



Testimony in Support of House Bill 247- Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Variances – Alterations

February 9, 2026

Dear Chair Korman and committee members,

Thank you for this opportunity to submit testimony in **SUPPORT** of **HB247** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement. In our work we regularly see how variance decisions directly affect water quality, habitat, and shoreline resilience in communities that are already highly vulnerable to flooding and sea level rise. **HB 247 makes beneficial clarifications to the Critical Area variance process that will strengthen protections for Maryland's tidal waters while promoting fairness, consistency, and accountability in local decision-making.**

The Critical Area law was enacted to limit development impacts in the areas where pollution and habitat loss most immediately threaten the Chesapeake and Atlantic Coastal Bays. Variances were intended to be rare exceptions based on true unwarranted hardship—not a routine tool to authorize development that does not meet the law's standards. Over time, inconsistent application of variance criteria has weakened these protections. HB 247 clarifies that additional variance requests must be justified by **substantial need** rather than convenience, personal preference, or financial gain. **The bill appropriately reinforces that development should be located outside Habitat Protection Areas whenever possible—an especially important safeguard on the Eastern Shore, where wetlands, forest buffers, and shorelines play a critical role in protecting water quality and reducing flood risk.**

The bill also improves consistency and transparency by clarifying how hardship comparisons are made and by requiring Boards of Appeals to give deference to administrative findings of fact. These provisions help ensure that variance decisions are grounded in sound analysis and aligned with the purposes of the Critical Area program.

HB 247 does not eliminate flexibility for property owners. Instead, it ensures that flexibility is applied responsibly and in a manner that protects the public interest in clean water, healthy habitats, and resilient coastal communities. For these reasons, ShoreRivers urges a **favorable report on House Bill 247.**

Respectfully,

Annie Richards, **Chester Riverkeeper** on behalf of: **ShoreRivers**

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