

# Critical Area Commission



**STATE DEVELOPMENT REGULATIONS FOR  
CONSIDERING COASTAL IMPACTS**

# Executive Order



- Evaluate regulations for state development projects in the Critical Area
- Consider changes to address climate change and the risk of sea level rise and other extreme weather-related impacts

# Critical Area Law



- **Critical Area:**
  - 1,000 feet from tidal water and tidal wetlands
- **3 goals of the law:**
  - Water quality, habitat, accommodate development

# COMAR Title 27



- Subtitle 01 – Private Development Actions
- Subtitle 02 – State and Local Agency Development Actions

## 27.02.05 – State Agency Actions on State-Owned Land



- All development by a State agency
- Early consultation with CAC
- Approval required by MOU or by Commission vote

# Development Standards



- Critical Area designations
- Stormwater
- Forest clearing and mitigation
- Afforestation
- Lot Coverage limits
- 100-foot Buffer
- Other Habitat Protection Areas

# Factors considered by Commission



- Understanding climate impacts is important
- We are still learning
- Focus on Buffer, Wetlands and other natural features

# COMAR 27.02.05



- 27.02.05.02 – Review Process
  - Early coordination required
  - Consider development requirements
- Added .02.A(2) – assess climate resilient practices that address coastal hazards, extreme weather events, sea level rise and other impacts



27.02.05.03



- Existing criteria for development
- Added four provisions re climate change

# Climate Resilient Practices



“Shall demonstrate to the Commission that:

- (1) In determining the proposed location, the agency has considered the likelihood of inundation by sea level rise over the course of the design life of the development; and
- (2) The development identifies and incorporates climate resilient practices in order to avoid or, in the alternative, minimize environmental and structural damage associated with a coastal hazard, an extreme weather event, sea level rise, and other impacts.”

# Wetland Migration Areas



“Preserve, protect, and maintain a potential wetland migration area:

- (1) Within the area of the development project; and
- (2) Adjacent to the area of the development project, if the agency owns the adjacent land or the adjacent land is within the agency’s legally enforceable right-of-way.”

# Ecological Features & Coastal Protection



“If a detrimental impact to a potential wetland migration area is unavoidable, a State agency shall:

- (1) Demonstrate to the Commission why that impact is unavoidable;
- (2) Provide an assessment of the ecological features on-site that could be enhanced, restored, or created in order to maintain existing wetland functions and to provide additional protection against future sea level rise and coastal storm impacts; and
- (3) Make recommendations regarding the most feasible methods to address the detrimental impacts and the enhance, restoration, and creation of natural features on-site.

# Public Access



“When an area of public access is established, a State agency shall demonstrate to the Commission that:

- (1) The location and design of the project will minimize impacts from coastal hazards and sea level rise; and
- (2) Long-term access has been considered.