

**Chesapeake Bay Local Assistance Board  
Monday, December 12, 2005, 10:00 a.m.  
Dorey Recreational Park  
7200 Dorey Park Drive  
Richmond, Virginia**

**Chesapeake Bay Local Assistance Board Members Present**

Donald L. Davis, Chairman  
David L. Bulova  
Amanda Macaulay

Walter J. Sheffield, Vice Chairman  
William E. Duncanson  
Gale Abbott Roberts

**Chesapeake Bay Local Assistance Board Members Not Present**

David C. Froggatt, Jr.  
Michael V. Rodriguez

Beverly D. Harper

**DCR Staff Present**

Joseph H. Maroon, Director  
Joan Salvati, Division Director  
David C. Dowling, Director of Policy, Planning and Budget  
Russell W. Baxter, Deputy Director  
C. Scott Crafton, Assistant Director  
Martha Little, Chief of Environmental Planning  
Shawn Smith, Principal Environmental Planner  
Jakob Helmboldt, Senior Environmental Planner  
Nancy Miller, Senior Environmental Planner  
Michael R. Fletcher, Director of Development

**Local Government Officials Present**

*Chesterfield County*

Scott Flanigan

*Hanover County*

Rebecca Draper  
Mike Flagg

*Mathews County*

Rodney Rhodes, Deputy County Administrator

*Richmond County*

Chris Jett

**Call to Order**

Chairman Davis called the meeting to order and asked for the calling of the roll. A quorum was declared present.

Mr. Davis welcomed Amanda Macaulay as a new member of the Board. She expressed her appreciation in being a member of the Board and noted that she had previously served as the first woman on the Board of the Department of Game and Inland Fisheries.

Mr. Davis introduced Mr. Maroon and Ms. Salvati.

**Consideration of the Minutes**

*September 19, 2005 Board Meeting*

MOTION: Mr. Duncanson moved that the minutes of the September 19, 2005 meeting of the Chesapeake Bay Local Assistance Board be approved as submitted.

SECOND: Ms. Roberts

DISCUSSION: None

VOTE: Motion carried unanimously

*October 25, 2005 Northern Area Review Committee*

MOTION: Mr. Bulova moved that the minutes of the October 25, 2005 Northern Area Review Committee meeting be approved as submitted.

SECOND: Mr. Sheffield

DISCUSSION: None

VOTE: Motion carried unanimously

*October 25, 2005 Southern Area Review Committee*

MOTION: Ms. Roberts moved that the minutes of the October 25, 2005 Southern Area Review Committee be approved as submitted.

SECOND: Mr. Davis  
DISCUSSION: None  
VOTE: Motion carried unanimously

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### **Director's Report**

Mr. Maroon gave the Director's report.

He welcomed Ms. Macaulay to the Board. He noted that a plaque of appreciation has been prepared for Sue Fitz-Hugh for her service to the Board.

Mr. Maroon said that Russ Baxter has been appointed Deputy Director for the Department.

He expressed appreciation for members participation in the November 21 joint meeting with the Virginia Soil and Water Conservation Board and the State Water Control Board.

Mr. Maroon said that he, Mr. Bulova and several DCR staff participated in the meeting of the Virginia Association of Soil and Water Conservation Districts. The Association is interested in developing a more defined program of urban BMPs that could potentially receive ongoing state assistance.

The annual locality workshop held in November was a tremendous success. Secretary Murphy attended as well as a good number of local representatives. There were two panel discussions on the perennial flow determination process and on buffer management. A report on the evaluation of the workshop was provided in member packets.

Mr. Maroon said Ms. Salvati convened a meeting to discuss the use of photo documentation to identify streams with perennial flow and other approved protocols. There had been some confusion as to whether the photo documentation method was more definitive than the other approved protocols. The workgroup suggested that DCR send out language clarifying language on the use of photo documentation.

DCR has received concerns with the misapplication of the agricultural and forestry exemptions for the Bay Act as well as for the Erosion and Sediment Control Laws. DCR staff is working with VDACS and DOF to develop a response. Ms. Salvati is representing DCR on that task force as well as Lee Hill from the Division of Soil and Water Conservation.

At the local level, a recent ruling out of the circuit court in Stafford County states that as long as a developer had not received final approval from a locality for the development, he had the right to timber the property without having to comply with Bay Act or E&S requirements. The developer had filed a plan, but the plan was not final. Ms. Salvati testified on behalf of the Department.

A bill has been pre-filed for the upcoming General Assembly Session on behalf of the County which would amend the Forestry law to state that the use of land will be deemed to be converted once a subdivision or similar plan for development has been submitted to the locality in which the clearing has taken place.

