

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #1: EMPLOYEE RECOGNITION

The employees noted below will be recognized for years of service to the HRPDC on a plaque prominently located at the HRPDC. These employees reached milestone anniversaries between October 31, 2008, and October 31, 2009.

Five Years

M. Claire Jones

Ten Years

Samuel Belfield
James Hummer
Keith Nichols

Twenty Years

Michael Kimbrel

Twenty-five Years

Camelia Ravanbakht

Thirty-five Years

Frances Hughey

RECOMMENDED ACTION:

Acknowledge individuals.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #2: MINUTES OF SEPTEMBER 16, 2009

Minutes of the September 16, 2009 meeting are attached.

Attachment

RECOMMENDED ACTION:

Approval.

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of September 16, 2009

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 9:36 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Stan D. Clark, Vice Chairman (IW)	John M. Seward (SY)
James O. McReynolds, Treasurer (YK)	William D. Sessoms (VB)
Dr. Alan P. Krasnoff (CH)	Selena Cuffee-Glenn (SU)
Joe S. Frank (NN)	Paul D. Fraim (NO)
Jeanne Zeidler (WM)	J. Randall Wheeler (PQ)
Douglas L. Smith (PO)	Gregory Woodard (GL)
	James B. Oliver (HA)

OTHER COMMISSIONERS:

William E. Harrell (CH)	Kenneth L. Chandler (PO)
Ella P. Ward (CH)	Harry E. Diezel (VB)
Sharon Scott (NN)*	Robert M. Dyer (VB)
Jackson C. Tuttle II (WM)	Barbara M. Henley (VB)
W. Douglas Caskey (IW)	Linda T. Johnson (SU)

*Late arrival or early departure.

Absent: Bruce C. Goodson (JC), Brenda G. Garton (GL), Molly Joseph Ward (HA), Tyrone W. Franklin (SY), June Fleming (FR), Michael W. Johnson (SO)

OTHERS RECORDED ATTENDING:

John Gergely & Henry Ryto (Citizen); Elizabeth Kersey (HA); Del. Glenn Oder & Del. John Cosgrove – General Assembly; Terri Boothe & Bob Matthias (VB); Doug Powell (JC); Sherri Neil, Brannon Godfrey & George Brisbin (PO); Earl Sorey (CH); Dana Dickens – HRP; Ellis W. James - Sierra Club Observer; Bryan Pennington, Jeff Raliski, Rod Woolard & Stanley Stein (NO); Randy Lougee – League of Women Voters–SHR; Ray Taylor & Vince Thomas – FHR; Jay Bernas – HRSD; Irene Shuman – VDOT; Richard Lockwood – VHB; Kristin Wells – Seventh Point–VB; Germaine Fleet – Biggs & Fleet; Louis Guy – Norfolk Historical Society; Peter Huber – Wilcox & Savage; Kimball Payne – Daily Press; Staff: Dwight Farmer, Shernita Bethea, John Carlock, Rick Case, Rob Case, Richard Flannery, Kathlene Grauberger, Greg Grootendorst, Frances Hughey, Jim Hummer, Rob Jacobs, Brett Kerns, Sara Kidd, Ben McFarlane, Glynis Mitchell, Kelli Peterson, Camelia Ravanbakht and Chris Vaigneur.

CONSENT AGENDA

The Consent Agenda contained the following items:

Minutes of July 15, 2009

Treasurer's Report

Regional Reviews

A. PNRS Items Review

Patrol Enhancement Project; City of Franklin; USDA – Rural Housing and Community Programs

VADEQ Water Quality Management Plan; DEQ; EPA – Water Quality Management Planning

B. Environmental Impact Assessment/Statement Review

New Chapel; Christopher Newport University; Newport News

Learning Resource Center, Phase I, TCC; Virginia Community College System; Virginia Beach

North Terminal Development Area, Chesapeake Regional Airport; USDOT/FAA; Chesapeake

Lakewood Manor Apartments; U.S. Dept. of Housing and Urban Development; Norfolk

Evergreens at Bethel; U.S. Dept. of Housing and Urban Development; Portsmouth

Repairs to the W306 and W305 Bulkheads, Naval Station Norfolk; DOD/Navy; Norfolk

Repairs to CEP-102 Bulkhead, Naval Station Norfolk; DOD/Navy; Norfolk

Request for Proposals – HR GREEN Media Consultant

Environmental Program Grants and Contracts

HRPDC Freedom of Information Act Statement

Memorandum of Understanding: Fiscal Agent for HRTPO

Mr. Smith Moved to approve the Consent Agenda; seconded by Mayor Zeidler. The Motion Carried.

Implementation Plans for Bacterial TMDLs In The Back Bay and North Landing River Watersheds

Vice Chairman Clark introduced Mr. John Carlock to discuss his presentation on the Implementation Plans for Bacterial TMDLs in the Back Bay and North Landing River Watersheds. Mr. Carlock stated under both the Federal Clean Water Act and the State Water Quality Monitoring and Reporting Act, it is an issue and a requirement that we deal with waters that are impaired and do not meet water quality standards. The 303(d) list, which is prepared by the State every two years, lists those impaired waters. Each impaired waterway requires the preparation of a TMDL. The TMDL determines the allowable load of a pollutant in order to achieve water quality standards. Under State law, unlike most other states, Virginia has a requirement to prepare an Implementation Plan which identifies the ways to reduce pollutants to meet the TMDL and once again achieve water quality standards. As was stated in the July meeting, pathogens and bacteria are the primary cause of impairment, based on the number of streams impaired. As discussed a couple of months ago, the Chesapeake Bay is impaired because of nitrogen, phosphorous and sediments, but individual streams within Hampton Roads are impaired largely because of bacteria. Based on area covered, the Chesapeake Bay impairment is the largest.

In the late 1990s, DEQ and EPA entered into a consent decree which stated that by 2010 the State would prepare TMDL studies for a long list of waterways that were on the 303(d) list in 1998. Since that time, more waterways have been added and some have been taken off because of the success of implementation plans or because of new water quality monitoring. Standards are set and, if violated, a TMDL and Implementation Plan will have to be completed. The shellfish standard may be violated in some waters, but still continue to meet the recreation standard.

The HRPDC entered into a contract with DEQ in April 2007 to assist the localities in Hampton Roads with the preparation of TMDLs. Up until that point, DEQ had not taken great effort to involve local governments in either the TMDL study or the Implementation Plan process. Also, the pollution limits that come out of a TMDL study get incorporated in the localities' stormwater permit, and there is a compliance obligation associated with that.

To date, three Implementation Plans required for completion prior to 2010 have been concluded with several more underway in the coming months. The contract with DEQ provides for completing Implementation Plans during this fiscal year for the Back and Poquoson Rivers on the Peninsula and the North Landing and Back Bay Watersheds in Virginia Beach. Implementation Plans have started with the City of Suffolk and Isle of Wight County on the Upper Nansemond River and on Mill and Powhatan Creeks in

James City County. The Elizabeth River is a two-prong study. It includes bacteria, as most of the other waters do, but also addresses PCBs or polychlorinated biphenyls, which is largely a legacy pollutant as opposed to an ongoing pollutant. Also underway are Skimino Creek on the Peninsula and Lawnes Creek between Isle of Wight and Surry Counties.

(Comm. Fraim arrives)

The process is to review the study which has been prepared by the consultant for DEQ, identify and, working with the local governments, involve stakeholders, residents, the agricultural community, businesses, the health department as well as the local government staff. Also, update the land use and source information, identify what is being done already within the watershed by local governments, State and Federal agencies and the private sector, ascertain what the contributing sources of the pollutants are and look to the source reduction activities.

Nanney Creek Watershed in Back Bay is impaired because of bacteria. The TMDL was approved by DEQ in 2005 but was based on land use data from several years prior. It identified livestock as a major source but did not address Virginia Beach's municipal stormwater system which is also a contributor. The problem is that without a waste load allocation, the TMDL does not provide for additional growth and loading from the stormwater system. The City contracted with the consulting firm, URS Corporation, to complete a comprehensive watershed study, land use update and information regarding the animal population to make the plan more realistic and reflective of conditions on the ground, the concerns of city staff and the concerns of the residents of the watershed. The waste load allocation will be recalculated. The plan calls for a number of programs working with residents in dealing with their septic systems, pump out and education programs, a horse owners' education program, cleaning out the ditches by the City and additional monitoring.

The North Landing River Watershed is similar to Nanney Creek. It includes two waterways, Milldam Creek and Middle West Neck Creek. The City is contracting to do a more in-depth study that will be completed during the current year. The TMDL has identified livestock and wildlife as primary sources. Additional monitoring, source identification and programs as discussed for Back Bay Watershed will be implemented.

The staff's recommendation is to approve the Implementation Plans for Bacterial TMDLs in the Back Bay and North Landing River Watersheds as well as authorization to submit the plans to the City of Virginia Beach and DEQ for consideration and eventual adoption.

Mr. Jones Moved to approve the Implementation Plans for Bacterial TMDLs in the Back Bay and North Landing River Watersheds; seconded by Mayor Fraim. The Motion Carried.

Mayor Sessoms Moved to authorize submittal of the Implementation Plans to DEQ and the City of Virginia Beach; seconded by Mr. McReynolds. The Motion Carried.

Regional Bacteria Source Tracking Study

Vice Chairman Clark introduced Mr. John Carlock to discuss his presentation on the Regional Bacteria Source Tracking Study. Mr. Carlock stated the Hampton Roads Planning District Commission is working with the localities and HRSD to begin a bacteria source tracking study. The main reason for this study is to deal with the issues discussed regarding the two TMDLs and watersheds in Virginia Beach. There are questions about the current technique of determining the sources of the various bacteria. The purpose for this study is to create a methodology to eliminate expensive follow-up and move directly to the sources needed.

The goals of the study are to develop a protocol for source identification in the region and identify methodologies that differentiate human sources of bacteria from non-human. The study will follow a weight of evidence approach trying various techniques. There will be blind testing to ensure that the research and lab work is being done appropriately.

(Comm. Scott arrives)

Three watersheds have been identified around the district: built-out watersheds, developing watersheds and those that provide a mix of septic tank and sewer areas. The study costs \$400,000 of which HRSD is putting up one-fourth, the City of Virginia Beach is putting up one-fourth and taking advantage of work that the City already had underway at Mill Dam Creek, which will be included in the overall regional effort. The balance of \$200,000 is allocated proportionately among the localities. The analytical work and sampling for the other two watersheds, Shingle Creek and Moore's Creek, will be underway in the spring.

The recommended action is to authorize the Executive Director to execute a contract with HRSD to conduct the study. HRSD, in turn, will contract with three researchers to do the actual work.

Mr. Jones Moved to authorize the Executive Director to execute a contract with HRSD to produce a Regional Bacteria Source Study; seconded by Mr. Smith. The Motion Carried.

Deconstruction of NASA Wind Tunnels

Vice Chairman Clark introduced the next agenda item, Deconstruction of NASA Wind Tunnels. NASA inquired of the HRPDC as to whether or not there is an interest in assisting them in maintaining, for historical purposes, the wind tunnels. A letter was prepared by staff that states it is outside the purview of this organization, but assistance would be provided to NASA and others in exploring alternatives to the deconstruction of the facility.

Mayor Fraim Moved to approve the letter and authorize staff to forward it to NASA; seconded by Mayor Sessoms. The Motion Carried.

Comprehensive Economic Development Strategy (CEDS)

Vice Chairman Clark introduced Mr. Doug Smith to present an overview of the Comprehensive Economic Development Strategy and the process that the Hampton Roads Partnership is undertaking.

Mr. Smith stated the Hampton Roads Partnership launched Hampton Roads Vision in May of this year. The Comprehensive Economic Development Strategy (CEDS) is a planning process that follows the formal requirements set forth by the Economic Development Administration (EDA). CEDS is designed to get public and private sectors actively engaged in creating an economic road map for the region. A big part of this is to do an analysis of the region, what the local economy is and identify the drivers of that economy. A set of goals, objectives and strategies are established. The idea is to integrate physical development with human capital.

Once there is a Comprehensive Economic Development Strategy that has been certified by Congress, applications for grants through EDA can be submitted. One thing that can be done from a communities' perspective is if there are major economic development activities or initiatives that might ultimately need federal funding, ensure the document is written so the strategy fits under the umbrella of some of these goals, objectives and strategies.

EDA made a presentation to the HRPDC and the Hampton Roads Partnership back in the spring. Since May there have been 15-18 committee meetings that included a Strategy Committee. The Hampton Roads Partnership will hold a retreat on September 18th to focus on development of the strategy and will receive updates from the different committee chairs. There will be working and breakout sessions with 90 political and business leaders from the community. After the retreat, the committees will meet again several times to complete a draft document by November to submit to EDA for their input followed by a public comment period and then approval by EDA.

The Strategy Committee is a strong mixture of business and public sector leaders from the region. There are four committees with chairs. They are Federal, Port, Tourism and Opportunities Committees. Mr. Roy Whitney of Jefferson Labs chairs the Federal Committee. Mr. Russell Held of the Port Authority and Mr. Bobby Bray, retired Executive Director, chair the Port and Maritime Committee. Mr. Rob Cross, Virginia Arts Festival chairs the Tourism, Arts and Culture Committee. Mr. Art Collins chairs the Opportunities Committee. The Strategy Committee oversees the entire process. The EDA requires the committees to address the issues of education and workforce development, infrastructure, land use and technology, energy and environmental issues and quality of life issues.

On the Hampton Roads Partnership website, there is a link to the Hampton Roads Vision website where minutes are posted from the various committee meetings as well as a link to the resource library.

