

Maryland's Critical Area Program

Challenges & Opportunities of Implementing a Watershed Management Program

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Maryland's Critical Area Program Presentation Overview

Overview of Critical Area Regulations

- The Critical Area Act
- Land Use Designations
- Critical Area Buffer & Mitigation Requirements
- ESD in the Critical Area (aka 10% Calcs)

Transportation Projects in the Critical Area

Process Improvements

Questions & General Discussion

Maryland's Critical Area Program

Critical Area Act (1984)

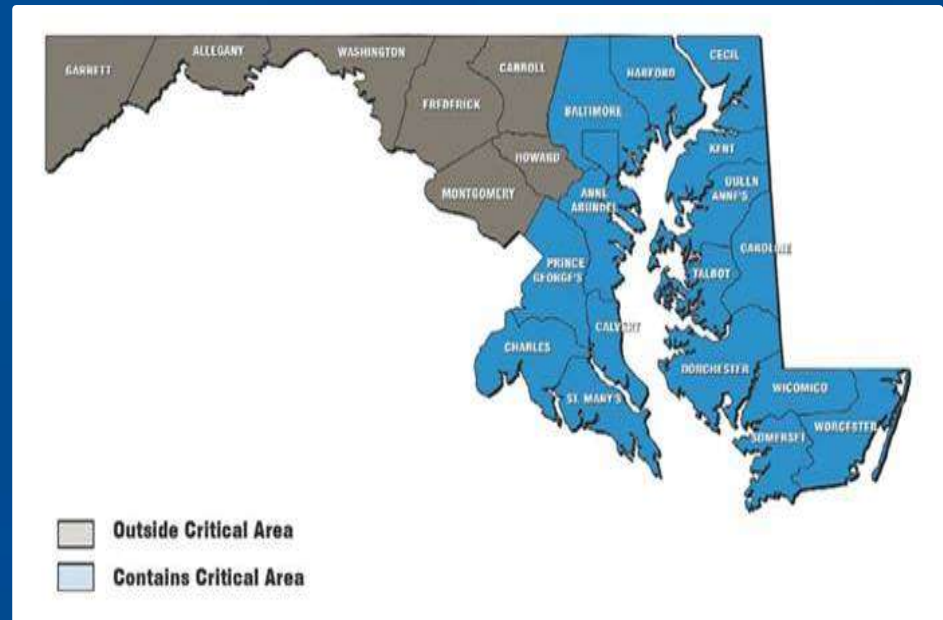
- Maryland's part of the Chesapeake Bay Partnership
- Established the Critical Area Commission
- State- Local Government partnership
Regulations implemented through local jurisdictions
- Sets minimum protection standards for local program development



Maryland's Critical Area Program

Where is the Chesapeake Bay Critical Area?

- All waters of the Chesapeake Bay, the Atlantic Coastal Bays, and their tributaries to the head of tide
- All land within 1,000 feet of the landward edge of tidal waters and tidal wetlands
- All land under these waters
- Approximately 11% of the State



Critical Area Land Use Designations

Critical Area Land Use Designations: IDA, LDA, RCA

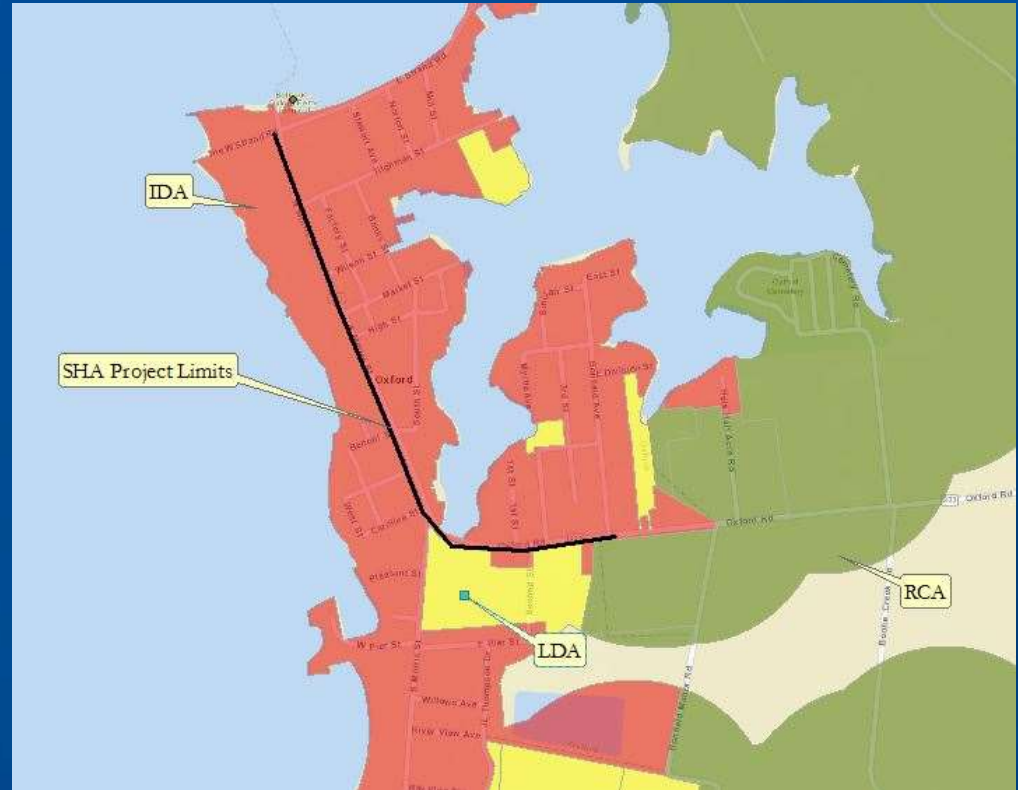
- Land Use Restrictions
- Density & Lot Coverage
- Mitigation Requirements

