



Re: Gregg Neck Park Civic Association Hydrilla Concerns; Community Questions and Responses from Maryland DNR and ShoreRivers' Sassafras Riverkeeper

Q1: Under NR §4-213 (20-ft access strips from docks/ramps/piers to the navigable channel), what exactly may owners or the civic association cut or trim without a full plan approval? What notification and timing do DNR require?

A1: [Article-Natural Resources § 4-213](#) (d)(1)(i): To allow ample access to their property from a navigable channel, a person who owns or rents a pier, dock, or ramp on the tidal waters of the State may trim or cut submerged aquatic vegetation in a strip up to 20 feet wide extending from the pier, dock, or ramp to the navigable channel without the approval of the Department.

This statute allows for the removal of submerged aquatic vegetation (SAV) for *navigational* purposes. As a waterfront resident, you can cut or trim SAV from your pier where your boat is docked, out to the navigable channel, in a 20' wide swath. This removal of SAV to the navigable channel is allowable without approval from DNR, however, any entity removing SAV under the provisions of this Article is required to contact the Department for information on best harvesting methods and to provide DNR with the location where SAV will be altered or removed, and the date on which the alteration or removal will occur, using the [Google Form](#) hyperlinked here or by following the url shared below. We ask for this information so that we can track any efforts undertaken to remove SAV in the Bay and to confirm that the removal was intentional rather than an unintentional loss when reviewing SAV beds delineated during the Bay-wide SAV survey. .

Because approval is not required, as long as you fill out the Google form prior to the removal, there is not an advance time requirement.

<https://dnr.maryland.gov/waters/bay/pages/sav/sav-permits-and-regulations.aspx>

Q2: For work beyond those 20-ft strips (channel lanes, community-wide thinning, or targeted hydrilla control), what application or plan is required, who may file it, and what is the typical review time?

A1: While [Article-Natural Resources § 4-213](#) does give the Department of Natural Resources (DNR) the authority to approve (or prohibit) SAV removal, it is DNR policy to prohibit SAV removal beyond that which is allowed in (d)(1)(i).

However, if restoring navigability is your goal, you may submit a [Joint Permit Application](#) (JPA) to dredge your waterway. Because dredging involves disrupting ecologically sensitive tidal waters and wetlands, it is a highly regulated process, and you will need to clear multiple layers of federal and state approval before any sediment and its associated SAV can be removed.

JPA:

https://mde.maryland.gov/programs/water/wetlandsandwaterways/permitsandapplications/pages/nontidal_permits.aspx

- **State Review:** Submitting a JPA automatically routes your application to the MDE Wetlands and Waterways Protection Program. They evaluate water quality impacts and tidal wetlands compliance. If there are resource impacts associated with the proposed dredging project, the appropriate program at DNR also reviews the proposal (i.e., the SAV Program reviews proposals that impact SAV).
- **Federal Review:** MDE automatically forwards a copy of your application to the U.S. Army Corps of Engineers (USACE), Baltimore District and the National Marine Fisheries Service (NMFS). The USACE and NMFS review the project under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

The complexity and timeline of your approval depend on whether your tributary has been legally dredged before. If you'd like to dredge a waterway that been permitted and dredged in the past, you may qualify under a streamlined State Programmatic General Permit. If this is a brand-new footprint that has never been dredged, it requires an Individual Permit. This triggers a much deeper environmental review, physical bottom testing, and public notice periods.

Things to consider:

- You cannot simply dump the dredged sediment and SAV elsewhere in the water. Your application requires a legally approved upland disposal site or a plan for "beneficial reuse".
- **Time-of-Year Restrictions:** To protect migrating fish, yellow perch spawning, and blue crab habitat (SAV), dredging in Maryland tributaries is typically banned during spring, summer, and early fall windows.
- **Project Costs & Timelines:** Expect the permitting phase alone to take anywhere from 3 to 9 months. Additionally, MDE application review fees are variable based on the square footage of the impacted area. Costly SAV mitigation, to offset the loss of SAV by the dredging project, may also be required.

