

October 30, 2014

**Virginia Coastal Zone Management Program
Semiannual Section B.2-4 Report
For the Period from April 1, 2014 – September 30, 2014**

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SECTION B.2 PERMIT ADMINISTRATION, MONITORING AND ENFORCEMENT

1) DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

a) DEQ – Virginia Coastal Zone Management Program

Virginia CZM Program staff continued to work with our partner agencies to implement the Program over the last 6 months. For a full description of staff activities, please refer to the Section A report for Task 1.

b) DEQ – Water Permitting Programs

DEQ- Virginia Water Protection Permit (VWPP) Program

The Virginia Water Protection (VWP) Permit Program is required for water withdrawals and activities in wetlands and surface waters that may or may not require Clean Water Act section 401 water quality certifications. Please refer to the attached summaries of data for both permit processing data and wetlands impact data that apply to all areas of the Commonwealth.

During Virginia fiscal year 2014 (July 1, 2013 through June 30, 2014), the VWP Permit Program issued approximately the same number of individual permits; issued slightly more general permit authorizations; and modified significantly more individual permits and changes to general permit authorizations than last fiscal year (see Attachment No. 1). The modifications occurred for various types of commercial, private, and government activities, but no specific trends, other than possibly an upswing in the economy, were identified. The program reissued three individual permits during this time for ongoing regulated activities, such as but not limited to, surface water withdrawals. No permit applications were denied during this reporting cycle. Permit application and issuance processing delays, if any, were mainly due to suspension of the permit process due to inadequate project information or change in project scope or impacts; threatened and endangered species concerns and/or coordination; required coordination under the State Program General Permit (SPGP) process; and permittee/applicant delay in public noticing draft individual permit(s).

The VWP Permit Program staff also conducted approximately 100 more inspections on a variety of sites than during fiscal year 2013 (see Attachment No. 1).

Data relating to the amount of impacts that occurred and the compensation received since last fiscal year will be updated in the fall of 2015. VWP Permit Program expects that a similar amount of nontidal wetland impacts were authorized through permit actions in fiscal year 2014, since the number of permits issued were similar, and likewise for compensatory mitigation, when required.

The VWP Permit Program commenced a regulatory action to revise the Virginia Water Protection (VWP) permit regulation and reissue the VWP general permit regulations during the reporting cycle. The Program also continued developing a new in-lieu fee fund program for compensatory mitigation across the Commonwealth, including documentation for fund approval through the U.S. Army Corps of Engineers.

The VWP Permit Program continued to work with the Virginia Institute of Marine Science to develop wetland condition assessment tools under existing grant funding from the U.S. Environmental Protection Agency's nontidal wetland grants program.

The VWP Permit Program did not receive comments, concerns, or procedures for expediting decision-making for the management of coastal resources.

2013			
Group	# Permit Actions	# Inspections	Average Processing Time (Days)
VWP Individual Permit Issuances	26	N/A	139
VWP Individual Permit Modifications	18	N/A	N/A
VWP Individual Permit Reissuances	1	N/A	N/A
VWP General Permits Issued	216	N/A	25
VWP General Permit Authorization Changes	44	N/A	N/A
VWP Inspections	N/A	698	N/A

2014			
Group	# Permit Actions	# Inspections	Average Processing Time (Days)
VWP Individual Permit Issuances	27	N/A	97
VWP Individual Permit Modifications	44	N/A	N/A
VWP Individual Permit Reissuances	3	N/A	N/A
VWP General Permits Issued	258	N/A	29
VWP General Permit Authorization Changes	105	N/A	N/A
VWP Inspections	N/A	791	N/A

DEQ-Virginia Pollution Discharge Elimination System (VPDES) Water Permitting Program

There are a total of 239 individual municipal and industrial CZM area VPDES permits. This number and the numbers in the table above represent typical activity in the program. There is no known reason for increases or decreases in numbers of permits from the last reporting period. There are also numerous facilities registered under general permits in CZM areas including 37 car wash facilities, 75 concrete products facilities, 5 cooling water discharges, 192 single family homes, 66 nonmetallic mineral mining facilities, 18 petroleum and hydrostatic testing discharges, 7 potable water treatment plants, 48 seafood processors, and 536 industrial storm water discharges. These represent typical numbers for general permit registrants in CZM areas in Virginia.

DEQ – VPA Water Permitting Program

The Virginia Pollution Abatement permit (VPA) is required for facilities that manage wastewater, animal waste, biosolids or industrial sludges in such a manner that they do not have a discharge from the site. For example, an agricultural facility that temporarily stores wastewater to be land applied as part of an irrigation/fertilization program. During the period between April 1, 2014 and September 30, 2014, DEQ received 8 permit applications for VPA Individual permits within the coastal zone area: 1 for a new permit; 3 for permit modifications; 4 applications for reissuance. Five permits that authorize the land application of biosolids were

modified during the period, including the 3 for which applications were submitted during the same period. One VPA Individual permit was reissued within the Coastal Zone Management area.

During the period between April 1, 2014 and September 30, 2014, one application for coverage under the General Permit for Poultry Waste management was submitted in the Coastal Zone Management area. Also, during the period, no applications were received and no coverage was issued, modified or denied under the VPA General Permit for Animal Feeding Operation in the Coastal Zone Management area.

VPDES/VPA/VWP - October 1, 2013 – March 31, 2014										
	Permits Issued / Avg Proc. Days ⁽¹⁾		Permits Reissued / Avg Proc. Days		Permits Modified / Avg Proc. Days		Denied / Avg Proc. Days		Permits Reissue Pending / Avg Proc. Days	
	VPDES	0	NA	13	216	6	70	0	N/A	23**
VPA	0	0	1	1034	5	158	0	N/A	4	118
VPA GP	0	0	1	1	0	0	0	0	0	0

Processing day is the amount of time between receiving a complete application and making the final case decision (issuance, reissuance, modification, etc.).

* Information from CEDS database

** This represents existing VPDES individual permits expired but pending through September 30, 2014.

c) DEQ – Water Program Enforcement and Compliance

DEQ continues to apply both informal and formal enforcement measures in the enforcement program. Reference Table 1, below.

Informal measures, such as Warning Letters and Letters of Agreement, are used in those cases where non-compliance is not significant in nature and where compliance can be achieved in a short period of time. For the period April 1, 2014 through September 30, 2014, DEQ issued 40 Warning Letters for violations of VPDES, VPA, VWPP, and Ground Water program requirements.

Formal enforcement actions are used in those cases where non-compliance is more serious or may take a significant amount of time to correct. Formal measures generally involve the issuance of a Notice of Violation followed by a Consent Order, or an Executive Compliance Agreement in the case of a state agency. In some cases, Unilateral Administrative Orders or court orders may be sought. Between April 1, 2014 and September 30, 2014, DEQ issued 46 Notices of Violation for violations of VPDES, VPA, VWPP, and Ground Water program requirements. During the same period, the agency concluded enforcement cases with the issuance of eight Consent Orders that assessed a total of \$173,574 in civil charges.

Table 1

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Warning Letters	40	N/A
Informal	Letters of Agreement	0	N/A
Formal	Notices of Violation	46	N/A
Formal	Consent Order	14	\$173,574
Total		100	\$173,574

d) DEQ –

Air

**OFFICE OF AIR PERMIT PROGRAMS
PERMITS ISSUED REPORT FOR
VIRGINIA'S COASTAL RESOURCES MANAGEMENT PROGRAM**

Period: April 1, 2014 – September 30, 2014

PERMIT TYPE	NUMBER OF PERMITS ISSUED	AVERAGE PROCESSING TIME (Days)
PSD & NA	0	NA
Major	1	NA
Minor	64	36
Administrative Amendment	6	20
Exemptions	17	9
State Operating	2	89
Federal Operating (Title V)	3	640
Acid Rain (Title IV)	0	NA
Total Number Permits Issued	<u>92</u>	

* The average processing time is determined by computing the difference between when the application was deemed administratively complete and when the permit was issued.

Note: The information provided for this report includes data from the Northern Virginia Regional Office, Piedmont Regional Office and Tidewater Regional Office only.

Definitions:

Prevention of Significant Deterioration (PSD) = A source which emits **250 tons or more** per year of any regulated pollutant or combination of regulated pollutants, or who is one of 28 specific industries listed in the state regulations and will emit 100 tons per year of a regulated pollutant.

Major = A source which emits, or has the potential to emit, **100 tons or more** per year of any air pollutant.

Minor = A source which emits, or has the potential to emit, **less than 100 tons** per year of any air pollutant.

State Operating= Application for permit written pursuant to 9 VAC 5-80-800.

Administrative Consent Agreement = An agreement that the owner or any other person will perform specific actions to diminish or abate the causes of air pollution for the purpose of coming into compliance with regulations, by mutual agreement of the owner or any other person and the Board.

Administrative Amendment = Changes made to the permit to clarify or correct an issued permit. For example, equipment references, improved control equipment, reductions of allowed emissions below the exemption levels, etc.

Exemption = Facilities meeting are exempted from permitting requirements by exemption levels defined in 9 VAC 5-80-11.

Federal Operating (Title V) = a source that emits **10 tons or more** per year of any hazardous air pollutant, **or 25 tons** per year of any combination of hazardous air pollutants or emits criteria pollutants above major source levels.

Acid Rain (Title IV) = tightens the annual emissions limits for SO₂ and NO_x which are imposed on large higher emitting electric utility plants and sets restrictions on smaller, cleaner plants fired by coal, oil, and gas.

**OFFICE OF AIR PERMIT PROGRAMS
 PERMITS PENDING REPORT FOR
 VIRGINIA'S COASTAL RESOURCES MANAGEMENT PROGRAM**

Permits pending as of September 30, 2014

PERMIT TYPE	NUMBER OF PERMITS PENDING
PSD & NA	1
Major	0
Minor	28
Administrative Amendment	1
Exemptions	1
State Operating	4
Federal Operating (Title V)	4
Acid Rain (Title IV)	0
Total Permits Pending	<u>39</u>

Note: The information provided for this report includes data from the Northern Virginia Regional Office, Piedmont Regional Office and Tidewater Regional Office only.

**OFFICE OF AIR PERMIT PROGRAMS
PERMITS WITHDRAWN AND APPLICATIONS DENIED REPORT FOR
VIRGINIA'S COASTAL RESOURCES MANAGEMENT PROGRAM**

Period: October 1, 2013 – March 31, 2014

PERMIT TYPE	NUMBER OF PERMITS WITHDRAWN	NUMBER OF APPLICATIONS DENIED
PSD	0	0
Major	0	0
Minor	4	0
Administrative Amendment	0	0
Exemptions	0	0
State Operating	0	0
Federal Operating (Title V)	1	0
Acid Rain (Title IV)	0	0
Total Permits Rescinded	<u>5</u>	<u>0</u>

Note: The information provided for this report includes data from the Northern Virginia Regional Office, Piedmont Regional Office and Tidewater Regional Office only.

e) DEQ – Air Program Enforcement and Compliance

DEQ continues to apply both informal and formal enforcement measures in its air enforcement program. Reference Table 1, on the following page.

Informal measures include Requests for Corrective Action, Informal Correction Letters, Warning Letters, and Letters of Agreement. These actions are used in those cases where non-compliance is not significant in nature and where compliance can be achieved in a short period of time. During the six-month period beginning April 1, 2014 through September 30, 2014, DEQ issued 18 Requests for Corrective Action, and 12 Warning Letters.

Formal enforcement actions are used in those cases where non-compliance is more serious or may take a significant amount of time to correct. Formal measures generally involve the issuance of a Notice of Violation and negotiation of a Consent Order, or an Executive Compliance Agreement in the case of a state agency. In some cases, Unilateral Orders or court orders may be pursued. Between April 1, 2014 and September 30, 2014, DEQ initiated three new formal enforcement actions via issuance of Notices of Violation. Additionally, the Agency issued five Consent Orders; assessing a total of \$49,348 in civil charges.

Table 1

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Requests for Corrective Action	18	N/A
Informal	Informal Correction Letter	1	N/A
Informal	Warning Letters	12	N/A
Formal	Notices of Violation	3	N/A
Formal	Consent Orders	5	\$49,348
Total		39	\$49,348

f) DEQ – Erosion and Sediment Control

Summary of Specific Outputs:

Specific Outputs	Progress / Status
364 CZM Chesapeake Bay Land Disturbing Activities Permitted - Projects greater than 2,500 s.f. but less than 1 acre found within Chesapeake Bay Designated Areas.	Permit coverage has been issued and projects are under construction. Compliance is achieved through ongoing permit review, technical assistance, and project inspection.
1672 CZM Small Construction Activities Permitted- Land Disturbing Activities greater than 1 acre but less than 5 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved through ongoing permit review, technical assistance, and project inspection.
1820 CZM Large Construction Activities Permitted- Land Disturbing Activities greater than 5 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved through ongoing permit review, technical assistance, and project inspection.
3856 Total CZM Land Disturbing Activities Permitted thru coverage under the Construction General Permit.	Coastal Zone Management resources are conserved and restored through permit compliance.

Supplemental Narrative:

Considerable erosion and sediment control and stormwater management progress occurred during the performance period. New and improved requirements for project stabilization during construction and recently enhanced post construction requirements will result in further improvements to coastal zone resources. The new post construction requirements have been developed to more closely mimic predevelopment hydrology found in a naturally wooded site condition. The implementation of these new requirements will result in less downstream sediment export and fewer nutrient export impacts from land development.

Erosion & Sediment Control (ESC) and Stormwater Management (SWM) Laws and Regulations are designed to help reduce pollutants in the Chesapeake Bay, and require localities, developers, and consultants to be certified in various knowledge and practices. The regulations require DEQ to offer two certification tracks, one for ESC and another for SWM.

Each track includes training courses to assist people to become certified as: Program Administrators, Inspectors, Plan Reviewers and Combined Administrators. Each certification type is valid for 3 years and individuals can recertify by completing continuing education throughout the certification period.

Between April 1 and September 30, 2014 DEQ Office of Training Services trained approximately 456 people in Erosion & Sediment Control through 12 classes and 1,678 people in Stormwater Management through 28 classes.

g) DEQ- Office of Stormwater Management – Local Government Programs - Chesapeake Bay Local Assistance

Summary

The Chesapeake Bay Preservation Act program remains the most significantly under resourced in the program’s history. This has left a total of four liaisons covering all 84 Bay Act localities. This action has significantly affected the liaisons’ ability to provide the technical assistance to localities that is required by the Bay Act. The long-term result of these changes on this enforceable policy of the Coastal Zone Management Program is not yet known.

During the reporting period, April 1, 2014– September 30, 2014, the initiation of new compliance reviews was temporarily suspended to allow Bay Act staff to assist localities with the adoption of new statewide stormwater criteria. Even with this suspension, however, staff continued to provide technical assistance to the localities with the implementation of their Bay Act programs. The purpose of the compliance reviews is to determine the level of local government compliance with land use and water quality provisions contained in the regulations pertaining to the Chesapeake Bay Preservation Act. The Bay Act liaisons have nearly concluded with the conduct of Advisory Reviews of the local codes and ordinances to identify the extent to which these ordinances address the protection of the quality of state waters.

The updated compliance review elements that are being applied to the current round of compliance relate to specific provisions contained in the Chesapeake Bay Preservation Area Designation and Management Regulations and will be the first time all Bay Act localities will undergo a comprehensive review of the provisions of all provisions of the Bay Act Regulations. Updated review elements include soil & water quality conservation assessment for all agricultural land in local Chesapeake Bay Preservation Areas, a determination as to the status of the water quality provisions of the local comprehensive plans, and an evaluation as to how well local governments are ensuring that impervious cover is minimized, indigenous vegetation is maintained and land disturbance is minimized on approved development projects. Progress on this second round of compliance evaluations continues during the reporting period. Reviews have been completed on twenty-one.

Program Description

The Bay Act requirements fall into three implementation phases. Phase I consists of local governments designating and mapping Chesapeake Bay Preservation Areas (CBPAs) and adopting land use and development performance criteria to protect those features. CBPAs include Resource Protections Areas (RPAs) and Resource Management Areas (RMAs). RPAs are made up of tidal wetlands, tidal shores, nontidal wetlands connected and contiguous to tidal wetlands or perennial streams and a 100-foot fully vegetated

- | |
|--|
| <p>Comprehensive Plan Elements (partial list)</p> <ol style="list-style-type: none"> 1. Location of Chesapeake Bay Preservation Areas 2. Physical constraints to development 3. Commercial and recreational fisheries and other aquatic resources 4. Shoreline and stream bank erosion problems 5. Existing & proposed land uses 6. Public and private waterfront access 7. Protection of potable water supply 8. Local policy on land use issues relative to water quality protection |
|--|

- | |
|--|
| <p>Elements of Local Chesapeake Bay program</p> <ol style="list-style-type: none"> 1. Phase I – Map of Chesapeake Bay Preservation Areas and adoption of management program in local ordinances 2. Phase II – Adoption of water quality measures in Comprehensive Plans 3. Phase III – Review and revision of local codes for inclusion of specific standards that implement water quality performance criteria |
|--|

buffer. RMAs include lands adjacent to RPAs that are made up of land features such as highly erodible soils, steep slopes and floodplains. Roughly half of all the Tidewater localities have identified their entire jurisdiction as an RMA. Phase II consists of the incorporation of water quality protection measures into local comprehensive plans. Phase III involves the review and revision of local land use codes to include specific standards that implement water quality performance criteria.

Advisory Code and Ordinance Reviews

As stated in previous reports, Chesapeake Bay Local Assistance staff initiated Phase III of the Bay Act, requiring localities to review and revise their codes and ordinances for the inclusion of specific standards that minimize impervious cover, minimize land disturbance and maintain indigenous vegetation. The advisory review process, which is the first component of Phase III, began in September of 2009 and uses two checklists as screening tools in the review the local ordinances. A [Plan and Plat Consistency Review Checklist](#) helps determine if a locality has addressed the six plan and plat provisions that must be contained in local ordinances, as they are specifically required by the Regulations. The [Checklist for Advisory Review of Local Ordinances](#) determines if there are adequate provisions to address the three performance criteria and contains numerous examples of requirements that may be contained within a locality's land development ordinances. As of September of 2014, 76 advisory reviews have been completed and the final 8 are underway.

2) VIRGINIA MARINE RESOURCES COMMISSION (VMRC)

a) VMRC – Habitat Management Division

During the period April 1, 2014 through September 30, 2014 the Habitat Management Division received 1002 applications for projects involving State-owned submerged lands, wetlands or dunes. These applications were for projects such as piers, boathouses, boat ramps, marinas, dredging and shoreline stabilization. As the clearinghouse for the Joint Permit Application all applications were assigned a processing number by the Division and forwarded to the appropriate agencies, including, local wetlands boards, the Norfolk District of the U.S. Army Corps of Engineers, the Department of Environmental Quality, VIMS and others as necessary.

