



A CITIZEN'S GUIDE TO THE Critical Area Program in Maryland





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This guide was written and designed by Christopher Delfs under the direction of Senior Planner George Maurer. It draws its information about the Critical Area Act primarily from the Code of Maryland Regulations, Title 27 and from the Maryland Department of Natural Resources web site. Cover photo by Lauren Wenzel.

This guide is a supplement to the Chesapeake Bay Foundation publication "Influencing Development in Your Community: A Citizen's Guide for Maryland." Other supplements that provide more detail on specific conservation programs in Maryland include:

- "A Citizen's Guide to the Forest Conservation Act in Maryland"
- "A Citizen's Guide to Protecting Wetlands in Maryland"

These publications are available online from the Chesapeake Bay Foundation at www.savethebay.cbf.org.

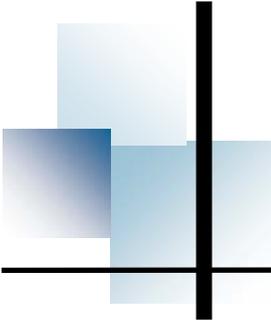


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I. INTRODUCTION

What is the Critical Area Program?

The Critical Area Program was created by the passage of the Critical Area Act by the Maryland General Assembly in 1984. It is a comprehensive program to protect the natural resources of the Chesapeake Bay and its tidal shorelines. This program was expanded to include Maryland's Atlantic coastal bays in 2002.

The Critical Area Act has three main goals:

- Minimize adverse impacts on water quality from pollutants that are discharged from point sources or runoff from surrounding lands.
- Conserve fish, wildlife and plant habitat in the Critical Area.
- Establish land-use policies for development that accommodate growth, yet address the environmental impacts associated with the number and activities of people in the Critical Area.

While the Critical Area Act aims to protect resources within the "critical area," the law does not *prohibit* development within the designated territory. Instead, the law *regulates* and *restricts* land development. The following pages explain how regulations and performance standards are used to manage development and conserve resources.

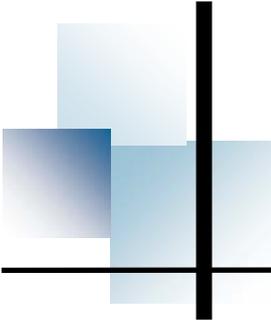


Legal Documentation:

The Code of Maryland Regulations, Title 27; and the Annotated Code of Maryland, Natural Resources Article, Title 8, Subtitle 18 contain the specific regulations of the Critical Area Act.

What exactly is the Critical Area?

According to its legal definition, the Critical Area includes all lands within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal wetlands of the Chesapeake and Coastal Bays and their tidal tributaries. The exact limits of the Chesapeake Bay Critical Area are established in official maps.



Putting the Act into Action

Who manages the Critical Area programs?

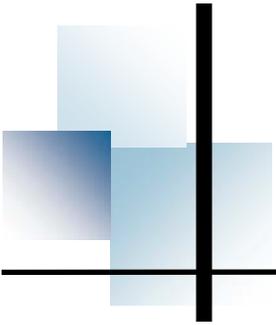
Cities and counties implement the Critical Area Program. However, the Critical Area Commission—a statewide body formed by the Critical Area Act in 1984—oversees the actions of local governments. The Commission has designed a set of standards, or Critical Area Criteria, which are then adopted into local ordinances that govern land use and development. While individual counties or municipalities typically make decisions on subdivision plats, site plans, variances, and other development proposals, the state Commission has the authority to review and comment on them. Critical Area restrictions overlay normal zoning regulations and are applied in addition to them. In case of a conflict, the more restrictive provision is usually followed. Projects proposed by state agencies on state land must be reviewed and approved by the Commission.



Source: Chesapeake Bay Foundation

Opportunity for Citizen Input:

County Critical Area programs are reviewed and may be amended every six years. This is a good opportunity to strengthen local Critical Area programs. Ask your local Planning Office about public hearings and other forums to let your voice be heard.



Regulated Development Activities

What development activities are regulated in the Critical Area?

All new development within the Critical Area must obtain some kind of approval from local, or in some cases, state authorities. The table below shows examples of common land development activities and their associated approval requirements.

