

Commission Meetings & Corresp.

Jan 1986

MSA-S1832-17

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JUDGE SOLOMON LISS  
CHAIRMAN

STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING, D-4  
ANNAPOLIS, MARYLAND 21401  
301-269-2418 or 269-2426

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

- William Bostian  
Wicomico Co.
- Ann Sturgis Coates  
Town of Show Hill
- Clarence DuBurns  
Baltimore City
- James E. Gutman  
Anne Arundel Co.
- Parris Glendening  
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- Ronald Hickernell  
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- Shepart Krech, Jr.  
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- Florence Beck Kurdle  
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- Thomas L. Jarvis  
Caroline Co.
- John Luthy, Jr.  
Dorchester Co.
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- Robert R. Price, Jr.  
Queen Anne's Co.
- J. Frank Raley, Jr.  
St. Mary's Co.
- Harry T. Stine  
Charles Co.
- Samuel E. Turner, Sr  
Talbot Co.
- Lloyd S. Tyler, III  
City of Crisfield
- Mary Roe Walkup  
Kent Co.
- Albert W. Zahniser  
Calvert Co.

January 7, 1987

Dear Commission Member:

Happy New Year to all of you. The January meeting of the Commission is scheduled for the 14th from 4:00 - 6:00 p.m. at the Department of Agriculture Building, 50 Harry S. Truman Parkway, Annapolis, Maryland. I urge all of you to try to attend as we are now operating with appointment vacancies for: Harford, Kent, Dorchester, Somerset, and Charles Counties and Baltimore City, and a quorum was not met for the December meeting. Please bring your minutes from November's meeting together with the information enclosed in this packet.

Enclosed are the informal minutes from the December meeting, an agenda for the 14th, a minimally revised State Regulations document which is the draft product of the State Regulations Subcommittee, and a working draft of the process paper.

We begin this year with a briefing to the House of Delegates, Environmental Matters Committee on the 22nd of January from 2:00 - 2:30 p.m. We anticipate that a number of bills affecting the criteria will be offered in the new Legislature and we will need your support in defense of our hard-fought programs which were adopted on May 13, 1985.

We shall keep you advised and look forward to greeting you on January 14.

Sincerely,  
*Sl Liss*  
Solomon Liss  
Chairman

CABINET MEMBERS

- Torrey C. Brown, M.D.  
Natural Resources
- Wayne A. Cawley, Jr.  
Agriculture
- William Eichbaum  
Health and Mental Hygiene
- Ardath Cade  
Economic and Community Development
- Constance Lieder  
Planning

SL/jjd

*Common mtgs*

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Department of Agriculture  
50 Harry S. Truman Parkway  
Annapolis, Maryland

January 14, 1986

4:00 - 6:00 p.m.

Approval of Minutes of  
November 5, 1986 and  
Approval of informal  
Minutes of December 17, 1986

Solomon Liss

Discussion of the State  
Regulations Paper and Status  
Report on Non-Tidal Wetlands  
Guidance Paper, and Colonial  
Water Birds Paper

Dr. Kevin Sullivan,  
Assist. Sec. Ardath  
Cade

Distribution of Access and  
Reforestation Report

Carolyn Watson

Old Business:  
Status of Contracts  
Status of Commission Members

Solomon Liss  
Chairman

New Business

Solomon Liss  
Chairman

Next Commission Meeting:

February 11, 1987

TIME FRAME FOR LOCAL  
PROGRAM DEVELOPMENT

- \* May 13th, 1986 - Resolution is to be signed. (Criteria become effective)
- \* By June 27th, 1986 - All jurisdictions will have to notify the Commission as to whether or not they intend to develop their Critical Area Program. (45-day notification period in the Law from effective date of criteria)
- \* By February 7th, 1987 - First 270 days for developing Critical Area Program have elapsed (270 days begins at signature of Resolution)
- \* By August 16th, 1987 - Extension period of 180 days is up and programs are to have been submitted to Commission for approval
- \* Within 30 days of receipt of complete Program, Commission schedules and holds hearing with 5-member panel in that jurisdiction. Commission has a total of 90 days (including 30 days) for making comment on local plan. There are provisions for modifications and revisions to programs as well.
- \* 760 days from effective date of criteria (May 13th) all programs approved and being implemented.

