

DANA M. STEIN
Legislative District 11B
Baltimore County

—
SPEAKER PRO TEM
—

Environment and Transportation
Committee

Subcommittees

Chair, Environment

Natural Resources,
Agriculture and Open Space



The Maryland House of Delegates
6 Bladen Street, Room 301
Annapolis, Maryland 21401
410-841-3527 · 301-858-3527
800-492-7122 Ext. 3527
Dana.Stein@house.state.md.us

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

**Testimony of Delegate Dana Stein in Support of
HB 655 - Environment - State Wetlands - Shoreline Stabilization Measures**

HB 655 clarifies the law regarding living shorelines, which prevent erosion and are more resilient to severe weather and sea level rise than structural shorelines.

State tidal wetlands law authorizes riparian (waterfront) property owners to make improvements to protect the shoreline against erosion. The preference is to use living, or nonstructural, stabilization methods, as opposed to structural alternatives, such as rip rap and bulkheads. Living shorelines, which include vegetation and natural structures, provide habitat for fish and marine wildlife and filter runoff before it enters the Bay. Their maintenance costs are less than armored alternatives.

In two circumstances, living shorelines are not required. One is when a property is in an area that MDE has mapped as being inappropriate for a living shoreline; and the other is when a property owner can demonstrate that their property is not appropriate for a living shoreline. Reasons include excessive erosion and the presence of heavy tides.

Currently, when there's an application to replace structural shoreline measures with similar or identical structural stabilization measures, MDE provides an automatic waiver, no matter how long it's been since the original waiver was granted. This bill says that future waivers cannot be granted automatically; the rationale is that for decades, structural shoreline stabilization was the default and there was not really any study of whether nonstructural stabilization measures were feasible. So not only is it probable the shoreline conditions have changed over time, but if it is a project built before the 2000s there was likely no consideration given to any stabilization method other than a bulkhead or other armoring.

With an amendment from MDE, which we view as friendly, an automatic waiver could still be given if the property is in an area that MDE has said is inappropriate for a living shoreline.

HB 655 also specifically permits Tidal Wetlands Compensation Fund (TWCF) money to be used to provide funding for the conversion of existing structural, hardened, shorelines with living shorelines. This change is enabling and does not restrict any money in the Fund for that purpose. While living shorelines are a better economic and ecological choice over their lifetime, some

property owners are reluctant to install a living shoreline because they occasionally have a higher upfront cost. Adding conversion of hardened shoreline to living shoreline as an enumerated use of TWCF money is consistent with the purpose of that fund, and with MDE's ongoing efforts to provide additional tools and resources for property owners and contractors to make living shorelines an even better economic choice.

For these reasons, I request a favorable report on HB 655.