

Updated Draft Changes to the Estuarine Shoreline Stabilization General Permit Rules

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July 26, 2007

Recommendation 3.4 of CHPP

- “To protect habitat by revising estuarine and public trust shoreline stabilization rules using best available information, considering estuarine erosion rates and the development and promotion of incentives for use of alternatives to vertical stabilization measures.”

To Accomplish this Recommendation

- Permit bulkheads more landward
- Permit riprap more waterward
- Allow additional flexibility in groin spacing
- Allow additional flexibility in breakwater placement

Bulkheads and Riprap GP

- Currently allow bulkheads an average of 2 feet with a max of 5 feet waterward of NHW/NWL
- Last meeting – Place bulkheads an average of 5 feet landward of NHW/NWL
 - Required many exceptions due to the location
 - DWQ objected to the proposed change

DWQ's Objections

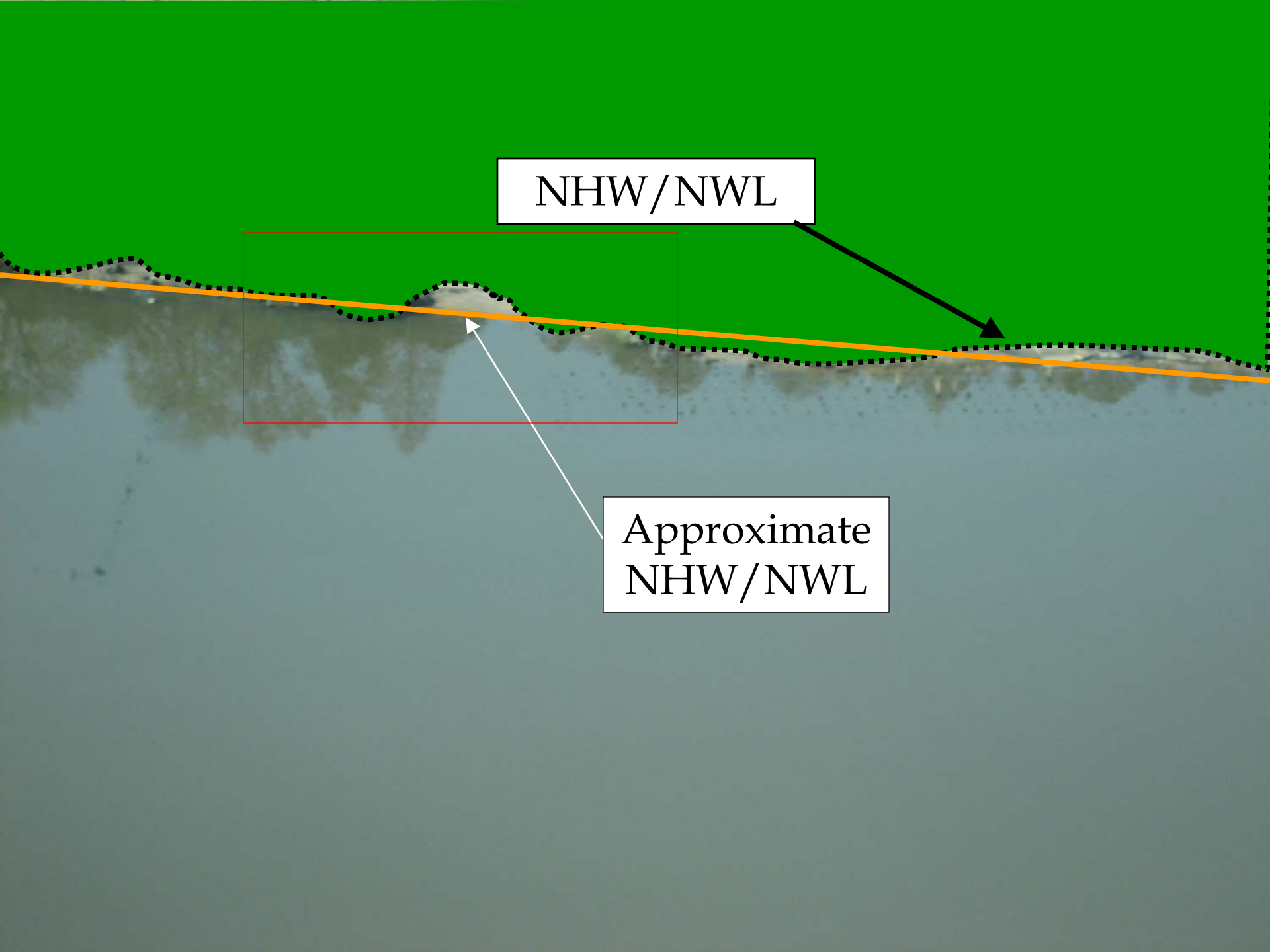
- Reduces the area of the Water Quality Zone 1 Buffer by approximately 17%. DWQ Zone 1 is intended to be undisturbed vegetation.
- Does not avoid or minimize impacts to the riparian buffer.
- Is no longer streambank stabilization. It is activity in the buffer and is adding impervious surface in Zone 1, which is prohibited in the buffer rules, and is only permissible through a Major Variance from the EMC.