Note: I'm sure everyone knows of dredging projects or shoreline erosion control projects that have impacted SAV. These projects go through MDE because they are proposing to remove, add, or otherwise change sediment, sediment and water depth (bathymetry), and sediment type. Simplistically speaking, DNR regulates the plants and advises MDE regarding resource impacts. MDE regulates the sediment. Federal agencies regulate both. Because it's impossible to alter the

sediment without impacting the SAV growing on it (if present), MDE does permit dredging and shoreline control projects that impact SAV, but as a permit condition, all efforts must be made to avoid or minimize SAV impacts, and MDE may require SAV mitigation (restoration) if SAV is impacted from the project construction and placement. For mitigation, SAV must be restored at a 3:1 ratio (if you impact one acre, you must restore three) and a mitigation and monitoring plan is required. Typically, 5 years of monitoring is required. If the project is successful after 5 years, mitigation obligations are satisfied. If it is not successful, the applicant may be required to re-seed the area or pay into the Tidal Wetland Compensation Fund.

Q3: The current state is an expanding unworkable mass of Hydrilla. Which methods are acceptable here: mechanical cutting/harvesting, diver-assisted suction or hand-pulling, benthic barriers in small areas, and/or herbicides?

A1: If you choose to trim or cut SAV in a 20' swath to the navigable channel for navigational purposes only (under the provisions in 4-213 that allow you to do so without a permit), mechanical harvesting or hand-pulling are your only options for removal. Diver-assisted suction, benthic barriers, and herbicides are not permitted under 4-213 (you may only trim or cut). These methods disrupt much more than the SAV itself. Diver-assisted suction removes whole plants, roots, sediment, and all of the fauna within the SAV bed. Benthic barriers completely smother the bottom sediment, which destroys the benthic community (worms, clams, and amphipods) that serves as the foundation for the Bay's food web. And herbicides/chemicals are not permitted for use in the Bay because of their destructive and lasting impacts to the ecosystem.

Q4: If herbicides are possible, which products, who must apply them, and what restrictions apply because this is a tidal freshwater creek?

A4: Herbicides cannot be used in Chesapeake Bay

Q5: What is the recommended season and water-temperature window so we do not create more fragments or cause a sudden drop in dissolved oxygen?

A5: Hydrilla and other SAV grow during the spring and summer months. It reproduces via flowering and seed production, rhizomal growth, fragmentation, and the production of tubers and turions (overwintering buds). Hydrilla dies back in the fall as the water gets colder. If you choose to trim or cut SAV under the allowable provisions in 4-213, mid-summer, once it has grown but before it has seeded, would be the ideal time to trim or cut the plants back. That said, because only trimming and cutting are allowable, they will continue growing throughout the summer. Any plant material trimmed or cut off should be collected in mesh bags and deposited upland where the plants

can dry out and compost. Hydrilla dehydrates quickly and makes excellent garden fertilizer. This activity will not lead to a sudden drop in dissolved oxygen.

Q6: What are the required or recommended practices so cut material does not float downstream or leave on boats, trailers, and props?

A6: If removed without a permit under the allowable provisions in 4-213, a mechanical harvester that collects the SAV fragments as they are cut is the most efficient but most expensive option. If trimming or cutting by hand or with a lake rake, it is best to capture and transport the harvested fragments to a compost pile on shore in either mesh laundry bags or laundry baskets. Either of these will contain the vegetative material while allowing water to drain. Hydrilla breaks down quickly when dried and creates a very nutrient rich garden fertilizer.

Q7: How and where should harvested plants be disposed?

A7: If removed without a permit under the allowable provisions in 4-213, all plant material should be transported out of the water to above the high tide line on the owner's property or other approved location.

Q8: Who is monitoring the sudden infestation and growth on the Sassafras\Mill Creek and is there concern? When was the last time it was inspected?

A8: All SAV beds in the Chesapeake Bay and its tidal tributaries are mapped annually as part of the Chesapeake Bay Program's Bay-wide SAV survey. This work is conducted by the Virginia Institute of Marine Science; maps and reports are available on the [VIMS Interactive SAV Map](https://www.vims.edu/research/units/programs/sav/access/maps/) (<https://www.vims.edu/research/units/programs/sav/access/maps/>). These maps are how we track progress towards our SAV restoration goals. The Bay-wide SAV goal is 196,600 acres. Maryland's portion of that goal is 114,065 acres. The goal for the Sassafras is 1,168 acres. In 2025, the Sassafras had only reached 357 acres. Data for 2026 won't be available until next summer.

