



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

September 9, 2015

MEMORANDUM

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

THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS
The Honorable Tim Moore, Co-Chair
The Honorable Philip Berger, Co-Chair

FROM: Matthew Dockham, Director of Legislative Affairs

SUBJECT: Coastal Habitat Protection Plans Report

DATE: September 9, 2015

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 matthew.dockham@ncdenr.gov.

cc: John Evans, Chief Deputy Secretary, NCDENR
Bryan Gossage, Director, Office of Land and Water Stewardship, NCDENR
Jeff Hudson, Commission Counsel
Jennifer McGinnis, Commission Counsel
Mariah Matheson, Committee Assistant

NORTH CAROLINA'S COASTAL HABITAT PROTECTION PLAN

2014 - 2015

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,

ENVIRONMENTAL MANAGEMENT COMMISSION,

AND THE

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

September 2015

2014-2015 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. Currently, the 2011 Implementation Plan continues to be utilized, with a new two year plan scheduled to be developed in 2016.

Implementation Progress

The 2014-2015 reporting year continued to be a time of transition for the CHPP planning process due to reorganization of several DENR divisions and the appointment of many new commissioners to the associated commissions. The CHPP Steering Committee was appointed by the commissions in late 2014 and met for the first time in over two years in January of 2015. As noted above, DENR staff opted to continue working on actions from the 2011-2013 Implementation Plan, rather than attempt to develop a 2013-2015 plan during the ongoing transitions.

Work was completed in late 2014 with regard to the identification of strategic habitat areas in the White Oak River Basin. 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 2014-2015 year, APNEP, along with researchers from East Carolina, set up ten sentinel sites around the Albemarle Sound to monitor the presence and species type of Submerged Aquatic Vegetation (SAV) in the Albemarle Sound. During the spring of 2015, those same researchers began the process of identifying sentinel sites in the Pamlico Sound/Pamlico River area. These research efforts are being funded through grants from the Coastal Recreational Fishing License funds. SAV is a significant habitat emphasized in the CHPP. This work will continue through the 2015-2016 reporting year.

Building on the momentum generated by the Low Impact Development (LID) Summit, which was held in Raleigh in 2014 and attended by close to 300 people, the NC Coastal Federation (NCCF) was awarded a Clean Water Management Trust Fund Grant allowing for a second Summit in 2016. In 2016, this Summit will again be led by the Division of Water Resources (DWR) while working with the NCCF and NC State University. The Summit will continue to educate contractors and local government officials about the positive impacts of LID. It will also be used to promote the importance of LID as an environmentally sound way to develop, and the application and use of the computer model, *Stormwater EZ*. This model can be used state-wide to help design LID projects and help secure the necessary permits.

To encourage alternatives to vertical shoreline stabilization, the Division of Coastal Management (DCM) drafted a Living Shoreline Strategy with input from other DENR division representatives in 2014. This Strategy is now being put into practice by DCM and it has identified six short-term and four long-term actions for the Department. 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 alternatives (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 strategy has been presented to the CHPP Steering Committee in 2015 and has been endorsed by the Steering Committee as a top priority for the 2015 CHPP revision. This past year, the National Estuarine Research Reserve (NERR) hosted two training sessions for contractors teaching the importance of living shorelines and the benefits associated with using this strategy. Two more are planned for this upcoming year with some funding being provided by APNEP.

2015 Review and Revision

The 5-year review and revision of the CHPP as required under the 1997 Fisheries Reform Act, is well underway and currently on time for completion by the end of the year. In an effort to streamline the document, it has been reorganized to reduce redundancy, and the CHPP writing team has focused on priority issues, as directed by DENR and the CHPP Steering Committee. Those priority issues include:

- Increasing oyster habitat restoration and enhancement activities
- Increasing the use of living shorelines for erosion control
- Addressing sedimentation and its effects on estuarine creek habitat
- Generating metrics on management success and habitat trends

While DMF staff has taken the lead in working on the revised plan, agency staff from throughout the Department, as well as staff from the NC Forest Service and the Division of Soil and Water within the NC Department of Agriculture and Consumer Service, has also actively participated in the CHPP revision.

Important to Remember

Last year, the Department requested the CHPP process and direction be re-evaluated and modified so that the CHPP remains vital and relevant in sustaining our state's natural resources, and that it supports the Department's priorities and mission statement. Those suggested changes are attached to this annual report again this year for the purpose of reminding readers of the changes that have been made to the process and to report on the accomplishments the Department has made over the ten year history of this document.

CHPP Steering Committee Members

Larry Baldwin - Coastal Resources Commission
Dan Dawson - Environmental Management Commission
Chuck Laughridge – Marine Fisheries Commission
Dr. Robert Rubin – Environmental Management Commission
John Snipes – Coastal Resources Commission
Vacant – Marine Fisheries Commission

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

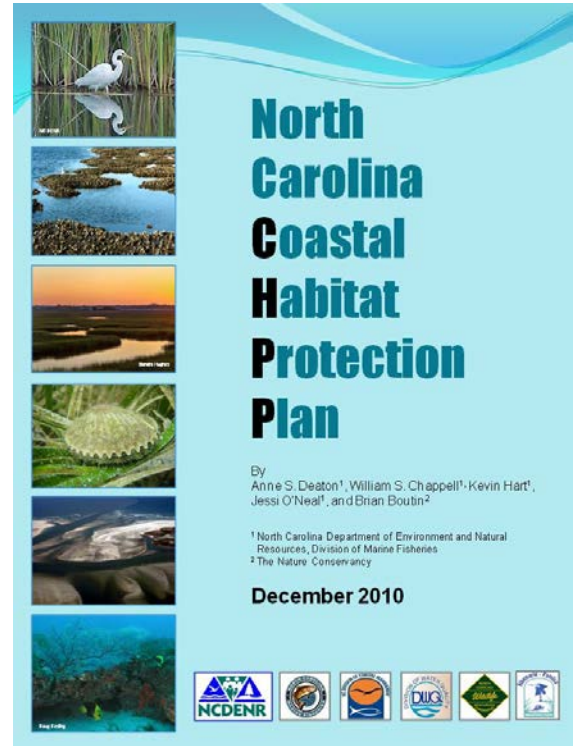
Positions and funding to undertake CHPP recommendations have been obtained through past appropriations and grants. The most notable accomplishment of the CHPP process has been the improved interagency and inter-commission communication and coordination, which improves effectiveness and efficiency of 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 Science.** 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 matters for inclusion in the threats section of the updated plan. Updates to the background text will be limited to those necessary to adequately support development of recommendations. Priority will be given to action recommendations with an emphasis on increasing knowledge and understanding of cause and effect through study, monitoring and research and gap analysis.
- 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.