Mr. Farmer urged members to use this opportunity to bring forth any concerns or questions to Mr. Dana Dickens, CEDS Project Manager or Mr. Doug Smith, CEDS Contractor.

Mr. Harrell stated he likes the concept of presenting before the various councils and boards and keeping the Economic Development Directors apprised of the status.

Mr. Frank expressed concern regarding pieces like manufacturing, science and technology that are not included in any categories.

Mr. Smith stated the Opportunities Committee will focus on manufacturing, science and technology. The four categories the Opportunities Committee will focus on are energy, environment, health care and finance. The challenge is this is a five-year document that needs to focus on what can realistically be done and accomplished. An analysis needs to be done to determine how big a role there is currently with manufacturing, science and technology, what is the degree to which it can grow and what are the opportunities to move that forward.

Mr. Dickens stated the technology piece has an impact on each and every one of the four categories and is certainly a part of the Opportunities Committee. Mr. Dickens conceded there is not much focus on manufacturing but will include it in future conversations.

Ms. Cuffee-Glenn inquired if the recommendation is to highlight technology and manufacturing.

Mayor Frank stated if emphasis is not placed on those two components, a significant segment will be missing from what the economic reality is in Hampton Roads.

Mr. Smith stated what would help is to discuss what is missing and who could attend meetings to help advance the conversation.

Stormwater Management Regulations - Update

Vice Chairman Clark introduced Mr. John Carlock to give an update on the Stormwater Management Regulations.

(Mayor Johnson arrives)

Mr. Carlock stated the Department of Conservation Recreation (DCR) is in the midst of a very comprehensive review and rewrite of the State stormwater regulations, which is in response to state legislation that passed in 2004 as well as a considerable amount of work being done at the federal level with changing water quality requirements and stormwater management issues. The proposed changes deal with definitions, technical criteria, the establishment and approval of local stormwater management programs and fees that localities will have to pay for the program as well as fees the development community will have to pay as development projects are advanced through the local approval process.

DCR received approximately 3,500 comments on the regulations as of the August 21st deadline. The comments came from various organizations, the environmental and development communities. As comments were received, DCR began developing a means of responding and addressing them. During the period from August 21st through September 3rd, DCR convened a group of local government staff, development community representatives and the environmental community to serve as a sounding board to respond to the various comments. The comments that were most contentious and required the most consideration were water quality, water quantity, grandfathering, offsite compliance options and flood protection.

DCR provided some flexibility particularly in urban development areas as designated by local governments as well as on small sites. In the case of small sites, DCR is not ramping up the requirement that small site developments, less than an acre, will have to pay. For redevelopment standards, DCR kept the requirement at a 10% reduction, which is what was recommended for larger sites. There will be a requirement for a 20% reduction in pollutant loadings for larger sites. Within the Chesapeake Bay watershed, DCR is moving to the very strict 0.28 pounds per acre standard. For areas outside the Chesapeake Bay watershed, the current standard of 0.45 pounds per acre will remain. The difference is the modeling and monitoring work being done largely at the federal level on the Chesapeake Bay. In order to meet the water quality requirements for the Chesapeake Bay, the standard needs to be 0.28 pounds per acre. Also within urban development, local governments have been provided the flexibility to choose between the 0.28 proposed standard and the 0.45 standard currently adhered to.

DCR proposed a series of offsite compliance options. The first three are very specific to local governments. They are the local Comprehensive Watershed Plan, Developer Controlled Site and the Local Pro-rata Program. The local governments need to have a program in place through a comprehensive watershed management plan that addresses the specific requirements of that watershed. A developer can go into another developer controlled site, use the local pro-rata program and then go into the Nutrient Offset Program, which was established this past year by the General Assembly and the Buy-Down Program. Both the Nutrient Offset Program and the Buy-Down Program pose a problem for local governments because of the compliance obligations the localities have under their MS4 permit. If these two programs were utilized, there is the possibility that the locality receives the development and impact but not the benefit.

DCR addressed the issue of a grandfathering program for those developments that have already been approved. A five or ten year master plan for development whose plans have been filed and approved by the locality prior to January of next year and receive their state permit by July of next year will be grandfathered under the current standards through June 2014. If that development is still underway and permit coverage has been maintained, the development will have until 2019 before it must comply with the new standards.

DCR addressed the issue of inspections particularly on behalf of localities and the amount of effort involved in inspecting small sites. The resolution was to utilize an education program, such as HR STORM, the regional education program.

Mr. Carlock stated the offsite compliance option is particularly problematic for localities like 12 of our 16 who have stormwater permits. The recommendation is that the buy-down option where a developer can pay into a statewide fund not be allowed in localities that have a MS4 permit and the associated compliance issues. The payment of \$15,000 per pound of phosphorous removed, which is based on the existing nutrient bank, is too low in metropolitan areas and there ought to be additional flexibility for localities to set that payment.

Mr. Carlock stated some of the concerns that have not been addressed are finalizing the technical documents of the handbook and clearinghouse which support local governments' ability to implement the program, the size of the fees, and special issues of the coastal plain. The Soil and Water Conservation Board is reviewing these regulations, the proposed changes as well as providing an opportunity for public comment at their September 17th meeting. The expectation is to adopt the proposed changes to the regulation on October 6th followed by the EPA review and the approval process. It is not clear that EPA will approve the revised regulations assuming the proposed changes go into effect. There is some concern by EPA that the Virginia program is backing away from what was a strong commitment to water quality improvement. The earliest effective date of the regulations will be July 1st of next year. During the period between October 2011 and May 2012, all localities will have to adopt their programs and receive DCR approval of those qualifying programs.

The recommended action is to authorize the staff to comment at the Joint Commission on Administrative Rules meeting and the Soil and Water Conservation Board meetings reflecting the comments made and included in the Supplemental Agenda Note on the table.

(Comm. Chandler departs)

Mayor Krasnoff discussed his concerns regarding balance and the issue of unfunded mandates. He stated the goal is to relax state or federal mandates to help get through this economy and perhaps the timeline can be pushed back.

Mr. Carlock agreed with Mayor Krasnoff's comment and stated the same set of requirements is being applied statewide and similar requirements in other parts of the United States. The State has been urged to recognize the need for balance.

Mr. Seward concurred that perhaps this should be postponed until a better economic time.

Mayor Frank expressed concern that the revisions were released last Thursday and the public comment period ends on September 17th, which is an unreasonable amount of time to analyze, evaluate and compare the data to previous concerns. His recommendation is to request a 45-day extension of time for public comment. He suggests when staff attends the meetings with the Joint Commission on Administrative Rules and the Soil and Water Conservation Board, they state there are significant issues that have not been addressed, time has not been given to review and adjust

issues and the timeframe is not adequate for meaningful public comment. Mayor Frank stated another issue is understanding the cost effectiveness.

Mr. Farmer stated Mr. Carlock will contact staff scheduled to make a statement within the hour to reflect this discussion.

Mayor Frank Moved to modify the statement regarding aspects of the Stormwater Management Regulations and request a 45-day public comment extension; seconded by Mr. Harrell. The Motion Carried.

Project Status Report

Vice Chairman Clark stated this agenda item does not require any action.

For Your Information

Vice Chairman Clark stated this agenda item does not require any action.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:55 a.m.

Dwight L. Farmer
Executive Director/Secretary

Bruce C. Goodson
Chairman

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #3: TREASURER’S REPORT

**FISCAL YEAR 2010
September 30, 2009
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	179,004	Current Liabilities	581,200
Accounts Receivables	304,469	Net Assets	4,694,281
Investments	3,236,220		
Other Current Assets	664		
Net Capital Assets	<u>1,555,124</u>		
Total Assets	<u>5,275,481</u>	Total Liabilities & Equity	<u>5,275,481</u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	10,069,018	4,500	705,716
VDHCD State Allocation	253,879	57,123	57,123
Interest Income	25,000	2,692	7,307
Local Jurisdiction Contributions	1,346,171	-	336,543
Other Local Assessment	1,197,960	-	358,100
Sales and Miscellaneous Revenue	967,085	172	3,738
Total Revenue	<u>13,859,113</u>	<u>64,487</u>	<u>1,468,526</u>
EXPENDITURES			
Personnel	4,269,377	315,549	928,507
Standard Contracts	186,285	17,623	34,732
Special Contracts / Pass-Through	8,324,231	305,560	524,578
Office Services	862,152	58,658	150,832
Capital Assets	149,950	-	-
Total Expenses	<u>13,791,995</u>	<u>697,391</u>	<u>1,638,648</u>
Agency Balance	<u>67,118</u>	<u>(632,904)</u>	<u>(170,122)</u>

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #4: REGIONAL REVIEWS – MONTHLY STATUS REPORT

A. PNRS Items (Initial Review)

The HRPDC staff is routinely involved in the review of applications for grants to support projects involving federal or state funding. 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. Review and comment by more than one locality is requested when a project may affect the entire region or a sub-regional area. Attached is a listing and summary of projects that are presently under review. As of October 14, 2009, there were no outstanding comments on these projects.

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.

Attachment

RECOMMENDED ACTION:

None required.

Project Notification and Reviews

Date **CH #**

Title

Applicant

State/Federal Program

Project Staff **Type of Impact**

Project Description

This proposal addresses the protection of a 1,980-acre forested tract of land in the Blackwater River watershed of southeastern Virginia in rural Isle of Wight County. The property supports 460 acres of old-growth swamp forest, 5.5 miles of river frontage, and is considered an outstanding location for large-scale restoration of global-rare longleaf pine forest vegetation.

FUNDING

<input type="text" value="\$800,000.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$566,000.00"/>	<input type="text" value="\$1,464,000.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>
Federal	Applicant	State	Local	Other	Program
TOTAL			<input type="text" value="\$2,830,000.00"/>		

Environmental Impact Reviews

Date Received

Number

Name

Sponsor

Description

The U.S. Department of Housing and Urban Development (HUD) has submitted a federal consistency determination in order to provide mortgage insurance for the construction of Fenwick Manor and Fenwick Chase at Blenheim in the City of Chesapeake. These funds are being provided under HUD's Section 221(d)(4) for multifamily rental housing for moderate-income families. Fenwick Manor and Fenwick Chase are the names of a 288-unit apartment complex on nearly 18 forested acres. The property is the proposed location of 25 two- and three-story structures. HUD has determined that the construction will be consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Resources Management Program (also called the Virginia Coastal Zone Management Program).

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Navy proposes to construct a regional correctional facility at their Naval Support Activity Northwest Annex in Chesapeake, Virginia. The new facility would be approximately 240,000 square feet and includes the confinement area, laundry areas, a commissary, a library and educational and vocational spaces. Security provisions would include perimeter fencing, a security buffer and perimeter lighting. Water and sewer lines would extend from the main gate area and the facility would tie-in with the existing electrical grid along Ballahack Road. The existing correctional facility in Norfolk will be demolished. This action is proposed as part of the recommendations of the Defense Base Realignment and Closure Commission (BRAC).

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Navy proposes to redevelop the existing Naval Amphibious Base, Little Creek's catering facility for the construction of the 67th Street Beach Cottages at the U.S. Navy's oceanfront property.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Navy proposes to build an oyster reef adjacent to the shoreline in the sub tidal zone along the south side of Little Creek Cove at Naval Amphibious Base Little Creek.

Affected Localities

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #5: GROUNDWATER MITIGATION PROGRAM – MEMORANDUM OF AGREEMENT

For the past fifteen (15) years, the HRPDC has operated a regional groundwater mitigation program in cooperation with the member localities. Operation of this program is governed by a Memorandum of Agreement among the HRPDC and fifteen (15) of the region's localities. The original Memorandum of Agreement was executed in 1994. It was revised and renewed in 2000 and 2006. A copy of the Memorandum of Agreement is attached.

The Memorandum of Agreement establishes the responsibilities of both HRPDC and local government staff, documents the impact mitigation analysis process, program funding and related matters. Through this program, the HRPDC provides technical analysis in support of the localities in response to claims from residents that municipal groundwater withdrawals have damaged their wells. It provides the basis for allocation of impact responsibility and compensation among the localities. Also through this program, the HRPDC staff manages ongoing cooperative groundwater studies by the U.S. Geological Survey and provides technical support to the localities on groundwater issues.

The HRPDC Directors of Utilities Committee has evaluated the program and reviewed the MOA. The Committee continues to believe that the regional groundwater mitigation Program is a cost-effective means for them to satisfy the mitigation program requirements of their Groundwater Withdrawal Permits from DEQ while addressing the particular needs of local residents.

Based on Committee discussions, the HRPDC staff is exploring with the affected localities the potential for participation by the region's towns and non-participating localities, as well as adjacent localities. The Committee and staff are also exploring the potential for participation in this regional program by private sector users of groundwater. These steps should further enhance the regional program.

The HRPDC Directors of Utilities Committee and the HRPDC staff recommend that the HRPDC approve the Memorandum of Agreement for the Regional Groundwater Mitigation Program Administration and recommend it to the region's localities for approval and execution.

Attachment

RECOMMENDED ACTION:

Approve the Regional Groundwater Mitigation Program Memorandum of Agreement and refer the MOA to the region's localities for execution.

