COASTAL HABITAT PROTECTION PLAN PROGRAM

2001 - 2002
ANNUAL REPORT

TO THE

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE
AND
ENVIRONMENTAL REVIEW COMMISSION
OF THE
NORTH CAROLINA GENERAL ASSEMBLY

FROM

NORTH CAROLINA MARINE FISHERIES COMMISSION,
NORTH CAROLINA COASTAL RESOURCES COMMISSION, AND
NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

September 2002
SUMMARY

September 2001 – August 2002 Actions
- To more efficiently meet the goals of the Fisheries Reform Act, the Coastal Resources, Marine Fisheries and Environmental Management commissions and DENR Secretary decided to produce an overall NC Coastal Habitat Protection Plan (NC CHPP) that will address all the important fish habitats and the threats to those habitats in a single document. The CHPP will then be followed by individual plans with specific recommendations for the eleven Management Units.
- Initial draft of the NC CHPP has been reviewed by DENR. Extensive revisions are being made.
- DENR review of the draft plans for the Chowan River and Coastal Ocean management units are on hold to enable DMF staff to concentrate on the NC CHPP.
- Public information plan has been drafted and federal funding for this effort has been secured.
- Full-time GIS support for Coastal Habitat Protection Plans is being provided through federal grant. Employee began in June 2002.
- Completed contract with Duke University Marine Laboratory for graduate student assistance with developing the NC CHPP.
- Elizabeth City State University has received a federal grant to establish a remote sensing program, partly to support the Coastal Habitat Protection Plan Program.

September 2002 – June 2005 Planned Actions
- Request to the General Assembly for an extension of the Coastal Habitat Protection Plan deadline to July 2004.
- Complete revision of the NC CHPP by Spring 2003.
- Intercommission Review Committee to develop recommendations by December 2003.
- Submit NC CHPP to Commissions for adoption in spring 2004, followed by Chowan River and Coastal Ocean Management Unit Plans 12-18 months later.
- Develop a procedure to and begin educating commission members on the CHPP Program and draft documents, including inviting commission members to an inter-commission informational meeting in the fall of 2002.
Introduction

Fisheries Reform Act

The North Carolina General Assembly established the Coastal Habitat Protection Plan program within the North Carolina Department of Environment and Natural Resources with passage of the Fisheries Reform Act of 1997. The Act (General Statute 143B-279.8) requires preparation of Coastal Habitat Protection Plans (CHPPs) for critical fisheries habitats in the coastal area. The Act states that “[t]he goal of the Plans shall be the long-term enhancement of coastal fisheries associated with each coastal habitat.” The Divisions of the Marine Fisheries, Water Quality, and Coastal Management are designated as the lead agencies for the program. The plans will:

1. Describe fisheries habitats and their biological systems;
2. Evaluate the functions, fisheries values, status, and trends in the habitats;
3. Identify existing and potential threats to the habitats and impacts on coastal fishing; and
4. Recommend actions to protect and restore the habitats.

Role of the Commissions

The Coastal Resources, Environmental Management, and Marine Fisheries commissions must each adopt the plans for them to become effective. Once the plans are approved, rule making and policy actions taken by all three commissions, are to comply, “to the maximum extent practicable” with the plans.

The three commissions are to report by 1 September each year to the Joint Legislative Commission on Seafood and Aquaculture and the Environmental Review Commission on progress in developing and implementing the plans. This document reports on progress made on Coastal Habitat Protection Plans during September 2001 – August 2002.

Recent Progress

Meetings and Products

The Coastal Habitat Protection Plan (CHPP) Development Team, including staff from the divisions of Marine Fisheries, Coastal Management, Water Quality, Environmental Health (Shellfish Sanitation and Recreational Water Quality Section), and the Wildlife Resources Commission assisted the DMF staff with writing and review of the first plans CHPPs. The Development Team and DMF also met twice with the Intercommission Review Committee (two members from each commission) to review program status and revise the schedule for completing the plans. A list of the members of the Intercommission Review Committee is included as Attachment 1. In addition to drafting the NC CHPP and the Coastal Ocean and the Chowan River Management Unit CHPPs, progress reports have been provided to all three commissions, the Intercommission Review Committee and senior Department staff.

Numerous presentations have been made by DMF staff and Team members at various meetings discussing coastal issues. Sponsors of those meetings included the Coastal Resources Advisory Council, North Carolina Coastal Federation, and North Carolina Soil and Water
Conservation District. The Divisions are beginning to coordinate their public information education efforts by including CHPP information on their agency web sites.

NC Coastal Habitat Protection Plan (NC CHPP)

A major decision affecting the development of the plans was made in September 2001. William G. Ross, Jr., Secretary of the Department of Environment and Natural Resources, and the chairs of the Coastal Resources, Environmental Management, and Marine Fisheries commissions agreed that an overall NC Coastal Habitat Protection Plan (NC CHPP) that addressed the cross-cutting issues facing all of the important fish habitats was the appropriate and efficient approach to take in achieving the goals of the Fisheries Reform Act. The first draft of this document was sent out for initial Department review in January 2002. Due to the broadening of the scope of the document, the complexity of the issues, and comments received on the draft, DMF staff realized that extensive restructuring, revisions, and additional coordination would be required to finalize the NC Coastal Habitat Protection Plan.

While progress continues to be made in the revision of the NC CHPP, DMF staff and the Development Team have realized that the document cannot be completed and recommendations developed and endorsed by the three commissions by the July 2003 statutory deadline. Preparation of the NC CHPP is proving to be very complex. The effort has also been setback by the budget crisis and loss of staff. As a result, DENR has decided to seek a one-year extension from the General Assembly to July 2004. This extension will allow a revised NC CHPP to be submitted for DENR review during the spring of 2003 with approval of all three commissions by July 2004. Attachment 2 is a timeline showing the major milestones anticipated for development of the NC CHPP.

