

**FINAL Meeting Minutes
Rivanna River Basin Commission**

May 17, 2007

6:00 pm

Thomas Jefferson Planning District Commission
401 East Water Street, Charlottesville

Attendance

Rivanna River Basin Commission (Commission) Members

Present:

Mr. Smith Coleman, Greene County Citizen

Dr. Paolo D'Odorico, Charlottesville Citizen

Mr. Lindsay Dorrier, Albemarle County Board of Supervisors

Ms. Kendra Hamilton, Charlottesville City Council

Mr. Kevin Lynch, Charlottesville City Council

Mr. John Martin, Albemarle County Citizen

Mr. Marvin F. Moss, Fluvanna County Board of Supervisors

Mr. Gene F. Ott, Fluvanna County Board of Supervisors

Mr. Robert Runkle, Culpeper Soil and Water Conservation District Board of Directors

Ms. Sally Thomas, Albemarle County Board of Supervisors

Mr. Andy Wilson, Fluvanna County Citizen

Absent:

Ms. Jeri Allen, Greene County Board of Supervisors

Mr. Mickey Cox, Greene County Board of Supervisors

Mr. John E. Easter II, Thomas Jefferson Soil and Water Conservation District Board of Directors

Speakers

Mr. Ridge Schuyler, The Nature Conservancy

Ms. Rochelle Garwood, Thomas Jefferson Planning District Commission

1. Call to Order

The meeting was called to order at 6:05 pm by Mr. Moss.

2. Roll Call

The members introduced themselves and attendance was taken.

3. Determination of Quorum

It was determined a quorum was present.

4. Approval of the Agenda

Mr. Moss suggested the election of Chair and Vice Chair be moved to the beginning of the meeting. Everyone agreed. Mr. Martin stated that the Nominating Committee, composed of Mr. Moss, Ms. Hamilton, and Mr. Martin, recommended Ms. Thomas for Chair and Mr. Moss for Vice Chair. Upon a motion by Mr. Ott, and seconded by Mr. Lynch, the Commission voted unanimously to elect Ms. Thomas as Chair and Mr. Moss as Vice Chair.

5. Comments from the Public

There were no comments from the public.

6. Approval of the Minutes of the Preceding Meeting

Upon a motion by Mr. Moss, and seconded by Mr. Wilson, the minutes from the preceding meeting were approved, with one abstention (Mr. Lynch).

7. Report of the Chair

Ms. Thomas informed the Commission of a recent meeting of the Chesapeake Bay Local Government Advisory Committee (LGAC) that she attended. Ms. Thomas stated that this group is similar to the Commission, in that the group works together to make decisions about water. She stated that state governments may set goals, but local governments are really the ones who make a difference. She hopes that Commission members will take what is discussed at Commission meetings back to their local governments. The LGAC meeting reminded her of the importance of the Commission.

8. Report of the Fiscal Agent

Mr. Ridge Schuyler of The Nature Conservancy (TNC) made a report to the Commission on whether or not TNC can serve as fiscal agent to the Commission. Mr. Schuyler has not yet received the necessary approvals required from TNC on this issue. He stated that if TNC were fiscal agent, the Commission would make decisions about how to spend funding, and TNC would be responsible for writing the checks under authorization from the Commission. Because TNC would be writing the checks, the policies and procedures of TNC regarding contracting and finance would need to be followed in addition to the policies and procedures of the localities that make up the Commission, which may be cumbersome. He suggested that the Commission review and discuss TNC's policies to determine if it might be overly cumbersome for TNC to serve as fiscal agent. Mr. Schuyler stated that he would bring copies of TNC's policies and procedures to the next Commission meeting for review.

Mr. Moss asked Mr. Schuyler if he sees a conflict with TNC serving as fiscal agent. Mr. Schuyler said that he does not see it as a conflict, but it may be more burdensome than if another entity, such as the Thomas Jefferson Soil and Water Conservation District (TJSWCD) or one of the localities, serves as the fiscal agent.

