

Maryland Department of the Environment

Wetlands and Waterways Program

An Introduction to the Living Shoreline Protection Act of 2008



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“...Improvements to protect a persons property against erosion shall consist of non-structural shoreline stabilization measures (i.e. living shorelines) except where the person can demonstrate to MDE that such measures are not feasible, or where MDE mapping indicate areas appropriate for structural shoreline stabilization measures.”

HB973 – Water Management Administration – Living Shoreline Protection Act of 2008

...Why do we need this?



Living Shorelines: Building a better Chesapeake Bay

The bill, passed into Maryland State Law **October 2008** which formalized the current regulations into law.

Previously **Living Shorelines (LS)** were 'recommended' but not required, the law provides MDE with a strong foundation for addressing shoreline erosion control.

New regulations concerning LS are in the process of being completed, along with a waiver worksheet and form to help homeowners and contractors decide if a LS is applicable.

The new Bill focuses on protecting one of Maryland's greatest resources; the Bill requires that MDE 1) maps areas that are **appropriate for structural** shoreline erosion control measures 2) establishes a **waiver process** and 3) **cooperate with DNR** in the implementation of these new regulations.



Living Shorelines: Proposed Timetable for regulations and waiver:

- 06/12/09.....Stakeholder Meeting at Montgomery Park (MDE).
- 06/26/09.....Comments due on draft regulations.
- 06/29 – 07/13/09.....Finalize proposed regulation package.
- 07/13/09Submit proposed regulations package to
Administrative, Executive, and Legislative Review
(AELR) Committee for 30-day review.
- 09/09/09.....Submit proposed regulations package to the
Division of State Documents.
- 10/06/09.....Public Hearing on proposed regulations package.
- 10/26/09.....End of comment period for proposed regulations
package.
- 11/10/09.....Submit final regulations package to Division of
State Documents.
- 11/20/09.....Final action on regulations published in the
Maryland Register.
- 11/30/09.....Effective date of regulations

Living Shorelines: Regulations and the Permitting process

- Tidal Applications and the Waiver Form (once completed) for LS permits (and other shoreline work) can be found on the MDE website:
www.mde.state.md.us → Water management Administration → Wetlands and Waterways Program
- Complete waiver worksheet / form → apply for exemption.
- If site is determined to be adequate for a LS a Natural Resources Planner (NRP) will aid in the review process.
- The NRP will assist you in determining if there are any problems or concerns that need to be addressed.
- Once the proposed design Plan is satisfactory a permit will be issued for construction.



Remember: NO FEES for Living Shorelines!

Living Shorelines: The Waiver

A waiver, which provides an exemption from LS work, allows for **structural shoreline control measures to be built.**

This process will assist homeowners in deciding if a **living shoreline is practical** on their site.

Will include

- Flow chart
- Diagram
- Application



Living Shoreline Waiver Request Maryland Department of the Environment Water Management Administration



The Living Shoreline Protection Act of 2008 requires that improvements to protect a person's property against shoreline erosion consist of marsh creation or other nonstructural shoreline stabilization measures (i.e. Living Shorelines) that preserve the natural environment unless:

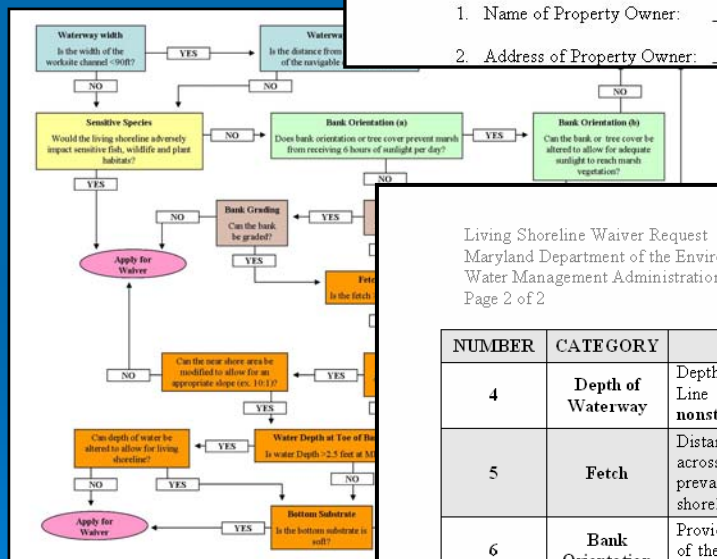
A) The project shoreline is mapped by the Maryland Department of the Environment (MDE) as an area appropriate for structural shoreline stabilization measures, or

