

April 30, 2014

**Virginia Coastal Zone Management Program  
Semiannual Section B.2-4 Report  
For the Period from October 1, 2013 – March 31, 2014**

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## **SECTION B.2 PERMIT ADMINISTRATION, MONITORING AND ENFORCEMENT**

### **1) DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

#### **a) DEQ – Virginia Coastal Zone Management Program**

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

#### **b) DEQ – Water Permitting Programs**

##### *DEQ- Virginia Water Protection Permit (VWPP) Program*

The Virginia Water Protection (VWP) Permit Program is required for water withdrawals and activities in wetlands and surface waters that may or may not require Clean Water Act section 401 water quality certifications. This narrative highlights any challenges encountered during the reporting period. Please refer to the last reporting cycle for summaries of data for both permit processing data and wetlands impact data that apply to all areas of the Commonwealth. Revised data will be provided in the fall of 2014.

During the period of October 2013 through March 2014, only one general permit authorization experienced an application and issuance processing delay beyond statutory limits, due to a scheduling conflict for a site visit. Application processing for another five general permit authorizations was suspended, typically because of inadequate project information or change in project scope or impacts, threatened and endangered species concerns and/or coordination, and/or required coordination under the State Program General Permit (SPGP) process.

The VWP Permit Program implemented the process of revising its regulations during the reporting cycle, which will continue well into 2016. In addition, the Program was tasked in early 2013 with developing a new in-lieu fee fund program for compensatory mitigation across the Commonwealth, and staff continues to develop the required documentation for fund approval through the U.S. Army Corps of Engineers. Financial assistance may be available to assist in the development of a credit fee structure for the fund.

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

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

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

There are a total of 246 individual municipal and industrial CZM area VPDES permits. This number and the numbers in the table above represent typical activity in the program. There is no known reason for increases or decreases in numbers of permits from the last reporting period. There are also numerous facilities registered under general permits in CZM areas including 37 car wash facilities, 75 concrete products facilities, 5 cooling water discharges, 187 single family homes, 24 nonmetallic mineral mining facilities, 14 petroleum and hydrostatic testing discharges, 4 potable water treatment plants, 49 seafood processors, and 399 industrial storm water discharges. These represent typical numbers for general permit registrants in CZM areas in Virginia.

*DEQ – VPA Water Permitting Program*

The Virginia Pollution Abatement permit (VPA) is required for facilities that manage wastewater, animal waste, biosolids or industrial sludges in such a manner that they do not have a discharge from the site. For example, an agricultural facility that temporarily stores wastewater to be land applied as part of an irrigation/fertilization program. During the period between October 1, 2013 and March 31, 2014, DEQ did not receive any permit applications for new VPA Individual permits or the modification of any VPA Individual Permits within the coastal zone area, nor were any new permits issued. One VPA permit was reissued for activities not related to biosolids.

During the period between October 1, 2013 and March 31, 2014, 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, 2013 – March 31, 2014										
	Permits Issued / Avg Proc. Days <sup>(1)</sup>		Permits Reissued / Avg Proc. Days		Permits Modified / Avg Proc. Days		Denied / Avg Proc. Days		Permits Reissue Pending / Avg Proc. Days	
VPDES	0	NA	10	338	3	70	0	N/A	21**	N/A
VPA	0	0	0	0	0	0	0	N/A	1	533
VPA GP	0	0	0	0	0	0	0	0	0	0

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

\* Information from CEDS database

\*\* This represents existing VPDES individual permits expired but pending through March 31, 2014.

**c) DEQ – Water Program Enforcement and Compliance**

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

Informal measures, such as Warning Letters and Letters of Agreement, are used in those cases where non-compliance is not significant in nature and where compliance can be achieved in a short period of time. For the period October 1, 2013 through March 31, 2014, DEQ issued five Warning Letters for violations of VPDES, VPA, VWPP, and Ground Water program requirements (one Letter of Agreement was issued for facilities located in Virginia’s coastal zone during this period).

Formal enforcement actions are used in those cases where non-compliance is more serious or may take a significant amount of time to correct. Formal measures generally involve the issuance of a Notice of Violation followed by a Consent Order, or an Executive Compliance Agreement in the case of a state agency. In some cases, Unilateral Administrative Orders or court orders may be sought. Between October 1, 2013 and March 31, 2014, DEQ issued 18 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 four Consent Orders that assessed a total of **\$89,084.88** in civil charges.

**Table 1**

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Warning Letters	5	N/A
Informal	Letters of Agreement	1	N/A
Formal	Notices of Violation	18	N/A
Formal	Consent Order	4	<b>\$89,084.88</b>
<b>Total</b>		<b>28</b>	<b>\$89,084.88</b>

**d) DEQ – Air Permitting Program**

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

Period: October 1, 2013 – March 31, 2014

PERMIT TYPE	NUMBER OF PERMITS ISSUED	AVERAGE PROCESSING TIME (Days)
PSD & NA	0	NA
Major	1	129
Minor	46	32
Administrative Amendment	5	19
Exemptions	21	30
State Operating	3	58
Federal Operating (Title V)	0	NA
Acid Rain (Title IV)	0	NA
<b>Total Number Permits Issued</b>	<b><u>76</u></b>	

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

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

Definitions:

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

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

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

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

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

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

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

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

Acid Rain (Title IV) = tightens the annual emissions limits for SO<sub>2</sub> and NO<sub>x</sub> which are imposed on large higher emitting electric utility plants and sets restrictions on smaller, cleaner plants fired by coal, oil, and gas.

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

Permits pending as of March 31, 2014

PERMIT TYPE	NUMBER OF PERMITS PENDING
PSD & NA	0
Major	1
Minor	33
Administrative Amendment	1
Exemptions	1
State Operating	3
Federal Operating (Title V)	7
Acid Rain (Title IV)	0
Total Permits Pending	<b><u>46</u></b>

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

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

Period: October 1, 2013 – March 31, 2014

PERMIT TYPE	NUMBER OF PERMITS WITHDRAWN	NUMBER OF APPLICATIONS DENIED
PSD	0	0
Major	0	0
Minor	8	0
Administrative Amendment	0	0
Exemptions	1	0
State Operating	1	0
Federal Operating (Title V)	0	0
Acid Rain (Title IV)	0	0
Total Permits Rescinded	<u><b>10</b></u>	<u><b>0</b></u>

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

**e) DEQ – Air Program Enforcement and Compliance**

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

Informal measures include Requests for Corrective Action, Informal Correction Letters, Warning Letters, and Letters of Agreement. These actions are used in those cases where non-compliance is not significant in nature and where compliance can be achieved in a short period of time. During the six-month period beginning October 1, 2013 – March 31, 2014, DEQ issued seven Requests for Corrective Action, and seven Warning Letters.

Formal enforcement actions are used in those cases where non-compliance is more serious or may take a significant amount of time to correct. Formal measures generally involve the issuance of a Notice of Violation and negotiation of a Consent Order, or an Executive Compliance Agreement in the case of a state agency. In some cases, Unilateral Orders or court orders may be pursued. Between October 1, 2013 and March 31, 2014, DEQ initiated three new formal enforcement actions via issuance of Notices of Violation. Additionally, the Agency issued six Consent Orders; assessing a total of \$61,985 in civil charges.

**Table 1**

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Requests for Corrective Action	7	N/A
Informal	Informal Correction Letter	0	N/A
Informal	Warning Letters	7	N/A
Formal	Notices of Violation	3	N/A
Formal	Consent Orders	6	\$61,985
<b>Total</b>		<b>23</b>	<b>\$61,985</b>

## f) DEQ – Erosion and Sediment Control

### Summary of Specific Outputs:

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

### Supplemental Narrative:

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

On July 1, 2013, the Department of Environmental Quality assumed training and certification responsibility for Erosion and Sediment Control and Stormwater Management from the Department of Conservation.

Erosion & Sediment Control (ESC) and Stormwater Management (SWM) Laws and Regulations are designed to help reduce pollutants in the Chesapeake Bay, and require localities, developers, and consultants to be certified in various knowledge and practices.

- The regulations require DEQ to offer two certification tracks, one for ESC and another for SWM. Each track includes training courses to assist people to become certified as: Program Administrators, Inspectors, Plan Reviewers and Combined Administrators (which includes the other three responsibilities).
- There are currently 3,500 existing certified ESC individuals in Virginia, who must recertify every three years. SWM is a new program that will begin certifying individuals starting June 1, 2014, and will also require recertification every three years.
- As of April 1, 2014 DEQ Office of Training Services has trained approximately 1,000 people in Erosion & Sediment Control through 18 classes and 2,000 people in Stormwater Management through 40 classes.
- The Summer/Fall training schedule (July-December) will include 27 Stormwater Management classes, and 17 Erosion & Sediment Control classes.
- DEQ Office of Training Services is also modernizing training and certification infrastructure to make it easier for citizens to enroll in classes and schedule their exam. Similarly, DEQ is changing internal practices to gain efficiencies and is working with other DEQ operational units such as Policy Division and Water Division to make other efficiency and effectiveness changes.

#### **g) DEQ- Chesapeake Bay Local Assistance**

No report at this time due to uncertainties regarding work assignments under the DCR/DEQ merger.

## **2) VIRGINIA MARINE RESOURCES COMMISSION (VMRC)**

### **a) VMRC – Habitat Management Division**

During the period October 1, 2013 through March 31, 2014, the Habitat Management Division received 863 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. One notice to comply was issued during the period.

The Habitat Management Staff completed actions on 881 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 2013. 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 22 protested projects or projects requiring a staff briefing, The Commission also approved 17 projects over \$500,000.00 in value.

During the reporting period local wetland boards throughout Tidewater Virginia acted on 179 projects involving tidal wetlands. Of this total, 129 were approved as proposed, 42 were approved as modified, 3 were denied, 3 are pending, 2 were inactivated, 1 no permit was required, and 36 required compensation either on or off site (22), or through payment of an in lieu fee (14) accounting for 9,076 square feet of tidal wetland impacts.

## **b) VMRC – Fisheries Management Division**

At its combined November/December 2013 meeting, the VMRC established an emergency amendment to increase the daily trip limit for the commercial spiny dogfish fishery from 3,300 pounds to 4,000 pounds, effective January 1, 2014. The VMRC established the 2014 commercial horseshoe crab quota, a quota category-specific licensing system, quota category-specific daily vessel trip limits, a definition of possession limit for hand harvesters, permit eligibility requirements for license or permit transfers, and enacted a prohibition on using horseshoe crab dredge gear within the blue crab sanctuary area 2. The 2014 commercial horseshoe crab quota was established as no greater than 172,828 crabs. Commercial hand harvesters were permitted to have one registered helper.

The VMRC established recreational and commercial striped bass harvest quotas and management measures for the 2014 fishing season. The recreational and commercial quotas for striped bass were established as 1,402,325 pounds, for each fishery.

A 12-pound minimum weight for the commercial coastal area striped bass fishery was established. The minimum weight will be used to allocate striped bass tags in all cases where harvesters report an average striped bass weight lower than 12 pounds. A maximum smooth dogfish fin-to-carcass weight ratio of 12 percent was established for the commercial shark fishery. This measure allows commercial harvesters year-round access to the species, and complies with requirements from the Atlantic States Marine Fisheries Commission (ASMFC) interstate species management plan.

Several commercial and recreational management measures for American eel were established. A gear-specific harvest season closure for all commercial gears, with the exception of pots and traps, was established from September 1 through December 31. The size limit for both commercial and recreational fisheries was increased from six inches to nine inches. The recreational possession limit was established as 25 eels per day per individual and 50 eels per captain and crew per day for charter and head boats. The VMRC established an emergency amendment to clarify that undersized oysters that are so closely attached to a market size oyster that they cannot be removed without killing the animal are legal to keep.

At the January 2014 meeting, an emergency chapter adopted at the November/December 2013 meeting was codified for commercial spiny dogfish.

At its February 2014 meeting, the VMRC passed an emergency amendment to establish March 12, 2014 as the starting date and establish a 20-day landing period for the directed offshore summer flounder commercial fishery for 2014. The VMRC established management measures for Atlantic coastal sharks. A recreational fishery size limit of 78 inches for hammerhead sharks was established. The commercial possession limit for Atlantic coastal sharks was increased from 33 to 36 sharks. An emergency amendment was adopted for speckled trout to close the recreational speckled trout fishing season from March 1, 2014 through July 31, 2014.

At its March 2014 meeting, the VMRC reaffirmed two chapters approved at the November/December 2013 meeting and the February 2014 meeting. The chapter reaffirmed from the November/December 2013 meeting was pertaining to horseshoe crabs. The VMRC reaffirmed amendments adopted at the meeting, and established the time-of-day for the commercial horseshoe crab hand harvest fishery from noon to noon.

The VMRC reaffirmed amendments pertaining to Atlantic coastal sharks adopted at its February 2014 meeting. The VMRC codified an emergency amendment passed at its February meeting pertaining to commercial summer flounder. The VMRC also adopted an emergency amendment establishing a 5,000 pound landing limit for the offshore commercial summer flounder fishery, effective April 1, 2014. The commercial black sea bass quota was established as 434,000 pounds. A daily vessel possession limit of six cobia was established for any commercial vessel operated by at least one legal commercial hook-and –line licensee.

The VMRC codified an emergency measure for recreational speckled trout adopted at its February meeting to establish a closure of the fishing season from March 1, 2014 through July 31, 2014. The VMRC also established a recreational year round daily possession limit of five fish, with one fish greater than 24 inches. Two commercial measures were established for the speckled trout fishery: a bycatch limit of up-to 100 pounds when 80% of the commercial quota has been reached, and a requirement for seafood buyers to report any amount of speckled trout purchased any week during August through December. The VMRC established a maximum size of 25 inches and a possession limit of five fish for the commercial red drum 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: 10/01/2009  
END PERIOD: 09/30/2014



Category	2009/2010		2010/2011		2011/2012		2012/2013		2013/2014	
	Convictions	Arrests								
Buyers	2	3	1	1	7	7	6	8	4	4
Casting Garbage/Trash	1	1	1	1	1	1	0	0	0	0
Clams	3	5	1	1	6	6	5	7	0	0
Commercial Fishing License	3	6	3	6	8	9	4	6	0	0
Conch	0	0	0	0	0	0	0	0	0	0
Conchs	1	1	0	0	4	4	2	2	1	2
Crab	0	0	0	0	0	0	0	0	0	0
Crabs	65	77	48	59	79	96	42	49	11	20
Federal Violation	1	4	0	0	0	0	0	0	0	0
FIP Violations	0	0	92	100	142	156	61	61	13	13
Fish	112	138	119	139	520	608	219	253	26	26
Freshwater Fishing without a license	13	13	11	13	9	11	13	17	3	4
Gill Nets	2	2	6	8	7	14	9	11	4	7
Habitat/Wetlands	0	0	0	0	0	0	0	0	0	0
License Tags	1	2	2	4	4	10	0	2	1	2
Mandatory Reporting	0	0	0	2	0	0	1	58	0	0
Misc	0	0	0	0	0	0	0	0	0	0
Non-residents	0	0	0	0	0	0	0	0	0	0
NSSP	9	9	0	3	0	0	0	0	0	0
Other Agencies	242	278	275	321	317	354	219	254	48	53
Oysters	56	71	60	74	147	194	137	222	50	62
Piers	0	0	0	0	0	0	0	0	0	0
Police Powers	50	62	95	118	87	97	88	102	17	19
Removal of Obstructions	0	4	1	1	3	3	3	5	0	0
Resisting officer	0	0	0	0	0	0	0	0	0	0
Shellfish	4	4	2	3	14	15	14	19	5	5

Print Date: Wednesday April 2, 2014

SW Recreational Licenses	132	151	167	212	209	248	199	257	20	24
<b>TOTALS:</b>	<b>697</b>	<b>831</b>	<b>884</b>	<b>1066</b>	<b>1564</b>	<b>1833</b>	<b>1022</b>	<b>1333</b>	<b>203</b>	<b>241</b>
<b>PERCENT OF CONVICTIONS:</b>	<b>83.87%</b>		<b>82.93%</b>		<b>85.32%</b>		<b>76.67%</b>		<b>84.23%</b>	

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

From October 1, 2013 through March 31, 2014, the VDH Division of Shellfish Sanitation had 912 acres of shellfish grounds closed to harvesting. There were 1055 acres of shellfish grounds reopened.

The Department received and reviewed a total of 18 VMRC Permit Applications, and processed as follows:

Seven (7) of the Permit Applications needed action in the Marina Program.

Seven (7) applications were approved based on meeting the requirements of providing adequate facilities.

Four (4) applications were denied because of inadequate facilities.

This includes statistics on applications for sanitary facilities at marinas and other places where boats are moored.

## 4) Department of Conservation and Recreation (DCR)

### a) DCR - Division of Soil and Water Conservation

#### Nutrient Management

A report broken down by CZM basin is not available at this time due to database issues stemming from the recent reorganization. However, DCR was able to provide the state-wide information below. DCR staff have overseen the development of nutrient management plans covering 29,741.66 acres during the reporting period.

