

**Chesapeake Bay Local Assistance Board
Monday, June 21, 2010
Conference Room Three, Patrick Henry Building
Richmond, Virginia**

Chesapeake Bay Local Assistance Board Members Present

Donald W. Davis, Chairman
Rebecca Reed
Charles B. Whitehurst

William E. Duncanson, Vice Chairman
Richard B. Taylor
John J. Zeugner

Chesapeake Bay Local Assistance Board Members Not Present

Gregory C. Evans

Barry L. Marten

DCR Staff Present

David A. Johnson, Director
Jeb Wilkinson, Chief Deputy Director
David C. Dowling, Director of Policy, Planning and Budget
Joan Salvati, Division Director, Division of Chesapeake Bay Local Assistance
David Sacks, Assistant Division Director, Division of Chesapeake Bay Local Assistance
Michael R. Fletcher, Board and Constituent Services Liaison
Melissa Doss, Senior Environmental Planner
Nate Hughes, Watershed Specialist
Adrienne Kotula, Principal Environmental Planner
Nancy Miller, Senior Environmental Planner
Daniel Moore, Principal Environmental Planner
Shawn Smith, Principal Environmental Planner
Elizabeth Andrews, Office of the Attorney General

Others Present

Darryl Cook, James City County
Joe Hatch, City of Petersburg
Mark Headly, WSSI
Leonard Muse, City of Petersburg
Amy Ring, Isle of Wight County
Wilmer Stoneman, Virginia Farm Bureau

Call to Order and Roll Call

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

Chairman Davis introduced DCR Director David Johnson, Chief Deputy Director Jeb Wilkinson, and Director of the Division of Chesapeake Bay Local Assistance Joan Salvati.

Consideration of the Minutes

MOTION: Mr. Zeugner moved that the minutes from the March 15, 2010 meeting of the Chesapeake Bay Local Assistance Board be approved as submitted.

SECOND: Mr. Taylor

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report and Division Director's Report

Mr. Johnson gave the Director's report. He gave a brief biographical background. He noted that he was familiar with the work of the Chesapeake Bay Local Assistance Department from his time working for the Department of Environmental Quality.

Mr. Johnson introduced Jeb Wilkinson, Chief Deputy Director. Mr. Wilkinson said that his main focus would be Governor McDonnell's 400,000 acre land conservation goal.

Mr. Johnson said that the Chesapeake Bay Cleanup and the Governor's Land Conservation Goal would be major areas of focus.

Mr. Johnson said that much had changed with regard to the Chesapeake Bay TMDL since the March meeting. He noted that the timeline had been revised because there were issues with the Bay model.

The Principal Staff Committee of the Chesapeake Bay Program met at the end of April. At that time the schedule was revised. He said that the schedule has been compressed but that the date to have the TMDL is still December 31, 2010.

He said that the dilemma was that DCR would need to start doing allocations over the course of the summer based on admittedly flawed data. He said DCR would try to come up with ideas or proposals by which to achieve the allocations that will eventually be given.

Mr. Davis asked why there was a push to move forward when the model was flawed.

Mr. Johnson said that at this point that was the only way to move forward.

Mr. Davis asked how this fits into the Stormwater Management Regulations.

Mr. Johnson said that the goal would be to achieve urban stormwater allocations by setting standards within the stormwater regulations. He said that the process had also impacted the proposed stormwater regulations.

Mr. Johnson noted that the General Assembly had delayed the implementation of the stormwater regulations. He said that DCR was beginning a new Regulatory Advisory Panel that will again begin addressing the stormwater regulations. He said that the first meeting would be July 23.

Mr. Johnson said that he would be leading the effort and that he intended to be personally involved to make sure the goal is accomplished.

Mr. Johnson read the following certificates for Board consideration:

**DEPARTMENT OF CONSERVATION & RECREATION
COMMENDING RESOLUTION**

Presented to

[BEVERLY D. HARPER](#)

At a regular meeting of the Chesapeake Bay Local Assistance Board held on Monday, June 21, 2010, at the Patrick Henry Building in Richmond, Virginia the following resolution was unanimously adopted.

