

Riparian Forest Buffer Panel (Bay Area Regulatory Programs)

Program	Chesapeake Bay Critical Area Act	Forest Conservation Act
Type	Regulatory, State (MD)	Regulatory, State (MD)
Purpose	Controls development within 1,000 feet of tidal waters. 100-foot mandatory buffer required for all tidal waters, tidal wetlands, and tributary streams in Critical Area. Exemptions for agricultural/silvicultural land.	Protects forest cover from development by limiting forest clearing. Requiring replanting where needed. "Priority areas" for retention/replanting include 50-foot buffer areas streams.
RFB Emphasis	Yes	No
Prot. Level	Indefinite	Indefinite
Admin. Agency	Critical Area Commission, MD DNR	Local counties and municipalities with planning and zoning authority and MD DNR - Forest Service.
Participation	Mandatory	Mandatory
Enforcement	Adequate	Adequate
Barriers	Inconsistent implementation and interpretation by local jurisdictions. Does not enjoy universal acceptance at the local level	Requires more preconstruction planning. Inconsistent implementation at the local level. Needs to be streamlined to better recognize local development regulations and standard forest management practices.
\$ Level/ Source	Varies by local county	Varies by local county. DNR-Forest Service General Fund @ \$80,000/yr

<p>Benefits</p>	<p>Protects the riparian forests on the 60 Timber Harvest Plans submitted to local Forest Conservancy District Boards annually.</p> <p>Protects riparian forests by restricting development in the 1000' Critical Area.</p> <p>Creates zoning with limits on lot size, etc.</p> <p>Requires an approved Timber Harvest plan for all harvests within the Critical Area.</p> <p>The first 50' from mean high tide is a no cut buffer; the next 50' may be thinned selectively or clear-cut in the cases of Loblolly pine and yellow-poplar if a Buffer Management Plan is prepared by a licensed forester as part of the Timber Harvest Plan.</p>	<p>Conserves the forest land base.</p> <p>Prioritizes forest mitigation by encouraging riparian buffer planting.</p> <p>Riparian forests are considered high priority areas for forest retention.</p> <p>Provides long-term protection and management of riparian forest buffers at part of the tract.</p>
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Riparian Forest Buffer Panel (Bay Area Regulatory Programs)

Program	Nontidal Wetlands Act	Economic Growth, Resource Protection, and Planning Act
Type	Regulatory, State (MD)	Regulatory, State (MD)
Purpose	Mandatory 25-foot naturally vegetated buffer required around all nontidal wetlands greater than 5,000 square feet. Provides forested/naturally vegetated buffer in cases where wetland exists within/adjacent to stream.	Encourages riparian protection as part of each county's requirement to develop "sensitive areas element" in comprehensive plans.
RFB Emphasis	No	No
Prot. Level	Duration of the regulated activity	Indefinite
Admin. Agency	MD Department of the Environment - Water Resources Administration	Local counties and municipalities that have planning and zoning authority with approval of Maryland Office of Planning.
Participation	Mandatory	Mandatory

Enforcement	Adequate to Poor	Adequate
Barriers	Spotty enforcement due to insufficient personnel.	Inconsistent implementation at the local level. Needs to be streamlined to better recognize local development regulations and standard forest management practices. Insufficient support resources at the local level (\$ & people).
\$ Level/Source	Water Resources Administration General Fund	Varies by local county
Benefits	Allows for management of forested wetlands through the use of BMPs. Conserves riparian as well as other non-tidal wetland values.	Conserves the forest land base by allowing for a comprehensive review of the forest resource. Prioritizes forest mitigation by encouraging riparian buffer planting. Riparian forests are considered high priority areas for forest retention. Provides long-term protection and management of riparian forest buffers at part of the tract.

Riparian Forest Buffer Panel (Bay Area Regulatory Programs)

Program	Reforestation Act	Chesapeake Bay Preservation Act
Type	Regulatory, State (MD)	Regulatory, State (VA)
Purpose	Minimizes forest loss, replaces unavoidable losses from highway construction projects. Highest priority on forests near/adjacent to streams	Establishes "preservation areas" that comprise between 50% - 60% of Virginia's coastal plain. Stream areas, wetlands, tributaries require a 100-foot buffer around tributary streams. Exemptions for agricultural land. Prevents indiscriminate tree cutting.
RFB Emphasis	No	Yes, where there are trees
Prot. Level	Indefinite	Indefinite
Admin. Agency	MD DNR-Forest Service	Chesapeake Bay Land Assistance Department working with local jurisdictions through local ordinances.
Participation	Mandatory	Mandatory

