



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

MEMORANDUM

TO: Coastal Resources Commission
Environmental Management Commission
Marine Fisheries Commission
Coastal Habitat Protection Plan Steering Committee

FROM: Jimmy Johnson
Albemarle-Pamlico National Estuary Partnership
Anne Deaton
Division of Marine Fisheries

DATE: October 27, 2021

SUBJECT: Coastal Habitat Protection Plan Steering Committee Meeting

The Coastal Habitat Protection Plan Steering Committee met via webinar at 1:00 p.m. Monday, October 26, 2021. The following attended:

Commissioners: Martin Posey, Pete Kornegay, Larry Baldwin, David Anderson, Yvonne Bailey, Bob Emory

DMF Staff: Anne Deaton, Casey Knight, Trish Murphey, Alan Bianchi, Jacob Boyd, Jimmy Harrison, Kevin Brown, Kim Harding, Anne Markwith, Chris Stewart

APNEP Staff: Bill Crowell, Jimmy Johnson, Tim Ellis

DCM Staff: Braxton Davis, Daniel Govoni, Mike Lopazanski

DWR Staff: Jim Hawhee

DEMLR Staff: Samir Dumpor

DWM Staff: James Cook

NCDA&CS: Tom Gerow (NCFS)

Public: Paul Cough (APNEP Leadership Council), Kelly Garvy (The Pew Charitable Trust), Anne Coan (NC Farm Bureau Federation), David Sneed (NCCCA), Ross Smith (Terracon Consultants)

WELCOME AND INTRODUCTIONS

Chairman Martin Posey (MFC) welcomed everyone on the webinar and asked them to sign in through the chat in order to get a list of attendees.



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APPROVE MINUTES FROM AGUST 5, 2021 MEETING

Motion by Larry Baldwin to approve the minutes. Seconded by Bob Emory. Motion carries unanimously.

REVIEW TIMELINE

Jimmy Johnson (APNEP) reviewed the timeline of the 2021 Coastal Habitat Protection Plan (CHPP) amendment. Johnson commented on the effort by DEQ CHPP staff on developing the plan and the unprecedented amount of public participation and comment. If approved today, the plan will be taken to the three commissions for approval next month and then will be sent to the DEQ secretary for a 30-day review. Afterwards, the Joint Legislative Commission of Governmental Operations will receive the CHPP for a 30-day comment period and will be final in early 2022. After final approval, staff will develop a public friendly document similar to the 2016 CHPPlet.

PUBLIC COMMENT

There was no public comment.

REVIEW PUBLIC COMMENTS RECEIVED DURING PUBLIC COMMENT PERIOD

Anne Deaton (DMF) provided a summary of public comment to the steering committee. She explained that there were public meetings through the various MFC Advisory Committees. There was also an online survey and public comment was also provided through email. She reviewed motions from the MFC Advisory Committees, who all supported the CHPP but also provided additional input which she reviewed. She also summarized public comment received during these meetings.

Casey Knight (DMF) reviewed results from the online survey. There were 93 respondents with over 90% having a very high level of concern about coastal habitats. Knight proceeded in summarizing the input from the survey on each issue paper.

Deaton then provided a summary of written comments received through email. There were 42 comments with 33 of these supporting all or most of the recommended actions. There were also two petitions with over 1,000 signatures total that supported the CHPP. Deaton also reviewed with the steering committee, several suggested edits to recommendations from various groups who commented.

Chairman Martin Posey (MFC) began the discussion with a question whether the committee wanted to include the suggestion of a public private partnership in the plan. Pete Kornegay (MFC) stated that he felt it was appropriate to include in the plan. The committee discussed how the proposed committee would be formed and implemented. Posey gave examples of the Oyster Steering Committee which also has state, federal and private stakeholders/industry membership. DEQ would need to determine how best to form the committee. It was suggested that this recommendation be added to Chapter 9 where the stakeholder report is discussed.

Motion by Yvonne Bailey (EMC) to request staff add the recommendation to support the formation of a public/private partnership that will engage a diverse group of stakeholders to assist in developing, implementing, and securing decision-maker support and funding



for measures in the 2021 CHPP Amendment that protect and restore water quality. Seconded by David Anderson (EMC). Motion carries unanimously.

Johnson added that the DEQ may want to be the lead for the proposed partnership but has not had the opportunity to discuss.

Bob Emory (CRC) asked if DEQ has seen the public input and if their staff had any input. Johnson replied that there has not been any opportunity, but DWR staff are on this meeting and attended some of the public meetings virtually. Emory asked about the recommendations with numeric criteria and how specific it was. Deaton explained that the recommendations provide flexibility by including input from the Nutrient Criteria Development Plan (NCDP) Scientific Advisory Committee and is regional in the approach. NC Farm Bureau Federation and the NC Water Quality Association want the criteria removed, while the Pew Charitable Trust would like it reworded to reflect the need for the EMC to act.

The committee discussed how to incorporate the stakeholder report in Appendix A. It was decided that the report would remain in Appendix A but would be renamed.

Deaton discussed additional comments from the Farm Bureau regarding rounding the SAV acreage and BMPs and cost share programs. Deaton stated that staff can round the acreage to 191,000 in the recommendation. Farm Bureau recommended removing the 50% target in the current recommendation for BMP implementation since it may be too high because there are more applicants for funding than available funding.

Motion by Bob Emory to change recommendation 4.4 to “By 2022, DEQ will form a workgroup with the NC Division of Water Resources (DWR), NC Division of Energy, Mineral, and Land Resource (DEMLR), Soil and Water Conservation, local governments, and other partners to increase best management practices (BMPs) to the extent possible related to water quality within the SAV waterbody regions consistent with current funding level and request increased state cost-share funding”. Seconded by Pete Kornegay. Motion carries unanimously.