	Cropland	All Other Hayland	Pasture	Specialty Crop	Total
Virginia Wide	17,078.96	6,236.29	6,387.91	38.5	29,741.66

### 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

##### Additional Locations for Globally Rare Shrub Found at Antioch Pines NAP – 10/25/13

The DCR Field Botanist and Southeast Region Steward surveyed for the globally rare shrub pondspice (*Litsea aestivalis*, G3?/S1/NL/NL) within the adjoining Antioch Pines Natural Area Preserve and Blackwater Ecological Preserve in Isle of Wight County in southeast Virginia. Pondspice, a southeastern US Coastal Plain endemic, is known in Virginia from three occurrences. In addition to the three known locations within the occurrence at Antioch Pines NAP, four more multi-stemmed shrubs were found in four new locations in late October 2013 and one additional shrub near a known location within the same habitat, a previously mapped significant community, Coastal Plain Seasonal Pond (Swamp Tupelo - Overcup Oak Type). A total of 12 shrubs with about 45 stems and 6 seedlings were observed in 7 locations. Some stems hosted parasitic scale insects; this had been noted by the Steward on the shrubs in one location in 2012 and may account for some of the dead larger stems present in most of the locations. Several other areas identified by the Steward were also surveyed within the Preserves during this 2013 visit, but no other pondspice was found. Fall surveys for this shrub are most efficient as its yellowing leaves stand out amongst the other shrubs.



Pondspice (*Litsea aestivalis*, G3?/S1/NL/NL)

New Discovery found at the Mattaponi River in King and Queen County – 11/01/13

DCR Natural Heritage ecologists and protection staff visited a private property on the Mattaponi River in King and Queen County and discovered new occurrences for a state rare wetland community known as a Coastal Plain / Piedmont Oxbow Shrub Swamp (G4G5/S1S2) and a S2 state rare plant called lesser marsh St. John's-wort (*Hypericum tubulosum*) (G4?/S2). The landowner is working with the Virginia Outdoors Foundation to place an open space easement on the tract.



Coastal Plain / Piedmont Oxbow Shrub Swamp (G4G5/S1S2)

Virginia Natural Community Classification Updates – 12/13/13

DCR has made a number of revisions to the Natural Communities of Virginia and the associated web site for the classification: [http://www.dcr.virginia.gov/natural\\_heritage/nchome.shtml](http://www.dcr.virginia.gov/natural_heritage/nchome.shtml). These include bringing all scientific and common names into compliance with the Flora of Virginia standard, updating of the introductory material, a few changes to the classification units based on recent work, and the addition of ~100 new plant photos.

## DEQ Water Quality Triennial Review Freshwater Mussel Meeting – 1/10/14

DCR staff met with DEQ, VDGIF and USFWS on January 9, 2014. The focus of the meeting was to determine the known distribution of unionid mussels in the Virginia including any potential areas that would lack habitat for these aquatic species. This information would be shared with the DEQ advisory committee to inform the discussion on adopting the new EPA recommended ammonia water quality criteria. The EPA criteria for ammonia is significantly lower than the current criteria due to the sensitivity of unionid mussels. According to the new criteria, if a stream does not have a population of unionid mussels the resident species do not require the lower criteria concentrations of ammonia to be protected, and EPA allows for a recalculation of the criteria using the toxicity dataset minus the data for the unionid mussels. Other items discussed during the meeting were the lack of habitat for mussels in headwaters and ephemeral streams and survey methods for determining absence or presence of mussels including how the survey limits would be determined.

## Vegetation Classification and Mapping at Fredericksburg and Spotsylvania National Military Park and Richmond National Battlefield – 2/7/14

In 2008, the Virginia Department of Conservation and Recreation, Division of Natural Heritage produced vegetation maps for Fredericksburg and Spotsylvania National Military Park (FRSP) and Richmond National Battlefield (RICH), following the protocols of the USGS-NPS Vegetation Characterization Program. In 2012, Natural Heritage Ecologists were contracted by the National Park Service (NPS) to expand the maps and classifications to cover an additional 3419 acres of land added since the initial mapping effort. Expanded map products and reports were submitted to NPS on January 15, 2014 and include updated vegetation maps for the two parks, as well as revised vegetation field keys and local vegetation descriptions. These tools will be used by park managers to help guide the management of forest resources, to provide vegetation information for monitoring programs, and to assist in training park staff about ecosystems in their parks. During the course of this project, four new exemplary natural community occurrences were documented and recommended to NPS as targets for protection and management. These high-quality natural communities found on NPS lands meet standards of size, condition, and landscape context and will be added to the Natural Heritage resource databases. These and other vegetation characterization products for National Parks in Virginia can be found on the USGS-NPS Vegetation Characterization Program website:

[http://www.usgs.gov/core\\_science\\_systems/csas/vip/states/va.html](http://www.usgs.gov/core_science_systems/csas/vip/states/va.html)



Fredericksburg and Spotsylvania National Military Park and Richmond National Battlefield

### Rare Orchid Conservation on Northern Neck: 3/7/14

Two Virginia DCR Natural Heritage biologists visited Hickory Hollow Natural Area Preserve (NAP) along with representatives from the Northern Neck Audubon Society, the Virginia Native Plant Society and the North American Orchid Conservation Center. The purpose of the trip was to discuss protection and conservation of the extremely rare Kentucky Lady's-slipper (*Cypripedium kentuckiense*). In Virginia, this orchid is only known from this single site. While the species currently appears to be doing well at Hickory Hollow NAP, in the past there has been concern regarding the effects of habitat alteration caused by beaver activity. All agreed that a thorough census and map of the population is needed and DCR Natural Heritage will participate in a survey to determine if additional conservation work is warranted.



*Cypripedium kentuckiense* taken May 8, 2002 by Rebecca Wilson at Hickory Hollow NAP.

### Prescribed Burning

#### Annual Interagency Fire Refresher – 10/17/13

On Thursday October 17, forty-four staff from the Department of Conservation and Recreation, Dept of Game & Inland Fisheries, The Nature Conservancy and U.S. Fish and Wildlife Service participated in a mandatory annual fire refresher as part of DCR's prescribed fire program. Staff took the Work Capacity Test (3-mile hike with 45lb pack in under 45 minutes) in the morning. At the Pocahontas State Park Algonquian Ecology Dining Hall, staff also reviewed 2013 DCR, TNC and USF&WS prescribed burns and discussed details of the tragic Yarnell Hill Fire where 19 Granite Mountain Hotshot crew members lost their lives. In the afternoon staff rotated through four field stations: Fire Engines, Portable Pumps & UTVs, Fire Line Technology, and Fire Shelters & Fire Line First Aid.



Participants at the Interagency Fire Refresher Course in Pocahontas State Park

Presentation on "Fire Ecology and Management in the Mid-Atlantic Coastal Plain" – 2/7/14

DCR Natural Heritage Eastern Fire Leader Rebecca Wilson and Southeast Region Steward Darren Loomis gave an invited presentation at the "Fire Ecology and Management in the Mid-Atlantic Coastal Plain" conference at Salisbury University in Salisbury, MD on January 29-30, 2014. Their presentation discussed the use of fire by DCR's Natural Heritage Program staff on state natural area preserves in southeast Virginia to manage and restore Coastal Plain Seepage Bog communities and habitat for fire-adapted rare plant species such as purple pitcher plant and sandhills fire lily. The conference was hosted by the Maryland chapter of The Nature Conservancy.



Sandhills lily

Antioch Pines Natural Area Preserve, Isle of Wight County, Prescribed Burn – 2/14/14

DCR Natural Heritage staff conducted a small prescribed burn on Tuesday Feb 11 to install blackline in Burn Unit 9. This effort reduces fuels and will make the actual burn day a lot safer and easier. It was also a good chance to dust off our equipment and remember how things work and how to keep water flowing in sub-freezing temperatures. It was a great training opportunity for Paul Ort as ignition boss and Jason Waguespack as holding boss. A special thanks to our U.S. Fish & Wildlife Service and Dept of Game and Inland Fisheries partners for coming out on a blisteringly cold day.



Antioch Pines NAP Prescribed Burn

Longleaf Pine Restoration Burn – 2/21/2014

DCR Natural Heritage staff with assistance from the US Fish and Wildlife Service and The Nature Conservancy conducted a 108-acre prescribed burn at Antioch Pines Natural Area Preserve in Isle of Wight County. This area is being restored by DCR to longleaf pine natural communities. The previous loblolly pine plantation was removed in 2011, a site preparation burn was completed, and the area was planted in March 2012 with ~ 50,000

native Virginia longleaf pine seedlings. These two-year-old longleaf pines are currently in the “grass stage” of development. Fire at this stage of longleaf stand development is critical to reduce competition from hardwoods and loblolly pines, and to increase the abundance and diversity of fire-adapted native groundcover plant species essential for longleaf pine community restoration.



Antioch Pines NAP, Isle of Wight, Prescribed Burn

#### Longleaf Pine & Red Cockaded Woodpecker Prescribed Burns Conducted – 3/2/14

One burn was conducted in a young longleaf pine stand to reduce vegetative competition. The other reduced heavy accumulations of pine litter in the understory of a young loblolly pine stand and provided a relatively fuel-free buffer for future burning at The Nature Conservancy’s Piney Grove Preserve. A third burn was attempted on the state-owned Chub Sandhill Natural Area Preserve based on promising weather forecasts, but the onsite weather and fuel conditions turned out to be unfavorable. Staff from the U.S. Fish and Wildlife Service and DGIF also assisted in all these activities, underscoring the necessity of interagency cooperation since these events could not have happened without participation from all four partner agencies.



Piney Grove Preserve – Longleaf Pine Burn

#### Interagency Fire Training – 3/10/14 – 3/14/14

During the week of March 10- 14, 2014 the DCR Natural Heritage Eastern Fire Manager served as an instructor in a basic fire training class for Americorps, U.S. Fish and Wildlife Service and Department of Game and Inland Fisheries staff. This week-long training focused on fire safety and skill-building, and provided a strong introduction and orientation to both implementing prescribed fire and wildfire suppression.



AmeriCorps at basic fire training class

### Natural Area Preserve Stewardship

#### Crow's Nest Volunteer Stewardship Committee Kick-Off Meeting – 11/14/13

DCR Natural Heritage staff held the initial meeting of the Crow's Nest Volunteer Stewardship Committee. Staff gave a presentation where they summarized characteristics of the preserve, highlighted activities and improvements that have occurred since its dedication, and discussed ways that members of the committee can assist staff in the future. Attendees included members of the local Master Naturalist chapter, a member of the local historical community and folks that attended recent open houses at Crow's Nest. Twenty people attended the meeting.



View of Crow's Nest from Potomac Creek

#### Eastern Shore Coastal Upland Management Meeting – 11/20/13 – 11/21/13

Twenty representatives from the Department of Conservation and Recreation, US Fish & Wildlife Service, Dept of Game and Inland Fisheries, The Nature Conservancy, Dept of Environmental Quality, University of Delaware and College of William and Mary met on the Eastern Shore to discuss efforts underway to restore and manage upland migratory songbird habitat. Staff visited restoration projects at Kiptopeke State Park, Pickett's Harbor Natural Area Preserve where 62 acres of former agricultural fields were planted with wax myrtles the week of November 11, and Magothy Bay Natural Area Preserve.



Pickett's Harbor Natural Area Preserve 62 acre Restoration Project

#### Plant Not Seen Since 1971 – Benefits from Longleaf Pine Restoration Efforts – 12/02/13

The Kidney Sedge (*Carex reniformis* G4SH) was last collected in Virginia in 1971. In late May 2013, while inspecting a longleaf restoration area at Antioch Pines Natural Area Preserve in Isle of Wight County, the DCR Southeast Region Steward noticed a robust sedge growing in a low area that had recently been harvested, burned and planted to longleaf pine. Initial identification suggested that this was the Kidney Sedge, last collected in this area in 1946. In August, a sample of the plant was sent to Richmond where the identification was confirmed by Natural Heritage Botanist Johnny Townsend. This is likely another of several documented instances where plant species associated with open, fire-maintained coastal plain community types have benefited from DCR's longleaf pine restoration efforts. This is also a testament to the sharp eye of our Natural Area Steward to be able to discern this possibility in the field among the many sedges in the same area!

#### Pickett's Harbor NAP Migratory Songbird Habitat Enhancement – 12/06/13

Phase I of the Pickett's Harbor NAP migratory songbird habitat enhancement project has been completed. DCR Natural Heritage Eastern Shore region staff, with the assistance of 36 community volunteers, planted 2170 southern wax myrtle (*Morella cerifera*) shrubs on 62 acres of fallow agricultural fields. The shrubs will help to “jump start” natural forest succession at the site. Millions of songbirds travel through the Eastern Shore to southern wintering grounds during the autumn migration period. The birds require resting and foraging habitat to replenish fat stores before crossing the Chesapeake Bay. Shrub and forest lands that provide cover and food sources are the preferred stopover sites. Southern wax myrtle grows and matures quickly, providing abundant forage and cover in the near-term. It also provides a ready perch, encouraging the dropping of bird-dispersed seeds of preferred fruiting plant species, leading to a diverse ‘bird-planted’ forest. Volunteers from the Eastern Shore Master Naturalist and Master Gardener Chapters, Chesapeake Bay Foundation “Voices” Program, Coastal Virginia Wildlife Observatory, DGIF staff and neighboring residences contributed 192 volunteer hours to the effort. Phase II of the project will incorporate the planting of oak saplings to increase habitat structure. The second phase will have a completion date of March 2014.



Volunteers from Eastern Shore Master Naturalist and Master Gardener Chapters

Four Eastern Shore region Natural Area Preserves were included in the Audubon-sponsored Christmas Bird Counts on the Eastern Shore. -1/10/14

Mutton Hunk Fen NAP (Accomack County) was visited during the Wachapreague count and Cape Charles NAP, Pickett's Harbor NAP, and Magothy Bay NAP (all in Northampton County) were visited during the Cape Charles count. The Christmas Bird Counts are held yearly and fall within a pre-determined circle. This was the first year that the newly acquired portion of Pickett's Harbor NAP was included in the count. Access to the preserve was much appreciated by the count organizers. All of these preserves are within Audubon-designated *Important Bird Areas* (IBA), indicating highly important breeding and stopover sites for birds.

Crow's Nest Heron Nest Count – 2/7/14

DCR Natural Heritage staff, along with staff from Stafford County and the Northern Virginia Conservation Trust (NVCT), completed the annual great blue heron nest count within the Potomac Creek Heronry. The heronry is largely located within the Crow's Nest Natural Area Preserve and an adjacent parcel owned by the NVCT. The nest count rebounded to 246 from a low of 153 in 2013. The nest count in 2013 was affected by the derecho that occurred the previous summer that damaged many nest trees. A reporter and photographer with the Free-Lance Star also joined the group. An article discussing the nest count and the heronry was published in the paper on Saturday, February 8, 2014.



Great blue heron nests located at Crow's Nest

## Invasive Species

Phragmites Treated at Dameron Marsh & Hughlett Point Natural Area Preserves – 10/15/13

Early on Tuesday, October 15, 2013 DCR Chesapeake Bay Region Steward Rebecca Wilson supervised an operation to reduce the invasive plant Phragmites at two state natural area preserves in Northumberland County. Just at the end of the seasonal control window, Mother Nature finally provided a small break in the wind and rain, allowing the contractor to complete spray treatments to control Phragmites at Dameron Marsh and Hughlett Point preserves. The spray operation early Tuesday morning was completed before 9:30 a.m. A nice sunrise at Dameron Marsh was made even more spectacular by the graceful swooping of the helicopter. Rarely are wilderness experiences enhanced by the whine of internal combustion engines; but, in this case – it all worked out.



Sunrise over Dameron Marsh

#### Japanese stiltgrass treatment at Crow's Nest Natural Area Preserve – 10/18/13

DCR Natural Heritage staff with assistance from a National Park Service weed crew recently completed treatment of Japanese stiltgrass (*Microstegium vimineum*) and beefsteak plant (*Perilla frutescens*) for the 2013 season. Approximately 10 miles of trails and roads along with adjacent forested areas were treated in 2013. To accomplish this effort, DCR Natural Heritage staff utilized approximately thirty-five 50-gallon tanks of 1% Rodeo. DCR staff plan to continue to work with the National Park Service during the 2014 season.



*Microstegium* treated along a Crow's Nest road



*Microstegium* and beefsteak treated along a hiking trail

#### Stewardship Invasive Species Early Detection and Mapping Workshop – 10/30/13

DCR Stewardship Biologist led an invasive species early detection and mapping workshop for DCR State Parks District Resource Specialists at Lake Anna State Park. The workshop took place at Lake Anna State Park. The presentation included an overview of invasive species issues in Virginia. They registered accounts and received training in use of iMapInvasives.org. Particular emphasis was given to identifying five invasive plant species: wavyleaf basketgrass (*Oplismenus hirtellus* ssp. *undulatifolius*), cogon grass (*Imperata cylindrica*) and giant hogweed (*Heracleum mantegazzianum*), beach vitex (*Vitex rotundifolia*), and giant salvinia (*Salvinia molesta*).

The district resource specialists provide an important role in detecting invasive plants targeted for rapid response should they be discovered in Virginia.

#### Wavyleaf Grass Presentation to the Virginia Association of Forest Health Professionals – 1/3/14

DCR Stewardship Biologist presented a talk on wavyleaf grass at the Virginia Association of Forest Health Professionals annual conference. The approximately 200 conference attendees were led through detailed information on identifying and reporting wavyleaf grass, which invades forests and creates a dense carpet of vegetation that chokes out other herbaceous species and suppresses woody species regeneration. The USDA recently ranked wavyleaf grass as a “High Risk” with the potential to spread into all of the Eastern United States, Pacific Northwest, Puerto Rico, Hawaii, and parts of Alaska. It is currently known from 20 sites in 10 counties in Virginia. Wavyleaf grass was first discovered in Maryland in 1996 and is now known from dozens of sites. A native of southern Europe and Southeast Asia, its introduction into the US appears to be accidental. With funding from a US Forest Service grant, via Dept of Forestry, DCR is leading a two-year project to survey for wavyleaf in Virginia and determine best management practices for control.

