

**AMENDMENTS TO ARTICLE 9**  
**Marine Facilities Regulations**  
**Critical Area Commission Submittal**

**January 21, 2010**

Additions shown in **bold underline**.

Deletions shown in ~~strikethrough~~.

Proposed New Section 9-8

**Case # 09-9-1.** Purpose of amendment to Section 9-8: To meet the New State Law requirements relative to shore erosion control measures.

**9-8 SHORE EROSION PROTECTION WORKS**

**9-8.01 Regulation of Shore Erosion Protection Works**

- ~~A. Structural control measures shall only be used in eroding areas where only structural measures would provide effective and practical erosion control, where non-structural control measures would be impractical or ineffective;~~
- ~~B. Where structural erosion control is required, the measure that best provides for conservation of fish and plant habitat, and which is practical and effective, shall be used;~~
- ~~C. Non-structural measures shall be utilized in areas of erosion where non-structural measures would be a practical and effective method of erosion control;~~
- ~~D. Structural erosion measures shall not be permitted in areas where significant erosion has not occurred; and~~
- ~~E. If significant alteration in the characteristics of a shoreline occurs, the measure that best fits the change shall be used for sites in that area.~~
- A. Nonstructural Shoreline Stabilization measures, including beach nourishment, marsh creation, and other measures that encourage the preservation of the natural environment, shall be used to control erosion, except in the following areas:**
  - 1. Areas permitted for structural control measures by MDE based on the areas identified by Maryland Department of the Environment (MDE) in coordination with the Maryland Geological Survey, and shown on maps approved by MDE as appropriate for structural Shoreline stabilization measures; and**
  - 2. Areas permitted for structural control measures where the applicant has obtained a waiver from MDE by demonstrating that nonstructural shoreline stabilization measures are not feasible for the site.**

**B. Order of Preference for Structural Erosion Control Measures**

**If MDE approves a structural erosion control measure, the following is the order of preference. The County will consider the method approved by MDE in the State Permit.**

- 1. Shoreline revetments,**
- 2. Breakwaters,**
- 3. Groins or jetties, and**
- 4. Other methods approved by MDE.**

**C. Development Criteria**

- 1. Prior to submittal of the shore erosion control plans to MDE, the applicant must submit the plans, MDE required studies, photographs and findings relative to shore erosion control applications and associated Buffer Management Plan or Habitat Protection Plan to the County for review and preliminary approval of the Buffer Management or Habitat Protection Plan (Section 8-1.08).**
- 2. No shore erosion control structures are allowed in Level 1 Cliff Areas and are only allowed in Level 2 Cliff Areas for existing structures (Section 8-2.02, and the Critical Area Habitat Protection Area Map).**
- 3. Submit a joint Federal-State permit application to MDE with County approved Buffer Management or Habitat Protection Plan.**
- 4. Apply to the County for grading and building permits and include the following information:**
  - a. Approved State/Federal Permit with associated site drawings, and state required studies, photographs, and finding relative to the erosion control project,**
  - b. Comments from the Critical Area Commission, DNR Natural Heritage Division, and US Fish and Wildlife Service, and**
  - c. The final Buffer Management or Habitat Protection Plan consistent with Section 8-1.08.D.3.k.**
  - d. A list of all changes made to the original plans submitted to the Department of Planning and Zoning for initial review of the Buffer Management and/or Habitat Protection Plan.**
- 5. Minimize grading and other disturbance on the adjacent riparian area.**
- 6. Minimize impacts to adjoining properties.**
- 7. Minimize the impact on the littoral movement of sand.**
- 8. Bonding and/or payment of fees in lieu based on required mitigation must be accomplished prior to issuing of any County permits.**

~~In order to determine what method of control is best for the particular site or segment of shoreline, the Department of Planning and Zoning shall seek input from the Maryland Department of Natural Resources and Critical Area Commission.~~