

Commission Meetings ; Corresp

July 1986

MSA-S1832-23

Sarah J. Taylor,  
Executive Director

*file - Commission mtg  
7/23/86.*



STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING  
ANNAPOLIS, MARYLAND 21401  
801-269-2418 or 269-2426

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

JUDGE SOLOMON LISS  
CHAIRMAN

*19  
Bin  
attendance*

July 8, 1986

Dear Commission Member:

This is to remind you of the next Commission Meeting to be held on July 23rd at the Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, from 4:00 - 6:00 p.m. The minutes from the June 4th Meeting are enclosed for your review and approval for the 23rd. Enclosed is also a revised draft of the Forest Interior Dwelling Birds paper for discussion and approval at the meeting. Also enclosed are the agenda and policy paper for discussion on the operation of the panels.

Please also note that there will be a meeting for those of you who are on the Subcommittee for State and Local Regulations (Secretaries Brown, Cade, Lieder, Cawley, Eichbaum, and James Gutman, John Luthy, Jr., Barbara O'Neill, Thomas Jarvis) on the same date as the Commission Meeting, from 2:00 - 4:00 p.m., at the same place.

One final item, during the 1986 Session of the General Assembly, a bill was passed requiring boards and commissions to file financial disclosure on savings and loan holdings. The enclosed form is an additional one that complements the financial disclosure that you filled out earlier. Please complete and return to the Ethics Commission, Room 1515, 301 West Preston Street, Baltimore, MD 21201, by August 1, 1986.

I look forward to seeing you at the meeting.

Sincerely,  
*Solomon Liss*  
Solomon Liss  
Chairman

- M* ~~William Bostran  
Wicomico Co.~~
- M* ~~Ann Burgess Cades  
Town of Snow Hill~~
- M* ~~Clarence DuBorns  
Dorchester Co.~~
- M* ~~James E. Gutman  
Anne Arundel Co.~~
- M* ~~Pat Glendening  
Prince George's Co.~~
- M* ~~Donald R. Hutchinson  
Dorchester Co.~~
- M* ~~Shepard Krech, Jr.  
Dorchester Co.~~
- M* ~~Florence Beck Kuddle  
Anne Arundel Co.~~
- M* ~~John W. Logan  
Caroline Co.~~
- M* ~~John Luthy, Jr.  
Dorchester Co.~~
- M* ~~Robert S. Lynch  
Harford Co.~~
- M* ~~Barbara W. O'Neill  
Dorchester Co.~~
- M* ~~Robert R. Price, Jr.  
Anne Arundel Co.~~
- M* ~~Frank Raley, Jr.  
Dorchester Co.~~
- M* ~~Mary F. Stine  
Dorchester Co.~~
- M* ~~Samuel E. Turner, Sr.  
Dorchester Co.~~
- M* ~~Clyde S. Tyler, III  
Cecil Co.~~
- M* ~~Mary Roe Walkup  
Dorchester Co.~~
- M* ~~Albert W. Zahniser  
Dorchester Co.~~

CABINET MEMBERS

- M* ~~Tommy C. Brown, M.D.  
Natural Resources~~
- M* ~~Wayne A. Cawley, Jr.  
Dorchester Co.~~
- M* ~~William Eichbaum  
Dorchester Co. Mental Hygiene~~
- M* ~~Arden Cade  
Dorchester Co. and Community Development~~
- M* ~~Constance Lieder  
Dorchester Co.~~

SL/jjd

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

July 23, 1986

Maryland Department of Agriculture  
50 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
4:00 p.m. - 6:00 p.m.

1. Approval of Minutes of June 4, 1986\* *16 approved* Chairman Solomon Liss
2. Approval of Guidance Paper on Forest Interior Dwelling Birds\* *15 ok, 1 abstention* Kevin Sullivan
3. Discussion and Tentative Position of Commission on Functioning of the Panels *held to the next mtg for 8/5. determined by See Epstein* Charles Davis, Chairman Solomon Liss
4. Status of Local Government Response to Developing Their Critical Area Programs Sarah Taylor
5. Status of Coordination Efforts with Various Departments *\* Conditional - letter passed out - unanimous support to support Judge* Sarah Taylor, DSP & Agric. Kevin Sullivan, DNR Charles Davis, DHMH
6. Status of State and Local Regulations Development Kevin Sullivan, Ardath Cade

OLD BUSINESS

Chairman Solomon Liss

NEW BUSINESS

Chairman Solomon Liss

\* Federal Evaluation \* Funding  
\* Grant Application to Fed'n's for funding  
Next Meeting - August 6, 1986 - Department of Agriculture -  
4:00 p.m. - 6:00 p.m.

\* = Voting Items

\* composition of the fact that is on the panels + the County members is on conflict? the panel is it a conflict? since on the jurisdiction of where someone of lives & works.

ck. w/ Cawley as to his problems on the bird business

*approved  
as  
written*

Chesapeake Bay Critical Area Commission

Minutes of Meeting Held  
June 4, 1986

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

Robert Price, Jr.	Lloyd S. Tyler, III
Robert S. Lynch	James E. Gutman
Anne Sturgis Coates	Barbara O'Neill
Shepard Krech, Jr.	Mary Roe Walkup
William Eichbaum	Harry T. Stine
William Bostian	Samuel E. Turner, Sr.
Parris N. Glendening	J. Frank Raley, Jr.
Albert W. Zahniser	Clarence "Du" Burns
Ardath Cade	Ernie Shea for
Constance Lieder	Wayne Cawley, Jr.

The minutes of May 14th meeting were approved as written with the addition of Ann Coates' name to the subcommittee list.

Dr. Kevin Sullivan then Discussed the draft Guidance Paper on Forest Interior Dwelling Birds. He introduced Dr. James Lynch of the Smithsonian Institution who assisted in preparing the draft. Dr. Sullivan stated that the reason for developing the paper was because there are no existing State guidelines for protecting these species and therefore guidance had to be provided by the Commission. He explained that the scope of the paper was for site-specific investigations of areas that are not covered by the Maryland Breeding Bird Atlas Project. The paper was written with the assistance of experts in the Maryland Forest, Park and Wildlife Service, the Maryland Natural Heritage Program, the U. S. Fish and Wildlife Service, and the Smithsonian Institution.

William Bostian asked to what extent the guidelines applied to stands of loblolly pine. Dr. Sullivan answered that since the protection measures stated in the Guidance Book are not relevant to coniferous forests, they would not be applicable. J. Frank Raley asked who would identify the forests that contain these species? Dr. Sullivan answered that such forests are described in the Critical Area Criteria.

Robert Lynch asked if field-checking would need to be done and if the technical assistance necessary was available. Dr. Sullivan pointed out that the Breeding Bird Atlas data would be supplied to local jurisdictions and that efforts are being made to secure the help of voluntary organizations.

Chairman Liss pointed out that if sufficient assistance is not given, a local jurisdiction should contact the Commission. Shepard Krech said that a group of skilled persons from the Maryland Ornithological Society should be surveying areas this Summer. Dr. Sullivan indicated that this would not be possible

that plans should be made to prepare for surveys next year during the breeding season.

Ernest Shea asked what number of birds constituted a presence. Jim Lynch then explained that the guidelines were based on species presence, not the number of individuals.

Mr. Shea asked how concrete were the prohibitions on activities in these forested areas? Dr. Sullivan answered that the criteria allowed a variety of uses, but that protection and management of such habitats for these species should be considered in any proposed development or tree cutting. Barbara O'Neill asked about the significance of using the number of four when referring to the number of species listed whose presence are found to be probable or confirmed. Did that mean four species or four birds or two pairs of alike species? Dr. Sullivan responded that the guideline referred to species and that at least four species had to be present, regardless of the number of individuals or breeding pairs present.

Carolyn Watson was then asked to explain the status of her report on Bay Access and Reforestation. She explained why the program was needed and what will be done with the report that she is devising. She summarized what had been accomplished to date: that she has met with the various pertinent State agencies and prepared a Table which she initially had submitted to them. She said that when the assessment of State access is complete, there will be a workshop to enhance the collected information.

Chairman Liss asked if there would be volunteers for the subcommittee on Bay Access and Reforestation. Robert Lynch, James Gutman, Barbara O'Neill, and William Bostian volunteered. Mary Walkup said that she would be interested to be on the subcommittee, but that she is committed to other committees and is worried that she will not have the time to give Ms. Watson's subcommittee the attention it would deserve. Ms. Watson explained that the subcommittee would not meet often and Mary Walkup was then added to the list of members. James Gutman suggested that CRAC should be included for assistance. Ms. Watson assured him that they would be. Parris Glendening asked why the program was introduced initially. Chairman Liss said that the original intention was not known, but that the program was necessary as it is important to know what access is available and that the Commission should discover what needs to be done. Robert Lynch asked if any inventory now exists and Constance Lieder explained that each county has their own, (but that her county is not mapped). Ms. Watson said that she will have specific information as to what access is available, after her questionnaire is distributed.

Charles Davis then began a discussion on the role of panels in the review of program development and approval. Parris Glendening said that the panels should be continually working with local Critical

jurisdictions to insure cooperation, etc. Chairman Liss agreed that the closer the panel works with the local jurisdictions, the more effective they will be. Mary Walkup pointed out that information is needed by her on a weekly basis and that the panel should be well organized to be able to supply information as often as needed. Ann Coates suggested that a list of jurisdictions that have adopted programs should be given to the panels. William Eichbaum said that he believed that a panel could not make a recommendation and then vote to accept or reject the recommendations and, therefore, should the Commission's counsel investigate this point of law? J. Frank Raley asked for clarification on the strength of the 'rights of the panel and individual to recommend or not make recommendations, and that these rights could become a political issue and therefore, the Commission should be prepared for this.

James Gutman asked if the Chairman of the Commission would be appointing Chairmen of each of the panels. Chairman Liss stated that each panel should choose its own Chairman. He then appointed Ardath Cade to be Chairperson of the Committee that will be developing criteria for State and Local projects according to Natural Resources Article 8-1814.

There was no Old Business.

Lloyd Tyler introduced discussion of the newspaper article distributed to the Commission, one of a series of articles in the Washington Post, concerning the pollution enforcements of the Chesapeake Bay. He suggested that a letter should be drafted for the Governor that he enforce the pollution laws that are being ignored.

Chairman Liss said that that would not be helpful, but that enforcements had been accelerated. William Eichbaum pointed out that the figures stated in the article are inaccurate, and that the Department of Health and Mental Hygiene will be sending correspondence to this newspaper regarding the article in order to clarify the misinformation.

Mary Walkup asked for the status of the subcommittees. Solomon Liss said that they have not yet convened.

Ernie Shea remarked that this would be his last meeting as he was leaving the Department of Agriculture to work for the National Association of Soil Conservation Districts.

The meeting was then adjourned.

(Revised Commission Review Draft)

A Guide to the Conservation of  
Forest Interior Dwelling Birds in the  
Critical Area

Guidance Paper

No.1

Chesapeake Bay  
Critical Area Commission

July, 1986

## INTRODUCTION

The Chesapeake Bay Critical Area criteria require that protection be provided to forest interior dwelling birds and their habitat. Many of these birds are species which are either restricted to relatively large, undisturbed, generally mature forest areas, or whose populations depend on such areas. The Critical Area Commission developed protection requirements because these species have undergone substantial declines in abundance in parts of Maryland over the past 30 years. These declines are the result of the direct loss, and the fragmentation and isolation, of the forest habitat necessary to sustain such birds. The criteria suggest that riparian forests of 300 feet in width or wider, and upland forests of at least 100 acres, are likely to be habitats for interior dwelling birds. When development, or the cutting of trees, is proposed for such forests, the criteria require that these activities are to be conducted in a manner that would conserve these species and their habitat.

