



LAND USE & ENVIRONMENT COMMITTEE

Meeting Minutes – November 16, 2017

Attendees:

Deirdre Clark	John Marshall Soil and Water Conservation District
Steve Cook	Virginia Department of Health
Joe Costello	Rappahannock-Rapidan Regional Commission
Stephanie DeNicola	Culpeper Soil and Water Conservation District
Michelle Edwards	Rappahannock-Rapidan Regional Commission
Richard Jacobs	Culpeper Soil and Water Conservation District
Kris Jarvis	John Marshall Soil and Water Conservation District
John McCarthy	Piedmont Environmental Council
James Sawyer	Fauquier County

Regional Flood and Wildfire GIS Data

Joe Costello, Rappahannock-Rapidan Regional Commission (RRRC)

Joe Costello presented the draft regional flood and wildfire GIS maps and data tables he developed for the regional hazard mitigation plan update (see attached). The results are based on the Federal Emergency Management Agency's (FEMA) Hazus data. According to FEMA, Hazus is a nationally applicable standardized methodology that contains models for estimating potential losses from earthquakes, floods, and hurricanes. Hazus uses GIS to estimate physical, economic, and social impacts of disasters.

Steve Cook asked why there are zero critical facilities within the 500-year floodplain. Stephanie DeNicola, Deirdre Clark and John McCarthy commented that there are several schools and police stations within the 100-year floodplain and/or adjacent to streams. Mr. Costello replied that the results are strictly based on the Hazus data, which now needs to be validated by stakeholders, making such input critical at this stage. Additionally, he suggested that the facilities may be built above flood levels. Kris Jarvis added that the streams may be too small to put the facilities within the 500-year floodplain. Mr. Costello will review the flood data for the region's critical facilities to ensure accuracy.

Mr. McCarthy asked whether it was unusual that such a high percentage (84.53%) of the total building value in the region is attributable to residential properties. Mr. Costello answered yes, the region's percentage is higher than average, but it appears to accurately reflect local

conditions. Mr. McCarthy asked what time period the wildfire data represents. Mr. Costello replied that the wildfire incident reports are from 2010-2016, while the DOF wildfire assessment data is from 2002-2016. Shenandoah Park wildfire data is not included.

Further questions and comments regarding the regional wildfire and flooding data should be directed to Joe Costello at jcostello@rrregion.org or (540) 829-7450.

Homeowners Guide Update

Michelle Edwards, RRRC

As part of the annual update, Michelle Edwards led attendees in reviewing the “Homeowners’ Guide to a Watershed-friendly Backyard,” published by RRRC in 2016. The original version can be found on RRRC’s Rainscaping webpage or via the following direct link: www.rrregion.org/pdf/publications/environment/Homeowners%20Guide%20to%20Watershed%20Friendly%20Backyard%20Final.pdf. Committee members were asked to provide recommended updates to the resources and contacts listed at the end of each chapter. The remainder of the content will not undergo major revisions.

Ms. Edwards noted that RRRC’s Backyard Rainscaping program has ended, so links to that program will be removed. The following additional revisions were suggested:

- In the Stormwater Management Chapter, change the Virginia Conservation Assistance Program (VCAP) contact at John Marshall Soil and Water Conservation District (SWCD) to extension 3, instead of 112.
- In the Stormwater Management Chapter, update the link to the Virginia Conservation Assistance Program (VCAP) Manual to the 2017 version, or link to the VCAP homepage.
- In the Lawn and Garden Chapter, add the SWCDs as contacts for soil sampling and lawn management technical assistance.
- In the Lawn and Garden Chapter, add Blue Ridge PRISM (Partnership for Regional Invasive Species Management) to the list of contacts for technical assistance on invasive species control.
- In the Septic System Chapter, remove John Marshall SWCD from the list of contacts, since they will not have cost-share funding for the septic systems within the next year.
- In the Pet Waste Management Chapter, remove dog waste management from the technical assistance services that Culpeper SWCD, John Marshall SWCD and the Natural Resources Conservation Service provide.

