



# Virginia Coastal Zone MANAGEMENT PROGRAM

## Coastal Policy Team Meeting September 23, 2010

### Meeting Summary

#### **Review of Draft CZMA Section 309 Strategies**

An overview of the cost chart for the entire 309 Assessment and Strategy was provided and specific sections were discussed as follows:

#### **1. Program Implementation**

In the 3<sup>rd</sup> year and the 5<sup>th</sup> year there will be \$30,000 allocated for Routine Program changes as necessary. In the 4<sup>th</sup> year there will be \$30,000 provided for the next 309 Assessment and Strategy.

#### **2. CSI: Working Waterfronts**

This addresses Cumulative and Secondary Impact (CSI) issues. There is \$250,000 for all five years; \$50,000/year. It also addresses public access, aquaculture, and CSI issues. Part of the strategy includes establishing a Working Waterfronts plan for Virginia which will retain water-dependent commercial and recreational activities. And there may be the possibility of obtaining money through current House bill HR 2548 for acquisitions for working waterfront infrastructure. In years 1 & 2 regional water dependent activities and infrastructure will be identified and a Working Waterfront definition will be crafted among stakeholders. (Lewie Lawrence mentioned that a definition will probably not be limited to just one. Each region will most likely come up with a definition that best fits their needs.) There will be 1 or 2 PDCs that will act as pilot areas and a comparative economic evaluation will be conducted. These two years will use \$100,000. In Year 3, policy tools will be developed through research and work groups. And in Years 4 & 5 the Working Waterfronts plan will be completed.

Lewie said he has made contact with Rob Wittman about possible support for this effort. Gloucester and Mathews are committed to doing this, and other localities will need to indicate interest up front for the plan to work. Laura McKay stated that there is also good support on the Eastern Shore in a few localities. Hampton Roads is involved as well in the workgroup.

Janit Llewellyn wondered if Working Waterfronts in conjunction with public access will be incorporated into the strategy since it is not mentioned in the strategy at this time. Beth said this was an oversight and it will be included.

A discussion ensued about whether a cost/benefit analysis would be performed or an economic impact assessment would be conducted. It was determined that an economic impact assessment would be more applicable and feasible to do, and that a definition of what that entails needs to be refined in the strategy. A general review of the cultural and environmental impact may be conducted by Sea Grant. That will be determined later.

### **3. CSI: Shoreline Management**

Past accomplishments from the last strategy were discussed, including: the Living Shorelines summit, policy documents, research, a guidance design manual, an improved website, training, new data, and outreach. It was explained that in Year 1, \$30,000 was recommended for follow up to the Northam Bill regarding streamlining permits for living shorelines. A total of \$690,000 is proposed for local shoreline management plans, including shoreline inventories and shoreline evolution reports as background information for each year of the strategy. This recommendation is based on the general consensus reached among shoreline managers during the previous strategy that shoreline management plans were the most effective means of promoting living shorelines and they provide needed policy guidance on shoreline management.

It was noted that there are already plans for Mathews County, Lower Machodoc Creek in Westmoreland County, and Occohannock Creek on the Eastern Shore that have been well received. New plans will be developed by using either a remote methodology (computer-generated), an “on-the-ground method”, or some combination of the two. A study is currently underway at VIMS to determine the pros and cons of each approach. These plans will be integrated into the localities comprehensive plans and will contain a component on sea level rise. They will also help localities meet Chesapeake Bay Preservation Act comprehensive plan requirements.

Concern was expressed over the level of resources dedicated to data acquisition in both the previous and the current strategy. There was a discussion about trying to focus on plan development earlier in the strategy process with less emphasis on data acquisition. It was suggested that shoreline plans could be used as match for sediment management and dredging work by the Army Corps of Engineers.

There are several possibilities for Projects of Special Merit under Shoreline Management including: Wetlands Tracking (in Year2), an Erosion Vulnerability Assessment related to Shoreline Management, and Additional Shoreline Management Plans.