The purpose of this paper is to provide guidance to local jurisdictions, developers, land owners and other interested persons on the species to be protected by these regulations, the means to be used to determine their presence, and suggested protection or management measures. Information about the distribution of these species in Maryland has been collected in the Maryland Breeding Bird Atlas Project and will be made available by the Maryland Forest, Park and Wildlife Service to

local jurisdictions who are developing Critical Area programs. While this information can be used to generally describe bird populations in broad areas, the geographical unit of the Atlas Project (10 square miles) may be too large to permit an accurate characterization of the species on a specific site. The guidelines provided in this paper are intended to be applied to site-specific investigations of the forested areas described above, which may be proposed for development, timber harvesting, or other disturbance, or which may be proposed for special protection.

#### LIST OF SPECIES

Observations have been made in Maryland over a period of many years on the relative abundance and distribution of interior dwelling birds which are restricted to, or depend on, large upland or riparian forests (Robbins, et al., 1986; Robbins, 1980). This research indicated that although these species were occasionally found in small woodlots or nonforested habitat, they showed a high degree of association with the forests mentioned above. Based on these studies, on data compiled in the Maryland Breeding Bird Atlas, and on the research of other investigators (i.e., Lynch and Whigham, 1982, 1984; Whitcomb, et al., 1981) a list of such species has been prepared and is shown in Table 1. Certain of the bird species listed are marked with an asterisk because they are uncommon and highly sensitive to disturbance. The presence of these species is a significant indicator of high-

TABLE 1

List of Forest Interior Dwelling Bird Species  
Afforded Protection in the Critical Area

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Flycatcher, Acadian	<i>Empidonax virescens</i>
*Hawk, red-shouldered	<i>Buteo lineatus</i>
Ovenbird	<i>Seiurus aurocapillus</i>
*Owl, barred	<i>Strix varia</i>
Parula, northern	<i>Parula americana</i>
*Redstart, American	<i>Setophaga ruticilla</i>
Tanager, scarlet	<i>Piranga olivacea</i>
Vireo, red-eyed	<i>Vireo olivaceus</i>
Vireo, yellow-throated	<i>Vireo flavifrons</i>
Warbler, black-and-white	<i>Mniotilta varia</i>
*Warbler, hooded	<i>Wilsonia citrina</i>
*Warbler, Kentucky	<i>Oporornis formosus</i>
Warbler, prothonotary	<i>Prothonotaria citrea</i>
*Warbler, Swainson's	<i>Limnothlypis swainsonii</i>
*Warbler, worm-eating	<i>Helmitheros vermivorus</i>
*Waterthrush, Louisiana	<i>Seiurus motacilla</i>
Whip-poor-will	<i>Caprimulgus vociferus</i>
Woodpecker, hairy	<i>Picoides villosus</i>
Woodpecker, pileated	<i>Dryocopus pileatus</i>
* Species especially sensitive to disturbance	

quality habitat. The other species listed are usually common in large, relatively undisturbed upland or riparian hardwood forests. However, when such forests become isolated, fragmented, or otherwise disturbed, these species tend to disappear. Thus, their absence is a significant indicator of poor habitat quality.

#### PRESENCE OF SPECIES

The Critical Area criteria do not specify the degree of presence of these species which would necessitate the institution of protection or management measures. For example, would a determination that Acadian flycatchers are present be sufficient to protect a particular area?

The Commission has determined that "presence", as used in the criteria, should be related to the overall habitat quality afforded by a given forested area for interior dwelling birds. Accordingly, the following guideline is suggested:

In upland forests of approximately 100 acres or more in extent, and in riparian forests of approximately 300 feet or more in width, protection measures for interior-dwelling birds are necessary when it has been determined, based on standard survey techniques (see Survey Methods, below), that such species are present as follows:

- a) At least four of the kinds of species listed in Table 1 whose presence are found to be "probable" or "confirmed" based on breeding criteria described in the Maryland Breeding Bird Atlas Handbook; or

- b) At least one of the sensitive species listed in Table 1 is found to be present according to the same criteria.

It should be noted that the areal extent of upland and riparian forests specified in the criteria is intended to be a general guideline. Interior-dwelling species may be present in somewhat smaller forests or absent in larger ones..

#### SURVEY METHODS

The Critical Area criteria require that designations of forest areas which provide habitat for interior-dwelling birds shall be made using standard biological survey techniques. An example of an acceptable survey method would be the standard point count technique described in Lynch and Whigham (1982, 1984) and Whitcomb, et al. (1981). The Commission expects that surveys of these species shall be done using one or more such methods, and according to the breeding criteria and procedures described in the Maryland Breeding Bird Atlas Handbook (See Appendix A). Surveys should, therefore, meet at least the following minimum requirements:

- 1) Conducted only during the "Safe Dates" of breeding presence shown in Table 2;
- 2) Conducted under appropriate weather conditions, and at a rate of at least three visits per site during the breeding season, each survey separated by an interval of at least a week;

Table 2

"Safe Dates" of Breeding Presence  
For Forest Interior Dwelling Birds

<u>Name</u>	<u>Safe Dates</u>
Flycatcher, acadian	May 25 - August 5
Hawk, red-shouldered	May 1 - August 31
Ovenbird	May 20 - August 5
Parula, northern	June 1 - August 31
Redstart, American	June 10 - July 20
Tanager, scarlet	May 25 - August 10
Vireo, red-eyed	June 1 - July 31
Vireo, yellow-throated	May 25 - August 15
Warbler, black-and-white	May 15 - July 25
Warbler, hooded	May 25 - July 25
Warbler, Kentucky	May 25 - July 15
Warbler, prothonotary	May 10 - July 20
Warbler, Swainson's	April 20 - August 31
Warbler, worm-eating	May 20 - July 20
Waterthrush, Louisiana	May 1 - July 10
Whip-poor-will	May 10 - July 15
Woodpecker, hairy	March 15 - August 31
Woodpecker, pileated	March 15 - August 31

- 3). Breeding presence to be determined as "probable" or "confirmed" as described in the Handbook;
- 4) Surveys to be conducted by a qualified observer who is capable of identifying birds by their songs; and
- 5) Surveys to be conducted in such a manner as to sample throughout the habitat under study.

Additional details on the censusing of birds can be found in the publications of Laughlin and Kibbe (1985) and Ralph and Scott (1981).

#### PROTECTION AND MANAGEMENT MEASURES

The criteria require the protection and conservation of forested areas identified as habitat for forest interior-dwelling birds. The criteria do not totally prohibit development, timber harvesting, tree clearing or other activities from occurring in such areas, and several management and protection measures are suggested. The Commission's goal in adopting these criteria is to ensure that the habitats of interior dwelling species are identified, and that during the management or development of these areas, habitat conservation is considered along with other factors. However, it is implicit in the criteria that managing such areas to conserve these birds should generally have a higher priority than management for other wildlife species, except threatened or endangered species.

The following is a list of protection and management measures which the Commission believes should be considered in

conserving the habitat value of these forested areas. It should be noted that all of the species listed in Table 1 mainly inhabit hardwood forests and, therefore, these protection measures are not applicable to coniferous (i.e., loblolly pine) forests.

- 1) Minimize disturbance during the May-August breeding season (i.e., from off-road vehicles, intensive public use, or logging);
- 2) Focus development or other disturbance on the periphery of the area (i.e., when planning roads, utility line corridors, or structures);
- 3) Retain the continuous cover of branches and foliage which is formed by the crowns of adjacent trees (e.g., the forest canopy) and trees and shrubs underneath the canopy (e.g., understory vegetation);
- 4) Retain standing dead trees (e.g. snag trees) which serve as bird nesting and feeding habitat;
- 5) Discourage the creation of small clearings and the disproportionate expansion of forest edge habitat;
- 6) Provide that if a forest area is temporarily cleared, it be permitted, or encouraged, to return to native forest vegetation;
- 7) Adopt timber harvesting techniques that maintain or improve habitat for forest-interior dwelling species;
- 8) Incorporate protection and management measures into Forest Management Plans, Soil Conservation Plans, and, where appropriate, sub-division ordinances or other local land use regulations.

## TECHNICAL ASSISTANCE

In the Critical Area Program, local jurisdictions have the primary responsibility for implementing the criteria requirements for identifying and protecting these habitats. However, other agencies and organizations will be able to provide technical assistance to the jurisdictions and to developers or landowners who are involved in the identification, protection, and management of these areas. They are as follows:

### Maryland Department of Natural Resources

Forest, Park, and Wildlife Service, P O Box 68, Wye Mills,  
MD 21679

Contact: Gary Taylor (301-827-8612)

(Note: Mr. Taylor is the contact person in the Department of Natural Resources for obtaining information from the Maryland Breeding Bird Atlas Project and for technical assistance to local jurisdictions)

### U. S. Fish and Wildlife Service

Patuxent Wildlife Research Center, Laurel, MD 20708

Contact: Chandler Robbins (301-498-0281)

Annapolis Field Office, 1825 B Virginia Street, Annapolis,  
MD 21401

Contact: Deborah Rudis (301-269-5448)

### Smithsonian Institution

Smithsonian Environmental Research Center, Box 28,  
Edgewater, MD 21037

Contact: James Lynch (301-798-4424)

Other organizations are involved in the censusing of birds in Maryland. Listed below are local coordinators for the Breeding Bird Atlas Project and representatives of the Maryland Ornithological Society. These persons can recommend qualified bird observers and otherwise assist local jurisdictions with this aspect of their Critical Area Program.

Breeding Bird Atlas Coordinators:

<u>County</u>	<u>Person</u>	<u>Telephone</u>
Anne Arundel	James Cheevers	224-2061
Baltimore	Bob Dixon	472-2224
Calvert	Dwight Williams	535-5327
Caroline	Marvin Hewitt	482-6842
Cecil	Clark Jeschke	(703)869-6749
Charles	George Wilmot	375-8552
Dorchester	Sam Droege	498-0282
Harford	William Russell	272-8676
Kent	Steve Hitchner	778-3560
Prince George's	John Gregoire	277-4764
Queen Anne's	Rick Blom	879-9667
St. Mary's	Ernest Willoughby	994-0709
Somerset	Charles Vaughn	742-7221
Talbot	Don Meritt	822-5595
Wicomico	Charles Vaughn	742-7221
Worcester	Bob Ringler	655-5738

Maryland Ornithological Society Representatives:

(To be completed)

LITERATURE

CITED

Laughlin, S. B. and D. T. Kibbe (eds.) 1985..

The Atlas of Breeding birds of Vermont. Vermont Institute of Natural Science, Woodstock, VT; 456pp.

Lynch, J. F. and D. L. Whigham. 1982. Configuration of Forest Patches Necessary to Maintain Bird and Plant Communities. Maryland Power Plant Siting Program Research Paper PPRP-59: 88 pp.

\_\_\_\_\_. 1984. Effects of Forest Fragmentation on Breeding Bird Communities in Maryland, USA. Biological Conservation. Vol. 28: 287-324.

Maryland Ornithological Society. 1982. Maryland and D. C. Breeding Bird Atlas Project Handbook, 1983-1987. Supplement to Maryland Birdlife, Vol. 38, 1982; 20pp.

Ralph, C. J. and M. Scott (eds.) 1981. Estimating Numbers of Terrestrial Birds. Studies in Avian Biology No. 6. Cooper Ornithological Society. Allen Press. Lawrence, KS; 630pp.

Robbins, C. S. 1980. Effect of Forest Fragmentation on Breeding Bird Populations in the Piedmont of the Mid-Atlantic Region. *Atlantic Naturalist*. Vol. 33. pp 31-36.

Robbins, C. S., D. Bystrak, and P. H. Geissler, 1986. The Breeding Bird Survey: Its First Fifteen Years, 1965 - 1979. U. S. Fish and Wildlife Service, Resource Publication 157. Washington, D.C.; 196pp.

