

April 30, 2013

**Virginia Coastal Zone Management Program
Semiannual Section B Report on Core Agency Implementation Activities
For the Period from October 1, 2012 – March 31, 2013**

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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

The Virginia Water Protection Permit (VWPP) Program is required for surface water withdrawals and activities in wetlands and surface waters. Such activities may or may not require a Clean Water Act section 401 water quality certification because the Commonwealth of Virginia has independent authority over activities in nontidal wetlands and surface waters. The following table summarizes VWP permit actions for this reporting period.

Compared to the last reporting period, general permit authorizations issued under the VWP General Permit Regulations decreased and the average processing time remained the same⁽¹⁾. The number of individual permits issued during the current reporting period remained constant, and the average processing time⁽¹⁾ increased slightly. Any processing time delays were mainly due to untimely applicant response, suspension of the permit process due to inadequate project information or change in project scope or impacts, threatened and endangered species concerns and/or coordination, coordination under the State Program General Permit process, and inadequate mitigation proposals.

The number of VWP general permit authorizations modified, called a Notice of Planned Change, increased slightly from the last reporting period, but the amount of time to process these decreased. The number of individual permits modified during the current reporting period increased. The average time to process these requests continued to be in line with program guidelines for issuance actions.

No reissuances of existing individual permits occurred during the current reporting period. One individual permit reissuance is pending. The average processing days in the column called “Permits Reissue Pending / Avg Proc. Days” cannot be determined until a VWP permit reissuance application (pending) is processed as a final case decision. General permit authorizations are not reissued under VWP Permit Program regulations.

No applications for a permit or permit authorization were denied during the current reporting period.

The VWPP Program conducts inspections on a variety of sites and for a variety of reasons. Inspection data is available upon request.

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. There is no known reason for increases in numbers of permits from the last reporting period. There were a few permits that took longer than usual to issue or reissue because of the complexities of those permits which accounts for longer average processing days. There are also numerous facilities registered under general permits in CZM areas including 21 car wash facilities, 69 concrete products facilities, 4 cooling water discharges,

176 single family homes, 24 nonmetallic mineral mining facilities, 18 petroleum and hydrostatic testing discharges, 3 potable water treatment plants, 50 seafood processors, and 401 industrial storm water discharges. The industrial storm water permits continue to increase as we reissue these over time as staff resources allow. These represent typical numbers for general permit registrants in CZM areas in Virginia.

DEQ – VPA Water Permitting Program

The Virginia Pollution Abatement permit (VPA) is required for facilities that manage wastewater, animal waste, biosolids or industrial sludges in such a manner that they do not have a discharge from the site. For example, an agricultural facility that temporarily stores wastewater to be land applied as part of an irrigation/fertilization program. During the period between October 1, 2012 and March 31, 2013, two permit applications for new VPA Individual permits were received and the permits issued; each authorizing the land application of biosolids in the Coastal Zone Management area. Two VPA permits not related to biosolids were reissued during the reporting period; the permit application for one of the reissuances was also received during that time. There were no permit modifications requested or completed during the reporting period.

During the period between October 1, 2012 and March 31, 2013, 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, 2012 – March 31, 2013										
	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	2	317	29	301	3	60	0	N/A	13**
VPA	2	99	2	400	0	0	0	N/A	0	0
VWP IPs	16	159	0	0	11	94	0	N/A	1	N/A
VWP GPs	90	27	N/A	N/A	32	27	0	N/A	0	N/A

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

* Information from CEDS database

** This represents existing VPDES individual permits expired but pending through March 31, 2013.

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 Oct. 1, 2012 – March 31, 2013, DEQ issued 273 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 Oct.1, 2012 – March 31, 2013, DEQ issued 20 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 twelve Consent Orders that assessed a total of **\$278,471.** in civil charges.

Table 1

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Warning Letters	273	N/A
Informal	Letters of Agreement	3	N/A
Formal	Notices of Violation	20	N/A
Formal	Consent Order	12	\$278,471.00
Total			\$278,471.00

d) DEQ – Air Permitting Program

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

Period: October 1, 2012 – March 31, 2013

PERMIT TYPE	NUMBER OF PERMITS ISSUED	AVERAGE PROCESSING TIME (Days)
PSD & NA	0	NA
Major	1	92
Minor	39	33
Administrative Amendment	6	11
Exemptions	30	74
State Operating	4	74
Federal Operating (Title V)	2	1044
Acid Rain (Title IV)	0	NA
Total Number Permits Issued	<u>82</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, Portions of the Piedmont Regional Office and the 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 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= Permit written pursuant to 9 VAC 5-80-800 et al.

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 = Administrative changes made to the permit to clarify or correct an issued permit. For example, typographical errors, name changes, etc.

Exemption = Facilities are exempted from permitting requirements by exemption levels defined in 9 VAC 5-80-1105.

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 any criteria pollutant above 100 tons per year.

Acid Rain (Title IV) = Permits issued specifically to address SO₂ and NO_x from electric generating units covered under the Acid Rain regulations.

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

Permits pending as of March 31, 2013

PERMIT TYPE	NUMBER OF PERMITS PENDING
PSD & NA	0
Major	0
Minor	28
Administrative Amendment	1
Exemptions	9
State Operating	4
Federal Operating (Title V)	4
Acid Rain (Title IV)	0
Total Permits Pending	<u>46</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, 2012 – March 31, 2013

PERMIT TYPE	NUMBER OF PERMITS WITHDRAWN	NUMBER OF APPLICATIONS DENIED
PSD	0	0
Major	0	0
Minor	8	0
Administrative Amendment	0	0
Exemptions	1	0
State Operating	0	0
Federal Operating (Title V)	1	0
Acid Rain (Title IV)	0	0
Total Permits Rescinded	<u>10</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 Oct. 1, 2012 – March 31, 2013, DEQ issued 17 Requests for Corrective Action, one Informal Correction Letter, and 16 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 Oct.1, 2012 – March 31, 2013, DEQ initiated five new formal enforcement actions via issuance of Notices of Violation. Additionally, the Agency issued four Consent Orders; these orders assessed a total of \$133,882. in civil charges.

Table 2

	Action Type	Count	Total Civil Charges Assessed
Informal	Requests for Corrective Action	17	N/A
Informal	Informal Correction Letter	1	N/A
Informal	Warning Letters	22	N/A
Formal	Notices of Violation	5	N/A
Formal	Consent Orders	4	\$133,882.00
Total		43	\$133,882.00

2) VIRGINIA MARINE RESOURCES COMMISSION (VMRC)

a) VMRC – Habitat Management Division

During the period October 1, 2012 through March 31, 2013, the Habitat Management Division received 849 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 812 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 2012. 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 39 projects. During the reporting period the Commission considered 23 protested projects or projects requiring a staff briefing, The Commission also approved 16 projects over \$500,000.00 in value.

During the reporting period local wetland boards throughout Tidewater Virginia acted on 225 projects involving tidal wetlands. Of this total, 175 were approved as proposed, 32 were approved as modified, 2 were denied and 28 required compensation either on or off site (14), or through payment of an in lieu fee (14) accounting for 9,756 square feet of tidal wetland impacts.

b) VMRC – Fisheries Management Division

The Virginia Marine Resources Commission (VMRC) did not meet in October 2012 because of Hurricane Sandy.

At its November 2012 meeting, VMRC established the 2013 recreational tautog management measures to include a closed season from May 1 through September 19, a 16-inch minimum size limit and three fish possession limit. VMRC also set the 2013 tautog commercial closed season from January 22 through February 28 and May 1 through October 31. VMRC requested December public hearings to establish permit eligibility and transfer requirements for the 2013 horseshoe crab fishery, the 2013 commercial and recreational striped bass harvest quotas, and the 2013 recreational black sea bass season. By emergency action, VMRC closed the 2012 recreational black sea bass season on November 19.

At its December 2012 meeting, VMRC established the 2013 state-wide horseshoe crab landing quota as 172,828 horseshoe crabs, established a male horseshoe crab landing quota of 81,331 horseshoe crabs for waters east of the COLREGS line, permitted only trawl or dredge gears to harvest horseshoe crabs east of the COLREGS line, amended eligibility requirements for the horseshoe crab hand harvester permit, established permit and license transferability due to defined hardships, and prohibited the use of agents in the horseshoe crab hand harvester fishery. VMRC established the 2013 recreational and Chesapeake Area commercial striped bass harvest quotas as 1,230,110 pounds each, opened the striped bass commercial season on January 16, and amended the provisions governing tag distribution and quota transfers. VMRC established the closing date of November 19 for the 2012 recreational black sea bass season as part of final regulation, a conditional adoption of a January and February 2013 open black sea bass recreational season, and an adoption of the 2013 commercial quotas as 316,000 pounds and 40,000 pounds, respectively, for the directed and by-catch commercial black sea bass fisheries.

At its January 2013 meeting, VMRC modified the recreational black sea bass possession limit from 25 fish to 15 fish through the end of February 2013 by emergency action. VMRC also requested February public hearings to establish the 2013 recreational summer flounder management measures and a limited entry system for the American shad by-catch allowance fishery.

At its February 2013 meeting, VMRC established the recreational black sea bass possession limit as 15 fish through the end of February 2013 as part of final regulation. VMRC established the 2013 recreational summer flounder management measures including a 16-inch minimum size limit and four fish possession limit with no closed season, and also modified the commercial summer flounder vessel landing limit from 10,000 pounds to 12,500 pounds, for the first directed fishery season. VMRC established the maximum number of annual American shad sustainable bycatch permits at 30 permits by creating limited entry eligibility requirements. VMRC requested a March public hearing to establish regulations pertaining to Atlantic menhaden.

At its March 2013 meeting, VMRC established Atlantic menhaden regulations to enact a quota of 318,067,167 pounds for 2013 and 2014, which included allocations by sector: the purse seine reduction sector quota was established as 286,396,768 pounds; the purse seine bait sector quota as 26,648,870 pounds; and the non-purse seine bait sector quota as 5,021,529 pounds. VMRC requested April public hearings to establish mesh size and twine size specifications for gill nets harvesting horseshoe crabs, to amend the recreational black sea bass possession limit, to amend the commercial black sea bass 2013 directed fishery quota, and to modify the limited entry system and trip limit for the commercial spiny dogfish fishery.

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: 10/01/2008
 END PERIOD: 09/30/2013

Category	2008/2009		2009/2010		2010/2011		2011/2012		2012/2013	
	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests
Buyers	1	1	2	3	1	1	7	7	1	1
Casting Garbage/Trash	0	0	1	1	1	1	1	1	0	0
Clams	1	1	3	5	1	1	6	6	0	0
Commercial Fishing License	6	9	3	6	2	5	8	9	0	1
Conchs	7	7	1	1	0	0	4	4	2	2
Crabs	93	111	65	77	48	59	78	95	2	2
Federal Violation	0	18	1	4	0	0	0	0	0	0
FIP Violations	0	0	0	0	92	100	142	156	9	9
Fish	160	205	114	140	126	148	497	589	56	67
Freshwater Fishing without a license	10	10	13	13	11	13	9	11	3	4
Habitat/Wetlands	0	0	0	0	0	0	0	0	0	0
License Tags	1	2	1	2	2	4	4	10	0	1
Mandatory Reporting	0	0	0	0	0	2	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
Non-residents	0	0	0	0	0	0	0	0	0	0
NSSP	0	0	9	9	0	3	0	0	0	0
Other Agencies	279	322	242	278	275	321	312	348	37	43
Oysters	31	39	56	71	60	74	140	184	69	82
Piers	0	0	0	0	0	0	0	0	0	0
Police Powers	43	53	50	62	95	118	83	91	14	15
Removal of Obstructions	1	1	0	4	1	1	3	3	0	0
Resisting officer	0	0	0	0	0	0	0	0	0	0
Shellfish	1	2	4	4	2	3	14	15	3	3
SW Recreational Licenses	175	196	132	151	167	212	208	247	24	42
TOTALS:	809	977	697	831	884	1066	1516	1776	220	272
PERCENT OF CONVICTIONS:	82.80%		83.87%		82.93%		85.36%		80.88%	

Print Date: Tuesday April 2, 2013

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

From October 1, 2012 through March 31, 2013, the VDH shellfish program had 705 acres of shellfish grounds closed to harvesting. There were 1435 acres of shellfish grounds reopened.

Activities of the Virginia Department of Health are summarized below. These include statics on applications for sanitary facilities at marinas and shellfish harvesting grounds.

The Department received and reviewed a total of (16) VMRC Permit Applications, and processed as follows:

One (1) permit applications needed action in the Marina Program.

Fifteen (15) applications were approved based on meeting the requirements of providing adequate facilities.

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

4) Department of Conservation and Recreation (DCR)

a) DCR - Division of Soil and Water Conservation

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, 2011.

Regulatory Programs

Stormwater Management Program

No report at this time due to agency re-organization

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 276,462 acres during the reporting period. The plan acreage developed by coastal watershed is summarized in the following table:

CZM Basins	Cropland	All Other Hayland	Pasture	Specialty Crop	Turf and Landscape	Total
Albemarle Sound	17,912	18	0	59	60	18,049
Atlantic Ocean	12,557	0	0	39	0	12,596
Chesapeake Bay Coastal	52,942	138	77	78	262	53,497
Chowan	8,654	64	14	37	0	8,769
James	31,076	731	0	0	306	32,113
Potomac	27,007	1,721	810	1,306	1,088	31,932
Rappahannock	57,513	1,208	199	350	8	59,278
York	56,341	2,475	1,155	109	149	60,229
Total	264,002	6,355	2,255	1,978	1,872	276,462

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 Scientist/Analyst with the Virginia Commonwealth University Center for Environmental Studies in the Department of Life Sciences continued to serve as the Program Manager of the Virginia Healthy Waters Program and the Virginia Coastal Nonpoint Source Pollution Control Program (CNP), Virginia Network of Education of Municipal Officials Program (VNEMO) at the Virginia Department of Conservation and Recreation. The VCU Environmental Analyst/ Program Manager focuses these efforts to expand the implementation of the programs and directs workshops and educational opportunities to local decision makers. Through the VNEMO Program the Program Manager also directs research and education on innovative stormwater management technologies at the Science Museum of Virginia.

The Environmental Scientist supported the continued growth of the Healthy Waters Program by coordinating directly with the VA Department of Environmental Quality, the USEPA, NOAA, Nature Conservancy and other partners in the refinement of the definition and application of the program. During the reporting period, the Program was formally moved from the Virginia DCR Division of Stormwater to the VDCR Division of Natural Heritage as the program is currently focused on the development of data, identification of valuable natural areas and protection of those resources. The program functions in form as a land conservation effort. The Program Manager participated in the Chesapeake Bay Program Goal Implementation Team 4 Healthy Watersheds as the Virginia representative and Program Manager. During the reporting period, the Program Manager coordinated with the US EPA Healthy Watershed manager to obtain services to assist in the development of a strategic plan, however due to the re-organization the effort was tabled until further notice. Effort reallocation was requested by the Manager for the USEPA contractor to assist with the acquisition of biotic data to inform the development of a statewide modified Index of Biotic Integrity.

The Program Manager continued the management of the +\$2M, NFWF funded, project at the Virginia Science Museum. The Manager shares the Project Management role with the Director of Science at the Museum to facilitate full coverage of all aspects of project implementation. During the reporting period, the Program Manager directed the research aspects of the project, refining the treatment structures, modifying for enhanced performance and coordinating with outside interests for expanded monitoring research. The project was awarded a Virginia Green Award in October, 2012. The Program Manager provided presentations, lead tours and conducted field workshops illustrating the LID installed practices to various industry, nonprofit and public sector participants.

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

Fort A.P. Hill Vegetation Mapping – 10/5/12

Fort A.P. Hill (Caroline County) contains some of the largest tracts of undeveloped land in Virginia's Coastal Plain and in Northern Virginia as a whole, making it an important part of Virginia's Natural Heritage. Since 1992, DCR Natural Heritage biologists have worked with Department of Defense natural resource managers at Fort A.P. Hill to inventory rare plants, animals, and significant natural communities on the military base. Over the past several years Natural Heritage Ecologists have worked to classify and map the vegetation on the base. The final vegetation map and associated report were submitted to Fort A.P. Hill this week. Unlike previous inventory work there, in which individual occurrences of plants, animals, and ecological communities were mapped and recorded at isolated locations, the vegetation map is a seamless spatial data layer covering the entire base (30,267 ha or 74,790 acres). To the extent possible, vegetation is mapped to the association level, the finest level of United States National Vegetation Classification (USNVC), the Federal standard for all vegetation mapping products. The vegetation map and associated information in the final report will be used to support a wide variety of natural resource assessments, military training and forestry management, and conservation activities at Fort A.P. Hill, and to target future natural heritage inventories.

Museum Search Yields State Record Damselfly – 2/22/13

Two DCR Natural Heritage Zoology staff spent three days at the Carnegie Museum of Natural History (CMNH) in Pittsburgh, PA, and one day at West Virginia University in Morgantown, WV, canvassing the Lepidoptera (butterflies, skippers, and moths) and Odonata (dragonflies and damselflies) collections at these institutions for specimens of rare, threatened, or endangered species collected in Virginia. At CMNH, 14 species of rare Lepidoptera (32 total records) were found and 9 species of rare Lepidoptera (22 records) were found at WVU. No Odonata records of species we currently track as rare were found at either museum; however a new state record damselfly, Tule Bluet (*Enallagma carunculatum*), was identified in the material at CMNH. Numerous other records of watch-listed or non-tracked species were also captured at both institutions. The information obtained during the collection visits will be incorporated into a web Atlas of Virginia's Rare, Threatened, and Endangered Lepidoptera and Odonata to be launched in May 2013. This work was completed with funds provided by the Virginia Department of Game and Inland Fisheries through a State Wildlife Grant from the U.S. Fish and Wildlife Service.

