

**THE DRAFT SUMMARY OF THE MEETING OF THE
REGIONAL ENVIRONMENTAL COMMITTEE
May 7, 2015**

1. Summary of the May 7, 2015 meeting of the Hampton Roads Regional Environmental Committee

The summary of the March 5, 2015 meeting of the Hampton Roads Regional Environmental Committee was approved as distributed. The April 2, 2015 meeting was cancelled.

2. Public Comments

There were no public comments.

3. Oyster BMP Update

1. The Chesapeake Bay Program's Water Quality Goal Implementation Team (WQ GIT) voted to create an Expert Panel to evaluate oyster practices. Mr. Ben McFarlane (HRPDC) provided an overview of the Oyster BMP Briefing paper that was submitted to the Bay Program by the Oyster Recovery Partnership (ORP). The ORP supports an oyster BMP Expert Panel because research has demonstrated that oysters can effectively remove nutrients from the water. Federal and state governments have significantly invested in rebuilding the Bay's oyster population and developing a method to credit these practices in terms of nutrient reduction offers additional return on their investment. While the nutrient reduction potential exists, there are unresolved policy and scientific questions regarding how to best quantify and approve oyster practices as BMPs.

ORP recommends that the objectives of the Expert Panel be as follows:

- Establish a crediting framework that evaluates oyster practices and associated nutrient cycling processes on an individual basis
- Resolve outstanding policy questions
- Evaluate the suitability of modeling approaches to fill in current knowledge gaps
- Evaluate existing scientific information using the established crediting framework to determine nutrient reduction effectiveness of individual oyster practices

Mr. Justin Shafer (Norfolk) asked whether the RFP for the Expert Panel had been released. Mr. McFarlane responded that he did not think so.

2. Virginia DEQ approved a proposal for an In Situ Nutrient Remediation Program to be considered as an option for nutrient trading. The proposal, based on oyster aquaculture, was submitted by the Oyster Company of Virginia, LLC (OCVA). Only one year term credits will be available, and they are limited to point sources, MS4s, CAFOs with VPDES permits, or industrial VPDES permittees. The credits are based

on the size class of the oysters harvested. The oysters will be grown in off-bottom cages in specific watersheds.

Mr. Chris Moore (CBF) indicated that CBF does not support the oyster aquaculture pilot project. They are concerned that the study does not establish a baseline and does not have an end date. Furthermore, the pilot project counts both the shell and meat for nutrient removal, and he is concerned because the shells are often put back into the water. He said that CBF is supportive of using some oyster practices as BMPs and that there will be more to come on this issue.

Change from the Agenda - Mr. Ron Williams, Norfolk Deputy City Manager, will provide an update to the Committee on the Norfolk RE-invest Initiative at the July 2, 2015 meeting.

4. Regional Source Water Protection Plan

Ms. Tiffany Smith (HRPDC) provided an update to the Committee on the Regional Source Water Protection Plan. The Directors of Utilities Committee agreed to develop a regional plan in December 2014. VDH agreed to share their GIS data with the HRPDC to support the plan. HRPDC and VDH are currently working through source discrepancies, and HRPDC staff will then verify sources within each water system. There are 102 drinking water sources listed as active. A subcommittee has been formed to provide input on the geodatabase component of the project. HRPDC staff is working with VDH to get copies of the GIS risk inventory and land use data.

Mr. Shafer asked whether the VDH data was publically available, and Ms. Smith replied that so far, they have only received Adobe Acrobat files from VDH. Ms. Smith has requested the raw data.

5. Native Plants Update

The Native Plants Steering Committee met on May 5, 2015. Ms. Julia Hillegass (HRPDC) briefed the Committee on the outcomes of the meeting. Ms. Hillegass stated that the Eastern Shore and Northern Neck communities have had success working with retailers and distributing printed plant guides to educate their citizens about native plants. The Steering Committee is interested in creating their own local plant guide, or two guides, one for the southside and one for the peninsula; however, creating a plant guide is not part of the current grant program. The DEQ website has links to the native plants programs across the state.

<http://www.deq.state.va.us/Programs/CoastalZoneManagement/CZMIssuesInitiatives/NativePlants.aspx>

The Committee discussed whether the Hampton Roads localities are incorporating native plants into their local ordinances, such as weed ordinances and meadow management. Mr. Bill Johnston (Virginia Beach) recommended including Lynnhaven

RiverNOW in the Steering Committee. He added that often when residents plant native plants in their yards, their neighbors will call the City to report unmanaged landscapes.

Ms. Barbara Brumbaugh (Chesapeake) stated that Chesapeake has a provision in their ordinance that allows water quality improvement buffers to remain unmowed.

Mr. Shafer said the Watershed Task Force in Norfolk is working on adding considerations for native plants to city ordinances. He had found the language in Chesapeake's high weeds and grass ordinance to be helpful.

Mr. McFarlane asked if any localities have policies that they will purchase native plants when landscaping public lands. Ms. Hillegass emphasized the importance of the driving the demand because the growers will not grow what doesn't sell.

Ms. Meg Pittenger (Portsmouth) stated in her experience, the general public does not appreciate the appearance of native grasses and believe they are weeds. They are better received in a BMP, but not as much in an urban median. There is a public education component that goes together with encouraging plantings.

Ms. Hillegass added that DEQ is updating the Erosion and Sediment Control handbook to incorporate natives.

Mr. McFarlane asked whether the localities have an Arborist or Forester on staff. The larger localities answered that they do. He will send an email to the Committee asking for their contact information.

The Native Plants Steering Committee meets again on June 2, 2015.

