

SENATE BILL 775

M3

3lr2610

By: **Senator Mautz**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Private Wetlands – Structural Shoreline Stabilization Measures – Authorization**

3 FOR the purpose of authorizing the installation of a structural shoreline stabilization
4 measure on private wetlands under certain circumstances; and generally relating to
5 private wetlands in the State.

6 BY repealing and reenacting, with amendments,
7 Article – Environment
8 Section 16–304
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2022 Supplement)

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

13 **Article – Environment**

14 16–304.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (2) (I) “NONSTRUCTURAL SHORELINE STABILIZATION MEASURE”
18 MEANS AN EROSION CONTROL MEASURE THAT IS:

19 1. **DOMINATED BY TIDAL WETLAND VEGETATION; AND**

20 2. **DESIGNED TO PRESERVE THE NATURAL SHORELINE,**
21 **MINIMIZE EROSION, AND ESTABLISH AQUATIC HABITAT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) “NONSTRUCTURAL SHORELINE STABILIZATION MEASURE”**
 2 **INCLUDES A LIVING SHORELINE.**

3 **(3) (I) “STRUCTURAL SHORELINE STABILIZATION MEASURE”**
 4 **MEANS AN EROSION CONTROL MEASURE THAT USES STRUCTURES OR OTHER**
 5 **DEVICES TO ARMOR AND STABILIZE AN AREA LANDWARD OF THE MEASURE FROM**
 6 **FURTHER EROSION.**

7 **(II) “STRUCTURAL SHORELINE STABILIZATION MEASURE”**
 8 **INCLUDES:**

9 1. **BULKHEADS;**

10 2. **GABIONS;**

11 3. **REVETMENTS;**

12 4. **GROINS;**

13 5. **BREAKWATERS;**

14 6. **JETTIES;**

15 7. **SAND;**

16 8. **BEACH NOURISHMENT; AND**

17 9. **ANY OTHER STRUCTURE OR DEVICE USED FOR**
 18 **EROSION CONTROL OR THE PROTECTION OF A VESSEL FROM THE EFFECTS OF**
 19 **EROSION.**

20 **(B)** Notwithstanding any regulation adopted by the Secretary to protect private
 21 wetlands, the following uses are lawful on private wetlands:

22 (1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife;

23 (2) Trapping, hunting, fishing, and catching shellfish, if otherwise legally
 24 permitted;

25 (3) Exercise of riparian rights to improve land bounding on navigable
 26 water, to preserve access to the navigable water, or to protect the shore against erosion;

27 (4) **[Reclamation] SUBJECT TO SUBSECTION (C) OF THIS SECTION,**
 28 **RECLAMATION** of fast land owned by a natural person and lost during the person’s

1 ownership of the land by erosion or avulsion to the extent of provable preexisting
2 boundaries[. The right to reclaim lost fast land relates only to fast land lost after January
3 1, 1972. The burden of proof that the loss occurred after this date is on the owner of the
4 land];

5 (5) Routine maintenance and repair of existing bulkheads, provided that
6 there is no addition or channelward encroachment; [and]

7 (6) Installing a pump, a pipe, or any other equipment attached to a pier for
8 the cultivation of shellfish seed in a shellfish nursery under a permit issued by the
9 Department of Natural Resources under § 4-11A-23 of the Natural Resources Article,
10 provided that the pump, pipe, or other equipment does not require increasing the length,
11 width, or channelward encroachment of the pier; AND

12 (7) **INSTALLATION OF A STRUCTURAL SHORELINE STABILIZATION**
13 **MEASURE IN CONJUNCTION WITH A NONSTRUCTURAL SHORELINE STABILIZATION**
14 **MEASURE IF THE STRUCTURAL SHORELINE STABILIZATION MEASURE CONSTITUTES**
15 **NOT MORE THAN 10% OF THE TOTAL LINEAR FOOTAGE THAT WILL BE STABILIZED**
16 **BY THE NONSTRUCTURAL SHORELINE STABILIZATION MEASURE.**

17 (c) (1) **THE RIGHT TO RECLAIM LOST FAST LAND RELATES ONLY TO FAST**
18 **LAND LOST AFTER JANUARY 1, 1972.**

19 (2) **THE BURDEN OF PROOF THAT THE LOSS OF FAST LAND**
20 **OCCURRED AFTER JANUARY 1, 1972, IS ON THE OWNER OF THE LAND.**

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