



Virginia State Profile

Introduction

Virginia has established a policy that quality dredged material is a valuable State resource and may be used for beach replenishment, as well as to encourage the beneficial use of dredged material for creating living shoreline features, creating wetlands, or developing oyster reef habitat.

Virginia and USACE Norfolk District use a single Joint Permit Application to process permits under the authorities of USACE, the Virginia Marine Resources Commission, the Virginia Department of Environmental Quality, and/or Local Wetlands Boards. The state has instituted a fast-track joint permitting program for local governments for dredging and disposal of dredge material in state wetland areas and state-owned tidal lands for habitat creation or development of living shoreline features or to enhance coastal resilience.

Permit Table

Permit	Authority	Description
Virginia Water Protection Permit	Va Code § 62.1-44.15(5).	Applies to filling, excavation, or alteration of wetlands; administered by DEQ.
Submerged Lands Act	Va. Code § 28.2-1200.	Applies to placement on public tidal lands; administered by the Marine Resources Commission
Wetlands Act	Va. Code § 28.2-1300	Applies to modifications of wetlands; administered by local wetlands boards and the Marine Resources Commission
Water Quality Certification	9 VAC 25-260	Administered by DEQ
Federal Consistency	Federal Consistency Manual	Administered by DEQ
Regional Permit 19 (18-RP-19)	CWA 404	USACE regional general permit for living shorelines as well as riprap, bulkheads, and other hardened shore stabilization.

Policies

- **BUDM Encouraged:** "The beaches of the Commonwealth shall be given priority consideration as sites for the disposal of that portion of dredged material determined to be suitable for beach nourishment." Va Code § 10.1-704.
- **BUDM Encouraged:** Virginia "will strive to achieve maximum beneficial uses of suitable dredged material for those projects which qualify under criteria established here while protecting the interests of the Commonwealth in the land and the resources lying channelward of the mean low water shoreline..." 4 VAC 20-400-30.
- **BUDM Encouraged:** A fast-track joint permitting program is available to local governments for dredging and disposal of dredge material in state wetland areas and state-owned tidal lands for habitat creation or development of living shoreline features or to enhance coastal resilience. 4 VAC 20-1340-10 et seq.
- **NBS Required** (subset): Shore hardening structures are not permitted on barrier islands. 4 VAC 20-440-10(C)(5).
- **NBS Encouraged:** The BUDM fast-track program incentivized local governments to use habitat restoration and living shoreline features for coastal resilience. 4 VAC 20-1340-10 et seq.
Hydrodynamics: n/a

Physical Sediment Conditions

- **Quantitative:** Under the fast-track permit regulations, applicants must submit a geotechnical analysis of the material unless it is SM (silty sands), SP (poorly graded sand), or SW (well graded sand), using the Unified Soil Classification System, with a minimum median grain size of around 0.25 mm with no more than 20% passing through a #100 sieve (0.149mm) and no more than 10% passing through a #200 sieve (0.074mm). 4 VAC 20-1340-20.30(D)(1).
- Engineering information must be analyzed to determine acceptable grain size range of fill material, design berm height, width and length, probable fate of the material, expected loss rates and the resulting maintenance requirements. 4 VAC 20-400-50(C).

Sand Source

- N/A

Water Quality

- State water quality standards are applied through the Water Protection Permit and water quality certification process.
- As of April 2021, Virginia has announced an Intended Regulatory Action to develop turbidity criteria for the state water quality standards.

Endangered Species & Critical Habitat

- **Minimize:** [Placement] project[s] should be engineered in a manner which results in the least environmental impact while providing an efficient and cost effective construction plan. Consideration will be given, but not limited to, the project's potential impacts on existing natural resources and habitats. These include, inter alia, existing finfish, shellfish, turtle and avian species and their critical time periods for spawning, nesting and nursery functions in areas of submerged aquatic vegetation, wetlands and submerged or intertidal and beach habitat. 4 VAC 20-400-50(E).
- **Minimize:** Applications for the fast-track permit must submit information on "Current recreational and commercial fishing activity in the proposed dredge and placement areas" as well as "anticipated environmental impact of the dredge material proposed for placement on (i) wetlands, dunes or beaches, submerged lands, and (ii) nearby benthic, marine, and fishery resources, including an assessment of any coastal resilience or beneficial ecological services provided by such placement. 4 VAC 20-1340-30(D).
- **Avoid:** "In order to lessen the possibility of dredging having adverse effects on commercially or recreationally important fisheries, certain seasonal dredging limitations may be imposed on a site specific basis depending on sediment type, proximity to shellfish areas or spawning grounds, dredging method, the project's size, location and measures taken to reduce turbidity." Subaqueous Guidelines II(D).

Placement Guidelines & Restrictions

- N/A

Resources

- **Subaqueous Guidelines (2005)**
https://www.mrc.virginia.gov/regulations/subaqueous_guidelines.shtm
- **Coastal Primary Sand Dunes Beaches Guidelines (1993)**
https://www.mrc.virginia.gov/regulations/dune_guidelines.pdf
- **Tidal Wetlands Guidelines (2021)**
https://mrc.virginia.gov/Notices/2021/Final-Draft-Wetlands-Guidelines-Update_05-19-2021.pdf

