

Ocean Resources

Virginia Marine Spatial Plan

I. Issue Area(s)

The proposed strategy or implementation activities will support the following priority (high or medium) enhancement area(s) (*check all that apply*):

- | | |
|---|---|
| <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Cumulative and Secondary Impacts |
| <input checked="" type="checkbox"/> Energy & Government Facility Siting | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Coastal Hazards | <input checked="" type="checkbox"/> Marine Debris |
| <input checked="" type="checkbox"/> Ocean/Great Lakes Resources | <input type="checkbox"/> Public Access |
| <input type="checkbox"/> Special Area Management Planning | |

II. Program Change Description

A. The proposed strategy will result in, or implement, the following type(s) of program changes (*check all that apply*):

- A change to coastal zone boundaries;
- New or revised authorities, including statutes, regulations, enforceable policies, administrative decisions, executive orders, and memoranda of agreement/understanding;
- New or revised local coastal programs and implementing ordinances;
- New or revised coastal land acquisition, management, and restoration programs;
- New or revised Special Area Management Plans (SAMP) or plans for Areas of Particular Concern (APC) including enforceable policies and other necessary implementation mechanisms or criteria and procedures for designating and managing APCs; and,
- New or revised guidelines, procedures and policy documents which are formally adopted by a state or territory and provide specific interpretations of enforceable CZM program policies to applicants, local government and other agencies that will result in meaningful improvements in coastal resource management.

B. *Describe the proposed program change(s) or activities to implement a previously achieved program change. If the strategy will only involve implementation activities, briefly describe the program change that has already been adopted, and how the proposed activities will further that program change. (Note that implementation strategies are not to exceed two years.)*

The Virginia CZM Program will develop a **Virginia Marine Spatial Plan (MSP)** for the waters off Virginia’s coast in concert with the Mid-Atlantic Regional Council on the Ocean (MARCO) and the “regional planning body” called for in the July 19, 2010 Final Recommendations of the Interagency Ocean Policy Task Force (IOPTF). The IOPTF’s recommendations and the accompanying Presidential Executive Order can be viewed at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf As the path forward becomes clear, Virginia will determine critical specifics such as what geographic area will be covered by the plan and exactly what form the “enforceable policy” will need to take. At a

minimum, Virginia’s Marine Spatial Plan will cover the area from mean low water along Virginia’s Atlantic coast out to the 200 mile Exclusive Economic Zone. If time and funding allow, or should it become required, the Virginia portion of Chesapeake Bay will also be included.

In addition this Ocean Resources Strategy will include creation of a **Virginia Marine Debris Plan**, with an analysis of key marine debris issues and prioritization of these issues. The Plan will be presented to the Virginia Coastal Policy Team and MARCO for adoption. Decreasing marine debris is one of the goals within MARCO’s set of “Water Quality” goals.

III. Need(s) and Gap(s) Addressed

Identify what priority need the strategy addresses, and explain why the proposed program change or implementation activities are the most appropriate means to address the priority need. This discussion should reference the key findings of the Assessment and explain how the strategy addresses those findings.

The Ocean Resources Assessment identifies six needs:

1. Habitat spatial data, particularly for canyons, corals, sand shoals and migration corridors for marine mammals, sea turtles and birds as well as what human uses negatively impact these habitats.
2. Human use spatial data such as favored fishing locations and traffic patterns are and to what degree these uses are compatible with habitat protection and energy development
3. Development of a marine spatial plan
4. Staff assistance for the marine spatial plan
5. Comprehensive assessment of extractable sand resources
6. Improved understanding of climate change impacts on ocean resources

Section 309 funds are insufficient to fill all of our data needs. So while those needs are an extremely high priority, we cannot hope to meet them all through this funding vehicle and will have to rely on other sources to fill most of those data gaps over time. Therefore the need that this strategy will focus on primarily is the development of a marine spatial plan (items 3 and 4 above) for the Atlantic ocean waters offshore of Virginia in concert with the development of a Mid-Atlantic regional plan by MARCO (the Mid-Atlantic Regional Council on the Ocean – see: <http://midatlanticocean.org/>) and the National Ocean Council’s soon to be formed “regional planning body” for the Mid-Atlantic (see: http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf). Some funds (about \$142,200 over the 5 year period) will be kept available for small data collection and analysis projects.