*Commis  
M-KP*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held  
December 4, 1985

The Chesapeake Bay Critical Area Commission met at the Department of Agriculture in Annapolis. The meeting was called to order by Chairman Solomon Liss with the following members in attendance:

- |                    |                     |
|--------------------|---------------------|
| James E. Gutman    | Ernie Shea for      |
| Shepard Krech      | Wayne Cawley, Jr.   |
| Albert W. Zahniser | Samuel Turner       |
| Thomas Jarvis      | Barbara O'Neill     |
| Robert Price       | J. Frank Raley, Jr. |
| William Eichbaum   | Lloyd Tyler, III.   |

The minutes from the November 8th meeting were corrected to note that on page two, the vote was 15-2.

Chairman Liss said that the tabloid version of the final criteria would be available December 12th, and would be sent to all of the Commission members. He indicated that he and Lee Epstein were part of a lecture series for lawyers for the legal education program and that 125 lawyers have signed up to learn more about the State's Critical Area Program. Chairman Liss urged the Commissioners to distribute the final criteria in the local jurisdictions and that once they are distributed, it is hoped that some of the opposition may disappear.

The Critical Area Workshop for local government officials has been planned for January 21st at the Tidewater Inn, Easton, Maryland (this is a change of date from the originally set workshop for January 16th). Charles Davis said that the staff has discussed the workshop with county planners, and they are looking for strategies and guidance for beginning their implementation of their local programs. One of the objectives of the workshop is to allow county planners to exchange ideas as to how they are proceeding; the workshop is also to provide some consistency of approach. It was pointed out that questions of policy seem to be arising that will have to be addressed by the Commission and not by the staff. The Commissioners were urged to attend the workshop so that they will understand what the policies and concerns of the local planners may be. One of the issues appears to be the need to proceed with mapping. It was pointed out to the Commission that the Coastal Resources Division of DNR has already held one workshop for coastal planners for them to understand the resources available from the Department of Natural Resources.

Chairman Liss pointed out that individual Commission members should be careful to avoid stating any policy and that the full Commission will need to act on as many issues as it can. He urged everyone to submit the questions which are addressed to

them at the workshop in writing to the Commission staff so that they can be placed on future agendas.

William Eichbaum pointed out that the State Agencies are assessing their capabilities for providing the information to local governments and are determining the extent of mapping or financial constraints of the State in assisting local governments.

Ellen Fraitess said that the Administration has requested each agency to assess its resources and to identify cost for budget purposes of what it will take to assist the local governments. She suggested that it would be useful for the Commission to have a presentation on State resources prior to its workshop. The Commission was told that the Administration's plan is to introduce the resolution in support of the Critical Area Criteria early in the General Assembly.

Under old business, Charles Davis indicated that he was working on a chart to simplify Grandfathering issues and might have it available at the January 8th meeting.

Under new business, it was pointed out that briefing packets are being prepared for the General Assembly which will include information on the process, criteria, and a summary of and the rationale for the provisions. It will also be made available to the Commission members. Public information packets are also being prepared and they will include question and answer sheets, as well as process and adoption time lines, etc. With regard to the status of the Maryland Association of Counties' position on the criteria, the Commission was told that MACO has invited Chairman Liss and Sarah Taylor to their mid-winter meeting in December for presentations.

Another question was raised as to whether or not local governments could submit portions of their plan for approval to the Commission. For example, most of them are beginning to do mapping as a first step. Chairman Liss pointed out that this needs to be a Commission decision. William Eichbaum expressed concern about "piecemeal" approval, yet at the same time, the need to figure out a way to let local governments know that they are on the right track. This issue will have to be discussed further.

There being no further business, the meeting was adjourned. These minutes were prepared by Helene Tenner.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Informal Meeting Held  
December 17, 1986

There being no quorum present, the Chesapeake Bay Critical Area Commission held an informal meeting at Great Oaks Landing in Chestertown, Maryland. The meeting was called to order by Chairman Liss with the following members in attendance:

James E. Gutman  
Shepard Krech, Jr.  
Florence Beck Kurdle  
John Luthy, Jr.  
Torrey C. Brown  
William Bostian  
Robert R. Price, Jr.  
Gene Lauer for  
Parris Glendening

William Eichbaum  
Samuel E. Turner, Sr.  
Lloyd Tyler, III  
Robert S. Lynch  
Wayne E. Cawley, Jr.  
Mary Roe Walkup  
Albert W. Zahniser

Assistant Attorney General Lee Epstein reported on the current status of Commission membership, due to the recent elections, Commissioner tenure, and resignations. At least seven new appointments are necessary.

