

Local Pilot Project: Interim Report, September 2, 2010

Name of project:

Piedmont Regional Pilot Project for Chesapeake Bay TMDL (PRPP) –
(formerly called the Rivanna Regional Pilot Project)

Location: Service area of the Thomas Jefferson Planning District (City of
Charlottesville, counties of Greene, Albemarle, Louisa, Nelson, Fluvanna), Virginia

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Executive Summary

The Piedmont Regional Pilot Project (formerly the Rivanna Regional Pilot Project) has formed a Steering Committee that includes representation from the Thomas Jefferson PDC, the Thomas Jefferson SWCD, the Rivanna River Basin Commission, The Nature Conservancy, three members of the Virginia Stakeholders Advisory Group, and two elected officials. DCR staff representatives attend most meetings, which are coordinated and facilitated by the Institute for Environmental Negotiation. TetraTech is providing technical support by interpreting the Chesapeake Bay model in the context of the project region. The Rivanna River Basin Commission provides overall coordination and serves as the liaison to EPA and Virginia DCR.

The Pilot Project is focused on identifying strategies for local engagement that may be useful in developing Phase II WIPs. The project focuses on local governments, but will be engaging special interests through focus group meetings to provide timely and accurate information about the Bay TMDL and to solicit constructive ideas and strategies for implementing the TMDL at the local level. Input from four focus groups will be compiled in a draft report that will then be presented to each of the governing bodies of Greene, Albemarle, Fluvanna, Nelson, and Louisa counties and the City of Charlottesville. Local governing bodies will be encouraged to add additional comments to the report, which will then be forwarded to EPA and DCR. The timeline for this project was to submit the report by mid December 2010. However, with the public comment period on the Bay TMDL closing on November 8, 2010, we are attempting to move the schedule forward so that any relevant input from this pilot project can be considered in the final TMDL.

Original Pilot Project Description:

The Rivanna River Basin Commission (RRBC) will utilize local water quality and land use data coupled with a local stakeholder process to identify additional local data needs, identify resource gaps, and develop pollution reduction strategies across multiple local government boundaries and overlapping service areas. RRBC will work with the Thomas

Jefferson Planning District Commission, Thomas Jefferson Soil and Water Conservation District (SWCD), Culpeper SWCD, and the local StreamWatch program.

RRBC further proposed that this pilot project would also provide as specific deliverables an evaluation of the transferability of this process to other piedmont watersheds; design of long-term local monitoring program to assess effectiveness of implementation plan between 2011-2025; locally derived capacity evaluation and resource gap analysis; locally derived pollution reduction strategies; and locally designed stakeholder engagement process with documentation of lessons learned and transferability.

Revised Pilot Project Description and Update:

The PRPP Steering Committee has crafted a stakeholder involvement process that is now underway and will continue through November 2010 that supports Virginia state agencies, especially DCR, with identifying strategies for development of the Phase II WIP. The Steering Committee hopes that this project will:

- (1) Provide accurate information regarding the Chesapeake Bay TMDL to different groups of stakeholders in our region who will be affected by the Bay clean-up process;
- (2) Solicit feedback, suggestions, and concerns using focus groups, all of which will be forwarded to EPA to improve understanding of local implementation challenges;
- (3) Provide feedback to Virginia DCR staff charged with developing the Phase II WIPs;
- (4) Ascertain the interest on the part of local elected officials to consider a watershed or regional (PDC or SWCD) response to the Bay TMDL;
- (5) Evaluate how the emerging Chesapeake Bay TMDL regulatory requirements can be used to leverage public support and political will for cleaning up local (Piedmont) streams.

With no funding available to support steering committee member staff time, the scope of this pilot project has been adjusted to make the best use of contractor support and to focus on the stakeholder involvement process that will support the above goals.

In addition, early on, the pilot project was expanded from just the Rivanna River watershed to include the entire region of the Thomas Jefferson PDC, thus including all of Greene, Albemarle, Fluvanna, Nelson, and Louisa Counties and the City of Charlottesville.

