

**Fairfax County Wetlands Board  
Supplementary Information Form  
10/5/2022**

Applicants for projects on the tidal shoreline in Fairfax County should review the “*Fairfax County Wetlands Board Applicant Guide For Tidal Wetlands Alteration/Stabilization.*” If an application is required, applicants must address three requirements as follows:

1. Applicants must submit a **Joint Permit Application (JPA)** to the Virginia Marine Resources Commission (VMRC). The **JPA** and instructions are found at:  
<https://www.nao.usace.army.mil/Missions/Regulatory/JPA/>

Note that as part of the Joint Permit Application, plan view and cross-section view drawings are required for all projects. Follow instructions on the website carefully. In addition, assure that the information required by the Supplemental Information Form checklist is included on the drawings submitted. Clear and accurate drawings are essential for project review and compliance determination. Incomplete or unclear drawings may cause delays in the processing of your application.

2. In addition to the JPA applicants must file a **Supplementary Information Form**. This form addresses information required by VMRC guidelines and can assist the Fairfax Wetlands Board in reviewing your application. A checklist is included for different levels of application as described in the Application Guide. The Wetlands Board Supplementary Information Form is an Appendix to this document.
3. Finally, applicants must submit the “complete” application to the Fairfax County PLUS web application which is the County’s central platform to create and submit applications online, pay fees, track application status and receive electronic notifications. Applicants will also be asked to pay **\$300.00** in PLUS to cover the application processing fees.

The Supplementary Information Form is found in the Appendix. Fill it out, sign it, and submit it to the Wetlands Board along with your JPA and application fee.

Questions about the wetlands permitting process may be directed to the Wetlands Board Staff Liaison at 703-324-1380.

### **Background Information**

The Commonwealth of Virginia (*Code of Virginia, Ch. 13 of Title 28.2*) and Fairfax County (*Fairfax County Code, Ch. 116, Wetlands Zoning Ordinance*) have requirements to protect wetlands and associated wildlife and natural systems for the benefit of the public. These laws require that the Commonwealth and the County review any project that impacts tidal wetlands, including construction, dredging, filling, excavation, bank stabilization and erosion control projects in or adjacent to tidal wetlands.

By law, property owners in Fairfax County proposing a project that affects tidal wetlands must submit a Joint Permit Application (JPA) with the Virginia Marine Resources Commission. The JPA is forwarded by the VMRC for review by the appropriate State, County, and Federal agencies, including

the U. S. Army Corp of Engineers, the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, and the Fairfax County Wetlands Board. In addition to information required by the JPA, Supplementary Information also must be submitted to the Wetlands Board, as explained below.

The Wetlands Board reviews the application, inspects the subject property, conducts a public hearing, and considers whether or not alteration or stabilization of the shoreline is warranted based on the guidelines of the Virginia Marine Resources Commission.

The jurisdiction of the Wetlands Board for **vegetated tidal wetlands is the area between mean low water and an elevation above mean low water equal to 1½ times the mean tide range.**

The jurisdiction of the Wetlands Board for **non-vegetated tidal wetlands is limited to that area between mean low water and mean high water.**

The goal of the Board, through the public hearing and permitting process under this ordinance, is to “...preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation.” § 28.2.1302.9, *Code of Virginia*.

By law (§ 28.2.1302.10, *Code of Virginia*) the Board grants a permit if the anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment, and if the proposed development conforms with the standards prescribed in *Code of Virginia*, Section 28.2.1308 and guidelines promulgated pursuant to *Code of Virginia*, Section 28.2.1301.

### **Fairfax County Wetlands Permitting**

All tidal wetlands are valuable. Wetlands perform essential ecological services. They trap sediment and absorb nutrients and pollutants from runoff, thereby improving water quality. They provide habitat to wildlife. They can attenuate flooding and wave energy. Because of their value, the Wetlands Board has committed to a policy of no net loss of wetlands. Property owners should avoid impacts to tidal wetlands, if at all possible. Unavoidable losses or impacts to wetlands must be mitigated. If the Wetlands Board requires a compensation fee for mitigation, the rate is \$28 per square foot.

The Wetlands Board’s mitigation policy is here:

[https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/documents/wetlands/mitigation\\_compensation\\_policy\\_adopted.pdf](https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/documents/wetlands/mitigation_compensation_policy_adopted.pdf)

Applicants seeking a permit for a shoreline stabilization project in tidal wetlands must include a living shoreline or show that a living shoreline is not suitable. If a living shoreline is not suitable, feasible elements of a living shoreline must be included. For some applications, the Virginia Institute of Marine Sciences (VIMS) may submit a report on the suitability of a living shoreline. VMRC relies on VIMS to be the arbiter of where a living shoreline is suitable according to the best available science. For further information on living shoreline approaches, visit Center for Coastal Resources Management, Virginia Institute of Marine Science, College of William and Mary <http://ccrm.vims.edu/livingshorelines/index.html> or contact the Wetlands Board staff

Living shoreline means a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When

practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge.

