MIDDLE PENINSULA
PLANNING DISTRICT COMMISSION

MEMORANDUM

TO: **MPPDC Board of Commissioners**

FROM: **Lewis Lawrence, Executive Director**

DATE: **September 28, 2022**

RE: **September Commission Meeting**

The Middle Peninsula Planning District Commission will host its monthly meeting on Wednesday September 28, 2022 at 7:00 p.m. in the Regional Board Room at the Middle Peninsula Planning District Commission office in Saluda.

Masking is not a requirement of the CDC or the Governor. If any Commissioner desires a mask for the meeting, staff will provide such.

Enclosed are the September meeting agenda and supporting materials for your review prior to the meeting.

If you have any questions concerning material in your agenda packet, please give me a call at 804-758-2311 or email me at LLawrence@mppdc.com.

I look forward to seeing you on **September 28th**!

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Middle Peninsula Planning District Commission Meeting

7:00 P.M.
Wednesday, September 28, 2022
125 Bowden Street
Saluda VA 23149

I. Welcome and Introductions

II. Approval of July Minutes

III. Approval of Financial Reports for July and August *(handout)*

IV. Executive Director's Report on Staff Activities for the months of August and September

V. MPCBPAA Update

VI. MPA Update

VII. MPPDC Public Relations/Communications Update

VIII. Public Comment

AGENDA ITEMS FOR DISCUSSION

IX. MPPDC Election of Officers

X. Flooding Discussion *(pgs. 35-71)*

- Rising seas threaten tax base for Virginia's coastal counties
- Study projects major local tax losses due to sea level rise
- Chesapeake Bay Preservation Act Guidance: Implementing Coastal Resiliency Provisions

XI. VDOT Special Structures Bridge Letter *(p. 73)*

XII. Middle Peninsula Septic Repair Program Design Amendment: Loan Level Increases *(p. 75)*

XIII. CEDS Plan Update – Tappahannock Old Airport *(p. 77)*

XIV. Other Business

IX. Adjournment

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MIDDLE PENINSULA PLANNING DISTRICT COMMISSION
July 27, 2022
Saluda, Virginia

I. Welcome and Introductions

The monthly meeting of the Middle Peninsula Planning District Commission was held in the Regional Board Room at the Middle Peninsula Planning District Commission office in Saluda, Virginia on Wednesday, June 27, 2022 at 7:00 p.m. In the absence of MPPDC Chairman Swartzwelder, MPPDC Vice-Chairman Chriscoe welcomed everyone in attendance.

Commissioners Present
Essex County: John Magruder
Gloucester County: Ashley Chriscoe, Dr. Willy Reay, Carol Steele
King William County: Travis Moskalski, Ed Moren, Otto Williams
Mathews County: David Jones, Harry Meeks
Middlesex County: Wayne Jessie
Town of West Point: James Pruett, John Edwards

Commissioners Absent
Essex County: Bud Smith, Sarah Pope
Gloucester County: Ken Gibson
King and Queen County: Sherrin Alsop, R.F. Bailey, Tom Swartzwelder
King William County: Percy Ashcraft
Mathews County: Melissa Mason
Middlesex County: Gordon White, Reggie Williams
Town of Tappahannock: Fleet Dillard
Town of Urbanna: Marjorie Austin

Also in Attendance
Lewie Lawrence, MPPDC Executive Director
Curt Smith, MPPDC Deputy Director
Heather Modispaw, Chief Financial Officer
Dawn Mantell, MPPDC Executive Assistant
Guests

II. Approval of June Minutes

Vice-Chairman Chriscoe asked whether there were any corrections or changes to the June Minutes. There being no corrections to the Minutes, Vice-Chairman Chriscoe requested a motion to approve the June Minutes. Mr. Jessie moved that the June Minutes be approved. Ms. Steele seconded the motion; motion carried.

III. Approval of Financial Report for June

MPPDC Chief Financial Officer, Heather Modispaw reported she is continuing to work on the process of closing out projects for the year-end. Once the closeout is complete, the audit of MPPDC financials can be scheduled. Vice-Chairman Chriscoe asked whether there were any questions regarding the MPPDC financial report for

June before being approved subject to audit. There being no questions, Vice-Chairman Chriscoe requested a motion to approve the financial report for June subject to audit. Mr. Jessie moved to approve the financial report for May subject to audit. Mr. Edwards seconded the motion; motion carried.

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

Vice-Chairman Chriscoe requested MPPDC Executive Director, Lewie Lawrence review the Executive Director's Report on Staff Activities occurring since the June meeting. 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 a few items:

- Due to RISE contract complications under the Urban Challenge, coupled with the inability to obtain clear answers regarding the required permits associated with the installation of Smart Walls, the company has resigned from the RISE program and is now working with a New York Company on financing and fast tracking of permits.

  Mr. Lawrence reported with new products and approaches, comes new and complicated questions in permitting at the state and local level. Conversations with building officials are necessary to solve these new challenges.

- Met with staff from First Earth and Wetlands Watch regarding the prospects for monetizing natural resources on PAA properties for carbon credits. First Earth agreed to conduct inventory of PAA properties and provide a report of the potential for utilizing the properties as carbon credit generators.

  Mr. Lawrence reported a second conversation was held the day of the Commission meeting and more companies are looking into ways to monetize natural resources. Mr. Lawrence will continue to have conversations on this subject and will keep the Commission updated.

- Consulted with numerous homeowners and waterfront businesses interested in learning more about DredgeSox and their ability to both dredge a creek and build a living shoreline utilizing dredge socks filled with reused dredge material.

- Received numerous phone calls from citizens awaiting news of the grant award under the DCR Community Flood Preparedness Fund. Advised citizens that DCR has missed its internal deadline for announcements.

  Mr. Lawrence reported DCR staff is still reviewing round 3 applications. Middle Peninsula applicants have been waiting for over a year for a determination.

- Contractor has finalized all permits and devised a construction schedule for the five projects.

  Mr. Lawrence reported all 5 projects will be installing living shorelines and project close out will begin in the upcoming weeks.

- Met with USFWS and USACE staff regarding a request for pre- and post-monitoring of shoreline changes and Northeastern Tiger Beetles counts at Haven Beach. Awaiting response from USFWS regarding these matters.

  Mr. Lawrence reported any request for monitoring should be balanced against available revenue. The final permit may be issued soon.

- To date, MPPDC staff has received phone calls from 93 homeowners in Gloucester, Mathews, and Middlesex Counties in response to the press release for available 319(h) funding. The physical addresses of each of these septic systems were entered into the mapping tool to verify if their location is within the program's target areas.

  (10) Homeowners remain on the Septic Pumpout list.
  (6 Mathews, 4 Middlesex)
  (16) Homeowners remain on the Septic Repair/Replacement list.
  (1 Gloucester, 13 Mathews, 2 Middlesex)

  Mr. Lawrence drew the Commission's attention to the great amount of interest the MPPDC continues to receive for 319(h) funding.

- Consulted with Gloucester County building office regarding permitting processes for containerized homes and the ability to utilize a third-party inspector and/or an engineer stamp to ensure that the containerized home meets building code requirements. Received approval for containerized housing.

  Mr. Lawrence reported this information has been shared with the MP local planners to have these options available when they are approached with this situation.

V. MPCBPAA Update

MPCBPAA Secretary Lewie Lawrence reported on recent land acquisition proposals, VIMS General Assembly money to be utilized at Captain Sinclair's for shoreline protection designs, and Tappahannock's first refusal opportunity to acquire property along the Rappahannock Riverfront in the town.

VI. MPA Update

MPA Chairman, Ashley Chriscoe reported notification has been received from the IRS reinstating the MPA back to 2015. However, shortly after, the IRS requested a Schedule O for 2018. The MPA's legal team is in receipt of this information and Mr. Chriscoe hopes the MPA can reconvene as soon as this matter has been resolved.

VII. MPPDC Public Relations/Communications Update

None.

VIII. Public Comment

None.

IX. SOX Erosion Solution – Greg Ball, Regional Manager

Greg Ball, Regional Manager for Sox Erosion Solution gave a PowerPoint Presentation providing an overview of their products being utilized in the development of bioengineered living shorelines. Topics presented: Company and Solutions; Product Information; and Stabilization Methods. There are 3 Sox erosion products: DredgeSox, ShoreSox, and Soxfence. The material used is a porous mesh that allows water to ingress/egress, conforms to the topography, can be vegetated in several different ways, stone can be used at the toe to provide more resilience, lost land can be restored, provides a way to repurpose dredging materials, and reusable with very little prep work involved. Examples of completed projects and videos of the different solutions at work were provided. Commissioners were invited to attend a presentation being given to 16 interested MP homeowners in Gloucester County, the following day. More information on these products can be found at www.soxerosion.com.

X. Governor Youngkin's Executive Order 19

MPPDC Deputy Director, Curt Smith drew the Commission's attention to their meeting packet to Governor Youngkin's Executive Order 19. Executive Order 19 establishes a new Office of Regulatory Management which is responsible for the oversight and implementation of the reduction of state regulations and, streamlining of state permitting processes. The order requires a reduction of existing regulations by 25% across every state agency as well as a plan for how each agency will improve or streamline its permitting processes. Additionally, any new or proposed regulation must include steps which are to provide enhanced transparency and new cost-benefit impact analyses prior to issuance. The order became effective on July 1, 2022 and remains in full force and effect until June 30, 2026. Mr. Smith reported all executive branch agencies are required to prepare a unified regulatory plan annually that lists all anticipated rulemaking activities during the subsequent state fiscal year and discussions on this topic began at the July local planners meeting.

XI. Adoption of Comprehensive Economic Development Strategy Update

MPPDC Deputy Director, Curt Smith drew the Commission's attention to the updated pages of the Comprehensive Economic Development Strategy (CEDS) plan in their meeting packet for their consideration. The CEDS functions as a living document and is updated regularly. Various State and Federal grant funding programs require projects seeking funding to be referenced in the regional CEDS. Changes to the plan included the addition of the redevelopment of publicly owned vacant and blighted waterfront properties such as Captain Sinclair's Recreation Area, and an update reflecting the 2022 DHCD Regional Priorities the Commission. Vice-Chairman Chriscoe requested a motion to adopt the updates to the CEDS plan. Mr. Magruder moved to adopt the updates to the CEDS plan as presented. Ms. Otto Williams seconded; the motion carried.

XII. Adoption of MPPDC FY2023 Indirect Cost Allocation Plan

MPPDC Financial Officer, Heather Modispaw directed the Commission's attention to the draft FY2023 Indirect Cost Allocation Plan in their meeting packet for their consideration. MPPDC continues using Modified Total Direct Cost Allocation (MTDC) basis adopted in December 2018. The Indirect Cost Allocation Plan enables the Commission to charge funding sources for indirect personnel costs including salaries and fringe benefits as well as facility expenses, supplies, professional development, certain shared consultant and contractual fee expenses, travel expenses and other miscellaneous expenses such as postage and printing/duplicating. Indirect costs associated with the operating of the MPPDC are shared by all projects in the Commission's work program and are charged as incurred. Ms. Modispaw provided a breakdown and reviewed how the FY23 Indirect Cost Allocation rate of 25.25% and the fringe benefit rate of 27.76% is calculated. These rates aid in the preparation of future funding proposals. Vice-Chairman Chriscoe requested a motion to adopt the FY2023 Indirect Cost Allocation Plan as presented. Mr. Edwards moved to adopt the FY2023 Indirect Cost Allocation Plan as presented. Mr. Jessie seconded; motion carried.

XIII. Other Business

- Coleman Bridge – Robert Crockett, Advantus Strategies

  Robert Crockett, Advantus Strategies provided an overview of SB 1749 Robert O. Norris Bridge and Statewide Special Structure Fund, which was passed and signed into law during the 2019 General Assembly. During the 2022 General Assembly, fundings was allocated into the Fund for the first time and funds were included which are to address the health and safety of the Norris Bridge. Discussion ensued regarding recent ongoing closures resulting from overheating and mechanical failure at the Coleman Bridge, which is designated as a state Special Structure. It was noted that the Special Structures Fund is currently funded at $80M for FY23 and $81M for FY24 which represents a unique opportunity to address needs and improvements to prevent continued closures of the Coleman Bridge which is especially detrimental to the economies and public safety of the Middle Peninsula. The Commission authorized MPPDC Executive Director, Lewis Lawrence to begin strategizing and conducting discussions on behalf of the Commission to pursue Special Structures Funds to address the immediate and emerging needs at the Coleman Bridge.

- Commissioner and King William County BOS, Travis Moskalski reported of the need for guidance and education in building and maintaining strong relations between local governments and Tribal Nations. MPPDC Executive Director Lewie Lawrence reported that similar trainings and discussions were held earlier this year for MPPDC, King and Queen County, King William County, and Town of West Point staff leadership and that additional training will be sought for an expanded group of local government elected leadership and staff.

XIV. Adjournment

Vice-Chairman Chriscoe requested a motion to adjourn. Mr. O. Williams so moved, Mr. Magruder 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:

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(Secretary)

Middle Peninsula Planning District Commission
Executive Director's Report of Regional Progress
August and September 2022

Note: On May 23, 2018, the Commission voted to direct staff to email all future documents including the Commission meeting packets 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: Community Profiles (virginiaworks.com)
- 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 and Community Development 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*

Coastal Resilience Planner I: PJ Lebel
Contact Info: pjlebel@mppdc.com (804) 758-2311x26

Executive Assistant: Dawn Mantell
Contact Info: dmantell@mppdc.com (804) 758-2311x21
Programs: *Septic Pumpout, Repair/Replacement Assistance Programs, 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 30186 – Elevated Septic Pilot FY22

Construction of a vertically elevated septic system will occur at the King & Queen Telehealth and Business Development Center as part of a three-year pilot program to `analyze an engineered septic unit that houses and treats all sewage effluent in a vertically elevated, self-contained unit suitable for areas with high water tables and flooding in Coastal Virginia.

- Continued discussion with Virginia Sea Grant on strategies for septic deployment associated with Triangle Environmental.

Project 30188 – VTC Water Trails Marketing

Consociate Media will produce blog and social media posts to drive traffic and activity to the Middle Peninsula page of the Virginia Water Trails website (www.Virginiawatertrails.org) to increase outdoor recreation and tourism for the Middle Peninsula.

- Completed social media marketing for July 2022.
- Completed social media marketing for August 2022.
- Researched, wrote and published blog post on Deltaville Maritime Museum.
- Sourced images for Deltaville Maritime Museum blog post.
- Conducted research for Captain Sinclair's blog post.
- Conducted research for Guinea Marshes blog post.
- Conducted research for VIMS blog post.
- Interviewed owners of the new Chesapeake Inn in Urbanna for blog post feature.

Project 30190 – DCR Flood Fund - Hoskins Creek (Tappahannock)

Project is to design, obtain permits for, and construct a living shoreline on the Town-owned property adjacent to the Rte. 17 bridge over Hoskins Creek in Tappahannock.

- Awaiting execution of the service agreement with the Town and will kick off project activities once agreement is signed.

Project 30191 – DCR Flood Fund - Carlton Road Boat Ramp (Middlesex)

Project is to design and develop a draft Joint Permit Application for the shoreline and structures adjacent to the boat ramp at the Carlton Road (Mill Creek) public wharf in Middlesex. The designed solution will help mitigate the shoaling of the boat ramp and enhance the overall resilience of the public wharf.

- Developed draft service agreement with the County.

Project 30192 – DCR Flood Fund - Fight the Flood GIS Tool Enhancements

Improvements will be made to the FTF online and GIS tools which are intended to enhance the GIS data tool capabilities and the overall management of the program. Improvements will include automated programs to expedite and streamline the grant application process, programs for identifying needs and advancing projects which align with available funding resources, improvements which will help feature products and services for participating FTF businesses, and training for MPPDC staff.

- Worked with the GIS consultant to finalize scope of work for GIS technical assistance.

- Researched repetitive loss area analysis and how such an analysis could enhance the FTF GIS Tool and ultimately improve how MPPDC staff develops applications for properties at the highest risk of flooding.
- Reviewed the DCR scope of work and the enclosed deliverables.

Project 30193 – DCR Flood Fund - West Point Bridge Study

Project is to conduct a Hydrologic and Hydraulic Study and Structural Design and Level of Service Study to address ongoing flooding for a Town owned bridge adjacent to the Middle Peninsula Regional Airport.

- Notified VRA to encumber funds in May 2022. Seeking necessary grant funding to serve as match for project.

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-feet long public use fishing pier that will provide year-round opportunities for saltwater fishing and recreational viewing.

- Final building and zoning permits have been issued by Gloucester County. Material ordering for pier construction is the next step.

Project 32021 – PAA GO Va Sea Grant Resilience Economy

Virginia Sea Grant was awarded a GO Virginia award to assist the Middle Peninsula and other coastal areas with developing a water management economy to combat flooding and sea-level rise. This project will utilize land owned by the MPCBPAA as field stations to encourage business innovation in the flood resiliency space.

- Worked with Val Woodard of VIMS and Sabine of VASG to discuss appropriate wording on invoices so that VIMS would receive reimbursement from GO Virginia.
- Attended a community meeting to answer dredging question associated with financing of dredging project that contain a living shoreline. The meeting was attended by a dozen citizens from the Middle Peninsula. Representatives from Golden Oyster Marine service and Dredge Socks spoke.
- Consulted with numerous businesses interested in relocating to Captain Sinclair's should adequate sewage be made available.

Project 32151 – NFWF Landowners Living Shorelines & Shoreline Management – Ware River Yr2

This is a two-part project that focused on continuing coastal resiliency and mitigation efforts, while simultaneously improving water quality, managing shoreline erosion and mash 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.

- Staff has requested final acknowledgement for permitting agencies of project completion for close out.
- Reviewed the project deliverables prior to project close out. MPPDC staff will contact NFWF for close out procedure and needs.

Project 32157 – NFWF Mathews – East River Yr2

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

- All NATRX structures have been delivered and installed. Sand is on site and granite is on backorder. Living shoreline construction using sand, rocks and plants is nearing final installation.
- Met with NATRX staff on September 15 onsite for review of completed work.
- Homeowner inquired about how much of the $70,000 escrow has been spent. Explained that $45,450 has been expended, but reimbursement was requested from NFWF, and it has been reimbursed.

Elaborated that as we use the escrow and request reimbursement from NFWF that the escrow amount washes in and out.

Project 32161 – Virginia Coastal TA FY22

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.

- Presented to the VA Delegation of the Chesapeake Bay Commission regarding MPPDC Fight the Flood and resilience and water quality implementation on the Eastern Shore on August 11.
- Convened the August meeting of the local government administrators. Discussed central sewer development needs and several coastal resiliency issues.
- Met with a representative of Ellicott Dredges regarding prospective dredges for purchase as part of the Middle Peninsula Dredging Program.
- Participated in the NOAA evaluation of the VA Coastal Zone Management Program and provided testimony to the benefits of NOAA/VCZMP funding to the Middle Peninsula.
- Coordinated with VIMS Coastal Geologist professor regarding study needs along the dynamic coastal areas fronting the Chesapeake Bay. Developed a draft scope of work for field studies in preparation for future grant opportunities.
- Participated in numerous implementation team meetings for member jurisdictions participating in the ongoing RAFT community resilience project.
- Updated the directory with new participating businesses in the Fight the Flood program. https://fightthefloodva.com/directory
- Updated the financial tools and total funds awarded to date on the Fight the Flood program.
- Interviewed and drafted blog post highlighting new VMRC Commissioner from Gloucester as part of content marketing efforts to highlight thought leadership coming from the Middle Peninsula in the water space.
- Provided Fight the Flood training to the RAFT resilience project's leadership team to better equip leadership to advise community participants with how to utilize the program and how to advise regarding available financing tools for implementation of resilience and water quality projects.
- Developed and coordinated full presentation for MPPDC leadership to present rural coastal Virginia's response and solutions to water resiliency challenges to Governor Youngkin's leadership team.
- Met at the request of Hampton Roads PDC staff to provide information on the Middle Peninsula Fight the Flood financial tools and programs including loan and grant funds.
- Coordinated with partners and submitted letter of support for a large scale oyster restoration and coastal resiliency proposal for NOAA grant funds.
- Refined communications plan to announce the start and completion of the new public fishing pier at Capt. Sinclair's, MPCBPAA property.
- Provided guidance to several Middlesex citizens interested in dredging and financing dredging at the community scale. Discussed the use of Tax Incremental Financing as a tool.
- Submitted an application to the DHCD Industrial Revitalization Fund requesting ~1,000,000 in funding to assist with commercial and retail upgrades to Captain Sinclair's recreational area. Multiple eco-related businesses have expressed interest in locating at Captain Sinclair's
- Attended a meeting at the Virginia Part Authority to discuss formation of a municipal dredging program to serve the areas identified in state budget language which allocated $5,000,000 to support dredging needs in rural coastal VA.
- Received dozens of calls from Middle Peninsula citizens who made application to the DCR Community

Flood Fund requesting financial assistance to combat flooding. DCR has missed multiple round 3 announcement windows. DCR has advised that announcements will be made before the end of September.