#### Information Management

##### Natural Heritage Staff Participate in Team that Wins National Award – 11/01/13

The Chesapeake Forest Restoration Strategy Team, which included two members from DCR-Natural Heritage, was a recipient of the Two Chiefs’ Partnerships Awards, signed by the USDA Chiefs of the Forest Service and Natural Resources Conservation Service. The awards, sponsored by the National Joint Forestry Team, recognize exemplary employees and projects from the Forest Service, NRCS, State Agencies, and Conservation Districts who have worked collaboratively to support conservation and forest stewardship. The US Forest Service and a team of over 30 federal, state, and nongovernmental partners worked together in 2011-2012 to complete a Chesapeake Forest Restoration Strategy (<http://executiveorder.chesapeakebay.net/post/New-Forest-Restoration-Strategy-for-the-Chesapeake-Watershed.aspx>) for the 6-state Chesapeake Bay watershed region. DCR’s Natural Landscape Assessment, a component of the Virginia Conservation Vision (formerly the Virginia Conservation Lands Needs Assessment), proved vital in development of the strategy. The Strategy was released in December 2012 in a signing ceremony with Forest Service Chief Tidwell, Chesapeake Bay State Foresters, and the EPA Chesapeake Bay Program Director.

#### Outreach and Education

##### Joint visit to New Point Comfort NAP – 10/2/2013

DCR Eastern Operations Steward met with stewardship staff from The Nature Conservancy’s Charlottesville office for a joint site visit to New Point Comfort NAP, which is owned by The Nature Conservancy (TNC). Utilizing the Eastern Operations’ boat, TNC and DCR staff were able to monitor boundaries not normally accessible by terrestrial visits. Additionally, the use of DCR’s boat allowed TNC stewards to monitor another TNC property, Guinea Marshes, located across Mobjack Bay from New Point Comfort, which had not been visited by TNC staff in at least 17 years.

##### Flora of Virginia, Invasives, & On-Line Tools at Environmental Education Conference at Shrine Mont - 10/25/13

On October 17, three Natural Heritage staff attended and gave talks at the Environmental Education Conference at Shrine Mont in Orkney Springs, Virginia. Conference participants were very engaged and all of the talks were well received. The keynote speech, “The Flora of Virginia: Squeezing Every Ounce out of its Seven Pounds” was delivered by DCR’s Chief Biologist. The Stewardship Biologist gave a talk on invasive species

and another focusing on invasive species early detection and online reporting tools for citizen scientists. Two talks were given by a Data Management Specialist, one on the Natural Heritage Data Explorer (an online tool that provides access to information for land conservation in Virginia) and another, introducing participants to the online Atlas of Rare Butterflies, Skippers, Moths, Dragonflies & Damselflies of Virginia.

#### Crow's Nest Natural Area Preserve Big Tree Walk – 10/26/13

DCR Natural Heritage staff led a Big Tree Walk at the Crow's Nest Natural Area Preserve. A number of large trees were visited, including specimens of several oak and hickory species, tulip poplar, American beech, red maple and sassafras. During the walk, staff discussed with participants the different plant community types and the known logging history within the preserve as well as the importance of the preserve's intact soil horizons to the health and productivity of the forest. Staff also demonstrated the use of a diameter at breast height (dbh) tape and an increment tree borer used to measure and age trees. The hike was three to four miles in length and was enjoyed by nine participants.



Big Tree Walk at Crow's Nest NAP

#### Crow's Nest Natural Area Preserve Field Day – 11/9/13

DCR Natural Heritage staff, with assistance from Stafford County staff and Hal Wiggins with the Corps of Engineers, welcomed visitors to the Fall Field Day at Crow's Nest Natural Area Preserve. It was a beautiful fall day for the 80 participants who signed up for the event. After a brief introduction to Crow's Nest and the Natural Heritage Program, participants divided into three groups for hikes on the Accokeek Creek Loop, Potomac Creek Loop and Boykin's Island trails. Hikers were able to enjoy what remained of the fall color as well as nice views of the water along Accokeek and Potomac creeks. Trip leaders shared information on the ecological value of the preserve and the history of the Crow's Nest peninsula. Many participants continue to have questions regarding the availability of future access to Crow's Nest.



80 Citizens participated in the Crow's Nest Field Day

### Virginia Science Teachers Conference – 11/15/13 – 11/16/13

DCR Natural Heritage staff presented at the annual Virginia Association of Science Teachers Conference in Norfolk Virginia. During the concurrent sessions, presentations were given on the Atlas of Rare Butterflies, Skippers, Moths, Dragonflies and Damselflies of Virginia as well as the Natural Heritage Data Explorer. Student activities including the DCR Natural Heritage coloring sheets and resource fortune teller were also provided in each of the concurrent sessions. In addition, the Natural Heritage Chief Biologist provided the final keynote talk on the Flora of Virginia on how teachers could utilize the resource in their classrooms with students to approximately 200-300 science teachers. All presentations and student activities were well received at the conference and teachers showed a high level of interest in incorporating these environmental tools and resources in their classrooms.



Display at Virginia Science Teachers Conference & Staff giving Presentation on the *Flora of Virginia*

### VCU Lecture on Integrative Life Sciences Research – 11/19/13

DCR Natural Heritage Information Manager, Jason Bulluck, gave a lecture to the Integrative Life Sciences Research class at VCU. This course is designed for Environmental Studies and Bioinformatics majors. The first half of the lecture presented an overview of the main Natural Resources agencies in Virginia and the basics of the work they do. More in-depth presentation was provided on DCR. Jason also walked students through his

career path and offered suggestions for how they might move forward with their degrees. The second half of the lecture was a presentation on how and why biodiversity conservation efforts offer the greatest promise for success when they are carried out across the Virginia landscape, from the deepest unfragmented forests to urban population centers.

#### Conservation and Restoration Priorities in Virginia's Northern Neck & Middle Peninsula – 12/13/13

DCR's Natural Heritage Director presented on land conservation and habitat restoration priorities at a meeting hosted by the National Fish and Wildlife Foundation and the VA Environmental Endowment at Menokin on VA's Northern Neck. Other presenters were Melanie Davenport, DEQ on water quality and watershed implementation plans; Chris Moore, Chesapeake Bay Foundation on aquatic habitat protection and restoration; and Lewis Lawrence, Middle Peninsula PDC on climate change, flooding and local issues.

#### Three DCR Natural Heritage Employees to receive Thomas Jefferson Award for Conservation – 1/10/14

In late December, biologists from DCR's Natural Heritage Program were notified that they had received the Thomas Jefferson Award for Conservation to be awarded on March 20 at the 27<sup>th</sup> annual Thomas Jefferson Awards ceremony held at the Virginia Museum of Natural History. In late 2012, these three biologists, along with a colleague from the University of North Carolina published an exhaustive 1554-page manual to all of the plants of the Commonwealth, *The Flora of Virginia*. This is the first complete treatment of Virginia plants since 1752 and is already in its second printing. It is used extensively by naturalists, Universities, professional biologists, environmental consultants, gardeners, and other students of Virginia's natural environments. Funded through a unique private-public partnership, this project would not have succeeded if not for the unwavering, 13-year support of the Department of Conservation and Recreation. The Library of Virginia is producing and will host the exhibition, "Flora of Virginia," opening March 17, running through September 13.



Flora of Virginia

#### Biannual Southeast Atlantic Slope Mollusk Meeting in Raleigh, NC – 01/24/14

A DCR Natural Heritage Field Zoologist participated in the biannual Southeast Atlantic Slope Mollusk Meeting in Raleigh, NC. Attendees represented government agencies at federal and state levels, universities, private companies, and non-profit conservation organizations from Florida, Georgia, South Carolina, North Carolina, and Virginia. The meeting included updates to ongoing freshwater mussel research and conservation work, and discussions relevant to river and mussel habitat conservation.

#### University of Virginia Nature Writing Class visits Savage Neck Dunes and Wreck Island Natural Area Preserves – 01/24/14

Students in the University of Virginia (UVA) "Sense of Place" January Curriculum class visited Savage Neck Dunes and Wreck Island Natural Area Preserves during the week of January 13-18. The class, taught by Dr. Art Schwartzschild (UVA Anheuser Busch Coastal Research Center) and Hannah Rogers (Adjunct Faculty Member

at UVA), is a ten day intensive writing course offered by the School of Science, Technology and Society within the Department of Engineering at UVA. Students are exposed to natural communities and cultural sites within a geographic region and then required to write short stories or poetry about their experiences. The students shared their stories and poems with the general public at the Barrier Islands Center, a cultural museum on the Eastern Shore, at the culmination of the course. This class is one of several UVA Anheuser Busch Coastal Research Center nature experience offerings that utilize Natural Area Preserves on the Eastern Shore.

#### Virginia Native Plant Marketing Forum – 1/31/14

DCR Natural Heritage Eastern Shore Region Steward, Dot Field, participated in the Virginia Native Plant Marketing Forum, held jointly by video meeting technology, at Germanna Community College (Culpeper campus) and Tidewater Community College (Norfolk Campus) on January 28, 2014. The forum, hosted by the Coastal Zone Management Program, the Department of Game and Inland Fisheries, and Wetlands Watch examined the potential for developing a Commonwealth-wide strategy to increase the use of plants native to Virginia in public and private landscaping. Forum topics included an overview of regional native plant campaigns currently being implemented on the Eastern Shore, the Northern Neck, Northern Virginia and Hampton Roads, the development of a Virginia-specific native seed propagation protocol, and the initiation of a Chesapeake Bay Landscape Professional certification. Dot Field gave a presentation on the considerations needed to develop a standardized native seed propagation protocol and led the group discussion on the topic. The forum was attended by staff from Commonwealth natural resource agencies, staff from municipal localities, representatives from non-government organizations, and nursery and landscape industry professionals. Approximately 50 persons attended the forum.

#### Crow's Nest Birding Walk – 2/1/14

DCR Natural Heritage staff led a birding walk at the Crow's Nest Natural Area Preserve. The recent cold weather created very icy conditions on the creeks surrounding Crow's Nest, but the ten participants were still able to see a number of overwintering waterfowl, including tundra swans, redheads, canvasbacks and ring-necked ducks. In all, 39 species were observed along the walks to Crow's Nest Point and along the Accokeek Overlook trail. In addition, staff hosted an ornithology class field trip from the University of Mary Washington on February 6, 2014. The recent thaw allowed for better views of waterfowl along Accokeek Creek.



Crow's Nest Birding Walk along Accokeek Creek

#### VA Master Gardeners Eastern Shore Chapter 2014 Basic Training – 2/7/14

DCR Natural Heritage Eastern Shore Region Steward, Dot Field, taught a section on native plants for the VA Master Gardeners Eastern Shore Chapter 2014 basic training class. The lecture focused on native plants of

Accomack and Northampton Counties that are appropriate for home landscaping and gardens. Details on soil, light, and moisture requirements, as well as the ecological benefits of utilizing native plants were presented. Students were provided with copies of the guide, *Native Plants of Accomack and Northampton*, published by the Plant ES Natives Campaign and the DCR publication *Native Plants for Conservation, Restoration & Landscaping*. Twenty students were in the class.

Crow's Nest Birding Walk – 2/15/14  
DCR Natural Heritage staff led a birding walk at the Crow's Nest Natural Area Preserve and the nearby Aquia Landing Park. It was a beautiful, late winter day and participants were still able to see a number of overwintering waterfowl. Highlights included dozens of tundra swans, green-winged teal and wood ducks. Another highlight was a close up view of a red-necked grebe, a life bird for many of the participants. In all, 40 species were observed during the outing.



*Red-necked grebe*



*Tundra Swans*

Presentation on Virginia's Frogs – 3/2/14  
The DCR Natural Heritage Field Zoologist was the invited speaker at a meeting of the Friends of Dyke Marsh and the Friends of Little Hunting Creek at the Huntley Meadows Park Visitor Center, Alexandria. The presentation was for all ages and focused on frogs. What is the largest frog in the world? What is the smallest? How many frog species are there? What do frogs eat? What eats frogs? What is Bufotoxin? How do you identify frogs found in the mid-Atlantic region, including their calls, colors, and behaviors? Over 60 people were in attendance.

Natural Heritage Ecologist Addresses Fairfax County Park Authority Group – 3/8/14  
Natural Heritage ecologist Gary P. Fleming spoke on March 8 at the annual meeting of the Fairfax County Park Authority's Invasives Management Group, which includes members of the Park Authority's natural resources staff and a large number of volunteers. The presentation, entitled "The Ecological Regions and Natural Communities of Virginia," emphasizes the great diversity of landforms and biological habitats across Virginia, while highlighting the natural communities and special natural areas that need protection.

Virginia Master Naturalist Invasive Species Workshop – 3/10/14  
DCR Stewardship Biologist presented a three-hour training workshop for thirty new Virginia Master Naturalists at Pocahontas State Park. Participants in the workshop learned about ecological and economic impacts of invasive species, how to identify five early detection invasive plant species, and how to map and report invasive species using web-based tools and smart phone apps. Virginia Master Naturalists perform forty hours of community service each year and are an important part of the invasive species early detection network.

Wavyleaf Grass Presentation to the Potowmack Chapter Virginia Native Plant Society – 3/12/14 DCR Stewardship Biologist made a presentation on invasive grass species to the Potowmack Chapter of the Virginia Native Plant Society at Green Springs Garden Park in Alexandria, Virginia. Particular emphasis was given to wavyleaf grass (*Oplismenus hirtellus* ssp. *undulatifolius*), an early detection species, currently known from only 19 sites in Virginia. Wavyleaf grass has the potential to become the most aggressive invader of forest ground layer in Virginia, displacing many native herbaceous species and reducing regeneration of woody species. Sixty Potowmack Chapter VNPS members were trained to recognize wavyleaf and use the Wavyleaf App. Developed by Towson University in Maryland, the Wavyleaf App is assisting researcher and land managers to involve citizen scientists in mapping occurrences of wavyleaf. Data collected will assist planning of rapid response efforts to control wavyleaf before it is too late. The Wavyleaf App is available on the App Store and Google Play.



Wavyleaf



Wavyleaf grass

#### Presentation to The Garden Club of the Northern Neck – 3/18/14

DCR Natural Heritage Chief Biologist and co-author of the Flora of Virginia presented the “What, How, and Why” of the Flora of Virginia to The Garden Club of the Northern Neck. About 40 attendees heard the story of the development of the manual to Virginia’s plants. The work of the Department of Conservation and Recreation was heavily emphasized along with acknowledgement of the Department’s critical role in the Flora Project. Helen Murphy was among the attendees.

#### James River Pipeline Trail Clean Up – 3/27/14

Twelve DCR Natural Heritage staff participated in a self-directed clean up event along the Pipeline Trail in Richmond, Virginia. This event was sponsored by the James River Association. The group collected three bags of trash, one bag of recycles, a tire, artwork, one scuba/snorkeling flipper and a laptop computer. It also provided an opportunity to observe the great blue herons and ospreys nesting along the James River.



Natural Heritage Volunteer Clean up Staff

## Land Conservation

### Draft Chesapeake Land Conservation Strategy – 2/7/14

In December, Natural Heritage staff at DCR became aware of the Chesapeake land conservation strategy draft goal to permanently protect 695,000 acre of forest land of highest value for maintaining water quality. Staff discovered the calculations going into this draft goal included significant land conservation acreage that does not provide forest cover protection (conservation easements where landowners are free to convert forest to corn, fescue etc), thus making this goal far outside the Commonwealth's scope. DCR staff are working with Dept of Forestry staff to determine a reasonable goal for Virginia based on actual land conservation acreage that does protect forest cover.

### Natural Heritage Data Management Totals for FY2013:

#### Activity 10-10-13 – 3-31-14

New Mapped Locations (EOs) – 13  
Updated Mapped Locations (EOs) -52  
New Conservation Sites – 12  
Updated Conservation Sites -21

#### Total Number in Database 3-31-14:

Animal Mapped Locations (EOs) – 601  
Plant Mapped Locations (EOs) – 1196  
Community Mapped Locations – 523  
Conservation Sites – 533

Managed Areas: 14,868.34 (Acres added 10/1/13 –3/31/14)  
Mapped Tracts: 3536 (total in coastal zone)  
Mapped Managed Areas: 2738 (total in coastal zone)

## Healthy Waters

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

The Healthy Waters Program, while technically being part of the Division of Natural Heritage (DNH) at VDCR, formally moved in the Division office space immediately prior to the beginning of the reporting period. This integration with the Division permitted direct programmatic changes by the Program Manager to develop and grow the Healthy Waters Program. Programmatically, the assessment of program resources and needs was conducted through a staff analysis. Data gaps and data integration were the two focal areas of the analysis with immediate needs to integrate existing INSTAR data into the Natural Heritage Data Explorer and the creation of new EOs and Stream Conservation Units (SCUs). Additionally, the data gap was identified to be focused in the resources outside of the Chesapeake Bay except for the recent USEPA Section 319 funding to support the collection of data in the Chowan basin to develop a Watershed Protection Plan following the Section 319 a-I criteria for watershed restoration. Discussions included the improvement in program capacity by adding two field staff to the Program through a focused training in the 2014 sampling season. This improved capacity will permit the collection of data by additional field personnel aside from specific grant related activities. The collection of data will be in the raw form still requiring the development of models to interpret such information to make relevant to the Program as a whole. The development of an INSTAR model is typically done on a basin scale to provide for comparable results within a defined area. The collection of raw data will permit an additional cataloging of resources to further inform the development of an INSTAR model when resources are present for the specific region or basin. This increased capacity in the program is a critical advancement in the program and further solidifies the relationship of the Program to that with the DNH. The Program Manager began working directly with the data management team of DNH to update and integrate the Healthy Water Program Web presence to be fully represented by the DNH.

