



LAND USE & ENVIRONMENT COMMITTEE

Meeting Minutes – August 31, 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
Kyle Dingus	Virginia Department of Forestry
Michelle Edwards	Rappahannock-Rapidan Regional Commission
Greg Evans	Virginia Department of Forestry
Christina Henriksen	Virginia Department of Health
Bryan Hofmann	Friends of the Rappahannock
Richard Jacobs	Culpeper Soil and Water Conservation District
Eldon James	Rappahannock River Basin Commission
Emily Melton	Fauquier County
Kyle Settle	Culpeper County
Michael Trop	John Marshall Soil and Water Conservation District

Healthy Watershed Forest Initiative Results and Next Steps

Eldon James, Rappahannock River Basin Commission (RRBC)

Greg Evans, Virginia Department of Forestry (DOF)

Eldon James explained that RRBC developed the Healthy Watershed Forest Initiative with DOF and other partners after coming to the realization that nothing in the Chesapeake Bay Program incentivizes forest conservation. Currently, the Bay Model does not provide stormwater credits for forest retention even though forests provide well-documented water quality benefits.

Phase 1 of the initiative was intended to determine what would happen if policies existed to provide incentives for forest conservation, using the George Washington Regional Commission's service area as the study area. Greg Evans added that the Virginia Department of Environmental Quality (DEQ) modeled various development scenarios using the Chesapeake Bay Model. Results found a savings of \$125 million in potential BMP offsets, if the localities implemented 10% above levels called for in their current comprehensive plans. The savings would be realized mostly by the development community, and also local and state governments via municipal construction.

For Phase 2 of the initiative, RRBC and DOF held over sixty meetings with local government staff, elected officials and other stakeholders in localities throughout the Rappahannock River Basin over the last year. The effort resulted in a 200-page report and recommendations. He distributed a handout outlining the RRBC's Technical Committee's recommendations to attendees (see attached). RRBC's Commissioners will be deciding what the priorities are for implementation. Mr. James noted that local comprehensive plans vary greatly across the basin and are the key to implementation.

Mr. Evans stated that Phase 1 sought to make the case for providing credit in the Bay Model for forest retention, while Phase 2 explored how it would work at the local level and expanded the initiative to Pennsylvania at the Environmental Protection Agency's (EPA) request. Various Chesapeake Bay Program workgroups are now trying to determine exactly how the Bay TMDL credit for forest retention will work.

EPA has now asked the project team to conduct a third phase. In addition to Pennsylvania, Maryland will be included in Phase 3. Phase 3 of the initiative is planned to include two major components:

- Local framework of land use policy: two localities within the Rappahannock Watershed will be chosen to receive technical assistance
- Legislative/financial component: determine where the funds to create a sustainable incentive come from, preferably non-governmental sources

Mr. Evans noted the concept for Phase 3 is still evolving and will use federal funding, so they may not be able to include a legislative component due to lobbying restrictions.

Mr. James explained that the team learned the Upper and Lower Rappahannock River Basin see their green space as a resource and have interest in exploring how it can provide economic benefit. Phase 2 also drove home the need for policies that benefit both the land owner and local government. He went on to state that credit toward Bay TMDL progress is definitely doable.

The cost curve for nutrient removal is getting steep, forcing people, particularly those with Municipal Separate Storm Sewer System (MS4) Permits, to get creative. For example, Mr. James noted Hampton Roads Sanitation District's SWIFT project will add advanced treatment processes to several of their wastewater facilities to produce purified water that can be added to the Potomac Aquifer (www.swiftva.com). Besides creating a sustainable source of groundwater, the project aims to stop saltwater intrusion and land subsidence, and also keep nutrients out of the Chesapeake Bay.

Kyle Settle stated that stream restoration is the only viable BMP option for large MS4s, and a problem if land owners are not interested. Christina Henriksen suggested the CREP cost-share program. She experienced success in planting hardwoods that landowners could then harvest. Mr. James stated localities need to be engaged with their Soil and Water Conservation District (SWCD), as described in item 3A on the handout of recommendations. SWCD staff can assist localities in engaging farm and forest landowners.

