

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #9: 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 #10: 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 #11: APPROVAL OF REGULAR AGENDA ITEMS

A. MINUTES

The Minutes of the HRPDC Quarterly Commission meeting of April 18, 2013 are attached.

Attachment 11-A

RECOMMENDED ACTION:

The HRPDC staff recommends approval of the minutes.

B. TREASURER'S REPORT

The Balance Sheet and Statement of Revenue and Expenditure for April 2013 are attached. This statement reflects the financial status of the HRPDC as a whole.

Attachment 11-B

RECOMMENDED ACTION:

The HRPDC staff recommends the Treasurer's Report be accepted.

C. REGIONAL REVIEWS – PNRs

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. There were no outstanding comments as of June 4, 2013 on these projects.

Attachment 11-C

RECOMMENDED ACTION:

None required.

D. REGIONAL REVIEWS – 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. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. There were no outstanding comments as of June 4, 2013 on these projects.

Attachment 11-D

RECOMMENDED ACTION:

None required.

**Hampton Roads Planning District Commission
Quarterly Commission Meeting
Minutes of April 18, 2013**

The Quarterly Commission Meeting of the Hampton Roads Planning District Commission was called to order at 9:32 a.m. in the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

COMMISSIONERS:

Thomas Shepperd, Chairman (YK)
Kenneth Wright, Vice Chairman (PO)
James O. McReynolds, Treasurer (YK)
James Baker (CH)
Amar Dwarkanath (CH)
Ella P. Ward (CH)
Barry Cheatham (FR)
Randy Martin (FR)
Mary Bunting (HA)
Dee Dee Darden (IW)
W. Douglas Caskey (IW)
Mary Jones (JC)
Robert Middaugh (JC)
McKinley Price (NN)

Neil Morgan (NN)
Sharon Scott (NN)*
John L. Rowe (PO)
J. Randall Wheeler (PQ)
Selena Cuffee-Glenn (SU)
Tyrone Franklin (SY)
John Seward (SY)
Barbara Henley (VB)
Louis R. Jones (VB)
Amelia Ross-Hammond (VB)*
Jim Spore (VB)
Clyde Haulman (WM)
Jackson C. Tuttle, II (WM)

EXECUTIVE DIRECTOR:

Dwight L. Farmer

ABSENT

Scott Matheson (CH)
Debbie Ritter (CH)
Carter Borden (GL)
Brenda Garton (GL)
Will Moffett (HA)
Christopher G. Stuart (HA)
Paul Fraim (NO)
Anthony Burfoot (NO)
Marcus Jones (NO)

Thomas Smigiel (NO)
Angelia Williams (NO)
W. Eugene Hunt Jr. (PQ)
Michael Johnson (SH)
Ronald West (SH)
Linda Johnson (SU)
Robert Dyer (VB)
John Moss (VB)
John Uhrin (VB)

*Late arrival or early departure

OTHERS RECORDED ATTENDING:

Brian DeProfio (HA); Michael King, Jerri Wilson (NN); Jeff Raliski (NO); Eric Nielsen (SU); Preston Bryant, McGuire Woods Consulting; Ellis James, Sierra Club; John Gergely, Newport News Citizen; Cathy Aiello, (Aiello Enterprises, Inc.); Bill Leighty (DecideSmart); Peter Huber (Willcox & Savage) Staff: Camelia Ravanbakht, Curtis Brown, Rick Case, Jennifer Coleman, Kathlene Grauberger, Greg Grootendorst, Jim Hummer, Whitney Katchmark, Mike Long, Jai McBride, Kendall Miller, Kelli Peterson, Tiffany Smith, Jennifer Tribo, Joe Turner, Chris Vaigneur.

APPROVAL/MODIFICATION OF AGENDA

Chairman Shepperd asked for any modifications or additions/deletions to the agenda.

Commissioner Kenneth Wright Moved to approve the agenda; seconded by Commissioner Barry Cheatham. The Motion Carried.

Chairman Shepperd noted the FY 2014 budget includes a two percent merit increase; however, action will be taken in July in order for the HRPDC staff to provide the full Commission a worksheet detailing the pay adjustments of the member localities.

WORKSHOP AGENDA

FY 2014 BUDGET

Ms. Tara Walker, HRPDC Senior Accounting and Grants Manager/DEB Liaison, informed the Commission the FY 2014 budget was reduced by 29.4% with the following sources of revenue outlined:

- Department of Housing and Community Development (DHCD)
- Member Contributions
- Local Assessments
- Environmental
- Homeland Security
- Transportation
- Home Loan Funds

A reduction in expenditures, including personnel, pass thru and operations were reduced by 47%, 43%, and 10 % respectively.

Ms. Walker recommended the reserve accounts continue to be funded to ensure action can be taken in an emergency.

Examples of these accounts include, but are not limited to:

- VRS
- Leave Liability
- Vehicle Replacement
- Capital Building Replacement

Commissioner Sharon Scott Arrives

The Commission was shown a chart detailing local jurisdictions' contributions and specific program rates such as Regional Construction Standards and Metropolitan Medical Response System (MMRS).

Commissioner Wright questioned the reduction in personnel and significant grant monies.

Ms. Walker replied the HRPDC had unfunded positions, therefore these were not eliminated, but departments restructured. She further explained the Urban Areas Security Initiative (UASI) and MMRS, both three year grants, will not be included in fiscal year 2014.

