



WILLIAM & MARY
LAW SCHOOL
VIRGINIA COASTAL POLICY CENTER

Coastal Zone Management Narrative “Enforceable Policies” Advisory Committee
Minutes

The Coastal Zone Management Advisory Committee met at 1:00 pm on November 30, 2016 at the Department of Game and Inland Fisheries headquarters to continue discussion of a narrative rewrite of Virginia’s enforceable policies, specifically the statutes and regulations under the authority of DGIF. Present at the meeting were Elizabeth Andrews (VCPC), Ian Day (VCPC), Ray Fernald (DGIF), Steve Begg (VDOT), Ryan Brown (DGIF), John Fisher (DEQ), Becky Gwynn (DGIF), Matt Hull (OAG), Ben McFarlane (HRSD), Shep Moon (DEQ), and Bettina Sullivan (DEQ). John Kuriawa (NOAA), Mary Pohanka (Navy), Ryan Anderson (Navy), and Dorothy Keough (Ft. Belvoir) participated via telephone.

- Elizabeth Andrews opened the meeting by confirming that attendees had received a copy of the November 2 meeting minutes and had no objections or edits to them. The minutes were approved. Elizabeth then invited Ray Fernald to provide an update regarding DGIF’s actions since the last meeting.
- Ray Fernald began by noting that he and Ryan Brown had examined their statutes and regulations to identify the ones that they consider to be most important for inclusion in the narrative policies. As Ryan was not yet in attendance, further discussion of the matter was reserved for later.
- Ray then proceeded to discuss DGIF’s examination of Threatened and Endangered species and his work with Steve Begg of VDOT to address any potential issues that might arise from inclusion of T&E species requirements in the narrative policies.
 - DGIF and VDOT already participate together in the State Environmental Review Process (SERP) protocol, and both agencies are currently parties to an MOA that defines their duties within the SERP. Both Ray and Steve agreed that the best solution to VDOT’s potential concerns would be to include the T&E “takings” analysis within the larger SERP protocol and the MOA. They also both agreed that they do not currently foresee this to be a significant issue that will hamper progress on the CZM narrative policies project.
 - Shep Moon observed that the T&E narrative policy statement itself would need to remain broad enough that it will be applicable to agencies and federal activities other than VDOT.
 - Ray has a sample draft of a narrative policy statement regarding T&E species, and will distribute it after further review and edits.

- Shep Moon had a broader question about incorporating statutory references as a part of the narrative statements. John Kuriawa generally advised against incorporation, but noted that the ultimate drafting is up to the State and that Kerry Kehoe has more expertise in this area regarding NOAA’s willingness to accept statutory references. John also said that statutory references can be listed after each narrative policy as authority for the policy. He noted that it would be the State’s responsibility to make sure that the references are accurate, which can be a recurring issue as laws are changed and recodified.
- Ryan Brown then detailed the process and results of DGIF’s preliminary examination of their “priority” statutes and regulations.
 - These policies are focused around § 29.1-400 et seq. and -500 et seq., and further refined by the “enforceable policy” criteria discussed at the group’s Nov. 2 meeting. In total, DGIF identified about 34 statutes (see attached materials), not including associated regulations which DGIF has yet to examine in detail.
 - Ray created eight (8) general categories under which the statutes and associated regulations (see attached materials) can be organized. Ray anticipates that short and broad, one to two sentence statements for each category should be enough to draft a satisfactory narrative policy.
 - Notably, the first category does include wildlife policies, not only aquatic species.
 - There was some concern about how these eight (8) categories will be organized in a final statement of Virginia’s CZMA “enforceable policies”. Shep Moon recommended that the group continue to work agency-by-agency, and then revisit and reorganize any categories that overlap between agencies. John Kuriawa concurred, noting that the final document should be organized to maximize clarity and transparency so that the entities subject to CZM review requirements can best understand and abide by them.
 - Elizabeth Andrews mentioned that Matt Hull and DGIF should work closely together to review and examine these statutes and categories.
 - Ryan Brown observed that § 29.1-103, regarding the Board’s general duties and powers, is included in the identified statutes because it provides necessary authority for any relevant regulations that will be included in the enforceable policies.
- Elizabeth Andrews then opened up discussion on next steps. She recommended that Ray Fernald, Becky Gwynn, Matt Hull, and VCPC continue to make progress on identifying all remaining narrative policies, including if necessary regulations, and making first drafts of narrative policy statements before the next meeting.
- Shep Moon recommended that in order to accelerate the overall Virginia narrative policies project, VMRC should be invited to attend the next meeting. The committee agreed that as the DGIF project proceeds, it may be efficient and helpful to begin the narrative policy process with VMRC or other agencies simultaneously.

Next meeting: TBD, but probably in early February; a date survey will be sent out by VCPC.