

April 30, 2024

**Virginia Coastal Zone Management Program
Semiannual Section B.2-4 Report
For the Period from October 1, 2023 – March 31, 2024**

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SECTION B.2 PERMIT ADMINISTRATION, MONITORING AND ENFORCEMENT

1) DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

a) DEQ – Virginia Coastal Zone Management Program

Virginia CZM Program staff continued to work with our partner agencies to implement the Program over the last 6 months. For a full description of staff activities, please refer to the Section A report for Task 1.01.

b) DEQ – Water Permitting Programs

DEQ- Virginia Water Protection Permit (VWPP) Program

The Virginia Water Protection (VWP) Permit Program authorizes surface water withdrawal activities¹ and activities in wetlands and surface waters that may or may not require a Clean Water Act Section 401 Water Quality certification. The data presented herein is for the *Tidewater region* of the Commonwealth.

During the reporting period of October 1, 2023 to March 31, 2024, the VWP Permit Program issued 10 individual permits and 63 general permit coverages; processed 30 Notices of Planned Change on general permit coverages; and processed 16 individual permit modifications in Virginia's coastal counties.

The average time to process a general permit coverage was 20 days, and the average time to process an individual permit was 90 days.

Approximately 55 acres of non-tidal wetland impacts and 0.5 of an acre of tidal impacts occurred during the reporting period. During this reporting period, approximately 91 wetland credits were purchased at compensatory mitigation banks or through in-lieu fee programs.

During the reporting period, four compliance actions² on individual permits and 20 compliance actions on general permit coverages were taken. Compliance actions for eight of the general permit coverages are still active at the time of this report. Additionally, 12 compliance actions were taken on activities not associated with a VWP individual permit or general permit coverage, and six of these are still active at the time of this report. During this period, 145 compliance inspections took place.

The VWP Permit Program continues to coordinate permitting actions with the Virginia Marine Resources Commission. DEQ did not receive comments or concerns about expediting decision-making for the management of coastal resources. Federal rules continue to be amended regarding how wetlands and streams are regulated at the federal level. DEQ tracks various steps in permitting processes through the Permit Enhancement and Evaluation Platform (PEEP) tool available on DEQ's web site. One goal of this tool is to identify any potential improvements in permitting efficiency on the part of applicants and relevant agencies.

¹ While VWP permits may authorize surface water withdrawal activities, data specific to streams, stream flow, or water quantity are not included in this program summary.

² Warning Letter (WL) or Notice of Violation (NOV), or Request for Corrective Action (RCA).

DEQ – Virginia Pollution Abatement (VPA) Water Permitting Program

The Virginia Pollution Abatement permit (VPA) is required for facilities that manage wastewater, animal waste, biosolids or industrial residuals in such a manner that they do not have a discharge from the site. For example, an agricultural facility that temporarily stores wastewater to be land applied as part of an irrigation/fertilization program.

During the period between October 1, 2023 – March 31, 2024, three VPA – Individual Permit (IP) permit applications were received. One application was for the issuance of a permit for a facility to land apply municipal biosolids. One application was for the reissuance of a permit for a facility that land applies industrial wastewater. One application was for the modification of a permit for the land application of biosolids.

Five applications were received during a previous period and the permit actions were completed during this period. Two applications were for the reissuance of permits for the land application of biosolids. One application was for the reissuance of a permit for an industrial facility. Two applications were for modifications of permits for the land application of biosolids.

During the period between October 1, 2023 – March 31, 2024, a total of two applications were received for a VPA – General Permit (GP). All permit actions during this period were for coverages under the VPA General Permit for Poultry Waste Management (PWM) and completed during this period. The two applications were seeking to change the operation.

DEQ – Virginia Pollution Discharge Elimination System (VPDES) Water Permitting Program

There is a total of 265 individual municipal and industrial CZM area VPDES individual permits. This includes 12 Municipal Separate Storm Sewer (MS4) individual permits. This number and the numbers in the table represent typical activity in the program.

There are also numerous facilities registered under general permits in CZM areas including 47 vehicle wash, 109 concrete products, 8 cooling water, 344 domestic sewage $\leq 1,000$ GPD, 56 nonmetallic mineral mining, 30 petroleum, 16 potable water treatment, 42 seafood processors, and 514 industrial stormwater. These represent typical numbers for permit registrants in CZM areas in Virginia. There are also 63 registrants under the MS4 general permit. There are a number of general permit coverages that are automatically covered under a permit (e.g., pesticide applications and hydrostatic testing) and are not entered into the CEDS database. There are also 61 registrants under the nutrient trading general permit, but these facilities are included in the individual permit count.

VPDES/VPA - October 1, 2021 – March 31, 2022*										
	Permits Issued / Avg Proc. Days ⁽¹⁾		Permits Reissued / Avg Proc. Days		Permits Modified** / Avg Proc. Days		Denied / Avg Proc. Days		Permits Reissue Pending / Avg Proc. Days	
VPDES	0	NA	29	346	0	NA	0	NA	57***	NA
VPA	0	NA	3	300	2	296	0	NA	1	150
VPA GP	0	NA	0	NA	2	14	0	NA	0	NA

Processing day is the amount of time between receiving a complete application and making the final case decision (issuance, reissuance, modification, etc.).

* Information from CEDS (Comprehensive Environmental Data System) database

** Major modifications

*** This represents existing VPDES individual permits expired but pending through March 31, 2024.

c) DEQ – Water Program Enforcement and Compliance

DEQ continues to apply both informal and formal enforcement measures in the enforcement program. Reference Table 1, below.

Informal measures, such as Warning Letters and Letters of Agreement, are used in those cases where non-compliance is not significant in nature and where compliance can be achieved in a short period of time. For the period October 1, 2023 through March 31, 2024, DEQ issued 133 Warning Letters and 1 Letter of Agreement for violations of VPDES, VPA, VWPP, and Ground Water program requirements.

Formal enforcement actions are used in those cases where non-compliance is more serious or may take a significant amount of time to correct. Formal measures generally involve the issuance of a Notice of Violation followed by a Consent Order, or an Executive Compliance Agreement in the case of a state agency. In some cases, Unilateral Administrative Orders or court orders may be sought. Between October 1, 2023 and March 31, 2024, DEQ issued 12 Notices of Violation for violations of VPDES, VPA, VWPP, and Ground Water program requirements. During the same period, the agency concluded enforcement cases with the issuance of 18 Consent Orders that assessed a total of \$189,887.78 in civil charges.

Table 1

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Warning Letters	133	N/A
Informal	Letters of Agreement	1	N/A
Formal	Notices of Violation	12	N/A
Formal	Consent Order	18	\$189,887.78
Total		164	\$189,887.78

d) DEQ – Air Permitting Program

OFFICE OF AIR PERMIT PROGRAMS PERMITS ISSUED REPORT FOR VIRGINIA'S COASTAL RESOURCES MANAGEMENT PROGRAM

Period: October 1, 2023 – March 31, 2024

PERMIT TYPE	NUMBER OF PERMITS ISSUED	*AVERAGE PROCESSING TIME (Days)
PSD & NA	0	NA
Major	0	NA
**Minor	103	27
Administrative Amendment	4	28
Exemptions	2	21
State Operating	1	49
Federal Operating (Title V) Initial Issuance	0	NA
Federal Operating (Title V) Renewal	10	691
Acid Rain (Title IV)	0	NA
Total Number Permits Issued	<u>120</u>	

* The average processing time is determined by computing the difference between when the application was deemed administratively complete and when the permit was issued.

Note: The information provided for this report includes data from the Northern Virginia Regional Office, Piedmont Regional Office, and the Tidewater Regional Office only.

Definitions:

Prevention of Significant Deterioration (PSD) = A source which emits **250 tons or more** per year of any regulated pollutant or is one of 28 specific industries listed in the state regulations and will emit 100 tons per year of a regulated pollutant.

Major = A source which emits, or has the potential to emit, **100 tons or more** per year of any air pollutant.

Minor = A source which emits, or has the potential to emit, **less than 100 tons** per year of any air pollutant.

State Operating= Permit written pursuant to 9 VAC 5-80-800 et al.

Administrative Consent Agreement = An agreement that the owner or any other person will perform specific actions to diminish or abate the causes of air pollution for the purpose of coming into compliance with regulations, by mutual agreement of the owner or any other person and the Board.

Administrative Amendment = Administrative changes made to the permit to clarify or correct an issued permit. For example, typographical errors, name changes, etc.

Exemption = Facilities are exempted from permitting requirements by exemption levels defined in 9 VAC 5-80-1105.

Federal Operating (Title V) = a source that emits **10 tons or more** per year of any hazardous air pollutant, **or 25 tons** per year of any combination of hazardous air pollutants or emits any criteria pollutant above 100 tons per year.

Acid Rain (Title IV) = Permits issued specifically to address SO₂ and NO_x from electric generating units covered under the Acid Rain regulations.

**OFFICE OF AIR PERMIT PROGRAMS
PERMITS PENDING REPORT FOR
VIRGINIA'S COASTAL RESOURCES MANAGEMENT PROGRAM**

Permits pending as of March 31, 2024

PERMIT TYPE	NUMBER OF PERMITS PENDING
PSD & NA	1
Major	1
Minor	62
Administrative Amendment	1
Exemptions	4
State Operating	4
Federal Operating (Title V) Initial Issuance	12
Federal Operating (Title V) Renewal	60
Acid Rain (Title IV)	1
Total Permits Pending	<u>146</u>

Note: The information provided for this report includes data from the Northern Virginia Regional Office, Piedmont Regional Office, and Tidewater Regional Office only.

OFFICE OF AIR PERMIT PROGRAMS
PERMITS WITHDRAWN AND APPLICATIONS DENIED REPORT FOR
VIRGINIA’S COASTAL RESOURCES MANAGEMENT PROGRAM

Period: October 1, 2023 – March 31, 2024

PERMIT TYPE	NUMBER OF PERMITS WITHDRAWN	NUMBER OF APPLICATIONS DENIED
PSD	0	0
Major	0	0
Minor	0	0
Administrative Amendment	0	0
Exemptions	0	0
State Operating	0	0
Federal Operating (Title V)	0	0
Acid Rain (Title IV)	0	0
Total Permits Rescinded	<u>0</u>	<u>0</u>

Note: The information provided for this report includes data from the Northern Virginia Regional Office, Piedmont Regional Office, and Tidewater Regional Office only.

e) DEQ – Air Program Enforcement and Compliance

DEQ continues to apply both informal and formal enforcement measures in its air enforcement program. Reference Table 1, on the following page.

Informal measures include Requests for Corrective Action, Informal Correction Letters, Warning Letters, and Letters of Agreement. These actions are used in those cases where non-compliance is not significant in nature and where compliance can be achieved in a short period of time. During the six-month period beginning October 1, 2023 through March 31, 2024, DEQ issued 35 Requests for Corrective Action, and 35 Warning Letters.

Formal enforcement actions are used in those cases where non-compliance is more serious or may take a significant amount of time to correct. Formal measures generally involve the issuance of a Notice of Violation and negotiation of a Consent Order, or an Executive Compliance Agreement in the case of a state agency. In some cases, Unilateral Orders or court orders may be pursued. Between October 1, 2023 and March 31, 2024, DEQ initiated 17 new formal enforcement actions via issuance of Notices of Violation. Additionally, the Agency issued 8 Consent Orders; assessing \$113,731.45 in civil charges.

