

# DoD CHESAPEAKE BAY PROGRAM JOURNAL

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DoD/DoN Chesapeake Bay Program Regional Environmental Coordination Office  
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## *News from the Chesapeake Bay Coordinator*

*By: Jennifer Guerrero*

First, I'd like to open by wishing everyone a Happy New Year, and I hope 2010 brings everyone happiness and success!

It has been over a year since the last publication of a newsletter to provide information specifically geared for DoD facilities and installations in the Chesapeake Bay watershed. We have a new look and hope to provide valuable information you can use to assist in your daily activities and help promote, and bring visibility to, your programs at your commands and higher headquarters and in your communities. We welcome any suggestions you have for improvement.

We plan to publish the DoD Chesapeake Bay Program Journal quarterly to keep you apprised of recent and upcoming events. This is also an opportunity for you to submit articles, such as good news stories and lessons learned, to share among the DoD Bay community.

Reflecting back over 2009, it was a year of transition in the overall Chesapeake Bay Program (CBP) partnership and DoD's program. I reported aboard at NAVFAC Mid-Atlantic in January as the DoD Bay Coordinator. As a lifelong resident in the watershed, I welcomed the opportunity from a personal perspective to work on matters that would make a difference in restoration of the Chesapeake Bay – a dream job come true! I had no idea, however, about the size and complexity of the Bay program partnership and, more importantly, the "big shoes" I had to fill with the retirement of my predecessor, Carolyn Neill. I have kept in touch with her often and although she is busier than ever, she has always expressed that the Bay program was the best job she ever held in her civil service career and how much she enjoyed working with, and misses, everyone.

March ushered in a new governance document to define the roles, responsibilities, members and operations of the new CBP organizational structure. Since such a document never existed before, newcomers to the program should find it very useful. While most of the higher level operational structure is in place, formation of the Goal Implementation Teams is still in various stages.

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President Obama signed Executive Order 13508 in May that greatly increased federal agencies' involvement to accelerate restoration of the Chesapeake Bay and its tributaries. The order contained an aggressive schedule to develop recommendations within 120 days, a draft strategy within 180 days and a final strategy within one year, while consulting extensively with the states along the way.

Efforts to develop a Chesapeake Bay Total Maximum Daily Load, TMDL, for the entire 64,000 square mile watershed ramped up. EPA provided the six Bay states and DC their draft target loads, a "pollutant diet," in October to reduce excessive amounts of nutrients and sediment pollution. The final Bay TMDL will be established in Dec 2010.

A lot of these events will effect operations on DoD installations. This year will bring us a lot of challenges to cost effectively implement these new requirements without negatively impacting our missions. It is my goal that we can work together to make the DoD Bay program a success that we can share with everyone. As your coordinator, I need to ensure I provide you with relevant information and proper tools. Please let me know how I can better serve you in this capacity.

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## Update on Executive Order 13508, Chesapeake Bay Protection and Restoration

By: Jennifer Guerrero

[Executive Order \(EO\) 13508](#), signed by President Obama on 12 May 09, recognizes the Chesapeake Bay as the largest estuary in the United States and a national treasure containing significant Federal assets. The purpose of the EO is to “protect and restore the health, heritage, natural resources, and social and economic value of the Nation’s largest estuarine ecosystem and the natural sustainability of its watershed.” The EO requires a renewed commitment to restore the Bay and charges the federal government to lead the effort. The Federal Leadership Committee (FLC) was established to expand federal involvement and bring greater accountability to restoration efforts.

The FLC is chaired by the EPA Administrator and includes senior representatives at the Secretariat level of the Departments of Agriculture, Commerce, Defense, Homeland Security, Interior, Transportation and other agencies deemed appropriate by the FLC. Federal agencies were charged with identifying key challenges and developing recommendations in the following seven areas: water quality; targeting of resources; storm water management on federal lands (DoD lead); climate change; land conservation and public access; scientific tools and monitoring; and protection of habitat, fish and wildlife. The report prepared by DoD REC staff provides recommendations for how federal agencies can strengthen storm water management associated with development and redevelopment, management of existing developed lands, and management of undeveloped land.