The Department has reconvened the Ad Hoc committee of stakeholders and has had its first meeting to review draft guidance on how to determine in the field whether or not wetlands are connected by surface flow to perennial water bodies. Such wetlands must have the 100-foot RPA buffer. The discussions have been very productive.

Mr. Maroon said that Governor Warner would make an announcement regarding the deposit to the Water Quality Improvement Fund on December 13. The largest deposit to the WQIF to date is anticipated.

DCR has submitted a grant pre-proposal to EPA to implement watershed management planning in several targeted watersheds in the central Virginia region. DCBLA has partnered with staff from the Soil and Water Conservation Division to develop the proposal. If funded, the grant would enable DCR to partner with four localities in the area that have initiated watershed planning and water quality data collection but lack the resources to implement identified watershed strategies. We expect to hear back next week from EPA.

Mr. Maroon noted that Ms. Little will be leaving the Department for a position with the Virginia Outdoors Foundation. In addition, Beth Baldwin will be moving out of state. He expressed appreciation and best wishes to Ms. Little and Ms. Baldwin.

Mr. Maroon said that Governor Warner had recently announced the creation of the Captain John Smith Water Trail developed by DCR. Posters were provided for each of the members. The map provides information for a driving trail as well as a water trail and depicts 40 spots of historic significance.

MOTION: Mr. Sheffield moved that the Chesapeake Bay Local Assistance Board recommend that the General Assembly enact House Bill 14 filed on behalf of Stafford County as discussed above and that the bill be amended to include any plan of development.

SECOND: Ms. Roberts

DISCUSSION: None

VOTE: Motion carried unanimously

**Consent Agenda**

MOTION: Ms. Roberts moved that the Chesapeake Bay Local Assistance Board approve the following consent items as recommended by the respective staff reports:

*Richmond County*  
Review of Compliance Evaluation Conditions

*Chesterfield County*  
Review of Ordinance Revisions (Phase I) Conditions

*City of Hopewell*  
Review of Ordinance Revisions (Phase I) Conditions

*City of Petersburg*  
Review of Ordinance Revisions (Phase I) Conditions

*City of Chesapeake*  
Review of Ordinance Revisions (Phase I) and Comprehensive Plan (Phase II) Conditions

*Town of Onley*  
Review or Ordinance Revisions

*Town of Painter*  
Initial Compliance Evaluation

SECOND: Mr. Bulova

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM COMPLIANCE EVALUATION  
RICHMOND COUNTY - #30**

**Local Compliance Evaluation - Compliant**

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on December 8, 2003, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of Richmond County's Phase I program did not fully comply with the Act and Regulations and further that the County address the four recommendations in the staff report no later than December 31, 2004,

WHEREAS in February 2004, Richmond County provided staff with information relating to the County's actions to address the four recommendations which was evaluated in a staff report; and

WHEREAS on June 20, 2005, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of Richmond County's Phase I program did not fully comply with the Act and Regulations and required the County to address the two recommendations in the staff report no later than July 15, 2005; and

WHEREAS in July 2005 Richmond County provided staff with information relating to the County's actions to address the two recommendations which was evaluated in a staff report; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Northern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Richmond County's Phase I program to comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM, PHASE I  
CHESTERFIELD COUNTY - #19**

**Determination of Consistency– Consistent**

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1 (a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS Chesterfield County adopted an amended Phase I local program to comply with §§ 9 VAC 10-20-60 1 and 2 on November 23, 2004; and

WHEREAS on March 21, 2005 the Chesapeake Bay Local Assistance Board found Chesterfield County's Phase I program consistent with five recommendations for consistency that were to be addressed by the County and set a compliance date of September 30, 2005; and

WHEREAS the Board of Supervisors for Chesterfield County adopted amendments to the Phase I program on August 24, 2005; and

WHEREAS staff has reviewed the Chesterfield County's revised Phase I program for consistency with the previous consistency recommendations and the Act and Regulations; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendations in the staff report and of the Review Committee; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds Chesterfield County's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM, PHASE I  
CITY OF HOPEWELL #55**

**Determination of Consistency– Consistent**

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1 (a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the City of Hopewell adopted an amended Phase I local program to comply with §§ 9 VAC 10-20-60 1 and 2 on December 9, 2003; and

WHEREAS on June 21, 2004 the Chesapeake Bay Local Assistance Board found the City of Hopewell's Phase I program consistent with one recommendation for consistency that was to be addressed by the City and set a compliance date of September 30, 2005; and

WHEREAS the City of Hopewell's City Council adopted amendments to the Phase I program on September 27, 2005; and

