

**FINAL Meeting Minutes  
Rivanna River Basin Commission**

January 22, 2009  
6:00 pm  
Thomas Jefferson Planning District Commission  
401 East Water Street, Charlottesville

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**Attendance**

***Rivanna River Basin Commission (Commission) Members***

***Present:***

Mr. Lindsay Dorrier, Albemarle County Board of Supervisors  
Ms. Holly Edwards, Charlottesville City Council  
Mr. Satyendra Huja, Charlottesville City Council  
Mr. John Martin, Albemarle County Citizen  
Ms. Leslie Middleton, Charlottesville Citizen  
Mr. Marvin F. Moss, Fluvanna County Board of Supervisors  
Mr. Robert Runkle, Culpeper Soil and Water Conservation District Board of Directors  
Ms. Roberta Savage, Greene County Citizen  
Mr. Carl Schmitt, Greene County Board of Supervisors  
Ms. Sally Thomas, Albemarle County Board of Supervisors

***Absent:***

Mr. John E. Easter II, Thomas Jefferson Soil and Water Conservation District Board of Directors  
Mr. John Gooch, Fluvanna County Board of Supervisors  
Mr. Clarence Peyton, Greene County Board of Supervisors  
Mr. Andy Wilson, Fluvanna County Citizen

**1. Call to Order**

The meeting was called to order at 6:00 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**

Ms. Thomas suggested several items be added to the agenda: update on land cover mapping project (Reports of Committees), discussion of Charlottesville Rivanna Corridor proposal (New Business), review of draft press release (New Business), and review of letters of support (New Business). Ms. Thomas also stated that Secretary Bryant's office contacted her to let her know he was unable to attend tonight's meeting. The agenda was approved with these revisions.

## **5. Comments from the Public**

Ms. Dede Smith was in attendance and commented that it is hard to find information on the Commission's meeting dates and work, and suggested a website be established. Ms. Diane Frisbee replied that the meetings should be posed on the calendars of the four localities and the two Soil and Water Conservation Districts that are members of the Commission, and also on the calendar of the Thomas Jefferson Planning District Commission. Ms. Frisbee will follow up with these contacts to find out why the meetings aren't on the calendars. She also mentioned that the Commission plans to establish a website with meeting minutes and other information soon.

## **6. Approval of the Minutes of the Preceding Meeting**

Mr. Moss made a motion to approve the minutes from the October 23, 2008 Commission meeting and Ms. Savage seconded the motion. The motion was approved with Mr. Schmitt abstaining.

## **7. Presentation and Discussion: RRBC's Relation with TNC; Future Challenges – Ridge Schuyler**

Mr. Schuyler gave a summary of the history of the relationship between The Nature Conservancy (TNC) and the Commission and directions for the future. In 1998, the Rivanna watershed community issued a "State of the Basin" report that contained recommendations about what should be done to protect the watershed. Funding from the project ran out and the recommendations were not implemented. When TNC established its Piedmont Program in 2001, TNC identified the Rivanna watershed as one of the most important freshwater systems in the Piedmont. Mr. Schuyler worked with the other groups already active in the Rivanna to identify goals and work together to protect the watershed. One of the recommendations from the "State of the Basin" report was to establish an oversight group of localities to form a watershed commission. Mitch Van Yahres and Creigh Deeds agreed to foster legislation to establish the Rivanna River Basin Commission if the localities agreed to join the Commission. Mr. Schuyler visited the localities who said they would join provided it did not cost them any money. Governor Mark Warner then signed the legislation authorizing the Commission to form.

Because the localities were concerned about funding the Commission, TNC worked to raise private donations for the Commission's work. Since the Commission didn't exist until the localities agreed to join, there was no Commission for the donations to be given to, so TNC accepted the donations on behalf of the Commission. With the private donations and pledges in hand, Mr. Schuyler went back to the localities requesting that they join the Commission. The four localities with the most land area in the watershed (City of Charlottesville and the counties of Albemarle, Fluvanna, and Greene) agreed to join. The Commission has been meeting regularly since early 2007.