- Consulted with Essex County Board of Supervisors member and Essex County Planning Commission on various approaches for updated the Counties Comprehensive Plan.
- Consulted with policy makers at the FDIC regarding Community Reinvestment Act Credits for rural costal resiliency projects and relations to local banks
- Received notification of Tappahannock and Essex County award of the USDOT RAISE grant award to develop a transportation and pedestrian master plan for the Town. The plan will look to manage commercial traffic and the publics need to access the waterfront for recreation.
- Discussed with Go Virginia Region 6 Staff, the need for site development work at the Town's Commercial development land adjacent to the King and Queen Regional Airport. The improvements are needed for companies expanding into Coastal resiliency solutions.
- Attended a special meeting called by Delegate Keith Hodges and coordinated by Virginia Sea Grant to advance forward solutions for harvesting and processing Blue Catfish. The initiative will create employment opportunities for rural coastal Virginia watermen.
- Convened a meeting with Mathews County citizens and administrative staff to discuss funding for the replacement of the New Point nature viewing platform.
- Convened a special Municipal Sewer Local Govt Administrators meeting to discuss various new funding streams for public sewer expansions. Speakers included Sam McAdoo, HRSD Chief of Small Communities Division and Karen Duran DEQ Clean Water Financing and Assistance Program Manager.
- Responded to inquiry from Upper Mattaponi Tribe staff regarding MPPDC programs and offerings.
- Participated in a joint meeting with the NNPDC staff and VDH SWAP staff regarding Federal Infrastructure funds for well replacement and septic replacement. MPPDC will be administering well and septic infrastructure funds being distributed by VDH.
- Reviewed and provided comments to the York River and Small Coastal Basins Roundtable regarding a draft of the YRSCB Wetlands Plan.
- Coordinated with VA Department of Energy staff regarding the draft VA Energy Plan public comment opportunity and advised MPPDC local government planners accordingly.
- Consulted with a citizen from Essex County regarding a shoreline protection need submitted via the Fight the Flood website and advised of financing options for the project.
- Researched the VA Resilience Loan Fund legislation enacted during the 2022 General Assembly in advance of anticipated program guidelines to be published by VDCR.
- Drafted and submitted a pre-application to the FEMA Flood Mitigation Assistance (FMA) program to elevate a home in Gloucester County, Virginia.
- Drafted and submitted a pre-application to the FEMA Building Resilient Infrastructure and Communities (BRIC) program to conduct a repetitive loss area analysis to improve grant application preparation for properties at the highest risk of flooding.
- Published and distributed blog post feature story on new VMRC Commissioner.
- Created a hard-copy database of all homeowner and business applications from the Fight the Flood ArcGIS Survey123 to enhance overall program management. Analyzed and updated all users' information to better understand their needs to assure that all participants requests are being tended to.
- Created a proposal for the development of guidelines for harvesting saltwater wetland vegetation.

Proposal will be utilized when grant funding opportunities arise and when funded, will allow for saltwater vegetation to be harvested on public lands in a consistent, safe manner.

- Developed and submitted a RAFT mini-Grant proposal for a Septic Pumpout Program for low-to-moderate income homeowners.
- Developed and submitted a RAFT micro-Grant proposal for funding to shoot five educational videos for the Fight the Flood program website.
- Researched the Inflation Reduction Act of 2022 for potential energy efficiency funding for residential utilities.
- Researched MARAD Port Infrastructure Development Grant programs to identify prospects for local dredging and port development opportunities.
- Inputted Alt text to the FY22 Fight the Flood Annual report for all 508 Accessibility errors.
- Participated in the USACE, Norfolk District Community Assistance Programs Webinar and identified opportunities for future proposals for dredging and beneficial reuse projects.
- Met with Mathews County staff to discuss a forthcoming project to rehabilitate the New Point Comfort public observation deck.
- Presented to the Essex County Economic Development Authority on September 1 regarding funding opportunities and forthcoming projects related to water access and pedestrian facilities.
- Researched Regional Greenhouse Gas Initiative outcomes from Auction #57 held in September.
- Participated in the NOAA Mid-Atlantic Resilience Exchange on September 13 to share information regarding the MPPDC resilience programs and efforts.
- Participated in the VA Coastal Policy Team meeting on September 14 to discuss priority NOAA/VCZMP and other coastal policy matters.
- Participated in the quarterly Coastal PDCs meeting in Hampton Roads on September 21 where strategies for VCZMP funding and other resilience matters were addressed.
- Participated in the VA Coastal Resilience Master Plan Technical Advisory Committee meeting on September 16.
- Participated in the first meeting of the VCZMP Shoreline Workgroup Shoreline Definitions subgroup meeting on September 20.
- Met with VA Port Authority staff regarding the $5M allocation from the General Assembly which is to be used for the launch of a Middle Peninsula municipal dredging program and dredging projects in the Middle Peninsula and Eastern Shore. Began to develop draft proposal for $4.5M-$5M for purchase of dredging equipment and dredging operations.

Project 32162 – DEQ Chesapeake Bay WIP Technical Assistance (Yr3)

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.

- Managed the Fight-the-Flood geodatabase and consulted with multiple local property owners regarding their submission of needs and in-take forms related to shoreline erosion and other resilience needs.
- Consulted with a citizen from Essex County regarding a shoreline protection need submitted via the Fight the Flood website and advised of financing options for the project.
- Coordinated with MPPDC member jurisdictions regarding public comment for draft DEQ Stormwater guidance pertaining to engineer stamped stormwater plans.
- Partnered with Chesapeake Bay National Estuarine Research Reserve staff regarding a proposal for NOAA grant funding to develop a series of instructional and informational videos that would greatly

enhance the user experience on the Fight the Flood website and result in more efficient advancement and implementation of BMPs in the region.

- Met at the request of Hampton Roads PDC staff to provide information on the Middle Peninsula Fight the Flood financial tools and programs including loan and grant funds.
- Provided Fight the Flood training to the RAFT resilience project's leadership team to better equip leadership to advise community participants with how to utilize the program and how to advise regarding available financing tools for implementation of resilience and water quality projects.
- Completed and submitted the DEQ Environmental Justice survey pertaining to local government perspectives on environmental justice.
- Participated in the VA Council on Environmental Justice Emerging Issues subcommittee meeting on August 29.
- Participated in the September 8 meeting of the Bay PDCs to discuss the FY23 scope of work template provided by DEQ.
- Participated in the DEQ ARPA Funding for Sewer Collection System webinar on September 20.
- Coordinated with DEQ Environmental Justice staff to prepare presentation on EJ during the September MPPDC Local Government Planners meeting.
- Internally discussed FY23 scope of work elements.
- Requested written authorization from DEQ to utilize their logo the FTF Annual Report and a digital copy of the DEQ logo as per the project contract.

Project 32164 – CZM 306 Next Generation Shoreline Plan (Pilot Project – Yr1)

VIMS Shoreline Studies Program will develop a whitepaper to examine the use of technology, modeling, alternative materials, proprietary products, and innovative nature-based mitigation measures in the planning process for "next generation shorelines" which are intended to provide an enhanced level of shoreline resilience and water quality in response to more frequent and severe flooding and accelerated sea-level rise. One design of a next generation shoreline for a publicly owned property in a high energy wave environment will be completed. Year 2 will involve further development of the whitepaper and a next generation shoreline design for a moderate wave energy publicly owned site.

- Continued to develop white paper literature review.
- Continued to coordinate with VIMS staff regarding methodology for next generation shoreline designs.
- Completed field work involving LiDAR surveys, bathymetric surveys, and sediment core sampling slated to begin at New Point Comfort Natural Area Preserve.
- Developing recommendations for rebuilding of the observation deck at New Point Comfort NAP.

Project 32165 – DEQ CZM ANPDC Ecotourism V

This project will build on the efforts completed between 2020-2021. During this project, PDC's will focus on implementing actions identified in the 36-month Marketing Strategy and Action Plan. PDC's will also focus on Public Access Site Resiliency for public access locations within the region, including assessments, implementation strategies, and signage.

- Finalized educational sign designs for PAA properties along the Virginia Water Trails and submitted to the printer.
- Participated in the Coastal VA Ecotourism Alliance meeting on August 12.
- Assisted the Town of Urbanna with the addition of historical sites to the Urbanna Creek water trail.
- Social Media communications for July/August 2022 on the Virginia Water Trails Middle Peninsula channels.

Project 32166 – Fight the Flood Participant Grant Application Development

MPPDC staff work regularly to develop and oversee grant applications for property owners who have submitted flooding-related needs and projects to the Fight the Flood program.

- Continued to monitor Round 3 notice of awards from DCR. DCR announced that award notices would be published by the end of September.

Project 32167 – DEQ Florence Disaster Living Shoreline Micro-grants

This project will offer grant funds as micro-grants to property owners in the Piankatank River, Gwynns Island, Milford Haven Implementation Plan area to install living shorelines and other eligible BMPs to improve water quality and coastal resilience. It is estimated that four micro-grants of $20,000 each will be accomplished under this project.

- Construction for the five projects is pending.
- Provided financial reimbursement assistance to the contractor who has 5 clients interested in accessing funding under the program.

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, processed deposits, reconciled bank statements. Prepared monthly financial statements. Billed Gloucester Rowing Club for PAA pool electric bill.
- Received test donation to PAA through DonorBox from Consociate Media in support of Virginia's Coastal Wilds.
- Submitted Shucking Awesome Paddle and Pub Crawl Final Report to Angela Wiggins of VATC.
- Social Media communications (posting on timelines) in support of Paddlers Gone Wild Virginia Tourism marketing efforts.
- Coordinated print ad with The Scout Guide Williamsburg and the Chesapeake Bay on behalf of the Paddlers Gone Wild campaign, funded by Virginia Tourism.
- Developed and submitted final report for Paddle & Pub Crawl campaign launch with Virginia Tourism grant funds.
- Graphic design of signage for PAA properties.
- Monthly website back up and security scan of Virginia's Coastal Wilds.
- Met with VA Port Authority staff regarding the $5M allocation from the General Assembly which is to be used for the launch of a Middle Peninsula municipal dredging program and dredging projects in the Middle Peninsula and Eastern Shore. Began to develop draft proposal for $4.5M-$5M for purchase of dredging equipment and dredging operations.
- Emailed The Corduroy (brick rancher) tenant on August 29, 2022, regarding the delinquent status of his rent for June, July, August and soon September as well. No response received until contacted via text from Lewis Lawrence, MPPDC Executive Director. Tenant explained that he had been out of work and was now working in Kentucky for "G Source Plus, Inc". The company he is working for was supposed to be sending PAA rent payments directly on his behalf. Requested company name and contact information. The phone number provided (947-300-6757) does not work, and we cannot find any such

company via an internet search. Reported this to the tenant and informed him that he is ultimately responsible for the rent payment. Requested he give the person he directly reports to at the company our contact information to reach out. Checked in a week later, now with September past due as well (a total of $4,000 of rent delinquent for June through September) asking for an update. Tenant said he had no updates but would hopefully know something early the next week (being the third week of September).

- Emailed Daniel Hogge of Gloucester Rowing Association on September 7, 2022, regarding the delinquent status of reimbursement to the PAA for Dominion Energy expenses for power at the pool house. Including the current amount due, the total due is $127.71. Mr. Hogge responded that he was traveling for work but said that payment would be submitted as soon as possible.
- Emailed The Margaret Lyell tenant on September 9, 2022 inquiring about September's rent payment. Tenant responded that he would bring a check on Monday, September 12, 2022. He did such and asked about setting up an automatic payment plan. Staff informed him to check with his banking institution, Chesapeake Bank, about their electronic bill pay options.
- Received monthly statement from Sara Drury of GMS that included a late fee. Emailed Sara explaining that payables were mailed later than normal due to unforeseen circumstances and requested that the late fees be waived. Waiting for a response.
- Development of training video and instructions for staff to update website archives (i.e. minutes from meetings).

Project 38809 – VPA Hole-in-the-Wall Dredging Implementation

Mathews County was awarded VA Port Authority Waterway Maintenance Funding to dredge the Hole in the Wall channel to –7 feet Mean Low Water and place the dredged sand at the county-owned Haven Beach property. MPPDC is administering the grant on behalf of the County with procurement and permitting assistance and project oversight.

- Continued discussion with USFW on completion of Biologic Opinion letter and ACE issuance of final permit for dredging of Hole-in-the-Wall.
- US ACE staff has issued the final permit for dredging of Hole in the Wall, subject to release of Federal Consistency review.
- Submitted Coastal Zone Management Act Federal Consistency review to DEQ.
- Visited the Hole in the Wall with Mathews County staff and Board of Supervisors member, Congressman Rob Wittman staff, and US Coast Guard staff to discuss the dredging project on September 12.
- Coordinated with US Coast Guard staff regarding project activities.
- Developed draft monitoring plan for pre- and post-construction surveys at Haven Beach. Will submit to County staff for review prior to submitting to USWS staff.

Project 38810 – VPA Aberdeen Dredging

Gloucester County was awarded VA Port Authority Waterway Maintenance Funding to dredge the Aberdeen Creek channel to –7 feet Mean Low Water and place the dredged material at an upland disposal site. MPPDC is administering the grant on behalf of the County with procurement and permitting assistance and project oversight.

- Met with Gloucester County staff regarding Service Agreement and awaiting signature.
- Continued discussion with DCR leadership team about placement of dredge material from Aberdeen creek on state park lands. Discussions are advancing and anticipate a plan for material placement to be forthcoming.

Project 38811 – DCR Flood Fund - Deltaville Dredging (Middlesex)

Project is for designing and developing draft permit applications for dredging and beneficial reuse or disposal of dredged material and flood/shoaling protection structures at Broad and Jackson Creeks in Middlesex County.

- Submitted scope amendment request to DCR in August for approval on behalf of Middlesex County. If approved, the scope would change to focus on designing and dredging Broad Creek to address immediate shoaling conditions and to design resilience and flood protection structures for the mouth of Broad Creek. Still awaiting response from DCR staff as of September.

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

Project 30219 – Commuter Assistance Program (CAP) Operating FY23

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.

- Monthly conference call with Kathy Molin of DRPT postponed to next month.
- Participated in CommuteVA Partners coordination meeting.
- Submit FY23 subaward contract to Consociate Media for review/signature.
- Scheduled kick-off meeting with Consociate Media to discuss FY23 CAP Operating program.
- Completed form at Courthouse Diner to be contacted regarding tabletop advertising. Provided contact information for Stephanie Heinatz of Consociate Media.
- Coordinated with Consociate Media for camera ready art to advertise MidPenRideshare in the Middlesex County Sheriff's 2023 calendar.
- Corrected Performance Data in Olga with Agile Mile Dashboard details.
- Developed complete final report on communications and marketing efforts for commuter assistance program FY22.
- Monthly conference call with Kathy Molin of DRPT cancelled due to her being out of office.
- Coordinated with Stephanie Heinatz of Consociate Media regarding October's Ride Share Month campaign. Forwarded DRPT email to Stephanie and requested that all required marketing details be directed to Miriam Foster of DPRT by the September 13, 2022 deadline. This request was fulfilled.
- Shared email from DRPT with Stephanie of Consociate Media regarding messages AgileMile will be using to promote September's Discover Transit Month.
- Due to time constraints outside of our control, had to rescheduled kick-off meeting with Consociate Media for September date.
- Coordinated with DRPT for MidPenRideShare presence in October commuter month marketing.
- ***Current commuter database in July – 416 / August – 418***
- ***Number of Commuters with logged alt mode trips in July – 13 / August – 17***
- ***Number of logged alt trips in July – 545 / August – 567***
- ***Reduced miles (VMT) in July – 8,645 / August – 9,826***
- ***Commuter Savings in July – $5,403 / August – $6,142***

Project 30320 – Rural Transportation Planning FY23

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.

- Bridge and Culvert Study:
  - Met with VDOT bridge infrastructure and residency staff in August to discuss potential impacts to heavy vehicular and freight traffic stemming from recent or pending lowering of weight limits.
  - Staff are producing a map to illustrate which types of vehicles will not be able to pass over specific bridges and will be sharing this with local planners during an upcoming meeting.
- Smart Scale Round 5:
  - All 17 full applications (15 from counties, 2 from MPPDC) were submitted prior to the August 1 deadline.
  - Staff provided requested edits to MPPDC applications.
- Coordinated the Local Government Planners meetings on July 27 and August 31 with topics covering Smart Scale Round 5, Bridge Condition and Inventory, and resilience/environmental matters.
- Researched the USDOT Thriving Communities technical assistance program and the USDOT Safe Streets and Roads for All grant program.
- Presented to the Essex County Economic Development Authority on September 1 regarding funding opportunities and forthcoming projects related to water access and pedestrian facilities.
- Participated in the VDOT FY23 Rural Work Program meeting on July 27.
- Participated in the Complete Streets for Rural Areas webinar on July 27.
- Participated in the USACE, Norfolk District Community Assistance Programs Webinar and identified opportunities for future proposals for dredging and beneficial reuse projects.
- Reviewed the Virginia Transportation Planning for Sea Level Rise Interim Report and developed a memo that compares the interim report with the 2021 Budget Amendment adopted by the General Assembly as SB1100.
- Met with OIPI staff on September 2 to discuss and strategize for forthcoming Growth and Accessibility Program funding prospects. Prepared to deliver proposal ideas to MPPDC Local Government Planners during their September 28 meeting.
- Met with VA Port Authority staff regarding the $5M allocation from the General Assembly which is to be used for the launch of a Middle Peninsula municipal dredging program and dredging projects in the Middle Peninsula and Eastern Shore. Began to develop draft proposal for $4.5M-$5M for purchase of dredging equipment and dredging operations.

Project 32169 – USDOT RAISE Public Working Waterfront Designs

Project is to conduct a region-wide planning project that will result in a suite of shovel-ready, high-priority multi-modal transportation infrastructure improvements intended to address critical needs related to the region's publicly owned working waterfronts in order to meet the modern and future needs of the region's growing commercial seafood and maritime industries. The project will involve three distinct tasks: 1) State of Good Repair Condition Assessments, 2) Multimodal Working Waterfront Needs Assessment and Improvement Strategies, and 3) Multimodal Working Waterfront Improvement Plan Development.

- Provided numerous updates to MARAD staff regarding the project scope and budget. Awaiting contract from MARAD who is administering the grant on behalf of USDOT.

ONSITE REPAIR & PUMPOUT
Funding –VRA Loan Funds, local match from MPPDC General Fund, cost sharing

Project 32163 – DEQ 319(h) NPS IP for BMP Residential Septic 2021

Provides cost-share assistance to landowners, homeowners, and agricultural operators as an incentive to voluntarily install nonpoint source (NPS) best management practices (BMPs) in designated watersheds.

