



Virginia Coastal Zone

M A N A G E M E N T P R O G R A M

Coastal Policy Team

Final Meeting Notes

Monday, August 19, 2013

Location: DEQ Central Office, 619 E. Main Street, Richmond VA

Attendees:

April Bahen – DEQ	Stuart McKenzie - NNPDC
Sharon Baxter – DEQ	Liz McKercher - DEQ
Kevin Byrnes – GWRC	Nick Meade – VA CZM
Mark Bittner – Crater PDC	Corey Miles - NVRC
Melanie Davenport – DEQ	Shep Moon – VA CZM
John Fisher – DEQ	Beth Polak – VA CZM
Becky Gwynn – DGIF	Willy Reay - CBNERRVA
Scott Hardaway – VIMS	Dan Salkovitz – DEQ
Troy Hartley – VIMS/Sea Grant	Tom Smith - DCR
Ellie Irons – DEQ	Sarah Stewart - RRPDC
Ken Jurman – DMME	Lyle Varnell - VIMS
John Kuriawa – NOAA	Aimee Vosper - NVRC
Lewie Lawrence – MPPDC	Tony Watkinson - VMRC
Pam Mason – VIMS	Virginia Witmer – VA CZM
Ben McFarlane – HRPDC	Ricky Woody - VDOT
Laura McKay – VA CZM	

DEQ/DCR Merger

Melanie Davenport reported that on July 1, 2013 the Virginia Stormwater Management Program (VSMP) moved to DEQ from DCR. This will include Watershed Implementation Plan (WIP) coordination and implementing the TMDL program. Over 100 positions moved to DEQ, although the majority of them remain vacant. Soil and Water Conservation and non-regulatory agricultural programs remained at DCR. The e-permitting system should capture the same information from localities under the Construction General Permit, although DEQ has some additional data needs to satisfy EPA requirements. Stuart McKenzie asked if state evaluation of local Erosion and Sediment Control and Chesapeake Bay Preservation Act implementation could be combined in order to reduce review time. Melanie said this could be considered. Lewie Lawrence and Kevin Byrnes asked if DEQ could request that the General Assembly set fee levels high enough that localities would not have to raise them in order to cover their costs. Melanie said there were no proposals from DEQ asking this for 2014, but it could be considered in

the future. John Kuriawa said that the Virginia CZM Program needs to evaluate coordination of Coastal Nonpoint Source programs because they influence the state's enforceable policies. Liz McKercher replied that a Nonpoint Source Management Plan is being worked on that includes a current inventory of programs and current status of strategies.

309 Grants

Lewie Lawrence reported that the MPPDC ditching project that is underway to look at who owns and who has responsibility for water exiting the parallel ditches to roadways and entering into perpendicular ditches. In rural areas, private landowners have responsibility once the water enters the perpendicular ditches, although in general landowners do not want this responsibility.

Ben McFarlane reported on HRPDC's project that provides recommendations for stormwater regulations and TMDLs. The project includes: a written list of required changes for TMDLs, what localities' needs are and what the state can provide; a LID implementation checklist on the HRPDC website for new development; BMPs on the HRPDC website; providing modeling techniques; exhibiting how to more efficiently protect water quality and promoting water quality. The report will be completed within the next several months.

Threatened & Endangered Species

Shep Moon reminded members of the Coastal Policy Team that although state-listed threatened and endangered (T&E) species had been included in every Virginia CZM Program Executive Order, there were no T&E species enforceable policies that could be used in federal consistency review. He also noted that during a 2010 routine program change (RPC) submission to NOAA on DGIF laws and statutes, VDOT had objected to the addition of code sections that would have added T & E species protection. As a result, Virginia withdrew the submission and contracted with the Environmental Law Institute (ELI) to prepare a new RPC for all DGIF laws and statutes that did not involve T & E species. As part of this grant, ELI also prepared a report that: 1) analyzed Virginia's current federal consistency review process and several representative projects with regard to their effectiveness in addressing T & E species issues, 2) examined the practices of other coastal states, and 3) made recommendations for next steps. ELI found that two thirds of Virginia's current federal consistency reviews had nonbinding recommendations with regards to state-listed T&E species. The four Virginia case studies included in the report had mixed results with regard to the effectiveness of these recommendations, in part because of the advisory status of T & E species policies. The report also examined the practices of five other states, including Maryland and North Carolina which both have state T&E species included in their enforceable policies. The report's conclusion was that Virginia should incorporate state-listed T & E species laws and statutes as enforceable policies. Becky Gwynn of DGIF and Ben McFarlane of HRPDC spoke in support of this recommendation, while Ricky Woody of VDOT expressed his continuing concern that this would give the Virginia CZM Program undue authority and could delay or shut down highway projects. After further discussion, the CPT decided to table further action on this issue until its next meeting.

