

**THE DRAFT SUMMARY OF THE MEETING OF THE  
REGIONAL ENVIRONMENTAL COMMITTEE  
March 6, 2014**

**1. Summary of the February 6, 2014 Meeting of the Hampton Roads Regional Environmental Committee**

The Summary of the February 6, 2014 Meeting of the Hampton Roads Regional Environmental Committee was approved as distributed.

**2. Public Comments**

There were no public comments.

**3. Living Shoreline General Permit**

Ms. Justine Woodward, VMRC, provided an update to the Committee on the status of the Living Shoreline General Permit. SB964 established that living shorelines were the Commonwealth's preferred approach for shoreline stabilization and directed VMRC to develop integrated guidance and develop a general permit to expedite project review. In developing the permit VMRC ran into a roadblock, since its authority only extends to subaqueous bottomlands, not to areas landward of mean low water. Thus, living shoreline projects would still need local wetlands board permits, which would preclude any expedited project review. In response, the General Assembly passed this past session HB911 and SB 569, which amend the sections of the Code of Virginia which deal with coastal primary sand dunes and wetlands to exempt qualifying living shoreline projects from local wetlands board approval. These two bills also expand the list of people involved in developing the General Permit. There will still be a quick review of projects by local wetlands boards. If the board concurs with VMRC's approval, the project will receive the General Permit and no fees will be charged. If the local board does not concur, the normal permitting process will apply, including the fees. The legislation will become effective July 1.

Ms. Barbara Brumbaugh, Chesapeake, asked if the General Permit would be put out for public comment. Ms. Woodward stated that it will be presented to the public at one of the VMRC's meetings, which will allow for public comment. Ms. Brumbaugh asked if VMRC anticipates having the permit in place by July 1. Ms. Woodward stated that VMRC hopes to issue the permit sometime this summer.

Ms. Ellen Roberts, Poquoson, asked if there will be any monitoring requirements. Ms. Woodward stated that that is something VMRC staff is working on.

**4. Chesapeake Bay Agreement**

Ms. Russ Baxter, DEQ, gave a presentation to the Committee on the new Chesapeake Watershed Agreement. The new agreement is necessary because the old agreement is

has grown less useful and new science and other information should be incorporated. In addition, TMDLs, which were not used when the current agreement was reached, have changed the relationship between states and the EPA. The new agreement will increase clarity, flexibility, transparency, and accountability. The new agreement will also add the states of Delaware, New York, and West Virginia as full partners. The framework of the new agreement will consist of an Executive Council (EC), a Principals Staff Committee (PSC), and a Management Board (MB). The EC will agree on goals and outcomes, the PSC will track outcomes, and the MB will manage and track strategies used to achieve those outcomes. There are seven goals of the agreement:

- 1) Sustainable Fisheries
- 2) Vital Habitats
- 3) Water Quality
- 4) Healthy Watersheds
- 5) Land Conservation
- 6) Public Access
- 7) Environmental Literacy

Management strategies to achieve these goals will be developed by the Goal Implementation Team within one year of the agreement being signed. Although the agreement will include all the states within the watershed as partners, not all signatories will be involved in every strategy. Virginia is not expected to opt out of any strategies. Mr. Baxter provided five summary points of the watershed agreement. The agreement:

- 1) Looks ahead to address emerging challenges
- 2) Sets clearer goals for partners to strive toward and specific outcomes to help measure progress
- 3) Incorporates latest science and ecosystem management techniques
- 4) Better integrates and coordinates between the CBP and the Executive Order goals for the Bay
- 5) Creates greater flexibility and improved accountability for partners' efforts

The public comment period for the agreement is open until March 17, 2014. There will be a listening session/webinar for the agreement next Tuesday, March 11, at DEQ's Piedmont Regional Office.

Mr. Bill Johnston, Virginia Beach, stated that the Chesapeake Bay Program appeared to be turning into a tangled web and asked if the new agreement was a verification of political support for the Chesapeake Bay TMDL. Mr. Baxter stated that the new agreement was reflective of the need to update the agreement, since the old one was out of date.

