



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 20, 2024

BILL NUMBER: Senate Bill 546 – First Reader

SHORT TITLE: State Wetlands - Shoreline Stabilization Measures

DEPARTMENT’S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT’S POSITION

DNR supports this legislation with the proposed MDE amendments. This bill would assist in closing a loophole for nonstructural/living shoreline exemptions that a lot of waterfront property owners are being given with little justification. Many waterfront property owners install structural designs over nonstructural/living shoreline approaches, and even though the default within the law is to construct a nonstructural/living shoreline, almost all are given exemptions for structural installation. Replacement of structure with structure is an unintended consequence and was never the intent of the law.

DNR is supportive of living shoreline designs as an erosion control measure that include a suite of techniques which can be used to minimize coastal erosion and maintain coastal process. Techniques may include the use of fiber coir logs, sills, groins, breakwaters or other natural components used in combination with sand, other natural materials and/or marsh plantings. These techniques are used to protect, restore, enhance or create natural shoreline habitat. The department supports living shoreline designs through a loan program and within its grant programs that finance nature-based features.

BACKGROUND INFORMATION

When feasible, nonstructural shoreline stabilization methods are required to be constructed on a person’s property. However, current law provides a waiver process that exempts a property owner from constructing a nonstructural shoreline stabilization project when the property owner already has a bulkhead, revetment or other structural shoreline stabilization present on site. These waterfront property owners with structural projects are essentially ‘grandfathered in’ and have no barriers obtaining a non structural waiver and replacing structural projects in-kind.

BILL EXPLANATION

The bill would prohibit MDE from exempting a property owner from constructing a nonstructural/living shoreline stabilization measure when the sole basis for the exemption is to replace an existing structural shoreline stabilization design. Additionally, grant funding within the Tidal Wetlands Compensation Fund would be expanded to finance properties that will replace structural shoreline stabilization measures with nonstructural (ex - living shoreline) shoreline stabilization projects.

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