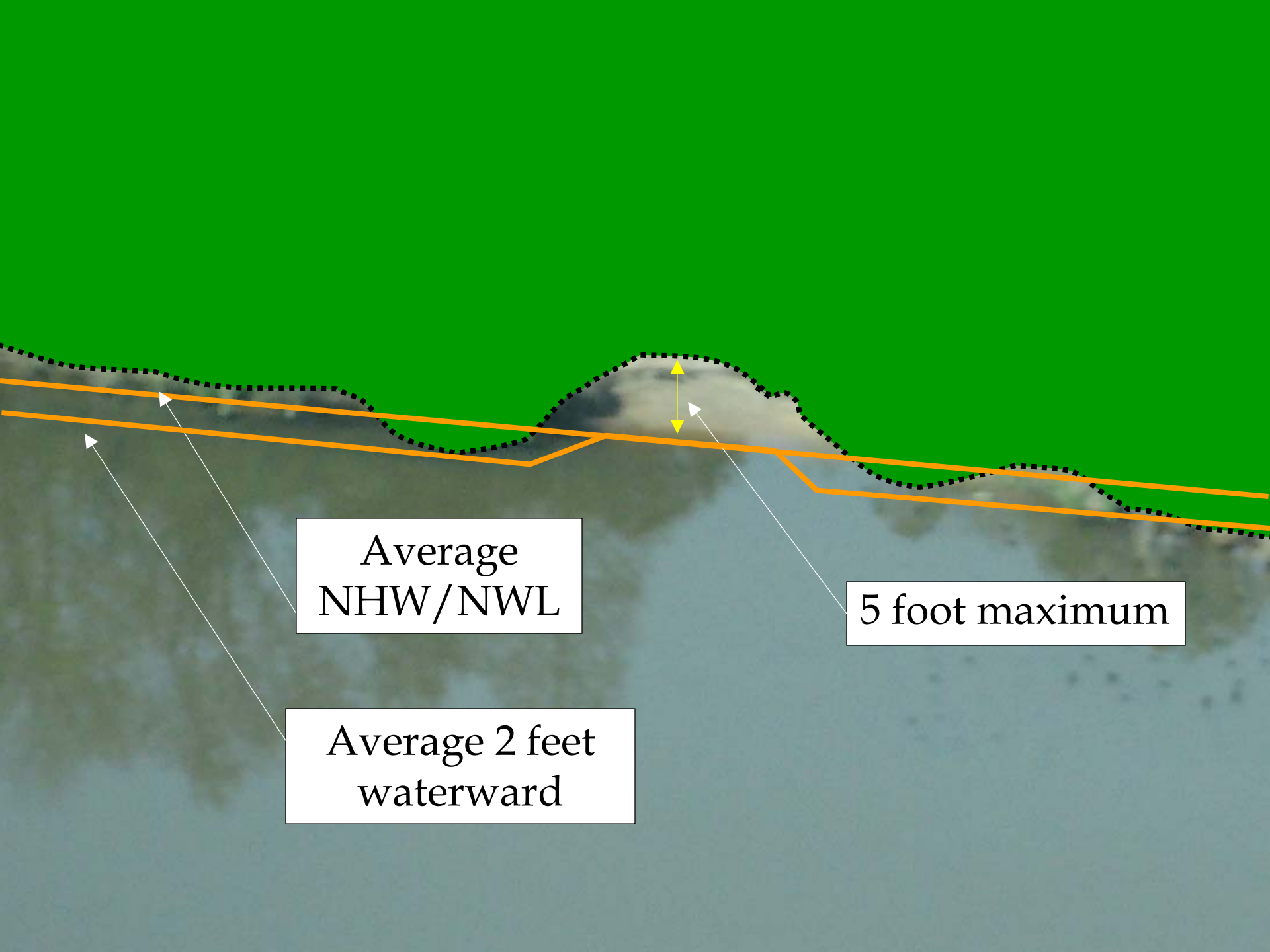
Options A for New Bulkheads (Staff Recommended Option)

- Approximate NHW/NWL with a maximum of 5 feet waterward at any point along its alignment

