



THE PEW CHARITABLE TRUSTS

Advancing Nature-Based Solutions

An overview of living shorelines and the U.S Army Corps of Engineers' proposed permit

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Overview

- Flood-Prepared Communities Project
- The Case for Living Shorelines
- USACE NWP Program
- Outreach & Next Steps

Flood-Prepared Communities

Goal: *Protect flood-prone areas, conserve natural areas, save taxpayer dollars by:*

- Reforming the National Flood Insurance Program.
- Increasing federal investment in programs that help communities prepare for and reduce risk of floods.
- Improving resiliency and durability requirements for infrastructure rebuilt after catastrophes.
- Protecting ecosystems, such as wetlands, salt marshes, and dunes, which can absorb storm impacts and help shield property.



FLOOD

gettyimages
Vesnaandjic

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INFRASTRUCTURE



**NATURE-
BASED
SOLUTIONS**



DISASTER



Nature-based solutions provide sustainable, cost-effective, multi-purpose and flexible alternatives that make us more resilient.

Photo Credit: NOAA

Reduce barriers for living shorelines



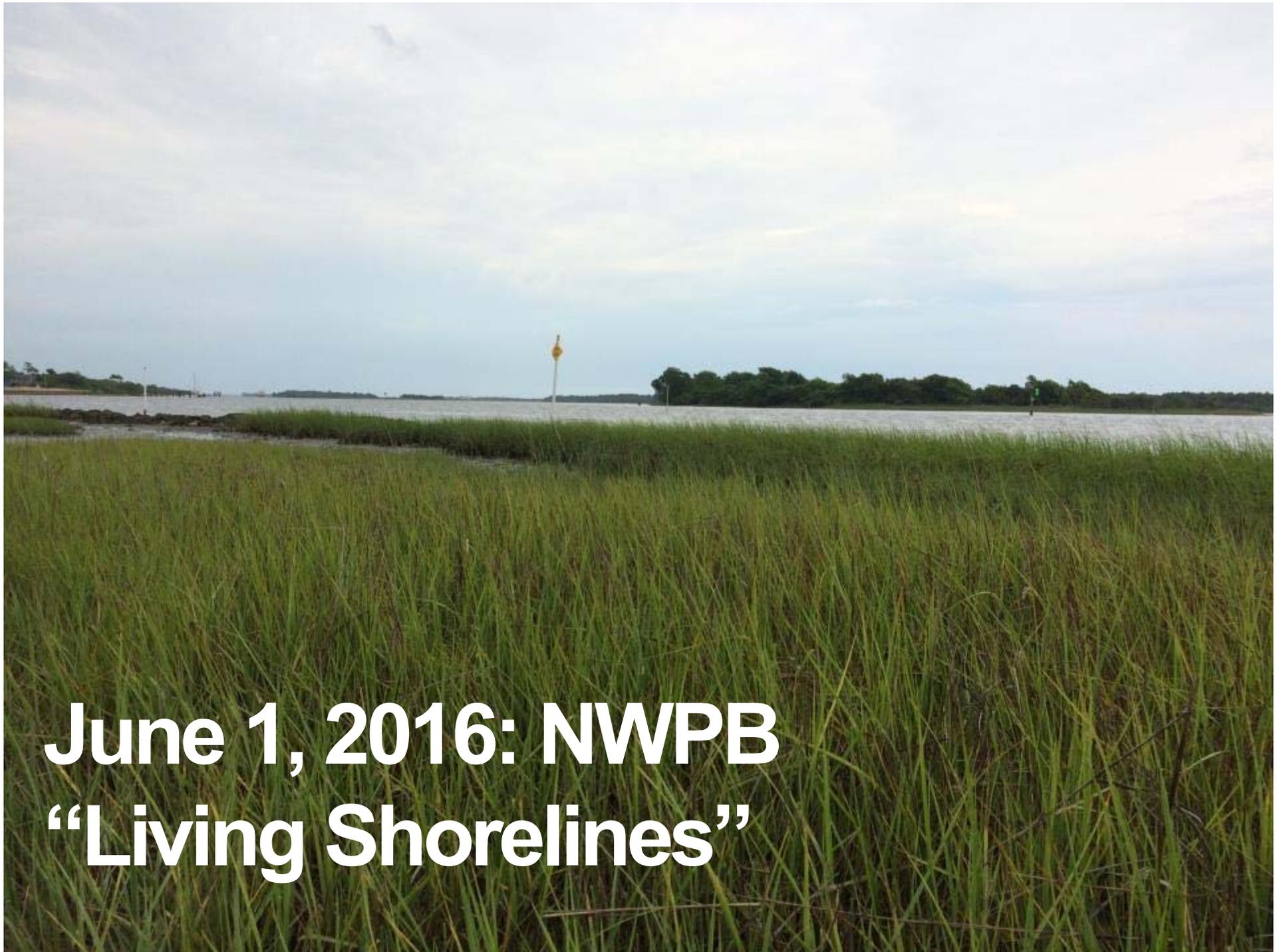
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Easy for land owner to obtain federal permit to harden the shoreline



