




MEMORANDUM

TO: MPPDC Board of Commissioners

FROM: Lewis Lawrence, Executive Director 

DATE: June 23, 2021

RE: June Commission Meeting via Zoom

COMMISSIONERS

Essex County
Hon. Edwin E. Smith, Jr.
Hon. John C. Magruder
Ms. Sarah Pope
Mr. Michael A. Lombardo

Town of Tappahannock
Hon. Roy M. Gladding

Gloucester County
Hon. Ashley C. Chriscoe
(Vice-Chairman)
Hon. Michael R. Winebarger
Dr. William G. Reay
Mr. J. Brent Fedors

King and Queen County
Hon. Sherrin C. Alsop
Hon. R. F. Bailey
Mr. Thomas J. Swartzwelder
(Chairman)

King William County
Hon. Ed Moren, Jr.
Hon. Travis J. Moskalski
(Treasurer)
Mr. Otto Williams

Town of West Point
Hon. James Pruett
Mr. John Edwards

Mathews County
Hon. Michael C. Rowe
Hon. Melissa Mason
Mr. Thornton Hill

Middlesex County
Hon. Wayne H. Jessie, Sr.
Hon. Reggie Williams, Sr.
Mr. Gordon E. White

Town of Urbanna
Hon. Marjorie Austin

Secretary/Director
Mr. Lewis L. Lawrence

As government bodies began to reopen, MPPDC will hold the June meeting as a hybrid (in person and virtual) meeting. Regional Public Bodies were granted authority to conduct meetings electronically, pursuant to the provisions of Virginia Code § 2.2-3708.2 and related legislation approved by the General Assembly of Virginia during the period of the Governor's State of Emergency Declaration for COVID-19. While we do not know the exact duration of the current allowance of electronic meetings, we will continue to function in this manner until such time as it is deemed advisable to return to normal business practices.

Staff provided notice of this meeting and the means by which we are virtually gathered to members of the public on June 18, 2021 through electronic Facebook posting as well as on the MPPDC website, email distribution of notice to members, alternates, and known interested parties, including the media. This meeting will be recorded. Audio and visual recordings of the meeting and materials will be posted on the MPPDC website within 48 hours of this meeting. Any member of the public participating as an observer during the meeting may submit comments or questions at any time during the meeting via email at CSmith@MPPDC.COM or by using the online chat functions of the meeting platform. Those individuals who are observing by phone may be called upon to share questions or comments. This meeting agenda includes public comment. All comments and questions submitted during the meeting will be reviewed following the meeting and to the extent practical, responses will be provided or posted on the MPPDC website.

We ask that everyone identify themselves first when speaking so we can more accurately record the activities of the meeting. All lines have been muted by the meeting administrator to minimize additional noise and feedback. You may unmute your line at any time to request acknowledgement from the Chair. Staff will be monitoring the chat functions throughout the meeting to assure we do not overlook anyone wishing to participate, as appropriate, in the discussion. I will now ask our Secretary to certify we have followed the approved procedures for appropriate notice of this meeting and the means by which we are convening.

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MPPDC will hold the June Commission meeting as a hybrid (in person and virtual) meeting. While we do not know the exact duration of the current allowance of electronic meetings, we will continue to function in this manner until such time as it is deemed advisable to return to normal business practices.

Please join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/6998109642?pwd=R2RXbEpmSFEzZEJxWW9EYTAvamV4dz09>

To Join by Phone: 1-301-715-8592

Meeting ID: 699 810 9642# and follow the prompts

Middle Peninsula Planning District Commission Meeting

7:00 P.M.

Wednesday, June 23, 2021

125 Bowden Street

Saluda VA 23149

- I. Roll Call of Attendees and Certification of a Quorum
- II. Approval of May Minutes
- III. Approval of Financial Report for May
- IV. Executive Director's Report on Staff Activities for the month of June
- V. MPCBPAA Update
- VI. MPA Update
- VII. MPPDC Public Relations/Communications Update
- VIII. Public Comment

AGENDA ITEMS FOR DISCUSSION

- IX. Rappahannock Electric Cooperative Economic Development Strategies Presentation – Felicia Ainsa, Economic Development Director
- X. Approval of MPPDC FY22 Budget – Heather Modispaw, MPPDC CFO
- XI. VRA Septic Loan Documents – Lewie Lawrence, MPPDC Executive Director
- XII. Discussion of the Virginia Community Flood Preparedness Fund – Curt Smith, MPPDC Deputy Director
- XIII. Discussion on the Chesapeake Bay Preservation Act – Lewie Lawrence, MPPDC Executive Director
- XIV. Other Business
- XV. Adjournment

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MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

May 26, 2021

In light of the 2020 Covid-19 virus and current guidance regarding physical distancing to reduce the potential for spread, meetings of the Middle Peninsula Planning District Commission have transitioned to a virtual format. Regional Public Bodies were granted the authority to conduct meetings electronically, pursuant to the provisions of Virginia Code § 2.2-3708.2 and related legislation approved by the General Assembly of Virginia during the period of the Governor's State of Emergency Declaration for COVID-19. While we do not know the exact duration of the current practice of electronic meetings, we will continue to function in this manner until such time as it is deemed advisable to return to in-person meetings.

I. Roll Call and Certification of a Quorum

The monthly meeting of the Middle Peninsula Planning District Commission was held virtually on Wednesday, May 26, 2021, at 7:00 p.m. In the absence of Chairman Swartzwelder, MPPDC Vice Chairman Chriscoe welcomed everyone in attendance and requested roll call. A quorum was certified as roll call determined Essex, Gloucester, King William, Mathews, Middlesex Counties and the Towns of Urbanna and West Point were represented.

Commissioners Present

Essex County: John Magruder, Edwin "Bud" Smith, Jr., Sarah Pope
Gloucester County: Ashley Chriscoe, Willy Reay, Carol Steele
King William County: Travis Moskalski, Ed Moren, Otto Williams
Mathews County: Tim Hill
Middlesex County: Gordon White, Wayne Jessie, Sr., Reggie Williams
Town of Urbanna: Marjorie Austin
Town of West Point: John Edwards

***Commissioners Absent**

Essex County: Michael Lombardo
Gloucester County: Michael Winebarger
King and Queen County: Sherrin Alsop, Tom Swartzwelder, R.F. Bailey
Mathews County: Melissa Mason, Mike Rowe
Town of Tappahannock: Monte "Roy" Gladding
Town of West Point: James Pruett

***Note:** The MPPDC subscription to Zoom was updated on the day of the Commission meeting, a new link was provided to the Commissioners via email which may have had an effect on attendance.

Also in Attendance

Lewis Lawrence, MPPDC Executive Director
Curt Smith, MPPDC Deputy Director
Heather Modispaw, MPPDC Chief Financial Officer
Dawn Mantell, MPPDC Executive Assistant
Guests

II. Approval of April Minutes

Vice Chairman Chriscoe asked whether there were any corrections or changes to the March Minutes. There being no corrections to the Minutes, Vice Chairman Chriscoe requested a motion to approve the April Minutes. Mr. Smith moved that the April Minutes be approved. Mr. Hill seconded the motion; motion carried.

III. Approval of Financial Report for April

MPPDC Chief Finance Officer, Heather Modispaw reported the Budget Committee met on May 11th where the draft FY22 Budget was reviewed and approved. At that time, there were outstanding applications that were not included and are currently in the process of being awarded. The draft FY22 budget will be updated accordingly and presented to the Commission at the June Commission meeting. Vice Chairman Chriscoe asked whether there were any questions regarding the financial report for April before being approved subject to audit. There being no questions, Vice Chairman Chriscoe requested a motion to approve the financial report for April subject to audit. Mr. Smith moved to approve the financial report for April subject to audit. Mr. Moren seconded the motion; motion carried.

IV. Executive Director's Report on Staff Activities for the Month of May

Chairman Swartzwelder requested MPPDC Executive Director, Lewie Lawrence review the Executive Director's Report on Staff Activities for the month of May. The Executive Director's Report on staff activities is developed at a monthly staff meeting, organized by PDC Service Centers, and the activities are used to report grant funding activities.

Mr. Lawrence directed the Commissioners' attention to the following reported activities:

- Received notification of Gloucester Wetlands Board approving the project permit to construct living shorelines on two adjoining parcels.
Mr. Lawrence reported that after almost 3 years, the Gloucester Wetlands Board has finally approved the project permit for a multi-parcel living shoreline project on a FEMA repetitive loss home on the Ware River. Stephanie Heinatz, Consociate Media has been asked to take photographs documenting the process once the local contractor begins construction.
- Finalized inventory of 120 tidal waterways in the region from topo maps to tax maps. The inventory will serve as a critical baseline in determining local/regional dredging priorities.
Mr. Lawrence reported there is more knowledge now than ever regarding dredging capabilities across the Middle Peninsula. Currently, there are multiple shovel ready projects ready for permitting, a group of projects that are almost ready for permitting and a group of 120 that are pre-baseline.
- Consulted with VDOT regarding the Gwynn's Island Hole-in-the-Wall dredging project and VDOT's need to perform this work as fast as possible.
Mr. Lawrence reported VDOT is really interested in making sure this project is completed as soon as possible. VDOT has already entered into a contract with Mathews County to accelerate the bid packet and permitting for this project. This project has been funded at 100% (\$1.5M) and is the first project in Virginia to be funded by the new Waterways Management Fund.

- Assisted King William County citizen possibly interested in selling or donating waterfront property on Severn River in Gloucester County for flood mitigation and outdoor recreation purposes.
Mr. Lawrence stated the citizen was advised to sign up under the Fight the Flood program for when the state program becomes available.
- Contacted the Weldon Cooper Center for Public Service requesting assistance with projecting revenue if MP localities approved the creation of a Cigarette Tax Board.
Mr. Lawrence reported the Weldon Cooper Center provided a couple of different methodologies to explore for each Middle Peninsula locality. This information will be shared with the localities to determine if a regional Cigarette Tax Board is desired.
- Explored reuse opportunity for utilizing muddy dredged material as concrete for construction and other industrial purposes.
Mr. Lawrence stated as this dredged material is moved, it presents new opportunities to investigate different ways to use what had been previously considered waste material.
- Mr. Lawrence directed the Commission's attention to the activities reported for the Local Government Dredging Implementation Business Plan Development.
Mr. Lawrence stated this study is almost completed and will be presented to the Commission within the next two months. It has been found that the cost of dredging can be reduced by 30-40% by setting up a municipal operation vs. continuing with the current private sector model.

V. MCBPAA Update

In the absence of the PAA Chairman, Mindy Conner, PAA Secretary, Lewie Lawrence reported the bid packet is almost finalized for the construction of the new public fishing pier at the Captain Sinclairs Recreational Area in Gloucester County.

VI. MPA Update

MPA Vice Chairman, Ashley Chriscoe reported several items are still being finalized and tax information still being sorted out. Once these items have concluded, a meeting can be scheduled.

VII. MPPDC Public Relations/Communications Update

Ms. Heinatz reported a virtual/live resiliency training event took place for businesses with Kristy Morton from Virginia Economic Development Partnership as the host. There were 1,784 participants, 446 complete views of the video and 14 participants accessed the full training package presented by the U.S. Chamber of Commerce. This program is to assist businesses with creating a Continuity of Operations Plan in the event of anything from a hurricane to a hacker impacting their business operations and continues to be of value to local business owners.

Vaccine Rollout – Stephanie Heinatz, Consociate Media reported the second batch of four print ads related to the vaccine has been placed in the Middle Peninsula

periodicals. A recorded radio and video public service announcement has been recorded with Dr. Williams' staff as well.

Bay Direct and EcoTourism/Fight-the-Flood – Ms. Heinatz reported both projects are ongoing and are continuing to develop.

VIII. Public Comment

None.

IX. Discussion on Next Funding Request of VRA and DEQ for Resiliency

MPPDC Executive Director, Lewie Lawrence reported VRA has agreed to take an application from MPPDC to help finance the living shoreline resilience program at an appropriate level estimated to be \$3M and allowing cash withdrawals of \$500k at a time to assist with cash flow. VRA may consider new repayment terms based solely on payments that were made during the quarter. The Septic and Living Shoreline loan funds will be combined, also reducing open loan paperwork. This funding can also be used as match against the Virginia Community Flood Preparedness Fund. The application will be made in June.

X. Virginia Housing – PDC Housing Development Program

MPPDC Deputy Director, Curt Smith reported the PDC's have been provided with a unique opportunity through a one-time, match free grant from the Virginia Housing Development Authority to create additional affordable workforce housing. Each PDC is eligible to apply for up to \$3M, depending on the size of the region. The MPPDC is currently eligible for \$1M to either rehab or construct new affordable workforce housing. Mr. Smith and Mr. Lawrence have been working on how to best capitalize on this opportunity. The current proposal is to target affordable workforce housing for low-income people that need to live and work near the water and potentially using PAA owned property. This program provides the opportunity to become the model for how to build resilient workforce housing for those that need to live and work near the water. The housing would be designed for long-term strategic relocation and to withstand flood conditions experienced during the home's life span. The grant would complement the Virginia Sea Grant Go Virginia Region 5/6 Water Management Economy Grant concurrently underway on PAA holding. The Go VA grant has a residential modification focus needed to combat flooding. The VHDA grant would start in July and with construction and rehab of up to 10 new units needing to be completed within three years. The first phase of the project would be to work with the PAA, localities, and other stakeholders to determine the optimal properties to target for housing activities.

XI. 408 Categorical Permission for Small Channel Dredging on the Middle Peninsula

MPPDC Executive Director, Lewie Lawrence provided background information on the MPPDC's work on local dredging over the years and Congress' defunding of shallow water dredging approximately 8-years ago. Staff worked with Del. Hodges and other legislators to create a grant program to shift the burden and fund dredging projects at the state level. Section 408 requires the Corp of Engineers to make sure the public

interest in any dredging project is protected. However, the fact that Congress had defunded shallow water dredging meant there wasn't any public interest to protect. Four years ago, a meeting with the Corp of Engineers in Norfolk was held to discuss the Section 408 requirement for instances when no federal funding is involved. When approved, the categorical permission will be the first time the Corps of Engineers has granted such permission in Virginia for this type of project. The 17 federal channels in the Middle Peninsula will not be subject to Section 408 categorical review, which will greatly expedite the federal review process leading to more efficient implementation of these projects. The public comment period is now open and everyone was encouraged to submit their support to the Corp of Engineers via the link located on the agenda section of the meeting packet. The Commission thanked staff for their hard work and accomplishment.

XII. Other Business

MPPDC Vice Chairman, Ashley Chriscoe stated there is interest in conducting the June Commission meeting as a hybrid meeting. Those comfortable meeting in person in the MPPDC Boardroom in Saluda may do so and those wishing to meet virtually will have the option to continue to attend via Zoom. Mr. Lawrence informed the Commission if Governor Northam rescinds the executive order, meeting virtually will cease to be an option and meetings will have to go back to being held in the MPPDC Boardroom. It was the consensus of the Commission to conduct June's Commission meeting as a hybrid meeting and proceed with future meetings accordingly.

XIII. Adjournment

Vice Chairman Chriscoe requested a motion to adjourn. Mr. Otto Williams so moved, Mr. Hill seconded; motion carried.