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

During the reporting cycle, the Program Manager participated in the Chesapeake Bay Program Goal Implementation Team 4 (GIT 4) Healthy Watersheds as the Virginia representative and Program Manager. The GIT 4 recently experienced significant turnover in leadership but was quickly addressed to maintain momentum.

## c) DCR – Division of Outdoor Recreation

### Scenic Rivers

#### Tye River designated as Scenic River

The Tye River from Route 738 (Tye Depot Road) to its confluence with the James River, a distance of approximately 12.7 miles, was designated by the General Assembly and will take effect July 1, 2014. This river flows into the James River which is part of the Coastal Zone.

### Public Water Access

#### Improvements to Appomattox Regional River Park make area more Accessible – 10/25/13

The Friends of the Lower Appomattox River teamed with the Hopewell Cogeneration Facility to improve a stretch of road from the entrance of the park to a canoe launch on the Appomattox River. In addition, a pavilion was constructed overlooking the river by the boat launch.

#### Captain John Smith, Chesapeake National Historic Trail – 3/2014

In March, the Secretary of Natural Resources convened a group to discuss ways to expand partnership opportunities on the Captain John Smith Chesapeake National Historic Trail. The group included state agencies, the National Park Service and the Friends of the Captain John Smith, Chesapeake National Historic Trail. This working group will meet to discuss ideas for short and long term goals under the McAuliffe administration.

### Parks

Henrico County accepted a donation called the Ridings property. The 23.89 acres will eventually be designated as a park.

Nelson County received a donation of 340 acres called the Shute property, that will later be designated as a park.

## 5) Department of Game and Inland Fisheries (DGIF)

### Recreational Fishing:

#### 1. Stream Monitoring, Adult Anadromous Fishes

Weekly boat electrofishing for adult anadromous fish was begun in mid February 2014 on the James and Rappahannock rivers in the fall zones and on the tidal Chickahominy near Walkers Dam. The Appomattox and Mattaponi rivers are also being sampled periodically. Prolonged cold weather has slowed the migratory run so far this year. Hickory shad numbers were increasing by the end of March on the James and Rappahannock rivers. American shad were found early on the James and the catch rate should increase in April. Alewife numbers have been low on the James and Appomattox but were starting to increase on the Chickahominy. Sampling will continue through early June. Adult monitoring is conducted to determine the extent of migration into restored habitat and to analyze inter-annual trends of abundance of the herring and shad populations. Striped bass run strength in the fall zone areas is also monitored and length/weight data is collected.

## *2. Boshers Dam Fishway*

In 2010 we moved from reviewing all recorded video to counting fish in the first 15 minutes and expanding by a factor of four. Early statistical analysis on this method using known counts compared to simulated estimates showed this to be a valid approach. The estimate for 2011 was 696 and the hourly passage rate of just over one per hour was the highest on record for the fishway's 14 year history. The estimate for 2012 was 184 and the estimate for 2013 was 196. The long-term average is roughly 200 American shad passed annually. The five-year running average shows a slightly increasing trend.

## *3. Stream Monitoring, Juvenile Alosines*

Update for 2012: Efforts were greatly reduced in 2012 because both Fish Passage technician positions were vacant in the summer and fall. 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 and boat electrofishing began in July and continued into August. A total of 42 juvenile American shad were collected in the tidal Rappahannock and 33 were collected in the Boshers pool on the James. Oxytetracycline treatment of fry in the hatchery results in a visible ring in the otoliths (ear stones) under black light. Otoliths were extracted from the American shad juveniles and examined under a black light microscope to determine origin. The Boshers shad were predominantly of hatchery origin (99.4%) while the Rappahannock shad were evenly distributed (47.6% hatchery).

In 2013, with a full crew, juvenile alosine collection was conducted on the tidal Rappahannock River between Fredericksburg and Port Royal. The Boshers pool was again sampled on the James and sampling was expanded to include the tidal James River from Richmond downstream for 10 miles. For the first time since American shad stocking was begun in 1994 no American shad juveniles were collected in the Boshers pool. This was likely due to the consistently higher than average river flows from June through October. Tidal James sampling was much more productive resulting in the collection of over 100 juvenile American shad. Of the 97 reads to date 45.8% were of hatchery origin. Approximately 200 juvenile shad were collected on the tidal Rappahannock. Of the 177 reads to date 9.04% were of hatchery origin. From 2003 to 2012, 1,494 tidal Rappahannock shad otoliths were processed and 52.5% were of hatchery origin. A few sample nights remain to be processed so these results are preliminary.

## *4. Fish Passage Projects*

Harvell Dam is the first dam encountered by migratory fish on the Appomattox River. The final removal plan is complete and all necessary permits have been obtained. The historical mitigation plan (Section 106 requirement for the Corps permit) has been signed by all parties. Funding is being provided by NOAA, the USFWS and DGIF. The DGIF and the owner of the dam signed a formal agreement in March allowing for the project to be advertised for bids. If the lowest qualified bid is within funding limits the removal project could start as early as July 2014. There is a spring time of year restriction protective of anadromous fish and freshwater mussels that ends in June. Part of the historical mitigation plan is to conduct a pre-removal architectural study of the dam. This study will begin in April 2014. A sign describing the history of the Harvell Dam will be erected along the shoreline after the removal project is complete.

Nature-like fishway plans for a raised culvert on Claiborne Run (tributary to the tidal Rappahannock at Fredericksburg) are complete. Construction was being planned for 2013 but the process to obtain final permission from the railroad company that has a track over the road culvert caused delays. The project is currently on track to be started in July of 2014. The fish passage facility will be part of Stafford County's mitigation plan for the construction of Rocky Pen Run Reservoir.

The DGIF continues to pursue the removal of Monumental Mills Dam on the Hazel River. Permits for the project have been received. A title search is being conducted to determine if certain claims to partial river

bottom ownership are valid or not. These adjacent landowner issues still need to be resolved before this project is implemented.

At Walkers Dam on the Chickahominy River work continues on the new boat lock and the final stages of dam replacement. The Fish Passage Coordinator will work with Newport News to establish fishway operation protocols when the work at the dam is completed and the ambient flow field is normalized. The new fishway is operating and likely passing target fish as evidenced by our collection of alewife and hickory shad upstream of the dam (on occasion at high tide and high flow fish can make it over this low-head dam).

#### *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 which drain into the geographic area covered by the CZMP. Extensive sampling of stream fish communities occurred in the James, Rappahannock, Shenandoah, and York drainages. Relative abundance indices were generally obtained for all species surveyed, for recreationally important species additional parameters were examined, including analyses of age structure and growth rates based on examination of otoliths.

A report detailing results of this work, and work conducted throughout 2013, is being prepared under Sportfish Restoration Grant F-111-R.

#### *6. Tidal River Catfish Monitoring and Population Trend Detection*

In 2013, VDGIF Fisheries biologists sampled catfish in the Piankatank and Mattaponi Rivers in the vicinity of Middlesex and King and Queen Counties, respectively. VDGIF biologists also surveyed catfish in the tidal Rappahannock River and its tributaries from Port Royal downstream to Tappahannock. 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). These shifts in growth combined with ongoing changes in various other population parameters for blue catfish make it difficult to determine what the eventual impacts of this introduced species will be on other resources and species of concern in these tidal systems.

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 2013, the species was found to have further expanded, and is likely established, in the fresh-oligohaline reaches of the Rappahannock River.

#### *8. Tidal River Blue Catfish Diet and Modeling Research Project*

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

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

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

## **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 eggs to the USFWS Harrison Lake National Fish Hatchery. In 2013, DGIF staff worked with the Interstate Commission for the Potomac River Basin and contracted commercial fisherman on 17 trips to the Potomac River to collect American shad eggs. The fishing efforts yielded 17 egg shipments totaling 7.7 million eggs that were delivered to Harrison Lake NFH. Culture of these eggs by the Service yielded more than 4.7 million marked shad fry, of which 4.3 million were stocked into the upper Rappahannock River, exceeding the annual stocking goal for 2013. 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. Since the program began in 2003, DGIF has stocked 46.6 million shad fry into the Rappahannock River.

### *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 2013 the James River was stocked at Lynchburg and Scottsville with a total of 4.8 million fry. This brings the grand total stocked in the James since 1992 to 124.3 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.

## **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 water withdrawal permits within the coastal region of VA.

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

### **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 2014, 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.

<b>Waterfowl Groups Counted</b>	<b>Total</b>	<b>% Change From 5-year Average</b>
Puddle Ducks	67,290	+24%
Diving Ducks	85,689	+25%
Sea Ducks	3,148	+11%
Mergansers	1,303	-48%
Geese	184,968	+23%
Swans	9,449	+18%

#### *2. Migration Timing Study*

In 2014, VDGIF staff began a weekly aerial waterfowl survey to research the timing of the waterfowl migration in late fall and early winter. Waterfowl migration during this time period may be more influenced by photoperiod (day length) than decreases in temperature, which typically drives the migration later in the winter. A replicated study over several years will provide more data on this migration.

Surveys began the first week of November and ended in the third week of December. Data was collected via aerial and ground surveys in watersheds of the Coastal Zone historically containing high populations of waterfowl. Surveys were conducted on Back Bay, the Eastern Shore, the James River, the Pamunkey River, the Potomac River and the Rappahannock River. Data from this survey is still being analyzed.

### *3. 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.

2014 was the fifth 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. In 2014, 173 black ducks were captured and banded. During the five years of VDGIF participation in this pilot study, VDGIF staff have captured and banded 428 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.

### *4. 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 January of 2014, the VDGIF conducted productivity surveys for Tundra Swans at two locations within the coastal zone. These surveys counted 346 Tundra Swans, 12% of the swans counted were juvenile swans.

### *5. Submerged Aquatic Vegetation Survey in Back Bay, Virginia.*

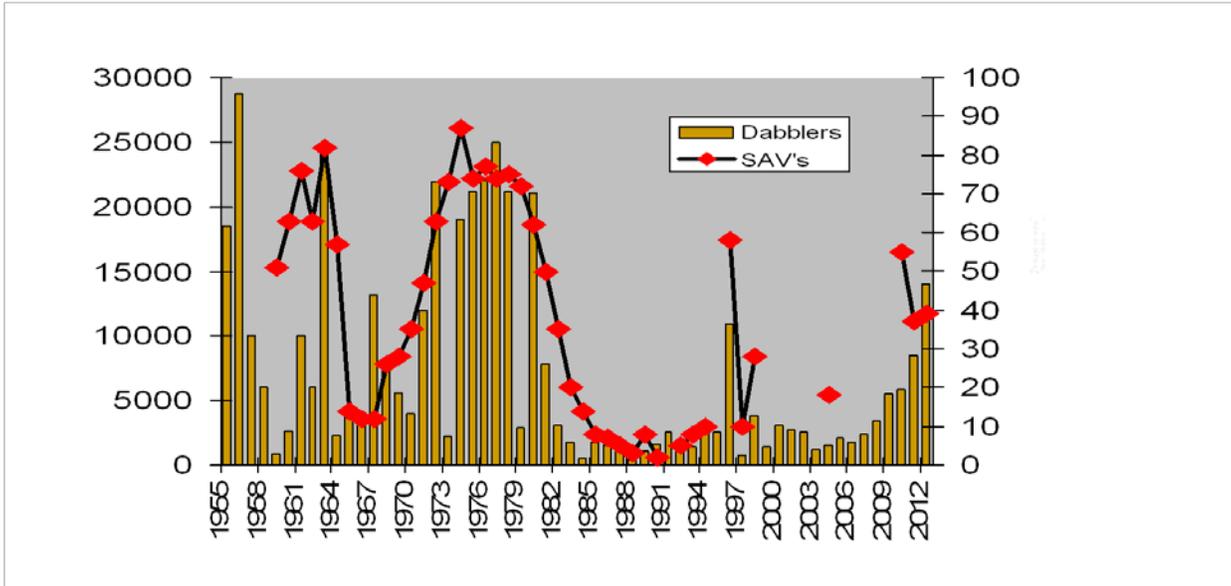
A survey to evaluate the abundance and species composition of Submerged Aquatic Vegetation (SAV) has been conducted periodically in Back Bay since the late 1950's. The survey was initiated in 1958 and conducted through 1964 by the U.S. Fish and Wildlife Service (then known as the Bureau of Sport Fisheries 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 5 years (2009 – 2013).

In 2013, the SAV survey was conducted in mid-October, using the same methods as had been used in the past. Three two-square-foot bottom samples were taken using modified oyster tongs at 500-meter intervals along eight transect lines in the Virginia portion of Back Bay. A total of 270 samples were taken. For each sample, the species of SAV was recorded along with a visual estimate of percent cover or density (low, medium, high). Water depth and GPS coordinates were recorded at each stop along the transects.

SAV was found in 74 of the 270 samples (27.4%). In general, SAV was more abundant on those transects located in sheltered areas, or in areas of shallower water. Southern Naiad and Eurasian milfoil was the most common SAV and were detected in 15% and 12% of the samples, respectively. Other SAV species found (and percent occurrence) included wild celery (8%), sago pondweed (4%), redhead grass (4%), *Nitella* (3%), chara (1%), and coontail (0.4%). SAV abundance in 2013 was below that found in 2009 (60%) but similar to that

found in 2011 and 2012. The species of SAV found were similar to those reported for past 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).



### NonGame Species Monitoring and Research:

#### 1. 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/winter. Since 1999, the winter population estimates ranged between 1600 – 2,740 oystercatchers, which represent approximately 15% - 23% at the Atlantic coast population. Our 2013/2014 winter survey yielded 2,471 individuals, which represents a 5% decrease from last year's total of 2,601. The decrease was due in part to the occurrence of extremely low high tides we experienced during the survey window, which kept a portion of the birds on foraging sites and off the high-tide roost sites we were surveying.

#### 2. Fall Aerial Barrier Island Shorebird Migration Surveys

The department funded and assisted the Center for Conservation Biology with conducting Virginia's first fall shorebird aerial surveys as part of an Atlantic Flyway survey effort. Five surveys were flown between August 20 and October 18, 2013 along the ocean-facing shorelines of Virginia's barrier islands during low tide. Species surveyed included unidentified peeps, sanderlings, whimbrels, dunlin, willets, ruddy turnstones, black-bellied plovers and red knots, a candidate species for federal listing. All data were submitted to Manomet Conservation Center through an e-Bird portal. Dunlin and sanderlings comprised the largest portion of the fall totals. The peak red knot count occurred on the September 18<sup>th</sup> survey when close to 200 were observed on Metompkin and Cedar islands.

#### 3. Virginia/Maryland Sea Turtle Conservation Plan

In 2011, DGIF contracted with the VA Aquarium and Marine Science Center to oversee and complete a three-year project entitled *Virginia/Maryland Sea Turtle Conservation Initiative*. One component of this multi-faceted endeavor that is being funded by the National Marine Fisheries Service is to update and

combine Virginia's and Maryland's sea turtle management plans. The end product will be a sea turtle conservation plan that is tailored to Virginia's and Maryland's in-water habitats and adjacent shorelines. The plan will focus on local threats to sea turtles and describe conservation actions considered necessary to reduce impacts from these threats. Thus far, DGIF staff has written the introductory and threats sections of the new conservation plan, met with Aquarium staff and Maryland DNR biologist over a two day period to develop the conservation outline and assign sections of the outline to be written by individuals with the necessary expertise, and developed a powerpoint presentation describing and comparing both state's original sea turtle management plans. Once the draft plan is completed, a copy will be sent out to sea turtle stakeholders and partners for comment. In addition, stakeholders and partners will be asked to participate in a 3-day sea turtle conservation planning workshop to be held this June where they will be able asked to provide additional input in the plan's conservation strategy. The final plan will be completed in December 2014.

#### 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 7<sup>th</sup> year of production and 8<sup>th</sup> year of operation at the VA Fisheries and Aquatic Wildlife Center (VFAWC). Propagation for the 2014 season started in early February with the infestation of 9 batches of notched rainbow (*Villosa constricta*) and 10 batches of eastern pondmussel (*Ligumia nasuta*). Six gravid green floater (*Lasmigona subviridis*) are being held in 3-liter tanks for release of directly transformed juveniles. Most infestations are still active but over 26,000 notched rainbow have been collected so far. Collection of gravid females began in early February 2013 with collection of 160 females of eight species from the lower Nottoway and Meherrin Rivers, Johns Creek and Moores Creek. Collections will continue thru the spring as additional rivers (Rappahannock, Pamunkey, Mattaponi, Tye) and species will be targeted. Target propagation goal for 2014 is approximately 965,000 juvenile mussels with grow out and release of approximately 30,000 mussels. Most of the species targeted for propagation in 2014 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. However, the federally endangered James spinymussel (*Pleurobema collina*) is being added to VFAWC's propagation list. In addition to propagation during 2014, at least 30,000 subadult mussels propagated in 2013 are being held for release in 2014. Numerous released individuals were recaptured in September 2013 and March 2014, with many reproducing in the wild. Facility wise, VFAWC remains relatively unchanged from our expansion in 2012, including recent system additions and completion our new flow-thru system in late March 2013. The biggest change includes construction of a chilled, recirculating system inside a laboratory refrigerator for holding gravid female mussels. This system provides flow to 26 3- or 9-liter tanks and easier facilitates feeding and water changes compared to the past use of static containers. New systems for James spinymussel propagation and grow out also will be constructed.