Table 1

Measure	Action Type	Count	Total Civil Charges Assessed
Informal	Requests for Corrective Action	35	N/A
Informal	Warning Letters	35	N/A
Formal	Notices of Violation	17	N/A
Formal	Consent Orders	8	\$113,731.45
Total		95	\$113,731.45

f) DEQ – Erosion and Sediment Control

Summary of Specific Outputs:

Specific Outputs	Progress / Status
13 CZM Chesapeake Bay Land Disturbing Activities Permitted - Projects less than 1 acre found within Chesapeake Bay Designated Areas.	Permit coverage has been issued and projects are under construction. Compliance is achieved through ongoing permit review, technical assistance, and project inspection.
191 CZM Small Construction Activities Permitted- Land Disturbing Activities greater than or equal to 1 acre and less than 5 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved through ongoing permit review, technical assistance, and project inspection.
65 CZM Large Construction Activities Permitted- Land Disturbing Activities greater than or equal to 5 acres and less than 10 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved through ongoing permit review, technical assistance, and project inspection.
113 CZM Large Construction Activities Permitted- Land Disturbing Activities greater than or equal to 10 acres and less than 50 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved thru ongoing permit review, technical assistance, and project inspection.
24 CZM Large Construction Activities Permitted- Land Disturbing Activities greater than or equal to 50 acres and less than 100 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved thru ongoing permit review, technical assistance, and project inspection.
17 CZM Large Construction Activities Permitted- Land Disturbing Activities greater than or equal to 100 acres.	Permit coverage has been issued and projects are under construction. Compliance is achieved thru ongoing permit review, technical assistance, and project inspection.
423 Total CZM Land Disturbing Activities Permitted thru coverage under the Construction General Permit.	Coastal Zone Management resources are conserved and restored through permit compliance.

Supplemental Narrative:

Considerable erosion and sediment control and stormwater management progress occurred during the performance period. New and improved requirements for project stabilization during construction and recently enhanced post construction requirements will result in further improvements to coastal zone resources. The new post construction requirements have been developed to more closely mimic predevelopment hydrology found in a naturally wooded site condition. The implementation of these new requirements will result in less downstream sediment export and fewer nutrient export impacts from land development.

g) DEQ- Office of Stormwater Management – Local Government Assistance Programs- Chesapeake Bay Preservation Act

Summary

Program Description

The Chesapeake Bay Preservation Act program is designed to improve water quality in the Chesapeake Bay and other waters of the State by requiring the use of effective land management and land use planning. Specifically, these requirements fall into three implementation phases. Phase I consists of local governments designating and mapping Chesapeake Bay Preservation Areas (CBPAs) and adopting land use and development performance criteria to protect those features. CBPAs include Resource Protections Areas (RPAs) and Resource Management Areas (RMAs). RPAs are made up of tidal wetlands, tidal shores, nontidal wetlands connected and contiguous to tidal wetlands or perennial streams and a 100-foot fully vegetated buffer. RMAs include lands adjacent to RPAs that are made up of land features such as highly erodible soils, steep slopes, and floodplains. Sixty of the 84 Tidewater localities have identified their entire jurisdiction as RMA. Phase II consists of the incorporation of water quality protection measures into local comprehensive plans. Phase III involves the review and revision of local land use codes to include specific standards that implement water quality performance criteria.

Technical Assistance & Training

During the reporting period October 1, 2023– March 31, 2024, staff continued to provide technical assistance and training to Bay Act localities. For this period, three outreach events were conducted, and 70 instances of technical assistance, including site plan review, were documented.

Environmental Impact Reviews

Through the Environmental Impact Review process, staff continued to review plans for State and Federal projects to ensure those projects were consistent with the Chesapeake Bay Preservation Act. During the reporting period, 54 environmental impact reviews were conducted.

Compliance Reviews

During the reporting period, seven Condition Reviews were ongoing. Since the Compliance Review process was reinitiated in 2015 (after having been suspended for a period of three years to allow LGAP staff to work on local stormwater program development, and then again for one year for LGAP staff to work on the Phase III WIP), 84 reviews have been initiated or completed and 83 localities have been found compliant. The next round of compliance reviews are anticipated to begin in the next reporting period.

During these reviews, staff assess how well local governments are ensuring that impervious cover and land disturbance are minimized, and indigenous vegetation is preserved on approved development projects and if other Chesapeake Bay Preservation Act general performance criteria are being applied to the use and development of land.

2) VIRGINIA MARINE RESOURCES COMMISSION (VMRC)

a) VMRC – Habitat Management Division

During the period October 1, 2023 through March 31, 2024, the Habitat Management Division received 1,331 applications for projects involving State-owned submerged lands, wetlands or dunes. These applications were for projects such as piers, boathouses, boat ramps, marinas, dredging and shoreline stabilization. As the clearinghouse for the Joint Permit Application all applications were assigned a processing number by the Division and forwarded to the appropriate agencies, including, local wetlands boards, the Norfolk District of the U.S. Army Corps of Engineers, the Department of Environmental Quality, VIMS and others as necessary.

A public interest review was initiated, and site inspections were conducted for those projects requiring a permit from the Marine Resources Commission. Likewise, Habitat Management staff also conducted site inspections for all projects requiring a local wetlands board permit and evaluated each local board decision for Commissioner review. Habitat Management staff also conducted compliance inspections on permits issued by VMRC and local wetlands boards.

The Habitat Management Staff completed actions on 1,230 applications received during the period. Action on most applications was completed within 90 days after they were received. As such, a number of the actions taken during the period were for applications received prior to October 2023. Similarly, those applications received near the end of the current reporting period are still under review. Habitat Management Staff also participated in the inter-agency review process involving general permits for Virginia Department of Transportation projects.

In addition to staff actions, the full Commission considered 37 projects. During the reporting period the Commission considered 14 protested projects or projects requiring a staff briefing, The Commission also approved 23 projects over \$500,000.00 in value.

During the reporting period local wetland boards throughout Tidewater Virginia acted on 179 projects involving tidal wetlands. Of this total, 127 were approved as proposed, 29 were approved as modified, 2 were denied, 11 no permit was necessary, 10 are pending, and 36 required compensation either on or off site (11), or through payment of an in lieu fee (25) accounting for 12,027 square feet of tidal wetland impacts.

b) VMRC – Fisheries Management Division

At the January 2024 meeting, the agency amended the recreational blueline tilefish season to coincide with the beginning of the recreational black sea bass season. At the same meeting, the agency adopted the 2024 recreational black sea bass season, including a February opening. Finally, the agency removed all fees associated with unreturned commercial tautog tags or tags returned after the yearly February 15th deadline.

At the March 2024 meeting, the agency amended Atlantic striped bass management measures to comply with ASMFC addendum II to amendment 7 for striped bass, changed the recreational season for Potomac River tributaries summer/fall striped bass season, streamlined the aquaculture of striped bass process, and removed all gear restrictions for commercial harvesters that hold striped bass quota. At the same meeting, the agency set the recreational summer flounder minimum size limit as 16 inches from January 1 through May 31 and 17 ½ inches from June 1 through December 31.

c) VMRC – Law Enforcement Division

Enforcement under "Other Agency" refers to summons issued for other agencies' laws, code or regulation sections. The majority of the summons in this category are for DWR regulations on boating safety laws, expired boat registration, no life jackets, flares, etc.

Summons under "Police Powers" are all criminal vs fisheries. These are the reckless driving, drunk driving, driving without a license/suspended license, shoplifting, possession of controlled substances.

VIRGINIA MARINE POLICE ARRESTS/CONVICTIONS SUMMARY BY CATEGORY

REPORT FORMAT: FEDERAL FISCAL YEAR AREA: ALL AREAS
START PERIOD: 10/01/2019
END PERIOD: 09/30/2024



Category	2019/2020		2020/2021		2021/2022		2022/2023		2023/2024	
	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests	Convictions	Arrests
Buyers	0	0	5	5	5	6	0	0	0	0
Casting Garbage/Trash	0	0	1	2	0	0	0	0	0	0
Clams	0	0	0	0	5	5	0	0	0	0
Commercial Fishing License	15	52	11	17	13	28	6	9	0	0
Conchs	2	3	0	0	0	0	0	0	0	0
Crabs	39	54	38	54	41	57	31	37	1	2
Federal Violation	0	0	0	0	0	0	1	1	0	0
FIP Violations	2	3	14	19	1	2	0	0	0	0
Fish	250	275	194	206	122	141	105	120	25	28
Freshwater Fishing without a license	1	2	6	6	1	1	2	3	0	0
Gill Nets	16	16	4	8	10	11	4	5	0	2
Habitat/Wetlands	0	0	0	0	0	0	0	0	0	0
License Tags	0	0	1	2	0	2	1	2	0	0
Mandatory Reporting	8	38	0	4	1	7	4	4	0	0
Misc	3	18	5	5	2	5	34	37	5	5
Non-residents	0	0	0	0	0	0	0	0	0	0
NSSP	1	1	0	0	0	0	0	0	0	0
Other Agencies	268	344	167	190	186	258	124	146	10	18
Oysters	49	127	32	50	38	51	34	41	5	6
Piers	3	3	0	0	0	0	0	0	0	0
Police Powers	0	0	0	0	0	0	0	0	0	0
Removal of Obstructions	1	1	3	3	5	5	2	6	0	3
Resisting officer	0	0	0	0	0	0	0	0	0	0
Shellfish	0	1	0	0	0	0	2	2	0	0
SW Recreational Licenses	68	81	42	48	71	81	51	58	19	19
TOTALS:	726	1019	523	619	501	660	401	471	65	83
PERCENT OF CONVICTIONS:	71.25%		84.49%		75.91%		85.14%		78.31%	

3) VIRGINIA DEPARTMENT OF HEALTH (VDH) – DIVISION OF SHORELINE SANITATION

From October 1, 2023 through March 31, 2024, the VDH Division of Shellfish Safety and Waterborne Hazards had...

213 acres of shellfish grounds formerly open year-round now closed to harvesting year-round,
1378 acres of shellfish grounds formerly closed year-round now open to harvesting year-round,
63 acres of shellfish grounds formerly open year-round now seasonally closed,
470 acres of shellfish grounds formerly closed year-round now seasonally opened,
218 acres of shellfish grounds formerly seasonally closed now closed year-round, and
1363 acres of shellfish grounds formerly seasonally opened now opened year-round.

Activities of the Virginia Department of Health for the Virginia Coastal Resources Management Report are summarized below. This includes statics on applications for sanitary facilities at marinas and other places where boats are moored.

The Department received and reviewed a total of Seventeen (17) VMRC Permit Applications, and processed as follows:

Zero (0) Permit Applications needed action in the Marina Program.

Sixteen (16) applications were approved based on meeting the requirements of providing adequate facilities of the Marina Regulations if applicable.

One (1) applications were denied because of inadequate facilities.

4) Department of Conservation and Recreation (DCR)

a) DCR - Division of Soil and Water Conservation

Nutrient Management

DCR Nutrient Management Staff have been active in developing and reviewing nutrient management plans as well as other nutrient reduction activities to achieve the Commonwealth's nutrient reduction commitments of the Chesapeake Bay TMDLs. In the coastal zones of Virginia, DCR staff have overseen the development of nutrient management plans covering 35,925.12 acres during the reporting period (10/1/2023 – 3/31/2024). Many plans are active for up to three years with all new or revised acreage developed by DCR planners in the coastal zones during the reporting period summarized in the following table:

Table 1: Planned nutrient management acreage by land use and coastal management zones. Plans started between 10/1/2023 – 3/31/2024.

