



Virginia Coastal Zone

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

Coastal Policy Team Meeting

December 1, 2011

Agenda

Thursday, December 1, 2011

Location: Department of Environmental Quality
629 E. Main Street
Richmond, VA

- 11:00 Welcome
- 11:05 Update on routine program change package, endangered species policy incorporation and grant to Environmental Law Institute (Shep Moon)
- 11:20 Using Federal Consistency authority under the CZMA to consider impacts to coastal resources from actions that occur *outside* the coastal zone (Ellie Irons)
- 11:30 Offshore wind test site development effort (George Hagerman)
- 12:00 *Lunch*
- 1:00 Presentation on stakeholder engagement for marine spatial planning (Mimi D'Iorio, NOAA) and NOAA grant to MARCO (Jay Odell, TNC)
- 2:30 Reprogrammed funds & strategies for FY12 CZM funds (Laura McKay)
- 3:00 Break
- 3:15 Update from PDCs on Competitive Grants
- Chapel Island Public Access Project (Sarah Stewart, RRPDC)
 - Native Plant Social Marketing Campaign (Laura Grape, NVRC)
 - Rural Chesapeake Bay/Seaside of VA Working Waterfront Coalition (Lewie Lawrence, MPPDC)
 - Water Quality Policy Analyses for Nutrient Reduction Goals (John Carlock, HRPDC)
 - Coastal Resiliency: Adapting to Climate Change (John Carlock, HRPDC)
- 4:15 Update on "Authentic Public Participation" Training (Todd Janeski and Lewie Lawrence)
- 4:30 Agency Updates (Sea Grant Climate Adaptation Initiatives – Susan Park and others TBD)
- 4:45 Adjourn

Meeting Summary

Update on routine program change package, endangered species policy incorporation and grant to Environmental Law Institute (Shep Moon)

Background

- VCZMP submitted a series of Routine Program Changes to NOAA in February, 2010.
- During the public comment period, VDOT expressed concern to NOAA that the changes in the Virginia Department of Game and Inland Fisheries (VDGIF) section were more than an update and should be considered a program amendment because they expanded the authority of the VCZMP for federal consistency.
- Based on this concern, the VCZMP withdrew this section and contracted with the Environmental Law Institute (ELI) to provide further analysis of this issue. ELI was also asked to provide an analysis of formally incorporating state threatened and endangered species laws from both VDGIF and the Virginia Department of Agriculture and Consumer Services (VDACS).
- This action was previously recommended by the Coastal Policy Team (CPT), and would provide added support and documentation for the current threatened and endangered species policy contained in the VCZMP Executive Order. The CPT felt this was particularly important given the increased emphasis on energy development off Virginia's coast.
- ELI completed its report earlier this year. As part of a conference call with NOAA staff to review ELI's findings, it was determined that inclusion of threatened and endangered species code sections would not constitute a program amendment, but rather could be reviewed as a program change.
- These issues were discussed at a meeting of affected agencies on November 29, 2011. VDOT expressed their concern that adding threatened and endangered species code sections would result in an increased workload and higher costs. They also were concerned about a loss of flexibility to negotiate and resolve disputes among affected agencies, and that issues currently submitted as recommendations would be seen as requirements.

12/1/11 CPT Discussion

- VDOT staff reiterated their concern over adding threatened and endangered species code sections to the VCZMP.
- Staff from DEQ-EIR, VDGIF, and DCR-DNH noted that adding these species would not change their recommendations, but would give added state authority over federal actions. They also added that these species were already protected with respect to state actions.
- VCZMP staff stated that at a minimum the VDGIF sections need to be updated and resubmitted to NOAA so that the authority documented in the original 1986 program approval could be reconfirmed.
- NOAA staff offered to contact other state coastal programs in the region to determine if protection of state-listed threatened and endangered species caused significant increases in workload or cost.

- VCZMP staff noted that a contract with ELI was still open and that ELI might also be able to provide further analysis of this issue.

Using Federal Consistency authority under the CZMA to consider impacts to coastal resources from actions that occur *outside* the coastal zone (Ellie Irons)

The link to this presentation is [OCS Overview 12-1-11.pdf](#).

Offshore wind test site development effort (George Hagerman)

The link to this presentation is [Hagerman briefing to DEQ CPT 01-Dec-2011.pdf](#).

Presentation on stakeholder engagement for marine spatial planning (Mimi D'Iorio, NOAA) and NOAA grant to MARCO (Jay Odell, TNC)

The link to Mimi's presentation is [Diorio Participatory GIS CPT Mtg Presentation Dec2011.pdf](#).

