

HB0613/833024/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 613

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Ziegler**” and substitute “**Ziegler, Anderson, Behler, Guyton, Holmes, Lewis, and Stein**”; in line 2, strike “**Calvert and St. Mary’s Counties –**” and substitute “**Department of the Environment – Waivers for**”; in line 3, after “**Measures**” insert “**– Regulations and Scoring System**”; in line 4, strike “establishing requirements for the use of” and substitute “**authorizing a person to use**”; and strike beginning with “and” in line 4 down through “measures” in line 8 and substitute “**as a certain erosion control measure; requiring that certain regulations adopted by the Department of the Environment require the Department to take certain action during the evaluation of a certain waiver request under certain circumstances; requiring the Department to develop a certain scoring system**”.

AMENDMENT NO. 2

On page 2, in line 3, strike the comma and substitute “**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(2) (i) “LIVING SHORELINE” MEANS A PROJECT TO MITIGATE THE EFFECTS OF EROSION CAUSED BY SHORELINE FLOODING OR INUNDATION, CURRENTS, AND WAVE ENERGY THROUGH PROJECT DESIGN THAT:

1. STABILIZES A SHORELINE BY USING NATURAL MATERIALS TO CREATE BUFFERS TO ABSORB THE IMPACT OF COASTAL STORMS, FLOODING, AND WAVE ENERGY AND TO PREVENT OR MINIMIZE SHORELINE EROSION;

2. INCORPORATES AS MANY NATURAL ELEMENTS AS POSSIBLE TO ENSURE A SUBSTANTIAL BIOLOGICAL COMPONENT, SUCH AS NATIVE, TIDAL, OR LACUSTRINE FRINGE WETLANDS, OYSTER REEFS, SUBMERGED AQUATIC VEGETATION, OR NATIVE PLANTS;

3. UTILIZES TECHNIQUES THAT INCORPORATE ECOLOGICAL AND COASTAL ENGINEERING PRINCIPLES IN SHORELINE STABILIZATION; AND

4. TO THE EXTENT POSSIBLE, MAINTAINS OR RESTORES EXISTING NATURAL SLOPES AND CONNECTIONS BETWEEN UPLANDS AND ADJACENT WETLANDS OR SURFACE WATERS.

(II) "LIVING SHORELINE" INCLUDES THE USE OF:

1. NATURAL ELEMENTS SUCH AS SAND, WETLAND PLANTS, WOODY DEBRIS, OYSTERS OR OTHER SHELLFISH, SUBMERGED AQUATIC VEGETATION, NATIVE GRASSES, SHRUBS, TREES, OR OTHER BIODEGRADABLE MATERIALS AS APPROVED BY THE DEPARTMENT; AND

2. LOW PROFILE STRUCTURAL ELEMENTS CHANNELWARD OF THE MEAN HIGH WATER LINE, SUCH AS STONE, CONCRETE, OYSTER DOMES, OR OTHER APPROVED ENGINEERED STRUCTURES.

(3) (I);

in the same line, strike "NONSTRUCTURAL" and substitute "NONSTRUCTURAL"; in lines 5, 6, and 8, strike "(I)", "(II)", and "(2)", respectively, and substitute "1.", "2.", and "(II)", respectively; in line 15, strike the brackets; in the same line, strike "(c)" and substitute "(D)"; in line 16, strike "SUBSECTIONS (D) AND (E)"; and strike beginning

**HB0613/833024/01 Environment and Transportation Committee
Amendments to HB 613
Page 3 of 5**

with “DOES” in line 28 down through “COUNTY” in line 31 and substitute “APPLIES ONLY TO A SHORELINE STABILIZATION PROJECT FOR WHICH ANY PORTION OF THE PROJECT IS IN AN AREA THAT IS NOT DESIGNATED AS APPROPRIATE FOR STRUCTURAL SHORELINE STABILIZATION MEASURES BY DEPARTMENT MAPPING”.

On page 3, in line 2, after “of” insert “A LIVING SHORELINE OR”; strike beginning with the colon in line 3 down through “In” in line 6 and substitute “IN”; in line 14, after “shall” insert “:

1.”;

in the same line, strike “include” and substitute “INCLUDE”; in line 16, after “that” insert “A LIVING SHORELINE OR”; in line 17, after “property” insert “;AND

2. REQUIRE THE DEPARTMENT, AS PART OF ITS EVALUATION OF WAIVER REQUESTS, TO:

A. ON REQUEST OF THE PROPERTY OWNER, VISIT THE SITE OF THE PROPOSED PROJECT WITHIN 45 DAYS AFTER THE DATE OF THE WAIVER REQUEST; AND

B. PROVIDE THE LOCAL SOIL CONSERVATION DISTRICT WITH WRITTEN NOTICE OF THE WAIVER REQUEST AND PROVIDE THE DISTRICT THE OPPORTUNITY TO MAKE RECOMMENDATIONS ON THE ACCEPTANCE OF OR MODIFICATIONS TO THE WAIVER REQUEST”;

and after line 17, insert:

(Over)

“(E) (1) THE DEPARTMENT SHALL DEVELOP A SCORING SYSTEM TO EVALUATE WAIVER REQUESTS UNDER THIS SECTION.

(2) THE SCORING SYSTEM DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE FACTORS THE DEPARTMENT WILL CONSIDER IN EVALUATING A REQUEST;

(II) THE RELATIVE WEIGHT OF EACH FACTOR; AND

(III) THE MINIMUM SCORE THAT A PROJECT MUST RECEIVE TO DEMONSTRATE TO THE DEPARTMENT’S SATISFACTION THAT A LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION MEASURE IS NOT FEASIBLE FOR THE PERSON’S PROPERTY.

(3) THE DEPARTMENT SHALL PUBLISH THE SCORING SYSTEM DEVELOPED UNDER THIS SUBSECTION ON THE DEPARTMENT’S WEBSITE.

(4) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT THE DISCRETION OF THE DEPARTMENT TO GRANT A WAIVER TO A PROJECT THAT DOES NOT RECEIVE A MINIMUM SCORE.”.

On pages 3 through 5, strike in their entirety the lines beginning with line 18 on page 3 through line 34 on page 5, inclusive.

On page 6, after line 20, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

HB0613/833024/01 Environment and Transportation Committee
Amendments to HB 613
Page 5 of 5

(a) (1) The Department of the Environment shall work with stakeholders on further alterations to the waiver process under § 16–201 of the Environment Article.

(2) In working with stakeholders as required under paragraph (1) of this subsection, the Department shall:

(i) discuss how to:

1. address the specific challenges with constructing shoreline stabilization projects in medium– and high–energy environments; and

2. provide greater transparency and certainty to the waiver process; and

(ii) review existing time–of–year and mitigation requirements.

(b) On or before December 1, 2026, the Department shall report to the Senate Committee on Education, Energy, and the Environment and the House Environment and Transportation Committee, in accordance with § 2-1257 of the State Government Article, on the progress of the stakeholder engagement required under subsection (a) of this section.”;

in line 21, strike “2.” and substitute “3.”; and in line 22, strike “October” and substitute “July”.