



Chesapeake Bay Preservation Act Climate Adaptation and Resiliency Discussion

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Webinar Instructions/Overview

- If you need assistance during the webinar, you can use the chat function.
- This webinar is being recorded.
- You will remain on mute.
- If you want to speak during the discussion, you can use the raise your hand function.
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- Please be considerate of others time when speaking and limit remarks accordingly. Additional comments or feedback can be provided in the chat or in follow-up.
- For technical assistance, use the chat or call 804-698-4185 or e-mail arianna.johns@deq.virginia.gov

Agenda/Purpose

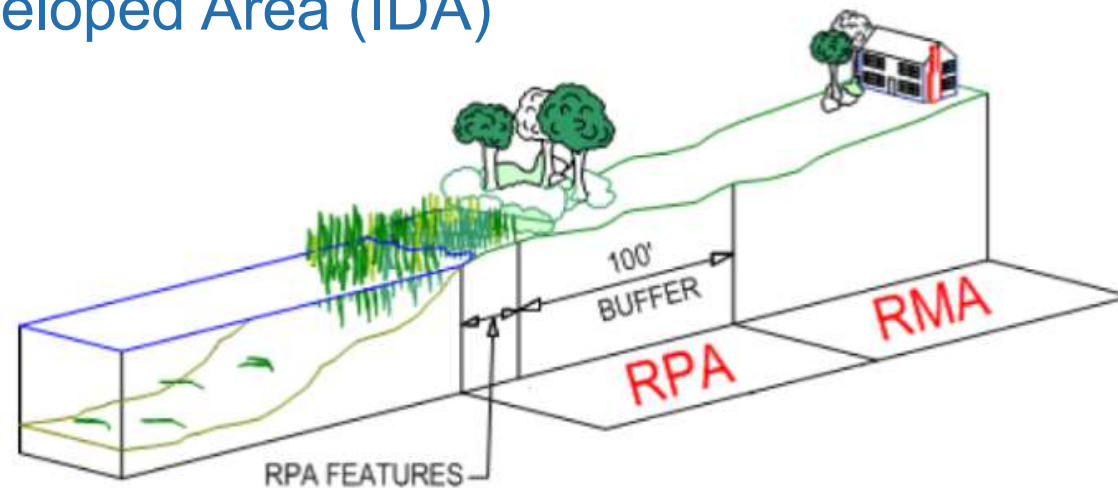
- Overview of Chesapeake Bay Preservation Act and Regulations
- Overview of Statutory Amendment on Climate Change Adaptation and Resiliency
- Guided Discussion
 - The purpose of this discussion is to hear from YOU!
 - Please focus on providing feedback, thoughts, or input
 - Please limit questions to DEQ as the purpose is for DEQ to listen to YOUR thoughts

Chesapeake Bay Preservation Act Framework

- **Statutory Authority:**
 - 1988 - Chesapeake Bay Preservation Act adopted
VA Code Title 62.1: *Waters of the State, Ports and Harbors*
Chap. 3.1: *State Water Control Law*
Article 2.5: §§ 62.1-44.15:67 - 15:79
- **Regulatory Authority:**
 - 1989 Chesapeake Bay Preservation Area Designation and Mgmt.
Regulations:9VAC25-830 (amended 1991, 2001, 2014)
- **Local Program Elements**
 1. Chesapeake Bay Preservation Area map
 2. Local ordinance provisions containing performance criteria for use, development and redevelopment of land
 3. Comprehensive Plan elements incorporating water quality protection
 4. Zoning/Subdivision ordinance provisions containing water quality protection
 5. Plan of Development Review process

Chesapeake Bay Preservation Area Types

- ✓ Resource Protection Area (RPA)
- ✓ Resource Management Area (RMA)
- ✓ Intensely Developed Area (IDA)



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General Performance Criteria (9 VAC 25-830-130)

1. Minimize land disturbance
2. Preserve indigenous vegetation
3. Requires Plan of Development review process
4. Minimize impervious cover
5. E&S for development >2,500 sq. ft.
6. Bay Act land-disturbing activity shall comply with stormwater regulations (>2,500 sq. ft. < 1 acre)
7. Septic pump-out & reserve drainfield addressed
8. Agricultural conservation assessments required
9. Silviculture exemption requirements
10. Wetlands permits required

Resource Protection Area Development Criteria (9 VAC 25-830-140)

