

Chesapeake Bay Preservation Act Amendments

MARCH 4, 2021

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AMENDMENTS

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

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

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



REGULATORY TIMELINE

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

February 1, 2021 - Proposed regulations posted to Virginia Townhall for 90-day comment period.

May 3, 2021 - Comments on proposed regulations due.



**Hampton Roads locality
staffs discussions:**

**Possible to add flood protection and
protect water quality.**

**Requires staff time and expertise to
balance. State doesn't provide tools or
technical assistance for nuanced
approach.**



CBPA MIGHT BE THE WRONG TOOL

Advocate for the regulations to be put on hold.

Setup traditional regulatory advisory panel to develop regulatory language.



CONCERNS WITH DRAFT

Clarity

- What are flood mitigation practices?
- What climate change impacts should be considered?

Tools

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

Unintended Consequences

- Impacts to Community Rating System scores.
- Limiting use of Water Quality Impact Assessments.



HRPDC SCHEDULE

- March 3 Briefing to CAOs
- March 4 Briefing to Regional Environmental Committee. Feedback on initial draft comment letter.
- March 9 Revised draft letter sent to localities for review.
- March 22 Comments due from localities.
- March 26 Briefing to Coastal Resiliency Committee
- March 31 Briefing to Planning Directors
- April 1 Regional Environmental Committee votes on endorsing comment letter.
HRPDC board votes on submitting letter to State Water Control Board.
- April 15