NHW/NWL

Approximate
NHW/NWL

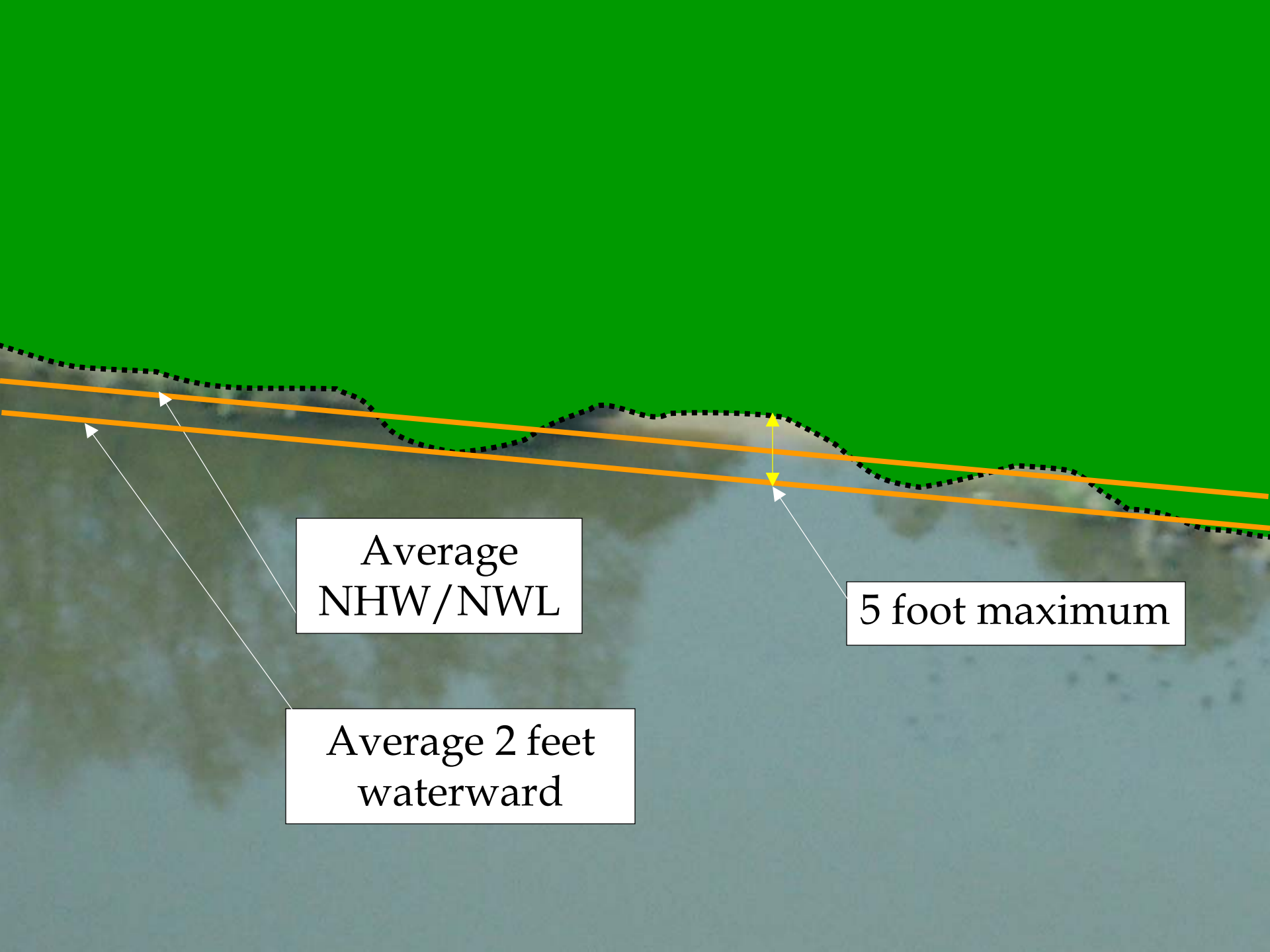




Average
NHW/NWL

5 foot maximum

Average 2 feet
waterward



Average
NHW/NWL

Average 2 feet
waterward

5 foot maximum

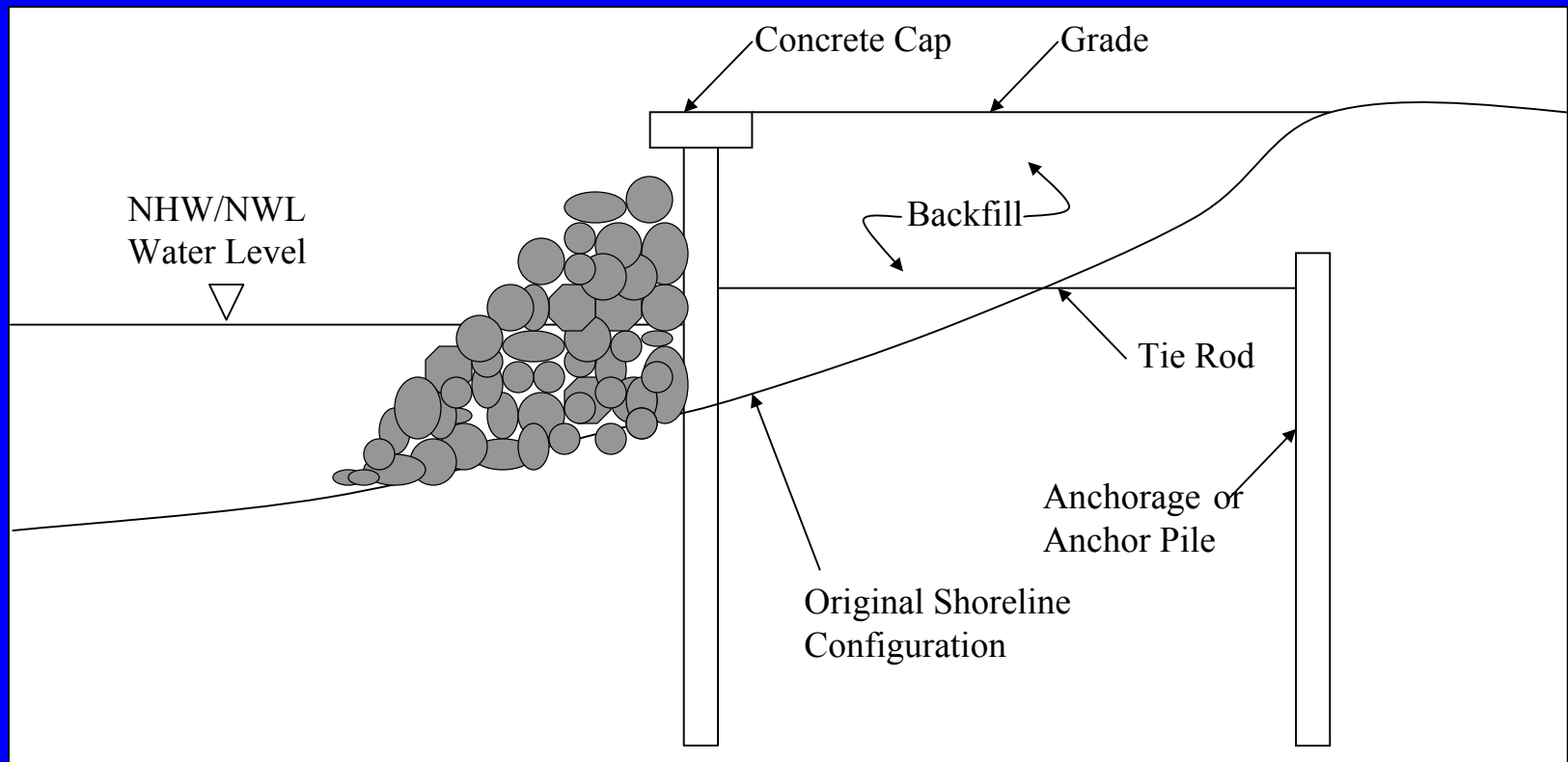
Option A – Approximate NHW/NWL

