

Meeting Minutes

Thursday May 13 and Friday May 14 2021

Chesapeake Bay Preservation Act Regulatory Amendments Stakeholder Advisory Group

Electronic-only Meeting on GoToWebinar

SAG Members Present:

Philip Abraham, Virginia Association for Commercial Real Estate (VACRE)
John Bateman, Northern Neck PDC (NNPDC)
Laura Barry, Chesterfield County (Chesterfield)
Andrew Clark, Home Builders Association of Virginia (HBAV)
Weedon Cloe, Chesterfield County (Chesterfield)
Jen Cobb, Henrico County (Henrico)
Corey Connors, Virginia Forestry Association (VFA)
Amelia DaCruz, Citizen
Patrick Fanning, Chesapeake Bay Foundation (CBF)
John A. Friedman, Fairfax County (FxCo)
Brent Hunsinger, Friends of the Rappahannock (FOR)
Allison Jackura, City of Hampton (Hampton)
Bob Kerr, Hampton Roads Association of Commercial Real Estate/Wetlands Studies & Solutions, Inc.
(WSSI)
Lewis L. Lawrence, Middle Peninsula PDC (MPPDC)
Martha Moore, Virginia Farm Bureau (VFB)
Deborah Murray, Southern Environmental Law Center (SELC)
Lisa M. Ochsenhirt, VA Municipal Stormwater Assn (VAMSA)
P.J. Scully, City of Virginia Beach (VaBeach)
Curt Smith, Middle Peninsula PDC (MPPDC)
Skip Stiles, Wetlands Watch (WW)
Jerry Stonefield, Fairfax County (FxCo)
Jill Sunderland, Hampton Roads PDC (HRPDC)
Thomas J. Swartzwelder, King & Queen County (K&Q)
Rob Farrell, Virginia Department of Forestry (DOF)

DEQ Water Planning Division Staff Present:

Jutta Schneider
Justin Williams
Daniel Moore
Amber Foster
V'lent Lassiter
Heather Mackey

Other Attendees:

Randy Owen , Elizabeth Andrews, Doug Beisch, Patrick Bradley, Evan Branosky, Pat Calvert, Jenn D'Augustine, Alexis Dickerson, Kelly Donovan, KC Filippino, Jay Ford, Taylor Goodman, Amy Gould, Norm Goulet, Whitney Katchmark, Pam Mason, Shep Moon, Surani Olsen, Andrew Parker, Henry Pollard, Jason Powell, Ande Remington, Mark Rinaldi, Hannah Sabo, Kyle Shreve, Mary Sketch, Emily

Steinhilber, Madison Teeter, Grace Tucker, Allison Watts, Brittany Zamborsky, Jan Leavitt, Preston Bryant, Beckham Stanley, Benjamin McFarlane

May 13, 2021

Discussion of Climate Change Adaptation Regulatory Amendments

Model/Forecasting and Evaluation

Discussion included: clarifying from what point to project the RPA for a given project - current or modeled for the future; need to address flooding now; reality of the citizen perspective with regard to forecast horizon; clarify whether resiliency is for property owners or the health of ecosystem; appropriateness of model for small scale projects; need to define “impacts of climate change” and come to an agreement on intent and goals, e.g., social, environment, and/or economic; allowance of ecosystem to adapt and continue to provide water quality benefits; consideration of how a given project will be resilient and its consideration in local government review; consideration of potential legal issues of limiting property owners use of property; goals of CBPA Act and protecting property investments; consideration of costs in measures; incentivizing approach over fines and penalties; consideration of mortgages and potential property value loss; many localities do not have expertise to deal with modeling and will need training; effect of evaluation in a riverine environment; utilizing forecasting more in broader planning; use of VIMS report card for smaller projects; need to incorporate into existing provisions; concern over broad language and intent of proposed 155(B) will allow local governments to extend land use restrictions; consideration of project lifespan – one size does not fit all; recommendation of recognizing “minor impacts” and reduce or eliminate 30-year impact review; clarity on IDAs regarding what and when provisions are applicable; concern over consistency and enforcement of consideration of impacts among localities; locality documentation of decision.

