



Coastal Policy Team
Meeting Agenda & Notes in Blue

September 12, 2018

10:00am – 4:00pm

Location: 1111 East Main Street, 14th Floor, Richmond, Virginia

10:00 Welcome & Introductions

10:10 CZM Program Continuation

Working with the Secretary's Office and NOAA, the VA CZM Program developed a "transmittal letter" to continue the program in perpetuity rather than through the process of Executive Orders signed every 4 years by each new Governor. Governor Northam signed the letter and a press release was issued on Sep 4, 2018 announcing the change:

<https://www.governor.virginia.gov/newsroom/all-releases/2018/september/headline-829098-en.html>

10:15 Planning for Coastal Partners Workshop November 14-15, 2018

- Theme is multiple benefits of coastal land and waters conservation – resilience, biodiversity, ecotourism, aquaculture, tribal culture, and native plants. Also offshore issues – energy, ocean data portal and marine debris
Chief Adkins of the Chickahominy Tribe will open the conference. NOAA officials will also provide opening remarks and Secretary Strickler has also been invited to provide remarks.

Each session will include presentations followed by Q & A and then a discussion about the next steps that could be taken by the CZM Program and/or other partners.

Deputy SNR suggested we add a session on Watershed Implementation Plans and how they may intersect with VA CZM goals. A panel of local government reps was suggested for this session to discuss possible co-benefits and actions. Curt Smith (A-NPDC), Lewie Lawrence (MPPDC), and Ben McFarlane (HRPDC) were suggested along with a contractor, the Berkeley Group, for the panel discussion.

- Nov 2 Coastal Policy Center Conference

This conference preceding the Coastal Partners Workshop by a week will focus on "Building a Resilient Virginia." The last panel of the day will feature the CZM Program's efforts on "The Economic Benefits of Land Conservation and Ecotourism" with presentations by the CZM Program Manager and Planners with the Accomack-Northampton and Northern Neck Planning District Commissions.

- Nov 7-8 VA Academy of Science, Engineering and Medicine Summit at Science Museum on "Securing Prosperity in the Coastal Zone."

The CZM Program Manager will present a poster and “lightning talk” at this event, which will focus on “Assets, Stressors, and Opportunities.” Senator Mark Warner sponsors the event.

10:45 Resilience Issues

- Update on Secretary of Natural Resources’ resilience efforts

Deputy SNR Jennings reported that the Governor is working to make Virginia a leader on resilience issues and to address coastal hazards on a grand scale, using nature-based infrastructure, increased communication about risks and other tools. The Governor will be hiring a special assistant for Coastal Resilience for the SNR and Deputy Secretary Josh Saks will also be helping with resilience issues. An announcement about new, comprehensive approach is expected this fall.

- CZM funding for a proposed grant to Wetlands Watch to work in collaboration with the CPT to create a sortable, potential resilience projects database for matching project proposals to funding sources
As part of the VA CZM Section 309 Coastal Hazards Strategy, development of a Coastal Resiliency Projects Atlas was planned. Using leftover funds available for reprogramming in FY16 (which is currently scheduled to end March 31, 2019), work could begin on this effort. The recent Request for Proposals from the National Fish and Wildlife Foundation (NFWF) highlighted the need to have a set of project proposals ready for submission with clear information on the extent of an area to be protected, how many people and structures would be protected, whether permits were in place, cost estimates, etc.

CPT members discussed the draft application developed by CZM staff and Wetlands Watch. While some members expressed support for the concept of a database and noted other instances where Virginia had missed opportunities to apply for resilience project funding, others expressed concerns. Most concerns were about how projects would be prioritized and about the perception of prioritization by a private entity. It was also noted that other regional efforts had been completed or were underway, and that these needed to be considered in order to avoid redundancy.