**Note: All handouts distributed at a meeting are filed in the official MPPDC record book of the minutes. Copies of all PowerPoint presentations, if any, are filed with the official minutes.*

COPY TESTE:

(Secretary)

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Project Financial Report

Middle Peninsula Planning District Commission
 Period Ending: 05/31/2021

Run Date: 06/11/2021
 Run Time: 11:44:45 am
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-----Expenditures-----								
Code	Description	Budget	Curr Month	Project Total	Un/Over	% Budget	Revenues	Balance
30013	Housing Loan Admin - EE&CBG I	318.88	30.60	302.61	16.27	94.90%	252.72	(49.89)
30118	FY20 MPA Staff Support	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
30119	Essex Planning Grant-Broadban	3,411.18	(2.10)	3,303.46	107.72	96.84%	3,000.00	(303.46)
30121	FY21 MPA Staff Support (\$5k LLI	4,000.00	1,008.30	6,254.72	(2,254.72)	156.37%	9,683.62	3,428.90
30170	Sm Bus Loan Admin - MPBDP St	22,865.81	91.53	23,039.65	(173.84)	100.76%	27,094.50	4,054.85
30180	Covid Three Rivers PSA	2,350.64	0.00	2,350.64	0.00	100.00%	2,350.64	0.00
30182	Covid CARES Act LOCAL PROJEC	331,400.00	9,473.19	291,458.55	39,941.45	87.95%	319,400.00	27,941.45
30216	FY20 TDM Operating	84,807.00	4.19	80,669.41	4,137.59	95.12%	71,051.57	(9,617.84)
30217	FY21 TDM Operating	44,253.00	3,520.63	40,194.44	4,058.56	90.83%	24,098.93	(16,095.51)
30318	FY21 Rural Transportation Planr	72,500.00	7,948.52	63,610.63	8,889.37	87.74%	43,466.22	(20,144.41)
30420	Onsite Loan Management	164,912.75	116.25	164,247.13	665.62	99.60%	190,585.37	26,338.24
30450	Septic Pumpout (Homeowner P:	21,804.00	(4.57)	11,616.24	10,187.76	53.28%	9,879.79	(1,736.45)
31002	GA Lobby	25,850.00	0.00	25,000.00	850.00	96.71%	32,930.00	7,930.00
31212	Mid Pen AHMP Update	142,863.00	13,048.96	63,769.96	79,093.04	44.64%	43,437.58	(20,332.38)
31500	Living Shoreline Incentive Progr:	23,683.58	201.57	23,766.50	(82.92)	100.35%	39,516.34	15,749.84
32015	PAA Staff Support	12,200.00	2,035.14	11,175.71	1,024.29	91.60%	8,600.59	(2,575.12)
32018	PAA - Go VA Bay Direct	17,364.00	952.82	17,608.25	(244.25)	101.41%	(18,884.84)	(36,493.09)
32019	PAA - VMRC Public Fishing Pier/	10,000.00	928.44	3,448.09	6,551.91	34.48%	0.00	(3,448.09)
32151	NFWF Ware River Landowners L	199,914.09	222.80	71,263.02	128,651.07	35.65%	35,695.68	(35,567.34)
32153	Coastal TA FY20	69,000.00	62.94	68,978.59	21.41	99.97%	69,000.00	21.41
32154	ANPDC EcoTourism 3	58,333.00	120.64	59,041.40	(708.40)	101.21%	58,333.00	(708.40)
32155	DEQ Planner #16889	65,000.00	(8.14)	64,979.83	20.17	99.97%	64,930.24	(49.59)
32156	PAA - DEQ Hogg Island- Subs: VI	3,585.00	19.11	3,471.70	113.30	96.84%	3,585.00	113.30
32157	NFWF Mathews-\$70k Revolving	310,377.80	743.25	5,723.74	304,654.06	1.84%	4,799.73	(924.01)
32158	DEQ CZM Coastal TA 21	129,000.00	11,495.29	76,653.98	52,346.02	59.42%	46,402.67	(30,251.31)
32159	DEQ Planner Yr2	72,500.00	5,343.70	21,854.75	50,645.25	30.14%	1,824.53	(20,030.22)
32160	DEQ CZM ANPDC EcoTourism 4	28,500.00	1,712.12	15,239.14	13,260.86	53.47%	8,776.15	(6,462.99)
38020	FY20 Local Projects	0.00	(0.03)	42.82	(42.82)	0.00%	0.00	(42.82)
38021	FY21 Local Projects	213,670.00	12,462.34	142,120.15	71,549.85	66.51%	213,737.83	71,617.68
38801	VPA Hole in Wall (Mathews)	129,395.00	(13.86)	127,751.31	1,643.69	98.73%	129,395.00	1,643.69
38802	VPA Davis Creek (Mathews)	132,128.00	(14.18)	130,043.41	2,084.59	98.42%	132,158.00	2,114.59
38803	VPA Aberdeen Creek (Gloucest	117,528.00	0.00	116,918.26	609.74	99.48%	132,172.00	15,253.74
38804	VPA Timberneck Creek (Glouces	115,328.00	(0.16)	114,682.61	645.39	99.44%	130,172.00	15,489.39
38805	PAA - VPA Dredging Bus Plan (S	59,524.00	3,241.12	34,870.79	24,653.21	58.58%	22,339.16	(12,531.63)
38806	VPA Cedarbush (Gloucester) (Sp	175,000.00	16,758.12	122,076.75	52,923.25	69.76%	71,675.63	(50,401.12)
38807	VPA Parrots Creek (Middlesex) (150,000.00	14,756.56	92,913.06	57,086.94	61.94%	49,598.41	(43,314.65)
38808	VPA Winter Harbor (Mathews) (150,000.00	14,756.48	105,282.35	44,717.65	70.19%	37,914.12	(67,368.23)
Totals:		3,163,366.73	121,011.57	2,205,723.65	957,643.08	69.73%	2,018,972.18	(186,751.47)

Balance Sheet by Category

Middle Peninsula Planning District Commission
 Period Ending: 05/31/2021
 Format: 1 Board

Run Date: 6/11/21
 Run Time: 11:45:08 am
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Assets:

Cash in Bank	400,654.42
Cash in Bank, Restricted	385,117.86
Receivables	325,340.75
Property & Equipment	1,090.84
Prepaid Pension (Deferred Outflows)	28,175.57

Assets:	\$1,140,379.44
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Liabilities:

Accounts Payable	103,728.19
VRA Loan Payables	456,211.24
Payroll Withholdings	568.40
Accrued Leave	47,208.28
Deferred Inflows (VRS)	67,268.00
Net Pension Liabilities	29,544.00
Cost Allocation Control	6,032.28

Liabilities:	\$710,560.39
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Equity:

Local Initiatives/Information Resources	108,900.45
Economic Development	8,499.12
Transportation Programs	(34,995.67)
Emergency Management Projects	(20,332.38)
Onsite Repair & Pumpout	25,005.67
Housing	(49.89)
Coastal Community & Environmental	(204,805.15)
Public Access Auth Programs	(54,934.63)
Temporarily Restricted	177,307.09
General Fund Balance	425,224.44

Equity:	\$429,819.05
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Total Liabilities and Equity	\$1,140,379.44
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Balance:	\$0.00
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Agencywide R&E by Category

Middle Peninsula Planning District Commission
 Period Ending: 05/31/2021
 Format: 1 Agencywide R&E

Run Date: 06/11/2021
 Run Time: 11:45:26 am
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Without Indirect Cost Detail

Code & Description	Budget	Current	YTD	Un/Over	% Bud
Revenues					
Local Match	0.00	875.66	72,315.65	(72,315.65)	0.00%
Local Annual Dues	148,099.00	0.00	138,099.00	10,000.00	93.25%
Local Other Revenues	134,013.05	6,000.00	382,916.64	(248,903.59)	285.73%
Local Other Organizations	70,949.00	(469.51)	13,623.53	57,325.47	19.20%
State Revenues	1,113,642.00	83,376.49	671,063.12	442,578.88	60.26%
Federal Revenues	412,478.43	39,639.68	131,676.42	280,802.01	31.92%
Miscellaneous Income	1,600.00	191.08	2,850.64	(1,250.64)	178.17%
RevolvingLoan Program Income	2,380.00	1,763.72	73,266.85	(70,886.85)	3078.44%
Revenues	1,883,161.48	131,377.12	1,485,811.85	397,349.63	78.90 %
Expenses					
Personnel	503,706.06	37,764.68	453,703.69	50,002.37	90.07%
Communications	0.00	0.00	(15.99)	15.99	0.00%
Equipment & Supplies	700.00	93.90	463.86	236.14	66.27%
Travel	4,000.00	0.00	67.16	3,932.84	1.68%
Professional Development	4,660.00	0.00	1,210.00	3,450.00	25.97%
Contractual	1,167,114.92	70,710.61	762,553.91	404,561.01	65.34%
Miscellaneous	24,100.00	0.00	203,296.00	(179,196.00)	843.55%
Regional Share	0.00	0.00	71,439.99	(71,439.99)	0.00%
	0.00	12,442.38	165,212.67	(165,212.67)	0.00%
Expenses	1,704,280.98	121,011.57	1,657,931.29	46,349.69	97.28 %
Agency Balance	178,880.50	10,365.55	(172,119.44)		

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Middle Peninsula Planning District Commission
Executive Director's Report of Regional Progress
June 15, 2021

Note: On May 23, 2018, the Commission voted to direct staff to email all future documents including the Commission meeting packets in an effort to save on postage. As we strive to make this report more informative and user friendly, some previously contained information may now be accessed by clicking on the following link(s):

- For Demographic Information:
http://virginialmi.com/report_center/community_profiles/5109000318.pdf
- For MPPDC Website: <http://www.mppdc.com/>

MPPDC Staff and Contact Information

Executive Director: Lewis Lawrence

Contact Info: llawrence@mppdc.com (804) 758-2311x24 (804) 832-6747 (cell)

Programs: *Coastal Zone Technical Assistance, Local Initiatives, Public Access Authority*

Deputy Director: Curt Smith

Contact Info: csmith@mppdc.com (804) 758-2311x28 (804) 384-7509 (cell)

Programs: *Rural Transportation Planning, Dredging Coordination, General Environmental Management*

Chief Financial Officer: Heather Modispaw

Contact Info: hmodispaw@mppdc.com (804) 758-2311x22

Programs: *Commuter/Employer Transportation Services, Septic Repair Assistance, Living Shoreline Incentive Program, Revolving Loan Programs Administration, PDC Finance & Grants Administration, PAA Staff Support, MPA Staff Support*

Special Projects Planner: Jackie Rickards

Contact Info: jrickards@mppdc.com (215) 264-6451 (cell)

Programs: *Environmental Programs, Hazard Mitigation Planning, Grant Writing, Graphic Arts*

Executive Assistant: Dawn Mantell

Contact Info: dmantell@mppdc.com (804) 758-2311x21

Programs: *Septic Pumpout Assistance, PDC Staff Support, MPA Staff Support, PAA Staff Support, Facilities Scheduling, Website Management*

INFORMATION RESOURCES/ASSISTANCE

- Updated www.mppdc.com website – meeting notices, reports, news releases, GO Va meetings, and MPA notices, etc.

COASTAL COMMUNITY DEVELOPMENT/ ENVIRONMENTAL

Funding – VDEQ, VIMS, VDCR, local match from MPPDC General Fund & partners

Project 31500 - Living Shoreline Incentive Program RLF

MPPDC submitted a proposal to the National Fish and Wildlife Foundation for VIMS. The objective of this project is to leverage previous funding from NFWF to install oyster bag sills at two publicly owned (MPCBPAA) properties on and monitor them for a year. In addition, existing oyster bag sill installations at four private locations will be monitored to determine overall project effectiveness. This work will provide recommendations for installations along fetch-limited shorelines of Chesapeake Bay.

- Followed up with Bradley Reams, VMRC to inquire if he has visited Deltaville Boatyard for a routine compliance check of plants required to complete the living shoreline project. Mr. Reams responded he had not but would stop by and do so.
- Mr. Reams, VMRC reported the plants at the Deltaville Boatyard were in compliance. Middlesex County was then contacted for permitting approval. Mark Longest, Middlesex County confirmed the project has been built to compliance. The final payment of \$1,500 to Deltaville Boatyard will be processed and issued this month.
- *Executed ACH loan payments for loans. All MPPDC loan funding programs require that loan recipients authorize loan payments to be made automatically from loan recipients' bank accounts. Loan clients authorize the payments at loan closing (ACH Authorizations). MPPDC staff process these payments on the 15th of each month. This places the onus to not make a payment on the loan client contacting MPPDC staff prior to the loan processing date of the 12th of the month to request a payment be held. This has significantly reduced defaults and delinquent repayments of MPPDC loans.*
- ***Revolving uncommitted funds - \$132,915***

Project 32018 – GoVA Bay Direct

This project is a special COVID economic development project that will facilitate electronic commerce between those who want to purchase “local” seafood/agricultural products and those who can sell “local” seafood/agricultural products by customizing an established mobile and web application to address the unique economic pandemic challenges facing the Middle Peninsula.

- Advised all subcontractors to get all final invoices for payment prior to the award end date of June 11th. Reimbursement request is due to DHCD GoVA by June 30th.

Project 32019 – Sinclair’s Public Fishing Pier

The MPCBPAA has contracted the MPPDC to administer a grant from the VA Saltwater Recreational Fishing Development Fund to rehabilitate the public fishing pier at the Captain Sinclair’s Recreational Area, which had fallen into a state of disrepair. The project will consist of procuring a qualified contractor to rebuild a traditional wooden framed open pile 400-foot long public use fishing pier that will provide year-round opportunities for saltwater fishing and recreational viewing.

- Procurement for the construction of the pier is underway.

Project 32151 – NFWF Landowners Living Shorelines & Shoreline Management – Ware River

This is a two-part project that focused on continuing coastal resiliency and mitigation efforts, while simultaneously improving water quality, managing shoreline erosion and marsh loss. First, MPPDC staff will work directly with FEMA National Flood Insurance repetitive loss property owners to offer grant and loan funds

through the MPPDC Living Shorelines Incentives Revolving loan to install living shorelines. Second, MPPDC will contract with VIMS to create a grant template to be used by localities to receive funding through the Virginia Waterway Maintenance Fund.

- Consulted with NFWF staff regarding grant reimbursement processes once construction commences.
- Received permits from the Gloucester Wetlands Board. Initiated loan papers for Ware River homeowner participating in the project.
- This project is moving towards construction.

Project 32158 – Virginia Coastal TA FY21

This project provides ongoing support to member localities of the Planning District Commission and other stakeholders committed to improving community development and coastal management within the coastal zone.

- Consulted with Virginia Resource Authority (VRA), the Department of Environmental Quality Clean Water Program, and Davenport Financial regarding financial strategies to re-capitalize the MP Living Shoreline Revolving Loan Program. Agreed on a strategy to combine septic pumpout and living shoreline loans into one larger loan for both programs.
- Consulted with a Gloucester County waterfront landowner interested in donating or selling a piece of property for flood mitigation protection reasons. Advised the resident that the DCR Flood Fund guidelines have not been released yet and until this happens, we have no idea what final rules will be.
- Consulted with an aquaculture startup company doing business around Brown's Bay and Kings Creek in Gloucester County. Business owner had questions related to accessing the VDOT wharf at Brown's Bay.
- Consulted multiple times with Virginia Sea Grant regarding the Go Virginia Water Management Economy grant and the role of the PAA in the project.
- Participated in several Virginia Coastal Resiliency Master Plan TAC (Technical Advisory Committee) meetings and subcommittee meetings for the development of the Resiliency Master Plan. Provided comments on how rural coastal areas struggle with managing against flood risks.
- Consulted with multiple businesses participating in the MP Fight the Flood program looking to add more marketing content related to flood mitigation services.
- Participated in the Go Virginia Coastal Resilience and Adaptation Economy Steering Committee meeting convened by Carol Considine, Director of Applied Projects, CCRFR Institute for Coastal Adaptation and Resilience (ICAR) Old Dominion University.
- Consulted with Virginia Sea Grant and Virginia Housing Development Authority regarding a PDC-PAA cooperative housing grant. The MPPDC will be the applicant of record and the PAA will make properties available to focus on residential resiliency needs.
- Convened the June meeting of the Local Government Administrators. Topics of discussion were: Chesapeake Bay Act; RPA regulation changes; DCR Flood Fund Guidelines; Pandemic update; and Regional Cigarette Tax Board.
- At the request of the Virginia Homebuilders and the Commercial Realtors Association, as well as Hampton Roads PDC Executive Director, Bob Crum, participated in a call regarding anticipated regulatory changes to the Chesapeake Bay Preservation Act to address flood mitigation issues within the RPA.
- Consulted with Dylan Sheets, GIS Project Manager for Timmons Group regarding the development of a GIS dashboard to illustrate Fight the Flood constituent needs across the Middle Peninsula.

- Participated in a meeting with the Town of Tappahannock and staff from the Virginia Land Conservation Fund regarding a grant award for the Town of Tappahannock to purchase the site where the Capt. Thomas once docked. Discussed public access and eco-related businesses to ensure consistency with VLCF guidelines.
- Consulted with multiple Gloucester County waterfront property owners looking to access grant funding and loan funding to protect their shorelines from significant coastal erosion.
- Consulted with a resident of the Town of West Point regarding placing an easement on or donating waterfront property to either the Town or the Middle Peninsula Chesapeake Bay Public Access Authority. Provided information related to grant programs.
- Created a geodatabase (online map with data) showing flood hazard risks and sharing on the Fight the Flood website.
- Continued developing the structure for the Access database that will contain and relate non-spatial data and connect to the geodatabase.
- Participated in the VA Coastal Resilience Master Plan Finance Subcommittee and Economic Development Subcommittee meetings on May 24th.
- Participated in the Virginia Bay Enhancement Working Group meetings on May 26, 27, and June 10 for beneficial use of dredge material to identify prospective locations for beneficial reuse of material from the York Spit Channel in the Chesapeake Bay.
- Participated in the VA Coastal Resilience Master Plan Outreach Subcommittee meeting on June 1st.
- Participated in meetings with the GO Va water management economy VA Sea Grant team on June 2 & 7 regarding business competition activities on PAA properties.
- Participated in Coastal PDC quarterly meeting on June 4th.
- Participated in the VA Coastal Resilience Master Plan Project Identification Subcommittee meeting on June 7th.
- Reviewed final VA Community Flood Preparedness Fund Grant Manual and submit MPPDC Resilience Plan to DCR for review/approval. Begin identifying and prioritizing projects for the first round of funding with applications due in early September.

Project 32160 – ANPDC Eco Tourism IV Promoting Ecotourism to Support Conservation of Conserved Lands and Resilient Communities

This project will build on the efforts completed between 2017 – 2019. During this project PDC's will focus on implementing actions identified in the 36-month Marketing Strategy and Action Plan. PDC's will also organize a business resiliency training for local businesses. Finally, PDCs will create a tiered priority list for paddling launch sites that need signage enhancements and will begin the development of graphic design content for the selected launch sites.

