

COASTAL MANAGEMENT NEWS

Volume 3, Issue 2, April 2009



Dorchester County, Maryland, during a high tide in 2007. As sea levels rise, extreme high tide events are becoming more frequent. Credit: Wanda Cole

Maryland Advances Sea Level Rise Adaptation with Interactive Summit

With over 4,000 miles of coastline, rising sea levels (anticipated to be two-three feet over the next 100 years), and naturally occurring regional land subsidence, Maryland is one of the most vulnerable states in the country to climate change. On April 27, 2009, hundreds of coastal leaders will gather in Annapolis, Maryland, to participate in *Building Coast-Smart Communities*, a high-level, interactive summit focused on sea level rise adaptation in Maryland. Maryland's Chesapeake & Coastal Program (CCP) is bringing a diverse set of stakeholders together to engage in difficult, real-life discussions and decisions facing coastal communities vulnerable to

climate change impacts such as sea level rise, coastal erosion, and storm inundation.

In August 2008, the Maryland Commission on Climate Change issued the *Climate Action Plan*, detailing the effects global warming will have on Maryland and recommending 61 specific actions to reduce global warming pollution and protect Maryland's people and property from rising sea levels and changing weather patterns (See also October 2008 story in *Coastal Management News*). To help implement the *Climate Action Plan*, the Maryland CCP developed a partnership with the Massachusetts Institute of Technology and U.S.

(Continued on pg. 2)

Page 1: MARYLAND ADVANCES SEA LEVEL RISE ADAPTATION WITH INTERACTIVE SUMMIT

Page 2: DOLPHIN SMART PROGRAM MOVES TO ALABAMA

Page 3: CONECTICUT STREAMLINES AQUACULTURE PERMITTING

Page 4: ALASKA COMMUNITY IDENTIFIES FUTURE MITIGATION OPPORTUNITIES

Page 5: DELMARVA PENINSULA TACKLES GROWTH REGIONALLY

Page 5: CELCP UPDATES

Page 6: RHODE ISLAND SYMPOSIUM ON OFFSHORE ALTERNATIVE ENERGY

Page 6: OCRM LAUNCHES CLIMATE CHANGE WEB PAGE

Page 6: PRESENTATIONS FROM PROGRAM MANAGERS' MEETING AVAILABLE

Page 7: NATIONAL SEA GRANT LAW CENTER: AN UNTAPPED LEGAL RESOURCE



Learn about the Dolphin SMART program. See Page 2.

(Maryland, Continued from pg. 1)

Geological Survey's group, the Science Impact Collaborative (MUSIC), and the Consensus Building Institute to help Maryland coastal communities adapt and respond to climate change.

During the summit, participants will work through a set of actions that communities can take to protect their people, infrastructure, and investments from future risk. This simulation will be based on a hypothetical Maryland community that reflects the reality of many of the state's coastal towns and cities. The set of actions will be scored on a "Coast-Smart Community" scorecard that ranks each action's effectiveness and cost. Participants will play the role of different stakeholders in this hypothetical community and must reach a

minimum total score to qualify for benefits under a hypothetical state-funded, incentive-based initiative called the Coast-Smart Community Bill.

This event will provide an excellent opportunity to get hands-on experience that will help participants as they address the challenges presented by climate change. Importantly, this initial event will create a network of community leaders who can coordinate and learn from other Maryland coastal communities.

For more information on the event, visit <http://maryland.coastsmart.org/> or contact Gwen Shaughnessy at gshaughnessy@dnr.state.md.us.

Dolphin SMART Program Moves to Alabama

The Alabama Coastal Area Management Program is working with NOAA, the Alabama Gulf Coast Convention and Visitors Bureau, and the Mississippi-Alabama Sea Grant Consortium to implement the Dolphin SMART program in Alabama. The Dolphin SMART program is a voluntary recognition and education program for businesses that seek to responsibly view dolphins in the wild.

The Dolphin SMART program teaches techniques to minimize the potential of wild dolphin harassment by commercial viewing operations. All participating businesses receive training on dolphin viewing etiquette, behavior, research, and natural history, and must

commit to dolphin viewing practices that exceed required legal standards to prevent harassment and promote stewardship. Upon completion of the program and subsequent evaluations, participating businesses can identify themselves as Dolphin SMART by displaying a flag or decal, which features the Dolphin SMART logo, on their vessel or in their advertising.

