

SENATE BILL 546

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CF HB 655

By: **Senators Elfreth, Beidle, Benson, Gile, Jackson, Lam, and Rosapepe**

Introduced and read first time: January 25, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – State Wetlands – Shoreline Stabilization Measures**

3 FOR the purpose of prohibiting the Department of the Environment from exempting a
4 person from the requirement to use certain shoreline stabilization measures for
5 certain erosion protection projects solely on a certain basis; altering the authorized
6 uses of the Tidal Wetlands Compensation Fund to include grant funding for the
7 replacement of structural shoreline stabilization measures with nonstructural
8 shoreline stabilization measures; and generally relating to State wetlands and
9 shoreline stabilization measures.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 16–201 and 16–205(f)
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2023 Supplement)

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

17 **Article – Environment**

18 16–201.

19 (a) **(1)** A person who is the owner of land bounding on navigable water is
20 entitled to any natural accretion to the person’s land, to reclaim fast land lost by erosion or
21 avulsion during the person’s ownership of the land to the extent of provable existing
22 boundaries.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

12 (b) The rights of any person, as defined in this subtitle, which existed prior to July
13 1, 1973 in relation to natural accretion of land are deemed to have continued to be in
14 existence subsequent to July 1, 1973 to July 1, 1978.

15 (c) (1) Improvements to protect a person's property against erosion shall
16 consist of nonstructural shoreline stabilization measures that preserve the natural
17 environment, such as marsh creation, except:

18 (i) In areas designated by Department mapping as appropriate for
19 structural shoreline stabilization measures; and

20 (ii) In areas where the person can demonstrate to the Department's
21 satisfaction that such measures are not feasible, including areas of excessive erosion, areas
22 subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline
23 stabilization measures.

24 (2) (i) Subject to subparagraph (ii) of this paragraph, in consultation
25 with the Department of Natural Resources, the Department shall adopt regulations to
26 implement the provisions of this subsection.

27 (ii) **1. [Regulations] SUBJECT TO SUBSUBPARAGRAPH 2 OF**
28 **THIS SUBPARAGRAPH, THE REGULATIONS** adopted by the Department under
29 subparagraph (i) of this paragraph shall include a waiver process that exempts a person
30 from the requirements of paragraph (1) of this subsection on a demonstration to the
31 Department's satisfaction that nonstructural shoreline stabilization measures are not
32 feasible for the person's property.

33 **2. THE DEPARTMENT MAY NOT EXEMPT A PERSON FROM**
34 **THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION SOLELY ON THE BASIS**
35 **OF REPLACING A STRUCTURAL SHORELINE STABILIZATION MEASURE WITH THE**
36 **SAME OR SIMILAR TYPE OF STRUCTURAL SHORELINE STABILIZATION MEASURE.**

1 16–205.

2 (f) Funds in the Tidal Wetlands Compensation Fund may be appropriated only
3 for the creation, restoration, or enhancement of tidal wetlands, including:

4 (1) Acquisition of land or easements;

5 (2) Maintenance of mitigation sites;

6 (3) Purchase of credits in mitigation banks;

7 (4) Management of invasive or nuisance species identified by the
8 Department;

9 (5) Cost sharing assistance to landowners in the management and control
10 of phragmites under Title 8, Subtitle 21 of the Natural Resources Article; [and]

11 (6) Contractual services necessary to accomplish the intent of this
12 subsection; AND

13 (7) **GRANT FUNDING FOR THE REPLACEMENT OF STRUCTURAL**
14 **SHORELINE STABILIZATION MEASURES WITH NONSTRUCTURAL SHORELINE**
15 **STABILIZATION MEASURES.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.