- Posted ecotourism related blogs to Virginia Water Trails website (www.VirginiaWaterTrails.org)
- Supported development of a Virginia Tourism Corporation grant application.

Project 38805 – Local Government Dredging Implementation Business Plan Development

This project will study and determine the most cost effective and efficient alternative for local government dredging operations using existing and new channel survey information.

- Hosted meeting on June 8th with US Army Corps of Engineers Norfolk District and Virginia Marine Resource Commission to discuss Hole-in-the-Wall dredging permit application and provide updates to the Davis Creek and Winter Harbor dredging designs.
- Submitted public comments to US Army Corps of Engineers in support of categorical permission in federally authorized channels on the Middle Peninsula.
- Finalized White Paper Describing a financial model intended for use for evaluating local dredging projects.
- Finalized White Paper summarizing Grant and Loan Resources for Dredging Activities
- Finalized annual operating budget and annual cost report for local government dredging program.
- Finalized a draft dredging and disposal schedule and accompanying narrative for all creeks and finalized the deliverable on same.
- Final draft report is complete with report slated for completion by the end of June.
- Continued to develop a GIS dashboard to be used by staff for accessing, utilizing, and sharing the vast amounts of GIS data created through this and other studies.
- Finalization of the Plan is underway for June 30th submittal.

Project 38806 – Cedarbush Creek Dredging Design

This project will focus on the pre-planning activities to dredging Cedarbush Creek in Gloucester County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine and fishery assessment as well as gathering information for the permitting of the dredging project.

- Dredged material to consist primarily of fine-grained mud with low to moderate beneficial reuse potential in the vicinity of the creek. The disposal strategy will involve combining this project with the Aberdeen and Timberneck Creek projects with disposal of material from all three potentially occurring at the Middle Peninsula State Park property. Further discussions with Virginia Department of Conservation & Recreation (VDCR) for this disposal strategy will take place when funding becomes available for implementation of the project.
- Draft Design Report is underway.

Project 38807 – Parrots Creek Dredging Design

This project will focus on the pre-planning activities to dredging Parrots Creek in Middlesex County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine and fishery assessment as well as gathering information for the permitting of the dredging project.

- Dredged material to consist primarily of fine-grained mud with low beneficial reuse potential in the vicinity of the creek. Discussions are underway between the Middlesex Board and nearby property owners regarding construction of an upland disposal area for holding the dredged material permanently or temporarily.
- Draft Design Report is underway.

Project 38808 – Winter Harbor Dredging Design

This project will focus on the pre-planning activities to dredging Winter Harbor in Mathews County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine and fishery assessment as well as gathering information for the permitting of the dredging project.

- Dredged material to consist of coarse sand from the mouth of the creek which is suitable for placement along adjacent beaches for beneficial reuse and mud from the creek interior which will require disposal within an upland area.
- Discussions between MPPDC and Virginia Institute of Marine Science (VIMS) staff and a Mathews resident concerning beneficial reuse and upland disposal are ongoing.
- A meeting between the USACE, VMRC, VIMS, Mathews County, and MPPDC was held June 8th to discuss the potential project design.
- Draft Design Report is underway.

Project 32015 - Staff Support to Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA)

Middle Peninsula Chesapeake Bay Public Access Authority Special Project – Support of Executive Order 23, Goal 8 Coastal Management Coordination Public Access: Continue implementation of adopted annual work program, including identifying land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site; researching and determining ownership of all identified sites; determining appropriate public use levels of identified access sites; developing appropriate mechanism for transferring title of Commonwealth or private holdings to the Authority; developing appropriate acquisition and site management plan. This Program allows the Authority to function by supporting the individual projects and operations of the Authority, as well as, by responding to daily requests for assistance from local government staff.

- Prepared vouchers, processed A/P, reconciled bank statements. Prepared monthly financial statements.
- Billed Gloucester Rowing Association for pool house electric bill.

Project 32157 – Mathews NFWF

This project will design, permit, and monitor living shoreline in targeted locations on the East River and the North River.

- Met with corporate leadership with Natrx at the East River, Ware Point project location to discuss potential locations for Natrx products.
- VIMS staff worked on designing the living shoreline.
- Met on site with Natrx regarding living shoreline design on May 27th.

Project 32159 – DEQ Planner Yr2

MPPDC will continue to engage localities and regional and state partners regarding Bay WIP III programmatic actions and implementation activities with funding provided by DEQ.

- Distributed information to local planners regarding the final CBPA amendments to be presented to the State Water Control Board.
- Participated in May 26th Local Planners Meeting to discuss various WIP-related items.
- Participated in May 24th York River & Small Coastal Basins Roundtable Habitat Restoration Subcommittee meeting.
- Drafted several grant proposals related to improving water quality.

TRANSPORTATION

Funding – VDRPT, VDOT, local match from MPPDC General Fund

Project 30217 – Transportation Demand Management (TDM) Operating FY21

This program assists local commuters and employers with transportation issues. The main emphasis is on

lowering the number of single occupancy vehicle commutes within and from the Middle Peninsula region through marketing and promotion of the program through local media and provision of ride matching services to commuters.

- Updated website – www.midpenrideshare.org.
- Participated in monthly conference call with Kathy Molin, DRPT. Discussed closeout of FY20 & FY21 awards.
- Worked with Kathy Molin, DRPT on how to submit reimbursement requests to begin closeout of FY20 & FY21 awards. This was different as the two awards had cross-project spending due to Covid.
- Completed the DRPT Compliance Review for Grant Thorton.
- Participated in DRPT May Webinar.
- Responded to Kathy Molin, DRPT concerning a Board Resolution for our FY22 application reminding her that “local match is part of our overall budget approval from our MPPDC Commission and therefore does not have a separate resolution.”
- Advised Stephanie Heintz, Consociate Media of the small adjustment in the amount of \$100 to what we can provide them for the FY22 award.
- ***Current commuter database – 408***
- ***Number of Commuters with logged alt mode trips in May – 74***
- ***Number of logged alt trips in May – 100***
- ***Reduced miles (VMT) in May – 1,464***
- ***Commuter Savings in April – \$842***

Project 30318 – Rural Transportation Planning FY21

This program provides rural transportation planning services through the Rural Transportation Planning Work Program which outlines specific tasks and goals to guide the rural planning of transportation services.

- Attended VDOT webinar for review of FY22 LOA Signature and Submittal Process.
- Downloaded VDOT’s Letter of Authorization (LOA), MPPDC Executive Director reviewed and signed, then the partially executed LOA was uploaded to the VDOT website for them to fully execute. The required “Attachment 2-Personnel and Salaries” form was emailed directly to Tammy Poore, VDOT as directed.
- Kicked off Growth and Accessibility Planning Technical Assistance Program project with consultants and OIPI on June 7th.
- Participated in the Essex County VDOT locality day meeting on June 8th.
- At request of VDOT, solicited existing local sidewalk inventory data and submitted to VDOT.
- Coordinated with local planners regarding state Orphaned Outfall Maintenance Study.
- Coordinate with local VDOT staff regarding identification of projects for Smart Scale funding.
- Hosted the May 26th Local Planners Roundtable meeting.
- Coordinate with VDOT and localities on a proposal for USDOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE formerly BUILD) funding to design improvements for publicly owned working waterfronts. Application deadline has been set for July 12th.

- Participated in VTrans Freight Element webinar on June 1st.
- Participated in VTrans Flooding Vulnerability Assessment webinar on June 15th. Will consult with local planners before submitting comments on the draft assessment before the end of June.
- Participated in Commonwealth Transportation Board meetings on June 15th and 16th.

ONSITE REPAIR & PUMPOUT

Funding –VRA Loan Funds, local match from MPPDC General Fund, cost sharing

Project 30420/30428 - On-Site Technical Guidance Assistance and Revolving Loan Program

The On-Site Technical Guidance Program aids the Middle Peninsula localities and residents in the technical understanding and implementation of approaches to address On-Site Disposal Systems and improve water quality by assisting local homeowners with repairing failing septic systems through low-interest loans and/or grants. In addition, MPPDC received funding under the Water Quality Improvement Fund (WQIF) to provide grants to low to moderate income Middle Peninsula and New Kent County homeowners to repair failing septic systems impacting water quality and health in the region. Grants can be paired with loans from the MPPDC Onsite Wastewater Revolving Loan Fund to provide matching funds as required. It is anticipated this funding will be used to provide assistance to 20-27 homeowners.

- Continuing to receive phone calls from homeowners and contractors regarding assistance for septic repairs. Discussed our program and instructed how to apply.
- Provided Andrea Pearson, VRA with documents required for pending septic loan.
- Submitted FY20 Certificate of No Fault to VRA.
- Began working on closing documents required for Big Dean septic loans. Once closing paperwork is complete, will forward to Middlesex Title. Work will not be completed on this project until between June and August.
- Continued working with Ryan Beale, Mathews County Health Department to get a letter stating a Mathews County septic repair applicant requires a new system due to their current system not working. MPPDC Executive Director reviewed a letter that was received on May 18th and had questions about a statement in the letter that did not appear to be germane. On May 25th, Mr. Beale advised that his supervisor, Pat Duttry, drafted said letter and she would need to respond to Mr. Lawrence's question. As of June 14th, after reaching out to Ryan and Pat twice, there still hasn't been an answer.
- Worked with Jennifer Price, Prime Lending regarding MPPDC being subordinate on a refinance for a septic loan client.
- Received a phone call from a septic repair client's daughter informing staff of the passing of her mother and asked how to go about taking over payments of her mother's loan. After consulting with Middlesex Title, it was advised that due to the small remaining balance of \$800, the daughter could submit a letter to MPPDC stating that she would begin making payments in lieu of her mother. A sample letter and an ACH Authorization form was sent to the client's daughter to continue payments without interruption.
- *Executed ACH loan payments for septic repair loans. All MPPDC loan funding programs require that loan recipients authorize loan payments to be made automatically from loan recipients' bank accounts. Loan clients authorize the payments at loan closing (ACH Authorizations). These payments occur on the 15th of each month. This places the onus to not make a payment on the loan client contacting MPPDC staff prior to the loan processing date of the 12th of the month to request a payment to be held. This has significantly reduced defaults and delinquent repayments of MPPDC loans as well as collection efforts.*
- ***Remaining uncommitted septic repair funding \$178,836 in loan funds – \$0 in grant funds.***

ECONOMIC DEVELOPMENT

Funding – EDA, local match from MPPDC General Fund, BDP Loan Program Income

Project 30121 – Staff Support to Middle Peninsula Alliance (MPA) FY21

MPPDC staff are providing clerical and fiscal assistance to the Middle Peninsula Alliance.

- Prepared vouchers, processed A/P, processed deposits, and balanced bank account. Prepared monthly financial statements.

Project 30170 - Small Business Revolving Loan Fund

MPPDC agreed to service Middle Peninsula Business Development Partnership's (MPBDP) Small Business Loan Portfolio after MPBDP's dissolution November 30, 2011. MPPDC established a revolving loan fund and staff initiate ACH loan payments from clients' bank accounts and manages the accounts. Principal repaid will be held until the Commission determines the best use for these funds as allowed by the USDA (RBEG) original lending restrictions. Interest earned will be used to offset administration costs.

- *Executed ACH loan payments for MPBDP loans. All MPPDC loan funding programs require that loan recipients authorize loan payments to be made automatically from loan recipients' bank accounts. Loan clients authorize the payments at loan closing (ACH Authorizations). MPPDC staff process these payments on the 15th of each month. This places the onus to not make a payment on the loan client contacting MPPDC staff prior to the loan processing date of the 12th of the month to request a payment be held. This has significantly reduced defaults and delinquent repayments of MPPDC loans.*
- **Funds available – \$144,466**

LOCAL INITIATIVES

Funding - local dues, PDC base-funding from VDHCD and/or MPPDC General Fund. Funding for specific projects may come from locality requesting assistance.

Project 38021 - Local & Regional Technical Assistance

This program responds to daily requests for technical assistance which other commission programs are unable to provide.

- Participated in GO Virginia Region 6 Stakeholder Meeting on May 25th.
- Developed and submitted application to VA Housing for affordable workforce housing construction grant.
- Participated in June 15th DHCD VA Statewide Business District Resurgence grant fund webinar.
- Coordinated with stakeholders participating in a VA Main Street project to develop small-scale manufacturing activities to support local producers/makers in the region. The project will engage Consociate Media to develop a regional brand, "Made by the Bay". The regional products brand is intended to add-value to existing products and encourage additional business development.

HOUSING

Funding –Housing Loan Program Income

Project 30013 – Energy Efficiency and Conservation Block Grant (EECBG) Revolving Loan Fund

The program emphasizes a community-based approach to help meet energy and climate protection goals. MPPDC was awarded a contract to provide weatherization renovations to 12 homeowners ineligible for LMI weatherization programs in each of the 6 counties. MPPDC subcontracted the promotion and construction portions of this project to Bay Aging but was tasked with administering the overall project. MPPDC is administering the revolving loan program per DMME.

- *Executed ACH loan payments for MPBDP loans. All MPPDC loan funding programs require that loan*

recipients authorize loan payments to be made automatically from loan recipients' bank accounts. Loan clients authorize the payments at loan closing (ACH Authorizations). MPPDC staff process these payments on the 15th of each month. This places the onus to not make a payment on the loan client contacting MPPDC staff prior to the loan processing date of the 12th of the month to request a payment be held. This has significantly reduced defaults and delinquent repayments of MPPDC loans.

- **Funds available = \$45,098**

EMERGENCY SERVICES
Funding – VDEM/FEMA/Homeland Security

Project 31212 – Middle Peninsula All-Hazards Mitigation Plan Update

MPPDC staff will work with participating localities to update the 2016 All-Hazards Mitigation Plan. The plan will address mitigation of several natural hazards impacting the region.

- The Local Planning Team (LPT) will meet throughout the All-Hazards Mitigation Plan (AHMP) update. Below is a table that shows LPT meeting date and attendance.

Locality	Meeting 1 (012521)	Meeting 2 (020821)	Meeting 3 (022221)	Meeting 4 (032921)
Essex County	✓	✓	✓	✓
Mathews County	✓	✓	✓	✓
Middlesex County		✓	✓	✓
King William County	✓	✓	✓	✓
King & Queen County	✓	✓		✓
Gloucester County	✓	✓	✓	✓
Town of West Point	✓	✓	✓	✓
Town of Urbanna				✓
Town of Tappahannock			✓	✓
Missed meeting and no follow up		Missed meeting but followed up	✓ Attended meetings	

- As the All-Hazards Mitigation Plan (AHMP) is updated, Local Planning Team (LPT) members from Middle Peninsula localities will have the opportunity to review the updates and provide feedback. The following table depicts the plan's sections, section feedback due date for Middle Peninsula localities, and the localities that have provided feedback.

SECTION	TITLE	Section Feedback Due	Counties						Towns		
			Essex	Mathews	Middlesex	King William	King & Queen	Gloucester	West Point	Urbanna	Tappahannock
1	Intro	4/30/2021									
2	Planning Process	TBD									
3	Community Profile	2/5/2021	X	X	X	X	X	X	X	X	X
4	Hazard Identification	TBD									
5	Risk Assessment Analysis (HAZUS)	TBD									
6	Capability Assessment	TBD									
7	Review of 2010 Strategies	TBD									
8	Mitigation Goals, Objects and Strategies	TBD									
9	Implementation Plan	TBD									
10	Plan Adoption	TBD									
11	Plan Maintenance	TBD									
12	Appendices	TBD									

AGENCY ADMINISTRATION

Funding - Indirect cost reimbursements from all PDC projects

MPPDC Administration

Administrative services provided to MPPDC programs. Planned FY21 Indirect Cost rate =20.66%.

- Prepared vouchers, processed A/P, processed deposits, and balanced bank account. Prepared monthly payroll run. Prepared monthly financial statements.
- Prepared financial reports and/or reimbursement requests for all projects requiring them.
- Signed and returned 2021-2022 Coverage Intent form to VACORP.
- Participated in Cardinal Change Network (formerly TLC) Webinar #2.
- Submitted Cardinal Conversion document to Task #86L2 in SharePoint. This document updated Cardinal (formerly TLC) with all staff email addresses, both business and personal.
- Attended GFOA Small Government Forum: “You Don’t Know What You Don’t Know”
- Uploaded FY20 Audit into CAMS (DHCD).
- Reminded all of our Subcontractors to submit invoices to us in a timely manner as we approach the end of our fiscal year.
- Worked with Xerox to ensure that we begin to receive monthly invoices. To date, none of our invoices have been emailed to us. Therefore, they have been requested to be received via USPS.
- Reminded staff to update award/grant Master File.
- Updated quarterly staff allocations.

Closed Projects

Project 30118 – Staff Support to Middle Peninsula Alliance (MPA) FY20

MPPDC staff are providing clerical and fiscal assistance to the Middle Peninsula Alliance.

Project 30450 – Septic Pumpout Program

This project will provide grants to 100 LMI Middle Peninsula homeowners to assist them in complying with the Chesapeake Bay Act requirement to have their septic tanks pumped out or inspected every 5 years. Eligible homeowners will receive a voucher equal to 50% of pumpout cost (maximum value \$150).