VDACS Survey for Federal/State listed plant *Harperella* – 2/01/13

The DCR-DNH Field Botanist submitted to VDACS a report on the 2012 survey for the federal and state listed plant *Ptilimnium nodosum* (= *Harperella vivipara*, harperella, G2/ S1/LE/LE); this survey was funded by the U.S. Fish and Wildlife Service and VDACS and administered by VDACS. This is a rare herb in the Apiaceae (carrot family) listed as Endangered at both the federal and state level. At its broadest taxonomic recognition as *Ptilimnium nodosum*, it is known from eight states including Alabama, Arkansas, Georgia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia. Some split it into as many as three species, and if three species, the Virginia taxon would be *Harperella vivipara*, known only from West Virginia, Maryland, Virginia, and North Carolina. It is found in riverine habitats such as gravel bars and bedrock crevices. *Ptilimnium nodosum* was first found in Virginia from a site in Stafford County in 2002 and subsequent surveys for it in other Virginia locations have not been successful. The 2012 surveys were conducted on portions of Potts Creek in Craig County, Craig Creek in Botetourt County, St. Marys River in Augusta County, the Rappahannock River upstream from Kellys Ford, and the James River in Richmond. As water levels were too low for canoe surveys due to low rainfall totals in the region, habitat within the stream beds was surveyed by foot in mid-August and mid-September. Although stretches of appropriate habitat were found in all the streams, no new

populations of *Ptilimnium nodosum* were located during the surveys. No other rare plant species were encountered either.



Harperella (Ptilimnium nodosum)

Cornell University Insect Collection – 3/29/13

Two DCR Natural Heritage zoologists spent three days at the Cornell University Insect Collection in Ithaca, NY canvassing the Lepidoptera (butterflies, skippers, and moths) and Odonata (dragonflies and damselflies) collections for specimens of rare, threatened, or endangered species collected in Virginia. Thirteen species (19 records) were found from Virginia. The information gleaned will be incorporated into a web Atlas of Virginia's Rare, Threatened, and Endangered Lepidoptera and Odonata to be launched in May 2013. This work was completed with funds by the Virginia Department of Game and Inland Fisheries through a State Wildlife Grant from the U.S. Fish and Wildlife Service.

A final report entitled 'Assessment of the Aquatic Macroinvertebrate Fauna of Bailey Creek, Fort Lee Military Reservation, Prince George County, Virginia' – 3/29/13

This report was submitted to Fort Lee. The report details the findings of a rapid biological assessment of Bailey Creek and two tributaries to Bullhill Run. Fort Lee is home to the third largest training center in the US Army, and its population and development have grown extensively in the last few years due to base realignment. While no rare, endangered, or threatened species were found, over 56 families including 79 genera of aquatic macroinvertebrate were collected. Overall, the bank stability and riparian corridors of the streams are in good condition; however the substrates are impacted by high sediment loads, which results in unstable habitats and embedded larger particulates. These substrate conditions make it difficult for macroinvertebrate diversity to develop. DCR recommended the continued use of best management practices and the protection of forested riparian cover.

Prescribed Burning

Prescribed Fire Refresher – 10/19/12

DCR staff along with the U.S. Fish & Wildlife Service and The Nature Conservancy held an annual fire refresher on Tuesday October 16. This annual refresher is a required standard procedure for all qualifying prescribed fire / wildfire personnel. The refresher included discussion of safety, review of the 2012 fire season, fire shelter safety and deployment, driving skills, and pump and fire engine operation.

Prescribed Burn Completed – 2/21/13

On February 21, 2013, DCR Natural Heritage staff assisted with a 126 acre prescribed fire at Piney Grove Preserve. Piney Grove Preserve is pine savannah habitat containing the last breeding population of red-cockaded woodpeckers in Virginia. The property is owned and managed by The Nature Conservancy (TNC). DCR and TNC have a long-standing partnership that is invaluable for the execution of prescribed fire throughout the state.

Prescribed Fire Burn of 180 acres of longleaf – 3/11/13

On March 11th, staff from DCR-Natural Heritage participated in an inter-agency prescribed fire led by The Nature Conservancy (TNC). The prescribed fire occurred on the Owen farm, a 180-acre longleaf restoration project under a conservation easement held by TNC. Staff from DCR, The Nature Conservancy, and the VA Dept of Game and Inland Fisheries was on hand to conduct the prescribed burn. Other agencies involved in this restoration project are the VA Dept of Forestry, the U.S. Fish and Wildlife Service, and the USDA Natural Resources Conservation Service.

Prescribed Fire at Piney Grove Natural Area Preserve – 3/15/13

DCR employees traveled to Wakefield, VA to assist The Nature Conservancy (TNC) on a 100 acre prescribed fire. The fire objectives were to reduce woody competition and fuels in a pine stand at Piney Grove Preserve. The cooperative efforts between TNC and DCR are critical to the prescribed fire programs success.

Prescribed Burn Update – Eastern Virginia – 3/18/13-3/22/13,

DCR Natural Heritage staff conducted two controlled burns at Antioch Pines Natural Area Preserve. A 50-acre unit was burned on Wednesday, 3/20 to control vegetation competing with two-year-old (grass stage) longleaf pine seedlings. A 73-acre unit was burned on Friday, 3/22 in order to reduce fuel loadings, reduce understory hardwood tree density, and increase herbaceous plant cover and diversity. Several partner agencies assisted with these burns including Americorps volunteers provided by the U.S. Fish and Wildlife Service, and staff from The Nature Conservancy and the Department of Game and Inland Fisheries. These burns were conducted under an exemption to the 4pm burn law granted by the Department of Forestry.



Prescribed burning at Antioch Pines Natural Area Preserve on March 22, 2013

Natural Area Preserve Stewardship

New Parking Lot at Crows Nest Opened – 11/12/2012

In other Crow's Nest news, the Brooke Road parking lot was opened to the public on November 16, 2012. Currently, visitors will be able to walk a short trail and enjoy views of the freshwater tidal marsh along Accokeek Creek. In the future, visitors will be able to use a pier and canoe/kayak launch to access a proposed water trail that extends around the Crow's Nest Peninsula.

Longleaf Pine Cones from South Quay Natural Area Preserve – 11/26/12

The Department of Conservation and Recreation and the Department of Forestry recently completed this season's collection of longleaf pine cones from the soon to be dedicated South Quay Natural Area Preserve in the City of Suffolk. Cone yields this year were below average but total cones collected were average with a total of 115 bushels collected. This year's collection was greatly facilitated by the use of a Tiger Cat AD610C bucket lift. The articulated arm of the Tiger Cat allowed the collection of every cone from each tree visited a feat not possible with the straight arms of other equipment used for collecting. This year's collection should produce over 115,000 seedlings for DCR and DOF's joint effort to restore Native Virginia Longleaf to its former range in the Commonwealth. As in previous years the help of the Americorps Phoenix team and their host the U.S. Fish and Wildlife Service out of the Great Dismal Swamp National Wildlife Refuge was vital in completing this project.



Tiger Cat AD610C bucket lift at South Quay NAP

Trails work at Crow's Nest Natural Area Preserve – 2/11/13

On February 11, 2013, DCR staff completed a new section of the Crow' Nest Point Trail. Since September 2012, DCR staff with the assistance of volunteers have completed approximately 1.8 miles of new trail. New sections of trail have been completed on the Accokeek Creek, Boykin's Island and Crow's Nest Point trails. To date, volunteers have contributed approximately 160 hours to the project. Additional work is planned for the coming month.



New section of Crow's Nest Point Trail within the Crow's Nest Natural Area Preserve.

Invasive Species

Native Plants for Conservation and Landscaping – 11/14/12

Stewardship Biologist Kevin Heffernan presented a talk, “Native Plants for Conservation and Landscaping” to eighty Virginia Master Gardeners. The talk was part of a day-long continuing education workshop with the theme “Ecological Pest Management.” Heffernan promoted the use of native plants as a way to 1) reduce the need for pest management, 2) enhance habitat for native species of birds and butterflies, and 3) avoid the introduction of invasive species. Participants were given the DCR Native Plants for Conservation brochures and shown the DCR online Native Plants Finder, which allows users to create custom lists of native plants for their particular setting and needs. The audience was also urged to check out the forthcoming book, *The Flora of Virginia*.

Workshop on Invasive Plant Species – 3/12/13

DCR Stewardship Biologist Kevin Heffernan led a three-hour workshop on invasive plant species early detection and reporting methods for the Pocahontas Master Naturalist Chapter. The workshop was held at the Swift Creek Dining hall with 30 Master Naturalists in attendance. The workshop included an overview of invasive plant impacts by focusing on Phragmites biology, distribution, and impacts. With that worst case scenario in mind, five early detection species were presented and discussed: wavyleaf basketgrass, beach vitex, giant hogweed, cogon grass, and giant salvinia. Participants were then introduced to online reporting tools they can use to map and report discoveries of invasive plant species. Early Detection and Distribution Mapping System (EDDMapS) was presented for those with basic computer skills. iMapInvasives was presented to those with more intermediate computer and GIS skills. Both systems allow users to input location, photographs, and other data, and are accessible via smartphone applications.

Presentation of Early Detection of Invasive Plant Species – 3/18/13

DCR Stewardship Biologist Kevin Heffernan was part of a panel presentation on citizen science at Virginia Tech. The presentation included an overview of recent research supported by volunteer citizen scientists and opportunities for involvement of volunteers in several ongoing projects. Alycia Crall, the new director of the Virginia Master Naturalists Program, presented her research that showed the positive impacts of citizen science on research and education. Kevin Heffernan presented five early detection invasive plant species and online reporting tools available to volunteers. James Beckley, DEQ, presented the Virginia Citizen Water Quality Monitoring Program. John Copeland, DGIF, presented the WildlifeMapping program. Twenty-six Master Naturalists representing four chapters attended the panel presentation.

Information Management

Ecosystem Services Day-Long Workshop – 11/27/12

On November 27th, DCR-Natural Heritage staff participated in a day-long workshop focused on identifying metrics that can be used to reflect Ecosystem Services provided by biodiversity. Partners from the NC Wildlife Resources Commission, NC Natural Heritage, the NC Botanical Garden, National Audubon, EPA, New Mexico State University (NMSU), USGS-Gap Analysis Program and NatureServe were also in attendance. EPA, NMSU and USGS-Gap have recently finished an assessment of biodiversity as an ecosystem service in the southwestern US, using 20 variables reflecting guilds of terrestrial vertebrates. This meeting served as a kick-off for a similar effort in the southeastern U.S. (VA, NC, SC, TN, KY, GA, FL, AL, MS). In addition to a multi-state Southeastern assessment of biodiversity, more detailed and local studies will be conducted, including one in the Albemarle-Pamlico Drainage. The ultimate goal will be a national assessment of ecosystem services, providing interactive mapped products on the EPA's EnviroAtlas of sustainable ecosystem services, to allow the public to explore and download an array of Ecosystem Services datasets.

Species Distribution Modeling Webinar to USFWS-Region 5 – 12/17/12

DCR Natural Heritage staff assisted the New York Natural Heritage Program in a webinar presentation about species distribution modeling to Region 5 staff of the US Fish and Wildlife Service. DCR staff discussed use of Random Forest in R statistical software to develop species distribution models for rare species occurring in Virginia and how these models were used to build screening layers for project review. The distribution models and resulting screening layers are greatly improving the review process for citizens and the USFWS by reducing unnecessary surveys while targeting the best lands with predicted suitable habitat. Expansion of modeling to include all of Region 5 was discussed and future meetings are being planned to build support for such an endeavor.

Species Distribution Modeling Webinar to USFWS-Region 5 – 2/27/13

DCR Natural Heritage staff assisted the New York Natural Heritage Program in a webinar presentation about species distribution modeling to Region 5 staff of the US Fish and Wildlife Service. DCR staff discussed how the Random Forests package in R statistical software was used to develop species distribution models for rare species in Virginia, how these models were used to build screening layers for project review, and how these screening layers greatly improve the review process. The benefits of these screening layers included more consistent reviews between agencies, better-informed reviews and survey requests, and repeatable methods that allow easy updates. Expansion of modeling to include all of Region 5 was discussed.

Outreach and Education

Rappahannock River Valley NWR – Go Wild! – 10-14-12

The Locality Liaison participated in the second annual Rappahannock River Valley NWR 'Go Wild' festival sponsored by the Rappahannock Wildlife Refuge Friends. Approximately 200 children and parents hiked along the nature trail and had lunch while visiting the 17 exhibitors to learn about conservation efforts in their area. The DCR Natural Heritage exhibit had maps of conservation sites in both Essex and Richmond counties and pictures of natural heritage resources that can be found there. Many children made 'dragonflies' from material supplied, while their parents learned about the rare, threatened and endangered species DCR-DNH inventories and protects through its Natural Area Preserve system.



Rappahannock River Valley NWR "Go Wild" festival

DCR hosted the 39th Annual Natural Areas Conference in Norfolk - 10/ 9/12 – 10/12/12. Some 280 individuals representing 37 states, Canada and one individual from Russia. Excellent sessions were held to inform students of career opportunities and tips for getting into the field; Plenary speakers included President Thomas Jefferson who gave a great Virginia welcome along with Secretary Domenech and Director Johnson. Six concurrent sessions were held Wednesday and Friday covering a range of land conservation and natural area management topics, and ten field trips on Thursday took participants to the best natural areas southeast VA has to offer for discussion of key management and conservation issues.

Crow's Nest Fall Field Day – 11/12/12

DCR Natural Heritage staff, with assistance from Stafford County staff, welcomed visitors to the Fall Field Day at Crow's Nest Natural Area Preserve. Interest in Crow's Nest remains high with 76 participants signing up for the day. Participants had the choice of three different hikes to join. Hikers on the Accokeek Loop hike were able to use a newly completed (approximately 3,700 feet long) segment of the trail. Many participants had questions about the availability of future access to Crow's Nest while others expressed an interest in assisting with volunteer activities. A reporter with the Free-Lance Star attended the field day and is planning to write a story about activities that are ongoing at the preserve.



Guests get ready to start the Crow's Nest Hike

Chesapeake *RiverWise* Communities Contractor Workshop – 2/01/13

Eastern Shore Region Steward, Dot Field, gave a presentation about native plants at the Chesapeake *RiverWise* Communities Contractor Workshop. The workshop, sponsored by The Alliance for the Chesapeake Bay, provided landscape professionals with information to incorporate "bay friendly" techniques into landscaping designs and projects. The concept of "BayScaping" with native plants is an essential component of strategies to

improve water quality and wildlife habitat in the Chesapeake Bay watershed. The presentation outlined the benefits of utilizing native plants, addressed general misconceptions about native plants from a landscapers perspective and provided a brief overview of recommended plants for specific soil and hydrologic conditions.

FLORA OF VIRGINIA premier events held – 2/22/13

Three events were held celebrating the publication of the *Flora of Virginia*, a 1,600-page manual about the 3,164 plant species native to or naturalized in Virginia. After more than a decade of focused work, the flora was published last week by the Botanical Research Institute of Texas Press in Fort Worth. The flora, conceived as a tool for botanical and ecological research, education and conservation, was produced by the Flora of Virginia Project with important partnership support from the Virginia Department of Conservation and Recreation's (DCR) Division of Natural Heritage. The manual was written by J. Christopher Ludwig, chief biologist with Natural Heritage, John F. Townsend, staff botanist with Natural Heritage, and Alan S. Weakley, curator of the herbarium and an adjunct professor of biology at the University of North Carolina at Chapel Hill. Two events were held on Sunday, December 9: one at the Wintergreen Nature Foundation headquarters at Wintergreen, and one at Lewis Ginter Botanical Garden in Richmond. The third event was held at Meadowlark Botanical Gardens in Vienna, Virginia. Tom Smith, director of DCR Natural Heritage was at all 3 events, while DCR director David Johnson and State Parks director Joe Elton attended the Richmond event. About 400 others were in attendance.



Flora of Virginia production staff at the premier event held at Meadowlark Botanical Gardens in Vienna, Virginia. From left: Barney Lipscomb (publisher), Bland Crowder (editor), Alan Weakley (author), Lara Gastinger (illustrator), Johnny Townsend (author), J. Christopher Ludwig (author).

Eastern Shore of Virginia Migratory Bird Habitat Management Meeting – 1/16/13 - 1/17/13

Representatives from the Department of Conservation and Recreation, Game and Inland Fisheries, Dept of Environmental Quality, The Nature Conservancy, U.S. Fish and Wildlife Service, Center for Conservation Biology at William and Mary / VA Commonwealth University, and University of Delaware met on January 16 - 17 to discuss current practices and future research and restoration needs to restore migratory bird habitat on the Eastern Shore. The meeting included field visits to DCR's Kiptopeke State Park and Magothy Bay Natural Area Preserve to view exemplary existing habitat and restoration efforts currently underway. Results will impact planned restoration at Kiptopeke and Pickett's Harbor Natural Area Preserve.



