wave height, flooding, etc.) to develop a risk assessment tool. The team will be seeking input from local government staffs in the upcoming months.

8. Climate Change

Mr. McFarlane gave a presentation to the Committee summarizing the findings of the second year of HRPDC’s climate change project supported by the Virginia Coastal Zone Management Program. The report describes sea level rise in Hampton

Roads and the data and methodology used to estimate the region's vulnerability to storm surge and sea level rise. The report finds that the region is at significant risk to both population and assets as a result of storm surge or sea level rise. The report includes tables and maps summarize the exposure of each of the twelve localities included in the analysis.

9. VIMS Subsidence Presentation Summary

Mr. McFarlane summarized a presentation on sea level change in the Chesapeake Bay given by Dr. John Boon of the Virginia Institute of Marine Science to a group including HRPDC and USGS staff. The absolute sea level trend in the area is less than the global average; however, the relative trend is higher due to regional subsidence due to a combination of factors. There is no clear evidence from the tide gauge record of an acceleration of sea level rise in the Chesapeake Bay. However, continued monitoring and analysis is recommended.

10. Status Reports

A. Hampton Roads Planning District Commission

HRPDC representatives had nothing to report.

B. Hampton Roads Sanitation District

In the absence of an HRSD representative there was no report.

C. Soil and Water Conservation Districts

SWCD representatives had nothing to report.

D. Department of Conservation and Recreation

Mr. Todd Herbert, DCR, reported that as of June 1, 2011 the Soil and Water Conservation and Chesapeake Bay Local Assistance sections of DCR had been merged into the new Division of Stormwater Management.

E. Department of Environmental Quality

DEQ representatives had nothing to report.

F. U.S. Geological Survey

Mr. Mark Bennett, USGS, reported that the National Academy of Sciences has published a report on the Chesapeake Bay Program. More information is available here:

<http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=13131>.

G. Department of Transportation

VDOT representatives had nothing to report.

H. U.S. Navy

In the absence of a U.S. Navy representative there was no report.

I. Local Programs

Ms. Kim Hummel, Isle of Wight County, reported that VIMS no longer has funds for tidal wetlands field visits.

Ms. Jill Sunderland, Norfolk, reported that she would be transitioning to part-time, and that a full-time position would be advertised.

Mr. Scott Rae, Gloucester County, reported that they will be meeting with other localities on the Middle Peninsula to discuss the TMDL process. VIMS is offering wetlands delineation training from June 7-10, but it is full.

11. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for July 7, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.