A public interest review was initiated and site inspections were conducted for those projects requiring a permit from the Marine Resources Commission. Likewise, Habitat Management staff also conducted site inspections for all projects requiring a local wetlands board permit and evaluated each local board decision for Commissioner review. Habitat Management staff also conducted compliance inspections on permits issued by VMRC and local wetlands boards. Two notices to comply were issued during the period.

The Habitat Management Staff completed actions on 955 applications received during the period. Action on most applications was completed within 90 days after they were received. As such, a number of the actions taken during the period were for applications received prior to April. Similarly, those applications received near the end of the current reporting period are still under review. Habitat Management Staff also participated in the inter-agency review process involving general permits for Virginia Department of Transportation projects.

In addition to staff actions, the Full Commission considered 40 projects. During the reporting period the Commission considered 23 protested projects or projects requiring a staff briefing, The Commission also approved 17 projects over \$500,000.00 in value.

During the reporting period local wetland boards throughout Tidewater Virginia acted on 191 projects involving tidal wetlands. Of this total, 141 were approved as proposed, 38 were approved as modified, 5 were denied, 3 are pending, 3 were inactivated, 1 no permit was required, and 41 required compensation either on or off site (18), or through payment of an in lieu fee (23) accounting for 9,851 square feet of tidal wetland impacts.

b) VMRC – Fisheries Management Division

At the April 2014 meeting, the agency established the 2014 recreational season and possession limit for black sea bass. The 2014 recreational season was established as May 19 through September 18 and October 18 through December 31. The recreational possession limit was established as 15 fish.

At its May 2014 meeting, the agency established management measures for scup and spiny dogfish. The 2014 commercial summer period quota for scup was established as 14,105 pounds. The commercial spiny dogfish seasonal quota was increased from 4,408,894 pounds to 5,329,491 pounds.

At its June 2014 meeting, the agency lowered the recreational scup possession limit from 50 fish to 30 fish in order to maintain compliance with the Atlantic States Marine Fisheries Commission's Interstate management Plan for scup. The agency also adopted new commercial blue crab management measures to reduce the harvest of female blue crabs by 10%, after results from the 2013/2014 blue crab winter dredge survey became available, for 2014 and 2015. Crab pot bushel limits were reduced for two time periods in 2014 and 2015 by crab pot license category. For the time period of July 5, 2014 through November 15, 2014 and April 1, 2015 through July 4, 2015, new bushel limits by license category established by the Commission are: 10 bushels for a license category up to 85 pots, 14 bushels for a license category up to 127 pots, 18 bushels for a license category up to 170 pots, 29 bushels for a license category up to 255 pots, and 47 bushels for a license category up to 425 pots. For the time period of November 16, 2014 through November 30, 2014 and March 17, 2015 through March 31, 2015, new bushel limits by license category established by the Commission are: 8 bushels for a license category up to 85 pots, 10 bushels for a license category up to 127 pots, 13 bushels for a license category up to 170 pots, 21 bushels for a license category up to 255 pots, and 27 bushels for a license category up to 425 pots. A season closure for all other commercial crab harvest gears from September 16, 2014 through April 30, 2015 was also established. The commercial winter dredge fishery season was closed for 2014.

At its July 2014 meeting, the agency established Virginia's 2014 commercial blue fish quota as 886,040 pounds. The agency also approved amendments to update the recreational license fees for the Combined Sport Fishing License and the 5-day Combined Sport Fishing Trip License for Virginia residents and non-residents to reflect a change in the freshwater license fees by the Game and Inland Fisheries Commission. . Another combination license created in 2011, the Tidal Boat Sport Fishing License, was added to the Chapter. The Combined Sport Fishing License increased from \$35 to \$40 for residents and from \$60.50 to \$71 for non-residents. The 5-day Combined Sport Fishing Trip License increased from \$21 to \$24 for residents and from \$26 to \$31 for non-residents. The Tidal Boat Sport Fishing License added was \$126 for residents and \$201 for non-residents.

At its August 2014 meeting, the agency adopted amendments to extend the 2014 recreational black sea bass season by three days in September. The season was extended to September 21, 2014 to be consistent with Federal management measures established on July 3, 2014. The agency also established emergency regulations regarding the ocean side of Northampton and Accomack counties. An Assateague Island small mesh gill net area was established for the time period of August 15 through October 15. Within the area, a small-mesh gillnet was defined as any gillnet with a stretched mesh size of five inches or less, gill net gear cannot be fished within 500 yards of the mean low-water mark, the use of an agent was prohibited unless approved by the Commissioner, and tending requirements for small mesh gill net gear were removed.

At its September 2014 meeting, the agency codified emergency regulations pertaining to gill net gear established at its August 2014 meeting. The agency also increased the commercial spiny dogfish vessel limit from 4,000 pounds to 5,000 pounds. Definitions for small and large gill net gear were established. A small mesh gill net was defined as any gill net with a stretched mesh size of five inches or less and a large mesh gill net was defined as any gill net with a stretched mesh size of greater than five inches.

c) VMRC – Law Enforcement Division

Enforcement under "Other Agency" refers to summons issued for other agencies' laws, code or regulation sections. The majority of the summons in this category are for DGIF regulations on boating safety laws, expired boat registration, no life jackets, flares, etc.

Summons under "Police Powers" are all criminal vs fisheries. These are the reckless driving, drunk driving, driving without a license/suspended license, shoplifting, possession of cocaine, marijuana, etc.



VIRGINIA MARINE POLICE ARRESTS/CONVICTIONS SUMMARY BY CATEGORY

REPORT FORMAT: FEDERAL FISCAL YEAR AREA: ALL AREAS
START PERIOD: 10/01/2009
END PERIOD: 09/30/2014

Category	2009/2010		2010/2011		2011/2012		2012/2013		2013/2014	
	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests
Buyers	2	3	1	1	7	7	6	8	7	7
Casting Garbage/Trash	1	1	1	1	1	1	0	0	1	1
Clams	3	5	1	1	6	6	7	9	2	4
Commercial Fishing License	3	6	3	6	8	9	4	6	4	8
Conch	0	0	0	0	0	0	0	0	0	0
Conchs	1	1	0	0	4	4	2	2	1	2
Crab	0	0	0	0	0	0	0	0	0	0
Crabs	65	77	48	59	79	96	43	50	61	80
Federal Violation	1	4	0	0	0	0	0	0	0	0
FIP Violations	0	0	92	100	142	156	63	63	37	39
Fish	112	138	119	139	520	608	219	253	51	56
Freshwater Fishing without a license	13	13	11	13	9	11	14	18	11	12
Gill Nets	2	2	6	8	7	14	9	11	11	14
Habitat/Wetlands	0	0	0	0	0	0	0	0	0	0
License Tags	1	2	2	4	4	10	0	2	3	4
Mandatory Reporting	0	0	0	2	0	0	1	58	0	0
Misc	0	0	0	0	0	0	0	0	0	0
Non-residents	0	0	0	0	0	0	0	0	0	0
NSSP	9	9	0	3	0	0	0	0	0	0
Other Agencies	242	278	275	321	317	354	220	255	169	207
Oysters	56	71	60	74	147	194	139	226	87	133
Piers	0	0	0	0	0	0	0	0	0	0
Police Powers	50	62	95	118	87	97	92	106	51	61
Removal of Obstructions	0	4	1	1	3	3	3	5	1	1
Resisting officer	0	0	0	0	0	0	0	0	0	0
Shellfish	4	4	2	3	14	15	15	20	14	16
SW Recreational Licenses	132	151	167	212	209	248	204	262	137	184
TOTALS:	697	831	884	1066	1564	1833	1041	1354	648	829
PERCENT OF CONVICTIONS:	83.87%		82.93%		85.32%		76.88%		78.17%	

3) VIRGINIA DEPARTMENT OF HEALTH (VDH) – DIVISION OF SHORELINE SANITATION

From April 1, 2014 through September 30, 2014, the VDH Division of Shellfish Sanitation had 1927 acres of shellfish grounds closed to harvesting. There were 233 acres of shellfish grounds reopened.

Activities of the Virginia Department of Health for the Virginia Coastal Resources Management Report are summarized below. This includes statics on applications for sanitary facilities at marinas and other places where boats are moored.

The Department received and reviewed a total of 25 VMRC Permit Applications, and processed as follows:

Two (2) of the Permit Applications needed action in the Marina Program.

Twenty-three (23) applications were approved based on meeting the requirements of providing adequate facilities.

Zero (0) applications were denied because of inadequate facilities.

4) Department of Conservation and Recreation (DCR)

a) DCR - Division of Soil and Water Conservation

Nutrient Management

DCR Nutrient Management Staff have been active in developing, reviewing nutrient management plans, enhancing private sector plan development, and other nutrient reduction activities to achieve the Commonwealth's nutrient reduction commitments of Chesapeake Bay TMDLs. In the coastal zone of Virginia, DCR staff have overseen the development of nutrient management plans covering 5.2 million acres during the reporting period. Many plans are active for up to three years and all currently active acreage developed in the coastal watershed is summarized in the following table:

CZM Basins	Cropland	All Other Hayland	Pasture	Specialty Crop	Total
Albemarle Sound	5,031	747	0	0	5,778
Atlantic Ocean	5,960	0	0	0	5,960
Chesapeake Bay Coastal	997,191	5,330	4,660	6,580	1,013,761
Chowan	256,552	0	3,539	905	260,995
James	113,906	6,411	180	1,576	122,071
Potomac	193,925	13,746	9,863	0	217,534
Rappahannock	3,231,941	20,423	1,990	11,642	3,265,996
York	304,617	3,960	0	0	308,577
Total	5,109,123	50,616	20,232	20,702	5,200,673

b) DCR - Division of Natural Heritage

This report lists projects and activities conducted by the Department of Conservation and Recreation, Division of Natural Heritage (DCR-NH) during this period that were not funded by or otherwise reported to the VCZMP

Inventory

Two-day Workshop on Native Bees – 4/18/14

DCR Natural Heritage zoologists Anne Chazal and Steve Roble attended a 2-day training workshop on native bees at the National Museum of Natural History, Smithsonian Institution, Washington, DC (day 1) and the US Geological Survey's National Bee Inventory and Monitoring Lab, Patuxent Wildlife Research Center, Beltsville, MD (day 2). This workshop provided intensive, hands-on training in the identification of native bees, as well as instruction in field sampling and lab curation methods. Compared to other eastern states, the bee fauna of Virginia is poorly documented, but likely consists of 400-450 species. Some species, especially bumble bees, have experienced significant population declines in recent decades. Bees are a significant component of our native biological diversity and critical to the economic and ecological health of Virginia. Approximately 25 people, including students, master naturalists, beekeepers, professional biologists, and interested citizens attended the workshop.



Queen Bee



Workshop Participants

Three Rare Animals Documented at Chub Sandhill Natural Area Preserve – 4/26/14

DCR Natural Heritage Staff Zoologist Steve Roble discovered the state threatened barking treefrog (*Hyla gratiosa*) (G5 S1 NF ST) at Chub Sandhill Natural Area Preserve on April 26. Subsequent surveys by Roble and Southeast Regional Stewardship Biologist Darren Loomis documented a breeding population of about 20 barking treefrogs. One calling male of the state rare oak toad (*Anaxyrus quercicus*) (G5 S2) also was found on the preserve. Fifteen species of frogs and toads were observed at the preserve during the surveys, representing more than half of Virginia's total fauna. Roble also discovered a second population of barking treefrogs about 2 miles east of the preserve. These are the first Sussex County records of barking treefrogs in more than a half century. The first Virginia record of this species was obtained in July 1959 in a flooded field near Littleton, which is within 3 miles of the preserve. The following year that breeding site was destroyed, and there were no documented records for barking treefrogs in Sussex County for the next 55 years.

Roble also confirmed the presence of a breeding population of the cocoa clubtail (*Gomphus hybridus*, G4/S1) along the Nottoway River at Chub Sandhill Natural Area Preserve. This dragonfly species was first recorded in Virginia in 2013 at the preserve during a regional dragonfly society meeting. Photos taken during that meeting were not identified as this species until a week later, and no specimens were available for confirmation. This is the northernmost record of this riverine species.



Barking treefrog at Chub Sandhill
Natural Area Preserve



Oak toad at Chub Sandhill
Natural Area Preserve



Cocoa clubtail at Chub Sandhill Natural Area Preserve

Three More Populations of State Threatened Frog Discovered in Southeastern Virginia – 5/16/14

Staff Zoologist Steve Roble discovered three more populations of the state threatened barking tree frog (*Hyla gratiosa*, G5/S1) in southeastern Virginia following heavy rains during the last week in April, bringing to five the number of new breeding populations he documented within the week. Two of the new sites are in Sussex County and the other population is in Southampton County.

Rare Dragonfly and Oak Toad Discoveries – 5/23/14

Recent surveys by DCR Natural Heritage Field Zoologist Chris Hobson and Southeast Region Steward Darren Loomis added two new species to the list of rare fauna at South Quay Sandhills Natural Area Preserve. The Mantled baskettail dragonfly (*Epithea semiaquea*, G5/S1) was last seen in the Commonwealth 37 years ago when two specimens were collected by Frank Carle in nearby Franklin, Virginia. More than 30 individuals were observed at several sites within the South Quay Sandhills NAP during our recent surveys. Other recent surveys for this species in southeastern Virginia have failed to locate this state rare species which has a very limited spring flight season. The Oak toad (*Anaxyrus quercicus*, G5/S2) was also added to the list for the preserve when it was heard calling at a borrow pit near the southeast portion of the preserve. It is known from other nearby sites in southeastern Virginia. Additionally, a new population of the Frosted Elfin (*Callophrys irus*, G3/S2?) was found at a large patch of its host plant (Sundial Lupine, *Lupinus perrenis*) in the southeast portion of South Quay Sandhills NAP. DCR surveys turned up 12 individuals of this globally rare butterfly at a recently acquired portion of the preserve that had remained unsurveyed until this year.

Fort Pickett Natural Heritage Resource Field Visit – 7/7/14

DCR Natural Heritage biologists revisited the controlled access areas of Fort Pickett to look for Natural Heritage Resources that hadn't been observed since the 1990s. During this visit, they updated numerous element occurrences and collected specimens and field notes to determine if any new significant resources were found. Overall, their impressions were that the area still looks every bit as good as it did in the early 1990s. The controlled access area will continue to provide very important

habitat and contain high native species diversity in addition to providing vital training opportunities for our military. Obviously some things have changed. A few examples:

- The increase of non-native *Lespedeza* species particularly in the disturbed habitats.
- A shift in herbaceous understory composition.
- An increase in tree cover in certain areas.

DCR Biologists will continue to work with installation personnel to make sure that land management benefits the natural resources of Fort Pickett.



DCR biologist exploring the Fort Pickett controlled access area

18 years later: A Grass, and Difficult Creek Natural Area Preserve –7/11/14

In 1996, while exploring an interesting area of Halifax County, the DCR Natural Heritage botanist collected a grass that he believed to be Scribner's Panic Grass amongst some much rarer plants. Flash forward 18 years later, this area was of such biological interest that DCR Natural Heritage bought and protected it as the Difficult Creek Natural Area Preserve. In early 2014, word came from Panic Grass expert, Richard LeBlond, that the 1996 Scribner's Panic Grass was not that species at all, but it may very well be a species new to science! DCR Natural Heritage staff returned to the Natural Area Preserve and combed the 818 acre for this puzzling Panic Grass. After seven days of explorations, on July 8, 2014 the grass was relocated on the Preserve about one mile from its approximate original collection. The morphology of this puzzling grass is distinctive and DCR biologists will work with LeBlond to determine the identity of this species. It may, in fact, exist at the Difficult Creek Natural Area Preserve and at no other location in the world.



Difficult Creek Natural Area Preserve



The puzzling Panic Grass

Prescribed Burning

Interagency Prescribed Fire Assistance – 5/5/14

DCR Natural Heritage Operations Steward Neil Gunter and Regional Steward/Eastern Fire Leader Rebecca Wilson participated in a 35 acre prescribed burn at The Nature Conservancy's Piney Grove Preserve in Sussex County. On hand for the burn was the Preserve Manager, Bobby Clontz, Stewards from TNC's Charlottesville Office, and staff from the Department of Game and Inland Fisheries. This burn was conducted adjacent to a nature trail on the preserve with the intention of showing visitors the difference between a forest managed by fire and one not managed. The biologic goal of the burn was to reduce woody vegetation and promote a pine savannah landscape.

Interagency Prescribed Fire Assistance – 5/8/14

DCR staff, Neil Gunter, Rebecca Wilson and Regional Steward Darren Loomis, assisted the U.S. Fish and Wildlife Service with a 65 acre prescribed burn at the Rappahannock River Valley National Wildlife Refuge in King George County. In attendance were DCR staff, TNC Staff, U.S. FWS staff from the Great Dismal Swamp NWR, Rappahannock NWR, Blackwater NWR, and members from the U.S. FWS AmeriCorps fire crew. The burn was conducted to promote a open grassland for migratory birds. The effects of the fire will reduce cool-season grasses and woody vegetation and promote native warm-season grasses.

Burn at James River National Wildlife Refuge – 5/14/2014

Natural Heritage staff assisted the U.S. Fish and Wildlife Service with a burn at James River National Wildlife Refuge (NWR). The purpose of the burn was to reduce logging slash and control hardwood growth. Crews on site for the burn included staff from the U.S. Fish and Wildlife Service – Great Dismal Swamp NWR/Blackwater NWR/AmeriCorps, and DCR.

Natural Heritage Winter-Spring 2014 Prescribed Fire Summary – 6/27/14

In late winter and spring of 2014, DCR Natural Heritage Program fire management staff, with assistance from many partner organizations, conducted prescribed burns at eight state natural area preserves across Virginia totaling 592 acres. Burn locations and acres burned were as follows: Antioch Pines – 230 acres, Blackwater Ecological Preserve – 53 acres, Cherry Orchard Bog – 64 acres, Chub Sandhill – 114 acres, Difficult Creek – 95 acres, Ogdens Cave – 26 acres, Big Spring Bog – 10 acres. In addition, 8 acres at Cowbane Prairie Natural

Area Preserve were burned by resource managers from The Nature Conservancy (TNC) as part of a project conducted by TNC on their adjacent South River Preserve. Interagency cooperation between DCR-Natural Heritage, DCR-State Parks, Department of Game and Inland Fisheries, TNC, US Fish and Wildlife Service and US Forest Service was critical to implementing all of these burns. DCR-Natural Heritage also assisted partners with approximately 25 prescribed burns on non-DCR lands including state wildlife management areas, National Forests, National Wildlife Refuges, and TNC preserves. DCR staff participated in TNC's Prescribed Fire Training Exchange (TREN) at both the student and instructor level, and also provided instructor assistance for S-290 Intermediate Wildland Fire Behavior at the Department of Forestry's 2014 Longwood Fire Academy. Other NH fire accomplishments thus far in 2014 include procurement and programming of 15 new portable radios for use on prescribed burns, placing back into service a 1998 year model renovated/upgraded Type 6 engine, making an invited presentation on the use of prescribed fire to restore and maintain bog communities at a Maryland TNC Fire Ecology workshop, and teaching Basic Wildland Firefighting and Fire Behavior (S130/190) to 40 AmeriCorp volunteers.



