

**AGENDA**  
**HAMPTON ROADS PLANNING DISTRICT COMMISSION**  
**EXECUTIVE COMMITTEE MEETING**  
**November 17, 2011**

- 9:30 1. Call to Order
2. Public Comment Period
3. Submitted Public Comments
4. Approval/Modification of Agenda
- CONSENT AGENDA**
5. Minutes of October 20, 2011 Annual Commission Meeting
6. Treasurer's Report
7. Regional Reviews – Monthly Status Report
- A. PNRS Reviews
- B. Environmental Impact Assessment/Statement Review
8. Amendment to FY 2012 Budget
9. Contract Amendments – Water Resources Continuing Services
- A. URS Task Order No. 4
- B. CH2M Hill Task Order No. 3
10. Contract – Working Waterfronts Plan
- REGULAR AGENDA**
- 9:40 11. Legislative Agenda
- 9:50 12. Chesapeake Bay Total Maximum Daily Load (TMDL)
- 10:00 13. HRPDC Action Items: Three-Month Tentative Schedule
14. Project Status Reports and Advisory Committee Summaries
15. Correspondence of Interest
16. Old/New Business

**ADJOURNMENT**

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

### **ITEM #1: CALL TO ORDER**

The meeting will be called to order by the Chair at 9:30 a.m.

### **ITEM #2: PUBLIC COMMENT PERIOD**

Members of the public are invited to address the Hampton Roads Planning District Commission. Each speaker is limited to three minutes.

### **ITEM #3: SUBMITTED PUBLIC COMMENTS**

There are no recently submitted written public comments. Any new written public comments will be distributed as a handout at the meeting.

### **ITEM #4: APPROVAL/MODIFICATION OF AGENDA**

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires consideration from the Hampton Roads Planning District Commission should be submitted at this time, as opposed to under “Old/New Business”.

**Hampton Roads Planning District Commission**  
**Annual Commission Meeting**  
**Minutes of October 20, 2011**

The Quarterly Commission Meeting of the Hampton Roads Planning District Commission was called to order at 9:30 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

**COMMISSIONERS:**

Stan D. Clark, Chairman (IW)	McKinley Price, D.DS (NN)
Thomas G. Shepperd, Jr. Vice Chairman (YK)	Sharon Scott (NN)*
James O. McReynolds, Treasurer (YK)	Marcus Jones (NO)*
Dr. Alan P. Krasnoff (CH)*	J. Randall Wheeler (PQ)*
William E. Harrell (CH)	Kenneth L. Chandler (PO)
Amar Dwarkanath (CH)	Kenneth Wright (PO)
Dr. Ella Ward (CH)	Selena Cuffee-Glenn (SU)
Barry Cheatham (FR)	Tyrone W. Franklin (SY)
Mary Bunting (HA)	John Seward (SY)
Ross A. Kearney (HA)	Louis R. Jones (VB)
Molly Joseph Ward (HA)	James Spore (VB)
Bruce Goodson (JC)	Harry E. Diezel (VB)
Neil A. Morgan (NN)	Robert M. Dyer (VB)
	Barbara M. Henley (VB)
	Jackson C. Tuttle II (WM)

**EXECUTIVE DIRECTOR:**

Dwight L. Farmer

\*Late arrival or early departure.

**ABSENT:**

Clifton Hayes (CH), June Fleming (FR), Brenda Garton (GL), Gregory Woodard (GL), W. Douglas Caskey (IW), Robert Middaugh (JC), Paul D. Fraim (NO), Anthony Burfoot (NO), Thomas Smigiel (NO), Theresa Whibley, MD (NO), W. Eugene Hunt (PQ), Michael W. Johnson (SH), Anita Felts (SH), Linda T. Johnson (SU), Prescott Sherrod (VB), John E. Uhrin (VB), Clyde Haulman (WM)

**OTHERS RECORDED ATTENDING:**

John Gergely – Citizen; Earl Sorey (CH); Bryan Pennington, Chuck Rigney, Jeff Raliski, Stanley Stein (NO); Eric Nielsen (SU); Brian DeProfio (HA); Michael King, Jerri Wilson, Tom Slaughter (NN); Beverly Walkup (IW); Sherri Neil (PO); Shelia Noll (YK), Don Alexander, Woolpert; J. Wendy James – LeClair Ryan; Ellis James – Sierra Club Observer; Leslie Roberts – Dixon Hughes Goodman, Rob Sinclair, W. Dewey Hurley – Branscome; Jim Oliver – HRCCE, Peter Huber – Wilcox & Savage; Germaine Fleet – Biggs & Fleet; Staff: John Carlock, Camelia Ravanbakht, Richard Case, Shernita Bethea, Melton Boyer, James Clary, Jennifer Coleman, Katie Cullipher, Nancy Collins, Natalie Easterday, Greg Grootendorst, Julia Hillegass, Frances Hughey, Jim Hummer, Whitney Katchmark, Sara Kidd, Robert Lawrence, Jay McBride, Ben McFarlane, Kelli Peterson, John Sadler, Tiffany Smith, Dale Stith, Jennifer Tribo, Joe Turner, Chris Vaigneur and Shelia Wilson.

## **PUBLIC COMMENTS**

No public comments.

## **APPROVAL/MODIFICATION OF AGENDA**

Chairman Clark asked if there were any modifications to the agenda.

Mr. Farmer stated a Grant for Chesapeake Bay Contract managed by the Middle Peninsula Planning District Commission was added under item #22..

Chairman Clark asked for a motion to approve the amended agenda.

Commissioner Kearney Moved to approve the agenda with the modification; seconded by Mayor Price. The Motion Carried.

## **EMPLOYEE RECOGNITION**

Mr. Farmer stated HRPDC has five employees that reached milestone anniversaries between October 31, 2010 and October 31, 2011.

Chairman Clark acknowledged the following HRPDC staff: Shernita Bethea, Whitney Katchmark and Dale Stith with five years of service; and Greg Grootendorst and Shelia Wilson with ten years.

They were acknowledged by applause.

## **CONSENT AGENDA**

The Consent Agenda contained the following items:

Minutes of September 15, 2011 Meeting

Treasurer's Report

Regional Reviews

A. PNRS Items Review

DHCD Industrial Revitalization and Housing Authority - Portsmouth Redevelopment and Housing Authority

B. Environmental Impact Assessment/Statement Review

Airfield Clear Zone Management Plan, Naval Auxiliary Landing Field Fentress, DOD/U.S. Navy

Oil, Gas, & Sulphur Operations in the Outer Continental Shelf – Revisions to Safety & Enviro, DOI/BOEMRE

Force Structure Changes at Langley Air Force Base, DOD U. S. Air Force

Princess Anne Nursing Home, U.S. Department of Housing and Urban Development

Grant Application – Department of Housing and Community Development 2011-12  
Virginia HOME Down Payment Assistance (DPA) Program

Contract Amendment – Hazard Mitigation Program

Contract Amendment – Urban Area Security Initiative Contract for Analytical Support

Regional Stormwater Cooperation Report

Chairman Clark asked for a motion to approve the Consent Agenda.

Commissioner L. Jones abstained on Item #8 of the Consent Agenda.

Commissioner Goodson Moved to approve the Consent Agenda; seconded by Commissioner Price. The Motion Carried.

*(Mayor Krasnoff arrives)*

## **FY 2011 AUDIT REPORT**

Chairman Clark introduced Ms. Nancy Collins to present the FY 2011 Audit Report.

Ms. Collins directed everyone to the last page of the audit - Schedule of Findings and Questioned Costs. An Unqualified opinion was issued and no material weaknesses, significant deficiencies, material non-compliance, findings, questionable costs and no deficiencies in internal controls were found. The statements were free of material misstatements, and complied in all material respects, with Generally Accepted Auditing Standards, the Government Auditing Standards Board and the OMB Circular A-133 which is the standard for consistency and uniformity for state and local governments and nonprofit organizations.

In addition, the management discussion and analysis report further details any changes that have occurred during the fiscal year. She also pointed out that the HRPDC indirect cost rate for 2011 was 34.79%. This was due in part to significant cuts in non-salary expenditures and no debt service at HRPDC.

Ms. Collins stated Ms. Leslie Roberts was present from the audit firm Dixon, Hughes and Goodman to answer any questions.

Ms. Collins stated the recommended action is to accept the audited financial report.

Chairman Clark asked for a motion to approve the FY 2011 Audit Report.

Commissioner McReynolds Moved to approve the 2011 Audit Report; seconded by Commissioner Franklin. The Motion Carried.

## **HR GREEN PROGRAM BRIEFING**

Chairman Clark introduced Ms. Julia Hillegass to present the HR Green Program briefing.

Ms. Hillegass stated she would give an update on the regional research on environmental knowledge and behaviors in Hampton Roads. Of those surveyed, 84% described themselves as moderately to extremely knowledgeable regarding local environmental issues.

Based on the focus groups and actual reported behaviors of the people that were questioned in a baseline survey, many residents have an inflated opinion of both their knowledge about responsible environmental behavior and the actual practice of environmental behaviors. Through HR Green promotional and educational efforts they are trying to facilitate change. One of the changes is using the re-useable tote bags. Items like this show citizens how HR Green is trying to close the loop using materials made from recyclable items and give them promotional information to learn more about recycling. Many consumers do not make the connection to every day actions and the impact it has on water quality and other parts of the environment. A large percentage of those surveyed believed these various actions were not harmful to the environment.

Last year, the joint regional messages for things like Drinking Water Week, Plastic Bag Forgiveness Day, Plant More Plants, and basic fat, oils and grease disposal yielded a total of over nine million ad impressions that cost about \$183,000. Add to that, through news releases and public relations the total campaign value was \$250,000. This can only happen with the efforts leveraged through our partnerships.

Ms. Hillegass stated the regional “Good For You” campaign is about recycling. It is currently in print, on the web, radio, there are other advertisements to encourage people to recycle, and drink local tap water. The advertisement shows the importance of both sides that the water is a clean and safe resource, as well as saving money for local households. Also, proper disposal of fats, oils and grease is the key component of reducing sanitary sewer overflow and protecting area waterways. Pet waste disposal is another major issue of this campaign. HR Green has a variety of outlets, such as local news stations to enhance the “Good For You” campaign and to draw people to our website.

When HR Green first started, they had a blog and we continued that and incorporated it into a new website. HRPDC staff along with committee members and guest bloggers contribute regularly to the new website. AskHR Green.org has put basic information about all of our committees on the blog as well as upcoming events, and users can ask questions which direct them to content already on the website. The website is fully integrated with tips, resources and other related information.

Chairman Clark thanked Ms. Hillegass for her presentation.

*(Mr. Wheeler arrives)*

## **RESOLUTION FOR PARTICIPATION IN THE 2012 GREAT AMERICAN CLEANUP KICKOFF EVENT**

Chairman Clark introduced Lisa Hardy to present the Resolution for Participation in the 2012 Great American Cleanup Event.

Ms. Hardy stated through the membership with HR Green, the region's recycling coordinators and in partnership with Keep Virginia Beautiful, the region received the honor of hosting one of fifteen Great American Cleanup National Kickoff Events in 2012. The great American Cleanup is led by Keep America Beautiful, the nation's largest volunteer-based community action and educational organization that engages individuals to take greater responsibility for improving their community environment. There are nearly 600 Keep America Beautiful affiliates across the country and internationally. The Great American Cleanup is the nation's largest community improvement program. Our recycling coordinators have had great success in the past in hosting local cleanup activities which included litter and construction debris removal, roadway beautification, cleanup of rivers, lakes and the ocean, youth education, litter free events and special promotions.

Ms. Hardy stated the Great American Cleanup Event will be a two-day kickoff event to bring national attention to the hard work and great efforts by the citizens of Hampton Roads to improve their community environment. The 2012 Great American Cleanup of Hampton Roads will be organized by HR Green and Keep Virginia Beautiful. The kickoff event will take place on a Friday and Saturday in early April or May. The goal is to have transformational cleanup projects in every locality in Hampton Roads. Friday morning will start with regional cleanups geared towards volunteers from local business and military communities, and an evening rally for all the volunteers, planning teams, sponsors and local and state officials. Norfolk's Town Point Park is the tentative location for the rally. Saturday will be a full day of cleanup events held across the region.

Keep America Beautiful is responsible for coordinating national program planning, providing resources for state and local initiatives along with providing national, state and local media and public relations support. The Hampton Roads Planning District Commission will be responsible for inviting participation on the Honorary Board, encouraging staff participation in HR Green and encouraging citizen and business participation. HR Green is responsible for recruiting volunteers, organizing cleanup projects, providing logistical support to localities and community groups and assisting with recruiting members for the Honorary Board. Keep Virginia Beautiful is responsible for organizing the kickoff rally, recruiting sponsors and managing donated funds.

Sponsorship funds will be dedicated to the rally and cleanup supplies, and the remaining proceeds will be divided between Keep Virginia Beautiful and participating localities. The goals for the kickoff are to hold a transformational event in each locality, recruit one thousand volunteers, raise at least \$100,000 in corporate donations, build positive awareness for HR Green and a clean, more beautiful Hampton Roads. Our transformational

projects will include gateway beautification, creating a community garden, restoring a living shoreline, holding e-cycling events, cleaning up rivers and other community beautification projects.