PDC Reprogrammed Grants, Competitive Grant Proposals and PDC Project Updates

Approximately \$63,500 from fiscal years 2010 and 2011 has been reprogrammed for projects in Hampton Roads, Middle Peninsula and Northern Neck PDCs. Also, \$136,000 is available for PDC competitive grants. Six proposals were received from the following PDCs: Hampton Roads (2), Middle Peninsula (2), Northern Virginia Regional Commission (1) and Accomack –Northampton PDC (1). Project updates, descriptions of reprogramming projects and competitive proposals received are described as follows by region:

HRPDC

- Reprogrammed funding grant for policy review of ordinances regarding sea level rise; creation of locality specific maps possibly for online posting; and expanded outreach effort in Virginia Beach.
- Competitive proposal for a Native Plants project to bring together stakeholders and develop strategies to promote increased use of native plants. Focus will be on landscapers, developers and local governments installing BMPs. The project will include a stakeholder meeting, needs assessment and strategic plan.
- Competitive proposal addressing sea level rise and flooding in localities with technical assistance.

MPPDC

- Reprogrammed funding grant for preliminary management plan for Severn River land donation. MPPDC will work with stakeholders to identify options for future land use.
- Reprogrammed funding grant for revitalization of Perrin River Wharf. About 12 new slips will be installed for commercial and public use. All labor will be donated.
- Reprogrammed funding grant for development of a Master Plan for Aberdeen Creek. The role of public policy with regards to waterfront property will be assessed.
- Competitive proposal for Preserving Aberdeen Creek Working Waterfronts: Survey and study of dredging, working waterfront infrastructure and financial need. Presenting tax incremental financing to fund dredging projects.
- Competitive proposal for development of a water reuse plan to identify ways to reuse discharged and treated water from the Hampton Roads Sanitation District.
- Project Update: The living shorelines project has produced and disseminated a survey asking the question: If low interest loans were available would private landowners choose to put in living shorelines? Results showed that around 50 percent of landowners would choose the low interest loans and install living shorelines.
- Project Update: An upcoming workshop focusing on Working Waterfronts will be held February 26, 2014 to broaden awareness of problems watermen and water dependent businesses face with land use policy. A dialogue for identifying potential solutions will begin.

NVRC

- PDC Competitive proposal for combining results of the conservation corridors project with the native plant campaign; 306A landscaping project, site to be identified using GIS data from conservation corridor project for landscaping with native plants. Following a landscaping design workshop a native plant for conservation landscaping demo site will be installed using the design created at the workshop.
- Project Update: Sustainable shorelines project – Phase 3; refining vulnerability mapping and site considerations; developing adaptation strategies and a communications strategy for local governments to implement.
- Project Update: Plant NoVA Natives Campaign – planning for development of a guidebook; engaging nurseries; plan to tie the campaign to storm water regulations and MS4 requirements.

NNPDC

- Reprogrammed funding grant for Plant NNK Natives Campaign: A full color Northern Neck native plant guide has been produced and nurseries are in agreement to supply native plants and identify them with tags at point of sale locations.

RRPDC

- Project Update: The Chapel Island 306A project - a trail has been developed, along with interpretive signage, a kiosk and a canoe/kayak launch.

ANPDC

- PDC Competitive proposal for Transportation Vulnerability – creating transportation vulnerability GIS data, factoring in sea level rise. Next steps will be working with VDOT about the possibility of elevating roads. It was noted that it is important for all of the PDCs to provide vulnerability data to VDOT.
- Project Update: Water Trail/Camping Platform project – ANPDC will be meeting with stakeholders, creating an association, determining who would own and maintain the camping platform and how paddlers could best utilize it.

More Grant Updates

- Shore change website - Update to make historical imaging more available; 1937 photos, shoreline and rates of change will be available for entire state.
- Dune monitoring - Nine sites now have detailed surveys for a 3-4 year period including impacts from Isabel and recovery. Two sites will keep monitoring going – First Landing State Park in Virginia Beach and Bavon Beach in Mathews County.
- Cape Charles signage will be created for the jetty pier.
- Eco-tour Guide Certification – Eastern Shore Community College wants to repeat the course. The program will be expanded to also work with Rappahannock Community College to provide the courses.
- Land Acquisition funds - FY10 Mutton Hunk Conservation Easement in Accomack County-DCR.