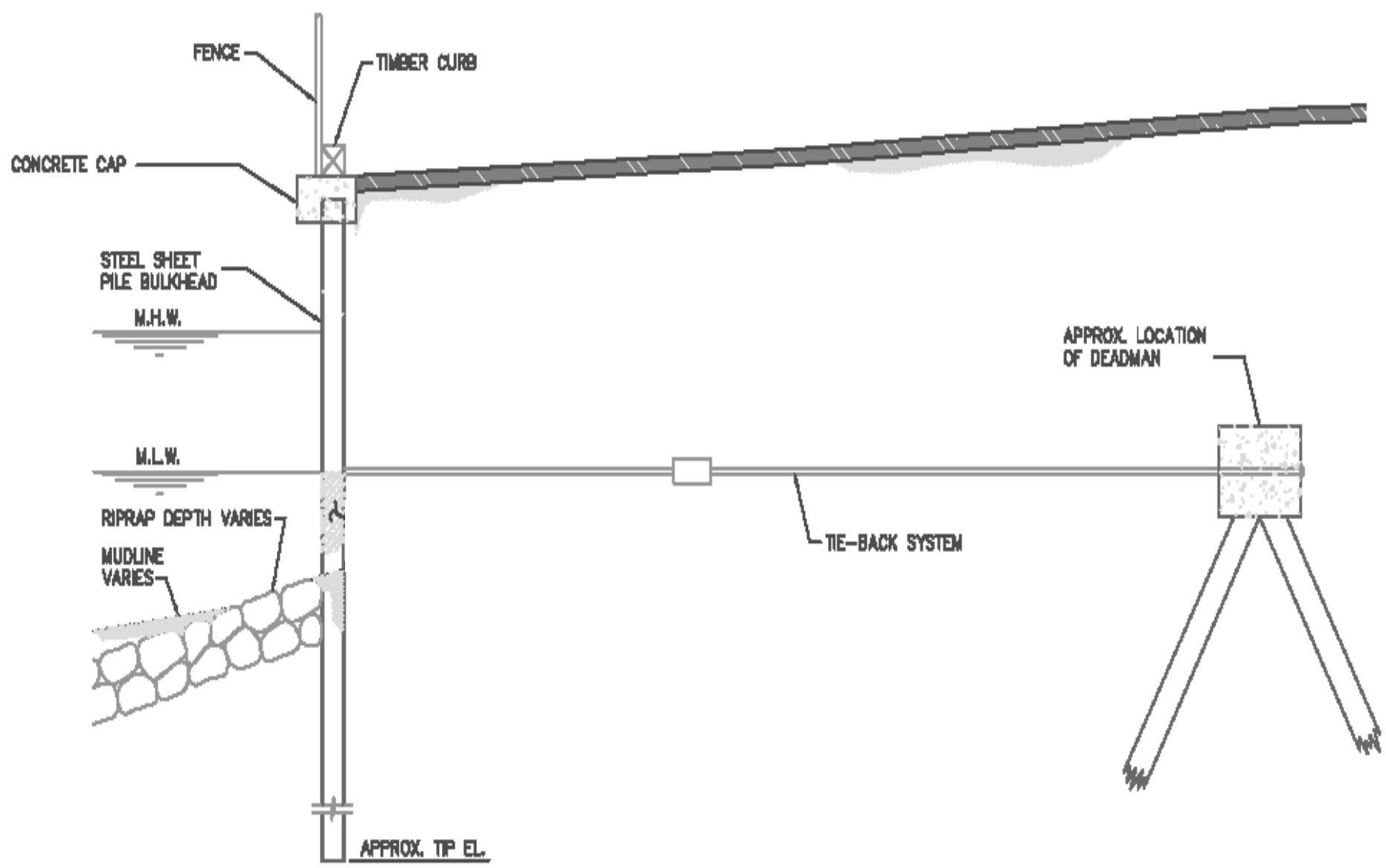
- Protects shallow water habitat by moving bulkheads landward 2 feet as compared to current rules
- Protects public trust rights by moving out of them
- Very uncomplicated rule – same basic concept as the current rule