Additionally, Ms. Clark expressed concerns with the practice of pet waste composting, which appears in the final chapter of the Guide. Ms. Edwards agreed to pass along her concerns to Jenny Biché, who heads RRRC’s pet waste management program, and who wrote the pet waste section of the guide. Mr. Cook noted that he may have recent guidance from DEQ that he will send to Ms. Edwards.

October Chesapeake Bay SAG Meeting Summary

Michelle Edwards, RRRC

To update the Committee on Chesapeake Bay TMDL progress, Michelle Edwards presented a summary of the Chesapeake Bay Stakeholder Advisory Group (SAG) Meeting she attended as an appointed member on October 12, 2017.

The Notice of Intended Regulatory Action (*NOIRA*) for reissuance of the Construction General Permit has been posted on the Virginia Town Hall website. Anyone who wants to be on the Technical Committee should contact Melanie Davenport, Department of Environmental Quality (DEQ), at melanie.davenport@deq.virginia.gov. The Phase II MS4 permit will be proposed to the State Water Control Board this December.

Draft Phase III Watershed Implementation Plan (WIP) Planning Targets, the final Phase 6 modeling tools, and final policy decisions will not be ready until late December 2017. Therefore, the overall WIP III schedule will shift by approximately 7 weeks, rather than being condensed as was done for the Phase II WIP.

The Water Quality Goal Implementation Team (made up of partner states' agency staff) recommended assigning the loads associated with Conowingo infill as local planning goals, separate from the jurisdictions' Phase III WIP planning targets. Maryland, Pennsylvania, New York, and Exelon would need to determine how to account for reductions equivalent to the load associated with Conowingo infill. The multi-strategy approach can go beyond looking at just load reductions (e.g. nutrient exchanges, dredging, USACE Comprehensive Plan, contribution(s) from Exelon, adjustments to water quality standards. Ms. Edwards noted that the hydroelectric dam puts electricity into the grid rather than directly to rate payers, so Exelon cannot simply raise rates to address the issue. The Principals' Staff Committee (PSC) (made up of partner states' agency directors, Secretaries, and federal agency representatives) agreed to draft a letter on expectations for Exelon's role in addressing increased loads as part of the Clean Water Act 401 certification.

The PSC also agreed to add "Susquehanna and Most Effective Basins" to the options to address the Conowingo Dam nutrient load. The Water Quality Goal Implementation Team recommended eliminating the last two options in the table (see attached) because of the substantial increase in total nutrient removal required. These two options include Virginia participation; the others do not. This recommendation was made despite New York's previous threats to bow out of the partnership. Ms. Edwards noted that Virginia's participation became a tough sell politically for the state since the previous SAG meeting, leading to this change in course. The PSC opted to keep all options on the table until their next meeting on December 19-20. They want to wait for the final data from the latest Chesapeake Bay Model run, to more fully understand impact of all options to WIP III level of effort.

Policy decisions on addressing climate change impacts qualitatively versus quantitatively, and accounting for growth via adaptive management decisions were also tabled until the next PSC meeting for the same reason. The PSC will decide whether individual localities can choose the quantitative approach if partnership chooses qualitative, and whether the partnership could choose both instead of one or the other. The Water Quality Goal Implementation Team

recommended use of 2025 growth projections as the base conditions for the Phase III WIP, updating growth projections every 2 years with the best available data allowing for adaptive management. This provides the ability to get model credit for land conservation, not as a BMP but by reducing required load reductions. Virginia supports this method; Pennsylvania was the hold out, but is expected to eventually agree.

Mr. McCarthy noted that there will be a new Secretary of Natural Resources and currently there are multiple candidates for the job. This could delay the PSC meeting and the policy decisions that were to be made at the meeting.