WHEREAS staff has reviewed the City of Hopewell's revised Phase I program for consistency with the previous consistency recommendation and the Act and Regulations; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendations in the staff report and of the Review Committee; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the City of Hopewell's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM, PHASE I  
CITY OF PETERSBURG #17**

**Determination of Consistency– Consistent**

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1 (a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the City of Petersburg adopted an amended Phase I local program to comply with §§ 9 VAC 10-20-60 1 and 2 on June 15, 2004; and

WHEREAS on December 13, 2004 the Chesapeake Bay Local Assistance Board found the City of Petersburg's Phase I program inconsistent with eight recommendations for consistency that were to be addressed by the City and set a compliance date of June 30, 2005; and

WHEREAS the City of Petersburg's City Council adopted amendments to the Phase I program on September 6, 2005; and

WHEREAS staff has reviewed the City of Petersburg's revised Phase I program for consistency with the previous consistency recommendations and the Act and Regulations; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendations in the staff report and of the Review Committee; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the City of Petersburg's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director

Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM, PHASE I  
CITY OF CHESAPEAKE - #63**

**Modification – Consistent**

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1(a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the City of Chesapeake adopted a local Phase I program on October 21, 1991, and

WHEREAS on March 16, 1995 the City's Phase I program was found consistent by the Chesapeake Bay Local Assistance Board, and

WHEREAS on December 10, 2001, the Chesapeake Bay Local Assistance Board adopted revisions to the Chesapeake Bay Preservation Area Designation and Management Regulations and set March 1, 2003 as the deadline for local governments to adopt revisions to their local ordinances; and

WHEREAS on February 18, 2003, the Chesapeake Bay Local Assistance Board extended the compliance deadline from March 1, 2003 to December 31, 2003, and

WHEREAS the City of Chesapeake adopted a revised local program to comply with §§ 9 VAC 10-20-60 1 and 2 of the Regulations on July 19, 2005; and

WHEREAS the Chesapeake Bay Local Assistance Board has adopted *Procedural Policies for Local Program Review* which addresses, among other items, review of modifications to local programs; and

WHEREAS staff reviewed the amendments made to the City of Chesapeake's revised program for consistency with the Act and Regulations; and

WHEREAS on August 9, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the City of Chesapeake's revised Phase I program consistent with §10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM, PHASE I  
TOWN OF ONLEY #83**

**Modification – Consistent**

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1(a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the Town of Onley adopted a local Phase I program on May 6, 1996, and

WHEREAS on December 16, 1996, the Town's Phase I program was found consistent by the Chesapeake Bay Local Assistance Board, and

WHEREAS on December 10, 2001, the Chesapeake Bay Local Assistance Board adopted revisions to the Chesapeake Bay Preservation Area Designation and Management Regulations and set March 1, 2003 as the deadline for local governments to adopt revisions to their local ordinances; and

WHEREAS on February 18, 2003, the Chesapeake Bay Local Assistance Board extended the compliance deadline from March 1, 2003 to December 31, 2003, and

WHEREAS on March 22, 2004, the Chesapeake Bay Local Assistance Board found the Town of Onley to be inconsistent with § 10.1-2109 of the Act and § 9 VAC 10-20-60 1 and 2 of the Regulations and established May 15, 2004 as the consistency deadline, and

WHEREAS the Town of Onley adopted a revised local program to comply with §§ 9 VAC 10-20-60 1 and 2 of the Regulations on April 4, 2005; and

WHEREAS the Chesapeake Bay Local Assistance Board has adopted *Procedural Policies for Local Program Review* which addresses, among other items, review of modifications to local programs; and

WHEREAS staff reviewed the amendments made to the Town of Onley's revised program for consistency with the Act and Regulations; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the Town of Onley's revised Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM COMPLIANCE EVALUATION  
TOWN OF PAINTER - #75**

**Local Compliance Evaluation - Compliant**

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS in Summer of 2005, the Chesapeake Bay Local Assistance Department conducted a compliance evaluation of the Town of Painter's Phase I program in accordance with the adopted compliance evaluation process; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Painter's Phase I program to be compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

### **Local Program Ordinance Reviews**

#### *Mathews County*

Ms. Miller gave the report for Mathews County. She recognized Rodney Rhodes, Deputy County Administrator.

On June 21, 2004 the Board found the County's revised Phase I program consistent, subject to the condition that the County revise the CBPA Overlay District to address two conditions by September 30, 2005. The first condition required that roadways allowed by right in the Resource Protection Area (RPA) be limited to those which meet the conditions specified in the Regulations. The second required that exceptions requesting the location of accessory uses in the RPA be addressed through a formal exception process. County staff have worked closely with Department staff to address the two conditions, however, the County failed to adopt the revisions by the deadline.

