

April 30, 2012

**Virginia Coastal Zone Management Program
Semiannual Section B Report on Core Agency Implementation Activities
For the Period from October 1, 2011 – March 31, 2012**

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A. STATE AGENCY MONITORING

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

Report not available at this time. Data will be reported when available.

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

There are a total of 245 individual municipal and industrial CZM area VPDES permits. This number and the numbers in the table above represent typical activity in the program. Over time, the number will possibly decrease by several more since DEQ now has a general permit for water treatment plants and most of these facilities will let their individual permit expire and apply for the general permit. The processing time for modifications is greatly reduced because there were only 3 modifications and 2 of them were simple name changes which don't take much time to process. Other than that, there is no known reason for increases or decreases in numbers from the last reporting period. There are also numerous facilities registered under general permits in CZM areas including 15 car wash facilities, 73 concrete products facilities, 5 cooling water discharges, 163 single family homes, 25 nonmetallic mineral mining facilities, 4 petroleum and hydrostatic testing discharges, 49 seafood processors, 353 industrial storm water discharges and 1 coin operated laundry. It is unknown why the single family home permits have increased. Possibly a new development has been constructed that is not connected to central sewer. Others 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 October 1, 2011 and March 31, 2012, two new VPA Individual permits were issued in the Coastal Zone Management area; both authorizing the land application of biosolids. One application to modify a VPA Permit authorizing the land application of biosolids was received and issued during the reporting period.

During the period between October 1, 2011 and March 31, 2012, no applications for coverage under the General Permit for Poultry Waste management were 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, 2011 – March 31, 2012										
	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	18	247	3	14	0	NA	33**
VPA	0	0	2	104	1	47	0	NA	0	0
VPA GP	0	0	0	0	0	0	0	0	0	0
VWP IPs										
VWP GPs										

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 March 31, 2012

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 October 1, 2011, through March 31, 2012, DEQ issued 155 Warning Letters for violations of VPDES, VPA, VWPP, and Ground Water program requirements (no Letters of Agreements were issued for facilities located in Virginia’s coastal zone during this period).

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 October 2011 and March 2012, DEQ issued 41 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 five Consent Orders that assessed a total of \$61,454 in civil charges. One order addressed violations incurred by the responsible party for four of its facilities, two of which are located within the coastal zone.

Table 1

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Warning Letters	155	N/A
Informal	Letters of Agreement	0	N/A
Formal	Notices of Violation	41	N/A
Formal	Consent Order	5	\$61,454
Total		201	\$61,454

d) DEQ – Air Permitting Program

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

Period: October 1, 2011 – March 31, 2012

PERMIT TYPE	NUMBER OF PERMITS ISSUED	AVERAGE PROCESSING TIME (Days)
PSD & NA	0	NA
Major	0	NA
Minor	32	32
Administrative Amendment	9	17
Exemptions	72	13
State Operating	5	136
Federal Operating (Title V)	0	NA
Acid Rain (Title IV)	1	183
Total Number Permits Issued	<u>119</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 March 31, 2012

PERMIT TYPE	NUMBER OF PERMITS PENDING
PSD & NA	1
Major	0
Minor	26
Administrative Amendment	1
Exemptions	20
State Operating	10
Federal Operating (Title V)	7
Acid Rain (Title IV)	0
Total Permits Pending	<u>65</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, 2011 – March 31, 2012

PERMIT TYPE	NUMBER OF PERMITS WITHDRAWN	NUMBER OF APPLICATIONS DENIED
PSD	0	0
Major	1	0
Minor	9	0
Administrative Amendment	1	0
Exemptions	2	0
State Operating	0	0
Federal Operating (Title V)	0	0
Acid Rain (Title IV)	0	0
Total Permits Rescinded	<u>13</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 2, 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 October 1, 2011, and ending March 31, 2012, DEQ issued 23 Requests for Corrective Action, two Informal Correction Letters, and 22 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 October 2011 and March 2012, DEQ initiated four new formal enforcement actions via issuance of Notices of Violation. Additionally, the Agency issued six Consent Orders; these orders assessed a total of \$323,024 in civil charges.

Table 2

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Requests for Corrective Action	23	N/A
Informal	Informal Correction Letter	2	N/A
Informal	Warning Letters	22	N/A
Formal	Notices of Violation	4	N/A
Formal	Consent Orders	6	\$323,024
Total		57	\$323,024

2) VIRGINIA MARINE RESOURCES COMMISSION (VMRC)

a) VMRC – Habitat Management Division

During the period October 1, 2011 through March 31, 2012, the Habitat Management Division received 889 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. Six notices to comply were issued during the period.

The Habitat Management Staff completed actions on 888 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 October 2011. 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 34 projects. During the reporting period the Commission considered 24 protested projects or projects requiring a staff briefing, The Commission also approved 10 projects over \$500,000.00 in value.

b) VMRC – Fisheries Management Division

At its October 2011 meeting, the Virginia Marine Resources Commission (VMRC) passed an amendment to modify the following for the fall directed summer flounder commercial fishery: the season start date, the vessel landing limit as 10,000 pounds, and the vessel possession limit as 20,000 pounds. VMRC also increased the 2011 Winter II period commercial scup possession limit to 8,000 pounds. VMRC requested December public hearings to establish management measures to reduce the tautog exploitation rate by 53% from the average 2008 and 2009 landings.

At its December 2011 meeting, VMRC established the recreational tautog management measures as a 16” minimum size, 3 fish possession limit, and an April 16 through September 23 closed season. VMRC

established the commercial tautog management measures as a 15” minimum size and January 18 through March 15 and May 1 through November 12 closed seasons. VMRC requested January public hearings to establish the 2012 American shad bycatch fishery and modify commercial tilefish possession limits.

At its January 2012 meeting, VMRC established a bycatch allowance for American shad in 2012. VMRC established the commercial golden tilefish possession limit as 500 pounds and the combined commercial blueline and sand tilefish possession limit as 200 pounds. The commercial scup Winter I period possession limit was increased to 50,000 pounds by an emergency regulation, and VMRC requested a February public hearing to make this emergency amendment final. VMRC also requested a February public hearings to establish the 2012 recreational summer flounder management measures, the 2012 commercial horseshoe crab quota, and the 2012 commercial black sea bass harvest quotas.

At its February 2012 meeting, VMRC established the commercial scup Winter I possession limit as 50,000 pounds. VMRC passed an amendment to establish the 2012 summer flounder recreational measures to include a 16.5” minimum size limit, four fish possession limit, and no closed season. The 2012 commercial horseshoe crab quota was established as 152,495 horseshoe crabs that are sub-allocated by gear type. An emergency regulation was passed to restrict the harvest of horseshoe crabs by gill net to daylight hours with a 250 horseshoe crab daily landing limit, and a March public hearing was requested to make this amendment final. The 2012 commercial black sea bass directed quota was established as 302,000 pounds, with the bycatch quota as 40,000 pounds. An emergency amendment was passed to clarify that no river herring may be landed in Virginia, and a March public hearing was requested to make this amendment final. VMRC also requested March public hearings to establish the 2012 recreational black sea bass management measures and to exempt freshwater impoundments from the river herring moratorium.

At its March 2012 meeting, VMRC passed an amendment to restrict the harvest of horseshoe crabs by gill net to daylight hours with a 250 horseshoe crab daily landing limit. VMRC established the Virginia commercial summer flounder possession limit as the combined total of the Virginia landing limit and the amount of the legal North Carolina landing limit or trip limit. The 2012 recreational black sea bass fishery open season was amended as May 19 through October 14 and November 1 through December 31. VMRC also established an amendment to clarify that river herring may not be landed in Virginia (but importation from other jurisdictions is permitted with a bill of lading) and that freshwater impoundments are exempt from the prohibition.

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: 10/01/2007
END PERIOD: 09/30/2012

Category	2007/2008		2008/2009		2009/2010		2010/2011		2011/2012	
	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests
Buyers	10	11	1	1	2	3	1	1	2	2
Casting Garbage/Trash	0	0	0	0	1	1	1	1	0	0
Clams	0	1	1	1	3	5	1	1	1	1
Commercial Fishing License	16	25	6	9	3	6	2	5	1	1
Conchs	9	9	7	7	1	1	0	0	3	3
Crabs	138	172	93	111	65	77	48	59	13	19
Federal Violation	0	6	0	18	1	4	0	0	0	0
FIP Violations	0	0	0	0	0	0	91	99	36	41
Fish	271	319	160	205	114	140	126	148	66	75
Freshwater Fishing without a license	1	1	10	10	13	13	11	13	2	3
Habitat/Wetlands	0	0	0	0	0	0	0	0	0	0
License Tags	3	3	1	2	1	2	2	4	1	3
Mandatory Reporting	0	0	0	0	0	0	0	2	0	0
Misc	1	1	0	0	0	0	0	0	1	1
Non-residents	0	1	0	0	0	0	0	0	0	0
NSSP	3	3	0	0	9	9	0	3	0	0
Other Agencies	435	481	279	322	242	278	271	316	69	75
Oysters	54	72	31	39	56	71	58	68	101	127
Piers	0	0	0	0	0	0	0	0	0	0
Police Powers	61	68	42	52	50	62	87	104	33	37
Removal of Obstructions	4	4	1	1	0	3	1	1	3	3
Resisting officer	2	3	0	0	0	0	0	0	0	0
Shellfish	0	0	1	2	4	4	2	3	5	6
SW Recreational Licenses	309	331	175	196	132	151	166	211	32	37
TOTALS:	1317	1511	808	976	697	830	868	1039	369	434
PERCENT OF CONVICTIONS:	87.16%		82.79%		83.98%		83.54%		85.02%	

Print Date: Friday April 6, 2012

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

From October 1, 2011 through March 31, 2012, the VDH shellfish program had 1054 acres of shellfish grounds closed to harvesting. There were 1057 acres of shellfish grounds reopened.

The Department received and reviewed a total of 24 VMRC Permit Applications, and processed as follows:

Four (4) of the Permit Applications needed action in the Marina Program.

Eighteen (18) applications were approved based on meeting the requirements of providing adequate facilities.

Two (2) applications were denied because of inadequate facilities.

4) Department of Conservation and Recreation (DCR)

a) DCR - Division of Soil and Water Conservation

The Department of Conservation and Recreation (DCR), Division of Soil and Water Conservation (DSWC) administers numerous enforceable and non-enforceable programs that help the Commonwealth of Virginia manage its coastal resources. The following is a summary of key program activities conducted by DCR staff during the period of October 1, 2011 through March 31, 2012.

Regulatory Programs

Stormwater Management Program

No report at this time

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 217,026 acres during the reporting period. The plan acreage developed by coastal watershed is summarized in the following table:

VA CZM Basins	Cropland	Alfalfa Only	All Other Hay	Pasture	Specialty Crops	Turf and Landscape	Total
Albemarle Sound	11,163	0	0	0	128	0	11,291
Atlantic Coastal	10,441	46	0	0	393	0	10,880
Chesapeake Bay Coastal	30,226	0	123	50	12	31	30,443
Chowan	1,058	0	616	11	0	0	1,685
James	7,417	0	40	6	0	186	7,649
Potomac	20,302	0	981	204	5	0	21,492
Rappahannock	48,974	0	915	250	1,034	0	51,173
York	76,931	1,132	3,215	236	236	7	82,412
Total	206,512	1,178	5,890	1,412	1,808	225	217,026

Non-Regulatory Programs

Coastal Nonpoint Source Program

The responsibility of the Coastal NPS Program Manager is to coordinate the Coastal Nonpoint Source Program implementation and administration of grants and grant budgets and provide technical support to Division of Soil and Water, VDCR relating to coastal zone ecology, management, and restoration. The position continues to serve as a liaison between DCR the Center for Environmental Studies at VCU and the VA Coastal Management Program to promote joint, applied research and outreach projects, coastal nonpoint source pollution, coastal zone ecology, management, and restoration.

For the grant reporting period, the Environmental Analyst at the Virginia Commonwealth University serving as the Coastal NPS Program Manager continued to implement the Coastal NPS Program, VNEMO Program and continued to manage the Virginia Healthy Waters Initiative at the Virginia Department of Conservation and Recreation.

The Coastal NPS Program Manager implemented these programs to support various coastal priorities such as the Sustainable Community Planning Focal Area Projects, the integration of the Chesapeake Bay TMDL Watershed Implementation Plan for local government process, and implement the National Fish and Wildlife Foundation Grant at the Science Museum of Virginia.

The VCU Environmental Analyst has continued a strong role with the implementation of the VNEMO project in coordinating specific roles and responsibilities within the program delivery and context of the Shoreline Project, under the guidance of the Northern Virginia Regional Commission (NVRC), the VNEMO client. The VNEMO Program Manager worked with the NVRC to outline the process of conducting public listening sessions around Climate Change and Sea Level Rise in Northern Virginia. Through an extension of funding from the VCZM program to the NVRC for this work, a contract was established with the University of VA Institute for Environmental Negotiation (UVA IEN) to lead the listening sessions in the same manner as those conducted in the VA Beach area. Due to an unfortunate decision by Prince William County's Board of Supervisors, the concept was not supported. The project team determined an alternative approach would be to conduct a "Looking back to move forward" workshop sharing with the entire working group and their localities the work and efforts of the previous two years to advance sea level rise communication. This workshop will be held in the Spring, 2012.

Under the VNEMO Program, the CNP Manager conducted the group process facilitation and led the Middle James Roundtable through a revision of their Strategic Plan.

The Coastal NPS Program Manager was requested by VDCR to implement a training program to improve the capacity of the field staff in implementing outcome based technical assistance for local governments, following the model of the VNEMO Program. This initiative is continues to prepare the VDCR staff for increases in requests for technical assistance from local government for implementation of the CBTMDL and VA SWM Regulations. The VNEMO Program Manager partnered with the NVRC and the UVA IEN to develop a training specifically to equip state personnel and local and regional staff to best engage public policy participants that choose to be obstructive as opposed to inclusive in the decision making process. This training was conducted at the Science Museum of Virginia and included participants from the VDCR field staff from the Divisions of Stormwater Management and Natural Heritage; VDEQ; VIMS Coastal Resources Center, the Coastal Planning District Commissions and local government.

The Coastal NPS Program Manager continued the management of the +\$2M, NFWF funded, project at the Virginia Science Museum. The Manager continues to share the Project Management role with the Director of

Science at the Museum. Project leadership outlined the overall project and identified teams to begin the preparation of engineering designs, monitoring program design and educational and outreach materials. Construction began at the Science Museum of Virginia of the bioretention, porous pavement, and the tree well filters.

The VNEMO Program continued to assist the Division of Natural Heritage in the development of an outreach and engagement strategy around VA Ecological Valuable Areas. This database effectively integrates the INSTAR stream database at VCU. VEVA is a primary vehicle for communicating the value of the VA Healthy Waters Initiative due to the linkages of terrestrial and water based resource assessments.

The CNP Program Manager continued to partner with the VA DCR Public Communications Office in the development of the new Chesapeake Club campaign, “Plant More Plants” and participated in the Native Plant coordinating process initiated by the VCZM office.

The VCU Analyst management of the VA Healthy Waters Initiative continued partnership development with the VA Chapter of the Nature Conservancy and the Albemarle-Pamlico National Estuary Program to expand the range of the Healthy Waters program. The Chowan Basin was selected as a pilot site to develop a watershed protection plan following the USEPA and VA DEQ Watershed Implementation Plan process. A policy analysis was conducted to evaluate the Commonwealth of Virginia’s Administrative Code and Title 10.1, Chapters 4, 5, 6, 17, 21, and 21.2; Title 15.2 Chapter 22 and the Virginia Administrative Code Title 9 for revisions that reference the protection of resources based upon ecological health criteria. To conduct this review, the Program Manager has partnered with the Nature Conservancy to assist in the development of suggested language to revise the Codes. IN addition, the Program Manager participated, representing VA, in the Chesapeake Bay Goal Implementation Team 4, “Healthy Watersheds”.

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

Sensitive joint-vetch survey conducted at Fort Belvoir – 10/27/11

Funded by the U.S. Department of the Army, Fort Belvoir, surveys for the federal and state listed Threatened plant sensitive joint-vetch (*Aeschynomene virginica*, G2/S2/LT/LT) were conducted by the DCR Natural Heritage Field Botanist at Fort Belvoir in Fairfax County in early to mid-October. Sensitive joint-vetch is a tall annual herb in the pea family found in freshwater to slightly brackish tidal marshes in Virginia, New Jersey, and Maryland and in more disturbed wetland habitats in North Carolina. Its previous global range also included Pennsylvania and Delaware. It has been documented in six river drainages in the Coastal Plain of Virginia including the James, Chickahominy, Rappahannock, Pamunkey, Mattaponi, and Potomac rivers. With assistance from the Fort Belvoir wildlife biologist, surveys were conducted by kayak in Accotink Creek, Pohick Creek, and Dogue Creek, tributaries of the Potomac River. No sensitive joint-vetch was found. Marshes in portions of these tributaries experienced exceptionally heavy flooding in September and the marsh vegetation in some areas was highly impacted; additional work will be done in 2012 so that the most likely habitat can be assessed under more normal conditions. These surveys are part of a larger two-year project to assess Natural Heritage Resources on Fort Belvoir. The information obtained in these surveys and conservation and management recommendations provided by DCR-DNH will be included in planning documents developed by Fort Belvoir.



