

**THE SUMMARY OF THE MEETING OF THE
REGIONAL ENVIRONMENTAL COMMITTEE
August 4, 2016**

1. Summary of the July 7, 2016 Meeting of the Hampton Roads Regional Environmental Committee (REC).

There were no comments on the meeting summary.

2. Public Comments

There were no public comments.

3. Regional Hazard Mitigation Plan Update

Hampton Roads communities are jointly updating their Hazard Mitigation Plans (HMP) and combining the existing documents, all of which were adopted between 2011 and early 2015. The purpose of these plans is to identify and assess each community's hazard risks (such as floods, hurricanes, nor'easters, and winter storms), and determine how to best minimize or manage those risks. The process of preparing and updating these plans in accordance with Federal regulations helps guarantee the availability of disaster assistance and mitigation funds when needed. The draft plan and appendices are available online at <http://www.hrpdcva.gov/library/view/448/draft-hampton-roads-hazard-mitigation-plan-and-appendices-may-2016>. Ms. Leigh Chapman (Salter's Creek Consulting, Inc.) briefed the Committee on the plan.

The Federal Emergency Management Agency (FEMA) has developed a guidance to describe the ten step process to prepare a HMP. After organizing the resources, assessing the risks, and developing mitigation strategies, the final steps are to adopt and implement the plan.

The primary hazards identified in the HMP are related to flooding and weather events. They include sea level rise, land subsidence, hurricanes, winter storms, shoreline erosion, etc. The Steering Committee used FEMA's HAZUS methodology to estimate potential losses from the disasters, including buildings damaged and dollar losses. Flooding and tropical storms were ranked as critical hazards with high risk.

Ms. Chapman highlighted Section 7 – Mitigation Activities as the most important aspect of the plan. The mitigation activities were divided into six categories, which are listed below along with examples of each type:

- Preventive measures (building codes, zoning ordinances, open space preservation, floodplain mapping, etc.)
- Property protection measures (relocation, building elevation, insurance, etc.)
- Emergency services measures (hazard warning, critical facilities protection, response operations, etc.)
- Natural resource protection measures (wetlands protection, E&SC, water quality improvement, etc.)
- Structural projects (reservoirs, levees, storm drain improvements, etc.)
- Public information (maps, outreach projects, library, etc.)

The Hampton Roads HMP is a working draft, and the Steering Committee is actively seeking public input. The working draft of the plan is available online until August 17. The final draft will be posted by September 7, and a public meeting will be held on September 27 at VMASC. The plan will then be submitted for review by VDEM and FEMA. Ms. Chapman anticipates adoption of the plan late this fall.

Mr. McFarlane asked the importance of including mitigation strategies in the plan. Ms. Chapman replied that FEMA had found that localities were not prepared to spend emergency relief dollars and did not have “shovel ready” projects on the shelf.

Mr. McFarlane asked if FEMA will approve projects that are fairly broad in nature. She said they would as long as there was some description. For example, the plan could include a general heading such as “Improve Stormwater Management” but should also include a few projects listed underneath the heading.

4. Chesapeake Bay Local Area Targets

Ms. Katchmark serves on the Chesapeake Bay Program Local Area Targets Task Force. The Task Force was charged to make recommendations to the Water Quality Goal Implementation Team (GIT) regarding whether the Phase III WIPs should include local area targets (LATs) and, if so, options for how these targets could be expressed in different jurisdictions. The recommendations will inform EPA's Phase III WIP expectations.

The Task Force has been convening for monthly conference calls since April 2016. The Task Force will refine its initial recommendations based on the final Phase 6 model sometime later this year. EPA released preliminary Phase III WIP expectations on June 27, 2016, which included a requirement to develop and implement local area targets. Ms. Katchmark and other members of the Task Force were surprised since this requirement contradicts the charge of the Task Force, which was to recommend whether to establish local area targets. The Task Force is scheduled to deliver final recommendations to the WQGIT in March 2017.

The Task Force has considered the following questions:

A. How should “local” be defined?

The definition of “local” has been discussed at length during Task Force conference calls. Local could refer to jurisdictional boundaries, conservation districts, planning district commissions, watersheds, or even targeted areas with high pollutant loadings. The concern is that unregulated counties could be assigned numeric pollutant limits.

B. Should the Phase III WIPs include local area planning targets (LAPTs)?

The Task Force is considering several factors while discussing whether LAPTs should be included in the Phase III WIP. First, can the Phase 6 modeling suite support LAPTs? Members of the Task Force have reached out to the Modelers but no details have been provided. Second, it is not certain whether the establishment of LAPTs will result in additional implementation actions to achieve the Bay TMDL. There are some questions regarding how the LAPTs would be enforced. Finally,

should LAPTs be established within all states or should they be at the discretion of each state so long as TMDL goals are met? There is strong support for preserving the flexibility of the states to decide how they will achieve the Bay TMDL.

C. How should LAPTs be expressed?

There are many options for expressing local goals in a way that helps states achieve their WIPs and helps local partners to better understand their expected contributions. All options are supported by the Chesapeake Bay Program partnership's decision support tools (i.e. CAST).

- Percentage of BMP implementation on land uses defined in the Phase 6 model
- Acreage implementation goals for particular BMPs
- Programmatic goals (i.e. ordinances with provisions for erosion and sediment control, urban nutrient management, post-construction performance standards) that include specific implementation, oversight and enforcement requirements
- Numeric nitrogen, phosphorus and sediment as expressed as reductions or maximum load goals

D. What are the recommended options for targets including scale?

There is no consensus on how LAPTs will be expressed. The Task Force members have discussed different options for each sector and state. Some may decide to establish numeric nutrient and sediment caps for each county, while others consider setting targets for conservation districts in terms of acreages of BMP implementation, such as forest buffers on 1,000 acres.