As a result of the discussion, the Policy Team agreed to support a revised proposal that focused on gathering information from stakeholders, including all PDCs, on the design of a sortable database of potential projects. They agreed that input gathered from stakeholders through interviews and a workshop would be a useful outcome of the project and that this would help validate the database as a tool for multiple users and not just one entity. They also agreed that in order to make the workshop more productive, a database should be developed and populated with potential projects to illustrate its use. Members stated that in order to meet the needs of those developing funding applications a database needed to be flexible, updated with additional projects over time, and easily accessible to appropriate stakeholders. They also noted that seeing a range of potential projects in one database could help project proponents identify opportunities to strengthen their proposals.

- FEMA posted the Fiscal Year 2018 (FY18) Notice of Funding Opportunity (NOFO) announcements for the [Flood Mitigation Assistance \(FMA\)](#) and [Pre-Disaster Mitigation \(PDM\)](#) grant programs on www.grants.gov.

11:30 Aquaculture Promotion and Use Conflict Minimization

- Secretary's Oyster & Clam Aquaculture Work Group

This workgroup is focusing on accommodating growth in the shellfish aquaculture industry and addressing use conflicts. It includes General Assembly members, oyster/shellfish industry, local governments, conservation community, private landowners, and agency experts. It is facilitated by former Secretary of Natural Resources, Preston Bryant. The work group will meet several times this fall in hopes of reaching some consensus on specific, incremental changes that could be made to regulations or policy that would reduce conflicts while maximizing growth potential.

- CZM 3-year grant on Promoting Shellfish Aquaculture & Minimizing Use Conflicts

Dr. Jim Wesson (retired MRC Oyster Replenishment Officer, now contractor to VIMS) presented year 1 results of the 3 year, CZM-funded aquaculture project. Year 1 (finishing Sep 30 2018) focused on GIS analysis of where the public and private oyster fishery is conducted. Later years will focus on potential recommendations but be responsive to the Secretary's Oyster & Clam Aquaculture Work Group.

Research to date is showing that 78% of the public (Baylor) oyster grounds are not productive; only 22% of public bottom (39,117 acres) is suitable for restoration; only about 1% of public bottom is self-sustaining; and with current levels of funding only about 500 acres per year could be restored. In addition, the availability of shell for restoration is declining.

On private leased grounds, of the 3,977 leases only 34% reported harvests; 381 leases report harvest from cages (~10%); 75% of clam and oyster leases begin within 100' of the shoreline and 93% within 500'. Current low annual lease cost and application fees encourage leases to be taken without actually producing shellfish on them.

The proximity of leases to the shoreline exacerbates conflicts with adjacent landowners. There are also conflicts between aquaculture and submerged aquatic vegetation (SAV).

A-NPDC expects more conflicts as sales of waterfront property for homes increases but they are trying to address this through their CZM Working Waterfronts grants.

There was a discussion of how oyster farming could be moved offshore. Currently it is difficult because in most places within the Chesapeake Bay and its tributaries, the area further offshore is the public grounds. However, much could be learned from France and other countries where aquaculture is undertaken in offshore areas. This will be investigated years 2 and 3 of the CZM-funded VIMS study.

Some time ago CZM funded VIMS to create an Aquaculture BMP handbook. As recommendations for minimizing use conflicts are adopted, this handbook could be updated.

12:00 Lunch

1:00 Re-write of Enforceable CZM Program Policies – the short, narrative versions and a few additions

Background was presented on the goals for this initiative to develop new narrative enforceable policies for federal consistency review, including a history of approved changes, and an overview of current policies. New policies will focus on outcomes, not process, and hopefully be more succinct and useful to both project proponents and project reviewers.

- Description of rewritten existing policies

Rewritten narrative policies must meet three criteria:

1. They must contain a **standard** by which an activity can be determined to be consistent
2. There must be an **enforceable mechanism** based on state law to apply the standard, i.e., a means to compel someone to do or not do something
3. The policy must be **approved by NOAA** as an “enforceable policy.”