B) The applicant can demonstrate to MDE's satisfaction that nonstructural measures are not feasible due to excessive erosion, severe high energy conditions, or the fact that the waterway is too narrow for effective use of nonstructural shoreline stabilization measures.

A person meeting any of these conditions should provide the information requested below, which will help to demonstrate that nonstructural shoreline stabilization measures are not feasible for the project site and provide the basis for the issuance of a waiver by MDE exempting the property owner from the requirement to construct a living shoreline.

1. Name of Property Owner: _____

2. Address of Property Owner: _____

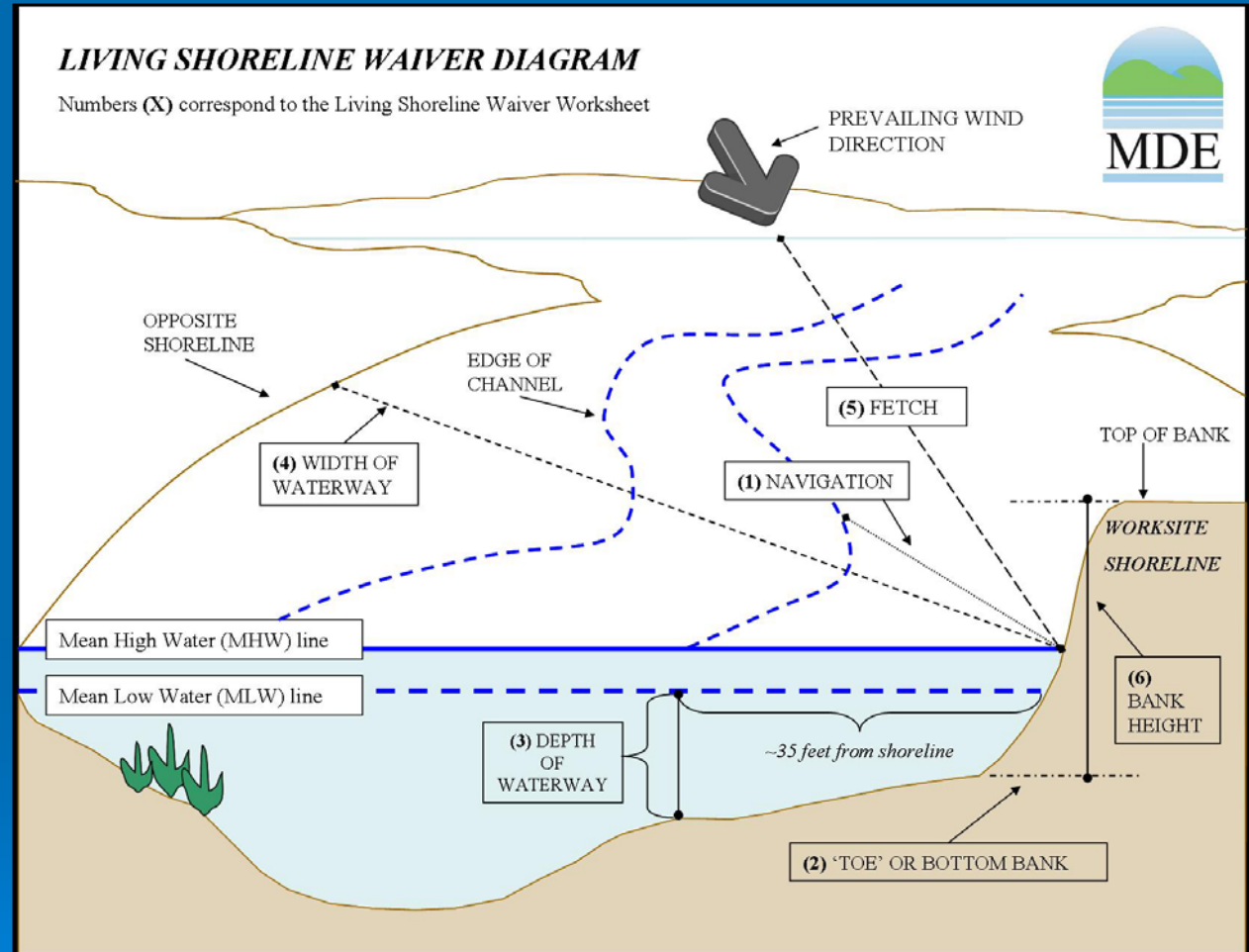


Living Shoreline Waiver Request
Maryland Department of the Environment
Water Management Administration
Page 2 of 2

NUMBER	CATEGORY	QUESTION	ANSWER	
4	Depth of Waterway	Depth of water in feet relative to the Mean Low Water Line at the channelward extent of the proposed nonstructural shoreline erosion control measure.		