The Draft State-basin Planning Targets (allowable Nitrogen and Phosphorous loads) will be released by the Environmental Protection Agency (EPA) December 22, 2017. The final targets will be released May 7, 2018. From state-basin planning targets, states will have flexibility in establishing local area planning goals at a finer scale. There is the potential that state-basin planning targets may not add up to meet the TMDL, but EPA does not want to open up the TMDL because the statute of limitations has expired. Opening it up would re-start the clock and open the agency up to litigation. A decision will be made after the Phase III WIP process has concluded. Local area Planning Targets are scheduled for release June 7, 2018.

DEQ briefly presented a basic timeline for stakeholder outreach for the Phase III WIP (see attached). Outreach would include presentations to local and regional stakeholder groups, such as the Farm Bureau and Home Builders Association. SAG members raised concerns that such an approach may prevent collaboration among stakeholder groups. Additionally, local governments would like to hear comments from all local stakeholders in developing their strategies for the WIP.

Ms. Clark commented that farmers are tired of being targeted by the Chesapeake Bay Program, and being invited to a WIP meeting for general audiences may make less defensive than one directed specifically at farmers. Ms. Jarvis and Ms. DeNicola concurred. Ms. Jarvis added that the outreach language should use layman's terms with limited acronyms. Ms. Edwards replied that she would relay the suggestions to the SAG.

The state will seek input on a more detailed Draft Stakeholder Outreach Plan for the Phase III WIP from the Chesapeake Bay SAG from December 2017 to May 2018. Localities and other local partners will be asked to develop local implementation strategies and BMP decks from June to November 2018.

Ms. Edwards will continue to update the Committee on the Bay TMDL as additional information is released. Full presentations from the Chesapeake Bay SAG's October meeting and previous meetings can be found on the Secretary of Natural Resources' website at <https://naturalresources.virginia.gov/chesapeake-bay-restoration>.

RRRC Initiative Updates

Regional Food Policy Council – Michelle Edwards, RRRC

The Food Council launched the Purely Piedmont label program, to market the region's locally-grown food and beverages. The label covers food and beverages grown within the RRRC's five-county region, with the option to later expand to the larger food system as defined by the 2015 Farm and Food Plan. Participation in the program is free. In order to receive the labels and digital version of the logo for use in marketing, producers must submit a license agreement available on the new purelypiedmont.com website.

Piedmont Environmental Council (PEC) held the first of three yearly buyer-seller events on November 6, 2017 in Culpeper in cooperation with RRRC. The networking event provided producers within the Rappahannock-Rapidan Region an opportunity to meet with local food buyers, such as restaurants and retailers. A representative of Market Maker, a national online database of food buyers and sellers, kicked-off the event with a brief presentation (foodmarketmaker.com).

One event will be held during each year of the three-year FMPP grant project, with the size and complexity of the events growing each year. The 2018 event will be modeled on Luray's successful Farm2Fork Affair. Each seller will have a table with samples and/or informational materials for buyers to visit. This setup provides the opportunity for buyers to interact with area producers and learn about the products available. The 2019 event will begin similar to the previous year's, but after an hour, the event will be opened to the public as a food expo.

The Food Policy Council's next meeting will be held on Thursday, January 18, 2017, at 6:30 pm in the RRRC conference room. For further information about the regional Rappahannock-Rapidan Food Policy Council, including upcoming meetings, please contact Michelle Edwards at (540) 829-7450 or medwards@rrregion.org, or visit RRRC's Regional Food System webpage at www.rrregion.org/foodsystem.html.

Tween Rivers Agri-artisan Trail – Michelle Edwards, RRRC

As part of the Farmers Market Promotion Program grant, the Regional Tourism Committee hosted a customer service workshop on October 3rd in Culpeper. Over 100 attendees took part in the event. The workshop presentation can be accessed on RRRC's Regional Tourism webpage at www.rrregion.org/tour.html.