CZM Basin	Number Of Plans	CZM Crop Acres	CZM Hay Acres	CZM Pasture Acres	CZM Specialty Acres	Total
Albemarle Sound	3	252.59	51.72	-	1.09	305.40
Atlantic Ocean	6	517.64	-	-	-	517.64
Chesapeake Bay Coastal	18	3815.18	80.81	59.41	-	3955.40
Chowan	8	315.36	11.16	-	-	326.52
James	17	1762.95	77.14	25.46	1.59	1867.14
Potomac	3	910.95	10.38	6.21	-	927.54
Rappahannock	26	14740.56	216.62	36.59	-	14993.77
York	30	11674.98	1117.74	238.99	-	13031.71
Total:	111	33,990.21	1565.57	366.66	2.68	35,925.12

Shoreline Erosion Advisory Service

DCR's Shoreline Erosion Advisory Service (SEAS) was established in 1980 by the Virginia General Assembly as a resource for shoreline landowners and communities. The program provides unbiased, science-based technical assistance on environmentally sound shoreline management alternatives to private property owners and public land management agencies that are experiencing erosion on tidal shorelines or non-tidal streambanks and impoundments. Services provided by SEAS include on-site field investigation and analysis of erosion concerns, written advisory reports with recommended solutions, review of engineering designs and construction plans, on-site construction inspections, and guidance on available financial incentive programs.

For this reporting period, SEAS staff conducted 127 site visits, wrote 52 advisory reports, field verified 204 shoreline BMPs, evaluated 124,083 feet of shoreline, and reviewed and provided comments on 31 joint permit applications (JPAs). During a site visit, staff walks the shoreline with the owner and assesses the cause(s) of the erosion problem. Staff then review with the owner, what they believe are the most appropriate shoreline erosion control and protection strategies for that site. The suite of solutions to shoreline erosion varies along a continuum of green-to-grey infrastructure (e.g., marsh toe revetments of oyster shell bags, stone sills with sand nourishment and marsh vegetation plantings, offshore gapped breakwater systems, riprap revetments, wood or vinyl bulkheads). Living shorelines are the Commonwealth's preferred alternative – and *de facto* permitting option – for stabilizing eroding tidal shorelines.

SEAS is working with VIMS, VMRC, DEQ, and others to 1) identify shoreline management practices (e.g., living shorelines) across tidal Virginia that qualify for Chesapeake Bay TMDL WIP pollutant reduction credits, 2) verify that installation of these practices meets the specifications set out by USEPA's Chesapeake Bay Program, and 3) quantify and report the earned pollutant reduction credits as part of the Commonwealth's efforts to meet goals established in the WIP. The first round of these pollutant reduction credits was reported to DEQ in October 2017; subsequent rounds were reported annually thereafter. During this reporting period, an additional 76 sites have been verified and the associated pollutant reductions were reported to DEQ in October 2023 (see table below).

SEAS continues implementation of a \$1M, three-year grant from the National Fish and Wildlife Foundation (NFWF) to accelerate the scale and the rate of living shoreline implementation in Rural Coastal Virginia. The grant is scheduled to end in June 2024; however, a no cost extension is being requested. During this reporting period, work extended across the project's four objectives: 1) grow and enhance the existing partnership of entities engaged in living shoreline implementation; 2) develop a cache of shovel-ready living shoreline projects with completed designs; 3) construct new living shorelines on socially vulnerable sites; and 4) document the installation of recently implemented shoreline management projects for crediting towards WIP goals. During this reporting period, SEAS 1) worked with local SWCDs to expand the availability of a living shoreline financial incentive program for residential property owners in a previously ineligible geography; 2) participated in the National Living Shorelines Tech Transfer Workshop; and 3) worked with VIMS and the Mattaponi Indian Tribe to initiate regulatory permitting to construct a living shoreline with grant funds on the Tribe's Reservation.

	Submitted October 2023	Total Submitted 2017-2023
Protected Shoreline (ft)	18,989	375,676
Number of Sites	76	1,802
Pollutant – TN [Total Reduction (lbs/yr)]	3,076.5	40,337.6
Pollutant – TP [Total Reduction (lbs/yr)]	2,059.2	27,370.4
Pollutant – TSS [Total Reduction (tons/yr)]	1,690.4	22,554.0

b) DCR - Division of Natural Heritage

This report lists projects and activities conducted by the Department of Conservation and Recreation, Division of Natural Heritage (DCR-NH) during this period that were not funded by or otherwise reported to the VCZMP.

Inventory

On December 11, 2023, DCR-Division of Natural Heritage (DNH) Field Botanist Jenny Stanley submitted final reports for three projects funded by the US Fish & Wildlife Service via the Virginia Department of Agriculture and Consumer Services. During 2023, more than 30 days were spent conducting surveys for the federally protected *Boechera Serotina* and *Cetradonia linearis*, as well as *Ludwigia Ravenii* which has been petitioned for federal listing. During June-October 2023, surveys were conducted at 60 sites in 17 counties. A total of 7 new element occurrences (EO) were discovered, one known EO was expanded, and 671 plants were counted.

Prescribed Burning

From March 3-9, 2024, Stewardship staff from the Natural Heritage program took part in the first Southern Area Engine Academy hosted by North Carolina State Parks and partners. The weeklong interagency academy provided hands-on training for fire engine operations, to help grow capacity in the region. The academy provides certification in the National Wildfire Coordinating Group (NWCG) and drew partners from across the country to learn across agency boundaries and to certify towards the national standards of NWCG fire line positions. Fire practitioners fall into two primary groups: prescribed fire and wildfire suppression. Although the southeastern states are often engaged with more prescribed fire implementation, focusing on ecological restoration and minimizing risks of wildfire, the NWCG standard operations (s series) courses are imbedded through every position held on the fire line, to allow for seamless interagency partnership and Operations in the ever-changing fire environment. In other words, using shared training allows for prescribed fire practitioners to work seamlessly in wildfire suppression incidents, when needed. Incident management training is also required to progress with position tasks; this allows for all wildland fire personnel to effectively interact with not only different regions and agencies, but also municipalities and wildland urban interface. In an emergency setting the prescribed fire practitioner could be leadership on a wildfire incident or helping to evacuate houses and protect structures. As more awareness of the benefits of prescribed fire increases, support for interagency trainings like this engine academy will further enhance and improve the foundation of incident management by building skills and connectivity among fire practitioners.

This specific academy focused on water handling equipment, specifically using portable pumps in remote locations, and a wide variety of Fire trucks (Type 5, 6 and 7 wildland fire engines) from state, private, and federal partners. The intent of water delivery to extinguish a fire is “Right place, right form, and right amount”, if we need to get water to the top of a ridge, or even flood a ground fire- we need to know how to do that safely, efficiently, and effectively. This is the opportunity to learn and implement these skills, in a controlled environment, and in different roles of responsibility.

“The addition of this academy to our region will not only help our fire programs progress in knowledge and technical skill, but also helps to break down the barriers of interagency leadership, support and standardized operational experience” said Dylan Gavagni, Southeast Region operations steward, who supported the cadre operations to host the academy. “Success!”



DNH staff and others practices hands-on exercises related to hose-lays and engine gear and equipment.

Natural Area Preserve Stewardship

On December 8, 2023, a Cessna aircraft emergency landed (engine failure) on Wreck Island Natural Area Preserve (WINAP). The plane is owned by a private company. The pilot was unharmed and retrieved by a company fishing vessel soon after landing. DCR Natural Heritage staff immediately began communications with the company; DCR Leadership including Chief of Law Enforcement (LE), Scott Vantrease; and agencies including Virginia Marine Resources Commission, Federal Aviation Administration, National Transportation Safety Board, US Coast Guard, and others. The aircraft landed below the high tide mark, therefore posing risk to the aircraft due to high tide and storms forecasted for the following weekend. The plane was retrieved by a company-contracted helicopter the next day (Saturday). There were no damages to WINAP or any natural heritage resources. DCR-Natural Heritage staff – Coastal Region Operations Steward, Shannon Alexander and Coastal Region Steward (LE), Bryan Ehrenfried – maintained communications, site presence and documentation to monitor the situation throughout its entire duration.



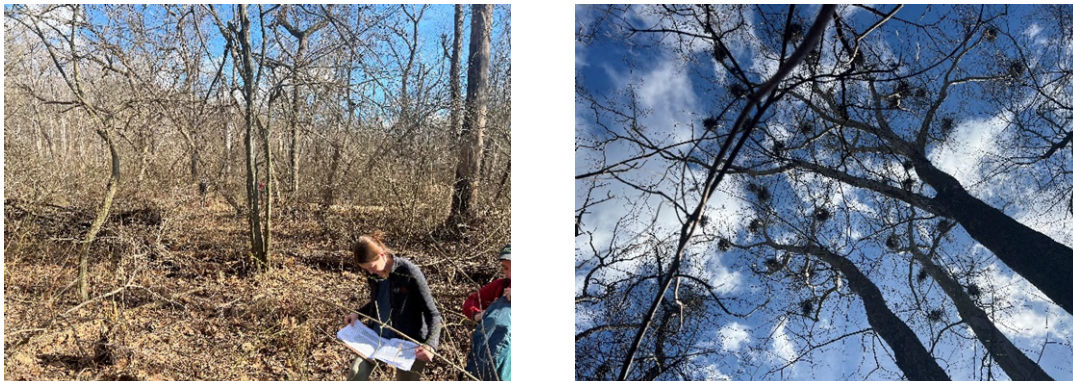
Aircraft emergency-landed on shoreline of DCR's Wreck Island Natural Area Preserve.

On January 22, 2024, Coastal Region Stewardship staff placed almost four tons of layered gravel over an area of seasonal inundation that posed access issues and safe egress concerns at Cape Charles Natural Area Preserve. At another Coastal Region Preserve, Savage Neck Dunes, staff installed over 150 feet of rope line as a guide for guests and to deter inappropriate access to globally rare maritime dune woodlands and coastal zone dunes. Continuing this effort, on January 23 and 24, staff installed over 130 feet of sand fencing in strategic locations to capture sand, reduce erosion, and discourage foot traffic along the primary and secondary dunes. Sand fencing is installed elevated to allow for sand accumulation at the base and is installed in staggered 10-foot sections to allow wildlife to pass through unimpeded. In April, staff will work with volunteers to plant over 1,000 American Beachgrass (*Calamogrostis breviligulata*) plugs. These activities both protect natural resources and make trails clearer and safer for visitors.



From top left, counterclockwise: Staff improving safety and accessibility of Cape Charles NAP with stone over muddy, slippery trail section; Staff alongside freshly installed rope fence Savage Neck Dunes NAP; View of rope along Bayshore Trail at SNDNAP; Staff installing sand fencing at SNDNAP.

On January 26, 2024, DCR Northern Region staff joined staff with the Northern Virginia Conservation Trust (NVCT) to complete the annual Great Blue Heron nest count within the Potomac Creek Heronry at Crow's Nest Natural Area Preserve. A total of 212 nests were counted this year, an increase of 32 nests from 2023. This count may not reflect the true nest count from the previous spring as there was evidence that storms over the previous year caused nests to fall from trees. Prior to the derecho of 2012 and the loss of green ash caused by emerald ash borer since 2015, nest counts typically were greater than 300. DCR, with our partners Stafford County and NVCT, continue to protect additional land around the heronry. This could allow herons to nest in areas less affected by the emerald ash borer.



The nest count team (left) and nests in an American sycamore (right).