- **Permitted Development:**
 - Water Dependent
 - Redevelopment
 - Development/Redevelopment in Intensely Developed Area
 - Permitted New Use/Encroachments
 - Road/Driveway
 - Flood Control/Stormwater Management Facility
- Water Quality Impact Assessment Required
- 100'FT Buffer is Maintained
 - Permitted Modification
 - Permitted Encroachments

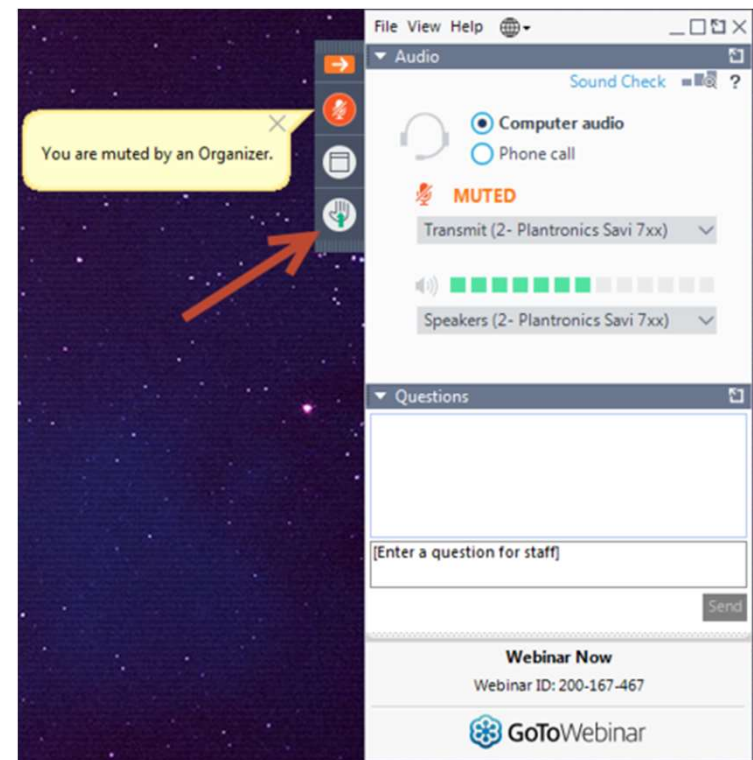
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Chesapeake Bay Preservation Act Amendments (2020 General Assembly)

- Amended Virginia Code § 62.1-44.15:72. Board to develop criteria
- Added criteria for local government programs to encourage and promote:
 - “Preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits”
 - “Coastal resilience and adaptation to sea-level rise and climate change”
- Provides for expedited regulatory process
 - No Notice of Intended Regulatory Action or Regulatory Advisory Panel
 - First formal action will be presenting proposed regulation to State Water Control Board (SWCB) with public comment prior to presentation of final proposed regulation
- DEQ received separately a federal grant to engage VIMS and William & Mary Coastal Policy Center to assist with technical guidance on climate adaptation under CBPA framework
 - Will assist with follow-up guidance to regulation developed

Discussion Overview

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Discussion Question:

To what extent are localities considering Climate Change Impacts in CBPA site plans reviews and exceptions now?

Discussion Question:

What models, forecasts, or other tools or information could be useful in evaluating impacts for adaptation and resiliency activities?

Discussion Question:

What factors generally should DEQ consider in the criteria?

- Type of project?**
- Scope or size of project?**
- Extent of Impact?**
- Established BMPs or other recognized projects?**
- Other factors?**

Discussion Question:

How much flexibility or general or specific framework should be provided?

- General framework**
- Recognition of specific projects or activities?**
- Limited solely to adaptation activities?**
- Address other activities which may or should have adaptation as an element?**
- Other approaches?**

Discussion Question:

Should the regulatory criteria focus primarily on the RPA including the buffer or both the RPA and RMA?

Discussion Question:

What specific climate adaptation or resiliency projects should be included or addressed and how?

-Should living shorelines be addressed in the criteria?

-Should the use of fill be addressed?

-Should the use of natural features versus artificial be distinguished?

Discussion Question:

Should the criteria distinguish between current status of sites?

- Vegetative/non-vegetative?**
- Developed or undeveloped or IDAs?**
- Disturbed e.g Turf or undisturbed e.g Indigenous?**
- Other status?**

Discussion Question:

Any other areas, factors, or information to share?

Thank you for your participation

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