
VMRC HABITAT POLICY OVERSIGHT COMMITTEE POLICY



PREAMBLE

This policy outlines the operational procedures for the Habitat Policy Oversight Committee (HPOC), detailing the processes for board appointments and the conduct of both in-person and virtual meetings. It serves as a guiding framework to ensure effective governance and collaborative decision-making. This policy undergoes an annual review and adoption pursuant to § 2.2-3708.3 D (Meetings held through electronic communication means; situations other than declared states of emergency) of the Code of Virginia.

Section I HABITAT POLICY AND OVERSIGHT COMMITTEE

1.1 Habitat Policy Oversight Committee

HPOC was established by § 28.2-104.2 to advise the Commission on to advise the Commission and the Division on policies within their jurisdiction and support the Commission's coastal resilience efforts. The Commission shall retain ultimate regulatory authority, but the Division and the Commission shall consider and give due weight to the Committee's recommendations in decision-making processes. The Division shall report to the Commission on Committee activities and how the Committee's recommendations have informed policy and program development, and the Division shall consult with the Committee on all updates or revisions to policy matters not requiring formal Commission approval

1.2 Board Appointments

The Committee shall have 11 voting members appointed by the Secretary of Natural and Historic Resources. Vacancies shall be filled in the same manner as the original appointments and all members may be reappointed. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses. In addition to the Chief of the Division and the Deputy Commissioner of the Commission, who shall serve as nonvoting ex officio members, membership of the Committee shall be as follows:

1. One member who is a current Associate Commissioner of the Commission, who shall be the chair;
2. One member who represents the Virginia Institute of Marine Science;
3. One member who is an employee of the Institute for Coastal Adaptation and Resilience at Old Dominion University;
4. One member appointed to a local wetlands board;
5. One member who represents the private marine construction or consulting sector;
6. One member from the conservation or nonprofit environmental advocacy community;
7. One member from the aquaculture or commercial fisheries industry;

8. One member of local or regional government within the coastal areas of the Commonwealth;
9. One member from the Virginia Coastal Zone Management Program at the Department of Environmental Quality;
10. One member representing the mitigation banking or environmental restoration sector; and
11. One member from an industry subject to the Commission's authority pursuant to Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.).

D. Initially, members of the Committee established in (li.2) subdivisions C 1 through 5 shall be appointed to serve a term of two years and (ii) subdivisions C 6 through 11 shall be appointed to serve a term of four years. After the initial staggering of terms, members of the Committee shall be appointed to serve for terms of four years each.

1.3 Powers and Duties

The Committee shall have the following powers and duties:

1. Review and provide recommendations on Division policies, procedures, and priorities;
2. Review and make recommendations on appropriate mitigation strategies for all natural resources under the purview of the Division to provide a clear, consistent, and science-based path to granting permits. As part of such review, the Committee shall consider additional project benefits such as flood prevention, resilience, and habitat improvements, and alternatives when mitigation banking is not feasible, consistent with applicable laws and regulations;
3. Recommend process improvements to enhance efficiency, transparency, and scientific rigor;
4. Provide advisory input on major habitat-related rulemaking and regulatory amendments prior to Commission consideration;
5. Review actions of the Division to ensure consistency with state resilience and coastal policy plans and objectives;
6. Review and provide comment on proposed regulatory or procedural changes affecting tidal wetlands, subaqueous lands, and dune and beach permitting;
7. Recommend opportunities for interagency collaboration, grant alignment, policy integration, and permit efficiency; and
8. Recommend strategies and actions the Commission may pursue to contribute to and advance the goals of the Chesapeake Bay Agreement.

1.4 Meetings

Meetings are subject to the requirements outlined in §§ 2.2-3707 and 2.2-3708.3 and are held on an as-needed basis. Board members receive meeting information (agenda and previous meeting minutes) via email prior to each meeting.

Meetings will be advertised on the agency calendar with a link to the virtual meeting, an agenda, and any meeting documents that will be reviewed. Virtual meetings may be held via Microsoft Teams or other approved videoconferencing program, and those links will be shared with the agenda on the agency calendar. A meeting notice will be published on the Virginia Regulatory Town Hall no less than three business days prior to the meeting.

Meetings minutes are developed by VMRC staff and provided at the next meeting for approval and published on the VMRC website. Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with §§ [2.2-3708.2](#) or [2.2-3708.3](#), minutes shall include (i) the identity of the members of the public body who participated in the meeting through electronic communication means, (ii) the identity of the members of the public body who were physically assembled at one physical location, and (iii) the identity of the members of the public body who were not present at the location identified in clause (ii) but who monitored such meeting through electronic communication means.

At any meeting, members of the HPOC physically present constitute a quorum. Board members who miss two or more subsequent meetings without notification may be removed from the board.

154 Policy for Remote Participation for HPOC Meetings

An individual HPOC member may participate from a remote location only if a quorum of the HPOC is physically assembled at the meeting location, and there are arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location, as permitted by Virginia Code §2.2-3708.3, as amended, and this policy.

Individual members of the HPOC may use remote participation instead of attending a public meeting in person if, in advance of the public meeting the member notifies the Chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 50 % of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes.

In the event of any such participation by a member from a remote location, the meeting minutes will record remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. The meeting minutes will also reflect the fact that the member participated virtually due to one of the reasons listed above.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

1.5 Policy for All-Virtual Meetings

The HPOC and any corresponding subcommittees may convene a maximum of two all-virtual public meetings per calendar year or up to 50% of the meetings held per calendar year rounded up to the next whole number, whichever is greater. However, the all-virtual meetings cannot be held consecutively with another all-virtual meeting. These limitations shall apply separately with respect to the meetings of any subcommittees.

All-virtual public meetings may be convened for the following reasons:

1. It is impracticable or unsafe to assemble a quorum of the HPOC in a single location, but a state of emergency has not been declared; or
2. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting.

All-virtual public meetings must meet the following conditions in accordance with §2.2-3708.3:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. The phone number of the Chair or designated staff will be provided at the start of each meeting to alert the HPOC if the audio or video transmission of the meeting fails. The staff will monitor such designated means of communication during the meeting, and the HPOC will take a recess until public access is restored if the transmission fails for the public; and

3. No more than two members of the HPOC are together in any one remote location unless that remote location is open to the public to physically access it.

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Section II INDEX

Relevant Code sections:

2.2-3707: Requirements of meetings to be public
2.2-3708.2: Virtual in a state of emergency
2.2-3708.3: Virtual meetings NOT during an emergency
28.2-201: Establishment of Advisory Committees
28.2-104.2: Habitat Policy Oversight Committee; powers and duties; report

Index of Updates

Date of Change	Summary of Change

Signatures of Authorization

Signature	Printed Name	Date
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Signature	Printed Name	Date
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