Whitcomb, R. F., C. S. Robbins, J. F. Lynch, M. K. Klimkiewicz, B. L. Whitcomb and D. Bystrak 1981. Effects of Forest Fragmentation on Avifauna of the Eastern Deciduous Forest; pp 125-206. In: Burgess, R. L. and D. M. Sharpe (eds.). *Forest Island Dynamics in Man-Dominated Landscapes*. Ecological Studies, Vol. 41. Springer-Verlag. NY.

APPENDIX A

Breeding Criteria and Censusing Procedures  
For Forest Interior Dwelling Birds  
In the Critical Area

(From: Maryland and D. C. Breeding Bird Atlas  
Project Handbook, 1983 - 1987, Supplement to  
Maryland Birdlife Vol. 38, 1982.)

## PROCEDURE

### TIMING OF ATLASING

Atlasing is not strictly a summertime effort. It can be virtually a year-round project with most of the effort in June and July. June is the primary month for building a species list for your block because birds are on territory and very vocal. Also, most spring migrant birds have left by June 1.

July and August are the optimum months for recording birds in the PROBABLE and CONFIRMED categories. Though most singing activity has decreased, it is a time when noisy fledglings accompany parents or beg for food in a nest. Also, parent birds are more likely to be seen carrying food for young.

Migrants offer a threat to accuracy. The "Safe Dates" (Table 1, Appendix) indicate those dates when migrants of each species leave in the spring and arrive in the autumn. There is some variation across the state, the lower Eastern Shore being a few days to a week ahead of Western Maryland in spring. This table is not precise, it is intended as a general guide, for use primarily with POSSIBLE and some PROBABLE codes. Because, for many species, the nesting season overlaps the migration period, many PROBABLE and all CONFIRMED codes can be used outside the Safe Dates, e.g., a nest with eggs any time is definitely a legitimate CONFIRMED.

Early morning and evening are the best times to survey your block, bird activity is highest at these times. Most blocks will have birds that are active at night such as owls, woodcocks and Whip-poor-wills. Please make some special after-dark trips to record these species.

### EFFORT REQUIRED

Most Maryland and D.C. Atlas blocks have 90 to 100 breeding species. Some may have 110+ or, in some urban areas, as few as 50. Experience has demonstrated a reasonable goal of recording 75% of the potential breeding species in your block. Considering the average number of potential species, we suggest a goal of a minimum of 70 species per block in rural areas; 40 in urban areas. To achieve these goals, be sure you have thoroughly examined all habitats in your blocks, and spend an appropriate amount of time in them.

Most species in a block will be encountered in the first few hours, and it will take more time per species as you approach the potential total; probably no block will have every species discovered in it. Don't miss an opportunity to spend an hour or two in a block away from home just because you feel you can not record enough species in the CONFIRMED category. As many as half the species in a block can be recorded as POSSIBLE in that time.

Other Atlases have shown that a total of 20 hours is optimal for achieving 75% coverage, therefore, if all habitats have been examined after 20 hours of cumulative morning and evening fieldwork, the block can be considered adequately covered even if the total is still under the minimum. Once you attain an acceptable level of coverage in your block, please ask for another. Contact your Local Coordinator to find out which are without coverage or in need of help. If you prefer to stay in your original block, do so and try for 100 species. It is not impossible! Remember, every acre of a block does not need to be examined. Thorough coverage of all available habitats is all that is necessary. Obviously, a block with uniform habitat will take considerably less time to cover adequately than one with a diversity of habitats.

## UPGRADING

Whatever percentage of the potential total you attain, all birds will not be CONFIRMED. As you atlas, put the emphasis on the PROBABLE codes and building a good species list for your blocks rather than on confirming everything. Though some degree of certainty that the birds recorded in your block actually are breeding is desirable, a species recorded in preferred habitat during the safe dates, can be assumed to be breeding, even if only the POSSIBLE category is attained. If all blocks averaged 95% of their potential breeding species as no more than POSSIBLES, more meaningful distribution maps could be drawn than if they averaged only 50% or less, all in the CONFIRMED category.

We recommend, as a general guideline, trying for 25% of your species in the CONFIRMED category, 50% PROBABLE and 25% POSSIBLE. It is important to confirm the rarer species, so concentrate on those listed as "Rare and Local" on the Field Card, and those listed as "R", "L", "?" or "\*" in your region (Table 1, Appendix). Don't waste time confirming abundant species when you could be examining an unusual habitat and bringing the species total in your block closer to the recommended minimum. You will probably confirm most common species without even trying. Remember that a species needs to be confirmed only once in a block during the 5 years.

### KNOWING YOUR BLOCK

Examine the map of your block in advance to determine potential habitats and likely species. Try to get to your block before the breeding season. On pre-season scouting trips you can take notes on actual habitats directly on the photocopy of your map or on the Field Card. Make use of the Access Map that has been included with your packet, which shows your block and those surrounding it. It will give you an idea of the roads by which to get to your block.

Scouting will also familiarize you with your block's boundaries, which is extremely important, especially to those less comfortable with map reading and those in quarter block areas. You also learn the condition of the roads and any obstructions such as washed-out bridges. Scouting trips also offer a good opportunity to make contacts for obtaining permission to enter private land. Most landowners enjoy talking with you once they know what you are doing. Be sure to ask landowners if they know of any nesting birds on their property. This is often a major source of Barn Owl records.

### LOCAL COORDINATORS

Washington D.C. and each Maryland county has a Local Coordinator (see back cover) who recruits and encourages observers, oversees coverage, distributes packets and collects completed forms. These are the people to whom you should turn first if you have any questions or problems.

Each Local Coordinator is encouraged to assign assistants. A recommended method is to assign an entire quad to one person ("Quad Captain") who would be responsible for recruiting help for all 6 blocks of the quad. On a smaller scale, if more than one person is working in a block, a "Block Leader" can be designated to oversee the effort.

If you are traveling in another county and wish to atlas there, please contact the appropriate Local Coordinator (see the outside back cover). They will also be very happy to hear of any friends you may have who would like to help, either in your county or another.

BREEDING CRITERIA AND THE CODES

DEFINITIONS OF CODES

POSSIBLE

- O - Species observed in block, but not in breeding habitat. This code is primarily for birds that are not believed to breed in the block. For example, the thousands of Laughing Gulls in plowed fields on the lower Eastern Shore, or the sub-adult Ring-billed Gulls that spend the summer in Maryland. Fly-overs are also in this category, a soaring Turkey Vulture, for example. Any species seen outside the "Safe Dates" (Table I, Appendix) with no further breeding evidence should be recorded as O.
- X - Species heard or seen in breeding habitat within "Safe Dates." Be especially cautious during migration times.

PROBABLE (Always a one-letter Code)

- A - Agitated behavior or anxiety calls from adult. Parent birds respond to threats with distress calls or by attacking intruders. This does not include response to "pishing" or tape playing.
- P - Pair observed in suitable breeding habitat within safe dates. Use this code with caution.
- T - Territorial behavior or singing male present at same location on at least 2 different days. Territoriality can be presumed from defensive encounters between individuals of the same species, or by observing a male singing from a variety of perches within a small area.
- C - Courtship or copulation observed. This includes displays and courtship feeding, and birds mating.
- N - Visiting probable nest site. Primarily applies to hole-nesters. This code applies when a bird is observed visiting the site repeatedly, but no further evidence is seen.
- B - Nest building by wrens or excavation by woodpeckers. Both groups build dummy or roosting nests at the same time they are building a real one, but an unmated male will exhibit the same behavior.

CONFIRMED (Always a two-letter Code)

- NB - Nest building (except wrens and woodpeckers) or adult carrying nesting material. Carrying sticks is part of the courtship ritual (code "C") for some species, so be cautious with this code.
- DD - Distraction display, including injury-feigning. Agitated behavior can be mistaken for distraction, but is code "A", under PROBABLE.
- UN - Used nest found. Use extreme caution; nests are difficult to identify. If unsure, forget it. Do not collect the nest - a permit is required. This code can be especially useful after the leaves have fallen.

FL - Recently fledged young or downy young. This includes dependent young only. Be cautious of species that range widely soon after fledging. Don't forget to look for dead fledglings or nestlings on the road. Young cowbirds begging for food confirm both the cowbird and the host species.

FS - Adult bird seen carrying fecal sac. Feces of nestlings are contained in a membranous sac, carried away from the nest by the parents.

FY - Adult carrying food for young. Use with caution, a few species feed young long after wandering from nest site, or carry food a long distance. Many also engage in courtship feeding (code "C").

ON - Occupied nest presumed by activity of parents: entering nest hole and staying, parents exchanging incubation responsibility, etc. Primarily intended for hole nesters and nests too high to see the contents.

NE - Nest with eggs or eggshells on ground. Caution: these must be carefully identified. Cowbird eggs in nests confirm both the cowbird and the host species.

NY - Nest with young seen or heard. A cowbird chick in a nest confirms the cowbird and the host species.

EXAMPLES TO USE AS GUIDELINES

1. Woodpecker drumming: POSSIBLE - X within Safe Dates, PROBABLE - T if same place 2 different days. (Note: this refers to territorial drumming, not feeding.)
2. Duck summers on pond without suitable adjacent marshes: POSSIBLE - O.
3. Woodcock nuptial flights for 3 weeks: PROBABLE - T (POSSIBLE - X if observed only once), PROBABLE - C if courtship and display to female observed.
4. Gulls frequenting dumps, plowed fields, parking lots throughout summer in unsuitable nesting habitat: POSSIBLE - O.
5. Song Sparrow seen carrying nesting material: CONFIRMED - NB.
6. Wood Thrush seen on nest for extended period of time, but too high to see contents: CONFIRMED - ON.
7. Great Blue Heron feeding along river away from any known nesting area: POSSIBLE - O. (Note: watch such a bird closely; it could lead to a new colony.)
8. Second year male American Redstart singing abnormal song in hedgerow in early June: POSSIBLE - O.
9. Male House Wren sings all summer and stuffs nest boxes with sticks; no evidence of a mate: PROBABLE - B.
10. Male and female Scarlet Tanagers observed together several times in the same area but no nest or young ever seen: PROBABLE - P.

STATE OF MARYLAND

State Ethics Commission  
301 West Preston Street  
Baltimore, Maryland 21201  
(301) 225-1030  
TTY for Deaf Baltimore: 383-7555  
DC Metro: 565-0450

Withdrawal of Savings and Loan Certificates of Deposit  
(Under Authority of Chapter 282 Laws of Maryland, 1986 Session)

Certificate Withdrawal Financial Disclosure Statement Supplement

MESSAGE TO THOSE REQUIRED TO FILE

In its 1986 Session the General Assembly passed HB 466 (Chapter 282 Laws of Maryland, "Savings and Loan Associations - Regulatory Reform"). The legislation revises the system of savings and loan regulation in Maryland. The General Assembly included as part of that law a one-time savings and loan withdrawal disclosure program. The program has three components: a general supplemental disclosure for all officials, an additional special supplemental disclosure for certain officials identified by the Governor, and a special review of all withdrawals of deposits over a certain amount by the State prosecutor. The attached financial disclosure statement supplement implements the first component (the general supplemental disclosure) which applies to all officials required to file financial disclosure.

This supplemental disclosure form must be filed by any State or public official (including part-time members of boards and commissions) or former officials and covers any withdrawals of certificates of deposit during the period from March 14, 1985 through May 14, 1985, from any savings and loan association formerly insured by the Maryland Savings Share Insurance Corporation (MSSIC) where the official or former official incurred any penalty or forfeited any interest as the result of the withdrawal. Former officials are covered if they served at any time during 1985 or 1986.

Read carefully the instructions on the front and back of this page and the list of savings and loan associations on the back of the form before completing the supplemental disclosure statement. The supplemental financial disclosure statement must be completed and returned to the State Ethics Commission at the above address on or before August 1, 1986 even if you did not have a withdrawal of a certificate of deposit to disclose.

