

Rivanna River Basin Commission Executive Committee Meeting

October 24th, 2024, from 10:00 to 11:00 A.M.

Location: TJPDC Office; Conference Room 1, 401 East Water Street, Charlottesville

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 290 302 566 993 Passcode: gy8K7p

(for Remote Participation in Compliance with All-Virtual Meeting Policy, Guest Speakers, and Members of Public)

Agenda

Item	Time	Description
1	10:00-10:05	Call to Order, Attendance
2	10:05-10:07	Approval of Agenda
3	10:07- 10:15	Comments from the Public: limit of 3 minutes per speaker Public are welcome to provide comment on Rivanna River Basin related topics.
4	10:15- 10:20	<ul style="list-style-type: none">Approval of the August 20th, 2024 Meeting AgendaApproval of the March 19, 2024 Meeting MinutesApproval of the Remote Electronic Participation and All-Virtual Meeting Policy*
5	10:20-10:30	RRBC Annual Conference Feedback and Discussion
6	10:30-10:40	Hardware River Scenic Designation <ul style="list-style-type: none">Updates on Fluvanna's & Albemarle's Process
7	10:40-10:50	March 2025 Meeting Agenda <ul style="list-style-type: none">Selection of the Nominating Committee (Election in March)
8	10:50-11:00	Roundtable
9	11:00	Adjourn

TJPDC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. TJPDC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities. For more information, to request language translation or other accommodations, or to obtain a Discrimination Complaint Form, contact Lucinda Shannon at (434) 979- 7310, lshannon@tjpd.org or visit the website www.tjpd.org.



**Rivanna River Basin Commission
Board Meeting Agenda**

August 20th, 2024 from 1:00 to 2:30 P.M.

Zoom Meeting

<https://us02web.zoom.us/j/86267729036?pwd=9VK8rumOp1Dsr6DXo3bKK9QLmbIWou.1>

Meeting ID: 862 6772 9036

Passcode: 594055

(for Remote Participation in Compliance with RRBC Remote Electronic Participation Policy)

Item	Time	Description
1	1:00-1:05	Call to Order, Attendance, Determination of Quorum
2	1:05-1:07	Approval of Agenda & 3.19.24 Meeting Minutes*
3	1:07-1:13	Comments from the Public: limit of 3 minutes per speaker Public are welcome to provide comment on Rivanna River Basin related topics.
4	1:13-1:35	Impacts of the Chevron Doctrine Overruling – Tanner Brantley, Williams Mullen <ul style="list-style-type: none"> • Discussion
5	1:35-1:45	Approval of Remote Electronic Participation and All-Virtual Meeting Policy*
6	1:45-2:05	Staff Updates <ul style="list-style-type: none"> • RRBC Annual Conference • Watershed Implementation Plan
7	2:05-2:30	Roundtable <ul style="list-style-type: none"> • Each Commissioner is invited to share updates related to the River/ River Basin from their jurisdiction. • Items for Next Meeting
8	2:30	Adjourn

**Items that require action*

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Rivanna River Basin Commission
Draft Board Meeting Minutes March 19, 2024

Rivanna River Basin Commission	Attendance
Ann Mallek, Albemarle BOS Chair	x
Bea LaPisto-Kirtley, Albemarle BOS	
Lonnie Murray, Appointed Citizen	x
Lloyd Snook, Charlottesville City Council	
Michael Payne, Charlottesville City Council	x
Jason Halbert, Appointed Citizen	x
Timothy Hodge, Fluvanna County BOS	
Tony O'Brien, Fluvanna County BOS	x
Marvin Moss, Appointed Citizen	
Davis Lamb, Greene County BOS	x
Francis McGuigan, Greene County BOS	x
Alex Vidales, Appointed Citizen	
Steve Morris, Culpeper SWCD	
Angus Murdoch, Thomas Jefferson SWCD	x
Staff/Public	
David Sligh, WildVA	x
Jackie Goodrum, WildVA	
Ruth Emerick, TJPDC	x
Isabella O'Brien, TJPDC	x

Materials in Packet: March 19th, 2024 Meeting Minutes, August 22nd, 2023 Meeting Minutes (Draft), Remote Electronic Participation Policy and All Virtual Meeting Policy

1. Call to Order, Attendance, Determination of Quorum

The Rivanna River Basin Commission (RRBC) Chair Ann Mallek, called the meeting to order at 1:02 p.m. A quorum was determined at 1:03 pm.