Aeschynomene virginica Fort Belvoir in Fairfax County

Stream discharge reported at Fort Belvoir – 01/27/12

On Wednesday January 18, 2012, DCR Natural Heritage Field Zoologist Chris Hobson accompanied by John Pilcicki of Fort Belvoir, witnessed the after affects of a discharge of unknown composition into a stream in Training Area T-17 at Fort Belvoir, Fairfax County, Virginia. While sampling for the globally rare (G1 S1) Northern Virginia Groundwater Amphipod (*Stygobromus phreaticus*) in seep habitats adjacent to the small stream in T-17, we witnessed what was a previously clear and normal looking stream turn to a dark blackish gray color with floating bubbles. The stream was followed to a point near its origin whereupon an apparent discharge point with associated erosion channeling was discovered with more of the dark grayish colored liquid sitting in pools and ruts at the lower end of the “21st Street facility.” Mr. Pilcicki called appropriate personnel at Fort Belvoir, and additional personnel arrived on scene to document the incident and begin the reporting process to proper authorities. Chris Hobson called DCR Stormwater Permits Manager Doug Fritz on January 18 to determine if there was a course of action required by DCR. This incident is under further investigation and a report to DCR is pending finalization. A return trip on January 24, by Chris Hobson and John Pilcicki, revealed an apparent return of normal water clarity in the stream in T-17 but numerous dead fish of several species lay rotting in pools along the stream reach.

DCR – Recovery Plan Meeting for Small Whorled Pogonia – 02/10/12

A small whorled pogonia (*Isotria medeoloides*, G2/S2/LT/LE) recovery plan meeting was held on February 7 at the U.S. Fish and Wildlife Service office in Concord, New Hampshire. The DCR Natural Heritage Field Botanist participated via webinar. The purpose of the meeting was to discuss research and inventory/ monitoring/ management actions being conducted so as to inform a review of recovery plan action priorities for this federally listed plant species. Small whorled pogonia, a globally rare orchid, is found in Virginia in upland forest habitat within most physiographic provinces, although concentrated in the Coastal Plain and eastern Piedmont. Attendees were from multiple agencies and states for this species of the eastern U.S. and Ontario, Canada. Presentation topics included intensive search methodology, the status of basic ecology research funded by the National Park Service for a few sites in Virginia (conducted by the Smithsonian Environmental Research Center), a long term life history study in New England, quantitative habitat data, review of genetic analyses of populations across some of its range, observations on threats in a New Hampshire population, and research on seed cultivation of another orchid species. Much remains unknown about the ecological requirements of small whorled pogonia during its various stages. Topics needing further discussion/clarification/action included defining a “viable” population and what constitutes permanent protection for a given population, standardizing the definition of an occurrence, and developing standardized habitat data collection.



Small Whorled Pogonia

Data from Virginia Specimens Housed in Florida retrieved – 3/23/12

The staff from the DCR Natural Heritage zoological inventory team visited the Florida State Arthropod Collection in Gainesville, Florida to find specimens of rare Lepidoptera (butterflies, skippers, and moths) and Odonata (dragonflies and damselflies) collected from Virginia. Records for 193 rare species were sought and over 150 specimens of about 25 species were found. These records will be entered into the Biotics database and be included in a web-based atlas being developed with funds from the VA Department of Game and Inland Fisheries through a state wildlife grant from the US Fish and Wildlife Service.

Prescribed Burning

Work Capacity (Pack) Test - 11/30/11

Staff that participate in prescribed burns are in the process of taking the annual work capacity (pack) test. A group of DCR Natural Heritage staff took the test on November 30th at the University of Richmond's Robins Stadium. This is a strenuous test that requires training, and physical stamina. Staff are not eligible to participate on RX fires without taking and passing the pack test. The arduous duty pack test is a 3-mile hike with a 45-pound pack in 45 minutes or less. The moderate duty test is a 2-mile hike with a 25-pound pack in 30 minutes. The arduous duty pack test is required for most prescribed fire personnel.

Natural Area Preserves Stewardship

Crow's Nest Parking Area Construction Underway – 11/14/11

Construction has begun on a 20 car parking area and short nature trail at Crow's Nest Natural Area Preserve, Stafford County. The parking area and trail are located on Brooke Road on the north side of Accokeek Creek, apart from the main area of the preserve. They will also serve as access to a Phase II planned boardwalk and kayak/canoe launch facility.



Crows' Nest Brooke Road Parking Area

Crow's Nest Brooke Road Parking Area Nearing Completion – 1-20-12

The small parking area at Crow's Nest Natural Area Preserve is ready for pervious pavers and nearing completion. The parking area will serve a short hiking trail, to be built this Spring, and will eventually (2013+) serve a hand carry boat launch to Accokeek Creek. Once the parking area and trail are finished, Stafford County staff will open and close the area each day, until DCR staff are on site to manage the property.

Bethel Beach Road Site Visit – 02/03/12

DCR staff along with VDOT staff and Mathew's County Administrator Steve Whiteway participated in a site visit of the Route 609 Bethel Beach Road project on January 26, 2012. The purpose of the site visit was to discuss the proposed paving project for Bethel Beach Road from the intersection of Rt. 720 to the end of state maintenance that bisects the Bethel Beach Natural Area Preserve (NAP). Bethel Beach Road has been designated as a Rural Rustic Road and is on VDOT's six-year plan. Just beyond the end of Rt. 609 is the Chesapeake Bay which has been encroaching landward at a rate of 8 ft/yr. DCR is concerned the paving of the road will result in asphalt in the Chesapeake Bay as well as impacts to natural heritage resources associated with the Bethel Beach NAP including the federally and state listed Northeastern beach tiger beetle.

Shoreline Change at Bethel Beach NAP



DCR will discuss with Steve Whiteway, County Administrator the option to have the County Board of Supervisors request VDOT to continue to maintain the road in its present gravel condition. This will 1) ensure continued access to the beach for county citizens, 2) ensure that the current, relatively wide parking surface will be maintained, whereas the paved road surface as proposed with unmaintained / soft shoulders would not provide ample room for vehicles to turn around; 3) avoid future sloughing off by wave action of asphalt chunks and fragments into the Chesapeake Bay; 4) maintain listed species habitat.

DCR – Recovery Meeting for Northeastern Beach Tiger Beetle – 2/21/12

A recovery meeting for the Northeastern Beach Tiger Beetle (*Cicindela dorsalis dorsalis*, G4T2/S2/LT/LT) was held at the U.S. Fish and Wildlife Service office in Gloucester, Virginia. The DCR Natural Heritage Staff Zoologist, Eastern Shore Regional Steward, and Chesapeake Bay Regional Steward participated in the meeting, along with tiger beetle research biologists and representatives from the U.S. Fish and Wildlife Service (Virginia and Chesapeake Bay field offices), U.S. Geological Survey (Leetown, WV office), and the Maryland natural heritage program. Tiger beetle research biologists and U.S. Fish and Wildlife Service staff from several offices and refuges in New England participated via conference call. The purpose of the meeting was to discuss research and inventory/ monitoring/ management actions being conducted for this federally threatened species. The bulk of the remaining populations of the Northeastern Beach Tiger Beetle inhabit the Virginia portion of the Chesapeake Bay. Many fewer beetles inhabit the Maryland portion of the Bay, and only one natural and a recently reintroduced population occur in southeastern Massachusetts. Many other historical populations along the Atlantic Coast (including all formerly known in Rhode Island, Connecticut, Long Island, and New Jersey) were extirpated due to factors including development, shoreline stabilization/modification, and excessive vehicle and human use of beaches. Global warming also looms as a potential threat to the habitat of the Northeastern beach tiger beetle if predicted increases in sea level rise are realized. Topics discussed at the meeting included results of recent surveys and population trends, recent and proposed shoreline stabilization projects, including recent projects adjacent to the Savage Neck Natural Area Preserve and New Point Comfort Preserve, captive recent and translocation, the need for further genetic analysis of beetle populations, how to define “viable” populations, reevaluating the current geographic recovery areas, and determining what constitutes permanent protection for a given population. Preparation of a revised recovery plan is also under consideration. The meeting also included discussion concerning the Puritan Tiger Beetle (*Cicindela puritana*), a

federal listed species known only from several small beaches along the Connecticut River in Massachusetts and Connecticut, and a few beaches in the Maryland portion of the Chesapeake Bay. This species has never been documented in the Virginia portion of the Bay.

DCR - Longleaf Pine Restoration Continues on State Natural Area Preserves, 3/13/12

DCR continues its efforts to restore longleaf pine and associated fire-dependant species within their former range in southeast Virginia. Approximately 60,000 containerized longleaf seedlings, grown in partnership with VA Department of Forestry from seed collected from the few remaining wild Virginia longleaf pines, were planted on 110 acres of sandy uplands bordering the Blackwater River at Antioch Pines Natural Area Preserve in Isle of Wight County. A 20-year old loblolly pine stand was harvested in summer 2011 and the area was then prepared for planting with prescribed fire. This work is being supported by funding from NRCS under a Wildlife Habitat Incentives Program contract. Antioch Pines NAP contains some of the last few mature native longleaf pine remaining in Virginia, and also supports at least 17 rare plant species associated with frequently burned longleaf pine savannas. With this planting, DCR has reforested some 175,000 native longleaf pine seedlings on 335 acres.

Mutton Hunk Fen NAP Planting – 3/16/12

On March 6 and 7, 2012, volunteers including the Eastern Shore Chapter of Master Naturalists, DEQ's Coastal Program and DCR staff converged on the Eastern Shore's Mutton Hunk Fen Natural Area Preserve to help with the unloading and planting of 3,480 wax myrtle and 200 sweet pepper bush shrubs. The planting of these one gallon containers sized plants was part of a continuing effort to improve habitat for neo-tropical migrating birds along the Atlantic Flyway. Dot Field, the Eastern Shore Region Steward and Richard Ayers, Eastern Shore Stewardship Technician, oversaw the project providing instructions and refreshments. The planting was supported with a North American Wetlands Conservation Act grant through The Nature Conservancy.

Invasive Species

2012 Virginia Wildlife Society Meeting – 3/02/12

At the 2012 Virginia Wildlife Society meeting in Wakefield, Virginia, Kevin Heffernan, DCR-DNH Stewardship Biologist, participated on a panel addressing the question: "Invasive Species: A Waste of Money or Sound Public Investment?" The panel also included David Whitehurst (DGIF), Mark IeImini (USFS), and Doug Holy (USDA-NRCS). Panel members each spoke about their agencies policy toward invasive species management. The panel was in unanimous agreement that yes, the cost of controlling invasive species is a sound investment under specific conditions. First, an "invasive" species is defined as a non-native species causing ecological or economic harm or harm to humans (Not all non-native species cause harm. Many have great social utility). Second, a resource manager's goals are clear and focused on what resources are being protected. And last, that a management program must be able to work toward its goals within budgetary and technical constraints. The panel also took questions and comments from the audience of approximately 200 wildlife biologists.

Hydrilla at Quantico Bay – 3/23/12

In Dumfries on March 13, DCR Natural Heritage Stewardship Biologist Kevin Heffernan met with Friends of Quantico Bay (FOQB) to discuss the invasive aquatic plant species hydrilla (*Hydrilla verticillata*). According to FOQB, Quantico Bay has developed a serious hydrilla infestation over the last 20 years. Hydrilla has negatively impacted recreational boating and commercial and recreational fishing. FOQB also cite concerns about water quality, alteration of flooding impacts, and lowered property values stemming from the presence of hydrilla. Kevin Heffernan presented an overview of invasive species issues, management approaches, and the Invasive Species Working Group. He also gave a brief introduction to hydrilla biology and informed FOQB that with current technologies, hydrilla can be managed, but not eradicated, and that management in a flowing water body is limited in effect. He recommended that the group develop a consensus on goals and a management plan,

continue building partnerships between private landowners, local, state and federal officials, and resource experts. The meeting, led by Eileen Thrall, chairman of FOQB, was attended by 30 people and included the mayors of Quantico and Dumfries; two town councilmen and other locality officials; representatives of DEQ, DCR, National Park Service; marina owners; and commercial fishermen.

Information Management

Natural Heritage IT Training – 12/09/11

Natural Heritage staff participated in a Natural Heritage IT training day – with emphasis on Natural Heritage Information Management System (Biotics), submitting field data, Natural Heritage Data Explorer, VA Conservation Lands Needs Assessment, Conservation Lands, and the Vegetation Plots database. Staff reported it was very useful, and helpful to have been on the job a few months to better understand what and how to ask specific needs questions.

Data Agreement between DGIF and DCR (Natural Heritage) – 01/27/12

In January 2012, the Virginia Departments of Conservation and Recreation, Natural Heritage Division and Game and Inland Fisheries finalized a new Data Sharing Agreement. The agreement has been updated to reflect the continued collaborative work to conserve, manage and protect the Commonwealth's natural resources. The new agreement documents how DGIF and DCR will carry out collaborative data exchanges; assure common use and display of sensitive data and information; and how they will coordinate more effectively as they provide services to mutual partners and clients.

Funding Proposal for Wetlands Catalog – 3/23/12

DCR Natural Heritage staff met with the Natural Resource Conservation Service to discuss utility of DCR's pilot wetlands catalog project. The statewide Catalog would be designed to identify national wetlands inventory (NWI) mapped wetlands as well as high probability wetlands missed by the NWI and identify opportunities and priorities for wetland enhancement, restoration, creation and preservation. NRCS staff felt this product could be of value to their multiple wetlands programs and ranging from targeting new efforts to scoring proposals.

Outreach and Education

Natural Heritage 25th Anniversary Field Days – 10/8/11

DCR Natural Heritage staff held a series of twelve field days on Saturday October 8 including Crow's Nest NAP Stafford County, Dameron Marsh NAP and Hughlett Point NAPs Northumberland County, Antioch Pines NAP Isle of Wight County, Cape Charles NAP and Savage Neck Dunes NAP Northampton County. Visitors expressed their strong appreciation for the work DCR is doing to protect these special places and providing the series of guided interpretative hikes across the state.

Pack 498 Cub Scout Presentation – 10/25/11

Project Review Assistant, Amberly Moon, presented information on Natural Heritage to Pack 498 Cub Scouts at St. Benedictine in Richmond on October 25, 2011. Approximately 45 adults and children were in attendance at the *school*. The presentation included an overview of DCR's Natural Heritage Program including the mission, our Natural Area Preserves, importance of plants, animals and communities, karst features and how we work to control invasive species. The displays included information on bats such as the different species of bats in Virginia, tools for collecting data on bats and White Nose Syndrome. A variety of specimens tracked by Natural Heritage (Atlantic sturgeon, Hellbender, Canebrake rattlesnake, Hermit thrush, Northern Flying Squirrel and Pitcher plant) were on display for the participants.



Token of appreciation from pack 498

Home Schoolers Field Trip at Crow's Nest – 11/14/11

On Monday, November 14, Natural Areas Stewardship Manager Rick Myers led a field trip at Crow's Nest Natural Area Preserve for students and parents with the Fredericksburg Area Home School Association. Ten students and six adults participated in a three-hour, two-mile nature hike with the students learning about various aspects of forest ecology, rare species habitats and natural areas management.

Virginia Native Plant Finder – 2/21/12

DCR Public Communications Office and Natural Heritage staff developed and launched a new web tool that allows users to generate custom lists of native plants for landscaping, conservation, or restoration. The tool is based on the popular brochures developed in partnership with Virginia Native Plant Society. Users can create custom lists of native species, sorting by region, plant type, plant height, light and soil conditions, and other characteristics. The Virginia Native Plant Finder can be found at:

http://www.dcr.virginia.gov/natural_heritage/np.cfm

Natural Heritage Resources Complete Monument Ave 10K – 3/30/12

DCR Natural Heritage staff and volunteers participated in the Monument Ave 10K Dress Up and Run Contest, winning honorable mention and finishing in the top five of between 70 and 80 entries. Staff were dressed as a hellbender, Appalachian Snaketail dragonfly, cypress tupelo swamp forest, yellow pitcher-plant, Virginia big-eared bat, Wood turtle, Northeastern Beach tiger beetle and swamp pink.



*Natural Heritage staff dressed as
Natural Heritage Resources for the
Monument Avenue 10K*

Land Conservation

Davis Tract in Northampton County – 10/27/11

Staff is working on a news release on the recent purchase of the Davis Tract in Northampton County. A \$1.5 million grant from American Electric Power of Columbus, Ohio, funded the purchase. The grant was given to DCR to reduce nitrogen in the Chesapeake Bay. The property will be the 88-acre Pickett's Harbor Natural Area Preserve in Northampton County. The news release is scheduled for publication the first week of November.

Protected Areas Database (PAD-US) Grant Funded Project Completed - 11/14/11

On October 28, 2011 DCR's Conservation Lands GIS Planner finished a year-long grant project funded by the National Gap Analysis Program (USGS). The objective was to automate a process to convert VA's Conservation Lands GIS Database into a format consistent with Protected Areas Database-US (PAD-US) standards. PAD-US is a nation-wide database that compiles data submitted by many cooperators, and automating this update process saves time, money and resources. Virginia was selected with a few other data providers to complete this pilot project. DCR's deliverables included three GIS models that automatically select a subset of records, create the appropriate data fields and crosswalk field values into the PAD-US data format.

DCR – National Conservation Easement Database (NCED) – 12/16/11

DCR's Natural Heritage Division over the past two years has played a key role in the development and launch of the National Conservation Easement Database. DCR staff developed a streamlined process for integrating geodatabase updates of Virginia's Conservation Lands data into the national dataset for use in Virginia, and then by other States working to contribute data to the PAD-US. With key assistance from the DCR-Division of Natural Heritage, the new National Conservation Easement Database (NCED) is the most complete national summary of conservation easements, providing data on over 80,000 easements totaling nearly 18 million acres. The NCED can be accessed at www.conservationeasement.us via an interactive mapping portal, which actually allows users to add their own easement data to the database. The NCED can also be downloaded for use in a GIS. Virginia Natural Heritage has also played a significant role in the launch of the Protected Areas Database (Version 1.3) which provides data for all publicly owned conserved lands throughout the U.S. The PAD-US (Version 1.3) is available via the PAD-US website and map viewer at gapanalysis.usgs.gov/padus, fully integrated with the NCED.

