



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 195

Marine Contractor License – Performance of Services – Licensing Requirements and Fees

Date: January 26, 2022

Position: **Oppose**

To: Environment and Transportation Committee

From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES HB 195** which exempts certain activities from being performed by a licensed marine contractor if that individual works for a state or local public agency and removes the requirement for that individual to have a marine contractor's license.

Exempting Certain Employees from the License Requirement for Maintenance, Repair or Replacement of Tidal Impoundment Dikes and Drainage Ditches May Result in Harm to Tidal Wetlands

This legislation creates categories of project types that may be performed without a license by local government employees. While the legislation has been amended from previous versions to include only maintenance of certain structures, instead of new construction, the exemption may still threaten tidal wetlands. The exemption would allow a local employee to replace or repair a tidal impoundment dike, an agricultural drainage ditch, a highway drainage ditch, a roadside drainage ditch, or an outlet for a roadside drainage ditch.

Individuals working in the tidal wetland who do not also hold a marine contractor's license may not necessarily have training or awareness of the laws and regulations designed to protect tidal wetlands. This legislation does not include any alternative education requirement for government employees who would be carrying out this work. Tidal impoundment dikes and agricultural and roadside drainage ditches comprise rainfall runoff infrastructure in many areas of Maryland. Maintaining vegetation in these areas, including wetland species, is therefore the only method of filtering polluted rainfall runoff before it reaches local waterways and the Bay.

The Exemption of *De Minimis* Services Creates Uncertainty

This legislation would also remove the need for a local government employee to obtain a license for any marine contractor's service that the Maryland Marine Contractors Licensing Board determines would present a *de minimis* risk to human health or the environment. This exemption places an impossible burden on the Board. An activity will create risk of environmental harm depending on the circumstances, for example, whether the tidal impoundment dike or drainage ditch is upstream of an impaired waterway, or whether new impervious surface in the area is increasing the load of rainfall runoff to the dike or ditch. This legislation would allow the Licensing Board to decide whether a particular activity is *de minimis* without the necessary context.

CBF urges the Committee's UNFAVORABLE report on HB 195.

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