

# Issue Analysis Form

**Date:** February 25, 2019  
**Item:** Resolution - Living Shoreline  
Landowner Agreement  
**Lead Department(s):** Parks & Recreation  
**Contact Person(s):** Keith Rotzell



## Description and Current Status

James River Association is installing a Living Shoreline along the Lower James. The General Assembly prefers living shorelines for shoreline stabilization. Benefits include native plants that provide habitat and prevent erosion and marshes that are more responsive to changing water levels and retain sediment and nutrients keeping pollutants from entering the James River.

Prince George County Parks & Recreation owns the land located at 800 Folar Trail N, Hopewell, VA that would benefit from this project. James River Association will pay all costs associated with installing the living shoreline through December 2021. Prince George County Parks & Recreation will be responsible for retaining the living shoreline for a minimum of ten (10) years after JRA begins planting in the subject area.

The following are questions and answers brought up by Mr. Webb at the the February 11, 2020 Board of Supervisors meeting:

1) Is it possible to estimate how many plants would be needed at the 10% replacement (worst case scenario) at \$5 per.

**The funding is for 600 plants at \$5 per plant. Replacing 10% would be 60 plants for \$300.**

2) How many labor hours (estimate) would be required to perform this work (question #1)?

**Initial installation of the 600 plants is estimated to take 16 hours at \$90 per hour for a total of \$1,440 (rate reflects two laborers and travel). Replacing 10% would be no more than 2 hours at \$90 for a total of \$180.**

**Total 10% replacement including plants and labor would be \$480.**

3) How many labor hours (estimate) would be required for yearly inspection and maintenance?

**Ryan Walsh from JRA is researching and will let me know. Ryan also will be available for questions at the upcoming BOS meeting.**

4) Could we do a 4 year agreement versus 10 year? Would we incur a renewal penalty if a new board chose not to agree going forward (the concern is obligating future Boards)?

**Response from JRA**

We based the language in our living shorelines landowner agreement off of the Virginia Conservation Assistance Program (VCAP) that the Soil and Water Conservation Districts provide to property owners. This is a cost share program by the SWCDs to install living shorelines and other forms of erosion and stormwater control.

Living shorelines are considered a "best management practice" and in the eyes of the SWCDs, have a "lifespan" of ten years. Once established, the practice will likely last much longer, and can be reevaluated to ensure that it is still in place. The "ten year" length of time came from the standard that is adhered to by the SWCDs, DCR, VIMS, and NGOs that install living shorelines. The county would only have to pay the prorated cost of the installation in the event that the living shoreline is intentionally removed or destroyed.

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Sample Motion: I move that the Board authorize the County Administrator to sign the Living Shoreline Landowner Agreement.

**Government Path**

- |                                                       |                                         |                                        |
|-------------------------------------------------------|-----------------------------------------|----------------------------------------|
| <b>Does this require IDA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require BZA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does This require Planning Commission Action?</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require Board of Supervisors action?</b> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Does this require a public hearing?</b>            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>If so, before what date?</b>                       | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |

**Fiscal Impact Statement**

To be determined.

**County Impact**

## Notes

Ryan Walsh, Lower James Restoration Coordinator is available tonight to answer questions.

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 25<sup>th</sup> day of February, 2020:

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Present:

Donald Hunter, Chairman  
Alan R. Carmichael, Vice-Chair  
Floyd M. Brown, Jr.  
Marlene J. Waymack  
T. J. Webb

Vote:

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T-1

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

**RESOLUTION: LIVING SHORELINE LANDOWNER AGREEMENT**

WHEREAS, James River Association is installing a Living Shoreline along the Lower James. The General Assembly prefers living shorelines for shoreline stabilization.

WHEREAS, Prince George County Parks & Recreation owns land located at 800 Folar Trail, N. Hopewell, VA that would benefit from this project.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 25<sup>th</sup> day of February, 2020, does hereby approve the signing of the Living Shoreline Landowner Agreement.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator



## Living Shoreline Landowner Agreement

Landowner Name: Parks and Recreation Department (Prince George County)

Address: 800 Folar Trail N, Hopewell, VA 23860

Description of Property: Appomattox River Regional Park (Public Park)

