

A Brief Overview of Living Shorelines Legislation & Use in Virginia



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VMRC Habitat Management Division*



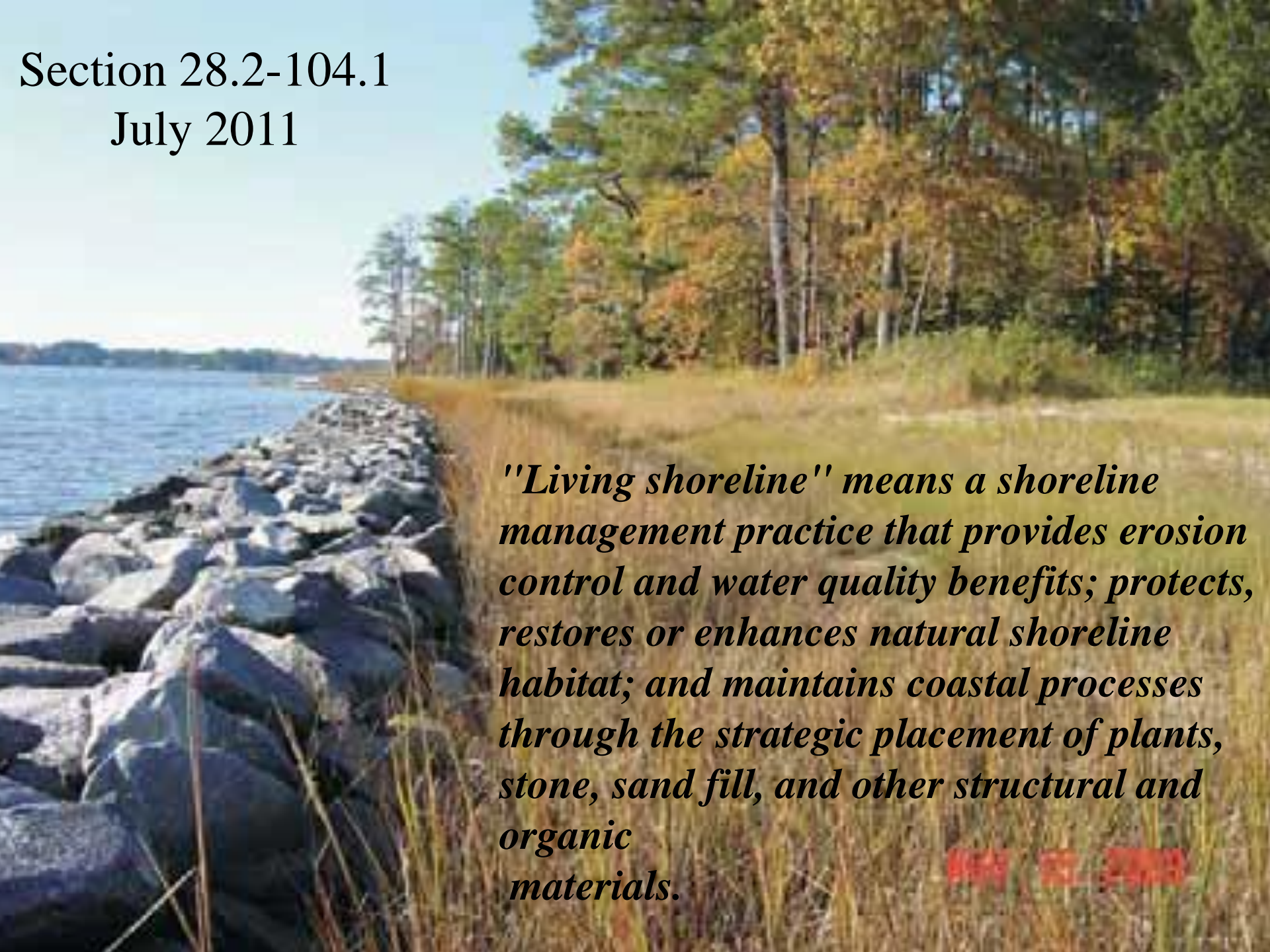
*Wetland Workgroup
Meeting*

Historically shoreline erosion control was accomplished with the traditional shoreline hardening measures that included the older stone or cinder block walls, bulkheads and riprap revetments.