Key recommendations from the seven reports form the core of a new draft strategy released on 9 Nov 09 for a formal, 60-day public comment period.

For the latest information, visit:

<http://executiveorder.chesapeakebay.net>

The draft strategy contains a suite of federal initiatives to restore clean water, conserve

treasured places, protect fish and wildlife, and adapt to impacts of climate change. Also included are anticipated results and actions agencies will initiate before the strategy is finalized in May 2010. Key elements required by the EO, but missing from the draft strategy, include identification of goals, indicators, milestones, specific programs and strategies.

Seven public forums were held throughout the watershed in Dec 09 to proactively engage citizens in the Executive Order process, foster increased dialogue with stakeholders, and receive their informal comments and concerns. Frequent comments included:

- Voluntary approach is not working – need more enforcement and regulation;
- Strategy lacks details, specifics and timeframes;
- Need more public education and engagement;
- Don’t reinvent the wheel – use existing structures and systems;
- Economic situation will be challenging;
- New technology should be part of the solution;
- Development is a serious threat to the environment that must be addressed;
- Need to make connection to local waterways and environment, not the Bay.

The formal comment period ended 8 Jan 10.

The EO requires development of an annual action plan and annual progress report that will be released to Congress and made available to the public. The action plan will identify how federal funding proposed in the Presidential Budget will be used in the upcoming FY; the annual progress report will report on implementation from the previous FY and identify steps to improve progress to restore the Bay. The first action plan is due in 2010, and the first progress report due in 2011. This will require a major refinement to the DoD Bay program in the way project planning and implementation information is collected in order to meet these annual requirements.



*The EPA Bay TMDL team conducted an extensive outreach program in Fall 2009 to exchange information with groups that will be impacted by the “pollution diet.” Seventeen public meetings and webinars were held primarily with four groups – environmental/watershed/conservation, agriculture, local governments, and homebuilders/developers. An estimated 3000 people attended the meetings. EPA sent a letter to the six watershed states and DC in Dec 2009 outlining expected deliverables and triggers for federal actions and potential consequences if they fall short on commitments to reduce water pollution targets. The TMDL could lead to increased permitting requirements for DoD for wastewater discharges and stormwater discharges.*

Find out more at:

<http://www.epa.gov/chesapeakebaytmdl/>

## *EPA Released Technical Guidance on Implementing Section 438 of the Energy Independence and Security Act (EISA)*

*By: Angie Cropley*

On 8 December 2009, EPA issued the final "[Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act \(EISA\)](#)."

EPA's guidance document contains guidance on how compliance with Section 438 can be achieved, measured, evaluated, and reported through a variety of sustainable building practices (also known as Low Impact Development (LID)) including for example, reducing impervious surfaces, using vegetative practices, porous pavements, cisterns and green roofs.

EPA interprets the EISA Section 438 requirement as intending to "maintain or restore to the maximum extant technically feasible (METF), stream flows such that receiving waters are not negatively impacted by changes in runoff temperature, volumes, durations, and rates." In the guidance, EPA explains that the purpose of EISA Section 438 is to replicate the pre-development hydrology of a site to protect and preserve both the water resources on site and downstream. EPA clearly defines the term "pre-development hydrologic condition of the site" as the "combination of runoff, infiltration, and evapotranspiration rates and volumes that typically existed on the facility site before development on a greenfields site" (meaning any construction of infrastructure on undeveloped land such as meadows or forests).

The guidance document describes two options to achieve the goals of Section 438 as follows:

### **Option 1: Retain the 95th Percentile Rainfall Event**

Option 1 is identified as a simplified approach to meet the intent of Section 438. It is intended to be a surrogate for determining the pre-development reference condition; the standard is intended to be used in cases where it is more practical, cost effective, expeditious, difficult, or infeasible to identify the relevant reference conditions for the site.

