

HOUSE BILL 973

M3

(8lr0235)

ENROLLED BILL

—*Environmental Matters / Education, Health, and Environmental Affairs*—

Introduced by **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

- 1 AN ACT concerning
- 2 **Water Management Administration – Living Shoreline Protection Act of 2008**
- 3 FOR the purpose of requiring certain erosion protection projects to include certain
- 4 nonstructural shoreline stabilization measures, with ~~a certain exception~~ certain
- 5 exceptions; requiring the Department of the Environment, in consultation with
- 6 the Department of Natural Resources, to adopt certain regulations; requiring
- 7 certain regulations to include a certain waiver process; and generally relating to
- 8 the regulation of shore erosion control projects.
- 9 BY repealing and reenacting, with amendments,
- 10 Article – Environment
- 11 Section 16–201
- 12 Annotated Code of Maryland
- 13 (2007 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



Preamble

2 WHEREAS, The State of Maryland and its people, property, natural resources,
3 and public investments will be significantly impacted by climate change and sea level
4 rise; and

5 WHEREAS, Sea level rise contributes to the erosion of approximately 580 acres
6 of shoreline per year along Maryland's Chesapeake Bay, Atlantic coastal bays, and
7 Atlantic Ocean coast; and

8 WHEREAS, The Maryland Commission on Climate Change has recommended
9 that the State begin to actively address the impacts on the natural environment of
10 shore erosion induced by sea level rise; and

11 WHEREAS, Current shore protection practices used to control shore erosion
12 and protect upland properties range from “hard” techniques such as bulkheads,
13 retaining walls, and riprap, to more “soft” alternatives such as “living shorelines” that
14 combine marsh plantings with sills, groin fields, or breakwaters; and

15 WHEREAS, "Living shorelines" are the preferred method of shore protection as
16 they trap sediment, filter pollution, and provide important aquatic and terrestrial
17 habitat; and

18 WHEREAS, It is the public policy of the State to protect natural habitat and
19 that shoreline protection practices, where necessary, consist of nonstructural "living
20 shoreline" erosion control measures wherever technologically and ecologically
21 appropriate; now, therefore,

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

Article – Environment

25 16-201.

26 (a) A person who is the owner of land bounding on navigable water is
27 entitled to any natural accretion to the person's land, to reclaim fast land lost by
28 erosion or avulsion during the person's ownership of the land to the extent of provable
29 existing boundaries. The person may make improvements into the water in front of
30 the land to preserve that person's access to the navigable water or, **SUBJECT TO**
31 **SUBSECTION (C)**, protect the shore of that person against erosion. After an
32 improvement has been constructed, the improvement is the property of the owner of
33 the land to which the improvement is attached. A right covered in this subtitle does
34 not preclude the owner from developing any other use approved by the Board. The
35 right to reclaim lost fast land relates only to fast land lost after January 1, 1972, and
36 the burden of proof that the loss occurred after this date is on the owner of the land.

4 (C) (1) IMPROVEMENTS TO PROTECT A PERSON'S PROPERTY
5 AGAINST EROSION SHALL CONSIST OF NONSTRUCTURAL SHORELINE
6 STABILIZATION MEASURES THAT PRESERVE THE NATURAL ENVIRONMENT,
7 SUCH AS MARSH CREATION, EXCEPT ~~IN~~:

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.