

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 846 (Delegates Bozman and Conway)
Environmental Matters

**Chesapeake Bay and Atlantic Coastal Bays Critical Area Protection Programs -
Revision**

This bill modifies the Chesapeake Bay and Atlantic Coastal Bays Critical Area Protection Programs to provide that an intrafamily transfer of land includes a transfer to a brother or sister. The bill also expands an existing exemption for specified land from the requirements of the Atlantic Coastal Bays Critical Area Protection Program.

The bill takes effect June 1, 2003.

Fiscal Summary

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

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

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program in the Department of Natural Resources to foster more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries. Chapter 433 of 2002 expanded the Chesapeake Bay Critical Area Law to include the Atlantic Coastal Bays and their tributaries. Each local jurisdiction has primary responsibility for developing and implementing a local

program, subject to review and approval by the Chesapeake Bay and Atlantic Coastal Bays Critical Area Commission.

Parts of the Critical Areas include resource conservation areas (RCAs), which are characterized by natural environments or by activities such as agriculture, aquaculture, commercial forestry, and fisheries. As part of its local program, a local jurisdiction may submit provisions by which an owner of a parcel of land in an RCA may be permitted to make “bona fide intrafamily transfers.” A bone fide intrafamily transfer means a transfer to a member of the owner’s “immediate family” of a portion of the owner’s property for the purpose of establishing a residence for that family member. Immediate family means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

Chapter 433 of 2002 allowed for the limited grandfathering of certain development projects from the requirements of the Atlantic Coastal Bays Critical Area Protection Program. Specifically, the law exempted under specified conditions, the initial development of a Young Men’s Christian Association (YMCA) facility located on specified property in Worcester County. The YMCA facility is expected to cover approximately six to ten acres of a larger property. This bill would expand the existing exemption. Legislative Services has been advised that the bill is intended to exempt approximately 19.5 acres.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Worcester County, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2003
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