

**MARYLAND COAST SMART COUNCIL  
COAST SMART CONSTRUCTION PROGRAM**

**Natural Resource-Related Siting Provisions  
For Discussion Purposes**

**Coast Smart Construction: Siting Guidelines (2014)**

- i. **Siting Criteria:** The following specifications related to the location of a structure or use on a lot or parcel or within a larger geographic area are required:
  4. Ecological features that may serve to buffer the project from the impacts of future sea level rise, coastal flooding or storm surge (e.g., vegetated or forested buffers, dunes, wetland adaptation areas) or that support general climate adaptation practices (e.g., habitat adaptation areas), shall be identified, protected and maintained.
    - a. All projects shall be in compliance with COMAR 27.02.05, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, Development in the Critical Area Resulting from State and Local Agency Program.
  - ...
  5. Whenever possible, onsite mitigation measures should be directed towards enhancing, restoring or creating ecological features to provide additional protection against future sea level rise and coastal storm impacts.
- ii. **Design Criteria:** The following structural specifications related to the shape, size or form of construction practice guidelines are required:

**Appendix: Screening Checklist**

4. **Ecosystem Resiliency.** Circle all ecological features on site that may serve to buffer the project from the impacts of future sea level rise, coastal flooding or storm surge:
  - a. Vegetated or forested buffers
  - b. Dunes
  - c. Beaches
  - d. Wetland or marsh system
  - e. Oyster beds or reefs
  - f. Barrier island(s)
  - g. Potential wetland migration on site
  - h. Habitat adaptation areas on site

- i. Natural features that could be enhanced, restored or created to provide additional protection against future sea level rise and coastal storm impacts
- j. Explanation/Others

5. **Resiliency Measures.** Identify *Coast Smart* Siting and Design Guidelines incorporated into project siting, design, construction, maintenance and operational planning, or other measures included in state or local climate adaptation plans (e.g., flood gates) that are scientifically workable and with a likelihood of construction within the needed timeframe. These may include:

- a. Does the project incorporate ecosystem resiliency measures? a. Yes      b.  
No  
Explain:

## **Critical Area Commission, COMAR 27.02.05 State Development Regulations**

### **27.02.05.02 – Commission Review**

This section outlines the framework by which agency actions proposed in the Critical Area are planned and proposed. It provides a more specific process for agencies to include consideration of Critical Area development standards on proposed projects ‘as soon as practicable in the planning process’. This includes assessing climate resilient practices that address coastal hazards, extreme weather events, sea level rise and other impacts. (COMAR 27.02.05.02.A(2))

- Once the consultation process is complete, a State agency shall submit the proposed development for Commission approval.
- The submission will include a description of the project, findings that the project complies with all of the requirements of the Chapter, and all information and documentation required by the Commission.

### **27.02.05.03 – Criteria for Development by a State Agency on State-Owned Land**

This section lays out required development standards that apply to all proposed development activities, no matter the Critical Area designation. This includes the following considerations for climate change:

- (.03.B(3)(b)) To the maximum extent practicable, a state agency will preserve, protect and maintain a potential wetland migration area.
- (.03.B(9)(a)) The state agency shall demonstrate that it considered the likelihood of inundation by sea level rise over the course of the design life of the project
- (.03.B(9)(b)) The State agency identifies the climate resilient practices that were incorporated in to the project in order to avoid or minimize environmental and structural damage associated with a coastal hazard, extreme weather event, sea level rise and other impacts.
- (.03.C) If a proposed project has a detrimental impact on a potential wetland migration area, the State agency shall
  - (1) demonstrate why the impact is unavoidable,
  - (2) provide an assessment of on-site ecological features 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 detrimental impacts and the enhancement, restoration, and creation of natural features onsite.
- (.03.D) When public access is proposed, the agency will demonstrate that impacts from coastal hazards and sea level rise have been minimized and that long-term access has been considered.

## **Federal Executive Order 13690**

Section 2(a)(2), ‘‘Where possible, an agency shall use natural systems, ecosystem processes, and nature-based approaches when developing alternatives for consideration.’’