Adaptation Measures-Standards and Requirements

Discussion included feedback for identifying a separate term other than BMP; language implies application only to tidal areas, not riverine; need to define adaptation measures and include examples; incorporate proposed amendments into existing regulations; concern over limiting the type of measure allowed including those only for water quality and not shoreline protection measures; consider flood resiliency clearing house; local policy and federal measures not always in sync; look at universe of measures including shoreline protection measures; address the practice of elevating structures.

Fill

Discussion included feedback over concerns with slope and grading limitation including over existing conditions at the site and purpose of fill; connecting slope limitations to original source of 2018 VIMS study and purpose of wetlands protections; recognizing practices and sites in IDAs (including those with no existing vegetation) and appropriate mitigation requirements; application of fill practice and definition of fill; the need to concentrate on conditions that lead to marsh migration; concern for blanket prohibition of the use of fill in RPA; allowing locality to determine to prohibit the use of fill or not; consideration of small projects or limited quantities of fill material.

Water Quality Impact Assessments

Discussion included feedback over desire to retain the WQIA as option for localities; incorporate climate change evaluation into WQIA; WQIA for fill provides a process for water quality review.

Living Shorelines

Discussion included feedback over aligning living shoreline language with VMRC requirements and Tidal Wetlands Guidelines; align definition of living shoreline with VMRC's definition in Virginia code Section 28.2-104.1 ; removing WQIA requirement for living shorelines; concern of language "or related activity"; balancing priority of living shorelines with vegetation requirements including protection of mature trees.

Exceptions/Buffers

Discussion included feedback over exception limitations within 50 foot seaward buffer related to regulatory takings, property rights, and existing structures or allowances; concern over having exception limitations, particularly with pre-Bay Act lots; keeping decision-making for exceptions at the local level; concerns that language regarding vegetation buffer and prohibitions beyond RPA is RPA expansion; concerns over expansion of RPA related to climate change and local government over-reach.

Flood Insurance Program

Discussion included feedback over impact of proposals for National Flood Insurance Program and Community Rating System including the current practice of relying on CBPA regulations for CRS and reconciling the CRS program.

Other/General Comments

Discussion included feedback over timing and next steps of proposals; application of climate change more broadly to Commonwealth; concern over proposed 155(B) expanding the RPA and limiting development within the RPA; request to remove wording in proposed 155(B) and comment that provides tools and reflects existing authority; discussion included feedback over request for requiring updated CBPA Maps; consideration of required plantings to be native and concern over current supply for some projects; incorporation into comprehensive plan requirements in addition to or in lieu of climate change assessment proposed; concern over potential conflict regarding "mature tree" with other provisions; request for a sunset provision given pace and evaluation of workings of regulations; timeline for adoption including whether sooner by locality than three years; and grandfathering for existing properties.

May 14th, 2021

Definition of Mature Tree

Discussion included feedback over difficulty to define a "mature tree" and that definition can be related to various factors; recommendations regarding separating and classifying into categories including those utilized in the Buffer Manual for canopy and understory; consideration of definition in context including water quality framework of CBPA; need for simplified process to identify tree types (e.g., canopy and understory trees); specific suggested comment language providing a threshold (e.g., diameter at breast height or tree height); concern of focusing solely on size and not consideration of type or species; existence and management of trees in urban versus rural areas; legislative history and intent behind use of mature trees; and application in context of other uses such as agricultural.

Invasive v. Native Distinction

Discussion included feedback over allowing for removal of invasive species with replacement with native species within RPA; concern of sufficient stock of native species for large / multiple projects; distinction between invasive, non-native and noxious weeds.