Ms. Hardy stated HR Green and Keep Virginia Beautiful would like to form an Honorary Board to bolster regional involvement in the event and bring local and state-wide recognition. HRPDC staff would like to extend an invitation to Governor Bob McDonnell and his wife to serve as the Co-Chairs and invite the Secretary of National Resources, Hampton Roads chief elected officials, and military commanding officers to serve on the Honorary Planning Board. They are not asking the board to meet; they would like the board to spread the word of the event through their own channels and encourage citizen participation and provide information with media releases, attend the kickoff rally and celebrate the beauty of Hampton Roads.

Ms. Hardy stated the recommended action is to adopt the Resolution and authorize the Chairman to sign the letter for the formation of the Honorary Planning Board.

Chairman Clark asked for questions.

Commissioner Kearney asked if a date has been set for the event.

Ms. Hardy stated a date has not yet been determined by Keep America Beautiful.

Chairman Clark asked for a motion.

Commissioner Harrell Moved to adopt the Resolution and authorize the Chairman to sign the letter for the formation of the Honorary Planning Board; seconded by Commissioner Kearney. The Motion Carried.

*(Mr. M. Jones arrives)*

### **CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)**

Chairman Clark introduced Ms. Katchmark to present an update on the Chesapeake Bay Total Maximum Daily Load (TMDL) and stated a Supplemental Agenda Item is a letter from the Environmental Protection Agency dated October 5, 2011, to the Secretary of Natural Resources, Doug Domenech and a letter drafted by the Commission to the Secretary.

Mr. Farmer stated the HRPDC staff was not aware of this letter until October 19, 2011, when EPA responded to a letter from the state. Ms Katchmark will brief us on this information in her presentation.

Ms. Katchmark stated she would discuss two issues: the first is the potential change and type of information that localities will need to submit to the state in February 2012, and the second issue is a proposal for the state to track nutrient reductions using a different

method. Both changes are based on two letters, one from the state to the EPA and other from EPA to the state which is correspondence that occurred over the last four weeks.

Ms. Katchmark gave a brief background about the framework of Virginia's Implementation Plan. Phase I of the Implementation Plan was completed in December. At that time, the state proposed goals in pounds of nutrients (nitrogen, phosphorus and sediment). Most of these goals were aggregated for whole sectors for example, there were a certain number of pounds for agricultural land across the entire watershed. However, the state agreed to include individual goals for the larger cities such as Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach. They have individual waste load allocations in the final TMDL. In March, the Commission asked EPA to take those goals out of the TMDL because they were concerned the numbers were not accurate, and to have those numbers not put into permits. The Commission has not received a response from the EPA on whether or not they would take those numbers out of the TMDL. Since December localities have been working on Phase II of the Implementation Plan. In Phase II the state proposed, city and county level targets in pounds of nutrients. The state created a web based tool called VAST. Localities could enter the number of BMPs and VAST could calculate the number of pounds of nutrients that would be removed by building BMPs. The framework for the entire Implementation Plan is based on tracking pounds of nutrients in the model.

Ms. Katchmark stated in September and August 2011, while the localities were waiting for the EPA, for new local targets with the VAST tracking tool, the state was holding it back because they had concerns that the model did not calculate the pounds of nutrients accurately. Virginia was not the only state to raise these issues. EPA agreed to have a meeting on the TMDL on September 16th to discuss these problems. The letter from Virginia to EPA was its proposal at the summit. The state recommended EPA focus on fixing the model and making sure it works at the local scale, that is what the state wants and in the meantime the state would submit plans at a basin level scale instead of a county level scale, and the state asked for an additional two months to get that done. The basin level plan is due in June.

*(Ms. Scott arrives)*

EPA's response to Virginia's proposal dated October 5, 2011, stated they did not expect the states to express local targets in terms of model inputs or outputs at the county scale. EPA agreed to the Virginia and Maryland proposals to do basin level plans in the spring; EPA did not agree to the extra time. EPA wants evidence that local governments are engaged even though this is a basin level scale. EPA is concerned and wants to move past the first phase where the only people involved are a couple of state agencies and planning for this whole process had not moved to the locality level. HRPDC staff has not heard from the state on how this summit decision would impact local governments. HRPDC staff's best guess at what all this means is that for the February deadline the localities will not be asked to submit VAST input files with significant number of BMPs; instead, localities will submit an outline of strategies. HRPDC is identifying the types of nutrient reductions localities could consider.

The next issue the states proposed is to change how nutrient reductions are tracked. The state feels the Bay model is not appropriate for use in assigning loads in permits in developing local targets or measuring progress. The state wants to change directions indicating localities should not be using the model this way. In the state's letter there is a "path forward" attachment and it suggests they would be moving from targets in pounds to performance standards. In the stormwater sector, the performance standard would be the percent of impervious area treated. The state wants to change the type of targets not the size of targets. If the localities move to a performance standard, the major advantage is that progress or compliance would be based on real world projects. The model calibration would not influence the metrics and it reduces the possibility that the model revisions would change local targets. The disadvantage of moving to a performance standard is that these formulas have not been established.

Ms. Katchmark put everything into perspective as to why localities should care about how nutrient reductions are tracked. The TMDL will be enforced by the permit conditions in the new MS4 stormwater permits. If the TMDL is based on pounds removed, it is going to be more difficult to make sure that the permit conditions are based on the performance standard, the acres treated. It is better for localities and better for compliance to be based on performance standards than model results. In other words, did a locality accomplish what it promised. If the TMDL is enforced by the permit conditions the localities should be issued new permits and the permits must be consistent with the TMDL. It is better for compliance to be based on performance standards, not model results because sufficient monitoring data is not available. HRPDC and localities need to go back to EPA and ask them to remove individual waste load allocations from the TMDL. The question is what do localities do now, since they do not have local targets. The state needs to provide more detailed information about the state's path forward and what they want from the localities.

HRPDC staff recommends the localities continue to focus on the preparation for MS4 permit renewals. Also, continue to groundtruth land use data and existing BMPs; look at potential nutrient reduction strategies and develop rough cost estimates of those strategies. At some point, the state is going to show up with draft permits and localities are going to need this information to negotiate the best permit conditions for the city or county to ensure they have the flexibility needed and the desired options to do the best cost effective permit compliance.

Ms. Katchmark stated she would not suggest localities do all this work and give the information to the state in February; this is for local use. It is for the localities' benefit to know what they can do and how much it would cost them.

Ms. Katchmark stated the recommended actions for the Commission is to approve the draft letter to EPA requesting removal of the individual waste load allocations for the Phase I MS4s from the Chesapeake Bay TMDL and approve the draft letter to Secretary Domenech requesting more information about the localities' role in the state's proposed path forward and commitment from the state to participate actively in the Hampton Roads Chesapeake Bay TMDL Steering Committee Process.

Chairman Clark asked for questions.

Commissioner Franklin asked if the estimated cost for the region with the new performance goals path forward would positively or negatively impact the overall estimates.

Ms. Katchmark stated it does not change the requirements, it is more on how it is defined and tracked; she did think it would change the cost.

Commissioner Shepperd stated in the briefing, EPA was concerned they would only be working with a few state agencies. His concern is that localities have spent millions of dollars in sewer improvements. The state may be struggling with policies with EPA and meanwhile the cities and counties are implementing improvements. This involves more than just a few state agencies.

Ms. Katchmark stated the Phase II process was supposed to move from the state level down to the local level to make sure the local data was incorporated into the plan. This would give localities a chance to put their data forward such as the local land use data, what BMP's and other activities are being done. There are annual reports on some of these things that go to the state; we would hope they received the data and rolled that into the first phase. It looks like that did not happen. This is another chance for everybody to get their data right. It shows that EPA was saying the first phase is at very high level, at the state level; but if they do not move it down to city and county levels then localities are not necessarily going to get good data or buy into this and make this happen.

Commissioner Shepperd stated he thought everybody understood the value of the bay and looking forward to water improvements. In this process, how are they going to determine the water being improved is in the actions we are taking?

Ms. Katchmark stated there are some water quality monitoring stations and the Steering Committee will discuss what it would take to do more stations; there is not enough money to do all the monitoring needed. The Bay Program has proposed doing some more monitoring as well and continue to support those efforts because all localities want to go out and measure and see results and not just focus on spreadsheet calculations.

Commissioner Shepperd stated the localities are up in the front end of this problem, not down where they can go with a cup of water and measure contents.

Ms. Katchmark stated there are some measurements but not enough.

Commissioner Shepperd asked if EPA changed its schedule.

Ms. Katchmark stated the letter is suggesting that EPA is not changing its schedule.

Commissioner Shepperd stated the schedule makes no sense because localities have no guidelines.

Ms. Katchmark stated the state has asked for extra time which has been a continuing argument as the issues unfold. As we look at specific problems, we need a solution and we should get more time; EPA has not adjusted the schedule.

Chairman Clark stated the environmental, water and sewer experts from the localities meet on a regular basis to brainstorm strategies and make sure they are sharing everything.

Ms. Katchmark stated there are monthly meetings of the water and wastewater utilities and monthly meetings of environmental planners and stormwater staff and also a separate meeting for stormwater staff and a regional meeting. We are doing our best to make sure when people come across good ideas, everyone hears about it from their colleagues.

Mayor Krasnoff asked about the analysis to see the benefits of the restoration, if the model numbers were correct.

Ms. Katchmark said the HRPDC staff can provide additional information.

Mayor Krasnoff stated Chesapeake has set aside \$10 million over the next five years and unless we get better workability between the agencies, we are just sitting.

Commissioner Shepperd stated when he asked about the schedule, and how will they do the measurements, they wanted to identify the data for BMPs, are we going to get credit. The problem is that we have to double our tax base to try and pay for this bill. The schedule is 60% has to be done by 2017.

Ms. Katchmark stated the 60% is a statewide standard.

Commissioner Shepperd stated he was concerned that the localities are not getting credit for all the hard work they have done. The schedule is a wall of requirements piling up that we will not be able to make.

Ms. Katchmark stated some of these local teams have come up with ideas that are less expensive ways to get nutrient reductions. When we did a regional cost estimate we made very simple assumptions that localities would use certain kinds of BMP's that would cost certain amounts, there were other options but there is no way to do a quick reasonable estimate with 25 different options that are based on specific circumstances of what public land is available that localities could work with, what projects they are already doing that could add some component. Tree planting seems cheap, it adds up to nutrients removed; hooking up septic tanks to sewer is not cheap. We have to encourage localities to keep looking. You may get to the point no matter what you come up with it is still not cheap enough and you cannot afford it. But if you continue to do a little bit more work, you will be in a better position to push back and say what you really can do.

Chairman Clark asked that Ms. Katchmark keep coming to the Commission with an update regularly.

Mr. Farmer stated Ms. Katchmark is scheduled to come back every month.

Chairman Clark asked for a motion.

Commissioner Kearney Moved to approve the draft letters from the Commission requesting EPA remove the individual Waste Load Allocations for the Phase I MS4 permits from the Chesapeake Bay TMDL; and the letter to the Secretary requesting additional guidance; seconded by Commissioner Goodson. The Motion Carried.

### **NOMINATING COMMITTEE REPORT/ELECTION OF OFFICERS**

Commissioner Shepperd stated the HRPDC bylaws provide that at its Annual Meeting the Hampton Roads Planning District Commission will elect a Chair, Vice Chair, Secretary and Treasurer. The nominating committee met and based on the bylaws the elected officials can serve for two consecutive one-year terms; the Secretary and Treasurer can be reappointed. The Committee recommends that the current slate; Chair, Stan Clark; Vice Chair, Thomas G. Shepperd; Secretary, Dwight L. Farmer; and Treasurer, James McReynolds; and the current Executive Committee continue.

Mayor Krasnoff Moved to approve the slate of officers; seconded by Mayor Price. The Motion Carried.

### **HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE**

No questions or comments were noted.

### **PROJECT STATUS REPORTS**

No questions or comments were noted.

### **CORRESPONDENCE OF INTEREST**

No questions or comments were noted.

### **FOR YOUR INFORMATION**

No questions or comments were noted.

### **OLD/NEW BUSINESS**

Mr. Farmer stated the new business item is a grant application and contract. The recommended action is to authorize the Executive Director to participate in a Super Regional project and execute a Memorandum of Agreement with the Middle Peninsula Planning District Commission for this project.

Chairman asked for a motion.

Commissioner Cuffee-Glenn Moved to authorize the Executive Director to participate in the Super Regional project and to execute a Memorandum of Agreement with the Middle Peninsula PDC for this project; seconded by Mayor Price. The Motion Carried.