On January 31, 2024, Crow's Nest Natural Area Preserve (CNNAP) staff and the Natural Heritage Public Access Coordinator worked to map out a new trail connecting a proposed parking area to the existing trail system at the Crow's Nest NAP. Staff mapped and flagged the new 2.5-mile trail corridor in preparation for construction in the near future. The new parking area will provide 20 additional parking spaces that will allow for overflow from the existing parking areas at the preserve. The proposed trail will also have a 1-mile loop for those that would like a shorter hike from the new parking area. These projects are scheduled for completion in 2025.

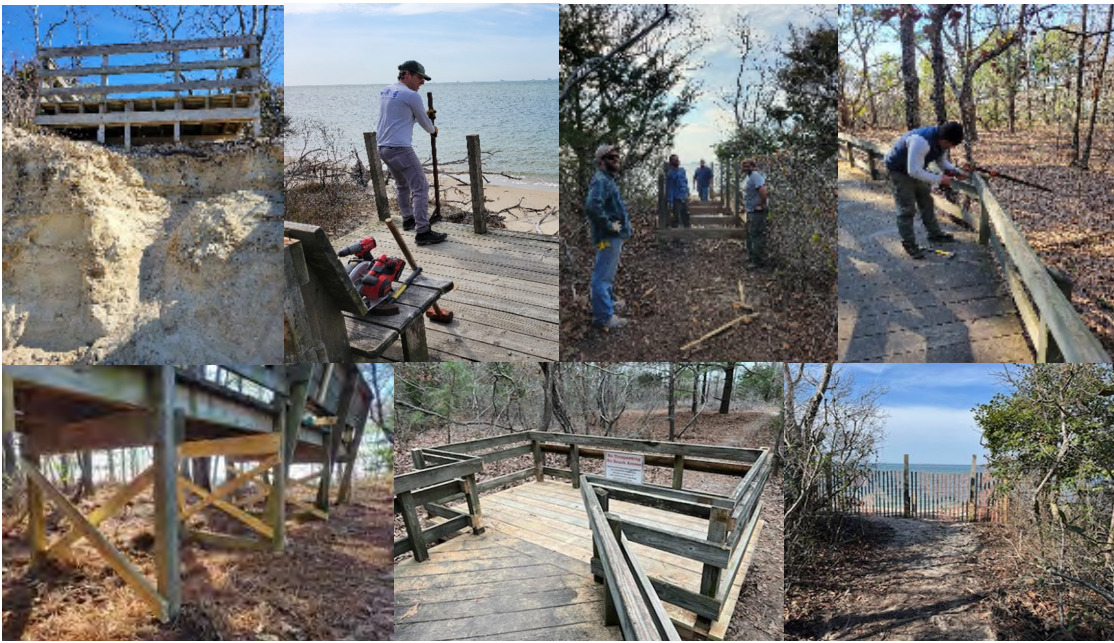


CNNAP staff look back at a flagged portion of trail.



Staff use a clinometer to determine the slope of the proposed trail.

From February 12 to February 28, 2024, the Cape Charles Natural Area Preserve was closed to allow staff to rehabilitate 520 feet of the elevated boardwalk with cross beams, cross bracing, and repaired handrailing. Stewardship staff from the Southeast, Chesapeake Bay, and Northern Regions joined Coastal Region staff to complete this major public access safety improvement. The boardwalk terminus nearest the Chesapeake Bay shoreline had been undermined due to erosion and was moved back to ensure visitor safety and long-term maintenance efficiency. Only by working collaboratively across regions was this project able to be completed in a timely manner to reduce closure time for the public.



Clockwise starting at top left: At risk CCNAP boardwalk terminus before; Zach Bradford deconstructing undermined viewing platform; group with Jack Saladino, James Watling, Will Mears, and Bryan Ehrenfried; Dylan Gavagni repairing handrail; Cross beam and cross bracing rehabilitation; New northern spur terminus after; New safety and erosion control fencing.

From March 19 through 21, 2024, DCR-Natural Heritage Coastal Region Stewardship staff worked with two volunteer groups, each comprised of about five members of the Eastern Shore Chapter of the Virginia Master Naturalists, to remove invasive species at the Cape Charles Natural Area Preserve. Efforts were focused along about ¼ mile of trail and boardwalk, a total area of almost an acre. Volunteers primarily focused on hand pulling young Amur honeysuckle (*Lonicera maackii*) and Chinese privet (*Ligustrum sinense*), and severing Japanese honeysuckle (*Lonicera japonica*) found strangling native trees and shrubs. Staff completed sawyer work to down mature privet and Amur honeysuckle, over half a ton of which, with additional volunteer support, was trailered and removed from the site. A high number of multiflora rose (*Rosa multiflora*) were carefully removed as well. Peeling back decades of invasive species revealed a significant stock of native shrubs and forbs, including spicebush (*Lindera benzoin*), American beautyberry (*Callicarpa americana*), Jack-in-the-pulpit (*Arisaema triphyllum*), golden ragwort (*Packera aurea*), and white avens (*Geum canadense*). Fourteen volunteers contributed a total of 58 hours and three staff contributed a total of 90 hours in this initial organized removal of the dense invasive species near the entrance to the preserve. These efforts, combined with a native species planting planned for mid-April, and ongoing maintenance, will lead to a preserve that can better provide visitors with an example of a diverse and healthy natural community.



From top left, clockwise: DCR's Bryan Ehrenfried with tray of American Beachgrass, VMN Maggie Long near new sign, VMN Suzanne Noseworthy planting, VMN Nancy Townsend and Amy Lines planting, VMN group celebrating planting completion.



From top left, clockwise: Volunteer removing Amur honeysuckle; volunteers removing privet; group in front of privet removed from preserve; area after invasive species were removed and ready for planting; area after large invasives removed and before volunteer manual removal efforts.

On March 27, 2024, eleven volunteers from the Eastern Shore Chapter of the Virginia Master Naturalist and four Coastal Region stewardship staff planted about 850 plugs of American Beachgrass (*Calamagrostis breviligulata*). Most of the planting took place along sand fencing that was installed earlier in the year. The intention is for the beachgrass to help stabilize the coastal area to reduce the rate of erosion. Secondly, the sand fencing, beachgrass, and new signage will make it clear to visitors that the area is not appropriate for foot traffic. These efforts help protect the globally rare maritime natural communities and the federally threatened northeastern beach tiger beetle (*Habroscelimorpha dorsalis dorsalis*) that resides nearer the intertidal area. Involving volunteers in the process helps create educational ambassadors who understand the unintended consequences of venturing from the trail and the importance of native grasses in coastal area protection.

Invasive Species

On October 4 and 5, 2023, almost 400 acres of invasive *Phragmites australis* were chemically treated by helicopter in DCR Natural Area Preserves and State Parks. *Phragmites* creates dense monocultures in fresh and brackish wetland ecosystems, preventing other flora and their dependent fauna from thriving. In an effort across six DCR properties - First Landing, Chippokes, and Belle Isle State Parks, Northwest River and North Landing River Natural Area Preserves, and False Cape State Park/Natural Area Preserve – were treated. Invasive species do not observe jurisdictional boundaries, and to be efficient and have a greater impact, DCR was able to work with DWR to also have about 15 acres of *Phragmites* treated at Princess Anne Wildlife Management, located across Back Bay from False Cape. The coordination of staff at all levels – resource management, procurement, and administration – was all vital to have this important project move forward smoothly.



Photos of the contracted company preparing for aerial herbicide application on areas of *Phragmites australis* on state-owned properties in eastern Virginia.

On January 3, 2024, the Virginia Invasive Species Working Group met in Richmond. The meeting was chaired by Secretary of Natural and Historic Resources Travis Voyles and vice-chaired by Secretary of Agriculture Matt Lohr. In attendance were agency heads or representatives from Departments of Agriculture and Consumer Services, Forestry, Wildlife Resources, Conservation and Recreation, Transportation, Environmental Quality, Virginia Tech, and the Virginia Institute of Marine Science. Members of the public included representatives of the Virginia Native Plant Society and the Blue Ridge Partnership for Regional Invasive Species Management (PRISM).

The purpose of the meeting was to address a variety of legislative actions from the 2023 General Assembly session. Foremost was a call for a report on “industry resources and recommendations ...for the full implementation of the existing Virginia Invasive Species Management Plan” (§ 10.1-104.6:2) Secretary Lohr presented the seven goals of the management plan and Secretary Voyles presented the proposed recommendations, which included 7 FTEs and \$2.45 million annually for the state budget. The positions would be for Agriculture (1), Forestry (2), Wildlife Resources (2), and Conservation and Recreation (2). A shared fund of \$365,000 would be available for rapid response, cost-share, and local PRISM start-ups around the state. DCR Stewardship Biologist presented a variety of species and projects to be addressed by the new positions and funding. The recommendations were approved by the Working Group and will be forwarded to the General Assembly.

The DCR Stewardship Biologist presented DCR Invasive Plant Assessment Protocol used to develop the Invasive Plant List; an update on work done in 2023; and timeline for 2024 and the publication of a new list. The Working Group voted to approve the DCR protocol. The DCR Stewardship Biologist also reviewed two changes to the Noxious Weed Law. One change was to the permitting process to allow the movement of noxious weed species if such movement occurred during normal agricultural or forestry operations (§ 3.2-804). Another change requires installers of plant material to inform their client of any species being proposed for use that are found on the DCR Invasive Plant List (§ 3.2-802).

Finally, there was discussion regarding another request from the General Assembly to the Working Group asked requires the “development of strategic actions to be taken by state agencies to prioritize the use of native plant species” (§ 2.2-220.2). The strategies “shall (i) identify state properties appropriate to restore to natural communities and native species habitats, (ii) encourage all state agencies to prioritize native plants and trees when planting or propagating on state properties, and (iii) provide guidance to state agencies that manage state properties on restoration of properties degraded by invasive plants by planting more natural communities and native species habitats.” DCR Stewardship Biologist presented the Virginia Native Plant Finder as a tool for accomplishing many of these strategies.

On March 7, 2024, a group met at the “Heritage Half-Acre”, located along the Buttermilk Trail in the James River Park System, to continue invasive plant management at the site. This event was a part of the James River Park System's "Invasive Species Awareness Week", which is meant to educate the public on invasive species. Japanese Honeysuckle and English Ivy were the main species targeted. The Heritage Half-Acre will serve as an important study area for the James River Park System as they begin their assessment of invasive plant species management work in the park.



Before

After



Heritage Half-acre Volunteers

On March 13, 2024, DCR Stewardship Biologist Kevin Heffernan led two three-hour workshops for the Fairfax County Master Gardeners’ continuing education program. Hosted at the Merrifield Garden Center at Fair Oaks, the morning class was attended by over one hundred participants and over sixty participants attended in the evening. The class covered how invasive species are defined and ranked for inclusion on the DCR Invasive Plant List, ecosystem and economic harms caused by invasives, common highly invasive plants in commercial trade. Participants also learned positive actions they can take to reduce the threat of invasive species, such as choosing native species for gardening using the DCR Virginia Native Plant Finder and identifying, mapping and reporting invasive species via the iNaturalist app.

Information Management

On October 2, 2023, DCR’s Chief of Biodiversity Information and Conservation Tools, Joe Weber, participated in a presentation about Virginia’s Wildlife Corridor Action Plan (Plan) at the annual meeting of the

Organization of Fish and Wildlife Information Managers (OFWIM), in Fort Collins, CO. OFWIM is comprised of professionals representing state and federal agencies, local governments, academia, and private firms that share the mission of promoting the management and conservation of natural resources by facilitating technology and information exchange. Other speakers included members of the leadership team that developed the Plan, Jenn Allen (DWR) and Amy Golden (VDOT), and a representative of Wild Virginia, Jessica Parker. Following the talk, the audience engaged in a thoughtful discussion about the Plan, which is one of the first in the eastern U.S. with a clear emphasis on protecting wildlife habitat corridors and reducing wildlife-vehicle conflicts on roadways. The main products of the plan, along with the Virginia Natural Heritage Data Explorer in general, were demonstrated at the Hacker's Ball, the evening following the talk.