Project 32153 – Virginia Coastal TA FY20

This project provides ongoing support to member localities of the Planning District Commission and other stakeholders committed to improving community development and coastal management within the coastal zone.

Project 32154 – ANPDC Eco Tourism III

This project will build on ecotourism efforts from Year 1 and 2 and extend Middle Peninsula Watertrails into the Piankatank River and Rappahannock River. The Rural Coastal Virginia Ecotourism Steering Committee will refine the Virginia Watertrails website and will continue to promote watertrails and eco-tourism in Rural Coastal Virginia.

Project 32155 – DEQ Chesapeake Bay WIP Technical Assistance (Year 1)

MPPDC will continue to engage localities and regional and state partners regarding Bay WIP III programmatic actions and implementation activities with funding provided by DEQ.

Project 32156 – CZM Hog Island Resilience Design

This project will design shoreline protection measures and prepare a permit for the construction of the activities at Hog Island in Gloucester County.

Project 38801 – Hole-in-the-Wall Dredging Design

This project will focus on the pre-planning activities to dredging Hole-in-the-Wall in Mathews County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine and fishery assessment as well as gathering information for the permitting of the dredging project.

- Convened a meeting with the Army Corps of Engineers, VMRC staff, VIMS staff, and Mathews County staff to discuss the submittal of the JPA permit applications packet for the Hole-in-the-Wall dredging project. Based on the meeting, VIMS is modifying the application packet to address items that could delay the approval.
- Consulted with Mathews County staff regarding obtaining signatures for upstream and downstream property owners to accelerate permit issuance.
- Discussed the possible need for a survey of the county owned Haven Beach area for ease of placing sand material with Mathews County staff.
- Toured Haven Beach disposal area with NATRX to look at possible cost saving concepts for breakwater construction.

Project 38802 –Davis Creek Dredging Design

This project will focus on the pre-planning activities to dredging Davis Creek in Mathews County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine, and fishery assessment as well as gathering information for the permitting of the dredging project.

Project 38803 – Aberdeen Creek Dredging Design

This project will focus on the pre-planning activities to dredging Aberdeen Creek in Gloucester County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine, and fishery assessment as well as gathering information for the permitting of the dredging project.

Project 38804 –Timberneck Creek Dredging Design

This project will focus on the pre-planning activities to dredging Timberneck Creek in Gloucester County. Pre-planning includes surveying the channel, conducting sediment sampling, and a benthic, marine, and fishery assessment as well as gathering information for the permitting of the dredging project.

MPPDC: Membership, Appointments, Committee Assignments, and Networks

Coastal Policy Team (CPT): The CPT, whose members and alternates represent the Virginia Coastal Zone Management Program's key partners and eight planning district commissions, provides a forum for discussion and resolution of cross-cutting coastal resource management issues. Members serve on the team at the discretion of their agency or planning district commission director. The CPT recommends funding levels to the DEQ Director for coastal zone management projects. (MPPDC Staff 15 years +)

Virginia Coastal Resilience Technical Advisory Committee: As appointed by the Governor in EO-71, a Technical Advisory Committee (TAC) with representatives of state agencies, coastal planning districts and regional commissions, and academic advisors, among others will facilitate the coordination and the development of the Virginia Coastal Resilience Master Plan. The Commonwealth's Chief Resilience Officer, Special Assistant to the Governor for Coastal Adaptation and Protection, and TAC will work with localities, regional entities, citizens, and stakeholder groups to identify critical infrastructure, at-risk communities, adaptation strategies, and specific resilience projects for inclusion in the Plan.

Congressman Robert Wittman's Fisheries Advisory Committee and Environmental Advisory Committee: (MPPDC Staff 8 years +)

Virginia Sea Grant Program External Advisory Committee (EAC): The EAC provides stakeholder input on the strategic planning process, the research proposal review process, and on Commonwealth-wide trends and needs. The EAC is a diverse group of end-users including representatives from state agencies, the education community, coastal planning and management, the private sector, and NGOs. (MPPDC Staff 9 years+)

The Association for Commuter Transportation (ACT) (Telework Council Secretary): ACT is the premier association for professionals and organizations whose focus is the delivery of commuting options and solutions for an efficient transportation system. The Telework Council is concerned with promoting telework and providing telework information and technical assistance to employers (MPPDC Staff 10 years+)

Middle Peninsula Northern Neck Coordinated Human Services Mobility Committee: Provides direction for a unified comprehensive strategy for transportation service delivery in the Middle Peninsula and Northern Neck Planning Districts focused on unmet transportation needs of seniors, people with disabilities, and people with low incomes. (MPPDC Staff 12 years)

The Coastal Society: The Coastal Society is an organization of private sector, academic, and government professionals and students. The Society is dedicated to actively addressing emerging coastal issues by fostering dialogue, forging partnerships, and promoting communications and education. (MPPDC staff serves as a Director)

Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) Workgroup #2B: EVGMAC is charged with assisting the State Water Commission and DEQ in developing, revising and implementing a management strategy for groundwater in Eastern Virginia Groundwater Management Area. Group #2B will identify trading options and programs used in other states; evaluate how trading programs might help with future growth and development, and individual and regional solutions; and evaluate feasibility, data needs, cost and possible participants.

Opportunities Identified to Implement Commission Priorities

April 2020 – March 2021

Service Center	Project Title and Description	Date Applied	Funding	Status
Environmental	DEQ Florence Disaster – Mathews Co. BMP Construction	May 2021	\$100,000	Submitted
Environmental	DEQ CBPA Support – Septic Pumpouts	May 2021	\$15,000	Funded
MPCBPAA	DCR Virginia Land Conservation Foundation – Tappahannock Acquisition	Feb. 2021	\$312,000	Funded
MPCBPAA	DCR Virginia Land Conservation Foundation – South Garden Acquisition	Feb. 2021	\$200,000	Funded
Community Dev.	VHDA Affordable Workforce Housing	June 2021	\$1,000,000	Submitted
Community Dev.	Tappahannock Comp. Plan Update and GIS Services	May 2021	\$22,279	Funded
Transportation	Mathews Co./VDOT Hole in the Wall Dredging Permitting & Procurement	May 2021	\$19,000	Funded
Emergency Mgmt.	VDEM SHSP – Cybersecurity	April 2021	\$246,556	Submitted
Transportation	VDOT Rural Transportation Planning Program (FY22)	April 2021	\$72,500	Funded
Environmental	VCZMP 306 – Next Generation Shorelines (Year 1)	Mar. 2021	\$100,000	Submitted
Environmental	VCZMP – Coastal Technical Assistance Program	Mar. 2021	\$129,100	Submitted
Community	VCZMP ANPDC Ecotourism Year 5	Mar. 2021	\$13,600	Submitted
Transportation	VPA Hole In The Wall Dredging	Mar. 2021	\$1,500,000	Funded
Community Dev.	DRPT Transportation Demand Management Program	Feb. 2021	\$82,402	Submitted
Environmental	VCZMP Restoration Project Design	Feb. 2021	\$60,000	Funded
MPCBPAA	VA Sea Grant GO VA Resilience Economy	Jan 2021	\$2,127,120	Funded
MPCBPAA	VOF Paddle/Fish Day @ Captain Sinclairs	Dec. 2020	\$25,000	Not Funded
Environmental	DEQ WIP Technical Assistance (Year 2)	Dec. 2020	\$72,500	Funded
Environmental	General Assembly Elevated Septic Pilot Program	Nov. 2020	\$120,000	Funded
Environmental	FEMA BRIC Fight The Flood Project Scoping	Nov. 2020	\$100,000	Submitted
Environmental	FEMA BRIC Hog Island Resilience Construction	Nov. 2020	\$82,688	Submitted
Environmental	FEMA BRIC Cpt. Sinclair Poolhouse Mitigation	Nov. 2020	\$97,200	Submitted
Environmental	FEMA BRIC Ware River Living Shoreline Extension	Nov. 2020	\$97,500	Submitted
MPCBPAA	DCR Virginia Land Conservation Foundation – Tappahannock Acquisition	Nov. 2020	\$274,500	Not Funded
MPCBPAA	VTC Paddle & Pub Crawl Event	Sep. 2020	\$10,000	Funded
Community Dev.	VTC Rural Coastal VA marketing (ANPDC applicant)	Sep. 2020	\$10,000	Funded
Environmental	DEQ Nonpoint Program – Residential Septic Improvements	Sep. 2020	\$179,571	Funded
Community Dev.	DHCD – Community Business Launch	Aug. 2020	\$45,000	Not Funded
Environmental	VCZMP – Coastal Technical Assistance Program	July 2020	\$129,100	Funded
Environmental	DEQ VA Clean Water Revolving Loan Fund – Stormwater Improvements	July 2020	\$250,000	Not Funded
MPCBPAA	GO VA Bay Direct App	June 2020	\$115,500	Funded
Transportation	VDOT Rural Transportation Planning Program	May 2020	\$72,500	Funded
Transportation	USDOT BUILD – Working Waterfronts Enhancement Designs	May 2020	\$2,658,096	Not Funded
Emergency Mgmt.	VDEM – Cybersecurity	April 2020	\$231,920	Not Funded
Community Dev.	CZM ANPDC Ecotourism Year 4	April 2020	\$27,501	Funded
Environmental	NFWF Coastal Resilience Fund – Ware River Living Shoreline	April 2020	\$135,000	Not Funded
Environmental	NFWF Coastal Resilience Fund – Mathews Shoreline Resilience	April 2020	\$156,000	Not Funded
MPCBPAA	DCR Virginia Land Conservation Foundation – Abingdon Land Acquisition	April 2020	\$455,470	Not Funded
MPCBPAA	VMRC Recreation Fishing Fund – Cpt. Sinclair Dock Rebuild	April 2020	\$90,000	Funded

ACRONYMS

ACH	Automated Clearing House	RBOG	Rural Business Opportunity Grant
AFID	Agricultural and Forestry Industries Development	RFP	Request for Proposal
AHMP	All Hazards Mitigation Plan	RFQ	Request for Qualifications
BCC	Building Collaborative Communities Project	RLF	Revolving Loan Fund
BOS	Board of Supervisors	RTP	Rural Transportation Planning
CBPA	Chesapeake Bay Preservation Area	SERCAP	Southeast Rural Community Assistance Project
CDBG	Community Development Block Grant	SHSG	State Homeland Security Grant
CEDS	Comprehensive Economic Development Strategy	SWCD	Soil and Water Conservation District
CIP	Capital Improvement Plan	SWM	Storm Water Management
COI	Conflict of Interest	SWRP	State Water Resource Plan
CZMP	Coastal Zone Management Program	THIRA	Threat & Hazard Identification & Risk Assessment
DEQ	Department of Environmental Quality	TMDL	Total Maximum Daily Loads
DCR	Department of Conservation & Recreation	USACE	U.S. Army Corps of Engineers
DGIF	Department of Game and Inland Fisheries	USDA	U.S. Department of Agriculture
DHR	Department of Historic Resources	USFWS	U.S. Fish and Wildlife Service
DHCD	Department of Housing and Community	VACORP	Virginia Association of Counties Risk Pool
DMME	Department of Mines Minerals and Energy	VAPA	Virginia Planning Association
DOE	Department of Energy	VAPDC	Virginia Association of Planning District Commissions
DRPT	Department of Rail and Public Transportation	VASG	Virginia Sea Grant
EDA	Economic Development Administration	VAZO	Virginia Association of Zoning Officials
EDO	Economic Development Organization	VCP	Virginia Coastal Program
EECBG	Energy Efficiency and Conservation Block Grant	VCRMP	Virginia Coastal Resilience Master Plan
EOC	Emergency Operation Center	VCWRLF	Virginia Clean Water Revolving Loan Fund
EPA	Environmental Protection Agency	VCZMP	Virginia Coastal Zone Management Program
FEMA	Federal Emergency Management Agency	VDEM	Virginia Department of Emergency Management
Fracking	Hydraulic Fracturing	VDH	Virginia Department of Health
GIS	Geographic Information System	VDOT	Virginia Department of Transportation
HRPDC	Hampton Roads Planning District Commission	VEE	Virginia Environmental Endowment
LGA	Local Government Administrators	Vertical	“Towers or other structures that hold cell, broadband and other equipment”
LPT	Local Planning Team	VIMS	Virginia Institute of Marine Science
LSIP	Living Shoreline Incentive Program	VLCF	Virginia Land Conservation Fund
MOU	Memorandum of Understanding	VMRC	Virginia Marine Resource Commission
MPA	Middle Peninsula Alliance	VOAD	Volunteer Organization Active in Disasters
MPBA	Middle Peninsula Broadband Authority	VOP	Virginia Outdoors Plan
MPCBPAA	Middle Peninsula Chesapeake Bay Public Access	VRA	Virginia Resources Authority
MPEDRO	Middle Peninsula Economic Development and Resource Organization	VSMP	Virginia Stormwater Management Program
NIMS	National Incident Management System	VTA	Virginia Tourism Association
NFWF	National Fish and Wildlife Foundation	VTC	Virginia Tourism Corporation
NOAA	National Oceanic and Atmospheric Administration	VWP	Virginia Water Protection
NPS	National Park Services	VWWR	Virginia Water Withdrawal Reporting
OCVA	Oyster Company of Virginia	WIP	Watershed Implementation Plan
OLGA	Online Grant Administration	WQIF	Water Quality Improvement Fund
PAA	Public Access Authority		
RBEG	Rural Business Enterprise Grant		

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We are REC

Caring – Respect – Integrity – Service

Middle Peninsula Planning District Commission

Felicia Ainsa

Economic Development Director

Rappahannock Electric Cooperative

June 2021



INTRODUCTION

Felicia Ainsa (Aín-sah, it's a town in Spain)

In the last 4 years won projects totaling

- \$424M in capital investment
- 1.8M SF of real estate
- 4,295 new and retained jobs
- \$269M in annual wages.

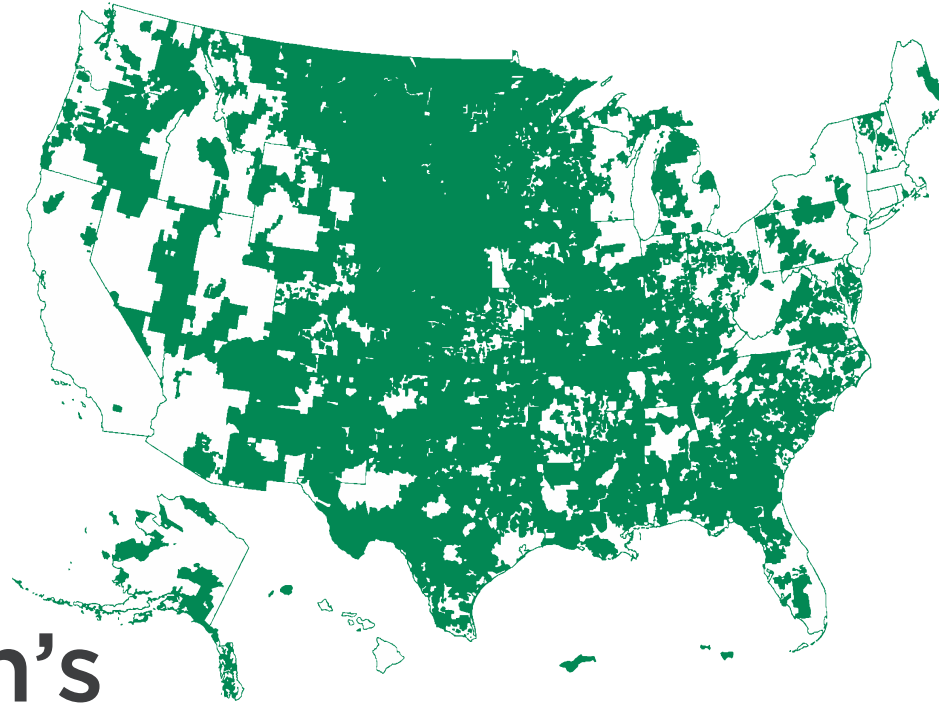
Project manager for 3 of the Top 15 Economic Development projects in Virginia in 2019



Strategic Goal 2: Member & Community Engagement

833 distribution
and 62 generation
& transmission
cooperatives

Power
56%
of the nation's
landmass.



Own and maintain
42%
(2.6 million miles)
of U.S. electric
distribution lines.

