Maryland Department of the Environment

Wetlands and Waterways Program

Living Shorelines; State regulations, permitting and assistance

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Wetlands and Waterways Program
Tidal Wetlands Division
“...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

...Why do we need this?
Living Shorelines: Building a better Chesapeake Bay

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

Previously, Living Shorelines (LS) were ‘recommended’ but not required, the law provides MDE with a strong foundation to promote alternate shoreline erosion control measures.

New regulations concerning LS are in the process of being completed, along with a worksheet, diagrams and waiver to help homeowners and contractors decide if a LS is practical for the project site.
Living Shorelines: The Waiver

A waiver request, which could provide an exemption from LS work, allows for structural shoreline control measures to be used (if applicable).

The ‘waiver’ will assist homeowners in deciding if a living shoreline is practical on their site, prior to the state or county application.

Will include
- Questionnaire
- Diagram
- Application
Living Shorelines: The Waiver

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Living Shoreline Waiver Diagram
Cross Sectional View

- Centerline Channel (1)
- Top of bank
- Opposite Shoreline (1)
- Bank Height
- Sensitive or Endangered Species Area
- Substrate Type (5)

Legend:
- Bank Grading Area
- MLW Mean Low Water line
- MHW Mean High Water line
- Depth of Water at toe or bottom of bank

Measure water depth during low tide at approximately 20-feet channelward of the MHW line and at approximately 40-feet channelward of the MHW line.

Map/diagram is for reference only; map/design elements are not drawn to scale; January, 2010

Numbers labeled with (x) correspond to the Living Shoreline Waiver Worksheet

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Living Shoreline Waiver Diagram
Plan View

- Opposite Shoreline (1)
- Bank Orientation (2)
- Channel (1)
- MLW Mean Low Water line
- MHW Mean High Water line
- W/W (1) Width of the Waterway
- N(W) Width of the Waterway; from MHW line
- Prop Line
- Apparent worksite extent
- Bob LaBau
  419 Bayfront Ave.
  Portville, MD 21000

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Numbers labeled with (x) correspond to the Living Shoreline Waiver Worksheet
Living Shorelines: Site Characteristics
Living Shorelines: Site Characteristics

(above) A portion of the 1972 Wetland Delineation maps; (at left) a completed low-energy living shoreline project.
Living Shorelines: MDE funding options

Maryland Water Quality Financing Administration (WQFA)

Water Quality Revolving Loan Fund and **Green Project Reserve**

http://www.mde.state.md.us/programs/waterprograms/Water_Quality_Finance/index.asp

- Provides funding for non-point source pollution control projects (sediment control)
- Private Applicants and Local Governments
- Funding includes: low interest loan; loan forgiveness/grant or a combination of the two.

**CONTACT:**

Elaine Dietz; 410-537-3908 or via email at edietz@mde.state.md.us
Living Shorelines: MDE funding options

Maryland Water Quality Financing Administration (WQFA)

Linked Deposit

http://www.mde.state.md.us/assets/document/Water/ldcqual_waternps.pdf

• Provides funding for non-point source pollution control projects (sediment control)
• Private Applicants are allowed to apply
• Funding includes: below-market interest rate loan (points).

CONTACT:
Larry Love; 410-537-3110 or via email at llove@mde.state.md.us
Living Shorelines: The Permitting process

MDE will aid in the review process, planning, coordination.

Permit application (short form) and other forms can be downloaded from our website:

www.mde.state.md.us

→ Water Management Administration

→ Wetlands and Waterways Program

MDE main number: 410-537-3000

→ “Tidal Wetlands Division”

→ “Natural Resources Planner for X county”

Remember: NO FEES for Living Shoreline Applications!*

*Project proposal may not include any fixed or floating pier or pilings; stone revetments; or timber, plastic type bulkhead structures more than required for the stability and health of the living shoreline project.
Living Marsh: Special Conditions; Restrictions

Use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.

The marsh establishment area shall be planted within one year following completion of the filling operation.

The marsh establishment project shall be maintained as a wetland, with non-nuisance species’ aerial coverage of at least 85% for three consecutive years.

If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.

If the existing bank is to be cleared or graded, the licensee shall obtain any required approvals of an erosion and sediment control plan from the applicable sediment and erosion control agency.
Living Marsh: Special Conditions; Restrictions; Liability

T.O.Y.
Restrictions were reduced by 2 months and certain exemptions were made available during construction.
Needed to protect Oysters, Finfish, Shellfish, SAV and Avian species of the Chesapeake Bay.

Liability
A learning curve must be expected.
Standards have been established; but projects are SITE SPECIFIC!
Parallel arguments were presented when revetments were proposed.

Information, help and guidance is available from a variety of agencies and groups here in Maryland.
**Living Shorelines: After the fact**

- **Maintenance** is very important for protecting your investment.
  - One hour per season (Spring, Summer, Fall)
- 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 constructed marsh will be as **durable** as structural measures...

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