

ZONING REGULATIONS

297 Attachment 25

Charles County

Appendix O Chesapeake Bay Critical Area Habitat Protection Areas Management Guidelines

O:1 The following management guidelines for identified habitat protection areas are to be utilized when preparing a habitat protection plan:

1. Chesapeake Bay Critical Area Buffer.
 - (a) Protected pursuant to § 297-131.
2. Threatened and endangered species and species in need of conservation.
 - (a) A protection area around each identified site of threatened or endangered species will be designated where disturbances from human activity should be prohibited, unless it can be demonstrated that the disturbances would not cause adverse impacts on the habitats or species being protected.
 - (b) Protection zones are established around each site identified by the Maryland Department of Natural Resources (DNR).
3. Bald eagle habitat protection as a habitat of local significance.
 - (a) Countywide protection plan. The following Countywide protection plan applies until such time an activity is proposed. Once the new activity is proposed, a habitat protection plan will be prepared and approved pursuant to § 297-137.
 - [1] A quarter-mile protection area is established around the bald eagle nest site. Within the quarter-mile protection area, three protection zones, as described below, are established. The following management guidelines are established for each zone:
 - [a] Protection Zone 1 extends 330 feet from the nest site. The area immediately surrounding the nest site is the most sensitive to development activities and disturbances:
 - [i] Year-round. These major habitat changes are prohibited:
 - [A] Timber harvesting;
 - [B] Land clearing; and
 - [C] Building, road, or trail construction.

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[ii] December 15 to June 15:

[A] People are restricted from within this zone.

[iii] June 16 to December 14:

[A] Activities are kept to a minimum, but these activities are permitted:

1. Hiking;
2. Fishing; and
3. Agriculture (plowing, planting, harvesting).

[B] These activities are prohibited:

1. Hunting; and
2. Use of off-road vehicles.

[b] Protection Zone 2 extends from 330 feet to 660 feet from the bald eagle nest site. During the nesting season (December 15 to June 15), eagles are still very sensitive to disturbances from activities in this zone.

[i] Year-round. These major habitat changes are prohibited:

[A] Timber harvesting;

[B] Land clearing; and

[C] Building, road or trail construction.

[ii] December 15 to June 15:

[A] People are restricted from within this zone.

[iii] June 16 to December 14:

[A] These activities are permitted:

1. Hiking;
2. Fishing;
3. Agriculture (plowing, planting, harvesting); and
4. Hunting.

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[iv] August 16 to November 14

[A] These activities are permitted:

1. Selective thinning of timber stands;
2. Maintenance of timber stands; and
3. Maintenance of existing buildings and roads.

[c] Protection Zone 3 extends from 660 feet to 1/4 mile from the nest site.

[i] December 15 to June 15:

[A] These activities are prohibited:

1. Timber harvesting;
2. Land clearing; and
3. Building, road or trail construction.

[d] Generally, land uses existing at the time of the nest establishment may continue as long as these uses do not modify additional nesting habitat within the quarter-mile protection area nor disturb nesting bald eagles. A bald eagle habitat protection plan may be required if expansions or redevelopment are desired.

- (b) Bald eagle habitat protection plan. Once a development activity is proposed within the quarter-mile protection area, a habitat protection plan is required if the landowner wishes to alter the management measures of the Countywide bald eagle habitat plan. The individual habitat protection plan will ensure that the proposed activities will be compatible with the bald eagle nest site.
- (c) In cases where the nest site is outside of the critical area, but a portion of the quarter-mile protection area is within the Critical Area, full protection measures are given to the site. However, each site will be evaluated individually.

4. Nontidal wetlands.

- (a) In addition to the protection measures required elsewhere in this chapter, disturbance to nontidal wetlands and their associated Buffers must be permitted by the Maryland Department of the Environment and/or the U.S. Army Corps of Engineers.

5. Natural heritage areas.

- (a) A protection zone shall be set by the boundary of the natural heritage area.