Tax Map Identification Number: 220(03)00-00D-1

Telephone (day): (804) 458-6164 (evening): \_\_\_\_\_

E-mail:

krotzoll@princegeorgecountyva.gov

I own the land that would benefit from the proposed living shoreline and I have discussed the project with a James River Association (JRA) staff member. I have reviewed and approved the attached site concept and shoreline planting recommendations. I agree to support the permit application process and have the living shoreline installed on my property with all costs paid for by JRA including surveying, permitting, design, site preparation (if needed), construction materials, plants, installation and planting labor, and maintenance costs (labor and materials) through December 2021. I further commit to retaining the living shoreline on my property for a minimum time of ten (10) years from the Effective Start date of this Agreement, January 1, 2020 ("Effective Start Date"). As part of that commitment, I (current or subsequent landowner) agree during the 10 year agreement period ("Agreement Period") to neither remove nor intentionally alter the shoreline project area after JRA begins planting in the subject area. In the event of a breach of this Agreement that causes the project to fail its restoration purposes, I agree to pay JRA a prorated amount, based on the percent of the ten (10) year agreement period remaining after the breach, of the total living shoreline project cost including design, materials, and labor.

### Access to Project Site

I will permit JRA and its partners and contractors to access the project area during the Agreement Period for the following purposes:

- Project preparation and installation. This includes surveying, site preparation, construction, and planting.
- Project monitoring. During year (1) of the project, JRA will periodically monitor the project for success. Site monitoring will also occur after significant rainfall or storm events.
- Educational purposes. JRA is installing this project for demonstration purposes and may use it for education purposes, including workshops and classes. JRA will work with the landowner to schedule educational events to cause as little disruption as possible.



JRA will provide at least 72 hours notice prior to accessing the site, with the exception of monitoring following heavy rainfall events.

Maintenance

I understand that in addition to the establishment support provided until December 2021 by JRA, I am responsible during the Agreement Period for monitoring plantings to ensure survival after JRA begins planting the subject area. JRA shall provide a basic maintenance manual to assist the landowner in maintaining the living shoreline. Maintenance items include, but are not limited to, the following:

- Conduct an annual survey of planted area: new vegetation must maintain a cover of 90% or more. Replant denuded areas as necessary.
- Spot treat invasive species.
- Address issues of trespass, leading to damaged vegetation, as necessary.
- Assess structures such as sills for stability. Repair and replacement of failed sills in the same location shall be allowed without need of additional authorization. Additional sand may be placed to replace any lost sand or to adjust for substrate settlement, provided the elevation of the originally proposed grade is not exceeded.
- Applying fertilizer after vegetation has been established is prohibited to reduce sources of nutrient pollution.

In the event I transfer the land, I will advise the transferee of this agreement and provide mention of the agreement in the real estate contract, which will continue past any such transfer. Neither party shall have any further obligation to the other after the Agreement has expired. JRA shall have no obligation to restore the land to its original condition.

Date: \_\_\_\_\_ Landowner Name (Printed): \_\_\_\_\_

Date: \_\_\_\_\_ Landowner Signature: \_\_\_\_\_

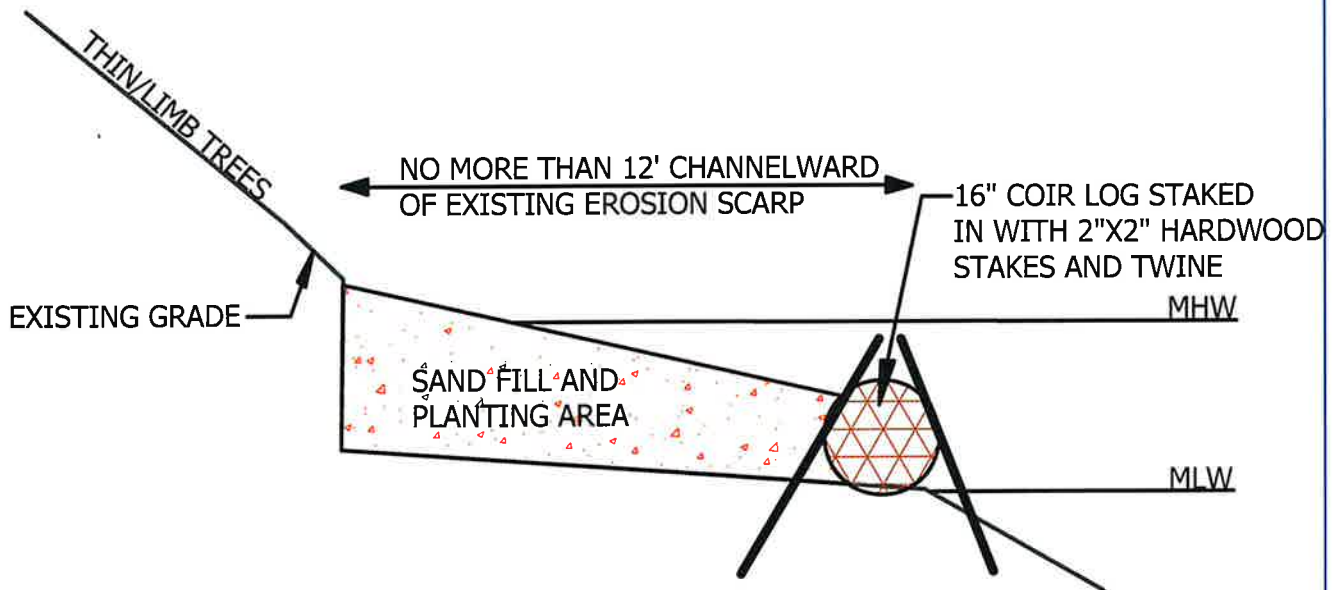
Date: 1/24/2020 JRA Representative (Printed): William H. Fisher

