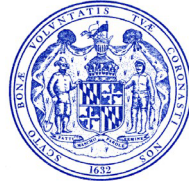


Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Nick Kelly
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

March 31, 2026

BILL NUMBER: HOUSE BILL 613 – First Reader

SHORT TITLE: Department of the Environment – Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures Regulations and Scoring System

COMMISSION’S POSITION: INFORMATION

EXPLANATION OF COMMISSION’S POSITION

The Commission offers this letter of information for HB 613. The amendments approved by the House resolve our opposition to the original bill. Specifically, the amendments restore the consistent application of the State’s oversight of shoreline protection projects and restores Commission staff and local Critical Area planners’ participation in the living shoreline review process. The addition of the word “channelward” on page 3, line 4 is important since it will have the effect of ensuring structural measures are not located in the 100-foot buffer.

Consistent application is essential since many shoreline protection measures affect both the land above mean high water, including the 100-foot Critical Area buffer, and the area below mean high water. This land and water interface is a key transition zone that supports many habitats and provides water quality benefits. Shore erosion control projects have the potential to cause forest clearing, habitat loss, compaction, and other impacts to the buffer due to construction and maintenance of the shoreline.

Projects that affect the 100-foot buffer require close collaboration between the noted agencies to ensure the appropriate shore erosion control method is used, that mitigation and impacts are minimized, and that the project will result in the best application for the site. Commission staff and local Critical Area planners have extensive expertise in identifying, managing, and minimizing these impacts, which includes collaboration with the Department of the Environment (MDE), the Department of Natural Resources (DNR), local governments, property owners, and shore erosion control contractors.

BACKGROUND INFORMATION

The Critical Area Law was enacted in 1984 to establish a Resource Protection Program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas to minimize damage to water quality and natural habitats. The General Assembly established the Critical Area program to be implemented on a cooperative basis between state and local governments, with local governments implementing their programs in a “consistent, uniform, and equitable manner” subject to state criteria and oversight.ⁱ The law also established special protections and oversight for the 100-foot Critical Area buffer, the shoreline area immediately upland of mean high water.

Additionally, in 2008 the General Assembly passed HB 973, Chapter 304 of the 2008 Laws of Maryland, namely the Living Shoreline Protection Act of 2008. This bill established the basis for encouraging the application of living shorelines where appropriate and permitted through the Maryland Department of the Environment with input from the Department of Natural Resources and the Critical Area Commission. In addition, local governments, who also permit shoreline protection measures, could be assured of an ability to review impacts within the Critical Area’s Buffer prior to MDE’s authorization so that their comments and concerns could be incorporated into the design.

The Critical Area Commission worked with MDE, DNR, local governments, and shore erosion contractors to develop simplified forms to assess Buffer impacts and calculate mitigation. These forms are actively used across the Critical Area and provide flexibility in mitigation assessments based on the type of shore erosion control practice proposed and on clearing impacts.

BILL EXPLANATION

Under §8-1808.11 of the Natural Resources Article, Commission staff review living shoreline and nonstructural shoreline stabilization measures on a regular basis with MDE and DNR. This arrangement also includes local Critical Area plan reviewers and ensures consistent application of the State’s regulatory and Statutory requirements. The House amendments to HB 613 would restore the consistent application of the State’s regulatory and Statutory requirements.

Contact: Nick Kelly at (443) 758-4249 or by email at nick.kelly@maryland.gov
Lisa Hoerger at (410) 271-6622 or by email at lisa.hoerger@maryland.gov

ⁱ NR §8-1801(b)(2)