**NOTE:** This form is in addition to the regular annual financial disclosure statement. It is also in addition to the Executive Notification Financial Disclosure Statement if you have received a letter from the Governor identifying you as a person required to file that form.

I N S T R U C T I O N S

General

**Who Must File:** This form must be completed by any official (including part-time members of boards and commissions) or any former official who was in a position requiring the filing of a financial disclosure statement during all or part of 1985 or 1986. The form must be filed even if you or a person or entity attributable to you had no withdrawals of a certificate or certificates of deposit to disclose.

**Withdrawals To Be Disclosed:** Disclose savings and loan withdrawals of certificates of deposit from any association previously insured by the Maryland Savings Share Corporation by you or a person or entity whose activities are attributable to you (see these instructions for deposits attributable to you) during the period from March 14, 1985 through May 14, 1985, where any penalty was incurred or interest was forfeited as a result of the withdrawal. A complete list of all of the savings and loan associations formerly insured by MSSIC is printed on the back of the supplemental financial disclosure form.

**Where and When to File:** This supplemental disclosure statement must be filed no later than August 1, 1986. The report must be sent to the State Ethics Commission at Room 1515, 301 West Preston Street, Baltimore, Maryland 21201. A completed, signed, notarized form must be filed even if there are no withdrawals required to be disclosed.

Public Availability of Records: These supplemental financial disclosure forms are public information available for inspection and copying.

Attribution of Interest: For the purpose of this supplemental disclosure statement, the following withdrawal activity shall be considered to be attributable to the person filing the statement:

(a) Any funds or deposits held by the spouse or a child of the person making the statement, if such funds or deposits were at any time during the year for which the statement is filed directly or indirectly controlled by the person making the statement.

(b) Any funds or deposits held by a business entity in which a 30 percent or greater interest was at any time during the year for which the statement is filed held by the person making the statement.

(c) Any funds or deposits held by a trust or an estate in which, at any time during the year for which the statement is filed, the person making the statement (1) held a reversionary interest or was a beneficiary or (2), if the trust was revocable, was a settlor. A trust, within the meaning of this subsection, does not include a common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under §§401 and 501 of the Internal Revenue Code of 1954.

#### INSTRUCTIONS FOR SPECIFIC PARTS

**PART A:** This Part identifies the official or former official and his agency. Print or type your full name in item 1 and in item 2 include your primary agency, such as cabinet department, name of board or commission, or office held in cases of elected officials. Former officials should note that the affiliation is previous and not current. Item 3 should include a complete agency address where you receive mail. Former officials should include a current mailing address. In Item 4, include any organizational position title such as Chief, Director, Chairman, board member or name of elective office held. Former officials should include the word former in the position title.

**PART B:** This Part simply requires you to indicate whether you have withdrawals to disclose. If you do, check Yes and complete Parts C and D. If you do not have withdrawals to disclose, check No and complete Part D.

**PART C:** Part C requires disclosure of the name of each savings and loan from which a withdrawal of any certificate of deposit by you or a person or entity whose activities are attributable to you, where any penalty was incurred or there was any interest forfeited as a result of the withdrawal. The savings and loans covered by the required disclosure are listed on the back of the form. A withdrawal is within the statutory dates if a withdrawal request was made within these dates and the money was actually received, even if the actual receipt of funds due to mail, etc. was at a time beyond May 14, 1985. Forfeited interest includes any interest lost, even if only because the certificate was not held for its full term. Item 1 should include the name of the savings and loan association. Item 2 should include the total dollar amount in certificates of deposit required to be disclosed from that savings and loan association withdrawn during the covered period. Item 3 applies if the withdrawal is being disclosed because it is attributable to the filer under the Attribution of Interest Requirements (see General Instructions above for detailed attribution of interest requirements). If this section is inapplicable, put N/A. If applicable, list, as appropriate, the name of the person and the relationship (i.e. spouse), or the name of the business entity, or a description of the trust relationship. If you must disclose withdrawals from more than three savings and loans, make your own additional copies of Part C and attach them to your signed, notarized form. If you would prefer us to send you additional copies of Part C, contact the State Ethics Commission office.

**PART D:** All forms, whether there are withdrawals to disclose or not, must be signed, dated and properly notarized before being returned to the State Ethics Commission.

#### PRIVACY NOTICE

Chapter 282 of the Laws of Maryland (1986 Session) and the Maryland Public Ethics Law (Article 40A, Annotated Code of Maryland) requires the collection of this information, which will be used primarily for public disclosure and to determine compliance with the Law. The information may be disclosed to any requesting person who records his name and home address, and this record of disclosure will be provided to the filer upon request. The subject has the right to review, correct and amend the record as set forth in Article 76A, §4A, Annotated Code of Maryland. Failure to file or to report information can subject you to civil and administrative penalties including termination or other disciplinary action, suspension of pay and a civil fine of up to \$5,000 per day.

STATE OF MARYLAND  
State Ethics Commission  
301 West Preston Street  
Baltimore, Maryland 21201  
(301) 225-1030  
TTY for Deaf Baltimore: 383-7555  
DC Metro: 565-0450

Certificate of Withdrawal Financial Disclosure Statement Supplement

PART A. Official Information: Complete information items 1 through 4.

1. Name of State or Public Official \_\_\_\_\_
2. Department, Board or Agency \_\_\_\_\_
3. Department or Agency Address \_\_\_\_\_
4. Position Title \_\_\_\_\_

PART B. Withdrawal Information: Did you or a person or entity whose activities are attributed to you have any withdrawals of one or more certificates of deposit, where there was any penalty or forfeited interest, from one or more savings or loans formerly insured by the Maryland Savings-Share Insurance Corporation, during the period from March 14, 1985 through May 14, 1985?

Check the appropriate box:  Yes  No

If the answer in PART B above is Yes, complete PARTS C and D. If the answer is No, complete PART D.

PART C. Withdrawal Information:

1. Name of Savings and Loan \_\_\_\_\_
2. Total Amount of Certificate of Deposit Withdrawal \_\_\_\_\_
3. Name of Attributable Person or Entity (if applicable, see Instructions) \_\_\_\_\_

1. Name of Savings and Loan \_\_\_\_\_
2. Total Amount of Certificate of Deposit Withdrawal \_\_\_\_\_
3. Name of Attributable Person or Entity (if applicable, see Instructions) \_\_\_\_\_

1. Name of Savings and Loan \_\_\_\_\_
2. Total Amount of Certificate of Deposit Withdrawal \_\_\_\_\_
3. Name of Attributable Person or Entity (if applicable, see Instructions) \_\_\_\_\_

PART D. Signature:

I hereby make oath or affirm that the contents of this financial disclosure statement supplement are true and correct to the best of my knowledge, information and belief.

Signature of Person Filing: \_\_\_\_\_

Date: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

Signature of Notary Public: \_\_\_\_\_

Printed/Typed Name of Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

[SEAL]

SAVINGS AND LOAN ASSOCIATIONS FORMERLY INSURED BY  
THE MARYLAND SAVINGS SHARE INSURANCE CORPORATION

Admiral-Builders Savings & Loan Assoc.  
Arbutus Building & Loan Assoc.  
Arrow Savings & Loan Assoc.  
Ashburton Savings & Loan Assoc.  
Atlas Savings & Loan Assoc.  
Aztec Savings & Loan Assoc., Inc.  
Back & Middle River Building & Loan Assoc.  
Baltimore American Savings & Loan Assoc., Inc.  
Baltimore County Savings & Loan Assoc., Inc.  
Baltimore Savings & Loan Assoc., Inc.  
Bay State Savings & Loan Assoc., Inc.  
Business Men's Building Assoc.  
Canton Pulaski Polish Building Assoc.  
of Baltimore City  
Caroline Savings & Loan Assoc.  
Center Savings & Loan Assoc.  
Chesapeake Savings & Loan Assoc., Inc.  
Chevy Chase Savings & Loan, Inc.  
Citizens Alliance Building Assoc., Inc.  
Colombo Savings & Loan Assoc.  
Columbian Building Assoc. of Harford County  
Commercial Credit Savings & Loan Assoc.  
Community Savings & Loan, Inc.  
Cowenton Savings & Loan Assoc.  
Custom Savings Assoc.  
The Dorsey Building & Loan Assoc., Inc.  
Eastern Home Building & Loan Assoc.  
Eastern Savings Assoc., Inc.  
Ellwood Permanent Building & Loan Assoc.  
Enterprise Building & Loan Assoc. of  
Harford County  
Fairfax Savings Assoc.  
Fairmount Savings & Loan Assoc., Inc.  
First Maryland Savings & Loan, Inc.  
Fork Permanent Land & Building Assoc. of  
Baltimore County  
Friendship Savings & Loan Assoc., Inc.  
Fullerton Permanent Loan Assoc.  
Germantown Permanent Building Assoc. No. 2  
of Baltimore County  
Gibraltar Building & Loan Assoc.  
Glen Burnie Savings & Loan Assoc., Inc.  
Glenmore Permanent Building & Loan Assoc.,  
Inc.  
Government Services Savings & Loan Assoc.,  
Inc.  
Grand Building & Loan Assoc., Inc.  
Greater Baltimore Savings & Loan Assoc.  
of Baltimore City  
Harford Road Building & Loan Assoc., Inc.  
Hiss Permanent Building & Loan Assoc., Inc.  
Hopkins Savings & Loan Assoc.  
Hull Street Building Assoc.  
Ideal Savings & Loan Assoc.  
John-Hanson-Savings & Loan Assoc., Inc.  
Kent Savings & Loan Assoc.  
Kopernick Building and Loan Assoc. of  
Baltimore City  
Kosciuszko Permanent Loan & Savings Assoc.  
LaCorona Building & Loan Assoc., Inc.  
Landsdowne Building & Loan Assoc., Inc.  
Laurel Building Assoc. of Prince  
George's County  
Lazaretto Permanent Building & Loan  
Assoc.  
Liberty Savings & Loan Assoc., Inc.  
Light Street Savings & Building Assoc.  
Lincoln Building Assoc., Inc.  
Locust Point Building & Loan Assoc.  
No. 2  
Madison & Bradford Savings & Loan  
Assoc.  
Madison Square Permanent Building  
Assoc.  
Mariner's Savings & Loan Assoc., Inc.  
Maryland Permanent Building & Loan  
Assoc., Inc.  
Merritt Commercial Savings & Loan  
Assoc.  
Midstate Savings & Loan Assoc.  
Monumental Savings & Loan Assoc.  
Mount Vernon Permanent Building  
Assoc. of Baltimore City, Inc.  
Municipal Savings & Loan Assoc.  
New Michaels Permanent Savings & Loan  
Assoc.  
North Bend Thrift & Loan Assoc.  
Northfield Savings & Loan Assoc., Inc.  
O.K. Building & Loan Assoc., Inc.  
Old Court Savings & Loan, Inc.  
Ozark Permanent Building Assoc. of  
Baltimore City  
Parkville Savings & Loan Assoc.  
Parkwood Building & Loan Assoc.  
Perry Hall Building & Loan Assoc.  
Potomac Savings & Loan Assoc.  
Presidential Savings and Loan  
Putty Hill Permanent Building Assoc.  
of Baltimore City  
Regal Savings & Loan Assoc.  
Republic Savings & Loan Assoc.  
Ridgeway Savings & Loan Assoc.  
St. Casimirs Savings & Loan Assoc.,  
Inc.  
Second National Building & Loan, Inc.  
Security Savings & Loan, Inc.  
Senator Savings & Loan Assoc., Inc.  
Severn Savings Assoc. of Annapolis  
Sharon Savings & Loan, Inc.  
Slavie Savings & Loan Assoc.  
Slovan Building & Loan Assoc. of  
Maryland, Inc.  
Spartan Building & Loan Assoc.  
Sterling Savings & Loan  
Sykesville Building Assoc. of  
Carroll County  
United Savings & Loan Assoc., Inc.  
Universal Savings & Loan Assoc., Inc.  
Vanguard Savings & Loan Assoc., Inc.  
Vigilant Building Association of Essex  
Weekly Savings & Loan Assoc., Inc.  
Wellham Building & Loan Assoc., Inc.  
Western Permanent Savings & Loan  
Assoc.  
White Eagle Savings & Loan Assoc.  
Woodmoor Savings & Loan Assoc.