Several Committee members agreed that the Bay Program is considering using LAPTs to reduce the pollutant loads from unregulated urban lands. It is not clear how EPA would have authority over those lands. Ms. Katchmark said the authority could be given to MS4s, though it may not be what the localities would want. The Phase II WIP may have included the assumption that unregulated lands will meet the L2 scoping run pollutant reductions. Furthermore, the regulated areas were significantly overestimated, which means less pollutant reductions will be achieved by the MS4s. The state has to achieve the reductions by some means, and LAPTs may be their best option. It is in the interest of all stakeholders to reduce the erroneous assumptions that are included in the Phase III WIP.

5. Working Waterfronts Update

The Middle Peninsula PDC, in consultation with the Virginia Coastal Zone Management Program and three other coastal PDCs, has completed work on the final draft of the Virginia Working Waterfront Master Plan. This plan is intended to provide recommended actions to the state and coastal communities in identifying, protecting, restoring, and enhancing water-dependent commercial and recreational activities. HRPDC staff reformatted the Hampton Roads Working Waterfronts inventory and assembled a chapter for the plan.

The final draft of the plan is available for review and the Middle Peninsula PDC is managing the review process. The next steps will be for local government bodies to consider the plan and potentially adopt a resolution in support of the plan.

Mr. McFarlane provided an overview of the recommended actions for federal, state, regional, and local governments. The actions included regulatory and ordinance changes, additional funding, and long-term planning for resiliency.

Ms. Brumbaugh asked about the state recommended action to evaluate the relaxation of state stormwater and CBPA regulations related to development at working waterfront locations. She was concerned that it would impact the MS4s, especially if other industries begin seeking relaxed requirements and the burden falls back to the local government. It may not be much an issue though since many of those properties are excluded from the MS4 since they discharge directly to the water body. Mr. McFarlane will relay her concern to the Middle Peninsula PDC staff who is revising the plan.

One of the recommended actions for local governments was to extend local zoning provisions to cover land and water uses to avoid future conflicting water uses. Several Committee members asked for clarification if local governments can extend zoning authority over water. The Virginia Marine Resource Center (VMRC) currently manages it. The localities were not sure if they would want that authority.

6. Climate Resiliency Workgroup Update

Mr. McFarlane serves on the Chesapeake Bay Program (CBP) Climate Resiliency Workgroup (Workgroup). The Workgroup recently recommended Phase 6 model inputs related to sea level rise projections and tidal wetland loss assessment methodology. The Workgroup suggests that the Bay Program consider the application of the plausible range of sea level rise projections for Phase 6 modeling efforts, with upper and lower limits, for the years 2025 (0.2 to 0.4 meters) and 2050 (0.3 to 0.8 meters). To estimate project wetland gain/loss, analyze data results available through the National Wildlife Foundation, Sea Level Affecting Marsh Model v.5 of the Chesapeake Bay (2008) and data available through NOAA's Office for Coastal Management Sea Level Rise Marsh Impacts and Migration Tool.

The next meetings of the Workgroup will be a conference call on August 15, 2016 and an in-person meeting in Annapolis on September 19, 2106. The next steps for the Workgroup will be to stay informed on emerging science and continue to engage with partners, including academic and governmental scientists and others to develop recommendations for refined methods and modeling processes to better gather and inform current acreage estimates and projections of future marsh change.

7. Coastal Zone Program Update

Mr. Ben McFarlane provided an update on matters related to the CZM program. The following is a list of upcoming events:

- NOAA is providing a training course, "Introducing Green Infrastructure for Coastal Resilience" on Wednesday, August 24, 2016 at the CBF Brock Center in Virginia Beach. Education credits will be available for Certified Planners and certified floodplain managers.
- The Coastal Partners Workshop will be held in Richmond on November 16 and 17, 2016.

Ms. Hicks noted that there is a conflict on August 24, 2016. DEQ is presenting a webinar on the BMP Warehouse database at 10:00am the same day.

8. **Update on Hampton Roads Joint Land Use Studies**

The HRPDC staff is currently coordinating two proposals for Joint Land Use Studies (JLUS) to be funded by the DOD Office of Economic Adjustment. One proposal includes the cities of Norfolk and Virginia Beach and the other includes the cities of Portsmouth and Chesapeake. Both proposals will be submitted based on recommendations from the Navy. In addition, there are two other proposed projects under development in the region, one for Peninsula localities and Joint Base Langley-Eustis and one for Fort Monroe. Mr. McFarlane gave an update to the Committee on these proposed projects.

The proposal for Norfolk and Virginia Beach, a study focused on sea level rise and flooding, will be submitted within the next week or two. Mr. McFarlane expects that it will be approved and funded.

The proposal for Portsmouth and Chesapeake will be focused on the St. Julian's Creek Annex. Mr. McFarlane anticipates submitting the application in October or November.

The RFP process will begin shortly after the applications are approved.

9. **Status Reports**

A. **HRPDC** – The USGS Water Symposium will be held at the HRPDC on September 20, 2016. The objective of the symposium is to share available data with more stakeholders.

The Regional Water Supply Meeting is scheduled for September 7, 2016 at the HRPDC at 1:30pm. All Committee members are welcome to attend, as DEQ has requested participants in addition to the Directors of Utilities.

B. **Hampton** – Ms. Hicks announced that Ms. Sharon Surita has been selected as Ms. Angela Rivas' replacement.

C. **Windsor** – The Town of Windsor recently approved their new Comprehensive Plan.

The next meeting of the Regional Environmental Committee will be held on September 1, 2016 in the Regional Boardroom at the HRPDC in Chesapeake, VA.