

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 415 (Delegate Holmes)  
Environmental Matters

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**Environment - Severn River Watershed - Silt and Erosion Control - Certification**

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This bill clarifies the authority of a professional land surveyor or licensed landscape architect to certify that a developer's plan to control silt and erosion is adequate to contain silt and erosion on the property covered by the plan, as required prior to issuance of a grading or building permit by Anne Arundel County or the City of Annapolis within the Severn River Watershed.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local operations or finances.

**Small Business Effect:** Minimal beneficial impact on small business land surveyors and landscape architects. Potential minimal adverse impact on small business engineers.

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**Analysis**

**Current Law:** Anne Arundel County or the City of Annapolis may issue a grading or building permit within the Severn River Watershed only after the developer submits a plan of development approved by the soil conservation district. The developer must submit a certificate from a professional engineer stating that the developer's plan to control silt and erosion is adequate to contain the silt and erosion on the property covered by the plan. However, State erosion and sediment control regulations also authorize any land surveyor, landscape architect, or architect registered in the State to certify a plan that falls outside of the Severn River Watershed.

The Water Management Administration within the Maryland Department of the Environment is responsible for the implementation and supervision of the State's Erosion and Sediment Control Program. This includes establishing policies, procedures, standards, and criteria relating to erosion and sediment control from any construction project that has and/or exceeds an earth disturbance of 5,000 square feet and/or 100 cubic yards. Additional program components include the review and approval of local erosion and sediment control enforcement authority ordinances, all plans for the grading of State and federal projects, and training programs. Local governments implement Maryland's Erosion and Sediment Control Program. Duties involve reviewing and approving local development project plans as well as inspecting and enforcing compliance relating to the construction of all private and local projects. Before any person begins any construction, the appropriate approval authority must first receive, review, and approve the proposed earth change and the sediment control plan.

## **Background:**

### *The Severn River*

In Chapter 306 of 1987, the General Assembly declared that the Severn River is a great natural asset and resource to the State and the counties through which it runs, and that erosion and silt deposited in the river from construction and development on land in the Severn River Watershed was contributing to the pollution and despoliation of the river to a degree that fish, marine life, and recreational use of the river were being adversely affected and curtailed. In addition, the Severn River is one of nine rivers in the State to be declared a scenic or wild river by the General Assembly.

The Severn River Commission was established in 1985 to provide counsel and advice to Anne Arundel County, the City of Annapolis, and the State on environmental and other matters within the Severn River Watershed. The commission studies and makes recommendations on policies, rules, and regulations to protect the Severn River and its watershed, including comments on relevant existing State, county, and city procedures. The commission lists sediment as one of five environmental threats facing the Severn River, due to its tendency to block sunlight from reaching submerged aquatic vegetation.

### *Landscape Architects*

The State Board of Examiners of Landscape Architects was created by Chapter 645 of 1971 and currently operates as part of the Department of Labor, Licensing, and Regulation's Division of Occupational and Professional Licensing. The purpose of the board is to safeguard public welfare, health, and property and to promote the public good by regulating persons who practice landscape architecture in the State. Landscape architects draw on a number of fields – such as engineering, architecture, art, planning,

environmental science, and computerized design – to provide land beautification, environmental impact assessments, grading, and limited drainage system design. Maryland is 1 of 45 states that have practice acts, which specify the type of work landscape architects may perform.

### *Land Surveyors*

Maryland has regulated the practice of land surveying since 1939. Initially, the licensure of professional land surveyors and professional engineers was effectuated through a joint board. An independent board for the registration of professional land surveyors was established in 1977 and recodified in 1989 in the Business Occupations and Professions Article. In practice, professional land surveyors are responsible for platting, locating, or setting the monumentation for boundaries of real property, easements, or rights-of-way. They are a key part in the development of site plans for construction, including the design of road and street grades, sediment and erosion control measures, and stormwater management systems.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 827 (Senator Astle) – Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of the Environment, Anne Arundel County Soil Conservation District, Severn River Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2011  
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