State-level recommendations Mr. James highlighted include the following:

- Land Use Value Taxation needs to be strengthened, not weakened or done away with. Weakening it would discourage large landowners from conserving their land. (Recommendation II.1. and II.2. in handout)
- State funding for non-point source pollution programs needs to continue in order for others, such as local government, to participate (e.g. agricultural BMP cost-share and the Stormwater Local Assistance Fund). (Recommendation II.3.)
- Explore strategies for win-win-win opportunities, and capitalize on localities' interest in a green economy. (Recommendation II.4.)
- Expand local authority to adopt tree replacement ordinances to the entire Chesapeake Bay Watershed, not based on density as it is currently. (Recommendation II.5.)
- Improve the 1-meter land cover imagery regarding local jurisdictional boundaries and create downloadable files at the locality-level. Currently, the data sets do not match up with local geographic boundaries without considerable effort. (Recommendation II.7.)
Mr. Evans noted that the EPA is considering developing land cover data for all Bay states in the future.

Bryan Hofmann noted there is no Stormwater Local Assistance Fund (SLAF) funding for FY18. There have been eight SLAF recipients in the Rappahannock Basin. He recommended localities that have implemented projects in the past contact their state representatives to restore funding. Mr. James stated that he is thinking the initiative's recommended amount for combined state nonpoint source funding, including SLAF, will be \$150 million.

Mr. Hofmann went on to say that state grant funds can be used by localities and non-profit organizations as match for federal grants. However, grantees need administrative fees to be reimbursable for Virginia Nonpoint Source Program grants, as they are for the National Fish and Wildlife Foundation's (NFWF) nonpoint source grants. Mr. Settle added that using cost per pound of nutrient removal to rank grant applications is another hindrance for localities, since urban stormwater BMPs cannot compete with efficiencies for agricultural stream fencing.

Further information on the Healthy Watershed Forest Initiative can be found in the project FAQ for Virginia (see attached), which was distributed to attendees. Questions regarding the Initiative can be directed to Eldon James at ejames7@me.com, or Greg Evans at gregory.evans@dof.virginia.gov.

Highlights of the July Chesapeake Bay SAG Meeting

Michelle Edwards, Rappahannock-Rapidan Regional Commission

To update the Committee on Chesapeake Bay TMDL progress, Michelle Edwards presented highlights of the Chesapeake Bay Stakeholder Advisory Group (SAG) Meeting she attended as an appointed member on July 21, 2017 (see attached). Discussion followed.

Ms. Edwards asked if Mr. James or Mr. Evans had any updated information on EPA's

Chesapeake Bay Program funding. Mr. Evans replied the U.S. Senate's budget now includes \$72 million for the Bay Program, including \$12 million for NFWF. The House budget includes \$60 million for the Bay Program, including \$10 million for NFWF. EPA officials feel they would be in good shape with the Senate budget, and would experience program cuts with the House version. Both are better than the President's budget, which provided zero funding.

Mr. Hofmann mentioned the Middle Peninsula Planning District Commission estimated what zero program funding would mean for their localities and those of the Northern Neck. The estimate of direct and indirect impacts is available on Friends of the Rappahannock's (FOR) website at www.riverfriends.org/tidalbudgetcuts.

Mr. Hofmann asked if the Local Planning Goals are enforceable as requirements? Ms. Edwards replied no, according to Virginia's Secretary of Natural Resources, Russ Baxter, they are voluntary. Additionally, he and DEQ staff stated during the SAG meeting that the goals localities develop would not appear in their MS4 permits, in part because of the timing permit reissuances. Eldon replied that he agrees in the short-term, but, in his opinion, it is possible the Local Planning Goals will be eventually incorporated into MS4 permits.

