



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

January 31, 2024

**BILL NUMBER: Senate Bill 299 – First Reader**

**SHORT TITLE: Coast Smart Council - Duties and Authority**

**DEPARTMENT’S POSITION: SUPPORT**

#### **EXPLANATION OF DEPARTMENT’S POSITION**

This bill charges the Coast Smart Council with developing eligibility criteria, standards and procedures for categorical exemptions and authorizes the Council to recommend regulations for adoption by the Secretary of DNR. These changes to the statute will provide the Coast Smart Council with the ability to define its criteria, standards and procedures, streamline the review process and expedite project implementation.

The original intent of Coast Smart legislation was to establish guidelines for how structures should be built “climate ready” and to create a system for the review of capital and local investment projects. Since its inception, the Coast Smart Council has evolved to enhance the process of review as well as to establish clearer guidelines for proposed project siting and design. The most recently passed Coast Smart legislation included provisions for a waiver process but not for categorical exemptions. The waiver process is intended to cover buildings that should be following the siting and design criteria but are unable to for a written reason. The categorical exemptions are intended to cover structures that have an obvious necessity to be placed or built contrary to siting and design criteria. Categorical exemptions are currently included in the Coast Smart program document but are not within the official statute.

#### **BACKGROUND INFORMATION**

This bill would charge the Coast Smart Council with developing eligibility criteria, standards and procedures for categorical exemptions and authorize the Council to recommend regulations for adoption by the Secretary of DNR.

#### **BILL EXPLANATION**

The bill would:

1. Codify the use of a categorical exemption just as it does for a waiver. The language is intentionally broad, charging the Council to develop bounds around categorical exemptions, while the Council can utilize the flexibility afforded within its program document to adapt to climate change and incorporate emerging science. Current exemptions listed in the Coast Smart Program document (not an official statute) are 1) Water-dependent uses, 2) Passive public access, 3) Historic structures, 4) Temporary structures or uses, and 5) Emergency use. Guidelines indicate projects requesting exemption must complete the Coast Smart Project Screening Form Appendix A and indicate which exemptions apply. This form would then be reviewed by the Qualifying (Funding) Agency to determine applicability.
2. Allow the Coast Smart Council to recommend regulations for adoption by the Secretary. This would allow any modifications to be implemented more quickly once a need is identified. As indicated above, the nature of this statute should be adapting with climate change, so we anticipate that modifications are to be expected.

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