

Tuesday, May 20, 2008

Dear neighbor,

Recently, two bills affecting waterfront property owners passed in the Maryland General Assembly. I have heard some misinformation being disseminated about these bills, which this letter serves to clarify.

When these bills were being debated, the District 31 Delegation worked very hard to protect the rights of waterfront property owners in our area. These bills, as initially introduced, would have made life very difficult for many area residents. I could not have voted for these bills in their original form. However, after a lot of hard work and lengthy negotiations, we successfully amended these bills to protect waterfront property owners in our community. In this letter, I've included a brief synopsis of the laws as they passed in their final form. If after reviewing this information you still have questions please do not hesitate to contact me.

**HB973 – Living Shoreline Protection Act of 2008**

Votes: House: 123-10      Senate: 44-0

**Synopsis:** This law requires that “Living Shorelines” become the preferred erosion control technique, where appropriate. This primarily affects areas that are undeveloped and rural, which significantly impacts the Eastern Shore of Maryland while having very little impact in Anne Arundel County. A “Living Shoreline” consists of stones, natural vegetation and trees, and imitates a natural shoreline.

In areas of the state where “Living Shorelines” are already required the cost is 45% less expensive than riprap. When “Living Shorelines” was implemented in Southern Maryland, the price was higher but within 12 months, the price has dropped 50% because more businesses are now competing for the work. The current statewide average of a “Living Shoreline” is 5% higher than riprap.

**This law has NO affect on:**

- Properties with existing erosion control structures like riprap, and concrete or wooden bulkheads.
- Damaged riprap, concrete, or wooden structures that need to be repaired.

**This law requires:**

- A waterfront property owner who chooses to install an erosion control device for the first time must install a “Living Shoreline”, as the first preference for erosion control.
- Structural stabilization methods, including riprap and bulkheads, are allowed if a property is subject to heavy tides, excessive erosion, in areas that are too narrow, or in areas mapped as appropriate because of different environmental & development factors.

**HB1253 – Critical Area Law Changes**

Votes: House: 119-15          Senate: 41-6

**Synopsis:** (1) This bill authorizes the state to deny, fine, suspend, or revoke a MHIC license, or Licensed Tree Expert license for activity in the critical area buffer that violates state law. (2) Lot coverage calculations are redefined so that decks, fences, walkways or stairways in the buffer and wood mulch pathways are now excluded. (3) The law also clarifies “cumbersome language” that has caused so much of the frustration between the state and the counties, hopefully creating a simpler process for property owners.

**This law does NOT apply to:**

- Any lot established before 1984.
- Working farms.
- Any property located in an intensely developed area or a limited development area.
- Subdivisions that are “in the pipeline,” if the plans and permits have been applied for by October 1, 2008 and approved by January 1, 2010.

**This law applies to:**

- This bill was amended so that the new 200 foot buffer only applies to new “low density” developments. Low density is defined as developments where only one home is built on every 20 acres; the property must also be defined as being in a sensitive “Resource Conservation Area.”

As a representative of this community, I take my role as your voice in Annapolis to heart. During this past 90 day session, I have worked collaboratively with all members of the General Assembly. I believe the compromises that were included in these bills will protect private property rights and have a positive impact on the health of the Chesapeake Bay.

Wishing you great success, happiness, and an enjoyable summer, I am

Sincerely yours,

Nicholaus R. Kipke