Mr. Evans stated that Conowingo Dam option 2, which divides the nutrient load between New York, Pennsylvania, Maryland and Virginia, is the only viable option. New York has threatened to bow out of the partnership, if option 1 is chosen, which includes no additional nutrient load for Virginia, but considerable increases for New York and Pennsylvania. Additionally, Pennsylvania is already far behind in meeting its nutrient goals.

Ms. Edwards will continue to update the Committee on the Bay TMDL as additional information is released. The Next Chesapeake Bay SAG meeting is scheduled for October 12, 2017, 9:30 am-12:00 noon. The meeting location is yet to be determined. While membership in the group is by appointment, meetings are open to the public.

RRRC Initiative Updates

Land Cover Data Usage Possibilities – Joe Costello, RRRC

Joe Costello provided a brief overview of Virginia's new 1-meter resolution land cover data set and its potential uses, including a George Washington Regional Commission planning project (see attached presentation). Attendees were asked whether there is interest in a longer presentation during the next Committee meeting, or in a more in-depth stand-alone meeting. Attendees requested a stand-alone meeting.

Upper Goose Creek TMDL – Jenny Biché, RRRC

Due to unforeseen circumstances, Ms. Edwards relayed project information provided by Jenny Biché, the RRRC staff lead for this project.

The final public meeting for the Upper Goose Creek TMDL Implementation Plan was held on June 21, 2017 at Wakefield Day School in The Plains, VA, where the draft plan was presented by the consultant Interstate Commission on the Potomac River Basin and DEQ. Seventeen

people attended, with representation from both Fauquier and Loudoun counties, and a good mix of government agencies, non-profit organizations, farmers, residents and community stakeholders. A public comment period was held from June 21-July 21, 2017. Final changes are currently being made to the draft report. The length of time to incorporate the changes and prepare the report for transmission to EPA for review and approval is still to be determined, although estimated to be a couple months. The final report will be posted to RRRC's and DEQ's websites when it is submitted to EPA this Fall.

The minutes and handouts from the meetings held throughout the Implementation Plan process can be found on RRRC's website at www.rregion.org/tmdl_goose.html. For additional information, contact Jenny Biché at jkbiche@rregion.org or (540) 829-7450.

Tween Rivers Agri-artisan Trail – Jenny Biché, RRRC

Due to unforeseen circumstances, Ms. Edwards relayed project information provided by Jenny Biché, the RRRC staff lead for this project.

With funding from the U.S. Department of Agriculture's Farmer Market Promotion Program grant, Ms. Biché has been able to devote staff time interviewing each Tween Rivers Trail site. In addition to learning more about their businesses, she has taken photos of the sites to use in marketing, and gathered feedback from trail site members. To date, there are 64 trail sites and 24 have been interviewed. The feedback has been mostly positive. Everyone is very supportive of the trail and provided great ideas and recommendations on how to improve it. Members also referred other businesses for potential membership.

The Trail's website is currently being updated and improved. Some of the recommendations from the trail site members will be incorporated and should make the website more user-friendly. New rack cards and other marketing materials are also being developed. Additionally, the Regional Tourism Committee will be applying for a Virginia Tourism Corporation (VTC) Leveraging and Marketing Program grant in September. If awarded, funds would be used to further market the Tween Rivers Trail and update the Virginia Piedmont website so the two regional tourism websites complement one another.

The next Regional Tourism workshop will be held on October 3 at the Culpeper Center, focusing on Customer Service. The speaker, Bobbie Walker, retired after fifteen years as Director of Education at VTC, and has delivered this workshop throughout the state, earning rave reviews. The workshop is free, but registration is required (see attached flier for details). The final workshop for the year will be held in December and will be a networking social for Tween River Trail Site members only.