Date: 1/24/2020 JRA Representative Signature: [Signature]

Effective Project Date: January 1, 2020



COIR LOG TOE STAKED IN PLACE NO MORE THAN 12 FEET CHANNELWARD OF EXISTING EROSION SCARP. SAND FILL DELIVERED TO SHORELINE VIA A TEMPORARY PLYWOOD FLUME OR CONVEYOR FROM TOP OF BANK. TREE THINNING TO OPEN UP SUNLIGHT TO INCLUDE LIMBING OF TREES AND SAPLINGS.



NOT TO SCALE  
 DATE: 7/10/2019  
 BAY # 19-047-01  
 DRAWN BY: CJC

CONCEPTUAL LIVING SHORELINE PLAN  
 APPOMATTOX RIVER REGIONAL PARK  
 RIVER ROAD  
 PRINCE GEORGE CO., VIRGINIA



Photos taken over three years show the use of a living shoreline strategy to protect an eroding shoreline at the Captain Sinclair's Recreation Area in Gloucester County.

Photos: *Shoreline Studies Program, Virginia Institute of Marine Science.*



**2015**



**2016**



**2017**

# VIRGINIA SHORELINE EROSION ADVISORY SERVICE

For more information, visit  
[www.dcr.virginia.gov/soil-and-water/seas](http://www.dcr.virginia.gov/soil-and-water/seas)  
or contact a SEAS engineer at:

804-443-1494

[mike.vanlandingham@dcr.virginia.gov](mailto:mike.vanlandingham@dcr.virginia.gov)

804-443-5642

[aaron.wendt@dcr.virginia.gov](mailto:aaron.wendt@dcr.virginia.gov)

SEAS is a program of the Virginia  
Department of Conservation and Recreation.





The Virginia **Shoreline Erosion Advisory Service**, or SEAS, was established in 1980 to help private landowners and localities in Virginia with shoreline erosion problems. Services are free of charge in tidal and non-tidal areas of the state.

**STAFF CAN PROVIDE:**

- Site investigation and analysis.
- Technical assistance.
- Written advisory reports.
- Construction plan review.
- Construction inspections.
- Information and education.



Some Virginia shorelines have historic erosion rates of up to 30 feet per year. If left unmanaged, shoreline erosion can cause a loss of productive land, a drop in property values and a buildup of nutrients and sediment in the water. In the worst cases, shoreline erosion can cause injury or loss of life.

Upon request, SEAS staff will evaluate your shoreline and recommend actions tailored for the property. These recommendations can result in a properly designed and built solution that will provide better shoreline protection, last longer and minimize negative impacts to adjacent properties and the environment.

**Wave energy** is the main cause of shoreline erosion. The best strategies to prevent shoreline erosion should be tailored to site conditions at each property. Prevention strategies can include:

**Low**

**wave energy environments**  
Establishment or enhancement of existing vegetation.



**Medium**

**wave energy environments**  
Vegetation plus some type of structural control.



**Large**

**wave energy environments**  
Structural controls.



There are advantages and disadvantages to any shoreline erosion control strategy. SEAS staff will help you choose the best fit for your site — one that meets your goals for the property.