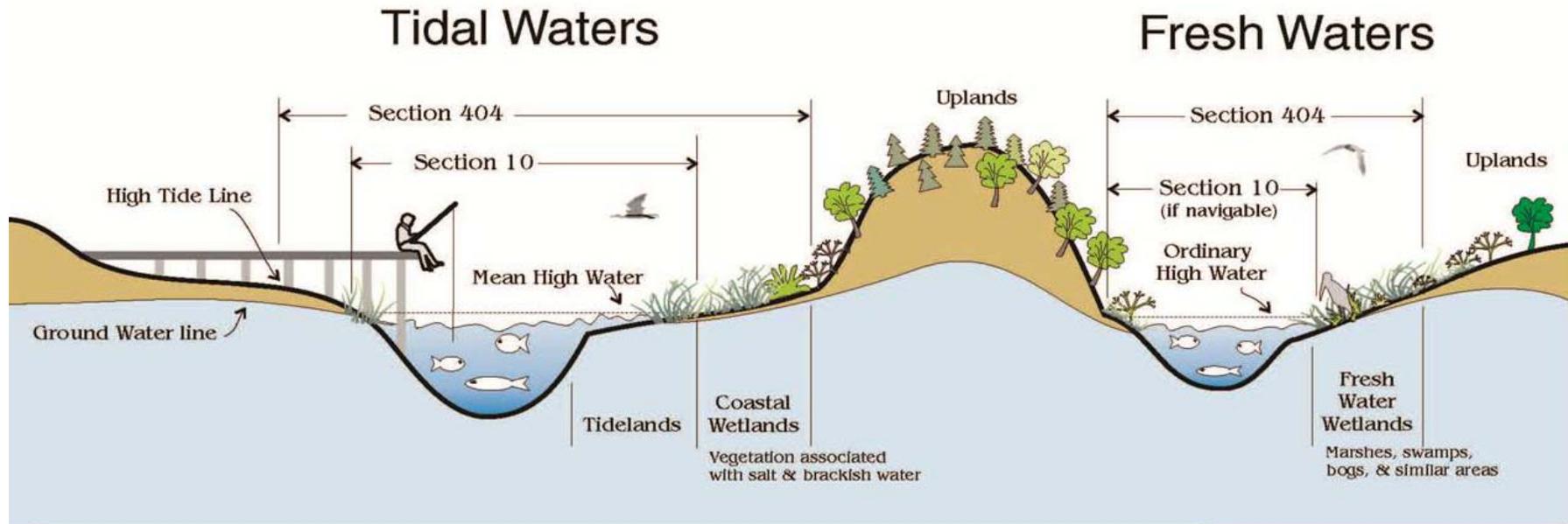
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Difficult for land owner to obtain federal permit for living shoreline



**June 1, 2016: NWPB
“Living Shorelines”**

USACE Regulatory Jurisdiction



Typical examples of regulated activities

Section 103
Ocean Discharge of Dredged Material

Ocean discharges of dredged material

Section 404

Disposal of Dredged or Fill Material (all waters of the U.S.)

All filling activities, utility lines, outfall structures, road crossings, beach nourishment, riprap, jetties, some excavation activities, etc.

Section 10

All Structures and Work (navigable waters)

Dredging, marinas, piers, wharves, floats, intake / outtake pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, etc.

Graphic from: http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/juris_imagesv2.pdf

Federal Permit Comparison

General Permit

- Issued in 0 - 45 days
- Reduced paperwork and limited or no review time
- Incentivizes applicant to align project with general permit conditions to avoid the individual permit process

Individual Permit

- Approx. 120-days or more
- Public notice
- Federal Agency coordination
 - 404(b)(1) EPA environmental review
 - Public interested review (USFWS)
 - NEPA documentation
 - ESA, Historic Preservation
 - State Certification (Water Quality & CZMA)
- Final decision: as proposed, modified, or denied

Nationwide Permit (NWP) Program

- Authorizes ~ 70,000 activities per year
 - ~40,000 reported activities
 - ~30,000 activities that do not require reporting to the USACE districts
- 49 different nationwide permits, one rule making
- General permits can be issued for a period of no more than five years

Two Relevant NWPs

NWP 13 – Bank Stabilization

- Terms and conditions developed to authorize structural approaches: bulkheads and seawalls

NWP 27 – Aquatic Ecosystem Restoration

- Terms and conditions developed without including bank stabilization

Most Living Shoreline activities achieve both stabilization and ecosystem goals but don't meet the requirements of under either existing permit.

