

**FINAL Meeting Minutes
Rivanna River Basin Commission**

April 24, 2008

6:00 pm

Thomas Jefferson Planning District Commission
401 East Water Street, Charlottesville

Attendance

Rivanna River Basin Commission (Commission) Members

Present:

Mr. Lindsay Dorrier, Albemarle County Board of Supervisors
Mr. John E. Easter II, Thomas Jefferson Soil and Water Conservation District Board of Directors
Ms. Holly Edwards, Charlottesville City Council
Mr. Satyendra Huja, Charlottesville City Council
Mr. John Martin, Albemarle County Citizen
Mr. Robert Runkle, Culpeper Soil and Water Conservation District Board of Directors
Ms. Roberta Savage, Greene County Citizen
Ms. Sally Thomas, Albemarle County Board of Supervisors
Mr. Andy Wilson, Fluvanna County Citizen

Absent:

Dr. Paolo D'Odorico, Charlottesville Citizen
Mr. John Gooch, Fluvanna County Board of Supervisors
Mr. Marvin F. Moss, Fluvanna County Board of Supervisors
Mr. Clarence Peyton, Greene County Board of Supervisors
Mr. Carl Schmitt, Greene County Board of Supervisors

1. Call to Order

The meeting was called to order at 6 pm by Ms. Thomas.

2. Roll Call

Attendance was taken.

3. Determination of Quorum

It was determined a quorum was present.

4. Approval of the Agenda

The agenda was approved.

5. Comments from the Public

There were no comments from the public.

6. Approval of the Minutes of the Preceding Meeting

The minutes from the February 28, 2008 Commission meeting were reviewed. Mr. Easter pointed out a misspelling of Pat Groot's name. It should be Groot, rather than Grute as it was spelled in the minutes. Ms. Savage moved to approve the minutes, Mr. Easter seconded the motion, and the motion was approved unanimously.

1. Report of the Chair

Ms. Thomas reported that as Chair she sent three letters that had been approved by the Commission at the last meeting. One of these letters was a thank you letter to all of the people who donated money to the Commission. The Nature Conservancy has worked for the past couple of years to get donations from local citizens, and the letter brought the funders up to date on what the Commission has been doing. Ms. Thomas has run into a few of the funders since and they were glad the Commission has been active and were appreciative of the letter.

The second was a letter to Governor Kaine, which was copied to department heads in the Virginia Department of Health (VDH), requesting they develop the rainwater reuse regulations that they were supposed to develop. The letter pointed out to them that they had guidelines for the use of gray water but not the use of rainwater. VDH sent a response to our letter, which included sending us their gray water guidelines which we had told them they had and we knew they had. Ms. Thomas said that it seemed from this response that they had missed the point of the letter. She asked Ms. Sappington her thoughts since this was an issue she had brought to the Commission's attention. Ms. Sappington replied that a few years ago she had approached VDH about this and they responded in the same way by showing her the gray water regulations and saying they had done what they were supposed to, when the code said to develop rain water and gray water guidelines and to promote rainwater harvesting. She added that in addition to the gray water guidelines, VDH also sent the Commission the cistern regulations which were dated 1988. The code section that said they should develop guidelines was from 1998, so VDH sent us something from 10 years before they were even told to develop guidelines. This is an important issue because a lot of organizations and localities are urging landowners and developers to do rainwater harvesting and reuse and there aren't any regulations about it. Ms. Sappington mentioned that the local health departments are in a quandary when asked to approve rainwater harvesting systems because they don't have the authority to say no when a landowner or developer wants to put in a system, but they have a hard time approving them because there aren't any guidelines. As a result, every locality addresses this differently.

The Commission discussed possible ways to proceed given VDH's response, including writing another letter, calling VDH, or trying to contact the legislators who initiated the legislation. The Commission decided on a two-pronged approach, including a phone call to Karen Remley at VDH who responded to the letter, and efforts to contact legislators that were involved in drafting this legislation.

