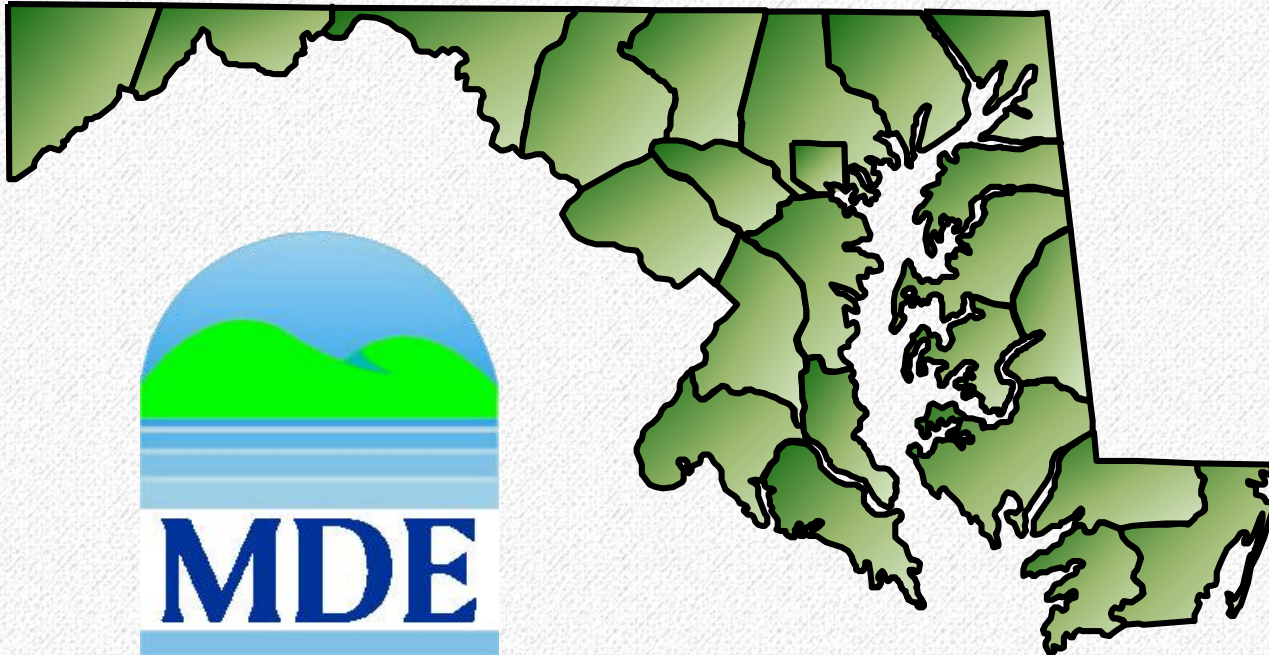




# MARYLAND DEPARTMENT OF THE ENVIRONMENT





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DEPARTMENT OF THE ENVIRONMENT

## ***WETLANDS & WATERWAYS PROTECTION PROGRAM***

- ***Waterway Construction Statute (1933)***  
***Title 5, Subtitle 5 of the Environment Article***
- ***Wetlands and Riparian Rights Act (1970)***  
***Title 16 of the Environment Article***
- ***Nontidal Wetlands Protection Act (1989)***  
***Title 5, Subtitle 9 of the Environment Article***
- ***Section 401 Water Quality Certification***
- ***Coastal Zone Management Act Coastal Zone Consistency***



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## **MARYLAND'S PATH TO ASSUMPTION**

### **1987 - Chesapeake Bay Agreement**

- **Commitment to increase protection of Nontidal Wetlands**

### **1988 - Nontidal Wetlands Task Force**

- **Business, government, and environmental interests work to develop a comprehensive State policy for wetland protection**
  - **Identified problems include continued wetland losses and an existing inefficient regulatory framework**
  - **Policy options include assumption of Section 404**
  - **Final recommendation is to create a State regulatory program**



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## **MARYLAND'S PATH TO ASSUMPTION**

### **1989 Session of the Maryland General Assembly**

- **Enacts Nontidal Wetlands Protection Act**
- **Bill includes language directing the Department to investigate assumption**

### **1994 Session of the Maryland General Assembly**

- **House Bill 414 / Senate Bill 291 entitled Nontidal Wetlands – State Assumption of the Federal Permit Program**
- **Bill passes in the House; dies in the Senate**



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## ***MARYLAND'S PATH TO ASSUMPTION***

