

DRAFT

4VAC 20-1160. Criteria for the Definition of Existing beds of Submerged Aquatic Vegetation and the Delineation of Areas Where There is Potential for Submerged Aquatic Vegetation Restoration

Preamble

The importance of Submerged Aquatic Vegetation (SAV) as a resource and habitat within the tidal waters of the Commonwealth is well-documented. The protection and restoration of SAV has been a long standing commitment of the Commonwealth and is identified in numerous Bay Program agreements and strategies for SAV management. Furthermore, when considering proposals for use of State-owned submerged lands the Commission must consider any projects effect on SAV.

SAV coverage is annually mapped by the Virginia Institute of Marine Science (VIMS) and potential restoration areas totaling 185,000 acres in the Chesapeake Bay have also now been identified by the Chesapeake Bay Program partners based on historic coverage. Combined, this information has been utilized by the Commission as a criteria to guide resource management decisions. Recent fluctuations in SAV coverage due to extreme weather conditions, however, have hampered our ability to utilize the most recent year survey information as the primary criteria and basis for decisions regarding proposed projects potentially affecting existing SAV beds and SAV recovery. This makes it necessary to consider multiple years' coverage of SAV to define SAV beds, and to formally incorporate the historic presence of SAV into criteria to identify areas for potential SAV restoration.

This regulation is promulgated pursuant to §§28.2-103 and 28.2-1204.1 of the Code of Virginia.

4 VAC 20-1160-10. PURPOSE

This chapter establishes criteria by which existing beds of SAV are defined and areas where there is potential for SAV restoration pursuant to § 28.2-1204.1 of the code of Virginia.

4 VAC 20-1160-20. DEFINITIONS

“Submerged Aquatic Vegetation” (SAV) means any of a diverse assemblage of underwater plants found in the shoal areas of Chesapeake Bay, Virginia coastal bays and river tributaries, primarily eelgrass (*Zostera marina*) and widgeon grass (*Ruppia maritima*), and including, but not limited to: Eurasian watermilfoil (*Myriophyllum spicatum*), redhead grass (*Potamogeton perfoliatus*), wild celery (*Vallisneria americana*), common elodea (*Elodea canadensis*), water stargrass (*Heteranthera dubia*), coontail (*Ceratophyllum demersum*), water-weed (*Egeria densa*), muskgrass (*Najas minor*), pondweeds (*Potamogeton* sp.), and naiads (*Najas* sp.).

4 VAC 20-1160-30. EXISTING BEDS OF SUBMERGED AQUATIC VEGETATION

Existing beds of aquatic vegetation shall include all those beds of Submerged Aquatic Vegetation identified and annually mapped by VIMS and documented in the last five (or 10) most recent year’s reports that includes any area showing a minimum vegetated coverage of up to 10%.

4 VAC 20-1160-40. AREAS WHERE THERE IS POTENTIAL FOR SUBMERGED AQUATIC VEGETATION RESTORATION

Areas for potential restoration of Submerged Aquatic Vegetation shall include all areas within Virginia included in the 185,000 acre SAV restoration target goal (approximately 77,500 acres in Virginia) developed and mapped by the Chesapeake Bay Program Partners for the Chesapeake Bay and its tributaries and identified in the December 9, 2003 Chesapeake Executive Council Adoption Statement for Submerged Aquatic Vegetation. These areas shall be mapped and included on the oyster planting ground maps prepared and maintained by the Commission. Areas for potential restoration of Submerged Aquatic Vegetation on the Seaside of Virginia’s Eastern Shore north of the Chesapeake Bay Bridge Tunnel crossing to Fisherman’s Island shall include those areas that have been identified to include existing beds of SAV as defined by section 4 VAC 20-1160-30(above) of this regulation since 2003 (or 1998), and any area set aside for SAV restoration or protection by the Commission. These areas shall be mapped and included on the oyster planting ground maps prepared and maintained by the Commission.

DRAFT