



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Ralph S. Northam  
Governor

September 4, 2018

Dr. Jeffrey L. Payne, Director  
Office for Coastal Management  
National Oceanic and Atmospheric Administration  
1305 East West Highway  
Silver Spring, MD 20910

Dear Dr. Payne:

The Virginia Coastal Zone Management Program (“Program”) was established in June 1986 through an Executive Order of then Governor Gerald Baliles and approved by the National Oceanic and Atmospheric Administration (NOAA) under the federal Coastal Zone Management Act (CZMA) in September 1986 (see attached “Findings of Paul M. Wolff” regarding approval of the Program). Given that Virginia governors may serve only one four-year term, this Executive Order was continued every four years by each new governor.

In order to streamline this process, I submit this transmittal letter to NOAA’s Office for Coastal Management, pursuant to NOAA’s regulations at 15 CFR § 923.48, to be the document that establishes the Virginia Coastal Zone Management Program in perpetuity. An executive order will no longer be used as the transmittal document to meet 15 CFR § 923.48. I attest that: a) I have reviewed and approved the Program as state policy, b) have designated a single lead agency to receive and administer implementation grants, c) the Commonwealth of Virginia has the authorities necessary to implement the Program, and d) the Commonwealth is organized to implement the Program.

The Virginia Coastal Zone Management Program’s mission is to create more vital and sustainable coastal communities and ecosystems. The Department of Environmental Quality serves as the lead agency for this networked program and will be responsible for allocation and assignment of all federal funds received for the Virginia Coastal Zone Management Program grants.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-103 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Virginia Coastal Zone Management Program in perpetuity.



## POLICY GOALS

State agencies having responsibility for the Commonwealth's coastal resources shall promote the Coastal Zone Management Program consistent with the following goals:

### Coastal and Ocean Resource Protection

Goal 1: To protect and restore coastal and ocean resources, habitats, and species of the Commonwealth. These include, but are not limited to, rivers, tidal and non-tidal wetlands, bays, subaqueous lands and vegetation, beaches, sand dune systems, barrier islands, underwater or maritime cultural resources, riparian forested buffers, and endangered or threatened species.

Goal 2: To restore and maintain the quality of all coastal and ocean waters for human and ecosystem health through protection from adverse effects of excess nutrients, toxics, pathogens, and sedimentation.

Goal 3: To protect air quality including reduction of air deposition of nitrogen and carbon dioxide which can lead to hypoxia and acidification of our coastal and ocean waters.

Goal 4: To reduce or prevent losses of coastal habitat, life, and property caused by shoreline erosion, storms, relative sea level rise, and other coastal hazards in a manner that integrates environmental and economic considerations.

### Coastal and Ocean Resource Sustainable Use

Goal 5: To provide for sustainable wild fisheries and aquaculture.

Goal 6: To promote sustainable ecotourism and to increase and improve public access to coastal waters and shorefront lands compatible with resource protection goals.

Goal 7: To promote renewable energy production and provide for appropriate extraction of energy and mineral resources consistent with proper environmental practices.

### Coastal and Ocean Management Coordination

Goal 8: To ensure sustainable development on coastal lands and support access for water-dependent development through effective coordination of governmental planning processes. To enhance coastal resiliency for Virginia's natural and built environments in the face of anticipated impacts of climate change and sea level rise.

Goal 9: To avoid and minimize coastal and ocean resource use conflicts through research, planning, and a forum for coordination and facilitation among local, regional, state, and federal government agencies, interest groups, and citizens.

Goal 10: To promote informed decision-making by maximizing the availability of up-to-date educational information, technical advice, and scientific data including the use of new tools such as marine spatial planning.

## IMPLEMENTATION AND ENFORCEMENT

The following agencies, in cooperation with local governments, as appropriate, shall have primary responsibility for implementing the enforceable policies of Virginia's Coastal Zone Management Program as approved by NOAA:



## Responsible Agencies

### *Department of Environmental Quality (DEQ)*

- Point source water pollution management and non-tidal wetlands management
- Air pollution
- Nonpoint source pollution management
- Coastal lands management

### *Marine Resources Commission (MRC)*

- Primary sand dunes management
- Tidal wetlands management
- Subaqueous lands management
- Fisheries management (shared with DGIF)

### *Department of Game and Inland Fisheries (DGIF)*

- Fisheries management (shared with MRC)

### *Department of Health*

- Shoreline sanitation

The following agencies are responsible for assisting with the program:

- Department of Conservation & Recreation
- Department of Agriculture and Consumer Services
- Department of Forestry
- Department of Historic Resources
- Department of Mines, Minerals & Energy
- Department of Transportation
- Virginia Economic Development Partnership
- Virginia Institute of Marine Science
- Virginia Department of Emergency Management

In addition, other agencies that conduct activities that may affect coastal resources shall conduct such activities in a manner consistent with and supportive of Virginia's Coastal Zone Management Program. For purposes of this Program, the Coastal Area shall mean Tidewater Virginia as defined in Section 28.2-100 of the *Code of Virginia*, inclusive of all tidal waters out to the three nautical mile Territorial Sea Boundary.

The Director of the Department of Environmental Quality shall monitor all state actions that affect coastal resources. When, in the judgment of the DEQ Director, a state agency, regulatory board, or commission is about to act in a manner that appears to be inconsistent with the Program or has established a pattern of actions that appears to be inconsistent with the Program, the Director shall discuss the situation with the head of such agency, board, or commission to determine if a consistency problem exists.



If, after discussion, the head of such agency, board, or commission and the Director of DEQ are in disagreement about the existence of a consistency problem, the Director will inform the Secretary of Natural Resources of the disagreement. The Secretary shall then determine if a state interagency consistency problem exists.

If the head of such agency, board, or commission and the Director of DEQ agree that a consistency problem exists, they shall attempt to resolve the problem. If they cannot resolve the problem, the Director shall advise the Secretary that an unresolved interagency consistency problem exists.

Upon notification of the existence of an unresolved consistency problem, the Secretary shall review the problem, determine how it should best be resolved, and affect such resolution within the Secretariat of Natural Resources or consult with other Cabinet Secretaries to resolve a consistency problem with agencies, boards, or commissions not within the Secretariat of Natural Resources. If unable to resolve the problem, the Secretary shall report to the Governor and recommend appropriate action. The Governor shall have the ultimate responsibility for resolving any interagency consistency problem that cannot be resolved by the Secretary of Natural Resources.

Any person having authority to resolve consistency problems shall resolve those problems in a manner that furthers the goals and objectives of the Program as set forth above and in accordance with existing state law, regulations, and administrative procedures.

We sincerely appreciate NOAA's assistance in streamlining the continuation of the Virginia Coastal Zone Management Program and look forward to many more years of protecting, restoring and strengthening our coastal and ocean ecosystems and economy.

Sincerely,



Ralph S. Northam