## **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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Stan D. Clark  
Chairman

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Dwight L. Farmer  
Executive Director/Secretary

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #6: TREASURER'S REPORT**

**FISCAL YEAR 2012  
10/31/2011  
BALANCE SHEET**

<b>ASSETS</b>		<b>LIABILITIES &amp; NET ASSETS</b>	
Cash & Cash Equivalents	311,975	Current Liabilities	1,151,772
Accounts Receivables	1,067,812	Net Assets	5,405,404
Investments	3,837,331		
Other Current Assets	664		
Net Capital Assets	<u>1,339,393</u>		
<b>Total Assets</b>	<b><u>6,557,176</u></b>	<b>Total Liabilities &amp; Equity</b>	<b><u>6,557,176</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	6,967,682	878,001	1,686,017
VDHCD State Allocation	151,943	37,986	75,971
Interest Income	15,000	777	2,406
Local Jurisdiction Contributions	1,362,766	341,297	682,594
Other Local Assessment	1,696,891	349,747	706,994
Sales and Miscellaneous Revenue	551,150	5,268	15,020
Special Contracts	1,723,517	-	-
<b>Total Revenue</b>	<b><u>12,468,949</u></b>	<b><u>1,613,075</u></b>	<b><u>3,169,001</u></b>
<b>EXPENDITURES</b>			
Personnel	4,334,115	344,183	1,345,094
Standard Contracts	215,905	18,082	73,128
Special Contracts / Pass-Through	7,147,491	680,690	1,217,136
Office Services	771,438	47,460	179,127
Capital Assets		-	-
<b>Total Expenses</b>	<b><u>12,468,949</u></b>	<b><u>1,090,415</u></b>	<b><u>2,814,485</u></b>
<b>Agency Balance</b>	<b><u>-</u></b>	<b><u>522,659</u></b>	<b><u>354,516</u></b>

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

### **ITEM #7: 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. There were no outstanding comments as of November 4, 2011 on this project.

Attachment 7A - PNRS

#### **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 7B – Environmental Impact Assessment/Statement Review

# Project Notification and Reviews

**Date** 10/27/2011 **CH #** VA121014-0923760

**Title** Franciscan Brethren of St. Philip Application for Federal Assistance

**Applicant** Franciscan Brethren of St. Philip

**State/Federal Program** United States Department of Agriculture Rural Development

**Type of Impact** York County

**Project Staff** Sara Kidd

## Project Description

The Franciscan Brethren of St. Philip have applied for a federal assistance loan from USDA Rural Development program. The requested funds would be used to purchase and improve an existing building at 116 Palace Lane in York County and convert it to an adult day care facility. The second phase will add a dorm for who will work at the facility.

<b>Federal</b>	\$3,700,000.00	<b>Local</b>	\$0.00
<b>Applicant</b>	\$0.00	<b>Other</b>	\$0.00
<b>State</b>	\$0.00	<b>Income</b>	\$0.00
<b>TOTAL</b>		\$3,700,000.00	

# Environmental Impact Reviews

**Received** 10/11/2011

**Number** 11-170F

**Name** Demolition of Aircraft Landing Dynamics Facility, NASA Langley Research Center

**Sponsor** National Aeronautics and Space Administration

## **Description**

The National Aeronautics and Space Administration (NASA) proposes to demolish 9 buildings and the test track associated with the Aircraft Landing Dynamics Facility (ALDF Complex) located at NASA Langley Research Center (LaRC) in the City of Hampton. As the Space Shuttle Program draws to an end, NASA has inventoried facilities that are no longer needed for its future mission. NASA has determined that the ALDF Complex has reached obsolescence and is no longer operational and/or needed. The demolition is intended to streamline NASA LaRC's infrastructure by removing approximately 107,800 square feet of buildings and structures located within the northern boundary NASA LaRC. After demolition, the site will be re-graded to match existing site contours and returned to green space. NASA has submitted a Federal Consistency Determination that finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

**Affected Localities** Hampton

## **Finding**

The proposal appears to be consistent with local and regional plans and policies. The Hampton Roads Planning District Commission supports restoring natural vegetation in riparian and other important ecological areas as a valuable tool in improving water quality in the Chesapeake Bay and the region's waters.

**Comments Sent** 10/27/2011

**Final State Comments Received**

**Received** 10/13/2011

**Number** 11-171F

**Name** Streets of Greenbrier

**Sponsor** U.S. Housing and Urban Development

**Description**

The U.S. Department of Housing and Urban Development's (HUD) proposes to provide mortgage insurance under HUD Section 221(d)(4) to AGM Financial Services, inc., for the proposed Streets of Greenbrier in the City of Chesapeake. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The proposed Streets of Greenbrier would be constructed on a 17.58-acre site currently consisting of undeveloped wooded land and consist of a 280-unit multi-family complex consisting of two 4-story structures, seven carriage unit structures, and two parking garages. HUD has submitted a Federal Consistency Determination that finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

**Affected Localities** Chesapeake

**Finding**

The proposal appears to be consistent with local and regional plans and policies.

**Comments Sent** 11/4/2011

**Final State Comments Received**

**AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #8: FY 2012 BUDGET AMENDMENT**

**SUBJECT:**

The FY 2012 November Budget Amendment has been completed.

**BACKGROUND:**

Every year the HRPDC has to amend its operating budget in November and May to record changes that have occurred subsequent to the budget's original approval by the Commission.

The FY 2012 Budget was approved on June 16, 2011. Subsequent to that approval, the year-end roll-over figures were released, grants have expired, and new grants have been received. As changes occurred, especially as new grant awards were received, the Commission was kept informed. This amendment formalizes the changes that have occurred since June.

The amended budget is enclosed for your information.

**RECOMMENDED ACTION:**

Approve the FY 2012 Amended Budget.

**ENCLOSURE:**

FY 2012 Amended Budget



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

### **ITEM #9: CONTRACT AMENDMENTS – WATER RESOURCES CONTINUING SERVICES**

#### **A. URS CORPORATION CONTINUING SERVICES CONTRACT – TASK ORDER No. 4**

##### **SUBJECT:**

Authorize issuance of Task Order No. 4 for stormwater program support under the existing URS Corporation Continuing Services Contract. The Task Order activities and proposed schedule are intended to facilitate development of local strategies as input to the Virginia Phase II Watershed Implementation Strategy (WIP) for the Chesapeake Bay TMDL.

##### **BACKGROUND:**

In April 2010, the HRPDC entered into a Continuing Services Agreement with URS Corporation to provide assistance, on a Task Order basis, in the areas of water supply, wastewater and stormwater and associated activities. On June 16, 2011, the HRPDC authorized the Executive Director to execute a contract amendment to renew the existing Continuing Services Contract with URS Corporation

This Task Order is funded by existing locality contributions to the Regional Stormwater Program.

Contract Amount: up to \$50,000

Period of Performance: November 17, 2011 through December 31, 2012

General Scope of Work: URS Corporation shall provide the following:

- Permit Administration and Review System (PARS) Update: Modify PARS to track best management practices (BMPs) for TMDL milestones and new municipal separate stormwater sewer system (MS4) permits. Work will include system upgrades to improve inputs and utility of new data, expand data mining and reporting capabilities, add functionality for inspection alerts and tracking, and streamline the user interface. The deliverables will be changes to the electronic database and reporting system.

##### **RECOMMENDED ACTION:**

Authorize the Executive Director to issue Task Order No. 4 under the Continuing Services Contract with URS Corporation.

#### **B. CH2M HILL CONTINUING SERVICES CONTRACT – TASK ORDER No. 3**

##### **SUBJECT:**

Authorize issuance of Task Order No. 3 for stormwater program support under the existing CH2M Hill Continuing Services Contract. The Task Order activities and proposed schedule

are intended to facilitate development of local strategies as input to the Virginia Phase II Watershed Implementation Strategy (WIP) for the Chesapeake Bay TMDL.

**BACKGROUND:**

In April 2010, the HRPDC entered into a Continuing Services Agreement with CH2M Hill to provide assistance, on a Task Order basis, in the areas of water supply, wastewater and stormwater and associated activities. On June 16, 2011, the HRPDC authorized the Executive Director to execute a contract amendment to renew the existing Continuing Services Contract with CH2M Hill.

This Task Order is funded by 2011 Virginia Coastal Zone Management (CZM) Program grant funds. The CZM grant was authorized by the Commission at its September 15, 2011 Executive Committee meeting.

Contract Amount: up to \$30,000

Period of Performance: November 17, 2011 through March 31, 2011

General Scope of Work: CH2M Hill shall provide the following:

- Task 1 - Redevelopment Activities to Meet Nutrient Reduction Goals: Identify areas targeted for redevelopment, quantify the potential for nutrient reductions, and estimate the cost effectiveness of those reductions. Work will include defining redevelopment and estimating historical redevelopment rates; identification of lands targeted for future redevelopment based on designations by local, State, or federal programs; examination of short and long-term redevelopment potential; estimation of nutrient removal to be required for redevelopment by the revised stormwater management regulations, comparison of cost effectiveness of nutrient removal achieved through redevelopment compared to other nutrient management approaches; and assessment of advantages and disadvantages of including redevelopment as a local strategy for inclusion in the Virginia Phase II WIP. The deliverable will be a report and a presentation summarizing the results, methodology, assumptions, and references.
- Task 2 - Opportunities and Constraints for Nutrient Reductions on Private Property: Examine the feasibility of implementing best management practices (BMPs) on private property and estimate the potential nutrient removal of these BMPs. Work will include the identification of appropriate BMPs for different land uses and scales; review of existing private property BMP programs and practices; outreach to non-profit organizations to catalog and quantify the nutrient removal from existing private BMPs; assessment of issues that impact the feasibility of private property BMPs, and development of a planning framework to guide implementation of nutrient reductions on private property. The deliverable will be a report and a presentation summarizing the results, methodology, assumptions, and references.

**RECOMMENDED ACTION:**

Authorize the Executive Director to issue Task Order No. 3 under the Continuing Services Contract with CH2M Hill.

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

### **ITEM #10: CONTRACT – WORKING WATERFRONTS PLAN**

#### **SUBJECT:**

Authorize the execution of a contract with the Virginia Institute of Marine Science (VIMS) to help develop and establish a Working Waterfronts Plan for Virginia's Coastal Zone.

#### **BACKGROUND:**

The Virginia Institute of Marine Science has received a grant from the Virginia Coastal Zone Management Program to work with four coastal Planning District Commissions (PDCs) to develop a Working Waterfronts Plan for Virginia's Coastal Zone. The need for such a plan was identified in the Virginia Coastal Zone Management FY11-15 Section 309 Coastal Needs Assessment and Strategies. This plan will guide communities in protecting, restoring, and enhancing their water-dependent commercial and recreational activities. The four PDCs that have been invited to participate in the process are the Accomack-Northampton, Hampton Roads, Middle Peninsula, and Northern Neck PDCs. VIMS will provide project management and coordination of efforts by the individual PDCs. Staff from each respective PDC will participate in multi-regional discussions, coordinate with their local government members, and inventory working waterfronts in each jurisdiction based on regionally-appropriate definitions.

Contract Amount: \$6,000

Period of Performance: October 1, 2011 to September 30, 2012

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to execute the contract with the Virginia Institute of Marine Science to help develop and establish a Working Waterfronts Plan for Virginia's Coastal Zone.

**HAMPTON ROADS PLANNING DISTRICT COMMISSION  
FISCAL YEAR 2012 LEGISLATIVE AGENDA**

In preparation for the 2012 Session of the Virginia General Assembly, the staff of the Hampton Roads Planning District Commission has developed this 2012 Legislative Agenda. It outlines, based on ongoing HRPDC projects, prior HRPDC legislative positions and work of the region's localities, a series of issues that warrant regional attention during the upcoming legislative sessions. It also provides a recommendation or recommendations addressing each of the issues for consideration by the HRPDC.

**Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E Act)**

HRPDC supports legislation, proposed by the Virginia Housing Coalition, providing an exception to the definition of "mortgage loan originator" allowing local government entities and regional agencies, such as HRPDC, to assist homebuyers, through the provision of downpayment and closing cost assistance without meeting the same criteria as mortgage loan originators.

**Stormwater Management Program Consolidation**

The Department of Conservation and Recreation proposes to integrate implementation of the Erosion and Sediment Control Act, Chesapeake Bay Preservation Act, Virginia Stormwater Management Act and expand the requirement to administer a qualified local program to all localities within the Commonwealth. HRPDC supports this proposed amendment.

**Water Quality Funding**

Virginia's local governments face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). In response to federal and state legislation, regulation and policies, the federal government and the Commonwealth should provide adequate funding for these water quality improvements.

The HRPDC urges the General Assembly to maintain its commitment to water quality through dedicated and adequate state appropriations to the Water Quality Improvement Fund and to make full and timely payments under point source upgrade contracts with local governments. Concurrently, the General Assembly should address costs associated with the permit requirements of Municipal Separate Storm Sewer Systems (MS4) Permits, associated new EPA regulations and the Chesapeake Bay TMDL and Virginia Watershed Implementation Plan.

**Uranium Mining**

The HRPDC requests the General Assembly maintain the moratorium on uranium mining or the consideration of such, until at least the 2013 General Assembly session. Furthermore,

the General Assembly is requested to direct the Department of Mines, Minerals, and Energy to not pursue development of regulations for uranium mining until after completion of and full consideration of the studies, which are presently underway.

