



Central Shenandoah Planning District Commission

February 1, 2012

Mr. David Johnson
Director, Department of Conservation and Recreation
203 Governor Street, Suite 402
Richmond, VA 23219

Re: Chesapeake Bay TMDL WIP II Response

Dear Mr. Johnson:

The localities (hereafter referred to as “localities”) represented under the Central Shenandoah Planning District Commission’s (CSPDC) regional response to your November 9th, 2011 letter regarding Virginia’s Phase II Watershed Implementation Plan (WIP) include Rockbridge, Bath, and Highland Counties, and the City of Buena Vista. On behalf of these localities, the CSPDC would like to thank you for seeking input on the various requested items that will assist in the implementation efforts to meet pollution reductions called for by the Chesapeake Bay Total Maximum Daily Load (TMDL). The localities value the health of their local waters, as well as the health of the Chesapeake Bay, and will make every effort within their means, to assist in their improvement. As a primarily headwaters region, we recognize the importance of our participation in restoring both the James River and the Chesapeake Bay.

While the localities did not have sufficient resources or time to collect all of the information requested of them by February 1st, they did have the opportunity review the requests and accompanying model data. The contents of this regional submission deliver a shared response from the localities represented. The response conveys common circumstances, concerns, and progress made in regard to the Department of Conservation and Recreation’s (DCR) WIP II requests. Regional strategies and resource needs are provided in the attached spreadsheet.

Local Engagement on the Chesapeake Bay TMDL

The CSPDC was responsible for engaging the region’s localities on the subject of the Chesapeake Bay TMDL and associated WIP activities. In addition to multiple one-on-one assistance-focused meetings with locality staff, the CSPDC also hosted the following:

- WIP II briefing from David Johnson to CSPD Commission – April 18, 2011
- Data Delivery meeting with DCR Local Engagement Team – May 12, 2011
- Choose Clean Water Workshop – August 23, 2011
- VAST Training Workshop – October 20, 2011
- CSPDC WIP II Roundtable – January 24, 2012

While the PDC provided opportunities for our local governments to engage with DCR on WIP II activities, many staff from this region lacked the flexibility to attend each event. The localities represented here lack environmentally dedicated staff, and the demand on small staffs across the region resulted in the inability to engage sufficiently to fulfill all of DCR's requests, in the level of detail they would have liked to provide. DCR's request for a large amount of information and complex analysis within an unusually short turn-around time affected both the PDC's and localities' capacity to submit complete information by the February 1st deadline.

The items that follow are intended to demonstrate to DCR that the localities understand how they will be represented in Virginia's Phase II WIP to be submitted in the Environmental Protection Agency (EPA) in March, 2012.

Progress Best Management Practices

CSPDC localities represented here understand DCR's request to verify and/or correct the 2009 Progress Best Management Practices (BMP) and believe it is an important step toward correcting assumptions used in the model driven process that is the Chesapeake Bay TMDL. Unfortunately, the localities represented here lack the staff resources to develop/update this data by the February 1st deadline.

Developing an urban BMP inventory requires locality staff to sort through development plans dating back to 2006. CSPDC localities lack sufficient staff resources to accomplish this task on their own. Please understand that a good-faith effort has been made toward collecting this data. However, most CSPDC localities have not been required to maintain this information in the past, unlike many other localities across the state. Progress has been made by some localities on this task, but none were able to complete an inventory by the February 1st deadline.

Localities understand that the agricultural BMP data used in the model originated with the various cost-share programs administered in this region. With the help of the Soil and Water Conservation Districts (SWCDs), Natural Resource Conservation Service (NRCS), and Virginia Cooperative Extension offices serving the region, localities were able to make a broad assessment of the agricultural Progress BMPs provided by DCR. The general consensus among those who have examined this data is that some categories seem to be more accurate than others. While we are comfortable making this general assessment, resources are not sufficient to provide more accurate figures. As a region, we believe there are more voluntary practices taking place here than may be found in other areas of state, adding to the challenge of correcting this data. Localities are appreciative of DCR for making an effort to establish a workable methodology for capturing voluntary practices, and look forward to future progress made in that regard.

The localities understand that, in the absence of the submission of updated data, DCR will use the default "2009 Progress" BMPs developed for them in Virginia's Phase II WIP. However, the localities reserve the right to complete Progress BMP inventories at a later date, and to submit them to DCR for use in the model to more accurately represent progress on the ground.