Field visit to Kiptopeke State Park

Detection of Invasive Plants Presentation – 2/6/13

On February 6, DCR Natural Heritage Stewardship Biologist Kevin Heffernan presented a talk on early detection of invasive plants at the Mid-Atlantic Horticultural Short Course, which was held in Newport News. The talk included an overview of the negative impacts of invasive plants, how invasive plants become established, species to watch out for, and online tools for reporting suspected discoveries of new invasive plants. With seven other concurrent presentations occurring, approximately thirty people attended this talk. Produced by The Virginia Horticultural Foundation, the MAHSC is a nationally recognized annual training event for individuals working in horticulture-related fields. The MAHSC allows participants to qualify for many industry continuing education credits and certifications.

Course on Native Plants for Eastern Shore Master Gardeners 2013 – 2/15/13

DCR Natural Heritage Eastern Shore Region Steward, Dot Field taught a section on native plants for the Eastern Shore Master Gardeners 2013 training session. The trainees were taught the ecological benefits of using native plants in landscape designs. Improved water quality and attractiveness to local pollinators and songbirds were among the benefits that were stressed. An overview of the best native plant species for home gardens was also presented.

Master Naturalist Presentation - 3/1/2013

DCR field zoologist Chris Hobson presented a program on amphibian conservation, management, and biology to the Riverine Chapter of the Master Naturalist Program on Thursday, February 21st in Ashland, Virginia. The program was attended by 28 Master Naturalist candidates and their sponsors. Topics included amphibian identification techniques, and conservation issues along with information on the Natural Heritage Program and other agencies and organizations working with amphibians, and management of natural resources in the Commonwealth. The program was well received, and a number of questions on how the participants could help the agencies manage and document the species and communities that were covered in the presentation.

Piedmont Native Plant Landscape Symposium – 02-27-13

Eastern Shore Region Steward, Dot Field, was a featured speaker at the Piedmont Native Plant Landscape Symposium hosted by Albemarle County on February 27th. Her presentation, titled “Native Plants – Marketing Virginia’s Natural Beauty”, showcased marketing techniques employed by the “Plant ES (Eastern Shore) Natives Campaign to encourage homeowners to incorporate native plants in their landscaping. Marketing strategies to assist garden centers and landscape design providers to sell native plants were also addressed. The “Plant ES Natives Campaign” is an on-going partnership effort initiated by the Virginia Coastal Zone Management Program in 2008. DCR staff has had an active role in the project since its inception. The Albemarle County partnership is planning to incorporate similar marketing strategies to target Albemarle

County homeowners and businesses. The Piedmont Native Plant Landscape Symposium was a joint effort by the Thomas Jefferson Soil and Water Conservation District, the Piedmont Environmental Council and the County of Albemarle. Approximately 130 persons attended the event.

Plant Taxonomy Training – 3/5/13

The DCR-Natural Heritage Southeast Region Steward presented a training course to the current class of the Historic Southside Chapter of the Virginia Master Naturalists. The training course was an introduction to Plant Taxonomy and focused on learning the parts of plants and key terms used in plant identification

Presentation on Bird Watching – 3/11/13

Natural Areas Protection Specialist, Irvine Wilson, and Field Zoologist, Chris Hobson, gave a presentation on bird watching and attracting birds to your yard to the residents of Covenant Woods retirement community in Mechanicsville, VA. Approximately 80 people were in attendance, including former DCR Assistant Director, Leon App, who happened to be there as a guest.

Crow's Nest Presentation in Prince William – 3/18/13

DCR Natural Heritage staff gave a presentation on the Crow's Nest Natural Area Preserve to the Prince William Wildflower Society, a chapter of the Virginia Native Plant Society. The history of the Crow's Nest Peninsula leading to the creation of the preserve and the infrastructure improvements (i.e., parking lots and hiking trails) that have been so far completed were discussed. The primary focus of the presentation, however, were the ecological community groups found within the preserve and the different plants species found in each. Approximately 30 people attended the presentation.



Crow's Nest Natural Area Preserve

Land Conservation

Closing on International Paper Tract at South Quay – 11/26/12

A final task in the closing of the 2,855-acre International Paper tract at South Quay is the City of Suffolk approval of the survey plat for the property. The plat was submitted to the city on November 26 and approval is expected this week. With that approval, closing on the South Quay tract will be scheduled for mid-December.

This acquisition will protect the best remaining representative of longleaf pine sandhill vegetation in Virginia. Mature longleaf pine trees here are the source of cones and seeds, which support the re-establishment of native Virginia longleaf pine forests in southeast Virginia.

DCR Acquires 2,855 acres to expand the South Quay Sandhills Natural Area Preserve – 1/04/13

On December 28, DCR closed on the fee purchase of 2,855 acres from the International Paper Company. This land conservation project had long been a protection priority of the Department. The property was acquired to protect Virginia's largest-remaining remnant of longleaf pine sandhill vegetation, extensive bottomland hardwoods along the Blackwater River and Streamhead Pocosin communities, in addition to a number of rare plant and animal species. Funding was provided by a grant from the US Forest Service Forest Legacy program

and the 2002 voter approved general obligation bond for natural area protection. Longleaf pine seedlings grown from seeds collected at South Quay are being used to establish native longleaf pine stands on public and private conservation lands in southeast Virginia. The Virginia Natural Area Preserve System now contains 61 Natural Area Preserves, 54,803 acres supporting 415 different Rare Species & Significant Natural Communities.

Natural Heritage Data Management Totals for FY2012:

Activity 10-1-12 – 3-31-13

New Mapped Locations (EOs) – 3
Updated Mapped Locations (EOs) - 53
New Conservation Sites – 3
Updated Conservation Sites – 22

Total Number in Database 3-31-13:

Animal Mapped Locations (EOs) – 566
Plant Mapped Locations (EOs) – 1193
Community Mapped Locations – 514
Conservation Sites – 536 (Reflects the removal of the Bald eagle conservation sites due to its de-listing)

c) DCR – Division of Planning and Recreation Resources

There is no report for this reporting period.

d) DCR- Division of Chesapeake Bay Local Assistance

There is no report for this reporting period.

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 late February 2013 on the James and Rappahannock rivers in the fall zones and on the tidal Chickahominy near Walkers Dam. Prolonged cold weather delayed the beginning of the migratory run this year. A few American shad and hickory shad were found on the James and alewife and hickory shad began showing up on the Rappahannock. It has been a slow start on the Chickahominy as well. Sampling will continue through early June.

2. Boshers Dam Fishway

In 2010, DGIF 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. Most of the 2012 video has been reviewed. The final estimate for 2012 is expected to be below the long-term average of about 200 American shad passed. There was a 3 week period in the middle of the run when the James was high and muddy. This greatly reduced the amount of video available to review, but the conditions were still favorable for passage so it is possible that more shad did move through the fishway during this above average flow period.

3. Stream Monitoring, Juvenile Alosines

Efforts were greatly reduced in 2012 because both Fish Passage technician positions were vacant in the summer and fall. As possible, juvenile alosine sampling using a bow-mounted push net was conducted from June into July of 2012 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 August 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 most of the American shad juveniles (to date) and examined under a black light microscope to determine origin. The remainder of 2012 samples will be processed and 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. The final report was delivered in November. The legislative study conducted in 2011 determined that the 1998 fishway could be renovated at great expense to function at approximately 75% of flows. The current owner, previously opposed to removal, has agreed to the removal option. The VDGIF has obtained sufficient funding from the USFWS and NOAA for removal. VDGIF had their consulting engineers proceed with final design and permits were applied for in January 2013. Removal is planned for the low flow season of 2013, but the permitting process could delay the project until 2014.

The Fish Passage Coordinator has been working with Newport News to begin using the new fishway just completed as part of the major renovation of Walkers Dam on the Chickahominy River. The adjacent new boat lock is still under construction and the final stages of dam replacement are still being completed so it has been difficult to establish operation protocols at this new fishway. By spring 2014, this new double channel Denil fishway should be fully functional.

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

During this reporting period, using boat electrofishing techniques primarily, VDGIF conducted survey work, on sections of a multitude of streams that drain into the geographic area covered by the CZMP. Extensive sampling of stream fish communities occurred in the James, Rappahannock, Shenandoah, and York drainages. Relative abundance indices were generally obtained for all species surveyed, for recreationally important species additional parameters were examined, including analyses of age structure and growth rates based on examination of otoliths. A report detailing results of this work, and work conducted throughout 2012, is being prepared under Sportfish Restoration Grant F-111-R.

6. Tidal River Catfish Monitoring and Population Trend Detection

In 2012, VDGIF Fisheries biologists sampled catfish in the Pamunkey River from Pamptapike, (King William/Hanover) downstream to Hill Marsh (King William County). VDGIF biologists also surveyed catfish in the tidal James River and its tributaries from Dutch Gap (Chesterfield County) downstream to Sandy Point (Charles City County). Over 99% of the catch was blue catfish.

These surveys occurred as part of an ongoing effort to monitor the catfish assemblage in Virginia tidal systems – tributaries of Chesapeake Bay – that began in the mid-1990's; a primary focus on the introduced blue catfish populations which occur in these systems. Blue catfish populations all Virginia tidal systems (Rappahannock, York, James), where blue catfish have been established for several decades, are experiencing declines in

individual growth associated with increasing density (fish per area). Ongoing shifts in population parameters for blue catfish make it impossible to determine what the eventual impacts of this introduced species will be on other resources and species of concern in these tidal systems.

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

7. Monitoring of Northern Snakehead Range Expansion

Work to document range expansion of northern snakehead continued, with electrofishing work in the Rappahannock River watershed. In 2012, the species was found to have expanded into fresh-oligohaline reaches of the system – Rappahannock River, three tidal tributaries, and Ruffins Pond (Spotsylvania County).

American Shad Restoration:

1. Potomac River Broodstock Collection

The Virginia Department of Game and Inland Fisheries (DGIF) American Shad Restoration project's primary objective is to capture adult American shad from the Potomac River, strip and fertilize eggs from the brood fish, and then deliver at least 9.5 million eggs to the USFWS Harrison Lake National Fish Hatchery. In 2012, DGIF staff worked with the Interstate Commission for the Potomac River Basin and contracted commercial fisherman on 18 trips to the Potomac River to collect American shad eggs. The fishing efforts yielded 18 egg shipments totaling 13.6 million eggs that were delivered to Harrison Lake NFH. Culture of these eggs by the Service yielded more than 6.5 million marked shad fry, of which 6.0 million were stocked into the upper Rappahannock River, exceeding the annual stocking goal for 2012. The balance of marked shad fry were stocked back into the Potomac River for mitigation of losses from broodstock collections. The annual stocking goal for the Rappahannock River is at least 4.0 million marked shad fry. Mortality of shad eggs in the hatchery is typically 55%, so the parties agreed that a target of 9.5 million eggs delivered to the hatchery would increase the likelihood that the annual stocking goal for the Rappahannock River could be met.

2. Pamunkey River Broodstock Collection

Region 1 and Region 4 DGIF Aquatic Resources staff, in cooperation with a private fisheries consulting firm, stocked American shad into the James River this past spring. With the help of watermen, adult shad were collected in the Pamunkey River, which still supports a relatively healthy spawning run. Collected fish were stripped of their eggs and milt resulting in fertilized eggs. The Fish and Wildlife Service incubated the eggs and the resulting shad fry stocked into the James River. During April 2012, the James River was stocked at Lynchburg and Scottsville with a total of 5.35 million fry. This brings the grand total stocked in the James since 1992 to 119.5 million.

Geographic Information Systems/Data Management:

VDGIF continued to maintain spatial datasets of wildlife locations and resources in the coastal zone. VDGIF continues to focus on improving the both the range and quality of our species occurrence data as well as information on VDGIF properties. New observations for species in the Coastal Zone were added, including some for threatened and endangered species. A couple new subscribers were added to the Wildlife Environmental Review Mapping System (WERMS), and quarterly updates were performed and notifications sent to users. Staff continued work on improving our T&E Waters & Anadromous Fish Use Areas dataset in the Coastal Zone to convert over to the new 1:24,000 NHD dataset.

Water Supply Projects and Planning:

During this reporting period, VDGIF Aquatic Resources and Environmental Services staffs continued to work cooperatively with DEQ, the applicant, and their agents on development of a modified permit for the Appomattox River Water Authority's (ARWA's) intake on Lake Chesdin.

DGIF continued to participate in review of the regional Water Supply Plans that were submitted to DEQ. DGIF is reviewing them for completeness as well as gathering data from these plans to better inform our understanding of the future of water supply around the Commonwealth. This will assist us in determining where we may have conflicts between human needs for safe, sustainable water and the needs to the aquatic systems and the wildlife they support. We are hoping this greater understanding will allow us to be proactive in our approaches to coordination with DEQ on upcoming permits.

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.

Watchable Wildlife:

The Virginia Department of Game and Inland Fisheries continues to sponsor and assist in the organization of the Virginia Beach Winter Wildlife Festival. The 3rd annual festival was held on January 25, 26 and 27th of 2013. This event highlights opportunities for wildlife viewing and ecotourism throughout Virginia Beach and the surrounding region. This year the event contracted with a nationally known author, artist and commentator Julie Zickefoose, raising the event's profile and increasing its relevance to a regional and national audience.

In addition to financial support of \$2,500 VDGIF staff sits on the planning committee and have primary responsibility for trip/excursion planning and volunteer guide recruitment and organization. This festival has shown strong growth, increasing registration every year since its inaugural effort in 2011 and despite the challenges of inclement weather with the 2013 festival, a flexible planning committee carried off a successful event with over 500 total participants. A key component of this event is a thorough post-event survey that helps the committee to continually evaluate and improve the festival. Results of the 2013 survey indicate an event that is serving the needs of its participants. Of those that registered for this year's festival 87.9% indicated they will register next year and 98.6% would recommend that event to a friend.

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 2013, 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 2013 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	48,100	-13%
Diving Ducks	89,749	+30%
Sea Ducks	3,230	-4%
Mergansers	1,135	-40%
Geese	154,358	+5%
Swans	9,029	+18%

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.

2013 was the fourth 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 four years of VDGIF participation in this pilot study, VDGIF staff have captured and banded 250 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. In the winter of 2012-13, an additional 5 sea ducks were captured 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. In addition, this information will be useful in evaluating potential wind energy developments along Virginia's coastlines. 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 2012 prior to the winter waterfowl hunting seasons. Birds were captured primarily by night-lighting from an airboat in numerous locations across coastal Virginia. In 2012, there were a total of 259 ducks banded, including 210 wood ducks, 27 mallards, 15 blue-winged teal, 5 green-winged teal and 3 black ducks.

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 2012 and January of 2013, the VDGIF conducted productivity surveys for Tundra Swans at three separate locations within the coastal zone. These surveys counted 135 Tundra Swans, 18% of the swans counted were immature swans.

6. 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 2012, the SAV survey was again conducted in late October, using the same methods that have 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 264 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 sampling location.

SAV was found in 87 of the 264 samples (33%). 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 20% of the samples. Other SAV species found (and percent occurrence) included wild celery (16%), southern naiad (13%), redhead grass (10%), sago pondweed (8%), *Nitella* spp. (6%), and coontail (1%). SAV abundance in 2012 was slightly below that found in the three previous years. The species of SAV found were similar to those reported in previous years, 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).

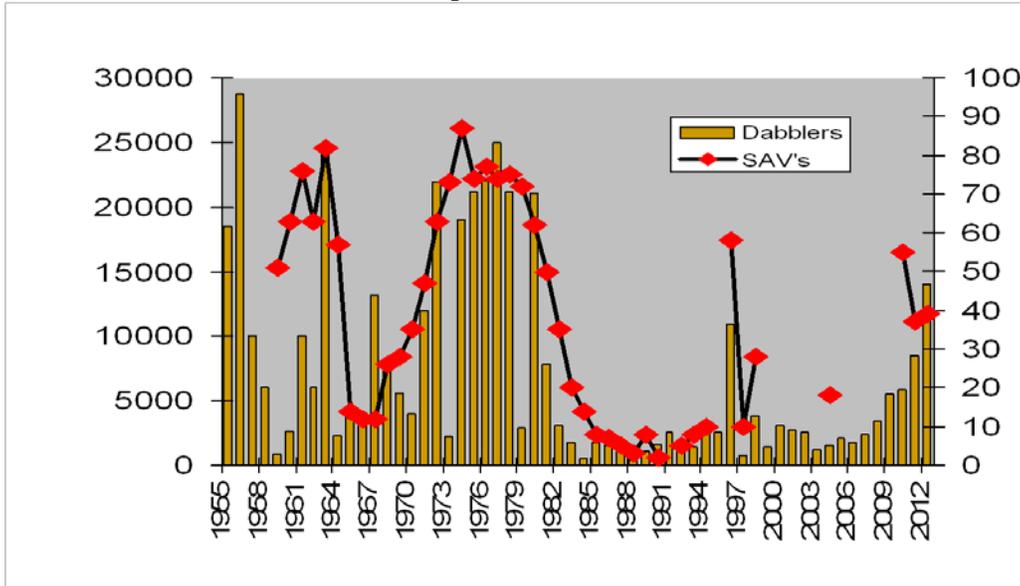


Figure 1. Dabbling duck numbers (in thousands, left axis) and the frequency of Submerged Aquatic Vegetation (SAV) (percent, right axis) from 1955–2012 in Back Bay, Virginia.