- To date, MPPDC staff has received phone calls from 102 homeowners in Gloucester, Mathews, and Middlesex Counties in response to the press release for available 319(h) funding. The physical addresses of each of these septic systems were entered into the mapping tool to verify their location is within the program's target areas. (23) homeowners had miscellaneous requests, declined moving forward, requested ineligible practices such as voluntary upgrades and reimbursement for work completed prior to program launch; (3) Mathews and (1) Gloucester County homeowners placed their project on hold; and (44) homeowners' septic system isn't located in the program's target area. To-date, (1) Alternative Septic System in Mathews County was installed and (2) Septic Systems in Middlesex County were pumped out. All 3 homeowners were approved and reimbursed 50% of the average practice cost set by DEQ.
  (14) Homeowners remain on the Septic Pumpout list. (6 Mathews, 5 Middlesex, 3 Gloucester)
  (14) Homeowners remain on the Septic Repair/Replacement list. (12 Mathews, 2 Middlesex)
- Continue to receive inquiries from King William, King & Queen, and Essex County residents looking for septic assistance and are not in the designated target area set by DEQ to be eligible for 319(h) septic reimbursement funding. When applicable, these inquiries are referred to their local VDH for possible SWAP funding and their information is kept on file to be contacted should funding become available at the MPPDC.
- Received phone call from Middlesex County homeowner stating that after 2 weeks of being placed in the mail, they finally received their 319(h) application for septic pumpout reimbursement and arranged to return their application in person.
- Received phone call from VCU Social Worker regarding a patient in her care from Essex County with septic problems. Looking for 100% assistance, septic company has not inspected the septic system and the homeowner is unsure as to what they need but sewage is present in the yard. The Department of Social Services and Bay Aging both referred VCU to the MPPDC for assistance. Homeowner's septic system is not in the target area for 319(h) septic program funding and the CBPA Septic Pumpout Program closed earlier this year. Other than repair/replacement loan funds, the MPPDC does not have any programs available to address emergency septic system situations with no out-of-pocket expenses. Contact information was retained, and caller was referred to the Essex County Health Department for possible leads and/or SWAP funding should the septic system necessitate repair or replacement.
- Received inquiry from Middlesex County homeowner about having the second septic tank on their property pumped out under the 319(h) septic reimbursement program.
- Contacted Ashley Wendt, DEQ Program Manager and Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs via email regarding the qualification of receiving 319(h) reimbursement funding to pump out 2 separate septic systems on the same parcel of land.
- Contacted Brothers Backhoe Inc. on multiple occasions to obtain information to verify the name on licensure. Two eligible homeowners are longtime customers of theirs and would like to have their septic systems pumped out under the 319(h) septic reimbursement program. Left voicemail with brief overview of the program, informed them of their client's interest, and requested verification of participation and licensure.
- The son of an elderly Middlesex County homeowner came into the MPPDC office to inquire about septic repair assistance availability. Septic has been backing up into the house for a week and the homeowner only receives social security income. The address of the septic system is not in the designated target area for 319(h) septic reimbursement funding. Homeowner's information was retained, and they were referred to their local VDH for possible SWAP funding.

- Previously contacted DEQ regarding the eligibility of receiving 319(h) reimbursement funds to pump out 2 separate septic systems on the same parcel of land in Middlesex County. Response was received from Jutta Schneider, Director of the Water Planning Division at DEQ and deemed the situation eligible for 319(h) septic reimbursement funding. Homeowner was notified, second complete application was submitted by the homeowner in person, both applications were reviewed, and pumpout voucher packets were issued for each individual septic system.
- Received phone call from Gloucester County homeowner regarding the eligibility of 3 homes they own and is interested in having their septic systems pumped out. The addresses of the septic systems are in the eligible target area for 319(h) septic reimbursement funding. Homeowner's information was placed on the list to receive an application as soon as the amount of available funding for the next cycle is received from DEQ.
- Participated in the DEQ BMP Warehouse webinar on August 2. Topics of discussion were: Uploading New Data; Editing Existing Data; Inspection and Maintenance Dates; Multiple Measure BMP's; Available Multiple Measure BMP's; BMP's Requiring Multiple Measurements; New Organization Administrator Role and the Concept; Commonly Made Errors; and Searching and Exporting Data.
- Middlesex County homeowner came into the MPPDC office and was asked to provide their Social Security number to complete their 319(h) application for septic pumpout reimbursement. DEQ requires a W-9 tax form be completed as part of the application process. The homeowner stated they do not furnish that information to anyone.
- Emailed Ashley Wendt, DEQ Program Manager and Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs for advisement on moving forward with a Middlesex County homeowner's 319(h) application and W-9 tax form without a Social Security number.
- Received email response from Middlesex County septic pumpout voucher recipient stating they no longer wish to have their septic tank pumped out under the 319(h) septic reimbursement program.
- A Middlesex County resident came into the MPPDC office and submitted an incomplete 319(h) application for septic pumpout reimbursement. Part I of the DEQ BMP Contract was signed by the resident while Part III was signed by their son. During a previous visit, one of their sons picked up the application stating the brother owns the home and the parent has lifetime rights. At that time, the son was advised the homeowner of record, whomever that may be, is to be the applicant. It was with this information that staff stated to the parent that as the homeowner, the son's signature is required on both pages of the application and not just one. The parent stated their son is not the homeowner. Middlesex County records lists the son as the property owner with the parent as life/est. Staff sought advisement from the Executive Director, Lewie Lawrence who granted the acceptance of the parent's signature on all forms. A new application and W-9 tax form with instructions was provided. The application has not been returned to-date.
- Previously contacted DEQ regarding a Middlesex County homeowner's eligibility to receive 319(h) septic reimbursement funds if they wish to omit their Social Security number on the application and W-9 tax form. Received email response from Ashley Wendt, DEQ Program Manager stating for tax purposes, the homeowner's Social Security number is necessary on the 319(h) application. Ms. Wendt will consult with her colleague and share the final determination.
- Contacted Gloucester County homeowner to follow up on the status of the replacement of their septic system. Their well needed to be relocated before septic work could begin and had been waiting on the well permit. Homeowner reports both well and repair permits are in hand, but work has not yet begun. Homeowner states they are still trying to decide if they want to invest in the work at this time and asked to be kept on the list. Homeowner was reminded 319(h) funds are first-come, first-served and requested they immediately contact the MPPDC office should they decide to move forward.
- Contacted Mathews County homeowner to follow up on the status of the replacement of their septic system. Their project had been rescheduled by the septic company due to equipment failure. Homeowner reported the septic system has been replaced and will obtain and submit a copy of the

Completion Statement, Condition Assessment as well as a paid receipt from Miller's Septic for review.

- Contacted Mathews County homeowner to follow up on their interest in 319(h) septic reimbursement funding. Homeowner reports they are still interested in applying but continue to be unable to reach their contractor, Smith's Septic Service. Mr. Smith is in possession of the homeowner's septic related paperwork, including the permit. Homeowner was reminded 319(h) funding is limited and first-come, first-served. Homeowner requested the contact information for Farmer's Septic to discuss contracting them to perform the work.
- Contacted Mathews County homeowner to follow up on the status of their 319(h) septic reimbursement application, copy of permit and estimate. Homeowner stated they have been in touch with Smith's Septic Service and expects to be able to provide copies of the estimate, VDH issued permit, and their application for 319(h) septic reimbursement eligibility determination.
- Received email from Mathews County homeowner providing paid receipt and Completion Statement from Miller's Septic for consideration of 319(h) septic reimbursement eligibility determination. Documents were part of the body of the email and not clearly legible.
- Received voicemail from Carla Minor-Blake at Three Rivers Health District regarding a Middlesex County homeowner in need of septic pumpout assistance under the 319(h) program. Ms. Blake stated she was made aware of the program during a Resource Council meeting.
- Returned phone call from Carla Minor-Blake at Three Rivers Health District to inform her the address of the septic system in question is not in the designated target area set by DEQ to be eligible for 319(h) program funding. To assist her with future requests for assistance, the availability and guidelines of the 319(h) Septic Reimbursement Program, the CBPA Septic Pumpout Program, MPPDC loan funding information, MPPDC website address, SERCAP contact information, as well as other possible local resources for assistance were provided to Ms. Blake.
- Emailed Miller's Septic Service and requested a legible copy of the paid receipt, Completion Statement, and the Condition Assessment for a Mathews County 319(h) applicant. The paid receipt and Completion Statement were received via email from Miller's Septic Service. The Condition Assessment and applicant's final signature on the DEQ BMP Contract are all that is needed to complete the homeowner's application and begin the review process.
- Emailed DEQ BMP Contract to Mathews County homeowner for final signature. Once signature and completed Condition Assessment are received, their reimbursement request for 319(h) funds can be reviewed and a determination made.
- Emailed Allison and Heather at Miller's Septic, cc'd Mathews County homeowner, requesting Mathews County homeowner's completed Condition Assessment form and attached a highlighted copy for completion in case they are unable to locate a previously completed copy.
- Received email response from Ashley Wendt, DEQ Program Manager with the final determination regarding a Middlesex County homeowner who chose not to disclose their Social Security number. After conferring with her colleague, Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs, Ms. Wendt stated the homeowner "can go without the SSN, but then you can't submit a W-9 tax form. They will only be eligible for the 50% cost-share without income verification". The current program contract with DEQ only offers 50% cost-share reimbursement and does not require income verification.
- Received email response from Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs stating "with only 50% cost-share and if funds are going straight to contractors and you aren't concerned about individual verification for receipts then yes the W-9 becomes less important" MPPDC Executive Director, Lewie Lawrence responded asking why is the MPPDC being asked to use a W-9 tax form if it is not required for the 50% cost-share option when the MPPDC is administering the entire 319(h) program as 50% cost-share? For clarity, Mr. Lawrence requested yes or no answers to the questions: Is the MPPDC required to obtain Social Security numbers of 319(h)

applicants and Is a W-9 tax form required for 50% cost-share?

- Received executed DEQ BMP Contract from Mathews County homeowner via email. Once a completed Condition Assessment is received, their reimbursement request for 319(h) funds can be reviewed and a determination made.
- Received email from Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs in response to MPPDC Executive Director, Lewie Lawrence's questions regarding the requirement of the MPPDC to obtain the Social Security number and a completed W-9 tax form from 319(h) applicants. Mr. Williams stated for this instance, the applicant does not need to provide their SSN if they are prepared to assign the reimbursement directly to the contractor and since the 50% cost-share does not require income verification, a W-9 tax form is not required. Since this program's inception, reimbursement is paid directly to the applicant.
- Received email from Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs verifying the latitude and longitude uploaded into the BMP Warehouse for the approved reimbursement of a Mathews County homeowner's septic replacement project back in June.
- As requested, emailed the corrected longitude and latitude of Mathews County homeowner to Justin Williams, DEQ Director, Office of Watersheds and Local Government Programs.
- Received phone call from Mathews County homeowner stating they have located a bundle of paperwork related to their septic replacement project and arranged to submit their Condition Statement in-person so their application can begin the review process for reimbursement determination.
- Received phone call from Mathews County homeowner requesting verification of eligibility for 319(h) reimbursement funding. Has a conventional septic system and would like to have it inspected and pumped out. Address of the septic system is in the target area as set by DEQ. Contact information was obtained to email an application once financial information is received from DEQ.
- Received phone call from Mathews County homeowner stating he is unable to locate his Condition Assessment and will not be able to drop it off as arranged. As requested, emailed another copy for homeowner to understand the document they are looking for.
- Received email from Mathews County homeowner reporting they have been in contact with their local VDH to request the last document, Condition Assessment, needed to complete their application for 319(h) reimbursement funding and after several attempts, remain unsuccessful.
- Received phone call from Middlesex County homeowner requesting verification of eligibility for 319(h) reimbursement funding. Address of the septic system is not in the target area set by DEQ.
- Received phone call from Essex County homeowner requesting verification of eligibility for 319(h) reimbursement funding. Address of the septic system is not in the target area set by DEQ.
- Received voicemail from Mathews County homeowner requesting status of available 319(h) septic reimbursement funding. Previously, the homeowner was deemed ineligible due to having a permit issued for a voluntary upgrade which is not permissible under the program guidelines.
- Received email from Ashley Wendt, Division of Water Planning, DEQ providing totals of remaining available funds to be spent before June 30, 2023, and the cumulative for the remainder of the grant, ending June 30, 2024.
- Received updated project reporting forms via email from Justin Williams, Director, Office of Watersheds and Local Government Assistance Programs.
- Received phone call from Farmer's Septic regarding Mathews County homeowner in need of septic repair. Mr. Farmer will call back with the exact address of the septic system to determine if it's located in the target area set by DEQ.
- Received phone call from Farmer's Septic regarding another Mathews County homeowner in need of septic repair and wanted to determine if it was a reimbursable expense and in the target area set by DEQ.

Mr. Farmer will call back with more details and exact address of the septic system.

- Before returning a call from a Mathews County homeowner requesting confirmation of available 319(h) funding, staff contacted their septic contractor, Allen Farmer, for an update on their ineligible permit. Mr. Farmer stated the septic failed inspection when the homeowner purchased the home and because at the time, the homeowner had decided to build an addition, the work was deemed voluntary. Mr. Farmer reports the homeowner is no longer expanding and he is currently working with the homeowner's engineer to have a new design submitted to VDH.
- Received phone call from Farmers Septic with the addresses of 2 clients to determine 319(h) reimbursement eligibility. Both addresses of the septic systems were in the target area set by DEQ. These names and addresses were added to the list of interested homeowners for 319(h) septic reimbursement funds. Project information is forthcoming.
- Received phone call from Mathews County homeowner regarding the status of available 319(h) septic reimbursement funding. Explained limited funding is available and is first-come, first-served and Mr. Farmer reported he is currently working with their engineer to have new project drawn and submitted to VDH for repair permit. Homeowner stated he will contact Farmers Septic to check on the status of the repair permit.
- Received phone call from Allen Farmer regarding a Mathews County homeowner in need of a new tank, pump, controls, and electrical. More information was needed to determine if that is an eligible expense under the 319(h) program guidelines.
- Received email from Mathews County homeowner with final document, Condition Assessment, required to begin the review process for 319(h) septic reimbursement determination.
- Received email from MPPDC CFO, Heather Modispaw from a Mathews County homeowner requesting address verification and information for 319(h) septic reimbursement. Homeowner states their septic system isn't failing but they have to have it pumped out annually, sometimes twice a year, due to groundwater inundating the drainfield.
- Responded to email inquiry from Mathews County homeowner verifying the address of their septic system is in the target area set by DEQ and a repair permit is required under the 319(h) program guidelines. Provided homeowner with program information as requested.
- Received email from Gloucester County homeowner with 3 homes located in the target area. Homeowner contacted ChurchView Septic and attempted to make arrangements to have all 3 septic systems cleaned under the 319(h) reimbursement program without completing the application process and wanted to know how to go about obtaining the voucher the septic company requested.
- Responded to email from Gloucester County homeowner and explained the application process they must follow before obtaining a voucher to have their septic systems pumped out by ChurchView Septic.
- Received voicemail from Farmers Septic regarding eligibility of a homeowner they are working with in need of septic repair.
- Received voicemail from homeowner who states they were referred to the MPPDC for 319(h) septic assistance with pumping out their septic system.
- After requesting details via multiple emails to both Ashley Wendt and Justin Williams of DEQ, received details regarding the remaining balance of funds and by when each had to be expensed.
- Completed and submitted Annual MBE/WBE Form # 52a and Lobbying Form # 53 to Justin Williams and Ashley Wendt of DEQ.
- Participated in meeting with DEQ on September 21 to discuss potential options for changes to NPS 319 program which could result in more efficient and effective grants administration and project implementation.

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

Project 30123 – Staff Support to Middle Peninsula Alliance (MPA) FY23

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

- Prepared vouchers, processed A/P, processed deposits, and reconciled bank statements. Prepared monthly financial statements.
- David Gundlach of Sands Anderson prepared a response to the IRS regarding their letter dated July 12, 2022, stating that the MPA's 2018 Form 990 (federal tax return) had been returned due to not receiving all required information. The letter with all appropriate tax forms were prepared, signed by Chairman, Ashley Chriscoe, then sent via FedEx to the IRS on July 28, 2022.
- Received two more letters from the IRS on August 22, 2022, regarding Form 990 (federal tax return) for years 2016 and 2017. David Gundlach of Sands Anderson again prepared a response for each. The letters with all appropriate tax forms were prepared, signed by Chairman, Ashley Chriscoe, then sent via FedEx to the IRS on September 2, 2022.

Project 301702 – 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 cost*s.

- 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 – $145,348***

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

Project 38023 – FY23 Local & Regional Technical Assistance

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

- Submitted the FY22 Annual Report for the PDC to DHCD.
- Contacted Dr. David Wilkins, professor, and Tribal Sovereignty expert with the University of Richmond, pertaining to matters raised during recent MPPDC Commission meetings. It was advised that localities and Tribal Nations work with the VA General Assembly to resolve tribal sovereignty matters arising in Virginia.
- Updated the MPPDC Comprehensive Economic Development Strategy with additional project at request of Town of Tappahannock and prepared to present draft to MPPDC Board for approval during the September meeting.
- Drafted and submitted a pre-application to the FEMA Flood Mitigation Assistance (FMA) program to elevate a home in Gloucester County, Virginia.
- Drafted and submitted a pre-application to the FEMA Buidling Resilient Infrastructure and Communities (BRIC) program to conduct a repetitive loss area analysis to improve grant application preparation for properties at the highest risk of flooding.

- Resubmitted two NFWF applications with requested additional information.

Project 30184 – Tappahannock Comprehensive Plan & GIS Mapping

Technical assistance for reviewing and updating data in the Town Plan and digitizing with GIS and printing the Town Zoning and Land Use maps.

- Project extended to accommodate Town determination of Intensely Developed Area process. IDA map will be developed once Town finalizes process.

HOUSING
Funding – Housing Loan Program Income

Project 30187 – VHDA Affordable Workforce Housing Development

The three-year project will involve planning, designing, and constructing approximately ten affordable workforce housing units on property owned by the Middle Peninsula Public Access Authority. The project goals involve creating resilient and safe housing for citizens who need to live and work on or near the water. The designs will involve long-range planning for increased flooding and sea-level rise where the units can be readily moved once a site becomes unsafe for continued residential use.

- Submitted an application to the DHCD Industrial Revitalization Fund requesting ~1,000,000 in funding to assist with commercial and retail upgrades to Captain Sinclair's recreational area. Multiple eco-related businesses have expressed interest in locating at Captain Sinclair's
- Met with architectural students from Virginia Colleges and Universities interested in assisting with conceptual laud use designs at the Captain Sinclair property.
- Balzer Engineering has completed preliminary engineering study and design work needed for rehabilitation of the pool house and main house. Architectural designs are being drafted.
- Closed out VHDA Community Impact Grant which provided funding for pre-construction activities at Captain Sinclairs property.
- Reimbursement request submitted to VHDA for expenses related to CIG grant # 24506.

Project 300132 – 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.

- ***Funds available – $45,393***

EMERGENCY SERVICES
Funding – VDEM/FEMA/Homeland Security

Project 31212 – Middle Peninsula All-Hazards Mitigation Plan Update Yr2

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.

- Incorporated signed resolutions into the final AHMP document and initiated project closeout.
- Received a project closeout checklist from Virginia Department of Emergency Management.

LOAN FUNDS FOR SEPTIC AND LIVING SHORELINES
Funding – VRA

Project 30420/30428 – On-Site Technical Guidance Assistance and 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.

