

# HOUSE BILL 1041

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6lr3148

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By: **Delegate Frush**

Introduced and read first time: February 11, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Wetlands – Nonstructural Shoreline Stabilization Requirement – Waiver**

3 FOR the purpose of requiring a certain waiver process adopted by the Department of the  
4 Environment to exempt a person from the requirement to use certain nonstructural  
5 shoreline stabilization measures for certain erosion protection projects under certain  
6 circumstances; and generally relating to nonstructural shoreline stabilization  
7 requirements in State wetlands.

8 BY repealing and reenacting, with amendments,

9 Article – Environment

10 Section 16–201

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Environment**

16 16–201.

17 (a) A person who is the owner of land bounding on navigable water is entitled to  
18 any natural accretion to the person's land, to reclaim fast land lost by erosion or avulsion  
19 during the person's ownership of the land to the extent of provable existing boundaries. The  
20 person may make improvements into the water in front of the land to preserve that person's  
21 access to the navigable water or, subject to subsection (c), protect the shore of that person  
22 against erosion. After an improvement has been constructed, the improvement is the  
23 property of the owner of the land to which the improvement is attached. A right covered in  
24 this subtitle does not preclude the owner from developing any other use approved by the  
25 Board. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972,  
26 and the burden of proof that the loss occurred after this date is on the owner of the land.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The rights of any person, as defined in this subtitle, which existed prior to July  
2 1, 1973 in relation to natural accretion of land are deemed to have continued to be in  
3 existence subsequent to July 1, 1973 to July 1, 1978.

4 (c) (1) Improvements to protect a person's property against erosion shall  
5 consist of nonstructural shoreline stabilization measures that preserve the natural  
6 environment, such as marsh creation, except:

7 (i) In areas designated by Department mapping as appropriate for  
8 structural shoreline stabilization measures; and

9 (ii) In areas where the person can demonstrate to the Department's  
10 satisfaction that such measures are not feasible, including areas of excessive erosion, areas  
11 subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline  
12 stabilization measures.

13 (2) (i) Subject to subparagraph (ii) of this paragraph, in consultation  
14 with the Department of Natural Resources, the Department shall adopt regulations to  
15 implement the provisions of this subsection.

16 (ii) Regulations adopted by the Department under subparagraph (i)  
17 of this paragraph shall include a waiver process that exempts a person from the  
18 requirements of paragraph (1) of this subsection [on]:

19 **1. ON a demonstration to the Department's satisfaction that**  
20 **nonstructural shoreline stabilization measures are not feasible for the person's property;**  
21 **OR**

22 **2. IF THE PERSON SUBMITS TO THE DEPARTMENT A**  
23 **DOCUMENT PREPARED BY A LICENSED MARINE CONTRACTOR OR A PROFESSIONAL**  
24 **ENGINEER THAT CERTIFIES THAT NONSTRUCTURAL STABILIZATION MEASURES ARE**  
25 **NOT FEASIBLE FOR THE PERSON'S PROPERTY.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2016.