8. Back Bay Blind Survey/Evaluation

The VDGIF conducted an inventory of waterfowl hunting blinds in Back Bay Virginia in December of 2012 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 December 2012. 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 cineris*; 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. In June 2007, DGIF entered into a contractual agreement with a locally owned firm (hereafter referred to as contractor) to fulfill the following project objectives:

1. Provide assistance with the identification of at least two private property owners with suitable squirrel habitat who are willing to have DFS translocated onto their property and agree to engage in land management and restoration activities designed to benefit DFS and other at-risk wildlife species and habitats;
2. Serve as liaison to inform and advise potential and participating landowners regarding the benefits, responsibilities, and commitments entailed in participating in this DFS Safe Harbor Program; and to inform landowners adjacent to translocation tracts of Program activities and encourage them to enter into a cooperative land management plan;
3. Conduct baseline habitat and wildlife surveys on the privately owned release sites and adjacent lands;
4. Develop individualized land management plans for participating landowners willing to have squirrels translocated onto their property, and developing area-wide land management plans that would include adjacent lands;
5. Provide cooperating landowners with technical guidance on implementing management and restoration activities outlined in land management plans and Safe Harbor agreements.
6. Develop a long-term DFS management plan for the privately owned release sites.

Since the initiation of the contract (and prior to this reporting period) the following work has been completed:

1. Prepared a Project Prospectus that was distributed to locally elected officials in Accomack and Northampton counties. The document included an explanation of Project needs, goals and objectives, a detailed description of the methods that will be used to achieve the objectives and a timeline of when each objective will be accomplished.
2. Completed an intensive GIS-based landscape analysis of Accomack County. This effort identified privately owned land parcels in northern Accomack County that warranted additional ground surveys to measure suitability as potential DFS habitat.
3. Development of a draft safe harbor agreement application that has undergone preliminary review by the state's Attorney General.
4. Completed a habitat analysis using the Habitat Suitability Index (HIS) developed by Dueser (2000). The ground based analyses were conducted on private lands located in northern Accomack within five miles of two viable DFS populations in Maryland in hopes of establishing a third population in Virginia that could eventually mix with the nearby Maryland populations. The analyses revealed that approximately 630 acres are presently suitable for DFS occupation, but with proper land management, the area of suitable habitat could more than double in the next 10-20 years.
5. Completed a DFS safe harbor land management plan that includes general DFS forest management provisions designed to enhance and maintain suitable DFS habitat on private forest lands and allows limited timber harvesting to occur.

During this reporting period, DGIF staff reviewed the draft DFS Forestry Stewardship Plan (Plan) and provided comments which the contractor addressed by making the necessary modifications and subsequently preparing the final version of the document. The Plan outlines general forest management actions that will benefit DFS and other wildlife and it conforms to the land conservation and management requirements of the VESLT that will enable private individuals who own suitable DFS habitat, and wish to place a conservation easement on

their property, gain additional conservation points by having DFS released on their land. The Plan requires additional parameters to be assessed, such as forest health (e.g., susceptibility to fire, insect infestation and disease), and statements of action of how each would be addressed. The Plan also prompts for landowner educational and recreational objectives and contains easement language with specific references to relevant regulatory codes. The Plan uses an actual tract of privately owned property as an example of the steps that need to be taken to have the land assessed for DFS suitability and to convey the types of forest management practices that are beneficial to DFS.

The DFS Forestry Stewardship Plan, along with the new statute that enables the DGIF to designate a population of a state listed species as “experimental”, through appropriate regulatory channels, will pave the way for the deliberate introduction of the DFS into currently unoccupied areas for the purpose of enhancing the long-term survival of the species or population. Before any translocations can occur, a conservation plan must be prepared that specifies the circumstances under which taking of an individual member of an experimental population will be exempt from the prohibitions and penalties authorized under the State Endangered Species Act. It will also describe the geographic extent of the experimental population, which shall be distinct from naturally occurring populations continuing to be subject to the prohibitions and penalties authorized under the state Endangered Species Act.

Listed below are potential steps DGIF may plan to undertake to reintroduce DFS in Virginia through future translocations:

1. Prepare a DFS conservation plan as required by Virginia’s Experimental Population” statute.
2. Identify and engage key stakeholders (i.e., VA Dept. of Forestry, VESLT, Eastern Shore Soil and Water District, VA Dept. of Conservation and Recreation and owners of private lands with suitable DFS habitat by holding 3-5 stakeholder meetings to garner support for and encourage DFS translocations on private lands once the species becomes federally delisted.
3. Work with committed stakeholders to develop a sound approach for future DFS translocations on private lands. This effort will focus on gaining participation from landowners with suitable DFS habitat who already have or wish to place a conservation easement on their land.
4. Secure written commitments from at least two private landowners stating their willingness to allow DFS to be translocated on their land and to follow management recommendations outlined in the DFS Forestry Stewardship Plan that meet the needs of landowners while maintaining suitable DFS habitat in the long term.
5. Attempt translocations on state owned lands with suitable DFS habitat on Virginia’s Eastern Shore and deploy management recommendations outlined in the DFS Forestry Stewardship Plan.

Literature Cited

Pednault-Willet, K.D. 2002. Population size and habitat use of the Delmarva fox squirrel following infestation of the southern pine beetle at Chincoteague National Wildlife Refuge. Master’s thesis. University of Maryland Eastern Shore, Princess Anne, MD. 160 pp.

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 – 2,740 oystercatchers, which represent approximately 15% - 23% at the Atlantic coast population. Our 2012 winter survey yielded a record high of 2,601 individuals, which represents a 5% decrease from last year’s record total of 2,737.

DGIF, VCR and USFWS assisted with the 2013 rangewide American Oystercatcher winter survey by conducting ground counts on a portion of the species winter roosts sites in Virginia to validate concurrent aerial counts. We are still awaiting results from the rangewide survey effort.

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 that 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 783 American Oystercatchers (761 hatch year birds and 22 adults) were banded in Virginia by VCR, DGIF, USFWS and John Weske, a private researcher.

As of December 2011, we have accumulated over 4,200 re-sighting records of Virginia-banded birds and approximately 900 re-sights of oystercatchers banded out-of-state. Therefore, we decided to forego conducting post-breeding resighting surveys in 2012 and instead focused on initiating data analyses and determining what information besides survival rates, the dataset will yield. In the winter of 2012, we developed a research contract proposal with adjunct staff from West Virginia University to conduct an expanded analysis of oystercatcher population dynamics with our current re-sighting dataset. Program MARK will be used to run Barker Models to estimate age-specific survival rates, resight probabilities, and fidelity to VA. The major addition for the proposed analysis is to add multiple strata (or states) to the Barker models in order to estimate the rate of new recruitment to the VA population by first-time breeders and the probability of breeding-age adults not breeding in a given year.

Once these models are implemented, we will be able fully understand the relationships (emigration and immigration) of the Virginia population of American Oystercatchers to that of the greater east-coast population. By knowing the age-specific rates with which oystercatchers breed and the number of nests within Virginia, we can estimate the total size (breeders + non-breeders) of the oystercatcher population in VA. Finally, these advanced models will allow us to hone estimates of survival and improve the effectiveness of management strategies (e.g., predator control) on survival.

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. *Atlantic Slope Freshwater Mussel Propagation*

The VA Department of Game & Inland Fisheries continues its cooperative Atlantic Slope freshwater mussel propagation facility with the U.S. Fish & Wildlife Services' Harrison Lake National Fish Hatchery in Charles City, marking the 6th year of production and 7th year of operation at the VA Fisheries and Aquatic Wildlife

Center (VFAWC). Propagation for the 2013 season started in early February with the infestation of six batches of yellow lampmussel (*Lampsilis cariosa*), four batches of eastern pondmussel (*Ligumia nasuta*) and two batches of eastern lampmussel (*Lampsilis radiata radiata*), with over 30,000 juveniles collected thru March. Gravid mussels were collected in November 2012 or earlier in 2012 and held in one of the hatchery ponds to spawn. Collection of additional gravid females began in late February 2013 with collection of 75 females of seven species from the lower Nottoway River and Johns Creek thru March. Collections will continue thru the spring as additional rivers (Rappahannock, Pamunkey, Mattaponi, Appomattox, Tye) and species will be targeted. Target propagation goal for 2013 is approximately 460,000 juvenile mussels with grow out and release of approximately 30,000 mussels. Production target is less than in past years due to personnel shortages. Most of the species targeted for propagation in 2013 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 2013, approximately 30,000 subadult mussels propagated in 2012 are being held for release in 2013. Also, 9,000 mussels propagated in 2011 and 2012 were released to into the lower Nottoway River in November 2012. Numerous released individuals were recaptured in November 2012 and March 2013, with many reproducing while in the wild. Facility wise, VFAWC remains relatively unchanged from our expansion in 2012 with the exception of completion our new flow-thru system in late March. In 2012, a carport was purchased to allow for a single year of additional shad production as mitigation for a sewage spill in the James River in Lynchburg. Since the carport was no longer being used, four of our 3'-diameter tanks were moved under the carport along with four additional 3' tanks. Along with the remaining 3' tank in the shad building, we now have nine 3'-diameter tanks. Additionally, two 6'-diameter tanks were moved under the carport. Along with the remaining 6' tank under the pole shed, we now have three 6'-diameter tanks. This set up will allow for a significant increase in the production of species like alewife floater (*Anodonta implicata*) and tidewater mucket (*Leptodea ochracea*) since their host fish prefer the flow-thru system and species like herring need to be held in larger tanks. This set up also will provide the potential for production increases in species we typically propagate in recirculating systems as well due to increased tank space.

B. FEDERAL CONSISTENCY

During the first half of FY 2012 the Office of Environmental Impact Review/Federal Consistency (OEIR) reviewed 100 development projects and management plans for consistency with the Virginia Coastal Zone Management Program (VCP). This represents 85% of the total amount of projects (117) reviewed during this period. Major state projects accounted for 8 projects, 66 were federal actions, and 26 were federally funded projects (predominantly local government projects). The 66 federal projects included 31 federal agency activities, 27 federal licenses and approvals, and 7 U. S. Department of Housing and Urban Development (HUD) mortgage insurance projects and 1 USDA Rural Development (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.

On October 5, 2012, the OEIR staff met with the Norfolk District of the U.S. Army Corps of Engineers to continue discussions on ways to improve applicants' compliance with the federal consistency regulations implementing the Coastal Zone Management Act (CZMA). As a follow up to these discussions, on March 7, 2013, the Corps published a public notice announcing new procedures for applicants requiring individual permits from the Corps for compliance with the CZMA.

The notice can be found at:

<http://www.nao.usace.army.mil/Media/PublicNotices/tabid/3060/Article/11261/coastal-zone-management-act-and-the-norfolk-district-regulatory-program.aspx>. According to the notice, prior to final issuance of any Corps permit, the applicant must obtain federal consistency concurrence from DEQ for activities affecting the Coastal Zone. Proof of these approvals must be provided to the Corps before issuance of any Corps standard permit. For the past 26 years the Corps was unwilling to delay issuing its permits to accommodate federal consistency reviews as required by the CZMA.

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>. The OEIR webpage is updated weekly.

Table 1 depicts federal projects in Tidewater Virginia reviewed from 10-1-12 to 3-31-13.

TYPE OF FEDERAL PROJECTS REVIEWED*	NUMBER OF PROJECTS COMPLETED	REVIEW PERIOD
*Direct Federal Actions	39	30-60 Days
** Federal Activities (approvals & permits)	27	90 Days
***Federally Funded Projects	26	30 Days
Outer Continental Shelf	0	45-60 Days
TOTAL	92	30-90 DAYS

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

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

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

FEDERAL PROJECTS REVIEWED FOR CONSISTENCY WITH THE VCP from 10/1/2012 to 3/31/13

I. Federal Agency Projects

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

Davison Army Airfield Water Upgrades – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by Department of the Army at Fort Belvoir for the replacement of existing waterline in the vicinity of Davison Army Airfield at the Fort Belvoir Main Post in Fairfax County. Fort Belvoir’s water utility partner, American Water (AW), will replace 34,000 linear feet of existing waterline with polyvinyl chloride (PVC) and high-density polyethylene (HDPE) pipe. The new pipe will be installed parallel to the existing pipe (which will be abandoned in place) using open cut and Horizontal Directional Drilling (HDD) to minimize impacts to Resource Protection Areas, wetlands, and streams. All connection points, service tie-ins, and fire hydrants will be open cut and will be located to minimize the disturbance of concrete and asphalt surfaces. The new waterline will be hydrostatically pressure tested, chlorinated, and flushed. Chlorinated water will pass through a dechlorinator prior to discharge. Based on DEQ’s review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to any impacts to state subaqueous lands, wetlands, erosion and sediment control, stormwater management, point source discharges, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Department of Health waterworks regulations.

Dredging for NOAA Marine Operations Center – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Army Corps of Engineers to dredge the approach and berthing areas for the National Oceanic and Atmospheric Administration’s Marine Operations Center – Atlantic. The Center is located at the terminus of West York Street, adjacent to the Brambleton Avenue Bridge where it crosses over Smith Creek in Norfolk. The dredging would be to a maintained depth of 25 feet below mean lower low water (MLLW) and a maximum depth of 28 feet MLLW. Dredged material would be placed in one of the containment cells at Craney Island Dredged Material Management Area or in the Craney Island Rehandling Basin, overboard in an unconfined manner with one side open to the Elizabeth River. The project will affect an estimated 9.4 acres of intertidal area, removing a total of 135,000 cubic yards of material. Reviewers did not identify any adverse impacts that could not be mitigated. Therefore, DEQ concurred with the Corps determination that the proposal is consistent with the Virginia Coastal Zone Management Program.

USGS Drive Roadway Construction - DEQ completed a coordinated review of a Federal Consistency Determination (FCD) submitted by the General Services Administration to reconstruct the existing U.S. Geological Survey (USGS) Drive from Sunrise Valley Drive to South Lake Drive in Reston, Virginia. Total surface area of the road to be reconstructed is 2.7 acres. As part of the project, GSA will provide stormwater management, using infiltration trenches located along the road within roadside ditches. Some trees, which are itemized on the construction plan, are to be removed; these will be replaced in kind, species as well as size. Approximately 4,700 cubic yards of spoil will be created by the project; this will be stored at an appropriate site on U.S. Geological Survey property, and used for a future landscaping project. DEQ concurred with GSA’s determination that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program. DGIF found no adverse fishery impacts. DCR gave guidance on erosion control and stormwater management, including reference to the Erosion and Sediment Control Handbook. DCR also explained the requirements of the Chesapeake Bay Preservation Act, the Chesapeake Ecosystem Unified Plan, and the Chesapeake 2000 agreement. DCR concluded that the project would not affect Resource Protection Areas designated by Fairfax County; the County agreed. The County also stressed vigilant maintenance of erosion controls in the area where excavated spoil will be stored, and stated that the project is consistent with the County’s Public Facilities Manual. DHR recommended direct consultation regarding historic impacts of the project. VDOT requested review of signage and lane markings and additional review if traffic is expected to increase.

USDA RUS Energy Loans - The Rural Utilities Service of the U.S. Department of Agriculture (RUS) is amending its regulations (7 CFR Part 1710) to address a new loan program mandated by Congress in 2008. RUS would provide loans to eligible rural utility providers (“primary recipients”) which would act as intermediaries to make energy efficiency loans to consumers in their service territories (“ultimate recipients”). RUS expects to require that primary recipients comply with mitigation measures as outlined in the following nine subject areas: publicly owned or managed lands, Indian trust territories, important farmlands, floodplains, wetlands, coastal barrier resources, species of concern, health and safety, and historic properties. The PEA defines terms and explains the activities eligible for insured RUS loans. On behalf of the Commonwealth, DEQ mentioned VMRC requirements in the event any loan-funded activity might encroach on subaqueous lands or on coastal sand dunes, and provided contact information. DEQ’s Office of Wetlands and Stream Protection (DEQ-OWSP) observed that the scope and magnitude of individual loan-funded projects are expected to be limited. Projects carried out within an existing facility footprint will require no environmental documentation or permitting. In the event projects do require permitting, DEQ provided regional office contact information for air and water permit programs. DHR commented that the Department and its counterparts in other states are working through a national organization to help develop a nationwide Programmatic Agreement governing review of potential historic or archaeological impacts if any result from loan program activities.

Force Structure Realignment (Fort Lee and Joint Base Langley-Eustis) –DEQ completed a coordinated review of a Programmatic Environmental Assessment (PEA) for the Army’s proposal to conduct force reductions and realign existing forces from federal fiscal years (FY) 2013 through 2020. Under either of the two action

alternatives, the authorized FY 2012 Army end strength would decline from 562,000 to 490,000. The PEA analyzes three alternatives: (1) no-action alternative; (2) Alternative 1, “Implement Force Reductions.” This would involve inactivation of at least eight brigade combat teams (BCTs) and other support units in a number of Army installations; and (3) Alternative 2, “Reorganize BCTs.” This would include the reductions and realignments in Alternative 1. Under it, the Army would also inactivate additional BCTs while restructuring, combining, and augmenting some of them. Accordingly, some installations, not including the two in Virginia, would gain personnel. The Army will consider the applicability of the federal consistency review requirement under the Coastal Zone Management Act, as well as preparing installation-specific NEPA documents, when it prepares to implement the program at specific installations. Implementation may not affect all of the installations considered in the PEA. OEIR will coordinate the review of those documents that address impacts on the installations in Virginia.

