

**AGENDA**  
**HAMPTON ROADS PLANNING DISTRICT COMMISSION**  
**EXECUTIVE COMMITTEE MEETING**

**May 19, 2010**

**9:30 CALL TO ORDER**

**PUBLIC COMMENT**

**9:40 APPROVAL/MODIFICATION OF AGENDA**

**CONSENT AGENDA**

1. Minutes of April 21, 2010
2. Treasurer's Report
3. Regional Reviews – Monthly Status Report
  - A. PNRS Reviews
  - B. Environmental Impact Assessment/Statement Review
4. FY 2010 Operating Budget Amendment

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**9:45** 5. Assistant to the Governor for the Office of Commonwealth Preparedness

**10:00** 6. Regional Bacteria Source Tracking Study

**10:05** 7. Federal Clean Water Legislation – Reauthorization of the Chesapeake Bay Program

**10:10** 8. Green Jobs Alliance Grant Proposals to Department of Energy

**10:15** 9. U.S. HUD Sustainability Grants Program

**10:20** 10. Greenhouse Gas Emissions Inventory

**10:25** 11. Project Status Reports

12. For Your Information

13. Correspondence of Interest

14. Old/New Business

**ADJOURNMENT**

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #1: MINUTES OF April 21, 2010**

Minutes of the April 21, 2010 meeting are attached.

Attachment 1

**RECOMMENDED ACTION:**

Approval

**Hampton Roads Planning District Commission**  
**Quarterly Meeting**  
**Minutes of April 21, 2010**

The Quarterly Commission Meeting of the Hampton Roads Planning District Commission was called to order at 9:35 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

**COMMISSIONERS:**

Bruce C. Goodson, Chairman (JC)	Regina V.K. Williams (NO)*
Stan D. Clark, Vice Chairman (IW)	Barclay C. Winn (NO)
William E. Harrell (CH)	J. Randall Wheeler (PQ)
Dr. Alan P. Krasnoff (CH)*	Kenneth L. Chandler (PO)
Dr. Ella P. Ward (CH)	Douglas L. Smith (PO)
Brenda G. Garton (GL)	Selena Cuffee-Glenn (SU)
Gregory Woodard (GL)*	John Seward (SY)
Molly Joseph Ward (HA)	Tyrone Franklin (SY)
Mary Bunting (HA)*	Harry E. Diezel (VB)
W. Douglas Caskey (IW)	Barbara M. Henley (VB)
Sanford B. Wanner (JC)	Louis R. Jones (VB)
Joe S. Frank (NN)	William D. Sessoms (VB)
Neil Morgan (NN)	James K. Spore (VB)*
Sharon P. Scott (NN)*	Jackson C. Tuttle II (WM)
Anthony Burfoot, (NO)	Jeanne Zeidler (WM)

\*Late arrival or early departure.

**COMMISSIONERS (ABSENT)**

Amar Dwarkanath (CH)	Michael W. Johnson (SH)
Cliff Hayes (CH)	Anita T. Felts (SH)
June Fleming (FR)	Linda T. Johnson (SU)
Rosa Lawrence (FR)	Robert Dyer (VB)
Ross Kearney (HA)	John Uhrin (VB)
Paul Fraim (NO)	James O. McReynolds (YK)
Theresa Whibley (NO)	Thomas Shepperd (YK)
Gordon C. Helsel (PQ)	

## **OTHERS RECORDED ATTENDING:**

John Gergely, Henry Ryto, Terri Boothe (Citizens); Ellis W. James – Sierra Club Observer; Bill Ginnow - HRMMRS; Earl Sorey (CH); Keith Cannady (HA); Rod Woolard, Bryan Pennington, Jeff Raliski - (NO); Ron Hodges – Traffix/HRT; Robert Bolich, Jessica Forbes – Ecology & Environment, Inc.; Quintin Kendall - CSX; L. Frank Mach – Mid-Atlantic/Maritime Administration; Ray Taylor – FHR; Christopher Moore – Maritime Administration-USDOT; Adam Jack, Dennis Heuer - VDOT; Wendy L. Vachet, NAVFAC Mid-Lant-CPLO; Peter Huber – Willcox & Savage; Germaine Fleet – Biggs & Fleet; Staff: Dwight Farmer, John Carlock, Rick Case, James Clary, Jennifer Coleman, Nancy Collins, Richard Flannery, Kathlene Grauberger, Greg Grootendorst, Juia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Claire Jones, Brett Kerns, Sara Kidd, Robert Lawrence, Mike Long, Brian Miller, Kelli Peterson, Camelia Ravanbakht, Joe Turner, Chris Vaigneur and Eric Walberg.

Chairman Goodson called the Hampton Roads Planning District Quarterly Commission meeting to order.

## **PUBLIC COMMENT**

One person requested to address the Hampton Roads Planning District Commission.

### ***Ellis W. James***

*Morning, thank you Mr. Chairman, members of the Commission My names is Ellis W. James, I am a Sierra Club Observer and I want to call something to your attention in or light of the fact that we are going to have this item number 8 on the agenda, offshore drilling update. For those of you who don't know, there has been a very tragic accident in the Gulf, 52 miles off of Venice, Louisiana. The Coast Guard is currently looking for fifteen missing men, and there are seven who are injured. There are no deaths thankfully at this stage. Why do I bring that up to you? You have heard me discuss my concern about offshore drilling. Accidents do happen and when they happen they have serious consequences. This is not directed directly at my friends from Virginia Beach. I understand their needs and what the budget crunch is at this stage. But the consideration of offshore drilling for both Virginia as well as North Carolina is not a good idea. There are too many aspects that raise serious risks and questions about what we would do here in the Commonwealth. There is a basic question, are we looking to eliminate NAS and NASA and its activities. I would like to remind you NASA within the last few months has signed a major commercial launching vehicle contract. Their down wind safety range is right near 220, the least sale potential site. I think these questions are very serious and I would like to suggest to you that when we have a discussion, whether it be before the Commission here or amongst ourselves across the Commonwealth of Virginia, the discussion needs to be more open and more honest and more complete from the standpoint about the information for what it is that we are considering. Thank you Mr. Chairman.*

(Mayor Krasnoff arrives)

## **CONSENT AGENDA**

The Consent Agenda contained the following items:

Minutes of March 17, 2010

Treasurer's Reports

## Regional Reviews

### A. PNRS Items Review

Strategic Communications and Communications Support – Chesapeake Bay Program

A proposal to Implement Beach Monitoring and Risk Communications Plans for Coastal Beaches in Virginia

Dredge Essex Main Engine Repower Project

Mid-Atlantic Regional Marine Repower Project

Regional Approach to Increasing Recycling in the Mid-Atlantic States

Forest Heights Road Neighborhood Improvement

King William – Scotland Landing Acquisition

Lynnhaven Oyster Restoration and Estuary Protection

### B. Environmental Impact Assessment/Statement Reviews

Roadway Improvements to Intersection Rt. 165 & Fentress Airfield Road; DOD/Navy; Chesapeake

The Rockefeller, Norfolk; USHUD; Norfolk

Landstown-Virginia Beach 230kV Transmission Line Rebuild; State Corporation Commission; Virginia Beach

Taxiway Pavement Rehabilitation, Newport News-Williamsburg International; USDOT/FAA; Newport News

Back Bay National Wildlife Refuge: Draft Environmental Assessment and Comprehensive Plan; DOI, Fish and Wildlife Services; Virginia Beach

Outer Continental Shelf Oil and Gas Leasing Program for 2012-2017; DOI/Minerals Management Service (MMS); HRPDC

Geological and Geophysical Exploration on the Mid- and South Atlantic Outer Continental Shelf; DOI/Minerals Management Service (MMS); HRPDC

Preliminary Revised 5-Year Outer Continental Shelf Oil and Gas Leasing Program for 2007-2012; DOI/Minerals Management Service (MS); HRPDC

Hampton Roads Green Infrastructure Plan – Final Report

Regional Climate Change Report – Final Report

Commissioner Caskey Moved to approve the Consent Agenda; seconded by Commissioner Harrell. The Motion Carried.

## **Stormwater Management Program – Town of Windsor**

Chairman Goodson introduced Ms. Julia Hillegass to present the Town of Windsor Stormwater Management Program. Ms. Hillegass stated that the current Virginia Stormwater Regulations are suspended at this time and that eventually all localities in Virginia will be required to have a stormwater program. Qualifying local programs, meaning those programs approved by the Virginia Soil and Water Conservation Board, can accept delegation of the general permit program. The Windsor plan provides background about the town and evolution of state stormwater regulations provided for the Town of Windsor with some analysis and also recommendations for strengthening existing related programs. To achieve a fully compliant stormwater program, the Town of Windsor will have to develop an ordinance, which should include using Best Management Practices (BMP) that are consistent with the new state technical criteria.

Ms. Hillegass stated the internal review process, such as plan submission and review, may need to be revised to accommodate the new requirements. Some areas that all localities will need to think about is how they will begin to assess and collect fees if they decide to accept delegation of issuing the construction general permits for the state which inspectors will be using to ensure compliance on development projects. They may require additional training and development of standard operating procedures for enforcement. The HRPDC has worked with localities already permitted to provide methods for dealing with issues such as inspections and record keeping through its web based reporting system known as Permit Administration and Review System (PARS). This system allows localities to catalogue all their BMPs, search them by project and type, and also provides inspection forms for different types of BMPs, and will setup calendars for the inspection cycle. The Town of Windsor formally adopted this program in March of this year.

Ms. Hillegass stated it would be beneficial for localities to begin preparation for adoption of a local program if they do not already have one. If DCR staff handles the program for a locality, the locality loses all control of development, and that may mean lengthier setbacks for the review process.

Chairman Goodson stated that he wanted to highlight the important functions the Commission does for localities that are too small to handle this type of work themselves, and it benefits all localities to have a regional group that works on this type of issue.

Commissioner Sessoms Moved to accept this report for distribution; seconded by Commissioner Krasnoff. The Motion Carried.

(Commissioner Williams arrives)

## **Hampton Roads Watershed Roundtable**

Chairman Goodson introduced Eric Walberg to present the Hampton Roads Watershed Roundtable Report. Mr. Walberg stated that in 2001, the Virginia Department of Conservation and Recreation established watershed roundtables for each of the major watersheds in the State. The goal was to try and get a broad constituency such as local government staff, business representatives, agricultural and forest communities, fishing interests and environmental nonprofit groups at the table to talk about watershed related

issues. This effort was targeted for the tributary strategies program. In 2001, DCR was looking at mechanisms to provide input and opportunities to provide education on the tributary strategies program and associated water quality goals.

Mr. Walberg stated that in 1995, local governments were working together to establish a steering committee associated with the tributary strategies program. In 2001, in conjunction with DCR efforts, the lower James River Roundtable was established but did not include the southern watershed of Virginia Beach and Chesapeake, and also did not include some of the tributaries that empty directly into the Chesapeake Bay such as the Back River in Hampton.

Mr. Walberg stated that in 2007 the HRPDC staff began to work with DCR to broaden the watershed roundtable to cover the entire geography of Hampton Roads. Mr. Walberg indicated that recently a training session was held on public involvement strategies for local government and private non-profits. The participants who have been a part since 2009 included local governmental staff, environmental groups, Chamber of Commerce, soil and water conservation districts and citizen groups. Moving forward to 2010, the HRPDC staff is establishing a digital regional calendar for watershed events including small groups for inclusion in the round table.