#### **Non-native Species - Nutria:**

In July 2013, the Virginia Department of Game and Inland Fisheries contracted with Virginia Tech's Conservation Management Institute to better define the spatial extent of nutria in Virginia by both direct observation and by developing a model that can effectively predict the potential reach of nutria within specific watersheds. This contract continues through December 23, 2014.

Notable Achievements so far:

- Obtained geospatial information from the Chesapeake Bay Nutria Eradication Project. Data will be used to complete a number of geospatial analyses on nutria habitat use, travel distance, and other metrics necessary to complete project objectives (this was delayed by the recent government shutdown).
- Designed a cooperative program with the Virginia Trappers Association aimed at gathering information on the locations where trappers are encountering nutria. This program will provide information on nutria distribution and some additional information on nutria sex/age and trapper effort.

- Completed preliminary analysis and summarization of wetlands vulnerable to nutria invasion in coastal Virginia. Information will be summarized by area at the county, nutria management zone, and watershed levels.
- Implemented a genetic study of nutria via samples provided by licensed trappers. We will work with Dr. Eric Hallerman’s lab at Virginia Tech to examine genetic heterogeneity between nutria as a function of distance between specimens in an attempt to determine if we can use genetics as a tool in identifying invasion fronts.
- Began design of a field study to quantify the efficacy of hair snares deployed on floating platforms for detecting nutria. This study will be performed at the Back Bay National Wildlife Refuge and False Cape State Park in the early Spring of 2014.

### SECTION B.3 FEDERAL CONSISTENCY

During the first half of FY 2013, the Office of Environmental Impact Review/Federal Consistency (OEIR) reviewed 84 development projects and management plans for consistency with the Virginia Coastal Zone Management Program (VCP). This represents 79.2% of the total amount of projects (106) reviewed during this period. Major state projects accounted for 14 projects, 53 were federal actions, and 17 were federally funded projects (predominantly local government projects). The 53 federal projects included 28 federal agency activities, 19 federal licenses and approvals, and 6 projects submitted under the residual category pursuant to the federal consistency regulation (15 CFR 930.31(c)) (included 5 U. S. Department of Housing and Urban Development (HUD) mortgage insurance projects, and 1 from USDA Rural Development. All federal consistency determinations and federal consistency certifications were completed within the established legal deadlines.

The OEIR provided informal training on federal consistency requirements to consultants who prepare consistency documents for federal agencies and applicants for federal permits.

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.

### B. FEDERAL CONSISTENCY

Table 1 depicts federal projects in Tidewater Virginia reviewed from 4-1-13 to 9-30-13.

TYPE OF FEDERAL PROJECTS REVIEWED*	NUMBER OF PROJECTS COMPLETED	REVIEW PERIOD
*Direct Federal Actions	33	30-60 Days
** Federal Activities (approvals & permits)	19	90 Days
***Federally Funded Projects	17	30 Days
Outer Continental Shelf	1	45-60 Days
<b>TOTAL</b>	<b>70</b>	<b>30-90 DAYS</b>

\*Includes 6 FCDs reviewed under the residual category of Subpart C of the Regulations. (5 HUD Mortgage Insurances and 1 USDA assistance project).

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

## **FEDERAL PROJECTS REVIEWED FOR CONSISTENCY WITH THE VCP from 10/1/2013 to 3/31/2014**

### **I. Federal Agency Projects**

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

Dyke Marsh Wetland Restoration and Long-term Management Plan – DEQ completed the coordinated review of a Draft Environmental Impact Statement (DEIS) and Federal Consistency Determination (FCD) for the Dyke Marsh Wetland Restoration and Long-term Management Plan proposed by the Department of the Interior (DOI), National Park Service (NPS) in Fairfax County. The purpose of the plan is to develop and implement actions for the restoration and long-term management of the tidal freshwater marsh and other associated wetland habitats that have been lost or impacted in the Dyke Marsh Wildlife Preserve at George Washington Memorial Parkway on the Potomac River. The DEIS evaluates three alternatives, including Alternative A (“no action”), Alternative B (Hydrologic Restoration and Minimal Wetland Restoration), and the preferred alternative, Alternative C (Hydrologic Restoration and Fullest Possible Extent of Wetland Restoration). Based on the information in the DEIS and comments from reviewing agencies, DEQ finds that this proposal is unlikely to have significant effects on ambient air quality, surface waters, important farmland, forest resources, or species of plants or insects listed by state agencies as rare, threatened, or endangered. The response recommends that the Department of Game and Inland Fisheries (DGIF) be provided the opportunity to participate in review of specific restoration activities prior to permitting, perhaps as a member of a restoration planning team or technical assistance committee or other formal review and guidance team for the project. DGIF’s participation in the review of particular activities will enable the agency to determine what, if any, impacts and/or benefits those activities may have on wildlife resources, recreational opportunities, and fisheries management. In addition, DGIF finds that there is insufficient information in the DEIS and FCD to fully evaluate or determine the scope of beneficial or adverse impacts upon regional fishery resources resulting from construction activities during restoration and the conversion of existing open water/deep water habitats to marsh. Accordingly, DEQ conditionally concurs that the proposal is consistent with the VCP provided the NPS coordinates with DGIF to ensure the project is consistent with the fisheries management enforceable policy of the Virginia Coastal Zone Management Program.

Temporary Storage of Wheeled Tactical Vehicles – DEQ completed the coordinated review of an environmental assessment (EA) and Federal Consistency Determination (FCD) submitted by the Defense Logistics Agency (DLA) for Temporary Storage of Wheeled Tactical Vehicles at Defense Supply Center, Richmond (DSCR). The DLA (part of the Department of Defense) proposes to store 600 to 2,500 wheeled tactical vehicles at the DSCR for as long as 3 years beginning early this year (2014). The vehicles would be shipped to DSCR from a number of military installations in the country via flatbed or low-boy tractor trailers. Deliveries would be made during regular work hours, and spread out to reduce traffic impacts. The primary storage site is a 5.3-acre gravel lot located south of Buildings 3 and 4. If this site reaches capacity, other vehicles could be stored at the secondary site, a 21-acre gravel lot west of Building 54. Chain-link fencing would be installed around each proposed storage sight. The vehicles are of several types, and would be kept in running order with batteries and fluids. Absorbent pads would be placed under the vehicles, and DLA staff would inspect them weekly. As the vehicles are sold or sent off for de-militarization, they would be shipped via Road A and the North Gate. DLA states that it would conduct the action in a manner fully consistent with the

enforceable policies of the Virginia Coastal Zone Management Program. DEQ concurred with the FCD, provided that all applicable requirements under the enforceable policies are met. In regard to the EA, DEQ reflected DHR's comment that, based on earlier consultation, the project would have no adverse effect on historic properties, provided that DLA resume consultation with DHR in the event the wheeled vehicles are kept at DSCR for more than one year.

Fort Belvoir Waterfront Facility Repair and Rehabilitation – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) for the Fort Belvoir Waterfront Facility Repair and Rehabilitation project. The Army proposes to undertake projects at Whitestone Point (including Pier 7339) and within Ponton Basin (including Seawall 7378 and Wharf 7378) in order to maintain an existing water-dependent facility. The Army stated that the project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program. The VMRC indicated that a subaqueous lands encroachment permit would not be issued before Fairfax County acts on its Wetlands Board permit. The County finds the proposal inconsistent with the wetlands management enforceable policy and recommends that the Army reconsider placement of the bulkhead to avoid impacts to the intertidal area, and place the bulkhead above mean high water. Based on DEQ's review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ conditionally concurred that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the VCP. The conditions of the Commonwealth's concurrence are: The Army must (1) obtain all applicable permits which govern the enforceable policies including the wetlands permit administered by the Fairfax County Wetlands Board; (2) adhere to the conditions of applicable permits; and (3) ensure that project activities are conducted in ways that are consistent with enforceable policies (not requiring permits) of the VCP such as the coastal lands management enforceable policy. In accordance with the *Federal Consistency Regulations* if the requirements of 15 CFR Part 930, section 930.4, sub-paragraphs (a)(1) through (a)(3) are not met, this conditional concurrence becomes an objection under 15 CFR Part 930, section 930.43.

Amendment 14 to the FMP for the Snapper Grouper Fishery of the South Atlantic Region – DEQ completed the coordinated review of an environmental assessment (EA) and Federal Consistency Determination (FCD) submitted by National Marine Fisheries Service for Regulatory Amendment 14 (RA) to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region. The South Atlantic Fishery Management Council (FMC) proposes seven regulatory actions relating to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic FMC recommends management measures to the National Marine Fisheries Service, which ultimately approves, disapproves, or partially approves and implements the actions through development of regulations. The actions are: Modify the commercial and recreational fishing years for greater amberjack; Modify the recreational fishing year for black sea bass; Modify the recreational accountability measure for black sea bass; Modify the commercial fishing year for black sea bass; Change the commercial fishing seasons for vermilion snapper; Modify the trip limit for gag; and Modify the recreational accountability measure for vermilion snapper. The RA summarizes alternatives, indicates preferred alternatives, and analyzes effects of alternatives and reasons for choices of preferred alternatives. While the jurisdictional boundaries of the South Atlantic Council are the waters offshore of North Carolina and states to the south, the management area for mackerel is from New York to Florida, and that for dolphin wahoo is from Maine to Florida. The purpose of the proposed actions is to modify commercial and recreational fishing seasons and years for several species; the needs include avoidance of overfishing of the species under consideration. The RA indicates that the proposed regulatory amendments are consistent, to the maximum extent practicable, with the enforceable policies of the coastal zone management programs of Atlantic coastal states. DEQ concurred, provided that all applicable permits and approvals required under the FCP are obtained. VMRC agreed with all of the proposed management actions, except for concern that management action #4 may have a potentially negative economic impact on Virginia commercial fishermen. The economic analysis performed for the preferred alternative indicates that there could be glut in the market for black sea bass, resulting in a lower ex-vessel price. This could result if the fishery managed by

the Mid-Atlantic Fishery Management Council is open at the same time the fishery managed by the South Atlantic Fishery Management Council is open in federal waters.

Demolition of Buildings at Defense Supply Center – DEQ completed the coordinated review of an environmental assessment (EA) submitted by the Defense Logistics Agency (DLA) for Demolition of Buildings 10, 11, and 67 at Defense Supply Center, Richmond (DSCR). The DLA proposes to demolish two storage buildings, #10 and 11, and a former warehouse support structure, an oil-fired heating plant, building #67, at the Defense Supply Centre, Richmond (DSCR). The 611-acre installation, situated just south of Richmond in Chesterfield County, serves as the primary source of aviation supply items for the DLA and is home to several different DLA tenant organizations. Demolition would entail complete removal of the structures to grade, capping of utilities below grade, removal of surrounding pavements, and the establishment of natural (grass) cover and landscaping. The EA indicates that a no-action alternative would mean not demolishing the buildings. Other alternatives are not considered, because DLA states that the buildings in question cannot be given a different purpose compatible with the mission of the installation. DEQ provided the Commonwealth's comments including guidance from the Department of Historic Resources (DHR) on coordination requirements, stating that DLA needs to begin consultation with the federal Advisory Council on Historic Preservation by consulting the DHR, as the State Historic Preservation Office, and providing notice that comments are being solicited, DEQ-DAPC and DEQ-PRO indicated, respectively, that the DSCR is in an ozone maintenance and emission control area for oxides of nitrogen (NOx) and volatile organic compounds (VOCs), and that requirements relating to fugitive dust, open burning, and fuel-burning machinery must be followed; the latter may require permits from DEQ-PRO. DEQ's Office of Stormwater Management (DEQ=OSWM) gave guidance on requirements pertaining to erosion and sediment control plans, stormwater management plans, and stormwater management general permits for construction activities. DEQ-DLPR provided findings on six categories of waste sites, and provided sources of additional information and guidance on searching petroleum contamination case files. DEQ-PRO indicated that due to the historical uses of the parcels in proximity to the demolition sites, all necessary precautions should be taken to avoid or minimize potential environmental and health risks. DEQ-DLPR also gave general guidance on contamination, asbestos-containing materials and lead-based paints, and pollution prevention; DEQ gave specific tips on pollution prevention. DEQ-OSWM noted that the proposed demolitions will result in land disturbance, but will also result in a decrease in the amount of impervious cover, because the sites will be returned to green space after the demolition. It is likely that the project sites are in an area analogous to a Resource Management Area as defined by the *Chesapeake Bay Preservation Area Designation and Management Regulations*; the applicable requirements are limited to adherence to erosion and sediment control measures during the demolitions. Compliance with required erosion and sediment control measures will make the project consistent with the requirements of the Chesapeake Bay Preservation Act. DEQ-PRO indicated that changes to the stormwater system or the waste treatment system may require changes in the existing VPDES permit for the facility. DEQ reminded DLA of the need to submit a federal consistency determination (FCD) for review; the EA indicated that DLA had found the project consistent, but there was no FCD as part of the document submitted for this review.

Adjustment 8 to the Atlantic Mackerel, Squid, and Butterfish FMP – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by National Marine Fisheries Service for Framework Adjustment 8 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). The NMFS, part of the National Oceanic and Atmospheric Administration (NOAA) is considering three regulatory actions in order to better match the allocation of the butterfish discard cap to fishing effort in the longfin squid fishery, and to increase butterfish catch accountability in Trimester 2. The actions are: adjusting trimester allocations for the butterfish discard cap on the longfin squid fishery; the addition of a closure mechanism for Trimester 2; and the adjustment of closure thresholds for Trimesters 1 and 3. The Mid-Atlantic Fishery Management Council (MAFMC) is considering the following alternatives: Alternative 1, no action; Alternative 2, the preferred alternative: MAFMC would make butterfish cap allocations to match the longfin squid trimester allocations, closing each trimester when 95% of the Trimester allocation had been used; or Alternative 3:

MAFMC would make butterfish cap allocations halfway between the current allocations and the longfin squid allocations. MAFMC is also considering a mechanism to move butterfish quotas between the butterfish landings allocation and the butterfish discard cap allocation near the close of each fishing year. This will contribute to optimal use of the butterfish available for fishing each year. To this end, two alternatives are being considered: Alternative 4, no action; Alternative 5, the preferred alternative: NMFS would be able to transfer a certain amount of catch quota between landings and the butterfish cap near the end of the year, in order to make optimum use of the butterfish available for fishing. NMFS states that the proposed regulatory actions would have no effects on the coastal uses or coastal resources of any state, and it lists the states along the Atlantic Ocean coast from Maine to Florida. In addition, the cover letter states NMFS's preliminary determination that Framework Adjustment 8 is consistent, to the maximum extent practicable, with the enforceable policies of each Atlantic state's coastal zone management program. DEQ concurred with the federal consistency determination on behalf of the Commonwealth. Virginia Marine Resources Commission, the only other reviewing agency, indicated that the preferred alternative will have no adverse impacts to finfish resources in state waters. The preferred alternative is designed to meet several National Standards to improve efficiency and costs, and is in support of the Magnuson-Stevens Fishery Conservation and Management Act.

George Washington Boyhood Home at Ferry Farm, Site Treatment Plan – DEQ completed the coordinated review of an Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the Department of the Interior (DOI), National Park Service (NPS) and the George Washington Foundation (Foundation or applicant) for improvements to the George Washington Boyhood Home Site at Ferry Farm located on the Rappahannock River across from Fredericksburg in Stafford County. The proposal includes the following components: archeological investigations; rehabilitated Washington era landscapes and features; an invasive species and/or forest management plan; new visitor center; relocation of the 1870s agricultural building; up to 50 low-impact interpretive nodes; discovery areas; 10,000 square foot interpretive play area; relocated site entrance; new access driveway; 2,745 linear feet of screening between the access road and King's Highway; a security/entrance station; new parking lot at the visitor center; extended pedestrian trails; new pedestrian bridge over the ravine; a winding trail on the lower terrace; stabilization of the ravine near Medicine Spring; and stormwater management features. The EA evaluates the impact of four alternatives (A (no action), B, C, and D (preferred alternative)). Based on the information in the EA, the Commonwealth has no concerns with the proposal provided the applicant obtains and complies with all applicable permits and authorizations with respect to erosion and sediment control, stormwater management, air quality, impacts to Chesapeake Bay Preservation Areas, and solid and hazardous waste management. The DEQ response recommends the applicant coordinate with the Department of Forestry on the development of a Forest Management Plan, and continue to coordinate with the Department of Historic Resources under and Section 106 of the National Historic Preservation Act and DHR/NPS Programmatic Agreement. In addition, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program

Ferry Point Jetty Maintenance at AFETA Camp Perry – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of Defense (DOD) for the maintenance of the Ferry Point jetty at the Armed Forces Experimental Training Activity (AFETA) Camp Peary in York County. The project area is located along the eastern shore of the York River and south of Carter Creek. The jetty at Ferry Point has been previously stabilized using various types of recycled building material including concrete with rebar and bricks and mortar. DOD is proposing to remove the rubble and replace it with class II riprap underlain with filter cloth at a 2:1 slope. Additional riprap will be installed on the interior portion of the inlet to prevent continued soil erosion. A total of 3,316 square feet of riprap is expected to be used in the maintenance of the jetty. The area will be allowed to re-establish vegetation through succession. No encroachment past mean low water is proposed. Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains and complies with all applicable permits and authorizations with respect to impacts to surface waters and wetlands, uplands (erosion

and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. The project must also comply with applicable solid and hazardous waste regulations and Section 106 of the National Historic Preservation Act. In addition, the response recommends that the applicant coordinate with the Department of Game and Inland Fisheries to ensure compliance with the Virginia Endangered Species Act.

