

HOUSE BILL 1313

M3

EMERGENCY BILL

2lr2944

By: **Delegates Mautz, Adams, and T. Branch**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Exception to Nonstructural Shoreline Stabilization**
3 **Requirements**

4 FOR the purpose of providing an exception to the requirement that certain improvements
5 to protect a person's property against erosion consist of nonstructural shoreline
6 stabilization measures; creating an exemption from a certain waiver process; and
7 generally relating to shoreline stabilization measures.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 16–201
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2021 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) **(1)** A person who is the owner of land bounding on navigable water is
18 entitled to any natural accretion to the person's land, to reclaim fast land lost by erosion or
19 avulsion during the person's ownership of the land to the extent of provable existing
20 boundaries.

21 **(2)** The person may make improvements into the water in front of the land
22 to preserve that person's access to the navigable water or, subject to subsection (c) **OF THIS**
23 **SECTION**, protect the shore of that person against erosion.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3)** After an improvement has been constructed **IN ACCORDANCE WITH**
2 **PARAGRAPH (2) OF THIS SUBSECTION**, the improvement is the property of the owner of
3 the land to which the improvement is attached.

4 **(4) (I)** A right covered in this subtitle does not preclude the owner from
5 developing any other use approved by the Board.

6 **(II)** The right to reclaim lost fast land relates only to fast land lost
7 after January 1, 1972, and the burden of proof that the loss occurred after this date is on
8 the owner of the land.

9 (b) The rights of any person, as defined in this subtitle, which existed prior to July
10 1, 1973 in relation to natural accretion of land are deemed to have continued to be in
11 existence subsequent to July 1, 1973 to July 1, 1978.

12 (c) (1) Improvements to protect a person's property against erosion shall
13 consist of nonstructural shoreline stabilization measures that preserve the natural
14 environment, such as marsh creation, except **IN AREAS:**

15 (i) **[In areas designated] DESIGNATED** by Department mapping as
16 appropriate for structural shoreline stabilization measures; **[and]**

17 (ii) **[In areas where] WHERE** the person can demonstrate to the
18 Department's satisfaction that such measures are not feasible, including areas of excessive
19 erosion, areas subject to heavy tides, and areas too narrow for effective use of nonstructural
20 shoreline stabilization measures; **OR**

21 **(III) DETERMINED BY A LICENSED MARINE CONTRACTOR TO BE**
22 **UNSUITABLE FOR NONSTRUCTURAL SHORELINE STABILIZATION MEASURES.**

23 (2) (i) Subject to **[subparagraph] SUBPARAGRAPHS (ii) AND (III)** of
24 this paragraph, in consultation with the Department of Natural Resources, the Department
25 shall adopt regulations to implement the provisions of this subsection.

26 (ii) Regulations adopted by the Department under subparagraph (i)
27 of this paragraph shall include a waiver process that exempts a person from the
28 requirements of paragraph (1) of this subsection on a demonstration to the Department's
29 satisfaction that nonstructural shoreline stabilization measures are not feasible for the
30 person's property.

31 **(III) A PERSON SHALL BE EXEMPT FROM THE WAIVER PROCESS**
32 **ESTABLISHED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IF A LICENSED**
33 **MARINE CONTRACTOR DETERMINES THAT THE PERSON'S PROPERTY IS NOT**
34 **SUITABLE FOR NONSTRUCTURAL STABILIZATION MEASURES.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency

1 measure, is necessary for the immediate preservation of the public health or safety, has
2 been passed by a ye and nay vote supported by three-fifths of all the members elected to
3 each of the two Houses of the General Assembly, and shall take effect from the date it is
4 enacted.