### **Federal Facilities**

The Hampton Roads region relies significantly on the defense industry. Two proposals are moving forward from Hampton Roads localities to enhance state support for the industry and for protection of existing facilities. To assist its member localities to ensure the continued viability of the defense industry in Hampton Roads, the HRPDC supports proposals to:

- Create the Virginia Facilities and Defense Industry Caucus.
- Maintain state funding for the land acquisition program supporting mitigation of encroachment around NAS Oceana.

### **Recycling Requirements**

Each locality in the Commonwealth, individually or through a regional collaboration, is required to achieve a 25% recycling rate. A key constraint to local ability to achieve or exceed this recycling rate has been the lack of markets for the materials as well as access to industries that recycle or reuse the material. Recycling is an economic development tool as well as an environmental tool.

Despite increased public awareness of the benefits of recycling, beverage container recycling has been declining in recent years, while the amount of beverage containers that are being sold and consumed has increased over time.

The HRPDC supports legislation that would:

- Grant localities the authority to require certain businesses to recycle glass.
- Prioritize incentives to businesses that recycle materials, such as glass, paper and electronics, while concurrently providing new employment opportunities.

### **Septic Tanks**

The Chesapeake Bay TMDL establishes limits on the amount of nitrogen, phosphorus, and sediment that can enter the Bay. As part of the effort to meet the nitrogen limits set forth in the TMDL, reductions in the nitrogen load from the onsite sewage system sector must be achieved. Monitoring of septic tank pumpout (once per 5 years), as required by the Chesapeake Bay Preservation Act, should be conducted by the Virginia Department of Health not by localities. The HRPDC supports the following recommendations:

- Seek legislative changes necessary to establish tax credits for upgrade/replacement of existing conventional systems with nitrogen reducing systems, or connection to existing sewer.
- Look into steps for gaining General Assembly approval to grant all counties the authority to require hook-ups to existing sewer lines when appropriate.
- Develop, in cooperation with state agencies, a legislative proposal to establish a cost share program, similar to what is done with the Agricultural BMP Cost Share Program, to assist with the cost of required upgrades or replacements and incentivize non-failing septic system owners to upgrade to a denitrifying system.
- Amend the Chesapeake Bay Preservation Act to require that monitoring of septic tank pumpout requirements be conducted by the Virginia Department of Health.

### **Environmental Education**

The HRPDC continues to support passage of federal legislation known as the No Child Left Inside Act of 2009 and companion legislation that may be considered at the state level. This legislation would require each state to develop an environmental literacy plan to include environmental education standards and teacher training, as well as funding to support program development. This legislation would address one of the key findings of the research conducted in Hampton Roads over the past year by HR GREEN. The legislative proposal was endorsed by the HRPDC in November 2010.

### **Agriculture Programs**

HRPDC supports a well-financed and fully staffed state program to address the problem of non-point source runoff from agricultural operations. The program should effectively encourage implementation of priority best management practices such as nutrient management planning, use of cover crops, continuous no-till farming, development of forested riparian buffers, and livestock stream exclusion.

### **Expand Authority for Tree Canopy Requirements**

HRPDC supports the amendment of Virginia Code Section 15.2-961.1 to allow all Virginia localities to adopt an ordinance containing a set of tree canopy preservation requirements based on development density. Section 15.2-961.1 was adopted during the 2008 General Assembly session and is currently applicable only to the localities within Planning District Eight. Increasing the urban tree canopy is an inexpensive method to reduce nutrient loading through runoff reduction and will allow localities to reduce the cost of achieving nutrient reductions for urban stormwater.

### **Restoration of Funding to PDCs**

In FY 2001, HRPDC received \$366,628 or \$0.24 per capita in basic funding from the Commonwealth's budget through the Department of Housing and Community Development. The legislative agenda of the Virginia Association of Counties supports overall funding of Virginia's Planning District Commissions at a level of \$0.35 per capita or

a minimum of \$100,000 per commission, whichever is greater. The Department of Conservation and Recreation (DCR) is relying on PDCs to facilitate the development of locality specific nutrient reductions in Phase II of the State's Watershed Implementation Plan.

HRPDC supports restoration of funding to Virginia's Planning District Commissions at the FY 2001 level of \$0.24 per capita.

### **State Fees on City Services (water, sewer, solid waste)**

HRPDC strongly opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority to finance the nutrient reductions imposed by the Chesapeake Bay TMDL.

### **Unfunded Mandates**

HRPDC opposes unfunded mandates by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the state, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided. Furthermore, HRPDC opposes the shifting of fiscal responsibility from the state to localities for existing programs. Any unfunded mandate or shifting of responsibility should be accompanied by a full fiscal and program analysis to determine the relative costs to the state and to the locality and to assure the state is meeting its full funding responsibility before taking effect.

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

### **ITEM #11: LEGISLATIVE AGENDA**

#### **SUBJECT:**

Develop a legislative agenda for the Hampton Roads Planning District Commission for Fiscal Year 2011-2012.

#### **BACKGROUND:**

In preparation for the 2012 Session of the Virginia General Assembly, the HRPDC staff recommends the HRPDC consider developing a legislative agenda. In recent years, the HRPDC has not developed a broad legislative agenda, but has developed statements of principles, resolutions and position letters on specific bills and topics that may be considered by either the Virginia General Assembly or the U.S. Congress.

The HRPDC staff has developed the attached statement of issues with input from the various advisory committees to focus on issues and programs being carried out by the HRPDC in cooperation with the region's localities. However, this draft statement of issues is not inclusive of all potential state and federal legislative matters that are of interest to the region's localities. It reflects the legislative statements and agendas of the Virginia Municipal League, Virginia Association of Counties, American Planning Association – Virginia Chapter and the member localities.

#### **RECOMMENDED ACTION:**

Approve the attached HRPDC Legislative Agenda for FY 2011-2012.

Attachment 11

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

### **ITEM #12: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)**

#### **SUBJECT:**

In light of recent communications between EPA, Virginia, and HRPDC, the Hampton Roads Regional Chesapeake Bay Phase II WIP Steering Committee recommends that local governments only submit program level strategies to Virginia rather than a prescriptive list of individual BMPs as previously requested by Virginia.

#### **BACKGROUND:**

In September 2011, Virginia sent a letter to the EPA (attached), stating, “It is clear that the model, as currently constructed, is not capable of producing meaningful, realistic loading targets for use at the local level and that our time is better spent working with local governments on implementation of the suite of practices described in our Phase I WIP or equivalent measures.” EPA responded to the State’s letter (attached) in October 2011 stating, “EPA does not expect the jurisdictions to express the "local area targets" in terms of Phase 5.3.2 Watershed Model inputs or outputs, such as pounds of pollutant reductions by county. Instead, Phase II WIPs could identify "targets" or actions that local and federal partners would take to fulfill their contribution toward meeting the Chesapeake Bay TMDL allocations. These targets could be expressed as programmatic actions, such as adopting ordinances.”

At its October 20, 2011 meeting, the HRPDC approved sending a letter (attached) to Virginia requesting: 1) more information about local governments’ role in the “Path Forward” proposed in Virginia’s letter to the EPA; and 2) a commitment from the state to actively participate in the Hampton Roads Chesapeake Bay TMDL Steering Committee process.

Since the requested response from Virginia was not received prior to the November 3, 2011 meeting of the Hampton Roads Chesapeake Bay Steering Committee, the Committee discussed what level of local government participation was feasible given the February 2012 deadline to submit information to the State. The Steering Committee recommended that local governments focus on program level strategies that would be equivalent to the strategies identified in the Phase I WIP rather than use the State provided tool to estimate the pounds removed by specific practices. The Committee recommended that a letter be sent to Secretary Domenech informing Virginia of the Region’s intent. HRPDC staff has been informed that a guidance letter from Virginia to local governments should be sent the week of November 7, 2011.

Jennifer Tribo, Senior Water Resources Planner, will provide a presentation summarizing strategies for localities to consider in the next few months in light of the unresolved issues between Virginia and EPA.

Attachments:

- A. Letter from Virginia to EPA – September 28, 2011
- B. Letter from EPA to Virginia – October 5, 2011
- C. Letter from HRPDC to Virginia Secretary of Natural Resources – October 20, 2011

**RECOMMENDED ACTION:**

- 1) Approve recommendation of Regional Chesapeake Bay Steering Committee to only include narrative program level strategies in local government Phase II WIP submissions to Virginia.
- 2) Authorize the Executive Director to send a response letter to Virginia upon receipt of expected letter to local governments and PDCs.



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Doug Domenech  
Secretary of Natural Resources

September 28, 2011

Mr. Shawn Garvin  
Regional Administrator  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dear Mr. Garvin:

The purpose of this letter is to follow-up on our discussions concerning the reduced accuracy of the Phase 5.3.2 Watershed Model. Virginia's concerns echo those you received last July from the Commonwealth of Pennsylvania.

Virginia remains committed to do our share of the watershed wide effort to restore the Chesapeake Bay. We will continue to implement practices that reduce nutrient and sediment pollution as outlined in the Virginia Watershed Implementation Plan and will dedicated millions of dollars to the effort this year. Unfortunately, as explained below, we have discovered that the model contains inexplicable inaccuracies that must be corrected. The current watershed model is undermining the credibility of our collective efforts. Virginia proposes several adjustments to the current process so the clean-up efforts can stay on track and continue moving forward.

Virginia has significant concerns with several aspects of the Phase 5.3.2 Watershed Model. As explained in our presentation to you on September 16<sup>th</sup> (see attached), the most notable problem exists with the lack of adequate nutrient reduction credit applied to nutrient management plans. This is a problem not only in Virginia but covers numerous counties across the entire Bay watershed as illustrated on slide 4 in the presentation. This serious shortcoming alone renders one of our most effective and commonly used BMPs useless in meeting nutrient reduction goals.

We have found that the model, as currently constructed, is not appropriate for use in assigning loads in permits, developing local load targets, or measuring reduction progress. It is especially not appropriate for imposing any consequences. Attempting to use the model in these ways negatively impacts our planning for the Phase II WIP, along with the credibility of the EPA, and of most concern, exposes Virginia to potential litigation. We ask for your help to resolve these matters through what we believe are reasonable steps.

Attachment 12A

We are aware that modeling of a watershed as large and complex as the Chesapeake Bay is a monumental task. The current model may be an adequate tool for predicting overall pollution loadings on a watershed basis. However, as we demonstrated in our discussion and presentation on September 16<sup>th</sup>, and the Maryland presentation sent by Jim Edwards on September 12, when used on a local government level outrageous anomalies occur in the model that are inconsistent with current scientific knowledge.

As a consequence of these discussions, we have developed the attached "Path Forward" document that outlines needed changes and adjusts the schedule. A commitment from EPA to correct these concerns is needed as a precursor to continued Phase II WIP planning efforts.

It is clear that the model, as currently constructed, is not capable of producing meaningful, realistic loading targets for use at the local level and that our time is better spent working with local governments on implementation of the suite of practices described in our Phase I WIP or equivalent measures. Our modified approach to meet our commitments for Phase II and the 2012-2013 Milestones is also described in the attached "Path Forward" document.

Virginia is ready to move forward with the Phase II planning process and development of milestones. However, recognition from EPA of the current problems and limitations of the model, along with a commitment to work together to address them will be key to our success.

I look forward to further discussions on our proposed path forward.

Sincerely,  


Doug Domenech

cc: Jeff Corbin, Senior Advisor to the Administrator for Chesapeake Bay and Anacostia River  
Jim Edwards, Deputy Director, Chesapeake Bay Program

# Path Forward

## Proposed Approach for Phase II WIP Development

9/21/11

### Three-Track Approach to Implement Phase I WIPs and develop Phase II WIPs

#### Overview:

- The Chesapeake Bay jurisdictions have expressed serious concerns about using 5.3.2 watershed model output for localities nutrient and sediment reduction targets under the framework of the Chesapeake Bay TMDL and the approved Phase I Watershed Implementation Plans (WIP).
- While useful as a planning and evaluation tool at the watershed scale, the model was not constructed for use at the local scale and its output raises serious questions and concerns among state agencies and our local partners.
- Anomalies present in the output are difficult to explain and in many ways do not represent the “real world” of local watershed management and water quality planning and implementation.
- In order to ensure that these identified issues do not divert attention from the more important task of implementation of the Phase I WIPs and meeting associated TMDL targets, the following approach is proposed that would result in model revisions and ongoing implementation using Phase I WIP practices as the basis for the Phase II WIPs.

The following tracks are proposed to take place simultaneously:

#### Track 1

EPA continues to work on correcting identified model issues so that it can be used with greater confidence in setting local (sub-segment shed) target loads for N, P and S. The following steps are recommended:

- Holistic review of the following issues:
  - How to model Agricultural Nutrient Management (efficiency or Land Use Change)
  - Calculation of nutrient rates on acres not under nutrient management
  - Load reductions associated with application of nutrient management plans
  - Changes in manure routing preferences through time
  - Amount and nutrient content of poultry manure
  - Biosolids application (include all states or exclude all states)
  - Regional factors due to Phase 5.3.2. Watershed Model calibration

- Submitted versus credited BMPs
- BMP stacking (Urban and Continuous No-till)
- Modify Scenario Builder code
- Test Model to determine if modifications produce expected results.
- Re-calibrate watershed model
- Run scenarios
- Review outputs to evaluate other concerns and check for unintended consequences
- Upon agreement by EPA and the jurisdictions, use refined model to establish loading targets at the local level.