Application and Implementation-Maximum Extent Practicable and Limitations

Discussion included feedback over providing more specific thresholds; defining “maximum extent practicable” and concerns regarding the over-application of the term; locality implementation of tree removal determinations and resolving disagreements between professionals; activity restrictions should at least align with allowance in RPA; costs concerns and access in some localities or cases to hire an arborist.

Tree Conservation Ordinances Overlap

Discussion included feedback over allowing localities with tree canopy ordinances to utilize that ordinance for tree preservation and incentivize localities to adopt ordinances that protect mature and other types of trees.

Other/General Comments

Discussion included feedback over reconciling Stormwater management BMPS and resiliency; timeline for adoption including to consider concurrent legislative activities; need for updated Guidance documents, including Buffer Manual.

CBPA and VMRC Connection

Discussion included feedback over balance between CBPA and VRMC over living shorelines; priorities over measures, wetlands, and tree removal.

Tree Removal for Sight Lines and Vistas (Provisions Under Section -140)

Discussion included feedback over ability to outright prohibit the removal of mature trees for sight lines and vistas; concern of examples where clear-cutting has been allowed; concern over ability to enforce by localities; requiring replanting in this provision.

Additional Comments/Feedback from SAG

Discussion included feedback on specific changes and timeline; general agreement on removing RPA buffer expansion and exceptions language, fill provisions without the 5% slope limitation, and allowing option for WQIA; communication between and to SAG members.

Public Forum

- Kyle Shreve, Virginia Agri-Business Council – agree with removing the second sentence in Section B as it creates an expansion of the RPA that could conflict. Agrees with a delay of adoption of the regulatory amendment to ensure there is no confusion with regard to the regulations on tree canopy, etc. The silviculture industry is 95% compliant with forestry BMPs.
- Brittany Zamborini, AES Corporation a renewable energy developer. Major concerns about Section B second sentence allowing localities to expand their RPA – think it gives localities

another reason to stop solar development. Eliminate the sentence or add an exemption for the Clean Economy Act and related construction activities.

A recording of the meeting is available for review on-line:

May 13, 2021: <https://attendee.gotowebinar.com/recording/6962134430310926849>

May 14, 2021: <https://attendee.gotowebinar.com/recording/370190586885143564>

Attachments:

Final Meeting Agenda

SAG Presentation for Discussion Items

Chesapeake Bay Preservation Act
Regulatory Amendments Stakeholder Advisory Group Meeting
Agenda

May 13, 2021 10:00 a.m. to no later than 4:15 p.m.

Welcome

Meeting Logistics

Introductions

Overview of Comments Received

Discussion of Climate Change Adaptation Regulatory Amendments:

Model/Forecasting

Adaptation Measures-Standards and Requirements

Fill

Water Quality Impact Assessments

Exceptions/Buffers

Flood Insurance Program

Other/General Comments

May 14th, 9:30 a.m. to no later than 4:15 pm.

2nd Day Welcome

Meeting Logistics Reminder

Discussion of Trees Regulatory Amendments:

Definition of Mature Tree

Invasive v. Native Distinction

Application and Implementation-Maximum Extent Practicable and Limitations

Tree Conservation Ordinances Overlap

Other/General Comments

Carry Over Items from Day 1

Limited Public Forum As Time Allows On SAG Discussions

Conclusion



CBPA Regulatory Amendments Stakeholder Advisory Group

Proposed Amendments: 9 VAC 25-830

Justin Williams
Office of Watersheds and Local Government Assistance
Virginia Department of Environmental Quality
May 13-14, 2021

Agenda

May 13th

- Meeting Logistics
- Introductions
- Overview of Comments Received
- Discussion of Climate Change Adaptation Regulatory Amendments:
 - Model/Forecasting
 - Adaptation Measures - Standards and Requirements
 - Fill
 - Water Quality Impact Assessments
 - Exceptions/Buffers
 - Flood Insurance Program
- Other/General Comments