Dr. D'Odorico asked Mr. Schuyler if the Commission is a public entity. Mr. Schuyler said yes. Dr. D'Odorico asked if the Commission then is subject to the rules of state government. Mr. Schuyler said yes.

Mr. Moss asked Mr. Schuyler if TJSWCD were the fiscal agent, how the money would be handed over from TNC to TJSWCD. Mr. Schuyler responded that TNC would write a check to

transfer all funds from TNC to TJSWCD or any other fiscal agent the Commission designates. Mr. Dorrier stated that the process should be made simple, and that the Commission needs to be able to move quickly when they are ready to sign contracts and checks. Ms. Alyson Sappington, with TJSWCD, stated that TJSWCD would be willing to serve as fiscal agent and they would have a quick turnaround for writing checks. TJSWCD also follows the same rules as local and state governments which may make things simpler. Ms. Sappington stated that she would need to get approval from her Board for TJSWCD to serve as the fiscal agent. If serving as the fiscal agent required a lot of time and contract management, TJSWCD might need to request funding to perform the duties of the fiscal agent. If the duties involve primarily holding the money, there would likely be no compensation required.

Mr. Lynch asked if Thomas Jefferson Planning District Commission (TJPDC) could serve as the fiscal agent. Ms. Rochelle Garwood with TJPDC stated that TJPDC may be able to serve as the fiscal agent, but she would need to find out.

Mr. Greg Wichelns, with Culpeper Soil and Water Conservation District, stated that the Commission may need to define what the fiscal agent will do (for example, writing checks, contract management, etc.). Mr. Schuyler replied that he thought the primary role of the fiscal agent would be write checks when authorized to do so by the Commission, and the Commission would be responsible for overseeing contracts and performing other duties. Ms. Thomas stated that one question Albemarle County's attorney asked was whether there is an attorney associated with the fiscal agent. Ms. Sappington stated that TJSWCD has access to an attorney but not that quickly. Ms. Thomas said that we need to look at the role of the fiscal agent as an attorney. Mr. Lynch suggested that maybe TNC should be the fiscal agent because TNC has raised the funds for the Commission and can provide legal advice. Mr. Moss stated that there will be a lot of contracts and other duties and if managing contracts will be part of the role of the fiscal agent, the Commission will need to think about that. Ms. Thomas asked Ms. Sappington, Mr. Schuyler, and Ms. Garwood to look into the potential for each of their groups to serve as the fiscal agent and report back on this at the next Commission meeting. Mr. Schuyler asked if he should include with the report suggestions for the role of fiscal agent. Ms. Thomas said yes.

9. Reports of Committees

There were no reports of committees.

10. Old and Unfinished Business

There was no old and unfinished business on the agenda.

11. New Business

Ms. Thomas suggested moving "Organizational Items" past "Initiating Work Product" in the agenda. Members agreed.

Initiating Work Product

1. Review Draft Summary Scope of Work

Ms. Thomas stated that if the Commission is going to focus on sedimentation they all need to agree to focus on that. Mr. Coleman asked if an analysis of sedimentation would include other non-point source pollution. Mr. Moss stated that he has no problem with sedimentation as the most important thing the Commission studies. He stated that the Chesapeake Bay watershed has experienced a lot of growth with it causing problems for management of the bay. Mr. Moss said that he hopes that if the Commission approves sedimentation as the number one focus, they should also look at growth, development, and land use, since these are related to sedimentation. Mr. Ott asked what the purpose of a sedimentation analysis was and whether there would be any money to implement the strategies identified. Mr. Lynch stated that he agrees sedimentation is important but that the Commission also should look at nitrogen and phosphorous since localities are being pressured by the state to do so. He said he'd like to be ahead of the curve on the regulations that are coming, and would like to be able to say to citizens that they can eat the fish from and swim in the Rivanna. Mr. Lynch said there are things that we can do to protect the reservoirs and lakes as well. Mr. Ott stated that another thing to look at is the public/private aspect. He said that at Lake Monticello they are spending a lot of private money to keep the lake clean, and asked if there is a public and a private aspect to Rivanna watershed issues. Mr. Lynch replied that the Rivanna Water and Sewer Authority is privately-funded through water bills. Mr. Lynch also said that the community is looking at a \$130 million water supply plan, and it would be good if that could be prevented in the future.