Since the Commission was established, TNC has been participating in the work of the Commission in two ways. TNC's official role is that TNC has a spot on the Commission's Technical Advisory Committee (TAC), and Mr. Schuyler has been serving in this role. TNC's unofficial role is that TNC has been providing space for the TAC meetings and Ms. Frisbee has been working as the secretary and project manager of the Commission and TAC. Ms. Frisbee's time working for the Commission has been given by TNC to the Commission as a way to get the Commission up and running. When TNC offered Ms. Frisbee's services 2 years ago, they said

that as the Commission began implementing projects in the watershed, applying for grants, and conducting similar work, TNC would not be able to continue to donate time for the increased staff support the Commission would require.

TNC has been working to transfer the private funding raised for the Commission to the Commission's fiscal agent (Thomas Jefferson Soil and Water Conservation District (TJSWCD)). Transferring the funding has taken longer than expected due to TNC requirements and reviews. Because the donations were given to TNC, TNC has a fiduciary responsibility to ensure that the funding is spent in accordance with the donor's intent (use by the Commission). To meet this responsibility, TNC has been working with TJSWCD and the Commission to establish a funding agreement, so that when the Commission authorizes an expenditure of funds that meets the Commission's goals as stated in the charter, those funds are transferred to TJSWCD.

In December, Ms. Frisbee began a new position with TNC and due to the responsibilities of her new job and the increased level of staff support the Commission now needs, she is no longer able to provide staff support to the Commission. Mr. Schuyler recently also began a new position working for Representative Tom Perriello. The departure of Ms. Frisbee and Mr. Schuyler means that TNC's ability to support the Commission has diminished. TNC will still be able to participate as a member of the TAC, but will no longer be able to provide staff support to the Commission. The Commission now needs to hire a staff person to assume these responsibilities. The Rivanna watershed is still a priority area for TNC and TNC is still active in protection of the watershed, but will not be hiring a replacement for Mr. Schuyler or Ms. Frisbee at this time due to a hiring freeze. The activities of the Piedmont Program will be taken on by various TNC staff members.

Mr. Moss asked if Mr. Schuyler might be able to continue to participate in his new role. Mr. Schuyler replied that he would, provided it was a reasonable expenditure of time. At a minimum he would like to continue to attend Commission and TAC meetings. Mr. Huja asked how many hours Ms. Frisbee had been contributing to the Commission. Ms. Frisbee replied that it was about 15-20 hours per week. Mr. Schmitt asked if there would be any further donations to TNC for the Commission. Mr. Schuyler replied that the initial private donations have been made and there likely won't be further donations to TNC for the Commission, though there are some outstanding pledges. He also mentioned that there are a lot of opportunities for the Commission to raise its own funding through grants and additional private donations. Once the funding TNC raised has been spent, TNC won't need to be involved in the funding aspect any longer. Any new funding the Commission raises will be separate and would go directly to the Commission's fiscal agent. Ms. Savage inquired as to whether donations to the Commission would be tax-deductible and Mr. Schuyler replied that they would be. Ms. Savage also asked for a status report on the outstanding pledges. Ms. Frisbee will inquire with TNC's philanthropy staff about this.

Ms. Thomas expressed her thanks for all of the hard work Mr. Schuyler and Ms. Frisbee have done for the Commission. Mr. Moss made a motion that the Commission honor Mr. Schuyler and Ms. Frisbee for all of their work to establish and raise money for the Commission and to keep things moving to make the Commission a practical reality. Mr. Huja seconded the motion and it was approved unanimously.

## 8. Report of the Chair

Ms. Thomas reported that the Senate passed a bill extending the Scenic River Designation for the Rivanna River from the former Woolen Mills dam to the South Fork Rivanna River reservoir dam. She thanked Rivanna Conservancy Society for their role in removing the Woolen Mills dam and releasing shad into the river.