Ms. Fran Geissler, James City, stated that local programs that do good work but do not help meet TMDL goals are vulnerable to cuts since they do not meet permit requirements. She specifically mentioned land conservation programs. Mr. Baxter stated that most of the responsibilities under the new agreement will likely fall on the states, since local governments do not have the authority or ability. He also stated that

Virginia will try to get additional things, such as land conservation, incorporated into TMDL/permit requirements and the Bay model.

Ms. Brumbaugh stated that many of the agreement goals relate to private property and asked how the state will address private property issues. Mr. Baxter stated that the state already works with private property owners in many programs by incentivizing actions. Examples include the conservation easement tax credit program and the CREP program for farmers. Ms. Brumbaugh asked about buffer requirements in urban areas and whether they would be permit requirements. Mr. Baxter stated that there would be no permit requirements for riparian buffers and that there are new SWMP benefits for low impact development. The state still has some issues with the goals.

Mr. Joe Du Rant, Newport News, asked about public access goals and private property concerns. Mr. Baxter stated that the goals were Bay-wide and would be achieved through a combination of government and private action. This goal includes land conservation and public access projects at the local level, as well as state, federal, and private efforts. There would be no condemnation of land to meet the goal; access on private property would be achieved through voluntary agreements.

Mr. Du Rant asked if the attorney general had been asked for his opinion on the Chesapeake Bay Agreement. Mr. Baxter responded that the CBA does not grant additional legal authority because it is not enforceable; it is a voluntary agreement between the states. Implementation will rely on existing laws and regulations.

Mr. Clay Bernick, Virginia Beach, asked if Virginia is considering additional work with local governments on TMDLs. Mr. Baxter replied that the state will continue working with localities through the LGAC.

Ms. Shereen Hughes, Wetlands Watch, suggested that the wetlands outcome should be split between non-tidal and tidal wetlands. Mr. Baxter suggested that she make that comment on the CBA's public comment website.

Ms. Roberts stated that elected leaders want the upstream partners to do their share. Mr. Baxter agreed and replied that Pennsylvania is "the big kahuna" and will be a significant challenge to keep on track with the management strategies. Agriculture is also a big component that will be difficult to keep on track.

Ms. Whitney Katchmark, HRPDC, asked if there were any goals that Virginia is most concerned about. Mr. Baxter stated that the new administration is still discussing the CBA. The administration has technical questions about the numbers in the agreement, but the new governor believes in the agreement and in devoting efforts to cleaning the Chesapeake Bay.

Ms. Katchmark asked the Committee if there was any interest in making comments as a Committee. Chesapeake, Virginia Beach, and James City all had concerns as to the impacts on local governments for permit and TMDL requirements. The Committee also

had some concerns with the timing of the agreement and the schedules for permits and watershed implementation plans.

Ms. Geissler stated that local activities, such as land conservation, need to be given credit in the model. The divide between how localities east of I-95 are treated compared to those to the west also needs to be addressed.

Ms. Brumbaugh stated that she was surprised that the CBP was not ready for new, more creative BMPs and that the CBP was not very good at moving things through the approval process quickly. Mr. Baxter agreed with this point, stating that lots of work was being done but more was needed.

Ms. Katchmark stated that based on the discussion the Committee would not be submitting comments, but she encouraged localities to share their comments with each other.

Mr. Weston Young, Hampton, asked if the new agreement's land conservation goal included agricultural lands. Mr. Baxter stated that it refers to lands protected from development, so they can be agricultural or forest; there is a subgoal for forest.

## **5. UPWP Briefing**

Mr. Randy Keaton, HRPDC, briefed the Committee on the HRPDC's Unified Planning Work Program (UPWP) for FY15. The HRPDC includes six departments: economics, emergency management, housing, public information and community affairs, regional planning, and water resources. Mr. Keaton listed the projects currently in the work program for each department. The UPWP will be presented to the Commission at its meeting on March 20, 2014.

## **6. HRPDC Retreat Summary**

Mr. Keaton gave a summary to the Committee on the discussion that took place at the HRPDC/HRTPO retreat held in February. HRPDC/HRTPO Executive Director Dwight Farmer will be retiring June 30, 2014. The two boards were briefed on their current organizational structure and relationships. The new Hampton Roads Transportation Accountability Commission, pending the outcome of legislation at the current General Assembly session, will be coming on board July 1. The groups discussed an alternative structure, consisting of separate boards with independent executive directors. The HRPDC's Personnel and Budget Committee will review the discussion and options and report back to the Commission at its meeting on March 20, 2014.