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- (b) A habitat protection plan shall be developed in conjunction with the Maryland Department of Natural Resources. The protection plan shall be incorporated into the development proposal.
6. Colonial water bird nesting sites.
- (a) Management of these sites should include:
 - [1] Preservation of the nesting site; and
 - [2] A Buffer and specific measures to avoid disturbances during the nesting season, which extends from February 15 through July 31.
 - (b) The following guidelines are applicable at all times of the year, except as stated:
 - [1] A quarter-mile protection zone, measured from the outside boundaries of the colony, is established around the colony site.
 - [2] Within the protection zone, no building construction, clearing, grading or road construction should occur any closer than 660 feet to the outermost nest trees in the colony.
 - [3] Timber harvest should not occur within 330 feet of the outermost nest trees in the colony. Selective timber harvest may take place in the zone between 330 feet and 660 feet from the outermost trees, but should be limited to the non-nesting season.
 - [4] Access to the nest and within 330 feet of the outermost nest trees in the colony should be prohibited during nest building and incubation periods, which extend from February 15 through July 31.
 - (c) Generally, land uses existing at the time of nest establishment may continue as long as they do not modify additional nesting habitat within the quarter-mile protection area nor disturb nesting colonial water birds. A habitat protection plan should be required if expansions or redevelopment are desired.
 - (d) Once a development activity is proposed within the quarter-mile protection area, a habitat protection plan will be required if the landowner wishes to alter the management measures provided above. The plan should ensure that the proposed activities will be compatible with the colonial water bird nest site.
 - (e) In cases where the nest site is outside of the Critical Area, but a portion of the quarter-mile protection area is within the Critical Area, full protection measures should be given to the site. However, each site will be evaluated individually.

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7. Historic waterfowl staging and concentration areas.
 - (a) In addition to the requirements of the Buffer regulations in this chapter, the Maryland Department of the Environment nontidal wetlands regulations, and the tidal wetland regulations, the following restrictions should apply to water-dependent facilities:
 - [1] Diving ducks: no disturbances from November 15 through March 3.
 - [2] Dabbling ducks and Canada geese: no disturbance from October 1 through March 31.
8. Forests containing forest interior dwelling bird species.
 - (a) Forest interior dwelling (FID) habitat in the critical area includes:
 - [1] Forest tracts of 50 acres or more which have at least 10 acres of “interior” habitat (forest > 300 feet from the nearest forest edge);
 - [2] Riparian forest areas of at least 300 feet in depth;
 - [3] Forested corridors connecting large tracts of forest areas; or
 - [4] Areas identified as possible FID habitat by the Department of Natural Resources.
 - (b) To determine the existence of FIDs habitat, a FID survey must be conducted by a qualified professional for those areas identified as potential FID habitat.
 - [1] Surveys are performed according to the methods contained in *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
 - (c) The following guidelines apply to forest interior dwelling bird species habitat areas:
 - [1] Minimize forest alterations during the breeding seasons, such as off-road vehicles, extensive public use or logging;
 - [2] Minimize forest fragmentation and isolation by focusing development or other disturbances to the periphery of the area (i.e., roads, utility line corridors, and structures);
 - [3] If forest interior breeding birds considered sensitive to fragmentation (e.g. barred owl, worm-eating warbler) are present, manage forest conditions appropriately for those species;
 - [4] The forest canopy should not be removed in excess of 70% crown closure with selective cutting or TSI practices;
 - [5] Retain standing dead trees that serve as bird nesting and feeding habitat;

