

DEQ Offshore/Coastal Wind Energy Regulatory Advisory Panel (Offshore RAP)

June 8, 2010
Meeting Notes

Location: DEQ Central Office
Richmond, VA 23060

Start: 9:35 a.m.

End: 3:50 p.m.

RAP Leader/Facilitator: Carol Wampler, VDEQ

Recorder: Debra Miller, VDEQ

RAP Members Present:

Bob Matthias, VA Offshore Wind Alliance
John Daniel, Troutman Sanders/Invenergy
Stephen Versen, VDACS
Chad Smith, PBS&J
Roger Kirchen, VDHR
Ray Fernald, VDGIF
Thomas Numbers, ERM
Bryan Watts, W&M/VCU
Jim Casey, US Navy
Nikki Rovner, TNC
Mark Swingle, VA Aquarium & Marine Science Center

Chelsea Harnish, Chesapeake Climate Action
Network
Tom Smith, VDCR
Bob Bisha, Dominion
Lyle Varnell, VIMS
Tony Watkins, VMRC
Larry Land, VACO
Jonathan Miles, JMU/VCERC
Larry Lombardi, City of Norfolk
Rick Weeks, VDEQ
Ken Jurman, DMME

Meeting Guests Present:

Elizabeth Andrews, OAG
David K. Paylor, VDEQ

RAP Members Absent:

Ron Jefferson, Appalachian Power/AEP
Marina Phillips, Kaufman & Canoles
Dan Holmes, PEC

Public Attendees:

Laura McKay, VA CZM Program (alternate)
Rick Reynolds, VDGIF (alternate)
Gwynn Crichton, TNC (alternate)
Patsy Kerr, USFF Navy (alternate)
Julie Ann Ripley, USFF Navy
Ryan Anderson, USFF Navy
Dominick Yacono, USFF Navy
Guy Chapman, Dominion
Rick Thomas, Timmons Group

Chris Egghart, DEQ
Robert Baldwin, Navy - NAVFAC Midlant
Nick Meade, VA CZM
Eric Miller, Invenergy
David Tillar, Draper Aden Assoc.
Jennifer Perkins, VDEQ
Chris Albert, Hunton & Williams
David Grandis, OAG

Agenda Item: Introductions

Discussion Leader: Carol Wampler, RAP Leader, DEQ

Discussion: The RAP members and members of the public were welcomed and introduced themselves. Carol gave a brief overview of the agenda for the day, and noted that many Offshore RAP members had also served on the original Wind RAP.

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Agenda Item: Welcome & Project Vision

Discussion Leader: David Paylor, DEQ Director

Discussion: David welcomed attendees, thanked them for their service, and provided brief comments on how the DEQ would be utilizing the RAP's discussions and recommendations.

Agenda Item: Overview of Wildlife Issues in Coastal and Offshore Areas

Discussion Leader: Bryan Watts, Center for Conservation Biology, William & Mary/Virginia Commonwealth University

Discussion: Bryan presented a detailed background of wind power projects and potential projects off the eastern shore of the United States. His discussion of wildlife centered on the impact on birds. Bryan pointed out that the Atlantic Flyway may be the most densely used flight path in the world for birds, and that little is known on the impact (direct or indirect) that wind turbines in the Atlantic Ocean would have on birds.

After his presentation, several RAP members and members of the public asked questions or provided commentary. In addition to the interest of the Department of Defense in the placement of offshore wind turbines, environmental representatives noted that other wildlife (e.g. turtles) may be impacted by the wind turbine projects.

Agenda Item: Overview of Historic Resources Issues in Coastal and Offshore Areas

Discussion Leader: Roger Kirchen, DHR

Discussion: Roger provided maps detailing some of the known submerged historical sites off the coast of Virginia. He noted that not all historical sites were included on the map and that some points included may not actually be historical sites. Roger also discussed the historic resources issues faced by other states, as well as the definition of "historic resources" for the state of Virginia.

Agenda Item: Guidelines & Procedures

Discussion Leader: Cindy Berndt, Director, DEQ Regulatory Affairs

Discussion: Cindy discussed the application of the Virginia APA and FOIA to the RAP meetings, members, and related correspondence. Cindy reminded the group that documents supporting recommendations must be included in the public record. She also pointed out that phoning and emailing among the RAP members was prohibited beyond the one-to-one basis: a phone call or an email involving three or more RAP members could constitute a public meeting and violate FOIA if it has not been publicly noticed in advance. RAP members should funnel all communications through Carol, who will disseminate them appropriately.

Agenda Item: Explanation of Enabling Legislation, Recap of Original RAP's Work, and Preview of Issues for Offshore RAP's Consideration

Discussion Leader: Carol Wampler, RAP Leader, DEQ

Discussion: Carol presented an overview of the legislation directing DEQ to create permits-by-rule for wind, solar, and other renewable-energy projects. She discussed the original RAP's work (focused primarily on onshore wind projects), including important points of contention. Carol outlined the issues that the Offshore RAP would need to consider.

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Agenda Item: Explanation of “Permit by Rule”

Discussion Leader: Debra Miller, Policy Analyst, DEQ Office of Regulatory Affairs

Discussion: Debra presented a brief overview of permits-by-rule, using solid waste facility permits-by-rule as a basis for her explanation.

**Agenda Item: Virginia Marine Resource Commission’s (VMRC) Senate Document No. 10:
Opportunities for Offshore Wind Energy in State Territorial Waters (Leasing Report)**

Discussion Leader: Tony Watkinson, VMRC

Discussion: Tony presented the VMRC’s report on the ability of Virginia’s submerged land to support wind turbine facilities. The report’s findings suggested that large-scale industrial wind turbine facilities would require unavailable or unusable areas of submerged land. The report provided suggested guidance for smaller-scale wind turbine facilities. Carol explained that Elizabeth Andrews from the Office of the Attorney General is developing guidance for DEQ and VMRC on how their roles and legal authorities might coordinate for projects within Virginia’s waters. This advice, and subsequent direction from the directors of DEQ and VMRC, will help define the appropriate issues to be addressed by the Offshore RAP.

Agenda Item: Public Forum

None. No member of the public had asked to address the RAP.

Agenda Item: Announcements

Discussion Leader: Carol Wampler

Carol highlighted agenda items for the Offshore RAP’s next meeting and adjourned until July 7, 9:30 a.m., 2nd floor conference rooms, DEQ Central Office.