- Closed first septic loan using new legal documents from legal counsel for homeowner who had been patiently waiting to get back into their home. Homeowner scheduled repairs to be completed by Farmers Septic and instructed for the invoice to be sent to MPPDC for payment.
- Began review process of new septic repair loan application in preparation to lend funds to homeowner. Found the provided permit was for construction not repair. Contacted Michael McMahan of Gloucester County VDH who confirmed that the permit was done incorrectly and provided us with the correct septic repair permit.
- Continued review of above septic repair loan application. The repair estimate appeared very inflated at $45,000. Executive Director, Lewie Lawrence, contacted homeowner to discuss if AOSE advised them of a GMP waiver. Homeowner stated that AOSE said they are not eligible. Later AOSE restated that they "are not comfortable" recommending a waiver. Homeowner was given options of how to move forward in order to save money on the repair, but ultimately chose to continue the loan process with MPPDC. Because the loan exceeds our Septic Program Design lending threshold, VRA was contacted to approve the lending. VRA approved with the stipulation that we must update our Program Design to match the current economic increase in septic repair costs.
- Received call from Sara Lindner of First VA Title stating that they had a client selling their home who had a septic loan, but the lien had not been released. Informed her that an Affidavit of Satisfaction had been mailed to the homeowner with a cover letter instructing that they needed to file the document with the County Clerk's office. The homeowner did not do this; therefore, another Affidavit of Satisfaction was prepared, signed and notarized. The homeowner's closing date was in just a few days so the new document was sent via prepaid FedEx envelope on September 2, 2022.
- ***Remaining uncommitted septic repair funds: $187,418 in loan funds – $41,644 in grant funds.***

Project 31500 – Living Shoreline Loan Program

The MPPDC Living Shoreline Incentive Program Loan Fund provides low interest loans to local homeowners to implement living shorelines. These funds will be used for erosion prevention and water quality control and to protect and enhance natural shoreline habitats using strategically placed plants, stone, sand fill and other structural and organic materials.

- ***Remaining uncommitted living shoreline funds: $0***

Project 33001 – Loan Fund Program for Septic and Living Shoreline

During 2022, the MPPDC received a $3M line of credit for living shoreline and septic repair projects from the VA Resources Authority. The fund provides a single financing program for activities historically covered by the MPPDC's On-Site Technical Guidance and Living Shoreline Incentive Programs.

- Began review process of living shoreline application in preparation to lend funds to homeowner. Advised applicant to have her credit union provide us with documentation of their HELOC rate from March when she initially applied, but funds were not available. Explained that we would use the rate from March when interest rates were much lower so that she was not penalized for having to wait for fund availability.
- Received HELOC rate information from above homeowner. Loan was approved by Loan Committee and letter was sent to homeowner with details and how to proceed should they want to continue with the loan process.
- Continued to work with various clients interested in loan financing for living shorelines.

- ***Remaining uncommitted funds: $2,980,325 in loan funds - $300,000 in grant funds.***

AGENCY ADMINISTRATION
Funding - Indirect cost reimbursements from all PDC projects

MPPDC Administration

Administrative services provided to MPPDC programs. Planned FY23 Indirect Cost rate = 25.25%.

- Prepared vouchers, processed A/P, processed deposits, and reconciled bank statements. Prepared monthly payroll run. Prepared monthly financial statements.
- Prepared financial reports and/or reimbursement requests for all projects requiring them.
- Updated quarterly staff allocations.
- Ordered laptop and desktop for newly hired Coastal Resilience Planner I, desktop and two conferencing monitors for Executive Assistant, two conferencing monitors for Executive Director and CFO, and a desktop for Deputy Director.
- Updated depreciation and electronics replacement schedule.
- Updated staff salaries in the Virginia Retirement System.
- Copier not functional due to backordered toners and waste cartridge. Executive Director had to pay for copies in the amount of approximately $900 in preparation of a meeting with Keith Hodges. Communicated to Jeff Greendyk of Xerox that we expect to receive a credit amount on our account and would be withholding payments until one was received.
- Received all but two localities FY23 dues payments. Emailed reminders to those who had not been received to date.
- Worked with various external agencies to address an MPPDC IT network issue. VACORP Cyber coverage is required.
- Began new hire onboarding process for PJ Lebel, Coastal Resilience Planner I.
- Scheduled Coastal Resilience Planner I for Arc GIS training via ESRI held online August 25.
- Provided guidance on how to successfully submit reimbursement requests to VDH to Sherry Dean, Finance Director of Roanoke Valley-Alleghany Regional Commission. They also use GMS which calculates fringe and indirect into pools which does not easily convert into VDH reporting forms.
- Attended Fall 2022 VRS Political Subdivision Roundtable which discussed Hybrid Auto-Escalation, Hazardous Duty, VRS Plans Basics, Reporting Best Practices, and Group Life Insurance.
- Attended Cardinal Human Capital Management Change Network Meeting which discussed important dates, accessing and logging into Cardinal HCM, resources, and Cardinal issue resolution.
- Attended GMS Regional Training “Year End Preparation” in Charlotte, NC. Learned that GMS and RLSS (revolving loan software) can be operated within the Cloud. Upon returning from training, informed IT Staff, Laura Loding, and forwarded email with instructions regarding setup received from Jie Chen of GMS. Anticipating implementation by IT Staff so that CFO is able to work remotely as needed. Currently GMS and RLSS are only located on the CFO’s desktop local drive.
- Worked with Jill Siewert of GMS to reinstall and update GMS and RLSS programs.
- Received monthly statement from Sara Drury of GMS that included a late fee. Emailed Sara explaining that payables were mailed later than normal due to unforeseen circumstances and requested that the late fees be waived. Waiting for a response.
- Contacted Anje Chandler of C&F Bank Treasury Solutions requesting an increase of our IRS allowed maximum ACH amount from $10,000 to $12,000. This increase was necessary due to the increased

amount of Federal Tax Withholding payment to the IRS in relation to FY23 increased payroll including staff COLA and hiring of Coastal Resilience Planner I.

- Completed and submitted VACORP Annual Worker's Compensation Audit 2021-2022 on September 1, 2022.
- Received September invoices from Xerox, but still no response from Jeff Greendyk of Xerox regarding a credit for the approximate $900 of copies mentioned above. Sent a follow up email to Jeff on September 6, 2022, asking for an update and reminded him that we will be continuing to withhold payments until a resolution is presented.
- Completed VRS Navigator Security Review and submitted certification form signed by our Primary Administrative Authority, Lewis Lawrence, Executive Director.
- Two missing locality FY23 dues payments have been received. All localities are now paid in full for the year.

Closed Projects

Project 30122 – Staff Support to Middle Peninsula Alliance (MPA) FY22
MPPDC staff are providing clerical and fiscal assistance to the Middle Peninsula Alliance.

Project 30218 – Commuter Assistance Program (CAP) Operating FY22
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.

Project 30319 – Rural Transportation Planning FY22
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.

Project 32159 – DEQ Chesapeake Bay WIP Technical Assistance (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.

Project 32168 – Septic Pumpout Program
This project will provide grants to 32 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.

Project 38022 – FY22 Local & Regional Technical Assistance
This program responds to daily requests for technical assistance which other commission programs are unable to provide.

Project 38805 – VPA 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.

Project 38806 – VPA 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.

Project 38807 – VPA 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.

Project 38808 – VPA 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.

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+)

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)

Virginia Shoreline Working Group: The Virginia Coastal Zone Management Program launched the working group in 2022 to focus in on complex regulatory and legal matters pertaining to shoreline management and to help advance shoreline protection and habitat restoration projects that can compete for federal funding.

Virginia Bay Enhancement Working Group (BEWG): The Northam Administration and VMRC launched BEWG in 2020 as result of administration policy of no future overboard discharge of dredged material. The group is tasked with identifying beneficial reuse opportunities for the 1 Million cubic yards of material that is dredged every 3-5 years from the York Spit Navigation Channel which is the primary shipping channel for the Baltimore Harbor in the southern section of the middle of the Chesapeake Bay. MPPDC staff were requested to serve to evaluate alternatives from around the Bay and including the Middle Peninsula.

Government Finance Officers Association (GFOA): The Government Finance Officers Association (GFOA), founded in 1906, represents public finance officials throughout the United States and Canada. The association's more than 20,000 members are federal, state/provincial, and local finance officials deeply involved in planning, financing, and implementing thousands of governmental operations in each of their jurisdictions. GFOA's mission is to advance excellence in public finance. (MPPDC Staff 9 years)

National Grants Management Association (NGMA): NGMA provides national and international leadership, helping its members achieve success in the grants management community through the advocacy of best practices and the promotion of professional excellence. (MPPDC Staff 2 years)

Opportunities Identified to Implement Commission Priorities *Proposals Status for Grant Applications Submitted During FY2023*				
Service Center	**Project Title and Description**	**Date Applied**	**Funding Requested**	**Status**
Environmental	RAFT Dupont Mini grant - Septic Pumpouts for LMI Citizens	Sep. 2022	$25,000	Submitted
Environmental	RAFT Dupont Micro grant - Fight the Flood video tutorials	Sep. 2022	$5,000	Submitted
Environmental	FEMA BRIC Fight the Flood Analysis & Project Identification	Sep. 2022	$250,000	Submitted
Haz. Mitigation	FEMA FMA Powers House Elevation	Sep. 2022	$200,000	Submitted
Environmental	NOAA Mobjack Bay Habitat Restoration Projects Study	Aug. 2022	$10,000	Submitted
MPCBPAA	DHCD Industrial Revitalization Fund Capt. Sinclairs Improvements	Aug. 2022	$946,000	Submitted
Environmental	NOAA CBNERRS Fight the Flood Videos & Technical Assistance	Aug. 2022	$50,000	Submitted
Transportation	Smart Scale Round 5 – Rt. 17 Woods Cross Roads Intersection Improvements	Jul. 2022	$3,231,000	Submitted
Transportation	Smart Scale Round 5 – Rt. 17 Glenns Intersection Improvements	Jul. 2022	$5,240,929	Submitted
MPCBPAA	NOAA IIJA West Point Airport Acquisition Letter of Intent	Jul. 2022	$579,000	Not Awarded
MPCBPAA	NOAA IIJA Hog Island Letter of Intent	Jul. 2022	$905,000	Not Awarded
MPCBPAA	NOAA IIJA Captain Sinclairs Addition Design Letter of Intent	Jul. 2022	$213,000	Not Awarded
MPCBPAA	NOAA IIJA Tappahannock Acquisition Letter of Intent	Jul. 2022	$520,100	Not Awarded
	FY 2023 Awarded Total (July – September 2022)		**$0**	
	FY 2023 Requested Total (July – September 2022)		**$12,175,029**	
	FY23 Funding Request Award Potential Total		**$9,957,929**	
	Cumulative Funding Request Award Potential (FY22 + FY23)		**$18,566,372**	
Status of Pending Applications Submitted during FY2022				
Environmental	NFWF Coastal Resilience – Hog Island Shoreline Protection	Jun. 2022	$814,400	Submitted
Community Development	EDA Economic Development Technical Assistance	Apr. 2022	$140,000	Submitted
Environmental	NFWF SWG Captain Sinclairs Veterans Resilience Workforce Program Development	Apr. 2022	$75,000	Submitted
Environmental	NFWF SWG Ware River Shoreline Protection Phase 2	Apr. 2022	$500,000	Submitted
Environmental	NFWF SWG Hog Island Shoreline Protection	Apr. 2022	$500,000	Submitted
Environmental	DCR CFPF Round 3 – Resubmittal of 35 Round 2 Proposals	Apr. 2022	Sum $1,660,570	Submitted
Environmental	DCR CFPF Round 3 – Mathews Davis Creek Dredging	Apr. 2022	$2,132,102	Submitted
Environmental	DCR CFPF Round 3 – Mathews East River Boat Yard Resilience Improvements	Apr. 2022	$966,987	Submitted
Environmental	DCR CFPF Round 3 – Mathews Whites Creek Landing Resilience Improvements	Apr. 2022	$213,740	Submitted
Environmental	DCR CFPF Round 3 – Middlesex Whiting Creek Resilience Improvements	Apr. 2022	$174,312	Submitted
Environmental	DCR CFPF Round 3 – Gloucester Point Beach Park Improvements	Apr. 2022	$1,276,332	Submitted
Transportation	USDOT RAISE Tappahannock/Essex Multimodal Master Plan	Apr. 2022	$1,500,000	Awarded
Environmental	VCZMP Coastal Technical Assistance FY23	Feb. 2022	$129,000	Submitted
Environmental	VCZMP Next Generation Shoreline Yr. 2	Feb. 2022	$100,000	Awarded
Community Development	VCZMP ANPDC Ecotourism Year 6	Feb. 2022	$26,000	Submitted
	FY 2022 Awarded Total (July 2021 through June 2022)		**$9,692,389** ***(An additional $8,608,443 has been requested with award notices still pending)***	

ACRONYMS

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

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Rising seas threaten tax base for Virginia's coastal counties

Sep 10, 2022

A **new report** highlights the near-term impacts of rising sea levels to coastal counties and cities across the country, including parts of Virginia.

Using the average of several simulations, the research team at **Climate Central** found Virginia has about 160 square miles of land — roughly the size of James City or King George counties — that will fall beneath the average low tide line in the next 30 years.

While there is some flood risk along all of Virginia's counties and cities that border the waterfront, two of the counties at the highest risk of losing land are located on the Middle Peninsula and Northern Neck — **Middlesex and Northumberland counties**.

Middlesex County is home to the **Urbanna Oyster Festival**.

Northumberland County is at the east end of U.S. Route 360, adjacent to the Potomac River and Chesapeake Bay.

Taking the average of several simulations, the researchers determined the average sea level in those two counties will be about 1.3 feet higher than their levels from the year 2000. More specifically, the loss of land in those counties is based on how rising sea levels will alter the average position of low tide, which marks the boundary between private property and public waters in Virginia.

In **Middlesex County,** about 2,500 additional parcels of land, or 17% of all parcels countywide, will fall under that line in the next 30 years.

For Northumberland County, which also has the Great Wicomico River running through it, about 5,900 additional parcels will fall under that low tide line in that time — around 25%.

Losses of private land have broader ramifications for counties and their economies. Initially, the loss of private land can lead to a decrease in property tax revenues for the counties. With less

usable land as the water levels rise, individual property owners may also be hesitant to pay taxes on land that is regularly underwater.

Businesses and homes that are near the new tidal zone will have to be removed, relocated or abandoned. Septic systems and underground storage tanks will also need to be removed or at least fortified against corrosion and leakage into the adjacent waterways.

With local money at the risk of drying up, Virginia's more rural waterfront counties and towns will likely ask the state or federal government for financial help in dealing with the semi-permanent flooding.

The loss of land and property tax revenue for each county will vary, but in Middlesex County, the financial loss would be about 10% in the next 30 years. Losses there and in other coastal counties are likely to accelerate after the middle of the century.

The state is already helping via its participation in the **Regional Greenhouse Gas Initiative** (RGGI). Since the beginning of 2021, RGGI has returned **$452 million to the state**, with about half of that money used to fund the Virginia Community Flood Preparedness Program (the other half is for energy efficiency programs).

Individual municipalities must apply for those flood funds through the Virginia Department of Conservation and Recreation, with the awards going out in stages. The first two stages have already been awarded, and the third is **currently under review**.

Most recently, the Middle Peninsula Planning District Commission, which includes Middlesex County, was **awarded $336,000** from these funds to develop flood defenses through flood plain restoration and proven vegetated buffer zones. Farther upriver, the town of Tappahannock was **awarded about $70,000** for using similar methods to protect areas adjacent to Hoskins Creek.

Other locations in Virginia will be at risk, although the threats will become more serious after 2050.

Tidal gauges in Norfolk, Yorktown and the Northern Neck already show sea level is about 1 to 1.5 feet higher than in 1950, and satellite measurements of sea level since 1993 show the rising water levels are accelerating.

The speed of planetary warming will determine the ultimate amount of sea level rise and how frequently Virginia's coastlines continue to flood. That rate of warming governs how much land-based glacial ice melts into the oceans and how much the ocean waters physically expand.

But as an average, an **additional foot of sea level rise** seems nearly unavoidable over the next 30 years along the Virginia waterfront. On the current planetary warming trajectory, an average of 2 to 3 feet of rise is most likely by 2100.

Every degree of warming counts, especially to the people living and working near the state's coastlines.

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Study projects major local tax losses due to sea level rise

BY: **SARAH VOGELSONG** - SEPTEMBER 12, 2022 12:02 AM

A waterway off the Eastern Shore of Virginia. (Sarah Vogelsong / Virginia Mercury)

A new analysis by Climate Central finds that as sea level rise shifts tidal lines along the nation's coast, local governments face potentially steep drops in tax revenue as a sizable amount of once-taxable land is subject to flooding.

"Coastal flooding caused by sea level rise is shifting the tide lines that many coastal states use to delineate boundaries between public and private property," the study found. "Changes in property boundaries can have significant implications for both property owners and local property tax revenues — a primary source of funding for schools and services provided by local governments."

Virginia law generally allows private property on bays, rivers, creeks and shores to extend "to the mean low-water mark but no farther."

But as sea level rise alters coasts, the mean low-water mark is increasingly creeping upward, erasing land once held by the property owner, as well as the taxes the local government might have assessed on it.

In Virginia, tens of thousands of parcels of land and hundreds of millions in property value could be affected.

In Accomack County on the Eastern Shore of Virginia, for example, the study found that almost 14,000 acres of property that currently lie above the elevation of the mean low-water line are projected to be at or below it by 2050. The affected acreage has an assessed land value of $58.1 million.

In **Middlesex County** on the Middle Peninsula, over 35,000 acres with an assessed land value of $45.7 million could be similarly affected.

The city of Norfolk's projected impacted acreage is lower — 178 acres — but with a greater value of $48.81 million.

Overall, Climate Central found that Virginia could have more than 44,000 properties that are partly below the tidal boundary line and an additional 2,300 that are fully below it by 2050. Over 1,100 buildings could also be affected by the shifting tidal boundaries, although the analysis cautions that researchers lacked data on improvements made to properties for roughly a dozen counties in the state, leaving "only a partial financial picture of the overall threat."

What changing tidal lines could mean for property rights remains murky. In Virginia, tensions have already emerged over how rising seas affect the state's delineation of mandatory 100-foot-wide buffers that abut shorelines, tidal wetlands and other water bodies within the Chesapeake Bay watershed.

"How, when, and whether legal boundaries will be adjusted in response to physical changes in the behavior of tides is very much an open question," the Climate Central study notes.

Chesapeake Bay Preservation Act Guidance: Implementing Coastal Resiliency Provisions __, 2022

Table of Contents

I. Purpose

The purpose of this Guidance is to assist local governments subject to the Chesapeake Bay Preservation Act (Va. Code § 62.1-44.15:67-79) (Bay Act) with administering the requirements of 9 VAC 25-830-155, which contains criteria and requirements for addressing coastal resilience and adaptation to sea level rise and climate change, when considering proposed development in Chesapeake Bay Preservation Areas (CBPA). The Guidance includes references to practices, techniques and policies that build resilience against recurrent flooding into existing elements of the Bay Act and associated regulations.

II. Electronic Copy

An electronic copy of this Guidance in Portable Document Format (PDF) is available on the Virginia Regulatory Town Hall website.

III. Contact information

For additional information regarding the Bay Act, please contact _____. Questions or comments concerning this Guidance should be directed to _____.

IV. Disclaimer

This document is provided as guidance to localities administering the requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

V. Introduction

Section 62.1-44.15:72 of the Bay Act requires the State Water Control Board (Board) to establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or use and develop land in Chesapeake Bay Preservation Areas. The Bay Act and its attendant Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) apply to the 84 localities defined as "Tidewater Virginia" in the statute. In 2020, the General Assembly amended the statute to add that such criteria must encourage and promote "coastal resilience and adaptation to sea-level rise and climate change" (Chapter 1207, 2020 Acts of Assembly). In September 2021, the Board adopted a new section of the Regulations to reflect that statutory change (9 VAC 25-830-155, Climate change resilience and adaptation criteria). This Guidance addresses the new amendment and applies in addition to

any other agency guidance concerning permitted uses and activities in the Resource Protection Area (RPA).