- FY11 Habitat Restoration Projects on the Eastern Shore –
 - Mockhorn/GATR tract-timber harvest, pine thinning and demolition of a building.
 - Pickett's Harbor-planting with DCR; first phase in Oct.-shrubs then trees planted.
 - Kiptopeke State Park-pine thinning, repairing hawk observatory, purchase portable deer stands, education intern.
 - ODU-Bird study - radar in Wakefield and Maryland does not cover Southern Tip but study will include field transects on the Southern Tip of the Eastern Shore.
 - William & Mary/Center for Conservation Biology-Estimating energy resources needed and available to birds during migration through the Eastern Shore.

Data Sharing Plans

John Kuriawa made clear that DSPs are not required for projects that are analyzing or processing existing data. He stated that as long as the grantee is making the data publicly available, as in a final product, a data-sharing plan is not necessary. John K. also stated that data can be kept on a grantee's website and be made available on an "as needed basis" if grantee is unsure whether the data can be made publicly available.

Offshore Wind Energy

The Commercial lease sale is scheduled for September 4. About 8 potential developers are expected to bid on leasing the Wind Energy Area about 25 miles offshore of Virginia Beach. Virginia hopes to be one of 3 states among the eligible 7 states that will receive DOE funds to construct two 6 megawatt test wind turbines in offshore waters. DMME will be sending out an RFI for about \$1M in research funds for work in the WEA. Ken Jurman said he will put in a good word for continuation of the whale migration study which was not selected for a 2nd year of NOAA Section 309 PSM funds.

Ocean Planning

Laura McKay stated that the Mid-Atlantic Regional Planning Body (RPB) has been set up and the representatives are Jack Travelstead from VMRC and Rick Weeks from DEQ. An Ocean Stakeholder workshop will be held on September 24-25 in Monmouth, NJ.

Workshop

September 18-19 in Norfolk. VA CZM will present on the Seaside Restoration work and HRPDC, City of VA Beach and MPPDC on climate issues as part of a forum on engaging Congress in CZM activities. Shep will be leading a field trip through VA Beach and Back Bay; Laura will be leading a field trip to the Eastern Shore. All CPT members are invited to the CSO meeting.

Climate Adaptation

Workshop Priorities: A - Increase public scientific literacy of climate change issues and build stronger relations between scientists and elected officials
B - Collaborate with the Virginia Department of Emergency Management

Priority Rank: A-1, B-2,

Votes: A-129, B-69

Description: A - There is a need to increase public scientific literacy and understanding of the seriousness of the issue. Stronger relations need to be built between scientists and elected officials. CZM should continue to invest in discussions with these officials.

B – CZM should collaborate with the Virginia Department of Emergency Management and participate in regional hazard planning meetings.

Breakout Group: Becky Gwynn, Scott Hardaway, Ken Jurman, Pam Mason, Willy Reay, Dan Salkovitz, Tom Smith, Aimee Vosper, April Bahen, Shep Moon

Discussion Outcomes:

1. The Virginia CZM Program will have a display at the 2014 Virginia General Assembly on how GIS mapping efforts can be used in coastal resource management decisions. This would be a good opportunity to communicate climate adaptation issues to state legislators and other key stakeholders.
2. The climate change adaptation work of the planning district commissions has been useful. Local government plans and ordinances have great potential for implementing adaptation strategies, but it may take a number of years for local adoption. PDCs interested in continuing adaptation projects should be supported by Virginia CZM grants and other PDCs should be encouraged to begin efforts as they are ready.
3. Federal efforts to improve coastal resiliency in response to the impacts of Hurricane Sandy may present opportunities for Virginia's adaptation initiatives. Virginia CZM should continue to monitor and participate in these efforts.
4. Most of the climate change adaptation efforts of the PDCs have focused more on impacts to infrastructure and human health, safety and welfare. While these are critically important, and most likely to draw the attention of decision-makers and the general public, impacts to coastal habitats and fish and wildlife also need to be addressed. Although local governments control most land use decisions, habitat management is typically viewed as more of a state responsibility. The Virginia CZM Program is in a good position to facilitate habitat adaptation efforts by bringing together various state agencies, institutions and NGOs with expertise in this area. NOAA's Chesapeake Bay Sentinel Site Cooperative could provide valuable information on

this topic. Information on habitat impacts gathered through this effort could then be communicated to state and local decision-makers as well as the general public.