Draft narrative policies, based on the enforceable policies approved by NOAA to date, are being developed for Virginia CZM Program agencies. (visit <https://www.deq.virginia.gov/Programs/CoastalZoneManagement/Laws,Regulations,Guidance.aspx> for a list of current policies and the agencies that administer them)

- New policies being added (e.g. state listed species, invasive species, etc.)

Elizabeth Andrews from the Virginia Coastal Policy Center (VCPC) reviewed the list of policies and the process undertaken to draft new policies. Meetings have been held with all of the Virginia CZM agencies to develop the policies, and they are currently being refined before presentation to the Coastal Policy Team. Examples of old and new policies from the Chesapeake Bay Preservation Act and Regulations, as well as Shoreline Sanitation were shown as examples. In addition to narrative versions of currently approved policies, new policies have been drafted for state-listed threatened and endangered species, invasive species, noxious weeds, and certain activities in state parks. New policies for activities in state natural area preserves have been suggested, but not yet drafted or reviewed by the advisory committee.

- Schedule and process for finalizing the submission to NOAA

The Policy Team was asked for recommendations for new policies to include, but no additional suggestions were given. It was decided that once the project was completed the Policy Team and others who participated in the drafting process would be notified and there would be an opportunity to review the policies prior to submission to NOAA. (Note: The grant to VCPC has since been extended to March 2019, but may be completed before then.)

1:30 Web Document Accessibility Requirements

All grantees' content to be published on the DEQ website (CZM webpages) will have to be Section 508 web compliant for those with disabilities going forward. Since 1-9-17, it has been the law that federal agencies must have their information and communication technology compliant stemming from a Federal Access Board update to Section 508 of the Rehabilitation Act. The Virginia State Code also requires that all executive branch agencies update their websites to be compliant beginning 1-18-18.

Examples of how to make a Word, Excel, and PowerPoint document Section 508 compliant and how to check a document for compliance were provided. Grantees were asked to comply but encouraged to contact the Grants Coordinator if they need help.

1:45 Ocean Issues

- **New Ocean Executive Order**

The White House revoked President Obama's National Ocean Policy for Stewardship of the Oceans and replaced it with an "Ocean Policy to Advance the Economic, Security and Environmental Interests of the United States." The new EO eliminated Regional Planning Bodies and instead directs federal agencies to coordinate with state-led Regional Partnerships (e.g. MARCO). Subsequent guidance from the White House to federal agencies prohibits federal agencies from engaging in the identification of Ecologically Rich Areas. MARCO is investigating creation of some type of regional ocean forum to which federal agencies, tribes and the Mid-Atlantic Fisheries Management Council would be invited. MARCO has committed to continuing to lead several work groups including 1) marine life data and species shifts, 2) marine debris reduction, 3) ocean mapping and data portal, 4) ocean acidification, 5) non-consumptive recreation, and 6) development of healthy ocean indicators. Virginia had been leading the first 4 groups but Delaware is now leading ocean acidification. Virginia is still leading the first 3. MARCO is also considering creation of work groups on climate adaptation, offshore wind and sand management.

- **Update on Coastal Virginia Offshore Wind (CVOW) project**

The survey of unexploded ordnance was completed for the power cable alignment for the two-6MW test turbines to be built ~27 miles off Virginia Beach. The cable is expected to be laid in 2019 and the turbines erected in 2020. The turbine design was changed from a twisted jacket to monopole which will reduce considerably construction time and noise. The CZM Manager was appointed to the VA Offshore Wind Development Authority.

- **Creating "Geographic Location Descriptions (GLDs)" for BOEM licenses/permits effects on fisheries**

In order for CZM Programs to be automatically authorized to review federal actions outside of their approved coastal zone (e.g. beyond 3 miles offshore), they must receive NOAA approval of a list of federal activities the state wishes to review and/or a description of a geographic location or area (GLD) which may be affected by federal actions. The state must also have a relevant enforceable policy with which it is asking the federal agency to be consistent.