Commissioner Wright inquired about the deferment of employee raises until the July Commission Meeting.

Chairman Shepperd reiterated HRPDC staff was developing a worksheet displaying the pay increases of the member localities; therefore allowing the Commission to make an informed decision.

The Commission decided unanimously to defer the decision on the two percent merit increase until the July meeting.

URBAN AREAS SECURITY INITIATIVE (UASI) UPDATE

Mr. Curtis Brown, HRPDC Regional Emergency Management Administrator briefed the Commission on the current steps taken to prepare the Hampton Roads area for hazards and sustainment activities provided by the UASI grant.

Commissioner Ameila Ross-Hammond arrives

Hampton Roads was included in the UASI grant from FY 2007 through FY 2012 and received an estimated \$5 - \$6 million a year. This grant allowed the following:

- Coordination between stakeholders
- Building capabilities for handling disasters, both natural and man-made
- First Responders' abilities to preserve life and minimize damage to critical infrastructure

The loss of the UASI grant, along with the Metropolitan Medical Response System (MMRS) and Regional Catastrophic Grant Program (RCGP) is due to the FY 2013 Continuing Resolution, a cut in Department of Homeland Security (DHS) programs and a change in a way risks are measured.

Mr. Brown reviewed the regional capabilities at risk with the loss of UASI, MMRS and RCGP funds, which include:

- Interoperable and operable communication
- Bomb squad training of detection and dismantling knowledge
- Sharing of intelligence with local law enforcement

Recently, the Hampton Roads Urban Areas Working Group (UAWG) has been in contact with the Federal Emergency Management Agency (FEMA) and the Hampton Roads Congressional Delegation to show the necessity of sustaining the capabilities built and sharing the UASI Effectiveness Report, Threat Hazard Identification Risk Assessment, and Regional Capabilities and Gap Assessment Reports.

The short term goals include applying for the FY 2013 State Homeland Security Grant Program. This program allows the Governor's Office to distribute funds to different regions across the State. Mr. Brown also detailed the long term goals which include a sustainment plan for both readily deployable and regional assets.

Chairman Shepperd asked about the total amount of money available to be distributed.

Mr. Brown stated amounts vary by year because of congressional appropriations, but estimates between \$8- \$10 million will be available for all regions in the Commonwealth.

Chairman Shepperd inquired as to the amount of money the Region could receive.

Mr. Brown answered historically Hampton Roads has received approximately \$1-\$2 million.

Chairman Shepperd underscored the letter sent to the Homeland Security Directors signed by Senators Warner and Kaine and Congressman Scott, Forbes, Wittman and Rigell voicing their support for the reinstatement of Hampton Roads into the UASI grant.

STORMWATER UPDATE

Ms. Whitney Katchmark, HRPDC Principal Water Resources Engineer, reviewed the responses received in relation to the HRPDC's concerns from the Virginia Department of Conservation and Recreation (DCR).

The first concern was ensuring member localities received full credit for Best Management Practices (BMP) installed before 2009. As the code is written currently, BMP credits are

averaged across the whole James and York River Basins, not just the Hampton Roads area. DCR responded that the localities only need to reduce levels by five percent and those BMPs installed before 2009 will not total more than 95 percent of the total reduction required.

Ms. Katchmark reiterated that although the HRPDC is not satisfied with the response it will not monetarily affect localities in the short term.

The second concern of the HRPDC staff was the lack of guidance on creating a Total Maximum Daily Load (TMDL) plan. These plans are required to be drafted two years after localities reapply for Municipal Separate Storm Sewer Systems (MS-4) permits. Areas of clarification include the type of BMP and the amount of credit received for each. The State responded by creating an Advisory Group of Stormwater Managers from localities with MS-4 permits to create a more comprehensive tool. This Advisory Group will include local representation from the Cities of Hampton and Suffolk.

Additionally, the HRPDC is waiting on a response to a letter sent from the Chesapeake Bay Advisory Committee to the Governor and Secretary of Natural Resources outlining a better communications process for the Committee members and the localities they represent.

Chairman Shepperd expressed his appreciation for Commissioner Debbie Ritter, Ms. Sheila Knoll and Ms. Rosemary Wilson for being the Region's local representatives on the Chesapeake Bay Advisory Committee and recommended the Commission wait to send a letter urging action until the June Commission Meeting.

ENERGY MANAGEMENT INCENTIVE PROGRAM

Mr. Bill Leighty, Decidesmart Managing Principal, stated the firm is performing strategic work with the Virginia Association of Planning District Commissions. He noted energy management is an important topic, not only as an environmental issue, but also as a cost management issue. Many energy management programs are now available to help localities reduce operating costs.

Three common barriers often arise to prevent a more aggressive program:

- Lack of energy expertise
- Lack of program management expertise and time
- Lack of access to financing

Mr. Leighty noted the most effective way of overcoming these barriers is to utilize existing resources of the Commonwealth and member localities to develop a comprehensive approach on a regional basis. This can be achieved by forming a workgroup comprised of representatives from member localities and collaborating with Decidesmart and the Virginia Department of Mines, Minerals and Energy.