Presentation by Ridge Schuyler, Piedmont Program Director, The Nature Conservancy

Mr. Schuyler gave a presentation describing how the community has come to the idea of sedimentation as the most important issue facing the watershed. He explained that erosion and sediment transport are natural processes but that human activities can accelerate these processes which can cause problems. There are both ecological and direct human effects of excessive sedimentation. One of the human effects is the declining capacity of the South Fork Rivanna Reservoir, which is the result of loss of storage due to sedimentation. The community is facing a \$130 million price tag to develop new water supply as a result. He quoted several local and national reports that cite sediment as a major water quality problem. When TNC started its program in 2001, they identified the Rivanna watershed as one of the most important freshwater systems remaining in the Piedmont region. TNC gathered local experts, including citizens and representatives from local, state, and federal agencies to identify the threats facing the watershed. TNC rolled up everyone's thoughts after many meetings and data analysis, and the group came up with sedimentation as the biggest threat to the watershed. Mr. Schuyler said that TNC doesn't see sedimentation as the only threat but it is the biggest. He also cited local studies and reports that state the need for a sedimentation threat assessment to address the problem. There is a lot of uncertainty about the sources of sediment and the effectiveness of management strategies to address the threat. Mr. Schuyler showed a diagram indicating what is known about the sources and causes of sedimentation. The scope of work for a sedimentation threat assessment that was distributed to the Commission is designed to determine the relative contribution of the different sediment sources, so that the appropriate management strategies can be identified.

Mr. Dorrier asked Mr. Schuyler if there is any information on how far away these contributing sources have to be from the water bodies. Mr. Schuyler responded that the source can be anywhere in the watershed but that the strategies may be different depending on where in the watershed you are.

Ms. Thomas stated that one of the things that separates TNC from other groups is that TNC is science-based, and she finds that refreshing. She stated that the Commission could tackle something like the geese problem but it will be hard to move forward unless they have a firm basis for proposing to others they should take action. Ms. Thomas said that she was shocked when Stephen Bowler (former Watershed Manager for Albemarle County) told her years ago that we didn't know where the silt was coming from.

Mr. Dorrier asked if the sediment varies by watershed. Mr. Schuyler replied that it can vary, and that one thing to start with is a literature review to help determine what makes it vary. Dr. D'Odorico stated that we'll have a hard time finding information specific to the Rivanna watershed in the literature review. Mr. Schuyler said it's true that no other watershed is exactly like ours, but that one thing the literature review can do is to look at the factors (such as slope and soil type) that may cause sedimentation. He stated that there are 263 small subwatersheds in the Rivanna watershed and the hope is that we can characterize and group the subwatersheds so that we don't have to look at all of them. Then we can extrapolate to the entire Rivanna watershed and beyond. Mr. Schuyler stated that there is information from the Piedmont in North Carolina and other places that may be useful to us. Mr. Moss stated that some would argue for a phased approach to the sedimentation threat assessment. He said that with all the work that has been done on the state, local, and federal levels, there should be a plethora of information out there. Mr. Schuyler stated that those who have looked at this have found some studies, and that we really need to get a sense of the universe of knowledge on sedimentation. Dr. D'Odorico stated that a literature review would be helpful and asked if there was good data which would also be helpful. Mr. Martin said that there are natural historic sediment traps, such as the South Fork Rivanna Reservoir, Woolen Mills dam, and others, that can be used for sediment coring and isotope testing. Mr. Dorrier stated that there was a PhD student at UVA who wanted to get data on the cores but there was not money for this. He thinks some of this has already been done in a study of the South Fork Rivanna Reservoir. Mr. Martin responded that there was a study of the reservoir done but that the sediment wasn't chemically analyzed. Mr. Schuyler responded that the point of the literature review will be to bring all of this information together.

