



## **LAND USE & ENVIRONMENT COMMITTEE**

### **Meeting Minutes - August 30, 2011**

#### **Attendees:**

Jenny Biché	Rappahannock-Rapidan Regional Commission
Rick Carr	Fauquier County
Bruce Cornwell	Culpeper Green Building Resource Center
Michelle Edwards	Rappahannock-Rapidan Regional Commission
Paul Howard, Sr.	Culpeper County
Chuck Hoysa	John Marshall Soil & Water Conservation District
Debbie Kendall	Town of Gordonsville
Terry Lasher	VA Department of Forestry
Don Look	Piedmont Environmental Council
Mark Mansfield (via phone)	U.S. Army Corps of Engineers
Patrick Mauney	Rappahannock-Rapidan Regional Commission
Jeb Parfus	Culpeper Green Building Resource Center
Ray Pickering	Fauquier County
Chip Rice	VA Department of Conservation & Recreation
Adam Shellenberger	Fauquier County
Mary Sherrill	Fauquier County
Bob Slusser	Dept. of Conservation and Recreation
Carl Stafford	VA Cooperative Extension- Culpeper Office
Jeffrey Walker	Rappahannock-Rapidan Regional Commission
Greg Wichelns	Culpeper Soil & Water Conservation District
Frank Wilczek	Blue Ridge Foothills Conservancy
Gregg Zody	Orange County

#### **Chesapeake Bay TMDL**

Michelle Edwards, RRRC Environmental Planner, welcomed all to the meeting and began discussion of the first item on the agenda by reporting the results of the Commission's recently distributed Chesapeake Bay TMDL Phase II Watershed Improvement Plan (WIP) survey. She indicated that responses had been received thus far from seven out of ten localities contacted. The majority referenced at the time of the survey that they were still "undetermined" as to whether their jurisdictions would be providing updated BMP information or implementation strategies to DCR. All of the localities expressed interest in having the Regional Commission lend assistance in obtaining further timely and accurate information from DCR, and more specifically, that the Commission could be most helpful by facilitating (in order of interest

from greatest to least): the scheduling of planning workshops, stakeholder briefings, EPA Circuit Rider training, and assistance with compiling local data.

In follow-up to the presentation DCR provided to members of the PD9-Area Administrators Committee in April 2011, Chip Rice, Watershed Implementation Coordinator, provided a detailed update on the status of statewide development of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan (WIP). While strategies in the Phase I WIP were developed at the state programmatic level, Phase II, he reported, would be a much larger effort that will seek to incorporate local government input, with a significant focus being placed on local engagement and outreach.

DCR has asked PDCs, to the extent possible, to help coordinate the submission of local data and comments, having requested that localities submit the following information:

- Urban BMP data- *Revision of the current BMP inventory can immediately impact the pollution reduction targets/goals*
- Land Use/Land Cover data- *Though not possible to include in the current watershed model, revised land use data can be incorporated into the revised model in 2017*
- 2017/2025 BMP implementation scenarios- *review and revise existing scenarios to reflect more appropriate local scenarios*
- Strategies for BMP implementation
- Resource needs for BMP implementation
- Local water quality efforts not currently credited in the watershed model

The Virginia Assessment and Scenario Tool (VAST; release pending) will be available to assist localities with evaluation of BMP scenarios by quantifying/predicting pollution load reductions and progress toward meeting locality goals. It will provide information on a broad scale, used to predict progress and accuracy, not refine data at a more detailed level. Each locality will have their own user name and password to access their local data, and control access to that information.

The final draft of the Phase II WIP must be submitted by the state to EPA by March 2012. Localities wishing to provide data to DCR must therefore submit their findings by February 2012 to be included in the WIP; however, DCR is encouraging comments to be submitted, as early as October 2011, if at all possible. DCR will still continue to accept data from localities even after the deadline for eventual incorporation into the Chesapeake Bay model as the process is scheduled to last fifteen years with two-year milestones.

Significant anomalies in the July 2011 output from the newest version of the Chesapeake Bay Watershed Model have delayed the release of the revised data by DCR indefinitely. DCR is currently in negotiations with EPA on the following concerns with the new data:

- 2011 target allocations for nitrogen is nearly a million lbs. lower than the 2010 TMDL allocation
- Identified anomalies with nutrient management BMPs in a number of Virginia counties (increasing pollution load)

- Issues related to sediment changes in the application of the Nutrient Management Plan BMP
- Changes in urban land use and pollution load (increase in urban acres with decrease in pollution)

A Modeling Summit will be held in September 2011 with all six Bay states and EPA to discuss the findings and possible alternatives, which include moving forward using the data provided, re-opening the model, or adding a “patch” to the model.