Outreach and Education

On October 12, 2023, DCR's Natural Heritage Senior Project Review Assistant, Barbara Gregory, attended VDOT's Environmental Division Statewide meeting in Williamsburg. She participated on a panel with several other federal and state agencies to inform VDOT of changes and updates regarding biological resources and to discuss ways that all the agencies can work better together. Among other topics, she was able to discuss the new data updates including Stream Conservation Sites replacing Stream Conservation Units, updates to DCR's Natural Heritage Data Explorer (NHDE) and how those updates will affect VDOT's environmental screening process.

During the week of October 16, 2023, Vegetation Ecologist Joey Thompson conducted several outreach activities. He provided field assistance to National Park Service (NPS) staff at Fredericksburg-Spotsylvania Military Park, aiding in the identification and collection of onsite seeds for the revegetation of agricultural fields. NPS is a long-time partner with whom we work to identify natural heritage resources and provide consultation on activities involving natural areas and native plants. A visit was made to agriculture students at the Chesterfield Technical Center who have spent two years growing common native plants from seeds collected by Joey in the field. They are currently cultivating a garden to harvest seeds in the future for sharing and planting on school grounds. Lastly, Joey led a riparian tree identification walk at the Upper and Middle James Riparian Consortium "Buffer Summit" held at Pocahontas State Park. These outings were valuable occasions to communicate the mission and objectives of Natural Heritage to both the public and our partners, while also fostering stronger connections within our community.



Riparian Tree identification walk at the "Buffer Summit" (left). Speaking to CTC students in their greenhouse (right).

On October 30, 2023, Natural Heritage Zoologist Leah Card led a virtual presentation on "Bats of Virginia" for multiple classes of first graders at T. Clay Elementary School in Prince William County. The lesson covered bat behavior (including echolocation), ecology, research, conservation, and overall importance of bats. As bat species found in Virginia are insectivorous, they play a vital role in reducing insect populations, which can benefit both agriculture and human health. Of the 17 different bat species found in Virginia, many populations are at risk due to threats including white-nose syndrome, habitat loss, and human-wildlife conflict. Natural Heritage Zoologists and Karst Scientists monitor bat populations across the state with bat call recorders, net

captures, and winter hibernacula counts. The lesson finished with ways the students can create a friendly place for bats, such as planting a pollinator garden, installing a bat box, never handling or disturbing a bat, letting an adult know if a bat is seen in the home, and becoming bat ambassadors by spreading what they've learned with others for a better appreciation of bats. After the presentation, students asked many great questions about bats. Bat Week is an international, annual celebration created to spread awareness about the need for bat conservation.



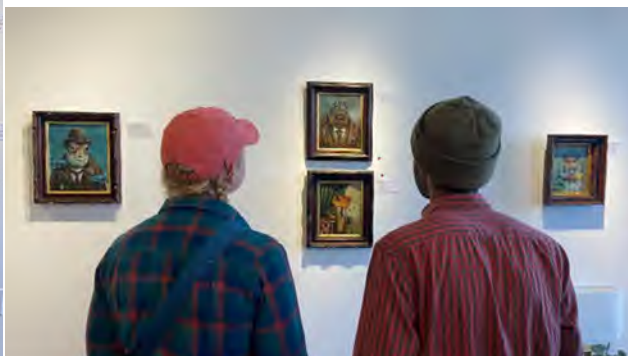
DCR-DNH Field Zoologist Leah Card (right) discussed the Bats of Virginia with first graders from Prince William County.

On November 11, 2023, Vegetation Ecologist Joey Thompson provided interpretation of ecological communities found at Powhatan State Park for students of the Chesapeake Bay Landscape Professional (CBLP) certification program. Educating landscapers helps to ensure that they prioritize use of native plants from local sources, when available, and avoid the use of non-native or invasive species that could decrease habitat and conservation values. The class visited six different community types while discussing the ecological context in which they occur and the dominant plants and environmental conditions that characterize them. Various digital tools to aid in plant and natural community identification including The Flora of Virginia App and iNaturalist were discussed with CBLP students, as well as data provided by DCR related to rare plants and natural communities.



CBLP Class at Powhatan State Park

Local artist, Cassandra Loomis Kim (cassandrloomiskim.com) opened her show 'Rare in Virginia' at the Glave Kocen Petite Gallery (<https://glavekocenconsulting.com/show/glave-kocen-consulting-rare-in-virginia-cassandra-kim>) on December 2, 2023. On December 9, 2023, Chief Biologist Anne Chazal teamed up with Ms. Kim to present a talk about the collaboration that led to the show's inspiration, rare species in Virginia. Chazal presented an overview of the DCR and Natural Heritage Division missions and their work to conserve natural heritage resources. Ms. Kim detailed how she envisioned and produced the paintings. Ms. Kim also produced a calendar from the artwork from which 10% of the proceeds will be donated to the Natural Areas Preservation Fund. Calendars are available at Ms. Kim website, the Glave Kocen Petite Gallery, and at Mongrel in Carytown. The show is open at Glave Kocen Petite Gallery (111 N 18th Street, RVA 23223) until December 23.



Left: Local Artist, Cassandra L. Kim (left) and Chief Biologist, Anne Chazal (right) at the art show at Glave Kocen Petite Gallery.
Right: Gallery visitors take in the artwork.

On January 24, 2024, the Southeast Region Steward presented at Christopher Newport University's *Wednesday for Work* lecture series. This series is designed to bring in graduates of CNU's Environmental Science program to discuss and share the types of work alumni have gone on to do. This presentation focused on the work the

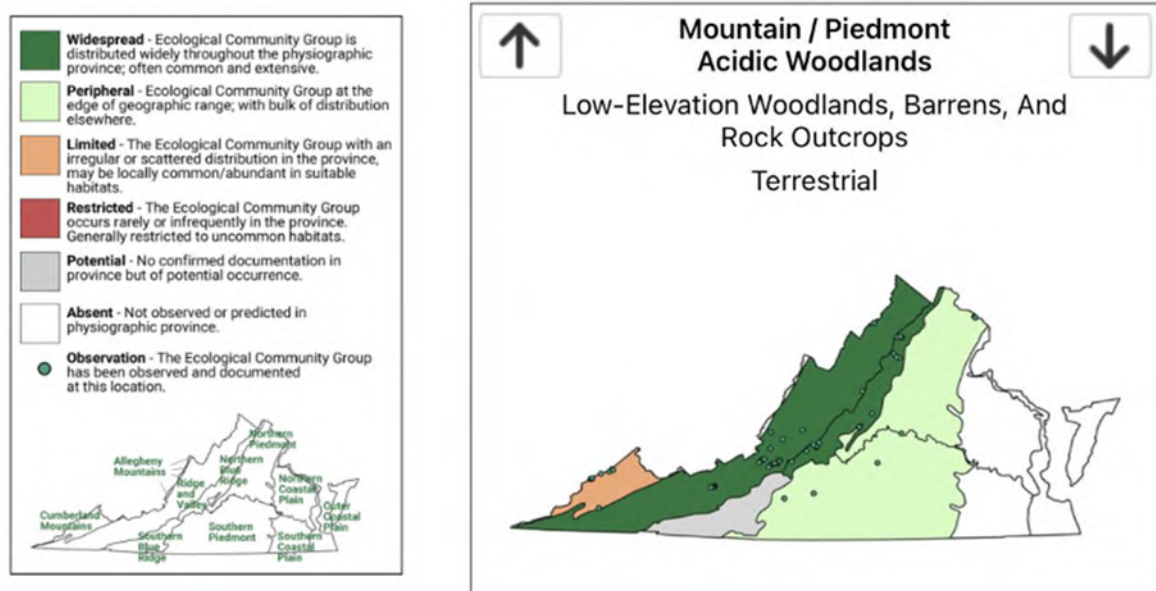
Natural Heritage program does and the skills needed to do those jobs. On January 25th, the Southeast Region Steward presented “An Introduction to Plant Taxonomy” to Historic Southside Chapter of the Virginia Master Naturalist program. Sixteen students were introduced to the concepts of plant morphology and structure to help them understand how related groups of plants are ordered, and to give them a better understanding of how to identify plants.

On February 1 and 4, 2024, as part of the Virginia Beach Winter Wildlife Festival, boat trips left Oyster Harbor and visited Wreck Island Natural Area Preserve. DCR’s Coastal Region Stewardship staff hosted one boat of guests and Department of Wildlife Resources staff hosted a second boat of guests to explore the coastal lagoons, wetlands, and barrier islands. Visitors were able to observe over 20 species of birds and large dolphin pods on both trips. Wreck Island Natural Area Preserve is closed from April 15th through August to protect breeding birds, so winter is a great time to visit. This was the second year that DCR was involved in this trip, and we hope for many fair-weather days in the years to come.



DCR & DWR led boat trips exploring the seaside of the Eastern Shore of Virginia and Wreck Island Natural Area Preserve on February 1st and 4th, part of the Virginia Beach Winter Wildlife Festival.

On February 28, 2024, the Flora of Virginia (FOVA) Project presented a webinar to Virginia Master Naturalists on how to use the FOVA App. Vegetation Ecologist Joey Thompson presented on DCR Ecological Group information which was added to the FOVA App in 2023. While most of the information on the app has been available on the DCR website for several years, it is now easily viewable and searchable on the FOVA app. Additionally, a new means of viewing Ecological Group distribution data was developed for the app specifically; these maps display distribution patterns of Ecological Groups by physiographic provinces as well as points at documented occurrences (see example below). Over 100 Master Naturalists attended the webinar, which helped to progress DCR’s mission of educating the public about resources tracked by Natural Heritage.



Ecological Group distribution patterns for Mountain / Piedmont Acidic Woodlands.

On March 6, 2024, Invasive Species Technician A.G. Sweany and Zoology Lab Technician A.J. Bordell presented on Native Plants and Pollinators for VITA’s “Wellness Wednesday” series. The event posed a unique opportunity to reach a new audience and create new inter-agency connections. The presentation was well received, with around 30 VITA staff in attendance. Listeners showed enthusiasm for the Native Plant Finder, the importance of native pollinators and Virginia’s native biodiversity. Several attendees expressed that they learned something new or were interested in planting native plants over non-native plants.



Natural Heritage Native Plants and Pollinators Presentation

As Education Chair of the Virginia Native Plant Society (VNPS), Joey Thompson (DCR-DNH Vegetation Ecologist) organized the 2024 Annual Workshop titled “Protecting Plants in Virginia: Region by Region”, presented on March 21 and 28, 2024. Laura Young (DCR-DNH Southwest Regional Steward) presented about protecting plants in the rural biodiversity hotspot that is southwest Virginia. She highlighted work on invasive species removal and clean-ups that provide more square footage for plants and reduce pollution runoff. She also shared pictures from disturbance techniques that have been used to restore remnant prairie glades with forestry mulching and prescribed fire. These practices have bolstered populations of threatened and endangered glade-adapted species including running glade clover (*Trifolium calcaricum*) and yarrow-leaved ragwort (*Packera millefolium*). She also shared the importance of native river canebrakes and the successes in small scale

restoration efforts for *Arundinaria gigantea* with the Friends of The Cedars volunteer group. Shannon Alexander (Coastal Region Steward) gave an overview of protected lands in the Commonwealth and a more detailed description of protected lands on the Eastern Shore of Virginia. She described the sections of the Division of Natural Heritage, Element Occurrences in the Coastal Region, 20 years of restoration work as Preserves were created on the Eastern Shore, and current efforts in invasive species removal, native plantings, and education using interpretive signage. Two other scientists spoke at the workshop including Nelson DeBarros, Vegetation Ecologist with Fairfax County Parks Authority and Kim Biasioli, Senior Land Conservation Field Representative with the Piedmont Environmental Council (PEC). All talks will be available for viewing on the VNPS Vimeo Page.

