

# HOUSE BILL 258

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(PRE-FILED)

6lr0180  
CF SB 178

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By: **Chair, Environment and Transportation Committee (By Request –  
Departmental – Critical Area Commission) and Delegates Boyce, Holmes,  
Lewis, Odom, and Stein**

Requested: September 30, 2025

Introduced and read first time: January 14, 2026

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays Critical Area Protection Program –**  
3 **Standards and Procedures**

4 FOR the purpose of altering and updating the standards and procedures governing the  
5 Chesapeake and Atlantic Coastal Bays Critical Area Protection Program related to  
6 the approval of regulations, local program comprehensive reviews, locational  
7 standards for growth allocation, correcting mapping mistakes, and tree replanting;  
8 and generally relating to standards and procedures under the Chesapeake and  
9 Atlantic Coastal Bays Critical Area Protection Program.

10 BY renumbering

11 Article – Natural Resources  
12 Section 8–1802(a)(2) through 8–1802(a)(31)  
13 to be Section 8–1802(a)(3) through 8–1802(a)(32), respectively  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Natural Resources  
18 Section 8–1802(a)(1) and 8–1808.1(c)(2)  
19 Annotated Code of Maryland  
20 (2023 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Natural Resources  
 3 Section 8–1802(a)(2)  
 4 Annotated Code of Maryland  
 5 (2023 Replacement Volume and 2025 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article – Natural Resources  
 8 Section 8–1806(a) and (b)(1)(xiv)2., ~~8–1808.1(e)(2)~~, 8–1809(j) and (r), and 8–1815.1(b)  
 9 and (e)  
 10 Annotated Code of Maryland  
 11 (2023 Replacement Volume and 2025 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 13 That Section(s) 8–1802(a)(2) through 8–1802(a)(31) of Article – Natural Resources of the  
 14 Annotated Code of Maryland be renumbered to be Section(s) 8–1802(a)(3) through  
 15 8–1802(a)(32), respectively.

16 ~~SECTION 2. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY~~  
 17 ~~OF MARYLAND,~~ That the Laws of Maryland read as follows:

18 **Article – Natural Resources**

19 8–1802.

20 (a) (1) In this subtitle the following words have the meanings indicated.

21 **(2) “ADJACENT” MEANS, WITH RESPECT TO AREAS WITH DIFFERENT**  
 22 **LAND CLASSIFICATIONS:**

23 **(I) SHARING A COMMON BOUNDARY LINE; OR**

24 **(II) SEPARATED BY A PUBLIC OR PRIVATE STREET, ROAD,**  
 25 **RIGHT-OF-WAY, OR OTHER UTILITY OR ACCESS EASEMENT.**

26 8–1806.

27 (a) The Commission has all powers necessary for carrying out the purposes of this  
 28 subtitle, including the following:

29 (1) In accordance with Title 2, Subtitle 5 (Joint Committee on  
 30 Administrative, Executive and Legislative Review) and Title 10, Subtitle 1 (Administrative  
 31 Procedure Act) of the State Government Article, to adopt and amend regulations **BY**  
 32 **AFFIRMATIVE VOTE OF THE COMMISSION AND** as authorized under this subtitle for the  
 33 administration and enforcement of the State and local programs;

1 (2) To conduct hearings in connection with policies, proposed programs,  
2 and proposed regulations or amendments to regulations; and

3 (3) To contract for consultant or other services.

4 (b) Regulations adopted or amended under subsection (a)(1) of this section shall:

5 (1) Establish comprehensive standards and procedures for:

6 (xiv) Directives for local program development and implementation,  
7 with respect to:

8 2. The [6-year] **10-YEAR** comprehensive review of a local  
9 critical area program;

10 8-1808.1.

11 (c) (2) When locating new intensely developed or limited development areas,  
12 local jurisdictions shall use the following standards:

13 (i) Locate a new intensely developed area in a limited development  
14 area or ~~[adjacent] CONTIGUOUS AND ADJOINING~~ to an existing intensely developed area;

15 (ii) Locate a new limited development area ~~[adjacent] CONTIGUOUS~~  
16 ~~AND ADJOINING~~ to an existing limited development area or an intensely developed area;

17 (iii) Locate a new limited development area or an intensely developed  
18 area in a manner that minimizes impacts to a habitat protection area as defined in COMAR  
19 27.01.09, and in an area and manner that optimizes benefits to water quality;

20 (iv) Locate a new intensely developed area or a limited development  
21 area in a resource conservation area at least 300 feet beyond the landward edge of tidal  
22 wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission  
23 approves, alternative measures for enhancement of water quality and habitat that provide  
24 greater benefits to the resources;

25 (v) Locate new intensely developed areas and limited development  
26 areas in a manner that minimizes their impacts to the defined land uses of the resource  
27 conservation area;

28 (vi) Locate new intensely developed areas and limited development  
29 areas outside of areas vulnerable to climate change unless the local jurisdiction proposes  
30 and the Commission approves:

31 1. Areas identified by the local jurisdiction as vulnerable to  
32 climate change as required under § 8-1808(c)(1)(iii)16 of this subtitle; and



1                   2.     For areas included in the critical area due to remapping,  
2 is based on land uses or natural features in existence at the time of the remapping;

3                   (iii) Follows the local jurisdiction's documented mapping  
4 methodology for critical area classifications at the time of original program adoption; and

5                   (iv) Is consistent with the purposes, policies, and goals of this subtitle  
6 and all criteria of the Commission.

