

not preclude the owner from developing any other use approved by the Board. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972, and the burden of proof that the loss occurred after this date is on the owner of the land.

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

(c) (1) IMPROVEMENTS TO PROTECT A PERSON'S PROPERTY AGAINST EROSION SHALL CONSIST OF NONSTRUCTURAL SHORELINE STABILIZATION MEASURES THAT PRESERVE THE NATURAL ENVIRONMENT, SUCH AS MARSH CREATION, EXCEPT ~~IN~~:

(I) IN AREAS DESIGNATED BY DEPARTMENT MAPPING AS APPROPRIATE FOR STRUCTURAL SHORELINE STABILIZATION MEASURES; AND

(II) IN AREAS WHERE THE PERSON CAN DEMONSTRATE TO THE DEPARTMENT'S SATISFACTION THAT SUCH MEASURES ARE NOT FEASIBLE, INCLUDING AREAS OF EXCESSIVE EROSION, AREAS SUBJECT TO HEAVY TIDES, AND AREAS TOO NARROW FOR EFFECTIVE USE OF NONSTRUCTURAL SHORELINE STABILIZATION MEASURES.

(2) (I) ~~IN~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

(II) REGULATIONS ADOPTED BY THE DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A WAIVER PROCESS THAT EXEMPTS A PERSON FROM THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ON A DEMONSTRATION TO THE DEPARTMENT'S SATISFACTION THAT NONSTRUCTURAL SHORELINE STABILIZATION MEASURES ARE NOT FEASIBLE FOR THE PERSON'S PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.