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At The Intersection of Land Conservation and Resilience

Mary-Carson Stiff

AT THE INTERSECTION OF LAND CONSERVATION AND RESILIENCE

THE ELIZABETH RIVER'S URBAN LAND TRUST



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Hampton Roads Sea Level Rise/Flooding Adaptation Forum



BACKGROUND: LIVING RIVER RESTORATION TRUST

Sister non-profit to the Elizabeth River Project

Established in 2004 after the Elizabeth River Project fought APM Terminals dredging project. APM paid \$5.3 million to offset 100 million cubic yards of bottom lands disturbance for port terminal dredging.

This payment cleaned up 36 million pounds of toxic contamination off Money Point.

LRRT Mission: *To restore the Elizabeth River to the highest practical level of environmental quality through government, business and citizen partnerships.*



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LIVING RIVER RESTORATION TRUST FOCUS PROGRAMS

1. Sediment Mitigation / Clean Up

Goal: Offset river bottom impacts to Elizabeth River

Impact: 16% of all life occurs along the bottom of waterways

2. Land Conservation

Goal: Protect land in the watershed from development

Impact: Less than 10% of the Elizabeth River watershed is undeveloped



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SEDIMENT MITIGATION / CLEAN UP PROGRAM

Program began in 2004 via APM terminal offset

First mitigation tool in US approved by the federal government for compensation of impacts to bottom of a waterway