Mr. Moss mentioned that the Chesapeake Bay Foundation is working with the Virginia and Maryland congressional delegations to have President Obama issue an Executive Order to federal agencies to make cleanup of the Chesapeake Bay a priority. Mr. Moss will get more information on this and will share it with the Commission. The Commission might consider sending a letter of support for this. Mr. Moss also reported that the revised Fluvanna County Comprehensive Plan includes two mentions of the Commission's recommendations that were sent in a letter to each of the four localities. He also mentioned that at last night's Board of Supervisors meeting, a supervisor raised a question about the potential impact on developers of a new regulation restricting the amount of nitrogen and phosphorous that can be added to soil. The regulation is from the EPA and states are supposed to implement it. The Fluvanna County administrator will look further into this and report back to the Board of Supervisors. Mr. Moss said he will also send the regulation to Alyson Sappington of TJSWCD for her input.

Mr. Huja asked if the Commission should pass a motion to give support for the Executive Order Mr. Moss mentioned. A letter of support could say something like "If the Chesapeake Bay working coalition is successful in beginning an effort to put in place a presidential Executive Order to prioritize Chesapeake Bay efforts, the Rivanna River Basin Commission would support such an effort." Mr. Moss made a motion to send the letter of support and Mr. Huja seconded. Mr. Schmitt commented that he was hesitant to agree to support this since they don't really know the details of this effort. Ms. Savage agreed, and suggested that it might be best if the Commission sees additional information before deciding to support this. Mr. Schmitt suggested that perhaps the Executive Committee could call a special meeting of the Commission to discuss this once more information is available. Mr. Moss withdrew the motion and Mr. Huja approved of the withdrawal. Mr. Moss will keep the Commission updated on this.

## 9. Report of the Fiscal Agent

Alyson Sappington provided the fiscal agent report.

Balance as of September 30, 2008	=	353,986.22
Donations (Oct. 2008 – Dec. 2008)	=	32,849.60
Interest Earned (Oct. 2008 – Dec. 2008)	=	936.47
<b>Balance as of December 31, 2008</b>	<b>=</b>	<b>\$387,772.29</b>

Total Interest Earned to Date = \$10,766.71

The grant agreement to transfer funds from TNC to TJSWCD has been signed by TNC. Ms. Thomas will need to see/agree the agreement, and then the agreement will go to the TJSWCD Board next Wednesday for signature.

The Commission reviewed a resolution to confirm two expenditures the Commission previously approved and authorize the transfer of these funds from TNC to TJSWCD for these expenditures. The expenditures include 1) \$25,500 authorized on October 18, 2007 for a land/impervious cover map, and 2) \$1,400 authorized on April 24, 2008 for development of a website. Mr. Moss made a motion to approve the resolution, Mr. Huja seconded the motion and it was approved unanimously.

The Commission discussed future resolutions authorizing funding transfers and the logistics of this process. Since the Commission meets quarterly, it will be difficult to approve expenditures that may come up between meetings, especially once the Commission has expenses associated with staff and supplies. The Commission discussed the option of adopting a resolution at the meeting for a certain amount of funding, or perhaps giving the Executive Committee the authority to authorize expenditures between quarterly Commission meetings. Ms. Frisbee suggested that the Commission establish and adopt a budget that includes expenses related to staff support and supplies, so that it won't be necessary to approve each expense individually. Mr. Schmitt suggested that the Commission adopt a resolution tonight to authorize interim expenditures for temporary staff support and a budget can be developed and approved at the next meeting for expenses related to permanent staff. Mr. Moss suggested \$15,000 for temporary staff support and expenses. Ms. Thomas suggested the funding term be a 3-month period and a budget be approved at the next meeting. Mr. Moss made a motion to adopt a resolution authorizing the expenditure of \$15,000 over the next 3 months for establishing staff and support services for the conduct of the Commission. Mr. Huja seconded the motion and it was approved unanimously.

