



CRITICAL AREA COMMISSION REVIEW:

STATE PROJECTS REVIEW
& SUBMISSION
REQUIREMENTS

State Consultant
Training
April 16, 2019

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State Projects in the Critical Area

Overview

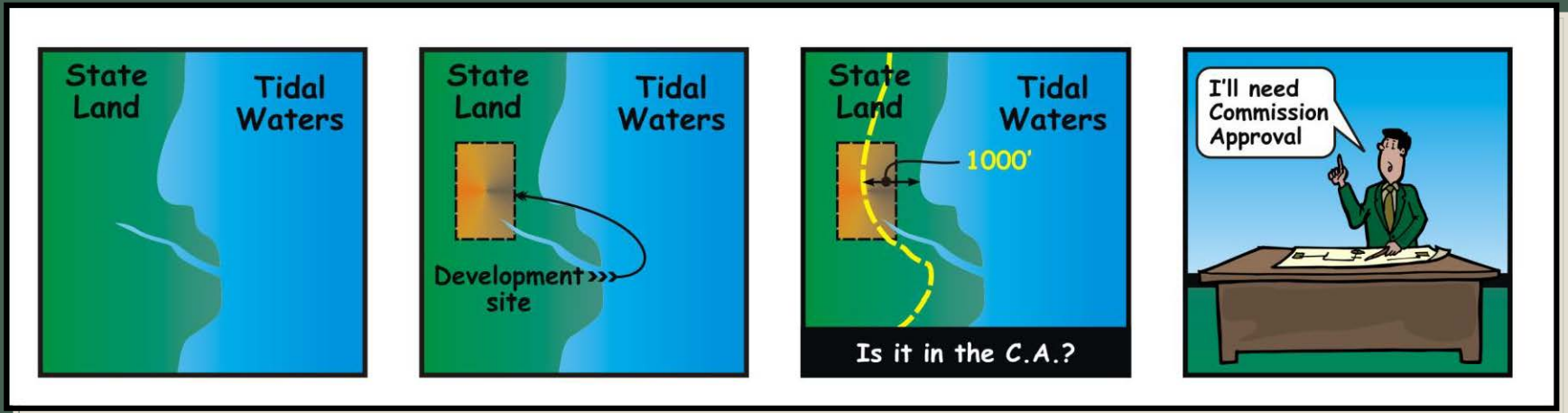
When is Critical Area review required?
Staff review or Commission review?

What are the submission requirements?

What is the review process?
What is the timing with other review requirements?

State Projects in the Critical Area

When is CA Review Required?

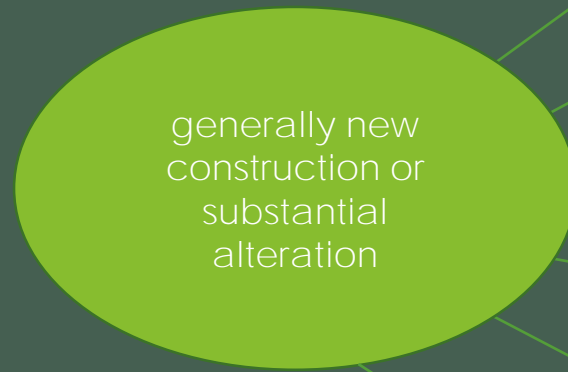


All State actions resulting in development on State-owned lands in the Critical Area require Critical Area review as per COMAR 27.02.05

CAC Review: State Projects

When is Staff Review Required?

projects that.....



Grading

Filling

Vegetation
removal

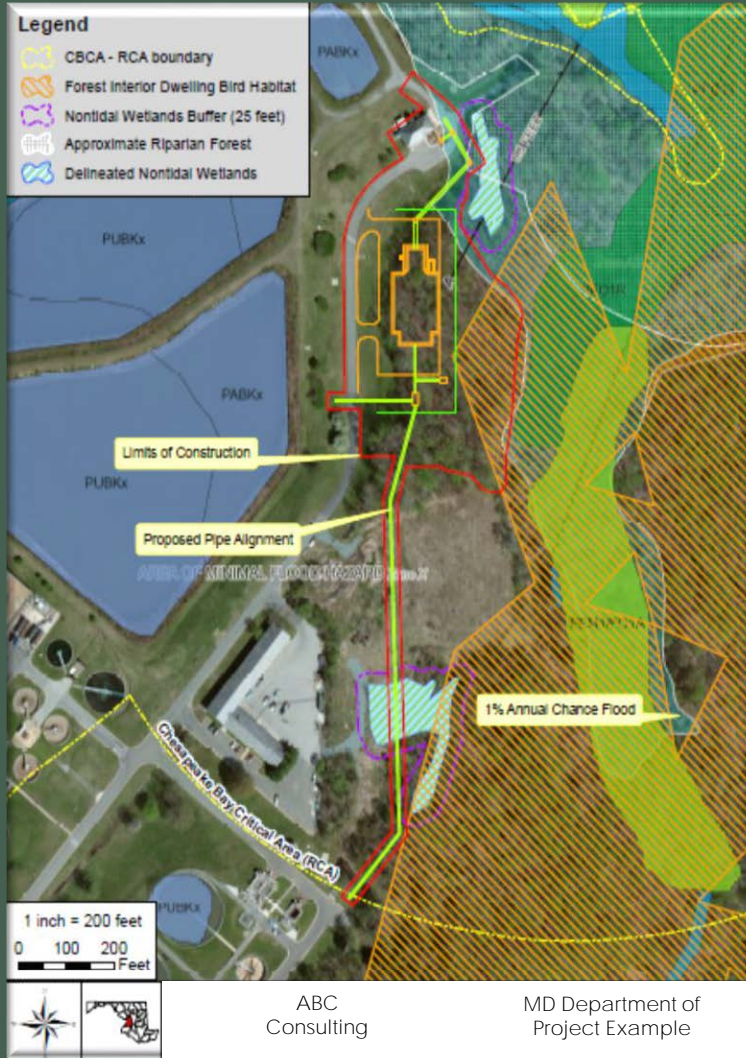
Changes in
land use

Land disturbance

Activities that alter
water flow

For example:

Maryland Department of Project Example



- Applicant is a state agency
- Site is owned by state agency



- Staff review is sufficient

CAC Review: State Projects

When is Commission Review Required?

projects that.....

.....meet CAC
definition of
"development"



generally new
construction or
substantial
alteration

&

.....can't fully comply with
the Critical Area Program
due to site constraints

Grading

Filling

Vegetation
removal

Changes in
land use

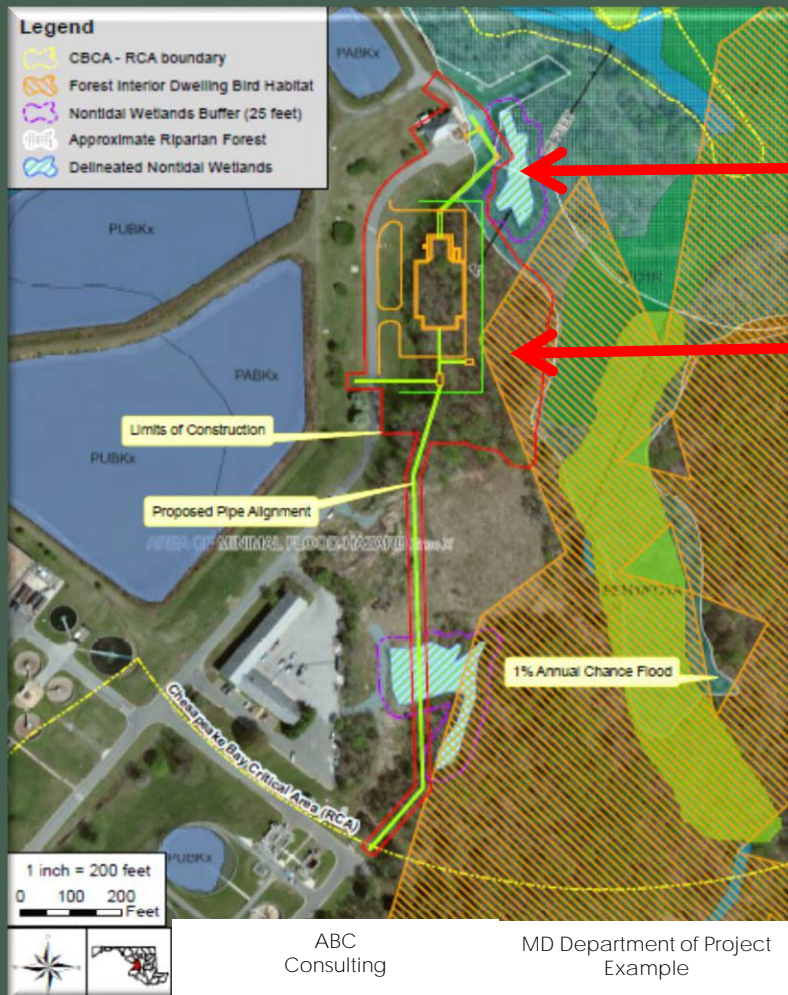
Land disturbance

Activities that alter
water flow

For example:

Maryland Department of Project Example

Project Impacts



- nontidal wetland 25-foot buffer impacts
- FIDS habitat impacts

Site design constraints
due to existing
infrastructure

=


unable to fully comply
with the Critical Area
Program

The key is to minimize impacts!

