



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

1/27/2021

HB 160: Environment-Wetland and Waterways-Riparian Rights Testimony-Favorable

I grew up in Cape St. Claire on the Broadneck Peninsula. The Cape St. Claire community and the waterfront, nature and beaches played a large part of not only my childhood, but the fabric of the community and its over 8000 residents. The community knows that protecting these beaches and natural areas are essential. Following a series of storms which compromised their jetties and with the additional commercial water traffic impact the community saw a reduction to the shoreline of their community beach, and began a shoreline restoration and resiliency project which took seven years from inception to groundbreaking. They invested thousands of dollars in this Maryland Department of the Environment (MDE) approved shoreline restoration project, worked with a hydraulic architect and the community at large to finalize a state of the art living shoreline restoration design, in partnership with the state and county, the Wetlands Improvement Project and community fundraising to protect these natural areas for future generations.

This project was put in jeopardy when a private entity was able to take advantage of a loophole in County and State permitting procedure to put in several piers on community owned land, long established and maintained by covenants and agreements and Project Open Space, and strip the community of their pre-established riparian rights. Through a loophole in the permitting process 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riparian rights and eventually the one pier which had been built was removed and the permits for the additional piers withdrawn.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 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 and 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 that 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.

We are aware of some potential unintended consequences in the current language of the bill and are working closely with the Maryland Department of the Environment and the

Department of Natural Resources to amend this bill to match our intent. We look forward to continue to work with the State, the Committee, and the relevant Sub-Committee to protect the riparian rights of all Marylanders. Thank you and we ask for a favorable report on HB 160.