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APPENDIX F.1 – CRITICAL AREA LOCAL OFFICES

CHESAPEAKE BAY CRITICAL AREA COMMISSION AND LOCAL AREA OFFICES

State Office: The Chesapeake Bay Critical Area Commission has established criteria for the protection of the area within 1000 feet of the mean high waterline. Seventeen counties and over 35 towns have used these criteria to develop and implement their own Critical Area programs. The Commission headquarters is located in Annapolis; general questions about the state program can be directed to them at 1804 West Street, Suite 100, Annapolis, Maryland 21401, 410-260-3460. Specific project questions may be directed to your local program at the following numbers. Since your forest harvest project may impact critical areas, it is advisable that you contact your local program office.

CRITICAL AREA LOCAL OFFICE CONTACT

Anne Arundel County	410-222-7780	Kent County	410-778-7473
Annapolis	410-263-7961	Berterton	410-348-5522
Baltimore City	410-396-8485	Chestertown	410-778-0500
Baltimore County	410-887-3980	Millington	410-928-3880
Calvert County	410-535-2348	Rock Hall	410-639-7611
Chesapeake Beach	301-855-8398	Prince George's County	301-731-8790
North Beach	301-855-6681	Queen Anne's County	410-758-4088
Caroline County	410-479-2230	Centreville	410-758-1180
Denton	410-479-2050	Church Hill	410-758-3740
Federalsburg	410-754-8173	Queen Anne	410-364-5667
Greensboro	410-482-6222	Queenstown	410-827-7646
Hillsboro	410-364-5760	St. Mary's County	301-475-4670
Cecil County	410-996-5225	Leonardtwn	301-475-9791
Charlestown	410-287-6173	Somerset County	410-651-1424
Chesapeake City	410-885-5298	Crisfield	410-968-1333
Elkton	410-398-4999	Princess Anne	410-651-1818
North East	410-287-5801	Talbot County	410-822-2030
Perryville	410-642-6066	Easton	410-822-2525
Port Deposit	410-378-2122	Oxford	410-226-5122
Charles County	301-645-0540	St. Michael's	410-745-9535
Indian Head	301-743-5511	Wicomico County-Salisbury	410-548-4860
Dorchester County	410-228-3234	Fruitland	410-548-2800
Cambridge	410-228-1955	Mardela Springs	410-742-7988
Secretary	410-943-3113	Sharptown	410-883-3747
Vienna	410-376-3442	Worcester County	410-632-1200
Harford County	410-838-6000	Snow Hill	410-632-2080
	X226	Pocomoke City	410-957-1333
Havre de Grace	410-939-0150		

APPENDIX F.2 – CHESAPEAKE BAY CRITICAL AREAS INFORMATION

The Chesapeake Bay Critical Area is the land within 1,000 feet of the Chesapeake Bay and its tidal waters or tidal wetlands. Timber harvests in the Chesapeake Bay Critical Area which are regulated by the Critical Area Criteria are one acre or more in size and occur within a one-year interval.

Critical Area Requirements

For one acre or more of forest in the Critical Area to be cut within any one-year interval, a "Timber Harvest Plan" must be prepared and approved before any timber can be harvested. The approval process is a partnership between a District Forestry Board and the Department of Natural Resources (DNR). An Erosion And Sediment Control Plan for Forest Harvest Operations is required for harvests that disturb 5,000 square feet or more in the Critical Area.

The Critical Area Criteria include regulations affecting timber harvests in two categories: Forest and Woodland Protection and Habitat Protection Areas.

Forest and Woodland Protection

The following information must be included in a Timber Harvest Plan to meet the forest and woodland protection criteria:

1. Description of measures to maintain surface water and groundwater quality;
2. A determination of whether the harvest will disturb or affect "Habitat Protection Areas", and description of measures incorporated to protect any "Habitat Protection Area";
3. A description of the timing, intensity, and size of the harvest which assures continuity of wildlife habitat;
4. Confirmation of an Erosion And Sediment Control Plan for Forest Harvest Operations; and
5. Confirmation that cutting in the buffer will be in accordance with the buffer regulations.