SHA Projects

- Linear Projects are IDA
- Facilities follow mapped Land Use

Where to find Mapping:

- http://data.imap.maryland.gov/#datasets?q=Critical+area&sort_by=relevance



Critical Area Buffer

Critical Area Buffer (CAB)

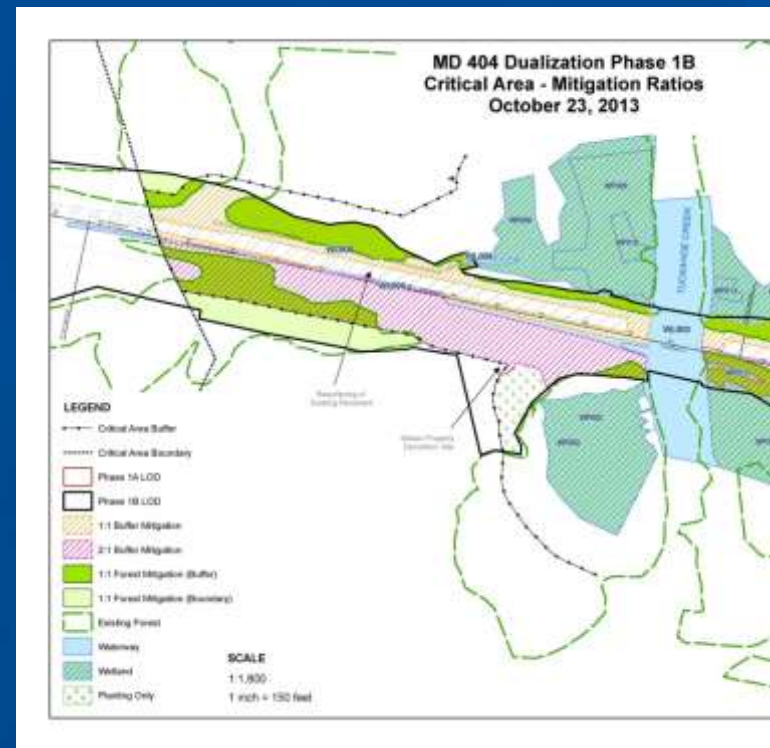
- Based on field conditions and delineated just like wetlands or waterways.
- A minimum of 100 feet from tidal wetlands, tidal waters, or tributary streams within the CA.
- Disturbance within the CAB should be avoided or minimized.
- Disturbance within the CA or the CAB requires mitigation



Critical Area Mitigation Requirements

Critical Area Buffer Mitigation

- Buffer Mitigation Ratios are determined on a case-by-case basis
 - “But why? This is so confusing!”
- Typical Buffer Mitigation Ratios *
 - Disturbance with woody vegetation removal 3:1
 - Disturbance for new structures in the Buffer 3:1
 - Disturbance without woody vegetation removal 2:1
 - Full Depth Pavement Reconstruction (including sidewalks) 1:1
 - Resurfacing Only 0:1
 - NOTE: SWM facilities in Buffer



*Unofficial, Based on precedent set by other projects

Maryland's Critical Area Program

*Title 27
Critical Area Commission For The Chesapeake and
Atlantic Coastal Bays*

- Subtitle 1: Criteria for Local Critical Area Program Development
- Subtitle 2: Development in the Critical Area Resulting from State and Local Agency Programs

Critical Area Approval Process

Projects within the Critical Area

- Require a separate Critical Area approval in addition to any wetland or waterway permits.
- Approvals coordinated by EPLD staff, usually during the design phase.
- Most system preservation projects qualify for a “General Approval” under MDOT’s Memorandum of Understanding (MOU).
- Larger projects usually require a vote for approval at a Critical Area Commission Meeting.



Critical Area Approval Process Highlights

- MOU with Critical Area Commission
 - Streamlines Review process
 - SHA's EPLD determines whether project may qualify for General Approval under MOU
 - In some cases EPLD prepares a General Approval Letter for confirmation
 - Staff level review for projects that don't fit clean under MOU
- Projects that require full Commission Review
 - Generally new construction or substantial alteration/ substantial Critical Area Buffer disturbance
 - Requires substantially more information than typical projects
 - State and Local Project Application Checklist
<http://www.dnr.state.md.us/criticalarea/pdfs/StateLocalProjectChecklist.pdf>
 - Usually requires field review with CAC staff
 - Critical Area Commission votes to approve/disapprove project, and frequently approves with conditions

SHA Process Improvements

- Mitigation Banking Agreement
- MOU Revisions
- QA/QC Process
- Periodic Planning Meetings with CAC Staff



Questions?

**Thanks for Your
Interest!**

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