An early (and important) decision was to rename the pilot project so that it did not convey a watershed-based body, especially one like the Rivanna, which is dominated by the urban ring of Charlottesville/Albemarle and is generally perceived as having more resources to respond to the Bay TMDL. Thus, the name of the project is now the Piedmont Regional Pilot Project (PRPP) for the Chesapeake Bay TMDL. However, we will throughout this project continue to evaluate the appropriate scale for watershed implementation planning – and know that the Bay model also recognizes local government boundaries within segment-sheds. We hope to develop some consensus about which local agencies are best suited to lead which aspects of local implementation.

PRPP Steering Committee and Project Regional Focus

The Steering Committee coalesced after the Rivanna River Basin Commission (RRBC) hosted meetings with Virginia state agency representatives and EPA in December 2009 and January 2010. Steering Committee members represent local governments (Thomas Jefferson PDC, RRBC, the Bay Program's LGAC); the Virginia Stakeholder Advisory Group (representing RRBC, LGAC, and the Southern Environmental Law Center); and the two SWCDs that overlap the project area (Culpeper and Thomas Jefferson SWCD). To assure local government perspective, we invited two Supervisors into the group (one for Nelson and one from Greene). The Steering Committee is:

Connie Brennan	Nelson County Board of Supervisors
Bill Kittrell	The Nature Conservancy
Leslie Middleton*	Rivanna River Basin Commission
Rick Parrish*	Southern Environmental Law Center
Alyson Sappington	Thomas Jefferson SWCD
Carl Schmitt	Greene County Board of Supervisors
Sally Thomas*	CBP LGAC
Steve Williams	Thomas Jefferson PDC

* Virginia SAG members

The Institute for Environmental Negotiations is providing facilitation and meeting management support Steering Committee and focus group meetings. TetraTech is providing map products and local TMDL information for the meeting and, separately undertaking data analysis to support the pilot project.

Local Engagement Process

The Steering Committee decided that regardless of whether a PDC or SWCD or watershed group might take the lead on certain aspects of implementation in Phase II, it is the local governments and other jurisdictions that the Commonwealth will be relying on for strategy implementation. For the State to meet the expectations of the EPA and the Bay TMDL successful execution of strategies at the local scale will have to occur. With that in mind, we decided to start¹ by engaging representatives of the six local governments in a small focus group (two elected officials from each local government²) that will provide current and accurate information about the Bay TMDL and provide a forum for exploring the following questions:

- What is your current understanding of the Bay TMDL and its potential impacts on local governments?

¹ We held a preliminary meeting on July 22 for the staff and executives of the six localities in recognition of the pivotal role that staff plays in supporting any such process.

² This allowed us to eliminate the need for public notice *and* be able to keep the meetings small to facilitate frank discussion.

- What information do you already have and where is this information coming from?
- How would you like to get future information and updates?
- What are your concerns about the Bay TMDL?
- What can you identify at this time that could help you in preparing for the Bay TMDL (i.e. resources, staff, information, data)?
- How can the Bay TMDL be used to achieve other goals?
- What role would you like to play in development of a local WIP?

We will provide factual background about the Bay TMDL and current information about the process of developing the TMDL and associated Phase I and Phase II WIPs. We are encouraging attendance at this (and all the focus group meetings) by those who are not part of the choir, i.e. not perceived as being environmentalists, and who we think will be forthright in expressing their concerns. At this first focus group, the Steering Committee will present the timeline of the pilot project, including our plan to return to each local elected body at the conclusion of our outreach efforts to present our findings to them. The focus group for local elected officials will take place on September 8, 2010. (Please see Figure 1 for a flow chart and schedule of the PRPP.)

At the same time, we are planning for a series of special interest (stakeholder) focus groups for the following four groups: agriculture (including forestry, viticulture, row crop and pasture); development (building, construction, economic/business); permit holders (treatment plant operators, MS4, waste and water authorities)³. These focus groups will again be by invitation – and we are using our local knowledge to identify and specifically invite individuals who are well connected in their various groups and will be candid about their concerns while also, hopefully, helpful in providing practical ideas. These focus groups include an invitation to an early continental breakfast.⁴ All meetings are scheduled for 8 am to 10 am to avoid breaking up the workday as much as possible. The meeting schedule is:

August 31	Agriculture
September 24	Permit holders (<i>tentative</i>)
October 7	Building/development (<i>tentative</i>)

The meetings are being facilitated, and extensive meeting notes will be prepared and sent back to participants with the invitation for corrections or further comments. These meeting notes will serve as the basis for the final report. We will also post large regional watershed maps showing all the existing impaired streams in our project area (courtesy of

³ We understand that the focus groups are not totally aligned with sector groups, as defined by Virginia DEQ and DCR, and there may be “lessons learned” by grouping special interests in this way.