The Marine Debris Assessment notes that this issue is one of medium importance in Virginia, but one that has received little attention. Given the significant impact marine debris can have on ocean resources, we propose to include it in this Ocean Strategy. Problems associated with marine debris in Virginia’s waters and federal waters offshore of Virginia include resource damage, threats to wildlife and habitat, aesthetic impacts, economic impacts, threats to human health and safety, user conflicts, and boating safety.

Although a number of nongovernmental organizations are involved in marine debris management, efforts often lack coordination and there is a need to prioritize actions. During the 309 Assessment process, the need for a Virginia Marine Debris Plan was identified as a means of providing better coordination and prioritization. The three high priority needs

The Marine Debris Assessment identifies three high priority needs

1. Continued education and outreach for general litter prevention and recycling, as well as specific concerns
2. Increased state involvement in and coordination of marine debris issues
3. Continued funding for removal of derelict fishing gear

According to data from the International Coastal Cleanup program conducted annually by Clean Virginia Waterways, land-based activities (mostly attributable to littering) accounted for approximately 95% of the marine debris items collected on Virginia's beaches, inland rivers and tributaries. Balloon litter and discarded fishing line both present a risk of wildlife entanglement. While mass releases of balloons are illegal in Virginia, balloon debris is found more frequently on beaches than in or around other state waterways. Since balloons can resemble jellyfish, they present a potential ingestion hazard for wildlife. Cigarette litter, often resulting from roadway, sidewalk, and parking lot litter washing into waterways, presents a unique ingestion hazard to wildlife because it is floatable and toxic.

Unmarked "ghost" crab pots are also a major marine debris issue in Virginia. A winter 2008-2009 removal program, the largest of its kind in the nation covering over 1500 square kilometers, resulted in the recovery of more than 8,600 derelict crab pots in the Chesapeake Bay. Blue crabs, turtles and various fish species that are entrapped and die in derelict traps can act as an attractant to crabs resulting in a self-baiting effect.

Finally, given that the Energy and Government Facility Siting issue was also ranked as highly important by the Coastal Policy Team, through development of a Virginia Marine Spatial Plan, this Ocean Resources strategy will address many of the needs identified in that assessment. Chief among them will be the appropriate siting of offshore wind energy facilities. This is Item #1 in the Needs and Gaps chart for that issue.

IV. Benefit(s) to Coastal Management

Discuss the anticipated effect of the program change or implementation activities including a clear articulation of the scope and value in improved coastal management and resource protection.

The anticipated value of having a Virginia Marine Spatial Plan (MSP) is three-fold:

4. Economic benefits: A Virginia MSP could facilitate sustainable economic growth in coastal communities by providing transparency and predictability for economic investments in coastal and marine industries, transportation, public infrastructure, and related businesses. A Virginia MSP could promote objectives such as enhanced energy

security and trade and provide specific economic incentives (e.g., cost savings and more predictable and faster project implementation) for commercial users.

5. **Ecological Benefits:** A Virginia MSP could improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biological diversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors. Enhanced ecosystem services and benefits can be attained through MSP because they are centrally incorporated into a Virginia MSP as desired outcomes of the process and not just evaluated in the context of individual Federal or State agency action. A Virginia MSP would allow for a comprehensive look at multiple sector demands which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of healthy ecosystem services and biological diversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses.
6. **Social Benefits:** A Virginia MSP would improve opportunities for community and citizen participation in open planning processes that would determine the future of Virginia's coast. For example, the process would recognize the social, economic, public health, and conservation benefits of sustainable recreational use of ocean and coastal resources (e.g., fishing, boating, swimming, and diving), by providing improved coordination with recreational users to ensure consideration of continued access and opportunities to experience and enjoy these activities consistent with safety and conservation goals. Integrated engagement and coordination should result in stronger and more diverse ocean and coastal stewardship, economies, and communities. Moreover, a Virginia MSP could assist managers in planning activities to sustain cultural and recreational uses, human health and safety, and the continued security of Virginia's coast. For instance, an MSP would help to ensure that planning areas identified as important for public use and recreation are not subject to increased risk of harmful algal blooms, infectious disease agents, chemical pollution, or unsustainable growth of industrial uses.