5. As sea level rises and storm activity increases, impacts to local roads will become an increasingly difficult and critical issue. The Virginia CZM could compile a list of sea level/road issues and questions and communicate this to VDOT asking for clarification of their policy on this topic.
6. There is some uncertainty about potential liability issues regarding the projection of storm impacts. This uncertainty could hinder the use of tools that could help inform residents and help them prepare for storms. Clarification of liability could help in promoting the widespread use of existing predictive tools and perhaps make the development of new tools more likely.
7. There is a need for more communication and interaction with the Department of Emergency Management. Their planning and response efforts may benefit from past Virginia CZM projects and their on-going efforts may provide an opportunity to advance Virginia CZM climate adaptation initiatives.

Fisheries

Workshop Priority: Developing Guiding Principles for Promoting Fisheries Sustainability for Use in Local Comprehensive Plans

Priority Rank: 3

Votes: 57

Description: CZM should develop guiding principles to promote fisheries sustainability for use in comp plans; create a packet of easily usable scientific info for use in comp plans. (Better link science to local planners.)

Break-out Group: Lyle Varnell, Tony Watkinson, Troy Hartley, John Kuriawa, Nick Meade, Laura McKay

Discussion Outcomes:

1. There is a need to synthesize existing fisheries science on habitat needs and impacts and translate it for local planners, elected officials and even the general public. Fishery management plans of the Atlantic States Fishery Management Council should be reviewed for information that would be useful to localities in guiding their land use decisions – we need to make that connection. We should explore ways to engage the habitat committee of ASMFC.

VA Sea Grant typically has one-two W&M 3rd year law student interns starting each semester. Troy would be willing to have them conduct some of this work on reviewing fishery management plans of the Atlantic States Fishery Management Council. If CZM can help set up

an initial scoping meeting/conference call with Tony Watkinson, a PDC (maybe Lewie at MP PDC), and Sea Grant, we could provide the interns with guidance on what to be looking for in the FMPs. Each student provides 120 hours of time. We would have them review selected FMPs for habitat-related goals that may have a corollary in a local or regional land use plan and pick a few sample comprehensive plans to see if they address such items. These could be topics such as whether local land use plans discuss interests in un-dammed rivers and streams to allow upstream migration and spawning by anadromous fish; whether important Bay spawning habitat or habitat resources of great value to a species (e.g., SAV, hard bottom) are addressed, etc. Perhaps local planners could consider such factors and influence change in local codes and ordinances to address protection of the resources identified in FMPs.

We could also explore other “indicator” items that might be helpful in a comp plan. For instance Harmful Algal Bloom (HAB) research is not well synthesized in the scientific literature summarizing the specific types of triggers for a HAB, at least not for the Chesapeake Bay. Because HABs are often thought to be triggered by watershed activities such as the influx of excessive nutrients, and because HABs directly impact all coastal uses including aquaculture, recreational use, as well as fisheries health, having the fellow pull together such a synthesis may help us create linkages between watershed development and fisheries health.

2. Sea Grant will also be hiring a 2-year Sea Grant Fellow stationed at VIMS to focus on science, synthesis and integration at the interface of: 1) fisheries science/stock abundance & distribution and 2) habitat/land use. The Fellow will begin in spring 2014. The fellow will be responsive to the scientific information needs expressed by fisheries managers, including state managers, Fisheries Goal Implementation Team, VASG, and NCBO. There may be opportunities to have the fellow coordinate work with law interns in VASG.
3. Perhaps work by the Sea Grant Fellow and the W&M law students could be used as the foundational information to be translated into lay terms for local land use planners and elected officials. The value of putting this type of information in comp plans was discussed. This is a common first step in changing local policy but it can take a long time for goals in comp plans to translate into ordinances that are enforced. Thus this should not be the only approach for promoting the importance of taking fisheries impacts into account when making land use decisions. This should be discussed further with some of our PDC members of the Coastal Policy Team as there were no local government representatives in this group.
4. Folks at NCBO are still working on a second draft of the fisheries-land use principles, so CZM and others could provide input as that document is being finalized and would then be available for this effort. In addition, we might solicit further input from partners on NCBO’s draft set of principles and perhaps publish it as a fact sheet.

