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**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

Bill #: HB 976
Position: Informational Only
Title: State and Private Wetlands - Nonwater-Dependent Project - Definition
Committee: Education, Energy, and Environment
Hearing Date: February 26, 2025

Dear Chairman Korman:

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays appreciates this opportunity to provide your committee with information regarding House Bill 976. While this bill is situated in the Environment Article, the language being amended mirrors Natural Resources Article §8-1808.4 (Structures on Piers in the Critical Area). If adopted, the definition of a nonwater-dependent project will not be the same between the two statutes, and conflicts may arise in their application regarding the permissions and limitations associated with such a project.

The Critical Area is defined to include "all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide." A range of commercial activities are currently permitted as nonwater-dependent projects in the portions of the Critical Area designated as "Intensely Developed Area," provided that the local jurisdiction has adopted such provisions in its Critical Area program.

Exempting a vessel from the definition of nonwater-dependent projects could have the following effects on areas set aside for greater environmental protection within the Critical Area law and regulations:

- Allowance for a site to exceed the density limit within the Critical Area's Resource Conservation Area of one unit per 20 acres;
- Allowance of certain commercial uses (such as rental units) in the Resource Conservation Area, which are generally not permitted under current law;
- A new class of impacts to the Buffer not generally permitted, such as expanded vehicular access and/or the potential for disturbance to install and connect to upland septic systems; and
- Allowance of nonwater-dependent structures in the Resource Conservation Area and Limited Development area, which is currently prohibited under §8-1808.4.

Please do not hesitate to contact Lisa Hoerger, Legislative and Regulations Manager for the Commission, at 410-260-3478 or by email at lisa.hoerger@maryland.gov if you have any questions or wish to discuss this information in further detail.