<u>Development Activity</u>	<u>Approval Requirement</u>	
Residential Subdivision	Subdivision Plat	Refer to CBF's <i>Influencing Development in your Community</i> for basic information about development review and approval processes.
Commercial Construction	Complete Site Plan	
Clearing & Grading	Grading Permit	
Farming	Soil Conservation and Water Quality Plan	
Logging	Timber Harvest Plan and Sediment and Erosion Control Plan	
Home Construction	Building Permit	
Home Addition (Pool, Deck, Garage, etc.)	Building Permit	



Grandfathered Lots

Grandfathered lots are properties that predated the Critical Area program and, therefore, may be exempt from some of the Critical Area requirements. For example, a home may be built on a grandfathered lot even if the lot is smaller than the minimum size required by the Critical Area. Contact the staff of your local planning and zoning office to determine whether a lot is grandfathered and what exemptions might apply to it.

II. KEY ASPECTS OF THE CRITICAL AREA PROGRAM

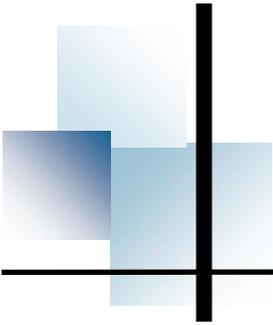
The specific regulations of the Critical Area Act are officially known as Critical Area Criteria in the *Code of Maryland Regulations*. The regulations presented in this section are among the most important, but are not an exhaustive list. Refer to the Code of Maryland Regulations for a complete list (online at www.dsd.state.md.us/comar/).

This section describes regulations governing the following subjects:

- Land Use Classifications
- 100-Foot Buffer
- Habitat Protection Areas
- Shore Erosion Protection
- Forest and Woodland Protection
- Water-Dependent Facilities
- Growth Allocation
- Variances



Source: Chesapeake Bay Foundation



Critical Area Land Use Classifications

All land in the Critical Area has been categorized into one of three land use classifications. The classifications are based on land use that existed at the time a local government adopted its Critical Area Program.

Resource Conservation Areas (RCAs)

RCAs, areas with the most restrictive land-use classification, are designated for resource protection or utilization, as well as low-intensity residential development. They are characterized by natural environments or by resource-based activities such as agriculture, aquaculture, commercial forestry or fishing. New commercial and industrial facilities are not permitted in RCAs. Residential development is limited to one dwelling unit per 20 acres. No forest cover may be removed without replacement and impervious surface cover* is limited based on the size of the lot and when it was created.

Limited Development Areas (LDAs)

LDAs, areas with the middle land-use classification, are designated for moderate intensity residential development and limited commercial development. While LDAs are not dominated by open space, they must conserve existing areas of natural habitat and incorporate wildlife corridors that ensure continuity of wildlife and plant habitat. Housing densities in LDAs are based on local zoning regulations. As in RCAs, no forest cover may be removed without replacement and impervious surface cover is limited based on the size of the lot and when it was created.

Intensely Developed Areas (IDAs)

IDAs, areas with the least restrictive land-use classification, are designated for high-intensity development. They are defined as areas of twenty or more adjacent acres where residential, commercial, institutional, or industrial land uses predominate. Development in IDAs is encouraged to minimize forest destruction and impervious surface cover, but no required limitations exist. The law does require, however, that new development or redevelopment in IDAs reduce pollution from stormwater runoff by at least 10% below that of existing land use through the use of best management practices.

	Development Intensity	Common Development Uses	Housing Densities	Impervious Surface Cover*
RCAs	Low	Agriculture, Fisheries, Forestry, Residential,	One dwelling unit per 20 acres	15 - 31.25%
LDAs	Moderate	Residential, Some Commercial	Based on local zoning	15 - 31.25%
IDAs	High	Commercial, Industrial, Institutional, Residential	Based on local zoning	No limit (but required storm water pollution controls)

* See glossary

100-Foot Buffer

The Critical Area Act requires the establishment of a protective buffer around aquatic resources within the Critical Area (COMAR 27.01.09.01).

Definition: The Critical Area Buffer is an area of natural vegetation 100 feet wide, measured landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands. In some instances, the buffer is expanded beyond 100 feet because of adjacent steep slopes or erodible soils.