2. Approval of Agenda & August 22nd, 2023 Meeting Minutes

Motion/Action: There was a motion to approve the Agenda and the August 22, 2023 meeting minutes by Tony O'Brien, which was seconded by Lonnie Murray, and unanimously approved by the Commission.

3. Comments from Public

David Sligh and Jackie Goodrum joined from WildVA to share information about Scottsville's Wastewater data, which reflects the presence of PFAS in their influent and effluent. However, mitigating PFAS was not addressed in DEQ's permit update for the facility.

4. Presentation: RWSA Pump Station Update

Bill Mawyer led the presentation from Rivanna Water and Sewer Authority to discuss the Rivanna pump station's submersion in wastewater in January of 2024 after a 3 inch rainstorm, causing a large spill of wastewater into the Rivanna. RWSA has successfully built a bypass to stop the overflow, and continue



treating water at that location. The cause of the spill is being studied by an independent engineering firm and should be determined by the end of March 2024.

Questions:

- If river rise caused a backup into your piping system, leading to the overflow, what would stop this from happening again and again?
- Do you have any build up on methane in situations like this?
- Did some pumps continue to operate during the overflow?
- How fast were you alerted your control boards were down during the time of the event?
- Why did one pump station fail and the other did not?
- Do we know what the impact to rate payers will be following this event?

5. Bylaws Review

Staff reviewed the bylaws as they relate to elections, as well as proposed the formation of the executive committee (consisting of 2 non officer positions) to help carry out the functions of the RRBC outside of regular meeting dates.

6. Report of the Nominating Committee

Chair Mallek appointed Lonnie Murray, Jason Halbert, and Angus Murdoch as the election's nominating committee at the August Board Meeting.

The nominating committee proposed Ann Mallek as Chair, Lonnie Murray as treasurer, and Angus Murdoch as the Vice Chair.

7. Elections

After the report of the nominating committee, no additional members of the RRBC added themselves to the election slate. Tony O'Brien moved to vote for the slate, Chair Mallek seconded, and the commission unanimously approved the new officers. The RRBC Officers include:

- Chair: Supervisor Ann Mallek, Albemarle
- Vice Chair: Angus Murdoch, Fluvanna
- Treasurer: Lonnie Murray, Albemarle

Ann Mallek motioned to vote for the Tony O'Brien and Jason Halbert as the two non-officer members of the Executive Committee. Jason Halbert seconded the motion and the commission unanimously approved.

8. Discussion Items

- a. **RRBC Recap and Continuity:** Staff led a discussion about the last two years of the RRBC conference, and what members would like to see for the upcoming conference. Key takeaways include: Valuable hearing from state and federal organizations, holding the conference in various parts of the watershed, interest in a LID/BMP tour, technical presentations as well as community based organizations
- b. **WildVA PFAS in Scottsville:** Staff shared the key findings from WILDVA and provided an additional opportunity for the board to discuss next steps.



- c. **Current Grant Opportunities:** Staff mentioned the RRBC's stated desire for the board and commissioners to review grant opportunities applicable to the values of the RRBC. Staff provided grant resources to the commission for the review.

9. Staff Updates

- a. Updated Orientation Packet: Staff updated the RRBC orientation packet for new and standing members
- b. Stakeholder Advisory Group Meetings: Staff provided an update on the next topics for the Stakeholder Advisory Group, including the Stewardship Mapping and Assessment Project, and the Historical Timeline as designated in the 5 year work program.

10. Roundtable discussion: Each Commissioner was invited to share updates from their jurisdiction.

Angus Murdoch encourages everyone to get involved in the Virginia Conservation Assistance Program which addresses nonpoint source pollution and is incredibly well funded at this point in time. There are rolling applications.

Tony O'Brien noted the Rivanna River Rafters now have an operation in Fluvanna County as well. The James River Water Authority is pulling water, and is getting close to being finalized so there is additional water available for both Louisa and Fluvanna by 2025. Fluvanna County and other counties have petitioned the SCC regarding Aqua's proposed rate increase, which would take the average homeowner's water bill to around \$150 per month, about five times that of RWSA.