Mr. Coleman stated that it is really hard to identify where non-point source pollution is coming from. He said that if we do isotope analyses, it will tell us for example that a particular farm is the source for a certain grain of sediment, which is a very fine scale analysis. He has been involved with Friends of the Rappahannock, where they identified hotspots of erosion in the watershed and rated the hotspots. After much analysis, they came up with the conclusion that we need to get the water infiltrating into the ground and get cattle out of the streams, regardless of the soil types and other characteristics. He thinks we'll come up with the same answer in the Rivanna. He also has some experience working with Low Impact Development. He said the big question is how to get the water back into the ground. He also stated that he's concerned we're going to duplicate work that has already been done. Mr. Schuyler replied that Friends of the Rappahannock has concluded that the streambank is the major source of sedimentation. He stated that he thinks in the Rivanna watershed community we may not be ready to go forward with the conclusion that streambanks are the main source. Mr. Schuyler said that he thinks streambanks are the main source, but there are others in the community who he respects that think the main source of sediment is overland. He stated that mitigation strategies would be

different depending on which is the main source, and that we need an idea of the magnitude of the different sediment sources to know which management strategies to use.

Mr. Coleman asked Mr. Schuyler if he has looked at solutions to the problem. Mr. Schuyler replied yes, and walked the group through the draft summary scope of work that has been developed. The scope of work begins with a literature review, followed by a watershed characterization and then two parallel tracks. One track is to determine the relative contribution of in-stream and overland sediment sources, and the second track is to test management strategies so that we can be ready for implementation. Mr. Schuyler stated that if we determine that the majority of the sediment is coming from in-stream, it may be driven by different storm events (e.g., a 5-year storm event may be the big culprit rather than a 100-year storm). He also stated, for example, that if you are using Low Impact Development designed to mitigate the 2-year storm event and the 5-year event is the big contributor of sediment, Low Impact Development won't address the sedimentation problem.

Mr. Moss asked what the Commission would do at the end of the process (e.g., make recommendations to localities to implement management strategies, help find funding for implementation). Mr. Schuyler replied that these are the types of things the Commission can do, and that the results of the analysis will be very useful to the entire Chesapeake Bay program as well. He stated that there is a lot of implementation going on with not a lot of information backing it up. Mr. Moss said that the state of Pennsylvania has a state-run and state-funded program that has done a good job on decreasing sedimentation and erosion. Mr. Schuyler replied that that is the type of thing that will be included in the literature review. Mr. Lynch stated that it would be good to test stream restoration and other mitigation strategies as well. Ms. Thomas stated that that would probably be regarded as a type of management strategy that would be analyzed. Mr. Lynch said it would also be interesting to know if having dams in place decreases the sediment load. Dr. D'Odorico replied that yes, all of the sediment will settle out, but you will have erosion and other problems downstream of the dam. Mr. Wilson said that he thinks one of the Rivanna Water and Sewer Authority contractors looked at sediment traps but they didn't know how to get the sediment out. Mr. Dorrier said that it seems there was a talk about ladders a while ago and discussion of sucking the sediment out of the reservoir.

Ms. Thomas stated this is good discussion but that the Commission should also think about moving forward with some of the other items on the agenda, such as the Technical Advisory Committee (TAC). She said that she does not intend to cut the discussion short, but suggested that maybe the TAC can report at the next meeting on sedimentation and the scope of work.

2. Discuss contributing to land cover and impervious cover classification

This item was not addressed.

3. Act on request for funding to contribute to land cover and impervious cover classification

This item was not addressed.

4. Charge the TAC with submitting a list of potential non-staff TAC members to be appointed at the third Commission meeting

See discussion below under “New Business.” Ms. Thomas suggested that Commission members and the core TAC submit names for non-staff TAC members via email.

5. Charge the TAC with identifying the ongoing efforts of other governmental or quasi-governmental watershed entities working in this region

This item was not addressed.

6. Charge the TAC with identifying a list of funding sources

This item was not addressed.

