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Atlantic Coastal Bays Critical Area

Chair, Joint Subcommittee on  
Program Open Space/Agricultural  
Land Preservation

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 15, 2023

**Testimony in Favor of SB0417  
Environment – State Wetlands – Shoreline Restoration**

Chairman Feldman, Vice-Chair Kagan, & members of the Education, Energy, and the Environment Committee,

I respectfully request a favorable report of Senate Bill 417 to further ensure that Living Shorelines are more effectively utilized and lessen the number of waivers issued by MDE to allow structural (or hardened) shoreline stabilization measures. Without intervention like this legislation, recent studies suggest that we are at risk of losing 70 percent of wetlands within the century<sup>1</sup>.

Nonstructural shoreline stabilization measures – such as Living Shorelines or marsh creation – provide proven, practical solutions to both Marylanders and our environment by: buffering floods, purifying water, reducing erosion, storing carbon, and creating wildlife habitats. Additionally evidence shows that during major storms, a living, natural shoreline performs better than a hardened shoreline<sup>2</sup> (NOAA). Living Shorelines are also an important component to our State’s valuable wetlands which also provide significant protections to the Chesapeake Bay and our watershed.

With these benefits in mind, in 2008 the legislature passed the Living Shoreline Protection Act of 2008 ([CH304](#)) to make make Living Shorelines the preferred method to reduce erosion except for in areas designated by MDE as appropriate for structural shoreline stabilization measures and in areas where individuals can demonstrate the such nonstructural measures are not feasible.

Additionally as Chair of the Chesapeake Bay Commission over the past year, the need to do more to preserve and restore our State’s wetlands has become all too clear. The Chesapeake Bay Program Partnership just developed a comprehensive assessment of our collective efforts to restore tidal and non-tidal wetlands in the

<sup>1</sup> [https://dnr.maryland.gov/ccs/Documents/coastalland\\_conserv\\_md.pdf](https://dnr.maryland.gov/ccs/Documents/coastalland_conserv_md.pdf)

<sup>2</sup> <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#what-are-the-main-benefits-of-living-shorelines?>

watershed and they found that, despite protections in State and Federal law, the Bay watershed is losing wetland acreage faster than current restoration efforts can restore them due to loopholes, failed mitigation, and climate change. Without intervention, as much as 161,000 acres of tidal marsh will be lost in the Bay watershed by 2100<sup>3</sup>.

While it is unclear as to how many waivers have been issued to prevent Living Shorelines from being used – we can say without a doubt that structural, or armored, shoreline stabilization measures continue to be used throughout the State and this legislation would further ensure that Living Shorelines are the primarily used shoreline stabilization method.

With the loss of wetlands and the number of waivers issued by MDE in mind – we have introduced this legislation to reinforce our Living Shoreline laws here in Maryland.

**To support our efforts for more Living Shorelines this legislation will:**

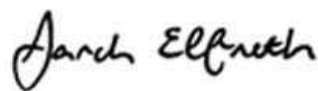
1. Reduce the number of waivers granted by MDE that authorize structural stabilization methods.
2. Ensure that Living Shorelines are designed in a manner that increases the resilience of the land it is protecting and the habitat connectivity between the land and water.
3. Better utilize mapping between MDE and DNR to more effectively designate priority restoration zones.
4. Create a dedicated funding account to better fund the creation of Living Shorelines.

**To accomplish these goals this legislation will:**

1. Utilize mapping done by MDE and DNR to drive where Living Shorelines should be deployed – this is flipped from how the current mapping is used to determine where structural stabilization methods are to be prioritized, which has led to less Living Shorelines being used. (Page 3 Lines 8-10 and Lines 14-17)
2. Clarify that waivers may only be used if a Living Shoreline is not feasible to protect structures from imminent risk of damage. (Page 3 lines 11-13)
3. Further clarify how erosion control projects need to be designed – to increase the resilience of the land and the habitat connectivity between the land and water. (Page 2 Line 17-20)
4. Clarify that Living Shorelines must improve the quality of the natural environment and incorporate the use of living features including submerged aquatic vegetation. (Page 2 Line 22 and 30-32)
5. Create a separate Coastal Resilience and Living Shoreline Restoration Account within the Tidal Wetlands Compensation Fund. (Page 3 Lines 29-32 and Page 4 Lines 1-10)

Once again I respectfully request a favorable report of Senate Bill 417.

Sincerely,



Sarah Elfreth

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<sup>3</sup> [https://d18lev1ok5leia.cloudfront.net/chesapeakebay/documents/2023.01.17-2023-Wetlands-Action-Plan\\_FINAL.pdf](https://d18lev1ok5leia.cloudfront.net/chesapeakebay/documents/2023.01.17-2023-Wetlands-Action-Plan_FINAL.pdf)