Carolyn Watson was asked to remark on the status of the Bay Access and Reforestation Report. She explained that the report was formulated after having sent 2,500 questionnaires to the general public and targeted groups around the State, holding a workshop in November, and meeting with State agencies. DNR was recommended to be the coordinator of access matters, in the Report.

Ms. Watson said that as a result of the response to the questionnaire, it was found that a major concern was maintenance and operation costs of Bay access areas and that user fees should be encouraged.

Mr. Eichbaum did not feel that user fees should be encouraged for people of lower income.

Ms. Kurdle said that she did not believe that modest user fees would discourage the public. Ms. Walkup said that there is a large cost for maintenance of access areas, but the public is favorable to fees as they are necessary and the areas cannot be maintained without it. Ms. Watson commented that the general response from the public was favorable toward user fees, and that the public would be willing to pay for certain uses.

Secretary Cawley agreed that user fees are necessary for maintenance and pointed out that the funds should go back directly into the area.

Chairman Liss suggested that the word "sufficient" be inserted in the report before the words "user fees". He explained that the report will be sent to the Legislature and they are responsible for taking any actions to implement the Commission's recommendations.

Regarding reforestation, the Task Force recommendation that the forestry section of the Critical Area be extended throughout the Bay watershed and not just in the Critical Area was opposed by several of the Commissioners. Ms. Watson suggested that there be a continuation however, of erosion enforcement and sediment control programs and the Maryland Seed Tree Law. She also suggested that acreage eligibility requirements be reduced to utilize reforestation incentives.

Chairman Liss then asked the Commission if they believed that Critical Area reforestation requirements should be extended to the entire State. The majority of the members present believed the Commission did not have the authority to recommend that extension.

**Under Old Business:** The Program Review Process Paper was again discussed by Charles Davis, who will refine it further for distribution at the next Commission meeting.

The State Regulations Subcommittee report was given by Lee Epstein, who reported that a draft would be made available to the Commission by their January meeting, and that an intense discussion and vote should probably be sought in February.

In regards to Program Development for the Towns of Queen Anne and Hillsboro, three Commission members were appointed to serve on the consultant selection panel. Mr. Davis said that the staff will be keeping the Commission members informed as to the development of those programs and the development of all of the programs submitted by the jurisdictions.

Lee Epstein said that drafts of Colonial Water Birds and Non-Tidal Wetlands Guidance Papers should also be ready to be sent to the Commission in January.

Regarding the status of contracts with local governments, Dr. Taylor reported that Caroline County and the town of Denton had advertised for a consultant, but they probably will not begin their program development until late January. Oxford has again advertised for a consultant. Worcester County is in the process of selecting their consultant. The Commission staff is awaiting the paperwork for Somerset and Wicomico County. Chestertown will

be doing their own program. Dr. Taylor suggested that the Commission decide on due dates for local grant agreements. Chairman Liss answered that as long as the Commission is satisfied with their integrity, it could await their grant assistance requests. Mr. Epstein noted that in any case, the Commission would have to decide in February whether to give an extension to those local jurisdictions applying for one, for the preparation their local programs.

Marcus Pollock reported that the Board of Public Works had approved the contract with Rutgers University, and that the Economic Baseline Study may now proceed.

Dr. Taylor introduced Dr. Oluwole Allade and Mr. Guy McCracken who will be establishing a data base for project assessment and program development, using the City of Annapolis as a demonstration city. Dr. Taylor explained that this project will be helping to review local programs submitted by the jurisdictions.

Mr. Gutman asked what portion of the Critical Area will be included in the demonstration project. Mr. Pollock answered that all of the Critical Area (6,000 plats) in Annapolis will be incorporated.

Under New Business: Commission Reappointments.

Chairman Liss reported that the Governor is mandated to appoint replacements within 30 days resignation or expiration of term and that he has brought this to the Governor's attention. He extended The Commission's regards to the "departing" Commission members -- Mary Roe Walkup, Lloyd Tyler, John Luthy and Robert Lynch, and complimented them upon the fine work that they had done in serving on the Commission.

There being no further business, the meeting was adjourned.

# Charlie - Workshop.

## AGENDA

Chesapeake Bay Critical Area Commission  
Maryland Department of Economic and  
Community Development  
45 Calvert Street  
Annapolis, Maryland

*Workshop*

January 8, 1986

4:00 p.m. - 6:00 p.m.