## **10. Reports of Committees**

### **a. Technical Advisory Committee Report**

#### **i. Update on TAC Work and Summary of Meetings**

Mr. Sam Austin gave the report of the Technical Advisory Committee. He reported that the TAC is missing Mr. Schuyler and Ms. Frisbee but that the group is still very active and dedicated. They had a good meeting in January, and Mr. Austin gave a summary of the meeting and the TAC's work. The TAC has established four subcommittees, including: 1) Monitoring Subcommittee, chaired by Tamara Ambler, 2) Rainwater Harvesting Subcommittee, chaired by Kristel Riddervold, 3) Modeling Subcommittee, chaired by Greg Harper, and 4) Workshop Subcommittee, chaired by Leslie Middleton. Mr. Austin gave a brief summary of the January report of each Subcommittee. The Monitoring Subcommittee has agreed on the questions that need to be resolved in the watershed related to monitoring, and they have identified areas where additional monitoring could be useful. This may entail installation of monitoring equipment to collect data in certain subwatersheds. The Rainwater Harvesting Subcommittee has been following up with Dwayne Roadcap of Virginia Department of Health (VDH) on the letter the Commission send VDH regarding regulations for the use of harvested rainwater. The subcommittee developed a matrix to identify gaps in these regulations, and is working with Mr. Roadcap to set up a meeting to discuss the regulations sometime soon. The Modeling Subcommittee is looking into the relative impact of various land uses on altered hydrology and

streams. The Workshop Subcommittee is focused on beginning to work on ideas for workshops and outreach to the localities, developers, etc. regarding recommendations to address the threat of altered hydrology. Allen Gellis of USGS also gave an interesting presentation at the January TAC meeting on monitoring and modeling of sediment. The TAC intends to continue working in these four areas, and the subcommittees will give a report/update at each TAC meeting.

Mr. Moss mentioned that the letter the Commission sent to the localities with the recommendations states that the TAC is willing to meet with staff of the localities to further discuss the recommendations, and he would like to see the TAC hold these meetings. Ms. Thomas agreed. Ms. Middleton added that the grant proposal the Commission submitted to the National Fish and Wildlife Foundation also included a component of outreach, so the Commission may be getting additional funding for outreach efforts from this source. However, she said the Commission shouldn't wait until we receive additional funding to meet with the localities. Mr. Moss agreed that meeting with the staff is critical and suggested that Greene and Fluvanna counties be the first priority since they do not have as much experience in this realm as Charlottesville and Albemarle County.

#### **ii. Update on Land Cover Mapping Project**

Ms. Frisbee reported that once the funding agreement to transfer funds from TNC to TJSWCD is signed and the funds have been transferred, TJSWCD will be ready to enter into contract with the mapping vendor. From the execution of the contract, map production should take approximately 5 months. The contract will probably be signed in the next week or two.

#### **iii. Role of TAC/RRBC in Public Comment Period for State Stormwater Management Regulations**

Ms. Sappington reported that the new state stormwater management regulations are on schedule for the public comment period to take place this spring. At their last meeting, the TAC discussed whether/how the Commission might be involved in the public comment period. The Department of Conservation and Recreation (DCR) has been partnering with the American Society of Civil Engineers (ASCE) to conduct charettes throughout the state and inviting developers, engineers and local staff to come learn about the proposed regulations. The TAC thought that perhaps the Commission's role in this should be education and outreach. The Commission could consider hosting a charette for this area. Ms. Sappington pointed out that a lot of people are not that educated on what the new regulations will mean.