Future Actions

Coastal Habitat Protection Plan Development

Staff will concentrate on preparation of the NC CHPP to address threats facing coastal fisheries habitats throughout eastern North Carolina. The plan is a very complex document covering some of the more challenging issues facing coastal waters and, particularly, fisheries habitat. It is being prepared using a wide variety of information sources including wetlands maps from the Division of Coastal Management, and data on topics as diverse as soil types, agricultural acreage, point source discharges, Natural Heritage sites, and recreational fisheries landings.

The document will contain a number of tables designed to clarify the function of habitats necessary for production of important fish stocks and the links between those habitats and various life history stages of the fish. There will be similar tables concerning the various types of threats to the habitats upon which productive fisheries depend. It will also summarize the institutional structures for management of fisheries habitat, water quality, and fisheries in eastern North Carolina. Finally, the Plan will include management recommendations for the three regulatory commissions to implement in order to address the identified threats.

Management Unit Plans

Work will also continue on development of the plans that will cover specific geographic areas similar to the Division of Water Quality's river basins (see Attachment 3). These areas are
referred to as Management Units, and the plans will provide more area specific information and recommendations. It will take approximately 18-24 months to complete each Management Unit Plan, with the plans for the Coastal Ocean and Chowan River Management Units being completed in 2005.

**Plan Adoption**

The process of working with the three commissions to lay the basis for consideration and adoption of the NC CHPP will begin this fall with a tri-commission meeting, consisting of presentations and local field trips. DENR Secretary Ross will address the commissions and discuss the NC CHPP with commissioners in a workshop setting. The meeting will help emphasize the importance of the CHPPs Program and begin the process of developing a strategy for adoption and implementation of the plans. The divisions will also begin to present completed sections of the NC CHPP to the commissions over several meetings in order to allow time for consideration of the plan in phases rather than all at once.

**Other Accomplishments and Issues**

Under a contract funded by the divisions of Marine Fisheries and Coastal Management, Duke University Marine Laboratory graduate students assisted in literature research and writing for the Coastal Habitat Protection Plan until the contract was terminated in April 2002 because of the State budget situation.

With assistance from the divisions of Coastal Management and Marine Fisheries, Elizabeth City State University successfully applied for a grant to establish a remote sensing program and laboratory. Much of the justification for the grant was based on the need to obtain and analyze satellite data to aid in preparation of the Coastal Habitat Protection Plan and management unit documents.

The 2000 - 2001 Annual Report noted several impediments to success of the CHPP Program. The most serious was insufficient Geographic Information Systems (GIS) support. The Division of Marine Fisheries submitted a proposal to the U. S. Fish and Wildlife Service to support a full-time GIS analyst for CHPPs in the DMF GIS unit. The proposal was approved in May 2001 for a five-year period. The position was filled in June 2002.

One of the plan writers resigned, effective June 30, 2002. Lack of this experienced person in the program will hamper preparation of the Coastal Habitat Protection Plans in the coming months.

As in previous years, insufficient funding has prevented obtaining the following items that would greatly enhance the Team’s progress:

- Dedicated environmental scientists (one each in DWQ, DCM, and DMF) to support work on CHPPs;
- Funds to subscribe to electronic scientific literature databases at DMF offices in Wilmington, Morehead City, and Elizabeth City; and
- Clerical support for CHPPs staff in DMF field offices.
ATTACHMENT 1.

INTERCOMMISSION REVIEW COMMITTEE MEMBERS
2001 - 2002

MARINE FISHERIES COMMISSION

Dr. Barbara Garrity-Blake  Gloucester  252/729-8021
Dr. B. J. Copeland  Pittsboro  919/837-5024

ENVIRONMENTAL MANAGEMENT COMMISSION

Will Fowler  Newport  252/393-2699
Dr. Charles H. Peterson  Morehead City  252/726-6841

COASTAL RESOURCES COMMISSION

David Beresoff  Supply  910/842-4281
Pricey Taylor Harrison  Beaufort  252/728-1287

ATTACHMENT 2.

TIMELINE FOR NC COASTAL HABITAT PROTECTION PLANS
JULY 2002 - JUNE 2005

<table>
<thead>
<tr>
<th>Task</th>
<th>Time Period</th>
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<tbody>
<tr>
<td>Draft NC CHPP</td>
<td>July 2002 - April 2003</td>
</tr>
<tr>
<td>DENR review</td>
<td>May – June 2003</td>
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<tr>
<td>Revise draft NC CHPP</td>
<td>July – August 2003</td>
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<tr>
<td>IRC review</td>
<td>September – December 2003</td>
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<tr>
<td>Public review</td>
<td>October – November 2003</td>
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<tr>
<td>IRC develop recommendations</td>
<td>November – December 2003</td>
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<tr>
<td>Revise NC CHPP</td>
<td>January - February 2004</td>
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<tr>
<td>Submit NC CHPP to Commissions</td>
<td>March 2004</td>
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<tr>
<td>Public review</td>
<td>April – May 2004</td>
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<tr>
<td>Commissions adopt NC CHPP</td>
<td>May – June 2004</td>
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<tr>
<td>Chowan River and Coastal Ocean Plans Completed</td>
<td>June 2005</td>
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ATTACHMENT 3.

COASTAL HABITAT PROTECTION PLAN MANAGEMENT UNITS