The anticipated value of having a Virginia Marine Debris Plan is four-fold:

1. It will increase the visibility of marine debris issues and management efforts in Virginia and the Mid-Atlantic region
2. It will increase coordination among the organizations currently involved in preventing and removing marine debris
3. It will set measureable goals and objectives for future management efforts.
4. It will develop source reduction strategies for certain items of special concern including balloons, tobacco products, plastic bags, fishing line and derelict crab pots.

V. Likelihood of Success

Discuss the likelihood of attaining the proposed program change and implementation activities.

1) Nature and degree of support for pursuing the strategy and the proposed change.

Virginia CZM's Coastal Policy Team (comprised of state agency division and program directors as well as regional planning district representatives) ranked ocean resources as high and marine debris as medium priorities. Although it is difficult for state agencies and local governments to assume a sense of responsibility for waters far off Virginia's coast, they do recognize the fact that regional, state and local input is critical to ensuring that our Virginia needs are heard and met by federal government authorities and that, in the case of marine debris, that waste generated in Virginia ends up in federal waters. The Marine Spatial Plan is, in fact, an unprecedented opportunity for Virginians to shape how the Virginian coast and even the Mid-Atlantic coast is used in the future. So while there remain many other pressing needs for these funds within local and state waters, the Coastal Policy Team agrees that these efforts are necessary, worthwhile and overdue.

The likelihood of success is further bolstered by the MARCO Governors' Ocean Conservation Agreement which calls for the development of a marine spatial plan for the Mid-Atlantic. This agreement was signed by Governor Kaine in 2009 and participation under Virginia's new Governor, Bob McDonnell is still pending review. The President's July 19 2010 Executive Order requires the development of regional Coastal and Marine Spatial Plans over the next five years. Until and unless Congress appropriates funds for CMSP, the CZM Section 309 funding may be one of the only sources of funding for CMSP efforts. Regardless of whether Virginia continues to participate in MARCO, making headway on this strategy will be a useful endeavor.

The likelihood of success for the Marine Debris Plan may also be bolstered by EPA, through the TMDL process, which may eventually include floatables as a stormwater issue that localities are required to address.

2) Specific actions Virginia will undertake to maintain or build future support for achieving and implementing the program change, including education and outreach activities.

The Virginia CZM Program will attempt to build support for these efforts by employing some or all of the following techniques:

- Conducting stakeholder workshops
- Posting public notices
- Publishing articles in our *Virginia Coastal Management* magazine and other publications
- Creating and staffing exhibits at conferences and public events such as the Urbanna Oyster Festival, the State Fair, the Birding & Wildlife Festival, the Virginia Conservation Network Annual Meeting, etc.
- Conducting press events
- Participating in the meetings of related groups such as the MARCO Management

Board (the Virginia CZM Manager currently sits on that Board), the Department of Interior's Bureau of Ocean Energy Management, Reclamation & Enforcement Task Forces on offshore renewable energy, Clean Virginia Waterways meetings and the Mid-Atlantic Fishery Management Council quarterly meetings

VI. Strategy Work Plan

Using the template below, provide a general work plan that includes the major steps necessary for achieving the program change and/or implementing a previously achieved program change. The plan should identify significant projected milestones/outcomes, a schedule for completing the strategy, and budget estimates. If an activity will span two or more years, it can be combined into one entry (i.e., Years 2-3 rather than Year 2 and then Year 3). While the annual outcomes are a useful guide to ensure the strategy remains on track, OCRM recognizes that these benchmarks may change some over the course of the five-year strategy due to unforeseen circumstances. The same holds true for the annual budget estimates. If the state intends to fund implementation activities for the proposed program change, describe those in the plan as well. Further detailing of annual tasks, budgets, benchmarks, and work products will be determined through the annual award negotiation process.