TNC' Prescribed Fire Training Exchange



Prescribed burn at Raccoon Creek Pinelands

Natural Area Preserve Stewardship

Pickett's Harbor Migratory Songbird Habitat Restoration Completed – 4/18/14

DCR Natural Heritage Eastern Shore regional staff Dot Field and Richard Ayers, with assistance from Eastern Shore Master Naturalist volunteers, have completed migratory songbird habitat restoration work at Pickett's Harbor NAP located in Northampton County. This project was initiated in November 2013 with the planting of 2170 southern wax myrtle (*Morella cerifera*) shrubs on 62 acres of fallow agricultural fields within the preserve. The second phase of the project involved the addition of 360 oak saplings interspersed between the southern wax myrtle shrubs. Oak saplings, each 7- to 10-ft tall, provide an additional layer of resting and foraging habitat for birds. Planting oak saplings jump-starts natural forest succession, allowing these heavy-seeded and ecologically-important species to become established early in the process. Providing adequate

habitat for songbirds flying through the Southern Delmarva Peninsula during fall migration is a defined goal of conservation partners on the Eastern Shore of Virginia because of the importance of this flyway to the sustenance of neotropical and temperate migratory songbird populations. The project was made possible through funding provided by the Virginia Coastal Zone Management Program.



Virginia Master Naturalist Volunteers Planting Southern Wax Myrtles at Pickett's Harbor NAP

Eagle Scout Project at Crow's Nest – 5/10/14

Scouts and parents with troop 179, DCR Natural Heritage staff and volunteers from James Monroe High School and the Crow's Nest Volunteer Stewardship Committee assisted Josh Rehm with his Eagle Scout Project at Crow's Nest Natural Area Preserve in Stafford County. Josh's project involved the completion of approximately 1,200 feet of new trail to an overlook of a pond along Accokeek Creek. In addition, an old duck blind that was no longer used and had fallen into disrepair was taken down and removed from the preserve. Approximately 12 people assisted in the completion of the project.



Josh (2nd from right) with volunteers



View of pond from the end of the trail

Wreck Island NAP Shorebird Nesting Colonies – 6/20/14

Two shorebird nesting colonies have established on Wreck Island NAP. On a routine monitoring trip to the preserve, the Natural Heritage Eastern Shore Region Steward documented a large Brown Pelican (*Pelecanus occidentalis*) colony containing 800 nests, with eggs and young. The second colony is a mix of Black Skimmers (*Rynchops niger*) and Common Terns (*Sterna hirundo*), with Least Terns (*Sterna albifrons*) on the northern fringe. Thirty Least Tern and 27 Common Tern nests were noted. Approximately 620 adult Black Skimmers were present. The Skimmers were in the early stages of egg laying. Some nests with eggs and numerous scrapes were evident. Scrapes are shallow depressions scratched out by the bird that serve as a receptacle for eggs. Wreck Island NAP provides important breeding habitat for both colonial and solitary nesting shorebirds, and supports one of the largest wading bird rookeries in Virginia.



Wreck Island shorebird nesting colonies

Wreck Island NAP Shorebird Nesting Colony Monitoring – 7/25/14

Nancy Vehrs, President of the Virginia Native Plant Society, and Virginia Witmer, assisted the DCR Natural Heritage Eastern Shore Region Steward with shorebird nesting colony monitoring on Wreck Island Natural Area Preserve. The trip was undertaken to assess the state of the colonies in the aftermath of Hurricane Arthur. The colony sites are subject to overwash events during severe storms. Unfortunately, a large mixed colony consisting of Black Skimmers, Common Terns and Least Terns was disrupted by storm surge during the hurricane. A few Common and Least Terns are re-nesting, but Black Skimmer reestablishment was not evident. Black Skimmer individuals are larger than those of the other two species and require longer egg incubation and chick fledging periods. It is unlikely that the Black Skimmers will initiate another breeding cycle this season. However, the Brown Pelican colony was not severely impacted. Young and fledgling Pelican chicks were plentiful and appeared healthy. Over 800 Brown Pelican nests, each containing 2-3 eggs/chicks were documented in the colony earlier in the season. Wreck Island NAP and other barrier islands along the Eastern Shore of Virginia provide some of the few remaining nesting sites in Virginia for several shorebird species. Their protected status benefits not only shorebirds, but also benefits human interests by providing a buffer against storms for mainland coastal areas.



Nancy Vehrs (Native Plant Society) on Wreck Island NAP



Dot Field at work on Wreck Island NAP

Japanese Stilt Grass Treatment at Crow's Nest Natural Area Preserve – 7/31/14

The National Capital Region Exotic Plant Management Team (EPMT) with the National Park Service completed their 2014 treatment season at Crow's Nest Natural Area Preserve. This was the second season the EPMT has assisted with exotic plant management at Crow's Nest. This season, they treated Japanese stiltgrass (*Microstegium vimineum*) along approximately five miles of roads and trails. In addition to Japanese stiltgrass, the team also treated beefsteak plant (*Perilla frutescens*) and garlic mustard (*Alliaria petiolata*). DCR's Northern Region and Operations Stewards will continue the stilt grass treatments at Crow's Nest over the coming weeks.



EPMT at Crow's Nest Natural Area Preserve

Canoe Launch Project Underway at Crow's Nest Natural Area Preserve – 8/15/14

In the past week, construction of the canoe launch facility at Crow's Nest Natural Area Preserve has begun. To date, the contractor has put in place the construction matting necessary to protect the marsh during the installation of the helical piles. A survey crew also flagged the centerline of the boardwalk. Installation of the helical piles should begin within the next few weeks with completion of the project anticipated to occur this fall.



Matting installation at Crow's Nest

Eagle Scout Project at Crow's Nest – 8/16/14

Scouts and parents with Troop 850 along with the Northern Region Steward and Operations Steward assisted Adam Mann with his Eagle Scout Project at Crow's Nest Natural Area Preserve in Stafford County. Adam's project involved trail construction over a wet stretch of the Accokeek Creek Overlook Trail, located approximately 1/3 of a mile from the parking lot. In addition, mulch was placed on the trail sections to protect the trail surface. Approximately 15 people assisted in the completion of the project.



Volunteer crew for Eagle Scout project

Crow's Nest Meeting with Stafford Officials – 8/27/14

DCR staff inspected the start of the Crow's Nest Water Trail Launch Pier and Observation Deck construction project and met with Stafford Officials. The Pier is expected to be completed this winter and will provide water access to Accokeek and Potomac Creeks and landing points at Crow's Nest. The Stafford County Administrator and Deputy County Administrator met with staff to discuss the necessary steps for the road to be improved (\$2 million in construction funds and protection of additional tracts at Crow's Nest Harbor Subdivision) into the interior Crow's Nest Parking area and the opening of the main portion of the Natural Area.

Crow's Nest Canoe/Kayak Launch Project Construction Update – 9/12/14

Construction of the canoe/kayak launch facility at Crow's Nest Natural Area Preserve began in mid-August of 2014 and continued over the past few weeks. Recently, the contractor finished installing the majority of the helical piles necessary to support the 400-ft-long pier crossing tidal freshwater marsh and providing access to the navigable waters of Accokeek Creek. Construction of the pier structure itself should be largely completed over the next month. Completion of the project, to include installation of a floating launch platform, is still anticipated by late fall of 2014.



Pier construction using helical piles along the north side of Accokeek Creek
Crow's Nest Natural Area Preserve in Stafford County

Meeting Held in Petersburg to Discuss Longleaf Pine Restoration – 9/16/14

DCR's Natural Heritage Longleaf Pine Restoration Specialist facilitated a meeting in Petersburg attended by representatives from nine different organizations to discuss DCR's longleaf pine restoration and management objectives at South Quay Sandhills Natural Area Preserve near Franklin, VA. DCR staff presented a history of preserve acquisition, an overview of the site's flora and fauna, and a look ahead at DCR's objectives for the preserve which will focus on establishing 1,500 acres of native longleaf pine and managing with frequent prescribed fire. Department of Forestry staff who have partnered with DCR on longleaf pine for nearly a decade provided a summary of longleaf pine restoration efforts to date in Virginia. Staff from The Nature Conservancy explained how Virginia's longleaf pine restoration efforts fit into TNC's broader, objective to restore longleaf pine throughout the southeast US. States. In attendance were reps from: DCR Natural Heritage and State Parks; DOF; DGIF; TNC; USFWS; International Paper; Old Dominion University; Meadowview Biological Station; and Holland Hunt Club.

Invasive Species

Garlic Mustard removal at Crow's Nest – 4/19/14

Three volunteers with the Crow's Nest Volunteers Stewardship Committee joined DCR Natural Heritage staff in removing areas of garlic mustard at Crow's Nest Natural Area Preserve. Approximately four hours were spent pulling garlic mustard from slopes adjacent to areas of Coastal Plain Dry Calcareous Forest, a globally rare plant community that occurs locally at Crow's Nest on slopes adjacent to Potomac Creek.



Garlic mustard removal at Crow's Nest

Invasive Species – Wavyleaf Grass Webinar – 5/5/14

Virginia Master Naturalists conducted an online webinar on wavyleaf grass (*Oplismenus hirtellus ssp. undulatifolius*). Dr. Vanessa Beauchamp, Associate Professor of Biology at Towson University in Maryland,

and DCR Natural Heritage Stewardship Biologist Kevin Heffernan covered invasive species impacts, wavyleaf biology, how to identify wavyleaf, the Wavyleaf App for reporting occurrences using smartphones, and methods of control. Thirty Master Naturalists participated online and were able to ask questions during the presentation. The webinar was recorded and will be posted on the Virginia Master Naturalists website.



Wavyleaf grass seed vector – note green on legs and chest
(Photo: Vanessa Beauchamp)

Phragmites Control at Dameron Marsh Natural Area Preserve – 9/25-26, 2014

DCR Natural Heritage Stewardship staff oversaw the work of a contractor who treated 15 acres of the invasive wetland grass *Phragmites* with herbicide at Dameron Marsh NAP. This project was funded through the Aquatic Resources Trust Fund administered by The Nature Conservancy. The contractor used a low-impact Argo vehicle with tracks to access and spray *Phragmites* patches within tidal salt marshes at the preserve. The high-floatation vehicle traversed wetlands, channels and open water with little to no soil disturbance or rutting. Past treatments of *Phragmites* on state natural area preserves has been completed via helicopter or boat-based application of herbicide. This first-time use of a ground-based amphibious vehicle appears to have promise for smaller-scale, more precise herbicide application to target *Phragmites* and other aquatic invasive species. Additional areas of *Phragmites* at Dameron Marsh and nearby Hughlett Point preserves were not treated in 2014 due to recent drastic reductions to the Natural Heritage Division’s budget.



Argo amphibious vehicle operated by contracted pesticide applicator
to treat *Phragmites* at Dameron Marsh Natural Area Preserve
September 2014

Southeast Virginia Phragmites Control – 9/26/14

DCR partnered with the U.S. Fish and Wildlife Service to complete a cooperative invasive species control project in Back Bay and along the North Landing River in southeast Virginia. DCR's Natural Heritage and State Park divisions worked with Service staff to contract an aerial pesticide applicator and treat 200 acres of the invasive marsh grass, *Phragmites australis* (common reed). Treatment began on Saturday, September 6, 2014, and concluded on Wednesday, September 17, 2014. Areas of Phragmites treated included: 75 acres sprayed at North Landing River Natural Area Preserve, 75 acres at False Cape State Park/Natural Area Preserve, and 50 acres at Back Bay National Wildlife Refuge. Working cooperatively to combine multiple treatment areas into one large contract allows conservation partners to reduce the per acre cost of controlling Phragmites.



Robinson R-44 helicopter spraying invasive Phragmites at False Cape State Park in September 2014

Information Management

Virginia Wetlands Catalog Update – 6/3/14

DCR's Natural Heritage Information Manager, GIS Projects Manager and Division Director met with several staff from VDOT's Environmental Division and Planning Division, to present the final draft of a new statewide Virginia Wetlands Catalog. The VDOT, which helped to fund the Catalog development, is exploring its use for identifying wetland restoration, creation and enhancement opportunities that offer expedient implementation, as well as highest potential for establishing/maintaining wetland function. On June 3, 2014, this presentation was also made to several staff from The Nature Conservancy's Virginia chapter, also project funders. The draft catalog is being considered at TNC as a pre-screening tool to prioritize wetland restoration opportunities for the Aquatic Resources Trust Fund. It is also being evaluated as a tool for identifying key areas on the Eastern Shore that, through conservation and management, would serve as buffers to sea level rise and suitable areas for anticipated marsh migration.

The Virginia Wetlands Catalog identifies wetlands throughout the state: those identified by the National Wetlands Inventory, plus additional predicted wetland areas (i.e. including prior converted wetlands). The Catalog ranks all wetlands for their contributions to water quality preservation and improvement, biodiversity conservation and to a landscape of connected ecological systems. Catalog outputs consists of maps, ranked from 1(low)-to-5(high), indicating conservation value and/or restoration potential for each wetland identified.

Virginia Wetlands Catalog – 7/7/14

DCR Natural Heritage's Information Manager, GIS Projects Manager and Division Director met with staff from Virginia DEQ, to present the final draft of a new statewide Virginia Wetlands Catalog. The Virginia DEQ is currently developing a statewide tool for assessing relative stress on specific wetlands (as identified in the NWI) based on a variety of wetland stressors (e.g. impervious surfaces, livestock grazing, etc.) on the surrounding landscape. DCR and DEQ staff discussed how these tools might be used together to more thoroughly inform

wetland conservation and restoration decisions, via an assessment of the ecological values and the imminent threats to specific wetland areas.

Outreach and Education

Biodiversity Without Boundaries 2014 – 4/7/14 to 4/11/14

DCR Natural Heritage staff attended a meeting with fellow Natural Heritage Program staff from Canada, U.S. and Latin America. Sessions and workshops focused on botany, zoology and vegetation ecology, citizen science, Heritage Network member projects of key relevance to society, wetlands catalogs, invasive species mapping and data programs, internet mapping, sea level rise and climate change impacts on biodiversity, biodiversity scorecards, Parks Canada natural heritage resource driven decision making, global bat database, tracking data on protected lands, land conservation planning and much more. These annual sessions help Virginia show off its best biodiversity efforts to the western hemisphere and bring fresh new ideas to Virginia's land and biodiversity conservation efforts.

New Kent County Envirothon – 4/12/14

DCR Natural Heritage was represented at the New Kent Envirothon. The Envirothon was held from 9am-2pm at the New Kent Cooperative Extension Office. A display board showed some general information about the Natural Heritage program and the Natural Area Preserve (NAP) system, along with more specific local information about New Kent County natural heritage resources and the Cumberland Marsh NAP. Children were encouraged to color ecosystem appropriate plants or animals and place them on two large posters on the wall, one representing a tidal freshwater marsh of the arrow-arum-pickerelweed community type and the other representing a bald cypress swamp. Adults were encouraged to ask questions as well, and native plant brochures and NAP handbooks were distributed. Approximately 60 individuals stopped by the booth and walked away with a greater understanding of the value of conservation and the role that DCR has in furthering that effort.



New Kent County Envirothon

Earth and Safety Day 2014 Event at Fort AP Hill – 4/17/14

The DCR Natural Heritage Locality Liaison participated in “Earth and Safety Day 2014” at Fort A. P. Hill. There were approximately 600 students, teachers and parents participating in the event which included approximately 54 exhibitors. The DCR - Natural Heritage display included information and pictures of resources in Caroline County as well as terrarium housing a purple pitcher plant. Hands-on activities included making a pitcher plant “fly catcher” or a “Fortune Teller” that provides information on four species and their habitats.

VA EcoTour Guide Certification Course – 4/18/14

DCR's Eastern Shore Region Steward, Dot Field, taught a section on coastal natural community ecology and management as part of the VA EcoTour Guide Certification Course offered through Eastern Shore and Rappahannock Community Colleges. The lecture was presented as a live webinar for on-line students. The course is an eight-week series of on-line classes focusing on all aspects of ecotourism, including sustainability principles, ecosystem science, customer service, interpretation, safety and cultural history. The course will be offered on a continuing basis with pre-recorded lectures.

Healthy Waters Talk – 5/1/14

The DCR Natural Heritage Healthy Waters Program Manager was requested to provide an overview presentation on the Healthy Waters Program (Protecting our Valuable Aquatic Resources) for the Tomahawk Creek Middle School Sixth Grade Science. Approximately 80 attendees (three classes) were in attendance for the presentation that included details on watershed science, aquatic resource identification and natural resource protection concepts.

Crow's Nest Spring Field Day – 5/17/14

DCR Natural Heritage staff, with assistance from Stafford County staff and Hal Wiggins with the Corps of Engineers, welcomed visitors to the Spring Field Day at Crow's Nest Natural Area Preserve. After a brief introduction to the Natural Heritage Program and Crow's Nest, participants divided into two groups for hikes on the Crow's Nest Point and Boykin's Island trails. This was the first time the 5 mile round trip to Crow's Nest Point had been offered at a field day at Crow's Nest. Recent heavy rains flooded portions of trails hiked during previous field days. Hikers on the Crow's Nest Point Trail trip were able to visit the colonial era Daniel's family plantation site and family cemetery. Hal Wiggins shared his knowledge of wild edible plants on the Boykin's Island Trail hike.



Field Trip Visitors at the Crow's Nest NAP

Rappahannock River Valley National Wildlife Refuge “Go Wild” Celebration – 5/18/14

A DCR Natural Heritage Project Review Assistant participated in the “Go Wild” celebration at Rappahannock River Valley National Wildlife Refuge near Tappahannock. Approximately 150 children and adults participated in the event. The DCR Natural Heritage display had information and pictures of rare, threatened and endangered species found in the region and also included a display about nearby state Natural Area Preserves. Visitors had an opportunity to hear about the Natural Heritage program and the children were given coloring sheets featuring some of Virginia's natural heritage resources.

Crow's Nest Natural Area Preserve Talk with Ted Schubel Radio Program – 5/19/14

DCR Natural Heritage staff along with a colleague from the Stafford County Department of Parks, Recreation and Community Facilities participated in the radio program “Town Talk” hosted by Ted Schubel. Town Talk is a one-hour live format radio show that occurs every weekday on WFVA 1230. After briefly discussing the Natural Heritage Program and the ecological importance of Crow's Nest Natural Area Preserve, DCR staff focused on the ongoing efforts to increase public access to the preserve, including the canoe launch scheduled to

open in the fall of 2014. Stafford County staff touched on the trails available within Stafford County parks as well as the numerous nature programs that are offered.



