



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER THIRTY FIVE (2014)

CONTINUATION OF THE VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM

Importance of the Initiative

The Virginia Coastal Zone Management Program's ("Program") mission is to create more vital and sustainable coastal communities and ecosystems. The Department of Environmental Quality will serve 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 Implementation Grant.

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 Sections 2.2-103 and 2.2-104 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.

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, wetlands, 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.

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 balances 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.

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 the National Oceanic and Atmospheric Administration:

Responsible Agency and Enforceable Policies

Department of Environmental Quality (DEQ)

Point source water pollution management and nontidal 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 under the terms of this Executive Order 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.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 18 (2010), issued by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 2nd day of December, 2014.



Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth