An Introduction to the Living Shoreline Protection Act of 2008
“…Improvements to protect a person's 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*
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.
07/13/09..........................Submit 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](http://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!*
Wetlands and Waterways Program

Effective July 1, 2008, all applicants for wetlands and waterways autorizations issued by the Wetlands and Waterways Program of the Maryland Department of the Environment and Tidal Wetlands licenses issued by the Board of Public Works, must pay an application fee at the time of application. An application fee of $750 along with a copy of the first page of the application must be sent to: Maryland Department of the Environment, P.O. Box 2057, Baltimore, Maryland 21203-2057. Your check should be made payable to MDE with the following numbers noted on the check: 13910/1342. The application package, including all plans and reports, must still be sent to the Maryland Department of the Environment, Water Management Administration, Regulatory Services Coordination Office, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230. Please note that processing of your application will not commence until the $750 application fee is received. Once the Department has completed its review of the application, you will be notified if there are any additional fees. The Department will not issue a permit until all fees are paid. Click here for more information.

Public Information

Permits and applications

Maryland State Programmatic General Permit: MDSPGP-3 (effective October 1, 2006)
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 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](http://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

aroy@mde.state.md.us

1 – 800 – 633 - 6101