



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

September 2, 2014

MEMORANDUM

TO: THE ENVIRONMENTAL REVIEW COMMISSION
The Honorable Mike Hager, Co-Chair
The Honorable Ruth Samuelson, Co-Chair
The Honorable Brent Jackson, Co-Chair

THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS
The Honorable Thom Tillis, Co-Chair
The Honorable Philip Berger, Co-Chair

FROM: Neal Robbins, Director of Legislative Affairs

SUBJECT: Coastal Habitat Protection Plans Report

DATE: September 2, 2014

Pursuant to G.S. 143B-279.8(e), the Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before 1 September of each year. Please consider the attached as the formal submission of this report. If you have any questions or need additional information, please contact me by phone at (919) 707-8618 or via e-mail at neal.robbins@ncdenr.gov.

cc: Brad Ives, Assistant Secretary for Natural Resources
Mitch Gillespie, Assistant Secretary for Environment
Carr McLamb, Deputy Director of Legislative Affairs
Cecilia Holden, Special Assistant to Secretary
Bryan Gossage, Director, Office of Land and Water Stewardship
Jeff Hudson, Commission Counsel
Jennifer McGinnis, Commission Counsel
Mariah Matheson, Committee Assistant
Kathy Davis, Committee Assistant

NORTH CAROLINA'S COASTAL HABITAT PROTECTION PLAN

2013 - 2014

ANNUAL REPORT

TO THE

ENVIRONMENTAL REVIEW COMMISSION

AND THE

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

OF THE

NORTH CAROLINA GENERAL ASSEMBLY

FROM THE

MARINE FISHERIES COMMISSION,

COASTAL RESOURCES COMMISSION,

AND THE

ENVIRONMENTAL MANAGEMENT COMMISSION

August 2014

2013-2014 Annual Report

Background

North Carolina's Coastal Habitat Protection Plan (CHPP), mandated by the 1997 Fisheries Reform Act and drafted by Department of Environment and Natural Resources (DENR) staff, was adopted in 2004 by the NC Environmental Management Commission, Coastal Resources Commission, and Marine Fisheries Commission. Following adoption, DENR developed two-year implementation plans in 2005, 2007, 2009, and 2011. These plans detailed specific steps on which agencies agreed to focus during those timeframes. The CHPP Steering Committee, a subset of commissioners from the CRC, EMC, and MFC, leads in setting implementation priorities. Implementation progress and accomplishments have been reported annually since 2006, through the CHPP Annual Report.

Implementation Progress

The 2013-2014 reporting year was a time of transition for the CHPP planning process due to reorganization of several DENR divisions and the restructuring of the associated commissions. Because of this, the CHPP Steering Committee was never fully appointed by the commissions, and DENR agencies continued to work on implementation actions in the 2011-2013 plan, rather than develop a 2013-2015 plan.

Significant work has occurred this past year with regard to the identification of Strategic Habitat Areas in the White Oak River Basin (SHA Region 3). The primary lead agency for this work is the Division of Marine Fisheries, with significant assistance from staff of the Albemarle-Pamlico National Estuary Partnership (APNEP), other DENR divisions, and universities. The identification of a subset of strategically located, high quality coastal habitats is an important non-regulatory planning tool for resource managers, local government, and conservation groups.

During the 2013-2014 year, APNEP, Division of Marine Fisheries (DMF), National Oceanic and Atmospheric Administration (NOAA), and the Department of Transportation (DOT) worked together to photograph the extent of Submerged Aquatic Vegetation (SAV) in eastern portions of Albemarle-Pamlico National Estuary (Roanoke Sound to Bogue Sound). These images will be compared to previous images taken in 2008 and 2009 to review the extent of change in this significant habitat emphasized in the CHPP.

A Low Impact Development (LID) Summit was held in Raleigh this past year, attended by close to 300 people. The Summit was led by the Division of Water Resources (DWR) in conjunction with the NC Coastal Federation (NCCF) and NC State University. Funding and planning staff for the Summit were provided by APNEP. The Summit promoted LID as an environmentally sound way to develop, and presented a new computer model, *Stormwater EZ*, which can be used state-wide to help design LID projects and help secure the necessary permits.

To encourage alternatives to vertical shoreline stabilization, Division of Coastal Management (DCM) staff drafted a Living Shoreline Strategy with input from other DENR division representatives, which identifies six short-term and four long-term actions for Department consideration. The document summarizes previous and ongoing estuarine shoreline stabilization research in the state, identifies information gaps, highlights the need for continued staff engagement and public awareness, and investigates potential grant programs or cost reductions. The strategy also recognizes the need to promote other living shoreline strategies (other than riprap sills), to develop training programs/certification for marine contractors, and to partner with groups such as the military to increase the number of demonstration sites. The draft strategy will be presented to the CHPP Steering Committee and DCM will continue working on specifications within the strategy.

2015 Review and Revision

The 5-year review and revision, required under the 1997 Fisheries Reform Act, is underway. The current plan is to streamline the document, reorganize slightly to reduce redundancy, and focus on priority issues, as directed by DENR and the CHPP Steering Committee. This should create a more succinct document, eliminating redundancies. DMF staff has been working on draft edits for several months, and anticipates that staff from other agencies will be actively involved in the coming months.

The Next Step

Recently, the Department requested the CHPP process and direction be re-evaluated and modified if necessary so that the plan remains vital and relevant in sustaining our state's natural resources, and that it supports the department's priorities and mission statement. The suggested changes are attached. Once members of the CHPP Steering Committee are assigned, they will meet to discuss habitat and water quality issues of concern to the DENR divisions and provide input on the 2015 CHPP update.