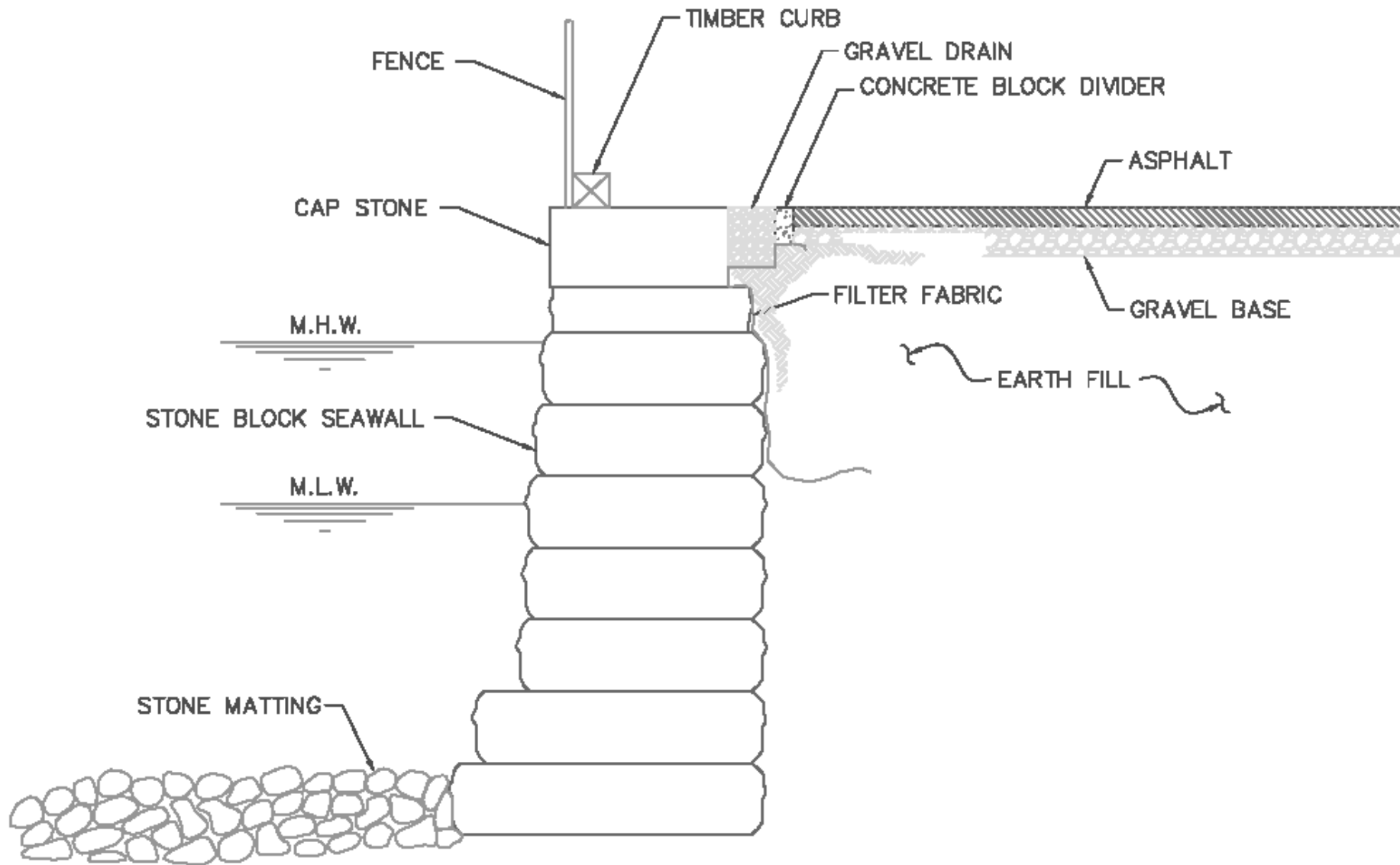
Option B for New Bulkheads

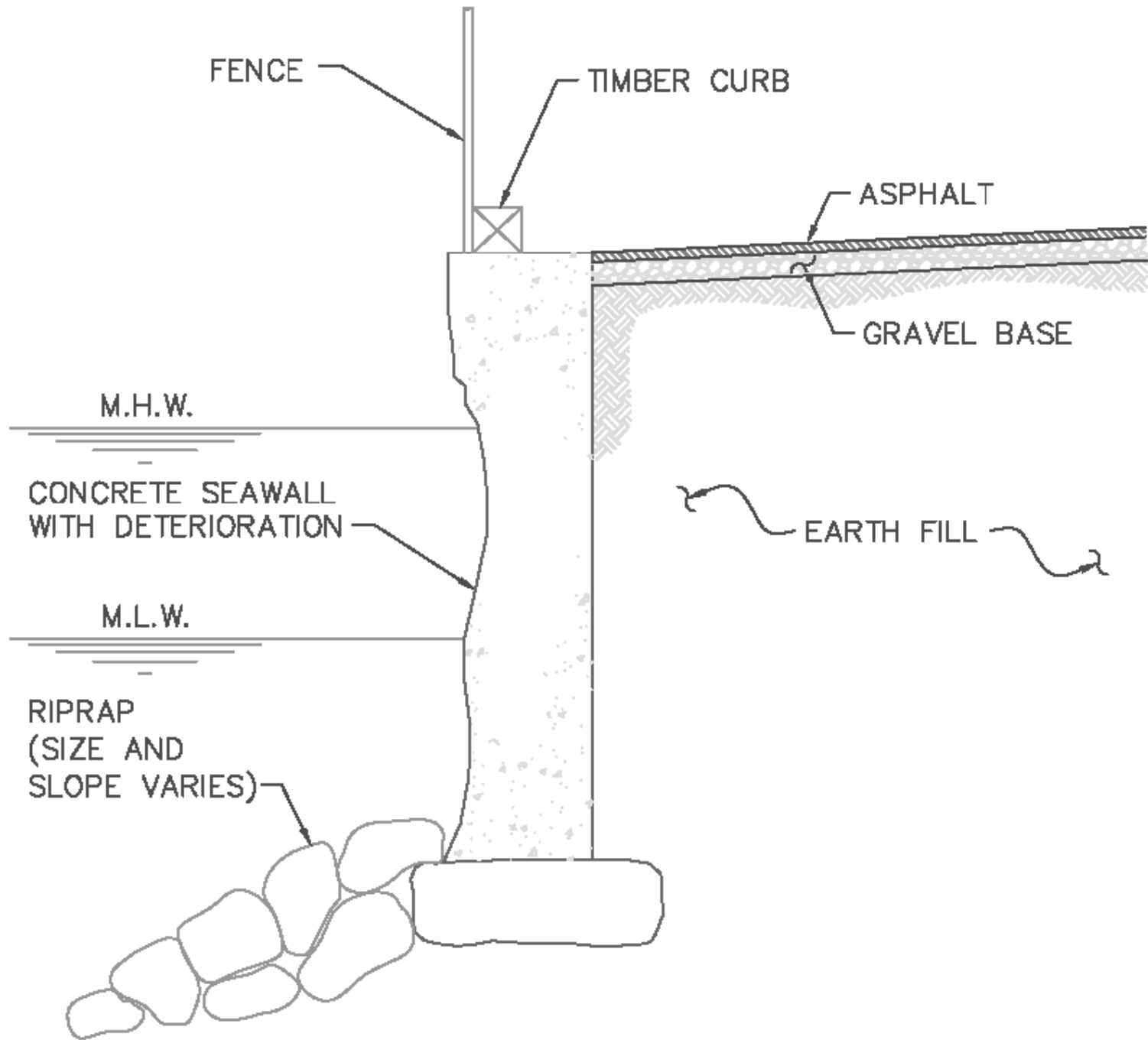
- Approximate NHW/NWL with a maximum of 5 feet waterward at any point along its alignment
- All new bulkheads will be required to place riprap at the bulkhead toe for scour protection and to protect the local habitat