### **Option 2: Site-Specific Hydrologic Analysis**

Option 2 requires the designer to conduct a

*EPA's EISA Section 438 Implementation Guidance is available for download from EPA's website:*  
<http://www.epa.gov/owow/nps/lid/section438/>  
[CLICK here to download](#)



*Fifteen miles from downtown Washington, D.C., Fort Belvoir has a 2,248-acre wildlife refuge complex*

hydrologic analysis of the site based on site-specific conditions. EPA acknowledges that there may be instances where retaining the 95th percentile rainfall event is not protective enough, or if pre-development runoff conditions can be maintained by retaining less than the 95th percentile rainfall event.

Whichever of the two options is chosen to calculate the pre-development hydrology, each agency or department is responsible for complying with EISA Section 438. EPA recommends that agencies have the project designs reviewed by a registered professional engineer and all compliance efforts be thoroughly documented.

Documentation should include:

- Site evaluation and soils analysis
- Calculations for the 95th percentile rainfall event or the pre-development runoff volumes and rates to identify the volume of stormwater requiring management
- Documentation of modifications to the performance design objective based on technical constraints (site specific METF)
- The site design and storm water management practices employed on the site
- Design calculations for each storm water management practice employed

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*EISA Continued from page 3*

- The respective volume of stormwater managed by each practice
- Operations and maintenance protocols for the storm water management system.

The remainder of the guidance document focuses on explaining how to calculate the 95th percentile rainfall event (Part I), and presents nine case studies to represent the range of projects subject to EISA Section 438 requirements (Part II). Scenario #9 is of importance to DoD because it discusses site specific factors on Naval Station (NAVSTA) Norfolk in Virginia. The scenario discusses how the

site conditions and land use categories of NAVSTA Norfolk limit the number of practices that were technically feasible to use onsite to reduce runoff.

DoD provided extensive comments to EPA during the development of this guidance. Due in part to DoD's efforts, the guidance document retains a large amount of flexibility for DoD construction project managers and environmental managers to implement storm water management practices on new construction and redevelopment projects following the best available technologies recommended for the site based on the site's natural hydrologic conditions.

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## *DoD EISA Section 438 Implementation*

*On 19 January 2010, the Office of the Deputy Under Secretary of Defense (Installations and Environment) (ODUSD (I&E)) issued "[DoD Implementation of Storm Water Requirements under Section 438 of the Energy Independence and Security Act \(EISA\)](#)." The memo directs all DoD construction projects and redevelopment projects with a footprint of greater than 5,000 gross square feet to implement Low Impact Development (LID) techniques to maintain the project predevelopment hydrology to the maximum extent technically feasible. DoD defines "predevelopment hydrology" as "the pre-project hydrologic conditions of temperature, rate, volume, and duration of storm water flow from the project site."*

*This policy will be incorporated into applicable DoD Unified Facilities Criteria (UFC) within six months.*

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# NOW ACCEPTING SUBMISSIONS FOR THE SPRING 2010 ISSUE OF THE DoD CHESAPEAKE BAY PROGRAM JOURNAL

*The DoD Chesapeake Bay Program Journal provides information on upcoming relevant events, program success stories at DoD installations, regulatory changes, and other useful information to DoD environmental managers.*

*If you are interested in contributing to this online publication, please send your submissions to our editor, Angie Cropley at [angie\\_cropley@urscorp.com](mailto:angie_cropley@urscorp.com).*

*Angie is available at 703.418.3387 if you have any questions or would like to discuss your article ideas.*

### *Submissions Schedule for 2010*

#### **Spring 2010**

Submissions due  
26 March 2010

#### **Summer 2010**

Submissions due  
25 June 2010

#### **Fall 2010**

Submissions due  
24 September 2010

#### **Winter 2010**

Submissions due  
17 December 2010

## Successful Partnerships: The Virginia Eagle Award

*From Associated Press*

On 14 October 2009, former Virginia Governor Timothy M. Kaine announced the winners of the first Virginia Department of Defense Eagle Awards for environmental stewardship. More than 20 military installations across Virginia were eligible to compete for the award. Fort A.P. Hill, Fort Pickett and Defense Supply Center Richmond were the first three winners.



