



Reasonable Boating Access Guideline
Wetlands and Waterways Protection Program
Tidal Wetlands Division
November 18, 2024

MDE is providing updated guidelines to determine reasonable water depths and extents for channelward limits of a pier. This guidance will be applied to all pending and future applications as of this date.

2024 Updated Guideline: Pier lengths are limited to 150 feet channelward of the Mean High Water Line (MHWL) and/or neighboring piers and/or the reasonable water depth of -4 feet at Mean Low Water (MLW) without sufficient justification supporting increased extents or depths. A water depth of -4 feet at MLW is considered a reasonable depth. An applicant is able to construct a pier 150 feet channelward of the MHWL without providing MDE additional justification for the proposed pier. If the pier is not at a depth of -4 at MLW, additional documentation is required. Documentation of vessel ownership (including details of the boat's draft) can be submitted which provides sufficient purpose and need to construct a longer pier. Alternatively, applicants are allowed to conform to existing neighboring pier lengths (given it is >150 feet channelward). To pier out beyond 150 feet channelward, or beyond neighboring piers, an applicant must provide MDE with documentation showing the boat draft, such as a DNR boat registration or other documentation deemed acceptable by MDE. All other requirements of state law and regulations apply.

Background

Purpose: MDE formed a workgroup in the fall of 2024 with the express purpose of soliciting conversation between MDE and stakeholders regarding reasonable boating access for pier construction in tidal wetlands in Maryland as part of a review of MDE's historical guidelines and procedures. The discussion centered around what water depths were required to allow for reasonable access for the majority of Maryland's registered boaters to access the water under current guidelines and regulations. MDE prefers extending piers out to deeper water over dredging to minimize environmental impacts.

Historic Guideline: MDE previously discerned reasonable water depths for boating to be -3 feet at MLW. Without providing MDE additional justification for the proposed pier, an applicant is able to construct a pier 150 feet channelward of the MHWL. If the pier is not at a depth of -3 at MLW, documentation of vessel ownership (including details of the boat's draft) can be submitted, which provides sufficient purpose and need to construct a longer pier. Alternatively, applicants are allowed to conform to existing neighboring pier lengths (given it is >150 feet channelward). To pier out beyond 150 feet channelward, or beyond neighboring piers, an applicant must provide MDE with documentation showing the boat draft, such as a DNR boat registration or other documentation deemed acceptable by MDE.

Summary: The workgroup, composed of diverse industry professionals and resource agencies, met virtually during three monthly sessions during the fall of 2024. The workgroup was organized by the MDE Tidal Wetlands Division. During the first introductory session, MDE covered the regulation and existing guideline history and summarized recent Maryland Department of Natural Resources (DNR) boater registration data, particularly looking at the draft data of registered boats within the state. During the second meeting, MDE recapped the guideline and regulation history, as well as the DNR draft data analysis, and had an in-depth discussion with stakeholders on the tradeoffs and hurdles of constructing longer piers versus dredging for reasonable access. In the third and final meeting, MDE presented the updated guideline noted here to the workgroup. All meetings concluded with an open discussion period between MDE and workgroup members.