VI. Background

As originally written, the Regulations did not allow the implementation of adaptation measures to address resiliency within the RPA without an exception. Section 9 VAC 25-830-140, RPA development criteria, limits development within the RPA to the following activities, uses, and facilities:

1. Permitted uses - water-dependent facilities, redevelopment, development or redevelopment within an Intensely Developed Area (IDA).
2. Permitted buffer encroachments - private road or driveway crossings, regional flood control or stormwater management facilities.
3. Permitted buffer modifications – general woodlot management to provide for sight lines and vistas, or the removal of dead or dying trees or shrubbery and noxious weeds; and shoreline erosion control projects.
4. Exempt uses – agricultural and silvicultural activities; water wells, passive recreation facilities such as boardwalks, trails and pathways, and historic preservation or archaeological activities.

Each activity, use, or facility on the above list is subject to conditions and local government approval, either administratively or by issuance of an exception, according to 9 VAC 25-830-140 or 9 VAC 25-830-150 et seq. of the Regulations and local ordinance requirements. Notwithstanding the permitted uses, encroachments, and modifications set forth in the Regulations, the required 100-foot-wide RPA buffer cannot be reduced in width (9 VAC 25-830-140 3), and a Water Quality Impact Assessment (WQIA) is required for all development within RPAs (9 VAC 25-830-140 6).

In addition to the provisions of 9 VAC 25-830-140, development within the RPA must comply with the general performance criteria enumerated in 9 VAC 25-830-130. The general performance criteria require that projects disturbing greater than 2,500 square feet of land be reviewed through the local plan of development review process and comply with stormwater and erosion and sediment control requirements. There are other general performance criteria, the most pertinent of which are that land disturbance is to be limited to no more than is necessary to provide for the proposed use or development, indigenous vegetation must be preserved to the maximum extent practicable consistent with the proposed use or development, and impervious surfaces shall be minimized consistent with the proposed use or development.

When the Board amended the Regulations to add 9 VAC 25-830-155 in September 2021, criteria and requirements for addressing coastal resilience and adaptation to sea level rise and climate change were included. Section 9 VAC 25-830-155 applies in addition to the requirements of 9 VAC 25-830-130, General Performance Criteria, 9 VAC 25-830-140, RPA Development Criteria,

and 9 VAC 25-830-150, nonconformities, exemptions, and exceptions. It provides that adaptation measures may be allowed in Chesapeake Bay Preservation Areas, subject to approval by the local government in accordance with the conditions set forth in the Regulations.

Section 9 VAC 25-830-155 provides minimum requirements a local government must follow to assess the impacts of climate change and sea level rise on proposed land development that is permitted by the Regulations in the RPA, based on the RPA as delineated at the time of the proposed development. These impact assessments must be based on a period of 30 years, or the lifespan of a project if it is less than 30 years, and must use a model or forecast used or developed by or on behalf of the Commonwealth (see Section A). The potential impacts should be evaluated based on how proposed development will impact buffer function, water migration, and additional future land disturbance or development that the proposed development is likely to cause. A local government can incorporate such assessment of the potential impacts of climate change and sea level rise in a WQIA.

If proposed development in an RPA is otherwise permissible under the Regulations, then a local government must conduct the assessment of climate change impacts and, based upon that assessment, require conditions, alterations, or adaptation measures for the proposed development. Section 9 VAC 25-830-155 allows for nature-based adaptation measures that are approved Best Management Practices (BMPs), shoreline protection strategies, or other eligible activities outlined in the Regulations. If fill is to be used as an adaptation measure, it must only be used pursuant to the conditions and requirements specified by the Regulations and discussed in Section VIII D (iii) of this Guidance, must maximize the preservation of existing vegetation and minimize land disturbance, and must comply with all otherwise applicable permitting requirements.

VII. Definitions

The following words and terms used in this Guidance have the following meanings, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in Section 62.1-44.15:68 of the Bay Act or in the Regulations:

Accessory structures or uses: include, but are not limited to, detached garages, gazebos, free-standing decks, storage buildings or tool sheds, guest houses, and similar forms of development that are customarily incidental and subordinate to the principal structure. In-ground pools, patios, terraces, tennis courts, synthetic turf, and other impermeable landings do not permit infiltration to groundwater and are considered accessory uses of land, not structures, and any modification or expansion to such a use must be reviewed and approved using a formal exception process.

Adaptation measure: a project, practice, or approach to mitigate or address a climate change impact such as sea-level rise, storm surge, and flooding, including increased or recurrent flooding.

The Bay Act: the Chesapeake Bay Preservation Act, Virginia Code Sections 62.1-44.15:67-79 of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Best Management Practice: a practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Channelward: in the direction of the channel or waterway.

Chesapeake Bay Preservation Area (CBPA): any land designated by a local government pursuant to 9 VAC 25-830-70 to 110 of the Regulations and Section 62.1-44.15:74 of the Bay Act. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

The Department: the Virginia Department of Environmental Quality (DEQ).

Development: the construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures.

Fill: material such as sand, soil, gravel, or crushed stone which is placed in an area, often to adjust elevation or create land contouring.

Intensely Developed Area (IDA): an area designated by a local government pursuant to 9 VAC 25-830-100.

Limit of Moderate Wave Action (LiMWA) The LiMWA is an informational line that can be found on flood maps for some coastal areas. On a flood map, it is shown as a black line with black arrows that point to areas where wave heights are between 1.5 and 3 feet. It also marks the inland limit of the Coastal A Zone.

Living Shoreline: a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge. Pursuant to Va. Code §28.2-104.1, living shorelines are recognized as the preferred alternative for stabilizing shorelines in the Commonwealth. Only living shorelines shall be permitted for shoreline management unless the best available science shows that such approaches are not suitable.

Local government: a county, city or town. This Guidance is to assist the local governments of Tidewater Virginia as defined in Section 62.1-44.15:68 of the Bay Act with their implementation of 9 VAC 25-830-155. The provisions of this Guidance also may be used by other non-Tidewater local governments pursuant to Section 62.1-44.15:75 of the Bay Act.

Local program: the measures by which a local government complies with the Bay Act and Regulations.

Locality: in this Guidance, "locality" is used interchangeably with "local government".

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

Other structural and organic materials: materials or features that provide added protection or stability for the natural shoreline habitat components of a living shoreline that attenuate wave energy and do not interfere with natural coastal processes or the natural continuity of the land-water interface. They may be composed of a variety of natural or man-made materials, including rock, concrete, vegetation-based fiber such as coir logs instead of wood, oyster shells, and geotextiles; however, structural features shall be free from contaminants, including structural metal such as rebar, and shall be adequately secured to prevent full or partial dislodging or detachment due to wave action or other natural forces. This term is referenced in the definition for Living Shoreline above.

Principal structure: a primary structure that is necessary to use the land in the manner permitted by the underlying zoning classification.

The Regulations: the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 25-830 et seq.

Redevelopment: the process of developing land that has previously been developed.

Resource Protection Area (RPA): that component of the Chesapeake Bay Preservation Area comprised of lands at least 100 feet wide adjacent to water bodies with perennial flow that have intrinsic water quality value due to the ecological and biological processes they perform, or are sensitive to impacts that may result in significant degradation to the quality of state waters. The RPA includes, at minimum, tidal wetlands, nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, tidal shores, and a buffer not less than 100 feet in width to the listed features.

Storm surge: The resulting temporary rise in sea level due to the action of wind stress on the water surface and low atmospheric pressure created during storms which can cause coastal flooding. Surge is the difference from expected tide level. Storm tide is the total water level.

Water-dependent facility: a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities. Some examples include the water-dependent portion of marinas, aquaculture facilities that require fresh flows of water, beaches, docks and piers, as well as stream and wetland restoration projects permitted by state and federal agencies such as DEQ and the U.S. Army Corps of Engineers (USACOE). In contrast, restaurants, parking, in-ground pools, patios, indoor or outdoor dry dock boat storage facilities are accessory uses to the water-dependent use. As they are not considered water-dependent facilities, they must be reviewed through the formal exception process. Local governments have the authority under 9 VAC 25-830-140 3 to require that a 100 foot-wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution be retained where it is present and established where it does not exist.

VIII. Clarification of the Requirements of 9 VAC 25-830-155

Local governments, when considering any proposed land development that will encroach into an RPA, are required by Section 9 VAC 25-830-155 to conduct an assessment of climate change and sea level rise impacts (Resiliency Assessment) on the proposed development. Such assessment must be conducted during the plan of development or project review process, and must include an analysis of the proposed development's impacts on buffer function. Local governments may either conduct the Resiliency Assessment themselves or require applicants to conduct and submit the assessment as part of a Water Quality Impact Assessment.

The provisions of 9 VAC 25-830-155 apply to proposed land development consistent with the requirements of 9 VAC 25-830-140. Therefore, projects which are exempt (public utilities, railroads, public roads, and facilities exemptions) pursuant to 9 VAC 25-830-150 B do not require a Resiliency Assessment as long as all other applicable conditions are met. Additionally, permitted buffer modifications on agricultural lands pursuant to 9 VAC 25-830-140 5 B do not require a Resiliency Assessment as long as all other applicable conditions are met.

Projects that were approved prior to adoption of these requirements into local ordinances, but not yet built, are not required to have a retroactive Resiliency Assessment conducted.

A. Resiliency Assessment

i. Allowable Models and Data Sets to Assess Impacts of Climate Change and Sea Level Rise

To conduct Resiliency Assessments, local governments must use a model or forecast developed by or on behalf of the Commonwealth. Current acceptable models include those used on the AdaptVA website maintained by the Virginia Institute of Marine Science (VIMS), and flood zone mapping used by the Virginia Flood Risk Information System (VFRIS), which included the Flood

Insurance Rate Maps, Flood insurance studies, and associated models produced by the Federal Emergency Management Agency (FEMA) and available on the Virginia Department of Conservation and Recreation (DCR) website. Additional models that may be consulted include models and forecasts produced by the U.S. Army Corps of Engineers or the National Oceanic and Atmospheric Administration (NOAA). In addition, models developed specifically for localities which utilize the same forecast or data sets including those by FEMA and based upon flood insurance studies that identify areas at risk of flooding may be used to conduct an assessment.

The assessment must use, at a minimum, the data sources specified in the Regulations (9 VAC 25-830-155 B 3) for assessing potential impacts. These include the 2017 National Oceanic and Atmospheric Administration Intermediate-High Scenario for projected sea level rise impacts.[1] Localities may elect to use higher NOAA Scenarios based upon local conditions and history of events. In identifying the sea-level rise impact, localities should use the model to identify both the extent of anticipated inland migration, as well as the water depth.

Localities must use the current NOAA Sea, Lake and Overland Surges from Hurricanes (SLOSH) Model to identify storm surge impacts. Localities using the SLOSH Model should select the category of storm expected to occur for the given area, based upon the types of storms that the locality typically experiences. Localities may utilize other data sets and information such as Hurricane Strike Frequency data from NOAA and GIS data to identify the appropriate category based upon frequency. While the Regulations require, at a minimum, that localities assess storm surge based on the SLOSH model, this does not preclude localities from using other models that are equivalent in scale and data in addition to the SLOSH model in their assessments.

For flooding impacts, localities must reference the current FEMA-designated Special Flood Hazard Area (SFHA)[2] and Limit of Moderate Wave Action (LiMWA)[3], considered in conjunction with accompanying floodplain management requirements and floodplain program elements to identify impacts. Impacts due to development with in the SFHA may include the unintended diversion of flood waters onto adjacent lands due to the placement of fill or structures. Development within the SFHA may also reorient the LiMWA by shifting wave energy to adjacent lands. When identifying flooding impacts, localities may rely on existing use and application of the relevant Special Flood Hazard Area. The flooding impact identification for a Special Flood Hazard Area does not require localities to identify flooding considerations beyond the relevant, existing Special Flood Hazard Area.

[1] NOAA issued updated sea level rise scenarios for the United States in February 2022.
[2] Within a Special Flood Hazard Area (SHFA), floodplain management regulations must be enforced and mandatory purchase of flood insurance applies.
[3] The Limit of Moderate Wave Activity (LiMWA) marks the inland limit of the Coastal A zone, the part of the SFHA referenced by building codes and standards where wave heights can be between 1.5 and 3 feet during a base flood event.

Localities should consult the most up to date version of models used for the Resiliency Assessment, and should consult with Department staff prior to using models or forecasts other than those required by the Regulations~~,~~ in order to ensure that such modeling was done at a comparable scale and equivalent to that used to develop AdaptVA and VFRIS. Localities also have the option of projecting the impacts of sea level rise, flooding, and storm surge into the future for their Chesapeake Bay Preservation Area maps jurisdiction-wide, to provide the forecast information necessary for the Resiliency Assessment. This may be particularly useful for localities where one or more of the impacts is consistent across the locality or an impact such as sea-level rise is not shown to impact all or significant portions of the locality.

ii. Impact Identification: Applying Model Results to Assess Climate Change and Sea Level Rise Impacts on a Proposed Development Project

For any proposed development that will encroach into the RPA as delineated at the time of proposed land development, a local government must assess the impacts of climate change and sea level rise on proposed land development in the RPA, including the impacts of the proposed development on buffer function. As noted above, the Resiliency Assessment must be conducted during the plan of development or project review process.

a. Default timeframe vs. anticipated lifespan

The default timeframe required by the Regulations for a Resiliency Assessment for all projects is 30 years from the time of the proposed development; however, this timeframe may be reduced based upon the anticipated lifespan of the proposed project. In general, the lifespan of a building can range from less than 30 to 50 years to hundreds of years and is measured not by the type of structure or by how much it costs to build (although those metrics might represent one or more components of the equation), but by how long it is anticipated to last from when it is first built to when it must be replaced. Within this period there may be shorter periods of economic life, which ends when the structure is deemed to no longer be easy or inexpensive to maintain; its intended service life, when it is determined that the structure is no longer performing its intended function as needed; its technological life, when the performance of the structure is no longer living up to the expectations of the users or inhabitants; its design life, as determined by a building owner or developer who guides engineers and assures investors and insurers about the quality that has been specified for the building and its equipment; and the effective lifetime, or the projected life of all buildings given the total number of buildings in the U.S. and how many are built and demolished on an annual basis.

Examples of conditions that may affect lifespan include the location of the structure and projected impacts of weather, soil conditions, level of exposure to extreme conditions such as flooding and storm surge, proposed building materials, anticipated quality of construction, certain design specifications, projected ability of an owner to provide necessary maintenance, proposed use of the structure, and other considerations. Of course the level of effort in terms of time, materials, and budget an original or subsequent owner is willing to invest in a property may very well influence some of these conditions and the lifespan of a structure over time. The types of proposed development within RPAs varies across localities; however, some by their nature may be more indicative of a lifespan of 30 years or greater or less; for example, principal

structures such as homes and commercial buildings would typically always require a 30 year timeframe given the nature, purpose, and standard design of these structures absent additional atypical conditions; conversely small storage sheds or temporary impervious parking areas may be more indicative of a lifespan less than 30 years.

Where analysis of a timeframe of less than 30 years is proposed for the Resiliency Assessment, documentation of the proposed construction methods and materials, design specifications, anticipated maintenance costs over time, etc. (in addition to documentation of climate change impacts), in support of the proposed lifespan reduction may be required to be submitted by the applicant.

Local staff will need to analyze this information and make a determination as to whether a shorter timeframe for the assessment is warranted and may impose appropriate conditions to address the shortened timeframe. Alternatively, a locality may establish a 30 year default timeframe for Resiliency Assessments for all project types in lieu of allowing a reduced timeframe for projects based upon lifespan when adopting these requirements.

b. Specific content and procedures

The specific content and procedures for the Resiliency Assessments are to be established by the local government; however, at a minimum they should contain the following:

- An analysis of the RPA boundary and the area of the proposed encroachment at the time of application.
- A scaled drawing or aerial image of the proposed project.
- An analysis of the anticipated impacts of sea level rise, flooding, and storm surge on the parcel in general and the proposed project specifically, based upon a review of models and data sets outlined in 9 VAC 25-830-155 B.
- The analysis may be presented as a report complete with narrative, data, and graphics depicting or describing the extent to which models indicate the parcel will be impacted and the project affected, alternative design scenarios that were considered and the logic leading to the selected alternative, proposed adaptive mitigation measures and the extent to which anticipated impacts can be mitigated by vegetative means vs. structural solutions.
- The local government may conduct the assessment themselves, or require the assessment to be submitted by the applicant as part of a Water Quality Impact Assessment pursuant to 9 VAC 25-830-140 6.

Additionally, localities may demonstrate compliance with the Regulations by documenting existing local programs that have similar or equivalent requirements in place such that the end result is an equivalent assessment of resiliency for every project, as required. Documentation in this instance would include an analysis of those jurisdiction-wide procedures and the program components that assess resiliency, describing how the end result is equivalent to the tools identified in the Regulations. For example, the locality may through existing ordinance provisions and local requirements establish sufficient freeboard to address storm surge on properties with RPA.

As previously mentioned, localities may also conduct a jurisdiction-wide assessment and adjust their Bay Act maps to assist applicants. Based upon the assessments conducted during the plan of development review process or during the review of a WQIA, the local government shall, as necessary and appropriate, require conditions such as alterations to project location or design, or a requirement for the installation of adaptation measures on a project specific basis to mitigate the anticipated impacts.

B. Assessment of Impacts

Section 9 VAC 25-830-155 requires a local government to consider certain aspects of the development, such as how the development will impact buffer functions. Ways in which the buffer may be impacted include:

- Those which result from the initial construction of the proposed project. Additional impacts are those which can occur as the result of a project that is not appropriately designed or located, leading to the extensive removal of vegetation in the riparian buffer or the installation of unnecessary impervious cover in the RPA.

- Those which can occur as the result of a project that is not appropriately designed or located, leading to the extensive removal of vegetation in the riparian buffer or the installation of unnecessary impervious cover in the RPA. For example, these can result from locating accessory structures such as detached garages farther from the primary structure than warranted, leading to excessive impervious surfaces in the form of driveways and walkways. Secondary impacts can also include the unintended consequences of impaired buffer function that results in impacts to neighboring parcels, such as flooding.

- Those which result from repeated modifications to a property that happen over time and impact buffer functions, again through the removal of vegetation or incremental increases in impervious surfaces. Examples include incremental installation or expansion of driveways, patios or decks; home additions; and installations of pools, gazebos, or other accessory structures particularly where these structures have to be modified, altered or moved due to resulting resiliency impacts such as a structure that is overtaken by tidal waters due to sea-level rise . These impacts can be minimized by using information on the projected effects of the proposed development over time when making initial development decisions.

The assessment of impact on buffer function should examine the potential for loss of riparian buffer vegetation and vegetation migration, water flow or migration (including frequency, extent, direction, and duration of any water rise or tide), articulate the effect that a reduction in buffer function has on water quality benefits, and identify the potential impacts resulting in additional future land disturbance or encroachment into the RPA associated with the proposed development. Specifically, the local government should consider the size and scope of the

project, including known potential future variations in scope, the type of development proposed in the RPA (see 9 VAC 25-830-140), the area of land disturbance and impervious surface proposed within the RPA, and the extent and depth of water that has the potential to encroach into the RPA over the next 30 years (as revealed by model analyses), or over the lifespan of the project if less than 30 years.

When determining potential impacts on buffer function as sea level rise and flooding increase, the local government should also consider factors such as: the flood resilience and permanence of the materials to be used for the proposed development, the area of impervious surface proposed and whether it can be reduced, location in expected pathways of marsh, riparian vegetation or water migration, whether the proposed structures will be more permanent in nature or temporary, and the use of fill and the extent of grading on the site.