CAC Review: State Projects

Submission Requirements

- General project information
- General mapping features
- Habitat Protection Areas & other sensitive area mapping features
- State/federal agency approvals
- Newspaper and site public notice postings



Found in
State
Project
Checklist

reports

plans

plan
notes

letters

pictures

<http://dnr.maryland.gov/criticalarea/Documents/form/StateProjectChecklist.pdf>

State Project CA Submission Requirements

General Project Information

The screenshot shows a web browser window with the URL dnr.maryland.gov/criticalarea/Pages/forms.aspx. The page features a green navigation bar with a 'MENU' icon and links for 'Maryland.gov', 'Phone Directory', 'State Agencies', 'Online Services', and a 'Translate' button. Below the navigation bar is a banner image of a sunset over a beach with the Maryland Department of Natural Resources logo and a search bar. The main content area is divided into two columns. The left column, titled 'Critical Area Commission', contains a list of links: 'General Information', 'Development', 'Buffer', 'Stormwater Management', 'Shore Erosion Control', and 'Forms'. The right column, titled 'Critical Area Forms', contains a paragraph stating that the content is in PDF format and provides a link to download the latest version of Adobe Reader. Below this paragraph is a list of links: 'State Project Checklist', 'Local Project Checklist', 'Consistency Report for Local Government Projects', 'Buffer Notification Form', and 'Project Notification Application'. The 'State Project Checklist' link is circled in red. The Windows taskbar at the bottom shows the time as 10:57 PM on 4/10/2019.

Critical Area Commission

- › General Information
- › Development
- › Buffer
- › Stormwater Management
- › Shore Erosion Control
- › Forms

Critical Area Forms

This content is in .pdf format. If you do not have the free viewer from Adobe you can [download the latest version of Adobe Reader here](#).

- **State Project Checklist**
- Local Project Checklist
- Consistency Report for Local Government Projects
- Buffer Notification Form
- Project Notification Application

State Project CA Submission Requirements

General Project Information

General Project Information

Please include the following text information, if applicable to the site, in the project application materials. This information may be included in the form of letters, reports, or site plan notes.

<u>X</u>	Project name and location	<u>X</u>	10% Stormwater Rule Draft ESD Spreadsheet
<u>X</u>	Project Purpose	<u>X</u>	Soil erosion and sediment control measures and implementation strategy
<u>X</u>	Agency sponsoring project	<u>X</u>	Lot coverage information
<u>X</u>	Project description	<u>X</u>	Mitigation required for clearing of forest area
<u>X</u>	Anticipated timeline	<u>X</u>	Mitigation required for impacts to the Buffer
<u>X</u>	Total acreage in Critical Area	<u>X</u>	Afforested area
<u>X</u>	Total forest area cleared	<u>X</u>	Climate Resilience Summary Statement (see next section)
<u>X</u>	Method of stormwater control	N/A	
<u>N/A</u>	Area of Disturbance within Buffer	N/A	
<u>N/A</u>	Area of Canopy Clearing within Buffer		

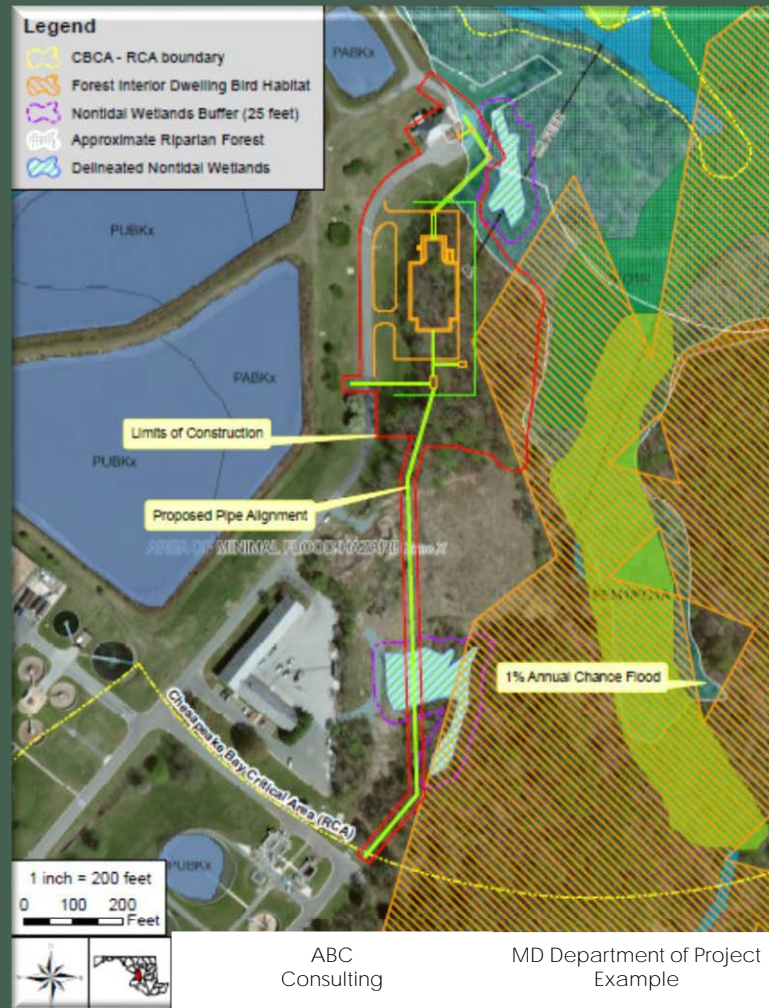
Source: State Project Checklist

For example:

Maryland Department of Project Example

General Project Information

Purpose,
Project Description
& Timeline



Purpose:

- To upgrade existing infrastructure

Project Description:

- Demolish selected infrastructure

Timeline:

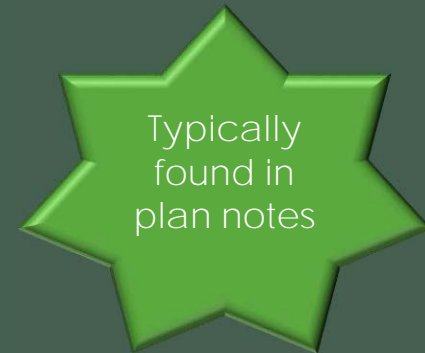
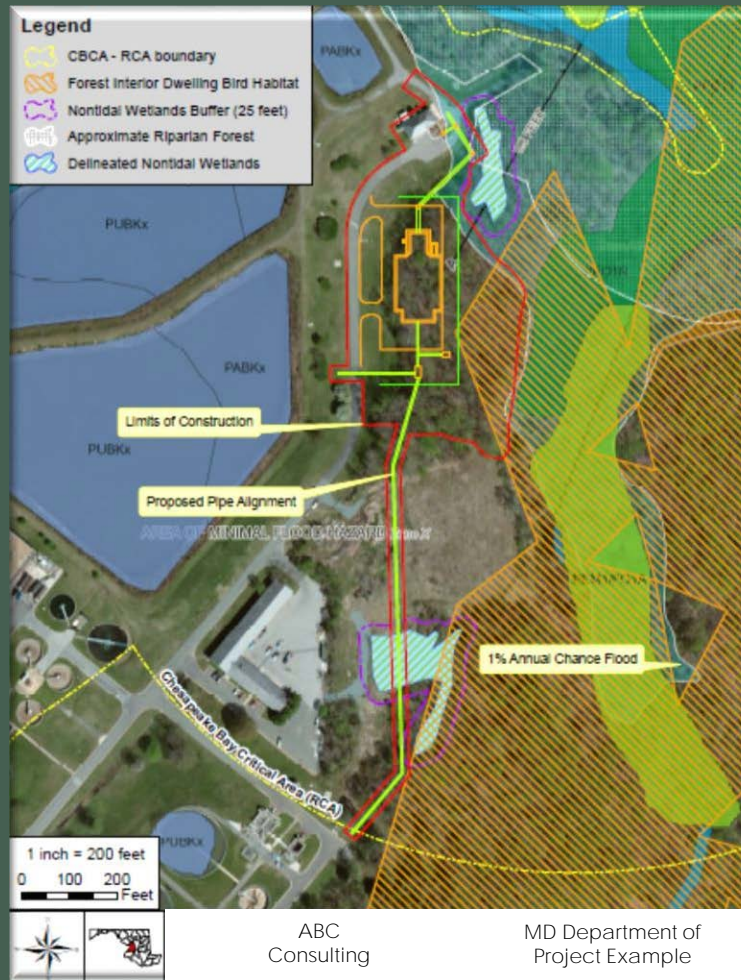
- 3 years

For example:

Maryland Department of Project Example

General Project Information (continued)

Critical Area Related
Required Information



- Total acreage in Critical Area
- Total forest area to be cleared
- Lot coverage proposed/to be removed
- Mitigation required for clearing of forested area

For example:

Maryland Department of Project Example

10% Rule Spreadsheet
(10% Pollutant Reduction)

The spreadsheet will be
discussed in more
detail later.