Secured 22 advanced remediation credits

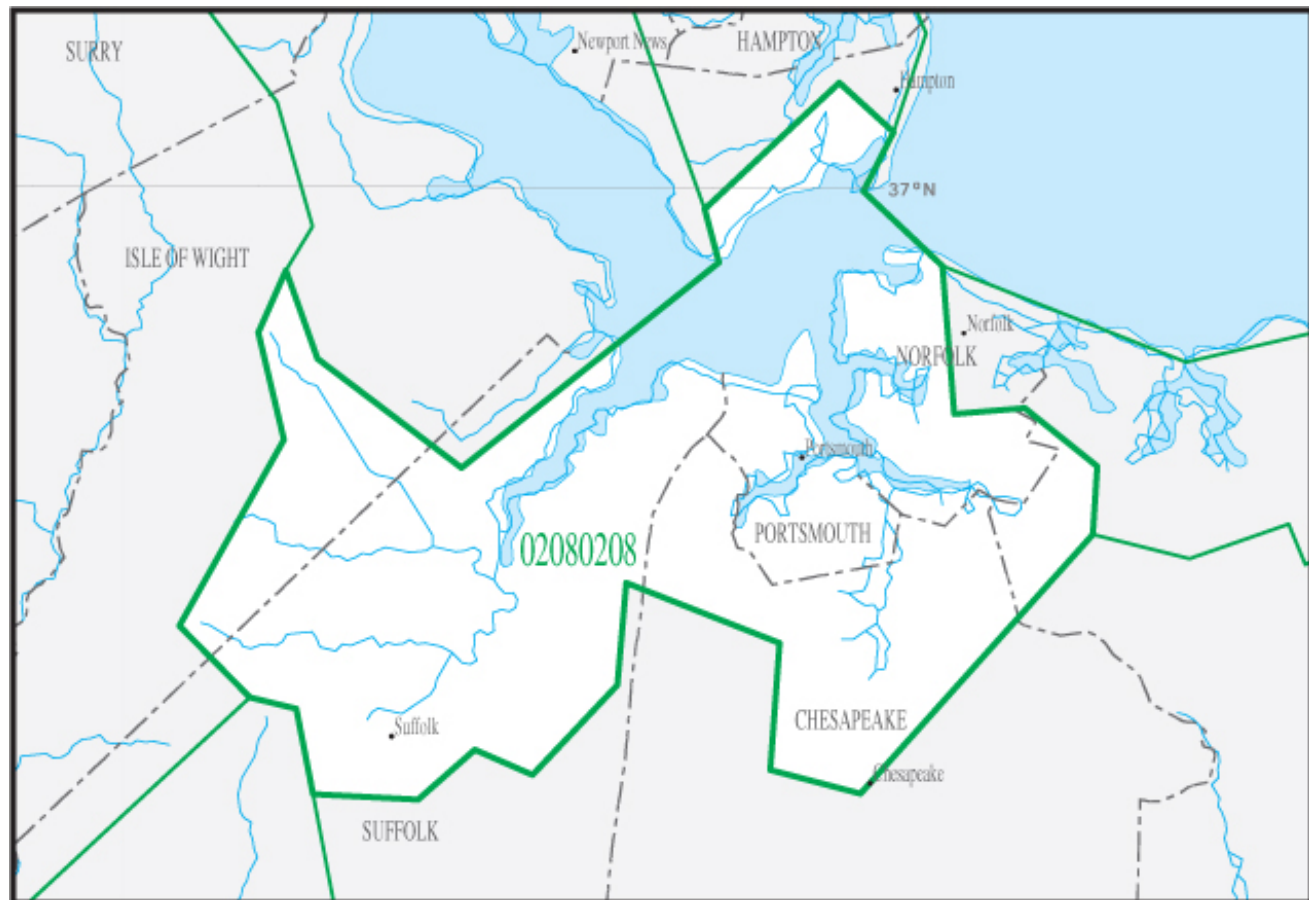


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SEDIMENT MITIGATION / CLEAN UP PROGRAM

LRRT Service Area – Focus on Paradise Creek



SEDIMENT MITIGATION / CLEAN UP PROGRAM

Exhibit D Fee Schedule for Advanced Credits

Basin	HUC Code	Proposed Mitigation Activity	Advanced Credits	Proposed Credit Ratio	Cost per Credit
Lower James Hampton Roads	2080208	Sub Aqueous Restoration - upper range (dredging with clean amended back fill)	8	0.25:1	\$370,000
		Subaqueous Rehabilitation - lower range (direct sediment amendment)	8	1:1	\$370,000
		Oyster Reef Restoration	2	1:1	\$250,000
		Tidal Wetland Restoration	2	1:1	\$735,500
		Upland Buffer Restoration	2	15:1	TBD



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LAND CONSERVATION PROGRAM

Program began in 2010

582 acres in long term conservation

Serve multiple functions: conservation easement holder, owner of land in fee, and facilitator of conserved land

Urban land trust: small parcels accepted

Identifying high-value sites in watershed for potential conservation



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LAND CONSERVATION PROGRAM: 2017-2018 REVIEW

OVER 582 ACRES OF LAND PRESERVED



New Waterfront Public Park: 9 acres of lush wetlands and forest along the Eastern Branch of the Elizabeth River were purchased and donated to The City of Virginia Beach for a public park.

Protecting Land: 28 acres of forested wetlands near the Dismal Swamp, are now protected in perpetuity under a new conservation easement.

Expansion of Protected Land: 500 acres of forest adjoining the Dismal Swamp Wildlife Refuge are under contract to be purchased.

Maintenance of Existing Easements: 450 acres of Land are being monitored under existing conservation easements.



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LAND CONSERVATION PROGRAM: 2018-2019 GOALS



90 Acres – Forest/Wetlands:
Conserve this undeveloped shoreline on the Southern Branch of the Elizabeth River in Chesapeake, valued at \$2.3 million.



Multiple Waterfront sites:
Convert residential properties impacted by Hampton Roads increasing sea level rise to open space & wetlands.



3 Acres – Residential Area:
These 3 waterfront acres have been in the same Portsmouth family since a King's Grant. Help conserve them forever.



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LAND CONSERVATION MEETS ADAPTATION

Wetlands Watch working with LRRT to pioneer two pilot programs with the City of Chesapeake and the City of Norfolk

Goal: “Building resilience to sea level rise through conservation.”

Method: Converting frequently flooded residential parcels to open space, and where possible, restored shorelines / wetlands

Vehicles:

Chesapeake’s hazard mitigation acquisition program

Norfolk’s resilient quotient program in new zoning ordinance

Pilot Programs:

- 1.** Feasibility of land transfer from Chesapeake → LRRT
- 2.** Assessment of how to incentivize and implement rolling easements for managed retreat via zoning ordinance



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CITY OF CHESAPEAKE PILOT PROJECT

Background

- City planning staff approached LRRT about helping alleviate the cost of mowing lots of open space owned by the City
- Open space lots are a result of FEMA Hazard Mitigation Grants the City used to acquire repetitively flooded properties
- Under the FEMA grant, structures must be removed, residents relocated, and the lot must be left open in perpetuity
- FEMA places restrictive covenant & City meets FEMA's reporting requirements

Recommendation

Transfer ownership of the parcels from the City to LRRT



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CITY OF CHESAPEAKE PILOT PROJECT

Pilot Project

- Using 4 contiguous shoreline parcels as sample for pilot
- Will FEMA allow transferring sample parcels to LRRT?
- What are the concerns for LRRT, City, and FEMA?
- Permitted uses of parcels? City operated flood or stormwater mitigation projects? LRRT mitigation projects?