The acronym "SMART" is a reminder of the basic principles of dolphin viewing etiquette:

- **Stay** at least 50 yards from dolphins.
- **Move** away slowly if the dolphins show signs of disturbance.
- **Always** put your vessel engine in neutral when dolphins are near.
- **Refrain** from feeding, touching, or swimming with wild dolphins.
- **Teach** others to be Dolphin SMART.

The Dolphin SMART program began in the Florida Keys in 2007 as a partnership between NOAA's National Marine Sanctuary Program and National Marine Fisheries Service, the Whale and Dolphin Conservation Society, and the Dolphin Ecology Project. The program expanded to the Alabama coast the following year, and the first Alabama charter operation, Cetacean Cruises out of Orange Beach, was certified as Dolphin SMART in November 2008. Alabama scheduled another Dolphin SMART operator training workshop for April 21, 2009, in hopes of bringing on more recognized participants. The Dolphin SMART program has recently expanded to include Hawaii, who hopes to hold their first operator training very soon.

For additional information, contact Kelly Brinkman at Kelly.Brinkman@dcnr.alabama.gov or visit www.dolphinSMART.org/.



Dolphin watching businesses that complete the Dolphin Smart program can display the program logo on their vessel in recognition of their proper dolphin viewing etiquette.

Connecticut Streamlines Aquaculture Permitting

In February 2009, the Office of Long Island Sound Programs (OLISP) within the Connecticut Coastal Management Program released a new brochure, *Connecticut's Aquaculture Permitting Process*. The brochure is a quick-reference guide that provides an overview of the state's regulatory authorities and outlines the permitting requirements for those interested in pursuing aquaculture.

This brochure complements a more comprehensive document, *A Guide to Marine Aquaculture Permitting in Connecticut*, which was completed last fall through a partnership between OLISP, other Connecticut Department of Environmental Protection (DEP) programs, the Connecticut Sea Grant, the Connecticut Department of Agriculture, the Bureau of Aquaculture (DA/BA), and the U.S. Army Corps of Engineers (USACE). The guidebook describes the regulatory authorities and permitting requirements for aquaculture in the state, siting and design suggestions to ensure aquaculture applications are consistent with Connecticut's coastal management policies, and guidelines for scientific and educational aquaculture research. These documents represent the culmination of a significant interagency effort to improve agency coordination and streamline the permitting process.

Marine aquaculture is a growing industry in Connecticut. The \$25 million dollar industry leases over 77,000 acres of state submerged lands for shellfish. While traditional shellfish bottom culture is still the predominant aquaculture type in the state, there is also a growing interest in the use of other techniques, such as submerged or floating structures (e.g., cages, racks, long lines, nets, upwellers).

These emerging practices have created concerns over boater safety, navigation, and potential environmental and aesthetic impacts. In Connecticut, four DEP programs, the DA/BA, the USACE, and the local shellfish commissions all play a role in aquaculture permitting to ensure these diverse concerns are addressed. With so many entities involved, the aquaculture permitting process has been very complex and cumbersome for both aquaculturists and regulatory agencies.



Floating bags, used to grow oysters, are one example of the emerging aquaculture technologies being used in Connecticut. Credit: Connecticut Sea Grant

To improve agency coordination and streamline the permitting process, DEP-OLISP worked with the USACE and others to create a Joint Programmatic General Permit for Aquaculture. With the streamlined permit now in place, applicants only have to complete and submit one permit application.

While developing guidance materials, the interagency workgroup met with various stakeholders (including members of the regulated community) to ensure that the materials would address their needs. Although the first round of projects is complete, the workgroup continues to seek feedback from applicants to further improve the process.

Download a copy of the guidebook at <http://seagrant.uconn.edu/publications/aquaculture/permitguide.pdf> or the brochure at www.ct.gov/dep/lib/dep/long_island_sound/coastal_management/aquaculture_brochure.pdf.

For additional information, contact Kristen Bellantuono at Kristen.Bellantuono@ct.gov.