In order to attain approval of a GLD, the state must be able to document “effects” on their coastal resources.

Virginia CZM and EIR staff plan to pursue NOAA approval for both listed activities and geographic areas off Virginia’s coast. For activities, these include Bureau of Ocean Energy Management licenses and permits and for GLDs, important fishing areas. To document effects on Virginia’s coastal resources, the “Communities at Sea” fishing maps on the MARCO Ocean Data Portal will be used. These maps show where Virginia’s fishermen fish and this information can then be linked to economic harvest data to show real effects of activities in those areas that could damage fish landed in Virginia. VCU’s CZM grant to support an Ocean Stakeholder Coordinator will help support development of the GLD and will develop a publication on the value of Virginia’s fisheries.

- Oil & gas leasing – schedule for opportunities for comments

The Atlantic was removed from the 2017-2022 leasing program but a new process was started last year. Virginia is now in the first of four ‘rounds of environmental reviews.’ DEQ issued a scoping response letter in January 2018. DEQ anticipates the program will be approved by the Secretary of Interior sometime after November 2018. At that time, the schedule for the reviews should be available.

- Preview of balloon release reduction animated video

CZM previewed a new animated video aimed at reducing balloon releases: <https://www.youtube.com/watch?v=8F8adhQrNi4&feature=youtu.be> .

Another video will be available soon featuring experts from VA Aquarium, USFWS, VA CZM and others discussing the problem of released balloons harming and killing marine wildlife.

2:15 CZM Funding Issues

- FY18 CZM annual award

The award was received from NOAA and contracts are being prepared for the Oct 1 start date. This year’s award, for the first time, includes a task to develop policies related to the federal recognition of Virginia tribes. The CPT will be asked to engage in this effort which will be conducted by William & Mary’s Coastal Policy Center. Each tribe will be asked to identify their priorities for research and funding. Then stakeholder groups can be created to work with natural resource agencies to determine what their agency can do to assist the tribes. The tribes are eligible for CZM funding. The CPT was asked to begin thinking about whether, and if so how, tribes should be represented on the CPT.

- FY19 Section 309 Projects of Special Merit

Only one proposal was received. This was from MARCO to develop healthy ocean indicators. The proposal will attempt to tie the project to Virginia’s efforts to create a GLD by developing a fisheries indicator as well as Virginia policies on marine debris and potentially ocean acidification.

- Sponsorships – setting policy guidelines for what events CZM sponsors

The CZM Program is frequently asked to sponsor various events. The CZM Manager requested input from the CPT as to which events to sponsor. The

CPT responded that if an event promotes the goals of the CZM, it is reasonable to fund it.

- **Closings on CZM-funded land acquisitions**

On ~ Sep 19 DCR is expected to close on a 50 acre parcel to be an addition to Magothy Bay Natural Area Preserve. The acquisition is made possible by a \$264,807 grant from CZM and \$39,493 in DCR match. Another ~108 acre addition is expected no later than March 2019 using FY16 CZM funds and DCR match.

DCR mentioned that it can only acquire lands adjacent to or contiguous its preserves and must prove it has funds in hand for acquisition and maintenance. This also applies to State Parks. Bills may be introduced to the 2019 General Assembly that would eliminate this relatively new requirement.

- **FY19 funding outlook**

FY19 will be the last year of the FY17-19 focal area and the 4th of the 5 year 309 strategy grants. This November 2018 Biennial Coastal Partners Workshop could serve as a time to begin thinking about the next set of three-year focal area grants that would be developed in early 2020 and begin in October 2020, given that the next Coastal Partners Workshop will not occur until November 2020. The Coastal States Organization continues to provide information to Congress on the value of CZM dollars.

NOAA's Bay Program Office has expressed some interest in the development of a Special Area Management Plan for the Piankatank watershed. There may be local interest in this – MPPDC will begin to inquire with local officials.