6. Coastal Zone Program Update

Mr. McFarlane provided an update on the projects that were submitted for 306 funding, including the VIMS wetlands restoration site identification and prioritization project and the Nike Park Canoe/Kayak Launch project in Isle of Wight. Both proposals were approved, and the next stage consists of completing extensive 306 forms and providing background information.

The Coastal Zone Management Program is interested in the Hampton threshold analysis project that was submitted for 309 funding; however, they are not ready to fund it at this time. They are interested in the outcome of the streamlining SAG that is discussing whether localities will still be able to set their own threshold.

7. Sea Level Rise Program Update

Mr. McFarlane will show the new regional sea level rise inundation maps and outcomes from recent meetings of the Special Committee on Recurrent Flooding and Sea Level

Rise and the Governor's Climate Change and Resiliency Update Commission at next month's meeting, as they are not quite ready yet.

Mr. McFarlane provided a list of upcoming meetings addressing sea level rise, which will also be distributed by email, as requested by Mr. Andrew Scott (VDOT).

The Special Committee for Recurrent Flooding and Sea Level Rise will meet on May 29, 2015.

The Hampton Roads Sea Level Rise/Flooding Adaptation Forum – Megaproject Protective Structures for HR will be held on May 22, 2015 at the Virginia Modeling, Analysis, and Simulation Center.

The Dutch Dialogues Workshop will be held on June 19-23, 2015 at the Slover Library in Norfolk. They will focus on the following locations: the Tidewater district near Harbor Park in Norfolk and New Market Creek in Hampton and Newport News. Ms. Jennifer White (Chesapeake) asked if the public is invited to attend. Mr. MacFarlane replied that much of the Workshop will be open to the public. More information will be distributed to the Committee via email.

The Joint Subcommittee Flooding meeting will be held in Richmond on Tuesday, May 12, 2015.

The Governor's Climate Change and Resiliency Update Commission met last week at the University of Richmond. Each of the five working groups for the Commission is developing draft recommendations for the Governor's consideration, which are due in July. Final recommendations are due in September.

The American Planning Association is hosting a meeting in July in Norfolk. There will be opportunities to earn continuing education credits.

The NOAA Coastal Services Center is offering training opportunities on a variety of topics, including GIS. HRPDC staff will distribute the list to the Committee.

8. Legislation Update

Ms. Hillegass provided an update of the most significant environmental legislation passed by the General Assembly.

The following water resources bills passed:

- HB1924/SB1341—Eastern VA Groundwater Mgt. Advisory Committee
- HB1871—Registration of Wells
- HJ623/SJ272—JLARC Water Resources Study

The state will review and update the Commonwealth Flood Protection Plan. HJ587 states that DEQ will study the impact of stormwater regulations in areas with seasonally high water table. It also requires all Hampton Roads localities to address sea

level rise in subsequent reviews of their Comprehensive Plans. Mr. Brian Swets (Portsmouth) asked what the requirement means. Mr. McFarlane answered that we do not know and there is a lot of flexibility. It will be a topic of discussion at the Recurrent Flooding and Sea Level Rise Committee meeting on May 29, 2015.

The following water resources funding opportunities will be available:

- Additional \$10.7 million in FY16 for agricultural BMP Cost-Share and technical assistance
- Additional \$5m in GF for SLAF
- Modest funding for SEAS
- Loans for living shorelines

The Legislative Committee recommended that for next year, the HRPDC prioritize the list of legislative concerns. Submitting a ten-page list of concerns is not as effective as a more concise list could be.

9. Status Reports

- A. HRPDC – Mr. Randy Keaton announced that the June meeting will be held at the City Center in Newport News because the HRPDC Boardroom will be undergoing audio system improvements. Mr. Keaton also shared that the new Executive Director will be Bob Crum, and he begins work on July 1, 2015.
Mr. MacFarlane mentioned that Ms. Ginny Snead (Louis Berger) has offered to come to brief the Committee on VDOT’s new permit. The Committee members are interested.
- B. Virginia Beach – Mr. Bill Johnston reminded the Committee of the EPA MS4 Forum to be held in Richmond on May 13-15.
- C. Chesapeake – Ms. Barbara Brumbaugh added that the hotel that had been reserved for the EPA MS4 Forum opened up additional rooms at the discounted group rate.
- D. Suffolk – Mr. Ed Heide asked if the other localities are including non-structural BMPs in their data for the historical data clean-up. The consensus of the Committee was that they will not be including non-structural BMPs.
- E. Portsmouth – They have a new tide gauge at the Churchland Bridge on Rt 17. Suffolk added that they also have one.
- F. DEQ – Ms. Nancy Miller said that the Bay compliance evaluation had been updated and will now be two years later than expected.
- G. VDOT – Mr. Scott asked when the Phase I MS4 permits will be finalized. There is a requirement for VDOT to coordinate with the permit holders, and he is interested in holding regular meetings after the REC meetings. Ms. Brumbaugh replied that it is a good suggestion, but the Phase I permits are not close to being finalized. It is premature to start planning the coordination meetings.
- H. Chesapeake Bay Foundation – Mr. Moore invited the Committee members on CBF’s boat tour that will take place on Thursday, May 14, 2015.
- I. Wetlands Watch – Ms. Mary-Carson Saunders Stiff reminded the Committee about the Wet Tails events. The next one will be held on Monday, May 11, 2015 from 5:00pm to 7:30pm at Smartmouth Brewing Company in Norfolk.

- J. Timmons Group – Ms. Liz Scheessele made note that DEQ had posted guidance on linear utility projects on their website.

10. Other Matters

The next meeting of the Regional Environmental Committee is scheduled for June 4, 2015 in the James Room at City Center in Newport News, VA. Materials will be sent in advance for review.