North Carolina Coastal Habitat Protection Plan

Purpose, Process, and Direction

Purpose of the Plan

The 1997 Fisheries Reform Act (SL 1997-400) mandated that a NC Coastal Habitat Protection Plan (CHPP) be developed by the NC Department of Environment and Natural Resources (DENR) for the purpose of long term enhancement of coastal fisheries through the protection and restoration of coastal fish habitat. This legislation was initiated because of widespread water quality issues such as increasing algal blooms, fish kills, oyster disease, and shellfish harvest closures.

CHPP Accomplishments

Through an inter-commission approach, the CHPP has been successful in implementing a number of recommendations, with the majority of the plan actions being non-regulatory in nature. Accomplishments include:

- Increased outreach and education
- Improved communication between agencies
- New mapping and research
- Oyster and fish passage restoration
- Compliance with existing regulations

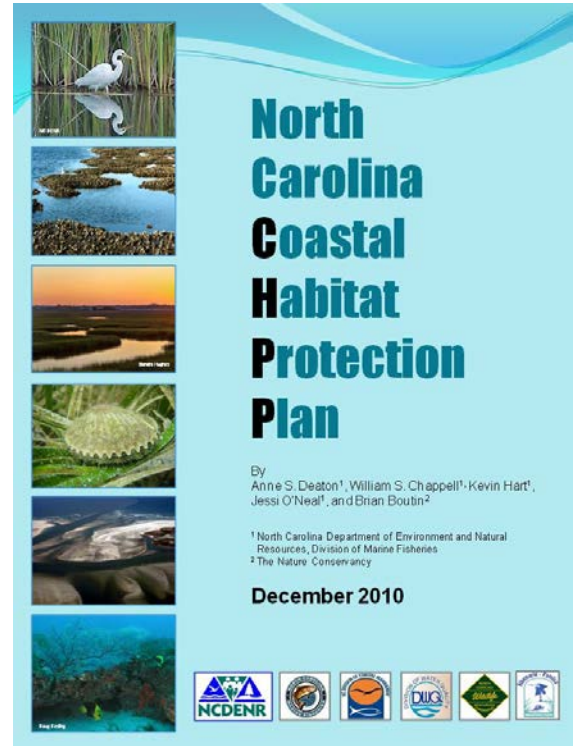
Positions and funding to undertake CHPP recommendations have been obtained through past appropriations and grants. The most notable accomplishment of the CHPP process has been the improved interagency and inter-commission communication and coordination, which improves effectiveness and efficiency of processes within DENR.

CHPP Process

The law specifies that the CHPP include a description of North Carolina's coastal fish habitats, their ecological functions, value, status, and threats, as well as recommended actions to protect, enhance, and restore fish habitat. The focus of initial efforts involved developing a process and gathering the necessary data by which the Marine Fisheries, Coastal Resources, and Environmental Management Commissions could make informed recommendations. The result was a lengthy document that compiled the results of a large amount of relevant research on coastal habitats. Biennial implementation plans were then developed based on recommendations of the Steering Committee. The initial plan was completed and approved in 2005 and updated in 2010. As the next five-year update is scheduled for completion in 2015, there is an opportunity to re-evaluate the current process and plan structure in an effort to streamline and enhance the program.

Changes Proposed for Continued Success

After 10 years of implementation, DENR staff evaluated the CHPP processes and has several suggested changes to allow continued implementation of the program while achieving improved efficiencies. The proposed changes would not require a legislative action. We propose to realign the CHPP updates to be similar to the existing DMF Fishery Management Plan (FMP) amendment process. Both the Fishery Management and CHPP plans are required to be reviewed and revised at least every five years. In an FMP amendment (or update), staff focus on the development of individual "information papers" that assess



specific relevant issues, with only necessary updates to the background text. The issues are identified by staff on the Plan Development Team or an Advisory Committee.

- 1) **Focus on the Issues.** The CHPP Team, consisting of staff from the Divisions of Marine Fisheries, Coastal Management and Water Resources, will identify current relevant habitat issues. Involvement from the Division of Energy, Mineral, and Land Resources will be considered since that division now oversees stormwater management. With input from the CHPP Steering Committee, which is comprised of two commissioners from each commission, staff will develop background information on primary habitat and water quality concerns, for inclusion in the threats section of the updated plan. Updates to the background text will be limited to that necessary to adequately support development of recommendations.
- 2) **Streamline.** The plan's background text will be streamlined to make the document more reader friendly. Once completed, the bulk of the information now in the CHPP will serve as the foundation and require limited modification to background information in subsequent plan updates. Each updated plan is a stand-alone document.
- 3) **Fewer meetings.** Commission involvement (CHPP Steering Committee) will be reduced to annual meetings instead of the quarterly or semi-annual meetings. The CHPP Steering Committee may meet more regularly during plan updates. Status reports on implementation will be provided to the CHPP Steering Committee at their annual meeting. Reports on implementation progress may optionally be presented to the full commissions to further engage and educate commissioners on environmental issues.
- 4) **Fewer reports.** CHPP Implementation Plans will be restricted to issues addressed in CHPP amendments and will be updated on five year cycles to coincide with the plan update. Like Fishery Management Plans, an update can be initiated sooner than five years if it is determined that a habitat issue needs to be addressed before the five year update.

The vision for the Coastal Habitat Protection Program is to continue to use the plan and process as a tool to enhance communication across the DENR divisions and commissions and to improve effectiveness in sustaining our state's natural resources.