Physical Fitness Center at Naval Support Facility, Dahlgren – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Navy for the construction of a new physical fitness center to replace the old fitness center (vintage 1942) at the Naval Support Facility in Dahlgren, Virginia. Site preparation will include potable water distribution, a sanitary sewer connection, and electrical distribution. Stormwater management, parking, sidewalks, landscaping, and a loading area are included in the project. The new Center will cover approximately 28,816 square feet, just south of the existing structure; the latter, with associated parking lot, will be demolished. The Navy finds that the proposed construction of the physical fitness center is consistent, to the maximum extent practicable, with the Virginia Coastal Zone Management Program (VCP). Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the VCP provided the applicant obtains and complies with all applicable permits and authorizations. DEQ- Office of Stormwater Management (OSWM) indicated that impacts might occur to lands similar to Resource Management Areas, and stated the requirement that projects should be implemented consistently with the performance criteria in the *Chesapeake Bay Designation and Management Regulations*. DEQ-OSWM also described the requirements of the Chesapeake Ecosystem Unified Plan and the Chesapeake 2000 Agreement pertaining to control of runoff of nutrients, sediment, and contaminants. DEQ-Division of Land Protection and Revitalization stated its findings relative to waste sites, and gave guidance on obtaining additional information as well as general guidance on waste management and pollution prevention. The Department of Historic Resources asked that the Navy consult directly, pursuant to section 106 of the National Historic Preservation Act.

Cruiser/Destroyer Upgrade Training Facility at Naval Support Facility– DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Navy for the construction of an addition to Building 1520 at the Naval Support Facility, Dahlgren in order to meet growing training requirements for military personnel. The building addition of approximately 29,392 square feet will be accompanied by an access road, sidewalk, parking lot, fence removal and installation, landscaping and stormwater management. The site of the proposed building is a lawn with scattered shade trees. The Navy stated that the proposed action would be consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the VCP provided the applicant obtains and complies with all applicable permits and authorizations. DEQ-Office of Stormwater Management stated that impacts might occur to lands similar to Resource Management Areas, and stated the requirement that projects should be implemented consistently with the performance criteria in the *Chesapeake Bay Designation and Management Regulations*. The project must also comply with applicable solid and hazardous waste regulations and Section 106 of the National Historic Preservation Act. DEQ provided recommendations on energy conservation and water conservation for the new building.

Re-development of Cooke Camp at Fort A.P. Hill– DEQ completed the coordinated review of an Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the Army which is proposing to renovate existing buildings and construct new facilities within the Cooke Camp cantonment area in Training Areas 25 and 26 of Fort A.P Hill in Caroline County. This will involve the following actions: demolition of seven single-story pre-engineered metal buildings; demolition of multiple concrete tent pads and abandoned concrete foundations; demolition and replacement of existing service roads and parking areas; construction of new operation and training buildings. These will include unit training and planning areas, staff billeting, classrooms, an on-site medical clinic, fitness center, offices, storage rooms, and equipment maintenance spaces; closure of the existing wastewater treatment facility and consolidation of sewage treatment

to the Fort's central Wilcox Treatment Facility; extension of sanitary sewer force main and associated grinder pump stations to convey sewage to the Wilcox Treatment Facility; and installation of approximately two miles of fiber optic cable from the Delos Area to Cooke Camp, following the proposed sanitary sewer corridor.

The EA also considers a no-action alternative and alternative training locations at Fort Belvoir or Fort Pickett. DCR indicated that the project area is near the Rollins Fork Reserve Conservation Site and recommended shifting the utilities to the east of Rollins Road from Rollins Fork to the next intersection. DCR also recommended a survey for the small whorled pogonia and swamp pink, two listed plant species, along the utility corridor. The FCD finds the proposal consistent to the maximum extent practicable with the Virginia Coastal Zone Management Program. DEQ concurred with the Army's determination. In regard to subaqueous lands management, VMRC stated that the project would be likely to require a permit for the proposed crossings of the sanitary sewer force main and fiber optic cable below Mill Creek falls. Additionally, the impacts to Roy's Run may also fall within VMRC's jurisdiction. In regard to point source pollution control, DEQ-NRO indicated that closure of the lagoon system and associated land application area currently permitted by DEQ would have to be accomplished in accordance with the permit, and gave guidance for what to submit with the required closure plan.

Modifications to the Construction and Operation of a U.S. Army Reserve Center – DEQ completed the coordinated 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 U.S. Army Reserve Center (USARC) in the City of Suffolk. DEQ previously responded to a FCD submitted by the Army for this project on November 14, 2012 (DEQ 12-168F). Since then, project modifications have increased its footprint from 20 to 40 acres to accommodate the construction fill borrow area. As proposed, the Army would transfer the existing 12-acre 1LT Richard T. Shea USARC at 3502 Bennetts Creek Road in Suffolk to the City of Suffolk in exchange for 96 acres of land located at 886 Carolina Road. The new USARC would be constructed on approximately 40 acres of the 96 acres at the Carolina Road site. The new facility would include a 33,795-square-foot, administrative training building, an 8,048-square-foot maintenance shop, a 1,217-square-foot storage building, approximately 4,980 square-yards of military equipment parking, and approximately 3,730 square-yards of paving for privately-owned vehicle parking and roads. Improvements would be made to Carolina Road at the entrance to the USARC. Areas of the site to the west of the construction area and to the northeast of an intermittent stream would be used as borrow areas to provide additional fill needed within the construction area of the USARC. Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the Army obtains and complies with all applicable permits and authorizations with respect to impacts to wetlands, uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. The project must also comply with solid and hazardous waste regulations and local requirements for impacts to the existing transportation network.

Construction of the Phase II Stormwater Wetland– DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy (Navy), Naval Support Activity South Potomac (NSASP) for the construction of the Phase II stormwater wetland at Naval Support Facility Dahlgren in King George County. The project involves the construction of an approximately 2-acre stormwater wetland just north of the Phase I wetland now under construction. The proposed project site consists of maintained turf grass. Approximately 250 feet of a primary culvert will be removed to facilitate the construction of the wetland. The Phase II project, in combination with the Phase I wetland, will enable NSASP to meet evolving stormwater management regulations including the Chesapeake Bay Total Maximum Daily Load (TMDL) for nitrogen, phosphorus, and sediments. Based on the information in the FCD and comments from reviewing agencies, 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 the Navy obtains and complies with permits and approvals related to land disturbance (erosion and sediment control, and

stormwater management), air emissions, and impacts to Chesapeake Bay Preservation Areas. In addition, the project must comply with regulations pertaining to solid and hazardous waste, and historic resources.

Rule to Amend the Harbor Porpoise Take Reduction Plan – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS) for the implementation of the proposed Rule to Amend the Harbor Porpoise Take Reduction Plan. The Marine Mammal Protection Act (MMPA) directs NMFS to reduce marine mammal injuries and mortality caused by incidental interactions with commercial fishing gear. In particular, the MMPA requires that NMFS protect any marine mammal stock in which the potential biological removal level is being exceeded. The Harbor Porpoise Take Reduction Plan (HPTRP) was developed to reduce interactions between harbor porpoises and commercial gillnet gear in waters off New England and the Mid- Atlantic. In the Mid-Atlantic, time and area closures are utilized in combination with seasonal gear modification requirements. Gear modification requirements ensure that commercial gillnet gear is deployed in configurations least likely to result in harbor porpoise entanglement. The proposed rule would revise the Plan by eliminating the consequence closure strategy enacted in 2010 based on deliberations by the Harbor Porpoise Take Reduction Team. This action is necessary to prevent the improper triggering of consequence closure areas based on target harbor porpoise bycatch rates that no longer accurately reflect actual bycatch in New England sink gillnets due to fishery-wide changes in fishing practices. Based on the information in the FCD and comments from the Virginia Marine Resources Commission, DEQ concurs that the proposed project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, as it will not result in adverse impacts to the finfish and shellfish resources of the commonwealth.

Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS) for the implementation of the proposed Rule and Amendment 7 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). The proposed measures would reallocate the U.S. bluefin tuna quota among domestic fishing categories. The rule would also implement several actions applicable to the pelagic longline fishery, including: Individual Bluefin Quotas (IBQs); two new Gear Restricted Areas, access to current closed areas based on performance criteria; closure of the pelagic longline fishery when annual bluefin tuna quota is reached; elimination of target catch requirements associated with retention of incidental bluefin tuna in the pelagic longline fishery; mandatory retention of legal sized bluefin tuna caught as bycatch; expanded monitoring requirements, including electronic monitoring via cameras and bluefin tuna catch reporting via Vessel Monitoring System (VMS); and transiting provisions for pelagic and bottom longline vessels. The proposed rule would also require: VMS use and reporting by the Purse Seine category; change the start date of the Purse Seine category to June 1; expand Automated Catch Reporting System use to the General and Harpoon categories; provide additional flexibilities for in season adjustment of the General category quota and Harpoon category retention limits; and allocate a portion of the Angling category Trophy South subquota to the Gulf of Mexico. Finally, it would adopt several measures not directly related to bluefin tuna management, including: implementing a U.S. North Atlantic albacore tuna quota; modifying rules regarding permit category changes; and implementing minor changes in the HMS regulations for administrative or clarification purposes. Based on the information in the FCD and comments from the Virginia Marine Resources Commission, DEQ concurs that the proposed project is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program as it will not result in adverse impacts to the finfish and shellfish resources of the commonwealth.

U.S. Army Flight Concepts Division Compound Improvements –DEQ completed the coordinated review of an Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the Department of the Army (Army) for the construction of a new Flight Concepts Division (FC Division) compound at Joint Base Langley-Eustis in the City of Newport News. The FC Division compound would be located at Felker Army Airfield south of Runway 14/32, on the opposite side of the runway from its current location. The proposed new compound would consist of hangars and repair shops on the east end and facilities for various

Division functions on the west end. The new compound would also include a training field, parking, aircraft aprons, a taxiway bridge to Runway 14/32 and a paved access road. The facility would be surrounded by fences and a security system would be installed. Based on comments from reviewers, the Commonwealth has no objection to the proposed action, provided the Army complies with all applicable laws and regulations with respect to potential project impacts to surface waters and wetlands, state subaqueous lands, Chesapeake Bay Preservation Areas, air quality, and solid and hazardous waste. The response recommends that the Army coordinate with the U.S. Fish and Wildlife Service with regard to potential impacts to the bald eagle. In addition, DEQ concurs that this proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the Army obtains and complies with all applicable permits or approvals.

Arlington National Cemetery, Real Property Master Plan – DEQ completed the coordinated review of a Real Property Master Plan (RPMP) submitted by the Arlington National Cemetery, which is administered by the U.S. Army. The RPMP includes a number of projects and outlines how the Cemetery will address future development and operational needs. The Programmatic Environmental Assessment (Programmatic EA) is a broad-scale analysis of the RPMP recommendations, which include phased projects and projects in the conceptual stage. The EA also includes a Federal Consistency Determination (FCD). The Army commits to preparing project-specific National Environmental Policy Act documentation before implementing these specific projects. Components of the Proposed Action, which is based on the RPMP, include adding burial capacity, facilitating future Cemetery operations, enhancing family experiences during burial services, enhancing visitor experiences, and promoting sustainability.

The Proposed Action could be any of the three Action Alternatives, which vary primarily in how the area, in the vicinity of the former Navy Annex, is developed. These combinations are listed in the Executive Summary, Table ES-1 (page ES-3 of the on-line Programmatic EA; see also FCD, page B-1) and depicted in Figures 2-12, 2-13, and 2-14 of the Programmatic EA. In brief: Alternative 1 includes projects in the Cemetery including the former Navy Annex site; Alternative 2 is the same as Alternative 1, but includes additional projects in the Southgate Road Area of the Cemetery; and Alternative 3 is the same as Alternative 1, but includes the former Navy Annex site with realigned roads. Based on our review of the FCD and the comments submitted by reviewers, DEQ concurs with the FCD. Based on the scope of the proposal and the comments submitted by reviewers, DEQ concurs with the FCC.

Unmanned Systems Operations in the Atlantic Test Ranges – DEQ completed a coordinated review of an environmental assessment, including a federal consistency determination (FCD), submitted by the Department of the Navy. The Navy proposes to expand unmanned systems research, development, acquisition, test and evaluation, and training operations in the Atlantic Test Ranges (ATR), including unmanned aircraft systems, unmanned ground systems, and unmanned maritime systems. Specifically, the Proposed Action would be conducted within the ATR Inner Range, which includes approximately 1,800 square nautical miles of restricted airspace, underlying surface waters, and land test areas. All water- and land-based test areas are in Maryland. Only unmanned aircraft systems (UAS) would be used in the Commonwealth of Virginia. The ATR Inner Range airspace overlaps Westmoreland, Northumberland and Lancaster counties in Virginia. According to the FCD, the project would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on a review of the FCD 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.

Lynnhaven River Basin Ecosystem Restoration Project – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the U.S. Army Corps of Engineers (Corps) for the Lynnhaven River Basin Ecosystem Restoration Project in the Lynnhaven River in the City of Virginia Beach. The project includes four elements: (1) Ninety-four acres in the main stem and Broad Bay will be seeded to produce submerged aquatic vegetation (SAV) habitat. (2) When the SAV becomes established, bay scallops will be grown on site to build a self-sustaining population. (3) Hard reef structures will be placed in Broad Bay and

Lynnhaven Bay through the placement of reefs. (4) Restoration efforts will occur at four wetland sites. Based on the information in the FCD and comments from reviewing agencies, DEQ conditionally concurs that the proposed project is consistent with the enforceable policies of the VCP provided the Corps obtains and complies with permits and approvals related to the fisheries management and subaqueous lands management enforceable policies as administered by the Virginia Marine Resources Commission (VMRC). VMRC finds that proposed project activities may conflict with current shellfish lease activities in the Lynnhaven basin, as most of the lower Lynnhaven is currently leased for commercial shellfish production. In addition, the proposed establishment of submerged aquatic vegetation and scallops in identified areas may limit existing shellfish aquaculture activities as well as public access to areas within the Lynnhaven watershed. Under the Joint Permit Application review process, proposed project impacts to existing leases will require a notification to the leaseholder(s) of record and confirmation that they agree with the proposed activity on their leases. In addition, permits and approvals must be obtained for proposed impacts to surface waters and wetlands, land (erosion and sediment control), air emissions, and Chesapeake Bay Preservation Areas. The project must also comply with regulations pertaining to solid and hazardous waste, protected species, and historic resources.

Amendment 3 to the Spiny Dogfish Fishery Management Plan – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS) which proposes to implement Amendment 3 to the Spiny Dogfish Fishery Management Plan (FMP). The proposed action would make four modifications to the management measures in the Spiny Dogfish FMP. These include: (1) allowing up to 3 percent of the annual quota to be set aside for research purposes (research set-aside); (2) updating the essential fish habitat definitions for spiny dogfish; (3) allowing the previous year's management measures to be carried over into the subsequent year in the case of rulemaking delays; and (4) removing the seasonal allocation of the commercial quota. The action is needed to improve the efficiency of the Spiny Dogfish FMP, and help reduce misalignment of the regulations with the Atlantic States Marine Fisheries Commission's Interstate FMP for spiny dogfish. Based on the information in the FCD and comments from the Virginia Marine Resources Commission, DEQ concurs that the proposed project is consistent, to the maximum extent practicable, with the enforceable policies of the VCP as it will not result in adverse impacts to the finfish and shellfish resources of the commonwealth.

Dominion Electrical Replacement at Fort Belvoir –DEQ completed a coordinated review of a federal consistency determination (FCD) submitted by Fort Belvoir. Fort Belvoir's electric utility partner Dominion Virginia Power proposes replacing 10,600 linear feet of existing over head electric line with an underground electric line along John J. Kingman Road to the north and west sides of the Jackson Miles Abbott Wetland Refuge on Fort Belvoir North Post. The new line will be installed parallel to the existing line, and the existing overhead poles and line will be removed. Horizontal directional drilling will be used to minimize impacts to Resource Protection Areas, wetland and streams. Approximately 2,110 square feet will be disturbed. The drilling mud will be vacuumed into a tank and disposed of at an authorized site. The proposed project site is located in an existing right-of-way. According to the FCD, the project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on our review of the FCD 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.

Loggerhead Sea Turtle Northwest Atlantic Ocean Distinct Population Segment – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the National Marine Fisheries Service (NMFS), which proposes to amend its Endangered Species Act (ESA) regulations (50 CFR Parts 226) to designate critical habitat for the threatened loggerhead sea turtle Northwest Atlantic Ocean Distinct Population Segment (DPS) (*Caretta caretta*) within the Atlantic Ocean and the Gulf of Mexico. Under the proposed rule, the NMFS seeks to designate 36 occupied marine areas within the Northwest Atlantic Ocean DPS. These areas contain one or a combination of nearshore reproductive habitat (off nesting beaches), winter habitat, breeding habitat and constricted migratory corridors. All areas fall within U.S. jurisdiction in the Northwest Atlantic Ocean. Generally, the units include nearshore areas extending directly seaward from the

coast one mile and include specific areas in North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. Based on the information in the FCD and comments from the Virginia Marine Resources Commission, DEQ concurs that the proposed project is consistent, to the maximum extent practicable, with the enforceable policies of the VCP as it will result in no adverse impacts to the finfish and shellfish resources of the commonwealth.

