

HOUSE BILL 1299

M3, M1

3lr3043

By: **Delegate Stein**

Rules suspended

Introduced and read first time: March 3, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Tidal Wetlands – Pier Platforms**

3 FOR the purpose of prohibiting the total area of certain fixed pier platforms and floating
4 pier platforms in tidal wetlands from exceeding a certain square footage per pier;
5 prohibiting the Department of the Environment from requiring a person to obtain a
6 license or permit for the construction or installation of a floating pier platform under
7 certain circumstances; prohibiting a floating pier platform from exceeding a certain
8 size or being located in a certain area; requiring a person that authorizes the
9 construction or installation of a floating pier platform to hire a licensed marine
10 contractor to perform the work; requiring a person that undertakes the construction
11 or installation of a floating pier platform to be a licensed marine contractor; requiring
12 that a floating pier platform be considered a boat slip; and generally relating to pier
13 platforms in tidal wetlands.

14 BY repealing and reenacting, without amendments,
15 Article – Environment
16 Section 16–101(a), (b), and (j) through (l)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Environment
21 Section 16–101(p)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2022 Supplement)

24 BY adding to
25 Article – Environment
26 Section 16–101(q) and 16–105.1
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

16–101.

(a) In this title the following words have the meanings indicated.

(b) “Board” means the Board of Public Works.

(j) “Person” means any natural person, partnership, joint-stock company, unincorporated association or society, the federal government, the State, any unit of the State, a political subdivision, or other corporation of any type.

(k) (1) “Pier” means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) “Pier” does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

(l) (1) “Private wetlands” means any land not considered “State wetland” bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth.

(2) “Private wetlands” includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

(p) (1) “State wetlands” means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. [Wetlands of this category which]

(2) “STATE WETLANDS” DOES NOT INCLUDE LAND UNDER THE NAVIGABLE WATERS OF THE STATE BELOW THE MEAN HIGH TIDE, AFFECTED BY THE REGULAR RISE AND FALL OF THE TIDE, THAT have been transferred by the State by valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights [shall be considered “private wetland”] to the extent of the interest transferred.

(q) “TIDAL WETLANDS” MEANS ALL STATE AND PRIVATE WETLANDS, MARSHES, SUBMERGED AQUATIC VEGETATION, LANDS, AND OPEN WATER WITHIN THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES, THE COASTAL BAYS AND THEIR TIDAL TRIBUTARIES, AND THE ATLANTIC OCEAN OUT TO A DISTANCE OF 3 MILES OFFSHORE OF THE LOW WATER MARK.

1 16-105.1.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "FIXED PIER PLATFORM" MEANS A WATER-DEPENDENT
5 STRUCTURE ATTACHED TO PILINGS CONSTRUCTED ON OR OVER TIDAL WETLANDS
6 FOR THE PURPOSE OF GAINING ACCESS TO THE NAVIGABLE WATERS OF THE STATE.

7 (3) "FLOATING PIER PLATFORM" MEANS A FLOATING
8 WATER-DEPENDENT STRUCTURE CONSTRUCTED OR INSTALLED ON OR OVER TIDAL
9 WETLANDS FOR THE PURPOSE OF GAINING ACCESS TO THE NAVIGABLE WATERS OF
10 THE STATE.

11 (4) "LICENSE" MEANS A WRITTEN AUTHORIZATION BY THE BOARD OR
12 BY THE DEPARTMENT UNDER DELEGATION FROM THE BOARD TO CONSTRUCT OR
13 INSTALL STRUCTURES ON OR OVER TIDAL WETLANDS.

14 (5) "PERMIT" MEANS A WRITTEN AUTHORIZATION BY THE
15 DEPARTMENT TO CONSTRUCT OR INSTALL STRUCTURES ON OR OVER TIDAL
16 WETLANDS.

17 (B) THIS SECTION APPLIES ONLY TO PRIVATE NONCOMMERCIAL PIERS IN
18 TIDAL WETLANDS.

19 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION
20 AND SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION, THE TOTAL AREA OF FIXED
21 PIER PLATFORMS AND FLOATING PIER PLATFORMS MAY NOT EXCEED 400 SQUARE
22 FEET PER PIER.

23 (2) THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION
24 DOES NOT APPLY TO THE REPLACEMENT OF AN EXISTING PIER WITH A PIER THAT:

25 (I) IS COMPARABLE IN SIZE TO THE EXISTING PIER, AS
26 DETERMINED BY THE BOARD OR THE DEPARTMENT; AND

27 (II) DOES NOT INCREASE THE TOTAL AREA OF ANY FIXED PIER
28 PLATFORM OR FLOATING PIER PLATFORM ASSOCIATED WITH THE EXISTING PIER.

29 (D) (1) THE DEPARTMENT MAY NOT REQUIRE A PERSON TO OBTAIN A
30 LICENSE OR PERMIT FOR THE CONSTRUCTION OR INSTALLATION OF A FLOATING
31 PIER PLATFORM IF THE FLOATING PIER PLATFORM, AND THE CONSTRUCTION OR

1 INSTALLATION OF THE FLOATING PIER PLATFORM, MEETS THE REQUIREMENTS OF
2 THIS SECTION.

3 (2) A FLOATING PIER PLATFORM MAY NOT:

4 (I) EXCEED 200 SQUARE FEET IN AREA, EXCLUDING THE
5 SEGMENT OF THE MAIN PIER SECTION TO WHICH THE FLOATING PIER PLATFORM IS
6 ATTACHED; OR

7 (II) BE LOCATED OVER VEGETATED TIDAL WETLANDS,
8 INCLUDING SUBMERGED AQUATIC VEGETATION.

9 (3) (I) NOTWITHSTANDING § 16–106 OF THIS SUBTITLE, A PERSON
10 THAT AUTHORIZES THE CONSTRUCTION OR INSTALLATION OF A FLOATING PIER
11 PLATFORM SHALL HIRE A LICENSED MARINE CONTRACTOR TO PERFORM THE WORK.

12 (II) NOTWITHSTANDING § 16–106 OF THIS SUBTITLE, A PERSON
13 THAT UNDERTAKES THE CONSTRUCTION OR INSTALLATION OF A FLOATING PIER
14 PLATFORM SHALL BE A LICENSED MARINE CONTRACTOR.

15 (4) A FLOATING PIER PLATFORM SHALL BE CONSIDERED A BOAT
16 SLIP.

17 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
18 SECTION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2023.