Natural Heritage Data Management Totals for FY2011:

Activity 10/01/11 – 03/31/11

New Mapped Locations (EO) - 14
Updated Mapped Locations (EOs) - 29
New Conservation Site - 8
Updated Conservation Sites - 13
Managed Areas: 8777.30 acres

Total Number in Database 03/31/11:
Animal Mapped Locations (EOs) - 1180
Plant Mapped Locations (EOs) - 1219
Community Mapped Locations - 498
Conservation Sites - 498
Managed Areas: 7895
Mapped Tracts: 9834

c) DCR – Division of Planning and Recreation Resources

The schedule of public meetings on development of the 2013 *Virginia Outdoors Plan* (VOP) moved into a concentrated phase during January. Two meetings in each Planning District (or Regional Commission); the first meeting at 3 PM, and the second at 7 PM. The Public Communications Office sent notices to local media announcing the meetings. Approximately 480 citizens attended the public meetings held over the four months between December 2011 and March 2012.

On December 13, the first VOP public meetings were held at the Central Shenandoah Planning District Office in Staunton. DCR staff, with the help of the University of Virginia Weldon Cooper staff who conducted the Virginia Outdoors Survey, presented the most recent survey results. Comments were received from the public on issues and projects of concern for the Central Shenandoah PDC region. Most notable was the need for additional trails and the safety of trails for families with young children and the elderly.

Between January 25 and February 1, public meetings on development of the 2013 Virginia Outdoors Plan (VOP) were held in three more localities: Northern Virginia, the Fredericksburg area, and the Northern Neck. The meetings in Northern Virginia (33 people) and Fredericksburg (41 people) were especially well attended. BCR member David Watts attended both meetings in Fairfax and Linda Crandell, Scenic River Advisory Board member, attended a Northern Neck meeting. Common themes were the need for access to Virginia's waters; more local (close to home) recreational opportunities -- especially trails; and a need to incorporate more technology in dispensing recreational information.

- In the rural Northern Neck, there was interest in protection of rural lands and water trails.
- In Fredericksburg, comments supported further development of the Spotsylvania Greenway; the Dahlgren Railroad Heritage Trail; increased connectivity to long-distance trails that traverse the region; expanding and opening Belle Grove, the birthplace of President James Madison, for public use; opening Widewater State Park to the public; increasing access to Crow's Nest and Caledon; and adding trails, water access, and other facilities on and along the Potomac, Rappahannock, and Rapidan Rivers.
- Northern Virginia attendees expressed widespread support for land trails and water trails. Scenic resources of note include Bull Run, Huntley Meadow, and the ferry across the Occoquan River. Also discussed was the possibility of consolidating the management of Mason Neck public lands and increasing boating opportunities with an emphasis on improvements at the National Park Service's Belle Haven facility.

On January 9, staff held meetings at the Rappahannock-Rapidan Regional Commission Offices in Culpeper. Sixteen residents shared their ideas for the region's outdoor recreation and land conservation needs. The following projects represent a sampling of public input received at the meeting: expansion of greenways and trails, including the Virginia Central Rail Trail; increasing recreational water access on the Rappahannock and Rapidan Rivers; and strong support for the Spotsylvania greenways initiative.

On January 19, VOP meetings were held at the Crater Planning District Offices in Petersburg. Twenty residents were in attendance, and they expressed interest in provision of more greenways and trails, including the East Coast Greenway. Water access for boating and fishing on the Appomattox River was mentioned. The community is also involved in the renovation of Lee Park in Petersburg; support is being provided by the Wilcox Watershed Conservancy.

On January 23, DCR staff met with citizens and local government officials at the Southside Planning District Offices (PD 13) in South Hill. Those who attended were interested in the possibilities of increasing tourism in the region through expanded outdoor recreation opportunities. They are

looking for improved public access to Lake Gaston; additional trails and recreational facilities on or near the Staunton River waterfront; expansion of the statewide long-distance trails that traverse the region; e.g., the East Coast Greenway and the Tobacco Heritage Trail; and the development of proposed blueways on the Dan and Meherrin Rivers. Additionally, there is interest in the acquisition and development of a state park in the region.

On February 7, staff held meetings in the New River Valley Planning District (PD 4). The planning district director focused on the importance of outdoor recreation to the valley's economy and projects involving outdoor recreation and conservation initiatives in the region. He cited projects including the Bike-Walk-Byway Committee, the New River Valley Livability Initiative, and a green infrastructure resources inventory. Public comments addressed trails, community connections to trails, development of a community aquatics center, multi-use trail etiquette, locating alternative energy facilities to as to avoid impacts to scenic areas, improving access to recreational opportunities for rural residents, and more cooperation between organizations to get youth out-of-doors.

On February 8, staff held meetings at the Middle Peninsula Planning District office (PD 18). The Department of Environmental Quality staff attended the public meetings, as did several members of Scenic Virginia and a member of the VOP Technical Advisory Committee. Suggestions from the public included extending existing water trails, linking land trails across the region, and constructing swimming pools. Interest was also expressed in scenic river studies on local rivers and in scenic view sheds, particularly along the rivers at bridge crossings.

On February 8, staff held meetings at the Mount Rogers Planning District offices (PD 3). Topics included:

- development of trails
- trail connections to communities
- addition of trail support facilities such as restrooms
- improving availability of information on recreational opportunities
- need for ATV trails
- improving access by rural residents to recreation sites
- increasing classroom education on the out of doors
- completion of several partially-completed rails to trails projects in the area, such as the Salt Trail, and
- equestrians long-distance trails.

On February 13, meetings were held at the Richmond Regional Planning District Commission (PD 15). More than 21 people attended including representatives of the Virginia Tourism Corporation, Department of Environmental Quality, Scenic Virginia, Virginia Tech's Richmond Campus, Capital Region Land Conservancy, Virginia Bicycling Federation, Richmond Area Bicycling Association, and Virginia Horse Council. Support was expressed for the city's Riverfront Plan, which includes better access to the James and extension of the canal system for recreation. Some general topics which engendered in-depth discussion were the economic value of outdoor recreation and land conservation; trail connectivity, including improvements to bike and pedestrian facilities in preparation for the 2015 Road World Cycling Championships; and identification and preservation of indigenous cultural landscapes in the Richmond region and across the state. Specific projects discussed were the Captain John Smith Chesapeake National Historic Trail, Virginia Capital Trail, James River Heritage Trail, and East Coast Greenway. There were many queries about the opening of Powhatan State Park, particularly availability of mountain biking trails and other multi-purpose trails.

On February 16, the Northern Shenandoah Valley meetings were held at the Regional Commission Office (PD 7) in Front Royal. Approximately 40 energized people attended; every locality but one was represented. Conservation and land protection of battlefields, farms and forest lands were cited by attendees as very important to the area's economy and quality of life. Recreational lands administered by various government agencies were very valued by attendees: specific examples discussed were the Appalachian Trail and possible development of a park on the Shenandoah River in Clarke County. Educational efforts were suggested: 1)

green infrastructure education for local governments and 2) increased outdoor education for young people, which could include emphasizing natural resources and outdoor experiences in SOLs. Many trails throughout the region were identified. Possible trail connections: additional stacked, loop trails: and "Heart Smart" Trails were also supported. A water trail along the Shenandoah River, with adequate user facilities -- restrooms, trashcans, and camping areas. Trout fishing and hunting are significant activities in the region; therefore, water quality proved to be a flashpoint.

On February 16, the Eastern Shore meetings were held at the Accomack-Northampton Planning District Commission (PD 22) Office in Accomac. More than 22 people attended; the economic value of outdoor recreation and land conservation was cited by attendees as being important to the vitality of the Eastern Shore. Trail connectivity throughout the Eastern Shore was highlighted. Additionally, interest was expressed in tying the Seaside Water Trail to the Captain John Smith Chesapeake (CAJO) National Historic Trail. Swimming and beach access were identified as among the highest outdoor recreation needs in the region.

On February 22, the West Piedmont Planning District (PD 12) meetings were held at the Henry County Administrative Offices in Collinsville. Approximately 20 people attended; 6 were affiliated with the Dan River Basin Association (DRBA). Other attendees were the Henry County Administrator, the Henry County Planning Director, the Martinsville Community Development Director, and representatives from several non-profits: the Tobacco Indemnity Commission, Activate Martinsville and Henry County, and the Harvest Foundation. In this region, the economic benefits of enhanced outdoor recreation opportunities are seen as very important to the well-being of the localities. The DRBA is a grass roots organization that has been very successful in developing numerous land trails and river access sites. Significant issues for them are connecting and expanding trails, such as the "Dick and Willie Rails to Trails" project in Martinsville; stepping up work with North Carolina on cooperative trails; and stimulating further development of the Beaches to Bluegrass trunk line trail. They asked for a more proactive VDOT policy to facilitate boat access at bridges. Recognition of river issues and benefits of water trails are also organization goals. Attendees encouraged more land acquisition for the Mayo River State Park so that it can be opened to the public. All in attendance were looking to encourage outdoor recreation for potential economic benefit.

On March 1, the Hampton Roads meetings were held at the Hampton Roads Planning District Commission (PD 23) Office in Chesapeake. Twenty people attended; special interest groups included equestrians from the Tidewater Horse Council and members of the Eastern Virginia Mountain Bike Association. Amid the many topics discussed, some definitely seemed to engender the most interest. Among these were trail linkages between urban and rural corridors throughout the Hampton Roads area; emphasis on multi-use trails to serve hikers, pedestrians, bicyclists and equestrians; public access to area waters, especially non-motorized boat and kayak access along the Nansemond and Northwest Rivers; and development of the Southeast Coast Paddling Trail and the Captain John Smith Chesapeake National Historic Trail (CAJO). Attendees agreed on the many economic and health benefits of outdoor recreation opportunities.

On March 8, DCR staff held two public meetings at the Roanoke Valley/Alleghany Regional Commission Offices (PD 5) in Roanoke attended by 55 people. Attendees with varied interests included mountain bikers, hikers, equestrians, paddlers, and boaters. Recurring issues were:

- Improved access to public waters and a lack of facilities, such as restrooms and campgrounds, along existing waterways.
- Uncertainties about King's grant waterways and the resulting impacts on access for paddlers, boaters, and fishermen.
- Trail connectivity and the possibility of Roanoke's becoming connected to one or more of the state's trunkline trails.

- Interest in developing more variety in trail type -- ADA accessible, beginner, difficult, single use (bike, hike, horse), multi-use, and stacked loop systems.
- Loss of access to public lands that previously were open to the public. Attendees mentioned that some areas have been closed in the National Forests and in National Park Service properties as well as on land managed by the Department of Game and Inland Fisheries.
- The closing of Explore Park has had a negative effect on outdoor recreation, and many in attendance are anxious for the property to be reopened as a State Park.
- Not enough information is easily accessible to the public about outdoor recreation opportunities.

On March 13, staff held two meetings on the *Virginia Outdoors Plan* in Farmville at the Commonwealth Regional Council (PD 14). Participants were very excited about the opening of the High Bridge and felt that Farmville particularly had benefited during the past five years from trail-related development. More is needed to help encourage trail-friendly businesses—currently many shops operate on a Monday to Friday work-week schedule and are closed on weekends. Other people expressed interest in:

- A linear state park along the length of the Appomattox
- More recycling at State Parks and providing programs aimed at adults; e.g., cooking programs, foraging, outdoor gardens
- Better communication—how do we reach non-Internet public?
- Connecting trails to towns, State Parks, and communities using VDOT/DCR systems

On March 15, staff held two meetings on the *Virginia Outdoors Plan* in Charlottesville at the Thomas Jefferson Planning District Offices (PD 10). A reporter from Charlottesville Tomorrow was present and taped the afternoon meeting; her story also appeared in the Daily Progress. Attendees expressed interest in:

- A family-friendly bike trail from Charlottesville to Scottsville
- Better road design for scenic areas—although these roads are rural and don't qualify for specific bicycle facilities—they are where cyclists want to go
- Building bold provisions for smart growth into the *Virginia Outdoors Plan* and examine the ecological consequences of growth, because population growth is the primary threat to Virginia's outdoors
- More river access on the Rivanna
- Local and regional trail connectivity

On March 21 and 22, DCR staff held four public meetings: two at the LENOWISCO Planning District Commission (PD 1) offices in Duffield and two at the Cumberland Plateau Planning District Commission (PD 2) offices in Lebanon. The two PDCs form a cohesive group based on the 2008 General Assembly legislation that established the Southwest Regional Recreation Authority (SRRA). The purpose of the SRRA is to develop and market a system of all types of trails throughout a seven county area in southwest Virginia. The name Spearhead Trails was chosen as a symbol of the forward thrust for economic growth envisioned by the trail program's creators. The combined meetings drew 31 people who represented various groups – local government, tourism interests, and land and water trail users of all types. Recurring discussions centered on trail issues:

- Trail construction, connectivity, and promotion were the primary themes of all participants.
- The general support for outdoor recreation- based tourism is based on the widespread conviction that it is an economic generator which attracts visitors, increases the quality of life for local citizens, and attracts industry, especially green industries.
- The Southwest Regional Recreation Authority (SRRA) was well represented at all meetings and advocated for the completion of several Spearhead Trail initiatives. They anticipate opening nearly 100 miles of trails in the region by the end of 2012. Many of them are 'pay to play' trails, which primarily target ATV users and equestrians.

- Interest was expressed in development of a variety of trail types including trails accessible to those with disabilities (ADA accessible), beginner, difficult, single use (bike, hike, horse, ATV), multi-use, and stacked loop systems.
- Support was also expressed for increased collaboration among the backers of various types of trails and promotion of long distance touring trails, such as the artisan trails, the Daniel Boone Trail, Back of the Dragon and the Bike 76 route. These trails attract motorists, motorcyclists, and bicyclists.
- There is great interest and regional participation in the Clinch River Valley Initiative (CRVI) to promote a linear state park along the Clinch, which is envisioned to traverse several counties and help revitalize several river towns.
- Concern was expressed about the loss of access to public lands that previously were open to the public.
- Meeting participants commented that not enough information is easily accessible to the public about outdoor recreation opportunities.

On March 29, staff discussed the VOP update with approximately 25 people in Lynchburg during the 3 and 7 p.m. public meetings. The Region 2000 Partnership (PD 11) encompasses the Counties of Amherst, Appomattox, Bedford, and Campbell and the Cities of Bedford and Lynchburg. These were the last of the 42 public meetings scheduled throughout the state to ascertain attitudes, interests, and specific needs in outdoor recreation, open space, and land conservation. Staff from the planning district presented on the region's accomplishments since the 2007 VOP was released including a Region 2000 Bicycle Plan and a Greenways and Blueways Plan. Although rich in hiking trails and scenic views, this region could use more:

- water access points
- mountain bike trails
- sports fields
- parks close to home—connected by sidewalks and bike routes
- venues for extreme sports
- intergenerational activities and fitness geared to the aging population

OTHER VOP MEETINGS

Northern Neck Planning District Commission Board – On January 23, staff was featured on the agenda of the regularly scheduled meeting of the Northern Neck Planning District Board meeting. About 30 people were in attendance. Results of the Virginia Outdoors Survey were presented, and members were invited to attend the public input meetings on the 2013 Virginia Outdoors Plan (VOP) to be held at the Northern Neck PDC Offices on February 1. Also, Scenic Resource surveys developed in cooperation with Scenic Virginia were explained and distributed.

Middle Peninsula Local Planners Meet with DCR Planning Staff – On the morning of February 8, before the public meetings on the VOP, DCR planning staff met with eight local planners in Saluda. This meeting was arranged by the Middle Peninsula PDC staff so that the DCR planners could hear about both short term and long range planning and current issues in the region.

Tree Virginia – On March 12, staff presented the 2011 Virginia Outdoors Survey and information about the 2013 *Virginia Outdoors Plan* (VOP) at Tree Virginia's quarterly meeting in Charlottesville. The group is a non-profit organization promoting urban forestry. After the presentation approximately 15 Tree Virginia board members participated in discussion. Ideas mentioned included:

- Using the Northern Virginia’s Conservation Corridors project as an example in the 2013 *Virginia Outdoors Plan*
- Providing resources for quantifying the benefits of natural and forested areas, and
- Referencing or linking urban forest information to the green infrastructure section of the VOP.

Tree Virginia will prepare a follow-up letter to include written comments as they see opportunities to align urban forest initiatives with outdoor recreation and land conservation opportunities.

DCR -- Virginia Land Conservation Partners Annual Meeting--On February 23 and 24, the DCR Director and staff attended the annual meeting of the Virginia Land Conservation Partners, a consortium of state and federal land management agencies that meets annually to discuss pertinent issues in land management and conservation, and to network and explore partnership opportunities. DCR staff presented the results of the recent Virginia Outdoors Survey.

DCR – U.S. Fish & Wildlife Service (USFWS) Regional Meeting/Presentation on Results of the Virginia Outdoors Survey—On March 1, staff presented the results of the Virginia Outdoors Survey at the annual Virginia Region meeting of the U. S. Fish and Wildlife Service in Gloucester. The group was particularly interested in the survey results as they relate to Governor McDonnell’s goal of 400,000 acres in conservation, particularly the public support indicated by the survey for acquisition and management of land for conservation and recreation with public funds.

d) DCR- Division of Chesapeake Bay Local Assistance

Summary

The most significant action that was undertaken by DCR during the reporting period was the elimination of the Chesapeake Bay Local Assistance Division and moving the centralized network of Bay Act liaisons to the DCR regional offices. Further, several liaisons have left the agency and those positions have not been filled. 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, October 1, 2011 – March 31, 2012, the DCR Chesapeake Bay Local Assistance Division of DCR initiated the second round of evaluations 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 initial round of compliance evaluations was completed in September of 2010. Division has also continued to make progress on 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 following is a summary of activities for this period.