Total Years:	Five Years
Total Budget:	\$588,200
Final Outcome(s) and Products:	A Virginia Marine Spatial Plan and a Virginia Marine Debris Plan each adopted by appropriate entities able to enforce them.

Year One: FY 2011

Description of activities: In the first year, A Marine Spatial Plan/Marine Debris Plan Coordinator will be hired as a Virginia Institute of Marine Science contractor for the Virginia CZM Program. The Coordinator will maintain an office in Richmond, Virginia within the CZM Program Office.

During the first year, for the MSP, the Coordinator will expand the list of Virginia offshore marine stakeholders/users developed for the December 2009 MARCO Stakeholder Workshop which was held in NYC and communicate with them through surveys or convene them in order to refine the offshore ocean management objectives for the various uses such as fishing, energy development, conservation, sand mining, transportation and whatever other objectives may be identified. The Coordinator will also create an inventory of existing efforts (building on any work MARCO may have accomplished by October 2011) in the offshore Virginia area that may inform the appropriate management of Virginia's ocean resources. The Coordinator will work with the CZM Manager and Virginia ocean stakeholders to develop a Virginia perspective on management objectives that will feed into the National Ocean Council's "Regional Planning Body."

that is a persistent state of affairs and policy making almost always is forced to proceed with imperfect information. The only antidote to that is adaptive management where policies are implemented and then adjusted when we see that they do not have the desired effect.

B. Technical Needs: *If the state does not possess the technical knowledge, skills, or equipment to carry out the proposed strategy, identify these needs. Provide a brief description of what efforts the applying agency has made, if any, to obtain the trained personnel or equipment needed (for example, through agreements with other state agencies).*

This strategy will provide funds for the hiring of a Virginia MSP and MDP Coordinator which will vastly increase the Virginia CZM Program's technical capabilities. We anticipate hiring a professional well versed in ocean management and marine debris issues and with excellent facilitation and writing skills. We already have excellent in-house GIS capabilities through our GIS Coordinator. We anticipate collaboration in this effort with MARCO (should Governor McDonnell choose to continue to participate) and the soon to be created Mid-Atlantic "regional planning body." These groups will likely have strong technical support from relevant federal agencies.

VIII. Projects of Special Merit (Optional)

If desired, briefly indicate what PSMs the CMP may wish to pursue to augment this strategy. Any activities that are necessary to achieve the program change or that the state intends to support with baseline funding should be included in the strategy above. The information in this section will not be used to evaluate or rank PSMs and is simply meant to provide the CMPs the option to provide additional information if they choose. PSM descriptions should be kept very brief (e.g., undertake benthic mapping to provide additional data for ocean management planning). Do not do provide detailed project descriptions that would be needed for the PSM competition.

Projects of Special Merit envisioned for this Ocean Resources Strategy may include:

- **Data collection:** As regional MSPs are being developed, certain data gaps may pose insurmountable barriers to drafting the plan. Virginia anticipates participation in regional projects and may submit a proposal on behalf of the region or to fill a Virginia-specific data gap that is hampering the region.
- **Data analysis:** Data may be available but not yet synthesized into a readily accessible format that can be fed into decision support tools. Virginia CZM may submit projects of this type for Virginia specific or regional data. An example for the Marine Debris Plan may be synthesis and analysis of recreational and commercial boating data and commercial crabbing data.
- **Decision support tools:** A need may arise for the development of software that allows a user to input data to a model and then calculate the costs/benefits of a particular human use or natural hazard scenario. Virginia CZM may submit projects of this type for Virginia specific or regional data.
- **Facilitation services:** Depending on the skill level of existing staff within Virginia (or the Mid-Atlantic region) a PSM for highly skilled facilitators(s) may be submitted to assist

with stakeholder and public workshops. An ability to negotiate agreements among passionate stakeholders and to synthesize an extremely large volume of information will be essential. The goal of such facilitation will be to reduce conflicts among users; eg. Between wind farms and migration corridors or recreational boaters and crab pots.

