

Virginia's Tidal Wetlands Guidelines Updates

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TIDAL WETLANDS GUIDELINES

Promulgated by the
Virginia Marine Resources Commission

Prepared by the
Habitat Management Division

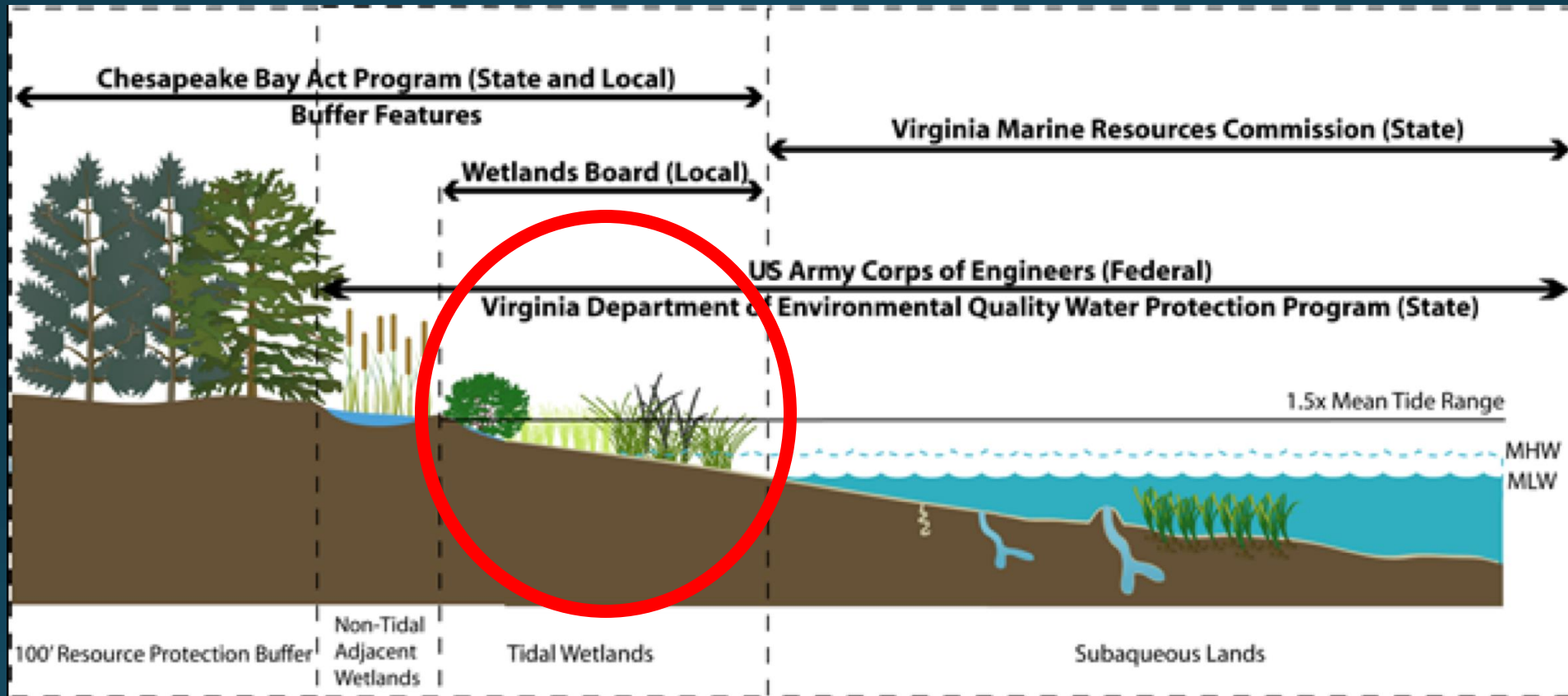
with
contributions from the
Virginia Institute of Marine Science

Developed Pursuant to Chapter 13 Title 28.2, Code of Virginia

May 2021 Update

Virginia's Tidal Wetlands Act

COV 28.2 Chapter 13



Virginia Shorezone Jurisdictions: legally defined shoreline resources and the relevant local, state and federal authorities. Note that some authorities cross resource boundaries and most resources have at least two responsible regulatory authorities. Symbols courtesy of the Integration and Application Network (ian.umces.edu/symbols/), University of Maryland Center for Environmental Science.

Therefore, in order to protect the public interest, promote public health, safety and the economic and general welfare of the Commonwealth, and to protect public and private property, wildlife, marine fisheries and the natural environment, it is declared to be the public policy of the Commonwealth to preserve the wetlands and to prevent their despoliation and destruction and to accommodate necessary economic development in a manner consistent with wetlands preservation."

Senate Bill 964

Section 28.2-104.1

July 2011

"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.



2020 Legislation- Senate Bill 776

- Established Living Shorelines as the default approach to shoreline control unless the “best available science” indicates the site is not suitable for such methods. (Code of Virginia 28.2-104.1)
- “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 COV 28.2-1308
- “Develop integrated guidance for the management of tidal shoreline systems....for coordination of permit decisions.” COV 28.2-104.1



To facilitate this effort, staff initially contacted the Virginia Institute of Marine Science (VIMS) for assistance and guidance for the proposed Wetlands Guidelines Update. An interdisciplinary team of scientists was convened to collectively advise Commission staff on the matter.



