

## DEFINITIONS

### **Afforestation**

The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

### **Agriculture**

All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

### **Agricultural easement**

A non-possessory interest in a parcel of land, which restricts the conversion of use of the land, preventing non-agricultural uses.

### **Anadromous fish**

Species of fish (e.g., rockfish, yellow perch, white perch, shad and river herring) that travel upstream from their primary habitat in the ocean to fresh waters in order to spawn.

### **Anadromous fish propagation waters**

Those streams that are tributaries to tidal waters where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad and river herring) occurs or has occurred.

### **Aquaculture**

The farming or culturing of finfish, shellfish, or other aquatic plants or animals in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish pens, shellfish rafts, racks, and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as

wholesale and retail sales, processing, and product storage facilities are not considered aquacultural practices

### **Atmospheric deposition**

A process whereby pollutants are transported from a ground-based source and through atmospheric processes are deposited on a distant land or water surface.

### **Barren land**

Unmanaged land having sparse vegetation.

### **Best Management Practices (BMPs)**

Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

### **Board of Appeals**

The local body within a jurisdiction, created by ordinance, whose responsibility it is to hear appeals from decisions of the local zoning administrative official and to consider requests for variances and special exceptions (special use permits, conditional use permits) permissible under the terms of that jurisdiction's zoning ordinance and Critical Area Program.

### **Buffer**

A naturally vegetated area or vegetated area, established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

### **Clearcutting**

The removal of an entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, by advanced regeneration or stump sprouts, or by planting of seeds or seedlings.

## Cluster development

A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

## Colonial nesting water birds

Hérons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is colonize) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

## Commercial harvesting

A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

## Community piers

Boat docking facilities associated with subdivisions or similar residential areas, and with condominium, apartment and other multiple-family dwelling units. Private piers are excluded from this definition.

## Conservation easement

A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

## Critical Area

All lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include all waters of, and lands under, the Chesapeake Bay and its tributaries and the Atlantic Coastal Bays and their tributaries, to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland. They include all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland and modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Natural Resources Article, § 8-1807, Annotated Code of Maryland.

## Crustaceans

A group of predominantly aquatic animals, including crabs, shrimps and barnacles, having hard outer skeletons or shells and paired, jointed limbs.

## Density

The number of dwelling units per acre within a defined and measurable area.

## Developed woodlands

Those areas of one acre or more in size which contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.

## Development

The construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures; any activity that materially affects the condition and use of dry land; or any activity that materially affects the condition and use of land under water within the designated Critical Area.

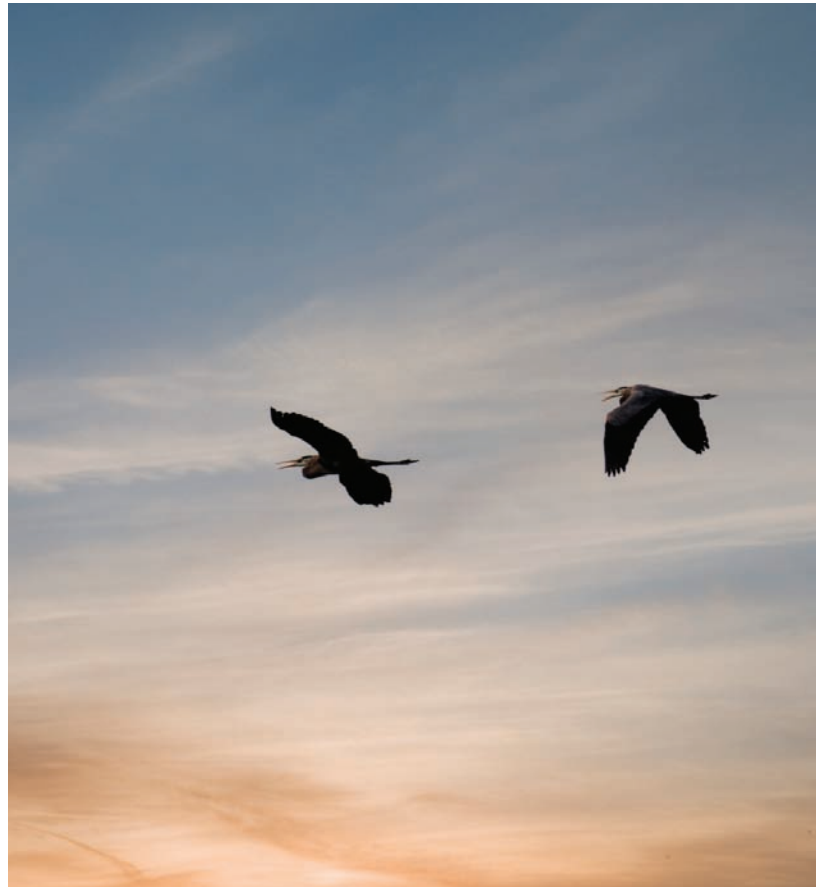
## Development activities

Human activities that result in disturbances to land in conjunction with the construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures.