Critical Area Credits

Phosphorous Removal Efficiency	Adjusted Phosphorus Removal Efficiency	P Load to Practice (lbs/yr)	Load Reduction (lbs/yr)	Remaining Load (lbs/yr)
50%	0%	0.00	0.00	0.00
75%	0%	0.00	0.00	0.00
50%	0%	0.00	0.00	0.00
75%	0%	0.00	0.00	0.00
60%	0%	0.00	0.00	0.00
65%	0%	0.00	0.00	0.00
60%	0%	0.00	0.00	0.00
90%	0%	0.00	0.00	0.00
Total Load Reduction (lbs P / year)				1.43
Total Load Reduction Remaining (lbs P / yr)				0.00

ESDv
Up-
ient
as (cf)

Micro-Scal

Micro-Biore

Micro-Biore

Micro-Biore

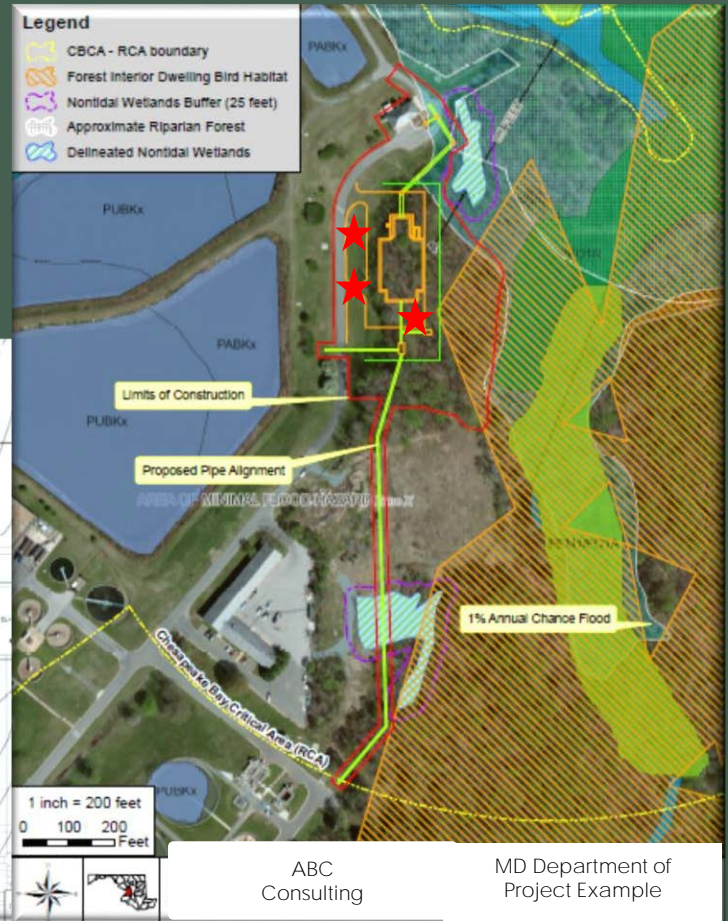
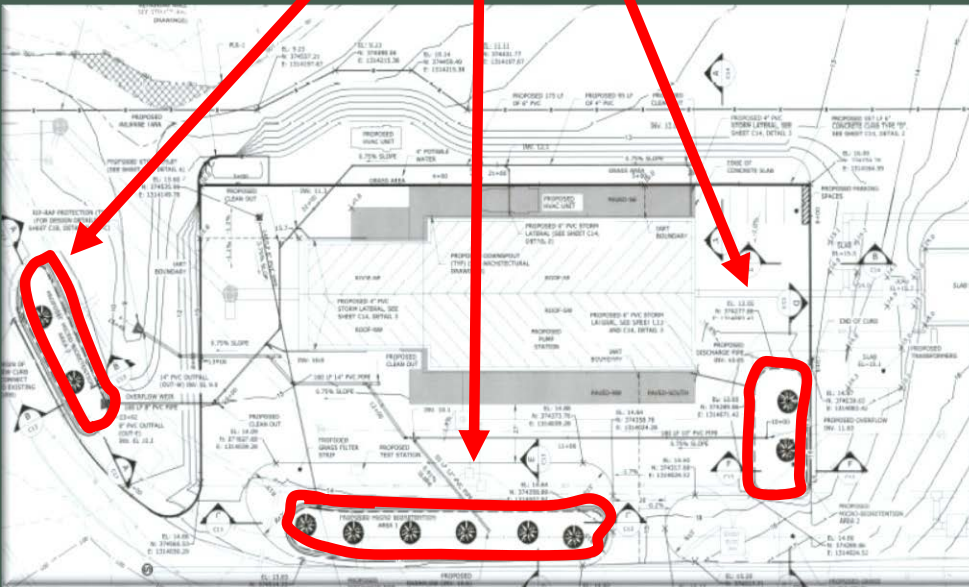
Partial spreadsheet shown for illustration purposes

For example:

Maryland Department of Project Example

Stormwater Management Plan showing BMPs to meet 10% Rule

3 bio-swales



Partial plan shown for illustration purposes

For example:

Maryland Department of Project Example

Erosion and Sediment Control



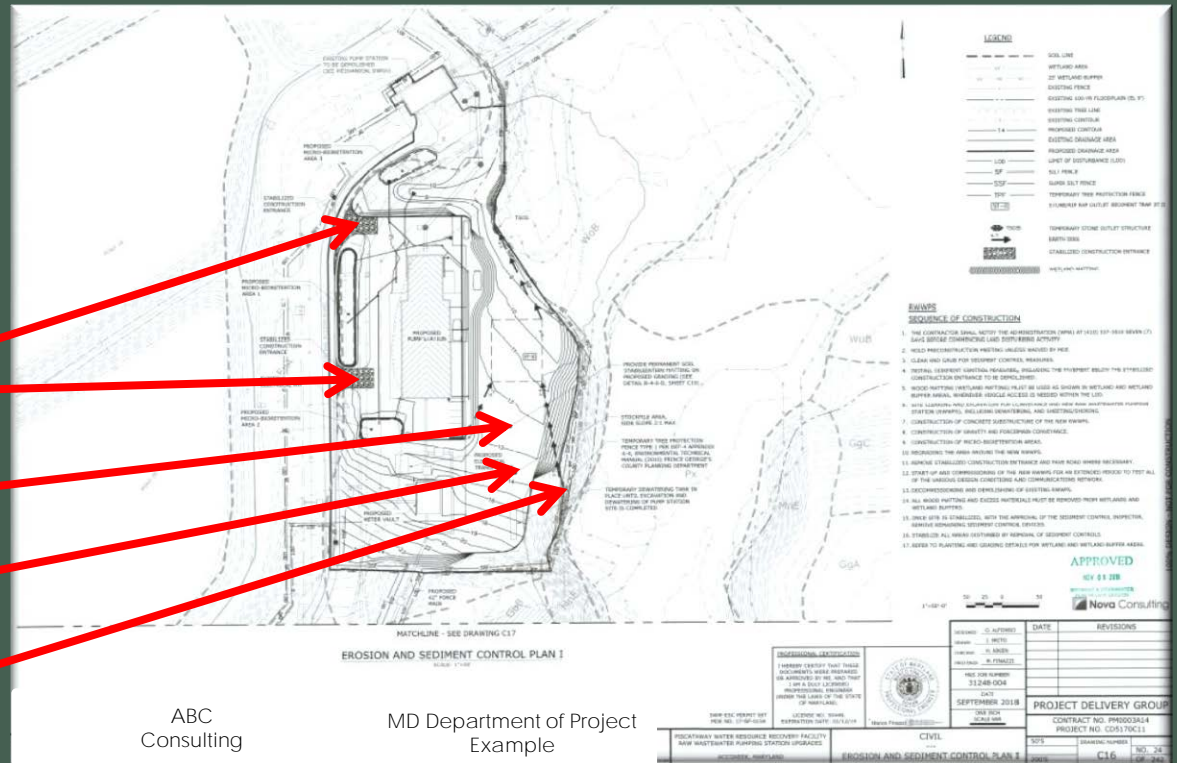
Construction Stabilization Entrance

Stockpile area

Matting for soil stabilization

Tree protection

Super silt fence (borders the LOD)



ABC Consulting

MD Department of Project Example

Partial plan shown for illustration purposes

State Project Critical Area Submission Requirements

General Mapping Features

General Mapping Features

Please include the following features on all site plans:

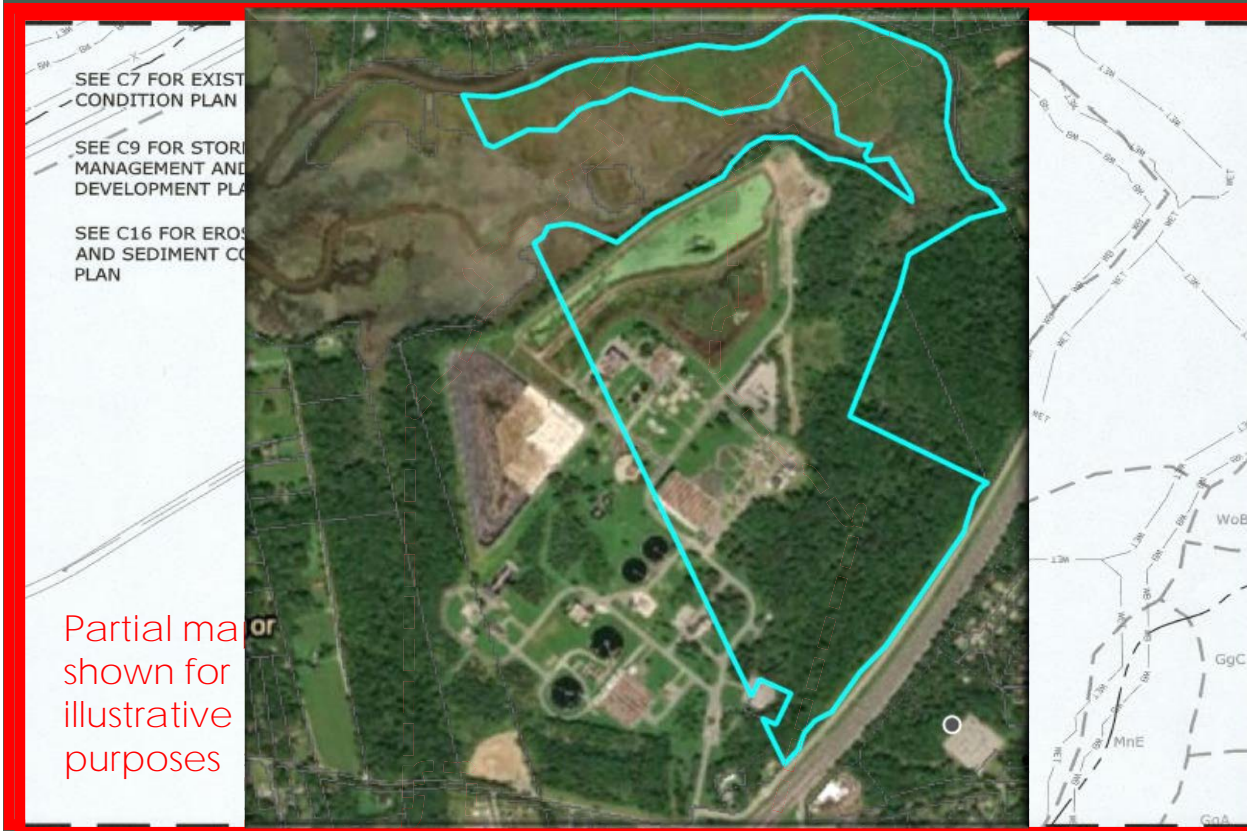
<u>X</u>	Vicinity map	<u>X</u>	Topography
<u>X</u>	Project boundary		- Including steep slopes (15% or greater) and proposed grading.
<u>X</u>	Scale	<u>X</u>	Soil
<u>X</u>	Orientation		- Type
<u>X</u>	Project Name and Location		- Area of hydric soils
<u>X</u>	Tract or lot lines		- Area of highly erodible soils
<u>X</u>	Critical Area boundary (Breakdown by IDA, LDA, RCA)	<u>X</u>	Vegetative cover
<u>X</u>	Limit of Disturbance		- Existing Forest
<u>N/A</u>	Limit of Disturbance within Buffer		- Forest Clearing
<u>N/A</u>	Area of canopy clearing within Buffer		- Afforestation/Reforestation
<u>N/A</u>	Agricultural lands	<u>X</u>	Existing and proposed structures
<u>N/A</u>	Dredging activity and spoil site		- Including, buildings, roads, paved areas or other areas of lot coverage, parking lots, storm drains, septic areas, stormwater management systems, and shore erosion control structures
<u>N/A</u>	Surface mining sites and wash plants		

Source: State Project Checklist

For example:

Maryland Department of Project Example Rehabilitation Project

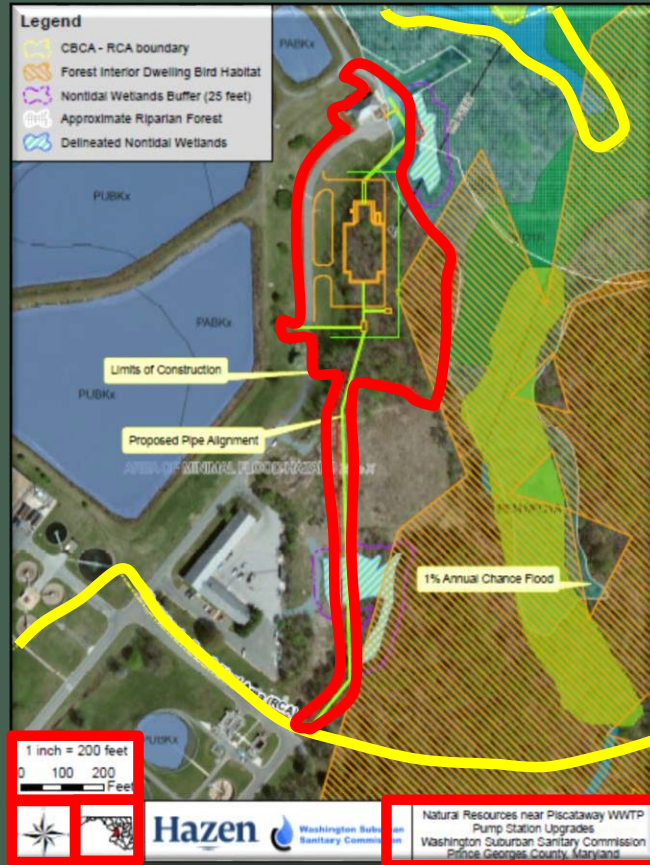
General Mapping Features



- Vicinity map
- Scale
- Orientation
- Project Boundary
- Project name
- Project location (street address and tax map, parcel # preferred*)
- Lot lines (LOD shown, supplement parcel map suggested*)

For example:

Maryland Department of Project Example General Mapping Requirements



- Scale
- Vicinity map
- Project name & address
- Orientation
- Project boundary/LOD
- Critical Area boundary
- Forest (as seen in aerial)

State Project CA Submission Requirements

Mapping Habitat Protection Areas

Habitat Protection and other Sensitive Area Mapping Features

Please show the following Habitat Protection Area features on all site plans, if relevant to the particular project site:

N/A

Buffers:

- Minimum 100 ft. from tidal waters, landward edge of tidal wetlands and tributary streams
- Expanded Buffer to include 15% or greater slopes, hydric soils and highly erodible soils
- 25 ft. from nontidal wetlands

N/A

Tidal Wetlands

✗

Nontidal Wetlands

N/A

Threatened and Endangered Species, Species in need of conservation

✗

Plant and Wildlife Habitats

- Colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest, forest interior dwelling bird habitat, areas of state or local significance, and natural heritage areas

N/A

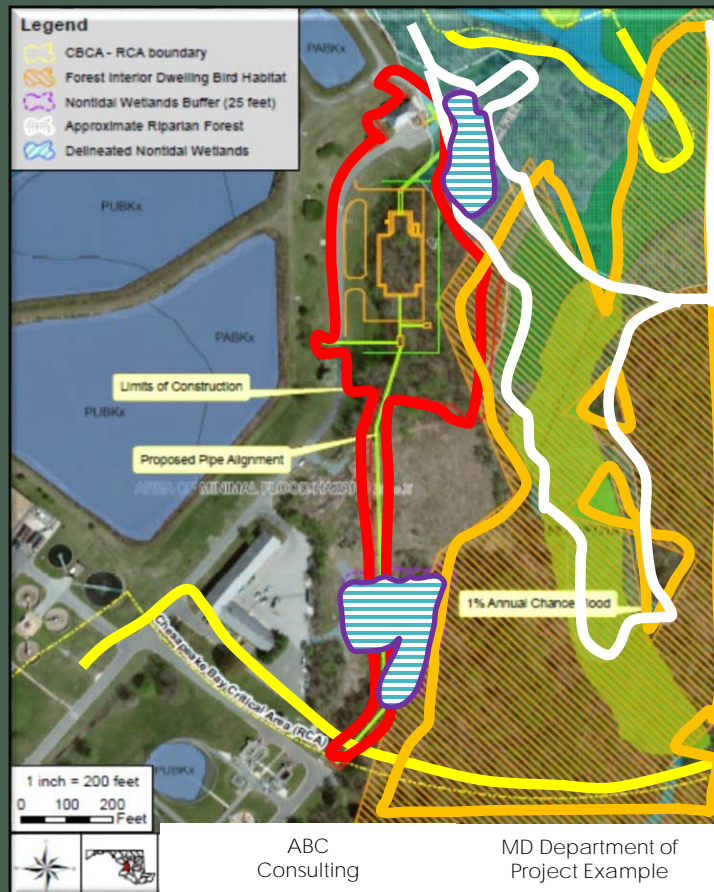
Anadromous Fish Propagation Waters

Source: State Project Checklist

For example:

Maryland Department of Project Example Rehabilitation

HPAs Mapping Requirements



- FIDS
- Nontidal wetlands & 25-foot buffer
- Riparian forest

Note: Impacts are outside of the 100-foot Buffer.

No other HPAs impacted.

*Show the 100-foot Buffer

State Project CA Submission Requirements

Mitigation & Buffer Management Plans

Mitigation Compliance Documentation

(Buffer Management Plans, Forest Mitigation Plans, Other Plans)

If mitigation is required as a result of the project, the submittal must include a proposed mitigation plan, mitigation bank credit use agreement, and/or fee-in-lieu payment receipt to demonstrate compliance with the requirement.

Mitigation Plan Requirements:



A plan drawn to scale showing:

- Limit of disturbance
- Total area of canopy cover removed
- Arrangement of the proposed planting



A landscape schedule that meets the planting standards outlined in COMAR 27.01.09.01-2 and that includes:

- Species type
- Quantity of plants
- Size of plants proposed
- Proposed planting date



A maintenance plan that includes:

- Invasive species and pest control practices
- Watering schedule
- Signature of the responsible party
- Provisions for a minimum of 2 years of monitoring.
- A reinforcement planting provision if survival rates fall below 80%.