When considering conditions, alterations or adaptation measures to reduce buffer impacts from a proposed development, a local government also should consult the Protection and Restoration Opportunities tab within the AdaptVA Viewer where areas suitable for Living Shorelines and other suitable Natural and Nature-Based Features are identified; existing guidance documents, including the Department's *Riparian Buffers Modification and Mitigation Manual*, which is available on the Virginia Regulatory Town Hall website; and the Virginia Marine Resources Commission (VMRC) *Tidal Wetlands Guidelines* and *Living Shorelines Design Guidelines*.

C. Applying the Resiliency Assessment

Local government review of any proposed development that will encroach into the RPA must ensure that the proposed use is an allowable use within the requirements of 9 VAC 25-830-130, 9 VAC 25-830-140, or 9 VAC 25-830-150, and include the Resiliency Assessment required by 9 VAC 25-830-155. The results of the Resiliency Assessment will determine anticipated impacts of the proposed development on future buffer function over 30 years or the anticipated life of the project. It is also possible that no impact may be identified that would necessitate a condition, alteration, or adaptation measure; *e.g.,* when there is no sea-level rise predicted to impact the parcel during the 30-year or project lifespan timeframe. The use of "necessary and appropriate" language in 9 VAC 25-830-155 B 5 does not otherwise limit a locality's authority under the Bay Act or any other authority it may have in reviewing a project, including a locality's authority to deny a project based upon its ordinances and local program requirements incorporating these Resiliency Assessment provisions.

As the local government reviews a project proposal, the results of the Resiliency Assessment will provide a basis for engaging with the applicant as staff considers whether to approve the proposal as submitted or determines that conditions for approval, such as alterations to the project proposal and/or adaptation measures, are necessary and appropriate to address projected impacts.

In considering whether an alteration, condition, or adaptation measure requirement is "appropriate," the locality should ensure that it is practical, achievable, and necessary to mitigate the identified impact. It is possible that the size or location of the proposed development can be altered or the extent of land disturbance or impervious surfaces can be reduced to avoid or minimize the area of the parcel that the assessment indicates will be impacted by sea-level rise. Additionally, the locality may utilize existing local programs which take in account the potential impact already with development, building, or site design such as existing freeboard requirements and floodplain requirements to address these impacts. Furthermore, the alterations, conditions, or measures may align with the design or conditions resulting from the WQIA or existing local program requirements such as requiring the development to be setback as far as possible within the RPA.

Pursuant to 9 VAC 25-830-155, the decision to impose alterations, conditions, or measures must be based upon site conditions; the nature, type, and size of proposed land development, including whether such proposed land development is located within an Intensely Developed Area; the extent of potential impacts; and the necessity to minimize future land disturbance and impervious surfaces. For example, regarding nature, type, and scope of development, a proposal to build a house, commercial structure, road, in-ground pool or other development that cannot be easily relocated as flooding increases over time could require more conditions and adaptation measures than a shed or gravel driveway, which is more temporary or moveable.

In order to comply with the necessity to minimize future land disturbance in the RPA and in response to the evidence provided by the Resiliency Assessment, localities should require alterations, conditions, or adaptation measures for the project that minimize the need for additional future changes in response to the identified climate impacts. In doing so, from a buffer function and value standpoint, the locality reduces the amount of repeated land disturbance in the RPA and supports the preservation of existing and mature vegetation.

For example, if a locality determines that a structure proposed in the RPA as delineated today would be significantly impacted by sea-level rise in the future and does not impose alterations, conditions, or adaptation measures to address those impacts, the owner might propose to move or alter the structure after completion which would lead to another land disturbance in the RPA. This could potentially increase impervious areas in the RPA, and/or require additional buffer modifications including vegetation removal in the future.

Overall, a locality may use one or more alterations, conditions or measures to address the identified impacts such as additional structure setback, development design reconfiguration, development scale-down, increased structural height, additional or enhanced buffer, or adaptation measure such a living shoreline. Additional specific scenarios are discussed below in more detail.

i. Principal Structures

If an applicant proposes to build a principal structure on a prior recorded lot as set forth in 9 VAC 25-830-140 4 and application of the buffer area would result in the loss of a buildable area, then the local government may allow encroachment into the RPA through an administrative process. The administrative process must meet the criteria set forth in 9 VAC 25-830-140 4, as well as the requirements found in 9 VAC 25-830-130 and elsewhere in 9 VAC 25-830-140. In addition, the local government also must conduct the Resiliency Assessments required by 9 VAC 25-830-155 and require conditions, alterations, or the installation of adaptation measures to address predicted impacts, as necessary and appropriate.

For example, although a locality cannot prohibit construction of a house on such a prior recorded lot, it can require relocation of the house and access on the lot, if practicable, to reduce impacts indicated by the required assessments. The intended benefits of the relocation of the house and/or lot access include minimizing impacts on the buffer and the predicted future flooding impacts on the house, as well as avoiding the need to relocate or rebuild the house entirely in the future. If relocation of the house or access to the house on the parcel is not feasible, the locality must consider whether to require conditions and alterations to the project as proposed, and should recommend inclusion of resilience measures consistent with those used in Special Flood Hazard Areas pursuant to the National Flood Insurance Program. The locality should also require, as part of the site plan approval process or during the review of a WQIA, the incorporation of appropriate adaptation measures consistent with BMP standards as set forth in this Guidance. Local governments also should consult the Department's guidance documents *Resource Protection Areas: Permitted Development Activities, Resource Protection Areas: Buffer Area Encroachments,* and the *Riparian Buffer Modification & Mitigation Manual (Riparian Buffer Manual)*, available on the Virginia Regulatory Town Hall website.

ii. Accessory Structures

Pursuant to 9 VAC 25-830-140 of the Regulations, accessory structures are not permitted within the RPA. If an applicant proposes to build an accessory structure that encroaches into the current RPA, the local government must work with the applicant to ensure the structure is built outside of the RPA. If such siting is not achievable on the parcel, then the locality must inform the applicant that an exception is necessary. The exception application must include the results of the Resiliency Assessment and a WQIA. Approval of such an exception must be based on the findings described in 9 VAC 25-830-150 C 1 and be informed by the Resiliency Assessment and WQIA. If a locality approves such an exception request, it should ensure that the accessory structure is entirely outside the reach of any potential impact as identified in the Resiliency Assessment.

iii. Adaptation Measures for Flooding

Additionally, a property owner might want to install an adaptation measure in the RPA to address recurrent flooding absent any other development proposal. Such a project must be consistent with all applicable Bay Act requirements, including the adaptation measures

requirements itemized in 9 VAC 25-830-155. When applying the Resiliency Assessment, a locality should require that the measure be designed in response to the assessment's prediction concerning flooding impacts on the property within the 30-year timeframe or less than 30-years if the lifespan of the measure is demonstrated to be less. The AdaptVA Interactive Map Viewer includes data concerning existing shoreline conditions, natural resources, preferred shoreline management adaptation measures, and identifies protection and restoration opportunities. This tool can be used as part of the Resiliency Assessment to assist with decision making regarding potential adaptation measures that may address the property owners flooding concerns.

iv. Water Dependent Facilities

Pursuant to 9 VAC 25-830-140, water dependent facilities are allowed to be located within the RPA if certain conditions are met. They generally are allowed in areas expected to flood, but the locality must conduct the required Resiliency Assessment and make adjustments to project proposals, including the addition of adaptation measures as necessary. For example, a plan to add a dock, pier or other water dependent facility/component that will be at least partially in the RPA should consider the predicted sea level rise over the next 30 years or the lifespan of the project if it is less than 30 years. Particularly, where possible, the facility's design and layout should be such that it will still be accessible in 30 years so that additional development within the RPA is not required in order to maintain access.

Water dependent facilities also should be designed and built to minimize impacts on buffer functions. Any non-water dependent component, such as parking lots, pools, boat storage, restaurants, etc. are required to be located outside of the RPA , 9 VAC 25-830-140 1 b 3.

v. Intensely Developed Areas

A locality may permit development and redevelopment within designated Intensely Developed Areas (IDA) in accordance with 9 VAC 25-830-140. IDAs are areas designated by localities as an overlay to the RPA, where little of the natural buffer may remain due to prior development. As with other proposed development in the RPA, a Resiliency Assessment must be conducted, including the analysis of buffer function when considering proposed redevelopment. The type of redevelopment proposed and the existing site conditions in the IDA will guide this process, as the current permissible site conditions may be entirely impervious, in which case consideration of buffer function could be less impactful. For example, in the case of a parcel in an IDA which consists entirely of impervious cover, the locality may find that there is not impact on a vegetative buffer as none exists and thus alterations, conditions, or measures to address this are unnecessary.

vi. Non-conforming Structures and Uses

If the proposed development is to expand or modify a principal structure that was in existence as of the time of local program adoption, and the structure encroaches into the RPA or will encroach if the expansion or modification is approved, then pursuant to 9 VAC 25-830-150, the locality may allow the continued use of the structure but does not have to allow its expansion

or modification. Local governments also should consult the Department's *Nonconforming Structures and Uses* guidance document that is available on the Virginia Regulatory Town Hall website to ensure that their reviews of the expansion or modification of principal structures complies with the Bay Act and Regulations. The considerations for these structures should be similar to those identified above for principal and accessory structures, should development be considered for these structures.

D. Adaptation Measures

Adaptation measures may be allowed within the RPA provided they meet the requirements 9 VAC 25-830-155. To comply with the Regulations and to protect and maintain water quality, adaptation measures must be nature-based and listed as an approved, permitted, or funded water quality practice as identified in 9 VAC 20-830-155 C. According to the Regulations, adaptation measures in the RPA are to be maintained, are allowed to incorporate fill as long as certain conditions are met, and should maximize preservation of mature trees and other natural vegetation. Additional information and clarification on the requirements for allowing adaptation measures within the RPA is provided below.

i. Permissible Adaptation Measures

Best Management Practices (BMPs) listed in the following sources are approved to be used as adaptation measures pursuant to 9 VAC 20-830-155 C. Use of Chesapeake Bay Program and Virginia Stormwater Clearinghouse BMPs as adaptation measures should adhere to design criteria as specified in the approved BMP description in order to comply with this provision.

a. Chesapeake Bay Program-approved BMPs (https://cast.chesapeakebay.net/Home/SourceData);
b. The Virginia Stormwater BMP Clearinghouse (https://swbmp.vwrrc.vt.edu/);
c. An approved Shoreline Protection Strategy in accordance with the Tidal Wetlands Guidelines as determined by the Virginia Marine Resources Commission (https://mrc.virginia.gov/Regulations/Final-Wetlands-Guidelines-Update_05-26-2021.pdf); and
d. A project that is an eligible activity for funding by the Virginia Community Flood Preparedness Fund Grant (CFPF), as established pursuant to Chapter 13, Title 10.1, Article 4, Section 10.1-603.24 and section 10.1-603-25 and the provisions of §10.1-1330, lean Energy and Community Flood Preparedness Fund, and as determined by the Virginia Department of Conservation and Recreation (https://www.dcr.virginia.gov/dam-safety-and-floodplains/dsfpm-cfpf). In this instance, the project does not have to be specifically funded but it must be of a type of project that would meet eligibility for funding based upon the established criteria including recognition as a nature-based activity.

In addition to being from one of the sources identified above, adaptation measures must also be "nature-based solutions" that use environmental processes, natural systems, or natural features. "Nature-based solution" is defined in the Regulations as being "an approach that

reduces the impacts of sea level rise, flooding and storm events through the use of environmental processes and natural systems," and the requirement in 9 VAC 25-830-155 includes the same wording with the addition of "natural features." Within the list of allowable sources identified above, there are some that are entirely hardened or artificial structures or measures, and thus would not be allowable. Where the adaptation measure incorporates artificial, non-organic, or non-inert material, creates an impervious area, or uses a hardened approach, it would likely not qualify as an allowable adaptation measures under these provisions. Those adaptation measures consisting of trees, vegetation, or natural stone or which enhance existing natural elements would most clearly qualify.

Because BMP standards and specifications change over time and new BMPs may be identified by the sources listed above, a current list of permissible BMPs will be provided on the Department's website to aid localities in evaluating an adaptation measure proposal. In addition, it is possible for adaptation measures developed for or by localities in future to be considered for use if the criteria in the Regulation is met. Localities should work with DEQ on a potential adaptation measure when it is unsure if the criteria is met.

If a locality is unsure whether a proposed adaptation measure qualifies under the regulatory criteria, the Department will provide technical assistance in the form of site plan review to aid the locality in its review. However, as the Regulations identify specific sources of allowable measures, the Bay Act Program will not approve adaptation measures not included within the approved sources. If a locality wishes to consider an adaptation measure that is not included in the sources identified in the Regulations, the locality should work with the referenced source program to seek its inclusion.

Additionally, the adaptation measure must comply with any other applicable legal requirements including any permitting requirements. The allowance of an adaptation measure in the RPA under these provisions does not negate any other existing legal requirements.

To reiterate, a permissible adaptation measure must meet both requirements: it must be from one of the approved sources listed in the Regulations, and it must be a nature-based solution adaptation measure. Overall, it is responsibility of the local government to ensure the measure meets the regulatory requirements.

ii. Site Conditions/ Location of Adaptation Measures

Adaptation measures themselves are allowed in the RPA buffer pursuant to 9 VAC 25-830-155. Measures should be placed channel-ward of the proposed development when possible to minimize adverse impacts to the RPA and maximize water quality benefits.

Additionally, as identified in the Regulations, the adaptation measure should be designed, installed and maintained in accordance with its corresponding specifications. Localities should verify this requirement by having the applicant submit documentation in addition to that which is required by the building permit or plan of development review process, such as a site plan,

design specifications, and a maintenance plan for the proposed adaptation measure. Additionally, localities should require applicants to submit as-built documentation of the final design and installation, including photographs, and require inspection upon final installation.

iii. Fill

Fill is not allowed as a stand-alone adaptation measure simply for the purpose of raising the elevation of a parcel; however, the use of fill as one component of an adaptation measure may be permitted.

As an example, the addition of fill to the landscape may be necessary to create appropriate surface elevations or provide suitable soil amendments for the reestablishment of riparian buffer vegetation within the RPA. It may also be necessary to create a design slope that will provide for the erosion protection and water quality standards of the buffer area requirements, as outlined in 9 VAC 25-830-130 3, or consistent with specifications for another proposed adaptation measure, such as a rain garden or living shoreline.

The placement of fill will, by increasing the land surface elevation, likely have an impact on water movement. For example, the application of fill to the land surface can reduce tidal flow onto the land. If fill is used to facilitate the placement and stabilization of a bulkhead or levee, it can also prevent runoff flow from the land to the waterway. If the placement of fill is considered necessary as a component of an adaptation measure, then the locality must assess the impacts of its use on existing vegetation, wetland migration and water movement. Assessment of the likely effects of fill should consider water flow both landward and channelward.

In assessing the impacts of a project, localities should balance the direct water quality impacts that might accrue from adding fill within the RPA with the sea level rise/storm surge/flood protection benefits for a particular parcel of land. It will also be necessary for the locality to consider how the action may affect stormwater diversion and lateral flows from the parcel onto adjacent properties, and the potential for the fill to contribute to non-point source pollution, particularly if not properly applied or stabilized. Appropriate erosion and sediment control and stormwater management measures must be incorporated into the design and any additional locality-developed criteria to assess fill should consider the following:

a. Slope: Under most circumstances, slopes should be equal to or less than 10% to support conditions for water quality, including infiltration. Slopes less than or equal to 5% or that convey sheet flow of velocities less than 1.5 feet/second are preferred, to reduce runoff and tidal wave energies. Slopes greater or different than these may be necessary based upon certain site conditions and adaptation measure specifications. In such instances, localities should ensure that the amount of fill and resulting slopes are consistent with project specifications and that flow is properly evaluated in the project application. In doing so, localities may wish to require supporting calculations, additional engineering plans, independent review, or other information in support of the proposed slope.

b. Vegetation: Newly placed fill should be revegetated with multi-strata vegetated cover including canopy and understory trees, shrubs, and ground cover consistent with the guidance found in the Department's *Riparian Buffer Manual* available on the Virginia Regulatory Town Hall website. Consistent with vegetative requirements for trees in the Regulations, inclusion of native species is preferred.
c. Composition: Fill should be composed of permeable soils which allow for infiltration and support vegetation. In light of this requirement, localities should ensure that proposed adaptation measures specify the depth, extent, and type of fill material. Localities may allow fill material variation among the layers applied so long as the overall composition allows for infiltration and supports vegetation. The use of certain materials including soils may be subject to other requirements or restrictions, such as those requirements governing the use of lightly contaminated soil consistent with the Virginia Solid Waste Management Regulations (9 VAC 20-81 et seq.) or permitting requirements for upland placement of dredge soil.
d. Stormwater Management: Fill should not enhance stormwater run-off, lateral flow onto adjacent properties shall be controlled, and upland impacts shall be mitigated as necessary. The amount of fill and type of accompanying adaptation measure will determine the degree to which stormwater management must be addressed. For larger scale adaptation measures, this may require the use of stormwater calculations to ensure these criteria are met. Additionally, if the adaptation measure triggers separate stormwater management requirements, then these criteria should be considered in conjunction with those requirements.
e. Septic/Drainfield: The use of fill in an adaptation measure shall not negatively impact septic systems and drainfields. This criterion would apply where an existing septic tank or drainfield is located within the RPA. Where present, the proximity of the adaptation measure using fill should be considered such that the fill will not interfere with the proper function or maintenance of either of these features.
f. Floodplain Management: The use of fill shall be consistent with any applicable floodplain requirements (local, state or federal). It is important that localities verify that any incorporation of adaptation measures does not conflict with any constraints or requirements of floodplain management or flood control provisions. In particular, federal floodplain management requirements in 40 CFR Part 60 may limit or prohibit the inclusion of fill in certain projects, including adaptation measures, and the allowance of fill under these provisions does not negate those independent requirements.

These provisions operate together for the use of fill in an adaptation measure. Any use of fill that alters the grading and slope of the parcel must be consistent with the Regulations. Structural fill within the footprint of a structure of the development is not subject to the requirements outlined in the Regulations. The Regulations do not permit the straight application of fill to raise the elevation of property within the RPA as an adaptation measure or otherwise. Improperly placed or utilized fill could not only increase stormwater or run-off issues on a property but may reduce the buffer function or impact water quality in the tidal features and thus must confirm to the Regulation and be utilized in an appropriate manner.

iv. Living Shorelines/Shoreline Protection Strategies

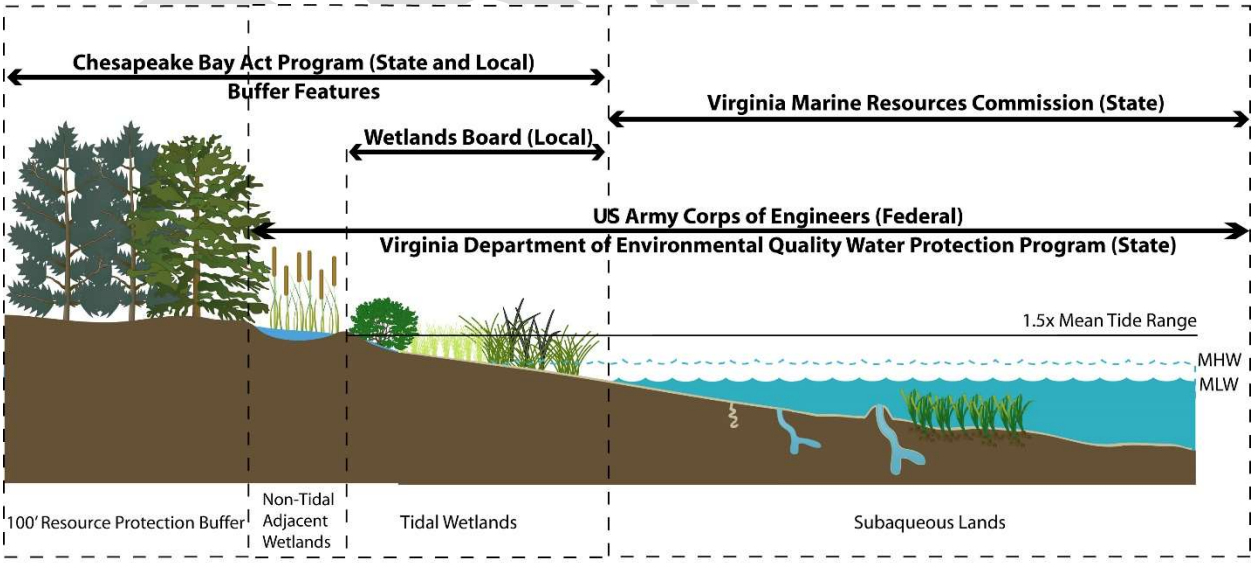
As noted in the Regulations, local governments shall ensure that any activity in an RPA (not just the installation of an adaptation measure) complies and harmonizes with other existing laws, regulations, and guidelines at the state and federal levels. As the graphic below indicates, there are a number of state laws and regulations that protect wetlands, beginning with the 1972 Tidal Wetlands Act which recognized the environmental value of tidal wetlands, established a permitting system for their mandatory protection, and authorized a network of local wetlands boards to make conservation-vs-development decisions on projects within each regulated locality.

