

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Overview
Environment & Transportation Committee
January 24, 2024



A resource protection program
to meet water quality and habitat goals
for the Bays and their tidal landscapes.

NR §8-1801(b)

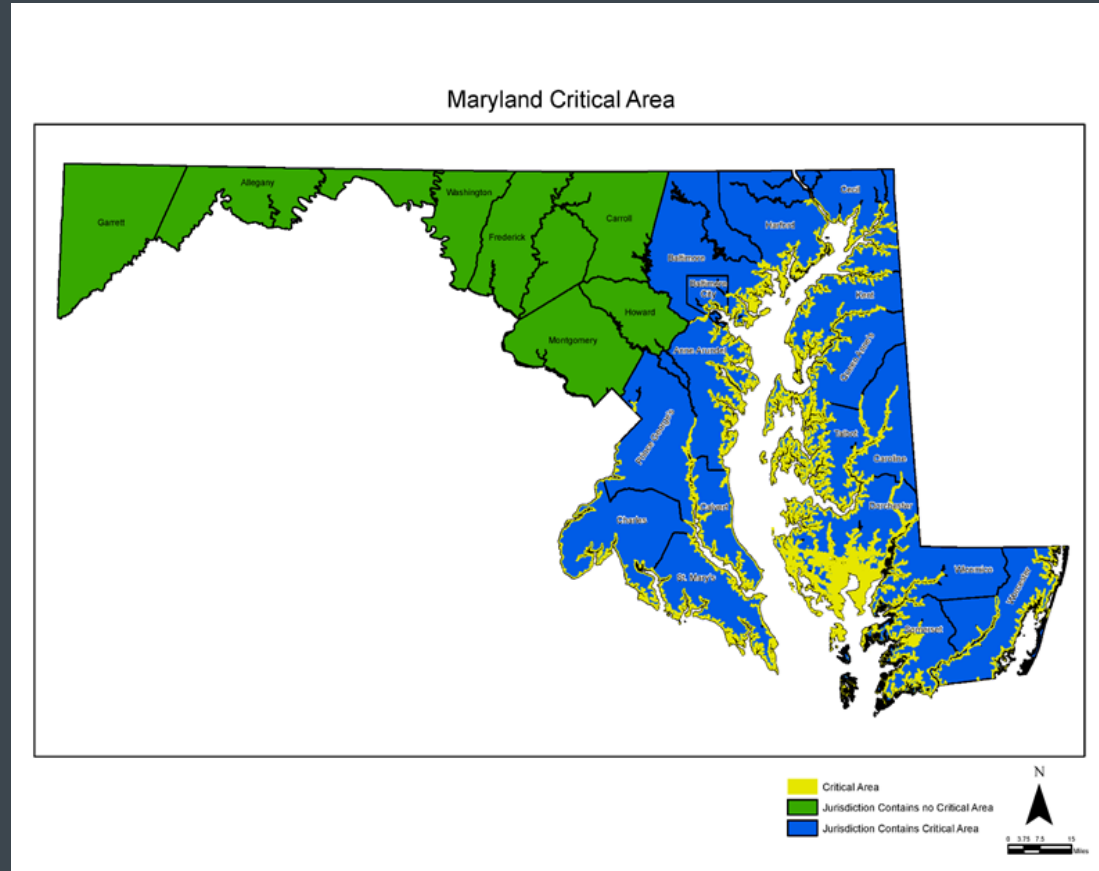
- Ensure sensitive development near Maryland's shorelines
- Implement cooperatively with local governments
- Promote consistency via state leadership, criteria, and oversight

What is the Critical Area?