- Educational or social marketing materials: To promote awareness of impacts on the ocean and ways to avoid them; e.g Bay/Ocean-Safe packaging using fully degradable components.

V. 5-YEAR BUDGET SUMMARY BY STRATEGY

	Oct 11 - Sep 12 Year 1 FY 11	Oct 12 - Sep 13 Year 2 FY 12	Oct 13 - Sep 14 Year 3 FY 13	Oct 14 - Sep 15 Year 4 FY 14	Oct 15 - Sep 16 Year 5 FY 15	Total
Program Implementation: RPC's and 2015 Assessment & Strategy	\$0	\$0	\$30,000	\$30,000	\$30,000	\$90,000
Cumulative and Secondary Impacts						
Working Waterfront	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Shoreline Management						
Living Shoreline: State Policies	\$30,000	\$0	\$0	\$0	\$0	\$30,000
Local Shoreline Management Plans	\$150,000	\$135,000	\$135,000	\$135,000	\$135,000	\$690,000
Land & Water Quality Protection						
HR PDC: Urban & Transitional	\$90,000	\$90,000	\$90,000	\$0	\$0	\$270,000
MP PDC: Rural	\$50,000	\$50,000	\$50,000	\$0	\$0	\$150,000
Implementation of Pilot Projects				\$137,400	\$140,000	\$277,400
Special Area Management Planning						
Seaside SAMP	\$60,000	\$60,000	\$0	\$0	\$0	\$120,000
Ocean Resources						
Marine Spatial Plan						
Coordinator	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$400,000
Data Collection & Analysis	\$20,000	\$17,400	\$47,400	\$30,000	\$27,400	\$142,200
Marine Debris Plan	\$6,000	\$0	\$0	\$20,000	\$20,000	\$46,000
TOTAL	\$536,000	\$482,400	\$482,400	\$482,400	\$482,400	\$2,465,600

VI. ACRONYMS

ARRA – American Recovery and Reinvestment Act of 2009 (“Recovery Act”)
ASMFC – Atlantic States Marine Fisheries Commission
BBNWR – Back Bay National Wildlife Refuge
BLM – Bureau of Land Management
BMP – Best Management Practices
CBF – Chesapeake Bay Foundation
CBGN – Chesapeake Bay Gateways Network
CBLB – Chesapeake Bay Local Assistance Board
CBPADMR – Chesapeake Bay Preservation Area Designation and Management Regulations
CCB – Center for Conservation Biology
CCI – Comprehensive Coastal Inventory Program
CELCP – Coastal and Estuarine Land Conservation Program
CESCF – Cooperative Endangered Species Conservation Fund
CINWR – Chincoteague Island National Wildlife Refuge
CNHT – Chesapeake National Historic Trail
CVW – Clean Virginia Waterways
CWP – Center for Watershed Protection
CZM – (Virginia) Coastal Zone Management (Program)
CZMA – Coastal Zone Management Act
DCR – Department of Conservation and Recreation (Virginia)
DEQ – Virginia Department of Environmental Quality
DFGP – Derelict Fishing Gear Program
DGIF – Department of Game and Inland Fisheries
DMA – Disaster Mitigation Act
DMME – Department of Mines, Minerals and Energy
DOI – Department of the Interior
ECM – Ecological Core Model
EIS – Environmental Impact Statement
FEMA – Federal Emergency Management Agency
FIRM – Flood Insurance Rate Maps
GCCC – Governor’s Commission on Climate Change
GEMS – Geospatial and Educational Mapping System
GIS – Geographic Information Systems
GWRC – George Washington Regional Commission
HIRA – Hazard Identification and Risk Assessment
HRPDC – Hampton Roads Planning District Commission
ICC – International Coastal Cleanup
INSTAR – Interactive Stream Assessment Resource Healthy Waters Initiative
JLARC – Joint Legislative Audit and Review Commission
JST – John Smith Trail
KVB – Keep Virginia Beautiful
LAL – Limulus Amoebocyte Lysate
LIDAR – Light Detection And Ranging
LIDATF – Low Impact Development Assessment Task Force

