

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

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

There were no comments on the meeting summary.

2. Public Comments

There were no public comments.

3. Northern Long-Eared Bat Rule Overview

On January 14, 2016 the U.S. Fish and Wildlife Service published the Final 4(d) rule for the northern long-eared bat (*Myotis septentrionalis*) in the Federal Register. The northern long-eared bat (NLEB) is one of the bat species most impacted by white-nose syndrome (WNS). The new rule provides protection for the bat under the Endangered Species Act. The rule will go into effect on February 16, 2016. Ms. Sumalee Hoskin, U.S. FWS, briefed the Committee on the new rule.

Nearly the entire Commonwealth of VA is considered part of the WNS zone. For areas within the WNS zone, all purposeful take is prohibited except:

- Removal of NLEB from human structures
- Defense of human life (e.g. health monitoring for rabies)
- Removal of hazardous trees for protection of human life and property.

Incidental take is prohibited within the WNS zone under the following circumstances:

- Actions that result in the incidental take of NLEB in hibernacula (disturbing or disrupting individuals when present)
- Actions that result in the incidental take of NLEB by altering a known hibernaculum's entrance or interior environment if it impairs an essential behavioral pattern, including sheltering NLEB
- Tree-removal activities that result in the incidental take of NLEB when the activity occurs:
 - Within 0.25 miles of a known hibernaculum; or
 - Cuts or destroys known occupied maternity roost trees or any trees within a 150-foot radius from the maternity roost tree during the pup season (June 1 through July 31)

Project activities that are most likely to impact the NLEB include tree removal, noise, lighting, smoke, and bridge work. Ms. Hoskin noted that the only documented roost trees for the NLEB in the area were on some federal property in Chesapeake. In order

to determine if you might have NLEB (or other threatened or endangered species) on your project site, follow the VA Field Office Project Review process. The process will be updated on February 16, 2016 and can be found on the website, <http://www.fws.gov/northeast/virginiafield/endangered/projectreviews.html>. The FWS strongly encourages project proponents to implement conservation measures such as minimizing tree removal, focusing light away from suitable habitat, conduct work during winter months, etc.

Ms. Katchmark asked how often the online WNS buffer zone map was updated. Ms. Hoskins said that it is updated anytime new information is available.

Mr. Mergen asked about the time of year restrictions (TOYR) mentioned in the conservation measures. Ms. Hoskins said that the pup season is June-July, and the active season is April 15 to September 15. The measures are only mandated if activities are near maternity or roost trees. Otherwise, the TYOR are strongly encouraged.

Several Committee members asked that the presentation be uploaded to the HRPDC website. Ms. Hoskins requested that the flow charts within the presentation be omitted from the posting, since they are still in draft form.

4. Local Innovative BMP Projects - York County

Ms. Anna Drake, Project Engineer with York County, presented two stormwater management projects.

The Cook/Falcon Road project includes the addition of a 3-acre wetland and 1,000 feet of outfall pipe to help alleviate flooding of a roadway into the Yorktown Battlefield and historical area. The project began as a VDOT drainage improvement to alleviate the on-street flooding; however, there were challenges because the neighboring lands are owned by the National Park Service (NPS). It changed into a stormwater retention project because the NPS did not allow the County's project to tie into the nearby outfall. The constructed wetland was designed as multiple smaller cells instead of one large BMP to be aesthetically pleasing because it is located on the route to the Yorktown Battlefield historical area. The final cost was \$1.2M.

The Dare Elementary School project includes 800 linear feet of stream restoration, one acre of constructed wetland, and the improvement of two grass channels. The site had a drainage area of 64 acres and originally only one BMP. A construction debris landfill is located next door, and the property owner had been complaining to the County. The water flowed with such velocity that the erosion problems were severe. The stream was raised and underdrains were installed. The outfall channel was stabilized and the neighbors were pleased with the results.

Ms. Drake shared some lessons learned from the projects. At the Cook/Falcon Road project, the geese were troublesome, knocking over geese netting and interfering with plantings. The County has had success managing mosquitoes by stocking all of their

retention BMPs with mosquito eating fish. At the Dare Elementary School, the County had only an easement, and they are currently negotiating acquisition of the property. They have also run into challenges with some of the tree plantings, because the property owner does not want to mow around trees. The County eventually removed every other tree and replanted them elsewhere to appease the owner. Both projects received SLAF awards in September of 2014, and construction began during winter, which brought environmental challenges to the projects.

Ms. Drake also said that the County has met all of their Chesapeake Bay TMDL required reductions with SLAF projects. Committee members asked about the dollars per pound of TP removed, and Ms. Drake said she would follow-up with the data.

Mr. Heide asked the level of conceptual design during the SLAF application. Ms. Drake answered 30%.

Ms. Brumbaugh asked if they came in over budget. Ms. Drake said they did, with \$80,000 of change orders.

Ms. Katchmark asked how much will be spent in land acquisition compared to the total cost of the project. Ms. Drake said \$250,000 for the property.

Ms. Sunderland asked how it was working with the DEQ inspectors on the project. She replied that they were easy to work with.

Mr. Shafer asked if the Cook/Falcon Road project wetland costs \$1.2M. Ms. Drake said a portion of the project was covered with SLAF and the infrastructure improvements were financed through revenue share.