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

Regional Food Policy Council – Michelle Edwards, RRRC

The Food Council is preparing to roll out a label program for the Purely Piedmont brand, to be used in marketing the region's local food products. The label covers food and beverages within the five-county region within RRRC's jurisdiction, with the option to later expand to the larger

food system as defined by the 2015 Farm and Food Plan. Participation in the program will be free, with funds to print and distribute the labels provided by the Regional Commission. In order to receive the labels and digital version of the logo for use in marketing, producers must sign a license agreement.

The Council adopted the following standards from the Appalachian Grown and North Carolina's Piedmont Grown programs as part of the Purely Piedmont terms of use:

- Fruit and vegetable products must be grown within the region.
- For meat products, the animal must have spent 75% of its life after weaning within the region.
- For processed (i.e. value-added) products, total product by weight must be 75% ingredients grown within the region, excluding water, flour, sugar, oil and salt.
- Nursery plants, trees, and freshly prepared foods (i.e. deli and restaurant foods) will not be included in the Purely Piedmont label program at this time.

The Food Policy Council's next meeting will be held on Wednesday, September 13, 2017, at 6:30 pm in the George Washington Carver School. The school is located at 9432 James Madison Hwy, Rapidan, Virginia. Rebecca Sheffield will provide a tour of the facility, including plans for the regional food enterprise center. Additionally, Jessica Palmer, Piedmont Environmental Council, will discuss the farmer-buyer mixer being held this fall, and plans for future events as part of the USDA Farmers Market Program grant.

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.

Member Roundtable

- **Steve Cook, Virginia Department of Health (VDH)**– VDH is in the process of moving more of its work to the private sector. Additionally, VDH's Office of Environmental Health has a new head, Dr. Hughes Melton. Dr. Melton has more of a regulatory background and may be able to instill more teeth into the Office's programs.
- **Kyle Dingus, DOF**– Mr. Dingus covers Madison and Orange Counties, doing planting projects with FOR and Culpeper SWCD, and visiting land owners of any size, with the exception of yard trees. The biggest hurdle is getting small landowners to understand that they matter. DOF could use more incentives aimed at them. He is also conducting harvest inspections, checking for water quality issues. Mr. Dingus noted that last year was the worst fire season he has seen. He wrote twenty planting plans this spring.
- **Michael Trop, John Marshall SWCD**– The District is continuing to work on the backlog of 100% cost-share for agricultural stream fencing.
- **Kyle Settle, Culpeper County**– The County has seen an uptick in residential and commercial projects. There have been more residential, but the commercial projects are

humongous in size. Additionally, DEQ will review the County's Erosion and Sediment Control program in two months.

- **Emily Melton, Fauquier County**– The County is getting ready for its first MS4 audit by DEQ, and their stormwater program review will be rolled into it.
- **Stephanie DeNicola, Culpeper SWCD**– As of the end of the fiscal year, which ended June 30th, the District has funded 600 septic system pump-outs, 250 septic system repairs, and a dozen new systems through its cost-share program. She asked for help in getting the word out about the availability of cost-share funds for septic systems throughout the District's jurisdiction, including funding for alternative systems. Rental properties are accepted, but the funds cannot be used to make a house livable; it must have been recently occupied. Interested individuals must apply prior to carrying out the work.
- **Richard Jacobs, Culpeper SWCD**– the District is hoping to get a NFWF grant in October for the Virginia Conservation Assistance Program (VCAP), a cost-share program for urban stormwater BMPs. All 2017 cost-share funds for the program have been allocated. The District is planning a community rain garden workshop within the next six months. If anyone has a suggested site and would like a rain garden installed, contact Mr. Jacobs at richardj@culpeperswcd.org. The District will also be holding a soil testing workshop this fall in Madison.
- **Bryan Hofmann, FOR**– the organization received \$100,000 grant from NFWF for riparian buffer plantings in six counties along the headwaters of the Rappahannock River. Plantings will start this spring. He requested attendees help in spreading the word about this opportunity, stating no property is too big or too small. FOR is also working on VCAP projects.

Next Land Use & Environment Committee Meeting:

The next Land Use and Environment Committee meeting is scheduled for November 16, 2017 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.