

Chesapeake Bay Preservation Act Amendments

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Whitney S. Katchmark



AMENDMENTS

HB504 (2020) adds two new considerations to the regulations that implement the Chesapeake Bay Preservation Act

“Coastal resilience and adaptation to sea level rise and climate change”

“Preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits”



REGULATORY TIMELINE

December 9, 2020 - Draft regulations presented to State Water Control Board. SWCB authorizes DEQ to submit proposed regulations for 90-day public comment period and requires DEQ to convene a stakeholder meeting after comment period.

February 1, 2021 - Comment period begins.

May 3, 2021 - Comments due on proposed regulation.

HRPDC SCHEDULE

March 3 Briefing to CAOs.

March 4 Briefing to Regional Environmental Committee. Feedback on initial draft comment letter.

March 9 Revised draft letter sent to localities for review.

March 22 Comments due from localities.

March 26 Briefing to Coastal Resiliency Committee.

March 31 Briefing to Planning Directors.

April 1 Regional Environmental Committee voted on endorsing comment letter.

April 15 HRPDC board votes on submitting letter to State Water Control Board.



PERSPECTIVES

Flood-prone Properties

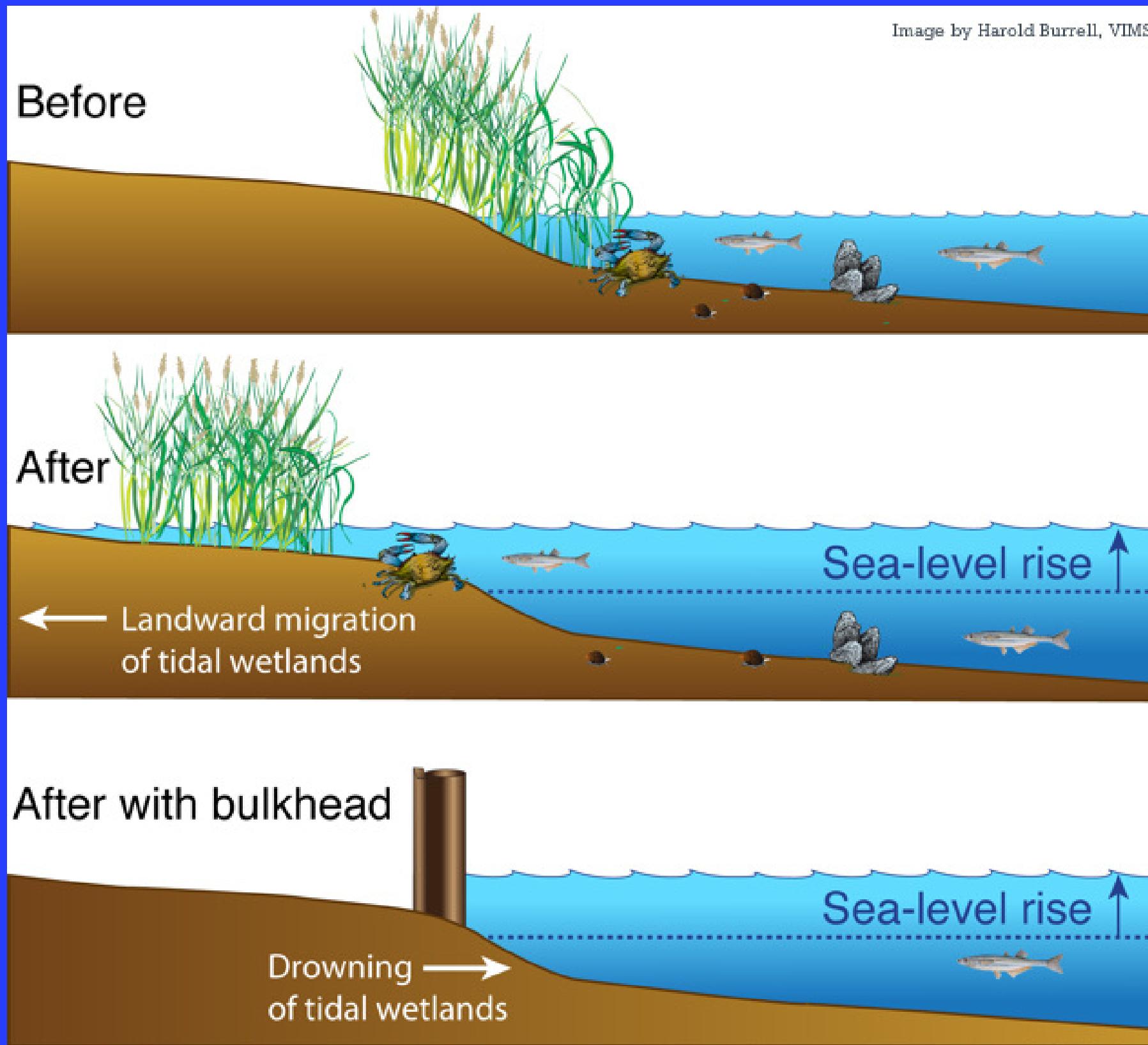
As high tides and storms inundate more land, property owners want to add fill to elevate their properties. County attorneys say CBPA doesn't allow fill in RPA buffer. Push DEQ to address this problem.

If regulations don't provide path for fill, then they will build a wall one foot inland of RPA and wetlands will drown if sea level rises.