Mike Lott and Ted Schubel on the Town Talk Radio Program

National Trust for Historic Preservation GIS Planning Workshop – 6/9/14

DCR's Natural Heritage Data Management staff attended a Conservation Planning Workshop at the National Trust for Historic Preservation in Washington, DC. Also in attendance were the Virginia Department of Historic Resources, National Park Service, Captain John Smith Chesapeake National Historic Trail, Chesapeake Conservancy, Civil War Trust, Colonial Williamsburg Foundation, Conservation Fund, NatureServe, and Preservation Virginia. Recognizing the successes of the conservation movement, particularly in the Chesapeake Bay Watershed of Virginia, in terms of using state of the art mapping and data management technology for making conservation decisions, the National Trust invited members from DCR-Natural Heritage and other conservation groups to share their mapping and planning usage, web applications, and successes. Data Management staff presented on Natural Heritage's current mapping and data delivery capacity and types of information managed, such as sensitive rare species data and publically available conserved lands data. DCR's Natural Heritage staff also shared relevant ConservationVision green infrastructure planning models- the Cultural Assets model and Vulnerability model- via a live web demonstration using LandScope Chesapeake, an online conservation and education resource featuring an interactive map containing over 170 conservation planning layers. DCR hopes to continue participating in this beneficial collaboration as the National Trust for Historic Preservation moves forward with this effort, to assure that cultural/historic preservation efforts can benefit from the contextual inclusion of data pertaining to biodiversity, natural landscapes and existing conserved lands in the Lower James River pilot area.

Community Volunteer Effort – 6/30/14

Five DCR Natural Heritage Staff participated in a morning of volunteering at the Community Kitchen Garden at Lewis Ginter Botanical Garden. The Community Kitchen Garden grows food solely for donation to the FeedMore Community Kitchen, which provides freshly prepared meals for the Richmond community's underprivileged. The Natural Heritage volunteers watered, weeded, turned new garden beds, sowed seeds, and harvested several different kinds of vegetables from the roughly 1/3 acre vegetable garden. An added benefit of the Community Kitchen Garden is that produce travels only 4 miles to reach the FeedMore Community Kitchen, helping to reduce the carbon footprint of the organization's programs. For more information about the Community Kitchen Garden, visit <http://www.lewisginter.org/news/media-room/CommunityKitchenGarden.php>.



DCR Natural Heritage staff at Lewis Ginter Botanical Garden's Community Kitchen Garden

Natural Heritage Attendance at the Virginia Native Plant Marketing Partnership (VNPMP) Events – 8-18-14 & 9-16-14

Over the past month, DCR Natural Heritage staff participated in two Virginia Native Plant Marketing Partnership (VNPMP) events. On August 18, 2014, the Eastern Shore Region Steward attended the Virginia Nursery and Landscape Association (VNLA) Field Day in Blacksburg where she staffed a VNPMP booth and participated in discussions about increasing availability of Virginia native plants in regional consumer markets. On September 16, 2014, the Eastern Shore Region Steward attended the VNPMP Action Plan Workshop at Lewis Ginter Botanical Gardens in Richmond. This workshop brought together stakeholders to begin developing an action plan for implementing the objectives of the VNPMP. Strategies were developed to increase availability of Virginia-grown plant stock for public and private projects, to increase consumer awareness of the ecological benefits of native plants, and to increase rapport between public and private sectors. VNPMP is an informal network of government agencies, non-government organizations, and horticultural services providers interested in promoting the cultivation and utilization of Virginia Native Plants. The DCR Eastern Shore Region Steward serves on the Steering Committee for the project.

James River Chapter of Virginia Master Naturalists Workshop & Statewide Conference – 9/23/14

DCR Natural Heritage Stewardship Biologist Kevin Heffernan led an invasive species early detection and reporting workshop for the James River Chapter of Virginia Master Naturalists. The workshop took place at Powhatan County Library. Twenty Master Naturalist trainees were given an overview of invasive species issues in Virginia. They learned how to register for and use iMapInvasives.org. Particular emphasis was given to identifying three invasive plant species: wavyleaf basketgrass (*Oplismenus hirtellus* ssp. *undulatifolius*), cogon grass (*Imperata cylindrica*) and giant hogweed (*Heracleum mantegazzianum*). The Natural Heritage Eastern Shore Region Steward, Division Director and Chief Biologist attended the VA Master Naturalist Annual Meeting on September 25, 2014. The meeting agenda included updates and review of VA Master Naturalist Program policies, new initiatives and time for discussion of regional issues affecting program implementation. The Natural Heritage Locality Liaison gave a presentation on the Natural Heritage Data Explorer at the Conference. The training included an overview of DCR's Natural Heritage Program, conservation lands data, Virginia ConservationVision, Species/Community Database Search, the Virginia Wetlands Catalog, LandScope, and the upgraded VA Natural Heritage Data Explorer.

Community Volunteer Effort – 9/25/14

Five DCR Natural Heritage Staff participated in a morning of volunteering at Maymont. The volunteers helped clear areas of invasive bamboo between and outside of the fences around the black bear habitat exhibit. The habitat is an extensive environment including a rock scramble, pond, climbing trees and areas for sleeping and hiding. While some volunteers chopped the bamboo down, others hauled the tall canes over to the chipper

where the bamboo was converted to mulch. After the areas were cleared, the volunteers were treated to a close-up view of the bears in their cages before the bears were released back into their habitat.



DCR-DNH Volunteers



Maymont bears

VA Master Naturalist Eastern Shore Chapter Basic Training – 9/25/14

The VA Master Naturalist Eastern Shore Chapter basic training class visited Savage Neck Dunes (SNDNAP) Natural Area Preserve for outdoor training experiences in coastal ecology. Training at SNDNAP included coastal natural communities, migratory songbird stopover habitat and field botany, led by the Natural Heritage Eastern Shore Region Steward, and field zoology led by the Natural Heritage Natural Areas Zoologist. The Natural Heritage Eastern Shore Region Stewardship Technician provided bird identification skills and techniques for the trip.

Virginia Master Naturalist Statewide Conference – 9/26/14

Over the weekend of September 26, DCR Natural Heritage Chief Biologist and Natural Heritage Director attended the Virginia Master Naturalist Statewide Conference in Newport News. Virginia Master Naturalists make significant contributions to the conservation of Virginia's Natural Resources every day. The Master Naturalists Program has over 1,378 active volunteers. Since the program's inception in 2006, these volunteers have contributed 417,946 hours of service — with a value of \$ 9.5 million — to the Commonwealth of Virginia. In 2013, Virginia Master Naturalist volunteers completed more than 24,000 hours of service on projects to educate the public about natural resources. They made more than 107,000 youth and adult contacts through these educational efforts. DCR is a major sponsor of this successful citizen based program.

Natural Heritage Outreach Efforts at the State Fair of Virginia – 9/29/14

A DCR Natural Heritage Project Review Assistant participated in DCR outreach efforts at the State Fair of Virginia by providing information about the Natural Heritage Program and DCR as a whole to approximately 50 visitors. Visitors were provided with activities such as bat magnets, coloring sheets, and a fortune teller game showing examples of the rare flora and fauna of Virginia. Other DCR displays in the Dominion Conservation Classroom included a bat cave, a watershed model, and information about various state parks. The State Fair runs from September 26 to October 5, 2014.



Natural Heritage Display at State Fair

Land Conservation

Land Conservation Goal – 7/7/14

As part of the effort to define the new land conservation goal, DCR staff provided summary land conservation information to the Secretary of Natural Resources. In the 2010 – 2013 four year period 2,109 permanent land conservation projects were completed. Based on thirteen mapped priority natural resources values 1,185 of the 2,109 projects intersected priority resources, or if the values of the resources are raised, 1,117 of the 2109 intersected priority resources.

Natural Heritage Data Management Totals for FY2014:

Activity 04-01-14 – 09-30-14

New Mapped Locations (EOs) – 15
 Updated Mapped Locations (EOs) - 283
 New Conservation Sites – 4
 Updated Conservation Sites -79

Total Number in Database 09-30-14:

Animal Mapped Locations (EOs) – 603
 Plant Mapped Locations (EOs) – 1205
 Community Mapped Locations – 526
 Conservation Sites – 556

Managed Areas: (Acres added 4/1/14 – 9/30/14) - 1055 Acres
 Mapped Tracts: (total in coastal zone) - 3569 Tracts
 Mapped Managed Areas: (total in coastal zone) - 2765 Managed Areas

Healthy Waters

For the grant reporting period, the Environmental Scientist/Analyst with the Virginia Commonwealth University, Center for Environmental Studies in the Department of Life Sciences continued to serve as the Program Manager of the Virginia Healthy Waters Program at the Virginia Department of Conservation and Recreation, Division of Natural Heritage.

The Healthy Waters Program is supported through funding from several grant sources including the VA CZM Section 306, US EPA 319 Nonpoint Source Program, and the Chesapeake Bay Implementation Grant. These sources fund various aspects of the Program including the administration and oversight, Program growth and expansion, improvement in capacity, acquisition and analysis of new data and data integration.

Programmatically, the assessment of program resources and needs has continued to determine gaps and areas of improvement. Data integration and geographic expansion were two of top focal areas of the analysis with immediate attention addressed to integrate existing INSTAR data into the NHD data explorer and the creation of new Ecological Occurrences (EOs) and Stream Conservation Units (SCUs). Challenges to administering the Program are the resource and staffing needs to conduct field assessments. The DNH supported the Healthy Waters Program by contributing two field biologists for the purpose of being trained in the INSTAR data collection and field identification process. This improved capacity permits the collection of data by additional field personnel aside from specific grant related activities. The collection of data will be in the raw form still requiring the development of models to interpret such information to make relevant to the Program as a whole. The development of an INSTAR model is typically done on a basin scale to provide for comparable results within a defined area. The collection of raw data will permit an additional cataloging of resources to further inform the development of an INSTAR model when resources are present for the specific region or basin. This increased capacity in the program is a critical advancement in the program within the Division of Natural Heritage.

During the reporting period, the Program Manager oversaw the re-sampling CBIG funded project to conduct sampling in Coastal plain streams in the Commonwealth of data older than ten years. These sites, initially supported with VA CZM funding, included the two above mentioned Natural Heritage personnel. These sites, given the date of initial acquisition, were likely to have significantly changed over time. This analysis was conducted to determine if and how streams have maintained their designation as Healthy. Streams were sampled in Fairfax County, Richmond County, Goochland and Prince William Counties. An analysis and integration of the data will be completed in the upcoming months with a discussion on the possible changes in their designation. These data will be included in the Natural Heritage Data Explorer and update if their status changes.



Goochland County



Prince William County



Warmouth (*Lepomis gulosus*)



Pumpkinseed (*Lepomis gibbosus*)



Banded Sunfish (*Enneacanthus obesus*) and
Bluespotted Sunfish (*Enneacanthus gloriosus*)



Redfin Pickerel (*Esox americanus*)

The Healthy Waters Program Manager continued to oversee the development of the Chowan Basin study. While outside the Coastal Zone and funded through EPA 319 Region 3, this project has created a draft A-I Criteria for watershed protection based on an aquatic community analysis as opposed to a water quality based approach. Typically, the A-I Criteria is used as part of a watershed restoration strategy identifying the following points:

- A. Identify and quantify causes and sources of impairments
- B. Estimate expected load reductions
- C. ID BMPs and critical areas to achieve load reductions
- D. Estimate needed technical and financial resources
- E. Provide info, education and public participation component
- F. Include schedule for implementing NPS management measures
- G. ID interim measurable milestones for implementation
- H. Establish criteria to determine if load reductions are achieved
- I. Provide a monitoring component to evaluate effectiveness

The Criteria for watershed protection, being referred to as, the *Criteria for Ecologically Healthy Watershed Conservation* is under review with the VA DEQ Waters Division. However, significant progress was made between the Natural Heritage Division and the VA DEQ Waters Division to reach a consensus on the language. The Criteria will be vetted with EPA Region 3 and EPA HQ in the upcoming months. Once approved, this new criteria will be used as a National model for watershed protection.

Through funding from EPA 319, the Program Manager oversaw the initiation of revisions to the means by which watersheds and waterbodies are identified as Healthy and how the Program communicates outward. The Watershed Integrity Layer, used and developed by the Natural Heritage Division and VCU, began a revision process to update and streamline the process for identification. Discussions included utilizing the latest data available due to programmatic updates to the Healthy Waters Program. Additionally, the development of a statewide *Healthy Watersheds* discussion and process was initiated, through EPA 319 funding, to provide an analysis of those data mined from the VDGIF and VDEQ Prob-Mon to create rankings where INSTAR data is lacking. This task was originally set to be funded directly by the EPA Healthy Watersheds Program at EPA HQ, but that Program failed to follow through on commitments to support the activity. Additionally, language to revise the identification of Healthy Catchments was initiated. Healthy Catchments are those subwatersheds that drain to a Healthy Waters INSTAR site. Only where the Healthy Waters Program has an identified INSTAR site will this designation be utilized. During this discussion, the language by which the Healthy Waters Program identifies the highest ranking water bodies was changed from *Exceptional* to *Outstanding* so as not to conflict with any regulatory language associated with water quality. This language is also consistent with the Natural Heritage Division ranking of highest quality. Also during the reporting period, the Healthy Waters Program Manager worked toward the updating of the Healthy Waters Web page in both content and location. The Healthy Waters Program Web was located under the Soil and Water Division page and was moved to the Natural Heritage Division site. The site is still under construction and revision. Additionally, revisions and updates to the INSTAR web were initiated including discussions about the need for a more stable platform due to changing Web browsers. This process to maintain the INSTAR site has proved to be a challenge for both staff and resources, as in most web pages.

The Program Manager continued to coordinate directly with the VA Department of Environmental Quality, the USEPA, NOAA, Nature Conservancy and other partners to advance the Program. Specifically, the Program Manager participated in the VADEQ Nonpoint Source Prioritization Planning process, discussions and document revisions. VDEQ continued to recognize the Program residence at the NHD as a means to advance their program needs to achieve aquatic resource identification and protection efforts. While water quality conclusions can be made from these data and the Program, it continues to function as a component to supplement the land conservation and resource identification efforts in the Commonwealth through DNH based on the collection of aquatic community data. The Healthy Waters Program is clearly identified in the Virginia Chesapeake Bay Agreement and NPS Planning Processes as critical tools for Virginia.

During the reporting cycle, the Program Manager participated in the Chesapeake Bay Program Goal Implementation Team 4 (GIT 4) Healthy Watersheds as the Virginia representative and Program Manager. The HW Program Manager participated in the Tracking Subcommittee of the GIT to advance how the GIT might approach long-term monitoring of the various state's successes. Additionally, the HW Program Manager is staffing the development of the GIT 4 Healthy Watersheds Management Strategy development, representing Virginia.

c) DCR – Division of Outdoor Recreation

This report lists projects and activities conducted by the Department of Conservation and Recreation, Division of Outdoor Recreation during this period that were not funded by or otherwise reported to the VCZMP

Scenic Rivers - 2014

Three rivers were designated in 2014 – The Cranes Nest in Dickenson County, Tye in Nelson, and an extension of the Bannister in Pittsylvania County

Two evaluations this year qualified the Clinch in Tazewell County, Richlands and Cedar Bluff; and the Dan in Halifax County for designation. However, The Clinch has stalled due to lack of support. The Dan will go forward.

Water Access & Water Trails - August 2014

A River Recreation Workshop was held in Mecklenburg County and was attended by over 70 folks all interested in water trails and water access. Due to its success, another one is planned for Albemarle County next year. Water access pints are tracked on the [VOP Mapper](#).

Water Access

In response to the expressed need for more canoe-in campsites along the Potomac, DCR has opened one at Caledon State Park and included one in the master plan for Widewater State Park.

National Trails

DCR staff have been serving on the advisory committee for the Potomac Segment Plan for three national trails (including Cap. John Smith). The release of the draft plan is scheduled for stakeholder meetings in November of 2014.

Virginia Outdoors Plan

The [Virginia Outdoors Plan](#) which highlights water access and blueways as one of the top outdoor recreation activities has been completed. Meetings to discuss regional progress on projects listed in the plan began and will be ongoing through December 2014.

5) Department of Game and Inland Fisheries (DGIF)

Recreational Fisheries

1. Stream Fish Community and Recreational Fisheries Stream/River Sampling Summary

During this reporting period, using boat electrofishing techniques primarily, VDGIF conducted survey work, on sections of a multitude of streams which drain into the geographic area covered by the CZMP. Extensive sampling of stream fish communities occurred in the James, Rappahannock, Shenandoah, and York drainages. Relative abundance indices were generally obtained for all species surveyed, for recreationally important species additional parameters were examined, including analyses of age structure and growth rates based on examination of otoliths.

A report detailing results of this work, and work conducted throughout 2014, is being prepared under Sportfish Restoration Grant F-111-R.

2. Tidal River Catfish Monitoring and Population Trend Detection

In 2014, VDGIF Fisheries biologists sampled catfish four rivers: 1. James River below Richmond (Henrico County/Chesterfield County) downstream to near Chickahominy River confluence (James City County/Surry

County), 2. Rappahannock River from below Fredericksburg, (Caroline County/King George County) downstream to Carters Wharf (Westmoreland County), 3. Pamunkey River within King William County/New Kent County boundaries, and the Mattaponi River from Walkerton downstream to Melrose Landing (King & Queen County/King William County). Also, an intensive mark-recapture study in Powell Creek, tributary to the James River (Prince George County) was conducted in July 2014 allowing density estimates and absolute abundance estimates.

These surveys occurred as part of an ongoing effort to monitor the catfish assemblage in Virginia tidal systems – tributaries of Chesapeake Bay – that began in the mid-1990's; a primary focus on the introduced blue catfish populations which occur in these systems. Blue catfish populations all Virginia tidal systems (Rappahannock, York, James) where blue catfish have been established for several decades are experiencing declines in individual growth associated with increasing density (fish per area). These shifts in growth combined with ongoing changes in various other population parameters for blue catfish make it difficult to determine what the eventual impacts of this introduced species will be on other resources and species of concern in these tidal systems.

VDGIF biologists conducted targeted sampling in June 2014 for flathead catfish to better understand population dynamics in the tidal James River. Primary study area was below Richmond downstream to Hopewell (Prince George County/Charles City County).

Reports detailing results of this work are being prepared under Sportfish Restoration Grant F-111-R.

3. Tidal River Blue Catfish Diet and Modeling Research Project

Given the variability observed in blue catfish food habits in Virginia tidal rivers, DGIF has contracted with researchers at Virginia Tech to conduct a multi-year, multi-river, multi-habitat, multi-seasonal assessment of blue catfish food habits. At the conclusion of the multiyear fieldwork component of the study the researchers have been asked to assess blue catfish diet, and model impacts on other species at the population level.

The goal of this project is to develop the data required to inform discussions and assessments of potential impacts of blue catfish on other species in the Chesapeake Bay watershed. Data which are currently lacking – DGIF lacks the understanding to make informed statements of impact in most cases.