Energy savings are obtained through performance contracting, a way for local governments to use future energy savings to pay for the up-front costs of facility upgrades, therefore eliminating the need to utilize capital budgets and/or collaboration with an Energy Service Company (ESCO). There are 16 pre-qualified ESCOs through the Virginia Department of Mines, Minerals, and Energy, which allow for development and modernization of infrastructure to improve energy costs and reduce maintenance.

Benefits of an ESCO include:

- Reduction of annual energy and water costs
- Elimination of ongoing maintenance costs
- Modernization of equipment and systems

Mr. Leighty stated the HRPDC would help the localities develop a list of needs, draft an RFP and manage the overall contract.

Commissioner Robert Middaugh questioned the effectiveness of a region-wide energy management plan and the HRPDC's role in a contract management capacity.

Mr. Leighty responded a regional approach allows for cooperation and sharing of information among the member localities and attracts additional ESCO companies that might not be interested otherwise.

Chairman Shepperd reiterated the recommendation was to create a working group to educate the member localities if this was a program of interest.

Commissioner Middaugh repeated his concern regarding contract management.

Mr. Leighty stated this program is a service of the Commonwealth and Decidesmart is attempting to bolster the value of PDCs to the Commonwealth.

Commissioner Randy Martin commented that Isle of Wight, Suffolk and Franklin recently met with State representation in relation to an energy management program and saw the value of the HRPDC to develop more communication among the different communities and assist the localities if requested.

REGULAR AGENDA

SUBMITTED PUBLIC COMMENTS

Chairman Shepperd noted there were not any submitted public comments.

PUBLIC COMMENT

Chairman Shepperd acknowledged there was one individual addressing the Hampton Roads Planning District Commission.

Ellis W. James

Thank you Mr. Chairman, members of the Commission, my name is Ellis W. James, and I reside in the City of Norfolk and have all my young life. I have just returned from the Virginia Environmental Symposium, and it was fascinating. There has been a sea change and shift in the language and the discussions and the points that were being considered involving the environment. Everything from air and water quality to sea rise, Mayor Fraim from Norfolk was there, made a presentation of one of the preliminary sessions to outline the problems that Norfolk is confronted with, and of course those same problems are in Poquoson and other areas. I wanted to connect some dots this morning, but I want to echo the concerns my friend down near the end of the table has expressed on item 6 that you have just heard about. And the key to it for me as a citizen is the last bullet point, performance consultant is guided by an energy savings company. That means more money from the taxpayers and I'm not sure that's the direction that we're ready to go in at this point. The connection of the dots this morning is simple, that cheap natural gas is good for profits but not for jobs. I know that the cheap natural gas is benefiting many companies, but unfortunately at the same time we're losing jobs from those companies and that is the last thing that we need to be confronted with. Now, the good news, they have, the EPA has just released a national greenhouse gas emissions data report, and we are actually making, in the United States, progress and that includes progress in Hampton Roads. I think that is significant because at the same time when I got back from the conference, I looked at the news briefs and announcements, and it says port emissions decrease even as cargo volumes grow, and I think most of you around this table know very well that soon, we will have a major, major new influx of port traffic as a result of Craney Island, and so as we make this progress, I hope that each of the communities will pay close attention to it because we seem to be on the right road in spite of all of the concerns that have come from some. Thank you Mr. Chairman.

APPROVAL OF CONSENT ITEMS

Chairman Shepperd asked for approval of the following consent items:

- A. Minutes of March 21, 2013 Meeting
- B. Treasurer's Report of February 28, 2013
- C. Regional PNRS Reviews
- D. Regional Environmental Impact Assessment/Statement Review
- E. FY 2014 Budget
- F. FY 2014 Unified Planning Work Program
- G. Regional Stormwater Program Memorandum of Agreement
- H. Urban Area Security Initiative Contract Amendment for Completion of a Regional Communication Plan

- I. Urban Area Security Initiative Contract Amendment for the Purchase of Regional Communications Equipment
- J. Urban Area Security Initiative Contract Amendment for the Purchase of Person Protective Equipment
- K. Coastal Zone Program – Amendment to Hampton Roads Technical Assistance Program – Final Report
- L. Coastal Zone Management Program – FY 2013 309 Grant
- M. Energy Management Incentive Program

Commissioner Middaugh requested to remove item M, *Energy Management Incentive Program*. Commissioner Kenneth Wright Moved to approve the consent items; seconded by Commissioner Clyde Haulman. The Motion Carried.

Commissioner Middaugh emphasized his support of the Energy Management Incentive Program only if the language was rewritten not to include a contract.

Mr. Farmer confirmed action would only be taken after a briefing from the workgroup and recommended member participation.

Commissioner Mary Jones voiced her support and shared a similar view as Commissioner Middaugh. Additionally, she expressed concern with regards to determining the ESCO and developing a region-wide RFP.

Chairman Shepperd suggested removing any references to contracts and RFPs.

Commissioner Selena Cuffee-Glenn questioned how this effort will affect the FY 2014 UPWP.

Mr. Farmer replied special projects like this would be categorized under technical assistance; however, if it evolves into a major task the Commission will be presented with a UPWP amendment.

Commissioner Middaugh Moved to approve consent item M, *Energy Management Incentive Program*, as amended by removing any language referencing contracts and RFPs, seconded by Commissioner Martin. The Motion Carried

HRPDC THREE MONTH TENTATIVE SCHEDULE

Chairman Shepperd stated the Commission Meeting in May is cancelled due to the HRTPO Retreat.