Following that, in fall of 2020 a series of public workshops were held concerning the proposed update of the Wetlands Guidelines. Comments from VIMS and the workshop participants were utilized by staff to prepare the initial draft.

Public Comments

A total of **130 comments** were received. Of those, 100 comments (77%) came in the form of a mass email with identical language supporting living shorelines as the preferred alternative for shoreline stabilization and the Commonwealth's commitment to achieve no net loss of tidal wetlands.

The **remaining 30 comments** (23%) originated from 7 major groups, Advisory (VIMS), Non-governmental organizations (NGO's), Wetlands Boards, Consultants, Municipalities, Planning District Commission (Hampton Roads PDC) and Citizens.

**Table 1. Public Comments Received
Tidal Wetlands Guidelines Update
(March 1, 2021 – April 16, 2021)**

Row Labels	Count of Category
Advisory	1
Citizen	11
Consultant	5
Mass Email	100
Municipality	2
NGO	5
Planning District Commission	1
Wetlands Board	5
Grand Total	130

May 2021 Guideline Updates

- Update the guidelines based on the best available science.
- Communicate that living shorelines are the default approach to shoreline stabilization. COV 28.2-104.1
- Ensure protection of shoreline resources from sea level rise and climate change. COV 28.2-1301
- Identify preferred shoreline management approaches

Wetlands Types Updated



General Criteria for Project Review

- Projects may be approved provided that marine fisheries, valuable fish habitat, wetlands and wildlife resources, flood protection and water quality are not detrimentally affected and the proposed use does not contribute to the cumulative net loss of tidal wetlands.
- “The primary goal of any permit review is to minimize the loss of wetlands and the adverse ecological effects of all permitted activities within the wetlands.”

Living Shorelines as the Default Approach

Living Shoreline

- Living Shorelines must be the primary approach to shoreline management unless best available science proves one is not suitable.

Rock

- Rock revetments are the next preferred alternative if a LS is not suitable based on best available science.

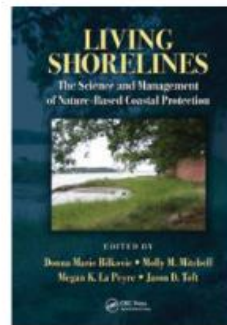
Mixed Media Shoreline

- When a LS is not suitable, living shoreline approaches should be incorporated where possible.



Determining Living Shoreline Suitability

- Hydrodynamic settings
- Water Depth
- Sediment Type
- Fetch
- Bank Height
- Neighboring Properties
- Subaquatic Vegetation
- Riparian Vegetation
- Oyster Reefs
- Upland Structures
- Storm Waves
- Sunlight
- Boat Wake



Chapter

Practical Living Shorelines

Tailored to Fit in Chesapeake Bay

By Walter I. Priest

Book [Living Shorelines](#)

Edition	1st Edition
First Published	2017
Imprint	CRC Press
Pages	26
eBook ISBN	9781315151465