## Documented breeding bird areas

Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been

- *Hérons are colonial nesting water birds that nest in groups, often with multiple nests in a single tree.*





■ *Estuaries are the most productive water bodies in the world and provide habitat for a wide variety of species.*

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demonstrated as a result of on-site surveys using standard biological survey techniques.

### **Easement**

An interest in land owned by another party that entitles its holder to a specific limited use or uses of that land. Easements are frequently used in the Critical Area to limit land uses so as to provide for wildlife conservation or the creation of natural habitat.

### **Ecosystem**

A more or less self-contained biological community, together with the physical environment in which the community's organisms occur.

### **Endangered species**

Any species of fish, wildlife or plants which have been designated as such by regulation by the Secretary of the Maryland Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources is determined to be in jeopardy. This includes any species determined to be an endangered species pursuant to the federal Endangered Species Act.

### **Estuary**

A somewhat restricted body of water where the flow of freshwater mixes with saltier water transported by

tides from the ocean. Estuaries are the most productive water bodies in the world.

### **Eutrophication**

A process by which a body of water becomes either naturally or by pollution rich in dissolved nutrients (e.g., nitrogen and phosphorus) which leads to a reduction in the dissolved oxygen that produces an environment that does not readily support aquatic life.

### **Excess stormwater runoff**

All increases in stormwater resulting from: an increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots; changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas; alteration of drainageways or regrading of slopes; destruction of forest; or the installation of collection systems to intercept street flows or to replace swales or other drainageways.

### **Finding**

A determination or conclusion based on the evidence presented and prepared by a hearings body in support of its decision. Local Boards of Appeal and Hearing Examiners are required by the Critical Area Law to make written "findings" based on competent and substantial evidence that their decision conforms to

the provisions of the Critical Area Law and the local Critical Area program.

## **Forest**

A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

## **Forest Interior Dwelling Birds**

Species of birds that require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

## **Forest management**

The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, and wildlife habitat.

## **Forest practice**

The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

## **Habitat Protection Areas**

Those areas, including the 100-foot Buffer, nontidal wetlands, habitats of threatened or endangered species and species in need of conservation, plant and wildlife habitats, and anadromous fish propagation waters, that are designated for protection under the Critical Area Law and Criteria.

## **Highly erodible soils**

Those soils with a slope greater than 15 percent; or those soils with a K value (the soil erodibility factor in the Universal Soil Loss Equation) greater than 0.35 and with slopes greater than 5 percent.

## **Hydric soils**

Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

## **Hydrophytic vegetation**

Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in wet habitats).

## **Impervious surface**

An area covered with solid material or that is

compacted to the point where water cannot infiltrate underlying soils (e.g., parking lots, roads, houses, patios, swimming pools, tennis courts, and so forth) and where natural hydrologic patterns are altered.

## **Land clearing**

Any activity that removes the vegetative ground cover.

## **Land use**

The purpose or activity for which a piece of land or its buildings is designed, arranged or intended or for which it is occupied or maintained. Within the Critical Area, some land uses are specifically prohibited or are subject to specific restrictions and limitations.

## **Legally developed**

All physical improvements to a property that existed before Commission approval of a local program or were properly permitted in accordance with the local program and policies in effect at the time of construction.

## **Lot coverage**

The percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any man-made material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck. There are specific exceptions for: a walkway or stairway through the Buffer that provides access to a pier; a certain kind of fence or wall; a wood mulch pathway; and a deck with gaps to allow water to pass freely.

## **Map, Critical Area**

Legal documents adopted by the governing body of a local jurisdiction and approved by the Critical Area Commission that exhibit those lands within the 1,000-foot Critical Area boundary and the land use classification (RCA, LDA, IDA) assigned to each parcel. These maps are considered an element of a local government's Critical Area Program, and the governing body and the Critical Area Commission must approve any changes to the maps. Critical Area Maps are available for public inspection at each jurisdiction's planning and zoning office.

## **Marina**

Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

## Mean High Water Line (MHWL)

The average level of high tides at a given location.