Atlantic Fleet Training and Testing – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy for proposed and ongoing military readiness training and research, development, test and evaluation activities within the Atlantic Fleet Training and Testing (AFTT) Area. The AFTT Area is in the western Atlantic Ocean and encompasses the waters off the east coast of North America and the Gulf of Mexico. The area covers approximately 2.6 million nautical square miles of ocean area, and includes designated Navy operating areas and special use airspace. Virginia offshore and inland coastal waters in the Study Area includes the Virginia Capes (VACAPES) Range Complex and the lower Chesapeake Bay. The VACAPES Range Complex includes special use airspace with associated warning and restricted areas, and surface and subsurface sea space of the VACAPES Operations Area (OPAREA). The VACAPES Range Complex also includes established mine warfare training areas located within the lower Chesapeake Bay and off the coast of Virginia. Proposed activities have the potential to impact sediments and water quality, air quality, marine habitats, marine mammals, sea turtles and other marine reptiles, birds, marine vegetation, marine invertebrates, fish, cultural resources, socioeconomic resources, and public health and safety. Based on DEQ’s review of the FCD and the comments submitted by reviewing agencies, DEQ conditionally concurs that the proposed action is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program. The conditions of the concurrence include, but are not limited to, receiving applicable permits for activities affecting the territorial waters of Virginia prior to commencing such activities. Potential applicable permits are related to the following enforceable policies of the VCP: subaqueous lands; wetlands management and water quality; dunes management; air pollution control; and coastal lands management.

1575 Sanitary Sewer Force Main Upgrade – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Army at Fort Belvoir for proposed upgrades to the 1575 sanitary sewer force main located southwest of the intersection of Surveyor and Soldier Roads at the Fort Belvoir Main Post in Fairfax County. Fort Belvoir’s water utility partner, American Water (AW), will replace 585 linear feet of existing sanitary sewer force main with PVC pipe. The new pipe will be placed parallel to the existing pipe (which will be abandoned in place) using conventional open cut installation. All connection points and service tie-ins will be open cut and will be located to minimize the disturbance of concrete and asphalt surfaces. Based on DEQ’s review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, point source pollution control, air pollution control, and impacts to Chesapeake Bay Preservation Areas. The project must comply with applicable solid and hazardous waste requirements and Sewage Collection and Treatment (SCAT) Regulations.

McRee Barracks Water Main Replacement – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Army at Fort Belvoir for the replacement of an existing water line in the vicinity of McRee Barracks at the Fort Belvoir Main Post in Fairfax County. Fort Belvoir’s water utility partner, American Water (AW), will replace 1,760 linear feet of existing waterline with

C 900 high-density polyethylene. The new pipe will be installed parallel to the existing pipe (which will be abandoned in place) using open cut and Horizontal Directional Drilling to minimize impacts to the surrounding buildings. All connection points and service tie-ins will be open cut and will be located to minimize the disturbance of concrete and asphalt surfaces. The total work area is anticipated to be 24,400 square feet, with each individual excavation area being less than 2,500 square feet in size. The project is located along maintained hardscapes and lawn areas and no forest clearings or stream crossings are anticipated. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, point source pollution control, air pollution control, and impacts to Chesapeake Bay Preservation Areas. The project must comply with applicable solid and hazardous waste requirements and Virginia Waterworks Regulations (12 VAC 5-590-10 *et seq.*).

Potomac Yard Metrorail Station – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Federal Transit Administration (FTA). FTA and the City of Alexandria propose to construct a new Metrorail station serving the Blue and Yellow Lines between the National Airport station and the Braddock Road station. The project area is bounded by U.S. Route 1 on the west, the George Washington Memorial Parkway (Parkway) and Potomac Greens Drive on the east, Slaters Lane on the south, and the Airport's access road on the north. The new station would serve existing neighborhoods and retail centers as well as the high-density, transit-oriented development planned by the City of Alexandria. It would allow access to the Metrorail system for the Route 1 corridor of north Alexandria. The FTA intends to prepare a Draft Environmental Impact Statement for the project as well as this federal consistency determination (FCD). Four alternatives, including a no-action alternative, are under consideration for the new station. DEQ, on behalf of the Commonwealth, concurred with the FCD. DEQ reflected DGIF information and recommendations: Potomac River and Four Mile Run are Anadromous Fish Use Areas, so DGIF gave recommendations for in-stream work and a time-of-year restriction from February 15 through June 30, and also its preference for clear-span bridges. DEQ-NRO recommended avoidance of wetland and surface water impacts, or apply for a Virginia Water Protection Permit if impacts are likely. DCR gave guidance on erosion and sediment control, stormwater management, and the VSMP General Permit for Construction Activities. DEQ gave guidance on VMRC jurisdiction and permitting in the event of subaqueous land encroachments. In regard to Chesapeake Bay Preservation Areas, DCR gave guidance on their definitions, performance criteria for projects, and conditional exemptions from performance criteria. DEQ provided guidance on air quality requirements and possible permitting needs. In covering additional environmental considerations, DEQ-DLPR gave information and guidance on waste management. DGIF provided recommendations on time-of-year restrictions of March 15 through August 15 for tree cutting and land clearing to protect migratory songbirds. DHR is continuing consultation with FTA on historic resources.

Construction of 300 Area Alert Building, Fort Belvoir – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Army. The Army proposes to build a new building in the South Post area of Fort Belvoir, Main Post. The single-story building, covering approximately 5,800 square feet, would be built next to an existing marine facility, and alongside Gunston Cove. The total land area to be disturbed would be approximately 19,000 square feet, resulting in about 11,117 square feet of impervious surface. Two bio-retention facilities will also be installed. The site is previously disturbed; vegetation to be removed includes turf and 12 trees greater than 4" diameter. DEQ, on behalf of the Commonwealth, concurred with the federal consistency determination. DGIF recommended strict erosion and sediment controls. DEQ-NRO indicated that wetlands are unlikely to be affected by the project. DCR gave its guidance on erosion control, stormwater management, and the stormwater general permit guidance for construction in Chesapeake Bay Preservation Areas. DCR also cited the Chesapeake Ecosystem Unified Plan, and provided guidance on lands analogous to Chesapeake Bay Preservation Areas, recommending that the Army consult Fairfax County regarding the proper determination and delineation of Resource Management Areas and Resource Protection Areas. DEQ provided guidance on air pollution control requirements, waste information and requirements, and

DEQ-NRO stated that provided the Army complies with the requirements of Fort Belvoir's MS4 permit and Industrial Stormwater Permit, a Virginia Pollutant Discharge Elimination System (VPDES) permit will not be required. DHR indicated that consultation is necessary under the National Historic Preservation Act. DGIF recommended time-of-year restrictions from March 15 through August 15 in connection with clearing or tree cutting, in order to protect migratory songbirds.

Arlington Cemetery Millennium Projects (FCD and EA)– The Army Corps of Engineers, in association with Arlington National Cemetery and the National Park Service, proposes to expand the Cemetery by 27 acres, consisting of Section 29 of the existing Cemetery and picnic grounds of Joint Base Fort Myer-Henderson Hall. The site includes Arlington Woods, which is associated with the Custis-Lee Mansion and Arlington House. It also includes a stone wall dating from the 1870s, which marks the boundary of current and historical areas of the Cemetery. A small stream crosses the site. Arlington Woods and the stream would be protected; the wall would be de-constructed and moved along McNair Road, as part of the Perimeter Columbarium Wall. The purpose of the project is to address anticipated burial space needs, in light of the projected date of 2025, by which the Cemetery will reach its capacity. The project will provide a number of new interment sites, two assembly areas including a shelter, water fountains, and infrastructure for electrical, electronic, and plumbing needs.

The EA presents Alternatives A through F. Alternative A was a starting place for planning in 2009, providing 42,150 total new burial sites; Alternative C is the most environmentally sensitive, providing 36,020 total new burial sites. The total number ranges as high as 42,150 total new spaces (Alternative A) and as low as 35,620 (Alternative C). Alternative E, the preferred alternative, provides 36,020 total new spaces. The alternatives otherwise vary in regard to placement, number of interment sites, types of interment sites, and layout of facilities, sites, and infrastructure. In addition, there are “sub-alternatives” pertaining to stormwater management for the National Park Service parking lot: impervious area reduction, underground stormwater storage, bio-filtration, and slope management.

DEQ concurred with the FCD, provided that the Corps follows applicable requirements in the enforceable policies. DGIF gave guidance on protection of the Anadromous Fish Use Area that includes the Potomac River and its tributaries in the vicinity of the Cemetery. DCR gave guidance on erosion control and stormwater management requirements, as well as Chesapeake Bay Preservation requirements such as minimizing land disturbance, minimizing impervious cover, and following stormwater requirements in the Chesapeake 2000 agreement. DEQ's NRO and its Air Program Coordination Division gave guidance on air quality requirements for controlling fugitive dust, open burning, and use of fuel-burning machinery. DEQ's DLPR listed eight petroleum release sites and a few other types of sites, and gave guidance on research of databases and management of wastes. DCR's DNH indicated that natural heritage resources (the bald eagle, according to DGIF) were documented within two miles of the project. DHR is already consulting with the Corps on compliance with historic preservation rules. DOF indicated that while a number of trees would be cut in the project, a number of other trees and shrubs would be planted, and said the EA indicates best practices for saving trees. DEQ gave guidance on regulatory and coordination needs.

Transfer of Interest in Real Property to the Commonwealth – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy (Navy) which proposes to grant multiple interests in real property (in the form of easements and licenses) to the Commonwealth of Virginia for construction of a new I-564 Intermodal Connector at Naval Station (NAVSTA) Norfolk and Naval Support Activity Hampton Roads (NSA HR). The Virginia Department of Transportation and its representatives will administer and construct the transportation improvements in accordance with final highway plans approved by Federal Highway Administration. The proposed real estate transactions would allow VDOT to construct: (1) a new four-lane divided highway (I-564 Intermodal Connector) connecting the existing I-564 to the Norfolk International Terminal and NAVSTA Norfolk, including a relocated gate 6 and reconfigured commercial vehicle inspection station at the western end of the corridor; (2) Air Terminal Interchange (ATI)

providing access to Hampton Boulevard, Seabee Road, Gates 1, 2, 3A and 5 of NAVSTA Norfolk, PPV Housing, NSA HR, Camp Allen and Helmick Street; and (3) relocation or mitigation for Navy facilities and infrastructure impacted by construction of the I-564 Intermodal Connector or ATI. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to impacts to surface waters and wetlands, state subaqueous lands, erosion and sediment control, stormwater management, air pollution control, and impacts to lands analogous to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements.

Installation and Operation of the Z-312 Cogeneration-Retrofit Facility – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy (Navy) for the construction of a Z-312 cogeneration Heat Recovery Steam Generating (HRSG) facility at Naval Station Norfolk. The project consists of the installation of three 5-megawatt (MW) multi-fuel (natural gas/biofuel/fuel oil) capable combustion electrical-generating turbines to provide heat recovery steam-generating capacity (i.e. cogeneration). The steam generated would be piped from the HRSG facility to the adjacent plant steam header and distributed from the existing plant to NAVSTA Norfolk. Four natural gas compressors would be installed in a new structure on a site adjacent to the new HRSG facility. A high bay building would be constructed with a 38-foot ridge height. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, point source pollution discharges, impacts to lands analogous to Chesapeake Bay Preservation Areas and air emission. In addition, the project must comply with applicable solid and hazardous waste requirements.

Fendering System Upgrade – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Coast Guard for the upgrade of the fendering system at USCG Station Little Creek in the City of Virginia Beach. Project activities will consist of the following: (1) Removal of eight timber fendering piles and associated hardware. Installation of eight new treated timber fender piles and all necessary wales, chocks, and hardware in-kind. Removal and disposal of four floating fenders and all associated hardware; (2) Construction of twelve new treated timber backer board assemblies consisting of 12-inch x 12-inch walers and 6-inch x 10-inch backer boards and associated stainless steel hardware; and (3) Installation of four additional 2-foot diameter by 6-foot long marine fenders and accessories. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to impacts to subaqueous lands, surface water impacts, and air emission. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act.

Arlington Cemetery Headstones Removal Project – DEQ completed an expedited review of a Federal Consistency Determination (FCD) submitted by the U.S. Army Corps of Engineers (Corps) in cooperation with the National Park Service to remove all headstones currently in use as stream stabilization within the Arlington National Cemetery. The streams and drainage channel were created in the mid-20th century for erosion and stabilization purposes. The FCD, submitted shortly after our review of the EA for the same project (DEQ-12-176F, comments mailed November 1, 2012) addresses the preferred action to stabilize the headstone-lined portion of the Middle Branch by removal of headstones, including cross-vane rock structures and minimal grading, biodegradable erosion control matting, and native plantings. Cross-vane rock structures would enable avoidance of cutting into the banks. DEQ's response to the FCD, which was accomplished without fresh agency coordination, reflected the recent review of the EA. DEQ reiterated DEQ-NRO's agreement with the EA that the project would qualify for Corps Nationwide Permits #18 (Minor Discharges) and 33 (Temporary Construction Activities). DEQ mentioned the Air Division finding relative to ozone non-attainment, and

recommended attention to open burning and fugitive dust controls. DEQ cited DCR guidance on erosion and sediment control and stormwater management requirements as well as Chesapeake Bay Preservation Areas and federal commitments under the Chesapeake Ecosystem Unified Plan. DEQ also gave DGIF's guidance on in-stream work, including time-of-year restrictions; and DEQ included its own guidance on minimizing water quality and wetland impacts from in-stream work. DEQ acknowledges the Corps's mention of several of the VCP advisory policies, indicating where to find more information on them. Regulatory and coordination information was given for water quality, non-point source pollution control, air quality, and Chesapeake Bay requirements.

Construction and Operation of a U.S. Army Reserve Center – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the Department of the Army (Army) U.S. Army Reserve (USAR) for the construction and operation of a US Army Reserve Center (USARC) in the City of Suffolk. The USAR would transfer the 12-acre 1LT Richard T. Shea USARC (Shea USARC) at 3502 Bennett's Creek Road in Suffolk to the City of Suffolk in exchange for 96 acres located at 886 Carolina Road in Suffolk. The City of Suffolk would make minor alterations to the existing building at the Shea USARC to retrofit it for their future use as a recreation center and would construct athletic fields northeast of the existing building. The Preferred Alternative includes the construction and operation of a USARC on approximately 20 acres of the 96 acres at 886 Carolina Road. The new facilities would consist of the following: 33,795-square foot administrative training building; 8,048-square foot organizational maintenance shop; 1,217-square foot unheated storage building; approximately 4,980 square yards of military equipment parking, and approximately 3,730 square yards of paving for vehicle parking and roads. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to wetland impacts, erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act.

Replacement/Repair of Building V52 at Norfolk NAS –DEQ completed the coordinated review of Federal Consistency Determination (FCD) submitted by the Navy to replace (preferred Alternative 1) or repair (Alternative 2) Building V-52 at the Norfolk Naval Station. The building, situated near the northern boundary of the naval base in Norfolk at the confluence of the Elizabeth River and Hampton Roads Harbor, is a rectangular steel-framed and cast-in-place concrete building, 508 feet long, 124 feet wide, and 52 feet tall. It is used as a storehouse. Built in 1941, the building is a contributing resource to the Naval Air Station Historic District. The building suffered a fire in January 2011 that involved severe structural damage to approximately 20,000 square feet (roughly 1/3 of the building size). The Navy's preferred alternative is to demolish the building and replace it, using the existing cement floor. The other alternative would involve "deconstruction" of the damaged parts of the building after installation of shoring to prevent collapse; installation of new roof trusses, columns, and associated steel; a new roof; repairs to electrical, heat/air conditioning, and fire suppression systems and to walls and windows. DEQ concurred with the federal consistency determination, and reflected the comments of agencies as follows. DCR recommended that the Navy follow erosion and sediment control and stormwater management requirements, partly to ensure that the project would not affect lands analogous to Chesapeake Bay Resource Management Areas in the vicinity. DEQ outlined air pollution control requirements likely to apply: possible permits for fuel-burning machinery and open burning; controls for asphalt paving and fugitive dust. DEQ indicated that a number of RCRA sites and one CERCLA site were found in its data search, and provided contact information for additional investigation if needed. DGIF and DCR indicated that the project would not affect species under their respective jurisdictions. DHR recommended that on-going consultation under Section 106 of the National Historic Preservation Act continue. The Hampton Roads PDC indicated that the project is consistent with local and regional plans.

Alternate Implementation of the Privatization of the Army Lodging Program –DEQ completed the coordinated review of an Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the Department of the Army (Army) for an alternative to the implementation of the Privatization of Army Lodging (PAL) program at Fort Belvoir in Fairfax County. The Army proposes to implement the PAL program as described in the PAL Environmental Assessment submitted by the Army and reviewed by the Commonwealth in 2011 (DEQ 11-127F). The Army would grant a 50-year lease of the land underlying the existing facilities, as well as other land for construction of new lodging facilities to a private development entity, Lend Lease, LLC (formerly known as Rest Easy). Lend Lease, LLC would operate and maintain the existing facilities, renovate inadequate facilities and construct new ones. The lodging units and areas available for new construction included in the original PAL action were grouped into five distinct parcels of land, labeled A, B, C, D, and G. The alternate implementation proposal includes one major change; the new lodging facility would be constructed near the Fort Belvoir Community Hospital (Parcel F, Community Center Parcel), not near Knadle Hall (Parcel A). Under the Preferred Alternative in the current EA, the Army would grant to Lend Lease, LLC a 47-year lease to a parcel of land off Belvoir Road near Pence Gate for the construction of a new 172-room lodging facility (Staybridge Suites). Based on DEQ’s review of the EA, and the comments submitted by review agencies, DEQ finds that the proposal is unlikely to have significant effects on ambient air quality, surface waters, wetlands, Chesapeake Bay Preservation Areas, water supplies, or forest resources. In addition, DEQ concurs that the proposed project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and coordinate with the Department of Game and Inland Fisheries should the wood turtle be encountered on site.