Opportunity

✓ Advance new NWP for living shorelines



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Comment Strategy & Tactics



August 1, 2016

Mr. David Olson
U.S. Army Corps of Engineers
Attn: CECW-CO-R
441 G Street, NW
Washington, D.C. 20314-1000

RE: Docket ID: COE-2015-0017 / RIN: 0710-AA73

Dear Mr. Olson:

On behalf of the Pew Charitable Trusts, I thank you for the opportunity to offer comments on the U.S. Army Corps of Engineers (the Corps') proposal to issue a new Nationwide Permit (NWP) for Living Shorelines (NWP B).

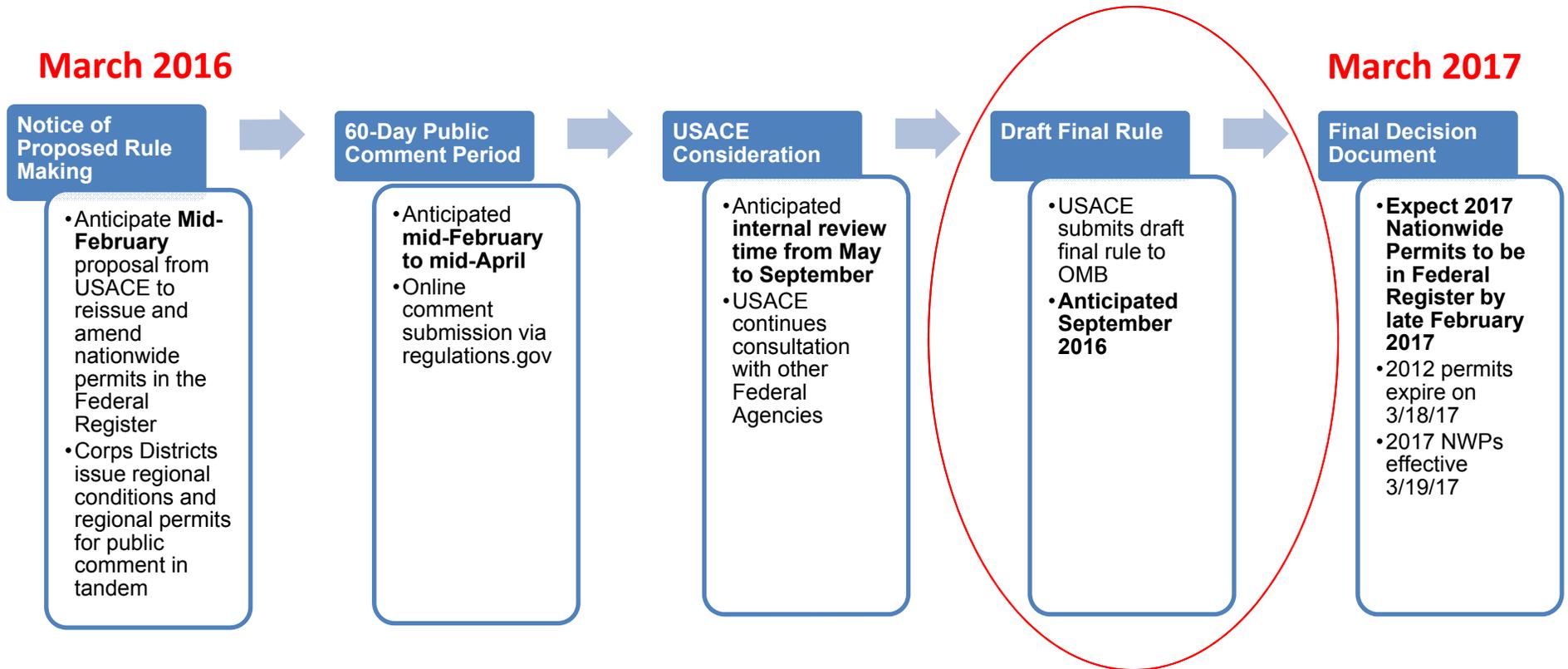
Pew strongly supports a new nationwide permit for living shorelines, which authorizes nature-based techniques to curb erosion – while conserving coastal habitats that people and nature rely upon. By finalizing NWP B, the Corps will remove a key federal permitting barrier for such projects and encourage greater implementation of natural infrastructure.

Background

People are drawn to places where land and water meet. More than 123 million people—39 percent of the U.S. population—live in “coastal shoreline” counties, those that are directly adjacent to the open ocean, major estuaries, and the Great Lakes (National Oceanic and Atmospheric Administration, 2013). The high concentration of people and property, combined with challenges such as erosion and sea-level rise, has led landowners to build infrastructure such as bulkheads or seawalls. This hardening of the shoreline, in turn, has caused loss of

- 20 Members of Congress sign letter
- Over 40,000 comments submitted in support
- National stakeholder forum

NWP Reissuance Timeline





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Questions