REGIONAL GROUNDWATER MITIGATION PROGRAM ADMINISTRATION

MEMORANDUM OF AGREEMENT

WHEREAS, Section 15.2-1300 of the Code of Virginia enables local governments to enter into cooperative agreements to exercise those powers that each may be enabled to exercise, including conducting technical analyses to support such activities; and

WHEREAS, Section 15.2-4200 of the Code of Virginia enables local governments to establish Planning District Commissions; and

WHEREAS, the cities and counties that are signatories to this Agreement have acted, in accordance with Section 15.2-4200 of the Code of Virginia to establish the Hampton Roads Planning District Commission; and

WHEREAS, several Towns in the Hampton Roads region operate groundwater based water supply systems and

WHEREAS, the Hampton Roads Planning District Commission has been requested and has undertaken various studies to support local government water supply development, including groundwater resource management efforts; and

WHEREAS, on behalf of the signatory parties, the Hampton Roads Planning District Commission, has contracted with the U.S. Geological Survey to complete various technical analyses of the region's groundwater resources, including development of a methodology for allocating responsibilities for groundwater impacts, as documented in Michael J. Focazio and Gary K. Speiran, Estimating Net Drawdown for Episodic Withdrawals at Six Well Fields in the Virginia Coastal Plain Aquifers, U.S. Geological Survey, Water Resources Investigations Report No. 93-4159, 1992; and

WHEREAS, the signatory parties have requested the Hampton Roads Planning District Commission to administer a Regional Groundwater Mitigation Program, on their behalf; and

WHEREAS, on August 11, 1994, the signatory parties entered into the Groundwater Mitigation Program Administration Agreement; and

WHEREAS, on May 31, 2000 and July 5, 2006, the signatory parties extended the Groundwater Mitigation Program Administration Agreement; and

WHEREAS, in accordance with the provisions of the August 11, 1994 Agreement, as extended on May 31, 2000 and July 5, 2006, the signatory parties have evaluated the Groundwater Mitigation Program and determined that the Program should be continued;

NOW THEREFORE, the signatory parties enter into the following Agreement.

This Memorandum of Agreement, entered into this _____ day of _____, 2009 among and between _____ local governments in Hampton Roads, James City Service

Authority and the Hampton Roads Planning District Commission, establishes and extends the Regional Groundwater Mitigation Program. It outlines the roles and responsibilities of each entity in administering and funding the Regional Groundwater Mitigation Program.

BASIC PREMISES

1. Some local governments in Hampton Roads operate public water supply wells inside and/or outside of their incorporated boundaries.
2. All local governments in Hampton Roads are interested in ensuring that groundwater drawdown associated with the operation of public water supply wells does not adversely impact the private wells of their citizens.
3. In the case where operation of a public water supply well causes or contributes to groundwater drawdown that renders a well unusable, then mitigation of damages attributable to that drawdown may be sought by the well owner in accordance with local mitigation plans and agreements.
4. This Agreement establishes the administrative framework, which will be used by the signatory parties to obtain technical analysis of requests for mitigation by private well owners or other local governments in Hampton Roads. Financial issues related to these requests are governed by existing interjurisdictional agreements and state-approved Groundwater Mitigation Plans that are separate and distinct from this Agreement.
5. This Agreement will have a term of five years, extending from January 1, 2011 through December 31, 2015. To conform to local government charter and Virginia Code requirements, the funding provisions of this Agreement will be subject to annual renewal.
6. Program costs will be allocated on a pro-rata basis among the signatory parties. There will be a base buy-in of \$3,000/year per city or county with the balance of annual costs allocated according to the local share of regional population. The most current estimate of population, developed by the Center for Public Service, will be used as the population base for allocating program costs. Local contributions will be escalated annually to reflect program experience and projected HRPDC expenditures. Future private sector and non-Hampton Roads local government will provide financial support to the program according a yet-to-be-determined formula, which will reflect annual program costs. The funding formula will be evaluated on a regular basis by the HRPDC Directors of Utilities Committee and may be adjusted to ensure its continued equitability.

HRPDC RESPONSIBILITIES

Under the terms of this Agreement, the Hampton Roads Planning District Commission is responsible for the following:

1. Conduct technical analyses of the impacts of groundwater withdrawals.
2. Respond equitably and in a timely fashion to requests from all signatory parties for analyses of the impacts of groundwater withdrawals. The time frame for responses will be based on experience and the complexity of individual cases.
3. Develop technical recommendations on allocation of impact mitigation responsibilities among the signatory parties. Initially, this determination will be based on application of the superpositioning methodology developed by the U.S. Geological Survey for the Hampton Roads Planning District Commission. This methodology is described in Michael J. Focazio and Gary K. Speiran, Estimating Net Drawdown for Episodic Withdrawals at Six Well fields in the Virginia Coastal Plain Aquifers, U.S. Geological Survey, Water Resources Investigation Report No. 93-4159, 1992. It is understood that the superpositioning methodology applies to intermittently pumped wells and not to continuously pumped production wells.
4. Provide report(s) documenting the results of its technical analysis (es) to all signatory parties.
5. In any case where an aggrieved party appeals a local government mitigation determination, provide the HRPDC analysis to the mitigation panel, established under the local government's mitigation plan. However, the HRPDC will not serve as a member of the mitigation panel.
6. Provide other technical support, as requested, to the signatory parties for other groundwater analyses, including support for development of local groundwater withdrawal permit applications and review of other proposed groundwater withdrawals which may impact on groundwater resources in the Hampton Roads region.
7. On request, provide technical staff support, at cost, to signatory parties for data collection (field work), required by that signatory party's permit or mitigation plan, approved by the Department of Environmental Quality (State Water Control Board).
8. Develop staff capability to conduct more comprehensive impact analyses using the U.S. Geological Survey Virginia Coastal Plain Model. It is anticipated that use of this model will provide for analysis of both continuously and intermittently pumped wells, operated by both the public and the private sector.
9. Take steps, in conjunction with the signatory parties, to involve private sector groundwater users in the Regional Groundwater Mitigation Program. Administrative procedures and financial arrangements for private sector and non-Hampton Roads local government participation will be developed in the future, but will reflect the actual cost of the work.

LOCAL GOVERNMENT RESPONSIBILITIES

Under the terms of this Agreement, the signatory parties are responsible for the following:

1. Serve as the initial point of contact for aggrieved parties. Request mitigation analyses from HRPDC in a timely fashion following receipt of a claim.
2. Provide any locally-generated/collected data on groundwater conditions and well construction that may be useful to HRPDC technical analyses.
3. Provide, in a timely fashion, all technical supporting data required by Mitigation Plans, approved by the Department of Environmental Quality (State Water Control Board) as elements of Groundwater Withdrawal Permits, to the HRPDC for use in analyses of mitigation claims.
4. Provide timely technical review of the HRPDC analyses and conclusions.
5. Support HRPDC efforts to expand the mitigation program to cover all groundwater uses.
6. Establish the appropriate mitigation panels, in accordance with local mitigation plans, to hear appeals of initial mitigation responsibility determinations.

PROCEDURE FOR REQUESTING MITIGATION ANALYSES

Under this Memorandum of Agreement, the following process will be followed to request HRPDC technical support to address mitigation claims.

1. Aggrieved party contacts the locality of residence.
2. The local government contacts the HRPDC and requests that an impact analysis be conducted. In addition, any signatory parties may request that an impact analysis be undertaken.
3. The HRPDC conducts the analysis, as requested, and advises all signatory parties of the results of the technical analysis(es).
4. This procedure may be modified from time to time with the concurrence of all signatory parties, as represented by the HRPDC Directors of Utilities Committee, in order to improve the efficiency of the mitigation process.

SIGNATORIES

This Memorandum of Agreement will be executed in counterparts by the Chief Administrative Officer of each participating local government or service authority and by the Executive Director of the HRPDC. Individual signatory pages are included for each participating locality.

CITY OF CHESAPEAKE
CITY OF FRANKLIN
CITY OF HAMPTON
CITY OF NEWPORT NEWS
CITY OF NORFOLK
CITY OF POQUOSON
CITY OF PORTSMOUTH
CITY OF SUFFOLK
CITY OF VIRGINIA BEACH
CITY OF WILLIAMSBURG
COUNTY OF GLOUCESTER
COUNTY OF ISLE OF WIGHT
COUNTY OF SOUTHAMPTON
COUNTY OF YORK
JAMES CITY SERVICE AUTHORITY
TOWN OF SMITHFIELD
TOWN OF WINDSOR
HAMPTON ROADS PLANING DISTRICT COMMISSION

AGENDA NOTE: HRPDC ANNUAL COMMISSION MEETING

ITEM #6: REGIONAL STORMWATER COOPERATION REPORT

Enclosed is the report, Regional Cooperation in Stormwater Management Fiscal Year 2008-2009: A Status Report. This report is prepared annually by the HRPDC staff, in cooperation with the Regional Stormwater Management Committee, to document cooperative regional activities undertaken to support the local stormwater programs. The permitted localities include this report in their Annual Reports to the Virginia Department of Conservation and Recreation (DCR). Copies of the report, along with technical reports on the stormwater education and effectiveness indicators programs, were provided to the localities on October 1, 2009. Those reports will be incorporated into the annual Effectiveness Indicators and Environmental Education Reports for presentation to the Commission at a future meeting. Twelve of the sixteen localities are covered by the stormwater permit program and file this report with DCR as part of their Annual Reporting.

The Regional Stormwater Management Committee reviewed the report at its October 1, 2009, meeting. The Committee and the HRPDC staff recommend that the Commission approve the report.

Enclosure – Separate – Commissioners

RECOMMENDED ACTION:

Approve the Regional Stormwater Cooperation Report for distribution.

AGENDA NOTE - HRPDC ANNUAL COMISSION MEETING

ITEM #7: AUTHORIZING RESOLUTIONS AND CERTIFICATIONS FOR FY 2009 STATE HOMELAND SECURITY PROGRAM GRANT APPLICATIONS

The Virginia Department of Emergency Management requires the HRPDC to formally authorize its Executive Director to apply for and accept FY 2009 State Homeland Security Program grant funds for the First Responder Authentication Credential (FRAC). The Chairman and Executive Director are requested to sign certificates for the following:

- Governing Body Resolution for FY 2009 State Homeland Security grants funds.

The Executive Director is requested to sign certificates for the following:

- FY 2009 State Homeland Security Grant Applications (referred to as POC Form and Budget Sheets)
- Grant Assurances
- Cert. Regarding Lobbying
- Non-Supplanting Certification

Attachment

RECOMMENDED ACTION:

Authorize the HRPDC Chairman and Executive Director to execute the above resolutions and grant applications for FY 2009 State Homeland Security grants for the FRAC.

(To Be Completed Once Funds are Awarded)

Governing Body Resolution

BE IT RESOLVED BY THE ____ COMMISSIONERS

(Governing Body)

OF THE __ HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Name of Applicant)

DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

(Name or Title of Authorized Agent)

NANCY K. COLLINS, CHIEF FINANCIAL OFFICER

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 21st day of OCTOBER, 2009

Certification

I, BRUCE C. GOODSON, duly appointed and

(Name)

CHAIRMAN of the HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Title)

(Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the COMMISSIONERS of the HAMPTON ROADS PLANNING DISTRICT COMMISSION on the

(Governing body)

(Name of Applicant)

21st day of OCTOBER, 2009.

CHAIRMAN

(Official Position)

(Signature)

21-Oct-09

(Date)

AGENDA NOTE – HRPDC ANNUAL COMMISSION MEETING

ITEM #8: HRPDC FY 2009 AUDIT

The HRPDC's auditors, Goodman and Company, conducted the Fiscal Year 2009 audit in August and September. The Personnel and Budget Committee will present the Fiscal Year 2009 Audited Financial Statements along with the Committee's report for Board acceptance. The auditors, Personnel and Budget Committee Chairman, and staff are available to respond to any questions the Board may have.

Please note that the HRPDC is now required to report post retirement liabilities under GASB Statement No. 45: *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. This Statement requires that the HRPDC recognize the cost of the retiree health subsidy during the period of employees' active employment, while the benefits are being earned, and disclose the unfunded actuarial accrued liability to accurately account for the total future cost of post-employment benefits and the financial impact on the Commission. An actuarial study was conducted over the summer, and these figures are included in this audited report.

Enclosure – Separate - Audited Financial Statements

RECOMMENDED ACTION:

Accept the Audited Financial Statements

AGENDA NOTE – HRPDC ANNUAL COMMISSION MEETING

ITEM #9: HRPDC BYLAWS AMENDMENT - SECOND READING

In accordance with the HRPDC Bylaws, any proposed amendments to the Bylaws must be presented in writing and read at any regular or special meeting of the Commission. This will constitute the second reading. One amendment to the current HRPDC Bylaws is being recommended.

- Due to the recent change in the meeting times of the HRPDC and HRTPO, it is proposed that the Bylaws reflect that change. Article IV.1 will be amended to reflect a new start time of 9:30 a.m.

A copy of the HRPDC Bylaws is attached indicating the proposed change referenced above. The first reading of this amendment occurred at the July 15, 2009 Quarterly Commission meeting. This is the second reading of this amendment, which will become effective after final approval.

Attachment – HRPDC Bylaws with proposed amendments

RECOMMENDED ACTION:

Approve proposed change to Bylaws.

BYLAWS OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

ARTICLE I

NAME

The name of this organization is The Hampton Roads Planning District Commission (the "COMMISSION"). The COMMISSION was organized and exists pursuant to a Charter Agreement (the "Agreement") adopted by the Joint Resolution of the governing bodies (the "Governing Bodies") of its constituent member governmental subdivisions (the "Subdivisions") in accordance with the Virginia Area Development Act, Title 15.1, Chapter 34 § 15.1-1400 et seq., Va. Code Ann., (1950), as amended.

ARTICLE II

PURPOSE

The purpose of the COMMISSION is to promote the orderly and efficient development of the physical, social and economic elements of the twenty and twenty-first planning districts by planning and encouraging, and assisting Governing Bodies to plan for the future.