May 14th

- 2nd Day Welcome
- Meeting Logistics Reminder
- Discussion of Trees Regulatory Amendments:
 - Definition of Mature Tree
 - Invasive v. Native Distinction
 - Application and Implementation - Maximum Extent Practicable and Limitations
 - Tree Conservation Ordinances Overlap
- Other/General Comments
- Carry Over Items from Day 1
- Limited Public Forum As Time Allows On SAG Discussions
- Conclusion

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SAG Members

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|--------------------------|-----------------------------------|--------------------|--|
| • Lisa M. Ochsenhirt | VA Municipal Stormwater | • Bob Kerr | Hampton Roads Association of Commercial Real Estate/Wetlands Studies & Solutions |
| • Thomas J. Swartzwelder | King & Queen County | • Jerry Stonefield | Fairfax County |
| • John A. Friedman | Fairfax County | • Philip Abraham | VA Comm Real Estate |
| • Corey Connors | Virginia Forest Association | • Andrew Clark | VA Homebuilders Association |
| • Skip Stiles | Wetlands Watch | • Allison Eichele | City of Hampton |
| • Martha Moore | Virginia Farm Bureau | • Brent Hunsinger | Friends of the Rappahannock |
| • Weedon Cloe | Chesterfield County | • Amelia DaCruz | Citizen |
| • Laura Barry | Chesterfield County | • John Bateman | Northern Neck PDC |
| • Lewis L. Lawrence | Middle Peninsula PDC | • Jen Cobb | Henrico County |
| • Curt Smith | Middle Peninsula PDC | • Patrick Fanning | Chesapeake Bay Foundation |
| • Jill Sunderland | Hampton Roads PDC | • Rob Farrell | Virginia Department of Forestry |
| • Deborah Murray | Southern Environmental Law Center | | |
| • P.J. Scully | Virginia Beach | | |

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Overview of Comments

- Comment Period: February 1 - May 3, 2021
- 7 Localities
- 2 PDCS:
- Approx. 300 individual comments of same or substantially same comment/wording
- 25 Organizations/Associations

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Climate Adaptation Model/Forecasting

Proposed Language:

- C. Local governments shall consider the impacts of climate change or sea-level rise on any proposed land development in the Resource Protection Area. Based upon this consideration, local governments may require the installation of additional measures or design features as part of the proposed land development consistent with the requirements of the Act and this chapter. In considering the future impact, local governments shall:
1. Consider a potential impact range of no less than 30 years;
 2. Utilize an appropriate model or forecast to aid in the consideration of impacts through use of:
 - a. The most updated 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate–High scenario projection curve;
 - b. A model or forecast that incorporates or utilizes the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate–High scenario projection curve; or
 - c. A peer-reviewed model or forecast that includes NOAA 2017 projections, including the Intermediate–High scenario projection curve and has been developed, utilized, or recognized by a state or federal agency and is not based solely upon extrapolation of historical data;
 3. Include the consideration of future floodplain, water level, storm surge, or other impacts in altering the Resource Protection Area or diminishing the protection of water quality due to the proposed development from these impacts; and
 4. Identify measures, conditions, or alterations to the proposed land development to address these impacts as necessary and appropriate based upon site conditions, type of proposed land development, and projected potential impacts. This includes measures such as state or federally recognized or approved best management practices appropriate for the site conditions and land development to address such impacts.

