

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 28.2-104.1 of the Code of Virginia, relating to living shorelines;*
3 *resiliency.*

4 [H 1375]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 28.2-104.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 28.2-104.1. Living shorelines; development of general permit; guidance.**

9 A. As used in this section, unless the context requires a different meaning:

10 "Living shoreline" means a shoreline management practice that provides erosion control and water
11 quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes
12 through the strategic placement of plants, stone, sand fill, and other structural and organic materials.
13 *When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and*
14 *storm surge.*

15 B. The Commission, in cooperation with the Department of Conservation and Recreation, the
16 Department of Environmental Quality, and local wetlands boards, and with technical assistance from the
17 Virginia Institute of Marine Science, shall establish and implement a general permit regulation that
18 authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal
19 shorelines in the Commonwealth. The regulation shall provide for an expedited permit review process
20 for qualifying living shoreline projects requiring authorization under Chapters 12 (§ 28.2-1200 et seq.),
21 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.). In developing the general permit, the Commission
22 shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal
23 law and regulation.

24 C. The Commission, in cooperation with the Department of Conservation and Recreation and with
25 technical assistance from the Virginia Institute of Marine Science, shall develop integrated guidance for
26 the management of tidal shoreline systems to provide a technical basis for the coordination of permit
27 decisions required by any regulatory entity exercising authority over a shoreline management project.
28 The guidance shall:

29 1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth
30 to support living shorelines as the preferred alternative for stabilizing tidal shorelines;

31 2. Identify preferred shoreline management approaches for the shoreline types found in the
32 Commonwealth;

33 3. Explain the risks and benefits of protection provided by various shoreline system elements
34 associated with each management option; and

35 4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities
36 exercising authority over a shoreline management project.

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