

variance standards, particularly the historic understanding of unwarranted hardship, that existed until weakened by the Court of Appeals, as well as enhance the enforcement mechanisms available to local programs in the administration of their critical area programs; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

8-1801.

(a) The General Assembly finds and declares that:

(1) The Chesapeake and the Atlantic Coastal Bays and their tributaries are natural resources of great significance to the State and the nation;

(2) The shoreline and adjacent lands constitute a valuable, fragile, and sensitive part of this estuarine system, where human activity can have a particularly immediate and adverse impact on water quality and natural habitats;

(3) The capacity of these shoreline and adjacent lands to withstand continuing demands without further degradation to water quality and natural habitats is limited;

(4) HUMAN ACTIVITY IS ~~ESPECIALLY~~ HARMFUL IN THESE SHORELINE AREAS, WHERE THE NEW DEVELOPMENT OF NONWATER-DEPENDENT STRUCTURES OR THE ADDITION OF IMPERVIOUS SURFACES IS PRESUMED TO BE CONTRARY TO THE PURPOSE OF THIS SUBTITLE, BECAUSE ~~EACH ACTIVITY CAUSES THESE ACTIVITIES MAY CAUSE~~ ADVERSE IMPACTS, OF BOTH AN IMMEDIATE AND A LONG-TERM NATURE, TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, AND THUS IT IS NECESSARY WHEREVER POSSIBLE TO MAINTAIN A BUFFER OF AT LEAST 100 FEET LANDWARD FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS, TRIBUTARY STREAMS, AND TIDAL WETLANDS;

(5) National studies have documented that the quality and productivity of the waters of the Chesapeake Bay and its tributaries have declined due to the cumulative effects of human activity that have caused increased levels of pollutants, nutrients, and toxics in the Bay System and declines in more protective land uses such as forestland and agricultural land in the Bay region;

[(5)] (6) Those portions of the Chesapeake and the Atlantic Coastal Bays and their tributaries within Maryland are particularly stressed by the continuing population growth and development activity concentrated in the Baltimore-Washington metropolitan corridor and along the Atlantic Coast;

[(6)] (7) The quality of life for the citizens of Maryland is enhanced through the restoration of the quality and productivity of the waters of the Chesapeake and the Atlantic Coastal Bays, and their tributaries;