Mr. Moss asked if the Commission should send a letter recommending a charette for this area. Ms. Sappington suggested a letter be sent to DCR and ASCE. Ms. Middleton added that Joanna Curran (TAC member and engineering professor at UVA) is involved with the ASCE. Ms. Thomas mentioned that the Virginia Association of Counties is concerned that most of the fees that come in from developers under the new regulations will be going to the state and not the localities. Ms. Sappington replied that there is a huge misunderstanding about the fees. The fact is that 70% of the fees will go to the localities and 30% will go to DCR. The staff of the localities and DCR worked together to develop a budget of what it would cost for the localities to implement the program and DCR to provide oversight. The 70% that will go to the localities will cover 100% of the cost to the localities of implementing the program. Ms. Sappington said

this is a good example of the misinformation that is out there and points to the need for education before the public comment period.

**iv. Update on Chesapeake Bay Stewardship Fund Grant Application**

Ms. Frisbee reported that National Fish and Wildlife Foundation (NFWF) liked the pre-proposal the Commission submitted for the Chesapeake Bay Stewardship Fund Grant, and invited the Commission to submit a full proposal. The pre-proposal included a funding request from NFWF of \$998,000, but because of the high number of qualified proposals, NFWF has asked that the budget be revised in the full proposal to request \$750,000 from NFWF. The full proposal is due February 20, 2009. The group discussed briefly who would take the lead on the grant proposal and deferred this discussion to later in the meeting.

**11. Presentation – L. Preston Bryant, Jr., Secretary of Natural Resources**

Secretary Bryant was unable to attend, but the Commission will contact him again about perhaps attending a future meeting.

**12. Old and Unfinished Business**

**a. Discuss Staffing Options**

As this portion of the meeting was dedicated to discussing personnel, Ms. Thomas closed the meeting and the public left the room. Ms. Middleton was also asked to leave the room. Following this portion of the meeting, members of the public were invited back to the room. Mr. Moss made a motion to open the session and Mr. Martin seconded. The motion was approved, with Ms. Middleton abstaining. Commission members each certified that members did not discuss any items other than personnel. Ms. Thomas stated that the Commission went into closed session to discuss who the Commission would hire to fulfill the staffing duties. Per TJSWCD requirements, the Commission can hire a contractor on an interim basis and will need to advertise before hiring a permanent staffer. The Commission would like to hire Leslie Middleton as a contractor to the Commission. Ms. Middleton would contribute an average of 20 hours per week for fourteen weeks. The contract period would begin January 26, 2009 and extend through April 24, 2009. Mr. Moss made a motion that the Commission accept the professional services contract drafted by Ms. Middleton, as amended to include Mr. Dorrier's request that language be added to state that the priority for grant writing should be given to the NFWF grant. Mr. Martin seconded the motion and it was approved unanimously. Mr. Huja stated that the position will not include benefits and Ms. Middleton will need to resign from the Commission. Ms. Middleton agreed.

**b. Discuss Presentation to Boards/Council as Follow-up to Letter**

Ms. Frisbee reported that the letter from the Commission containing recommendations was sent to 30 representatives from the four localities in the watershed, including chairs of the Boards of Supervisors, the City Mayor, chairs of the Planning Commissions, locality administrators, and planners. The TAC will work to meet with staff of the localities to further discuss the recommendations. The letter also stated that the Commission would be contacting the localities soon to make a presentation on this to the Boards of Supervisors and City Council. Ms. Edwards requested assistance with preparation of an update on the work of the Commission that she can give at City Council meetings. Ms. Savage agreed, and suggested that all Commission members

be provided with regular brief updates on the work of the Commission that they can share with their organizations.