Land Conservation

Natural Heritage Data Management Totals for FY2022:

Activity 10-1-23 – 3-31-24

New Mapped Locations (EOs) – 23
Updated Mapped Locations (EOs) - 59
New Conservation Sites – 11
Updated Conservation Sites – 55

Total Number in Database 3-31-24:

Animal Mapped Locations (EOs) – 707
Plant Mapped Locations (EOs) – 1332
Community Mapped Locations – 633
Conservation Sites – 740

Managed Areas: (Acres added 10-1-23 – 3-31-24) –2,226.55 Acres
Mapped Tracts: (total number in coastal zone) –5,080 Tracts
Mapped Managed Areas: (total number in coastal zone) –3, 618 Managed Areas

Healthy Waters

For the grant reporting period, the Environmental Scientist/ Policy Analyst/Program Manager with the Virginia Commonwealth University, Rice Rivers Center in the Department of Life Sciences continued to serve as the Program Manager of the Virginia Healthy Waters Program at the Virginia Department of Conservation and Recreation, Division of Natural Heritage (DCR-DNH).

The Healthy Waters Program (HWP) is supported through funding from several grant sources including the VA CZM Section 306, US EPA Section 319 Nonpoint Source Program, and the Chesapeake Bay Program Chesapeake Bay Implementation Grant (CBIG). These sources fund various aspects of the HWP including the administration and oversight, HWP growth and expansion, improvement in capacity, acquisition and analysis of new data, tool and model development and data integration at the DCR. Typically, USEPA grants are developed and executed in a timely manner to support the continued data development and geographic expansion. These awards identified allocations for staff funding for field capacity however continue to be significantly delayed due to the lack of award from USEPA to DEQ for both Section 319 and Chesapeake Bay Program CBIG. The negative impacts are that it will directly affect the ability to influence the outcome of conserving those identified Healthy Waters sites, including meeting the CB Healthy Waters Goal.

Effort during the reporting period was most heavily weighted on the ratification of grants and subawards to support the HWP to develop the on-the-ground capacity for the HWP. The HWP Manager worked with DCR-DNH to coordinate on the objectives and intent of the position, as well as confirming that the position would be based and housed at DCR-DNH. The HWP Manager coordinated with the VCU Rice Rivers Center, Department of Life Sciences and Human Resources to outline the responsibilities of the grant funded, term limited, Classified Employee.

As stated previously, the Healthy Waters Field Coordinator (FC) will take those tools created at the DCR-DNH and work closely with conservation partners to advance those conservation actions from planning tools into tangible implementation. Given the funding, the position will primarily target areas in the Chesapeake Bay Watershed both upper and coastal areas but also include those areas in the Chowan basin. The HWP Field Coordinator will leverage the application of agricultural or forestry best management practices to meet local Total Maximum Daily Load Watershed Implementation Plan measures in impaired but ecologically healthy waters. The HWP Field Coordinator is intended to leverage the work of the eight (8) Coastal Planning District Commissions (PDCs) to assist coastal communities, Conservation Districts, Virginia Department of Forestry, Land Trusts, and other agencies on HWP community-based natural resource identification and protection.

The HWP Manager continued to serve as the VA representative on the HW Goal team remaining consistent that the Commonwealth will set their own course for long-term protection action. The HWP Manager attending the Chesapeake Bay Goal Team meetings on Oct 16, 2023, Dec 18, 2023, and Feb 12, 2024.

c) DCR – Planning and Recreational Resources

Multiple grant rounds and DCR-PRR funded projects are ongoing within the coastal zone; however, none have closed during the grant reporting period. DCR staff are in the review stage of the Virginia Outdoors Plan 2024, which includes many topics related to land conservation, resource management, and recreation for all Virginia residents.

5) Department of Wildlife Resources (DWR)

Environmental Services

DWR's Environmental Services Section (ESS) is responsible for reviewing permit applications, policy changes, land use changes, NEPA documents, land development projects, water supply or intake projects and other items to ensure avoidance of impacts upon threatened, endangered, and tiered species; designated wildlife resources; and any of the programs or resources over which DWR has jurisdiction or DWR's constituents have an interest. DWR's ESS staff work closely with DWR's conservation partners, permitting agencies and others to ensure projects located within the coastal zone are consistent with the Enforceable Policies of the Coastal Zone Program, if necessary, and/or that any permits issued for the work appropriately consider necessary wildlife and habitat protections.

Wetlands

Mitigation Banking:

DWR ESS staff continues to participate on the Inter-Agency Review Team that oversees stream and wetland mitigation banking and provide input on new banks all over Virginia, including the coastal zone.

Wetland Restoration:

DWR continues to have an active voluntary wetland restoration program and is restoring wetland habitats in Virginia. The program also assists private, state, local, and federal government landowners to restore wetlands on their property. Partnerships with organizations such as Ducks Unlimited, The U.S. Fish and Wildlife, The U.S. Department of Agriculture's farm bill programs, The Chesapeake Bay Foundation, and many others have resulted in additional wetland acres restored.

Black Rail Habitat Creation and Restoration:

In collaboration Atlantic Coast Joint Venture Black Rail Working Group partners, a multi-year C-SWG project entitled Black Rail Habitat Creation and Restoration - Designing Management Techniques to Expand the Black Rail Population along the Atlantic Coast c-SWG was approved and funded by the USFWS in late 2021 to create/restore federally threatened (and state endangered) Eastern Black Rail (*Laterallus jamaicensis jamaicensis*) habitat. Two of the six existing impoundments at Doe Creek Wildlife Management Area (WMA) will undergo experimental creation and management of black rail breeding habitat. This project will create a total of 103 acres of black rail habitat, and if successful, will help inform impoundment management for the benefit of Eastern Black Rails and other marsh dependent species at other coastal impoundments in Virginia, including others at Doe Creek, and throughout the mid-Atlantic.

In 2022, DWR contracted with the Center for Conservation Biology (CCB) to inventory and monitor one year of pre-construction avian occupancy and detected no Black Rails in either of the experimental impoundments. The CCB and DWR will follow up with two years of post-construction avian occupancy in 2026 and 2027. In August 2023, DWR began pre-construction hydrology monitoring which will continue throughout the life of the project and conducted pre-construction vegetation surveys in both impoundments. In August 2023, DWR staff received verbal agreement from a qualified timber company to drum chop 59.5 acres of woody vegetation inside both experimental impoundments in exchange for 44.5 acres of harvestable timber to be cleared from the perimeter of both impoundments. A fully executed 13-month contract between the timber company and DWR was initiated in October 2023.

Another component of the 2021 c-SWG project, and under the guidance of the ACJV Black Rail Working Group and project partners, DWR will test two methods of large-scale phragmites control: 1) prescribed burning and 2) the application of herbicide. Each method will be applied on a 125-acre tract of marshland directly adjacent to one another (one treatment per replicate, 250 acres total). The Saxis marshes were considered a stronghold for Black Rails in Virginia where as many as 25 calling Black Rails were detected in the early 1980s but dropped to two in the state's 2014 survey.

In 2022, DWR contracted with the Center for Conservation Biology (CCB) to inventory and monitor one year of pre-treatment avian occupancy during which no Black Rails were detected in the treatment areas. The CCB and DWR will follow up with two years of post-construction avian occupancy in 2026 and 2027. In August 2023, DWR began pre-construction hydrology monitoring which will continue throughout the life of the project, and in the fall conducted pre-construction vegetation surveys in the treatment areas.

In September 2023, DWR started planning the prescribed burn. In January and February 2024, DWR created fire lines with a department-owned marsh master, finalized the burn plan and recruited staff from the Virginia Department of Conservation and Recreation (DCR) and the USFWS to assist with the prescribed burn. The prescribed burn was conducted on February 20, 2024, and for the following two days, DWR staff monitored post-burn conditions and obtained drone video footage to estimate the extent of the burn.

The application of herbicide on *Phragmites* will be carried out in the late summer or early fall of 2024 and post-treatment vegetation surveys will be conducted in the fall of 2025, 2026 and 2027. Lastly, the CCB and DWR will follow up with three years of post-treatment avian occupancy from 2025 to 2027.

NonGame Species Monitoring and Research

Tiger Salamander Surveys:

The eastern tiger salamander (*Ambystoma tigrinum*) is a State Endangered species with only three known breeding sites in the Coastal Plain: York, Westmoreland and Isle of Wight counties. During this past winter, DWR staff conducted seasonal surveys at the Westmoreland and York sites. Breeding season for this species typically begins in late December and ends in late January and takes place during heavy nocturnal rain events when salamanders emerge from subterranean refugia and migrate to ancestral breeding sites, which includes sinkholes, Carolina Bays, mill ponds, and other isolated wetlands. Approximately 20 adult salamanders were observed on one night at the York site, while only three adults were observed at the Westmoreland site. Post-breeding egg mass counts were also conducted. More than 50 egg masses were counted at the York site, while only one egg mass was observed at the Westmoreland site. However, the Westmoreland site was lost in 2022 when the ageing earthen dam had eroded to a point it no longer held water. The dam was repaired in the fall of 2022 returning water levels to their preexisting condition. Biologists are hopeful reproduction will increase in coming years. 2020-2022 were La Nina years resulting in lower than average winter rainfall, which most likely had a direct effect on the reproductive success for this species.

Maintenance of Alternative Seabird Nesting Habitat for the Displaced Hampton Roads Bridge –Tunnel Seabird Colony:

On February 14, 2020, Governor Northam directed DWR to provide temporary alternative nesting habitat for seabirds displaced by the Hampton Roads Bridge and Tunnel (HRBT) Expansion Project through the construction period (~2025). In 2020, DWR staff obtained the necessary permits and hired contractors to transform the parade grounds of Ft. Wool, an island adjacent to the HRBT, into suitable seabird nesting habitat. At the same time, DWR staff obtained permits to lease and moor enough industrial flat-top barges in the embayment between the HRBT and Ft. Wool to create an additional acre of nesting habitat. For the fourth year in a row, the department has engaged the Virginia Tech Shorebird Program Team (VT Team) to evaluate nesting success on Ft. Wool and the barges through regular nest and adult counts, adult and chick banding, and weekly resighting surveys of banded individuals to obtain breeding population and chick survival estimates and to gain information on post-breeding movement patterns. The project's focal species include royal terns, sandwich terns, common terns, gull-billed terns and laughing gulls. All but the sandwich tern are Species of Greatest Conservation Need. The gull-billed tern is a state threatened species in Virginia.

During this reporting period, the department received the 2023 final report from the VT Team. The table below present final estimates of breeding adults and number of young banded from the 2020 - 2023 breeding seasons. It should be noted that in 2023, Virginia's sixth coastwide colonial waterbird survey was completed during which we were able to obtain complete nest counts for laughing gulls and other colonial nest species on Ft. Wool for the first time. We doubled the nest totals to obtain breeding adult estimates for each of these species and presented these estimates in Table 1.

Table 1

Final estimated number of breeding adults and number of young banded on Ft. Wool and barges, by species, 2020-2023.

