



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1313

Environment - Exception to Nonstructural Shoreline Stabilization Requirements

Date: March 9, 2022

Position: **OPPOSE**

To: Environment and Transportation Committee

From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES** HB 1313, which would hinder Maryland's efforts to restore living shorelines that filter pollution, provide habitat, and help protect private property from the effects of sea level rise. If adopted, the bill would create an exemption from the established waiver process, based solely on the determination of one licensed marine contractor.

Living Shorelines are a Key Tool in Restoring the Chesapeake Bay

Living shorelines are a proven natural approach to protecting tidal shorelines from erosion. They are created by planting native wetland plants, wetland grasses, shrubs, and trees at various points along a shoreline. Compared to hardened shorelines lined with riprap, bulkheads, and concrete, living shorelines offer many benefits to the environment. These include:

- Cleaner water by settling sediment and filtering pollution
- Better shoreline habitat for wildlife like nesting turtles and shorebirds
- Improved shallow water habitat for many plant and animal species like underwater grasses, blue crabs, and various types of finfish

The General Assembly's 2008 Law on Living Shorelines Rightfully Limited Exceptions for their Use

In Maryland, the *New Tidal Wetland Regulations for Living Shorelines* implement the requirements of the Living Shorelines Protection Act passed by the Maryland General Assembly during the 2008 Legislative Session.¹ The requirements provide narrow exemptions for the use of living shorelines for improvements to protect a property against shoreline erosion.² Living shorelines must consist of marsh creation or other nonstructural shoreline stabilization measures that preserve the natural environment unless a Waiver is obtained.³ An applicant should indicate the extent to which their project implements Maryland's living shoreline requirements or fits within an exemption.

¹ Maryland Department of the Environment, [New Tidal Wetland Regulations for Living Shorelines Effective February 4, 2013](#), last visited July 22, 2021.

² *Id.*

³ *Id.*

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This Legislation Undermines the Authority and Basis of Maryland's Living Shoreline Law

Under current law, there are two exceptions to when a living shoreline must be used. The first is when the Department of Environment finds the area is inappropriate for a living shoreline. The second is when the property owner can demonstrate to the Department's satisfaction that a living shoreline is not feasible. Examples of the latter including in areas of excessive erosion, areas subject to heavy tides, and areas too narrow for effective use of a living shoreline. This legislation undermines the Department's determination in current law, and the focus on feasibility by proposing that the opinion of one marine contractor could stop a living shoreline project, with a determination that the site is "unsuitable" for a living shoreline.

CBF urges the Committee's UNFAVORABLE report on HB 1313. For more information, please contact Robin Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.