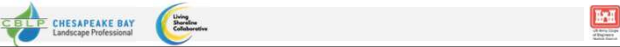


Living Shoreline Design Essentials

Navigating the Permitting Process for General Permits Type 1 or 2

Rachael Peabody
Virginia Marine Resources Commission
Director of Coastal Policy

Autumn Crawford
US Army Corp of Engineers, Norfolk District
Biologist



1

Roles & Responsibilities

Regulatory Mission

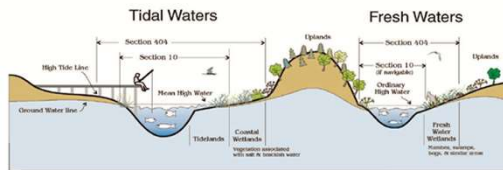
The Regulatory Program is committed to protecting the Nation's aquatic resources and navigation capacity, while allowing reasonable development through fair and balanced decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands.



2

Jurisdiction

CORPS OF ENGINEERS REGULATORY JURISDICTION



Section 103
Aerial Discharge of Dredged Material
Typical examples of regulated activities:
Ocean discharge of dredged material

Section 404
Disposal of Dredged or Filled Material into Waters of the U.S.
All filling activities, utility lines, coastal structures, road crossings, beach nourishment, riprap-jetties, some excavation activities, etc.

Section 10
All Structures and Work (navigable waters)
Docks, moorings, piers, wharves, bulkheads, levees, piers, jetties, breakwaters, causeways, fill, artificial construction lines, etc.



3

Roles & Responsibilities

Authorities

- Section 10 of the Rivers and Harbors Act of 1899 prohibits the unauthorized obstruction, alteration, work or fill of any navigable water of the U.S. unless a permit from the Corps is granted.
 - Breakwaters, riprap, coir logs, sills, oyster castles, reefs, excavating, sand fill, plantings and/or other structures/fill
- Section 404 of the Clean Water Act's purpose is to restore and maintain the chemical, physical and biological integrity of the waters of the U.S and authorizes the Secretary of the Army to issue permits for the discharge of dredged or fill material into the waters of the U.S. at specified disposal sites.
 - Discharge of fill material that would replace or change the bottom elevation of a water of the U.S.



4

Permits and Review

Corps Shoreline Permits

Currently there are 5 general permits that could potentially be used for shoreline work:

- NWP 13 - Bank Stabilization
- NWP 18 - Minor Discharges
- NWP 27 - Aquatic Habitat Restoration, Enhancement & Establishment Activities
- NWP 54 - Living Shorelines
- RGP 19 - Shoreline Stabilization**

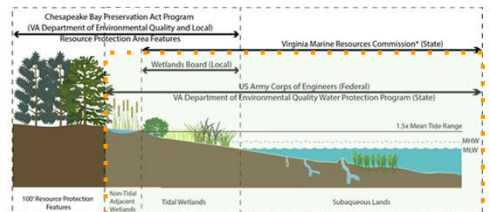
Each permit has specific limitations and review requirements. Should the proposed project exceed all available limits of the general permits available, then an individual permit would be necessary.

Permit	Authority	Limits	Other Restrictions
NWP 13 - Bank Stabilization	16.404	1) Land less than 200' from along the bank limits outlined by 16.404-1 and 16.404-2 (see 16.404-1 for details)	Activities cannot occur within 100' of a wetland or 100' of a navigable waterway. All fill material must be placed in a designated disposal site. The applicant must submit a plan for monitoring and maintenance of the project.
NWP 18 - Minor Discharges	16.404	All point sources of 10 cubic feet or less per day.	Does not authorize discharges for stream alterations.
NWP 27 - Aquatic Habitat Restoration, Enhancement & Establishment Activities	16.404	None	Does not authorize stream channelization, dredging and artificial structures or alterations of tidal waters. Does not authorize construction of artificial structures or alterations of tidal waters. Activities must be designed to enhance or restore natural habitat. A 100' buffer zone is required for the project. A 100' buffer zone is required for the project. A 100' buffer zone is required for the project.
NWP 54 - Living Shorelines	16.404	1) Land less than 200' from along the bank limits outlined by 16.404-1 and 16.404-2 (see 16.404-1 for details)	Must include a plan of work activities to protect the shoreline from erosion. Activities must be designed to enhance or restore natural habitat. A 100' buffer zone is required for the project. A 100' buffer zone is required for the project. A 100' buffer zone is required for the project.
RGP 19 - Shoreline Stabilization	16.404	1) Land less than 200' from along the bank limits outlined by 16.404-1 and 16.404-2 (see 16.404-1 for details)	100' buffer zone is required for the project. A 100' buffer zone is required for the project. A 100' buffer zone is required for the project.



