

Coast Smart Council Annual Report 2024

The Coast Smart Council is one of many resources that Maryland utilizes to make sound decisions when investing in new and substantially damaged structures to protect them from future climate change impacts. The Council is charged with developing and administering the Coast Smart Construction Program which contains the siting and design criteria that state and local capital projects must adhere to.

Introduction

Chapter 415 of the 2014 Laws of Maryland (HB 615), established the Coast Smart Council (the Council) within the Department of Natural Resources (DNR). One of the primary tasks of the council, staffed by DNR and comprised of private sector and state agency membership, was to establish Coast Smart Siting and Design Criteria (criteria) to address sea level rise and coastal flood impacts on future state funded capital projects planned and built by units of state government.

The 2014 legislation also required state capital projects that include the construction of a new structure or the reconstruction of a structure with substantial damage to be constructed or reconstructed in compliance with the criteria approved by the council. The Coast Smart Construction Program, summarized below, provides guidelines and directives applicable to the preliminary planning and construction of a proposed capital project; requires the lowest floor elevation of each structure located within a Special Flood Hazard Area to be built at an elevation of at least 2 feet above the base flood elevation; and establishes a process to allow a unit of state government to obtain a waiver from complying with the requirements.

The Coast Smart Construction Program (program), which became effective July 1, 2015, sets out the

siting and design guidelines developed by the council and establishes the procedures and priorities for all state agencies that plan, budget, design or build facilities in areas vulnerable to coastal flooding and sea level rise.

SB1006/HB1350 was passed during the 2018 legislative session, expanding the council's work to include local projects funded by the state, changing the vulnerability assessment standard from 100-year flood to Category 2 storm surge, and adding the Maryland Treasurer to the council. In 2019, HB1427 made another update to the program that clarified the applicability of siting and design guidelines, extended deadlines for revising the siting and design criteria and nuisance flood plans and made technical corrections to clarify implementation during the interim.

In 2020, The Coast Smart Council updated and released the Coast Smart Construction Program document that outlines the Coast Smart screening process and provides forms as appendices. The Coast Smart Climate Ready Action Boundary (CS-CRAB) was released in 2020 as a publicly available interactive online mapping layer to identify areas where the Coast Smart siting and design criteria might apply to state and local capital projects. The CS-CRAB shows the depth of flooding in coastal areas given a 3-foot increase in water surface elevation above the current tidal 100-year floodplain vertical rise and associated horizontal reach.

[Annual Reporting to the Council](#)

Beginning on October 1, 2016 and for every year thereafter, all units of state government are to report to the council on individual state agency actions, which were undertaken within the previous state fiscal year and related to the implementation of the program, including categorical exemptions and waiver determinations.

It is intended that the council will review the program on an annual or "as necessary" basis to integrate emerging Coast Smart planning and construction practices and address issues identified during the building of state facilities. The Annual Report helps the council evaluate the program and supports the further development or refinement of criteria, categorical exemptions, general standards and procedures for applying and obtaining a waiver.

Section I: Legislative Updates

In the 2024 legislative session, Senate Bill 299 was passed to amend the Coast Smart law. This amendment gave the Coast Smart Council the ability to recommend regulations for adoption to the Chair, the Secretary of DNR. The bill also codified the process of exempting projects from the Coast Smart Construction Program siting and design criteria. Exemptions existed procedurally in the Program Document, but not within the Coast Smart law.

Section II: Institutionalizing Coast Smart Siting and Design Criteria into State Programs

Since July 1, 2015, state agencies have been working to incorporate the siting and design guidelines into appropriate planning, design and construction processes as a means to institutionalize the Coast Smart practices approved by the council. Advancements in 2024 included:

1. **Agency Process:** Continuing a series of agency-specific presentations, the February 28 and May 29, 2024 meetings hosted presentations given by staff at the Maryland Department of the Environment (MDE) and the Maryland Historical Trust respectively. These presentations discussed how each agency has incorporated Coast Smart reviews into their procedures. Presentations also covered other ways climate resilience is built in, especially in cases with projects that are not subject to the Coast Smart law.
2. **Learning from Other States:** At the August 30, 2024 meeting, the Coast Smart Council invited Dr. Gavin Smith from North Carolina to talk about the Coastal Hazards Overlay Districts and Open Space Management Guides that he helped produce. These talks offered the Council an opportunity to learn from other states' planning and construction programs to stimulate conversation about ideas for Coast Smart in the future.
3. **Wastewater Clarification:** A wastewater working group was formed to develop a memo that clarified the application of the Coast Smart criteria to wastewater structures. The working group finalized their memo and presented their final results at the November 20, 2024 meeting. The memo was voted on by the Coast Smart Council and is currently being reviewed by the Office of the Attorney General.
4. **State Agency Outreach:** In response to an identified need to increase awareness of the Coast Smart law, the DNR staff facilitator connected with 14 different state agencies and funding programs. As a result of these interactions, the facilitator delivered seven formal presentations on the basics of the Coast Smart Council and Construction Program over the course of the year.