"The actions of all the participants are to be commended," said Secretary Bryant (Virginia's former Secretary of Natural Resources). "The actions of the winners in particular are at the forefront of some of the leading environmental concerns in the commonwealth today - land conservation, stormwater management and hazardous waste generation."

"These award-winning military installations have shown remarkable stewardship of the natural resources entrusted to their care," said Governor Kaine. "I am confident this partnership between the Department of Defense and the Commonwealth will continue to bring environmental benefits to Virginians for years to come."

Each participating military installation was evaluated by DoD personnel and staff from Virginia's natural resource agencies on seven performance measures: biological resources, habitat protection and restoration, watershed protection and restoration, land use, environmental stewardship, conservation plans and environmental compliance.

The Virginia Department of Conservation and Recreation and the Virginia Department of Environmental Quality worked with DoD to develop this program and evaluate the results. The first year's results show the Department of Defense's strong commitment to sustainable infrastructure and environmental stewardship.

Among its award-winning accomplishments Fort A.P. Hill was cited for establishing stream buffers, using innovative stormwater management approaches and protecting more than 2,900 acres through conservation easements. Fort Pickett established an environmental management zone along the Nottoway River, captured rainwater for reuse and also protected more than 2,500 acres. Defense Supply Center Richmond was recognized for their use of low impact stormwater management techniques and reductions in air emissions and hazardous waste generation.

*The Virginia Eagle Award showcases DoD efforts to perform above and beyond compliance efforts."*

The Department of Defense manages more than 275,000 acres in Virginia. Each military installation can submit an Installation Environmental Scorecard annually to the state for evaluation. Those military installations that demonstrate the greatest environmental stewardship will qualify for the Virginia Department of Defense Eagle Award.

(Click on pic to enter site)

## *In Brief*

### **Federal Funding Inventory Data Call**

This is a friendly reminder to please complete the FFI data call by **15 February 2010**. This data request not only asks for projects and spending for FY 2009 but also requests spending projections for FY 2010 and 2011. Like past years, this data will be used to compile reporting requirements under the MOU between Maryland and DoD that resolved the "flush tax" issue. For installations in Virginia, it will help us pre-populate several fields on the applications for this year's Virginia/DoD Eagle Award.

We anticipate the FFI will also help meet the new requirements coming out of EO 13508. Per the November 2009 draft strategy, all federal agencies responsible for actions under the EO are expected to fully participate in the Chesapeake Registry data collection effort for 2010 and beyond. DoD REC Bay staff will input FFI information in to the system. The Chesapeake Registry is a comprehensive collection tool used by the Chesapeake Bay Program Office to catalogue stakeholder activities that protect and restore the Bay. The objective of the Registry is to strengthen data about Bay activities for more effective coordination and better decision making among stakeholders and to provide program accountability. Use of the Registry as a mechanism to assemble and analyze information that can be used to develop the annual action plan required by the EO is currently under consideration.

### **EPA/States/DoD Sustainability Colloquium**

Hopefully folks got a chance to attend the breakout session, Protecting Our Natural & Historic Resources, at the November 2009 Colloquium. Through a combination of presentations and panels this track focused on leadership, planning, and accountability and offered real-life solutions for resource protection. Two excellent presentations were provided by our own installations in the Bay watershed. Both projects involved collaborative partnerships with various agencies and conservation organizations.