1. ✓ Approval of the Minutes  
4:00 - 4:15  
Solomon Liss  
Ch.
2. General Assembly Process  
3. ✓ 4:15 - 4:45  
Jane Nishida, Office of  
the Governor *Asst. Leg. Officer*
5. ✓ Tidal Wetlands  
Presentation  
4:45 - 5:00  
Harold Cassell, ~~Water~~  
~~Resources Administration~~  
*Chief Wetlands Division*
6. ✓ Presentation of Non-Tidal  
Wetlands & SAV  
5:00 - 5:15  
David Burke, ~~Chief Resource~~  
~~Coastal Resources~~  
~~Division~~ *Enhancement Program*  
*Bay Water Shed Forester*
7. ~~B.~~ Forest Management Programs ✓  
5:15 - 5:30  
Len Wrabel, ~~Forest, Park~~  
& ~~Wildlife Service~~  
*Gary Taylor* *Ken Lane* *E. Appelle*
8. ✓ Wildlife Presentation  
5:30 - 5:45  
Earl Hodil, ~~Forest, Park~~  
& ~~Wildlife Service~~ *program leader*
9. ~~B.~~ Heritage Program  
5:45 - 6:00  
*Dan Boone* *Chief*  
Derek Richerson, ~~Capital~~  
~~Programs~~ *of Heritage Program*
4. ~~B.~~ Anadromous Fish Presentation  
6:00 - 6:15  
Jay O'Dell, ~~Tidal~~  
~~Fisheries Division~~  
*stream classification program*
10. ~~A.~~ Old Business  
New Business  
Next Month's Meeting - Feb 5<sup>th</sup>  
Reminder of the Workshop  
6:15 - 6:30  
Solomon Liss  
Ch.

*Helene has an announcement to make.*

*Introduce Dawn McCleary  
new planner*

*Introduce Elder  
Stigliarelli as coordinator  
with the Commission  
from Md. Coastal Zone Prog.*

expression from subcommittee as to whether the  
guide book is helpful in explaining what we're trying to do.

Suggested members of subcommittee

Beck Kuddle Chain

Ron Hickernell

Skip Zabuhine

Bob Price

Bill Boxtin

4 planners

2 from Eastern

2 from Western Area

*Comm  
Map*

REVISED AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION WORKSHOP  
ON  
LOCAL PROGRAM DEVELOPMENT

Tidewater Inn, Easton, Maryland  
January 21, 1986 9a.m.-5p.m.

- |             |  |
|-------------|--|
| 9:00-9:15   | Coffee & Donuts  |
| 9:15-9:30   | Welcome - Judge Solomon Liss   |
| 9:30-10:00  | Synopsis of Issues - Charles Davis   |
| 10:00-11:15 | Mapping Issues - small groups<br>problems and solutions  |
| 11:15-12:00 | Report Out from all groups - Kevin Sullivan  |
| 12:00-1:00  | Lunch  |
| 1:00-1:45   | Growth Allocation - small groups<br>approaches, strategies among jurisdictions   |
| 1:45-2:15   | Report Out from all groups - Kevin Sullivan  |
| 2:15-3:30   | Project approvals prior to program develop-<br>ment (e.g. insofar as possible) - small groups<br>problems and solutions and approaches |
| 3:30-4:15   | Report Out from all groups - Charles Davis   |
| 4:15-4:45   | Presentation of the Handbook and Selection<br>of Subcommittee Members - Kevin Sullivan   |
| 4:45-5:00   | Summary of Workshop and What Will Happen<br>Next   |
| 5:00-6:00   | Social Hour  |

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CHAIRMAN

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Calvert Co.

January 20, 1986

Dear Commission Member:

The next meeting of the Chesapeake Bay Critical Area Commission is scheduled for February 5, 1986, from 4:00 - 6:00 p.m. at the Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis.

The first part of the meeting will involve presentations to the Commission Members from the Departments of Health and Mental Hugiene, Agriculture and State Planning on information and services available to the local jurisdictions to assist them with program development. The second part will focus on policy issues resulting from setting up a process to begin discussing and resolving those issues.

Enclosed are the minutes from the meeting of January 3rd and a copy of the typed script for any public presentations you may be giving. The script follows a slide presentation that can be obtained by telephoning Sarah Taylor at 269-2426.

I look forward to seeing all of you on the 5th of February.

Sincerely,

Solomon Liss,  
Chairman

CABINET MEMBERS

- Torrey C. Brown, M.D.  
Natural Resources
- Wayne A. Cawley, Jr.  
Agriculture
- William Eichbaum  
Health and Mental Hygiene
- Ardath Cade  
Economic and Community Development
- Constance Lieder  
Planning

SL/jjd