Habitat Protection Areas

"Habitat Protection Areas" fall into five categories:

- 1) buffers;
- 2) nontidal wetlands (NTW);
- 3) habitat for threatened or endangered species;
- 4) other plant and wildlife habitat; and
- 5) anadromous fish spawning areas.

Unless no feasible alternative exists, roads, bridges, or utilities may not be located in any portion of a "Habitat Protection Area." Where any road, bridge or utility must cross a buffer coincident with another type of "Habitat Protection Area," a variance must be obtained through the process described under the heading "Variances".

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Buffer

Within the Critical Area, a minimum 100-foot buffer must be maintained around all waterways or tidal wetlands. Cutting is allowed in the landward (outermost) 50 feet of the buffer under two circumstances:

- 1) The area can be selectively cut, or
- 2) The area can be clear-cut if the stand is predominantly (50% or more) loblolly pine or yellow poplar.

The buffer is to be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize, or enhance the shoreline. Roads and skid trails may not be constructed in the buffer, even if the outer, landward 50 feet is being cut.

Under certain circumstances, buffers can also be expanded and tree cutting prohibited. The buffer is expanded where sensitive areas such as steep slopes (over 15%), undrained hydric soils, or highly erodible soils are adjacent to the 100-foot buffer. For slopes over 15%, the buffer is expanded four feet for each one percent of slope, or to the top of the slope, whichever is greater in extent. For highly erodible soils, the buffer is expanded to the edge of the erodible soil map unit or to where the slope is less than 5%. The buffer can be expanded to include nontidal wetlands.

Nontidal Wetlands

Cutting timber is allowed in NTW and hydric soils, although care must be taken in harvesting wet areas to avoid irreparable damage.

The following criteria must be met in Timber Harvest Plans:

1. At least a 25-foot buffer is to be maintained around NTW.
2. Minimize disturbances to the surface and subsurface flow of water of NTW.
3. A wetlands mitigation plan must be prepared and carried out. The harvest or associated activity such as road building must be of substantial economic benefit and the impacts to the wetlands must be unavoidable and necessary. The mitigation plan must outline measures to provide water quality benefits and plant and wildlife habitat equivalent to the wetlands destroyed or altered. Replacement should be accomplished on-site or near the affected wetland where possible and in the same watershed.

The wetlands mitigation plan must be part of the Timber Harvest Plan submittal to the District Forestry Board. The Best Management Practices will be implemented through the Erosion And Sediment Control Plan for Forest Harvest Operations and the plan or a draft plan must be presented to the District Forestry Board before a Timber Harvest Plan for NTW may be approved.

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Habitat for Threatened and Endangered Species in Need of Conservation

Timber Harvest Plans must identify habitats of any species designated by the Secretary of the DNR or by the federal Endangered Species Act as species in need of conservation, threatened, or endangered. The following criteria are to be used to judge the adequacy of protection measures included in the Timber Harvest Plan:

1. A protection area is designated around each of the habitats within which disturbance is prohibited unless it is shown in the Timber Harvest Plan that the harvest activities will not have or cause adverse impacts to the species or its habitat. The recommendation from the DNR - Wildlife and Heritage Program should be included;
2. Special provisions for protection are included in the forest management recommendations for the harvest; and
3. The landowner(s) enter(s) conservation easements or other cooperative agreements that provide protection (optional).

Other Plant and Wildlife Habitat

Other plant and wildlife habitats include forest interior dwelling bird habitat, riparian forests, forests of 100 acres or more, colonial nesting waterbird areas, plant and wildlife habitat of local significance, and Natural Heritage Areas.

All Timber Harvest Plans must identify the types of plant and wildlife habitat listed below:

1. Colonial waterbird nesting sites;
2. Historic waterfowl staging and concentration areas in tidal waters, tributary streams, or tidal and NTW;
3. Existing riparian forests;
4. Forest areas utilized for breeding by forest interior dwelling birds and other wildlife;
5. Other plant and wildlife habitats determined by the local Critical Area Program to be of local significance; and
6. Natural Heritage Areas designated by the DNR.

