

# Critical Area Overview

- 1,000 feet from tidal water and tidal wetlands
- 3 goals of the law
- Development standards relate to goals
- Siting criteria – 100 foot Buffer

# COMAR

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

# 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
  - Pg 8, line 13
  - Pg 10, line 4
  - Pg 10, line 17
  - Pg 11, line 3

# Climate Resilient Practices

- Pg 10, line 4

“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

- Pg 8, line 3

“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

- Pg 10, line 17

“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

- Pg 11, Line 3

“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.

# Policy Opportunities

- Project Screening Checklist
- Ecosystem Resiliency Practices
- Off-site mitigation