Another issue brought up by the NC Farm Bureau was agriculture being singled out in recommendation 4.12 concerning requesting the NC Policy Collaboratory to investigate impacts of agricultural practices and land use change on water quality. The committee discussed several ways to reword to address the concern.

Motion by David Anderson to change recommendation 4.12 to “By 2022, DWR will request the NC Policy Collaboratory to investigate the impacts of land use change and practices on water quality within SAV waterbody regions, to determine types and location of BMPs needed to effectively improve water quality”. Failed due to lack of a second.

The steering committee discussed the Lower Neuse River Basin comments and decided to make no additional changes.

Deaton began discussion of Pew Charitable Trust comments and proposed changes to recommendations.



Motion by Bob Emory to change recommendation 4.1 to “By 2023, the North Carolina Department of Environmental Quality (DEQ) will pursue funding from state, federal, and private sources that includes the adequate amount of staff to successfully evaluate and meet the submerged aquatic vegetation (SAV) acreage goals and implement all of the SAV recommended actions that contribute to meeting the goals”. Second by Pete Kornegay. Motion carries unanimously.

Motion by Bob Emory to change recommendation 4.7 to “By 2022, the Environmental Management Commission (EMC) will receive guidance from the Nutrient Criteria Development Plan (NCDP) Scientific Advisory Council (SAC) on establishing a water quality standard for light penetration, with a target value of 22 percent to the deep edge (1.7 m) of SAV for all high salinity SAV waterbody regions, and a light penetration target of 13 percent to the deep edge (1.5 m) for all low SAV waterbody regions (Table 4.5; Figures 4.1-4.9).” Second by Pete Kornegay. Motion carries unanimously.

Motion by Pete Kornegay to change recommendation 4.8 to “By 2022, at the request of the EMC, the NCDP SAC will evaluate the chlorophyll a water quality standard and as needed, recommend it be revised by the EMC to ensure protection of SAV in high and low salinity waterbody regions, beginning with the Albemarle Sound and Chowan River, and continuing with other waterbodies that support SAV (Table 4.5; Figures 4.1-4.9).” Seconded by Yvonne Bailey. Motion carried unanimously.

Deaton reviewed comments from the Southern Environmental Law Center (SELC) submitted on behalf of the NC Wildlife Federation, Sound Rivers, the Pamlico-Tar Riverkeeper, and the Neuse Riverkeeper. They were highly supportive of protecting SAV through water quality standards as well as existing authority. They requested additional recommendations be added to the Wastewater Infrastructure Solutions for Water Quality Improvement Issue Paper. Because those recommendations are discussed in the State Water Infrastructure Master Plan, the committee decided to reference those additions in the Chapter 9 table of the CHPP.

Motion by David Anderson to add SELC recommendations to Table 9.1 of the CHPP Amendment. Second by Pete Kornegay. Motion carries unanimously

Deaton then reviewed comments from the NC Coastal Federation who also supported the formation of the public/private partnership.

Motion by Yvonne Bailey to include the recommendation to support the formation of a public/private partnership that will engage a diverse group of stakeholders to assist in developing, implementing, and securing decision-maker support and funding for measures in the 2021 CHPP Amendment that protect and restore water quality at the end of Chapter 9 and referencing Appendix A. NCCF/Pew Stakeholder Report with Appendix B becoming Public Comment. Seconded by Pete Kornegay. Motion carries unanimously.

Deaton reviewed comments for NC Coastal Conservation Association. Their comments were about concerns of the incompleteness of the CHPP with regard to bottom fishing gear



disturbance, forage fish and the lack of timeliness in establishing SHAs. Kornegay stated that he agreed that the CHPP was incomplete and will discuss at the MFC meeting in November.

The comments from Coastal Carolina Riverwatch were concerning CAFOs and PFAS. The committee felt that these water quality issues are generally addressed in the CHPP Source Document.

Comments from the NC Coastal Conservation Network suggested that some information regarding environmental justice be included.

Motion by Bob Emory to include information on environmental justice to the chapter on climate change. Motion fails for lack of a second.

Johnson asked to revisit the Pew recommendation 4.1. He felt it would be good to add the word “recurring funding” into newly reworded recommendation.

Motion by Bob Emory to add “recurring as well as.....” to revised recommendation 4.1. Seconded by Pete Kornegay. Motion carries unanimously.

The steering committee discussed additional comments from the MFC Advisory Committees but decided no additional changes were required. Bailey asked about how the public comment is to be incorporated into the CHPP. Deaton explained that the survey results and summary of the MFC Advisory Committee meetings will be placed in Appendix B Public Comment. There will also be a summary of letters submitted and a summary of changes we made today.

Chairman Posey asked for a motion to take the CHPP amendment to the commissions for final approval.

Motion by Yvonne Bailey the CHPP Steering Committee recommends sending the 2021 CHPP Amendment as amended by the steering committee to the three commissions for final approval. Seconded by Pete Kornegay. Motion carries unanimously.

ISSUES FROM COMMISSIONERS

Chairman Posey brought up discussion of a letter to be sent on behalf of the steering committee as comment to the Division of Water Infrastructure on the draft priority rating system for viable utility reserve wastewater and drinking water construction project funding. It specifically asks that waters such as PNA, ORW, etc. be expanded into the ranking system and overall supports the ranking system.

Motion by Bob Emory to send the letter to the Division of Wastewater Infrastructure. Seconded by Yvonne Bailey. Motion carries unanimously.

ADJOURN

Motion by Pete Kornegay to adjourn. Seconded by Yvonne Bailey. Motion carries unanimously.

/plm