Section III: State Agency Projects and Grants and Loans Administered by State Agencies

The Department of Budget and Management (DBM) Office of Capital Budgeting (OCB) prepares the Governor's annual capital budget and develops the five-year Capital Improvement Program, exclusive of Department of Transportation projects. The capital budget consists of state-owned capital projects and grant and loan programs administered by State agencies to support capital projects.

State-owned capital projects are required to be constructed or renovated in compliance with Coast Smart siting and design criteria. All State-owned projects and a few grant and loan program projects are screened based on their location for growth and conservation criteria, including Coast Smart

during the development of the capital budget. If OCB indicates a project is in the CS-CRAB layer, the Department of Planning and (MDP) and DNR work with the agency project manager to incorporate Coast Smart siting and design criteria into the facility program. Projects are typically screened several years in advance of funding.

Most grant and loan programs administered by State agencies use internal review processes to ensure compliance with Coast Smart when awarding State capital funds to local projects from their respective programs.

In FY 2024, one State-owned project and four grant and loan projects were located within the CS-CRAB boundary. In FY 2025, three State-owned projects and eleven grant and loan projects were located within the CS-CRAB boundary. After the initial screening was completed and upon further review by DNR and MDP, the majority of these projects did not meet the applicability criteria for Coast Smart based on the cost and type of project.

Section IV: Categorical Exemptions and Criteria Waivers

The program includes provisions for state agencies to apply for Categorical Exemptions for certain project types and uses as well as to request Waivers from one or more of the specific siting and design criteria.

Categorical Exemptions

Under the Categorical Exemptions provision, agencies may determine that certain projects and uses are exempt from strict application of the criteria, provided that it can be demonstrated that those projects have been designed to increase resiliency to future impacts. Categorical Exemptions currently include the following project types and uses:

Water-dependent uses. Projects that require continued direct access to the water as an integral part of the use, or facilities that directly support water dependent uses.

Passive public access. Projects that provide either recreational or scenic access to water bodies or shoreline areas and need to be within a flood zone to accomplish their purpose.

Historic structures. Projects that require the investment of state resources in properties or determined eligible for listing in the National Register of Historic Places or a contributing resource within a historic district listed or determined eligible for listing in the National Register.

Temporary structures or uses. Structures intended to be in place for less than 180 consecutive days in any given calendar year or will be removed at the end of a construction project.

Emergency uses. Structures essential to save lives and protect property, public health and safety.

While exempted projects are excused from strict application of the criteria, they are still required to employ Coast Smart principles and practices, wherever practicable. Agencies using a categorical exemption are also required to submit documentation and reporting materials on an annual basis. Reporting documents will be used by the council for the purposes of further development and/or refinement of Coast Smart Siting and Design Criteria, Categorical Exemptions, or general standards and procedures for applying and obtaining a waiver.

If needed, agencies may request a formal consultation with the Coast Smart Council for the purposes of reviewing a proposed project or seek a determination of compliance with the Categorical Exemption provision listed above.

In FY24, no agencies reported project types or uses as Categorical Exemptions. In addition, no agencies have requested formal consultation with the council for projects funded in FY24.

Coast Smart Criteria Waivers

Any unit of state government may request a waiver from one or more of the specific Coast Smart Siting or Design Criteria. Waiver requests are reviewed and approved by the Sustainable Growth Coordinating Committee (SGCC) in consultation with the council. Agencies seeking Criteria Waivers submit the Waiver Request and supporting information to the SGCC. On an annual basis, the waiver requests will be included in the Sustainable Growth Subcabinet report in a section documenting any coordinating committee decision regarding Coast Smart Construction Policy. Similarly, waiver requests and decisions will be reported annually to the council in this report.