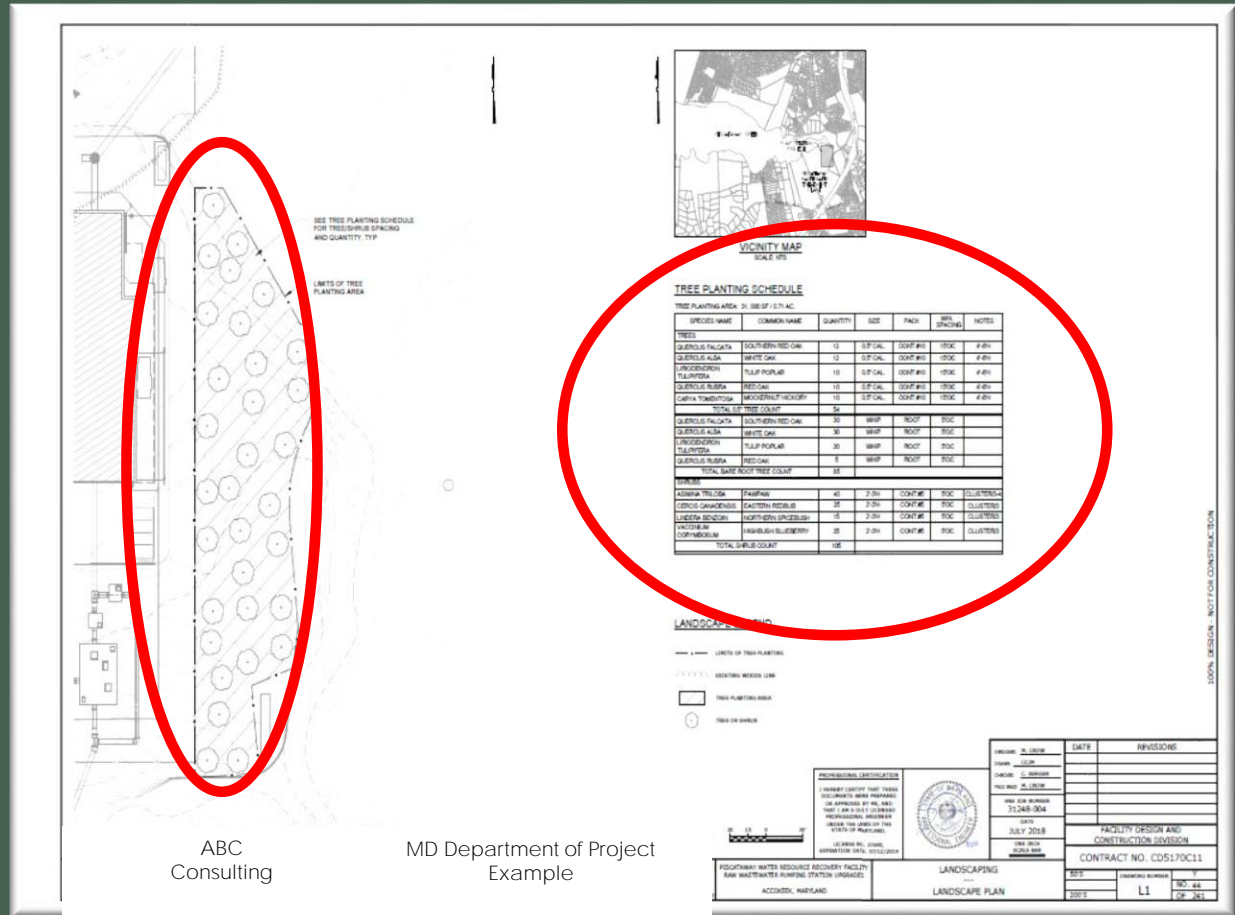
A Planting Agreement Form must also be submitted (see Attachment D).

Source: State Project Checklist

For example:

Maryland Department of Project Example Buffer Management Plan

- Species name
- Common name
- Quantity
- Size
- Critical Area credit
- Location of plantings



ABC
Consulting

MD Department of Project
Example

For example:

Maryland Department of Project Example

Planting Agreement

	Square Feet Cleared Outside 100ft Buffer		Mitigation Ratio for Clearing Outside Buffer	
	500 SF		1:1	
Stat				
M				
	Planting Date	Year		
	September 1	2019		
Age				
Se				
	First Site Visit Date	Completed by	Second Site Visit Date	Completed By
Com				
4/	Date Mitigation Complete			
	*			
Proj				
Pr	* Must occur within 2 years from date of approval			
	Responsible Contact for Mitigation (Print)	Signature	Date	
Proj				
10				

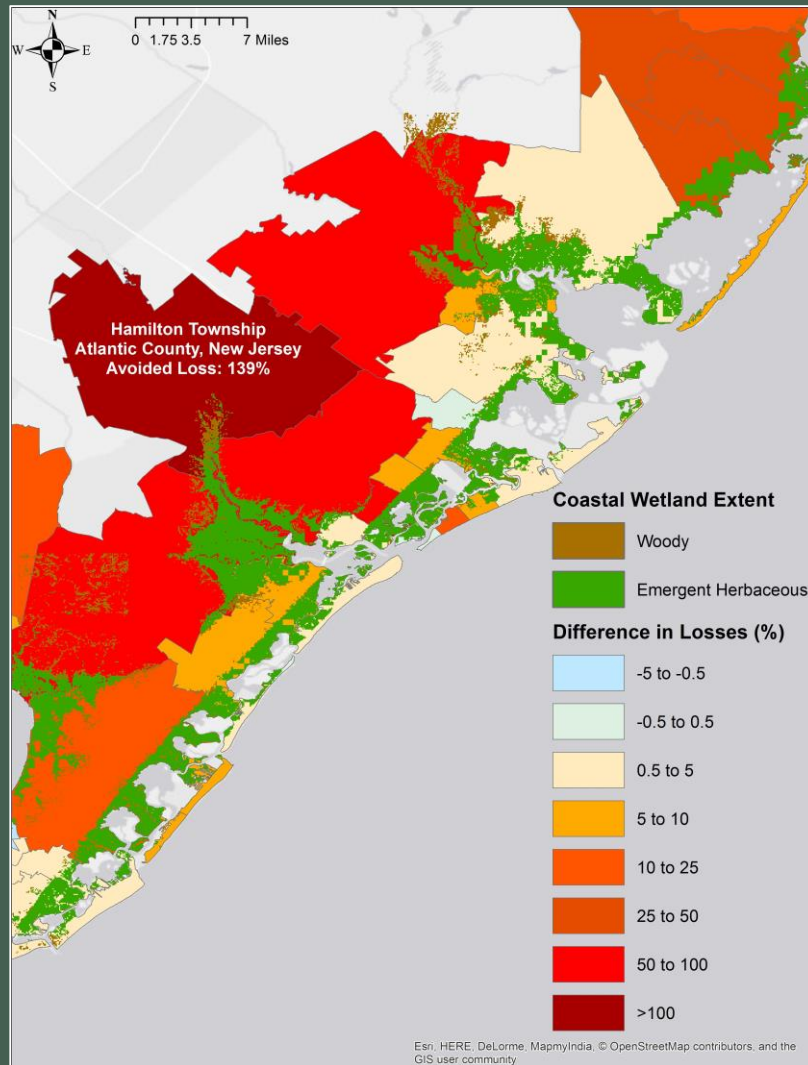
Source: State Project Checklist

State Project Critical Area Submission Requirements

Coastal Resiliency



Coastal Resiliency – Ecosystem Resiliency Features



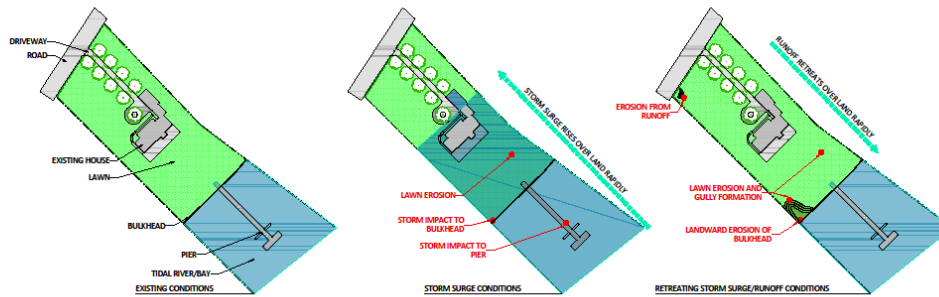
Coastalresilience.org.
Demonstrates % change in flood damages that would have occurred during Sandy if coastal wetlands were lost. Dark red indicates greatest protection benefit.