CORRESPONDENCE OF INTEREST

Chairman Shepperd noted the Correspondence of Interest section of the Agenda and thanked Mayor Krasnoff for his comments about the HRPDC staff work on web page development.

PROJECT STATUS REPORTS

Chairman Shepperd acknowledged the Project Status Reports section of the Agenda.

FOR YOUR INFORMATION

Chairman Shepperd recognized the For Your Information section of the Agenda.

OLD/NEW BUSINESS

Chairman Shepperd noted there was no old/new business before the Commission.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:32 a.m.

Thomas G. Shepperd, Jr.
Chairman

Dwight L. Farmer
Executive Director/Secretary

**FISCAL YEAR 2013
4/30/13
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	133,506	Current Liabilities	1,382,449
Accounts Receivables	1,520,366	Net Assets	4,577,369
Investments	2,889,625		
Other Current Assets	664		
Net Capital Assets	<u>1,415,658</u>		
Total Assets	<u><u>5,959,819</u></u>	Total Liabilities & Equity	<u><u>5,959,819</u></u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	<u>Annual Budget</u>	<u>Current Month</u>	<u>YTD</u>
Grant and Contract Revenue	6,583,611	676,531	5,246,945
VDHCD State Allocation	151,943	37,986	151,943
Interest Income	18,000	11	9,197
Local Jurisdiction Contributions	1,362,302	332,360	1,329,438
Other Local Assessment	1,661,727	337,776	1,358,602
Sales and Miscellaneous Revenue	18,150	1,059	30,786
Special Contracts/Pass thru	3,857,246	-	-
Total Revenue	<u><u>13,652,979</u></u>	<u><u>1,385,723</u></u>	<u><u>8,126,911</u></u>
EXPENDITURES			
Personnel	4,532,387	354,106	3,654,431
Standard Contracts	209,869	12,120	138,492
Special Contracts / Pass-Through	8,006,908	433,918	3,973,027
Office Services	903,815	33,317	403,915
Capital Assets		-	-
Total Expenses	<u><u>13,652,979</u></u>	<u><u>833,461</u></u>	<u><u>8,169,865</u></u>
Agency Balance	<u><u>-</u></u>	<u><u>552,262</u></u>	<u><u>(42,954)</u></u>

Project Notification and Reviews

Date 5/13/2013 **CH #** VA130418-0223760

Title FY2014 Chesapeake Bay Monitoring Program CWA 117(e)(1)(B)

Applicant Virginia Dept. of Environmental Quality

State/Federal Program Chesapeake Bay Program

Type of Impact Chesapeake Bay watershed

Project Staff Sara Kidd

Project Description

This proposal requests Federal funds for the Chesapeake Bay Monitoring 117(e)(1)(B) program. This program will provide continued funding for long term Chesapeake Bay watershed monitoring projects to measure the effectiveness of point and non-point source nutrient input reduction, determine attainment of water quality standards, and determine progress toward attaining resources water quality habitat goals.

Federal	\$719,642.00	Local	\$0.00
Applicant	\$719,642.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL \$1,439,284.00			

Date 5/13/2013 **CH #** VA130418-0323760

Title FY2014 Chesapeake Bay Monitoring Technical and Scientific Studies

Applicant Virginia Dept. of Environmental Quality

State/Federal Program EPA - Chesapeake Bay Program

Type of Impact Chesapeake Bay watershed

Project Staff Sara Kidd

Project Description

This proposal requests Federal funds for the Chesapeake Bay Monitoring 117(d) program. This program will provide continued funding for long term Chesapeake Bay watershed monitoring projects to measure the effectiveness of point and non-point source nutrient input reduction, determine attainment of water quality standards, and determine progress toward attaining resources water quality habitat goals.

Federal	\$557,788.00	Local	\$0.00
Applicant	\$247,917.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL \$805,705.00			

Date 5/20/2013 **CH #** VA130429-0423760

Title FY2014 Public Water System Supervision Grant - Safe Water Drinking Act

Applicant Virginia Dept. of Health

State/Federal Program Environmental Protection Agency

Type of Impact Statewide

Project Staff Sara Kidd

Project Description

This grant will allow the Commonwealth to continue its Public Water Supply Program.

Federal	\$2,158,000.00	Local	\$0.00
Applicant	\$0.00	Other	\$0.00
State	\$719,333.00	Income	\$0.00
TOTAL		\$2,877,333.00	

Date 5/29/2013 **CH #** VA130509-0523760

Title FY 2013 Drinking Water State Revolving Fund Program - Safe Drinking Water Act

Applicant Virginia Dept. of Health

State/Federal Program Environmental Protection Agency

Type of Impact Statewide

Project Staff Sara Kidd

Project Description

This grant will allow the Virginia Department of Health to continue to fund the Drinking Water State Revolving Fund Program. The program provides non-project funds or set-asides to ensure waterworks' long-term capacity and protect construction loan investments, and provides project funds for construction of public drinking water systems. The development of an annual Intended Use Plan is a required part of the application of the SDWA for a capitalization grant.

