



Maryland Department of the Environment Pier Task Force

Subsection 16-201 of the Environment Article, Annotated Code of Maryland states that a person who is the owner of land bounding on navigable water is entitled to make improvements into the water in front of the land to preserve that person's access to the navigable water. After an improvement has been constructed, the improvement is the property of the owner of the land to which the improvement is attached. This statement of policy has guided regulatory actions on the construction of piers in the State of Maryland since the Wetlands and Riparian Rights Act was passed in 1970.

Today, the rights of riparian property owners to construct piers in the Chesapeake and Atlantic Coastal Bays and their tributaries are colliding with the growing concerns over impacts that may be associated with the construction of these structures. This dilemma is further complicated by the fact that, in most instances, tidal waters and the land under these waters are owned by the State and held in trust for the citizens of Maryland. Since the mid 1700's, Maryland has allowed waterfront property owners to extend permanent improvements into the water, a right that was recognized in the Wetlands Act of 1970. It is the responsibility of the State, however, to insure that these improvements are appropriate for site conditions and constructed in an environmentally sensitive manner. In addition, the State retains ownership of the submerged land channelward of mean high water regardless of a project's encroachment into waters of the State.

The regulatory process established by statute and regulation for the construction of piers, which is administered by the Maryland Department of the Environment (MDE), attempts to balance the needs of the riparian property owners, the public and the environment. The concerns surrounding recent permit decisions, however, call into question whether the current laws adequately reflect the views of Maryland's residents and political leaders. To address these concerns, MDE will convene a Task Force comprised of a range of stakeholders to review Maryland's laws, regulations and policies related to residential pier construction to determine whether they should be revised. Some of the issues the Pier Task Force may address include: length and height of piers over marsh and associated ecological issues; length of piers over open water, including related issues such as dredging and impacts to submerged aquatic vegetation; the use of mooring buoys versus pier construction; competing uses of the waterway, including water skiing, windsurfing, kayaking and canoeing; limiting access to existing conditions; aesthetics; and construction methodology. The Task Force will complete its work in time to make recommendations to the 2010 General Assembly.

PIER TASK FORCE - PROPOSED SCHEDULE	
DATE	TASK
02/12/09 – 04/17/09	Identification of Venue; Identification of Speakers; Creation of Mailing Lists; and Creation of Outreach Materials
04/24/09	Distribution of Task Force Materials to Participants
05/05/09 06/02/09 07/07/09 08/04/09	Meetings (First Tuesday of the Month)
09/01/09	Draft Legislative Proposal
10/06/09	Final Legislative Proposal