5. We need to encourage local governments to consider their adjacent coastal waters as part of their locality. They do have some authorities over the waters beyond their land boundaries (except along the Maryland border).
6. Shellfish aquaculture could be a particular fishery to focus on however, that industry is doing quite well despite current land use practices. Although another tack might be to use and synthesize recent research by Mark Luckenbach, et al on the ability of oysters to remove nitrogen from the water and get that information packaged for local officials.
7. Aquaculture, traditional working waterfronts and coastal public access are important, economically-related topics for localities. It was noted that “fisheries health” may be too generic and too broad to engender the interest of local elected officials and local planners. The local folks are usually focused on economics first, so choosing coastal uses or activities that are more clearly and measurably contributing to local economic productivity may be the wiser route. If water quality is improved or maintained for the sake of protecting nearshore shellfish aquaculture, it should benefit wild coastal fish species as well. If public access is enhanced for the sake of promoting local eco-tourism opportunities, the access would have to be adjacent to protected areas or natural assets to view and enjoy. So, perhaps specific coastal uses can be used as the driver for analyzing options to make local land use more protective of habitat and water quality, which in turn will achieve our goal of improving fisheries health.
8. Some information exists on the relationship between impervious surface and ecological degradation, but it may not be fishery specific enough for this purpose.
9. SAV is one of those fishery habitats that is adversely impacted by poor land use practices. Perhaps those localities that do still have SAV along their coast should be priority targets for our efforts.
10. A local pilot project conducted in partnership with a coastal PDC regardless of whether it’s focused on education, the provision of better maps/data, or one of the above ideas would be a useful do-able project.

Water Quality

Workshop Priority: Support efforts to improve transmission of information about TMDL requirements to local level decision makers and then citizenry

Priority Rank: 4

Votes: 35

Description: Water Quality

Break-out Group: Kevin Byrnes, Ben McFarland, Ricky Woody and Sarah Stewart

Discussion Outcomes:

- PDCs hear complaints and issues from local governments
 - There is a sense of urgency due to a shift from voluntary to regulatory actions. How will local governments deal with TMDLs is a major question?
 - About 50-90% of the water quality problem is nonpoint source but localities have little authority to fix existing conveyances, i.e. retrofit systems/properties
 - New developments can meet new regulations but not existing properties;
 - Existing owners need to retrofit their properties: How to force actions or develop incentives?
- 1) Incentives for landowners to adopt BMPs are needed to be devised
 - 2) Funding mechanisms: need to develop mechanisms since nutrient trading is very limited Ideas discussed:
 - i) stormwater utilities—a public service authority can generate money for projects and give each landowner incentives for adopting new BMPs e.g. rain barrels, plantings and taking off downspouts
 - ii) state imagery pros needed to measure/calculate WIP
 - iii) urban cost-share
 - iv) banking like wetlands mitigation
 - v) MS4 “trading” eq. local government, MS4 permittee/developer credit

(1) *Note: VDOT right of way is small landowner but has MS4 permit
 - 3) Potential Projects

Opportunity for CZM to provide statewide leadership and transfer knowledge/expertise; sharing information is needed beyond jurisdictional boundaries.

 - A. CZM workshop-include local officials on panels
 - B. CZM pilot project to explore collaborative models for retrofitting, include LG permitting staff (planning offices)
 - C. Hand in conservation easements not being credited in TMDL (see Kevin) unlike Maryland. Need to investigate why not credited in VA?

Public Access

Workshop Priority: CZM should package informational materials on how private citizens can donate private property for public use (e.g. outline the benefits).

Priority Rank: 5

Votes: 34

Description: Information to Assist and Inform Potential Donors of Land to Regional Public Access Authorities

Break-out Group: Lewie Lawrence, Stuart McKenzie, Mark Bittner, Virginia Witmer, Beth Polak

Discussion Outcomes:

Ways the VA CZM Program can assist

1. Develop a General Fact Sheet to summarize information concerning:
 - Tax benefits/options (eg. Fee simple donation vs. easement)
(Legacy/estate planning and inheritance benefits)
 - Septic permitting and costs
 - Possible suite of public benefits
 - Examples of current uses on existing donated lands and how they meet a public need
 - Information for Realtors as conduit to land owners (eg. Ads, alt. solutions for land that won't sell)
 - Information for Soil scientists as conduit to land owners
 - Mapping of sites
 - Virginia Ecological Value Assessment (VEVA) significance and ranking
2. Network with news media as a means to promote future donations.
3. Develop a protocol for receiving and researching properties.
4. Develop a database to record details associated with each property.
5. Assist in conduct information sessions or site visits for land owners.
6. Develop on-line or printed advertising to be distributed through various outlets (investors, realtors etc...).