Although the County Planning Commission and Board held a joint public hearing on September 20, 2005, and the Planning Commission recommended adoption of the revisions 6-1, the Board has deferred action at each of its monthly meetings since September. Department staff met with County Officials on November 22, and conducted a conference call on December 8, to provide additional technical assistance. The County Board meets again December 20, 2005, but it is not possible at this time to reliably predict what action they will take.

Therefore, based on the Board's resolution of June 21, 2004, the Northern Area Review Committee recommends that the County be found inconsistent with the Act and the Regulations and be given a final compliance deadline at this time. Although the NARC recommended a deadline of November 30, 2005, a December 31, 2005 deadline is more appropriate due to the timing of the Board meeting.

Mr. Rhodes said that the Board of Supervisors would meet on December 20 and that he hoped the Board would take action at that time. The meeting with Ms. Salvati was beneficial and allowed for the clarification of some of the issues of concern.

Mr. Bulova noted that the NARC had recommended a date of November 30 with the understanding that there would be action taken at the November 22 meeting.

Mr. Rhodes said that the action was deferred at the November meeting following notification to the Board that Ms. Salvati would meet with members to clarify issues.

Mr. Sheffield asked if Mathews County staff had a recommendation.

Mr. Rhodes said that Mathews County staff recommended approval.

MOTION: Mr. Bulova moved that the Chesapeake Bay Local Assistance Board find Mathews County's amended Phase I program to be inconsistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations, and further that the County undertake and complete the two recommendations included in the staff report no later than December 31, 2005.

SECOND: Mr. Sheffield.

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM, PHASE I  
MATHEWS COUNTY - #42**

**Determination of Consistency– Inconsistent**

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1 (a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS Mathews County adopted an amended Phase I local program to comply with §§ 9 VAC 10-20-60 1 and 2 on December 16, 2003; and

WHEREAS on June 21, 2004 the Chesapeake Bay Local Assistance Board found Mathews County's Phase I program consistent with two recommendations for consistency that were to be addressed by the County and set a compliance date of September 30, 2005; and

WHEREAS Mathews County failed to adopt an amended CBPA Overlay District by the Board established deadline of September 30, 2005; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Northern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendations in the staff report and of the Review Committee; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds Mathews County's Phase I program to be inconsistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations, and further that the County undertake and complete the following two recommendations no later than December 31, 2005.

1. Amend Section 22.46 to read: "The Administrator may grant a waiver from the requirements of this Article to permit an addition to a principal nonconforming structure existing at the effective date of this Article ..." And, add the following item to the end of the list included in Section 22.46, "...10. This provision shall not apply to accessory structures."
2. Amend Section 22.47.1 to read: "...telephone transmission lines; railroads; and public roads constructed by the activities of the Virginia Department of Transportation and ..." And, add the following at the end of Section 22.47.1: "The exemption of public roads is further conditioned on the following:
  - a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality."

BE IT FINALLY RESOLVED that failure by Mathews County to meet the above established compliance date of December 31, 2005 will result in the local program becoming subject to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that the Chesapeake Bay Local Assistance Board adopted this resolution in open session on December 12, 2005.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

### **Local Program Compliance Evaluations**

#### *Middlesex County*

Ms. Miller gave the report for Middlesex County. There was no one present from the County.

Beginning in April 2005, the Department conducted a compliance evaluation of Middlesex County's implementation of its Phase I program. While the evaluation revealed that the County is striving to implement an effective local Bay Act program, there are seven recommendations that must be addressed for full compliance: file management/maintenance; implementation of a septic system pump-out notification and enforcement program; implementation of stormwater management requirements; review BMP plans, conduct inspections, and record maintenance agreements; secure WQIAs and ensure submission of complete plan of development elements, mitigation plans, etc.; and finally, require all new plats to show RPA limits.

While the County's Planning Director, Matt Higgins, was unable to attend the Review Committee meeting on October 25, 2005, Department staff received a memo from him that day regarding the draft staff report. After reviewing the memo staff made appropriate revisions in the staff report, and combined two of the eight recommendations. A copy of the revised report was sent to the County on November 15, 2005 and Department staff met with County staff to review and discuss the revisions on December 9, 2005. At this meeting County staff advised that while the County plans to use BMP maintenance agreements and to track inspections and maintenance the County would prefer to develop some other method than recording the agreements. Department staff agreed to remove the word "record" from Recommendation #4. The effect of the recommendation remains the same.