Commissioner Frank Moved to accept this report for distribution; seconded by Commissioner Clark. The Motion Carried.

(Commissioner Scott arrives)

### **Offshore Energy Development Update**

Chairman Goodson stated Mr. Walberg would also present the offshore energy development update. He indicated that he and Mr. Walberg serve on a local task force sponsored by the Federal Minerals Management Service that is looking into offshore energy development.

Mr. Walberg indicated that he would provide information on both wind energy and what is happening with oil and gas development. Mr. Walberg stated the Minerals Management Service has been working with the Department of Defense (DOD) to get the right people to participate and there will be a presentation on Virginia Capes operations and compatibility issues for the Request for Interest (RFI) area. Representatives from the Coast Guard will report on activities in the RFI area. The Request for Interest will go out to solicit bids for a lease sale for wind energy development.

Mr. Walberg indicated that in oil and gas development there are a number of opportunities for review and comment with Minerals Management Service. The comment period for the draft environmental impact statement has re-opened for the period of 2007 to 2012. Mr. Walberg indicated that HRPDC has submitted comments to DEQ many which has not been addressed. These include several maps which do not show many of the region's parks, wildlife refuges, military installations and the Virginia Capes training area. DEQ will submit them to the Minerals Management Service. Mr. Walberg indicated the next comment opportunity is now open, the impact statement on the environmental effects of multiple geological and geophysical exploration activities. He indicated there are a number of

environmental concerns associated with this impact on marine mammals and the potential conflicts between military training activities and seismic exploration.

(Commissioner Woodard arrives)

Mr. Walberg stated the offshore activity has potential for significant impacts in Hampton Roads and the extent to which the economic impacts are positive will largely be dependent on effective management of use conflicts and any adverse environmental impacts.

Mayor Frank stated that DOD will be representing the Navy and other defense agencies to find request for interest, and that he did not see where NASA is participating. He requested that the HRPDC staff contact NASA concerning this matter.

Mr. Walberg indicated that Minerals Management Service has contacted NASA and they are represented.

(Commissioner Bunting arrives)

Mr. Smith indicated HRPDC and Hampton Road Partnership have submitted Vision Hampton Roads Comprehensive Economic Development Strategy that the U.S. Department of Commerce will approve. He thought the HRPDC should play a significant role in coordinating the implementation of the energy development part of the economic Strategy.

### **Hampton Roads Metropolitan Medical Response System (HRMMRS)**

Chairman Goodson introduced Mr. Bill Ginnow, Program Manager, Hampton Roads Metropolitan Medical Response System (MMRS) to provide the briefing.

Mr. Ginnow indicated he wanted to give an update and review of what MMRS is doing in term of mass casualty preparedness, medical special needs planning and funding situations. He indicated that MMRS is a federal grant administered through the Department of Homeland Security. Hampton Roads is one of the largest, and oldest and most active Metropolitan Medical Response Systems in the region.

(Commissioner Spore arrives)

Mr. Ginnow indicated the purpose of MMRS is to integrate public safety, health and medical operations in a mass casualty event to ensure a coordinated response. To aid in the response, there are eight disaster medical support units which include the ability to care for casualties in the region during an incident and transport them to the facilities they might need such as shelters, hospitals, or out of the area. The units are large trailers with supplies required for care to the most critical patients and can support up to 250 patients depending on the nature of their injuries. Federal grant funds were utilized to purchase the units, and were donated to the jurisdictions which are responsible for maintenance and transport to an incident as a mutual aid resource. All of the units are identical to facilitate their use by a first responder at an incident.

Mr. Ginnow indicated that there are also three completed mass casualty evacuation transport units. These units are school buses converted to have the capacity of over eleven ambulances to transport people, and they have multi functions to be used in evacuations from nursing homes or hospitals.

### **Project Status Report**

No questions or comments were noted.

### **Correspondence of Interest**

No questions or comments were noted.

### **For Your Information**

Chairman Goodson indicated that the information on the hurricane forecast for 2010 is interesting. They are forecasting more activity during hurricane season this year, and this was something all should note.

### **Adjournment**

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:15 a.m.

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Dwight L. Farmer  
Executive Director/Secretary

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Bruce C. Goodson  
Chairman

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #2: TREASURER'S REPORT**

**FISCAL YEAR 2010  
APRIL 30, 2010  
BALANCE SHEET**

<b>ASSETS</b>		<b>LIABILITIES &amp; NET ASSETS</b>	
Cash & Cash Equivalents	324,286	Current Liabilities	673,327
Accounts Receivables	1,706,442	Net Assets	6,287,095
Investments	3,442,115		
Other Current Assets	664		
Net Capital Assets	<u>1,486,914</u>		
<b>Total Assets</b>	<b><u>6,960,421</u></b>	<b>Total Liabilities &amp; Equity</b>	<b><u>6,960,421</u></b>

**STATEMENT OF REVENUES AND EXPENDITURES**

<b>REVENUES</b>	<b>Annual Budget</b>	<b>Current Month</b>	<b>YTD</b>
Grant and Contract Revenue	12,751,264	1,336,436	6,968,062
VDHCD State Allocation	228,491	19,041	190,410
Interest Income	25,000	3,480	29,074
Local Jurisdiction Contributions	1,346,171	336,543	1,346,170
Other Local Assessment	1,281,943	482,907	1,538,013
Sales and Contract Revenue	1,078,120	1,376	41,039
<b>Total Revenue</b>	<b><u>16,710,989</u></b>	<b><u>2,179,782</u></b>	<b><u>10,112,768</u></b>
<b>EXPENDITURES</b>			
Personnel	4,269,377	324,737	3,217,026
Standard Contracts	188,985	9,598	166,428
Special Contracts / Pass-Through	11,045,564	562,998	4,844,867
Office Services	866,972	49,908	461,755
Capital Assets	149,950	-	-
<b>Total Expenses</b>	<b><u>16,520,848</u></b>	<b><u>947,241</u></b>	<b><u>8,690,077</u></b>
<b>Agency Balance</b>	<b><u>190,141</u></b>	<b><u>1,232,542</u></b>	<b><u>1,422,691</u></b>

HRPDC Executive Committee Meeting - May 19, 2010

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #3: REGIONAL REVIEWS – MONTHLY STATUS REPORT**

#### **A. PNRS Items (Initial Review)**

The HRPDC staff is routinely involved in the review of applications for grants to support projects involving federal or state funding. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Review and comment by more than one locality is requested when a project may affect the entire region or a sub-regional area. Attached is a listing and summary of projects that are presently under review. As of May 12, 2010, there were no outstanding comments on these projects.

Attachment 3-A

#### **B. Environmental Impact Assessment/Statement Review**

The HRPDC staff is routinely involved in the review of environmental impact assessments and statements for projects involving federal funding or permits as well as state development projects. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Attached is a listing and summary of projects that are presently under review.

Attachment 3-B

#### **RECOMMENDED ACTION:**

None required.

# Project Notification and Reviews

**Date**  **CH #**

**Title**

**Applicant**

**State/Federal Program**

**Project Staff**  **Type of Impact**

**Project Description**

These funds would be used to improve housing and infrastructure conditions in the Forest Heights neighborhood through construction of public streets, storm sewers, a stormwater drainage basin, a paved multi-use trail, rehabilitation of owner homes, construction of replacement homes, demolition of dilapidated vacant structures, clean-up and removal of debris, and construction of new affordable homes for LMI purchasers.

**FUNDING**

<input type="text" value="\$1,472,500.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$1,094,552.00"/>	<input type="text" value="\$270,000.00"/>	<input type="text" value="\$0.00"/>
<b>Federal</b>	<b>Applicant</b>	<b>State</b>	<b>Local</b>	<b>Other</b>	<b>Program</b>
<b>TOTAL</b>			<input type="text" value="\$2,837,052.00"/>		

Date 4/9/2010 CH # VA100406-1923760

Title King William - Scotland Landing Acquisition

Applicant Virginia Department of Environmental Quality

State/Federal Program Department of Commerce - Coastal and Estuarine Land Conservation Program

Project Staff Claire Jones Type of Impact King William County

Project Description

Purchase of the Scotland Landing site on the Mattaponi River includes permanent protection of 188 acres and 1,300 feet of river frontage. This site also includes a 1 1/4 acre fresh water pond.

FUNDING

\$414,900.00	\$0.00	\$0.00	\$414,900.00	\$0.00	\$0.00
Federal	Applicant	State	Local	Other	Program
<b>TOTAL</b>			<b>\$829,800.00</b>		

Date 4/9/2010 CH # VA100406-1823760

Title Lynnhaven Oyster Restoration and Estuary Protection

Applicant Virginia Department of Environmental Quality

State/Federal Program Department of Commerce - Coastal and Estuarine Land Conservation Program

Project Staff Claire Jones Type of Impact Virginia Beach

Project Description

This proposal addresses the permanent protection of 84 acres of upland and wetlands, along with 30 acres of submerged lands in the Lynnhaven River watershed. The project will protect a critically important undeveloped waterfront parcel under imminent threat of conversion to high-density development.

FUNDING

\$3,000,000.00	\$0.00	\$0.00	\$4,096,000.00	\$69,000.00	\$0.00
Federal	Applicant	State	Local	Other	Program
<b>TOTAL</b>			<b>\$7,165,000.00</b>		

**Date** 4/27/2010 **CH #** VA100420-2023760

**Title** FY11-12 VADEQ Technical Review and Services for Defense Environmental Restoration Program Activities at Active DoD Facilities and Environmental

**Applicant** Virginia Department of Environmental Quality

**State/Federal Program** EPA - State Memorandum of Agreement Pgm for Reimbursement of Technical Services

**Project Staff** Claire Jones **Type of Impact** Statewide

**Project Description**

This program supports the continuation of the Defense Sites Memorandum of Agreement Program (DSMOA). It provides reimbursement for technical review and services for Defense Environmental Restoration Program activities at active DoD facilities and environmental restoration at base closure sites.

**FUNDING**

\$4,860,191.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Federal</b>	<b>Applicant</b>	<b>State</b>	<b>Local</b>	<b>Other</b>	<b>Program</b>
<b>TOTAL</b>			<b>\$4,860,191.00</b>		

# Environmental Impact Reviews

Date Received

Number

Name

Sponsor

**Description**

The Virginia Community College System (VCCS) submitted an environmental impact report (EIR) for the construction of a new student center building, associated infrastructure, walkways and utility lines. The EIR states that the Tidewater Community College master plan has not been updated to include the proposed facility. VCCS proposes to construct the building in the center of a pond. Walkways would provide access to the building. The proposed three-story brick building would be approximately 88,700 square feet and would be constructed on piles, centered within the existing pond.

Affected Localities

**Finding**

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

**Description**

The U.S. Department of Housing and Urban Development (HUD) has submitted a federal consistency determination in order to provide mortgage insurance for apartment buildings, a clubhouse and a maintenance building in the City of Hampton. The project site consists of approximately 8 acres of undeveloped land and 2.7 acres of wetlands. HUD has determined that the construction will be consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities

**Finding**

Comments Sent

Final State Comments Received

**Date Received**

**Number**

**Name**

**Sponsor**

**Description**

The Department of Behavioral Health and Development Services (DBHDS) proposes to replace existing housing with new housing at the Southeastern Virginia Training Center (SEVTC) in the City of Chesapeake. The SEVTC facility currently consists of twenty-nine structures designated Building 1 through Building 29. Building 1 through Building 4 consist of support facilities housing administrative offices, an infirmary, dining facilities, vocational training areas, occupational and physical therapy, a gymnasium, and buildings and grounds. Buildings 5 through 24 are residential structures, referred to as cottages, providing space for 200 beds. Buildings 25, 26, and 27 are support structures and buildings 28 and 29 are used as classrooms. The 2009 Virginia General Assembly approved a reduction in residential capacity at SEVTC from 200 beds to 75 beds. The proposed action would consist of the construction of a fifteen-home, 75-bed residential community constructed on the southeastern portion of the SEVTC campus. Each home will be configured with five bedrooms, common living areas, common restroom/bathing areas, porches, staff office, and laundry area. Buildings 5 through 24 will be demolished after the construction of the new residences.

