

Chapter 111

(Senate Bill 299)

AN ACT concerning

Coast Smart Council – Duties and Authority

FOR the purpose of altering the duties of the Coast Smart Council to include the development of eligibility criteria, standards, and procedures for categorical exemptions from the application of certain Coast Smart requirements for certain projects under certain circumstances; authorizing the Council to recommend certain regulations for adoption by the Secretary of Natural Resources; and generally relating to the Coast Smart Council.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 3–1001(a), (b), and (c)
Annotated Code of Maryland
(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–1006
Annotated Code of Maryland
(2023 Replacement Volume and 2023 Supplement)

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

Article – Natural Resources

3–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Coast Smart” means a construction practice in which preliminary planning, siting, design, construction, operation, maintenance, and repair of a structure or highway facility avoids or minimizes future impacts associated with coastal flooding and sea level rise inundation.

(2) “Coast Smart” includes design criteria and siting criteria that are applicable throughout the entire life cycle of a project.

(c) “Council” means the Coast Smart Council.

3–1006.

(a) The Council shall:

(1) Study and provide analysis regarding standards and factors relevant to the establishment of Coast Smart siting criteria and design criteria;

(2) Develop siting and design criteria to establish and implement Coast Smart practices and requirements;

(3) Develop eligibility criteria, standards, and procedures for applying for and obtaining a waiver from compliance with the Coast Smart requirements; **[and]**

(4) Establish procedures for evaluating Coast Smart waiver applications that include the consideration of proposed capital projects with regard to:

(i) The anticipated need to prepare for, respond to, and recover from extreme weather events, sea level rise inundation, coastal flooding, storm surges, and shoreline erosion; and

(ii) The need to prevent danger to life and property and to avoid environmental, socio-economic, and economic harm; **AND**

(5) DEVELOP ELIGIBILITY CRITERIA, STANDARDS, AND PROCEDURES FOR CATEGORICAL EXEMPTIONS FROM THE APPLICATION OF THE COAST SMART REQUIREMENTS FOR PROPOSED CAPITAL PROJECTS THAT HAVE BEEN DESIGNED TO INCLUDE ADAPTATION AND RESILIENCY FEATURES TO PREVENT OR MITIGATE DAMAGE TO THE MAXIMUM EXTENT PRACTICABLE.

(b) THE COUNCIL MAY RECOMMEND REGULATIONS FOR ADOPTION BY THE SECRETARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

(c) The chair of the Council may establish subcommittees consisting of members of the Council, experts in fields related to climate change and sea level rise, and interested parties to address or study specific issues.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, April 9, 2024.