



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: August 5, 2021

SUBJECT: Coastal Habitat Protection Plan Steering Committee Meeting

The Coastal Habitat Protection Plan Steering Committee met via webinar at 1:00 p.m. Tuesday, August 3, 2021. The following attended:

Commissioners: Martin Posey, Pete Kornegay, Larry Baldwin, David Anderson, Yvonne Bailey, Bob Emory
DMF Staff: Anne Deaton, Casey Knight, Alan Bianchi, Kacee Zinn, Jacob Boyd, Dan Zapf
APNEP Staff: Bill Crowell, Jimmy Johnson, Trish Murphey
DCM Staff: Braxton Davis, Daniel Govoni
DWR Staff: Jim Hawhee, Chris Pullinger
DEMLR Staff: Samir Dumpor
NCDA&CS: Tom Gerow (NCFS)
Public: Kathy Herring (RK&K NCDOT Bio Group), Paul Cough (APNEP Leadership Council), Kelly Garvy (The Pew Charitable Trust) Leda Cunningham (The Pew Charitable Trust), Todd Miller (NCCF), Ana Zivanovic-Neandovic (NCCF), Margaux H (NCCF), Anne Coan (NC Farm Bureau Federation), Keith Larick (NC Farm Bureau Federation), Chris Baillie (ECU), Jonathan Hinkle (LLDS), Jerry Spoo (MFC Habitat Committee), Hans Paerl (UNC-IMS), Kathleen Riely (NCBIWA), David Sneed (NCCCA), Bill Ross (SERPPAS), Amanda Mueller (NCSSU), Adam Wagner, Rick Sasser, Josh Allen, Katy West, Mike S, dyitbarek



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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.

APPROVE AGENDA AND MINUTES FROM APRIL 20, 2021 MEETING

Motion by Larry Baldwin to approve the agenda. Seconded by Pete Kornegay. Motion carries unanimously.

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. The Department leadership has reviewed the draft document with some edits. The CHPP will go to the three commissions in August and September for their approval to go out for public comment. After the public comment period, staff will review public comments with the steering committee, make any necessary changes, and then present the information to the three commissions in November with a request for final approval and adoption. Afterwards, the General Assembly will receive the CHPP for a 30-day comment period and will be final in early 2022.

REVIEW OF CHPP RECOMMENDED ACTIONS

Anne Deaton (DMF) provided a reminder that the 2016 CHPP Source Document would continue to serve as the Source Document for the CHPP 2021 Amendment. She explained the Fishery Reform Act and the importance of habitat and water quality for sustainable fisheries. She reviewed the six habitats and explained the CHPP priorities and how they address all these habitats.

Deaton went on to explain why each priority was important and proceeded to review the recommended actions for each priority issue. Recommended actions were organized by topics such as funding, planning, conservation, mapping and monitoring, etc.

SAV protection and restoration through water quality improvement

Bob Emory (CRC) asked about recommendation 4.4 and if there was a baseline for a 50% target increase in BMP use. Deaton explained that we still need to figure that out. Posey asked if the referenced workgroup would figure out the baseline. Deaton explained that it could and that we can edit the recommended action to add “to determine extent and then develop a plan”.

Yvonne Bailey (EMC) suggested different wording for recommended action 4.9 to add “EMC will initiate rulemaking to adopt”.

Posey suggested adding a “\$” to research recommendation 4.12.

Deaton discussed removing recommend action 4.14 because this work has been completed. The committee agreed.



Wetland protection through nature-based solutions

Deaton reviewed the recommended actions and research needs for the wetland priority. She stated that two additional recommendations have been added based on CHPP team comments. These pertained to forestry and greenhouse gas recommendations.

Emory asked if palustrine wetland and bottomland swamp were being used interchangeably in 5.16., since there are several types of palustrine wetlands. Casey Knight (DMF) explained that this was specific to research that was needed for bottomland swamp which is a subset of palustrine wetlands. Deaton asked if it should be named differently. Emory suggested to say “bottomland swamp”. Deaton stated that “palustrine” would be removed.

Environmental rule compliance to protect coastal habitats

There were no comments from the committee on the recommended actions.

Wastewater infrastructure solutions for water quality improvements

Larry Baldwin (CRC) asked if the Division of Environmental Health was missing from this discussion because septic tanks, which they oversee, are an issue too. Deaton explained that the division is no longer in the DEQ, but if he meant the Department of Health and Human Services, it was not. This issue paper was more about infrastructure associated with centralized wastewater treatment systems and water quality, rather than septic tank systems. Knight noted that DHHS was involved in the Climate Risk and Resiliency Plan but was more focused on local governments.

Deaton explained that recommended action 7.3 was reworded based on CHPP team comments to “work with” and “develop strategies” and removed the rulemaking language.

Coastal habitat mapping and monitoring to assess status and trends

Posey stated that the offshore monitoring of hard bottom is becoming more important because of upcoming actions being proposed offshore in the next decade. The recommended actions for hard bottom monitoring is timely.

Deaton concluded her presentation by explaining the interconnectedness of all the priority issues and their importance for fisheries, habitat, and coastal resilience.

Motion by Pete Kornegay to support and send the draft CHPP to the appropriate commissions for further action. Seconded by Yvonne Bailey. Motion carries unanimously.

Bailey asked about presenting the draft CHPP to the Water Quality Committee of the EMC. Johnson explained that it is typically presented only to the full EMC but he would inquire with Marion Deerhake if there would be an opportunity to present to that committee. Bailey suggested that it could be presented as an information topic as a courtesy. Deaton added that the CHPP will be presented to the Marine Fisheries Commission Advisory Committees. It was also suggested to consider presenting to the Coastal Resources Commission Advisory Committee. Daniel Govoni (DCM) stated that the Advisory Committee will be meeting before the next CRC meeting. Braxton Davis (DCM) said they will inquire adding it to the Advisory Committee agenda.