Willoughby Spit and Vicinity Coastal Storm Damage Reduction Project – DEQ completed the coordinated review of an Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the U.S. Army Corps of Engineers (Corps) for proposed beach nourishment activities along the Willoughby Spit-Ocean View shorefront in the City of Norfolk. The project would provide for a beach berm along 7.3 miles of shoreline from the inlet at Little Creek to the tip of Willoughby Spit, where an adequate berm does not presently exist, to include periodic nourishment as needed. The protective beach would consist of a berm 60 feet wide at elevation of 3.5 feet with a foreshore slope of 1 on 20 extending to the natural bottom. This will require approximately 1.2 million cubic yards of sandy fill from the Thimble Shoal Auxiliary Channel to be placed along the shoreline. The selected plan would require the placement of approximately 445,100 cubic yards of sand approximately every 9 years depending upon weather conditions, availability of funding, and the behavior of subsequently placed material at the project site. Based on the information in the EA and comments from reviewing agencies, DEQ finds that the proposal is unlikely to have significant effects on ambient air quality, water quality, wetlands, historic resources, and species of animals, plants or insects listed by state agencies as rare, threatened, or endangered. The Corps must obtain all applicable permits and authorizations with respect to impacts to state fisheries, subaqueous lands, wetlands, beaches, air quality, and Chesapeake Bay Preservation Areas. In addition, the project must comply with solid and hazardous waste regulations, and protected species regulations (sea turtles and terns). With respect to federal consistency under the Coastal Zone Management Act, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Humanitarian Demining Training Center at Fort Lee – DEQ completed a coordinated review of an environmental assessment (EA), including a federal consistency determination (FCD), for the construction of the Humanitarian Demining Training Center at Fort Lee in Prince George County. The proposed training center would be constructed on 14 acres in the southern portion of the installation. In addition, the training area would occupy administrative and classroom spaces in two other buildings within the Fort Lee Cantonment Area. Construction of the training area would begin in early- to mid-2014 and would take approximately 3 to 6 months to complete. Construction activities include timber harvesting, site preparation and site development. The training area would include a parking lot, several designated training areas, a pole barn (permanent structure) and five pebble sheds (temporary structures). Various utility systems would be installed. Eight civilian employees and one foreign military liaison officer would be permanently employed at Fort Lee. The center would train up to 160 students annually with an average daily load of 16 students. The EA states that wetlands and subaqueous lands would not be affected by the proposed project. According to the FCD, the proposed project would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on the review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposed project is consistent with the VCP provided all applicable permits and approvals are obtained. DEQ has no objections to the proposed project.

#### USCG Marine Event Permits

The U.S. Coast Guard did not submit any marine events permits for OEIR review from October 1, 2013 through March 31, 2014.

## 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).*

Cascade East Apartments – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of Housing and Urban Development (HUD) which is considering an application for mortgage insurance under HUD Section 221(d)(4) from the Bonaventure Realty Group, LLC (applicant) to finance the construction of the Cascade East Apartments in the City of Virginia Beach. The project site at 2120 Centerville Turnpike consists of approximately 10.08 acres of undeveloped grassland and is currently used as a golf driving range. The site is bounded by single-family residential properties to the north, Magnolia Run to the east, undeveloped grassland associated with the Woods Creek Driving Range to the south, and Centerville Turnpike to the west. The proposed Cascade East Apartments would consist of a six-building, 235-unit multi-family apartment complex, to include a clubhouse, pool, driveways, surface parking areas, detention pond, and landscaping. Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains and complies with all applicable permits and authorizations with respect to possible impacts to surface waters and wetlands, uplands (erosion and sediment control and stormwater management), and air quality. The project must also comply with applicable solid and hazardous waste regulations and local code with regard to connections to the local water supply and sanitary sewer systems.

The Pointe at Pickett Farms (Revised) – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of Housing and Urban Development (HUD) which is considering an application for mortgage insurance under HUD Section 221(d)(4) from AGM Financial Services, Inc. to finance the construction of The Pointe at Pickett Farms (Revised) by Pickett Farms Apartments, LP (applicant) in the City of Norfolk. The project site at 5394 Greenplain Road and 5354 East Virginia Beach Boulevard consists of two parcels of land totaling approximately 17.3 acres. The Pointe at Pickett Farms will consist of a 300-unit multi-family apartment complex with clubhouse which will be developed in two phases (Phase I and Phase II). All existing structures and improvements will be demolished in preparation for construction. Phase I includes a five-building, three-story, 120-unit multi-family apartment complex with a clubhouse, swimming pool. Phase II includes an eight-building, 180-unit multi-family apartment complex. DEQ previously responded to a FCD submitted for The Pointe at Pickett Farms Phase I (DEQ 12-151F) on October 10, 2012. Since then the scope of the project changed and HUD submitted a FCD for the revised project for DEQ's concurrence under the Federal Consistency Regulations of the Coastal Zone Management Act. Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant complies with the requirements of its Virginia Water Protection Permit and all applicable permits and authorizations with respect to uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. The project must also comply with applicable solid and hazardous waste regulations, Section 106 of the National Historic Preservation Act, and local code with regard to connections to the local water supply and sanitary sewer systems. The response recommends coordination with the Department of Forestry to mitigate impacts on forest resources, and the U.S. Fish and Wildlife Service for potential impacts on colonial waterbird colonies

Nursing Care Facility – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted Prince William H&R Re, LP (applicant) for the construction of a nursing care facility in Gainesville, Prince William County. The applicant is seeking U.S. Department of Housing and Urban Development (HUD) financial assistance through the Section 232 Mortgage Insurance for Residential Care Facilities Program (LEAN process). Section 232 is a Federal Housing Administration (FHA)-insured loan product that covers housing for the frail elderly such as nursing homes, assisted living facilities, and board and care facilities. The project site consists of 6.69 acres and is located along the west side of Baltrusol Boulevard (near 7820 Baltrusol

Boulevard). The project will include the construction of a one-story building to house 120 beds and an asphalt parking lot surrounding the structure. Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposal is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains and complies with all applicable permits and authorizations with respect to impacts to uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. The project must also comply with solid and hazardous waste regulations and local requirements concerning connections to the local water supply and sanitary sewer systems. In addition, the response recommends that the applicant coordinate with the Department of Game and Inland Fisheries concerning potential project impacts to the state-listed endangered Brook floater.

114 Nancy Drive (Nansemond Square Apartments) Rehabilitation – DEQ completed the review of a Federal Consistency Determination (FCD) submitted by Nansemond Square, LLC (applicant) for the construction of exterior improvements by at the Nansemond Square Apartments, a 14-building apartment complex (128 units) located at 114 Nancy Drive in the City of Suffolk. The U.S. Department of Housing and Urban Development (HUD) is considering providing mortgage insurance to Monarch Bank, under Section 223(f) Mortgage Insurance for Purchase or Refinancing of Existing Multifamily Rental Housing, which will finance the improvements. The site is approximately 8.22 acres. The project involves the repaving of existing driveways and parking areas and landscaping activities consisting of the planting of ornamental vegetation. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposed project is consistent with the enforceable policies of the VCP since the proposed activities would have no effect on any of the enforceable policies of the VCP. However, the project must comply with regulations pertaining to solid and hazardous waste, and historic resources.

Wiehle Residences at Reston Metro Station – DEQ completed a coordinated review of a federal consistency determination (FCD) submitted by Dominion Due Diligence on behalf of HUD, which is processing mortgage insurance for the construction of the proposed Residences at Reston Metro Station in Fairfax County. The proposed project site consists of a total of 20 tenant spaces and 606 rental storage units on approximately 4.59 acres of land. Exterior property improvements include landscaped regions and asphalt parking areas. The current structures will be demolished and replaced with a five-story, 420-unit multi-family apartment building with commercial retail spaces. According to the FCD, the project would be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on the review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposed project is consistent with the VCP provided all applicable permits and approvals are obtained. DEQ review includes recommendations to follow erosion and sediment controls as well as stormwater management requirements and to handle demolition debris appropriately.

Joint Logistics Over-the-Shore Training – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Navy (Navy) to conduct annual Joint Logistics Over-the-Shore (JLOTS) training at Joint Expeditionary Base Little Creek-Fort Story in the City of Virginia Beach. Logistics over-the-shore is the process of transporting cargo and personnel from ships to shore in areas that do not have existing deep-draft fixed port facilities. The training consists of several, coordinated field training exercises including: use of the improved Navy lighterage system to move personnel, cargo containers, and rolling stock from ships anchored offshore to land; construction and use of the elevated causeway system, a temporary pier constructed from the beach into the water past the surf zone; construction and use of the administrative pier, a floating temporary pier that supports refueling as well as maintenance activities for improved Navy lighterage system components and small boats; use of the offshore petroleum discharge system, amphibious bulk liquid transfer system, and inland petroleum discharge system, which are used to transfer potable water (standing in for petroleum and other liquids) from ship to shore; use of the tactical water purification system, an onshore unit that uses reverse osmosis to desalinate water extracted from the ocean offshore and make it potable; cargo marshalling and movement, rolling stock and containerized cargo

(equipment and supplies) that are moved to shore; and tent encampment, where personnel participating in JLOTS training are temporarily billeted in tents. Based on the information in the FCD and comments from reviewing agencies, DEQ finds that the proposal consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program, provided the Navy obtains all applicable permits and authorizations with respect to impacts to state fisheries, subaqueous lands, wetlands, onsite disposal of greywater, land disturbance (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. In addition, the project must comply with solid and hazardous waste regulations, and protected species regulations (sea turtles and marine mammals).

William Hughes Apartments Rehabilitation – DEQ completed the review of a Federal Consistency Determination (FCD) submitted for the proposed rehabilitation of the William Hughes Apartments located at 16075 Lankford Highway near Cape Charles in Northampton County. The U.S. Department of Agriculture Rural Development (USDA-RD) holds the existing mortgage that was used by William Hughes Apartments, LLC (applicant) to purchase the property through the Section 514 Farm Labor Housing program. Proposed rehabilitation activities will receive Low Income Housing Tax Credits and/or low to no interest financing through the Virginia Housing Development Authority (VHDA). The apartment complex consists of 34 units including four 1-bedroom apartments, fourteen 2-bedroom apartments, fourteen 3-bedroom apartments, and two 4-bedroom apartments situated on approximately 27.15 acres. Rehabilitation activities consist of the replacement of siding, windows, doors, insulation, appliances, HVAC systems, carpets, and tile repair. In addition, the existing parking lot will be repaired and resurfaced, and landscaped areas will be replanted. No expansion of the footprint of the apartment complex is proposed. Based on our review of the FCD, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains any applicable permits and approvals related to the potential air emissions. In addition, the applicant must comply with applicable solid and hazardous waste regulations and Section 106 of the National Historic Preservation Act. The response recommends that the rehabilitation be planned and designed to comply with state and federal guidelines and industry standards for energy conservation and efficiency, and include measures designed to reduced water use associated with the operation of the facility.

### **III. Federal Activities (Permits, Licenses and Approval)**

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

East Side Clearing and Building Demolition – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Capital Region Airport Commission (CRAC) for a project involving two elements at the Richmond International Airport (“Airport”). One is the clearing and grubbing of approximately 87.8 acres and the other is the demolition of 21 abandoned buildings. CRAC intends to prepare the site for future development in accordance with the Airport’s Master Plan. The clearing and grubbing project includes clearing of existing vegetation, pavement removal, and limited demolition and abandonment of existing utilities as needed to install erosion and sediment control measures. The building demolitions will take place on the eastern portion of the Airport property, and will include removal of all components, including slabs, foundations, and utilities. The footprint of the structures will be re-graded to match existing conditions. CRAC stated that the proposed projects will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP). On behalf of the Commonwealth, DEQ concurred with the FCC, provided all applicable permits and approvals are obtained. DEQ’s response included: requirements pertaining to erosion and sediment control plans, stormwater management plans, and stormwater general permits for construction activities; Chesapeake Bay Preservation Area requirements; and recommendations for consultation with DHR pertaining to section 106 of the National Historic Preservation Act. Based on comments from DOF, DEQ recommended that the Environmental Assessment address mitigation of the projected forest loss, and that the FAA and applicant consult with DOF regarding such mitigation; and DEQ also provided guidance on NEPA requirements.

I-95/Lewistown Road Interchange Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Hanover County for improvements to the Interstate 95 and Lewistown Road (Route 802) interchange to be constructed by the Virginia Department of Transportation (VDOT) in an area north of the Hanover County Municipal Airport. VDOT plans to replace the current two-lane bridge at Lewistown Road over I-95 with a new six-lane structure. The new bridge will be built approximately 3 feet higher than the current bridge and will involve modification to the four current ramps and the partial relocation of Air Park Road (Route 813). To facilitate the improvements and relocation of Air Park Road, a land swap is proposed for 1.16 acres of property to be purchased by VDOT in exchange for 2.94 acres of property currently owned by Hanover County. The property was previously purchased by the county with federal funds from the Federal Aviation Administration (FAA) and, therefore, require FAA approval. The FCC finds that the proposed project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on DEQ's review of the FCC and comments from reviewers, DEQ concurs that the proposal is consistent with the enforceable policies of the VCP provided the applicant obtains all applicable permits and approvals related to potential project impacts to state subaqueous lands, wetlands, surface waters, erosion and sediment control, stormwater management, and air emissions. In addition, the applicant must comply with applicable solid and hazardous waste regulations Federal Aviation Regulation Part 77 for obstructions to navigation.

Implementation of the Integrated Cultural Resources Management –DEQ conducted a coordinated review of an environmental assessment, including a federal consistency certification (FCC), submitted by the Department of Military Affairs (DMA) for the implementation of the Integrated Cultural Resources Management Plan (ICRMP) for more than 60 Virginia Army National Guard (VaARNG) facilities throughout Virginia. The ICRMP provides a basis for installation commanders to make decisions on cultural resources management actions during the next five years and defines specific procedures for federal and state cultural resource compliance. The EA addresses the potential impacts of the preferred alternative (implementation of the ICRMP) and the no-action alternative. Both alternatives would include continued archaeological investigations which would result in temporary disturbance to geology, topography, soils and biological resources. The EA indicates that wetlands and surface waters may be affected indirectly from runoff even if mitigation measures are implemented. However, significant impacts are not anticipated. The FCC states that the proposed project will be consistent with 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.

Bayville Creek SSD Dredging Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Virginia Beach for the dredging of Bayville Creek, a tributary of the Western Branch of the Lynnhaven River. Virginia Beach has submitted a Joint Permit Application for the dredging to the U.S. Army Corps of Engineers (Corps) for the issuance of an individual permit pursuant to Section 10 of the Rivers and Harbors Act. At the request of Bayville Creek waterfront homeowners, Virginia Beach has created a Special Service District (SSD) to carry out the dredging project to restore access to navigable channels and to attenuate siltation of the river. The navigation channels and homeowner driveway channels would be mechanically dredged and a dredge transfer station pier and one homeowner pier (1633 Spring House Trail) would be constructed. The proposed dredging project will take place primarily in open water and will not encroach on any vegetated wetlands. Minimal impacts to non-vegetated tidal wetlands are proposed. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided Virginia Beach obtains and complies with all applicable permits and authorizations with respect to impacts to state subaqueous lands, surface waters, wetlands, uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Resource Protection Areas. The project must also comply with applicable solid and hazardous waste regulations. The DEQ response recommends that Virginia Beach coordinate with the U.S. Fish and Wildlife Service on potential project impacts to federally-listed species (roseate tern, West Indian manatee, loggerhead sea turtle, and colonial waterbird colonies).

Lee Hall Reservoir Dam Improvements – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the City of Newport News (applicant). The applicant has submitted a Joint Permit Application to the U.S. Army Corps of Engineers (Corps) for the issuance of an individual permit pursuant to Section 404 of the Clean Water Act to make improvements to the Lee Hall Reservoir Dam in the City of Newport News. Accordingly, on May 20, 2013, Newport News submitted a Federal Consistency Certification to DEQ for the proposed improvements in accordance with the Federal Consistency Regulations of the Coastal Zone Management Act. DEQ completed a coordinated review of the FCC and responded to Newport News with the Commonwealth’s concurrence on July 24, 2013 (DEQ 13-104F). However, the project involves work that was not included in the 2013 FCC, which is related to the restoration of 1,400 linear feet of a degraded stream channel. The restoration of the stream channel will serve as mitigation to offset impacts associated with work at the dam. The stream channel, Baptist Run, is a tributary of the Lee Hall Reservoir and is located in York County. The restoration will involve the application of Natural Channel Design Principles to include raising the elevation of the streambed to improve connectivity with the floodplain, and creating a channel form that is balanced with watershed inputs and capable of maintaining itself over time. According to the Virginia Water Protection Permit (VWPP) program at DEQ-TRO, the JPA (13-0611) for this project was received on April 23, 2013. DEQ-TRO is currently processing the application for an individual VWPP. The VWPP staff did not express any concerns with the project. The Virginia Marine Resources Commission (VMRC) found that most aspects of the project, including stream restoration activities, did not fall under the agency’s jurisdiction. VMRC notes that the construction of the stone apron and a temporary cofferdam downstream of the dam (reviewed under DEQ 13-104F) and within ordinary high water of the Warwick River does fall under the agency’s jurisdiction. A public interest review of the JPA and requests for comments from the Department of Game and Inland Fisheries and the Department of Conservation and Recreation was conducted. No concerns were received by VMRC. VMRC will issue the permit once the applicant executes the permit and pays the permit fee. Based on our review of the City of Newport News’ consistency certification and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided the project complies with all the applicable permits, approvals, and conditions of the enforceable policies of the VCP.