## **Track 2**

States develop Phase II WIPs based upon the existing practices identified in the Phase I WIP/TMDL input deck and submit these interim plans to EPA by June 1, 2012. These plans will focus on achieving the 2017 goals.

- Continue current local engagement efforts to collect improved land use, BMP implementation and local implementation strategies as the Phase II WIP is developed. Local engagement efforts will shift focus from meeting local target loads to maintaining implementation levels consistent with the Phase I WIPs.
- The Phase II WIP would provide a mix of BMPs at the segment-shed level.
- States refine the interim BMP targets once the model is deemed sufficient to assign target loads and corresponding levels of BMP implementation needed at the local level as part of the next milestone cycle or the Phase III WIP development.

## **Track 3**

States develop 2012-2013 Milestone implementation actions and strategies and submit these plans to EPA in accordance with the current schedule.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

OCT 05 2011

The Honorable Doug Domenech  
Secretary of Natural Resources  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Secretary Domenech:

Thank you for participating in the September 16 Bay State Secretaries discussion regarding Phase 5.3.2 of the Chesapeake Bay Program Watershed Model and its use as a tool for Phase II Watershed Implementation Plan (WIP) development. Our conversations and exchange of information in recent weeks have allowed EPA to better understand where our collective approach is working and where we need to adapt in order to achieve our common goal of restoring the region's waterways. As described in my letter to you dated August 1, 2011, EPA developed the Phase II WIP planning targets to represent the actions, assumptions and "level of effort" necessary to meet the final allocations established in the 2010 Chesapeake Bay total maximum daily load (TMDL). EPA agrees with your desire to ensure that work to refine model assumptions and data inputs does not distract us from the key implementation priorities at hand.

The purpose of this letter is to provide EPA's proposed path forward based on the proposal that you shared on September 16 and in follow-up exchanges. Most notably, in the Phase II WIPs, EPA does not expect the jurisdictions to express the "local area targets" in terms of Phase 5.3.2 Watershed Model inputs or outputs, such as pounds of pollutant reductions by county. Instead, Phase II WIPs could identify "targets" or actions that local and federal partners would take to fulfill their contribution toward meeting the Chesapeake Bay TMDL allocations. These targets could be expressed as programmatic actions, such as adopting ordinances. This letter also includes actions that we can take as a Partnership to address the modeling and data input concerns that you raised on September 16. I believe that this path forward will allow you to continue progress and improve confidence in your Phase II WIP and milestone commitments.

EPA also recognizes that it is the nature of environmental modeling for confidence in outputs to increase as scales become larger. With this in mind, EPA provided Phase II WIP planning targets for nitrogen, phosphorus and sediment for the major basins in each jurisdiction. The jurisdictions have considerable discretion to distribute those planning targets among the source sectors. As the jurisdictions have pointed out, there are areas in the watershed where there are limitations to the application of the Chesapeake Bay Program Watershed Model at a finer scale. EPA is, therefore, clarifying its March 2011 Phase II WIP guide to allow jurisdictions the option of submitting input decks for their Phase II WIPs that focus on meeting the major river basin planning targets in each jurisdiction rather than loading targets in each county or sub-watershed. However,



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Attachment 12B

EPA continues to request the jurisdictions submit Phase II WIP narratives that clearly articulate that local partners (e.g., local governments, conservation districts, planning commissions, utilities, and watershed groups) understand their roles and responsibilities for implementing their share of the WIP strategies.

EPA is maintaining the Phase II WIP schedule provided in previous communications, but we believe that placing less emphasis on model inputs and outputs to express local area targets should make it easier to achieve these deadlines. EPA expects that the draft Phase II WIP submissions on December 15, 2011 contain:

- An explanation of how jurisdictions are working with local partners;
- Evidence that critical local partners are aware of their role in meeting the TMDL allocations and the Phase I WIP commitments;
- As appropriate, identification of targets or actions that local and federal partners would take to fulfill their role. These targets could be expressed as programmatic actions (eg, adopting ordinances) rather than model inputs or outputs (e.g., pounds reduced, pounds per acre);
- Any changes or updates to Phase I WIP strategies based on work with local partners;
- One input deck for processing through Phase 5.3.2 that meets the Phase II WIP planning targets for the major basins in each jurisdiction. This deck could be based largely on Phase I WIP input decks plus any requested changes to wasteload and load allocations.

EPA recognizes that WIP implementation will be an adaptive process that continues to change both in the final Phase II WIP submitted on March 30, 2012 and in future two-year milestones.

We must continue to work together as a Partnership to refine the modeling tools that support our decisions. EPA agrees that nutrient management is an important strategy for reducing pollutant loads to our waterways. Current model outputs demonstrate that nutrient management reduces total loads from agriculture. We are committed to continue to work with the Partnership to ensure that the more regional and local simulations of nutrient management and other model components are better informed by the latest data and scientific understanding. Based on your input, I have worked with staff to identify specific and concurrent next steps to address the following issues raised by you and your colleagues:

- Calculation of nutrient rates on acres not under nutrient management;
- Calculation of load reductions associated with the application of nutrient management plans, including the effect of manure routing sequences;
- Refinement of methods for developing and applying regional factors during model calibration;
- Development of the ability to apply multiple BMPs on urban lands and lands under continuous no-till;
- Refinement of the ability to consider submitted BMPs versus credited BMPs; and
- Refinement of the calculation regarding the amount and nutrient content of poultry manure.

My staff will be sending additional materials to the jurisdictions in the coming days that outline the specific immediate, near, medium and long term steps that we can take to address these issues.

We have committed resources to support and expedite the Chesapeake Bay Program Partnership's expert panels in their review of the latest science supporting BMP definitions and efficiencies that have already been approved by the Partnership. These panel reviews will maintain the integrity of a collaborative review and continue to follow the priorities established by the



Partnership's source sector workgroups. They will provide recommendations for interim placeholder BMPs that can be used in the Phase II WIPs in the near term, as well as approved BMP values that can be used for reporting progress in advance of 2017. Finally, I expect that these expert panels will yield valuable recommendations for the midterm evaluation that will be completed in advance of the Phase III WIPs. While these panels are underway, I strongly encourage your submission of interim placeholder BMPs that can be reviewed by the Chesapeake Bay Program *immediately* for use in your draft Phase II WIPs.

We also recognize that, even with less emphasis on model inputs and outputs in Phase II, it is important for partners to understand and be able to access the Chesapeake Bay Program modeling tools. In response to this need, we have recently completed a series of Scenario Builder Workshops in all seven jurisdictions and are now focused on scheduling training for user-friendly, web-based tools such as the Chesapeake Assessment and Scenario Tool (CAST) to help your staff and local partners have the capability to assess alternative approaches to meeting your Phase II commitments.

In addition, we heard your strong concerns about how EPA would proceed with assessing progress by each jurisdiction in developing Phase II WIPs and achieving milestone commitments. We will use common sense in approaching these assessments. As was stated in the milestone guide, our evaluations will first assess whether jurisdictions have achieved nitrogen, phosphorous and sediment reduction targets *for their state as a whole*, rather than within particular sectors or localities. The models are not the only tool for assessing milestones. We will ensure implementation is proceeding forward by also considering programmatic milestones. Our review of progress will take into consideration all available data and information, recognizing we will be continually working to credit new practices, factor in new scientific understanding, and account for previously underreported implementation actions.

EPA is committed to working with you to develop your Phase II WIP for implementing the TMDL. The adaptations our respective agencies have made to date and those described here will result in a more flexible Phase II process and improve our measure of progress in the future. Thank you for your commitment to work on parallel tracks that involve engaging local partners in shaping your next generation WIP, investing resources to meet your milestone commitments, continuously improving data inputs, and participating in the Partnership review of the suite of the Chesapeake Bay Program models in advance of the 2017 mid-course evaluation.

We appreciate your efforts and cooperation in moving forward with the implementation of WIP and milestone commitments and the restoration of the Chesapeake Bay. If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Jeffrey Corbin, EPA's Senior Advisor on the Chesapeake Bay, at 215-667-9304.

Sincerely,



Shawn M. Garvin  
Regional Administrator





October 20, 2011

MEMBER JURISDICTIONS

CHESAPEAKE

FRANKLIN

GLOUCESTER

HAMPTON

ISLE OF WIGHT

JAMES CITY

NEWPORT NEWS

NORFOLK

POQUOSON

PORTSMOUTH

SOUTHAMPTON

SUFFOLK

SURRY

VIRGINIA BEACH

WILLIAMSBURG

YORK

The Honorable Doug Domenech  
Secretary of Natural Resources  
Commonwealth of Virginia  
P.O. Box 1475  
Richmond, VA 23218

RE: Virginia's Chesapeake Bay TMDL Phase II WIP Development

Dear Secretary Domenech:

The Hampton Roads Planning District Commission (HRPDC) has recently become aware of correspondence between you and Mr. Shawn Garvin, EPA Region 3 Administrator. While we generally agree with the content of these letters, we are concerned about their timing and the impact they will have on localities' involvement in the Phase II WIP development process. We request that Virginia communicate its expectations to local governments regarding their role in the Phase II WIP process and become actively involved in the Regional process being led by the HRPDC and other PDCs throughout the Bay Watershed.

At your request, the HRPDC agreed to coordinate the Hampton Roads localities' involvement in the Phase II WIP development process. Our letter to you on June 21, 2011 outlined our approach. Since that time, the HRPDC has held four Regional meetings to discuss issues related to the Chesapeake Bay TMDL and outline the steps forward for the Region. Our represented local governments have formed local workgroups and have been working to gather local data on land use and BMPs to groundtruth the model input data provided to us in May 2011. They have also been anxiously awaiting their revised local targets that were supposed to be delivered by August 1, 2011. Our local government representatives have been disappointed in the level of participation by Virginia in the Regional process. We are also concerned that EPA and Virginia have not delivered information in a timely manner.

We find it confusing that on the same day that Virginia launched the anticipated Virginia Assessment Scenario Tool (VAST) that contains the revised local targets, the Commonwealth also announced that locality targets would no longer be based on pounds of pollutants as estimated by the Bay Model. While we agree with the Commonwealth that the Chesapeake Bay Watershed Model is "not appropriate for use in assigning loads in permits, developing local load targets, or measuring reduction progress," the PDC and local governments need advice and guidance on how this decision impacts their roles in the Phase II WIP development process.

**MAILED**

**OCT 20 2011**

**HRPDC**

The Honorable Doug Domenech  
October 20, 2011  
Page 2

The HRPDC and its member localities expect that Virginia's realization that the Chesapeake Bay Model is not appropriate for assigning loads in permits means: 1) the individual waste load allocations for Virginia Phase I MS4s in the final TMDL will be removed when the TMDL is revised in July 2012; and 2) Virginia will refrain from issuing any Phase I MS4 permits until the TMDL has been revised. In order for the Regional process to continue to move forward in a timely fashion, the Hampton Roads Planning District Commission respectfully requests your written response by November 3, 2011.

Thank you for considering our request.

Sincerely,



Stan D. Clark  
Chair

JLT/fh

Copies Mr. Anthony Moore  
Mr. Dave Johnson  
Mr. Reese Peck  
Ms. Joan Salvati

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

### **ITEM #13: HRPDC ACTION ITEMS: THREE-MONTH TENTATIVE SCHEDULE**

The HRPDC staff has developed a tentative schedule of issues that will come before the Commission for action over the next three months. These issues are the primary action items the Commission will be considering. Other items may be added depending on new priority requests from the Commission, state and federal legislative and regulatory activities and new funding opportunities.

#### **December 2011**

Chesapeake Bay TMDL  
Housing Program Update  
Benchmarking Study  
Hazard Mitigation Plans  
Energy Demand and Production Forecast

#### **January 2012**

Regional Economic Forecast  
Chesapeake Bay TMDL  
UASI Program Briefing

#### **February 2012**

Annual Retreat

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #14: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES**

**A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES**

The summary minutes of the November 2, 2011 Directors of Utilities Committee Meetings are attached.

Attachment 14A

**B. HAMPTON ROADS CHESAPEAKE BAY COMMITTEE AND REGIONAL STORMWATER MANAGEMENT COMMITTEE MINUTES**

The summary minutes of November 3, 2011 Hampton Roads Chesapeake Bay Committee and Regional Stormwater Management Committee Meeting are attached.

Attachment 14B

**C. SUMMARY MINUTES OF THE CHESAPEAKE BAY TMDL STEERING COMMITTEE MEETING**

The summary minutes of the November 3, 2011 Chesapeake Bay TMDL Steering Committee are attached.

Attachment 14C

**D. PROJECT STATUS REPORT**

Attached are status reports on other HRPDC programs.

