



# Department of Environmental Quality Proposed Amendments to the Chesapeake Bay Regulations

Exception Review Committee

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# Input Sought

- Feedback from the Exception Review Committee to the Board on the State's proposed amendments

# Background

## 2020 Legislation ([Ch. 1207 of Acts of Assembly](#))

- Amended Virginia Code §62.1-44.15:72 of the **Chesapeake Bay Preservation Act**
- Requires the State Water Control Board (SWCB) to amend the **Chesapeake Bay Regulations** (Regulations) to incorporate criteria:
  - preservation of mature trees
  - coastal resilience and adaptation to climate change
- Provides for public comment periods



# Proposed Mature Trees Amendment

- Amends Regulations sections [9VAC25-830-130 and 140](#)
- Adds criteria to the Regulations:
  - for the preservation and protection of mature trees
  - where removed, trees must be replanted to the maximum extent practicable
  - where RPA buffer is to be established, trees must be planted where practicable



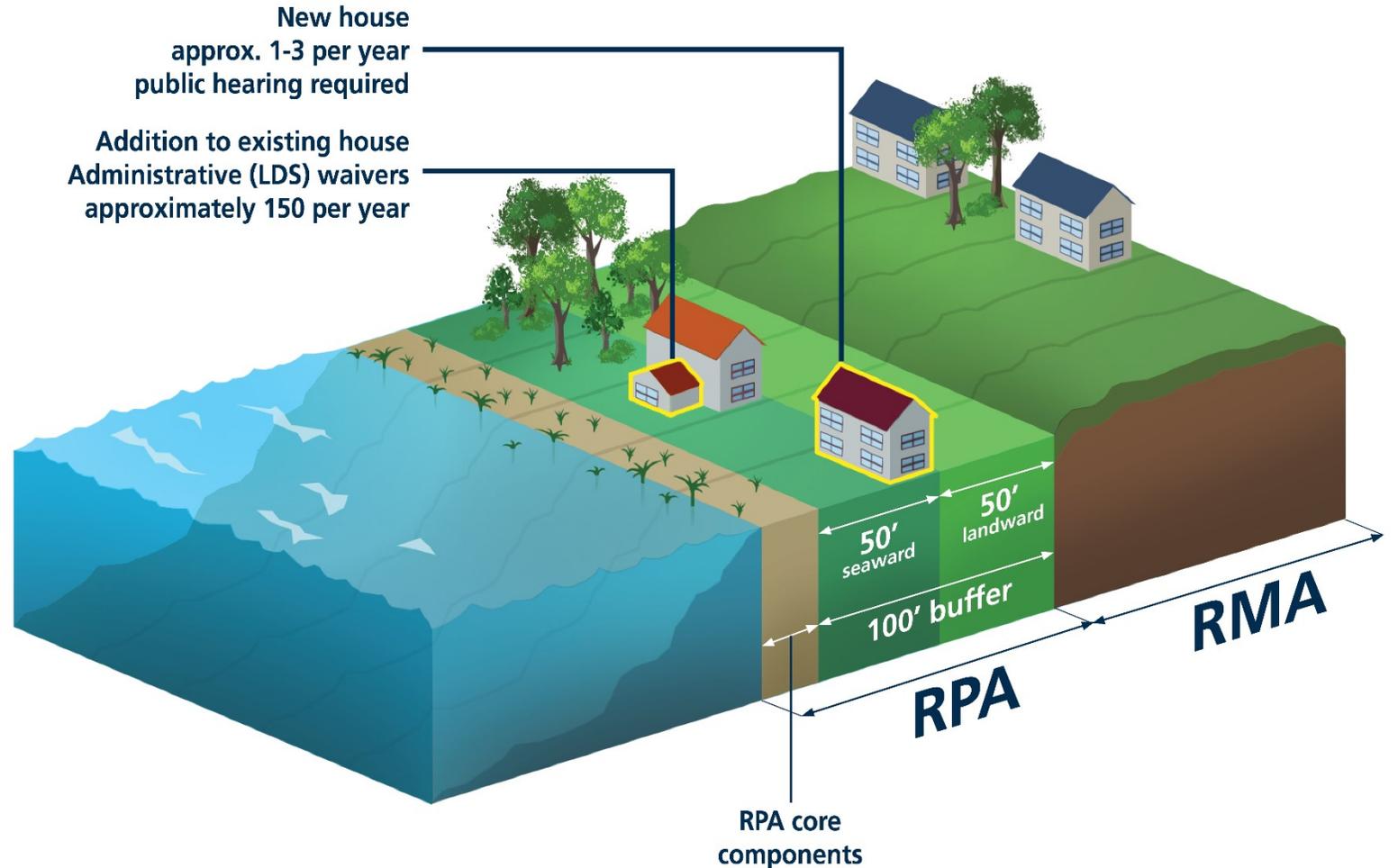
# Proposed Climate Change Amendment: Overview