The question was raised as to whether localities should wait to analyze local data until DCR releases the new data from the most recent watershed model progress run. Chip responded that planning efforts prior to circulation of the new data will not be lost, and should make revising local strategies easier. The overall local targets may change, but all BMPs should not be affected. When attendees at a recent Chesapeake Bay TMDL Stakeholder Advisory Group (SAG) meeting were asked whether they would prefer DCR to release the new data now or wait until after the anomalies had been resolved, they were divided. Thus, DCR has not determined how it will proceed with releasing the new data.

Examples of how other jurisdictions are addressing the Phase II WIP were presented. Individual locality information will be aggregated into a state level VA Bay TMDL Phase II WIP. No individual locality plans will be produced as a part of the Phase II WIP. The Phase II WIP does not supersede local TMDL Implementation Plans. The strength of the Phase II WIP will be dependent on the participation of localities in the Chesapeake Bay Watershed.

Chip pointed out that there are no direct consequences for localities that choose not to participate in the WIP process. EPA will be viewing the amount of local participation in the WIP Phase II process to gauge whether the state is committed to reaching the Chesapeake Bay TMDL goals. EPA has stated there will be consequences for Chesapeake Bay states that are not making adequate progress towards meeting Bay TMDL goals, and the impacts of these consequences may trickle down to localities; however EPA has not specified what the consequences will be.

Chip also pointed out several benefits of participating in the WIP Phase II process. The Phase II watershed implementation planning process is the first ostensive step in staving off potential federal actions and gives localities an opportunity to self-determine how BMP implementation scenarios are shaped to meet reduction goals in their jurisdiction. Local input in the WIP can also drive future state policy. As a result of the earlier tributary strategies, for example, hundreds of millions of dollars have been made available for wastewater treatment plant upgrades and agricultural best management practices. The WIP may drive similar funding efforts in the future, and localities that participate will be in better position to receive this funding as it is made available. In the same way, those localities with local TMDL Implementation Plans in place are more competitive for Water Quality Improvement Fund grants than those without, and in the future this may also be true of localities that have developed implementation scenarios for the WIP.

The question was raised as to what the agricultural community’s response has been to the Phase II WIP. Chip was not aware of any official responses by agricultural organizations. It was discussed that the SWCDs did not appear to be represented at the SAG meetings, and

Culpeper and John Marshall SWCDs stated that neither districts' Board of Directors has received any official communications from DCR requesting their input on the Phase II WIP. It was noted that agriculture BMPs are tracked by the SWCDs, through cost share programs, and Culpeper SWCD also tracks urban BMPs for localities in its region. Several members of the Committee expressed the opinion that the SWCDs' input was critical to the WIP process.

The Coalition for Clean Waters, in partnership with DCR, is offering WIP planning workshops for localities, which provide hands-on training for the VAST software. The Committee expressed interest in having the Commission arrange for a workshop to be convened in the region in October 2011, ideally, once the VAST software becomes available. RRRC staff will also work with interested localities on securing grant funding for WIP planning activities.

A copy of DCR's presentation is available at <http://www.rregion.org/envcmte.html>, and additional information on the Chesapeake Bay TMDL Phase II WIP can be found at <http://www.dcr.virginia.gov/vabaytmdl>. For more information on the Regional Commission's environmental planning efforts please contact Michelle Edwards at [medwards@rregion.org](mailto:medwards@rregion.org).

### **Green Building Resource Center (GBRC)**

Jeb Parfus & Bruce Cornwall next provided an overview of the Culpeper County Green Building Resource Center. GBRC was funded through an Energy-Efficiency and Conservation Block Grant (EECBG), jointly secured by the Commission and Culpeper County, and serves all five counties in Rappahannock-Rapidan Region by offering educational and job training support. Its objectives include:

- Reduce regional energy demands
- Provide benefits to the regional economy
- Provide information and technical assistance to the general public
- Assure the employment of current and future technical professionals

GBRC provides information to the public on energy conservation, green building practices and associated financial assistance programs through homeowner workshops and its website. The Center also provides training classes and workshops for workforce development, as well as for builders, contractors, plan reviewers and inspectors. The training programs focus on emerging Energy Code requirements and "best practice" construction methods. Scholarships are available for anyone interested in becoming a certified energy code inspector.

GBRC will host the Green Living Expo 2011 on November 5, 2011 at the Daniel Technology Center in Culpeper. This all day event will feature green products and services from local and national businesses, information sessions, and activities for children. Please visit <http://www.culpepergreenlivingexpo.com> for further information.