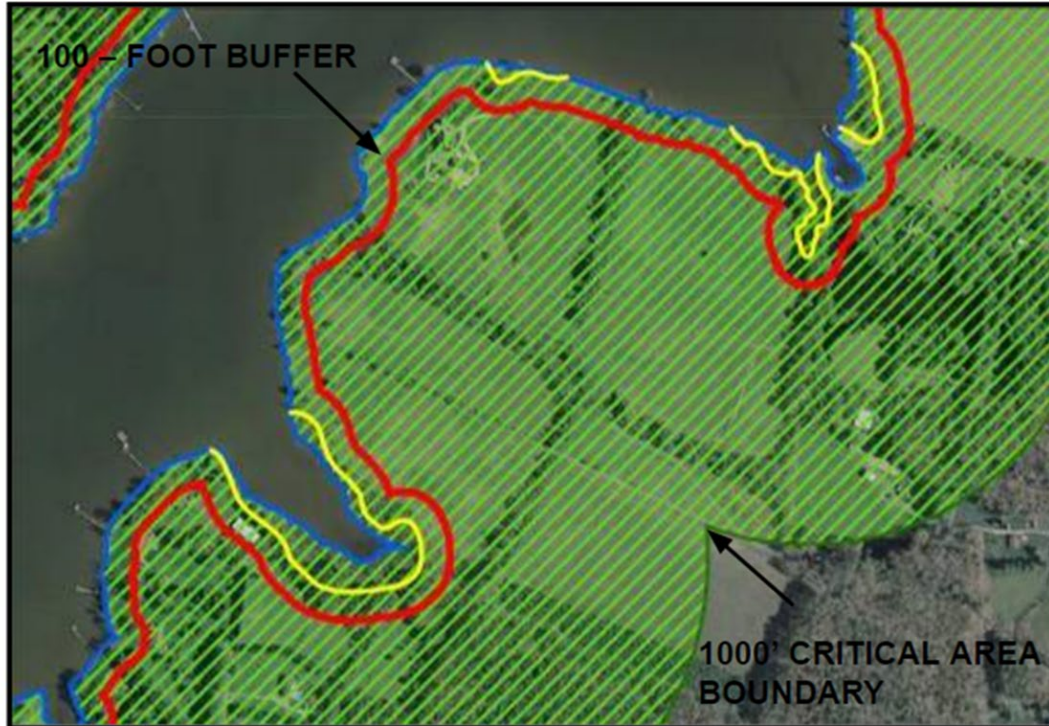
Land w/in 1,000 feet of tidal waters of the Chesapeake and Atlantic Coastal Bays

11% of the State,
5,200 miles of shoreline

Portions of 16 counties,
Baltimore City, and
47 municipalities

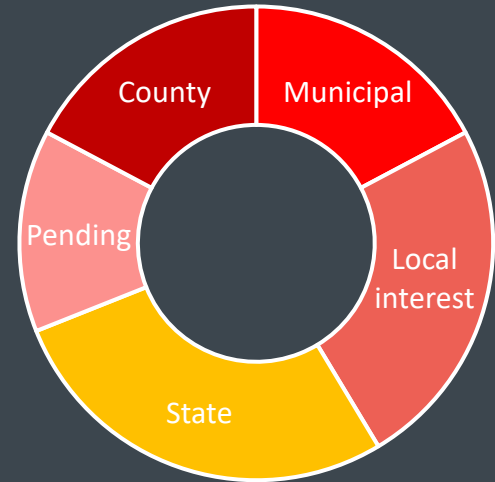


100-Foot Buffer and 1,000-Foot Boundary



Commssion structure & resources

- 29 members from across tidewater Maryland
- Independent Executive Commission
Administratively housed with DNR
- Legislative oversight by Joint Committee
- 15 staff + full-time Chair
- \$2.5M budget in FY'24
Includes local assistance fund (\$140k)



Commission functions

Local role

Plan for future growth, infrastructure, and preservation

Implement regulations

Review zoning, subdivision, and site plans

Hear variances

Enforce laws and regulations

Innovate local solutions

Commission role

Ensure consistency with state law and local programs

Develop regulations and guidance

Review public (government) projects

Participate as a party (when necessary)

Provide technical assistance

Legislative history

EPA study
(late 1970s)

