

## **Climate Resiliency and Maryland's Critical Area Act**

By: Sean Douglas

As sea levels rise, climate vulnerability of coastal areas continues to be a more prominent issue in the Mid-Atlantic. In 2024, the Maryland General Assembly expressed the concern about climate vulnerability by amending the State's Critical Area Act to include a responsibility for the Critical Area Commission to consider how water-dependent uses will be impacted by climate change. The Critical Area is a designation given to the sensitive land within 1,000 feet of the Chesapeake Bay. Development is restricted within the Critical Area to reduce impacts from development from harming the water quality of the Bay. Water-dependent uses such as marinas, industrial ports, and research centers are permitted in the Critical Area, however, the Critical Area Commission now needs to consider how to allow these uses while considering the climate vulnerability of the uses.

Student attorneys Liadan Stammmler and Sean Douglas worked with Maryland Sea Grant and the Critical Area Commission to research how other states are identifying and addressing coastal climate resilience. The research focused on legislative approaches in Virginia, North Carolina, Massachusetts, Maine, Rhode Island, and New Jersey. By looking at their legislative structures and policies, the student attorneys identified different vulnerability studies, pilot projects, and funding programs that could potentially be adopted in Maryland or used as inspiration for a new approach. The use of overlay zones, zoning ordinances, grant programs etc. for climate policy research and implementation were also researched, since these could be compared directly to Maryland's current zoning and overlay structures. At the end of the semester, the student attorneys presented their research findings to experts from the Critical Area Commission and the Commission expressed sincere gratitude for the valuable comparative research that will guide how Maryland handles climate resilient development.