ARTICLE III

MEMBERSHIP

The members of the COMMISSION shall be appointed by the participating subdivisions in the manner and for terms as provided by the Agreement.

ARTICLE IV

MEETINGS

1. The meetings of the COMMISSION shall be held at ~~11:00~~ **9:30** a.m. on the 3rd Wednesday of each month during the months of January, April, July and October at a place to be determined by the Chairman of the COMMISSION. The October meeting shall be the annual meeting of the COMMISSION. The COMMISSION or the Executive Committee may change the date and time of any regular meeting at any prior meeting. The COMMISSION may adjourn any meeting from time to time or to another place.

2. Special Meetings. Special meetings may be called by the Chairman at his discretion or by any two members of the COMMISSION upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the COMMISSION are present.

3. Quorum. A majority of the COMMISSION shall constitute a quorum, provided a member from at least a majority of the Subdivisions shall be present.

4. Voting. Each member of the COMMISSION shall be entitled to one vote on the COMMISSION. All actions of the COMMISSION may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the Subdivisions for approval.

5. Procedures. Upon all questions not governed by the Agreement, these bylaws or any other adopted rule of the COMMISSION, the general principle of parliamentary procedure as set forth in Roberts Rules of Order shall govern.

ARTICLE V

OFFICERS

1. Officers and Duties. The officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such subordinate officers as may from time to time be elected or appointed by the COMMISSION. The Vice Chairman shall serve, and may also be known, as the Chair-Elect. No person may hold more than one office; provided, however, that the offices of the Secretary and the Treasurer may be held by the same person. All offices must be held by members of the COMMISSION; provided, however, the offices of Secretary and Treasurer may be held by persons who are not members of the COMMISSION. The office of Chairman shall be held by a member of the Governing Body of the Subdivision he or she represents. The offices of Chairman and Vice-Chairman shall be held by members representing different Subdivisions. Each of such officers shall serve without compensation.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession. Any Chairman or Vice-Chairman who serves a partial term shall not be considered as serving a full term.

3. Election. Prior to the annual meeting at which an officer will be elected, the Chairman shall appoint a Nominating Committee, consisting of at least one member from at least half of the Subdivisions. The Nominating Committee shall, at the annual meeting, submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the meeting at which the election is held. The election of officers shall be by voice vote, unless changed by majority vote of those present.

4. Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by the COMMISSION at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of the Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

5. Chairman. The Chairman shall preside at all meetings of the COMMISSION at which he is present and shall vote as any other member. He shall be responsible for the implementation of the policies established and the actions taken by the COMMISSION, shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the COMMISSION.

6. Vice-Chairman. The Vice-Chairman shall, in the event of the death or absence of the Chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Vice-Chairman shall be expected to serve as Chairman, following the expiration of the incumbent Chairman's term of office.

7. Secretary. The Secretary shall give the members notice of all regular and special meetings of the COMMISSION and shall attend all meetings and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed with the notice of the next regular meeting to all members of the COMMISSION. In general, he shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Secretary may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

8. Treasurer. The Treasurer shall have general charge and supervision of all of books and accounts of the COMMISSION, shall have custody of the monies and securities of the COMMISSION and keep an accurate record of the source of all monies. Unless otherwise provided, he shall sign or countersign such checks, vouchers or other instruments as require signature; shall make a brief financial report at each regular meeting of the COMMISSION; shall prepare an annual report as soon as practicable after the end of each fiscal year; and shall perform all other duties incident to his office that may be required of him by the COMMISSION. The Treasurer may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

ARTICLE VI

COMMITTEES

1. Executive Committee. There shall be, as one of the standing committees, an Executive Committee consisting of one member from each Subdivision designated prior to the annual meeting of the Commission by each respective Governing Body. If the Chairman or Vice-Chairman is not otherwise appointed as an Executive Committee member by his respective

jurisdiction, that officer shall also serve as a member of the Executive Committee during his elected term of office. Except for the Chairman and Vice-Chairman, who shall serve while in office, each member of the Executive Committee shall serve for a term of one (1) year or until his successor is appointed by the appropriate Governing Body, or until he resigns or is removed from the COMMISSION. The Chairman will serve as Chairman of the Executive Committee. Each member of the Executive Committee shall have one vote. However, if the Chairman or Vice-Chairman is not the Executive Committee member appointed by the Governing Body of his Subdivision, then the Subdivision's appointed member and the officer from that Subdivision who is also serving on the Executive Committee shall each be entitled to a vote counted one-half the vote of other Executive Committee members or, if only one of them is in attendance at a meeting, then that one shall have one full vote on behalf of his Subdivision. The Executive Committee shall hold regular monthly meetings upon the call of the Chairman. The Executive Committee shall hold special meetings upon the call of the Chairman or any two of its members. A majority of the members shall constitute a quorum. Every other member shall be an alternate member of the Executive Committee for the purpose of representing his jurisdiction on the Executive Committee, but an alternate member of the Executive Committee may vote only in the absence of the regular member from his jurisdiction. Subject to the control and direction of the COMMISSION, the Executive Committee shall supervise and manage the affairs of the COMMISSION between regular meetings of the full COMMISSION. The Executive Committee may act on all matters by, for or on behalf of the COMMISSION, and may exercise any and all powers granted to the COMMISSION by the Virginia Area Development Act, the Agreement, or these bylaws, except amending the Agreement or these bylaws. The Executive Committee shall have such specific duties as may from time to time be assigned to it by the COMMISSION.

2. Standing Committees. The COMMISSION may establish such other special and standing committees, advisory, technical or otherwise, as it shall deem desirable for the transaction of its affairs.

ARTICLE VII

ADMINISTRATION

1. Staff. The COMMISSION shall employ a staff of qualified professional and other persons, pay to them such compensation as it shall deem advisable to carry out its duties; and implement projects, programs and other functions.

2. Director. The chief executive officer of the staff shall be the Executive Director, who shall have direct supervision of all the other employees of the COMMISSION, and, subject to the authority of the COMMISSION and its officers, shall have direct control of the management of the affairs of the COMMISSION.

3. Duties of Executive Director. The Executive Director shall act as disbursing officer, and shall be responsible for the payment of all bills, or of all warrants or requisitions, after payment thereof is authorized by the Treasurer. He shall be responsible for keeping a record of all monies paid out and received and of receipts and vouchers to cover such expenditures.

4. Execution of Instruments. The Executive Director, upon specific authorization by the COMMISSION, shall have the power to sign in its behalf any agreement or other instrument to be executed by the COMMISSION. Unless otherwise provided, he may sign or countersign checks and vouchers in payment of obligations of the COMMISSION.

ARTICLE VIII

FINANCES

1. Finances. The monies of the COMMISSION shall be deposited in such bank as the COMMISSION shall designate, and all payments (with the exception of those from petty cash) shall, so far as is practicable, be made by checks. Checks and drafts may be signed in the name of the COMMISSION by the Executive Director, the Secretary, the Treasurer, or their designee.

2. Audit. The COMMISSION, at least once each year, shall cause an audit to be made by an independent certified public accountant of the general funds of the COMMISSION and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. Bonds. The COMMISSION shall cause fidelity bonds to be issued covering each of its employees who receive or disburse funds in amounts deemed by it to be adequate.

ARTICLE IX

SEAL

1. Seal. The COMMISSION may adopt a seal for the Commission in such form as it deems appropriate.

ARTICLE X

AMENDMENTS

1. Any proposed amendment of these bylaws shall be presented in writing and read for a first time at any regular or special meeting of the COMMISSION. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the COMMISSION until a subsequent meeting which may be held no earlier than thirty (30) days after the first meeting. At the subsequent meeting, the proposal may be adopted only by the affirmative vote of at least two-thirds (2/3) of the entire COMMISSION members.

As Amended Through October 2008

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #10: CRITICAL INFRASTRUCTURE/KEY RESOURCES (CI/KR) PROGRAM AND THE AUTHORIZING OF RESOLUTIONS AND CERTIFICATIONS FOR FY09 STATE HOMELAND SECURITY PROGRAM GRANT APPLICATIONS

In coordination with the Critical Infrastructure Coordinator from the Governor's Office of Commonwealth Preparedness (OCP) and the Virginia Department of Emergency Management (VDEM), the HRPDC Emergency Management Staff will initiate a Critical Infrastructure Program (CIP) in Hampton Roads to support homeland security initiatives and the Urban Areas Working Group grant program. The HRPDC, VDEM and OCP will work with federal, state, and local officials, as well as private sector and Sector Specific Agencies (SSAs) to effect a seamless, coordinated security and preparedness strategy and supporting implementation of Sector Specific Plans (SSPs), as mandated by the Department of Homeland Security, the General Assembly and the Code of Virginia. State agency participation and leadership, coupled with the development and sustainment of strong public-private partnerships is essential to the success of this effort. Regional subject matter experts will support the HRPDC, VDEM, and the Governor's Office of Commonwealth Preparedness Critical Infrastructure Program efforts. Their continued involvement in coordination and collaboration regarding the development and maintenance of these SSPs will be central to future Commonwealth CI/KR protection and preparedness efforts. Additionally, a CIP program in Hampton Roads will serve as a regional model for the Commonwealth and the nation.

The Virginia Department of Emergency Management requires the HRPDC to formally authorize its Executive Director to apply for and accept three FY 2009 State Homeland Security Program grants for the ACAMS Training, CI/KR Resiliency Study (UVA), and the Virginia Critical Infrastructure Protection and Resiliency Strategic Plan implementation.

The Chairman and Executive Director are requested to sign certificates for the following:

- Governing Body Resolution for FY 2009 State Homeland Security grants funds (one for each grant).

The Executive Director is requested to sign certificates for the following (one for each grant):

- FY09 State Homeland Security Grant Applications (referred to as POC Form and Budget Sheets)
- Grant Assurances
- Cert. Regarding Lobbying
- Non-Supplanting Certification

Mr. Richard Flannery, HRPDC Emergency Management Program Administrator, will provide an overview of these new initiatives.

Attachment

RECOMMENDED ACTION:

Authorize the HRPDC Chairman and Executive Director to execute the above resolutions and grant applications for FY 2009 State Homeland Security grants for ACAMS Training, the CI/KR Resiliency Study (UVA), and the VA Critical Infrastructure Protection and Resiliency Strategic Plan implementation.

(To Be Completed Once Funds are Awarded)

Governing Body Resolution

BE IT RESOLVED BY THE ____ COMMISSIONERS

(Governing Body)

OF THE __ HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Name of Applicant)

DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

(Name or Title of Authorized Agent)

NANCY K. COLLINS, CHIEF FINANCIAL OFFICER

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 21st day of OCTOBER, 2009

Certification

I, BRUCE C. GOODSON, duly appointed and

(Name)

CHAIRMAN of the HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Title)

(Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the COMMISSIONERS of the HAMPTON ROADS PLANNING DISTRICT COMMISSION on the

(Governing body)

(Name of Applicant)

21st day of OCTOBER, 2009.

CHAIRMAN

(Official Position)

(Signature)

21-Oct-09

(Date)

(To Be Completed Once Funds are Awarded)

Governing Body Resolution

BE IT RESOLVED BY THE ____ COMMISSIONERS

(Governing Body)

OF THE __ HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Name of Applicant)

DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

(Name or Title of Authorized Agent)

NANCY K. COLLINS, CHIEF FINANCIAL OFFICER

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 21st day of OCTOBER, 2009

Certification

I, BRUCE C. GOODSON, duly appointed and

(Name)

CHAIRMAN of the HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Title)

(Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the COMMISSIONERS of the HAMPTON ROADS PLANNING DISTRICT COMMISSION on the

(Governing body)

(Name of Applicant)

21st day of OCTOBER, 2009.

CHAIRMAN

(Official Position)

(Signature)

21-Oct-09

(Date)

(To Be Completed Once Funds are Awarded)

Governing Body Resolution

BE IT RESOLVED BY THE ____ COMMISSIONERS

(Governing Body)

OF THE __ HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Name of Applicant)

DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

(Name or Title of Authorized Agent)

NANCY K. COLLINS, CHIEF FINANCIAL OFFICER

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 21st day of OCTOBER, 2009

Certification

I, BRUCE C. GOODSON, duly appointed and

(Name)

CHAIRMAN of the HAMPTON ROADS PLANNING DISTRICT COMMISSION

(Title)

(Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the COMMISSIONERS of the HAMPTON ROADS PLANNING DISTRICT COMMISSION on the

(Governing body)

(Name of Applicant)

21st day of OCTOBER, 2009.

CHAIRMAN

(Official Position)

(Signature)

21-Oct-09

(Date)

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #11: STORMWATER MANAGEMENT REGULATIONS - UPDATE

At the July 2009 HRPDC Quarterly Commission Meeting, the HRPDC staff provided the Commission with an overview of the regulations governing stormwater management proposed by the Virginia Department of Conservation and Recreation. Based on Commission discussion of the proposed comments, developed by the HRPDC staff and Regional Stormwater Management Committee, and subsequent review by the Chairman, in accordance with Commission action, a comment package was submitted to DCR for consideration.

Since the close of the DCR public comment period on August 21, 2009, a number of activities have occurred, including:

- Review by DCR proposed responses to public comment and development of proposed revisions to the regulations.
- Meeting of the Joint Commission on Administrative Rules 0 September 16, 2009
- Meeting of HRPDC Executive Committee & consideration of recommendations from the HRPDC staff – September 16, 2009
- Meeting of the Board of Soil and Water Conservation – September 17, 2009
- Meeting of the Board of Soil and Water Conservation – October 5, 2009
- Several meetings and conference calls involving the HRPDC staff, Regional Stormwater Management Committee and the Virginia Municipal Stormwater Association.