The third letter was sent to DCR and DEQ requesting that the Rivanna watershed be put on the priority list for TMDL Implementation Plan development and Implementation funding.

Ms. Thomas also reported that she went with some others to talk to representatives of the Chesapeake Bay Tributary Strategy Taskforce. This includes representatives from EPA and state departments of environmental quality from Chesapeake Bay localities. These are agency groups who are ordinarily passing rules and regulations without any understanding of local government. Ms. Thomas and her group spent half a day with them acquainting them with the realities of local government. They talked about several issues, including upgrading wastewater treatment plants and implementing riparian buffer ordinances among others. Ms. Thomas said that she learned a lot and felt that the EPA folks got a good sense of what things are like at the local level.

8. Report of the Fiscal Agent

Ms. Sappington provided the fiscal agent report. Since the last fiscal agent report, the stock gift previously mentioned was sold. There was also a small adjustment, where a donor switched his gift from the Commission to another program at TNC, and this was added with another gift on the ledger.

Balance as of December 31, 2008	=	333,530.43
Proceeds from stock sales	=	20,380.40
Donations/(Adjustments)	=	(5,363.50)
Interest Earned (Jan. – Mar. 2008)	=	878.77

Balance as of April 14, 2008 = \$349,426.10

Total Interest Earned to date = \$8,070.12 (of that, \$2,395.26 was earned since July 1, 2007 (FY08)).

9. Reports of Committees

Samuel Austin was not in attendance, so Ridge Schuyler gave the report of the TAC. Since the TAC and Commission agreed to address the threat of altered hydrology, the TAC has held several meetings to discuss possible next steps.

To facilitate the discussion and decision-making about next steps, TNC prepared a flow chart comprised of the questions, ideas, and goals that had been suggested during previous TAC meetings. At the April TAC meeting, the group walked through the flow chart and discussed various options for next steps based on their knowledge of management practices to abate the threat of altered hydrology. The review of the flow chart led to three main decisions:

- (i) The TAC knows enough about effectiveness of management practices.
- (ii) The TAC needs to know more about the cost, acceptance, feasibility, and multiple benefits of practices. This will help the TAC determine which practices are most cost effective and will achieve the greatest benefit in the Rivanna watershed.
- (iii) The TAC needs to know whether implementation of these practices at the site scale could restore the hydrology of the whole watershed. There are several different types of land uses contributing to the problem of altered hydrology, such as existing development, new development, and agricultural land. A modeling exercise could help the TAC understand the contribution of various land uses to the altered hydrology problem and the impact of implementation of site-level practices on overall watershed hydrology.

The TAC formed two subcommittees to address these knowledge gaps. The subcommittees will report their findings to the TAC at their July 2 meeting. The information they provide will form the basis for a document/memo the TAC will develop for the Commission containing recommendations on how to proceed to address the problem of altered hydrology.

The TAC also developed a goal statement to guide their work:

The goal of Rivanna watershed land-use management is to replicate the hydrologic condition¹ of a forest to: 1) prevent further degradation, and 2) restore stream health.

¹volume, velocity, frequency, duration, and peak flow rate

Mr. Schuyler also distributed a handout with other terms and a definition for altered hydrology, which the Commission had requested at the last meeting.

10. Presentation – Rivanna ScoreCard Project

Morgan Butler with Southern Environmental Law Center (SELC) and Robbi Savage with Rivanna Conservation Society (RCS) gave a presentation about the Rivanna ScoreCard Project. Mr. Butler stated that the project is a collaborative effort among RCS, SELC, and the University of Virginia Law School's Environmental Law and Conservation Clinic. Recently the James River Association (JRA) came out with a scorecard report of all of the localities within the James River watershed. The project involved planning graduate students from UVA, Virginia Tech, and Virginia Commonwealth University, who reviewed and scored the ordinances for the localities. They used a codes and ordinances worksheet developed by the Center for Watershed Protection that assesses four main categories: residential streets and parking, lot development, conservation of natural areas, and stormwater and erosion control. The review includes analyzing elements such as whether ordinances promote excessive impervious surface and limit erosion from construction sites. JRA produced a report with recommendations for each of the localities based on this analysis. The JRA report gave Albemarle a 65%, Charlottesville 50%, Fluvanna 40%, and Greene 36%.