In Greene County, the meters are broken, and there are some residents receiving incredibly high water bills. The county is looking at \$160 million dollars worth of water projects in the next 5 years, for a service well only serving 1/3 of the county.

Where are the implementation plans associated with the Rivanna available? See below for more information. There are TMDL's being developed for the South Fork Rivanna, and a TMDL and an Implementation Plan being developed for the North Fork Rivanna.

Here are all TMDLs searchable by county: <https://www.deq.virginia.gov/our-programs/water/water-quality/tmdl-development/approved-tmdls>

A TMDL is currently being developed by DEQ for the South Fork Rivanna:

<https://www.deq.virginia.gov/our-programs/water/water-quality/tmdl-development/tmdls-under-development>

Approved Implementation Plans: <https://www.deq.virginia.gov/our-programs/water/water-quality/implementation/approved-implementation-plans/>

Implementation Plans Under Development: <https://www.deq.virginia.gov/our-programs/water/water-quality/implementation/implementation-plans-under-development/>

Albemarle is finalizing a Riparian Buffer Overlay District to return the county to where they were in the early 2000s, removing the exemption for disturbances under 10,000 square feet.

Charlottesville has purchased the historical Circus Grounds, near the Rivanna River Company is located. How can it be utilized to best preserve the Rivanna and align with the Rivanna Corridor Plan. City Staff is also evaluating local environmental policies like critical slopes and floodplain regulations. This can be an



opportunity to model what Albemarle has done, and introduced many discretionary decision points as possible along the Rivanna River.

A cross jurisdictional environmental citizens committee, where great environmental ideas can be brought forward. This could be something the RRBC utilizes a quarterly meeting for.

- 11. Adjourn:** There was a motion to adjourn by Tony O'Brien. Seconded by Jason Halbert, and unanimously approved by the Commission at 2:44 pm.

Commission meeting materials may be found at <https://rivannariverbasin.org/meetings-events/>.

RRBC REMOTE ELECTRONIC PARTICIPATION and ALL-VIRTUAL MEETING POLICY

This policy has two purposes. The first is to provide for the Rivanna River Basin Commission (RRBC) to permit a member to participate in a Commission meeting through electronic communication means from a remote location, and the second is to allow the Commission to conduct of all-virtual meetings, in the manner allowed by the Virginia Freedom of Information Act (FOIA) and as set out in this policy.

POLICY:

It is the policy of Rivanna River Basin Commission (RRBC) that individual members of the RRBC may participate in RRBC meetings by electronic communication as permitted by subsection B of § 2.2-3708.3 of the *Code of Virginia*. This policy shall apply to the entire membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

In order for an individual member to participate from a remote location as authorized by § 2.2-3708.3 B, a quorum of the Commission must be physically assembled at the primary or central meeting location. When such individual participation is due to a personal matter, set out in section A.4, below, such participation is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater.

Further, it is the policy of the RRBC that the Commission may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3 of the *Code of Virginia*. Such all-virtual public meetings are limited to two meetings per calendar year or ~~25~~ 50 percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater. An all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

This policy shall apply to the Commission and to all committees created by or under the authority of the Commission.

REMOTE ELECTRONIC PARTICIPATION BY COMMISSION MEMBERS:

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

A. Notification of Inability to Attend Because of Disability, Medical Condition, Location or Personal Matter

In advance of the meeting at which remote participation is requested, the member shall notify the Chair or Executive Director that he or she is unable to attend the meeting

- 1) due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
- 2) because a family member's medical condition requires the member to provide care for such family member;
- 3) because such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- 4) due to a personal matter. The member must identify with specificity the nature of the personal matter and may not use remote participation due to personal matters more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. Quorum Physically Assembled; Approval of Remote Electronic Participation

A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commissioners present must approve of the remote electronic participation in order for the member to participate remotely; however, the decision shall be based solely on the criteria in Section A, without regard to the identity of the member or items that will be considered or voted on during the meeting.