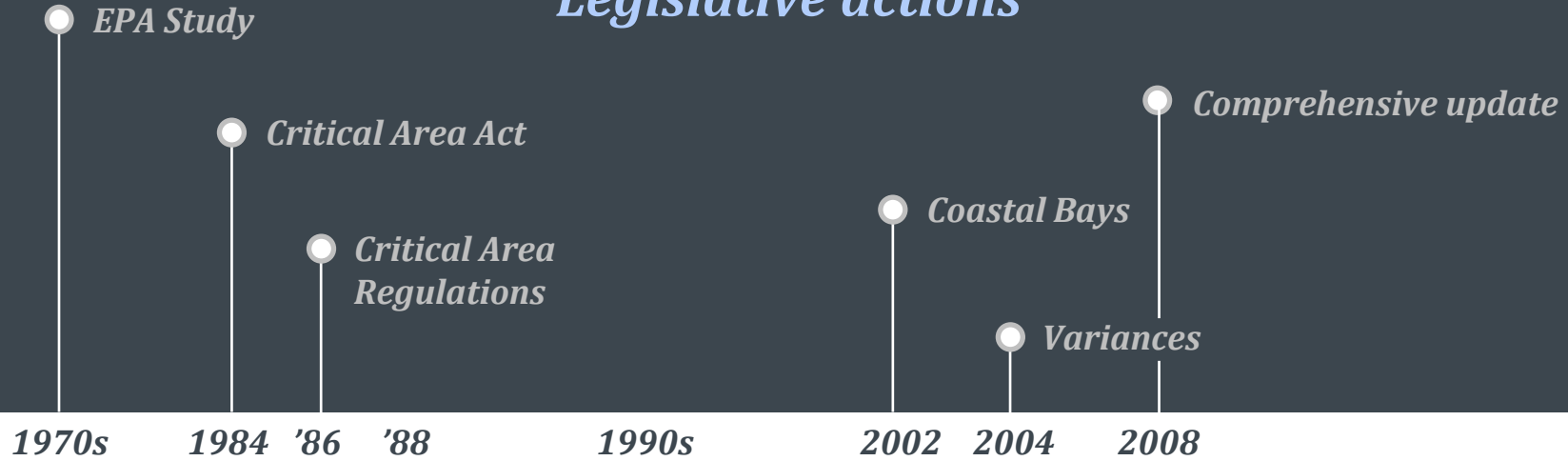
Declining water quality & resources
Drivers = excess nutrients & sediment
Shorelines are sensitive and valuable

Executive workgroup & commission



1984 → *Critical Area Act*
1986 → *Critical Area Regulations*

Legislative actions



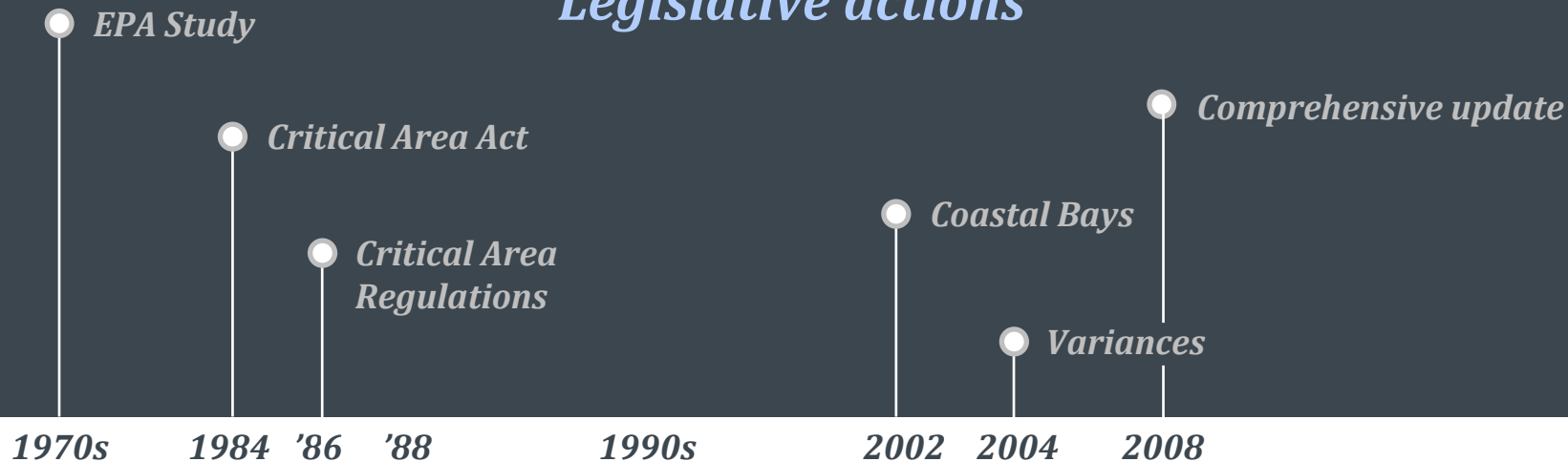
Implementation

2008 Comprehensive Update (HB 1253)

- Regulatory authority
- Growth Allocation standards
- 200-foot Buffer in RCA
- Enforcement
- Critical Area map updates