Bulkhead with Toe Protection









Not Toe Protection

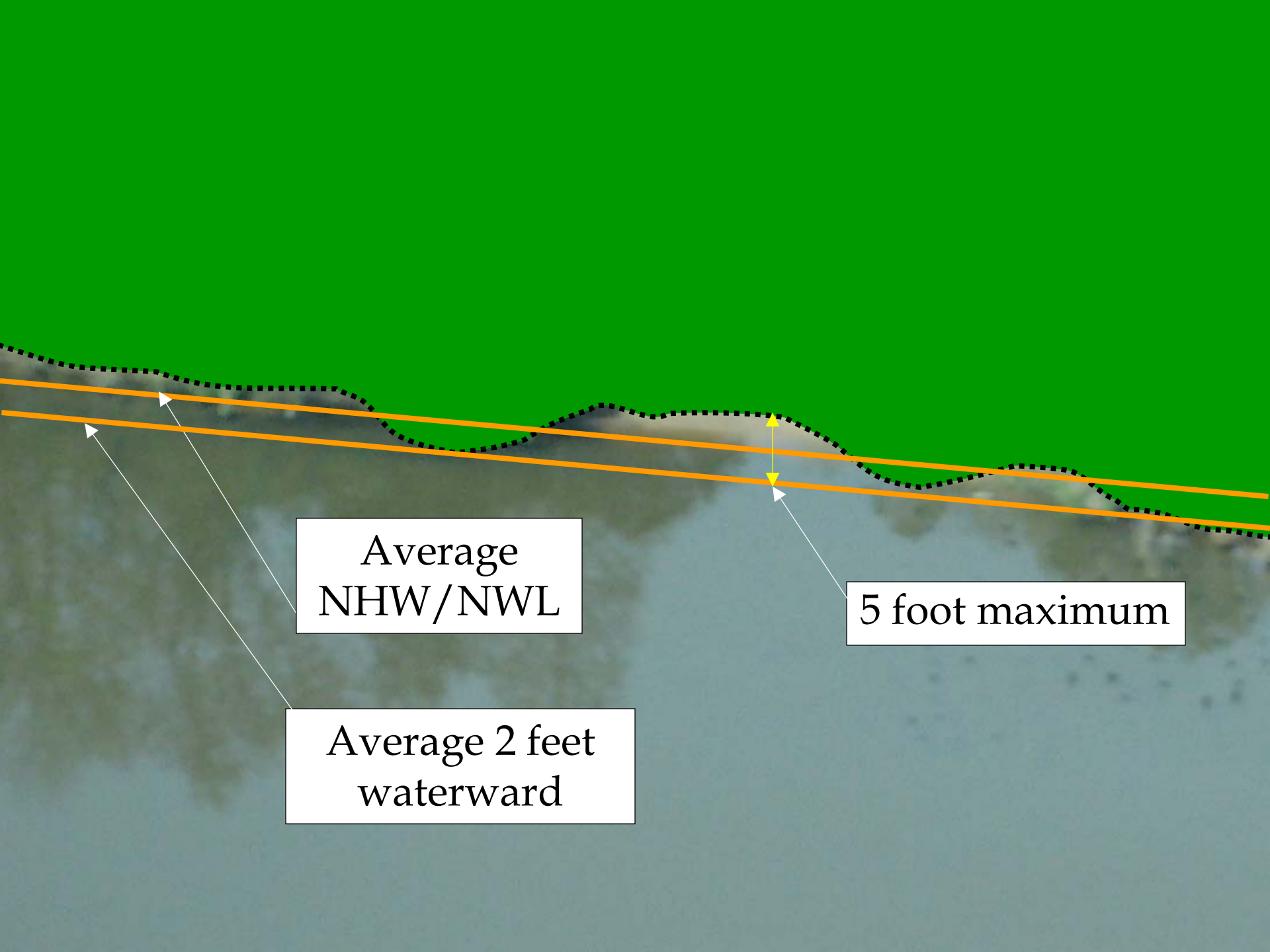


Option B – Bulkheads Approx NHW/NWL with riprap

- Habitat exchange – give up shallow water habitat to create fisheries habitat
- Reduces scour at toe of bulkhead
- Major Permit Required - to go into water or to not use rock
- No Rock required if move 1 foot landward of NHW/NWL
- Additional cost to homeowners

Option C for New Bulkheads

- Allow bulkheads a maximum average of 2 feet with a max of 5 feet waterward of NHW/NWL (which is what we currently allow)