A demo of the MARCO portal was given and an overview of the FY 11 grant from NOAA to the "Monmouth Team" was given - \$1.35 million (Jan 2012 – June 2013 – in close consultation with MARCO's Coastal and Marine Spatial Planning Action Team led by Laura McKay). Partners are Monmouth University, The Nature Conservancy (TNC), Rutgers, Software development contractors in Oregon and NOAA.

-The grant products are: ocean use data layers reviewed by ocean users, enhancement of current portal with new decision support tools, increased capacity for stakeholder engagement, and an ocean stakeholder planning process.

-During spring, summer and fall 2012, the Monmouth Team along with Virginia CZM staff will be meeting with Virginia ocean stakeholders to ask:

- 1) What are your current uses? How well does the current portal data represent your uses?
- 2) What are your desired/expected future uses? How do you measure uses/needs? (i.e. megawatts, pounds of fish landed, ecological impacts, etc)
- 3) What other parameters affect your spatial needs (e.g. seasonality, gear type, operating schedules, etc) that should be taken into account in marine spatial planning that may help minimize use conflicts.

- Recreational use data and biological data (especially corals, migration corridors) needs are greatest.

-MARCO intends to begin coastal and marine spatial planning efforts in the ocean and as time and resources allow, move inland.

-MARCO's website and access to the MARCO Mapping and Planning Portal are available at www.midatlanticocean.org.

Reprogrammed funds & strategies for FY12 CZM funds (Laura McKay)

-Unspent funds from FY 09, FY 10 and FY 11 available for reprogramming as follows.

Total FY 2009 Section 306	\$26,753
Total FY 2009 Section 309	\$7,195
Total FY 2010 Section 306	\$82,905
Total FY 2011 Section 306	<u>\$31,213</u>
	\$148,066*

(*In Jan 2012 All FY 09 funds were reprogrammed to MRC (\$27,000) for water quality monitoring at oyster hatcheries and to MP PDC (\$7,195) for legal research on ownership responsibility of heirs with unclear title for septic systems.)

- Reprogramming of all the funds cannot be undertaken until more is known about the cost of converting the Virginia CZM Program grants database from Access to Oracle or Sequel Server so it can be supported by VITA. DEQ is currently documenting the current system, however conversion cost estimates are not yet available but could be as high as \$200,000.

-A Draft FY 12 Project List was presented. Potential cuts, such as to seaside restoration, PDC competitive grants and land acquisition were discussed in case Congress reduces CZM funding.

Update from PDCs on Competitive Grants

Chapel Island Public Access Project (Sarah Stewart, RRPDC)

-The island is located in Richmond, just below the fall line. As part of the grant, RRPDC will work with the City and other partners to:

- 1) Build or enhance trails and construct interpretive signage about water quality, the Trigg Shipyard and other coastal issues.
- 2) Construct ADA accessible ramps at each end of an existing lock to provide better access.
- 3) Construct a Canoe/Kayak launch.
- 4) Perform limited clearing of vegetation to enhance scenic views and restore areas using native plants where necessary.

The link to this presentation is [RRPDC Chapel Island 12-1-11 CPT Meeting.pdf](#).

Native Plant Social Marketing Campaign (Laura Grape, NVRC)

-NVRC would like to restore habitats within urban zones. This will be accomplished by getting residents to change their behavior to plant natives.

-The main reason people have not planted natives in NoVA is because they couldn't find natives at retailers.

-Goals: Increase sales of natives at retail establishments, have the campaign be self-sustaining, have a stakeholder group created.

-NVRC will be doing the market research soon. A survey similar to the one used by the Plant E.S. Natives campaign will be created and distributed.

-The steps of the process will be:

- 1) Gather information
- 2) Develop materials
- 3) Conduct training for Master Gardeners
- 4) Evaluate training through mid-campaign and final evaluations

-Products: Plant tags, ambassadors, website (clearinghouse for places promoting natives)

Rural Chesapeake Bay/Seaside of VA Working Waterfront Coalition (Lewie Lawrence, MPPDC)

-Waterfront industries want lower taxes, less regulation and tools to protect their industry.

-MPPDC contacted their representative, Harvey Morgan, and drafted a bill which included provisions for seafood enterprise zones, easements on Working Waterfronts infrastructure, covenants on Working Waterfronts infrastructure, and adjusted current land use taxation. But industry misunderstood the bill and it was not passed.

-MPPDC is now supporting development of a Rural Working Waterfronts coalition representing multiple stakeholders from Middle Peninsula, Northern Neck and Eastern Shore to create a bill coming from industry and other stakeholders instead of from the MPPDC.