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 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.

Elements of Local Chesapeake Bay program

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

Comprehensive Plan Elements (partial list)

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

In its review of local Bay Act programs, the Chesapeake Bay Local Assistance Board (CBLAB) adopts two kinds of determinations. When a locality is deemed consistent, it means the local ordinances are in place to designate CBPAs and to require that the performance criteria be met. When the Board deems a local program compliant, it means that the locality is properly implementing the required code or comprehensive plan provisions.

Consistency Reviews

For the period covering October 1, 2011 – March 31, 2012 all 84 local Bay Act programs remain consistent with Phase I of the current Regulations. As indicated in previous reports, all 84 local comprehensive plans are also consistent with the Regulations.

Compliance Evaluations

As previously reported there is only one locality that remains not fully compliant with the first round of compliance evaluations, although that locality has made significant progress toward full compliance. As a reflection of the progress made by localities on compliance with the Bay Act regulations, all 84 (100%) of the Tidewater localities have programs that meet the septic pump-out provisions of the Regulations. For the period covering 2010-11, 20,542 septic systems were pumped, resulting in nitrogen reductions of roughly 10,271 pounds. The cumulative total of septic systems pumped in compliance with the Bay Act regulations since 2008 (the year DCR began tracking this information) is 122,725, resulting in a cumulative nitrogen reduction of 61,362 pounds of nitrogen. Reductions achieved through pump outs are among the State's on-site sewage strategies to address the Chesapeake Bay TMDL.

All 84 (100%) of the Bay Act localities continue to ensure that water quality best management practices are in place to reduce pollutants generated from land development and are requiring that those BMPs are being adequately maintained. For FY '12, local governments reported that 1,291 new BMPs were installed and maintained. These BMPs are treating 3,179 acres of land. The septic tank pump-out and BMP information is based on 2011 Annual Report information reported to the Department.

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 March of 2012, 66 advisory reviews have been completed and an additional 8 are underway. Completion of the remainder will continue through the second quarter of 2012.

Current round of Compliance Evaluations

As previously reported Chesapeake Bay staff worked with CBLAB and its policy committee to revise the review elements of the next round of compliance evaluations. At its June 2010 meeting, the Chesapeake Bay Local Assistance Board adopted 31 review elements to be incorporated into the compliance review program. The approved review elements relate to specific provisions contained in the Chesapeake Bay Preservation Area Designation and Management Regulations. As designed by staff and approved by the Board, this compliance evaluation program will be the first time all Bay Act localities will undergo a comprehensive review of the provisions of the Bay Act Regulations. New 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 fifteen local government programs using this more comprehensive assessment and four reviews are underway and will be presented to the Chesapeake Bay Local Assistance Board in June of 2012. As of March 2012, five local governments are fully compliant with the current compliance evaluation requirements and 10 other localities are addressing conditions for compliance.

5) Department of Game and Inland Fisheries (DGIF)

Recreational Fishing:

1. Stream Monitoring, Adult Anadromous Fishes

Weekly boat electrofishing for adult anadromous fish was begun in mid-February 2012 on the James, Appomattox and Rappahannock rivers in the fall zones and on the tidal Chickahominy and Mattaponi rivers. On the James early hickory shad and alewife results were typical. American shad were also being found in the tidal James near Richmond and had started to move up the fall zone toward Boshers Dam when river flows were normal. American shad had not yet been found in the tidal Rappahannock by the end of March but some hickories and alewife were found. Lack of rainfall this spring has resulted in low river flow that adversely effects upstream fish migration. Sampling will continue through May.

2. Boshers Dam Fishway

In 2009, 100 American shad were counted using the fishway and in 2010 the estimate was 116. In 2010 we moved from reviewing all recorded video to counting fish in the first 15 minutes and expanding by a factor of four. Early statistical analysis on this method using known counts compared to simulated estimates showed this to be a valid approach. The estimate for 2011 was 696 and the hourly passage rate of just over one per hour was the highest on record for the fishway's 13-year history.

3. Stream Monitoring, Juvenile Alosines

Juvenile alosine sampling using a bow-mounted push net was conducted from June into July of 2011 on the James (Boshers pool) and Rappahannock (tidal) rivers producing typical year numbers of American shad juveniles. Boat electrofishing began in July and continued into November also resulting in the collection of

target fish from both rivers. Electrofishing becomes the gear of choice when the fish reach a size large enough to improve their avoidance of the push net. Oxytetracycline treatment of fry in the hatchery results in a visible ring in the otoliths (earbones) under black light. Otoliths were extracted from the American shad juveniles and examined under a black light microscope to determine origin. Final results will be presented in future reports.

4. Fish Passage Projects

Harvell Dam is the first dam encountered by migratory fish on the Appomattox River. At the direction of the General Assembly (2011), the VDGIF conducted an additional study to evaluate whether or not the existing fishway can be renovated and/or upgraded to meet fish passage requirements or if it is too expensive to try to still use the existing fishway and reconsider removal. The final report was delivered in November. The fishway could be renovated at great expense to function at approximately 75% of flows. The current owner, previously opposed to removal, is reconsidering the removal option. The VDGIF has obtained sufficient funding from the USFWS and NOAA for removal but there are no grant funds available for technical fishway renovation. At the time of this report a final decision had not yet been made on the removal option.

In October 2011, Rife Loth Dam was removed from the South River in Waynesboro. Removing Rife Loth Dam eliminated a boating hazard created by the dam and provided unimpeded passage for resident fishes and American eel. This removal and stream restoration project was also carried out to restore the former impoundment to trout stream habitat. DuPont's small dam that was less than a mile downstream of Rife Loth Dam was also removed.

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.

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. We also administer and utilize funds from the Virginia Migratory Waterfowl Stamp to provide assistance to non-profit organizations for wetland restoration and enhancement activities. These funds are provided from a mandatory stamp required of waterfowl hunters. To date, over 1000 acres of waterfowl habitat have been restored/enhanced in Virginia by utilizing these funds.

Land and Facilities Management:

1. Osborne Boat Landing, James River

The Osborne Boat landing is heavily used by anglers and recreational boaters accessing the upper James River. The basin harboring the ramp had become nearly inaccessible due to sedimentation. After obtaining the necessary permits the basin was mechanically dredged in February and March and the ramp is again serviceable.

2. Atlantic White Cedar Restoration

A 400-acre Atlantic White Cedar restoration project is on-going at the Cavalier Wildlife Management Area in the City of Chesapeake. In March, a selective herbicide was aerially applied to the Atlantic White Cedar stands. The purpose of the herbicide application was to release the young cedar seedlings by killing competing vegetation. Free from competition the cedar's growth will be accelerated.

3. Living Shoreline, Hog Island Wildlife Management Area

Hog Island Wildlife Management Area is located on the south shore of the James River near Jamestown Island. The western side of the management area receives substantial wave and wind damage as a result of prevailing winter winds. As a result of the wind and wave action, the shoreline had eroded severely along an approximately 4000' length of the management area. The erosion threatened the entrance road and the integrity of the interior wetland impoundment system that is managed to provide wildlife habitat. In February and March workers constructed a series of offshore rock sills designed to break wave energy. The eroded bank was re-graded and sand was brought in to expand the shoreline behind the sills. Vegetation was planted to help stabilize the soil. This "living shoreline" is now stable and able to withstand future erosive forces.

Feral Hogs and Nutria:

Early efforts have been initiated to address two invasive species that pose serious risks to habitat and native fauna in Virginia: feral hogs and nutria. Since the fall of 2011, the DGIF has continued work towards putting together a feral hog committee with partner agencies (USFWS, USDA-WS, USDA-NRCS). The committee is tasked with addressing the increasing number of suspicious feral hogs showing up throughout the Commonwealth. The third and most comprehensive meeting for this group is planned for April 30th. Two committee biologists with the DGIF attended the 2012 International Wild Pig Conference in San Antonio, TX where they met with and shared ideas with biologists across the country. Additionally, staff from the DGIF met with biologists from USDA-WS, USDA-NRCS, USFWS, and NC Wildlife Resource Commission in February to discuss nutria management in Virginia and North Carolina. Topics for discussion involved a nutria reporting/mapping system, potential funding sources, and a response plan to address expanding populations into new areas previously unknown to contain nutria.

Waterfowl:

1. Mid-Winter Waterfowl Surveys

Annual monitoring and evaluation of continental waterfowl populations is necessary to make informed management decisions and to evaluate management actions such as hunting seasons and habitat manipulations. Migratory waterfowl cross state and international borders and are therefore managed on a flyway and even continental basis. Virginia cooperates with other state and federal agencies in conducting coordinated surveys and monitoring programs to evaluate the overall status of waterfowl populations. This information is used to develop harvest regulations and habitat management strategies.

The mid-winter surveys are designed to estimate populations of waterfowl when they are concentrated on their wintering grounds. Surveys are conducted by Virginia Department of Game and Inland Fisheries (VDGIF) staff during the middle of January with fixed wing airplanes throughout the Chesapeake Bay and its major tributaries. The table below shows the primary groups of waterfowl counted in the mid-winter survey in January 2012, the total number of the waterfowl group counted and the percent changes from the five-year average for that waterfowl group.

Table 1. The primary groups of waterfowl counted in the 2012 Virginia Mid-Winter Survey, the total estimate and percent change from the five-year average.

Waterfowl Groups Counted	Total	% Change From 5-year Average
Puddle Ducks	60,573	+17.5%
Diving Ducks	76,491	+14.7%
Sea Ducks	1,266	-65.2%
Mergansers	1,541	-53.1%
Geese	144,942	-3.4%
Swans	8,940	+52.6%

2. Winter American Black Duck Banding

American Black Duck populations have declined by as much as 60% on the wintering grounds and continue to be a species of management concern (Steiner 1984, Whitman and Meredith 1987). Possessing annual estimates of black duck population characteristics, including abundance, sex and age structure, and vital rates (i.e., survival and recruitment) is critical to achieving the goals of the North American Waterfowl Management Plan (NAWMP). These estimates form the basis of black duck adaptive management and allow researchers and managers to assess model predictions, evaluate responses of black ducks to management, and track progress towards NAWMP goals. Black duck population monitoring consists of three complementary programs: seasonal banding, the Mid-Winter Inventory, and Eastern Breeding Waterfowl Survey.

2012 was the third year of a five year pilot study designed to assess differences in vital rates between black ducks banded during the pre and post seasons. The VDGIF is a cooperator on this project along with the BDJV, the Atlantic Flyway Council and the United States Fish and Wildlife Service. During the winter of 2012, VDGIF staff captured and banded 84 black ducks in the coastal region of Virginia. Band return and recapture data will help provide critical life history information for black ducks wintering in this area.

3. Sea Duck Migration and Movement Patterns.

Populations of most sea duck species are either decreasing or little is known about their status. Even less is known about specific ecological associations along the Atlantic Coast of the U.S. The Sea Duck Joint Venture has identified information on population ecology, migrations patterns and habitat requirements as “crucial” to properly manage sea duck populations (SDJV 2001). VDGIF is cooperating with the Sea Duck Joint Venture, the USGS, and several other states in a project to identify sea duck migration and movement patterns in the Atlantic Flyway. This information will also be useful for assessing and informing wind energy developments along coastal Virginia.

Satellite telemetry is being used to identify sea duck movements. Birds are captured using various techniques such as mist nets, night-lighting and net guns. A sample of birds is equipped with satellite transmitters. These transmitters emit a signal that is received by a satellite orbiting the earth. The satellite transmits the data back to researchers on the ground who can track the bird’s movements. In the winter of 2011-2012, 20 sea ducks were captured by project cooperators in the Chesapeake Bay and the Atlantic Coastal Bays and equipped with satellite transmitters. These birds will be tracked daily during the next 1-2 years. Results from the past several years have helped identify some common migration pathways and breeding areas for Atlantic Coastal sea ducks. Information on this project along with maps of migration paths used by sea ducks can be found on the Sea Duck Joint Venture website at seaduckjv.org/atlantic_migration_study.

4. Pre-Season Waterfowl Banding

Waterfowl banding programs are conducted annually to help evaluate waterfowl population levels, harvests and survival rates. This program provides important information used to manage these populations, establish hunting seasons and evaluate other management programs. Specific objectives of this banding program are to determine: 1) distribution of harvest from breeding and wintering areas, 2) changes in harvest pressure as measured by recovery and harvest rates, 3) annual and long-term survival rates of specific populations.

Waterfowl are captured and individually numbered metal bands are placed on each bird's leg. Bands recoveries from hunters, bird banders and others provide the data used to evaluate waterfowl vital rates. The VDGIF conducted waterfowl banding programs in late summer and fall 2011 prior to the winter waterfowl hunting seasons. Birds were captured primarily by night-lighting from an airboat in numerous locations across coastal Virginia. In 2011, there were a total of 359 ducks banded, including 307 wood ducks, 40 mallards, 7 green-winged teal, and 5 blue-winged teal.

5. Tundra Swan Productivity Surveys

Productivity surveys are conducted annually throughout North America to monitor goose, swan and brant populations. Scan surveys are a common method used to assess productivity and to determine juvenile percentage and family size within a flock of selected waterfowl. These surveys provide an indication of the previous year's breeding and nest success. In the Atlantic Flyway productivity surveys are conducted annually for Atlantic Brant and Tundra Swans.

In December of 2011 and January of 2012, the VDGIF conducted productivity surveys for Tundra Swans at three separate locations within the coastal zone. These surveys counted 171 Tundra Swans, 28% of the swans counted were immature with an estimated 2.25 young per family group.

6. Mute Swan Survey and Management

The mute swan is classified as a non-native exotic (nuisance) species in Virginia. Mute swans were first introduced in Virginia around the turn of the 20th century to adorn private estates and city parks. Progeny from these swans coupled with additional releases by private citizens over the past 20-30 years has allowed for a growing feral and semi-captive population in the Commonwealth. This population presents major challenges to the many stakeholders committed to protecting and restoring native natural resources in the Commonwealth. Mute swans compete with native wildlife for limited food and habitat resources. They are large birds that consume substantial amounts of wetland and submerged aquatic vegetation (SAV). Mute Swans can negatively impact SAV beds and restoration plantings, especially during the summer growing season, by uprooting plants and denuding areas of vegetation. This reduces the availability and abundance of SAV for wintering waterfowl and other fish and wildlife populations dependent upon this habitat. Management of this mute swan population is conducted through control techniques such as nest destruction and removal of adult birds where possible. In addition, since mute swans are not a protected species, they can be taken during the hunting season or by landowners in areas where they are causing conflicts.

Every three years VDGIF conducts a Mute Swan Survey in Virginia to evaluate the numbers and distribution of birds in the state. In the survey conducted in September/October 2011, 265 mute swans were counted in the state. This is a decline from the previous survey conducted in 2008 in which 373 mute swans were counted. Control efforts in Virginia and adjoining states along the coast have helped keep this population

7. Submerged Aquatic Vegetation Survey in Back Bay, Virginia.

A survey to evaluate the abundance and species composition of Submerged Aquatic Vegetation (SAV) has been conducted periodically in Back Bay since the late 1950's. The survey was initiated in 1958 and conducted through 1964 by the U.S. Fish and Wildlife Service (then known as the Bureau of Sport Fisheries and Wildlife) with assistance from the states of Virginia and North Carolina (Sincock et al. 1965). In 1965, the Virginia Department of Game and Inland Fisheries continued this work and completed the survey during most years between 1965 and 1990 (Schwab et al. 1991). The survey was conducted occasionally during the 1990's, but only once (2004) from 2000 through 2008. The survey was reinitiated in 2009 and has been conducted for the past 3 years (2009 – 2011).

In 2011, the SAV survey was conducted in late October, using the same methods as had been used in the past. Three two-square-foot bottom samples were taken using modified oyster tongs at 500 meter intervals along eight transect lines in the Virginia portion of Back Bay. A total of 279 samples were taken. For each sample,

the species of SAV was recorded along with a visual estimate of percent cover or density (low, medium, high). Water depth and GPS coordinates were recorded at each stop along the transects.

SAV was found in 109 of the 279 samples (39.1%). In general, SAV was more abundant on those transects located in sheltered areas, or in areas of shallower water. Eurasian milfoil was the most common SAV and was detected in 25% of the samples. Other SAV species found (and percent occurrence) included naiad (21%), wild celery (20%), sago pondweed (7%), chara (6%), redhead grass (5%), and other (coontail and nitella spp. 1%). SAV abundance in 2011 was below that found in 2009 (60%) but similar to that found in 2010 (37%). The species of SAV found were similar to those reported for 2009 and 2010, but were present in slightly different percentages.

Submerged Aquatic Vegetation is an important component of the Back Bay ecosystem. SAV helps improve water quality and provides an important food and habitat source for many fish and wildlife species. Waterfowl numbers in Back Bay are generally correlated with SAV abundance. In years with good SAV growth waterfowl numbers are generally high, while in poor SAV years waterfowl numbers are usually much lower. Mid-winter waterfowl counts were plotted with SAV abundance to show this relationship (Figure 1).