Species	Est. # breeding adults in 2020	Est. # breeding adults in 2021	Est. # breeding adults in 2022	Est. # breeding adults in 2023	# young banded in 2020	# young banded in 2021	# young banded in 2022	# young banded in 2023
Royal terns	10,542	11,462	13,452	11,890	2,110	3,278	3,284	1,028
Sandwich terns	236	272	434	138	52	77	149	9
Common terns	828	1,326	1,170	1,226	550	687	411	130
Black skimmers	142	278	264	280	102	149	119	75
Gull-billed terns	2	30	40	44	2	29	35	16
Laughing gulls	No data	No data	No data	1,368	32	58	189	255
Brown pelicans	No data	No data	No data	404	--	--	--	--
Snowy egrets	No data	No data	No data	132	--	--	--	--
Herring gull	No data	No data	No data	60	--	--	--	--
Great black- backed gulls	No data	No data	No data	22	--	--	--	--
Totals	11,750	13,368	15,360	15,564	2,848	4,278	4,187	1,513

In the spring of 2024, DWR staff graded the substrate on Fort Wool, installed hay bales at the interface between the parade grounds and rip-rap to serve as barriers to keep tern chicks from accessing and falling into the rip-rap. The DWR once again leased three industrial-sized barges that, combined, will yield approximately 1.5 acres of suitable habitat. The department also contracted with the VT Team for a fifth year of bird monitoring on Ft. Wool and the barges. During this reporting period, department staff also continued to engage in a variety of outreach efforts that included regular blog updates on the Ft. Wool/barges seabird project, presentations to bird clubs and Master Naturalist groups, and newspaper interviews. Lastly, DWR renewed its contract with USDA Wildlife Services to continue rat control and management of avian predators.

Atlantic Slope Freshwater Mussel Propagation:

The Virginia Department of Wildlife Resources continues its cooperative Atlantic Slope freshwater mussel propagation facility with the U.S. Fish & Wildlife Service's Harrison Lake National Fish Hatchery in Charles City, marking the 17th year of production and 18th year of operation at the Virginia Fisheries and Aquatic Wildlife Center (VFAWC). Propagation for the 2024 season began with collection of freshwater mussel broodstock in March 2024. Thus far, DWR has collected 37 individuals of four species from three water bodies (Table 2).

DWR's target propagation goal for the calendar year of 2024 is 489,000 juvenile mussels across ten species for future grow out and release of approximately 87K mussels. Most of the species targeted for propagation in 2024 are not listed as threatened or endangered but are listed either as a species of greatest conservation need in

Virginia's Wildlife Action Plan, species of concern by the USFWS, or are being produced as part of Natural Resource Damage Assessment and Restoration settlements. Work with federal and state endangered James Spinemussel continues for the 10th year and DWR is again focusing efforts on the state-endangered Brook Floater and the state-threatened and federally-proposed Green Floater.

Staff members from VFAWC, USFWS, VADWR, and partnering organizations began work for this propagation season in March of 2024 with broodstock collections of Brook Floater in the Cacapon River (WV), Green Floater in Tye River, Eastern Pondmussel in the Potomac River, and Alewife Floater in the Potomac River (collections occurred in Virginia unless otherwise stated).

DWR is now holding considerable numbers of mussels among twelve species that were propagated in previous years, including: approximately 8,800 Brook Floater, more than 6,000 Tidewater Mucket, more than 10,000 Eastern Elliptio, more than 4,000 Northern Lance, more than 11,000 Plain Pocketbook, almost 5,000 Eastern Lampmussel, approximately 2,500 Green Floater, and more than 31,000 Alewife Floater.

In October and November of 2023, DWR released 9,877 mussels of four species, including 937 Brook Floater (Table 3). DWR also delivered 50 Eastern Lampmussel to a partnering organization for research within this reporting period.

Table 2. Planned and completed broodstock collections for the 2024 propagation season.

Species	Waterbody	Number Collected	Date Collected	Propagation Goal
Brook Floater	Cacapon River	15	3/18/2024	15,000
Eastern Elliptio	Broad Run, Bull Run, Cacapon R., Potomac R., Licking Run, Delaware R.	-	-	104,000
Northern Lance ¹	Potomac R.	-	-	5,000
Yellow Lampmussel ²	Susquehanna River	N/A	N/A	N/A
Plain Pocketbook	Potomac River	-	-	50,000
Eastern Lampmussel	Anacostia R., Potomac R.	-	-	60,000
Green Floater	Tye River	5	3/26/2024	10,000
James Spinemussel	Mill Creek, Johns Creek	-	-	10,000
Eastern Pondmussel	Potomac R., Delaware R.	8	3/27/2024	85,000
Alewife Floater	Anacostia R., Delaware R.	9	3/20/2024	150,000

¹Propagation either partially or completely using in vitro methods

²Early-stage propagation by partner, grow-out by VFAWC

Table 3. VFAWC freshwater mussel releases October 2023 through March 2024.

Species	Date	Number Released	Broodstock Waterbody	Release Waterbody	Mean Length (mm)	Year Class
Brook Floater	10/11/2023	245	Cacapon R.	South Fork Shenandoah R.	48.1	2020
	10/19/2023	244	Cacapon R.	South River	48.2	2020
	10/26/23	200	Cacapon R.	Cacapon R.	40.6	2021
	10/26/23	248	Cacapon R.	Broad Run	48.6	2020
Eastern Elliptio	10/11/23	489	Potomac R.	South Fork Shenandoah R.	67.0	2021
	10/19/23	867	Potomac R.	South River	60.8	2021
	10/19/23	712	Potomac R., Broad Run	South River	56.1	2021
	10/19/23	110	Potomac R.	South River	61.5	2021
	10/19/23	100	Potomac R.	South River	62.9	2021
Yellow Lampmussel	10/30/2023	2,894	Nottoway R.	Dan R.	44.0	2019
	11/3/2023	567	Nottoway R.	James R.	45.3	2019
	11/8/2023	1,130	Nottoway R.	South River	48.4	2019
Alewife Floater	11/2/2023	2,071	Rappahannock R.	Rappahannock R.	51.1	2021

SECTION B.3 FEDERAL CONSISTENCY

During the period of October 1, 2023 and March 31, 2024, the Office of Environmental Impact Review/Federal Consistency (OEIR) reviewed 83 projects for consistency with the Virginia Coastal Zone Management Program (VCP). This represents 65% of the total amount of projects reviewed (127) during this period. Major state projects accounted for 31 projects, 8 were State Corporation Commission reviews, 1 was a Virginia Department of Aviation project, 4 were National Environmental Policy Act (NEPA) documents without a federal consistency component, and 83 were federal actions. The 83 federal actions included 37 federal agency activities, 25 federal licenses and approvals, 0 outer continental shelf projects and 21 federal funding projects to state or local governments. The 37 federal agency activities included 19 projects submitted under the residual category pursuant to the federal consistency regulation (15 CFR 930.31(c)), which consisted of federal funding to private citizens such as U. S. Department of Housing and Urban Development (HUD) mortgage insurance projects. All federal consistency determinations and federal consistency certifications were completed within the established legal deadlines.

The OEIR continues to provide informal training on federal consistency requirements to consultants who prepare consistency documents for federal agencies and applicants for federal permits and maintains a website for Federal Consistency Reviews which can be accessed through DEQ's main webpage or found at <https://www.deq.virginia.gov/our-programs/environmental-impact-review> . The OEIR webpage is updated weekly.

Table 1 depicts federal projects reviewed under federal consistency from 10/1/23 to 3/31/24.

TYPE OF FEDERAL PROJECTS REVIEWED*	NUMBER OF PROJECTS COMPLETED	REVIEW PERIOD
*Direct Federal Actions	37	30-60 Days
** Federal Activities (approvals & permits)	25	90 Days
***Federally Funded Projects	21	30 Days
Outer Continental Shelf	0	45-60 Days
TOTAL	83	30-90 DAYS

*Includes 6 FCDs reviewed under the residual category of Subpart C of the Regulations. (eg. HUD Mortgage Insurance and USDA Rural Development funding).

**These are projects reviewed under Subpart D of the Regulations. These projects include individual permits issued pursuant to Section 404 of the Clean Water Act administered by the U.S. Army Corps of Engineers.

*** These include federal assistance to state and local government reviewed under Subpart F.

FEDERAL PROJECTS REVIEWED FOR CONSISTENCY WITH THE CZMP from 10/1/21 to 3/31/22

I. Federal Agency Projects

The following projects are examples of federal agency projects subject to Subpart C of 15 CFR 930.33(a).

2023 Regional Permit 15 (23-RP-15) – The Norfolk District of the U.S. Army Corps of Engineers (Corps) proposes the 2023 reissuance of the Regional Permit 15 (23-RP-15) in Virginia. RP-15 authorizes the maintenance of existing drainage ditches originally constructed in and previously authorized in navigable waters and waters of the United States for either mosquito control purposes or to maintain drainage from upland areas for the purposes of storm water management. The intent of RP-15 is to provide a streamlined permitting process for the aforementioned activities that do not adversely affect general navigation and have only minimal adverse impact to the aquatic environment. The Norfolk District proposes to reissue the RP-15, without modification, for five years. The proposed action is subject to review for consistency with the enforceable policies of the Virginia Coastal Zone Management Program. The Corps finds the proposed action consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Based on our review of the consistency determination and the comments submitted by agencies administering the enforceable policies of the Virginia CZM Program, DEQ concurs that the 2023 Regional Permit 15 and General Conditions, as proposed, are consistent to the maximum extent practicable with the Virginia CZM Program provided that the following conditions are satisfied:

- Prior to construction, applicants shall obtain all required permits and approvals for the activities to be performed that are applicable to the enforceable policies and that applicants adhere to all the conditions contained herein.

- The Virginia Department of Environmental Quality issued a conditional §401 Clean Water Act Water Quality Certification of Regional Permit 23-RP-15 for Maintenance of Existing Drainage Ditches on October 3, 2023. Accordingly, the permittee must abide by the conditions of the RP as certified under §401.

Lynnhaven NOW: Removing Abandoned and Derelict Vessels in Coastal Virginia - The National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program is funding a project by Lynnhaven River NOW to remove abandoned and derelict vessels in Coastal Virginia. At least 100 vessels equaling approximately 250-300 tons of debris would be removed from a variety of coastal estuarine habitats in Accomack County, Northampton County, Westmoreland County, Lancaster County, Middlesex County, Gloucester County, Matthews County, City of Newport News, City of Hampton, Town of Poquoson, City of Virginia Beach, City of Norfolk, City of Portsmouth and City of Suffolk. The total area of the vessels and vessel debris footprint is estimated to be a maximum of 8 acres. Habitat types where vessels are located include oyster reefs, vegetated tidal wetlands, non-vegetated tidal wetlands - commonly known as mudflats, and subaqueous bottom. Each habitat type and vessel characteristics such as size, type, and condition, would require different debris removal techniques that are determined to be most efficient and effective in that specific environment. The project would also start building capacity for a future statewide removal and disposal program.

