

SB959-Written Testimony-MSS.pdf

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SB959 – Landward Boundary of Tidal Wetlands

Senate Bill 959 (HB1023) seeks to provide the accurate location and mapping of the landward boundary of tidal wetlands within the State when a wetland license is granted by the Department of the Environment for a shoreline stabilization project.

Mean high water serves as the boundary between State and private ownership for waterfront properties in Maryland. Tidal wetland licenses issued by the Department authorize the applicant to alter the location of mean high water to stabilize the shoreline and prevent further loss of land by erosion. These stabilization projects typically create a strip of “fast land” (i.e. land adjacent to, and higher in elevation than, mean high water) where tidal waters once existed. Ownership of this strip of land is retained by the State. While the application for a shoreline stabilization project requires the plans to show mean high water graphically, there is insufficient information on the plans for a professional land surveyor or property line surveyor to retrace the old boundary, as required when performing a boundary survey on waterfront properties.

This bill will require the plans submitted to the Department to contain accurate data to enable professional land surveyors and property line surveyors to produce subsequent or dependent boundary surveys that both honor the Wetlands Act and satisfy our profession’s standards of practice for accuracy. We ask that the committee make a favorable recommendation for SB 959.

Respectfully,

William Bower, PE, PLS

Chairman, Government Affairs Committee
Maryland Society of Surveyors

MDE SB959 OPP.docx.pdf

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Position: UNF



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 959
Environment - Wetlands - Landward Boundaries

Position: Oppose
Committee: Education, Energy, and the Environment
Date: February 18, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **OPPOSES** SB 959.

Bill Summary

Senate Bill 959 proposes changes to the management of tidal wetlands by requiring that land created under a tidal wetlands license be described using a metes and bounds system. It also mandates MDE to update the landward boundaries of wetlands on maps or aerial photographs after shoreline stabilization improvements are completed. MDE would be required to adopt new regulations to implement these provisions.

Position Rationale

Senate Bill 959 would impose a significant operational and fiscal impact on MDE's Wetlands and Waterways Protection Program. Given MDE's lack of resources and staff to conduct detailed field surveys, permittees or licensees may be required to submit new maps along with GIS information for each project. Maps need to be sealed by a licensed Professional Land Surveyor to ensure accuracy, with estimated costs ranging from \$2,000 to \$4,000 per survey. With approximately 560 shoreline stabilization projects authorized annually, the total cost to MDE or the permittees/licensees could range from \$1.12 million to \$2.24 million per year, with higher costs for larger projects.

These additional costs come at a time when MDE is seeking needed revenue adjustments just to keep programs current with the costs of inflation and provide our residents and businesses with proper customer service. The State is also facing a significant budget challenge, and MDE believes imposing a new potential multi-million dollar burden on the State is unwise at this time.

Finally, MDE will also need to track completed projects, review submitted information, verify wetland boundaries, and create the required mapping, necessitating the acquisition of specialized equipment and technology. Without additional resources, these requirements are likely to cause permitting delays across the Tidal Wetlands Division.

In conclusion, SB 959 would place substantial strain on MDE's resources and infrastructure. MDE does not believe the added costs and workload outweigh any benefits of the proposed changes. For the reasons detailed above, MDE asks for an **UNFAVORABLE** report for SB 959.

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