



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## House Bill 233

Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Climate, Equity, and Administrative Provisions

Date: February 7, 2024  
To: House Environment and Transportation Committee

Position: Favorable  
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Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 233, which adds provisions for climate resilience, environmental justice, and equity to the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program.

The critical area provides habitat for Maryland's native species and crucial ecosystem services like water quality improvement and flood mitigation. Given the increased instances of severe precipitation and coastal flooding already affecting the state which are predicted to become more frequent<sup>1</sup>, expanding the program's charge to include a response to these impacts is imperative. Requiring local jurisdictions' programs to address how development in the critical area disproportionately harms underserved communities ensures that Maryland's residents will be able to equitably enjoy the benefits of protecting these natural buffer zones.

### Climate Resilience

Much of Maryland's coastal wetlands in the critical area have already been lost to sea level rise, converted to open water and no longer able to buffer inland areas from the impacts of tidal and storm flooding.<sup>2</sup> Only nine days into the new year, Maryland weathered a damaging rainfall and flooding event. Annapolis experienced the third-biggest flood in its history, with waters 5.1 feet above normal levels.<sup>3</sup> Though the area around City Dock is officially considered to be within the "hundred-year" floodplain by the Federal Emergency Management Agency, three of the top five flood events have occurred since 2003.<sup>4</sup> As "historic" floods become the norm, Maryland cannot afford to neglect its natural infrastructure. Enhancing protections for the state's wetlands and their innate buffering capacity will help prevent economic damage and keep residents safe.<sup>5</sup> Requiring jurisdictions to assess how climate-related changes have altered this natural infrastructure as part of their critical area planning allows their plans to keep pace with the effects of climate change.

<sup>1</sup> <https://statesummaries.ncics.org/chapter/md/>

<sup>2</sup> <https://www.fisheries.noaa.gov/national/habitat-conservation/coastal-wetland-habitat>

<sup>3</sup> <https://www.capitalgazette.com/2024/01/10/annapolis-city-dock-sustains-significant-flooding-overnight-officials-say/>

<sup>4</sup> [https://water.weather.gov/ahps2/crests.php?wfo=lxw&gage=apam2&crest\\_type=historic](https://water.weather.gov/ahps2/crests.php?wfo=lxw&gage=apam2&crest_type=historic)

<sup>5</sup> <https://www.epa.gov/wetlands/basic-information-about-wetland-restoration-and-protection>

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In addition to serving as sponges for stormwater runoff and rising tides, wetlands in Maryland's Critical Areas also provide ecosystem services in the form of "blue carbon" storage. The Maryland Department of the Environment's December [2023 Climate Pollution Reduction Plan](#) outlines the pressing need for all avenues of decarbonization throughout the state, including protecting tidal wetlands and their ability to sequester atmospheric carbon. This will be a critical component of helping the state achieve its ambitious net-zero emissions goals. <sup>6</sup>

### **Environmental Justice**

Historically, low-income communities of color have been excluded from the benefits of waterfront and water-adjacent living, and instead have been subjected to disproportionate impacts of climate change and pollution.<sup>7</sup> Poorer neighborhoods tend to be located in low-lying areas, and many communities experience frequent flooding due to inadequate, improperly installed stormwater management, as in the case in Baltimore County's Turner Station.<sup>8</sup> And while Turner Station has unique public waterfront parks, other communities bear the brunt of climate change impacts without any access to the water under good conditions as much of Maryland's shoreline is privately owned. Codifying provisions for public access specifically for underserved and overburdened communities helps right this longstanding wrong. Furthermore, language requiring that the Critical Area Commission include member individuals from historically underrepresented communities helps ensure that that these communities will be able to voice development concerns going forward.

### **Water Quality Improvement**

Maryland's wetlands are natural filters, so protecting them through these enhancements to the Critical Area Program will help improve the waters of the state, preserving their critical economic and recreational functions and moving the state closer to achieving its total maximum daily load (TMDL) targets. Wetlands adjacent to agricultural land act as a buffer to trap sediment and excess nutrients, and as the recent Chesapeake Bay Program's Scientific and Technical Advisory Committee evaluation demonstrates, protecting this function will be a key part of the playbook for future nonpoint source pollution reduction.<sup>9</sup>

### **CBF urges the Committee's FAVORABLE report on HB 233.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

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<sup>6</sup><https://mde.maryland.gov/programs/air/ClimateChange/Maryland%20Climate%20Reduction%20Plan/Maryland%27s%20Climate%20Pollution%20Reduction%20Plan%20-%20Final%20-%20Dec%2028%202023.pdf>

<sup>7</sup><https://mde.maryland.gov/programs/air/ClimateChange/MCCC/Documents/MCCC%20Annual%20Report%202023/MCCC%20Annual%20Report%202023.pdf>

<sup>8</sup>[https://www.dundalkeagle.com/news/federal-funds-will-help-turner-station-prevent-flooding/article\\_9de90017-cd1a-56ba-a655-aa7f602bfaba.html](https://www.dundalkeagle.com/news/federal-funds-will-help-turner-station-prevent-flooding/article_9de90017-cd1a-56ba-a655-aa7f602bfaba.html)

<sup>9</sup><https://www.chesapeake.org/stac/wp-content/uploads/2023/05/CESR-Final-update.pdf>