The Wetlands Board does not require mitigation or compensation for properly designed and sited living shoreline stabilizations. Applicants proposing shoreline stabilization projects other than living shorelines must explain why a living shoreline approach is not suitable in the Supplementary Information Form submitted to the Wetlands Board.

## APPENDIX

### FAIRFAX WETLANDS BOARD SUPPLEMENTARY INFORMATION FORM

In addition to the Wetland Permit Application, your project may require other permits from the Fairfax County Department of Public Works and Environmental Services related to the County's Chesapeake Bay Preservation Ordinance, the Erosion and Sedimentation Control Ordinance and the floodplain regulations of the County's Zoning Ordinance. If a structure is proposed, a building permit will be required.

Name(s) and addresses of applicant(s):

Telephone number of applicant(s):

Email address of applicant(s):

If different: Name(s) and addresses of property owners of the property:

If the application is filed by someone other than the property owners (for example, an agent, contract purchaser, or lessee), a statement endorsing the application must be signed by the property owners, notarized, and filed with the application.

1. Describe the public and private benefits and detriments of your project.

2. Is the subject shoreline exposed to active, detrimental erosion or rapid sedimentation?

· No—Explain below why shoreline conditions warrant alteration or stabilization for the proposed use.

If this an application for the maintenance or repair of an existing stabilization Structure, describe the stabilization provided by the structure.

· Yes—Explain below how you determined that the erosion on your property is active and detrimental. Examples: Physical signs easily observed such as fallen trees, bare exposed soil with no vegetation growing on it, bank collapse or undercutting.

Pictures or other documentation are helpful, especially spanning a time period (Please provide the time period).

If structures or trees are at risk, provide pictures or documentation which demonstrate the risks.



3. Does this application propose stabilization or alteration of the shoreline using a **living shoreline** design?

- Yes
- No—Explain why a **living shoreline** treatment is not suitable



If a living shoreline is not suitable, describe the elements of a living shoreline that are or are not feasible.

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All owners of the property must sign below to indicate that they have the power to authorize and do hereby authorize the Wetlands Board and Fairfax County staff representatives on official business to enter the property as necessary to process the application. All persons signing the application acknowledge that they may be required to pay a separate wetlands mitigation fee to compensate for impacts on tidal wetlands.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

# FCWB Application Checklist

The Applicant Guide For Tidal Wetlands Alteration/Stabilization allows for multiple levels of permit application including:

- No Permit needed
- Emergency Repair
- Erosion Control Structure Maintenance
- Failed Erosion Control Structure Repair (not an Emergency)
- Projects with the potential wetlands impacts
- Living Shorelines

If your project fits the No Permit Needed category, you will not need to submit to the Wetlands board. However, permits from other agencies may be needed. If you believe your project may fit the requirements to be classified as an emergency, contact the Wetlands Board Staff immediately for a site visit and guidance.

## JPA Drawings – Additional Information

The following additional information is recommended on the JPA drawings depending on the level of permit application. This information is based on VMRC Guidelines. Drawing must be to scale. The need or lack of need for each of these items should be discussed with FCWB staff. Staff may suggest more or less information than indicated below:

Drawing Requirements
Impacted Vegetated Wetlands SQFT
Impacted Non-Vegetated Wetlands SQFT
MHW
MLW
MHW - 20 Year NOAA
MHW -40 Year NOAA
Existing Bathymetric Elevations
Projected Bathymetric Elevations
Adjacent Property Condition/Treatments
Fetch Exposure
Bank Height
Bank Composition
Nearby Shore Stability
Upland Use
Proximity to Buildings
Boat Wake
Construction Access Path
Project life Landward vegetation migration

Professional Engineer/Other - Certification
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Other VMRC Guideline information that may be required includes the following:

<b>Other VMRC Guidelines Information</b>
VIMS shoreline recommendation
SAV
Storm Tide Range (5 year?)
Erosion rate
Design Wave

An applicant may submit additional information to the FCWB for secondary consideration to show a living shoreline is not suitable. A list of possible information is included below. The applicant is free to submit more or less than indicated here.

<b>Living Shoreline not suitable rational</b>
Property impacts
Adjacent Property impacts
Septic system impacts
Loss of trees
Cost to remove existing erosion control
Cost to install living shoreline
Sea Level Rise impact on property
Existing Controls Installed as Permitted
Environmental Betterments other than living shoreline
Living Shoreline elements provided