Federal	\$15,215,000.00	Local	\$0.00
Applicant	\$0.00	Other	\$0.00
State	\$3,043,000.00	Income	\$0.00
TOTAL		\$18,258,000.00	

Environmental Impact Reviews

Received 4/2/2013

Number 13-059S

Name ecoFUELS Wood Pellet Storage Terminal at Portsmouth Marine Terminal

Sponsor Virginia Port Authority

Description

The Virginia Port Authority (VPA) has submitted an Environmental Impact Report for the construction of a wood pellet storage facility at the Portsmouth Marine Terminal in the City of Portsmouth. VPA has entered into an agreement with ecoFUELS Pellet Storage, LLC (ecoFUELS) that allows ecoFUELS to lease approximately 14.6 acres of property at the terminal. The term of the lease is 20 years. ecoFUELS would construct a state-of-the-art wood pellet storage facility that will include rail and truck receiving, temporary storage and ship loading equipment and facilities. Wood pellets will be transferred within the facility by a system of belt conveyors and associated diverter gates and loaded onto ships for export, primarily to Europe. The maximum annual throughput of wood pellets to be handled at the facility is estimated to be 1.5 million metric tons.

Affected Localities Portsmouth

Finding

Based on this review, the proposal appears to be consistent with local and regional plans and policies. As an industrial activity, the project will have to acquire and operate under a Virginia Pollutant Discharge Elimination System (VPDES) Industrial Activity stormwater permit or be party to such a permit that covers the project area as part of Portsmouth Marine Terminal. The project will not be covered by the City of Portsmouth's Municipal Separate Storm Sewer System (MS4) Permit.

Comments Sent 4/30/2013

Final State Comments Received 5/15/2013

Received 4/3/2013

Number 13-060F

Name Alternate Water Supply System and Booster Station

Sponsor Departments of the Army and the Air Force

Description

The Departments of the Army and Air Force propose to construct an alternate water supply system and booster station on Joint Base Langley-Eustis (JBLE-FE) at Fort Eustis in the City of Newport News. Old Dominion Utility Service (ODUS) owns and operates the water and sanitary sewer facilities at JBLE-FE and would install the new water supply point. Construction would include excavation, site grading, trenching and pipe installation. In addition, a meter vault, backflow preventer, water booster station, 2,450 linear feet of buried 12-inch pipe, and a 1,700-linear foot long by 12-foot wide gravel maintenance access road would be installed. A secondary connection would provide redundant water service to account for potential future water outages, which would improve system reliability. In order to meet demands, construction shall be completed, with the alternate water supply system fully operational, no later than September 30, 2013. JBLE has submitted an Environmental Assessment with a draft Finding of No Significant Impact, which includes a Federal Consistency Determination for the proposed action. The FCD finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Newport News

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 4/30/2013

Final State Comments Received 5/20/2013

Received 4/3/2013

Number 13-061F

Name 37th Annual Norfolk Harborfest, June 7-9, 2013

Sponsor U.S. Coast Guard

Description

The Coast Guard proposes to issue a CG-4424 Permit for Marine Event to Norfolk Festevents, Ltd., the event sponsors, for the 37th Annual Norfolk Harborfest. This event is to be held on the Elizabeth River adjacent to Town Point Reach in Norfolk, enclosed by the following boundaries:

36-51-7 N/076-18-1 W, to 36-50-55 N/076-18-11 W, to
36-49-55 N/076-17-40 W, and
36-50-29 N/076-17-23 W.

The event is to be held from June 7 through June 9, 2013 between 12:00 noon and 11:00 PM each day. The Coast Guard expects approximately 200 vessels to participate in various parades, cruises, and demonstrations throughout the event. There will be a fireworks display on Saturday, June 8, from 9:30 PM to 10:00 PM from one barge positioned immediately off Town Point Park. The event sponsor does not intend to place buoys to mark the event. The Coast Guard states that the proposed activity will be conducted in a manner consistent with the Virginia Coastal Zone Management Program.

Affected Localities Norfolk Portsmouth

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/2/2013

Final State Comments Received 5/7/2013

Received 4/3/2013

Number 13-062F

Name Elbow Road, Roadway and Ditch Improvements

Sponsor DOD/Army/Army Corps of Engineers

Description

The City of Chesapeake submitted a federal consistency certification (FCC) for proposed roadway and ditch improvements along Elbow Road. The project qualifies for an Individual Permit from the U.S. Army Corps of Engineers, necessitating the submission of the FCC. The city proposes to construct approximately 1,260 linear feet of improvements along the north side of Bethel Baptist Curve and 1,400 linear feet of improvements along the south side of the Virginia Beach City Line Curve. The project aims to reduce the number of vehicular accidents on Elbow Road. Elongating the radius of the curves along the road will increase sighting distances for drivers, and widening the shoulders will provide emergency areas. The improvements will result in impacts to 1.46 acres of forested non-tidal wetlands and open water areas. According to the FCC, the project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Chesapeake

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/2/2013

Final State Comments Received

Received 4/12/2013

Number 13-066F

Name Woodlands Apartments, Old Buckroe Road, City of Hampton

Sponsor U.S. Department of Housing and Urban Development

Description

Dominion Due Diligence (D3G) submitted a federal consistency determination (FCD) on behalf of the U.S. Department of Housing and Urban Development (HUD), which is processing mortgage insurance for the construction of the proposed Woodlands Apartments in the City of Hampton. The property consists of approximately 5 acres of undeveloped wooded land with wetlands and Chesapeake Bay Resource Protection Areas. The apartment complex would consist of one three-story wing and one four-story wing. The FCD states that the project would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Hampton

Finding

Based on this review, the proposal appears to be consistent with local and regional plans and policies, as long as the project complies with all applicable local ordinances, including the City's ordinances governing land disturbing operations (Chapter 13.1 of the City's Code of Ordinances) and development within flood zones (Chapter 17.3 Article V of the City's Zoning Ordinance).

