

WHEREAS, The Critical Area, which comprises approximately 11% of Maryland's land mass, includes the majority of the State's most ecologically fragile and valuable properties; and

WHEREAS, From its inception, partnership between State and local government has been a cornerstone of the Critical Area Program; and

WHEREAS, To date local Critical Area programs are operative in Baltimore City, 16 counties, and 47 other municipalities, and Critical Area issues directly impact at least seven State departments; and

WHEREAS, After nearly a quarter-century of operation, the Critical Area Program has effectively influenced thousands of land use decisions, addressed and minimized the adverse impacts of growth associated with hundreds of requests for growth allocation, and represented a comprehensive effort between the State and local governments to enforce a variety of water quality and habitat protection standards; and

WHEREAS, Despite these efforts, additional measures are necessary in order to enhance a cooperative land use and natural resource management program that will restore the quality and productivity of the Chesapeake Bay, Atlantic Coastal Bays, their tidal tributaries, and associated land-based ecosystems; and

WHEREAS, Particularly in light of the ongoing, accelerating decline of the State's water quality resources and the loss of valuable shoreline areas due to erosion and global warming, it is the view of the General Assembly that significant improvements are in order at this time so as to accomplish Program preservation goals more effectively while streamlining the Program and enhancing its efficiency and predictability; and

WHEREAS, Experience has provided several strong indications of how to ensure those Program improvements; and

WHEREAS, A key element that is fundamental to the ordinary business operations of all other State agencies is the general authority to adopt regulations, but the ability of the Critical Area Commission to do so was rendered unclear by the March 10, 1987 Opinion of the Attorney General, 72 Md. Op. Atty. Gen. 14, 1987 WL 339797 (Md.A.G.), and it is the intent of this legislation to clarify and supersede that Opinion; and

WHEREAS, It is likewise the intent of this legislation to strengthen and clarify the reach of the Program where necessary to compensate for gaps in the current structure, such as the institution of more meaningful enforcement mechanisms, and to provide for fairer and more effective Program procedures around the State that will