Next Steps

- Sending letter of support from NEMAC to City Manager
- Letter of support from City Manager
- Start working with FEMA, City, & LRRT on the details...

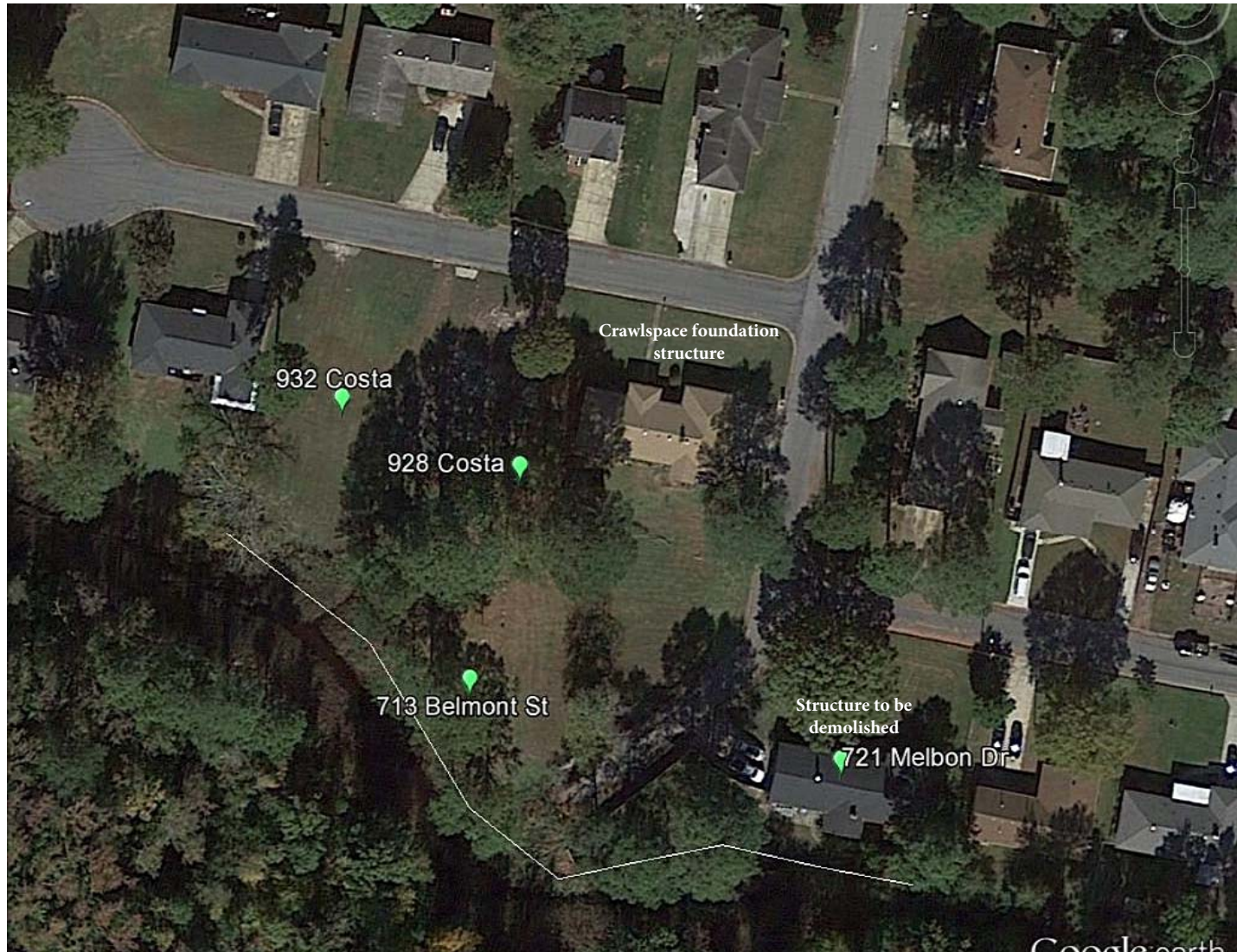


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CITY OF CHESAPEAKE PILOT PROJECT: 4 PARCELS

