

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1470 (Montgomery County Delegation and Prince George's
County Delegation)

Environment and Transportation

**Prince George's County - Chesapeake and Atlantic Coastal Bays Critical Area
Protection Program - Cutting or Clearing Trees**
MC/PG 113-25

This bill establishes that a person who in good faith purchases property in the Critical Area in Prince George’s County may not be held liable for specified cutting or clearing of trees by previous owners or users of the property. The bill also requires the Critical Area Commission (CAC) to adopt regulations authorizing a person to appeal an action brought by the CAC chair, a local jurisdiction, or the Attorney General (1) for cutting or clearing trees within the Critical Area in violation of an approved local critical area program or commission regulations or (2) to restrain a planned violation.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill is not expected to materially affect Prince George’s County finances.

Small Business Effect: Minimal overall.

Analysis

Current Law:

Cutting or Clearing Trees in Violation of a Local Program or Commission Regulations

If a person cuts or clears, or plans to cut or clear, trees within the Critical Area in violation of an approved local critical area program or regulations adopted by CAC, the CAC chair

may bring an action, or the local jurisdiction may bring an action or request that the chair refer the matter to the Attorney General to bring an action:

- to require the person to replant trees where the cutting or clearing occurred in accordance with a plan prepared by the State Forester, a registered professional forester, or a registered landscape architect;
- to restrain the planned violation; or
- for damages, assessed by a circuit court in an amount equal to the estimated cost of replanting trees and paid to the Department of Natural Resources (DNR).

Critical Area Program, In General

Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program (now the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program) to minimize damage to water quality and wildlife habitat by fostering more sensitive development activity along the shoreline areas of the Chesapeake Bay and its tributaries. The goals of the program now are applicable to both the Chesapeake Bay and the Atlantic Coastal Bays and include (1) protection of water quality; (2) conservation of habitat; (3) accommodation of future growth and development without adverse environmental impacts; (4) improvement of climate resiliency; and (5) equitable distribution of the burdens and benefits of development, mitigation, restoration, conservation, and climate change adaptation within the Critical Area.

Chapter 794 identified the Critical Area as all land within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal wetlands and all waters of and lands under the Chesapeake Bay and its tributaries. In 2002, the Critical Area was expanded to include the State's coastal bays, and, in 2024, the program was modified to incorporate climate resilience, environmental justice, and equity measures. The 1984 legislation also created CAC within DNR, which oversees the development and implementation of local land use programs dealing with the Critical Area. Each local jurisdiction is charged with the primary responsibility for development and implementation of its own local program; that local authority, however, is subject to commission review and approval and must be consistent with the commission's regulations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2025
km/sdk

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