C. Record of Action

The Commission shall record in its minutes the remote location from which a member participated. The minutes also shall reflect the specific nature of the personal matter; the disability or medical condition; the fact that a family member's medical condition that required the member to provide care for such family member, thereby preventing their physical attendance; or that that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Commission's minutes with specificity.

ALL-VIRTUAL MEETINGS:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, the RRBC or its committees (hereinafter public body) ~~other than those excepted pursuant to subsection C of § 2.2-3708.3,~~ using electronic

communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

When holding an ~~The RRBC may hold~~ all-virtual public meetings, ~~the RRBC or committee shall~~ *provided that it* follows the requirements of this policy, other meeting requirements under FOIA, and the following statutory requirements:

- 1) An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- 2) Public access to the all-virtual public meeting is provided via electronic communication means;
- 3) The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. *When any member of the RRBC or any of its committees has audio-visual technology available, and electronic communication is being used to establish a quorum, that member shall be considered absent from any portion of a meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;*
- 4) A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
- 5) A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
- 6) The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
- 7) No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8) If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9) The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or ~~25~~ 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10) Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

The policy replaces the Remote Electronic Participation and All-Virtual Meeting Policy adopted on April 14th, 2023.

Updates to and readoption of this policy shall occur at least once annually.

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Budget Summary

- **Total Budget:** \$1,650 (excluding registration fees)
- **Direct Costs:** \$1,727.11
 - *Take It Away:* \$334.26
 - *Bodo's Coffee:* \$56.58
 - *Drinks, Ice & Fruit:* \$76.27
 - *Moderator Fee:* \$900.00
 - *Event Space:* \$360.00
- **Registration Revenue:** \$498.66 (62 attendees)
- **Net Costs:** \$1,228.45 (+ staff time)

Reflecting on the Annual Conference

- **Positives:**
 - *What aspects of conference's did you find most valuable?*
 - *What did you enjoy most about the conference format?*
- **Areas for Improvement:**
 - *What aspects of the conference could be improved for future events?*
 - *Were there any topics or formats that fell short of expectations?*
 - *Did anything feel missing from the conference experience?*
- **Conference Focus:**
 - *What topics related to the Rivanna River would you like to see prioritized in future conferences? (e.g., water quality, conservation efforts, recreational opportunities)*
 - *Are there any emerging issues or trends in river management that we should address at upcoming conferences?*
- **Conference Format:**
 - *Are there any new formats or activities you would like to see incorporated into future conferences?*



Rivanna River Basin Commission 9th Annual Conference

Bridging the Gaps: Conservation, Connectivity, and the Future of the Urban Rivanna River

9/27/2024 | 9:30am – 1pm | Carver Recreation Center

AGENDA

9:30 - 9:40	Welcome and Introductions
9:40 - 9:50	Revisiting the Urban Rivanna Corridor Plan - <i>Isabella O'Brien, Thomas Jefferson Planning District Commission</i>
9:50 - 10:15	Conservation: Restoring the Rivanna River - <i>Lisa Wittenborn, Rivanna Conservation Alliance</i>
10:15- 10:40	Connectivity: Parks, Trails, and Outdoor Recreation - <i>Chris Gensic, Charlottesville Parks and Recreation and Tim Padalino, Albemarle County Parks and Recreation</i>
10:40- 11:00	Why the Rivanna? - <i>Courtney Cacatian and Chris Ridder, Charlottesville Albemarle Convention & Visitors Bureau</i>
11:00 - 11:10	Break
11:10 - 11:50	Panel Discussion
11:50 - 12:10	Community Engagement - Q&A and Tabling
12:10 - 1:00	Lunch and Tabling

If you didn't purchase a lunch from Take It Away during conference registration, you can either bring your own or buy lunch at the Pearl Island Cafe next door. Please refer to your ticket confirmation for details.

Speaker Biographies

Presenters

Lisa Wittenborn *Executive Director of the Rivanna Conservation Alliance*, a nonprofit watershed organization based in Charlottesville, VA. RCA's mission is working with the community to conserve the Rivanna River through monitoring, restoration, education, and advocacy. Lisa oversees all aspects of RCA's work and has a special interest in water quality restoration projects. Lisa has a B.A. in Environmental Science from the University of Virginia, and two graduate degrees from UNC-Chapel Hill, a M.S. in Environmental Sciences and Engineering and a Ph.D. in City and Regional Planning. Her Ph.D. focused on water quality policy and management.