Letters

yes will do  
 Received the Not Develop. need asst.

Location	Date	Status	Notes
Anne Arundel Co.	6/25/86	X R	
Annapolis (Incl. Highland Beach)	6/25/86	X R	
Baltimore City	6/27/86	X R	
Baltimore Co.	5/27/86	X R	
Calvert Co.	6/26/86	X R	
Chesapeake Beach	6/19/86	X R	
North Beach	6/27/86	X R	
Caroline Co.	6/26/86	X R	
Denton	6/28/86	X R	X
Federalburg	6/30/86	X R	X
Greensboro	7/21/86	X R	X
Hillsboro	6/24/86	X R	X
Cecil Co.	6/24/86	X R	
Perryville	6/24/86	X R	
Charlestown	6/24/86	X R	
Port Deposit	6/24/86	X R	
North East	6/24/86	X R	
Chesapeake City	6/27/86	X R	
Elkton	6/12/86	X R	
Charles Co.	6/30/86	X R	
Indian Head	6/30/86	X R	
Dorchester Co.	6/24/86	X R	
Brookview	6/24/86	X R	
Church Creek	6/24/86	X R	
Eldorado	6/24/86	X R	
Vienna	6/24/86	X R	
Secretary	6/24/86	X R	
Cambridge	6/30/86	X R	X
Harford Co.	6/27/86	X R	
Harris de Grace	6/30/86	X R	

	Res. of etc.	Not Developed	Need dest
Kent Co.	5/22/86 X R		
Cheektown	6/17/86 X R		
Betterton	6/17/86 X R		X
Millington	X 6/26/86 6/18/86 R		X
Rock Hall	X R 6/19/86 X R		X
Prince George's Co. *			
Queen Anne's Co.	6/27/86		
Centerville	6/26/86 X R		
Church Hill	6/27/86 X R		X
Queen Anne's	6/27/86		X
Queenstown	6/26/86 R X P 6/25/86		X
St. Mary's Co. *	X R 6/26/86		
Leonardtown *	X R		
Somerset Co. *	6/26/86 X		
Princess Anne	6/9/86 X R		
Crisfield	6/26/86 R X		
Talbot Co. *	X 6/27/86		
Easton	5/29/86 R		
Oxford	6/27/86		
St. Michaels	6/10/86 X R		
Wicomico Co.	6/18/86 X R		
Sublim	X 6/26/86 R		
Worcester Co. *	X 6/16/86 R		
Pocomoke City	6/17/86 X R		
Snow Hill	6/16/86 X R		

R = responded in receipt of receipt



JUDGE SOLOMON LISS  
CHAIRMAN

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

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

July 10, 1986

- William Bostian  
Wicomico Co
- Ann Sturgis Coates  
Town of Snow Hill
- Clarence Du Burns  
Baltimore City
- James E. Gutman  
Anne Arundel Co.
- Parris Glendening  
Prince George's Co.
- Donald P. Hutchinson  
Baltimore Co.
- Shepard Krech, Jr.  
Talbot Co
- Florence Beck Kurdle  
Anne Arundel Co.
- John W. Logan  
Caroline Co.
- John Luthy, Jr.  
Dorchester Co.
- Robert S. Lynch  
Harford Co.
- Barbara W. O'Neill  
Cecil Co.
- 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

Mr. John F. Luthy, Jr.  
President  
County Commissioners  
of Dorchesters County  
County Office Building  
P O Box 26  
Cambridge, Maryland 21613

Dear Mr. Luthy:

We received your letters dated June 18th and June 26th, 1986, in which you advised us of the County's intention to develop a local Critical Area Program subject to certain "conditions". We have carefully reviewed the Law and have discussed the matter with the Attorney General's office and have reached the conclusion that there is no provision anywhere in the Law which would authorize the Commission to accept a "conditional" undertaking to develop a local program. Under the circumstances, the proposed "conditions" cannot be reflected in any grant agreement which we sign with your subdivision. We hasten to assure you, however, that certain of the proposed conditions are either provided for by the Law or are part of the policy adopted by the Commission.

As you know, the Legislature approved certain grant monies to be disbursed during FY 1987, and our staff has been actively negotiating with the 16 counties and 44 municipalities to disburse these monies

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

Telephone: \_\_\_\_\_  
TTY for Deaf - Annapolis - 269-2609      D.C. Metro - 565-0450

Mr. John Luthy, Jr.  
July 10, 1986  
Page Two

as equitably as possible. We have every reason to believe that the initial disbursement will permit the beginning of the development of an adequate local program in a timely manner.

We believe it may be useful to comment upon several of the proposed conditions included in your letters. The comments are as follows:

Paragraph 1 merely states what the Law provides and we perceive no necessity to re-state what is clearly stated in Section 8-1808 of the Natural Resources Article.

Paragraph 2 is unacceptable under the Law. If the local subdivision undertakes to prepare a program under the Critical Areas Law, the subdivision must agree to accept its responsibility fully, in accordance with all time requirements and program mandates and the criteria adopted by the Commission and approved by the General Assembly this Spring. The budget adopted by the Legislature at its most recent session provides for grants by the State through FY 1987. The Commission has filed its request with the appropriate officials of the Governor's Office and the Legislative Budget Committee for an identical allotment of grants for FY 1988. Preliminary approval has been obtained. If finally approved, sufficient funds will be available to complete the local programs. The Commission has no power, however, to guarantee budget allotments and what would happen if the Legislature refused to allocate funds to complete the task is a contingency to be met if it occurs. We believe that this is a matter unlikely to occur.

Paragraph 3 is unnecessary. The Commission assumes that local jurisdictions will utilize the best information they can get, whether from State or federal agencies or from their own consultants or other sources if necessary.

Paragraph 4, we understand, was occasioned because several of the local subdivisions expressed their concerns about a temporary problem with cash flow which may be occasioned by the reimbursement of funds by the State to those subdivisions which will be advancing monies to consultants during the preparation of the local programs. We think that this problem can be met by billing the State on a monthly basis rather than on a quarterly schedule.

Mr. John Luthy, Jr.  
July 10, 1986  
Page Three

As to

Paragraph 5, each circumstance will have to be viewed on its own merits by the Commission, and it will have to be shown to the Commission that the local jurisdiction is making a good-faith effort to comply with the deadlines set by the General Assembly in order for any rescheduling to occur due to delays outside the control of the County.

Paragraph 6, first sentence, merely restates what is implicit in the Law. Additional funding by the State, if any, for implementation and enforcement is a policy decision required to be made by the Governor, the Legislature, and the appropriate fiscal authorities. The Commission is aware that the entire Critical Area Program depends on the ability of each jurisdiction to implement and enforce its own local program and will do all that it can to secure funds for these purposes, though your help will be needed as well.

Paragraph 7 is unacceptable under the Law. As to defense of the programs from legal attack, we think that this is a matter for determination upon the occurrence of the event. We point out that the program is a local program and, as local land use control regulation and policy, should be defended locally. As to an attack generally on the Law or the criteria, it seems clear that the Attorney General would be required to defend the Statute or the criteria just as he does all other State statutes and regulations. We believe that this issue is one left for later determination. In any case, the Commission has no authority to enter into any funding agreements on the matter.

As to

Paragraph 8, in the unlikely event that a dispute between the County and the Commission could not be negotiated, the County would have the right to withdraw and to request that the Commission complete the program. Obviously the County would be reimbursed only for the actual work done and expenditures approved and/or advanced, and the remainder of the grant would have to be reimbursed to the Commission.

The remaining issues raised in your letter concerned legal questions and I took the liberty of referring them to Mr. Lee Epstein, the Assistant Attorney General assigned to the Commission. I enclose his advice to me for your information.

Mr. John Luthy, Jr.  
July 10, 1986  
Page Four

I am glad that you have decided to develop your local program, and hope that it will be a smooth, cooperative process. If I or my staff can assist you, please do not hesitate to call upon us.

Sincerely,



Solomon Liss  
Chairman

SL/jjd

Enclosure

cc: Sarah Taylor  
Lee Epstein

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY

COUNTY OFFICE BUILDING  
P. O. BOX 26  
CAMBRIDGE, MARYLAND 21613  
PHONE 228-1700

COMMISSIONERS  
PHILIP G. D'ADAMO  
LEONARD W. DAYTON  
JOHN F. LUTHY, JR.  
CALVIN TRAVERS  
WILLIAM I. WINGATE



*Received  
6/24/86*

ROBERT K. LLOYD  
ADMINISTRATIVE ASSISTANT  
E. THOMAS MERRYWEATHER  
ATTORNEY  
RICHARD D. HARRINGTON  
DEPUTY ATTORNEY

June 18, 1986

Hon. Solomon Liss, Chairman  
Chesapeake Bay Critical Areas Commission  
Dept. of Natural Resources  
Tawes State Office Building  
Annapolis, MD 21401

Dear Judge Liss,

Dorchester County has decided to undertake the development of the Local Program under the Chesapeake Bay Critical Area Criteria, as adopted by the Chesapeake Bay Critical Area Commission on November 13, 1985, subject to the following conditions we consider necessary for the protection of Dorchester County. These should be reflected in the Grant Agreement.

1. The State will provide grant funds to the County for reimbursement of reasonable costs to developing the program, in accordance with Natural Resources Article, Section 8-1808.
2. Work to be performed with these grant funds shall be to the extent of the Scope of Work to be attached to the Grant Agreement. Acceptance of the State grants does not constitute an acceptance by the County to complete the full program in accordance with the criteria, since the Grant Agreement extends only for Fiscal Year 1987 and program development will probably extend into FY 88. The program development will proceed as far as those funds allow. If grant funds are not sufficient to perform all the requirements of the criteria, and/or, if a second fiscal year of funding from the State is not forthcoming in a sufficient amount, the County is not responsible for completing the program.
3. The program shall incorporate the best available information.
4. The State commitment to the County for funds shall be forwarded to the County in a timely manner to enable the County to initiate the program to meet State mandated deadlines.

Hon. Solomon Liss, Chairman

Page two

June 18, 1986

5. If there are delays in the program development that are outside of the control of the County (court action, delay in availability of State data, etc.) the County shall not be responsible for meeting deadlines of program development.

6. The funds received by the County shall be used for program development, not implementation. Additional funding will be requested and required for implementation and enforcement after completion of the local program.

7. Acceptance of the responsibility to perform the local program does not constitute acceptance or agreement by the County to defend legal challenges or related costs arising from criteria requirements or program elements in conformance with these criteria.

8. If the County and Commission do not agree upon the content of the product submitted to the Commission, and can not reach an agreement, the County and Commission may terminate the Grant Agreement. Work performed to date of termination shall be paid with grant funds. The Commission will then be responsible for the remaining program development.

We trust that these conditions meet with your concurrence.

Further, we wish to inform you that we do not agree with some of the interpretations in your May 14, 1986 letter. We hope we can resolve these matters at a later date. First, page four of your letter states that rezonings, special exceptions, conditional uses and variances granted after Dec. 1, 1985 and prior to program approval may result in a loss of growth allotment. Our reading of Section 14.15.02.07 indicates that building permits and subdivisions may be subject to loss of growth allocation, not the other items mentioned above.