John Mullin, Cultural Resource Manager at Fort A.P. Hill, presented an alternative plan to mitigate the adverse effect from a BRAC action on 11 archaeological sites on-post that are eligible for the National Register. The mitigation plan combined the purchase of a 500-acre conservation easement off-post to protect extant 19th century historic resources and required limited additional field investigations on-post, the production of brochures and videos, and the provision for public outreach events.

Seth Berry, Natural Resources Manager at Naval Support Facility Indian Head, presented their ongoing shoreline stabilization and ecosystem restoration project that is occurring over several phases. Although the main objective was to protect critical infrastructure and real estate threatened by shoreline erosion, other benefits to be gained include the installation of a living shoreline to provide shoreline stabilization, intertidal wetland/shoreline creation/revegetation, enhancement of aquatic/terrestrial wildlife habitat and improvement of water quality. Issues considered during the NEPA process included: SAV, fish spawning habitat, eagle protection zones, archaeological sites and munitions response program sites.

### ***Reauthorization of the Chesapeake Bay Program***

Section 117 of the Clean Water Act established the Chesapeake Bay Program and set federal water quality policy for the Bay watershed. Legislative efforts were introduced in Fall 2009 to reauthorize this section, which expired in 2005. The Chesapeake Clean Water and Ecosystem Restoration Act of 2009 was introduced in both the Senate (S.1816), which must move through the Environment & Public Works Committee before going to the full Senate for vote, and the House (HR 3852), which must move through the Transportation & Infrastructure Committee before going to the full House for vote. Although there are some nuances between the two, the bills essentially contain the following: codifies the Bay TMDL process and gives EPA more authority to hold states accountable for meeting pollution reduction goals; develops federal standards and expands EPA authorities to control stormwater runoff; expands federal funding assistance; establishes Baywide nutrient trading; and codifies requirements in EO 13508, particularly the annual reporting of federal actions and expenditures.

*More information on the reauthorization of the Chesapeake Bay Program can be viewed at:*

[H.R. 3852 Text \(click here\)](#)

[S 1816 Text \(click here\)](#)

## National Public Lands Day 2009

*By: Charles Wilson and Mary Stuck*

National Public Lands Day (NPLD) began in 1994 with three federal agencies and 700 volunteers. This year, 150,000 volunteers worked at over 2,000 locations in every state and many U.S. territories. An estimated \$14 million in public land improvements was accomplished through such activities as removing 900,000 pounds of trash, collecting 20,000 pounds of invasive plants, building and maintaining 1,320 miles of trails, and planting 100,000 trees, shrubs, and other native plants. Eight federal agencies now participate in this annual effort, including DoD.

The DoD Legacy Resource Management Program began its partnership with NPLD in 1999 to support volunteer habitat restoration projects on military installations throughout the U.S., and has provided financial support for NPLD events for the past 11 years.

For 2009, 51 sites were awarded with Legacy funding through a competitive process, including three sites in NAVFAC Mid-Atlantic.

At Naval Air Station (NAS) Oceana Dam Neck Annex, in Virginia Beach, Virginia, funds were received to conduct a variety of dune enhancement and stabilization projects such as planting of dune habitat vegetation, repairing and installation of dune fencing, and repairing, replacing, and installing dune management area signage. The dunes at Dam Neck Annex not only act as a natural



*NAS Oceana volunteers conduct dune enhancement and stabilization*



*NAS Oceana funds were obtained to rebuild and repair the nature trail boardwalk and foot bridges and to maintain the Oceana Pond Natural and Recreational Area*

flood prevention mechanism, ensuring the installation's continued ability to perform their military mission, they are also an increasingly rare habitat type which is important in the life cycles of many species. Many species of migratory birds utilize these areas for feeding and shelter, and they are also utilized for nesting by the endangered Loggerhead sea turtle, which uses this area as part of its most northern nesting territory. Past dune stabilization efforts at Dam Neck Annex showed their worth when a strong Northeaster, the remnants of Hurricane Ida, struck the Virginia coastline on November 11 through 13. Natural Resources Specialist Michael Wright, the coordinator of this year's work and past projects as well, stated that without efforts such as these over the years, "The water would have easily broken through the dune line and flooded the main land of Dam Neck Annex."