Purpose: Buffers minimize the adverse impacts of human activities on adjacent natural communities and provide critical shoreline habitat for native plants and wildlife, such as the diamondback terrapin. Buffers also filter runoff carrying nutrients, sediment, and toxic substances, which would otherwise flow into adjoining waters and wetlands.



Source: Maryland Department of Natural Resources

Regulatory Requirements:

- No development activities are permitted within the 100-foot buffer except those associated with water dependent facilities and those which are approved through the variance process (more on these subjects later).
- Agricultural activities are permitted in the buffer if, as a minimum, a 25-foot vegetated filter strip is established (measured landward from the mean high water line of tidal waters or tributary streams or from the edge of tidal wetlands) or alternative measures are being implemented through an approved Soil Conservation and Water Quality Plan. Refer to COMAR 27.01.09.01 for specifics about vegetated filter strips.
- Clearing or cutting of trees is generally prohibited within the buffer unless certain exceptions apply. For the list of exceptions, refer to COMAR 27.01.09.01.
- Local jurisdictions shall expand the buffer beyond 100 feet to include contiguous sensitive areas, such as steep slopes. In the expanded buffer, developers must meet standard buffer requirements.
- In cases where pre-existing development prevents the buffer from meeting its water quality and habitat functions in the Critical Area, such as densely developed urban waterfronts, local jurisdictions may request an exemption of that area from buffer requirements. As part of the request, alternative measures that promote the goals of the buffer, such as creating new planted areas, removing impervious surfaces, and urban forestry programs, are usually proposed. The state Critical Area Commission must approve these Buffer Exemption Areas and local governments must adopt provisions to mitigate the impacts of development in these areas.

Habitat Protection

The Critical Area Act requires local authorities to develop programs that conserve plant and wildlife habitat, and to protect rare habitats of state and federal threatened and endangered species, as well as habitats that are of local or statewide significance (COMAR 27.01.09.04).

Definition: Several distinctive habitats have been identified within the Critical Area. Some of the most sensitive and in need of preservation include colonial water bird nesting sites, waterfowl staging and concentration areas, existing riparian forests (mature forests adjacent to streams, wetlands, or shoreline), forests with interior dwelling species, and natural heritage areas. Please see the glossary for more precise definitions of habitat-related terms.



Source: Maryland Dept. of Natural Resources

Purpose: Habitat protection programs are meant to preserve natural environments so that native communities of plants and animals, especially those that are threatened or endangered, can exist and thrive. Regulatory programs target habitats that tend to be the least abundant and those which are required to support the continued presence of various species. The health of these natural communities ultimately affects human populations as well, as our quality of life relies on natural resources and the continued existence of diverse ecosystems.

Regulatory Requirements:

- Development activities must avoid areas designated as nesting sites and surrounding buffers for colonial water birds (heron, egret, tern, and glossy ibis).
- Developers must consider aquatic staging and concentration areas for waterfowl when locating and constructing water-dependent facilities. Time of year restrictions on construction and buffers may be required.
- Developers must implement management strategies that conserve riparian habitat and forests containing interior wildlife species. Strategies include avoiding development in the forest interior, clustering development to minimize fragmentation, minimizing disturbance during the breeding season, and providing mitigation for significant impacts.
- To the extent practicable, developers should maintain corridors of woodland that connect wildlife habitat areas.
- Natural heritage sites shall be protected from alteration due to development so that the structure and species composition of the areas are maintained.

Shore Erosion Control

Local authorities must identify areas of shoreline in need of erosion control, and determine whether structural measures or non-structural measures are appropriate. Authorities also must adopt policies that regulate “shore erosion protection works” according to shoreline characteristics (COMAR 27.01.04.03).

Definition: Shore erosion protection works are structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

The best erosion control methods involve the restoration of natural environments along the shoreline. Replanting Bay grasses and shrubs and utilizing biodegradable materials as well as offshore breakwaters can stabilize soil while enhancing habitats at the same time. Structural barriers, such as bulkheads, compact soil, alter the composition of the land, and often undermine natural ecology. For ways of getting involved and learning about shoreline control firsthand, visit the Chesapeake Bay Foundation website: <http://www.cbf.org>.