### **13. New Business**

#### **a. Discussion of Charlottesville Rivanna Corridor Proposal**

Missy Creasy (member of the TAC and City of Charlottesville Planning Manager) came to the meeting to discuss a memo distributed to the Charlottesville Planning Commission for an upcoming work session. The work session will be held on January 27, 2009 and will include a discussion of the Planning Commission's work plan priorities for 2009. The Planning Commission identified four priorities in September 2008, one of which is to "identify strategies to maximize the presence and value of the Rivanna River in the life of the City of Charlottesville." City staff spent the past few months working in teams to develop project outlines for the priorities, and the memo describes staff recommendations for the priorities that the Planning Commission will discuss at the work session. In the memo, staff recommend delaying the River Corridor project except for data collection to a later time, in part because the Rivanna River Basin Commission is working to develop recommendations for localities that would be helpful in the planning process. Ms. Creasy also added that another reason staff are recommending delaying this priority is that funding would be required to implement this priority and the other three priorities would not require funding. Ms. Creasy stated that the work of the Planning Commission and the Rivanna River Basin Commission will be complementary. Staff are recommending delay on implementation of this priority 1) to await recommendations/information from the Rivanna River Basin Commission and 2) to await resources and staff time to devote to this.

Ms. Savage pointed out that the memo should be revised to correct the name of the Rivanna River Basin Commission (memo refers to "River Corridor Commission"). She also added that she is concerned that this signals a bad precedent to recommend that the City delay action because the Commission exists and is doing work in the watershed. Mr. Moss agreed, stating that if the Planning Commission wants to delay, it shouldn't be because of the Commission. Ms. Middleton suggested that a clarifying statement be made in print and submitted to the Planning Commission. Mr. Moss agreed and made a motion that the Commission write a letter stating that they support the Rivanna project and wouldn't want the Planning Commission to delay because of the Commission. Ms. Middleton seconded the motion and it was approved unanimously.

#### **b. Review Draft Press Release**

Mr. Moss prepared a draft press release announcing that the Commission provided the four localities with a progress report and recommendations for minimizing excessive sedimentation in the watershed. Mr. Moss mentioned that he had some changes he would like to make to the press release and would modify it and send it to everyone for review soon.

#### **c. Appoint New Member to Technical Advisory Committee**

Bill Kittrell, Director of Conservation Programs for The Nature Conservancy in Virginia, has expressed an interest in serving on the TAC to replace Mr. Schuyler. Mr. Huja made a motion to appoint Mr. Kittrell (subject to Mr. Kittrell's willingness to serve), Ms. Savage seconded the motion and it was approved unanimously.

**d. Report from South Fork Rivanna Reservoir Stewardship Task Force**

Mr. Martin represents the Commission on the South Fork Rivanna Reservoir Stewardship Task Force (Task Force) and reported that the Task Force will be finishing a draft of its final report prior to its last meeting to be held on January 26. Mr. Martin stated that the Task Force was directed to focus on what is needed for stewardship of the reservoir and not on the community water supply plan. The report will reflect that focus. He also expects that the report will mention the Commission and its continuing interest in sedimentation of the reservoir. Ms. Thomas added that the report will have a lot of interesting information and Commission members may want to read it.

**e. Review Letters of Support**

Ms. Middleton shared two draft letters of support for the Commission to consider sending. One letter would be sent to local representatives and senators urging them to secure funding for scientific studies related to fish kills occurring in the Shenandoah and James River systems. Mr. Moss made a motion to approve sending this letter, Ms. Middleton seconded the motion and it was approved unanimously. The second letter would be sent to the Bama Works Foundation to support a funding request from TJSWCD for a “Make Your Own Rain Barrel” workshop series. Mr. Huja made a motion to approve sending this letter, Ms. Savage seconded the motion and it was approved unanimously. Mr. Huja mentioned that model support letters for the NFWF grant the Commission is applying for should be distributed to the localities.

The next meeting of the Commission will be April 23, 2009, 6:00 pm at the Thomas Jefferson Planning District Commission.

**14. Adjournment**

**Attachments:**

- A\_RRBC\_fiscal\_summary\_09Jan20
- B\_City\_Planning\_Commission\_notice\_09Jan12
- C\_FishKill\_Letter\_to\_VA\_Congressional\_Delegation
- D\_Letter\_to\_CACF\_rainbarrel\_grant\_09Jan23
- E\_RRBC\_TAC\_summary\_09Jan12\_FINAL
- F\_Resolution\_for\_funding\_signed\_09Jan22
- G\_BMP\_press\_release\_09Jan22