Water Quality Policy Analyses for Nutrient Reduction Goals (John Carlock, HRPDC)

-HRPDC will contract with a consultant to assist with this project. They will be conducting an analysis of how to encourage and quantify nutrient reductions from land areas where government's role or jurisdiction for TMDL implementation remains unclear, particularly lands identified for future redevelopment and privately-owned lands.

Coastal Resiliency: Adapting to Climate Change (John Carlock, HRPDC)

-HRPDC intends to build on initiatives undertaken through its current Sustainable Communities focal area grants regarding climate change adaptation. Outcomes of the project are to include: 1) an expanded public engagement effort including direct contact with organizations and use of the HR Green program, 2) an assessment of sector-specific impacts and planning efforts to incorporate climate change impacts into the region's long-range planning efforts, and 3) development of an adaptive management plan.

Update on "Authentic Public Participation" Training (Todd Janeski and Lewie Lawrence)

- CZM-funded training through a grant to NVRC was provided on October 25, 2011 to help local and regional planners and state agency staff better manage controversial issues and emotionally-driven

testimonials arising more and more frequently in public meetings. UVA's Institute for Environmental Negotiation facilitated the training. NEMO assisted with training coordination.

-There is interest in establishing a web-based user group to address conflict issues.

-A proposal may be developed to hold an additional training session (possibly using some of CZM's funds available for reprogramming.)

Agency Updates

Sea Grant Climate Adaptation Initiatives – Susan Park

Sea Grant brought faculty/student teams together for the following initiatives:

- 1) VIMS and the City of Poquoson for storm surge forecasting; worked with NOAA weather forecasters
- 2) VA Tech and MPPDC for best practices for the Middle Peninsula
- 3) Expanded listening sessions in Hampton Roads, the Eastern Shore and on the Middle Peninsula
- 4) Fund two teaching assistants to work with the PDCs (scenarios with climate adaptation on the coast)
- 5) Use extra competitive funds to coordinate MARCO states, Sea Grant, and CZM Managers to talk about community adaptation in the Mid-Atlantic using Anne Arundel County in Maryland to teach about climate change. A toolkit will be created that will be passed along to other coastal communities.

-Sea Grant, ODU, and local governments are creating a Hampton Roads Adaptation Forum that will include a person managing climate change knowledge and BMPs for the area.

-At CBNERRVA, a climate change project is under development regarding eelgrass and emergent wetlands research and the ecotones in between them. NERRS would use the data in their Coastal Training programs.

-All PDC contracts for WIPs are in the mail from DCR.

-On December 8 and 13 public meetings will be held on the Eastern Shore to discuss the Seaside SAMP and possible creation of a more flexible subaqueous management system that recognizes the need to shift boundaries in order to maximize the economic and ecological potential of the Seaside.

-DCR Planning and Recreation Report – DCR is working with Hampton Roads PDC and the National Park Service to develop a web presence for the SE Coast Paddling Trail (which spans from Virginia to Florida). DCR is beginning the update for the Virginia Outdoors Plan. Laura McKay and Beth Polak are the CZM representatives. Regional meetings for public input are planned from December 2011 to March 2012. Andrea Almond is now tracking and promoting public access and water trails. She will be the alternate to Danette Poole for the CPT from now forward.

Attendees:

April Bahen – DEQ/CZM

Laura McKay – DEQ/CZM

Sharon Baxter – DEQ/P2
Mark Bittner – Crater PDC
Kevin Byrnes – GWRC
Bob Croonenberghs – VDH
John Carlock – HRPDC
Mimi D’lorio – NOAA
Sandra Erdle – VIMS/CBNERRVA
Ellie Irons – DEQ/EIR
Laura Grape – NVRC
Becky Gwynn – DGIF
George Hagerman – VA Tech/VCERC
Scott Hardaway – VIMS
Tracey Harmon – VDOT
Barbara Jacocks – RRPDC
Todd Janeski – DCR/VCU/VA Sci Museum
Ron Jenkins – DOF
John Kuriawa – NOAA
Lewie Lawrence – MPPDC
Janit Llewellyn – DCR
Pam Mason – VIMS
Stuart McKenzie – NNPDC
Nick Meade – DEQ/CZM
Shep Moon – DEQ/CZM
Chip Neikirk – VMRC
Jay Odell – TNC
Susan Park – VIMS/Sea Grant
Beth Polak – DEQ/CZM
Ann Regn – DEQ-EE
Willy Reay – VIMS/CBNERRVA
David Ruble – DEQ/EE
Dan Salkovitz – DEQ/Air
Tom Smith – DCR
Sarah Stewart – RRPDC
Lyle Varnell – VIMS
Tony Watkinson – VMRC
Rick Weeks – DEQ
Jim Wesson – VMRC
Virginia Witmer – DEQ/CZM
Ricky Woody – VDOT