

(2007 Replacement Volume and 2007 Supplement)

Preamble

WHEREAS, The State of Maryland and its people, property, natural resources, and public investments will be significantly impacted by climate change and sea level rise; and

WHEREAS, Sea level rise contributes to the erosion of approximately 580 acres of shoreline per year along Maryland's Chesapeake Bay, Atlantic coastal bays, and Atlantic Ocean coast; and

WHEREAS, The Maryland Commission on Climate Change has recommended that the State begin to actively address the impacts on the natural environment of shore erosion induced by sea level rise; and

WHEREAS, Current shore protection practices used to control shore erosion and protect upland properties range from "hard" techniques such as bulkheads, retaining walls, and riprap, to more "soft" alternatives such as "living shorelines" that combine marsh plantings with sills, groin fields, or breakwaters; and

WHEREAS, "Living shorelines" are the preferred method of shore protection as they trap sediment, filter pollution, and provide important aquatic and terrestrial habitat; and

WHEREAS, It is the public policy of the State to protect natural habitat and that shoreline protection practices, where necessary, consist of nonstructural "living shoreline" erosion control measures wherever technologically and ecologically appropriate; now, therefore,

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

Article - Environment

16-201.

(a) A person who is the owner of land bounding on navigable water is entitled to any natural accretion to the person's land, to reclaim fast land lost by erosion or avulsion during the person's ownership of the land to the extent of provable existing boundaries. The person may make improvements into the water in front of the land to preserve that person's access to the navigable water or, SUBJECT TO SUBSECTION (C), protect the shore of that person against erosion. After an improvement has been constructed, the improvement is the property of the owner of the land to which the improvement is attached. A right covered in this subtitle does