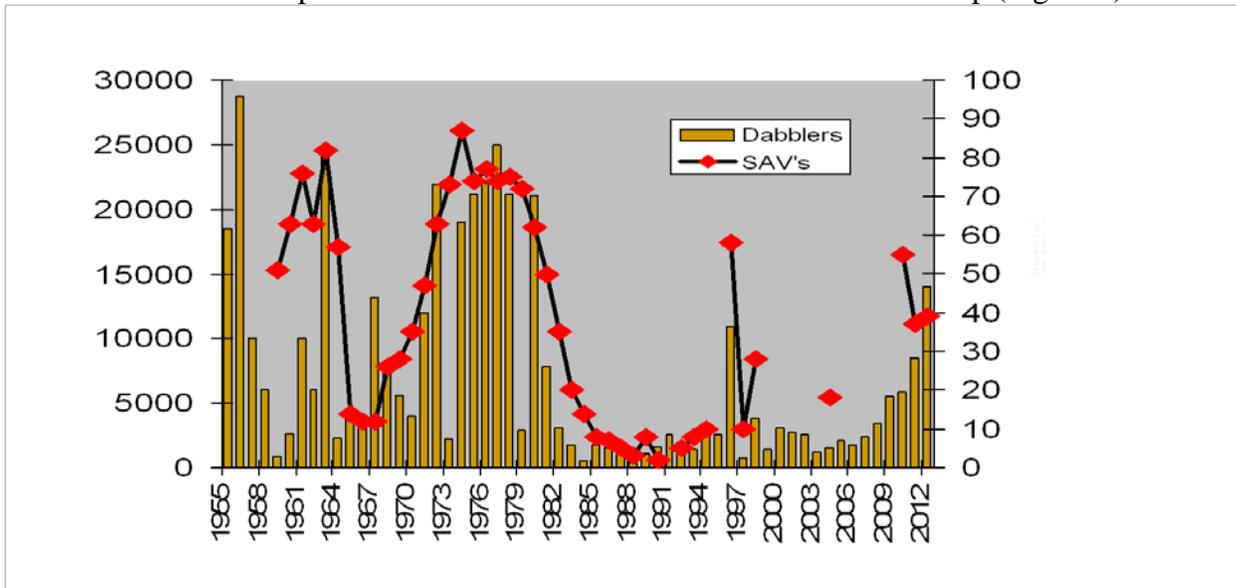


Figure 1. Dabbling duck numbers (in thousands, left axis) and the frequency of Submerged Aquatic Vegetation (SAV) (percent, right axis) from 1955–2012 in Back Bay, Virginia.

8. Back Bay Blind Survey/Evaluation

The VDGIF conducted an inventory of waterfowl hunting blinds in Back Bay Virginia in the fall/winter of 2011 to assess the number and distribution of blinds in the Bay, and to provide a database for making the blind licensing process more efficient and user-friendly. Concerns about blind licenses procedures and the locations of some blinds in the Back Bay have prompted efforts to improve this process in Virginia Beach. All blinds present in Back Bay were visited during November and December 2011. Blind licenses were checked to verify ownership, and GPS coordinates were recorded to validate blind locations and facilitate mapping. The locations of existing blinds were compared to location coordinates submitted by blind applicants. Maps will be prepared to help evaluate compliance with blind laws and regulations, and to facilitate improvements that can be made to the blind license system. Letters will also be sent to blind licensees to inform them of any discrepancies in blind location coordinates or other issues. This is an effort to work with hunters and blind owners in the Back Bay area to improve the blind licensing process and the waterfowl hunting opportunities in the area.

NonGame Species Monitoring and Research:

1. Delmarva fox squirrels

One of the recovery objectives for the federally endangered Delmarva fox squirrel (*Sciurus niger cinerus*; DFS) is to restore populations throughout its historic range, which includes Virginia's Eastern Shore. At present, Chincoteague National Wildlife Refuge harbors the only known self-sustaining DFS population in the state of Virginia. The translocation of DFSs on lands that currently do not support squirrels have proven to be a successful means of expanding and increasing DFS populations within the species' historic range. Many of the forests that may serve as suitable translocation sites Virginia's Eastern Shore are privately owned. In 2004, DGIF was awarded federal funding under the Private Landowner Incentive Program to develop and implement a Safe Harbor Program that would provide private landowners with legal assurances that they will not be held accountable if translocation efforts fail, and funding to conduct habitat management activities on their lands that would benefit future introductions of DFS.

No work was completed on this project during this reporting period.

2. American Oystercatcher Winter Surveys

DGIF, The Nature Conservancy's – Virginia Coast Reserve (VCR) and USFWS continued to conduct an annual winter American Oystercatcher survey in late fall. Since 1999, the winter population estimates ranged between 1600 – 2500 oystercatchers, which represent approximately 15% - 23% at the Atlantic coast population. Our 2011 winter survey yielded a record high of 2,737 individuals, which represents a 35% increase from last year's total of 2,024.

3. American Oystercatcher Resighting Surveys

The U.S. Shorebird Plan (Brown et al. 2001) classified the Atlantic coast American Oystercatcher (*Haematopus palliatus palliatus*) to be a high priority, at-risk species. The American Oystercatcher Working Group (AOWG), a group of shorebird biologists, researchers, graduate students and managers from Massachusetts to Florida, came together several years ago to address the apparent decline in the oystercatcher population. AOWG developed a list of research and monitoring objectives to determine seasonal movement patterns, distribution and survivorship. One of those objectives included marking adults and young with field-readable color bands throughout the species' Atlantic coast range and conducting post-breeding resighting surveys on high tide roosts from Virginia to Florida.

In 2003, The Nature Conservancy's – Virginia Coast Reserve (VCR) initiated an oystercatcher banding project in Virginia, which targeted primarily unfledged young (< 35 days old) that were captured by hand on breeding territories during the day. In the first year, VCR staff applied unique combinations of multiple, UV resistant single layer darvic plastic wrap around color bands on the right and left metatarsus and tibiotarsus along with a size 5 or size 6 BBL band on the right metatarsus. Soon afterwards, researchers throughout the species range discovered that oystercatchers were able to remove the single layer wrap-around bands which made it impossible to identify individuals with lost color bands. In 2004, the wrap around color bands were replaced with 15 mm high, color bands made of a triple-layer, UV-resistant darvic plastic. Each band is engraved twice with field-readable two-digit alpha-numeric codes and duplicated to form a set two of identically coded bands. Each bird receives two identical color bands, one on each tibiotarsus, and a BBL band on the right or left metatarsus. States were assigned a different color to help identify banding locations. Virginia's band color scheme is black with white engraved codes and the BBL band is applied on the right metatarsus. Since 2004, a total of 747 American Oystercatchers (725 hatch year birds and 22 adults) were banded in Virginia by VCR, DGIF, USFWS and John Weske, a private researcher.

In the fall of 2005, DGIF and VCR staff began conducting post-breeding resighting surveys of banded American Oystercatchers at all known high tide roost sites in the seaside lagoon system from Chincoteague Bay to Magothy Bay. Five water-based routes were established to ensure all sites were visited in a systematic

fashion. We attempted to run each route every 12 – 14 days when high tide occurred between 0700 and 1300 hours. We used 10 x 42 binoculars and 32x – 60x spotting scopes to view birds from the boat, or when safe anchorage was possible, from land. After recording flock size, we carefully scanned the flock for banded birds. On most occasions, band readings were verified by two observers. In 2007, USFWS staff began assisting with re-sighting efforts which enabled us to extent regular coverage to all routes and increase the number of routes to seven. The seven routes currently encompass 75 roost sites.

To date, a total of 513 (69% of Virginia’s banded population) individuals banded in Virginia have been re-sighted at least once. During this reporting period, re-sighting effort was less than in previous years due to staff shortages. Fisherman Island and Chincoteague Bay routes were surveyed 6 times by USFWS staff while TNC and DGIF staff surveyed the Metompkin Wachapreague and Oyster routes four times and both Quinby routes only twice. In 2011, we resighted 195 individuals at least once of which 47% were four of age or older, indicating that a relatively high portion of banded fledged young survived to adulthood as oystercatchers reach maturity between 3 - 4 years of age.

Literature Cited

Brown, S., C. Hickey, B. Harrington, and R. Gill, eds. 2001. *The U.S. Shorebird Conservation Plan*, 2nd ed. Manomet Center for Conservation Sciences, Manomet, MA.

4. Eastern Shore Anabat Survey

Monitoring of bat activity along the Eastern Shore of Virginia continued in 2011, but was hindered by technical difficulties. A new component (GML data transfer unit) was added to the monitoring system to would allow data transfer via cell phone coverage. The addition of the GML units had the appeal of reducing the amount of field time needed to service data cards and eliminate associated human and mechanical errors. However, complications with cell phone coverage, data transfer rates, and external noise limited sampling efforts. These issues are being resolved with the parent company and monitoring efforts will continue in 2012.

5. 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 5th year of production and 6th year of operation at the VA Fisheries and Aquatic Wildlife Center (VFAWC). Propagation started in mid February with the collection of over 100 gravid female mussels of eight species from the lower Nottoway, Appomattox, Pamunkey, and Mattaponi Rivers, and Tye River and Johns Creek. Infestation of five batches of eastern pondmussel, two batches of tidewater mucket and one batch of eastern pondmussel were started in early March and with over 10,000 juveniles collected thru March. Target propagation goal for 2012 is approximately 650,000 juvenile mussels with grow out and release of approximately 50,000 mussels. Most of the species targeted for propagation in 2012 are not listed as threatened or endangered, but all are either listed as a species of greatest conservation need in Virginia’s Wildlife Action Plan or as a species of concern by the USFWS. In addition to propagation during 2012, approximately 20,000 subadult mussels propagated in 2011 are being held for release in 2012. Also, over 8,000 mussels propagated in 2010 and 2011 were released to into the lower Nottoway River in the fall of 2011 and a some have been recaptured and shown to have reproduced while in the wild.

B. FEDERAL CONSISTENCY

During the first half of FY 2011, the Office of Environmental Impact Review/Federal Consistency (OEIR) reviewed 105 development projects and management plans for consistency with the Virginia Coastal Zone Management Program (VCP). This represents 83% of the total amount of projects (126) reviewed during this

period. Major state projects accounted for 10 projects, 61 were federal actions, and 34 were federally funded projects (predominantly local government projects). The 61 federal projects included 35 federal agency activities, 3 Outer Continental Shelf (OCS) activities, 10 federal licenses and approvals, and 13 U. S. Department of Housing and Urban Development (HUD) mortgage insurance projects (submitted as a residual category pursuant to the federal consistency regulation (15 CFR 930.31(c)). All federal consistency determinations and federal consistency certifications were completed within the established legal deadlines.

Out Reach: (i) Capital Outlay and Facility Management Forum. The OEIR participated in the Department of General Services, Division of Engineering and Buildings Capital Outlay & Facility Management Forum on October 6, 2011 at the Virginia Museum of Fine Arts. The forums are meetings of capital outlay and facilities management officials from agencies and institutions across the Commonwealth to discuss issues of mutual concern. The objective of these meetings is to provide an opportunity for the exchange of information and network with state agency peers. The October forum was attended by approximately 70 state agency facility officers and capital outlay managers involved in the development and construction of capital projects in the Commonwealth. OEIR staff presented an overview and answered questions on DEQ's state and federal review authorities under the National Environmental Policy Act, Coastal Zone Management Act and the Environmental Impact Report Law.

(ii) Marine Event Permit Workshop. On November 30, 2011, at the request of the U.S. Coast Guard (USCG) Sector Hampton Roads in Portsmouth, OEIR staff participated in a workshop conducted for marine event sponsors involved in applying for permits to conduct marine events (e.g. boat races and fireworks shows) on Virginia navigable waters. A marine event sponsor includes any individual or organization that plans an event that by its nature, circumstances or location, restricts navigation or otherwise introduces extra or unusual hazards to the safety of life on navigable waters. The purpose of the workshop was to ensure that potential marine event sponsors have an understanding of USCG's marine event permitting program, the permitting process and submission of timelines. The marine event workshop was attended by 31 individuals. In accordance with federal consistency regulations of the Coastal Zone Management Act, USCG coordinates these permits with DEQ. The marine event permitting process includes the promulgation of regulations by USCG which is a federal action required to be consistent with the VCP. At the workshop DEQ staff presented an overview of the CZMA federal consistency requirement, the VCP and enforceable policies, and the Commonwealth's federal consistency review process and procedures.

The OEIR continues to maintain a website for Federal Consistency Reviews and can be accessed through DEQ's main webpage or found at <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview.aspx> DEQ website has been updated with a new navigational structure to make it easier for the public to find information, including public notices. The webpage is updated weekly.

Table 1 depicts federal projects in Tidewater Virginia reviewed from April 1, 2011 through September 30, 2011.

TYPE OF FEDERAL PROJECTS REVIEWED*	NUMBER OF PROJECTS COMPLETED	REVIEW PERIOD
*Direct Federal Actions	48	30-60 Days
** Federal Activities (approvals & permits)	10	90 Days
***Federally Funded Projects	34	30 Days
Outer Continental Shelf	3	45-60 Days
TOTAL	95	30-90 DAYS

*Includes 13 HUD Mortgage Insurances reviewed as FCD residual category of Subpart C of the Regulations.

**These projects do not include permits issued pursuant to Section 404 of the Clean Water Act administered by the U.S. Army Corps of Engineers. Such permits are reviewed by the regulatory agencies under a separate interagency coordinated review process (coordinated by the Norfolk District U.S. Army Corps of Engineers).

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

SIGNIFICANT FEDERAL PROJECTS REVIEWED FOR CONSISTENCY WITH THE VCP from 4/1/2011 to 9/30/2011

I. Federal Agency Projects

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

Conditional Concurrence of Airfield Clear Zone Management Plan – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Navy Region, Mid-Atlantic (Navy) for the establishment of a Clear Zone Management Plan (CZMP) for the airfield at Naval Station Norfolk. The CZMP would govern vegetation management efforts in the installation’s Airfield Operations Area for a period of ten years, to ensure that arrival and departure flight corridors are kept free from vegetative obstructions. Three alternative plans are considered to include: Alternative 1 (no action) - existing vegetation management practices would continue which involves mowing, trimming, re-vegetation, and debris disposal; Alternative 2 (preferred alternative) - the Airfield CZMP would be fully implemented to address grassland maintenance, scrub-shrub woodlands and individual tree obstructions in uplands, obstructions in forested areas, and man-made obstructions; and Alternative 3 (phased approach) - Airfield CZMP recommendations would be implemented in two categories, Category 1, obstructions would be removed within 5 years and Category 2, obstructions would be removed as time and resources allow within 5 to 10 years. Based on DEQ’s review of the FCD and the comments submitted by review agencies, DEQ conditionally concurs that the preferred alternative is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program. The conditions are that the Navy: (i) obtain all approvals not yet secured that are applicable to the enforceable policies; (ii) adhere to all the conditions of the (a) Virginia Water Protection permit, (b) the Subaqueous Lands permit (if applicable), (c) Virginia Erosion and Sediment Control and (d) Stormwater Management laws and regulations; and (iii) carry out the subsequent activities consistently with the Coastal Lands Management enforceable policy governed under the Chesapeake Bay Preservation Act (*Virginia Code*

sections 10.1-2100 *et seq.*) and the regulations that implement the Act. Under the CZMA, unless these conditions are met, the Commonwealth's concurrence becomes an objection.

I-95 Defense Access Road Ramp to Fort Belvoir North Area – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Federal Highway Administration (FHWA), in cooperation with the Virginia Department of Transportation and the U.S. Army Garrison Fort Belvoir, for the construction of the I-95 High Occupancy Vehicle flyover ramp to Heller Road at the Fort Belvoir Engineering Proving Ground (EPG) in Fairfax County. The proposed ramp will be used as a reversible single-lane roadway. The ramp design includes a bridge structure over Backlick Road, the southbound I-95 general purpose lanes and the I-95 High Occupancy Toll reversible lanes, and another bridge over Field Lark Branch (Branch). The purpose of the project is to improve access to and egress from the EPG site to accommodate vehicle travel resulting from the Base Closure and Realignment Act (BRAC) that mandated the relocation of approximately 8,500 employees to the eastern part of the site. Based on DEQ's review of the FCD and the comments submitted by review agencies, DEQ concurs that the proposed construction of the ramp is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and approvals are obtained with respect to impacts to subaqueous lands, erosion and sediment control, stormwater management, air impacts and impacts to Chesapeake Bay Preservation Areas. In addition, the FHWA must ensure the project complies with applicable solid and hazardous waste management regulations.

Route 1 Improvements at Fort Belvoir – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Federal Highway Administration (FHWA), in cooperation with the Virginia Department of Transportation and the U.S. Army Garrison Fort Belvoir, for the construction of improvements to a 3.4-mile section of U.S. Route 1 between Telegraph Road (Route 611) and Mount Vernon Memorial Highway (Route 235) in Fairfax County. The proposed improvements include the widening of the existing four-lane section of Route 1 to six lanes, with appropriate turn lanes at intersections and a sidewalk and multi-use trail with right-of-way width of approximately 148 feet. The proposed right-of-way would include a 32-foot-wide median to be reserved for future public transit. Based on DEQ's review of the FCD and the comments submitted by review agencies, DEQ concurs that the proposed improvements are consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and approvals are obtained with respect to proposed impacts to state subaqueous lands, wetlands, erosion and sediment control, stormwater management, air impacts and impacts to Chesapeake Bay Preservation Areas. In addition, the FHWA must ensure the project complies with applicable solid and hazardous waste management regulations and protected species regulations related to potential impacts to the bald eagle, wood turtle, river bulrush, Laura's clubtail and small whorled pogonia.