Serve **88%**
of U.S. counties

Generate **5%**
of total U.S. electricity

Own **\$183
billion** in assets

Sell **13%** of
all U.S. electricity

Power more than
19 million
businesses, homes, schools &
farms



REC QUICK FACTS

22 Counties

4,000 sq. mi. Territory

170,000 Connections

17,000 Miles of Line

3,664 GWh Delivered Yrly

\$1.2B in Assets

103 MW Largest Account

430 Employees

\$70 – 90 M Cap Ex Yrly



INVESTED \$70 MILLION

to replace poles and wires, add substations and other infrastructure TO HANDLE GROWTH AND RELIABILITY



RANKED 17TH IN OVERALL SATISFACTION
OUT OF 143 UTILITIES IN THE J.D. POWER STUDY

#WEAREREC



Thanks to **27,000+ MEMBERS OVER \$150,000**

was distributed back into communities through **THE POWER OF CHANGE**



\$35,000

IN EDUCATION SCHOLARSHIPS awarded to 27 students



LAUNCHED BRAND NEW MEMBER WEBSITE

Power cost rate decrease resulted in **\$11 MILLION IN SAVINGS** for members



One of the first electric cooperatives nationwide to ADOPT

DIVERSITY, EQUITY & INCLUSION RESOLUTION

CONNECTED 2,915 NEW HOMES AND BUSINESSES

Managed retirements by onboarding **27 NEW EMPLOYEES**



Enrolled 3,796 members in paperless billing, resulting in a **SAVINGS OF MORE THAN \$14,000**

Supported **295 MEMBERS** in connecting solar installations in 2020



Supported nearly **800 SUBSCRIBERS** in Cooperative Sunshare solar program

RECORD-BREAKING 20,000+ member-owners participated in the 2020 Director Elections



Implemented new aerial technology and cutting-edge imaging to **IMPROVE RELIABILITY**

Built **INNOVATIVE BATTERY STORAGE** facility providing **BACK-UP POWER TO 1,000 HOMES** and businesses for up to 8 hours, and to help **REDUCE** wholesale power costs

ALLOCATED \$4.6 MILLION in CARES ACT dollars to members



Signed up nearly **10,000 MEMBERS** for MyREC SmartHub

EMPLOYEES DONATED \$100,000+ to the United Way and other non-profits

Continued to build out **FIBER BACKBONE** to improve reliability and allow for broadband partnerships

THE BENEFIT OF VIRGINIA & REC

Virginia

- Top State for Business, CNBC 2019
- Triple AAA bond rating, since 1938

REC Region

- 1.2M+ population
- 618K labor force



Region's combined Gross County Product: \$53.8B

Bureau of Economic Analysis, 2018

COMMUNITY & WORKFORCE

Community Outreach

- Youth scholarships & field trips
- Career Days; Street Festival; Chamber partnerships; Ag Fair +
- Active Board Members – WIBs & Virginia Chamber

REC Region Workforce

- 59 Higher Education Institutions
- 278K Enrolled Students
- 87% High School Diplomas
- 28% Bachelor's Degree or higher
- Strong tradition of trade & technical labor



Pre-COVID photo

Virginia

#1 for Workforce & Education, CNBC 2019
#2 State for Higher Education, SmartAsset 2020

KEY INDUSTRIES & NOTABLE EMPLOYERS

KEY INDUSTRIES

Manufacturing

Data Centers

Supply Chain Logistics

Professional Services

Agribusiness



Cascades

EQUINIX



MCKESSON



Essex King & Queen King William

VIRGINIA CLEAN ECONOMY ACT OF 2020

VIRGINIA CLEAN ECONOMY ACT

*Regional Greenhouse Gas
Initiative (RGGI)*

*Voluntarily already in
compliance, little to no
impact expected.*

ODEC'S POWER PORTFOLIO

G&T provider to 11 distribution cooperatives
3,000 MW Total Capacity
Clean & Affordable Energy

For Immediate Release
April 29, 2021

Contact: Kirk Johnson
(804) 968-4062
kjohnson@odec.com

Old Dominion Electric Cooperative Issues Solar Power Request for Proposals

Not-for-profit cooperative seeks up to 400 MW of solar energy

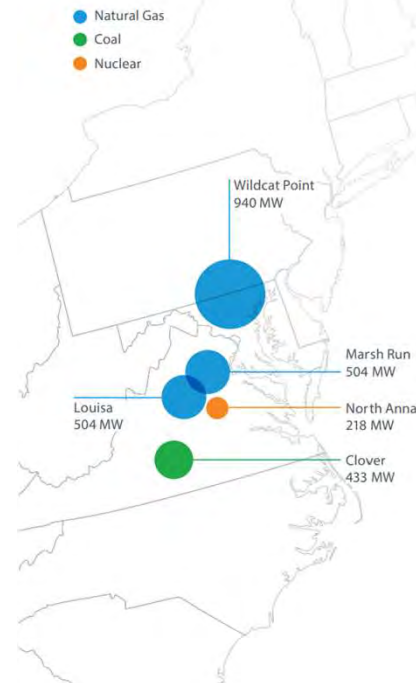
Glen Allen, VA – Old Dominion Electric Cooperative (ODEC) has issued a request for proposals from solar energy project developers for up to 400 MW of solar energy and

February 4, 2021

Old Dominion Electric Cooperative Sets Net Zero CO₂ Emissions Goal

Glen Allen, VA - Old Dominion Electric Cooperative (ODEC) today announced a goal to achieve net zero carbon dioxide emissions by 2050. ODEC has also set an interim goal to reduce its carbon intensity by 50% (from 2005 levels) by 2030. ODEC will be the second generation and transmission cooperative in the country to set a net zero carbon goal.

Natural Gas, Nuclear, and Coal Resources



100%

OWNERSHIP OF
Natural Gas-fired
Marsh Run, Louisa,
and Wildcat Point
Generation Facilities

50%

OWNERSHIP OF
Coal-fired Clover
Power Station

11.6%

OWNERSHIP OF
North Anna Nuclear
Power Station

ODEC is very proud
of its environmental
record, which includes
**ZERO Notices of
Violations at the plants
we operate.**

RELIABLE, CONSISTENT PRICING

- Decreasing Wholesale Energy Cost

ODEC Economic Development Rates

- Discount on ROC over 5 years
 - 1MW+
 - 25 jobs & \$250K cap ex OR \$500K cap ex
- Access to Alternative Power Supply
 - 5 – 12MW, 90+ MW
- Access to PJM Wholesale Market Prices
 - 25 MW+

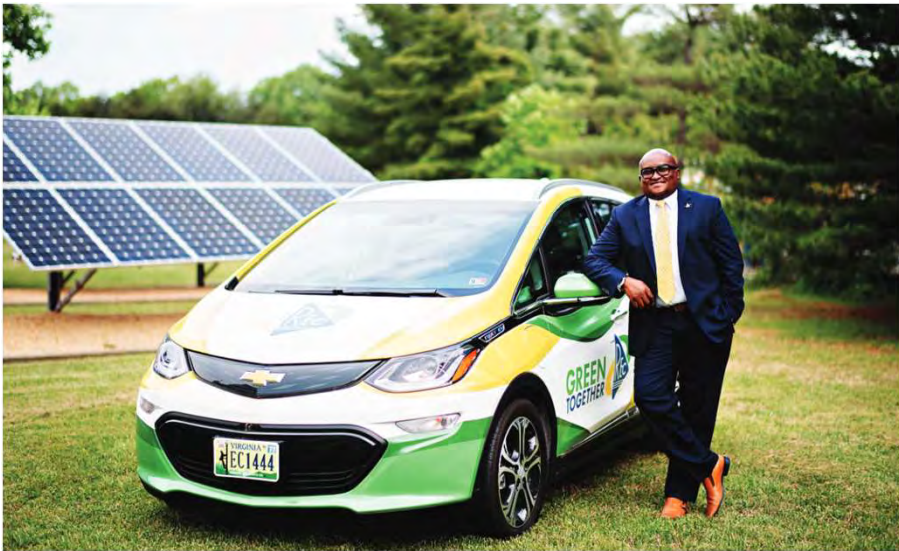


RELIABILITY AND RESPONSIVENESS

REC consistently ranks in the top 15% nationally for
Power Quality & Reliability
&
Customer Care



PROACTIVE & INNOVATIVE



- First grid-scale energy storage project by a Virginia electric cooperative
- 25 Certified Drone Pilots
- Ground breaking satellite technology study
- Fiber – 820 mile backbone

"Ultimately, it would be groundbreaking for the utility industry around the world, and REC is proud to partner with EPRI to be at the cutting edge of this research."
– Cindy Musick, REC

ECONOMIC DEVELOPMENT

Business Attraction

- Advertise the mega region
- Lead generation: Site selector & consultant outreach, travel
- Event Sponsorship – Area Development Richmond Consultants Forum
- Target industries: manufacturing, data centers, professional, agriculture, supply chain

BRE

- Visits with key accounts
- Lead generation: Networking at C-Suite level, 2 – 3 year plan
- Feature local businesses
- Amplify local communication
- Partner with community

Site Development

- Feature 1+ site from each locality
- Assist with marketing materials
- Identify potential megasites & plan electric infrastructure
- Fiber backbone
- Community growth plans



SITES

	Minimum acreage requested						Total
	0-24	25-99	100-249	250-499	500-999	1000+	
4/2020-Present	37 (44%)	29 (34%)	13 (15%)	3 (4%)	1 (1%)	2 (2%)	85 (100%)
4/2019-3/2020	39 (56%)	20 (29%)	8 (11%)	1 (1%)	2 (3%)	0 (0%)	70 (100%)
4/2018-3/2019	50 (62%)	17 (21%)	8 (10%)	5 (6%)	1 (1%)	0 (0%)	81 (100%)
Total	126 (53%)	66 (28%)	29 (12%)	9 (4%)	4 (2%)	2 (1%)	236 (100%)

Avg. expected jobs ¹	139	232
Avg. expected Capex (\$M) ¹	31	108

Less than 100 Acres

- 80% of projects
- 40% of Jobs
- 15% of Cap Ex

*Companies generally select sites twice as large as the minimum acreage they requested

AREAS OF NEED

- Sites – land and buildings
- Zoning and necessary studies done
- Renewable energy projects



This artist rendering shows one of the warehouse projects proposed in Caroline County.

CONTACT US



Felicia Ainsa

Director of Economic Development

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M: 540-419-6665

www.Linkedin.com/in/FeliciaAinsa



800-552-3904 | WWW.MYREC.COOP

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**Middle Peninsula Planning District Commission
FY22 Budget Overview**

Revenues

LOCAL (annual contributions)	\$164,300.00
LOCAL (other)	\$128,478.00
STATE	\$440,236.00
FEDERAL	\$516,392.00
OTHER	\$3,700.00

TOTAL REVENUES	\$1,253,106.00
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Expenses

PERSONNEL EXPENSE	\$420,094.50
FRINGE BENEFITS	\$114,507.39
FACILITY EXPENSE	\$38,273.50
EQUIPMENT AND SUPPLIES EXPENSE	\$3,000.00
TRAVEL EXPENSE	\$5,025.00
PROFESSIONAL DEVELOPMENT EXPENSE	\$14,029.00
CONSULTANT/CONTRACTUAL EXPENSE	\$518,136.61
MISCELLANEOUS EXPENSE	\$24,208.00

TOTAL EXPENDITURES	\$1,137,274.00
---------------------------	-----------------------

Balance (REV - EXP) = Available Resources	\$115,832.00
--	---------------------

LOCAL DUES - for Agency Total Match	\$ 135,099.00
Matching Funds Required	\$ (119,141.00)
Remaining Match Available	<u>\$ 15,958.00</u>

Middle Peninsula Planning District Commission
FY22 Budget
Revenues

Revenues

LOCAL (annual contributions)	LOCAL		\$164,300.00
	County @ \$19,300	\$115,800.00	
	Town @ \$6,433	\$19,300.00	
	Special Assessment - PAA Admin (\$600/\$200)	\$4,200.00	
	Special Assessment - GA Lobby (\$3,571/\$1,191)	\$25,000.00	
LOCAL (Other)	LOCAL OTHER		\$128,478.00
	VDOT Mathews County-HITW Permitting	\$19,000.00	
	VDEM AHMP Update Local Share Yr2	\$2,916.00	
	PAA VOF Easement Support	\$8,000.00	
	PAA Sinclair Pier Rehab	\$5,000.00	
	MPA Staff Support	\$0.00	
	VHDA Housing Development	\$54,283.00	
	PAA VPA Dredging Business Plan	\$17,000.00	
	Tappahannock Comp Plan	\$22,279.00	
STATE (Direct)	STATE		\$440,236.00
	DHCD Local TA Base Funding	\$89,971.00	
	DHCD/GA Elevated Septic Pilot FY22	\$100,000.00	
	DRPT CAP Operating	\$65,992.00	
	PAA VA Sea Grant GOVA Resilience Economy	\$38,000.00	
	PAA VPA WMF HITW Dredging	\$146,273.00	
FEDERAL (Direct)	FEDERAL		\$516,392.00
	DEQ 219(h) BMP Res Septic	\$41,900.00	
	DEQ CZM306 Shoreline Battle Plans Yr1 Haven Beach	\$37,500.00	
	DEQ CZM ANPDC EcoTourism 4 FY21	\$9,662.00	
	DEQ CZM ANPDC EcoTourism 5 FY22	\$10,200.00	
	DEQ CZM Coastal TA FY21	\$16,100.00	
	DEQ CZM Coastal TA FY22	\$48,375.00	
	DEQ Planner WIP Yr2	\$24,943.00	
	DEQ Planner WIP Yr3	\$29,000.00	
	NFWF Living Shoreline Mathews Yr2	\$109,705.00	
	NFWF Living Shoreline Ware River Yr2	\$72,696.00	
	VDEM AHMP Update Yr2	\$58,311.00	
	VDOT RTP FY22	\$58,000.00	
OTHER	MISCELLANEOUS		\$3,700.00
	Interest Income (General Fund)	\$1,200.00	
	Quarterly meetings, etc.	\$0.00	
	Miscellaneous	\$600.00	
	RLF Programs Income	\$1,900.00	
			\$1,253,106.00

Middle Peninsula Planning District Commission
FY22 Budget
Expenses

PERSONNEL EXPENSE	PERSONNEL		\$420,094.50
	Executive Director	\$152,452.13	
	CFO	\$75,190.50	
	Deputy Director	\$85,932.00	
	Special Projects Planner	\$70,267.31	
	Executive Assistant - Full time	\$36,252.56	
FRINGE BENEFITS	FRINGE		\$114,507.39
	Medical Insurance	\$56,484.00	
	Retirement	\$21,004.73	
	Social Security	\$31,398.85	
	Life Insurance	\$5,103.81	
	Workman's Compensation	\$461.00	
	Unemployment Insurance	\$55.00	
FACILITY EXPENSE	FACILITIES		\$38,273.50
	Rental	\$27,243.50	
	Facility Maintenance	\$3,600.00	
	Utilities	\$4,500.00	
	Telephone	\$2,800.00	
	Facility Insurance	\$130.00	
EQUIPMENT AND SUPPLIES EXP	EQUIPMENT/SUPPLIES		\$3,000.00
	Office Supplies	\$2,500.00	
	Other	\$500.00	
TRAVEL EXPENSE	TRAVEL		\$5,025.00
	Private Mileage	\$1,000.00	
	Vehicle Operating Costs	\$1,000.00	
	Vehicle Insurance	\$525.00	
	Lodging /Travel Expense	\$2,000.00	
	Other	\$500.00	
PROFESSIONAL DEVELOPMENT	STAFF DEVELOPMENT		\$14,029.00
	Dues/Memberships	\$5,529.00	
	Training (Workshops, Seminars)	\$1,000.00	
	Conferences	\$7,200.00	
	Subscriptions/Publications	\$300.00	
CONSULTANT/CONTRACTUAL E	CONTRACTUAL/CONSULTING		\$518,136.61
	Accounting/Auditing Services	\$8,500.00	
	Legal Services	\$7,000.00	
	Consultant / Contractual Expense	\$378,863.88	
	Construction	\$122,272.73	
	Other	\$1,500.00	
MISCELLANEOUS EXPENSE	MISCELLANEOUS		\$24,208.00
	Postage	\$1,000.00	
	Information Technology Cost Center	\$14,900.00	
	Printing/Duplicating	\$4,800.00	
	Promotion/Advertising	\$0.00	
	Quarterly Meetings, etc.	\$0.00	
	Meeting Supplies	\$1,400.00	
	Public Officials & General Liability Insurance	\$2,008.00	
	Other	\$100.00	
			\$1,137,274.00

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A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MIDDLE PENINSULA PLANNING DISTRICT COMMISSION AUTHORIZING THE ACCEPTANCE OF A LOAN FROM THE VIRGINIA WATER FACILITIES REVOLVING FUND AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, in July, 1997, as revised and re-authorized in 2008 and 2010, the Board of Commissioners (the “Board”) of the Middle Peninsula Planning District Commission (the “Commission”) authorized the undertaking of a plan to extend low-interest loans (“Project Funds”) to qualifying individual citizens of the Commonwealth of Virginia owning property (“Property Owners”) for the correction of onsite sewage disposal system problems, to protect or improve water quality and prevent the pollution of state waters, together with related expenses (as revised by the Board from time to time, the “Plan”); and

Deleted: December, 2015

WHEREAS, pursuant to a letter dated June 11, 2021, the Virginia Resources Authority (the “Authority”) advised the Commission that the State Water Control Board authorized a total funding package of up to \$200,000, with up to \$149,894 authorized in loan proceeds (the “Project Loan”) from the Virginia Water Facilities Revolving Fund (the “Fund”) as permitted under Section 62.1-229.5 of the Code; and

WHEREAS, the Project Loan will provide monies to be used to finance the Plan; and

WHEREAS, pursuant to Section 15.2-4205 of the Code of Virginia (1950), as amended (the “Code”), the Commission has the authority to, among other things, apply for and accept, disburse and administer loans and grants of money from any private or charitable source or the United States of America or the Commonwealth of Virginia, or any agency or instrumentality thereof; and

WHEREAS, in the judgment of the Board it is desirable to approve the acceptance of the Project Loan and authorize the transactions contemplated by and the execution and delivery of (i) the Financing Agreement, relating to the Project Loan, by and between the Authority and the Commission, in substantially the form attached hereto as Exhibit A (the “Financing Agreement”) and (ii) the Promissory Note in substantially the form attached hereto as Exhibit B (the “Promissory Note,” together with the Financing Agreement, the “Closing Documents”).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MIDDLE PENINSULA PLANNING DISTRICT COMMISSION:

1. The Commission is hereby authorized to accept the Project Loan and administer the proceeds therefrom from time to time advanced thereunder, pursuant to the terms of the Closing Documents in order to finance the providing of Project Funds to qualified Property Owners for the correction of onsite wastewater treatment and disposal problems, in accordance with the Plan. The Project Loan shall be in a principal amount not to exceed \$149,894. The Project Loan shall mature no later than December 31, 2031 and shall bear a Cost of Funds at the rate of 0.50% per annum, comprised of interest to the Fund, as defined below, of

Deleted: interest

0.30% and a fee of 0.20% for administrative and management services, as set forth in the commitment letter from the Authority, as Administrator of the Fund to the Authority, dated the date thereof. Terms used herein and not defined shall be as defined in the Financing Agreement.

