

Vegetation Removal & Mitigation in the Critical Area

Calvert County's Chesapeake Bay Critical Area Program is a local program required by Maryland state law which regulates land use activities in the Critical Area. For a complete set of regulations, please refer to the Calvert County Zoning Ordinance at <https://www.calvertcountymd.gov/117/Planning-Zoning>

Chesapeake Bay Critical Area - State law enacted in 1984 established the Critical Area as lands within 1000 feet of tidal waters, tidal wetlands, heads of tide, or tributary streams to tidal waters.

Critical Area Buffer - The buffer is a naturally vegetated area extending a minimum of 100 feet landward from tidal waters, wetlands, or tributaries. Human activity in the Buffer is to be minimized. The Buffer may be extended for adjacent steep slopes (>15%) to further protect non-tidal wetlands and environmentally sensitive areas.

A permit is required for all vegetation removal in the Critical Area, including trees (alive and dead), shrubs, ground cover and vines.

- The installation or cultivation of new lawns is prohibited in the 100-ft buffer/extended buffer.
- Inside the 100-ft buffer/extended buffer, vegetation removal is required to be mitigated by replanting native trees and shrubs to the extent practicable (CCZO 8-1.08.D.3). If site constraints prevent replanting the entire mitigation, the remaining mitigation can be paid in fees-in-lieu (FIL) of replanting at the same rate. FIL payments are not refundable.
- Outside the buffer, replanting is encouraged to satisfy mitigation requirements, but fees-in-lieu of replanting can be approved to mitigate tree and vegetation removal if there is 15% existing forest and vegetation coverage (excluding lawns), which is required on Critical Area properties (CCZO Section 8-1.04.G.2).
- An approved Planting Plan or Buffer Management Plan (inside the 100-foot or extended Buffer) and planting bond are requirements of the permit (refer to Table 1). A property map that can be used to assist property owners with creating a mitigation plan can be downloaded at <https://www.calvertcountymd.gov/1537/Interactive-Maps>
- There are 3 types of Buffer Management Plans (Examples can be found on the Department of Planning & Zoning's Critical Area webpage at <http://www.co.cal.md.us/index.aspx?NID=1246>)

Simplified Buffer Management Plan (SBMP) – Can be prepared by the property owner for small projects such as tree removal and invasive plant control & maintenance.

Minor Buffer Management Plan (MiBMP) – Required to be prepared by a certified landscape professional, architect or engineer for mitigation up to 5,000 square feet(sf).

Major Buffer Management Plan (MaBMP) - Required to be prepared by a certified landscape professional, architect or engineer for mitigation greater than 5,000 square feet(sf).

- A planting plan for mitigation outside the buffer must show planting locations, plant types, species and quantities of each.
- A refundable planting bond is required to assure adequate survival of the required planting. From the time of the replanting, bonds are held for at least 2 years. Planting seasons for bond holders are generally March 15-April 30 for spring and September 15-October 30 for fall plantings.

- The planting bond is paid after the permit has been approved at the time of permit issuance. The Inspection and Permits Office processes application intake, permit issuance and payment.
- After the mitigation has been planted, notify the Department of Planning & Zoning Office (410 535 2348) to schedule an initial bond inspection. Photos can be provided in lieu of an initial planting inspection for smaller plantings to start the 2-year “bond clock”.
- After the initial bond inspection planting has been approved, a final bond inspection will be tentatively scheduled for 2 years later. At that time, notify the Planning & Zoning Office to schedule the final inspection to release/refund the planting bond.
- The planting bond will be returned after the final inspection confirms that a satisfactory survival rate has been achieved. The survivability requirement is 100% so any plants that die must be replaced prior to the final planting inspection.

Mitigation Criteria:

- Mitigation for tree removal is based canopy coverage lost in square feet (sq ft)
Except for,
 - A hazardous tree that has a defect that compromises the tree’s structural integrity and because of its location, if it falls will likely cause personal injury or property damage.
 - a dying or diseased tree, which has a reduced canopy of 100 sq ft.
 - a completely dead tree, which no mitigation/bonding is required. The affected area must be stabilized with native vegetation as necessary.
- Mitigation for a vegetative area where canopy doesn’t exist will be based on sq ft of removal.
- Single species may not exceed 20% of the total planting requirement.
- Shrubs may not exceed 50% of the total planting requirement.
- Table 1 plant credits to be applied to determine number, types and size of plants to meet the mitigation sq ft requirement or the buffer establishment requirement.

Table 1 - Planting Credits

Vegetation Type	Minimum Size Eligible for Credit	Credit Allowed (Sq Ft)	Maximum Percent of Credit
Canopy tree	2-inch caliper and 8 feet high	200	N/A
Canopy tree	3/4-inch caliper and 6 feet high	100	N/A
Understory tree	3/4-inch caliper and 6 feet high	75	N/A
Large species shrub	1-gallon and 3 feet high	50	30
Small species shrub	1-gallon and 18 inches high	25	20
Herbaceous perennial	1-quart	2	10
Planting cluster 1 for buffer mitigation or establishment of less than ½ acre	1 canopy tree; and 3 large shrubs or 6 small shrubs	300	
Planting Cluster 2 for buffer mitigation or establishment of less than ½ acre	2 understory trees; and 3 large shrubs or 6 small shrubs	350	

Notes:

- Cultivars of native plant species are acceptable. Native plant lists can be found on the Department of Planning & Zoning’s Critical Area webpage at <https://www.calvertcountymd.gov/1246/Critical-Area>.
- With the approval of the Planning & Zoning Critical Area Reviewer, an applicant may increase the percentage of large shrubs, small shrubs and herbaceous perennials in a buffer management plan if:
 - The buffer has existing canopy coverage of at least 50 percent; or,
 - Existing site constraints that preclude canopy planting, including severely eroding slopes, saltwater intrusion, predominantly sandy soils, or unconsolidated fill. (COMAR 27.01.09.01-2.M)