



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 333

Marine Contractor License – Performance of
Services – Licensing Requirements and Fees

Date: March 24, 2021
To: Senate Education, Health
and Environmental Affairs Committee

Position: **Oppose**
From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES HB 333** which exempts certain activities from being performed by a licensed marine contractor if that individual works for a state or local public agency and removes the requirement for that individual to have a marine contractor's license.

Exempting Certain Employees from the License Requirement for Tide Gate Construction and Tidal Impoundment Dike Maintenance May Result in Harm to Tidal Wetlands

This legislation creates three categories of project types that may be performed without a license by certain state or local public agency employees. All three categories potentially include projects related to and affecting the maintenance of tidal wetlands. The categories include:

1. The construction of tide gate designed to prevent the encroachment of saltwater;
2. The routine maintenance, repair, or replacement of a tidal impoundment dike, and agricultural drainage ditch, a highway drainage ditch, a roadside drainage ditch, or an outlet for a roadside drainage ditch, or
3. Any other marine contractor's service that the Board determines would present a *de minimis* risk to human health or the environment.

Agency employees who do not also hold a marine contractor's license may not necessarily have training or awareness of the laws and regulations designed to protect tidal wetlands. CBF is the fact that building and maintenance plans for many of these structures do not take sea level rise into account.

The Exemption of De Minimis Services Creates Uncertainty

The lack of an explicit list of activities in the 3rd category creates uncertainty. The Board would need to determine what is *de minimis* without considering site-specific conditions.

CBF urges the Committee's UNFAVORABLE report on HB 333.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403
Phone (410) 268-8816 • Fax (410) 280-3513