Attached are the HRPDC Comments, as revised and approved at the September 16, 2009 Executive Committee Meeting. These were presented to the Board of Soil and Water Conservation at its meeting on September 17, 2009.

At its meeting on October 5, 2009, the Board of Soil and Water Conservation approved the proposed Stormwater Management Regulations. The Regulations were then suspended to provide for additional public comment. Following anticipated publication in the Virginia Register on October 26, 2009, an additional thirty (30) day public comment period will be provided. The Regulations and any public comments are then stated for consideration at a special meeting of the Board of Soil and Water in December.

HRPDC Senior Environmental Planner Julia Hllegass will provide an overview and recommendations.

Attachment

RECOMMENDED ACTION:

Per discussion

Comments of the Hampton Roads Planning District Commission on Virginia Stormwater Management Regulations

Richmond Virginia
September 17, 2009

Thank you for the opportunity to comment on the ongoing stormwater rulemaking process. My name is Julia B. Hillegass; I come before you today representing the Hampton Roads Planning District Commissioners and staff, as well as the local governments comprising Hampton Roads.

I first want to commend all of the agencies and stakeholders who have remained engaged in this lengthy process. Because of their commitment, we will surely arrive at a better program for handling stormwater issues in Virginia. The leadership and staff of the Department of Conservation and Recreation have been tireless in their efforts to be available, inclusive and responsive and for that, we are most appreciative.

As you are aware, there is currently draft discussion language circulated for consideration, which addresses, or begins to address, many of the concerns raised by the HRPDC, but several important technical issues remain unresolved. Chief among them are the significant fee increases, particularly for Phase II communities, consideration for coastal plain limitations in applying certain best management practices, and the lingering issue of incomplete technical guidance including the Stormwater BMP Manual. These issues warrant further discussion with sound science behind the decisions. New language in the discussion draft raise even more programmatic and technical issues that will require work by TACs to fully flesh out how to implement and administer concepts such as the buy-downs and watershed management planning guidelines. The devil is indeed in the details! Other technical guidance remains either incomplete or untested for effectiveness.

Much testimony has been given by citizens and environmental groups at various public hearings across the state, urging immediate action without regard to sound science, economic impact or realistic implementation expectations for localities. I have heard people say that, "something, anything will be better for water quality." We disagree. Additional regulations and requirements without sustainable capacity, staffing and funding will not improve water quality in a meaningful way.

Certainly, no one involved in this process is opposed to making improvements to water quality, however, as with most extremely complex issues such as this, rushing to finalize these regulations based on an arbitrary timeline at this point sets up both localities and the Commonwealth for failure that could lead to some level of federal enforcement action. Current limitations in budget and capacity at the state and local level almost certainly ensure this.

At its Executive Committee meeting on September 16, 2009, the Hampton Roads Planning District Commission discussed this matter at length. The HRPDC is concerned that insufficient public review of the proposed revisions has been provided, that a number of technical issues remain outstanding, that not all technical supporting materials have been completed and that the economic impacts of the proposed revisions have not been analyzed. The HRPDC requests that prior to adoption of the regulations, the following steps be taken:

1. Address the remaining technical concerns raised during the public comment period, complete the various supporting technical documents and complete an economic impact analysis of the regulations incorporating the revisions being considered. Following completion of this work, additional public review should be provided.
2. In the alternative, the regulatory process should be extended to provide for an additional 45 days of public review to afford localities and others sufficient time to analyze the impacts of these regulations as modified.

These steps are necessary to ensure that localities and the Commonwealth can be assured of successfully implementing improvement to Virginia's water quality.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #12: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

The HRPDC and participating localities have been actively involved in the Chesapeake Bay Program, including development of the Chesapeake Bay Agreement 2000 (C2K) and the Tributary Strategies for the Bay and Its Tributaries. Those programs involved a voluntary approach to reducing nutrient and sediment pollution to the Bay. The Chesapeake Bay Program (U.S. Environmental Protection Agency, States of Maryland, Pennsylvania and Virginia and the District of Columbia) including new participation by the States of Delaware, New York and West Virginia, has determined that the voluntary approach will not allow the Bay and its Tributaries to meet water quality standards by 2010. This date was established by the same federal consent decree that established the other TMDL deadlines that were discussed at the September 2009 Executive Committee Meeting.

Based on that determination, the U.S. Environmental Protection Agency is developing a TMDL for the Bay, which will address nitrogen, phosphorus and sediment. Following EPA development of the TMDL, the individual states will be responsible for developing implementation plans for the individual tributaries to meet the TMDL. The Chesapeake Bay Program has determined that the implementation plans must be included in the draft TMDL, which is due to be completed by August 2010. The final TMDL must then be completed by December 2010. Detailed schedule and technical recommendations are to be considered by the Principal's Staff Committee (Secretary of Natural Resources and counterparts) at a meeting on October 23, 2009.

The Commonwealth of Virginia has begun the process of meeting its obligations relating to the Chesapeake Bay TMDL. A public information webinar was held on October 2, 2009. Representatives of the HRPDC and its Joint Environmental Committee (Regional Stormwater Management and Chesapeake Bay Committees) participated. The formal implementation plan development process will begin in November. To assist the state in the developing the plan, a stakeholder group will be established by the Secretary of Natural Resources. Interested parties may request membership on the Stakeholder Group.

At the webinar, local government participants recommended that the Hampton Roads region actively seek membership on the stakeholder group. The region should be represented by staff from the HRPDC, the Hampton Roads Sanitation District and two local governments (one Peninsula and one Southside). This approach was used successfully by the region during the development of the Tributary Strategies. The HRPDC staff and Joint Environmental Committee recommend that the HRPDC formally request representation on the Chesapeake Bay TMDL Stakeholder Group.

HRPDC Physical and Environmental Planner Jennifer Tribo will brief the Commission on this initiative and its implications for Hampton Roads.

RECOMMENDED ACTION:

Request that the Stakeholder Group, being established by the Commonwealth of Virginia, include Hampton Roads representatives as recommended by the HRPDC staff and Joint Environmental Committee.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #13: NOMINATING COMMITTEE REPORT/ELECTION OF OFFICERS

Mr. Louis R. Jones, Chair of the Nominating Committee, will present the report of the Nominating Committee for the names of those recommended for Chair, Vice Chair, Secretary and Treasurer as well as those recommended for appointment to the Executive Committee/MPO by their local governments.

The Nominating Committee Members include:

Louis R. Jones (VB)	Barclay C. Winn (NO)
Ella P. Ward (CH)	Gordon C. Helsel, Jr. (PQ)
Rosa Lawrence (FR)	Douglas L. Smith (PO)
Gregory Woodward (GL)	Anita T. Felts (SH)
Ross A. Kearney II (HA)	Linda T. Johnson (SU)
Stan D. Clark (IW)	John M. Seward (SY)
Bruce C. Goodson (JC)	Jeanne Zeidler (WM)
Joe S. Frank (NN)	Thomas G. Shepperd, Jr. (YK)

The Chair and Vice Chair must come from separate Subdivisions and be elected officials. The offices of Treasurer and Secretary shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chair and Vice Chair shall be elected for two one-year terms or until their successors are elected or until they resign or are removed from office. The offices of Secretary and Treasurer must be voted on an annual basis but need not be elected officials and may succeed themselves.

As provided in the Bylaws, the Executive Committee is a standing committee of the Commission. It consists of sixteen members, each from a different participating jurisdiction.

The Executive Committee/MPO members include:

Stan D. Clark (IW)	Michael W. Johnson (SH)
Selena Cuffee-Glenn (SU)	Louis R. Jones (VB)
June Fleming (FR)	Alan P. Krasnoff (CH)
Paul D. Fraim (NO)	James O. McReynolds (YK)
Joe S. Frank (NN)	Douglas L. Smith (PO)
Tyrone W. Franklin (SY)	Molly Joseph Ward (HA)
Brenda G. Garton (GL)	J. Randal Wheeler, (PQ)
Bruce C. Goodson (JC)	Jeanne Zeidler (WM)

ELECTION OF OFFICERS

The Bylaws provide that election of officers shall be by voice vote, unless changed by a majority of those present. Each member of the Commission is entitled to one vote.

Attachment

RECOMMENDED ACTION:

Elect a Chair, Vice Chair, Treasurer and Secretary for the next year and recognize the appointments of the local jurisdictions to the Executive Committee.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #14: PROJECT STATUS REPORT

A. Joint Environmental Committees

The Regional Stormwater Management Committee (RSMC) and Hampton Roads Chesapeake Bay Committee (HRCBC) met on October 1, 2009.

The Committee received briefings on the following issues:

- HRPDC Staff – Status of Energy Efficiency and Conservation Block Grant funding for smaller localities
- HRPDC Staff – Recently issued Chesapeake Bay Executive Order draft reports and how they might impact Hampton Roads localities.
- Mr. Raed El-Farhan of the Louis Berger Group on a Flow TMDL in Fairfax County. The Committee extensively discussed how the experience with the flow TMDL in Northern Virginia might be applied to Hampton Roads.
- HRPDC Staff – NOIRA on regulating stormwater flow through the TMDL process.
- HRPDC Staff – Update on the status of the draft DCR stormwater regulations.
- HRPDC Staff - Update on the PARS tracking system.

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

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 under development. The Committee and staff continue to work with DCR staff to ensure regional consistency among the permits and to address continuing concerns over the standards to be achieved through the permits.
- The RSMC held a special meeting with stormwater legal counsel on September 25, 2009 to frame the regional response to the proposed Stormwater Management Regulations as they relate to the MS4 Permits.
- Both the Phase I and Phase II localities submitted their annual reports for FY 2008 – 2009 to DCR. As in past years, the HRPDC staff prepared a number of sections for these reports.

B. Directors of Utilities Committee

The Directors of Utilities Committee met on October 7, 2009. The Committee received briefings on the following:

- Committee members – Summary of the SSO Consent Decree, continued efforts to address issues associated with the State Corporation Commission interpretations of state regulations dealing with the marking of sewer laterals on private property, and the initial meeting of the Groundwater Regulatory Advisory Panel.
- HRPDC staff – Groundwater Mitigation Program Memorandum of Agreement and FY10 UASI grant proposals related to security of the regional water sources and infrastructure.

The Capacity Team Subcommittee continues to meet weekly. All participants in the Regional SSO Consent Order continue to meet all deadlines under the Order.

The HRPDC staff continues to provide support to localities and DEQ on the web-based Sanitary Sewer Overflow Reporting System.

The HRPDC staff is continuing to facilitate the regional effort to address fats, oils and grease in the sanitary sewer system. At press time, HRSD and several localities have approved the Memorandum of Agreement, approved by the HRPDC in November, on enforcement of the fats, oils and grease program. It remains under consideration by the other participating localities.

The HRPDC staff and Committee members continue to address issues associated with the State Corporation Commission interpretations of state regulations dealing with the marking of sewer laterals on private property. VML is considering a proposal for inclusion in its 2010 Legislative Agenda, which is consistent with the direction being pursued by the Committee.

HRPDC is working with USGS to update the Virginia Coastal Plain groundwater model simulations to include withdrawals from 2004-2007. The simulations will identify locations that violate the criteria for groundwater withdrawal permits and will be compared to the RASA model results currently used by DEQ.

HRPDC staff and several Committee members attended the initial meeting of the Regulatory Advisory Panel for the state's review of the Groundwater Management Regulations. The next meeting is October 28, 2009 at 9:30am in West Point.

HRPDC staff has developed two proposals for the FY10 UASI grant. These proposals will be submitted to the UAWG for consideration:

1. A planning study that would identify scenarios that could have regional impacts to the water systems, evaluate the existing response plans, conduct

a gap analysis, and recommend solutions and a table top exercise based on the study findings.

2. Purchase and install Water Quality Monitoring Panels.

HRPDC staff is continuing to work with the localities in developing the regional water supply plan. Plan development has been delayed by the recent court decision and associated developments impacting the Proposed King William Reservoir. The additional time is required to properly evaluate the impact of this decision on the region.

C. Emergency Management Project Update

House Joint Resolution 155

HJR 155 required a review of the emergency responses by the localities of the Hampton Roads region, including responses across jurisdictional lines. The HRPDC submitted the first of two reports to the General Assembly in December 2008. The research, interviews of public safety officials, and analysis for the final report remains in progress. The Emergency Management staff is continuing to take an in-depth look at what would be necessary to facilitate dispatchers' ability to see across jurisdictional lines and to know what responders may be available in neighboring localities. In conducting its study, the Emergency Management staff is including representatives from the fire departments, EMS or rescue departments and police departments of each locality in the region. Recent activities have focused on institution of higher education, airport and transit first response elements that receive support from localities. The Emergency Management staff is also examining any other issues relevant to accomplish the purposes of the study, including the need for any additional enabling legislation and shall provide appropriate recommendations.

Debris Management

The Emergency Management staff continued to support regional debris management and the monitoring of the regional debris reduction and removal contracts to ensure compliance with the changes reflected in the FEMA and FHWA policy changes. Regional Debris Management contract support will continue as needed for the current contracts and their subsequent option years out to 2013. The Emergency Management staff, along with Southeastern Public Service Authority, Virginia Peninsulas Public Service Authority, localities and other subject matter experts remains ready to support operations as needed.