Legislative actions



Local programs

Guidelines & practice

Mapping updates

Regulations

Implementation

Commission's Regulatory Process

Perform stakeholder outreach and solicit feedback

Quarterly Planner's meetings

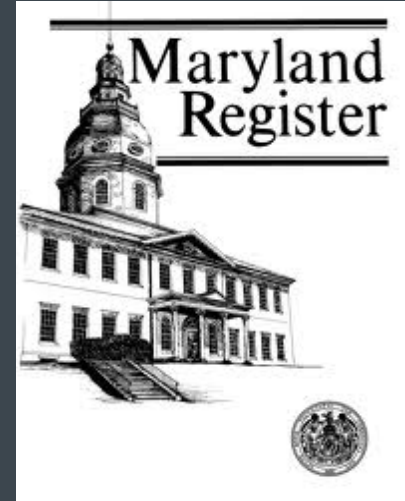
Targeted feedback meetings

Email correspondence

Full Commission reviews and votes twice:

To permit staff to submit proposals to the AELR Committee

To permit staff to submit the proposal as final for publication



Regulations

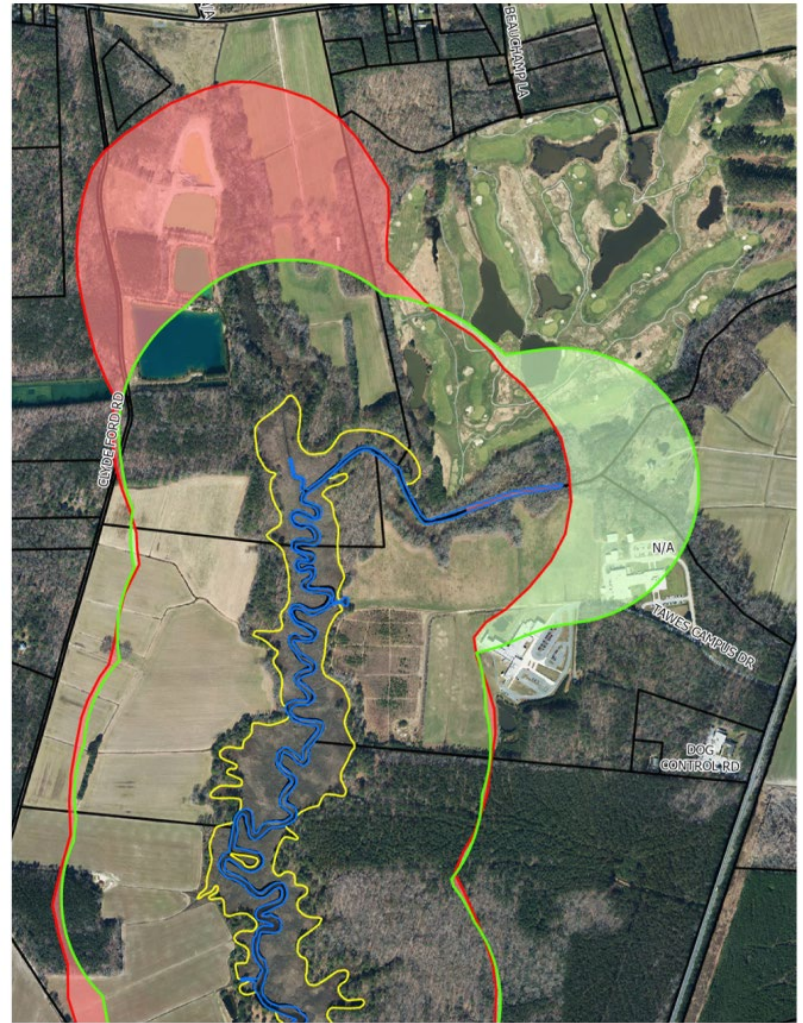
- Buffer
- Renewable Energy Chapter
- Shore Erosion Control
- Water-Dependent Facilities
- Variances and after-the-fact requests