- Creates a new subsection in Regulations ([9VAC25-830-155](#))
- Requires consideration of the impacts of climate change, such as sea-level rise and storm surge, for land development in the RPA
- Allows localities to require conditions based on a consideration of the impacts, including the use of best management practices
- Permits adaptative measures within the RPA, subject to criteria
- Requires localities to adopt these provisions within 3 years

# Proposed Climate Change Amendment: Key Considerations

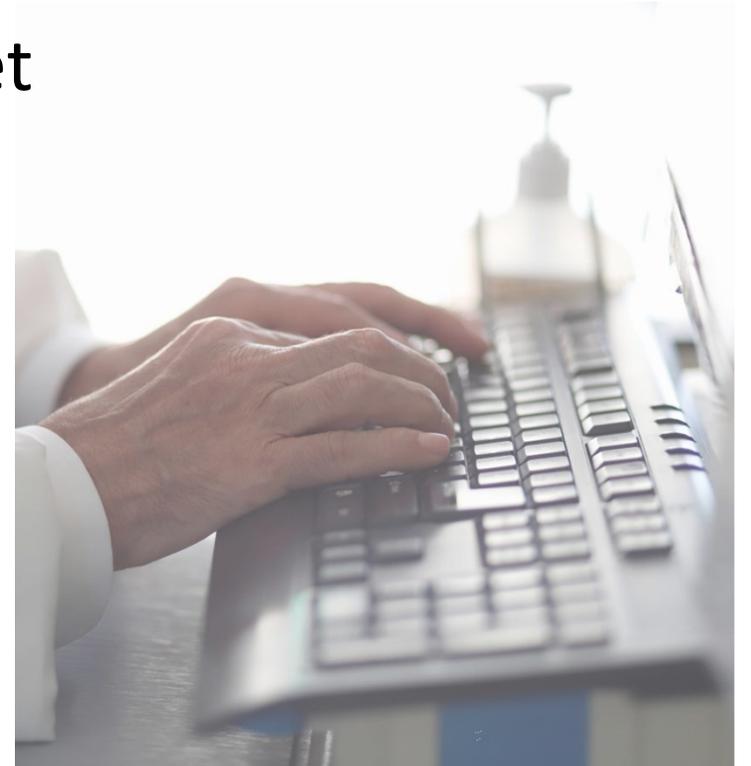
1. Prohibits the County from granting exceptions for projects within 50 seaward feet of the buffer:

- New building on pre-RPA lot
- Minor addition to pre-RPA building



## Proposed Climate Change Amendment: Key Considerations (Continued)

2. Restrictions on approval of fill projects, or other materials within RPA, or within 100 feet of the RPA
3. Mandates the model or forecast to be used when evaluating impacts. The technical guidance being provided by DEQ is under development and not available at this time.



# Committee Input



What is the Committee feedback on:

- 1) Requesting clarity on definitions of trees and ensure language promotes the health and safety of mature trees through preservation?
- 2) Retaining current authority to grant exceptions of development within the 50 seaward feet of the buffer, or support adoption of the DEQ language as it is to support climate adaptation and resilience?
- 3) Retaining current authority or support adoption of language restricting “fill only” projects within the RPA, or within 100 feet of the RPA?
- 4) Requesting the state provide funding and technical input on statewide model or forecasts of climate change on hydrology and hydraulics?

# Next Steps and Timing



- **Next** – DPWES and LDS staff will finalize and submit comments on behalf of the county
- **May 3, 2021** – Public comment periods close
- **May 2021** – DEQ convenes Stakeholder Advisory Committee to discuss comments on the Climate change amendment
- **June 2021** – Anticipated adoption by SWCB