Second, in the interpretation of HB 1495, Intrafamily Transfers, Condition 2) indicates that once a transfer is made to a family member, a subsequent transfer can't be made unless to an immediate family member. We agree that the first conveyance of lots so created must be made to an immediate family member, but do not agree that all subsequent conveyances of such lots are to be restricted in that fashion.

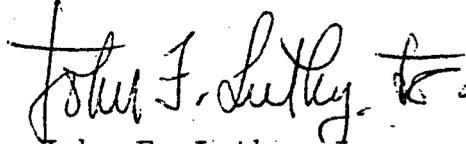
Third, in the interpretation of HB 1496, Impervious Surface Limitations, the second item in parentheses states that the 25% lot coverage is allowed "provided that the overall parcel attains the 15 percent limit". We can find no language in the bill that reflects the parenthesized language.

Hon. Solomon Liss, Chairman  
Page three  
June 18, 1986

We look forward to hearing from you concerning the local  
program development and our interpretive questions.

Sincerely,

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY

A handwritten signature in cursive script, reading "John F. Luthy, Jr.", with a horizontal line extending from the end of the signature.

John F. Luthy, Jr.  
President

JFL:jh

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY

COUNTY OFFICE BUILDING  
P. O. BOX 26  
CAMBRIDGE, MARYLAND 21613  
PHONE 228-1700



COMMISSIONERS  
PHILIP G. D'ADAMO  
LEONARD W. DAYTON  
JOHN F. LUTHY, JR.  
CALVIN TRAVERS  
WILLIAM I. WINGATE

ROBERT K. LLOYD  
ADMINISTRATIVE ASSISTANT  
E. THOMAS MERRYWEATHER  
ATTORNEY  
RICHARD D. HARRINGTON  
DEPUTY ATTORNEY

June 26, 1986

MEMORANDUM

TO: Hon. Solomon Liss, Chairman  
FROM: County Commissioners of Dorchester Co.  
SUBJECT: Correction to June 18 letter to Chairman Liss

We noticed in Paragraph 6 on page two that part of a sentence was inadvertently omitted. Enclosed is a corrected page. Please insert.

Thank you.

STEPHEN H. SACHS  
ATTORNEY GENERAL

ELEANOR M. CAREY  
DEPUTY ATTORNEY GENERAL

DENNIS M. SWEENEY  
DEPUTY ATTORNEY GENERAL

CHARLES O. MONK, II  
DEPUTY ATTORNEY GENERAL



THOMAS A. DEMING  
ASSISTANT ATTORNEY GENERAL  
COUNSEL TO SECRETARY

M. BRENT HARE  
JUDITH C. FINN  
MARIANNE D. MASON  
PAMELA D. ANDERSEN  
HOWARD P. NICHOLSON  
LEE R. EPSTEIN  
HENDERSON J. BROWN, IV  
ELIZABETH MAUMENEY  
ASSISTANT  
ATTORNEYS GENERAL

STATE OF MARYLAND  
OFFICE OF  
THE ATTORNEY GENERAL  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING  
ANNAPOLIS, MARYLAND 21401  
(301) 269- 2251

June 25, 1986

M E M O R A N D U M

TO: Solomon Liss, Chairman,  
Chesapeake Bay Critical Areas Commission

FROM: Lee R. Epstein, Assistant Attorney General

SUBJECT: Response to questions raised in Dorchester County  
notice of intention to prepare local program

Pursuant to your request, I have reviewed Dorchester's letter, and offer the following comments concerning the paragraphs on "interpretation" at the end of their letter.

I am sorry that I do not understand the question posed in Dorchester County's first paragraph concerning interpretations: "... not the other items mentioned above" refers to which "items"? As you mentioned in your letter to the County, simply put, failure to take account and calculate the effects of various development approvals from December 1, 1985 until local program approval (so that the Commission may have a firm basis for approving an appropriate growth increment) may result in the loss of that growth allotment for that jurisdiction; there is no other way for the Commission to knowledgably act on its grandfathering/growth allotment criteria.

Second, H.B. 1495 quite clearly states, at 8-1808.1 F.(1)(II) that lots conveyed under this law "may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under procedures established pursuant to subsection (G)...". That subsection, as your note #(4) makes clear, provides for other-than-family subsequent transfers only when certain strict standards are met.

Finally, as you remember, the interpretation of H.B. 1496 used in your letter was developed by this Office in accordance with the rules of statutory construction. These rely most heavily on legislative history and legislative intent, and utilize the plain meaning of words within the "four corners" of

the bill. Those words state that parcels (larger units of land generally defined as plots or tracts of land) shall achieve a 15 percent imperviousness; however, lots (portions of land generally defined as sub-units of parcels) up to an acre in size, in subdivisions approved after June 1, 1986, may achieve an imperviousness of 25 percent, of the lot. During testimony, debate, and bill formulation, the Delegates expressed their desire to provide flexibility beyond that contained in the Commission's strict 15 percent imperviousness criterion. They stated in various forums that their intent was merely to permit developers to work within the overall 15 percent guideline, and that allowing small lot-based variations on such a percentage to the extent of 25 percent imperviousness, within the 15 percent guidelines established for whole parcels, was all that they were aiming to achieve. The resulting bill achieves precisely that. Thus, the interpretation you have offered to the local jurisdictions is correct.

Please note that this memorandum constitutes advice of counsel and is not an Opinion of the Attorney General.

LRE/jtd

# MEMORANDUM

Copies { Rick Sellars  
Sarah Taylor  
Dawn McCleary ✓  
Matthew Bley

THRU: Pete Tinsley

TO Division Chiefs From Marie Halka *MHL* Date May 29, 1986

Subject Critical Area Internship Project

The Water Quality Planning Section has agreed to sponsor Matthew Bley as a graduate student intern. Mr. Bley is a second-year masters candidate with the Department of Geography at the University of Maryland and has concentrated on water quality issues in his studies. The internship project he is undertaking deals with the Bay Critical Area program and is being done in cooperation with the Chesapeake Bay Critical Area Commission.

The main objectives of the internship project are outlined in the attachment. Emphasis will be placed on items #1 and #2. The Commission has assigned Dawn McCleary to work with Mr. Bley during the first month of the internship (i.e. June). Together they will undertake the necessary initial step of learning where and in what form various sources of water quality information exist. By the end of the month, Mr. Bley will have developed a detailed questionnaire to administer in person to local planning staff who have already been notified of the project. Ms. McCleary will work on developing an appropriate summary of available water quality information for dissemination to the local jurisdictions.

During the coming two weeks, Mr. Bley and Ms. McCleary will be contacting you concerning the availability of water quality data, interpretations, assessments, etc. of which you and your staff are aware. I have suggested that they do this in tandem to make the most efficient use of everyone's time.

I appreciate your cooperation in this effort. Should you have any questions or concerns, please let me know.

Thank you.

MH:apf

Attachment

Division Chiefs:  
Paul Slunt  
Morris Hennessey  
Mary Jo Garreis  
Mike Haire  
Gould Charshee

Proposed Summer Internship Project  
on Chesapeake Bay Critical Area  
(May to September, 1986)

Objectives

1. To determine how each jurisdiction makes "interim findings" on water quality impacts for development projects proposed within the Critical Area. e.g. What techniques are used? Is a consistent review procedure applied? Are the new State criteria being considered at this point (or is the jurisdiction waiting until local plan amendment is accomplished)? Who is involved in each review (planning, public works, local health, other)?
2. What additional technical assistance, if any, does each local jurisdiction feel it needs and the State should or could provide in order to improve the process for making determinations of water quality impacts associated with development proposals?  
e.g. - BMPs: types, design and maintenance requirements, how to monitor or evaluate.  
- Site plan analysis: what are the elements of a comprehensive site plan analysis that addresses water quality issues?
3. What process will each jurisdiction apply to ensure compliance with the Critical Area law now that the criteria have been adopted?  
e.g. - Mapping techniques (Is this being done with a degree of consistency in terms of scale, accuracy, etc.)  
- Comprehensive plan/re-zoning process (Are these being carried out in concert? What is the timeframe for each?)  
- In addition to the planning and zoning process, what other steps are planned to ensure that water quality impacts are minimized within the Critical Area? e.g. modifications to local floodplain, sediment/erosion control, or storm-water management ordinances.

Method

- Primarily, interviews with local planning staffs.
- Literature reviews.

Products

- A working paper addressing each of the three major objectives outlined above.
- A bibliography of relevant literature reviewed.
- A list of appropriate local contacts.

SECTION I - ACCESS

For the purpose of this questionnaire the following definitions apply:

ACCESS: The ability of the public to view the Chesapeake Bay and its tributaries or to utilize shoreline areas for activities dependent or enhanced by such a location (fishing, swimming, sunbathing, hiking, etc.)

PUBLIC ACCESS: Access areas owned and operated by federal, State, local or municipal governments.

PRIVATE ACCESS: Access areas owned and operated by private landowners, enterprises, or communities.

ADEQUATE: Able to satisfy a need.

PLEASE CHECK THE COLUMN ON THE RIGHT WHICH BEST REFLECTS YOUR FEELINGS ABOUT EACH OF THESE STATEMENTS.

	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	NOT SURE
1. Some of the funds which were provided to clean up the Bay should be used to provide public access to the Bay.					
2. Public access facilities are well marked from public roadways.					
3. The State should offer incentives (tax breaks) to encourage private property owners to donate access rights to their property.					

	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Sure
4. An increase in access to the Bay would promote an increase in uncontrolled illegal activities (i.e. poaching, drug running, vandilism, etc.)					
5. Increasing access to the Bay will contribute to the degradation of the Bay and its resources.					
6. Provision of public access to the Bay will promote citizen support for the clean-up of the Bay.					
7. Private enterprise should be allowed to operate and manage certain State owned access facilities through lease arrangements.					

8. How many miles would you be willing to travel to participate in the following recreational opportunities.

<u>Recreational Opportunities</u>	<u>Miles</u>			
	1 - 15	16 - 30	31 - 45	46+
Boating (Marina)				
Boating (Launching Ramp)				
Shoreline Fishing/Crabbing				
Swimming/Sunbathing				
Picnicking				
Scenic Overlooks				
Biking				
Hiking				
Education (Environmental/ Interpretive Programs)				
Camping				
Hunting				
Birdwatching				
Other _____				

9. Please check the highest fee that you would be willing to pay (daily) to utilize access areas that offer the following recreational opportunities.

<u>Recreational Opportunities</u>	<u>Daily Fee</u>					
	Greater than \$10	\$7 - \$10	\$5 - \$6	\$3 - \$4	\$1 - \$2	Would Not Pay
Boating (Marina)						
Boating (Launching Ramp)						
Shoreline Fishing/Crabbing						
Swimming/Sunbathing						
Picnicking						
Scenic Overlooks						
Biking						
Hiking						
Educational (Environmental/ Interpretive Programs)						
Camping						
Hunting						
Birdwatching						
Other _____						

10. I would prefer access areas to be located (check one):

- In rural surroundings
- In urban surroundings
- I have no preference

11. I would prefer access areas to be located (check one).

- On the mainstem of the Bay. Where? \_\_\_\_\_
- In the lower reaches of a tributary with close proximity to the Bay. Preferred tributary \_\_\_\_\_
- In the upper reaches of a tributary. Preferred tributary \_\_\_\_\_
- I have no preference

12. I feel that access to the Bay should be promoted:

- Primarily within the State of Maryland
- Out of the State of Maryland as well as within
- It should not be promoted
- It doesn't matter

13. How many times a year would you use an access facility that offered the following recreational opportunities.

<u>Recreational Opportunities</u>	<u>Times a Year</u>			
	Greater than 6	4 - 6	1 - 3	0
Boating (Marina)				
Boating (Launching Ramp)				
Shoreline Fishing/Crabbing				
Swimming/Sunbathing				
Picnicking				
Scenic Overlooks				
Biking				
Hiking				
Education (Environmental/ Interpretive Programs)				

13. Continued.

<u>Rereational Opportunities</u>	<u>Times a Year</u>			
	Greater than 6	4 - 6	1 - 3	0
Camping				
Hunting				
Birdwatching				
Other _____				

14. What three recreational opportunities would you like to see provided through access? (In order of preference - refer to list in Question 13.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

15. Overall, how adequately do you feel the following recreational opportunities are presently being provided by access facilities through both the public and private sector?