Mr. Scott mentioned that VDOT has a stream restoration project in James City County and he is interested in comparing cost data from the York County projects.

5. Landscape Certification Update

The Chesapeake Bay Landscape Professional Certification Tech Advisory group met on January 28, 2016. Ms. Katchmark was in attendance and provided a brief summary to the Committee. After months of planning and brainstorming, they are solidifying a path forward. They are focused on certifying individuals, not businesses, in the design, installation and maintenance of residential stewardship practices and sustainable landscaping practices.

Hampton Roads has been selected as the pilot area to help develop the certification process, training program, and exam. Local groups will offer practicum opportunities to design, install, and maintain BMPs. Local companies will send employees through the process.

The grant deliverables for the pilot are as follows:

- 75 certified landscape professionals
- Certified CBLPs will evaluate process and program components

- 50 landscape professionals will each demonstrate successful installation of one 200 sq ft bioretention area
- 25 CBLP-certified maintenance contractors will each have 50 acres of turf under proper urban nutrient management

The proposed schedule is to complete pilots in VA, MD, and DC in 2016. The next steps will be to evaluate, market, and expand the program bay wide in 2017.

6. Statewide Land Cover Update

Ms. Sara Kidd briefed the Committee on the status of the statewide land cover project and provided a summary of the Bay Program webinar held on January 29, 2016. One of the maps included in their presentation showed land use data gaps in parts of Hampton Roads. Several Committee members were surprised because they did submit data. HRPDC staff will follow up to determine whether the Bay Program and USGS received the data and did not use it or if they did not receive the data.

VA is using Worldview to produce updated data for the entire state. The goal is to achieve 85-90% accuracy. Sanborn will complete a QA/QC process on the land cover data without locality review. Several localities argued that they wanted the opportunity to review it. Mr. Shafer mentioned that Worldview is producing 1-meter data, but Norfolk already has 4-inch data. He is concerned that discrepancies such as tree canopy over turf compared to forest could require additional costly pollutant reductions. Mr. Shafer asked if VAMSA would also support a push for locality data review. Ms. Katchmark said that Ms. Tribo has been coordinating with Fairfax County, Arlington, and Norm Goulet at the NVRC to seek consensus on this issue.

Ms. Kidd reviewed the schedule for data delivery. Originally, the data for Bay Area 1, which includes Hampton Roads, was to be delivered this spring. It has been pushed back and will now be delivered along with Bay Areas 2 and 3 in June 2016. The entire state should be complete by the end of 2016.

The localities will have the opportunity to review the land use data, which will be distributed in November 2016. There is draft data on the USGS website if Committee members are interested in looking at a demo. Ms. Rountree heard on the webinar that USGS would provide a GIS layer that localities can overlay on local data instead of using the review site. Ms. Katchmark said that the data will be better and we need to continue to push for more locality input to the process. Mr. Shafer added that the Bay Program does not seem to understand the impact of the data to localities.

Ms. Brumbaugh said that in the Phase 5.3 model, the watershed boundaries are misidentified for Chesapeake. Some areas are overestimated, while other areas are underestimated. Ms. Katchmark suggested she contact Mr. Peter Clagget (USGS) directly.

7. Coastal Zone Program Update

In January 2016 the Virginia Coastal Zone Management Program released guidance and a request for proposals for Coastal PDC competitive grants. Mr. McFarlane said that in the past, the 306 funding has been used to fund HRPDC studies and public access projects. The region can submit up to 2 proposals, each for a maximum of \$40,000, with a 1:1 match.

No local governments had submitted a proposal yet. Mr. McFarlane offered two ideas for HRPDC studies:

- Regional Strategic Plan for public access
- Identifying local uses for dredge spoil

The Committee was supportive of these ideas. The public access study would result in a list of potential project locations. Hampton and Chesapeake were particularly interested in the dredge spoil project. The proposals are due on February 17, 2016. Mr. McFarlane will distribute the project proposals to the Committee for review.

8. Status Reports

A. Hampton Roads Planning District Commission – Ms. Katchmark commented that HRPDC staff had received the link to the historical BMP data; however, it is not easily interpreted. HRPDC staff has been asking DEQ questions and will invite Mr. James Davis-Martin (DEQ) to the March Water Quality Technical Workgroup to elaborate on the process.

Mr. McFarlane announced the new Coastal Resiliency Committee, which is made up of Deputy City Managers and Assistant County Managers. The Committee will meet quarterly. There will be a Workgroup associated with the Committee, which will also meet quarterly and will be open to all.

Ms. Sunderland reminded the Committee of the Feb. 10 E&S and Stormwater Training for Contractors and encouraged members to invite the Contractors they work with.

B. VB – Mr. Bernick asked for the Contractors training flier. He also announced that VB has a new City Manager, Mr. Dave Hansen.

C. IW – Ms. Lindgren announced that they have an open Engineer/ VSMP Inspector position.

D. YK – Ms. Drake noted that York County has done some restructuring, and Development Services is now part of Public Works. She agreed to provide an organizational chart.

E. SU- Ms. Rountree indicated that Suffolk had received final approval from DEQ on their Bay TMDL Action Plan.

F. CH – Ms. Brumbaugh mentioned that Chesapeake also has inspector positions open.