Advocates for Herring Bay

Information and Recommendations On Proposed Changes to the Critical Area Law For Maritime Districts Prepared for the Anne Arundel County Council February 1, 2013

Changes to the rules for Maritime Districts would have a significant effect on Herring Bay. Our area is home to over one-third of the acreage in Anne Arundel County zoned for maritime purposes. Herring Bay is one of two "no-discharge" areas in the State of Maryland because of the need to manage the impacts of boating activities on the area's breeding habitats, submerged aquatic grasses, and other ecological features. The Critical Area law also plays an important role in mitigating those impacts.

The Advocates for Herring Bay have prepared a series of photos and charts to help you evaluate the effect of changing the way the Critical Area law is implemented in Maritime Districts. Based on our preliminary review, we respectfully offer the following observations and recommendations:

- First, not all of the land in Maritime Districts is used for marinas. If changes are warranted for marinas, they should be targeted to that activity, not to the zoning category as a whole.

- Second, we oppose changing the existing requirements for activities that would add NEW lot coverage or development in the buffer. The marinas in our area with significant undeveloped acreage are large and should be able to preserve the buffer.

- Third, the Council may want to consider adopting alternative mitigation requirements for redevelopment or reconfiguration activities at marinas that are LESS THAN 5 ACRES and that were operated as marinas PRIOR TO ENACTMENT OF THE CRITICAL AREA LAW. Small marinas also may need incentives to reduce existing lot coverage in the buffer.

- Finally, given the importance and complexity of these issues, we urge the Council to postpone consideration of major changes to the Critical Area regulations for Maritime Districts until the Council, staff, and the public have an opportunity to examine their ramifications.

Herring Bay Is A "No Discharge Zone"
and Needs Effective Management of Its Buffers

Herring Bay — Anne Arundel County, Maryland Source: U.S. EPA, 2002

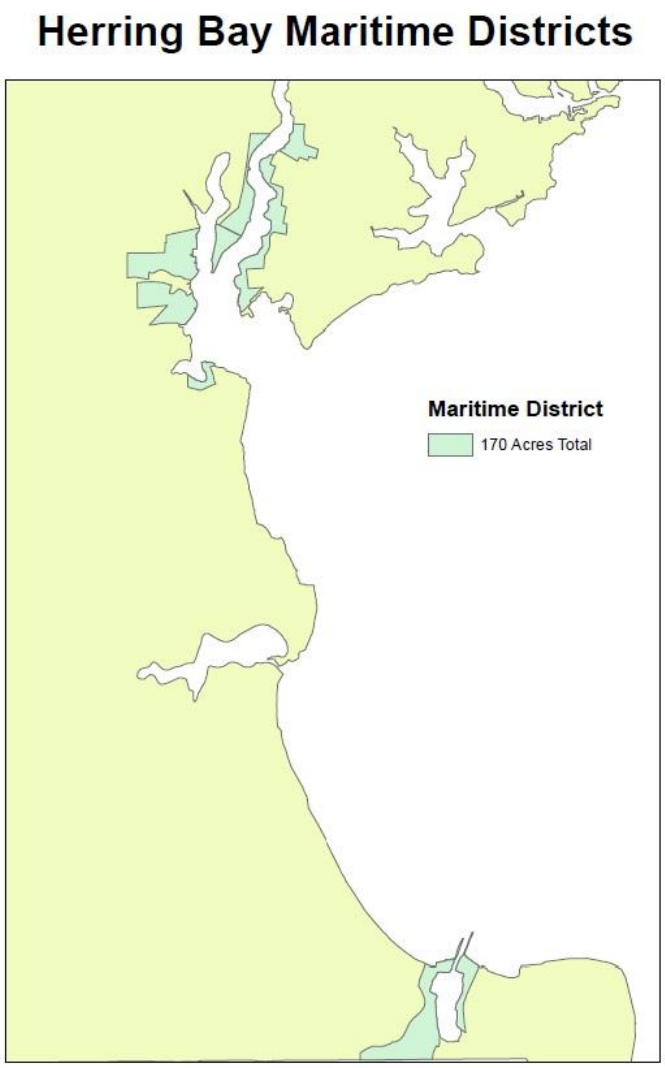
Herring Bay No Discharge Zone. Larger version of graphic. These maps should not be used as navigation aids.