Section 28.2-104.1

July 2011

A photograph of a shoreline. In the foreground, there is a line of large, dark grey rocks. To the left of the rocks is a body of water. To the right of the rocks is a grassy area with some tall, dry grass. In the background, there is a line of trees with green and yellow leaves. The sky is blue.

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials.

Senate Joint Resolution 35 (2010)

Living Shorelines Legislation Overview



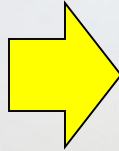
In 2010 Senate Joint Resolution 35 requested VIMS to conduct a study of tidal shoreline management in Virginia and to recommend methods to streamline regulation, encourage living shoreline methods and recommendations to provide for the sustained protection of tidal shoreline resources.

Senate Joint Resolution 35 (2010)

Senate Document 16 (2010)

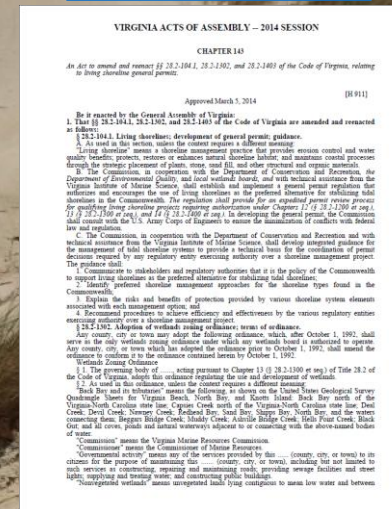
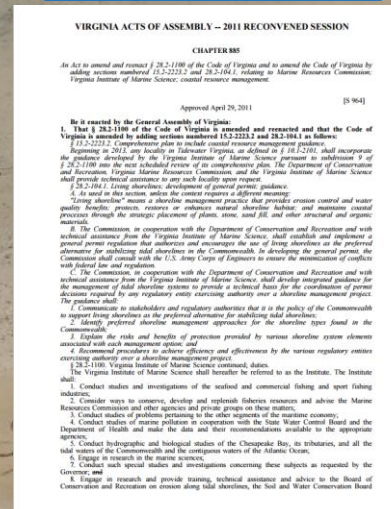
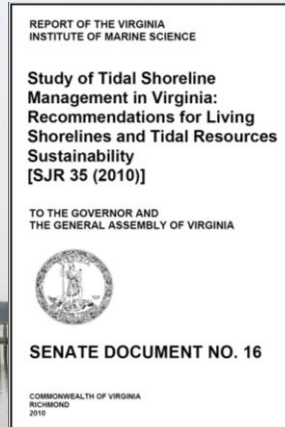
Living Shorelines Legislation Overview

Legislation



House Bill 911 (2014)

Senate Bill 964 (2011)



2011 Legislation - Senate Bill 964

Development of a General Permit and Integrated Guidance

*The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science, shall **establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth.***



Living Shoreline Advisory Groups

Technical Workgroup

**VMRC, VIMS
DCR, DEQ &
the Corps of Engineers**

Advisory Committee

**Local Government Staff
Wetlands Board Members
Agents and Contractors**

Group 1 General Permit (2015)

Components

- Fiber logs and Shell Bags
- Maximum fetch of ½ mile
- Confined to areas above mean low water
- Sand fill to enhance planting area limited to height of adjacent wetlands
- Identify source and utilize clean sand material with no more than 10% passing a #100 sieve.
- Designed to allow for improvements to enhance an intertidal area for vegetative plantings.

Procedures

- Standard application submitted (may develop an abbreviated application)
- Reviewed concurrently by VMRC and Wetlands Board
- If Wetlands Board and VMRC determine the application is sufficiently complete, meets the permit conditions and concur with the use of the abbreviated process VMRC shall issue the permit (21 days)
- Some minimal monitoring required
- No processing or permit fee
- Maintenance provision
- Given the limited potential to adversely impact the environment, adjoining neighbors of the general public, there is no public notice or notification of adjoining property owners proposed