Hampton Roads Regional Jail and Inmate Evacuation

The Emergency Management staff continues to support the Regional Inmate Evacuation Planning as a new initiative started in FY09 at the request of the Hampton Roads Regional Jail and Inmate Evacuation Committee. Support has consisted of drafting planning templates, reviewing plans drafted, acquiring and supporting jail/inmate emergency management training, and promoting regional collaboration between emergency management, law enforcement, and corrections officials. The Emergency Management staff briefed the Committee in September

on the planning efforts with the Regional Catastrophic Planning Grant Program to facilitate holistic planning. Also, the Committee was briefed on the Urban Areas Security Initiative and how to take advantage of this program to further their planning, training, and exercise needs.

Hampton Roads Tactical Regional Area Network (HRTacRAN)

The EM Staff has facilitated a new subtask in June, under the FY05 Port Security contract with ZelTech, on behalf of the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) to develop a bid specification for the follow-on service and maintenance of the HRTacRAN and to assist with the procurement of those services. ZelTech contracted with Engineering Associates, Inc. (with the HRICACs approval) to perform this technical task. Engineering Associates, Inc. continues to perform its task in coordination with representative members of the HRICAC with on-site visits and regular correspondence to develop the bid specifications and RFP. Engineering Associates will be working with the HRPDC in the coming weeks to develop the RFP with appropriate procurement requirements.

Peninsula Local Emergency Planning Commission (PLEPC)

The Emergency Management staff continues to support of the Peninsula Local Emergency Planning Commissions (LEPC) by providing technical assistance to develop, maintain, and update local and regional Hazardous Materials Emergency Response Plans in accordance with SARA Title III. Currently, the PLEPC has asked the Emergency Management staff to update its website to ensure compliance. Also, the PLEPC has asked the Emergency Management staff to support the development of a grant application (once the guidance is released in early fall) for funds to update the current Peninsula Local Emergency Response Plan.

FY 2010 Healthcare Organization Emergency Preparedness Seminars (HOEPS)

The Emergency Management staff, in conjunction with a planning committee, continues to plan for this annual regional seminar for hospitals, assisted living facilities, nursing homes, group homes, dialysis centers, and home health care agencies on the peninsula and Southside of Hampton Roads. The seminar is focused on helping these organizations make and implement emergency operations plans and continuity of operations plans for their facility. The dates for this event have been scheduled for May 2010 with a seminar to be held on the peninsula and the Southside. Current efforts include finding appropriate speakers and securing a venue for these seminars.

Hazard Mitigation Planning

The Emergency Management staff has been asked by the Emergency Managers in south Hampton Roads (Norfolk, Virginia Beach, Portsmouth, Suffolk, and Isle of Wight) for support in applying for hazard mitigation grant funds to update the Southside Hampton Roads Hazard Mitigation Plan. The plan will require an update in FY11 and the staff is providing administrative support to make the application and secure funds for this effort.

Regional Catastrophic Planning Grant Program (RCPGP) Support

The Regional Catastrophic Planning Team (RCPT) for the Regional Catastrophic Planning Grant Program (RCPGP), established in Hampton Roads by the Department of Homeland Security in 2008, selected consultants to begin working the project. The three work groups (1) Mass Evacuation and Transportation Planning; (2) Mass Care and Shelter Planning; and (3) Commodities and Resource Management, continue to meet and work towards the goals and objectives established by the RCPT. The HRPDC staff will continue its support of the grant to the Regional Catastrophic Planning Team for the three workgroups to ensure existing projects and data is integrated.

Urban Areas Security Initiative (UASI)

The Emergency Management staff continues to support the Hampton Roads Urban Areas Security Initiative (UASI) Grant Program for the Urban Areas Working Group (UAWG). The UASI program funds address the unique planning, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and assists them in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism. Recent efforts have been focused on developing and implementing the FY 2010 grant application period. Outreach activities to all stakeholders are being conducted through multiple committees and associations to ensure a holistic approach for this program. The grant guidance for the FY 2010 UASI grant is not expected to be released until late October, but the staff has taken a proactive approach to alleviate some of the challenges and short time frame associated with applying for this grant. This advanced effort will result in a more comprehensive grant application package to DHS that is aligned with the goals and objectives of the Commonwealths Homeland Security Strategic Plan and Hampton Roads Homeland Security Strategic Plan.

Additionally, representatives from the Virginia Tidewater Consortium for Higher Education Security and Emergency Preparedness Committee and Virginia Modeling, Analysis, and Simulation Center have been added as members to the UAWG to represent Higher Education for Homeland Security initiatives for the UASI program. Also, VMASC has been working with the EM Administrator in developing an analytical approach to investment selection and approval which will be presented to the UAWG in October.

In late September 2009, DHS released guidance on the use of Homeland Security Grant Program funds for the sustainment of maintenance and user fees associated with capabilities developed by this grant program. In short, funds may not be used beyond the period of performance for the grant period.

Hampton Roads Medical Special Needs WebEOC Implementation Update (FY 2007 & FY 2008 UASI Project)

The implementation of WebEOC within Hampton Roads is part of a larger UASI funded regional initiative to expand and enhance emergency preparedness

planning and outreach related to the region's population with special needs. The ability to use WebEOC for strengthening regional collaboration in areas other than special needs planning is noted as an added benefit in supporting emergency planning, response and recovery efforts in consequence management. The original scope of the project called for the implementation of a Hampton Roads Regional ESi WebFUSION server to be connected to two existing instances of WebEOC (James City County and Virginia Beach) and nine new instances of WebEOC (a regional instance, and eight local instances located in Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Williamsburg, and York County). In September, Gloucester's instance of WebEOC was successfully installed and tested. WebEOC will be installed in the City of Poquoson in October while instances of WebEOC will be established on the regional server for the City of Franklin, Surry County, Isle of Wight County, and Southampton County.

The next phase of the project will also involve configuring the WebEOC and ESiWebFUSION systems to facilitate emergency preparedness planning for the medical special needs population. This work includes developing a conduit to transfer information submitted to the Hampton Roads Medical Special Needs Registry at www.hrspecialneeds.org (under development) to each city/counties instance of WebEOC. The information transferred will be city/county specific and used for planning purposes only by emergency management officials. The information will be displayed on a Medical Special Needs boards within WebEOC once development and testing is completed. A public outreach plan is in development and is expected to be implemented by January 2010 advertising the website and registry after the Commission and local government representatives and stakeholders have been briefed by the Emergency Management staff.

Maritime Security and Response (FY07 UASI Project)

The Virginia Area Maritime Security Committee (AMSC) continues to be supported by the Emergency Management staff as the committee continues to develop and test a plan that provides an all-hazard operational framework and long-term preparedness program for facilitating the recovery of the U.S. Marine Transportation System (MTS) from either a natural, technological, or man-made disaster. A central component of this program is the pre-incident preparation of an MTS Unit (MTSU) by the Captain of the Port (COTP) in partnership with the AMSC, port stakeholders, local public safety officials (i.e. emergency management, fire and law enforcement agencies) and the establishment of an MTS Recovery Unit (MTRU). The Emergency Management staff provides emergency planning and exercise support (as outlined in the DHS approved FY07 UASI investment) for MTS recovery planning and preparation by serving as an advisory member to the director of the MTRU, AMSC, and COTP.

Currently, the Emergency Management staff is working with the AMSC, VDEM, and a contractor (CRA) to develop and support a Tabletop Exercise (TTX) on November 10, 2009. The purpose of the TTX is to examine and discuss policies, procedures and coordination of a port response to a major disruption of maritime business in Hampton Roads and port recovery operations. The exercise will be held at Tidewater Community College Advance Technology Theater located on the

Virginia Beach campus from 8 a.m. until 12 noon. Invitations will be forthcoming to pre-identified stakeholders.

Multi-Region Target Capabilities Assessment (FY08 UASI Project)

The Emergency Management staff, on behalf of and in cooperation with the HR and CV UASI regions, provide program management support for the development and hiring of a contractor for a Target Capabilities Assessment (TCA), through the UASI Grant program. The overall objective of this project is to produce a comprehensive report including a risk verification of the individual UASI region's identified capabilities, the identification of any gaps in ability to prevent, respond to and recover from a disaster, an assessment of the needs to fill the identified gaps, and a three to five year spending plan to address identified needs. This effort will assist in the UASI in its effort to use future grant funding in the most effective and efficient manner.

The TCA will utilize a well established methodology to acquire information as well as the measure the current level of emergency preparedness. The TCA will involve agencies throughout both the CV and HR UASI regions including but not limited to emergency management, law enforcement, public safety, and emergency response organizations, non-profit and private sector organizations, Hampton Roads Transit (HRT), Williamsburg Area Transit Authority (WATA), and the Greater Richmond Transit Company (GRTC).

In late September, the contract negotiations came to a close with the signing of a contract with CNA for contractor support and conducting the TCA. An initial kick-off meeting was held October 1, 2009 with the contractor and members of the HRPDC, HR UASI, and CV UASI. The project plan was finalized for implementation of this work.

Pet Sheltering Support (FY09 UASI Project)

The development of a newly developed Pet Planning subcommittee by RETMAC is supported by the Emergency Management staff. Support is being provided to research equipment and supplies needed to assist localities in implementing pet plans developed for disasters and management of pets at shelters. The intent of this project is to procure trailers with equipment and supplies (as allowed by grant guidance) specifically for assisting pet management at shelters in localities. Ongoing activities continue as the staff and support from member localities work to define equipment and supply needs and standardization.

First Responder Authentication Credential (FRAC)

The Emergency Management (EM) staff continues to foster the First Responder Authentication Credential (FRAC) pilot program in Hampton Roads initiated and lead by the Governor's Office of Commonwealth Preparedness (OCP) through State Homeland Security Grant funds. The FRAC initiative is serving as a model credentialing program for other regions to enhance cooperation between federal, state, local, private and volunteer sector Emergency Responders before and during a critical incident. As the operational component of this initiative, the Hampton Roads Credentialing Committee has been working through many

components of this program to include selection of personnel to be utilized as part of this process, where to put the issuance stations, and how to maintain the program. The issuance of FRAC's was anticipated to start in August 2009 upon approval of the contract with the service providers of the FRAC cards and issuance stations. However, the period of performance and associated costs outlined in the draft contract for this project was not in synchronization of the grant guidance and above the allocated funding awarded by the Virginia Department of Emergency Management (VDEM) grants department. The HRPDC has been working with OCP to come to a resolution to ensure all aspects of the project meet the federal grant guidance dictated by the Department of Homeland Security (DHS). We anticipate contract resolution by the end of October 2009 so that the project may continue.

Critical Infrastructure/Key Resources (CI/KR)

Strategic planning by the Emergency Management staff for the development of a regional Critical Infrastructure and Key Resources (CI/KR) program has been initiated in coordination with the Office of Commonwealth Preparedness Critical Infrastructure Protection Coordinator. Planning efforts in July and August consisted of: (1) identifying and tentatively securing State Homeland Security Grant funds; (2) identifying stakeholders and supporting personnel to draft a clear mission, vision, and goals for the program that supports the key stakeholders from the 18 public and private sectors identified in the National Infrastructure Protection Plan (NIPP); and (3) supporting the NIPP and the Virginia Infrastructure Protection Plan released in July 2008. Grant funding allocation letters are expected to be received in the next month as DHS releases FY09 funding to the Commonwealth from the DHS Homeland Security Grant Program (HSGP). This will be followed by a formal grant application to be awarded the funds.

D. Regional Housing Program

Hampton Roads Loan Fund Partnership

The Housing and Human Services staff was recently notified of their FY10 award of HOME funds from the Department of Housing and Community Development. (DHCD). The Hampton Roads Planning District Commission was awarded \$180,000 to provide down payment and closing cost assistance to qualified individuals in Planning District #23. The staff will be scheduling training with regional partners to discuss new guidelines and procedures related to the utilization of this funding. The HRPDC was awarded additional funding due to performance at the end of FY09 that resulted in an additional 20 first-time homebuyers receiving assistance.

Housing and Human Service Technical Support

The Housing & Human Services Staff continues to provide technical support and assistance to various housing and human needs related program. Through the work of the Hampton Roads Housing Consortium (HRHC), the staff was lead on coordinating the first regional housing fair that assisted first-time homebuyers as well as provided foreclosure counseling services to residents in the region facing foreclosure. The staff has been instrumental in the design and roll-out of a newly

designed housing website that provides resources and links to consumers on various housing related issues. The HRPDC has also been working with HRHC in the coordination of the Third Annual Hampton Roads Housing Consortium Awards Program, which was held on October 7, 2009.

E. Regional Economics Program

Regional Benchmarking Study

Economics staff is working to complete the next edition of the Regional Benchmarking Study, which is due for release in December. This publication contains graphical illustrations on a variety of regional socio-economic indicators on topics such as the economy, demographics, housing, transportation, and quality of life. The up-coming publication will feature new data from the American Community Survey recently released by the U.S. Census Bureau.

Economic Impact Analysis

Economics staff routinely conducts regional economic impact analyses using the Commission's REMI model. The model has proved to be valuable in analyzing inter-industry linkages during the process of collecting background information for the Comprehensive Economic Development Strategy. The model has also been used to determine employment generation of roadway projects in support of regional TIGER Grant applications.

Comprehensive Economic Development Strategy

In April of 2009, Mr. Bob Gittler from the Economic Development Administration provided a presentation to the Commission on the process of developing a Comprehensive Economic Development Strategy (CEDS). In May, the Hampton Roads Partnership (HRP) began the process of developing Vision Hampton Roads; a CEDS for the Hampton Roads region. Messrs. Doug Smith and Dana Dickens provided further information to the Commission at its September 2009 Executive Committee meeting. HRPDC Chief Economist Greg Grootendorst serves on the Vision Hampton Roads Steering Committee as well as on each project's sub-committees. Working with Dr. Larry Filer from the Department of Economics at Old Dominion University, HRPDC staff is providing substantial support for this effort.