### **4. CSI: Land and Water Quality Protection**

This strategy focuses on the fact that there are changes in federal and state regulations that have to do with nutrient loading, stormwater management, and TMDLs. The approach for this strategy is to have a pilot project in three different regional areas: rural – MPPDC, transitional/suburban – HRPDC, and urban – HRPDC. Policy tools will be developed to help localities meet the requirements. In Years 1-3 - \$150,000 – the rural pilot area – MPPDC - will identify the issues, conduct analysis, and develop policies. In Years 1-3 - \$270,000 - the transitional/suburban and urban pilot – HRPDC – will provide technical support to localities, and will make changes to their comprehensive plan and stormwater management regulations. In Years 4 & 5 - \$277,400 – funding will be provided to all PDCs to implement their tools. NEMO could help facilitate technical support for this effort.

John Kuriawa would like to see someone partnering with the rural and suburban/transitional and urban PDCs. This could be worked into the Technical Assistance grants for the PDCs for special projects.

David Whitehurst and Rick Hill were concerned that it would take three years to reach the implementation stage for this strategy. There was discussion that this could be done

earlier. It will just depend on what the state is required to do which will determine the timeline.

It was decided that NEMO funding for technical assistance needs to be provided up front. Also, a standing workgroup should be convened that would gather all the TMDL requirements as they unfold.

A discussion ensued about whether or not localities could get funding directly during years 4 & 5. Since it's a competitive process, localities may apply as long as they have worked closely with their PDCs. It will be left open at this point.

#### **5. Seaside SAMP-MSP**

This strategy - \$120,000 - is aimed at developing a Marine Spatial Plan for the Seaside of the Eastern Shore focusing on underwater habitat and nearshore habitat. Right now there is data collection on current and future areas for SAV, shellfish, and birds. This will only go on for another two years. The past 309 Assessment and Strategy money will be used to engage stakeholders. With the current 309 money, different management strategies will be discussed and stakeholder facilitation will occur. This strategy will need \$60,000 a year. A facilitator is needed at this point.

John Kuriawa commented that everyone needs to be brought to the table now. And Laura McKay stated that it would be helpful to use some of the money for Marine Map (out of California) which provides data layers for management scenarios. A management scheme that is adaptable and changeable would be the goal.

#### **6. Ocean Resources: Marine Spatial Plan and Marine Debris Plan**

The President's Executive Order has called for a National Ocean Council and Regional Ocean Planning bodies. The Regional bodies would have federal seats on them. However, MARCO does not have this at this time. If the federal money does not come through, the 309 money will be very important to accomplish the Ocean Resources goals. At this point it is not known how far inland it will go; at least to mean high water in the bays. This strategy really encompasses Energy Facility Siting, Marine Debris, and Marine Spatial Planning, and involves the development of a Marine Spatial Plan and hiring of a staff member to coordinate all of the Ocean Resources efforts - \$588,200 for all five years. Energy Facility Siting goals need to be established in this strategy, also. The Marine Spatial Plan coordinator would be \$80,000 each year for the five years. Data collection and analysis would be \$20,000 – Year 1, \$17,400 – Year 2, \$47,400 – Year 3, \$30,000 – Year 4, and \$27,400 – Year 5.

The question was brought up about whether or not including offshore drilling for oil and gas would be a positive inclusion for the strategy. However, a decision was not made on this question.

Data collection, data analysis, and the creation of decision-making tools could be a Project of Special Merit under the Ocean Resources category.

For the Marine Debris component, \$6,000 is included in year 1 to hold a marine debris summit to coordinate and prioritize marine debris issues. In Years 2 & 3, a Marine Debris Plan would be developed by a stakeholder steering committee, facilitated by the marine spatial planner. In Years 4 & 5, \$20,000 would be available each year for policy development to implement the plan's recommendations.

