



DEQ Proposed Amendments to the Chesapeake Bay Regulations

NVBIA/NAIOP/Fairfax Committee

Jerry Stonefield, Site Code Research and Development
Land Development Services

April 15, 2021

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: Overview

- 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



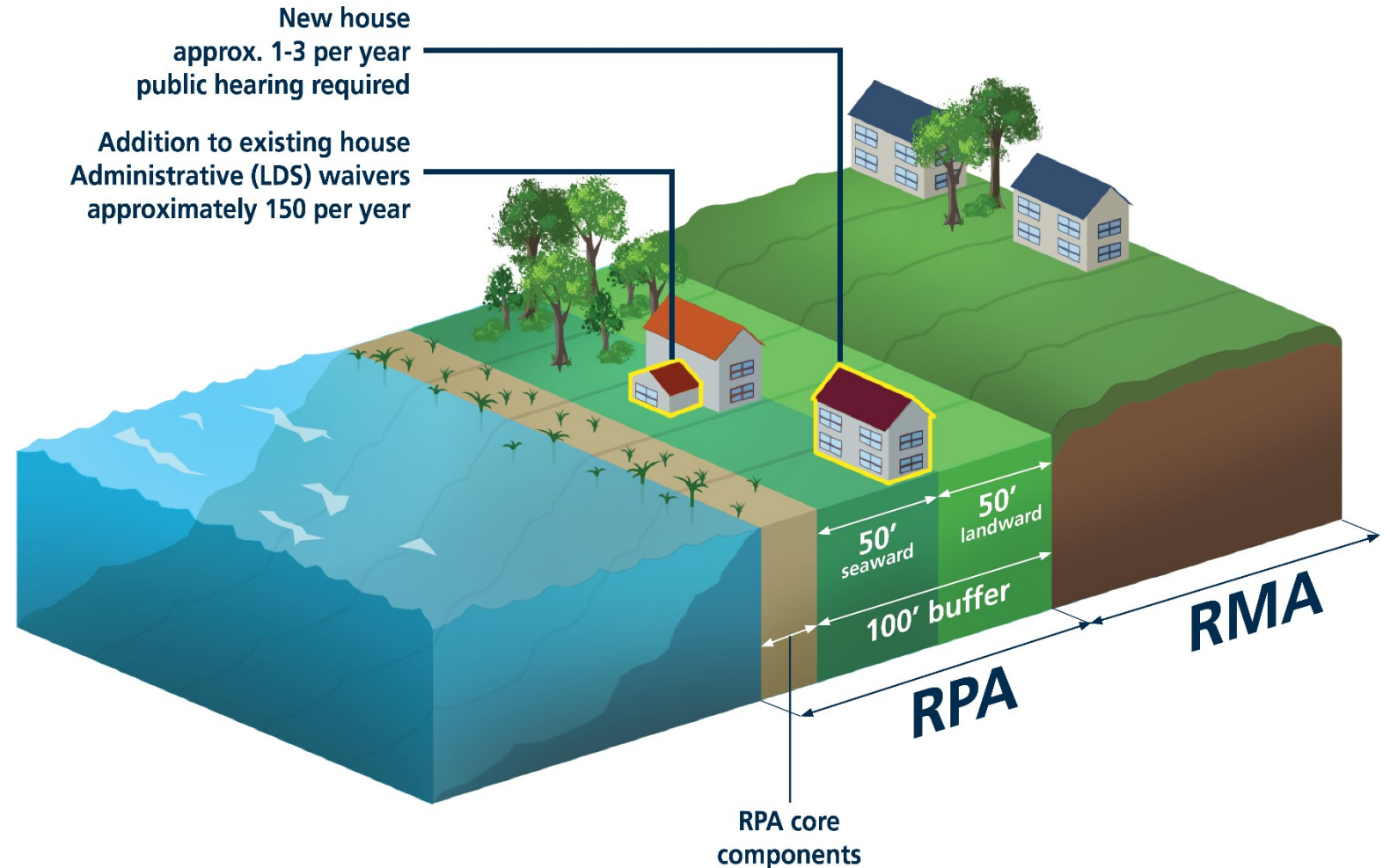
Proposed Climate Change Amendment: Overview

- 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

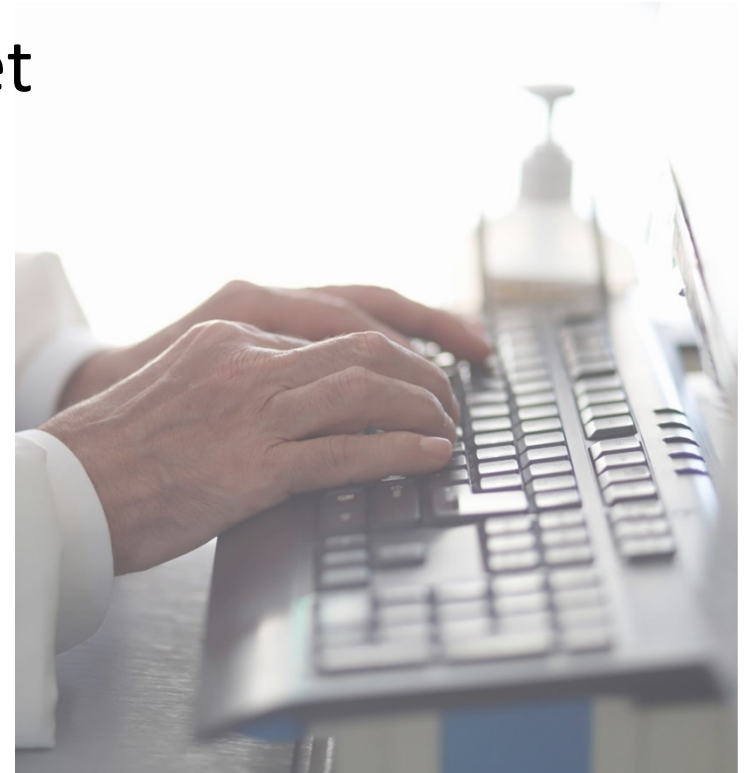
1. Prohibits the County from granting exceptions for projects within 50 seaward feet of the buffer:

- 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.



Next Steps and Timing



- **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