WHEREAS, [Beverly D. Harper](#) of Cape Charles, Virginia, represented the Citizens of the Commonwealth and the Accomack-Northampton Planning District on the Chesapeake Bay Local Assistance Board; and

WHEREAS, bringing her experience and commitment to the protection of the water quality of the Chesapeake Bay and its tributaries, [Ms. Harper](#) served on the Chesapeake Bay Local Assistance Board from July 1, 2004 to March 17, 2010; and

WHEREAS, [Ms. Harper](#) brought private sector experience and perspective on Chesapeake Bay Preservation Act issues to this Board, thereby exhibiting a unique understanding of how the Act and its implementing Regulations affect development activities; and

WHEREAS, during her tenure, [Ms. Harper](#) served as a member of the Southern Area Review Committee, and the Policy Committee, participating in deliberations, providing leadership, and demonstrating a strong understanding of the often difficult evaluations needed to determine compliance and consistency; now

THEREFORE BE IT RESOLVED, that on behalf of the citizens of the Commonwealth, The Chesapeake Bay Local Assistance Board and the Virginia Department of Conservation and Recreation extends its sincerest appreciation to Beverly D. Harper for her service to this Board, recognizing with gratitude, her contributions, and dedication to protecting the water quality of the Chesapeake Bay through the review of Chesapeake Bay Preservation Act Programs.

And

**DEPARTMENT OF CONSERVATION & RECREATION
COMMENDING RESOLUTION
Presented to**

DONALD W. DAVIS

At a regular meeting of the Chesapeake Bay Local Assistance Board held on Monday, June 21, 2010, at the Patrick Henry Building in Richmond, Virginia the following resolution was unanimously adopted.

WHEREAS, Donald W. Davis of Mathews, Virginia, represented the Citizens of the Commonwealth and the Middle Peninsula Planning District on the Chesapeake Bay Local Assistance Board; and

WHEREAS, bringing his experience and commitment to the protection of the water quality of the Chesapeake Bay and its tributaries, Mr. Davis served on the Chesapeake Bay Local Assistance Board from February 10, 2000 to June 30, 2010; and

WHEREAS, Mr. Davis served the Commonwealth as Chairman of the Chesapeake Bay Local Assistance Board from July 1, 2003 to June 30, 2010, and in such capacity he provided capable leadership demonstrating a strong understanding of the often difficult evaluations needed to determine compliance and consistency, earning him the trust and admiration of this Board, the staff, and all others who came before this body to be heard; and

WHEREAS, Mr. Davis brought private sector experience and perspective on Chesapeake Bay Preservation Act issues to this Board, thereby exhibiting a unique understanding of how the Act and its implementing Regulations affect development activities; and

WHEREAS, during his tenure, Mr. Davis served as a member of the Northern Area Review Committee, and the Policy Committee and as a member of the Policy Committee, he was instrumental in the Board's development and adoption of numerous guidance documents, including Determinations of Water Bodies with Perennial Flow guidance and Resource Protection Areas: Non-Tidal Wetlands guidance; now

THEREFORE BE IT RESOLVED, that on behalf of the citizens of the Commonwealth, The Chesapeake Bay Local Assistance Board and the Virginia Department of Conservation and Recreation extends its sincerest appreciation to Donald W. Davis for his service to this Board, recognizing with gratitude, his contributions, and dedication to protecting

the water quality of the Chesapeake Bay through the review of Chesapeake Bay Preservation Act Programs.

MOTION: Mr. Zeugner moved that both resolutions be adopted as presented.

SECOND: Mr. Taylor

DISCUSSION: None

VOTE: The motion carried

Ms. Salvati said that as Division Director she also wanted to convey her thanks to Mr. Davis for his guidance and leadership.

Ms. Salvati gave the Division Director's report.

Ms. Salvati noted that, at a previous meeting, staff had informed the Board that DCR had presented a pre-proposal to the National Fish and Wildlife Federation for an Innovative Nutrient and Sediment Reduction Grant. On April 13, DCR was invited to submit a formal proposal. The project is in partnership with the Homebuilders Association of Virginia and is entitled "Better Site Design from Principles to Reality." She said that the project calls for taking two development projects that have received zoning approval and assisting the developers with redesigning the projects to minimize impervious cover and maintain indigenous vegetation. She said DCR hoped to hear the results of the award in the near future.

Ms. Salvati said that the Division had implemented the Chesapeake Bay Preservation Act Resource Library which is a section of the Division website. This is a library of information primarily for Tidewater localities. She expressed appreciation to Mr. Sacks and Mr. Moore for the development of this project.

