

Critical Area Commission

STATE PROJECT SUBMITTAL INSTRUCTIONS AND APPLICATION CHECKLIST

*Development in the Critical Area
Resulting from State Agency and Local Agency Programs
(COMAR 27.02.01-.08)*

General Instructions

State agencies that propose development in the Critical Area on State owned lands are required to seek review and approval by the Critical Area Commission for that development per COMAR 27.02.05. This document is intended to provide instruction on when to coordinate project review with Commission staff and ultimately submit a development project for review and approval.

Some State agencies have signed a Memorandum of Understanding with the Critical Area Commission to allow certain types of minor development activities through a General Approval process that does not require individual approval of each project (see COMAR 27.02.03). State agencies that have a signed Memorandum of Understanding (MOU) include the following: State Highway Administration, Maryland Aviation Administration, Maryland Port Administration, Maryland Transportation Authority, St. Mary's College of Maryland, and the Washington Suburban Sanitary Commission. Please contact Commission staff for further information on whether the proposed project qualifies under an MOU and therefore is not required to be voted upon by the Commission.

PROCESS AT A GLANCE

- 1. Consider the requirements of COMAR 27.02.05 on the proposed project.**
- 2. Contact Commission staff to begin consultation process and develop a complete application package.**
- 3. Submit complete application package 6 weeks in advance of scheduled Commission meeting.**
- 4. Advertise project according to COMAR 27.03.01.03 at least 14 days in advance of scheduled Commission meeting.**

➤ **Project Coordination**

State regulations require the agency, as soon as practicable in the planning process, to consult with Commission staff regarding:

- 1) The requirements of COMAR 27.02.05 (State Agency Actions Resulting in Development on State-owned Lands), and the likely effects of these requirements on a development project; and
- 2) An assessment of climate resilient practices that address coastal hazards, extreme weather events, sea level rise, and other impacts.

Initial contact with Commission staff may be made by phone, email or by U.S. mail. Please provide staff with preliminary plans and information regarding the proposal and the requirements of COMAR 27.02.05. Commission staff will provide feedback and guidance on Critical Area development and mitigation requirements.

➤ **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.

➤ **Complete Submittal Package**

A complete submittal package must be sent to the Critical Area staff 6 weeks prior to a scheduled review by the Project Subcommittee (see schedule, Attachment B). A complete submittal includes the following:

- 1) The completed checklist and supporting documentation;
- 2) Maps and site plans;
- 3) Evidence of public notice, including: copies of all public comment received; Copy of the newspaper ad; and photograph showing the posting of the affected property;

- 4) Information demonstrating compliance with the 10% pollutant reduction rule; including a copy of the Commission's Stormwater Spreadsheet and related stormwater management plans. Requirements can be found on the Commission's website.
- 5) If applicable, proposed Buffer Management Plans, Forest Mitigation planting plans, Planting Agreement Forms, and other necessary information documenting how mitigation requirements are met. Requirements can be found on the Commission's website.
- 6) If applicable, sediment and erosion control approval and stormwater management approval from Maryland Department of the Environment must be obtained or must be in final design stage.
- 7) If applicable, all Maryland Department of the Environment wetland authorizations (tidal and nontidal) and correspondence to and from the Department of Natural Resources and the Maryland Historic Trust.

APPLICATION CHECKLIST

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.

- | | |
|--|---|
| <input type="checkbox"/> Project name and location | <input type="checkbox"/> Area of Canopy Clearing within Buffer |
| <input type="checkbox"/> Project Purpose | <input type="checkbox"/> 10% Stormwater Rule Spreadsheet |
| <input type="checkbox"/> Agency sponsoring project | <input type="checkbox"/> Soil erosion and sediment control measures and implementation strategy |
| <input type="checkbox"/> Project description | <input type="checkbox"/> Lot coverage information |
| <input type="checkbox"/> Anticipated timeline | <input type="checkbox"/> Mitigation required for clearing of forest area |
| <input type="checkbox"/> Total acreage in Critical Area | <input type="checkbox"/> Mitigation required for impacts to the Buffer |
| <input type="checkbox"/> Total forest area cleared | <input type="checkbox"/> Afforested area |
| <input type="checkbox"/> Method of stormwater control | |
| <input type="checkbox"/> Area of Disturbance within Buffer | |