Also at NAS Oceana, funds were obtained to rebuild and repair the nature trail boardwalk and foot bridges and to maintain the Oceana Pond Natural and Recreational Area. These facilities are outside the fence line at Oceana, and are therefore available for use by the general public. The site provides fishing, wildlife viewing, canoeing, and hiking opportunities, and is utilized by the Boy Scouts and other local groups as part of their nature education programs. One interesting observation that came out of this effort was that many of the volunteers were previously unaware that the area existed and is

*NPLD Continued on page 8*

*NPLD Continued from page 7*

available for their use. These individuals were pleasantly surprised to discover this hidden gem so close to where they live and work, and expressed interest in using the area in the future, and in helping with other similar volunteer efforts.



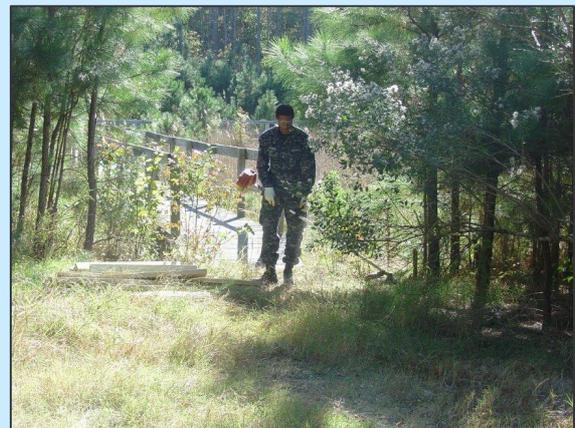
*NIOC Sugar Grove volunteers focused on controlling invasive plant species and replanting the area with native flora to assist the recovery of a rare butterfly species*

At Naval Information and Operations Command (NIOC) Sugar Grove in West Virginia, a two-pronged project was funded. At one site, volunteers focused on controlling invasive plant species and replanting the area with native species in an effort to assist the recovery of the Grizzled Skipper, a rare butterfly. The Skipper is a known pollinator of the shale barren rock cress, a federally endangered plant species which exists at Sugar Grove, one of only 35 known populations. Protecting this endangered plant is a Command priority, and the installation has been working with the West Virginia Department of Natural Resources for over 10 years to achieve this goal. Improving the habitat of this site will serve the dual purpose of making the area more suitable for the Skipper, and therefore helping to stabilize and recover the rock cress population.

At the other site, volunteers will focus again on removing invasive plant species in the riparian area of the installation. NIOC Sugar Grove is located on the North Fork of the South Branch of the Potomac River, where two invasive species, tartarian honeysuckle and rambler rose, have been estimated to occupy 90% of the riparian watershed. These species have been drastically reduced over the last four years at NIOC Sugar Grove through volunteer efforts associated with NPLD. According to Environmental and Natural Resource Program Manager Steven Niethamer, “healthy, intact natural environments are the least vulnerable to invasion, and without the annual efforts of our volunteers, the South Fork riparian buffer could become re-infested by the same or new invasive species.”

Many thanks to all the tireless volunteers who helped with these three worthy efforts, and thanks as well to Michael and Steve, without whose efforts these environmental improvements would not have occurred. It takes a lot of behind the scenes effort to put together events like these, something the people who volunteer may not realize.

For any installation interested in hosting a NPLD project in 2010, the application is posted on [www.publiclandsday.org](http://www.publiclandsday.org), and applications are due in May or June of each year.



*The NAS Oceana Pond Natural and Recreational Area is described as a “hidden gem”*

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<https://www.dodchesbay.com>

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PROTECTING THE CHESAPEAKE BAY FOR MILITARY READINESS, FOR OUR COMMUNITY, AND FOR FUTURE GENERATIONS