Reports detailing results of this work are being prepared under Sportfish Restoration Grant F-111-R.

4. Monitoring of Northern Snakehead Range Expansion

Work to document range expansion of northern snakehead continued, with electrofishing work in the Rappahannock River watershed, Dragon Run/Piankitank River watershed. In 2014, the species was found to have further expanded, and is likely established, in the fresh-oligohaline reaches of the Rappahannock River as well as Piankitank River/Dragon Run.

5. Rappahannock River Largemouth Bass Stocking Project

In 2014, VDGIF biologists evaluated stocking success of largemouth bass stockings in the Rappahannock River from Pee Dee Creek to Jetts Creek (Caroline County/King George County). Stocking occurred in May 2013 by the angler group, Concerned Bass Anglers of Virginia. Surveys from spring 2014 indicated poor overwinter survival or movement from the study area as zero marked fish were collected. VDGIF followed up with stocking in 2014 with an additional 40,000 largemouth bass fingerlings in the same geographic scope with stockings targeted at locations with ample habitat (woody debris/vegetation). Additional sampling will occur in fall 2014 and spring 2015 to evaluate success.

Reports detailing results of this work are being prepared under Sportfish Restoration Grant F-111-R.

6. Assessment of Critical Habitats for Recovering the Chesapeake Bay

Atlantic Sturgeon Distinct Population Segment

In 2014, VDGIF biologists conducted periodic maintenance of the James River Atlantic sturgeon receiver array, conducting receiver maintenance and data download and maintenance for 28 receiver stations distributed in the tidal river from Richmond (Henrico County/Chesterfield County) downstream to Newport News (Newport News/Isle of Wight Count). Receiver deployment is intended to be part of an ongoing effort to track Atlantic sturgeon movements within the tidal James River system. VDGIF conducts this maintenance in cooperation with NOAA, U.S. Fish and Wildlife Service, Virginia Commonwealth University, and Virginia Institute of Marine Science.

Reports detailing results of this work are being prepared under Section 6 grant from NOAA.

7. Assessment of American Eel in York, James, and Rappahannock Watersheds

In 2014, VDGIF biologists have been collecting American eel specimens within Rappahannock, James, and York watersheds during normal fish community monitoring activities. This project is in close cooperation with Virginia Institute of Marine Science to assess age and growth, parasite loads, and general population characteristics. This broad scale assessment of American eel is the largest ever conducted in Virginia.

Reports detailing results of this work are being prepared under Sportfish Restoration Grant F-111-R.

Wetlands:

1. Mitigation Banking

VDGIF continues to participate on the Inter-Agency Review Team that oversees stream and wetland mitigation banking and provide input on new banks all over Virginia, including the coastal zone. Numerous proposals have been made for new banks and/or additions to existing banks within the coastal region of Virginia during this reporting cycle. DGIF is also now part of the IRT overseeing the Virginia Aquatic Resources Trust Fund projects.

2. Wetland Restoration

VDGIF continues to have an active voluntary wetland restoration program. The program assists private, state, local, and federal government landowners to restore wetlands on their property. Landowners receive assistance with site selection, cost-share programs, restoration design, and permit issues. The Virginia Department of Game and Inland Fisheries is actively restoring wetland habitats in Virginia. Partnerships with organizations such as The U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program, The U.S. Department of Agriculture's farm bill programs, Ducks Unlimited, The Chesapeake Bay Foundation, and many others have resulted in additional wetland acres restored. DGIF has implemented the Virginia Migratory Waterfowl Stamp Grant program designed to give grants to non-profit organizations for wetland restoration, enhancement or creation.

Geographic Information Systems/Data Management:

VDGIF continued to maintain spatial datasets of wildlife locations and resources in the coastal zone. VDGIF continues to focus on improving the both the range and quality of our species occurrence data as well as information on VDGIF properties.

Sustainable Ecotourism:

22nd Annual Eastern Shore Birding and Wildlife Festival

The Department of Game and Inland Fisheries continues to be a primary sponsor of this long standing effort to help local communities on Virginia's Eastern Shore recognize the benefit of ecotourism. DGIF staff serves on the planning committee and organizes all trip, tours and volunteer guides.

Nongame Species Monitoring and Research:

1. King Rail and Clapper Rail

The king rail, a priority species in the Virginia Wildlife Action Plan, is primarily associated with freshwater marshes. The lower-ranked clapper rail is associated with coastal saline marshes and is more abundant than the king rail in Virginia. Due to the secretive nature of these species during the breeding season, they are most effectively documented via their responses to call-broadcast surveys. However, the vocal characteristics of the two species overlap broadly, such that it is difficult to distinguish between them with reliability and consistency. In fact, identification to species is most often surmised based on characteristics of the surrounding habitat. This problem is further complicated because the two species can hybridize in areas of co-occurrence, further adding to the potential for misidentification.

Within the Commonwealth the two species are thought to be abundant, sympatric and potentially hybridizing on the Mattaponi and Pamunkey Rivers in an area of intermediate salinity. Addressing conservation efforts toward the higher-priority king rail in this geographic area requires reliable information on its status, distribution, abundance and habitat use. This in turn requires a methodology to reliably identify the species in the field or through post-field analysis of the data collected. This project will address this problem by drawing on links between acoustic monitoring, genetics, morphology and ecology. This study will also lay the ground work for a more complete geographic assessment of the distribution, abundance and status of king, clapper and hybrid populations, to allow for more effective monitoring and conservation planning.

The project is being executed as a three-year contract with West Virginia University with participation by DGIF. Trapping is a component of the project that will allow for collection of samples for genetic analysis. In its pilot year, rails were captured at night using a dip net from an airboat in October 2013 and August 2014. Field personnel experimented with other trapping techniques in June 2014.

2. Eastern Shore Bat Acoustic Survey

Five acoustic stations have been established on the Eastern Shore to document passage rates and species assemblages during the active season, March through November. Anabat detectors are placed on existing towers at Cedar, Hog, and Smith Islands and on the South Rappahannock Light Tower off Silver Beach. Two Pettersson detectors were deployed this year, one each on the Chincoteague National Wildlife Refuge and Smith Island. The objectives of this project are to 1) gather baseline data on bat passage rates in relation to climatic variables, and 2) determine species assemblages and potential changes through the active season. Data are currently being recorded and no analysis of data has been completed.

3. Atlantic Slope Freshwater Mussel Propagation

The VA Department of Game & Inland Fisheries continued its cooperative Atlantic Slope freshwater mussel propagation facility with the U.S. Fish & Wildlife Services' Harrison Lake National Fish Hatchery in Charles City, which marks the 7th year of production and 8th year of operation at the VA Fisheries and Aquatic Wildlife Center (VFAWC). Propagation started in February and ended in early September resulting in the production of over 2.3 million juvenile mussels from nine species (Table 1), which was well over our target number of 965,000 juveniles and a record production number for VFAWC. VFAWC also propagated eastern elliptio (*Elliptio complanata*) and Carolina slabshell (*Elliptio congaraea*) at the facility for the 1st time, bringing the total number of species we have worked with to eleven. As with 2012 and 2013, we again expanded our propagation coverage from the Nottoway River watershed to include the Rappahannock, Pamunkey and Mattaponi River watersheds, as well as the Meherrin and James River watersheds. While most of the species propagated at VFAWC are not listed as threatened or endangered but listed as a species of greatest conservation need in Virginia's Wildlife Action Plan or as a species of concern by the USFWS, we did continue to work with the state threatened green floater (*Lasmigiona subviridis*) to develop successful grow-out techniques. We have approximately 500 sub-adults green floater averaging approximately 10 mm and we anticipate the majority of these mussels will survive to release in 2015. We continued to release propagated mussels from our 2012 and 2013 stocks, with nearly 28,000 tagged mussels of 6 species released in the lower Nottoway River, near

Franklin; Rappahannock River near Fredericksburg; Pamunkey River near Putneys Mill; and Johns Creek near Maggie. Additional mussels from our 2012 and 2013 stocks will be released in October and November 2014 with any remaining mussels released in 2015. Juvenile mussels from our 2014 stock will start to be released in 2015. All mussels were or will be tagged for future monitoring of survival and reproduction.

Table 1. Juvenile freshwater mussels produced at VFAWC in 2014

Species	Source Location	Juveniles Produced
<i>Anodonta implicata</i>	Nottoway River	3
	Rappahannock River	1,374,701
<i>Elliptio complanata</i>	James River	772
<i>Elliptio congaraea</i>	Pamunkey River	29
<i>Lampsilis cariosa</i>	Nottoway River	41,550
<i>Lampsilis radiata radiata</i>	Mattaponi River	70,673
	Meherrin River	59,099
	Nottoway River	122,180
	Pamunkey River	171,553
<i>Lasmigona subviridis</i>	Meherrin River	132,814
<i>Leptodea ochracea</i>	Nottoway River	41,213
	Rappahannock River	887
<i>Ligumia nasuta</i>	Nottoway River	208,371
<i>Villosa constricta</i>	Johns Creek	36,650
		2,311,362

Table 2. Freshwater mussels released in 2014

Species	Release Date 2014	Release Site	Number Released
<i>Anodonta implicata</i>	4/13	Rappahannock River	895
	4/14	Pamunkey River	420
	8/28	Rappahannock River	11,389
<i>Lampsilis cariosa</i>	7/31	Nottoway River	3,683
<i>Lampsilis radiata</i>	5/30	Nottoway River	88
	6/18	Nottoway River	70
	7/31	Nottoway River	3,534
<i>Leptodea ochracea</i>	5/30	Nottoway River	1,009
	8/5	Appomattox River	256
<i>Ligumia nasuta</i>	5/30	Nottoway River	250
	6/18	Nottoway River	3,138
	7/31	Nottoway River	2,550
<i>Villosa constricta</i>	6/6	Johns Creek	338
TOTAL	4/13-8/28		27,620

4. Herpetofauna

A. North American Amphibian Monitoring Program (NAAMP) and Virginia Frog and Toad Calling Survey (FTCS)

The North American Amphibian Monitoring Program was established in 1997 to record the population trends of calling amphibians throughout the United States. Virginia is one of 20 states involved in this program. The Virginia Department of Game and Inland Fisheries (VDGIF) became involved with the program in 1999. VDGIF has 53 USGS established routes available for volunteers. Currently, there are 23 volunteers surveying

as many routes. Four of these routes are located in Virginia's Coastal Plain. Data for the 2014 field season will not be available until the end of October. In 2014, VDGIF partnered with the Virginia Living Museum in the management of the program.

B. Chicken Turtle Trapping Survey

The Chicken Turtle (*Deirochelys reticularia*) is a State Endangered species. Only two populations are known to occur in the state; First Landing State Park in the City of Virginia Beach and the Cat Ponds in Isle of Wight County. As part of our on-going conservation efforts, we conducted trapping efforts from May 5th - May 23rd at the Cat Ponds and again at First Landing State Park. Trapping efforts at the Cat Ponds resulted in the capture 16 chicken turtles, including 12 adults (9 females and 3 males), 3 sub-adults and 1 hatchling. This brings the total number of individual chicken turtles captured at the Cat Ponds to 21. Surveys over the past 7 seasons at First Landing State Park have only resulted in the capture of one older adult female. This most likely brings to the conclusion that chicken turtles at First Landing State Park have been extirpated. Radio telemetry of this female showed she crossed Shore Drive in August. This reinforces the theory that road mortality on Shore Drive was a major factor that lead to the decline and extirpation of this population.

C. Population viability of common snapping turtles in Virginia waterways under increasing harvest pressure

This study is being conducted by Virginia Commonwealth University in coordination and cooperation with the Virginia Department of Game and Inland Fisheries to assess the sustainability of the snapping turtle, *Chelydra serpentina*, under various levels of commercial harvest pressure.

1. Mark-Recapture of Common Snapping Turtles

Continuing on May 25, 2014 Mark-Recapture was conducted on 3 Virginia waterways; Totuskey Creek, the Walkerton area of the Mattaponi River, and Morris Creek. These three sites each represent a different historic level of commercial harvesting of snapping turtles. The process consisted of setting out 20 hoop nets daily, Monday – Thursday, baited with a combination of sardines and chicken blood and then returning the next morning to clear the traps and reset them. Snapping turtles were marked with a unique numbered tag attached to the posterior margin of the marginal scutes, demographic measurements were taken for each individual and then the individual was released. In addition, all by-catch turtle species were marked with a unique shell notch, measured and released. To this point 165 snapping turtles, and 175 by-catch turtles, have been caught, tagged, and released.

2. Telemetry study on home range and habitat usage of the snapping turtle

On Morris Creek, which has historically had little or no commercial harvest 23 turtles were fitted with radio transmitters in order to study their movement and habitat usage within the site. Periodically, these turtles will be tracked and their locations recorded for future use. In addition to providing information on home range usage, the telemetry information can be used to differentiate turtles that have been removed from the system permanently through death, harvest etc. from those who have emigrated out from the system which would directly affect the sustainability of the turtle within the system. To this point VDGIF have gathered 210 individual locations for the 23 radio tagged turtles.

3. Toxicology & stable-isotope

During 2013 & 2014, VDGIF collected nail samples from snapping turtles to process them for both mercury levels and stable isotope analysis. This will allow us to see how the snapping turtle diet shifts throughout their lives and how mercury loads change over time.

4. Future work

This study will be concluded in October 2014. Once the data is processed and analyzed, VDGIF should have data on the state of snapping turtle populations within these three bodies and quantitative evidence of the effect that commercial trapping is having on the turtle populations and whether or not commercial

trapping is sustainable long term. In addition, VDGIF will have data outlining the home-range of these turtles in a river environment, and toxicological and stable-isotope data amongst the 3 rivers.

SECTION B.3 FEDERAL CONSISTENCY

During the second half of FY 2013, the Office of Environmental Impact Review/Federal Consistency (OEIR) reviewed 113 development projects and management plans for consistency with the Virginia Coastal Zone Management Program (VCP). This represents 85.6% of the total amount of projects reviewed (132) during this period. Major state projects accounted for 16 projects, 65 were federal actions, and 32 were federally funded projects (predominantly local government projects). The 65 federal projects included 32 federal agency activities, 15 federal licenses and approvals, and 18 projects submitted under the residual category pursuant to the federal consistency regulation (15 CFR 930.31(c)) which consisted of 14 U. S. Department of Housing and Urban Development (HUD) mortgage insurance projects and 4 financial assistance from USDA Rural Development to private entities. All federal consistency determinations and federal consistency certifications were completed within the established legal deadlines.

A representative from the Office of Environmental Impact Review (OEIR) attended a public meeting held on September 25, 2014 in Franklin, Virginia hosted by Dominion pertaining to the proposed Atlantic Coast Pipeline project. Four major U.S. energy companies (Dominion, Duke Energy, Piedmont Natural Gas and AGL Resources) formed a joint venture to build and own the proposed Atlantic Coast Pipeline. The partnership, called Atlantic Coast Pipeline LLC, will own the pipeline initially proposed by Dominion as the Southeast Reliability Project. The \$4.5 billion to \$5 billion, 550-mile natural gas pipeline would run from Harrison County, W. Va., southeast through Virginia with an extension to Chesapeake, Va., and then south through central North Carolina to Robeson County. The Franklin meeting was one of a series of meetings held throughout North Carolina and Virginia during September. The Atlantic Coast Pipeline will impact Virginia's Coastal Zone in Suffolk and Chesapeake cities.

The OEIR continues to provide informal training on federal consistency requirements to consultants who prepare consistency documents for federal agencies and applicants for federal permits and maintains a website for Federal Consistency Reviews which can be accessed through DEQ's main webpage or found at <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview.aspx>. The OEIR webpage is updated weekly.

Table 1 depicts federal projects in Tidewater Virginia reviewed from 4-1-14 to 9-30-14.

TYPE OF FEDERAL PROJECTS REVIEWED*	NUMBER OF PROJECTS COMPLETED	REVIEW PERIOD
*Direct Federal Actions	49	30-60 Days
** Federal Activities (approvals & permits)	15	90 Days
***Federally Funded Projects	32	30 Days
Outer Continental Shelf	1	45-60 Days
TOTAL	97	30-90 DAYS

*Includes 14 FCDs reviewed under the residual category of Subpart C of the Regulations. (HUD Mortgage Insurances, and 4 USDA assistance projects).

**These projects include individual permits issued pursuant to Section 404 of the Clean Water Act administered by the U.S. Army Corps of Engineers. Nationwide and regional general permits are certified every five years or as requested by the Norfolk District U.S. Army Corps of Engineers.

*** These include federal assistance to state and local government reviewed under subpart F.

FEDERAL PROJECTS REVIEWED FOR CONSISTENCY WITH THE VCP from 4/1/14 to 9/30/14

I. Federal Agency Projects

The following projects are examples of federal agency projects subject to Subpart C of 15 CFR 930.33(a)

Pentagon Reservation Master Plan Update – DEQ completed the coordinated review of an Environmental Assessment submitted by the Department of Defense Washington Headquarters Services regarding an update to the Master Plan used to guide long-term development at the Pentagon Reservation in Arlington County. The Master Plan update includes a number of newly constructed and planned facilities on the Pentagon Reservation property. The 2014 Master Plan Update focuses on recently constructed development on the Pentagon Reservation (e.g., the Pentagon 9/11 Memorial), as well as the following improvements planned for the Pentagon Reservation: new security measures to control vehicular and pedestrian access; relocation and modernization of certain existing facilities; demolition of older, vacant facilities; re-use of laydown and construction areas associated with the 10-year Pentagon Renovation project; and creating a more “green” and sustainable campus through the use of surface parking combined with stormwater management techniques to reduce water quality impacts to the Potomac River and Chesapeake Bay. Provided activities are performed in accordance with the recommendations in the DEQ response, this proposal is unlikely to have significant effects on ambient air quality, water quality, wetlands, and important farmland and forest resources. It is unlikely to adversely affect species of plants or insects listed by state agencies as rare, threatened, or endangered. In addition, a Federal Consistency Determination (FCD) was submitted for the proposal. Based on DEQ’s review of the FCD and the comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Installation and Operation of Powder Gun and Electromagnetic Railgun - The U.S. Department of the Navy (Navy) submitted a Federal Consistency Determination (FCD) for the installation and operation of a powder gun and electromagnetic railgun at the National Aeronautics and Space Administration (NASA) Wallops Flight Facility on Wallops Island in Accomack County. The Navy proposes to test hypervelocity projectiles (HVP), and integrate HVPs with the railgun and the railgun weapons system with combat systems equipment. The proposed action would require firing projectiles at targets from 5 to 100 nautical miles at offshore targets in the Virginia Capes Range Complex. The proposed site for the guns is the existing Surface Combat Systems Center on Wallops Island. The proposed project would require constructing a command shelter (10 by 30 feet in size), two storage shelters, and other equipment on existing concrete pavement. If facilities are not placed on existing concrete, they will be placed on gravel. Pilings would be installed to elevate the railgun, the pulsed-power system, and command and storage structures above the 100-year floodplain. The FCD states that the project is consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program; DEQ concurs.