Attachment 14D

### **Meeting of the Directors of Utilities Committee:**

The Directors of Utilities Committee met on November 2, 2011. The following items were addressed during the meeting:

- Mr. Lonnie Byrd briefed the Committee on the current projects of the Eastern Region of Virginia Hospital Emergency Preparedness Coordinating Group to increase resiliency for hospital and support sheltering patients in place for 96 hours. Hospitals throughout the region are using grant funding from the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Preparedness and Response, Hospital Preparedness Program to install wells, treatment systems, and storage tanks to serve as alternate water sources if public water systems fail. There was no formal action on this item.
- HRPDC staff reports included updates on the Regional Water Supply Plan, which was submitted to DEQ in compliance with the regulatory deadline, and the status of the fiscal year 2011 water and sewer rate and water use data call. There was no formal action on this item.
- The Committee discussed the Water and Wastewater Work Program for the next fiscal year and provided input to staff regarding program priorities, projects, and budgets. Draft program budgets will be considered by the Committee in December or January.
- As many localities have advocated for including sanitary sewer overflow (SSO) reductions as a nutrient management strategy for the Bay TMDL, HRPDC staff asked HRSD to develop an order of magnitude estimate of the pounds of nitrogen and phosphorus attributable to past overflows. Mr. Ted Henifin reviewed the assumptions that contributed to a conservative estimate of 15,000 pounds of nitrogen per year associated with SSOs. This translates to approximately 10% of the total required urban load nutrient reduction. There was no formal action on this item. The information will be presented at the TMDL Regional Steering Committee meeting.
- The Directors of Utilities that are party to the Special Order of Consent and the Joint Defense Agreement discussed the status of the Special Order of Consent (SOC).

**ATTACHMENT 1A**  
**THE DRAFT SUMMARY OF THE MEETING OF THE**  
**HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE**  
**REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE**  
**CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE**  
**November 3, 2011**

**1. Summary of the October 6, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee**

The Summary of the October 6, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

**2. Great American Cleanup Presentation**

Ms. Lisa Hardy, HRPDC, gave a presentation to the Committee on the Great American Cleanup, a nationwide program headed by Keep America Beautiful. Hampton Roads will be hosting one of fifteen kickoff events held around the country to start off the event. The local event is a partnership between HRGreen and Keep Virginia Beautiful. The partnership hopes to hold an event in each Hampton Roads locality, with a regional kickoff event set for a Friday or Saturday in the spring. Partners include Keep America Beautiful, HRPDC, HRGreen, Keep Virginia Beautiful, and others. Goals include holding 16 events across the region, having 1,000 volunteers, raising \$100,000 in donations, and building awareness of HRGreen's work. The HRPDC approved a recommendation that endorsed the Hampton Roads Great American Cleanup Kickoff Event and encouraged widespread participation throughout all the region's localities.

Questions about the event should be sent to Ms. Hardy ([lhardy@hrpdcva.gov](mailto:lhardy@hrpdcva.gov)).

**3. Regional Trails Update**

Ms. Sara Kidd, HRPDC, updated the Committee on several regional trail projects.

Captain John Smith National Historic Trail (NHT): A comprehensive management plan and an environmental assessment have been completed. The trail's James River focus group met twice. The National Park Service (NPS) is preparing a final plan for the James River segment of the trail.

Star-Spangled Banner NHT: The NPS has asked for comments on three trail alternatives; only the third option includes sites in Virginia. No decision has been made yet.

Southeast Coast Paddling Trail: This trail includes sites in Georgia, South Carolina, North Carolina, and Virginia. The Virginia section draft is completed. The group applied

for but did not receive funding for a website and maps. The group still needs to discuss how to move forward.

James River Heritage Trail: This trail is an off-road, multi-use trail, incorporating pathways, water trails, bike routes, etc. The draft conceptual plan is complete. Comments are due to DCR by December 1, 2011: [http://dcr.state.va.us/recreational\\_planning/trailjrhdraft.shtml](http://dcr.state.va.us/recreational_planning/trailjrhdraft.shtml)).

The South Hampton Roads Trail: This trail's different segments are in various stages of development. There have been some property ownership issues with railroad rights of way. Environmental studies are currently underway in Chesapeake and Portsmouth.

Dismal Swamp Canal Connector Trail: The Chesapeake City Council approved an application for Transportation Enhancement Funds for the interstate connection on October 25, 2011. This project has been amended to include the final 0.9 mile extension to North Carolina and has an estimated cost of \$4 million. The North Carolina segment has a completed 30% design and is estimated to cost \$2 million.

Several other trails have been added to the regional trails inventory. These include the Washington-Rochambeau NHT, the Chesapeake Bay Gateways, the TransAmerica Bike Route (US Route 76), the Virginia War of 1812 Heritage Trail, the Virginia Civil War Trail – Peninsula Campaign, and the Virginia Wildlife and Birding Trail.

Questions about regional trails and the inventory should be sent to Ms. Kidd ([skidd@hrpdcva.gov](mailto:skidd@hrpdcva.gov)).

#### **4. Urban Tree Canopy Analysis Project Presentation**

Ms. Barbara White, Virginia Department of Forestry (VDOF), gave a presentation to the Committee about the benefits of urban tree canopy and some tools which can be used to analyze and improve canopy coverage in localities. VDOF provides an assessment tool that helps to increase awareness of urban forestry assets and benefits. The assessment is conducted at the locality level and by parcel; this produces two different sets of results which help to guide future planning. The analysis identifies areas that could be planted; these areas are then refined into areas that would be preferable and possible for tree planting. The benefits of urban tree canopy include areas for parks, water and air quality improvements, and relaxation and recreation. Once an assessment is completed, recommendations should be formalized and implemented through an ordinance or master plan.

#### **5. Chesapeake Bay Phase II Watershed Implementation Plan (WIP) Update**

HRPDC staff updated the Committee on the status of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan. Virginia sent a letter to EPA stating that the Chesapeake Bay model was not appropriate for setting local pollutant allocations or targets. EPA responded with a letter that stated that they do not expect to have local

targets (in terms of pounds of nutrients) in the Phase II WIP, but they do expect local program strategies. HRPDC sent a letter to the EPA requesting the removal of individual waste load allocations from the TMDL. HRPDC also sent a letter to Virginia's Secretary of Natural Resources requesting the same and also requesting that new permits not be issued until the TMDL situation is resolved.

Mr. Noah Hill, DCR, stated that DCR is working with localities on BMP implementation based on the Phase I WIP. A letter from Director Johnson should be sent within the next week to localities with expectations for the WIP. In addition, VAST has a WIP I grouping that localities can use in their reporting. Virginia has not yet submitted a draft Phase II WIP to EPA. The December submittal to EPA will be an outline of what will be submitted in March.

Localities should continue working on groundtruthing their BMPs.

Ms. Jenny Tribo, HRPDC, reported that the Virginia LID Competition is looking for development sites to use in the competition. Potential sites should be in one of three categories (residential, redevelopment, or roadway), have a site survey or draft plan of development completed, and cannot currently be under a service agreement for site development planning or engineering or any phase of construction. The deadline for submittal is November 11, 2011. Interested localities should contact Chip Rice (540-373-3448 x112).

## 6. **Status Reports**

### A. Hampton Roads Sanitation District

HRSD representatives had nothing to report.

### B. Hampton Roads Planning District

HRPDC representatives had nothing to report.

### C. Soil and Water Conservation Districts

SWCD representatives had nothing to report.

### D. Department of Conservation and Recreation

Mr. Noah Hill, DCR, reported that the Suffolk District office has had some staff leave, so some things may take more time.

### E. Department of Environmental Quality

In the absence of a DEQ representative, there was no report.

#### F. U.S. Geological Survey

In the absence of a USGS representative, there was no report.

#### G. Department of Transportation

VDOT representatives had nothing to report.

#### H. U.S. Navy

Navy staff is training on CWSP (a point of compliance tool for new regulations based on voluntary stormwater controls). Navy staff is also working on a program for residential BMPs for some standardization to do accounting for the WIP (such as master gardeners, garden clubs, etc.). They are looking at other models (such as Maryland) to get credits for BMPs in hard urban areas and will try to bring money to the table to help with implementation. Currently, \$100,000 is being spent on this effort.

#### I. Local Programs

Virginia Beach staff reported that the City is still trying to figure out what they are required to do under the Chesapeake Bay TMDL. The City is going through the budget process and is working with the Army Corps of Engineers on a restoration project in the Lynnhaven River. The floating wetlands study is ongoing. DCR is evaluating the City's E&S program. The City also is starting the public engagement process for its Sustainability Plan.

York County staff reported that the County is being audited by DCR and is undergoing a program review.

Suffolk staff reported that the City is preparing its legislative package. They are also concerned about the direction of the TMDL process.

James City County staff reported that the draft report of the state's Nutrient Credit Exchange Study should be out for public review by November 9, 2011. More information can be found on the DEQ website: <http://www.deq.virginia.gov/vpdes/NutCrdExStudy.html>.

Norfolk staff reported that EPA program reviews for Phase II localities are underway in the form of table top reviews that compare plans to annual reports.

### 7. **Other Matters**

The next meeting of the Joint Environmental Committee is scheduled for December 1, 2011 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.

## **Meeting of the Regional Steering Committee for the Chesapeake Bay Phase II Watershed Implementation Plan:**

The Regional Steering Committee for the Chesapeake Bay Phase II Watershed Implementation Plan (WIP) met on November 3, 2011. The following items were addressed during the meeting:

- HRPDC staff briefed the Committee on HRPDC's October correspondence to Virginia and EPA requesting clarification on expectations for the level of local governments' involvement in the Phase II WIP process and whether the waste load allocations will be removed from the Chesapeake Bay TMDL. A copy of Maryland's revised Phase II WIP schedule was distributed for reference. Given the Phase II WIP deadlines and the need for additional information from Virginia, the Committee agreed that qualitative planning strategies can be developed for submittal to Virginia in February, but the development of quantitative implementation strategies will require a longer time frame beyond July 2012. This information will be presented to the HRPDC.
- Mr. John Jastram, USGS, briefed the Committee on Fairfax County's small urban/suburban watershed stream flow and water quality monitoring project. The project includes 14 monitoring stations for flow and water quality data such as turbidity. Four of the 14 stations also collect samples to quantify nutrient loads. The 14 stations cost \$275,000/year to operate. This methodology will allow Fairfax County to estimate nutrient loads in the local watershed and measure the impact of BMPs and nutrient management programs on water quality. This methodology could be applied to small watersheds (1-6 square miles) in Hampton Roads; however, the monitoring stations would require more expensive equipment for tidal streams. There was no formal action on this item.
- As many localities have advocated for including sanitary sewer overflow (SSO) reductions as a nutrient management strategy for the Bay TMDL, HRPDC staff asked HRSD to develop an order of magnitude estimate of the pounds of nitrogen and phosphorus attributable to past overflows. Mr. Ted Henifin reviewed the assumptions that contributed to a conservative estimate of 15,000 pounds of nitrogen per year associated with SSOs. This translates to approximately 10% of the total required urban load nutrient reduction. There was no formal action on this item.
- The Septic System Legislative Subcommittee met on September 21, 2011 and HRPDC staff provided a briefing on the subcommittee's recommendations. The Committee agreed that all three recommended initiatives shall be included in the legislative package and in the regional Phase II WIP strategies.
- The Committee recommended that the regional legislative package should request that the State fund basin scale nutrient management projects.

## **PROJECT STATUS REPORTS**

### **1. Regional Housing Program**

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

The HRPDC staff recently completed activities under its FY11 contract for the HOME program that provides downpayment and closing cost assistance funding to local administrators on behalf of qualified first-time homebuyers. The Department of Housing and Community Development (DHCD) extended the FY11 contract as it relates to the HOME grant to October 31, 2011. Staff has been working with regional partners to administer funding to localities that are currently out of funding as well as other jurisdictions that use the HOME funding as their sole resource for downpayment and closing cost assistance.

HRPDC staff also completed the current grant application for FY12 funding. Notification of funding is expected in November.

#### **Housing & Human Services Technical Assistance**

HRPDC staff continues to assist the Hampton Roads Housing Consortium and will represent the region at the upcoming Governor's Housing Conference on November 16-18, 2011 in Hampton, Virginia. The Governor's Housing Conference is the largest and most comprehensive housing-related event in Virginia. Each year, the Housing and Human Services staff oversees the development of the regional exhibit that showcases affordable housing opportunities and activities in Hampton Roads.

Staff members are also working with Housing Virginia, a statewide non-profit housing advocacy organization, to develop a special edition of its regional newsletter, "Start Here". This publication will be released in December and will spotlight housing initiatives and programs throughout the Hampton Roads region.

### **2. 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 has delivered several presentations to regional organizations and responded to information requests from individuals, member localities, and the media.

#### **Analysis of Energy Development Strategies**

Staff is beginning work on an analysis of energy development strategies in Hampton Roads. At present, very little is commonly understood as to the ability of the region

to capitalize on various forms of energy development. Staff will be collecting and compiling information on the region's capacity to develop energy and research the potential economic benefits associated with energy development.

### **Hampton Roads Benchmarking Study**

Each year staff compiles regional data on the economy, demographics, housing, transportation, and various quality of life indicators. This information is the basis for the Hampton Roads Benchmarking Study, a publication that is designed to provide the region's decision makers with information on all facets of the Hampton Roads region. Information is illustrated through charts and graphs and accompanied by a brief explanation about the purpose of the specific benchmark as well as the current condition. Staff has begun work on the seventh annual benchmarking report.