<u>Recreational Opportunities</u>	<u>Adequacy</u>			
	More than Adequate	Adequate	Not Adequate	
Boating (Marina)				
Boating (Launching Ramp)				
Shoreline Fishing/Crabbing				
Swimming/Sunbathing				
Picnicking				
Scenic Overlooks				
Biking				
Hiking				
Education (Environmental/ Interpretive Programs)				
Camping				
Hunting				

15. Continued.

<u>Recreational Opportunities</u>	<u>Adequacy</u>		
	More than Adequate	Adequate	Not Adequate
Birdwatching			
Other _____			

16. Specifically, how adequately do you feel the following recreational opportunities are presently being provided for by the public sector alone and by the private sector alone? Which sector(s) would you prefer to provide those facilities?

<u>Recreational Opportunities</u>	<u>Specific Adequacy</u>		<u>Who Should Provide</u>
	Public	Private	
	More than Adequate	More than Adequate	Both Public and Private
	Adequate	Adequate	Solely Public
	Not Adequate	Not Adequate	Solely Private
			No Preference
Boating (Marina)			
Boating (Launching Ramp)			
Shoreline Fishing/Crabbing			
Swimming/Sunbathing			
Picnicking			
Scenic Overlooks			
Biking			
Hiking			
Education (Environmental/ Interpretive Programs)			
Camping			
Hunting			
Birdwatching			
Other _____			

17. Please use the space below if you wish to express additional comments, concerns, or suggestions regarding the provision of public access to the Chesapeake Bay and its tributaries.

---

---

---

SECTION TWO: REFORESTATION

1. The following statements are being made for your response to assess your awareness of and participation in the various programs and assistance offered by the State as to forestry practices.

Awareness

Yes, I am aware  
 Yes, I am aware  
 and have utilized  
 Yes, I am aware  
 but would like to  
 know more  
 No, I am not aware  
 No, I am not aware  
 but would like to  
 know more

a) I am aware that the State has a nursery where trees can be purchased at cost for conservation purposes (planting of trees on recently harvested areas, wind break, wild-life habitat, and erosion control).

b) I am aware that the State has a Cooperative Forestry Program in which professional foresters meet with land-owners upon request (free of charge) to give advice and assistance on how to best manage their property.

--	--	--	--	--	--

Awareness

Yes, I am aware  
 Yes, I am aware  
 and have utilized  
 Yes, I am aware  
 but would like to  
 know more  
 No, I am not aware  
 No, I am not aware  
 but would like to  
 know more

c) I am aware that the State offers income tax modifications for those landowners who replant trees on recently harvested areas and participate in timber stand improvement practices.

d) I am aware that the State offers cost sharing for those landowners who replant trees on recently harvested areas and participate in timber stand improvement practices.

e) I am aware that the State has a Tree Farm Program which offers incentives to tree farmers through public recognition, free technical assistance, and free educational magazines.

--	--	--	--	--

Awareness

	Yes, I am aware	Yes, I am aware and have utilized	Yes, I am aware but would like to know more	No, I am not aware	No, I am not aware but would like to know more
f) I am aware that the State has a <u>Seed Tree Law</u> that insures the replanting of loblolly, short-leaf and pond pine trees from recently harvested areas.					
g) I am aware that the State has a <u>Forest Conservation and Management Program</u> in which the assessed value of forest land can be frozen for a minimum (for tax purposes) of 15 years if the landowner follows an approved management plan.					
h) I am aware that the State requires an <u>erosion and sediment control plan</u> for all harvests of large areas.					
i) I am aware that the State has a <u>cost sharing program</u> for urban projects located near the Chesapeake Bay which carry out best management practices to prevent erosion, run-off, and sedimentation.					

Awareness

	Yes, I am aware	Yes, I am aware and have utilized	Yes, I am aware but would like to know more	No, I am not aware	No, I am not aware but would like to know more
j) I am aware that the State has foresters specifically assigned to help with forest planning and management within the Chesapeake Bay Critical Area (all uplands within 1,000 feet of tidal waters or tidal wetlands).					

2. The following statements are being made to assess whether or not forestry practices are being used by you on your property.

	Yes	No	Not Applicable	If Yes, What do you use (be specific)
a) I maintain or have planted trees, shrubs or grasses for erosion control purposes.				
b) I have specifically planted or maintained trees, shrubs or grasses for wildlife value.				

	Yes	No	Not Applicable	If Yes, What do you use (be specific)
c) I have established a forest (1 acre or more) on portions of my property which had always or long been treeless.				
d) I maintain or have planted a buffer of trees, shrubs, or grasses between my property and the water.				

3. I believe that planting vegetation for the purpose of environmental concerns (i.e. water quality improvement and wildlife habitat improvement) should be:

- Mandatory
- At the property owners discretion
- Isn't necessary

4. Please answer the following question regardless of your personal property ownership.

a) If I were to plant a buffer (vegetated area to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances) along my shoreline property I would prefer to plant a buffer of:

- Trees
- Shrubs
- Grasses

b) Rank the following in order of importance (1 = most important; 6 = least important) as to the reason you selected the preferred buffer in question 4(a).

\_\_\_\_\_ Initial Low Planting Cost.

\_\_\_\_\_ Wildlife Habitat Value

\_\_\_\_\_ Scenic Value (pleasing to look at)

\_\_\_\_\_ Scenic Value (preserves view of the water)

\_\_\_\_\_ Improved Water Quality

\_\_\_\_\_ Ease of Maintenance

\_\_\_\_\_ Other (specify) \_\_\_\_\_

5. Please use the space below if you wish to express additional comments, concerns, or suggestions regarding reforestation practices.

---

---

---

SECTION THREE: RESPONDENT INFORMATION

1. County of residence \_\_\_\_\_

2. I am employed by:

\_\_\_\_\_ Public Sector (i.e. State, county or municipal governments)

\_\_\_\_\_ Private Sector (i.e. business, medical, education)

\_\_\_\_\_ Not Employed

3. Have you gone boating within the past year? \_\_\_\_\_ Yes \_\_\_\_\_ No.

4. If you own, rent, or charter a boat(s), please indicate what kind.

\_\_\_\_\_ Non-motor (canoe, inflatable, skiff, windsurfer)

\_\_\_\_\_ Trailerable (motor or sail)

\_\_\_\_\_ Non-trailerable (motor or sail)

5. Please put a check by one of the following groups with which you are affiliated. If you are affiliated with more than one group only check the one that you would most like to be identified with for the purpose of this questionnaire.

\_\_\_\_\_ Member of the Marine Trade Association

\_\_\_\_\_ Member of the Coastal Resources Advisory Committee

\_\_\_\_\_ Member of the Chesapeake Bay Yacht Club Association

\_\_\_\_\_ Forestry Board Member

\_\_\_\_\_ Attendant at the Sandy Point Boat Show in April, 1986.

\_\_\_\_\_ Boat Dealer

\_\_\_\_\_ Marine Oriented Retail Store that Issues Hunting and Fishing Licenses

\_\_\_\_\_ Member of Public Access and Reforestation Task Force  
Established by the Chesapeake Bay Critical Areas  
Commission

\_\_\_\_\_ County/Municipal Official

\_\_\_\_\_ None of the Above

6. Please indicate how you received this questionnaire.

\_\_\_\_\_ Was mailed to me

\_\_\_\_\_ Received at State park

\_\_\_\_\_ Received from marine policeman

\_\_\_\_\_ Library

\_\_\_\_\_ I requested a copy from the Critical Areas Commission

\_\_\_\_\_ Other \_\_\_\_\_

7. If you own, rent, or charter a boat, please indicate your satisfaction regarding the State services listed below.

	Satisfied	Dissatisfied	Did not know	Service Existed	Comments
Boating information (i.e., rules/regulations, safety tips, guides to facilities).					
"Guide to Cruising Maryland Waters".					
Boating safety courses.					
Harbors of refuge.					
Alcohol enforcement efforts.					
Search and rescue efforts.					
Assistance to disabled vessels.					

7. Continued.

	Satisfied	Dissatisfied	Did not know service existed	Comments
Marine medical services.				
Conservation Law enforcement.				
Boating safety enforcement.				

8. Please print your name and address below if you are interested in participating in a workshop where the proposed State recommendations will be formulated (optional).

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHESAPEAKE BAY CRITICAL AREA COMMISSION

I. PROGRESS TO DATE AND FOR REST OF FISCAL YEAR

- \* Draft letter is being prepared to be sent to all affected local jurisdictions once the criteria become effective, explaining that: 1) the criteria have been approved, 2) there is a time frame under which programs are to be developed and the time frame and notification process will be explained, 3) there are funding levels for program development expenses and each jurisdiction will be notified as to its' amount as well as to what will qualify as a legitimate expenditure, 4) there is a guidance handbook, as well as a listing of what agency will be handling what aspects of information and technical assistance for program development and both will be provided, and 5) there are regional planners from the Commission who will coordinate the technical assistance as well as provide guidance for specific geographic areas and their names and phone numbers will be provided.
- \* Three of the four regional planners have been hired. The fourth position will be filled in mid-July. They are: Marcus Pollock (upper Western Shore), Carolyn Watson (lower Western Shore), Charlie Davis (upper Eastern shore), and vacant (lower Eastern Shore).
- \* Mapping policies, policies on counties/municipalities relationships and program review will be endorsed by Commission by the end of the fiscal year to provide guidance to local jurisdictions. This guidance is based on requests from local jurisdictions made at the workshop of 1/21/86. The handbook providing guidance on the application of the criteria will also be approved by Commission by the end of the fiscal year.
- \* Two workshops are being planned in June: 1) one involving the MD Municipal League for affected municipalities and another involving MD Association of Counties for the affected counties. Purpose: to go over trouble areas to focus Commission on additional decisions that may need to be made over the summer.
- \* By end of May officials from all counties and municipalities will have been visited by regional planners and/or executive director to acquaint them with upcoming tasks. By mid-June all Scopes of Work will have been received and prepared for processing.
- \* By end of June, there should be procedures worked out between Commission staff and Departmental unit heads on the provisions of information and technical assistance to local jurisdictions.

focus  
to  
pass  
the  
action  
to  
Admin

- \* By end of August, Critical Area Program should be approved and incorporated into MD Coastal Zone Management Program at federal level to effectuate Federal Consistency provisions for Critical Area. Memorandum of Understanding between Commission and Coastal Resources Division on coordinating Federal Consistency process to be signed by end of May.
- \* In-house staff procedure for project tracking and program development has been completed.
- \* Have begun work on State regulations portion of the criteria. Subcommittee of Commission involving all Departmental members as well as a few others should be appointed by end of May to work with staff on development of State regulations by September, ~~1986~~  
1987.
- \* RFP for Baseline Economic Study was completed. Staff is awaiting submittals for review by a panel. Selection of contractor in September. Award in October.
- \* *Get these unit heads + asst. sec's* Have begun work on Access and Reforestation Policies and Objectives required under Critical Area Law. Staff is working with Task Force comprised of staff from DSP, DNR, and DECD. Drafts will be circulated to Commission members with Subcommittee appointed in fall. Report due 1/1/87 to General Assembly.

II. PROBLEMS AND RECOMMENDED SOLUTIONS - Nitty-Gritty Intra-Agency Ones That Need Immediate Attention.

- \* Concern has been expressed by local jurisdictions that maps, data bases, reports, etc., will not be readily available in a timely fashion for their use for program development. (See Attachment A.)