The Herring Bay No Discharge Zone (NDZ) is a 3,145-acre area of water located along the western shore of the Chesapeake Bay in southern Anne Arundel County. The area includes Rockhold, Tracy, and Parker creeks on the north and Rose Haven Harbor on the south.

The Herring Bay watershed is approximately 25 square miles. Although traditionally a farming area, several residential communities are located within the watershed including some that are located along the shoreline. The town of Deale sits adjacent to Rockhold Creek. Herring Bay is also a very popular recreational boating area and is home to 16 marinas containing 2,090 slips.

There are four bathing beaches on Herring Bay: Mason's Beach, Town Point, Owings Cliffs, and Rose Haven. **Other beaches are specifically designated as terrapin and horseshoe crab nesting and spawning areas. Herring Bay is also a general aquatic nursery and feeding area providing habitat for a rich mixture of blue crabs, Atlantic croaker (hardhead), spot, bluefish, gray sea trout (weakfish), Atlantic menhaden, bay anchovy, striped bass, summer flounder, and white perch. Herring Bay also contains natural oyster bars as well as bottom habitat for soft clams. Herring Bay is bounded by productive crab potting areas in the Chesapeake Bay. Wildlife includes great blue heron, American black duck, canvasback duck, and scaup, as well as nesting areas for osprey and bald eagle. Finally, the area along the shoreline contains submerged aquatic vegetation.**

Overview of Herring Bay Maritime Districts



Over one-third of the land in Anne Arundel County's Maritime Districts is located on Herring Bay.

Herring Bay has more than a dozen marinas. Most have less than 3 acres and fewer than 100 wet slips.

Lot coverage at small marinas varies.

- Many have impervious surfaces covering a large portion of the buffer.
- Some still have vegetated buffers.

Nearly half of the land in Herring Bay's Maritime Districts (about 45%) is owned by one firm that operates two marinas that each have about 600 wet slips.

- Both sites have impervious surfaces covering much of the buffer along the shoreline of the Bay.
- Both have undeveloped land that adjoins wetlands.

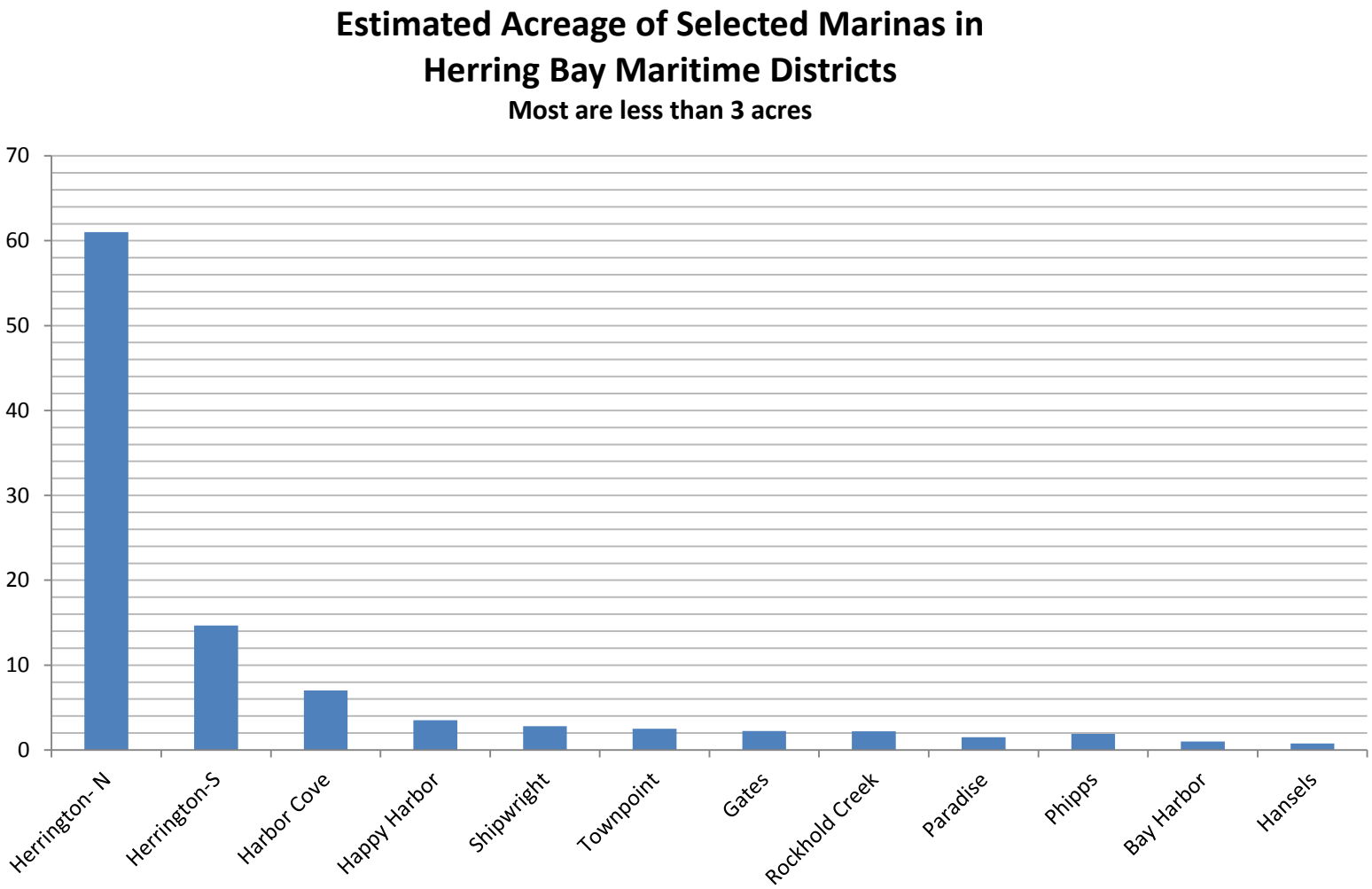
Some of the land in Herring Bay's Maritime Districts is used for residences.