Source: Maryland Department of Natural Resources

Purpose: Shore erosion control projects protect public and private land value and can help reduce sediment pollution by minimizing the degrading effects of erosion. Erosion control projects utilizing natural materials also conserve plant, fish, and wildlife habitat, as well as wildlife access to the shore.

Regulatory Requirements:

- Wherever possible, non-structural erosion control measures, such as marsh creation, should be used to stabilize eroding shoreline.
- Where no significant erosion is occurring, structural shore erosion control measures should not be encouraged.
- Structural erosion control measures should only be used in areas designated for this activity and when non-structural measures are impractical or ineffective.
- Where structural controls are necessary, the method that best provides for the conservation of fish and plant habitat shall be used.

Forest & Woodland Protection

The total acreage of forest cover within a jurisdiction in the Critical Area shall be maintained or, preferably, increased. Further, all forests within the Critical Area that are cleared shall be replaced on no less than an equal area basis (COMAR 27.01.05.03).

Definitions:

- Forest: A biological community dominated by trees and other woody plants covering a land area of one or more acres.
- Developed woodlands: An area of one acre or more in size which predominantly contains trees and natural vegetation but which also includes residential, commercial, or industrial structures and uses.

Purpose: Forests are essential to maintaining ecological health in the Critical Area as they provide a host of environmental benefits. Perhaps most importantly they act as giant filters, preventing sediments, nutrients, and other pollutants from flowing into the Chesapeake Bay. They also provide habitat for various plants and animals. These two functions foster two of the three main goals of the Critical Area Act — improving water quality and conserving wildlife.

Regulatory Requirements

- For timber harvests, an applicant must submit a Timber Harvest Plan to the Maryland Department of Natural Resources for all timber harvesting occurring within any one-year interval and affecting one or more acres of forests and developed woodland in the Critical Area. The plan must include measures that provide for the protection of surface water and groundwater quality, continuity of wildlife habitat, and the reforestation of timbered areas.
- For development activities, the removal of trees shall be minimized and where appropriate, mitigated. Trees must be replaced on development sites or in other locations according to forest mitigation requirements. (The mitigation system is explained in the following pages).
- A sediment control plan is required for all harvests of 5,000 square feet or more of disturbed area in the Critical Area. This plan describes practices to limit the amount of sediment that may enter waterways as a result of harvest activities.



Source: Chesapeake Bay Foundation

Forest & Woodland Protection

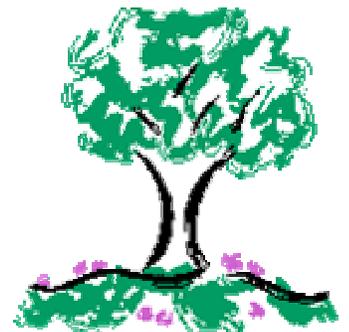
Forest Mitigation

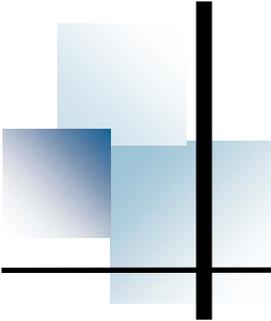
When developers clear forest within the Critical Area, they are required to reforest an area within the Critical Area in order to maintain forest cover. This replanting is referred to as mitigation. The necessary rate of reforestation varies according to the amount of tree cover cleared and the Critical Area land-use classification of the parcel cleared: Resource Conservation Area (RCA), Limited Development Area (LDA), or Intensely Developed Area (IDA).

Within the Critical Area, any removal of trees and natural vegetation must be approved by local planning authorities. Different regulations apply inside and outside of the 100-foot buffer. Note that the following paragraph and table apply to properties outside the buffer. If a developer or landowner plans to cut less than 20% of the tree cover on an RCA or LDA site, he must replant one acre of forest for every acre cleared. If a developer or landowner plans to cut 20-30% of the tree cover on an RCA or LDA site, he must replant one and a half acres for every acre cleared. Clearing more than 30% of forest cover on a site may require a variance from the local government. When permitted, it requires replanting of three acres for every one acre cleared. Finally, if a developer or land owner cuts forest without approval, he must replant three acres for every acre cleared. See the table below for summary of mitigation ratios.