Anadromous Fish Spawning Habitat

Timber Harvest Plans must identify streams on or adjacent to the property that support spawning of anadromous fish such as rockfish, yellow perch, white perch, shad, and river herring. The following criteria are to be used to protect anadromous fish spawning waters:

1. Artificial materials may not be introduced onto the bottom of natural streams unless it is shown that water quality and fisheries habitat will be improved.
2. Channelization, such as culverts or road crossings, which may change the course or circulation of a stream and interfere with the movement of the fish, is prohibited.
3. Sediment-laden runoff is minimized to the extent possible.
4. The natural vegetation of the watershed is maintained.
5. No structures that would interfere with the movement of spawning fish or larval forms are

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placed in streams.

6. Bridge activities or other stream crossings within the buffer or that occur instream are prohibited between March 1 and June 15.

Procedural Requirements

Preparation of Timber Harvest Plans

Timber Harvest Plans shall be prepared by a Maryland Licensed Forester. These would include private consultants, company foresters, and DNR service foresters. A completed plan shall include the stamp and number of the Maryland Licensed Forester. No format for a timber harvest plan is mandated, although the plan must contain information that addresses the Critical Area Criteria.

The basic information includes landowner name and address, timber harvest location, and a map showing the location, size, and layout of the harvest. The critical area boundary, slopes over 15%, and "Habitat Protection Areas" must be identified. The Timber Harvest Plan must describe the harvest method, regeneration method, confirmation of an erosion and sediment control plan, wildlife corridor layout, and allowances made for habitat continuity.

Buffer Management Plans

If harvesting is to occur within the 100-foot streamside buffer in the Critical Area, a buffer management plan must be prepared in addition to the Timber Harvest Plan. This plan is needed to address particular protection requirements for the buffer.

All Timber Harvest Plans must delineate a minimum 100 foot buffer adjacent to tidal waters, tidal wetlands, and perennial tributary streams. A tributary stream may be tidal or nontidal. Commercial harvesting of trees by selection or by clear cutting of loblolly pine and tulip poplar may be permitted to within 50 feet of the mean high water line of tidal water, the edge of tidal wetlands, or the edge of perennial tributary streams. There are no specific buffer requirements under the Critical Area Law for intermittent streams; however, erosion and sediment control best management practices do not allow cutting adjacent to intermittent streams to avoid sedimentation during fish spawning season.

Submission and Review Process

Plans should be submitted to the DNR - Forest Service Project Manager for the county in which the property is located. The Project Manager will submit complete Timber Harvest Plans to the District Forestry Board within five (5) weeks of submission. The District Forestry Board will review the plan, checklist, and comments and determine if the provisions of the local Critical Area Program are met.

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Approval and Appeal

The approval process is a partnership between the District Forestry Board and the DNR. The Timber Harvest Plan may be modified before approval by the District Forestry Board and the DNR - Forest Service. Some counties require approval of plans by a county department in addition to DNR/District Forestry Board approval.

Variances

If the literal enforcement of the General Approval requirements would result in unwarranted hardship to a landowner, they may request a variance from these requirements. The landowner should request the variance through the District Forestry Board.

Length Of Approval:

Plan approvals are valid for three years from the date of the District Forestry Board approval, or whatever approval length (if any) is indicated in the local Critical Area Program.

Appeal:

Occasionally, conflicts arise where management recommendations are unacceptable to the landowner, or interpretations of the Critical Area criteria are disputed. There is a multi-level conflict resolution procedure to resolve these disputes. If this process does not result in a satisfactory solution, landowners or applicants may appeal to the Secretary of DNR. Further appeal may be conducted through the court system.

Copies of the complete Chesapeake Bay Critical Area Law and Criteria and the guidance papers can be obtained from the Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401. Local Critical Area Programs can usually be obtained from the local Planning and Zoning Office. Other documents may be obtained from the Maryland Department of Natural Resources - Forest Service, E-1, Tawes State Office Building, Annapolis, MD 21401.