Alaska Community Identifies Future Mitigation Opportunities

The Aleutians West Coastal Resource Service Area (AWCRSA) is a local coastal district located in the “unorganized area” (no county or borough government) of the western Alaska Aleutian Island chain. Local coastal districts are part of Alaska’s Coastal Management Program (ACMP) and play an integral role in implementing the ACMP.

The AWCRSA is governed by an elected board representing the entire western Aleutian Islands from Unalaska Island west to Attu Island, an area that is 20 to 60 miles in width and roughly 1,000 miles long. Bounded by the Pacific Ocean to the south and the Bering Sea to the north, it has a wealth of natural resources, including some of the richest fishing grounds in the state. The largest community in the AWCRSA is Unalaska (population 3,551), which for fifteen years has had the nation’s highest seafood landings by pound.

Over the next year, Unalaska will begin several development projects to improve its community and harbor area. The AWCRSA is using their coastal consistency review process to ensure impacts to natural and cultural resources and coastal uses stemming from these projects will be minimized. However, not all coastal impacts will be avoidable, so mitigation will also be required for several projects.

To prepare for future mitigation projects, Unalaska recently partnered with the AWCRSA to update a guide for mitigation opportunities in the city. The guide, originally developed in 1996, pre-identifies and evaluates potential mitigation projects to offset unavoidable impacts of future development in wetland and coastal areas.

As part of the update process, the AWCRSA and Unalaska interviewed city representatives, native corporation representatives, and the public to obtain preliminary information and project suggestions. They also worked with appropriate state and federal agencies to help identify and refine the mitigation opportunities and incorporated a strong public education component.

The AWCRSA officially incorporated the updated guide, *Mitigation Opportunities in Unalaska*, into its approved local coastal program. Potential mitigation projects identified in the guide include derelict vessel removal, wetland preservation, habitat enhancements, and archeological site preservation. The guide describes each project’s objectives and overall goal, the project’s location, and any potential implementation issues. It also includes pictures of the site areas.



The mitigation guide identifies and evaluates potential mitigation opportunities for the Unalaska region .

By proactively identifying and evaluating a number of local resource enhancements that may be undertaken to offset development impacts, the document should streamline coastal consistency reviews, making it a practical and effective tool for the state, the local Unalaska government, and the AWCRSA. This cooperative approach has led to enhanced support for coastal management within the state and community.

For additional information, contact Karol Kolehmainen at awcrsa@gci.net.

Delmarva Peninsula Tackles Growth Regionally

The Delmarva Peninsula—located in the Delaware, Maryland, and Virginia Atlantic coastal region—is home to popular beach towns, productive agricultural lands, and important natural areas. Like many coastal areas, the Peninsula is also grappling with how to deal with a growing population and increasing development pressure.

Since 2004, the Delaware, Maryland, and Virginia Coastal Management Programs have partnered with the four Atlantic oceanfront counties (Sussex, Delaware; Worcester, Maryland; Accomack and Northampton, Virginia) and the Maryland Coastal Bays Program to create the Delmarva Atlantic Watershed Network (DAWN). DAWN promotes regional collaboration and lesson sharing among its members to encourage sustainable planning practices that balance natural resource protection with future growth.

As part of this effort, the Maryland and Virginia Coastal Management Programs, with additional support from the Center for Inland Bays and the University of Delaware, installed Community Viz software in all four counties and hired a planning professional to conduct build-out scenarios. The Community Viz software uses maps to show the maximum number of dwelling units that could be built given the counties' current zoning standards and buildable areas. The software was also used to calculate how nitrogen and phosphorous inputs to receiving waters would change due to additional development and to illustrate impacts to prime agriculture lands, water recharge areas, sea grass beds, and aquaculture grounds.

The planning professional also demonstrated how sea level rise would affect the area.

The build-out analysis provided some eye-opening information to the counties. Many were surprised at how developed their county could become based on the current zoning allowances. They were concerned that this was not the type of community they wanted to promote along the Delmarva Peninsula—an area that prides itself for its strong agricultural tradition.