Organizational Items

1. Discuss process for appointing Technical Advisory Committee (TAC)

Ms. Thomas stated that Albemarle County recommends that Tamara Ambler and Greg Harper be appointed to the TAC. Dr. D’Odorico asked what the role of the TAC is. Ms. Thomas replied that the role of the TAC is to advise the Commission. She stated that the TAC and the Commission members can suggest non-staff members to be on the TAC. The staff members would make up the core TAC. Mr. Moss stated that Fluvanna County recommends that Kate Cooper and Roger Black be appointed to the TAC. Mr. Coleman stated that Greene County does not yet have a recommendation. Ms. Hamilton said that the City of Charlottesville has ideas of staff members to serve on the TAC but still needs to clear this with the appropriate supervisors. Mr. Moss said we also should include local experts like Ed Imhoff, and Mr. Schuyler replied that he is the type of non-staff member that should be included. Mr. Schuyler stated that the Thomas Jefferson Soil and Water Conservation District nominated Alyson Sappington for the TAC. Mr. Moss asked if Culpeper Soil and Water Conservation District had a nomination and Mr. Schuyler replied that they do not at this time.

Mr. Wilson asked if localities should have one or two staff members on the TAC. Mr. Moss replied that two may be better to be sure at least one can attend and Mr. Schuyler agreed that two is good because that would provide additional experience and insight. Ms. Thomas stated that a brief discussion was held at the last meeting regarding the role of the TAC and that this portion of the charter was not adopted at the last meeting. She suggested the Commission defer making the final decision on the role of the TAC until the next meeting, and suggested that the TAC make recommendation to the Commission about how they would like to interact with the Commission.

Ms. Thomas stated that the core TAC will be finalized at the next meeting and requested that Greene County and the City of Charlottesville send Mr. Schuyler their nominations as soon as possible.

2. Formal adoption of core TAC members

This was deferred to the next meeting.

3. Decide how often the Commission should meet

Ms. Thomas stated that the Commission decided at the last meeting to meet monthly at least initially. The Commission agreed that they should continue meeting on a monthly basis for the near term.

4. Set meeting day, month, time and place for 2007 Commission meetings

The next meeting was set for June 21 at 6 pm at the Thomas Jefferson Planning District Commission.

5. Designate fiscal agent

a. Review duties in charter

See item 8 “Report of the Fiscal Agent” above. The role of the fiscal agent will be discussed further at the next meeting.

b. Discuss issues raised at last meeting

See item 8 “Report of the Fiscal Agent” above.

6. Discuss annual budget

a. Appoint someone to prepare annual budget

Mr. Moss stated that the work plan needs to be developed before the annual budget can be prepared. Ms. Thomas agreed that it was premature to appoint someone to prepare an annual budget.

b. Determine likely work product

Mr. Moss asked Mr. Schuyler how long he envisioned the sedimentation threat assessment taking. Mr. Moss stated that he feels at some stage the Commission should be making public pronouncements about what they are doing. He is concerned about the timing of the study and how long it will take. He stated that the scope of work should fit into the way in which the Commission does its work. Ms. Thomas agreed. Dr. D’Odorico asked if it was decided that the Commission should do the literature review. Ms. Thomas stated that she thinks the Commission should discuss this at the next meeting with input from the TAC. She also asked that Dr. D’Odorico, since he will be unable to attend the next meeting, email her if he has input.

TMDL Presentation and Discussion

1. Presentation on TMDL process

Ms. Rochelle Garwood gave a presentation on the TMDL process and the TMDLs in the Rivanna watershed. The Department of Environmental Quality performs physical, chemical, and biological monitoring of water bodies throughout Virginia. Those water bodies that do not meet water quality standards are placed on the “impaired waters” (303(d)) list. Once a water body is on the impaired waters list, it has 10 years to have a TMDL written. TMDL stands for Total Maximum Daily Load, and is the maximum amount of a pollutant that a water body can contain and still meet water quality standards.

There are 21 segments in the Rivanna watershed on the impaired waters list. One segment (Moore's Creek) has a completed TMDL and Implementation Plan for fecal coliform bacteria. Seven segments are included in the current Rivanna TMDLs. There are thirteen additional impaired segments that are not included in the TMDLs. The current Rivanna TMDLs are for both bacterial and benthic impairments. Segments with bacterial impairments include Mechums River, Beaver Creek, Meadow Creek, Preddy Creek, North Fork Rivanna River, and mainstem Rivanna River. The mainstem Rivanna River will also be studied for benthic impairment.