LNG – Liquefied Natural Gas
 LWCF – Land and Water Conservation Fund
 MAFMC - Mid-Atlantic Fishery Management Council
 MAPP – Mid-Atlantic Power Pathway
 MARAD – Federal Maritime Administration
 MARCO – Mid-Atlantic Regional Council for the Ocean
 MAWW – Mid-Atlantic Wetlands Workgroup
 MDNR – Maryland Department of Natural Resources
 MIBI – Modified Index of Biotic Integrity
 MMS – Minerals Management Service
 MPCBPAA – Middle Peninsula Chesapeake Bay Public Access Authority
 MPPDC – Middle Peninsula Planning District Commission
 MSRA – Magnusson-Stevens Reauthorization Act of 2006
 NASS – National Agricultural Statistics Service
 NEAMAP – Northeast Monitoring and Assessment Program
 NFWF – National Fish and Wildlife Foundation
 NIMBY – “Not In My Backyard”
 NNCBPAA – Northern Neck Chesapeake Bay Public Access Authority
 NOAA – National Oceanic and Atmospheric Administration
 NPDS – National Pollutant Discharge System
 NRC – Nuclear Regulatory Commission
 NVRC – Northern Virginia Regional Commission
 NWI – National Wetlands Inventory
 OCS – Outer Continental Shelf
 OCSLA – Outer Continental Shelf Land Act
 ODEC – Old Dominion Electricity Cooperative
 OSDS – Onsite Sewage Disposal System
 OTEC – Ocean Thermal Energy Conversion
 PAA – Public Access Authority
 PCA – Priority Conservation Areas
 PDC – Planning District Commission
 PWDCA – Priority Wildlife Diversity Conservation Areas
 QTP – Quality’s Waste Tire Program
 RPA – Resource Protection Area
 SAFETEA-LU - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for
 Users
 SAMP – Special Area Management Plan
 SAV – Submerged Aquatic Vegetation
 SCC – State Corporate Commission
 SELC - Southern Environmental Law Center
 SMP – Shoreline Management Plan
 SWCD – Soil and Water Conservation District
 TMDL – Total Maximum Daily Load
 TMI – Tidal Marsh Inventory
 TNC – The Nature Conservancy
 TOGA – Tidewater Oyster Gardeners Association

USDOJ – U.S. Department of Justice
USDOH – U.S. Department of Health and Human Services
USDOE – U.S. Department of Energy
USDOA – U.S. Department of Agriculture
USDOHHS – U.S. Department of Health and Human Services
USDOJ – U.S. Department of Justice
USEPA – U.S. Environmental Protection Agency
USFDA – U.S. Food and Drug Administration
USACE – U.S. Army Corps of Engineers
USFWS – U.S. Fish and Wildlife Service
VaNLA – Virginia Natural Landscape Assessment
VASS – Virginia Agricultural Statistics Service
VCERC – Virginia Coastal Energy Research Consortium
VDACS – Virginia Department of Agriculture and Consumer Services
VDEM – Virginia Department of Energy Management
VDH – Virginia Department of Health
VDOT – Virginia Department of Transportation
VIMS – Virginia Institute of Marine Science
VLCNA – Virginia Lands Conservation Needs Assessment
VLPP – Virginia’s Litter Prevention Program
VMRC – Virginia Marine Resources Commission
VNEMO – Virginia Network for Education of Municipal Officials
VOP – Virginia Outdoor Plan
VRS3 – Virginia Renewables Siting Scoring Systems
VRSFF – Virginia Recreation Saltwater Fishing Fund
VSP – Virginia State Parks
VTC – Virginia Tourism Corporation
VWEC – Virginia Wind Energy Collaborative
WW – Working Waterfront

VII. Appendix

Letters received during public comment period conducted
December 1, 2010 – January 3, 2011



TOWN OF CHINCOTEAGUE, INC.

January 3, 2011

Beth Polak
Virginia CZM Program
623 East Main Street
Richmond, VA 23219

RE: Section 309 Coastal Zone Enhancement Program 2011-2016

Dear Ms. Polak:

Please accept the following public comment in response to the Draft Needs Assessment and Strategy that your office submitted to NOAA under the Section 309 Program on September 20, 2010.