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Climate Adaptation Model/Forecasting

Comments:

- Provide clarity on intent and definitions
- Provide clarity on scope, and extent of modeling
- Include additional impacts including rainfall
- Include in consideration: assess impacts of a proposed activity on its local tax base and whether a property can be mortgaged and insured

Discussion:

- Identify specific factors and model - balancing current state of modeling and locality's efforts
- Correlate conditions and measures to allowable adaptation measures
- Use or incorporate into WQIA

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Climate Adaptation Model/Forecasting

Comments:

- Allow for different time period than 30 years
- Timeframe based upon project, size, type, or lifespan
- Consider distinction in size and scale of project in application of modeling
- Consider distinction for IDAs in application of modeling
- VIMS Sea Level Rise Report Cards for smaller projects

Discussion:

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Climate Adaptation Measures

Proposed Language:

- E. Local governments may allow adaption measures or activities within the Resource Protection Area to address climate change, including sea-level rise subject to the following criteria. These criteria and requirements shall apply to such adaptation measure or activity in lieu of the criteria in 9VAC25-830-130 and 9VAC25-830-140:
1. Where the adaptation measure or activity is within a Resource Protection Area that has been previously developed, including Intensely Developed Areas, and is not naturally vegetated, the adaptation measure or activity shall:
 - a. Be designed, implemented, and maintained in accordance with best management practices applicable to the adaptation measure or activity as recognized or approved by a state or federal agency;
 - b. Not consist solely of the use of fill or other materials to raise the elevation of a Resource Protection Area;
 - c. Incorporate natural features or measures such as the planting of vegetation or trees, maximize preservation of existing natural vegetation and trees particularly mature trees, and minimize land disturbance and impervious cover to the maximum extent practicable consistent with the applicable best management practices; and
 - d. Where applicable, obtain any applicable federal, state, and local permits and comply with any applicable federal, state, and local requirements.
 2. Where the adaptation measure or activity is within a Resource Protection Area that is naturally vegetated or has not been previously developed, the measure or activity shall:
 - a. Be designed and implemented in accordance with best management practices applicable to the adaptation measure or activity as recognized or approved by state or federal agencies;
 - b. Preserve to the maximum extent practicable any existing vegetation in the additional 50 feet landward from the Resource Protection Area;
 - c. Not consist solely of the use of fill or other materials to raise the elevation of a Resource Protection Area;
 - d. Maximize the preservation of existing vegetation and trees, particularly mature trees, incorporate the planting and establishment of vegetation, particularly trees, and minimize land disturbance and impervious cover to the maximum extent practicable consistent with the applicable best management practices; and
 - e. Where applicable, obtain any applicable federal, state, and local permits and comply with any applicable federal, state, and local requirements.

Climate Adaptation Measures

Comments:

- Specify Measures including which prevail among local, state, federal
- Consider different measures for urban v. rural
- HB 2187 Study for Flood Resiliency Clearinghouse Program
- Options:
 - Stormwater BMPs
 - Chesapeake Bay BMPs
 - FEMA provisions
 - Sea Level Rise/Coastal Resiliency Best Management Practices

Discussion:

Fill Provisions

Comments:

- Limit, Conditions, Site Specific Considerations
- Conditions Comment:
 - “Limit based upon provisions requiring minimizing land disturbance and establishment of vegetation
 - Placement of fill within the RPA shall not result in a slope that exceeds five percent (5%);
 - ii. Placement of fill shall not result in the loss of deep-rooted vegetation that cannot be re-established within a reasonable timeframe;
 - iii. Any fill placed within the RPA must have the biogeochemical characteristics including sufficient organic content to support the growth of vegetation and adequate permeability to allow infiltration;
 - iv. The use of fill shall not enhance stormwater runoff from the RPA, and any lateral flow onto adjacent properties shall be controlled utilizing an appropriate best management practice approved by the Chesapeake Bay Program Partnership or the Virginia Stormwater BMP Clearinghouse;
 - v. Fill shall not negatively impact septic systems and drainfields; and
 - vi. Any impacts on the management of stormwater upland of the RPA that results from berms established by the use of fill must be modeled and mitigated.”

Discussion:

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Exceptions/Buffers

Proposed Language:

- D. Local governments shall not grant exceptions to the requirements of 9VAC25-830-130, 9VAC25-830-140, or 9VAC25-830-155 where:
1. The impact of climate change, including sea-level rise on the land development is not considered as outlined in subsection C of this section for exceptions in the Resource Protection Area;
 2. The exception consists of approval solely for the use of fill or other material to the Resource Protection Area or within 100 feet of the Resource Protection Area; or
 3. The exception permits encroachment into seaward 50 feet of the buffer area of the Resource Protection Area notwithstanding permitted modifications and adaptive measures.