Ms. Garwood described the steps in the bacterial and benthic TMDL processes, using Moore's Creek as an example for the bacterial TMDL process. She stated that DEQ will have to look at all of the possible stressors that could contribute to the benthic impairment, but a reasonable guess is that sedimentation is the main stressor.

She also described the timeline for the Rivanna TMDL study. The Rivanna TMDL process began in March 2007 with the first public meeting. For the next several months, consultants will work to gather data and develop and test a computer model to estimate necessary load reductions. A draft study report should be available for public comment in November 2007. The final public meeting will likely be held in early 2008, and the final report will be submitted to EPA in March 2008. There is a local steering committee for the Rivanna TMDLs that has met once, and will have a second meeting June 6. Ms. Garwood said that anyone who is interested in joining the Steering Committee should let her know.

After the TMDL study is completed, an Implementation Plan will be developed. The Implementation Plan for the Rivanna is not currently funded or scheduled. Possible funding sources include the Water Quality Improvement Fund, Section 319 funding, Small Watershed grants, and the Virginia Aquatic Resources Trust Fund. The Water Quality Improvement Funding requires a 1:1 match. Section 319 funding is federal funding that requires the impaired water to be on a list designated for such funding. Moore's Creek is not on this list so is not eligible for 319 funding, but the Rivanna may be placed on this list. She also stated that there really is no enforcement of the TMDL. The federal government has the responsibility to complete the TMDL study and the state government is responsible for the Implementation Plan, but nobody is required to do implementation.

2. Discussion of potential funding opportunities for implementation

Mr. Wilson stated that he would like to suggest the Commission consider getting some money to Ms. Garwood to fund the Implementation Plan for Moore's Creek. He said that perhaps the Commission can have the TAC work with the Thomas Jefferson Planning District Commission on this, and he has also had some discussions with Rivanna Conservation Society. He said that perhaps the groups could work together to contribute some of the matching funds for grants, and that we will be better prepared for the Rivanna TMDL if we do this. He added that this may not be a top priority for the TAC, however. Mr. Moss replied that maybe the thing for the Commission to do is to try to get Moore's Creek on the 319 list. Ms. Thomas requested that Ms. Garwood come back to the Commission with advice on how the Commission can assist with the TMDLs at a subsequent meeting.

Other New Business

Ms. Thomas asked if there was other new business. Mr. Moss replied that at some point the Commission should become publicly visible, and that they should think about a public relations strategy. He suggested perhaps a short press release to sum up the first two Commission meetings, and offered to work on this. Mr. Martin mentioned that at some point a website for the Commission will be important.

Mr. Ott asked if the group gives any concern to organic matter falling into streams and lakes and asked if this has an impact on aquatic life in streams. Mr. Schuyler responded that there is a certain amount of organic matter that is necessary, but when the system is out of balance with too much organic matter, it can be problematic. Mr. Ott replied that in Lake Monticello excessive amounts of organic matter are a big problem. Mr. Wichelns responded that in streams leaf litter is a primary food source for the aquatic ecosystem and isn't really a problem, but that it can be a problem for lakes and other non-flowing water bodies.

Ms. Thomas made an announcement that the League of Women Voters will be having a meeting about groundwater on June 26 at 5:15 pm in the Educational Building at Ivy Creek Natural Area.

Mr. Moss asked who the Commission should be looking to for names of potential non-core TAC members. Mr. Schuyler suggested that the core TAC members submit names to the Commission. Ms. Thomas stated that the Commission members and the core TAC can go ahead and submit names via email.

The meeting adjourned at 7:58 pm.

Attachments:

- A. RRBC Agenda 07May17
- B. RRBC Memo to agenda 07May17
- C. RRBC Sedimentation presentation 07May17
- D. RRBC Sediment assessment SOW 07Apr25
- E. RRBC TMDL presentation 07May17