Comments Sent 5/9/2013

Final State Comments Received

Received 4/25/2013 **Number** 13-079F

Name Portsmouth Boat Club Cock Island Race

Sponsor U.S. Coast Guard

Description

The Coast Guard intends to issue a CG-4424 Permit for Marine Event permit to the Portsmouth Boat Club, the event sponsors for the Cock Island Race. The race is scheduled for June 15, 2013 from 8:00 AM to 3:00 PM, and approximately 100 sail boats will participate. The event will take place on the Elizabeth River in the vicinity of the Portsmouth Boat Club in Portsmouth, in parts of the river bounded by a number of lines and points along the Norfolk and Portsmouth shores of the river. The Coast Guard states that the proposed event is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Portsmouth Norfolk

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/23/2013 **Final State Comments Received** 5/28/2013

Received 4/25/2013 **Number** 13-078F

Name 2013-2017 Integrated Natural Resources Management Plan at AFETA Fort Peary

Sponsor DOD/Army/Armed Forces Experimental Training Activi

Description

The Department of the Army submitted a draft environmental assessment with a federal consistency determination (FCD) for the implementation of the Integrated Natural Resources Management Plan at the Armed Forces Experimental Training Activity Camp Peary in York and James City counties. The EA addresses the proposed action, which is the implementation of the plan, and the no action alternative. The implementation of the plan would include conducting surveys for threatened and endangered species, following best management practices for forestry work, conducting prescribed burning, monitoring bird activity to reduce aircraft hazards, controlling invasive species as well as other projects. The FCD states that the proposed action would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities York County James City Count

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/21/2013 **Final State Comments Received**

Received 4/26/2013

Number 13-080F

Name Old Donation Creek SSD Dredging Project, Virginia Beach

Sponsor DOD/Army/Army Corps of Engineers

Description

Kerr Environmental Services, on behalf of the City of Virginia Beach, submitted a federal consistency certification (FCC) for a dredging project in Old Donation Creek in the City of Virginia Beach. The city and Old Donation Creek homeowners have developed a Special Service District (SSD) in order to conduct the dredging project. The city is proposing to mechanically dredge navigation channels and homeowner driveway channels in Old Donation Creek, a tributary of the western branch of the Lynnhaven River. The FCC states that the project will affect state-owned bottomland but that all wetlands will be avoided. According to the FCC, the project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Virginia Beach

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/29/2013

Final State Comments Received

Received 4/29/2013

Number 13-083F

Name Pier IX Dredging Project

Sponsor DOD/Dept. of the Army/Army Corps of Engineers

Description

Kinder Morgan, Inc. proposes to dredge the north berth of Pier IX at the Kinder Morgan facility on the James River in the City of Newport News. Kinder Morgan finds that it is necessary to deepen the berth to -52 feet Mean Low Water (MLW) (the current permitted depth is -45 feet MLW) to accommodate the larger PANAMAX vessels now being used to transport coal. The deepening will allow for coal loading from the larger vessels on both sides of the pier. The footprint of the dredge area is approximately 476,500 square feet (10.94 acres). The length of the dredge area is approximately 1,475 feet with a width that ranges from about 200 feet at the berth to about 650 feet at the approach to the berth. An estimated 118,200 cubic yards of maintenance dredging and 83,600 cubic yards of new dredging are required to achieve the proposed depth. The material will be dredged mechanically and then barged in sealed scows for disposal at the Craney Island Dredged Material Management Area in the City of Portsmouth. Kinder Morgan intends to submit a Joint Permit Application to the U.S. Army Corps of Engineers for the issuance of an individual permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Accordingly, Kinder Morgan has submitted a Federal Consistency Certification, under Subpart D of the Federal Consistency Regulations of the Coastal Zone Management Act, which finds the proposal consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Newport News

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/29/2013

Final State Comments Received

Received 4/29/2013

Number 13-082F

Name Quarterpath Apartments

Sponsor U.S. Department of Housing and Urban Development

Description

The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance under HUD Section 221(d)(4) to the Bonaventure Realty Group, LLC to finance the construction of the Quarterpath Apartments near the intersection of Route 199 and Route 143 in the City of Williamsburg. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The project involves the construction of a two-hundred twenty five (225) unit multi-family apartment complex consisting of three buildings, driveways, parking lots and utilities. The site currently consists of approximately 7.20 acres of undeveloped wooded land. The property is bounded by undeveloped wooded land to the north and east; undeveloped wooded land and Battery Boulevard (under construction) to the south; and an unnamed Pump House access road (under construction) and undeveloped wooded land to the west. HUD has submitted a Federal Consistency Determination that finds the proposed project consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Williamsburg

