

Anne Arundel must finally survey sensitive habitat as part of GDP



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Anne Arundel County is currently preparing its General Development Plan, which will guide development decisions in the county for the next 10 years. The new GDP gives us the opportunity to lay a strong foundation for further progress in making the county the kind of place we all want to live.

One of the major goals of the GDP is the protection of the environmental assets that are one of the county's great advantages. Not only is that a desirable goal in itself, but protecting the environment, particularly near the Chesapeake Bay and its tributaries, is a requirement of Maryland's Critical Areas regulations, which require that municipalities take steps to conserve particularly sensitive plant and wildlife habitat designated as "habitat protection areas."

Since it is obviously not possible to protect those areas without knowing where they are, the regulations require municipalities to "inventory or map" the habitat protection areas within their jurisdiction. This inventory is then to serve as the basis for the preparation of a "habitat protection area plan," designed to protect plant and wildlife habitats and waters where anadromous fish might spawn.

It should be noted that the latter are defined broadly to include waters "where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad, and river herring) occurs or has occurred." Unfortunately, the county's efforts to comply with this requirement stalled a couple of years after the passage of the Critical Areas Law, and the county no longer maintains an inventory of the many sensitive areas that need protection.

Although the Critical Area Regulations deal primarily with controlling activities within the Critical Area, they also contemplate that municipalities consider the effect on sensitive habitat of land use outside the Critical Area.

In the section on anadromous fish, for example, the regulations state, "Local jurisdictions are encouraged to adopt land-use policies and programs in watersheds outside the Critical Area to minimize the impacts of any activities on anadromous fish spawning streams." Not only are those streams important in themselves, but protecting and restoring them would go a long way toward improving the health of the Chesapeake Bay.

The county's current Critical Area Program ignores all of this. It consists primarily of the "Critical Area Overlay" to the Subdivision and Development section of the County Code. When considering a proposed development within the Critical Area, the county merely asks the State Department of Natural Resources for advice.

The county, itself, takes no responsibility for protecting sensitive habitat. The current GDP, for example, states, "The State Department of Natural Resources is the primary agency responsible for establishing criteria for the protection and preservation of [rare, threatened, and endangered] plant and animal species. The County defers to the recommendation of the State and federal agencies in establishing the appropriate buffers to these habitats."

Not only is this an abdication of responsibility, but it ultimately relies on State data that are not created for the purpose of identifying sensitive species and are not regularly updated. Moreover, the county makes no effort to address potential harm to habitat protection areas resulting from activities outside the Critical Area.

Thus the county has let one of the principal tools available to efforts to protect the bay to fall into disuse. As a consequence, as currently administered, the County's Critical Area Program has fallen well short of the goals originally envisioned by the Critical Areas Law.

The GDP provides an opportunity to correct that failing. The planners and citizens that are working on drafting it should expressly recognize the existence in the county of numerous habitat protection areas; and it should state as a goal that future planning and zoning decisions be made with a view toward not only protecting them, but restoring those that have become degraded.

It should begin by requiring that the county identify, and make publicly available, an inventory of all of its many habitat protection areas.

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