**Affected Localities**

**Finding**

**Comments Sent**

**Final State Comments Received**

Date Received

Number

Name

Sponsor

**Description**

The U.S. Navy (Navy) proposes to install a new stormwater outfall pipe at the Joint Expeditionary Base Little Creek Fort Story (JEBLCFS) West in the City of Virginia Beach. The 272-foot, 24-inch reinforced concrete pipe will be constructed in association with the construction of a new operations building at JEBLCFS West. The project site is located on the northwest corner of the installation, with the pipe terminating into a drainage channel adjacent to a boat ramp on Little Creek. A ten-foot rip rap apron will be constructed at the end of the pipe at the drainage channel. The pipe and rip rap apron will terminate and rest on the existing rip rap lining the channel. The Navy has submitted a Federal Consistency Determination that finds the proposed project consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program (previously called the Virginia Coastal Resources Management Program).

Affected Localities

**Finding**

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

**Description**

The Virginia Port Authority (VPA) proposes to repave approximately 130,000 square feet (3 acres) of existing impervious surface to construct parking spaces for the installation of 60 new straddle carriers at Norfolk International Terminals in Norfolk, Virginia. The parking area will also contain straddle carrier racks and engine block plug receptacles for the straddle carriers.

Affected Localities

**Finding**

Comments Sent

Final State Comments Received

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #4: FY 2010 OPERATING BUDGET AMENDMENT**

#### **SUBJECT:**

The HRPDC continues to receive grants and contracts throughout the fiscal year, and minor changes occur in anticipated earnings and expenditures. Therefore, the approved Operating Budget must be amended during both November and May of each fiscal year.

#### **BACKGROUND:**

The major fluctuations in the bottom line mainly occur in the Homeland Security projects, which will receive fewer revenues, as anticipated expenditures did not occur in the current fiscal year. This change in activity resulted in almost \$1.6M less revenue and expenditures.

Physical Planning received increases in grants for the SPSA Solid Waste project, a DMME Energy Efficiency project, and the Hampton Roads Roundtable financed by DCR of close to \$100,000, with subsequent expenditures of slightly less than that amount.

Minor changes were made in operating expenditures as well, due to increased activity in the legal portion of the budget. This was the largest expenditure increase for the HRPDC, of \$14,536, which results in an overall legal budget of \$32,200. Hampton office rent also increased, by \$1,000.

#### **RECOMMENDED ACTIONS:**

Approve the amended operating budget.

#### **STAFF COMMENTARY:**

The HRPDC continues to submit proposals for grant awards, which results in changes to the operating budget as an ongoing occurrence. Even though the Homeland Security portion of the operating budget was reduced during this fiscal year, this activity will increase during the next, resulting in the HRPDC expending the entire authorized award before the termination date of the grant.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM 5: ASSISTANT TO THE GOVERNOR FOR THE OFFICE OF COMMONWEALTH PREPAREDNESS**

#### **SUBJECT:**

The Honorable Terrie Suit, Assistant to the Governor, from the Office of Commonwealth Preparedness will provide an overview of the activities that her office is engaged in as it relates to the Hampton Roads region and the Commonwealth.

#### **BACKGROUND:**

Mrs. Terrie L. Suit was appointed by Governor Bob McDonnell to the position of Assistant to the Governor for Commonwealth Preparedness in January of 2010. In this Cabinet level position Mrs. Suit works with federal, state, and local officials, as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan. She also serves as Virginia's Homeland Security Advisor and is the direct liaison between the Governor and the federal Department of Homeland Security.

The Office of Commonwealth Preparedness was created in the Office of the Governor to work with and through others – including federal, state, and local officials, as well as the private sector – to develop a seamless, coordinated security and preparedness strategy and implementation plan. The office also serves as the liaison between the Governor and the federal Department of Homeland Security.

#### **RECOMMENDED ACTION:**

This briefing is being provided for informational and discussion purposes.

#### **STAFF COMMENTARY:**

The HRPDC Emergency Management staff works with the Office of Commonwealth Preparedness in facilitating and/or implementing multiple homeland security initiatives in Hampton Roads. These include the First Responder Authentication Credentialing Program, the Critical Infrastructure Protection Program, Interoperability, and various other homeland security grant activities to support homeland security programs.

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #6: REGIONAL BACTERIA SOURCE TRACKING STUDY**

#### **SUBJECT:**

The HRPDC, HRSD and several of the region's localities, working through the HRPDC Directors of Utilities and Regional Stormwater Management Committees, are conducting scientific studies to support development of a bacterial identification methodology for the Hampton Roads region.

#### **BACKGROUND:**

A number of Hampton Roads waterways have been classified as impaired due to the presence of levels of fecal bacteria that exceed water quality standards for shellfishing and recreation. Total Maximum Daily Load (TMDL) studies and implementation plans must be prepared for these waterways. However, bacteria data contained in these studies is typically not specific enough to allow targeting of sources for bacteria reduction and management.

The Hampton Roads Planning District Commission staff has been leading a regional effort to develop a bacterial identification methodology for the Hampton Roads region. Proven genetic techniques will be used to differentiate bacteria sources at the species level so that TMDL plans can be designed and targeted to address the cause of the bacterial impairment. University researchers from Virginia Tech, University of South Florida, and University of North Carolina are conducting the study, which the Hampton Roads Sanitation District and the following localities are funding: James City County, Norfolk, Virginia Beach, Portsmouth, Suffolk, Williamsburg and York County.

Three watersheds were selected as case study locations to test the usefulness of various methodologies in the Hampton Roads area. HRPDC staff has coordinated with the study team and locality staff to conduct reconnaissance sampling in Shingle Creek, Suffolk; Moores Creek, York County; and Mill Dam Creek, Virginia Beach. Stations have been selected for monitoring in Shingle Creek and Moores Creek, and locality staff has begun collecting samples for analysis of indicator bacteria by HRSD.

Ms. Jennifer L. Tribo, Physical and Environmental Planner, will brief the Commission on this initiative.

#### **RECOMMENDED ACTION:**

This briefing is being provided for information purposes at this time. The HRPDC will be bringing several TMDL Implementation Plans to the Commission for consideration in the coming months. Results of the bacteria source tracking study will be brought to the Commission for consideration in the future.

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #7: FEDERAL CLEAN WATER LEGISLATION - REAUTHORIZATION OF THE CHESAPEAKE BAY PROGRAM**

#### **SUBJECT:**

On October 20, 2009, two nearly identical bills, called the Chesapeake Clean Water and Ecosystem Restoration Act of 2009 were introduced in the U.S. Senate and House of Representatives. These two bills seek to amend the federal Clean Water Act to ensure that the six states of the Bay watershed and the District of Columbia develop and implement detailed plans to reduce pollution sufficiently to achieve the Bay-wide pollution reduction targets for nitrogen, phosphorus, and sediment by 2025.

#### **BACKGROUND:**

The proposed bills will: 1) codify the Bay-wide Total Maximum Daily Load (TMDL) for nitrogen, phosphorus, and sediment that the Environmental Protection Agency (EPA) will develop by December 31, 2010; 2) give the federal government authority to compel the states to reduce nitrogen, phosphorus, and sediment loads to meet the TMDL allocations; 3) authorize citizens to bring civil actions against the states and EPA for failure to act.

A recent draft of the Cardin Bill addressed some of the region's concerns, but important issues remain. The HRPDC staff also understands that another bill has now been introduced by several Virginia Congressmen that would make agricultural compliance with the Bay TMDL voluntary.

The Regional Stormwater Management Committee agrees that a timeline for implementation and adequate funding are necessary for a Bay clean up to be successful. The Committee is concerned that the proposed legislation sets unrealistic goals and provides inadequate funding

HRPDC Deputy Executive Director John Carlock will brief the Commission on the recommended letter.

#### **RECOMMENDED ACTION:**

Authorize the Chairman to sign the attached letter detailing concerns regarding the impacts of this legislation on local governments in Hampton Roads to the Hampton Roads Congressional Delegation.

**STAFF COMMENTARY:**

At the January 20, 2010 Quarterly Commission Meeting, the HRPDC authorized the Chairman to send a letter to the Hampton Roads Congressional Delegation expressing the concerns of the HRPDC. A letter was to be developed by the HRPDC staff in cooperation with the Regional Stormwater Management Committee and then reviewed by the HRPDC Ad Hoc Stormwater Committee prior to transmittal. Those steps have been completed. Based on recent changes to the draft legislation, the HRPDC staff is bringing the letter back to the Commission for consideration.

Attachment 7



May 19, 2010

FORM Letter

VA Senators and Congressional Representatives

Dear

At its May 19, 2010 meeting, the Hampton Roads Planning District Commission (HRPDC) discussed proposed amendments to the Clean Water Act as embodied in the Chesapeake Clean Water and Ecosystem Restoration Act. Based on this discussion, the HRPDC would like to express its concerns about the impacts of the Bill. Senator Cardin and Representative Cummings of Maryland have introduced bills to reauthorize the Chesapeake Bay Program, S.1816 and H.R.3852. These two bills seek to amend the federal Clean Water Act to ensure that the six states of the Bay watershed and the District of Columbia develop and implement detailed plans to reduce pollution sufficiently to achieve the Bay wide pollution reduction targets for nitrogen, phosphorus, and sediment by 2025. The comments below refer to the March 2010 version of the Senate Bill.

The HRPDC agrees that a timeline for implementation and adequate funding are necessary for a Bay clean up to be successful, but the Commission is concerned that this legislation sets unrealistic goals and provides inadequate funding. EPA has estimated that costs for stormwater retrofits to reduce nutrient and sediment loads from existing Municipal Separate Storm Sewer Systems (MS4s) will be \$7.9 billion per year. The proposed legislation only authorizes \$1.5 billion of funding for stormwater related projects. Significantly, it is only an authorization, not an actual appropriation of funds.

Other Significant concerns include:

**The Frontloaded Implementation Requirement**

(Section 117(j)(1)(A)(iv)(VIII)(aa); Page 47, Line 5)

Given the magnitude of the reductions required, a reasonable amount of time should be allotted to States to build capacity in terms of policymaking and appropriations. This challenge is particularly great given States' current budget predicaments. It may be unrealistic to expect that management measures sufficient for 60% of the effort would be in place by May 2017, only half way through the 15-year implementation period ending in 2025. This would set up the States and all affected parties for failure, trigger an EPA takeover of the state's National Pollutant Discharge Elimination System (NPDES) permitting program, and/or subject EPA and the States to citizen suits with associated civil penalties and responsibility for plaintiffs' attorney fees and costs.

