



# Strengthening the Legal Framework of the Program

## *Maryland's Enforceable Policy Update 2010-2011*

### Strengthening Coastal and Ocean Resource Management

In response to a 2007 Section 312 Assessment of Maryland's Coastal Program, Maryland submitted a Routine Program Change (RPC) to NOAA on November 19, 2010. On March 18, 2011, NOAA approved Maryland's RPC. The updated and clarified enforceable policies contained in the RPC are the result of a comprehensive review and update of the policies of the State of Maryland Coastal Management Program Document and past program changes. The enforceable policies are based on current legally binding provisions of Maryland law and articulate clear standards for federal consistency determinations and certifications. While Maryland's federal consistency process will continue to be guided by a number of considerations; any objections to a federal action will be based on the enforceable policies proposed in this RPC. Maryland hopes that by clearly articulating its enforceable policies, proponents of an action subject

*"The Maryland Coastal Program must clarify, document, and make publicly accessible the enforceable coastal policies of the Maryland Coastal Program."*

- NOAA Section 312 Evaluation Findings, September 2007

to federal consistency will be encouraged to engage in more meaningful early consultation with Maryland's Program.

### Federal Consistency at Work

The CZMA contains a "federal consistency" provision, an important tool that allows Maryland to influence federal actions likely to affect Maryland's coastal resources or uses. The consistency requirement is an important mechanism to address coastal effects, to ensure federal consideration of state management programs, and to avoid conflicts between states and federal agencies by fostering early consultation and coordination. Maryland's Program evaluates proposed federal activities, permits and licenses, or financial assistance affecting the State's coastal zone to ensure consistency with those enforceable policies.

Direct federal activities and development projects are activities performed by a federal agency, or a contractor for the benefit of a federal agency. Examples include, but are not limited to, the installation of mooring buoys or road construction in National Parks; Fisheries Management Plans developed by the National Marine Fisheries Service; Naval exercises; the disposal of surplus

Balancing human demands with conservation of the resources that make Maryland such a unique place to live, work and play

*Martin O'Malley, Governor*  
*John R. Griffin, Secretary*



Photo by Ben Clare

## Coastal Zone

### Counties:

Anne Arundel  
Baltimore  
Calvert  
Caroline  
Charles  
Cecil  
Dorchester  
Harford  
Kent  
Prince George's  
Queen Anne's  
Somerset  
St. Mary's  
Talbot  
Wicomico  
Worcester  
and  
Baltimore City

federal land by the General Services Administration; the maintenance of federal navigation channels, construction of a breakwater or beach renourishment project by the U.S. Army Corps of Engineers (Corps); an outer continental shelf oil and gas lease sale by the Minerals Management Service (MMS); improvements to a military base; and the disposal of radioactive or hazardous waste performed by a contractor for a federal agency.

Maryland's Program is a comprehensive and coordinated program, based on existing laws and authorities, for the protection, preservation, and orderly development of the State's coastal resources. Specific goals, objectives, and policies were developed for the management of uses and activities which have a direct, and potentially significant, effect on coastal resources. Overall management is achieved through the use of existing state regulatory programs, an Executive Order mandating the Program, and Memoranda of Understanding between appropriate state departments.

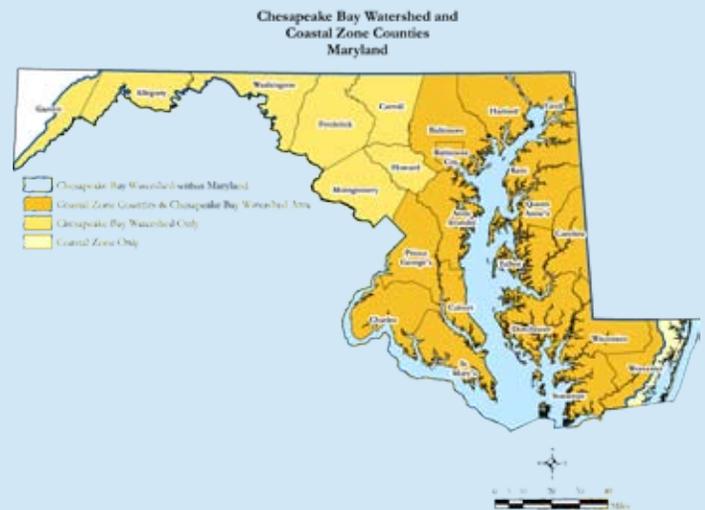
The federal consistency review is based on the enforceable policies of the Program.

### How We Are Organized

The Maryland Chesapeake & Coastal Program, administered by the Maryland Department of Natural Resources, is a partnership among local, regional and state agencies. The Program collaborates with many private organizations, such as local land trusts and economic development groups. Through this networked approach, no one agency or department is responsible for Maryland's entire coast. Rather, all partners help to ensure its proper management. The federal consistency requirements are enforced through the Coastal Zone Consistency Division in the Wetlands and Waterways Program of the Water Management Administration (WMA) in the Maryland Department of the Environment (MDE).

### Where We Work

The Maryland coastal zone is comprised of the land, water and subaqueous land between the territorial limits of Maryland in the Chesapeake Bay, Atlantic Coastal Bays and the Atlantic Ocean, as well as the towns, cities and counties that contain and help govern the thousands of miles of Maryland shoreline. The Maryland coastal zone extends from three miles out in the Atlantic Ocean to the inland boundaries of the 16 counties and Baltimore City that border the Atlantic Ocean, Chesapeake Bay and the Potomac River up to the District of Columbia. This area encompasses two-thirds of the State's land area and is home to almost 70% of Maryland's residents.



**For questions or to provide comments on the Routine Program Change and Maryland's enforceable coastal policies, contact:**

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#### Photo credits:

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