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- [6] Clear-cuts may be planned in a pattern that minimizes edge. Circular or square cuts have the least amount of edge produced;
 - [7] Discourage the creation of small clearings and the disproportionate expansion of forest edge habitat;
 - [8] Provide that if a forest area is temporarily cleared, it be permitted or encouraged to return to native forest vegetation. The replacement or conversion of hardwood or mixed forests to pines should be discouraged;
 - [9] Adopt timber harvesting techniques that maintain or improve habitat for forest interior dwelling species;
 - [10] Maintain, to the degree possible, all forested corridors between riparian areas and upland forests so that these areas can continue to serve as passageways between habitat areas;
 - [11] Selective harvesting in highly diverse forest or riparian woodlands should be encouraged in lieu of clear-cutting. Small patch cutting, less than five acres, may be practiced in moderation;
 - [12] Retain or encourage snags 10 inches DBH or greater. Cluster snags where possible. Snags which protrude above a closed forest canopy should be removed;
 - [13] Clear-cutting operations should leave several uncut hardwood trees three inches (7 cm) DBH or greater per acre. Cluster these small trees where possible;
 - [14] Minimize right-of-way corridors and road through forest areas to reduce edge creations;
 - [15] Daylighting of logging roads in forest interiors should be discouraged;
 - [16] Rotation length of even-aged stands should be increased to 100 years or more; and
 - [17] Retain dead and downed woody debris on the forest floor.
- (d) Projects should be designed to minimize fragmented forest areas and provide management measures that will conserve habitat value in accordance with *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, adopted by the Chesapeake Bay Critical Area Commission in June 2000.
9. Anadromous fish propagation waters.
- (a) Identification of anadromous fish spawning streams in Charles County has been made through field surveys conducted by the Maryland Department of Natural Resources. All tributary streams have been surveyed, and designated spawning streams have been

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inventoried. These areas are shown on the Natural Resources Map that is part of the Charles County Critical Area Program.

- (b) To avoid adverse impacts of any activities occurring within the watershed of anadromous fish propagation streams, the following management guidelines apply:
 - [1] Land disturbing activities, such as development activities and other nonagricultural activities, should be minimized. The proposed activity may be prohibited or restricted in order to minimize or avoid negative impacts.
 - [2] Any new development activity in these watersheds must obtain and implement either an approved sediment and erosion control plan or a soil conservation and water quality plan, whichever is appropriate for the activity.
 - [3] To protect and maintain water quality, adequate buffers should be maintained or installed around the proposed activity.
 - [4] Proposed development activities, excluding agricultural activities, in anadromous fish spawning watersheds, should ensure the maintenance and improvement, if possible, of the streams' water quality. During the implementation of an activity, the applicant may be required to monitor water quality. Water quality testing will be conducted by a qualified consultant. If water quality or stream habitats deteriorate due to adverse impacts of the activity, the applicant may be required to rectify the cause of the impacts.

- (c) To protect streams and streambank areas, the following measures are applicable to any development activity proposed within an anadromous fish propagation area:
 - [1] The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams should be prohibited, unless it can be demonstrated that water quality and fisheries habitat can be improved by such structures. This requirement maintains the natural condition for fish passage to and from spawning areas, but does not prevent the installation of measures to control streambank erosion.
 - [2] Channelization or other physical alterations which may change the course or circulation of a stream and interfere with the movement of fish should be prohibited.
 - [3] The construction or placement of dams or other structures that would interfere with or prevent the movement of spawning or juvenile fish should be prohibited. If practicable, existing barriers should be removed.
 - [4] Construction, repair or maintenance activities should not occur within streams or the stream buffer between March 1 and June 15. This restriction protects the spawning period of the various anadromous species that may be found in these waters. This restriction may be modified upon advice of the Maryland Department of Natural Resources and documentation submitted by the applicant

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that changing the time period will not adversely affect the stream or stream buffer.

- [5] If a vegetative buffer does not exist along the stream banks, a vegetative buffer should be established.
- [6] Minimize any disturbance to the forest canopy along the stream banks. The forest canopy helps to maintain lower water temperature and provides food for juvenile fish.

(10) Additional important plant and wildlife habitat areas.

- (a) If additional plant and wildlife habitat areas are designated in the future, local public hearings, as appropriate, shall be held to consider comments on the areas and protection measures proposed. Protection measures for threatened, endangered species and species in need of conservation will be adopted within 12 months of the Maryland Department of Natural Resources Secretary's designation. As with other areas designated as habitat protection areas by the County, state and federal agencies, any proposed activity within these areas may be required to provide a management plan.