In FY24, the following projects applied for waiver consideration:

- The Department of Natural Resources
 - Point Lookout Wastewater Treatment Facility - Scotland (approved)
- The Department of the Environment:
 - Jersey Island Wastewater Pumping Station Replacements - Crisfield (approved)
 - Trenton Street Wastewater Pumping Station - City of Cambridge (approved)
 - East Central Avenue Pumping Station Replacement - Federalsburg (under review)

Section V: State Agency Actions and Initiatives

In addition to implementing Coast Smart guidelines for the construction of new state structures, or the reconstruction or rehabilitation of substantially damaged state structures, state agencies provide multiple technical and financial assistance programs to help communities assess their vulnerability to coastal flood hazards, identify natural and nature-based features that improve coastal resiliency and

adopt Coast Smart practices into project planning and infrastructure improvements to mitigate coastal flooding, saltwater intrusion, storm surge, and sea level rise. The items listed below contain information on new or updated programs and initiatives.

1. **Saltwater Intrusion Plan 2024 Update**

In 2018, with the passage of House Bill 1350, Maryland's General Assembly tasked MDP with producing a plan for Saltwater Intrusion. The first Saltwater Intrusion Plan was produced in 2019. The 2024 update, released in December, includes the incorporation of updated research and a substantial overhaul of the section that covers saltwater intrusion's potential impacts on infrastructure.

2. **Sea Level Rise Guidance Document, 2024 Update**

In conjunction with the release of updated projections from the University of Maryland Center for Environmental Science, an updated sea level rise guidance document was released in July 2024. First released with the 2018 projections, this guidance document provides a step-by-step approach on how to select the appropriate projection for use in planning, regulatory, or site-specific projects and includes a step by step worksheet. In the Fall of 2024, DNR hosted a webinar training titled "Planning for Coastal Flood Impacts" which included a module on using the guidance document.

3. **Nuisance Flood Plan Guidance 2025 Update**

DNR, MDP, MDE, and Maryland Department of Emergency Management (MDEM) updated nuisance flood plan guidance and guidance for local plan updates through October 1, 2025. The guidance addresses new recommendations, plan development, and resources.

4. **MyCoast Maryland**

Thirteen public trainings were offered throughout the Coastal Zone to 400 people in communities and local organizations to encourage the use of the MyCoast MD flood documentation app and website. MyCoast MD can be used to track tides, submit photos of flooding, and identify areas for adaptation strategies. In 2024, MyCoast MD registered many new users, hitting a landmark achievement of over 1919 people with accounts. Additionally, DNR expanded the use of the restoration tracker tool for use at six restoration sites.

5. **Sea Level Rise & Flood Visualizations for Maryland's Coastal Communities**

DNR began the development of statewide flood visualizations reflecting the best available science from the state's 2023 sea level rise projections. This non-regulatory tool is being developed to display areas prone to sea level rise, high tide flooding, impacted by historic flooding events, and evaluate depth of flooding at any given location in the coastal zone. Flood data will be available at 6-inch vertical increments and will also provide higher horizontal resolution than flood visualization data available at the national-level. Future updates will correspond with state sea level rise estimates, which are currently updated every five years by University of Maryland

Center for Environmental Science.

6. Flood Awareness Month

Flood Awareness Month, an interagency collaboration between state and federal partners, occurred in April with four themed weeks: overall flooding, businesses, first time home buyers, and community connections. Agency staff hosted a webinar and open house event and provided flood information and guidance on how to use tools and communicate flood risks to community members.

Section VI: Follow-Up Actions and Recommendations

The Coast Smart Council continuously seeks to refine and reassess how the Coast Smart Construction Program is functioning. The below items have been identified as topics that will be pursued in the following year to develop the program further.

1. Training and Outreach - Complete the Coast Smart website update to increase Coast Smart literacy across state agencies, local municipalities, and private contractors

Discussions over the past year have indicated that the Coast Smart Screening Process is not consistently understood by the intended users. Over the next year, the Coast Smart Council will continue to provide outreach and training on the Coast Smart Construction Program with a concentrated focus for the next year on local government education and compliance to include how to best prepare, mitigate and repair flood prone areas that are projected to be impacted by future climate events.

2. Adoption of Regulations - Develop and recommend regulations that will strengthen the Coast Smart law

With the passing of SB299, the Council will now have the ability to recommend regulations for adoption to the Secretary of DNR. The next year should focus on developing appropriate recommendations and deciding on an iterative process going forward to continually assess and improve them.

3. Periodic Program Updates - Discuss the periodic update of data used to determine project eligibility and siting and design criteria

The Coast Smart Council was charged with creating siting and design criteria for the Coast Smart Construction Program, but the information used to make these determinations will not remain static. The Coast Smart Council should discuss in the next year what timeline should be used to assess whether an update is needed and how to automate information updates in the future.