

# FEDERAL REGULATION OF LIVING SHORELINES

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# Nationwide Permit 13

- Covers shoreline stabilization projects
- Bulkheads expedited review – 1 day
- Living Shorelines – 3-4 months



# State Programmatic Permit

- Maryland
- This MDSPGP-4 authorizes work in waters of the United States within the state of Maryland for activities that would cause no more than minimal adverse environmental effects, individually and cumulatively, subject to the terms, conditions, and limitations contained herein. This MDSPGP-4 builds upon the existing Wetlands and Waterways Program of the Maryland Department of the Environment (MDE) and is designed to improve the regulatory process for applicants, reduce unnecessary duplicative project evaluations, and promote more effective and efficient use of Corps resources while providing equivalent environmental protection for aquatic resources. This programmatic general permit has been developed in a cooperative effort with the MDE, which has regulatory authority over waters of the State of Maryland.

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limitations on the existing Maryland Department of the Environment to improve and protect the State's water resources. This programmatic general permit has been developed in a cooperative effort with the MDE, which has regulatory authority over waters of the State of Maryland.

**Minimal impacts**

**Avoid Duplication**

**Save on Corps Resources**

# Regional General Permit

- Alabama

- ALG10-2011 - LIVING SHORELINES GENERAL PERMIT

- (Authority: Sections 10 and 404): This general permit provides for the preservation and restoration of dunes, beaches, wetlands, submerged grassbeds, protection and propagation of essential fish habitat, shoreline restoration and nourishment. Due to the dynamic and variable nature of various shoreline types, to the maximum extent possible, shoreline stabilization shall be accomplished by the establishment of vegetation communities representative of the targeted habitat. Some situations may be adequately stabilized using established vegetation, such that, additional amendments may not be warranted. Reef and/or breakwater construction, when used in conjunction with living shorelines principals or other means to encourage shoreline enhancement or restoration, shall incorporate construction design(s) to address natural sediment transport and promote low wave energy abatement and shall not create a navigational hazard. Structures should be limited in size but provide adequate protection needed in high energy environments without causing adverse impacts to surrounding properties or resources. In some cases, hydrologic studies may be required prior to permit issuance. This general permit does not authorize land reclamation activities.

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# Challenge to NWP 13

- National Wildlife Federation v. U.S. Army Corps of Engineers (14-1701).
- Motion for Reconsideration



# Reauthorization of NWP

- Corps developing 2017 NWP 13 now
- Proposed rule recently issued
- 60-day comment period – ends August 1
- Final rule issued in early 2017



# Suggested Living Shoreline NWP?

- Living Shoreline permit team – proposed a living shoreline permit that includes “feasible” language
- Proposed condition for NWP 13 – “There are no feasible living shoreline alternatives as set forth in Nationwide Permit \_\_\_\_\_. A living shoreline may not be feasible if the site exhibits excessive erosion, severe high energy conditions, extreme water depths, or the waterway is too narrow for effective use of a living shoreline.”

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**Can't use a NWP 13 unless first rule out living shoreline**

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# Proposed NWP 13

- Language about bioengineered approaches
- NWP 13 can apply to any shoreline protection
- **No feasibility language**

# Proposed Living Shoreline NWP

- Estuarine coasts, bays, sheltered coastlines, and tributaries
- Soft elements combined with hard elements (if needed)
- Maintain natural continuity of land-water interface
- Retain or enhance shoreline ecosystems
- Substantial biological component
- Preconstruction Notification
- No impacts on endangered species

# Alabama Regional General Permits

- ALGP-11 – Bulkheads -- only if no feasible alternative
- ALGP-10 – Living Shorelines
  - Natural elements, preserve interface
  - Appropriate locations can use sills and breakwaters with softer approaches
  - No more than 1,000 linear feet
  - Cannot impact endangered species

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The End