North Wallops Island Unmanned Aerial Systems Airstrip – DEQ completed the coordinated review of a Draft Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the National Aeronautics and Space Administration (NASA) for the construction of an unmanned aerial systems (UAS) airstrip at the Goddard Space Flight Center (GSFC) Wallops Flight Facility (WFF) in Accomack County. The UAS airstrip would be located on the north end of Wallops Island to support the testing and deployment of existing and future UAS and UAS-based scientific instruments. The airstrip would measure approximately 3,000 feet long (2,500 feet plus an additional 500-foot clear zone) by 75 feet wide. UAS-based operations typically would be conducted year round during WFF's normal Air Traffic Control tower hours (Monday through Friday, 0600 to 1800). A maximum of 1,040 UAS sortie operations each year would be conducted from the new airstrip. Based on comments from reviewers, state agencies generally have no objections to the proposal as presented. The project is unlikely to have significant effects on ambient air quality, water quality, surface waters, groundwater, wetlands, fisheries, agricultural land, and historic resources. However, due to the significance of the Maritime Dune Woodland Conservation Site and the state rare plant (*Anomalous eupatorium*) documented there, the Department of Conservation and Recreation strongly recommends avoiding impacts to this globally rare community and state rare plant and suggests relocating the airstrip to another site.

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 provided all applicable permits and approvals are obtained with respect impacts to surface waters and wetlands, erosion and sediment control, stormwater management, and air impacts. In addition, the Commission must ensure the project complies with applicable solid and hazardous waste management regulations.

Fire Management Plan for Fredericksburg and Spotsylvania National Military Park – DEQ coordinated the review of an environmental assessment, which included a federal consistency determination. The National Park Service (NPS) intends to revise its Fire Management Plan to help maintain, as nearly as possible, the battlefield scenes as they might have appeared during the 1860s. Alternative 1, the no-action alternative, would allow prescribed fire only in the Spotsylvania Courthouse battlefield and suppress wildland fires. Alternative 2, the environmentally preferable alternative, would allow suppression of wildland fires, expand the use of prescribed fire and non-fire (mechanical) treatments in all battlefields in order to restore or maintain historic vistas, reduce fuel loading in the urban/wildland interface, and return fire to the Park ecosystem. Mechanical treatments would be applied when safe fire management is precluded or infeasible. In the review, the Commonwealth concurred with the federal consistency determination. DOF comments reflected the aim of maintaining battlefield scenes, and added that the benefits of the proposed plan include reduction of wildfire hazard by reducing the available fuel; improvement of wildlife habitat; control of undesirable and/or invasive species; and the ability to maintain the battlefields in an open-field condition. Spotsylvania County commended NPS for effective communication during recent prescribed burns. DCR described natural heritage resources in the Park properties and recommended coordination with regard to a fish species, the dwarf wedgemussel.

New Entrance to Chopawamsic Backcountry Area – DEQ completed a coordinated review of an environmental assessment (EA), including a federal consistency determination (FCD), submitted by the National Park Service (NPS). The EA addresses proposed improvement projects at the entrance of the Chopawamsic Backcountry Area of Prince William Forest Park. In cooperation with the U.S. Department of the Navy, Quantico Marine Base, NPS is proposing to construct a new gravel public entrance road from State Route 619 (Joplin Road), an approximately 0.5 acre gravel parking lot and vault toilet system as well as the cleanup of Bobcat Ridge Road within the Chopawamsic Backcountry Area. The project would also incorporate up-to-date wayside exhibits and new signage. The EA considers Alternative A (no action alternative), the Preferred Alternative B (parking and restrooms with restricted use), which is the Preferred Alternative, and Alternative C (parking and restrooms with unrestricted use). According to the FCD, the project would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). The review includes recommendations to coordinate with DEQ regarding findings from the DEQ Federal Facilities Program and with the local health department regarding regulations for non-discharges sewer systems. Based on the information provided in the draft EA and FCD, and the comments of agencies administering the enforceable policies of the VCP, DEQ concurs that the proposed activity is consistent with the VCP and has no objection to the implementation of the proposed action.

Airfield Clear Zone Management Plan at NAS, Oceana – The Navy proposes to establish a Clear Zone Management Plan for the airfield at Naval Air Station Oceana in Virginia Beach. The preferred Plan would govern vegetation management efforts in the operations area of the airfield for a period of ten years, to ensure that arrival and departure flight corridors are kept free from vegetative obstructions. The Commonwealth's response concurred with the federal consistency determination, provided the Navy adheres to applicable requirements relative to erosion and sediment control, wetlands management, and stormwater management. The Commonwealth also recommended time-of-year restrictions on tree removal to protect nesting bird habitat, and observance of limitations (and possible air pollution control permitting) related to vegetation debris disposal.

Perimeter Security Improvements at the Albert V. Bryan U.S. Courthouse – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. General Services Administration

(GSA) for the construction of permanent security measures at the A.V. Bryan Courthouse located at 2100 Jamieson Avenue in the City of Alexandria. The proposed security measures would include hardscape and landscape alterations and the installation of physical security infrastructure. Permanent perimeter security elements would be provided along three sides of the building, on Jamieson Avenue, Courthouse Square South, and Elizabeth Lane. Security elements would consist of hardened garden fencing, altered curb lines, expanded planting beds, narrowed roadway widths, and the installation of bollards. Based on DEQ's coordinated review of the FCD 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 erosion and sediment control, stormwater management, air impacts and impacts to lands analogous to Chesapeake Bay Preservation Areas. In addition, the GSA must ensure the project complies with applicable solid and hazardous waste management regulations and coordinate with the City of Alexandria for impacts to the local road network.

Navy Small Arms and Explosive Training Event – The U.S. Coast Guard submitted a federal consistency determination announcing its intention to promulgate a regulation establishing a safety zone for the Navy's small arms and explosive training events on the merchant vessel (M/V) *Del Monte*. The action is intended to restrict vessel traffic movement to protect mariners from the hazards of the live-fire gun exercise. The safety zone will be enforced from 11:00 AM on January 30, 2012 through 9:00 AM on February 3. During that time, entry into or movement within the proposed safety zone will be prohibited without approval of the Captain of the Port or a designated representative. The safety zone will include all waters of the James River in the vicinity of the James River Reserve Fleet, Isle of Wight. The safety zone is at least 1 kilometer away from the nearest James River shoreline. DEQ, following its coordinated review of the proposed action, indicated its agreement that the proposed action would be consistent with VCP enforceable policies provided all applicable requirements were met. The Department of Conservation and Recreation indicated that the safety zone of the proposed action is home to the peregrine falcon, a bird species that was once extirpated east of the Mississippi River, but still warrants protection and management efforts. DCR recommended that the Coast Guard coordinate with DGIF to ensure compliance with protected species legislation.

Demolition of Aircraft Landing Dynamics Facility Complex – DEQ completed a coordinated review of an environmental assessment submitted by the National Aeronautics and Space Administration (NASA). NASA is proposing to demolish nine buildings and the track associated with the Aircraft Landing Dynamics Facility Complex at Langley Research Center in Hampton. The complex is closed and no longer operational. Demolition activities would begin in 2013 and would involve a deconstruction approach, whereby building materials and debris would be recycled to the maximum extent practicable. The proposed project would reduce the footprint of Langley by more than 8,000 square feet. The submitted EA evaluates the proposed action and the no-action alternative. NASA submitted a federal consistency determination (FCD) pursuant to the Coastal Zone Management Act of 1972, as amended, in September 2011. DEQ reviewed the FCD under DEQ 11-170F and concurred that the proposed action was consistent with the Virginia Coastal Zone Management Program. Reviewers had no objections to the implementation of the proposed project. DEQ's recommendations include coordination with the DEQ regional office regarding potential requirements related to underground and aboveground storage tanks and the on-site coordinator about Comprehensive Environmental Response, Compensation, and Liability Act obligations.

Entrance Road and Visitor Parking Lot Resurfacing – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Federal Highway Administration in cooperation with the U.S. Fish and Wildlife Service (USFWS) for a roadway improvement project that consists of the resurfacing (asphalt overlay) of the entrance road (Auto Tour Road) to the Occoquan Bay National Wildlife Refuge and three visitor parking areas in Prince William County. Roadway reconditioning will take place along the unpaved portion of Auto Tour Road and one pipe culvert will be replaced in-kind. Most or all of the visitor parking area will be reconstructed. A large concrete slab will be removed adjacent to the existing parking area

and the parking area would be widened as part of this project. Refuge signage improvements will occur as needed. Based on DEQ's coordinated review of the FCD 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 potential impacts to state subaqueous lands, wetland impacts, erosion and sediment control, stormwater management, air emissions and impacts to Chesapeake Bay Preservation Areas. In addition, the USFWS must ensure that the project complies with applicable solid and hazardous waste management regulations.

Force Structure Changes – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Air Force which intends to increase the number of F-22A aircraft currently assigned to Langley Air Force Base (AFB) by adding six additional F-22A aircraft to the 1st Fighter Wing (1 FW), and stand up a T-38A aircraft detachment of 14 training aircraft within the 1st Fighter Wing (1 FW). The increase of six F-22 aircraft and beddown of up to fourteen T-38A aircraft would provide enhanced capabilities while efficiently using Langley AFB facilities. Existing facilities at Langley AFB can accommodate the additional aircraft and personnel associated with the proposed force structure changes. Therefore, Langley would not require construction of any new facilities. However, Langley may install aircraft arresting equipment at the ends of the runway for T-38A aircraft. Based on DEQ's coordinated review of the FCD 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 potential increases in air emissions from the additional aircraft. In addition, the Air Force must ensure the project complies with applicable solid and hazardous waste management regulations.

Oceana Salvage Yard Access Road and Burial Unit – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy for the removal of contaminants and contaminated soil along the Oceana Salvage Yard Access Road and Burial Unit at Naval Air Station (NAS) Oceana in the City of Virginia Beach. Navy investigations identified lead-contaminated soil and buried debris, crushed car batteries, and debris within and along the Access Road and its shoulders and within an area identified as the Burial Unit. Additionally, areas of surface debris and debris mounds were encountered near the Access Road and Burial Unit. The removal action consists of: capping the Access Road; excavating and restoring the Access Road shoulders and the Burial Unit; removing non-roadway associated debris; and restoring the site. Based on DEQ's coordinated review of the FCD 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 potential impacts to surface waters and wetland, erosion and sediment control, stormwater management, and air emissions. In addition, the Navy must ensure the project complies with applicable solid and hazardous waste management regulations and the National Historic Preservation Act.

Fire Station and Emergency Operations Center – DEQ completed a coordinated review of a federal consistency determination (FCD) submitted by the Department of the Army. The Army proposes to build a fire station across the street from the existing one in the South Post Area of the Fort Belvoir Main Post in Fairfax County. The station also will be used as the Emergency Operations Center. The station will be a one-story building with approximately 14,900 square feet. The project site was previously developed. The FCD states that the project would be consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program (VCP) (previously called the Virginia Coastal Resources Management Program). The reviewing agencies that are responsible for the administration of the enforceable policies generally agree with the FCD. Based on the review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposed project is consistent with the VCP provided all applicable permits and approvals are obtained. DEQ's review includes a recommendation to contact the Fort

Belvoir Environmental Compliance Branch Chief concerning Comprehensive Environmental Response, Compensation, and Liability Act obligations at Fort Belvoir's Main Post.

Exemption Requests at the North Anna and Surry Power Stations – DEQ completed the coordinated review of an Environmental Assessment (EA) submitted by the Nuclear Regulatory Commission (NRC) for the issuance of an exemption to Virginia Electric and Power Company (Dominion) from specific provisions of the Code of the Federal Register at two of Dominion's nuclear power stations: North Anna Power Station Units 1 and 2, located in Louisa County; and Surry Power Station Units 1 and 2, located in Surry County. Dominion has loaded spent nuclear fuel into dry storage casks, under the Certificate of Compliance (CoC) No. 1030, Amendment No. 0. It was later discovered that the decay heat limit for twelve of the loaded fuel assemblies at North Anna and five of the loaded fuel assemblies at Surry exceeded the limits of the CoC. Dominion has provided an evaluation and thermal analysis to the NRC which shows that the affected DSCs remain within the system's design limits and that the continued storage of the fuel in the as-loaded configuration is safe. Dominion is requesting an exemption to the requirements to continue storage of the affected DSCs in their current condition at the Independent Spent Fuel Storage Installations (ISFSIs) associated with North Anna and Surry. The agencies that responded to DEQ's review request did not indicate that the proposed action would adversely impact resources or programs under their jurisdictions. According to the Virginia Department of Health, the alternative to require Dominion to reload the casks presents several risks, namely additional radiation exposure to the workers making the transfers, and potential accidents that may lead to damaged fuel rods and dispersal of radiation to the environment. Accordingly, the Virginia Department of Health states that it supports the exemption without reservation. Furthermore, based on the scope and nature of the proposal and comments submitted by agencies administering the enforceable policies of the Virginia Coastal Zone Management Program (VCP), DEQ concludes that this proposal is consistent with the VCP.

Launch of NASA's Routine Pay Loads – DEQ completed a coordinated review of an environmental assessment (EA) prepared by the National Aeronautics and Space Administration (NASA) for the launch of routine payloads on expendable launch vehicles. One of the launch sites considered in the EA is the NASA Wallops Flight Facility in Accomack County. The payloads will be part of scientific and technology missions. The proposed action is comprised of preparing, launching and decommissioning missions designated as routine payloads. The proposed action does not represent an increase in the number of already proposed launches from NASA sites or require the construction of new facilities or industrial infrastructure expansion. This EA is an update to previously issued National Environmental Policy Act documents with the addition of NASA Wallops as a launch site. Based on comments submitted by reviewers, the Commonwealth has no objection to the proposed action provided that all applicable local, state and federal laws and regulations are followed. DEQ's response to NASA include recommendations to coordinate with the Department of Game and Inland Fisheries, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding impacts upon protected species and to coordinate with DEQ regarding any new or modified emission units not previously evaluated for permit applicability.

Construction of National Environmental Satellite – DEQ completed a coordinated review of an environmental assessment and federal consistency determination submitted by the National Oceanic and Atmospheric Administration (NOAA) for construction at a National Environmental Satellite, Data and Information Service site. The site is the Wallops Command and Data Acquisition Station (WCDAS) on the National Aeronautics and Space Administration's Wallops Flight Facility in Accomack County. NOAA proposes to implement upgrades at the site to electrical systems, related infrastructure and antenna systems. The proposed action includes installing an electrical power ductbank and cabling, construction and operation of three Geostationary Operational Environmental Satellite (GOES) antennas, and construction of a new powerhouse building and addition to the operations building. In addition, the project would require road realignment and relocation of utilities and ductbanks, upgrades to the electrical distribution system within the operations building and renovation of the mechanical systems within the existing utility building. Based on the information provided in the EA and FCD, and the comments of agencies administering the enforceable policies of the VCP, DEQ

concur that the proposed activity is consistent with the Virginia Coastal Zone Management Program (VCP) and has no objection to the implementation of the proposed project provided that NOAA complies with all requirements of applicable permits and other authorizations that may be required.

Demolition of the Aircraft Landing Dynamics Facility – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Aeronautics and Space Administration for the demolition of 9 buildings and the test track associated with the Aircraft Landing Dynamics Facility (ALDF Complex) located at NASA Langley Research Center (LaRC) in the City of Hampton. As the Space Shuttle Program draws to an end, NASA has inventoried facilities that are no longer needed for its future mission. NASA has determined that the ALDF Complex has reached obsolescence and is no longer operational and/or needed. The demolition is intended to streamline NASA LaRC’s infrastructure by removing approximately 107,800 square feet of buildings and structures located within the northern boundary NASA LaRC. After demolition, the site will be re-graded to match existing site contours and returned to green space. Based on DEQ’s coordinated review of the FCD 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 possible wetlands impacts, subaqueous lands impacts, erosion and sediment control, stormwater management, air impacts and impacts to lands analogous to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations and historic resource requirements.

USCG Marine Event Permits

OEIR reviewed four marine events permits for the USCG from October 1, 2011 through March 31, 2012: A list of all the projects reviewed follow.

Revised Safety Zone Regulations

Navy Small Arms and Explosive Training Event on MV DelMonte

Rocketts landing Collegiate Regatta

Virginia Beach Oceanfront Air Show Safety Zone

Two examples of Consistency responses to USCG follow.

Revisions to the Permanent Safety Zone Regulations – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Coast Guard which proposes to revise the list of permanent safety zones at 33 CFR 165.506, established for fireworks displays at various locations within the geographic boundary of the Fifth Coast Guard District. This action is necessary to protect the life and property of the maritime public from the hazards posed by fireworks displays. Entry into or movement within these proposed zones during the enforcement periods is prohibited without approval of the appropriate Captain of the Port. In Virginia, two new safety zones will be added to include: Great Wicomico River at Mila and Cockrell’s Creek at Reedville. In addition, five existing safety zones will be modified in Virginia, including: Upper Potomac River at Alexandria, Potomac River at Prince William County, Chesapeake Bay at Norfolk and North Atlantic Ocean at Virginia Beach (2 locations). Based on DEQ’s coordinated review of the FCD 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. In addition, it is recommended that the marine events are coordinated with the Department of Game and Inland Fisheries and the Department of Conservation and Recreation with respect to impacts on wildlife resources and protected species.

Rocketts Landing Collegiate Regatta. – The Coast Guard proposes to issue a permit for marine events to the Virginia Commonwealth University crew club for a “Rocketts Landing Collegiate Regatta,” a boat race, to be held on the lower James River in Richmond on April 7 between 10 AM and 2 PM, between positions 37-30-02 N/077-25-16 W and 37-31-12 N and 77-25-02 W. Approximately 40 non-motorized crew sculls will participate in boat races, entering the river from the Rocketts Landing boathouse. The crew club will place 6 to 10 buoys

to mark the start, finish, and course of the regatta. DEQ concurred with the federal consistency determination that the event would be consistent with the VCP, provided all applicable requirements are met, and that no permits would be required. Virginia Marine Resources Commission indicated that no permit would be required, provided the buoys are removed after the race.