7           (r)     (1)     Proposed program refinements shall be determined as provided in this  
8 subsection.

9                   (2)     (i)     Within 30 days of the Commission's acceptance of a proposal to  
10 change an adopted program, the chair, on behalf of the Commission, may determine that  
11 the proposed change is a program refinement.

12                   (ii)     The chair shall notify the Commission of that determination at  
13 the next meeting or a subsequent meeting if the local jurisdiction requests, and the chair  
14 approves, an extension.

15                   (iii)    If a proposed change that was specifically submitted as a  
16 program refinement is not acted on by the chair within the 30-day period **UNDER**  
17 **SUBPARAGRAPH (I) OF THIS PARAGRAPH OR APPROVED FOR AN EXTENSION UNDER**  
18 **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the Commission shall notify the appropriate  
19 local jurisdiction that the proposed change has been deemed to be a program amendment.

20                   (3)     (i)     The Commission may vote to override the chair's determination  
21 only at the first Commission meeting where a quorum is present following the chair's  
22 notification to the Commission.

23                   (ii)     If the chair's determination is overridden, the proposed change  
24 is deemed a program amendment, which shall be decided by the Commission in accordance  
25 with the procedures for program amendments provided in this section, except that the  
26 Commission shall act on the program amendment within **[90] 130** days after a vote to  
27 override the chair.

28                   (iii)    If the chair's determination is not overridden, within 10 working  
29 days after the opportunity to override the chair's decision under subparagraph (i) of this  
30 paragraph, the chair shall:

31                             1.     Determine if the program refinement is consistent with  
32 the purposes, policies, goals, and provisions of this subtitle, and all criteria of the  
33 Commission; and

34                             2.     A.     Approve the proposed program refinement and  
35 notify the local jurisdiction;

1 B. Deny the program refinement;

2 C. Approve the proposed program refinement subject to one  
3 or more conditions; or

4 D. Return the proposed program refinement back to the local  
5 jurisdiction with a list of the changes to be made.

6 (iv) If the chair approves a proposed program refinement subject to  
7 one or more conditions under subparagraph (iii)2C of this paragraph, the local jurisdiction  
8 shall notify the Commission within 60 days of its intent to adopt the conditions.

9 (4) A local jurisdiction shall incorporate an approved program refinement  
10 and any required conditions into its adopted program within 120 days of receiving notice  
11 from the chair that the program refinement has been approved.

12 8-1815.1.

13 (b) Subject to subsection (f) of this section, if a person cuts or clears or plans to  
14 cut or clear trees within the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical  
15 Area in violation of an approved local critical area program or of regulations adopted by the  
16 Commission, the chair may bring an action, or the local jurisdiction may bring an action or  
17 request that the chair of the Commission refer the matter to the Attorney General to bring  
18 an action:

19 (1) To require the person to replant trees where the cutting or clearing  
20 occurred in accordance with a plan prepared by the State Forester, a [registered  
21 professional] **LICENSED** forester, [or] a [registered] **LICENSED** landscape architect, **OR**  
22 **ANY OTHER QUALIFIED PROFESSIONAL APPROVED BY THE DEPARTMENT;**

23 (2) To restrain the planned violation; or

24 (3) For damages:

25 (i) To be assessed by a circuit court in an amount equal to the  
26 estimated cost of replanting trees; and

27 (ii) To be paid to the [Department] **LOCAL JURISDICTION** by the  
28 person found to have violated the provisions of this subsection.

29 (e) On the request of a local jurisdiction or the chair of the Commission, the State  
30 Forester, a [registered professional] **LICENSED** forester, [or] a [registered] **LICENSED**  
31 landscape architect, **OR ANY OTHER QUALIFIED PROFESSIONAL APPROVED BY THE**  
32 **DEPARTMENT** may prepare, oversee, and approve the final implementation of a plan to:

1                   (1) Replant trees in any part of the Chesapeake Bay Critical Area where  
2 trees in the Chesapeake Bay Critical Area are cut or cleared in violation of subsection (b)  
3 of this section; and

4                   (2) Replant trees in any part of the Atlantic Coastal Bays Critical Area  
5 where trees in the Atlantic Coastal Bays Critical Area are cut or cleared in violation of  
6 subsection (b) of this section.

7                   SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.