### ***1995 Session of the Maryland General Assembly***

- ***House Bill 820 / Senate Bill 649 entitled Nontidal Wetlands – Amendments to Improve Consistency with the Federal Clean Water Act***
- ***Bill fails in both the House and the Senate***

***1996 – U.S. Army Corp of Engineers issues the Maryland State Programmatic General Permit (MDSPGP-1)***

***2015 – Department investigates assumption...again.***



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## ***STATE AND FEDERAL JURISDICTION***

***B. For the purpose of assumption of the Section 404 program, the State Program will have jurisdiction over all waters of the United States, except:***

***1. Waters subject to the ebb and flow of the tide shoreward to their mean high water mark, and adjacent wetlands partially or entirely within 1,000 feet of the mean high water mark.***





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## ***STATE AND FEDERAL JURISDICTION***

***B. 2. The following bodies of water which are not mapped as tidal wetlands, and which are presently used, or are subject to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark:***

- a. Chesapeake and Delaware Canal (C&D Canal), including adjacent wetlands;***
- b. Susquehanna River, including adjacent wetlands;***



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## ***STATE AND FEDERAL JURISDICTION***

***B. 2. c. Potomac River to Wills Creek Bridge, Cumberland, Maryland, including adjacent wetlands located entirely or partially within the area generally defined as shoreward of the property boundary of the C&O Canal National Historic Park;***

***d. The Chesapeake and Ohio Canal (C&O Canal) and all adjacent wetlands.***







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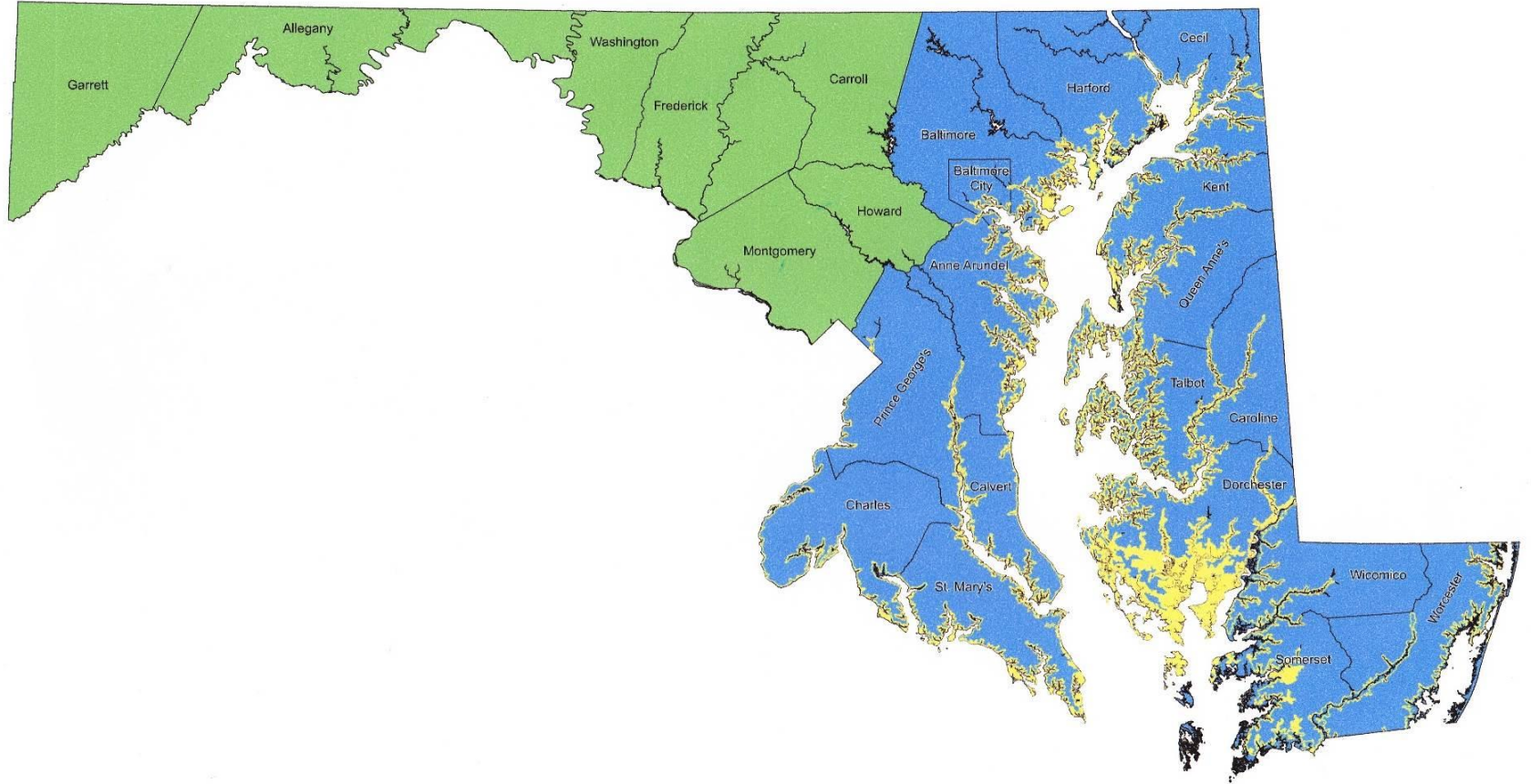
## ***STATE AND FEDERAL JURISDICTION***