5

Virginia Tidal Waters JPA: US COE (Federal) + DEQ



* VMRC has oversight authority for the Tidal Wetlands Act and administers the Act in localities without a wetlands zoning ordinance and local wetlands board. 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, lan.usmc.edu/symbols/, University of Maryland Center for Environmental Science.




6

Jurisdiction – Where's the fill?


Section 10 – All work in, on, over or under navigable waters




MHW - Shoreward limit for all tidal waters



Section 404 – Disposal of dredged/fill material within waters of the US

HTL - Shoreward limit of jurisdiction for all tidal waters

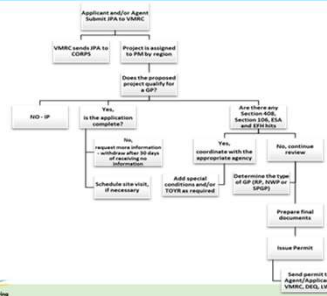









7

Understanding and Navigating the Corps Permitting Process in Virginia

Permit Processing Map



8

The JPA

Everything We Need to Know

- It is imperative that we receive a complete application with a clear and concise description and diagrams, purpose and need, and properly filled out appendices
- A JPA without one of the aforementioned sections would require additional information from the applicant and would increase the review time
- Not all agencies require the same information in order to complete their review and sometimes it is necessary to request additional information




Describe the activity, materials used, fill AND SF of restoration area

1. Describe and inventory, including, but not limited to, dikes, jetties, other structures, as being shoreline project separately in the space below. Include the overall length in linear feet, the amount of square yards, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable.

2. What is the maximum cross/least clearance of mean high water? _____ feet
 Clearance of mean low water? _____ feet
 Clearance of the back edge of the dike or break? _____ feet

3. Please calculate the square footage of non/least one: Direct impacts caused by the project.

• Treated wetlands _____ square feet	
• Non regulated wetlands _____ square feet	DO NOT list the creation of wetlands
• Subaqueous bottom _____ square feet	
• Clear sand or beach _____ square feet	

9

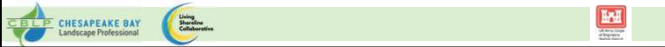
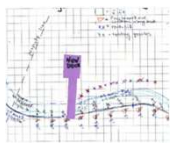
The JPA

Why words and diagrams matter

4. Provide a detailed description of the project in the cover letter, including the type of project, its location, materials, and method of construction. Be sure to include how the construction site will be accessed and whether new driving and/or parking is required, including the total storage. If the project requires a permit, please be sure to include the total number, type (e.g., wood, steel, etc.), diameter, and length of materials to be lowered (chairs, poles, etc.). If additional space is needed, provide a separate sheet of paper with the project description.

5. Provide a detailed description of the project in the cover letter, including the type of project, its location, materials, and method of construction. Be sure to include how the construction site will be accessed and whether new driving and/or parking is required, including the total storage. If the project requires a permit, please be sure to include the total number, type (e.g., wood, steel, etc.), diameter, and length of materials to be lowered (chairs, poles, etc.). If additional space is needed, provide a separate sheet of paper with the project description.

The purpose of the project is to create a living shoreline on land of existing, eroding marsh, adjacent to shore conditions, but also from water (0.7 miles back). The proposed living shoreline consists of 270 square feet of open water basin, selected three banks high, underlain with filter fabric with 2.075 square feet of sand (about 1/2 inch of the fabric to prevent a piping area for diatoms, etc.). The fabric will be placed on 18 inch diameter and the filter fabric will be placed on the ground with geotextile protection fabric. Outer water basin will be hand placed on the bank. When sand will be placed from equipment on a barge. Final grading will be done by hand to ensure that the existing marsh grade is matched.



10

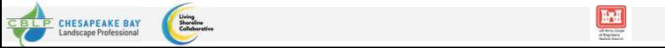
The JPA

Revisions – Before Permit Issuance

- Revisions of a proposed project prior to the issuance of a permit should be sent to VMRC and the Corps PM.
- The new revisions will have to undergo project specific review to ensure compliance with regulations and to ensure that the correct permit will be issued based on newly available information.

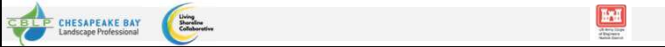
Revisions – After Permit Issuance

- Revisions of a proposed project AFTER the issuance of a permit should be sent to VMRC and the Corps PM.
- General Permits CANNOT be modified
 - If the new revisions include minor modifications with a decrease in impacts as compared to the issued permit, then the permit is still valid.
 - If the new revisions include significant changes, modifications or increase in impacts as compared to the issued permit, then the issued permit would have to be revoked and the entire review process restarted.



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When and How to Contact Us



12