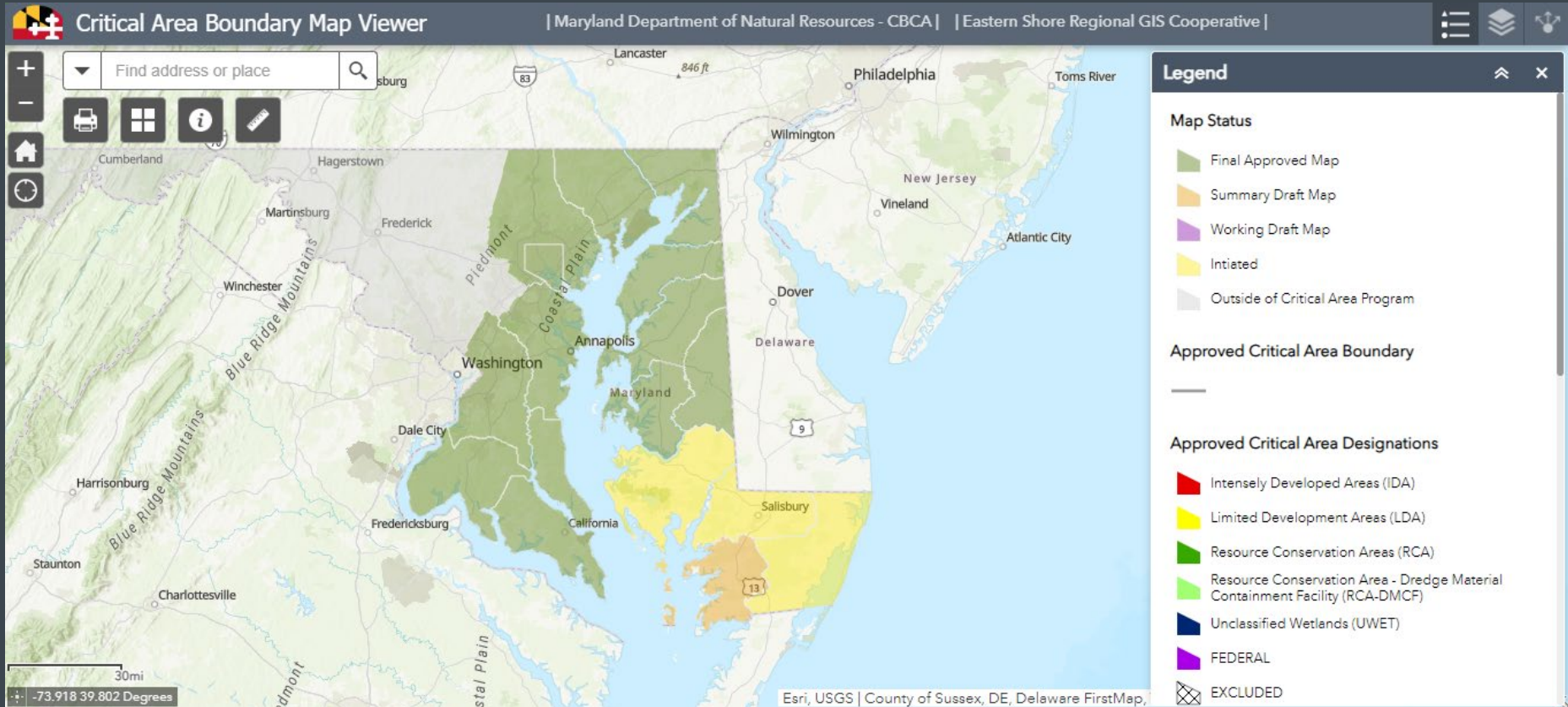
Critical Area map update

Utilize best available information.

Account for shoreline changes.



Status of map updates



40 years of critical work

- Model State and local partnership
- More than 28,000 development projects meeting goals of the Law
- Large contiguous forest tracts with protected habitat
- Preserved and expanded public access to waterways and open space
- 3,190 miles of protected shoreline and buffer

Imperatives & opportunities

Climate resilience
Equitable outcomes
Administrative efficiency





100m

300ft

-76.259 38.977 Degrees



Layer List

- ▶ ☐ Offshore Ocean Resources ...
- ▶ ☐ Parcel Boundaries/SDAT Data ...
- ▶ ☐ Recreational Uses ...
- ▼ ☐ Sea Level Rise Vulnerability ...
 - ▼ ☒ 0 to 2 Foot Inundation ...
 - ☐ 0 to 2 Foot Inundation
 - ▼ ☒ 2 to 5 Foot Inundation ...
 - ☐ 2 to 5 Foot Inundation
 - ▼ ☒ 5 to 10 Foot Inundation ...
 - ☐ 5 to 10 Foot Inundation
- ▶ ☐ Sea Level Rise Vulnerable Wetlands ...
- ▶ ☐ Sea level Rise Wetland Adaptation Areas ...
- ▶ ☐ Shellfish ...
- ▶ ☐ Shoreline Inventory ...
- ▶ ☐ Shoreline Rates Of Change ...



