

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
HB 206 Small Renewable Energy Projects: 2023 Regulatory Advisory Panel (RAP)

2023 RAP Meeting #5

Tuesday, October 31, 2023 | 10 am – 3 pm

Meeting Location: DEQ Piedmont Regional Office | 4949-A Cox Road | Glen Allen, VA 23060

Facilitated by: Institute for Engagement & Negotiation (IEN), University of Virginia

Note re Public Attendance: While the 2023 RAP meetings are open to the public, there will not be an opportunity for public comment during the meetings. As required, there will be a public comment period later in the regulations drafting process, which will be announced on [Virginia Regulatory Town Hall](#). For more information, please refer to the Virginia Register of Regulations website that explains the [Regulatory Development Process](#).

AGENDA (revised)

9:30 Sign-in

- Please aim to arrive during the 9:30-10:00 am window for sign-in/access.
- Participants will need to be buzzed in and receive a Visitor Badge.
- There is no guest wi-fi. Please plan to download or print materials in advance and/or use your own mobile hotspot. Only a limited number of copies will be printed for reference.

10:00 Welcome & Today's Agenda

Co-Facilitators for the RAP Process:

Tanya Denckla Cobb, Director, IEN | Michelle Montserrat Oliva, Associate Consultant, IEN

10:15 DEQ Updates and Next Steps - *Session will be continued after lunch.*

Jonathan Rak, Regulatory Analyst, DEQ with Tanya Denckla Cobb and Michelle Oliva

1. Recap of HB206 2023 RAP Process and Next Steps/Timeline Post-RAP

2. Review of Substantive Changes: **REVISED & **NEW** DEQ Draft Proposals– Based on RAP Input**

FOREST A.1 (p18)	Definition of “contiguous forest land”
ON-SITE MITIGATION	
AG C.1 (p11)	Credit for compliance with stormwater management requirements
FOREST C.1 (p25)	Credit for on-site riparian forest buffers
OFF-SITE MITIGATION	
AG B.5 (p9); FOREST B.6 (p23)	Mitigation districts – MAPPING
EASEMENT F.1 (p33); F.2 (p34)	Changes to forest conservation easements
IN-LIEU FEE	
AG D.2 (p17); FOREST D.2 (p27)	Calculation of fee
AG D.1 (p17); FOREST D.1 (p26)	Distribution of funds

11:45* LUNCH BREAK (on your own) – Please be back by 1pm – [Nearby Restaurants](#) - *Time TBC

1:00p CONTINUED from AM Session

2:45 Wrap-up/Closing Comments and Thank You - *Adjourn at 3 pm*

REVISED as of 10/30/23

2023 RAP Meeting Guidance: Participation Guidelines (includes changes from 2022 RAP)

Role of DEQ Representatives

- DEQ is serving in multiple roles: as lead convener, as a decision maker, and as a stakeholder
- DEQ representatives will prepare materials, present, and actively participate in the process, including gathering and synthesizing technical information for the stakeholders
- DEQ will draft the regulations

Role of RAP Members: Review DEQ draft language/rationale and provide input for DEQ to consider that will:

- Help improve the outcome (to benefit from brain trust of this group)
- Identify potential implementation challenges
- When possible, propose draft alternative language/approach
- At minimum provide comments to flag/document any serious concerns
- To do in between meetings: Review materials, bring your organization/constituency up-to-speed and consult them on what to discuss/offer input at following meeting

Primary & Alternate RAP Members

- 1 Primary representative per organization. Represents their organization/constituency. Consults within their organization for input as needed per above (Role of RAP Members)
- Alternate may be designated by the Primary to attend/participate in Primary's absence. Primary to inform DEQ who the alternate will be in advance
- If Primary is present, alternates may attend in-person meetings, but observing only
- FOIA Reminder:** Outside of RAP in-person public meetings, RAP members may have no virtual or in-person meetings, or email threads with more than 2 people, and may only consult each other 1:1.

Role of Subject Matter Experts (SMEs)

- SMEs from State Agencies/Universities may actively participate to inform the process and provide relevant context/expertise. This may include:
 - Answering questions
 - Stepping in with information/expertise to add, clarify, or otherwise support the discussion
 - Provide expert opinions
 - If called on to do so by DEQ: May draft, advise or review draft language

Seating Protocols: Primary RAP members at the main tables; Additional SME resources, agency staff, alternates, and public in chairs along the walls.