

2013 Mid-Atlantic Living Shorelines Summit

Living Shoreline State Regulation at a Glance



Current Regulation

DE has a streamlined permit process (Statewide Activity Approval or SAA) for small scale bank stabilization/living shorelines. This eliminates the public notice process and reduces permit processing times. Larger living shoreline projects (exceeding limitations of the SAA) require a full Subaqueous Land Permit. DE also has a cost share program as an incentive to promote vegetated shorelines, offering a 50% match up to \$5,000 for projects that use vegetation for stabilization (with 2:1, veg : rock). Federal permits are filed separately with the USACE.

Regulators

DE Dept. of Natural Resources and Environmental Control (DNREC) Wetlands and Subaqueous Lands Section Possibly DNREC's Coastal Zone Mgmt USACE (Please contact your local district office.)

Implemented

Statewide Activity Approval (December 2012)

Further Information

http://delawareestuary.org/Living_Shorelines
<http://www.dnrec.delaware.gov/wr/Information/Permits/Pages/WetlandsandSubaqueousLandsPermittingInfo.aspx>



Maryland

Current Regulation

A Joint Permit Application is used to apply for federal and State authorization under the Maryland State Programmatic General Permit. This is required for work in tidal waters of the U.S. including tidal wetlands.

Tidal Wetland Regulations for Living Shorelines:

- 1) A shore erosion control project must consist of nonstructural shoreline stabilization measures that preserve the natural environment.
- 2) A property owner is not required to use nonstructural shoreline stabilization measures if determined to be impracticable by the Maryland Department of the Environment by obtaining a waiver, or if the project has been mapped as appropriate for structural shoreline stabilization by MDE.
- 3) In addition to the Joint Permit Application property owners must also submit:
 - a) A proposed Critical Area Buffer Management Plan; and
 - b) A signed Critical Area Buffer Notification Form

Regulators

Maryland Department of the Environment (MDE)
USACE (Please contact your local district office.)

Implemented

Living Shorelines Law (October 2008); Regulations (February 4, 2013)

Further Information

<http://www.dnr.state.md.us/ccs/livingshorelines.asp>
<http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Pages/TidalRegsLivingShoreline.aspx>
<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>

Note: Compiled by Maryland Department of Natural Resources. This document is intended as a quick reference only. Please contact state regulating agencies for further details.

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New Jersey

Coastal general permit for habitat creation, restoration, enhancement and living shoreline activities (N.J.A.C. 7:7-7.29)

This general permit authorizes the establishment of a living shoreline to protect, restore, or enhance habitat, provided the living shoreline activity:

- Is designed or sponsored by certain Federal or State agencies, or implemented by a college or university for the purpose of research. A “sponsor” is an entity that endorses the activity in writing;
- Is part of a plan for the restoration, creation, or enhancement of the habitat and water quality functions and values of wetlands, wetland buffers, and/or State open waters;
- Is consistent with applicable coastal statutes and Coastal Zone Management (CZM) rules;
- Improves or maintains the values and functions of the ecosystem;
- Has a reasonable likelihood of success, or if performed by a college or university, advances the level of knowledge regarding living shorelines in New Jersey;
- Where located waterward of the mean high water line, is limited to one acre in size unless applicant is a Federal or State agency that demonstrates larger size is necessary to satisfy the goals of the project;
- Disturbs the minimum amount of special areas such as shellfish habitat, submerged vegetation habitat, intertidal and subtidal shallows, and wetlands, necessary to implement the project plan;
- Where restoring an existing shoreline to a pre-existing location, is limited to the footprint of the shoreline as it appeared on certain maps, including any proposed fill; and
- Includes public access in accordance with the CZM rules.

If a project does not meet the requirements of this coastal general permit, it may qualify for a coastal individual permit.

Regulators	New Jersey Dept. of Environmental Protection (NJDEP) USACE (Please contact your local district office.)
Implemented	N.J.A.C. 7:7 - Coastal Permit Program Rules (as amended through July 15, 2013) and N.J.A.C. 7:7E – CZM rules (as amended through July 15, 2013)
Further Information	http://www.nj.gov/dep/landuse/coastal/cp_gp29.html http://www.nj.gov/dep/rules/rules/njac7_7.pdf

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North Carolina

Current Regulation

Separate state and Federal permits are required. NC Division of Coastal Management requires a formal application and plan review for living shorelines. Three general permits are used by the state: vertical walled sills with marsh, marsh toe revetment, and stone or oyster bag sills with marsh plantings. General permits for vertical sills and marsh toe revetments are fast track permits (same as for bulkheads and revetments) with no formal application, and approval in field by agency staff. Stone or oyster bag sill projects require full application, and 2-3 month review process.

Regulators

North Carolina Division of Coastal Management
USACE (Please contact your local district office)

Further Information

<http://www.nccoast.org/Content.aspx?key=76664726-1d0d-4f30-a6b0-c2702bf97ee3&title=Living+Shorelines>
<http://portal.ncdenr.org/web/wq/ws>



Virginia

Current Regulation

In Virginia, separate local, state and federal permits are required for living shorelines with a Joint Permit Application. The State is working on a general permit. VA has a policy statement that encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines but no implementation requirements. Wetland permits are determined by Local Wetland Boards with oversight by the State.

Regulators

Local Wetland Boards, Virginia Marine Resources Commission VA Department of Environmental Quality USACE (Please contact your local district office.)

Implemented

Policy Statement - Senate Bill 964 (April 2011)

Further Information

<http://www.deq.virginia.gov/Programs/CoastalZoneManagement/CZMIssuesInitiatives/LivingShore.aspx>
http://ccrm.vims.edu/publications/pubs/rivers&coast/vol8_no1_2013ccrmp.pdf
http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html
<http://fairfaxcounty.gov/dpz/environment/finallivingshoreline.pdf>

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