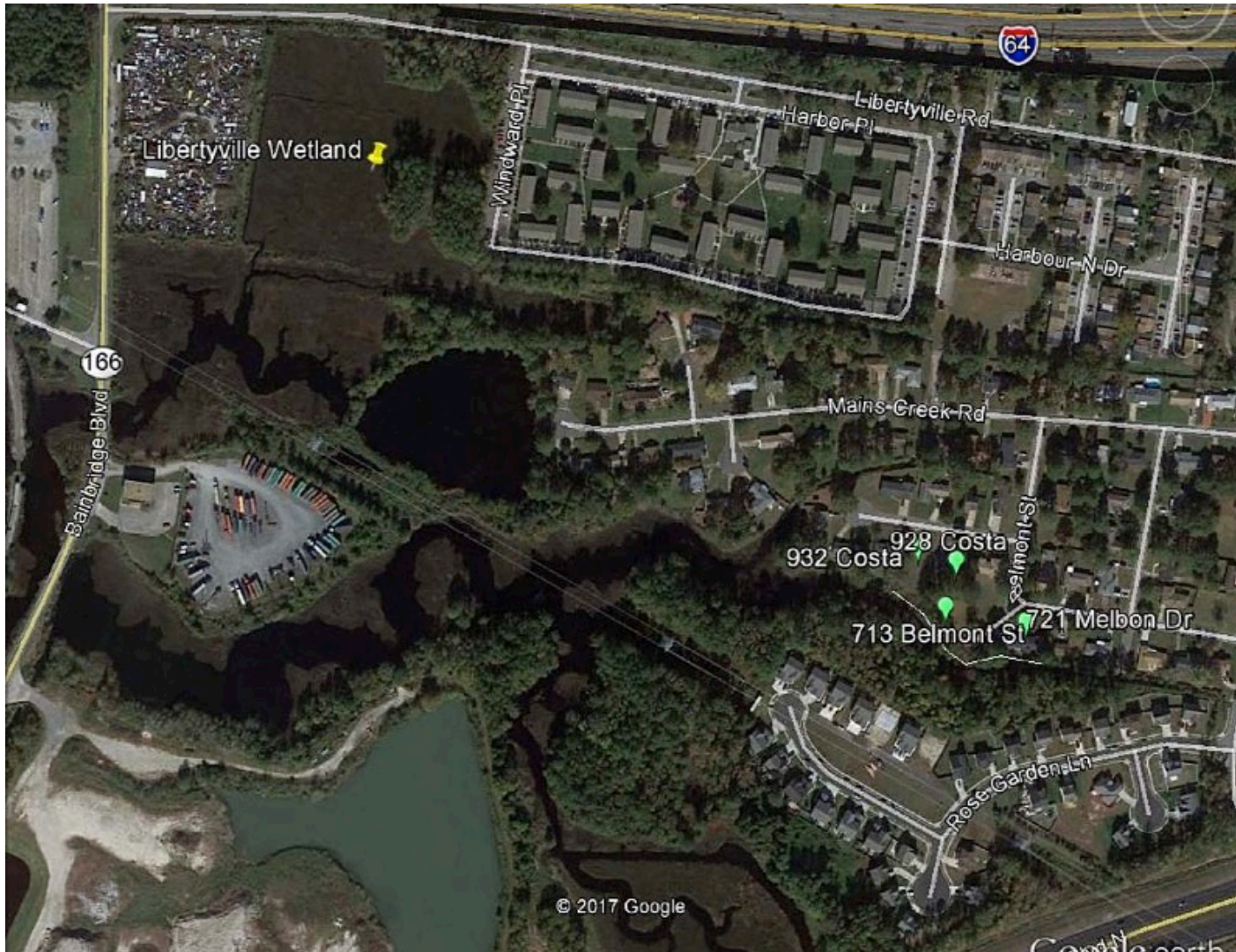


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CITY OF CHESAPEAKE PILOT PROJECT: 4 PARCELS



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CITY OF NORFOLK PILOT PROJECT

Background

- New zoning ordinance includes conservation points for developers using resilient quotient program
- Developers earn points for extinguishment of each development right in coastal resilience overlay through purchase of easements
- If parcel is developed, residents get life rights to stay, BUT structure is removed if 50% damaged - can be more restrictive
- The conservation points option in ordinance creates an incentive for managed retreat in face of sea level rise, but the City removes itself from political heat because the transaction is private

Recommendation

LRRT serves as the land trust that helps developers buy easements & helps landowners voluntarily participate in the program



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CITY OF NORFOLK PILOT PROJECT

Pilot Project

- How does this work in practice?
- Are points weighted correctly to reflect actual transaction costs?
- Is financial benefit to property owners for easements enough?
- Do we have a good template for rolling easements? We want to strengthen the 50% standard - what are the trigger points?

Next Steps

- Letter of support from City Manager
- Sample transactions
- Survey developer and homeowner interests
- Rolling easement templates
- Roundtable discussions with subject matter experts....



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QUESTIONS?



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