Chris Gensic *Parks and Trails Planner, City of Charlottesville* Chris coordinates the design and construction of a network of bicycle and ADA accessible trails to connect City parks, schools, and other destinations and to update park master plans and developing the larger park network according to the desires of the public and City Council. Chris is involved in urban forestry and wildlife planning, invasive species management, parkland acquisition, volunteer coordination, safe routes to schools, grant writing and grant project management. Chris has also worked as a regional planner at the TJPDC and as an environmental policy specialist at the Pentagon in Washington. He has served as the president of Bike/Walk Virginia, a state advocacy group, and locally as president of the Belmont-Carlton Neighborhood Association. He has lived in Charlottesville since attending the University of Virginia in 1991 to obtain a Bachelor of Environmental Science and Master of Urban and Environmental Planning.

Tim Padalino *Albemarle County's Chief of Parks Planning* Tim's work focuses on enhancing and expanding the County's parks and greenways system, involving frequent collaboration with the City of Charlottesville, TJPDC, UVA, and many community organizations and partnerships. Tim has a Landscape Architecture degree from Penn State University and a Master's degree in Urban and Environmental Planning from UVA and is a member of the American Institute of Certified Planners.

Chris Ridder *Destination Development Manager, Charlottesville Albemarle Convention and Visitor's Bureau* Chris's areas of focus include Outdoor Recreation and Transportation among other segments. Chris received his degree in Marketing Management from the University of Northern Iowa and worked within the recreation industry for over a decade prior to joining the visitor's bureau.

Courtney Cacatian *Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Executive Director* Under her leadership, the CACVB has become a national leader in creating welcoming environments through destination stewardship. The CACVB is the pilot for Destinations International's Tourism for All program, which she helped create. Her work has been recognized with a U.S. Travel Association's Destiny Award and HSMIA Adrian Award for Discover Black Cville. Through her team's efforts, Charlottesville has been recognized by Wine Enthusiast with a Wine Star award as the Wine Region of the Year 2023. She is the author of *The Future of Destination Organizations: A Guide to a Community-based Welcome*. Before coming to the CACVB, Courtney was the Executive Director of Discover Bristol TN/VA and the Marketing Director for the Arlington Virginia Convention and Visitors Service. She's a frequent guest lecturer at George Washington University, where she earned her Master's in Tourism Administration.

Isabella O'Brien *Regional Planner II, Thomas Jefferson Planning District Commission* Isabella manages some of the TJPDC's environmental programs including the Chesapeake Bay Watershed Implementation Program and Solid Waste Management Program. She also serves as staff for the Rivanna River Basin Commission. She holds a Bachelor of Science in Environmental Science from the University of Virginia and is certified as a Chesapeake Bay Urban Stormwater Professional, Chesapeake Bay Landscaping Professional, and Certified Planning Commissioner through VCU's Land Use Education Program.

Additional Panelists

Ann Mallek *Albemarle County Board of Supervisor* Supervisor Mallek is a farmer and educator representing the White Hall Magisterial District on the Albemarle County Board of Supervisors and the Chair of the Rivanna River Basin Commission. She received her BA in Zoology from Connecticut College. Ms. Mallek serves on the Blue Ridge Committee for Shenandoah Park Relations, Historic Preservation Committee, Rivanna Water and Sewer Authority, and Metropolitan Planning Organization to name a few. She is the president of VA Association of Counties.

Michael Payne *Charlottesville City Council* Councilor Payne represents the City of Charlottesville and is a member of the Rivanna River Basin Commission Executive Committee. He graduated from Albemarle High School and received a Bachelor of Arts in Government from the College of William and Mary. Michael has worked in affordable housing with Habitat for Humanity Virginia and PACEM. He represents the City Council on the Charlottesville Redevelopment and Housing Authority Board (CRHA), Housing Advisory Committee (HAC), Local Energy Alliance Program Governance Board (LEAP), Regional Housing Partnership, and Thomas Jefferson Planning District Commission (TJPDC) to name a few.