## **3. Emergency Management Project Update**

### **Regional Emergency Management Technical Advisory Committee (REMTAC)**

The Emergency Management staff continues to manage and support the Regional Emergency Management Technical Advisory Committee and its associated tasks and committees. Below is a summary of the meeting from November 25, 2011:

- It was agreed that REMTAC FY08 UASI Project Funds would be allocated to supplement funding an emergency generator for a Gloucester shelter and additional regional WebEOC System enhancements.
- Lessons learned from Hurricane Irene were discussed. It was agreed to perform several website enhancements as well as survey emergency management on the utility of the special needs registry and possibly survey registrants as well.
- Special Needs Subcommittee Progress: The Subcommittee discussed Public Outreach initiatives recommended by the Public Outreach Workgroup. Public and Private Transportation logistics issues highlighted during Irene were discussed and are being addressed by the Subcommittee.

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

The HRPDC on behalf of the Jail and Inmate Evacuation Committee has released an RFP for a functional jail assessment. The assessment is funded by the FY 10 UASI grant.

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

HRPDC staff continues to work with Virginia Beach to begin HRTacRAN redundant system installation. In review, Virginia Beach (as recipient of the FY08 UASI Communication award) received approval from the Department of Homeland Security (DHS) to modify the FY08 UASI grant to support HRTacRAN. The intent was to utilize a preexisting contract. However, a contract to support this initiative could not be found requiring Virginia Beach to go out for bid. With the addition of the bid

process, Virginia Beach requires additional time to expend the funds before the end of the FY08 performance period (currently extended to February 29, 2012). HRPDC staff and Virginia Beach continue to explore several options to utilize allocated FY08 UASI funds.

Since the October update, the HRPDC has formally requested an extension from DHS. The decision is still pending and would constitute an exception on the part of DHS as extension requests are usually not considered until the last 60 days of the performance period (January 1, 2012 for the fiscal year 2008) However, during the October 24, 2011, Urban Area Work Group (UAWG) meeting, the Virginia Department of Emergency Management (VDEM) indicated that work on the fiscal year 2008 project must be completed by February 29, 2012, but Virginia Beach would be allowed an additional 60 days to close out the project administratively. Based on this information, communications representatives from Virginia Beach indicated that it would be possible to release the bid without approval of the extension. Furthermore, a preexisting contract may have been discovered that could be utilized to install the redundant HRTacRan microwave ring.

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

The quarterly PLEPC meeting will be held on November 17, 2011.

#### **FY12 Healthcare Organization Emergency Preparedness Seminars (HOEPS)**

The HOEPS committee met in November and further focused seminar goals and objectives. Conflicting conferences were identified and are being resolved. One facility manager of a Sentara facility on the coast with evacuation/reentry experience is confirmed as a keynote speaker, with a possible second speaker being investigated in the areas affected by wildfires in Texas.

#### **Hazard Mitigation Planning**

The HRPDC and Hazard Mitigation Planning Committee plan updates (for the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan) are nearly complete and are being scheduled for adoption. The City of Franklin and Southside Hampton Roads Plans have been reviewed and are undergoing final corrections in response to minor FEMA comments for formal approval. The Southampton County plan is expected to begin review shortly.

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

The Emergency Management staff continues to support the Regional Catastrophic Planning Team (RCPT) to ensure existing projects and data are integrated.

#### **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). During the October meeting, the FY08 project managers briefed the UAWG on the status on their initiatives and provided a spending plan to

close projects out before the end of the extended fiscal year 2008 performance period. Based on the presentations, the UAWG decided to allow all FY08 projects to retain their funding. As such, all FY08 projects have until February 28, 2012 to be completed. The UAWG will ask for a project briefing in February, 2012 for initiatives funded with the fiscal year 2009 UASI grant. Lastly, Hampton Roads has not been awarded fiscal year 2011 funds as they are currently tied to the award of the State Homeland Security Grant Program (SHSGP), which is still going through their application process.

### **WebEOC Implementation Update**

The WebEOC Subcommittee met in November, and per REMTAC's request to find the best use of remaining grant project funds, recommended the addition of WebEOC Mapper to the regional server and to those localities that could utilize it. WebEOC Mapper is a Geographic Information System component to allow for better situational awareness through mapping of data passed through WebEOC. The HRPDC has released a survey to localities utilizing WebEOC. The survey asks if the jurisdiction wishes to utilize WebEOC Mapper in addition to IT specifications necessary to install it. Once the specifications are collected, they will be used to draft a contract amendment planned to be put before the Commission during the December meeting for approval.

### **Hampton Roads Medical Special Needs**

The Special Needs Subcommittee was briefed by the RCPT as it relates to special needs planning, sheltering status and other findings. Separately, the initial findings of the Hurricane Irene After Action Report being developed by the Endependence Center were discussed with possible follow up, based upon the report's recommendations once finalized. The Special Needs website and registry ([www.hrspecialneeds.org](http://www.hrspecialneeds.org)) continues to be populated by/for citizens with special needs in Hampton Roads. The registry continues to mature and find better utility by emergency management, while recognizing the continuing need to manage public expectations of local capabilities.

### **Multi-Region Target Capabilities Assessment (FY08 UASI Project)**

The project was completed following the adoption of the Hampton Roads Homeland Security Strategy by the Urban Area Working Group in October.

### **Pet Sheltering Support (FY09 UASI Project)**

The project has been completed.

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

HRPDC staff is working with the Office of Homeland Security and Veterans Affairs to reengage stakeholders and the HR CIPP working group.

#### **4. HR Green**

Staff continues to promote a consistent regional environmental message via [www.askHRgreen.org](http://www.askHRgreen.org) and the associated blog. Messages for November include America Recycles Day and proper disposal of fats, oils and grease (FOG). The FOG message will continue through the holiday season. Additional messages regarding best practices for fall leaf disposal and the value of tap water will also be featured.

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

### **ITEM #15: CORRESPONDENCE OF INTEREST**

- A. Email with an attached Article written by Chris Bonney, Bonney Research, sent to Dwight Farmer, HRPDC Executive Director, October 28, 2011.**

Attached is an article written by Chris Bonney, Bonney Research, sent to Dwight Farmer, HRPDC Executive Director entitled "Regional Envy or Regional Denial-What We Miss by Not Believing in a Region".

Attachment 15A

- B. Letter to Mr. Ben McFarlane, HRPDC Physical & Environmental Planner, from Captain John Lowell, HSRP Designated Field Official, November 3, 2011.**

Attached is a letter to Ben McFarlane, HRPDC Physical & Environmental Planner, from Captain John Lowell, HSRP Designated Field Official thanking him for speaking at the public meeting held in Norfolk, VA October 26, 2011 on the Impacts of Sea Level Raise in Hampton Roads.

Attachment 15B

- C. Letter to Dwight L. Farmer, HRPDC Executive Director from Scott W. Kudlas, DEQ, November 2, 2011**

Attached is a letter to Dwight L. Farmer, HRPDC Executive Director from Scott W. Kudlas, DEQ, Director, Office of Surface and Ground Water Supply Planning acknowledging receipt of the Hampton Roads Regional Water Supply Plan. The letter indicates that all participating localities have, thus, met the submission deadline, however, "The review process may take some time."

Attachment 15C

*Chris Bonney on:*

## Regional Envy or Regional Denial?

### *What We Miss by Not Believing in a Region*

Is Hampton Roads really a *region*? Do we look like a region? Are we willing to act as a region?

There are few things as important in determining the destiny of our Hampton Roads communities as the answers to these questions.

Competition for everything from good jobs to healthcare resources to shopping to entertainment choices to federal tax dollars is based today on competition between regions, not individual cities or states. Indeed, if you talk to anyone involved in economic development you'll hear almost nothing but how we want to be the next Raleigh-Durham, San Jose, Austin, Indianapolis or any number of other regions that are outperforming us in these challenging economic times.

There are many reasons why these regions are doing better than Hampton Roads. A lot of them have to do with their diversity and the educational attainment, innovativeness and entrepreneurial natures of their populations. But a lot also has to do with how well the municipalities within these regions and their state and federal legislative delegations work together to seek and promote opportunity.

Unfortunately, unless we're mobilizing forces and resources to attract a professional sports team, it seems Hampton Roads' citizens and civic, business and elected leaders lack the will to cooperate regionally not only on critical issues like transportation, but on other important issues that impact our quality of life and economic vitality.

#### We *Are* a Region...

Whether we feel any affinity with other people throughout the Hampton Roads region or prefer to deny any connection, the one thing that is settled is that we *are* a region.

Regions are defined by the federal government based on the presence of a dominant urban center, or cluster of centers, surrounded by contiguous municipalities with high population density and a high level of commuting between these contiguous municipalities. We meet these guidelines, so much so that our region runs from James City County down the Peninsula through South Hampton Roads into Northeastern North Carolina. Every day we come and go across municipal boundaries and the state line without giving it a second thought. We go to work, shop, visit friends, worship and take part in social, recreational and entertainment activities without regard to locality.

The same is happening with businesses. A quick scan of the telephone directory will demonstrate to any doubter the hundreds of businesses that have either adopted or changed their names to include “Hampton Roads” to indicate their intention to serve the entire region.

### ...With Regional Challenges

Hampton Roads is saddled with a number of challenges to social cohesion, including large bodies of water, individual localities with proud histories and state law that is perceived to discourage cooperation.

Yet many of the nation’s regions are challenged by similarly divisive and isolating topography, distinct local identities, dialects and historically contentious social and political relationships. Are the features of Hampton Roads any more complex than those of San Diego, San Francisco or Seattle? We are certainly not the only metropolitan area in the country to cross state lines.

Moreover, there are many issues that Hampton Roads communities face that are regional in scope, not the least of which are transportation, Homeland Security planning and implementation, public water supplies, air and water quality and the management of public safety. To make each municipality—sixteen of them in all—address each of these issues individually is wasteful and inefficient.

Even more important, regions are the yardstick by which the federal government determines the level of funding that will be returned to taxpayers in the form of support for public services such as transportation that are required to be planned and coordinated on a regional rather than local basis. Regional needs and capacities are also the measures used by businesses, institutions and even state governments to determine the merit of everything from new stores to expansion of job opportunities to hospitals and licensing for advanced medical testing and treatment facilities.

### Where Are We Now?

We have documented daily interaction. We have fifty years of success with WHRO, a regional partnership of Hampton Roads school systems that proves that we can work together effectively and efficiently when we have a shared purpose. Yet many Hampton Roads citizens continue to pride themselves on their contempt for the word “region.” Even some elected officials and long-time civic leaders privately express skepticism and disclaim genuine interest in working together with their peers “across the water.”

As a result of our inability to pull together to compete, other regions of the country get good paying jobs that could have come here. Federal support for transportation, education and safety goes elsewhere. Senior Defense Department officers who control the single largest segment of our regional economy are already on the record to say that they will not recommend any expansion of military employment or economic activity in Hampton Roads until the region does something about its transportation problems.

At the state level, our lack of regional citizen collaboration, and especially the lack of cohesion and collaboration among the members of our state legislative caucus, enables other parts of Virginia to use tax dollars paid by Hampton Roads residents that should have come back for use in Hampton Roads. Consequently, our roadways remain potholed and congested while Northern Virginia's get rebuilt. Rail service is expanded to small cities like Lynchburg and Charlottesville while a population of almost a million and a half in Hampton Roads is ignored or told to wait.

At the local level, Hampton Roads municipal governments and school systems are more expensive to operate because of limited collaboration, resulting in higher tax burdens for Hampton Roads taxpayers.

### The Only Thing Holding Us Back is Our Own Will

How did we reach this position? The answer lies in a mixture of our own traditions and two myths.

Well into modern times, the bodies of water that define and unite our region also divided us. Separation between the Southside and the Peninsula and between Norfolk and Portsmouth was once reinforced by the absence of fixed transportation links and later by tolls, by long distance telephone charges and by separate newspapers that treated the opposite sides of the water like foreign countries. It was the harm done by this parochialism that led to the creation of "Hampton Roads" as our regional identifier.

The choice of "Hampton Roads" was not simply a gesture to our region's history, but rather a move to use a more geographically specific and differentiated term than "Tidewater" to draw together a region in much the way that "Twin Cities" and "Silicon Valley" give greater meaning and strength to the cities and counties in their respective regions.

Have you ever wondered why this area doesn't have some of the stores and businesses and employers that you would think our area is big enough to support? The answer lies in Virginia's recognition of independent cities and counties. This model is unique to our state and confounding to people outside of Virginia. When businesses outside the state begin their search for workforce population and buying power data for our region, they frequently look at the data for "Norfolk" or "Virginia Beach" or "Newport News," assuming that these names encompass all of the region. When they do this, however, they see only the data for these individual independent cities. When they look at "Williamsburg," for example, they don't see the booming James City County that is just steps away because they assume the county data is included in the city data, or vice versa.

Only in Virginia this is not the case. When outsiders think they're looking at us as a region they aren't seeing all of us. They don't see the strength of our region's diversity, its full labor force, its buying power or its growth potential. As a result, they bypass Hampton Roads.

