

**THE DRAFT SUMMARY OF THE MEETING OF THE
REGIONAL ENVIRONMENTAL COMMITTEE
February 5, 2015**

1. Summary of the January 8, 2015 meeting of the Hampton Roads Regional Environmental Committee

The summary of the January 8, 2015 meeting of the Hampton Roads Regional Environmental Committee was approved as distributed.

2. Public Comments

There were no public comments.

3. USGS Stream Gauge Installation

Mr. Russell Lotspeich, U.S. Geological Survey, gave a presentation to the Committee on the Virginia Coastal Tide Gauge Network. USGS was awarded approximately \$40M from the Hurricane Sandy Supplemental Bill. For a portion of these funds to be allocated to the installation of new tide gauges, USGS had to obtain 5-year commitments from cooperators to fund the annual O&M costs of the gauges. Ten cooperators, including 8 Virginia localities, Fort Monroe Authority, and NASA Langley, agreed to fund 12 tide gauges.

The tide gauge data will aid local emergency managers and property owners to make more informed decisions during weather events. The National Weather Service is using it to improve forecast models. The long term benefits of collecting this data include studying local trends and patterns in sea level rise and land subsidence. The data, including 6-minute water levels, is available at two websites:

- National Weather Information System (NWIS)
<http://waterdata.usgs.gov/nwis/rt>
- Advanced Hydrologic Prediction Service (AHPS):
<http://water.weather.gov/ahps/>

Mr. Deva Borah, BHEM, asked whether the gauges measure the velocity of water. Mr. Lotspeich replied that they do not currently; however, with additional funding they could.

Ms. Barbara Brumbaugh, Chesapeake, asked whether any analysis had been completed. Mr. Lotspeich answered that at this time, only data collection and O&M for the gauges have been funded. Ms. Whitney Katchmark, HRPDC, indicated that the additional tide gauges are a significant improvement. She also mentioned that the HRPDC could look into the data analysis.

Mr. Bill Johnston, Virginia Beach, mentioned that Virginia Beach is installing a tide gauge network of their own, which are in different locations than the City-owned rain gauges. Ms. Katchmark added that HRSD also has a network of rain gauges. Mr. Ben McFarlane, HRPDC, made note that Norfolk has gauges as well. Mr. Justin Shafer, Norfolk, agreed, adding that Norfolk has both tide and rain gauges, and they are investigating making the data available publically.

Mr. McFarlane stated that the USGS and NOAA tide gauges generate compatible data. He asked if the data from the localities is also. Mr. Lotspiech suspected that it would be useful. Mr. McFarlane suggested that a separate meeting be scheduled to evaluate the available data.

4. Nutrient Trading Draft Comment Letter

Ms. Katchmark presented the draft comment letter on the Nonpoint Source Nutrient Credit Regulations. There are four comments that the HRPDC would like DEQ to consider:

1. The definition of “Management area” in the draft regulation is appropriate for the urban sector and should not be revised.
2. The certification process should include a public hearing, instead of public notification. A public hearing is particularly important to address concerns if proposed credits are based on a new technology.
3. The draft regulation should state that entities holding MS4 permits will not be required to make up for nutrient load reductions in the MS4 service area that are met by purchasing credits generated by an activity or BMP that is not approved in the MS4 Chesapeake Bay Action Plan guidance.
4. The proposed regulations should be more protective of local water quality. Specifically, in Section 9VAC25-900-90C2c impaired waters with no approved local TMDL should limit the exchange of credits to the following hierarchy:
 - a. Upstream of where the discharge reaches impaired waters if credits are available;
 - b. Within the same 12-digit HUC, if credits are available
 - c. Within the same 10-digit HUC.

In regards to comment #2 listed above, Mr. Scott Rae, Gloucester, asked if there will be assurance that DEQ will have vetted the newer, innovative BMPs that are approved for generating credits. Ms. Katchmark indicated that the comment is included to flag the issue.

In regards to comment #3 above, Mr. Joe DuRant, Newport News, relayed his concerns that the issue is similar to that of grandfathering in the stormwater regulations. Ms. Katchmark said she did not believe DEQ will change the language in the trading regulations; however, the comment will be included in the letter.

The trading regulations were also discussed at the January 21, 2015 meeting of the Regional Stormwater Workgroup. Ms. Katchmark provided additional information on some of the concerns that were raised at that meeting. The Workgroup discussed whether credits could be generated on easements, and Ms. Katchmark found that they could. There were questions about how a locality would generate credits, and Ms. Katchmark thinks that localities could negotiate an outside contract and not have to use the state credit registry. She will continue to follow-up with Chris Pomeroy, VAMSA.

Ms. Brumbaugh asked whether a locality could generate credits in their local watershed. Ms. Katchmark believes that they could, but the question remains whether it would have to go through the DEQ certification process.

Mr. Greg Johnson, Virginia Beach, described one of their city sidewalk projects. Mr. Rob Cooper, DEQ, gave them approval to use credits from other city-owned projects. Ms. Katchmark asked if that would be the case for all of the localities. Mr. Johnson stated that he believes the credit registry requirements are applicable only when credits are sold.

Ms. Erin Rountree, Suffolk, asked how a locality could encourage the sale of credits in their local watershed if it is not listed on the credit registry. Ms. Katchmark added that the private bankers can compete if the credits are listed on the registry but would not if the trade was based on a contract. Ms. Rountree asked that the letter and the presentation be distributed to the Committee for further review.

HRPDC staff will present the comment letter again at the March 5, 2015 Regional Environmental Committee. The comment period closes on March 16, 2015.