Gabe Silver *Rivanna River Company Owner* founded the Rivanna River Company with his wife Sonya in 2016 to serve the Charlottesville community with paddlesports outfitting, river guiding, outdoor skills instruction, and environmental education. RRC has diversified to host annual public events, a concert series, and a wood-fired sauna and river cold-plunge operation. Before starting the company, Gabe developed educational field programs and facilities for the James River Association as the manager of the Education and Outreach Program. Gabe has worked as a whitewater rafting guide, a flyfishing instructor, a counselor to troubled teenagers in a wilderness therapy program, and a carpenter. Gabe and Sonya reside in their hometown of Charlottesville with their daughters Willow and Mikaela.

Jen Fleisher *Blue Ridge Health District, CHA/CHIP Program Officer* Jen is the Community Health Assessment and Improvement Plan Program Officer at Blue Ridge Health District. She's responsible for facilitating the MAPP2Health process with Sentara Martha Jefferson Hospital and UVA Health. She collaborates with community partners, organizations, and agencies to implement initiatives that prioritize improvements in transportation, transit, and bike and pedestrian access to reduce health disparities throughout the District.

Peter Krebs *Piedmont Environmental Council, Community Advocacy Manager* Peter is a planner and organizer at the Piedmont Environmental Council. His work focuses on healthy, livable communities, well-connected for walking, biking and everyday access to the outdoors. He has a background in

communications, sports marketing and the arts, and has worked in numerous local and Federal agencies.

Moderator

Selena Cozart *Ph.D, Cozart Consulting CEO, Lead Consultant, and Facilitator* Selena has a full range of skills and extensive expertise in facilitating dialogue and community engagement, as well as community change in the service of equity and justice. Her specializations of Executive Coaching, Facilitation and Training, and Strategic Planning involving race, equity, diversity, inclusion (REDI), justice, and antiracism, helping individuals and organizations function at an all-inclusive and optimal level. She is a triple Hoo with a Ph.D in Education Evaluation with a concentration on Multicultural Education, a M.T. Secondary English Education, and a B.A. English Language and Literature from the University of Virginia.

Scenic Rivers Background

The Virginia Scenic Rivers Program was established in 1970 to honor exceptional examples of the state's extensive network of over 49,000 miles of rivers and streams. This initiative has continued to grow, safeguarding Virginia's waterways for several key reasons:

- Rivers and streams are vital sources of drinking water, recreational opportunities, wildlife habitats, commercial resources, and scenic beauty.
- Traditional river access points are disappearing as agricultural lands are converted to residential areas, with new property owners often restricting public access.
- Scenic river designation fosters greater public appreciation for the importance of rivers among Virginians.

Managed collaboratively by the state, citizens, and local governments, the program aims to enhance the conservation of scenic rivers and their surrounding areas. Rivers and streams awarded this designation are celebrated for their scenic, recreational, historical, and natural characteristics by community groups, localities, the Department of Conservation and Recreation (DCR), and the Virginia General Assembly.

In order to gain designation, local residents and state representatives evaluate rivers according to program criteria to determine whether or not river segments are worthy. This is done only after each locality adjacent to the river segment requests the study. Once the river is found worthy, the locality must then have its local legislators present a bill to the General Assembly, which then passes a resolution adopting the river into the system of scenic rivers.

The Virginia Scenic Rivers Program protects scenic rivers and streams and provides an opportunity to consider scenic and other resources in planning and design. The program promotes the protection of rivers with scenic, recreational, historic, and natural attributes. Additionally, if adopted locally, properties along designated scenic rivers may qualify for special tax assessments to lower their tax burden.

Benefits of Scenic River Designation

Scenic River Designation Process

- Provides opportunities to consider scenic and other resources in planning and design.
- Focuses Federal Energy Regulation Commission reviews of hydro or related project proposals.
- Encourages closer review of projects and proposals by state agencies and localities.
- Requires General Assembly authorization for dam construction.
- Provides for continued existing appropriate riparian land uses.
- Provides framework for appointment of a local Scenic River Advisory Committee.
- Provides eligibility for land use tax considerations, if locally adopted.

The following steps are taken in the designation of a candidate river segment.

