

Living Shoreline Law and Policy: Delaware to Florida¹

Presumptively Required

Maryland	
<p>MD. CODE ANN., ENVIR. § 16-101, et seq; MD. CODE REGS. 26.24.04.01, et seq.</p>	<ul style="list-style-type: none"> • A permit for an erosion control project requires evidence of erosion, and may not be granted if existing state or private wetlands are “effectively preventing erosion...” • Living shorelines (“nonstructural shoreline stabilization measures”) are <u>required</u> to control shoreline erosion. • “Structural shoreline stabilization measures” may be used in areas identified as appropriate for hardened structures as mapped by the state. • <u>Applicants may seek a waiver from the nonstructural requirement if “a structural shoreline stabilization measure is the only feasible alternative that will protect and maintain the person's shoreline.”</u> A series of criteria are then used to evaluate whether site is suitable for a nonstructural shoreline, including measures such as the width of the waterway, fetch, bank elevation and orientation, degree of erosion, and tides.
Virginia	
<p>VA. CODE ANN. § 28.2-104.1, et seq; 4 VAC 20-1330-10, et seq.</p>	<ul style="list-style-type: none"> • Expedited permit review process for qualifying living shoreline projects. • Living shorelines <u>required</u> “<u>unless the best available science shows that such approaches are not suitable.</u>” If not suitable, applicant must incorporate, to the maximum extent possible, elements of living shoreline approaches into permitted projects. • “Unaltered shorelines” -- living shoreline components must be proposed. • “Previously altered shorelines” -- an existing erosion control structure will not restrict the use of the general permit for a living shoreline project designed to protect or enhance an existing vegetated wetland provided the resulting vegetated wetlands is at least eight feet in width.
“Preferred” or Encouraged	
North Carolina	
<p>N.C. GEN. STAT. § 113A-102, et seq; 15A N.C. ADMIN. CODE 7H.0201, et seq.</p>	<ul style="list-style-type: none"> • In 2019, North Carolina streamlined its general permitting process for living shorelines, allowing applicants to receive approval in a matter of days. • Living shorelines preferred “where possible.”
Delaware	
<p>7 DEL. CODE ANN. § 6601, et seq; 7 DEL. CODE ANN. § 7201, et seq; 7 DEL. ADMIN. CODE 7502 et seq; 7 DEL. ADMIN. CODE 7504 et seq.</p>	<ul style="list-style-type: none"> • Expedited permit review process for living shoreline projects that do not exceed 500 feet. • Living shorelines “<u>preferred.</u>” When completing a permit application for a bulkhead, applicants are asked to “[p]lease examine options using vegetation and/or non-vertical walled structures.” Under Delaware regulations, “[v]ertical-walled structures shall be allowed only where a non-vertical structure, designed to equal standards, would be ineffective to control erosion, where deleterious environmental effects associated with the construction of vertical structures would be less than the impacts on the adjacent environment during construction of a non-vertical structure, where functionally, no practical alternatives exist for certain water-dependent facilities or activities, or where generally accepted engineering practices would preclude the use of non-vertical walled structures.”
South Carolina	
<p>S.C. STAT. § 48-39-10, et seq.; S.C. R. 30-12Q.</p>	<ul style="list-style-type: none"> • Living shorelines are encouraged.
Voluntary	
Georgia	
<p>N/A</p>	<ul style="list-style-type: none"> • Promotes on a voluntary basis.
Florida	
<p>FLA. STAT. § 253.03; FLA. STAT. § 161.085; FLA. STAT. § 161.053; FLA. ADMIN. CODE R. 62-330.051</p>	<ul style="list-style-type: none"> • Restoration of eroding shoreline with native wetland vegetative enhancement plantings exempt from permitting process under provisions such as the length of shoreline is less than 500-feet, plantings may not extend farther than 10 feet waterward of the approximate mean high water line (MHWL) or ordinary high water line (OHWL), and any breakwaters are composed of natural oyster shell clutch or other non-degradable materials. • Living shorelines authorized under General Permit for Bank Stabilization along with other approaches such as bulkheads.

¹ For questions, feedback, and updates, please contact Shana Jones, Carl Vinson Institute of Government at the University of Georgia/Georgia Sea Grant Law Program at shanaj@uga.edu. This work was supported by the National Socio-Environmental Synthesis Center (SESYNC) under funding received from the National Science Foundation DBI-1639145 and based upon work supported by the National Science Foundation under grant number 1600131.