Amount of Clearing (in RCA or LDA) (Outside Buffer Areas)	Mitigation
20% of forest cover onsite	1:1
20-30% of forest cover onsite	1.5:1
Clearing Violation (w/o permission)	3:1

In IDAs, there are no reforestation requirements. The Critical Area Criteria specify that permeable areas in the IDA shall be established in vegetation when practicable, development activities should minimize destruction of forest and woodland vegetation, and programs should be established to enhance urban forests to improve water quality and benefit urban wildlife. It is important to note that this language is advisory only. *In this case, citizens could lobby local authorities to strengthen forestry initiatives or other environmental policies within the IDAs.*





Forest & Woodland Protection

Forest Mitigation (continued)

Due to the important role that the 100-foot buffer plays in protecting water quality and habitat, different mitigation ratios are applied to forest clearing in these areas. Natural forest vegetation *cannot* be cut inside the buffer without a variance or special exception granted by the local government. Trees may be removed from the buffer under a locally approved plan to address issues such as cutting dead or diseased trees or providing access to private piers, as long as the cutting does not harm water quality or the habitat of the buffer.

Trees or vegetation cleared in the buffer for an approved purpose, other than access to the shore and shoreline erosion control must be replanted on a 3:1 basis. The table below outlines the mitigation ratios for the most common clearing activities within the buffer.

Clearing in the Buffer	Mitigation (in acres)
Clearing for new development or re-development (when a variance has been obtained)	3:1
Clearing for new development or redevelopment in Buffer Exemption Areas (BEA)	2:1
Shore Erosion Control	1:1
Shoreline Access in Buffer	2:1

Developers can often avoid performing reforestation themselves by paying a **fee-in-lieu** to local authorities. If a jurisdiction permits this alternative, it receives payment equivalent to the cost of planting the appropriate amount of forest in another location. This clause provides flexibility to developers and can yield both positive and negative consequences. It results in less forest cover on a specific site, but can promote the creation of larger blocks of forest in other areas, rather than small stands of trees.

Developers also have a last option in which they can plant trees themselves off-site. **Off-site mitigation** is carried out on an alternative location within the Critical Area, subject to local governmental approval.

Afforestation Required

In addition to mitigation requirements for clearing, developers must plant new trees in the Critical Area where forest is lacking. For sites in LDAs and RCAs, "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15 percent" (COMAR 27.01.02.04). In IDA, requirements are less specific, but applicants are directed to establish permeable areas in vegetation and enhance forest.

Water-Dependent Facilities

Water-dependent facilities, unlike most development activities, are typically permitted within the 100-foot buffer along rivers and the shoreline. However, the Critical Area Criteria regulate where these facilities are located and how they are operated (COMAR 27.01.03.06).

Definition: Water dependent facilities are structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the buffer such as marinas, piers, or docks. Individual private piers installed or maintained along rivers are excluded from this regulation.



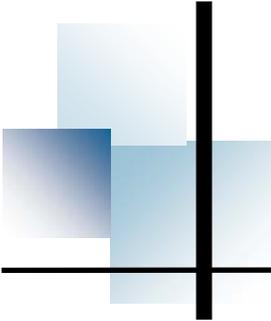
Source: Maryland Archives

Purpose: Water-dependent facilities, by nature, must be located close to the water. Therefore, relevant Critical Area Criteria attempt to minimize the impact of these facilities on water quality and habitat, but also grant them flexibility in order to serve water-based uses.

Regulatory Requirements:

- Local jurisdictions shall identify areas suitable for water dependent facilities.
- Developers must design facilities to minimize adverse impacts on water quality and fish, plant, and wildlife habitats.
- New or expanded development of water-dependent facilities may be permitted within the buffer in IDAs and LDAs but may NOT be permitted within the buffer in RCAs, unless otherwise noted by the COMAR regulations.
- Insofar as possible, developers should locate non-water-dependent structures or operations associated with water-dependent projects outside the buffer (such as a restaurant at a marina).
- A variety of water-dependent facilities are recognized by the Critical Area Act. To view a detailed list of regulations for each of these kinds of facilities, see COMAR 27.01.03. The table below outlines common water-dependent facilities and where they are permitted.