For example, in the two Virginia counties, current zoning would allow for roughly a tripling of dwelling units in each county—a realization that is causing both counties to reconsider current zoning allowances. As a result of the build out analysis and concerns over protecting water quality for the clam farming industry, Accomack County adopted the Atlantic Preservation Area Ordinance that requires vegetative buffers, water quality impact assessments, erosion and sediment control, and stormwater management, as well as agricultural and silvicultural best management practices. Northampton County is currently considering changes to its zoning ordinance to direct future growth to areas with existing infrastructure and to provide better protection of sensitive natural areas.

For additional information about DAWN, contact Laura McKay at lbmckay@deq.virginia.gov.

CELCP Updates

NOAA's Coastal and Estuarine Land Conservation Program

FY2010 CELCP Competition

The FY2010 Coastal and Estuarine Land Conservation Program (CELCP) competition closed March 31, 2009. In total, NOAA received 53 proposals from 26 states and territories, totaling approximately \$88 million. Merit reviewers will begin their process soon. Reviewers include representatives from the coastal zone management and estuarine reserve community, NOAA coastal and habitat-related programs, other federal land conservation programs, and nongovernmental organizations. NOAA expects to finalize its ranked list of "ready and eligible" projects by September 2009.



Portions of the Agulowak River in Alaska were recently protected with funding from the Coastal and Estuarine Land Conservation Program. Credit: State of Alaska

Rhode Island Symposium on Offshore Alternative Energy

On Thursday, April 23, 2009, the Rhode Island Natural History Survey will host a one-day symposium titled *Rhode Island's Offshore Marine Ecosystem and the Potential Impacts of Alternative Energy* in North Kingstown, Rhode Island.

The conference will engage scientists, organizations, and citizens in an investigation of ocean development impacts on marine ecosystems and resources. Keynote speakers will include Dr. Tony Fox, National Environmental Research Institute, Denmark, on Birds and Offshore Wind Turbines; Dr. Frank Thompson, Centre for Environment, Fisheries and Aquaculture Sciences, United Kingdom, on Ocean Sound and Cetaceans; Jack Clarke, Massachusetts Audubon, on Cape Wind and Birds; and Rodney Cluck, Minerals Management Service, on Perspectives and Challenges in Evaluating Cape Wind. Additional talks will include marine benthic communities, marine ecology and sustainability, mapping marine habitats and spatial planning, effects of offshore wind on coastal tourism and birds, and legal/policy issues regarding permitting.

The Rhode Island Coastal Resources Management Council (CRMC) is sponsoring the workshop with Rhode Island Sea Grant and the University of Rhode Island as part of their ongoing Ocean Special Area Management Planning effort (SAMP) (<http://seagrant.gso.uri.edu/oceansamp/>). For the past year, the CRMC has been developing the Ocean SAMP with its partners to define use zones within Rhode Island's waters for alternative energy facilities and other ocean uses to minimize conflicts and protect sensitive resources. The U.S. Fish and Wildlife Service is also a sponsor of the symposium.

For additional information about the symposium and to register, visit www.rinhs.org/ or contact Kira Stillwell at kstillwell@rinhs.org.

OCRM Launches Climate Change Web Page

NOAA's Office of Ocean and Coastal Resource Management (OCRM) has launched a new section of its web site focusing on climate change (<http://coastalmanagement.noaa.gov/climate.html>). Designed as a resource for coastal managers, as well as to inform the public about the effects of climate change on coastal habitats and communities, the site includes discussion of such climate change impacts as sea level rise, ocean acidification, and changing species distribution. A section on OCRM activities explains some ways OCRM is helping coastal managers address climate change. Another section features case studies of how OCRM state coastal management partners are working to prepare for climate change and respond to its impacts. Visitors will also find links to other climate change information sites as well as archived issues of the Coastal Program Division's *CZMA Climate Change and Coastal Hazards E-News Update*.



OCRM's climate change web page informs the public about the impacts of climate change on coastal habitats and communities and highlights what OCRM and its partners are doing to respond to climate change.

Presentations from Program Managers' Meeting Available

NOAA's Office of Ocean and Coastal Resource Management, in partnership with the National Estuarine Research Reserve Association, hosted the annual Ocean and Coastal Program Managers' Meeting in downtown Washington, DC, February 24-26, 2009.