According to the Tidal Wetlands Guidelines published by VMRC, tidal wetlands regulatory jurisdiction extends to the mean high tide line where no emergent vegetation exists, and to 1.5 times the mean tide range where marsh is present. The Tidal Wetlands Guidelines were most recently updated in 2021 to "ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazards."

The Chesapeake Bay Preservation Act and Regulations also regulate tidal wetlands and nontidal wetlands that are connected by surface flow and contiguous to water bodies with perennial flow.

The following graphic, Virginia Shorezone Jurisdictions, depicts "legally defined shoreline resources and the relevant local, state, and federal authorities." The graphic illustrates the fact that some authorities cross resource boundaries, and most resources have two or more responsible regulatory authorities. Of particular interest is the overlap between local Bay Act programs and Wetlands Boards jurisdiction of tidal wetlands. It is likely that both programs and their respective provisions must be considered, particularly when considering adaptation measures proposed within the RPA.

Virginia Shorezone Jurisdictions



Symbols courtesy of the Integration and Application Network (ian.umces.edu/symbols/), University of Maryland Center for Environmental Science. Graphic available here: https://www.vims.edu/ccrm/ccrmp/handbook/_photos/shoreline-management-diagram-for-wetlands-guidelines_revised.jpg

Within Bay Act program requirements, a locality should not use or allow approval of an adaptation measure, activity, or land disturbance in contravention of the Virginia Marine Resources Commission requirements or guidelines. In considering both Bay Act and wetlands programs, the Department understands that pursuant to VMRC program requirements, guidelines, or technical advice, a shoreline protection strategy may be required or encouraged to be placed landward of tidal wetlands or marshes and within the RPA buffer. In such a case, the Department recognizes that a locality may, consistent with such advice or requirement, approve placement of such a strategy within the RPA buffer and that deference in such matter is appropriate. Conversely, where a shoreline protection strategy would not be allowed under VMRC requirements or guidelines or other applicable wetlands requirements and would be denied or not allowed under applicable wetlands requirements or decisions, it should not be allowed independently under the Bay Act program.

For example, if consistent with the VMRC Tidal Wetlands Guidelines and best available technical advice, a locality determines that a hardened shoreline structure is allowed, such a structure should be placed as landward as possible, beyond the RPA features but within the RPA buffer. Within this context, placement of that structure within the RPA buffer would be consistent with the Bay Act and Regulations. In such a case, the locality should still apply all Bay Act requirements including submission of a Water Quality Impact Assessment, minimization of land disturbance and impervious surfaces, preservation of existing vegetation, and mitigation for the area of land disturbance with vegetation according to the *Riparian Buffer Manual*.

If the Tidal Wetlands Guidelines require installation of a living shoreline at a site, the locality should not circumvent such decision by allowing a hardened structure to address shoreline erosion in the RPA to be separately approved under the Bay Act program. Overall, the requirements of both programs should work in harmony with a recognition of deference to VRMC requirements and Tidal Wetlands Guidelines where applicable and appropriate.

If an approved shoreline protection strategy incorporates activities that will impact the RPA buffer, the locality should assess the plan for impacts of those activities on buffer function including vegetation cover, vegetation migration and water migration (including analyzing frequency, extent, direction, and duration of any water rise or tide). Projects that qualify for either the VMRC Living Shoreline Group 1 General Permit for Certain Living Shoreline Treatments Involving Tidal Wetlands (Living Shoreline Group 1) or Living Shoreline Group 2 General Permit for Certain Living Shoreline Treatments Involving Submerged Lands, Tidal Wetlands, or Coastal Primary Sand Dunes and Beaches (Living Shoreline Group 2) (pursuant to 4 VAC 20-1300-10 et seq.), are considered nature-based, given the requirements for inclusion of tidal marsh, beach or dune vegetation and natural materials.

A shoreline protection strategy approved under either Living Shoreline Group 1 or Group 2 general permit may allow the placement of fill to establish appropriate elevations to support required vegetation. This may result in a change to the slope and land elevations that would

alter vegetation cover and could alter water flow and such use must be consistent with the fill requirements identified in the Regulation discussed above.

Additionally, as provided in 9 VAC 25-830-155 E, where a living shoreline meets the fill limitations and other requirements, the locality may waive the need for a Water Quality Impact Assessment when implementing these provisions. This allowance is within the discretion of the locality as it adopts provisions to implement these regulatory requirements. While the Department encourages the installation of living shorelines and promotes use of this allowance, a locality should determine if waiving the WQIA requirement is appropriate within the framework of its local Bay Act program.

E. Exceptions

The Regulations at 9 VAC 25-830-150 C provide that an exception to the requirements of 9 VAC 25-830-130 and 9 VAC 25-830-140 may be granted if the requested exception meets specified criteria and findings of fact, pursuant to local ordinances; and that a locality may impose reasonable and appropriate conditions, as warranted, that will prevent the allowed activity from causing a degradation of water quality. Local governments must conduct the Resiliency Assessment required by 9 VAC 25-830-155 as part of this exception review process.

As provided in the Regulations, local governments shall not grant exceptions to the requirements of 9 VAC 25-830-130, 9 VAC 25-830-140, or 9 VAC 25-830-155 where the required assessment of climate change and sea-level rise impacts has not occurred. Thus, where a proposed development's significant impact and resulting conditions have been identified through such an assessment, an applicant may not circumvent such assessment or conditions by requesting an exception. Practically, the result of this exception prohibition is that any land development project in the RPA, regardless of the process applied for in its review, must have a Resiliency Assessment.

Another exception prohibition identified in the Regulations is that a locality shall not grant an exception to allow a proposed adaptation measure that would allow the use of fill in the RPA in contravention of the requirements set forth in 9 VAC 25-830-155 C 3 and as discussed in this Guidance. Thus, any use of fill in an adaptation measure must meet the requirements in 9 VAC 25-830-155 C 3, and such requirements may be not reduced or circumvented through an exception process.

Consistent with existing provisions allowing for exceptions to the General Performance Criteria and restricting activities in the RPA, localities may consider an exception to the adaptation measure requirements under limited, specific circumstances, such as installation of a non-nature based BMP in a completely developed IDA or where a nature-based solution is not feasible. The formal exception process outlined in 9 VAC 25-830-150 C must be followed for any proposed exception to adaptation measure requirements because the allowance requirements for adaptation measures overlap and intersect with existing performance criteria for shoreline erosion control projects (9 VAC 25-830-140 5 a) and flood control and stormwater management

requirements (9 VAC 25-830-140 1 e). Local ordinances typically provide for appeals processes for decisions made by local staff or governing body.

Where a determination has been made pursuant to VMRC's Tidal Wetlands Guidelines and governing process that a living shoreline would not be suitable, then a hardened shoreline project should be allowed, then a formal exception for that project in the RPA would not be required, as it complies with both the requirements of 9 VAC 25-830-140 and 9 VAC 25-830-155.

Overall, any development proposed within a RPA must meet the requirements of the Regulations including the requirements for the considerations and granting of exceptions and waivers. Local governments also should consult the Department's guidance document concerning *Exceptions*, available on the Virginia Regulatory Town Hall website.

F. Implementation

The Regulations at 9 VAC 25-830-155 do not require any additional reports or stand-alone reporting from local programs or alter the Department's processes for periodic local program consistency reviews and enforcement. However, additional information on program implementation may be requested in the Annual Reports submitted by localities as required by 9 VAC 25-830-260. In addition to other documentation requirements, local programs must track and maintain documentation of actions taken pursuant to 9 VAC 25-830-155 for the Department's examination during a program compliance review. Such documentation includes all Resiliency Assessments, any resulting required alterations of proposed developments, and other decisions concerning adaptation measures.

Pursuant to 9 VAC 25-830-190 C, localities must adopt ordinance provisions to implement these requirements. In doing so, the ordinances should ensure incorporation of all requirements and be at least as stringent as the Regulations' required criteria. Every locality must also develop policies and procedures for implementation of adopted ordinance provisions, and accompanying program elements or documents that implement the requirement for Resiliency Assessments, such as applications and checklists, and restrictions on granting an exception without an assessment.

Regarding adaptation measures, a locality has flexibility to be more stringent in its incorporation of those provisions and may wish to do so, as recognized in the Regulations, where allowance of an adaptation measure would interfere with floodplain management requirements or the locality's participation in the National Flood Insurance Program's Community Rating System. Localities are encouraged to work with the Department of Conservation and Recreation and Federal Emergency Management Agency to ensure that any such ordinance provisions are consistent with applicable floodplain management requirements.

As noted above, localities must adopt ordinance provisions that require submission of the Resiliency Assessment as part of the plan of development review process or during application for a building permit for locality review and approval, and may incorporate such requirements into a WQIA. If a locality chooses to require applicants to include assessments in application packages, it is still the locality's responsibility to ensure that the requirements in the Regulations are met. Overall, the locality is responsible for reviewing and approving any such submission as well as making any final determination of necessary adaptation measures, conditions, alterations or overall project approval. Localities should document the resiliency assessment and any alterations, conditions or measures included to ensure the requirements are met. Localities are encouraged to develop or utilize forms, checklists, or other tools to ensure appropriate documentation.

Prior to adoption of ordinances incorporating the requirements of the Regulations, localities are encouraged to request technical assistance from the Department in reviewing such amendments and to utilize proposed templates, forms, trainings, and other information from the Department to aid this process.

IV. Example Scenarios

Example 1: New Principal Structure on a Pre-Bay Act Lot

Resiliency Assessment Results:
Current shoreline conditions for this parcel include an approximately 7 acre tidal marsh along the shoreline, a bank height that ranges from 0-5 feet, and a rip rap revetment that protects the north easternmost shore. The RPA is limited to the waterfront area of this parcel. According to VFRIS, the entire parcel is located within flood zone AE (1% risk of annual flooding), and is a Special Flood Hazard Area; however, the parcel will not be affected by LiMWA.

According to AdaptVA, sea level rise impacts projected to affect the parcel's shoreline by 2050, ranging from approximately 3.5 feet on the shoreline to 0.13 feet (or 1.5 inches) inland. In addition to shoreline flooding, sea level rise is projected to impact the existing driveway and Holloway Road with approximately 1.5 inches of water by 2050. By 2060, the entire parcel is projected to be covered with approximately 1.5 inches of water due to sea level rise. The projected storm surge impact from a Category 1 in 2050 hurricane is predicted to range from 3 to 7 feet of water above grade, whereas a Category 3 hurricane is predicted to impact the property with 11 to 15 feet of water.

Proposed Development & Adaptation Measures:

Existing development on the parcel includes a single family home, driveway, and two other unidentified structures. A portion of the home, driveway, and one other structure are located within the RPA. For illustrative purposes, DEQ staff have proposed the addition of two accessory structures, an in ground pool and patio, within the RPA which would require an exception. During project review, the applicant should be informed that the results of the resiliency assessment indicate that projected sea level rise and storm surge will impact access to the parcel as well as the practical length of time the pool will be usable. In addition, staff should recommend shifting the pool to the side yard, outside of the RPA and areas of impact.

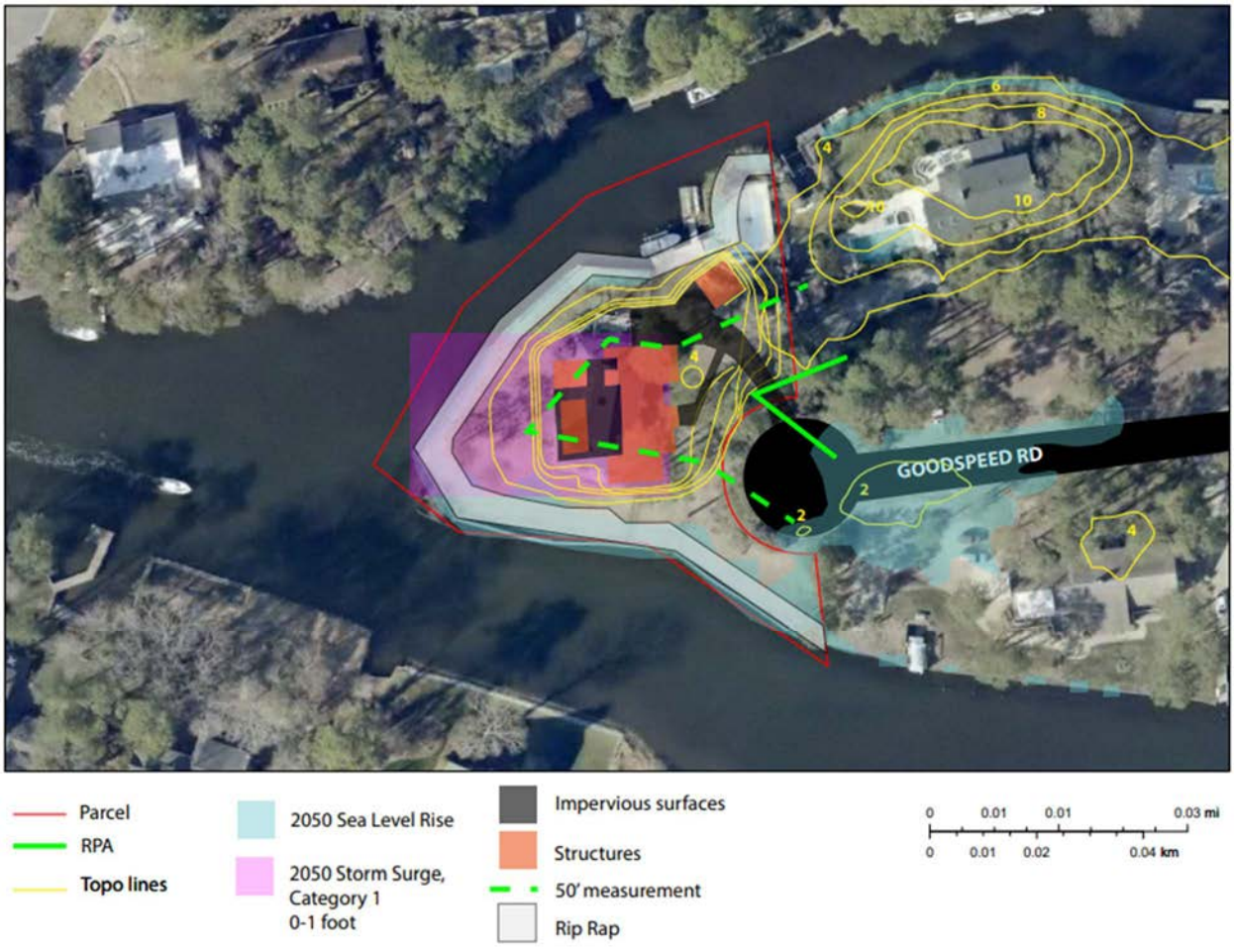
According to AdaptVA, the preferred shoreline management practice for the parcel would be a non-structural living shoreline incorporating the existing portion of rip rap revetment. Additional adaptation measures include either moving or replacing the existing home outside of the RPA and as far from the water as possible, raising the finished floor elevation above the base flood elevation with an approved construction method such as pile, post, column or pier foundation, or fill, as recommended by FEMA and in compliance with the local floodplain ordinance. The applicant might also consider relocating the driveway out of the area impacted by sea level rise, if possible, and/or raising its elevation to ensure daily accessibility. The use of fill should be reserved for those areas necessary to raise the principal structure and driveway. Preservation of existing mature trees and riparian buffer as well as reestablishment of a

vegetated riparian buffer where it does not exist will help address the anticipated impacts and protect the property owner's structural investments.

Example 2: Residential Redevelopment Using Fill as an Adaptation Measure

Resiliency Assessment Results:

The RPA in this example impacts virtually the entire pre-Bay Act parcel as can be seen in the image below. According to VFRIS, the entire parcel is located within flood zone AE and is a Special Flood Hazard Area with a Base Flood Elevation of 7 feet. According to AdaptVA, sea level rise is projected to impact the shoreline by 2050, ranging from approximately 3.5 feet on the shoreline to 0.13 feet (or 1.5 inches) inland along the shoreline, with the access road impacted by approximately a ½ inch of water on a daily basis at that time. The entire parcel is projected to be under 1.5 to 4 feet of water by 2100. By 2050, the storm surge impact from a Category 1 hurricane is predicted to range from 0 to 1 feet of water above grade, whereas a Category 3 hurricane is predicted to impact the property with 7 to 12 feet of water.

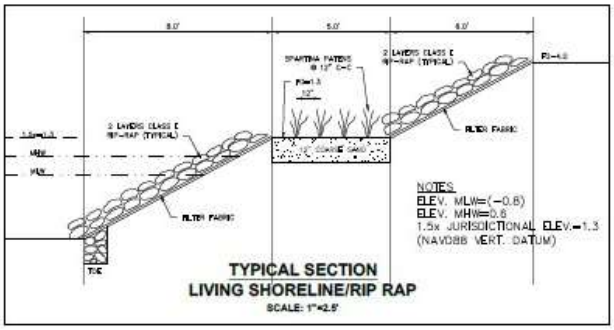


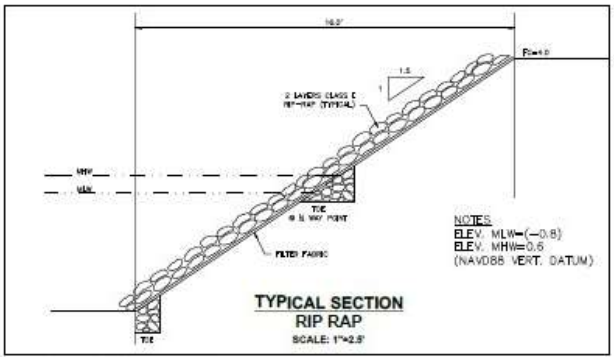
Proposed Development & Adaptation Measures:

This example was a redevelopment project with an existing home, detached garage and pool, and extensive driveway and patio areas. The locality recommended a shift in the location of the proposed home, pool and patio as close to the front yard setback as possible, which enabled the removal of most of the structures of the seaward 50 feet. The impervious cover was reduced by 2,967 square feet within the 50 foot seaward buffer area, and by 1,073 square feet in the 50' landward area. Pervious pavers were required for the driveway and parking area, although there was some additional impervious surface added to the RPA. Required mitigation for the land disturbance within the RPA included required 2 times the impervious area of buffer restoration. In addition, pervious pavers were used for the driveway and parking area.