5. Community Rating System

The Community Rating System is an optional component of the National Flood Insurance Program (NFIP) that incentivizes communities going beyond minimum floodplain management regulatory requirements. Ms. Shannon Jarbeau and Ms. Mary-Carson Stiff, both of Wetlands Watch, gave a presentation to the Committee on a report they are working on designed for local governments that documents how communities can receive CRS credit for existing activities and programs.

The NFIP updated the Coordinator's Manual for the CRS in May 2013, and it will be effective until 2016. The Manual includes the instructions for applying, participating, and earning credits. The more CRS credit a community has, the greater the reduction on flood insurance premiums for its residents. Credit is obtained by implementing strategies such as floodplain management planning, open space preservation, public outreach, flood emergency management, etc.

The Wetlands Watch Co-Benefits Report is designed to highlight activities that local governments are likely already considering and explain how CRS credit can be awarded. Rather than relying exclusively on the 600-page Coordinator's Manual, local government staff will be able to utilize the Co-Benefits Report to highlight activities that are applicable to them. The report will be available March 2, 2015.

Gloucester currently has the best rating of all of the Hampton Roads localities, with a 5 or 6. Ms. Brumbaugh asked how often a locality could modify their rating once they are in the program. Ms. Jarbeau indicated it could be done up to twice a year.

6. Legislative Update

Ms. Katchmark distributed a summary of the major environmental legislation as of February 4, 2015, and provided the following updates:

- SB1317 Virginia Shoreline Resiliency Fund – Ms. Jarbeau explained that this bill would set up a mechanism for offering low-interest loans for residents and businesses that are subject to recurrent flooding. These loans would be distributed faster than FEMA assistance. There is no money available yet, this bill would just establish the mechanism.
- SB1201 Stormwater; MS4 permittees; dredging – Ms. Katchmark mentioned that the Bay Program is not planning on evaluating dredging as a BMP. Mr. Bill Johnston, Virginia Beach, explained that Virginia Beach, along with the Army Corps, has begun a study to evaluate how credit would be determined. Ms. June Whitehurst, Norfolk, said they have funds set aside for dredging but they would not support a bill that mandates how stormwater dollars are to be spent.
- Religious exemption bills are tabled.

7. Coastal Zone Management Program

There are two VCZMP grant opportunities for FY15-16. Proposals are due to VCZMP by February 13. For Section 309 grants, approximately \$138,000 is available. There is no match requirement, but proposals should build on the land and water quality protection work completed by the Middle Peninsula PDC and HRPDC. For Section 306 grants, approximately \$140,000 is available, and some match will be required. Eligible projects include studies, construction, and restoration, and can be under five topics: water quality, coastal resiliency, working waterfronts, habitat restoration, and public access.

Each PDC is allowed to submit up to two proposals for each opportunity (Section 309 or 306), with a maximum total of \$40,000 in grant funds requested for each PDC.

HRPDC received four proposals for Section 306 grants and one for Section 309. The Committee was asked to rank each proposal and send those rankings to HRPDC staff

prior to the meeting. Because only one Section 309 proposal was submitted, that will be sent on to VCZMP for consideration. Based on Committee member rankings, the following proposals will be submitted for Section 306 grants:

- Wetlands Restoration Site identification and Prioritization – This project would involve working with the VIMS Center for Coastal Resources Management to develop a GIS-based methodology to identify and rank potential sites for wetlands mitigation and restoration. This proposal was submitted by HRPDC staff and includes a request for \$20,000 in federal funds.
- Nike Park Canoe/Kayak Launch – This project would provide for the restoration of the pier and landing at the historic Carrollton Nike Park in Isle of Wight. This proposal, submitted by Isle of Wight, includes a request for \$28,000 in federal funds.

Mr. McFarlane added that preliminary funding is expected to be awarded in April.

8. Status Reports

Mr. McFarlane updated the Committee on the status of the sea level rise mapping. He explained that the LiDAR data is not connecting in places, and he will need input from the localities. Mr. McFarlane asked the Committee members to forward his forthcoming email request to the correct point of contact. Mr. Johnston asked him to contact Chris Meyer in Virginia Beach.

Mr. Johnston mentioned that Virginia Beach, along with the other Phase I MS4 localities in Hampton Roads, had received their draft stormwater permit.

Ms. Whitehurst reminded the Committee that the applications for DEQ's 2015 historical data cleanup funding are due Friday, February 20, 2015.

Mr. Dennis Carney, Windsor, announced that their Comprehensive Plan had been put on hold because of some challenges with the US-460 highway project.

Ms. Gayle Hicks, Hampton, asked the Committee if any localities were planning to raise their stormwater rates for FY16. Several localities answered that they are.

Mr. Rae, Gloucester, announced that Gloucester recently completed a restructuring, and he is now the Environmental Program Administrator. He also asked if any other localities had received a spreadsheet from DEQ about managing development on sites less than 2,500 square feet. The Committee was not aware of the spreadsheet, and Mr. Rae agreed to forward it to the HRPDC staff. Mr. Rae also announced that Ms. Emily Gibson had left Gloucester County to become the planning director for Montgomery County.

Ms. Liz Scheessele, Timmons Group, reminded the Committee of the VWEA Stormwater Committee 2015 Spring Seminar to be held on March 19, 2015 in Richmond, VA and also of the VLAW conference to be held March 8-10, 2015, also in Richmond.

9. Other Matters

The next meeting of the Regional Environmental Committee is scheduled for March 5, 2015 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.