

"Protecting & Promoting the Marine Construction Industry Through Unity & Leadership."



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February 17, 2024

Maryland State Senate
Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB546 & HB655 *Environment – State Wetlands – Shoreline Stabilization Measures*

Dear Committee Chair Feldman & Committee Members:

The Maryland Marine Contractors Association (M.M.C.A.) supports SB546 & HB655 with amendment.

The M.M.C.A., established in 2008, is a tireless advocate for the protection and promotion of the marine construction industry in Maryland. It was our organization that championed the marine contractor licensure legislation back in 2010 with the goal of raising the professional bar within the industry and establishing a mutually beneficial working relationship with Federal, State, and Local regulators. We currently represent 91 contractors, tradesmen, engineers, and other industry professionals.

Understanding the intent of the proposed bills, via discussions with members of the Maryland Department of the Environment (MDE) and Chesapeake Bay Foundation (CBF) staff, our position is that SB546 & HB655, as currently proposed, would be harmful to the marine construction industry and the customers we represent and therefore propose amendments to bolster the intended purpose.

The proposed bills state, simply, that the presence of an existing shoreline structure is not enough justification, by itself, to constitute the issuance of a living shoreline waiver. The problem with this is multi-faceted, including: 1) it yields too much of the decision power to a faulty waiver evaluation process, 2) it negates the significant cost differential between a living shoreline and a replacement structure, and 3) licensed marine contractors, responsible for the significant majority of living shoreline construction, are afforded no say or credibility in the process.

There is simply a big difference between constructing a living shoreline on a private property at the owner's sole expense and constructing one in a setting, such as County or State owned lands, where grant or governmental funding, volunteer labor, etc. may be available. While SB546 & HB655 does note that Wetland Compensation Funds may be used to help offset these costs, we would need some specific information about how these funds would be distributed, if at all, before we could say whether this proposal would help.

To bolster the bill in a way that the intention remains, but homeowners are better protected, we would propose the following language be added:

If a licensed marine contractor deems a living shoreline waiver is appropriate for a given site and the Department (MDE) denies the waiver request, then wetland compensation funds must cover 'X' (% of Total, \$ Amount, \$ per Linear Foot - TBD)."

One major concern licensed marine contractors have is that we are held solely responsible for the success of these projects, and when we are handcuffed at the onset by high costs, site constraints, and customer expectations, we are destined to fail. Further, as this cost differential continues to increase, the process further incentivizes homeowners to hire a non-licensed contractor that will avoid the permitting process and associated scrutiny altogether.

The benefit to this discussion is that we are all here for the same purpose – to design and build successful projects that protect upland properties while also protecting and enhancing the Bay for years to come. All we are asking for is some flexibility in the process correlated specifically with licensed expertise as a means to better promote high-quality projects and improve project outcomes.

Thank you for consideration of our position. If you have any questions or if we can be of any assistance to the proponents of the Bill, please do not hesitate to contact us.

Sincerely,

Maryland Marine Contractors Association, Inc.

A handwritten signature in black ink that reads "Brandon S. Weems" with a long horizontal flourish extending to the right.

Brandon S. Weems
M.M.C.A. President

BSW/ksw