Fuel Pier Replacement Joint Base Langley-Eustis Langley - The U.S. Army Corps of Engineers (Corps) submitted an EA, including a federal consistency determination (FCD), as the agent for Joint Base Langley-Eustis in Hampton. The EA describes the proposed action to replace the existing Defense Logistics Agency’s

(DLA) fuel pier at the base along the Southwest Branch of the Back River. The project includes construction of the new fuel pier and service station, demolition of the existing fuel pier and service station, and dredging for the proposed fuel pier's turning basin and berthing area. Dredged material will be placed at the Norfolk Ocean Disposal Site for ocean disposal. The project will also include two new fuel loading arms with spill containment. The project footprint is approximately 10.87 acres and the dredging area is approximately 6.06 acres. DEQ concurs with the FCD that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Construction of New Elementary School - The U.S. Army Garrison Fort Belvoir submitted an EA, including a federal consistency determination (FCD), for construction proposed by Fairfax County Public Schools at Fort Belvoir in Fairfax County. Fairfax County Public Schools proposes to construct a new elementary school and renovate the existing Fort Belvoir Elementary School. The proposed action would include constructing a new elementary school building; providing paved play areas; adding additional bus, staff, and visitor parking spaces; reconfiguring the existing bus loop; adding new infrastructure, including utilities and stormwater management; and renovating the existing building. The new school will be built on existing play fields located to the west of the existing school. The FCD states that the proposed project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program. DEQ concurred with the FCD.

Marine Operations Center- Dredging Project- The National Oceanic and Atmospheric Administration (NOAA) submitted a draft EA which includes a federal consistency determination (FCD) for review. According to its Draft EA and FCD, NOAA is seeking an individual permit from the U.S. Army Corps of Engineers (Corps) to dredge the approach and berthing area for NOAA's Marine Operations Center – Atlantic (NOAA MOC-A) in order to provide necessary depth for nine NOAA ships that draft 21 feet and/or have valuable scientific instruments mounted to the hulls. The proposed depth would be 25 feet below mean low water, plus an allowable 2-foot overdepth. The NOAA MOC-A is situated along the Elizabeth River in Norfolk. Approximately 85,000 cubic yards of material would be dredged hydraulically and pumped into the Craney Island Dredged Material Management Area or mechanically dredged, placed in scows, barged to Craney Island, and dumped into the Rehandling Basin. The estimated top of the dredged cut is about 8.40 acres; the bottom (design improvement) is about 6.7 acres. About 5,000 cubic yards of material is maintenance material, to reach previously permitted depths of about 20 feet; the rest is new dredging work. NOAA has requested approximately 15,000 cubic yards of maintenance dredging for the next ten years. The project has been altered, due to reduction of dredging impacts and consideration of an additional disposal site, since an earlier review (DEQ-13-014F) in 2013.

Amendment 9 to 2006 Consolidated Highly Migratory Species FMP – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS), which proposes to implement Amendment 9 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). Amendment 9 considers management measures in the smoothhound and shark fisheries. In addition to the measures in Amendment 9, this rulemaking would establish an effective date for previously-adopted shark management measures finalized in Amendment 3 to the 2006 Consolidated HMS FMP (Amendment 3) and the 2011 HMS Trawl Rule that were delayed, and proposes to increase the smoothhound shark annual quota that was finalized in Amendment 3, using updated landings data. It also proposes to implement the smoothhound shark-specific requirements of the 2012 Shark Biological Opinion (BiOp), and considers modifying current regulations related to the use of Vessel Monitoring Systems (VMS) by Atlantic shark fishermen using gillnet gear. Finally, this action considers the implementation of the smooth dogfish-specific provisions in the Shark Conservation Act of 2010 (the “SCA”) with respect to the provision that allows fin removal at sea of Atlantic smooth dogfish. Based on DEQ's review of the FCD and the comments from the Virginia Marine Resources Commission, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Draft Regional General Permit for Chesapeake Bay Total Maximum Daily Load Activities – DEQ completed the coordinated review of a federal consistency determination (FCD) of a draft Total Maximum Daily Load Regional General Permit (TMDL RGP) submitted by the Baltimore District of the U.S. Army Corps of Engineers. The TMDL RGP is for activities in waters of the U.S. that are part of an overall watershed strategy (e.g., Chesapeake Bay TMDL Watershed Implementation Plan (WIP)) whose purpose is to meet nutrient and sediment load reduction targets under the Chesapeake Bay TMDL mandates. Activities authorized include, but are not limited to: the retrofit of existing stormwater management facilities; the retrofit of existing stormwater management outfalls; and the restoration and enhancement of non-tidal streams and non-tidal wetlands. Applicable waters under the Baltimore District Corps' jurisdiction in Virginia include the following military installations in northern Virginia: Pentagon; Cameron Station; Fort Myer; and Fort Belvoir. Based on DEQ's review of the consistency determination and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ conditionally concurs that the proposal is consistent, to the maximum extent practicable, with the VCP provided, prior to construction, applicants shall obtain all required permits and approvals for air emissions and impacts to areas analogous to Chesapeake Bay Preservation Areas. The State Water Control Board conducted a Section 401 Clean Water Act Water Quality Certification for the RGP. Accordingly, the activities that qualify for the proposed RGP must meet the requirements of DEQ's *Virginia Water Protection Permit Regulation* and the permittee must abide by the conditions of the RGP as certified under Section 401.

Fort Norfolk Shoreline Stabilization – DEQ completed the coordinated review of an Environmental Assessment which EA included a Federal Consistency Determination (FCD) under the Coastal Zone Management submitted by the U.S. Army Corps of Engineers (Corps) for proposed shoreline stabilization activities on the Elizabeth River at Fort Norfolk in the City of Norfolk. The proposed project (preferred alternative) includes two primary components: 1) replacement of an existing failing bulkhead with a new bulkhead along the shoreline at the southeast corner of the property; and 2) stabilization of the adjacent shoreline, immediately east of the bulkhead. The proposed bulkhead portion of the project on the north shoreline will extend between 4-7 feet channelward of the existing structure. The total length of the existing bulkhead is approximately 126 feet long. On the east shoreline of the project, the shoreline stabilization structure will serve to stabilize the shoreline and promote habitat for oyster development. The structure will also benefit other aquatic organisms by serving as a living shoreline. Based on DEQ's review of the EA, FCD and state agency comments the proposal is unlikely to have significant effects on ambient air quality, water quality, wetlands, important farmland, forest resources, and historic resources. It is unlikely to adversely affect species of animals, plants or insects listed by state agencies as rare, threatened, or endangered. Also, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Framework Amendment 1 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS) for Framework Amendment 1 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP Framework Amendment 1). CMP Framework Amendment 1 proposes to modify the annual catch limits (ACLs) for Atlantic migratory group Spanish mackerel and Gulf of Mexico (Gulf) migratory group Spanish mackerel based on the outcome of stock assessments (SEDAR 28 2013), and recommendations for acceptable biological catch values from the South Atlantic and Gulf Council's Scientific and Statistical Committees. Based on DEQ's review of the FCD and the comments submitted by the Virginia Marine Resource Commission, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Attachment of Scientific Equipment to Fixed Navigation Aids – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by The Naval Facilities Engineering Command Atlantic (NAVFAC LANT) which proposes to attach scientific acoustic recording equipment to U.S. Coast Guard federal aids to navigation in the Norfolk, Virginia area. NAVFAC LANT is researching marine mammal

occurrence in the waters near local U.S. Navy bases. Two acoustic recording devices, called C-PODs would be deployed in the waters near Naval Station Norfolk. These devices log the echolocation clicks of dolphins and serve as a tool to report on the occurrence of dolphins near areas of Naval activity when visual surveys are not possible (evening hours and poor weather days). C-PODs will be attached to fixed navigation aids (pole channel markers) in the Elizabeth River/Willoughby Bay area at the Naval Boat channel Light 2 (LL 10615) and Norfolk International Terminal South Daybeacon 10S (LL 9572). The units will be recovered, refurbished, and re-deployed every 3-4 months. All gear will be recovered and nothing left at completion of the study. Based on DEQ's review of the FCD the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program since none of the enforceable policies would be impacted by the proposed action.

Amendment to Expansion of U.S. Army Intelligence and Security Command Headquarters Facilities – DEQ completed limited coordinated review of an amendment to a proposal to expand the Intelligence and Security Command Headquarters at Fort Belvoir in Fairfax County. The amendment involves the expansion of an existing wet pond on site. DEQ previously coordinated the review of the Environmental Assessment and Federal Consistency Determination for the proposed expansion and responded on September 14, 2013 to the EA and October 11, 2013 to the FCD. The proposed modification to the existing wet pond will effectively relocate the Resource Protection Area associated with the pond. Accordingly, the DEQ Office of Environmental Impact Review (OEIR) provided the additional information submitted by the Army to the DEQ Office of Stormwater Management for review with respect to impacts to areas analogous to Chesapeake Bay Preservation Areas. DEQ-OSWM reviewed the information and coordinated with Army staff at Fort Belvoir. Based on its review, DEQ-OSWM finds that the proposed modification of the wet pond is consistent with the provisions of the Chesapeake Bay Preservation Act and Regulations. Accordingly, no further coordination by the Army is required. However, the Army must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations as detailed in DEQ's previous responses.

Construct Skills Training Facility – DEQ completed a coordinated review of an Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the Department of the Army (Army) for the proposed construction of a Skills Training Facility (STF) within the Davison Army Airfield (DAAF) area of Fort Belvoir in Fairfax County. The ten-acre parcel proposed for the STF development is located east of John J. Kingman Drive, along the northern entry to the DAAF (Farrar Gate). The conceptualized STF buildings are configured in a two-story arrangement including 96,000 square feet of interior space, parking for 180 vehicles; internal access road improvements; pedestrian walkways; landscaping; and outdoor personal fitness training spaces. Total planned building and pavement footprint encompasses 176,000 square feet, or approximately four acres of the ten-acre project site. Based on DEQ's coordinated review of the EA and the comments from reviewing agencies the proposal is unlikely to have significant effects on ambient air quality, important farmland, forest resources, and wetlands. It is unlikely to adversely affect species of plants or insects listed by state agencies as rare, threatened, or endangered. In addition, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Framework Adjustment 25 to the Atlantic Sea Scallop Fishery Management Plan – DEQ completed a coordinated review of Framework 25, which was adopted by the New England Fishery Management Council (Council) at its January 2014 meeting. The Council submitted the Framework 25 document to the National Marine Fisheries Service on March 13, 2014, for review and approval. If approved, Framework 25 would set the following management measures for the scallop fishery for the 2014 fishing year and beyond: the 2014 and 2015 (default) scallop fishery specifications, including days-at-sea allocations, individual fishing quotas, and sea scallop access area trip allocations; and accountability measures for the scallop fishery should it exceed its annual allocation of windowpane flounder. Based on DEQ's coordinated review of the federal consistency determination and the comments from the Virginia Marine Resources Commission (VMRC), DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia

Coastal Zone Management Program. VMRC finds no issues with the proposed measures as it relates to Virginia or the state's fisheries. There will be no adverse impacts to finfish resources in state waters.

Long Range Component of the Fort A.P. Hill Real Property Master Plan – DEQ completed the coordinated review of a Draft Programmatic Environmental Assessment (PEA) submitted by the Department of the Army (Army) for the Long Range Component (LRC) of the Real Property Master Plan (RPMP) at the U.S. Army Garrison, Fort A.P. Hill in Caroline County. The LRC/RPMP presents development options in accordance with the Installation's mission and the RPMP's real property vision, goals and objectives. The PEA evaluates two alternatives: No Action Alternative (Alternative 1); and LRC/RPMP (Alternative 2 or Proposed Action). The Phase 1 of the Area Development Plan (ADP) includes the rerouting of Headquarters Drive away from the Fitness Center for anti-terror/force protection (AT/FP) requirements. Phase 2 ADPs include: expand Garrison Command parking lot eastward for realignment of Headquarters Drive and improved circulation; renovate Fitness Center parking lot for AT/FP requirements and improved circulation; renovate and expand the main parking lot east of Montague Road; renovate the temporary lodging facility parking lot; construct a small child development center and associated parking; and construct Heritage Center display pads at Memorial Garden. Based on DEQ's coordinated review of the PEA, this proposal is unlikely to have significant effects on ambient air quality, important farmland, forest resources, and wetlands. It is unlikely to adversely affect species of plants or insects listed by state agencies as rare, threatened, or endangered. In addition, a Federal Consistency Determination was submitted for the proposal under the Coastal Zone Management Act. DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the Army obtains and complies with all applicable permits and authorizations related to any stream and wetland impacts, erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with solid and hazardous waste management regulations and Section 106 of the National Historic Preservation Act of 1962.

Digital-In-Place Program for the Proposed Upgrade of Communication Equipment at Existing Communication Sites – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) for proposed upgrades to communication equipment at existing communication sites located in the City of Richmond, City of Virginia Beach, and Fairfax County (2 locations). The proposed action includes the lease, installation, and maintenance of digital communication equipment within existing communication facilities. Necessary repairs may involve grounding systems and the replacement of failed structural elements of existing towers and shelters. According to the FCD, the repairs will not increase the height or width of towers or increase the footprint of the existing facilities. Access to the sites can be accommodated using existing roads and parking areas. No new construction or site improvements are proposed. Based on DEQ's review of the consistency determination, DEQ concurs that the proposal is consistent with the Virginia Coastal Zone Management Program (VCP) since none of the enforceable policies would be affected by the proposed activity.

Modular Data Center at Fort Belvoir – DEQ expedited the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Army (Army) for the construction of a modular data center (MDC) at Fort Belvoir in Fairfax County. The MDC will be built on a 1.49-acre site that is currently a gravel parking and storage yard. The gravel yard will be re-graded and concrete slabs will be installed for the placement of eight Data Room Modules (DRMs) and two Electrical Room Modules (ERMs). Each module is approximately 40 feet in length, 10 feet in width (ERMs are 11 feet in width), and 10 feet 6 inches in height. The full MDC assembly is 4,080 square feet. Initially, a 2 megawatt (MW) diesel powered generator will be installed, with two additional 2 MW and one 2.5 MW generators to be installed in the future. Three 25,000-gallon double wall steel and fiberglass underground storage tanks will be installed with double wall pipes, spill containment sumps, and a complete monitoring system. Based on DEQ's coordinated review of the FCD and the comments of reviewers, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the Army obtains

and complies with all applicable permits and authorizations related to erosion and sediment control, stormwater management, and air emissions. In addition, the project must comply with solid and hazardous waste management regulations.

Bottlenose Dolphin and Sea Turtle Conservation Measures for the Pound Net Fishery in Virginia Waters – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS) for proposed amendments to the Bottlenose Dolphin Take Reduction Plan (BDTRP) and its Marine Mammal Protection Act (MMPA). The amendment is needed to reduce incidental serious injury and mortality of strategic stocks of bottlenose dolphins in Virginia pound net fishing gear, and to provide consistent state and federal regulations for Virginia pound net fishing gear. This rule proposes the year-round use of modified pound net leaders for offshore Virginia pound nets in specified waters of the lower mainstem Chesapeake Bay and coastal state waters. Virginia pound net-related definitions, gear prohibitions, and non-regulatory measures are also proposed. Both regulatory and non-regulatory measures proposed in this rule are based on the Bottlenose Dolphin Take Reduction Team’s (BDTRT) consensus recommendations. For consistency, NMFS also proposes to amend current regulations and definitions for Virginia pound nets under the Endangered Species Act (ESA) for sea turtle conservation. Based on DEQ’s review of the FCD and comments from the Virginia Marine Resources Commission, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program. VMRC finds that the impact on finfish resources and economic impacts to harvesters who use commercial pound net gear in state waters should be minimal, since the agency has already established modified pound net leader regulations. Accordingly, VMRC finds no issues with the proposed measures as it relates to the state’s fisheries.

Construction and Operation of a Small Arms Range Facility – DEQ conducted a coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy (Navy or applicant) for the expansion and modernization of an existing small arms range facility at Naval Weapons Station (NWS) Yorktown located in York County and James City County. The proposed expansion would include the construction and operation of one 27-lane rifle range with a target distance of approximately 500 yards and one 27-lane pistol range with a target distance of approximately 50 yards. Associated range amenities would include ordnance storage magazines, an operations building for range administration and instruction, an armory for weapons storage, designated areas for weapons maintenance, covered areas for on-site instruction, and a shop for target storage and assembly. During the coordinated review of the project, the DEQ Office of Stormwater Management (OSWM) indicated that it appears that some elements of the proposed project that are neither water dependent, redevelopment, or otherwise exempt (e.g. roads, driveways, and utilities) from the *Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations)* (9 VAC 25-830-10 *et seq.*) will be located within, and may include impacts to, lands analogous to locally designated Resource Protection Area (RPA). On April 3, 2014, DEQ discussed this matter with the Navy and the option under *Regulations* for a 15-day extension of the review period. The Navy expressed its desire to resolve this issue with DEQ-OSWM. Accordingly, DEQ and the Navy agreed to a 15-day extension of the review, as provided in the *Regulations* under 15 CFR Part 930, sub-section 930.41(b), to resolve outstanding matters related to the review and provide sufficient time to complete the response to the FCD. Based on further discussions between the Navy and DEQ-OSWM, the OSWM agreed that the proposal was consistent, to the maximum extent practicable, with the coastal lands management enforceable policy.

RCRA Hazardous Waste Permit Renewal at Fort Belvoir – DEQ completed the review of a Federal Consistency Negative Determination for the renewal of Fort Belvoir’s Resource Conservation and Recovery Act (RCRA) Hazardous Waste Management Permit (VA7213720082) for the Army base in Fairfax County. Fort Belvoir was issued the permit by DEQ on October 23, 2004, which will expire on October 23, 2014. The permit includes compliance requirements related to the long-term storage of hazardous waste in containers in Building 1490 (the subject of this review), the active Solid Waste Management Units on Main Post, and training requirements for the Hazardous Waste Program. Building 1490 has been in operation since 1988 and no

changes are proposed to the structure or its function and operation. Hazardous wastes are stored in containers in the building until they are transported by the waste hauler. Once per month the waste hauler packs the wastes into Department of Transportation compliant containers and transports the containers to an offsite treatment, storage, or disposal facility. Based on DEQ's review of the Negative Determination, DEQ concurs that the proposal is consistent with the Virginia Coastal Zone Management Program (VCP) since the action will have no effect on the enforceable policies of the VCP. In addition, the hazardous waste permitting staff in DEQ's Division Land Protection and Revitalization did not indicate it had any concerns with the permit renewal process related to Building 1490.