May 19, 2010  
Page 2

**The Adequate State Funding Requirement**

(Section 117(j)(1)(A)(iv)(VIII)(bb); Page 47, Line 13)

This provision requires that States have adequate funding to carry out the WIP. In the absence of federal funding, however, this is unlikely, especially in the near term, according to recent congressional testimony (2009) by the immediate past chair of the Principals Staff Committee, former Virginia Secretary of Natural Resources Preston Bryant.

The HRPDC appreciates the significant efforts that will be required to reach the water quality improvement goals currently being revised for the Chesapeake Bay. As the largest and most important estuary in North America, a renewed Chesapeake Bay is critical to the economic vitality and quality of life for all Virginians. On behalf of the Hampton Roads localities, the Hampton Roads Planning District Commission urges you to consider the consequences of approving legislation that will set Virginia up for failure. Realistic goals and adequate funding are essential to restoring habitat and water quality that can support abundant fish and shellfish populations, as well as fishable and swimmable waters.

Thank you for your consideration of this request.

Sincerely,

Bruce C. Goodson  
Chairman

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #8: GREEN JOBS ALLIANCE GRANT PROPOSALS TO DEPARTMENT OF ENERGY**

#### **SUBJECT:**

The U.S. Department of Energy has announced the availability of funding through two separate grant programs – “Weatherization Innovation Pilot Program” and the “State Energy Program Strengthening Building Retrofit Markets and Stimulating Energy Efficiency Action.” The Green Jobs Alliance has indicated its intent to apply for funds through both programs and has requested HRPDC support for its proposals.

#### **BACKGROUND:**

The U.S. Department of Energy (DOE) has recently announced two solicitations for proposals for competitive grants:

- The Weatherization Innovation Pilot Program is designed to promote innovative ways to weatherize homes of low income families. A total of \$30 million is available nationwide on a competitive basis. DOE expects to award 10-15 grants with a maximum funding level of \$3 million. The program is to involve both traditional and nontraditional providers, highly leverage available funds and improve the effectiveness of weatherization programs.
- The State Energy Program is available to states and encourages partnerships to carry out the programs. This competitive program is designed to promote two DOE goals – increased market penetration for whole building retrofits and to increase energy efficiency. These are targeted particularly at the residential and commercial sector. It is expected that DOE will award 10 grants nationwide.

The Green Jobs Alliance is a regional coalition of public and private organizations, created to support “green” economic activity and workforce training for the Hampton Roads region and the Commonwealth of Virginia. It has been designated by the Commonwealth as a State Energy Training Partner.

The Alliance has determined that support from the region’s localities, through the HRPDC, will strengthen its proposals to participate in these Department of Energy grant programs. Attached are two resolutions supporting the grant proposals of the Green Jobs Alliance.

Hampton City Councilman Gilliland will brief the Commission on the proposals.

#### **RECOMMENDED ACTION:**

1. Adopt the resolution supporting the application of the Green Jobs Alliance to the U.S. Department of Energy under the Weatherization Innovation Pilot Program.

2. Adopt the resolution supporting the participation of the Green Jobs Alliance in the statewide coalition established by the Department of Mines, Minerals and Energy to pursue funding through the State Energy Program – SEP Grant Program Area of Interest 1 – Strengthening Building Retrofit Markets.

**STAFF COMMENTARY:**

The Virginia Department of Mines, Minerals and Energy (DMME), the lead agency for the State Energy Program grant, has invited the Green Jobs Alliance to represent the Hampton Roads region in a statewide coalition for this grant.

Attachment 8-A

Attachment 8-B

**RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION IN SUPPORT OF THE APPLICATION OF THE GREEN JOBS ALLIANCE FOR FINANCIAL ASSISTANCE THROUGH THE DEPARTMENT OF ENERGY WEATHERIZATION INNOVATION PILOT PROGRAM**

**WHEREAS**, the Hampton Roads Planning District Commission (HRPDC) desires to improve energy efficiency, energy conservation and related economic activity and job creation in the region; and

**WHEREAS**, the HRPDC desires to encourage programs which will improve programs and initiatives to improve energy efficiency, energy conservation and related economic activity and job creation in the region; and

**Whereas**, the United States Department of Energy (DOE) Weatherization Assistance Program (WAP): Weatherization Innovation Pilot Program has issued Funding Opportunity Announcement Number: DE-FOA-00000309, CFDA Number: 81.042 Competitive Solicitation which will fund programs to promote innovative ways to weatherize homes of low-income families; and

**WHEREAS**, the Weatherization Innovation Pilot Program is for programs with maximum award value of \$3,000,000 and do not require cost sharing from state or local government; and

**WHEREAS**, the DOE will only award 10 to 15 grants nationwide making this a highly competitive grant process; and

**WHEREAS**, the Weatherization Innovation Pilot Program specifically seeks to stimulate activities and investments which:

- Include new and non-traditional providers and develop new partnerships including: states and units of local government; non-profit entities such as community development organizations; for-profit entities; institutions of higher education; Indian tribe economic development entities; and, consortia of these entities, examples of which include, but are not limited to, current WAP local weatherization service providers, utility companies, private contractors, industry groups, non-profit organizations, labor unions, community groups, and foundations.
- Highly leverage grant funding in order to significantly enhance the resources available for supporting the program, with the goal of at least 3:1 leveraging from non-federal sources per dollar awarded from this FOA to include building owner contributions, partner contributions, in-kind contributions, project revenues, and state funds;
- Develop revenue streams from efficiency improvements that could further leverage federal funding thus increasing program sustainability after grant monies are exhausted, including but not limited to;

- Revolving loan funds
- Co-lending / loan participation (including first loss positions)
  - Utility on-bill payment and/or financing;
  - Property Assessed Clean Energy (PACE) loans;
  - Energy efficiency mortgages;
  - The sale of carbon and other offsets;
  - The sale of white tags to meet efficiency mandates;
  - The sale of carbon and other offsets;
  - The sale of efficiencies into forward capacity markets;
- Improve the effectiveness of low-income weatherization through the use of new materials, technologies, behavior-change models, and/or processes;
- Include metrics for improving effectiveness including increasing the number of homes weatherized, reducing cost per weatherized home, increasing energy cost savings per home, increasing jobs created and retained, and reducing greenhouse gas emissions.
- Provide service delivery and behavior-change models (i.e., consumer education) performed outside of WAP for increasing the benefits yielded by the program including, but not limited to:
  - Energy usage benchmarking with feedback, either in-home or online, to the users;
  - Community-Based Social Marketing (CBSM) and other behavioral change approaches;
  - Engaging volunteers in service delivery (note: applicants proposing an approach with volunteers must be prepared to have proper liability insurance for volunteers and dwellings);
  - Developing innovative buying cooperatives and bulk buying strategies to lower costs of materials;
  - Neighborhood or community approaches, with this funding providing for the retrofit of homes for low-income citizens in those neighborhoods or communities.
  - Operate as a pilot program independently and in parallel with the current local WAP providers and should be replicable in other communities; and

**WHEREAS**, the mission of the State Energy Program is to provide leadership to maximize the benefits of energy efficiency and renewable energy through communications and outreach activities, technology deployment, and accessing new partnerships and resources; and

**WHEREAS**, DOE is seeking partnerships with traditional and non-traditional weatherization providers including: states and units of local government; non-profit entities such as community development organizations; for-profit entities; institutions of higher education; Indian tribe economic development entities; and, consortia of these entities; and

**WHEREAS**, the Green Jobs Alliance, representing Hampton Roads, has been invited to partner with the Charlottesville/Albemarle Local Energy Alliance (LEAP) for the purposes of this grant application; and

**WHEREAS**, a broad alliance of organizational partners have been assembled by the Green Jobs Alliance, a legally registered 501c3 not-for-profit meeting the eligibility guidelines of this grant; and

**WHEREAS**, the Green Jobs Alliance was organized for the specific purpose of seeking and administering federal grant funds for “green” economic activity and workforce training for the Hampton Roads region and Commonwealth of Virginia and has been officially designated by the Commonwealth of Virginia as a State Energy Training Partner as required by federal law; and

**WHEREAS**, the Green Jobs Alliance has successfully represented the localities of the Hampton Roads Planning District Commission in securing DOE Ramp-Up Through Retrofit Grant funds; and

**WHEREAS**, support of the local governments in the region of the grant application is viewed by DOE as an important element of the grant application; and

**WHEREAS**, time is of the essence as the grant application is due 6/2/10;

**NOW THEREFORE, BE IT RESOLVED** that the Hampton Roads Planning District Commission does hereby encourage and support the Green Jobs Alliance’s efforts in pursuing the Weatherization Innovation Pilot Program.

**PASSED AND APPROVED** by the Executive Committee of the Hampton Roads Planning District Commission this 19th day of May 2010.

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Bruce C. Goodson, Chairman  
Hampton Roads Planning District Commission

ATTEST:

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Dwight L. Farmer, Executive Director/Secretary

**RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION IN SUPPORT OF THE APPLICATION OF THE GREEN JOBS ALLIANCE FOR FINANCIAL ASSISTANCE THROUGH THE STATE ENERGY PROGRAM COMPETITIVE GRANTS**

**WHEREAS**, the Hampton Roads Planning District Commission (HRPDC) desires to improve energy efficiency, energy conservation and related economic activity and job creation in the region; and

**WHEREAS**, the HRPDC desires to encourage programs which will improve programs and initiatives to improve energy efficiency, energy conservation and related economic activity and job creation in the region; and

**WHEREAS**, the United States Department of Energy (DOE) National Energy Technology Laboratory has issued Funding Opportunity Announcement Number: DE-FOA-0000251, CFDA Number: 81.041 State Energy Program (SEP) Strengthening Building Retrofit Markets and Stimulating Energy Efficiency Action Competitive Solicitation which will fund programs to advance policies, programs,, and market strategies that accelerate job creations and reduce energy bills while achieving energy and climate security for the nation; and

**WHEREAS**, the SEP Grants Program Area of Interest 1 – Strengthening Building Retrofit Markets are for programs ranging in value from a minimum of \$2,000,000 to a maximum of \$5,000,000 per state and do not require cost sharing from state or local government; and

**WHEREAS**, the DOE will only award 10 grants nationwide making this a highly competitive grant process; and

**WHEREAS**, the SEP Grants Program Area of Interest 1 – Strengthening Building Retrofit Markets specifically seeks to stimulate activities and investments which can:

- Provide a major increase in market penetration of existing whole-building retrofit activities and/or the establishment of a strong retrofit market in areas with little or no activity;
- Address market barriers that limit whole-building retrofits and requires a minimum target of retrofitting at least 2 percent of the buildings of a defined market annually by 2013;
- Utilize regional strategies;
- Develop new or strengthen existing building retrofit market(s) by creating, enhancing, or expanding replicable programs, activities, organizational structures, and techniques that will transform the market and encourage consumer adoption of energy efficiency and clean energy;