Where is Water-Dependent Development Permitted?	
Industrial and Port Related Facilities	IDAs
Marinas and Commercial Maritime Facilities	IDAs and LDAs
Community Piers and Non-Commercial Boat Docking & Storage Facilities	IDAs, LDAs, and RCAs
Public Beaches and Other Recreation Areas	IDAs, LDAs, and RCAs
Official Research Areas	IDAs, LDAs, RCAs
Fisheries (and Related Commercial Facilities)	IDAs, LDAs, RCAs



Growth Allocation

The Critical Area Act allows local jurisdictions to permit growth in the Critical Area by changing land-use classifications on a limited amount of land. Each jurisdiction is assigned a **growth allocation**, which represents 5 percent of the total number of acres originally designated Resource Conservation Areas (RCAs), minus federal property and tidal wetlands.

For example, if the growth allocation reserve is equivalent to 100 acres, then a **total** of 100 acres of land within a jurisdiction can be changed — from RCA to either Limited Development Area (LDA) or Intensely Developed Area (IDA) or from LDA to IDA. When a development project needs an increase in land-use density, the local government can “spend” a portion of its growth allocation by reclassifying or rezoning a property’s land use classification.

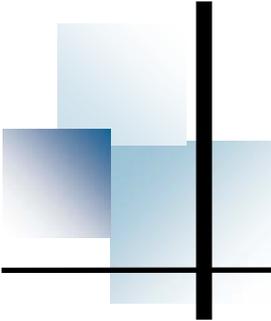
In situations where local governments permit a change of land-use designation, several guidelines must be followed:

1. After growth allocation is approved by the legislative body of a local jurisdiction, the State Critical Area Commission must also approve the change as an amendment to the local program. The Commission also keeps track of a jurisdiction’s growth allocation acreage, reducing the reserve when a change is approved.
2. All Critical Area restrictions relating to Habitat Protection Areas must be met regardless of new land-use designation.
3. As new development occurs, the following guidelines for location should be followed:
 - A. New IDAs should be located in LDAs or adjacent to existing IDAs, and where they minimize impacts to RCAs
 - B. New LDAs should be located adjacent to existing LDAs or IDAs
 - C. New development should be located in an area and in a manner that optimizes benefits to water quality
 - D. Development in new IDAs and LDAs rezoned from RCA should be located at least 300 feet beyond the landward edge of tidal waters and tidal wetlands
 - E. No more than half of a jurisdiction’s growth allocation may be rezoned from RCAs; however, there is some flexibility for rural counties as long as the new development is clustered.

Opportunity for Citizen Input

Citizens can express their opinions about a growth allocation. Typically your local Planning Board will hold public hearings after the submission of both preliminary and final development site plans. When a development project involves intensifying the land-use designation, pay close attention, as this decision may result in increased development activity and significant changes in land use.

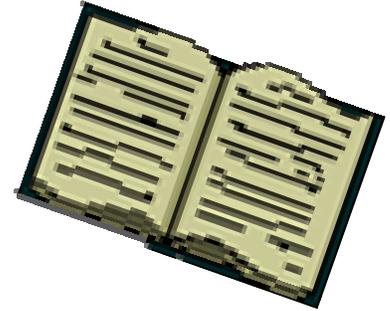
It is important to note that a growth allocation provides an opportunity for a city or county to enhance protection of the environment and neighboring communities. Because the local government is granting the developer something of value (more density for development), it is in a strong position to impose specific conditions that carefully regulate new development and can provide enhanced environmental protection. Citizens can rightfully insist on such conditions.



Variations

The Critical Area Act was designed with the flexibility to allow some exceptions to its regulations.

A *variance* permits deviation from Critical Area Act regulatory requirements.



Variance Criteria

In order for a developer to obtain a variance, the local jurisdiction must make the minimum following findings:

- Due to special conditions, prohibiting development would cause unwarranted hardship to the applicant
- Following the normal ordinance would deprive the applicant of rights commonly enjoyed by others
- Granting the variance would confer no special privilege onto the applicant
- The request for the variance is not based on conditions that are the results of actions taken by the applicant
- Granting the variance would not adversely affect water quality, wildlife, or habitat
- Applications for a variance have been made in writing to the local approving authority and a copy provided to the state Critical Area Commission.