Commercial marinas are located on four creeks:

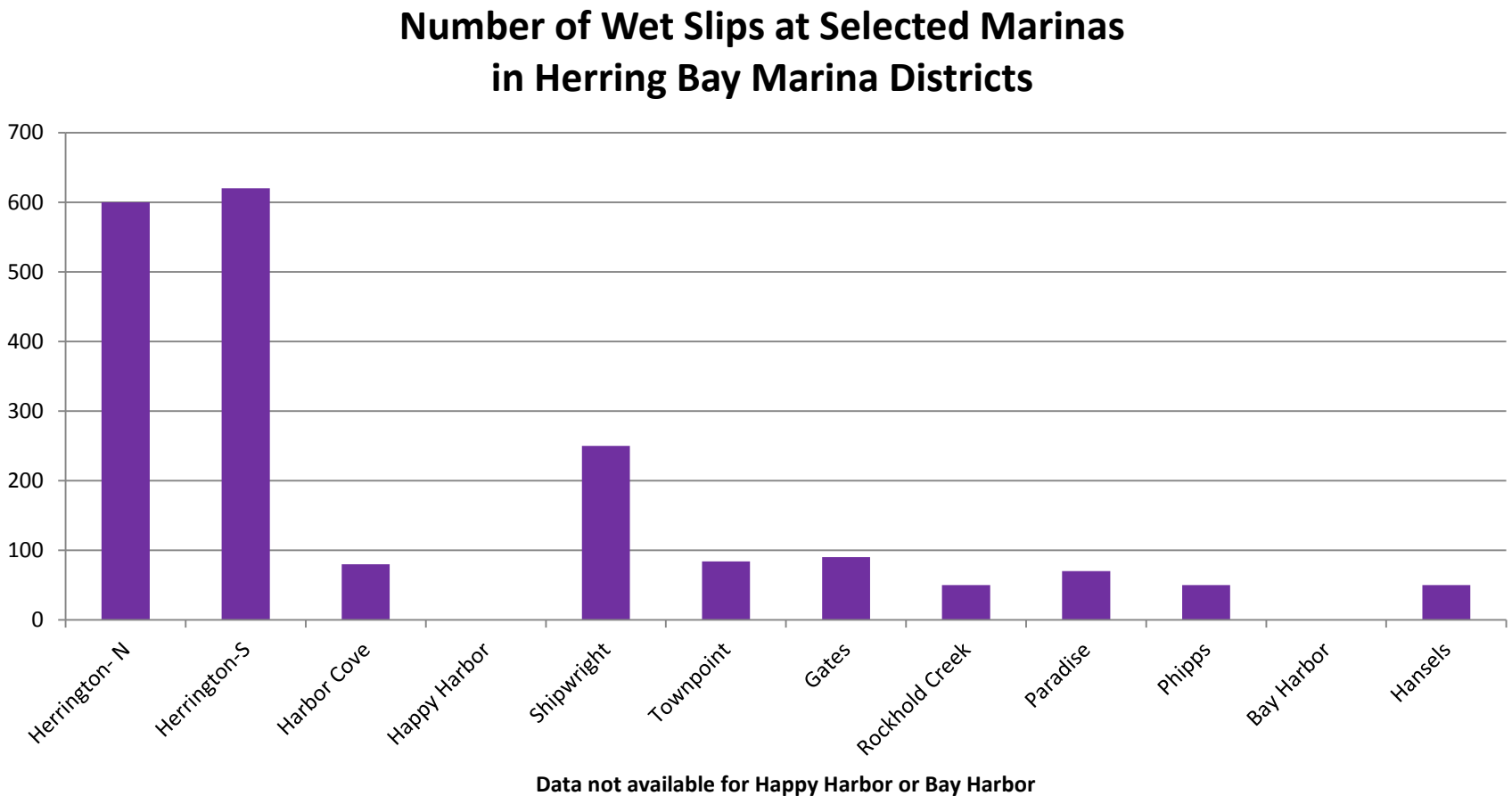
- Tracys Creek in Deale
- Rockhold Creek in Deale
- Trotts Branch in Tracys Landing, and
- Red Lyon Creek in Rose Haven.