- Employ sound methods for assuring energy savings;
- Collaborate with appropriate organizations such as public utility commissions, power authorities, utilities, local governments, retailers, manufacturers, trade organizations, financial institutions, other States and regional entities;
- Develop strategies that will allow resource leveraging to the greatest possible extent
- Pursue comprehensive programs and strategies that address the range of barriers hindering building retrofits such as; consumer access to information about how a building consumes energy and how it compares to other buildings; developing a qualified workforce to diagnose building performance problems, recommend solutions to those problems, and perform the work necessary to deliver the recommended solutions; and readily available access to funding to pay for the retrofits through a variety of financial mechanisms;
- Develop a comprehensive approach to addressing the market barriers limiting whole-building retrofits with a **target of retrofitting at least 2 percent of the buildings of a defined market annually by 2013** which may include such key elements as:
  - Building performance benchmarking and disclosure
  - Home Performance with ENERGY STAR™
  - Finance programs or strategies that leverage private capital:
    - Property Assessed Clean Energy (PACE)
    - Utility On-Bill Financing
    - Energy Savings Performance Contracts
    - Revolving Loan Funds
    - Credit Enhancements such as Loan Loss Reserves and Debt Service Reserves\*
    - Other innovative financing mechanisms
  - Financing program(s) that are designed to meet appropriate conforming standards to support sales into secondary financial markets
  - Statewide and/or regional\*\* aggregation of disaggregated retrofit markets
  - Innovative Organizational Structures such as an Energy Efficiency Utility, Power Authority, etc; and

**WHEREAS**, the mission of the State Energy Program is to provide leadership to maximize the benefits of energy efficiency and renewable energy through communications and outreach activities, technology deployment, and accessing new partnerships and resources; and

**WHEREAS**, eligible entities include State Energy Offices and partnerships they may form; and,

**WHEREAS**, the Green Jobs Alliance has been invited by the Virginia Department of Mines, Minerals & Energy to represent Hampton Roads for the purposes of this grant application along with other organizations in other regions of the Commonwealth; and

**WHEREAS**, a broad alliance of organizational partners have been assembled by the Green Jobs Alliance, a legally registered 501c3 not-for-profit meeting the eligibility guidelines of this grant; and

**WHEREAS**, the Green Jobs Alliance was organized for the specific purpose of seeking and administering federal grant funds for “green” economic activity and workforce training for the Hampton Roads region and Commonwealth of Virginia and has been officially designated by the Commonwealth of Virginia as a State Energy Training Partner as required by federal law, and

**WHEREAS**, the Green Jobs Alliance has successfully represented the localities of the Hampton Roads Planning District Commission in securing DOE Ramp-Up Through Retrofit Grant funds; and

**WHEREAS**, support of the local governments in the region of the grant application is viewed by DOE as an important element of the grant application; and

**WHEREAS**, time is of the essence as the grant application is due May 24, 2010;

**NOW THEREFORE, BE IT RESOLVED** that the Hampton Roads Planning District Commission does hereby encourage and support the Green Jobs Alliance’s efforts in pursuing the SEP Grants Program Area of Interest 1 – Strengthening Building Retrofit Markets for the benefit of the Hampton Roads region and the Commonwealth of Virginia.

**PASSED AND APPROVED** by the Executive Committee of the Hampton Roads Planning District Commission this 19th day of May 2010.

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Bruce C. Goodson, Chairman  
Hampton Roads Planning District Commission

ATTEST:

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Dwight L. Farmer, Executive Director/Secretary

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #9: U.S. HUD SUSTAINABILITY GRANTS PROGRAM**

#### **SUBJECT:**

The federal Departments of Housing and Urban Development, Agriculture and Transportation and the U.S. Environmental Protection Agency have developed the *Sustainable Communities Planning Grant Program*, to support regional planning initiatives.

#### **BACKGROUND:**

The U.S. Department of Housing and Urban Development (HUD) has announced its intention to offer competitive grant funding through the new *Sustainable Communities Planning Grant Program*. The Program, funded at \$100 million (with an additional \$40 million for a Community Planning Challenge Grants Program), is to support multi-jurisdictional regional planning efforts that integrate housing, economic development, and transportation decision-making in a manner that empowers jurisdictions to consider the interdependent challenges of economic growth, social equity, and environmental impact simultaneously. Grants will be capped at a maximum of \$2 million for entities of small metropolitan or rural areas (under 500,000 population) and \$5 million for large metropolitan area entities (500,000+ population). HUD's formal Request for Proposals is expected to be released during the week of May 14, 2010 with proposals due to HUD by June 5, 2010, with grants announced by August 2, 2010.

The staffs of the HRPDC and the HRTPO are working to formulate a project proposal for application to this grant program ahead of HUD's release of the Notice of Funding Availability (NOFA). The current concept involves a regional effort consisting of the HRPDC as the lead entity, member localities, and regional partners to draft a regional development framework. The goal of the regional development framework would be to improve the regional integration of local plans, accounting for initiatives within different livability areas including transportation, housing, environment, land use, and other applicable areas of interest; to address gaps in the recently approved Vision Hampton Roads; and to provide technical supporting information for local government planning initiatives. The HRPDC intends to convene a Working Group of local Planning Directors or their designees and other local government staff to assist in this effort.

HRPDC Deputy Executive Director John Carlock will brief the Commission on this initiative.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to submit a regional proposal for funding under the Sustainable Communities Planning Grant Program and to accept a grant if offered.

**STAFF COMMENTARY:**

The proposal has been discussed in concept with the HRPDC Joint Environmental Committee, the HRTPO Transportation Technical Advisory Committee (TTAC) and a subgroup of local comprehensive planners from several of the Southside Hampton Roads localities.

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #10: GREENHOUSE GAS EMISSIONS INVENTORY**

#### **SUBJECT:**

As one element of their Energy Efficiency and Conservation Block Grant (EECBG) Programs, the Cities of Chesapeake, Norfolk and Virginia Beach have included funding for a regional inventory of Greenhouse Gas (GHG) Emissions.

#### **BACKGROUND:**

The HRPDC staff has worked for the past year to facilitate cooperation and coordination among the region's localities on programs developed in response to the federal Energy Efficiency and Conservation Block Grant Program. One element of the successful grant applications submitted by the region's Entitlement Communities was interjurisdictional coordination. For the Non-Entitlement communities, a project was developed cooperatively through the HRPDC.

The Cities of Chesapeake, Norfolk and Virginia Beach included development of a Greenhouse Gas Emissions Inventory as one element of their EECBG program, and proposed funding to support development of the GHG Inventory for the entire region. The cities recommended that the inventory be completed regionally through the HRPDC because of the need for common data and the cost-effectiveness of a regional project. The three cities and HRPDC staff have developed a preliminary scope of work for this project. In order to carry out the project, several steps need to be accomplished – MOA among the funding localities and HRPDC, an MOU among all of the region's localities, a contract to carry out the technical work. The HRPDC staff and members of the GHG Work Group are developing the detailed agreements. Because of time constraints imposed through the federal grant agreements, time is of the essence in authorizing the project to move forward.

The GHG Work Group believes that the inventory will benefit the region by providing a baseline of GHG Emissions and will enhance our ability to respond to potential future federal legislation and potential classification of the region as nonattainment for air quality, as well as filling one of the data gaps identified through the regional climate change initiative. It should assist in both economic development efforts and should facilitate future funding and grant opportunities for the region.

HRPDC Deputy Executive Director John Carlock will brief the Commission on this regional program.

#### **RECOMMENDED ACTIONS:**

1. Authorize the Executive Director to execute a Memorandum of Agreement with the Cities of Chesapeake, Norfolk and Virginia Beach to manage the GHG Inventory project.
2. Authorize the Executive Director to execute a contract with Old Dominion University to undertake a GHG Inventory for the Hampton Roads Region.

3. Authorize the Executive Director to execute a Memorandum of Understanding with the sixteen member localities governing data provision and participation in the GHG Project.

**STAFF COMMENTARY:**

The project has been discussed on numerous occasions by the EECBG Subcommittee and the Inventory Work Group. The Work Group met on May 10, 2010 and urged the HRPDC staff to move forward with this project.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #11: PROJECT STATUS REPORTS**

#### **A. Joint Environmental Committees**

The Joint Environmental Committee met on May 6, 2010. During these meetings, the Committee received briefings on the following:

- HRPDC Staff – Stormwater Management Issues, including the pending state regulations, proposed federal legislation and the recent EPA audits of local stormwater management programs.
- HRPDC Staff – Chesapeake Bay TMDL. Recent changes to the EPA model are likely to impact the waste load allocations to Hampton Roads localities. The development and review schedule for the TMDL continues to be compressed.
- HRPDC Staff – Federal Sustainable Communities Planning Grant Program and potential regional proposal for funding under that program.
- HRPDC Staff – Offshore Energy Development activities, including wind and oil and gas.

The Committees previously developed comments on the proposed federal legislation dealing with the Chesapeake Bay. As discussed at the January 2010 HRPDC Quarterly Commission Meeting, these comments are now being circulated for review by the Commission's Ad Hoc Stormwater Committee prior to review by the Commission.

The EECBG Work Group is scheduled to meet on May 10, 2010 to discuss details of the regional greenhouse gas (GHG) inventory, including methodologies for the regional inventory, finalization of a scope of work for this project and a potential Memorandum of Agreement between participating localities and HRPDC regarding the inventory.

The Regional Stormwater Management Committee is continuing to work on a number of initiatives. They include:

- MS4 Permits for the Phase I localities. Work with DCR on these permits has been delayed by the state priority on finalizing the stormwater management regulations.
- MS4 Permits for the Phase II localities. Implementation of these permits is continuing. The first field visits/inspections by the Virginia Department of Conservation and Recreation have occurred in two Hampton Roads localities. DCR staff was complimentary of the number of cooperative regional initiatives that underway to support these permits. HRPDC staff and the Phase II localities are working closely to develop a training program that must be completed by June 30, 2010 to satisfy permit requirements.

## **B. Directors of Utilities Committee Meeting:**

The Directors of Utilities Committee met on May 5, 2010. The Committee addressed the following:

- Mr. Ted Henifin, HRSD, briefed the Committee on water and wastewater billing services. The Directors were asked to review the efficiency of their billing system in light of the original concept of cost savings through a consolidated billing system. HRSD will be meeting with individual localities to further discuss the topic.
- The HRPDC Staff briefed the Committee on DEQ's response to their comments on the final draft of the Bacteria TMDL for the Elizabeth River Watershed. Several committee members submitted sample data taken from their pump stations for bacteria concentrations in sewage. The field samples were two orders of magnitude less than the concentration DEQ used in the draft TMDL. DEQ has applied the lower concentration to the revised TMDL. Subsequently, the estimated relative contributions of SSO's to the bacterial impairments within the watershed were significantly lowered in the revised report.
- The HRPDC staff briefed the Committee on the status of the Help-To-Others Program. At this time, the Program's application to receive nonprofit status from the IRS has not been submitted.
- The HRPDC staff through the HR FOG program held a grease hauler training program in April, and will be holding a training for food service establishments in May.
- The Capacity Team continues to meet monthly to coordinate regional efforts under the Consent Order on Sanitary Sewer Overflow issues with DEQ.

## **C. Emergency Management Project Update**

### **Debris Management**

A date for the annual debris management meeting has been coordinated with SPSA, VPPSA, and VDEM. The date is July 19, 2010 and will be at the HRPDC.

### **Hampton Roads Regional Jail and Inmate Evacuation Committee**

There is nothing to report during this period. This committee is scheduled to meet again this month.

### **Hampton Roads Tactical Regional Area Network (HRTacRAN)**

The EM Administrator continues to work with the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) Oversight Group in an effort to find a funding solution for sustainment of the system for follow-on service and maintenance procurement. A FY10 Port Security Grant Application was submitted to VDEM in March 2010 as a potential temporary solution for sustainment. As part of the application process, the Captain of the Port for the Area Maritime Security Committee vets all applications by conducting a field review. The HRICAC has not received any feedback on this application at this time.