When an applicant applies for a variance, the local Board of Appeals or Hearing Examiner considers the request and ultimately issues a decision. It is during this decision making stage that citizens can oppose or support the granting of a variance. Citizens can also ask their local board to impose conditions and mitigation requirements on a variance applicant. You can present your argument directly to the Board or Hearing Examiner in a public hearing. The State Critical Area Commission also maintains a right to review variance proposals and to provide comments to the Board of Appeals. You may wish to consult Critical Area Commission staff to refine and clarify your testimony.

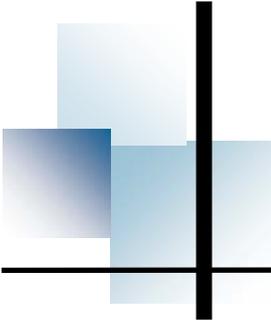
III. CITIZEN INVOLVEMENT

Most of the regulations established by the Critical Area Act are strict and clear-cut. In these cases, neither citizen groups nor developers have much power in swaying development decisions. However, some parts of the Critical Area Act are left open to interpretation. In these instances, citizens can play a role in promoting strong environmental protection in the spirit of the Act.



There are three fundamental ways that citizens can influence development and further safeguard the Critical Area:

- 1) Be observant and monitor the compliance of development activities with Critical Area requirements and report possible violations to your local government (see page 20).
- 2) Speak out about regulatory decisions subject to interpretation (variance and growth allocation decisions are the main opportunities to participate in public dialogue).
- 3) Provide input when a local government amends its Critical Area ordinance or updates its program as part of a comprehensive review undertaken every six years.



Inspecting the Regulatory Language

Key Terms to Watch For:

“Shall” or “Will” - When Critical Area regulations express that an activity **shall** or **will** be done, this means that local jurisdictions and developers are required to comply with the provision. This is the strictest form of ordinance or restriction.

Example: “Local jurisdictions **shall** establish a minimum 100-foot Buffer landward from the mean high water line...” (COMAR 27.01.09.01).

“Should,” “Insofar as possible,” “Minimize,” or “When practicable” - When these terms are used, they leave developers some flexibility in interpreting their necessary responsibilities. A developer’s view about the meaning of these words is likely to be very different from the judgment of a community watching out for the environment and the public good.

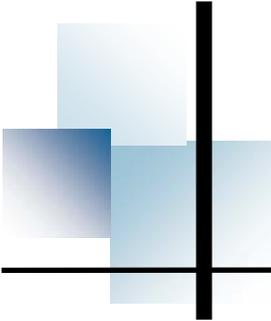
Example: “The Critical Area Criteria specify that permeable areas in the IDA shall be established in vegetation **when practicable**, development activities shall **minimize** destruction of forest and woodland vegetation, and programs **should** be established to enhance urban forests to improve water quality and benefit urban wildlife” (Batchelder, *Forest Mitigation Guidance Paper*).

As in the preceding example, note that certain words or phrases can modify **“shall”** and thereby weaken its power.

Opportunity for Citizen Input:

Recognizing weak or flexible language in the Critical Area Act regulations allows you to determine where there might be a need to advocate for greater protection. You can counter weak language by organizing and lobbying government officials who interpret and assess compliance with “flexible” regulations. Refer to *Influencing Development in Your Community* for information about community organizing.





Monitoring Development

All development projects in the Critical Area must have a permit or plan approved by local authorities. Therefore, anything from a small home addition to the construction of a new shopping center should have been examined carefully by the local Planning and Zoning Office prior to construction. Violations occur when a landowner has failed to obtain the necessary permits for land development or when landowners fail to follow an approved permit or plan. For example, you might notice the clearing of trees or the stockpiling of construction materials in the 100-foot buffer.



What should you do if you suspect a violation?