There will likely be a continuing resolution in Congress for FY19 funding. It is unlikely to see an increase in CZM funds but the FY19 funding level may not be clear until February or March, after CZM has begun to develop the annual draft application to NOAA.

2:35 **Maintaining and Updating CZM-funded 306A Projects**

- Update on CZM signage inventory for construction, acquisition and restoration projects
- Plans for new signage

The CZM sign inventory project is still underway with a budget of \$20,000 identified to replace and repair CZM-funded public access site signs or create interpretive signs where needed. DCR has committed to replace all of the acknowledgement signs at CZM-funded sites themselves through the DCR sign shop. This allows more funds to be directed toward other sites. CZM is working with the City of Newport News to develop a plan for interpretive signs and perhaps a site enhancement project at Riverview Farm Park. A grant is also being made to the Virginia Aquarium to develop two new kiosks on the resort strip in Virginia Beach. These signs will focus on ocean issues such as marine debris, ocean wildlife habitat, deep sea corals, offshore energy, etc.

3:00 **Other Partner Updates**

- New Coastal GEMS splash page and Story Map

The new splash page for Coastal GEMS was shown which includes story maps on the top banner. Quotes about various ways people use Coastal GEMS were requested for the bottom of the splash page. VCU hosts the Coastal GEMS portal for the CZM program and is assisting in this redesign. This update to GEMS also includes the ability to pull in data from other sources and overlay it on the GEMS data. It also includes historic VBMP aerial base map data so that the user can toggle between various years to see changes in land use over time.

- HRPDC noted that the VA Dept. of Transportation Hampton Roads Bridge Tunnel (HRBT) project was trying to determine how to dispose of the dredge spoil from drilling the parallel tunnel. They had hoped it could be used for resilience projects. However, ANPDC reported that the dredge spoil may be contaminated by the drilling process. As was the spoil from the Chesapeake Bay Bridge Tunnel construction.
- HRPDC is tracking an Army Corps of Engineers (ACOE) Water Resources Development Act (WRDA) proposal. The proposal would authorize studies in coastal Virginia addressing flood risk management, navigation, and ecosystem restoration.
- A-NPDC is partnering with ACOE on the planning grant phase of what will be a \$10 million, 10-year beneficial use of dredged material project to restore and buffer salt marshes in the vicinity of Wachapreague. The Nature Conservancy (TNC) submitted a NFWF proposal to implement nature-based techniques to protect the same Wachapreague marshes from edge erosion. VIMS submitted a separate NFWF proposal to conduct a feasibility study for using dredge material to restore back-barrier marshes along the southern end of Cedar Island to provide stability to the entire barrier system.

3:30

Adjourn

Attendance at September 12, 2018 CPT Meeting

Office of Secretary of Natural Resources: Ann Jennings

NOAA: Kerry Kehoe

Department of Environmental Quality

CZM Staff: Laura McKay, Shep Moon, Beth Polak, Virginia Witmer, Nick Meade
April Bahen

EIR staff Bettina Rayfield, Janine Howard, John Fisher, Julia Wellman

Sharon Baxter, Joan Salvati, Dan Salkovitz, Michelle Henicheck, Meghann Quinn

Department of Conservation & Recreation: Jason Bulluck, Tyler Meader, Dannette
Poole, Robbie Rhur, Charlie Banks

Marine Resources Commission: Tony Watkinson, Randy Owen

Department of Game & Inland Fisheries: Ray Fernald

Dept. of Health: Lance Gregory

VDOT: Steve Begg

Virginia Institute of Marine Science: Mark Luckenbach, Lyle Varnell, Sam Lake-Sea Grant
Jim Wesson-Contractor

VCU: Todd Janeski

Coastal Policy Center: Elizabeth Andrews, Angela King

Planning District Commissions

Curt Smith - ANPDC

Corey Miles - NVRC

Mark Bittner - Crater

Sarah Stewart - RRPDC

Ben McFarlane HRPDC

Lewie Lawrence - MPPDC