Project Specific Assistance

- VMRC's Habitat Engineers



- DCR's Shoreline Erosion Advisory Service



- CCRM Digital Support Tools



- VIMS Office of Research and Advisory Services

Coastal Adaptation and Wetland Resilience

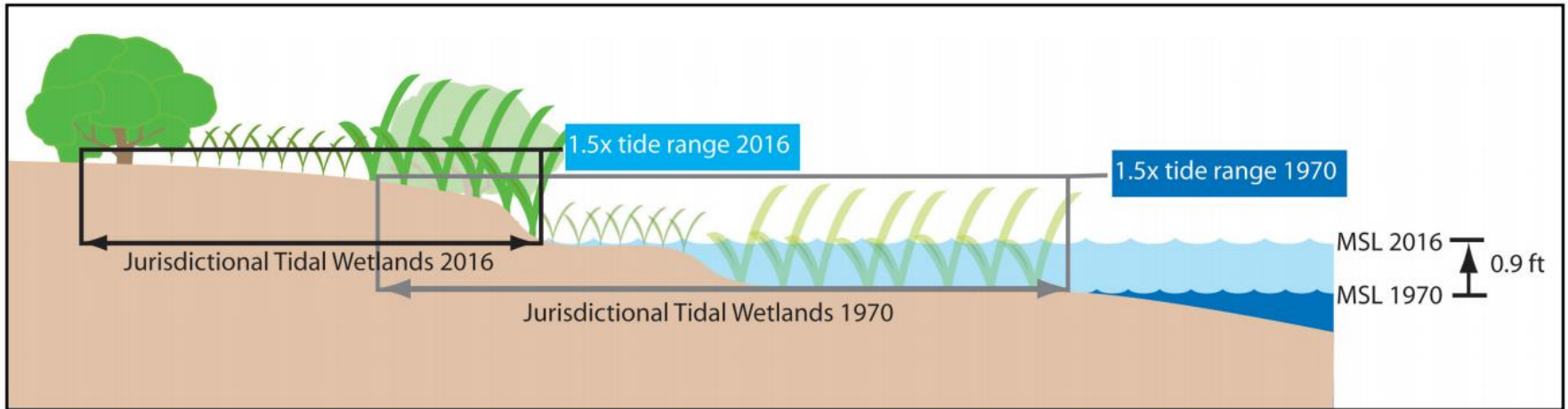
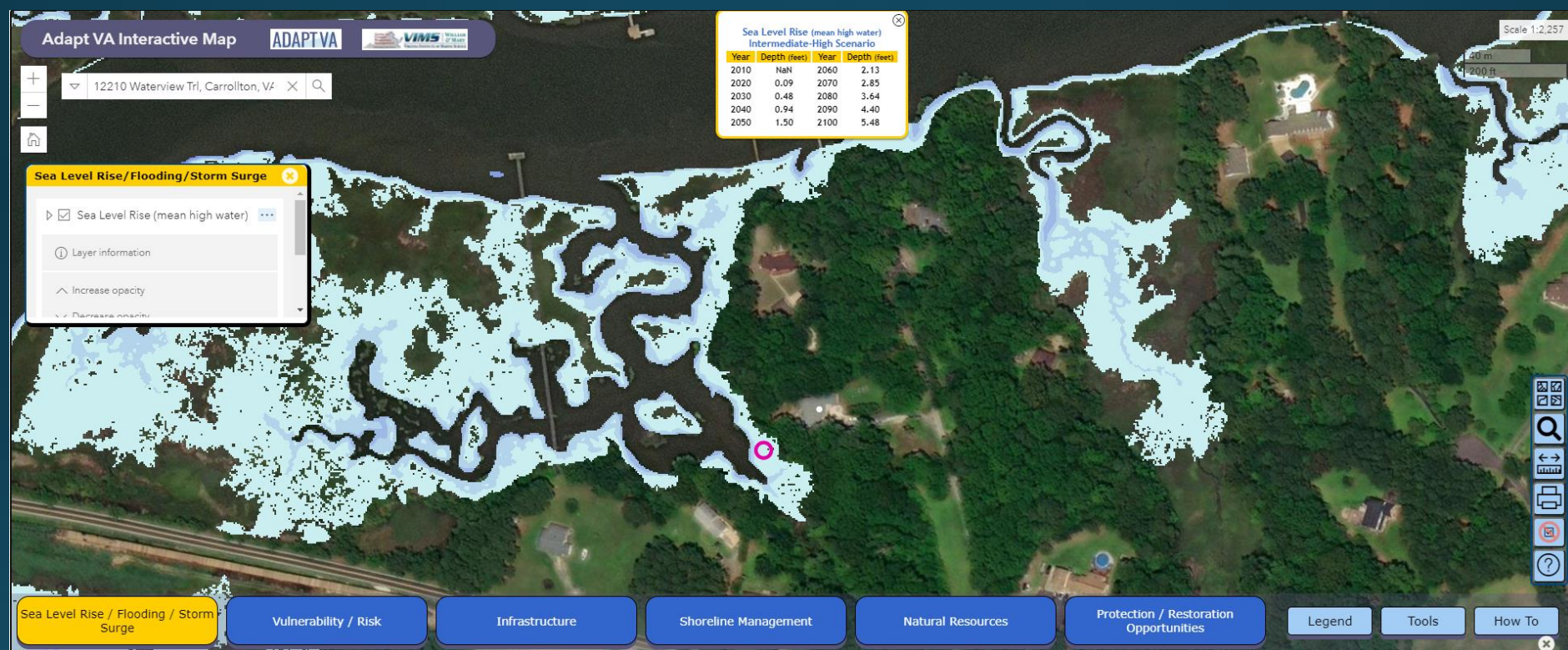


Figure 8. *Illustration of how jurisdictional vegetated tidal wetlands change with a rising sea level.*

1. All impacts within the RPA must also be reviewed through the local CBPA process

2. Proposed projects must allow the landward migration of existing vegetation over the useful life of the project using the 2017 NOAA Intermediate-High Projection Curve.



https://cwbi-app.sec.usace.army.mil/rccslc/slcc_calc.html

<https://msc.fema.gov/portal/advanceSearch>

Storm Protection

1. Projects should be designed to mitigate coastal hazards...over the useful life of the project.
2. Projects should ensure that the stabilizing objectives address the most erosive conditions predictable to the site.
3. Project reviews shall include "the 10-year storm event water levels as calculated by NOAA and FEMA" (Storm Surge)



CITY OF NORFOLK,
VIRGINIA
(INDEPENDENT CITY)



REVISED: FEBRUARY 17, 2017



Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER
510104V000C

What's Next

- Update the Joint Permit Application
- Habitat Engineer presentations at local wetlands boards
- Continued partnership between DEQ and VMRC on integrated guidance.