- Any new bulkhead that approximates a location waterward of NHW/NWL will be required to place riprap at the bulkhead toe



Average
NHW/NWL

Average 2 feet
waterward

5 foot maximum

Option C – Bulkheads avg of 2 feet with riprap or NHW/NWL

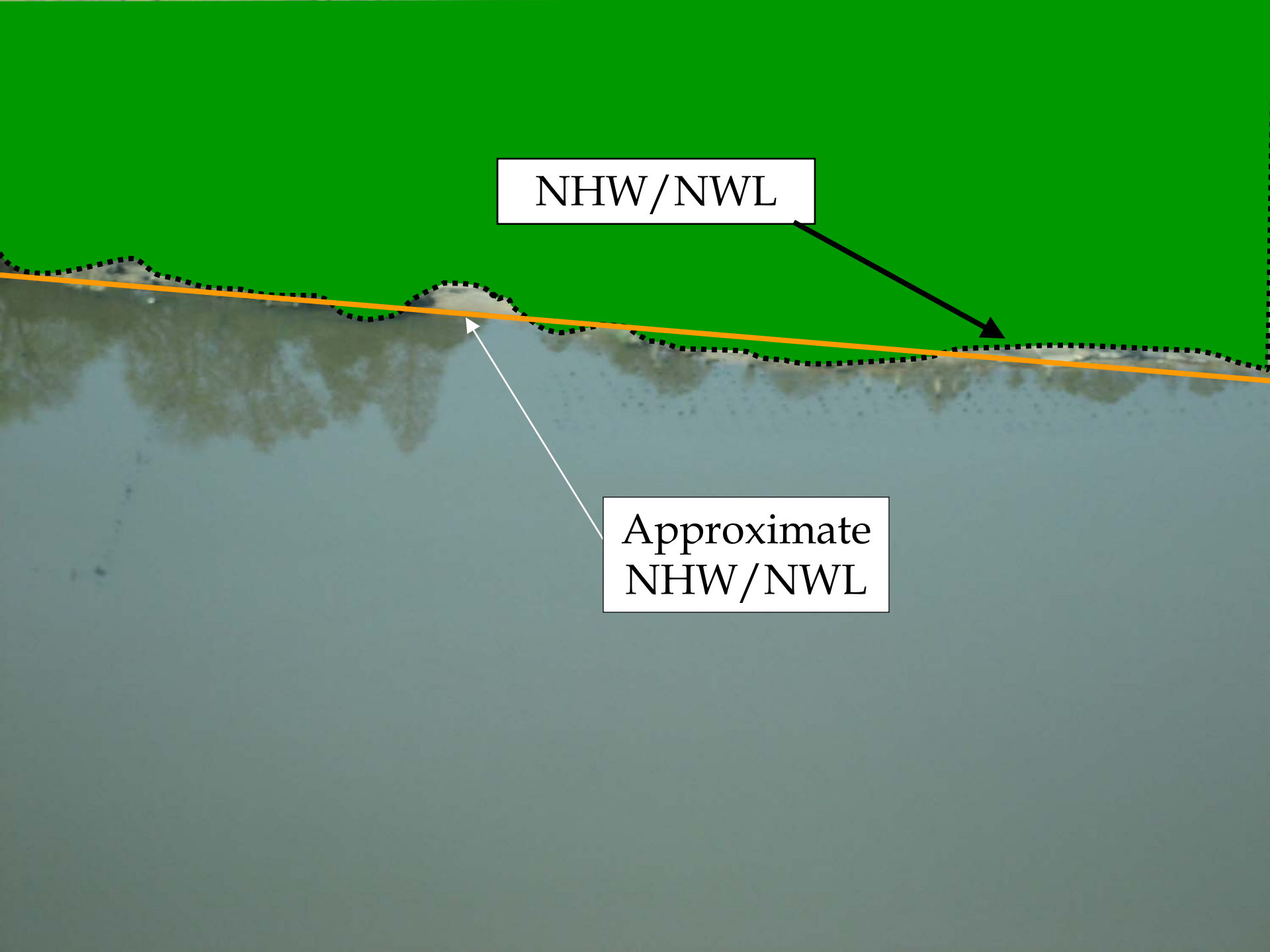
- Bulkhead in the water – add rock to create fisheries habitat.
- Bulkhead at NHW/NWL – protecting the shallow water habitat by moving it back
- Flexible – yet protective rule that balances protection and flexibility