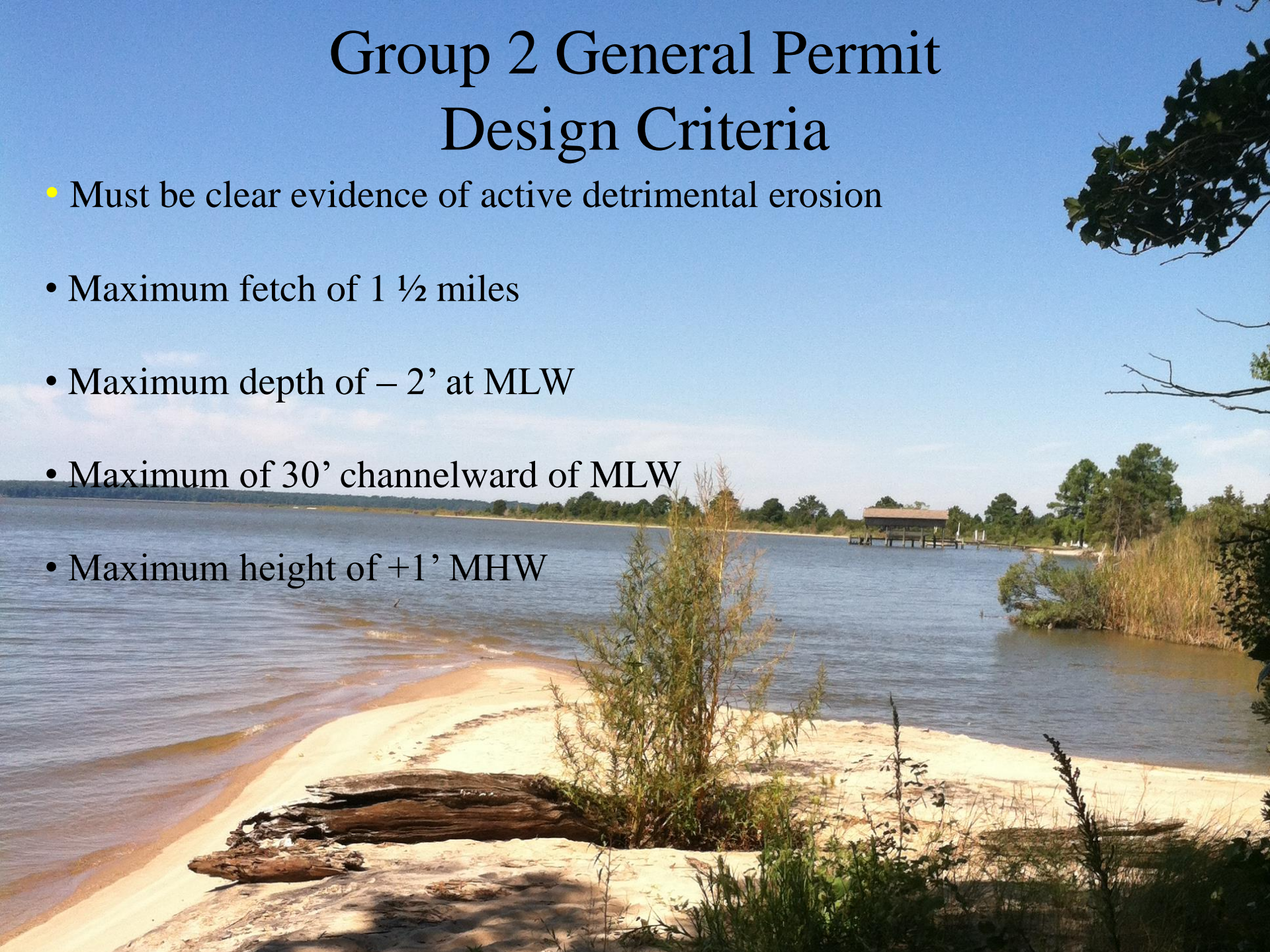
Group 2 General Permit (2018)

- Intended for the construction of certain riprap sills and marsh toe revetments and for the placement of sand to create or enhance tidal wetland areas
- Project may extend channelward of MLW
- Permit processing fee may be required
- APOs will be required to be notified and must not object
- No public notice requirement
- Some simple monitoring required



Group 2 General Permit Design Criteria

- Must be clear evidence of active detrimental erosion
- Maximum fetch of 1 ½ miles
- Maximum depth of – 2' at MLW
- Maximum of 30' channelward of MLW
- Maximum height of +1' MHW





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2020 SESSION

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SB 776 Wetlands protection; living shorelines.

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SUMMARY AS PASSED: (all summaries)

Wetlands protection; living shorelines. Requires the Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of wetlands and to approve only living shoreline approaches to shoreline stabilization unless the best available science shows that such approaches are not suitable.