Hampton Roads Economic Quarterly

The Fall 2009 edition of the Hampton Roads Economic Quarterly (HREQ) will be released on Wednesday October 21. This most recent publication contains information on regional funding from the American Recovery and Reinvestment Act along with a feature article on the potential impacts of H1N1 (Swine Flu) on the region's labor force and details on the size of the population that is at risk. The HREQ will also include a synopsis of the current regional economic climate with graphical illustrations of regional economic indicators.

F. Climate Change Meeting

The staff of the Hampton Roads Planning District Commission is currently involved in a study of the impacts of climate change and sea-level rise on the region. A meeting will be held at 1:30 on October 29, 2009 at the Regional Building to go over the findings of the study to date, promote information sharing between local governments, agencies, and non-government stakeholders, and allow researchers to share the initial results of some of their projects.

The HRPDC study has been looking at the changes climate change will have on the Hampton Roads region, with specific attention paid to the various impacts those will have on the region's population, infrastructure, and natural environment. The study will include a summary of the current state of the science of climate change, as well as a catalog of possible options for both adaptation and mitigation. HRPDC staff has been developing maps to show those areas which are most vulnerable to the combination of sea level rise and storm surge that is expected to occur over the next century. In addition to an update from HRPDC staff, Dr. Harry Wang of VIMS will present the most current results of his work studying the impact of sea-level rise on storm surge in the Hampton Roads region. The meeting will provide an opportunity for stakeholders to provide input to the HRPDC study as well as discuss how they are each incorporating climate change into their own plans.

G. Energy Efficiency and Conservation Block Grant Program

The application materials for the Energy Efficiency and Conservation Block Grant program for those Virginia localities that did not qualify for the direct U.S. Department of Energy grant program are available on the Virginia Department of Mines, Minerals and Energy website at the following address:

<http://www.dmme.virginia.gov/de/arra/EECBGProgram.shtml>

Hampton Roads localities eligible for funding through this program include the Cities of Franklin, Poquoson and Williamsburg, the Counties of Isle of Wight, Gloucester, James City, Southampton, Surry and York and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor.

HRPDC staff will be participating in a training session on the application process on October 9, 2009. The HRPDC will be hosting a workshop on the application process on Wednesday, October 14, 2009, 9:00, in the Regional Board Room at 723 Woodlake Drive in Chesapeake, VA. The HRPDC staff recommends that local government staff contact Eric Walberg of the HRPDC staff if they have questions on the grant program.

H. Regulating Stormwater Flow Through the TMDL Process

On August 31, 2009, the Virginia Department of Environmental Quality (DEQ) published a Notice of Intended Regulatory Action to regulate stormwater flow through the TMDL process. DEQ solicited comments and nominations for an advisory panel through October 9, 2009. Based on discussions with the HRPDC Joint Environmental Committee, the HRPDC staff submitted a letter requesting that Jenny Tribo, HRPDC Physical and Environmental Planner, represent Hampton Roads' interests on the advisory panel.

DEQ indicates that the intent of this rulemaking is to protect state waters by taking limited regulatory action to amend existing definitions or adding new definitions. This action will clearly state the State Water Control Board's purpose to correct or reduce the alteration of the physical, chemical or biological properties of any state waters due to flow.

DEQ has concluded that the proposed amendments to the regulation are essential to protecting the health, safety and welfare of the citizens of the Commonwealth by protecting the water quality. This action provides for the inclusion of the concept of regulating flow or other qualities or quantities of a point source discharge that cause or contribute to pollutants or pollution of state waters downstream of the point source discharge.

Although the State Water Control Board has statutory authority to address excessive flow as a primary stressor in the TMDL process, the proposed amendment to the Water Quality Management Planning Regulation (9 VAC 25-720-10) will provide additional clarity and specificity for flow caused impairments. The additional clarification will be made by amending existing definitions and/or adding new definitions to the regulation. This action has the potential to impact the region's localities since the provisions of the flow TMDL will be implemented through the stormwater permitting process. The HRPDC staff and Committee members have also expressed concern about the applicability of the flow approach to water quality regulation in the region's tidal rivers and estuaries.

I. Sanitary Sewer Overflow Consent Decree

After nearly four years of work, the Virginia Department of Environmental Quality, U.S. Environmental Protection Agency and the U.S. Department of Justice have reached an agreement with the Hampton Roads Sanitation District on the Sanitary Sewer Overflow (SSO) issue. This agreement is embodied in a Consent Decree, lodged in the U.S. District Court for the Eastern District of Virginia, Norfolk Division on September 29, 2009. Attached for information is a copy of the Federal Register Notice on the Consent Decree, which was published on October 7, 2009. A public comment period on the Decree will run through November 6, 2009.

HRSD staff and legal counsel briefed the Directors of Utilities Committee and Legal Team on the Decree at the Committee's October 7, 2009 meeting. Decree provisions parallel the requirements of the Sanitary Sewer Overflow Consent Order, reached by HRSD, thirteen Hampton Roads localities and DEQ in September 2007. While HRSD will pay a civil penalty under the Consent Decree, the provisions are generally more favorable to the region than similar decrees reached in other regions. This reflects the position taken by HRSD and the region's localities that the Hampton Roads wastewater system is in better condition than many of its counterparts.

Attachment

Background

On October 24, 2007, the Secretary of the Interior (Secretary) established the Committee to provide advice and recommendations to the Secretary on developing effective measures to avoid or minimize impacts to wildlife and their habitats related to land-based wind energy facilities. The Committee is made up of 22 members representing the varied interests associated with wind energy development and its potential impacts to wildlife species and their habitats. All Committee meetings are open to the public.

Meeting Participation Information

This meeting is open to the public and is limited to 75 registrants. Members of the public planning to participate must register at http://www.fws.gov/habitatconservation/windpower/wind_turbine_advisory_committee.html by close of business, October 13, 2009. Registrants will be provided with instructions for participation via e-mail. We will give preference to registrants based on date and time of registration.

Dated: October 2, 2009.

Rachel London,

Alternate Designated Federal Officer, Wind Turbine Guidelines Advisory Committee.
[FR Doc. E9-24230 Filed 10-6-09; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree under the Clean Water Act

Notice is hereby given that on September 29, 2009, a Consent Decree in *United States of America and Commonwealth of Virginia v. Hampton Roads Sanitation District*, Civil Action No. 2:09-cv-481, was lodged with the United States District Court for the Eastern District of Virginia, Norfolk Division.

The Commonwealth of Virginia joins the United States as a co-plaintiff in this action and in the consent decree. The proposed consent decree resolves the claims in the Joint Complaint in this action, filed together with this Notice of Lodging, in which the United States and the Commonwealth of Virginia allege that HRSD has violated the Federal Water Pollution Control Act, a/k/a/ the Clean Water Act, 33 U.S.C. 1251 *et seq.* (the "Act") and the State Water Control Law, § 62.1-44.2 *et seq.* of the Code of Virginia of 1950. Specifically, Plaintiffs allege that HRSD had over 350 unauthorized discharges of sewage,

known as sanitary sewer overflows ("SSOs"), since February, 2003.

The consent decree obligates Hampton Roads Sanitation District ("HRSD"), located in Hampton Roads, Virginia, to implement a number of technical plans to evaluate its sanitary sewer system and sewage treatment plants, and to submit for approval a Regional Wet Weather Management Plan ("RWWMP") to address potential capacity issues in its sanitary sewers and treatment plants. The consent decree further obligates HRSD to implement expeditiously the projects set forth in the RWWMP for HRSD to perform. HRSD also commits to implement a number of "priority one" projects in its Capital Improvement Plan to upgrade its aging sewers; to submit a program to upgrade its maintenance programs; and to identify and fix components that have a high risk of failure. Finally, under the consent decree, HRSD must pay a civil penalty of \$900,000 to Plaintiffs

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, Attention: Nancy Flickinger (EES), and should refer to *United States of America and Commonwealth of Virginia v. Hampton Roads Sanitation District*, Civil Action No. 2:09-cv-481 and DOJ # 90-5-1-1-09125.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Virginia, World Trade Center, Suite 8000, 101 W. Main Street, Norfolk, VA. 23510. During the public comment period, the consent decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$ 255.50 (25 cents per page

reproduction cost for a full copy) payable to the U.S. Treasury.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9-24119 Filed 10-6-09; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI).

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a Federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by section 10 of the FACA.

The CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Integrated Automated Fingerprint Identification System, the Interstate Identification Index, Law Enforcement Online, National Crime Information Center, the National Instant Criminal Background Check System, the National Incident-Based Reporting System, Law Enforcement National Data Exchange, and Uniform Crime Reporting.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement concerning the CJIS Division programs or wishing to address this session should notify Senior CJIS Advisor Roy G. Weise at (304) 625-2730 at least 24 hours prior to the start of the session. The notification should contain the requestor's name, corporate designation, and consumer affiliation or government designation along with a short statement describing the topic to be addressed and the time needed for the presentation. A requestor will ordinarily be allowed no more than 15 minutes to present a topic.

Dates and Times: The APB will meet in open session from 8:30 a.m. until 5 p.m., on December 2-3, 2009.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #15: FOR YOUR INFORMATION

A. HRPDC REVIEW

The Fall Issue of HRPDC Review, the HRPDC Quarterly Newsletter, is being distributed and will be posted on the HRPDC website.

B. ECONOMICS BRIEFING

1. The U.S. Census Bureau released the 2008 American Community Survey data on September 21. The American Community Survey has replaced the census long-form, and surveys over three million addresses each year on a variety of issues relating to housing, economics, and family characteristics. The Census Bureau releases one year estimates for all localities with a population greater than 65,000 (2008 data was released for Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and for the Hampton Roads Metropolitan Region).
2. Interesting Data Points for Hampton Roads in 2008
 - Per Capita Income: \$28,063
 - Poverty Rate: 10.35% below poverty status in the Hampton Roads MSA
 - Health Insurance: 11.07% of the population lack health insurance in Hampton Roads MSA
3. Data Points that have seen statistically significant change between 2007 and 2008

○ Civilian Population 18 and over:	2007	1,167,427	2008	1,154,268
▪ Civilian Veterans	2007	19.3%	2008	17.9%
○ Foreign Born Population	2007	93,444	2008	91,535
○ Home Owner Vacancy Rate	2007	1.4	2008	2.4
○ Rental Vacancy Rate	2007	5.3	2008	6.5
4. The Bureau of Labor Statistics and the Virginia Employment Commission released labor market data for the region on September 30. Employment in Hampton Roads fell by another 600 jobs (seasonally adjusted, resulting in a regional decline of 1.15% from the previous year. The unemployment rate fell to 6.61%, marking the second month of declining unemployment rates. The current unemployment rate is the lowest the region has seen since January of this year.
5. Dr. Jim Koch and the ODU Economic Forecasting Project will deliver the State of the Region report on Oct 13, 2009.

C AMERICAN PLANNING ASSOCIATION GREAT PLACES

The American Planning Association has announced the 2009 APA Great Places in America winners. The Hampton Roads region set the pace for 2009 with the three Great Places – one in each of the categories:

Great Neighborhoods – Historic Hilton Village, Newport News

Great Streets – Duke of Gloucester Street, Williamsburg

Great Public Places – Virginia Beach Boardwalk, Virginia Beach



APA's flagship program celebrates places of exemplary character, quality, and planning. Places are selected annually and represent the gold standard in terms of having a true sense of place, cultural and historical interest, community involvement, and a vision for tomorrow.

APA Great Places offer better choices for where and how people work and live. They are enjoyable, safe, and desirable. They are places where people want to be — not only to visit, but to live and work every day. America's truly great streets, neighborhoods and public spaces are defined by many criteria, including architectural features, accessibility, functionality, and community involvement.

The following pages provide the highlights from the APA website about Hampton Roads' Great Places in America.



2009

Historic Hilton Village

Newport News, Virginia

[Characteristics, Features, and Map](#)

Historic Hilton Village is bounded by River Road to the southwest; the backyard property line between Post Street and Milford Road to the northwest; the property line between Municipal Lane and Hammond Street to the northeast; and the property line between Hopkins Street and Raleigh Road to the southeast.

The village is compact with amenities and commercial areas within easy walking or bicycling distance of the homes, which are mostly in the Jacobethan, Dutch Colonial, and Georgian Colonial architectural styles. A streetcar originally transported workers between the neighborhood and the shipyards.

View [Historic Hilton Village](#)

In 1969, the neighborhood was placed on the National Register of Historic Places. In 1972, Newport News established an architectural review board to ensure the village's character remained intact.

