



Coastal Zone Management Narrative “Enforceable Policies” Advisory Committee
Note regarding approval: These draft minutes were submitted to the Advisory Committee members via email and no edits or comments were received.

March 13, 2019 Meeting Minutes

The Coastal Zone Management (CZM) Program Narrative Enforceable Policies Advisory Committee met at 1:00 p.m. on March 13, 2019, at the Department of Environmental Quality (DEQ) Headquarters in Richmond to continue discussion of a narrative rewrite of Virginia’s enforceable policies.

Present at the meeting were Lance Gregory (Virginia Department of Health (VDH)), Amber Foster (DEQ), Sharon Baxter (DEQ), Shep Moon (DEQ CZM), John Fisher (DEQ CZM), Bettina Rayfield (DEQ), Larry Gavan (DEQ), Drew Hammond (DEQ), Kelly Meadows (DEQ), John Kennedy (DEQ), Jaime Robb (DEQ), Steve Hardwick (DEQ), Steve Begg (Virginia Department of Transportation), Ray Fernald (Virginia Department of Game and Inland Fisheries (DGIF)), and Ben McFarlane (Hampton Roads Planning District Commission). Also present was Angela King (Virginia Coastal Policy Center (VCPC)).

On the phone was John Kuriawa (National Oceanic and Atmospheric Administration).

Elizabeth Andrews (VCPC) facilitated the meeting. Elizabeth opened the meeting by welcoming everyone and asking the group to approve the August 30, 2018 meeting minutes. Attendees assisted VCPC in determining the proper spelling for the last name of the Dominion representative that called into the August meeting. The minutes were approved without further comment or edits.

Elizabeth noted that VCPC communicated with Kerry Kehoe (NOAA) and state agency contacts to address questions from the August meeting. Additionally, VCPC created and formatted one document to capture all of the narrative enforceable policies. The group began to go through the combined document. Elizabeth pointed out that the combined document began with a general policy statement before going into specific program areas.

DISCUSSION OF THE COMBINED POLICIES DOCUMENT

There was no discussion with respect to the Tidal Wetlands or Living Shorelines policies.

For the Non-Tidal Surface Waters, Including Wetlands policies, Elizabeth provided a response that VCPC obtained from DEQ regarding a question from the August meeting to clarify that the approved stream assessment methods are for delineations and to quantify impacts and

compensation. And, that it is a joint method developed by the United States Army Corps of Engineers (USACE) and DEQ.

There was no discussion with respect to the Subaqueous Lands or Dunes and Beaches policies.

There was some discussion regarding the level of detail within the Coastal Lands policy and the group determined that the title should be changed to Chesapeake Bay Preservation Areas. There was group discussion regarding “by the original local program adoption date” language within the Intensely Development Area definition and whether a list of such programs and dates could be included as an appendix or addendum to the policy. John Kennedy noted that such a list could be provided. The group determined that references within this policy such as “approved by the local health department”, “approval by the local government”, and “in the opinion of the local soil and water conservation district” should be deleted.

For the Marine Fisheries policy, Elizabeth asked whether some of the language in the opening paragraph could be combined or deleted. Tony agreed that the “to maximize food production and recreational opportunities” language could be inserted into the existing first sentence and the existing second sentence could be deleted.

Elizabeth noted that per discussion with Kerry, the language “it is illegal to” was changed to “no person shall” throughout the DGIF, Virginia Department of Conservation and Recreation (DCR), and Virginia Department of Agriculture and Consumer Services (VDACS) policies. Additionally, references to “authorized by” were deleted and language detailing why the authorization is required were inserted. Ray noted that the language of the DGIF policies had changed since the start of the drafting process and that DGIF would need additional time to review. The group agreed. Elizabeth stated that VCPC would meet separately with DGIF and NOAA to determine the best language for moving forward. There was no further discussion regarding the DCR or VDACS policies.

There was no discussion with respect to the Point Source Air Pollution or Point Source Water Pollution policies.

For the Nonpoint Source Water Pollution policy, group discussion centered on striking the right balance with the level of detail within the policy. DEQ determined that additional work could be done with the language and that they would coordinate with VCPC to provide an updated draft to the group via email at a later date.

There was no discussion with respect to the Shoreline Sanitation policy.

PUBLIC COMMENT

There were no public comments.

CONCLUSION

Elizabeth stated that VCPC will work with the agencies noted during the meeting regarding the group’s discussion of their policies and will send revised drafts out to the group via email. Based

on the feedback that is received, the group will determine whether or not an additional Advisory Committee meeting is necessary.

Looking forward, Elizabeth said that next step in the narrative enforceable policies approval process includes preparing the policies for submission to NOAA. John Kuriawa noted that there is no due date for submission to NOAA, but that it would be beneficial to review a draft prior to submission. Bettina stated that she would send VCPC the most recent guidance regarding program change submissions.

The meeting adjourned at 3:05 pm.