RECEIVE REPORT FROM THE NCCF/PEW WORKGROUP

Jonathan Hinkle (NCCF/Pew Workgroup) provided a summary of the workgroup that was put together by the NC Coastal Federation and the Pew Charitable Trust. This workgroup consisted of a small group of stakeholders representing agriculture, development, local government, engineers, and legal experts. The workgroup met three times and heard scientific presentations on water quality and storm events. The group reached consensus on a set of fact-based findings and composed and agreed upon a set of conclusions based on these findings. He then presented a series of actionable recommendations that were also agreed upon by the workgroup by consensus. These recommendations are cross-cutting and the group agreed that nature based solutions are the way to proceed. He stated that the workgroup strongly supports implementation of these recommendations and asked that the steering committee consider incorporating these findings, conclusions, and recommendations as an additional chapter in the CHPP 2021 Amendment to be distributed for public comment to help ensure implementation.

Chairman Posey reminded the steering committee that this was initiated because of a need for stakeholder input and as stated in our April meeting these were comments to be submitted to the steering committee as part of the public comment process. He noted they had several options on how to proceed with these comments, ranging from incorporating recommendations into the various chapters which would take some time, adding as a separate chapter, adding as an appendix and referenced appropriately or not included at all.

Baldwin commented that this group evolved out of trying to get very targeted and doable goals that the CHPP Amendment could include. He strongly supports this and encouraged the steering committee to look at these goals and what they try to accomplish. He also recommended that these recommendations be incorporated into the CHPP although he understood that it would be difficult to integrate quickly and supported having the full document in an appendix.

Bailey asked if the stakeholder recommendations were incorporated into the plan, which we have already voted to send to the commissions, it would need to be reviewed to see how it was incorporated which would require another meeting. The other alternative is to include the report as an appendix with a report cover that discusses the procedure that was used, so that it can stand alone and perhaps be more persuasive. If the stakeholder report is kept as an appendix it would go to public comment with the CHPP Amendment. Afterward, it could be incorporated into the CHPP, depending on the input received.

Chairman Posey reminded the committee that the MFC meeting is in August and there would be a very short timeframe to incorporate the report into the plan. Bailey stated that she would be uncomfortable to send without reading through it since we had voted to send to the commissions. She stated that she did not have a problem with this added as an appendix. Knight informed the committee that mail out for MFC meeting materials was this Friday so there was a very short time to incorporate the document.

Todd Miller (NCCF) stated that if these recommendations are to have traction it needs to be integrated into the plan. He thinks sending the report out for review would be good to do and gives latitude to incorporate into the plan before it is finalized. He suggested making it clear that the steering committee is considering incorporating into the plan and is looking for feedback. If not part of the CHPP, he said it will not have the weight as a priority.



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Jacob Boyd (DMF) stated his appreciation for the work by the workgroup however there are a few issues. We do not have time to incorporate into the CHPP before the MFC mail out deadline. Having as an appendix is appropriate. Also if the report recommendations were added as anything more than public comment, it would set a bad precedent in the future if there are others who may want to circumvent the process with additions of things that have not been fully vetted.

Deaton asked for additional clarification if the report was put in the appendix. Bailey responded that she sees this as a stand-alone document in an appendix and would be referenced in the draft CHPP Amendment. As a document created by this workgroup, the steering committee is asking for comments and at the end of the comment period, recommendations may be incorporated into the final CHPP. There was discussion concerning the report and the differences and similarities between the CHPP and the workgroup recommendations; whether the endnotes were also recommendations to consider; and the best way to handle the addition of this document. There was also discussion on how this presented an opportunity to engage the public more in the CHPP process.

Chairman Posey stated that the consensus of the group is to include the document in in the CHPP Amendment in some way. It cannot be integrated into the plan because of the tight timeline but it could be included as an independent chapter, as an appendix and referenced in the CHPP or as just an appendix. All take in account that after public comment, there may be some changes.

Bailey stated that she supports adding it as an appendix and having it referenced into the CHPP. She requested that NCCF/Pew add a cover page to describe the process they used to develop this document. Miller stated that they would do so.

Baldwin stated that the recommendations from the workgroup are beneficial and agrees that it should go out with the CHPP plan with a short paragraph about how the group developed he document. He thinks it will integrate well with the CHPP goals and thought a lot of this document could be incorporated after it goes through the public comment process.

Motion by Yvonne Bailey to add the NCCF/Pew research document attached as an appendix to the CHPP. The CHPP will reference the document in a short paragraph. The NCCF will provide a cover sheet and reformat the document. Seconded by Pete Kornegay. Motion carries unanimously.

Emory asked about the process of other groups who may want to be part of the plan. Johnson stated that all public comment is summarized in an appendix and Deaton added that typically public comment is added after the public comment process. The discussion continued around how to handle public comment, how to involve stakeholders, and the need for developing protocols for stakeholder involvement in future amendments. This stakeholder workgroup was endorsed by the steering committee, they worked with the steering committee, kept the steering committee informed and provided a good example of how to engage the public.

PUBLIC COMMENT

No public comment.



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REPORTS BACK FROM COMMISSION MEETINGS

Chairman Posey stated that there was a verbal update provided on issue papers and it was well received by the MFC who is looking forward to seeing the full CHPP. Baldwin stated the same for CRC, as did Baily for EMC.

ISSUES FROM COMMISSIONERS

No issues from commissioners.

ADJOURN

Motion by Larry Baldwin to adjourn. Seconded by Pete Kornegay. Motion carries unanimously.

/plm