Patterned After British "New Towns"

- Designed and planned by landscape architect Henry V. Hubbard, architect Joseph D. Leland III, and engineer Francis H. Bulot following English Garden City concepts that separated residential, recreational, and commercial areas from industrial uses
- Four blocks by 11 blocks in size, the original plan had plots for four churches, an elementary school, parks, and public spaces; a commercial area with service-type businesses was located along Warwick Boulevard; a library and fire station were added later as part of the historic district
- Planners used modified grid iron street pattern; streets were purposely made narrow (20-50 feet) to discourage automobile traffic in residential areas of village

- English, Dutch Colonial, and pre-Georgian architectural themes emerge in the design of the neighborhood's 500 houses that vary in style and size to avoid a "tract house" appearance; lot widths vary between 25 and 40 feet; houses are 1½ to 2½ stories

Unique Sense of Place

- Complete neighborhood with easily accessible recreational activities within walking, and biking distances: a long pier that provides fishing, a beach, a library, schools, and a small park that runs along the ravine of the banks of the James River
- Streets are narrow to enhance the vista of green areas and to discourage an expected surge of automobile traffic through the neighborhood stemming from increased car ownership during the 1920s; today, the narrow streets help calm area traffic
- Commercial area includes a library, an Art Deco performing arts theater, restaurants, an art gallery, antique, jewelry, and gift shops; commercial area is mostly made up of row houses and duplexes intermingled; commercial activities on ground floors with residential units on upper floors of many buildings
- City secured a \$2.2 million matching grant for streetscape improvements along Warwick Boulevard corridor commercial area between 1995 and 1997; patchy concrete sidewalk replaced with decorative special Hilton blend concrete pavers; other amenities include widened street median with trees, decorative planters, racks, benches, trash receptacles, period lighting, and specially designed signs for the businesses to complement the historic theme of the commercial area

Community Engagement and Future Model

- Residents defeated a proposal by Virginia Department of Highways and Transportation to widen Warwick Boulevard travel lanes by narrowing sidewalks to accommodate increased traffic
- City of Newport News recently adopted Framework for the Future 2030, a comprehensive plan that includes a section on historic preservation; citizens participating in development of the plan expressed preferences for many of the Garden City principles embodied in Historic Hilton Village, including compact neighborhoods with sidewalks, bicycle trails, and nearby parks
- In 2000, Historic Hilton Village made changes to its standard regulatory processes to allow a smart growth approach to development; changes included establishing a special zoning overlay district, and changes to both the site plan and subdivision ordinances



The first of some 100 federally financed housing projects during World War I, Historic Hilton Village today remains much as it did when it was first planned and built in 1918-19. On the east bank of the James River about three miles north of the Newport News Shipbuilding and Dry Dock Co., the village is patterned after principles and designs of the late-19th century Garden City movement begun in the United Kingdom by Sir Ebenezer Howard. The city established a historic overlay district for the village in 1969, the same year the neighborhood was placed on the National Register of Historic Places.



2009

Duke of Gloucester Street

Williamsburg, Virginia

[Characteristics, Features, and Map](#)

The entire eight blocks of Duke of Gloucester are designated between Blair Street to the east and Boundary Street to the west.

The only evidence of modern life is at the western end, near the College of William and Mary's historic campus, where 41 shops and restaurants are clustered at Merchants Square, a colonial revival historic district dating from the 1920s and 1930s. [View Duke of Gloucester Street](#)

To residents, history buffs, and tourists, Duke of Gloucester is a living, outdoor museum. It is a street where you can witness the reenactment of colonial-style, 18th century life.

Colonial Williamsburg's 'Great Street'

- Virginia's colonial Capitol, at the eastern end of Duke of Gloucester, is where the colony's legislators unanimously voted in 1776 to direct their delegates in Philadelphia to introduce a resolution declaring the 13 colonies' independence
- The Street has been visited by both early and late historical figures, including former presidents George Washington, Thomas Jefferson, Franklin Delano Roosevelt, Ronald Reagan, and Bill Clinton
- John D. Rockefeller, Jr., initiated reconstruction, provided funding, and acquired the first properties in 1926. Rockefeller's leadership and generosity led to restoration or reconstruction of more than 80 buildings

Careful Planning Shapes Outcome

- Francis Nicholson, Governor of Virginia from 1698 to 1705, was instrumental in moving capital from Jamestown to Williamsburg; he developed formal town plan with Baroque features, including Duke of Gloucester as the axial main street

- The 1699 Acts of Assembly established the first formal town plan and building regulations
- The first of six Williamsburg comprehensive plans adopted in 1953, emphasized preservation with street improvements and a "no parking zone" designated for all of Duke of Gloucester Street. The 1953 plan proposed a parking lot to serve Merchants Square; the Prince George Parking Garage was built at the recommended location in 2004
- Duke of Gloucester Street closed to vehicular traffic in 1969 in Colonial Williamsburg Historic Area and in 1974 at Merchants Square
- Williamsburg's third comprehensive plan (1981) contained an Urban Design plan that provided a framework for maintaining the character of the Historic Area
- Comprehensive plans adopted in 1989 and 1998 emphasized preservation of historic and architectural resources through a special Colonial Williamsburg Historic Area District, rather than an overlay district, to prevent extraneous zoning restrictions of an underlying zone from interfering with historically accurate development
- The most recent comprehensive plan (2006) concentrates on preserving the character of the Center City: changes to the zoning ordinance were proposed to the north and south of Merchants Square to encourage residential development so Duke of Gloucester would continue to be at the center of a vibrant mixed-use community

Historic Reconstruction

- Archaeological evidence and historical records going back as far as 300 years are used to reconstruct buildings as accurately as possible
- The only uses allowed on Duke of Gloucester Street are restored and reconstructed buildings and accessory structures dating before 1800 and based on documented evidence; buildings and alterations are subject to approval by the Board of Zoning Appeals and Architectural Review Board
- Virginia's original Capitol building was reconstructed and refurnished as the building existed between 1705 and 1747; 18th century records were used for restoration
- Merchants Square commercial area was created at western end; provided a new area for businesses to relocate from the historic area

Walkability and Mixed Uses

- The street closed to motorized traffic beginning in 1969
- Parking for Merchants Square commercial area is located primarily in interior blocks; shops and restaurants occupy the ground level with offices above
- Duke of Gloucester Street is the center of Williamsburg's colonial-era community; originally the street had a variety of uses — residences, offices, shops, religious and government buildings. Today it is dedicated to residential use and historical exhibitions, shops and an active church



Few places in the U.S. have used the present to recreate the past as authentically and successfully as Williamsburg has done along Duke of Gloucester Street. The street is once again the 99-foot-wide "great street" of Virginia's 18th century capital. Aside from more trees and less mud, the resemblance is remarkable. Buildings have been restored to their 18th century appearance and homes, stores, and other public buildings have been reconstructed at their original locations. The street is closed to motor vehicle traffic along its mile length



2009

Virginia Beach Boardwalk

Virginia Beach, Virginia

[Characteristics, Features, and Map](#)

The boardwalk extends 40 city blocks between Rudee Inlet to the south and 40th Street to the north.

Popular among residents and tourists alike, the Virginia Beach Boardwalk offers an abundance of cultural, recreational and historical events and activities. From its de rigueur amusement park and fishing pier to the Naval Aviation Monument, the boardwalk presents an unparalleled range of sights, sounds and diversions. [View Virginia Beach Boardwalk](#)

Since its construction in 1888, the boardwalk has been a community treasure. Reminders of the boardwalk's historic past are the 1895 deWitt Cottage — the oldest beach house along the city's oceanfront — and the 1903 Coast Guard Station, which stands on site of the waterfront's original 1870s Seatack Life Saving Station.

Planning and Improvements

- One of the first plans associated with the boardwalk was financial in nature, dealing with the replacement of the original boardwalk at a cost of over \$220,000 in 1926. It took five months to replace wooden structure with concrete walkway.
- During late 1990s Army Corps of Engineers plunged a steel seawall 30 feet into the ground and placed a concrete boardwalk on top; designed to survive powerful storms, the structure prevented \$80 million worth of damages from 2003 Hurricane Isabel
- A concern since the 1940s, erosion reduced beach to 150 feet by early 1990s; restored to 300 feet by Army Corps of Engineers, which now has beach maintenance contract with City of Virginia Beach through 2050

- Several plans over the past two decades have been adopted, some appended to city's comprehensive plan, to guide physical and economic growth adjacent to the boardwalk; 2008 Resort Area Strategic Action Plan establishes eight priorities including a convention center hotel and new entertainment facility at former site of Virginia Beach Civic Center

Accessibility

- At 28 feet, boardwalk is wide enough to handle both pedestrians and bicyclists; landscaped median with native plants separates these two users. The bike path is part of a larger planned bicycle route through the city. Bikes and two- or four-peddler surreys can be rented; joggers, skateboarders and rollerbladers also frequent users
- Trolley (Virginia Beach Wave) operates along three routes near boardwalk from May through September
- City of Virginia Beach considering light rail extension from Norfolk to the oceanfront; 2008 Resort Area Strategic Action Plan recommends that city conduct environmental impact study to expedite process
- Handicapped accessible from both nearby Atlantic Avenue and beachfront; wheelchair accessible ramps, from the boardwalk to the beach, occur at every block; several accessible restrooms also located along the boardwalk
- Some 4,000 public parking spaces along the beach in both lots and garages; efforts undertaken to reduce the number of vehicles through use of traffic calming along Atlantic Avenue

Amenities

- \$100 million facelift during 1990s brought a pedestrian scale to the boardwalk's 10 acres of public space; previous cul-de sacs transformed into pocket parks; tall, cobra-head street lights replaced with more compact, fluted fixtures; colorful pavers replaced brushed concrete; hundreds of strategically-placed teak benches added
- Public art adorns boardwalk and adjacent parks including 34-foot tall, bronze King Neptune; six larger-than-life bronze sculptures with action-orient presentations represent three historic eras in naval aviation
- Norwegian Lady statue commemorates lives lost and saved in a tragic shipwreck; twin of statue stands in Moss, Norway, a sister city to Virginia Beach and wrecked sailing vessel's home
- Built in 1950, 1,000-foot wooden Virginia Beach Fishing Pier popular among fisherman and dolphin-watching tourists; area famous for summer and fall runs of spot, croaker, pompano, bluefish, flounder; small amusement park across from pier
- Six outdoor stages, between 7th and 31st Streets, busy all summer; host blues bands, magic shows, outdoor movies, and Virginia Beach Symphony Orchestra

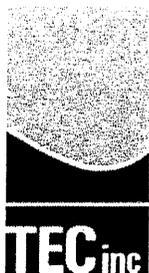
- Boardwalk complemented by a series of public spaces, including three public parks and 12 connector parks; two playgrounds recently added to adjacent public beach
- Boardwalk is flanked by restaurants, many offering al fresco dining



The seemingly endless horizon stretches for miles beyond the Virginia Beach Boardwalk. Built originally from wooden planks during the nation's Gilded Age, the five-block promenade attracted thousands of Victorian vacationers. Today, more than 2.2 million people visit the three-mile-long concrete boardwalk each year and it is an integral part of the City of Virginia Beach's economy, which relies heavily on tourism. As such, the boardwalk has been the focus of numerous improvement and planning efforts, the most recent of which explores extending a light rail line from Norfolk to the boardwalk.

D. OTHER CORRESPONDENCE

Attachments



386 Main Street • 3rd Floor
Middletown, Connecticut 06457
(860) 343-1776 • fax (860) 343-0809

September 11, 2009

Mr. Dwight Farmer
Executive Director
Hampton Roads Planning District Commission
Regional Main Office
723 Woodlake Drive
Chesapeake, VA 23320

Dear Mr. Farmer:

TEC Inc, as contractor to the Department of the Navy, informs you that the Navy, in cooperation with the U.S. Army Corps of Engineers (USACE), is announcing that the Assistant Secretary of the Navy (Installations and Environment) has signed the Record of Decision (ROD) for the Final Environmental Impact Statement (FEIS) for the Proposed Dredging of the Norfolk Harbor Channel in Portsmouth and Norfolk, Virginia.

The Navy, after carefully weighing operational and environmental consequences of the proposed action, has decided to deepen approximately five miles of the Norfolk Harbor Channel, the federal navigational channel in the Southern Branch of the Elizabeth River, separating Norfolk and Portsmouth, VA. Dredged material will be placed at the U.S. Army Corps of Engineers' (USACE) Craney Island Dredged Material Management Area. The deepening project will establish continuously safe and expeditious transit routes for NIMITZ-class and future nuclear powered aircraft carriers to the Norfolk Naval Shipyard and to Lamberts Point Deperming Station. Dredging will occur completely within the existing USACE-maintained federal navigation channel.

This notice has been distributed to federal, state, and local agencies, as well as other interested individuals and organizations that received a copy of the FEIS. The FEIS was published on July 17, 2009. The ROD, which summarizes the operational and environmental consequences of the proposed action discussed in detail in the FEIS, is available electronically on the project website <http://www.norfolkredgingeis.com>, or a copy may be requested by contacting Ms. Caren Hendrickson, Naval Facilities Engineering Command Mid-Atlantic, Environmental Planning & Conservation Division, 1510 Gilbert Street, Norfolk, VA 23511, email: caren.hendrickson@navy.mil, or telephone: 757.444.1030.

Sincerely,

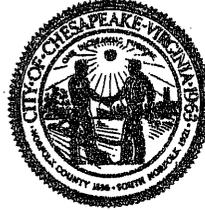
A handwritten signature in black ink that reads "Kathleen E. Hall".

Kathleen E. Hall
TEC Project Manager

RECEIVED

SEP 14 2009

HRPDC



CHESAPEAKE CITY COUNCIL

POST OFFICE BOX 15225
CHESAPEAKE, VIRGINIA 23320

DR. ALAN P. KRASNOFF

August 26, 2009

Ms. Julia Hillegass
Senior Environmental Planner
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Ms. Hillegass:

Thank you for supporting the Jordan Bridge project by speaking before the Virginia Maritime Resources Commission yesterday. I truly appreciate you taking the time from your busy schedule to support the new South Norfolk Jordan Bridge and emphasize its importance to regional transportation priorities in Hampton Roads.

Please do not hesitate to call on me if I can ever be of any assistance to you. You may reach me through my Administrative Assistant, Mr. Richard Cole, at 382-6153 or by e-mail at rcole@cityofchesapeake.net.

I remain,

Very truly yours,

Alan P. Krasnoff
Mayor

APK/rjc

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #16: OLD/NEW BUSINESS