The Northern Area Review Committee recommends that the Board find that certain aspects of the County's implementation of its Phase I program do not fully comply and further that Middlesex County undertake and complete the seven recommendations in the staff report no later than December 31, 2006.

Mr. Davis asked if the County had supplied documentation and if they were in agreement with the schedule.

Ms. Miller said there were concerns but that the County appears willing to move ahead in addressing the conditions in the staff report.

Ms. Salvati said that the two key issues for the County were the requirement of the septic pump out and the recordation of BMP maintenance agreements. County staff believes the Health Department should implement the septic pump out requirement. The County had significant concerns about the recordation process.

Mr. Davis asked why the County was concerned about the recordation process and noted that the process does give notice to future property owners.

Ms. Salvati said that most of the County development is in individual lots with BMPs requiring a good deal of maintenance.

Mr. Bulova asked if the County had proposed an alternative.

Ms. Salvati said that some of the larger localities have a sophisticated tracking system and are in the process of building a database for BMPs.

Mr. Davis said that this issue could be discussed further with the policy committee.

MOTION: Mr. Duncanson moved that the Chesapeake Bay Local Assistance Board find that the implementation of certain aspects of Middlesex County's Phase I program do not comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct these deficiencies, the County be direct to undertake and complete the seven recommendations contained in the staff report no later than December 31, 2006. Further, recommendation #4 should be amended to read as follows:

"4. For consistency with 9 VAC 10-20-120 3, the County must also develop and use BMP maintenance agreements as required in its CBPA Overlay District, and adequately track and ensure that subsequent property owners are aware of BMP maintenance requirements."

SECOND: Mr. Sheffield

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

## RESOLUTION

### LOCAL PROGRAM COMPLIANCE EVALUATION MIDDLESEX COUNTY - No. 57

#### Local Compliance Evaluation - Conditional

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS in May 2005, the Chesapeake Bay Local Assistance Department conducted a compliance evaluation of Middlesex County's Phase I program in accordance with the adopted compliance evaluation process; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Northern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of certain aspects of the Middlesex County's Phase I program do not comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct these deficiencies, directs Middlesex County to undertake and complete the seven recommendations contained in this staff report no later than December 31, 2006.

1. To comply with 9 VAC 10-20-120 4 of the Regulations, the County must keep complete files on CBPA applications, including plan of development elements as required in Section 4A-11 of the County's CBPA Overlay District, to ensure that a complete record of all requests are available for review and to ensure that all required conditions have been met.

2. For consistency with Section 9 VAC 10-20-120 7 of the Regulations and as required by Section 4A-10.G.1 of the County's CBPA Overlay District, the County must develop and implement a septic maintenance program, including the 5-year pump-out notification, installation of the plastic filter, and/or annual inspection, and any necessary tracking information.
3. For consistency with § 9 VAC 10-20-120 8, the County must ensure that the stormwater runoff criteria requirements included in its CBPA Overlay District are properly implemented, including the development and implementation of a BMP database to track type, installation date, location, inspections and maintenance of BMPs.
4. For consistency with § 9 VAC 10-20-120 3, the County must also develop and use BMP maintenance agreements as required in its CBPA Overlay District, and adequately track and ensure that subsequent property owners are aware of BMP maintenance requirements.
5. For compliance with §§ 9 VAC 10-20-130 1 a and 6 of the Regulations, the County must clearly document review of a WQIA for shoreline erosion control projects and for projects which include any land disturbance in the RPA.
6. For compliance with §§ 9 VAC 10-20-191 4 and 5, the County must ensure that all plats and lots show the RPA limits as delineated by the County's CBPA Overlay District.
7. The County must require buffer revegetation or mitigation plans in conjunction with permitted land disturbances in the buffer as outlined under § 9 VAC 10-20-130 and for any administrative waiver or formal exception projects as outlined under § 9 VAC 10-20-150 A and C of the Regulations.

BE IT FINALLY RESOLVED that failure by Middlesex County to meet the above established compliance date of December 31, 2006 will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject Middlesex County to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director

Department of Conservation and Recreation

*Hanover County*

Mr. Helmboldt presented the report for Hanover County. He recognized Rebecca Draper, Director of Public Works and Mike Flagg, Deputy Director of Public Works.

Department staff's initial compliance evaluation meeting with Hanover County took place on May 26, 2005, with subsequent meetings for site plan review and selection taking place on June 30, 2005 and July 13, 2005.

As a result of the compliance evaluation process, staff has two recommendations:

The County, at the time of the evaluation, had a couple of remaining, yet relatively minor requirements still to be completed under their Corrective Action Agreement relating to E&S requirements.