The meeting brought together coastal managers from states, territories, commonwealths, and NOAA to discuss emerging issues in ocean and coastal resource management. This year's theme focused on NOAA's Coastal Strategy, with a particular emphasis on climate change.

Presentations from the roundtable discussions about products, services, and activities related to climate change mapping, modeling, risk and vulnerability assessment, adaptation, smart growth, and marine spatial planning are available online at <http://coastalmanagement.noaa.gov/pmm/welcome.html>. A link to presentations and notes from the Coastal Management Program Programmatic Session are also available from the "Program Specific Information" box in the upper right hand corner.

– Spotlight on NOAA Resources –

National Sea Grant Law Center: An Untapped Legal Resource

Would you like to stay current on court decisions impacting coastal resources, but don't know how to do so? Have you ever wondered how a particular statute, regulation, or legal doctrine is applied in your state or around the country? The National Sea Grant Law Center (Law Center) (www.olemiss.edu/orgs/SGLC/) might be able to help.

NOAA's National Sea Grant Office established the Law Center in 2002 to provide legal research, education, and outreach to the Sea Grant community and its constituents. The Law Center is located at the University of Mississippi School of Law, where its attorneys conduct research on ocean and coastal laws and policies providing nonbiased legal advisory and outreach services to state and federal agencies, local governments, coastal users, and the general public.

The Law Center produces a range of products that enable Sea Grant personnel and others to stay informed about recent legal developments. The Law Center's quarterly newsletter, the *SandBar*, provides summaries of recent ocean and coastal law court cases. The *Ocean and Coastal Case Alert* is a monthly listserv highlighting

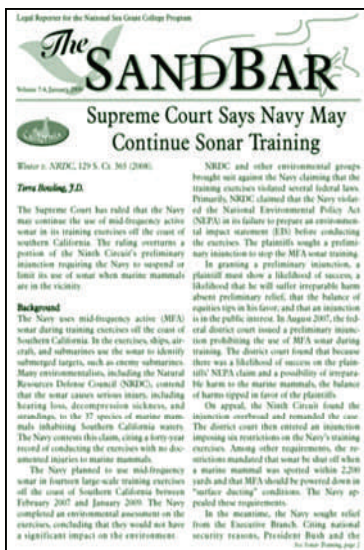


recent court decisions impacting ocean and coastal resource management.

The National Sea Grant Law Center also periodically produces detailed fact sheets, reports, and white papers on a wide range of coastal legal issues. The Law Center's most recent report, *Facing Uncertainty: Local Governments and the Precautionary Principle*, provides an overview of the precautionary principle and examples of how some local governments are incorporating sustainable development principles into their planning processes.

Individuals and organizations needing more extensive information may use the Law Center's Advisory Service, which is a legal research service provided free of charge to the Sea Grant College Program and its constituents. While the Law Center is prohibited from providing legal advice or becoming involved in litigation, its attorneys often prepare objective memorandum of law in response to Advisory Service requests. The Law Center has prepared memos on state policies for the removal of structures from the active beach and state definitions of "community docks." Copies of the memos and the Law Center's guidelines for submitting requests are available at www.olemiss.edu/orgs/SGLC/.

To subscribe to the *SandBar* or the *Ocean and Coastal Case Alert*, contact Waurene Roberson at waurene@olemiss.edu. For additional information about the National Sea Grant Law Center and its products and services, contact Stephanie Showalter at sshowalt@olemiss.edu.



The SandBar is the National Sea Grant Law Center's quarterly newsletter that provides a summary of recent ocean and coastal law cases.

The quarterly *Coastal Management Program Newsletter* was developed in response to state requests for assistance in improved communication/lesson sharing among the state and territory coastal management programs. Please let us know about interesting things going on in your coastal zone you would like to share with others. If you have any projects that you would like to highlight, please send a brief description to Allison.Castellan@noaa.gov. The submission deadline for the next newsletter is July 1, 2009.

Newsletter contact:

Allison Castellan
 Coastal Programs Division, NOAA
 1305 East West Highway, N/ORM3
 Silver Spring, MD 20910
 301.713.3155 ext. 125
allison.castellan@noaa.gov