Construction of an Airport Security Perimeter Road – DEQ completed the coordinated review of a Short Environmental Assessment (EA) Form and Federal Consistency Certification (FCC) for the construction of a security perimeter road at the Chesapeake Regional Airport in the City of Chesapeake. The Chesapeake Regional Airport Security Plan recommends the installation of cameras at various points along the airport perimeter to enhance airport security. A security road adjacent to and inside of the existing Airport fence line will allow the Airport to monitor the security fence, access all areas of the airport perimeter, and provide access to the airport perimeter for law enforcement and emergency response vehicles in the event of an emergency. The proposed project includes: grading fifteen acres for the security road and roadway shoulders; clearing and grubbing twelve acres of brush within the fifteen acres of grading to create a 32-foot wide corridor for the road; installing twelve culverts for the road to cross at existing airport drainage ditches; and constructing a 12-foot wide by 20,350-foot long gravel security road totaling 5.6 acres of new impervious surface. Based on the information provided in the EA and comments from reviewers, DEQ finds that the project is unlikely to have significant impacts on ambient air quality, important farmland, wildlife. The Department of Game and Inland Fisheries recommends the airport conduct a habitat assessment for the state-listed endangered Rafinesque’s eastern big-eared bat, state-listed endangered canebrake rattlesnake, and state-listed threatened Dismal Swamp southeastern shrew which are documented in the project area. The Federal Aviation Administration’s (FAA) and Airport must continue to coordinate with the Department of Historic Resources under Section 106 of the National Historic Preservation Act to ensure that historic resources are not adversely impacted. In addition, DEQ finds the proposal 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 surface waters, wetlands, state subaqueous lands, erosion and sediment control, stormwater management, and air emissions.

Airfield Repair Projects at National Airport– DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Metropolitan Washington Airports Authority (MWAA). MWAA proposes to make improvements to Runway 4-22 and rehabilitate several taxiways, aprons, and ramp areas at Ronald Reagan Washington National Airport in Arlington County, Virginia. Project activities involve the application of an overlay to Runway 4-22, and the rehabilitation of the surfaces of several existing taxiways, aprons, and ramp areas. All of the projects will take place on previously disturbed areas and will not involve additional impervious surfaces. The FCC finds the proposed projects consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on the information in the FCC, DEQ concurs that the projects are consistent with the VCP provided the MWAA obtains and complies with all applicable permits and authorizations with respect to erosion and sediment control, stormwater management, air quality and impacts to Chesapeake Bay Preservation Areas. However, other state approvals which may apply to these activities are not included in this response to the FCC. Therefore, MWAA must also ensure that the projects are carried out in accordance with all applicable federal, state, and local laws and regulations.

Oyster Point Village – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Oyster Point Village, LLC (applicant) for the construction and operation of the proposed Oyster Point Village in the City of Newport News. The Norfolk District of the U.S. Army Corps of Engineers (Corps) is reviewing a Joint Permit Application submitted by the applicant for the issuance of an individual permit pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) for impacts to jurisdictional waters of the United States from the proposed development. Located at the southeastern intersection of Jefferson Boulevard and Oyster Point Road, Oyster Point Village would be a mixed-use commercial retail, apartment, and campus development that is part of a larger mixed-use facility associated with the expansion of the Jefferson Labs complex. The development will contain retail facilities, office space, and residential apartment buildings, consisting of two-story buildings, parking lots, underground stormwater detention and treatment, and landscaping, for a total of 290,000 square feet of development space. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided the applicant obtains and complies with all applicable permits and authorizations with respect to impacts to wetlands, uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. The project must also comply with solid and hazardous waste regulations, Section 106 of the National Historic Preservation Act, and local requirements concerning impacts to the road network and connections to the local water supply and sanitary sewer systems. In addition, the response recommends that the applicant coordinate with the Department of Game and Inland Fisheries concerning potential project impacts to the state-listed endangered Canebrake rattlesnake and state-listed threatened Mabee’s salamander.

CenterPoint Intermodal Center Kenyon Road Connector Permit Modification – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the CenterPoint Properties which is seeking the issuance of an individual permit by the U.S. Army Corps of Engineers pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) for impacts to jurisdictional waters of the United States from the proposed modifications to an existing Individual Permit due to the construction of the Kenyon Road Connector and modification to the previously permitted Road C in the City of Suffolk. The proposed modification consists of the construction of Kenyon Road Connector which will consist of CenterPoint Drive (Road C) and Kenyon Court (Road D) within the CenterPoint Intermodal Center. The proposed roadway would be located within a 60-foot wide right-of-way, with a two-lane undivided road consisting of 12-foot wide travel lanes in each direction, a 12-foot wide center lane serving as a two-way left turn lane, and 4-foot wide sidewalks on either side of the roadway. Subsequent to the issuance of an individual permit (IP) for the project, an application was submitted for the widening of Route 58 along the CenterPoint Intermodal Center frontage. The widening will result in permanent impacts to 0.33 acres of nontidal wetlands and temporary impacts to 0.23 acres of nontidal forested wetlands. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided CenterPoint Properties obtains and complies with all applicable permits and

authorizations with respect to impacts to wetlands, uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. The project must also comply with solid and hazardous waste regulations, the National Historic Preservation Act, and local requirements for impacts to the local transportation network. In addition, the response recommends coordinating with the Department of Conservation and Recreation on an inventory for the Raven's seedbox.

Integrated Natural Resources Management Plan for Camp Pendleton – DEQ completed a coordinated review of an environmental assessment and federal consistency certification (FCC) submitted by the Department of Military Affairs (DMA) on the Integrated Natural Resources Management Plan (INRMP) for Camp Pendleton. Camp Pendleton, a state-owned facility, is located on General Booth Boulevard in the City of Virginia Beach. The document states that the EA was completed to comply with National Environmental Policy Act. The Camp Pendleton INRMP will serve as the principal management plan governing all natural resource activities on the installation. The Camp Pendleton INRMP describes how the natural ecosystem will be managed to enhance military training and preserve ecosystem function and integrity. The INRMP primarily addresses survey and monitoring activities, pest management, and potential riparian buffer restorations. Implementation of this INRMP is the responsibility of Camp Pendleton and numerous internal and external stakeholders. The FCC states that the INRMP will be consistent with the Virginia Coastal Zone Management Program (VCP). Based on a 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.

Chesapeake Energy Center Shoreline Erosion Repairs-Priority 1 Area – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Dominion Virginia Power (Dominion or applicant) which is seeking the issuance of an individual permit by the U.S. Army Corps of Engineers pursuant to Sections 401 and 404 of the Clean Water Act (CWA) (Public Law 95-217) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403) for impacts to jurisdictional waters of the United States from the proposed Chesapeake Energy Center shoreline erosion repairs, Priority 1 Area project located in the City of Chesapeake. With the decommissioning of the station planned for December 2014, Dominion is currently pursuing the necessary repairs for the perimeter shoreline known as Priority 1 Area. The Area is an approximately 1,000 foot long section on the east side of the property bordered by the Elizabeth River. The proposed work includes reducing the width of the service road along the crest of the dike to one lane, steepening the bottom half of the slope from 2.5H:1V to 2H:1V, and modifying the riprap revetment geometry at the south end of the Area. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposal is consistent with the enforceable policies of the Virginia Coastal Zone Management Program provided Dominion obtains all applicable permits and authorizations with respect to impacts to wetlands, uplands (erosion and sediment control and stormwater management), air quality, and Chesapeake Bay Preservation Areas. Also, the project must comply with solid and hazardous waste regulations and Section 106 of the National Historic Preservation Act. In addition, the response recommends coordinating with the Department of Conservation and Recreation on the development of an invasive species control plan for *Phragmites australis*.

Curles Neck Farm Project – DEQ completed a coordinated review of a federal consistency certification (FCC) submitted by Williamsburg Environmental Group (WEG) on behalf of Mr. Tommy Pruitt (the applicant) for the Curles Neck Farm Project in Henrico County. The applicant is proposing to construct a 2,376 linear foot low-profile single sheet pile structure extending from an existing earthen levee system to the existing U.S. Army Corps of Engineers dredge material management area on Curles Neck Farm. The project is bordered by the James River to the North and East. The purpose of the project is to preserve the existing levee system and provide a long-term mechanism to preserve and protect the swamp from sea level rise. The Virginia Marine Resources Commission (VMRC) approved a submerged lands and tidal wetlands permit on May 28, 2013 which required the submission of water management and fishery monitoring plans. During the review, the Virginia Institute of Marine Science (VIMS) and VMRC's staff report raised concerns about impacts of the project on the Curles Neck ecosystem. DEQ also received eight comments from citizens during the federal

consistency public review period. All comments voiced opposition to and/or concerns about public access and impacts to the ecosystem as a result of the project. Some of the concerns raised are beyond the scope of the federal consistency review. The VMRC permit containing 28 conditions was issued on October 29, 2013. Based on our review of the FCC 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 applicant complies with all the applicable permits, approvals, and conditions of the enforceable policies of the VCP. The conditions of this concurrence include, but are not limited to, receiving applicable permits from the VMRC and adhering to special conditions and the wetlands mitigation plan identified within the permit.

Peregrine Falcon Nest Box– DEQ completed the review of a Federal Consistency Certification (FCC) submitted by the Center for Conservation Biology (Center) at the College of William and Mary (W&M) and Virginia Commonwealth University (VCU) for a peregrine falcon nest box on the U.S. Coast Guard (USCG) Rappahannock Shoal Channel South Range Rear Light in Northampton County. The Center installed the nest box fifteen years ago in 1997. The nest box is a plastic dog kennel filled with pea gravel and is located on a platform at the top of the light tower. A pair of falcons was confirmed breeding at the nest box and produced four young in 2013. The installation is a collaborative effort between the Center and USCG, but without formal paperwork. The Center is in the process of formalizing the falcon nest box with the USCG. Based on the information in the FCC, DEQ concurs that the activity is consistent with the enforceable policies of the VCP since none of the enforceable policies are affected by the nest box.

McGeorge Rolling Hills RV Center – DEQ completed a coordinated review of a federal consistency certification (FCC) submitted by ECS Mid-Atlantic, on behalf of McGeorge Rolling Hills RV Center. The FCC is for the proposed expansion of the center located in Hanover County. The project qualifies for a U.S. Army Corps of Engineers (Corps) Individual Permit. The project site is approximately 14 acres of partially cleared land. The proposed project involves the construction of an additional service center and repair building as well as an expansion of the existing parking and display area. The FCC states that approximately 0.26-acre emergent wetland is proposed to be impacted. ECS Mid-Atlantic states that the project qualifies for a Corps Individual Permit because in the early 2000s a wetland permit was obtained for the larger development of the area (approximately 2.75 acres). The Corps is considering the proposed impact to the current wetland a cumulative impact, which would require an Individual Permit. According to the FCC, the project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). Based on a 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.

Replacement of Airfield Signage at Richmond International Airport – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by the Capital Region Airport Commission (hereinafter “Applicant”). The Applicant seeks Federal Aviation Administration approval, and assistance from the Virginia Department of Aviation, for a project involving replacement of incandescent airfield signs with new LED airfield signs at 87 concrete bases located along the three runways and numerous taxiways of the Richmond International Airport in Henrico County. New LED sign equipment would be mounted onto the bases from which the incandescent sign equipment has been removed. Based on the scope of the proposal and the comments submitted by reviewers, DEQ concurs with the FCC. In regard to other environmental considerations, DEQ-Division of Land Protection and Restoration provided findings on different types of waste sites and recommended sources of information and evaluation of petroleum sites found in its databases.

Dominion Cove Point LNG Terminal – DEQ completed a coordinated review of a federal consistency certification (FCC) submitted by Dominion Cove Point Liquefied Natural Gas (LNG) as part of its application to the Federal Energy Regulatory Commission (FERC) for a liquefaction project in Maryland and Virginia. Dominion proposes to construct and operate liquefaction facilities at its existing Cove Point LNG Terminal located on the Chesapeake Bay in Lusby, Maryland and to install an additional 62,500 horsepower of capacity (electrical compression) at the existing Pleasant Valley Compressor Station located in Fairfax County. Also,

changes to piping and replacement of metering equipment will occur at the Loudoun Compressor Station in Loudoun County. The in-water activities occurring within Virginia would be the continued transit of ships through the Chesapeake Bay to and from the Cove Point LNG Terminal offshore pier. Prior to completing the Commonwealth's review of the FCC, DEQ requested additional information from Dominion and further analyses were necessary to determine whether the proposed activity would be consistent with the point source enforceable policy of the VCP, administered by DEQ. Also, additional coordination with Dominion, the Department of Forestry, Fairfax County and the Fairfax County Park Authority was required to address concerns regarding the protection of forest land and a conservation easement. All issues raised were resolved. Therefore, 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.

Intracoastal Marine Dredging Project – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Intracoastal Marine (ICM) to dredge an existing barge berth located on Scuffletown Creek in the City of Chesapeake. ICM intends to submit a Joint Permit Application to the U.S. Army Corps of Engineers for the issuance of an individual permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. ICM proposes to expand its capability to handle larger barges and vessels and is planning to dredge a 1,145-foot long by 80-foot wide berth/access channel to the Southern Branch channel which will impact 115,950 square feet (2.66 acres) of state-owned bottomland. The existing average depths along the bulkhead and in the creek range between -3 feet mean low water (MLW) and -8 feet MLW. ICM proposes to mechanically dredge the material and barge it to the Craney Island Dredged Material Management Area (CIDMMA) for disposal. Depending on sediment characteristics and the project economics, an alternative approved disposal location may be utilized. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposed project is consistent with the enforceable policies of the VCP provided ICM obtains and complies with permits and approvals related to proposed impacts to state subaqueous lands, surface waters, land, air emissions, and Chesapeake Bay Preservation Areas. In addition, the project must comply with regulations pertaining to solid and hazardous waste, protected species (Piping plover), and historic resources.

East End Landfill Expansion – DEQ completed the coordinated review of a Federal Consistency Certification (FCC) submitted by Waste Associates (applicant) for the expansion of the East End Landfill (TEEL) by “piggy backing” the landfill onto an interior portion of the closed Darbytown Road Landfill (DRL) in Henrico County. Waste Associates intends to submit a Joint Permit Application to the U.S. Army Corps of Engineers for the issuance of an individual permit pursuant to Section 404 of the Clean Water Act. Cell III-C is currently receiving construction and demolition debris and is projected to reach capacity by mid-2014, and Cell III-D is slated for construction and is projected to be full by early 2016. The DRL land proposed for the expansion was previously used for sand and gravel mining operations in the 1950's and 1960's. The proposed expansion will result in the unavoidable impacts of approximately 0.22 acres of non-tidal palustrine emergent wetlands, 2.23 acres of non-tidal, palustrine open water, and 290 linear feet of intermittent stream. Based on the information in the FCC and comments from reviewing agencies, DEQ concurs that the proposed project is consistent with the enforceable policies of the VCP provided Waste Associates obtains and complies with permits and approvals related to proposed impacts to wetlands, surface waters, land, air resources, and Chesapeake Bay Preservation Areas. In addition, the project must comply with regulations pertaining to solid and hazardous waste, wildlife resources, and protected species (bald eagle).

## IV. Federal Funds

DEQ completed the review of 17 projects from October 1, 2013 to March 31, 2014 that were submitted under 15 CFR, Part 930, Subpart F for federal financial assistance to local governments. The projects break out as follows:

- 3 New single-/multi-family construction
- 6 home rehabilitations/weatherizations
- 3 multifamily apartment redevelopments
- 1 sidewalk, curb and gutter modification (ADA)
- 1 demolition of blighted property
- 1 downtown business district rehabilitation
- 1 dam rehabilitation
- 1 trail construction project

### OCS Activities

I project was reviewed during this period.

Hurricane Sandy-Related Geophysical and Geological Surveys along the Atlantic to Identify OCS Sand Resources – DEQ completed the coordinated review of a Federal Consistency Determination (FCD) submitted by the Department of the Interior (DOI) Bureau of Ocean Energy Management (BOEM) for Hurricane Sandy-related geophysical and geological surveys along the Atlantic to identify Outer Continental Shelf (OCS) sand resources. BOEM is proposing to fund (\$11.7 million) geophysical and geological surveys to identify OCS sand resources along the Atlantic coast as part of recovery efforts in Atlantic states affected by Hurricane Sandy. BOEM's Marine Minerals Program (MMP) would fund geophysical and geotechnical surveys along the Atlantic Coast from Florida to Maine, 3-8 nautical miles offshore (with a focus on New Jersey and New York), to identify OCS sand resources for potential use in coastal resiliency efforts, such as beach, barrier island, and coastal habitat restoration. Based on the information in the FCD and comments from reviewing agencies, DEQ concurs that the proposed geophysical and geotechnical surveys are consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

## SECTION B.4 PROGRAM CHANGES

During the reporting period Virginia submitted a draft routine program change document regarding updates to the Virginia Department of Game and Inland Fisheries (VDGIF) administration of game, inland fisheries and boating laws. Based on feedback from NOAA, Virginia CZM is now working with VDGIF to identify the enforceable policies of the package before formally submitting the routine program change to NOAA.

Virginia's Coastal Policy Team (CPT) met on March 26, 2014 and discussed several other possible program changes. The CPT was in general agreement that laws protecting state-listed species of threatened and endangered animals, plants and insects should be formally incorporated. State-listed threatened and endangered species have been included in every Virginia CZM Program Executive Order, but not listed as enforceable policies. Because the Virginia Department of Transportation still objects to this action, Virginia CZM staff will brief the Director of the Department of Environmental Quality in order to decide how best to proceed.

The CPT also discussed the need to submit a routing program change package that documents changes that occurred as a result of moving responsibility for implementation of the Chesapeake Bay Act and Regulations and the Erosion and Sediment Control Law from the Department of Conservation and Recreation to the Department of Environmental Quality. The merits of adding certain local programs were also discussed, although further research is needed to determine if this action is necessary.