Ms. Salvati said that with regard to the TMDL process, there is an internal DCR workgroup. She said the committee would be meeting every two weeks to craft a watershed implementation plan. These plans have multiple phases. Phase I has general idea of what the practices and authorities are. Phase 2 will be more detailed with regard to the types of practices and the authorities needed. Phase 2 will also discuss allocations at the locality and district level.

Ms. Salvati said that DCR will hold the annual perennial flow training in August. The training will be at VIMS in Gloucester Point.

Quarterly Performance Indicators

Mr. Sacks reviewed the Quarterly Performance Indicators.

As of March 15, 2010:

Localities Found Compliant: 82

Localities Found Noncompliant: 0

Localities Addressing Compliance Conditions: 2

Localities Phase I Consistent: 84

Phase II Consistent: 84

Compliance Reviews Completed: 84

Localities Compliant: 82

Localities Addressing Compliance Conditions: 2

Localities Scheduled for Compliance Reviews in 2010: 8

Local Program Compliance Evaluations

City of Petersburg

Ms. Doss gave the report for the City of Petersburg.

On March 23, 2009, the Board found that Petersburg's implementation of its Phase I program did not fully comply with the Act and Regulations, and established a deadline for condition 7 in accordance with the deadlines and requirements established by the Virginia Soil and Water Conservation Board; a deadline of March 31, 2010 for the City to address condition number 8, and a deadline of March 24, 2009 for the City to address the remaining seven conditions.

The City of Petersburg has continually updated Staff with the progress of their program. Technical assistance has been provided to the City through monthly meetings and reviews of building permit files and plans.

The first condition requires the City to screen all applications for whether they are in the CBPA. Since the compliance evaluation, the zoning administrator has revised the City's development review procedures to include a review for whether or not CBPAs are present on-site and is noting this in the files. Department staff has reviewed numerous development applications where the presence or absence of CBPAs has been consistently noted by City staff. Ms. Doss said that, as a result of the City's actions, staff opinion was that this condition has been addressed.

The second condition requires the depiction of CBPAs on plans when necessary. The zoning administrator has revised the development review process, and requires the depiction of CBPAs on plans when necessary, however, consistent evidence of this requirement being implemented has not been noted by Department staff during file reviews. The Director of Planning and Community Development is currently developing a manual for instruction on submitting plans, which is expected to clarify the review process and applicable Chesapeake Bay Act requirements. Ms. Doss said that staff

opinion was that this condition has not been adequately addressed and staff was recommending that the City of Petersburg be given until December 31, 2010 to address this condition.

Condition three states the City must require and perform site specific evaluations when necessary. During a follow-up visit to the City, Department staff reviewed the file for Mueller Subdivision which was scheduled for consideration by the City's Planning Commission. The City had not received a perennial flow determination, a wetland delineation confirmed by the United States Army Corps of Engineers, or a complete environmental site assessment as required by City ordinance. This information should be received and reviewed by City staff to ensure compliance with the CBPA ordinance prior to approval of the application. City staff is making efforts to modify their processes and expects information conveyed in the manual, mentioned a moment ago, will help satisfy this condition. Ms. Doss said that the staff recommendation was that the City of Petersburg be given until December 31, 2010 to address this condition.

The fourth condition requires the City to document submission of a WQIA for any proposed land disturbance, development, or redevelopment within RPAs. The City has not had the opportunity to review any WQIAs since the March 23, 2009 compliance evaluation. Sample WQIA forms have been provided to City staff, which have now been customized for the City and made available for public use. Department staff has reviewed the customized WQIA application forms and the Zoning Administrator has agreed to consult with Department staff whenever a WQIA is submitted. Ms. Doss said that staff opinion was that this condition has been addressed.

Condition five requires the City to administer exceptions properly. The City's Zoning Administrator has received training from Department staff on the proper administration of exceptions. He has been provided with an RPA Exception Request Application that will guide him step-by-step through the exception process. The application has been customized for the City and is available for use. While the City has not received any exception requests since the March 23, 2009 compliance evaluation, City staff have agreed to consult with Department staff whenever a request for an exception is made. Staff opinion was that this condition has been addressed.

