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Budget and Taxation Committee

Subcommittees

Capital Budget

Pensions

Chair, Public Safety,
Transportation, and Environment

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area

Chair, Joint Subcommittee on
Program Open Space/Agricultural
Land Preservation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 20, 2024

Testimony in Favor of SB 546
Environment - State Wetlands - Shoreline Stabilization Measures

Chairman Feldman, Vice-Chair Kagan, & members of the Education, Energy, and the Environment Committee,

I respectfully request a favorable report of Senate Bill 546, which supports and clarifies Maryland's existing law preferencing the creation of nonstructural, living shorelines over structural (or hardened) shoreline stabilization measures. The bill does this by clarifying the circumstances under which the Maryland Department of the Environment (MDE) may issue a waiver from the living shoreline requirement and by adding support for the conversion of existing hardened shoreline to living shoreline as a permitted use of Tidal Wetlands Compensation Funds.

Nonstructural shoreline stabilization measures – such as Living Shorelines or marsh creation – provide proven, practical solutions to both Marylanders and our environment by: buffering floods, purifying water, reducing erosion, storing carbon, and creating wildlife habitats. Additionally evidence shows that during major storms, a living, natural shoreline performs better than a hardened shoreline¹. (NOAA) Living Shorelines are also an important component to our State's valuable wetlands which provide significant protections to the Chesapeake Bay and our watershed.

With these benefits in mind, the legislature passed the Living Shoreline Protection Act of 2008 ([2008 Md. Laws, Chap. 304](#)) to make living shorelines the preferred method to reduce erosion except for in areas designated by MDE as appropriate for structural shoreline stabilization measures and in areas where individuals can demonstrate that such nonstructural measures are not feasible.

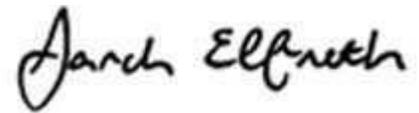
SB 546 clarifies existing law by making clear that MDE may not issue a living shoreline waiver based solely on a property owner's intent to replace a structural shoreline stabilization with the same or similar structural shoreline stabilization. A property owner would still be able to receive a waiver if their property is in an area already identified by departmental mapping as inappropriate for living shorelines or where conditions exist on the property that make a living shoreline not feasible. Minor repairs and some types of structural shoreline replacements are covered in a different provision of law not impacted by this bill. An amendment to be offered by MDE further clarifies the scope of the bill and is considered a friendly amendment.

¹ <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#what-are-the-main-benefits-of-living-shorelines>.

Further, the bill 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 TWCF for that purpose. Adding conversion of hardened shoreline to living shoreline as an enumerated use of TWCF money is both consistent with the purpose of that fund and with MDE's ongoing efforts to provide additional tools and resources for property owners and contractors. While living shorelines are often less costly than armored alternatives, some property owners are reluctant to install a living shoreline because of the perception of higher upfront costs and ongoing maintenance.² (NOAA) Creating a potential funding source to incentivize the conversion of hardened shorelines to living shorelines can assist in allaying those concerns and allow Maryland to realize the cumulative benefits of additional living shoreline development.

Once again I respectfully request a favorable report of Senate Bill 546.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive, flowing style.

Senator Sarah Elfreth
District 30

² <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#how-much-do-living-shorelines-cost?>