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/29/2013

Final State Comments Received

Received 4/29/2013

Number 13-085F

Name Partrea I Apartment Development, City of Norfolk

Sponsor U.S. Department of Housing and Urban Development

Description

The Norfolk Redevelopment and Housing Authority (NRHA) plans to construct a three-story apartment building consisting of 47 units, intended for senior citizens, on undeveloped land east of the existing Partrea Apartments, which are owned by NRHA. The existing apartments are located at 701 Easy Street, near the highway interchange between Tidewater Drive and Interstate Route 64 in Norfolk. The project site is approximately 2.5 acres. The new building will use an existing access road and infrastructure. Federal assistance is sought from the U.S. Department of Housing and Urban Development, which, according to the correspondence from the consultant, has determined that the project will have no adverse impacts on coastal uses or coastal resources addressed by the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/15/2013

Final State Comments Received 5/20/2013

Received 4/29/2013

Number 13-081F

Name Sector Storage Building at USCG Portsmouth

Sponsor DHS/U.S. Coast Guard

Description

The U.S. Coast Guard (USCG) proposes to construct a Sector Storage Building at USCG Base Support Unit Portsmouth in the City of Portsmouth. Major items of work will include the demolition of an existing 50-foot x 90-foot concrete slab, disposal of the materials offsite in accordance with all applicable laws, excavation of the area of the previous concrete slab to accommodate a 6-inch thick 50-foot x 100-foot concrete pad, and construction of a one-story metal storage building. The new storage building will result in an expansion of the footprint of the existing pad by 10 feet to the north and add 500 square feet of impermeable surface area. Stormwater best management practices will include the installation of a silt fence around area of disturbance, the placement of covers on nearby storm drains, and daily site inspections and cleanups. The USCG 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 Portsmouth

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/29/2013

Final State Comments Received

Received 5/6/2013

Number 13-088F

Name Demolition/Consolidation Plan and General Plan Update Projects, Langley Air Force Base

Sponsor DOD/Department of the Air Force

Description

The United States Air Force (Air Force) 633d Air Base Wing (ABW) proposes to implement the Demolition/Consolidation Plan and the General Plan Update Projects at Joint Base Langley-Eustis in the City of Hampton. The Demolition and Consolidation (D/C) Plan is designed to reduce the overall square footage of administrative facilities on the base. The D/C Plan evaluates a phased process of facility modification, consolidation, and demolition. The D/C Plan would be implemented in a three-phase approach over a 5-year period with implementation of each of these phases dependent on funding. The General Plan Update (GPU) Projects includes select long-term projects for improving the physical infrastructure and functionality of the installation in support of the 633d ABW mission. The GPU Projects are for long-term planning purposes and the Air Force is not committed to funding these projects in the future. The Air Force has submitted an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for the proposed action which includes a Federal Consistency Determination (FCD) submitted in accordance with the Coastal Zone Management Act (CZMA).

Affected Localities Hampton

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 5/29/2013

Final State Comments Received

Received 5/20/2013

Number 13-099F

Name Apex Oil Center Point Terminal

Sponsor DOD/Army/Army Corps of Engineers

Description

Moffatt and Nichol, on behalf of Apex Oil, submitted a Federal Consistency Certification (FCC) for maintenance dredging in the Elizabeth River at the Apex Oil facility in the City of Chesapeake. The project qualifies for a U.S. Army Corps of Engineers (Corps) individual permit. The proposed dredging will remove less than 3,200 cubic yards of sediment by removing shoals that are near the pier. The material may then be placed at Craney Island if it meets the Corps' requirements. The FCC states that no wetlands will be affected and there may be time-of-year restrictions for the dredging to protect fish spawning. According to the FCC, the proposed project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Chesapeake

Finding

Comments Sent

Final State Comments Received

Received 5/21/2013

Number 13-102F

Name Parallel Taxiway and Obstruction Removal, Suffolk Executive Airport

Sponsor USDOT/Federal Aviation Administration

Description

The City of Suffolk is proposing to remove trees, complete construction of a parallel taxiway, relocate the localizer antenna, and remove a portion of abandoned runway and taxiways in 2014. at the Suffolk Executive Airport (SFQ) in the City of Suffolk. Project activities associated with the proposed action include: constructing the remaining portion of a parallel taxiway (including taxiway lights) along the west side of Runway 4-22 involving grading and asphalt paving, which will result in approximately 4.31 acres of new impervious surface (approximately 35 feet x 4,600 feet); relocating the localizer antenna and localizer equipment shelter from the midfield area to 1,010 feet beyond the east end of Runway 4-22 to accommodate the parallel taxiway; constructing a 10-foot wide gravel access road to the new localizer site; developing new ditches on either side of the parallel taxiway to manage stormwater; removing approximately 1.3 acres of trees to include grading and grass seeding; demolishing a 1,110 square foot airport storage building within the existing 1.3 acres of trees; clearing approximately 55 acres of trees via silviculture; establishing three temporary staging (lay down) areas for the tree clearing and taxiway construction outside of all airport safety areas, object free areas, and airspace; and removing approximately 3 acres of abandoned runway and taxiways near the end of Runway 4. The obstruction removal portion of the proposed action includes the removal of approximately 55 acres of trees (both on and off airport property) within approximately 55 acres of forested wetlands through silviculture using the Virginia Department of Forestry's Forestry Best Management Practices for Water Quality in Virginia Technical Manual (Fifth Edition, 2011). Suffolk has submitted a Short Environmental Assessment (EA) Form for the project that includes a Federal Consistency Certification (FCC). The FCC finds the proposed project consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Suffolk