Jeb and Bruce's presentation is available at <http://www.rregion.org/envcmte.html>. Additional information on GBRC can be found at <http://web.culpepercounty.gov/CountyGovernment/BuildingDepartment/GreenBuildingResourceCenter.aspx>.

## **RRRC Initiative Updates**

### ***Culpeper County Groundwater Study - Paul Howard, Culpeper County***

A letter from the U.S. Army Corps of Engineers (USACE) regarding the Upper Rappahannock River Environmental Restoration Phase II feasibility study was reviewed. Funding is available for ground water studies or construction projects that address flood control, groundwater needs, and/or storm water needs. A 50/50 match is required.

Paul Howard gave an overview of Culpeper County's application to USACE for a groundwater study. Culpeper County is dependent completely on ground water. The Town of Culpeper has a reservoir, but the County does not. The County is researching whether or not it would be beneficial to build a reservoir and what kind of recharge is available. Through the grant, the county proposes to:

- Create an atlas of usage in the county (who's using, how much, where we are today)
- Look at withdrawals (safe yield and recharge rate)
- Examine potential impacts withdrawals may have on the Rappahannock River

Mark Mansfield, USACE, provided background information, explaining that the Corps conducted a feasibility study on the Upper Rappahannock approximately 10 years ago. Phase I of the study focused on removing the Embrey Dam for environmental restoration. Phase II focused on addressing wastewater needs. The Army Corps of Engineers is interesting in determining if other localities in the region would be interested in expanding Culpeper County's groundwater study proposal to include their jurisdiction. Don Loocke, PEC, stated that while he couldn't speak for Rappahannock County government, he has heard comments in the past regarding concern for the growth of Culpeper County and the impact it may have on the Rappahannock River. Rappahannock County has a water supply plan study nearing completion; however, funding for the 50/50 match may be an issue. Mr. Mansfield stated that local technical assistance can be used as an in-kind match. In addition, other federal agency grant funds may be used towards the match provided the issuing agency sends a letter offering permission, though it is a rare occurrence in practice. PDC's have played a role in grant applications in the past, and can serve as fiscal agents/grant administrators, acting as a conduit for awarded funding.

Interested localities should submit a letter of intent to Herman Wine, USACE, by mid- to late-September, and Herman can provide a template. For additional information contact Herman Wine at (757) 201-7536 or [herman.j.wine@usace.army.mil](mailto:herman.j.wine@usace.army.mil).

### ***Living Lands Workshop***

RRRC is planning to host a second Living Lands workshop in the spring of 2012, and is soliciting input on potential topics. The following topics were suggested:

- Fostering Sustainable Agriculture (i.e. local food systems, agriculture land preservation tools, etc.)
- Conservation Design workshop facilitated by Randall Arendt
- Green Infrastructure implementation in an urban setting and relationship to the Chesapeake Bay TMDL

Committee members were asked to forward any other ideas to Michelle in a timely manner so that the Commission can continue with development of a speaker program, and other logistical planning for the event.

### ***Regional Green Infrastructure Mapping Project***

RRRC received a \$15,000 grant from the Virginia Department of Forestry for green infrastructure mapping, and is currently in the process of negotiating a contract with the Green Infrastructure Center in Charlottesville for related technical assistance. It is envisioned that the project will produce a regional green infrastructure map that builds upon the Virginia Conservation Lands Needs Assessment, developed by DCR. The project will also provide technical assistance to Fauquier County for development of a model local green infrastructure planning effort. The initiative is the first step in what is anticipated will be a multi-phase planning process, which will require additional funding to complete.

### ***Regional All-Hazard Mitigation Plan***

The initial Regional All-Hazard Mitigation Plan was adopted in 2005. FEMA requires the plans to be updated every five years in order to qualify for federal assistance. A committee made up of area planners, emergency service coordinators, and public works officials have updated the document with events which have occurred since the plan's adoption and conducted further vulnerability assessments. PD9 member jurisdictions are likewise in the process of updating their lists of hazard mitigation actions that are needed, such as hiring staff, meeting building codes, engaging in outreach efforts, etc. in order for the draft update to be completed. Including that information in a well-defined plan now will enable localities to be better able to secure emergency mitigation funding if and when it were to be needed.

The next Steering Committee meeting will be in late September or early October, and it is anticipated that the update will be ready for submittal to FEMA for approval in December 2011. If approved, the plan will be forward for adoption by each participant jurisdiction in the spring of 2012.

### **Future Topics & Meeting Scheduling:**

The next quarterly meeting of the Land Use and Environment Committee meeting was set for November 29, 2011, 10:00am – noon, in the RRRC Conference Room. Please forward suggestions for subsequent agenda topics to Michelle Edwards at [medwards@rrregion.org](mailto:medwards@rrregion.org).