General Mapping Features

Please include the following features on all site plans:

- | | |
|--|--|
| <input type="checkbox"/> Vicinity map | <input type="checkbox"/> Critical Area boundary (Breakdown by IDA, LDA, RCA) |
| <input type="checkbox"/> Project boundary | <input type="checkbox"/> Limit of Disturbance |
| <input type="checkbox"/> Scale | <input type="checkbox"/> Limit of Disturbance within Buffer |
| <input type="checkbox"/> Orientation | <input type="checkbox"/> Area of canopy clearing within Buffer |
| <input type="checkbox"/> Project Name and Location | |
| <input type="checkbox"/> Tract or lot lines | |

_____ **One hundred-year floodplain boundary**

_____ **Agricultural lands**

_____ **Dredging activity and spoil site**

_____ **Surface mining sites and wash plants**

_____ **Topography**

- Including steep slopes (15% or greater) and proposed grading.

_____ **Soil**

- Type
- Area of hydric soils
- Area of highly erodible soils

_____ **Vegetative cover**

- Existing Forest
- Forest Clearing
- Afforestation/Reforestation
- Mitigation Areas

_____ **Existing and proposed structures**

- 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.

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:

_____ **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

_____ **Tidal Wetlands**

_____ **Nontidal Wetlands**

_____ **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

_____ **Anadromous Fish Propagation Waters**

Mitigation Planting Plans (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 demonstrating compliance with the requirement. A Planting Agreement Form must also be submitted with all mitigation plans (Attachment C).

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%.**

Minimum Documentation Requirements

The following approvals and documents must be obtained prior to scheduling the project for review by the Project Subcommittee:

- _____ **Maryland Department of the Environment (MDE)**
 - _____ Tidal wetlands approval
 - _____ Nontidal wetlands approval
 - _____ Water Quality Certification

- _____ **Army Corps of Engineers (ACOE) Tidal Wetlands Permit (404)**

The following permits 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)**

- _____ Stormwater Management approval
- _____ Sediment and erosion control plan approval

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

- _____ **Maryland Historic Trust (MHT)**
 - _____ Review letter

State / Federal Agency Recommendations

Review and comment from the appropriate MDE, MHT, DNR, and ACOE units is required, if applicable to the site, for the following resources and habitats:

- | | |
|---|---|
| _____ Threatened and Endangered Species | _____ Submerged Aquatic Vegetation |
| _____ Plant and Wildlife Habitat | _____ Anadromous Fish Propagation Waters |
| _____ Riparian Forests | _____ Other Aquatic Species
(Shellfish, etc.) |
| _____ Forest Interior Dwelling Birds
(FIDs) | _____ Historic Waterfowl Staging and Concentration Areas |
| _____ Natural Heritage Areas | _____ Historic Resources (MHT) |
| _____ Colonial water birds | |

Site Visits

Site visits should be arranged with Commission staff by the responsible agency.

Formal Submission

Application of a complete package must be made by U.S. Mail only. Applications received only by electronic mail may not be processed.

PLEASE SUBMIT BY U.S. POSTAL MAIL THE ABOVE INFORMATION TO:

**CRITICAL AREA COMMISSION
1804 WEST STREET, SUITE 100
ANNAPOLIS, MARYLAND 21401**

(410) 260-3460
Fax (410) 974-5338

ATTACHMENT A
NOTICE REQUIREMENTS

27.03.01.03

.03 Notice Requirements for State Agency and Local Agency Development.

