

# NOTICE

The Commission's Habitat Management Division staff will conduct a public information hearing on September 18, 2008 beginning at 1:30 p.m. at the Marine Resources Commission main office in the fourth floor Commission meeting room, 2600 Washington Avenue, Newport News, Virginia, regarding a proposed draft regulation (4 VAC 20-1160) to establish criteria for the definition of existing beds of submerged aquatic vegetation (SAV) and the delineation of areas where there is potential for SAV restoration, as well as proposed amendments specifying conditions for SAV protection in Regulation 4 VAC 20-335, pertaining to on-bottom shellfish aquaculture activities. The proposed draft regulation and proposed draft regulation amendments are attached. All interested parties are welcome to attend.

[http://www.mrc.virginia.gov/Notices/SAV\\_amendment.pdf](http://www.mrc.virginia.gov/Notices/SAV_amendment.pdf)

[http://www.mrc.virginia.gov/Notices/SAV\\_criteria\\_regulation.pdf](http://www.mrc.virginia.gov/Notices/SAV_criteria_regulation.pdf)

As background information for consideration of this matter it is recognized that SAV is an important natural resource which provides a variety of ecological functions, including stabilizing sediments, physically baffling wave energy, reducing water column turbidity, recycling water column nutrients, and providing high levels of primary and secondary production. SAV is considered to be of extremely high habitat value to commercially and recreationally important species of fish and shellfish, and is considered to be the primary nursery habitat for young blue crabs in the Chesapeake Bay. As such, the importance of Submerged Aquatic Vegetation (SAV) as a resource and habitat within the tidal waters of the Commonwealth is well-documented and the protection and restoration of SAV have 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 the use of State-owned submerged lands the Commission is especially charged with considering a projects effect on SAV pursuant to §28.2-1205 of the Code of Virginia.

SAV coverage is annually mapped by VIMS. In addition, potential restoration areas within the Chesapeake Bay, totaling 185,000 acres, have also now been identified by the Chesapeake Bay Program partners based on historic coverage. Maps of this historic coverage can be viewed using the VIMS Blue Infrastructure mapping tool at:

[http://ccrm.vims.edu/gis\\_data\\_maps/interactive\\_maps/blueinfrastructure/bi\\_intro.html](http://ccrm.vims.edu/gis_data_maps/interactive_maps/blueinfrastructure/bi_intro.html)

This coverage now represents the SAV restoration goal for the Chesapeake Bay. Approximately 77,500 acres of this restoration goal are in the tidal waters of Virginia. Within this area 36,600 acres were covered with SAV in 2002, which was the most recent peak for SAV abundance. Combined, this information has been utilized by Commission staff as criteria to guide resource management decisions. These decisions generally follow consultation with VIMS regarding the presence or absence of SAV resources based on their annual surveys of SAV coverage. However, recent fluctuations in SAV coverage due to extreme weather conditions have hampered the ability of Commission staff 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 for 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.

A public hearing for consideration of the proposed regulation (4 VAC 20-1160) and amendments to Regulation 4 VAC 20 -335 by the full Commission is scheduled for the Commission's October, 28, 2008 meeting.

Commission adoption of a regulation to establish the criteria to define beds of Submerged Aquatic Vegetation (SAV) and delineate areas where there is potential for SAV restoration, as well as amend the language of regulation 4 VAC 20-335 (Pertaining to On-Bottom Shellfish Aquaculture Activities) regarding the restrictions on placement of structures on SAV would be in accordance with the authority under §§ 28.2-103 and 28.2-1204.1 of the Code of Virginia.

Questions regarding this matter should be directed to Tony Watkinson, Deputy Chief Habitat Management Division at (757) 247-2255.