2. The Closing Documents shall be in substantially the forms presented to and filed with the minutes of the meeting of this Board at which this Resolution is being adopted. The forms of the Closing Documents and the terms, conditions and provisions thereof are hereby approved by this Board, and the Chairman or Vice-Chairman of the Commission, or the Executive Director, any of whom may act, are each hereby authorized and directed to execute and deliver to the Authority, the Financing Agreement and the Promissory Note in substantially such forms, with such changes and amendments as the officer executing the same shall approve upon the advice of counsel, such approval to be conclusively evidenced by his execution and delivery thereof.
3. The Project Loan and the Promissory Note evidencing the same, shall be a limited obligation of the Commission and the Project Loan and the Promissory Note shall be payable exclusively, along with any Prior Indebtedness and Existing Parity Indebtedness, if any, as defined in the Financing Agreement, from the pledge of (i) all fees, charges, loan repayments, interest, income and money properly allocable to the Plan in accordance with generally accepted accounting principles, (ii) interest on any money or securities related to the Plan held by or on behalf of the Commission, and (iii) any other money from other sources pledged by the Commission to the payment of the Promissory Note, including but not limited to income or contributions from the members of the Commission (**“Pledged Revenues”**) and pursuant to the terms of the Financing Agreement. The Project Loan and the Promissory Note shall also be secured by the Restricted Funds, as defined and described in the Financing Agreement.
4. On the terms and conditions to be provided in the Financing Agreement, the Board of Commissioners undertakes its non-binding moral obligation to pay the sums due under the Promissory Note and the Financing Agreement, subject to annual appropriation by the Board of Commissioners. The Board of Commissioners, although recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, states its intent to make such appropriations in future fiscal years and recommends that future Boards of Commissioners do likewise.
5. The Chairman, Vice-Chairman, Executive Director and all other appropriate officers and employees of the Commission are hereby authorized and directed to take all actions as shall be necessary to carry out the provisions of this Resolution.
6. All other actions of Commission officials in conformity with the purposes and intent of this Resolution and in furtherance of the acceptance of the Project Loan and the proceeds therefrom, as authorized herein, are ratified, approved and confirmed. Commission officials are authorized and directed to execute and

deliver all certificates and other instruments considered necessary or appropriate in connection with the acceptance of the Project Loan pursuant to this Resolution and the Closing Documents and to do all acts and things necessary or convenient to carry out the terms and provisions of such documents.

7. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the “Borrower Resolution” as such term is defined in Section 1.1 of the Financing Agreement.
8. This Resolution shall take effect immediately upon its adoption.

Adopted: June __, 2021

CERTIFICATE

I, Lewis L. Lawrence, III, Secretary/Executive Director of the Middle Peninsula Planning District Commission hereby certify that attached hereto is a true and correct copy of an Authorizing Resolution adopted by majority of the Board of Commissioners on June __, 2021, at an open meeting in which a quorum was present and voting, as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

Secretary/Executive Director
Middle Peninsula Planning District Commission

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MIDDLE
PENINSULA PLANNING DISTRICT COMMISSION AUTHORIZING THE
ACCEPTANCE OF A LOAN FROM THE VIRGINIA WATER FACILITIES
REVOLVING FUND AND PROVIDING FOR THE FORM, DETAILS
AND PAYMENT THEREOF**

WHEREAS, in July, 1997, as revised and re-authorized in 2008 and 2010, the Board of Commissioners (**the “Board”**) of the Middle Peninsula Planning District Commission (**the “Commission”**) authorized the undertaking of a plan to extend low-interest loans (**“Project Funds”**) to qualifying individual citizens of the Commonwealth of Virginia owning property (**“Property Owners”**) for the correction of onsite sewage disposal system problems, to protect or improve water quality and prevent the pollution of state waters, together with related expenses (**as revised by the Board from time to time, the “Plan”**); and

WHEREAS, pursuant to a letter dated June 11, 2021, the Virginia Resources Authority (**the “Authority”**) advised the Commission that the State Water Control Board authorized a total funding package of up to \$200,000, with up to \$149,894 authorized in loan proceeds (**the “Project Loan”**) from the Virginia Water Facilities Revolving Fund (**the “Fund”**) as permitted under Section 62.1-229.5 of the Code; and

WHEREAS, the Project Loan will provide monies to be used to finance the Plan; and

WHEREAS, pursuant to Section 15.2-4205 of the Code of Virginia (1950), as amended (**the “Code”**), the Commission has the authority to, among other things, apply for and accept, disburse and administer loans and grants of money from any private or charitable source or the United States of America or the Commonwealth of Virginia, or any agency or instrumentality thereof; and

WHEREAS, in the judgment of the Board it is desirable to approve the acceptance of the Project Loan and authorize the transactions contemplated by and the execution and delivery of (i) the Financing Agreement, relating to the Project Loan, by and between the Authority and the Commission, in substantially the form attached hereto as Exhibit A (**the “Financing Agreement”**) and (ii) the Promissory Note in substantially the form attached hereto as Exhibit B (**the “Promissory Note,” together with the Financing Agreement, the “Closing Documents”**).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MIDDLE PENINSULA PLANNING DISTRICT COMMISSION:

1. The Commission is hereby authorized to accept the Project Loan and administer the proceeds therefrom from time to time advanced thereunder, pursuant to the terms of the Closing Documents in order to finance the providing of Project Funds to qualified Property Owners for the correction of onsite wastewater treatment and disposal problems, in accordance with the Plan. The Project Loan shall be in a principal amount not to exceed \$149,894. The Project Loan shall mature no later than December 31, 2031 and shall bear a Cost of Funds at the rate of 0.50% per annum, comprised of interest to the Fund, as defined below, of

0.30% and a fee of 0.20% for administrative and management services, as set forth in the commitment letter from the Authority, as Administrator of the Fund to the Authority, dated the date thereof. Terms used herein and not defined shall be as defined in the Financing Agreement.

2. The Closing Documents shall be in substantially the forms presented to and filed with the minutes of the meeting of this Board at which this Resolution is being adopted. The forms of the Closing Documents and the terms, conditions and provisions thereof are hereby approved by this Board, and the Chairman or Vice-Chairman of the Commission, or the Executive Director, any of whom may act, are each hereby authorized and directed to execute and deliver to the Authority, the Financing Agreement and the Promissory Note in substantially such forms, with such changes and amendments as the officer executing the same shall approve upon the advice of counsel, such approval to be conclusively evidenced by his execution and delivery thereof.
3. The Project Loan and the Promissory Note evidencing the same, shall be a limited obligation of the Commission and the Project Loan and the Promissory Note shall be payable exclusively, along with any Prior Indebtedness and Existing Parity Indebtedness, if any, as defined in the Financing Agreement, from the pledge of (i) all fees, charges, loan repayments, interest, income and money properly allocable to the Plan in accordance with generally accepted accounting principles, (ii) interest on any money or securities related to the Plan held by or on behalf of the Commission, and (iii) any other money from other sources pledged by the Commission to the payment of the Promissory Note, including but not limited to income or contributions from the members of the Commission (**“Pledged Revenues”**) and pursuant to the terms of the Financing Agreement. The Project Loan and the Promissory Note shall also be secured by the Restricted Funds, as defined and described in the Financing Agreement.
4. On the terms and conditions to be provided in the Financing Agreement, the Board of Commissioners undertakes its non-binding moral obligation to pay the sums due under the Promissory Note and the Financing Agreement, subject to annual appropriation by the Board of Commissioners. The Board of Commissioners, although recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, states its intent to make such appropriations in future fiscal years and recommends that future Boards of Commissioners do likewise.
5. The Chairman, Vice-Chairman, Executive Director and all other appropriate officers and employees of the Commission are hereby authorized and directed to take all actions as shall be necessary to carry out the provisions of this Resolution.
6. All other actions of Commission officials in conformity with the purposes and intent of this Resolution and in furtherance of the acceptance of the Project Loan and the proceeds therefrom, as authorized herein, are ratified, approved and confirmed. Commission officials are authorized and directed to execute and

deliver all certificates and other instruments considered necessary or appropriate in connection with the acceptance of the Project Loan pursuant to this Resolution and the Closing Documents and to do all acts and things necessary or convenient to carry out the terms and provisions of such documents.

7. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the “Borrower Resolution” as such term is defined in Section 1.1 of the Financing Agreement.
8. This Resolution shall take effect immediately upon its adoption.

Adopted: June __, 2021

CERTIFICATE

I, Lewis L. Lawrence, III, Secretary/Executive Director of the Middle Peninsula Planning District Commission hereby certify that attached hereto is a true and correct copy of an Authorizing Resolution adopted by majority of the Board of Commissioners on June __, 2021, at an open meeting in which a quorum was present and voting, as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

Secretary/Executive Director
Middle Peninsula Planning District Commission

PROMISSORY NOTE
MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

N-1

\$149,894

MIDDLE PENINSULA PLANNING DISTRICT COMMISSION, a public body corporate and politic of the Commonwealth of Virginia (**the “Borrower”**), acknowledges itself indebted and for value received, hereby promises to pay, solely from the revenues and other property hereinafter described and pledged to the payment of this Promissory Note, to the order of Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund, Richmond, Virginia (**the “Authority”**), or registered assigns or legal representatives, the sum equal to the amount of principal advances made hereunder but not to exceed One Hundred Forty Nine Thousand Eight Hundred Ninety-Four and 00/100 Dollars (\$149,894.00), with interest on the disbursed and unpaid principal balance from the date of each disbursement until payment of the entire principal sum at the rate of zero and fifty-one hundredths percent (0.50%) per annum, consisting of (i) interest of thirty one-hundredths percent (0.30%) per annum, payable for the benefit of the Fund, and (ii) twenty one-hundredths percent (0.20%) per annum payable as an Annual Administrative Fee, as follows:

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The interest, including the part thereof allocable to the Annual Administrative Fee (**the “Costs of Funds”**) only on all amounts disbursed under the Promissory Note shall be due and payable commencing on _____ 1, 20____, and continuing semi-annually thereafter on _____ 1 and _____ 1 in each year. In addition to the required principal prepayments as set forth in the Financing Agreement (as defined below), principal shall be due and payable commencing on _____ 1, 20____, and continuing annually thereafter on _____ 1 in each year in the amount of \$100.00, with a final installment due and payable on _____ 1, [2031], when, if not sooner paid, all amounts due hereunder and under the Promissory Note shall be due and payable in full provided however, that if principal advances up to the maximum authorized amount are not made, the principal amount due on this Bond shall not include such undisbursed amount. However, unless the Borrower and VRA agree otherwise in writing, until all amounts due hereunder shall have been paid in full, less than the full disbursement of the maximum authorized amount hereunder shall not postpone the due date of any semi-annual installment due hereon, or change the amount of such installment.

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Deleted: only on all amounts disbursed under this Bond shall be due and payable on _____, 202____. Commencing on _____ 1, 202____, and continuing semi-annually thereafter on _____ 1 and _____ 1 in each year, principal and the Cost of Funds due under this Bond shall be due and payable in equal installments of \$ _____ with a final installment of \$ _____ due and payable on _____ 1, [2031], when, if not sooner paid, all amounts due hereunder shall be due and payable in full provided however, that if pri

In addition, if any installment of principal is not received by the holder of this Promissory Note within ten (10) days from its due date, the Borrower shall pay to the holder of this Promissory Note, a late payment charge in an amount equal to five percent (5.0%) of such overdue installment. Principal is payable in lawful money of the United States.

This Promissory Note is issued pursuant to the terms of the Financing Agreement between the Borrower and the Authority dated as of July 1, 2021, (**the “Financing Agreement”**) to evidence a loan by the Authority to the Borrower to finance the Borrower’s plan of providing loans and/or grants to qualifying Property Owners (as defined in the Financing Agreement) for the correction of onsite wastewater treatment and disposal problems, including related expenses (**the “Plan”**). The obligations of the Borrower under this Promissory Note and the Financing

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Deleted: to facilitate the establishment of living shorelines, as defined in Section 28.2-104.1 of the Code of Virginia of 1950, as amended, to protect or improve water quality and prevent the pollution of state waters, including rela

Agreement shall terminate when all amounts due and to become due pursuant to this Promissory Note and Financing Agreement have been paid in full. Reference is hereby made to the Financing Agreement and any amendments thereto for the definitions and provisions, among others, describing the pledge and covenants securing this Promissory Note, the nature and extent of the security, the terms and conditions upon which this Promissory Note is issued, and the rights and obligations of the Borrower and the holders of this Promissory Note. This Promissory Note is secured by Revenues, as defined and described in the Financing Agreement.

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The pledge of Revenues toward payment of the Promissory Note shall be on parity with the pledge of Revenues securing the Existing Parity Indebtedness, if any, (as defined in the Financing Agreement and set forth on Exhibit D thereto). The Borrower may only incur additional indebtedness secured by a pledge of the Revenues pursuant to the terms of the Financing Agreement.

This Promissory Note is subject to optional and mandatory prepayment to the extent and on the terms set forth in the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this Promissory Note may be declared immediately due and payable by the holder by written notice to the Borrower.

Notwithstanding anything in this Promissory Note to the contrary, in addition to the payments of the principal provided by this Promissory Note, the Borrower shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Financing Agreement.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Promissory Note have happened, exist and have been performed.

IN WITNESS WHEREOF, the Borrower has caused this Promissory Note to be signed by its duly authorized officer and to be dated _____, 2021.

**MIDDLE PENINSULA PLANNING DISTRICT
COMMISSION**

By: _____
Name: _____
Title: Chairman

COUNTERSIGNED:

Secretary/Executive Director, Middle Peninsula
Planning District Commission

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ whose address for registration purposes is _____ the within Promissory Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ to transfer the within Promissory Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Tax I.D. No.
Transferee: _____

Signature Guaranteed

(NOTE: the signature above must correspond with the name of the Registered Owner as it appears on the front of this Promissory Note in every particular, without alteration or enlargement or any change whatsoever.)

SCHEDULE OF PRINCIPAL ADVANCES

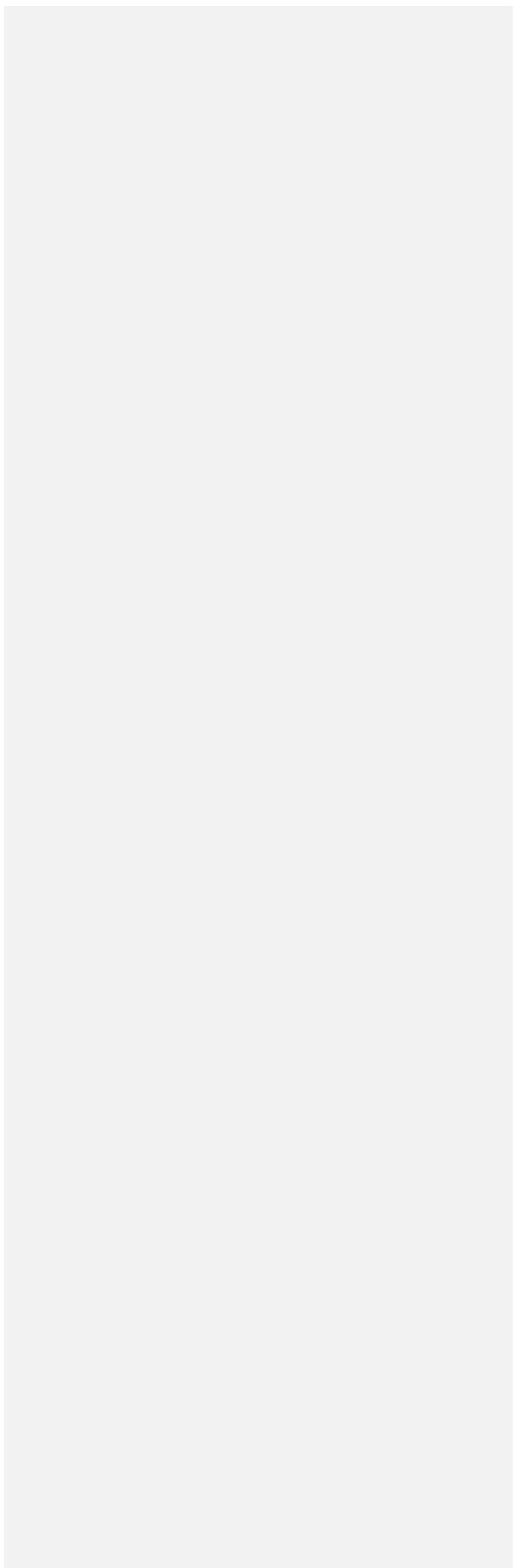
The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized representative of the Virginia Resources Authority, as Administrator of the Fund, when the proceeds of each such advance are delivered to the Borrower.