The next quarterly agri-tourism workshop will be held on December 6, 5:00-7:00pm at the Market at Grelen. This will be a networking social for Tween Rivers Trail members only.

The grant funds have also allowed RRRC staff member Jenny Biche to interview Trail members. In addition to collecting their stories and suggestions, the interviews have provided an opportunity for her to promote the workshops. Trail members interviewed indicated interest in receiving information on food safety, scaling up their operation and value-added products. The input provided by trail members will be used to guide further development of the trail and future workshops.

For additional information on the Tween Rivers Trail, please visit www.tweenriverstrail.com, or contact Jenny Biché at jbiciche@rrregion.org or (540) 829-7450.

Land Cover Data Workshop – Joe Costello, RRRC

RRRC will be hosting a workshop on Virginia's newly-developed land cover dataset on Friday, December 15, 2017 at 10:00 am-12:15 pm in RRRC's conference room. The workshop will provide attendees an introduction to the dataset and applications for its use. Speakers are to include:

- Cassandra Pallai, Chesapeake Conservancy: overview of the land cover data for Virginia and a Bay-wide dataset that reconciles differences between VA and the rest of the watershed, including limitations to the land cover data, using the land cover with flow path data to prioritize restoration, and web applications that have been built for partner organizations in Virginia, Pennsylvania and Maryland.
- Kevin Byrnes, Regional Decision Systems, LLC: population growth trends in the Rappahannock River Basin and land cover implications, including analysis of the latest land cover projections from the Chesapeake Bay Program.
- Andrew Hopewell and Drew Fioranelli, Fauquier County Planning and GIS Departments: utilizing the land cover dataset to evaluate the suitability of county-owned properties for the location or co-location of wireless infrastructure facilities.

Mr. Costello will email a formal invitation to the Committee's distribution list next week. For additional information concerning this workshop contact Joe Costello at jcostello@rrregion.org or (540) 829-7450.

Member Roundtable

- **Stephanie DeNicola, Culpeper SWCD**– The District designed a postcard for the septic system cost-share program and sent it to one fifth of each county's residents (Culpeper, Greene, Madison, Orange and Rappahannock). They received over 300 calls from the residents thus far. Postcards will be sent to the next fifth on December 1. Ms. DeNicola noted that there is a big misconception that the program is only for low-income residents, and most people incorrectly assume they are not eligible. The SWCD serviced over 600 septic systems from mid-September 2016 to June 30, 2017. From July 1 to October 3, 2017, they serviced over 300 systems. Interested individuals must apply prior to carrying out the work.
- **Richard Jacobs, Culpeper SWCD**– the VCAP is still going strong via National Fish and Wildlife Foundation Funding. The SWCD received a Chesapeake Bay Restoration Fund grant to do a VCAP project at the Locust Grove Middle School, and is planning a community rain garden workshop this spring.
- **John McCarthy, PEC**– PEC will be hosting a watch party for the Virginia Conservation Network's General Assembly Preview at PEC's Warrenton office on December 2nd.

Tickets can be purchased for \$15 at www.eventbrite.com/e/general-assembly-preview-tickets-39228262790. Breakfast will be provided by PEC.

- **Kris Jarvis, John Marshall SWCD**– The agriculture BMP program is currently providing 80% cost-share for stream exclusion fencing. A new cost-share program will look at past projects eight years or older, and provide incentives for signing up for another five years. Following the retirement of Jennifer Hoysa, Tom Turner has taken over the District Manager position. Finally, discussion meetings for Rappahannock River public access are in the early planning stages.
- **Steve Cook, Virginia Department of Health (VDH)**– The Department is working on monitoring and maintenance of alternative septic systems this winter.

Next Land Use & Environment Committee Meeting:

The next Land Use and Environment Committee meeting is scheduled for February 15, 2018 at 10:00 am – 12:00 noon in the RRRC conference room. Please provide any suggestions for future meeting topics to Michelle Edwards at medwards@rrregion.org.