The Acreage of Marinas In Herring Bay Varies

Many are less than 3 acres



The Capacity of Marinas in Herring Bay Varies



At Some Small Marinas
Much of the Shoreline Buffer Is Already Covered by Impervious Surfaces
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Gates and Harbor Cove Marinas
Rockhold Creek east, north of Deale Road (Route 256)

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Rockhold Creek east, south of Deale Road (Route 256)

Examples of Small Marinas With Significant Lot Coverage in the Shoreline Buffer

(second of three pages)

Rockhold Creek Marina
Rockhold Creek (west)

Bay Harbor Marina
Rockhold Creek (west)

Examples of Small Marinas With Significant Lot Coverage in the Shoreline Buffer

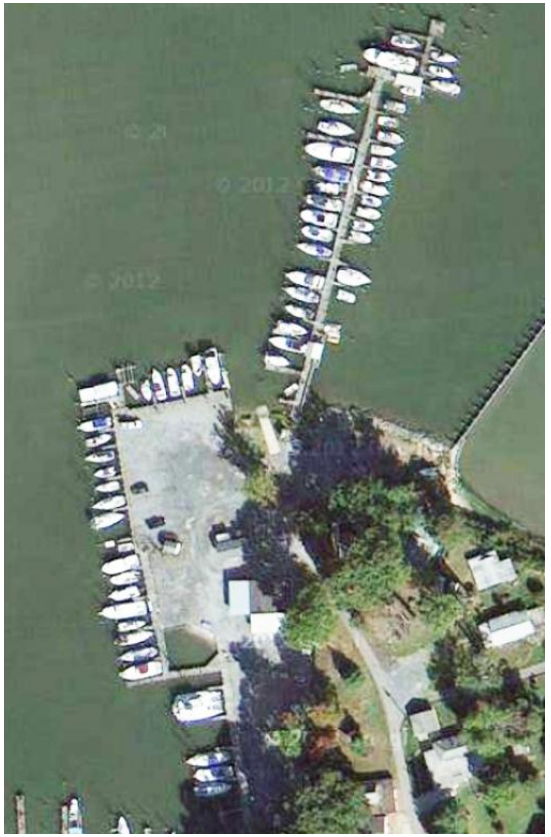
(third of three pages)

Shipwright Marina

Rockhold Creek (west)