***C. For all waters and wetlands regulated by both the State and the Corps, the Joint Federal/State Application processing procedures shall remain in effect, and***

***D. Modifications to the extent of waters described in B.2. above will be made whenever the Corps makes a navigability determination in accordance with the provisions of 33 CFR 329 that the waterway is presently used or is subject to use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.***



# Maryland Critical Area



Larry Hagan  
Governor  
Boyd K. Rowberford  
Lt. Governor  
Mark Hatton  
Secretary



**Critical Area Commission**  
1804 West Street, Suite 100  
Annapolis, MD 21401  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)  
410-260-3460

**Department of Natural Resources**  
580 Taylor Ave  
Annapolis, MD 21401  
410-260-8367

This map shows the approximate extent of the Critical Area as of the time of printing. Tidal Wetlands are included where available. Please contact the Critical Area Commission or your local Planning and Zoning department for official Critical Area maps.

This map is provided "as is" without warranty of any kind, either expressed, implied, or statutory. The user assumes the entire risk as to quality and performance of the map. No guarantee of accuracy is granted, nor is any responsibility for reliance thereon assumed. In no event shall the State of Maryland be liable for direct, indirect, incidental, consequential or special damages of any kind. The State of Maryland does not accept liability for any damages or misrepresentation caused by inaccuracies in the map or as a result of changes to the map, nor is there responsibility assumed to maintain the map in any manner or form.



## Legend

- Critical Area
- Jurisdiction Contains no Critical Area
- Jurisdiction Contains Critical Area



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## ***STATE AND FEDERAL JURISDICTION***

***Why was Federal Jurisdiction Set at 1,000 Feet from the Mean High Water Mark in 1994?***

- ***The Bright Line - Critical Area Maps are legal documents, adopted by the governing body of a local jurisdiction, and approved by the Chesapeake Bay Critical Area Commission, that exhibit those lands within the 1000 foot Critical Area boundary. The maps are available for public inspection at each jurisdiction's Office of Planning and Zoning.***





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## ***STATE AND FEDERAL JURISDICTION***

***Why was Federal Jurisdiction Set at 1,000 Feet from the Mean High Water Mark?***

- ***The Bright Line - Amendments to the Critical Area law in 2008 require the Commission to update its maps every 12 years. The legislation directed the Department of Natural Resources to prepare a Statewide Base Map that includes a State-determined shoreline and landward boundary of tidal wetlands and a digitally generated, geo-referenced 1,000-foot Critical Area boundary, as appropriate for integration into a Geographic Information System.***





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## ***STATE AND FEDERAL JURISDICTION***

***Why was Federal Jurisdiction Set at 1,000 Feet from the Mean High Water Mark?***

- ***The Next Bright Line? - A keystone of the Chesapeake Bay Critical Area Protection Program is the establishment, preservation, and maintenance of a 100-foot, naturally vegetated, forested buffer landward from the Mean High Water Line of tidal waters or from the edge of tidal wetlands and tributary streams. The 100-foot Buffer is designated on every Critical Area jurisdictional map.***



DEPARTMENT OF THE ENVIRONMENT

## ***STATE AND FEDERAL JURISDICTION***

***Why was Federal Jurisdiction Set at 1,000 Feet from the Mean High Water Mark?***

***The Next Bright Line? - The Buffer acts as a water quality filter for the removal or reduction of sediment, nutrients, and toxic substances found in runoff. The Buffer also minimizes the adverse impact of human activities on habitat within the Critical Area.***

