



# CHESAPEAKE BAY FOUNDATION

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Environmental Protection and Restoration  
Environmental Education

## Senate Bill 775

Private Wetlands - Structural Shoreline Stabilization Measures - Authorization

Date: February 23, 2023  
To: Senate Committee on Education, Energy & the Environment

Position: **Oppose**  
From: Matt Stegman  
MD Staff Attorney

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Chesapeake Bay Foundation (CBF) **OPPOSES** SB 775 which would permit the installation of structural shoreline stabilization measures as a lawful use of private wetland if the total structured shoreline elements constitute not more than 10% of the total project area. CBF is concerned that the bill will take discretion from Maryland Department of the Environment (MDE) experts and opens the door to ever-more hardening of Maryland's sensitive shorelines.

While armored shoreline elements degrade over time and may cause negative downstream effects, non-structural, or living shoreline, elements can protect land from erosion and become more stable over time as plants, roots, and oyster reefs grow. While adjustments to hard materials within the living shoreline might be needed, the actual living elements of a living shoreline - like oyster reefs and grasses - are expected to maintain elevation relative to predicted sea level rise through 2100.<sup>1</sup> Additionally, some living shoreline projects have been shown to accrete sediment on the landward side. Living shorelines further protect land from erosion by dampening wave energy. By contrast, bulkheads amplify and reflect wave energy.<sup>2</sup>

Non-structural shoreline stabilization elements also accrue habitat benefits for aquatic life. Experts from the Virginia Institute of Marine Science and William & Mary University have determined that threshold declines in key bay species occur at levels of between 10 and 30% of shoreline hardening. Notably, there was a 4% decrease in crab abundance for every 10% of additional shoreline hardening.

There are many circumstances where the limited use of structural shoreline stabilization is appropriate, however SB 775 overreaches by taking the determination of when these elements are appropriate from MDE and opens the door to potential future abuse of the practice by establishing a legislative threshold for shoreline armoring.

### **CBF urges the Committee's UNFAVORABLE report on SB 775.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

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<sup>1</sup> National Oceanic and Atmospheric Administration (NOAA), *Guidance for Considering the Use of Living Shorelines*. 2015. Available at [https://www.habitatblueprint.noaa.gov/wp-content/uploads/2018/01/NOAA-Guidance-for-Considering-the-Use-of-Living-Shorelines\\_2015.pdf](https://www.habitatblueprint.noaa.gov/wp-content/uploads/2018/01/NOAA-Guidance-for-Considering-the-Use-of-Living-Shorelines_2015.pdf). Accessed Feb. 13, 2023.

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*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*