

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Senate Bill 709

(Senator Colburn)

Education, Health, and Environmental Affairs

Environment - Wetlands - Marinas and Community Piers

This bill establishes an additional exception to the prohibition that a person may not construct additional slips at an existing marina or construct a new marina under specified conditions. Specifically, the bill allows a person to construct additional slips at an existing marina or construct a new marina if the marina is being operated as a “community pier” that complies with the Chesapeake Bay Critical Area Protection Program. The Maryland Department of the Environment (MDE) must establish regulations regarding permit requirements for the construction of a community pier that are consistent with the Chesapeake Bay Critical Area Protection Program.

Fiscal Summary

State Effect: The bill’s changes could be handled with existing budgeted resources.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill applies the definition of community pier that is specified under the Chesapeake Bay Critical Area Law. Community pier means a boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments, or other multiple-family dwelling units. The term does not include a private pier or a mooring.

Current Law: A person may not construct any additional slips at an existing marina that is capable of berthing vessels 22 feet or larger that would result in a total slip capacity of more than 10 slips or construct a new marina that is capable of berthing vessels 22 feet or larger with more than 10 slips on the navigable waters of the State unless:

- the wastewater collection and treatment system at the marina is adequate to handle any existing and increased flow; and
- there is a pump-out station on-site at the marina that is adequate to handle the increased sewage capacity from vessels that use the marina and that is operable and accessible at reasonable times.

Upon application by a marina owner or operator, the Secretary of the Environment may grant a postponement of the pump-out station requirement under specified conditions.

Background: Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program in the Department of Natural Resources (DNR) to foster more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries so as to minimize damage to water quality and natural habitats. Under that program, a new or expanded community pier or other noncommercial boat docking or storage facility may be permitted in the buffer if:

- the facility: (1) is water dependent; (2) meets a recognized private right or public need; (3) is community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision; and (4) is associated with a residential development approved by the local jurisdiction for the critical area and is consistent with all criteria and local regulations for the critical area;
- adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
- insofar as possible, nonwater dependent structures or operations associated with water dependent projects or activities are located outside the buffer;
- disturbance to the buffer is the minimum necessary to provide a single point of access to the facility;
- food, fuel, or other goods and services are not offered for sale, and adequate and clean sanitary facilities are provided; and
- when a community pier with slips is provided as part of a new development project, private piers are not permitted in the development area.

The number of slips permitted at a facility is determined by a density schedule set out in statute.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment; Department of Natural Resources; Charles, Frederick, Montgomery, and Prince George's counties; Department of Legislative Services

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