Moreover, talk of regional cooperation and greater efficiency and collaboration in local governance has labored under a generally pessimistic cloud wherein two frequently cited myths have been repeated so often that many take it for granted that they are actually legitimate obstacles to action.

It is easy to conclude that Virginia's model of independent cities and counties makes it necessary for each municipality within any region in the state to create its own independent, self-sustaining economy. It is an accepted belief among many that Hampton Roads' communities are compelled to be competitors rather than partners, with elected officials and municipal workers obligated to address only that which falls within their municipal boundaries.

The truth is, Virginia law does not discourage, and in fact *encourages* municipalities to explore opportunities for collaboration in an increasing number of operational areas in order to achieve greater efficiency in the use of taxpayer dollars.

The second myth is that the "Dillon Rule"—named for the Iowa judge whose 1868 ruling established a precedent that gives state legislatures considerable power over localities—prevents collaboration and revenue sharing across municipal lines.

This, too, is untrue. The Dillon Rule requires localities to get permission from the General Assembly when any revenue issues are involved. However, the Dillon Rule has no bearing on operational partnerships, particularly those that result in the reduction of government costs and more competitive regional strength. Furthermore, Virginia's General Assembly has established a precedent allowing adjacent municipalities that collaborate on economic development to share revenues from any development that occurs within their shared area.

What *is* true about the Dillon Rule is that its use as an excuse for avoiding any serious exploration of regional cooperation or government reform is so pervasive as to have risen to the point of perceived legitimacy.

If you take these two myths out of the conversation and take into account that state law encourages collaboration among neighboring municipalities it becomes clear that the greatest obstacle to greater governmental efficiency and reform in our region is our lack of genuine will to seek either efficiency or reform.

### What's So Bad About Being a Region?

The way regions are defined—e.g. by population density and commuting patterns—may seem irrelevant because it overlooks elements of affinity based on shared values, interests, traditions and other socially unifying factors. Some believe we don't have those unifying elements. However, the documented extent to which Hampton Roads residents cross municipal boundaries on a daily basis tells us a lot about the extent to which we *do* share space and time and purpose with people from other parts of the region.

What does regional pride look like? Listen to how *Texas Monthly* editor Mimi Swartz recently described the pride of Texans:

*"Texans love Texas in a way that can border on the pathological. That's not the stuff of moth-eaten stereotypes, either."*

Have you ever heard anyone say that about Hampton Roads?

For some Hampton Roads residents—particularly the most politically and socially parochial—admitting that they have a connection to a region is first step on a slippery slope that they believe ends in a dystopian regional government. Yet while successful regions do tend to have effective coordinating bodies, there are simply no cases where the kinds of worst-case scenarios the skeptics tout have come to pass.

What are the advantages of being part of a region?

- A region acknowledges that we are connected and have shared destiny.
- Acknowledging that there are interconnected issues that impact all the residents of a region enables representatives of different municipalities to come together to address these issues in an efficient and orderly manner.
- It has been estimated that municipalities could reduce the cost of local government by as much as 15% by cooperating on the purchasing of goods and services.
- Adopting a regional presence *adds* to our identity and increases the opportunity to create a single umbrella identify for the region that increases pride, reduces confusion and enhances the value of each constituent municipality.
- A region grants its citizens the license to look up, to think bigger and to draw upon a larger pool of citizen and leadership talents.

What are some of the things a region *isn't*?

- A region *isn't* a government, but rather the formal acknowledgement that there are some issues that touch us all and that can be best solved by addressing them cooperatively.
- A region does *not* replace the individual identities of its component municipalities.
- A region does *not* deny the rights of citizens to choose their local elected officials or make local decisions.
- A region does not require giving up anything except self-centeredness.

Those who ignore the connections within regions are not just in denial, given the facts of our documented interconnectivity, but denying themselves the opportunity for a better quality of life. Former Virginia governor Jim Gilmore once bristled at *Washington Post* writer Neil Pierce's suggestion that the Metro rail line had brought suburban Northern Virginia into a modern metropolitan region. Yet today it is commonly acknowledged that the Metro set the stage for a more than 1,000% increase in the number of the kinds of livable neighborhoods Northern Virginia residents said they wanted.

What Is *Our* Common Thread?

If regional unity is defined based on shared values, interests, experiences, language or traditions, what are the common threads of Hampton Roads? In short, what is the personality of Hampton Roads?

Southside and Peninsula residents taking part in a 2010 study conducted by Christopher Newport University for the Hampton Roads Transportation Planning Organization identified four elements that citizens believe define and differentiate our region:

- Our local waters.
- Our affiliation with national defense.
- Our role in American history.
- Transportation gridlock.
- “Balkanized” localities and uncooperative elected officials.

Beyond these, however, study participants could not identify any unifying characteristics, ethics or cultural values aside from an undercurrent of political and social conservatism.

Attempts to identify a unifying geographic or visual icon for the region were likewise unsuccessful, with most study participants ultimately suggesting that if we have a regional touchstone, it is the Hampton Roads Bridge-Tunnel, an aging facility that has become more of a chronic obstacle to mobility than a symbol of progress, connectivity and growth.

Study participants also agreed that:

- We value the water and our maritime assets.
- We’re proud of the military presence.
- We respect history, but also recognize that our region’s best-known moments occurred hundreds of years ago and, as such, distract us from creating moments of contemporary innovativeness.
- We’re embarrassed by our outdated transportation infrastructure and believe it puts our region at a competitive disadvantage.

### Where Do We Go From Here?

Asked to describe what they believe our region might look like in twenty-five years, the participants in the 2010 Transportation Planning Organization study were not very positive in their outlook. They said they see no reason to not believe that:

- Transportation will only become a more crippling problem.
- Local elected officials will *not* care enough to work together to solve this and other problems of a regional nature.
- Hampton Roads will be a weak competitor in an increasingly competitive global marketplace.
- Hampton Roads leaders and citizens will be too slow and too focused on the past to be able to prevent the region from being left behind in the future.

Some have suggested that Hampton Roads suffers from an inferiority complex, that we don't believe we're worthy of better and that we set our expectations low so as not to be disappointed. They say we are conservative out of fear rather than confidence.

These observations are debatable. No matter what the actual case, though, it is clear that "Hampton Roads" is not only a name that has no institutional owners, but which has no agency or institution charged with giving this name meaning and creating greater awareness of it.

Most of America knows where the "Twin Cities" are. We know where "Silicon Valley" is. But does anyone know where "Hampton Roads" is?

When one travels into our region, it's possible that one might be greeted by a sign that announces, such as when coming east from Richmond on I-64, "James City County, A Hampton Roads Community." But how is anyone to know what "Hampton Roads" is? When you arrive in Hampton Roads, just where have you arrived? What *is* Hampton Roads?

Is Hampton Roads "America's Defense Coast"? Is it "Virginia's Trade Gateway to the World"? Is it, as one failed attempt at regional tourism marketing attempted to establish, "Virginia's Waterfront"?

For "Hampton Roads" to have meaning, we must give it meaning. Right now, no one has that responsibility<sup>1</sup>. Consequently, the name is left adrift and subject to varying misperceptions.

#### How Can We Embrace the Future with Confidence Rather than Wait for it to Happen to Us?

If we want our region to work better, here are thirteen action steps we can take right now as citizens of Hampton Roads to achieve positive change:

##### *Awareness & Identity:*

1. Acknowledge that citizens of the region have the power to influence change in attitudes and in governance and elected representation, and that the only thing that stands in the way of progress is our will.
2. Embark upon a large-scale public project designed specifically to draw the region's citizens together. Two examples: 1) a major regional public works project such as a new signature bridge to replace the Hampton Roads Bridge-Tunnel; and 2) the convening of year-long and widely inclusive citizen dialog about the future of the region.
3. Create a distinct, differentiated and, most importantly, *contemporary* marketing "position" for "Hampton Roads."

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<sup>1</sup> The writer recognizes that a program was developed to brand Hampton Roads as "America's First Region." But what does that tell anyone about Hampton Roads other than that we were something to contend with four hundred years ago? A regional brand should be forward-looking and should give a clue to what a region is about today.

4. Develop signage and other communications materials that create awareness that one is in, or has arrived in Hampton Roads; for example, signs welcoming you to “Hampton Roads, Virginia’s Trade Gateway to the World.”
5. Insist that regional institutions—that is, everything from our community colleges to our international airport to our new semi-pro football team—be identified as “Hampton Roads” rather than as “Tidewater,” “Norfolk,” or “Virginia.”
6. Look within our own academic institutions and think tanks or retain outside consultants to provoke the region with a series of “What if?” scenarios that challenge Hampton Roads citizens and leaders to study, consider and reach for higher and more uplifting goals.

Cooperation and Collaboration:

7. Insist that local elected officials instruct city and county administrators to look for opportunities to collaborate with neighboring municipalities.
8. Insist that local elected officials study and consider models of revenue sharing that are already in place in other parts of the state as a means of encouraging collaboration and reducing economic competition between communities within our region.
9. Insist that local municipal representatives to regional bodies act with a regional perspective rather than from a defensive local stance.

Greater Legislative Support for the Region:

10. Insist that our state delegates work more closely together to represent our region’s interests and goals and to compete more aggressively with other regions within the state and beyond.
11. Insist that our state legislative delegation work with representatives from other Virginia regions and appropriate universities or public agencies to explore and ultimately create a more relevant, efficient and modern model of governance that reflects a contemporary understanding out how Virginia cities, counties and regions relate to one another.
12. Insist that our state legislative delegation act to restore adequate funding so that the region’s transportation needs get the respect they deserve and that Hampton Roads communities and citizens are not further fragmented and isolated by tolls.

Capacity for Change:

13. Look to Hampton Roads’ youth and young adult population to identify and nurture the individuals we believe will be best suited to assume roles of regional leadership in the years to come.

A *Daily Press* editorial recently described Hampton Roads as a region “on the brink.” The precipice it described was not a good one. The writer made frank observations about our region’s municipalities and our state legislators that many have felt for years but been reluctant to say out loud.

If our local and state elected representatives and civic leaders are not interested in or willing to address the real and serious issues that face our region, Hampton Roads citizens must step forward and insist that maintaining the status quo no longer be our default position. If not, our region stands a very good chance of being left not only off the rail line, but behind the times and behind in a variety of other ways that directly impact the economic vitality of the region, our cost of living and the quality of our life in Hampton Roads.

If, on the other hand, we choose to take a more proactive approach and bring citizens into the process throughout, the resolution of the region’s large issues and citizen consensus behind a preferred future will make resolution of smaller issues move much more quickly and efficiently, immediately enhance our quality of life, improve trust and citizen satisfaction, and make our region’s our future as noteworthy, groundbreaking and exciting as our past.

October 28, 2011

[Chris Bonney is an independent marketing researcher. His clients include corporations, nonprofits, educational institutions, agencies of local, state and national government and others. You can reach Chris at: [chris@bonneyresearch.com](mailto:chris@bonneyresearch.com).]

# #



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Office of Coast Survey  
Silver Spring, Maryland 20910-3282

NOV 03 2011

Benjamin McFarlane  
Physical and Environmental Planner  
The Regional Building  
723 Woodlake Drive  
Chesapeake, Virginia 23320

Dear Mr. McFarlane:

NOAA's Hydrographic Services Review Panel (HSRP) sincerely appreciates your speaking during the public meeting on October 26, 2011, Norfolk, Virginia.

Your presentation on the Impacts of Sea Level Rise for the Virginia Beach area was very informative and provides an opportunity for the HSRP to submit compelling recommendations to NOAA Leadership for review and consideration on improving NOAA's navigation and hydrographic surveying products and services.

Once again, the HSRP appreciates your speaking during this important Public meeting.

*GREAT TOPIC OF  
REGIONAL (AND NATIONAL)  
IMPORTANCE!*

Sincerely,

Captain John E. Lowell, Jr.  
HSRP, Designated Federal Official





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Director

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November 2, 2011

Dwight L. Farmer  
Executive Director/Secretary  
Hampton Roads Planning District Commission  
The Regional Building  
723 Woodlake Drive  
Chesapeake VA 23320

Re: Receipt of Formal Submission of the Hampton Roads Regional Water Supply Plan

Dear Mr. Farmer,

I am in receipt of the Hampton Roads Regional Water Supply Plan Program documents. Thank you for your timely submission and this letter serves as acknowledgement that the localities covered by this plan have met the submission deadline required by 9 VAC 25-780.50. The information contained within your program will be invaluable as we build the State Water Resources Plan.

My staff will begin review of the submitted program for compliance as soon as time and resources permit. A final case decision on your program's compliance cannot be made until all programs within your watershed are submitted to allow for a cumulative review of local water supply expectations and water resource availability. The review process may take some time. My staff will contact you should there be a need for additional information.

Thank you again for your planning efforts and timely submittal.  
Sincerely,

A handwritten signature in cursive script, appearing to read "Skud", written in dark ink.

Scott W. Kudlas  
Director, Office of Surface and Ground Water Supply Planning

**RECEIVED**

NOV 04 2011

Attachment 15C

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #16: OLD/NEW BUSINESS**