The growth of Hydrilla in the Sassafras is not a concern, and in fact is a sign of improving water quality that should be celebrated. Though Hydrilla is not a native species to Chesapeake Bay, it is protected like all other species of SAV in the Bay and it contributes to the SAV restoration goals mentioned above. The decision to protect Hydrilla, despite its non-native status, is based on its ecological benefits, especially in areas where native SAV species are not abundant or absent entirely.

Hydrilla provides:

1. **Habitat for Aquatic Life:** Hydrilla forms dense underwater structure that provides habitat for a variety of aquatic organisms, including fish, invertebrates, and other wildlife. These habitats are essential for the survival and reproduction of many species.
2. **Water Quality Improvement:** Hydrilla helps improve water quality by stabilizing sediments, reducing shoreline erosion, and absorbing excess nutrients such as nitrogen and phosphorus. This process helps mitigate algal blooms and helps maintain clear water conditions, which are beneficial for the overall health of the Bay.
3. **Oxygen Production:** Through photosynthesis, Hydrilla contributes to the oxygenation of the water, which is crucial for the survival of aquatic organisms. This oxygen production is particularly important in areas that may otherwise suffer from low oxygen levels.
4. **Facilitation of Native Species Recovery.** Hydrilla has been observed to facilitate the recovery of native species through improvements in water quality, sediment stabilization, and overall habitat conditions. As water quality conditions improve, native species are able to gain a foothold.

Of course, our ultimate goal is to reestablish a diverse and balanced community of aquatic plants, and we don't use Hydrilla in SAV restoration efforts or otherwise promote its spread. However, until native SAV recovery is achieved, Hydrilla serves as a valuable surrogate in tributaries like the Sassafras River, supporting the ecological functions necessary for a healthy bay environment. Further, while it does reach nuisance levels in some areas, it is mostly controlled in the Bay by fluctuations in salinity. Hydrilla is a freshwater plant with low salinity tolerance, so dry years are helpful with keeping Hydrilla populations in check. It is this reason that we do manage Hydrilla in our state lakes. Lakes are closed freshwater systems where Hydrilla can spread without limits and cause ecological damage in the absence of natural control measures like salinity fluctuations.

Q9: Will DNR staff or contractors perform any of the work, or is it entirely community-funded?

A9: All SAV is protected in the Bay. Therefore, removal is not a service that DNR provides. Any effort to remove SAV within the scope of allowable removal for navigation in 4-213 is entirely the responsibility of the community or individual waterfront resident.

Q10: In what scenario would the DNR take action to remediate Hydrilla rather than placing the responsibility on homeowners?

A10: Bay scientists and managers are continuously monitoring SAV in the Bay to ensure that our management strategies align with the best interests of the Chesapeake Bay ecosystem. Currently, there is not a scenario in which DNR would take action to remove SAV in a tributary of the Chesapeake Bay. See A9.

Q11: Why are state resources deployed to address Hydrilla infestation on state lands/ waters such as Deep Creek Lake but nothing on the bay and tributaries?

A11: Hydrilla is protected in the Bay because it provides important ecosystem services in the absence of native species and often facilitates the recovery of native species because of the associated improvements in water quality. It is also well controlled by salinity fluctuations since it is a freshwater species. In closed systems like lakes or ponds, it is considered invasive because there are no natural control measures, like salinity, as there are in the Bay.

Q12: Are grants, cost-share, or technical help available (Waterway Improvement Fund via Kent County, other DNR or Trust Fund programs)?

A12: No, there are no state funds available for SAV removal in the Bay.

Q13: Who is the best ongoing DNR contact for Mill Creek / Sassafras hydrilla?

A13: Brooke Landry is the SAV program lead at DNR and is the best contact for anything related to SAV in Chesapeake Bay.

Q14: Will DNR coordinate with ShoreRivers (Sassafras Riverkeeper) or Kent County?

A14: Yes, DNR regularly coordinates with ShoreRivers on a number of topics, including SAV monitoring and restoration, and will continue to do so.

Q15: What caused the Hydrilla to grow so rapidly this summer?

A15: It is likely that there has always been a small Hydrilla population in the area that expanded this year because of the improved water clarity conditions seen this spring. When water clarity improves in freshwater areas, Hydrilla is often the first species to return to the area because of its lower light requirements and reproductive fecundity. As it establishes, it improves the water clarity even more, creating enhanced conditions for its own growth as well as the establishment of other species.