Naval Surface Warfare Center, Dahlgren – DEQ completed the coordinated review of a Draft Environmental Impact statement (EIS) for the Navy’s proposal to expand research, development, test, and evaluation activities within the Potomac River Test Range and Explosives Experimental Area complexes, the Mission Area, and special use airspace at the Naval Support Facility, Dahlgren in King George County. These activities include outdoor operations requiring the use of ordnance (guns and explosives), electromagnetic energy, lasers, and chemical and biological simulates (non-toxic substances used to mimic dangerous agents). The purpose of the proposed action is to enable the Naval Surface Warfare Center, Dahlgren Division to meet current and future mission-related warfare and force protection requirements by providing research, development, testing, and evaluation of surface ship combat systems, ordnance, lasers and directed energy systems, force level warfare, and homeland and force protection. The Draft EIS analyzes three alternatives:

- No-Action Alternative, retaining historical and current mission activities;
- Alternative 1, addressing baseline activity levels plus known future requirements; and
- Alternative 2 (Preferred Alternative), addressing current baseline requirements, known future requirements, and projected increases in the foreseeable future, based on current trends.

The Draft EIS includes a Federal Consistency Determination (FCD), in which the Navy determines that the proposed actions would be consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). The FCD indicates that Alternative 1 would involve approximately doubling the existing (“No-Action”) activity level, and that Alternative 2 would involve an increase of 15 percent over Alternative 1 activity levels. DEQ concurred with the FCD and provided guidance and comments on the proposed action. DEQ and DCR gave general guidance in the event of construction activities, in regard to air and water permitting and research of waste site (specifically pollution complaint) information (DEQ), and in regard to erosion and sediment control and stormwater management (DCR). DCR discussed protection of the bald eagle and recommended consultation with DGIF and NOAA Fisheries. DGIF

recommended adherence to the installation's Integrated Natural Resources Management Plan in regard to protection of both birds and fish.

Expansion of the U.S. Army Intelligence and Security Command Headquarters Facilities – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Army (Army) for the renovation and expansion of the U.S. Army Intelligence and Security Command Headquarters (HQINSCOM) Facilities at U.S. Army Garrison Fort Belvoir in Fairfax County. The proposed action includes: renovating the existing 234,000-square-foot HQINSCOM Nolan Building; constructing a new 382,000-square-foot addition; constructing a 1,420-space parking structure; reconfiguring and reconstructing the surface parking lots (586 surface parking spaces); constructing new utilities and a new stormwater management/best management practice pond; and constructing roadways, sidewalks and landscaping. DEQ completed a coordinated review of the August 2012 National Environmental Policy Act Environmental Assessment (EA) for the project and submitted its response on September 14, 2012. However, at that time, DEQ was unable to complete its review of the FCD included in the EA, because the Department of Conservation and Recreation (DCR) was unable to determine project consistency with the coastal lands management enforceable policy of the Virginia Coastal Zone Management Program (VCP) based on the information presented in the document. The Army subsequently coordinated with DCR and provided the necessary additional information to complete its review. Based on DEQ's coordinated review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ conditionally concurs that the proposal is consistent with the VCP provided the Army submits a Water Quality Impact Assessment for review by DCR and is consistent with 9 VAC 10-20-130 of the *Chesapeake Bay Preservation Area Designation and Management Regulations* which addresses development criteria for Resource Protection Areas. Should the Army fail to comply with the conditions of the Commonwealth's concurrence, then (as allowed in the federal consistency regulations) this conditional concurrence will become an objection.

USCG Marine Event Permits

OEIR reviewed 1 marine events permit for the USCG from October 1, 2012 through March 31, 2013.

Rocketts Landing Collegiate Regatta – DEQ completed the review of a Federal Consistency Determination (FCD) for Coast Guard's proposal to issue a CG-4424 Permit for Marine Event to the Virginia Commonwealth University's Crew Club, which will hold a "Collegiate Regatta" on the lower James River on March 30, 2013 between 10:00 AM and 2:00 PM. The location is between positions 37-30-02 N/077-25-16 W and 37-31-12 N/077-25-02 W. Approximately 40 boats are expected to participate. The boats are crew shell boats that do not use any mechanical propulsion. Crews will enter the James River from the Rocketts Landing Boathouse, which already has an established and approved dock. The Coast Guard states that the proposed activity will be conducted in accordance with the enforceable policies of Virginia's Coastal Zone Management Program (VCP). Based on comments submitted by reviewers, DEQ concurred with the federal consistency determination.

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).

Karen Drive Single Family Home – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide funding under the Self-Help Homeownership Opportunity Program (SHOP) to the Hanover Habitat for Humanity (Hanover Habitat) for the construction of a single family home in Hanover County. SHOP grant funds are awarded to eligible national and regional non-profit organizations and consortia to purchase home sites and develop or improve the infrastructure needed for volunteer-based homeownership programs for low-income persons and families. The Hanover Habitat for Humanity proposes to construct a

1,596 square foot residence on 0.417 acres of undeveloped property located on Karen Drive. Other project activities include the installation of a water supply well, septic system, and landscaping to include an entrance driveway. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, and air emission. In addition, the project must comply with applicable solid and hazardous waste requirements, regulations for onsite sewage treatment and domestic groundwater, and address impacts to historic and archaeological resources.

North Pier Development, Harbor Center Court– DEQ completed the coordinated review of a Federal Consistency Certification (FCC) for a development company, the Breeden Company, which is likely to seek HUD funding for an apartment project in downtown Portsmouth. The project site is a parcel of approximately 2.422 acres on a concrete pier at Harbor Center Court, near the shoreline of the South Branch of the Elizabeth River. The new building would be four stories and have approximately 187 units. DEQ concurred with the federal consistency certification and included DCR's guidance on erosion and sediment control and stormwater management, requirements relating to Chesapeake Bay Preservation Areas in the City of Portsmouth, and the Intensely Developed Area overlay. In regard to wetlands and subaqueous lands, both DEQ-TRO and VMRC indicated that permits (Virginia Water Protection or Encroachment, respectively) might be required in the event of changes in the project proposal. DHR recommended direct consultation by HUD or its agents regarding historic resources.

Crawford Street Development – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD). HUD proposes to provide mortgage insurance under HUD Section 221(d)(4) to the Breeden Company to finance the construction of the Crawford Street Development at 800 Crawford Street in the City of Portsmouth. The project involves the construction of a four-story multi-family apartment structure comprised of approximately 132 units. The site consists of two separate tax parcels (0007-1320 and 0009-0150) and a portion of the adjoining right-of-way totaling approximately 2.475 acres in downtown Portsmouth. The site currently consists of asphalt parking areas and grass covered areas. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, air pollution control, and impacts to Chesapeake Bay Preservation Areas. The project must comply with applicable solid and hazardous waste requirements.

Delaney at 100 South Pickett – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) for the construction of the Delaney at 100 South Pickett in the City of Alexandria. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. HUD proposes to provide mortgage insurance to Grandbridge Real Estate Capital to finance the project. The 2.32-acre project site is the proposed location of a 189-unit, one building, multi-family apartment complex with first floor retail space. The property currently contains a single, 2-story, 48,000-square foot, mixed-use building constructed in 1961, which will be demolished. The site is currently serviced by electricity, natural gas, and municipally supplied water and sewer. Based on DEQ's review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, air pollution control, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements.

Warsaw Manor Apartments- DEQ completed the review of a Federal Consistency Determination (FCD) submitted by the Rural Development office of the U.S. Department of Agriculture (USDA-RD). USDA-RD is

processing an application for transfer and assumption of debt, and complete rehabilitation of an apartment building, the Warsaw Manor Apartments, at 121 Jones Lane in Warsaw. The property consists of 56 revenue-producing units, four of which are two-bedroom units and the rest one-bedroom units. The rehabilitation includes roof, siding, parking lot, landscaping, appliances, heating, air conditioning, ventilation, and repairs or replacement of carpets and tile. Green building technologies would be used in rehabilitation. All repairs and replacements will be done within the existing footprint of the building, parking area, and landscaped areas. DEQ concurred with the federal consistency determination. Several of the enforceable policies of the VCP do not apply, because of the nature of the project and its location in the town, away from rivers and shorelines. DEQ provided guidance on non-tidal wetlands since the FCD mentioned only that tidal wetlands would not be affected by the project. DEQ also provided guidance on non-point source pollution control, air pollution control, and Chesapeake Bay Preservation Act requirements. DEQ mentioned that if the building is more than 50 years old, the project proponents should contact DHR to determine whether it is potentially eligible for National Register listing and protection.

Fairfax Corner-Government Center Multi-Family Apartments –DEQ completed the coordinated review of Federal Consistency Determination (FCD) submitted by the U.S. Department of Housing and Urban Development (HUD) which proposes to provide mortgage insurance under HUD Section 221(d)(4) to Wells Fargo Multifamily Capital to finance the construction of the Fairfax Corner-Government Center Multi-family Apartments in Fairfax County. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The apartments would be constructed on an approximately 8.12-acre portion of a 90.388-acre undeveloped wooded tract of land east of I-66 between Route 50 and Route 29. The apartment development would consist of a single, four-to-five story building containing 270 units, driveways, parking areas, sidewalks, swimming pool, landscaping and other amenities. Based on DEQ’s review of the FCD and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to wetland impacts, erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act.

Former Coca-Cola Bottling Plant Redevelopment – DEQ completed the review of a Federal Consistency Determination (residual category) submitted by a company called Spy-Rock Real Estate Group (hereinafter “applicant”) which expects to apply to the U.S. Department of Housing and Urban Development (HUD) for federal financing assistance to undertake adaptive re-use of the former Coca-Cola Bottling Plant at 1310 Roseneath Road in Richmond. The project was proposed by the Virginia Housing Development Authority. It involves conversion of the current industrial complex from three structures (two one-story buildings, one with 20 units and the second one with 24 units, and a 3-story building with a second-floor loft that contains 30 units) to one larger structure (a 4-story building with approximately 114 units, and additional amenities). The existing buildings occupy an industrial parcel of 4.5 acres. The applicant indicates that the construction and operation of the new project will not adversely affect coastal resources or coastal uses addressed by the enforceable policies of the Virginia Coastal Zone Management Program. DEQ concurred with the federal consistency determination submitted by the applicant’s consultant. DEQ indicated that, because of the nature and location of the project, DGIF had no concerns regarding fisheries or wildlife; VMRC has no jurisdiction; water resource agencies did not disagree with the conclusion that there are no wetlands or point sources of water pollution involved in the project area or project. DEQ gave guidance on air pollution control requirements for fugitive dust, open burning, fuel-burning machinery, and asphalt paving. DCR gave guidance on erosion control, stormwater management, and stormwater general permits as well as on Chesapeake Bay Resource Management Areas. DEQ-DLPR provided information on its findings relative to underground and above-ground storage tanks, and guidance on using the latter in the project. DHR indicated that the existing building is in a Historic District, and requested photographs, demolition plans, construction plans and copies of the City of Richmond’s comments on the project. The City, for its part, gave guidance on parking, and identified conditions and needs for street

access and use, as well as providing contact information for several City departments that might have roles in the project.

Layton Hall Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of Housing and Urban Development (HUD) for the construction of The Pointe at Pickett Farms Phase I in the City of Norfolk. The Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The Pointe at Pickett Farms Phase I (the first of three phases) will include the construction of a five building, 120-unit multi-family apartment complex, clubhouse, parking lots, sidewalks, driveways, utilities and landscaping. The 7.7-acre property is located at 5394 Greenplain Road adjacent to Broad Creek and currently consists of wooded land with two ponds and a single-family residential home with two garage structures, one storage building, three sheds, two lean-tos and an asphalt driveway. All existing structures will be demolished to accommodate the construction of the apartment complex. Based on DEQ’s review of the FCD and the comments submitted by review agencies, DEQ concurs that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to wetlands impacts, encroachment on state subaqueous land, erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and local requirements for the connections to water and sewer systems.

III. Federal Activities (Permits, Licenses and Approval)

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

Chesterfield Power Station Fossil Fuel Combustion Products Facility – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Dominion Virginia Power (Dominion) for the construction and operation of a 66-acre synthetically-lined industrial fossil fuel combustion products (FFCP) management facility at Dominion’s coal-fired Dutch Gap Power Station in Chesterfield County. The U.S. Army Corps of Engineers is considering the issuance of an individual permit required for the proposal pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The FFCP facility will be equipped with a leachate collection system and stormwater management facilities. In addition, the project includes the construction of an emergency road entering the facility from the north and a haul road entering from the south. The haul road will require the construction of an elevated roadway and a 32-foot wide bridge to cross Proctors Creek and its associated floodplain. Based on DEQ’s review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed impacts to state subaqueous lands, wetlands, erosion and sediment control, stormwater management, point source discharges, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and a Memorandum of Agreement with the Department of Historic Resources for project impacts to cultural resources. The DEQ response recommends coordination with the U.S. Fish and Wildlife Service with respect to possible impacts to the bald eagle.

Enviva Port of Chesapeake Maintenance Dredging – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Enviva Port of Chesapeake, LLC (Enviva) for maintenance dredging at the confluence of Paradise Creek and the Elizabeth River in the City of Chesapeake. The U.S. Army Corps of Engineers is considering the issuance of an individual permit (NAO-2001-4137) required for the proposal pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Enviva proposes to mechanically dredge approximately 20,000 cubic yards of material from an area measuring 200 feet wide by 950 feet long to an absolute depth of -42 feet below MLW to accommodate larger ships. The proposed project will remain within the previously authorized dredge footprint but will be four feet deeper. The

dredge material would be disposed at the Craney Island Dredged Material Management Area. The purpose of this project is to continue to provide Enviva, a biomass fuels company, the necessary deep water access to export wood chips and pellets. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed impacts to state subaqueous lands, surface waters, erosion and sediment control, stormwater management, and air emissions. In addition, the project must comply with applicable solid and hazardous waste requirements. The DEQ response recommends coordination with the U.S. Fish and Wildlife Service with respect to possible impacts to the federal-listed threatened piping plover.

Ocean View Shoreline Improvement Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Norfolk for the Ocean View shoreline improvement project in Norfolk. The U.S. Army Corps of Engineers is considering the issuance of an individual permit (NAO-2012-2244) required for the proposal pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Norfolk proposes to demolish eleven derelict timber groins, replace a derelict timber groin with a new rock/sheet pile groin and construct a beach nourishment project along the Chesapeake Bay shoreline from approximately 3rd View Street to Ocean View Beach Park in the West Ocean View area. Beach nourishment will involve the placement of 46,800 cubic yards (cy) of sandy material in an area totaling 311,940 square feet (7.16 acres). The sand will be obtained from an approved upland source. One timber groin will be replaced with a rock/sheet pile groin extending 150 feet in total bottom length, 88 feet channelward of mean high water. The project purpose is to abate a chronic shoreline erosion problem and to increase storm surge and wave protection to public and private properties. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed impacts to state subaqueous lands, surface waters, erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act. The DEQ response recommends coordination with the U.S. Fish and Wildlife Service and National Marine Fisheries Service with respect to possible impacts to federal-listed sea turtles.

Philip Morris USA Operations Center – DEQ completed a coordinated review of a federal consistency certification (FCC) submitted by Philip Morris USA. The FCC is for development proposed at its facility in the City of Richmond. The FCC was submitted as a requirement for obtaining an Individual Permit from the U.S. Army Corps of Engineers. The proposed project includes the construction of a parking lot and site preparations for a proposed hotel and restaurant site, an industrial site, and a facilities-use site. The proposed wetland impacts are approximately 2 acres of nontidal wetlands and 1,500 linear feet of nontidal stream bed. The FCC states that the project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on our review of the FCC and the comments submitted by agencies administering the applicable enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained.

Spotsylvania Third Track Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Virginia Railway Express (VRE) for the construction of the Spotsylvania Third Track project in Spotsylvania County. The proposed project includes the construction of approximately 8,400 feet of new mainline track to the east of the existing two-track rail corridor of CSX Transportation to the VRE Crossroads Yard and the at-grade crossing at Mine Road. Approximately 5,700 feet of existing siding track north of Mine Road would be upgraded to mainline track standards. A siding track would be constructed to provide access to the VRE Crossroads Yard and a proposed VRE passenger station/platform (by others). The project would include the extension of the existing arch structure over Massaponax Creek and would include modification to track turnouts and crossovers approximately 1,000 feet north of the Route 3 overpass. Improvements would be constructed within existing CSX Transportation right-of-way. Federal over-sight of

this project is provided by the Federal Transit Administration. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed impacts to state subaqueous lands, surface waters and wetlands, erosion and sediment control, stormwater management, air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act.