Lynnhaven River Basin Ecosystem Restoration – DEQ completed a coordinated review of a U.S. Army Corps of Engineers (Corps) response to state agency comments on the Final Feasibility Report and Integrated Environmental Assessment (EA) for the Lynnhaven River Basin Ecosystem Restoration in the City of Virginia Beach. DEQ also coordinated the review of a Federal Consistency Determination (FCD) submitted for this proposal. The project includes four elements: 1) Ninety-four acres in the main stem and Broad Bay will be seeded to produce submerged aquatic vegetation (SAV) habitat. 2) When the SAV becomes established, bay scallops will be grown on site to build a self-sustaining population. 3) Hard reef structures will be placed in Broad Bay and Lynnhaven Bay through the placement of reefs. 4) Restoration efforts will occur at four wetland sites. DEQ previously coordinated the review of the EA and responded to the Corps on November 13, 2013. At that time, the Virginia Marine Resources Commission (VMRC) determined that proposed project activities may conflict with current shellfish lease activities (i.e. coastal uses) in the Lynnhaven basin, as most of the lower Lynnhaven is currently leased for commercial shellfish production. In addition, the proposed establishment of submerged aquatic vegetation and scallops in identified areas may limit existing shellfish aquaculture activities as well as public access to areas within the Lynnhaven watershed. Accordingly, during the Joint Permit Application (JPA) review process, proposed project impacts to existing leases will require a notification to the leaseholder(s) of record and confirmation that they agree with the proposed activity on their leases. The benefits and detriments of the proposed activities will be weighed by VMRC before a permit decision is reached. The Corps responded that it is committed to obtain all necessary permits for the project, to include the submission of a JPA for permits administered by VMRC, DEQ, Corps and local wetlands boards.

USCG Marine Event Permits

OEIR reviewed 1 marine events permit for the USCG from April 1, 2014 through September 30, 2014.

Safety Zone for USO Patriotic Festival and Oceanfront Air Show - According to the federal consistency determination (FCD), the Coast Guard intends to establish a safety zone in support of the USO Patriotic Festival and Oceanfront Air Show. The purpose of the zone is to protect mariners and the public from hazards associated with the air show. Access to the area would be restricted during the hours of 12:00 noon to 3:30 PM from May 30 through June 1, 2014. The event sponsor, the USO, intends to place buoys to mark the racecourse for a limited duration. The buoys will not display prescribed characteristics for other marker systems. The Coast Guard will establish a safety zone in the table to 33 CFR, section 165.506(c). The Coast Guard finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the VCP. On behalf of the Commonwealth, DEQ concurred with the FCD, provided the Coast Guard complies with all applicable enforceable policies of the Virginia Coastal Zone Management

II. Residual Category

The following consistency determinations were submitted as a residual category of Subpart C pursuant to the federal consistency regulation 15 CFR 930.31(c).

Spence Crossing – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide

mortgage insurance, under the National Housing Act, section 234(c), to Dragas Management Corporation (the applicant) for the proposed Spence Crossing in the City of Virginia Beach. The 84-acre site at 1600 Salem Road is divided into northern and southern sections. The northern section consists of three subdivisions: Fernhill at Spence Crossing, Crofton at Spence Crossing, and Malory at Spence Crossing. The southern section consists of Hallstead at Spence Crossing. The development will include construction of 600 units, consisting of single-family townhouses and attached “quad style” condominiums. A site plan for the development shows five lakes in the southern section, roads, surface parking, and a community center. Based on DEQ’s review of the FCD and the comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains all required permits and authorizations with respect to potential impacts to wetlands, erosion and sediment control, stormwater management, and air emissions. In addition, the project must comply with applicable solid and hazardous waste regulations and local ordinances pertaining to water and sewer service and transportation impacts.

The Morgan Phase II – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted on behalf of the U.S. Department of Housing and Urban Development (HUD). HUD is considering an application for mortgage insurance under HUD Section 221(d)(4) submitted by Oak Crest at Battlefield II, LLC (applicant) to finance the construction of the Morgan Phase II apartments in the City of Chesapeake. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The project involves the construction of a 117-unit multi-family apartment complex consisting of three buildings, driveways, surface parking lots, sidewalks, utilities and landscaping. The property on Tinturn Street consists of approximately 9.212 acres of cleared grassland and a stormwater pond. The project is an expansion of The Morgans multi-family apartments (Phase I) at Chesapeake Gateway Park. Based on DEQ’s coordinated review of the FCD, including comments from state, regional, and local agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the applicant obtains and complies with all applicable permits and authorizations related to any wetland impacts, erosion and sediment control, stormwater management, and air emissions. In addition, the project must comply with solid and hazardous waste management regulations and local water and sewer ordinances.

Thompson Farms Poultry House Construction – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Agriculture (USDA) Virginia Farm Service Agency (FSA). USDA-FSA is processing an application for a federal loan guarantee to a commercial lender who is making a loan to Thompson Farms Poultry for the construction of two 560-foot x 45-foot poultry houses in Accomack County. The new poultry houses would be located next to two existing poultry houses. The site previously had four smaller poultry houses. The four small houses were removed and the two new houses will be built on the same general location. Based on DEQ’s review of the FCD and comments from reviewers, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains all applicable permits and approvals related to erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste regulations, and applicable local development ordinances.

Pierce Queen Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted on behalf of the U.S. Department of Housing and Urban Development (HUD). HUD is considering an application for mortgage insurance under HUD Section 221(d)(4) submitted by Perry S. Hall, Inc. (applicant) to finance the construction of the Pierce Queen Apartments in Arlington County. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The existing site at 1600 North 16th Street includes five 3-story apartment structures constructed in 1942 with a total of 51 residential dwelling units situated on 1.14784 acres of land. Development of the property will consist of the construction of one 12-story, 193-unit multi-family apartment building, and the renovation of two

of the original apartment structures. Three of the current apartment structures will be demolished for the new building. The complex will also include driveways, surface parking, sidewalks, utilities and landscaping. Based on DEQ's coordinated review of the FCD, including comments from state, regional, and local agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the applicant obtains and complies with all applicable permits and authorizations related to erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with solid and hazardous waste management regulations and local water and sewer ordinances.

Hadley Park at Greenbrier Residential Development. DEQ completed its coordinated review of a federal consistency determination (FCD) for the above-referenced project. Dragas Companies, the applicant, seeks U.S. Department of Housing and Urban Development (HUD) financing assistance for the buyers in a multi-family residential project in the City of Chesapeake. The project consists of a 92-unit condominium complex (23 structures with four units each), along with a pool and associated infrastructure, on a 9.457-acre property situated at 1345 Volvo Parkway. Surrounding land use consists of development to the north, west, and east of the property, and across the road to the south. The parcel was previously cleared, and the project is under construction. DEQ concurred with the FCD, provided that all applicable enforceable policies are followed.

801 Main Street Senior Living Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Churchill Stateside Group, LLC (applicant) which is seeking mortgage insurance from the U.S. Department of Housing and Urban Development (HUD) to finance the construction of the 801 Main Street Senior Living Apartments in the City of Newport News. The HUD Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The project consists of the construction of a senior living apartment complex located on a 3.97 acre parcel of undeveloped land. The building will be an affordable housing facility consisting of one apartment building with 48 apartment units. The proposed unit type mix will include 16 one-bedroom units, 24 two-bedroom units, and 8 three-bedroom units, for a total of 48 units with affordable and market rate units mixed throughout the unit types. In addition, the development will include the construction of a surface parking lot, driveway, walkways, picnic pavilion, garden, lighting, and landscaping. Based on DEQ's review of the consistency determination and the comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains all required permits and authorizations with respect to erosion and sediment control, stormwater management, and air emissions. In addition, the project must comply with applicable solid and hazardous waste regulations, and impacts to local roads and water and sewer systems.

Abberly at Southpoint Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted on behalf of the U.S. Department of Housing and Urban Development (HUD). HUD is considering an application for mortgage insurance under HUD Section 221(d)(4) submitted by the HHHunt Corporation (applicant) to finance the construction of the Abberly at Southpoint Apartments in Spotsylvania County. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The Abberly at Southpoint Apartments would be part of the 273-acre Southpoint II commercial development and involves the construction of a 280-unit multi-family apartment complex consisting of seven buildings, clubhouse with swimming pool, five garage buildings, driveways, 529 surface parking spaces, two stormwater management ponds, sidewalks, utilities and landscaping. The existing property consists of approximately 28.23 acres of cleared undeveloped and partially wooded land on Southpoint Parkway. In addition, a stream and two ponds transect the southern portion of the property which will remain undeveloped according to the site plan. Based on DEQ's coordinated review of the FCD, including comments from state, regional, and local agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the applicant obtains and complies with all applicable permits and authorizations related to erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In

addition, the project must comply with solid and hazardous waste management regulations, Section 106 of the National Historic Preservation Act, and local water and sewer ordinances.

Abberly at Centerpointe Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted on behalf of the U.S. Department of Housing and Urban Development (HUD). HUD is considering an application for mortgage insurance under HUD Section 221(d)(4) submitted by the HHHunt Corporation (applicant) to finance the construction of the Abberly at Centerpointe Apartments in Chesterfield County. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The project involves the construction of a five-building, 276-unit multifamily apartment complex on approximately 26 acres of undeveloped wooded land on Brandermill Parkway and Old Hundred Road. The complex will also include 44 garages, driveways, 554 surface parking spaces, stormwater management pond, sidewalks, utilities and landscaping. A perennial tributary of Little Tomahawk Creek transects the western portion of the subject property which will not be developed according to the site plan. Based on DEQ’s coordinated review of the FCD, including comments from state, regional, and local agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the applicant obtains and complies with all applicable permits and authorizations related to potential wetland impacts, erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with solid and hazardous waste management regulations, Section 106 of the National Historic Preservation Act, and local water and sewer ordinances. The response also recommends that HUD coordinate with the Virginia Department of Forestry to discuss possible approaches to replace the 24-acres of forest loss associated with the project.

Blair Farm Poultry House Construction – DEQ completed the coordinated review of a Federal Consistency Determination submitted by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) for the construction of poultry houses at Blair Farm in Accomack County. The FSA is processing an application for a federal loan guarantee to a commercial lender who is making a loan to Ken and Marissa Blair (applicants). The project consists of the construction of two 560-foot x 46-foot poultry houses and the purchase of nineteen acres of farmland adjacent to the location. The new poultry houses would be located on nineteen acres next to the three existing poultry houses. Based on DEQ’s review of the consistency determination and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained with respect to erosion and sediment control, stormwater management, air emissions, and potential impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste regulations. The response recommends that the applicant coordinate with the U.S. Fish and Wildlife Service.

Sanns Poultry House Construction – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) which is processing an application for a federal loan guarantee to a commercial lender who is making a loan to John W. Sanns and Sun Tong Sanns (applicants) for the construction of two 560-foot x 61-foot poultry houses adjacent to six existing poultry houses at 13170 Sanns Drive in the community of Hallwood, Accomack County. According to the USDA-FSA application (AD-1026), construction would also include the clearing of woodland from the site and creation of a borrow pit. Based on DEQ’s review of the consistency determination and the comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains all required permits and authorizations with respect to erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Resource Management Area. In addition, the project must comply with applicable solid and hazardous waste regulations, and groundwater withdrawal regulations.

905 Scotch Pine Court Renovation – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide grant funding under the Self-Help Homeownership Opportunity Program to Community Housing Partners (applicant) to finance the renovation of a single family home located at 905 Scotch Pine Court in the community of Sandston, Henrico County. SHOP grant funds are awarded to eligible national and regional non-profit organizations and consortia to purchase home sites and develop or improve the infrastructure needed to set the stage for sweat equity and volunteer-based homeownership programs for low-income persons and families. The project consists of interior renovations to include the installation of carpet, painting, and kitchen improvements. No exterior work is proposed. As the project does not involve exterior renovations, DEQ concurs that the proposed action is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

5501 Labine Court Renovation – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide grant funding under the Self-Help Homeownership Opportunity Program to Community Housing Partners (applicant) to finance the renovation of a single family home located at 5501 Labine Court in Chesterfield County. SHOP grant funds are awarded to eligible national and regional non-profit organizations and consortia to purchase home sites and develop or improve the infrastructure needed to set the stage for sweat equity and volunteer-based homeownership programs for low-income persons and families. The project consists of interior renovations to include the installation of carpet, painting, and kitchen improvements. No exterior work is proposed. As the project does not involve exterior renovations, DEQ concurs that the proposed action is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Grace Place Apartments – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide mortgage insurance under HUD Section 223(f) to the Centerline Capital Group (applicant) for the refinancing of a mortgage on a multifamily apartment building located at 2735 Corprew Avenue in the City of Norfolk. The three-story building is located on 0.88 acres of land and consists of 39 multifamily units totaling 26,880 square feet. The building contains a manager's office, a community room, a common area laundry facility, asphalt-paved parking areas and associated landscaping. In addition, the property is improved with asphalt paved parking areas and limited landscaping. The refinancing does not involve and will not result in any interior or exterior construction or renovation activities. As the project does not involve construction or renovation, DEQ concurs that the proposed action is consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Kemet House Apartments – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide mortgage insurance under HUD Section 223(f) to the Centerline Capital Group (applicant) for the refinancing of a mortgage on a multifamily apartment building located at 2139 Broadmoor Avenue in the City of Chesapeake. The three-story building is located on 130,680 square feet of land and consists of 38 multifamily units totaling 25,644 square feet. The building contains a manager's office, a community room, a common area laundry facility, asphalt-paved parking areas and associated landscaping. In addition, the property is improved with asphalt paved parking areas and limited landscaping. The proposed action is for refinancing purposes only and no interior or exterior construction or renovation activities will be conducted. As the project does not involve construction or renovation, DEQ concurs that the proposed action is consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

The Bliley Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by Berkadia (applicant), on behalf of the Department of Housing and Urban Development, for the construction of The Bliley Apartments in the City of Richmond. HUD proposes to provide mortgage

insurance under HUD Section 221(d)(4) to Berkadia. The site currently consists of a 54.68-acre undeveloped wooded parcel with an open area in the central portion of the site that contains a single family home and associated outbuildings. The project involves the construction of twelve apartment buildings (approximately 252 units), a clubhouse with a pool, two large wet ponds, parking areas, and approximately 114 lots that will be developed as commercial and residential properties. The apartment buildings and one wet pond are proposed to be construction in the southern portion of the site, while the single-family homes/commercial development and remaining pond are proposed in the central and northern portions of the site. Access to the site will be provided from Jahnke Road. Based on DEQ's review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the VCP provided the applicant obtains all required permits and approvals for potential wetland impacts (VWP Permit), erosion and sediment control, stormwater management, air emissions, an impacts to local Chesapeake Bay Preservation Areas. In addition, the response recommends the applicant comply with applicable solid and hazardous waste management regulations, Section 106 of the National Historic Preservation Act, and local ordinances.

The Studios at Richmond – DEQ is completed a coordinated review of a Federal Consistency Determination (FCD) submitted by Virginia Supportive Housing (VSH or applicant) for the proposed rehabilitation of The Studios at Richmond, located at 5409 Hull Street Road in the City of Richmond. The Virginia Department of Housing and Urban Development (DHCD) will provide HOME Program funds from the U.S. Department of Housing and Urban Development (HUD) for the rehabilitation. The property consists of two, 2-story multi-unit residential apartment buildings. The oldest building (the subject of the review) was built as a motel circa 1971 and contains 39 residential units. VSH proposes to renovate the older building, including the expansion of the building to increase the square footage of the structure and meet American Disability Act (ADA) requirements for barrier-free access. This would be accomplished by moving the exterior west wall a few feet to the west. Based on DEQ's review of the FCD and comments from reviewers, DEQ concurs that the proposal is consistent with the enforceable policies of the VCP provided the applicant obtains all applicable permits and approvals related to erosion and sediment control, stormwater management, and air emissions. In addition, the applicant must comply with applicable solid and hazardous waste regulations.

III. Federal Activities (Permits, Licenses and Approval)

These projects were reviewed pursuant to Subpart D of the Consistency Regulations (15 CFR §930.53)

Norfolk International Airport Pavement Maintenance - DEQ completed the review of a federal consistency certification (FCC) submitted by the Norfolk International Airport (applicant) proposing to make general pavement repairs and maintenance on its paved areas. Projects include rehabilitation of lights along Runway 05-23; general pavement maintenance activities; new and relocated passenger boarding bridges; in-fill development to the existing terminal building; and expanding the terminal footprint into the existing apron footprint. The in-fill development consists of installation of two bathrooms and one TSA (federal Transportation Security Administration) screening area. The terminal expansion will not involve any new paved surfaces. The applicant certified that the proposed project would be carried out in a manner consistent with the enforceable policies of the Virginia Coastal Zone Management Program. Based on the review, DEQ concurred with the FCC on behalf of the Commonwealth.

Surry-Skiffes Creek-Wheaton Powerline Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Virginia Dominion Electric and Power Company (Dominion) for impacts to jurisdictional waters of the United States (WOUS) from the proposed Surry-Skiffes Creek-Wheaton powerline project in Surry, James City and York Counties and the Cities of Newport News and Hampton. The Norfolk District of the U.S. Army Corps of Engineers (Corps) is reviewing a Joint Permit Application submitted Dominion for the issuance of an individual permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217). The entire project is 27.96 miles in length; 7.76 miles from the Surry Nuclear Power Station in Surry County to the

proposed Skiffes Creek 500 kV-230 kV-115 kV Switching Station in James City County, and 20.2 miles from the proposed Switching Station to the existing Whealton Substation in the City of Hampton. The project contains approximately 144.20 acres of WOUS including non-tidal and tidal wetlands, non-tidal and tidal stream channels and jurisdictional ditches. The proposed work will result in selective hand clearing of 0.71 acres of non-tidal palustrine forested (PFO) wetlands to palustrine scrub/shrub (PSS) wetlands, and permanent impacts of 0.004 acres of PEM/PSS wetlands within the existing right-of-way and 0.014 acres of river bottom for tower placement. Based on DEQ's review of the consistency certification and the comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided Dominion obtains all required permits and authorizations with respect to potential impacts to state fisheries (Atlantic sturgeon), state subaqueous lands, wetlands, erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste regulations, mitigate impacts to natural heritage resources and protected species (Mabee's salamander, Canebrake rattlesnake, Barking treefrog, Bald eagle, Grafton Ponds Natural Area Preserve, and Hog Island Wildlife Management Area), obtain appropriate permits from the Virginia Department of Transportation for road crossings, and continue to coordinate with the Department of Historic Resources under Section 106 of the National Historic Preservation Act.