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).

Magnolia Gardens Apartment – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which intends to provide funding through the Neighborhood Stabilization Program 2 (NSP2) to The Community Builders, Inc. (TCB) for the redevelopment of the Magnolia Gardens Apartment in the City of Richmond. NSP2 was authorized by Title XII of Division A of the American Recovery and Reinvestment Act of 2009 to stabilize neighborhoods whose viability has been and continues to be damaged by the economic effects of properties that have been foreclosed upon and abandoned. The project site is on 1.94 acres located at 1901-1915 Whitcomb Street and includes eight two-story apartment buildings that were constructed in 1966. The project will involve the selective demolition and redevelopment of the facility to a mixed-use affordable residential/commercial development. Based on DEQ's review of the FCD and the comments submitted by review 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 all applicable permits and approvals are obtained with respect to erosion and sediment control, stormwater management, and air emissions. In addition, the project applicant must ensure the project complies with applicable solid and hazardous waste management regulations and must coordinate with the City of Richmond on applicable local permits and approvals.

Colony Village Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development which proposes to provide mortgage insurance under HUD Section 221(d)(4) to Berkadia Commercial Mortgage, LLC, for the construction of the proposed Colony Village Apartments in Chesterfield County. The 17.273-acre site is located off U.S. Route 1 (Jefferson Davis Highway). Existing structures will be demolished and removed. Phase I improvements will include the construction of: five three-story multi-family apartment structures; one single-story clubhouse; one single-story storage building; in-ground swimming pool; asphalt parking areas; and landscaped areas. Phase 2 improvements include the construction of: three 3-story multi-family apartment structures; asphalt parking areas; and landscaped areas. Based on DEQ's coordinated review of the FCD 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 potential impacts to state subaqueous lands, wetlands, erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations, and local waterworks and sewerage regulations.

Cricket Hill Apartment Renovation – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Agriculture Rural Development (USDA-RD) for the transfer and assumption of debt and the rehabilitation under Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) of an existing affordable multifamily apartment complex in Matthews County. The property is located on six acres at 21 Saint Ives Court and consists of 10, one-bedroom apartments and 20, two-bedroom apartments. The rehabilitation will include repair and replacement of the roof, siding, appliances, HVAC, windows, doors, insulation, hot water heaters, carpet and tile repairs and/or replacements. Exterior property improvements

include landscaping and asphalt parking areas. Based on DEQ's coordinated review of the FCD 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 erosion and sediment control, stormwater management, air emissions and impacts to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations and Section 106 of the National Historic Preservation Act.

Seabreeze Apartments Repairs and Shoreline Stabilization – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Agriculture Rural Development (USDA-RD) for a loan under Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) to conduct repairs to the Seabreeze Apartments and stabilize the property shoreline along the Chesapeake Bay in the Town of Cape Charles. The property is an existing affordable multi-family development located at 201 Washington Street. The property consists of four brick apartment buildings of approximately 63,300 square feet consisting of 28 residential units and one 1-story brick laundry, office and maintenance building on approximately 1.45 acres. Project activities include the replacement of the roof damaged by Hurricane Irene, repairs to the shoreline at the rear of the property, and the installation of a system of Wave Attenuation Devices (WADs) to stabilize the shoreline. Based on DEQ's coordinated review of the FCD 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 potential impacts to fisheries, state subaqueous lands, surface waters, wetlands, erosion and sediment control, stormwater management, air emissions and impacts to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations and potential impacts to Northeastern beach tiger beetle.

John and Sun Sanns Poultry House Construction Project – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Agriculture Farm Service Agency (USDA-FSA) for the issuance of a loan guarantee to property owners John and Sun Sanns for the construction of two broiler houses in Accomack County. The project site is located at 28478 Grotontown Road, Hallwood, Virginia, on a tract of land containing 62.85 acres. Approximately 2.5 acres will be developed for agricultural production along with the current 10-acre agricultural site. The project involves the construction of two 60-foot by 560-foot broiler houses. The two broiler houses will have a capacity of 44,800 birds per house, for a total capacity of 89,600 birds. Based on DEQ's coordinated review of the FCD 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 potential impacts to wetlands, erosion and sediment control, stormwater management, air emissions and impacts to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations, waterworks regulations and requirements for groundwater withdrawals.

Riverwood Preservation –DEQ completed a coordinated review of a federal consistency determination (FCD) submitted by the U.S. Department of Agriculture (USDA) Rural Development office (RD). The USDA RD is processing an application for the transfer and assumption of debt from Riverwood Preservation for the purpose of renovating an existing affordable multi-family project in Colonial Beach. The property consists of 83 revenue-producing units consisting of 27 one-bedroom units, 32 two-bedroom units, and 24 three-bedroom units. Exterior improvements include landscaped areas and asphalt parking lots. The landscaped regions will not be expanded and the asphalt parking areas will either be sealed or resurfaced. The project described in the FCD is consistent with the Virginia Coastal Zone Management Program (VCP) (previously called the Virginia Coastal Resources Management Program) provided that all applicable permits and approvals listed under the enforceable policies of the VCP are obtained. This FCD is submitted pursuant to the federal consistency regulation 15 Code of Federal Regulations Part 930 Subpart C Section 930.31(c)(residual category).

Streets of Greenbrier – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of Housing and Urban Development (HUD) which proposes to provide mortgage insurance under HUD Section 221(d)(4) to AGM Financial Services, Inc., for the proposed Streets of Greenbrier in the City of Chesapeake. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The proposed Streets of Greenbrier would be constructed on a 17.58-acre site currently consisting of undeveloped wooded land. The development would consist of a 280-unit multi-family complex consisting of two 4-story structures, seven carriage unit structures, and two parking garages. Based on DEQ's coordinated review of the FCD 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 possible wetlands impacts, erosion and sediment control, stormwater management, and air impacts. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations, Section 106 of the National Historic Preservation Act and local water and sewer requirements.

Heron's Landing Apartments – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Chesapeake under 15 CFR, part 930, subpart F for the construction of the Heron's Landing Apartments in the City of Chesapeake. The City of Chesapeake is the lead agency for the project that will be constructed by the Virginia Supportive Housing (VSH). The cities of Chesapeake, Portsmouth, Virginia Beach, Norfolk and Suffolk will provide federal funding to VSH for construction of sixty Supportive Room Occupancy (SRO) apartments on a four-acre parcel located 1,000 feet northeast of the intersection of Compostella Road and Military Highway. The apartments will house single, homeless individuals. Based on DEQ's coordinated 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 with the VCP provided all applicable permits and approvals are obtained with respect to possible wetlands impacts, erosion and sediment control, stormwater management, air impacts and impacts to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations and local water, sewer and floodplain management requirements.

Rehabilitation of Exmore Village – DEQ completed a review of a federal consistency determination (FCD) submitted by the U.S. Department of Agriculture-Rural Development (USDA-RD). According to the FCD, USDA-RD is considering a transfer and assumption of debt for a complete rehabilitation of an existing affordable multi-family housing project, Exmore Village, LLC, located at 12374 Rue Court in Exmore, which is in Northampton County on Virginia's Eastern Shore. Exterior improvements consist of landscaping (replacement of decaying or dying plant material) and asphalt parking areas (to be sealed or resurfaced, as needed). Based on our review of the FCD, DEQ concurs that the proposal is consistent with the Virginia Coastal Zone Management Program (VCP), provided any applicable permits and approvals are obtained. USDA-RD must ensure that this project is accomplished and operated in accordance with all applicable federal, state, and local laws and regulations.

Princess Anne Nursing Home – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of Housing and Urban Development (HUD) which proposes to provide mortgage insurance under the Multifamily Accelerated Processing (MAP) Program to Medical Facilities of America to finance construction of the proposed Princess Anne Nursing Home in the City of Virginia Beach. The 5.53-acre property is located on a currently vacant parcel, just west of Princess Anne Road (Route 165) and south of Landstown Road. Development of the site will include a 75,000-square foot slab-on-grade one-story building housing 120 licensed beds, surrounded by 106 parking spaces, with trees and grassy areas along the boundaries. Utilities on the site will include public water and sewer lines, electricity, telephone, and television cable lines. Based on DEQ's coordinated review of the FCD 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 possible wetlands impacts, erosion and sediment control, stormwater management, and air impacts. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations and local water and sewer requirements.

Heritage Forest Phase II – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD), which intends to provide mortgage insurance under HUD Section 221d(4) to AGM Financial Services, Inc., to finance construction of the Proposed Heritage Forest Phase II in the City of Newport News. The HUD program provides mortgage insurance for multifamily rental housing for moderate-income families. The project site is 10.493 acres of a larger 26.12 acre parcel which was the former address of the Newport News General Hospital at 5100 Marshall Avenue. The property consists of undeveloped wooded land, and cleared and partially graded land under development as Phase I of the Heritage Forest development. The proposed Phase II includes the construction of a five-building, 120-unit multi-family apartment complex. Based on DEQ’s coordinated review of the FCD 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 enforceable policies of the VCP provided all applicable permits and approvals are obtained with respect to anticipated wetlands impacts, erosion and sediment control, stormwater management, and impacts to Chesapeake Bay Preservation Areas. In addition, the project proponent must ensure the project complies with applicable solid and hazardous waste management regulations and local water and sewer requirements.

III. Federal Activities (Permits, Licenses and Approval)

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

Dominion Cove Point Liquefied Natural Gas Re-Export Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Dominion Cove Point LNG, LP (DCP) for a minor modification to its offshore pier, and re-export foreign-sourced liquefied natural gas after temporary storage at the Cove Point LNG Terminal in Calvert County, Maryland. All work would be completed on the DCP pier in the Maryland waters of the mainstem of the Chesapeake Bay, 1.1 miles offshore of the main terminal property. The only activities occurring within Virginia would be the transit of ships to and from the Cove Point LNG Terminal pier. The ship transit route follows the main shipping channel through the mainstem of the Chesapeake Bay. This is the same shipping route used by ships traveling to the Ports of Hampton Roads and Baltimore. The project would not result in changes to the current number of ships authorized for transit to the Cove Point LNG Terminal, as approved by FERC and the U.S. Coast Guard (USCG). In addition, the Commonwealth previously concurred with two ship transit activities related to this facility in responses to coastal zone consistency determinations submitted for the Cove Point Expansion and Cove Point Pier Reinforcement projects. The current proposal requires authorization by the Federal Energy Regulatory Commission (FERC) pursuant to Section 3 of the Natural Gas Act. Based on DEQ’s coordinated 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 with the enforceable policies of the VCP provided all applicable permits and approvals are obtained. In addition, FERC must ensure the project complies with Section 106 of the National Historic Preservation Act.

Improvements at the Tappahannock-Essex County Airport – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Tappahannock-Essex County Airport Authority for the construction of an aircraft hangar, helicopter parking pad, and helicopter fueling pad at the airport in Essex County. Public notice of the proposed action was published on the DEQ web site from October 14 through November 30, 2011 and in the *Rappahannock Times* on October 26, 2011. At the end of the 48-day public comment period DEQ had received 30 written comments representing 36 individuals and 5 telephone responses, with 35 individuals opposed and one individual supporting the proposal. In general, the primary concern

expressed in the comments is with excessive noise from aircraft departures, landings, circling, crop dusting and touch-and-goes. Other concerns address wildlife impacts (e.g. bald eagles, deer management activities), the underutilization of the facility, its primary use for recreation versus commerce, and the use of taxpayer dollars to subsidize the facility. The majority of the concerns are of a socio-economic nature that is outside the scope and authority of the Commonwealth's federal consistency review process under the *Coastal Zone Management Act* and *Federal Consistency Regulations*. Accordingly, none of these concerns affect any of the nine enforceable policies of the federally-approved Virginia Coastal Zone Management Program (VCP). Therefore, based on DEQ's coordinated review of the FCC, responses from the state agencies and public comments, DEQ concurs that the proposal is consistent with the VCP provided the Airport Authority obtains all applicable permits and approvals with respect to erosion and sediment control, stormwater management, air emissions and impacts to Chesapeake Bay Resource Management Areas. In addition, the Airport Authority must ensure the project complies with applicable solid and hazardous waste management regulations. An electronic copy of the DEQ response was posted to the DEQ web site for public access and an electronic copy was emailed as a courtesy to Mr. Bernie Buchanan a concerned Essex County citizen.

North Taxiway Stabilization Project – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the New Kent County Airport Advisory Commission for the stabilization of approximately 500 feet of an existing grass taxiway on the north side of runway 10-28 with the installation of a permeable plastic grid system (Terrafirm E50). The existing grass will be scraped from the taxiway surface, the grid will be installed, the grid cells will be filled with a mixture of sand and topsoil to a depth of approximately 1-3/4 inches, and then seeded. The project will result in an improved grass taxiway in an area that occasionally becomes unusable under wet conditions. The project will stabilize the taxiway but will not create any new impervious surfaces or alter current drainage patterns. Based on DEQ's review of the FCC, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and approvals are obtained with respect to erosion and sediment control, stormwater management, air impacts and impacts to Chesapeake Bay Preservation Areas. In addition, the Commission must ensure the project complies with applicable solid and hazardous waste management regulations and the Federal Aviation Administration must coordinate with the Department of Historic Resources under Section 106 of the National Historic Preservation Act.

Tangier Airport: AWOS-III Installation – DEQ completed the review of the federal consistency certification (FCC) submitted by the Town of Tangier to install an Automated Weather Observing System III (AWOS-III) at the Tangier Island Airport. As defined by the Federal Aviation Administration, AWOS is a suite of weather sensors that measure, collect, and disseminate weather data. The FCC failed to clearly identify wetlands near the project site, or to state commitments relative to permit application and compliance for same. Based on the information submitted and the comments of reviewing agencies, DEQ conditionally concurs that the proposed project is consistent with the Virginia Coastal Zone Management Program. The conditions are that the Town: (i) obtain an Army Corps of Engineers jurisdictional confirmation of the wetland delineation undertaken by the consultant so as to conclusively determine whether the project will affect wetlands; and, if the project is found by the wetland delineation confirmation to be likely to affect surface waters or wetlands, either temporarily or permanently, (ii) prepare and submit a Joint Permit Application to the Virginia Marine Resources Commission; and (iii) comply with all conditions in (a) the Virginia Water Protection Permit for the proposed activity, (b) applicable requirements of the Virginia Erosion and Sediment Control Law (c) applicable requirements of the Stormwater Management Law, and (d) any applicable requirements of the Coastal Lands Management enforceable policy pursuant to the Chesapeake Bay Preservation Act. In accordance with the Federal Consistency Regulations, this conditional concurrence is based on the Town obtaining necessary authorizations prior to any ground disturbance. If the above requirements are not met, this conditional concurrence becomes an objection.

Airport Security Lighting – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Suffolk for the installation of security lighting at the Suffolk Executive Airport

in the City of Suffolk. Project activities include the installation of three light poles, one foot in diameter, on which will be installed flood lights for the purpose of airport security. Approximately 100 linear feet of underground cable will be installed to connect the light poles to the existing electrical grid. The three poles will be located between the terminal building and the apron to detect and identify persons and aircraft on the apron. 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 with the VCP provided Suffolk obtains all applicable permits and authorizations with respect to erosion and sediment control, stormwater management, air emissions and construction within 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*, as amended, and the *Virginia Endangered Species Act* (§§ 29.1-563-570) with respect to potential impacts to the Mabee's Salamander.

Installation of AWOS-III at New Kent County Airport. – The New Kent County Airport Advisory Commission proposes to install an Automated Weather Observing System III (AWOS-III) at the New Kent County Airport, in Quinton (part of the County). As defined by the Federal Aviation Administration, AWOS is a suite of weather sensors which measure, collect, and disseminate weather data to help meteorologists, pilots, and flight dispatchers prepare and monitor forecasts, plan flight routes, and provide necessary information for correct take-offs and landings. As part of this project, the existing DigiWx weather station at the airport will be dismantled, and the new AWOS-III installed at the same location. The location of the installation is defined as 37-30-39 N/077-07-33 W. The sensors would be placed upon a metal frame tower, fastened to a concrete pad approximately 20 feet x 20 feet. The pad would be situated south of the middle area of the airport runway, which runs from east to west. DEQ concurred with the federal consistency certification that the project would be consistent with the VCP. In the comments, agencies provided guidance on erosion control, and the location of the project near a Chesapeake Bay Resource Management Area; no permits are required.

IV. Federal Funds

DEQ completed the review of 34 projects from October 1, 2011 to March 31, 2012 that were submitted under 15 CFR, Part 930, Subpart F for federal financial assistance to local governments. The projects break out as follows:

- 2 land acquisitions for natural resource protection/wildlife management (DGIF)
- 16 home rehabilitations/weatherizations
 - 3 multifamily apartment redevelopments
 - 3 demolitions of blighted property
 - 2 Habitat home construction
 - 2 community park improvements
 - 1 ADA accessibility improvement
 - 1 community center rehabilitation
 - 1 road improvement
 - 1 wastewater collection system improvement
 - 1 community dam repair
 - 1 VIMS EPA grant application

Level Ponds, Saxis Wildlife Management Area Expansion – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Virginia Department of Game and Inland Fisheries (DGIF) for the purchase of 460 acres of wetland and upland habitat on Doe Creek and the Chesapeake Bay, known as Level Ponds, near DGIF's Saxis Wildlife Management Area (WMA) in Accomack County. The purchase will protect the 460-acre Level Ponds property containing 337 acres of nationally-declining wetland types. Once acquired, this parcel will be added to the 5,574-acre Saxis WMA, and will be managed as a tract of the WMA. The purchase will add significant habitat to this important migratory bird staging area and prevent the

encroachment of potentially damaging residential development. This project is part of the larger landscape-level Southern Tip Ecological Partnership which is working to protect and restore wetlands and wetland-associated uplands on Virginia's Eastern Shore. DGIF has requested federal assistance from the U.S. Fish and Wildlife Service through the National Coastal Wetlands Conservation Grant. Based on DEQ's review of the FCC, DEQ concurs that the proposed acquisition is consistent with the enforceable policies of the Virginia Coastal Zone Management Program since the federal funding would be used by DGIF only for property acquisition and no construction is proposed.