Brewer's Neck Boulevard Extension – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Isle of Wight County for an application to the U.S. Army Corps of Engineers (Corps) for a Section 404 Clean Water Act individual permit for the construction of the Brewer's Neck Boulevard extension and intersection improvement project in Isle of Wight County. The project includes the construction of approximately 1,200 feet of new roadway (Brewer's Neck Boulevard Extended) connecting Benn's Church Boulevard to Brewers Neck Boulevard at the existing intersection with Queen Ann's Court. The new roadway would be a four-lane, divided, urban primary arterial road with two 12-foot wide travel lanes; a 40-foot wide median; 8-foot wide paved shoulders; and roadside ditches within a 140-foot wide right-of-way. A stormwater management pond will be constructed to collect roadside drainage and provide for stormwater quality and quantity to meet state regulations. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed wetland impacts, erosion and sediment control, stormwater management, and air pollution control. In addition, the project must comply with applicable solid and hazardous waste requirements.

Enclave at Princess Anne – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Enclave at Princess Anne, LLC for an application to the U.S. Army Corps of Engineers (Corps) for a Section 404 of the Clean Water Act individual permit for proposed impacts to jurisdictional Waters of the United States from the construction of the Enclave at Princess Anne, a residential community in the City of Virginia Beach. Development of the 17-acre site located at 2812 North Landing Road would consist of the construction of 34 single-family lots, a roadway, two stormwater ponds, and a gravel drive to connect an existing residence to the proposed cul-de-sac at the northern road terminus. Post-construction stormwater management will be provided by the construction of two on-site wet retention ponds. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed impacts to wetlands, erosion and sediment control, stormwater management, and air pollution control. In addition, the project must comply with applicable solid and hazardous waste requirements, Section 106 of the National Historic Preservation Act, and local requirements related to the Virginia Beach Southern Watersheds Management Ordinance. The DEQ response recommends coordination with the Department of Game and Inland Fisheries should the canebrake rattlesnake, a state-listed endangered species, be encountered during construction.

Bacova Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Bacova, LLC for an application to the U.S. Army Corps of Engineers (Corps) for a Section 404 Clean Water Act individual permit (NAO-2009-2433) for the construction of the Bacova Project in Henrico County. The 135.94-acre Bacova site is located in western Henrico County, east of North Gayton Road, south of Kain Road, north of Bacova Road and west of Pouncey Tract Road. The project consists of the construction of suburban mixed use residential housing, office space and a major thoroughfare collector road connecting North Gayton Road to Pouncey Tract Road. The collector road will include pedestrian and bike facilities, and upgrades to existing connector intersections. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed wetland impacts, erosion and sediment control, stormwater management, air pollution

control, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements, and Section 106 of the National Historic Preservation Act. The DEQ response recommends coordination with the Department of Forestry to mitigate the impact of the removal of over fifty acres of forestland.

Bellwood Marine Terminal – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Smith Iron and Metal for an application to the U.S. Army Corps of Engineers (Corps) for permits required pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (NAO-2012-0854) for proposed impacts to jurisdictional Waters of the United States from the construction of the Bellwood Marine Terminal in Chesterfield County. Smith Iron and Metal Co. Inc. proposes to mechanically dredge 2.77 acres within a man-made cove (0.32 acres within the James River), construct a 400-foot bulkhead, dry dock, large truck parking and storage on the approximately 32-acre parcel off the James River. The purpose of the project is to construct a marine terminal to allow for barge access; unloading and storage of large recyclable materials and other commodities; and stormwater management. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed impacts to subaqueous lands, wetlands, erosion and sediment control, stormwater management, air pollution control, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements.

Woodlake Drive Extension – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Chesapeake for an application to the U.S. Army Corps of Engineers (Corps) from the City of Chesapeake for a Section 404 Clean Water Act individual permit (NAO-2012-0669) for the extension of Woodlake Drive in the City of Chesapeake. The proposed extension is Phase II of a project to connect Woodlake Drive to Debaun Avenue. The extension consists of the construction of approximately 2,900 linear feet of new roadway west of the existing Woodlake Drive that will complete the 1.4-mile connection between Greenbrier Parkway and Battlefield Boulevard. The extension will contain turn lanes, raised medians, curb and gutter, a closed storm sewer system, and a 10-foot wide multi-use path. In addition, the roadway design will apply access management principles to accommodate future development. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to proposed wetland impacts, erosion and sediment control, stormwater management, and air pollution control. In addition, the project must comply with applicable solid and hazardous waste requirements. The DEQ response recommends coordination with the Department of Game and Inland Fisheries should a state-listed endangered canebrake rattlesnake be encountered at the project site.

PER Properties, Inc. Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by PER Properties, Inc. for the construction of an intermodal facility for receiving agricultural products for export via oceangoing vessels at 3991 Elm Avenue in the City of Portsmouth. The U.S. Army Corps of Engineers (Corps) is reviewing an application from PER Properties, Inc. for a Section 404 Clean Water Act individual permit for proposed impacts to jurisdictional Waters of the United States. Construction of the facility will require dredging and filling which will impact 14,504 square feet of non-vegetated wetlands and 55,722 square feet of subaqueous land on the Southern Branch of the Elizabeth River. A 945 foot long steel sheetpile bulkhead will be installed to allow for loading equipment to support the waterfront activities necessary for terminal operations. The project will require dredging of 118,039 cubic yards of material to provide deepwater access to the federally-maintained shipping channel in the Elizabeth River. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to impacts to wetlands, erosion and sediment control, stormwater management, point source pollution control, air pollution control, and impacts to Chesapeake Bay Preservation

Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act.

Yorktown Crude Oil Rail Unloading System Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Plains Marketing, L.P. for the construction of the Yorktown crude oil rail unloading system in York County. The U.S. Army Corps of Engineers (Corps) is reviewing an application from Plains Marketing, L.P. for a Section 404 Clean Water Act individual permit for proposed impacts to jurisdictional Waters of the United States. Plains is in the process of converting the former Yorktown Refinery to a petroleum marketing terminal. Plains intends to install a rail unloading facility and enhance the existing dock loading marine operations. The marine portion of the project will require modifications and additions to the existing infrastructure to support the loading of crude oil into marine vessels. Major components consist of additional breasting, piping repairs/replacements, and an on-shore Marine Vapor Combustion Unit. The scope of these activities is limited to maintenance and repair of the existing dock. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to impacts to wetlands, erosion and sediment control, stormwater management, point source pollution control, air pollution control, and impacts to Chesapeake Bay Preservation Areas. The project must comply with applicable solid and hazardous waste requirements. In addition, the response recommends coordination with the Department of Game and Inland Fisheries should a Canebrake Rattlesnake (state-listed endangered) be encountered during construction.

Dam Neck Car Care Center Expansion – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Reed Enterprises, Inc. for the expansion of the Dam Neck Car Care Center in the City of Virginia Beach. The U.S. Army Corps of Engineers (Corps) is reviewing an application from Reed Enterprises, Inc. for a Section 404 Clean Water Act individual permit (NAO-2006-7731/12-V0974) for proposed impacts to jurisdictional Waters of the United States. The project site is located south of the intersection of Holland Road and Dam Neck Road. The project includes the expansion of an existing commercial automobile maintenance operation with the construction of two 6,000 square-foot collision repair buildings and associated parking, and the relocation of an existing stormwater pond. The site drains into West Neck Creek, a tributary to North Landing River, a navigable water of the U.S. The proposed project will result in impacts to 1.07 acres of forested wetlands and 0.66 acre of emergent wetlands. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to impacts to wetlands, erosion and sediment control, stormwater management, and air pollution control. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act. The response includes recommendations for the mitigation of potential impacts to the state-listed canebrake rattlesnake.

Airfield Electrical Improvements – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Norfolk Airport Authority (Authority) for airfield electrical improvements at the Norfolk International Airport in the City of Norfolk. The proposal includes: replacing all airfield electrical wiring with new wiring; installing taxiway light emitting diode (LED) lighting; replacing an existing rotating beacon; replacing an existing tower and obstruction light; and installing two new airfield signs. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, air pollution control, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act.

Meridian Parkside Additional Parking – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Meridian Parkside, LLC for the construction of additional parking for the

Meridian Parkside apartments in the City of Newport News. The U.S. Army Corps of Engineers (Corps) is reviewing an application from Meridian Parkside, LLC for a Section 404 Clean Water Act individual permit (NAO-2012-00998) for proposed impacts to jurisdictional Waters of the United States. The parking lot will consist of 97 additional parking spaces and will impact 0.38 acres of forested wetlands, 0.02 acres of emergent wetlands, and 0.03 acres of deed-restricted uplands. Meridian Parkside, LLC proposes to purchase 0.78 wetland mitigation credits from the Lewis Farm Mitigation Bank. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to impacts to wetlands, erosion and sediment control, stormwater management, air pollution control, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and Section 106 of the National Historic Preservation Act. The response includes recommendations for the mitigation of potential impacts to the state-listed canebrake rattlesnake and Mabee's Salamander.

Terminal A Outbound Baggage Facility at Reagan Airport - DEQ completed a coordinated review of a Federal Consistency Certification (FCC) submitted by the Metropolitan Washington Airports Authority (MWAA). The FCC is for the construction of an outbound baggage facility and security screening checkpoint addition to Terminal A at Ronald Reagan Washington National Airport in Arlington County. The baggage facility will consist of a pre-engineered metal structure which is approximately 60 feet by 120 feet that will be constructed on the existing apron. The security screening project addition will be approximately 13,253-square feet in size and will be able to accommodate four security screening checkpoint lanes. The main level of the addition will also include shell space for future concessions and a freight elevator large enough to transport medical gurneys in the event of an emergency. The ground floor will be open with the exception of egress stair towers and mechanical and electrical rooms. The proposed project site is covered with concrete and is adjacent to the existing terminal building. According to the FCC, the proposed project would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP) (formerly called the Virginia Coastal Resources Management Program). DEQ's response includes recommendations for the MWAA to ensure consistency with all applicable erosion and sediment control and stormwater management laws and regulations.

MWAA Snow Equipment Storage Facility at Dulles Airport – DEQ completed the review of a federal consistency certification (FCC) submitted by the Metropolitan Washington Airports Authority (MWAA). MWAA proposes to construct a Snow Equipment Storage Facility adjacent to Stonecroft Boulevard on the south airfield of Dulles International Airport, in the Fairfax County portion of the airport. The purpose of the project is to maintain snow equipment in a ready condition and protect it from ultraviolet light deterioration. The project includes a shelter for snow removal equipment and ancillary equipment, and paved areas around the building for movement and staging of snow equipment. Site work for the project would include, among other things, demolition of remains of a former concrete batch plant, grading and clearing of approximately 2 acres, and creation of a stormwater management pond. The building would be of pre-fabricated metal, 510 feet by 170 feet and it would include lighting, floor drains, roof rainwater collectors, and associated piping. A fire sprinkler and alarm system, mechanical exhaust equipment, exterior cameras, and electrical outlets for engine block heaters would be included. In its response to the FCC, DEQ reflected DCR and DGIF findings relative to Cub Run, a “Threatened and Endangered Species Water” and home of the wood turtle; and documented the wood turtle and upland sandpiper. DGIF indicated that proper erosion and sediment controls would make the project consistent with the Fisheries Management enforceable policy, and gave additional recommendations on protection of habitat. DEQ-NRO did not expect any impacts to surface waters, or any point source water pollution. DCR gave guidance on erosion control and stormwater management, as well as on compliance with state and local Bay Preservation requirements. DEQ-DLPR presented findings on petroleum release sites and ten RCRA/hazardous waste sites, as well as providing additional information and guidance on waste management. Fairfax indicated no impacts on Resource Protection Areas; and Loudoun County, which shares the airport with Fairfax, had no comments.

Virginia Capital Trail-Sherwood Forest Phase - DEQ completed the review of a federal consistency certification (FCC) submitted by the Virginia Department of Transportation (VDOT). VDOT proposes to construct a section of the Virginia Capital Trail known as the Sherwood Forest Phase in Charles City County. VDOT will construct an approximately 8-foot wide 7.6-mile long asphalt passive recreation trail following Route 5 beginning near the intersection of Route 5 and Sturgeon Point Road (Route 614), proceeding east along Route 5 and ending approximately 0.25-mile from the Chickahominy River Bridge. Various cuts and fills will be required along the corridor depending on local topography. Existing culverts will be extended where possible and to minimize unnecessary impacts to Route 5 and the surrounding area, and four timber bridges will be constructed, primarily in the western portion of the project corridor, to aerially span wetlands and three streams present in these locations. The project is funded by the U.S. Federal Highways Administration (FHWA), a Section 404 Clean Water Act (CWA) permit has been issued by the U.S. Army Corps of Engineers and DEQ has issued Section 401 CWA certification for the proposed action. Based on DEQ's review of VDOT's FCC and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided that prior to implementation of the project all applicable permits and approvals

Lesner Bridge Replacement Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Virginia Beach for the replacement of the existing John A. Lesner Bridge over the Lynnhaven River in Virginia Beach. The project includes upgrades to the intersection of Shore Drive with East Stratford Road and the intersection of Shore Drive with Vista Circle and aesthetic improvements within the project limits. Each 53-foot, 8 inch bridge section includes two 12-foot wide travel lanes, 10-foot outside and 6-foot inside shoulders, and a 10-foot multi-use path. A seawall will be constructed along the eastern shoreline of the Lynnhaven River, between Point Chesapeake and the Virginia Pilots facility. A temporary bulkhead will be constructed to facilitate construction of the bridge and stabilize the shoreline and adjoining city disposal area, which will also serve as the contractor's lay-down area for the bridge construction. The proposed bulkhead will be removed after construction and the area will be restored to its previous condition naturally over time. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to fisheries impacts, wetlands impacts, erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and potential project impacts to sea turtles.

Installation of a Localizer and Gravel Access Road – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Middle Peninsula Regional Airport Authority for the installation of a localizer facility to enhance the instrument approach capability of the airport in King and Queen County. The localizer facility is an electronic navigation aid which consists of a 12-foot x 12-foot transmitter (building), an eight-element antenna array on a 60-foot x 15-foot concrete pad, and a 105-foot long x 10-foot wide gravel access road. A 200-foot long coaxial cable placed inside a conduit will be installed in a 12-inch wide, 18-inch deep trench and will connect the antenna array with the transmitter equipment. The project area is located on ground that was part of a former runway between operational runway 10-28 and the parallel taxiway. Based on DEQ's review of the FCC and the comments submitted by reviewing agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements.

Relocation of Line TL-522 – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by Dominion Transmission, Inc. (Dominion) for the relocation of a portion of an existing natural gas pipeline (Line TL-522) along Route 611 in Fairfax County. The relocation of Line TL-522 is required due to the widening of Route 611. Approximately 1,800 feet of 36-inch pipe will be installed within a temporary 100-

foot construction ROW. A permanent 50-foot ROW will be maintained once construction is complete. Construction will result in land disturbance of approximately 5.1 acres which includes the temporary ROW and a staging area. There will be two unavoidable temporary impacts to approximately 0.49 acres of emergent and scrub-shrub wetlands on the existing maintained ROW. The proposed activity is licensed under a Federal Energy Regulatory Commission (FERC) Blanket Certificate (Blanket Automatic Provision). Based on DEQ's review of the FCC and the comments submitted by review agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and authorizations are obtained with respect to wetland impacts, erosion and sediment control, stormwater management, air emission and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements.

Plantation Greens Subdivision – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by Arlington Dominion, LCC for the Plantation Greens Subdivision project in the City of Chesapeake. The Norfolk District of the U.S. Army Corps of Engineers (Corps) has completed a review of a Joint Permit Application from Arlington Dominion, LCC for an individual permit pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) for proposed impacts to jurisdictional waters of the United States. The Plantation Greens Subdivision project consists of the construction of a 368-unit luxury apartment complex, associated roadways and infrastructure. The project includes a commercial outparcel at the intersection of Cahoon Parkway and Grass Field Parkway. In addition, the project will require the extension of Cahoon Parkway, which is part of the City of Chesapeake's Master Transportation Plan. DEQ has prepared a draft Virginia Water Protection individual permit (11-1545) in accordance with Section 401 of the CWA and a draft individual permit (NAO-2011-00647) has been completed by the Corps. The Corps permit will be issued upon DEQ's issuance of the Virginia Water Protection individual permit and the completion of this CZMA review and its concurrence with the FCC submitted by Arlington Dominion, LLC. DEQ did not conduct its usual coordinated review of the FCC with agencies in Virginia's networked coastal program because Arlington Dominion, LCC requested an expedited review to facilitate immediate implementation of the project. Arlington Dominion, LLC submitted proofs of the aforementioned approvals of applicable enforceable policies of the VCP obtained from DEQ and VMRC to support the FCC.

Construction of Taxiway N at Richmond International Airport – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Capital Region Airport Commission (Airport Commission) for the construction of Taxiway N at the Richmond International Airport in Henrico County. The new connector Taxiway N will be located between Runway 16-34 and Runway 2-20 to provide taxi access to Runway 16-34 during construction of the Runway 16-34 rehabilitation project. Taxiway N will also serve as a bypass connector taxiway at the triangle of the two runways for future construction projects such as the relocation of Taxiway M. Connector Taxiway N will be a permanent taxiway for intermittent use, designed to Federal Aviation Administration (FAA) Group IV standards. Taxiway N will be 735 feet long by 75 feet wide with pavement consisting of a 4-inch bituminous surface course, an 8-inch P-403 bituminous base course, a 12-inch P-209 crushed aggregate sub-base course, and a compacted sub-grade. The taxiway will also include paved shoulders, edge lighting, signage, and markings. Based on DEQ's review of the FCC and the comments submitted by review agencies, DEQ concurs that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided construction complies with all applicable permits and authorizations with respect to erosion and sediment control, stormwater management, and air emission. In addition, the project must comply with applicable solid and hazardous waste requirements.

