

RIPARIAN RIGHTS

What are Riparian Rights?

“The term ‘riparian rights’ indicates a bundle of rights that turn on the physical relationship of a body of water to the land abutting it.”

Gunby v. Olde Severna Park Improvement Ass'n, 174 Md. App. 189, 239 (2007).

The Riparian Rights

1. Of access to the water;
2. To build a wharf or pier into the water;
3. To use the water without transforming it;
4. To consume the water;
5. To accretions (alluvium); and
6. To own the subsoil of non-navigable streams and other "private" waters.



The Riparian Rights

- To build a wharf or pier into the water...
- To accretions (alluvium)...



Virtually all the navigable waters, as well as the submerged lands beneath them (up to mean high tide), are owned by the State.

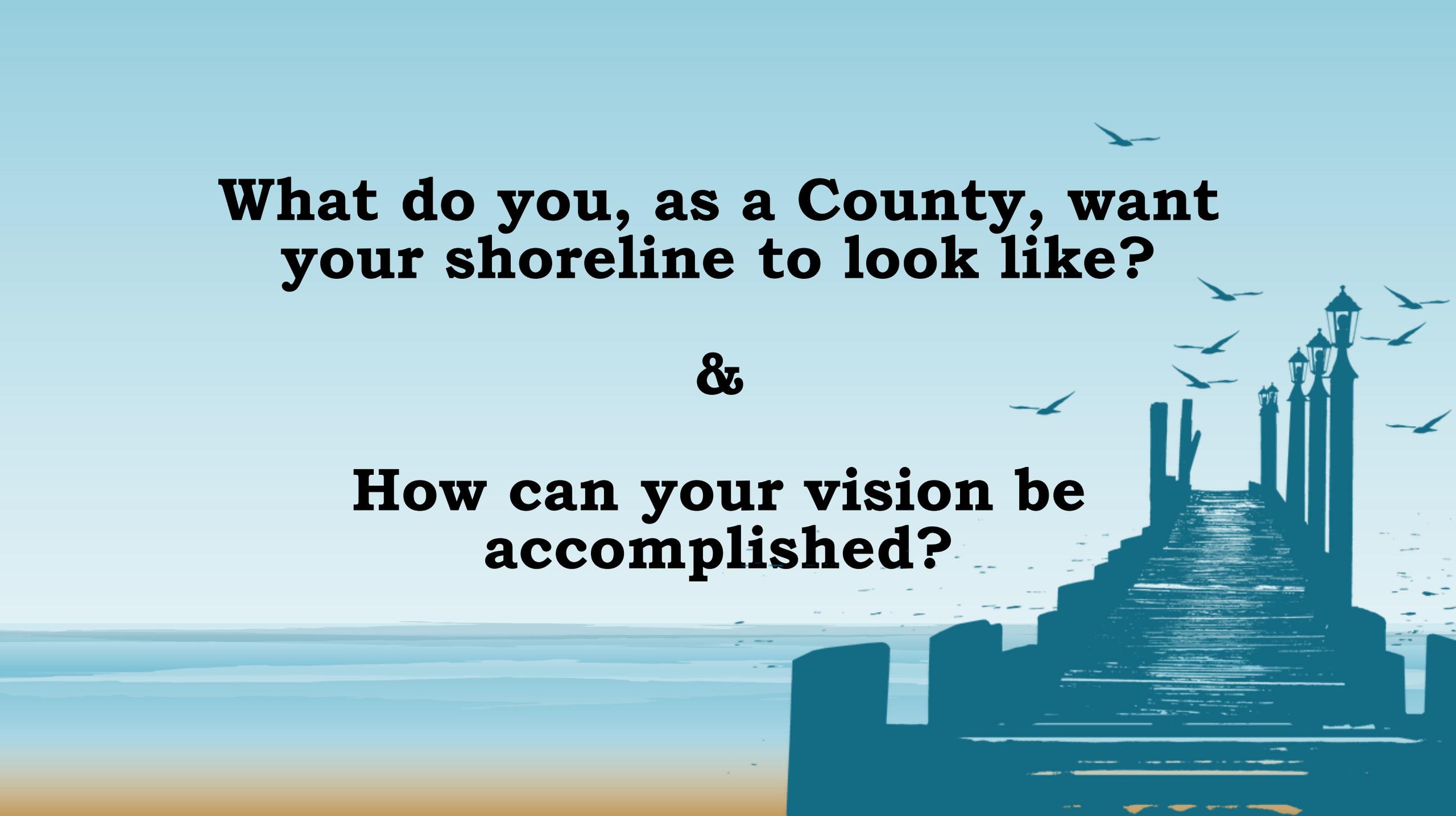


Md. Decl. of Rts., Art. 5; Harbor Island Marina v. Bd. of Cty. Comm'rs, 286 Md. 303, 314 (1979).