## Natural features

Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

## Natural Heritage Area

Any community of plants or animals which are considered to be among the best Statewide examples of their kind and designated by regulation by the Secretary of the Department of Natural Resources.

## Natural vegetation

Those plant communities that develop in the absence of human activities.

## Nature-dominated

A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention.

## Non-point source pollution

Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by “end-of-pipe” treatment, but rather by changes in land management practices.

## Non-renewable resources

Resources that are not naturally regenerated or renewed.

## Nontidal wetlands

Those areas, excluding tidal wetlands, which are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. These areas are determined according to the Corps of Engineers Wetlands Delineation Manual.

## Nonconforming use

A use of land that lawfully existed before enactment of a zoning ordinance or other land use regulation that may be maintained after the effective date of the ordinance, although it no longer complies with use

restrictions newly applicable to the area. A property which fails to meet the requirements of the Critical Area land use classification in which it is located and which was conforming prior to the enactment of a local government’s Critical Area Program is considered a nonconforming use.

## Nutrient

A group of chemicals that nourish growth. In the Chesapeake and Atlantic Coastal Bays, nitrogen and phosphorus are the “nutrients” that contribute to excessive plant (e.g., algal) growth and eutrophication.

## Open space

Land and water areas retained in an essentially undeveloped state.

## Parcel

A lot, tract, or plot of land in single ownership or under single control and usually considered a unit for purposes of development.

## Permeable surfaces

Areas that can be permeated, allowing stormwater to infiltrate into the underlying soils (i.e., meadows, forests).

## Plant habitat

A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

## Political subdivision

Any political entity, such as a town, city or county, governed by its own legislative body and exercising planning and zoning authority. Sixty-four political subdivisions, including 16 counties, 47 municipalities, and Baltimore City, surround Maryland’s portion of the Chesapeake Bay and Atlantic Coastal Bays and are within the jurisdiction of the Critical Area Law.

## Pollutant

A material that contaminates or adversely affects air, soil, or water. Sediments, nutrients, and toxic chemicals are considered the major groups of pollutants contributing to the deterioration of the Chesapeake Bay and Atlantic Coastal Bays ecosystems.

## Port

A facility or area established or designated by the State or local jurisdictions for purposes of water-borne commerce.

## Private harvesting

The cutting and removal of trees for personal use.

## **Project approvals**

The approval of development, other than development by the State or local government, in the Critical Area of the Chesapeake and Atlantic Coastal Bays by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

## **Public water-oriented recreation**

Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

## **Reclamation**

The reasonable rehabilitation of disturbed land for useful purposes and the protection of the natural resources of adjacent areas, including waterbodies.

## **Redevelopment**

The process of developing land which is or has been developed.

## **Reforestation**

The establishment of a forest through artificial reproduction or natural regeneration.

## **Renewable resource**

A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

## **Riparian habitat**

A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

## **Selection**

The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

## **Site Plan**

A graphic depiction of the existing or proposed development of a property that provides information such as location of structures, setbacks, parking, traffic circulation, exterior lighting, utilities, and landscaping. A site plan is usually required by local governments for all development or redevelopment of property, including the addition of new structures, the alteration of or additions to existing structures, and other types of development.

## **Soil Conservation and Water Quality Plan**

Land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate how the landowner plans to treat a farm unit, which best management practices the landowner plans to install to treat undesirable conditions, and the schedule for applying those best management practices.

## **Soil Erosion and Sediment Control Plan**

A written plan with appropriate maps, plans, and details which describes how erosion and transportation of sediment is to be managed and controlled on a development site and the time or schedule of the management and control activities.

## **Species in need of conservation**

Those fish and wildlife species whose continued existence as a part of the State's resources are in question and which may be designated by regulation by the Secretary of the Department of Natural Resources as in need of conservation.

## **Steep slope**

A slope of 15 percent or greater incline.

## **Stewardship**

The responsibility of an individual to manage his or her life and property with proper regard to the rights of others. The concept of environmental stewardship as it relates to the Critical Area means the responsibility of Critical Area landowners to manage their property so as to protect the Chesapeake Bay, Atlantic Coastal Bays, and their public watershed resources for the use and enjoyment of all the citizens of Maryland.

## **Structure**

Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include, but are not limited to, buildings, radio and TV towers, sheds, swimming pools, tennis courts, gazebos, decks, and boathouses.

## **Subdivision**

The process and result of dividing a tract of land into smaller parcels.

## **Thinning**

A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

## **Threatened species**

Any species of fish, wildlife, or plants designated as