



**LOCAL OPPORTUNITIES  
TO ENCOURAGE  
LIVING SHORELINES**

**NIKI L. PACE**

**LOUISIANA SEA GRANT LAW & POLICY PROGRAM**

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# COMMON AREAS OF OVERSIGHT

- Federal Level:
  - USACE permits under Clean Water Act Section 404 and/or Rivers and Harbors Act Section 10
- State Level:
  - State coastal programs
  - State-owned submerged lands programs
- Local Level:
  - Local land use authority



**LOCAL  
GOVERNMENT  
OPPORTUNITIES**

# LIVING SHORELINE LOCAL ORDINANCE

- Local governments have a range of options for protecting and managing their shorelines.
- Living shorelines can provide an alternative to hardened shorelines that provide the landowner with erosion control while still maintaining much of the natural functions by providing vegetated shorelines or a hybrid approach.
  - Great for fishing, water quality, etc.
- Living Shoreline Model Ordinance and drafting guide available at <http://masgc.org/publications/living-shorelines>
  - Boyd & Pace, “Coastal Alabama Living Shorelines Policies, Rules, and Model Ordinance Manual” (2013)
  - *Contact me if you are interested or having questions about the model ordinance!*

# A FEW EXAMPLES

- Brevard County, FL
  - BREVARD COUNTY, FLA.,  
CODE § 62-3661
- Honolulu County, HI
  - HONOLULU COUNTY, HAW.,  
CODE § 23-1.8
- Kaua'i County, HI
  - KAUA'I COUNTY, HAW., CODE  
§ 8-27.2



*Living shoreline oyster reef restoration in Jockey's Ridge North Carolina*

# SAMPLE APPROACHES

## KENT COUNTY, MARYLAND

- Requires property owners wanting hardened shoreline armor to demonstrate that a living shoreline is inappropriate for that site.
- Establishes criteria for evaluating the appropriateness of erosion control.
- KENT COUNTY, MD., CODE § 6-3.10 (2013)).

## KAUA'I COUNTY, HI

- Newly constructed structures cannot (1) adversely affect beach processes, (2) artificially fix the shoreline, (3) interfere with public access or public views along the shoreline, (4) impede natural processes and/or movement of the shoreline and/or sand dunes, or (5) alter the grade of the shoreline set back area.
- KAUA'I COUNTY, HAW., CODE § 8-27.2 (2013)

# DEFINE IMPORTANT TERMS

- Living Shorelines example:
- Brevard County, Florida:
  - Defines living shorelines as “erosion management techniques, such as the strategic placement of plants, stone, sand, and other structural and organic materials, that are used primarily in areas with low to moderate wave energy, and are designed to mimic natural coastal processes.”
- Clear definitions make it easier to enforce and understand by property owners.

# CONSIDERATIONS



- Cannot contradict state or federal laws
- Review existing shoreline regulations (like bulkhead permitting) for potential conflicts
- Decide whether ordinance should be stand-alone provision of local code or incorporated into existing shoreline regulations

*Egret trying to feed from bulkhead, Back Bay National Wildlife Refuge, Virginia*



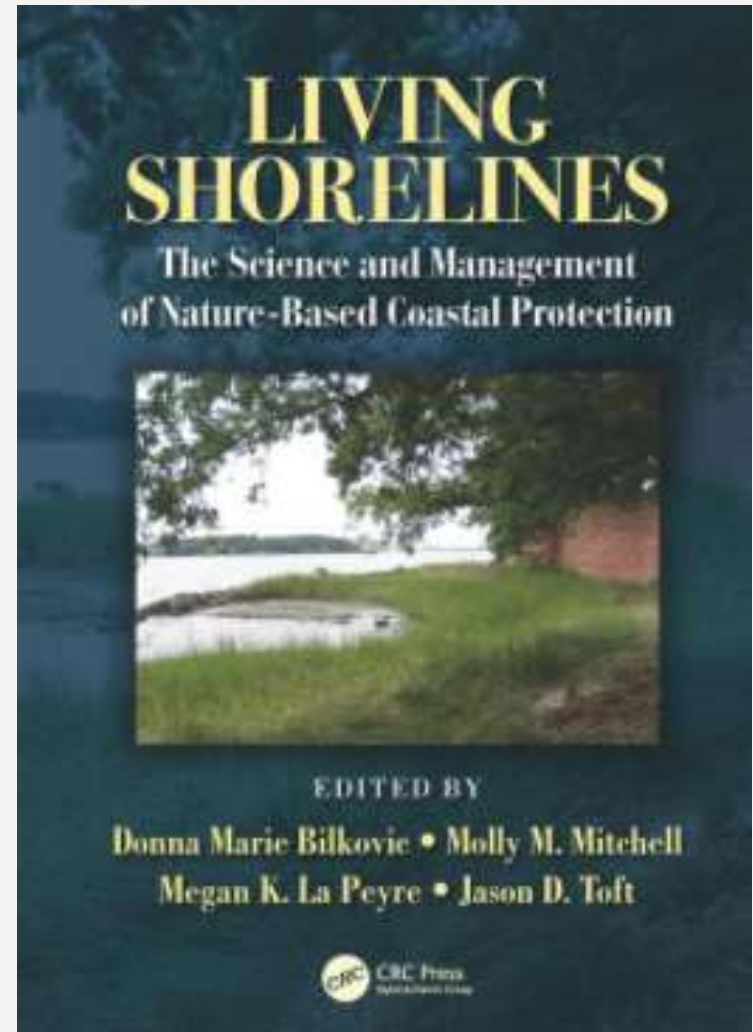
# LIVING SHORELINES & THE NFIP'S COMMUNITY RATING SYSTEM

**Activity 420 Open Space Preservation** contains the chapter that is relevant to living shorelines. There are 7 different categories of activities that qualify for open space CRS credits.

- Open Space Preservation (OSP) – keeps land vacant through ownership or regulations (up to 1,450 points)
- Deed Restrictions (DR) – legally restricts OSP parcel from being developed in the future (up to 50 extra points)
- Natural Functions Open Space (NFOS) – OSP parcels that are preserved or restored in their natural state (up to 350 extra points)
- Special Flood-Related Hazards Open Space (SHOS) – applies to OPS parcels that are subject to a special flood-related hazard or if the special flood related hazard area is covered by low density zoning regulations (up to 50 points)
- Open Space Incentives (OSI) – local requirements and incentives to keep flood-prone areas of new development open (up to 250 points)
- Low-Density Zoning (LZ) – zoning districts that require lot sizes of 5 acres or larger (up to 600 points)
- ***Natural Shoreline Protection (NSP) – programs that protect natural channels and shorelines (up to 120 points)***

# REFERENCES

- Pace & Morgan, “Living Shorelines: Eroding Regulatory Barriers to Coastal Resilience” *Natural Resources & Environment*, Winter 2017
- Pace, N. L., (forthcoming March 2017). “Permitting a Living Shoreline: A Look at the Legal Framework Governing Living Shoreline Projects at the Federal, State, and Local Level.” In: D.M. Bilkovic, et al., Editors (Eds.), *Living Shorelines: The Science and Management of Nature-Based Coastal Protection*, CRC Press/Taylor & Francis Group.
- Boyd & Pace, “Coastal Alabama Living Shorelines Policies, Rules, and Model Ordinance Manual” (2013)



# QUESTIONS?

Niki L. Pace, J.D., LL.M., CFM  
Louisiana Sea Grant Law & Policy Program  
Louisiana State University  
225-578-6342  
nlpace@lsu.edu  
<http://www.laseagrant.org/>

