

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 701 (Senator Mautz)  
Education, Energy, and the Environment

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**Wetlands and Waterways Permits - Lighthouse Piers - Permission of Owner of  
Private Wetlands**

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This bill prohibits a person from being required to obtain permission from the owner of private wetlands in order to construct a pier that is (1) within the private wetlands; (2) connected to a lighthouse; and (3) not connected to the shore. However, such a person must obtain all necessary approvals from the Board of Public Works (BPW) and the Maryland Department of the Environment (MDE).

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**Fiscal Summary**

**State Effect:** Since it is assumed that this bill applies in a limited number of cases, State finances are not materially affected.

**Local Effect:** None.

**Small Business Effect:** Minimal or none.

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**Analysis**

**Current Law:** A “pier” is any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure. A “pier” does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

*Wetlands Regulation*

Wetlands in the State are protected, and the Wetlands and Waterways Program within MDE administers a statewide program for the management, conservation, and protection

of Maryland's tidal wetlands and nontidal wetlands and waterways. Pursuant to current law and MDE regulations, and subject to certain exceptions, a person may not dredge, fill, or construct or reconstruct structures in:

- State wetlands, without a license issued by BPW (or MDE, as MDE is delegated authority to authorize certain activities in State wetlands); or
- private wetlands, without a permit issued by MDE.

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. Among the criteria necessary to obtain this exemption is that a fixed or floating platform may not exceed 200 square feet.

Regulation specifies that an eligible applicant for a wetlands license or permit is a person (1) with a riparian interest in private tidal wetlands or upland adjacent to State tidal wetlands, or an agent designated by the person with riparian interest or (2) seeking approval for navigation, mining, aquaculture, archeology, or similar projects in tidal wetlands.

#### *Lawful Uses of Private Wetlands*

Notwithstanding any regulation adopted by the Secretary of the Environment to protect private wetlands, the following uses are lawful on private wetlands: (1) conservation of soil, vegetation, water, fish, shellfish, and wildlife; (2) trapping, hunting, fishing, and catching shellfish if otherwise legally permitted; (3) exercise of riparian rights to improve land bounding on navigable water to preserve access to the navigable water, or to protect the shore against erosion; (4) reclamation of fast land owned by a natural person and lost during the person's ownership of the land after January 1, 1972, as specified; (5) routine maintenance and repair of existing bulkheads, provided that there is no addition or channelward encroachment; and (6) installing a pump, a pipe, or any other equipment attached to a pier that is associated with a permitted shellfish nursery operation if such a project does require increasing the length, width, or channelward encroachment of the pier.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 775 (Delegate Hutchinson) - Environment and Transportation.

**Information Source(s):** Maryland Department of the Environment; Department of Natural Resources; Board of Public Works; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2026  
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