



Local Wetlands Boards

Coordination with Local Chesapeake Bay Preservation Act Reviews

Both the Virginia Wetlands Act (Wetlands Act) **AND** the Chesapeake Bay Preservation Act (Bay Act) play an important role in the protection of Virginia's shorelines and tidal wetlands. The effective implementation and success of these two complementary acts requires close coordination and communication between wetland board members, local Bay Act coordinators and other involved parties. Final approval of activities under either act can have a direct impact on the success of the other.

How does the Bay Act protect tidal wetlands?

The Bay Act restricts most types of land disturbance in Resource Protection Areas (RPAs) which include sensitive lands such as tidal wetlands (both the Wetlands Act and the Bay Act rely on the same definitions for tidal wetlands - *Section 28.2-1302 of the Virginia State Code*) and a 100-foot vegetated buffer landward of this and other designated RPA land types. The 100-foot vegetated RPA buffer retards stormwater runoff, prevents erosion, and filters nonpoint source pollution before it can enter tidal wetlands and Virginia's waterways. Vegetation in the RPA buffer is to remain undisturbed except to provide reasonable sight lines and access paths, remove dead, dying or diseased trees and noxious weeds, or to provide for shoreline erosion control. Mitigation measures are required for any vegetation that is removed.



Source: DCR-DCBLA files

The Bay Act prohibits the following in the 100-foot RPA buffer in order to protect State waters and tidal wetlands:

- (1) new development;
- (2) the placement of new accessory structures, such as sheds, gazebos, pools, or detached garages;
- (3) clear-cutting; and
- (4) filling or grading of land within the buffer

Activities not addressed by the above such as piers and shoreline erosion control structures are classified as water dependent uses under the regulations and are allowed provided they are consistent with Bay Act requirements.

How will the Wetlands Board know if a proposed project is consistent with the Bay Act?

The Bay Act requires that an application for any proposed land disturbance in the RPA must include a water quality impact assessment (WQIA). The WQIA provides detailed information about the sensitive areas and conditions on the site, describes the expected water quality impacts of the proposed land disturbance and identifies steps to minimize or mitigate potential water quality impacts. The local Bay Program coordinator or designated staff should review the WQIA, Joint Permit Application (JPA) and related documents submitted to the Virginia Marine Resources Commission for consistency with the Bay Act. The local coordinator should then provide the Wetlands Board with these materials along with advice regarding Bay Act issues prior to local Wetlands Board reviews. To ensure that Bay Act requirements are considered early in the permitting process, and to avoid unnecessary and costly delays, applicants should be encouraged to contact their local governments as early in the planning process as possible.

What role does the Wetlands Board play in compliance with the Bay Act?

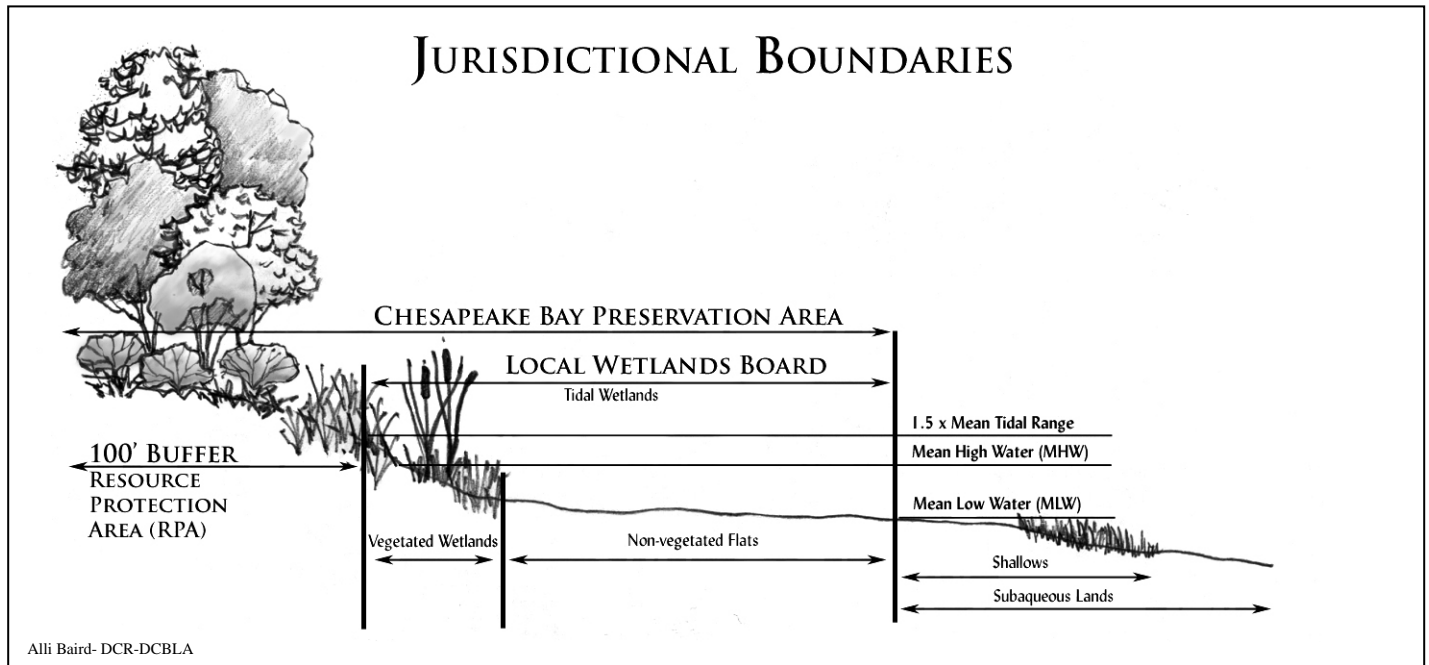
The Bay Act is enforced by local government staff through locally adopted ordinances. However, the overlapping jurisdiction of the Wetlands Act and Bay Act requires coordination of both programs to ensure effective implementation and enforcement of both acts and to minimize regulatory delays and expense for property owners.

Local Chesapeake Bay Preservation Ordinances

Protect and improve the water quality of the Chesapeake Bay, its tributaries and other state waters by managing the effects of human activity on resource protection areas.

Local Wetlands Boards

Preserve and prevent the despoliation of tidal wetlands while accommodating necessary economic development in a manner consistent with wetlands preservation.



Why is the Bay Act part of the JPA process?

Bay Act requirements are referenced in the JPA due to the need for coordinated reviews. Approval of the JPA is not contingent upon approval of a project's compliance with Bay Act requirements, but these requirements affect the ultimate design and construction of project elements located in the RPA. Both the Wetlands Act and the Bay Act require that, prior to approval, any proposed equipment access or land disturbance be evaluated to ensure that land disturbance is limited to the minimum necessary for the proposed project.

Does approval of my JPA mean the project complies with, and is approved under the Bay Act?

Not necessarily. Local staff will determine a project's compliance with the Bay Act. This approval must be secured prior to initiating any land disturbing activities.

Where can I find out more information?

For more information on the Chesapeake Bay Preservation Act visit http://www.dcr.virginia.gov/chesapeake_bay_local_assistance/, or contact your local government Bay Act coordinator.