SELC, RCS, and UVA wanted to take JRA's project one step further for the Rivanna watershed localities by using law students to take a closer look at the codes and ordinances and produce specific recommendations for Charlottesville, Albemarle, Fluvanna, and Greene. To do this analysis, the group has met with staff of the localities to talk about different issues related to the ordinances. The group has completed the analysis and report for Charlottesville and will be presenting it to City Council and the Planning Commission in May. The Albemarle County report will be finished soon and presented to the county within the next month or so. Ms. Savage said that the group is just beginning to sit down with staff in Greene and Fluvanna and when all four localities are finished there will be a collective work product along with the individual locality reports that the Commission may want to suggest for implementation throughout the watershed.

Mr. Butler added that nothing in the reports are revolutionary, and that it is up to the Commission to develop a long-term strategy of how to deal with the sedimentation problem in

the watershed. Their group sees the scorecard recommendations as small, common sense changes that can be made to ordinances that will reduce the amount of impervious cover and take advantage of low impact development opportunities on new development sites. The recommendations are not inherently controversial, since they do not require developers to do certain things. Instead, they ensure the ordinances give developers the flexibility to do things differently by amending the ordinances so that these practices are an option. One example of an opportunity to amend an ordinance relates to cul-de-sacs. Ordinances in some localities state that the entire cul-de-sac has to be paved. However, if you make a pervious island in the middle of the cul-de-sac you can reduce the impervious area and promote stormwater infiltration. If a developer wanted to do this in a locality that had an ordinance requiring cul-de-sacs to be entirely paved, they would not be able to. Mr. Butler added that it is important to keep in mind that these recommendations are not by any means a panacea for the stormwater problem, but they are a way to take a significant step forward without a whole lot of effort or controversy.

11. Old and Unfinished Business

1. Discuss optional dates for field trip

TNC is working on organizing a field trip for Commission members to visit the John Paul Jones Arena, the Dell, and perhaps the rainwater harvesting system at Friendship Court. Members discussed whether to hold this field trip on the same day as a Commission meeting or if it should be held on a separate date. There was generalized agreement among the members that we should try to have the field trip coincide with the next Commission meeting in July.

2. Website

TNC summarized a proposal they received from The Bald Guy (Chuck Moran) to develop a website for the Commission. The domain www.rivannariverbasin.org is available and the domain and web hosting using the company Chuck prefers would cost about \$60/year. The fees for consultation and development of the website would be in the range of \$1000 - \$1400. The process for developing the web site would begin with a meeting with Chuck to discuss content and provide him with images, maps, links to existing websites the Commission likes, and a Word document containing the content for the website. Chuck would then begin developing the site and there will be several opportunities for the Commission to review drafts and provide feedback prior to launching the site. The Commission should consider establishing a Website Subcommittee of members to participate in review and development of the site content and layout. To update the site after it is up and running, the Commission could manage updates using a simple-to-use software package, or Chuck could do the updates for the Commission. The pros and cons of each approach to updates can be discussed at the meeting with Chuck.

The Commission voted to approve funding of the proposal by The Bald Guy to purchase the domain and develop the website. The Commission also appointed a Website Subcommittee, consisting of Robbi Savage and Marvin Moss, to assist with development of the site. Diane Frisbee of TNC will work closely with the subcommittee and will serve as the point of contact for Chuck on behalf of the Commission.

3. Executive Committee

At the February meeting, the Commission decided to form an Executive Committee to meet once in between each full Commission meeting or on an as-needed basis. The Commission decided that the Committee should be comprised of one member from each locality and one member from either the Thomas Jefferson or Culpeper Soil and Water Conservation District.