York Spit Channel Maintenance Dredging/ Wolf Trap Alternate Open Water Placement Site Northern Extension – The U.S. Army Corps of Engineers (Corps) Baltimore District proposes to maintenance dredge the York Spit federal navigation channel in the Lower Chesapeake Bay, Virginia. The proposed action is to maintenance dredge portions of the York Spit Channel to an authorized depth of 50 feet mean lower low water (MLLW) with two feet of allowable overdepth. The York Spit Channel is part of the Corps Chesapeake Bay Approach Channels 50-Foot Project that was authorized in Section 101 of the Rivers and Harbors Act of 1970. The York Spit Channel is located near the center of the Chesapeake Bay, east of the York River Entrance Channel and north of the Chesapeake Bay Bridge Tunnel. The channel is approximately 18.4 nautical miles long and maintained at 800 feet wide and 50 feet MLLW. The channel is designed to accommodate vessels in the Ultra-Post Panamax class that routinely call on the Port of Baltimore. Approximately 1,700,000 cubic yards (cy) will be dredged from the York Spit Channel and placed into the Wolf Trap Alternate Open Water Placement Site Northern Extension (WTAPSNE), cell NE-6, off the Mathews County shoreline. Dredged material from the proposed action will be placed in either quadrants 2, 3 or 4 of cell NE-6. The material will be dredged by hopper and placed within a period of performance of approximately 180 calendar days. Maintenance dredging and placement would be conducted 24 hours per day and 7 days per week. Based on previous maintenance dredging, it is expected that approximately 15,000 cy would be dredged per day, resulting in 2 to 5 loads of dredged material being placed at WTAPSNE per day. The work is to be performed between May 2024 through August 2024.

Although the project was found to be consistent with the enforceable policies of the Virginia CZM Program, VMRC noted that future consistency determinations submitted after the 2024 dredge maintenance cycle, may only be found consistent with the subaqueous lands and marine fisheries enforceable policies of the federally approved Virginia CZM Program as administered by the Virginia Marine Resources Commission, provided the Baltimore District demonstrates evidence of significant progress towards pursuing beneficial use alternatives or the elimination of the overboard placement of dredge spoil in the Virginia portion of the Chesapeake Bay.

II. Residual Category

The following are examples of consistency determinations submitted as a residual category of Subpart C pursuant to the federal consistency regulation 15 CFR 930.31(c).

700 West 44 th Street Apartments - U.S. Department of Housing and Urban Development (HUD) is reviewing an application from the Lawson Companies (applicant) for the use Project Based Vouchers (PBV) through the

Richmond Redevelopment and Housing Authority (RRHA) to finance the construction of the 700 West 44 Apartments in the City of Richmond, Virginia. PBVs are a component of RRHA's Housing Choice Voucher (HCV) program. The project would result in the development of a residential apartment complex to provide affordable housing options to the local community. The project site is located at 700 West 44th Street and currently consists of 6.662 acres of undeveloped wooded land. The project would include tree removal and site preparation for the construction of six apartment buildings with a total of 144 units, a clubhouse, a maintenance building, a parking lot, decorative fencing, and the installation of various native plants for landscaping.

Stafford Apartments Hospital Site - The U.S. Department of Housing and Urban Development (HUD) proposes to provide Multifamily Accelerated Program (MAP) Section 221(d)(4) mortgage insurance to Bonaventure Realty Group, LLC (applicant), to support the construction of the proposed Stafford Apartments Hospital Site development located at the southeast corner of Richmond Highway (Route 1) and Hospital Center Boulevard in Stafford County, Virginia. The property is proposed for redevelopment with Stafford Apartments Hospital Site multifamily residential community over approximately 18 acres. There is a residence and shed on the property that are proposed for demolition and the remainder of the site is primarily wooded. The development will consist of three four-story buildings housing a total of 300 residential units. The development also includes two three-story commercial buildings on the northwest side of the property; however, these commercial improvements are not included as part of the HUD collateral. Additional onsite improvements include two stormwater management areas, a pickleball court, an outdoor amenities area, additional private access drives, paved surface parking areas, and community landscaping. The main access point of ingress and egress will be located off Old Potomac Church Road on the east side of the development and off Richmond Highway on the northwest side of the development. HUD has submitted a Federal Consistency Determination that finds the proposed action consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Homeless Navigation Center - Timmons Group, on behalf of Architecture Incorporated (the applicant), submitted a federal consistency determination (FCD) for the proposed construction of the Homeless Navigation Center East in Prince William County. The center would provide overnight, temporary, emergency sheltering and wrap-around services for up to 50 adults experiencing homelessness, while also providing a safe environment following Center for Disease Control guidance for social distancing. The applicant, on behalf of Prince William County, proposes to demolish the existing on-site county-owned building and construct a new approximately 30,000 square foot homeless navigation center. The proposed limits of disturbance are approximately 2.4 acres. The applicant is applying to the U.S. Department of Housing and Urban Development under the Community Project Funding Grant. Therefore, a FCD was submitted to DEQ.

III. Federal Activities (Permits, Licenses and Approval)

These projects are examples of federal consistency certifications reviewed pursuant to Subpart D of the Consistency Regulations (15 CFR §930.53):

Port 460 Logistics Center - Matan Companies, Inc. (applicant) is applying for an individual permit (NAO-2018-00810) from the U.S. Army Corps of Engineers (Corps) pursuant to Sections 401 and 404 of the Clean Water Act for impacts to wetlands and streams from the proposed Port 460 Logistics Center project in Suffolk. The approximately 545-acre project site is located west of the intersection of Route 58 and Route 460 (Pruden Boulevard) extending to Pitchkettle Road in Suffolk, VA. The applicant proposes to construct a logistics center with approximately 4.7 million square feet of warehouse and distribution buildings with co-located tractor-trailer and employee parking facilities within proximity to the Port of Virginia. The applicant certifies that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Iron Horse Business Center - TradePort Ashland Land, LLC. (applicant) has applied for a permit from the U.S. Army Corps of Engineers (Corps) pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) for impacts associated with the proposed Iron Horse Business Center project located southeast of the

intersection of East Patrick Henry Road and Mount Hermon Road, 0.25 miles east of Interstate 95 Exit 92 in Hanover County Virginia. The project consists of the grading and construction of a commercial development to include warehouses, office space, a hotel, and site access road, as well as the installation of appurtenant facilities including sanitary sewer lines, water lines, and storm pipes. The development will have an estimated 117,100 square feet (SF) of office retail, 18,300 SF of hotel space, and 1,938,700 SF of industrial warehouses. Parking lots with adequate spaces will run lengthwise along each building and loading dock areas are proposed along each proposed warehouse. An access road will be available from both Mount Hermon Road and East Patrick Henry Road. The applicant certifies that the project is consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Cobblestone Cay Subdivision - Cobblestone Cay, LLC (the applicant) is proposing to construct a subdivision on a 10.39-acre portion of an approximately 58.2-acre site located on Elbow Road in the City of Chesapeake. This portion of the property was recently rezoned for single-family residential houses. The applicant proposes to construct 16 residential lots on a new street that will provide access from Elbow Road. The new development will tie into existing public water and sewer utilities. A multi-use nature trail will be built across the back of the project site, providing eventual connectivity with the adjacent subdivisions and recreational opportunities for residents. Since the project proposes to impact approximately 1.94 acres of wetlands, the applicant needs a permit from the U.S. Army Corps of Engineers. Therefore, the proposed activity is subject to review for consistency with the enforceable policies of the Virginia Coastal Zone Management Program.

Based on our review (which commenced October 12, 2023) of the FCC and the comments submitted by agencies administering the enforceable policies, DEQ conditionally concurred that the proposal is consistent with the enforceable policies of the Virginia CZM Program provided it complies with all the applicable permits, approvals, and conditions of the enforceable policies of the Virginia CZM Program. DEQ's decision is due on April 11, 2024.

Conditions which must be satisfied for the project to be consistent with the Wildlife and Inland Fisheries Enforceable Policy, which is administered by the Department of Wildlife Resources (DWR):

- To adequately compensate for impact to Canebrake Rattlesnake habitat, the applicant should ensure the preservation of an equivalent amount of suitable habitat (i.e., 1:1 ratio) in an area with a confirmed population of the species. However, DWR understands this can be difficult to achieve. If such habitat preservation is not possible, DWR recommends providing additional wetland compensation at a ratio of at least 1:1 to mitigate the loss of valuable canebrake rattlesnake habitat. This should be in addition to the standard compensatory mitigation ratio. All wetland mitigation credits should be obtained from a bank with a confirmed population of Canebrake Rattlesnakes.
- Prior to the start of construction, all contractors must be trained in the identification, basic natural history, and legal status of canebrake rattlesnakes. This could be accomplished via an appropriate information sheet distributed to those working on the project (attached or online at <https://dwr.virginia.gov/wp-content/uploads/media/Canebrake-Rattlesnake-Information-Sheet.pdf>). If a canebrake rattlesnake is observed at any time during the development or construction of this project, the applicant should contact DWR Terrestrial Biologist/Herpetologist John (JD) Kleopfer (804-829-6580) or the DWR Headquarters office in Henrico (804-367-8999), so that DWR may safely capture and relocate the animal to a suitable site.

Chesapeake LNG Fire Protection - Columbia Gas Transmission, LLC (the applicant) is proposing to replace the existing fire suppression system at the Chesapeake Liquefied Natural Gas (LNG) Facility in the City of Chesapeake. This facility, located at 2700 Vepco Street, is currently liquefying, storing, and vaporizing LNG for peak-shaving operations into the Columbia Gas Transmission System as well as for some truck loading. The applicant proposes to replace the existing diesel firewater pump, electric firewater pump, firewater pump enclosure and firewater jockey pump reservoir. The construction work area would consist of a 42,284 square

feet (0.97 acre) workspace around the existing pumphouse and LNG facility. Ground disturbance would consist of an 180' X 6' trench for the installation of new electrical conduit. Columbia proposes to use a 25' X 40' gravel area for stockpiling of soil from the trench. A new 8' x 20' concrete pad would be the location of the temporary pump while the existing fire pump is being replaced. The surrounding area consists of industrial land use. The project needs approval from the Federal Energy Regulatory Commission (FERC). Therefore, the proposed activity is subject to review for consistency with the enforceable policies of the Virginia Coastal Zone Management Program.

IV. Outer Continental Shelf Activities

No projects were reviewed during the time period of this report for this category.

V. Federal Funds

The following are examples of consistency determinations submitted as Subpart F pursuant to the federal consistency regulation 15 CFR 930.90:

Clark Lane Area Development Project - James City County will be receiving a Community Development Block Grant (CDBG) from the U.S. Housing & Urban Development (HUD) and a SHOP Grant from the Virginia Department of Housing and Community Development (DHCD) for the Clark Lane Area Development Project. The proposed project will develop up to 16.7 acres for a residential development containing up to 55 homes, public streets, and infrastructure. The project will include roads to VDOT standards, sidewalk, open space, sidewalks streetlighting, and connections to public water and sewer. The project will also enhance and repair two existing stormwater managements ponds.

6011 Potomac Ave. Roof & Porch - The City of Newport News expects to receive Community Development Block Grant funding from the U.S. Department of Housing and Urban Development for repairs at 6011 Potomac Avenue in the City of Newport News. The proposed project involves building a new roof system on the existing front porch with new rafters and trim. The house also needs new roof shingles and gutters for a plaster repair in the living room ceiling.

3109 Marshall Ave & 3310 Madison Ave - The City of Newport News expects to receive Community Development Block Grant funding from the U.S. Department of Housing and Urban Development for repairs at 3109 Marshall Avenue and 3310 Madison Avenue in the City of Newport News. The property located at 3109 Marshall Avenue needs a new HVAC system installed, and the aluminum siding needs both repairs and paint. The property located at 3310 Madison Avenue needs the following replaced due to damage: eight (8) windows, the front & back doors, and floor in the den.

SECTION B.4 PROGRAM CHANGES

There were no changes from October 1, 2023 – March 31, 2024.