FULL TEXT

[01/08/20](#) Senate: Prefiled and ordered printed; offered [01/08/20 20102955D](#) [pdf](#) | [impact statement](#)

[02/07/20](#) Senate: Printed as engrossed [20102955D-E](#) [pdf](#) | [impact statement](#)

[03/06/20](#) Senate: Bill text as passed Senate and House (SB776ER) [pdf](#) | [impact statement](#)

[04/07/20](#) Governor: Acts of Assembly Chapter text (CHAP0809) [pdf](#)

AMENDMENTS

House subcommittee amendments and substitutes adopted

§ 28.2-1301. Powers and duties of the Commission.

A. The Commission may receive gifts, grants, bequests, and devises of wetlands and money which shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the provisions of this chapter. The Commission shall manage any wetlands it receives so as to maximize their ecological value as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15 of this title.

B. The Commission shall preserve and prevent the despoliation and destruction of wetlands while accommodating necessary economic development in a manner consistent with wetlands preservation *and any standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including guidelines and minimum standards promulgated by the Commission pursuant to subsection C.*

C. In order to perform its duties under this section and to assist counties, cities, and towns in regulating wetlands, the Commission shall promulgate and periodically update *(i) guidelines which that scientifically evaluate vegetated and nonvegetated wetlands by type and describe the consequences of use of these wetlands types and (ii) minimum standards for protection and conservation of wetlands.* The Virginia Institute of Marine Science shall provide advice and assistance to the Commission in developing these guidelines *and minimum standards by evaluating wetlands by type and continuously maintaining and updating an inventory of vegetated wetlands.*

D. In developing guidelines, standards, or regulations under this chapter the Commission shall consult with all affected state agencies. Consistent with other legal rights, consideration shall be given to the unique character of the Commonwealth's tidal wetlands which are essential for the production of marine and inland wildlife, waterfowl, finfish, shellfish and flora; serve as a valuable protective barrier against floods, tidal storms and the erosion of the Commonwealth's shores and soil; are important for the absorption of silt and pollutants; and are important for recreational and aesthetic enjoyment of the people and for the promotion of tourism, navigation and commerce.

The goals of the wetland guidelines update are the following:

- Update the descriptions of wetlands by type and describe their ecological significance
- Communicate the Commonwealth's policy that living shorelines are the preferred alternative for shoreline stabilization.
- Provide guidance to local regulators and property owners on identifying and delineating tidal wetlands jurisdiction.
- Build on the existing minimum standards for the use and development of tidal wetlands.
- Identify preferred shoreline management approaches for shoreline types
- Explain the risks and benefits of shoreline stabilization approaches
- Recommend procedures to achieve efficiency and effectiveness for the management of tidal wetlands.
- Incorporate the "standards set by the Commonwealth for the protection of sensitive habitats from sea level rise" into the minimum standards for shoreline design.

VMRC's Wetlands Guidelines Workshops

WEBEX 10:00 AM – Noon

August 26, 2020

September 9, 2020

September 30, 2020

October 14, 2020

Listening to Local Regulators

Minimum Standards for the Use and Development of Wetlands

Best Management Practices for Preferred Shoreline Approaches

Policies for Managing for Sea Level Rise and Climate Change

Each workshop will have 5-7 “panelists” that will have the availability to speak at-will during the meeting and lead the conversation. Panelists will include scientists, contractors, NGOs, local government, or sister agencies with expertise on the workshop theme. However, **each workshop will be open to the public.** The public will be afforded the opportunity to give timed comments during each work session. In addition, comments can be sent to wetlandsguidelines@mrc.virginia.gov.