The sixth condition requires the City to ensure all development and redevelopment properly addresses nonpoint source pollution. Since the March 23, 2009 compliance evaluation, the City has not had the opportunity to review any stormwater calculations because there have been no projects submitted that would require them. As mentioned earlier in the report, City staff are developing a manual that documents the plan review process and applicable Chesapeake Bay Act requirements. The City expects information conveyed in the manual will help satisfy this condition. Ms. Doss said that it was for this reason that staff recommended the condition remain and the City be given a deadline extension to December 31, 2010.

Condition seven requires the City to address the issues identified in the 2008 Corrective Action Agreement (CAA). The Soil and Water Conservation Board (SWCB) has not

reviewed the City's program since the latest CAA deadline of January 21, 2010. It is expected that a follow-up review will occur within the next few months with a formal review by the SWCB prior to December. Ms. Doss said that staff recommended the condition remain and the City be given a deadline extension to December 31, 2010.

Condition eight requires the City to develop and implement a septic pump out and inspection program. The City has developed a septic maintenance letter that was sent to property owners with septic tanks on January 8, 2010 and is tracking responses on a spreadsheet. Ms. Doss said that staff opinion was that this condition has been adequately addressed.

Condition nine states the City must develop a program to track BMP installation, inspection, and maintenance. The City's Department of Public Works has developed a BMP tracking program which is meant to track BMP installation, maintenance, and inspections on the City's website. The inspections occur biannually and the last inspection date is listed on the website. Staff opinion was that this condition has been addressed.

To sum everything up, the City is demonstrating progress toward meeting the conditions, and has been successful in addressing five of the nine conditions from the Board's March 23, 2009 review. Staff recommends a deadline extension to provide the City additional time to demonstrate that they have met these four conditions. Ms. Doss said that staff recommended the deadline be extended to December 31, 2010, to accomplish these tasks.

Ms. Doss thanked the City for working with the Department. She noted that Mr. Muse, the planning director, and Mr. Hatch, the zoning administrator were in attendance to answer any questions the Board might have.

Mr. Muse thanked the Board and staff. He said that the City was working on the development of the manual. He said they were using another Tidewater locality manual as a guide. He said that he anticipated that the manual would be available for distribution in early September.

Mr. Muse said that the City felt the remaining deadlines were realistic with regard to the City meeting the requirements.

Mr. Davis asked if the manual would be reviewed by the City Council.

Mr. Muse said that the information would be provided to the Council, but that it was not required.

MOTION: Mr. Zeugner moved that the Chesapeake Bay Local Assistance Board find that the implementation of a certain aspect of the City of Petersburg's Phase I program does not fully 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 this deficiency, directs

the City of Petersburg to undertake and complete the four recommended conditions contained in the staff report no later than December 31, 2010.

SECOND: Mr. Whitehurst

DISCUSSION: Mr. Davis asked that the Board be provided an update at the September meeting.

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
June 21, 2010**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
CITY OF PETERSBURG**

Local Compliance Evaluation - Conditional

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the 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 Fall 2008, the Department of Conservation and Recreation conducted a compliance evaluation of the City of Petersburg's Phase I program in accordance with the adopted compliance evaluation process; and

WHEREAS after considering and evaluating the information presented, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of a certain aspect of the City of Petersburg's Phase I program does not fully 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 this deficiency, directs the City

of Petersburg to undertake and complete the four recommended conditions contained in the staff report no later than December 31, 2010.

1. For compliance with § 9 VAC 10-20-105 of the Regulations and Section 122-103 of the City's CBPA ordinance, the City must require that Chesapeake Bay Preservation Areas are properly depicted on all development plans.
2. For compliance with § 9 VAC 10-20-105 and Section 122-56 of the City's CBPA ordinance, the City must consistently require site-specific evaluations to identify water bodies with perennial flow and ensure that the boundaries of Resource Protection Areas are adjusted as necessary.
3. For compliance with § 9 VAC 10-20-120 8 of the Regulations, and Section 122-100 of the City's CBPA ordinance, the City must ensure that all development and redevelopment within the Chesapeake Bay Preservation Area ordinance properly addresses nonpoint source pollution in accordance with the water quality provisions of the Virginia Stormwater Management Regulations.
4. For consistency with § 9 VAC 10-20-120 6 of the Regulations, the City's erosion and sediment control program must address the issues identified in the 2008 Corrective Action Agreement.