Pleasure House Point Land Acquisition – DEQ completed the review of federal consistency documentation submitted by the Virginia Department of Game and Inland Fisheries (DGIF) for federal financial assistance it is seeking from the U.S. Fish and Wildlife Service (USFWS) National Coastal Wetlands Conservation Grant program. The grant funding will be passed on to the City of Virginia Beach to assist with the purchase of 82 acres of wetland and upland habitat on Pleasure House Point as part of the Lynnhaven Estuary Protection project in the City of Virginia Beach. The property has over one and one quarter miles of tidally influenced shoreline where the Lynnhaven River feeds into the lower Chesapeake Bay. The property is ranked as a “Hot Spot” (an ecologically significant property that is the most threatened with conversion to development) according to the Virginia Conservation Lands Needs Assessment Vulnerability Model. The preservation of the ecological function of the property will help maintain the water quality of the Lynnhaven River system and protect critical nursery habitats and ecological productivity in the Lynnhaven estuary, particularly for oyster and the complex habitats they support for numerous fish species. DEQ, on behalf of the Commonwealth, concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program since no construction is proposed, and the land acquisition will result in the preservation of wetlands and maritime forest, and opportunities for passive recreation, nature observation, and non-motorized water access.

New Atlantic Community Health Center – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Eastern Shore Rural Health System, Inc. (ESRHS) for the construction of the Atlantic Community Health Center (ACHC) in Accomack County. The proposed project site for the new health center consists of approximately 13.75 acres located adjacent to northbound U.S. 13, approximately 0.25 miles north of Coardtwn Road. The proposed health center will be a 19,862-square foot facility with brick siding and an asphalt shingle roof. The building will consist of eight wings, dedicated to medical exam rooms, a dental wing, reception area and required accessory uses. An on-site sewage disposal and well system will also be located on the site. An additional 5,000-square foot office building to be located in the southwest corner of the property may be added in the future. Based on DEQ's coordinated review of the FCC and the responses from state agencies that administer the enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided the ESRHS obtains all applicable permits and approvals with respect to erosion and sediment control, stormwater management, air emissions and impacts to Chesapeake Bay Resource Management Areas. In addition, ESRHS must ensure the project complies with applicable solid and hazardous waste management regulations, onsite sewage treatment regulations, groundwater withdrawal regulations and any necessary authorizations for groundwater withdrawals.

V. Outer Continental Shelf Reviews

Revisions to Rule for SEMS for Oil, Gas and Sulphur Operations in the OCS – The Bureau of Ocean Energy Management and Regulatory Enforcement (BOEMRE) proposes to expand, revise, and add several new requirements to Safety and Environmental Management Systems (SEMS) programs for Outer Continental Shelf (OCS) operators. The proposed rule would amend BOEMRE regulations to require operators to develop and implement additional provisions in their SEMS programs for oil and gas and sulphur operations. BOEMRE proposes six additional requirements for offshore employees to help ensure safe operation of activities that are regulated under BOEMRE jurisdiction on the OCS. They include: (1) procedures to authorize any and all employees on the facility to implement a Stop Work Authority (SWA) program when witnessing an activity that is regulated under BOEMRE jurisdiction that creates a threat of danger to an individual, property, and or the environment; (2) clearly defined requirements establishing who has the ultimate authority on the facility for

operational safety and decision making at any given time; (3) a plan of action that shows how operator employees are involved in the implementation of the American Petroleum Institute's Recommended Practice for Development of a Safety Environmental Management Program for Offshore Operations and Facilities (API RP 75), (4) guidelines for reporting unsafe work conditions related to an operators SEMS program, that provide all employees the right to report a possible safety or environmental violation(s) and to request a BOEMRE inspection of the facility if they believe there is a serious threat of danger or their employer is not following BOEMRE regulations; (5) revisions that require operators with SEMS programs to engage independent third party auditors to conduct all audits of operators' SEMS programs and that the independent third party auditors must meet the criteria listed in Section 250.1926 of the proposed rule; and (6) additional requirements for conducting a job safety analysis (JSA). DEQ coordinated the Commonwealth's review of the proposed revisions and submitted the State's response on November 10, 2011. In general, agencies indicated that the proposed revisions would have no impact to the programs under their authority and did not express any concerns. In addition, the Hampton Roads Planning District Commission expressed support for the proposal.

Commercial Renewable Energy Transmission on OCS Offshore Mid-Atlantic States – DEQ coordinated the submission of state agency comments to the Department of the Interior (DOI), Bureau of Ocean Energy Management (BOEM) in response to an unsolicited application for an electrical transmission right-of-way (ROW) grant supporting renewable energy. On March 31, 2011, BOEM received an application from Atlantic Grid Holdings LLC (AGH) for a ROW grant on the OCS offshore New York, New Jersey, Delaware, Maryland, and Virginia. AGH's proposed project, Atlantic Wind Connection (AWC), would entail the construction and installation of a two-circuit, high-voltage direct current (HVDC) transmission lines that would collect power generated by wind power generation facilities on the OCS and deliver it to the grid operated by PJM Interconnection LLC (PJM) and possibly also the New York Independent System Operator, LLC (NYISO). When the wind power generation facilities are not functioning at full capacity, the AWC facilities would facilitate the transmission of conventionally generated electricity between points on the onshore grid. The AWC project is proposed as a single integrated system constructed in five phases over ten years. There are two construction phases that would occur in the Virginia OCS: Phase D-offshore facilities from Maryland to Virginia (about 175 statute miles) with a capacity of up to 1,000 MW; and Phase E-offshore facilities from Delaware to Virginia (about 165 statute miles) with a capacity of up to 1,000 MW. Circuits would connect to the onshore transmission grid at up to seven locations where AWC terrestrial converter stations would convert the HVDC current to HVAC and connect to the grid. In Virginia, interconnections are planned at two of the following three potential interconnection points: one in Virginia Beach; and two at Fentress. In general, the agencies that responded to DEQ's request for comments on the proposal indicated that there would be no significant adverse impacts to the resources under their authority that cannot be avoided or mitigated as a result of the proposed construction of transmission lines and converter stations. The Hampton Roads Planning District Commission expressed support for the development of offshore wind energy facilities as an important part of the nation's energy infrastructure.

Commercial Leasing for Wind Power Development on OCS – DEQ coordinated the submission of environmental information among state agencies in response to the Department of the Interior (DOI), Bureau of Ocean Energy Management's (BOEM) Call for Information and Nominations (Call) from interested and affected parties for the construction of a wind energy project(s) on the Outer Continental Shelf (OCS) offshore Virginia (*Federal Register*, Volume 77, Number 23, Friday, February 3, 2011). The Call Area is approximately 23.5 nautical miles from the Virginia Beach coastline. BOEM will use the response to the Call to gauge specific interest in the acquisition of commercial wind lease(s) in some or all of the area and to determine whether competitive interest exists in any particular area. In addition, BOEM is seeking comments from interested and affected parties regarding site conditions, resources, and multiple uses of the identified area that would be relevant to BOEM's review of the nominations submitted and any subsequent decision concerning whether to offer all or part of the area for commercial wind leasing. Specifically, BOEM is seeking information on geological and geophysical conditions (including bottom and shallow hazards); known archaeological and/or cultural resource sites on the seabed; historic properties potentially affected by the construction of

meteorological towers, the installation of meteorological buoys, or commercial wind development; multiple uses of the area, including navigation (in particular, commercial and recreational vessel use), recreation, and fisheries (commercial and recreational); and other relevant socioeconomic, biological, and environmental information.

C. PROGRAM CHANGES

The current contract in place with ELI is to identify and restate a clear list of the Virginia CZM Program's enforceable policies for federal consistency. Based on consultation with NOAA staff, endangered species issues were reprioritized over restatement of enforceable policies. A meeting was held in November 2011 to review ELI's report on endangered species and discuss this issue among the affected state agencies. Based on this discussion, and further discussions within the CZM Program, it was decided that the best course of action at this time was to proceed with updating the portions of Virginia's fish and wildlife enforceable policies that do not involve threatened or endangered species (TES), so that this updated set of policies could be advanced independently. ELI's efforts would also be redirected to document the issue by evaluating the outcomes of TES recommendations produced through the current environmental review process. ELI has submitted a proposed re-prioritization and description of how these could be carried forward. Virginia CZM staff are currently evaluating ELI's proposal. The grant agreement for FY 11 Task 91 has been extended until 9/30/2012 in order to accommodate this re-prioritization.

D. SECTION 312 EVALUATION PROGRESS

1. Coastal Policy Team

PROGRAM SUGGESTION: The Coastal Policy Team should establish a strategic planning effort for the team and the VCZMP. The strategic plan could also set annual objectives and some measurable goals or performance measurement criteria to help gauge success.

RESPONSE: It seems we already have multiple strategic planning processes in place: 1) Every three years the Coastal Policy Team goes through a process (sometimes associated with our biennial Partners Workshop) to identify a new "focal area" for the small amount of funds (~\$350-500,000 per year) that we have available after our required continuing grants are covered; 2) Every five years the Coastal Policy Team engages in the Section 309 Coastal Needs Assessment & Strategy Development process – a strategic plan for prioritizing and developing new policies; 3) At almost every CPT meeting (2-3 times per year) the group discusses the next priority for incorporating new state laws or regulations into the Virginia CZM Program.

Given the limited resources we have, both in staff time and available dollars, it's not clear that sufficient benefit would derive from adding on yet another strategic planning process. We would like to discuss the need for this further with NOAA in the event that there is some aspect of strategic planning that we are neglecting but do or could have the resources to address.

2. Grants Management

PROGRAM SUGGESTION: Prior to development of the application for 2007 grant award funds, the VCZMP should consider ways to diversify match used for the CZMA cooperative agreement and to ensure mechanisms are in place to spend federal funds within the 18-month time frame of the award.

RESPONSE: While it is understandable that NOAA would like to see the CZM funds that DEQ retains for its own staff be matched task by task, it is not realistic to expect in this economic climate that the Commonwealth can afford to allocate new funds to the Virginia CZM Program. Like most states, Virginia has been through

several rounds of state budget cuts and more are expected. State revenues have continued to decline. Fortunately, the WQIF funds that are used to match DEQ tasks have been maintained and the Commonwealth is actually spending millions more dollars on sewage treatment plant upgrades than are captured as match for our CZM awards. Also in light of Congress' failure to fund the Coastal Nonpoint Program, these sewage treatment plant upgrades funded with matching dollars are one of the few water quality projects the Virginia CZM Program has.

3. Water Quality

PROGRAM SUGGESTION: With the 'devolution' of local road planning, operations, and maintenance from the Virginia DOT to the local level, the VCZMP should consider using nonpoint program funding to support targeted assistance for the "Roads, Highways, and Bridges" nonpoint program management measures. The VCZMP and the nonpoint program manager should work to establish priorities for the nonpoint program and identify and develop for implementation some projects for whenever and whatever funding becomes available.

RESPONSE: Congress continues to fail to appropriate funding for the Coastal Non-Point program. In the event that funding for special initiatives for the water quality and non-point source program becomes available, the Virginia CZM Program will work to identify opportunities for targeted assistance to local governments for the "Roads, Highways, and Bridges" nonpoint program management measures." To date, Virginia CZM continues to use Section 309 and 306 funds to support the Coastal Networked Education for Municipal Officials (NEMO) program in Virginia. Through this support, Virginia CZM works with the Coastal Non-point Manager to prioritize non-point program activities and identify additional opportunities to expand and enhance the efforts of Coastal NEMO.

4. Coastal Hazards

PROGRAM SUGGESTION: The VCZMP and its Commonwealth, regional, and local community partners should consider development of a coastal community resiliency initiative through existing partnerships and programs (e.g., SAMPS, directed technical assistance) as a further means to address coastal hazards. Existing research data and results and recent development of infrastructure (i.e., data layers and geospatial information) such as Coastal GEMS could be translated and disseminated through training programs and workshops for local government decision-makers as part of this effort.

RESPONSE: Virginia has used the concept of focal areas since 1999 in order to concentrate financial and policy efforts on a particular resource or geographic region for a three-year period. The Sustainable Community Planning Focal Area, was chosen after extensive input from partner agencies and through discussions of the Coastal Policy Team. As a result, Virginia CZM resources, including staff time and grants, were directed at state agencies and coastal planning district commissions to help coastal localities plan for adaptation to climate change and to protect blue and green infrastructure. In addition, the Hampton Roads PDC received an FY 11 competitive PDC grant to continue its work on climate change adaptation in the region. The Virginia CZM program has also supported numerous shoreline management planning initiatives, including the use of living shorelines as a means of preserving wetlands in the face of rising sea levels. Coastal GEMS is an important means of communicating information on resiliency-related topics, and a number of local government training sessions have been conducted by Virginia CZM staff (see Suggestion 6). Each of these initiatives, but especially climate change adaptation, addresses the NOAA suggestion for a community resiliency initiative.

5. Federal Consistency

PROGRAM SUGGESTION: The Coastal Policy Team should consider using federal consistency as a tool for identifying opportunities to review state policies or influencing new state policy based upon new situations presented in federal consistency determinations.

RESPONSE: In response to this suggestion, the Coastal Policy Team asked Virginia CZM staff to evaluate options for protecting endangered species through federal consistency. The Virginia CZM Program contracted with the Environmental Law Institute (ELI) to prepare routine program change submissions and then to address concerns raised about the expansion of authority regarding endangered species. The Virginia CZM Program is currently evaluating how to best move forward with this issue and has a contract in place with ELI to assist with this effort.

6. Public Participation and Outreach

PROGRAM SUGGESTION: The Virginia Coastal Zone Management Program should evaluate the numerous educational and outreach markets it serves and consider a stronger focus on the local and coastal decision-makers. The planning district commissions, Sea Grant, the Chesapeake Bay-Virginia NERR Coastal Training Program, and the federal staff of the Chesapeake NEMO program could provide coordination and assistance.

RESPONSE: In early 2008, Virginia CZM released an improved version of Coastal GEMS (version 2). Since that time, numerous data layers have been developed and added to GEMS to make the system even more-user-friendly to planners and to make the connections between land and water resources more visible. For example, several data layers were synthesized to create a single, comprehensive Land Priority Conservation Areas (PCA) dataset that allowed PDCs and local planners to use a single layer for comprehensive planning versus the multiple layers previously available. In FY 2010 the recently completed Estuarine Priority Conservation Areas layer was incorporated into an updated PCA dataset to create a synthesis map now called the Coastal Virginia Ecological Value Assessment (Coastal VEVA) – giving localities and state agencies a single layer depicting all known blue and green infrastructure within Virginia’s coastal zone. This FY 2010 grant is also focusing on training for elected officials and local planning staff on the value and use of this new data layer. The NEMO Coordinator as well as staff from DCR, DGIF VCU and VIMS are all involved in this effort. To ensure that local/coastal decision makers are aware of the Coastal GEMS tool and its capabilities VA CZM staff continues to offer Coastal GEMS training. Most recently, training was provided to local planners during a Richmond Regional PDC meeting (FY10) and Hampton Roads PDC meeting (FY11). An FY10 grant to VCU’s Center for Environmental Studies is currently underway to create a version 3 of the Coastal GEMS application that will take advantage of new web based mapping software to provide an enhanced user experience.

Virginia CZM’s “focal area” during the fiscal years 2008 -2010 was “Sustainable Communities: Protecting Blue-Green Infrastructure and Adapting to Climate Change.” Representatives from each of Virginia’s eight coastal planning district commissions helped refine this “focal area” during the 2007 Coastal Partners Workshop where the need for more education for local planners and decision-makers was identified as a high priority. Community planning occurs at the local government level and grants to the coastal PDCs continue to be the most effective and efficient means for the Virginia CZM Program to provide education and training to local planners and officials. The PDCs are coordinating with Virginia NEMO and support for NEMO is helping to provide direct technical assistance to those localities requesting it. The focal area projects has resulted in better-informed local planning staff and decision-makers and better protection and management of important coastal resources through adoption of local plans and ordinances.

Since Virginia’s coastal planning district commissions are in an excellent position to provide local planners and officials regularly scheduled training on coastal resource management issues through their quarterly meetings, Virginia CZM continues to ask each coastal PDC to provide four training opportunities each year as a deliverable of their technical assistance funding. These trainings, on topics related to Virginia CZM goals and initiatives, have been ongoing for the last few years and are generally well attended across the eight coastal PDCs.

Virginia CZM staff continues to take advantage of several opportunities to improve coordination with our NOAA “sister” programs, CBNERRS and Sea Grant. Virginia CZM staff participate in Virginia Sea Grant

strategic planning sessions and evaluations and Virginia CZM and CBNERRS staff occasionally hold “collaboration meetings.” The Director of Virginia Sea Grant and Manager of CBNERRS are members of the Coastal Policy Team and Virginia CZM staff serve on the CBNERRS Coastal Training Steering Committee. These are all important venues for identifying common goals, priorities and programs.

Virginia CZM staff has been engaged in ongoing coordination with state CZM partners on communication, marketing and education efforts and has initiated a Virginia Native Plant Marketing Partnership. It is hoped that the focus of this partnership on collaboration and coordination will show unity, lead to more consistent messaging to the general public and greater efficiencies in the use of limited resources, and provide a forum for the partners to work together to address common coastal water quality and habitat goals.