Enforcement	Adequate	Inadequate local enforcement
Barriers	Requires more preconstruction planning. Differences between forest values and riparian buffer values is not distinguished.	Public perception of ordinances being inflexible and a form of a "taking".
\$ Level/Source	MD DNR-Forest Service General Funds @ \$30,000/yr	State General Funds @ \$2.3 million/yr. \$1.1 million made available to local jurisdiction through 50/50 matching grants. Local jurisdictions generate Special Fund revenue for plan review.
Benefits	Mitigated the loss of forest land including riparian areas. Encourages mitigation to occur in riparian areas as a priority.	Improved land use planning. Improvement in oversight of development and conservation planning on forest lands. Reduces NPS pollution by protecting and conserving riparian forest buffers.

Riparian Forest Buffer Panel (Bay Area Regulatory Programs)

Program	Dams Safety and Encroachments Act	Local Zoning Ordinances
Type	Regulatory, State (PA)	Regulatory, State (MD, VA, PA)
Purpose	Regulates development in wetlands, stream areas by requiring permit from the Department of Environmental Protection. Applicants must avoid, minimize, or mitigate impacts. No specific buffer requirements.	<p>Forty-two percent of counties in Maryland have regulations requiring stream buffers of 50 to 100 feet on developed land (exclusive of Critical Areas).</p> <p>All tidewater counties in Virginia have adopted Chesapeake Bay Preservation Act regulations into local zoning ordinances, which extends the designation of protection areas to all other areas of the county.</p> <p>Some municipalities in Pennsylvania have ordinances which restrict timber harvesting altogether.</p>
RFB Emphasis	No	Yes (MD, VA), No (PA)
Prot. Level	Indefinite	Indefinite

Admin. Agency	Department of Environmental Protection, Bureau of Land and Water Conservation, and local soil and water conservation districts.	Local counties
Participation	Mandatory	Mandatory
Enforcement	Adequate	Adequate
Barriers	Burdensome paperwork	N/A
\$ Level/ Source	Department of Environmental Protection, Bureau of Land and Water Conservation, and local soil and water conservation districts.	Varies by local county
Benefits	Reduced NPS pollution	Protect and Maintain riparian forest buffers Conserves forest land base.

Riparian Forest Buffer Panel (Bay Area Regulatory Programs)

Program	Forest Harvest Guidelines	Water Quality Law ("Bad Actor" Law)
Type	Regulatory, State (MD)	Regulatory, State (VA)
Purpose	Minimum 50-foot forested, selective-cut buffer required around all perennial streams. 60% crown cover or 60 square feet of basal area per acre must be evenly retained.	State guidelines recommend minimum 50-foot forested, selective-cut buffer required around all perennial streams and retention of 50% crown cover or 50 square feet of basal area per acre. Alternative practices that provide equivalent water quality protection may be permitted.
RFB Emphasis	No	No
Prot. Level	Duration of regulated activity	Duration of regulated activity
Admin. Agency	Local Soil Conservation Districts, local counties, and the Maryland Department of the Environment.	VA Department of Forestry
Participation	Mandatory	Mandatory

Enforcement	Adequate	Adequate
Barriers	Varying requirements by county. Inconsistent implementation by county. Burdensome paperwork.	Lack of public awareness
\$ Level/ Source	Local Soil Conservation Districts, local counties, and the Maryland Department of the Environment. Information not available for forest harvesting.	Va Department of Forestry
Benefits	Reduce nonpoint source pollution. Protect and maintain stream integrity and bank stability.	Reduce nonpoint source pollution

Riparian Forest Buffer Panel (Bay Area Regulatory Programs)

Program	Special Protection Streams
Type	Regulatory, State (PA)
Purpose	Mandatory forested buffers required for commercial logging operations on state forest lands around streams designated for "special protection" by the Bureau of Water Quality Management (100-foot selective-cut buffer) or as Wilderness Trout Streams by the Pennsylvania Fish and Boat Commission (200-foot no-cut buffer).
RFB Emphasis	Yes
Prot. Level	Indefinite
Admin. Agency	Bureau of Water Quality Management or Fish and Boat Commission

Participation	Mandatory
Enforcement	Adequate
Barriers	N/A
\$ Level/ Source	Bureau of Water Quality Management or Fish and Boat Commission
Benefits	Reduced NPS pollution. Maintain water quality for fish habitat.