## **Coastal Partners' Workshop**

Suggestions for workshop topics:

- Have Jay Odell present with Sally Yozell what they've determined for MARCO
- Someone from the Eastern Shore about climate change
- The Nature Conservancy with Virginia Environmental Endowment grant
- LIDAR data from The Nature Conservancy
- Composite Index for Conservation Easements
- Where we're going with Land Conservation Easements
- CELCP and what the CZM Program has acquired
- People vs. wildlife involving climate change
- Public Access
- Economic Development, Aquaculture, Ecotourism, direction of Working Waterfronts, what PDCs have done.

It was also suggested that we have different tracks on one of the days.

## **Program Changes**

An update of routine program change (RPC) actions was provided, including submission of proposed changes to NOAA in February, and VDOT's objection to inclusion of certain parts of the fisheries package regarding the Department of Game and Inland Fisheries. VDOT had expressed concern that, if approved, the change would provide additional authority over endangered species and argued that this would constitute a program amendment rather than a routine program change. Based on this concern, Virginia CZM temporarily withdrew that portion of the submission until analysis of the issue could be completed. NOAA approved the remaining RPC packages in June. NOAA also required Virginia CZM to identify the enforceable components of the submitted packages, and has recommended that the Virginia CZM program identify enforceable policies throughout the remainder of its approved program.

Virginia CZM is in the process of developing scopes of work for the Environmental Law Institute to help address both of these issues. The first project will address the endangered species issue by clarifying the level of authority contained in Virginia's currently approved program, as well as the implications of NOAA approval of the RPC package as submitted. Virginia CZM will coordinate with VDOT to ensure that all relevant issues are addressed through this analysis. The second project will be for ELI, working with NOAA and Virginia CZM, to identify enforceable policies throughout the entire program.

## **Agency Updates**

David Whitehurst – DGIF is in the process of reorganizing and moving from five regions to four.

David Sacks – DCR/CBLA – They are reviewing 84 localities having to do with the Bay Act. They are looking at ordinance provisions.

Todd Janeski – DCR/NEMO – A CSC training, "Leading Collaborative Public Processes" is being provided on October 13 & 14 on the Chesapeake Bay TMDLs.

Pam Mason – VIMS – A CCRM workshop is being held on November 4 at VIMS.

Ann Regn – DEQ/EE – The Climate Science 101 powerpoint is ready. It can be edited by CPT members. Also, the “5 Ways to Help Virginia’s Environment” is completed.

Janit Llewellyn – DCR – A 15 minute video on Green Infrastructure (with some Blue Infrastructure included) for those who are making public decisions is ready to view.

April Bahen – DEQ/CZM – presented grantee requirements and changes to the “DEQ Terms and Conditions for Federally Funded Grants.”

### **Attendees**

Bahen, April (DEQ, VACZM)

Baxter, Sharon (DEQ/PP)

Berman, Marcia (VIMS)

Davis, Dave (DEQ, WPP)

Erdle, Sandra (CBNERRVA)

Hardaway, Scott (VIMS)

Harmon, Tracey (VDOT)

Hill, Rick (DCR/S&W)

Irons, Ellie, (DEQ/EIR)

Janeski, Todd (DCR/S&W)

Jenkins, Ron (DOF)

Kuriawa, John (NOAA, OCRM)

Lawrence, Lewie (MPPDC)

Llewellyn, Janit (DCR)

Mason, Pam (VIMS)

McFarland, Ben (HRPDC)

McKay, Laura (DEQ, VACZM)

McKenzie, Stuart (NNPDC)

Meade, Nick (DEQ, VACZM)

Moon, Shep (DEQ, VACZM)

Murray, Tom (VA Sea Grant)

Neikirk, Chip (VMRC)

Park, Susan (VA Sea Grant)

Polak, Beth (DEQ, VACZM)

Poole, Danette (DCR, P&R)

Regn, Ann (DEQ, EE Office)

David Sacks (DCR, CBLA)

Smith, Curtis (ANPDC)

Smith, Tom (DCR, DNH)?

Stewart, Jackie (RRPDC)

Tribo, Jenny (HRPDC)

Watkinson, Tony (VMRC)

Wesson, Jim (MRC)

Whitehurst, David (DGIF)

Witmer, Virginia (DEQ, VACZM)