⁴ Expenses for conducting the focus groups (refreshments and materials) are being covered by a \$2500 mini-grant from Virginia DCR).

TetraTech) to help participants understand that our local waters already have impairments that need addressing.

During October and November, the Steering Committee will then return to each of the six localities for a work session or substantial presentation to each elected body. The purpose of these follow-up meetings is to present the findings from the focus groups so that the elected bodies may be better informed moving forward. We hope that we can schedule these follow-up meetings before the end of the public comment period for the Bay TMDL, but this is not assured at this time.

We have also included our colleagues at Virginia DCR in the planning process – which we believe is helpful for communication both ways.

Data Analysis for Project Area:

Because the Chesapeake Bay Model is not well understood by many people (and has a somewhat impaired reputation at the local level), we have asked TetraTech to provide some preliminary data compilation and analysis based on the 5.3 model that may provide some insight into the structure of the model. We have asked for some preliminary analysis of existing allocations (sub-watershed and possibly even county level) and comparison to the loads as set by our existing TMDLs, where applicable (i.e. for sediment).

This may help us get a preliminary assessment of how a possible county-level allocation might compare to those set by the existing local TMDLs. There is, of course, a big caveat here, because county or regional allocations are not to be established until Phase II (2011) -- and most of our regional streams are listed because of bacteria and sediment, not N and P. However, this kind of analysis may help us in our consideration of the regional (PDC) approach -- vs developing WIPs based on locality, SWCD, or watershed.

Tetra Tech has begun development of a tabular dataset that will provide a linkage between watersheds in the Thomas Jefferson Planning District and simulated watersheds in CBP's watershed model. This linkage will allow for 29 sources of sediment and nutrients in the CBP model to be summarized at the District, county, or more detailed subwatershed level.

Once the modeling data are obtained for the District, the linkage may need to be expanded based on existing TMDL or assessment efforts, which likely considered slightly different datasets than the CBP model. TMDL reports, for example, may have used different sources of land use data. If this is the case, additional linkage between the land use types will need to be developed to "crosswalk" the terminology. [In addition, land cover/use categories from the watershed model will be compared with those of the Rivanna and Vicinity Land Cover Map that provides high quality land use data for four of the six localities in the study area. See <http://www.rivannariverbasin.org/Rivanna-maps-tools.php>.]

Preliminary Lessons Learned:

1. Dedicated funding for watershed implementation planning will be needed.
Originally, RRBC proposed that this pilot project would also provide as specific deliverables an evaluation of the transferability of this process to other piedmont watersheds; design of long-term local monitoring program to assess effectiveness of implementation plan between 2011-2025; locally derived capacity evaluation and resource gap analysis; locally derived pollution reduction strategies; and locally designed stakeholder engagement process with documentation of lessons learned and transferability.⁵ With no funding available to support steering committee member staff time, the scope of this pilot project has been adjusted to make the best use of contractor support that is being provided. EPA needs to be mindful that Phase II WIP development will require significant resources to support local staff time and expenses so that local government and local and regional agencies can dedicate efforts to focus on plan development, public engagement, and implementation and tracking of progress.
 2. Making the case for local water quality and local water quality data may be essential for eliciting buy-in of local governments and affected stakeholders. Already, it is apparent that there is significant mistrust of the Chesapeake Bay watershed model – and, on principal, any process that is driven by a model. It will be helpful if EPA and its state partners can assist their local partners with enough information, resources, and tools so that local staff can “look under the hood” and understand the inner workings of the model, especially the inputs. In addition, where local data is more accurate than data that has been used in the model, there should be a mechanism for using local data in development and implementation of local and regional pollution reduction strategies. The possibility that local water quality may be protected and restored may be the most compelling reason for many localities in the Piedmont (or anywhere above the fall line or even for those not contiguous with the Bay) to embrace the requirements for cleaning up the Chesapeake Bay.
 3. Good and timely information from EPA and the state agencies about the process of developing the Bay TMDL and state WIP has been an essential for the pilot project steering committee members to feel moderately assured that their efforts are congruent with the Bay TMDL development. Having Virginia DCR staff available and present at Steering Committee meetings has provided important flow of information both ways. In addition, it has been extremely helpful that the Steering Committee consists of three members of the Virginia SAG.
 4. Though EPA has suggested that “local governments, SWCDs or watershed groups” may take a lead role in implementing the Phase II WIPs, this will likely
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vary from region to region. An early decision of the pilot project was to expand the project region beyond watershed boundaries to include all of the Thomas Jefferson PDC, all of the Thomas Jefferson SWCD, all of the Rivanna watershed, and a small portion (Greene County) of the Culpeper SWCD. This region is primarily in the Upper James watershed, but portions of the planning district drain to both the Rappahannock and the York. (See Figure 2.)