**Recommendation:**

1. For consistency with § 9 VAC 10-20-120 6 of the Regulations, the County must ensure that the erosion and sediment control program deficiencies noted by DCR-DSWC staff are addressed through successful implementation of the County's Corrective Action Agreement.

The County does maintain a database of properties with onsite sewage disposal systems. Additionally, the County has prepared a brochure that is distributed to some property owners with septic systems, informing them of the pump-out requirement, its purpose, and basic septic system maintenance guidelines.

However, the County does not actively enforce the septic pump-out provisions of the Regulations by requiring proof of pump-out, or tracking whether property owners have complied with the pump-out requirements.

**Recommendation:**

2. For consistency with § 9 VAC 10-20-120 7 a of the Regulations and as required by Section 10-38(6) a of the County's Bay Act ordinance, the County must develop and implement a septic maintenance program, including the five-year pump-out notification, installation of the plastic filter, and/or annual inspection, including any necessary tracking information.

Staff has spoken with Mr. Flagg about the options and he has expressed concern over knowing where the bar is set and what is expected of the county to satisfy this

requirement. Discussion at the SARC meeting noted that due to varying conditions and resources in each locality there is no prescriptive approach to meeting these requirements, but the county wants to make sure they know what they need to do to be compliant.

Staff also had a couple of suggestions that are not required for compliance, but which may contribute to the County's successful implementation and enforcement of their local program.

**Suggestion:**

- Because many BMP failures are the result of improper design and construction, staff suggests that the County require for all BMPs, a stamped certification that the facility was installed as designed or the submission of an as-built survey to ensure that they were constructed as designed or in such a manner that is consistent with the BMP's intended function and provides for equivalent pollutant removal as originally designed. Additionally, the County should continue to develop policies and procedures that will ensure more consistent inspection of all BMPs.

Mr. Helmboldt noted that Mr. Flagg had also requested the opportunity to speak to this issue as well, noting that they are concerned that it could be inferred from staff language that the County is not adequately meeting the federal required stormwater conditions. Mr. Flagg would like this section of the report to be deleted or the language amended since they feel it could be interpreted as the county not being compliant with the law.

Due to the amount of development that the County is facing, staff suggests that Hanover County follow the lead of Chesterfield County and develop a "Qualified Professionals" list of consultants in order to assist in their review of site plans involving perennial stream determinations.

**Suggestion:**

- The County should consider developing a "Qualified Professionals" list of consultants that have received adequate training in the North Carolina or Fairfax methodologies and who have demonstrated proficiency in the accurate application of perennial stream determination methodologies and who otherwise meet the County's definition of "Qualified Professionals."

The Department has only minimal concerns regarding the County's administration of their Bay Act program and these are reflected in the recommendations and suggestions in the evaluation.

Hanover County exercises significant oversight in administering their Bay Act requirements and they have been diligent in requiring appropriate mitigation for RPA encroachments or violations.

The County's use of their rural clustering in Rural Conservation subdivisions often results in development that retains significant open space and which is well below the impervious threshold that triggers water quality requirements.

Additionally, consolidation of disturbed areas often results in development that is well outside of any RPA that is present onsite.

Throughout the evaluation process, County staff has been helpful and accommodating and consistently provided the Department with the information and materials needed to conduct the evaluation.

The organized and detailed information provided, along with County staff's knowledge of development activity, both past and present, within the County helped to expedite the review process.

As a result of the two recommendations, staff recommends that the Board find that certain aspects of the County's implementation of its Phase I program do not fully comply §§10.1-2109 and 2111 of the Act and §§9 VAC 10-20-231 and 250 of the Regulations.

Staff further recommends that Hanover County undertake and complete the two (2) recommendations contained in this staff report no later than December 31, 2006.

Mr. Flagg said that the County would like to acknowledge and compliment the staff for the assistance provided.

He said that the County has had at least three environmental reviews this year. He noted that the County does continue to have a problem with residential subdivisions and that the County continues to work on this issue.

Mr. Flagg addressed four concerns:

1. Mr. Flagg said that in establishing the bar that local governments are expected to achieve relative to the erosion and sediment control laws, there is a great amount of judgment. Hanover County competes directly economically with surrounding counties. He said that the County is ahead of some surrounding localities regarding secondary erosion controls. He said it was important for consistency to be maintained at the state level.
2. There should be consistency at the plan review level.
3. Hanover would like to see at the state level a continued emphasis on utility companies to include electric, gas and telephone. The County does not regulate the utilities.
4. There needs continued assistance with environmental rules at the local level.