### **Peninsula Local Emergency Planning Commission (PLEPC)**

A grant application was submitted to VDEM, by the City of Hampton on behalf of the PLEPC, for funds to update the current Peninsula Local Emergency Response Plan. On March 1st, the Emergency Management staff were informed that the City of Hampton was granted this the award in the requested amount. All funds must be exhausted by September 2010. The HRPDC is willing to support the work for this grant and assist with the management of the project with the City of Hampton and PLEPC; however, no progress has been made.

### **FY10 Healthcare Organization Emergency Preparedness Seminars (HOEPS)**

The Emergency Management staff led and completed the seminar with public health partners and multiple health care organizations on May 6th and 7th. A website was utilized to facilitate outreach, preparedness resources, and registration for this event (<http://www.hoeps.org/>). Invitations to attend this event were distributed in March. As a result, the seminar reached registration capacity and was expanded to accommodate additional registrants within the planned budget and accommodations of the venues supporting this event. Participant feedback is being compiled and will be provided next month.

### **Hazard Mitigation Planning**

The grant applications for updating the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan are in the process of review at with a notification of an award expected in the spring of 2010 and funding made available in early fall 2010. The Emergency Management staff continues to work with the City of Hampton's Emergency Manager by providing support to update the Peninsula Mitigation plan; however, no progress has been made

### **Regional Catastrophic Planning Grant Program (RCPGP) Support**

The Emergency Management staff continues to support the Regional Catastrophic Planning Team and the three workgroups to ensure existing projects and data is integrated. The three workgroups are (1) Evacuation and Transportation, (2) Commodities, Resources, and Volunteers, and (3) Mass Care and Sheltering.

### **Urban Area Security Initiative (UASI)**

The Emergency Management staff continues to manage and support the Hampton Roads Urban Areas Security Initiative (UASI) Grant Program for the Urban Area Working Group (UAWG). The UAWG began discussions and planning for future grant years. A tool was developed to track all projects under the UASI grant to provide an overview of what has been requested, supported, and requires sustainment in the future. The UAWG has indicated that they want to ensure a portion of future grant funds are made available for sustainment with the rest dedicated towards new projects that will only be supported by the soon to be revised Hampton Roads Homeland Security Strategy.

### **Hampton Roads Medical Special Needs and WebEOC Implementation Update (FY 2007 & FY 2008 UASI Project)**

Services through ESI have been obtained to facilitate discussions on June 8th for the development of regionalizing the process and procedures for utilizing this consequence management tool with all localities in Hampton Roads. The Special Needs website ([www.hrspecialneeds.org](http://www.hrspecialneeds.org)) will be taken off-line for a couple weeks for further development. It is expected to be back up and running by early June 2010 and be fully functional.

### **Maritime Security and Response (FY 2008 UASI Project)**

Staff continues to solicit input from the Area Maritime Security Committee for the FY08 UASI project that is a follow-on project from FY07. Additionally, we have once again reached out to our multi-applicant partner, the Baltimore UASI, for inclusion, and they have indicated they will not follow through with their obligation. This was also the situation for FY07. At this time, it is also unclear whether the AMSC will utilize the funds available for this project. If not, further direction will be sought from DHS via VDEM.

### **Multi-Region Target Capabilities Assessment (FY 2008 UASI Project)**

The Emergency Management staff, on behalf of and in cooperation with the Hampton Roads and Central Virginia (Richmond area) UASI regions, provide program management and implementation support for the Target Capabilities Assessment (TCA), through the UASI Grant program. Interviews with localities in Hampton Roads for assessing the selected target capabilities began in late January and are in progress. Eleven of the sixteen have been completed. All localities have been scheduled and anticipate this portion of the project to be complete by June. The risk verification component of this project has been completed and was briefed at the April REMTAC and UAWG meetings. The next major component to be developed is the revision to the Hampton Roads Homeland Security Strategy. A plan for revising this plan is in development and will be structured to ensure all homeland security partners (local, regional, state, and federal) have the opportunity to participate.

### **Pet Sheltering Support (FY 2009 UASI Project)**

The Committee supporting this effort met and finalized what equipment and supplies need to be procured for the trailers to support pet management in shelters. Some of the equipment and supplies are not allowable under the grant guidelines and staff drafted a letter to DHS via VDEM requesting a waiver for those items not allowed. VDEM continues to review this request and is expected to provide a formal response within the next month.

### **First Responder Authentication Credential (FRAC)**

The Emergency Management staff continues to advance the First Responder Authentication Credential (FRAC) pilot program in Hampton Roads initiated and lead by the Governor's Office of Commonwealth Preparedness (OCP) through State Homeland Security Grant funds. OCP continues to work with Verizon to establish the issuing stations. The Hampton Roads Fire Chiefs Association has been working with

OCP's project manager in order to have the FRACs first issued to the fire service throughout Hampton Roads. FRACs are expected to begin issuance in early summer.

### **Hampton Roads Critical Infrastructure Protection Program (HR CIPP)**

Strategic planning by the Emergency Management staff for the development of a regional Critical Infrastructure and Key Resources (CIKR) program is on-going in coordination with the Office of Commonwealth Preparedness Critical Infrastructure Protection Coordinator. The HR CIPP steering committee will be meeting in May with local stakeholders, OCP and the contractors. The first draft to the regional strategic plan and regional criteria for identifying regional CIKR will be reviewed and vetted.

### **2010 Department of Education's Emergency Management for Higher Education (EMHE) Grant**

As part of the grant application process, colleges and universities in the region have the opportunity to apply for grant funds "to develop, or review and improve, and fully integrate campus based all-hazards emergency management planning efforts for institutions of higher education." As part of the grant application process, these institutions of higher education require a letter of support with a local representative emergency management body in reviewing and improving the campus-based plan and supporting the EMHE grant project. The HRPDC will provide this support utilizing the existing advisory committees and ensure all planning is coordinated with the respective city/county the institution of higher education is located in. Presently, the College of William and Mary has asked for and received a letter of support. The Virginia Tidewater Consortium for Higher Education has also requested and received a letter of support for a grant request encompassing Old Dominion University, Eastern Virginia Medical School, Virginia Wesleyan College, and Christopher Newport University. The grant application deadline was May 12, 2010.

## **D. Regional Housing Program**

### **Hampton Roads Loan Fund Partnership**

The staff is continuing to provide down payment and closing cost assistance to qualified first-time homebuyers in the region. The deadline to utilize the Federal Housing Tax Credit for First-Time Home Buyers through the American Recovery and Reinvestment Act of 2009 was extended to April 2010 in an effort to stimulate more homeownership transactions.

### **Housing and Human Service Technical Support**

Staff members continue to assist the Hampton Roads Housing Consortium in developing regional housing priorities. A strategic planning session was held with regional housing professionals in January to begin the process of developing the framework of this initiative. Housing and Human Services Staff is assisting in the planning of the release of an Affordability Index for the Hampton Roads Region. A June 15th event is being planned to debut the tool while addressing affordability for the region.

## **E. Regional Economics Program**

### **Technical Assistance**

Economics staff routinely provides technical assistance and support to member jurisdictions and regional organizations. Information from both the HRPDC Data Book and the Commission's Benchmarking Study provides easy access to a great deal of regional information. Over the past month, staff have provided information to individuals, member localities, regional organizations, and the media. A presentation was made to the Round Table of Business Leaders on the current state of the regional economy.

### **Census 2010**

HRPDC staff is acting as a Regional Census Partner to the U.S. Census Bureau. Census information has been added to the organization publications and the Commission's website. HRPDC staff serves on complete count committees at both the regional and jurisdictional levels, and has offered a variety of services to the Census Bureau. Staff has provided accommodation for regional Census training activities over the past month.

### **Regional Competitiveness**

Staff has begun work on a regional competitiveness study. The purpose of the study is to review the components of growth in competitive economies and evaluate the regional capacity for growth. This analysis will include an in-depth analysis of the region's occupational and industrial composition, with a particular focus on the region's labor supply.

### **Hampton Roads Data Book**

Staff has begun work on the Hampton Roads Data Book. The 2010 Data Book will contain a variety of current and historical time series data on the region's population, income and earnings, employment, labor force, retail sales, building permits, real estate, lodging, ports, vehicle registrations, and local tax collections. The Data Book represents part of our efforts to fulfill § 15.2-4208 of the Code of Virginia, which requires planning district commissions to collect and maintain demographic, economic and other data concerning the region and member localities.

### **BEA Regional Economic Data**

The Bureau of Economic Analysis (BEA) released its annual Regional Economic Information System (REIS) data on April 22, 2010. This update provides new and revised information for local, state, and metropolitan areas throughout the country for both employment and income data. This data set is particularly valuable for the Hampton Roads region in that it is one of the few sources of information to include information on military employment and information on the self-employed. This data is available on the Regional section of the BEA website at <http://www.bea.gov/regional/index.htm>.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #12: FOR YOUR INFORMATION**

#### **A. VAPDC BOARD OF DIRECTORS**

The Virginia Association of Planning District Commissions has completed its slate of officers for Fiscal Year 2011. HRPDC Chairman Bruce Goodson has been nominated to serve as a Member of the Board of Directors of the VAPDC.

#### **B. OUTER CONTINENTAL SHELF (OCS) LEASE SALE MEETINGS**

On May 7, 2010, the federal Minerals Management Service announced the cancellation of several scoping meetings for the Environmental Impact Statement for Proposed Mid-Atlantic Oil and Gas Lease Sale 220. This lease sale would cover the period from 2012-2017. The cancellation of these meetings and the postponement of the comment period for the associated Geological and Geophysical Programmatic EIS is attributable, in part, to the recent events in the Gulf of Mexico. Attachment 12-B is a copy of the Federal Register Notice of the cancellation.

Attachment 12-B

#### **C. GREEN INFRASTRUCTURE PROGRAM**

The Conservation Fund has just published a compendium of conservation models, entitled, A Sustainable Chesapeake: Better Models for Conservation. Chapter 3 covers Green Infrastructure and includes a paper, “Developing and Protecting Green Infrastructure: A Regional Approach to Conservation in Southeastern Virginia,” prepared by Eric Walberg and Sara Kidd of the HRPDC staff. This paper is based on the HRPDC report, A Green Infrastructure Plan for the Hampton Roads Region, approved by the HRPDC at its Quarterly Meeting on April 21, 2010.

#### **D. GREEN JOBS ALLIANCE “RAMP-UP THROUGH RETROFIT” GRANT**

Attached for information is the April 21, 2010 Press Release from the Green Jobs Alliance indicating that its partnership with a number of other communities across Southeastern United States has been successful in obtaining funding through the U.S. Department of Energy for the “Ramp-Up Through Retrofit” project. The Green Jobs Alliance will receive approximately \$3.2 million dollars from this \$20 million dollar grant. The HRPDC endorsed this proposal at its November 18, 2009 Executive Committee Meeting.

Attachment 12-D

Coordinator/Collections Manager, Rochester Museum & Science Center, 657 East Ave., Rochester, NY 14607, telephone (585) 271-4552, ext 302, before June 7, 2010. Repatriation of the sacred objects/objects of cultural patrimony to the Tonawanda Band of Seneca Indians of New York may proceed after that date if no additional claimants come forward.

The Rochester Museum & Science Center is responsible for notifying the Tonawanda Band of Seneca Indians of New York that this notice has been published.

Dated: April 27, 2010.