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Exceptions/Buffers

Comment:

- Concern over 50 foot seaward exception, grandfathering, and 100 foot buffer requirements, and 50 foot for existing vegetation
- Appears to be expanding RPA
- Creates Regulatory Taking

Discussion:

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Water Quality Impact Assessments

Proposed Language:

3. Where the adaptation measure or activity is a best management practice recognized or approved by a state or federal agency to reduce runoff, prevent erosion, and filter nonpoint source pollution, a Water Quality Impact Assessment in accordance with subdivision 6 of 9VAC25-830-140 shall not be required. All other measures or activities shall require a Water Quality Impact Assessment in accordance with subdivision 6 of 9VAC25-830-140.

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Water Quality Impact Assessments

Comment:

- Retain or allow for option of requiring WQIA

Discussion:

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Living Shorelines

Proposed Language:

4. Where the proposed adaptation measure is a living shoreline project or related activity, the locality otherwise approves of the project, the project maintains or establishes a vegetative buffer inland of the living shoreline to the maximum extent practicable, minimizes land disturbance to the maximum extent practicable, and the project receives approval from the Virginia Marine Resources Commission, including a permit as applicable, and any other necessary permits or approvals, the adaptation measure shall be exempt from additional requirements or criteria, including a Water Quality Impact Assessment.

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Living Shorelines

Comment:

- Clarify, define, living shorelines
- Reconcile/Harmonize VMRC Guidance
- Require WQIA for Living Shorelines
- Apply fill requirements
- Recognize approval by Wetlands Boards
- “Where the proposed adaptation measure is a living shoreline, as defined in section 28.2-104.1 of the Virginia Code or related activity, the locality otherwise approves of the project, the project maintains or establishes a vegetative buffer inland of the living shoreline to the maximum extent practicable, minimizes land disturbance to the maximum extent practicable, and the project receives approval from the Virginia Marine Resources Commission or the local wetlands board, including a permit as applicable, and any other necessary permits or approvals, the adaptation measure shall be exempt from additional requirements including a Water Quality Impact Assessment imposed by the locality.”

Discussion:

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National Flood Insurance Program

Comment:

- Consider impact on proposal on NFIP and crediting
- Open-ended and fill provisions could impact program

Discussion:

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Climate Adaptation: Other/General Comments

Proposed Language:

- A. This section applies in addition to 9VAC25-830-130 and 9VAC25-830-140. Local governments shall incorporate these provisions into all relevant ordinances and ensure their enforcement through implementation of appropriate processes and documentation for oversight and enforcement. Localities shall update and amend their ordinances to adopt and incorporate these performance criteria by (insert date three years after effective date of this amendment).

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Climate Adaptation: Other/General Comments

Proposed Language:

- B. Land development and adaption measures or activities, including buffer modifications or encroachments necessary to install adaptation measures, mitigation measures, or other actions necessary to address the impacts of climate change, including sea-level rise, recurrent flooding, and storm surge, may be allowed in a Chesapeake Bay Preservation area provided the activity complies with all other applicable provisions of this chapter. Nothing in these provisions shall preclude a locality from adopting requirements or criteria in addition to the requirements of these provisions to address the impacts of climate change and sea-level rise in Chesapeake Bay Preservation areas in the locality, including extension of the Resource Protection Areas, further restrictions on development, or further preservation of existing vegetation.