Webex information and workshop agendas can be found [Here](#)

Application Requests for Riprap, Bulkheads and Living Shorelines (2012-2019)

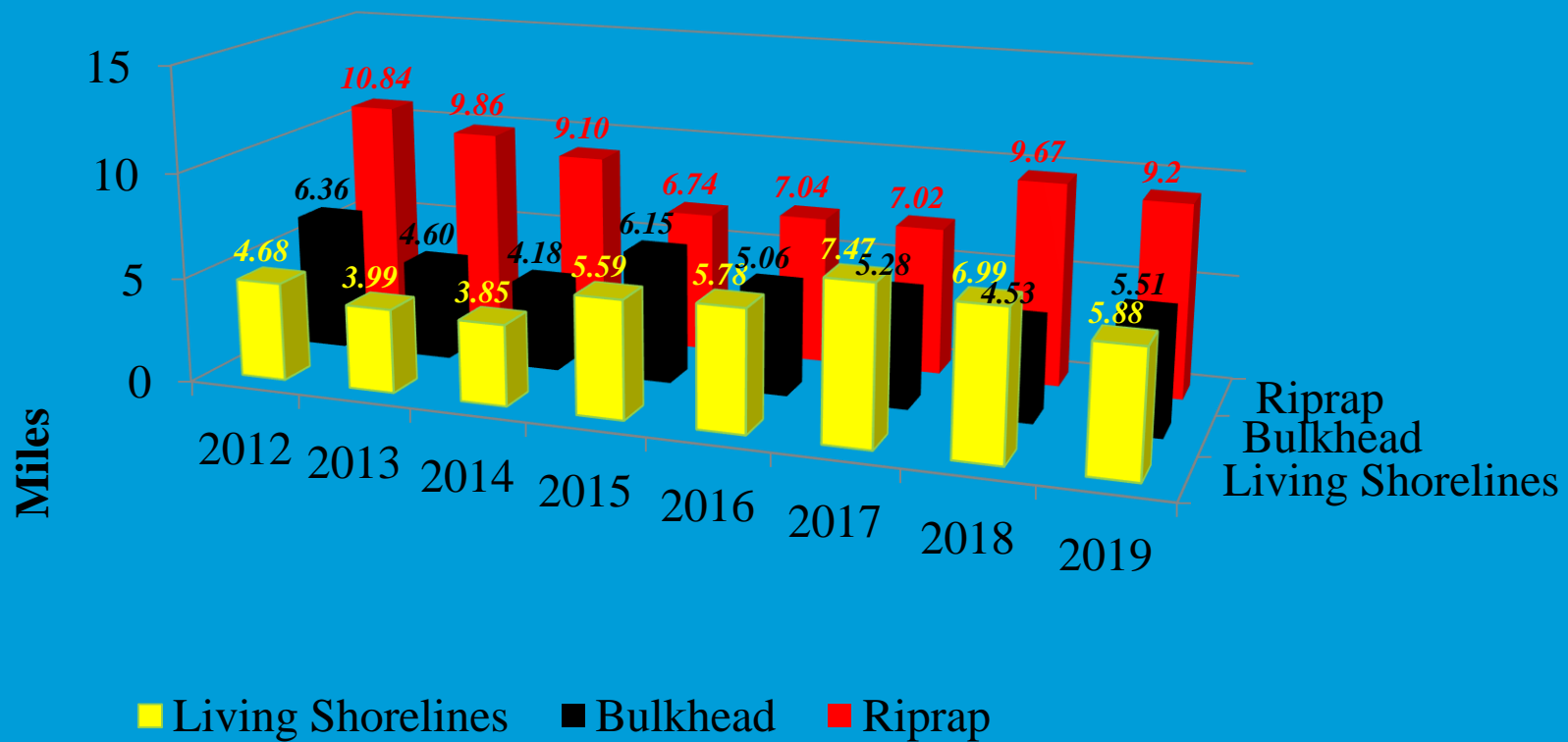


Table 1. Application Requests for Riprap, Bulkhead and Erosion Control Structures With Living Shoreline Components
July 1, 2011 - August 10, 2020

Erosion Control Structure	Length (feet)	Miles	% Total
Bulkhead	261800	49.58	0.27
Riprap	421622	79.85	0.44
<i>Subtotal</i>	<i>683422</i>	<i>129.44</i>	
Living Shoreline Individual Totals	285435	54.06	0.29
Sill	107003	20.27	
Breakwater	48502	9.19	
Other Breakwater Str	7901	1.50	
Coir Log	13799	2.61	
Bioengineered	61366	11.62	
Marsh Toe Sill	46864	8.88	

This shift from traditional shoreline hardening measures (ie, bulkheads & riprap revetments) to living shoreline treatments will hopefully increase as Virginia's waterfront property owners gain more confidence in these structures' ability to protect private property while providing key ecological services to the natural resources and marine habitats within the Chesapeake Bay and its tributaries.