Q16: What do you expect come fall/winter when the water temp drops and will there be an odor?

A16: Hydrilla will naturally and gradually senesce as temperatures drop and days get shorter this fall. No odor is expected. This happens every fall with SAV throughout Chesapeake Bay. When

waterfront communities that normally don't have much SAV suddenly have a lot, it can be surprising and takes getting used to. It is a highly beneficial habitat and resource in the Bay, however, that most communities learn to love and appreciate because of the ecosystem benefits they observe over time.

Q17: What do you expect for next Spring/summer? Will it be as dense?

A17: Due to its presence this year, it is likely that Hydrilla will be present in the Sassafras again next year, but it is impossible to predict how abundance it will be next spring. Its abundance and density will be dependent on water quality and salinity, which will be dictated by climate and weather/precipitation.

Q18: We have heard the non-native Hydrilla will ultimately die off in favor of natural grasses to thrive. Is this accurate and how long would this take?

A18: This is mostly accurate. Hydrilla acts to stabilize sediment and take in excess nitrogen and phosphorus, both processes that improve water quality. Once water quality has improved, as long as there are natural sources of native species seeds nearby, native species will begin to recover in the area. The process and timeline are dependent on a number of factors that are impossible to predict. If the Sassafras behaves like the nearby Susquehanna Flats, SAV beds will become a diverse mix of freshwater species that fluctuate in abundance and dominance based on water quality conditions that favor one plant over another. In the Susquehanna Flats SAV bed, during years when water quality is much better, there is less Hydrilla and more native species abundance. When water quality is degraded, there is more Hydrilla and less native plant abundance. The same would be expected in the Sassafras, but it's not likely that Hydrilla will disappear entirely unless a significant salinity intrusion occurs.

Q19: How disruptive have the natural grasses been for boating and recreation?

A19: SAV's effect on boating and recreation depends on depth. In shallow water habitats, native grasses are equally likely to impede navigation in areas with sufficient water quality to support the growth of dense beds. In deeper areas, SAV growth and abundance has little impact on boating and recreation. This is why Article 4-213 allows for shoreline residents to remove SAV for navigable purposes, with limitations.

Q20: As the Hydrilla mats die, drop and their sediment blankets the floor of the creek, will this cause lower water levels?

A20: Seasonal SAV senescence does not impact water levels. Senesced Hydrilla will get incorporated into the sediment (excellent carbon sequestration) or washed out of the creek.

Q21: Is the realistic goal eradication, multi-year suppression, or keeping navigation lanes open?

A21: Because of the productive nature of Hydrilla and its naturalization throughout the freshwater areas of the Bay's tributaries, and because it is protected under Maryland law as one of the Bay's freshwater SAV species, eradication is neither a realistic option nor an allowable option. Maintaining channels for navigation is the goal for Mill Creek.

Q22: After any work, what monitoring does DNR expect from us or from the Department?

A22: Annual SAV surveys of the Bay, including the Sassafras River, will continue and SAV expansion or retraction will be observable in the survey maps and data. No monitoring will be expected from the community unless dredging takes place and SAV mitigation is required.

Q23: What is the strategy for SAV grasses in general (and Hydrilla, in particular) for the Sassafras and tributaries in the next one year, three years and beyond?

A23: All DNR SAV management strategies are associated with SAV conservation, restoration, and expansion rather than reduction or eradication. These strategies focus on water quality improvements that support natural recovery, direct restoration of SAV, continued research and monitoring to enhance our understanding of SAV dynamics in the Bay, and education and outreach to ensure that Maryland's communities are aware of the ecological, recreational, and commercial benefits that SAV provides.

Recommendation: If Hydrilla comes back to Mill Creek next year, take advantage of the improved water quality that comes with it and disperse the seeds of native species like wild celery in and around the bed.

If you have any additional questions, please reach out to Brooke Landry with Maryland DNR or Zack Kelleher, your Sassafras Riverkeeper.

J. Brooke Landry
SAV Program Chief, LRA, TEA, RAS
MD Department of Natural Resources
Annapolis, MD 21401
410-260-8629
brooke.landry@maryland.gov

Captain Zack Kelleher
Sassafras Riverkeeper, ShoreRivers
207 South Water St, Unit B
Chestertown, MD 21620
410-810-7556 x281
zkelleher@shorerivers.org