Chesapeake Energy Center Shoreline Erosion Repairs-Priority 2 Area-Priority 3 Area-South Dike Area – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Dominion Virginia Power (Dominion or applicant) for the issuance of an individual permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (CWA) (Public Law 95-217) for impacts to jurisdictional waters of the United States from proposed shoreline erosion repairs at the Chesapeake Energy Center in the City of Chesapeake. The Norfolk District of the U.S. Army Corps of Engineers (Corps) is reviewing a Joint Permit Application submitted by the applicant. The purpose of the project is to stabilize the perimeter shoreline with a long-term, low maintenance solution in anticipation of the decommissioning of the station planned for December 2014. The shoreline erosion repairs would take place at the Priority 2 Area, Priority 3 Area, and South Dike of the Center. The total affected area to be impacted by the proposed construction includes 2,050 square feet (sf) of non-tidal wetlands and 1,750 sf of tidal wetlands. Based on DEQ's review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent with the VCP provided the applicant obtains all required permits and approvals with respect to surface water and wetland impacts, state subaqueous lands, erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the response recommends the applicant comply with applicable solid and hazardous waste management regulations, measures to prevent the growth of *phragmites australis*, and Section 106 of the National Historic Preservation Act.

Cove Point Liquefaction Project – DEQ completed a coordinated review of an Environmental Assessment (EA) submitted by the Federal Energy Regulatory Commission (FERC) for the proposed construction and operation of improvements to Dominion Cove Point LNG's (Dominion) liquefaction facilities at the existing Cove Point LNG Terminal located on the Chesapeake Bay in Lusby, Maryland. As a result of the proposed improvements, additional natural gas compression capacity on the Dominion Cove Point pipeline facilities in Virginia is required. Accordingly, Dominion proposes to install an additional 62,500 horsepower of capacity (electrical compression) at the existing Pleasant Valley Compressor Station located in Fairfax County. Furthermore, changes to piping and the replacement of metering equipment will be required at the Loudoun Compressor Station in Loudoun County. In-water activities occurring within Virginia would be the continued transit of ships through the Chesapeake Bay to and from the Cove Point LNG Terminal offshore pier. Based on DEQ's coordinated review of the EA and the comments from reviewing agencies the proposal is unlikely to have significant effects on ambient air quality, important farmland, forest resources, and wetlands. It is unlikely to adversely affect species of plants or insects listed by state agencies as rare, threatened, or endangered. DEQ previously reviewed and responded to a Federal Consistency Certification submitted by Dominion for the proposal on October 3, 2013. DEQ, on behalf of the commonwealth, concurred that the proposed project

activities in Virginia are consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Dulles Substation Expansion – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Metropolitan Washington Airports Authority (MWAA) which proposes to grant a real estate easement to Dominion Virginia Power (Dominion or applicant) for construction associated with the expansion of an existing substation and construction of six new underground distribution circuits at the Washington Dulles International Airport in Fairfax and Loudoun Counties. The proposed project is located in Fairfax County, west of Sully Road (Virginia Route 28), and south of Frying Pan Road (Virginia Route 608). Dominion proposes to use an existing laydown yard to store supplies needed for construction and to expand the existing Dulles substation to include: control building; stormwater management pond; and right-of-way for the distribution circuits on a parcel in western Fairfax County on the eastern property line of the airport. Based on DEQ's review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent with the VCP provided the applicant obtains all required permits and approvals with respect to erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the response recommends the applicant comply with applicable solid and hazardous waste management regulations, measures to protect the state-listed wood turtle, and submit a 7460 Airspace Evaluation Study form to the Federal Aviation Administration for a determination of any possible Hazard to Air Navigation.

Tomahawk Creek Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by CP Acropolis, LLC (applicant) for the issuance of an individual permit pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) for impacts to jurisdictional waters of the United States from the proposed Tomahawk Creek Project in Chesterfield County. The Norfolk District of the U.S. Army Corps of Engineers (Corps) is reviewing a Joint Permit Application submitted by the applicant. The Tomahawk Creek Project site consists of approximately 177 acres of undeveloped, wooded property located along Brandermill Parkway and Center Pointe Parkway. The project will include the construction of a portion of Brandermill Parkway, a multi-family residential development on Center Pointe Parcel 6A (owned by the applicant), and an apartment development on Center Pointe Parcel 6B (owned by The Commonwealth Foundation for Cancer Research). Based on DEQ's review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent with the VCP provided the applicant obtains all required permits and approvals with respect to erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the response recommends the applicant comply with applicable solid and hazardous waste management regulations, measures to protect the bald eagle, state permits for road construction, and applicable local ordinances.

Virginia Offshore Wind Technology Advancement Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Dominion Resources, Inc. (Dominion or applicant) for the construction and operation of the Virginia Offshore Wind Technology Advancement Project (VOWTAP). The proposed VOWTAP is a 12 megawatt (MW) offshore wind technology testing facility located in a Section 238 Research Lease Area obtained and held by the Department of Mines, Minerals and Energy (DMME) approximately 27 statute miles (mi) east of the City of Virginia Beach, Virginia. Dominion will be the owner and operator of the project working under the terms of an operator agreement with DMME and the terms of the Section 238 Research Lease. VOWTAP will consist of two, 6 MW wind turbine generators (WTGs), a 34.5-kilovolt (kV) alternating current (AC) submarine cable interconnecting the WTGs (Inter-Array Cable), a 34.5 kV AC submarine transmission cable (Export Cable), and a 34.5 kV underground cable (Onshore Interconnection Cable) that will connect the project with existing Dominion infrastructure located in the City of Virginia Beach. Interconnection with the existing Dominion infrastructure will also require an onshore Switch Cabinet, an underground Fiber Optic Cable, and a new Interconnection Station to be located entirely within the

boundaries of the Camp Pendleton State Military Reservation (Camp Pendleton), in the City of Virginia Beach. The offshore components of the VOWTAP, including the WTGs and Inter-Array Cable, will be located in federal waters, while the Export Cable will traverse both federal and state territorial waters. Based on DEQ's review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent with the VCP provided the applicant obtains all required permits and approvals for anticipated impacts to surface waters and wetlands (VWP Permit), state subaqueous lands (VMRC), erosion and sediment control, stormwater management, and air emissions (state major source under 9 VAC 5-80-1100). In addition, the response recommends the applicant coordinate with respect to potential impacts to the tiger beetle (DCR) and marine mammals, sea turtles, coastal birds (DGIF and USFWS) and historic resources (DHR).

Paramount Kings Dominion Camp Wilderness Expansion – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Paramount's Kings Dominion (applicant) for the issuance of an individual permit by the U.S. Army Corps of Engineers pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) for impacts to jurisdictional waters of the United States from the proposed Camp Wilderness Expansion in Hanover County. The expansion consists of the installation of camper cabins to be rented on a nightly basis. Thirty-two ADA accessible cabins are currently proposed for Phase 1 and 2 of the expansion, with 17 additional cabins proposed in the future. Each cabin will have electricity, water, sewer, gas, televisions, and internet access. The project includes the construction of driveways, parking spaces, and sidewalks. It is anticipated that 10,384 square feet (0.238 acres) of palustrine forested wetlands would be impacted by the proposed expansion. Based on DEQ's review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent with the VCP provided the applicant obtains all required permits and approvals for anticipated impacts to wetlands (VWP Permit), erosion and sediment control, stormwater management, and air emissions. In addition, the response recommends the applicant comply with applicable solid and hazardous waste management regulations and local ordinances.

Kroger at Greenyard Road –DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Kroger Limited Partnership I (applicant) for proposed impacts to Waters of the United States related to the construction of a Kroger grocery store in Chesterfield County. The applicant has submitted a Joint Permit Application to the U.S. Army Corps of Engineers (Corps) for the issuance of an individual permit pursuant to Section 404 of the Clean Water Act for impacts to 1.137 acres of non-tidal wetlands and 926 linear feet of jurisdictional ditch. The proposed project is located on a 22-acre parcel approximately 5 miles west of the Town of Chester at the intersection of Greenyard Road and Route 10. The project consists of the construction of a 1-story, 113,531-square foot grocery complex, a 9-pump fuel center kiosk, 7,800 square feet of shops, and a 591-space parking lot. Based on DEQ's review of the FCC and comments from reviewers, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains all applicable permits and approvals related to wetland impacts, erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste regulations, Section 106 of the National Historic Preservation Act, and local regulations concerning connections to the local water supply and sanitary sewer systems.

Hall Property Multi-Use Development – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Hanover Land Investors, LLC (applicant) for the proposed Hall Property Multi-Use Development in Hanover County. The Norfolk District of the U.S. Army Corps of Engineers (Corps) is reviewing a Joint Permit Application for the an individual permit pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) for impacts to jurisdictional waters of the United States. The project site consists of approximately 26 acres of undeveloped, agricultural and forested land located within the southeastern quadrant of the Bell Creek Road/Pole Green Road intersection. The applicant plans to construct a multi-use development consisting of both a residential and commercial component and associated

infrastructure. The development will include the utilization of Low Impact Design (LID) techniques and the construction of a stormwater pond. Based on DEQ's review of the FCC and the comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the VCP provided all applicable permits and approvals are obtained with respect to proposed impacts to wetlands, erosion and sediment control, stormwater management, air emissions, and potential impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste regulations and Section 106 of the National Historic Preservation Act.

Columbia Gas Pipeline Abandonment (VM-132 Abandon) – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Columbia Gas Transmission Corporation (Columbia Gas or applicant) for the abandonment of Line VM-132 located on property owned by DCP Midstream Partners, LP (DCP) at 2901 South Military Highway in the City of Chesapeake. DCP has requested that Columbia Gas permanently abandon the pipeline for safety reasons and to facilitate construction related to proposed facility expansion plans. DCP will assume ownership and responsibility for the abandoned pipeline within the limits of its property. The pipeline abandonment activities will be conducted within four workspaces which are approximately ten feet by ten feet in size. The natural gas pipeline will be abandoned in place by evacuating all remaining product, cutting the ends of the pipeline, filling the pipeline with concrete and then sealing the pipeline. The disturbed areas will be restored to pre-construction conditions. Columbia Gas will comply with Federal Energy Regulatory Commission (FERC) guidelines for the pipeline abandonment. Based on the coordinated review of the FCC and comments from reviews, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains and complies with applicable authorizations related to erosion and sediment control, stormwater management, and air emissions. In addition, the project must comply with solid and hazardous waste management regulations.

Springfield Road Property – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Springfield/Lewis, LLC (applicant) for the construction of single-family homes in Henrico County. The applicant has submitted a Joint Permit Application to the U.S. Army Corps of Engineers (Corps) for the issuance of an individual permit pursuant to Section 404 of the Clean Water Act for proposed impacts to Waters of the United States associated with permanent impacts to 0.87 acre of non-tidal palustrine forested wetlands (PFO). The proposed project is located adjacent to and north of Springfield Road and south of Interstate 295 and will include the construction of single-family homes on fourteen residential lots and the installation of associated utilities and infrastructure. There will be two proposed access points to the development; one from Springfield Road and a second extending from the Kimbermere Court Stub Road. Based on DEQ's review of the FCC and comments from reviewers, DEQ concurs that the proposal is consistent with the enforceable policies of the VCP provided the applicant obtains all applicable permits and approvals related to wetland impacts, erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the applicant must comply with applicable solid and hazardous waste regulations and local regulations concerning connections to the local water supply and sanitary sewer systems.

1V.Outer Continental Shelf Activities

I project was reviewed during this period.

DEQ – Geological and Geophysical Exploration on the Atlantic Outer Continental Shelf – DEQ completed the coordinated review of a Final Programmatic Environmental Impact Statement (PEIS) submitted by the Department of Interior (DOI) Bureau of Ocean Energy Management (BOEM) that evaluates potential environmental effects of multiple Geological and Geophysical (G&G) activities in the Mid- and South Atlantic Planning Areas of the Outer Continental Shelf (OCS). The PEIS examines G&G survey activities for three program areas (oil and gas, renewable energy, and marine minerals) during the 2012-2020 time period,

evaluates impacts to Atlantic resources that could occur as a result of G&G activities, and identifies mitigation and monitoring measures to avoid, reduce, or minimize impacts. The following types of G&G activities are evaluated in the PEIS: various types of deep penetration seismic airgun surveys used almost exclusively for oil and gas exploration and development; other types of surveys and sampling activities used only in support of oil and gas exploration and development, including electromagnetic surveys, deep stratigraphic and shallow test drilling, and various remote sensing methods; high-resolution geophysical (HRG) surveys used in all three program areas to detect geohazards, archaeological resources, and certain types of benthic communities; and geological and geotechnical bottom sampling used in all three program areas to assess the suitability of seafloor sediments for supporting structures (e.g., platforms, pipelines, cables, wind turbines) or to evaluate the quantity and quality of sand for beach nourishment projects. Based on comments submitted by reviewers DEQ finds the activities are unlikely to have significant adverse environmental impacts provided G&G exploration activities are performed in accordance with the following recommendations:

Coordinate G&G exploration activities with the commercial and recreational fishing industries to include public outreach on any temporary area closures and other anticipated impacts to mitigate any unforeseen or unnecessary economic hardships to the fisheries industries.

Consider time-of-year restrictions in near-shore waters for activities that would affect known spawning migrations of anadromous or catadromous fish species.

Continue to research potential G&G exploration impacts on marine mammals, sea turtles and marine/coastal birds and develop and implement Best Management Practices to avoid and minimize impacts. Coordinate with the National Marine Fisheries Service, the Virginia Department of Game and Inland Fisheries, and the United States Fish and Wildlife Service to ensure compliance with protected species legislation due to the legal status of these species.

Exclude State Natural Area Preserves from proposed activities within the Mid- Atlantic planning area and provide coastal buffers to prevent direct and indirect impacts from exploration activities.

In addition, future federal activities affecting Virginia's coastal resources or coastal uses (e.g., OCS lease sales, renewable energy competitive lease sales, and marine minerals negotiated competitive agreements) must be consistent, to the maximum extent practicable, with the Virginia Coastal Zone Management Program (VCP) (pursuant to Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended, and *Federal Consistency Regulations*, 15 CFR Part 930, Subpart C, section 930.32). Federally licensed or permitted OCS activities (e.g., G&G permits, renewable energy non-competitive permitted activities, and negotiated non-competitive marine minerals agreements) must be consistent with the affected state's federally approved coastal zone management plan (Subpart E, sections 930.70 *et seq.*). These activities offshore of Virginia require the submission of a federal consistency document (i.e. consistency determination or consistency certification) that includes an analysis of the activities in light of Virginia's coastal zone management program (VCP), and a commitment to comply with the VCP.

V. Federal Funds

DEQ completed the review of 32 projects from April 1 to September 30, 2014 that were submitted under 15 CFR, Part 930, Subpart F for federal financial assistance to state and local governments. The projects break out as follows:

- 4 New single-/multi-family construction
- 9 home rehabilitations/weatherizations
- 1 multifamily apartment redevelopments
- 1 historic structure rehabilitation
- 1 sidewalk, curb and gutter modification (ADA)

- 3 demolition of blighted property
- 1 downtown business district rehabilitation
- 3 local park improvements
- 3 trail construction project
- 2 home flood-proofings
- 1 wastewater collection system
- 3 VIMS EPA applications

Examples of Federally –funded projects which were reviewed:

Hope VI Blackwell Phase III - The Richmond Redevelopment and Housing Authority plans to develop 45 parcels of land in the Blackwell neighborhood of the City of Richmond. The project site is presently cleared and undeveloped land. The project, entitled Hope VI Blackwell Phase III, will consist of construction of senior cottages and single-family detached houses. Federal Funding for the project is from the U.S. Department of Housing and Urban Development Insured Loan/Grant Program.

Thalia Creek Greenway Trail, Phase 1A - The City of Virginia Beach sought funding assistance from the Federal Highway Administration, through the Virginia Department of Transportation, to complete a section of the Thalia Creek Greenway. At this time, Phase 1 of the Greenway runs from Independence Boulevard to Virginia Beach Boulevard, with another leg running toward Interstate Route 264. Section 1A of that Phase is being built in two sections. The first of these, which is completed, was built with a ten-foot wide asphalt path, constructed as part of the development of the Midtown at Cityview Apartments. The second section was a 10-foot wide timber bridge, constructed in connection with the Constitution Drive Extension. The City sought assistance in designing and constructing a new section of the same width and material, which will run 1,200 feet from the Midtown complex to a terminus on City-owned property behind the Days Inn. A destination feature, either a gazebo or a kiosk, will be located at this terminus. A bridge will carry the greenway across the Thalia Creek to connect the new trail extension to the existing trail.

Elevation of Four Houses above Base Flood Elevation - The City of Poquoson applied for assistance from the Federal Emergency Management Agency and the Virginia Department of Emergency Management to elevate four houses which are located in the 100-year floodplain and have sustained approximately \$590,899 in structure damage and \$78,671 in contents damage as a result of Hurricanes Isabel and Irene in 2006, and other coastal storms (“nor’easters”) causing flooding. The houses are at the following addresses: 849 Poquoson Avenue; 10 Bennett Farm Road; 38 Langley Street; and 38 Pasture Road. The purpose of the grant is to have a private contractor raise these houses to above base flood elevation so that they will be out of the 100-year flood plain. This will allow homeowners to stay in their homes safely during minor and nuisance flooding, and reduce the likelihood of the need for emergency response.

SECTION B.4 PROGRAM CHANGES

During the reporting period Virginia CZM Program staff developed a briefing paper on the issue of adding state-listed threatened and endangered species to the Virginia CZM Program’s list of enforceable policies. At a previous meeting of the Coastal Policy Team (CPT) a majority of members (including representatives from DGIF, DCR-DNH and VDACS) supported the recommendation to add T & E species, however VDOT still objected. Because the issue could not be fully resolved by the CPT, it was determined that the provisions of the Virginia CZM Program’s Executive Order regarding resolution of consistency issues should be applied and that a briefing paper for the Director of DEQ should be developed.

At the September 30, 2014 meeting of the CPT the draft briefing paper was distributed for comment. Comments were subsequently received from DCR, DGIF and VDOT. A meeting will now be set with the Director of DEQ to begin the resolution process.

CZM staff also researched an issue raised during the previous CPT meeting regarding federal consistency application of the Chesapeake Bay Preservation Act (CBPA) on federal lands outside of the Chesapeake Bay watershed. It was initially suggested that Virginia consider adding certain local ordinances to its enforceable policies in order to address this issue. Upon further investigation, however, it was found that the only place the CBPA was not currently being applied was in the southern watersheds of the City of Virginia Beach. This was because the City had applied similar land protection measures in this area, but had not linked their ordinance to the CBPA. This issue was discussed at the 9/30/14 CPT meeting.

The need to update enforceable policies, including the CBPA, the Erosion and Sediment Control Law, and finalizing the Department of Game and Inland Fisheries Administration of Game, Inland Fisheries and Boating Laws, was also discussed at the CPT meeting. It was noted that in each case, Virginia would need to identify the enforceable policies from within the list of code sections submitted in the routine program change package.

Another issue discussed at the CPT meeting was the possible difficulty with future grants to the Environmental Law Institute (ELI) to help prepare RPC packages for submission to NOAA. Awarding contracts to a private non-profit group such as ELI may be more difficult in the future, so the Virginia CZM Program may have to look for assistance from other government/academic institutions.