



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

January 19, 2022

**Testimony in Support of House Bill 149 - Wetlands and Waterways – Riparian Rights –
Voluntary Registry and Notice**

Good afternoon Mr. Chairman, Mr. Vice Chairman, and members of the Environment and Transportation Committee. Thank you for the opportunity to speak to you about House Bill 149 - Wetlands and Waterways – Riparian Rights – Voluntary Registry and Notice.

I grew up in Cape St. Claire on the Broadneck Peninsula. The Cape St. Claire community, waterfront, nature, and beaches played a large part in not only my childhood, but in the lives of its over 8000 residents. The community knows that protecting these beaches and natural areas is essential for the fabric of the community. Following a series of storms that compromised Cape St. Claire's jetties and the additional impact of commercial water traffic, the community has seen a reduction to the shoreline of their community beach. This prompted a Maryland Department of the Environment (MDE) approved shoreline restoration and resiliency project, which did not break ground until seven years after its inception. The residents have invested thousands of dollars into this project to work with a hydraulic architect and the community at large to finalize a state-of-the-art living shoreline restoration design. Through partnership with the state and county, the Wetlands Improvement Project, and community fundraising, this project will ensure protection for these natural areas for future generations.

The project was put in jeopardy when a private entity took advantage of a loophole in County and State permitting procedure to erect several piers on community-owned land, long established and maintained by covenants, agreements, and Project Open Space—essentially stripping the community of their pre-established riparian rights. Through this loophole, the private entity was able to assert riparian rights via the honor system and made the case that due to rising sea level, the community no longer had rights to these lands. The Cape St. Claire Community Association was forced to spend tens of thousands of dollars in court to defend their riparian rights. Eventually the pier that had been built was removed and the permits for the additional piers withdrawn. Not every community has the resources to fight in such a manner and with such resources for their riparian rights. Throughout the process, I conveyed my concerns to the Maryland Department of the Environment that should this stand, it could create a dangerous precedent for other water access communities. Now that this loophole has been so clearly

identified, it falls to us to close it and protect our community's property rights and ability to utilize resiliency efforts.

This bill seeks to protect the riparian rights of all communities by ensuring these rights may not be stripped by a county or state permitting process, building permitting process, or other similar types of approval. This bill also would create a public database where communities may opt-in to have their riparian rights registered and help prevent similar encroachments by developers, and to ensure that the enforcer of any existing covenants is given notice of permit applications so that any concerns can be addressed within the permitting process rather than the courts.

To address the concerns of the Maryland Department of Environment, I have submitted a request for another bill to work in tandem with House Bill 149, to ensure that while HB 149 requires MDE to maintain a voluntary registry for property owners who have registered a claim of riparian rights, the onus would fall on the property owner to 1) certify they have riparian rights for any applicable state permits, and 2) certify they've notified their homeowner's association.

We look forward to working with the State, the Committee, and the relevant Sub-Committee to protect the riparian rights of all Marylanders. Thank you and I respectfully ask for a favorable report on HB 149.