Townpoint Marina

Trotts Branch



By Contrast, Other Small Marinas Have Shoreline Buffers With Significant Vegetative Cover

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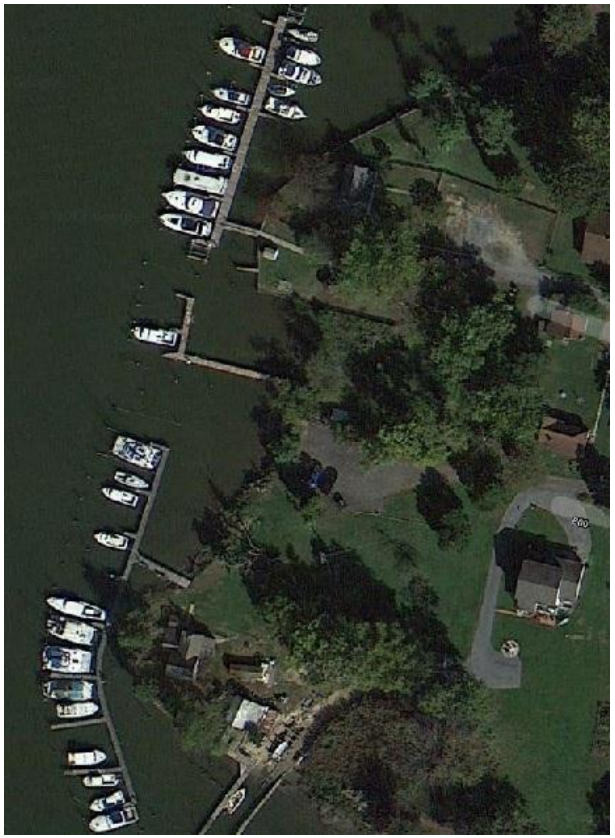
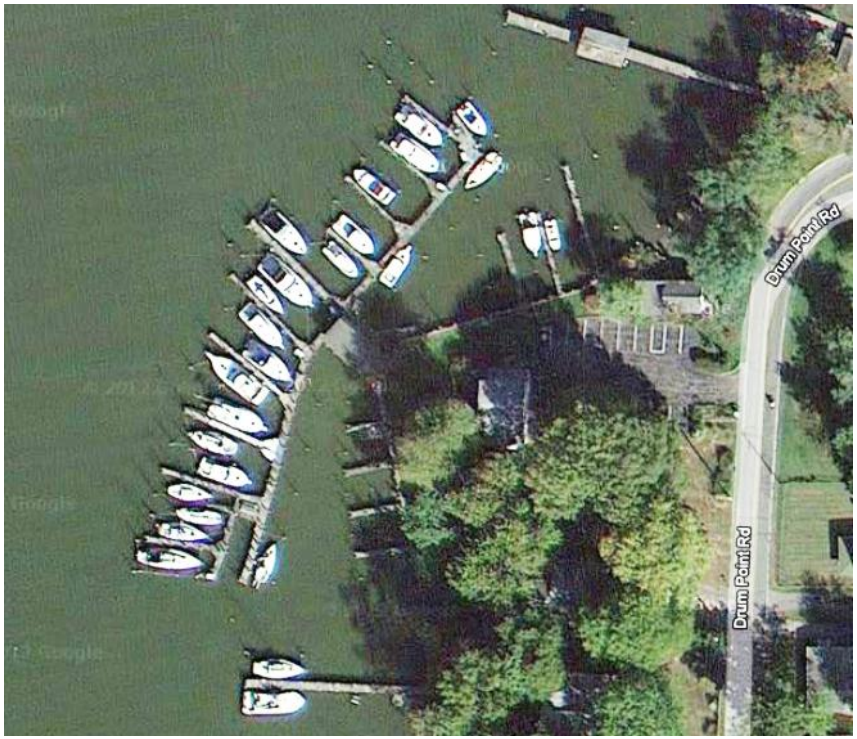
Phipps Railway Marina, Rockhold Creek (east)



, v • o [• D **Rockhold Creek (east)**



Examples of Small Marinas with Shoreline Buffers with Significant Vegetative Cover

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Paradise Marina

Rockhold Creek (east)

Contours of 100 foot buffer shown in green