1. A local governing board asks DCR to study a river segment.
2. DCR conducts a preliminary study to see if the segment meets minimum criteria. If so, DCR further studies the segment for eligibility with local support.
3. If deemed eligible, the locality accepts DCR's report and passes a resolution endorsing designation of the qualifying river segment.
4. The local board has a state legislator sponsor a bill to designate the river segment scenic.

Virginia Scenic Rivers Program

Evaluation Criteria

Stream Corridor Vegetation	Wide buffers with tree canopies are significantly weighted criteria.
Streambed or Stream Flow Modifications	Because the intent of the program is to keep designated rivers in a native or natural state, significant channelization or impoundments of any kind negatively impact the scenic quality of the river.
Human Development of Visual Corridor	Development impacts on the river are scored in two parts. (1) The development related to the concentration of buildings in predominately urban areas as they are observed from the river. (2) This is for predominantly rural areas, where single residencies or groupings are seen as separate individual units or clusters. <i>Higher scores are a result of having no urban development and no visible buildings.</i>
Historic Features	Rivers were the primary transportation corridors in early America. <i>Historic features in the river viewshed improve score, especially if they are on the National Register of Historic Places.</i>
Landscape	When the term “scenic” is used, it is most frequently applied to the natural environment or landscape. Here, two specific attributes – (1) <i>diversity</i> and (2)

	views – are identified and considered for scoring along the proposed river section.
Quality of Fishery	Fish and wildlife assets along a scenic river are important because of their intrinsic and recreational value. The quality of fish in a river corridor is based on the abundance of recreational varieties, the number of varieties, the uniqueness of the varieties, and opportunities along the river for legal fishing.
Additional Natural Features	This section refers to the wildlife and plants along the corridor. Data from the Natural Heritage Data Explorer is used to identify species of statewide or greater significance that are present along the corridor. Additional points may be granted for the presence of plant or animal species within 1,000 feet of the river.
Water Quality	Water quality is based on <i>the visible turbidity or siltation</i> during the growing season and the <i>amount of liter</i> in and adjacent to the river corridor.
Parallel Roads	The scenic river designation process considers the perceived remoteness of the river corridor. Since many of Virginia’s rivers were major transportation routes, roads often followed the rivers. <i>How visible the roads are is key to a high rating the parallel roads.</i>
Crossings	This refers to roads, railroads, major telephone lines, transmission lines, and any other manmade structure that crosses over the river. Pipelines and other crossings that go under the riverbed <i>are</i>

	<i>not</i> seen from the river are not counting in the scoring.
Special Features Affecting Aesthetics	The purpose of this category is to list all the stream and corridor features that singly or in combination make the river resource visually attractive.
Overall Aesthetic Appeal	<i>An overall aesthetic appeal rating considers all of the special features and then a score is applied. A river or segment with an exceptional ranking would have many features, a high level of diversity, and extreme or dramatic contrasts.</i>
Public Recreational Access	During the evaluation, reviewers will record specific types of <i>water-based recreation</i> that occur on the river segment, such as boating, fishing, swimming, tubing, and body surfing.
Significant Permanent Protection	Special consideration is given to river segments where at least 25% of adjacent land is in significant permanent protection.

WHAT SCENIC RIVER DESIGNATION DOES

- Designation encourages protection and preservation of the river.
- Designation declares the protection of a river's scenic values to be a beneficial purpose of water resource policy.
- Designation allows for a local administering committee that can be appointed by the Director of Department of Conservation and Recreation (DCR).
- Designation requires the Board of Conservation and Recreation (BCR), whose members are appointed by the Governor, to advise the Director of DCR on the federal, state, or local plans that impact the designated river segment and to give local citizens a voice in river-related issues.
- After designation, the General Assembly must approve construction of any dam that would result in an impediment to the natural flow of the river.
- For properties along designated rivers, a special tax assessment may be given to reduce the tax liability, as valued by the State and Land Evaluation Advisory Council, if adopted by the locality.
- The Federal Energy Regulator Commission (FERC) recognizes Virginia's designated Scenic River System. This acknowledgement of the program ensures that the qualities of the designated river are considered during licensing or relicensing of federal projects on or crossing designated rivers.
- Designation allows for lands along designated corridors to receive grant funds.

WHAT SCENIC RIVER DESIGNATION DOES NOT DO

- Designation *does not* give the state control over land use.
- Designation carries with it *no* land use controls.
- Designation *does not* give the public any right to use privately owned land.
- Virginia *does not* commercially promote its scenic rivers.