Mr. Flagg said that the issue of septic pump out is problematic for the Board of Supervisors. He noted that many of the problems with system failures were for systems that are over 50 years old.

He noted that there is a huge drain on County resources in this approach and asked why the State Department of Health was not mandated to enforce this activity.

Mr. Flagg asked that the Board strike paragraph five in the staff report related to the DCR/EPA audit. He said that unlike the DCR process, the EPA did not allow the County to offer comments regarding the draft and noted that some of the information taken from that report and used in the compliance evaluation report was not factual.

Mr. Maroon thanked Mr. Flagg for his comments. He said that DCR shares some of the concerns expressed by Mr. Flagg notably in regard to the administration of programs between localities. He noted that the Department works with utilities and linear projects differently.

Mr. Maroon noted that the septic pump out requirement is incorporated into the tributary strategies. He said that it would be a continued emphasis of the Department and the Board to ensure that water quality aspects of septic tanks are dealt with.

Ms. Salvati said that DCR has been working to make sure that funding resources are directed to localities as available to help with the septic pump out program. She noted that localities do have the ability to phase in pump out requirements.

Mr. Flagg said that County staff needed to address the impact on staff with the Board of Supervisors. He said the septic pump out requirement would require a dedicated staff member.

Mr. Davis thanked Mr. Flagg for his comments.

MOTION: Mr. Bulova moved that the Chesapeake Bay Local Assistance Board find that certain aspects of Hanover County's implementation of its Phase I program do not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and further that Hanover County undertake and complete the two (2) recommendations contained in the staff report no later than December 13, 2006. Further, Mr. Bulova moved that Paragraph 5, Page 5 of the staff report be revised as follows:

The sentence:

However, the Department of Conservation and Recreation noted in their 2005 audit that Hanover County is not able to adequately enforce the maintenance agreements for privately owned

permanent storm water management measures or to ensure that the County is adequately maintaining County-owned permanent storm water management measures because it lacks a formal inspection program.

Will be replaced with:

*The Department of Conservation and Recreation noted concerns in its 2005 audit of Hanover County's stormwater management program conducted in conjunction with EPA related to BMP maintenance.*

SECOND: Mr. Duncanson  
DISCUSSION: None  
VOTE: Motion carried unanimously.

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM COMPLIANCE EVALUATION  
HANOVER COUNTY- #22**

**Local Compliance Evaluation - Conditional**

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS in the Summer of 2005, the Department of Conservation and Recreation conducted a compliance evaluation of Hanover County's Phase I program in accordance with the adopted compliance evaluation process; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of certain aspects of Hanover County's Phase I program do not comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct these deficiencies, directs Hanover County to undertake and complete the two (2) recommendations contained in this staff report no later than December 31, 2006.

1. For consistency with § 9 VAC 10-20-120 6 of the Regulations, the County must ensure that the erosion and sediment control program deficiencies noted by DCR-DSWC staff are addressed through successful implementation of the County's Corrective Action Agreement.
2. For consistency with § 9 VAC 10-20-120 7 a of the Regulations and as required by Section 10-38(6) a of the County's Bay Act ordinance, the County must develop and implement a septic maintenance program, including the five-year pump-out notification, installation of the plastic filter, and/or annual inspection, including any necessary tracking information.

BE IT FINALLY RESOLVED that failure by Hanover County to meet the above established compliance date of December 31, 2006 will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject Hanover County to the compliance provisions as set forth in § 10.1-2103.10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

*City of Poquoson*

Ms. Miller presented the report for the City of Poquoson. No one was present from the City however, Ms. Miller noted that she had spoken with City staff and they are in agreement with the remaining condition.

On June 21, 2004, the Board found the City of Poquoson's Phase I program did not fully comply with the Act and Regulations and set a deadline of June 30, 2005 for the City to address seven conditions included in the staff report. As of September 1, 2005, the City had addressed six of the seven conditions.

The remaining condition involves development of a database to track the required BMP maintenance agreements and enable staff to monitor and inspect the BMPs. The City continues to work on developing this database and has requested additional time to complete this work. The Southern Area Review Committee recommended at its October 25, 2005 meeting that the Board find that the City of Poquoson's local Bay Act program does not comply with the Act and Regulations, with the remaining recommendation to be addressed by June 30, 2006.

Mr. Davis said that he had received a call from the Mayor of Poquoson. The City is agreeable to the modifications.

MOTION: Ms. Roberts moved that the Chesapeake Bay Local Assistance Board find that certain aspects of the City of Poquoson's implementation of its Phase I program do not comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and further that the City undertake and complete the one recommendation contained in the staff report no later than June 30, 2006.