BE IT FINALLY RESOLVED that failure by the City of Petersburg to meet the above established compliance date of December 31, 2010, 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 Petersburg 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 June 21, 2010, by the Chesapeake Bay Local Assistance Board.

David A. Johnson
Director
Department of Conservation and Recreation

Proposed Amendments to Guidance Documents

Resource Protection Areas: Permitted Development Activities

Ms. Salvati reviewed the proposed Guidance Document amendments.

- ***Resource Protection Areas: Permitted Development Activities***
 - Amendment to clarify that exempt activities do not have to submit a Water Quality Impact Assessment.

Ms. Salvati said the amendment to the Resource Protection Areas document is one that clarifies that Water Quality Impact Assessments are not required for exempt activities. The document currently states that WQIAs *are* required for such activities, which is not consistent with the Regulations.

- ***Determination of Water Bodies with Perennial Flow***
 - Amendments to add the newly developed James City County protocol and update web address references

Ms. Salvati said that the second amendment was a positive change. She said that the North Carolina and Fairfax protocols previously included were not specifically developed for the lower coastal plain. This inclusion would give localities in that region additional options.

Ms. Salvati said that the proposed revision to the document was published on the agency website on May 21. She said that staff had invited Darryl Cook from James City County to offer comments.

Mr. Cook said that he had worked with Mr. Hughes to evaluate the protocols. He said that he felt this was a valid approach that would accurately predict perennial flow in the lower coastal plain area.

Ms. Salvati said that Mr. Hughes had checked the protocol on a number of sites. Staff believes the approach to be valid.

Mr. Davis said that he would welcome separate motions to address the amendments.

MOTION: Mr. Whitehurst moved that the Guidance Document entitled *Resource Protection Areas: Permitted Development Activities* be amended to clarify that exempt activities do not have to submit a WQIA.

SECOND: Mr. Zeugner

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Whitehurst moved that the Guidance Document entitled “*Determination of Water Bodies with Perennial Flow*” be amended

to add the James City County protocol and update web address references.

SECOND: Mr. Duncanson

DISCUSSION: None

VOTE: Motion carried unanimously

Round 2 of Compliance Evaluations – Agricultural Provision Compliance Standards

Compliance Standards

Mr. Sacks reviewed the actions regarding Local Program Compliance Evaluation and the consideration of Agricultural Requirements. His presentation was accompanied by a series of slides, copies of which are available from DCR. Mr. Sacks directed the Board's attention to a supplemental packet of material distributed at the meeting, containing a revised document entitled "CBLAB Approved Compliance Evaluation Review Elements – March 15, 2010 and Recommended Amendments (Revised)"

Mr. Sacks recapped the actions of the Board at the March 15, 2010 meeting noting the following:

- CBLAB adopted a revised compliance evaluation review program, approving 29 of 31 staff recommended review standards
- CBLAB deferred action on two agricultural requirements
 - Item 13: requirement for conservation assessments
 - Item 21: agricultural encroachments into RPA buffer
- CBLAB directed staff to investigate financial and operational issues regarding agricultural conservation assessment requirement and agricultural buffer reduction requirements

Mr. Sacks summarized the operational issues associated with localities' meeting the conservation assessment requirements as follows:

- Currently limited ability for localities to identify agricultural lands
 - properties under agricultural land use represent only a portion of lands
 - No easy (accurate) options for identifying remaining agricultural land
- Localities maintain land ownership information, not occupant or operator information.
- Currently no clear guidance as to what constitutes a "Conservation Assessment" or "Plan"

- Potential burden on Soil and Water Conservation Districts for both plan approval (as required by regulations) and preparation of conservation assessments/plans
- BMPs for buffer encroachments, approved by SWCD; older records may not exist

He summarized the financial issues as follows:

- Lack of funding for program administration costs for:
 - local governments
 - SWCDs
 - Land owners and operators
- No funding currently available to assist with direct costs associated with program administration, identification of agricultural land, or completion of agricultural assessments and plans

Mr. Sacks explained the strategy staff had developed for addressing these issues was two-fold, and involved:

- Providing and pursuing grant resources, and
- Developing flexible compliance standards

He itemized three benefits of Implementing Agricultural Requirements:

