

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1368

(Delegates Beidle and V. Clagett)

Environmental Matters

Education, Health, and Environmental Affairs

Task Force on Residential Pier Construction

This bill establishes a Task Force on Residential Pier Construction. The task force must, by January 1, 2010, report its findings regarding (1) how relevant laws, regulations, and policies balance the needs of riparian owners, the public, and the environment; (2) how other states approach the issue of riparian access to navigable waters; (3) scientific research about the environmental impact of pier construction; and (4) various ecological impacts and effects on the competing uses of waterways from residential pier construction. The Maryland Department of the Environment (MDE) must provide staff for the task force.

The bill takes effect June 1, 2009, and terminates May 31, 2010.

Fiscal Summary

State Effect: This bill's task force staffing requirement can be handled by MDE with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: At common law, title to submerged lands is held by the State in trust for the public. By contrast, riparian owners have the right to make artificial improvements to adjacent navigable waters, including for the purpose of accessing navigable waters, as long as the improvement does not obstruct navigation. This right is

subject to regulation by MDE through a delegation of authority from the Board of Public Works, in order to preserve the tidal wetlands of the State. To this end, MDE has authority to reject, authorize, modify, condition, or deny applications for construction or replacement of pilings, fixed or floating piers, decks, walkways, boathouses, and related structures on piers. However, a private, noncommercial pier that satisfies certain criteria and conditions specified in regulation is exempt from the requirement to obtain a license or permit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Legislative Services

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Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510