SECOND: Mr. Duncanson

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD  
December 12, 2005**

**RESOLUTION**

**LOCAL PROGRAM COMPLIANCE EVALUATION  
CITY OF POQUOSON - #50**

**Local Compliance Evaluation - Conditional**

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on June 24, 2004, the Chesapeake Bay Local Assistance Department conducted a compliance evaluation of the City of Poquoson's Phase I program in accordance with the adopted compliance evaluation process; and

WHEREAS on October 25, 2005 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of certain aspects of the City of Poquoson's Phase I program do not comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct these deficiencies, directs the City of Poquoson to undertake and complete the one recommendation contained in this staff report no later than June 30, 2006.

1. To fully comply with § 9 VAC 10-20-120.3 of the Regulations, the City will develop a program to ensure the regular or periodic maintenance of best management practices in order to ensure their continued proper functioning over the long-term. This program will include all engineered stormwater BMPs.

BE IT FINALLY RESOLVED that failure by the City of Poquoson to meet the above established compliance date of June 30, 2006 will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject the City of Poquoson to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2005 by the Chesapeake Bay Local Assistance Board.

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Joseph H. Maroon  
Director  
Department of Conservation and Recreation

### **Informal Fact Finding**

#### *Town of West Point*

Ms. Miller gave the report for the Town of West Point.

The Town adopted a revised CBPA map on November 28, 2005, after being found inconsistent by the Board on September 19, 2005. Therefore Department staff recommends that the Board defer action on this matter until a staff report can be prepared and reviewed by the Northern Area Review Committee at its next regularly scheduled meeting. The Committee will then make a recommendation to the Board based on the staff report and its findings.

No action was necessary by the Board.

### **Discussion of Joint Board Meeting of November 21, 2005**

Mr. Maroon noted that a copy of the minutes from the Joint Board Meeting had been provided to members. There has been some discussion regarding the three Boards meeting on a regular basis, however no decisions have been made due to the upcoming transition in Administrations.

Mr. Maroon said that he hoped to discuss the issues with the new Secretary of Natural Resources.

Mr. Sheffield said that it would be worthwhile to see a continued discussion of the issues the other Boards are discussing, but that an annual joint meeting should be sufficient.

### **Other Business**

Mr. Davis congratulated Mr. Bulova on his recent election to the House of Delegates. He thanked Mr. Bulova for his service and contributions to the Board and presented him with a plaque of appreciation.

Mr. Bulova said that it had been a distinct honor to serve as a member of the Board.

Mr. Davis expressed appreciation to Ms. Little for her time with the Department and her service to the Board. He wished her the best in future endeavors.

Mr. Davis also noted that Mr. Crafton would be retiring after the first of the year. He thanked Mr. Crafton for his service to the Department and the Board.

Mr. Maroon said that Mr. Crafton had been a great help during the transition and the merger of the Departments. He noted that Mr. Crafton had been serving as the manager for the James River Watershed office on an interim basis.

### **2006 Meeting Schedule**

Staff submitted the following meeting schedule for consideration:

#### *Northern Area Review Committee*

February 14, 2006	10:00 a.m.	DCR-CBLA conference room
May 9, 2006	10:00 a.m.	DCR-CBLA conference room
August 15, 2006	10:00 a.m.	DCR-CBLA conference room
October 31, 2006	10:00 a.m.	DCR-CBLA conference room

#### *Southern Area Review Committee*

February 14, 2006	2:00 p.m.	DCR-CBLA conference room
May 9, 2006	2:00 p.m.	DCR-CBLA conference room
August 15, 2006	2:00 p.m.	DCR-CBLA conference room
October 31, 2006	2:00 p.m.	DCR-CBLA conference room

#### *Chesapeake Bay Local Assistance Board Meetings*

March 27, 2006	10:00 a.m.	TBD
June 19, 2006	10:00 a.m.	TBD
September 18, 2006	10:00 a.m.	TBD
December 11, 2006	10:00 a.m.	TBD

Mr. Davis said that he hoped to schedule another Board retreat during the next year. He asked that staff give consideration to a mid summer to early fall timeframe.

MOTION: Mr. Duncanson moved that the list of Board and Committee meetings be approved as follows.

SECOND: Ms. Roberts

DISCUSSION: None

VOTE: Motion carried unanimously

**Public Comment**

There was no additional public comment.

**Adjourn**

Being no further business, the meeting was adjourned.

Respectfully submitted,

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Donald L. Davis  
Chairman

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Joseph H. Maroon  
Director