600ft
-76.262 38.974 Degrees

March 2021 | URLs and Links for usage and reference: <https://mdfloodm...>



Layer List

- ☐ FEMA 100-yr over Water ...
- ☐ Effective Floodplain ...
- ☐ MD Parcel Boundaries ...
- ☐ MD Building Footprints ...
- ☒ Coast Smart Climate Ready Action Boundary (CS - CRAB) ...
 - ☒ > 2 ft CRAB inundated
 - ☒ 1 ft to 2 ft CRAB inundated
 - ☒ <1 ft CRAB inundated
- ☐ Riverine Climate Ready Action Boundary (R - CRAB) ...
- ☒ MD Statewide DEM (ft) ...
- ☐ MD Six Inch Imagery ...

Climate resilience

- Recognize wetland migration
- Address intensifying development in areas prone to flooding
- Promote mitigation projects that can offset a hotter, wetter, saltier Critical Area
- Provide tools and incentives for local governments to manage impacts



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Oxford prepares for future stormwater infrastructure updates

Story Comments

Print Font Size

Posted: Wednesday, September 25, 2013 1:21 pm
By JOSH BOLLINGER jbollinger@stardem.com

OXFORD — The town of Oxford is faced with a decision that will affect the future of its stormwater system and flooding issues.

After months of discussing and studying Oxford's stormwater and flooding issues, Sean Williamson, a research assistant with the University of Maryland Environmental Finance Center, came to Oxford on Tuesday, Sept. 24, and again on Wednesday, Sept. 25, to present the center's findings and potential solutions.

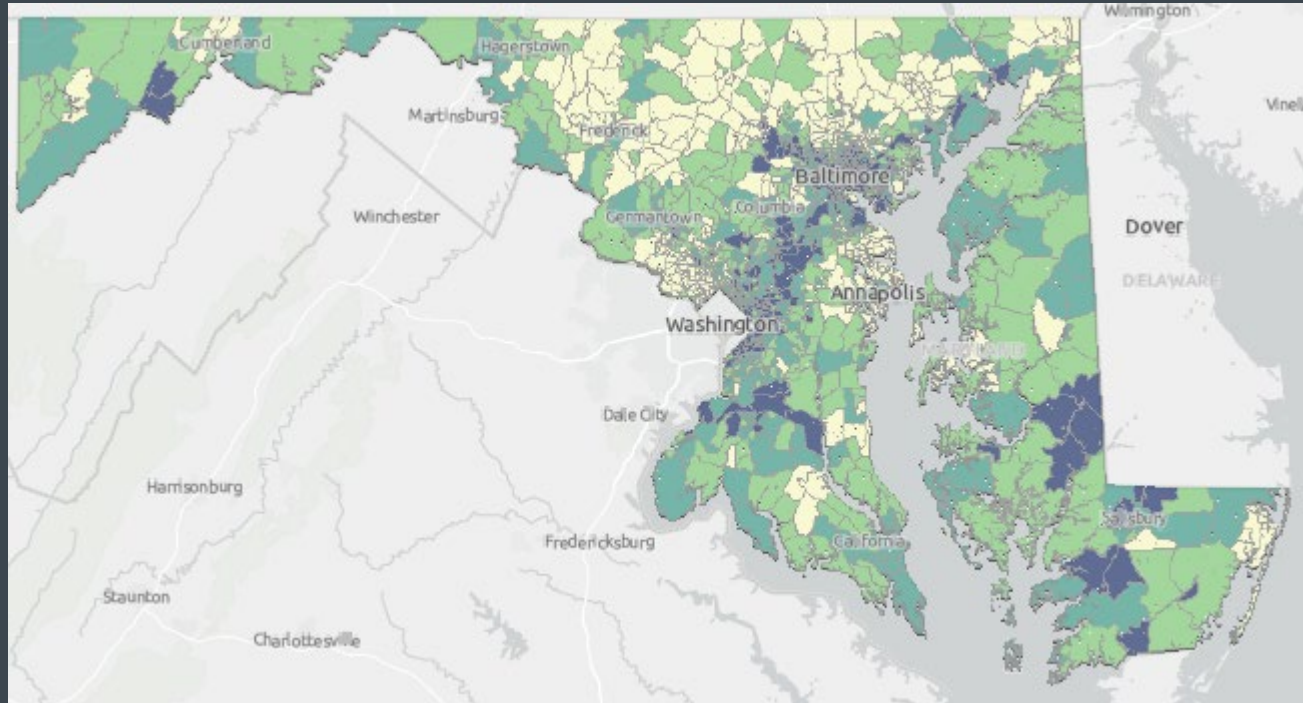
"For the last year, we've heard from a number of citizens and businesses from the town of

FILE PHOTO BY JOSH BOLLINGER

Oxford Stormwater

The above picture was taken the day after Hurricane Sandy struck the Eastern Shore in Oct. 2012 at the entrance to Oxford.