Coastal Resiliency – Ecosystem Resiliency Features

EXISTING CONDITIONS

SHORELINE WITHOUT BUFFER PLANTING

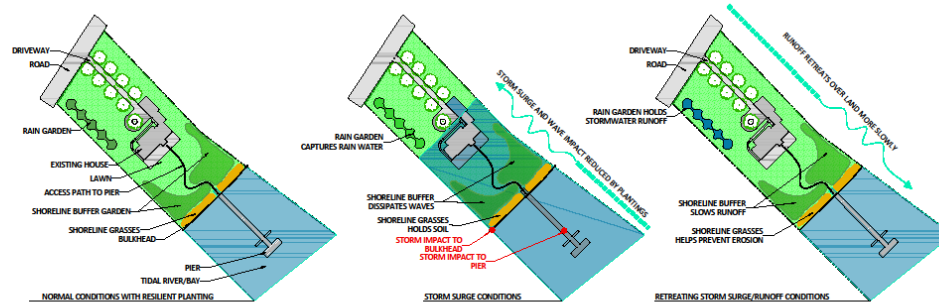
A WATERFRONT PROPERTY THAT IS COMPOSED OF MOSTLY TURF, OR MOWED LAWN TO THE LAND-WATER INTERFACE, IS AT HIGH RISK OF STORM IMPACTS. THE IMPACTS COME FROM BOTH THE TIDAL SURGES AND UPLAND RUNOFF, WHICH IS DUE TO RAIN AND RETREATING STORM SURGES. THE TURF ESSENTIALLY ALLOWS WATER TO MOVE WITH GREAT VELOCITY OVER ITS SURFACE, WHICH UPLIFTS TOPSOIL AND TRANSPORTS IT OUT INTO THE TIDAL RIVER OR BAY. AS BOTH TIDAL SURGES AND UPLAND RUNOFF WORK AGAINST THE LAND, IN THIS SCENARIO, THERE IS VERY LITTLE GROUND COVER OR ROOT STRUCTURE PRESENT TO ABSORB IMPACTS CAUSED BY MOVING WATER. FAST MOVING WATER CAUSES EROSION IN LAWN LANDWARD OF THE BULKHEAD AND A GULLY TO FORM. IT DAMAGES THE BULKHEAD ALLOWING HIGH TIDES TO FLOOD BEHIND THE BULKHEAD AND CAUSES ADDITIONAL EROSION THAT TURF GRASS CANNOT CONSTRAIN.



PROPOSED CONDITIONS

STORM RESILIENT BUFFER

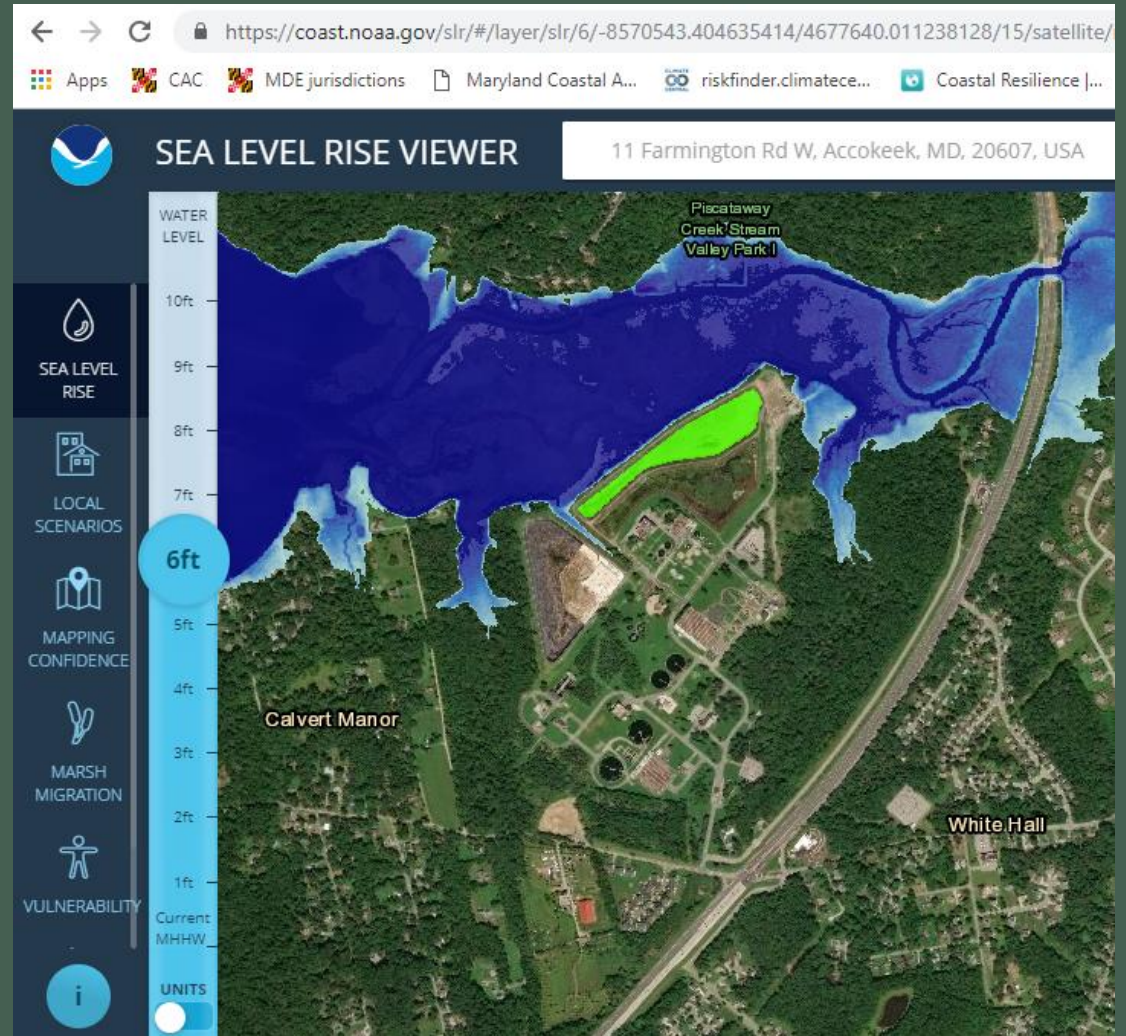
BY INTRODUCING A BUFFER MADE OF SHORELINE GRASSES, SHRUBS, AND TREES AT THE WATER'S EDGE, THE LANDSCAPE BECOMES MORE RESILIENT AGAINST STORM IMPACTS. SHORELINE GRASSES, SHRUBS, AND TREES PROVIDE A DIVERSE VERTICAL BUFFER TO HELP DISSIPATE UPLAND WAVE ENERGY CAUSED BY WIND AND STORM SURGES; AN EXTENSIVE GROUND COVER TO SLOW TIDAL WATERS AND UPLAND RUNOFF; AND A DENSE AND DEEP ROOT SYSTEM THAT BINDS SOIL. FURTHERMORE, IN THIS SCENARIO, A RAIN GARDEN IS REPRESENTED, WHICH CAPTURES FLOODING WATERS AND DETAINS IT TO REDUCE THE AMOUNT OF WATER RUNNING OFF THE LANDSCAPE AT ONCE.



WSSC Piscataway WWTP Raw Wastewater Pump Station Rehabilitation Project:

Coastal Resiliency – Sea Level Rise

- Project is not
vulnerable to sea level
rise. Indicate so in
written statement;
maps not necessary.



WSSC Piscataway
WWTP Raw Wastewater
Pump Station
Rehabilitation Project:

Coastal Resiliency –
Storm Surge

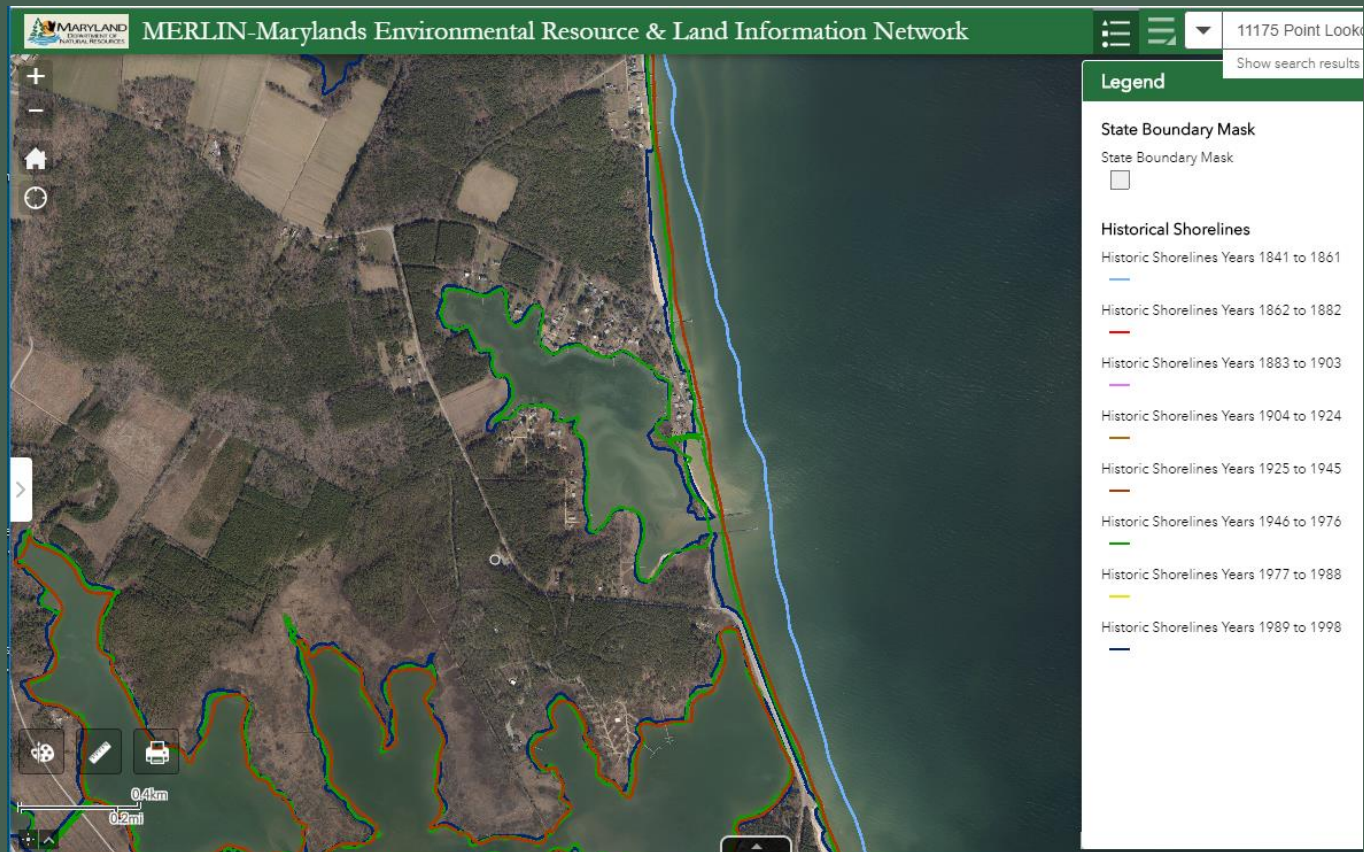
- Potential impacts by a
Category 4 storm surge
in area of pump station.
Location limited due to
existing infrastructure.
Proposed station raised
16 feet higher than
existing.



