

SENATE BILL 178

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(PRE-FILED)

6lr0179

CF HB 258

By: Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Critical Area Commission)

Requested: September 30, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

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 repealing and reenacting, with amendments,

11 Article – Natural Resources

12 Section 8–1806(a) and (b)(1)(xiv)2., 8–1808.1(c)(2), 8–1809(j) and (r), and 8–1815.1(b)
13 and (e)

14 Annotated Code of Maryland

15 (2023 Replacement Volume and 2025 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Natural Resources**

19 8–1806.

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

22 (1) In accordance with Title 2, Subtitle 5 (Joint Committee on
23 Administrative, Executive and Legislative Review) and Title 10, Subtitle 1 (Administrative

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Procedure Act) of the State Government Article, to adopt and amend regulations **BY**
2 **AFFIRMATIVE VOTE OF THE COMMISSION AND** as authorized under this subtitle for the
3 administration and enforcement of the State and local programs;

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

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

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

8 (1) Establish comprehensive standards and procedures for:

9 (xiv) Directives for local program development and implementation,
10 with respect to:

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

13 8-1808.1.

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

16 (i) Locate a new intensely developed area in a limited development
17 area or **[adjacent] CONTIGUOUS AND ADJOINING** to an existing intensely developed area;

18 (ii) Locate a new limited development area **[adjacent] CONTIGUOUS**
19 **AND ADJOINING** to an existing limited development area or an intensely developed area;

20 (iii) Locate a new limited development area or an intensely developed
21 area in a manner that minimizes impacts to a habitat protection area as defined in COMAR
22 27.01.09, and in an area and manner that optimizes benefits to water quality;

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

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

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

6 2. Measures that:

10 (vii) Except as provided in item (ix) of this paragraph, no more than
11 one-half of the expansion allocated in the criteria of the Commission may be located in
12 resource conservation areas;

13 (viii) New intensely developed or limited development areas involving
14 the use of growth allocation shall conform to all criteria of the Commission and shall be
15 designated on the comprehensive zoning map submitted by the local jurisdiction as part of
16 its application to the Commission for program approval or at a later date in compliance
17 with § 8-1809(g) of this subtitle; and

18 (ix) In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen
19 Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is
20 unable to utilize a portion of the growth allocated to the county in items (i) and (ii) of this
21 paragraph within or [adjacent] **CONTIGUOUS AND ADJOINING** to existing intensely
22 developed or limited development areas as demonstrated in the local plan approved by the
23 Commission, then that portion of the allocated expansion which cannot be so located may
24 be located in the resource conservation area in addition to the expansion allocated in item
25 (vii) of this paragraph. A developer shall be required to cluster any development in an area
26 of expansion authorized under this paragraph.

27 8-1809.

28 (j) (1) As often as necessary but not more than 4 times per calendar year, each
29 local jurisdiction may propose program amendments and program refinements to its
30 adopted program.

33 (i) Conforms to the State critical area mapping criteria;

34 (ii) 1. Is based on land uses or natural features in existence [as]:

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

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

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

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

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

17 8-1815.1.

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

28 (2) To restrain the planned violation; or

29 (3) For damages:

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2026.