

# HOUSE BILL 973

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

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

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;  
5 requiring the Department of the Environment, in consultation with the  
6 Department of Natural Resources, to adopt certain regulations; and generally  
7 relating to the regulation of shore erosion control projects.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 16–201  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2007 Supplement)

13 Preamble

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

17 WHEREAS, Sea level rise contributes to the erosion of approximately 580 acres  
18 of shoreline per year along Maryland’s Chesapeake Bay, Atlantic coastal bays, and  
19 Atlantic Ocean coast; and

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

23 WHEREAS, Current shore protection practices used to control shore erosion  
24 and protect upland properties range from “hard” techniques such as bulkheads,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 retaining walls, and riprap, to more “soft” alternatives such as “living shorelines” that  
2 combine marsh plantings with sills, groin fields, or breakwaters; and

3 WHEREAS, “Living shorelines” are the preferred method of shore protection as  
4 they trap sediment, filter pollution, and provide important aquatic and terrestrial  
5 habitat; and

6 WHEREAS, It is the public policy of the State to protect natural habitat and  
7 that shoreline protection practices, where necessary, consist of nonstructural “living  
8 shoreline” erosion control measures wherever technologically and ecologically  
9 appropriate; now, therefore,

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

12 **Article – Environment**

13 16–201.

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

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

28 **(C) (1) IMPROVEMENTS TO PROTECT A PERSON’S PROPERTY**  
29 **AGAINST EROSION SHALL CONSIST OF NONSTRUCTURAL SHORELINE**  
30 **STABILIZATION MEASURES THAT PRESERVE THE NATURAL ENVIRONMENT,**  
31 **SUCH AS MARSH CREATION, EXCEPT IN AREAS WHERE THE PERSON CAN**  
32 **DEMONSTRATE TO THE DEPARTMENT’S SATISFACTION THAT SUCH MEASURES**  
33 **ARE NOT FEASIBLE.**

34 **(2) IN CONSULTATION WITH THE DEPARTMENT OF NATURAL**  
35 **RESOURCES, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**  
36 **THE PROVISIONS OF THIS SUBSECTION.**

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