**David Tarler,**

*Acting Manager, National NAGPRA Program.*  
[FR Doc. 2010-10787 Filed 5-6-10; 8:45 am]

**BILLING CODE 4312-50-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before April 3, 2010. Pursuant to section 60.13 of 36 CFR Part 60 written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments are also being accepted on the following properties being considered for removal pursuant to 36 CFR 60.15. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by May 24, 2010.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

**J. Paul Loether,**

*Chief, National Register of Historic Places/  
National Historic Landmarks Program.*

### ALABAMA

#### Madison County

Warden's Residence, 151 Stone St, Triana, 10000258

### COLORADO

#### Adams County

Eastlake Farers Co-Operative Elevator Company, 126th Ave and Claude Ct, Thornton, 10000259

### CONNECTICUT

#### New Haven County

Hooker, Elizabeth R., House, 123 Edgehill Rd, New Haven, 10000260

### IOWA

#### Cerro Gordo County

Surf Ballroom, 460 N Shore Dr, Clear Lake, 10000261

### KANSAS

#### Ellsworth County

Holyrod Santa Fe Depot, (Railroad Resources of Kansas MPS) Between Main St and Smith St, Holyrod, 10000262

#### Shawnee County

Uniontown Cemetery, NW Douglas Rd, Willard, 10000263

### MICHIGAN

#### Mason County

Ludington United States Coast Guard Station, 101 S Lakeshore Dr, Ludington, 10000264

### MISSOURI

#### Clay County

Ligon Apartments, 211 E Excelsior St, Excelsior Springs, 10000265

### NORTH DAKOTA

#### Pembina County

Walla Theater, 909 Central Ave, Walhalla, 10000266

### TEXAS

#### Bexar County

University of the Incarnate Word Administration Building, 4301 Broadway, San Antonio, 10000267

#### Galveston County

The Settlement Historic District, Centered on the intersection of N Bell Dr and the 100 block of S Bell Dr with cross-streets Carve Ave and Eunice St, Texas City, 10000268

### WISCONSIN

#### Oconto County

Chute Pond Dam, Chute Pond County Park, SH 32/64, Town of Mountain, 10000269

[FR Doc. 2010-10767 Filed 5-6-10; 8:45 am]

**BILLING CODE 4312-51-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Outer Continental Shelf (OCS) Mid-Atlantic Proposed Oil and Gas Lease Sale 220

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of indefinite postponement of comment period on and cancellation of public meetings to scope for an Environmental Impact Statement (EIS) for Proposed Mid-Atlantic Oil and Gas Lease Sale 220.

**SUMMARY:** This Notice serves to cancel scoping meetings and to postpone the comment period on scoping for Sale 220 until further notice. Three public scoping meetings that had been scheduled on May 12, 25, and 27, in the **Federal Register** (Vol. 75, No. 82, page 22623) to solicit information to assist MMS in preparing an EIS to evaluate potential environmental effects of proposed Lease Sale 220 are hereby cancelled. Also, the public scoping meeting scheduled for May 12, 2010, in Norfolk, Virginia, to solicit public input on both Sale 220 and the Geological & Geophysical Programmatic EIS on the Mid- and South Atlantic OCS (G&G PEIS) is hereby cancelled. This Notice does not affect the public scoping period for the G&G PEIS. The scoping period for that PEIS ends on May 17, 2010 (see 75 FR 16830).

Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq*) (NEPA), MMS had reopened the scoping comment period on the EIS for proposed Lease Sale 220 for a period of 45 days from the date of the **Federal Register** notice on April 29, 2010. The closing date for scoping under that notice was to be June 14, 2010. The scoping period for Lease Sale 220 is now postponed until or unless we provide further notification.

**DATES:** On April 29, 2010, MMS published a notice in the **Federal Register** (Vol. 75, No. 82, page 22623) announcing the continuation of scoping for a 45-day period and that three public meetings were scheduled on:

- May 12 at Hilton Norfolk Airport in Norfolk, Virginia;
- May 25 at Princess Royale Oceanfront Hotel and Conference Center, Ocean City, Maryland; and
- May 27 at Elizabeth City State University Fine Arts Complex in Elizabeth City, North Carolina.

These meetings are cancelled.

*Comments:* Comments that are provided in the period between

publication of the notification reopening scoping on April 29, 2010, and this notification of postponed scoping will be held together with comments received during the initial scoping period of November 13, 2008 through January 13, 2009. No further comments are being solicited for scoping of the Lease Sale 220 EIS pending decision by the Secretary of the Interior.

**FOR FURTHER INFORMATION CONTACT:** For information on the status for the Sale 220 EIS scoping, please contact Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Leasing and Environment (MS 5410), Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, LA 70123-2394, telephone (504) 736-3233.

**SUPPLEMENTARY INFORMATION:** With respect to proposed Lease Sale 220, MMS issued a Notice of Intent to prepare an EIS published in the **Federal Register** on November 13, 2008 (Vol. 73, No. 220, page 67201), and included a 45-day scoping period. No scoping meetings were announced at that time. The MMS decided to extend the comment period and made announcements in a press release and other media. On January 7, 2009, MMS published a notice in the **Federal Register** (Vol. 74, No. 4, page 727) extending the scoping comment period to 60 days. That comment period expired on January 13, 2009. Scoping had been reopened in the **Federal Register** notice published on April 29, 2010 (Vol. 75, No. 82, page 22623). Today's notice postpones indefinitely scoping for the Sale 220 EIS until or unless MMS provides further notification.

Dated: May 4, 2010.

**S. Elizabeth Birnbaum,**

*Director, Minerals Management Service.*

[FR Doc. 2010-10981 Filed 5-6-10; 8:45 am]

**BILLING CODE 4310-MR-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-689]

**In the Matter of Certain Dual Access Locks and Products Containing Same; Notice of Commission Determination Not To Review an Initial Determination Granting Motions for Summary Determination of Non-Infringement and Finding No Violation of Section 337; Termination of the Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") granting two motions for summary determination of non-infringement and no violation of section 337 issued by the presiding administrative law judge ("ALJ") on March 18, 2010, in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3041. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on October 21, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on an amended complaint filed on October 5, 2009, by Safe Skies, LLC and David Tropp of Brooklyn, New York. 74 FR 54065 (October 21, 2009). The Commission named the following companies as respondents: C&C Luggage Manufacturing Co., Ltd. of China; Formosa Tai Rank Industrial Corp. of Taiwan; Hangzhou Gema Suitcases & Bags Co., Ltd. of China; La Pearl Luggage and Leather Goods Co., Ltd. of China; Hinomoto Jomae, Ltd. of Japan; Sinox Company, Ltd. of Taiwan; Yi Feng Manufacturing, Co., Ltd. of China; Jin Tay Industries Co., Ltd. of Taiwan; FULLYEAR-Brother Enterprise, Co., Ltd. of Taiwan; Zhuhai SkyGood Tech. Industrial Corp., Ltd. of China; Ningbo Xianfeng Art & Craft Co., Ltd. of China; Paloma Enterprises Co., Ltd. of Taiwan; Tekraft Industrial Co., Ltd. of Taiwan; Hangzhou Travelsky Co., Ltd. of China; The Sun Lock Company Ltd. of Hong Kong; Alloy Metal Manufactory, Ltd. of Hong Kong; Cometform, Ltd. of England; Design Go Ltd. of England; Franzen International of Germany; M-Power Lock Manufactory of Hong Kong.

The complaint alleged violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dual access locks and products containing same that infringe claims 1-21 of U.S. Patent No. 7,021,537 and claims 1-20 of U.S. Patent No. 7,036,728. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. The complainants requested that the Commission issue a general exclusion order and cease and desist orders.

On March 18, 2010, the ALJ issued an ID (Order No. 6) granting a motion of the Commission investigative attorney ("IA") and a joint motion on behalf of 19 of the above-named respondents for summary determination of non-infringement of all asserted claims. Only respondent Formosa Tai Rank Industrial Corp. did not join in the joint motion for summary determination. On April 1, 2010, complainants filed a petition for review of the ID. On April 8, 2010, the IA filed an opposition to the petition for review. On April 9, 2010, the 19 respondents filed a joint opposition to the petition for review and a motion for leave to file their response out of time, which the Commission has granted.

Having examined the record in this investigation, including the ALJ's ID, the petition for review and the responses thereto, the Commission has determined not to review the ID and terminate the investigation with a finding of no violation of section 337.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42-.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-.46).

By order of the Commission.

Issued: May 3, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-10758 Filed 5-6-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OMB Number 1121-0166]

**Agency Information Collection Activities: Extension of a Currently Approved Collection: Comments Requested**

**ACTION:** 30-Day Notice of information collection under review: Extension of a

**GREEN JOBS ALLIANCE GRANT TEAM AWARDED \$20 MILLION  
DEPARTMENT OF ENERGY “RAMP-UP THROUGH RETROFIT” GRANT**

April 21, 2010 - Virginia Beach, VA – Today Vice President Biden kicked off five days of Administrative events surrounding the 40<sup>th</sup> anniversary of Earth Day. As part of those events, he announced the selection of 25 communities for up to \$425 million in Recovery Act funding to “ramp-up” energy efficiency building retrofits (full press release attached).

The Southeast Community Retrofit Ramp-up Consortium grant proposal, comprising 16 communities (listed below) across the Southeast United States, was led by the Southeast Energy Efficiency Alliance (SEEA) based in Atlanta, GA. The Green Jobs Alliance, a non-profit organization headquartered in Hampton and a partner in the SEEA proposal, was the regional lead for the 16 localities of Hampton Roads to participate in this DOE Ramp-Up Through Retrofit Grant application. The Consortium was awarded \$20,000,000. It is expected that the Green Jobs Alliance will receive approximately \$3,200,000 of that sum.

The grant funds will be used to launch a Regional Energy Alliance to promote and implement residential and commercial energy efficiency programs in Hampton Roads. The alliance will be comprised the stakeholders specified in the EPA’s Home Performance with ENERGY STAR™ program which is delivering on the promise of green jobs through energy efficiency in 30 states across the country. The stakeholders will include financial institutions, builders and contractors, realtors, appraisers, certified energy auditors, educational institutions, training organizations, state and local government, utilities, manufacturers, retailers and citizens. It is projected that several hundred construction trades jobs will be created in Hampton Roads, millions of dollars in direct economic impact to the local economy in payroll and utility savings, millions of dollars in increased real estate values, and millions of metric tons of carbon saved from entering the atmosphere.

A ceremonial presentation of the \$20,000,000 check will be made during Earth Day Peninsula Green Drinks, April 22<sup>nd</sup>, 5:30pm-8pm, Marker 20, 21 E. Queens Way, Hampton, VA. The Hampton Roads Congressional Delegation and McDonnell Administration have been invited. It is expected that Congressman Bobby Scott will present the check.