*By end of May.*  
Comment: At present time Commission staff has to agree with the perception of the local jurisdictions because of uncertain status of some of the sources of information. Commission staff should meet with each appropriate unit head and work out difficulties. A push from Secretarial level to Administrations and units would be helpful to get respective staffs working on this problem. This should be a priority if possible.

- \* There is a lack of process between Commission staff and staffs of the Departments as to the most effective and efficient way to develop information and to get it to local jurisdictions.

Comment: Commission regional planners should be the coordinators and "passers through" of information for program development purposes. Meetings with unit heads and Commission staff would be useful to sort out the "who and

what". Endorsement and push is needed from Secretarial level to accomplish this. (See Attachment A for details)

The information provision process is not a one-time event. In fact, three levels of participation are needed on the part of the Commission staff with respective units. The levels are: 1) initiator (plant lists, heritage areas, species in need of conservation), 2) verifier (Forest Management Plans, Soil Conservation and Water Quality Plans) and 3) participator (continually involved through data dispersal and problem solving).

- \* There is uncertainty as to how field staffs of other departments can best interrelate with Commission staff. This is particularly relevant where similar functions are present. Example: DSP regional planners and Commission regional planners.

*Use the University of Md. CERS*

Comment: Commission staff would like to work one-on-one with field staff, so that all involved with project and program development questions from local jurisdictions are of one "mind-set". Example: Ren Serey.

- \* What vehicle should the Departments and Commission use in forming up and assuring implementation of procedures?

*S Md. Cabinet Marine M*

Comment: Perhaps a formal Memorandum of Understanding.

### III. ISSUES ON THE HORIZON AND POLICY OPTIONS (From July, 1986 on...)

- \* The time frame of the 270 + 180 days is not enough time for some local jurisdictions to submit their programs to the Commission for approval. The same can be said about the time frame for changes to be made to a program before Commission approves whole program and local government can implement.

Option I - Remain hardnosed about time frame because it is specified in Critical Area Law and should not be violated.

Option II - Become a little more flexible especially if progress is being made (e.g. 2 to 3 months more and you can still meet overall 760 days).

- \* In what ways can DSP's intervention role and the Commission's intervention role be coordinated after programs are approved so that the intent of the Critical Area Program is maintained?

No option thoughts.

- \* DSP reviews projects in the critical area and is required to review comprehensive zoning plans and changes. The Commission is to also review projects for the critical area and approve Critical Area Programs which in essence are comprehensive rezoning plans. Two authorities, two levels of decision. These functions need to be worked out.

No option thoughts.

- \* Need assistance in developing model implementation tools so that when local jurisdictions develop their tools as part of their program they will have models to follow (TDR, Intrafamily transfers, easements, model ordinances).

Option I - Solicit help of appropriate State agencies (University of Maryland, Law School, DSP and DNR).

Option II - Go out on contract.

- \* Uniform mapping of Critical Area may be needed to assess long-range overall changes taking place in Critical Area and in State.

Option I - DSP proposal.

- \* If federal government refuses to fund Economic Baseline Study, study will not be able to be done. Only \$40,000 available from Commission in FY 87 budget. Need \$75,000 more.

*See to  
G. H. N.* Option I - Possible pooling of funds from other departments.

Option II - EPA may have funds available.

ATTACHMENT A

AGRICULTURE

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

\*Assist local jurisdictions with:

- 1) development of Ag. easements in RCA
- 2) development of Ag. Protection Plan (may need to identify Ag. lands, help develop incentive programs, develop procedures to implement Ag. components of 208 water quality plans.
- 3) development and implementation of SC & WQ Plans & BMP's. (may need to develop incentive programs, education programs).

\*need to target specific people who can be reached by local jurisdictions for this assistance

\*need to set up verification process for SC & WQ Plans & BMP's.

\*Review SC & WQ Plans and water quality plans involved in drainage of non-tidal wetlands.

\*need to work out staffing with agriculture over priority vs. critical areas in a watershed.

\*Identify land and water areas with high aquacultural potential

NATURAL RESOURCES

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

\*Assist jurisdictions in:

- |  |   |
|--|---|
| 1) identifying areas where structural and non-structural measures would be appropriate to handle shore erosion   | Roles of Cap. Progs., Md. Geo. Survey and Tidewater. Need clarification. What data base should be used? Are there maps? |
| 2) identifying natural parks areas which may involve the development of mode standards and guidelines for site selection and development of natural parks                          | Who will handle this?   |
| 3) establishing urban forestry programs. Will need an urban forestry handbook to help jurisdictions handle and manage built-up shorelines  | Info may already exist in usable form but unsure as to status.  |
| 4) establishing and maintaining wildlife corridors. General guidelines would be useful   | Guidelines do not exist.  |
| 5) evaluating sites for retention of trees and woodlands and with road layout  | Need to establish process with local government   |
| 6) preparation of Forest Preservation Plans which may involve help with mapping, designation, development of incentives. A Handbook or series of guidelines might be helpful here. |   |

NATURAL RESOURCES

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

FPWS & MNHP are to assist in development of protection programs for Threatened and Endangered Species and Species in need of Conservation.

No guidelines exist for identifying and mapping these habitats.

The list of Species in Need of Conservation has to be completed. Promulgation is needed ASAP.

Unclear as to who does what in this area.

Provide maps on habitat of colonial water bird nesting sites, waterfowl concentration areas, and forest interior dwelling birds.

There are no maps for local jurisdictions to use. There are no guidelines for specifying protection measures for these habitats and these are needed early on.

Provide maps of mineral resources.

E. Shore data unavailable.

Plant habitat areas and Natural Heritage Areas need to be provided to local jurisdictions.

No criteria exist for listing such plants and no process exists whereby the Commission can include them. Natural Heritage Areas have never been designated.

Develop alternative measures to Buffer.

Who can best handle this?

Provide maps on anadromous fish spawning areas and develop policies for minimizing disturbance to these areas.

Provide maps of SAV beds and aquatic habitats.

What is their status?

Review stormwater, sediment control and SC & WQ Plans

WRA will need to be aware of peculiarities of criteria which may affect the usual decision making process in these areas.

NATURAL RESOURCES

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

Prepare and review Forest Mgt. Plans (FMP's)

This occurs now and after program development. There needs to be consideration given as to how the criteria requirements for Chapter 9 (Habitat) will be provided for in FMP's.

Prepare guidelines for managing the Buffer along shoreline areas.

Who will handle this as many units can be involved.

Develop process to identify non-tidal wetlands at local level. Maybe list those non-tidal wetlands most commonly found in critical areas so jurisdictions can focus better.

FPWS, MNHP, CRD can all do this. Who does what? Also there are so many types of non-tidal wetlands, it is mind-boggling.

Need to develop a process to review mitigation plans for non-tidal wetland alterations. Who handles this?

HEALTH & MENTAL HYGIENE

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

\*Assist local jurisdictions with:

- 1) development of regulations that address w.q. impacts
- 2) technical assistance to evaluate stormwater mgt. techniques (10% run-off)
- 3) identification of areas for offsets
- 4) ways to assess impact of mitigation measures (modeling, monitoring)
- 5) procedures to assess salinity regimes, circulation and flushing patterns

Do not know what data is available and if it is in a format usable by local jurisdictions.

Do not know who will be able to handle these assessments.

\*Develop procedures:

- 1) to help local jurisdictions determine effectiveness of w.q. improvement from proposed redevelopment
- 2) list of techniques (e.g., appropriate offsets) for unavoidable impacts of redevelopment
- 3) list of beneficial biological community restoration practices that have w.q. benefits.

Jurisdictions (most of them) are not all that well-versed in making these determinations. Need to simplify

\*Provide:

- 1) information on water circulation and flushing characteristics.

STATE PLANNING

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

\*Develop model guidelines and programs to maintain protective uses (e.g., cluster development guidelines, tdr program, maximum lot size provisions)

Unsure as to who could handle this and whether information is available.

\*Assist with design of resource-specific management plans.

\*Develop model ordinances and guidelines that can be used to upgrade all of the elements listed in the criteria, such as comp. plans, w & s plan, solid waste plans, cap. improvements plans, zoning ordinances, subdivision regs., etc.

Coordinate review of local jurisdiction plans with Critical Area Program Development and Review. Intervention and project assessment also need to be coordinated.

No process established.

TRANSPORTATION

PRODUCTS & PROCESS

COMMENT

EXAMPLES

---

\*Provide advice on planning the location of future ports and facilities.

Who does this?"

\*Provide advice on design, location and construction of stream crossings which should include design standards for stream crossings to maintain habitat.

Not being done to the degree that is needed. Also there are many agencies doing this. State-wide standards may be needed.

file

~~file~~

① Econ. Baseline -

8 responses to RFP - Publ. March  
July 30, 1986 closing.

- |                         |              |
|-------------------------|--------------|
| Amer. Mgt. Systems      | Va.          |
| Zubelli Hunter + Assoc. | Annap., Md   |
| RGH                     | Phila., Pa   |
| Res. Consultants        | D.C.         |
| Res. Triangle Institute | Triangle     |
|                         | Park, N.C.   |
| Eastcoat                | Cherry Chase |
| ERM                     | Annap., Md   |
| Rutgers Univ - Center   | Princeton    |
| Urban Pol Res.          | N.J.         |

Panel :

Sept. 3<sup>rd</sup> - prelim score.  
Criteria RFP.  
Technical + Score  
Cost - score

- Pete Jensen, DNR,
- Mark Bundy, "
- Dianne Brown, PPS
- Dr. Steven Sinniger, Econ Bradley
- Ch. Uoy Md. Balt Co.
- Dr. Kresse - RFP
- Robert Price } Commissioners
- Ron Hickernell }
- Dr. Van de Vey DECD.

Award October

## ② State Agency Coordination

OEP -

Tinsley & Halke - resisted notion on runoff from developed site. Basis of lit. - qualitative & practices - 10%  
Reduce

10%

Take figures from back of Crit. Area Handbook / DSP.

Array of techniques

Interim - 10% - will review it. Contract for OEP to do so - by end of yr.

Shellfish - OEP & Tidewater & WRA  
WRA & OEP - Water Dependency

FPWS Buffer & Alt Measures

DNR

Water Dependent Facilities - TID, WRA, OEP.  
Charlie Wheeler - no information

FPWS - Detailed Schedule, we commented.  
\* Buffer grant program - Deborah  
Hollmann

\* Jim Klunk - Bay Foresters -  
@ Element - info transfer.

Schedule - on elements

1<sup>st</sup> draft N.T. Wetlands - Dave Burke,  
too lengthy, not enough cookbook.

Nov. Commiss Mtg.

Fall } Rare Plants } what info they have  
Species in } Species In Need of } Regs. - soon. Torrey.  
Need of } Conservation } Rare Plants + Other  
determine

Colonial - published  
Waterfowl Concert - publ.  
Birds - published.

Info. that a jurisd will provide  
when a buffer exemption is  
requested.

Minimum Requirements for SCWRP.  
" " " " F.M.P.

3

Finalized the Questionnaire:

Total - 2500

1250 Randomly

1250 Targeted Groups.

Last batch Friday

Aug 27<sup>th</sup> due

Salisbury State Analyze  
by 3<sup>rd</sup> week Sept

Rept by Carolyn

3<sup>rd</sup> week Oct  
workshop.

Nov - Policies development  
draft

Dec - finalize

Jan - G.A.

Results of  
analysis - back to DNR Dept's  
+ other Committees  
before approves.

John Luffin  
Leonard Dayton  
+  
Linda Kabb

④ Press Release -  
to 60 subdivisions  
+ to newspapers. -

Present Status of the budget -  
\$ money allotted.  
@ share pd. to it.  
development of prog

1988 - Request for same.  
incl. tentative approval.

Following Cost + municip  
already involved Scope of  
Work.