Water Quality Advocates

Wetlands and buffers are essential to maintaining water quality. Fill should not be allowed. Regulations should allow space for wetlands to migrate inland as sea level rises.



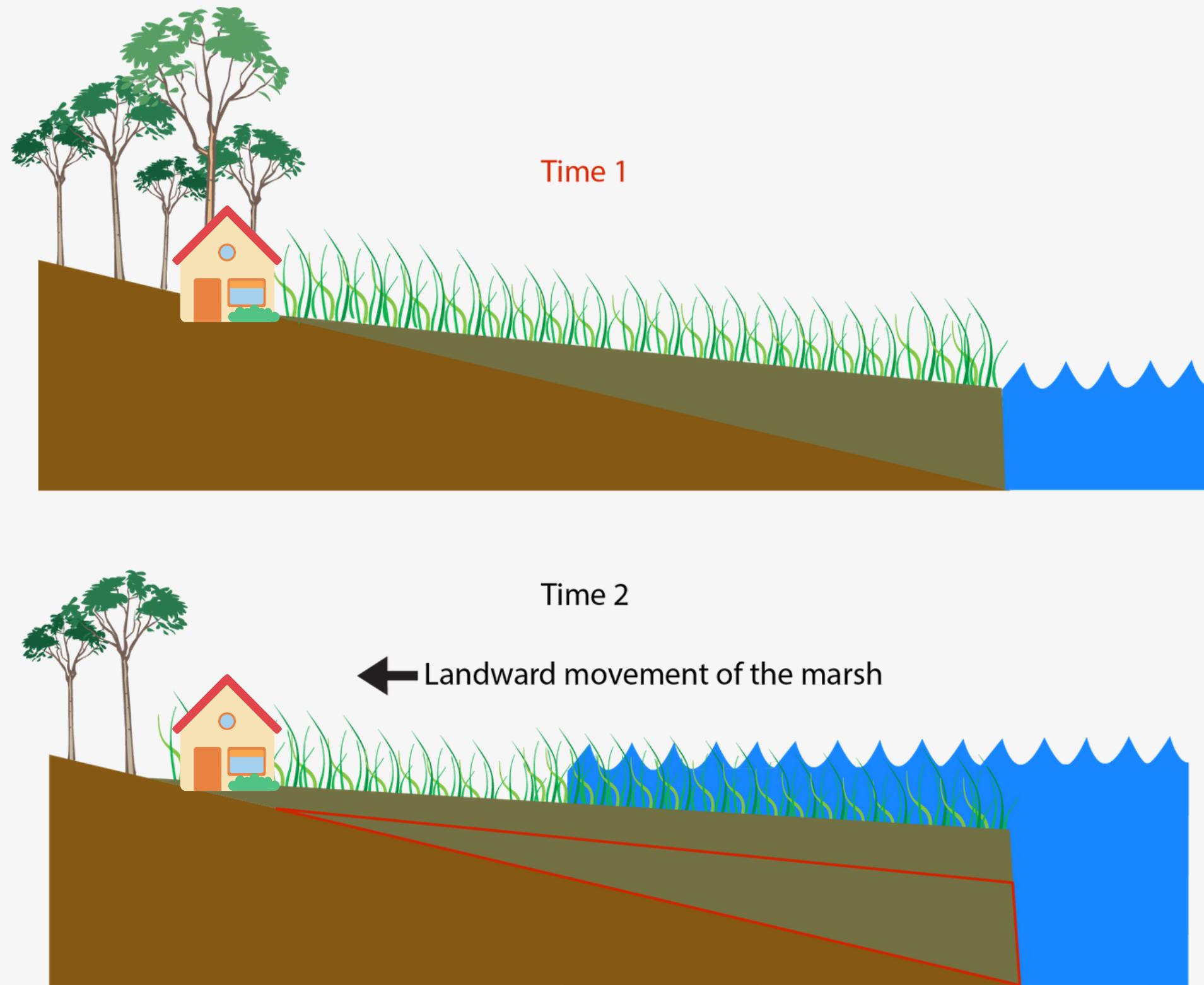


OLD PARADIGM

Goal: Protect water quality

How: Preserve wetlands and limit development in riparian buffer.

NEW PARADIGM



Goal: Protect water quality and protect property from flooding.

How: ???

Draft regulations are supposed to address these goals.



IMPORTANCE

Local governments must implement CBPA programs.

- Potentially significant increase in staff time to consider climate change.
- Might be controversial, especially if not consistently applied across region.

New framework for development near the shoreline.

- How will regulations balance water quality and flood protection?
- How should permits account for projected future conditions?

PRIMARY COMMENT

Advocate for the regulations to be put on hold.

Set up traditional stakeholder advisory group to develop regulatory language.

Virginia Way: established process to create regulations that balance stakeholder concerns on complex issues.



CONCERNS WITH DRAFT

Clarity

- What are "adaptation measures"?
- What types of climate change impacts should be considered?

Tools

How to assess future impacts of sea level rise, storm surge, and precipitation at a parcel scale?

Unintended Consequences

- Impacts to Community Rating System scores and flood insurance discounts.
- Limiting use of Water Quality Impact Assessments.



NEXT STEPS

Submit comments to Department of Environmental Quality (DEQ).

Copy State Water Control Board and Hampton Roads Caucus.

Track and evaluate DEQ's response and revisions to regulations.

Consider advocating for legislation that creates more comprehensive approach to resiliency strategies and supporting regulations.





**QUESTIONS.
COMMENTS.
ACTION.**