

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Section 758 of Article 66C of the Annotated Code of Maryland (1967 Replacement Volume and 1968 Supplement), title "Natural Resources," subtitle "Shore Erosion Control," be and it is hereby repealed and that new Sections 757-759 758A, inclusive, be and they are enacted in lieu thereof, to stand in the place of the section repealed, and that Section 12(a) of Article 96A of said Code (1964 Replacement Volume and 1968 Supplement), title "Water Resources," subtitle "Appropriation of Waters, Reservoirs and Dams," be and it is hereby repealed and re-enacted, with amendments, all to read as follows:*

757.

(a) *Any owner of property abutting on any body of tidal water in the State may file a written application with the Department of Chesapeake Bay Affairs requesting State financial participation in the cost of a shore erosion control project for the property. The application shall be in a form, contain information, and be submitted at a time the Department prescribes. Every application form shall contain a notice warning the applicant that he will be responsible for the maintenance of any project after it has been constructed. A copy of every application shall be sent to the Maryland Geological Survey.*

(b) *No project shall be approved unless ~~(1)~~ it lies within a physiographic unit as established by the Department of Chesapeake Bay Affairs IN CONSULTATION WITH THE MARYLAND GEOLOGICAL SURVEY or within a shore erosion control district as established under Sections 161 through 167E, inclusive, of Article 25 of this Code, as amended from time to time, or it meets the requirements of Section 758(b) of this Article, and ~~(2)~~ it has the concurrence of the Maryland Geological Survey.*

(c) *No physiographic unit project shall be approved unless all property owners within the physiographic unit participate in the planning, construction, and financing of the project, except that the Department of Chesapeake Bay Affairs, with the concurrence of IN CONSULTATION WITH the Maryland Geological Survey, may exclude any property owner within the physiographic unit from participation in the construction and financing of the project if this exclusion will not materially affect the remainder of the project.*

(d) *No project shall be approved unless payment of the non-State share of cost is assured from sources other than the State.*

(e) *The Maryland Geological Survey shall establish a schedule of priorities for shore erosion control projects and, upon the approval of any application by the Department of Chesapeake Bay Affairs and the Survey, assign a priority to it. The schedule of priorities shall take into consideration the following factors:*

- (1) *Rate of erosion;*
- (2) *Number of property owners involved;*
- (3) *Length of physiographic unit;*
- (4) *Cost of erosion control structures;*
- (5) *Assessed value of property involved;*
- (6) *Zoning applicable to property involved;*