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Climate Adaptation: Other/General Comments

Comments:

- Apply existing provisions-general and specific criteria
- Incorporate into existing regulations
- Require updated CBPA Maps
- Require updates to Comprehensive Plans
- Include Sunset provisions
- Allow for additional time for incorporation

Discussion:

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Mature Trees Amendments

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Regulatory Amendment – Mature Trees

Section Amended	Current Requirement	Additional Amendment Language
9 VAC 25-830-130	Indigenous vegetation shall be preserved to the maximum extent practicable	Mature trees shall only be removed where determined to be necessary to provide for the proposed use or development and protected during development to the maximum extent practicable.
9 VAC 25-830-140	Allowance for tree pruning or removal for sight lines and vistas	Mature trees should be preserved and not removed to the maximum extent practicable and where trees are removed they should be replaced by trees.
9 VAC 25-830-140	The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality	The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality; and (iii) removal of mature trees.

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Regulatory Amendment – Mature Trees

Section Amended	Current Requirement	Additional Amendment Language
9 VAC 25-830-140	Requirement to reestablish buffer	Where such buffer must be established, the planting of trees should be utilized to the maximum extent practicable and appropriate to site conditions.
9 VAC 25-830-140	Requirement to reestablish buffer on agricultural land converted to other uses	Such measures should include, to the maximum extent practicable and appropriate to site conditions, the planting of trees in reestablishing the buffer.
9 VAC 25-830-140	Requirement of vegetated areas on certain permitted encroachment parcels	Such vegetated area where established should include the planting of trees to the maximum extent practicable.

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Regulatory Amendment – Mature Trees

Section Amended	Current Requirement	Additional Amendment Language
9 VAC 25-830-140	Allowance for removal of trees for sight lines and vistas	Mature trees should be preserved and not removed to the maximum extent practicable under this provision. When trees are removed, the other vegetation to replace the tree should be a tree, to maximum extent practicable.
9 VAC 25-830-140	Allowance for tree removal for shoreline erosion projects	Mature trees should be preserved to the maximum extent practicable consistent with the best available technical advice and permit conditions or requirements and trees should be utilized in the projects to the maximum extent practicable.
9 VAC 25-830-140	Consideration of implementing measures for establishing vegetated areas in IDAs	In considering such measures, the local government should consider the planting of trees as a part of any such measures.

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Definition of Mature Trees

Comments:

- Provide a definition

Discussion:

- Specifics of a definition
- Definition v. application in Guidance

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Definition of Mature Trees

Comments:

- The height, diameter, canopy, species, whether the tree is producing flowers or bearing fruit, and health of the tree could be considered as factors in determining whether a tree is mature. The definition should be expressed in such a way that makes it simple to evaluate whether a tree is considered mature.
- “‘Mature tree’ shall mean a tree with a diameter at breast height of 10 inches or greater or a height of at least 13 feet, whichever will result in greater tree preservation.”

Discussion:

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Mature Trees: Native v. Invasive

Comments:

- Provide distinction in application between native and invasive species

Discussion:

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Mature Trees: Implementation

Comments:

- Maximum Extent Practicable clarification
- Distinctions between location and construction envelope

Discussion:

- Specifics to include in Regulation v. Guidance
- Recognition of existing allowance and other factors-dying, diseased, location
- Reconcile with adaptation and living shorelines

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Definition of Mature Trees

Comments:

- Alignment with Tree Conservation Ordinances

Discussion:

- Applicability and Interplay within RPA and RMA

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Mature Tree Limitations: Sightlines and Vistas

Comments:

- Limitations or prohibitions on tree removal for sightlines and vistas

Discussion:

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Mature Trees: Other/General Comments

Comments:

- Update Guidance
- Include canopy and understory
- Use ASNI Nursery Names
- Align with other legislative activities
- Incentivize preservation of trees
- Provide similar timeline for incorporation

Discussion:

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Public Forum

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Questions/Conclusion

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State Water Control Board Information

- Meeting Planned for End of June
- Agenda and Board Book posted on TownHall
- Registration Link to be provided on TownHall
- To Comment:
 - You must register for the meeting
 - You must have commented during the comment period