



# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 13, 2023

TO: Board of Supervisors

FROM: Larry Zaragoza, D.Env, Chairman *Larry J. Zaragoza*  
Environmental Quality Advisory Council

SUBJECT: Tidal Wetlands Outreach

The Environmental Quality Advisory Council (EQAC) recommends the Board of Supervisors provide direct and recurring outreach (e.g. example permit applications, mailers, public meetings) to tidal wetlands property owners and marine contractors to convey their responsibility to protect tidal wetlands and obtain permits for modifications where required.

Regular engagement with owners of tidal wetlands could raise awareness of current regulations, particularly given the significant changes in commonwealth law in 2020. Tidal wetlands are one component of Resource Protection Areas which also includes shorelines of streams, rivers, and other waterways associated with environmentally sensitive land that lie alongside or nearby which drain into the Chesapeake Bay. These resources are a key component of resiliency.

Since 1972, commonwealth law, and later County Code, have called for tidal wetlands to be protected. The County Wetlands Ordinance was updated to coincide with the 2020 commonwealth update to the law including a requirement that living shorelines be used for shoreline erosion protection wherever suitable. Living shoreline methods use natural elements to create effective buffers for absorbing wave energy and protect against shoreline erosion.

To increase public understanding, in 2022 the Fairfax County Wetlands Board developed specific county tidal wetlands guidelines<sup>1</sup> at the request of the Board of Supervisors. Unfortunately, this information only exists passively on a website and there has not been an associated initiative to proactively communicate this information on a recurring basis to relevant homeowners. Concerns have been raised by the Mount Vernon Council of Citizens' Associations and others about the impact of the new law, ordinance, and guidelines. Landowners of tidal wetlands would benefit from additional clarity and targeted outreach on this topic, with the goal of owners better understanding their responsibilities with respect to the wetlands on their property as well as positive outcomes for the protection of tidal wetlands themselves.

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<sup>1</sup> <https://www.fairfaxcounty.gov/plan2build/sites/plan2build/files/assets/documents/pdf/wetlands-board/applicant%20guide.pdf>

cc: Rachel Flynn, Deputy County Executive  
John Morrill, Acting Director, Office of Environmental and Energy Coordination  
Tracy Strunk, Director, Department of Planning and Development  
Bill Hicks, Director, Land Development Services  
Christopher Herrington, Director, Department of Public Works and Environmental Services  
EQAC