Land Use / Land Cover

The localities represented here understand, at face value, the land use/land cover (LU/LC) data provided to them about their localities. In many cases, however, it is not well understood how these numbers were derived. The majority of these localities do not have land cover data in the categories used in the model, and are in no position to create such data due to staff and budget constraints, at this time. Due to these challenges, the localities are not prepared, at this time, to make any changes to the LU/LC cover data. Localities understand that in the absence of corrected data, the default LU/LC data will be used in Virginia's Phase II WIP to represent them. However, localities reserve the right to collect this information and submit it to DCR in the future.

We would also like to recommend at this time that DCR take on the challenge of obtaining more accurate, higher resolution land cover data. We believe it is in the best interest of the state, and all localities to have such data. It could assist the state in negotiations with the EPA, and allow localities to direct implementation efforts with more confidence that their actions will be defensible and effective.

There is also a common concern that if localities find that their actual LU/LC differs significantly from the EPA's data, there seems to be no opportunity for reassignment of loads attributed to inaccurate data. Localities would like the assurance that they are being assigned only load reductions that actually apply to them outside of "model-world."

2017 & 2025 Best Management Practice Scenarios

The localities represented here have reviewed and understand, at face value, the BMP implementation scenarios provided by DCR. Unfortunately, neither locality staff, nor the PDC had the staff or resources to fully analyze the practicability of the scenarios. The short timeline offered to localities to complete this analysis and develop meaningful alternatives was impractical. The results of such an analysis would need to be presented for Board/Council endorsement before being submitted to DCR, adding to the unrealistic timeline.

Additionally, our rural localities face challenges in developing implementation scenarios for impervious land cover, since much of the area in this land cover falls outside of their jurisdiction. A large portion of the impervious surface in these localities is either in roads, or incorporated towns. It would be helpful to know what role the Virginia Department of Transportation, and towns will play in BMP implementation. This information will assist the localities in assessing their BMP implementation scenarios in the future.

Some localities in the region have consulted with their SWCDs, NRCS representatives, and Extension Agents on the future scenarios represented in the 5.3.2 pivot table provide by DCR. We understand from their analyses that some of the projected BMP implementation goals are unrealistic. The categories of BMPs affected may not be uniform across the region, and our partners were not comfortable assigning numbers to more realistic scenarios, at this time. However, we hope to look at this more closely in the future, and we hope DCR will be supportive of a cooperative local effort to develop more realistic agricultural scenarios. Additionally, agricultural practices have long been regulated and incentivized by state and federal programs, with minimal involvement by local governments. The localities represented here support maintaining this standard.

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Localities understand that, in absence of the submission of alternative BMP scenarios, Virginia's Phase II WIP will utilize the default modeled BMP scenarios. However, localities reserve the right to develop alternative BMP implementation scenarios in the future, and to adapt these strategies, as it makes sense to do so. We expect that changes in data availability, land use changes, and evolving technologies and regulations will influence the cost and palatability of implementation scenarios. Localities will require the flexibility to amend BMP scenarios throughout the TMDL implementation period.

Strategies & Resources Needs

The attached spreadsheet describes regional strategies and associated resource needs under consideration by the localities. These strategies have not received Board, Council, or Commission endorsement and should not be viewed as specific commitments by any locality. The practicality of implementing the strategies is contingent upon obtaining the resource needs described. Additionally, any locality may decide in the future to use strategies other than those listed here.

In closing, we would like to express our concern about the high cost of implementing the Chesapeake Bay TMDL over a such short period of time, as evidenced by the November 18, 2011 Senate Finance Committee report. As you may know, agriculture is the major economic and cultural force in this region, and as local governments, we want to see this industry continue to thrive. To this end, we believe increased, consistent funding is needed from federal and state sources to defray the financial burden of implementing and maintaining the amount of BMPs that will be necessary to meet local load reductions. Additionally, the localities have administered erosion and sediment control and stormwater programs that have consistently met the requirements of state regulations. That is why we feel that financial responsibility for retrofits to "urban" development lie with the state, as opposed to localities. Finally, we want to express the need for flexibility and adaptive management in meeting load reductions at the local level that will allow us to pursue the most effective solutions, as our collective experience in this field grows between now and 2025.

Thank you again, for the opportunity to provide input to the state's Phase II WIP. We are committed to working with DCR in the future to address the issues that affect our waterways.