MDOT SHA Resurfacing of MD 5 Point Lookout

Coastal Resiliency – Historical Erosion

- Site location experiences erosion but does not impact LOD



MDOT SHA Resurfacing of MD 5 Point Lookout

Coastal Resiliency – Sea Level Rise

Project is vulnerable to sea level rise and coastal hazards.

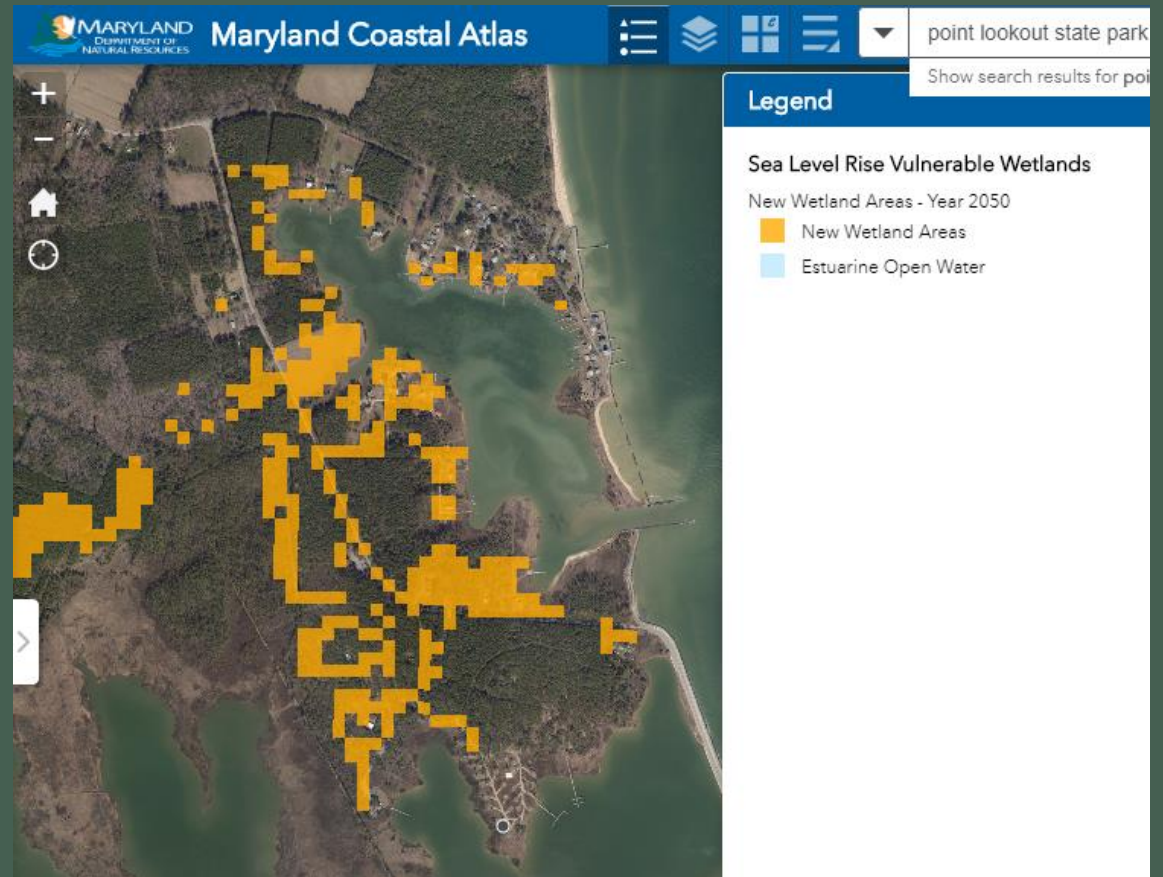
- Shorter life span
- Project will address safety issues and accessibility (recreational, emergency, pedestrian)



MDOT SHA Resurfacing of MD 5 Point Lookout

Coastal Resiliency – Wetland Adaptation Areas

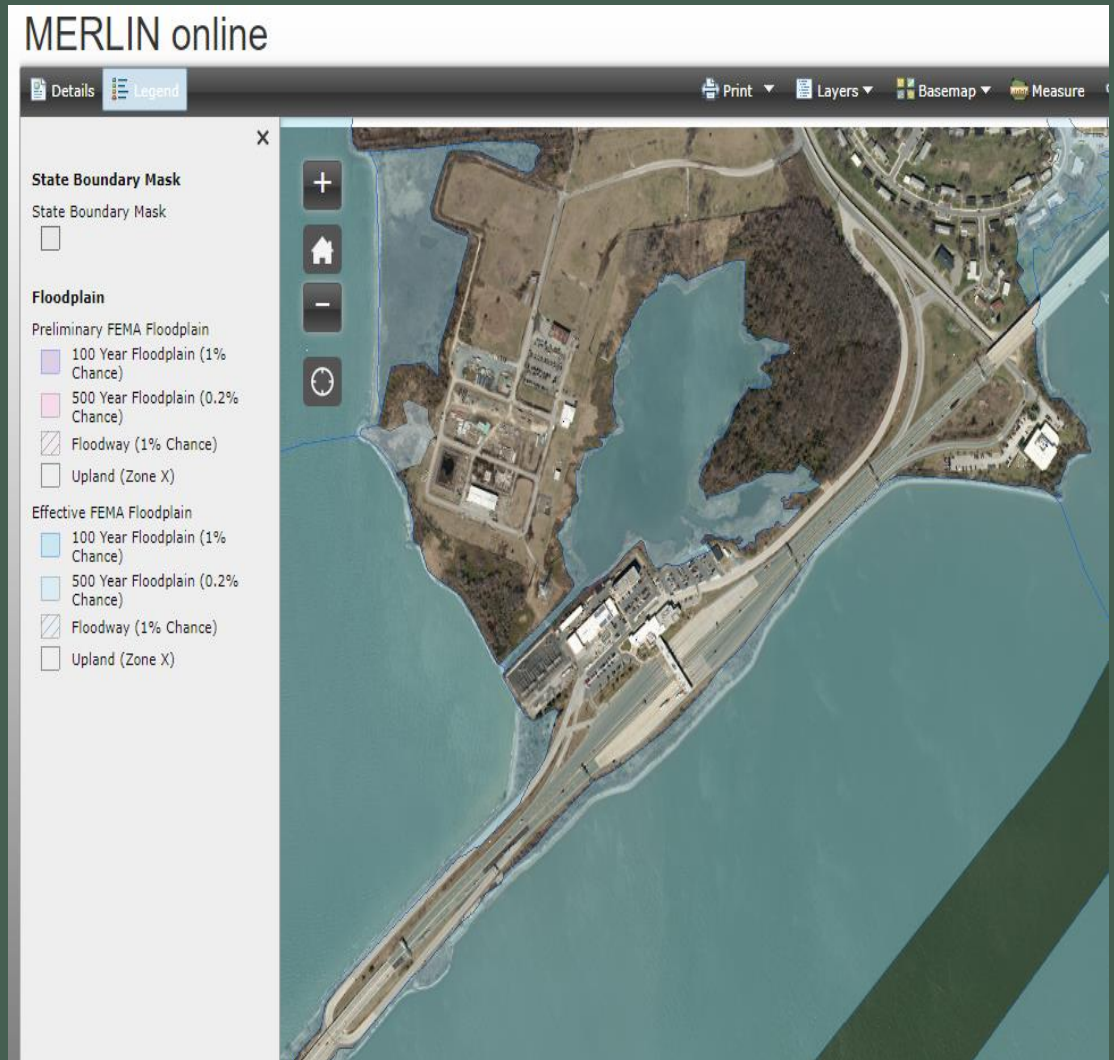
Existing road is within
wetland migration
areas. Impacts have
been minimized and
mitigation has been
proposed.