As a professional land use planner, working for the Town of Chincoteague in Virginia, I am trying to stay informed on the programs and policies that will affect our community. The CZM Program has accomplished significant long range planning projects on the Eastern Shore in the past and we look forward to working with you in the future.

The following ideas and observations are my own and do not reflect an official response by our local government.

- ❖ Continue to support coastal community planning under a Coastal Hazards strategy
 - The ESVA Adaptation Working Group, sponsored by The Nature Conservancy, has established a priority for the processing and application of LiDAR elevation data. We will need your continued assistance at the local community level through the Coastal GEMS program to prepare map products and analysis
 - The priority that NOAA has placed on climate adaptation, weather resilience and sustainable coastal communities/economies should be supported by the Virginia 309 plan as a high priority with strategies developed to support a program similar to Maryland's 'Coast-Smart Communities'

- ❖ Prepare the Working Waterfronts Plan as a Project of Special Merit – not under the CSI strategy
 - Considering this topic under the Cumulative and Secondary Impacts strategy rather than a more comprehensive strategy creates a bias against existing coastal communities
 - Shoreline management strategies for 'living shorelines', migration of wetlands, and blue/green infrastructure separation of human use from all water edges will conflict with the Working Waterfront strategy and will require special consideration

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- ❖ Include coastal communities in the 309 document planning scope or consider an exclusion for 'human use' habitats from the enforceable policies that are proposed
 - Coastal communities, like Chincoteague, are not recognized as a habitat type for consideration under the proposed Seaside SAMP or the Working Waterfronts strategies
 - The Virginia 309 Plan excludes existing 'human use' communities from consideration except as an 'impact' on natural resources

The proposed Marine Spatial Plan process along with a continued Seaside SAMP will encourage needed long range planning for the Eastern Shore. I look forward to your efforts and hope to participate as an advocate for balancing 'natural resource protection and reasonable coastal-dependent economic growth' in our coastal communities.

Sincerely,



William W. Neville, AICP
Director of Planning

cc. Elaine K. N. Meil, A-NPDC



VCAN
Virginia Coastal Access Now

Helping provide public access to Virginia's coast!

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January 3, 2011

Ms. Beth Polak/DEQ

VA CZM Program

Beth.polak@deq.virginia.gov

VCAN public comments on the Virginia Coastal Zone Management Program's Draft Section 309 Needs Assessment & Strategy (the strategy) September 20, 2010

Virginia Coastal Access Now (VCAN) supports the strategy with the following comment. VCAN believes that public access as a coastal management or "enhancement" area under the CZMA Section 309 is a top priority area that should have been listed by the Virginia CZM Program. This can be found in the strategy's own assessment of public access wherein the continuing trend of the loss of public access via the "privatization of the shoreline" is identified in the face of a stated increase in demand for public access in the Virginia Outdoor Plan. The Middle Peninsula Survey data conducted by the MPCPPAA also expressed that no survey respondents thought that public access to the coast was adequate or better. This response is shared throughout Virginia's coastal zone based on many examples where public access to the water's of the Chesapeake Bay have been lost over the last 40 plus years that continue to this vary day. Hence, our non-profit agrees with the public access component of the strategy with increased priority.

The strategy, specifically the Cumulative and Secondary Impacts (CSI) of Coastal Growth & Development enhancement are, is a potential vehicle to help stop and even reverse this trend by including planned actions to restore public access while developing Working Waterfronts. Under the CSI, a goal to expanding public access needs to include the creation of new public access opportunities, precluding the closure of existing public access locations, and the restoration of sites where public access has been lost.

Virginia Coastal Access Now (VCAN) is a nonprofit 501c3 organization established September 18, 2006
To maintain and enhance the public's access to Virginia's beaches and waterways within the Commonwealth of Virginia's Coastal Zone
Donations welcomed and are tax deductible • EIN 56-2424100
1356 Pamlico Blvd. • Chesapeake VA 23322 • 757-410-3180 • vcnaccess@verizon.net • www.vcnaccess.org

The VA CZM Program Strategy should dovetail with the President's Executive Order (EO) and draft Chesapeake Bay Strategy Goals Framework (March 19, 2010) including it's public access component for public access to the waters of the Chesapeake Bay.