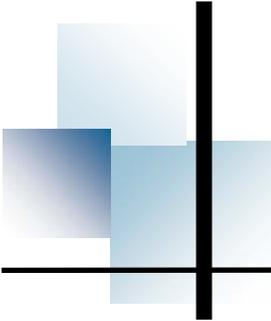
First, look to see if a building and/or grading permit is located on the property. By law, permits should be displayed in clear view to show that approval has been obtained by the local Planning and Zoning Office.

If no permit is visible, or if you question that work is being carried out in accordance with a permit or plan, call your local Planning and Zoning Office to report your findings.

If for any reason, your concern does not receive satisfactory attention from your local government, you may contact the State Critical Area Commission at (410) 260-3460 and ask for the Natural Resources Planner responsible for your jurisdiction. For more information regarding monitoring and violations, refer to CBF publication *Influencing Development in Your Community*.



Source: Chesapeake Bay Foundation



IV. INFORMATION RESOURCES

Important Contacts

Critical Area Commission

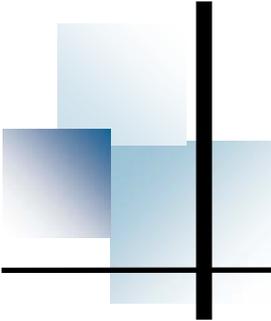
Maryland Department of Natural Resources
1804 West Street, Suite 100
Annapolis, MD 21401
410/260-3460
<http://www.dnr.state.md.us/criticalarea/>

If you wish to speak to a specific staff member, some Natural Resource Planners and Project Advisors are listed on the Critical Area Commission website at www.dnr.state.md.us/criticalarea/contacts.html

Local Planning and Zoning Offices

The following Maryland Department of Planning website provides a profile of planning activities for each county in Maryland as well as a link to the planning department of each county with phone numbers and addresses:
www.mdp.state.md.us/info/local/plan/counties.html

There is also a list of local telephone numbers, which can be called to report Critical Area violations, at the following web address: www.dnr.state.md.us/criticalarea/contacts.html.



V. GLOSSARY

Forest Interior-Dwelling Species: Species that require relatively large forested tracts in order to breed successfully. In Maryland, this primarily refers to birds such as various species of flycatchers, warblers, vireos, and woodpeckers.

Habitat Protection Areas: Those areas protected under the Critical Area legislation: the 100-foot buffer; habitat of species that are threatened, endangered, and in need of conservation; colonial water bird nesting sites; historic waterfowl staging and concentration areas; riparian forests; habitat of forest interior-dwelling species; natural heritage areas; and anadromous fish propagation waters.

Impervious Surface: An area covered with solid material or that is compacted to the point where water can not infiltrate underlying soils (e.g. parking lots, roads, roofs, patios, swimming pools, tennis courts, etc.)

Mean High Water Line (MHW): The average level of high tides at a given location

Natural Heritage Area: Any communities of plants or animals which are considered to be among the best Statewide examples of their kind.

Point Source: Pollution emanating from a discrete source such as a pipe (e.g., discharge from a wastewater treatment plant or industry)

Riparian habitat: A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

Soil Conservation and Water Quality Plan: A land-use plan for a farm that describes how to make the best possible use of soil and water resources while protecting and conserving those resources for the future.

Threatened species: Any species of fish, wildlife, or plants designated as such by the Secretary of the Department of Natural Resources which appears likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the Federal Endangered Species Act.

Wildlife corridor: A strip of land having vegetation that provides habitat and a safe passageway for wildlife.



CHESAPEAKE BAY FOUNDATION
Save the Bay

Founded in 1967, the Chesapeake Bay Foundation is the largest nonprofit conservation organization working solely to Save the Bay. CBF's mission is to restore and sustain the Chesapeake Bay's ecosystem by substantially improving the water quality and productivity of the watershed, with respect to water clarity, resilience of the system, and diversity and abundance of living resources, and to maintain a high quality of life for the people of the Chesapeake Bay region.

The Chesapeake Bay Foundation is a charitable, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code.

Chesapeake Bay Foundation
Maryland Office

6 Herndon Avenue

Annapolis, MD 21401

410/268-8833

410/269-1870 (from Baltimore metro)

301/261-1131 (from DC metro)

www.savethebay.cbf.org

Email: chesapeake@cbf.org

Membership information: 1/888/SAVEBAY