



# CHESAPEAKE BAY FOUNDATION

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## Senate Bill 178

### Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Standards and Procedures

**Date:** January 27, 2026

**Position:** Favorable

**To:** Education, Energy, and the Environment Committee

**From:** Alan Girard, Director of Advocacy

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The Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 178 which alters and updates the standards and procedures governing the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program (the Critical Area Program).

Since 1984, the Critical Area Program has minimized the discharge of pollutants from human activities within 1,000 feet of tidal waters to conserve vital fish, wildlife, and plant habitats. By fostering sensitive land-use policies, it has accommodated future population growth while reducing the long-term environmental impacts of human movement and development on these fragile ecosystems.

In recent years, concerns have grown about the program's efficiency, relative to adequately protecting water quality and wildlife habitat without excessive regulatory burden. SB 178 responds to these concerns by clarifying existing processes and terms that have caused delays in administering critical area applications. These include addressing ambiguity around what it means to locate one development area "adjacent" to another, the uncertainty around which has been the source of lengthy administrative and judicial proceedings that cost the State, residents, and businesses precious time and resources to resolve.

The bill also clarifies that in the Coastal Bays, the land uses and natural features in place as of 2002 when this region was first included in the program are among the criteria with which a critical area designation may be changed, as opposed to those in place since 1985 when the criteria for changes for the rest of the state were first established.

These and other modest modifications increase program efficiency, reduce impacts to government, citizens, and companies, and do not substantially alter any public or private rights or responsibilities.

**CBF urges the Committee's FAVORABLE report on SB 178.** For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

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*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*