FIGURE 1: Piedmont Regional Pilot Project Timeline

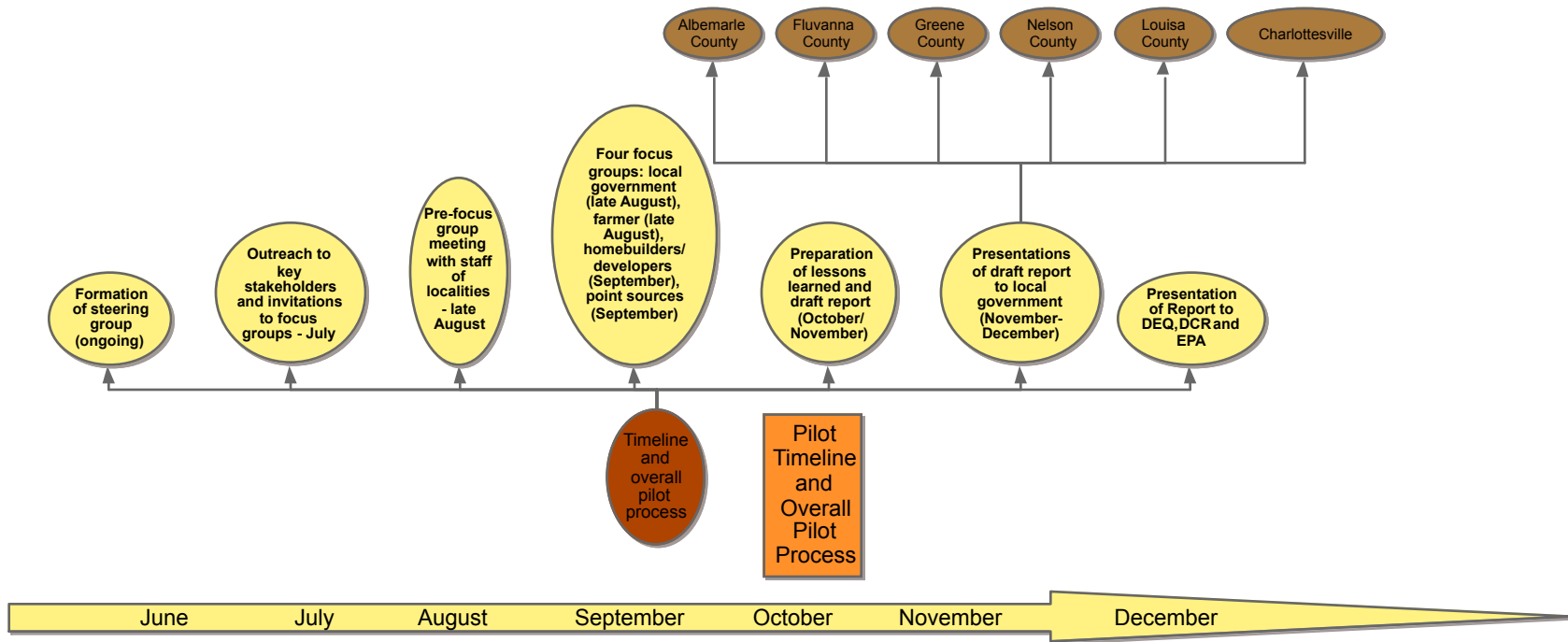
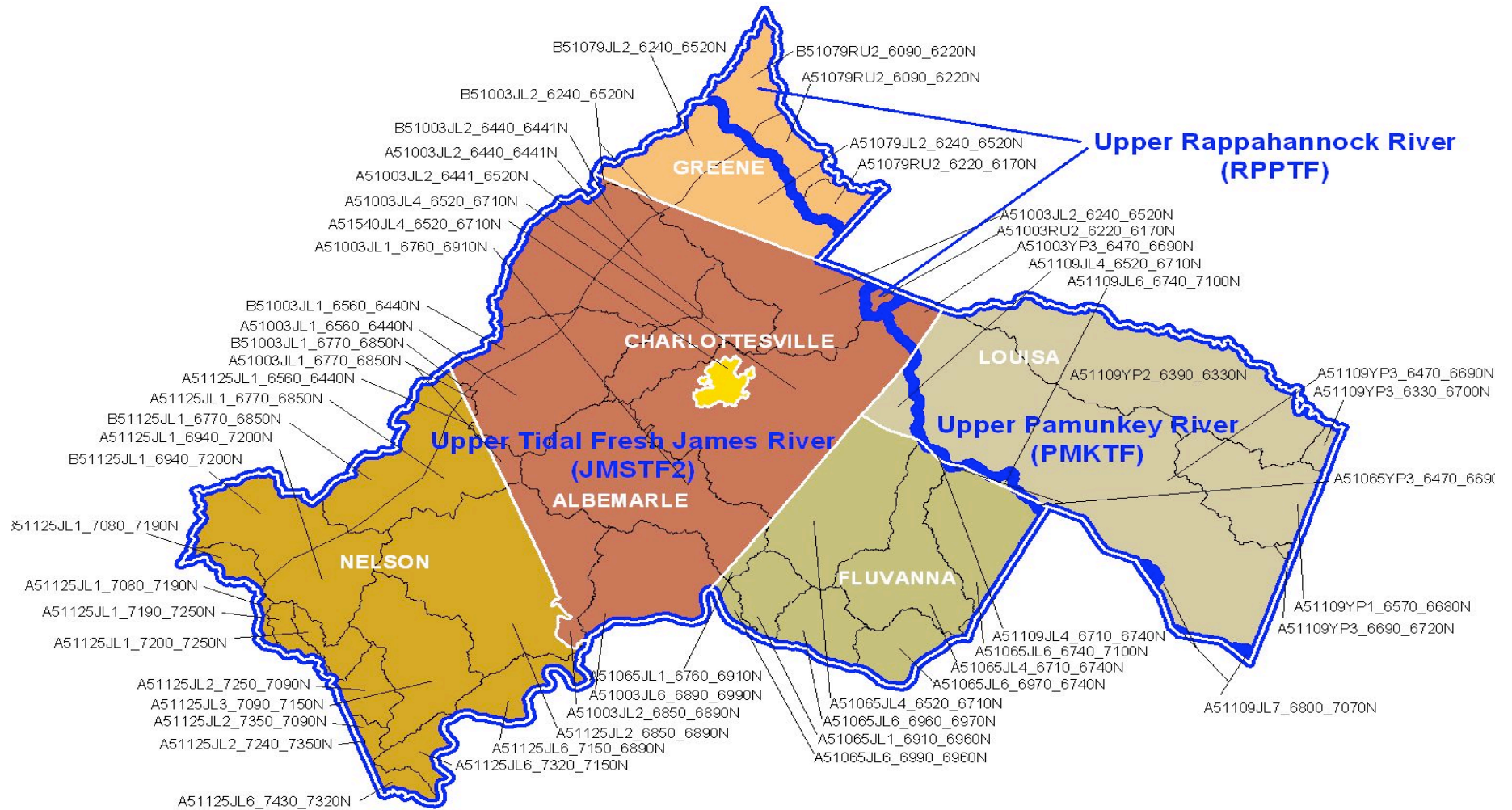


FIGURE 2: Piedmont Regional Pilot Project Area



Map Reference showing Assessment Units, Counties, and 5.3 Modeled Subsegments.