Enhancements by both these strategies and the proposed Working Water front Preservation Act of 2009 could ensure and restore waterfront and public access. Under the proposed Act, the EO, and draft strategies, restoration of public access could range from re-acquisition of public property from private control to lifting restrictions on parking to removing barriers at public access sites. The lack of public parking or "access to the access" is the great façade of public access. How and where possible in the strategy, the Virginia CZM Program must address the need, issue, and requirement for public parking to provide real public access.

The Coastal GEMS website is an excellent resource for mapping public access. This GIS based resource could include a data layer under recreational features that clearly identifies the availability of public parking.

The Virginia Recreation Saltwater Fishing Fund that are generate from fishing license fees for increasing public access for fishing in saltwater areas should be utilized to improve public access in the saltwater of Virginia's coastal zone when the funds are made available.

VCAN endorses the Coastal Policy Team's stated recommendation that "The issue of public access will be addressed through the CSI, Working Waterfronts strategy by coupling efforts to retain or enhance public access to regionally identified coastal areas for recreational as well as commercial water-dependent activities."

Virginia Coastal Access Now expresses our gratitude for VA CZM Program's efforts on behalf of public access and thanks the DEQ for the opportunity to comment.

Respectfully submitted,



Mark Feltner, President



January 3, 2011

Ms. Beth Polak
Virginia Coastal Zone Management Program
Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

Re: Section 309 Coastal Zone Enhancement Program – Draft Assessment and Strategy
Public Comments

Dear Ms. Polak:

The staff of the Hampton Roads Planning District Commission has received and reviewed the Section 309 Coastal Zone Enhancement Program Draft Assessment and Strategy. Based on this review, we believe that the strategy adequately identifies critical issues facing coastal zone localities in Hampton Roads. This strategy addresses a key need in the region for consideration of issues facing the coastal zone.

Specifically, we believe that the section addressing Cumulative and Secondary Impacts of Coastal Growth and Development provides an important opportunity for the development of effective policies that address imminent regulatory issues, including the Chesapeake Bay TMDL and changes to Virginia's stormwater regulations. HRPDC is capable of performing the tasks laid out in the strategy for October 2011 to September 2014.

We appreciate the opportunity to review this draft strategy. If you have any questions, please do not hesitate to call.

Sincerely,

Dwight Farmer
Executive Director/Secretary

BJM/kg

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January 3, 2011

Beth Polak
Virginia CZM Program
629 East Main Street
Richmond, VA 23219

Re: TNC Comments on the Virginia Coastal Zone Management Program's
Draft Section 309 Needs Assessment and Strategy

Dear Ms. Polak:

I am writing to provide The Nature Conservancy's comments on the Virginia Coastal Zone Management Program's Draft Section 309 Needs Assessment and Strategy ("the document"). In general, the Conservancy wishes to convey its strong support for the three priority areas identified in the document: ocean resources, cumulative and secondary impacts of growth and development, and special area management planning.

Several of the strategies outlined within the three priority areas are closely aligned with The Nature Conservancy's objectives in Virginia and the Mid-Atlantic region. We are particularly pleased with the strategies outlined in the document to:

- Develop a Marine Spatial Plan for the Seaside's barrier island lagoon system as part of the Seaside Special Area Management Plan,
- Develop a Virginia Marine Spatial Plan for the waters off Virginia's coast in concert with the Mid-Atlantic Regional Council on the Ocean and the "regional planning body" called for in the July 19, 2010 Final Recommendations of the Interagency Ocean Policy Task Force, and
- Continue work to promote the use of living shorelines.

The Nature Conservancy will do whatever we can to assist in these efforts.

We place tremendous value on our partnership with the Virginia Coastal Zone Management program. Thank you for the opportunity to provide these comments.

Sincerely,



Nicole M. Rovner
Director of State Government Relations