Sincerely,



Bonnie Riedesel
Executive Director

Enclosures (1)

cc: James Davis-Martin, Chesapeake Bay WIP II Project Manager, DCR (electronic)
Nesha McRae, TMDL/Watershed Field Coordinator, DCR (electronic)
Matt Walker, County Administrator, Bath County
Robert Claytor, County Administrator, Rockbridge County
Roberta Lambert, County Administrator, Highland County
Jay Scudder, City Manager, City of Buena Vista
Erin Yancey, Regional Planner, Central Shenandoah Planning District Commission

Virginia Phase II WIP Strategies Document - CSPDC Strategies (Rockbridge, Bath, Highland Counties & City of Buena Vista)

Introduction

EPA is requesting that states develop a Phase II Watershed Implementation Plan (WIP) that further articulates the Phase I WIP strategies employed locally to meet local implementation scenarios for 2025. As Virginia and local stakeholders move forward in Phase II this document has been developed to provide examples of acceptable strategies for BMP implementation and capacity building efforts that may be considered for submission by localities. The strategies presented in this document are examples, not requirements, and provide a format for building and submitting local Phase II strategies. Localities, PDCs and SWCDs will meet submission requests for revised or enhanced BMP data and scenarios through the Virginia Assessment and Scenario Tool (VAST). Strategies and resources, like the examples provided, will be submitted through the DCR local engagement team staff using this formatted spreadsheet. While scenarios and strategies will not be shared with EPA, on a locality-by-locality basis, it is important that they are provided to DCR in order to develop a Phase II plan showing local involvement and input.

The table below provides a format for selecting the "Type" of strategy being developed, "Implementation", "Capacity" building, or "New BMP", the "Source" sector this BMP strategy can be applied on, the "BMP", and a field for entering the "Strategy" for implementing the BMP. The final column is for entering "Resource Needs" to successfully implement the proposed strategy. There is a drop down menu in each cell except for "Strategy" and "Resource Needs". Please select the appropriate item in each cell and then enter in a brief sentence describing the "Strategy" and "Resources needed". A couple of examples have been entered in the green shaded cells below.

Strategy and Resources Reporting Template				
STRATEGY TYPE	SOURCE	BMP	STRATEGY	RESOURCE NEEDS
BMP Implementation	Agriculture	Multiple	Continue to work with partner SWCDs, NRCS, VCE and DCR to identify and enroll farmers in cost-share and technical assistance programs to implement agricultural BMPs.	Consistent federal and state funding for SWCDs to provide additional incentives to farmers to increase participation in cost-share programs. Funding for VCE to provide technical assistance to agricultural community regarding nutrient management and to research/field test innovative practices.
BMP Implementation	Agriculture	Multiple	Rely on the state to develop programs, or increase funding necessary to meet any load reduction goal shortfalls associated with the agricultural sector.	
Capacity Building	Construction		Evaluate the program resources needed to effectively implement a comprehensive qualifying local Virginia Stormwater Management Program, including a local Erosion and Sediment Control and Stormwater Management Program as described in the new Stormwater Management Regulations.	
Capacity Building	Urban		Consider accessing appropriate technical expertise to identify "urban" pollution reduction opportunities (structural, non-structural, and/or programmatic in nature) and associated costs.	Funding from the state to support assistance for this activity. Funding from the state for implementation of identified opportunities.
BMP Implementation	Multiple	Multiple	Consider working with partners to seek grant funds to implement local Watershed Implementation Plans for locally impaired streams.	
BMP Implementation	Septic	Multiple	Rely on Virginia Department of Health to continue to administer existing programs to ensure onsite sewage disposal systems function as intended, and to expand programs as necessary to meet any load reduction goal shortfalls associated with septic systems.	
BMP Implementation	Harvested Forest	Multiple	Rely on the Commonwealth to ensure that any silvicultural activity adheres to applicable water quality protection requirements, to continue to administer existing programs that require and/or encourage installation of silvicultural BMPs, and to expand programs as necessary to meet any load reduction goal shortfalls from the forestry sector.	
Capacity Building	Multiple		Consider continuing to develop BMP inventories, verify local land use, analyze BMP implementation scenarios, and develop alternatives and implementation strategies.	Consistent funding from the state to support a programmatic approach to these planning activities; a high resolution land cover map developed by the state; time; BMP cost information.
BMP Implementation	Multiple	Multiple	Consider exploring opportunities to generate credits to sell in an expanded state nutrient credit exchange program.	