Option D for New Bulkheads

- Approximate NHW/NWL with a maximum of 5 feet waterward at any point along its alignment
- Incorporate riprap placement for bulkhead toe protection into the Major Permit rules (7H .0208)

NHW/NWL

Approximate
NHW/NWL



Option D – Approximate NHW/NWL – Riprap in .0208

- Protects shallow bottom habitat by moving bulkheads landward 2 feet as compared to current rules
- Protects public trust rights by moving out of them
- Very uncomplicated rule – same basic concept as the current rule
- Promotes rock – riprap will be used in .0208 as a mitigation measure when necessary

Other Changes

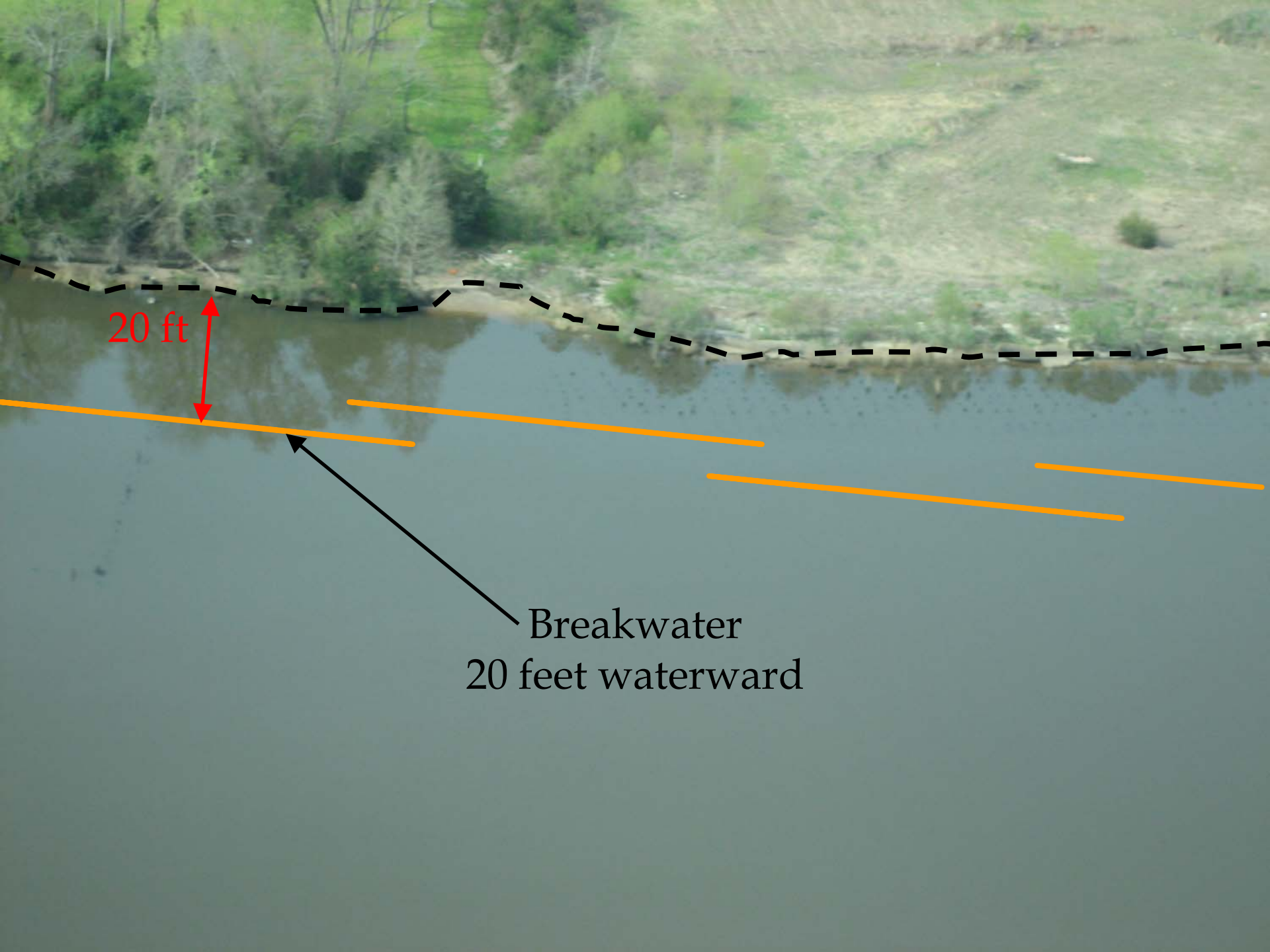
- Terminology – “Riprap” to “Riprap Revetment”
- On Wetland Shorelines & for New Bulkhead Construction
 - Previous Language - 5 feet landward of wetlands
 - New Language - All construction needs to be accomplished landward of any wetland

Groins GP

- Previously proposed to make groin height consistent – removed proposed change to keep as is currently

Breakwaters GP

- Remove the requirement that breakwaters have to be constructed with marsh vegetation.
 - Allows flexibility and just doesn't REQUIRE applicants to plant wetland vegetation, but to use it for a daily wave attenuator



20 ft

Breakwater
20 feet waterward



06/28/2007



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Rule Timeline

- September – present final rule language and vote to send to public hearing
- January – public hearing and adopt
- February – submit to rules review
- April 01, 2008 – rule effective