Columbia Pike Transit Project: Arlington County and Fairfax County seek federal funding through the Federal Transit Administration's (FTA) Capital Investment Grant Program to implement high-quality, high-capacity transit service along a 5-mile corridor, mainly along Columbia Pike, from the Pentagon/Pentagon City area in Arlington to the Skyline Area in the Baileys Crossroads Community Business Center in Fairfax County. The Washington Metropolitan Area Transit Authority (WMATA) is providing technical oversight of the EA. The Columbia Pike corridor is one of the busiest in Northern Virginia, with approximately 16,000 daily transit riders

(divided between Metrobus and Arlington Transit) and 31,000 motor vehicles per weekday along Columbia Pike. (EA, page 1-1, section 1.1.1).

The Counties, FTA, and WMATA (hereinafter “project proponents”) are considering three alternatives in addition to the No-Build alternative, as follows.

- No-Build: existing and future transit and road facilities expected to be in operation by 2030 under current plans (EA, pages 2-1 through 2-6, section 2.1)
- Transportation System Management #1 (TSM-1), Enhanced Bus: This alternative would include, and add to, the elements contemplated under the No-Build Alternative. It would extend and changing change Metrobus and ART routes to improve service to the Skyline area from Columbia Pike, and involve purchases of buses; improve express bus service to the Pentagon and downtown Washington, and make conforming route and timing improvements. (EA, page 2-7, section 2.1.2).
- Transportation System Management #2 (TSM-2), Articulated Bus: This alternative would include the planned changes under the No-Build Alternative, the changes contemplated under TSM-1 but would also include off-vehicle fare collection, multi-door boarding, and upgraded stops and passenger amenities. Purchase of 18 articulated buses to replace standard buses on the Metrobus 16G and 16H routes would be part of this alternative. (EA, pages 2-8 through 2-9, section 2.1.3).
- Streetcar Build Alternative: This would involve continued bus service along Columbia Pike, but would add a modern streetcar, running the length of Columbia Pike from Jefferson Street to Joyce Street, terminating in Pentagon City at 12th and South Eads Streets. The alternative would also involve construction of a permanent equipment storage site near the existing Navy Annex. The planned projects under the No-Build Alternative would be included. Bus systems would remain except for Metrobuses 16G and 16H, which follow the same route as the proposed streetcar service. This alternative would require purchasing 13 modern streetcars. (EA, page 2-10, section 2.1.4)

Based on our review of the FCC and the comments submitted by agencies administering the applicable enforceable policies of the VCP, DEQ concurs that the proposed action is consistent with the VCP, provided that any applicable permits and approvals are obtained.

Willoughby Spit Beach Restoration – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the City of Norfolk for the proposed Willoughby Spit Beach Restoration project in Norfolk. The Norfolk District of the U.S. Army Corps of Engineers (Corps) has completed a review of a Joint Permit Application from the City of Norfolk for an individual permit pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403) for proposed impacts to jurisdictional waters of the United States. The Willoughby Spit Beach Restoration project consists of: the removal of seven existing timber groins and the installation of seven breakwaters, with maximum dimensions of 180 feet in length by approximately 40 feet in width; the relocation of one existing breakwater and the rehabilitation of a terminal groin; and the placement of 40,500 cubic yards of sandy material landward of the breakwater as beach nourishment between 8th View Street and Lea View Avenue situated along the Chesapeake Bay. DEQ issued a Notification of No Permit Required for a Virginia Water Protection Permit on October 12, 2012 and the Virginia Marine Resources Commission (VMRC) issued a permit (VMRC# 2012-0666) on September 25, 2012 for encroachment in, on, or over state-owned subaqueous bottoms. A draft individual permit (NAO-2012-0994) has been completed by the Corps in accordance with Section 10 RHA and Section 404 CWA and will be issued upon DEQ’s completion of this CZMA review and its concurrence with the FCC submitted by the City of Norfolk. DEQ did not conduct its usual coordinated review of the FCC with agencies in Virginia’s networked coastal program because the City of Norfolk requested an expedited review to facilitate immediate implementation of the project. The City submitted proofs of the aforementioned approvals of applicable enforceable policies of the VCP obtained from the DEQ and VMRC to support the FCC.

Green Mountain Coffee Roasters – DEQ completed an expedited review of a federal consistency certification (FCC) submitted by Green Mountain Coffee Roasters. The company applied to the U.S. Army Corps of Engineers for an individual permit pursuant to Sections 401 and 404 of the Clean Water Act for a project in Isle of Wight County, and federal consistency is required as a result. Green Mountain Coffee Roasters has acquired property in the Isle of Wight Industrial Park and will be expanding the existing facilities to incorporate new warehouse space. A wetland feature bisects the proposed area of expansion. Approximately 4.83 acres of forested wetlands will be filled. According to the FCC, the project will be conducted in a manner consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP) (previously called the Virginia Coastal Resources Management Project). DEQ did not conduct its usual coordinated review of the FCC with all the agencies in Virginia’s networked coastal program because the applicant requested an expedited review to facilitate immediate implementation of the project. The applicant submitted proofs of the prior approvals of applicable enforceable policies of the VCP to support the FCC. Accordingly, DEQ conducted a limited review with agencies that administer the applicable enforceable policies. Based on a review of the FCC and the comments submitted by agencies administering the applicable enforceable policies, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained.

Coastal Precast Systems – DEQ completed an expedited review of a federal consistency certification (FCC) submitted by Coastal Precast Systems. The company applied to the U.S. Army Corps of Engineers for an individual permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Sections 401 and 404 of the Clean Water Act for a project in the City of Chesapeake, and federal consistency is required as a result. Coastal Precast Systems is located on a 35-acre site along the Elizabeth River and proposes to construct two new piers in the river to support a lift system with a 360-ton gantry. A rail system will be installed for transporting loads from the piers to the manufacturing plant. The project will affect 27,175 square feet of state-owned bottomland, 5,025 square feet of tidal vegetated wetlands, 2,285 square feet of non-tidal wetlands, and 1,325 square feet of non-vegetated tidal wetlands. All impacts will be mitigated. According to the FCC, the project will be conducted in a manner consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP) (previously called the Virginia Coastal Resources Management Program). DEQ did not conduct its usual coordinated review of the FCC with all the agencies in Virginia’s networked coastal program because the applicant requested an expedited review to facilitate immediate implementation of the project. The applicant submitted proofs of the prior approvals of applicable enforceable policies of the VCP obtained from DEQ and the Marine Resources Commission to support the FCC. Accordingly, DEQ conducted a limited review with agencies that administer the applicable enforceable policies. Based on a review of the FCC and the comments submitted by agencies administering the applicable enforceable policies, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained.

IV. Federal Funds

DEQ completed the review of 26 projects from October 1, 2012 to March 31, 2013 that were submitted under 15 CFR, Part 930, Subpart F for federal financial assistance to state and local governments. The projects break out as follows:

- 1 wildlife management area expansion
- 3 wildlife habitat area enhancements
- 8 home rehabilitations/weatherizations
- 1 multifamily apartment redevelopment
- 1 demolition of blighted property
- 3 community park improvements
- 1 community center rehabilitation
- 2 road improvements
- 1 wastewater collection system improvement
- 1 stormwater drainage system improvement
- 1 water well and distribution system improvement
- 3 trail projects

Examples of Federally –funded projects that were reviewed:

Migratory Bird Habitat Enhancement, GATR Tract, Mockhorn Wildlife Management Area – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Department of Game and Inland Fisheries (DGIF) for proposed migratory bird habitat enhancements on the GATR Tract at the Mockhorn Wildlife Management Area in Northampton County. The project includes the restoration of wildlife habitat utilizing forestry practices, invasive species control, and the removal of an abandoned cinderblock building and asphalt parking lot. Specifically, enhancement will be achieved through targeted timber harvests; herbicide removal of invasive phragmites; plantings of fruit-producing shrubs, native grasses, forbs, flowering plants, and hardwood seedlings; mulching of logging debris and mid-story woody vegetation; creating walking trails/fire breaks; and the use of prescribed fire. Upon removal of the building and parking lot, the site will be planted with hardwood seedlings and shrubs. DEQ concurs that the program is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and approvals are obtained with respect to any impacts to wetlands, erosion and sediment control, stormwater management, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with applicable solid and hazardous waste requirements and forest management BMPs.

Wild Birds and Mammals Habitat and Facilities Management Project – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Department of Game and Inland Fisheries (DGIF) for the implementation of the Wild Birds and Mammals Habitat and Facilities Management project for the next five-year period (2013-2018). Under the program DGIF maintains and enhances upland, wetland, and forested habitats; and buildings, dams and dikes, bridges, roads, gates, boundary lines, parking lots, and other wildlife management and public use facilities, and/or provides technical assistance to public and private partners concerning wildlife and wildlife habitat management. All annual scheduled work is either technical assistance; maintenance and repair work that is within the same footprint of existing facilities and previously disturbed ground/soils; or small-scale public use facilities developments that will not involve ground-disturbing activities. DEQ concurs that the program is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided all applicable permits and approvals are obtained prior to implementation of specific project activities that impact the coastal resources or uses of the Commonwealth.

Level Ponds II, Saxis Wildlife Management Area Expansion – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Department of Game and Inland Fisheries (DGIF) for the

Level Ponds II, Saxis Wildlife Management Area expansion in Accomack County. The DGIF has requested federal assistance from the U.S. Fish and Wildlife Service through the National Coastal Wetlands Conservation Grant to purchase 192 acres of wetland and upland habitat on Doe Creek and the Chesapeake Bay, known as Level Ponds (Phase II), near DGIF's Saxis Wildlife Management Area (WMA) in Accomack County. The purchase will be added to the existing DGIF-owned Level Ponds property (Phase I). 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. Based on the information contained in the consistency certification, the proposed action would have no effect on any of the enforceable policies of the Virginia Coastal Zone Management Program (VCP) since the federal funding would be used by DGIF only for property acquisition. Accordingly, on behalf of the Commonwealth, DEQ concurs that the proposed land acquisition is consistent with the VCP since none of the enforceable policies of the VCP would be affected.

Public Fishing Enhancement and Development Project – DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Department of Game and Inland Fisheries (DGIF) for federal assistance from the U.S. Fish and Wildlife Service through a Sport Fish Restoration Grant to fund the Public Fishing Enhancement and Development Project for the five-year period beginning January 2013 through December 2017. The Public Fishing Enhancement and Development Project is a continuation of DGIF Grant F-109-D that has been active since 1991 and funds DGIF activities to ensure a successful fisheries program. Project activities involve the maintenance and repair of public access facilities, dams, fishing areas, four fish rearing facilities, and efforts to identify additional access needs. The DGIF Bureau of Wildlife Resources (BWR) will conduct, coordinate, and supervise the fisheries enhancement, development, and technical assistance grant to meet the objectives for each of five major categories of activities: Angler Access Maintenance and Development; Dam Maintenance and Renovation; Habitat Improvements; Warmwater Fish Stocking; and Hatchery Operations, Maintenance, and Repairs. DEQ concurs that the Public Fishing Enhancement and Development Project is consistent with the enforceable policies of the VCP provided all applicable permits and approvals are obtained prior to implementation of specific project activities. DGIF must ensure that any project activities affecting coastal resources or uses are conducted in accordance with the CZMA federal consistency regulations.

OCS Activities

No OCS activities were reviewed during this period.

C. PROGRAM CHANGES

During the reporting period the Environmental Law Institute (ELI) continued to work on 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 can be advanced independently of any other code sections that do involve state-listed TES. ELI also worked to document the issue by evaluating the outcomes of TES recommendations produced through the current environmental review process and evaluating opportunities for improved state TES protection under the current policies for federal consistency, including a comparison with nearby states. Final products from ELI have been completed and included with the Section A report. Virginia CZM staff will now begin the notification process for the fish and wildlife program change and review the recommendations for improving state TES protection through the federal consistency process. The report will be presented to the Coastal Policy Team at its next meeting.

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: The Sustainable Community Planning Focal Area directed Virginia CZM resources, including staff time and grants, to state agencies and coastal planning district commissions to help coastal localities plan for adaptation to climate change. In addition, the Hampton Roads PDC received a FY 11 competitive PDC grant to continue its work on climate change adaptation in the region. Also, for FY 11 and FY 12, the Accomack-Northampton Planning District Commission included climate adaptation in its Technical Assistance grants. The Hampton Roads PDC has submitted a proposal to work with the City of Virginia Beach to develop a climate change adaptation plan. This would be first such plan for a locality in Virginia, and could serve as a model for other jurisdictions. The Virginia CZM Program is currently evaluating the proposal, and hopes to fund the project with FY 11 reprogrammed funds, pending NOAA approval.

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 state-listed threatened and endangered species (TES) through federal consistency. The Virginia CZM Program contracted with the Environmental Law Institute (ELI) to prepare routine program change submissions to update the portions of Virginia's fish and wildlife enforceable policies that do not involve threatened or endangered species so that this updated set of policies can be advanced independently of any other code sections that do involve state-listed TES. ELI has also worked to document the TES issue by evaluating the outcomes of TES recommendations produced through the current environmental review process. In addition, they have evaluated opportunities for improved state TES protection under the current policies for federal consistency, including a comparison with nearby states.

After years of not following proper procedures, the Norfolk District of the U.S. Army Corps of Engineers is now conducting CZMA federal consistency reviews properly. (See FY 12, Task 3 Progress Report for October 1, 2012 – March 31, 2013.)

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 was also focused 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 created version 3 of the Coastal GEMS application. This version takes advantage of new web based mapping software to provide an enhanced user experience. Specifically, the new version upgrades from an ESRI ArcIMS service to an ArcGIS 10 Server system, and new features include additional basemaps, improved cartography, user markup functionalities and a search attributes function.

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 2011 and 2012 focal area continues competitive grants for the PDCs. This has allowed them to prioritize internally their needs for local training efforts – some have continued in this area while others have chosen to undertake public access projects. 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 have 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. Coastal GEMS has also become a trusted source of information for local planners.

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, Chesapeake Bay National Estuarine Research Reserve (CBNERRS) and Sea Grant. Virginia CZM staff participates in Virginia Sea Grant strategic planning sessions and evaluations and Virginia CZM and CBNERRS staff occasionally holds “collaboration meetings.” The Director of Virginia Sea Grant and

Managers of CBNERRS are members of the Coastal Policy Team and Virginia CZM staff serves on the CBNERRS Coastal Training Steering Committee. These are all important venues for identifying common goals, priorities and programs. In June 2012, Virginia CZM Office staff participated on a Sea Grant communication focus group. In May 2012, Virginia CZM collaborated with Virginia Sea Grant and other NOAA partners to offer a tour of the NOAA Okeanos research vessel. In June 2012, Virginia CZM collaborated with CBNERRS on a CZMA 40th anniversary event at VIMS highlighting the programs' shared accomplishments, which resulted in media coverage and increased visibility for NOAA, the CZM and both programs. Virginia Sea Grant and CBNERRS communication staff agreed that their collaborative efforts would be aided through use of the Virginia CZM Program's multi-media messaging and communication strategy framework. Through the end of 2013, Virginia CZM and Virginia Sea Grant communications staff will be using the framework to guide a strategy to help build local government, business sector and general public support for the 2014 Working Waterfronts Summit. In early 2012, Virginia CZM staff also coordinated with Virginia Sea Grant to design a mock-up of a "Story Development Forum" Wiki. The Forum is a tool meant to help staff be more proactive in collaborating on coastal management stories, consistent messaging and improved visibility and credit for our programs' efforts and investments. Virginia CZM and Virginia Sea Grant staff will continue to refine and test the forum to ensure we are using the right social media platform before presenting it to managers in the CBNERRS and Sea Grant offices. Virginia CZM staff currently is serving on the CSO Communication Workgroup to develop and implement a new communications strategy to help heighten visibility of state CZM success stories. The workgroup recently produced two new factsheets directed at Congress – *"Maintaining A Vital America Resource: Coastal Zone Management"* and *"Mitigating the Costs of Extreme Weather: The Role of Coastal Zone Management."*

Virginia CZM staff remains actively engaged in ongoing coordination with state CZM partners on communication, marketing and education efforts, encouraging collaboration on new initiatives particularly where partnership can help achieve common goals more efficiently and effectively. Staff continues to coordinate with partners in marketing native plant use, including campaigns in Northern Virginia (coordinated by the Northern Virginia Regional Commission), on the Northern Neck (coordinated by the Virginia Native Plant Society working with the Northern Neck PDC), the Eastern Shore. Virginia CZM sponsored printing of the new Flora of Virginia in December 2012, and staff is encouraging use of Flora-based native plant lists coast-wide through the regional campaigns. The Virginia Resource Use Education Council (Virginia CZM staff serve as members on the council) presented the annual Otter Award to the Virginia CZM Program for its many years of support to environmental education in spring 2012. The 2012 Virginia Coastal Partners Workshop in December focused on engaging stakeholders in identifying and prioritizing possible coastal management action items, including improved stakeholder education and participation. Virginia CZM staff analyzed and summarized the results of this prioritization exercise, and is considering how best to proceed in addressing and implementing the suggestions.