At the time of application, the parcel had an existing bulkhead that was compromised in a number of areas with water getting behind the structure. The proposal left the existing bulkhead in place and rip rap was placed both in front (with a 1 to 1.5 foot slope) and behind the structure. In addition, 625 square feet of living shoreline was incorporated in this solution. Fill was used as an adaptation measure to bring the finished floor elevation of the home to a height of three feet above base floor elevation as required by the locality's floodplain ordinance.

The home, the pool, pool house, patio, garage, and concrete driveway and parking area were all elevated by a minimum of 2 feet. Fill was limited to the area necessary to raise the structures and impervious surfaces, and did not extend into the yard. Vegetative cover and plantings were used to reestablish the riparian buffer along the Stratton's Creek and Crystal Lake shorelines. Below are diagrams of both types of adaptation measures: the top image illustrates the use of both living shoreline and rip rap and the bottom image illustrates the section with rip rap only, without a living shoreline. Supplementation of the remaining indigenous vegetation as a mitigation for the proposed encroachment into the RPA is also appropriate.

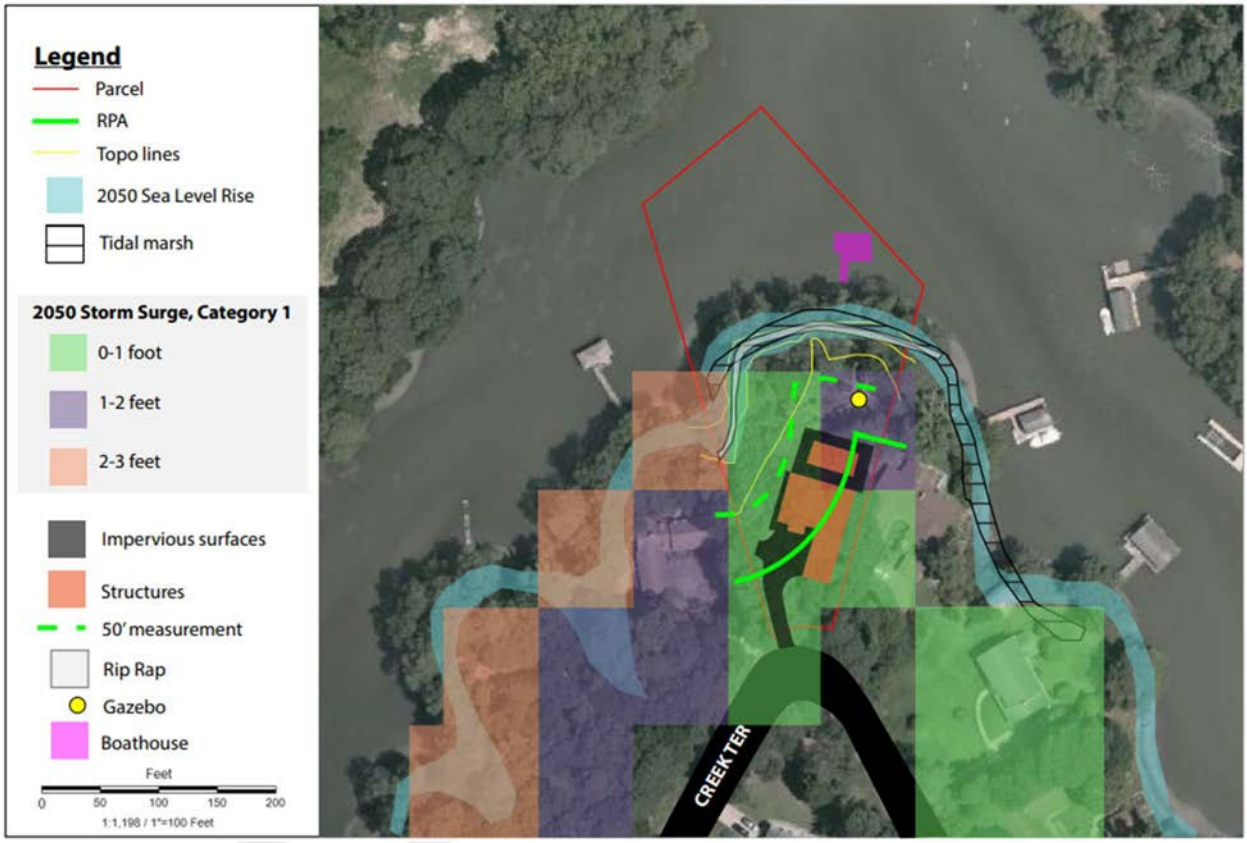




Example 3: New Primary, Accessory, and Water Dependent Structures

Resiliency Assessment Results:

The RPA in the example below impacts the majority of the pre-Bay Act parcel. According to VFRIS, the entire parcel is located within flood zone AE and is a Special Flood Hazard Area; however, the parcel is not affected by LiMWA. Sea level rise is projected to impact the shoreline by 2050, ranging from approximately 3.5 feet on the shoreline to 0.13 feet (or 1.5 inches) inland. By 2050, the storm surge impact from a Category 1 hurricane is predicted to range from 0 to 3 feet of water above grade, whereas a Category 3 hurricane is predicted to impact the property with 8 to 11 feet of water.



Proposed Development & Adaptation Measure:

This parcel was undeveloped and forested when a new primary structure with an attached garage and a pool were proposed. During the review process, it appears that the structure was pushed as close to the front setback line as possible. It also appears that impervious surfaces have been minimized as much as possible. Regardless, it appears that approximately 50% of the impervious surfaces lie within the 50' landward of the RPA.

For illustrative purposes, DEQ staff have proposed the addition of a dock and boathouse, both considered water dependent uses, and a gazebo, pool and patio, all considered accessory structures. The dock and boathouse are water dependent structures that are permitted by right with administrative approval. The primary structure and necessary utilities are permitted within

the RPA with administrative approval for a pre-Bay Act lot; however, the pool, patio, and gazebo are accessory structures not permitted within the RPA and approval from the locality's Bay Board would be necessary.

Current shoreline conditions for this parcel include a tidal marsh of approximately 5,600 square feet that appears to be migrating landward along the western property line, a bank height of 0 to 5 feet, and a rip rap revetment across the property frontage. A berm or retaining wall would be necessary to prevent continued migration of the marsh landward, otherwise, the preferred shoreline management practice for the parcel would be a non-structural living shoreline that could be incorporated with the existing rip rap revetment, depending upon the site analysis. Preservation of mature trees and as much of the riparian buffer as possible would continue to protect the property from flooding, sea level rise, and storm surge impacts. Supplementation of the remaining indigenous vegetation as a mitigation for the proposed encroachment into the RPA is also appropriate. Possible additional adaptation measures include a berm to protect the property from continued marsh migration, raising the finished floor of the home above the base flood elevation with the minimum necessary fill to elevate the home, as recommended by FEMA and in compliance with the local floodplain ordinance.

Example 4: Move the Primary Structure out of the RPA

Resiliency Assessment Results:

Current shoreline conditions for this parcel include an approximately 3 acres of tidal marsh along the shoreline that appears to be migrating inland at the center of the property and along the southwestern property line, and a bank height ranging from 0-5 feet. The RPA protects the waterfront area and the tidal marsh on this property. According to VFRIS, the entire parcel is located within flood zone AE, and is a Special Flood Hazard Area. The shoreline of the parcel is also affected by LiMWA.

According to AdaptVA, sea level rise impacts projected to affect the parcel's shoreline by 2050, ranging from approximately 2.75 feet on the shoreline to 0.16 feet (or 2 inches) inland. In addition to shoreline flooding, sea level rise is projected to impact the entire parcel with approximately 1.5 inches of water by 2050. By 2060, the entire parcel is projected to be covered with a minimum of 2.0 inches of water due to sea level rise. The projected storm surge impact from a Category 1 in 2050 hurricane is predicted to range from one to four feet of water above grade, whereas a Category 3 hurricane is predicted to impact the property with six to nine feet of water. The parcel did not have an existing shoreline management structure at the time of application.

Proposed Development & Adaptation Measure:

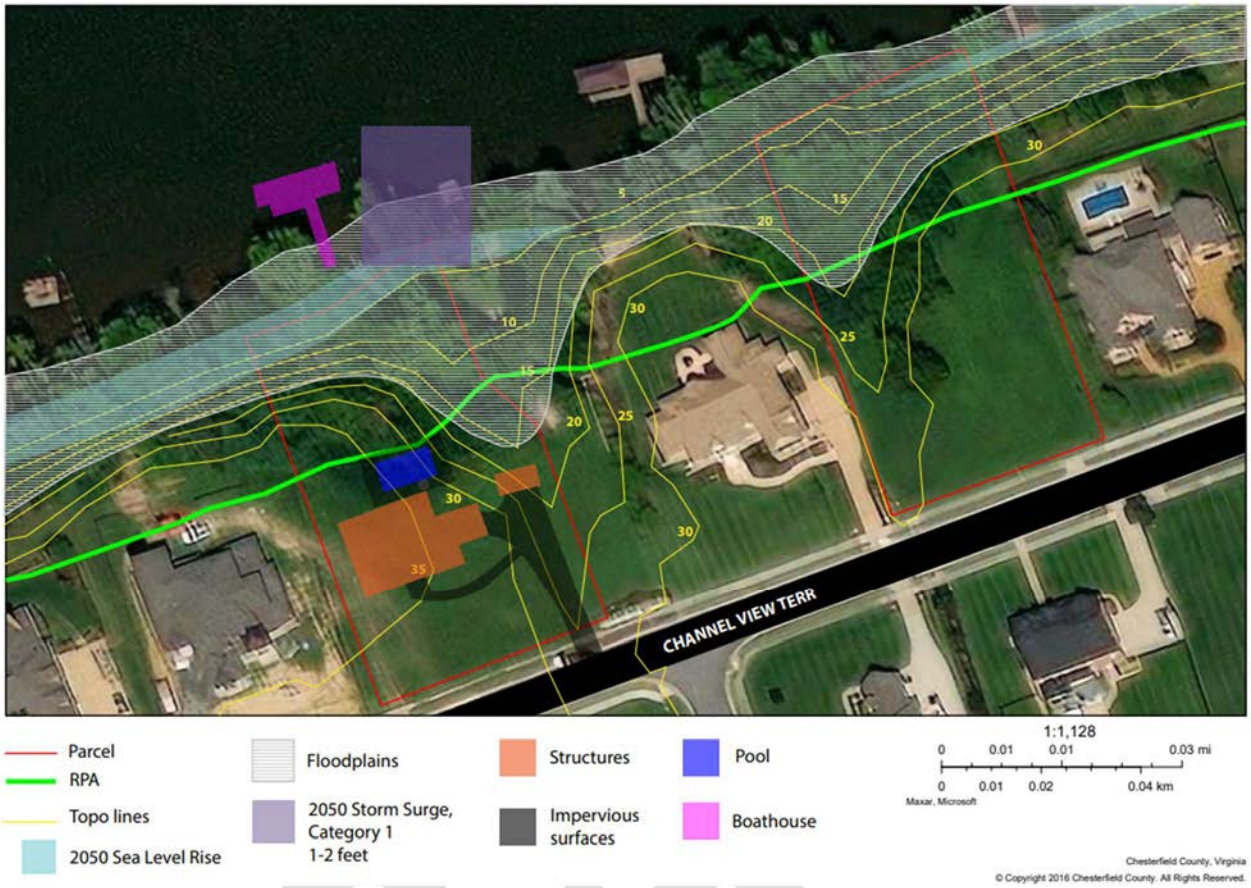
Existing development on the parcel includes a single family home, driveway, and two other unidentified structures. A portion of the home, driveway, and one other structure are located within the RPA. Prior to the requirement for a Resiliency Assessment, the applicant proposed demolishing the existing home and relocating a new primary structure outside of the RPA, raising it above the base flood elevation with an approved construction method such as pile, post, column or pier foundation, or fill, as recommended by FEMA and in compliance with the local floodplain ordinance.

According to AdaptVA, the preferred shoreline management practice for the parcel would be a non-structural living shoreline. Preservation of existing mature trees and riparian buffer as well as reestablishment of a vegetated riparian buffer where it does not exist will help address the anticipated impacts and protect the property owner's structural investments.

Example 5: New Primary, Accessory, and Water Dependent Structures

Resiliency Assessment Results:

According to VFRIS, the entire parcel is located within flood zone A (1% annual chance of flooding and a 26% chance of flooding in 30-years) and is a Special Flood Hazard Area; however, the parcel is not affected by LiMWA. There is no existing shoreline management structure. The RPA impacts approximately a third of the pre-Bay Act parcel, along the riverfront, where the bank height ranges from 0 to 5 feet. Sea level rise is projected to impact the shoreline by 2050, ranging from approximately 5 feet on the shoreline to 1 inch inland. By 2050, the storm surge impact from a Category 1 hurricane is predicted to range from 1 to 2 feet of water above grade, whereas a Category 3 hurricane is predicted to impact the property with 3 to 13 feet of water.



Proposed Development & Adaptation Measure:

This example illustrates that a Resiliency Assessment will not always result in changes to an application. This parcel was undeveloped and the RPA remained forested (the RMA had been cleared for development), so DEQ staff proposed a new primary structure with an attached garage, outbuilding, pool and patio for illustrative purposes. In this instance, DEQ would recommend the primary structure be located as close to the front setback line as possible and that its size be minimized to the extent practicable. Land disturbance within the RPA would not be recommended as there is plenty of room to locate all structures and impervious surfaces outside of the RPA.

Given the neighboring properties, it would not be unusual for the landowner to request permission to construct a dock and boat house; however, it is recommended that tree removal be limited and that access to the water and sight lines and vistas be achieved through pruning, limbing up, and the removal of dead, diseased or dying trees identified with the assistance of an arborist. Preservation of mature trees and as much of the riparian buffer as possible would continue to protect the property from flooding, sea level rise, and storm surge impacts. Supplementation of the remaining indigenous vegetation as a mitigation for any necessary encroachment into the RPA is also appropriate. According to AdaptVA, a rip rap revetment is recommended for shoreline management; however, at this time it appears that no other adaptation measure would be necessary.

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MIDDLE PENINSULA
PLANNING DISTRICT COMMISSION

September 09, 2022

The Honorable Thomas K. Norment, Jr.
Senate of Virginia
P.O. Box 6205
Williamsburg, VA 23188

RE: Coleman Bridge Needs

Dear Senator Norment:

During the July 2022 meeting of the Middle Peninsula Planning District Commission (MPPDC), the MPPDC Board unanimously passed a motion requesting the George P. Coleman Memorial Bridge, spanning the York River between Yorktown and Gloucester County, be considered for Special Structures Funding to address ongoing operational challenges with the movable double-swing span.

The Coleman Bridge was reconstructed and widened in 1995, and it is the only public crossing of the York River, making it the most important transportation structure for Gloucester and the Middle Peninsula. The Board is concerned about recent closures, and apparently worsening conditions, resulting in extended bridge closures.

Two separate closures of the Coleman Bridge occurred on July 20 and 25 resulting from mechanical and hydraulic failures. These closures resulted in hours of delays for commuters to and from the Middle Peninsula. These mechanical issues are the latest in what has become an increasing trend of closures in recent years as the Coleman Bridge's moveable span ages. Each closure has substantial impacts to the public health and safety of citizens of the Middle Peninsula and impacts to the region's local economies.

We understand that preliminary steps have been taken to repair and replace the mechanical parts which failed during July, and the MPPDC appreciates this effort; however, the MPPDC Board strongly requests that VDOT initiate a comprehensive overhaul of the aging system and for VDOT to designate the Coleman Bridge as priority need using funds designated to the Special Structures fund in the most recent state budget. In the Virginia Code it states, "the "Commonwealth Transportation Board (CTB) shall use the funds allocated in

§§ 33.2-1524 and 33.2-1530 to the Special Structure Fund for maintenance, rehabilitation, and replacement of special structures to implement the plan."

Within the Middle Peninsula, the Coleman Bridge is the most important primary connector to the Hampton Roads employment center. This connection is far more critical to the citizens and businesses of the Middle Peninsula than the Peninsula. The Middle Peninsula has the largest percentage of workforce that commutes outside of the region for work than any area in the Commonwealth. With nearly 34,000 workers, or ~74% of the Middle Peninsula workforce, needing to leave and return to the region daily, the Coleman Bridge is especially important since it is one of four primary transportation corridors into and out of our region. Closures of the bridge represent a major economic issue for both the Middle Peninsula and the Commonwealth. For instance, a closure of the Coleman Bridge impacts approximately 46,500 citizens (31,000 Average Daily Traffic counts x 1.5 citizen per vehicle) during commute to or from work. It also affects emergency service vehicles and other forms of business-related activities which rely on the Coleman Bridge.

The Coleman Bridge is a double arm swing bridge and was named as a Special Structure in a presentation to the CTB following approval of SB1749 and HB2784 in 2019. In approving the Special Structures legislation and funding, the General Assembly finds it to be in the public interest that the maintenance, rehabilitation, and replacement of special structures in the Commonwealth occur timely as to provide and protect a safe and efficient highway system.

The MPPDC and its member jurisdictions believe it is the intent and purpose of the fund to ensure our bridges function and operate to support an efficient system, and with this letter are requesting the use of funds as appropriated in HB30 (Budget Bill – Item 454), to mitigate any further impacts to the public safety and economies of the rural communities of the Middle Peninsula.

Should you have any questions or desire further information, please reach out to me or to our Executive Director of the MPPDC (llawrence@mppdc.com).

Sincerely,

Ashley Chriscoe
Chairman
Middle Peninsula Planning District Commission

CC: Lewis L. Lawrence, MPPDC Executive Director

Middle Peninsula Septic Repair Program Design Amendment: Loan Level Increases

Current Limits:

System	Cost
Septic Tank/Drain field	Up to $7,500
Sand Filters, Mounds	$5,000 - $8,000
Constructed Wetlands	$6,000 - $15,000
Peat Filters	$8,000 - $15,000
Individual Wastewater Treatment System	$10,000 - $25,000
Land or Easement Purchase + System	$4,000 - $25,000
Vault Privy	$2,000 - $3,000

Proposed Limits:

System	Cost
Septic Tank/Drain field	Up to $20,000
Site Prep/Tree Removal as part of permit	Up to $40,000
Sand Filters, Mounds	$5,000 - $15,000
Constructed Wetlands	$6,000 - $25,000
Peat Filters	$8,000 - $25,000
Individual Wastewater Treatment System	$10,000 - $60,000
Land or Easement Purchase + System	$4,000 - $50,000
Vault Privy	$2,000 - $10,000

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Project Description	Location/Lead Organization	Source of Funding (federal = grants.gov)	Jobs Created/Updates
Redevelopment of publicly owned vacant and blighted waterfront properties	Region wide / MPPDC / MPCBPAA	DHCD	To accelerate and expand economic restructuring and development activities, this project will focus on the redevelopment of publicly owned vacant and blighted waterfront properties. For instance, the Captain Sinclair's Recreation Area is a candidate to support eco business, tourism, working waterfronts, and other related outdoor recreational activities important to the regional economy.
Redevelopment of the Tappahannock Airport Site	Town of Tappahannock	VA Economic Development Partnership; DHCD; US EDA	To develop designs and plans for the redevelopment of the former airport property for an alternative commercial retail or other use which can maximize the asset to the overall benefit of the Town and surrounding areas.

CEDS Public Meetings

The CEDS Strategy Committee requested that MPPDC staff hold public meetings to give the public the opportunity to ask questions and provide project ideas for discussion in the CEDS process. In October 2012, the MPPDC staff held four public meetings, one in each of the following counties: Gloucester; Essex; Middlesex; and King and Queen. A total of forty-eight members of the public attended these meetings. The last facet of the Public Process to satisfy CFR part303.6 (b) (2) was to make the draft

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