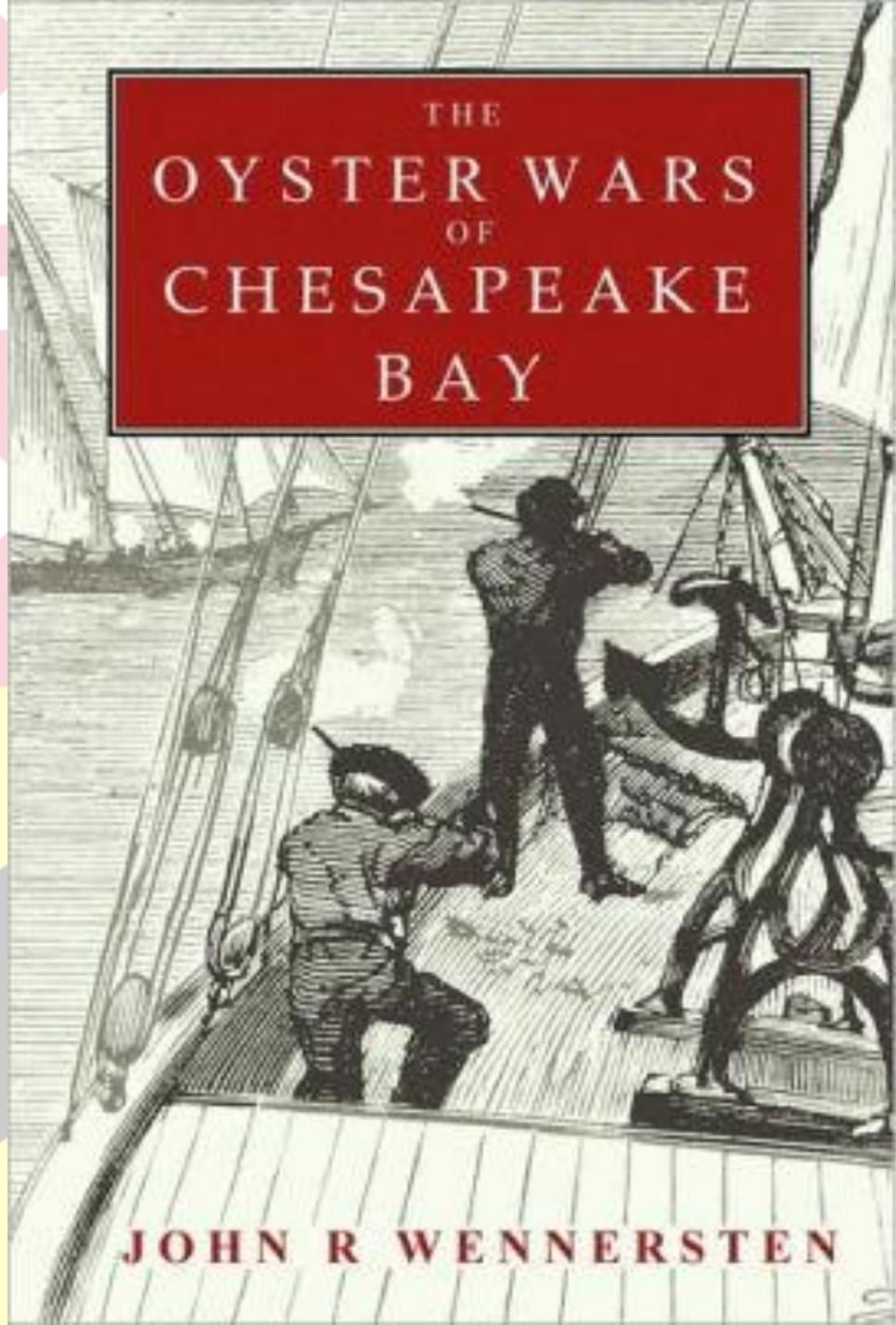
**What do you, as a County, want
your shoreline to look like?**

&

**How can your vision be
accomplished?**



THE
OYSTER WARS
OF
CHESAPEAKE
BAY



JOHN R WENNERSTEN



ZONING

“[The] County has the authority to reasonably regulate through zoning the exercise of the riparian right to wharf out because, under law dating back for more than 200 years, this right, when exercised, is nothing more than an extension of the shore land.”



Harbor Island Marina v. Bd. of Cty. Comm'rs, 286 Md. 303, 323 (1979).

British Advance on Washington, 1814





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OTHER CONSIDERATIONS

- **TIDAL WETLANDS ACT**
- **CRITICAL AREA PROTECTION PROGRAM**
- **COASTAL ZONE MANAGEMENT ACT**
- **SHORE EROSION CONTROL**
- **BEACH EROSION CONTROL AND REPLENISHMENT**
- **PATENTS (PRIOR TO 1862)**
- **QUASI-RIPARIAN RIGHTS (DUCKBLINDS, LIMITED SHELLFISH CULTIVATION)**