Finding

Comments Sent

Final State Comments Received

Received 5/21/2013

Number 13-103F

Name Repairs to Lower Pond Earthen Dam, Coast Guard Training Center

Sponsor DHS/U.S. Coast Guard

Description

The Coast Guard proposes to repair the Lower Pond Dam at its Yorktown Training Center. The dam is failing due to a deteriorated discharge pipe and a dam face that is improperly sloped (too steep) and eroding. The dam was built in the 1950s, and provides stormwater control for one third of the Training Center's footprint. The dam discharges into the tidally influenced Wormley Creek, which flows into the York River. The Coast Guard proposes to replace an existing corroded metal pond discharge pipe with an appropriately sized non-corrosive plastic pipe. It will then place a stone embankment buttress on the discharge side of the dam to provide proper sloping and permanent stabilization. A tidal zone aquatic wetland bench will be installed parallel to the line where the dam meets the creek for additional stabilization and eventual establishment of a section of inter-tidal living shoreline.

Affected Localities York County

Finding

Comments Sent

Final State Comments Received

Received 5/24/2013

Number 13-104F

Name Lee Hall Reservoir Dam Improvements

Sponsor DOD/Dept. of the Army/Army Corps of Engineers

Description

The City of Newport News (Newport News or Applicant) has submitted a Joint Permit Application to the U.S. Army Corps of Engineers (Corps) for the issuance of an individual permit pursuant to Section 404 of the Clean Water Act to make improvements to the Lee Hall Reservoir Dam in the City of Newport News. The reservoir comprises an Upper Pool and Lower Pool with differing pool elevations. The Upper Pool is impounded by a CSX Railroad causeway and has a water level that is 3.1 feet higher than the water elevation of the Lower Pool (elevation 16.5 feet) which is impounded by a dam first constructed over 100 years ago and improved over the decades (the Lower Dam). Both the CSX Causeway and Lower Dam are classified as "high hazard" structures by the Department of Conservation and Recreation, which is defined as a dam that if failed, possible loss of life and serious property damage would occur. The project includes decommissioning the CSX Causeway as a regulated dam by removing the water control structure; this action would be done in conjunction with improvements to the Lower Dam to handle the Probable Maximum Flood. The project also includes improving the Lower Dam and spillway in such a manner as to raise the Lower Pool by 2.5 feet from 16.5 feet to 19.0 feet. This will nearly match the pool elevation of the Upper Pool. The removal of the water control structure at the CSX Causeway will allow the water level of the Upper Pool to be lowered by 0.6 feet. A new boat ramp will be installed at the CSX Causeway underneath an existing Dominion Power overhead power line to provide for barge access during the work to remove the Upper Pool water control structure. At the completion of the project, the Upper and Lower Pools will maintain the same water elevation of 19.0 feet. Newport News has submitted a Federal Consistency Certification that finds the proposed project consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Newport News

Finding

Comments Sent

Final State Comments Received

Received 5/29/2013

Number 13-107F

Name Richneck Regional Water Quality Retrofit and Flood Control Project

Sponsor DOD/Dept. of the Army/Army Corps of Engineers

Description

The City of Newport News (Newport News or Applicant) has submitted a Joint Permit Application to the U.S. Army Corps of Engineers (Corps) for the issuance of an individual permit pursuant to Section 404 of the Clean Water Act to construct the Richneck Regional Water Quality Retrofit and Flood Control Best Management Practice in the City of Newport News. The purpose of the project is to reduce the Total Maximum Daily Load (TMDL) of nitrogen, phosphorus, and sediment loads; and to reduce property damage from repeated flood events within the Stoney Run watershed. The proposed project will total over 16 acres and incorporate the use of three sub-basins designed in a step-down topographic alignment that will impact 5.58 acres of forested wetlands, 0.98 acres of emergent wetlands, 1,695 linear feet in intermittent/ephemeral stream channel, and 377 linear feet of perennial stream channel. For compensatory stream mitigation, Newport News proposes the creation of a stream complex within the sub-basins totaling over 3,800 linear feet of channel. For compensatory wetland mitigation Newport News will purchase 12.12 acre-credits from a local, private mitigation bank. Newport News has submitted a Federal Consistency Certification that finds the proposed project consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Newport News

Finding

Comments Sent

Final State Comments Received

Received 5/29/2013

Number 13-106F

Name Fort Monroe Fireworks, July 4, 2013

Sponsor DHS/U.S. Coast Guard

Description

The Coast Guard intends to promulgate a regulation to establish a safety zone for the Fort Monroe Fireworks, to be enforced on July 4, 2013 from 9:00 PM to 10:00 PM. The purpose is to protect mariners and spectators from hazards associated with the fireworks display. Hazards consist of accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The safety zone will include all waters of the Chesapeake Bay off Fort Monroe, within a 420-foot radius of approximate position 37-0-5 N/076-18-17 W. The Coast Guard plans to establish a temporary final rule in Table 33 CFR section 165.506 to enforce the safety zone. The Coast Guard states that the proposed event is consistent, to the maximum extent practicable, with the enforceable policies of Virginia's Coastal Zone Management Program.

Affected Localities Hampton

Finding

Comments Sent

Final State Comments Received