Amount

Date

Authorized Signatures

Schedule I



PROMISSORY NOTE
MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

N-1

\$149,894

MIDDLE PENINSULA PLANNING DISTRICT COMMISSION, a public body corporate and politic of the Commonwealth of Virginia (**the “Borrower”**), acknowledges itself indebted and for value received, hereby promises to pay, solely from the revenues and other property hereinafter described and pledged to the payment of this Promissory Note, to the order of Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund, Richmond, Virginia (**the “Authority”**), or registered assigns or legal representatives, the sum equal to the amount of principal advances made hereunder but not to exceed One Hundred Forty Nine Thousand Eight Hundred Ninety-Four and 00/100 Dollars (\$149,894.00), with interest on the disbursed and unpaid principal balance from the date of each disbursement until payment of the entire principal sum at the rate of zero and fifty-one hundredths percent (0.50%) per annum, consisting of (i) interest of thirty one-hundredths percent (0.30%) per annum, payable for the benefit of the Fund, and (ii) twenty one-hundredths percent (0.20%) per annum payable as an Annual Administrative Fee, as follows:

The interest, including the part thereof allocable to the Annual Administrative Fee (**the “Costs of Funds”**) only on all amounts disbursed under the Promissory Note shall be due and payable commencing on _____ 1, 20__, and continuing semi-annually thereafter on _____ 1 and _____ 1 in each year. In addition to the required principal prepayments as set forth in the Financing Agreement (as defined below), principal shall be due and payable commencing on _____ 1, 20__, and continuing annually thereafter on _____ 1 in each year in the amount of \$100.00, with a final installment due and payable on _____ 1, [2031], when, if not sooner paid, all amounts due hereunder and under the Promissory Note shall be due and payable in full provided however, that if principal advances up to the maximum authorized amount are not made, the principal amount due on this Bond shall not include such undisbursed amount. However, unless the Borrower and VRA agree otherwise in writing, until all amounts due hereunder shall have been paid in full, less than the full disbursement of the maximum authorized amount hereunder shall not postpone the due date of any semi-annual installment due hereon, or change the amount of such installment..

In addition, if any installment of principal is not received by the holder of this Promissory Note within ten (10) days from its due date, the Borrower shall pay to the holder of this Promissory Note, a late payment charge in an amount equal to five percent (5.0%) of such overdue installment. Principal is payable in lawful money of the United States.

This Promissory Note is issued pursuant to the terms of the Financing Agreement between the Borrower and the Authority dated as of July 1, 2021 (**the “Financing Agreement”**) to evidence a loan by the Authority to the Borrower to finance the Borrower’s plan of providing loans and/or grants to qualifying Property Owners (as defined in the Financing Agreement) for the correction of onsite wastewater treatment and disposal problems, including related expenses (**the “Plan”**). The obligations of the Borrower under this Promissory Note and the Financing

Agreement shall terminate when all amounts due and to become due pursuant to this Promissory Note and Financing Agreement have been paid in full. Reference is hereby made to the Financing Agreement and any amendments thereto for the definitions and provisions, among others, describing the pledge and covenants securing this Promissory Note, the nature and extent of the security, the terms and conditions upon which this Promissory Note is issued, and the rights and obligations of the Borrower and the holders of this Promissory Note. This Promissory Note is secured by Revenues, as defined and described in the Financing Agreement.

The pledge of Revenues toward payment of the Promissory Note shall be on parity with the pledge of Revenues securing the Existing Parity Indebtedness, if any, (as defined in the Financing Agreement and set forth on Exhibit D thereto). The Borrower may only incur additional indebtedness secured by a pledge of the Revenues pursuant to the terms of the Financing Agreement.

This Promissory Note is subject to optional and mandatory prepayment to the extent and on the terms set forth in the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this Promissory Note may be declared immediately due and payable by the holder by written notice to the Borrower.

Notwithstanding anything in this Promissory Note to the contrary, in addition to the payments of the principal provided by this Promissory Note, the Borrower shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Financing Agreement.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Promissory Note have happened, exist and have been performed.

IN WITNESS WHEREOF, the Borrower has caused this Promissory Note to be signed by its duly authorized officer and to be dated _____, 2021.

**MIDDLE PENINSULA PLANNING DISTRICT
COMMISSION**

By: _____
Name: _____
Title: Chairman

COUNTERSIGNED:

Secretary/Executive Director, Middle Peninsula
Planning District Commission

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ whose address for registration purposes is _____ the within Promissory Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ to transfer the within Promissory Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Tax I.D. No.
Transferee: _____

Signature Guaranteed

(NOTE: the signature above must correspond with the name of the Registered Owner as it appears on the front of this Promissory Note in every particular, without alteration or enlargement or any change whatsoever.)

SCHEDULE OF PRINCIPAL ADVANCES

The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized representative of the Virginia Resources Authority, as Administrator of the Fund, when the proceeds of each such advance are delivered to the Borrower.

Amount

Date

Authorized Signatures

Schedule I

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MIDDLE
PENINSULA PLANNING DISTRICT COMMISSION AUTHORIZING THE
EXECUTION AND DELIVERY OF A FUNDING AGREEMENT; AND PROVIDING
FOR THE FORM AND DETAILS THEREOF**

WHEREAS, in the judgment of the Board of Commissioners (**the “Board”**) of the Middle Peninsula Planning District Commission (**the “Commission”**), it is desirable to enter into a Funding Agreement (**the “Agreement”**) with the Virginia Resources Authority (**“VRA”**), as Administrator of the Virginia Water Facilities Revolving Fund (**the “Fund”**), to finance Project Costs (as defined in the Agreement) related to the correction of onsite sewage disposal system problems (**the “Projects”**) qualifying as such under the Act, (defined below), as described in the Plan, as defined in the Agreement, along with related legal, consulting and administrative fees, if any;

WHEREAS, the Board desires to enter into the Agreement under the provisions of the Virginia Water Facilities Revolving Fund, Chapter 22 of Title 62.1 (**the “Act”**) of the Virginia Code.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE COMMISSION:**

1. The Projects are hereby approved and the Commission is authorized to enter into the Agreement and to use the monies provided from the Fund pursuant to the Act, to provide financing for that portion of the Project Costs not being paid from other sources as set forth in the Project Budget. Terms used herein and not defined shall be as defined in the Agreement.
2. The Commission shall be reimbursed from the Fund for the payment of the Project Costs in an amount not to exceed \$50,106. The Department of Environmental Quality has authorized the transaction as a “principal forgiveness loan” (**the “Transaction”**).
3. The Agreement shall be in substantially the form presented to and filed with the minutes of the meeting of this Board at which this Resolution is being adopted. The form of the Agreement and the terms, conditions and provisions thereof are hereby approved by this Board, and the Chairman or Vice-Chairman of the Commission or the Executive Director, either of whom may act, is hereby authorized and directed to execute and deliver to VRA the Agreement in substantially such form, with such changes and amendments as the officer executing the same shall approve upon the advice of counsel, such approval to be conclusively evidenced by his or her execution and delivery thereof.
4. The Transaction shall not constitute a debt of the Commission, and the Commission is not required or obligated to repay the amount for the Transaction, except as may be provided in Section 4.3 of the Agreement due to failure to comply with the terms and conditions of the Agreement.

5. The Chairman, Vice-Chairman, Executive Director and all other appropriate officers and employees of the Commission shall take all actions as shall be necessary to carry out the provisions of this Resolution.
6. All other actions of Commission officials in conformity with the purposes and intent of this Resolution and in furtherance of the Transaction as authorized herein are ratified, approved and confirmed. Commission officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the Agreement and to do all acts and things necessary or convenient to carry out the terms and provisions of such documents.
7. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.
8. This Resolution shall take effect immediately upon its adoption.

Adopted: June __, 2021

CERTIFICATE

I, Lewis L. Lawrence, III, Secretary/Executive Director of the Middle Peninsula Planning District Commission hereby certify that attached hereto is a true and correct copy of a Resolution adopted by majority of the Board of Commissioners on June __, 2021, at an open meeting in which a quorum was present and voting, as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

Secretary/Executive Director
Middle Peninsula Planning District Commission

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★ CLIFF NOTE VERSION ★

COMMONWEALTH OF VIRGINIA

2021 Grant Manual for the
Virginia Community Flood
Preparedness Fund

2021 Grant Funding

Applications Due: 4 p.m., 09/03/2021

Developed by the Department of Conservation and Recreation
in cooperation with the Virginia Resources Authority



Appendix D: Scoring Criteria for Capacity Building & Planning	1
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Virginia Department of Conservation and Recreation	3
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Appendix G: Elements of Resilience Plan	1-G

"Capacity Building" means improving the ability of a local government through training of existing staff, hiring personnel, contracting with expert consultants or advisors, and other related actions that allow a local government to identify and mitigate risk and flood impacts.

"Community Scale project" means a project that provides demonstrable flood reduction benefits at the US census block level or greater.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred by the local government in carrying out all works and undertakings necessary or incidental to the accomplishment of any proposed project.

"Department" means the Virginia Department of Conservation and Recreation.

"Flood prevention or protection" means the construction of hazard mitigation projects, acquisition of land, or implementation of land use controls that reduce or mitigate damage from coastal or riverine flooding.

"Eligible Applicants" are local governments, as defined below, and federally or state recognized Indian tribes. The program allows eligible applicants to join together to submit joint proposals.

"Flood prevention or protection study" means the conduct of a hydraulic or hydrologic study of a floodplain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding.

"Fund or fund" means the Virginia Community Flood Preparedness Fund created pursuant to § 10.1-603.25 of the Code of Virginia.

"Hybrid Solution" means a project that incorporates nature-based and hardened solutions to achieve an outcome that is primarily nature-based.

"Locality-certified floodplain manager" means a Certified Floodplain Manager according to the Association of State Floodplain Managers (<https://www.floods.org/certification-program-cfm/>) who is in the employ of a local government.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth, or any state or federally recognized Virginia Indian Tribe.

"Low-income geographic area means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service. A project of any size within a low-income geographic area will be considered.

"Nature-based solution" means an approach that reduces the impacts of flood and storm events through the use of environmental processes and natural systems. A nature-based solution may provide additional benefits beyond flood control, including recreational opportunities and

Part II: General Department Grant Eligibility Criteria and Application Procedures

A. Department Conditions and Limitations for Making Grants and Loans

1. Grant assistance and loans will be awarded by category on a competitive scoring basis for eligible projects that meet the general conditions of this section and the specific criteria set out in the project category descriptions. Scoring criteria to be utilized for each project category are contained in Appendix B.

The total amount of funds granted in any grant round, the amount of funds allocated to each of the three grant categories, and final determinations of grant awards will be set by the Department in consultation with the Chief Resilience Officer and the Special Assistant to the Governor for Coastal Adaptation and Protection. The Department anticipates that the allocations across grant categories will change with each grant round depending on demonstrated interested need.

2. Grant matching requirements are as follows*. The nature-based solution percentage will be based on the degree to which a completed project is comprised of a nature-based solution. Removal of existing infrastructure or structures may be necessary to achieve the nature-based solution.
 - a. Planning and Capacity Building– Fund 75%/Match 25%.
 - b. Flood Prevention and Protection Studies – Fund 50%/Match 50%.
 - c. Projects that will result in nature-based solutions - Fund 70%/Match 30%.
 - d. Projects that will result in hybrid solutions - Fund 60%/Match 40%.
 - e. All other Projects - Fund 50%/Match 50%.
3. For projects that are located in and serve low-income geographic areas, the following match requirements shall apply:
 - a. Planning and Capacity Building– Fund 90%/Match 10%*.
 - b. Flood Prevention and Protection Studies – Fund 90%/Match 10%.
 - c. Projects that will result in nature-based solutions - Fund 80%/Match 20%.
 - d. Projects that will result in hybrid solutions - Fund 65%/Match 35%.
 - e. All other Projects Fund 55%/Match 45%.

***Match requirements for Planning and Capacity Building in low-income geographic areas will not require match for applications requesting less than \$3,000. Where a local government is unable to secure required match funds for larger planning and study grants-contact the Department at cfpf@dcr.virginia.gov**

commissions, or political subdivisions created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth, or any combination of these, must be consistent with resilience plans and efforts in the local government where the project takes place. Letters of support from affected localities must be included with the application.

All projects that demonstrate a primary purpose of prevention or protection to reduce coastal, riverine or inland flooding will be considered.

Examples of applicable projects include:

Nature-based solutions including but not limited to: wetland restoration, floodplain restoration, swales and settling ponds, living shorelines and vegetated buffers.

Additional flood control solutions including, but not limited to: floodwalls, levees, berms, flood gates, structural conveyances and storm water systems, and medium to large scale Low Impact Development (LID) in urban areas

Preservation and creation of open space including: property acquisition and relocation and the permanent conservation of lands identified as having flood resilience value by *ConserveVirginia* Floodplain and Flooding Resilience layer or a similar data driven analytic tool.

C. Studies

To assist the Commonwealth and its local governments, the Fund will provide grants for various studies designed to improve long term planning and effectiveness of resilience plans and projects.

Examples of applicable projects include:

- a. Studies to revise floodplain ordinances in order to maintain compliance with the NFIP or to incorporate higher standards that may reduce the risk of flood damage. This shall include establishing processes for implementing the ordinance, including but not limited to, permitting, record retention, violations, and variance procedures. This may include revising a floodplain ordinance when the community is getting new Flood Insurance Rate Maps (FIRMs), updating a floodplain ordinance to include floodplain setbacks or freeboard, or correcting issues identified in a Corrective Action Plan.
- b. Hydraulic or hydrologic studies of a floodplain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding.
- c. Hydrologic and hydraulic studies of floodplains to clarify or update by FEMA Flood Insurance Rate maps (FIRMS).
- d. Studies and Data Collection of Statewide and Regional Significance: Funding of studies of statewide and regional significance and proposals will be considered for the following types of studies:

1. Updating precipitation data and IDF information (rain intensity, duration, frequency estimates) including such data at a sub-state or regional scale on a periodic basis.
2. Regional relative sea level rise projections for use in determining future impacts.
3. Vulnerability analysis either statewide or regionally to state transportation, water supply, water treatment, impounding structures, or other significant and vital infrastructure from flooding.
4. Flash flood studies and modeling in riverine regions of the state.
5. Statewide or regional stream gauge monitoring to include expansion of existing gauge networks.
6. New or updated delineations of areas of recurrent flooding, stormwater flooding, and storm surge vulnerability in coastal areas that include projections for future conditions based on sea level rise, more intense rainfall events, or other relevant flood risk factors.
7. Regional flood studies in riverine communities that may include watershed-scale evaluation, updated estimates of rainfall intensity, or other information.
8. Regional hydrologic and hydraulic studies of floodplains.
9. Studies of potential land use strategies that could be implemented by a local government to reduce or mitigate damage from coastal or riverine flooding.
10. Other proposals that will significantly improve protection from flooding on a statewide or regional basis.

9VAC25-830-40 Definitions

“Canopy Tree” means a tree that typically reaches 35 feet in height or taller when mature.

Mature Tree” means a canopy tree with a Diameter at Breast Height (DBH) of 12 inches or greater or an understory tree with a DBH of 4 inches or greater.

“Understory Tree” means a tree that typically reaches 12 feet to 35 feet in height when mature.

9VAC25-830-130 General performance criteria

Through their applicable land use ordinances, regulations, and enforcement mechanisms, local governments shall require that any use, development, or redevelopment of land in Chesapeake Bay Preservation Areas meets the following performance criteria:

1. No more land shall be disturbed than is necessary to provide for the proposed use or development.
2. Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development proposed. Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.

A locality which has an ordinance providing for the conservation, planting and replacement of trees during the land development process pursuant to Virginia Code § 15.2-961 or 15.2-961.1 may rely on such ordinance for demonstrating compliance with this requirement related to mature trees in Resource Management Areas.