- Linkage with Chesapeake Bay TMDL – Bay Act agricultural requirements will be incorporated into the State’s plan to address the Bay TMDL
- May assist localities in meeting their “local” TMDL allocations
- On-going reporting of compliance with Bay Act agricultural requirements can be part of voluntary agricultural reporting required by SB 346

Mr. Sacks explained that since the March 15, 2010 Meeting, staff had undertaken a variety of activities to address the identified issues. These included:

- Posting of Board-approved Compliance Evaluation Review elements on the DCR website and notification to local governments
- Application for funding from Chesapeake Bay Regulatory and Accountability Program (CBRAP).
 - Funding to design programs, develop guidance and provide technical assistance is expected
 - Funding from CBRAP in future rounds for direct assistance to localities and SWCDs will be requested
- Continued outreach with localities, agricultural community, and SWCD community
- Continued research into data availability and requirements
- Revision to recommended compliance standards for agricultural requirements (Items 13 and 21)

Mr. Sacks explained that staff had adjusted the compliance evaluation review strategies for the two items that the Board had deferred action on in March, and described the revised language as listed below.

Item 13: *Performance Criteria Implementation - Agricultural Activities*

Review Strategy Recommendation: Verify that the locality has a plan for addressing the regulatory requirement of ensuring all active CBPA agricultural lands will have a current soil and water quality conservation assessment.

Compliance Standard Recommendation: Locality must be able to provide a plan for ensuring compliance with the requirement and undertake appropriate initial steps in implementing the plan.

Item 21: *RPA Development Criteria - Permitted Modifications (Encroachments for Agriculture)*

Review Strategy Recommendation: Verify that recently approved buffer encroachments were required to install the proper BMPs

Compliance Standard Recommendation: Adequate documentation regarding the approval of such encroachments

Mr. Sacks indicated that staff was recommending the Board adopt a resolution approving the compliance evaluation review elements and corresponding review strategies and compliance standards as amended and as provided in the document entitled *Approved Compliance Evaluation Review Elements - March 15, 2010 and Recommended Amendments (Revised)*. He noted a sample resolution was provided in the supplemental packet.

Ms. Salvati said that staff believed these to be reasonable solutions. She said that there had been a number of issues for local governments and the agricultural community. She said that staff would continue to pursue grant resources for localities. She said that the intent was also to develop a compliance standard that provides local governments with flexibility.

Mr. Stoneman of the Virginia Farm Bureau said that the recommended changes addressed the concerns as discussed. He noted that the requirement was in the regulation and must therefore be addressed.

Mr. Davis asked who had reviewed these recommendations.

Ms. Salvati said that the information had been provided to the local governments for review and comment.

Mr. Sacks said that local governments reviewed this on multiple locations. In addition the Farm Bureau, Virginia Agribusiness and the Virginia Association of Soil and Water Conservation Districts had been provided the information and the opportunity to comment.

Ms. Reed expressed appreciation for the staff work and time to address this issue.

Amy Ring from Isle of Wight County said that the County's main concern was the implication for the locality. She said that her County does not have the staff capable of addressing this in place of the local Soil and Water Conservation District. She said that her County would like to be involved with discussions with the Soil and Water Conservation Districts to share resources. A letter from the Isle of Wight County Director of Planning and Zoning expressing these concerns was distributed to the Board in the supplemental packet.

Ms. Salvati said that staff would be very open to localities seeking assistance.

MOTION: Mr. Taylor moved that the Chesapeake Bay Local Assistance Board approve the compliance evaluation review elements and corresponding review strategies and compliance standards as amended, and as provided in the document entitled *Approved Compliance Evaluation Review Elements - March 15, 2010 and Recommended Amendments (Revised)*

SECOND: Ms. Reed

DISCUSSION: None

VOTE: Motion carried unanimously

Other Business

Mr. Johnson noted that at the last meeting Mr. Baxter had been absent on medical leave. He said that he was now doing very well. He also noted that Mr. Baxter had transitioned to a position with the Department of Environmental Quality.

Mr. Taylor informed the Board that he had recently assumed the Chairmanship of the Appomattox Soil and Water Conservation District. As such, he said that he had requested not to be reappointed to the Chesapeake Bay Local Assistance Board.

Mr. Davis noted that this would also be his last meeting. He expressed appreciation to the Board members and staff.

Public Comment

There was no additional public comment.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Donald W. Davis
Chairman

David A. Johnson
Director