5	Fetch	Distance in feet from the edge of the worksite shoreline across the closest waterway in the direction of prevailing summer/winter winds to the opposite shoreline.		
6	Bank Orientation	Provide a compass direction perpendicular to the line of the worksite shoreline. Direction can be given as NE, SW, etc. or as a compass heading (i.e., 45°, 225°).		
7	Bottom Substrate	Firmness of bottom material or substrate?	Hard	Soft
		Describe the composition of the bottom material or substrate (i.e., sand, mud, silt, clay, gravel)? Explain: _____ _____ _____		

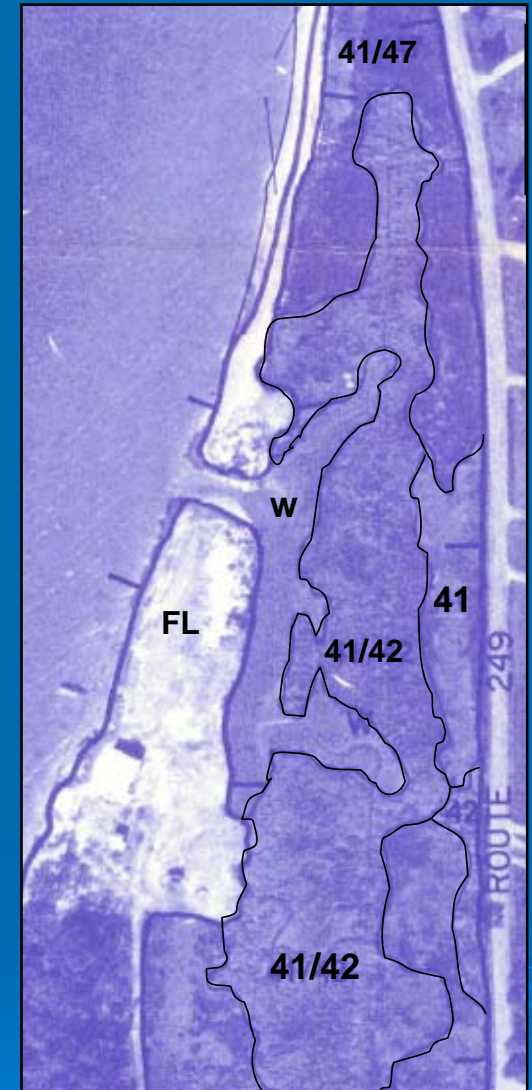
Living Shorelines: Evaluating the worksite shoreline

- Fetch (wave building)
- Water Depth (near-shore and offshore)
- Shoreline orientation (sunlight)
- Shoreline bank condition and height
- Navigation (width of waterway)



Living Shorelines: Site Characteristics

- **System energy** (erosion, wave action).
- Bottom **substrate**.
- Is marsh present?; minimal or abundant?
- Was marsh present in the past?
- **Encroachment or impacts** to adjoining properties.



(above) A portion of the 1972 Wetland Delineation maps; (at left) geo-referenced aerial photographs of Maryland's Waterways

Living Shorelines: MDE and you!