**Southeast Community Retrofit Ramp-Up Consortium**

Atlanta, GA

Albemarle County, VA

Carrboro, NC

Celebration, FL

Chapel Hill, NC

Charleston, NC

Charleston, SC

Charlottesville, VA

Decatur, GA

Hampton Roads Planning District (16 VA municipalities)

Huntsville, AL

Jacksonville, FL

Nashville, TN

New Orleans, LA

U.S. Virgin Islands

Woodbury, TN

The following governments and non-profit organizations have been selected for Retrofit Ramp-Up awards. These projects are planned to begin in fall 2010. Final award amounts are subject to negotiation:

Austin, Texas - \$10 million

Boulder County, Colorado - \$25 million

Camden, New Jersey - \$5 million

Chicago Metropolitan Agency for Planning - \$25 million

Greater Cincinnati Energy Alliance, Ohio - \$17 million

Greensboro, North Carolina - \$5 million

Indianapolis, Indiana - \$10 million

Kansas City, Missouri - \$20 million

Los Angeles County, California - \$30 million

Lowell, Massachusetts - \$5 million

State of Maine - \$30 million

State of Maryland - \$20 million

State of Michigan - \$30 million

State of Missouri - \$5 million

Omaha, Nebraska - \$10 million

State of New Hampshire - \$10 million

New York State Research and Development Authority - \$40 million

Philadelphia, Pennsylvania - \$25 million

Phoenix, Arizona - \$25 million

Portland, Oregon - \$20 million

San Antonio, Texas - \$10 million

Seattle, Washington - \$20 million

**Southeast Energy Efficiency Alliance - \$20 million**

Toledo-Lucas County Port Authority, Ohio - \$15 million

Wisconsin Energy Conservation Corporation - \$20 million

For more information on the selected projects, visit [HERE](#). A map of the selected projects is available [HERE](#).

The Green Jobs Alliance (GJA) is a nonprofit organization established in direct response to the Green Jobs Act. With millions of Americans out of work, the Alliance is presented with a unique opportunity to assist in assembling an education and training infrastructure that will support green job creation. GJA works to coordinate the resourcing, training, outreach and associated support for the development of an evolving energy efficiency and renewable energy industries workforce with a goal of economic independence for individual workers, including those who seek a pathway out of poverty. The GJA includes a coalition of business, labor, educational institutions and technical training schools, community service organizations, environmental groups, workforce development boards, green building and renewable energy companies, sustainable small businesses and veteran's groups that have partnered to



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provide education, green jobs training, job placement and career development for the following individuals: under-employed/unemployed citizens; military veterans; at-risk youth including teens who are “aging out” from state foster care systems; workers affected by national energy and environmental policy; individuals in need of updated training related to energy efficiency, renewable energy industries and green careers; former incarcerated, adjudicated, nonviolent offenders; and those seeking a pathway out of poverty.

For more information contact Randy Gilliland, Co-Founder, Board of Directors, Green Jobs Alliance, 757-814-0001, [rgilliland@greenjobsalliance.org](mailto:rgilliland@greenjobsalliance.org).

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**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #13: CORRESPONDENCE OF INTEREST**

**A. LETTER, DWIGHT L. FARMER TO JOHN FISHER**

Attached is a letter from Dwight Farmer to John Fisher, DEQ, providing HRPDC staff comments on the request for scoping comments on Programmatic Environmental Impact Statement for Geological and Geophysical Exploration on the Mid- and South Atlantic Outer Continental Shelf.

Attachment 13-A

**B. LETTER, SIERRA CLUB TO VIRGINIA BEACH HOTEL MOTEL ASSOCIATION**

Attached is a letter from the Eileen Levandoski, Hampton Roads Conservation Coordinator for the Sierra Club, Virginia Chapter to Verne Burlage, President of the Virginia Beach Hotel Motel Association, requesting that the Association rescind its support for Virginia offshore drilling.

Attachment 13-B



April 29, 2010

Mr. John E. Fisher  
Department of Environmental Quality  
Office of Environmental Impact Review  
Post Office Box 1105  
Richmond, Virginia 23218

Re: PEIS Geological and Geophysical Scoping Comments DEQ #10-059F

Dear Mr. Fisher:

Pursuant to your request of April 2, 2010, the staff of the Hampton Roads Planning District Commission is providing scoping comments for the pending development of the Programmatic Environmental Impact Statement (PEIS) for Geological and Geophysical Exploration on the Mid- and South Atlantic Outer Continental Shelf.

The majority of the exploration applications listed on the MMS website (<http://www.gomr.mms.gov/homepg/offshore/atlocs/gandg.html>) show exploration areas that overlap with the Department of Defense VACAPES training area in Virginia's offshore waters. The HRPDC staff recommends that the Department of Defense be involved in the development of the PEIS so that conflicts between exploration activities and training activities are minimized. In addition, the significant commercial and military ship traffic approaching and departing the Virginia Capes area must be considered in the location and timing of exploration activities.

From an ecological perspective, one of the most significant issues is the presence of endangered North Atlantic Right Whales, sea turtles, and other marine mammals in Virginia's offshore waters. Exploration activities should be located and timed to avoid or minimize impacts to marine mammals. Also, exploration activities should be designed to minimize impacts on the ecologically diverse canyons off the Virginia coast.

We appreciate the opportunity to provide scoping comments for the PEIS. If you have any questions, please do not hesitate to call.

Sincerely,

Dwight Farmer  
Executive Director/Secretary

MLJ/fh



April 20, 2010

Verne Burlage  
President  
Virginia Beach Hotel Motel Association  
1023 Laskin Road, Suite 111  
Virginia Beach, VA 23451

Dear Mr. Burlage:

The Virginia Chapter of the Sierra Club urges the Virginia Beach Hotel Motel Association to rescind its support for Virginia offshore drilling as expressed in your letter to Mayor Sessoms dated May 2009.

First of all, you need to be corrected in offering alleged presentations from the Virginia Coastal Energy Research Consortium (VCERC) to support your position that "exploration or extraction will have no adverse implications on the hospitality industry". VCERC is exclusively involved in the research and development surrounding algal biomass, wind and wave energy production. They have not made any such presentations, nor do they have the authority to do so.

Secondly, the information that you reviewed to support your position that oil and gas development "can be done in an environmentally responsible way" is mistaken for a number of reasons to include:

1. Information on the environment potentially impacted by offshore drilling is 30 years out of date.
2. Despite technological advances in drilling operations, spills still occur.
3. Offshore drilling causes chronic pollution to our coastal air and water.
4. Heavy industrialization of our coastal areas is a requirement of offshore drilling.

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Attachment 13-B

HRPDC

5. Seismic activities done in exploration for oil and gas cause harm and even death to marine mammals and fish and have been proven to reduce commercial fishing catch.

Drilling has not occurred off our Atlantic coast for almost 30 years. Information on the possible effects of Atlantic drilling is thus "30 years out of date," as Interior Secretary Ken Salazar points out. Large data gaps exist when it comes to endangered and protected species, fish and fisheries, the biology of the ocean floor, the ecosystems found in Virginia's offshore ocean canyons and coral reefs, as well as the physical and geological oceanography. Any assertion that drilling "can be done in environmentally responsible way" is completely unsubstantiated and wrong.

Despite what drilling proponents contend, oil spills remain an inevitable "cost of doing business".

Just last August 2009 an oil rig off the Australian coast blew out and leaked over 400 barrels of oil per day into the ocean, eventually covering more than 9000 square miles (roughly the footprint size of New Jersey). Oil continued to gush out into the ocean for nearly three months before the well could be plugged and the spill brought under control. During that time, the rig itself caught fire.

The rig that failed was owned and operated by Seadrill, a major international offshore drilling contractor that operates a global fleet of 41 drilling units in 15 countries worldwide to include the U.S. Gulf Coast. The rig is new, technologically advanced equipment, built in 2007 and is highly touted by drilling advocates as "environmentally safe". This is the same equipment the oil industry is suggesting for use off our coast.

One spill, even a fraction of the size of the Australian spill, could ruin the state's tourism-driven economy and destroy some of the world's most-protected environmental areas to include the national treasure that is the Chesapeake Bay. Virginia's environmentally sensitive and economically important beaches could be forever damaged by just one large oil spill or by the routine pollution that accompanies offshore oil and gas drilling.

Drilling also threatens coastal beaches, beach communities and estuaries with its chronic spills and toxic discharges. Each year U.S. drilling operations send an average of 880,000 gallons of oil into the ocean. Drilling causes an average of 180,000 gallons per well of waste mud containing toxic metals being dumped into surrounding waters. Each drilling platform generates more than 50 tons of NOx, 11 tons of carbon monoxide, 8 tons of sulfur dioxide and 38 tons of volatile organic hydrocarbons every year. Offshore oil and gas development requires onshore infrastructure (pipelines, tanks, processing facilities) that

industrialize our coasts. Routine air and water pollution from offshore rigs, coupled with industrialization in sensitive coastal areas, are bound to undermine local economies.

Seismic surveys conducted during exploration cause physical injuries and even death to marine mammals. Strandings of whales on beaches are the most obvious sign of trauma caused by seismic activities. Much less obvious is the marine mammals whose compromised hearing makes them easy prey for predators. Altered fish behavior along with disruptions in the food web as a result of seismic activities has been proven to dramatically depress catch rates of various commercial species to include cod, haddock, and rockfish.

Burning more fossil fuels and causing the greater contribution to climate change cannot be the solution offered by a community such as Virginia Beach. Not only is the City one of the world's most vulnerable cities to sea-level rise in terms of assets exposed, but the impacts of climate change are dramatically felt in our shellfish markets as our ocean becomes more acidic.

According to a recent report by the Sierra Club and Environment America, the annual value of all coastal dependent businesses such as tourism and fishing in the Mid-Atlantic exceeds the annual value of oil and gas by a ratio of almost 4 to 1 - \$13.55 billion from sustainability activities versus \$3.7 billion from nonrenewable oil and gas extraction. These sustainable activities completely rely on clean beaches and healthy ocean waters. If we wish to preserve these highly lucrative sustainable activities and the economic value these activities produce, we must keep the nonrenewable activities like oil and gas production out of new areas of the ocean, like off the coast of Virginia.

We urge the VBHMA to not only rescind its support of drilling, but we also invite you to join the Sierra Club and Surfrider Foundation on June 26 in locking "Hands Across the Sand" along the Virginia Beach oceanfront in protest to offshore drilling.

People of all walks of life are coming together to draw a human line in the sand. "Hands Across the Sand" is a movement founded in Florida earlier this year when over 10,000 people on almost 80 beaches joined hands in protest to offshore drilling. This movement is not about politics; it is about protection of our shoreline, our waterways, our tourism, our coastal military missions and our valuable properties.

The reality that is offshore drilling has so far prompted 56 Florida cities, towns, counties, chambers of commerce, the Bay Defense Alliance and the Florida Restaurant and Lodging Association to issue resolutions in opposition to Florida offshore drilling.

In hopes of both educating the Virginia Beach community to the harsh and ugly reality that is offshore drilling and to garner as wide and diverse of participants in our "Hands Across the Sand" event, key staff and volunteers from both Sierra Club and Surfrider Foundation will be doing outreach to the business community on May 10-14, 2010. We will gladly meet with members of the Virginia Beach Hotel Motel Association either individually or in small group settings.

Our precious Chesapeake Bay, our sensitive coastal wetlands, and our highly lucrative tourism and fishing industries are completely dependent on clean beaches and healthy ocean waters. We must appreciate the bounty we have in coastal Virginia and how much we stand to lose if oil drilling were to occur.

Very truly yours,



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Mayor's Alternative Energy Task Force (via email)  
Congressman Glenn Nye  
U.S. Senators Mark Warner and Jim Webb  
Jack Hornbeck, Hampton Roads Chamber of Commerce  
Dwight Farmer, Hampton Roads Planning District Commission  
Virginia Coastal Energy Research Consortium  
Virginia Tourism Corporation  
Virginia Beach Resort Advisory Commission  
Warren D. Harris, Virginia Beach Economic Development  
Barry Hawkins, Virginia Hospitality and Travel Association  
Tom Griffin, Virginia GREEN (via email)

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #14: OLD/NEW BUSINESS**