Because the Commission's charter does not include duties of the Executive Committee, the Commission discussed whether or not an amendment to the charter should be made to include these duties. The group decided that for the time being, there did not seem to be a big need for action by the Executive Committee and that it was not necessary to amend the charter at this time. If the Executive Committee determines in the future that it is necessary to amend the charter, this can be brought before the Commission to revisit for discussion and make amendments if needed at that time.

The Commission also discussed finalizing the appointments to the Executive Committee. At the February meeting, the Commission decided the Committee should consist of Sally Thomas (Albemarle County), Marvin Moss (Fluvanna County), Robbi Savage (Greene County), either Holly Edwards or Satyendra Huja (Charlottesville), and either John Easter or Robert Runkle (SWCDs). The Commission decided to appoint Holly Edwards to represent the City, and John Easter to represent the SWCDs.

4. Discuss appointing new members to the Technical Advisory Committee

There are several vacancies on the TAC that should be filled. The TAC is comprised of staff members of the localities in the Commission as well as local experts. All members of the Commission are also members of the TAC.

There are two staff member vacancies: one from Charlottesville and one from Greene County. The TAC proposes that recommendations for appointment of a new Charlottesville and a new Greene County TAC member should be brought to the Commission at the July 24 meeting by the Commission members representing Charlottesville (Satyendra Huja and Holly Edwards) and Greene County (Clarence Peyton and Carl Schmitt). The Commission approved this process, and Mr. Huja and Ms. Edwards agreed to discuss potential appointments with their staff and bring forward a recommendation at the July meeting. Mr. Peyton and Mr. Schmitt were not in attendance, so TNC will follow up with them to request they bring forward a recommendation for a Greene County TAC member.

There is also one non-staff member vacancy. The TAC recommends that vacancies on the TAC be filled by technical experts, and other interested citizens are welcome to attend TAC meetings which are open to the public. To fill the non-staff vacancy, the TAC recommends that citizens interested in serving on the TAC submit an application form to Ms. Frisbee, and the TAC will review applications and make a recommendation to the Commission on a new appointment. Ms. Frisbee will develop an application form and send it to the TAC and RRBC by email. Those interested in serving on the TAC will need to submit the form by June 23, 2008. The TAC will review applications and determine at their July 2 meeting who to recommend to the Commission for this vacancy. The TAC's recommendation will then be brought to the Commission at their July 24 meeting for formal appointment. There are two citizens who have expressed interest in serving on the TAC, and the form will be sent to them. If the Commission knows of any

technical experts who may be interested in serving, they should let them know of the vacancy and either pass along the application form or have interested parties contact Ms. Frisbee.

5. Discuss and act on TAC recommendations

The only TAC recommendation at this time was the process for appointing new TAC members. The Commission agreed to proceed with this process as suggested by the TAC.

12. New Business

Mr. Martin distributed a resolution he drafted regarding dredging for the Commission to review and consider adopting. The resolution states that the Commission will contribute funding for a project to develop a plan for the future maintenance of the South Fork Rivanna Reservoir and the Commission's TAC will assist the planning effort. After lengthy discussion, the Commission decided that they were concerned the resolution made it appear as if they were advocating dredging and in light of the current discussions on the water supply plan, the Commission did not want to appear to be advocating dredging as part of the water supply solution. The Commission agreed with the idea that they may look at the health of the South Fork Rivanna Reservoir but were not confident that the resolution captured that idea and were concerned that it might be confusing to the public if they were to adopt the resolution.

13. Adjournment

The meeting adjourned at 8 pm.

Attachments:

RRBC_Agenda_08Apr24
Memo_to_agenda_08Apr24
Altered_hydrology_08Apr24
RESOLUTION_RRBC_08Apr24
Response_to_TMDL_letter_08Mar14
Response_to_VDH_letter_08Apr16
RRBC_fiscal_summary_08Apr15
RRBC_TAC_summary_report_08Apr24
RRBC_TAC_08Apr16_FINAL
RRBC_TAC_08Feb29_FINAL
RRBC_TAC_08Mar27_FINAL
Reducing_runoff_presentation_08Apr24