## **7. Environmental Education Update**

Ms. Katie Cullipher, HRPDC, updated the Committee on the various environmental education programs and their activities. There is a series of media campaigns planned for FY14, including website efforts, online newspaper ads, Facebook ads, and radio. The

location of the ads, particularly the radio ads, will depend on the target audience. The mobile askHRgreen trailer also has a pretty full schedule and they are getting many requests. The Pet Waste Station Program is also ongoing; 48 applications have been received to date, and 28 stations have been issued. In April, askHRgreen will be running a scaled-back Green Living campaign, with a full-page ad in the Virginian-Pilot and a half-page ad in the Daily Press. They are also trying to get some editorial content in the Pilot. Also, in January askHRgreen launched an online media toolkit that is available for use.

Virginia Beach and James City staff both stated that they have given out some of their stations.

## **8. Coastal Zone Program Update**

Mr. Ben McFarlane, HRPDC, updated the Committee on the HRPDC's CZM grant projects. A Working Waterfronts Workshop was held at VIMS (and webcast on the Eastern Shore) on February 26. Attendees included state agencies, local staff, non-governmental organizations, and representatives from working waterfront industries. Presentations covered the National Working Waterfronts Network, legal issues, economic tools, planning and regulation, legacy planning, and emerging markets. Additional focused meetings (such as on the Southside and the Peninsula) may occur in the future.

The HRPDC's grant application for a public access project in Suffolk is still being reviewed by NOAA.

For FY14-15 and 15-16, Section 309 Grants (land and water quality) will be open to all coastal PDCs and localities (through their PDCs). Applications for 309 and competitive grants will probably be due to CZM in late spring or early summer. Competitive grants are available for projects related to water quality, coastal resiliency, working waterfronts, habitat restoration, and public access.

HRPDC's grant application to continue its coastal technical assistance program is due March 25<sup>th</sup> to DEQ. The program includes six components:

- 1) Regional coordination
- 2) Environmental impact review
- 3) Public information and education
- 4) Local government and staff training
- 5) Technical studies
- 6) Technical assistance

The Committee voted unanimously to recommend that the Commission authorize the HRPDC staff to submit an application to DEQ to continue funding the Hampton Roads Coastal Resources Management Technical Assistance Program.

Ms. Hughes asked about the status of the HRPDC's native plants grant from the Virginia CZM Program. The project is off to a slow start since the contract arrived relatively late. Ms. Hughes mentioned that Native Plants Day is in September and that the HRPDC

should consider partnering with McDonald Garden Centers, potentially on a native plants giveaway. The Virginia Native Plants Society usually has plants to give away. The HRPDC's project could also help with follow through on maintenance of native plants through an educational component. Mr. Dave Kuzma, Newport News, suggested a native plants sale or event. Ms. Hughes stated that Lynnhaven River Now is working with McDonald Garden Centers in Virginia Beach.

## **9. Status Reports**

Ms. Jenny Tribo, HRPDC, reported that the BMP Clearinghouse Committee met last week to review the draft interim guidance for manufactured BMPs; the meeting featured "lively discussion" on the guidance, which will be go out for public comment.

Ms. Tribo reported that the Elizabeth River Steering Committee will be meeting tomorrow to discuss restructuring the group, since the original mission is near completion. The group may reopen its membership and is considering public meetings.

Mr. Young reported that Hampton is coordinating getting a hard drive of water quality monitoring data to USGS.

Mr. Skip Stiles, Wetlands Watch, reported that they have received a small grant to get design professionals involved in sea level rise adaptation; Wetland Watch will be seeking partners.

Ms. June Whitehurst, Norfolk, reported that Norfolk held a kickoff meeting for its 100 Resilient Cities effort last week and that the city will be hiring a new Chief Resiliency Officer as part of this effort. She offered to bring Ms. Denise Thompson to give a presentation to the Committee on this and related efforts, if it would be of interest.

Ms. Katchmark stated that Virginia Beach had asked for recurrent flooding to be placed on HRPDC's agenda for the March 20 meeting.

## **10. Other Matters**

The next meeting of the Regional Environmental Committee is scheduled for April 3, 2014 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.