A. The requirements of this regulation do not apply to development that a State agency or local agency proposes in the Critical Area if:

- (1) As provided under COMAR 27.02.02, the development is:
 - (a) A State agency action that results in development of local significance on private lands or lands owned by a local jurisdiction; or
 - (b) A local agency action that results in development of local significance on private lands or lands owned by a local jurisdiction;
- (2) The development is included in a general approval, as provided under COMAR 27.02.03; or;
- (3) All of the following:
 - (a) The development is proposed on State lands;
 - (b) The State agency is otherwise required by operation of law to provide public notice and public comment for that type of development; and
 - (c) Posting is accomplished in accordance with §D of this regulation.

B. Public Notice.

- (1) Except as provided under §A of this regulation, a State agency or local agency that proposes development in the Critical Area shall, as part of its project submittal to the Commission, provide evidence that:
 - (a) Public notice was published for 1 business day in a newspaper of general circulation in the geographic area in which the proposed development would occur;
 - (b) Publication included:
 - (i) The identity of the sponsoring State agency or local agency;
 - (ii) A description of the proposed development;
 - (iii) The street address of the affected land and a statement that its location is in the Critical Area; and
 - (iv) The name and contact information of the person within the sponsoring State agency or local agency designated to receive public comment, including a fax number and email address, and the deadline for receipt of public comment;

(c) At least 14 days were provided for public comment in the local jurisdiction in which the proposed development would occur; and

(d) The affected land was posted in accordance with §D of this regulation.

(2) In addition to the public notice required under §B(1)(a) and (b) of this regulation, a State agency or local agency may provide for public notice:

(a) By electronic posting on its website or the website of a newspaper of general circulation in the local jurisdiction in which the proposed development would occur; or

(b) To a neighborhood association or residents of a particular geographic area.

C. Evidence of public notice and opportunity for public comment required under §B(1)(a) and (c) of this regulation shall include at least the following documentation:

(1) The name of the newspaper and the date on which the notice was published;

(2) A copy of the public notice as it was published in the newspaper; and

(3) A copy of each written comment received in response to the public notice.

D. The sponsoring State agency or local agency shall ensure that the posting required under §B(1)(d) of this regulation meets the following requirements:

(1) The sign is at least 30 inches by 40 inches in size;

(2) The sign clearly:

(a) Identifies the sponsoring State agency or local agency;

(b) Describes the proposed development;

(c) Provides the street address of the affected land and states that it is located in the Critical Area; and

(d) States the name and contact information of the person within the sponsoring State agency or local agency designated to receive public comment, including a fax number and email address, and the deadline for receipt of public comment;

(3) On a date not later than the date on which the notice is published in the newspaper, the sign is posted in a conspicuous location on the affected land and remains there until after the Commission has voted on the development; and

(4) For development that extends more than 1,000 linear feet in road frontage, at least one sign is posted at each end of the affected land on which the development is proposed.

ATTACHMENT B

CRITICAL AREA COMMISSION MEETING AND SUBMITTAL SCHEDULE 2015

**NOTE: ALL MEETINGS ARE TENTATIVELY SCHEDULED FOR EACH MONTH, BUT
MAY NOT OCCUR EACH MONTH**

MEETING DATE	SUBMITTAL DEADLINE
January 7, 2015	December 1, 2015
February 4, 2015	December 24, 2015
March 4, 2015	January 21, 2015
April 2, 2015	February 19, 2015
May 6, 2015	March 25, 2015
June 3, 2015	April 22, 2015
July 1, 2015	May 20, 2015
August 5, 2015	June 24, 2015
September 2, 2015	July 26, 2015
October 7, 2015	August 26, 2015
November 4, 2015	September 24, 2015
December 2, 2015	October 21, 2015

Planting Agreement for State Projects

State Agency

Project Number

Agency Contact

Phone Number

Commision Approval Date

CAC Planner

Project Name

Project Location

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer

15% Afforestation Provided (if required)

Mitigation Calculation Within Buffer

Total Mitigation Requirement

Planting and Natural Regeneration Plan Summary (Planting Plans should be submitted separately)

Planting Date

Year

First Site Visit Date

Completed by

Second Site Visit Date

Completed By

Date Mitigation Complete

Responsible Contact for Mitigation (Print)

Signature

Date

Revised May
2015