



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

April 30, 2021

Ms. Bettina Rayfield, Manager
Office of Environmental Impact Review
Virginia Dept. of Environmental Quality
1111 E. Main Street
Richmond, VA 23219

Dear Ms. Rayfield,

Thank you for the March 11, 2021, request for approval of changes modifying the narrative enforceable policies of the Virginia Coastal Management Program pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.¹

NOAA's Office for Coastal Management approves the request subject to the qualification below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.² The public notice should state that as of the date of this decision letter the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR part 930.³ Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management did not receive comments on the submission.

CHANGES APPROVED

See the attached Table of Approved Changes to the Virginia Coastal Management Program.

STANDARD QUALIFICATION

¹ This program change request was submitted under NOAA's revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)). The Office for Coastal Management's 30-day decision due date of April 12, 2021, was extended to May 7, 2021.


² 15 CFR § 923.81(e)(5), as described at 84 FR 38133 (Aug. 6, 2019).

³ 15 CFR § 923.81(f), as described at 84 FR 38133 (Aug. 6, 2019).

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless the Office for Coastal Management has separately reviewed and approved it as an enforceable policy.

Thank you for your cooperation in this review. Please contact John Kuriawa at 410-267-5668, if you have any questions. For future correspondence regarding these program changes, please refer to the assigned file number, VA-2021-1.

Sincerely,



Joelle Gore

Chief, Stewardship Division

Attachments:

Table of Approved Changes VA-2021-1

TABLE OF APPROVED CHANGES TO THE VIRGINIA COASTAL MANAGEMENT PROGRAM (VA-2021-1)

Please reference the Office for Coastal Management April 30, 2021, decision letter for clarifications, exceptions and qualifications pertaining to this approval.

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy YES or NO	Enforceable mechanism citation
Art. XI, Section 1, Virginia Constitution	Preamble	New	1/1/2001	NO	N/A
Va. Code Ann. § 28.2-1301 and - 1308; 4 Va. Admin. Code § 20-390-20 through 50	Tidal Wetlands	Revised	07/01/1972; 08/02/1989	YES	Va. Code Ann. § 28.2-1308; 4 Va. Admin. Code § 20-390-20 through 50

<p>Va. Code Ann. §§ 62.1-44.15:20 and - 44.15:21; and</p> <p>9 Va. Admin. Code §§ 25-210-10, - 210-45, 210-80,</p> <p>9 Va. Admin. Code §§ 25-260-10, - 380, - 390</p>	<p>Non-Tidal Surface Waters, Including Wetlands</p>	<p>Revised</p>	<p>07/01/2007;</p> <p>08/01/2001;</p> <p>05/20/1992</p>	<p>YES</p>	<p>Va. Code Ann. §§ 62.1-44.15:20 and -44.15:21; and 9 Va. Admin. Code §§ 25-210-45, 210-80, 260-10, -380, -390</p>
<p>4 Va. Admin Code § 5-30-10</p> <p>4 Va. Admin. Code §§ 5-30-50 to -80</p>	<p>Commonwealth Lands/Protection of Virginia State Parks</p>	<p>New</p>	<p>3/18/2010;</p> <p>10/17/2019</p>	<p>YES</p>	<p>4 Va. Admin Code § 5-30-10</p> <p>4 Va. Admin. Code §§ 5-30-50 to -80</p>