MDE is here to help with the process; **NOT JUST THE PERMITTING!!**

The **NRP** can help you **plan the design**, especially for small, homeowner projects.

Homeowners can complete **most aspects** of shoreline projects:

- **Design** (MDE can assist)
- **Planning**
- **Construction** (grading, sand and rock placement may require a professional contractor)
- **Marsh Planting**
- **Maintenance!**



*Conservation Partnership and community volunteers planting marsh grasses in St. Mary's County, Maryland;
www.cooperativeconservationamerica.org*

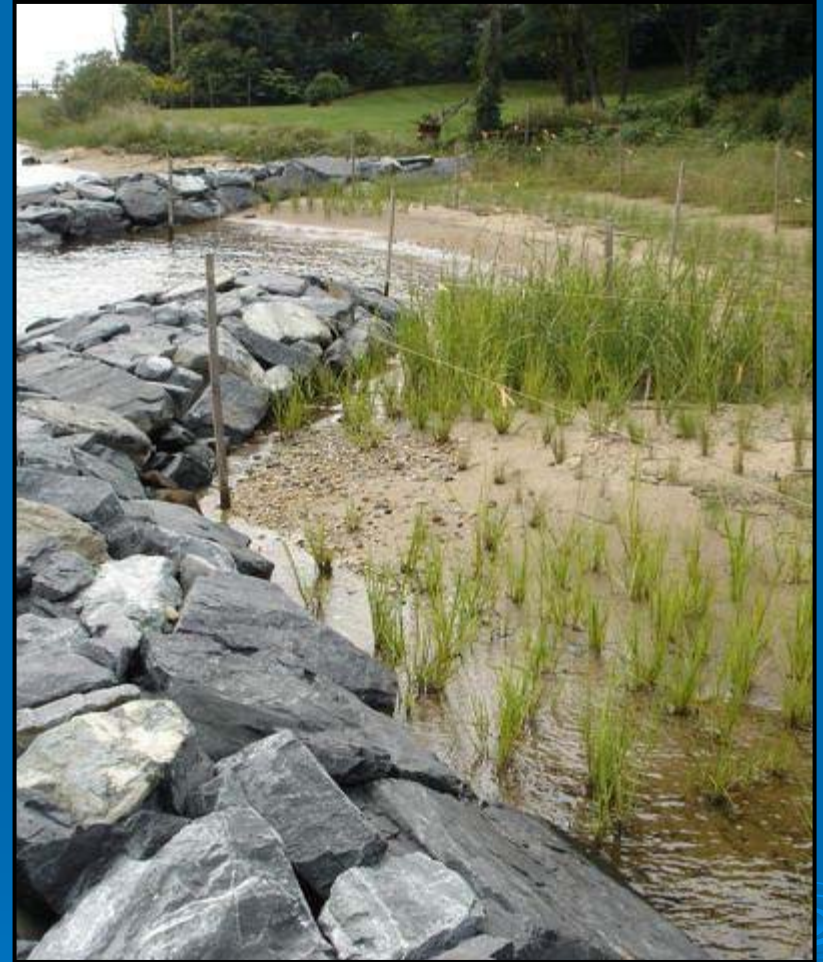
Living Shorelines: After the fact

Maintenance is very important for protecting your investment.

The homeowner must work to help the marsh grasses first to **establish**; then to **maintain**.

Just by **clearing debris**, **protecting new plants** from geese and **replanting if necessary**, will go a long way to establishing your marsh.

After a few growing seasons the established marsh can be **as durable as structural measures**...



...but will allow for **natural processes** to flourish!



Living Marsh: Success or in progress?

Living Shoreline projects are often deemed very productive; typically the marsh works to **maintain wetland hydrology**, **pollution filtering** and **sedimentation control** in adjacent waterways.

Measuring the health of the LS should be done in terms of progress.

If the marsh does not adequately establish (i.e. dying plants, lost sediments) then **MDE should be advised** of the situation to try to determine the correct action.



These are **living 'gardens'** that have to be nourished and maintained in order to be productive.



Questions?

www.mde.state.md.us/waterprograms/wetlands_waterways/index.asp

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