3. All development exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development review process consistent with § 15.2-2286 A 8 of the Code of Virginia and subdivision 1 e of 9VAC25-830-240.
 4. Land development shall minimize impervious cover consistent with the proposed use or development.
 5. Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single family houses, septic tanks, and drainfields, but otherwise as defined in § 62.1-44.15:51 of the Code of Virginia) shall comply with the requirements of the local erosion and sediment control ordinance. Enforcement for noncompliance with the erosion and sediment control requirements referenced in this criterion shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations.
 6. Any Chesapeake Bay Preservation Act land-disturbing activity as defined in § 62.1-44.15:24 of the Code of Virginia shall comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103.
 7. Onsite sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall:
 - a. Have pump-out accomplished for all such systems at least once every five years.
- (1) If deemed appropriate by the local health department and subject to conditions the local health department may set, local governments may offer to the owners of such systems, as an

alternative to the mandatory pump-out, the option of having a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12VAC5-610) administered by the Virginia Department of Health.

(2) Furthermore, in lieu of requiring proof of septic tank pump-out every five years, local governments may allow owners of onsite sewage treatment systems to submit documentation every five years, certified by an operator or onsite soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design onsite sewage systems, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.

b. For new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an onsite sewage treatment system that operates under a permit issued by the board. All sewage disposal site records shall be administered to provide adequate notice and enforcement. As an alternative to the 100% reserve sewage disposal site, local governments may offer the owners of such systems the option of installing an alternating drainfield system meeting the following conditions:

(1) Each of the two alternating drainfields in the system shall have, at a minimum, an area not less than 50% of the area that would otherwise be required if a single primary drainfield were constructed.

(2) An area equaling 50% of the area that would otherwise be required for the primary drainfield site must be reserved for subsurface absorption systems that utilize a flow diversion device, in order to provide for future replacement or repair to meet the requirements for a sewage disposal system. Expansion of the primary system will require an expansion of this reserve area.

(3) The two alternating drainfields shall be connected by a diversion valve, approved by the local health department, located in the pipe between the septic (aerobic) tank and the distribution boxes. The diversion valve shall be used to alternate the direction of effluent flow to one drainfield or the other at a time. However, diversion valves shall not be used for the following types of treatment systems:

(a) Sand mounds;

(b) Low-pressure distribution systems;

(c) Repair situations when installation of a valve is not feasible; and

(d) Any other approved system for which the use of a valve would adversely affect the design of the system, as determined by the local health department.

(4) The diversion valve shall be a three-port, two-way valve of approved materials (i.e., resistant to sewage and leakproof and designed so that the effluent from the tank can be directed to flow into either one of the two distribution boxes).

(5) There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.

(6) The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds or other structures.

(7) In lieu of the aforementioned diversion valve, any device that can be designed and constructed to conveniently direct the flow of effluent from the tank into either one of the two distribution boxes may be approved if plans are submitted to the local health department and found to be satisfactory.

(8) The local government shall require that the owner(s) owner alternate the drainfields every 12 months to permit the yearly resting of half of the absorption system.

(9) The local government shall ensure that the owner(s) owner are notified annually of the requirement to switch the valve to the opposite drainfield.

8. Land upon which agricultural activities are being conducted, including ~~but not limited to~~ crop production, pasture, and dairy and feedlot operations, or lands otherwise defined as agricultural land by the local government, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Act and this chapter.

a. Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices that are recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed, consistent with cost-share practice standards effective in January 1999 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service or the June 2000 edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, respectively. Unless otherwise specified in this section, general standards pertaining to the various agricultural conservation practices being assessed shall be as follows:

(1) For erosion and sediment control recommendations, the goal shall be, where feasible, to prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. However, in no case shall erosion exceed the soil loss consistent with an Alternative Conservation System, referred to as an "ACS", as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service.

(2) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85).

(3) For pest chemical control, referrals shall be made to the local cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other Extension materials related to pest control.

b. A higher priority shall be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.

c. The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the local Soil and Water Conservation District Board, which will be the plan-approving authority.

9. Silvicultural activities in Chesapeake Bay Preservation Areas are exempt from this chapter provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the Fifth Edition (March 2011) of "Virginia's Forestry Best Management Practices for Water Quality Technical Manual." The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas.

10. Local governments shall require evidence of all wetlands permits required by law prior to authorizing grading or other onsite activities to begin.

9VAC25-830-140 Development criteria for Resource Protection Areas

In addition to the general performance criteria set forth in 9VAC25-830-130, the criteria in this section are applicable in Resource Protection Areas.

1. Land development may be allowed in the Resource Protection Area, subject to approval by the local government, only if it (i) is water dependent; (ii) constitutes redevelopment; (iii) constitutes development or redevelopment within a designated Intensely Developed Area; (iv) is a new use established pursuant to subdivision 4 a of this section; (v) is a road or driveway crossing satisfying the conditions set forth in subdivision 1 d of this section; or (vi) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision 1 e of this section.

a. A water quality impact assessment in accordance with subdivision 6 of this section shall be required for any proposed land disturbance.

b. A new or expanded water-dependent facility may be allowed provided that the following criteria are met:

(1) It does not conflict with the comprehensive plan;

(2) It complies with the performance criteria set forth in 9VAC25-830-130;

- (3) Any nonwater-dependent component is located outside of Resource Protection Areas; and
- (4) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

c. Redevelopment outside locally designated Intensely Developed Areas shall be permitted in the Resource Protection Area only if there is no increase in the amount of imperious cover and no further encroachment within the Resource Protection Area, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations, as well as all applicable stormwater management requirements of other state and federal agencies.

d. Roads and driveways not exempt under subdivision B 1 of 9VAC25-830-150 and which, therefore, must comply with the provisions of this chapter, may be constructed in or across Resource Protection Areas if each of the following conditions is met:

- (1) The local government makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the Resource Protection Area;
- (2) 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.
- (3) The design and construction of the road or driveway satisfy all applicable criteria of this chapter, including submission of a water quality impact assessment; and
- (4) The local government reviews the plan for the road or driveway proposed in or across the Resource Protection Area in coordination with local government site plan, subdivision and plan of development approvals.

e. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations, and provided that (i) the local government has conclusively established that location of the facility within the Resource Protection Area is the optimum location; (ii) the size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both; (iii) the facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations; (iv) all applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the department, and the Virginia Marine Resources Commission; (v) approval must be received from the local government prior to construction; and (vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a Resource Protection Area.

2. Exemptions in Resource Protection Areas. The following land disturbances in Resource Protection Areas may be exempt from the criteria of this part provided that they comply with subdivisions a and b of this subdivision 2: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities:

a. Local governments shall establish administrative procedures to review such exemptions.

b. Any land disturbance exceeding an area of 2,500 square feet shall comply with the erosion and sediment control criteria in subdivision 5 of 9VAC25-830-130.

3. Buffer area requirements. The 100-foot wide buffer area shall be the landward component of the Resource Protection Area as set forth in subdivision B 5 of 9VAC25-830-80.

Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width. To minimize the adverse effects of human activities on the other components of the Resource Protection Area, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. Where such buffer must be established, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function and to protect the quality of state waters. Inclusion of native species in tree planting is preferred.

a. The 100-foot wide buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.

b. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this chapter. Where such buffer must be reestablished, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

4. Permitted encroachments into the buffer area.

a. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:

(1) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

(2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. Such vegetated area where established shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred.

(3) The encroachment may not extend into the seaward 50 feet of the buffer area.

b. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989, and March 1, 2002, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:

- (1) The lot or parcel was created as a result of a legal process conducted in conformity with the local government's subdivision regulations;
- (2) Conditions or mitigation measures imposed through a previously approved exception shall be met;
- (3) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
- (4) The criteria in subdivision 4 a of this section shall be met.

5. Permitted modifications of the buffer area.

a. In order to maintain the functional value of the buffer area, existing vegetation may be removed, subject to approval by the local government, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:

(1) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Mature trees shall be preserved and trimmed or pruned in lieu of removal, as site conditions permit. Any mature tree removal should be limited to the fewest number of trees feasible. When mature trees are removed to provide for sight lines and vistas, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters. Inclusion of native species in tree replanting is preferred.

(2) Any path shall be constructed and surfaced so as to effectively control erosion.

(3) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be allowed pursuant to sound horticultural practice incorporated into locally-adopted standards.

(4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements. Mature trees shall be removed only as necessary for the installation and maintenance of the projects consistent with the best available technical advice, project plans, and applicable permit conditions or requirements. Trees shall be utilized in the project when vegetation is being established as appropriate to the site conditions and the project specifications. Inclusion of native species in tree planting is preferred.

b. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:

(1) Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land—erosion control or nutrient management—is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the ~~Virginia~~ Virginia Nutrient Management Training and Certification Regulations (~~4VAC5-15~~) (4VAC50-85) administered by the ~~Virginia Department~~ Department of Soil and Water Conservation and Recreation Board.

(2) Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed, consistent with the ~~Virginia~~ Virginia Nutrient Management Training and Certification Regulations (~~4VAC5-15~~) (4VAC50-85) administered by the ~~Virginia Department of Soil and Water Conservation and Recreation Board~~ Department of Soil and Water Conservation and Recreation Board. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

(3) The buffer area is not required to be designated adjacent to agricultural drainage ditches if at least one best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land—either erosion control or nutrient management—is being implemented on the adjacent land.

(4) If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the local government, in cooperation with soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

(5) In cases where the landowner or ~~his~~ the landowner's agent or operator has refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the local government. The local government shall require the landowner to correct the problems within a specified period of time not to exceed 18 months from their initial notification of the deficiencies to the landowner. The local government, in cooperation with the district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

6. Water quality impact assessment. A water quality impact assessment shall be required for any proposed development within the Resource Protection Area consistent with this part and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

a. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in the Resource Protection Areas consistent with the goals and objectives of the Act, this chapter, and local programs, and to determine specific measures for mitigation of those impacts. The specific content and procedures for the water quality impact assessment shall be established by each local government. Local governments should notify the board of all development requiring such an assessment.

b. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with the criteria of the local program.

7. Buffer area requirements for Intensely Developed Areas. In Intensely Developed Areas the local government may exercise discretion regarding whether to require establishment of vegetation in the 100-foot wide buffer area. However, while the immediate establishment of vegetation in the buffer area may be impractical, local governments shall give consideration to implementing measures that would establish vegetation in the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation. In considering such measures, local governments shall consider the planting of trees as a component of any such measure. Inclusion of native species in tree planting is preferred.

9VAC25-830-190. Land development ordinances, regulations, and procedures.

C. Local governments shall update and amend their ordinances and regulations to adopt and incorporate updated performance criteria requirements in Part IV (9VAC25-830-120 et seq.) of this chapter based upon statutory revisions to Virginia Code § 62.1-44.15:72. by (insert date three years after effective date of amendment).

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9 VAC25-830-40 Definitions

“Adaptation measure” means a project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

"Nature-based solution" means an approach that reduces the impacts of sea-level rise, flooding and storm events through the use of environmental processes and natural systems.

9VAC25-830-155 Climate change resilience and adaptation criteria

A. Pursuant to Virginia Code § 62.1-44.15:72, this Section provides criteria and requirements to address coastal resilience and adaptation to sea-level rise and climate change. Adaptation measures may be allowed in the Chesapeake Bay Preservation Areas subject to approval by the local government, in accordance with the conditions set forth in this Chapter.

This Section applies in addition to 9VAC25-830-130 and 9VAC25-830-140. Local governments shall incorporate the requirements of this Section into all relevant ordinances and ensure their enforcement through implementation of appropriate processes and documentation for oversight and enforcement. In doing so, local governments shall ensure that the incorporation is consistent with the water quality protections of the Act.

B. Local governments shall assess the impacts of climate change and sea-level rise on any proposed land development in the Resource Protection Area during the plan of development or project review process. Such assessment shall be based on the Resource Protection Area as delineated at the time of proposed land development. Such assessment shall at minimum:

1. Be based upon a potential impact range of 30 years or the lifespan of the project if less than 30 years;

2. Utilize a model or forecast developed by or on behalf of the Commonwealth;

3. Identify potential impacts:

a. from projected sea-level rise using the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate–High scenario projection curve, or any subsequently updated version thereof, on the project site;

b. from storm surge based upon the most updated NOAA hydrodynamic Sea, Lake, and Overland Surges from Hurricanes model on the project site; and

c. from flooding based upon the most updated Special Flood Hazard Area and the Limit of Moderate Wave Action on the project site. Such assessment of flooding should be in conjunction with the requirements and application of floodplain management requirements and programs.

4. Assess the potential impacts in light of the proposed land development on buffer function including loss of riparian buffer vegetation and vegetation migration; water migration; as well as the potential impacts resulting in additional future land disturbance or development in the Resource Protection Area connected to the proposed land development.

5. Identify conditions, alterations, or adaptation measures for the proposed land development to address these potential impacts as necessary and appropriate based upon site conditions; nature, type, and size of proposed land development including whether such proposed land development is in an Intensely Developed Area overlay; extent of potential impacts, and the necessity to minimize future land disturbance.

6. Local governments may require this assessment to be submitted as part of a Water Quality Impact Assessment. The specific content and procedures for the assessment shall be established by each local government and shall be of sufficient specificity to demonstrate compliance with this requirement.

7. Based upon the assessment, local governments shall, as necessary and appropriate, require conditions, alterations, or the installation of adaptation measures as part of the proposed land development consistent with the requirements of the Act and this Chapter.

C. Local governments may allow adaptation measures within the Resource Protection Area subject to the following criteria and requirements which shall apply in addition to those found in 9 VAC 25-830-130 and 9 VAC 25-830-140, including the requirement for a Water Quality Impact Assessment pursuant to 9 VAC 25-830-140(6). The adaptation measures shall:

1. Be a nature-based solution adaptation measure that uses environmental processes, natural systems, or natural features, is appropriate for site conditions, and is:

a. An Best Management Practice approved by the Chesapeake Bay Program Partnership;

b. An approved Virginia Stormwater Best Management Practice listed in the Virginia Stormwater Best Management Practice Clearinghouse;

c. An approved Shoreline Protection Strategy in accordance with the Tidal Wetlands Guidelines as determined by the Virginia Marine Resource Commission; or

d. A project that is an eligible activity for funding by the Virginia Community Flood Preparedness Fund as determined by the Virginia Department of Conservation and Recreation.

2. Be designed, installed, and maintained in accordance with the applicable adaptation measure specifications in accordance with the type of the adaptation measure identified in 9 VAC 25-830-155(C)(1).

3. Allow for the use of fill only under the following conditions:

a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specifications and implemented in a manner that minimizes the impact of run-off;

b. The fill must have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with the project specifications;

c. The use of fill shall not enhance stormwater runoff from the Resource Protection Area, and any lateral flow onto adjacent properties shall be controlled;

d. Any impacts on the management of stormwater upland of the Resource Protection Area created by the use of fill shall be mitigated as necessary;

e. The use of fill shall not negatively impact septic systems and drainfields; and

f. The use of fill shall be consistent with any applicable federal or state law, including floodplain management requirements in 44 C.F.R. Part 60.

4. Maximize preservation of existing natural vegetation including mature trees and minimize land disturbance consistent with the adaptation measure specifications.

5. Comply with all federal, state, and local requirements including any required permits and conditions.

6. Nothing in this provision shall be construed to authorize approval or allowance of an adaptation measure in contravention of floodplain management requirements, including the National Flood Insurance Program and established floodplain ordinances, or construed to require a locality to approve or allow an adaptation measure in contravention of its participation in the National Flood Insurance Program Community Rating System.

D. Local governments shall ensure that any activity in the Resource Protection Area is consistent with Chapter 13 Title 28.2, Code of Virginia, and the accompanying Tidal Wetlands Guidelines which provide for “minimum standards for the protection and conservation of wetlands,” and “ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard.” Shoreline management and alteration projects should be coordinated to address the requirements of the most updated Tidal Wetlands Guidelines in conjunction with the requirements of this Chapter including 9 VAC 25-830-140(5)(a)(4).

E. For a living shoreline, as defined in section 28.2-104.1 of the Virginia Code, where the locality otherwise approves of the project, the project minimizes land disturbance and maintains or establishes a vegetative buffer inland of the living shoreline, complies with the fill conditions in (C)(3), and receives approval from the Virginia Marine Resources Commission or the local wetlands board as applicable, the locality may exempt it from additional performance criteria requirements, including a Water Quality Impact Assessment.

F. Local governments shall not grant exceptions to the requirements of 9 VAC 25-830-130, 9VAC25-830-140, or 9VAC25-830-155 where:

1. The assessment of climate change and sea-level rise as outlined in 9 VAC 25-830-155(B) of this section has not occurred; or

2. The proposed adaptation measure allows for the use of fill in a Resource Protection Area in contravention of the requirements of 9 VAC 25-830-155(C)(3).

9VAC25-830-190. Land development ordinances, regulations, and procedures.

C. Local governments shall update and amend their ordinances and regulations to adopt and incorporate updated requirements in Part IV (9VAC25-830-120 et seq.) of this chapter based upon statutory revisions to Virginia Code § 62.1-44.15:72. by (insert date three years after effective date of amendment).

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