Francis Scott Key Bridge Electronic Toll Installation

Coastal Resiliency – Floodplains

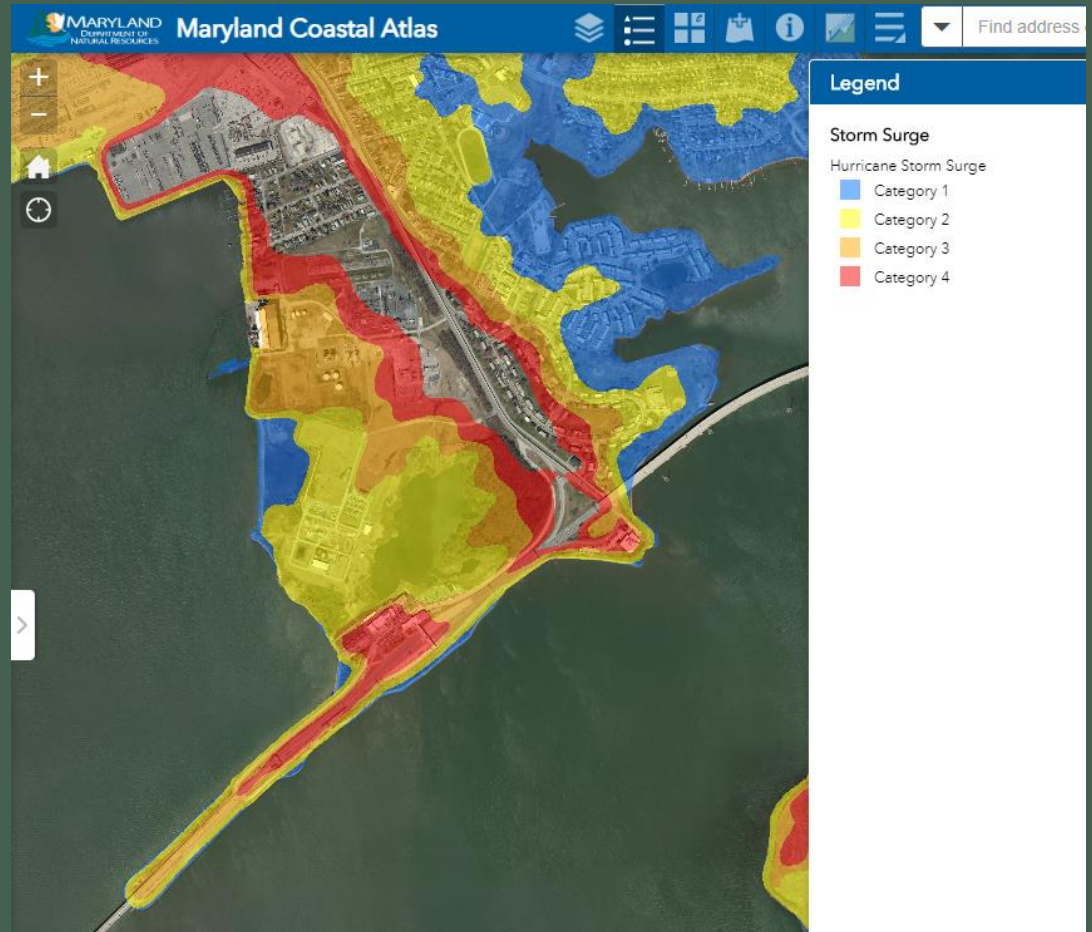
- Potential location
located in floodplains.



Francis Scott Key Bridge Electronic Toll Installation

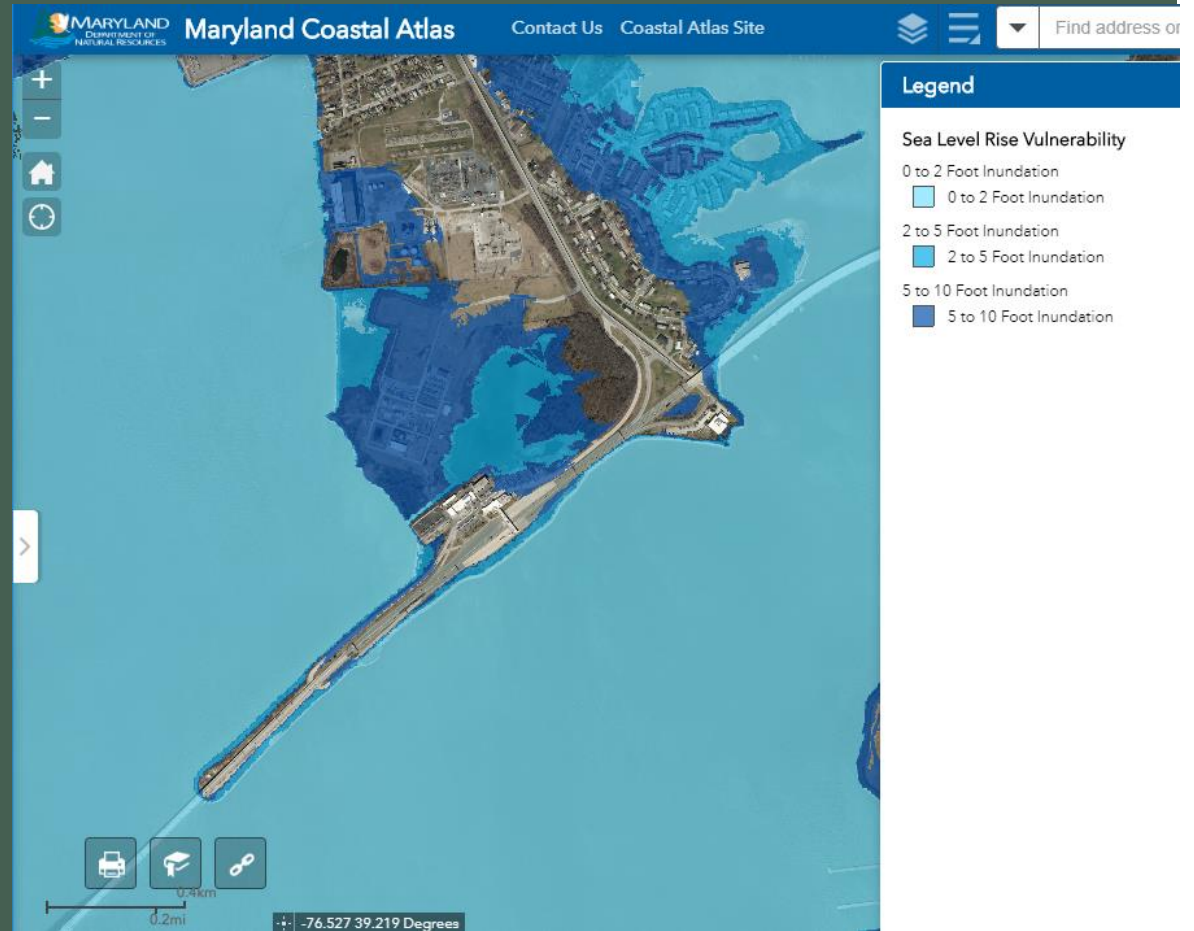
Coastal Resiliency – Storm Surge

- Potential location is vulnerable to coastal hazards and may be impacted by SLR.
- Not possible to relocate
- Serves 11 million vehicles annually
- Alternative route for I-895 and I-95



Francis Scott Key Bridge Electronic Toll Installation

Coastal Resiliency – Sea Level Rise



Coastal Resiliency – Mapping Resources

[Coastal Atlas](#)

[NOAA Sea Level Rise Viewer](#)

[Merlin](#)

State Project CA Submission Requirements

Other State Agency Approvals/Authorizations/Findings

Minimum Documentation Requirements

The following permits/documents should be secured or must be in their final stages (i.e., public comment period completed, permit conditions in final form), if applicable to the site, prior to scheduling the project for review by the Project Subcommittee:

- ✗ **Maryland Department of the Environment (MDE)**
 - ✗ Tidal wetlands approval
 - N/A Nontidal wetlands and waterways approval
 - N/A Water Quality Certification
 - ✗ Stormwater Management approval
 - ✗ Sediment and erosion control plan approval

- N/A **U.S. Army Corps of Engineers (ACOE) Section 404 Permit**

- ✗ **Maryland Department of Natural Resources (DNR)**
 - ✗ Environmental Review letter

- ✗ **Maryland Historical Trust (MHT)**
 - ✗ Review letter

Source: State Project Checklist

State Project CA Submission Requirements

Other State Agency Approvals/Authorizations/Findings

If your project requires permits or approvals from other state agencies, be sure to coordinate with them prior to Commission submittal

30% Design = may submit to Critical Area Commission

All conditions of approval must be submitted to CA staff prior to the start of construction!

MDE



ACOE



DNR



MHT

State Project CA Submission Requirements

Public Notice and Site Posting

➤ **Public Notice**

In accordance with COMAR 27.03.01.03, the state agency must demonstrate that the project has met or will meet the applicable Notice Requirements for State Agency and Local Agency Development (see Attachment A) by the date of the scheduled Commission meeting. Public notice requirements include evidence of the following:

- 1) Public notice of the project was published for one business day in a newspaper of general circulation in the geographic area in which the proposed development would occur;
- 2) At least 14 days were provided for public comment in the local jurisdiction in which the proposed development would occur; and
- 3) The affected land was posted in accordance with the posting requirements in COMAR 27.03.01.03 D.

Source: State Project Checklist

For example

Maryland Department of Project Example

Must post public notice in local newspaper & onsite at least 14 days prior to CAC meeting

Commission meetings are the first Wednesday of the month, when scheduled

- Project Sponsor
- Project Address
- Project Manager
- Contact info
- Comment Due Date





CONTACT US

someone@example.com