Overall, Scenic River designation constitutes official recognition of the natural, scenic, historic, and recreational values of some of Virginia's most valuable riverine resources and provides them with a measure of protection not afforded other rivers. Additionally, it gives riparian landowners and other local citizens a stronger voice in any government action or decisions that have the potential to impact "their" river.

ARTICLE 4. MEMBERSHIP

1. *The Commission shall consist of 14 nonlegislative members as follows: two members each of the local elected governing body of the Counties of Albemarle, Fluvanna, and Greene, and the City of Charlottesville; two nonlegislative citizen members, one each from the Culpeper Soil and Water Conservation District and the Thomas Jefferson Soil and Water Conservation District; and four nonlegislative citizen members at-large, one member each appointed by the local elected governing body of the Counties of Albemarle, Fluvanna, and Greene, and the City of Charlottesville, upon the recommendation of the Thomas Jefferson Planning District Commission.*
2. *All members recommended by the Thomas Jefferson Planning District Commission and appointed to the Commission by the relevant local elected governing bodies shall be citizens who demonstrate interest, experience, or expertise in water-related Basin issues.*

ARTICLE 5. TERMS

1. *Members of the Commission who are local elected governing body officials or members of the soil and water conservation districts shall serve terms coincident with their terms of office.*
2. *Initial appointments of the four nonlegislative citizen-at-large members shall be staggered as follows: two members for a term of two years; and two members for a term of four years. Thereafter, nonlegislative citizen members shall be appointed for a term of four years.*
3. *Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.*
4. *All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a nonlegislative citizen at-large member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.*
5. *Vacancies shall be filled in the same manner as the original appointments.*

ARTICLE 6. OFFICERS

1. *The officers of the Commission shall consist of Chair, Vice Chair, and Treasurer.*
2. *The Commission shall elect a Chair, Vice Chair and Treasurer. Eligibility to be considered for an Officer position is restricted to existing commission members, and preferably should come from members representing different jurisdictions.*

3. The officers of the Commission shall consist of a Chair, Vice Chair, and Treasurer, chosen from among the serving Commissioners. Their terms shall extend from the first meeting of a calendar year (or at their time of election, if later) until the first meeting of the next calendar year. Officers may be re-elected for one additional consecutive full term but upon a unanimous vote may serve for additional terms.
4. Where practicable no more than one officer shall represent a locality or organization and should include at least two persons elected by the voters of their respective county or city.
5. At the last meeting in a calendar year, the Chair shall recommend a Nominating Committee of at least three Commissioners whose terms as Commissioners do not expire at the end of that year. The Commissions may accept the Chair's recommendations or name the members of the Nominating Committee, which shall submit its report at the first meeting of the following calendar year.
6. At the first meeting of each calendar year, the Commissions shall elect officers. A separate vote shall be held for each officer. Any Commissioner in attendance may nominate additional candidates, in addition to the recommendations of the Nominating Committee (which may recommend more than one candidate for any position). The Officer chosen must received the votes of a majority of Commissions in attendance.
7. Vacancies in any office shall be filled by election at the next regular Commission meeting after the vacancy occurs.
8. The Chair may name a Secretary to assist in ensuring that the minutes are properly recorded and maintained, but such Secretary need not be a Commissioner.
9. The roles and responsibilities of the Executive Director shall be outlined in an employment contract.
10. The duties of the Chair shall include:
 - a. Preside at all Commission meetings.
 - b. Approve agendas for Commission meetings.
 - c. Ensure that meeting minutes are appropriately recorded.
 - d. Ensure that the minutes of each Commission meeting are adopted at the subsequent meeting and that they are maintained in a centralized location.
 - e. Act as Commission spokesperson.
 - f. Ensure that all decisions and resolutions of the Commission are carried out effectively.
 - g. Serve as point of contact and liaison for the Technical Advisory Committee to the Commission.
 - h. Review fiscal records, reports, certificates and other documents required by law.
 - i. Sign written instruments on behalf of the Commission.
 - j. Carry out other duties as may be assigned by the Commission.
 - k. Chair all Executive Committee meetings.