Equitable outcomes



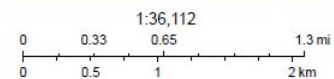




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MDE Final EJ Score (%ile score)

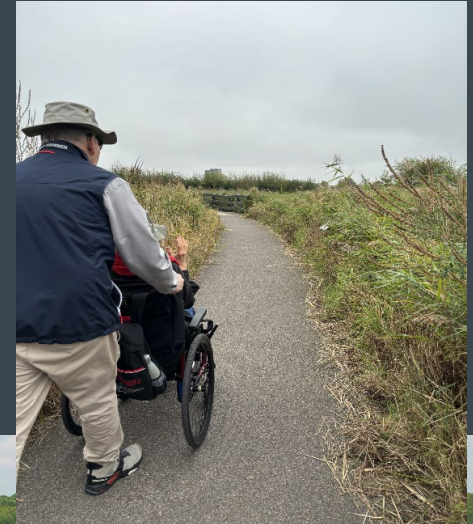
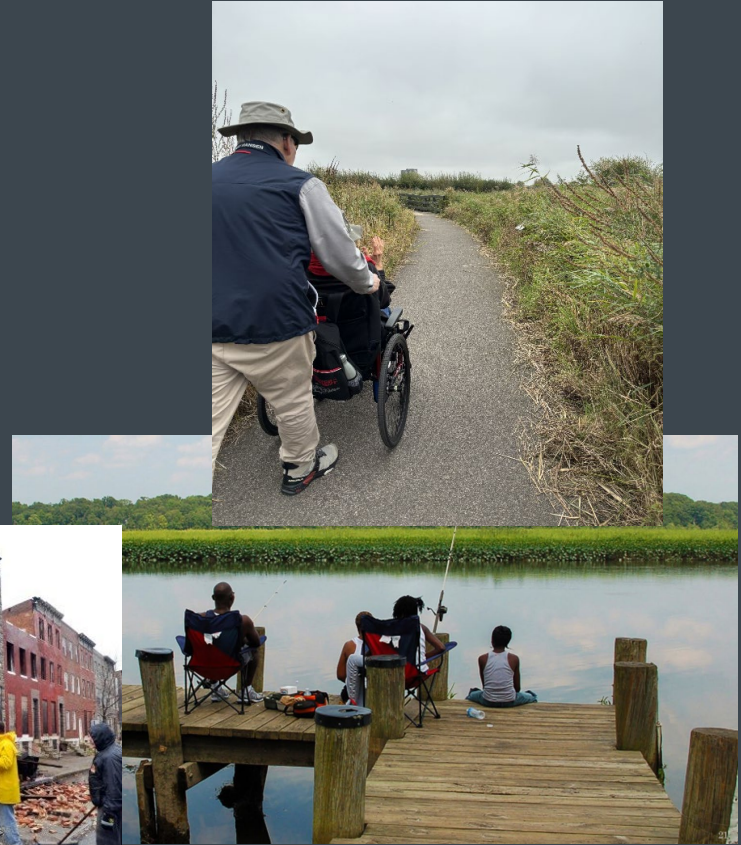
- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile



MDE, OS, OIMT, MD IMAP, DoIT

Equitable outcomes

- Consider environmental burdens and benefits
- Match mitigation to impacts and opportunities
- Increase representation in public participation
- Secure & expand public access to waterways



Administrative efficiencies

- Accelerate local program updates
- Provide pathways for compliance
 - Lot coverage
 - Sale of intra-family lots
 - Accessory Dwelling Units
- Resolve mapping mistakes
- Track and provide more options for fee-in-lieu funds

2024 Legislative Priorities

HB 233 / SB 306

**Climate, Equity, and
Administrative Provisions**

Adopt efficiencies and initiate collaborative state/local planning for equitable resilience in shoreline areas.

SB 268

Enforcement

Reinforce existing local enforcement and Commission “backstop” authorities.